



## **AGENDA**

**APOPKA CITY COUNCIL MEETING @ 7:00 PM**  
**City Hall Council Chamber**  
**120 East Main Street – Apopka, Florida 32703**  
**April 15, 2015**

### **INVOCATION**

Danyiel Hunter-Yarbrough - New Journey Youth Center

### **PLEDGE OF ALLEGIANCE**

If you wish to appear before the City Council, please submit a Notice of Intent to Speak card to the City Clerk.

### **PRESENTATIONS**

1. Presentation of check to Herb Besrosiers, Boy Scout Troop #211.

### **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting held on March 18, 2015 at 7:00 p.m.
2. Approve the minutes from the regular City Council meeting held on April 1, 2015 at 1:30 p.m.
3. Authorize the purchase of ten vehicles for the Police Department, seven vehicles from Don Reid Ford in the amount of \$166,520.00, and three vehicles from Mullinax Ford in the amount of \$71,767.76.
4. Authorize the purchase of five vehicles for the Public Services Department, from Don Reid Ford in the amount of \$112,688.00, and three vehicles from Duval Ford in the amount of \$76,001.00.

5. Authorize the purchase of one vehicle for the Fire Department, from Mullinax Ford in the amount of \$30,526.00, and an additional \$1350.00 for a dealer installed topper cap.
6. Authorize the amendment to the Interlocal Agreement for dispatching services between the Town of Eatonville and the City of Apopka.

## **REGULAR AGENDA**

1. Authorize funding for the City of Apopka's Summer Job program, in the amount of \$29,040.00, and an additional \$960.00 for administrative costs.

## **SPECIAL REPORTS AND PUBLIC HEARINGS**

## **ORDINANCES AND RESOLUTIONS**

1. ORDINANCE NO. 2386 – SECOND READING - CHANGE OF ZONING - Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, and 03-21-28-0000-00-119)
2. ORDINANCE NO. 2388 – SECOND READING & ADOPTION - Amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.” [Ordinance No. 2388 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.]
3. ORDINANCE NO. 2413 – SECOND READING & ADOPTION - 2015-2 ADMINISTRATIVE REZONING – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for Certain real properties generally located within the city limits of Apopka, comprising 274.64 Acres, more or less, and owned by Always Growing Trees, Inc.; Chester S. Peckett Trust; Peckett Family Trust; Christopher Johnson; David and Sue Hill; Donald And Debra Kirkland; DRK Inc.; Earl Gaylon Ward Estate; Franklin and Jacqueline King; J and L Gardenias, Inc.; James and Linda King; Joseph and Donna Cox; Kenneth and Harvey Morris; Patricia Bartlett; Project Orlando LLC; Robert Brantley; Rockwood Groves LLC; Shirley Dobbs; T. O. Mahaffey Jr.; and William M Duval Trust. [Ordinance No. 2413 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.]
4. ORDINANCE NO. 2414 – SECOND READING & ADOPTION - 2015-2 ADMINISTRATIVE REZONING – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for certain real properties generally located within the city limits of Apopka, comprising 23.78 Acres, more or less, and owned by John and Joanne Ault; Beverly Safier;



Donald and Donna Thomas; and Phillip and Peggy Dionne. [Ordinance No. 2414 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.]

5. ORDINANCE NO. 2415 – SECOND READING & ADOPTION – Amending the City of Apopka, Code of Ordinances, Section 2, Division 2, Chapter 2 to create Subsection 2-123 entitled – Pass-Through Fees. [Ordinance No. 2415 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.]
6. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [NOTE: Council tabled Ordinance No. 2405 until the April 15, 2015 meeting.]
7. ORDINANCE NO. 2416 – FIRST READING - Moratorium – To establish a moratorium on the issuance of building permit and/or the receipt of preliminary or final development plan submittals for restaurants or food service operations with drive through lanes or drive-in service, such moratorium to extend until January 7, 2016.
8. RESOLUTION NO. 2015-10 - Amending the budget for fiscal year beginning October 1, 2014 and ending September 30, 2015.

## **SITE APPROVALS**

## **DEPARTMENT REPORTS AND BIDS**

1. Administrative Report - Glenn A. Irby - City Administrator

## **MAYOR'S REPORT**

1. Removal from Planning Commission - Mallory Walters
2. Ratify Appointment to Planning Commission - Melvin Birdsong
3. Ratify Appointment to Planning Commission - James Greene
4. Ratify Appointment to Planning Commission - Jeremiah Jaspon
5. Ratify Appointment to Planning Commission - Linda Laurendeau

## **OLD BUSINESS**

1. COUNCIL
2. PUBLIC

**NEW BUSINESS**

- 1. COUNCIL
- 2. PUBLIC

**ADJOURNMENT**

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All interested parties may appear and be heard with respect to this agenda. Please be advised that, under state law, if you decide to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes a testimony and evidence upon which the appeal is to be based. The City of Apopka does not provide a verbatim record.

In accordance with the American with Disabilities Act (ADA), persons with disabilities needing a special accommodation to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka, FL 32703, telephone (407) 703-1704, no less than 48 hours prior to the proceeding.

**Backup material for agenda item:**

1. Approve the minutes from the regular City Council meeting held on March 18, 2015 at 7:00 p.m.

# CITY OF APOPKA

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**Minutes of the regular City Council meeting held on March 18, 2015, at 7:00 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Bill Arrowsmith  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Sam Ruth  
City Attorney Clifford B. Shepard  
City Administrator Glenn Irby

**PRESS PRESENT:** Roger Ballas - The Apopka Chief

**INVOCATION** – Commissioner Arrowsmith introduced Pastor Vicki Mock of Victory Church who gave the invocation.

**PLEDGE OF ALLEGIANCE** – Mayor Kilsheimer said on March 21, 1965, in the name of African American voting rights, 3,200 Civil Rights demonstrators, led by Martin Luther King, Jr., began a historic march from Selma, Alabama to the State capital at Montgomery. Federalized Alabama National Guardsmen and FBI Agents were on hand to provide safe passage for the march, which twice had been turned back by Alabama State Police at Selma’s Edmund Pettus Bridge. Only 300 marchers were permitted passage, but thousands more joined the march as it came into Montgomery on March 25, 1965. Five months later President Johnson signed the Voting Rights Act, which guaranteed African Americans the right to vote. He asked everyone to reflect upon the spirit and courage of those who, like the Civil Rights marchers, challenged social injustice and create freedoms and opportunities for generations as he led in the Pledge of Allegiance.

Mayor Kilsheimer recognized Mayor-elect Dale McDonald, City of Maitland, who was in attendance.

## **PRESENTATIONS**

1. Proclamation - Vincent Esposito on achieving the rank of Eagle Scout – Vincent was not present and the proclamation will be presented to him at another time.
2. Proclamation – Mayor Kilsheimer read a proclamation in recognition of Boys & Girls Club Week and presented it to Mack Reid, Chief Operating Officer of Boys & Girls Clubs of Central Florida,
3. Proclamation – Mayor Kilsheimer read the proclamation and a video was played displaying some of the impact Mr. Michael Cooper, Sr. has had on the City of Apopka and recognizing Mr. Cooper for his many contributions promoting economic development within the City of Apopka. He then presented the proclamation to Mr. Cooper. Commissioner Dean said that Mr. Cooper saw the need to improve the south side of this City and his vision has benefitted that area of the City of Apopka.

4. Florida Farm Workers – Tirso Moreno was present representing the Florida Farm Workers and said they would like to make a request for land and water for a community garden so that they may grow fresh, organic food. He advised they have community gardens in three other cities and this would be their fourth garden. He stated this provides motivation for the people participating in the community garden to become farmers.

Mayor Kilsheimer stated Billie Dean’s Community Garden is full and asked that they work with Mr. Irby and staff who will need to investigate if the city has land that may be appropriate for a community garden.

5. Parks and Recreation Master Plan - Jean Jreij, Public Services Director, gave a Power Point presentation on the procedures and process of developing a Master Plan for Parks and Recreation in the City of Apopka. This presentation is included in the agenda packet.

Mayor Kilsheimer said he had met with staff early on and had asked staff to put together a master plan for parks and recreation. He stated as we go forward, he would like the decisions we make about parks and recreation to be made within the context of having a master plan. He asked Council to help in forming a Parks and Recreation Advisory Board by each Commissioner appointing two members to serve on the Parks and Recreation Advisory Board and he will appoint three members, including the chair. He requested the Council have these names by the April 1, 2015 meeting. He stated this process will run at the same time the visioning process is running with the outcome of a master plan for parks and recreation looking at all the parks within our inventory and how we can maximize their use and economic development potential, as well as plan for the future.

In response to Commissioner Dean inquiring how quick they could start with improvements to Alonzo Williams Park, Mayor Kilsheimer said he agreed this park needed improvements, but he would like to have a plan on how to maximize its use.

## CONSENT AGENDA

1. Authorize the purchase of property, in the amount of \$10,000.00, located between M.A. Board Street and West 7th Street, subject to the appraisal and Phase I Environmental Assessment Study.
- 2 Award the annual fuel contract, for purchase and delivery of gasoline and diesel fuel to Petroleum Traders Corporation and authorize the City Administrator to execute the contract.

**MOTION by Commissioner Ruth and seconded by Commissioner Arrowsmith to approve the two items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**SPECIAL REPORTS AND PUBLIC HEARINGS – No Special Reports or Public Hearings.**

## ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 2372 - SECOND READING & ADOPTION - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT –** Apopka Clear Lake Investments, LLC, from Residential Low (0-5 du/ac) and Agriculture (1 du/5 ac) to Residential Medium (10 du/ac). (Parcel ID Nos.: 07-21-28- 0000-00-002 & 07-21-28-0000-00-023) [Ordinance No. 2372 meets the requirements for adoption having been advertised in The Apopka Chief on February 27, 2015.] The City Clerk read the title as follows:

### **ORDINANCE NO. 2372**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL LOW (0-5 DU/AC) AND AGRICULTURE (1 DU/5 AC) TO RESIDENTIAL MEDIUM (10 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF S.R. 429, SOUTH OF PETERSON ROAD, AND NORTH OF LUST ROAD, COMPRISING 94.76 ACRES, MORE OR LESS AND OWNED BY APOPKA CLEAR LAKE INVESTMENTS LLC, C/O KEN STOLTENBERG; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

David Moon, Planning Manager gave a brief overview of this ordinance stating the Council heard the first reading on this application to change the land-use designation from Residential Low Density to Residential Medium Density on August 16, 2014. He explained the review process followed procedures set forth within the Florida Statutes Chapter 163 and based on that statute, after the first reading and review by state agencies the City has 180 days to hold the second and final hearing. He advised this is the last opportunity for Council to hold a hearing on this case or it will be required to go back through the entire cycle. He explained staff supported this increase in density on the condition that the applicant would agree to construct a road from the northern boundary up to West Orange Avenue. The applicant agreed to construct the road subject to negotiations with staff and to make the road feasible, property had to be acquired to the north. During this time the applicant has been coordinating with the property owners to enter into an agreement to purchase land. They have also been coordinating with Orange County Public Schools to work out their school capacity enhancement agreement. He affirmed staff feels this project still has merit and does not warrant a delay of another nine months. The applicant could not have the zoning master plan and development agreement before Council this evening due to the negotiations not being complete upon entering the contract to purchase the road right of way to the north. He advised the second alternative staff came up with in working with the City Attorney's office and the applicant's attorney was a deed restriction which is presented to Council this



evening, having been recorded yesterday. This deed restriction states this roadway has to be built before more than a density of 5 DU/AC can be constructed. He affirmed medium density, if approved tonight, will be assigned to the property, but this developer or a future developer cannot construct more than 5 units per acre until the northern road occurs. He declared in the meantime the applicant is working with staff to obtain their zoning approval and master plan approval to appear before both the Planning Commission and City Council.

In response to Commissioner Velazquez expressing concerns regarding crowding of schools and school capacity as addressed in a letter received by the Orange County School Board, Mr. Moon explained the owner of the property would be required to go through a two-step process for their impact on public schools. First they would go through School Capacity Enhancement which is addressed at the land use amendment and they are currently in the process of having that agreement finalized with Orange County Public Schools and they will not be able to proceed to zoning approval until this agreement is executed. The second step occurs at the time of the final development plan, which is the concurrency management.

Tom Sullivan, with GrayRobinson Law Firm, representing the applicant, said he appreciates staff's report and their recommendation for approval. He stated they have been working closely with staff and are close to being able to come back to Council with respect to the PUD rezoning items and the associated transportation development agreement. In terms of the schools, he said that Mr. Moon did a good job explaining this issue. He stated the School Board lays out very specifically the procedures and steps to be followed in order to address school capacity issues when increasing residential density. He declared they have an agreement that has been negotiated with the Orange County School Board that addresses how they will be dealing with the mitigation and stated the school impact fees are required to be paid at the platting stage which is a benefit to the School Board allowing them to improve facilities. He said they appreciate these concerns and they are in keeping with all of those steps set forth by the City and the School Board. He said they appreciate Council's support.

Christine Moore, District 7 Orange County School Board Member, said this applicant has a signed Capacity Enhancement Agreement ready to go. She stated the middle school is a challenge and advised the School Board does have two middle school sites, one on Ingram Road and one in Clarcona. She further stated they are in the process at this time of rezoning the entire area to make sure there is capacity at the high school level.

Mayor Kilsheimer opened the meeting to a public hearing.

Terry Morrell said this was discussed last August and it appears they are now up against the 180 day window. She stated there was a letter to the FDOT in September of last year. She asked why and how long it takes to respond to a letter.

Mr. Moon said following the process for a comprehensive plan amendment, the comments from the State agencies are addressed typically through the adoption hearing process. If City Council approves this tonight, those comments will be submitted to the Department of Transportation. He affirmed the FDOT concern was related to existing congestion on US 441. Over the past two years, FDOT has conducted an analysis study on US 441 covering from Orlando to Eustis that was just completed.

Suzanne Kidd said as Commissioner Velazquez mentioned, there were a number of letters in the packet and she referred to the one on page 39 which is a response from the Florida Department of State as it relates to whether the property has been surveyed for any cultural resources to locate and evaluate any archeological or historical resources that may be in that property. She inquired if that assessment was done being that this property is close to Lake Apopka.

Mr. Sullivan advised they did do a detailed survey of the property. He stated when doing a large scale comprehensive plan amendment like this, it is sent to all of these different state agencies and in this case, there were very few comments.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

**MOTION by Commissioner Arrowsmith and seconded by Commissioner Dean to adopt Ordinance No. 2372 as presented. Motion carried 4-1 with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, and Ruth voting aye and Commissioner Velazquez voting nay.**

- 2. ORDINANCE NO. 2386 – SECOND READING & ADOPTION - CHANGE OF ZONING – FLORIDA LAND TRUST #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, and 03-21-28-0000-00-119) [Ordinance No. 2386 meets the requirements for adoption having been advertised in The Apopka Chief on March 6, 2015.]**  
The City Clerk read the title as follows:

#### **ORDINANCE NO. 2386**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, EAST OF USTLER ROAD, COMPRISING**

**58.23 ACRES, MORE OR LESS AND OWNED BY FLORIDA LAND TRUST #111 - ZDA AT SANDPIPER, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

David Moon gave a brief overview of this project summarizing the additional conditions requested at the first hearing (copy on file as Exhibit B). He explained there has been additional language added to the paragraph regarding a conservation easement at Ustler Road that allows the City to encroach that easement for public improvements.

Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed Law Firm, representing the applicant, said they were here to request approval of the project Mr. Moon just reviewed. She affirmed they are in agreement with the additional conditions and would appreciate Council's support.

Mayor Kilsheimer opened the meeting to a public hearing.

Ken Mealey said he owns the property across the street from where the inlet and outlet of the proposed property will be. He stated his biggest concern is with regards to flooding, pointing out that the ground to the left on the exhibit is all in a special flood plain and has been submerged in the past. He also pointed out the size of other homes in the area and said this would not be comparable to what is there. He advised his property is zoned AG-2 and defended his rights to keep this zoning and keep his livestock. He expressed additional concerns regarding stormwater runoff.

Jill Cooper said her property abuts the Sandpiper development and said if the choices for this development are between the original plan and the new plan as reviewed this evening, she felt the original plan had more benefits. The plan reviewed this evening has more trees removed and one more house on the shore line, and there is a new drainage pond by Ustler Road. She stated they were hoping for less total lots and if this is not feasible, then she feels a smaller footprint is the next best choice.

Jenny and David McGee spoke stating they live on Oakpoint Circle and their property line borders lots 24, 25, and 26 of this development. Their house is closer to the view of the new development being 17 feet from the property line. They reviewed some photos of the area. Ms. McGee said all they would request is that lots 24 through 26 be deed restricted to be one-story homes.

Jack Cooper requested this proposal and the next one for R-1AAA be rejected. He stated neither were comparable or compatible to the surrounding area. He discussed the drainage that flows north to the Wekiva Basin and stated this latest plan has more risks to it. He pointed out a stormwater area and proposed lots on the exhibit that abut up to wetlands. He

said this plan cuts down more trees and he again requested both plans be rejected. He inquired who would maintain the drainage they would come up with.

Jay Davoll, Community Development Director and City Engineer, said the current 40 foot drainage easement is currently recorded and maintained by Orange County. He advised this would have to be renegotiated with the new Final Development Plan. He stated there are no platted lots at this time, the general plan would be to re-route it from the proposed lots in pipes. He advised it all outfalls eventually to the Wekiva River and there are stages that it goes through to keep in place.

Lou Haubner said in review, the average size lots that adjoin this development are an average of 1.4 acres and the average size home adjoining the property is approximately 2,500 square feet. He declared he was real happy with the developer's new plan in Exhibit C, then he walked the property and researched the area where it adjoins Ustler Road and said there was a tremendous amount of soft property in that area, muck and wetlands. He stated the best thing would be to turn down Exhibits A and C and go to a rezone of RCE-1. He said this would be the fair thing to do for the neighborhood and the right thing to do for the City Council.

Ellen O'Connor said after having time to look at the plan from the last meeting, they feel strongly that the City Council has the option to vote down both of these plans. She stated if you go back to the original plan and they would reduce the number of lots by four, they could have less impact on the property, protect the wetlands and have less impact on the surrounding community. She declared neither she nor her neighbors support this plan and reiterated if choosing between these two plans, to go back to Exhibit A and require them to go down to 1/2 acre lots.

Mary Smothers said at the last meeting she sounded very positive toward this plan and stated the average of 1/2 acre lots sounded good. She stated the next day they got a copy of this plan and saw the dimensions. She stated the largest lot has a gas easement across it. She said this was not comparable or compatible with the area.

Mike Johnston said he moved from Maitland to get away from high density populated areas and bought their dream home on this wooded lot close to downtown City of Apopka with all its history, and they are concerned this high density development will be an eyesore for them, but will also bring their property values down. He would like this development to be done in a comparable feel and in a way that allows the people to continue living in the same manner. He expressed concern regarding drainage and said he had to convert his back acre to swamp land because of the flooding.

Scott Smothers said Council has heard a lot of concerns and he pointed out they are hearing

from people today that have been living in this area for a long time. His father bought the property across from this development over 35 years ago. He reiterated there are water problems in this area and it flows north. He asked Council to consider their role and make the decision that is right for the long term good of the City. He affirmed they are looking for development with larger acreage and larger lots. He said they are asking for 1/2 acre lots and suggested it be zoned as RCE.

Ms. Fitzgerald said it was interesting to hear people who have been on agricultural land for many years complain about drainage when they have no drainage and have not complied with the water management district rules that this development will have to comply with. She stated this property is now in the Wekiva Basin and will be much more stringently controlled than any of the properties around it. She affirmed nothing will be placed on that site without obtaining permits from SJWMD. She said this was developable land and the project they are proposing is a high end gated community, and they have compromised tremendously. She stated this is consistent with the area that already exists. She declared anything the City does cannot be arbitrary and capricious. She said they have reached out and thought they had agreements with the residents. She reiterated this will be a quality development and will not adversely impact the neighbors. She reiterated they are comfortable with the earlier plan or the plan before them. She affirmed with regards to the home that is 17 feet from the property line that they have agreed to have a 50 foot setback adjacent to that property line and 30 feet of that is a natural buffer. She declared that they feel it to be unreasonable to restrict those three lots to single story homes. As offered previously, if a two story home is built on one of those lots, they will stipulate two additional oak trees to be planted in the back yards. In closing, she stated this was not high density development as indicated by the last person speaking. She reiterated they have tried to work with the neighbors, and with staff to come up with a plan for quality development, consistent with development in the area, and that meets the City's standards. She said they are looking forward to moving forward and developing, getting rid of the run down houses that are on this property and stated they need Council's help to do that. She stated they very much appreciate Council support in picking one of the two PUDs so they do not have to discuss the R-1AAA plan.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

Council recessed at 8:59 p.m. and reconvened at 9:05 p.m.

Commissioner Velazquez said at the last City Council meeting they had Exhibit A that gave them more green space and more trees, then Exhibit C which is the one they are talking about tonight as Exhibit A. This was the plan preferred by those present at the last meeting which provides 24 lots that are over 1/2 an acre. She said the applicant is entitled to zoning in order to move forward. She stated she understands their concerns, but all agree the property is blighted and needs to be developed.

Commissioner Arrowsmith said he voted against this project two weeks ago and the developer has obviously made some concessions during that time with staff. However, the concessions he asked for were not considered so he is right where he was.

Mayor Kilsheimer said they have to deal with the zoning classification that is before them and they have two options inquiring if they could go back to Exhibit A.

Mr. Moon advised based on the last Council meeting, it was staff's interpretation that Exhibit C was the preference and this Ordinance has been structured for former Exhibit C, which is now Exhibit A, including the development standards.

City Attorney Shepard confirmed Council went through a first reading and at that reading a motion was made based on this plan. He advised the subsequent comments and additions made are not substantial enough to cause another first reading, as long as they stay with that plan. If there is a consensus that now they want to go back to the other plan, that is not before them and they would need to go back again for a first reading to get that plan past the first reading.

Mayor Kilsheimer said he feels the applicant has met the tasks of being compatible with the long term development plan. The applicant has negotiated in good faith with the neighbors. He stated this was going to be an upscale gated community and the developer has agreed to many restrictions and conditions.

**MOTION by Commissioner Velazquez to adopt Ordinance 2386. Motion failed due to lack of a second.**

City Attorney Shepard advised Council has another application which is for R-1AAA following this one. He said with regards to this Ordinance, it is here because Council decided to bring it back for reconsideration as opposed to the R-1AAA zoning. If not approving this, it is recommended someone will need to make a motion to deny the PUD application before them.

**MOTION by Commissioner Arrowsmith and seconded by Commissioner Dean to deny Ordinance No. 2386 as presented. Motion carried by a 3-2 vote with Commissioners Arrowsmith, Dean, and Ruth voting aye, and Mayor Kilsheimer and Commissioner Velazquez voting nay.**

3. **ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC** – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County”



PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 02-21-28-0000-00- 106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28- 0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [This item was continued at the March 4, 2015 City Council meeting until the March 18, 2015 meeting.] The City Clerk read the title as follows:

**ORDINANCE NO. 2405**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” R-1AAA (0-2 DU/AC); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, AND EAST OF USTLER ROAD, COMPRISING 58.23 ACRES MORE OR LESS, AND OWNED BY FLORIDA LAND TRUST #111, C/O ZDA AT SANDPIPER, LLC, TRUSTEE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Miranda Fitzgerald, representing the applicant, said Council has a staff report in favor of the R-1AAA zoning that this application deals with. She affirmed they agree with that staff report and would appreciate approval.

Mayor Kilsheimer opened the meeting to a public hearing.

Scott Smothers said now before Council is R-1AAA and stated if Council turns them down, essentially Ms. Fitzgerald will argue it is arbitrary and capricious. He stated at this point and after hearing so much other comment, considering all of the facts, he does not see how it would appear arbitrary and capricious to the court. Now they have R-1AAA that will potentially be higher density than what Council just turned down and the residents are requesting a different zoning. He said, as Commissioner Velazquez pointed out, they do need a zoning, but they don’t have to get this. He stated Council could have a closed door meeting with their City Attorney and talk about the legal implications of this.

City Attorney Shepard advised there could not be a closed door meeting for this purpose.

Mr. Smothers said a formal written opinion could be requested from the City Attorney to express what they can do under the circumstances. He stated Council could give the applicant a different zoning than what they are asking for. He declared Council needs to make a decision that is right for the City and not based on some sort of false narrative being sold to them by a developer that will probably sell the property anyway. He asked Council vote this down and let the applicant obtain a zoning classification that is appropriate.

Jack Cooper said this is not a PUD and is much worse than anything they have ever presented. He stated at a community meeting in March of 2013 something very similar was presented and they were going to put in up to 80 homes, so they came back with this to try and pressure or influence Council into giving them something. He asked Council not be intimidated by this and to vote on the side of their constituents.

Lou Haubner asked how many units they can build with R-1AAA.

Mr. Moon said based on the land use designation they could build up to 2 units per acre and that comes out to approximately 80 to 90 units. He advised in terms of what the yield could be would have to be determined through the preliminary subdivision plan which hasn't been submitted.

Mr. Haubner pointed out if this was approved Council would be going against the vote they just made prior to this. He said there was no question of what needed to be done. He stated there were some other options, RCE-1 or maybe the developer could reconsider and do a different development with the PUD reducing the number of lots.

Jill Cooper said the PUD encourages communication between the homeowners and the developer and they would like to stick with the PUD and not start all over with rezoning. She affirmed she was not at the last meeting knowing there would be two readings. She said she did not know there was another plan being proposed at the last meeting. She stated people were not flip flopping; they just have had time to look at the other plan and would like to go back to the PUD with the green space and drainage protected.

Ms. Fitzgerald said they would like to bring this to closure tonight. She stated if any one of the Commissioners who voted for the motion to deny the PUD moved tonight to reconsider the developer would be willing to put back on for discussion the compromise on the two story houses. She said they are ready to get this done and stated the R-1AAA does not make sense for anybody. It was done to get discussions going on alternatives. She said of all the concerns she has heard that Council addressed, the one thing they specifically disagreed with was to deed restrict 3 lots from two story houses. She stated if it was going to take that kind of commitment to get three votes from Council and get this done, her client is willing to do that. She said that would mean Council would reconsider the motion and they would offer that as another concession to deed restrict lots 24, 25 and 26 so they would only be one story homes with the PUD that was on the screen before as Exhibit A with all of the commitments made to date. She reiterated this project will be developed more stringently from a drainage perspective than any of the surrounding owners.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

Mayor Kilsheimer inquired if the offer made by the applicant changed anyone's position.

Commissioner Arrowsmith inquired if they had to reconsider it tonight, or could they reconsider it at the next meeting.

City Attorney Shepard said they could reconsider it at the next meeting. The reconsideration just needs to be made by someone who voted against the development in the last vote. He is also hearing the applicant say they want to get this over with, so whether the offer is a tonight only kind of offer is not clear.

Commissioner Arrowsmith said he felt the drainage issue was a concern. He stated he would be willing to reconsider this at the next meeting. He said he was looking at both sides and the developer has complied with the majority of what has been asked, but on the other hand, it is not up to the developer to dictate what they have to do. He stated he would vote against the R-1AAA.

Ms. Fitzgerald said her client is open to reconsideration at the next meeting. She stated for clarification she would like more discussion on the drainage. She said if the position is that this area is adversely affected by flood waters and not developable land that is not their view. They are going to have to comply with the rules and become more stringent in this area. She declared she did not want to come back with the expectation they are going to be looking at this plan again and all of a sudden it is not the plan, but this overriding drainage issue. She said they should be obligated and entitled to develop in accordance with the rules.

Mayor Kilsheimer said the issue before them is the R-1AAA zoning and he stated he agreed with Commissioner Arrowsmith, this is not good for the City.

City Attorney Shepard said this was a quasi-judicial hearing and they have to have competent substantial evidence to support the decision they make. The evidence from staff supports the rezoning, so a tabling would be in order.

**MOTION by Commissioner Arrowsmith and seconded by Commissioner Dean to table this item until the next meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

4. **ORDINANCE NO. 2411 – FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT** – McCarthy McCollough, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000-00-003) The City Clerk read the title as follows:

**ORDINANCE NO. 2411**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF FOLIAGE WAY, COMPRISING 8.44 ACRES MORE OR LESS, AND OWNED BY MCCARTHY MCCOLLOUGH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Moon said the request was to amend the future land use designation from County Rural to City Rural Settlement and change the zoning from County A-1 agriculture to City agriculture. The applicant would like to split the parcel into two parcels, the southern parcel having 2 acres and the northern parcel would have 6.44 acres. The property owner has indicated an interest for financial reasons to sell that lot for the development of a home. The new lot will be required to connect to City water and sewer. Both the Development Review Committee and the Planning Commission reviewed both applications and recommends approval.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve Ordinance No. 2411 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

5. **ORDINANCE NO. 2412 – FIRST READING - CHANGE OF ZONING –** McCarthy McCollough, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) and RCE-1 for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28- 0000-00-003) The City Clerk read the title as follows:

**ORDINANCE NO. 2412**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) (6.44 AC) AND RCE-1 (RESIDENTIAL) (2.0 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF FOLIAGE WAY (1505 W KELLY PARK RD.), COMPRISING 8.44 ACRES MORE OR LESS, AND OWNED BY MCCARTHY MCCOLLOUGH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Ruth, and seconded by Commissioner Dean, to approve Ordinance No. 2412 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

6. **RESOLUTION NO. 2015-07 -** Providing that the concessions at the Art & Foliage Festival will be handled by local community, civic and religious organizations, that no peddler's

licenses will be issued during the Festival, and that no animals, leashed or unleashed, will be allowed in Kit Land Nelson Park during the Festival, except in compliance with the Americans with Disabilities Act (ADA). The City Clerk read the title as follows:

**RESOLUTION NO. 2015-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING THAT THE CONCESSIONS AT THE ART & FOLIAGE FESTIVAL WILL BE HANDLED LARGELY BY LOCAL COMMUNITY, CIVIC AND RELIGIOUS ORGANIZATIONS, THAT NO PEDDLER LICENSES WILL BE ISSUED DURING THE FESTIVAL, AND THAT NO ANIMALS, LEASHED OR UNLEASHED, WILL BE ALLOWED IN KIT LAND NELSON PARK DURING THE FESTIVAL, EXCEPT IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA).**

**MOTION by Commissioner Dean, and seconded by Commissioner Arrowsmith, to approve Resolution No. 2015-07. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**SITE APPROVALS**

1. **PRELIMINARY DEVELOPMENT PLAN** – Rock Springs Estates, owned by Rock Springs Estates; applicant is Pulte Group, c/o Doug Hoffman, P.E.; engineering firm is Donald W. McIntosh Associates, Inc., c/o John T. Townsend, P.E., located south of West Lester Road, east of Vick Road. (Parcel ID Nos. 3-20-28-0000-00-015, 33-20-28- 0000-00-118, 33-20-28-0000-00-003)

Jay Davoll, Community Development Director and City Engineer, said the project before Council is a Preliminary Development Plan for Rock Springs Estates. This is located south of West Lester Road and east of Vick Road. The minimum typical lot width is 75 feet and the minimum lot size is 8,000 square feet. The proposed minimum living area is 1,500. He advised there will be one access point to Lester Road and there is a proposed secondary access to be developed in the future if the property to the east develops. He advised the right of way will be reserved with the plat. They will have driveways that go out to the road for trash pickup. There are two retention ponds that meet City guidelines. Development Review Committee recommends approval and the Planning Commission recommended approval at their March 10, 2015 meeting.

