

## POLK CITY

### City Commission Meeting (7pm)

November 15, 2021

Polk City Government Center  
123 Broadway Blvd., SE

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**CALL TO ORDER** – Mayor Joe LaCascia

**INVOCATION** – Pastor Walter Lawlor, New Life Community Church

**PLEDGE OF ALLEGIANCE** – Mayor Joe LaCascia

**ROLL CALL** – Assistant to the City Manager Sheandolen Dunn

**ESTABLISHMENT OF A QUORUM**

**APPROVE CONSENT AGENDA**

**PRESENTATIONS AND RECOGNITIONS**

**PUBLIC COMMENT – ITEMS NOT ON AGENDA** (limit comments to 3 minutes)

### AGENDA

- 1. PUBLIC HEARING - ORDINANCE 2021-06** - An Ordinance of Polk City, Florida; amending an approved Planned Unit Development-X to allow for a 2,664 square foot clubhouse and a pool; and a development phasing schedule to allow for the development to be constructed in three phases; located on approximately 132.14 acres on the north side of Mt. Olive Road, east of SR 33 east of Golden Gate Boulevard in the Green Swamp Area of Critical State Concern (Parcel numbers: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; AND 25-27-05-000000-043020); providing for repeal of conflicting ordinances; providing for severability; providing for an effective date. **First Reading**
- 2. PUBLIC HEARING - ORDINANCE 2021-07** – An Ordinance of Polk City, Florida, amending the Polk City Code of Ordinances and the Unified Land Development Code of Polk City, Florida, including Article 7, Development Review Process and Article 8, Administration and Enforcement; to update the types of Comprehensive Plan Amendment review to include expedited state review, state coordinated review, and small scale; providing for applicability; providing for repeal of conflicting ordinances, providing for severability; providing an effective date. **First Reading**

### CITY MANAGER ITEMS

1. City Commission Meeting for December 20, 2021

### CITY ATTORNEY ITEMS

### COMMISSIONER ITEMS

Vice Mayor Kimsey  
Commissioner Blethen  
Commissioner Carroll  
Commissioner Harper  
Mayor LaCascia

### ANNOUNCEMENTS

### ADJOURNMENT

Please note: Pursuant to Section 286.0105, Florida Statutes, if a person desires to appeal any decision made by the City Commission with respect to any matter considered during this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the American with Disabilities Act, a person with disabilities needing any special accommodations to participate in city meetings should contact the Office of the City Clerk, Polk City Government Center, 123 Broadway, Polk City, Florida 33858 Telephone (883) 884-1375. The City of Polk City may take action on any matter during this meeting, including items that are not set forth within this agenda. Minutes of the City Commission meetings may be obtained from the City Clerk's office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may arrange with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.

**CONSENT AGENDA**  
**November 15, 2021**

MAY ALL BE APPROVED BY ONE VOTE OF COMMISSION TO ACCEPT CONSENT AGENDA. Commission Members may remove a specific item below for discussion and add it to the Regular Agenda under New or Unfinished Business, whichever category best applies to the subject.

**A. CITY CLERK**

1. Accept minutes – September 4, 2020 - City Commission Workshop - FDOT
2. Accept minutes - October 18, 2021 – Regular Meeting
3. Accept minutes – October 28, 2021 – Special City Commission Meeting

**B. REPORTS**

1. Building Permits Report – October 2021
2. Code Enforcement Report – October 2021
3. Financial Report – N/A
4. Library Report – October 2021
5. Polk County Fire Rescue – N/A
6. Polk Sheriff's Report – October 2021
7. Public Works Report – October 2021
8. Utilities Report – October 2021

**C. OTHER**

**City Commission Meeting  
November 15, 2021**

**CONSENT AGENDA ITEM:**      Accept minutes for:

1. Accept minutes – September 4, 2020 - City Commission Workshop - FDOT
2. Accept minutes - October 18, 2021 – Regular Meeting
3. Accept minutes – October 28, 2021 – Special City Commission Meeting

INFORMATION ONLY  
 ACTION REQUESTED

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**ISSUE:** Minutes attached for review and approval

**ATTACHMENTS:**

1. Accept minutes – September 4, 2020 - City Commission Workshop - FDOT
2. Accept minutes - October 18, 2021 – Regular Meeting
3. Accept minutes – October 28, 2021 – Special City Commission Meeting

**ANALYSIS:** N/A

**STAFF RECOMMENDATION:**      Approval of Minutes

## CITY COMMISSION MINUTES

September 4, 2020

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Mayor Joe LaCascia called the meeting to order at 2:12 p.m.

**ROLL CALL** – Assistant to the City Manager Sheandolen Dunn

**Present:** Mayor Joe LaCascia, Vice Mayor Don Kimsey, Commissioner Mike Blethen, Commissioner Wayne Harper, and City Manager Patricia Jackson

**Absent:** Commissioner Randy Carroll, City Attorney Thomas Cloud

### **ORDER OF BUSINESS**

#### **2020 Christmas Parade Route Discussion**

Mayor LaCascia provided a brief history of events leading up to this workshop regarding FDOT.

FDOT has reached their position on Polk City's Christmas Parade. Polk City must have an alternate route.

Mayor LaCascia asked Sheandolen to call FDOT and let them know it is not necessary for them to attend this meeting. However, they will need to meet with City staff at a later date.

Commissioner Blethen just wanted to understand FDOT's position on not using Deen Still Road to SR 557.

Mayor LaCascia stated the main issue is COVID-19 and people most likely won't attend for this reason.

Keith Prestage, Public Works Director has another option that will need to be discussed with FDOT; choosing another route that won't affect any traffic. But can't do this until we talk to Polk County on the options. The proposed route will be about the same distance, but how do we tie it into the gift-giving at Freedom Park. As of this date, we just really don't have time for the 2020 parade. But, staff is working towards the 2021 parade planning. This problem with FDOT is not going away.

City Manager Jackson suggested staging on Orange Boulevard and start the parade on Barfield Road and end on the other end of Barfield.

Commissioner Harper stated Polk City is asking for a once a year and no more than an hour and a half road closure for the parade. It is clear that FDOT does not want to cooperate. However, I am ok with not having a parade because of COVID-19; but Polk

City must continue to fight with FDOT. Suggested getting the businesses in Polk City needs to send letters of support to FDOT.

Vice Mayor Kimsey suggested just having an event at Freedom Park for Christmas.

Commissioner Blethen agrees with Commissioner Harper, and would like to see all conversations with FDOT documented. He will not vote to cancel the parade because of FDOT.

City Manager Jackson stated that Sheandolen Dunn handles the FDOT application process and Keith Prestage handles detailed logistics. Lengthy discussion took place regarding the communication timeline between FDOT staff and Polk City staff as we knew it to date. The parade route and COVID-19 are the critical factors hampering the planning of Polk City's parade.

Commissioner Harper would like to see FDOT perform a traffic study on a Saturday to review semi-truck traffic.

City Manager Jackson explained that other cities have appropriate detours which will allow major roads to be used for parades. Polk City does not have a variety of detours.

Keith Prestage asked if we are still in a state of emergency?

City Manager Jackson stated the CDC Guidelines indicate no more than a crowd of fifty (50) people.

After lengthy discussion regarding an alternate plan in place of the Christmas Parade, the City Commission provided consensus for staff to make preparation for gift-giving to needy families at Freedom Park.

**CITY MANAGER ITEMS** - None

**CITY ATTORNEY ITEMS** - None

**COMMISSIONER ITEMS** - None

**ANNOUNCEMENTS** - None

**ADJOURNMENT** – 3:45 pm

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Patricia Jackson, City Manager

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Joe LaCascia, Mayor

## CITY COMMISSION MINUTES

October 18, 2021

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Mayor Joe LaCascia called the meeting to order at 7:00 pm.

Minister Heriberto "Eddie" Diaz gave the invocation.

Those present recited the Pledge of Allegiance led by Mayor LaCascia.

### **ROLL CALL** – Assistant to the City Manager Sheandolen Dunn

**Present:** Mayor Joe LaCascia, Vice Mayor Don Kimsey, Commissioner Micheal T. Blethen, Commissioner Wayne Harper, City Attorney Thomas Cloud and City Manager Patricia Jackson

**Absent:** Commissioner Randy Carroll

### **APPROVE CONSENT AGENDA**

**Motion by Vice Mayor Kimsey** to approve the September 9, 2021 (Budget Hearing 1st Reading), September 20, 2021 (Regular Meeting), and September 23, 2021 (Budget Hearing 2<sup>nd</sup> and Final Reading) minutes; this motion was seconded by Commissioner Blethen. **Approved by Voice Vote 4/0.**

### **PRESENTATIONS/RECOGNITIONS** - None

### **PUBLIC COMMENT** - None

### **ORDER OF BUSINESS**

#### **PUBLIC HEARING - ORDINANCE 2021-03**

An Ordinance of Polk City, Florida; amending the Polk City Code of Ordinances and the Unified Land Development Code of Polk City, Florida to remedy inconsistencies within the Planned Unit Development Zoning District; amending and updating Article 2, Section 2.04.02.16 Planned Unit Development District; amending Article 3, Section 3.12.03 Planned Unit Development (PUD) in the Green Swamp ACSC; and amending Article 7, Section 7.11.00 Planned Unit Development (PUD); providing for applicability; providing for repeal of conflicting ordinances, providing for severability; providing an effective date. **Second and Final Reading**

City Attorney Cloud read the Ordinance by title only. Mayor LaCascia opened the Public Hearing; no one spoke for or against this Ordinance. Mayor LaCascia closed the Public Hearing.

**Motion by Commissioner Harper** to approve Ordinance 2021-03 on Second and Final Reading; this motion was seconded by Vice Mayor Kimsey.

No further discussion or questions by Commission.

**Roll Call Vote:** Commissioner Harper–aye, Mayor LaCascia–aye, Commissioner Blethen–aye, Vice Mayor Kimsey–aye

**Motion carried 4/0.**

**APPROVAL OF THE 2021 CHRISTMAS PARADE ROUTE**

City Manager Jackson discussed the 2021 Christmas Parade Route and provided a brief history on the discussions with FDOT regarding the proposed route.

Commissioners Harper and Blethen expressed their concern with the proposed route in an area where the traffic is 60 mph. Closing that area off as well as people lining up on the side of the road prior to the parade is going to be problematic and could potentially require more law enforcement.

Eugene Gorski (747 Berkeley Road) expressed concern about the traffic on Berkeley Road.

City Attorney Cloud suggested that Polk City reach out to our State Representative Josie Tomkow for assistance with FDOT as Polk City would prefer to use the original parade route that has been used for over 20 years.

**The City Commission provided consensus for City Staff to reach out to Representative Tomkow.**

Vice Mayor Kimsey is pleased that the parade is going to happen.

City Manager Jackson stated the parking would take place at the SR 33 Sprayfield. Also, the parents must do their part to ensure their children's safety.

**Motion by Vice Mayor Kimsey** to approve the 2021 Christmas Parade Route as tentatively approved by FDOT; this motion was seconded by Commissioner Harper.

**Motion carried 4/0 by Voice Vote.**

**CITY MANAGER ITEMS**

**Workshop for the American Rescue Plan Act Allocations** – Polk City received the first installment on September 10 in the amount of \$682,163. Will schedule a Workshop to discuss exactly what these funds can be used for.

**Safe Haven Halloween** – Friday, October 29, 2021 – 4:30 pm – 7:30 pm

**Polk City Baseball Trunk or Treat** – Saturday, October 23, 2021 – 6 pm – 8:30 pm. Commissioners are asked to be judges. Please let Sheandolen know if you are able to participate. City Manager Jackson and Mayor LaCascia will be in attendance.

**Vacation** – City Manager will be on vacation next week; but is reachable by phone and email.

**Public Works Director Interviews** – All interviews will be held on Tuesday, October 26.

**Republic Services** - The contract will be presented at the November meeting

**Wex cards** – This the gas card the city uses and can be used anywhere.

**City Hall** – The building will reopen to the public on November 1, 2021.

**CITY ATTORNEY**

City Attorney Cloud discussed **SB 280** which amends legal standards and processes used by courts to assess the validity of municipal ordinances and imposes new substantive requirements on municipalities for adopting and enforcing ordinances. This bill is a substantial unfunded mandate.

**COMMISSIONER ITEMS**

**Commissioner Blethen** – None

**Vice Mayor Kimsey** – None

**Commissioner Harper** – Provided the following names of persons interested in serving on the Centennial Committee (David Byrd, Beverly McQuillen and Garrett Goodrich)

Mayor LaCascia - None

**ANNOUNCEMENTS** - None

**ADJOURNMENT** – 7:50 pm

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Patricia Jackson, City Manager

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Joe LaCascia, Mayor



## SPECIAL CITY COMMISSION MINUTES

October 28, 2021

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Mayor Joe LaCascia called the meeting to order at 6:30 pm.

**ROLL CALL** – Assistant to the City Manager Sheandolen Dunn

**Present:** Mayor Joe LaCascia, Vice Mayor Don Kimsey, Commissioner Micheal T. Blethen, Commissioner Wayne Harper, Commissioner Randy Carroll and City Manager Patricia Jackson

**Absent:** City Attorney Thomas Cloud

### **ORDER OF BUSINESS**

#### **2021 Christmas Parade**

Mayor LaCascia provided a brief background, leading up to the reason for this meeting; discussed the staff timeline included in the meeting packet which reflected the number of times the Christmas Parade has been discussed with the City Commission as well as the communication with FDOT staff. Staff received final approval from FDOT for the Christmas Parade to take place on the original route, which was approved as a result of the letter sent to Representative Josie Tomkow's office requesting assistance with FDOT. However, upon the heels of getting the route approved, staff received word that the Green Pond Baptist Church would have their parade on the same day and time as the Polk City Parade. Therefore, the City Commission needed to make a decision whether to have its Christmas Parade or not.

After lengthy discussion and in total agreement, in an effort to not be criticized for lack of planning as well as the lack of participation, a **motion by Commissioner Harper** was made to NOT have a Christmas Parade this year; this motion was seconded by Mayor LaCascia.

**Motion carried unanimously by Voice Vote.**

**ADJOURNMENT** – 6:45 pm

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Patricia Jackson, City Manager

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Joe LaCascia, Mayor

**City Commission Meeting  
November 15, 2021**

**CONSENT AGENDA ITEM:**      Department Monthly Reports

       INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:** Department Reports attached for review and approval.

**ATTACHMENTS:**

Monthly Department Reports for:

1. Building Permits Report – October 2021
2. Code Enforcement Report – October 2021
3. Financial Report – N/A
4. Library Report – October 2021
5. Polk County Fire Rescue – October 2021
6. Polk Sheriff's Report – N/A
7. Public Works Report – October 2021
8. Utilities Report – October 2021

**ANALYSIS:**

**STAFF RECOMMENDATION:**      Approval of Department Reports via Consent Agenda

## Polk City Permits Added

From: 10/01/21 To: 10/31/2021

### ELECTRICAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-17198	8584 RINDGE RD, POLK CITY, FL 33868	45,653.00	10/05/2021
BT-2021-17872	525 SW COMMONWEALTH AVE, POLK CITY, FL 33868	4,500.00	10/15/2021
BT-2021-18715	525 SW COMMONWEALTH AVE, POLK CITY, FL 33868	4,500.00	10/29/2021
		<b>Subtotal:</b>	<b>\$54,653.00</b>

### MECHANICAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-17663	524 ROSEWOOD LN, POLK CITY, FL 33868	7,500.00	10/12/2021
BT-2021-18060	474 MARKLEN LOOP, POLK CITY, FL 33868	8,794.00	10/19/2021
BT-2021-18294	120 CARTER BLVD, POLK CITY, FL 33868	400.00	10/13/2021
BT-2021-18447	227 LARKSPUR LN, POLK CITY, FL 33868	7,650.00	10/26/2021
		<b>Subtotal:</b>	<b>\$24,344.00</b>

### PRE-PERMIT

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BP-2021-473	120 CARTER BLVD, POLK CITY, FL 33868	1.00	10/14/2021
		<b>Subtotal:</b>	<b>\$1.00</b>

### RE-ROOF

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-17620	441 HONEY BEE LN, POLK CITY, FL 33868	5,000.00	10/11/2021
BT-2021-18151	752 N CITRUS GROVE BLVD, POLK CITY, FL 33868	2,200.00	10/20/2021
BT-2021-18190	621 2ND ST, POLK CITY, FL 33868	6,900.00	10/21/2021
BT-2021-18440	8930 HINSDALE HEIGHTS DR, POLK CITY, FL 33868	15,860.00	10/21/2021
BT-2021-18660	752 N CITRUS GROVE BLVD, POLK CITY, FL 33868	2,250.00	10/28/2021
		<b>Subtotal:</b>	<b>\$32,210.00</b>

### RESIDENTIAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BR-2021-11393	538 ASHLEY RD, POLK CITY, FL 33868	3,857.35	10/04/2021
BR-2021-11466	384 NOLANE LN, POLK CITY, FL 33868	300,000.00	10/01/2021
BR-2021-11484	957 LAKESHORE DR, POLK CITY, FL 33868	250,000.00	10/06/2021
BR-2021-11819	310 NOLANE LN, POLK CITY, FL 33868	10,000.00	10/12/2021
BR-2021-12232	131 S HYDRANGEA AVE, POLK CITY, FL 33868	6,400.00	10/25/2021

BR-2021-12496

551 NARROW POND LN, POLK CITY, FL 33868

5,000.00

10/29/2021

**Subtotal: \$575,257.35**

**Grand Total: \$686,465.35**

11/30/2021  
Kathryn [unclear]

# Code Enforcement Report

## OCTOBER 2021

SNIPES SIGNS REMOVED	42	
LIEN SEARCHES	27	
INSPECTIONS	72	
CLOSED OUT CASES	32	
SPECIAL MAGISTRATE CASES	6	
COUNTY CASES REF	8	
CLOSED OUT SPECIAL MAGISTRATE CASES	5	
<b>CASE SUBJECTS</b>		
DISABLE VEHICLES	7	
PERMITS	13	
OVERGROWTH	12	
HOUSE NUMBERS	6	
FENCE & INSPECTIONS	4	
JUNK AND DEBRIS	18	
RV/TRAILER PARKING	3	
OPEN STRUCTURE	0	
NOISE	0	
CLOSE OUT LIEN	0	
LIENS ISSUED	1	
SIGNS/BANNERS	5	
MET W CITIZENS	7	
POOL	1	
MOBILE HOME SKIRTING	1	

## Library Monthly Report

October 2021

### CIRCULATION

ADULT BOOKS	584
JUVENILE BOOKS	492
DVD'S	304
HOT-SPOTS	2
DIGITAL	11
<b>TOTAL CIRCULATION</b>	<b>1393</b>

### NEW BORROWERS

IN CITY	1
IN COUNTY	2
DIGITAL	0
<b>TOTAL NEW BORROWERS</b>	<b>3</b>

### NUMBER OF PROGRAMS

ADULT	0
JUVENILE	1
YOUNG ADULT	0
<b>TOTAL PROGRAMS</b>	<b>1</b>

### PROGRAM ATTENDANCE

ADULT	0
JUVENILE	3
YOUNG ADULT	0
<b>TOTAL ATTENDANCE</b>	<b>3</b>

### REFERENCE QUESTIONS

PHONE CALLS	222
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### NUMBER OF COMPUTER USERS

54

### TOTAL PATRONS

404

Prepared by:

*Mikayla Osso*

Library Director

# ***Public Works Report***

October 2021

**Summary:** Public Works maintained all Public facilities to include Library, City Hall, Freedom Park, Bronson Center, Old Public Works Facility, Courts, McMaingle Park, Fishing Pier, New Public Work/Utility facilities, and Activity Center

- Mowed and trimmed all City facilities
- Inspected Freedom Park, Recreation Courts, Fishing Pier, and McMaingle Park
- Monitored and serviced all storm drains throughout Polk City
- Completed Work Orders-(Repairs and Maintenance of Equipment, Electrical, plumbing, Building Maintenance, Vehicle Maintenance, etc.)
- In collaboration with Feeding Tampa Bay we held Food Drive at Bronson Center to help feed our Neighbors bi-weekly.
- Cleaning and maintaining of all City facilities
- Completed all tasks to achieve ADA compliance
- Safe Haven event was a success.

