

POLK CITY

City Commission Workshop (6pm) City Commission Meeting (7pm)

December 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 2021-06** - An Ordinance of Polk City, Florida; amending an approved Planned Unit Development-X to allow for a 2,664 square foot clubhouse and a pool; and a development phasing schedule to allow for the development to be constructed in three phases; located on approximately 132.14 acres on the north side of Mt. Olive Road, east of SR 33 east of Golden Gate Boulevard in the Green Swamp Area of Critical State Concern (Parcel numbers: 25-27-06-000000-021020; 25-27-06-000000-021010; 25-27-06-000000-021030; 25-27-05-000000-043010; AND 25-27-05-000000-043020); providing for repeal of conflicting ordinances; providing for severability; providing for an effective date. **Second and Final Reading**
- 2. PUBLIC HEARING - ORDINANCE 2021-07** – An Ordinance of Polk City, Florida, amending the Polk City Code of Ordinances and the Unified Land Development Code of Polk City, Florida, including Article 7, Development Review Process and Article 8, Administration and Enforcement; to update the types of Comprehensive Plan Amendment review to include expedited state review, state coordinated review, and small scale; providing for applicability; providing for repeal of conflicting ordinances, providing for severability; providing an effective date. **Second and Final Reading**
- 3. PUBLIC HEARING – ORDINANCE 2021-08** – An Ordinance of Polk City, Florida; amending the Polk City Code of Ordinances and the Unified Land Development Code of Polk City, Florida including Article 2, Regulations for Specific District, Article 3 Development Design and Improvement Standards and Article 7, Development Approval Process; to provide clarifications specific to the Green Swamp Area of Critical Concern and to provide for consistency with the Polk City Comprehensive Plan; Providing for Applicability; Providing for Repeal of Conflicting Ordinances; Providing for Severability; Providing for an Effective Date. **First Reading**
- 4. Republic Services Contract Amendment Four to Solid Waste and Recycling Collection Franchise Agreement**
- 5. Purchase of Commercial Slope Mower**
- 6. Planning Commission Appointments**

CITY MANAGER ITEMS

CITY ATTORNEY ITEMS

COMMISSIONER ITEMS

Vice Mayor Kimsey
Commissioner Blethen
Commissioner Carroll
Commissioner Harper
Mayor LaCascia

ANNOUNCEMENTS

ADJOURNMENT

Please note: Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission with respect to any matter considered during this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the American with Disabilities Act, a person with disabilities needing any special accommodations to participate in city meetings should contact the Office of the City Clerk, Polk City Government Center, 123 Broadway, Polk City, Florida 33868 Telephone (863) 984-1375. The City of Polk City may take action on any matter during this meeting, including items that are not set forth within this agenda. Minutes of the City Commission meetings may be obtained from the City Clerk's office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may arrange with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.

December 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 – May 8, 2021 - City Commission Workshop - Budget
2. Accept minutes – September 2, 2021 – City Commission Workshop
3. Accept minutes – October 12, 2021 – City Commission Workshop
4. Accept minutes – November 15, 2021 – Regular City Commission Meeting
5. Accept minutes – November 18, 2021 – Special City Commission Meeting

B. REPORTS

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

C. OTHER

**City Commission Meeting
December 20, 2021**

CONSENT AGENDA ITEM: Accept minutes for:

1. Accept minutes – May 8, 2021 - City Commission Workshop
2. Accept minutes – September 2, 2021 – City Commission Workshop
3. Accept minutes – October 12, 2021 – City Commission Workshop
4. Accept minutes – November 15, 2021 – City Commission Meeting
5. Accept minutes – November 18, 2021 – Special City Commission Meeting

INFORMATION ONLY
 ACTION REQUESTED

ISSUE: Minutes attached for review and approval

ATTACHMENTS:

1. Accept minutes – May 8, 2021 - City Commission Workshop
2. Accept minutes – September 2, 2021 – City Commission Workshop
3. Accept minutes – October 12, 2021 – City Commission Workshop
4. Accept minutes – November 15, 2021 – City Commission Meeting
5. Accept minutes – November 18, 2021 – Special City Commission Meeting

ANALYSIS: N/A

STAFF RECOMMENDATION: Approval of Minutes

CITY COMMISSION WORKSHOP MINUTES
May 8, 2021

Mayor LaCascia called the Workshop to order at 9:00 am.

ROLL CALL – Assistant to the City Manager Sheandolen Dunn

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

Absent: Commissioner Wayne Harper

ORDER OF BUSINESS

Discussion of FY 2022 Budget and Future Projects

City Manager Jackson began her presentation discussing FY 2022 and the Capital Outlay projects and some departments did not budget anything.

Under **Buildings (539) – improvements other than buildings** - there is a need for parking lot paving with Engineering and looking at the runoff and drainage at the Utilities and Public Works facility on SR 33 estimated cost of \$30,000.

Purchasing Kiosks - There are three in the budget. One will go inside City Hall. The kiosks are about the size of the monitors in the Commission Chamber. The program to be used with the kiosks is called “Diamond Maps”, which helps with water lines, sewer lines, etc. Can keep up with valve testing, exercising fire hydrants, public works is using for Stormwater all this information can be placed in Diamond Maps. If there is a meeting at City Hall, all this information can be accessed showing water lines, fire hydrants, force mains, any replacements, etc. - \$3,500.

A **four-post truck lift** at PW facility - \$5,000 split with the Enterprise Fund. Total amount for the Capital in the Building Department is \$62,500.

The budget for **Streets and Roads** is \$93,000. Polk City is in need of another shed for equipment and supplies. We are outgrowing our space.

Paving on the numbered streets to include Brook Lane - \$50,000 which will include some engineering and looking at stormwater.

Purchase of another Truck for Public Works

Library - **Trim Lights** – for each of our city facilities - will change with every season – this is a budgeted item. There are also book purchases, publications, videos, DVD, audio books. Polk City’s library is growing. - \$18,500

Trail cutter - \$15,000
\$194,000 – GF Total Capital

Swing equipment

City Manager Jackson stated some numbers for revenue won’t be in until June.

Will schedule a workshop in July.

ENTERPRISE FUND

Paving of PW and UT Facility - \$15,000
Portion of mechanical lift in the shop - \$25,000
SCADA System - \$5,000 split

Machinery and Equipment

Crane Truck to be split with Water and Wastewater

Purchase of a Slope Mower (Utilities)

For the Perc Ponds. There is an attachment for the John Deere, but it will not work for the Slope Mower. Approximate cost - \$63,000

Vice Mayor Kimsey inquired about the Crane Truck repairs.

Keith Prestage stated \$5,000 on the last crane truck repair, which was replacing the transmission. This vehicle is a 2005. This vehicle is costing more money than its worth. The crane truck is used every day in Public Works and Utilities.

Trailer for the new mower

Purchase of a GPR

Ground Penetrating Radar for the Utilities Department – Necessary especially for the older water lines - Cost - \$17,000.

Generator for Mt. Olive Water Treatment Plant - \$100,000

Mayor LaCascia requested clarity as to why we are discussing the FY 22 budget items when we will address this in 60 days.

City Manager Jackson stated that the preference is to go over these items now and if there any questions, they can get answered now and move accordingly when the revenues actually come in.

Commissioner Blethen requested records of the City's inventory.

City Manager responded to simply make a records request.

Development Services Director Kathy Delp provided an update on Development and annexations. Fountain Park is complete. In 4-6 months the Landings @ Mount Olive – 380 homes 6-8 months out from vertical construction.

Citrus Grove Boulevard has one year to come in with items or lose their approval. This is 168 units.

A Developer has approached Polk City regarding Duey Road Project – 80 +/- lots. Single Family homes. The roads in that area are County maintained. This is Polk City's service, but does not have to be annexed into Polk City.

Mayor LaCascia stated the City Commission is going to get crucified. Bill Braswell and George Lindsey need to come and speak to Polk City regard the roads and lights. City Manager Jackson will investigate.

Keith Prestage discussed the proposed route for the 2021 Christmas Parade and the Road Closure application. This will be on the May Agenda for discussion.

City Manager Jackson and Keith Prestage discussed the **Parks and Recreation Plan** for the sprayfield is our property – library (northeast corner), special events, picnic pavilion, splash pad for kids, walking trail and we can apply for a grant for this project. This is 30 acres. This will grow with the city. Freedom Park belongs to the state, but Polk City has a lease and Polk City maintains it. Possible football fields.

Redistricting – Fountain Park (368 homes) – Holly Cove – The Landing (380 homes). Looking at population in one area. Changing the District can be done by Ordinance.

Centennial 2025 – City Commissioners are being asked to bring forth names to form a Centennial Committee.

The information regarding the Centennial 2025 will be placed in the City's newsletter and on the website.

Put a certain percentage of a dollar amount away each year until the Centennial Celebration takes place.

City Manager Jackson recommends \$50,000 starting out and move these funds to another account.

Citrus Hill Water Main Project – Quotes have come in for \$50,000 and another for \$90,000, but we can waive the bid process and choose the lowest bidder of the two.

Water Meter Replacement Program w/towers – 2100 meters, we don't touch the existing 3G, going into 4G. All done by 3rd party. Money used will be water and wastewater (enterprise) Towers - \$300,000, Meters - \$350,000. This project will be discussed at the June Regular Meeting.

Republic Services Bid – Mayor LaCascia suggested going out for bid.

Kathy Delp discussed an application received for a Daycare Center on the numbered streets.

Bus Service is in the works coming through Polk City. Mr. Phillips is going to work with City Manager Jackson on this project.

Commissioner Carroll stated Law Enforcement was his number one and crime is down.

City Manager Jackson discussed the 4 deputies on Special Details. \$174,000 new contract for one deputy – FY 22. \$80,000 per year for a deputy. We can increase the hours of a special detail. Deputy Poindexter will be at the Regular Meeting to discuss patrol and possible new officer.

ADJOURNMENT – 12:10 pm

Patricia Jackson, City Manager

Joe LaCascia, Mayor

CITY COMMISSION WORKSHOP MINUTES

September 2, 2021

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

ROLL CALL – Assistant to the City Manager Sheandolen Dunn

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

Absent: Commissioner Randy Carroll, Commissioner Micheal T. Blethen, City Attorney Thomas Cloud

ORDER OF BUSINESS

DISCUSSION OF FISCAL YEAR 2021- 2022 BUDGET

City Manager Jackson began the FY 2021-2022 budget discussion with General Fund Projects

Purchase of three kiosks

These kiosks will be located at Public Works, Utilities and City Hall, and used for meetings utilizing a program called Diamond Maps. This will allow everyone involved in specific projects to view water lines and such at one time. Total cost is \$5,000.

Four-Post Lift for Mechanical Repairs

At the Public Works Facility – approximate cost is \$30,000

Purchase of a Shed

For the Public Works facility – a 20x30 – cost is \$8,000

Paving on Brook Lane

Approximate Cost - \$50,000 (no grant money)

\$43,000 Machinery and Equipment

F-250 Regular Cab

2 – 72 in mowers

Box System

Purchase of a Truck (Public Works)

Chasity Guinn, Interim Public Works Director explained that Polk City has hired a Custodian and needs an additional truck. We currently have 5 in fleet. Cost is \$25,000.

Purchase of a Lawnmower

The purchase of the lawnmower will be split with Utilities

Four are costing a lot to be fixed

FDOT contract is just under \$17,000 that they have with Polk City.

Inmates also use the equipment.

CDBG – Polk City was awarded \$650,000. The cost of what we may have to put in has not been budgeted.

Citrus Grove area now sidewalk and stormwater.

Mayor LaCascia requested clarification on how the \$650,000 allocation works.

City Manager Jackson responded that the budget only has to be amended if we spend more than we owe.

Library

\$1,000 move from Capital – this is for books, etc.

Pallet Form – used when supplies come in

Upgrade the SCADA System (Utilities)

Upgrade the SCADA system – call out system for the lift stations. \$5,000 for water and \$5,000 for Wastewater. Lori Pearson, Utilities Director provided a thorough explanation on how the SCADA system works.

Purchase of a Crane Truck

New Crane Truck from water and wastewater \$103,000 in Capital Outlay will help

The Crane Truck, which is a 1995, is costing more to repair, so it needs to be replaced. This is an ongoing problem! Lori Pearson and Chasity Guinn provided a thorough explanation.

\$40,000 Bypass pump that can be used at any location.

Purchase of a GPR

Ground Penetrating Radar for the Utilities Department – Cost - \$22,715.

Provide fire hydrant reports to the City Commission.

Purchase of a Slope Mower (Utilities)

For the Perc Ponds. There is an attachment for the John Deere, but it will not work for the Slope Mower. Approximate cost - \$63,000

Public Health Emergency

Lake Hamilton is giving their staff \$2,500 for COVID Essential workers.

Polk City has not collected non-payment fees since last year. We will re-start on October 1, 2021. Other cities have been charging.

Investment with Broadband with water and sewer projects.

We must reduce our Communication Service Tax by \$30,000. Cannot deposit into pension funds.

December 31, 2021 is the deadline for specifying what the funds will be used for.

\$682,000 will be the first installment of the funds coming.

Polk City's Insurance

Has increased from \$125,000 to \$155,000. This is a 24.32% increase.

Vice Mayor Kimsey asked who insures Polk City
City Manager responded PRIA – Public Risk Insurance Agency

Health Insurance

Has increased just a little, but not enough to balk at. The City pays 100% of its employees health insurance.

Retirement – FRS

The City pays 7% and the employee pays 3% of their retirement.

Dirt and Grit Removal Agreement

Can't start this project until next fiscal year, so we will have to make changes in the Enterprise Fund in the amount of \$66,000.

Law Enforcement Special Detail

Vice Mayor Kimsey inquired about the Law Enforcement Special Detail starting on October 1, 2021.

City Manager Jackson responded that Polk City has to do the application for Special Detail, which she will handle on Friday.

Mayor LaCascia stated some of the revenues need to go

City Manager Jackson stated if you have specifics, she needs to know now because the first reading is on September 9, 2021.

Republic Services

Not in budget is an increase in garbage rates.

City Manager Jackson will email Mary with Republic Services.

Millage Rate

Mayor LaCascia would like to see a 5.5 millage rate.

Vice Mayor Kimsey agrees with the 5.5 millage rate, if it can be done.

DISCUSSION OF THE AMERICAN RESCUE PLAN ACT ALLOCATION

ADJOURNMENT – 7:45 pm

Patricia Jackson, City Manager

Joe LaCascia, Mayor

CITY COMMISSION WORKSHOP MINUTES

October 12, 2021

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

ROLL CALL – Assistant to the City Manager Sheandolen Dunn

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

Absent: Commissioner Randy Carroll and City Attorney Thomas Cloud

ORDER OF BUSINESS

Proposed Municipal Management with Republic Services (Solid Waste)

City Manager Jackson briefly discussed the purpose of this Workshop.

Trey Richardson and Mary Boyer (Republic Services) were present to discuss the Republic Services Agreement with Polk City.

Eagle Lake and Frostproof are all using the same Agreement as this one being presented to Polk City. This agreement would be a 5% increase for the first year and each year thereafter there will be a decrease.

Different scenarios were put together and the proforma provides the final number. Changes are only rate structure and can be amended. Franchise fees will be done quarterly instead of monthly.

Vice Mayor Kimsey stated that people working from home are producing more garbage.

Mr. Richardson responded that curb trash pick-up has increased approximately 40% and this will probably be the new norm by 2022.

Mayor LaCascia went over the rate structure and is comfortable with the 5%. The city is only charging \$13.88, but we are being charged \$14.48. So, we would be going from the \$14.48 to \$17.50.

City Manager Jackson broke down the total cost of the 25% total cost. She explained the Franchise fee that comes back to Polk City from Republic Services.

Commissioner Blethen expressed his concern with the CEO of Republic Services getting a pay raise when others are still suffering due to COVID. However, he understands that Polk City cannot continue to absorb all the cost.

Commissioner Harper works to guide the finances and provide the best services for our customers. Any increase is going to affect most families. Wants to move forward with the agreement.

Vice Mayor Kimsey does not think we will get any feedback on the commercial side; but will get some from the residential side. However, he is pleased with the services provided by Republic Services to Polk City.

City Manager Jackson reiterated the increase over a three-year period. If the City should decide to go out for bid, the cost will increase drastically.

Mayor LaCascia provided positive comments on the services Republic Services has provided over the years. Also inquired about how the cost of gas is being handled.

Mr. Richardson responded that they will be using electric vehicles and the parts cost is about a 20% increase.

The Republic Services Agreement will be on the November Meeting Agenda.

ADJOURNMENT – 7:22 pm

Patricia Jackson, City Manager

Joe LaCascia, Mayor

CITY COMMISSION MINUTES

November 15, 2021

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

Commissioner Wayne Harper gave the invocation.

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

ROLL CALL – Assistant to the City Manager Sheandolen Dunn

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

Absent: Commissioner Randy Carroll

APPROVE CONSENT AGENDA

September 4, 2020 (City Commission FDOT Workshop), October 18, 2021 (Regular Meeting), October 28, 2021 (Special City Commission Meeting) minutes. **Approved by Voice Vote 4/0.**

PRESENTATIONS/RECOGNITIONS

Mayor LaCascia recognized staff for their work on the FDOT Timeline presented at the October 28, 2021 Special City Commission meeting regarding communication and work with FDOT for Polk City's Christmas Parade, as well as the suggestion by the City Attorney to send a letter to Representative Tomkow for assistance with FDOT.

PUBLIC COMMENT - None

ORDER OF BUSINESS

PUBLIC HEARING - ORDINANCE 2021-06

An Ordinance of Polk City, Florida; amending an approved Planned Unit Development-X to permit a clubhouse and pool; adding a development phasing schedule to permit three phases of development; providing for conflicts, codification, severability and an effective date. **First Reading**

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

Robert Holston (Developer for Holly Cove) provided a thorough presentation of this project, followed by Dana Riddell (CFRPC). Both addressed questions or concerns from the City Commission and the Public.

Commissioner Blethen asked if there would be enough room in the current schools or if new schools are being planned.

City Manager Jackson and City Attorney Cloud explained that this project has already gone through the approval process as deemed by State law for School Concurrency.

Motion by Commissioner Blethen to approve Ordinance 2021-06 on First Reading; this motion was seconded by Commissioner Harper.

No further discussion or questions by Commission.

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

Motion carried 4/0.

PUBLIC HEARING - ORDINANCE 2021-07

An Ordinance of Polk City, Florida, amending the Polk City Code of Ordinances and the Unified Land Development Code of Polk City, Florida, including Article 7, Development Review Process and Article 8, Administration and Enforcement; to update the types of Comprehensive Plan Amendment review to include expedited state review, state coordinated review, and small scale; providing for applicability; providing for repeal of conflicting ordinances, providing for severability; providing an effective date. **First Reading**

City Attorney Cloud read the Ordinance by title only. Mayor LaCascia opened the Public Hearing.

Dana Riddell (CFRPC) was present to address any questions or concerns from the City Commission and the Public.

Lorraine Schneider (775 Teaberry Trail) inquired about which phase the trees will be planted in?

Mr. Holston responded Phase 3.

Bill Kuhn (406 Meandering Way) inquired about the exact location of the clubhouse.

Dana Riddell responded to the right of Phase 1.

Mayor LaCascia closed the Public Hearing.

No further discussion from the City Commission or the Public.

Motion by Commissioner Harper to approve Ordinance 2021-07 on First Reading; this motion was seconded by Commissioner Blethen.

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

Motion carried 4/0.

RESOLUTION 2021-13

A Resolution of Polk City, Florida; congratulating Ruthanne Stonewall on her retirement after 18 years of service to the Ridge League of Cities as Executive Director; endorsing Robert R. Green to again serve as Executive Director to the Ridge League of Cities; and providing an effective date.

Mayor LaCascia briefly discussed this Resolution and City Manager Jackson would be hand delivering it the Ridge League Board Meeting on Tuesday evening.

Motion by Mayor LaCascia to approve Resolution 2021-13; this motion was seconded by Commissioner Harper.

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

Motion carried 4/0.

CITY MANAGER ITEMS

Workshop for the American Rescue Plan Act Allocations – Polk City received the first installment on September 10 in the amount of \$682,163. During the Special Meeting on Thursday, November 18, 2021 we will discuss how the funds can be allocated.

Republic Services - The contract is being reviewed by the City Attorney and will be presented at the December meeting.

DEP Agreement for Dirt and Sand Removal – This project has been completed. Staff will be sending in request for funds to be reimbursed.

New Public Works Director – Will be here on December 7, 2021.

Thanksgiving Holiday – The offices will be closed Thursday, November 25 and Friday, November 26, 2021.

DEO Webinar – City Manager Jackson will be on the DEO Webinar regarding CDBG Funding on Tuesday, November 16 – Thursday, November 18, 2021 on the computer in her office.

Ridge League of Cities Board Meeting - Tuesday, January 16, 2021 at 6pm – Will take the Resolution with her regarding Ruthanne Stonewall and Bobby Green.

Ridge League Alternate – Vice Mayor Kimsey will serve as the Alternate for the Ridge League representing Polk City, in the event Mayor LaCascia is not able to be present.

Safe Haven Halloween – was a huge success.

CITY ATTORNEY

Discussed the City Manager’s monthly meeting which involved SWFWMD and Team One regarding the 60% off ramp and funding. Advised that the next PRWC meeting is Wednesday, November 17, 2021 and encouraged the City Manager and the Mayor to attend in-person.

COMMISSIONER ITEMS

Commissioner Blethen – None

Vice Mayor Kimsey – Concurred with Mayor LaCascia, thanking staff for the work with FDOT for the Christmas Parade.

Commissioner Harper – None

Mayor LaCascia - None

ANNOUNCEMENTS - None

ADJOURNMENT – 7:55 pm

Patricia Jackson, City Manager

Joe LaCascia, Mayor

SPECIAL CITY COMMISSION MINUTES

November 18, 2021

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

ROLL CALL – Assistant to the City Manager Sheandolen Dunn

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

Absent: Vice Mayor Don Kimsey, Commissioner Randy Carroll

ORDER OF BUSINESS

American Rescue Plan Act (ARPA) Allocation

City Manager Jackson discussed the ARPA funding that Polk City received in September in the amount of \$682,183. We are in need of a Force Main in the Holly Cove area which will also accommodate future growth.

Scott Modesitt (Summit Professionals) discussed the specifics of this funding as it relates to reporting and needing to get greater detail on his role as Administrator of these funds for Polk City. There is no oversight on how the money is spent; however, if the funds are not used for projects that were approved, the funds must be returned to the Department of Treasury. All expenditures must be thoroughly documented. Some communities are hiring outside sources to oversee the funds proper usage. However, these funds can be used for infrastructure. A water/sewer project is the safest way to go.

City Attorney Cloud stated Sewer projects carry less of a risk.

The project has to be obligated by December 2024 and completed by December 2026.

City Manager Jackson reiterated the eight-inch force main for Holly Cove is an eligible project. The current lines are not large enough to accommodate all phases of this development. There is an urgent need for this development to take place. If approved, a meeting will be scheduled with the project engineer.

After lengthy discussion, **Motion by Mayor LaCascia** to authorize City Manager Jackson to procure consistent with City procurement policy and state statute engineering design services and construction services to design, permit and build and eight-inch diameter sewage force main to serve the Landing and other adjacent projects; this motion was seconded by Commissioner Harper.

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

Motion carried 3/0.