Commissioner Velazquez said she would like to table this item to the next meeting in order to provide time for review.

John Townsend with Donald MacIntosh Associates, said he was the civil engineer and they would like to get this through tonight in order to fall in line with contracts that are in place.

Matt Patterson, Pulte Homes, said two weeks would push them outside of their contract and would require them to get an extension. He asked that it be reviewed tonight.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve the Preliminary Development Plan. Motion carried by a 4-1 vote with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, and Ruth voting aye and Commissioner Velazquez voting nay.**

2. **FINAL DEVELOPMENT PLAN/PLAT** – Ponkan Reserve North, owned by Clyde Marie Brown, c/o Donna L. Helton; engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn; and the property is located at 301 Ponkan Road. (Parcel ID Nos. 21-20-28-0000-00-003; 21-20-28-0000-00-004; 28-20-28-0000-00-003; 28-20-28-0000-00-004)

Mr. Davoll gave a brief overview of the Final Development Plan/Plat for Ponkan Reserve North. He advised it is for 51 lots, minimum lot size of 12,500 square feet and a minimum lot width of 95 feet, with the minimum living area of 2,500 square feet. They have one waiver request, along Ponkan Road we typically require a block wall, but we have been allowing columns with decorative fence in front of the retention pond. Development Review Committee does recommend approval of that waiver and of the Final Development Plan. On March 10, 2015, the Planning Commission recommended approval of the Final Development Plan along with the waiver request.

Dale Fenwick inquired what material the fence would be when saying wrought iron style.

Mayor Kilsheimer said it could be aluminum, or similar.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth to approve the Final Development Plan for Ponkan Reserve North. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

## **DEPARTMENT REPORTS AND BIDS**

1. Administrative Report - Glenn Irby - City Administrator – no report.

**MAYOR'S REPORT** – Mayor Kilsheimer reported he and Commissioners Ruth and Velazquez had a great trip to Tallahassee for Florida League of Cities Legislative Action Days. They advocated on behalf of several issues such as the mortality tables our Pension Plans have to use.

Mayor Kilsheimer announced Roger Ballas with The Apopka Chief is retiring and wished him well in his future endeavors.



## **OLD BUSINESS**

COUNCIL – There was no old business from the Council.

PUBLIC – There was no old business from the Public.

## **NEW BUSINESS**

City Attorney Shepard said to address the reconsideration of the Sandpiper project, so that Council is not in a situation where they were tonight, he has asked Mr. Moon, if this reconsideration gets enough votes, that the ordinance be crafted so Council will have multiple options to choose from based on what they hear from the public. He advised with that clarification it would be appropriate, if they choose to do so, one of the three voting down the PUD to make a motion to reconsider it. It will be advertised and re-crafted so that either site plan can be considered.

**MOTION by Commissioner Arrowsmith and seconded by Commissioner Dean, to reconsider Ordinance 2386 at the April 1, 2015 Council meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

## **COUNCIL**

1. RESOLUTION NO. 2015-08 - Supporting "One Apopka for Progress". The title was read by the City Clerk as follows:

### **RESOLUTION NO. 2015-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, SUPPORTING “ONE APOPKA FOR PROGRESS”, PROVIDING FOR AN EFFECTIVE DATE.**

**MOTION by Commissioner Dean and seconded by Commissioner Arrowsmith to accept Resolution No. 2015-08.**

Commissioner Ruth said he would like the definition of “Progress”, stating it was being exclusive. He stated he knew what the goal was and he has always been about one Apopka, but it is the word “Progress”.

Mayor Kilsheimer said he does not understand “One Apopka for Progress”, stating he has had discussions with many people across Apopka about this idea. He stated he would like to be associated with deeds and things people have actually done. While it sounds wonderful, there is not an organization behind it or an entity behind it and he was not aware of any meetings that have occurred where something about “One Apopka for Progress” has actually been discussed. In his opinion it is just an amorphous statement that sounds good. He affirmed that he could not support this resolution as he is not sure what the purpose is or what

it is about. He declared a lot of the connotation of South Apopka as a neighborhood that is primarily a minority neighborhood which is economically challenged has come about largely due to a program by Orange County through a grant wherein they placed “Welcome to South Apopka” signs. Many people he has talked with wouldn’t mind if those signs were removed as they do divide Apopka.

Commissioner Dean asked what good was a proclamation when all of the money was spent on the north side of Apopka. He stated it offends him when people discuss “South Apopka” and “North Apopka”, that Apopka is Apopka.

Mayor Kilsheimer agreed that economic conditions are less on the south side of Apopka than in other parts of Apopka. He declared he has been Mayor for a year and Commissioner Dean has been in office for 21 years and all of this discussion about “One Apopka for Progress” has come about in the last 11 months.

Mayor Kilsheimer opened the meeting for public input.

Ray Shackelford said every time the Council votes on different ordinances or the consent agenda is progress. He stated “One Apopka for Progress” means that not one person or community will be left behind in the economic community process. He declared all sitting on Council won their respective seat from a diverse group of people. He reiterated this was about working together as one community for the betterment of all people in Apopka. He said they want to make sure to increase minorities in administrative positions in the City of Apopka. He asked Council to reach out to the community as a whole.

Rod Love said he was here to speak on behalf of Reverend King who is Vice Chair of the South Apopka Ministerial Alliance, stating one of the things he did because of feeling strongly about Apopka being one Apopka, Reverend Keene commissioned a poet to draft something about Apopka that would be apropos for this “One Apopka” that he read into the record entitled Our City, Our Town. He stated if you have reservations with what “One Apopka” is supposed to be, make it your own. He agreed it needs to be about success and about everybody.

Dale Fenwick said based upon what his understanding of this is, he supports the concept of “One Apopka”, but the way the resolution is drafted, it has some problems, one being what is “One Apopka for Progress”. He stated it is a concept, but beyond that, Section 2 lists the outcomes and outcomes are good, but he went on to point out areas where the outcomes are not clear on how they will be measured. He said it needs to be fine-tuned.

Ray Shackelford said during his tenure as an educator, he is a former vice president of an organization that focuses on the assessment of programs and services. He stated there are ways they can measure things if they agree to start the process and “One Apopka for Progress” starts the process.

Linda Laurendeau said she wanted to speak to the definition of south Apopka and when she served on the Orange County Charter Commission she learned Orange County has 5 census designated communities and one of those census designations is the sign you see when

passing out of the city limits of Apopka. She stated we were in southern Apopka right now and declared we are one Apopka from the very northern edge to the very southern edge, but when we see that sign on the road that says South Apopka, it is a census designated non-city place. She said we need to be careful how we define what we are talking about.

Francina Boykin said he has sat back and listened and stated in 1937 this stigma started when the City created an ordinance prohibiting blacks to live north of the tracks and whites to live south of the tracks and that stigma has stayed in this community. She advised this ordinance was repealed in 1968. She lives in unincorporated Apopka and she too is very offended as referred to as living in South Apopka. This is not an official name and has never been adopted by the Orange County Commission. She said, as we toil, a beginning point would be for the City to make an apology for the 1937 ordinance because that affected both black and white citizens of this community.

Isadora Dean said “One Apopka for Progress” was not about South Apopka at all, it is simply saying that no one will be left behind. She declared it was not about race or where you live, just that no one in Apopka will be left behind and everyone will be treated equally.

Michael Heaton said it seems this resolution is being redundant, we are *one nation, under God, indivisible* and that does not need to be further defined.

Mayor Kilsheimer closed the public input.

**Motion carried by a 3-2 vote with Commissioners Arrowsmith, Dean, and Velazquez voting aye and Mayor Kilsheimer and Commissioner Ruth voting nay.**

2. City Council discussion and determination on the hiring of 30 summer positions through the Professional Opportunities Program for Students, Inc.

Barbara Newton with the Professional Opportunities Program for Students (POPS) thanked the Council for the opportunity to speak and apologized that her students that planned on speaking had to leave due to the lateness of the meeting. She gave a Power Point presentation and said POPS was founded in 2001 by Senator Gary Siplin, starting with only 5 students in a summer program. In 2008 POPS became a year round program with over 200 students in the Orange County area, and in 2010 they grew to 8 municipalities and expanding into Osceola County. Today they are proud to say they have over 400 students. She advised the mission of POPS is to build character in teens to believe in succeed, with a vision to motivate high school students to complete high school and pursue advanced education.

Senator Siplin thanked the City for this opportunity and for participating in this program. He said they provide life changing experiences for these students.

Discussion ensued with regards to supporting the POPS program, the cost of this program and where the students participating would come from.

Dale Fenwick spoke with regards to the overhead of the POPS program and said with it being the middle of March, he was sure if all 30 students could not be supported, he would think they would be happy with a smaller number. He inquired if private businesses took students who paid the overhead.

Ms. Newton advised POPS has been supported by a government grant and they ask for support if it can be afforded.

Suzanne Kidd said she was glad to see administration was looking into something that has been talked about at many council meetings for students. Her concern was regarding taxes, wages, dress fund, and administration fee per student.

Mr. Shackelford said he appreciates council reviewing the possibility of POPS and helping the children and parents. He stated if they can find money to purchase land, they should be able to find money to support these programs.

Mayor Kilsheimer said his recommendation would be to take this under advisement and have a plan by the next meeting.

## PUBLIC

Francina Boykin said as a member of the Apopka Historical Society she would like to go on record requesting the City of Apopka to acknowledge or assist in placing a historical marker in the location or vicinity of Mead's Bottom, located south of Highways 441, 436, West 6<sup>th</sup> Street, and McGee Avenue. She advised this location was the epicenter for former Negro slaves coming to the large city, Apopka, seeking to buy land to farm, to start businesses such as saw milling, agriculture, turpentine distilling, railroads and construction. She said Lindsey and Sarah Mead moved to Florida from Georgia at the urging of Mrs. Mead's sister who was a successful business owner in Jacksonville, stating that Apopka would be a great place because of its rich farm land. Sarah Mead would operate a commissary and rental housing for newcomers. Michael Gladden, Sr. came through Mead's Bottom to where his location on 9<sup>th</sup> Street which later became Michael Gladden Blvd. She identified the properties where Mead Bottom was located, near Martin Pond and reiterated she is requesting consideration as the development of a Town Center in this location that there be a designated area for a historic marker honoring and remembering those individuals who came through the Mead's Bottom.

Michael Heaton spoke regarding the intersection of Lester Road and Rock Springs Road with regards to the drainage divot in that area. He also expressed concerns of speeding on Plymouth-Sorrento Road and requested the speed limit be reduced to 45 mph.

**ADJOURNMENT** – There being no further discussion, the meeting adjourned at 11:18 p.m.

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda F. Goff, City Clerk

**Backup material for agenda item:**

2. Approve the minutes from the regular City Council meeting held on April 1, 2015 at 1:30 p.m.



# CITY OF APOPKA

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Minutes of the regular City Council meeting held on April 1, 2015, at 1:30 p.m., in the City of Apopka Council Chambers.

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Bill Arrowsmith  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Sam Ruth  
Attorney Andrew Hand  
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief

**INVOCATION** – Commissioner Dean introduced Reverend Gerard Moss, St. Paul AME Church, who gave the invocation.

**PLEDGE OF ALLEGIANCE** – Mayor Kilsheimer said on April 2, 1513, near present day St. Augustine, Spanish explorer Ponce de Leon made landfall on the Florida coast and claimed the territory for the Spanish crown. He named the new land, which he believed to be an island La Florida (LAH flow REE dah), because the discovery came during the time of the Easter Feast. Ponce de Leon returned seven years later to establish a colony, but retreated to Cuba when his expedition was attacked by Native Americans. A successful Spanish colony was not established until some 44 years later in 1565, and in 1819 the Territory passed to U.S. Control as part of the Florida Purchase Treaty between Spain and the United States. He asked everyone to reflect upon the bravery and pioneering spirit of Florida’s early explorers and settlers as he led in the Pledge of Allegiance.

## **EMPLOYEE RECOGNITION**

- 1. Lawrence “Larry” Brown – Public Services/Sanitation – Fifteen Year Service Award -** Larry began working for the City on March 13, 2000, as a Solid Waste Worker II. On June 16, 2007, he was reclassified to Sanitation Equipment Operator, which is his current position. Larry was not present and his award will be presented to him at another time.
- 2. Anastacio Navarro – Public Services/Sanitation – Fifteen Year Service Award -** Anastacio started working for the City on March 27, 2000, as a Solid Waste Worker II. On June 16, 2007, he was reclassified to Sanitation Equipment Operator, which is his current position. Anastacio was not present and his award will be presented to him at another time.
- 3. Carl Jones – Public Services/Administration – Twenty-Five Year Service Award -** Carl began working for the City on March 28, 1990, as a Laborer I in the Water Department. On September 28, 1993, his title changed to Utility Service Worker I and he moved to Utility Maintenance. Carl’s title changed to Utility Service Worker II on January 12, 1994. On August 10, 1998, Carl transferred to Public Services Administration as Warehouse Worker I. Carl was then reclassified to Purchasing & Supply Specialist on October 2, 2000, which is his current position. The Commissioners joined Mayor Kilsheimer in congratulating Carl on his years of service to the City.

## **PRESENTATIONS**

1. National Telecommunicator's Week Proclamation – Mayor Kilsheimer read the proclamation recognizing Public Safety Telecommunicators week and presented it to Donna Saladin, Communications Director, and staff.
2. Water Conservation Month Proclamation – Mayor Kilsheimer read the proclamation recognizing Water Conservation Month and presented it to Jean Jreij, Public Services Director.

## **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting held on March 4, 2015, at 1:30 p.m.
2. Approve the minutes of the Administrative Bid Opening No. 2015-01 for Gasoline & Diesel Fuel held on February 25, 2015, at 10:15 a.m.
3. Approve the minutes of the Administrative Bid Opening No. 2015-02 for Community- Wide Visioning Process held on March 25, 2015, at 3:15 p.m.
4. Approve the final one-year extension of the annual contract, with Shelley's Environmental Systems, for the wastewater residuals transport and disposal at a cost of \$40.00 per cubic yard.
5. Ratification of the committee assisting in the selection of a firm to perform the Community-Wide Visioning Process.
6. Approve the Disbursement Report for the month of March, 2015.

### **MOTION by Commissioner Ruth and seconded by Commissioner Arrowsmith to approve the six items on the Consent Agenda.**

Commissioner Dean complimented Mayor Kilsheimer on the selection committee under Item 5, stating this was a superb job. However, he felt every person appointed to this committee was well aware of the problems, concerns, and needs of the city and he suggested the committee members conduct the study rather than spending this money on that process.

