

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 24-032

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT CPA24-002 TO THE INFRASTRUCTURE ELEMENT OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; TO EVALUATE THE FEASIBILITY OF CONNECTING ON-SITE PRIVATE SEPTIC SYSTEMS TO CITY SANITARY SEWER SERVICE; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 19, 2021, the City Commission of the City of Lakeland, Florida, by Ordinance 5885, adopted the Lakeland Comprehensive Plan: Our Community 2030; and

WHEREAS, the Planning and Zoning Board held a public hearing on July 16, 2024 to consider Text Amendment CPA24-002 to the Infrastructure Element of the Comprehensive Plan to evaluate the feasibility of connecting on-site private septic systems to City sanitary sewer service; and

WHEREAS, the Planning and Zoning Board, at the conclusion of its regular meeting on August 20, 2024, approved and recommended to the City Commission that Text Amendment CPA24-002 to the Comprehensive Plan be adopted; and

WHEREAS, the City Commission of the City of Lakeland, after holding duly-advertised public hearings at which all interested persons were afforded the opportunity to be heard, wishes to adopt the attached text amendment to its

Comprehensive Plan to evaluate the feasibility of connecting on-site private septic systems to City sanitary sewer service;

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

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

SECTION 2. The Lakeland Comprehensive Plan: Our Community 2030, is hereby amended as set forth in Attachment "A," attached hereto and made a part hereof.

SECTION 3. This Ordinance shall take effect immediately upon its passage.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND CERTIFIED AS TO PASSAGE this ____ day of _____,
A.D. 2024.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

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

ATTACHMENT “A”

INFRASTRUCTURE (INF) GOAL 2: The City of Lakeland provide will high quality and economical wastewater service while protecting the environment by preserving water quality.

Objective INF-2.1: The City of Lakeland will annually examine capital improvements priorities as funded in the Five-Year Capital Improvements Program in order to prevent deficiencies in Publicly Owned Treatment Works (POTW) capacities to meet projected demands within established service areas at adopted service levels.

Policy INF-2.1A: Customer charges and impact fees will support the rehabilitation, replacement, maintenance and expansion needs of the wastewater system, consistent with the City’s long-range wastewater planning.

Policy INF-2.1B: The orderly maintenance, expansion and extension of the POTW’s will be prioritized and scheduled through the Five-Year Capital Improvements Program and will be updated annually.

Policy INF-2.1C: The City will maintain an industrial pretreatment program in accordance with Florida Department of Environmental Protection guidelines. Through this program, Wastewater Discharge Permits will be required of Significant Industrial Users.

Policy INF-2.1D: The remaining phases of wastewater trunk line extensions identified in the 1995 Master Sewer Plan study will be completed as it becomes financially and practically feasible.

Policy INF-2.1E: In conformance with the City’s 20-year plan for the wastewater trunk line system, the City will prevent excessive infiltration and inflow of groundwater and stormwater into the wastewater collection system through reoccurring funds in 5-Year Capital Improvement Plan to support ongoing monitoring, repair, replacement and rehabilitation throughout the planning period.

Policy INF-2.1F: Routine inspections of the collection system will be performed by closed circuit television. Deficiencies identified will be prioritized and repaired on a priority basis. Emergency power generators for lift stations and treatment plants shall be tested and maintained on a regular basis also.

Policy INF-2.1G: The City of Lakeland will provide wastewater service at the following levels of service:

- a) Quality
 - i. Compliance with all standards of the US Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP).
- b) Quantity
 - i. System-wide wastewater collection and treatment will be sufficient to provide a minimum of 128 gallons per capita per day on an average annual basis. Plant expansion shall be planned in accordance with F.A.C. 62-600.405.

Objective INF-2.2: Wastewater Service will only be made available to new development in a manner to promote compact urban area growth, promoting infill development, and discouraging urban sprawl.