ADJOURNMENT – 7:10 pm

**City Commission Meeting
December 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 – November 2021
2. Code Enforcement Report – November 2021
3. Financial Report – September 2021
4. Library Report – November 2021
5. Polk County Fire Rescue – N/A
6. Polk Sheriff's Report – November 2021
7. Public Works Report – November 2021
8. Utilities Report – November 2021

ANALYSIS:

STAFF RECOMMENDATION: Approval of Department Reports via Consent Agenda

Polk City Permits Added

From: 11/01/21 To: 11/30/2021

COMMERCIAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BC-2021-1411	122 SW COMMONWEALTH AVE, POLK CITY, FL 33868	449.00	11/16/2021
BC-2021-1416	108 N COMMONWEALTH AVE, POLK CITY, FL 33868	39,121.00	11/17/2021
BC-2021-1418	108 N COMMONWEALTH AVE, POLK CITY, FL 33868	6,306.00	11/17/2021
BC-2021-1419	108 N COMMONWEALTH AVE, POLK CITY, FL 33868	6,306.00	11/17/2021
BC-2021-1429	120 COMMONWEALTH AVE, POLK CITY, FL 33868	200,000.00	11/22/2021
BC-2021-1461	120 CARTER BLVD, POLK CITY, FL 33868	1,200.00	11/30/2021
Subtotal:		\$253,382.00	

ELECTRICAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-19322	561 HOMECOMING WAY, POLK CITY, FL 33868	15,000.00	11/10/2021
BT-2021-19485	120 CARTER BLVD, POLK CITY, FL 33868	300.00	11/12/2021
Subtotal:		\$15,300.00	

GAS

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-19824	561 HOMECOMING WAY, POLK CITY, FL 33868	1,300.00	11/19/2021
Subtotal:		\$1,300.00	

MECHANICAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-18775	390 NOLANE LN, POLK CITY, FL 33868	7,254.00	11/01/2021
BT-2021-19105	224 N COMMONWEALTH AVE, POLK CITY, FL 33868	4,800.00	11/07/2021
BT-2021-19147	402 BASCOM CT, POLK CITY, FL 33868	3,852.00	11/08/2021
BT-2021-19233	532 MARKLEN LOOP, POLK CITY, FL 33868	5,000.00	11/09/2021
BT-2021-20103	329 LAKESHORE CT, POLK CITY, FL 33868	10,900.00	11/24/2021
Subtotal:		\$31,806.00	

RE-ROOF

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BT-2021-19600	315 BAYBERRY DR, POLK CITY, FL 33868	15,799.00	11/16/2021
BT-2021-20184	223 SW COMMONWEALTH AVE, POLK CITY, FL 33868	4,000.00	11/29/2021
Subtotal:		\$19,799.00	

RESIDENTIAL

<u>Permit Number</u>	<u>Address</u>	<u>Declared Value</u>	<u>Date Added</u>
BR-2021-12471	390 NOLANE LN, POLK CITY, FL 33868	7,382.00	11/01/2021
BR-2021-13684	8810 HINSDALE HEIGHTS DR, POLK CITY, FL 33868	6,000.00	11/30/2021
	Subtotal:	\$13,382.00	
	Grand Total:	\$334,969.00	

1 STR to date
Koolhaas/CP

Code Enforcement Report NOVEMBER 2021

SNIPES SIGNS REMOVED	39	
LIEN SEARCHES	17	
INSPECTIONS	37	
CLOSED OUT CASES	25	
SPECIAL MAGISTRATE CASES	7	
CLOSED OUT SPECIAL MAGISTRATE CASES	5	
CASE SUBJECTS		
REFERRED TO COUNTY	17	
DISABLE VEHICLES	0	
BUILDING WITHOUT PERMIT	3	
OVERGROWTH	2	
HOUSE NUMBERS	2	
FENCE	2	
JUNK AND DEBRIS	4	
RV/TRAILER PARKING	1	
OPEN STRUCTURE	0	
MET WITH CITIZEN	3	
NOISE	0	
PLACE LIEN	1	
CLOSE OUT LIEN	0	
YARD SALE	2	
ANIMAL	0	
POSTINGS	7	
EXTENDED CASES	4	
ACCESSORY USE	0	
POOLS	1	

POLK CITY
Simple Balance Sheet

For Fiscal Year: 2021 thru Fiscal Month: Sep, for Fund: 01

Account Number	Account Title	Ending Bal	Net Amount
01-101-100	Cash - Checking	1,751,788.26	
01-101-800	Cash - GF Police Public Safety Impact Fees	0.00	
01-101-801	Cash - GF Fire Public Safety Impact Fees	0.00	
01-101-990	Library Van Fleet Cycling Challenge	859.09	
01-102-100	Cash on Hand	575.00	
01-115-100	Accounts Receivable - Utilities	27,159.48	
01-115-120	Accounts Receivable - Local Bus Licenses	3,540.00	
01-115-200	Accounts Receivable - Year End	173.52	
01-117-100	Allowance for Bad Debt	2,590.82-	
01-151-100	Investments - FL SAFE GF	1,100,191.62	
01-151-902	Investments - FL SAFE GF Reserves	77,777.55	
01-153-302	Restricted Cash - New Local Opt Gas Tax	171,348.76	
01-153-303	Restricted Cash - Building and Codes	72,335.03	
01-160-902	Reserve Account	100,000.59	
01-160-903	Reserve Acct - Emergencies & Contingency	62,924.00	
	** TOTAL ASSET**		3,366,082.08
01-202-100	Accounts Payable	78,422.56	
01-202-900	Customer Deposits	3,385.00	
01-208-300	Due to County - Impact Fees	1,275.60	
01-208-310	Due to DCA - Bldg Permit Surcharge	652.47	
01-208-320	Due to Dept of Business - License Fees	464.29	
01-208-330	Due to PCSO - Police Education Revenue	215.29	
01-217-200	Accrued Sales Tax	120.12	
01-218-100	Payroll Taxes Payable	0.02-	
01-218-200	FRS Retirement Payable	127.77-	
01-218-300	Health Plan Payable	73.74-	
01-218-320	Supplemental Insurance Payable	3,250.45	
01-218-400	Dental Plan Payable	24.82	
01-218-410	Vision Plan Payable	1,457.17	
	** TOTAL LIABILITY**		89,066.24
01-243-100	Encumbrances Placed	1,639.00	
01-245-100	Reserved for Encumbrances	1,639.00-	
	** TOTAL ENCUMBRANCE**		0.00
01-271-100	Fund Balance Unreserved	3,834,866.16	
01-271-150	Fund Balance - Restatement	1,089,182.23-	
	** TOTAL EQUITY**		2,745,683.93
	** TOTAL REVENUE**		2,825,746.11
	** TOTAL EXPENSE**		2,294,414.20
	TOTAL LIABILITY AND EQUITY		3,366,082.08

GENERAL FUND REVENUES
100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L ACCOUNT	DESCRIPTION	2020 PRIOR YR REVENUE	2021 ANTICIPATED REVENUE	ADJ ANTICIPATED	2021 CURRENT REVENUE	2021 YTD REVENUE	2021 (EXCESS) /DEFICIT	PERCENTAGE REALIZED
01-311-100	Ad Valorem Taxes	951,733.27	1,040,510.00	1,040,510.00	0.00	1,054,782.19	(14,272.19)	101.37 %
01-312-300	9th Cent Gas Tax	14,117.36	13,968.00	13,968.00	1,534.46	14,165.47	(197.47)	101.41 %
01-312-400	Local Option Gas Tax	85,700.43	86,258.00	86,258.00	8,576.31	87,657.33	(1,399.33)	101.62 %
01-312-410	New Local Option Gas Tax	54,230.31	52,731.00	52,731.00	5,173.81	55,452.30	(2,721.30)	105.16 %
01-314-100	Electric - Utility Tax	126,936.41	112,579.00	112,579.00	13,497.98	121,028.29	(8,449.29)	107.51 %
01-314-300	Water - Utility Tax	72,327.05	88,123.00	88,123.00	5,749.93	68,460.78	19,662.22	77.69 %
01-314-301	Water - Utility Tax - Readiness to Se	1,615.15	0.00	0.00	5,749.93	7,072.81	(7,072.81)	0.00 %
01-314-400	Gas - Utility Tax	7,541.50	5,000.00	5,000.00	2,081.43	9,671.44	(4,671.44)	193.43 %
01-315-100	Communications Services Tax	200,328.08	205,410.00	205,410.00	18,427.07	187,497.80	17,912.20	91.28 %
01-316-100	Local Business Licenses	11,870.19	7,100.00	7,100.00	4,869.43	10,126.43	(3,026.43)	142.63 %
01-316-102	County Business Tax	1,776.28	300.00	300.00	0.00	1,228.30	(928.30)	409.43 %
01-316-103	FLC Delinquent Bus. Tax Program	1,110.00	0.00	0.00	0.00	0.00	0.00	0.00 %
01-322-100	Building Permits	78,940.17	11,290.00	11,290.00	2,763.50	38,166.84	(26,876.84)	338.06 %
01-322-101	Bldg Permit - Plan Checking	39,755.24	5,100.00	5,100.00	1,199.50	23,655.31	(18,555.31)	463.83 %
01-322-102	Bldg Permit - Admin Fee	4,980.00	400.00	400.00	360.00	4,850.00	(4,450.00)	1212.50 %
01-322-103	Bldg Permit - Electrical	14,795.00	2,500.00	2,500.00	750.00	8,400.00	(5,900.00)	336.00 %
01-322-104	Bldg Permit - Plumbing	12,452.50	2,500.00	2,500.00	250.00	7,025.00	(4,525.00)	281.00 %
01-322-105	Bldg Permit - Mechanical	14,275.00	2,500.00	2,500.00	625.00	8,450.00	(5,950.00)	338.00 %
01-322-107	Bldg Permit - Cert of Occupancy	2,050.00	600.00	600.00	0.00	1,860.00	(1,260.00)	310.00 %
01-322-108	Bldg Permit - Inspections	90,341.66	100,000.00	100,000.00	1,680.00	78,177.00	21,823.00	78.18 %
01-322-109	Bldg Permit - Demolition	0.00	0.00	0.00	56.00	56.00	(56.00)	0.00 %
01-323-100	Electric	73,774.53	76,492.00	76,492.00	0.00	62,771.98	13,720.02	82.06 %
01-323-300	Solid Waste	45,372.37	40,686.00	40,686.00	0.00	35,555.75	5,130.25	87.39 %
01-324-100	Police - Public Safety Impact Fee	53,513.89	1,290.00	1,290.00	0.00	0.00	1,290.00	0.00 %
01-324-110	Fire/Rescue - Public Safety Impact Fe	27,698.53	690.00	690.00	0.00	0.00	690.00	0.00 %
01-324-610	Parks & Recreation Impact Fee	83,476.02	20,803.00	20,803.00	0.00	0.00	20,803.00	0.00 %
01-324-710	Public Facilities Impact Fee	140,294.79	34,960.00	34,960.00	0.00	0.00	34,960.00	0.00 %
01-329-100	Contractors Registration	0.00	0.00	0.00	0.00	20.21	(20.21)	0.00 %
01-329-200	Other Lic./Fees/Permits	1,163.47	0.00	0.00	0.00	0.00	0.00	0.00 %
01-329-220	Site Plan Reviews	15,800.00	1,900.00	1,900.00	0.00	2,700.00	(800.00)	142.11 %
01-331-400	FEMA Federal Reimb. - Irma 2017	0.00	0.00	0.00	0.00	2,421.13	(2,421.13)	0.00 %
01-331-510	CDBG	0.00	650,000.00	650,000.00	0.00	0.00	650,000.00	0.00 %
01-334-400	FEMA State Reimb. - Irma 2017	750.00	0.00	0.00	0.00	134.51	(134.51)	0.00 %
01-335-120	MRS - State Sales Tax	59,063.48	59,636.00	59,636.00	5,591.79	63,209.53	(3,573.53)	105.99 %
01-335-122	SRS - 8th Cent. Motor Fuel Tax	17,276.89	17,415.00	17,415.00	1,503.68	18,071.08	(656.08)	103.77 %
01-335-123	MRS - Municipal Fuel Tax	7.00	7.00	7.00	0.70	8.12	(1.12)	116.00 %
01-335-140	Mobile Home License	6,891.93	5,184.00	5,184.00	134.75	6,349.09	(1,165.09)	122.47 %
01-335-150	Alcoholic Beverage License	978.88	1,126.00	1,126.00	0.00	1,223.61	(97.61)	108.67 %
01-335-180	Half-Cent Sales Tax	137,348.62	140,000.00	140,000.00	15,093.85	160,957.49	(20,957.49)	114.97 %

GENERAL FUND REVENUES
100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L ACCOUNT	DESCRIPTION	2020 PRIOR YR REVENUE	2021 ANTICIPATED REVENUE	ADJ ANTICIPATED	2021 CURRENT REVENUE	2021 YTD REVENUE	2021 (EXCESS) /DEFICIT	PERCENTAGE REALIZED
01-337-100	Library Coop Funding	43,226.22	31,990.00	31,990.00	0.00	61,258.21	(29,268.21)	191.49 %
01-337-850	Polk County - Cares Act COVID-19	8,303.09	0.00	0.00	0.00	0.00	0.00	0.00 %
01-340-400	Solid Waste	329,293.35	318,612.00	318,612.00	57,899.37	345,658.68	(27,046.68)	108.49 %
01-340-700	Stormwater Utility Fees	33,742.42	30,000.00	30,000.00	5,839.82	34,602.53	(4,602.53)	115.34 %
01-340-900	Notary Fees	267.85	0.00	0.00	0.00	275.00	(275.00)	0.00 %
01-344-900	FDOT Maintenance Agreement	13,404.48	16,304.00	16,304.00	0.00	17,872.64	(1,568.64)	109.62 %
01-347-100	Library Income	5,254.74	4,500.00	4,500.00	275.20	5,209.58	(709.58)	115.77 %
01-351-110	Police Fines	0.00	0.00	0.00	0.00	5,322.14	(5,322.14)	0.00 %
01-351-120	Police Education	19.90	0.00	0.00	0.00	0.00	0.00	0.00 %
01-351-200	Fines, Penalties, and Forfeitures	8,759.62	4,000.00	4,000.00	7,758.89	17,630.67	(13,630.67)	440.77 %
01-351-300	Code Enforcement Fines	0.00	0.00	0.00	7.97	20,015.94	(20,015.94)	0.00 %
01-359-100	Other Fines and/or Forfeitures	436.29	0.00	0.00	0.00	115.90	(115.90)	0.00 %
01-359-300	Late Fees	114.00	100.00	100.00	0.00	65.50	34.50	65.50 %
01-361-100	Interest Income	542.01	400.00	400.00	0.00	72.10	327.90	18.03 %
01-361-200	Interest/Dividends - FL SAFE	0.00	0.00	0.00	58.10	205.17	(205.17)	0.00 %
01-362-100	Activity Center Rentals	700.00	700.00	700.00	400.00	1,350.00	(650.00)	192.86 %
01-362-200	Donald Bronson Community Center Renta	6,100.00	5,500.00	5,500.00	0.00	4,199.00	1,301.00	76.35 %
01-365-100	Sales of Surplus Property	219.60	0.00	0.00	0.00	15.00	(15.00)	0.00 %
01-366-101	Private Donations - Christmas	1,925.00	1,775.00	1,775.00	0.00	2,000.00	(225.00)	112.68 %
01-366-102	Private Donations - Halloween	1,855.00	1,605.00	1,605.00	0.00	0.00	1,605.00	0.00 %
01-366-110	Private Donations - Library	76.75	0.00	0.00	0.00	47.50	(47.50)	0.00 %
01-369-100	Misc. Income	633.19	100.00	100.00	5,558.25	5,966.07	(5,866.07)	5966.07 %
01-369-101	Misc Income - Copies and Faxes	4.00	0.00	0.00	0.00	2.00	(2.00)	0.00 %
01-369-102	Misc Income - Collection Allowance	12,232.73	5,000.00	5,000.00	74.64	4,719.14	280.86	94.38 %
01-369-120	Misc Income - Christmas	300.00	0.00	0.00	0.00	0.00	0.00	0.00 %
01-369-130	Misc Income - Halloween	60.00	0.00	0.00	0.00	0.00	0.00	0.00 %
01-369-400	Insurance Proceeds	2,155.40	1,500.00	1,500.00	0.00	1,451.00	49.00	96.73 %
01-369-500	Refund of State Gas Tax	894.41	0.00	0.00	0.00	1,486.55	(1,486.55)	0.00 %
01-381-400	Transfer From Enterprise Fund	25,000.00	155,000.00	155,000.00	0.00	155,000.00	0.00	100.00 %
DEPARTMENT TOTALS		2,945,806.05	3,364,144.00	3,364,144.00	173,541.36	2,825,746.11	538,397.89	84.00 %

General Fund Expenditures
 100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L ACCOUNT	DESCRIPTION	2020 ACTUALS	2021 ADOPTED BUDGET	2021 ADJ BUDGET	2021 MTD EXPENSES	2021 YTD EXPENSES	2021 AVAIL BUDGET	PERCENTAGE REALIZED
LEGISLATIVE								
01-511-120	Regular Salary - Wages - Legislative	11,100.00	10,800.00	10,800.00	900.00	10,800.00	0.00	100.00 %
01-511-160	Bonuses and Gift Certificates - Legis	2,707.11	2,500.00	2,500.00	0.00	2,707.10	(207.10)	108.28 %
01-511-210	Fica Taxes - Legislative	1,056.26	1,245.00	1,245.00	68.83	1,033.30	211.70	83.00 %
01-511-240	Worker's Compensation - Legislative	13.61	20.00	20.00	0.00	12.67	7.33	63.35 %
01-511-400	Travel and Training - Legislative	100.00	4,500.00	4,500.00	119.79	144.79	4,355.21	3.22 %
01-511-470	Printing and Reproduction - Legislati	135.66	300.00	300.00	0.00	0.00	300.00	0.00 %
01-511-480	Promo Activities & Legal Ads - Legisl	1,910.00	2,500.00	2,500.00	0.00	0.00	2,500.00	0.00 %
01-511-490	Other Current Charges - Legislative	0.00	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
01-511-510	Office Supplies - Legislative	53.44	500.00	500.00	0.00	0.00	500.00	0.00 %
01-511-520	Operating Supplies - Legislative	114.56	1,000.00	1,000.00	0.00	2,306.82	(1,306.82)	230.68 %
01-511-540	Books, Pub., Sub., & Memberships - Le	3,322.00	4,000.00	4,000.00	0.00	3,484.00	516.00	87.10 %
DEPARTMENT TOTAL		20,512.64	29,365.00	29,365.00	1,088.62	20,488.68	8,876.32	69.77 %
EXECUTIVE								
01-512-120	Regular Salary - Wages - Executive	160,677.32	174,425.00	174,425.00	13,416.00	169,041.62	5,383.38	96.91 %
01-512-130	Other Salaries and Wages - Executive	4,800.12	4,800.00	4,800.00	369.24	4,800.12	(0.12)	100.00 %
01-512-160	Bonuses and Gift Certificates - Execu	25,663.26	26,500.00	26,500.00	0.00	28,695.18	(2,195.18)	108.28 %
01-512-210	Fica Taxes - Executive	14,289.21	18,101.00	18,101.00	1,037.03	15,643.40	2,457.60	86.42 %
01-512-220	Retirement Contribution - Executive	32,263.61	37,616.00	37,616.00	3,084.06	38,190.72	(574.72)	101.53 %
01-512-230	Life & Health Insurance - Executive	18,819.54	19,078.00	19,078.00	1,749.94	19,237.96	(159.96)	100.84 %
01-512-240	Worker's Compensation - Executive	175.49	296.00	296.00	0.00	204.60	91.40	69.12 %
01-512-310	Professional Services - Executive	44.36	0.00	0.00	0.00	0.00	0.00	0.00 %
01-512-400	Travel Expenses - Executive	742.22	9,000.00	6,000.00	986.16	5,464.11	535.89	60.71 %
01-512-410	Communication Services - Executive	990.82	1,400.00	1,400.00	108.02	1,307.76	92.24	93.41 %
01-512-460	Repairs and Maintenance - Executive	50.00	0.00	0.00	0.00	0.00	0.00	0.00 %
01-512-470	Printing and Reproduction - Executive	133.50	5,000.00	5,000.00	0.00	2,223.54	2,776.46	44.47 %
01-512-480	Promo Activities & Legal Ads - Execut	0.00	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00 %
01-512-490	Other Current Charges - Executive	96.86	1,500.00	1,500.00	182.56	2,610.79	(1,110.79)	174.05 %
01-512-492	Recording & Other Fees - City Clerk	0.00	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00 %
01-512-510	Office Supplies - Executive	243.54	2,000.00	2,000.00	14.50	584.45	1,415.55	29.22 %
01-512-520	Operating Supplies - Executive	2,085.11	3,000.00	4,500.00	36.48	924.32	3,575.68	30.81 %
01-512-540	Books, Pub., Sub., & Memberships - Ex	806.14	3,000.00	3,000.00	29.98	1,414.69	1,585.31	47.16 %
01-512-630	Improvements Other than Building - Ex	0.00	0.00	1,500.00	0.00	2,799.98	(1,299.98)	0.00 %

General Fund Expenditures
 100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L ACCOUNT	DESCRIPTION	2020 ACTUALS	2021 ADOPTED BUDGET	2021 ADJ BUDGET	2021 MTD EXPENSES	2021 YTD EXPENSES	2021 AVAIL BUDGET	PERCENTAGE REALIZED
DEPARTMENT TOTAL		261,881.10	308,716.00	308,716.00	21,013.97	293,143.24	15,572.76	94.96 %
CITY CLERK								
01-513-470	Printing and Reproduction - City Cler	3,389.76	0.00	0.00	0.00	0.00	0.00	0.00 %
01-513-510	Office Supplies - City Clerk	348.42	0.00	0.00	0.00	0.00	0.00	0.00 %
01-513-520	Operating Supplies - City Clerk	213.96	0.00	0.00	0.00	0.00	0.00	0.00 %
01-513-540	Books, Pub., Sub., & Memberships - Ci	260.00	0.00	0.00	0.00	0.00	0.00	0.00 %
DEPARTMENT TOTAL		4,212.14	0.00	0.00	0.00	0.00	0.00	0.00 %
LEGAL COUNSEL								
01-514-310	Professional Services - Legal Counsel	43,665.59	65,000.00	65,000.00	3,439.12	72,266.43	(7,266.43)	111.18 %
01-514-480	Promo Activities & Legal Ads - Legal	7,622.23	12,000.00	12,000.00	1,473.10	5,113.75	6,886.25	42.61 %
DEPARTMENT TOTAL		51,287.82	77,000.00	77,000.00	4,912.22	77,380.18	(380.18)	100.49 %
COMPREHENSIVE PLANNING								
01-515-310	Professional Services - Comp Planning	25,000.00	32,000.00	32,000.00	0.00	25,000.00	7,000.00	78.13 %
DEPARTMENT TOTAL		25,000.00	32,000.00	32,000.00	0.00	25,000.00	7,000.00	78.13 %
FINANCE AND ACCOUNTING								
01-516-120	Regular Salary - Wages - Fin & Acctng	87,674.55	95,468.00	95,468.00	6,049.36	91,316.64	4,151.36	95.65 %
01-516-140	Overtime - Fin & Acctng	203.11	544.00	544.00	0.00	0.00	544.00	0.00 %
01-516-210	Fica Taxes - Fin & Acctng	6,275.67	7,345.00	7,345.00	372.79	6,107.88	1,237.12	83.16 %
01-516-220	Retirement Contribution - Fin & Acctn	7,720.49	9,601.00	9,601.00	654.54	9,612.28	(11.28)	100.12 %