## **November Objectives:**

Continue maintaining the mowing and preventive maintenance of all City facilities, service equipment. Continuing our food drive efforts. Public Works will be cleaning Streetscape and doing tree work throughout the City

## **Submitted by:**

*Chasity Guinn, Asst. Public Works Director*

## UTILITY DEPARTMENT

October 2021

**Summary:** Water/Wastewater continued to maintain sampling of the Wastewater Treatment Plant. Continued to pull all samples for the Water Plants. All samples remain in compliance. Completed monthly MORs/DMR reports for DEP. Completed monthly SWFWMD report as required. Met all DEP requirements to keep Polk City in compliance.

- All lift stations continue to have preventive maintenance. We are continuing to get all Verbatims/Auto dialers running properly. Generators are being maintained.

### **Service Completed**

- Monthly meter reading
- No reads for the Utility Billing
- Work Orders - 128
- Turn On - 33
- Turn off - 38
- Misc. (rereads, laptops, vacation turn on, TBO from shut off) - 56
- Fire Hydrant flushing and maintenance is being done weekly
- Valve exercising is being done weekly
- Continue preventative maintenance/housekeeping is being done
- WWTF is maintained by wasting, decanting, housekeeping
- Mowed all water/wastewater plants, perk ponds, ribs, liftstations, and Ruth rd.
- Sprayed weeds

I would like to add U.S. Submergent finished the Grit and Sand Removal at the WWTF

**November Objectives:** Meet all DEP requirements to stay in compliance, continuing to maintain work orders and locates.

**Submitted by:**

*Lori Pearson, Utility Director*



**City Commission Meeting  
November 15, 2021**

**AGENDA ITEM #1:            PUBLIC HEARING - ORDINANCE 2021-06**

       INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:**

**Ordinance 2021-06** is an Ordinance of Polk City, Florida, amending an approved Planned Unit Development-X (Ordinance 2019-05) to allow for a 2,644 square foot clubhouse and a pool; and a development phasing schedule to allow for the development to be constructed in three phases; located in approximately 132.14 acres on the north side of Mt. Olive Road, east of SR 33, east of Golden Gate Boulevard in the Green Swamp Area of Critical State Concern (Parcel numbers: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; and 25-27-05-000000-043020).

**ATTACHMENTS:**

- Ordinance 2021-06
- Staff Overview Report

**ANALYSIS:**

On Monday, November 1, 2021 the Polk City Planning Commission held a Public Hearing and unanimously voted to forward the proposed amendments with recommended changes to the City Commission for final approval.

CFRPC Staff Member will be at the City Commission Meeting to address any questions or concerns regarding this Ordinance.

**STAFF RECOMMENDATION:**

Approve Ordinance 2021-06 on **First Reading**.

**ORDINANCE 2021-06**

**AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING AN APPROVED PLANNED UNIT DEVELOPMENT-X (ORDINANCE 2019-05) TO ALLOW FOR A 2,664 SQUARE FOOT CLUBHOUSE AND A POOL; AND A DEVELOPMENT PHASING SCHEDULE TO ALLOW FOR THE DEVELOPMENT TO BE CONSTRUCTED IN THREE PHASES; LOCATED ON APPROXIMATELY 132.14 ACRES ON THE NORTH SIDE OF MT. OLIVE ROAD, EAST OF SR 33, EAST OF GOLDEN GATE BOULEVARD IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN (PARCEL NUMBERS: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; AND 25-27-05-000000-043020); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. FINDINGS AND INTENT.** In adopting this Ordinance and amending the City's Official Zoning Map of Polk City, the City Commission of Polk City, Florida hereby makes the following findings:

(1) The applicant, Holly Cove, Inc. is the owner of certain property located within the corporate limits of Polk City, Florida, described by the following parcel numbers: PARCEL NUMBERS 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; AND 25-27-05-000000-043020 (hereafter "Property").

(2) The Property consists of approximately 132.14 acres, and, is zoned Planned Unit Development-X in the Green Swamp Area of Critical State Concern (Ordinance 2019-05) as depicted on the map attached to and incorporated in this Ordinance as Exhibit "A".

(3) The conditions of Ordinance 2019-05 remain in effect as indicated in this Ordinance as Exhibit "D".

(4) This amendment to the Planned Unit Development-X allows for the addition of Property a 2,664 square foot clubhouse and a pool as depicted in this Ordinance as "Exhibit B".

(5) This amendment to the Planned Unit Development-X allows for the addition the development to be constructed in three phases through a development phasing schedule and phasing plan as depicted in this Ordinance as "Exhibit C".

(6) Pursuant to applicable provisions of the City's Land Development Code, including but not limited to Section 2.04.02.16(V), the Planning Commission has reviewed and recommended for approval subject to conditions said application.

(7) The City Commission of Polk City, Florida, held meetings and hearings regarding the Property, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

(8) The City previously adopted Ordinance No. 1098, creating Article 2 of the City's Unified Land Development Code (hereafter "ULDC") so as to create a Planned Unit Development district within its ULDC.

(9) Among its many purposes, the City's PUD District ordinance is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Unit Developments, which are not provided for or allowed in other City zoning districts.

(10) The standards and procedures of the PUD district are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures, while at the same time reserving to the City Commission the absolute authority to establish limitations and regulations for the development deemed necessary to protect the public health, safety and welfare.

(11) No development plan shall be approved for a PUD without adequate on-site and offsite public facilities, including but not limited to storm drainage, sanitary sewers, roadway capacity, fire/rescue service, police service, water distribution system and recreation facilities.

(12) In exercise of its authority, the City Commission has determined that in order for the proposed development to be approved, it must be subject to conditions of approval to ensure compliance with the ULDC and the City's Comprehensive Plan.

(13) The PUD Ordinance requires that any proposed PUD must be adopted by ordinance, shall contain a conceptual site plan demonstrating or requiring compliance with the conditions set forth in the PUD Ordinance, and generally depicting the nature, intensity, and location of various uses.

**SECTION 2. APPROVAL OF AMENDMENTS TO PLANNED UNIT DEVELOPMENT - X; CONDITIONS OF APPROVAL.** The Official Zoning Map of Polk City is assigned the zoning classification of Planned Unit Development (PUD) -X District to the Property. The City hereby approves amendments to the approved Planned Unit Development as depicted in Exhibits "B" and "C" attached to and incorporated in this Ordinance subject to the following conditions of approval:

(1) The development may include a 2,664 square foot clubhouse and pool consistent with the site plan provided in Exhibit "B" of this Ordinance to serve the subdivision.

(2) The developer shall abide by the development phasing schedule and plan provided in Exhibit "C" of this Ordinance.

**SECTION 3. SEVERABILITY.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or enforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

**SECTION 4. COPY ON FILE.** This Ordinance shall be codified and made part of the official Code of Ordinances of Polk City.

**SECTION 5. REPEAL OF ORDINANCES IN CONFLICT.** All other ordinances of Polk City, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

**INTRODUCED, PASSED on FIRST READING,** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**POLK CITY, FLORIDA**

\_\_\_\_\_  
Joe LaCascia, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND  
CORRECTNESS**

\_\_\_\_\_  
Patricia R. Jackson, City Manager/Clerk

\_\_\_\_\_  
Thomas A. Cloud, City Attorney

**PASSED AND DULY ADOPTED ON SECOND READING**, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Joe LaCascia, Mayor

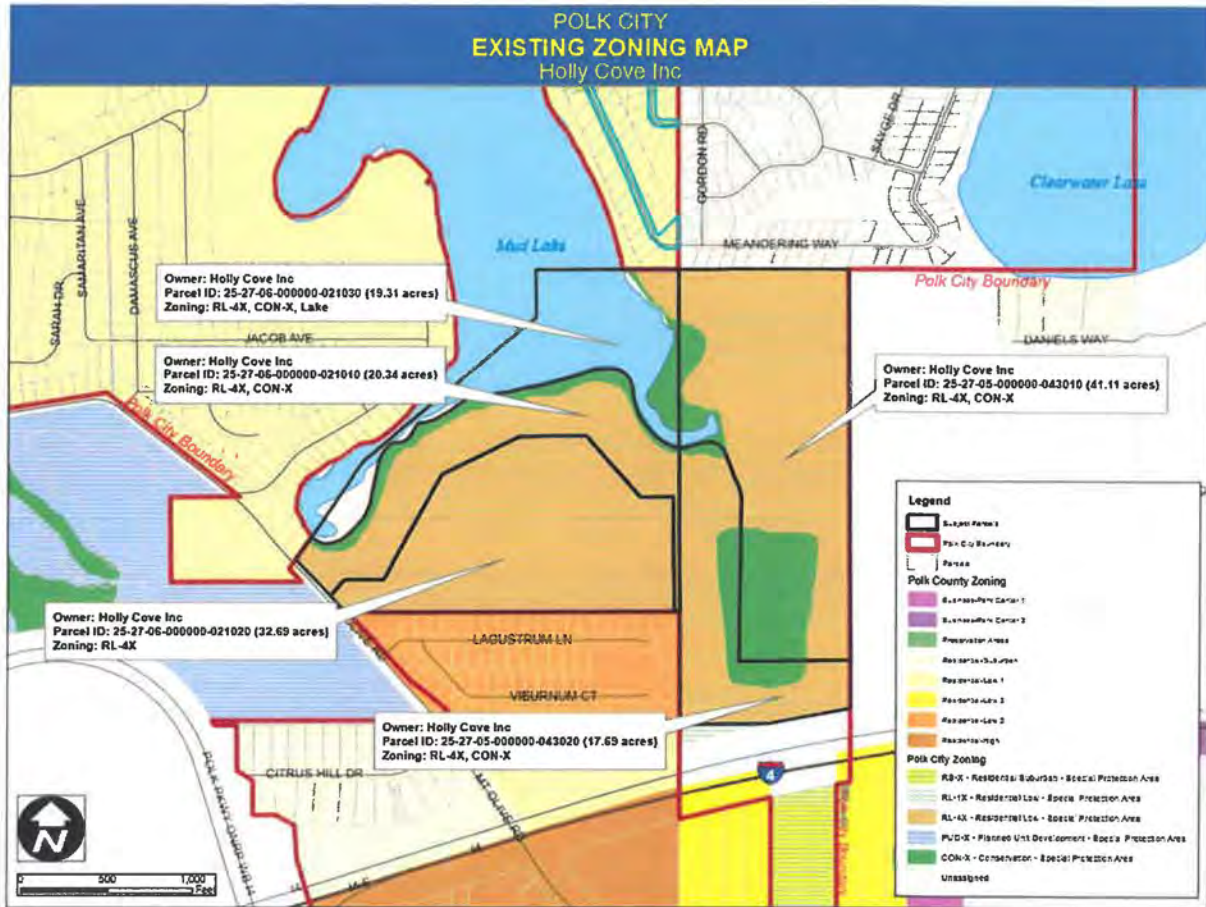
**ATTEST:**

\_\_\_\_\_  
Patricia R. Jackson, City Manager/Clerk

# ORDINANCE 2021-06

## EXHIBIT "A"

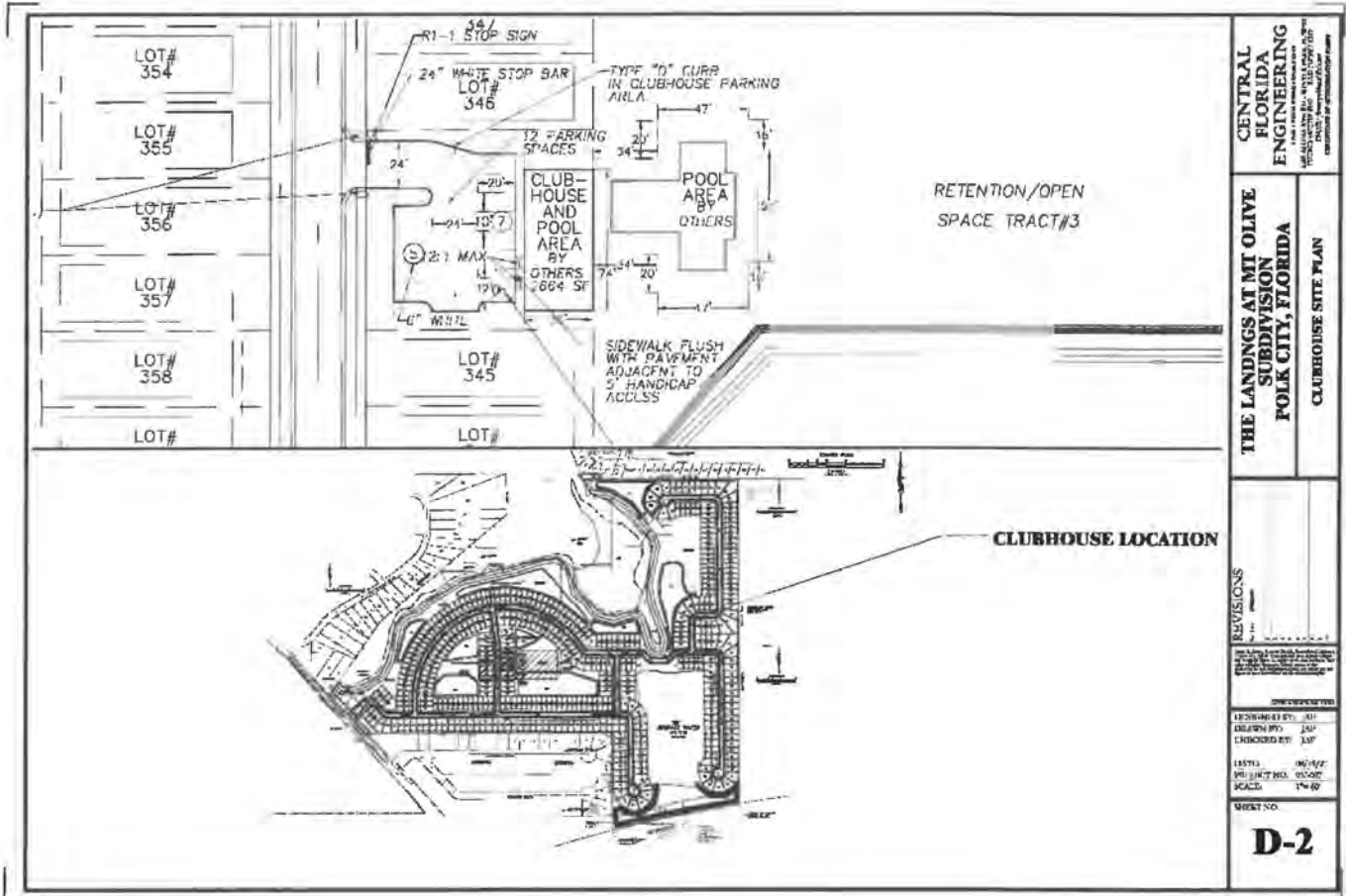
### Zoning Map Amendment



ORDINANCE 2021-06

EXHIBIT "B"

