

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

A PUBLIC HEARING FOR SECOND READING, APPROVAL OF APPLICATION 19-127 AND ADOPTION OF ORDINANCE NO. 1002, AN APPLICATION BY KIMLEY-HORN, REGARDING A ZONING TEXT AMENDMENT TO CHAPTER 26 OF THE VILLAGE'S ZONING CODE TO ALLOW ELECTRIC VEHICLE CHARGING STATIONS AS ACCESSORY USES WITHIN CERTAIN ZONING DISTRICTS AND ESTABLISH SUPPLEMENTAL REGULATIONS FOR THESE ELECTRIC VEHICLE CHARGING STATIONS, BY MARISA-ANN LOPEZ GEDEON, KIMLEY-HORN.

Issue:

The applicant is proposing an amendment to the Village's Zoning Code at Chapter 26 to allow electric vehicle charging stations as accessory uses within certain Zoning Districts within the Village and provide supplemental regulations for these stations. Specifically, the text amendment:

- Allows electric vehicle charging stations as accessory uses within the CO - Office Commercial, CG - General Commercial, IL - Industrial Limited, IG - Industrial General, PO - Public Ownership, and MXD - Mixed Use Development Zoning Districts. Electric vehicle charging stations would also be allowed as accessory uses in connection with lawful principal use in Planned Unit Developments (PUD), Planned Commercial Developments (PCD), and Planned Industrial Developments (PID) subject to additional restrictions; and
- Provides supplemental regulations for electric vehicle charging stations relative to: location; quantity and usage, design, components, screening, parking, signage, maintenance, safety; and owner-imposed restrictions,

The Local Planning Agency considered the application on June 23, 2020, and recommended Approval by a vote of 4-0.

Recommended Action:

Staff recommends Approval of Application 19-127 (Zoning Text) and Ordinance 1002 on second reading.

Initiator:	Village Manager	Agenda Date	Village Council
Planning & Zoning Director	Approval	8-20-2020	Action

ORDINANCE NO. 1002

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. AT ARTICLE IV. SUPPLEMENTAL REGULATIONS., SECTION 26-57. ACCESSORY USES, BUILDINGS AND STRUCTURES; MODEL HOMES; AND VEHICLE AUCTION SALES. TO ADD ELECTRIC VEHICLE CHARGING STATIONS, ALLOW INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS IN CERTAIN ZONING DISTRICTS, AND PROVIDE SUPPLEMENTAL REGULATIONS FOR ELECTRIC VEHICLE CHARGING STATIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 26. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village of Royal Palm Beach, Florida, has received privately initiated application #19-127 (Text Amendment) requesting certain text amendments to the Village's Zoning Code in order to allow for and provide supplemental regulations for electric vehicle charging stations; and

WHEREAS, the Village Council of the Village of Royal Palm Beach desires to update its Zoning Code as more specifically detailed in privately initiated application #19-127 (Text Amendment); and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 26. Zoning. are in the best interests of the health, safety and welfare of Royal Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Supplemental Regulations.; Section 26-57. Accessory uses, buildings and structures; model homes; and vehicle auctions sales. to add electric vehicle charging stations, allow for the installation of electric vehicle charging stations in certain Zoning Districts, and provide supplemental regulations for electric vehicle charging stations; providing that Section 26-57 shall hereafter read as follows:

Sec. 26-57. Accessory uses, buildings and structures; model homes; ~~and~~ vehicle auction sales and electric vehicle charging stations.

(a) – (d) Remain as previously adopted

(e) Electric vehicle charging stations. Electric vehicle charging stations may be installed within the Village subject to the following:

(1) Definitions.

- a. Electric vehicle charging level. The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged, including the following specifications:
 - i. Level 1 requires a 15 or 20-amp breaker on a 120-volt AC circuit and standard outlet;
 - ii. Level 2 requires 40 to 100-amp breaker on a 240-volt AC circuit; or
 - iii. 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.
- b. 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.
- c. Electric vehicle parking space. An off-street parking space that is equipped with an electric vehicle charging station.

(2) Accessory use only. Electric vehicle charging stations are allowed as accessory uses only in connection with a lawful principal use in the following nonresidential zoning districts: CO Office Commercial District, CG General Commercial District, IL Industrial Limited District, IG Industrial General District, PO Public Ownership District, and MXD Mixed Use Development District. Electric vehicle charging stations designated for use by the public are also permissible as accessory uses only in connection with a lawful principal use in Planned Unit Developments, Planned Commercial Developments, and Planned Industrial Developments so long as such

charging stations are located in common areas controlled and regulated by a property owner's association, commercial owner's association or similar entity.