General Fund Expenditures
100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L ACCOUNT	DESCRIPTION	2020 ACTUALS	2021 ADOPTED BUDGET	2021 ADJ BUDGET	2021 MTD EXPENSES	2021 YTD EXPENSES	2021 AVAIL BUDGET	PERCENTAGE REALIZED
01-516-230	Life & Health Insurance - Fin & Acctn	18,531.78	18,802.00	18,802.00	1,725.96	18,942.15	(140.15)	100.75 %
01-516-240	Worker's Compensation - Fin & Acctng	109.94	163.00	163.00	0.00	112.62	50.38	69.09 %
01-516-310	Professional Services - Fin & Acctng	0.00	2,000.00	2,250.00	0.00	2,250.00	0.00	112.50 %
01-516-400	Travel Expenses - Fin & Acctng	877.00	2,000.00	1,750.00	0.00	200.00	1,550.00	10.00 %
01-516-410	Communication Services - Fin & Acctng	782.31	800.00	800.00	65.51	791.88	8.12	98.99 %
01-516-510	Office Supplies - Fin & Acctng	2,182.43	1,300.00	1,300.00	160.81	987.04	312.96	75.93 %
01-516-520	Operating Supplies - Fin & Acctng	1,352.75	2,000.00	2,000.00	740.05	966.32	1,033.68	48.32 %
01-516-540	Books, Pub., Sub., & Memberships - Fi	229.88	450.00	450.00	0.00	363.99	86.01	80.89 %
DEPARTMENT TOTAL		125,939.91	140,473.00	140,473.00	9,769.02	131,650.80	8,822.20	93.72 %
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DEBT SERVICE								
01-517-710	Principal - CB&T Debt Service Pmts	76,806.16	79,394.00	79,394.00	6,679.08	79,618.90	(224.90)	100.28 %
01-517-720	Interest - CB&T Debt Service Pmts	43,004.36	40,417.00	40,417.00	3,305.13	40,191.62	225.38	99.44 %
DEPARTMENT TOTAL		119,810.52	119,811.00	119,811.00	9,984.21	119,810.52	0.48	100.00 %
=====								
LAW ENFORCEMENT								
01-521-305	Contract Labor - Law Enf	101,297.00	103,323.00	103,323.00	0.00	103,323.00	0.00	100.00 %
01-521-310	Professional Services - Law Enf	27,896.00	29,000.00	29,000.00	1,264.00	26,200.00	800.00	97.24 %
01-521-460	Repairs and Maintenance - Law Enf	3,099.00	500.00	500.00	0.00	0.00	500.00	0.00 %
01-521-510	Office Supplies - Law Enf	0.00	100.00	100.00	0.00	0.00	100.00	0.00 %
01-521-520	Operating Supplies - Law Enf	0.00	100.00	100.00	0.00	0.00	100.00	0.00 %
DEPARTMENT TOTAL		132,292.00	133,023.00	133,023.00	3,264.00	131,523.00	1,500.00	98.87 %
=====								
BUILDING AND ZONING								
01-524-120	Regular Salary - Wages - Bldg & Zonin	88,576.24	97,944.00	97,944.00	7,534.41	94,988.05	2,955.95	96.98 %
01-524-140	Overtime - Bldg & Zoning	266.82	504.00	504.00	0.00	0.00	504.00	0.00 %
01-524-210	Fica Taxes - Bldg & Zoning	6,539.89	7,531.00	7,531.00	562.32	7,303.40	227.60	96.98 %

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G/L ACCOUNT	DESCRIPTION	2020 ACTUALS	2021 ADOPTED BUDGET	2021 ADJ BUDGET	2021 MTD EXPENSES	2021 YTD EXPENSES	2021 AVAIL BUDGET	PERCENTAGE REALIZED
01-524-220	Retirement Contribution - Bldg & Zoni	7,817.79	6,300.00	6,300.00	815.22	10,002.05	(3,702.05)	158.76 %
01-524-230	Life & Health Insurance - Bldg & Zoni	18,575.10	18,833.00	18,833.00	1,729.57	18,993.52	(160.52)	100.85 %
01-524-240	Worker's Compensation - Bldg & Zonin.	977.40	1,705.00	1,705.00	0.00	1,176.15	528.85	68.98 %
01-524-310	Professional Services - Bldg & Zoning	120,682.28	100,900.00	100,900.00	8,871.15	104,707.42	(3,807.42)	103.77 %
01-524-311	Engineering Services - Bldg & Zoning	0.00	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
01-524-400	Travel Expenses - Bldg & Zoning	0.00	500.00	500.00	0.00	50.00	450.00	10.00 %
01-524-480	Promo Activities & Legal Ads - Bldg &	432.20	0.00	0.00	0.00	0.00	0.00	0.00 %
01-524-510	Office Supplies - Bldg & Zoning	495.17	200.00	200.00	0.00	206.77	(6.77)	103.39 %
01-524-520	Operating Supplies - Bldg & Zoning	458.99	100.00	100.00	0.00	0.00	100.00	0.00 %
01-524-540	Books, Pub., Sub., & Memberships - Bl	179.88	120.00	120.00	29.98	164.89	(44.89)	137.41 %
DEPARTMENT TOTAL		245,001.76	235,637.00	235,637.00	19,542.65	237,592.25	(1,955.25)	100.83 %
CODE ENFORCEMENT								
01-529-120	Regular Salary - Wages - Code Enf	25,009.34	26,208.00	26,208.00	2,005.86	25,197.39	1,010.61	96.14 %
01-529-210	Fica Taxes - Code Enf	1,835.11	2,005.00	2,005.00	149.36	1,936.30	68.70	96.57 %
01-529-220	Retirement Contribution - Code Enf	2,192.28	2,621.00	2,621.00	217.03	2,659.44	(38.44)	101.47 %
01-529-230	Life & Health Insurance - Code Enf	9,062.92	9,353.00	9,353.00	855.05	9,481.34	(128.34)	101.37 %
01-529-240	Worker's Compensation - Code Enf	403.08	684.00	684.00	0.00	471.98	212.02	69.00 %
01-529-310	Professional Services - Code Enf	6,500.00	6,900.00	6,900.00	1,000.00	6,000.00	900.00	86.96 %
01-529-400	Travel Expenses - Code Enf	274.00	500.00	500.00	0.00	325.00	175.00	65.00 %
01-529-410	Communication Services - Code Enf	682.78	795.00	795.00	55.51	671.88	123.12	84.51 %
01-529-470	Printing and Reproduction - Code Enf	219.69	250.00	250.00	0.00	0.00	250.00	0.00 %
01-529-480	Promo Activities & Legal Ads - Code E	0.00	200.00	200.00	0.00	0.00	200.00	0.00 %
01-529-490	Recording & Other Fees	0.00	200.00	200.00	0.00	0.00	200.00	0.00 %
01-529-510	Office Supplies - Code Enf	169.81	200.00	200.00	11.88	89.45	110.55	44.73 %
01-529-520	Operating Supplies - Code Enf	361.24	100.00	100.00	0.00	0.00	100.00	0.00 %
01-529-540	Books, Pub., Sub., & Memberships - Co	115.00	100.00	100.00	0.00	85.00	15.00	85.00 %
DEPARTMENT TOTAL		45,825.25	50,116.00	50,116.00	4,294.69	46,917.78	3,198.22	93.62 %
REFUSE/SANITATION								
01-534-341	Refuse Disposal - Residential - Refus	178,562.00	190,864.00	190,864.00	49,304.40	191,695.58	(831.58)	100.44 %

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01-534-342	Refuse Disposal - Commercial - Refuse	86,505.46	86,687.00	86,687.00	0.00	96,398.59	(9,711.59)	111.20 %
DEPARTMENT TOTAL		265,067.46	277,551.00	277,551.00	49,304.40	288,094.17	(10,543.17)	103.80 %
STORMWATER								
01-538-310	PROFESSIONAL SERVICES - STORMWATER	0.00	3,000.00	3,000.00	0.00	0.00	3,000.00	0.00 %
01-538-311	Engineering Services - Stormwater	0.00	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
01-538-400	Travel Expenses - Stormwater	438.00	1,000.00	1,000.00	0.00	914.99	85.01	91.50 %
01-538-460	Repairs and Maintenance - Stormwater	16,095.00	50,000.00	50,000.00	9,300.00	9,938.99	40,061.01	19.88 %
01-538-492	Recording & Other Fees - Stormwater	0.00	500.00	500.00	0.00	0.00	500.00	0.00 %
01-538-540	Books, Pub., Sub., & Memberships - St	500.00	500.00	500.00	0.00	600.00	(100.00)	120.00 %
DEPARTMENT TOTAL		17,033.00	57,000.00	57,000.00	9,300.00	11,453.98	45,546.02	20.09 %
GENERAL GOV'T BUILDINGS								
01-539-310	Professional Services - Gen Gov't Bl.	20,228.36	8,000.00	8,000.00	1,056.12	8,059.84	(59.84)	100.75 %
01-539-312	Professional Services - Other - Gen G	1,777.23	5,000.00	5,000.00	308.34	2,015.86	2,984.14	40.32 %
01-539-411	City Hall - Communication - Gen Gov't.	13,423.73	15,100.00	15,100.00	2,189.40	14,096.43	1,003.57	93.35 %
01-539-413	Public Works - Communication - Gen Go	2,403.28	2,000.00	2,000.00	221.49	2,578.95	(578.95)	128.95 %
01-539-414	Community Center-Communication-Gen Go	1,849.55	2,000.00	2,000.00	154.98	1,858.44	141.56	92.92 %
01-539-411	City Hall - Utilities - Gen Gov't Bl.	17,338.13	21,000.00	21,000.00	3,638.45	19,204.88	1,795.12	91.45 %
01-539-432	Activity Center - Utilities - Gen Gov	2,212.32	4,000.00	4,000.00	488.05	2,234.90	1,765.10	55.87 %
01-539-433	Public Works - Utilities - Gen Gov't.	2,802.04	3,000.00	3,000.00	547.38	2,695.82	304.18	89.86 %
01-539-434	Community Center-Utilities-Gen Gov't.	5,549.72	5,500.00	5,500.00	1,257.64	5,334.96	165.04	97.00 %
01-539-440	Rentals and Leases - Gen Gov't Bldgs	7,679.18	8,500.00	8,500.00	1,388.57	9,428.83	(928.83)	110.93 %
01-539-461	City Hall - Repairs & Maint - Gen Gov	31,955.15	12,000.00	20,000.00	0.00	22,231.42	(2,231.42)	185.26 %
01-539-462	Activity Center - Repairs & Maint - G	2,029.91	10,000.00	10,000.00	701.04	11,190.94	(1,190.94)	111.91 %
01-539-463	Public Works I - Repairs & Maint - Ge	3,151.94	7,000.00	7,000.00	0.00	1,059.69	5,940.31	15.14 %
01-539-464	Community Center-Repairs & Maint-Gen	14,108.14	8,000.00	8,000.00	1,974.53	4,881.35	1,479.65	61.02 %
01-539-466	Public Works/Utilities Oper - Repairs	4,309.22	5,000.00	10,000.00	207.49	5,913.56	4,086.44	118.27 %
01-539-490	Other Current Charges - Gen Gov't Bl.	0.00	2,000.00	2,000.00	0.00	92.50	1,907.50	4.63 %
01-539-521	City Hall - Operating Supplies - Gen	5,008.68	6,000.00	6,000.00	685.81	9,295.64	(3,295.64)	154.93 %
01-539-522	Activity Center - Operating Supplies	1,071.74	1,000.00	1,000.00	31.32	725.62	274.38	72.56 %

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01-539-523	Public Works - Operating Supplies - G	9.59	1,500.00	1,500.00	0.00	875.38	624.62	58.36 %
01-539-524	Community Center-Operating Supplies-G	1,469.91	1,400.00	1,400.00	64.32	1,438.92	(38.92)	102.78 %
01-539-526	Public Works/Utilities Oper - Operati	134.53	1,500.00	1,500.00	0.00	29.24	1,470.76	1.95 %
01-539-631	City Hall - Improv. O/T Bldgs - Gen G	0.00	0.00	0.00	0.00	15,285.00	(15,285.00)	0.00 %
01-539-634	Community Center - Improv. O/T Bldgs	1,638.55	0.00	0.00	0.00	0.00	0.00	0.00 %
01-539-641	City Hall - Mach. & Equipment - Gen G	0.00	0.00	0.00	0.00	1,985.00	(1,985.00)	0.00 %
01-539-643	Public Works - Mach. & Equipment - Ge	9,316.77	0.00	0.00	0.00	0.00	0.00	0.00 %
DEPARTMENT TOTAL		149,467.67	129,500.00	142,500.00	13,884.97	142,513.17	(1,652.17)	110.05 %
ROADS AND STREETS								
01-541-120	Regular Salary - Wages - Roads & Stre	179,747.09	236,128.00	236,128.00	17,000.44	218,915.42	17,212.58	92.71 %
01-541-140	Overtime - Roads & Streets	1,389.16	4,562.00	4,562.00	84.00	911.78	3,650.22	19.99 %
01-541-210	Fica Taxes - Roads & Streets	13,420.86	18,413.00	18,413.00	1,286.89	17,033.88	1,379.12	92.51 %
01-541-220	Retirement Contribution - Roads & Str	15,867.43	24,069.00	24,069.00	1,848.54	23,190.70	878.30	96.35 %
01-541-230	Life & Health Insurance - Roads & Str	40,249.29	51,748.00	51,748.00	5,825.06	52,527.12	(779.12)	101.51 %
01-541-240	Worker's Compensation - Roads & Stre.	12,386.28	22,082.00	22,082.00	0.00	16,638.24	5,443.76	75.35 %
01-541-310	Professional Services - Roads & Stree	124.20	3,500.00	3,500.00	0.00	0.00	3,500.00	0.00 %
01-541-311	Engineering Services - Roads & Street	0.00	2,500.00	2,500.00	0.00	0.00	2,500.00	0.00 %
01-541-400	Travel Expenses - Roads & Streets	73.50	1,000.00	1,000.00	0.00	1,239.00	(239.00)	123.90 %
01-541-410	Communication Services - Roads & Stre	2,138.42	3,500.00	3,500.00	291.03	4,273.91	(773.91)	122.11 %
01-541-430	Utilities - Roads & Streets	32,357.11	30,000.00	30,000.00	4,611.26	30,067.64	(67.64)	100.23 %
01-541-460	Repairs and Maintenance - Roads & Str	7,171.38	15,000.00	15,399.00	2,199.57	2,973.98	11,926.02	19.83 %
01-541-461	Repairs & Maintenance-Equipment - Roa	12,064.04	8,000.00	8,000.00	1,019.40	10,101.06	(2,161.06)	126.26 %
01-541-464	Vehicle Fuel - Roads & Streets	5,518.88	8,000.00	8,000.00	1,402.14	7,056.31	943.69	88.20 %
01-541-465	Vehicle Maintenance - Roads & Streets	7,644.28	10,000.00	10,000.00	999.86	8,517.95	1,482.05	85.18 %
01-541-466	Public Works/Utilities Facility - Rep	939.73	6,000.00	6,000.00	0.00	1,622.73	4,377.27	27.05 %
01-541-492	Recording & Other Fees - Roads & Stre	0.00	0.00	0.00	0.00	117.55	(117.55)	0.00 %
01-541-493	Equipment Rental - Roads & Streets	0.00	2,000.00	2,000.00	0.00	300.00	1,700.00	15.00 %
01-541-510	Office Supplies - Roads & Streets	800.68	1,000.00	1,000.00	10.09	1,085.62	(85.62)	108.56 %
01-541-520	Operating Supplies - Roads & Streets	14,268.99	10,000.00	10,000.00	96.02	10,205.49	(205.49)	102.05 %
01-541-524	Chemicals - Roads & Streets	0.00	1,000.00	1,000.00	171.96	756.82	243.18	75.68 %
01-541-530	Road Materials & Supplies - Roads & S	4,250.57	9,000.00	9,000.00	0.00	5,481.47	3,518.53	60.91 %
01-541-531	Landscape Materials & Supplies - Road	5,342.45	5,000.00	5,000.00	287.03	3,892.83	1,107.17	77.86 %
01-541-540	Books, Pub., Sub., & Memberships - Ro	312.72	500.00	500.00	14.99	384.76	115.24	76.95 %
01-541-620	Buildings - Roads & Streets	0.00	5,000.00	0.00	0.00	0.00	0.00	0.00 %

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01-541-630	Improvements Other than Building - Ro	146,736.90	650,000.00	650,000.00	0.00	0.00	650,000.00	0.00 %
01-541-640	Machinery & Equipment - Roads & Stree	48,409.45	31,000.00	31,000.00	0.00	31,858.73	(858.73)	102.77 %
01-541-650	Construction in Progress - Roads & St	0.00	0.00	0.00	5,000.00	5,000.00	(5,000.00)	0.00 %
DEPARTMENT TOTAL		551,233.63	1,159,002.00	1,154,002.00	42,210.68	454,152.99	699,849.01	39.18 %

LIBRARY

01-571-120	Regular Salary - Wages - Library	73,448.52	96,106.00	96,106.00	5,293.62	66,234.05	29,871.95	68.92 %
01-571-140	Overtime - Library	904.94	1,124.00	1,124.00	0.00	0.00	1,124.00	0.00 %
01-571-210	Fica Taxes - Library	5,382.52	7,438.00	7,438.00	396.45	5,104.26	2,333.74	68.62 %
01-571-220	Retirement Contribution - Library	6,531.91	9,723.00	9,723.00	572.76	7,004.86	2,718.14	72.04 %
01-571-230	Life & Health Insurance - Library	18,490.03	18,730.00	18,730.00	1,727.31	15,814.97	2,915.03	84.44 %
01-571-240	Worker's Compensation - Library	105.04	165.00	165.00	0.00	113.22	51.78	68.62 %
01-571-310	Professional Services - Library	3,677.85	2,325.00	2,325.00	140.82	1,002.38	1,322.62	43.11 %
01-571-312	Professional Services - Other - Libra	95.00	3,000.00	3,000.00	0.00	1,557.40	1,442.60	51.91 %
01-571-400	Travel Expenses - Library	0.00	700.00	700.00	0.00	0.00	700.00	0.00 %
01-571-410	Communication Services - Library	4,110.59	6,500.00	6,500.00	1,335.59	4,301.50	2,198.50	66.18 %
01-571-420	Education Reimbursement - Library	0.00	2,500.00	2,500.00	0.00	0.00	2,500.00	0.00 %
01-571-430	Utilities - Library	3,636.41	5,000.00	5,000.00	1,505.64	3,927.64	1,072.36	78.55 %
01-571-460	Repairs and Maintenance - Library	2,578.63	4,100.00	4,100.00	192.42	8,236.37	(1,136.37)	200.89 %
01-571-480	Promo Activities & Legal Ads - Librar	386.42	2,500.00	2,500.00	118.25	164.42	2,335.58	6.58 %
01-571-450	Other Current Charges - Library	43.79	0.00	0.00	0.00	0.00	0.00	0.00 %
01-571-510	Office Supplies - Library	495.06	1,500.00	1,500.00	49.22	183.54	1,316.41	12.24 %
01-571-520	Operating Supplies - Library	9,447.12	9,900.00	6,900.00	150.79	7,352.99	(1,352.99)	81.70 %
01-571-540	Books, Pub., Sub., & Memberships - Li	944.51	1,200.00	1,200.00	194.87	755.40	441.60	63.00 %
01-571-520	Buildings - Library	0.00	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
01-571-630	Improvements Other than Building - Li	12,510.00	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
01-571-640	Machinery & Equipment - Library	0.00	0.00	0.00	0.00	3,868.00	(3,868.00)	0.00 %
01-571-660	Books, Pub.& Library Materials - Libr	16,431.77	18,000.00	18,000.00	1,081.25	10,561.98	7,438.02	58.68 %
DEPARTMENT TOTAL		159,219.11	201,611.00	201,611.00	12,758.99	136,186.03	65,424.97	67.55 %

PARKS

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01-572-310	Professional Services - Parks	10,114.07	0.00	300.00	522.50	647.50	(347.50)	0.00 %
01-572-430	Utilities - Parks	10,430.39	15,000.00	15,000.00	1,233.33	14,077.25	922.75	93.85 %
01-572-460	Repairs and Maintenance - Parks	24,926.76	15,000.00	49,322.91	132.59	27,310.17	22,012.74	182.07 %
01-572-493	Equipment Rental - Parks	630.42	2,000.00	2,000.00	240.21	240.21	1,759.79	12.01 %
01-572-520	Operating Supplies - Parks	2,260.20	2,000.00	2,000.00	0.00	3,440.80	(1,440.80)	172.04 %
01-572-630	Improvements Other than Building - Pa	2,732.23	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
DEPARTMENT TOTAL		51,094.07	44,000.00	78,622.91	2,128.63	45,715.93	32,906.98	103.90 %
SPECIAL EVENTS								
01-574-310	Professional Services - Spec Events	560.00	2,000.00	0.00	0.00	0.00	0.00	0.00 %
01-574-440	Rentals and Leases - Spec Events	3,387.40	2,000.00	0.00	0.00	0.00	0.00	0.00 %
01-574-470	Printing and Reproduction - Spec Even	0.00	1,000.00	0.00	0.00	0.00	0.00	0.00 %
01-574-480	Promo Activities & Legal Ads - Spec E	0.00	1,000.00	0.00	0.00	0.00	0.00	0.00 %
01-574-490	Other Current Charges - Spec Events	145.58	1,000.00	2,305.79	0.00	2,305.79	0.00	230.58 %
01-574-520	Operating Supplies - Spec Events	9,010.97	10,000.00	71.30	356.27	427.57	(356.27)	4.28 %
DEPARTMENT TOTAL		13,103.95	17,000.00	2,377.09	356.27	2,733.36	(356.27)	16.08 %
NON-DEPARTMENTAL								
01-590-310	Professional Services - Non-Dept	8,984.34	20,000.00	20,000.00	2,108.93	13,589.67	6,402.33	67.99 %
01-590-311	Engineering Services - Non-Dept	0.00	5,000.00	5,000.00	0.00	0.00	5,000.00	0.00 %
01-590-312	Professional Services - Other - Non-D	9,810.00	8,000.00	8,000.00	0.00	0.00	8,000.00	0.00 %
01-590-315	Inmate Labor - GF Non - Dept	13,133.53	28,749.00	28,749.00	0.00	21,561.38	7,187.62	75.00 %
01-590-320	Accounting and Auditing - Non-Dept	14,502.40	17,000.00	17,000.00	434.78	17,103.87	(103.87)	100.61 %
01-590-450	Liability Insurance - Non-Dept	46,712.00	63,000.00	63,000.00	0.00	58,980.50	4,019.50	93.62 %
01-590-464	Vehicle Fuel - Non- Departmental	266.36	500.00	500.00	56.05	243.66	256.34	48.73 %
01-590-465	Vehicle Maintenance - Non-Departmenta	122.50	500.00	500.00	0.00	177.98	322.02	35.60 %
01-590-490	Other Current Charges - Non Dept	0.00	0.00	0.00	0.00	25.00	(25.00)	0.00 %
01-590-510	Office Supplies - Non-Departmental	713.26	2,000.00	2,000.00	412.46	1,012.15	987.85	50.61 %
01-590-520	Operating Supplies - Non-Dept	1,017.88	3,000.00	3,000.00	53.32	2,675.67	324.33	89.19 %
01-590-521	Emergencies & Contingencies - Operati	3,832.79	10,000.00	10,000.00	4,596.29	5,809.45	4,190.55	58.09 %
01-590-525	Uniforms - Non Dept	704.57	2,000.00	2,000.00	261.40	3,608.58	(1,608.58)	180.43 %

General Fund Expenditures
 100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L ACCOUNT	DESCRIPTION	2020 ACTUALS	2021 ADOPTED BUDGET	2021 ADJ BUDGET	2021 MTD EXPENSES	2021 YTD EXPENSES	2021 AVAIL BUDGET	PERCENTAGE REALIZED
01-590-528	Postage - Non-Dept	226.45	1,000.00	1,000.00	14.00	1,255.30	(255.30)	125.53 %
01-590-540	Books, Pub., Sub., & Memberships -NON	2,725.00	3,000.00	3,000.00	0.00	3,281.95	(281.95)	109.40 %
01-590-930	Transfer to Police Public Safety Impa	0.00	1,290.00	1,290.00	0.00	0.00	1,290.00	0.00 %
01-590-931	Transfer to Fire Public Safety Impact	0.00	690.00	690.00	0.00	870.00	(180.00)	126.09 %
01-590-932	Transfer to Parks & Rec Impact Fees	0.00	20,803.00	20,803.00	0.00	0.00	20,803.00	0.00 %
01-590-933	Transfer to Public Facility Impact Fe	0.00	34,960.00	34,960.00	0.00	(1,187.14)	36,147.14	(3.40) %
01-590-940	Reserves - Unrestricted Reserves - No	0.00	49,700.00	21,700.00	0.00	0.00	21,700.00	0.00 %
01-590-950	Transfer to Rstr Streets Paving-Non-D	0.00	52,957.00	52,957.00	0.00	0.00	52,957.00	0.00 %
01-590-991	Aids to Private Organizations - Non-D	350.00	3,500.00	3,500.00	200.00	1,155.95	2,344.05	33.03 %
01-590-992	Unemployment Claims - Non-Dept	0.00	2,500.00	2,500.00	0.00	0.00	2,500.00	0.00 %
01-590-994	Bank Fees - Non-Dept	7.50	0.00	0.00	0.00	0.00	0.00	0.00 %
01-590-996	Bad Debt - Non-Dept	11,313.45	10,000.00	10,000.00	0.00	1,308.28	8,691.72	13.08 %
01-590-999	Other - Non-Operating Charges - Non-D	10,487.14	12,190.00	12,190.00	685.11	(1,422.13)	13,612.13	(11.67) %
DEPARTMENT TOTAL		124,909.17	352,339.00	324,339.00	8,822.34	130,058.12	194,280.88	36.91 %

General Fund Revenues Total	2,995,806.05	3,364,144.00	3,364,144.00	173,541.36	2,825,746.11	538,397.89	16.00 %
General Fund Expenditures Total	-2,396,965.24	-3,364,144.00	-3,364,144.00	-212,635.66	-2,271,914.20	-1,089,177.14	32.38 %
Total Revenue vs. Expenditures	598,840.81	0.00	0.00	-39,094.30	553,831.91	-550,779.25	

POLK CITY
Simple Balance Sheet

For Fiscal Year: 2021 thru Fiscal Month: Sep, for Fund: 05

Account Number	Account Title	Ending Bal	Net Amount
05-101-100	Cash - Checking	1,984,886.99	
05-101-915	Tax Exempt Leasing - Sinking Fund	0.00	
05-101-916	US Bank - Sink Fund	508,650.05	
05-101-917	US Bank - Renewal & Replacement Series	187,594.83	
05-101-918	DEP Loan WW531400 - Sink Fund	0.04	
05-101-919	DEP Loan WW531402 - Sink Fund	10,872.21	
05-101-920	Cash - Customer Deposits	338,381.00	
05-115-100	Accounts Receivable - Utilities	256,957.41	
05-115-130	Accounts Receivable - Readiness to Serve	31,122.20	
05-117-100	Allowance for Bad Debt	17,614.09-	
05-117-200	Allowance for Uncollectible A/R	68,835.67-	
05-151-100	Investments - FL SAFE EF	600,104.52	
05-151-902	Investments - FL SAFE EF Reserves	125,413.84	
05-155-300	Prepaid Insurance - Deferred Bond Series 2017	31,706.89	
05-159-100	Deferred Outflows - Related to Pension	101,024.77	
05-159-200	Deferred Outflows - Loss on Refunding	687,501.65	
05-160-902	Reserve Account	100,000.00	
05-160-903	Reserve Acct - Emergencies & Contingency	48,044.00	
05-160-905	Reserve Acct - CIP Service Truck	103,677.23	
05-161-900	Fixed Assets - Land	2,762,913.00	
05-164-100	Utility Plant in Service	15,386,508.20	
05-165-900	Acc.Dep. - Improvements Other than Build	327,211.43-	
05-166-900	Equipment & Furniture	590,179.66	
05-167-900	Accumulated Depreciation - Equipment	4,209,848.07-	
05-169-900	CIP - Construction Costs	20,211.25	
	** TOTAL ASSET**		19,252,240.48
05-202-100	Accounts Payable	115,347.11	
05-202-900	Customer Deposits	338,231.00	
05-203-100	Accumulated Interest Payable	50,654.17	
05-203-600	SRF Loan WW51201P	1,805,995.81	
05-203-610	SRF Loan WW53140/SG531401 Effluent Disposal	32,223.62	
05-203-615	SRF Loan WW531402/SG531403	805,004.96	
05-203-710	US Bank 2017 Bond Note	7,675,000.00	
05-203-910	Unamortized Bond Premiums - US Bank	511,625.21	
05-208-305	Taxes Payable	3,659.05-	
05-225-100	Deferred inflows - Related to Pension	4,361.28	
05-234-100	L-T-D - Current Portion	1,753,885.21	
05-234-901	Less: Current Portion of LTD	1,753,885.21-	
05-235-900	Net Pension Liability	237,687.81	
	** TOTAL LIABILITY**		11,572,471.92
05-243-100	Encumbrances Placed	67,487.13	
05-245-100	Reserved for Encumbrances	67,487.13-	
	** TOTAL ENCUMBRANCE**		0.00
05-250-100	Contributed Capital	598,715.40	
05-255-100	Change in Fund Balance	36,514.20	
05-271-100	Fund Balance Unreserved	5,790,416.28	
05-271-150	Fund Balance - Restatement	2,245,690.34-	
05-271-200	Net Asset Adjustment Account	10,071.23-	
05-272-100	Retained Earnings	734,552.82	
	** TOTAL EQUITY**		4,904,437.13
	** TOTAL REVENUE**		4,664,627.70

POLK CITY
Simple Balance Sheet

For Fiscal Year: 2021 thru Fiscal Month: Sep, for Fund: 05

Account Number	Account Title	Ending Bal	Net Amount
	** TOTAL EXPENSE**		1,889,296.27
	TOTAL LIABILITY AND EQUITY		19,252,240.48

ENTERPRISE FUND REVENUE
 100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L ACCOUNT	DESCRIPTION	2020 PRIOR YR REVENUE	2021 ANTICIPATED REVENUE	ADJ ANTICIPATED	2021 CURRENT REVENUE	2021 YTD REVENUE	2021 (EXCESS)/DEFICIT	PERCENTAGE REALIZED
05-314-301	RTS - City 10% UTY T	1,956.96	0.00	0.00	18.80	1,668.11	(1,668.11)	0.00 %
05-324-210	Water Impact Fees	148,495.00	34,940.00	34,940.00	0.00	0.00	34,940.00	0.00 %
05-324-220	Sewer Impact Fees	353,200.00	88,300.00	88,300.00	0.00	0.00	88,300.00	0.00 %
05-325-111	Connection Fees - Water - Cash Basis	71,340.00	17,400.00	17,400.00	870.00	34,365.00	(16,965.00)	197.50 %
05-325-112	Connection Fees - Water - Accrual Bas	3,840.44	0.00	0.00	0.00	0.00	0.00	0.00 %
05-325-210	Readiness to Serve Charge - Sewer	25,570.56	0.00	0.00	381.71	19,910.82	(19,910.82)	0.00 %
05-325-211	Readiness to Serve Charge - Water	19,568.05	0.00	0.00	187.99	16,679.84	(16,679.84)	0.00 %
05-329-200	Other Lic./Fees/Permits	4,862.64	1,300.00	1,300.00	3,294.72	5,640.92	(4,340.92)	433.92 %
05-331-370	Small Community Wastewater Grant	0.00	0.00	0.00	1,316,160.00	1,316,160.00	(1,316,160.00)	0.00 %
05-331-500	American Rescue Plan Act - ARPA Imple	0.00	0.00	0.00	682,163.00	682,163.00	(682,163.00)	0.00 %
05-340-300	Water Utility Revenue	1,276,748.86	1,423,995.00	1,423,995.00	218,495.61	1,296,696.81	127,298.19	91.06 %
05-340-500	Sewer Utility Revenue	1,191,404.65	1,331,832.00	1,331,832.00	205,709.49	1,248,012.42	83,819.58	93.71 %
05-359-100	Other Fines and/or Forfeitures	25,430.00	21,140.00	21,140.00	0.00	12,540.00	8,600.00	59.32 %
05-359-200	Non Sufficient Funds	1,140.00	1,206.00	1,206.00	120.00	1,200.00	6.00	99.50 %
05-359-300	Late Fees	18,994.50	30,000.00	30,000.00	2,110.50	26,673.00	3,327.00	88.91 %
05-361-200	Interest/Dividends - FL SAFE	0.00	0.00	0.00	35.77	126.36	(126.36)	0.00 %
05-369-100	Misc. Income	3,901.05	0.00	0.00	0.00	39.61	(39.61)	0.00 %
05-369-111	Cash Drawer Overage	20.00	0.00	0.00	0.00	(0.14)	0.14	0.00 %
05-369-112	Cash Drawer Overage - Bank Rec	142.30	0.00	0.00	0.00	2,751.95	(2,751.95)	0.00 %
05-369-400	Insurance Proceeds	5,681.63	0.00	0.00	0.00	0.00	0.00	0.00 %
05-389-800	Water & Sewer - Capital Contributions	786,201.20	0.00	0.00	0.00	0.00	0.00	0.00 %
DEPARTMENT TOTALS		1,938,497.84	2,950,113.00	2,950,113.00	2,429,547.59	4,664,627.70	(1,714,514.70)	158.12 %

Enterprise Fund Expenditures
100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L ACCOUNT	DESCRIPTION	2020 ACTUALS	2021 ADOPTED BUDGET	2021 ADJ BUDGET	2021 MTD EXPENSES	2021 YTD EXPENSES	2021 AVAIL BUDGET	PERCENTAGE REALIZED
Water								
05-533-120	Regular Salary - Wages - Water Oper	169,222.22	255,102.00	255,102.00	19,065.61	211,223.74	43,878.26	82.80 %
05-533-140	Overtime - Water Oper	3,992.69	7,539.00	7,539.00	63.64	4,954.66	2,584.34	65.72 %
05-533-210	Fica Taxes - Water Oper	12,804.84	20,092.00	20,092.00	1,429.04	16,492.13	3,599.87	82.08 %
05-533-220	Retirement Contribution - Water Oper	30,140.35	25,583.00	25,583.00	2,069.78	23,397.31	2,185.69	91.46 %
05-533-230	Life & Health Insurance - Water Oper	42,411.53	56,218.00	56,218.00	4,527.91	48,376.38	7,841.62	86.05 %
05-533-240	Worker's Compensation - Water Oper	6,304.58	6,036.00	6,036.00	0.00	2,910.39	3,125.61	48.22 %
05-533-310	Professional Services - Water Oper	73,063.27	20,000.00	20,000.00	3,725.75	23,020.90	(3,020.90)	115.10 %
05-533-311	Engineering Services - Water Oper	17,239.54	30,000.00	30,000.00	0.00	7,879.84	22,120.16	26.27 %
05-533-312	Professional Services - Other - Water	2,810.93	20,000.00	20,000.00	587.93	2,414.15	17,585.85	12.07 %
05-533-313	Professional Services - Polk Regional	3,781.42	0.00	23,000.00	0.00	3,871.08	19,128.92	0.00 %
05-533-400	Travel Expenses - Water Oper	1,180.06	500.00	500.00	0.00	2,039.02	(1,539.02)	407.80 %
05-533-410	Communication Services - Water Oper	3,905.95	3,500.00	3,500.00	449.08	5,783.66	(2,283.66)	165.25 %
05-533-430	Utilities - PW/Utilities Facility Wat	1,453.33	0.00	1,500.00	297.12	1,692.30	(192.30)	0.00 %
05-533-431	Mt. Olive WTP - Utilities - Water Ope	4,303.94	6,900.00	6,900.00	860.80	4,484.23	2,415.77	64.99 %
05-533-432	Commonwealth WTP - Utilities - Water	393.06	4,620.00	4,620.00	46.43	2,944.21	1,675.79	63.73 %
05-533-433	V.Matt Williams WTP - Utilities - Wat	24,860.27	12,000.00	12,000.00	1,602.45	8,676.94	3,323.06	72.31 %
05-533-460	Repairs and Maintenance - Water Oper	43,799.35	40,000.00	94,945.00	2,134.78	54,531.31	40,413.69	136.33 %
05-533-461	Mt. Olive WTP - Repairs and Maint - W	19,381.71	10,000.00	10,000.00	0.00	1,827.02	8,172.98	18.27 %
05-533-462	Commonwealth WTP - Repairs and Maint	3,048.35	10,000.00	10,000.00	0.00	3,710.52	6,289.48	37.11 %
05-533-463	V.Matt Williams WTP - Repairs and Mai	4,156.25	10,000.00	10,000.00	0.00	35,594.42	(25,594.42)	355.94 %
05-533-464	Vehicle Fuel - Water Oper	8,762.33	7,000.00	7,000.00	1,926.91	8,813.41	(1,813.41)	125.91 %
05-533-465	Vehicle Maintenance - Water Oper	6,470.90	8,000.00	8,000.00	0.00	5,344.76	2,492.91	66.81 %
05-533-466	Public Works/Utilities Facility - Rep	1,191.18	0.00	0.00	0.00	2,440.83	(2,440.83)	0.00 %
05-533-470	Printing and Reproduction - Water Ope	567.50	0.00	0.00	0.00	0.00	0.00	0.00 %
05-533-480	Other Current Charges - Water Oper	0.00	0.00	0.00	34.32	99.98	339.98	0.00 %
05-533-492	Recording & Other Fees - Water Oper	3,300.00	0.00	0.00	0.00	4,440.00	(4,440.00)	0.00 %
05-533-493	Equipment Rental - Water Oper	218.38	4,300.00	4,300.00	0.00	0.00	4,300.00	0.00 %
05-533-510	Office Supplies - Water Oper	454.00	1,000.00	1,000.00	416.89	852.70	147.30	85.27 %
05-533-520	Operating Supplies - Water Oper	17,319.24	15,000.00	15,000.00	1,723.07	11,188.96	3,399.24	74.59 %
05-533-524	Chemicals - Water Oper	5,920.25	9,000.00	9,000.00	789.00	3,793.50	5,206.50	42.15 %
05-533-526	Meter Supplies - New Installs - Water	78,672.44	90,000.00	90,000.00	0.00	37,845.69	52,154.31	42.05 %
05-533-527	Meter Supplies - Repairs & Maintenanc	50,827.61	80,000.00	80,000.00	0.00	55,184.08	24,815.92	68.98 %
05-533-540	Books, Pub., Sub., & Memberships - Wa	759.88	2,000.00	2,000.00	0.00	1,548.54	451.46	77.43 %
05-533-605	Depreciation Expense - Water Oper	124,581.76	0.00	0.00	0.00	0.00	0.00	0.00 %
05-533-630	Improvements Other than Building - Wa	0.00	0.00	5,000.00	0.00	850.00	4,150.00	0.00 %
05-533-640	Machinery & Equipment - Water Oper	0.00	0.00	0.00	0.00	529.85	(529.85)	0.00 %
05-533-641	Mt. Olive WTP - Machinery & Equipment	124,934.00	80,000.00	80,000.00	0.00	0.00	80,000.00	0.00 %

Enterprise Fund Expenditures
 100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L ACCOUNT	DESCRIPTION	2020 ACTUALS	2021 ADOPTED BUDGET	2021 ADJ BUDGET	2021 MTD EXPENSES	2021 YTD EXPENSES	2021 AVAIL BUDGET	PERCENTAGE REALIZED
05-533-650	Construction In Progress - Water Oper	0.00	0.00	0.00	136.00	136.00	(136.00)	0.00 %
05-533-710	Principal - Water Oper	0.00	81,559.00	81,559.00	(82,179.48)	0.00	81,559.00	0.00 %
05-533-720	Interest - Water Oper	74,104.73	71,763.00	71,763.00	0.00	71,773.05	(10.05)	100.01 %
05-533-994	Bank Fees - Water Oper	0.00	0.00	0.00	0.00	3.19	(3.19)	0.00 %
DEPARTMENT TOTAL		966,537.84	987,712.00	1,072,157.00	(40,272.77)	670,668.75	400,914.12	67.90 %
Sewer								
05-535-120	Regular Salary - Wages - Sewer Oper	101,693.80	109,923.00	109,923.00	8,554.80	104,781.54	5,141.46	95.32 %
05-535-140	Overtime - Sewer Oper	5,255.37	6,469.00	6,469.00	80.33	4,865.74	1,603.26	75.22 %
05-535-210	Pica Taxes - Sewer Oper	7,942.13	8,904.00	8,904.00	649.80	8,496.04	407.96	95.42 %
05-535-220	Retirement Contribution - Sewer Oper	18,330.59	11,563.00	11,563.00	934.32	11,985.14	(422.14)	103.65 %
05-535-230	Life & Health Insurance - Sewer Oper	23,213.93	23,383.00	23,383.00	2,582.56	24,158.05	(775.05)	103.31 %
05-535-240	Worker's Compensation - Sewer Oper	0.00	4,140.00	4,140.00	0.00	2,875.13	1,264.87	69.45 %
05-535-310	Professional Services - Sewer Oper	59,381.68	20,000.00	20,000.00	5,791.06	30,438.06	(10,438.06)	152.19 %
05-535-311	Engineering Services - Sewer Oper	9,435.75	20,000.00	20,000.00	17,235.80	20,978.80	(978.80)	104.89 %
05-535-312	Professional Services - Other - Sewer	583.32	0.00	0.00	470.83	758.32	(758.32)	0.00 %
05-535-400	Travel Expenses - Sewer Oper	251.05	1,000.00	1,000.00	0.00	571.58	428.42	57.16 %
05-535-410	Communication Services - Sewer Oper	3,360.67	2,500.00	2,500.00	343.44	4,086.59	(1,586.59)	163.46 %
05-535-411	Cardinal Hill WWTP - Comm Srvc - Sew	111.70	1,500.00	1,500.00	0.00	125.10	1,374.90	8.34 %
05-535-412	Mt. Olive WWTP - Comm Srvc - Sewer O	2,222.70	2,500.00	2,500.00	199.80	2,396.60	103.40	95.86 %
05-535-430	Utilities - PW/Utilities Facility Sew	6,233.33	7,000.00	7,000.00	970.46	5,586.75	1,413.25	79.81 %
05-535-431	Cardinal Hill WWTP - Utilities - Sewe	24,065.27	21,000.00	21,000.00	5,141.25	25,790.23	(4,790.23)	122.81 %
05-535-432	Mt. Olive WWTP - Utilities - Sewer Op	8,785.08	11,000.00	11,000.00	1,259.06	8,417.66	2,582.34	76.52 %
05-535-440	Rentals and Leases - Sewer Oper	0.00	5,000.00	5,000.00	0.00	0.00	5,000.00	0.00 %
05-535-460	Repairs and Maintenance - Sewer Oper	95,234.36	100,000.00	100,000.00	1,839.45	56,155.00	43,845.00	56.16 %
05-535-461	Cardinal Hill - Repairs and Maint - S	9,204.60	40,000.00	40,000.00	65,589.87	73,844.17	(100,757.17)	184.61 %
05-535-464	Vehicle Fuel - Sewer Oper	12,077.55	4,000.00	4,000.00	2,803.15	10,731.40	(6,731.40)	268.29 %
05-535-465	Vehicle Maintenance - Sewer Oper	8,286.85	10,000.00	10,000.00	257.98	11,258.43	(1,258.43)	112.58 %
05-535-466	Public Works/Utilities Facility - Rep	275.08	0.00	0.00	0.00	2,437.84	(2,437.84)	0.00 %
05-535-470	Printing and Reproduction - Sewer Ope	157.80	60.00	60.00	0.00	0.00	60.00	0.00 %
05-535-490	Other Current Charges - Sewer Oper	47.61	0.00	0.00	108.91	108.91	(108.91)	0.00 %
05-535-492	Recording & Other Fees - Sewer Oper	100.00	1,000.00	1,000.00	3,000.00	3,260.66	(2,260.66)	326.07 %
05-535-493	Equipment Rental - Sewer Oper	0.00	4,000.00	4,000.00	0.00	0.00	4,000.00	0.00 %
05-535-510	Office Supplies - Sewer Oper	300.98	1,000.00	1,000.00	416.81	852.39	147.61	85.24 %
05-535-520	Operating Supplies - Sewer Oper	7,830.07	8,000.00	8,000.00	450.72	6,258.10	1,741.90	78.23 %

Enterprise Fund Expenditures
100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L ACCOUNT	DESCRIPTION	2020 ACTUALS	2021 ADOPTED BUDGET	2021 ADJ BUDGET	2021 MTD EXPENSES	2021 YTD EXPENSES	2021 AVAIL BUDGET	PERCENTAGE REALIZED
05-535-522	Cardinal Hill WWTP - Sludge Hauling	14,783.22	0.00	18,000.00	3,968.74	25,510.31	(7,510.31)	0.00 %
05-535-524	Chemicals - Sewer Oper	19,863.25	17,000.00	17,000.00	3,486.00	29,319.80	(12,319.80)	172.47 %
05-535-540	Books, Pub., Sub., & Memberships - Se	580.00	1,000.00	1,000.00	0.00	164.94	835.06	16.49 %
05-535-605	Depreciation Expense - Sewer Oper	245,368.24	0.00	0.00	0.00	0.00	0.00	0.00 %
05-535-630	Improvements Other than Building - Se	0.00	15,000.00	20,000.00	0.00	0.00	20,000.00	0.00 %
05-535-640	Machinery & Equipment - Sewer Oper	0.00	92,682.00	99,520.34	0.00	99,520.34	0.00	107.38 %
05-535-641	Cardinal Hill - Mach & Equip - Sewer	0.00	60,000.00	60,000.00	0.00	0.00	60,000.00	0.00 %
05-535-710	Principal - Sewer Oper	852.80	358,501.00	358,501.00	(265,319.10)	(852.80)	359,353.80	(0.24) %
05-535-712	Principal - DEP Effluent Disposal Loa	0.00	0.00	0.00	(22,527.31)	0.00	0.00	0.00 %
05-535-720	Interest - Sewer Oper	294,131.09	287,565.00	287,565.00	19,638.76	284,385.24	3,179.76	98.89 %
05-535-722	Interest - DEP Effluent Disposal Loan	6,513.06	0.00	0.00	0.00	19.75	(19.75)	0.00 %
05-535-730	Other Debt Service Costs - Sewer Oper	0.00	0.00	0.00	40,581.27	45,812.57	(45,812.57)	0.00 %
DEPARTMENT TOTAL		986,492.93	1,255,690.00	1,285,528.34	(101,491.24)	905,098.38	313,516.96	72.08 %