Mayor Kilsheimer said visioning is a very intensive process driven by people who are experts in planning that facilitate discussions within the community on where and what direction the residents want the city to move. He pointed out this is a citywide study.

Commissioner Arrowsmith inquired if this would come back to Council prior to any contracts being awarded, to which Mayor Kilsheimer responded in the affirmative.

Commissioner Arrowsmith requested Item 4 be voted on separately, as they are clients of the bank.

**Motion carried unanimously for Items 1, 2, 3, 5, & 6 with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**MOTION by Commissioner Ruth and seconded by Commissioner Velazquez to approve Item 4 on the Consent Agenda. Commissioner Arrowsmith said he would be abstaining on Item 4, as they are clients of the bank and he will file a Form 8B. Motion carried unanimously with Mayor Kilsheimer and Commissioners Dean, Velazquez, and Ruth voting aye and Commissioner Arrowsmith abstaining.**

## **REGULAR AGENDA**

1. Award the contract to Reiss Engineering, Inc., to perform water, sanitary sewer and reclaimed water, impact fees and rates update study and bond engineers report, in the amount of \$66,819.00, and approve a contingency fund in the amount of \$6,600.00.

Jean Jreij, Public Services Director, gave a brief overview of the proposal to perform a rate study for water, sewer, and reclaimed water and impact fees. He advised the last time this study was performed was in 2008. He requested awarding the contract to Reiss Engineering, Inc. as presented.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to award the contract to Reiss Engineering, Inc. as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

2. Authorize the execution of the interagency agreement, between the City of Apopka and the Seminole County Sheriff's Office, to transition to the CAFEWEB Computer Aided Dispatch System.

Chief Manley said they are currently working with software that is outdated and is hindering the way we police our community today. He advised they worked with Global, the company that purchased Cisco, for close to a year and a half. The Seminole County Sheriff's Department has created a Café web computer aiding dispatch system (CAD) that is used by them and every municipality within Seminole County. It has been offered to municipalities that connect to Seminole County. He advised Winter Park has been using this system for one year and are very pleased with it. Also, Maitland and Eatonville have gone to this system. He advised APD currently dispatches for Maitland and Eatonville and if we do not switch to this system that will be taken over by Winter Park as we will not be compatible. He advised this item was for the startup with this system and they will possibly have some items to add on. Staff recommends Council direct the City Administrator to execute the necessary documents with SCSO to enable transition of Computer Aided Dispatching and related ancillary services.

**MOTION by Commissioner Ruth and seconded by Commissioner Velazquez to approve transitioning to the CAFÉ Web Computer Aided Dispatch system. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**SPECIAL REPORTS AND PUBLIC HEARINGS – No Special Reports or Public Hearings.**

## ORDINANCES AND RESOLUTIONS

- 1. ORDINANCE NO. 2411 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT** – McCarthy McCollough, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000- 00-003) [Ordinance No. 2411 meets the requirements for adoption having been advertised in The Apopka Chief on March 20, 2015.] The City Clerk read the title as follows:

### ORDINANCE NO. 2411

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF FOLIAGE WAY, COMPRISING 8.44 ACRES MORE OR LESS, AND OWNED BY MCCARTHY MCCOLLOUGH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to adopt Ordinance No. 2411. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

- 2. ORDINANCE NO. 2412 – SECOND READING & ADOPTION - CHANGE OF ZONING** – McCarthy McCollough, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) and RCE-1 for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000-00-003) [Ordinance No. 2412 meets the requirements for adoption having been advertised in The Apopka Chief on March 20, 2015.] The City Clerk read the title as follows:

### ORDINANCE NO. 2412

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) (6.44 AC) AND RCE-1 (RESIDENTIAL) (2.0 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF**

**WEST KELLY PARK ROAD, EAST OF FOLIAGE WAY (1505 W KELLY PARK RD.), COMPRISING 8.44 ACRES MORE OR LESS, AND OWNED BY MCCARTHY MCCOLLOUGH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to adopt Ordinance No. 2412. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

- 3. ORDINANCE NO. 2386 – FIRST READING - CHANGE OF ZONING -** Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, and 03-21-28-0000-00-119) The City Clerk read the title as follows:

**ORDINANCE NO. 2386**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, EAST OF USTLER ROAD, COMPRISING 58.23 ACRES, MORE OR LESS AND OWNED BY FLORIDA LAND TRUST #111 - ZDA AT SANDPIPER, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

David Moon gave a brief overview of this project summarizing this PUD which will accommodate 49 single family residential units. Within the ordinance, there are two plans that could be adopted by City Council, under Exhibit A and Exhibit C. He advised both were previously denied by City Council and it is back for reconsideration. He declared since this ordinance was advertised and the agenda packet sent out, the applicant has coordinated with various interested parties regarding changes that could address the concerns of the adjacent and nearby property owners. The applicant, Mr. Goldberg, based on input from others, has made revisions to the plan and has submitted a third option. Mr. Moon reviewed the changes as presented in this third option, being referred to as Exhibit E. Among the 49 lots, 24 are above 21,780 square feet and 25 are below 21,789 square feet. He stated the Development

Review Committee reviewed this new plan and found it to be consistent with the Land Development Code and can recommend approval of this plan, as it did with the two previous plans.

Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed Law Firm, representing the applicant, strongly encouraged Council to accept Exhibit E that was just presented. She advised since the last Council meeting, there have been a number of discussions with the neighborhood and a meeting held with approximately 20 people from Oak Water Estates being present. She advised they feel this is a plan that resolves a number of the prior issues and also makes it economically viable. This is a compromise plan and they think in the spirit everyone has been working toward. She advised this will be a gated community that will be good for the City and the neighbors.

Mayor Kilsheimer opened the meeting to a public hearing.

Jack Allen said his property directly backs up to the property for this project and stated that he does not support any rezoning on this property. His property is 1.3 acres and said he did not buy into a neighborhood being by his house. He stated there is a steady stream of coyotes, bear, fox, and many generations of Cooper hawks that are all using this property. He affirmed he did attend a small meeting at Mr. Haubner's office and there was some discussion of bringing in a person from St. John's Water Management District to consult on the flood plain and inquired if that happened.

Mayor Kilsheimer said it was his understanding residents were invited to go to the Water Management District office earlier this week.

Jill Cooper said she would prefer to see the smaller footprint approved in Plan A that sets aside 15 acres for wildlife and trees. She stated she appreciates seeing the larger lot concepts, but this would only be more land built upon.

Doug Bankson said after all the debate he would like to speak in favor, stating after they all met, this seemed to be a compromise. As for his personal property, Plan A would be better for him, but not for the east end, but not the west end. He stated Plan E does seem to be the most reasonable compromise and fair to all. He said he appreciated the willingness of the developer to listen to all of their concerns.

Ellen O'Connor said she agrees with supporting the original Plan A versus the other two plans presented. Her main concern is with the amount of land being developed to the west and the affect it will have to the lakefront and wildlife in the area.

Mary Smothers provided a handout providing some suggested changes to a few lots to the

end of the west side. She said she was favoring Exhibit E stating it was a good compromise. She declared not everyone was going to be able to be pleased around this development since it is so large.

Lou Haubner said he held a meeting at his office a few weeks ago with the developer and seven to eight surrounding property owners attending. He said that Exhibit E was a great option. He recommended approval of Exhibit E and felt most of the neighbors were satisfied with this plan.

Ms. Fitzgerald affirmed they were not in agreement with Ms. Smothers suggested changes. She stated Ms. Smothers was present at the meeting previously referenced and they cannot continue to tweak and shift lots. She again asked that Council accept the compromised Plan E as presented and they will work on development standards with staff prior to the next reading.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

**MOTION by Commissioner Arrowsmith and seconded by Commissioner Dean to approve Ordinance No. 2386 at First Reading with Exhibit E, and carry it over for a Second Reading.**

Commissioner Velazquez said their concern was having the open space and with the new Exhibit E, they are getting 12 acres of open space.

Commissioner Arrowsmith thanked staff for their patience and for working through this with the public.

**Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

- 4. ORDINANCE NO. 2388 – FIRST READING** - Amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.” The City Clerk read the title as follows:

**ORDINANCE NO. 2388**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED “DESIGNATED GROW AREA OVERLAY DISTRICT”, PROVIDING THAT CANNABIS CULTIVATION AND**

**PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A “DESIGNATED GROW AREA OVERLAY DISTRICT” AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICT OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.**

David Moon said the proposed ordinance was presented to City Council at the end of last year for review and pending law suits against the State regarding administrative rules for medical marijuana, the decision was made to table that ordinance until the State adopted administrative rule. He advised the administrative rules by the State have been accepted and it is now time for this to reappear before Council. Due to the length of time, the City Attorney and staff felt this should be treated as a new ordinance. Based on the changes to the administrative rules for the State and the relationship on this ordinance, the only change made to the ordinance was that within the two Designated Grow Areas the new condition, as generally recommended by the Planning Commission, was to limit the number of dispensaries to five. He affirmed the ordinance being presented requires a special exception to be obtained by any applicant to grow, sell, or process medical marijuana in the two designated areas. He reviewed the map for the Designated Grow Areas stating primary zoning within those areas is industrial and agriculture. Due to the zoning there is less of a threat of residential development occurring in those two areas. He stated they have covered most of the issues to ensure that there isn't going to be a public health safety or welfare issue and no effect to property values of residential areas, as well as concerns religious facilities may have with proximity to their sites. Staff recommendation and the Planning Commission recommendation are to approve this ordinance.

Commissioner Arrowsmith said he keeps hearing the rules have not been set at this point, but what he is hearing from Mr. Moon is that they have been finalized.

Mr. Moon advised there is a chance the rules will be challenged.

Commissioner Arrowsmith said Mr. Sumner has property that meets the same criteria as the other two zones and he should not be left out of this opportunity. He declared we should find a way to accommodate Mr. Sumner, whose family has owned property there for over 50 years.

Discussion was held regarding other nurseries that meet the criteria, but are not in the designated grow area.

Mayor Kilsheimer opened the meeting to a public hearing.

Kenneth Sumner provided a handout and said he owns property at 27 Binion Road. He said



his location is excluded from the grow areas as designated in the ordinance. He stated there has not been any formal ruling from the Health Department and no official designation of a law from the legislature. He reviewed the location of his nursery and requested the proposed ordinance be amended so not to exclude his location.

Suzanne Kidd said she had no problem with the ordinance and the City having an interest in controlling this. Her point was with the working of verbiage and suggested the word "morals" be excluded from the ordinance, as morals cannot be regulated.

Heather Zabinofsky, owner of Master Growers, said she is actively involved with the State and there is currently a challenge to the current rules, as well as two other challenges that will first have hearing dates, therefore, the April 15<sup>th</sup> date will not happen. She declared, as far as odors, with the required air filters, the air going out is cleaner. She requested postponing this decision until the State has decided the challenges.

Kerry Herndon distributed the proposed rules. He said with high cannabidiol medical marijuana, there was no amount one could take that would get them high. He stated the old set of rules was challenged and this was no longer a lottery. He declared the State has made this so difficult, that only the very largest companies can possibly attempt to get a license. He anticipated this will create approximately 350 high paying jobs in Apopka and stated the City has done a great job in designating areas with this ordinance.

William Pfeiffer, Esquire, said he was representing Mr. Sumner and his nursery. He stated Apopka was one of the few municipalities on the leading edge of putting together an ordinance that makes sense. He advised SB 2066 was passed yesterday in its second committee of members. This bill takes the grow ordinances out of the cities hands and gives it to the State. He advised the dispensary ordinances would still have authority, but the location would not. He stated with regards to Mr. Sumner's property, part of the issue was competition and Mr. Sumner would not be here unless he thought he had the ability to apply in good faith. He advised Mr. Sumner is a 50 year owner and asked that he be included in the competition. He said there will only be one nursery in the region of Central Florida.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

Mayor Kilsheimer said the purpose of this ordinance is to focus and concentrate the growers in designated grow areas so everyone can have assurance where our growers are going to be located. He advised they are currently in areas that are primarily in agriculture and industrially zoned areas. He stated they are talking about creating districts and if adding Mr. Sumner, they would be adding a designated grower in an area that is already very residential and with more residential growth on its way.

Commissioner Arrowsmith said they have not officially heard from any other nurseries besides Mr. Sumner with regards of wanting to be included.

Ms. Zabinofsky suggested a committee be formulated to help the City come up with some of these answers. She suggested a committee would help the City with what is currently proposed and with the implementation. She stated these people are vested in the community

trying to make this industry happen in the community.

Mayor Kilsheimer said the ordinance before the Council at this time is mostly a zoning ordinance to establish areas where licensed regulated growers can conduct their operation.

David Moon said adding Mr. Sumner's property as a single property could be arbitrary and he proposed the following additional language: *Designated Grow Areas: Property operated as a registered nursery for at least thirty (30) continuous years that is assigned an Agriculture or Professional Office/Institutional zoning category. Such site must access a collector or arterial classified road.* He said if Council accepts this language, it can be included for the Second Reading of the ordinance.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to approve Ordinance No. 2388 at First Reading with addition of the proposed language as an additional definition, and carry it over for a Second Reading.**

The following people spoke with concerns that no one should be excluded, the location north of Thompson Road and the vicinity of homes, schools, and school bus stops near any of the locations, as well as understanding this not just for the treatment of children, but adults can also benefit.

Reverend Gerard Moss - Jack Cooper - Tenita Reid

**Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

City Council recessed at 3:48 p.m. and reconvened at 3:53 p.m.

