

**POLK COUNTY
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

DRC Date:	January 25, 2024	Level of Review:	Level 4 Review
PC Date:	April 3, 2024	Type:	LDC Text Amendment
BoCC Date:	May 7, 2024	Case Numbers:	LDCT-2024-4
	May 21, 2024	Case Name:	Streets & Pedestrian Safety
Applicant:	Polk County	Case Planner:	Ian Nance

Request:	A County-initiated LDC Text Amendment to Section 206, to add EV Charging Stations and Spaces to Accessory Uses and provide standards; to Section 811, to require speed limit signs on Level 2 plans; to Chapter 10 to add definitions for EV Chargers and modify the definition of right-of-way to account for private roads.
DRC Recommendation:	Approval
Planning Commission Vote:	Recommend Approval 7-0

Among the changes to Chapter 2, Section 206:

- Adding EV Charging Stations & Spaces to the list of Accessory Uses and providing standards.

Among the changes to Chapter 8, Section 811:

- Requiring 20 MPH Speed Limit signs to be shown on Level 2 plans prior to approval.

Among the changes to Chapter 10:

- Adding definition for EV Charging Stations
- Amending the definition of Right-of-Way to include private roads.

Summary:

This Land Development Code (LDC) text amendment is intended to improve pedestrian safety, customer service, and the application of the Code as it relates to ongoing changes to the County’s transportation system and how it is utilized. The first component of this amendment involves Electric Vehicle Charging Stations and parking spaces. At present time, the LDC does not address the increasing need for these facilities. This amendment will add Charging Stations to the list of accessory uses and provide standards, such as placing these stations where they will not interfere with pedestrian uses and other travel paths.

Next, this amendment will require speed limits for subdivisions to be adopted with Level 2 plans. Per Florida Statute, residential roads that are not posted with speed limits are a presumed 30 MPH. When residents begin moving in, they consistently request speed limit postings, requiring studies from Polk County Traffic Services as well as the preparation of BoCC agenda items for resolution.

Upon recommendation from Roads & Drainage, this amendment will require 20 MPH speed limits for all new subdivisions.

Relevant Sections, Policies, and/or Regulations to Consider:

LDC Section 206: Accessory Uses
LDC Section 811: Streets
LDC Chapter 10 Definitions
LDC Section 907 Level 4 Reviews

Findings of Fact

- *LDCT-2024-4 is County-initiated LDC Text Amendment to Section 206, to add EV Charging Stations and Spaces to Accessory Uses and provide standards; to Section 811, to require speed limit signs on Level 2 plans; to Chapter 10 to add definitions for EV Chargers and modify the definition of right-of-way to account for private roads.*
- *LDC Chapter 10 defines an Accessory Use as, “A use which:*
 - 1. Is clearly incidental to, customarily found in association with, and serves a principal use;*
 - 2. Is subordinate in purpose, area, and extent to the principal use served;*
 - 3. Is located on the same lot as the principal use, or on an adjoining lot in the same ownership as that of the principal use; and*
 - 4. Is not the principal use.”*
- *Florida Statutes 366.94 states, the following regarding electric vehicle charging stations:*
 - (1) The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter. This section does not affect the ability of individuals, businesses, or governmental entities to acquire, install, or use an electric vehicle charger for their own vehicles.*
 - (2) The Department of Agriculture and Consumer Services shall adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.*
 - (3)(a) It is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated for charging an electric vehicle.*

(b) If a law enforcement officer finds a motor vehicle in violation of this subsection, the officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18.”

- *LDC Section 206 lists Accessory Uses and standards as follows: “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. 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.”*
- *F.S. 316.189 establishes county speed zones as follows: “The maximum speed on any county-maintained road is:*
 - (a) In any business or residence district, 30 miles per hour in the daytime or nighttime; provided that with respect to residence districts a county may set a maximum speed limit of 25 miles per hour after an investigation determines that such a limit is reasonable; and it shall not be necessary to conduct a separate investigation in each residence district.*
 - (b) On any other part of a county road not a business or residence district, as set forth in s. 316.183.*
- *LDC Section 811 establishes standards for streets within a subdivision.*
- *This request has been reviewed for consistency with Section 907 of the LDC.*

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **Approval of LDCT-2024-4**.

At an advertised public hearing, the Planning Commission voted 7-0 to recommend approval of this application.

Analysis:

The purpose of this amendment is to adjust for changes in the County’s transportation system – and how it is utilized - while providing for pedestrian safety and improving customer service. In this case, these adjustments take the shape of introducing standards for EV Charging Stations and with changing the means in which speed limits are adopted within residential subdivisions.

Public charging infrastructure is expanding to reliably provide EV drivers with the confidence they require to meet their transportation needs. According to the U.S. Department of Energy, many EV owners choose to do most of their charging at home (or at fleet facilities, in the case of commercially owned fleets) where the cost to charge is lower than at public chargers. EV drivers

also have access to public charging stations in a variety of places, such as shopping centers, public parking garages and lots, hotels, restaurants, and other businesses.

This categorizes EV Charging Stations as accessory uses. At this time, the LDC does not offer any provisions for the installation of chargers. Permits are granted through electrical permits. While EV charging stations are increasingly becoming a necessity, thoughtful consideration must be provided as to where they are placed so as not to interfere with sidewalks, pedestrian networks, or other transit corridors within a development. Basic standards and terminology from the city of Orlando and the American Planning Association were used to craft the language proposed for Section 206 and the definitions in Chapter 10.

For the speed limit aspect of this amendment, Polk County's Division of Roads & Drainage has requested that a 20 MPH speed limit be shown on Level 2 engineered site plans. Per Florida Statute, residential roads that are not posted with speed limits are a presumed 30 MPH. When residents begin moving in, they consistently request speed limit postings, requiring studies from Polk County Traffic Services as well as the preparation of BoCC agenda items for resolution.

Traffic Services staff is already tasked with studies on roadways in established communities where residents request a change of speed limit, so the necessity of studying brand new subdivision roads has become an undue burden that should be addressed during the development process. An amendment to the Land Development Code requiring developers to do an initial install of speed limit signs in their developments would ease this burden.

If the speed limits are notated on approved development documents, it will be comparable to any resolution that Traffic would prepare after the development is established, thus satisfying the Florida Statute that speed limits be approved by the governing entity. A default speed limit of 20 MPH is the most reasonable for vehicular travel and pedestrian safety, as County studies often indicate when performed within new developments. This will complement recent LDC ordinances that have required internal sidewalks and enhanced street lighting within subdivisions.

Limits of the Proposed Ordinance

This amendment provides the LDC with guidance on EV charging stations and spaces. It does not provide incentives or unusual restrictions on their placement or use. These will be permitted administratively as accessory uses in all land use districts. The speed limit aspect of this amendment will alleviate burden on the County when determining safe traffic speeds within subdivisions through a simple process of adding a note or icon on a set of plans calling out the locations of the signs and the 20 MPH limit.

Consistency with the Comprehensive Plan & Land Development Code

The request is consistent with the Comprehensive Plan and the Land Development Code. No use is being proposed within a land use designation for which it was not intended.

Comments from Other Agencies: Roads & Drainage contributed to the development of this staff report.

Draft Ordinance: Under separate attachment