EF Non-Departmental

05-590-310	Professional Services - Non-Dept	24,052.24	25,000.00	25,000.00	4,790.64	33,102.27	(8,102.27)	132.41 %
05-590-312	Professional Services - Other - Non-D	8,240.00	10,000.00	10,000.00	0.00	3,550.00	6,450.00	35.50 %
05-590-315	Inmate Labor - EF Non - Dept	13,133.51	28,749.00	28,749.00	0.00	21,561.37	7,187.63	75.00 %
05-590-320	Accounting and Auditing - Non-Dept	29,444.32	25,000.00	25,000.00	882.72	28,536.88	(3,536.88)	114.15 %
05-590-440	Rentals and Leases - Non-Dept	4,306.10	4,500.00	4,500.00	530.44	4,298.99	201.01	95.53 %
05-590-450	Liability Insurance - Non-Dept	46,712.00	63,000.00	63,000.00	0.00	58,980.50	4,019.50	93.62 %
05-590-490	Other Current Charges - Non Dept	0.00	0.00	0.00	0.00	25.00	(25.00)	0.00 %
05-590-510	Office Supplies - Non-Departmental	484.65	1,000.00	1,000.00	412.45	862.20	137.80	86.22 %
05-590-520	Operating Supplies - Non-Dept	239.50	3,000.00	3,000.00	0.00	946.60	2,053.40	31.55 %
05-590-521	Emergencies & Contingencies - Operati	14,921.00	20,000.00	20,000.00	562.50	4,741.67	15,258.33	23.71 %
05-590-525	Uniforms - Non Dept	1,604.90	4,500.00	4,500.00	267.14	3,373.76	1,126.24	74.97 %
05-590-528	Postage - Non-Dept	0.00	3,000.00	3,000.00	12.40	2,038.35	961.65	67.95 %
05-590-540	Books, Pub., Sub., & Memberships -NON	1,152.00	2,000.00	2,000.00	0.00	2,311.34	(311.34)	115.57 %
05-590-720	Interest - Bond 2017 Issue	(43,474.44)	0.00	0.00	(42,146.55)	(42,146.55)	42,146.55	0.00 %
05-590-730	Other Debt Service Costs	62,278.80	0.00	0.00	60,376.58	60,526.58	(60,526.58)	0.00 %
05-590-920	Transfer to General Fund - Non-Dept	25,000.00	155,000.00	155,000.00	0.00	155,000.00	0.00	100.00 %
05-590-930	Transfer to Water Impact Fee Reserves	0.00	34,940.00	34,940.00	0.00	0.00	34,940.00	0.00 %
05-590-931	Transfer to Sewer Impact Fee Reserves	0.00	73,300.00	73,300.00	0.00	0.00	73,300.00	0.00 %
05-590-940	Reserves - Unrestricted Reserves NON-	0.00	244,722.00	130,438.66	0.00	0.00	130,438.66	0.00 %
05-590-992	Unemployment Claims - Non-Dept	946.40	2,000.00	2,000.00	0.00	1,694.60	305.40	84.73 %

Enterprise Fund Expenditures
 100.00 % Yr Complete For Fiscal Year: 2021 / 9

G/L		2020	2021	2021	2021	2021	2021	PERCENTAGE
ACCOUNT	DESCRIPTION	ACTUALS	ADOPTED BUDGET	ADJ BUDGET	MTD EXPENSES	YTD EXPENSES	AVAIL BUDGET	REALIZED
05-590-994	Bank Fees - Non-Dept	0.00	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
05-590-996	Bad Debt - Non-Dept	59,811.17	0.00	0.00	0.00	12,261.50	(12,261.50)	0.00 %
05-590-999	Other - Non-Operating Charges - Non-D	770.79	6,000.00	6,000.00	68.82	(38,443.30)	44,443.30	(640.72) %
DEPARTMENT TOTAL		249,613.94	706,711.00	592,427.66	25,757.14	313,221.76	279,205.90	44.32 %

Enterprise Fund Revenues Total	3,938,497.84	2,950,113.00	2,950,113.00	2,429,547.59	4,664,627.70	-1,714,514.70	158.12%
Enterprise Fund Expenditures Total	-2,202,644.71	-2,950,113.00	-2,950,113.00	116,006.87	-1,988,938.89	993,636.98	64.03%
Total Revenue vs. Expenditures	1,735,853.13	0.00	0.00	2,545,554.46	2,775,638.81	-720,877.72	

POLK CITY
Simple Balance Sheet

For Fiscal Year: 2021 thru Fiscal Month: Sep, for Fund: 08

Account Number	Account Title	Ending Bal	Net Amount
08-101-100	GF Police Public Safety Impact Fees	1,935.67	
08-101-101	GF Fire Public Safety Impact Fees	1,035.51	
08-101-102	GF Recreation Impact Fees	3,120.57	
08-101-103	GF Gen Gov't Facilities Impact Fees	4,650.98	
08-151-100	Investments - FL SAFE GF Police Public Safety	213,343.16	
08-151-101	Investments - FL SAFE GF Fire Pubic Safety	134,840.48	
08-151-102	Investments - FL SAFE GF Recreation	403,220.23	
08-151-103	Investments - FL SAFE GF Facilities	447,832.00	
	** TOTAL ASSET**		1,209,978.60
08-271-150	Fund Balance - Restatement	1,089,182.23	
	** TOTAL EQUITY**		1,089,182.23
	** TOTAL REVENUE**		120,796.37
	** TOTAL EXPENSE**		0.00
	TOTAL LIABILITY AND EQUITY		1,209,978.60

POLK CITY
 Simple Balance Sheet

For Fiscal Year: 2021 thru Fiscal Month: Sep, for Fund: 09

Account Number	Account Title	Ending Bal	Net Amount
09-101-800	EF Sewer Impact Fee Account	304,415.04	
09-101-900	EF Water Impact Fee Account	233,197.09	
09-151-800	Investements - Sewer Impact	1,632,675.36	
09-151-900	Investements - Water Impact	265,472.24	
	** TOTAL ASSET**		2,435,759.73
	** TOTAL LIABILITY**		0.00
	** TOTAL ENCUMBRANCE**		0.00
09-271-150	Fund Balance - Restatement	2,245,690.34	
	** TOTAL EQUITY**		2,245,690.34
	** TOTAL REVENUE**		226,482.60
	** TOTAL EXPENSE**		36,413.21
	TOTAL LIABILITY AND EQUITY		2,435,759.73

Library Monthly Report

November 2021

CIRCULATION

ADULT BOOKS	1114
JUVENILE BOOKS	633
TOTAL CIRCULATION	1747

NEW BORROWERS

IN CITY	6
IN COUNTY	3
TOTAL NEW BORROWERS	9

NUMBER OF PROGRAMS

ADULT	0
JUVENILE	1
YOUNG ADULT	0
TOTAL PROGRAMS	1

PROGRAM ATTENDANCE

ADULT	0
JUVENILE	18
YOUNG ADULT	0
TOTAL ATTENDANCE	18

REFERENCE QUESTIONS

PHONE CALLS	163
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NUMBER OF COMPUTER USERS

61

TOTAL PATRONS

469

Prepared by:

Mikayla Osso

Library Director

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

STATISTICAL DATA

West Division

December 7, 2021 Northwest District

To: Patricia Jackson, City Manager
 From: Deputy Christina Poindexter #7376
 Subject: Statistical Report for November, 2021

ACTIVITY	
FELONY ARREST	5
AFFIDAVITS FELONY	1
MISDEMEANOR ARREST	7
AFFIDAVITS MISDEMEANOR	1
OUT OF COUNTY/STATE WARRANT ARRESTS	0
PROCAP WARRANT ARREST	0
TOTAL ARRESTS	14
SEARCH WARRANTS	0
FIELD INTERROGATION REPORTS	0
TRAFFIC CITATIONS	21
INTELLIGENCE REPORTS	0
STOLEN PROPERTY RECOVERED	0
HRS. TRANSPORTING/ AGENCIES/DIVISIONS	0
OFFENSE REPORTS	53
NARCOTICS SEIZED	7 lbs. Narc.
ASSETS SEIZED	Stolen property from Narc bust.
PATROL NOTICES	0
FOXTROT REPORTS	2
TOW-AWAY NOTICES	1
COMMUNITY CONTACTS	825
TRAFFIC STOPS	30
TOTAL DISPATCHED CALLS FOR SERVICE	103

In November 2021, there was one (1) PROCAP captured crimes as compared to one (1) in November 2020. A residential burglary occurred at 463 Sunrise Blvd. where two suspects were located inside the abandoned residence. The residence has sat un-lived in for several years with a multitude of personal items inside the residence (possible storage only residence). The residence is very un-kept, making the residence vulnerable to such incidents. At this time our crime is sitting at -31% as compared to last year at this time.

Case No	Inc From	Inc To	DOW	Location	Narrative	Off	PRINTS	VIDEO	CASE STATUS
BURGLARY RESIDENCE									
PCSO-210047546	2021-11-13 / 0653hrs	2021-11-13 / 1005hrs	Sat	463 SUNRISE BLVD	2 WMs were observed committing an in progress burglary / susps were located & during search of person 4 small fabric boxes containing misc jewelry was located 10'15: Timothy Becker WM 021976 & Shaun Teadt WM 112578	PATROL			CA

Department of Law Enforcement																															
Polk City - 2020 - 2021																															
	January		February		March		April		May		June		July		August		September		October		November		December		YTD Totals		Monthly Change	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	2	0	0%	0.2	0.0	
Burg. Business	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	1	3	0%	0.1	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	1	0	0	2	1	100%	0.2	0.1	
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	1	1	0%	0.1	0.1	
Burg. Conveyance	0	0	1	1	0	1	0	0	0	1	0	0	0	0	0	0	1	1	0	0	0	1	0	0	0	3	4	0%	0.3	0.4	
Vehicle Theft	1	0	0	1	1	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.3	0.2
Grand Theft	0	1	0	0	0	0	0	0	1	1	1	1	0	0	2	1	0	0	0	0	0	0	0	0	0	4	4	0%	0.4	0.4	
Petit Theft	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	4	0	0%	0.4	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	
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	3	0	0%	0.3	0.0	
Criminal Mischief	0	0	1	0	0	0	1	0	0	0	0	1	0	0	1	0	0	1	0	0	1	0	0	0	0	3	3	-100%	0.3	0.3	
Totals	2	3	3	2	2	1	2	0	3	2	3	1	1	2	1	3	5	2	3	1	1	1	1	0	0	26	18	0%	2.4	1.6	
% Change	50%	-33%	-50%	N/A	-33%	-67%	100%	200%	-60%	-87%	0%	N/A	-31%	-31%	0%	N/A	-31%	-31%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	-31%	-31%

Public Works Report

November 2021

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

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

December Objectives:

Continue maintaining the mowing and preventive maintenance of all City facilities, service equipment. Continuing our food drive efforts. Public Works will be getting the New Public Works Director Keith McVeigh acclimated to Public Works. Public Works will be updating City signs to code beginning in the numbered streets. We will also begin landscaping City Facilities with updated materials.

Submitted by:

Chasity Guinn, Asst. Public Works Director

UTILITY DEPARTMENT

November 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 - 149
- Turn On - 27
- Turn off - 19
- Misc. (rereads, laptops, vacation turn on, TBO from shut off) - 102
- Fire Hydrant flushing and maintenance is being done weekly
- Valve exercising is being done weekly
- Continue preventative maintenance/housekeeping is being done
- WWTF is maintained by wasting, decanting, housekeeping
- Mowed all water/wastewater plants, perk ponds, ribs, liftstations, and Ruth rd.
- Sprayed weeds

I would like to add I am working with Gerry Hartman on the Cardinal Hill WWTF Permit Renewal

December 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
December 20, 2021**

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

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

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

ATTACHMENTS:

- Ordinance 2021-06
- Staff Overview Report

ANALYSIS:

On Monday, November 15, 2021 the City Commission approved Ordinance 2021-06 on First Reading.

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

STAFF RECOMMENDATION:

Approve Ordinance 2021-06 on **Second and Final Reading**.

ORDINANCE 2021-06

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED, PASSED on FIRST READING, this _____ day of _____, 2021.

POLK CITY, FLORIDA

Joe LaCascia, Mayor

ATTEST:

**APPROVED AS TO FORM AND
CORRECTNESS**

Patricia R. Jackson, City Manager/Clerk

Thomas A. Cloud, City Attorney

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

Joe LaCascia, Mayor

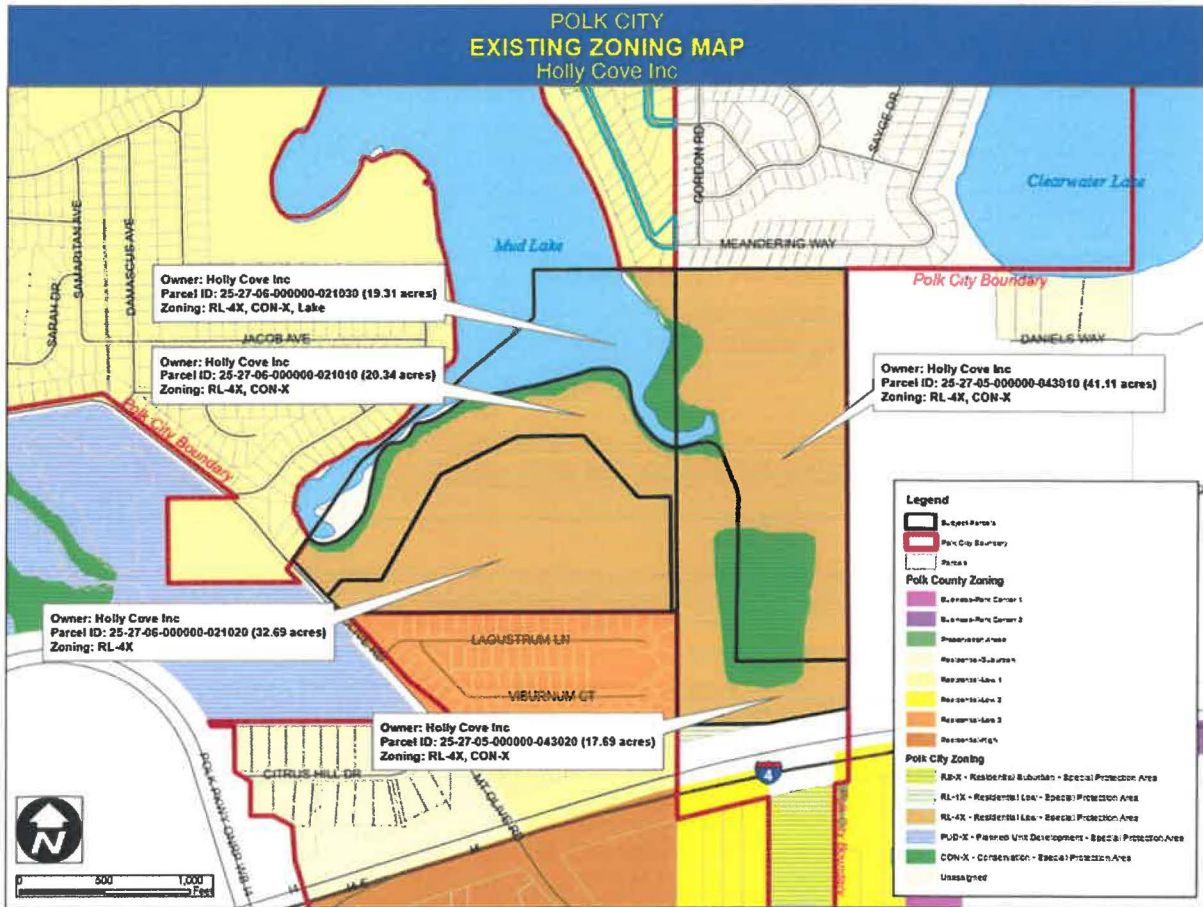
ATTEST:

Patricia R. Jackson, City Manager/Clerk

ORDINANCE 2021-06

EXHIBIT "A"

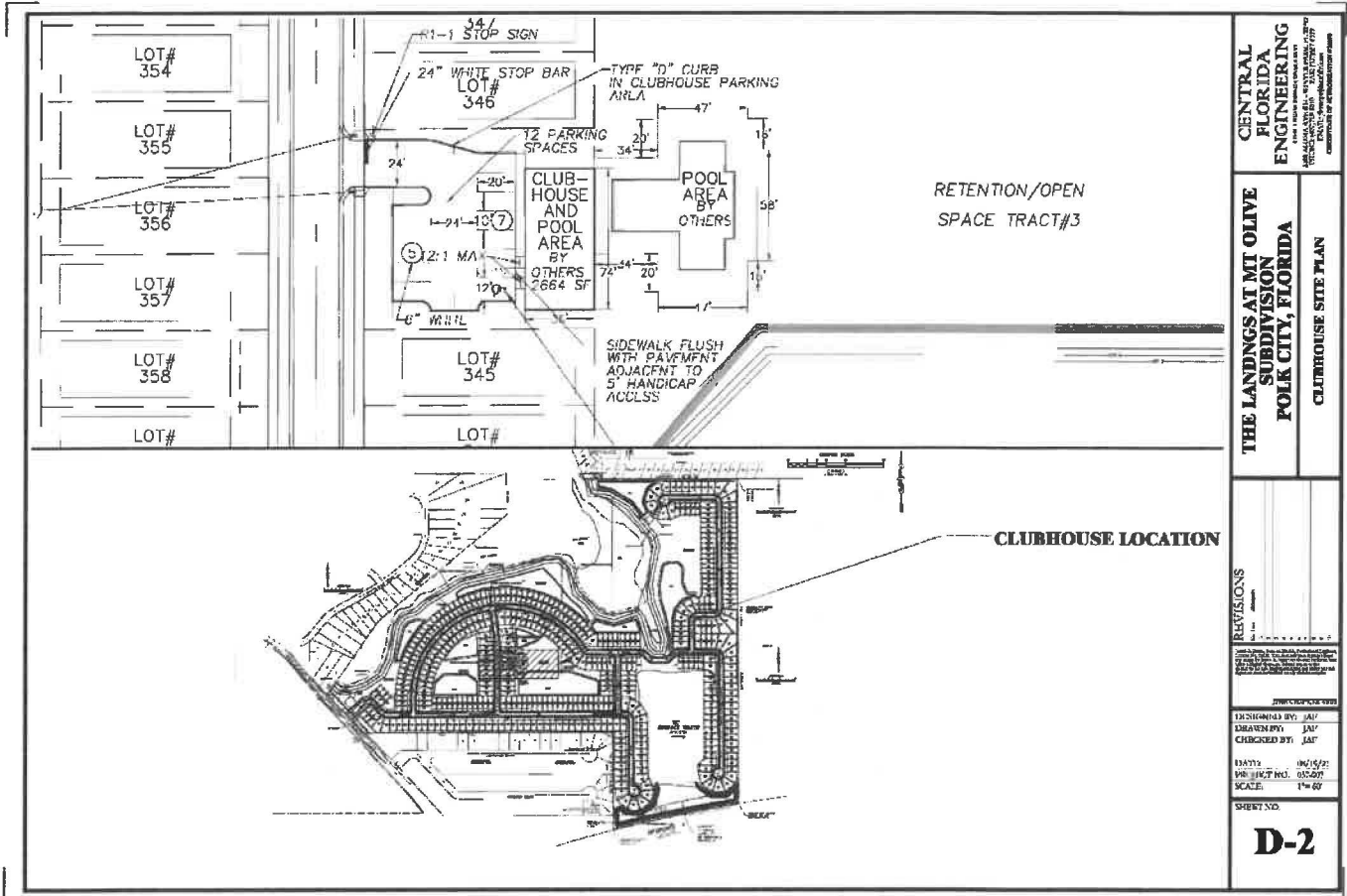
Zoning Map Amendment



ORDINANCE 2021-06

EXHIBIT "B"

2,664 Square Foot Clubhouse and Pool

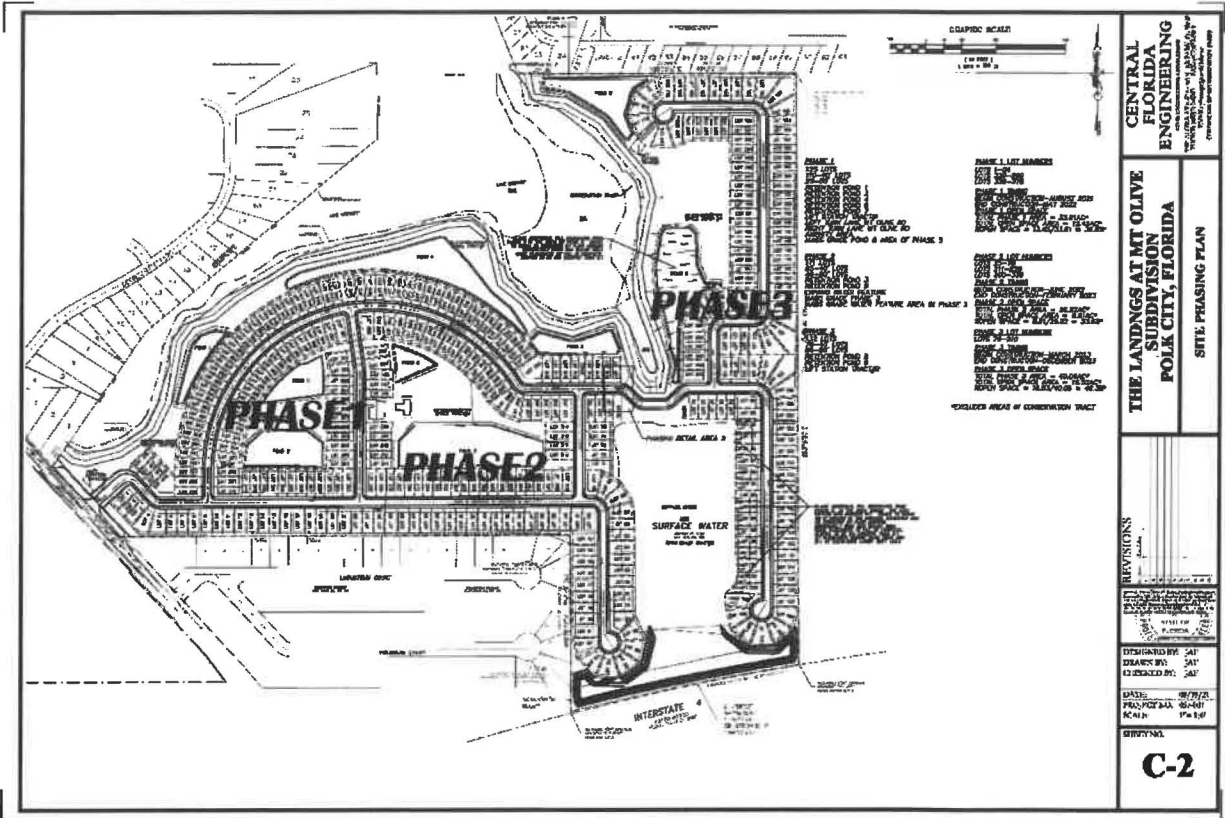


ORDINANCE 2021-06

EXHIBIT "C"

Phasing Schedule & Phasing Plan

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



CENTRAL FLORIDA ENGINEERING
INCORPORATED IN FLORIDA
 10000 W. UNIVERSITY BLVD., SUITE 100
 ORLANDO, FLORIDA 32817
 (407) 261-1111

**THE LANDINGS AT MT OLIVE
 SUBDIVISION
 POLK COUNTY, FLORIDA**

SITE PHASING PLAN

REVISIONS:

NO.	DATE	DESCRIPTION
1	08/27/03	ISSUED FOR PERMITS
2	09/02/03	REVISED TO SHOW PERMITS
3	09/02/03	REVISED TO SHOW PERMITS
4	09/02/03	REVISED TO SHOW PERMITS
5	09/02/03	REVISED TO SHOW PERMITS
6	09/02/03	REVISED TO SHOW PERMITS
7	09/02/03	REVISED TO SHOW PERMITS
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9	09/02/03	REVISED TO SHOW PERMITS
10	09/02/03	REVISED TO SHOW PERMITS
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14	09/02/03	REVISED TO SHOW PERMITS
15	09/02/03	REVISED TO SHOW PERMITS
16	09/02/03	REVISED TO SHOW PERMITS
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98	09/02/03	REVISED TO SHOW PERMITS
99	09/02/03	REVISED TO SHOW PERMITS
100	09/02/03	REVISED TO SHOW PERMITS

DESIGNED BY: JAF
 DRAWN BY: JAF
 CHECKED BY: JAF

DATE: 08/27/03
 PROJECT NO: 03-041
 SCALE: P=1/4"

GRITINA

C-2

ORDINANCE 2021-06

EXHIBIT "D"

Ordinance 2019-05

ORDINANCE 2019-05

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

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

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

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

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

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

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

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

Unit Development district within its ULDC.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) The development shall allow for:

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

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

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

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

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

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

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

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

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

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

INTRODUCED, PASSED on FIRST READING, this 15th day of July, 2019.