5. **ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC** – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 02-21-28-0000-00- 106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28- 0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [This item was continued at the March 4, 2015 City Council meeting until the March 18, 2015 meeting.] The City Clerk read the title as follows:

**ORDINANCE NO. 2405**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” R-1AAA (0-2 DU/AC); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, AND EAST OF USTLER ROAD, COMPRISING 58.23 ACRES MORE OR LESS, AND OWNED BY FLORIDA LAND TRUST #111, C/O ZDA AT SANDPIPER, LLC, TRUSTEE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**MOTION by Commissioner Arrowsmith and seconded by Commissioner Dean to table Ordinance No. 2405 until the next meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

- 6. ORDINANCE NO. 2413 – FIRST READING - 2015-2 ADMINISTRATIVE REZONING** – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for certain real properties generally located within the city limits of Apopka, comprising 274.64 Acres, more or less, and owned by Always Growing Trees, Inc.; Chester S. Peckett Trust; Peckett Family Trust; Christopher Johnson; David and Sue Hill; Donald And Debra Kirkland; DRK Inc.; Earl Gaylon Ward Estate; Franklin and Jacqueline King; J and L Gardenias, Inc.; James and Linda King; Joseph and Donna Cox; Kenneth and Harvey Morris; Patricia Bartlett; Project Orlando LLC; Robert Brantley; Rockwood Groves LLC; Shirley Dobbs; T. O. Mahaffey Jr.; and William M Duval Trust. The City Clerk read the title as follows:

**ORDINANCE NO. 2413**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 274.64 ACRES, MORE OR LESS, AND OWNED BY ALWAYS GROWING TREES, INC., CHESTER S. PECKETT TRUST, PECKETT FAMILY TRUST, CHRISTOPHER JOHNSON, DAVID AND SUE HILL, DONALD AND DEBRA KIRKLAND, DRK INC., EARL GAYLON WARD ESTATE, FRANKLIN AND JACQUELINE KING, J AND L GARDENIAS, INC., JAMES AND LINDA KING, JOSEPH AND DONNA COX, KENNETH AND HARVEY MORRIS, PATRICIA BARTLETT, PROJECT ORLANDO, LLC., ROBERT BRANTLEY, ROCKWOOD GROVES LLC, SHIRLEY DOBBS, T.O. MAHAFFEY JR., WILLIAM M. DUVAL TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Ordinance No. 2413 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

- 7. ORDINANCE NO. 2414 – FIRST READING - 2015-2 ADMINISTRATIVE REZONING** – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for certain real

properties generally located within the city limits of Apopka, comprising 23.78 Acres, more or less, and owned by John and Joanne Ault; Beverly Safier; Donald and Donna Thomas; and Phillip and Peggy Dionne. The City Clerk read the title as follows:

**ORDINANCE NO. 2414**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 23.78 ACRES, MORE OR LESS, AND OWNED BY JOHN AND JOANNE AULT, BEVERLY SAFIER, DONALD AND DONNA THOMAS, AND PHILLIP AND PEGGY DIONNE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Dean, and seconded by Commissioner Ruth to approve Ordinance No. 2414 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

8. **ORDINANCE NO. 2415 – FIRST READING** – Amending the City of Apopka, Code of Ordinances, Section 2, Division 2, Chapter 2 to create Subsection 2-123 entitled "Pass-Through Fees." The City Clerk read the Title as follows:

**ORDINANCE NO. 2415**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES, PART II, CHAPTER 2, DIVISION 2, SECTION 2, BY ADDING SUBSECTION 2-123 ENTITLED "PASS-THROUGH FEES;" PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

Glenn Irby, City Administrator, said a similar ordinance was developed by our City Attorney for the City of Maitland and this ordinance allows holding an escrow account up to \$5,000 dollars paid by the developer or applicant to be used for the payment of any outside consultant or attorney for any work the City may need to have done above and outside what

we can do in-house.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to approve Ordinance No. 2415 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

9. **RESOLUTION NO. 2015-09** - Authorizing the issuance and execution of a promissory note with Whitney Bank D/B/A Hancock Bank in the aggregate principal amount not to exceed \$1,000,000 for the acquisition of various public safety vehicles including a fire heavy rescue truck, a fire replacement 4x4 vehicle and ten police vehicles. The City Clerk read the title as follows:

**RESOLUTION NO. 2015-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ACCEPTING A PROPOSAL OF WHITNEY BANK, d/b/a HANCOCK BANK TO PROVIDE THE CITY WITH A LOAN IN ORDER TO FINANCE THE ACQUISITION OF VARIOUS PUBLIC SAFETY VEHICLES; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE PURSUANT TO SUCH LOAN AGREEMENT IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,000,000 IN ORDER TO EVIDENCE SUCH LOAN; AUTHORIZING THE REPAYMENT OF SUCH NOTE FROM A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES; DELEGATING CERTAIN AUTHORITY TO THE MAYOR, CITY CLERK AND OTHER OFFICERS OF THE CITY FOR THE NOTE AND VARIOUS OTHER DOCUMENTS WITH RESPECT THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Irby advised in the current FY Budget we have ten police vehicles and two fire vehicles that were to be purchased. It was contemplated these vehicles would be paid for by loan. An RFP was done for banking services and this went to Hancock Bank with fixed interest rate of 4.67% over a 7 year period. Staff recommends approval.

**MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth to**

**approve Resolution No. 2015-09 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**SITE APPROVALS** – No Site Approvals.

**DEPARTMENT REPORTS AND BIDS** – No Report.

### **MAYOR'S REPORT**

Mayor Kilsheimer appointed Tony Foster to the Planning Commission and recommended the ratification of this appointment by Council.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth to ratify the appointment of Tony Foster to the Planning Commission. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

### **OLD BUSINESS**

**COUNCIL** – There was no old business from the Council.

**PUBLIC** – There was no old business from the Public.

### **NEW BUSINESS**

#### **COUNCIL**

Commissioner Arrowsmith said for clarification, he has known Mr. Sumner for 50 years and Mr. Sumner has never banked with him and there were no conflicts.

Commissioner Dean thanked Mr. Jreij and staff for taking care of the landscaping, stating it looks very nice.

#### **PUBLIC**

Ray Shackelford encouraged Council in moving forward as one community to look for funding to support jobs for our young people. He said he would like to echo Commissioner Dean in that the committee members on the Community Visioning Selection Committee have the expertise to perform that study in partnership with the City Administrator.

Ed Bowman spoke with regards to the City Cemetery and said he has been to the City Clerk's office and has met with the personnel in the Cemetery who were very professional and helpful in providing him information. He said the rules and regulations need to be enforced and suggested Council to drive through the cemetery.

Commissioner Velazquez recognized Mr. Bowman's granddaughter stating she attends Wolf Lake Elementary and her artwork is hanging in the Mayor's reception area.

Barbara Newton, President and CEO of Professional Opportunities Program for Students, and Dr. Shackelford mentioned job placement for summer youth and she would like to know what the status was from the last meeting.

Mayor Kilsheimer said he had stated we would take it under advisement. He advised he was out of the office last week and they have not had the opportunity at the staff level to review that proposal, as well as additional proposals that have been put together to evaluate.

Mayor Kilsheimer announced the Easter Egg Extravaganza is this Saturday at the Northwest Recreation Center and the Rabbit Run is prior to that at 7:00 a.m.

**ADJOURNMENT** – There being no further discussion, the meeting adjourned at 4:16 p.m.

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda F. Goff, City Clerk

**Backup material for agenda item:**

3. Authorize the purchase of ten vehicles for the Police Department, seven vehicles from Don Reid Ford in the amount of \$166,520.00, and three vehicles from Mullinax Ford in the amount of \$71,767.76.





# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL HEARING
- OTHER:

MEETING OF: April 15, 2015  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: NEW SERVICE VEHICLES FOR THE POLICE DEPARTMENT**

**Request: AUTHORIZE THE PURCHASE OF SEVEN VEHICLES FROM DON REID FORD IN THE AMOUNT OF \$166,520.00 AND THREE VEHICLES FROM MULLINAX FORD IN THE AMOUNT OF \$71,767.76.**

**SUMMARY:**

The purchase of the following ten vehicles for the Police Department. Nine vehicles are for the Police Field Services Division and one is for the Police Support Division. The pricing comes from the Florida Sheriffs Association Contract Bid Number 14-22-0904 and local dealerships. The price quotes per vehicle are as follows:

<u>Description</u>	<u>Division</u>	<u>Qty</u>	<u>Mullinax</u>	<u>Don Reid</u>	<u>Jarrett-Gordon</u>	<u>Duval</u>
Interceptor	Police Field Services	6	\$23,889.44	<b>\$23,379.00*</b>	\$24,039.44	\$23,799.00
Ford Escape	Police Field Services	1	<b>\$22,407.44</b>	\$22,972.00*	\$22,379.44	\$23,603.00
Ford Fusion	Police Field Services	1	<b>\$20,974.44</b>	\$22,041.00*	\$21,750.00	\$22,697.00
Interceptor SUV	Police Field Services	1	\$26,627.44	<b>\$26,246.00*</b>	\$26,671.44	\$26,984.00
Ford 4x4 F-150	PD Support	1	<b>\$28,385.88</b>	\$29,732.00*	\$28,699.88	\$29,622.00

\* Per Sheriffs Contract

Fleet Maintenance is recommending the purchase of the vehicles due to the age of the current ones in use, which range from eight to thirteen years old. The Escape (using the 1% incentive City pricing for local business), the Fusion and the F-150 to be purchased from Mullinax Ford for the total cost of \$71,767.76. The remainder of the vehicles are to be purchased from Don Reid Ford in the amount of \$166,520.00.

**FUNDING SOURCE:**

General Fund, via the approved loan at a previous Council meeting

**RECOMMENDATION ACTION:**

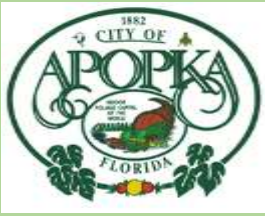
Authorize Fleet Maintenance to proceed with the purchase of seven (7) vehicles from Don Reid Ford in the amount of \$166,520.00 and three (3) vehicles from Mullinax Ford in the amount of \$71,767.76.

**DISTRIBUTION:**

- |                      |                                 |                          |
|----------------------|---------------------------------|--------------------------|
| Mayor Kilsheimer     | Finance Director                | Public Services Director |
| Commissioners        | Human Resources Director        | City Clerk               |
| City Administrator   | Information Technology Director | Fire Chief               |
| Development Director | Police Chief                    |                          |

**Backup material for agenda item:**

4. Authorize the purchase of five vehicles for the Public Services Department, from Don Reid Ford in the amount of \$112,688.00, and three vehicles from Duval Ford in the amount of \$76,001.00.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL HEARING
- OTHER:

MEETING OF: April 15, 2015  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: NEW SERVICE VEHICLES FOR THE PUBLIC SERVICES DEPARTMENT.**

**Request: AUTHORIZE THE PURCHASE OF FIVE VEHICLES FROM DON REID FORD IN THE AMOUNT OF \$112,688.00 AND THREE VEHICLES FROM DUVAL FORD IN THE AMOUNT OF \$76,001.00.**

**SUMMARY:**

The purchase of the following eight vehicles for the Public Services Department; the vehicles were included in the approved fiscal year 2014/2015 budget. Eight vehicles are for the Public Services Field Services Division and one is for the Public Services Support Division. The pricing comes from the Florida Sheriffs Association Contract Bid Number 14-22-0904 and local dealerships. The price quotes per vehicle are as follows:

<u>Description</u>	<u>Division</u>	<u>Qty</u>	<u>Mullinax</u>	<u>Don Reid</u>	<u>Alan Jay</u>	<u>Duval</u>
Ford F-150	Various	4	\$20,165.00	<b>\$19,820.00*</b>	No Quote	\$20,068.00
F-250 with CNG	Water Plants	1	\$35,438.00	<b>\$33,408.00</b>	\$34,653.70*	No Quote
F-350 Dump Truck	Streets	1	\$29,860.08	\$29,490.00	No Quote	<b>\$28,273.00*</b>
F-350 Van	Inmate	1	\$28,396.88	\$27,660.00*	No Quote	<b>\$27,290.00</b>
Ford Transit	WWTP	1	\$21,614.00	\$20,930.00	No Quote	<b>\$20,438.00*</b>

\* Per Sheriffs Contract

Fleet Maintenance is recommending the purchase of the vehicles. The four F-150s and the F-250 to be purchased from Don Reid Ford for the total cost of \$112,688.00. With the remainder of the vehicles from Duval Ford in the amount of \$76,001.00. Fleet Maintenance is recommending the purchase of the vehicles due to the age of the current ones in use, which are over fifteen years old.

**FUNDING SOURCE:**

Current budget as follows: Utility Operation \$93,486.00; General Fund \$19,820.00 and Gas Tax \$75,383.00.

**RECOMMENDATION ACTION:**

Authorize the purchase of five vehicles from Don Reid Ford in the amount of \$112,688.00 and three vehicles from Duval Ford in the amount of \$76,001.00.

**DISTRIBUTION:**

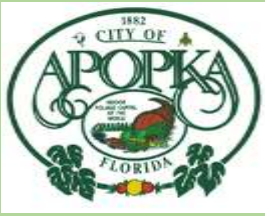
Mayor Kilsheimer  
 Commissioners  
 City Administrator  
 Development Director

Finance Director  
 Human Resources Director  
 Information Technology Director  
 Public Services Chief

Public Services Director  
 City Clerk  
 Fire Chief

**Backup material for agenda item:**

5. Authorize the purchase of one vehicle for the Fire Department, from Mullinax Ford in the amount of \$30,526.00, and an additional \$1350.00 for a dealer installed topper cap.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL HEARING
- OTHER:

MEETING OF: April 15, 2015  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: NEW SERVICE VEHICLE FOR THE FIRE DEPARTMENT**

**Request: AUTHORIZE THE PURCHASE OF ONE VEHICLE FROM MULLINAX FORD IN THE AMOUNT OF \$30,526.00.**

**SUMMARY:**

The purchase of the following vehicle for the Fire Department. The pricing comes from the Florida Sheriffs Association Contract Bid Number 14-22-0904 and local dealerships. The price quotes are as follows:

<u>Description</u>	<u>Division</u>	<u>Qty</u>	<u>Mullinax</u>	<u>Don Reid</u>	<u>Duval</u>
Ford 4 x 4 F-150	Fire	1	\$30,526.00	\$31,856.00*	\$34,169.00
* Per Sheriffs Contract					

Fleet Maintenance is recommending the purchase of the vehicle to replace the current 2001 Crown Victoria vehicle due to high mileage and use.

**FUNDING SOURCE:**

General Fund, via the approved loan at a previous Council meeting

**RECOMMENDATION ACTION:**

Authorize Fleet Maintenance to proceed with the purchase of one vehicle from Mullinax Ford in the amount of \$30,526.00, and approve an additional \$1,350.00 for a fiberglass topper cap, which will be dealer installed

**DISTRIBUTION:**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	Human Resources Director	City Clerk
City Administrator	Information Technology Director	Fire Chief
Community Development Director	Fire Chief	

**Backup material for agenda item:**

6. Authorize the amendment to the Interlocal Agreement for dispatching services between the Town of Eatonville and the City of Apopka.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: \_\_\_\_\_

MEETING OF: April 15, 2015  
 FROM: Police Department  
 EXHIBITS: Agreement

**SUBJECT:**

**AMENDMENT TO THE INTERLOCAL AGREEMENT FOR DISPATCHING SERVICES BETWEEN THE TOWN OF EATONVILLE AND THE CITY OF APOPKA.**

**Request:**

**AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF EATONVILLE AND THE CITY OF APOPKA, FOR THE PURPOSE OF SETTING FORTH THE RIGHTS, DUTIES, AND OBLIGATIONS CONCERNING DISPATCHING SERVICES PROVIDED BY APOPKA FOR EATONVILLE.**

**SUMMARY:**

The City of Apopka entered into an agreement to provide dispatching services to the Town of Eatonville in 2009. The existing agreement expired on September 30, 2014. This amendment sets forth the rights and duties of the parties and provides for payment to Apopka for dispatching services provided to Eatonville. The term of the agreement shall be for five years beginning April 1, 2015 through September 30, 2019, notice to cancel is delivered to the other party.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Ratify the agreement and authorize the mayor to execute the agreement on behalf of the City.

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**AMENDMENT TO INTERLOCAL AGREEMENT FOR POLICE DISPATCHING SERVICES**  
**between**  
**CITY OF APOPKA, FLORIDA**  
**and**  
**TOWN OF EATONVILLE, FLORIDA**

THIS AMENDMENT TO INTERLOCAL AGREEMENT FOR POLICE DISPATCHING SERVICES (“Amendment”) is entered into as of **APRIL 1, 2015** by and between the City of APOPKA, a Florida Municipal Corporation, hereinafter referred to as “**APOPKA**”, whose mailing address is Post Office Drawer 1229, APOPKA, Florida 32712-1229 and the Town of EATONVILLE, a Florida Municipal Corporation, hereinafter referred to as “**EATONVILLE**”, whose mailing address is 307 East Kennedy Boulevard, EATONVILLE, Florida 34751:

**W I T N E S S E T H:**

- A. APOPKA and EATONVILLE entered into that certain Interlocal Agreement for Police Dispatching Services effective October 1, 2009 (the “Agreement”) for a period of five years.
- B. APOPKA and EATONVILLE desire to amend the Agreement as more particularly described herein.

