

POLK CITY

City Commission Meeting (7pm)

September 20, 2021

Polk City Government Center
123 Broadway Blvd., SE

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 2021-02** – An Ordinance of Polk City, Florida, amending the Polk City Comprehensive Plan, adding a Property Rights Element to ensure that private property rights are considered in local decision making consistent with Florida Statutes 163.3177(6); providing for transmission to the Florida Department of Economic Opportunity for review and compliance; providing for severability; providing for conflict; and providing for an effective date. **First Reading**
2. **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. **First Reading**
3. **Planning Advisory Services Agreement with Central Florida Regional Planning Council**

CITY MANAGER ITEMS

CITY ATTORNEY ITEMS

COMMISSIONER ITEMS

Vice Mayor Kimsey
Commissioner Blethen
Commissioner Carroll
Commissioner Harper
Mayor LaCascia

ANNOUNCEMENTS

ADJOURNMENT

CONSENT AGENDA
September 20, 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 – August 16, 2021 – City Commission Meeting

B. REPORTS

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

C. OTHER

1. Residential Boat Ramp – 300 Bayberry Drive

**City Commission Meeting
September 20, 2021**

CONSENT AGENDA ITEM: Accept minutes for:

1. Accept minutes – August 16, 2021 – City Commission Meeting

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE: Minutes attached for review and approval

ATTACHMENTS:

1. Accept minutes – August 16, 2021 – City Commission Meeting

ANALYSIS: N/A

STAFF RECOMMENDATION: Approval of Minutes

CITY COMMISSION MINUTES

August 16, 2021

Mayor Joe LaCascia called the meeting to order at 6:00 pm.

Commissioner Randy Carroll 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, Commissioner Wayne Harper, Commissioner Randy Carroll, and City Manager Patricia Jackson

Absent: Vice Mayor Don Kimsey, Commissioner Micheal T. Blethen, City Attorney Thomas Cloud

APPROVE CONSENT AGENDA

Motion by Commissioner Harper to approve the July 19, 2021 (Workshop) and July 19, 2021 (Regular Meeting) minutes; this motion was seconded by Commissioner Carroll. **Unanimously approved by Voice Vote.**

PRESENTATIONS/RECOGNITIONS - None

PUBLIC COMMENT - None

ORDER OF BUSINESS - None

CITY MANAGER ITEMS

Florida Department of Corrections – City Manager Jackson briefly discussed the current contract for the Inmate Work Squad #1031. Is the City Commission interested in renewing the Contract? Following brief discussion, the City Commission **provided Consensus** to move forward with renewal of the Florida Department of Correction's Contract for Work Squad #1031 at the expiration of the current contract on January 24, 2022.

American Rescue Plan Act Allocations – Polk City will be receiving \$1,364,325. The first tranche will be in the amount of \$682,163. City Manager Jackson is requesting consent to accept these funds via electronic signature. **City Commission Consensus provided.**

Budget Workshop – Will be scheduled for Monday, August 23, 2021 at 6:30 pm.

COMMISSIONER ITEMS

Commissioner Carroll – provided name of Janet Marcum to City Manager Jackson for the Centennial Committee.

Commissioner Harper – None

Mayor LaCascia – None

ANNOUNCEMENTS - None

ADJOURNMENT – 6:05 pm

Patricia Jackson, City Manager

Joe LaCascia, Mayor

**City Commission Meeting
September 20, 2021**

CONSENT AGENDA ITEM: Department Monthly Reports

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE: Department Reports attached for review and approval.

ATTACHMENTS:

Monthly Department Reports for:

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

ANALYSIS:

STAFF RECOMMENDATION: Approval of Department Reports via Consent Agenda

Polk City Permits Added
From: 07/01/21 To: 08/31/2021

COMMERCIAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BC-2021-1021	121 COMMONWEALTH AVE, POLK CITY, FL 33868	1,500.00	08/16/2021
BC-2021-832	121 COMMONWEALTH AVE, POLK CITY, FL 33868	1,500.00	07/13/2021
Subtotal:		\$3,000.00	

DEMO

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-12120	624 3RD ST, POLK CITY, FL 33868-	50.00	07/14/2021
Subtotal:		\$50.00	

ELECTRICAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-12391	148 HONEY BEE LN, POLK CITY, FL 33868	32,670.00	07/19/2021
BT-2021-12955	8528 RINDGE RD, POLK CITY, FL 33868-	39,960.00	07/27/2021
BT-2021-14602	5421 ANIMOSH CT, POLK CITY, FL 33868	62,267.00	08/20/2021
Subtotal:		\$134,897.00	

FENCE WALL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-13238	5449 ANIMOSH CT, POLK CITY, FL 33868	2,050.00	07/30/2021
BT-2021-14464	424 HONEY BEE LN, POLK CITY, FL 33868	0.00	08/18/2021
Subtotal:		\$2,050.00	

MECHANICAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-11453	577 MARKLEN LOOP, POLK CITY, FL 33868	6,000.00	07/01/2021
BT-2021-11633	207 TRAIL VIEW WAY, POLK CITY, FL 33868	8,239.00	07/07/2021
BT-2021-14868	525 SW COMMONWEALTH AVE, POMPANO BEACH, FL 33868	23,000.00	08/25/2021
BT-2021-15026	451 SUNRISE BLVD, POLK CITY, FL 33868	9,126.40	08/27/2021
Subtotal:		\$46,365.40	

POOL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-11511	330 HONEY BEE LN, POLK CITY, FL 33868	399.00	07/02/2021
Subtotal:		\$399.00	

RE-ROOF

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-11602	553 ASHLEY RD, POLK CITY, FL 33868	2,400.00	07/06/2021

BT-2021-11772	565 MARKLEN LOOP, POLK CITY, FL 33868	8,000.00	07/08/2021
BT-2021-12962	213 SW COMMONWEALTH AVE, POLK CITY, FL 33868	25,000.00	07/21/2021
BT-2021-14268	721 2ND ST, POLK CITY, FL 33868	4,850.00	08/16/2021
BT-2021-15135	7046 BERKLEY RD, AUBURNDALE, FL 33868	5,000.00	08/28/2021
Subtotal:		\$45,250.00	

RESIDENTIAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BR-2021-10004	210 BAYBERRY DR, POLK CITY, FL 33868	3,663.00	08/30/2021
BR-2021-7922	406 POPE AVE, POLK CITY, FL 33868	5,150.00	07/02/2021
BR-2021-8016	130 N CITRUS GROVE BLVD, POLK CITY, FL 33868	500.00	07/07/2021
BR-2021-8096	726 2ND ST, POLK CITY, FL 33868	5,000.00	07/08/2021
BR-2021-8233	134 CARTER BLVD, POLK CITY, FL 33868	1,274.00	07/13/2021
BR-2021-8758	616 MEANDERING WAY, POLK CITY, FL 33868-	120,000.00	07/13/2021
BR-2021-8943	8874 HINSDALE HEIGHTS DR, POLK CITY, FL 33868-	3,750.00	07/19/2021
BR-2021-8997	571 MARKLEN LOOP, POLK CITY, FL 33868	100.00	08/02/2021
BR-2021-9000	571 MARKLEN LOOP, POLK CITY, FL 33868	100.00	08/02/2021
BR-2021-9003	403 EDGEWATER DR, POLK CITY, FL 33868	41,765.00	08/02/2021
BR-2021-9936	310 BAYBERRY DR, LAKELAND, FL 33868	325,000.00	08/27/2021
BR-2021-9976	130 N CITRUS GROVE BLVD, POLK CITY, FL 33868	1,200.00	08/30/2021
Subtotal:		\$507,502.00	

Grand Total: \$739,513.40

8 SFR to date

Kathy Delp

Polk City Permits Added
From: 08/01/21 To: 08/31/2021

COMMERCIAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BC-2021-1021	121 COMMONWEALTH AVE, POLK CITY, FL 33868	1,500.00	08/16/2021
		Subtotal:	\$1,500.00

ELECTRICAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-14602	5421 ANIMOSH CT, POLK CITY, FL 33868	62,267.00	08/20/2021
		Subtotal:	\$62,267.00

FENCE WALL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-14464	424 HONEY BEE LN, POLK CITY, FL 33868	0.00	08/18/2021
		Subtotal:	\$0.00

MECHANICAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-14868	525 SW COMMONWEALTH AVE, POMPANO BEACH, FL 33868	23,000.00	08/25/2021
BT-2021-15026	451 SUNRISE BLVD, POLK CITY, FL 33868	9,126.40	08/27/2021
		Subtotal:	\$32,126.40

RE-ROOF

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-14268	721 2ND ST, POLK CITY, FL 33868	4,850.00	08/16/2021
BT-2021-15135	7046 BERKLEY RD, AUBURNDALE, FL 33868	5,000.00	08/28/2021
		Subtotal:	\$9,850.00

RESIDENTIAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BR-2021-10004	210 BAYBERRY DR, POLK CITY, FL 33868	3,663.00	08/30/2021
BR-2021-8997	571 MARKLEN LOOP, POLK CITY, FL 33868	100.00	08/02/2021
BR-2021-9000	571 MARKLEN LOOP, POLK CITY, FL 33868	100.00	08/02/2021
BR-2021-9003	403 EDGEWATER DR, POLK CITY, FL 33868	41,765.00	08/02/2021
BR-2021-9936	310 BAYBERRY DR, Polk City, FL 33868	325,000.00	08/27/2021
BR-2021-9976	130 N CITRUS GROVE BLVD, POLK CITY, FL 33868	1,200.00	08/30/2021
		Subtotal:	\$371,828.00

95FR to Date

Grand Total: \$477,571.40

Kathy Delp

Code Enforcement Report

AUGUST 2021

SNIPE SIGNS REMOVED	29	
LIEN SEARCHES	21	
INSPECTIONS	83	
CLOSED OUT CASES	29	
SPECIAL MAGISTRATE CASES	8	
REF TO COUNTY CALLS / EMAILS	24	
CLOSED OUT SPECIAL MAGISTRATE CASES	0	
CASE SUBJECTS		
DISABLE VEHICLES	6	
BUILDING WITHOUT PERMIT	5	
OVERGROWTH	26	
HOUSE NUMBERS	4	
FENCE	0	
JUNK AND DEBRIS	3	
RV/TRAILER PARKING	3	
OPEN STRUCTURE/SUB STANDARD	1	
NOISE	0	
CLOSE OUT LIEN	0	
YARD SALE	0	
ANIMAL	2	
POSTINGS	5	
EXTENDED CASES	5	
ACCESSORY USE	0	
POOLS	1	

Library Monthly Report

AUGUST 2021

CIRCULATION

ADULT BOOKS	774
JUVENILE BOOKS	638
DVD'S	585
HOT-SPOTS	14
DIGITAL	4
TOTAL CIRCULATION	2015

NEW BORROWERS

IN CITY	12
IN COUNTY	4
DIGITAL	0
TOTAL NEW BORROWERS	16

NUMBER OF PROGRAMS

ADULT	0
JUVENILE	0
YOUNG ADULT	0
TOTAL PROGRAMS	0

PROGRAM ATTENDANCE

ADULT	0
JUVENILE	0
YOUNG ADULT	0
TOTAL ATTENDANCE	0

REFERENCE QUESTIONS

PHONE CALLS	167
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NUMBER OF COMPUTER USERS

88

TOTAL PATRONS

570

Prepared by:

Mikayla Osso

Library Director

**POLK COUNTY SHERIFF'S OFFICE
DEPARTMENT OF LAW ENFORCEMENT**

STATISTICAL DATA

West Division

Date: September 9, 2021 Northwest District
 To: Patricia Jackson, City Manager
 From: Deputy Christina Poindexter #7376
 Subject: Statistical Report for August, 2021

ACTIVITY	
FELONY ARREST	2
AFFIDAVITS FELONY	0
MISDEMEANOR ARREST	4
AFFIDAVITS MISDEMEANOR	2
OUT OF COUNTY/STATE WARRANT ARRESTS	0
PROCAP WARRANT ARREST	0
TOTAL ARRESTS	8
SEARCH WARRANTS	0
FIELD INTERROGATION REPORTS	0
TRAFFIC CITATIONS	21
INTELLIGENCE REPORTS	0
STOLEN PROPERTY RECOVERED	1 vehicle
HRS. TRANSPORTING/ AGENCIES/DIVISIONS	0
OFFENSE REPORTS	31
NARCOTICS SEIZED	0
ASSETS SEIZED	0
PATROL NOTICES	0
FOXTROT REPORTS	12
TOW-AWAY NOTICES	0
COMMUNITY CONTACTS	1100
TRAFFIC STOPS	37
TOTAL DISPATCHED CALLS FOR SERVICE	105

In August 2021, there was three (3) PROCAP captured crimes as compared to one (1) in August 2020. A vehicle theft occurred at 501 Commonwealth Ave. SW. The victim drove up to the store leaving the keys in his motorcycle while he entered the store, the suspect got on the motorcycle and theft the area. Two Grand Thefts occurred at the Best Buy Warehouse located at 8906 Hwy 33 N. One incident involved the theft of a catalytic converter from a F250 in the parking lot. The second incident involved an unlocked trailer left in the parking lot for several days (owner on vacation) containing appliances, victim is a subcontractor for Best Buy. At this time our crime is sitting at -18% as compared to last year at this time.