2,664 Square Foot Clubhouse and Pool



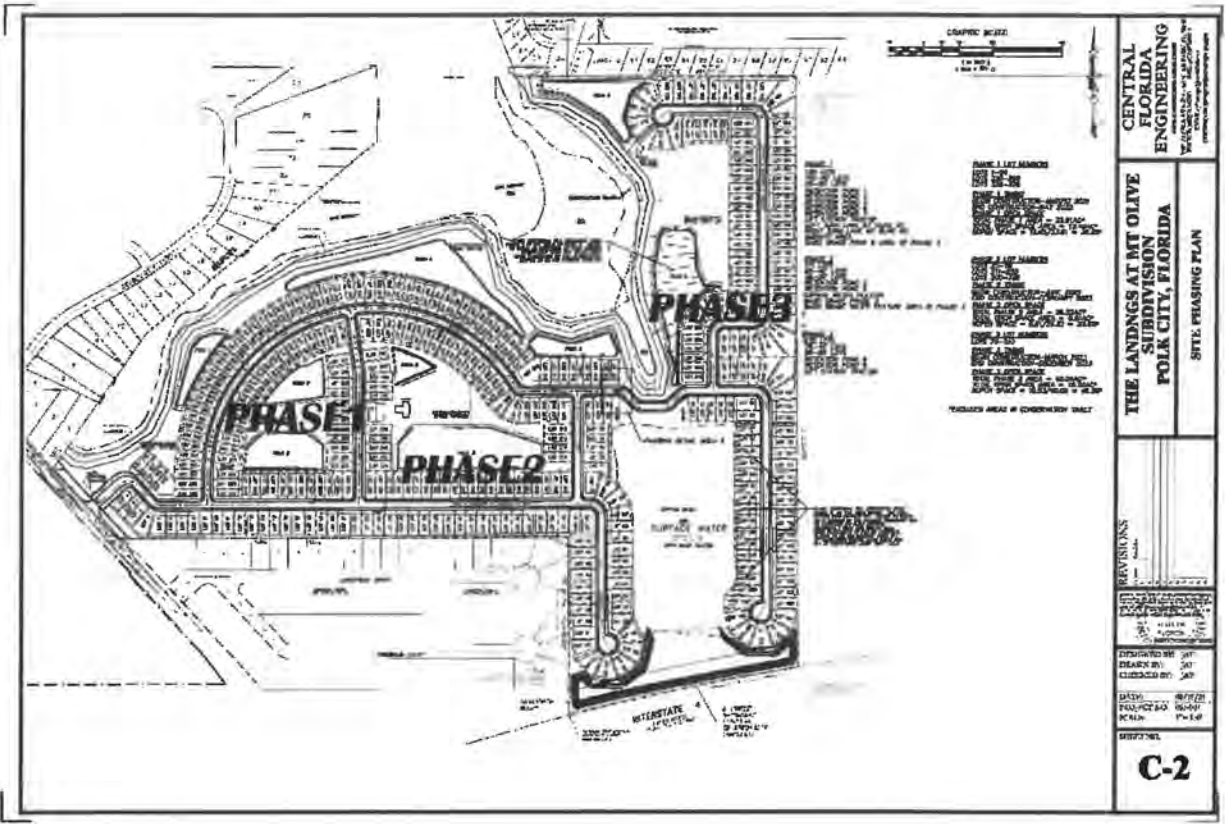
**ORDINANCE 2021-06**

**EXHIBIT "C"**

**Phasing Schedule & Phasing Plan**

<b>Phase</b>	<b>Acres</b>	<b>Lot Numbers</b>	<b>Lot Width</b>	<b>Other Improvements</b>	<b>Open Space</b>	<b>Begin Construction</b>	<b>End Construction</b>
<b>Phase 1</b> (135 lots)	33.81	1-24 229-299 339-378	A total of 110 lots that are 40' wide	Clubhouse/ Amenity Area	12.45 acres (36.8%)	March – May 2022	October – December 2022
			A total of 25 lots that are 50' wide	Retention Ponds 1, 2, 4, 6, 7			
				Lift Station Tract #1			
				Left Turn Lane on Mt. Olive Rd			
				Right Turn Lane on Mt. Olive Rd			
				Mass Grade Pond 8 Area of Phase 3			
<b>Phase 2</b> (111 Lots)	26.22	25-78 211-228 300-338	A total of 65 lots that are 40' wide	Retention Ponds 3, 5		November 2022 – January 2023	April – June 2023
			A total of 46 lots that are 50' wide	Expand water feature			
				Mass Grade Phase 3			
				Mass Grade water feature in Area 3			
<b>Phase 3</b> (132 Lots)	40.06	79-210	A total of 76 lots that are 40' wide	Retention Ponds 8, 9		May – July 2023	December 2023 – February 2024
			A total of 56 lots that are 50' wide	Lift Station Tract #2			





**ORDINANCE 2021-06**

**EXHIBIT "D"**

**Ordinance 2019-05**

**ORDINANCE 2019-05**

**AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE OFFICIAL POLK CITY ZONING MAP TO CHANGE THE ZONING ON APPROXIMATELY 132.14 ACRES LOCATED ON THE NORTH SIDE OF MT. OLIVE ROAD, EAST OF SR 33, EAST OF GOLDEN GATE BOULEVARD FROM RESIDENTIAL LOW-4X TO PLANNED UNIT DEVELOPMENT-X IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN TO ALLOW FOR 400 SINGLE FAMILY DETACHED HOMES (PARCEL NUMBERS: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; AND 25-27-05-000000-043020); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. FINDINGS AND INTENT.** In adopting this Ordinance and amending the City's Official Zoning Map of Polk City, the City Commission of Polk City, Florida hereby makes the following findings:

(1) The applicant, Holly Cove, Inc. is the owner of certain property located within the corporate limits of Polk City, Florida, described by the following parcel numbers: PARCEL NUMBERS 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; AND 25-27-05-000000-043020 (hereafter "Property").

(2) The Property consists of approximately 132.14 acres, and, if approved, would change the Official Zoning Map by changing the zoning classification assigned to this property from Residential Low-4X in the Green Swamp Area of Critical State Concern to Planned Unit Development-X in the Green Swamp Area of Critical State Concern as depicted on the map attached to and incorporated in this Ordinance as Exhibit "A".

(3) Pursuant to applicable provisions of the City's Land Development Code, including but not limited to Section 2.04.02.16(V), the Planning Commission has reviewed and recommended for approval subject to conditions said application.

(4) The City Commission of Polk City, Florida, held meetings and hearings regarding the Property, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

(5) The City previously adopted Ordinance No. 1098, creating Article 2 of the City's Unified Land Development Code (hereafter "ULDC") so as to create a Planned

Unit Development district within its ULDC.

(6) Among its many purposes, the City's PUD District ordinance is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Unit Developments, which are not provided for or allowed in other City zoning districts.

(7) The standards and procedures of the PUD district are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures, while at the same time reserving to the City Commission the absolute authority to establish limitations and regulations for the development deemed necessary to protect the public health, safety and welfare.

(8) No development plan shall be approved for a PUD without adequate on-site and offsite public facilities, including but not limited to storm drainage, sanitary sewers, roadway capacity, fire/rescue service, police service, water distribution system and recreation facilities.

(9) In exercise of its authority, the City Commission has determined that in order for the proposed development to be approved, it must be subject to conditions of approval to ensure compliance with the ULDC and the City's Comprehensive Plan.

(10) The PUD Ordinance requires that any proposed PUD must be adopted by ordinance, shall contain a conceptual site plan demonstrating or requiring compliance with the conditions set forth in the PUD Ordinance, and generally depicting the nature, intensity, and location of various uses.

**SECTION 2. APPROVAL OF PLANNED UNIT DEVELOPMENT: CONDITIONS OF APPROVAL.** The Official Zoning Map of Polk City is hereby amended so as to assign the zoning classification of Planned Unit Development (PUD) District to the Property. The City also hereby approves the conceptual site plan depicted in Exhibit "B" attached to and incorporated in this Ordinance subject to the following conditions of approval:

(1) Prior to issuance of any building permits for construction within the Property, the applicant shall be required to enter into a proportionate share agreement for needed transportation improvements at SR 33 and Mt. Olive Road.

(2) Prior to issuance of the first certificate of occupancy, the developer shall install right and left turn lanes at the project's driveway along Mt. Olive Road. These improvements shall be reviewed and are subject to the approval of both Polk County and Polk City.

(3) Prior to final site plan approval, the applicant shall submit for review a detailed landscape plan showing all perimeter buffering and landscaping within the development consistent with the requirements of the Polk City Unified Land

Development Code. Final site plan approval shall be contingent upon City review and approval of the detailed landscape plan.

(4) Prior to issuance of any certificates of occupancy, a boulevard entrance shall be constructed at the project entrance.

(5) The final site plan shall provide a curvilinear roadway design within the project to encourage traffic calming. All roadways and stormwater facilities within the development shall be private and shall be privately maintained.

(6) Prior to final site plan approval, a revised site plan shall be submitted to the City for review and consideration of approval indicating a minimum of a 100' setback from I-4.

(7) A minimum of 30 percent open space shall be reflected on the final site plan.

(8) The development shall allow for:

- a. A minimum of 40' wide lots.
- b. A minimum lot size of 4, 800 square feet.
- c. Minimum building setbacks as follows:
  - i. Front yard setback: 20'
  - ii. Side yard setback: 5'
  - iii. Rear yard setback: 10'
  - iv. Corner Lots:
    - Side yard setbacks: 12' on road frontage side

(9) A maximum of four hundred (400) single family detached dwelling units may be constructed in accordance with the City's Unified Land Development Code and other applicable portions of the City Code of Ordinances, as amended from time to time.

(10) Any major modifications to the applicant's concept plan shall be required to be reviewed and approved subject to duly advertised public hearings by both the Planning Commission and City Commission. The determination of a major modification shall be based on but not limited to the following: Any substantial change, including increase in density, change in permitted uses, change in stormwater runoff characteristics, change in traffic patterns and trip generation, or other similar changes shall be considered a major modification; any proposed minor changes in configuration or similar changes shall be considered a minor modification.

(11) The applicant shall cooperate and work with the homeowner's associations of the adjacent neighborhoods to achieve an acceptable buffer along the project's perimeters.

(12) No site or development plan shall be approved without adequate on-site and off-site public facilities, including but not limited to storm drainage, sanitary sewer, roadway capacity, fire/rescue service, police service, water distribution system and recreational facilities, which shall serve the proposed development.

(13) Florida Water Star SM (FWS) is a water conservation certification program for new and existing homes and commercial developments. Prior to the issuance of any Certificate of Occupancy, the Developer/Builder will provide a FWS Silver Certificate to the City to verify that all specified indoor plumbing, landscape and irrigation silver standards were met for the residential and recreational/amenity buildings. In the event that a FWS Silver Certificate is not obtained, the builder must provide a "Letter of Completion Certifying Compliance with FWS Design Standards" by builder's contracted landscape and irrigation professionals.

**SECTION 3. SEVERABILITY.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or enforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

**SECTION 4. COPY ON FILE.** This Ordinance shall be codified and made part of the official Code of Ordinances of Polk City.

**SECTION 5. REPEAL OF ORDINANCES IN CONFLICT.** All other ordinances of Polk City, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Commission.

INTRODUCED, PASSED on FIRST READING, this 15<sup>th</sup> day of July, 2019.


POLK CITY, FLORIDA

  
\_\_\_\_\_  
Joe LaCascia, Mayor


ATTEST:

  
\_\_\_\_\_  
Patricia R. Jackson, City Manager/Clerk

APPROVED AS TO FORM AND  
CORRECTNESS

  
\_\_\_\_\_  
Thomas A. Cloud, City Attorney

**PASSED AND DULY ADOPTED ON SECOND READING**, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this 29<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
**Joe LaCascia, Mayor**

**ATTEST:**   
\_\_\_\_\_  
**Patricia R. Jackson, City Manager/Clerk**

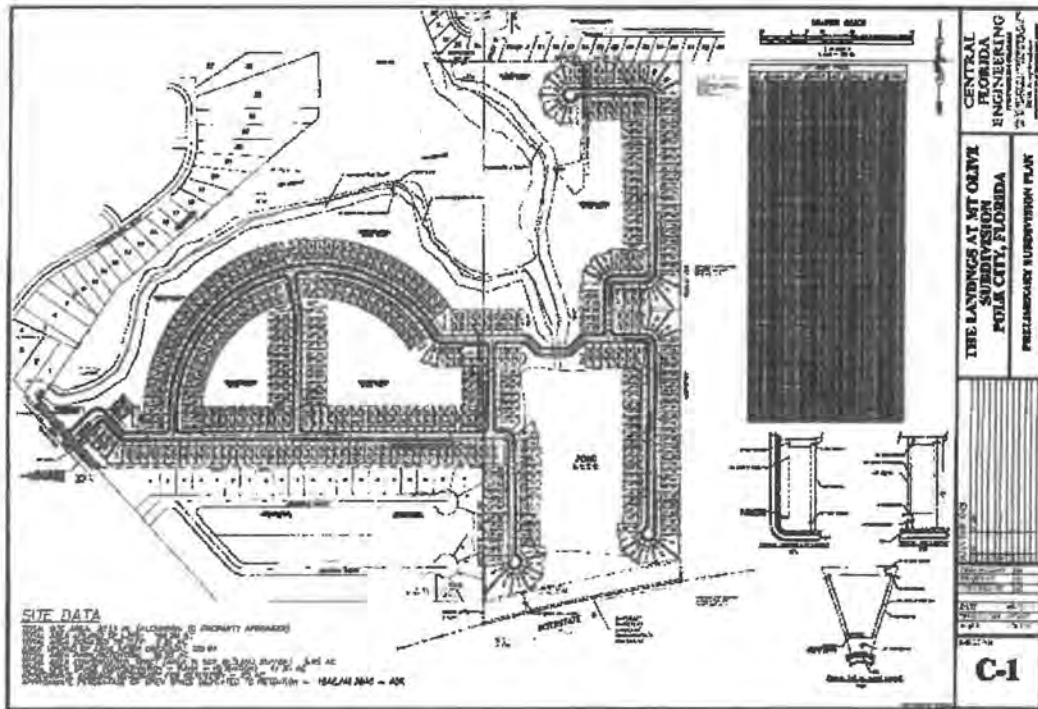




ORDINANCE 2019-05

EXHIBIT "B"

Conceptual Site Plan





**POLK CITY PLANNING COMMISSION  
AMENDMENT TO APPROVED PLANNED UNIT DEVELOPMENT-X ZONING  
STAFF REPORT**

**NOVEMBER 15, 2021**

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**TO:** POLK CITY COMMISSION

**FROM:** CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

**SUBJECT:** **ORDINANCE 2021-06:** **AMENDMENT TO APPROVED PLANNED UNIT DEVELOPMENT-X ZONING:** Applicant-initiated amendment to an approved Planned Unit Development-X to allow for: 1) a 2,664 square foot clubhouse and a pool; and 2) a development phasing schedule to allow for the development to be constructed in three phases. The approximately 132.14 acres project is located on the north side of Mt. Olive Road, east of SR 33, east of Golden Gate Boulevard in the Green Swamp Area of Critical State Concern (Parcel numbers: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; and 25-27-05-000000-043020).

**AGENDA & HEARING DATES:**

Planning Commission Meeting: November 1, 2021 at 6:30 PM

**City Commission Meeting (First Reading): November 15, 2021 at 7:00 PM**

City Commission Meeting (Second Reading): December 20, 2021 at 7:00 PM

**PLANNING AND ZONING BOARD ACTION:** On Monday, November 1, the Planning Commission held a public hearing and unanimously voted forward the proposed amendments to the City Commission with a recommendation of approval.

**CITY COMMISSION MOTION OPTIONS:**

1. I move the City Commission approve Ordinance 2021-06 on first reading.
2. I move the City Commission approve Ordinance 2021-06 with changes on first reading.
3. I move the City Commission deny Ordinance 2021-06 on first reading.

**Attachments**

Overview Report || Ordinance 2021-06

## OVERVIEW REPORT

### PROJECT DESCRIPTION/REQUEST:

Five parcels totaling approximately 132.14 acres located on the north side of Mt. Olive Road and I-4, east of SR 33, east of Golden Gate Boulevard.

The applicant has requested to amend the approved Planned Unit Development-X (approved by Ordinance 2019-05) to allow for a 2,664 square foot clubhouse and a pool and for development to occur in three phases.

Ordinance 2019-05 was approved in 2019 and allows for a single family residential subdivision with up to 400 homes. At present, the subdivision is designed for 381 homes.

<b>AMENDMENT TO PLANNED UNIT DEVELOPMENT-X</b>	
<b>Applicant/Owner</b>	Holly Cove Inc.
<b>Property Size</b>	Total of ±132.14 acres
<b>Previous Hearing Dates</b>	None
<b>Parcel IDs</b>	25-27-06-000000-021020 (32.69 acres) 25-27-06-000000-021010 (20.34 acres) 25-27-06-000000-021030 (19.31 acres) 25-27-05-000000-043010 (42.11 acres) 25-27-05-000000-043020 (17.69 acres)
<b>Future Land Use</b>	Conservation X, Residential Low X
<b>Zoning</b>	Existing: Planned Unit Development-X Proposed: Planned Unit Development-X

### SITE ANALYSIS:

#### Description of Property:

The five parcels totaling approximately 132.14 acres are currently vacant.

**Future Land Use:** Currently, the properties have a Future Land Use designation of Conservation X, Residential Low X, and Lake.

**Conservation (CONX):** The primary function of the Conservation classification is to protect natural resources while allowing passive recreation. Wetlands and 100-year floodplains in the Green Swamp ACSC shall be designated as Conservation. Passive recreation land uses including docks, fishing, and hiking are permissible. No residential, commercial, industrial or other development is allowed except as listed below and in the Polk City Table of Uses in the Unified Land Development Code.

**Residential-Low (RLX):** The Residential Low provides areas for the low-density residential needs of residents in urban areas. Residential Low areas shall be developed at densities up to, and including, four dwelling units per acre in the Green Swamp ACSC (4 DU/AC). Development within designated RLX shall be limited to: a) residential development containing single-family dwelling

units, duplex units, family care homes, and small-scale multi-family units; b) agricultural support uses; c) community facilities; and, d) elementary, middle, and high schools.

**Zoning:** The property is zoned Planned Unit Development-X. The “X” indicates the property is located in the Green Swamp Area of Critical State Concern. The attached Ordinance 2019-05 outlines the conditions of approval.

## **PROPOSED AMENDMENTS TO THE APPROVED PLANNED UNIT DEVELOPMENT-X**

### **PROPOSED CLUBHOUSE AND POOL**

The applicant proposes add a 2,664 square foot clubhouse and a pool to Phase 1. This use was not originally proposed and therefore an amendment to the approved PUD-X is needed.