**NOW, THEREFORE**, for and in exchange of good and valuable consideration, receipt and sufficiency of which being here acknowledged, the parties do hereby agree as follows:

1. **Recitals; Defined Terms.** The foregoing recitals are incorporated herein by reference as if they are set forth below. All capitalized terms used in this Amendment, unless otherwise defined herein, shall have the meanings ascribed to them in the Agreement.

2. **Payment of Services Rendered.**

Section 5 of the Agreement is hereby amended to include the following:

Year 6 (April 1, 2015 to September 30, 2015) shall be a flat remuneration of \$32,500.

Year 7 (October 1, 2015 through September 20, 2016) remuneration to APOPKA shall be \$65,000, invoiced quarterly in advance by APOPKA to EATONVILLE.

Years 8 through 10 (October 1, 2016 through September 30, 2019) shall reflect an annual increase on the previous year calculated as determined by the Consumer Price Index (CPI), invoiced quarterly in advance by APOPKA to EATONVILLE.

All payment shall be made to APOPKA, net 30, or a 1% fee may be added.

3. **Services Beyond Strict Dispatching.** Any services requested to be performed by APOPKA for EATONVILLE beyond ‘over the air’ dispatching services shall be charged by APOPKA to EATONVILLE at the actual cost, plus a nominal administration fee not to exceed 2%.

Such services include, but are not limited to, extension or installation of communications lines; cost for pagers and/or wireless phone devices to be carried by EATONVILLE



personnel; provision or maintenance of Mobile Data Computers (MDC) and Automatic Vehicle Location (AVL) in vehicle equipment and/or any leased airtime; Mobile Data Computer Aided Dispatching software licenses and maintenance costs for EATONVILLE units; Mobile Data Computer Field Reporting software licenses and/or maintenance costs for EATONVILLE units; any changes from CISCO to CAFÉ incurring any cost or substantial time on the part of APOPKA (this shall not include basic set up or street spans, call types, or other data maintenance issues necessary for the proper dispatching of units), however shall include any server upgrade, or other hardware or software costs necessary to provide dispatching services to EATONVILLE; purchase of mobile, portable and/or console radios for use by EATONVILLE.

EATONVILLE agrees and is of the understanding that they are responsible for the installation of any/or all communications lines for direct dial ring down emergency communication phones between EATONVILLE and APOPKA and it shall be EATONVILLE's responsibility to maintain these communication lines and to ensure that any repairs are conducted as needed (this shall not include 911 trunks which are the responsibility of Orange County 911 and are monitored by APOPKA). EATONVILLE also shall remain the responsible party for the monthly costs for any hardline or over-the-air communications connections.

4. **Term.** Section 7.D is deleted and Sections 7.A and 7.B of the Agreement are deleted in their entirety and replaced with the following:

A. The agreement shall be effective April 1, 2014 and shall continue in full force and effect through unless terminated pursuant to subsection B below.

B. The term of the agreement shall remain in full force until September 30, 2019 unless either party delivers written notice to the other party of its intent to terminate. Each party agrees that should such party elect to terminate, they shall give the other party at least one-year (12 months) advance notice prior to the termination.

5. **Counterparts.** This Amendment may be executed by facsimile or other electronic or digital signature in any number of counterparts, which may be exchanged via facsimile or e-mail, any one and all of which shall constitute the agreement of the parties, and each of which shall be deemed an original, but all of which together shall constitute one and the same document.

6. **Ratification.** Except as modified herein, the Agreement remains unchanged and in full force and effect. In the event of a conflict between the terms and provisions of this Amendment and the Agreement, the terms and provisions of this Amendment shall control and be given effect.

[SIGNATURE PAGE TO FOLLOW]

**IN WITNESS WHEREOF**, this Amendment is entered into as of the date the last of the parties shall execute this Amendment as set forth below.

Signed, Sealed and Delivered  
in the Presence of:

\_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

CITY OF APOPKA, FLORIDA

By: \_\_\_\_\_  
Joseph Kilsheimer, Mayor

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk  
(SEAL)

**FOR USE AND RELIANCE ONLY BY  
THE CITY OF APOPKA, FLORIDA;  
APPROVED AS TO FORM AND  
LEGALITY**

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
City Attorney

**APPROVED BY THE APOPKA CITY  
COMMISSION AT A MEETING  
HELD ON \_\_\_\_\_, 20\_\_**

Signed, Sealed and Delivered  
in the Presence of:

\_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

TOWN OF EATONVILLE, FLORIDA

By: \_\_\_\_\_  
Anthony Grant, Mayor

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk  
(SEAL)

**FOR USE AND RELIANCE ONLY BY  
THE TOWN OF EATONVILLE, FLORIDA;  
APPROVED AS TO FORM AND  
LEGALITY**

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
City Attorney

**APPROVED BY THE EATONVILLE  
COMMISSION AT A MEETING  
HELD ON \_\_\_\_\_, 20\_\_**

INTERLOCAL AGREEMENT FOR POLICE DISPATCHING SERVICES  
between  
CITY OF APOPKA, FLORIDA  
and  
CITY OF EATONVILLE, FLORIDA

THIS INTERLOCAL AGREEMENT is made and entered into as of the 15<sup>th</sup> day of October, 2009 by and between the City of Apopka, a Florida Municipal Corporation, here-in after referred to as "APOPKA", whose mailing address is P.O. Drawer 1229, Apopka, FL 32704-1229 and the City of Eatonville, a Florida Municipal Corporation, here-in after referred to as "EATONVILLE", whose mailing address is 307 East Kennedy Blvd., Eatonville, FL 34751.

WITNESSETH:

WHEREAS, APOPKA currently operates and maintain modern emergency communications facilities capable of receiving and dispatching public safety personnel; and

WHEREAS, PARTIES hereto recognize that it is desirable to enter into this Agreement to provide superior communications services for the benefit of both agencies, more particularly herein; and

WHEREAS, APOPKA owns and maintains a twenty-four (24) hour public safety communications center located at the Apopka Fire Administration Building, 175 E. 5<sup>th</sup> Street, Apopka, Florida (the "Apopka Communications Center"); and

WHEREAS, EATONVILLE recognizes this agreement is for the benefit of the general public and is authorized by and entered into pursuant to Chapter 163, Florida Statutes and has requested Apopka to provide dispatching services for the Eatonville Police Department from the Apopka Communications Center and has agreed to be bound by the provisions of this interlocal agreement; and

WHEREAS, APOPKA recognizes this agreement is for the benefit of the general public and is authorized by and entered into pursuant to Chapter 163, Florida Statutes, and has agreed to provide dispatching services for the Eatonville Police Department for the Apopka Communications Center and has agreed to be bound by the provisions of this interlocal agreement.

NOW THEREFORE, in consideration of mutual promises, terms and conditions contained herein and other good and valuable consideration, it is agreed by and between the City of Apopka and City of Eatonville.

**SECTION 1: APOPKA'S RIGHTS AND RESPONSIBILITIES**

- A. Apopka shall provide twenty-four (24) police dispatching services for the Eatonville Police Department in response to "911" calls, receive and process ten-digit telephone calls for

emergency service, direct dial, or other agency request for the service provided within the areas of the City of Eatonville's jurisdiction.

Apopka agrees to answer all "911 PSAP" calls at its public safety answering point in the following time frame for Eatonville calls for service:

Percentage of Time	95%	96%	97%
Seconds Answered In	5 Seconds	7.5 Seconds	10 Seconds

The percentage of time in answering the calls for service shall be calculated over a given month period.

- B. Apopka will assist in the receiving of and transferring of emergency medical and fire calls for service, including notifications for automatic fire alarms, and automatic aid and mutual aid for fire services to Orange County, as agreed upon through separate Interlocal Agreement between the City of Eatonville and the Orange County Fire Services Division. This agreement in no means shall imply that the City of Apopka shall or will track statistical data related to the calls for fire services within the City of Eatonville.
- C. Apopka shall provide an Apopka Communications Division Policies and Procedures manual outlining formally established regulations.
- D. Apopka shall keep adequate records and recordings including assignment of appropriate means of identification of Calls for Service and provide access to this information to Eatonville law enforcement officers or the general public as required by the appropriate public records laws. Apopka shall not be held liable for damages due to the release of any information as required by law.
- E. Apopka shall provide access to Eatonville law enforcement personnel, 24 hours a day, seven days a week, to information contained within the Florida Crime Information Center (FCIC) system, National Crime Information Center (NCIC) system and Orange County Sheriff's Computer System. The Orange County Sheriff's records shall be limited to those records that the Sheriff deems appropriate to share with neighboring law enforcement agencies. Apopka shall not be responsible for errors contained within the aforementioned system(s) regarding information entered into the system by any other agency. In addition, Apopka shall not be responsible for loss of service or access to the aforementioned systems due to circumstances beyond Apopka's control. This is to include, but not limited to: disasters; instances when the system is down due to work by the Florida Department of Law Enforcement, the Orange County Sheriff's Office, Florida Crime Information Center system or the National Crime Information Center system or other networks connected to these systems of which Apopka does not control; routine maintenance; or unforeseen computer problems of Apopka owned equipment.



- F. Apopka shall enter law enforcement information into the FCIC and/or NCIC system upon the order of a duly certified law enforcement officer of the City of Eatonville according to the laws, rules and regulations of the Florida Department of Law Enforcement (FDLE), FCIC and NCIC.
- G. Apopka shall notify Eatonville when any record is canceled and/or modified in accordance with FDLE, FCIC and/or NCIC standards. Apopka will notify the Eatonville Police Chief or his designee of cases that require validating. The validation confirmations shall be returned to Apopka within twenty (20) days of mailing date. In addition, Apopka shall maintain records in accordance with the aforementioned agency standards including removing entered information when the proper validation and/or documentation are not received by Apopka for Eatonville, and Apopka shall not be held liable for any consequence due to the removal of the record according to the above agency standards. The Apopka Chief of Police reserves the right to remove any and all records from the aforementioned system(s), and properly notify Eatonville regarding the failure to validate the records in accordance with the rules and regulations established by the Florida Department of Law Enforcement.
- H. Apopka shall maintain records of all entries and cancellations in the aforementioned system for review by the City of Apopka's Administration, the Florida Department of Law Enforcement and the City of Eatonville or the public as authorized by public records laws.

## **SECTION 2: Eatonville'S RIGHTS AND RESPONSIBILITIES**

- A. Eatonville shall observe the instructions and procedures to be provided by Apopka for the use of radios and for coordination of dispatching efforts under the terms of this agreement. Eatonville may have a representative coordinate with the representative of Apopka the revisions or other updates as necessary to the Apopka Communications Center policies and procedures manual. Eatonville shall enforce the policies of such with its own members.
- B. Eatonville shall provide radio equipment for use by Eatonville's personnel to include handheld (portable) and vehicle mounted (mobile) radios that are capable of communicating with the Communications Center.
- C. Eatonville shall retain ownership of the portables, mobiles, consoles, and related equipment under their control and shall be responsible for all associated costs of maintenance of and/or replacement or such. Eatonville also may be charged a fee for any and all programming, updates, modifications, or changes in the Apopka Communications system for the City of Eatonville to include console, portable, or mobile programming. Any costs incurred by Apopka for the specific aforementioned services shall be negotiated in advance with the Eatonville signatory agent or designee absent exigent circumstances.
- D. In situations where the Chief of Police or his designee directly dispatches police units, the Apopka Communications center is to be notified as soon as possible as to the location and



nature of the call to which the Eatonville unit has been dispatched.

- E. Eatonville shall provide the Apopka Communications Manager with a list of persons who are authorized to direct the dispatching of police units for Eatonville city business and shall provide a list of contact phone numbers, pager numbers and other such contact numbers of all duly sworn and employed Eatonville police personnel and civilian personnel with access to dispatching services.
- F. Eatonville is responsible for any costs associated with the recording of police talk groups that are not covered under the City of Apopka's maintenance contract.
- G. Eatonville shall be responsible for updating all records entered by Apopka into the FCIC and/or NCIC system in accordance with FDLE established policy and procedures. This is to include ensuring the validation process of the records are conducted in a manner consistent with established rules and regulations. In order for the Apopka Communications Division to comply with validation policies set forth by the Florida Department of Law Enforcement, Florida Crime Information Center system and the National Crime Information Center system. Eatonville will be required to send a copy of the initial and/or recovery request, on acceptable forms as agreed upon by the Apopka Communications Division to the Communications Center not to exceed twenty-four (24) hours after the original request for entry. If this request is not received, the Apopka Communications Division will cancel the entry from the system.
- H. Validations are accomplished by reviewing the original entry and current supporting documents and recent consultation with any appropriate complainant, victim, prosecutor, court, motor vehicle registry file, or other appropriate source or individual. The original report shall be maintained by the Eatonville Police Department and all contacts for validation of said records will be the sole responsibility of the Eatonville Police Department. When the entries are validated, Eatonville shall forward notification to the Apopka Communications Division with the case numbers and case status. Any failure by the Eatonville Police Department to validate the records within the twenty (20) days provided under this agreement may result in the record being cancelled from the appropriate FCIC/NCIC system. Apopka reserves the right to inspect any "hot file" at a reasonable time and location mutually agreed upon by both parties. Eatonville is required to provide a mechanism with a confirmation of NCIC/FCIC records (hot files) in accordance with FDLE and City of Apopka rules, regulations, and policy twenty-four (24) hours and day. Such confirmation by Eatonville personnel will be within twenty (20) minutes of the request.
- I. This agreement in no way restricts the response patterns of the City of Eatonville, allowing Eatonville to dictate the number and type of emergency units that should be deployed on each type of emergency call in their City or jurisdiction to which they provide service.
- J. Eatonville agrees that the 911 surcharge monies collected by Orange County on behalf of Eatonville shall be directed to and made payable to the City of Apopka since the Apopka shall

be the answering point for all 911 calls originating out of the City of Eatonville. Additionally, Apopka is authorized to speak on behalf of Eatonville concerning 911 issues.

- K. Eatonville shall retain ultimate control of the Eatonville radio system currently owned or purchased by Eatonville, including the granting and/or denying of access to the system.
- L. Eatonville shall provide radio equipment for use by Eatonville's personnel such as handheld (portables) and vehicle mounted (mobile) radios that are capable of communicating with the dispatching system. Eatonville shall also be responsible for all costs associated with maintenance of such equipment to include any radio system towers, repeaters, or other such infrastructure owned and/or operated by Eatonville. Eatonville holds no ownership in Apopka's Communications Center, equipment, or personnel.

### SECTION 3: SUPPLEMENTAL / OPERATIONAL SERVICES

Eatonville may elect, and at any time during this agreement, to purchase those supplemental services from Apopka that are listed in Attachment "A". Services purchased under Attachment "A" are considered "services" and Apopka shall retain all proprietary right, title, or interest to services. Upon termination of this Agreement, Eatonville shall not be entitled to any of the intellectual software, property, equipment or devices purchased by Apopka, unless otherwise negotiated and documented in the associated Memorandum of Understanding (MOU).

### SECTION 4: SERVICES NOT COVERED OR PROVIDED

Eatonville agrees that the following services and fees are the responsibility of Eatonville, except for any supplemental services purchased pursuant to Section 3 of this Agreement.

- A. Lease cost for pagers and/or wireless phone devices to be carried by Eatonville police personnel, which are coded to receive automatic alerts from the Apopka Computer Aided Dispatching system.
- B. Purchase of Mobile Data Computers (MDC) and Automatic Vehicle Location (AVL) in vehicle equipment and leased airtime.
- C. Mobile Data Computer Aided Dispatching software license and maintenance costs for Eatonville units.
- D. Mobile Data Computer Field Reporting software license and maintenance costs of Eatonville units.
- E. Purchase of mobile, portable and/or console radios for use by Eatonville.
- F. Any and all equipment owned by the City of Eatonville which is located at the Apopka



Communications Center and used for the exclusive use of the City of Eatonville.