Case No	Inc From	Inc To	DOY	Location	Description	Off	PH/ID	VIDEO	CASE STATUS
VEHICLE THEFT									
PCSO-210035642	2021-08-26 / 1438hrs	2021-08-26 / 1438hrs	Thur	501 COMMONWEALTH AVE SW BP GAS STATION	Keys left with bike; Unk susp removed the victs blue/white 2006 Suzuki GSX R 600 bearing NJ tag#7 with a backpack which included a wallet, drivers license, red/white helmet, & a black Android LG cell phone / there was a unk male that entered store & threw a set of keys at 2 unk females & shortly after this incident the male subj left, unk at this time if this is related.	Spencer	No	Yes	Ongoing
GRAND THEFT									
PCSO-210033841	2021-08-14 / 1159hrs	2021-08-14 / 2320hrs	Sat	8906 HWY 33 N BEST BUY WAREHOUSE	Unk susp removed his catalytic converter from the victs white Ford F350 / Video showed at 1551Hrs a black Mercedes enter parking lot occupied by a BM wearing all black clothing removed property & then get back into the Mercedes on passenger side	Arbo	No	Yes	Ongoing
PCSO-210034276	2021-08-16 / 1850hrs	2021-08-16 / 1850hrs	Wed	8906 HWY 33 N BEST BUY WAREHOUSE	Unk susp in a navy blue shirt pulls into parking in a U-Haul truck and removes the victs 2020 Quality enclosed trailer bearing Florida tag#PLCN12 which contained 2 brand new microwaves, LG smart fridge, LG stackable washer/dryer, & misc tools. Susp Shawn Knauf WM 030272 was at the facility picking up a washer/dryer driving a U-Haul truck. Warrant: Jessica OH W/F 10/31/BS	Spencer		Yes	CA

Department of Law Enforcement																																
Polk City - 2020 - 2021																																
	January		February		March		April		May		June		July		August		September		October		November		December		YTD Totals		Monthly	YTD				
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021				
Robbery	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0%	0.1	0.0	
Burg. Business	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2	0%	0.0	0.3
Burg. Residence	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0%	0.1	0.0	
Burg. Structure	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	1	-100%	0.1	0.1	
Burg. Conveyance	0	0	1	1	0	1	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	3	0%	0.1	0.4	
Vehicle Theft	1	0	0	1	1	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	3	2	100%	0.4	0.3	
Grand Theft	0	1	0	0	0	0	0	0	1	1	1	1	1	0	0	2	1	0	0	0	0	0	0	0	0	0	3	4	200%	0.4	0.5	
Petit Theft	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2	0	0%	0.3	0.0	
Mail Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	0.0	0.0	
Retail Theft	0	0	0	0	0	0	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0%	0.4	0.0	
Criminal Mischief	0	0	1	0	0	0	1	0	0	0	0	1	0	1	0	0	1	0	0	0	0	0	0	0	0	0	2	2	-100%	0.3	0.3	
Totals	2	3	3	2	2	1	2	0	3	2	3	1	1	2	1	3	5	0	3	0	1	0	0	0	0	17	14	50%	2.1	1.8		
% Change	50%		-33%		-50%		N/A		-33%		-87%		100%		200%		N/A		N/A		N/A		N/A		-18%		-18%					

Public Works Report

July 2021

Public Works

Summary: Public Works maintained all Public facilities to include Library, City Hall, Freedom Park, Bronson Center, Old Public Works Facility, Courts, McManigle 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 McManigle 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.

August Objectives:

Continue maintaining the mowing and preventive maintenance of all City facilities, service equipment. Continuing our food drive efforts.

Submitted by: Chasity Guinn, Asst. Public Works Director

Public Works Report

August 2021

Public Works

Summary: Public Works maintained all Public facilities to include Library, City Hall, Freedom Park, Bronson Center, Old Public Works Facility, Courts, McManigle 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 McManigle 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.
- Sidewalk completed at Activity Center

September Objectives:

Continue maintaining the mowing and preventive maintenance of all City facilities, service equipment. Continuing our food drive efforts.

Submitted by: Chasity Guinn, Asst. Public Works Director

UTILITY DEPARTMENT

July 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 - 163
- Turn On - 33
- Turn off - 32
- Misc. (rereads, laptops, vacation turn on, TBO from shut off) - 96
- 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

I would like to add after completing the 2020 Public Supply Annual Report (PSAR) I am proud to announce that Polk City's water loss for 2020 was 0.30. The lowest I have found recorded.

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

Submitted by:

Lori Pearson, Utility Director

UTILITY DEPARTMENT

August 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 - 115
- Turn On - 20
- Turn off - 20
- Misc. (rereads, laptops, vacation turn on, TBO from shut off) - 75
- 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

I would like to add I received our Sanitary Reports from Florida Health Polk County, stating that both our systems are substantially in compliance with the public drinking water requirements listed in Chapter 62 Florida Administrative Code.

September 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
September 20, 2021**

CONSENT AGENDA ITEM: Residential Boat Dock at 300 Bayberry Drive

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Residential Boat Dock at 300 Bayberry Drive

ATTACHMENTS:

SWFWMD Letter
Boat Dock Diagrams

ANALYSIS:

Per section 2.05.02 of our Land Development Regulations boat docks are permitted in all districts as accessory uses but must have City Commission approval.

I have received an application for construction of a boat dock at 300 Bayberry Drive. The proposed dock meets all requirements for issuance of a building permit.

The applicant has obtained the appropriate approval from DEP.

STAFF RECOMMENDATION:

Approval of Residential Boat Dock at 300 Bayberry Drive



An Equal Opportunity Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

Bartow Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office
7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

August 18, 2021

Trump Revocable Trust
Attn: Kurt Trump
300 Bayberry Dr.
Polk City, FL 33868

Subject: Notice of Intended Agency Action Letter
Sovereignty Lands Letter of Consent
DEP Instrument No.: N/A
Assoc. Application/Permit No.: 824348
SOV Record No.: 40372.000
Project Name: Kurt Trump Residential Dock
County: Polk
Sec/Twp/Rge: S32/T26S/R25E
Expiration Date: N/A

Dear Mr. Trump:

The project referenced above includes activities on state-owned submerged lands which require a Proprietary Authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, Florida Statutes, (F.S.). As staff to the Board of Trustees, the District has the responsibility to review and take final action on requests for a Proprietary Authorization in accordance with Rules 18-21.0051 and 40D-1.602, Florida Administrative Code, (F.A.C.).

Project Description

ACTIVITY	PREEMPTED AREA	DREDGED	NO. OF SLIPS
Residential Dock	860 square feet	0 cubic feet	1
TOTALS:	860 square feet	0 cubic feet	1

Waterbody Name: **Lake Agnes**
Shoreline Length: **108**
Aquatic Preserve: N/A
Rule Citation: **18-21.005(10)(c)(2), F.A.C.**

Authorization is granted to use state-owned submerged lands as shown by the application, approved drawings, plans, and other documents kept on file at the District under the provisions of Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., Title 18, F.A.C., and the policies of the Board of Trustees. This approval does not disclaim any title interest that the Board of Trustees may have in the project site. Any subsequent authorizations by the Board of Trustees or its designated agents may contain conditions necessary to satisfy the fiduciary responsibilities of the Board of Trustees as well as

other applicable statutory or rule requirements implemented by Department of Environmental Protection's Division of State Lands or other governmental agencies authorized by Florida Statutes.

The proposed construction is subject to the enclosed general conditions

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's intended action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of intended agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notice of intended agency action, as well as a noticing form that can be used is available from the District's website at www.WaterMatters.org/permits/ noticing. If you publish notice of agency action, a copy of the affidavit of publishing provided by the newspaper should be sent to the Regulation Division at the District Service Office that services this permit or other agency action, for retention in the File of Record for this agency action.

The information received by the District will be kept on file to support the District's determination regarding your application. This information is available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits/.

If you have any questions concerning the permit, please contact Lisa Bowers at the Tampa Service Office, extension 2099. Please reference the Project Name and Inquiry Number in future communications concerning this project

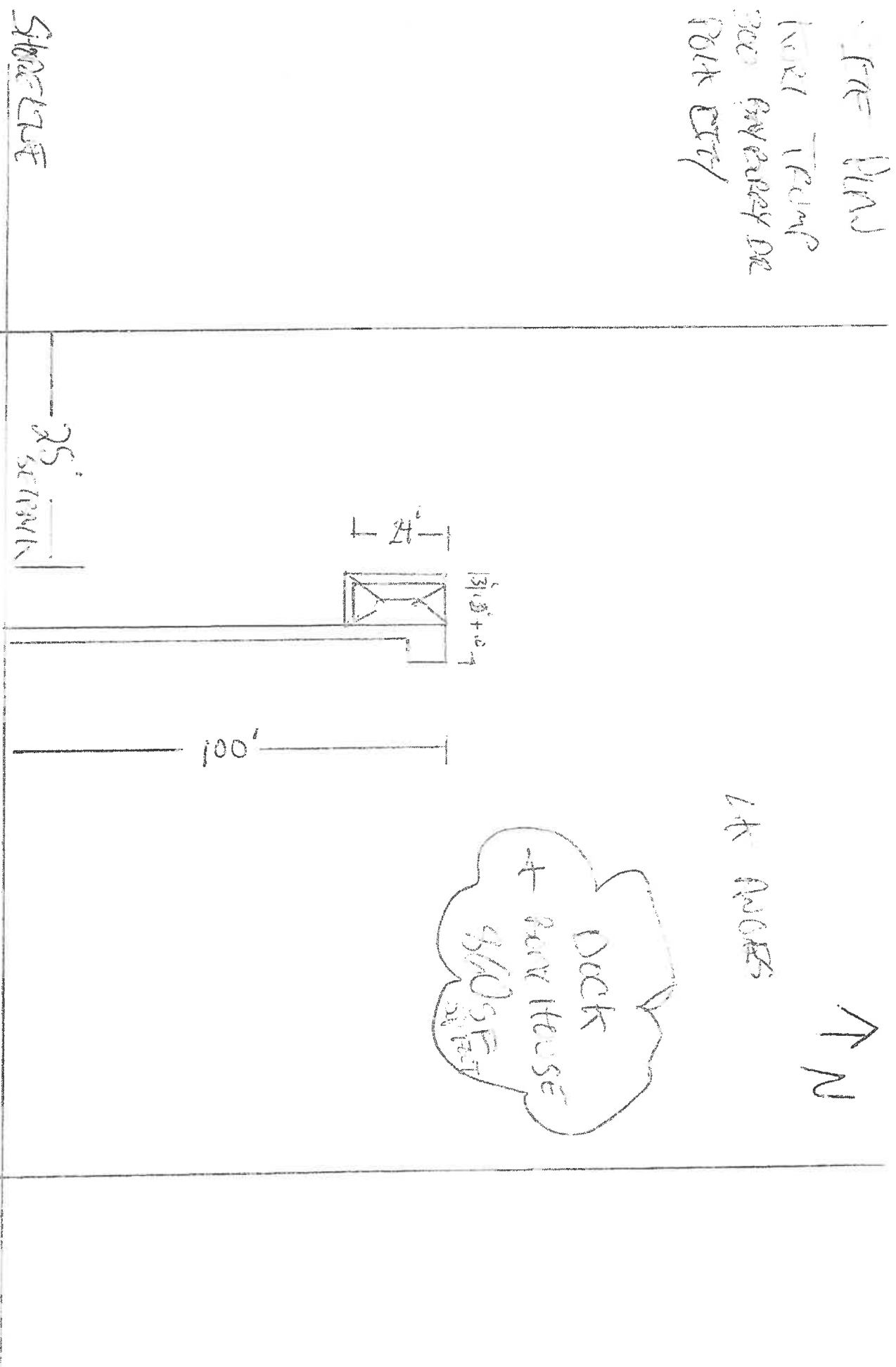
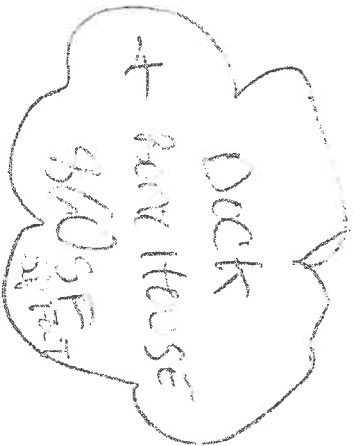
Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures Notice of Rights
 Proprietary General Conditions
cc: File of Record

FIRE PLAN
WATER TOWER
3000 GALLONS PER
PUMP CITY

4K AMCERS



3000 GALLONS PER PUMP CITY

108' LF SHORE LINE



David Norris Engineering

Engineering and Drafting Services

Commercial Plans · Inspections · Permitting · Specializing in Church Design

112 Coleman Road, Winter Haven, FL 33880

P.E.# 32186 C.A.# 8283



Email: d.norris@earthlink.net

Phone: (863) 299-1048

Fax: (863) 291-4305

General Notes for Boat Docks w/ Roof:

- 1.) All Pilings = 6" x 6" P.T. w/ 3' min. embedment, except as noted
- 2.) All structural Lumber = P.T. #2 SYP or better
- 3.) All Shingles to be 25 yr. (min.) F.G. per ASTM 3161, nailed per code, (or metal roofing, installed per mfr's specs.)
over 30# felt (Note: If roof pitch is less than a 4:12 pitch then (2) layers of 30# felt w/ min. 19" overlap is req'd), over
1/2" (min.) plywood (OSB or CDX) nailed w/ 8d @ 6" o.c. (4" o.c. within 4' of Gable ends) 2:12 min. pitch req'd
- 4.) 2x6 and 2x8 Roof Members, cut-to-fit, @ 24" o.c. (max), w/ (3) 16d @ Ridge Connection and Simpson H2.5
w/ (10) 8d @ 2x10 Band/Support Beams
- 5.) (2) 2x8 or 2x10 Band/Support Beam bolted w/ 1/2" dia. galv. bolt @ ea. column
- 6.) 2x4 Cross Ties (Collar Tie) spaced @ 4' o.c. (max) w/ (4) 12d @ ea. end (min.) 10' length), except as noted
- 7.) 2x6x P.T. Fascia w/ (2) 12d @ ea. Rafter end
- 8.) Deck Design:
2x8 Joists @ 24" o.c. (or 16" o.c. for 1x6 Decking) (10' max. span) and 2x8 Support Beam (s) w/ 1/2" dia. galv. bolt @
ea. column, w/ 2x6 tropical decking (or alternate flooring design - as shown) w/ (2) 12d or (2) #10 x 3" S.S. screws
@ ea. joist. 2x8 Support Beam (s): (8' max. span), (1) 2x8 @ perimeter, (2) 2x8 for interior spans. (Note: 2x8
Joists may be toe-nailed w/(2) 12d between cols.) (Note: When using 1x6 Composite Decking Hidden Fastener
Style use (2) 1 7/8" #7 Protech coated trim-head screws
- 9.) All Ridge Members and Hip/King Members are 2x8, except as noted
- 10.) Ridge Support: (2) 2x8 Support Beam w/ vert. 2x4 w/ (3) 12d @ ea. end
- 11.) Rails:
2x6 top plate attached to 6x6 piling w/ (3) #10 x 3" S.S. screws @ ea. conn. (10' max. span). 2x6 mid-rail attached to
6x6 w/ (2) #10 x 3" S.S. screws @ ea. conn. (10' max. span) and 2x6 mid-rail support every 5' attached to joist
w/ (2) #10 x 3" S.S. screws @ top and bottom (Note:) Equivalent designs are acceptable

David R. Norris, P.E.