### **PROPOSED DEVELOPMENT PHASING SCHEDULE**

The applicant proposes the development phasing schedule outlined below. A phasing schedule was not proposed with the original rezoning to PUD-X. Therefore, an amendment to the PUD-X is now required.

The Phasing Schedule indicates the following for each phase: 1) Phase; 2) Acres; 3) Lot Numbers; 4) Lot Width; 5) Other Improvements; 6) Open Space; 7) Begin Construction; and 8) End Construction.

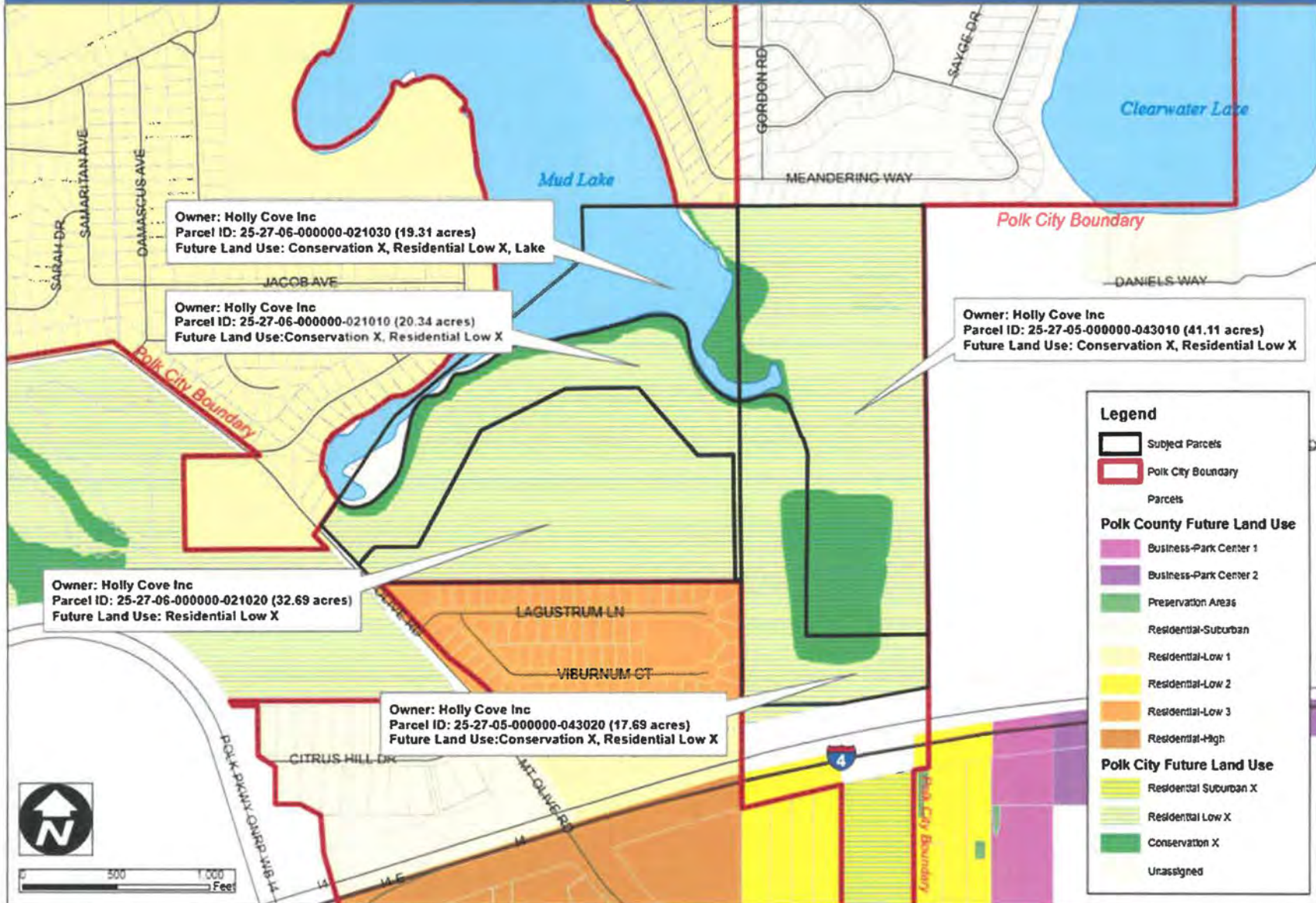
The phasing schedule is shown on the next page.

Proposed Phasing Schedule							
Phase	Acres	Lot Numbers	Lot Width	Other Improvements	Open Space	Begin Construction	End Construction
<b>Phase 1</b> (135 lots)	33.81	1-24 229-299 339-378	A total of 110 lots that are 40' wide	Clubhouse/ Amenity Area	12.45 acres (36.8%)	March – May 2022	October – December 2022
			A total of 25 lots that are 50' wide	Retention Ponds 1, 2, 4, 6, 7			
				Lift Station Tract #1			
				Left Turn Lane on Mt. Olive Rd			
				Right Turn Lane on Mt. Olive Rd			
				Mass Grade Pond 8 Area of Phase 3			
<b>Phase 2</b> (111 Lots)	26.22	25-78 211-228 300-338	A total of 65 lots that are 40' wide	Retention Ponds 3, 5		November 2022 – January 2023	April – June 2023
			A total of 46 lots that are 50' wide	Expand water feature			
				Mass Grade Phase 3			
				Mass Grade water feature in Area 3			
<b>Phase 3</b> (132 Lots)	40.06	79-210	A total of 76 lots that are 40' wide	Retention Ponds 8, 9		May – July 2023	December 2023 – February 2024
			A total of 56 lots that are 50' wide	Lift Station Tract #2			

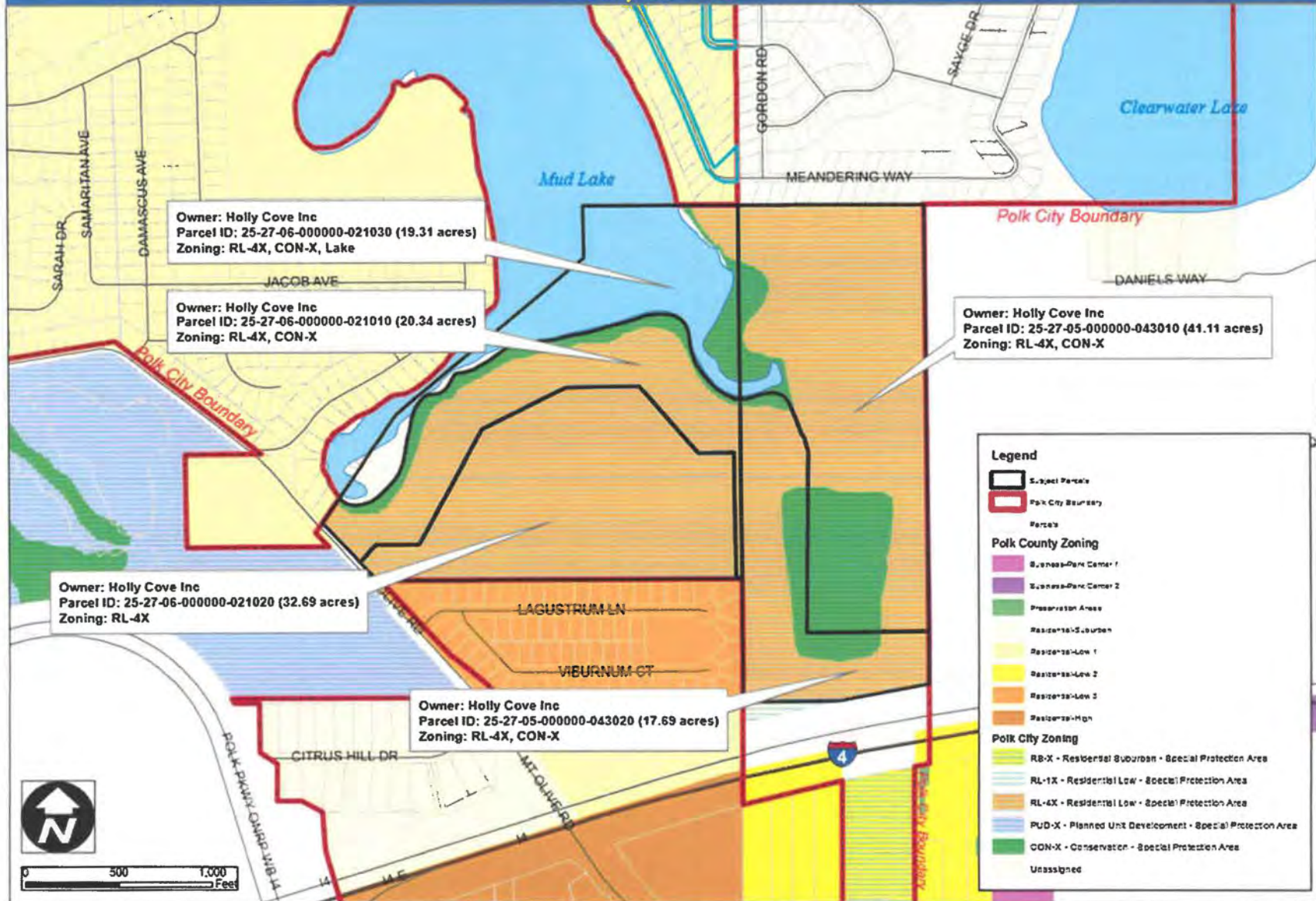
POLK CITY  
**AERIAL PHOTO MAP**  
 Holly Cove Inc



POLK CITY  
**FUTURE LAND USE MAP**  
 Holly Cove Inc

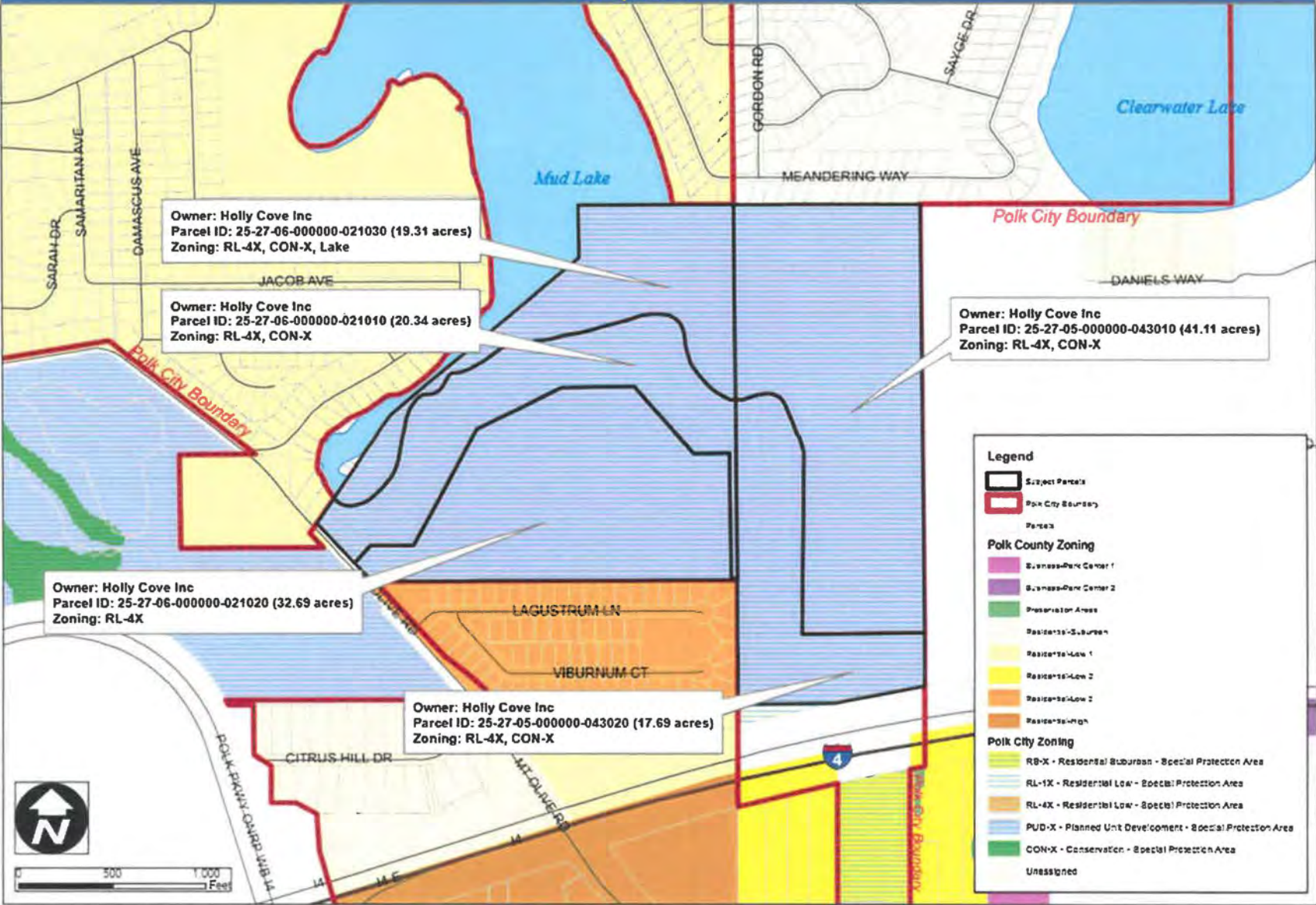


POLK CITY  
**EXISTING ZONING MAP**  
 Holly Cove Inc





**POLK CITY  
PROPOSED ZONING MAP**  
Holly Cove Inc



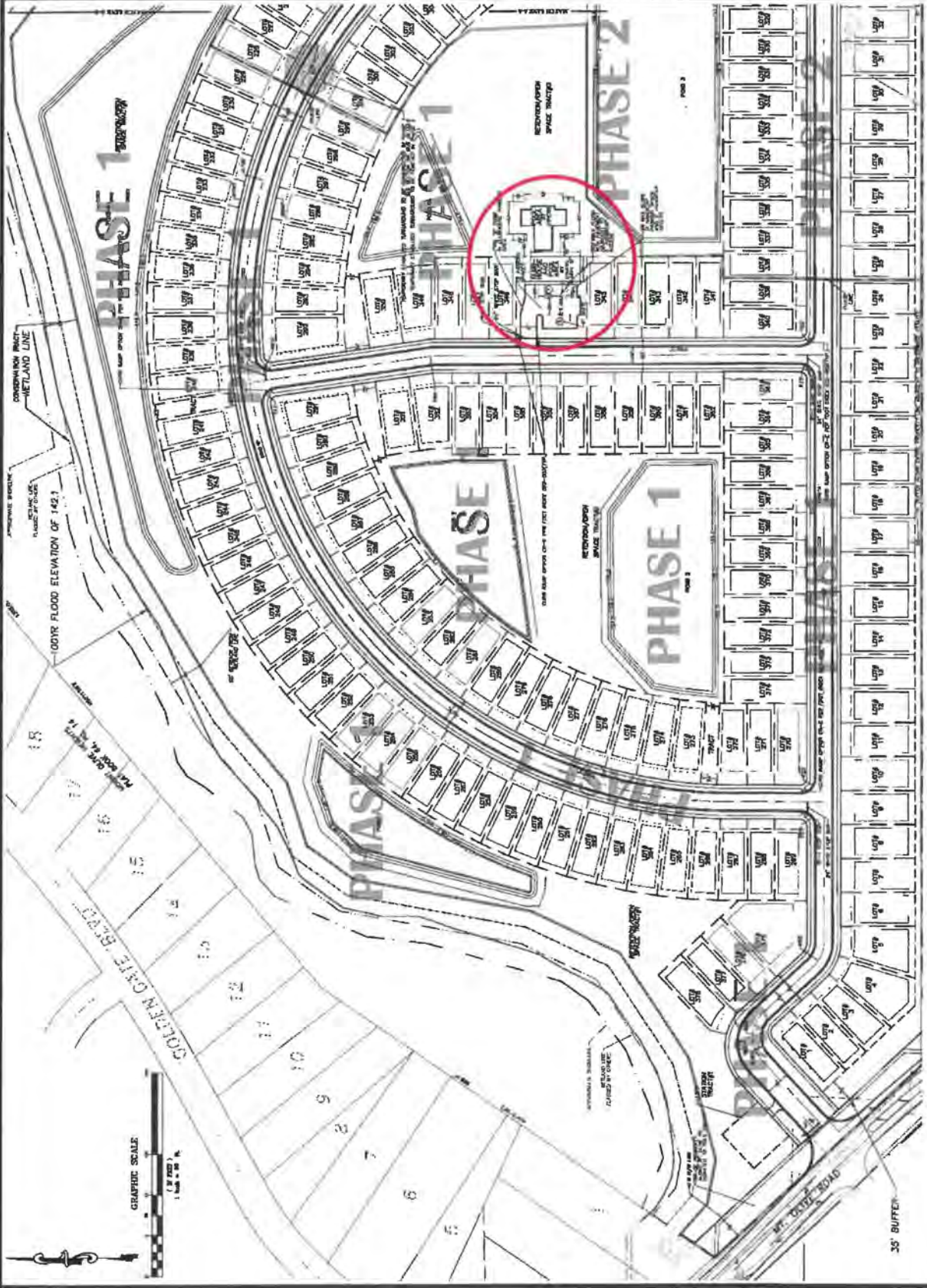
CENTRAL  
FLORIDA  
ENGINEERING  
CIVIL ENGINEERING CONSULTING  
1000 N. W. 10TH AVENUE, SUITE 200  
DADE CITY, FLORIDA 34608  
TEL: (813) 841-1111  
WWW.CENTRALFLORIDAENGINEERING.COM  
CONTRACT NO. 14-0000000000000000

