

ORDINANCE NO. 4851

**AN ORDINANCE OF THE CITY OF SWEETWATER CITY COMMISSION AMENDING ARTICLE IV "DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS" SECTION 4.03.00 OFF-STREET PARKING AND LOADING, CREATING SECTION 4.03.06 PARKING TRUST FUND AND CREATING SECTION 4.03.07 ELECTRIC VEHICLE CHARGING STATIONS OF THE CITY OF SWEETWATER LAND DEVELOPMENT CODE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission in an effort to continuously review and update regulations of the Land Development Code that are outdated, last amended Land Development Code under Ordinance 4739 to reflect revisions to certain sections and proposed new sections regulations; and

**WHEREAS**, the City is now proposing to amend several Articles of the Land Development Code to reflect current revisions to certain sections and proposed sections that are needed to revise and provide regulations that were previously not part of the code; and

**WHEREAS**, the City is proposing to amend the following articles, Article IV 'Development Design and Improvement Standards', of the Land Development Code to clarify certain regulations and create new sections that were not from the last amendment and creating new sections; and

**WHEREAS**, the Mayor and City Commission find that this Ordinance is in the best interest and welfare of the residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:<sup>1</sup>**

Section 1. That the recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. That Article IV 'Development Design and Improvement Standards', of the Land Development Code are hereby amended as provided in Exhibit A.

Section 3. That all ordinances or portions of the City Land Development Code in conflict with the provisions of this Ordinance shall be repealed upon the effect hereof.

Section 4. That if any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. That this Ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

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<sup>1</sup> Underline items are additions; strike-through items are deletions.

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2022.

PASSED AND ADOPTED on second reading this 1<sup>st</sup> day of August, 2022.

  
ORLANDO LOPEZ, MAYOR

  
SAUL DIAZ, COMMISSION PRESIDENT

ATTEST:   
CARMEN GARCIA, CITY CLERK

  
RALPH VENTURA, CITY ATTORNEY

VOTE UPON ADOPTION:

SAUL DIAZ, PRESIDENT	Yes
ISIDRO RUIZ, VICE PRESIDENT	Yes
IDANIA LLANIO, COMMISSIONER	Yes
JOSE MARTI, COMMISSIONER	Yes
REINALDO REY, COMMISSIONER	Absent
IAN VALLECILLO, COMMISSIONER	Yes
MARCOS VILLANUEVA, COMMISSIONER	Yes

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## EXHIBIT A

### 4.03.00. - Off-street parking and loading.

#### 4.03.01. Generally.

##### D. Tandem / Valet parking

1. Tandem parking shall be permitted in multifamily residential, University City, Dolphin Community Urban Center, Commercial and Industrial districts upon approval by the City Commission and a covenant by the property owner restricting the tandem parking area and providing 24hr valet service for the tandem spaces.

2. Locations providing valet service shall be permitted in the districts specified under Section 4.03.01(D)(2). Any development requesting valet parking services with or without tandem parking shall obtain a permit from the Building and Zoning Department providing a plan showing the number and the location of the parking spaces used for valet. The company providing valet service shall obtain the necessary city licenses to operate.

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#### 4.03.02. Off-street parking requirements.

- A. *Required number of spaces.* All developments within the city shall provide the minimum required number of off-street parking spaces shown on Table 4.2. Except as amended herein on Table 4.3 and Table 4.4.

TABLE 4.2

Use	Minimum Required Parking Spaces
Single-family dwelling	2
Duplex dwelling	4
Multiple-family dwelling:	
Studio or 1 bedroom	1.5 per DU
2 bedrooms or more	2.0 per DU
Plus - visitor's parking	0.25 per DU
Residential mobile home	2
Commercial and office	

Retail <sup>1</sup>	1/250 sq. ft.
Office <sup>1</sup>	1/300 sq. ft.
Auto dealership showrooms, garage, gas station with bay areas and similar uses <sup>4,5</sup>	3 first 2,500 sq. ft. of floor area plus 3 for each 5,000 sq. ft. of open lot
Wholesale showrooms <sup>3</sup> Furniture showrooms <sup>3</sup>	1 per 600 sq. ft. 3 first 200 sq. ft. 1 for each 500 sq. ft. thereafter
Hotel, motel and similar transient uses	1 per 2 units 1 space per 4 employees
Churches, theaters, auditoriums, and other places of public assembly	1/3 seats
Restaurants, cafeteria, lounge, bars	1 per 50 square feet of patron area
Schools (vocational, grade or arts)	0.5/student plus 1/employee
Daycare (adult or children)	1 space per employees
Industrial <sup>3</sup>	
Warehouse—storage only, declaration of restriction required	1/2,000 sq. ft. up to 10,000 sq. ft. 1/4,000 sq. ft. thereafter.
Warehouse—manufacturing, assembly and research/development.	1/1,000 sq. ft. up to 10,000 sq. ft. 1/2,000 sq. ft. thereafter. Minimum 2 spaces per bay
Personal storage facility <sup>4,5</sup>	1/40 storage units
<u>Open lot recreational uses <sup>7</sup></u>	<u>1 per 4 persons</u>