3/19/21

CURT TRUMP
 300 BAYBERRY DR.
 POLK CITY, FL 33868

This structure has been designed in accordance with the
 7th edition (2020) FBC & FBCR and Chapt. 26-31
 Of ASCE 7 for (3 sec. gust) Wind Vel. of

Vult = 140, Vasd = 108

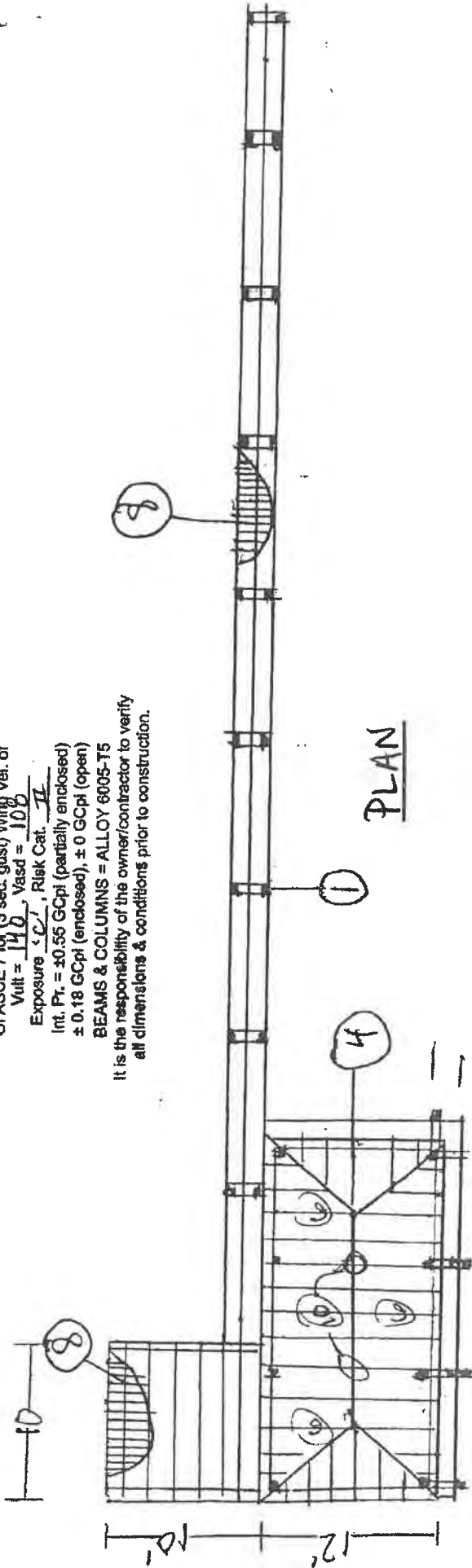
Exposure $\leq C_1$, Risk Cat. II

Int. Pr. = ± 0.55 GCpl (partially enclosed)

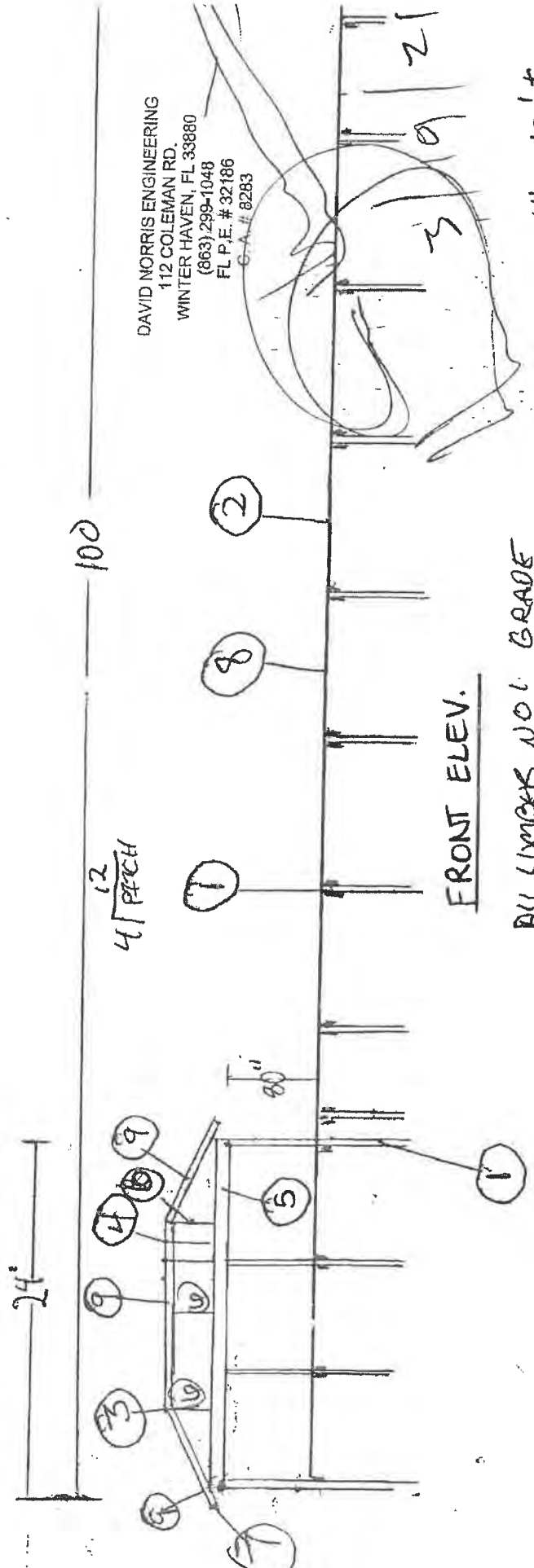
± 0.18 GCpl (enclosed), ± 0 GCpl (open)

BEAMS & COLUMNS = ALLOY 6005-T5

It is the responsibility of the owner/contractor to verify
 all dimensions & conditions prior to construction.



PLAN



FRONT ELEV.

DAVID MORRIS ENGINEERING
 112 COLEMAN RD.
 WINTER HAVEN, FL 33880
 (863) 299-1048
 F.L.P.E. # 32186
 C.A.# 8283

ALL LUMBER NO. 1 GRADE
 P.T. FIVE, ALL HARDWARE
 STAINLESS OR GALVANIZED (TYP)

SCAFF 1" = 10' =

8/25/21

AS PER MARGIE CREW -

HYDROLOGICAL DATA TECH

752 311

LAKE AGNES

POLK CITY FL

LAKE

WAS 133.34

RECORDS FROM

SO FUND

SHOWS LOW

AT

128.75

SECTION 2.05.02 A OF PAGE 53

POLK CITY

DICK RULES

PROVIDED TO OWNER BY PC

BY PC

DICK SHALL NOT EXTEND INTO THE LAKE

A- DISTANCE BETWEEN THAN 50' FROM

REGULATORY WATER LINE

**City Commission Meeting
September 20, 2021**

AGENDA ITEM #1: **PUBLIC HEARING - ORDINANCE 2021-02** – An Ordinance of Polk City, Florida, amending the Polk City Comprehensive Plan, adding a Property Rights Element to ensure that private property rights are considered in local decision making consistent with Florida Statutes 163.3177(6); providing for transmission to the Florida Department of Economic Opportunity for review and compliance; providing for severability; providing for conflict; and providing for an effective date. **First Reading**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Ordinance 2021-02 is a City-initiated text amendment to the Polk City Comprehensive Plan, adding a Property Rights Element to ensure that private property rights are considered in local decision making consistent with Florida Statutes 163.3177(6).

ATTACHMENTS:

- Ordinance 2021-02
- Staff Overview Report

ANALYSIS:

On Tuesday, September 7, 2021, the Polk City Planning Commission held a Public Hearing to amend the Polk City Comprehensive Plan by adding a Property Rights Element to ensure that private property rights are considered in local decision making consistent with Florida Statutes 163.3177(6)(i). The Planning Commission voted unanimously to forward the proposed amendment to the City Commission with a recommendation of approval.

STAFF RECOMMENDATION:

Approve Ordinance 2021-02 on **First Reading**.

ORDINANCE 2021-02

AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY COMPREHENSIVE PLAN, ADDING A PROPERTY RIGHTS ELEMENT TO ENSURE THAT PRIVATE PROPERTY RIGHTS ARE CONSIDERED IN LOCAL DECISION MAKING CONSISTENT WITH FLORIDA STATUTES 163.3177(6); PROVIDING FOR TRANSMISSION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR REVIEW AND COMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND 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 Comprehensive Plan, the City Commission of Polk City, Florida hereby makes the following findings:

(1) Chapter 163, Part II, Florida Statutes, establishes the Community Planning Act ("Act"), which empowers and mandates Polk City, Florida (the "City") to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City.

(2) Pursuant to the Act, the City has adopted a comprehensive plan ("Comprehensive Plan").

(3) The Act authorizes a local government desiring to revise its comprehensive plan to prepare and adopt comprehensive plan amendments.

(4) Effective July 1, 2021, statutory provisions in Chapter 163, Florida Statutes, related to comprehensive plans, were amended to require each local government to adopt a property rights element into their comprehensive plan.

(5) Inclusion of the property rights element is intended to protect provide property rights and to ensure they are considered in local decision-making.

(6) The City has prepared a text amendment to add a new Property Rights Element of the Comprehensive Plan consistent Florida Statutes 163.3177(6).

(7) In exercise of its authority the Commission has determined it necessary to adopt this amendment to the Plan, which is attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Plan is in full compliance with the laws of the State of Florida.

(8) Pursuant to Section 163.3184, Florida Statutes, the City Commission held a meeting and hearing on Ordinance 2021-16, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents.

(9) In the exercise of its authority, the City Commission has determined that it is necessary to adopt the proposed text amendment to the Comprehensive Plan contained herein to encourage the most appropriate use of land, water, and resources consistent with the public interest; to deal effectively with future problems that may result from the use and development of land within the City; and to ensure that the Comprehensive Plan is in full compliance with State law.

(10) The City Commission finds that the proposed text amendment to the Comprehensive Plan contained herein is in the best interests of the health, safety, and welfare of the general public and the City's residents, furthers the purposes of, and is consistent with, the City's Comprehensive Plan, and is consistent with and compliant with State law, including, but not limited to, Chapter 163, Part II, Florida Statutes.

SECTION 2. ADOPTION OF PROPERTY RIGHTS ELEMENT TEXT AMENDMENTS. The City Commission hereby adopts a new element as a part of the City's Comprehensive Plan to be named the "Property Rights Element" of the City's Comprehensive Plan. This adoption occurs at the behest of the Florida Legislature as a mandatory element in accordance with § 163.3177(6), Fla. Stat.

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

SECTION 4. CONFLICTS. All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. CODIFICATION. An official, true and correct copy of this Ordinance and the City's Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk will make copies available to the public for a reasonable publication charge.

SECTION 6. TRANSMITTAL. Within ten (10) days of final passage and adoption of this Ordinance, the City shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments to the City, as required by Section 163.3184(3)(c)2, Florida Statutes.

SECTION 7. EFFECTIVE DATE. The effective date of this Plan amendment, if the amendment is not timely challenged, shall be 45 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If

timely challenged, this amendment shall become effective on the date the State Land Planning Agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

INTRODUCED AND 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

EXHIBIT "A"
POLK CITY ORDINANCE 2021-02

NEW PROPERTY RIGHTS ELEMENT

Proposed Text Amendments to the Comprehensive Plan

PROPERTY RIGHTS ELEMENT

Policy 1:

Consistent with Section 163.3177(6), Florida Statutes, Polk City shall consider the following private property rights in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.



**POLK CITY
COMPREHENSIVE PLAN AMENDMENTS
SEPTEMBER 21, 2021**

TO: Polk City Commission

FROM: Central Florida Regional Planning Council

SUBJECT: **Ordinance 2021-02:** Proposed comprehensive plan amendment to add a Property Rights Element to the Comprehensive Plan to ensure that private property rights are considered in local decision making consistent with Florida Statutes 163.3177(6)(i). The amendments include the creation of a Property Rights Element in the Comprehensive Plan.

AGENDA & HEARING DATES:

Planning Commission Hearing: September 7, 2021, 6:30 PM (Public Hearing)
City Commission Transmittal Public Hearing: September 20, 2021 (First Reading, Transmittal Public Hearing)

ATTACHMENTS:

- Background
- Section 163.3177(6)(i), Florida Statutes
- Draft Amendments to be added to the Comprehensive Plan consistent with Florida Statutes

PLANNING COMMISSION ACTION: On Tuesday, September 7, 2021, the Planning Commission held a public hearing and unanimously voted forward the proposed Property Rights Element to the City Commission **with a recommendation of approval.**

CITY COMMISSION MOTION OPTIONS:

1. I move the City Commission forward the proposed Ordinance 2021-02 containing the proposed Property Rights Element to the Florida Department of Economic Opportunity for review.
2. I move the City Commission forward the proposed Ordinance 2021-02 containing the proposed Property Rights Element **with changes** to the Florida Department of Economic Opportunity for review.