THE LANDINGS AT MT OLIVE  
SUBDIVISION  
POLK CITY, FLORIDA  
SITE PLAN WEST

REVISIONS

DESIGNED BY: JAF  
DRAWN BY: JAF  
CHECKED BY: JAF  
DATE: 08/19/21  
PROJECT NO.: 037-007  
SCALE: 1" = 60'

SUBSET NO.  
**C-4**



**CENTRAL FLORIDA ENGINEERING**  
 CIVIL ENGINEERING CONSULTANTS  
 10001 W. STATE ROAD 160, SUITE 100, WINTER PARK, FL 32789  
 PHONE: (407) 948-1111 FAX: (407) 948-1112  
 WWW.CENTRALFLORIDAENGINEERING.COM

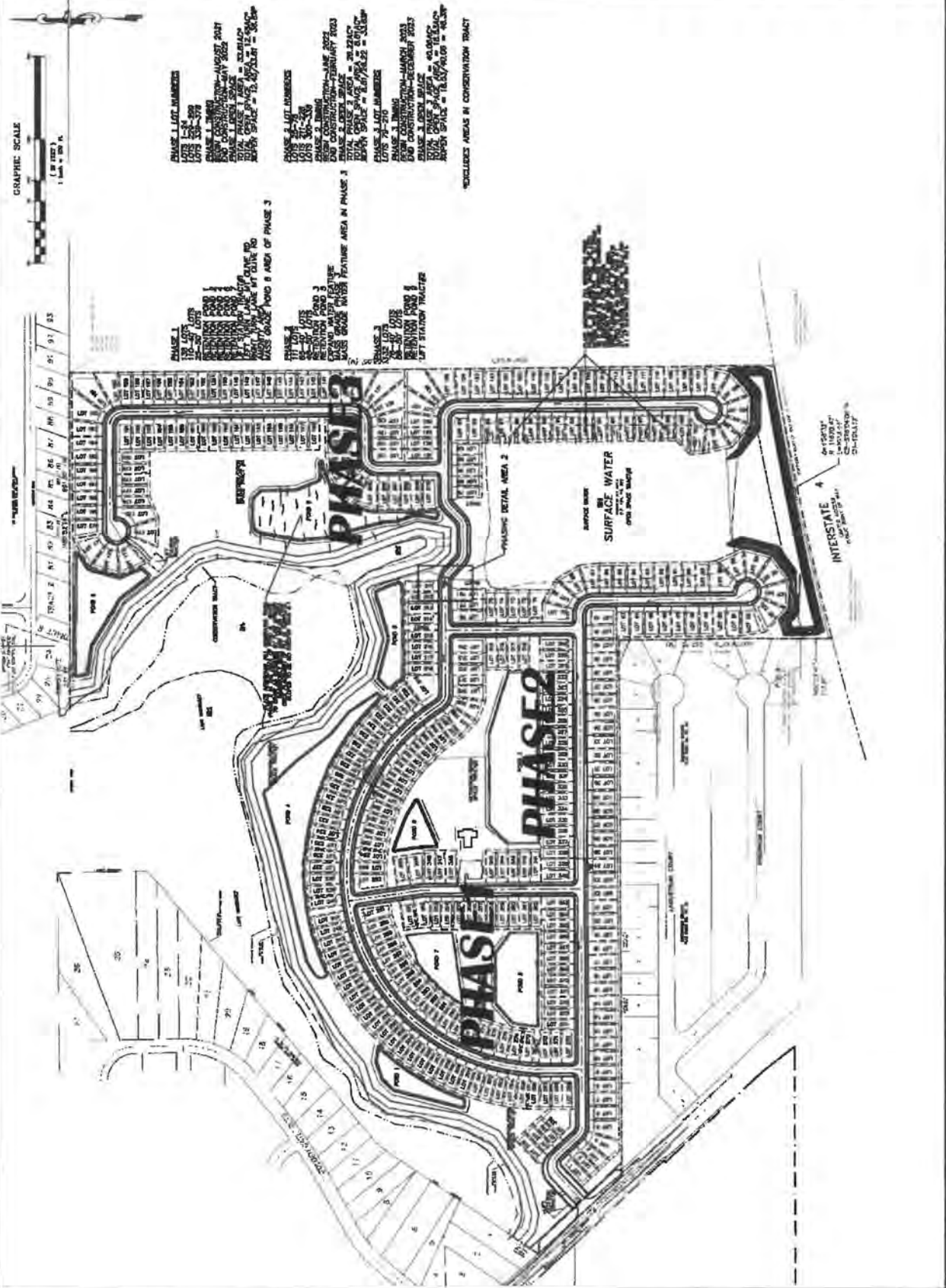
**THE LANDINGS AT MT OLIVE  
 SUBDIVISION  
 POLK CITY, FLORIDA  
 SITE PHASING PLAN**

**REVISIONS**

NO.	DATE	DESCRIPTION
1	08/19/21	ISSUED FOR PERMIT

DESIGNED BY: JAF  
 DRAWN BY: JAF  
 CHECKED BY: JAF  
 DATE: 08/19/21  
 PROJECT NO. 057407  
 SCALE: 1" = 150'  
 SHEET NO.

**C-2**



**PHASE 1 LOT NUMBERS**  
 LOTS 1-100  
 LOTS 101-200  
 LOTS 201-300  
 LOTS 301-400  
 LOTS 401-500  
 LOTS 501-600  
 LOTS 601-700  
 LOTS 701-800  
 LOTS 801-900  
 LOTS 901-1000

**PHASE 2 LOT NUMBERS**  
 LOTS 1001-1100  
 LOTS 1101-1200  
 LOTS 1201-1300  
 LOTS 1301-1400  
 LOTS 1401-1500  
 LOTS 1501-1600  
 LOTS 1601-1700  
 LOTS 1701-1800  
 LOTS 1801-1900  
 LOTS 1901-2000

**PHASE 3 LOT NUMBERS**  
 LOTS 2001-2100  
 LOTS 2101-2200  
 LOTS 2201-2300  
 LOTS 2301-2400  
 LOTS 2401-2500  
 LOTS 2501-2600  
 LOTS 2601-2700  
 LOTS 2701-2800  
 LOTS 2801-2900  
 LOTS 2901-3000

**PHASE 4 LOT NUMBERS**  
 LOTS 3001-3100  
 LOTS 3101-3200  
 LOTS 3201-3300  
 LOTS 3301-3400  
 LOTS 3401-3500  
 LOTS 3501-3600  
 LOTS 3601-3700  
 LOTS 3701-3800  
 LOTS 3801-3900  
 LOTS 3901-4000

**City Commission Meeting  
November 15, 2021**

**AGENDA ITEM #2: PUBLIC HEARING - ORDINANCE 2021-07**

     INFORMATION ONLY  
  X   ACTION REQUESTED

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**ISSUE:**

**ORDINANCE 2021-07** is an Ordinance of Polk City, Florida, amending the Polk City Code of Ordinances and the Unified Land Development Code of Polk City, Florida, including Article 7, Development Review Process and Article 8, Administration and Enforcement; to update the types of Comprehensive Plan Amendment review to include expedited state review, state coordinated review, and small scale. **First Reading**

**ATTACHMENTS:**

- Ordinance 2021-07
- Staff Overview Report

**ANALYSIS:**

The purpose of the proposed amendments is to update the type of Comprehensive Plan Amendments that now exist following changes in Florida Statutes.

On Monday, November 1, 2021 the Polk City Planning Commission held a Public Hearing and unanimously voted to forward the proposed amendments to the City Commission with a recommendation of approval with changes to correct scrivener errors.

CFRPC Staff Member will be at the City Commission Meeting to address any questions or concerns regarding this Ordinance.

**STAFF RECOMMENDATION:**

Approve Ordinance 2021-07 on **First Reading**

**ORDINANCE 2021-07**

**AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING THE POLK CITY CODE OF ORDINANCES AND THE UNIFIED LAND DEVELOPMENT CODE OF POLK CITY, FLORIDA INCLUDING ARTICLE 7, DEVELOPMENT REVIEW PROCESS AND ARTICLE 8, ADMINISTRATION AND ENFORCEMENT; TO UPDATE THE TYPES OF COMPREHENSIVE PLAN AMENDMENT REVIEW TO INCLUDE EXPEDITED STATE REVIEW, STATE COORDINATED REVIEW, AND SMALL SCALE; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. COMMISSION FINDINGS.** In adopting this Ordinance and modifying the Polk City Code and the therein-incorporated Unified Land Development Code, the City Commission of Polk City, Florida, hereby makes the following findings:

(1) Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City.

(2) The City Commission recognizes the need for procedures and regulations for the review and consideration of conditional use permits within Polk City.

(3) The City Commission has determined that having the ability to issue conditional use permits will provide additional flexibility and enforceability for the City Commission in its review and implementation of its Unified Land Development Code.

(4) Pursuant to Section 166.041(c)2, Florida Statutes, the Planning Commission and the City Commission have held meetings and hearings to amend the Unified Land Development Code as presented in Sections 2 and 3 and made a part hereof.

(5) The meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City.

**SECTION 2. AMENDMENT TO SECTION 7.02.00, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE.** Section 7.02.00, Unified Land Development Code, is hereby amended to read as follows:

***"7.02.00 Comprehensive Plan Amendments***

### **7.02.01 Intent and Purpose**

An amendment to the Comprehensive Plan may either be a change to the goals, objectives and policies of the Comprehensive Plan; or, the amendment of a land use classification shown on the Future Land Use Map. A Plan Amendment may be initiated by the City, by a property owner or agent of a property owner, or by citizens or interested parties who have established standing to bring amendments to the City for consideration.

The basis for review of a proposed Plan Amendment is the same as the basis for the adoption of the Comprehensive Plan, which entails a review of data and analysis in support of the Plan Amendment: analysis of the impact of the Amendment on public facility Levels of Service and the Capital Improvements Budget of the City; and an analysis of the need for the proposed Amendment in relation to the existing structure of the City and the future as delineated in the goals, objectives and policies of the Comprehensive Plan.

~~The Comprehensive Plan may only be amended twice each calendar year, however Small Scale Plan Amendments, the criteria for which is detailed in Section 8.07.05 of this Code, do not count against this standard. The City Council transmits approved Plan Amendments to the DCA for review, but may adopt a Small Scale Amendment before transmission.~~

There are three general types of Comprehensive Plan Amendments: Expedited State Review, State Coordinated Review, and Small-Scale. The Expedited State Review Process is utilized for the majority of Comprehensive Plan amendments adopted by local governments. The State Coordinated Review Process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an Evaluation and Appraisal Report. The Small-Scale process is utilized for amendments that qualify as small-scale development amendments.

### **7.02.02 Contents of the Application for Plan Amendments**

There are two general types of Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps. All requests for Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which shall have been established by resolution of the Council-Commission.

- (A) *Application Contents for Text Amendments.* The application shall contain the following items, as applicable:

- (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
  - (2) Data and analysis that supports the change applied for. Specifically, new data that would alter the assumptions in the Comprehensive Plan and would, therefore, justify the Plan Amendment of a goal, objective or policy.
- (B) *Application Contents for Amendments Effecting Land Use, Development Standards, & Maps.* The application shall contain the following items, as applicable:
- (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
  - (2) Where the Plan Amendment proposed will change the Future Land Use Map, a legal description of the property.
  - (3) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan.
  - (4) An Evaluation and Appraisal Report (EAR Report), the format of which is outlined in (C) below.
- (C) *Plan Amendment Evaluation and Appraisal Report (EAR Report) Required from the Applicant.* Based on the data found in the Comprehensive Plan Data and Analysis sections, the evaluation and appraisal report shall contain the following, as applicable.
- (1) Inventory and Analysis of Site Characteristics
    - a. A description of the terrain; type of vegetation on the site; statement regarding the existence of surface water or wetlands or both; and existence of any flood plains on the site.
    - b. The type of soils present on the site and in the area; an analysis of the limitations for construction for each type of soil; and an analysis of absorption rate for septic fields. Identification of habitats present on the site as indicated by the soil types.
    - c. An inventory of endangered plant and animal species on the site; an inventory of plant and animal species (mammals, birds and reptiles) common to this site.

- d. A list of trees with an estimate of canopy that they provide; a list of herbaceous plants and vines; a list of grasses and grass like plants.
- (2) Inventory and Analysis of Land Use: location in the City; former use; existing surrounding land uses; and, analysis of type of buffer needed between proposed project site and existing land uses.
- (3) Inventory of Public Facilities: location of existing sewer service and potable water facilities serving the development site with capacities and the future demand associated with the proposed development; the functional classification of roads serving the area with estimated daily traffic volumes; an analysis detailing the future volumes and their effect on roadway Levels of Service; and an analysis of recreation land and facilities needs generated by the proposed land use classification.

#### ***7.02.03 Planning Commission Standards for Evaluation***

The Planning Commission shall review every Plan Amendment. In reviewing and formulating recommendations to the City ~~Council~~Commission on proposed Amendments to the Comprehensive Plan, and particularly, the Future Land Use Element and Future Land Use Map, the Planning Commission shall specifically consider and evaluate the proposed amendments against the following standards.

- (A) The proposed Plan Amendment is consistent with the goals of the City of Polk City Comprehensive Plan. Objectives and policies of the Plan may be proposed for modification by the Amendment.
- (B) The proposed Plan Amendment contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) In the case of a proposed Plan Amendment to the Future Land Use Map, the proposed Land Use Classification at the proposed location has been analyzed to identify adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibility and the general welfare of the City. Said analysis must address land uses as they now exist, and as they may exist in the future, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan; and contains objectives and policies to mitigate or eliminate adverse impacts.



- (D) The proposed Plan Amendment contains an analysis of community need for the development associated with the Amendment. The analysis is based on existing and proposed uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of uses both within the City of Polk City and also in the immediate area in Polk County or another municipality.
  - (1) The proposed Plan Amendment shall not result in either a detrimental over concentration of a particular use within the City or within the immediate area.
  - (2) The Plan Amendment contains sufficient proof to convince the Planning Commission and the City ~~Council~~ Commission that the proposed Plan Amendment and Land Use Classification supplants the analysis that supported the establishment of the existing Land Use Classification.

**7.02.04 Public Hearing**

No Plan Amendment may be considered by the Planning Commission until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing shall be as delineated in Article 8, Section 8.06.00 of this Code.

**7.02.05 Findings and Recommendation to Approve a Plan Amendment**

The Planning Commission may recommend approval of an application for a Plan Amendment only when all of the following conditions are met.

- (A) The proposed Plan Amendment is, or proposes objectives and policies, that will be consistent with the ~~City of Polk City~~ Comprehensive Plan.
- (B) The proposed Plan Amendment will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
- (C) There is a community need for the proposed Plan Amendment. This finding must be based on an analysis of existing and proposed land uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of land uses both within ~~the City of Polk City~~ and also in the immediate area of Polk County.

### **7.02.06 Findings and Recommendation to Deny a Plan Amendment**

The Planning Commission may recommend denial of any application for a Plan Amendment for one or more of the following reasons:

- (A) The proposed Plan Amendment is inconsistent with ~~the City of Polk City Comprehensive Plan.~~
- (B) The proposed Plan Amendment will degrade the Level of Service of one or more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service.
- (C) No community need can be demonstrated for the proposed Plan Amendment at the proposed location.

### **7.02.07 Decision By City ~~Council-Commission~~**

Within 30 days of receipt of the Planning Commission recommendation, the City ~~Council-Commission~~ shall schedule a public hearing, after due public notice, on all recommendations associated with a Plan Amendment from the Planning Commission. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of a Plan Amendment shall be granted unless approved by a majority of the Councilors voting.

Plan Amendments are subject to review by the Florida Department of ~~Community Affairs (DCA)~~ Economic Opportunity (DEO) under Chapter 163, Florida Statutes. The City ~~Council-Commission~~, therefore, does not act to "adopt" a Plan Amendment, but rather to "transmit" the Plan amendment for review. For guidance in the submission of amendments for review by the State, see Article 8, Section 8.07.00.

In the case of a Small Scale Plan Amendment, the City ~~Council-Commission~~ adopts the Amendment by Ordinance ~~but does not~~ and transmits it to ~~DCA~~ DEO for notification purposes only. Small Scale Amendment criteria is contained in Article 8, Section 8.07.05 of this Code. Rezoning may proceed at the same reading as a small scale amendment, with a companion ordinance. Small scale amendments are:

A proposed Plan Amendment for any area that is ~~ten (10)~~ fifty (50) acres or less, ~~with a density of ten (10) units per acre or less and is not located within the Green Swamp Area of Critical State Concern.~~ Small scale amendments must be map amendments only and cannot be text amendments.

**SECTION 3. AMENDMENT TO SECTION 8.06.00, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE.** Section 8.06.00, Unified Land Development Code, is hereby amended to read as follows:

***"8.06.00 Public Notice of Hearings***

Due Public Notice. A change in land use classification or designation, zoning classification or designation, variance, comprehensive plan amendment or an amendment to this Code, may not be considered by the Planning and Zoning Board, Zoning Board of Appeals or the City ~~Council~~Commission until due public notice has been given of a public hearing. All such changes are to be made by a non-emergency ordinance, with the exception of variances, which shall be by a vote of the Zoning Board of Appeals as directed in Section 8.03.02 (C) of this Code. Specific regulations in compliance with Chapter 166.041, FS., are listed below.

(A) *General Requirements.*

(1) *Ordinance Requirements.* All ordinances acted on by the City ~~Council~~Commission must be read on two separate days and shall, at least 14 days before adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(2) *Land Development Actions.* In the case of land use issues, zoning issues, Plan amendments (less than 10 acres) and amendments to this Code, the first public hearing will be held by the Planning and Zoning Board. The first public hearing before the Planning and Zoning Board shall be held on a weekday at least 7 days after the advertisement is published.

The second public hearing will be held at the second reading by the City ~~Council~~Commission. Upon the conclusion of the second public hearing, the City ~~Council~~Commission may immediately adopt the ordinance. Action is to be taken by ordinance, with the exception of the Variance. Variances require one public hearing before the Zoning Board of Appeals, and are determined approved or denied only by a vote of the Board.

(3) *Other Local Government Notification.* When a proposed zoning action or variance lies within 300 feet of the jurisdiction of another local government, the ~~planning board~~ or governing body of that local government shall be notified by mail of a public hearing so that they may have the opportunity to be heard.

- (B) *Variances.* Where an application for a Variance of the Unified Land Development Code has been filed, the City Clerk shall notify by mail each real property owner, whose address is known by reference to the latest ad valorem tax records, within a 300 foot radius of the affected property of the requested variance; provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing. Notice of such public hearing shall be mailed at least 30 days prior to the public hearing. Notice shall be made to the planning board or governing body of an adjacent local government if the affected property is within 300 feet of such jurisdiction. There is to be one public hearing before the Zoning Board of Appeals, after which a decision may be rendered by a vote of the Board.
- (C) *Amendment to the ULDC.* When an amendment to this Code is to be made it shall be by ordinance. It shall be advertised as specified in Section 8.06.00(A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City ~~Council~~Commission at second reading of the ordinance. The only exception to this is when a zoning category is amended to change the list of permitted, prohibited, or conditional uses within that category, then public hearing regulations for a zoning change shall apply.
- (D) *Zoning Changes-Less than 10 acres*
- (1) *Petitioner Initiated cases.* In cases in which the proposed ordinance changes the list of permitted, prohibited or conditional uses within a zoning category or changes the zoning designation of a parcel less than 10 acres, then the public hearings shall be advertised as specified in Section 8.06.00 (A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City ~~Council~~Commission at second reading of the ordinance.
- (2) *City Initiated cases.* In cases where the proposed ordinance changes the list of permitted, prohibited, or conditional uses within a zoning category or changes a zoning designation of a parcel less than 10 acres, then the City ~~Council~~Commission shall direct the Clerk to notify by mail the property owners ~~by mail~~ whose land is to be redesignated by enactment of the ordinance and whose address is known by the latest ad valorem tax records. Notice of the public hearings shall be mailed to all property owners at least 30 days prior to the first public hearing. In addition the public hearing notices shall be published as specified in Section 8.06.00 (A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City ~~Council~~Commission at second reading of the ordinance.
- (E) *Zoning Changes-Greater than 10 acres*
- (1) In cases in which the proposed ordinance changes the actual list of

permitted, prohibited or conditional uses within a zoning category or changes the actual zoning map designation for a parcel(s) of land involving 10 contiguous acres or more, then there will be two public hearings required. The Planning and Zoning Board shall hold one advertised public hearing and the City ~~Council~~ Commission shall hold one advertised public hearing on the proposed ordinance at the second reading. Public hearing requirements of Section 8.06.00 (A) shall apply, however the additional time requirements and advertisement requirement below shall also apply.

- (2) *Time requirements.* At least one of the hearings shall be held after 5 p.m. on a weekday, unless the City ~~Council~~ Commission, by a majority plus one vote, elects to conduct that hearing at another time of day. The first hearing shall be held at least 7 days after the date the first advertisement is published. The second public hearing shall be held at least 10 days after the first hearing and shall be advertised at least five days prior to the hearing.
  
- (3) *Advertisement Requirements.* The required advertisements shall be no less than two columns wide by ten inches long in standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general circulation in the City and of general interest and readership. Except for amendments that change the actual list of permitted prohibited or conditional uses within a zoning category, the advertisement shall contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means for identification of the general area.

**Table 1 - Sample of Advertising Notice**

<p>TYPE OF (TYPE OF) CHANGE</p> <p>The City of Polk City proposes to adopt Ordinance No. ____ : (Title)</p> <p>A public hearing on the ordinance will be held on (date and time) at (meeting place).</p> <p>Ordinance No. ____ (title) may be inspected by the public at the office of the City Clerk, City Hall (address and business hours). Interested parties are invited to appear and be heard.</p>
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- (4) *Mail-out may be done.* In lieu of publishing the advertisement as outlined above, the City may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place and location of both public hearings on the proposed ordinance. The minimal

public hearing notice in a newspaper giving notice of a proposed ordinance would still be required 14 days before the public hearing before the City ~~Council-Commission~~ as described in Section 8.06.00 (A) (1) of this Code.

(F) *Annexation.* In the case of consideration of an ordinance regarding voluntary annexation, there will be only one public hearing at the second reading at the City ~~Council-Commission~~ Meeting. The Planning and Zoning Board is not required to take any action. In addition to the regulations of Section 8.06.00 (A) (1) of this Code, the following advertisement regulations apply: There shall be published notice of the public hearing regarding the proposed ordinance at least once each week for two consecutive weeks in a newspaper of general circulation in the City. One of advertisements must be published at least 14 days prior to the second reading of the ordinance. The ordinance shall give the ordinance number and a brief description of the area to be annexed. The description shall include a map clearly showing the area to be annexed and a statement that the complete legal description is available at the Office of the City Clerk.

(G) *Comprehensive Plan Amendments.* ~~There are two types of Plan amendments, first, there are text amendments and second, there are land use map designation amendments or development standard changes. Section 8.07.00 clearly defines the differences of the types of Amendments.~~

(1) ~~*Small Scale Amendment-Less than 10 acres.*— In cases in which the proposed ordinance changes the list of permitted, prohibited or conditional land uses within a land use category or changes the land use designation of a parcel less than 10 acres, then the public hearings shall be advertised as specified in Section 8.06.00 (A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City Council ~~Commission~~ at second reading of the ordinance. The City Council may adopt the ordinance after the second public hearing.~~

~~*Advertisement Requirements.*— The notice of proposed enactment shall state the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. The minimal public hearing notice in a newspaper giving notice of a proposed ordinance is still required 14 days or more before the public hearing at the City Council ~~Commission~~ Meeting, as described in Section 8.06.00 (A) (1) of this Code. The first public hearing before the Planning and Zoning Board shall be held on a weekday at least 7 days after the advertisement is published. The City must mail a notice to each person owning real property in the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place and location of both public hearings on the proposed ordinance.~~

~~Small Scale Amendments do not require review by DCA. They are sent to DCA for notification purposes only, upon second reading and passage of the ordinance. In addition to these regulations above, the regulations of Section 8.07.05 must be complied with and if or when a conflict shall be determined the more stringent regulation shall apply.~~

- ~~(2) Large Scale Amendment 10 acres or more. In cases in which the proposed ordinance changes the list of permitted, prohibited or conditional land uses within a land use category or changes the land use designation of a parcel 10 acres or more, then there shall be three public hearings. The first hearing will be before the Planning and Zoning Board, second at the City Council Commission at the first reading of the ordinance. The first public hearing shall be held on a weekday at least 7 days after the advertisement is published. Upon first reading the Ordinance shall be transmitted to DCA by Resolution per the requirements of Sections 8.07.00 – 8.07.04 of this Code. Upon receipt of approval from DCA of the proposed amendment in the proposed ordinance, a third public hearing shall be advertised at the second reading before the City Council Commission. The advertisement of the third hearing shall be at least 5 days before the third public hearing. The City Council Commission may adopt the ordinance after the third public hearing and the second reading of the ordinance.~~

~~Advertisement Requirements. In addition to the requirements in Section 8.06.00 (A) (1) the required advertisements shall be no less than two columns wide by ten inches long in standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general circulation in the City and of general interest and readership. Except for amendments that change the actual list of permitted prohibited or conditional uses within a land use category, the advertisement shall contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means for identification of the general area.~~

~~In addition to these regulations above, the regulations of Section 8.07.00 – 8.07.04 must be complied with and if or when a conflict shall be determined regarding public hearing notice requirements, the more stringent regulation shall apply.~~

### **~~8.07.00 Statutory Requirements for Plan Amendments~~**

~~There are two general types of Plan Amendments: (1) text amendments, and (2) amendments effecting land use, development standards, and maps. All requests for Plan~~

~~Amendments shall be submitted in writing to the Development Director, together with applicable fees, which will have been established by resolution of the City Council Commission. Specific regulations for Plan Amendments applications are detailed in Article 7, Section 7.02.00. Plan Amendments may be submitted by the City to DCA no more than twice yearly for review and according to the procedures established in Chapter 163 F.S., except small scale amendments. See Section 8.07.05 for specific regulations regarding Small Scale Amendments. Florida Statutes define Small Scale Amendments as:~~

- ~~• Encompasses the use of 10 or fewer acres of any land use category;~~
- ~~• Residential densities are limited to 10 or fewer units per acre;~~
- ~~• Does not involve the same property more than once per year;~~
- ~~• Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months;~~
- ~~• Does not include any text change to the Plan's goals, objectives, and policies;~~
- ~~• Is not located within an are of critical state concern; and~~
- ~~• The local government can approve the amendment without exceeding its yearly maximum of 80 acres of small scale amendments.~~

#### ~~8.07.01 Public Hearing for a Plan Amendment~~

~~As outlined in Chapter 163.3184, F.S., a public hearing is required proposing to adopt an Ordinance to amend the Comprehensive Plan and to transmit to DCA, by Resolution, the proposed Comprehensive Plan amendment and attached Evaluation and Appraisal Report. All procedures for advertisement of a public hearing to adopt an ordinance or resolution must be followed as adopted by the City and set forth in Section 8.06.00 above. According to State Law, the following sections (A) and (B) must be adhered to:~~

~~(A) 7 Day Notice. This public hearing shall be held on a weekday at least seven days after the day that the first advertisement is published. The intention to hold and advertise a second public hearing when the amendment comments are returned from DCA, shall be announced at the first public hearing.~~

~~(B) Advertisement Form~~



~~NOTICE OF (CHANGE OF LAND USE AND AMENDMENT TO THE MAPS OF THE COMPREHENSIVE PLAN or TEXT AMENDMENT TO THE COMPREHENSIVE PLAN)~~

~~The City of Polk City proposes to adopt the following ordinance: (title of the ordinance).~~

~~A public hearing on the (change of land use or text amendment) will be held on (date and time) at (meeting place).~~

~~The ordinance may be inspected by the public at (name of place and business hours). Interested parties can appear and be heard.~~

~~Except for amendments which change the text of the Comprehensive Plan, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.~~

~~**8.07.02 Transmittal to DCA**~~

~~Immediately following the public hearing, the City shall transmit six copies of the plan amendment and attached Evaluation and Appraisal Report to DCA for written comment. The City shall transmit one copy to each of the following:~~

~~Central Florida Regional Planning Council;  
Florida Department of Environmental Protection;  
Florida Department of Transportation; and  
Southwest Florida Water Management District.~~

~~(A) DCA will notify the local government and other agencies, and any other person who has requested notice of an affirmative decision by DCA to review the amendment, within 30 days of receipt of complete amendment.~~

~~(B) Upon receipt of state agency comments, DCA shall have 45 days to provide its own written comments to the City, stating its objections to the Plan Amendment, if any, and recommendations for modification.~~

~~**8.07.03 Public Hearing After Receipt of DCA Comments, and Adoption**~~

~~Upon receipt of DCA comments, the City shall have 60 days to adopt the Ordinance to amend the Comprehensive Plan as proposed or with changes. According to State Law, the following sections (A), (B) and (C) must be adhered~~

to:

- (A) ~~5 Day Advance Notice.~~ A public hearing shall be held for adoption Ordinance to amend the Comprehensive Plan, and shall take place on a weekday approximately 5 days after the advertisement is published.
- (B) ~~Contents of Advertisement and Advertisement Form.~~ It shall be the same as described in 8.07.01 (B).
- (C) ~~Vote to Transmit.~~ At this Public Hearing, the City Council ~~Commission~~ shall vote to transmit the adopted ordinance to DCA for final compliance review.

#### **~~8.07.04 Transmittal of Adopted Amendment to DCA~~**

The City Council ~~Commission~~ shall transmit the adopted Ordinance to DCA within ten days of adoption. Upon receipt of the adopted Ordinance, DCA shall have 45 days to review and determine whether or not the plan amendment is in compliance with Chapter 163, F.S. During this period, DCA shall issue a Notice of Intent (NOI) indicating a finding of compliance or noncompliance.

If DCA finds the amendment not in compliance, the NOI is forwarded to the Division of Administrative Hearings for a hearing pursuant to Chapter 120.57 F.S. The hearing officer assigned by the division shall submit a recommended order to the Administration Council ~~Commission~~ for final agency action.

If the Administration Council (Governor and Cabinet) finds that the plan amendment is not in compliance with this act, the Council shall specify remedial actions which would bring the comprehensive plan or plan amendment into compliance.

#### **~~8.07.05 Small Scale Plan Amendments Exempt from DCA Review~~**

Plan amendments that are defined as Small Scale Amendments are exempt from the annual quota allowed by DCA and do not have to be submitted to DCA for review. The amendment is adopted by ordinance and sent to DCA and the Regional Planning Council. DCA will not issue a Notice of Intent for the small scale amendment.

- (A) ~~Definition.~~ Small Scale Plan Amendments are defined by Florida Statue as:
- ~~Encompassing the use of 10 or fewer acres of any land use category; and~~
  - ~~Residential densities are limited to 10 or fewer units per acre; and~~
  - ~~Does not involve the same property more than once per year; and~~
  - ~~Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months; and~~
  - ~~Does not include any text change to the Plan's goals, objectives, and~~

policies;

- ~~Is not located within an area of critical state concern; and~~
- ~~The local government can approve the amendment without exceeding its yearly maximum of 80 acres of small scale amendments.~~

~~(B) *Reviewing Board.* Proposed Small Scale Plan Amendments are heard by the Planning Commission and are recommended to the City Council by the Board. Then the amendments are heard at two Public Hearings and are adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.~~

~~(C) *Public Notice Requirements.* The public notice required for the amendment is:~~

~~A newspaper notice as for ordinary, non-rezoning ordinances; and  
The City must mail the owners of the property notice; and  
There is no size requirements for the newspaper advertisement; and  
Notice must be given of: the date, place and time of the meeting; the title of the proposed ordinance; the location where the proposed ordinance can be inspected by the public; and that interested parties can appear and be heard.~~

~~(D) *Challenges.* Challenges will be heard by the Division of Administrative Hearings. In any action brought under this section, the DCA may intervene and become a party if granted that right by the hearing officer. If the hearing officer recommends that the amendment be found "in compliance," and DCA agrees, the DCA will enter the final order. If DCA does not agree, the recommended order will be forwarded to the Administration Commission (Governor and Cabinet) for rendering the final order.~~

There are three general types of Comprehensive Plan Amendments: Expedited State Review, State Coordinated Review, and Small Scale. The Expedited State Review Process is utilized for the majority of Comprehensive Plan amendments adopted by local governments. The State Coordinated Review Process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an Evaluation and Appraisal Report. The Small-Scale process is utilized for amendments that qualify as small-scale development amendments.

All requests for Comprehensive Plan Amendments shall be submitted in writing to the Administrative Official, together with applicable fees, which will have been established by the City Commission. Comprehensive Plan Amendments may be

submitted by the City to the Florida Department of Economic Opportunity (DEO) for review according to the procedures established in Chapter 163 F.S. The following sections outline the public notice requirements for each type of Comprehensive Plan Amendment.

**8.07.00 Statutory Requirements for Plan Amendments - Expedited State Review Process (consistent with F.S. 163.3184)**

The Expedited State Review Process is utilized for all Comprehensive Plan amendments except amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, amendments that update a comprehensive plan based on an Evaluation and Appraisal Report, or amendments that qualify as small-scale development amendments.

(A) *Public Notice Requirements:* All procedures for advertisement of a public hearing to adopt an ordinance must be followed as adopted by the City and set forth in Section 11.07.03 above and in keeping with Florida Statutes Chapter 166. According to State Law, the following section (1) must be adhered to:

(1) The local governing body shall hold at least two advertised public hearings, on the proposed comprehensive plan or plan amendment as follows:

a. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least seven (7) calendar days after the day that the first advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.

b. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least five (5) calendar days after the day that the second advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.

(B) *First Public Hearing:* After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within ten (10) days to the review agencies and any local governments that have filed a written request.

(C) *Comments:* Comments from agencies and local governments reviewing the proposed amendment must be received by Polk City no later than 30 days from the date on which the agency or government received the amendment from Polk City.

- (D) Second Public Hearing: The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the DEO and any affected person that provided comments on the amendment. The 180-day limitation does not apply to DRI amendments.
- (E) Adoption Transmittal: All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within ten (10) working days after the second public hearing to DEO and any other agency or local government that provided timely comments. DEO shall notify the local government of any deficiencies within five (5) working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-thru/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.
- (F) Effective Date: An amendment adopted under the Expedited State Review Process does not become effective until thirty-one (31) days after DEO notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until DEO or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

#### **8.07.01 State Coordinated Review Process (consistent with F.S. 163.3184)**

The State Coordinated Review Process is utilized for Comprehensive Plan amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an evaluation and appraisal report.

- (A) Public Notice Requirements: All procedures for advertisement of a public hearing to adopt an ordinance must be followed as adopted by the City and in keeping with Florida Statutes Chapter 166. According to State Law, the following section (1) must be adhered to:

- (1) The local governing body shall hold at least two advertised public hearings, advertised per the requirements of Section 11.07.03, on the proposed comprehensive plan or plan amendment as follows:
- a. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least seven (7) calendar days after the day that the first advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.
  - b. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least five (5) calendar days after the day that the second advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.
- (B) *First Public Hearing:* After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within ten (10) days to the review agencies and any local governments that has filed a written request. The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process.
- (C) *Comments:* Comments from agencies and local governments reviewing the proposed amendment must be received by DEO not later than thirty (30) days from the date on which the DEO received the amendment.
- (D) *DEO Review:* If DEO elects to review an amendment, DEO shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the amendment. DEO may make objections, recommendations, and comments in its report regarding whether the amendment is in compliance and whether the amendment will adversely impact important state resources and facilities.
- (E) *Second Public Hearing:* The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to DEO and any affected person that provided comments on the amendment. The 180-day limitation does not apply to DRI amendments.
- (F) *Adoption Transmittal:* All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within ten (10) days after the second public hearing to

the DEO and any other agency or local government that provided timely comments. DEO shall notify the local government of any deficiencies within five (5) working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-thru/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

(G) *Notice of Intent:* After DEO makes a determination of completeness regarding the adopted plan or plan amendment, DEO shall have 45 days to determine if the plan or plan amendment is in compliance. Unless the amendment is substantially changed from the one commented on, DEO's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the 45 days, DEO shall issue, through a senior administrator or the secretary, a notice of intent to find that the amendment is in compliance or not in compliance. DEO shall post a copy of the notice of intent on the agency's Internet website. Publication by DEO of the notice of intent on DEO's Internet site shall be prima facie evidence of compliance with the publication requirements of Florida Statutes.

