BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2448-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.06.22. OF THE LAND DEVELOPMENT CODE ENTITLED "EV CHARGING INFRASTRUCTURE" OF CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" IN RESPECT OF STANDARDS FOR THE PROVISION OF ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE IN NEW COMMERCIAL DEVELOPMENT GREATER THAN 5,000 SQUARE FEET AND NEW RESIDENTIAL DEVELOPMENTS GREATER THAN 50 DWELLING UNITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES..

* * * * *

WHEREAS, the purpose of this Land Development Code amendment is to support the objectives of the City's Comprehensive Plan; and

WHEREAS, the purpose of this Land Development Code amendment is to establish minimum criteria for provision of Electric Vehicle Charging Infrastructure (EVCI) in new commercial development greater than 5,000 sq.ft and new residential developments greater than 50 dwelling units; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on July 16th, 2020; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

Chapter II – ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY

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2.07.00. - DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

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2.06.00. – SUPPLEMENTAL USE STANDARDS

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~~**Sec. 2.06.22. - Twelve-month moratorium on the placement of wireless communication facilities within public rights-of-way.**~~

~~Notwithstanding provisions elsewhere in this Code, effective September 29, 2016, there shall be a 12-month moratorium on the placement of wireless communication facilities within public rights-of-way within the city during which no permit(s), licenses or other development orders of any kind shall be issued for wireless communications facilities within public rights-of-way.~~

~~(Ord. No. 2335-2016, § 1, 11-28-2016)~~

~~**Sec. 2.06.23. - Twelve-month moratorium on uses allowed in each zoning district specifically regarding medical marijuana treatment centers, their consideration of use, desirable locations, and other development regulations.**~~

~~Notwithstanding provisions elsewhere in this Code, effective November 7, 2016, there shall be a 12-month moratorium on the placement of medical marijuana treatment centers and facilities with similar functions within the city during which no permit(s), licenses or other development orders of any kind shall be issued for medical marijuana treatment centers and facilities with similar functions.~~

Sec. 2.06.22. – EV Charging Infrastructure

A. *Definitions:*

Electric Vehicle (EV): A vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and which produces zero tailpipe emissions or pollution when stationary or operating.

Electric Vehicle Charging Station (EVCS): A parking space that is equipped to allow an EV to re-charge.

Electric Vehicle Charging Infrastructure (EVCI): Equipment provided to support future electric vehicle charging. This shall include, but not be limited to; the design of electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder / branch circuits, the installation of raceways, both underground and surface mounted, to support the electrical vehicle supply equipment.

Electric Vehicle Charging Rate (EVCR): The rate at which an electric vehicle is charged:

1. Level-1 is considered slow charging. Voltage up to 120v.
2. Level-2 is considered medium charging. Voltage is greater than 120v and includes 240v.
3. Level-3 is considered fast or rapid charging. Voltage is greater than 240v.

B. *EV Charging Station (EVCS) requirement:* All new commercial development of gross floorspace greater than 5,000 sq.ft and all new residential development greater than 50 dwelling units are required to provide EVCI to accommodate the future installation of EVCS(s).
   a. A minimum of 2 or 10%, whichever is the greater, of the required non-EV parking spaces (excluding required ADA spaces) shall be EVCI equipped spaces.
   b. A minimum of 2 or 10%, whichever is the greater, of required EVCI equipped spaces shall be provided at a level 2 EVCR.
   c. At minimum one (1) required EVCI equipped space shall be ADA accessible and shall be installed and marked in compliance with the current version of the City of Stuart Guide for Accessible Electric Vehicle Charging Station (EVCS).

C. *Standards:* The EVCI shall be installed per the requirements of the current edition of the National Electrical Code.
   a. The EVCI shall include a raceway, which is continuous from the branch circuit / feeder panel location to the future EV parking space.
   b. The raceway shall be sized and installed per the National Electrical Code; however, in no case shall the EVCI raceway be less than 1" (one inch) in size. The EVCI raceway shall include a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.
   c. The electrical equipment room must have a dedicated space for the future installation of EVCI. This space shall be identified on all construction documents submitted for review, and the dedicated space shall not allow for violation of the National Electrical Code prescriptive requirements regulating working space clearances around equipment, or violation of the National Electrical Code prescriptive requirements governing the entrance to and egress from electrical equipment working space.

d. During construction of the electrical equipment room, all raceways installed for the EVCI shall terminate at the EV parking space.
e. Prior to the final electrical inspection approval, the space dedicated within the electrical equipment room for the future EVCI installation shall have the wall stenciled or marked legibly with the following text: "FUTURE ELECTRIC VEHICLE CHARGING EQUIPMENT AND PANELS".
f. The proposed placement and installation of EVCI or equipment shall not allow for any violation of the Americans with Disabilities Act of 1990.
g. The placement of EVCI shall not create a trip hazard or violation of the accessible path of travel when the cord is connected to an EV.

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SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2020.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
VACANT, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL MICHAEL J. MEIER

CITY CLERK MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

_____

MICHAEL J. MORTELL

CITY ATTORNEY