BACKGROUND:

House Bill 59, which became law on June 29, 2021 adds Section 163.3177(6)(i) to the Florida Statutes. This new law, which became effective July 1, 2021, requires all jurisdictions to adopt a property rights element into their comprehensive plan. Inclusion of the property rights element is intended to protect provide property rights and to ensure they are considered in local decision-making.

The new element must be adopted before any other Comprehensive Plan amendment, including Future Land Use Map amendments. Section 163.3177(6)(i) of Florida Statutes states the following:

Section 163.3177(6)(i), Florida Statutes

In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decisionmaking:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

The **proposed text amendments** add a Property Rights Element to the Polk City Comprehensive Plan. The proposed text is based on the language included in Florida Statutes 163.3177(6)(i).

Text to be added to the Comprehensive Plan is shown as underlined.

PROPOSED DRAFT

PROPERTY RIGHTS ELEMENT

Policy 1:

Consistent with Section 163.3177(6), Florida Statutes, Polk City shall consider the following private property rights in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

**City Commission Meeting
September 20, 2021**

AGENDA ITEM #2:

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. **First Reading**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Ordinance 2021-03 is a City-initiated text amendment to the Polk City Comprehensive Plan 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)

ATTACHMENTS:

- Ordinance 2021-03
- Staff Overview Report

ANALYSIS:

On Tuesday, September 7, 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.

STAFF RECOMMENDATION:

Approve Ordinance 2021-03 on **First Reading**.

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.

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, 3, and 4 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 2.04.02.16, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 2.04.02.16, Unified Land Development Code, is hereby amended to read as follows:

"2.04.02.16 Planned Unit Development District

- (A) *FLUM designation:* The primary use of a Planned Use Development must be consistent with the future land use designation of the property.

- (B) *Purpose and intent.*
 - 1. The planned unit development district is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Unit Developments (PUD), which are not provided for or allowed in the zoning districts otherwise established by this chapter.

 - 2. The standards and procedures of this 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 Council Commission the absolute authority to establish limitations and regulations for the development deemed necessary to protect the public health, safety and welfare. In so doing, the PUD district is designed to:
 - a. Promote more efficient and economic uses of land, including bypassed lands.
 - b. Encourage more compatible and harmonious development of contiguous lands.
 - c. Promote home ownership opportunities for all residents of the community.
 - d. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.
 - e. Be totally controllable based on the needs of the city, in terms of the impact on the proposed site and surrounding neighborhoods.
 - f. Encourage uses of land, which reduce transportation needs and which conserve energy and natural resources.
 - g. Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscaping features and amenities.
 - h. Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under conventional land- development procedures.

- i. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
 - J. Accomplish more desirable living and working environments than would be possible through the strict application of minimum requirements of the city's other zoning and subdivision regulations.
 - k. Permit the combining and coordinating of architectural styles, building forms, and building relationships within a planned unit development.
 - l. Provide an environment of stable character compatible with surrounding developments.
 - m. Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection of preservation of lands, either internal or external to the planned unit development.
- (C) *Voluntary use.* The PUD district shall be a voluntary process commenced by an applicant for PUD (zoning designation). The city shall not initiate a PUD rezoning on privately owned property or designate specific lands for planned unit development in its adopted Comprehensive Plan.
- (D) *Minimum conditions for approval.* The approval of planned unit development rezoning or development plan may not be approved unless the following minimum conditions are met:
- 1. The minimum size of the proposed development shall be five (5) acres for a residential development and two (2) acres for a nonresidential development.
 - 2. Minimum setbacks at the perimeter of the development shall be equal to those of the abutting districts. Otherwise, there shall be no minimum lot size, setbacks, percentage of lot coverage, or lot width except as specified in the PUD approval document.
- (E) *Permitted uses.* Except where certain uses are specifically disallowed or restricted as part of the PUD approval:
- 1. In a commercial PUD, the uses allowed in Polk City's C-1 and C-2 zoning districts may be permitted as principal or accessory uses.

2. In an industrial PUD, the uses allowed in Polk City's M-1 and M-2I-H zoning districts may be permitted s principal or accessory uses.
3. In a residential PUD, the following uses shall be permitted:
 - a. Dwelling, one-family;
 - b. Dwelling, two-family;
 - c. Dwelling, multifamily;
 - d. Townhouses;
 - e. Public and private recreation facilities;
 - f. Churches and other houses of worship;
 - g. Child and adult daycare centers;
 - h. Convenience, goods, retail and personal service stores primarily intended and designed to service the residents of the PUD;
 - i. Essential services;
 - j. Home occupations subject to the provisions contained herein.

(F) *Internal compatibility.* All land uses within the proposed development shall be compatible with other proposed uses. The planning commission and the city ~~council~~ commission shall consider the following factors in judging internal compatibility:

1. The streetscape.
2. The existence or absence of, and the location of, open spaces, plazas, recreational areas and common areas.
3. The use of existing and proposed landscaping.
4. The treatment of pedestrian ways.
5. Focal points and vistas.
6. The use of the topography, physical environment and other natural features.
7. Traffic and pedestrian circulation pattern.
8. The use and variety of building setback lines, separations and buffering.
9. The use and variety of building groupings.
10. The use and variety of building sizes and architectural styles.
11. The use and variety of materials.
12. The separation and buffering of parking areas and sections of parking areas.
13. The variety and design of dwelling types.

14. The particular land uses proposed and the conditions and limitations thereon.
15. The form of ownership proposed for various uses.
16. Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any proposed use within the proposed development.

(G) *External compatibility.* All proposed land uses shall be compatible with existing and planned uses of properties surrounding the proposed development. The planning commission and the city council commission shall consider the following factors in judging external compatibility:

1. All of those factors listed in the preceding section, with particular attention to those areas of the development located on or near its perimeter and the conditions and limitations thereon.
2. The particular uses proposed near the development perimeter and the conditions and limitations on those uses.
3. The type, number and location of surrounding external uses.
4. The Comprehensive Plan goals and objectives and zoning regulations for surrounding external uses.
5. Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed development and any existing or planned use of such lands.

(H) *Intensity of development.* The residential density and intensity of use of a development plan shall have no undue adverse impact upon the physical and environmental characteristics of the site and surrounding lands. Within the policy limitations of the Comprehensive Plan, the permitted residential density and intensity of use in a proposed development may be adjusted upward or downward in consideration of the following factors:

1. The location of various proposed uses within the development and the degree of compatibility of such uses with each other and with surrounding uses.
2. The amount and type of protection provided for the safety, habitability and privacy of land uses both internal and external to the development.
3. The existing residential density and intensity of use of surrounding lands.
4. The availability and location of utilities services and public facilities and services.

5. The amount and size of open spaces, plazas, common areas and recreation areas.
 6. The use of energy-saving techniques and devices, including sun and wind orientation.
 7. The existence and treatment of any environmental hazards to the development of surrounding lands.
 8. The access to and suitability of transportation arteries proposed within the development and existing external transportation systems and arteries.
 9. Any other factor deemed relevant to the limitation of the intensity of development for the benefit of the public health, welfare and safety.
- (I) *Open spaces, plazas and recreation.* Open spaces, plazas and recreation areas provided within a development plan shall be evaluated based on conformance with the goals and objectives of the Comprehensive Plan and the sufficiency of such areas to provide appropriate recreational opportunities, protect sensitive natural areas, conserve areas of unique beauty or historical significance, provide structure to neighborhood design, and encourage compatible and cooperative relationships between adjoining land uses.
- (J) *Sidewalks, trails, bikeways.* The design of a development plan should, whenever feasible, incorporate appropriate pedestrian and bicycle access ways to provide for a variety of transportation alternatives.
- (K) *Environmental constraints.* The site of the proposed development shall be suitable for use without hazards to persons either on or off the site from the likelihood of increased flooding, erosion or other dangers, annoyances or inconveniences. The condition of the soil groundwater level, drainage and topography shall all be appropriate to the type, pattern and intensity of development intended.
- (L) *Internal access and circulation.* Every dwelling unit or other use permitted in a development plan shall have access to a public street either directly or by way of a private road, pedestrian way, common area guaranteeing access. Private roads and other access ways shall be required to be constructed to ensure that they are safe and maintainable.
- (M) *External transportation access.* The proposed development shall be located on, and provide access to, a major street as designated

in the Comprehensive Plan unless, due to the size of the development and the type of uses proposed, it will not adversely affect the type or amount of traffic adjoining local streets.

- (N) *Off-street parking.* Sufficient off-street parking and loading facilities for bicycles and other vehicles as well as cars shall be provided. The requirements of Section 3.03.00 of this chapter shall be used as a general guide in determining the needs for such facilities. Parking areas shall be constructed in accordance with such standards as are approved by the city ~~council~~ commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses.
- (O) *Public facilities.* No development plan shall be approved without adequate on-site and off-site public facilities, including but not limited to storm drainage, sanitary sewers, roadway capacity, fire/rescue service, police service, water distribution system and recreational facilities, which shall serve the proposed development.
- (P) *Unified control.* The applicant shall furnish the city with sufficient evidence to the satisfaction of the city attorney that the applicant is in complete and unified possession and control of the entire area of the proposed planned unit development, whether the applicant shall provide to the city all necessary documents and information that may be required by the city attorney to ensure that the development project may be lawfully completed according to the plans submitted. No application shall be considered until the requirements of this section have been fully complied with.
- (Q) *Phasing.* The city ~~council~~ commission may permit or require the phasing are included in the development plan, each phase of development must be planned and related to previous development, surrounding properties, and the available public facilities and services so that a failure to proceed with subsequent phases will not adversely affect public facilities or interests, or surrounding properties.
- (R) *Development time limits.* The city ~~council~~ commission shall establish reasonable periods of time for the completion of the total proposed development, any development phases, any dedicated public facilities which are part of the development; and facilities planned for common areas. These time limits may be extended by the city ~~council~~ commission for reasonable periods

upon the petition of an applicant for an amendment to the development plan and based upon good cause, as determined by the city council commission. Any extension of time shall not automatically extend the normal expiration date of a building permit, site plan approval or other development order. If time limits contained in the approved development plan are not complied with and not extended for good cause, the city council commission may rezone the property or any part of it or amend the approved development plan so as to best protect adjoining properties and the public health, safety and welfare.

- (S) *Bonds.* The city council commission may include in the development plan requirements for bonds (or appropriate alternatives) conditioned upon the satisfactory and timely completion of facilities in the development plan, for the benefit of the city and purchasers from the applicant, when the development time limits and phasing schedule do not preclude the sale of individual units prior to the completion of such facilities. In the event that a requirement for bonds or appropriate alternative is not provided for in the plan, then the requirements for such bonds required in this chapter shall be complied with.

- (T) *Applicability of other chapters.* All building code, housing code and other land use regulations of the city are applicable to the PUD district, except for those permitting special exceptions and variances and except to the extent that they conflict with a specific provision of the approved development plan. Analogous land use regulations applying to other areas of the development shall be as determined by the city council commission as part of the approved development plan or, if not determined therein, during the site plan approval process set forth in this chapter, giving due regard to the purpose of each such regulation and the similarity of each area of the planned unit development to other zoning districts in terms of permitted uses.

- (U) *Variances applicable to the planned unit development.* A property within a planned unit development may apply for a variance provided that all of the following criteria are met:
 - 1. The development order does not prohibit individual property owners from applying for variances.
 - 2. The variance request is not contrary to the recorded covenants and deed restrictions.

- (V) *Administrative procedures.* A PUD shall be adopted in the same manner as a rezoning ordinance, except that it shall contain a conceptual master development site plan demonstrating or requiring compliance with conditions set forth herein and generally depicting the nature, intensity and location of various uses. The PUD Ordinance may provide that minor modifications to the conceptual site plan shall be permitted upon approval by the development director.”

SECTION 3. AMENDMENT TO SECTION 3.12.03, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 3.12.03, Unified Land Development Code, is hereby amended to read as follows:

“3.12.03 Planned Unit Development (PUD) in the Green Swamp ACSC

- A. ***Planned Unit Development.*** All Planned Unit Development within the Green Swamp ACSC shall meet the following standards:
1. Use of innovative design techniques and additional open space.
 2. Conservation of natural resources.
 3. Utilization of land economically and efficiently.
 4. Efficient use of existing and programmed public services and facilities.
 5. Creation of attractive and functional development that is compatible with surrounding uses and utilizes wetlands and flood plain areas as the required open space.
- B. ~~Reserved.~~ PUDs located in the Green Swamp ACSC shall be consistent with Section 2.04.02.16 Planned Unit Development District.
- C. ***Performance Standards for Residential PUD’s Located in the Green Swamp ACSC.*** Applicable performance standards for Residential Planned Unit Developments (PUDs) are set forth in Article 3, Section 3.08.04, “Uses Requiring a Site Development Plan in the Green Swamp ACSC” of this Code.
- D. ***Performance Standards for Mixed-Use PUDs Located in the Green Swamp ACSC.*** Applicable performance standards for Planned Unit Developments (PUDs) are set forth in Polk City’s Unified Land Development Code, Article 7, Section 7.11.00. **Additionally, the following standards apply:**
1. If the non-residential uses are intended to serve other customers than contained in the residential portion of the development, the applicant must demonstrate that the proposed non-residential uses

meets a spacing of one mile from any other non-residential activity center.

2. Non-residential uses in the RL-1X, RL-2X, RL-3X RL-4X and RMX land use districts shall be limited to the uses and dimensions listed:
 - a. Personal Services.
 - b. General retail and no larger than 5,000 square feet, such as bakeries, hardware stores and convenience stores, excluding gasoline services.
 - c. Offices and financial institutions, excluding drive-through windows.
 - d. Government and civic uses.
 - e. The maximum non-residential structures shall not exceed 19,999 square feet when developed as a residentially based mixed-use development.

E. ***Procedures for Planned Unit Development Located within the Green Swamp ACSC.*** Procedures for Planned Unit Developments are set forth in this Code in Section 7.11.00.

