

**ORDINANCE NO. 21-015**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING LAND DEVELOPMENT CODE AMENDMENT LDCT-2020-10 AMENDING ORDINANCE NO. 00-09, AS AMENDED (ALSO KNOWN AS THE POLK COUNTY LAND DEVELOPMENT CODE); PROVIDING FINDINGS; AMENDING CHAPTER 2, SECTION 220, TO INCREASE LIGHTING STANDARDS BETWEEN RESIDENTIAL AND NON-RESIDENTIAL USES; AMENDING CHAPTER 7, SECTION 707, REQUIRING STREET LIGHTING AT THE ENTRANCES OF SUBDIVISIONS AND NON-RESIDENTIAL DEVELOPMENT; AMENDING CHAPTER 7, SECTION 709, REQUIRING STRONGER LIGHTING STANDARDS WITHIN PARKING LOTS; AMENDING CHAPTER 8, SECTION 824, REQUIRING STREET LIGHTING WITHIN SUBDIVISIONS ; 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 (the “Board”) adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code (the “LDC”); 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 February 3, 2021; and

**WHEREAS**, Application LDCT-2020-10 is a County-initiated application to amend the text of the LDC to address ambiguity in lighting standards; increase compatibility between non-residential and residential properties; and improve pedestrian safety standards;

**WHEREAS**, the Board held two public hearings on March 2, 2021 and March 16, 2021 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, if any.

**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 February 3, 2021 to consider the LDC text amendments contained within Application LDCT-2020-10 and found them to be consistent with the Comprehensive Plan and recommended that the Board adopt the LDC Text Amendments contained within Application LDCT-2020-10.
- c) The adoption of LDCT-2020-10 is consistent with the Comprehensive Plan and LDC.

**SECTION 2: Section 220 Compatibility Standards** Section 220.B “Lighting” and Section 220.C “Buildings” of Polk County Ordinance No. 00-09, as amended, are hereby amended to read as follows:

### **Section 220 Compatibility Standards**

#### **B. *Lighting***

Exterior lighting shall be designed to minimize light trespass from non-residential structures and parking facilities onto adjacent residential properties and into rights-of-way except at the vehicular entrances into developments. Electrical reflectors, spotlights, floodlights and other sources of illumination may be used to illuminate buildings, landscaping, signs, parking and loading areas on any property provided they are equipped with proper lenses or other devices concentrating the illumination upon the building, landscaping, signs, parking and loading areas, on any property, and preventing any bright, direct illumination upon adjacent property or any public right-of-way. Lighting fixtures shall be recessed or designed with shields which prevent direct view of the light source from adjacent property boundaries.

A lighting plan shall be required for all non-residential development proposing light fixtures within 50 feet of existing residential properties or residential districts. The plan shall clearly demonstrate that there will be no increase in ambient lighting into existing residential properties and residential districts.

The lighting plan shall include the following elements:

- 1. No light source shall be located closer than 15 feet from any property line, excluding public rights-of-way.
- 2. Mounting heights for exterior lights shall not exceed 30 feet in height within a parking lot and 15 feet within adjacent non-vehicular pedestrian areas.

3. Maximum maintained illumination levels measured at finished grade on an adjoining residential property of the project in question shall average no more than 0.5 foot-candles (fc) at the property line and shall not exceed 0.1 fc at 10 feet beyond the property line.
4. Potentially adverse effects of parking area lighting or of other light sources from the property on which the non-residential use is to be located shall be eliminated or prevented so that lights do not illuminate adjacent residential property or shine into any residential window per the standards of Section 220.E.

C. ***Buildings***

~~Non-Residential~~ buildings shall not be located within the 50-foot compatibility area.

**SECTION 3: Section 707 Sidewalks** Section 707.J “Street Lighting” of Polk County Ordinance No. 00-09, as amended, is hereby added to read as follows:

J. ***Street Lighting***

To enhance safety for pedestrians, two street lights shall be provided at the crosswalks to all vehicular entrances to major subdivisions and non-residential developments. The lighting values for street lighting is based upon the standards set forth in Table 1 in Federal Highway Administration Publication No. FHWA-HRT-14-050, Guidelines for the Implementation of Reduced Lighting on Roadways, promulgated from standards devised by the Illuminating Engineering Society of North America (IESNA). All street lighting provided shall be recessed or consist of fixtures designed to minimize offsite glare and light trespass.

The illumination levels along different road classifications shall be as follows:

1. Arterial Roadways: 0.6 foot-candle (fc) to 1.2 fc
2. Collector Roadways: 0.4 fc to 0.8 fc
3. Local/Private Roadways: 0.4 fc to 0.6 fc

**SECTION 4: Section 709 Parking Area Design** Section 709.H “Lighting” of Polk County Ordinance No. 00-09, as amended, is hereby amended to read as follows:

H. ***Lighting***

All parking and loading areas designated or intended for public use after dark shall have lighting. The illumination for, and glare from, these facilities shall be designed so that the ~~lighting~~ light source is fully shielded or recessed and aimed away from adjacent properties and roadways. Maximum maintained illumination levels measured at finished grade shall average no more than 1.0 foot-candles (fc) at the property line if the adjoining property is in a non-residential future land use district. The illumination criteria shall not be required between two adjacent non-residential properties within the same land use district provided the properties share common parking areas and/or driveways. The plan notes shall indicate compliance with

this Section. Compliance with this section shall be noted on Level 2 Review plans but will not require a separate lighting plan submission. When adjoining residential properties, a lighting plan shall be submitted pursuant to the requirements of Section 220.B. Reconfiguration of existing parking on non-residential sites shall adhere to these standards.

**SECTION 5: Section 824 Roadway Design** Section 824.G “Street Lighting” of Polk County Ordinance No. 00-09, as amended, is hereby added to read as follows:

G. **Street Lighting**

1. To enhance safety for pedestrian and vehicular traffic, all major subdivisions within the TSDA, UGA, and all Suburban Planned Developments (SPDs) shall provide street lighting along all internal roadways. All street lighting provided shall be recessed or consist of fixtures designed to minimize offsite glare and light trespass. All streetlights shall be installed at the expense of the developer.
2. Two streetlights shall be provided at the crosswalks to all vehicular entrances, as required in Section 707.J.
3. Compliance with this section shall be noted on Level 2 Review plans but will not require a separate lighting plan submission.

**SECTION 6: 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 7: EFFECTIVE DATE**

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

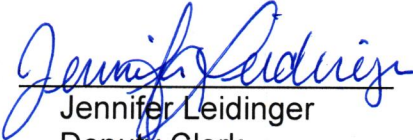
ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA  
this 16th day of March, 2021

STATE OF FLORIDA     )  
  )  
COUNTY OF POLK     )

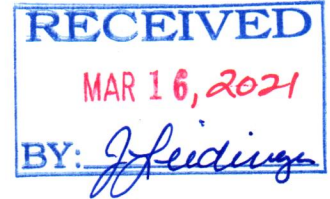
I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-15 adopted by the Board on March 16, 2021.

WITNESS my hand and official seal on this 16th day of March, 2021.

STACY M. BUTTERFIELD, CLERK

By:   
Jennifer Leiding  
Deputy Clerk





**FLORIDA DEPARTMENT of STATE**

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

March 16, 2021

Ms. Jennifer Leiding, VAB Clerk  
Polk County  
Post Office Box 988  
Bartow, Florida 33831-0988

Dear Ms. Leiding:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 21-015, which was filed in this office on March 16, 2021.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb