ORDINANCE NO. ____

PROPOSED ORDINANCE NO. 24-039

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO ZONING; PROVIDING FOR TEXT AMENDMENT LDC24-007 TO ARTICLE 5 (STANDARDS FOR SPECIFIC USES), SECTION 5.9 (ELECTRIC VEHICLE CHARGING FACILITIES) AND SECTION 5.24 (FOOD TRUCKS) OF THE LAND DEVELOPMENT CODE TO REMOVE DEVELOPMENT STANDARDS PERTAINING TO ELECTRIC VEHICLE CHARGING FACILITIES, REMOVE APPLICATION REQUIREMENTS FOR A BUSINESS TAX RECEIPT FOR FOOD TRUCKS AND PROVIDE CLAIRIFICATION REGARDING THE DOCUMENTATION OF PROPERTY OWNER AUTHORIZATION AND ACCESS TO PERMANENT RESTROOM FACILITIES; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

WHEREAS, the Planning and Zoning Board held a public hearing on July 16, 2024, to consider Text Amendment LDC24-007 to Article 5 (Standards for Specific Uses), Section 5.9 (Electric Vehicle Charging Facilities) and Section 5.24 (Food Trucks) of the Land Development Code to remove development standards pertaining to electric vehicle charging facilities, remove application requirements for a business tax receipt for food trucks and provide clarification regarding the documentation of property owner authorization and access to permanent restroom facilities; and

WHEREAS, the Planning and Zoning Board, at the conclusion of its regular meeting on August 20, 2024, approved and recommended to the City Commission that Text Amendment LDC24-007 to the Land Development Code be adopted; and

WHEREAS, the City Commission, after conducting a duly-advertised public hearing at which all interested persons were afforded the opportunity to be heard, finds that it is in furtherance of the public health, safety and welfare of the citizens of the City of Lakeland to adopt Text Amendment LDC24-007 as described above;

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

SECTION 1. The foregoing findings are true and correct and are incorporated herein by reference and made a part hereof.

SECTION 2. Text Amendment LDC24-007 to the Land Development Code, as set forth in Attachment "A," attached hereto and made a part hereof, is hereby adopted and made a part of the City's Land Development Code.

SECTION 3. The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5885, and that all procedures for the enactment of this Ordinance have been complied with.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 6. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 16th day of September, A.D. 2024.

_____
H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT “A”

5.9 - ~~ELECTRIC VEHICLE CHARGING FACILITIES~~ RESERVED

~~5.9.1 INTENT AND APPLICABILITY~~

~~a. Intent~~

~~It is the intent of this section to facilitate and encourage the use of electric vehicles by establishing minimum standards for electric vehicle charging facilities.~~

~~b. Applicability~~

~~Electric vehicle charging facilities shall be developed and operated in accordance with these standards, except that electric vehicle charging facilities serving only one residential dwelling shall not be subject to the standards of Sub-Section 5.9.3.~~

~~5.9.2 DEFINITIONS~~

~~**Electric vehicle:** Any vehicle that operates, either partially or exclusively, on electrical energy.~~

~~**Electric vehicle charging facility:** A public or private parking space that is served by battery charging equipment for the purpose of charging electric vehicles. Electric vehicle charging facilities are classified according to charging levels as follows:~~

~~Level 1 - Slow charging, from 0 to 120 volts.~~

~~Level 2 - Medium charging, from greater than 120 volts to and including 240 volts.~~

~~Level 3 - Rapid charging, greater than 240 volts.~~

~~5.9.3 SPECIFIC STANDARDS~~

~~a. Parking Spaces~~

~~1. Off-street electric vehicle charging facility spaces shall be included in the calculation of minimum required off-street parking spaces.~~

~~2. Off-street electric vehicle charging facility spaces may be reserved for the parking and charging of electric vehicles only.~~

~~b. Battery Charging Equipment~~

~~1. Battery charging equipment, outlets and connector devices shall be mounted on walls or pedestals located outside of the confines of the designated parking space and shall be designed and located as to not impede pedestrian travel or create trip hazards.~~

~~2.Battery charging equipment, outlets and connector devices shall be protected from damage by vehicles by bollards, curbing or other means.~~

~~c. Signage~~

~~1. Electric vehicle charging facilities shall be posted with signs identifying applicable operating instructions and safety warnings including the voltage and amperage levels of the charging equipment.~~