F. ***Minor Modifications to Planned Unit Development Located in the Green Swamp ACSC.*** Procedures for Planned Unit Developments are set forth in this Code in Section 7.11.00.”

SECTION 4. AMENDMENT TO SECTION 7.11.00, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 7.11.00, Unified Land Development Code, is hereby amended to read as follows:

“7.11.00 Planned Unit Development (PUD)

~~This section applies to lands annexed to the City that have a Planned Unit Development (PUD) approval in place in Polk County prior to annexation. Within the City, there is no PUD process or district. Following annexation, lands with an approved PUD that is current in Polk County, shall only proceed with development in the City that is in strict accord with said Polk County PUD. So long as development proceeds in this manner, no review of the PUD shall be required by the City for five (5) years, unless the developer wishes to deviate significantly from the approved Development Plan, in which case they shall either submit an amended Plan or apply for a conventional zoning classification through the normal rezoning process. In order to qualify for this extension, the developer shall file a current copy of the PUD with the City. The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Development Plan. Any amendment, variation or adjustment of a Development Plan shall require approval according to the following:~~

- ~~A. The Development Director shall determine if a proposed action on the part of the developer requires an amendment of the Development Plan. The determination shall be based on, but not limited to the following:~~
- ~~1. Any substantial change to the Development Plan, including increase in density, change in permitted uses, or the rearrangement of designated open space or recreation areas;~~
 - ~~2. Any change in traffic patterns and trip generation; or~~
 - ~~3. Any change in stormwater runoff characteristics, or other similar changes shall be considered reason to amend the Development Plan.~~
- ~~B. The Development Director shall require an application for a Development Plan amendment; cause the application to be reviewed by the individual departments of the City, and shall transmit the application to the City Manager for review and action by the City Council. The transmittal shall include all pertinent documents submitted by the applicant, the Development Director's report and recommendation and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Council. The City Council may:~~
- ~~1. Approve the application as submitted.~~
 - ~~2. Deny the application.~~
 - ~~3. Approve and attach whatever reasonable conditions or requirements the City Council deems necessary to insure compliance with the development standards of the City, which may include dividing the PUD into phases to insure compliance with the City's land development standards and/or modify the PUD to insure said standards are met.~~
- ~~C. Conditions placed on a PUD by the City Council may include requiring the applicant, at his cost and expense, to:~~
- ~~1. Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.~~
 - ~~2. Finance or construct potable water, wastewater or drainage facilities.~~
 - ~~3. Any other reasonable conditions necessary to ensure compliance, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this article are met.~~

- ~~a. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any such conditions will not, in any way, obligate the City to approve the subject application.~~
- ~~b. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the PUD are thereby met.~~

7.11.00 Planned Unit Development

7.11.01 Procedures for Obtaining a Planned Unit Development (PUD) Zoning Designation

The PUD approval process shall address land use density and intensity, building types, location of major roads and interior road networks, and the design for public utility service(s). The City Commission may exercise broad discretion in the Conceptual Master Development Plan review process, and such review process shall be deemed to be an integral part of the zoning decision pertaining to such property.

As a condition for processing a PUD application, the Development Director or the City Commission may require the owner of the property to undertake specific studies or reports to be submitted regarding soil types, environmental aspects of the land or the impact of the proposed development on City utilities, roads, or other facilities. Proximity to wetlands, nature of vegetation, site specific and off-site environmental characteristics and impacts, and other appropriate matters of impact on the community may be taken into consideration by the City Commission. The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.

- (A) Conceptual Master Development Plan. Development requirements in a PUD are established through an approved Conceptual Master Development Plan (Plan) to be consistent with the City's Comprehensive Plan. The Plan shall establish the overall development concept, dividing the development site into tracts and assigning generalized land use types to each (i.e., recreation, retail commercial, townhouses, low-density single family, etc.), and depicting the approximate locations of roads, water bodies, utility plants, and other features of the development site.

Tracts proposed for uses other than residential or commercial development shall be labeled on the Plan as to type of use proposed (i.e., recreation,

open space, utility sites, etc.) and acreage. Written information as to land use type, density/intensity of land use, and acreage of tracts and rights-of-way shall be included with the PUD application and considered part of the Plan.

- (B) Conceptual Master Development Plan Advisory Meeting. At the option of the applicant, the Development Director shall schedule a Conceptual Master Development Plan pre-application conference, at which time the applicant may outline his proposal to all appropriate City staff members. The purpose of the pre-application conference is to assist the developer in clearly understanding all relevant City Code requirements, identify development issues specific to the proposed project, and discuss any other procedural issues relative to the review of the request.
- (C) Requirements for Conceptual Master Development Plan Review. The review and approval of a Conceptual Master Development Plan constitutes a zoning change resulting in a PUD designation. The determination by the Planning Commission and City Commission concerning the appropriateness of the Conceptual Mater Development Plan shall be based on the same factors as any other change of zoning designation, including consistency with the Future Land Use Map and compatibility with surrounding land uses.

In addition to other requirements of the rezoning process, applications for PUD designation shall include the following, as required by the Development Director:

- (1) A letter of transmittal officially submitting the proposal for approval, signed by the developer or his an authorized representative.
- (2) Firm evidence of unified control by the developer of the entire proposed PUD site and a signed statement that, if he proceeds with the proposed development, he will:
 - a. Abide by the officially approved Conceptual Master Development Plan of the development, and such other conditions and modifications as may be included.
 - b. Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Conceptual Master Development Plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated, and maintained at general public expense.

- c. Bind development successors in title to any commitments made as a condition of development approval.
 - d. Secure written consents and agreements from all property owners of record within the PUD that they have given the applicant authority to act in their behalf and that said representative or agent has the delegated authority to represent the owner or owners and they agree that all commitments made by the aforementioned representative or agent are binding.
- (3) A statement of the applicant's interest in the property to be rezoned, including certificate of title or attorney as to ownership and, if a contract purchaser, written consent of the seller/owner; or, if a lease, a copy of the lease agreement and written consent of the owner(s).
- (4) A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, and the accurate legal description of the property in metes and bounds and a computation of the total acreage of the tract to the nearest tenth of an acre. Survey must have been done within one (1) year prior to filing.
- (5) Electronic and hard copies of a scaled Conceptual Master Development Plan of the entire proposal showing the following information:
 - a. A key map at a convenient scale showing existing roads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four sides; a statement indicating the distance to all public improvements such as schools, firehouses, public recreational areas and the like, that would serve the subject development; a description of how the proposed development is in conformity with the Polk City Comprehensive Plan and all relevant laws, ordinances, and regulations.
 - b. Location, with pavement type, right-of-way, names, and other related appurtenances of all existing public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds as to identify the location of the site shall be required.
 - c. Identification of the name, plat book, and page number of any recorded subdivision comprising all or part of the site.

- d. Identification and location of any existing water courses, lakes, wooded areas, or other significant natural physical features upon the site, as well as on adjacent property within 250 feet of outside boundaries and proposed alterations to said features.
- e. Location and spatial arrangement of all land uses proposed, including the number of acres in each land use, proposed residential densities, and development type (i.e., single-family residential, multifamily residential, commercial shopping center, hotel/motel, mixed use, etc.).
- f. All existing and proposed means of vehicular access to and from the site, including an internal traffic circulation plan depicting arterial and collector streets.
- g. A transportation analysis, prepared by a professional in the field of transportation planning, to include an estimate of average trips/land use, total average daily trips, distribution of total peak hour trips on existing and/or proposed transportation network, and distribution splits onto existing and/or proposed transportation network (may be waived at Development Director's discretion).
- h. Location of existing structures and/or open space facilities of adjacent properties within 250 feet of any boundary line of the site (use of a recent aerial photo is adequate).
- i. A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:
 - 1. Size and/or scope of development.
 - 2. Projected Population.
 - 3. Proposed timing and phases of development.
 - 4. Proposed ownership and forms of organization to maintain common open space and facilities.
- j. A general layout of the types, quantities, and location of trees and other such significant vegetative features (use of a recent aerial photo is adequate).

- k. A map of Soil Conservation Service Soil Classification by Soil Associations.
- l. A general floodplain map indicating areas subject to inundation and high groundwater levels up to the 100-year flood zone boundary, at a scale of one inch to 500 feet.
- m. Delineation of all wetland areas on the site including type (i.e., FDEP jurisdictional, SWFWMD isolated, and all others). For the purpose of Conceptual Master Development Plan review, wetland areas may be assumed using the best available data sources including, but not limited to, aerial photographs, recognized published reports/studies, etc.
- n. The most recent aerial photograph available, with the areas to be modified delineated.
- o. Preliminary drainage plan showing existing topographic contours at one (1) foot intervals, identification of the major natural drainage basin(s) of the site, areas for proposed stormwater management retention/detention basins, and location of outfall.
- p. A description of anticipated potable water and sanitary sewer demands of the proposed development and what facilities are available or projected to be available to meet this demand.
- q. Any other reasonable information that may be required by the Development Director that is commensurate with the intent and purpose of this Code.

Upon receipt of the materials described above, the Development Director shall transmit copies of relevant materials to the various City and county officials and agencies as appropriate.

When review of the proposed PUD is complete, the Development Director shall provide review of the project to the Planning Commission for its review and consideration. The Development Director shall include with his or her recommendations the zoning application and a written report that shall include all pertinent documents, comments of the reviewing City officials, and any other applicable documentation or graphics.

- (D) Planning Commission Review and Recommendation. The Planning Commission shall hear the request at a regularly scheduled public hearing, and recommend to the City Commission whether the proposed rezoning be approved, approved with modifications or conditions, or denied. The official

minutes of the meeting shall include a summary of the reasons for the Board's advisory recommendation. In support of its recommendation, the Board shall make findings as to:

- (1) The suitability of the area for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, concurrency, and other requirements of this Code.
- (2) Conformity of the proposed development with the Comprehensive Plan of Polk City.
- (3) Conformity with these regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes.
- (4) Compatibility with surrounding land uses.
- (5) All such other review criteria as may be appropriate.

In consultation with the City Attorney, the Board shall also assess the adequacy of the following items relating to arrangements for ownership, operation, and maintenance of common properties and/or facilities that are not provided at public expense:

- (1) Evidence of unified control of the overall development site.
 - (2) Suitability of any proposed agreements, or contracts, or other instruments that are to be executed to create or provide the facilities.
 - (3) The need for such instruments or for amendments in those that have been proposed.
- (E) Action by City Commission. Upon completion of required action by the Planning Commission, the Development Director shall transmit the application to the City Commission and place the item on the next available regular agenda. That transmittal may include all pertinent documents submitted by the applicant, the Development Director's report and recommendation, the Planning Commission findings, and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Commission. The City Commission may:
- (1) Deny the application.

- (2) Phase the application to ensure compliance with the standards herein and other standards and requirements in this Code.
- (3) Modify the application so that these standards are met.
- (4) Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements the City Commission deems necessary to ensure compliance with these standards or maximum mitigation of the adverse impacts of the development.

7.11.02 Development Conditions

Conditions placed on a request by the City Commission may include requiring the applicant, at his their cost and expense, to:

- (A) Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.
- (B) Finance or construct potable water, wastewater, or drainage facilities.
- (C) Any other reasonable conditions necessary to ensure compliance with these standards, if the applicant agrees in writing in a recordable agreement binding upon his or her successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this article are met. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any conditions will not, in any way, obligate the City to approve the subject application. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the Planned Unit Development district are thereby met.

7.11.03 Approval of a PUD

- (A) *General Uses.* Approval of a Planned Unit Development shall constitute a rezoning of the subject property and amendment to the Official Zoning Map. Any and all development of the approved PUD shall be in strict conformance with the Conceptual Master Development Plan, as approved by the City Commission.

In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to

completion of construction of the PUD, all subsequent development that has not received approval under the City's Subdivision Regulations or Site Development Plan Regulations as of the date of the amendment shall be consistent with the new regulations. Approval of development under these sections of the Code shall be valid for one year. Unless construction begins on or before the first anniversary date, development approval shall be null and void, and the new standards shall apply.

Previous approval of a Conceptual Master Development Plan shall not by itself convey the right to develop property in a manner that is inconsistent with the Comprehensive Plan and current codes. Prior to approval of further Subdivision Plats or Site Development Plans within the PUD, the Conceptual Master Development Plan shall be amended to reflect amended codes or other requirements.

7.11.04 Amendment or Termination of a PUD

Once PUD approval is granted, all development within the PUD development site shall be in conformity with the approved Conceptual Master Development Plan. In the event a developer wishes to deviate significantly from the approved development pattern, he shall either submit an amended Conceptual Master Development Plan or apply for a conventional zoning classification through the normal rezoning process.

The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Conceptual Master Development Plan. Any amendment, variation, or adjustment of a Conceptual Master Development Plan shall require approval according to the following:

- (1) *Major Amendment.* Submission for review and approval by the Planning Commission and City Commission.
- (2) *Minor Amendment.* Submission for review and approval by the Development Director.

The Development Director shall determine whether a proposed Conceptual Master Development Plan amendment is a major amendment or a minor amendment. The determination shall be based on, but not limited to the following: any substantial change to the Conceptual Master Development Plan, including increase in density, change in permitted uses, change in stormwater runoff characteristics, rearrangement of designated open space or recreation areas, change in traffic patterns and trip generation, or other similar changes shall be considered a major amendment to the plan; any proposed minor changes in configuration or similar changes shall be considered a minor amendment to the plan. The Development Director may, at his or her discretion, forward any application for plan amendment to one or more individual departments for review and recommendation both as to

its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied.

7.11.05 Development in Stages

Rather than construct the entire PUD at once, the developer may choose to build the project in stages. Phased development of a PUD is permissible under the following conditions:

- (A) Developer must submit a construction schedule covering all phases of the PUD to the Development Director. This schedule may be revised from time to time as necessary.
- (B) All roads, drainage, and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any Building Permits.
- (C) At least 30 percent of the total acreage of each stage shall qualify as Designated Open Space unless the entire project's Open Space is provided in the first phase. All recreation facilities shall be completed and available for use prior to issuance of Building Permits Certificates of Occupancy.
- (D) No individual stage of the PUD shall exceed the overall density approved on the Conceptual Master Development Plan for the PUD as a whole.

7.11.06 Ownership and Maintenance of Common Property

The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities, and other community facilities designated on the Conceptual Master Development Plan and subdivision or Site Development Plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to Polk City for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final Site Development Plan or Subdivision Plat of each phase and subject to approval of the City Commission.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Conceptual Master Development Plan and subsequent final development plans, the City may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected

within thirty (30) days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (A) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;
- (B) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- (C) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- (D) To create an administrative vehicle, the owners association, to manage those elements shared in common and to enforce standards;
- (E) To provide for the operation and financing of the association;
- (F) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,
- (G) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the Conceptual Master Development Plan and subsequent final development plans of the PUD.”

SECTION 5. 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 6. 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 7. 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 8. 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**

SEPTEMBER 20, 2021

TO: Polk City Planning Commission

FROM: Central Florida Regional Planning Council

SUBJECT: **Text Amendments to the Land Development Code:**
City-initiated text amendment to Articles 2, 3, and 7 of the Polk City Land Development Code. The purpose of the proposed amendments is remedy inconsistencies with the Planned Unit Development zoning district.

AGENDA & HEARING DATES:

Planning Commission Public Hearing: September 8, 2021
City Commission First Reading: September 20, 2021
City Commission Second Reading: October 18, 2021

ATTACHMENT: Overview, Proposed amendments

PLANNING AND ZONING BOARD ACTION: On Tuesday, September 7, 2021, the Planning Commission held a public hearing and unanimously voted forward the proposed Property Rights Element to the City Commission with a recommendation of approval with changes. The Planning Commission changes are shown in red.

CITY COMMISSION MOTION OPTIONS:

1. I move the City Commission approve Ordinance 2021-03 on first reading.
2. I move the City Commission approve Ordinance 2021-03 with changes on first reading.
3. I move the City Commission deny Ordinance 2021-03 on first reading.

OVERVIEW OF PROPOSED AMENDMENTS:

An inconsistency has been identified in the Polk City Land Development Code in Article 7 regarding Planned Unit Developments. The proposed text amendments correct the inconsistency. Language is added to provide consistency with Articles 2 and 3 of the City's Land Development Code.

An amendment is provided in Article 3 to provide consistency with the requirements for Planned Unit Developments in Section 2.04.02.16 of Article 2

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. Text in **red** are recommended changes from the Planning Commission.

ARTICLE 2: REGULATIONS FOR SPECIFIC DISTRICTS

2.04.02.16 Planned Unit Development District

- (A) *FLUM designation:* The primary use of a Planned Use Development must be consistent with the future land use designation of the property.
- (B) *Purpose and intent.*
 - 1. The planned unit development district is intended to provide a method for consideration and approval of unique zoning districts for individual Planned Unit Developments (PUD), which are not provided for or allowed in the zoning districts otherwise established by this chapter.
 - 2. The standards and procedures of this 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 **Council Commission** the absolute authority to establish limitations and regulations for the development deemed necessary to protect the public health, safety and welfare. In so doing, the PUD district is designed to:
 - a. Promote more efficient and economic uses of land, including bypassed lands.
 - b. Encourage more compatible and harmonious development of contiguous lands.
 - c. Promote home ownership opportunities for all residents of the community.

- d. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.
 - e. Be totally controllable based on the needs of the city, in terms of the impact on the proposed site and surrounding neighborhoods.
 - f. Encourage uses of land, which reduce transportation needs and which conserve energy and natural resources.
 - g. Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscaping features and amenities.
 - h. Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under conventional land- development procedures.
 - i. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
 - J. Accomplish more desirable living and working environments than would be possible through the strict application of minimum requirements of the city's other zoning and subdivision regulations.
 - k. Permit the combining and coordinating of architectural styles, building forms, and building relationships within a planned unit development.
 - l. Provide an environment of stable character compatible with surrounding developments.
 - m. Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection of preservation of lands, either internal or external to the planned unit development.
- (C) *Voluntary use.* The PUD district shall be a voluntary process commenced by an applicant for PUD (zoning designation). The city shall not initiate a PUD rezoning on privately owned property or designate specific lands for planned unit development in its adopted Comprehensive Plan.
- (D) *Minimum conditions for approval.* The approval of planned unit development rezoning or development plan may not be approved unless the following minimum conditions are met:

1. The minimum size of the proposed development shall be five (5) acres for a residential development and two (2) acres for a nonresidential development.
2. Minimum setbacks at the perimeter of the development shall be equal to those of the abutting districts. Otherwise, there shall be no minimum lot size, setbacks, percentage of lot coverage, or lot width except as specified in the PUD approval document.

(E) *Permitted uses.* Except where certain uses are specifically disallowed or restricted as part of the PUD approval:

1. In a commercial PUD, the uses allowed in Polk City's C-1 and C-2 zoning districts may be permitted as principal or accessory uses.
2. In an industrial PUD, the uses allowed in Polk City's M-1 and M-2I-H zoning districts may be permitted as principal or accessory uses.
3. In a residential PUD, the following uses shall be permitted:
 - a. Dwelling, one-family;
 - b. Dwelling, two-family;
 - c. Dwelling, multifamily;
 - d. Townhouses;
 - e. Public and private recreation facilities;
 - f. Churches and other houses of worship;
 - g. Child and adult daycare centers;
 - h. Convenience, goods, retail and personal service stores primarily intended and designed to service the residents of the PUD;
 - i. Essential services;
 - j. Home occupations subject to the provisions contained herein.

(F) *Internal compatibility.* All land uses within the proposed development shall be compatible with other proposed uses. The planning commission and the city ~~council~~ commission shall consider the following factors in judging internal compatibility:

1. The streetscape.
2. The existence or absence of, and the location of, open spaces, plazas, recreational areas and common areas.
3. The use of existing and proposed landscaping.

4. The treatment of pedestrian ways.
5. Focal points and vistas.
6. The use of the topography, physical environment and other natural features.
7. Traffic and pedestrian circulation pattern.
8. The use and variety of building setback lines, separations and buffering.
9. The use and variety of building groupings.
10. The use and variety of building sizes and architectural styles.
11. The use and variety of materials.
12. The separation and buffering of parking areas and sections of parking areas.
13. The variety and design of dwelling types.
14. The particular land uses proposed and the conditions and limitations thereon.
15. The form of ownership proposed for various uses.
16. Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any proposed use within the proposed development.

(G) *External compatibility.* All proposed land uses shall be compatible with existing and planned uses of properties surrounding the proposed development. The planning commission and the city ~~council~~ **commission** shall consider the following factors in judging external compatibility:

1. All of those factors listed in the preceding section, with particular attention to those areas of the development located on or near its perimeter and the conditions and limitations thereon.
2. The particular uses proposed near the development perimeter and the conditions and limitations on those uses.
3. The type, number and location of surrounding external uses.
4. The Comprehensive Plan goals and objectives and zoning regulations for surrounding external uses.
5. Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed development and any existing or planned use of such lands.

(H) *Intensity of development.* The residential density and intensity of use of a development plan shall have no undue adverse impact upon the physical and environmental characteristics of the site and surrounding lands. Within the policy limitations of the Comprehensive Plan, the permitted residential density and intensity of use in a proposed development may be adjusted upward or downward in consideration of the following factors:

1. The location of various proposed uses within the development and the degree of compatibility of such uses with each other and with surrounding uses.
2. The amount and type of protection provided for the safety, habitability and privacy of land uses both internal and external to the development.
3. The existing residential density and intensity of use of surrounding lands.
4. The availability and location of utilities services and public facilities and services.
5. The amount and size of open spaces, plazas, common areas and recreation areas.
6. The use of energy-saving techniques and devices, including sun and wind orientation.
7. The existence and treatment of any environmental hazards to the development of surrounding lands.
8. The access to and suitability of transportation arteries proposed within the development and existing external transportation systems and arteries.
9. Any other factor deemed relevant to the limitation of the intensity of development for the benefit of the public health, welfare and safety.

- (I) *Open spaces, plazas and recreation.* Open spaces, plazas and recreation areas provided within a development plan shall be evaluated based on conformance with the goals and objectives of the Comprehensive Plan and the sufficiency of such areas to provide appropriate recreational opportunities, protect sensitive natural areas, conserve areas of unique beauty or historical significance, provide structure to neighborhood design, and encourage compatible and cooperative relationships between adjoining land uses.
- (J) *Sidewalks, trails, bikeways.* The design of a development plan should, whenever feasible, incorporate appropriate pedestrian and bicycle access ways to provide for a variety of transportation alternatives.
- (K) *Environmental constraints.* The site of the proposed development shall be suitable for use without hazards to persons either on or off the site from the likelihood of increased flooding, erosion or other dangers, annoyances or inconveniences. The condition of the soil groundwater level, drainage and topography shall all be appropriate to the type, pattern and intensity of development intended.
- (L) *Internal access and circulation.* Every dwelling unit or other use permitted in a development plan shall have access to a public street either directly or by way of a private road, pedestrian way, common area guaranteeing access. Private roads

and other access ways shall be required to be constructed to ensure that they are safe and maintainable.

- (M) *External transportation access.* The proposed development shall be located on, and provide access to, a major street as designated in the Comprehensive Plan unless, due to the size of the development and the type of uses proposed, it will not adversely affect the type or amount of traffic adjoining local streets.
- (N) *Off-street parking.* Sufficient off-street parking and loading facilities for bicycles and other vehicles as well as cars shall be provided. The requirements of Section 3.03.00 of this chapter shall be used as a general guide in determining the needs for such facilities. Parking areas shall be constructed in accordance with such standards as are approved by the city ~~council~~ commission to ensure that they *are* safe and maintainable and that they allow for sufficient privacy for adjoining uses.
- (O) *Public facilities.* No development plan shall be approved without adequate on-site and off-site public facilities, including but not limited to storm drainage, sanitary sewers, roadway capacity, fire/rescue service, police service, water distribution system and recreational facilities, which shall serve the proposed development.
- (P) *Unified control.* The applicant shall furnish the city with sufficient evidence to the satisfaction of the city attorney that the applicant is in complete and unified possession and control of the entire area of the proposed planned unit development, whether the applicant shall provide to the city all necessary documents and information that may be required by the city attorney to ensure that the development project may be lawfully completed according to the plans submitted. No application shall be considered until the requirements of this section have been fully complied with.
- (Q) *Phasing.* The city ~~council~~ commission may permit or require the phasing are included in the development plan, each phase of development must be planned and related to previous development, surrounding properties, and the available public facilities and services so that a failure to proceed with subsequent phases will not adversely affect public facilities or interests, or surrounding properties.
- (R) *Development time limits.* The city ~~council~~ commission shall establish reasonable periods of time for the completion of the total proposed development, any development phases, any dedicated public facilities which *are* part of the

development; and facilities planned for common areas. These time limits may be extended by the city council commission for reasonable periods upon the petition of an applicant for an amendment to the development plan and based upon good cause, as determined by the city council commission. Any extension of time shall not automatically extend the normal expiration date of a building permit, site plan approval or other development order. If time limits contained in the approved development plan *are* not complied with and not extended for good cause, the city council commission may rezone the property or any part of it or amend the approved development plan so as to best protect adjoining properties and the public health, safety and welfare.

- (S) *Bonds.* The city council commission may include in the development plan requirements for bonds (or appropriate alternatives) conditioned upon the satisfactory and timely completion of facilities in the development plan, for the benefit of the city and purchasers from the applicant, when the development time limits and phasing schedule do not preclude the sale of individual units prior to the completion of such facilities. In the event that a requirement for bonds or appropriate alternative is not provided for in the plan, then the requirements for such bonds required in this chapter shall be complied with.
- (T) *Applicability of other chapters.* All building code, housing code and other land use regulations of the city *are* applicable to the PUD district, except for those permitting special exceptions and variances and except to the extent that they conflict with a specific provision of the approved development plan. Analogous land use regulations applying to other areas of the development shall be as determined by the city council commission as part of the approved development plan or, if not determined therein, during the site plan approval process set forth in this chapter, giving due regard to the purpose of each such regulation and the similarity of each area of the planned unit development to other zoning districts in terms of permitted uses.
- (U) *Variances applicable to the planned unit development.* A property within a planned unit development may apply for a variance provided that all of the following criteria are met:
1. The development order does not prohibit individual property owners from applying for variances.
 2. The variance request is not contrary to the recorded covenants and deed restrictions.
- (V) *Administrative procedures.* A PUD shall be adopted in the same manner as a rezoning ordinance, except that it shall contain a conceptual master

development site plan demonstrating or requiring compliance with conditions set forth herein and generally depicting the nature, intensity and location of various uses. The PUD Ordinance may provide that minor modifications to the conceptual site plan shall be permitted upon approval by the development director.

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 3: DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

3.12.03 Planned Unit Development (PUD) in the Green Swamp ACSC

- A. **Planned Unit Development.** All Planned Unit Development within the Green Swamp ACSC shall meet the following standards:
1. Use of innovative design techniques and additional open space.
 2. Conservation of natural resources.
 3. Utilization of land economically and efficiently.
 4. Efficient use of existing and programmed public services and facilities.
 5. Creation of attractive and functional development that is compatible with surrounding uses and utilizes wetlands and flood plain areas as the required open space.
- B. ~~Reserved.~~ PUDs located in the Green Swamp ACSC shall be consistent with Section 2.04.02.16 Planned Unit Development District.
- C. **Performance Standards for Residential PUD's Located in the Green Swamp ACSC.** Applicable performance standards for Residential Planned Unit Developments (PUDs) are set forth in Article 3, Section 3.08.04, "Uses Requiring a Site Development Plan in the Green Swamp ACSC" of this Code.
- D. **Performance Standards for Mixed-Use PUDs Located in the Green Swamp ACSC.** Applicable performance standards for Planned Unit Developments (PUDs) are set forth in Polk City's Unified Land Development Code, Article 7, Section 7.11.00. **Additionally, the following standards apply:**
1. If the non-residential uses are intended to serve other customers than contained in the residential portion of the development, the applicant must demonstrate that the proposed non-residential uses meets a spacing of one mile from any other non-residential activity center.
 2. Non-residential uses in the RL-1X, RL-2X, RL-3X RL-4X and RMX land use districts shall be limited to the uses and dimensions listed:
 - a. Personal Services.
 - b. General retail and no larger than 5,000 square feet, such as bakeries, hardware stores and convenience stores, excluding gasoline services.
 - c. Offices and financial institutions, excluding drive-through windows.