(H) *Effective Date:* An amendment adopted under the State Coordinated Review Process shall go into effect pursuant to DEO's notice of intent. If timely challenged, an amendment does not become effective until DEO or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

### **8.07.03 Small-Scale Plan Amendments Exempt from DEO Review (consistent with F.S. 163.3184 and 163.3187)**

Plan amendments that are defined as Small Scale Amendments (outside of the Green Swamp Area of Critical State Concern) do not have to be submitted to DEO for review. The amendment is adopted by ordinance and sent to DEO, state review partners, and the Central Florida Regional Planning Council. DEO will not issue a Notice of Intent for the small-scale amendment.

(A) *Definition.* Small Scale Plan Amendments are defined by Florida Statute as:

- (1) Encompassing the use of 50 or fewer acres of any land use category; and
  - (2) Does not include any text change to the Comprehensive Plan's goals, objectives, and policies;
  - (3) Is not located within an area of critical state concern; and
- (B) *Reviewing Board.* Proposed Small-Scale Plan Amendments are heard by the Planning Commission and are recommended to the City Commission by the Planning Commission. Then the amendments are heard at one Public Hearing before the City Commission and adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.
- (C) *Public Notice Requirements.* The public notice required for the amendment is:
- (1) A newspaper notice; and
  - (2) The City must mail the owners of the property notice; and
  - (3) There are no size requirements for the newspaper advertisement; and
  - (4) Notice must be given of: the date, place, and time of the meeting; the title of the proposed ordinance; the location where the proposed ordinance can be inspected by the public; and that interested parties can appear and be heard.
- (D) *Challenges.* Challenges will be heard by the Division of Administrative Hearings. Any affected person may file a petition with the Division of Administrative Hearings to challenge the small-scale development amendment within 30 days following the local government's adoption of the amendment per Florida Statute Section 163.3184(5). An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervener. In the proceeding, the plan amendment shall be determined to be in compliance if the local government's determination that the small-scale development amendment is in compliance is fairly debatable. DEO may not intervene in any proceeding initiated pursuant to this section.
- If the administrative law judge recommends that the small-scale development amendment be found not in compliance, the administrative



law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small-scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to DEO.

**SECTION 4. CODIFICATION OF ORDINANCE.** This Ordinance shall be codified in the Code of Ordinances of Polk City, Florida, and incorporated into the Unified Land Development Code which is a part thereof. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

**SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 6. CONFLICTING ORDINANCES AND RESOLUTIONS.** All existing ordinances and resolutions of Polk City in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage.

**INTRODUCED AND PASSED on FIRST READING,** this \_\_\_ day of \_\_\_\_\_, 2021.

**POLK CITY, FLORIDA**

\_\_\_\_\_  
Joe LaCascia, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND  
CORRECTNESS**

\_\_\_\_\_  
Patricia Jackson, City Manager/Clerk

\_\_\_\_\_  
Thomas A. Cloud, City Attorney

**PASSED AND DULY ADOPTED ON SECOND READING**, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Joe LaCascia, Mayor

**ATTEST:**

\_\_\_\_\_  
Patricia Jackson, City Manager/City Clerk



**POLK CITY PLANNING COMMISSION  
TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE  
STAFF REPORT & PROPOSED AMENDMENTS**

NOVEMBER 15, 2021

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**TO:** Polk City Commission

**FROM:** Central Florida Regional Planning Council

**SUBJECT:** **Ordinance 2021-07: Text Amendments to the Land Development Code:**  
City-initiated text amendment to Article 7 - Development Approval Process, and Article 8 – Administration and Enforcement, of the Polk City Land Development Code. The purpose of the proposed amendments is to update the type of Comprehensive Plan Amendments that now exist following changes in Florida Statutes.

**AGENDA & HEARING DATES:**

Planning Commission Public Hearing: November 1, 2021

**City Commission First Reading: November 15, 2021**

City Commission Second Reading: December 20, 2021

**ATTACHMENTS:** **Ordinance 2021-07**  
**Overview and proposed amendments**

**PLANNING AND ZONING BOARD ACTION:** On Monday, November 1, the Planning Commission held a public hearing and unanimously voted forward the proposed amendments to the City Commission with a recommendation of approval with changes to correct scrivener errors.

**CITY COMMISSION MOTION OPTIONS:**

1. I move the City Commission approve Ordinance 2021-07 on first reading.
2. I move the City Commission approve Ordinance 2021-07 with changes on first reading.
3. I move the City Commission deny Ordinance 2021-07 on first reading.

## OVERVIEW OF PROPOSED AMENDMENTS:

Changes in Florida Statutes have occurred regarding types of Comprehensive Plan Amendments that exist. Article 7 – Development Approval Process has been updated to reflect these changes.

Past terms included large scale and small scale amendments. Terminology today is consistent with State Coordinated and State Expedited Review.

## PROPOSED TEXT AMENDMENTS TO THE POLK CITY LAND DEVELOPMENT CODE

The proposed amendments to the Land Development Code (LDC) regarding Special Events Facilities are provided below. Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

### ARTICLE 7: DEVELOPMENT APPROVAL PROCESS

#### *7.02.00 Comprehensive Plan Amendments*

##### *7.02.01 Intent and Purpose*

An amendment to the Comprehensive Plan may either be a change to the goals, objectives and policies of the Comprehensive Plan; or, the amendment of a land use classification shown on the Future Land Use Map. A Plan Amendment may be initiated by the City, by a property owner or agent of a property owner, or by citizens or interested parties who have established standing to bring amendments to the City for consideration.

The basis for review of a proposed Plan Amendment is the same as the basis for the adoption of the Comprehensive Plan, which entails a review of data and analysis in support of the Plan Amendment: analysis of the impact of the Amendment on public facility Levels of Service and the Capital Improvements Budget of the City; and an analysis of the need for the proposed Amendment in relation to the existing structure of the City and the future as delineated in the goals, objectives and policies of the Comprehensive Plan.

~~The Comprehensive Plan may only be amended twice each calendar year, however Small Scale Plan Amendments, the criteria for which is detailed in Section 8.07.05 of this Code, do not count against this standard. The City Council transmits approved Plan Amendments to the DCA for review, but may adopt a Small Scale Amendment before transmission.~~

There are three general types of Comprehensive Plan Amendments: Expedited State Review, State Coordinated Review, and Small-Scale. The Expedited State Review Process is utilized for the majority of Comprehensive Plan amendments adopted by local governments. The State Coordinated Review Process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an Evaluation and Appraisal Report. The Small-Scale process is utilized for amendments that qualify as small-scale development amendments.

### **7.02.02 Contents of the Application for Plan Amendments**

There are two general types of Plan Amendments: text amendments; and, amendments effecting land use, development standards, and maps. All requests for Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which shall have been established by resolution of the Council Commission.

- (A) *Application Contents for Text Amendments.* The application shall contain the following items, as applicable:
  - (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
  - (2) Data and analysis that supports the change applied for. Specifically, new data that would alter the assumptions in the Comprehensive Plan and would, therefore, justify the Plan Amendment of a goal, objective or policy.
  
- (B) *Application Contents for Amendments Effecting Land Use, Development Standards, & Maps.* The application shall contain the following items, as applicable:
  - (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
  - (2) Where the Plan Amendment proposed will change the Future Land Use Map, a legal description of the property.
  - (3) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan.
  - (4) An Evaluation and Appraisal Report (EAR Report), the format of which is outlined in (C) below.
  
- (C) *Plan Amendment Evaluation and Appraisal Report (EAR Report) Required from the Applicant.* Based on the data found in the Comprehensive Plan Data and Analysis sections, the evaluation and appraisal report shall contain the following, as applicable.
  - (1) Inventory and Analysis of Site Characteristics
    - a. A description of the terrain; type of vegetation on the site; statement regarding the existence of surface water or wetlands or both; and existence of any flood plains on the site.
    - b. The type of soils present on the site and in the area; an analysis of the limitations for construction for each type of soil; and an analysis of absorption rate for septic fields. Identification of habitats present on the site as indicated by the soil types.

- c. An inventory of endangered plant and animal species on the site; an inventory of plant and animal species (mammals, birds and reptiles) common to this site.
  - d. A list of trees with an estimate of canopy that they provide; a list of herbaceous plants and vines; a list of grasses and grass like plants.
- (2) Inventory and Analysis of Land Use: location in the City; former use; existing surrounding land uses; and, analysis of type of buffer needed between proposed project site and existing land uses.
  - (3) Inventory of Public Facilities: location of existing sewer service and potable water facilities serving the development site with capacities and the future demand associated with the proposed development; the functional classification of roads serving the area with estimated daily traffic volumes; an analysis detailing the future volumes and their effect on roadway Levels of Service; and an analysis of recreation land and facilities needs generated by the proposed land use classification.

**7.02.03 Planning Commission Standards for Evaluation**

The Planning Commission shall review every Plan Amendment. In reviewing and formulating recommendations to the City ~~Council~~ Commission on proposed Amendments to the Comprehensive Plan, and particularly, the Future Land Use Element and Future Land Use Map, the Planning Commission shall specifically consider and evaluate the proposed amendments against the following standards.

- (A) The proposed Plan Amendment is consistent with the goals of the City of Polk City Comprehensive Plan. Objectives and policies of the Plan may be proposed for modification by the Amendment.
- (B) The proposed Plan Amendment contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- (C) In the case of a proposed Plan Amendment to the Future Land Use Map, the proposed Land Use Classification at the proposed location has been analyzed to identify adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibility and the general welfare of the City. Said analysis must address land uses as they now exist, and as they may exist in the future, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan; and contains objectives and policies to mitigate or eliminate adverse impacts.
- (D) The proposed Plan Amendment contains an analysis of community need for the development associated with the Amendment. The analysis is based on existing and proposed uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of uses both within the City of Polk City and also in the immediate area in Polk County or another municipality.
  - (1) The proposed Plan Amendment shall not result in either a detrimental over concentration of a particular use within the City or within the immediate area.

- (2) The Plan Amendment contains sufficient proof to convince the Planning Commission and the City ~~Council~~ Commission that the proposed Plan Amendment and Land Use Classification supplants the analysis that supported the establishment of the existing Land Use Classification.

#### **7.02.04 Public Hearing**

No Plan Amendment may be considered by the Planning Commission until due public notice has been given of a public hearing. All procedures for advertisement and notification of a public hearing shall be as delineated in Article 8, Section 8.06.00 of this Code.

#### **7.02.05 Findings and Recommendation to Approve a Plan Amendment**

The Planning Commission may recommend approval of an application for a Plan Amendment only when all of the following conditions are met.

- (A) The proposed Plan Amendment is, or proposes objectives and policies, that will be consistent with the ~~City of~~ Polk City Comprehensive Plan.
- (B) The proposed Plan Amendment will not degrade the Level of Service of one or more public facilities and services, or contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, **and** does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
- (C) There is a community need for the proposed Plan Amendment. This finding must be based on an analysis of existing and proposed land uses of a similar nature in the City, and an assessment of the need to provide or maintain a proper mix of land uses both within the ~~City of~~ Polk City and also in the immediate area of Polk County.

#### **7.02.06 Findings and Recommendation to Deny a Plan Amendment**

The Planning Commission may recommend denial of any application for a Plan Amendment for one or more of the following reasons:

- (A) The proposed Plan Amendment is inconsistent with the ~~City of~~ Polk City Comprehensive Plan.
- (B) The proposed Plan Amendment will degrade the Level of Service of one or more public facilities and services, and contains no commitment to undertake improvements to maintain acceptable Levels of Service.
- (C) No community need can be demonstrated for the proposed Plan Amendment at the proposed location.

**7.02.07 Decision By City ~~Council~~ Commission**

Within 30 days of receipt of the Planning Commission recommendation, the City ~~Council~~ Commission shall schedule a public hearing, after due public notice, on all recommendations associated with a Plan Amendment from the Planning Commission. It may accept, reject, modify, return or continue and seek additional information on those recommendations. No approval of a Plan Amendment shall be granted unless approved by a majority of the Councilors voting.

Plan Amendments are subject to review by the Florida Department ~~of Community Affairs (DCA)~~ of Economic ~~Opportunity (DEO)~~ under Chapter 163, Florida Statutes. The City ~~Council~~ Commission, therefore, does not act to "adopt" a Plan Amendment, but rather to "transmit" the Plan amendment for review. For guidance in the submission of amendments for review by the State, see Article 8, Section 8.07.00.

In the case of a Small Scale Plan Amendment, the City ~~Council~~ Commission adopts the Amendment by Ordinance ~~but does not and~~ transmits it to ~~DCA~~ DEO for notification purposes only. Small Scale Amendment criteria is contained in Article 8, Section 8.07.05 of this Code. Rezoning may proceed at the same reading as a small scale amendment, with a companion ordinance. Small scale amendments are:

A proposed Plan Amendment for any area that is ~~ten (10)~~ fifty (50) acres or less, ~~with a density of ten (10) units per acre or less and is not located within the Green Swamp Area of Critical State Concern.~~ ~~Small scale amendments must be map amendments only and cannot be text amendments.~~



## ARTICLE 8: ADMINISTRATION AND ENFORCEMENT

### 8.06.00 Public Notice of Hearings

**Due Public Notice.** A change in land use classification or designation, zoning classification or designation, variance, comprehensive plan amendment or an amendment to this Code, may not be considered by the Planning and Zoning Board, Zoning Board of Appeals or the City ~~Council-Commission~~ until due public notice has been given of a public hearing. All such changes are to be made by a non-emergency ordinance, with the exception of variances, which shall be by a vote of the Zoning Board of Appeals as directed in Section 8.03.02 (C) of this Code. Specific regulations in compliance with Chapter 166.041, FS., are listed below.

#### (A) General Requirements.

(1) **Ordinance Requirements.** All ordinances acted on by the City ~~Council-Commission~~ must be read on two separate days and shall, at least 14 days before adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time and place of the meeting: the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(2) **Land Development Actions.** In the case of land use issues, zoning issues, Plan amendments (less than 10 acres) and amendments to this Code, the first public hearing will be held by the Planning and Zoning Board. The first public hearing before the Planning and Zoning Board shall be held on a weekday at least 7 days after the advertisement is published.

The second public hearing will be held at the second reading by the City ~~Council-Commission~~. Upon the conclusion of the second public hearing, the City ~~Council-Commission~~ may immediately adopt the ordinance. Action is to be taken by ordinance, with the exception of the Variance. Variances require one public hearing before the Zoning Board of Appeals, and are determined approved or denied only by a vote of the Board.

(3) **Other Local Government Notification.** When a proposed zoning action or variance lies within 300 feet of the jurisdiction of another local government, the ~~planning board~~ or governing body of that local government shall be notified by mail of a public hearing so that they may have the opportunity to be heard.

(B) **Variances.** Where an application for a Variance of the Unified Land Development Code has been filed, the City Clerk shall notify by mail each real property owner, whose address is known by reference to the latest ad valorem tax records, within a 300 foot radius of the affected property of the requested variance; provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing. Notice of such public hearing shall be mailed at least 30 days prior to the public hearing. Notice shall be made to the planning board or governing body of an adjacent local government if the affected property is within 300 feet of such jurisdiction. There is to be one public hearing before the Zoning Board of Appeals, after which a decision may be rendered by a vote of the Board.

(C) **Amendment to the ULDC.** When an amendment to this Code is to be made it shall be by ordinance. It shall

be advertised as specified in Section 8.06.00(A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City ~~Council~~ Council-Commission at second reading of the ordinance. The only exception to this is when a zoning category is amended to change the list of permitted, prohibited, or conditional uses within that category, then public hearing regulations for a zoning change shall apply.

(D) *Zoning Changes-Less than 10 acres*

- (1) *Petitioner Initiated cases.* In cases in which the proposed ordinance changes the list of permitted, prohibited or conditional uses within a zoning category or changes the zoning designation of a parcel less than 10 acres, then the public hearings shall be advertised as specified in Section 8.06.00 (A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City ~~Council~~ Council-Commission at second reading of the ordinance.
- (2) *City Initiated cases.* In cases where the proposed ordinance changes the list of permitted, prohibited, or conditional uses within a zoning category or changes a zoning designation of a parcel less than 10 acres, then the City ~~Council~~ Council-Commission shall direct the Clerk to notify by mail the property owners by mail whose land is to be redesignated by enactment of the ordinance and whose address is known by the latest ad valorem tax records. Notice of the public hearings shall be mailed to all property owners at least 30 days prior to the first public hearing. In addition the public hearing notices shall be published as specified in Section 8.06.00 (A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City ~~Council~~ Council-Commission at second reading of the ordinance.

(E) *Zoning Changes-Greater than 10 acres*

- (1) In cases in which the proposed ordinance changes the actual list of permitted, prohibited or conditional uses within a zoning category or changes the actual zoning map designation for a parcel(s) of land involving 10 contiguous acres or more, then there will be two public hearings required. The Planning and Zoning Board shall hold one advertised public hearing and the City ~~Council~~ Council-Commission shall hold one advertised public hearing on the proposed ordinance at the second reading. Public hearing requirements of Section 8.06.00 (A) shall apply, however the additional time requirements and advertisement requirement below shall also apply.
- (2) *Time requirements.* At least one of the hearings shall be held after 5 p.m. on a weekday, unless the City ~~Council~~ Council-Commission by a majority plus one vote, elects to conduct that hearing at another time of day. The first hearing shall be held at least 7 days after the date the first advertisement is published. The second public hearing shall be held at least 10 days after the first hearing and shall be advertised at least five days prior to the hearing.
- (3) *Advertisement Requirements.* The required advertisements shall be no less than two columns wide by ten inches long in standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general circulation in the City and of general interest and readership. Except for amendments that change the actual list of permitted prohibited or conditional uses within a zoning category, the advertisement shall contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include

major street names as a means for identification of the general area.