[Notes:]

1. Square feet of gross floor area. All retail uses within enclosed malls in excess of three hundred thousand (300,000) square feet shall provide parking at the rate of one (1) parking space for each and every three hundred and fifty (350) square feet of the floor area or fractional part thereof, excluding theaters, restaurants and food courts which shall provide parking as delineated in this section. Enclosed or non-enclosed mall areas shall not count as part of the floor area, for parking, or floor area ratio computation purposes, nor as part of the lot coverage. Outdoor seating at malls in excess of three hundred thousand (300,000) square feet shall provide parking at the rate of one (1) parking space for each five hundred (500) square feet of outdoor gross floor area or fractional part thereof.

\* \* \*

7. Open lot recreational use (go-cart tracts, mini-golf courses, driving ranges and other similar outdoor uses) parking requirements shall be determined by the Director and such requirements shall be based on the number of people that can reasonably be expected to be on such premises at one (1) time. Said determination shall be calculated on a basis of one (1) parking space for each four (4) persons.

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Table 4.3 University City District

<u>Uses</u>	<u>Minimum required parking spaces</u>
<u>Multi-family dwelling</u>	<u>1.5 parking spaces per each dwelling unit.</u> <u>Visitor parking — 1 additional space per every ten dwelling units</u>  <u>Same as Table 4.2</u>
<u>Transient dwelling/lodging</u>	<u>1 parking space per every two guest rooms 1 space per 4 employees</u>
<u>University housing</u>	<u>0.5- 1 parking space per every housing bed</u>
<u>Office and other non-residential uses</u>	<u>1 space per 350- 300 square feet of gross floor area</u>
<u>Adult daycare</u>	<u>1 space per owner 1 space per each employee 1 space per every ten clients cared for</u>
<u>Childcare</u>	<u>1 space for owner 1 space per each employee 1 space per every ten clients cared for</u>
<u>Restaurants and cafes</u>	<u>1 space per every 200-100 square feet of patron space</u>
<u>Bicycle and motorcycle parking</u>	<u>All buildings shall have designated area for bicycle and motorcycle parking</u>

Table 4.4 Dolphin Community Urban Center

<u>USE</u>	<u>Minimum required parking spaces</u>
<u>Multi-family dwelling</u>	
<u>1 bedroom</u>	<u>1 space per unit</u>
<u>2 or more bedrooms</u>	<u>2 spaces per unit</u>

Transient dwelling/Lodging/college and university housing	1 space per every two guest rooms plus 1 per 4 employees.
Office/Commercial/Retail/Restaurants	1 space per 300 square feet of gross area.

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B. Required minimum number of handicap parking spaces.

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~~Table 4.3 University City District~~

Uses	Minimum required parking spaces
Multi-family dwelling	1.5 parking spaces per each dwelling unit. Visitor parking—1 additional space per every ten dwelling units
Transient dwelling/lodging	1 parking space per every two guest rooms
University housing	0.5 parking spaces per every housing bed
Office and other non-residential uses	1 space per 350 square feet of gross floor area
— Adult daycare	1 space per owner 1 space per each employee 1 space per every ten clients cared for
— Childcare	1 space for owner 1 space per each employee 1 space per every ten clients cared for
— Restaurants and cafes	1 space per every 200 square feet of patron space
— Bicycle and motorcycle parking	All buildings shall have designated area for bicycle and motorcycle parking

Table 4.4 Dolphin Community Urban Center

USE	Minimum required parking spaces
Multi-family dwelling	
1 bedroom	1 space per unit
2 or more bedrooms	2 spaces per unit

Transient dwelling/Lodging/college and university housing	1 space per every two guest rooms plus 1 per employee.
Office/Commercial/Retail/Restaurants	1 space per 300 square feet of gross area.

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#### 4.03.06 Parking Trust Fund.