POLK CITY, FLORIDA



Joe LaCascia, Mayor

ATTEST:



Patricia R. Jackson, City Manager/Clerk

APPROVED AS TO FORM AND
CORRECTNESS



Thomas A. Cloud, City Attorney

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



Joe LaCascia, Mayor

ATTEST:


Patricia R. Jackson, City Manager/Clerk



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

DECEMBER 20, 2021

TO: POLK CITY COMMISSION

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

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

AGENDA & HEARING DATES:

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

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

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

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

CITY COMMISSION ACTION: On Monday, November 15, 2021, the City Commission held a public hearing and unanimously voted to approve Ordinance 2021-06 on first reading.

CITY COMMISSION MOTION OPTIONS:

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

Attachments

Overview Report || Ordinance 2021-06

OVERVIEW REPORT

PROJECT DESCRIPTION/REQUEST:

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

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

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

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

SITE ANALYSIS:

Description of Property:

The five parcels totaling approximately 132.14 acres are currently vacant.

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

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

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

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

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

PROPOSED AMENDMENTS TO THE APPROVED PLANNED UNIT DEVELOPMENT-X

PROPOSED CLUBHOUSE AND POOL

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

PROPOSED DEVELOPMENT PHASING SCHEDULE

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

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

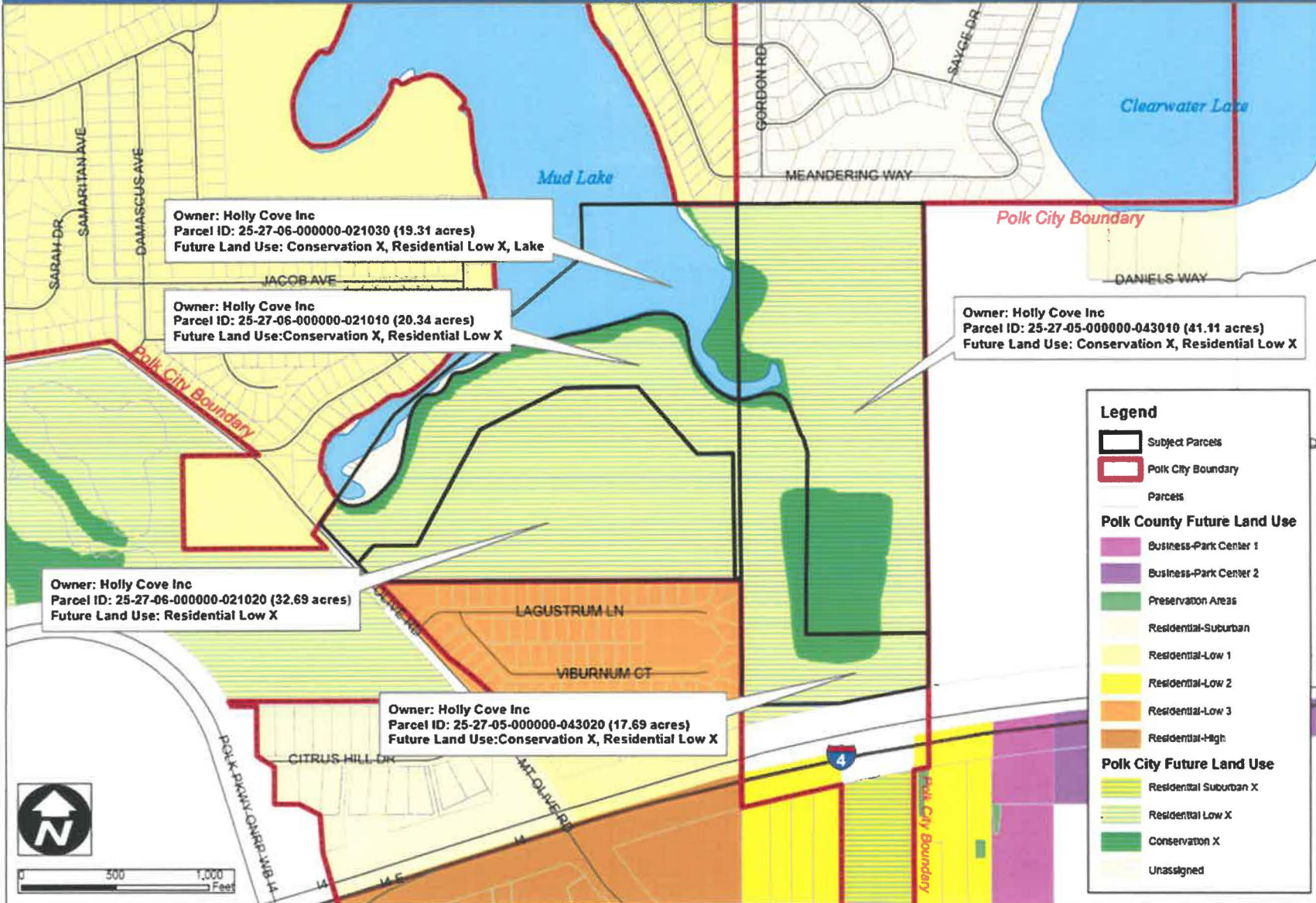
The phasing schedule is shown on the next page.

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

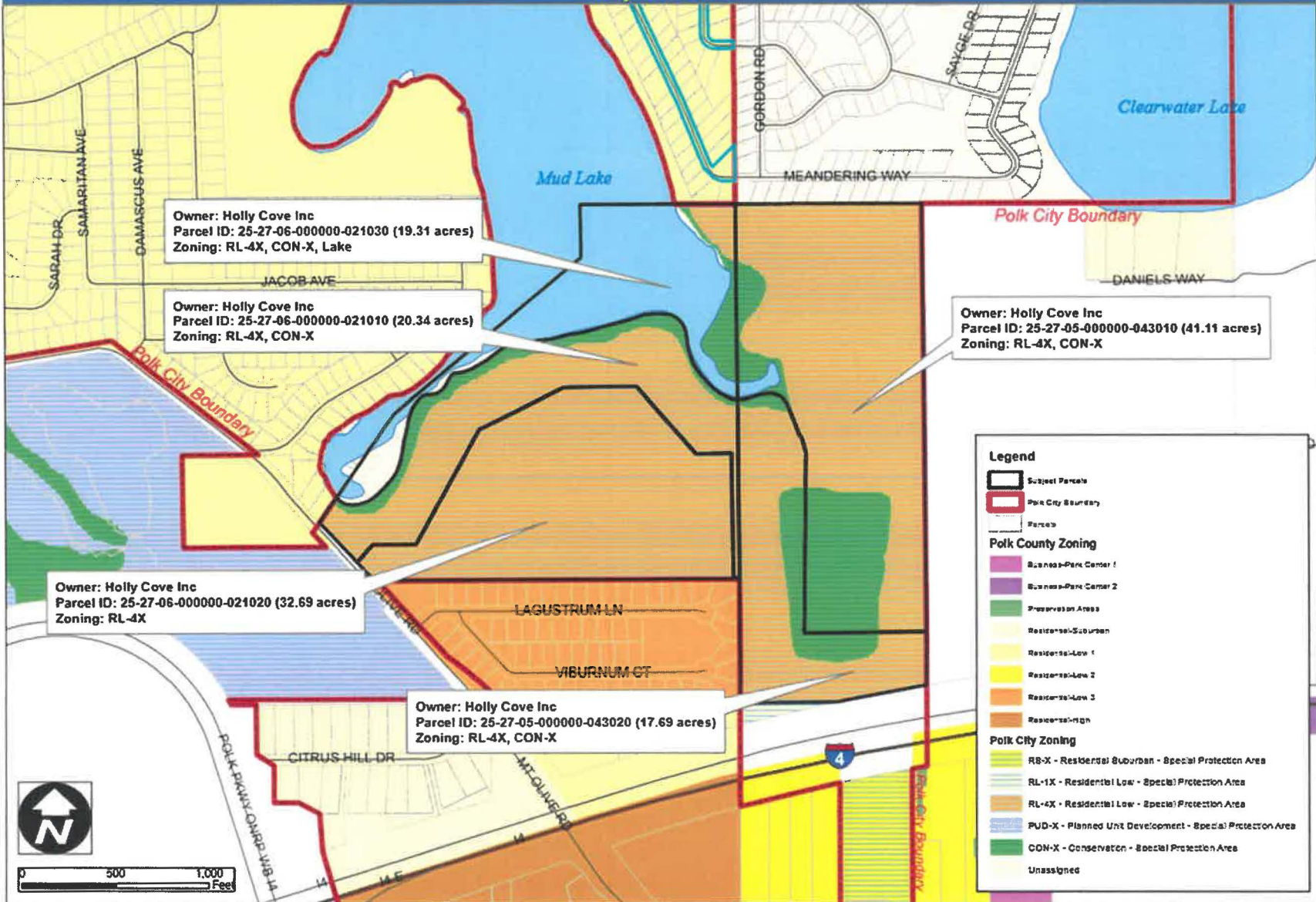
POLK CITY
AERIAL PHOTO MAP
 Holly Cove Inc



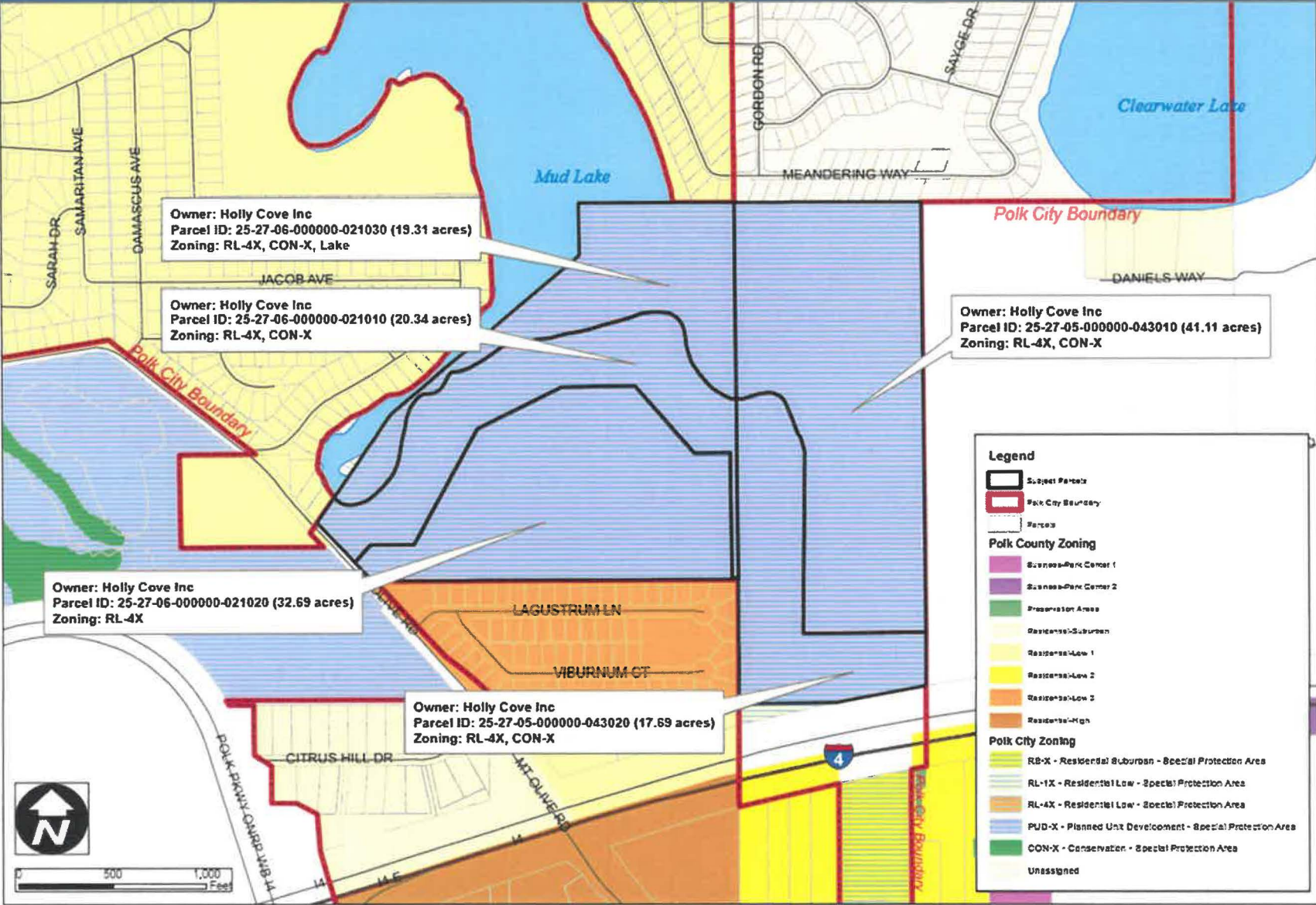
POLK CITY
FUTURE LAND USE MAP
 Holly Cove Inc



POLK CITY
EXISTING ZONING MAP
 Holly Cove Inc



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



Owner: Holly Cove Inc
Parcel ID: 25-27-06-000000-021030 (19.31 acres)
Zoning: RL-4X, CON-X, Lake

Owner: Holly Cove Inc
Parcel ID: 25-27-06-000000-021010 (20.34 acres)
Zoning: RL-4X, CON-X

Owner: Holly Cove Inc
Parcel ID: 25-27-05-000000-043010 (41.11 acres)
Zoning: RL-4X, CON-X

Owner: Holly Cove Inc
Parcel ID: 25-27-06-000000-021020 (32.69 acres)
Zoning: RL-4X

Owner: Holly Cove Inc
Parcel ID: 25-27-05-000000-043020 (17.69 acres)
Zoning: RL-4X, CON-X

Legend

- Subject Parcels
- Polk City Boundary
- Parcels
- Polk County Zoning**
 - Sunnyside Park Center 1
 - Sunnyside Park Center 2
 - Preservation Area
 - Residential-Suburban
 - Residential-Low 1
 - Residential-Low 2
 - Residential-Low 3
 - Residential-High
- Polk City Zoning**
 - RB-X - Residential Suburban - Special Protection Area
 - RL-1X - Residential Low - Special Protection Area
 - RL-4X - Residential Low - Special Protection Area
 - PUD-X - Planned Unit Development - Special Protection Area
 - CON-X - Conservation - Special Protection Area
 - Unassigned

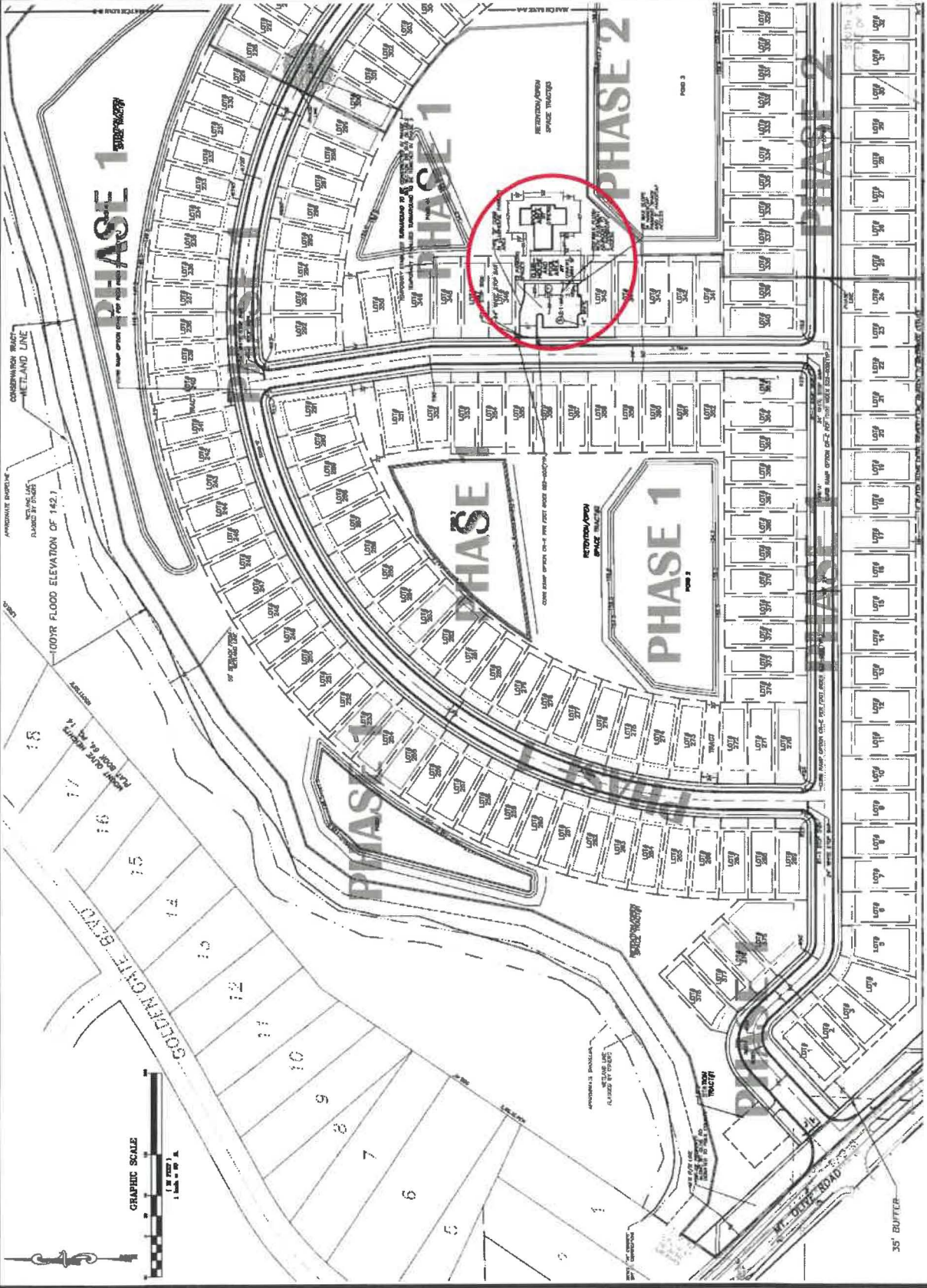
CENTRAL FLORIDA ENGINEERING
 1500 ALPINE AVE SUITE 100 WINTER PARK, FL 32789
 PHONE (407) 938-0400 FAX (407) 938-0410
 EMAIL: info@cfeng.com
 CERTIFICATES OF AUTHORIZATION #12899

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

REVISIONS

DESIGNED BY: JAF
 DRAWN BY: JAF
 CHECKED BY: JAF
 DATE: 08/19/21
 PROJECT NO. 057-007
 SCALE: 1" = 60'

SHEET NO.
C-4



CENTRAL FLORIDA ENGINEERING
 CIVIL ENGINEERING CONSULTANTS
 3506 ALAHEA PARK BLVD
 WINTER PARK, FL 32789
 PHONE (407) 940-4000 FAX (407) 940-4818
 EMAIL: jfoley@cfed.com
 CERTIFICATE OF AUTHORIZATION #00000000

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

REVISIONS



DESIGNED BY: JAP
 DRAWN BY: JAP
 CHECKED BY: JAP
 DATE: 08/19/21
 PROJECT NO. 057-007
 SCALE: 1" = 150'
 SHEET NO.

C-2

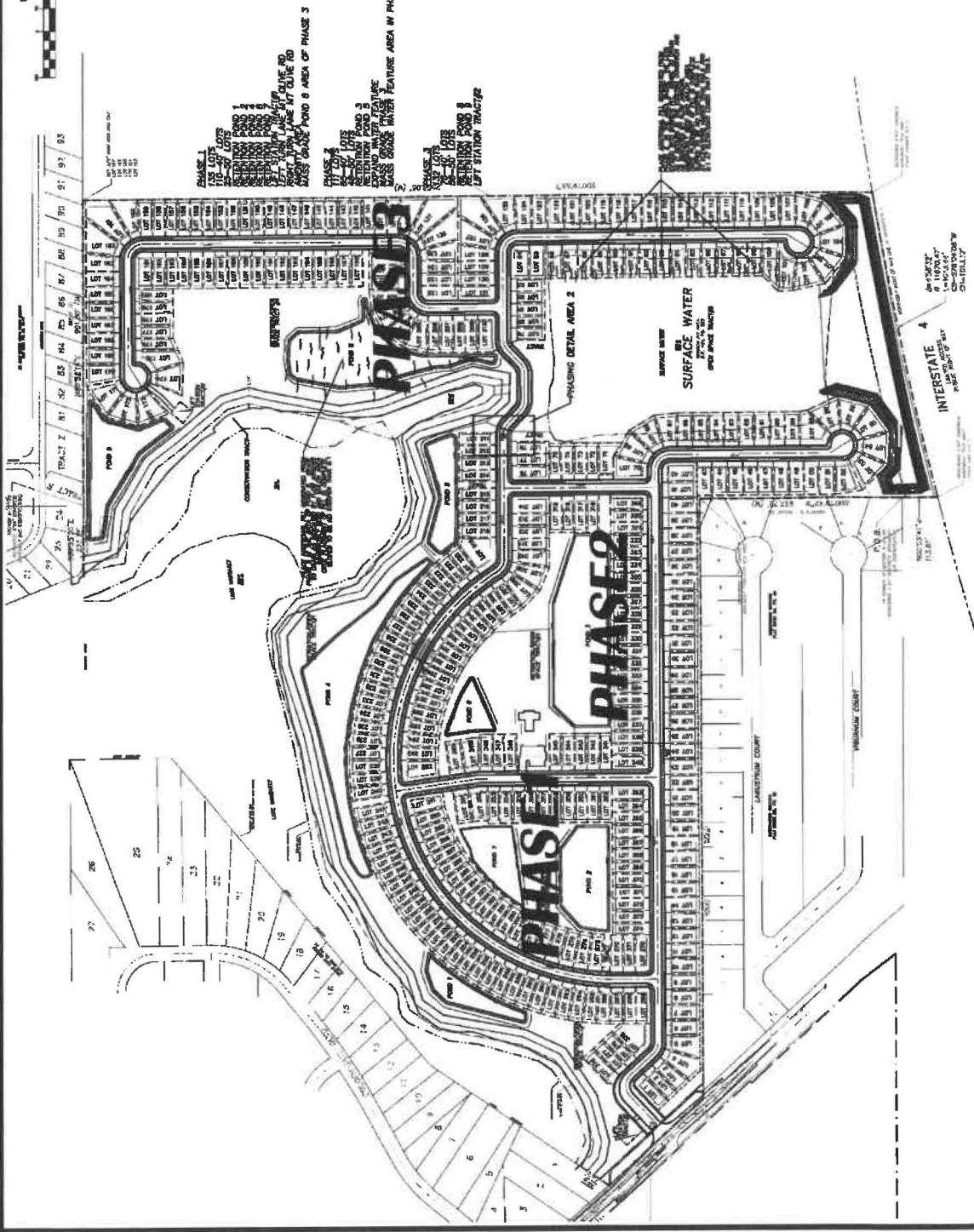


PHASE 1 LOT NUMBERS
 LOTS 1-28
 END CONSTRUCTION - AUGUST 2021
 TOTAL PHASE 1 AREA = 32.24 AC
 TOTAL PHASE 1 IMPROVEMENTS = 18,557,400.00

PHASE 2 LOT NUMBERS
 LOTS 29-38
 END CONSTRUCTION - JUNE 2022
 TOTAL PHASE 2 AREA = 20.22 AC
 TOTAL PHASE 2 IMPROVEMENTS = 8,171,250.00

PHASE 3 LOT NUMBERS
 LOTS 39-40
 END CONSTRUCTION - MARCH 2023
 TOTAL PHASE 3 AREA = 0.54 AC
 TOTAL PHASE 3 IMPROVEMENTS = 48,300.00

EXCLUDES AREAS IN CONSERVATION TRACT



City Commission Meeting
December 20, 2021

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

INFORMATION ONLY
 ACTION REQUESTED

ISSUE:

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

ATTACHMENTS:

- Ordinance 2021-07
- Staff Overview Report

ANALYSIS:

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

On Monday, November 15, 2021 the City Commission approved Ordinance 2021-07 with changes to correct scrivener's errors.