### SECTION 5: PAYMENT OF SERVICES RENDERED

The intent of this section of the interlocal agreement is to establish method of payment to Apopka for providing public safety dispatching services. Payment is established by this interlocal agreement and paid by Eatonville to Apopka. The payment is subject to periodic cost adjustments as herein provided.

#### A. Dispatching Services:

Year 1	October 1, 2009 to September 30, 2010			\$108,000.00	\$27,000
Year 2	October 1, 2010 to September 30, 2011	5.5%	\$5,940.00	\$113,940.00	\$28,485
Year 3	October 1, 2011 to September 30, 2012	5.5%	\$6,267.00	\$120,207.00	\$30,051.75
Year 4	October 1, 2012 to September 30, 2013	5.5%	\$6,611.00	\$126,818.00	\$31,704.50
Year 5	October 1, 2013 to September 30, 2014	5.5%	\$6,975.00	\$133,793.00	\$33,448.25

#### B. Additional Services:

1. Payment for dedicated dispatching circuit(s) linking Apopka to Eatonville for the purposes of computer terminals, printing or stationary mobile computers. Cost shall be invoiced to Eatonville quarterly throughout the year and shall be paid upon Apopka providing documentation showing where said payment was made for services rendered. This provision is subject to Eatonville's request for said service.
2. Payment for dedicated communications circuit(s) linking Apopka to Eatonville for the purposes of providing a ringdown phone outside of the police department for after hours access to the communications personnel. Cost shall be invoiced to Eatonville quarterly throughout the year and shall be paid upon Apopka providing documentation showing where said payment was made for services rendered. This provision is subject to Eatonville's request for said service.

#### C. Terms:

1. Eatonville shall pay an annual fee for services described in this interlocal agreement to the City of Apopka. Payments shall be made in a lump sum on October 1<sup>st</sup> of each year for the following year, or in quarterly installments for the following quarter as agreed upon in advance by both parties. A late fee of 1.5% per annum may be assessed for any payment not received within thirty (30) days of due date.



2. Should the percentage of calls increase by more than 10% over the previous year, city representatives from Eatonville and Apopka will review the call data and determine if an adjustment shall be necessary.

**Section 6: WORKER'S COMPENSATION / HOLD HARMLESS**

- A. Any employee of Eatonville (whether paid or not; or working within the scope of, or under the direction of an Eatonville employee), who is dispatched in accordance with this agreement, shall be deemed to have been acting within the course and scope of his employment with Eatonville and not Apopka. Said employee shall be subject to the sole control and supervision of Eatonville and shall not be construed to be an employee of Apopka.
- B. Eatonville shall indemnify and hold harmless the City of Apopka from any and all claims or litigation arising out of dispatching services provided by Apopka for Eatonville. This includes, but is not limited to, payment of any and all damages and reimbursement for attorney's fees and costs incurred by Apopka as a result of such claims or litigation.

**Section 7: EFFECTIVE DATE AND TERM**

- A. The agreement shall be effective as of the date of the signatories and shall continue in full force and effect until the contract is re-negotiated and amended, or unless either party delivers written notice to the other party of its intention to terminate this agreement. The notice of such termination shall be with just cause based upon a violation of this agreement and shall be made with just cause based upon violation of this agreement and shall be made in writing and served personally or by registered mail to the Chief Administrative Officer of the City of Apopka on behalf of Eatonville or to the City Manager of Eatonville on behalf of Apopka.
- B. The terms of the contract shall remain in full force for term of three (3) years, beginning on October 1, 2009 and continuing until September 30, 2012 unless either party delivers written notice to the other party of its intention to terminate this agreement. Each party agrees that should such party elect to terminate this agreement they shall give the other party at least twenty-four (24) months advance notice of their intent to terminate this agreement.
- C. Notice of such termination as set forth above and any other notices which may be required to be provided in writing under this agreement and shall be made in writing and shall be served personally or by certified mail to Chief Administrative Officer, City of Apopka, 120 E. Main Street, Apopka, Florida, 32703 or to City Manager, City of Eatonville, 307 East Kennedy Blvd., Eatonville, FL 32751.
- D. The Effective Date of this agreement shall be the day this agreement is last executed by a party hereto and such date shall be inserted on Page 1 of this agreement.

**Section 8: CONFLICT RESOLUTION**

Apopka intends to work closely with Eatonville to resolve any dispatch issues or service performance conflicts, which may arise out of this Agreement. Formal conflict resolution shall use the following procedure:

- A. The Eatonville Chief of Police or his designee shall discuss the issue with the Apopka Communications Manager or designee who shall respond within three (3) business days. Response may be verbally, e-mail or in formal letter response.
- B. If Eatonville is not satisfied with the response, Eatonville may appeal the decision, within five (5) business days of receipt of the response, to the City of Apopka Chief of Police who shall provide a written response within three (3) business days.
- C. If Eatonville is not satisfied with the decision of the City of Apopka Police Chief, Eatonville may appeal within five (5) business days of receipt of the response, to the City of Apopka Chief Administrative Officer who shall provide a written response within twenty (20) days. The decision of the Apopka Chief Administrative Officer shall be considered final.

#### **Section 9: MISCELLANY**

- A. It is understood that the services called for in this agreement do not include telephone complaint report writing or walk-in complaint handling by the City of Apopka.
- B. All amendments to this agreement shall be in writing and signed by all parties.
- C. This written agreement super-seeds all previous agreements between the parties and is the complete agreement between the parties.
- D. This agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida.

#### **Section 10: SECURITY**

- A. If Eatonville maintains a Florida Department of Law Enforcement terminal (FDLE), an FDLE direct connect, or Mobile Data (or Mobile Computer) terminals used to access NCIC, FCIC or Orange County Computer Services, Eatonville shall maintain a separate FDLE Terminal Agency Coordinator and Point of Contact with FDLE separate from any agreement with Apopka. Apopka shall not be responsible for the security and maintenance of any terminal not under the direct control of the City of Apopka and on City of Apopka property. No FCIC/NCIC entries or modifications on Eatonville's behalf will be transacted under any terminal not controlled by the City of Apopka.
- B. Apopka does not waive any of their exclusive legal rights, statutory or otherwise, associated with the ownership of the proprietary computer programming information or data or



intellectual property as defined in Chapter 815 F.S.

- C.. Eatonville acknowledges and understands that Eatonville has no proprietary right, title, or interest whatsoever in the proprietary information programmed into radios and/or computers by Apopka and that Eatonville is allowed to use this proprietary information subject to the provisions of this agreement.
- D. Eatonville acknowledges and understands that Apopka can, subject to the provisions of this agreement, revoke the use of the proprietary information programmed into the computers and/or radios by Apopka and that upon request of Apopka, Eatonville will immediately make the equipment available to Apopka for removal of the proprietary information.
- E. Eatonville agrees not to sell, trade, give away, or discard the radio until after the radio had been delivered to Apopka and the proprietary information previously installed by Apopka or designee has been removed by Apopka or designee. Eatonville is not authorized to make any modifications to the information programmed into Eatonville's computers or radios without the prior consent of Apopka.
- F. Eatonville shall not allow anyone access to the proprietary information programmed into Eatonville's computers or radios.

#### **Section 11: IMPLEMENTATION PLAN**

Staff from Apopka and Eatonville will negotiate and implement specific operational procedures and policies unique to Eatonville's operation. Apopka recognizes that Eatonville may be desirous of meeting the Law Enforcement Accreditation Standards and will comply and assist Eatonville in accreditation with regards to the Communications portion of the accreditation standards. Neither Eatonville or Apopka will unilaterally alter or enact communications related policy and or procedures without notice and consultation of the other party.

#### **Section 12: DISCLAIMER OF THIRD PARTY BENEFICIARIES**

This agreement is solely for the benefit of the parties hereto. No right, remedy, cause of action or claim shall accrue by reason hereof to or for the benefit of any third party who is not one of the parties executing this Agreement.

#### **Section 13: ASSIGNMENT OF INTEREST**

This Agreement may not be assigned, in whole or in part, by any of the parties hereto without the express written consent of the other party.

#### **Section 14: SEVERABILITY**

This Agreement is intended to be performed in accordance with and only to the extent permitted by all applicable laws, ordinances, rules and regulations. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be invalid or unenforceable, the remainder of this Agreement and the application of such provisions to other persons or circumstances shall not be affected thereby but rather shall be enforced to the greatest extent permitted by law.

**Section 15: CONSTRUCTION OF AGREEMENT**

This Agreement is the result of mutual negotiations between the parties hereto and all parties have contributed substantially and materially to the preparations hereof. Accordingly, this Agreement shall not be construed more strictly against either party.

**Section 16: SIGNED, DATED, AND AGREED:**

IN WITNESS OF THE FOREGOING, the parties have executed this Agreement on the date indicated below.

**CITY OF EATONVILLE, FLORIDA**  
[Signature], City Manager of Mayor

Bruce B. Mount

[Signature]

Witness  
Printed Name: Delissa Gaston

[Signature]

Witness  
Printed Name: Kevin Alash

**CITY OF APOPKA, FLORIDA**  
Richard D. Anderson, Chief Administrative Officer

[Signature]

[Signature]

Witness  
Printed Name: Vicky Carrulla

[Signature]

Witness  
Printed Name: SMARA J KERRIGAN



Attachment "A"

The following supplemental/optional services are provided by Apopka and may be purchased by Eatonville at any time during the term of this agreement. These additional costs will be added to the cost of services identified in Section 3 and will be billed to Eatonville under mutual agreement between all parties involved.

MOBILE CISCO CAD & REPORTING	Startup Per User	Annual Per User
Mobile CISCO CAD/CAPS Server Software	\$253.53	\$32.94
Mobile CISCO CAD/CAPS Server Hardware	\$119.81	\$9.00
Mobile Terminal Server	\$372.67	\$37.00
Mobile CAD License Fee (per user)	\$780.00	\$180.00
Mobile CAPS License Fee (Field Reporting) (per user)	\$925.00	\$225.00
IT Services (per user)	\$208.05	\$208.05
<b>TOTAL</b>	<b>\$2,659.06</b>	<b>\$691.99</b>

AVL / MAPPING	Startup Per User	Annual Per User
AVL Mapping Server Hardware & Setup (per mobile user)	\$103.21	\$6.00
AVL Mobile Map (per mobile user)*	\$915.00	\$120.00
Yearly Mobile AVL	\$240.00	\$120.00
WEB Access Optional to Review		
Yearly Mobile AVL/Web (per mobile user)	\$120.00	\$60.00
IT Services (per mobile user)	\$148.61	\$148.61
<b>TOTAL</b>	<b>\$1,526.82</b>	<b>\$454.61</b>

\* Each vehicle requires NEMA compliant GPS antenna.

<b>TOTAL MOBILE PER USER COSTS</b>	<b>\$4,185.88</b>	<b>\$1,146.60</b>
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TRAINING & OTHER OPTIONAL EXPENSES	Startup Per User	Annual Per User
RSA WEB Authenticator (per fixed user)	\$300.00	\$300.00
Mobile CISCO CAD/CAPS Training (per day)	\$1,000.00	
AVL Installation & Training (per day)	\$1,200.00	

The cost associated with the above services are subject to all participating cities agreeing to participate in the mobile computer aided dispatching, mobile records submission and automated vehicle locating program. Those agencies involved in this portion of the program would include the City of Maitland, Town of Eatonville, Town of Edgewood and Town of Belle Isle. The City of Apopka reserves the right to re-allocate the cost above should any of the aforementioned participants elect not to participate.

Cost of these services shall be negotiated by Apopka and Eatonville staff and shall reflect the actual or prorated cost of the equipment and service being provided.

Apopka will provide an itemized invoice to the City to fully document the services requested and provided in accordance with the mutually agreed upon cost.

Eatonville acknowledges that Apopka retains the right to modify, change or alter any and all software applications in the future without the implied or expressed consent of Eatonville.

**Backup material for agenda item:**

1. Authorize funding for the City of Apopka's Summer Job program, in the amount of \$29,040.00, and an additional \$960.00 for administrative costs.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Regular Agenda

MEETING OF: April 15, 2015  
 FROM: Administration  
 EXHIBITS: Summary

**SUBJECT: CITY OF APOPKA’S SUMMER JOB PROGRAM**

**Request: AUTHORIZE FUNDING FOR THE CITY OF APOPKA’S SUMMER JOB PROGRAM FOR LOCAL YOUTH**

**SUMMARY:**

The City of Apopka’s Summer Job program, Apopka Youth Works (AYW), will target high school juniors and seniors who live in Apopka and attend Apopka schools. Approximately 32 students will be solicited to participate in the program. The City will partner with CareerSource Central Florida to provide students with mentoring, occupational skills training, leadership development, financial education and summer employment. CareerSource Central Florida representatives will visit local high schools and screen students for program eligibility.

The students will be placed with local employers and the City of Apopka. CareerSource Central Florida will provide administrative support and will enroll 20 Workforce Investment Act (WIA) eligible students into their youth program and will fund the paid work experience, at a value of \$38,400.00, with no cost to the City. The City will fund 12 youth positions, at a cost of \$29,040.00. An additional \$960.00 is being requested to cover costs necessary to administer the program via City Hall.

**FUNDING SOURCE:**

001-1010-512.3400

**RECOMMENDATION ACTION:**

Authorize funding, in the amount of \$29,040.00 to fund 12 youth positions, and an additional \$960.00 for administrative costs.

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



# **Apopka Youth Works (AYW)**

## **I. Introduction: Summary Statement**

The City of Apopka's Summer Job program for local youth, **Apopka Youth Works (AYW)**, will target current high school juniors and seniors that reside in the City of Apopka, or in adjoining neighborhoods considered part of the Apopka community.

## **II. Statement of Need**

During the summer, large numbers of high school students search for or take summer jobs. This summer the AYW program would offer employment to 32 high school juniors and seniors in Apopka. The targeted students attend local high schools in Apopka.

## **III. Detailed Program Description**

The AYW program will target junior and seniors who live in Apopka and attend Apopka schools. Approximately 32 students will be solicited to participate in the AYW program. The City of Apopka will partner with CareerSource Central Florida to provide students with mentoring, occupational skills training, leadership development, financial education, and summer employment. The AYW program will convene June 15<sup>th</sup>-July 31<sup>st</sup>.

CareerSource representatives will visit local high schools and screen students for program eligibility. Students eligible to participate in the CareerSource program must meet the following criteria:

- **U.S. Citizen/Alien Resident**
  - **Between the ages of 16-21**
  - **Documented financial need**
  - **History of educational and/or employment difficulty**
  - **Reside in the five county region covered by CareerSource**
  - **Be willing to participate in a year-round program**
- Low Income criteria includes:
    - **Public Cash Assistance**
    - **Food Stamps**
    - **Homeless**
    - **Foster Child**
    - **Low Income**
    - **Individual with a Disability**

If a youth is deemed ineligible based on the CareerSource eligibility requirements, they may be selected to participate in the program, if space is available. Students will be selected to participate in the program based on a first-come, first-served basis.

CareerSource Central Florida, in partnership with Valencia College, will facilitate a 24-hour Essential Workplace Skills curriculum to prepare youth with occupational skills training, prior to the youth worksite assignment.