The City needs public parking resources, in particular, the University City District area. It is a policy objective of the adopted City of Sweetwater Comprehensive Master Plan to facilitate public parking to the general public and community.

a. It is the purpose of this section to allow developments to request a reduction of the required number of parking spaces under the City of Sweetwater Land Development Code by participating in the city's Parking Trust Fund. Funds collected from development contributions will be to fund the purchase of land and construction parking lot or garage to be used for public parking.

b. A reduction on the number of parking spaces shall be granted for each participation unit contributed to the capital improvement fund designated for Parking Trust Fund. A participation unit for the purpose of the public parking trust fund bonus, shall be determined by calculating the average cost of constructing a parking space per square foot (size of parking stall 18'x 8.5') in the Miami-Dade County area and/or the average cost of land per square foot in the Sweetwater area as per Miami Dade Property Appraiser Office whichever is greater. The total cost of a participation unit may be adjusted from time to time by the City Mayor through a resolution. The City Mayor and/or his designee shall review the bonus participation unit price every two years and adjust said amount accordingly.

#### 4.03.07 Electric vehicle charging stations

Parking spaces specifically designed for charging of electric vehicles shall be required in accordance with the following provisions for all municipal buildings, public parks, medical campuses, public buildings, higher education institutions, mixed use centers, commercial and industrial uses, leisure destinations and public garages.

##### (a) Definitions.

- (1) Dual-Port charging station or EVSE means a charging station with two (2) plugs so as to allow the charging of two (2) vehicles simultaneously
- (2) Electric vehicle (EV) - A device which is considered a vehicle that uses electricity as its primary source of power, such as a plug-in electric vehicle or a plug-in hybrid electric vehicle.
- (3) Electric vehicle supply equipment (EVSE) - A unit of fueling infrastructure that supplies electric energy for the recharging of electric vehicles and plug-in hybrids.
- (4) EVSE-Installed - A parking space having such electric vehicle supply equipment and electric vehicle supply infrastructure installed so as to be EVSE-ready, including an installed electric vehicle charging station.
- (5) EVSE-ready space - A parking space with full circuitry in accordance with the Florida Building Code and adopted reference texts (e.g., national electrical code) and ready for the charger to be connected.

- (6) EVSE Space - A space intended for future installation of EVSE and charging of electric vehicles.
  - (7) Futureproofing - Means that the necessary electrical infrastructure such as over-sized conduit, upgraded switchgears, and utility upgraded transformers are installed while hard surfaces and trenching is open, in preparation for running heavier cable in the future to accommodate future EVSE installation.
  - (8) Large commercial center means a commercial center that contains no less than 500 parking spaces.
  - (9) Level 1 EVSE - An EVSE on dedicated 15 or 20 ampere circuit at 120V, which can be implemented with a dedicated hardwire unit or with a mobile charging cord plugged into an outlet.
  - (10) Level 2 EVSE - An EVSE on a circuit of 40 amperes or greater at 208 or 240 Volt AC, which can be implemented with a dedicated hardwire unit or with a mobile charging cord plugged into an outlet.
  - (11) Level 3 EVSE, or DCFC- means a Direct Current Fast Charger, which is an EVSE that is able to deliver between 50 KW and 350 KW power, which can be implemented with a dedicated hardwire unit.
  - (12) NEVI - means the National Electric Vehicle Infrastructure Formula Program which funds installation of Level 3 DCFC near Interstates.
  - (13) Occupancy fee - means the site host may institute a fee for idle time use of the dedicated EV parking space for overstay once charging sessions have ended.
  - (14) Site host - means the entity, public or private, that hosts the EV charging station(s).
  - (15) Substantial remodeling or renovation- means any renovation or alteration of an existing development to such an extent that all or more than ninety (90)% (excluding the foundation, external and internal walls, floors, roof, and staircases) is removed or replaced.
- (b) Location. To the greatest extent, EVSE-ready and EVSE-installed spaces shall be installed near security stations or be monitored by camera to decrease the chance of vandalism. EVSE-ready spaces shall be located in the same lot as the principal use and located as close to a primary entrance of the principal building as possible. In order to ensure the public safety and reduce potential hazards, EVSE-ready and EVSE-installed shall not obstruct:
- (1) Building access (including ingress, egress, common path of travel, etc.);
  - (2) Rights-of-way;
  - (3) Sidewalks or pathways;
  - (4) Bicycle areas;
  - (5) Parking space and parking lanes;
  - (6) The safe sight distance triangle.
- (c) Signage and markings. All electric vehicle parking spaces shall be prominently designated with a permanent above-ground sign. The bottom of the sign must be at least five feet above grade when attached to a building, or seven feet above grade for a detached sign. The parking spaces shall be marked by painted lines, indicating the individual parking spaces or stalls.
- (d) Fees. The EVSE operator may charge a fee for electric vehicle charging in accordance with local, county and/or state law.