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

STAFF RECOMMENDATION:

Approve Ordinance 2021-07 on **Second and Final Reading**.

ORDINANCE 2021-07

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

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

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

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

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

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

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

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

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

"7.02.00 Comprehensive Plan Amendments

7.02.01 Intent and Purpose

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

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

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

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

7.02.02 Contents of the Application for Plan Amendments

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

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

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

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

7.02.03 Planning Commission Standards for Evaluation

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

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

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

7.02.04 Public Hearing

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

7.02.05 Findings and Recommendation to Approve a Plan Amendment

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

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

7.02.06 Findings and Recommendation to Deny a Plan Amendment

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

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

7.02.07 Decision By City ~~Council~~ Commission

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

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

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

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

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

“8.06.00 Public Notice of Hearings

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

(A) *General Requirements.*

- (1) *Ordinance Requirements.* All ordinances acted on by the City ~~Council~~ Commission must be read on two separate days and shall, at least 14 days before adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time and place of the meeting: the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (2) *Land Development Actions.* In the case of land use issues, zoning issues, Plan amendments (less than 10 acres) and amendments to this Code, the first public hearing will be held by the Planning and Zoning Board. The first public hearing before the Planning and Zoning Board shall be held on a weekday at least 7 days after the advertisement is published.

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

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

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

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

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

Table 1 - Sample of Advertising Notice

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

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

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

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

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

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

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

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

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

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

~~8.07.00 Statutory Requirements for Plan Amendments~~

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

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

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

8.07.01 Public Hearing for a Plan Amendment

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

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

(B) ***Advertisement Form***

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

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

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

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

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

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

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

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

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

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

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

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

~~to:~~

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

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

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

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

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

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

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

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

policies;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED AND PASSED on FIRST READING, this ___ day of _____, 2021.

POLK CITY, FLORIDA

Joe LaCascia, Mayor

ATTEST:

**APPROVED AS TO FORM AND
CORRECTNESS**

Patricia Jackson, City Manager/Clerk

Thomas A. Cloud, City Attorney

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

Joe LaCascia, Mayor

ATTEST:

Patricia Jackson, City Manager/City Clerk



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

DECEMBER 20, 2021

TO: Polk City Commission

FROM: Central Florida Regional Planning Council

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

AGENDA & HEARING DATES:

Planning Commission Public Hearing: November 1, 2021
City Commission First Reading: November 15, 2021
City Commission Second Reading: December 20, 2021

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

PLANNING AND ZONING BOARD ACTION: On Monday, November 1, 2021, the Planning Commission held a public hearing and unanimously voted forward the proposed amendments to the City Commission with a recommendation of approval with changes to correct scrivener errors.

CITY COMMISSION ACTION: On Monday, November 15, 2021, the City Commission held a public hearing and unanimously voted to approve Ordinance 2021-07 on first reading.

CITY COMMISSION MOTION OPTIONS:

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

OVERVIEW OF PROPOSED AMENDMENTS:

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

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

PROPOSED TEXT AMENDMENTS TO THE POLK CITY LAND DEVELOPMENT CODE

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

ARTICLE 7: DEVELOPMENT APPROVAL PROCESS

7.02.00 Comprehensive Plan Amendments

7.02.01 Intent and Purpose

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

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

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

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

7.02.02 Contents of the Application for Plan Amendments

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

- (A) *Application Contents for Text Amendments.* The application shall contain the following items, as applicable:
 - (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
 - (2) Data and analysis that supports the change applied for. Specifically, new data that would alter the assumptions in the Comprehensive Plan and would, therefore, justify the Plan Amendment of a goal, objective or policy.

- (B) *Application Contents for Amendments Effecting Land Use, Development Standards, & Maps.* The application shall contain the following items, as applicable:
 - (1) A description of the proposed Plan Amendment, specifying the goals, objectives and policies of the Comprehensive Plan that are to be modified.
 - (2) Where the Plan Amendment proposed will change the Future Land Use Map, a legal description of the property.
 - (3) A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan.
 - (4) An Evaluation and Appraisal Report (EAR Report), the format of which is outlined in (C) below.

- (C) *Plan Amendment Evaluation and Appraisal Report (EAR Report) Required from the Applicant.* Based on the data found in the Comprehensive Plan Data and Analysis sections, the evaluation and appraisal report shall contain the following, as applicable.
 - (1) Inventory and Analysis of Site Characteristics
 - a. A description of the terrain; type of vegetation on the site; statement regarding the existence of surface water or wetlands or both; and existence of any flood plains on the site.
 - b. The type of soils present on the site and in the area; an analysis of the limitations for construction for each type of soil; and an analysis of absorption rate for septic fields. Identification of habitats present on the site as indicated by the soil types.

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

7.02.03 Planning Commission Standards for Evaluation

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

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

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

7.02.04 Public Hearing

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

7.02.05 Findings and Recommendation to Approve a Plan Amendment

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

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

7.02.06 Findings and Recommendation to Deny a Plan Amendment

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

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

7.02.07 Decision By City ~~Council-Commission~~

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

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

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

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

ARTICLE 8: ADMINISTRATION AND ENFORCEMENT

8.06.00 Public Notice of Hearings

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

(A) *General Requirements.*

- (1) *Ordinance Requirements.* All ordinances acted on by the City Council-Commission must be read on two separate days and shall, at least 14 days before adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (2) *Land Development Actions.* In the case of land use issues, zoning issues, Plan amendments (less than 10 acres) and amendments to this Code, the first public hearing will be held by the Planning and Zoning Board. The first public hearing before the Planning and Zoning Board shall be held on a weekday at least 7 days after the advertisement is published.

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

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

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

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

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

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

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

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

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

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

Table 1 - Sample of Advertising Notice

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

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

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

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

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

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

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

8.07.00 Statutory Requirements for Plan Amendments

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

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

8.07.01 Public Hearing for a Plan Amendment

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

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

(B) Advertisement Form

<p>NOTICE OF (CHANGE OF LAND USE AND AMENDMENT TO THE MAPS OF THE COMPREHENSIVE PLAN or TEXT AMENDMENT TO THE COMPREHENSIVE PLAN)</p> <p>The City of Polk City proposes to adopt the following ordinance: (title of the ordinance).</p> <p>A public hearing on the (change of land use or text amendment) will be held on (date and time) at (meeting place).</p> <p>The ordinance may be inspected by the public at (name of place and business hours). Interested parties can appear and be heard.</p>
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Except for amendme

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

8.07.02 Transmittal to DCA

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

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

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

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

8.07.03 Public Hearing After Receipt of DCA Comments, and Adoption

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

(A) *5 Day Advance Notice.* A public hearing shall be held for adoption Ordinance to amend the Comprehensive Plan, and shall take place on a weekday approximately 5 days after the advertisement is published.

(B) *Contents of Advertisement and Advertisement Form.* It shall be the same as described in 8.07.01 (B).

(C) *Vote to Transmit.* At this Public Hearing, the City Council Commission shall vote to transmit the adopted ordinance to DCA for final compliance review.

8.07.04 Transmittal of Adopted Amendment to DCA

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

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

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

8.07.05 Small Scale Plan Amendments Exempt from DCA Review

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

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

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

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

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

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

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

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

qualify as small-scale development amendments.

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

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

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

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

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

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

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

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

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

(D) *Second Public Hearing:* The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with

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

(E) *Adoption Transmittal:* All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within ten (10) working days after the second public hearing to DEO and any other agency or local government that provided timely comments. DEO shall notify the local government of any deficiencies within five (5) working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-thru/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

(F) *Effective Date:* An amendment adopted under the Expedited State Review Process does not become effective until thirty-one (31) days after DEO notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until DEO or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

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

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

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

(1) The local governing body shall hold at least two advertised public hearings, advertised per the requirements of Section 11.07.03, on the proposed comprehensive plan or plan amendment as follows:

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

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

(B) *First Public Hearing:* After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within ten (10)

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

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

amendment to be in compliance.

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

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

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

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

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

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

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

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

(1) A newspaper notice; and

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

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

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

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

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

**City Commission Meeting
December 20, 2021**

AGENDA ITEM #3: PUBLIC HEARING - ORDINANCE 2021-08

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

ORDINANCE 2021-08 – An Ordinance of Polk City, Florida; amending the Polk City Code of Ordinances and the Unified Land Development Code of Polk City, Florida including Article 2, Regulations for Specific District, Article 3 Development Design and Improvement Standards and Article 7, Development Approval Process; to provide clarifications specific to the Green Swamp Area of Critical Concern and to provide for consistency with the Polk City Comprehensive Plan; Providing for Applicability; Providing for Repeal of Conflicting Ordinances; Providing for Severability; Providing for an Effective Date. **First Reading**

ATTACHMENTS:

- Ordinance 2021-08
- Staff Overview Report

ANALYSIS:

The purpose of the proposed amendments is to provide clarifications specific to the Green Swamp Area of Critical State Concern and to provide general clarification within the Land Development Code.

On December 6, 2021, the Polk City Planning Commission held a public hearing and unanimously voted to forward the proposed amendments to the City Commission.

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

STAFF RECOMMENDATION:

Approve Ordinance 2021-08 on **First Reading**.

ORDINANCE 2021-08

AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING THE POLK CITY CODE OF ORDINANCES AND THE UNIFIED LAND DEVELOPMENT CODE OF POLK CITY, FLORIDA INCLUDING ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICT, ARTICLE 3 DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS AND ARTICLE 7, DEVELOPMENT APPROVAL PROCESS; TO PROVIDE CLARIFICATIONS SPECIFIC TO THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN AND TO PROVIDE FOR CONSISTENCY WITH THE POLK CITY COMPREHENSIVE PLAN; 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 development in the Green Swamp Area of Critical State Concern within Polk City.

(3) The City Commission has determined that additional clarification, consistency with the Polk City Comprehensive Plan, and reduction of extra requirements will provide a more user-friendly 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~~ All uses 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 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 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 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. The environmental suitability of the site for proposed uses.
10. 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 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 schools, 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 may permit or require the phasing or staging of the proposed development. When provisions for 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 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 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. 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 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 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 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 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 amendments to the conceptual site plan shall be permitted upon approval by the development director.

SECTION 3. AMENDMENT TO SECTION 3.12.00, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 3.12.00, Unified Land Development Code, is hereby amended to read as follows:

3.12.00 Regulations for the GREEN SWAMP AREA OF CRITICAL STATE CONCERN

3.12.01 Purpose and Intent

All development within the Polk City portion of the Green Swamp Area of Critical State Concern shall occur in accordance with the regulations stated within this Code in addition to all other laws and policies within Florida Statutes, and the Polk City Comprehensive Plan. Where there is a conflict in policy or standard, the more stringent shall apply.

3.12.01.01 Applicability.

The Green Swamp Area of Critical State Concern (ACSC) was designated in 1979 by the Florida Legislature pursuant to Florida Statutes. It is legally described within Rule 28-26.002, Florida Administrative Code as adopted in the Polk City Comprehensive Plan. The boundary of the Green Swamp ACSC as it relates to the boundaries of the Polk City limits is depicted on the Future Land Use Map

~~The Green Swamp Area of Critical State Concern (ACSC) has been established in Florida statutes and is again established as designated on the Polk City Land Use Map Series.~~

A. State Review. Development orders within the Green Swamp Area of Critical State Concern are required to issue and to render to the Department of Economic Opportunity (DEO) development orders pursuant to FAC 73C-44.002.

B. Examples of actions for which issuance and rendition of a development order include but are not limited to:

i. Zoning;

- ii. Rezoning;
- iii. Special use or special exception;
- iv. Variance;
- v. Plat approval;
- vi. Major development review;
- vii. Community impact assessment;
- viii. Building permit;
- ix. Fill permit;
- x. Excavation permit;
- xi. Landclearing or landscaping permit;
- xii. Any change or amendment to a previously issued development order;
- xiii. Any other action having the effect of permitting development as defined in section 380.04, F.S.

3.12.01.02 Vested Projects.

Existing developments and projects granted Vesting Certificates from Polk County and approved by the Department of Community Affairs (DCA) shall be vested from all requirements of this Chapter and the Green Swamp sections of the Polk City Comprehensive Plan. Those developments are listed in the Polk City Comprehensive Plan, in the Future Land Use Element following Policy 8.10.19. In addition to these projects, all lots of record are exempt from the residential densities established for the Green Swamp ACSC.

- 1. Residential density exemptions relate to density only and all other requirements of the Comprehensive Plan and this Code apply. However, waivers may be granted if the application of the dimensional regulations of this Code would result in inability to develop a single-family residence. Any waiver shall be consistent with prior settlement agreements and be applied on a case-by-case basis only to the particular lot which could not otherwise be developed with a typical single-family residence, and then only to the minimum extent necessary to provide a reasonable beneficial use of the lot.

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. 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~~ 3.09.06, "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~~ Amendments 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.

3.12.04 Reserved

3.12.05 Polk City/Urban Growth Special Protection Area (PC-SPA)

- A. **Connection to Public Facilities.** All development within the Polk City-SPA shall be connected to central water and sewer and shall be on paved roads.
- B. **Use of On-Site Sewerage Treatment and Disposal Systems (OSTDS) (Septic Tanks).** The use of septic tanks shall not be permitted.
- C. **Residential Densities.** Residential development shall comply with the densities provided in the Polk City Comprehensive Plan Future Land Use Element, Table 3.11(B).
- D. **Bonus Densities.** Residential development shall not exceed a gross density of one dwelling unit per five acres (1 du/5ac) in the RS land use districts, unless developed in compliance with Article 3, Section 3.11.02, above. Densities may be increased up to three units per acre (3 du/ac) subject to the bonus points in Table 3.12(C) and following the density schedule in Table 3.12(D).

Table 3.12(C) - Density Bonuses for Planned Unit Development (PUD)

0 to 99.9 acres	Points	100 acres or more	Points
10-20 % open space ⁽⁺⁾	1 point	21-30 % open space ⁽⁺⁾	1 point
21-30 % open space ⁽⁺⁾	2 points	31-40 % open space ⁽⁺⁾	2 points
31-40 % open space ⁽⁺⁾	3 points	41-50 % open space ⁽⁺⁾	3 points
41-50 % open space ⁽⁺⁾	4 points	51-60 % open space ⁽⁺⁾	4 points
Xeriscaping	2 points	Xeriscaping	2 points
Creation of wildlife habitat	2 points	Creation of wildlife habitat	2 points
Water reuse	1 point	Water reuse	1 point
Internal sidewalks (one side of road)	2 points	Internal sidewalks (one side of road)	2 points
Internal sidewalks (both sides of road)	4 points	Internal sidewalks (both sides of road)	4 points
Underground utilities	2 points	Underground utilities	2 points
Active recreation facility	3 points	Active recreation facility	3 points
Preserved nature trails	4 points	Preserved nature trails	4 points
Two Canopy trees per residential lot	2 points	Two Canopy trees per residential lot	2 points
Canopy streets (min. 40 feet on-center)	5 points	Canopy streets (40 min feet on-center)	5 points
Connection to centralized sewer	5 points	Connection to centralized sewer	5 points

0 to 99.9 acres	Points	100 acres or more	Points
2 roadway access points to the development	5 points	2 roadway access points to the development	5 points
3 or more roadway access points to the development	7 points	3 or more roadway access points to the development	7 points
Sidewalk connections to adjacent development	3 points	Sidewalk connections to adjacent development	3 points
PUD located within 1 mile from public school	2 points	PUD located within 1 mile from public school	2 points
PUD located within 2 miles from public school ⁽²⁾	1 point	PUD located within 2 miles from public school ⁽²⁾	1 point
PUD located within 1 mile from fire station	2 points	PUD located within 1 mile from fire station	2 points
PUD located within 2 miles from fire station ⁽²⁾	1 point	PUD located within 2 miles from fire station ⁽²⁾	1 point
PUD located within 2 miles from activity center	2 points	PUD located within 2 miles from activity center	2 points
Infill Development	5 points	Infill Development	5 points

(1) Open Space shall comply with the definition in Chapter 10 and Section 750 whichever is more restrictive.

(2) May not be used in conjunction with other location bonus points for the same facility.

Table 3.12(D) - Density Bonus Awards for Polk City SPA

Points	Density Permitted (du/ac)	Points	Density Permitted (du/ac)
5	0.4	13	2
7	1	14	2.2
8	1.2	15	2.4
9	1.4	16	2.5
10	1.5	17	2.7
11	1.6	18	2.8
12	1.8	20	3

- E. **Open Space.** Residential development shall provide an open space set aside of at least 30 percent of the total land area of the development. The

open space shall be located in a large common area or areas and in buffers and shall not be located within individual platted lots.

F. ***Impervious Surface Ratio Standards.*** Development shall comply with the following standards:

1. Detached single-family lots shall not exceed an impervious surface ratio of 50 percent.
2. Non-residential development shall not exceed an impervious surface ratio of 60 percent.
3. Development within the BPCX districts shall not exceed an impervious surface ratio of 70 percent.

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)

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 proposed land use type, proposed 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. The application shall also include the allowable density/intensity of the adopted Future Land Use designation of the proposed development.

- (B) *Conceptual Master Development Plan Advisory Meeting.* At the option of the applicant (when a property is located in the Polk City Exemption Area), 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. A pre-application conference shall be required for properties located in the Green Swamp Area of Critical State Concern. 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 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. A school impact analysis.
- qr. 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 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 Planning Commission's advisory recommendation. In support of its recommendation, the Board Planning Commission 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 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 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 consistent with requirements of Polk City Land Development Code Section 8.10.02 Administrative Approval of Minor Field Adjustments and Section 8.10.03 Major Deviation from Development Permits and Development Orders. 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 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.

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 _____, 2022.

Joe LaCascia, Mayor

ATTEST:

Patricia Jackson, City Manager/City Clerk



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

DECEMBER 20, 2021

TO: Polk City Commission

FROM: Central Florida Regional Planning Council

SUBJECT: Ordinance 2021-08: 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 to provide clarifications specific to the Green Swamp Area of Critical State Concern and to provide general clarification within the Land Development Code.

AGENDA & HEARING DATES:

Planning Commission Public Hearing: December 6, 2021

City Commission First Reading: December 20, 2021

City Commission Second Reading: January 2022

PLANNING AND ZONING BOARD ACTION: On Monday, December 6, 2021, the Planning Commission held a public hearing and unanimously voted forward the proposed amendments to the City Commission.

**ATTACHMENT: An overview and the proposed amendments.
Ordinance 2021-08**

CITY COMMISSION MOTION OPTIONS:

1. I move the City Commission **approve** Ordinance 2021-08 on first reading.
2. I move City Commission **approve** Ordinance 2021-08 **with changes** on first reading.
3. I move the City Commission **deny** Ordinance 2021-08 on first reading.

OVERVIEW OF PROPOSED AMENDMENTS:

City-initiated text amendment to Articles 2, 3, and 7 of the Polk City Land Development Code. The purpose of the proposed amendments is to provide clarifications specific to the Green Swamp Area of Critical State Concern and to provide general clarification within the Land Development Code.

PROPOSED TEXT AMENDMENTS TO THE POLK CITY LAND DEVELOPMENT CODE

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

ARTICLE 2: REGULATIONS FOR SPECIFIC DISTRICTS

2.04.02.16 Planned Unit Development District

- (A) *FLUM designation:* ~~The primary~~ All uses 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 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 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 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. The environmental suitability of the site for proposed uses.
910. 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 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 schools, 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 may permit or require the phasing or staging of the proposed development. When provisions for 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 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 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. 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 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 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 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 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~~ amendments to the conceptual site plan shall be permitted upon approval by the development director.

The proposed amendments to the Land Development Code (LDC) regarding the Green Swamp Area of Critical State Concern. *The Table of Bonus Points for Planned Developments is proposed to be removed. This is no longer needed. In order to achieve a density of up to for dwelling units per acre in the Polk City Special Protection Area of the Green Swamp Area of Critical State Concern, a Future Land Use Amendment to Residential Low-X is required. The current bonus table is difficult to implement and is obsolete.*

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

3.12.00 Regulations for the GREEN SWAMP AREA OF CRITICAL STATE CONCERN

3.12.01 Purpose and Intent

All development within the Polk City portion of the Green Swamp Area of Critical State Concern shall occur in accordance with the regulations stated within this Code in addition to all other laws and policies within Florida Statutes, and the Polk City Comprehensive Plan. Where there is a conflict in policy or standard, the more stringent shall apply.

3.12.01.01 Applicability.

~~The Green Swamp Area of Critical State Concern (ACSC) was designated in 1979 by the Florida Legislature pursuant to Florida Statutes. It is legally described within Rule 28-26.002, Florida Administrative Code as adopted in the Polk City Comprehensive Plan. The boundary of the Green Swamp ACSC as it relates to the boundaries of the Polk City limits is depicted on the Future Land Use Map~~
The Green Swamp Area of Critical State Concern (ACSC) has been established in Florida statutes and is again established as designated on the Polk City Land Use Map Series.

A. State Review. Development orders within the Green Swamp Area of Critical State Concern are required to issue and to render to the Department of Economic Opportunity (DEO) development orders pursuant to FAC 73C-44.002.