- d. Government and civic uses.
 - e. The maximum non-residential structures shall not exceed 19,999 square feet when developed as a residentially based mixed-use development.
- E. ***Procedures for Planned Unit Development Located within the Green Swamp ACSC.***
Procedures for Planned Unit Developments are set forth in this Code in Section 7.11.00.
- F. ***Minor Modifications to Planned Unit Development Located in the Green Swamp ACSC.***
Procedures for Planned Unit Developments are set forth in this Code in Section 7.11.00.

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

7.11.00 Planned Unit Development (PUD)

~~This section applies to lands annexed to the City that have a Planned Unit Development (PUD) approval in place in Polk County prior to annexation. Within the City, there is no PUD process or district. Following annexation, lands with an approved PUD that is current in Polk County, shall only proceed with development in the City that is in strict accord with said Polk County PUD. So long as development proceeds in this manner, no review of the PUD shall be required by the City for five (5) years, unless the developer wishes to deviate significantly from the approved Development Plan, in which case they shall either submit an amended Plan or apply for a conventional zoning classification through the normal rezoning process. In order to qualify for this extension, the developer shall file a current copy of the PUD with the City. The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Development Plan. Any amendment, variation or adjustment of a Development Plan shall require approval according to the following:~~

- ~~A. The Development Director shall determine if a proposed action on the part of the developer requires an amendment of the Development Plan. The determination shall be based on, but not limited to the following:~~
- ~~1. Any substantial change to the Development Plan, including increase in density, change in permitted uses, or the rearrangement of designated open space or recreation areas;~~
 - ~~2. Any change in traffic patterns and trip generation; or~~
 - ~~3. Any change in stormwater runoff characteristics, or other similar changes shall be considered reason to amend the Development Plan.~~
- ~~B. The Development Director shall require an application for a Development Plan amendment; cause the application to be reviewed by the individual departments of the City, and shall transmit the application to the City Manager for review and action by the City Council. The transmittal shall include all pertinent documents submitted by the applicant, the Development Director's report and recommendation and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Council. The City Council may:~~
- ~~1. Approve the application as submitted.~~
 - ~~2. Deny the application.~~

~~3. Approve and attach whatever reasonable conditions or requirements the City Council deems necessary to insure compliance with the development standards of the City, which may include dividing the PUD into phases to insure compliance with the City's land development standards and/or modify the PUD to insure said standards are met.~~

~~C. Conditions placed on a PUD by the City Council may include requiring the applicant, at his cost and expense, to:~~

~~1. Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.~~

~~2. Finance or construct potable water, wastewater or drainage facilities.~~

~~3. Any other reasonable conditions necessary to ensure compliance, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this article are met.~~

~~a. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any such conditions will not, in any way, obligate the City to approve the subject application.~~

~~b. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the PUD are thereby met.~~

7.11.00 Planned Unit Development

7.11.01 Procedures for Obtaining a Planned Unit Development (PUD) Zoning Designation

The PUD approval process shall address land use density and intensity, building types, location of major roads and interior road networks, and the design for public utility service(s). The City Commission may exercise broad discretion in the Conceptual Master Development Plan review process, and such review process shall be deemed to be an integral part of the zoning decision pertaining to such property.

As a condition for processing a PUD application, the Development Director or the City Commission may require the owner of the property to undertake specific studies or reports to be submitted regarding soil types, environmental aspects of the land or the impact of the proposed development on City utilities, roads, or other facilities. Proximity to wetlands, nature of vegetation, site specific and off-site environmental characteristics and impacts, and other appropriate matters of impact on

the community may be taken into consideration by the City Commission. The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.

- (A) Conceptual Master Development Plan. Development requirements in a PUD are established through an approved Conceptual Master Development Plan (Plan) to be consistent with the City's Comprehensive Plan. The Plan shall establish the overall development concept, dividing the development site into tracts and assigning generalized land use types to each (i.e., recreation, retail commercial, townhouses, low-density single family, etc.), and depicting the approximate locations of roads, water bodies, utility plants, and other features of the development site.

Tracts proposed for uses other than residential or commercial development shall be labeled on the Plan as to type of use proposed (i.e., recreation, open space, utility sites, etc.) and acreage. Written information as to land use type, density/intensity of land use, and acreage of tracts and rights-of-way shall be included with the PUD application and considered part of the Plan.

- (B) Conceptual Master Development Plan Advisory Meeting. At the option of the applicant, the Development Director shall schedule a Conceptual Master Development Plan pre-application conference, at which time the applicant may outline his their proposal to all appropriate City staff members. The purpose of the pre-application conference is to assist the developer in clearly understanding all relevant City Code requirements, identify development issues specific to the proposed project, and discuss any other procedural issues relative to the review of the request.

- (C) Requirements for Conceptual Master Development Plan Review. The review and approval of a Conceptual Master Development Plan constitutes a zoning change resulting in a PUD designation. The determination by the Planning Commission and City Commission concerning the appropriateness of the Conceptual Mater Development Plan shall be based on the same factors as any other change of zoning designation, including consistency with the Future Land Use Map and compatibility with surrounding land uses.

In addition to other requirements of the rezoning process, applications for PUD designation shall include the following, as required by the Development Director:

- (1) A letter of transmittal officially submitting the proposal for approval, signed by the developer or his an authorized representative.
- (2) Firm evidence of unified control by the developer of the entire proposed PUD site and a signed statement that, if he proceeds with the proposed development, he will:

- a. Abide by the officially approved Conceptual Master Development Plan of the development, and such other conditions and modifications as may be included.
 - b. Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Conceptual Master Development Plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated, and maintained at general public expense.
 - c. Bind development successors in title to any commitments made as a condition of development approval.
 - d. Secure written consents and agreements from all property owners of record within the PUD that they have given the applicant authority to act in their behalf and that said representative or agent has the delegated authority to represent the owner or owners and they agree that all commitments made by the aforementioned representative or agent are binding.
- (3) A statement of the applicant's interest in the property to be rezoned, including certificate of title or attorney as to ownership and, if a contract purchaser, written consent of the seller/owner; or, if a lease, a copy of the lease agreement and written consent of the owner(s).
- (4) A certified boundary survey of the tract prepared by a surveyor registered with the State of Florida showing the location and type of boundary evidence related to the State Plane Coordinate System, and the accurate legal description of the property in metes and bounds and a computation of the total acreage of the tract to the nearest tenth of an acre. Survey must have been done within one (1) year prior to filing.
- (5) Electronic and hard copies of a scaled Conceptual Master Development Plan of the entire proposal showing the following information:
- a. A key map at a convenient scale showing existing roads, streams, street rights-of-way and street intersections; the location of the nearest public roads on all four sides; a statement indicating the distance to all public improvements such as schools, firehouses, public recreational areas and the like, that would serve the subject development; a description of how the proposed development is in conformity with the Polk City Comprehensive Plan and all relevant laws, ordinances, and regulations.
 - b. Location, with pavement type, right-of-way, names, and other related

appurtenances of all existing public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds as to identify the location of the site shall be required.

- c. Identification of the name, plat book, and page number of any recorded subdivision comprising all or part of the site.
- d. Identification and location of any existing water courses, lakes, wooded areas, or other significant natural physical features upon the site, as well as on adjacent property within 250 feet of outside boundaries and proposed alterations to said features.
- e. Location and spatial arrangement of all land uses proposed, including the number of acres in each land use, proposed residential densities, and development type (i.e., single-family residential, multifamily residential, commercial shopping center, hotel/motel, mixed use, etc.).
- f. All existing and proposed means of vehicular access to and from the site, including an internal traffic circulation plan depicting arterial and collector streets.
- g. A transportation analysis, prepared by a professional in the field of transportation planning, to include an estimate of average trips/land use, total average daily trips, distribution of total peak hour trips on existing and/or proposed transportation network, and distribution splits onto existing and/or proposed transportation network (may be waived at Development Director's discretion).
- h. Location of existing structures and/or open space facilities of adjacent properties within 250 feet of any boundary line of the site (use of a recent aerial photo is adequate).
- i. A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:
 - 1. Size and/or scope of development.
 - 2. Projected Population.
 - 3. Proposed timing and phases of development.
 - 4. Proposed ownership and forms of organization to maintain common open space and facilities.

- j. A general layout of the types, quantities, and location of trees and other such significant vegetative features (use of a recent aerial photo is adequate).
- k. A map of Soil Conservation Service Soil Classification by Soil Associations.
- l. A general floodplain map indicating areas subject to inundation and high groundwater levels up to the 100-year flood zone boundary, at a scale of one inch to 500 feet.
- m. Delineation of all wetland areas on the site including type (i.e., FDEP jurisdictional, SWFWMD isolated, and all others). For the purpose of Conceptual Master Development Plan review, wetland areas may be assumed using the best available data sources including, but not limited to, aerial photographs, recognized published reports/studies, etc.
- n. The most recent aerial photograph available, with the areas to be modified delineated.
- o. Preliminary drainage plan showing existing topographic contours at one (1) foot intervals, identification of the major natural drainage basin(s) of the site, areas for proposed stormwater management retention/detention basins, and location of outfall.
- p. A description of anticipated potable water and sanitary sewer demands of the proposed development and what facilities are available or projected to be available to meet this demand.
- q. Any other reasonable information that may be required by the Development Director that is commensurate with the intent and purpose of this Code.

Upon receipt of the materials described above, the Development Director shall transmit copies of relevant materials to the various City and county officials and agencies as appropriate.

When review of the proposed PUD is complete, the Development Director shall provide review of the project to the Planning Commission for its review and consideration. The Development Director shall include with his or her recommendations the zoning application and a written report that shall include all pertinent documents, comments of the reviewing City officials, and any other applicable documentation or graphics.

(D) Planning Commission Review and Recommendation. The Planning Commission shall hear

the request at a regularly scheduled public hearing, and recommend to the City Commission whether the proposed rezoning be approved, approved with modifications or conditions, or denied. The official minutes of the meeting shall include a summary of the reasons for the Board's advisory recommendation. In support of its recommendation, the Board shall make findings as to:

- (1) The suitability of the area for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, concurrency, and other requirements of this Code.
- (2) Conformity of the proposed development with the Comprehensive Plan of Polk City.
- (3) Conformity with these regulations, or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes.
- (4) Compatibility with surrounding land uses.
- (5) All such other review criteria as may be appropriate.

In consultation with the City Attorney, the Board shall also assess the adequacy of the following items relating to arrangements for ownership, operation, and maintenance of common properties and/or facilities that are not provided at public expense:

- (1) Evidence of unified control of the overall development site.
- (2) Suitability of any proposed agreements, or contracts, or other instruments that are to be executed to create or provide the facilities.
- (3) The need for such instruments or for amendments in those that have been proposed.

(E) Action by City Commission. Upon completion of required action by the Planning Commission, the Development Director shall transmit the application to the City Commission and place the item on the next available regular agenda. That transmittal may include all pertinent documents submitted by the applicant, the Development Director's report and recommendation, the Planning Commission findings, and any other applicable documentation or graphics. The City Clerk shall keep all this material as part of the public record of the City Commission. The City Commission may:

- (1) Deny the application.
- (2) Phase the application to ensure compliance with the standards herein and other

standards and requirements in this Code.

- (3) Modify the application so that these standards are met.
- (4) Grant conditional approval or modification of the application, attaching whatever reasonable conditions or requirements the City Commission deems necessary to ensure compliance with these standards or maximum mitigation of the adverse impacts of the development.

7.11.02 Development Conditions

Conditions placed on a request by the City Commission may include requiring the applicant, at his their cost and expense, to:

- (A) Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of the residents of the PUD.
- (B) Finance or construct potable water, wastewater, or drainage facilities.
- (C) Any other reasonable conditions necessary to ensure compliance with these standards, if the applicant agrees in writing in a recordable agreement binding upon his or her successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this article are met. Attachment of these conditions shall be voluntary on the part of the applicant, and agreement by the applicant to provide any conditions will not, in any way, obligate the City to approve the subject application. Any conditional approval shall be based solely on the fact that the development application, as modified or conditioned, meets the standards of this article, and may not be based solely on the granting of certain conditions deemed favorable by the City unless the standards of the Planned Unit Development district are thereby met.

7.11.03 Approval of a PUD

- (A) General Uses. Approval of a Planned Unit Development shall constitute a rezoning of the subject property and amendment to the Official Zoning Map. Any and all development of the approved PUD shall be in strict conformance with the Conceptual Master Development Plan, as approved by the City Commission.

In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to completion of construction of the PUD, all subsequent development that has not received approval under the City's Subdivision Regulations or Site Development Plan Regulations as of the date of the amendment shall

be consistent with the new regulations. Approval of development under these sections of the Code shall be valid for one year. Unless construction begins on or before the first anniversary date, development approval shall be null and void, and the new standards shall apply.

Previous approval of a Conceptual Master Development Plan shall not by itself convey the right to develop property in a manner that is inconsistent with the Comprehensive Plan and current codes. Prior to approval of further Subdivision Plats or Site Development Plans within the PUD, the Conceptual Master Development Plan shall be amended to reflect amended codes or other requirements.