(e) Required number of electric vehicle charging stations.

- (1) New construction of a single-family residential building shall provide one Level 1 EVSE-ready space per dwelling unit.
  - (2) New construction of a multi-family residential building containing five or more dwelling units where on-site parking is provided shall install equipment so that at least two percent, and no less than one, of the parking spaces are either Level 1 EVSE-Ready or Level 2 EVSE-Installed.
  - (3) The number of Level 1 EVSE-Ready or Level 2 EVSE-Installed spaces shall be two percent of the total number of parking spaces provided for municipal buildings, public parks, medical campuses, public buildings, higher education institutions, mixed use centers, commercial centers, industrial centers, leisure destinations and public garages with 50 or more parking spaces. Fractional numbers derived from this calculation must be rounded up to the nearest whole number.
  - (4) Large commercial centers in excess of 500 parking spaces, in addition to the above Level 2 EVSE requirements, shall be EVSE-ready for at least one (1) dual-port Level 3 charging station of a 150 KW capacity or greater to comply with Federal NEVI standards. Once a Level 3 EVSE is installed, one (1) space must be ADA compliant. Futureproofing must be in place to allow for the addition of at least one (1) dual-port Level 3 charging station per five-hundred (500) spaces in the future as demand for EV charging increases.
  - (5) All substantial remodeling or renovations to existing developments including, but not limited to, municipal buildings, public parks, medical campuses, public buildings, higher education institutions, mixed-use centers, commercial uses, leisure destinations, and public garages shall install or be EVSE-ready for one (1) dual-port Level 2 EV charging station with two (2) dedicated parking spaces for every twenty (20) parking spaces, unless pre-existing EV charging stations exist.
  - (6) EVSE-Ready or EVSE-Installed spaces shall count toward the minimum required number of parking spaces.
  - (7) Level 1, 2 and 3 electric vehicle charging stations are allowed in all zoning districts.
- (f) Non-electric vehicles are prohibited from stopping or parking in designated EVSE-ready and EVSE-installed parking spaces.
- (g) EVSE electrical installations must be according to the Florida Building Code and require a building permit.
- (h) Signage. All EV parking spaces shall be visibly designated with a permanent sign that may be attached to a pole that is above ground or a sign that is attached against a wall. The parking spaces shall be marked by painted lines, indicating the individual parking spaces or stalls.
- (i) ADA Compliance. In order to be in compliance with the Americans with Disabilities Act (ADA), the distance from the finished floor surface to the center of the charger screen should be a maximum of 48" high and 10" or less from reach. This height and reach ensures that all drivers can interact with the charger screen. If the charger is pedestal installed and on a non-flush surface (elevated sidewalk or elevated concrete pad), the charger must be less than 10" from the face of the curb. There should be an ADA accessible path to access the charger and be within reach. To create this path, a wheel-stop must be installed 3+ feet out from the curb. If the charger is in a lot or installed on a sidewalk, there must be at least 36" behind the pedestal to the opposite end of the sidewalk.

(j) *Fees.*

- (i) The EVSE operator/site host may charge a fee for electric vehicle charging in accordance with local, county, and/or state law.
- (ii) Occupancy fees: the EVSE operator/site host may charge a fee for idle time use of the dedicated EV parking space for overstay once charging sessions have ended.
- (iii) In accordance with Chapter 18, Article XIII, Sec. 18-436 of the City Code of Ordinances, any company installing a smart EV charging station in a commercial or industrial areas defined as a charging system where electric vehicles, charging stations and charging operators share data connections within the City of Sweetwater shall pay the City a franchise fee of \$250.00 per smart EV charging station prior to the installation of smart EV charging station. This article excludes residential areas.

(k) *Advertising*

- (i) On-screen advertising and pedestal-wrapped advertisements on EV charging stations within the City are allowable.
- (ii) Any entity seeking to advertise on EV charging stations within the City, pursuant to this article, shall specifically agree to not display any advertisement that contains any immoral, obscene or lascivious material. A determination as to whether particular advertising copy on any such EV charging station is prohibited by this subsection shall be made by the Mayor or his designee, and such decision shall be final and binding and not subject to any appeal by the permittee.
- (l) *Amortization.* Uses specified in subsection (e) which are nonconforming to the requirements of this section, shall conform by no later than September 22, 2026. Such nonconforming uses shall qualify for expedited review of building permits.
- (m) *Enforcement.* Any deviation from or failure to adhere with the requirements of this section shall result in fines, as determined by the Building Department, and rejection of building permit until such requirements have been met.