**Table 1 - Sample of Advertising Notice**

OF (TYPE OF) CHANGE
The City of Polk City proposes to adopt Ordinance No. ____ : (Title)
A public hearing on the ordinance will be held on (date and time) at (meeting place). Ordinance No. ____ (title) may be inspected by the public at the office of the City Clerk, City Hall (address and business hours). Interested parties are invited to appear and be heard.

- (4) *Mail-out may be done.* In lieu of publishing the advertisement as outlined above, the City may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place and location of both public hearings on the proposed ordinance. The minimal public hearing notice in a newspaper giving notice of a proposed ordinance would still be required 14 days before the public hearing before the City Council-Commission as described in Section 8.06.00 (A) (1) of this Code.
- (F) *Annexation.* In the case of consideration of an ordinance regarding voluntary annexation, there will be only one public hearing at the second reading at the City Council-Commission Meeting. The Planning and Zoning Board is not required to take any action. In addition to the regulations of Section 8.06.00 (A) (1) of this Code, the following advertisement regulations apply: There shall be published notice of the public hearing regarding the proposed ordinance at least once each week for two consecutive weeks in a newspaper of general circulation in the City. One of advertisements must be published at least 14 days prior to the second reading of the ordinance. The ordinance shall give the ordinance number and a brief description of the area to be annexed. The description shall include a map clearly showing the area to be annexed and a statement that the complete legal description is available at the Office of the City Clerk.
- (G) *Comprehensive Plan Amendments.* ~~There are two types of Plan amendments, first, there are text amendments and second, there are land use map designation amendments or development standard changes. Section 8.07.00 clearly defines the differences of the types of Amendments.~~
- ~~(1) *Small Scale Amendment Less than 10 acres.* In cases in which the proposed ordinance changes the list of permitted, prohibited or conditional land uses within a land use category or changes the land use designation of a parcel less than 10 acres, then the public hearings shall be advertised as specified in Section 8.06.00 (A) of this Code. There will be two public hearings, first before the Planning and Zoning Board, second at the City Council Commission at second reading of the ordinance. The City Council may adopt the ordinance after the second public hearing.~~
- ~~*Advertisement Requirements.* The notice of proposed enactment shall state the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. The minimal public hearing notice in a newspaper giving notice of a proposed ordinance is still required 14 days or more before the public hearing at the City Council Commission Meeting, as described in Section 8.06.00 (A) (1) of this Code. The first public hearing before the Planning and Zoning Board shall be held on a weekday at least 7 days after the advertisement is~~

published. The City must mail a notice to each person owning real property in the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place and location of both public hearings on the proposed ordinance.

~~Small Scale Amendments do not require review by DCA. They are sent to DCA for notification purposes only, upon second reading and passage of the ordinance. In addition to these regulations above, the regulations of Section 8.07.05 must be complied with and if or when a conflict shall be determined the more stringent regulation shall apply.~~

~~(2) Large Scale Amendment 10 acres or more. In cases in which the proposed ordinance changes the list of permitted, prohibited or conditional land uses within a land use category or changes the land use designation of a parcel 10 acres or more, then there shall be three public hearings. The first hearing will be before the Planning and Zoning Board, second at the City Council Commission at the first reading of the ordinance. The first public hearing shall be held on a weekday at least 7 days after the advertisement is published. Upon first reading the Ordinance shall be transmitted to DCA by Resolution per the requirements of Sections 8.07.00 – 8.07.04 of this Code. Upon receipt of approval from DCA of the proposed amendment in the proposed ordinance, a third public hearing shall be advertised at the second reading before the City Council Commission. The advertisement of the third hearing shall be at least 5 days before the third public hearing. The City Council Commission may adopt the ordinance after the third public hearing and the second reading of the ordinance.~~

~~Advertisement Requirements. In addition to the requirements in Section 8.06.00 (A) (1) the required advertisements shall be no less than two columns wide by ten inches long in standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general circulation in the City and of general interest and readership. Except for amendments that change the actual list of permitted prohibited or conditional uses within a land use category, the advertisement shall contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means for identification of the general area.~~

~~In addition to these regulations above, the regulations of Section 8.07.00 – 8.07.04 must be complied with and if or when a conflict shall be determined regarding public hearing notice requirements, the more stringent regulation shall apply.~~

### **8.07.00 Statutory Requirements for Plan Amendments**

~~There are two general types of Plan Amendments: (1) text amendments, and (2) amendments effecting land use, development standards, and maps. All requests for Plan Amendments shall be submitted in writing to the Development Director, together with applicable fees, which will have been established by resolution of the City Council Commission. Specific regulations for Plan Amendments applications are detailed in Article 7, Section 7.02.00. Plan Amendments may be submitted by the City to DCA no more than twice yearly for review and according to the procedures established in Chapter 163 F.S., except small scale amendments. See Section 8.07.05 for specific regulations regarding Small Scale Amendments. Florida Statutes define Small Scale Amendments as:~~

- ~~Encompasses the use of 10 or fewer acres of any land use category;~~
- ~~Residential densities are limited to 10 or fewer units per acre;~~
- ~~Does not involve the same property more than once per year;~~
- ~~Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months;~~
- ~~Does not include any text change to the Plan's goals, objectives, and policies;~~
- ~~Is not located within an are of critical state concern; and~~
- ~~The local government can approve the amendment without exceeding its yearly maximum of 80 acres of small scale amendments.~~

**8.07.01 Public Hearing for a Plan Amendment**

~~As outlined in Chapter 163.3184, F.S., a public hearing is required proposing to adopt an Ordinance to amend the Comprehensive Plan and to transmit to DCA, by Resolution, the proposed Comprehensive Plan amendment and attached Evaluation and Appraisal Report. All procedures for advertisement of a public hearing to adopt an ordinance or resolution must be followed as adopted by the City and set forth in Section 8.06.00 above. According to State Law, the following sections (A) and (B) must be adhered to:~~

~~(A) 7 Day Notice. This public hearing shall be held on a weekday at least seven days after the day that the first advertisement is published. The intention to hold and advertise a second public hearing when the amendment comments are returned from DCA, shall be announced at the first public hearing.~~

~~(B) Advertisement Form~~

~~NOTICE OF (CHANGE OF LAND USE AND AMENDMENT TO THE MAPS OF THE COMPREHENSIVE PLAN or TEXT AMENDMENT TO THE COMPREHENSIVE PLAN)~~

~~The City of Polk City proposes to adopt the following ordinance: (title of the ordinance).~~

~~A public hearing on the (change of land use or text amendment) will be held on (date and time) at (meeting place).~~

~~The ordinance may be inspected by the public at (name of place and business hours). Interested parties can appear and be heard.~~

~~Except for amendme~~

~~nts which change the text of the Comprehensive Plan, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposal. The map shall include major street names as a means of identification of the area.~~

**8.07.02 Transmittal to DCA**

~~Immediately following the public hearing, the City shall transmit six copies of the plan amendment and attached Evaluation and Appraisal Report to DCA for written comment. The City shall transmit one copy to each of the following:~~

~~Central Florida Regional Planning Council;  
Florida Department of Environmental Protection;  
Florida Department of Transportation; and  
Southwest Florida Water Management District.~~

- ~~(A) DCA will notify the local government and other agencies, and any other person who has requested notice of an affirmative decision by DCA to review the amendment, within 30 days of receipt of complete amendment.~~
- ~~(B) Upon receipt of state agency comments, DCA shall have 45 days to provide its own written comments to the City, stating its objections to the Plan Amendment, if any, and recommendations for modification.~~

#### ~~**8.07.03 Public Hearing After Receipt of DCA Comments, and Adoption**~~

~~Upon receipt of DCA comments, the City shall have 60 days to adopt the Ordinance to amend the Comprehensive Plan as proposed or with changes. According to State Law, the following sections (A), (B) and (C) must be adhered to:~~

- ~~(A) 5 Day Advance Notice. A public hearing shall be held for adoption Ordinance to amend the Comprehensive Plan, and shall take place on a weekday approximately 5 days after the advertisement is published.~~
- ~~(B) Contents of Advertisement and Advertisement Form. It shall be the same as described in 8.07.01 (B).~~
- ~~(C) Vote to Transmit. At this Public Hearing, the City Council Commission shall vote to transmit the adopted ordinance to DCA for final compliance review.~~

#### ~~**8.07.04 Transmittal of Adopted Amendment to DCA**~~

~~The City Council Commission shall transmit the adopted Ordinance to DCA within ten days of adoption. Upon receipt of the adopted Ordinance, DCA shall have 45 days to review and determine whether or not the plan amendment is in compliance with Chapter 163, F.S. During this period, DCA shall issue a Notice of Intent (NOI) indicating a finding of compliance or noncompliance.~~

~~If DCA finds the amendment not in compliance, the NOI is forwarded to the Division of Administrative Hearings for a hearing pursuant to Chapter 120.57 F.S. The hearing officer assigned by the division shall submit a recommended order to the Administration Council Commission for final agency action.~~

~~If the Administration Council (Governor and Cabinet) finds that the plan amendment is not in compliance with this act, the Council shall specify remedial actions which would bring the comprehensive plan or plan amendment into compliance.~~

### 8.07.05 Small Scale Plan Amendments Exempt from DCA Review

Plan amendments that are defined as Small Scale Amendments are exempt from the annual quota allowed by DCA and do not have to be submitted to DCA for review. The amendment is adopted by ordinance and sent to DCA and the Regional Planning Council. DCA will not issue a Notice of Intent for the small scale amendment.

(A) — Definition. Small Scale Plan Amendments are defined by Florida Statute as:

- Encompassing the use of 10 or fewer acres of any land use category; and
- Residential densities are limited to 10 or fewer units per acre; and
- Does not involve the same property more than once per year; and
- Does not involve the same owner's property within 200 feet of property granted a land use change within the past 12 months; and
- Does not include any text change to the Plan's goals, objectives, and policies;
- Is not located within an area of critical state concern; and
- The local government can approve the amendment without exceeding its yearly maximum of 80 acres of small scale amendments.

(B) — Reviewing Board. Proposed Small Scale Plan Amendments are heard by the Planning Commission and are recommended to the City Council by the Board. Then the amendments are heard at two Public Hearings and are adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.

(C) — Public Notice Requirements. The public notice required for the amendment is:

A newspaper notice as for ordinary, non-rezoning ordinances; and  
The City must mail the owners of the property notice; and  
There is no size requirements for the newspaper advertisement; and  
Notice must be given of: the date, place and time of the meeting; the title of the proposed ordinance; the location where the proposed ordinance can be inspected by the public; and that interested parties can appear and be heard.

(D) — Challenges. Challenges will be heard by the Division of Administrative Hearings. In any action brought under this section, the DCA may intervene and become a party if granted that right by the hearing officer. If the hearing officer recommends that the amendment be found "in compliance," and DCA agrees, the DCA will enter the final order. If DCA does not agree, the recommended order will be forwarded to the Administration Commission (Governor and Cabinet) for rendering the final order.

There are three general types of Comprehensive Plan Amendments: Expedited State Review, State Coordinated Review, and Small Scale. The Expedited State Review Process is utilized for the majority of Comprehensive Plan amendments adopted by local governments. The State Coordinated Review Process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an Evaluation and Appraisal Report. The Small-Scale process is utilized for amendments that

qualify as small-scale development amendments.

All requests for Comprehensive Plan Amendments shall be submitted in writing to the Administrative Official, together with applicable fees, which will have been established by the City Commission. Comprehensive Plan Amendments may be submitted by the City to the Florida Department of Economic Opportunity (DEO) for review according to the procedures established in Chapter 163 F.S. The following sections outline the public notice requirements for each type of Comprehensive Plan Amendment:

#### **8.07.00 Statutory Requirements for Plan Amendments - Expedited State Review Process (consistent with F.S. 163.3184)**

The Expedited State Review Process is utilized for all Comprehensive Plan amendments except amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, amendments that update a comprehensive plan based on an Evaluation and Appraisal Report, or amendments that qualify as small-scale development amendments.

- (A) *Public Notice Requirements:* All procedures for advertisement of a public hearing to adopt an ordinance must be followed as adopted by the City and set forth in Section 11.07.03 above and in keeping with Florida Statutes Chapter 166. According to State Law, the following section (1) must be adhered to:
- (1) *The local governing body shall hold at least two advertised public hearings, on the proposed comprehensive plan or plan amendment as follows:*
- a. *The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least seven (7) calendar days after the day that the first advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.*
- b. *The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least five (5) calendar days after the day that the second advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.*
- (B) *First Public Hearing:* After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within ten (10) days to the review agencies and any local governments that have filed a written request.
- (C) *Comments:* Comments from agencies and local governments reviewing the proposed amendment must be received by Polk City no later than 30 days from the date on which the agency or government received the amendment from Polk City.
- (D) *Second Public Hearing:* The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with



notice to the DEO and any affected person that provided comments on the amendment. The 180-day limitation does not apply to DRI amendments.

- (E) Adoption Transmittal: All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within ten (10) working days after the second public hearing to DEO and any other agency or local government that provided timely comments. DEO shall notify the local government of any deficiencies within five (5) working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-thru/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.
- (F) Effective Date: An amendment adopted under the Expedited State Review Process does not become effective until thirty-one (31) days after DEO notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until DEO or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

#### **8.07.01 State Coordinated Review Process (consistent with F.S. 163.3184)**

The State Coordinated Review Process is utilized for Comprehensive Plan amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an evaluation and appraisal report.

- (A) Public Notice Requirements: All procedures for advertisement of a public hearing to adopt an ordinance must be followed as adopted by the City and in keeping with Florida Statutes Chapter 166. According to State Law, the following section (1) must be adhered to:
- (1) The local governing body shall hold at least two advertised public hearings, advertised per the requirements of Section 11.07.03, on the proposed comprehensive plan or plan amendment as follows:
- a. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least seven (7) calendar days after the day that the first advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.
  - b. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least five (5) calendar days after the day that the second advertisement is published pursuant to the requirements of Florida Statutes Chapter 166.
- (B) First Public Hearing: After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within ten (10)

days to the review agencies and any local governments that has filed a written request. The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process.

- (C) *Comments:* Comments from agencies and local governments reviewing the proposed amendment must be received by DEO not later than thirty (30) days from the date on which the DEO received the amendment.
- (D) *DEO Review:* If DEO elects to review an amendment, DEO shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the amendment. DEO may make objections, recommendations, and comments in its report regarding whether the amendment is in compliance and whether the amendment will adversely impact important state resources and facilities.
- (E) *Second Public Hearing:* The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to DEO and any affected person that provided comments on the amendment. The 180-day limitation does not apply to DRI amendments.
- (F) *Adoption Transmittal:* All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within ten (10) days after the second public hearing to the DEO and any other agency or local government that provided timely comments. DEO shall notify the local government of any deficiencies within five (5) working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-thru/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.
- (G) *Notice of Intent:* After DEO makes a determination of completeness regarding the adopted plan or plan amendment, DEO shall have 45 days to determine if the plan or plan amendment is in compliance. Unless the amendment is substantially changed from the one commented on, DEO's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the 45 days, DEO shall issue, through a senior administrator or the secretary, a notice of intent to find that the amendment is in compliance or not in compliance. DEO shall post a copy of the notice of intent on the agency's Internet website. Publication by DEO of the notice of intent on DEO's Internet site shall be prima facie evidence of compliance with the publication requirements of Florida Statutes.
- (H) *Effective Date:* An amendment adopted under the State Coordinated Review Process shall go into effect pursuant to DEO's notice of intent. If timely challenged, an amendment does not become effective until DEO or the Administration Commission enters a final order determining the adopted

amendment to be in compliance.

**8.07.03 Small-Scale Plan Amendments Exempt from DEO Review (consistent with F.S. 163.3184 and 163.3187)**

Plan amendments that are defined as Small Scale Amendments (outside of the Green Swamp Area of Critical State Concern) do not have to be submitted to DEO for review. The amendment is adopted by ordinance and sent to DEO, state review partners, and the Central Florida Regional Planning Council. DEO will not issue a Notice of Intent for the small-scale amendment.

(A) *Definition.* Small Scale Plan Amendments are defined by Florida Statute as:

(1) Encompassing the use of **50 or fewer acres** of any land use category; and

(2) Does not include any text change to the Comprehensive Plan's goals, objectives, and policies;

(3) Is not located within an area of critical state concern; and

(B) *Reviewing Board.* Proposed Small-Scale Plan Amendments are heard by the Planning Commission and are recommended to the City Commission by the Planning Commission. Then the amendments are heard at one Public Hearing before the City Commission and adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.

(C) *Public Notice Requirements.* The public notice required for the amendment is:

(1) A newspaper notice; and

(2) The City must mail the owners of the property notice; and

(3) There are no size requirements for the newspaper advertisement; and

(4) Notice must be given of: the date, place, and time of the meeting; the title of the proposed ordinance; the location where the proposed ordinance can be inspected by the public; and that interested parties can appear and be heard.

(D) *Challenges.* Challenges will be heard by the Division of Administrative Hearings. Any affected person may file a petition with the Division of Administrative Hearings to challenge the small-scale development amendment within 30 days following the local government's adoption of the amendment per Florida Statute Section 163.3184(5). An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervener. In the proceeding, the plan amendment shall be determined to be in compliance if the local government's determination that the small-scale development amendment is in compliance is fairly debatable. DEO may not intervene in any proceeding initiated pursuant to this section.

If the administrative law judge recommends that the small-scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small-scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to DEO.