7.11.04 Amendment or Termination of a PUD

Once PUD approval is granted, all development within the PUD development site shall be in conformity with the approved Conceptual Master Development Plan. In the event a developer wishes to deviate significantly from the approved development pattern, he shall either submit an amended Conceptual Master Development Plan or apply for a conventional zoning classification through the normal rezoning process.

The addition to or removal of any tract or parcel from a PUD shall require an amendment to the Conceptual Master Development Plan. Any amendment, variation, or adjustment of a Conceptual Master Development Plan shall require approval according to the following:

- (1) *Major Amendment.* Submission for review and approval by the Planning Commission and City Commission.
- (2) *Minor Amendment.* Submission for review and approval by the Development Director.

The Development Director shall determine whether a proposed Conceptual Master Development Plan amendment is a major amendment or a minor amendment. The determination shall be based on, but not limited to the following: any substantial change to the Conceptual Master Development Plan, including increase in density, change in permitted uses, change in stormwater runoff characteristics, rearrangement of designated open space or recreation areas, change in traffic patterns and trip generation, or other similar changes shall be considered a major amendment to the plan; any proposed minor changes in configuration or similar changes shall be considered a minor amendment to the plan. The Development Director may, at his or her discretion, forward any application for plan amendment to one or more individual departments for review and recommendation both as to its classification as a major or minor amendment and as to whether it should be approved, approved with conditions, or denied.

7.11.05 Development in Stages

Rather than construct the entire PUD at once, the developer may choose to build the project in

stages. Phased development of a PUD is permissible under the following conditions:

- (A) Developer must submit a construction schedule covering all phases of the PUD to the Development Director. This schedule may be revised from time to time as necessary.
- (B) All roads, drainage, and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any Building Permits.
- (C) At least 30 percent of the total acreage of each stage shall qualify as Designated Open Space unless the entire project's Open Space is provided in the first phase. All recreation facilities shall be completed and available for use prior to issuance of Building Permits Certificates of Occupancy.
- (D) No individual stage of the PUD shall exceed the overall density approved on the Conceptual Master Development Plan for the PUD as a whole.

7.11.06 Ownership and Maintenance of Common Property

The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities, and other community facilities designated on the Conceptual Master Development Plan and subdivision or Site Development Plans for individual tracts. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to Polk City for public use. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final Site Development Plan or Subdivision Plat of each phase and subject to approval of the City Commission.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of a PUD fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted Conceptual Master Development Plan and subsequent final development plans, the City may serve written notice upon such organization and/or the owners or residents of the PUD and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing, the City shall call upon any public or private agency to maintain the common open space for a period of one year. If the City determines that the subject organization is not prepared or able to maintain the common open space, such public or private agency shall continue maintenance for yearly periods.

The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space, and shall become a lien on said properties.

Applicable requirements of this subsection shall be inserted into the legal documents of the homeowners association or similar organization having legal ownership of common properties. These legal documents shall be structured to serve the following purposes:

- (A) To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization;
- (B) To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common;
- (C) To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- (D) To create an administrative vehicle, the owners association, to manage those elements shared in common and to enforce standards;
- (E) To provide for the operation and financing of the association;
- (F) To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively; and,
- (G) To set forth proper access and utility easements for the owners and the association.

All common areas are to be properly defined in legal descriptions and must be consistent with the Conceptual Master Development Plan and subsequent final development plans of the PUD.

**City Commission Meeting
September 20, 2021**

**AGENDA ITEM #3: PLANNING ADVISORY SERVICES AGREEMENT WITH CENTRAL
FLORIDA REGIONAL PLANNING COUNCIL**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Planning Advisory Services Agreement with Central Florida Regional Planning Council (CFRPC)

ATTACHMENTS:

- Planning Services Agreement with CFRPC

ANALYSIS:

Staff would like to engage with Central Florida Regional Planning Council to provide professional planning services for Comprehensive Plan Amendments, Rezoning, large project review, subdivision review, minor revisions to the Land Development Regulations, Comprehensive mapping services, update to the Capital Improvements Element and Plan, Grant writing and Website updates.

This is a Fixed Fee Agreement amount of \$30,000 for FY 2021-22, which is a \$5,000 increase from FY 2020-2021. The fees are to be paid in four (4) payments as listed below.

- October 1, 2021 - \$7,500
- January 1, 2022 - \$7,500
- April 1, 2022 - \$7,500
- July 1, 2022 - \$7,500

STAFF RECOMMENDATION:

Staff is recommending approval of the Planning Advisory Services Agreement with Central Florida Regional Planning Council in the amount of \$30,000.



September 15, 2021

Ms. Patricia Jackson, City Manager
City of Polk City
123 Broadway Blvd. SE
Polk City, FL 33868
Patricia.Jackson@mypolkcity.org

Via Email

RE: CFRPC Planning Advisory Services Agreement

Dear Ms. Jackson:

Enclosed please find a Planning Advisory Services (PAS) Agreement for the CFRPC to provide professional planning services to the City of Polk City for the 2021-2022 Fiscal Year.

- The PAS Agreement includes continued professional planning services to the City as indicated in Attachment A, Scope of Work of the agreement including but not limited to assistance with:
 - Comprehensive plan amendments;
 - Rezoning;
 - Large project review;
 - Subdivision review;
 - Minor revisions to the Land Development Regulations;
 - Comprehensive mapping services;
 - Update to the Capital Improvements Element and Plan;
 - Grant writing; and
 - Website Updates.

Please contact me if you have any questions or concerns regarding the enclosed agreement. Please sign two copies of the enclosed agreement and return them to the CFRPC to my attention. We will return one original to your attention following signature of the CFRPC officials.

We greatly appreciate the opportunity to be of service to Polk City.

Sincerely,

Jennifer Codo-Salisbury, MPA, AICP
Deputy Director

Attachment: Planning Advisory Services (PAS) Agreement



PLANNING ADVISORY SERVICES AGREEMENT

with

POLK CITY

THIS AGREEMENT is made and entered into this _____ day of _____, 2021, by and between the **Central Florida Regional Planning Council** (hereinafter referred to as the "COUNCIL") and **Polk City** (hereinafter referred to as the "CITY").

BACKGROUND

- A. The CITY desires to engage the COUNCIL to provide professional planning services to assist the CITY in complying with the requirements of growth management laws; to provide technical assistance to the Planning and Zoning Board, elected officials, and CITY staff members on the evaluation and processing of land development proposals; and to maintain the Comprehensive Plan, Future Land Use Map, Unified Land Development Code, and Official Zoning Map; all of which is detailed in Attachment A, I-III – Scope of Work, and is a part of this Agreement.
- B. The CITY desires to engage the COUNCIL to update the Capital Improvements Element (CIE) to the Comprehensive Plan as detailed in Attachment A, IV – Scope of Work, and is a part of this Agreement.
- C. The CITY desires to engage the COUNCIL to assist in the preparation of grants as detailed in Attachment A, V – Scope of Work, and is a part of this Agreement.
- D. The COUNCIL shall provide updates to the CITY website as detailed in Attachment A, VI – Scope of Work and is part of this Agreement.
- E. The COUNCIL desires to provide such professional services in accordance with this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto do mutually agree as follows:

I. GENERAL

The CITY engages the COUNCIL to assist the CITY in fulfilling the requirements of Chapter 163, Florida Statutes and all relevant amendments to these statutes, and any other pertinent state law or rule related to Growth Management; and the COUNCIL shall provide the professional services required under this Agreement with the CITY.

II. SCOPE OF WORK

The COUNCIL shall perform, in a satisfactory and proper manner, the work and services detailed in Attachment A - Scope of Work, and shall satisfy all requirements of the guidelines specified therein.

III. COMPENSATION

This is a fixed fee agreement. The fixed fee for Planning Services (I-VII in Attachment A) is **\$30,000 (thirty thousand dollars)**. As consideration for performance of all work rendered under this Agreement, the CITY agrees to pay a fixed fee for Planning Services of **\$30,000 (thirty thousand dollars)** to be paid in four (4) payments, beginning October 1, 2021 with a final payment due July 1, 2022. Payment shall be made upon receipt of an acceptable completed invoice from the COUNCIL, which shall be presented to the CITY. Payments will be due as follows:

October 1, 2021	\$7,500
January 1, 2022	\$7,500
April 1, 2022	\$7,500
July 1, 2022	\$7,500

All fees and payments for additional Scope of Work, if required, shall be negotiated.

IV. PERIOD OF AGREEMENT

The services of the COUNCIL are to commence upon execution of this agreement.

V. MODIFICATION OF AGREEMENT

- A. Either party may request changes in the services or Scope of Work to be performed by the COUNCIL pursuant to this Agreement, including adjustments in the funds provided under the Agreement if necessary and appropriate. Such changes mutually agreed upon by and between the CITY and the COUNCIL shall be incorporated in written amendments to this Agreement signed by both parties.
- B. Any extensions of the Agreement shall be mutually agreed upon by and between the CITY and the COUNCIL and shall be incorporated in written amendments to this Agreement signed by both parties.

VI. TERMINATION

- A. This Agreement may be terminated by the written mutual consent of the parties.

- B. Either party may terminate this Agreement upon written notice of thirty (30) days. Written notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery.
- C. In the event the Agreement is terminated, the COUNCIL shall be reimbursed in the amount commensurate with the work satisfactorily accomplished on the effective date of termination.

VII. COMPLIANCE WITH LAWS

The COUNCIL warrants, represents, and agrees that it will comply with all federal, state, and local laws, rules, and regulations applicable to the fulfillment of the requirements of this Agreement.

VIII. PERSONNEL

- A. The COUNCIL represents that it has, or will secure at its own expense, personnel necessary to perform the services under this Agreement.
- B. The COUNCIL shall continuously staff the project with personnel as deemed necessary by the COUNCIL to fulfill its obligations under this Agreement. Qualified persons may be added, deleted, or substituted at any time during the period of this Agreement, as the COUNCIL may deem necessary or appropriate.

IX. DATA TO BE FURNISHED TO COUNCIL

Upon reasonable request of the COUNCIL, the CITY shall provide to the COUNCIL, at no cost, all information, data reports, records, and maps in its possession, or which become available to it, that are necessary for the execution of work of the COUNCIL under this Agreement.

X. RIGHT TO WORK PRODUCTS

Copies of all work products shall become the property of the CITY.

XI. ASSIGNMENT

This Agreement shall not be assignable.

XII. TERMS AND CONDITIONS

This Agreement and attachments incorporated by reference constitute all the terms and conditions agreed upon by the parties.

IN WITNESS WHEREOF, the CITY and the COUNCIL have caused this Agreement to be executed by their undersigned officials as duly authorized.

POLK CITY

**CENTRAL FLORIDA REGIONAL
PLANNING COUNCIL**

By: _____

By: _____
Patricia M. Steed, Executive Director

Witness

Witness

Approved as to legal form and sufficiency:

City Attorney

Council Attorney

Polk City
SCOPE OF WORK FOR FY 2021-2022

GENERAL PLANNING SERVICES

I. GROWTH MANAGEMENT ADMINISTRATION

- A. The COUNCIL shall advise and assist the CITY in the preparation of small scale and large scale Comprehensive Plan amendments made necessary by annexations, citizen requests, State statute changes, and CITY initiated requests.
- B. The COUNCIL shall provide technical assistance to the elected officials, Planning and Zoning Board and CITY staff members on the evaluation and processing of land development proposals (i.e., comprehensive plan amendments, zoning applications, subdivision plats, site plans, etc.).
- C. The COUNCIL shall provide technical assistance on occasional and minor revisions to the Land Development Regulations.
- D. The COUNCIL shall coordinate training sessions on State Statute and rule changes that effect the CITY'S compliance with Chapter 163, F.S., as necessary and requested.

II. ROUTINE MAPPING (ON GIS BASE MAP)

- A. The COUNCIL shall prepare updates to the Map Series for the Comprehensive Plan made necessary by annexations, land use changes and text amendments.
- B. The COUNCIL shall prepare updates to the Official Zoning Map made necessary by annexations, requests for re-zonings and Comprehensive Plan amendments.

III. LARGE SCALE PLAN REVIEW

The COUNCIL shall advise and assist the CITY on matters concerning the review of proposed large scale development projects on such subjects as, (a) the contents of proposed plans, (b) the processes for development review, (c) the integration of the development and its infrastructure plans into the CITY'S Comprehensive Plan, (d) coordination of review and (e) consistency with the Land Development Regulations and Comprehensive Plan.

SPECIALIZED PLANNING SERVICES

IV. CAPITAL IMPROVEMENTS ELEMENT (CIE)

The COUNCIL will coordinate the tasks below in order to update the Capital Improvements Element of the Comprehensive Plan.

- A. Prepare an updated Capital Improvements Element and five-year schedule.
- B. Prepare a sample ordinance to be used for adoption of the Capital Improvements Element.

The COUNCIL will work with the CITY to obtain all necessary information in updating the Capital Improvements Element of the Comprehensive Plan, and attend public hearings related to the adoption of the Capital Improvements Element, as requested by the CITY.

V. GRANTS: ASSISTANCE

The COUNCIL shall assist the CITY in the preparation and submittal of up to two grant applications as part of this agreement. Should the applications need to be revised in order to be resubmitted to another funding source, the COUNCIL will provide any necessary revisions for a period of up to one year under the terms of this agreement. Typical grants are those that fund planning studies, transportation improvements, and recreation or other public amenities.

WEBSITE SERVICES

VI. WEBSITE REVISIONS AND ADDITIONS

The COUNCIL shall provide any requested revisions and additions to the City website. This includes minor design changes and added functionality as well as content changes and maintenance, such as text and pictures. Any needed troubleshooting shall also be provided. *The COUNCIL is not responsible for ADA compliant documents for documents provided by the City.*

VII. CITY STAFF TRAINING ON WORDPRESS

If needed, the COUNCIL shall provide training for CITY staff for up to four (4) hours on the operation of WordPress. This will provide CITY staff the ability to update content such as text and pictures and make minor changes to the website.