Policy INF-2.2A: The City's Wastewater Division will coordinate wastewater service for new development with the City's Community and Economic Development Department to ensure compliance with the Future Land Use and the Infrastructure Elements of the Comprehensive Plan. Wastewater service shall be primarily limited to the designated urban development area for Lakeland.

Policy INF-2.2B: Wastewater service will be offered to new development only when all concurrency mandated facilities can be provided concurrent with the new development.

Policy INF-2.2C: Wastewater service will not be provided within any area designated as a greenbelt in the Conservation Element of this plan. (See MAP CON-4 Greenbelt in the Conservation Element.)

Policy INF-2.2D: To promote compact urban area growth, virtually all wastewater line extensions for new development will be funded by development.

Policy INF-2.2E: All proposed development will be analyzed to determine the availability of adequate wastewater capacity and a development order or permit will not be issued unless sufficient capacity at acceptable service levels exists.

Policy INF-2.4F: The City will continue to equitably allocate the cost of new facilities between existing and new residents with on-site improvements made at the property owner's expense.

Policy INF-2.4G: Wastewater customers served by an existing package plant may be connected to the City's public wastewater system when impact fees are paid for each customer, wastewater line extensions to the City system are constructed by the applicant, and annexation agreement provisions are met.

Objective INF-2.3: Wastewater treatment by-products will be reclaimed or disposed of in an environmentally acceptable manner while maximizing resource recovery.

Policy INF-2.3A: Wastewater effluent water will be reused as power plant cooling water and plant process water. As opportunities become feasible, effluent reuse at the power plant will be increased, and/or will be made available to other users of the effluent.

Policy INF-2.3B: Wastewater effluent from existing plants which is not reused will be disposed of by means of the City's artificial wetlands. The City will monitor the outflow from the effluent wetlands to assess any affect on State surface waters in compliance with all applicable State water quality rules.

Objective INF-2.4: Restrict the installation and replacement of on-site wastewater treatment and disposal systems and plan for the conversion of areas with a high concentration of septic systems to the City's public wastewater system.

Policy INF-2.2A: In accordance with Florida Statutes, the City will consider the feasibility of providing wastewater service within a 10-year planning horizon to developments within the City limits of 50 or more residential lots, whether built or unbuilt, and more than one (1) on-site wastewater treatment and disposal system (septic system) per one (1) acre. As part of this consideration, the City shall identify the wastewater facility that could receive flow, the capacity of the facility and any associated transmission

facilities, the projected wastewater flow at that facility for the next 20 years, and a timeline for construction.

Policy INF-2.4B: By September 30, 2029, the City will prepare and maintain a Citywide Septic-to-Sewer Master Plan and program to connect areas in the City with a high concentration of septic systems to the City's public wastewater system. The Septic-to-Sewer Master Plan shall be adopted as an exhibit to the Lakeland Comprehensive Plan: *Our Community 2030*.

Policy INF-2.4C: The City will prepare, maintain and periodically update maps illustrating areas both within and outside the City limits in the Utility Service Area with a high concentration of septic systems.

Policy INF-2.4D: The City will coordinate with Polk County Planning and Utility Departments on development proposals within and adjacent to the Lakeland Utility Service Area to prevent the use of private septic systems in new development.

Policy INF-2.4E: New and replacement on-site wastewater treatment and disposal systems shall be designed to allow for future connection to the City's public wastewater system, when available.

Policy INF-2.4F: Customers served by an existing septic system will be required to connect to the City's public wastewater system upon replacement of the septic system (septic tank or drain field) where wastewater lines are installed adjacent to or within 200 feet of the nearest property line.

Policy INF-2.4G: The City will coordinate with the Polk County Health Department and/or the Florida Department of Environmental Protection (FDEP) to require non-compliant septic systems within City limits to connect to the City's public wastewater system, where available.

Policy INF-2.4H: The City will ensure wastewater lines and treatment facilities have adequate capacity to accommodate additional flow from priority areas within the City limits with a high concentration of septic systems.

Policy INF-2.4I: The City will Annually fund projects in the Capital Improvement Plan to support septic-to-sewer projects, including wastewater line extensions, wastewater treatment plant upgrades, and lift stations.

Policy INF-2.4J: The City will Annually review work programs of City Departments, Florida Department of Transportation and Polk County to identify opportunities to coordinate design and construction with other funded infrastructure investments, where feasible and desirable, to reduce costs and impacts to the public.

Policy INF-2.4K: Grant opportunities will be identified in the Five-Year Capital Improvements Plan to aid in funding capital projects and off-set customer costs for priority septic-to-sewer projects in the City. Funding requests should focus on projects within a Waterbody ID (WBID) that are verified impaired, with an existing total maximum daily load (TMDL) or basin management action plan (BMAP) and be prepared to be "shovel ready" for implementation.



Planning & Zoning Board Recommendation

Date:	September 3, 2024	Reviewer:	Audrey McGuire
Project No:	CPA24-002	Applicant:	City of Lakeland
P&Z Hearing:	July 16, 2024	P&Z Final Decision:	August 20, 2024
Request:	Proposed text amendment to the Infrastructure Element of the Lakeland Comprehensive Plan to evaluate the feasibility of connecting on-site private septic systems to City sanitary sewer service.		

1.0 Background

1.1 Summary

Periodically, changes to the Comprehensive Plan are proposed in response to changing conditions. The proposed changes to the Infrastructure Element of the Lakeland Comprehensive Plan: Our Community 2030 are in response to new comprehensive planning requirements in Sec. 163.3177, *Florida Statutes* pertaining to environmental / water quality protection and wastewater services.

2.0 Discussion

2.1 Summary

The Lakeland Comprehensive Plan: Our Community 2030 supports environmental and water quality protection through the provision of high quality and economical wastewater service. New Development and redevelopment within the City limits and outside the City limits within Lakeland's Utility Service area are required to connect to water and wastewater services where they are available.

Pursuant to House Bill 1379, additional comprehensive planning requirements for wastewater services were enacted by the Legislature in 2023. Sec. 163.3177(6)(c.3), F.S. requires local governments to update their comprehensive plans by July 1, 2024 to consider the feasibility of providing sanitary sewer services to developments of 50 or more residential lots with more than one on-site sewage treatment and disposal (septic) system per acre. This includes identifying the name and location of the wastewater facility that could receive sanitary flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connection of existing systems. Sec. 163.3177(6)(c.3) reads as follows:

“Within the local government’s jurisdiction, for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, the element must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system. An onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary. Each comprehensive plan must be updated to include this element by July 1, 2024, and as needed thereafter to account for future

applicable developments. This subparagraph does not apply to a local government designated as a rural area of opportunity under s.288.0656.”

In response to the new statutory requirements, staff is proposing a new objective and associated policies under Infrastructure (INF) Goal 2 to plan for the conversion of septic systems to City wastewater service and restrict installation and replacement of on-site wastewater systems (Attachment “A”). These changes include new Policy INF2.4A which specifically addresses Sec. 163.3177(6)(c.3), F.S. by requiring the city to consider the feasibility of converting developments of 50 or more lots with more than one septic system to the City’s wastewater system. Other associated policies will support this objective through the creation of a Septic-to-Sewer Master Plan and program to prioritize and fund septic-to-sewer projects and related improvements in the city; to require connection to City wastewater services where they are available, and to limit the installation of new and replacement septic systems in the City limits.

2.1 Attachments

Attachment A: Proposed Objective INF-2.4 and Related Policies

3.0 Recommendation

3.1 Community & Economic Development Staff

The Community & Economic Development Department recommends the proposed changes to the City’s Comprehensive Plan to plan for the conversion of septic systems to City wastewater service and restrict the installation and replacement of on-site wastewater systems, pursuant to House Bill 1379. It is our opinion that the attached revisions are consistent with the Lakeland Comprehensive Plan: Our Community 2030 and Section 163.3177(6)(c.3), *Florida Statutes*.