~~2. Signs may be posted identifying any applicable restrictions including whether parking in the electric vehicle charging facility space is restricted to electric vehicles, hours of operation, length of time a vehicle may use the charging equipment or other restrictions.~~

~~3. All signs shall meet the requirements of Section 4.9.~~

~~(Ord. No. 5455, 07-21-14)~~

…

5.24 - FOOD TRUCKS[1]

5.24.1 GENERAL DEVELOPMENT STANDARDS

a. Where allowed in Table 2.3-1, no more than one (1) food truck shall be in operation on a given property as an accessory use to another permitted principal commercial use. Two or more food trucks may only be considered through a conditional use for a food truck court.

b. With the exception of special events, such as food truck rallies which are approved through a special event permit, food trucks shall not be located within any public or private right-of-way.

c. Food trucks, and any accessory outdoor tables or seating, shall be setback a minimum of five (5) feet from any sidewalks, ten (10) feet from any driveways and above ground utilities, fifteen (15) feet from any fire hydrants, and fifty (50) feet from any residentially-zoned property.

d. Food trucks, and any accessory outdoor tables or seating, shall not block or otherwise impede access to any sidewalks, driveways, ADA accessible parking or fire lanes.

e. Food trucks shall only be located on an improved, stabilized surface such as concrete, gravel, asphalt or other similar material. If located within an off-street parking area, any parking spaces used will count against the minimum parking ratio required to support the principal use of the property. The amount of parking used shall not result in a reduction of the number of available off-street parking required to support the principal use, as specified by Table 4.11-1.

f. Solid waste collection receptacles shall be provided for use by food truck customers. All solid waste collected shall be properly disposed of either off-site or on-site within an approved solid waste collection bin (dumpster) through an agreement with the property owner.

g. Electrical service may be provided by either an on-board generator or through a temporary electric connection, subject to compliance with all codes and any

permitting requirements. Permanent connections for electrical service shall be prohibited.

h. Liquid Waste Disposal

1. There shall be no discharge of liquid waste or grease trap waste into any storm or sanitary sewer system. Liquid waste shall be disposed of through one of the following methods:

   (a) A licensed contracted commissary or A licensed designated sanitary sewer disposal site. All commissaries and disposal sites must have approved grease traps, and monitoring manholes per City of Lakeland Standards and Specifications.

   (b) Direct connection to sanitary sewer by new or existing services.

      If a food truck is located on a property that has a grease trap and monitoring manhole approved by the Water Utilities Department, connection to the sanitary sewer shall require compliance with all water utility requirements and approval by the Water Utilities Department. If at any time the Water Utilities Department has concerns about the connection, immediate disconnection shall occur.

2. Disposal Documentation Log

   All food truck operators shall maintain a Disposal Documentation Log. The disposal log shall be kept in the food truck at all times and shall include date, time, address location, and the amount of liquid waste, grease or used cooking oil disposed. At the request of the Water Utilities Department and/or upon inspection, the food truck operator shall provide copies of the disposal log. The Disposal Documentation Log to be used by the food truck operator can be found on the City of Lakeland Water Utilities' website, or by contacting the department.

i. Water Consumption

1. Water shall be provided from one of the following methods:

   (a) A licensed contracted commissary or A licensed designated potable water fill site

      There shall be no connection to any non-potable water source. All commissaries must have an approved backflow prevention device per City of Lakeland Standards and Specifications.

   (b) Direct connection to water by a new or existing domestic service.

      If a food truck is located on a property that has a City installed domestic water meter and backflow prevention device approved by the Water Utilities Department, connection to the water service line, downstream of the backflow prevention device, shall be in accordance with all water utility requirements. If at any time the Water Utilities Department has concerns with the connection, or the meter and/or backflow prevention device are bypassed, immediate disconnection shall occur.

2. Potable Water Acquisition Log: The food truck operator shall maintain a Potable Water Acquisition Log. The log shall be kept in the food truck at all times and shall include date, time, address location, and the amount of potable water obtained. At the request of the Water Utilities Department, and/or upon inspection, the food truck operator shall provide copies of the log. The Acquisition Log to be used by the food truck proprietor can be found on the City of Lakeland Water Utilities' website, or by contacting the department.

(Ord. No. 19-003, § 1.2(Att. B), 11-18-19)

5.24.2 REQUIRED DOCUMENTATION

a. All licensing and permitting of food trucks shall be done through the Department of Business and Professional Regulation in accordance with applicable state statutes.