- (3) *Regulation.* The installation of an electric vehicle charging station shall comply with all applicable laws, regulations and permitting requirements required by life-safety/building codes and village regulations.
- (4) *Location.* All electric vehicle charging station equipment shall be located adjacent to a conforming parking space pursuant to Chapter 23 (Traffic and Vehicles) and designated for electric vehicle charging. The preferred location shall be such that a single electric vehicle charging station could service two (2) parking stalls. All electric vehicle charging station equipment, including associated equipment and power cords, associated with an electric vehicle charging station shall not encroach upon the area required by Chapter 23 (Traffic and Vehicles) to constitute a conforming parking space, but shall be located in a separate, additional area. For example, if village code requires that a parking space be of a certain dimension, then the electric vehicle charging station, including all associated equipment and power cords, shall not be located within such dimension.
- (5) *Quantity and usage.* No more than five (5) parking spaces shall be utilized as electric vehicle charging stations on any one parcel, or within any particular development (if multiple parcels), within the Village. Electric vehicle charging stations shall only be installed for use by patrons of the business(es) located on the property upon which they are installed.
- (6) *Design.* The provision for an electric vehicle charging station may vary based on the design and use of the primary parking lot; however, in all instances, the proposed location must ensure the safe and efficient flow of vehicular and pedestrian traffic.

 - a. Electric vehicle charging stations, including its associated equipment and power cords, shall not traverse sidewalks, accessible routes, or other pedestrian areas.
 - b. Likewise, the placement of each electric vehicle charging station shall not conflict with landscaping, curbing, terminal islands or perpendicular divider strips to the extent that the purpose and intent of the landscape code in Chapter 15 (Landscaping and Vegetation Management) is no longer met.

- c. Electric vehicle charging stations shall be limited to a total height of eight (8) feet above ground level and shall not be garish.

(7) Components. All electric vehicle charging stations shall contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface.

(8) Screening. All auxiliary components of electric vehicle charging stations shall be completely concealed from public view with landscaping pursuant to Section 15-133(h). This does not apply to the terminal display / interface for the charging station/parking space.

(9) Parking.

- a. An electric vehicle charging station space shall not be included in, or count towards, the minimum number of parking spaces required pursuant to Chapter 23, Article II (Parking) and such electric vehicle charging stations shall only occupy surplus parking spaces on the site.
- b. Electric vehicle charging stations shall not be installed within a designated handicap space unless it is specifically designed and intended for handicap use only.

(10) Signage.

- a. Electric vehicle parking spaces shall be painted green, or shall be marked by green painted lines or curbs.
- b. Each public electric vehicle charging station shall have at least one (1) posted sign displaying operational information including: 1) voltage and amperage levels, 2) hours of use, 3) applicable usage fees, 4) safety information and penalties related to a misuse, and 5) contact information for the owner of the charging station to allow customers to report issues relating to the 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).
- c. At each electric vehicle charging station, the associated advertising/identification signage area is limited to nine (9) feet square feet of brand advertising/identification signage per station. Such signage shall not be placed any higher on the station than six (6) feet from ground level.

- d. Each electric vehicle charging station shall be allowed one (1) electronic screen which shall not exceed 12 inches by 15 inches in size. Such screens shall be solely limited to operation of the electric vehicle charging station and shall not play or otherwise emanate advertisements, music, or any other programming. Electronic screens shall not be counted toward the signage restrictions provided in subparts (b) or (c) above.

(11) Maintenance. Electric vehicle charging stations shall be maintained in good condition, appearance and repair. Current contact information shall be provided on the charging station equipment for the party responsible for maintenance and operation of the equipment.

(12) Safety. When the electric vehicle charging station space is perpendicular or at an angle to curb face and charging station equipment, adequate equipment protection such as wheel stops or bollards shall be used.

(13) Restrictions. The property owner of a public electric vehicle charging station or the underlying fee owner shall have the authority to place restrictions on the number of hours that an electric vehicle is allowed to charge, in order to deter indefinite charging/parking. For example, restrictions may be posted prohibiting overnight parking.

Section 2: Each and every other Section and Sub-section of Chapter 26. Zoning. shall remain in full force and effect as previously enacted.

Section 3: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

FIRST READING this 16th day of July, 2020.

SECOND AND FINAL READING this 20th day of August, 2020.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK