

ORDINANCE NO. 14 - 1617

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90.2 "DEFINITIONS"; SECTION 90-41 "REGULATED USES"; SECTION 90-71.2 "H30C, H40, MU AND H120 DISTRICTS"; AND SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS"; TO ALLOW FOR THE INSTALLATION OF ELECTRIC VEHICLE CAR CHARGING STATIONS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") supports green policies; and

**WHEREAS**, the Town Commission and Planning and Zoning Board held its joint meeting on September 30, 2013 and discussed and recommended installation of an electric vehicle car charging station within a municipal lot; and

**WHEREAS**, the Town Code does not address an electric vehicle car charging station relating to the type, level and specification of the charging station; and

**WHEREAS**, there are three levels of electric vehicle car charging stations; and

**WHEREAS**, Level 1 is a low voltage level of charging that is typical for single family charging stations due to the length of time it may take for charging; and

**WHEREAS**, Level 2 and 3 are higher voltage, resulting in quicker vehicle charging; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, has recommended that the Town's electric vehicle charging stations should be limited to Electric Vehicle Charging Level 2 or Level 3 only; and

**WHEREAS**, the Town Commission held its first public reading on February 11, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board at the public hearing on February 27, 2014 recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

**WHEREAS**, the Town Commission shall have conducted a second duly noticed public hearing on this proposed ordinance as required by law on March 11, 2014.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:**

**Section 1. Recitals.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 90.2. Definitions.**

\* \* \*

*Electric Vehicle Charging Level:* The standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged which include the following specifications:

(1) Level 1 requires a 15 or 20-amp breaker on a 120-volt AC circuit and standard outlet;

(2) Level 2 requires 40 to 100-amp breaker on a 240-volt AC circuit; or

(3) Level 3 requires a 60-amp or higher dedicated breaker on a 480-volt and higher three- phase circuit with special grounding equipment. A Level 3 charging shall use an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

*Electric Vehicle Charging Station:* A parking space that is served by electric vehicle 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 source device in an electric vehicle.

\* \* \*

**Sec. 90-41. Regulated uses.**

Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
<u>Electric Vehicle Charging Station</u>	<u>P(26)</u>	<u>P(26)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(28)</u>
Uses	Municipal		Community Facilities			
<u>Electric Vehicle Charging Station</u>	<u>P (28)</u>		<u>(P28)</u>			

(26) Electric Vehicle Charging Stations shall be limited to personal use and shall not be used for purposes of wholesale or retail sales. All components of the Electric Vehicle Charging Station shall be wall mounted and completely

concealed from view. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(27) Electric Vehicle Charging Stations shall contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(28) Electric Vehicle Charging Stations shall be limited to Electric Vehicle Charging Level 2 or Level 3 Electric Vehicle Charging Stations only and contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall include the following: (a) voltage and amperage levels; (b) usage fees, if any; (c) safety information; and (d) contact information to report issues relating to the operation of the equipment. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

\* \* \*

**90-71.2—H30C, H40, MU and H120 districts.**

A sign shall be posted at the Electric Vehicle Charging Station stating “Electric Vehicle Charging Station.” Signs shall be no greater than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (Electric Vehicle charging).

\* \* \*

**Sec. 90-77. Off-street parking requirements.**

**(h) Electric Vehicle Charging Capability.**

All new multifamily or hotel development with 20 or more units shall provide access to 220 volt capability throughout the garage to offer charging opportunities to residents and guests as needed.

\* \* \*

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 11<sup>th</sup> day of February 2014.

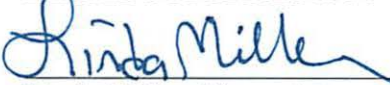
PASSED and ADOPTED on second reading this 11<sup>th</sup> day of March, 2014.

  
\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Linda Miller, Town Attorney

On Final Reading Moved by: Commissioner Kligman

On Final Reading Seconded by: Commissioner Olchyk

**Vote:**

Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Michael Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Graubart	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Kligman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>