B. Examples of actions for which issuance and rendition of a development order include but are not limited to:

- i. Zoning;
- ii. Rezoning;
- iii. Special use or special exception;
- iv. Variance;
- v. Plat approval;
- vi. Major development review;
- vii. Community impact assessment;
- viii. Building permit;

- ix. Fill permit;
- x. Excavation permit;
- xi. Landclearing or landscaping permit;
- xii. Any change or amendment to a previously issued development order;
- xiii. Any other action having the effect of permitting development as defined in section 380.04, F.S.

3.12.01.02 Vested Projects.

Existing developments and projects granted Vesting Certificates from Polk County and approved by the Department of Community Affairs (DCA) shall be vested from all requirements of this Chapter and the Green Swamp sections of the Polk City Comprehensive Plan. Those developments are listed in the Polk City Comprehensive Plan, in the Future Land Use Element following Policy 8.10.19. In addition to these projects, all lots of record are exempt from the residential densities established for the Green Swamp ACSC.

1. Residential density exemptions relate to density only and all other requirements of the Comprehensive Plan and this Code apply. However, waivers may be granted if the application of the dimensional regulations of this Code would result in inability to develop a single-family residence. Any waiver shall be consistent with prior settlement agreements and be applied on a case-by-case basis only to the particular lot which could not otherwise be developed with a typical single-family residence, and then only to the minimum extent necessary to provide a reasonable beneficial use of the lot.

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. 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~~ 3.09.06, "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~~ Amendments 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.

3.12.04 Reserved

3.12.05 Polk City/Urban Growth Special Protection Area (PC-SPA)

- A. ***Connection to Public Facilities.*** All development within the Polk City-SPA shall be connected to central water and sewer and shall be on paved roads.
- B. ***Use of On-Site Sewerage Treatment and Disposal Systems (OSTDS) (Septic Tanks).*** The use of septic tanks shall not be permitted.
- C. ***Residential Densities.*** Residential development shall comply with the densities provided in the Polk City Comprehensive Plan Future Land Use Element, Table 3.11(B).

- D. **Bonus Densities.** Residential development shall not exceed a gross density of one dwelling unit per five acres (1 du/5ac) in the RS land use districts, unless developed in compliance with Article 3, Section 3.11.02, above. Densities may be increased up to three units per acre (3 du/ac) subject to the bonus points in Table 3.12(C) and following the density schedule in Table 3.12(D).

Table 3.12(C) - Density Bonuses for Planned Unit Development (PUD)

0 to 99.9 acres	Points	100 acres or more	Points
10-20 % open space (+)	1 point	21-30 % open space (+)	1 point
21-30 % open space (+)	2 points	31-40 % open space (+)	2 points
31-40 % open space (+)	3 points	41-50 % open space (+)	3 points
41-50 % open space (+)	4 points	51-60 % open space (+)	4 points
Xeriscaping	2 points	Xeriscaping	2 points
Creation of wildlife habitat	2 points	Creation of wildlife habitat	2 points
Water reuse	1 point	Water reuse	1 point
Internal sidewalks (one side of road)	2 points	Internal sidewalks (one side of road)	2 points
Internal sidewalks (both sides of road)	4 points	Internal sidewalks (both sides of road)	4 points
Underground utilities	2 points	Underground utilities	2 points
Active recreation facility	3 points	Active recreation facility	3 points
Preserved nature trails	4 points	Preserved nature trails	4 points
Two Canopy trees per residential lot	2 points	Two Canopy trees per residential lot	2 points
Canopy streets (min. 40 feet on center)	5 points	Canopy streets (40 min feet on center)	5 points
Connection to centralized sewer	5 points	Connection to centralized sewer	5 points
2 roadway access points to the development	5 points	2 roadway access points to the development	5 points
3 or more roadway access points to the development	7 points	3 or more roadway access points to the development	7 points
Sidewalk connections to adjacent development	3 points	Sidewalk connections to adjacent development	3 points
PUD located within 1 mile from public school	2 points	PUD located within 1 mile from public school	2 points
PUD located within 2 miles from public school (2)	1 point	PUD located within 2 miles from public school (2)	1 point
PUD located within 1 mile from fire station	2 points	PUD located within 1 mile from fire station	2 points
PUD located within 2 miles from fire station (2)	1 point	PUD located within 2 miles from fire station (2)	1 point
PUD located within 2 miles from activity center	2 points	PUD located within 2 miles from activity center	2 points
Infill Development	5 points	Infill Development	5 points

0 to 99.9 acres	Points	100 acres or more	Points
(1) Open Space shall comply with the definition in Chapter 10 and Section 750 whichever is more restrictive.			
(2) May not be used in conjunction with other location bonus points for the same facility.			

Table 3.12(D) - Density Bonus Awards for Polk City SPA

Points	Density Permitted (du/ae)	Points	Density Permitted (du/ae)
5	0.4	13	2
7	1	14	2.2
8	1.2	15	2.4
9	1.4	16	2.5
10	1.5	17	2.7
11	1.6	18	2.8
12	1.8	20	3

- E. **Open Space.** Residential development shall provide an open space set aside of at least 30 percent of the total land area of the development. The open space shall be located in a large common area or areas and in buffers and shall not be located within individual platted lots.

- F. **Impervious Surface Ratio Standards.** Development shall comply with the following standards:
 1. Detached single-family lots shall not exceed an impervious surface ratio of 50 percent.
 2. Non-residential development shall not exceed an impervious surface ratio of 60 percent.
 3. Development within the BPCX districts shall not exceed an impervious surface ratio of 70 percent.

The proposed amendments to the Land Development Code (LDC) regarding clarification in Planned Unit Developments 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)

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 proposed land use type, proposed 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. The application shall also include the allowable density/intensity of the adopted Future Land Use designation of the proposed development.

- (B) *Conceptual Master Development Plan Advisory Meeting.* At the option of the applicant (when a property is located in the Polk City Exemption Area), 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. A pre-application conference shall be required for properties located in the Green Swamp Area of Critical State Concern. 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 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. A school impact analysis.

- gr. 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 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~~ Planning Commission's advisory recommendation. In support of its recommendation, the ~~Board~~ Planning Commission 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 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 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 consistent with requirements of Polk City Land Development Code Section 8.10.02 Administrative Approval of Minor Field Adjustments and Section 8.10.03 Major Deviation from Development Permits and Development Orders. 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 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.

**City Commission Meeting
December 20, 2021**

AGENDA ITEM #4:

**Republic Services – Amendment Four to Solid Waste &
Recycling Collection Franchise Agreement**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Republic Services – Amendment Four to Solid Waste & Recycling Collection Franchise Agreement

ATTACHMENTS:

Amendment Four to the Solid Waste and Recycling Collection Franchise Agreement

ANALYSIS:

Amendment Four will be a 5-year Contract with 5% increase annually.

Trey Richardson and Mary Boyer (Republic Services) have met with the City Commission to address the Contract for five (5) years with a five percent (5%) increase to the rates during the extension period. If approved, this extension will begin on January 1, 2022 and end on December 31, 2027.

STAFF RECOMMENDATION:

Motion to approve the Republic Services Amendment Four to Solid Waste and Recycling Collection Franchise Agreement (based on the discussion with Republic Services and the Commission).

**AMENDMENT FOUR TO
SOLID WASTE AND RECYCLING COLLECTION
FRANCHISE AGREEMENT**

THIS FOURTH AMENDMENT is made and entered into this ____ day of December, 2021, by and between the **POLK CITY, FLORIDA**, a Florida municipal corporation (hereafter "City"), and **REPUBLIC SERVICES OF FLORIDA, LIMITED PARTNERSHIP**, by its general partner, Republic Services of Florida GP, Inc., with its main address of 3820 Maine Avenue, Lakeland, Polk County, Florida 33801-9757 (hereafter "Contractor").

RECITALS

1. The parties entered into that Solid Waste and Recycling Collection Franchise Agreement on December 19, 2014 (the "Original Contract").

2. The parties also entered into that Amendment One to Solid Waste and Recycling Collection Franchise Agreement on June 15, 2015 ("Amendment One"), to clarify and declare the Original Contract to be subject to Section 119.0701(2), Fla. Stat.

3. The parties extended the Original Contract by agreement entitled Amendment Two to Solid Waste and Recycling Collection Franchise Agreement dated in March 2017 (the "Second Amendment").

4. The parties extended the Original Contract by agreement entitled Amendment Three to Solid Waste and Recycling Collection Franchise Agreement in February 2021 (the "Third Amendment").

5. The parties now desire to extend the term of the Franchise Agreement for five (5) years with an annual five percent (5%) increase to rates during this extension period.

6. The Original Contract requires that any amendment will be in writing and approved and executed by both of the parties.

ACCORDINGLY, in consideration of the Recitals and other good and valuable consideration the receipt and sufficiency of which is acknowledged by the parties, the parties agree as follows:

SECTION 1. RECITALS. The above Recitals are true and correct and form a material part of this Agreement.

SECTION 2. AMENDMENT TO SUBSECTION 2.11, ORIGINAL CONTRACT. Subsection 2.11 of the Original Contract shall be amended as follows:

"2.11. Franchise Fee shall mean the amount of money for which the Contractor shall be obligated to Polk City for the privilege of providing refuse collection service to

customers within Polk City, and to refund Polk City for billing and contract monitoring services. There will be a flat fee of \$50,561.00 a year or 15% of the Contractor's gross revenue from customers in Polk City, whichever is greater. The fee is to be paid in four equal amounts on a quarterly basis to Polk City."

SECTION 3. AMENDMENT TO SECTION 5, ORIGINAL CONTRACT. Section 5 of the Original Contract, as amended by the Third Amendment, shall be amended as follows:

"SECTION 5. DURATION OF CONTRACT — COMMENCEMENT OF WORK. Originally, the term of the Agreement was set to run for a period of three (3) years, with work commencing January 1, 2015 (the "Effective Date") and terminating January 1, 2018 (hereafter the "Initial Term"). The Agreement included a single three (3) year renewal option. The Initial Term was extended by the Second Amendment until January 1, 2021. The Initial Term was extended by the Third Amendment until January 1, 2022. This Agreement is hereby extended for an additional term of five (5) years, until January 1, 2027, at which time, this Agreement will terminate."

SECTION 4. AMENDMENT TO SUBSECTION 8.4, ORIGINAL CONTRACT. Subsection 8.4 of the Original Contract, as amended by the Third Amendment, shall be amended by adding a new subsection 8.4(4) as follows:

(4) The parties agree that Contractor may implement a five percent (5%) annual rate increase beginning January 1, 2022, to December 31, 2027, which rates are set forth in the "2022 Rate Exhibit" attached as Exhibit A incorporated herein.

SECTION 5. EFFECT OF THIS AMENDMENT. Except as expressly set forth in Section 2,3, and 4 hereof, the provisions of the Original Contract shall remain unchanged and are ratified and confirmed.

IN WITNESS WHEREOF, the City and the Contractor have executed this Agreement, by and through their authorized representatives.

POLK CITY, FLORIDA

By: _____
Joe LaCascia, Mayor

ATTEST:

Approved as to form and correctness:

Patricia Jackson, City Manager/Clerk

Thomas A. Cloud, Esquire, City Attorney

Signed, sealed and delivered in the presence of:

CONTRACTOR

REPUBLIC SERVICES OF FLORIDA, Limited Partnership, by its General Partner, REPUBLIC SERVICES OF FLORIDA GP, INC.

Print Name:

Print

Name:

By: _____

Printed Name: _____

Title: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____, _____ of REPUBLIC SERVICES OF FLORIDA, LIMITED PARTNERSHIP, BY ITS GENERAL PARTNER, REPUBLIC SERVICES OF FLORIDA GP, INC., a _____ corporation authorized to do business in the State of Florida. He is [] personally known to me or [] has produced _____ as identification and [] (did)/ [] (did not) take an oath.

Signature of Person Taking Acknowledgment

Name of Acknowledger Typed, Printed or Stamped

Title or Rank

**City Commission Meeting
December 20, 2021**

AGENDA ITEM #5:

Purchase of Commercial Slope Mower

INFORMATION ONLY
 ACTION REQUESTED

ISSUE:

Purchase of a Commercial Slope Mower for the Utilities Department

ATTACHMENTS:

- Memo from Utility Director
- Kut Kwick Corporation Letter
- Kut Kwick Quote

ANALYSIS:

The Utilities Department is in need of a Commercial Slope Mower to mow the Perc Ponds due to the steepness of the banks. Kut Kwick is the sole source supplier and manufacturer of this equipment; therefore, it is not necessary to acquire quotes for this item. This item is budgeted for FY 2022.

STAFF RECOMMENDATION:

Approve the purchase of a Commercial Slope Mower from Kut Kwick Corporation in the amount of \$62,597.00.

Polk City Utility Department



Memorandum

To: Patricia Jackson

SUBJECT: Kut Kwick Super Slope Mower

Description: Super Slope Mower

I am attaching a Sole Source Supplier Letter from Kut Kwick Corporation, stating they are the manufacturer and sole provider for the Super Slope Mower.

COST: \$ 62,597.00

My recommendation is for Polk City to purchase the Kut Kwick Super SlopeMaster Mower for the Utility Department, for safety reasons due to how steep the banks are at the Perk Ponds.

Thank you
Lori Pearson

Kut Kwick Corporation

Heavy Duty Commercial Mowers
Website: www.kutkwick.com

P.O. Box 984
Brunswick, GA 31521

November 22, 2021

Polk City, City of
Lori Pearson
123 Broadway Blvd. S.E.
Polk City, FL 33868

Re: Sole source supplier of the Kut Kwick Super SlopeMaster model SSM-T4E

Dear Lori,

Kut Kwick Corporation, headquartered in Brunswick, GA, is the manufacturer and only supplier of the SuperSlopeMaster™ model SSM-T4E. All sales of this equipment are factory direct and cannot be purchased through any other source.


Some of the unique features of the SuperSlopeMaster™ :

- **The only Zero Turning Radius Slope Mower designed to safely cut both Slopes to 40° and flat areas.**
- **Patented Tilting Seat with retaining Arms** (*Tilts 30 degrees, keeping the Operator level at all times*).
- **72" cut, rear discharge, out-front rotary Cutting Deck**
- **Hydrostatic Drive** - *Propelled and steered through twin, closed loop hydraulic systems.*
- **Water- Cooled** - *36 HP Industrial, diesel engine – specially modified for steep slope mowing.*

All of these features combined, make the SuperSlopeMaster™ the most versatile steep mower available on the market.

Should you have any questions, please contact me at 1-800-248-5945.

Sincerely,



Stephen Johnson
General Manager
Kut Kwick Corporation



KUT KWICK CORPORATION

P.O. BOX 984

BRUNSWICK, GA 31521

Phone: 800-248-5945

Fax: 912-265-6774

E-Mail: sjohnson@kutkwick.com

Website: www.kutkwick.com

QUOTATION TO:

Polk City, City of

123 Broadway Blvd. S.E

Polk City, FL 33868

ATTN: Lori Pearson

DATE: November 11, 2021

<u>Model</u>	<u>Description</u>	<u>Qty</u>	<u>Your Price</u>	<u>Extension</u>
SSM-T4E	Standard 2021 Commercial Slope Mower with Battery ROPS and Seat Belt	1	\$59,800.00	\$59,800.00
	<i>Options Available:</i>			
	Canopy	1	\$889.00	\$889.00
	Light Kit	1	\$632.00	\$632.00
	Rotary Beacon	1	\$151.00	\$151.00
	Freight: Brunswick, GA to Polk City, FL			\$1,125.00
Total				\$62,597.00

Shipping, crating, delivery and other conditions of Kut-Kwick Corporation quotations and ensuing orders, acceptances and sales are stated on the back of this form unless otherwise modified through written acknowledgement from Kut-Kwick Corporation. Listed below are all remarks and deviations from standard conditions of purchase stated on the back of this form:

Remarks: Standard shipment 30 days after receipt of customer's order unless otherwise specified. Options listed above are priced to be installed as an addition to or a substitution for basic equipment at the time of original manufacture.

These quotations are subject to the following: Sales Tax is Additional when applicable

Acceptance within: 30 Days

F.O.B. Brunswick, GA

FREIGHT: See Above

TERMS: Net 30 Days

We thank you for this opportunity to quote and trust we shall have the pleasure of serving you.

Sincerely,

Steve Johnson
General Manager
Kut Kwick Corporation

**City Commission Meeting
December 20, 2021**

AGENDA ITEM #6:

Planning Commission Appointments

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Planning Commission Appointments

ATTACHMENTS:

Appointments of Planning Commission Members

ANALYSIS:

Polk City's Planning Commission has two members whose terms end December 31, 2021, which are Robert Baker and Antonio Thomas. Mr. Thomas has missed three consecutive meetings. Staff would like to recommend the following members be appointed for the term beginning January 1, 2022 and ending December 31, 2024:

- Robert Baker
- Eugene Gorski, who currently serves as Second Alternate and attends every meeting.
- Antonio Thomas to fill the unexpired term of Eugene Gorski as Second Alternate; term ending December 31, 2023

Edward Hanks has requested to be an alternate due to his work schedule. Staff would like to recommend the following:

- William Fienga be appointed to fill the unexpired term of Edward Hanks ending December 31, 2022 (Mr. Fienga is currently First Alternate and attends meetings)
- Edward Hanks be appointed First Alternate to fill the unexpired term of William Fienga ending December 31, 2023

Polk City's Land Development Code requires that members of the Planning Commission must be a registered voter of Polk City, and a full-time resident of the city, owners or appointed employees of businesses within the city limits, or live within five miles of the city limits in unincorporated Polk County.

STAFF RECOMMENDATION:

Approve appointments of Robert Baker, Eugene Gorski, Antonio Thomas, William Fienga and Edward Hanks as recommended.

APPOINTMENT

COUNTY OF POLK
STATE OF FLORIDA

WHEREAS, there is a vacancy in the office of the Planning Commission, in Polk City; and, whereas we, the City Commission of said City, have confidence in your ability and integrity to perform the duties of said office, we do hereby appoint you, **Robert Baker**, the said **Planning Commission Member** of the city; and upon your taking the oath of office set forth below, and this appointment and the certificate of said oath of office being recorded by the City Clerk, you shall have the powers to perform the duties and be subject to the liabilities of such office, including all of the terms and conditions of the City's personnel policies for a period beginning January 1, 2022; such term expiring December 31, 2024, (filling an unexpired term) or until you are removed from office for cause by written notice of the City Commission, whichever first occurs.

City Commission of Polk City

Joe LaCascia, Mayor

I, **Robert Baker**, solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Planning Commission Member according to the best of my abilities, agreeable to the rules and regulations of the constitution and the laws of the State of Florida.

SO HELP ME GOD _____

COUNTY OF POLK
STATE OF FLORIDA

Personally appeared the above-named _____ who
took and subscribed the following oath. Before me _____.
Date _____, 20____.

Received and recorded

City Manager

APPOINTMENT

COUNTY OF POLK
STATE OF FLORIDA

WHEREAS, there is a vacancy in the office of the Planning Commission, in Polk City; and, whereas we, the City Commission of said City, have confidence in your ability and integrity to perform the duties of said office, we do hereby appoint you, Eugene Gorski, the said **Planning Commission Member** of the City; and upon your taking the oath of office set forth below, and this appointment and the certificate of said oath of office being recorded by the City Clerk, you shall have the powers to perform the duties and be subject to the liabilities of such office, including all of the terms and conditions of the City's Unified Land Development Code and all City Policies for a period beginning January 1, 2022; such term expiring December 31, 2024, or until you are removed from office for cause by written notice of the City Commission, whichever first occurs.

City Commission of Polk City

Joe LaCascia, Mayor

I, Eugene Gorski, solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Planning Commission Member according to the best of my abilities, agreeable to the rules and regulations of the constitution and the laws of the State of Florida.

SO HELP ME GOD _____

COUNTY OF POLK
STATE OF FLORIDA

Personally appeared the above-named _____ who
took and subscribed the following oath. Before me _____.

Date _____, 20____.

Received and recorded _____

City Manager

APPOINTMENT

COUNTY OF POLK
STATE OF FLORIDA

WHEREAS, there is a vacancy in the office of the Planning Commission – Alternate Member (Second Alternate), in Polk City; and, whereas we, the City Commission of said City, have confidence in your ability and integrity to perform the duties of said office, we do hereby appoint you, Antonio Thomas, the said Planning Commission – **Alternate Member (Second Alternate)** of the City; and upon your taking the oath of office set forth below, and this appointment and the certificate of said oath of office being recorded by the City Clerk, you shall have the powers to perform the duties and be subject to the liabilities of such office, including all of the terms and conditions of the City’s Unified Land Development Code and all City Policies for a period will fill the unexpired term of Eugene Gorski beginning January 1, 2022; such term expiring December 31, 2023, or until you are removed from office for cause by written notice of the City Commission, whichever first occurs.

City Commission of Polk City

Joe LaCascia, Mayor

I, Antonio Thomas, solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Planning Commission Alternate Member according to the best of my abilities, agreeable to the rules and regulations of the constitution and the laws of the State of Florida.

SO HELP ME GOD _____

COUNTY OF POLK
STATE OF FLORIDA

Personally appeared the above-named _____ who
took and subscribed the following oath. Before me _____.

Date _____, 20____.

Received and recorded

City Manager

APPOINTMENT

COUNTY OF POLK
STATE OF FLORIDA

WHEREAS, there is a vacancy in the office of the Planning Commission, in the City of Polk City; and, whereas we, the City Commission of said City, have confidence in your ability and integrity to perform the duties of said office, we do hereby appoint you, William Fienga, the said **Planning Commission Member** of the city; and upon your taking the oath of office set forth below, and this appointment and the certificate of said oath of office being recorded by the City Clerk, you shall have the powers to perform the duties and be subject to the liabilities of such office, including all of the terms and conditions of the City's personnel policies for a period to fill the unexpired term of Edward Hanks beginning December 20, 2021, such term expiring December 31, 2022, or until you are removed from office for cause by written notice of the City Council, whichever first occurs.

City Commission of Polk City

Joe LaCascia, Mayor

I, William Fienga, solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Planning Commission Member according to the best of my abilities, agreeable to the rules and regulations of the constitution and the laws of the State of Florida.

SO HELP ME GOD _____

COUNTY OF POLK
STATE OF FLORIDA

Personally appeared the above-named _____ who
took and subscribed the following oath. Before me _____.

Date _____, 20____.

Received and recorded

City Manager

APPOINTMENT

COUNTY OF POLK
STATE OF FLORIDA

WHEREAS, there is a vacancy in the office of the Planning Commission – Alternate Member (First Alternate), in Polk City; and, whereas we, the City Commission of said City, have confidence in your ability and integrity to perform the duties of said office, we do hereby appoint you, **Edward Hanks**, the said Planning Commission – **Alternate Member (First Alternate)** of the City; and upon your taking the oath of office set forth below, and this appointment and the certificate of said oath of office being recorded by the City Clerk, you shall have the powers to perform the duties and be subject to the liabilities of such office, including all of the terms and conditions of the City’s Unified Land Development Code and all City Policies for a period will fill the unexpired term of Bill Fienga beginning December 20, 2021; such term expiring December 31, 2023, or until you are removed from office for cause by written notice of the City Commission, whichever first occurs.

City Commission of Polk City

Joe LaCascia, Mayor

I, **Edward Hanks**, solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Planning Commission Alternate Member according to the best of my abilities, agreeable to the rules and regulations of the constitution and the laws of the State of Florida.

SO HELP ME GOD _____

COUNTY OF POLK
STATE OF FLORIDA

Personally appeared the above-named _____ who
took and subscribed the following oath. Before me _____.

Date _____, 20____.

Received and recorded

City Manager