3.2 Planning & Zoning Board

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

The Community & Economic Development Department reviewed this request and recommends the proposed changes to the Lakeland Comprehensive Plan: Our Community 2030:

Recommendation

It is recommended that the proposed changes to the Infrastructure Element of the Comprehensive Plan as described in Attachment “A” be approved as follows. Since this Plan amendment implements a new statutory requirement, the City Commission will be asked on September 3, 2024 to transmit the proposed amendment package to the Florida Department of Commerce for Expedited State Review pursuant to Section 163.3184(3), Florida Statutes.

ATTACHMENT “A”

INFRASTRUCTURE (INF) GOAL 2: The City of Lakeland provide will high quality and economical wastewater service while protecting the environment by preserving water quality.

Objective INF-2.1: The City of Lakeland will annually examine capital improvements priorities as funded in the Five-Year Capital Improvements Program in order to prevent deficiencies in Publicly Owned Treatment Works (POTW) capacities to meet projected demands within established service areas at adopted service levels.

Policy INF-2.1A: Customer charges and impact fees will support the rehabilitation, replacement, maintenance and expansion needs of the wastewater system, consistent with the City’s long-range wastewater planning.

Policy INF-2.1B: The orderly maintenance, expansion and extension of the POTW’s will be prioritized and scheduled through the Five-Year Capital Improvements Program and will be updated annually.

Policy INF-2.1C: The City will maintain an industrial pretreatment program in accordance with Florida Department of Environmental Protection guidelines. Through this program, Wastewater Discharge Permits will be required of Significant Industrial Users.

Policy INF-2.1D: The remaining phases of wastewater trunk line extensions identified in the 1995 Master Sewer Plan study will be completed as it becomes financially and practically feasible.

Policy INF-2.1E: In conformance with the City’s 20-year plan for the wastewater trunk line system, the City will prevent excessive infiltration and inflow of groundwater and stormwater into the wastewater collection system through reoccurring funds in 5-Year Capital Improvement Plan to support ongoing monitoring, repair, replacement and rehabilitation throughout the planning period.

Policy INF-2.1F: Routine inspections of the collection system will be performed by closed circuit television. Deficiencies identified will be prioritized and repaired on a priority basis. Emergency power generators for lift stations and treatment plants shall be tested and maintained on a regular basis also.

Policy INF-2.1G: The City of Lakeland will provide wastewater service at the following levels of service:

- a) Quality
 - i. Compliance with all standards of the US Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP).
- b) Quantity
 - i. System-wide wastewater collection and treatment will be sufficient to provide a minimum of 128 gallons per capita per day on an average annual basis. Plant expansion shall be planned in accordance with F.A.C. 62-600.405.

Objective INF-2.2: Wastewater Service will only be made available to new development in a manner to promote compact urban area growth, promoting infill development, and discouraging urban sprawl.

Policy INF-2.2A: The City's Wastewater Division will coordinate wastewater service for new development with the City's Community and Economic Development Department to ensure compliance with the Future Land Use and the Infrastructure Elements of the Comprehensive Plan. Wastewater service shall be primarily limited to the designated urban development area for Lakeland.

Policy INF-2.2B: Wastewater service will be offered to new development only when all concurrency mandated facilities can be provided concurrent with the new development.

Policy INF-2.2C: Wastewater service will not be provided within any area designated as a greenbelt in the Conservation Element of this plan. (See MAP CON-4 Greenbelt in the Conservation Element.)

Policy INF-2.2D: To promote compact urban area growth, virtually all wastewater line extensions for new development will be funded by development.

Policy INF-2.2E: All proposed development will be analyzed to determine the availability of adequate wastewater capacity and a development order or permit will not be issued unless sufficient capacity at acceptable service levels exists.