~~a~~b. Prior to ~~the issuance of a business tax receipt,~~ operating within the City of Lakeland, the food truck proprietor shall submit a Food Truck Sanitary Sewer Disposal & Potable Water Source Form to the City of Lakeland Water Utilities Department. This form, which can be found on the City of Lakeland Water Utilities' website or by contacting the department, must be completed and signed by the Water Utilities Department.

~~b~~c. In accordance with Section 78-4 (b) of the City of Lakeland Code of Ordinances, ~~The~~ the ~~applicant~~ proprietor shall also ~~submit~~ obtain written consent from the property owner which authorizes the food truck use and guarantees access to permanent bathroom facilities on the site. The Food Truck proprietor shall provide documentation of such consent upon request by City of Lakeland Code Enforcement Division.

~~c~~d. The food truck proprietor shall maintain a Disposal Documentation Log. The disposal log shall be kept in the food truck and shall include date, time, address location, and the amount of liquid waste, grease or used cooking oil disposed. Food Truck ~~permittee and/or~~ operator shall provide copies of the disposal log when requested by the Water Utilities Department and/or upon inspection.

(Ord. No. 19-003, § 1.2(Att. B), 11-18-19)

Footnotes:

*--- **(1)** ---*

Editor's note— *Ord. No. 19-003, § 1.2(Att. B), adopted Nov. 18, 2019, set out provisions intended for use as 5.10. To avoid duplication of section numbering, at the editor's discretion, and with the concurrence of the city, these provisions have been included as § 5.24.*

Planning & Zoning Board Recommendation

Date:	September 3, 2024	Reviewer:	Todd Vargo
Project No:	LDC24-007	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Changes to Article 5 (Standards for Specific Uses), Section 5.9 (Electric Vehicle Charging Facilities) and Section 5.24 (Food Trucks) of the Land Development Code, to remove development standards pertaining to electric vehicle charging facilities, remove application requirements for a business tax receipt for food trucks and provide clarification regarding the documentation of property owner authorization and access to permanent restroom facilities.		

1.0 Background

1.1 Summary

Periodically, various amendments to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 5, Section 5.9 remove the development standards pertaining to Electric Vehicle Charging Stations due to the passage of SB 1084 which preempted the regulation of electric charging stations to the State of Florida. The proposed changes to Article 5, Section 5.24 Food Trucks revise the development standards and permitting requirements for Food Trucks in response to preemption legislation that was signed into law in 2020 and clarify the documentation process regarding property owner authorization and access to permanent restroom facilities. The recommended changes are included as Attachment “A.”

1.2 Attachments

Attachment A: Proposed Changes to Article 5, Section 5.9 Electric Vehicle Charging Stations and Section 5.24 Food Trucks

2.0 Discussion

2.1 Summary

Article 5 of the Land Development Code contains minimum standards for specific uses and facilities that have unique operating characteristics or impacts which when implemented would assure a quality urban form that is compatible with the surrounding context. Adopted in 2014, Section 5.9 establishes minimum standards for electric vehicle charging facilities and Section 5.24 (adopted in 2019) performs a similar function for food trucks operated within City boundaries.

In 2024, the Florida Legislature with the passage of SB1084 preempted the ability of local governments from enacting any ordinances or regulations related to electric vehicle charging stations. The proposed changes to Section 5.9 eliminate the development standards for electric vehicle charging facilities.

In 2020, The Florida legislature approved HB1193 which prohibited local governments from regulating mobile food dispensing vehicles (food trucks) through any licenses, registrations, permits. While the City can regulate where food trucks are allowed, it cannot require a business tax receipt or any other permits. The proposed changes to Section 5.24 eliminate the need for a business tax receipt. As a

secondary change, language pertaining to property owner authorization and access to permanent restroom facilities has been revised to address how such consent is documented in the absence of a business tax receipt.

No changes were made to this proposed text amendment following the initial public hearing on July 16, 2024.

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: Our Community 2030 and it is our opinion that the request is consistent with the Comprehensive Plan.

3.2 Planning & Zoning Board

The recommendation was approved by a 5—0 vote of the Board.

The Community & Development Department reviewed this request and recommends the proposed changes to the Land Development Code.

Recommendation

It is recommended that the proposed changes to Article 5 of the Land Development Code, as described in Attachment "A," be approved

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