

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT **LDCT-2024-4**, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE; AMENDING CHAPTER 206, ACCESSORY USES, TO ALLOW EV CHARGING STATIONS AS ACCESSORY USES AND PROVIDE STANDARDS; AMENDING CHAPTER 8, SUBDIVISIONS, TO REQUIRE NOTATIONS AND STANDARDS FOR SPEED LIMIT SIGNS ON CONSTRUCTION PLANS; AMENDING CHAPTER 10 TO PROVIDE DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Land Development Regulations consistent with the Polk County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

WHEREAS, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

WHEREAS, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

WHEREAS, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

WHEREAS, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on April 4, 2024; and

WHEREAS, the proposed text amendment to the Polk County Land Development Code shall classify EV Charging Stations as accessory uses and require speed limit signs on construction plans; and

WHEREAS, the Board of County Commissioners held two public hearings on May 7, 2024 and May 21, 2024 wherein the Board reviewed and considered the Planning Commission's recommendation, the staff report, and all comments received during said public hearings, and provided for necessary revisions; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.

SECTION 1: FINDINGS The Board hereby finds and determines that:

- a) The findings set forth in the recitals to this Ordinance are true and correct and hereby adopted.
- b) The Planning Commission, acting in its capacity as the Local Planning Agency for the County, held a public hearing on April 3, 2024, to consider the LDC text amendments contained within Application **LDCT-2024-4** and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendment contained within Application **LDCT-2024-4**.
- c) The adoption of **LDCT-2024-4** is consistent with the Comprehensive Plan and LDC.

SECTION 2: Chapter 2, Section 206, Accessory Uses, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 206 Accessory Uses (~~Revised 12/1/10—Ord. 10-083; 01/03/05—Ord. 04-80; 7/25/01—Ord. 01-57~~)

Accessory uses are permitted in conjunction with the primary use in all land use districts. Accessory uses are those land uses that are incidental and subordinate to the primary use of the property (see table 2.1 for a list of primary land uses allowed per district). Specific requirements pertaining to the determination of what is incidental and subordinate for certain types of accessory uses are listed in the section and sections to follow in this chapter. All accessory uses contained herein, and any other not included shall comply with Section 209.

...

R. *Electric Vehicle (EV) Charging Stations & Parking*

All EV charging equipment installed and maintained in a surface parking area by the property owner or lessee shall be permitted as an accessory use in all districts where vehicle parking is required or allowed as follows:

1. Electric vehicle parking spaces shall meet all performance standards of LDC Sections 708 and 709.
2. EVSE Installed spaces shall be reserved for EVs and provide drivers the opportunity to charge their electric vehicle using EV charging stations. These spaces should be installed per the requirements of the National Electrical Code (NFPA 70) as adopted and amended by the State of Florida.
3. No charging devices may be placed within the dimensions of a parking space.
4. 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 space to reduce conflicts with pedestrians and vehicle maneuvering.
5. Equipment mounted on structures such as pedestals, lighting posts, bollards, or other devices shall be located in a manner that does not impede pedestrian, bicycle, or transit travel.

...

SECTION 3: Chapter 8, Section 811, Streets, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

Section 811 - Streets (~~Rev. 06/08/04 Ord. 04-09~~)

Any development which includes or is required to construct, widen or improve a public or private street shall adhere to the design and construction requirements in this Section and Sections 821 through 824.

A. Clear Visibility Triangle

In order to provide a clear view of intersecting roads to the motorist, there shall be a triangular area of clear visibility formed by two intersecting roads or the intersection of a driveway and a road pursuant to Section 711.

B. Traffic Signs and Signalization

All required traffic signs and signalization shall be installed by the applicant prior to acceptance by the County. The County may, prior to acceptance of roads, accept from the applicant a deposit of sufficient funds to provide all required traffic signs and signalization.

Speed limit signs shall be shown on Level 2 plans prior to approval. The initial posted speed limit shall be 20 MPH. Signs shall be posted close to the beginning of each road, without conflicting with other assets (i.e. driveways, drainage structures, other signs, etc.).

C. Right-of-Way Requirement

All residential and non-residential development shall provide additional road right-of-way on all public roads adjacent to the development, if required. The roads rights-of-way requirements shall be in accordance with Table 8.2 and Table 8.3 in Chapter 8 of this Code.

...

SECTION 4: Chapter 10, Definitions, of the Polk County Land Development Code, Polk Ordinance No. 00-09, as amended, is hereby amended in the following manner:

...

ELECTRIC VEHICLE (EV) CHARGING STATION: A location that provides for replenishing the energy in the battery of an electric vehicle. These stations can be defined by their EV readiness as categorized in three levels as follows:

- a. EV Capable means the installation of electrical panel capacity with a dedicated branch circuit and a continuous raceway from the panel to the future EV parking spot
- b. EV Ready means the installation of electrical panel capacity and raceway with conduit to terminate in a junction box or charging outlet.

- c. EVSE Installed means the complete installation of a charging station. These spaces should be installed per the requirements of the National Electrical Code (NFPA 70), as adopted and amended by the State of Florida.

...

~~**RIGHT-OF-WAY:** A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes. More specifically, land in which the State of Florida, a county, or a municipality owns the fee or has an easement devoted to or required for use as a public road. Right of way typically consists of a strip of publicly owned land occupied or intended to be occupied by a public road and its appurtenances.~~

RIGHT-OF-WAY: A general term denoting land, property, or interest therein, consisting of a strip of publicly or privately owned land occupied or intended to be occupied by a public or private road with space typically reserved for drainage and utilities.

...

SECTION 5: SEVERABILITY

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

SECTION 6: EFFECTIVE DATE

This ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,
FLORIDA this 21st day of May 2024.