Policy INF-2.4F: The City will continue to equitably allocate the cost of new facilities between existing and new residents with on-site improvements made at the property owner's expense.

Policy INF-2.4G: Wastewater customers served by an existing package plant may be connected to the City's public wastewater system when impact fees are paid for each customer, wastewater line extensions to the City system are constructed by the applicant, and annexation agreement provisions are met.

Objective INF-2.3: Wastewater treatment by-products will be reclaimed or disposed of in an environmentally acceptable manner while maximizing resource recovery.

Policy INF-2.3A: Wastewater effluent water will be reused as power plant cooling water and plant process water. As opportunities become feasible, effluent reuse at the power plant will be increased, and/or will be made available to other users of the effluent.

Policy INF-2.3B: Wastewater effluent from existing plants which is not reused will be disposed of by means of the City's artificial wetlands. The City will monitor the outflow from the effluent wetlands to assess any affect on State surface waters in compliance with all applicable State water quality rules.

Objective INF-2.4: Restrict the installation and replacement of on-site wastewater treatment and disposal systems and plan for the conversion of areas with a high concentration of septic systems to the City's public wastewater system.

Policy INF-2.2A: In accordance with Florida Statutes, the City will consider the feasibility of providing wastewater service within a 10-year planning horizon to developments within the City limits of 50 or more residential lots, whether built or unbuilt, and more than one (1) on-site wastewater treatment and disposal system (septic system) per one (1) acre. As part of this consideration, the City shall identify the wastewater facility that could receive flow, the capacity of the facility and any associated transmission

facilities, the projected wastewater flow at that facility for the next 20 years, and a timeline for construction.

Policy INF-2.4B: By September 30, 2029, the City will prepare and maintain a Citywide Septic-to-Sewer Master Plan and program to connect areas in the City with a high concentration of septic systems to the City's public wastewater system. The Septic-to-Sewer Master Plan shall be adopted as an exhibit to the Lakeland Comprehensive Plan: *Our Community 2030*.

Policy INF-2.4C: The City will prepare, maintain and periodically update maps illustrating areas both within and outside the City limits in the Utility Service Area with a high concentration of septic systems.

Policy INF-2.4D: The City will coordinate with Polk County Planning and Utility Departments on development proposals within and adjacent to the Lakeland Utility Service Area to prevent the use of private septic systems in new development.

Policy INF-2.4E: New and replacement on-site wastewater treatment and disposal systems shall be designed to allow for future connection to the City's public wastewater system, when available.

Policy INF-2.4F: Customers served by an existing septic system will be required to connect to the City's public wastewater system upon replacement of the septic system (septic tank or drain field) where wastewater lines are installed adjacent to or within 200 feet of the nearest property line.

Policy INF-2.4G: The City will coordinate with the Polk County Health Department and/or the Florida Department of Environmental Protection (FDEP) to require non-compliant septic systems within City limits to connect to the City's public wastewater system, where available.

Policy INF-2.4H: The City will ensure wastewater lines and treatment facilities have adequate capacity to accommodate additional flow from priority areas within the City limits with a high concentration of septic systems.

Policy INF-2.4I: The City will Annually fund projects in the Capital Improvement Plan to support septic-to-sewer projects, including wastewater line extensions, wastewater treatment plant upgrades, and lift stations.

Policy INF-2.4J: The City will Annually review work programs of City Departments, Florida Department of Transportation and Polk County to identify opportunities to coordinate design and construction with other funded infrastructure investments, where feasible and desirable, to reduce costs and impacts to the public.

Policy INF-2.4K: Grant opportunities will be identified in the Five-Year Capital Improvements Plan to aid in funding capital projects and off-set customer costs for priority septic-to-sewer projects in the City. Funding requests should focus on projects within a Waterbody ID (WBID) that are verified impaired, with an existing total maximum daily load (TMDL) or basin management action plan (BMAP) and be prepared to be "shovel ready" for implementation.