The Essential Workplace Skills Curriculum will teach the youth how to write an effective résumé and cover letter, interview techniques, communication skills, conflict resolution, and professional workplace etiquette.

Youth in the AYW program will be required to participate in the United States Conference of Mayors' DollarWise Campaign. DollarWise provides youth with financial literacy curricula that aims to increase financial empowerment.

“During the summer of 2014, DollarWise launched its third annual Summer Youth Contest, where youth in summer programs throughout the United States had the opportunity to win iPads, and other prizes for completing 5 online financial education modules on responsible management of their money” ( DollarWise, p.ii).

The Mayor will work with staff to identify summer job positions within the City of Apopka. In addition, local businesses will be solicited to hire youth participating in the AYW program. Employers would not be charged for the cost of hiring a youth through the AYW program.

#### **IV. Financial Details**

Thirty-two youth will be compensated \$8.25 per hour for 30 hours per week for 7 weeks. Total compensation per youth is \$1,920 which includes wages, taxes, liability and unemployment compensation insurance. Youth will be employed with local employers and the City of Apopka. CareerSource Central Florida will provide administrative support and will enroll 20 Workforce Investment Act (WIA) eligible youth into their youth program and will fund the youth paid work experience for a value of \$38,400, at no cost to the City of Apopka. The City of Apopka will fund 12 youth for a total of \$29,040. An additional \$960 is being requested to cover costs necessary to administer the program via City Hall, and which may include financial incentives to program participants.

**Backup material for agenda item:**

1. ORDINANCE NO. 2386 – SECOND READING - CHANGE OF ZONING - Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, and 03-21-28-0000-00-119)



# CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: April 15, 2015  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2386  
Exhibit "A" – PUD Master Plan/PDP  
Exhibit "B" – Development Standards  
Exhibit "B1" – Northern Landscape Buffer

**SUBJECT:** FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – CHANGE OF ZONING - FROM "COUNTY" PD TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/R-1A); AND MASTER PLAN/PRELIMINARY DEVELOPMENT PLAN)

**Request:** SECOND READING & ADOPTION OF ORDINANCE NO. 2386 – CHANGE IN ZONING FOR FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC FROM "COUNTY" PD (ZIP) (RESIDENTIAL) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/R-1A) (RESIDENTIAL) AND APPROVAL OF THE PLANNED UNIT DEVELOPMENT MASTER SITE PLAN. (PARCEL ID NUMBERS: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119)

**SUMMARY**

OWNER/APPLICANT: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee  
LOCATION: South of Sandpiper Street, west of North Thompson Road, east of Ustler Road  
EXISTING USE: Abandoned Single Family Homes  
CURRENT ZONING: "County" PD ("City" ZIP)  
PROPOSED DEVELOPMENT: Residential Subdivision (49 Single Family Lots)  
FUTURE LAND USE DESIGNATION: "City" Residential Very Low Suburban (0- 2.0 du/ac)  
TRACT SIZE: Combined total Acreage: 58.23 +/- Total Acres (48.4 developable acres)  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 49 Dwelling Units (as originally approved by the Orange County BCC; plans expired)  
PROPOSED: 49 Dwelling Units

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Dir.

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir.  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:** The master plan option selected by City Council at first reading is now Exhibit “A” of the adopting ordinance. PUD development standards appearing in Exhibit “B” of the adopting ordinance are consistent with the Exhibit “A” Master Plan.

The subject property is located on the south side of Sandpiper Street, west of North Thompson Road, and east of Ustler Road. Development Standards for the Master Site Plan\ Preliminary Development Plan are provided within the PUD ordinance. A general description of the proposed residential community is provided below:

- Lots: 49 single family lots.
- Min. Lot Area: PUD Master Plan sets lots ranging from 15,120 to 37,296 sq. ft.  
Minimum developable lot area is 11,500 sq. ft.; 10,000 sq. ft. for lots containing wetlands
- Min. Lot Width: 85 ft.
- Min. Living Area: 2,200 sq. ft. (the applicant proposed this minimum at the Planning Commission hearing)
- Density: 1.01 dwelling units (du) per acre (49 du\48.4 developable acres)
- Access: All lots access an internal road. A single entrance road connects to Sandpiper Road. No lots or new roads will connect to Ustler Road.
- Park: A minimum area of 15,000 sq. ft. will be provided for active recreation. The park site plan will be submitted with the final development plan. A passive and active park are proposed within each Master Plan option.
- Sidewalks: Sidewalks are provided on both sides of internal streets and along Sandpiper Street. In lieu of constructing sidewalks along Ustler Road, developer shall pay to the City an amount to cover the sidewalk cost, per the rates established by the Public Services Department.

The PUD Development Standards, as appearing in the PDP Master Site Plan, are provided in Exhibit “B” of the ordinance.

Modifications to the Master Site Plan: Any zoning or development standard not addressed within the PDP Master Site Plan shall follow the requirements of the R-1A zoning category. Where any development standard conflicts between the PDP Master Site Plan and the Land Development Code, the PDP Master Site Plan shall preside. Any proposed revision to the Master Site Plan shall be evaluated and processed pursuant to Section 2.02.18.N. (Master plan revision), LDC.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this change of zoning (see attached Zoning Report).

**PUD RECOMMENDATIONS:** The recommendations are that the zoning classification of the aforementioned properties be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions are subject to the following provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1A zoning category except where otherwise addressed in this ordinance.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Final Development Plan submitted in conjunction with the PUD district.

- C. If a Final Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Site Plan\ PDP provisions will expire. At such time, the City Council may:
1. Permit a single six-month extension for submittal of the required Final Development Plan;
  2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or
  3. Rezone the property to a more appropriate zoning classification.
- D. The following PUD development standards shall apply to the development of the subject property:
1. Development standards are established within the PUD/PDP Master Site Plan.
  2. Unless otherwise addressed within the PUD development standards, the R-1A zoning standards will apply to the subject property.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed Change of Zoning designation is consistent with the City's proposed Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:** Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. Prior to submittal of a final development plan application, the applicant must obtain a school capacity enhancement or mitigation agreement from OCPS. Affected Schools: Dream Lake Elementary School, Apopka Middle School, and Apopka High School.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on August 15, 2014.

**PUBLIC HEARING SCHEDULE:**

September 9, 2014 – Planning Commission (5:01 pm)  
September 17, 2014 – City Council (8:00 pm) – Remanded back to Planning Commission  
October 21, 2014 – Planning Commission (5:01 pm)  
November 5, 2014 – City Council (1:30 pm) – 1<sup>st</sup> Reading  
November 19 2014 – City Council (8:00 pm) - 2<sup>nd</sup> Reading – Denied  
January 21, 2015 – City Council (8:00 pm) – Reconsidered.  
March 4, 2015 – City Council (1:30 pm) – 1<sup>st</sup> Reading  
March 18, 2015 – City Council (7:00 pm) – 2<sup>nd</sup> Reading – Denied/Reconsidered  
April 1, 2015 – City Council (1:30 pm) – 1<sup>st</sup> Reading  
April 15, 2015 – City Council (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

August 22, 2014 – Public Notice and Notification  
August 29, 2014 – Public Notice  
October 3, 2014 – Public Notice  
November 7, 2014 – Ordinance Heading Ad  
February 13, 2015 – Public Notice and Notification  
March 6, 2015 – Ordinance Heading Ad  
March 20, 2015 – Public Hearing Notice

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the Change in Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, and the Master Site Plan\ Preliminary Development Plan subject to the Staff Recommendations and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **Planning Commission**, at its meeting on September 9, 2014, elected to not approve (6-0) the Change in Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, and the Master Site Plan\ Preliminary Development Plan.

The **City Council**, at its meeting on March 18, 2015, took action to deny Master Plan Option 2 “Exhibit A”. Also, at the March 18, 2015 meeting, City Council during New Business portion of its agenda approved reconsideration of Ordinance 2636, directing staff to reschedule the ordinance for hearing and to include both Option 1 and 2 in the Ordinance.

The **Planning Commission**, at its meeting on October 21, 2014, recommended:

1. To deny (6-1) the Change in Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee based on the following Findings of Fact:
  - a. Project is not compatible with the surrounding neighborhood because:
    - i. The average lot size across the street from this project and along Ustler and Tangelwilde is 1.93 acres.
    - ii. The average lot size on Sir Arthur Court, Camelot Subdivision, is 1.21 acres.
    - iii. The average lot size in Wekiva Landing, a spur off of Oak Pointe Estates, is 1.63 acres.
    - iv. The average lot size in Oak Pointe Estates is 1.24 acres.
2. To approve (7-0) the Change in Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, subject to a minimum Lot Size of 22,000 square feet; staff’s PUD recommendations and the sidewalk along Sandpiper Street; and the developer’s proposed conditions, with the exception of the minimum lot size of a tri-rail fence with dense landscaping buffer to reach six feet in height within two years; 2,200 square foot minimum living areas; to be a gated community and all language in the conditions of approval to be consistent with gating; at least 500 square feet of driveway pavers per house or side-loaded/courtyard entry for each house, to be decided on a house-by-house basis by the builder; and installation of stop signs at the corner of Ustler and Sandpiper.

The **City Council**, at its meeting on November 5, 2014, accepted the First Reading of Ordinance No. 2386 and Held it Over for Second Reading and Adoption on November 19, 2014.

The **City Council**, at its meeting on November 19, 2014, denied the request for change of zoning based on the Planning Commission’s Findings of Fact.

The **City Council**, at its meeting on January 21, 2015, reconsidered the request for Change of Zoning and elected to rehear the request for Change of Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, and the Master Site Plan\ Preliminary Development Plan subject to the Staff Recommendations and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **City Council**, at its meeting on March 6, 2015, accepted the First Reading of Ordinance No. 2386 with the Optional Master Plan attached hereto, and held it Over for Second Reading and Adoption on March 18, 2015.

**RECOMMENDATION CONTINUED:**

The **City Council**, at its meeting on March 18, 2015, denied the request for change of zoning; and under New Business reconsidered the request for Change of Zoning and elected to rehear the request for Change of Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, and the Master Site Plan/Preliminary Development Plan at the April 1, 2015 meeting. City Council directed staff to include both Master Plan options (Exhibit “A” and “C” within the ordinance scheduled for rehearing.

The **City Council**, at its April 1, 2015 meeting, selected the Master Plan appearing as Exhibit “A” of the ordinance to be considered for second reading.

Adopt Ordinance 2386 upon Second Reading.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting. Role of the Planning Commission in this case is advisory to the City Council.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Res. Low Density (4 du/ac)	A-1, A-2	SF Homes
East (County)	Res. Low Density (4 du/ac)	A-1, RCE	SF Homes
South (County)	Res. Low Density (4 du/ac)	A-2, RCE, R-1AAAA	SF Homes
South (City)	Res. Very Low Suburban (0-2 du/ac)	R-1AAA	SF Homes
West (City)	Res. Very Low Suburban (0-2 du/ac)	RCE-1, R-1AA	SF Homes
West (County)	Res. Low Density (4 du/ac)	A-2	SF Homes

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The properties are located south of West Lester Road and east of Vick Road.

**R-1A DISTRICT**

**REQUIREMENTS\*:**

Minimum Site Area: 10,000 sq. ft. (Sandpiper PUD- 12,800 sq. ft.)  
 Minimum Lot Width: 85 ft. (Sandpiper PUD- 75 ft.)  
 Front Setback: 25 ft.  
 Side Setback: 10 ft.  
 Rear Setback: 20 ft.  
 Corner Setback: 25 ft.  
 Minimum Living Area: 1,600 sq. ft. (Sandpiper PUD- 2,200 sq. ft.)

\* PUD development standards set forth in Exhibit “B” may differ from these typical R-1A standards. Where such standards differ, the PUD standards shall preside. Where the PUD does not specifically address a development or zoning standard, the R-1A zoning standards and Land Development Code shall preside.

**BUFFERYARD**

**REQUIREMENTS:**

As set forth in Exhibit “A” and Exhibit “B” of the ordinance.

**ALLOWABLE USES:**

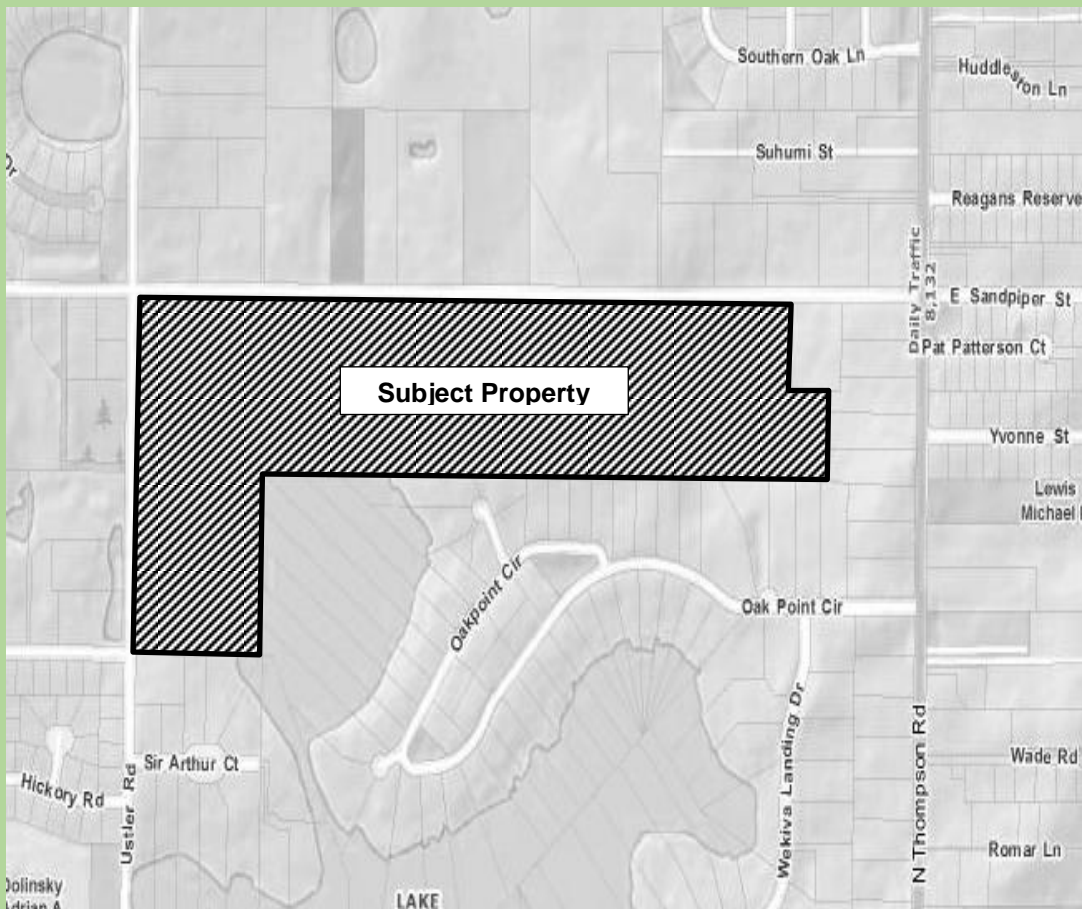
Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01, LDC.

Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee  
58.23 +/- Total Acres; 48.4 Developable Acres  
Existing Zoning Maximum Allowable Development: 49 Dwelling Units  
Proposed Zoning Maximum Allowable Development: up to 49 Dwelling Units  
Proposed Zoning Change  
From: "County" PD (ZIP)  
To: "City" Planned Unit Development (PUD/R-1A)

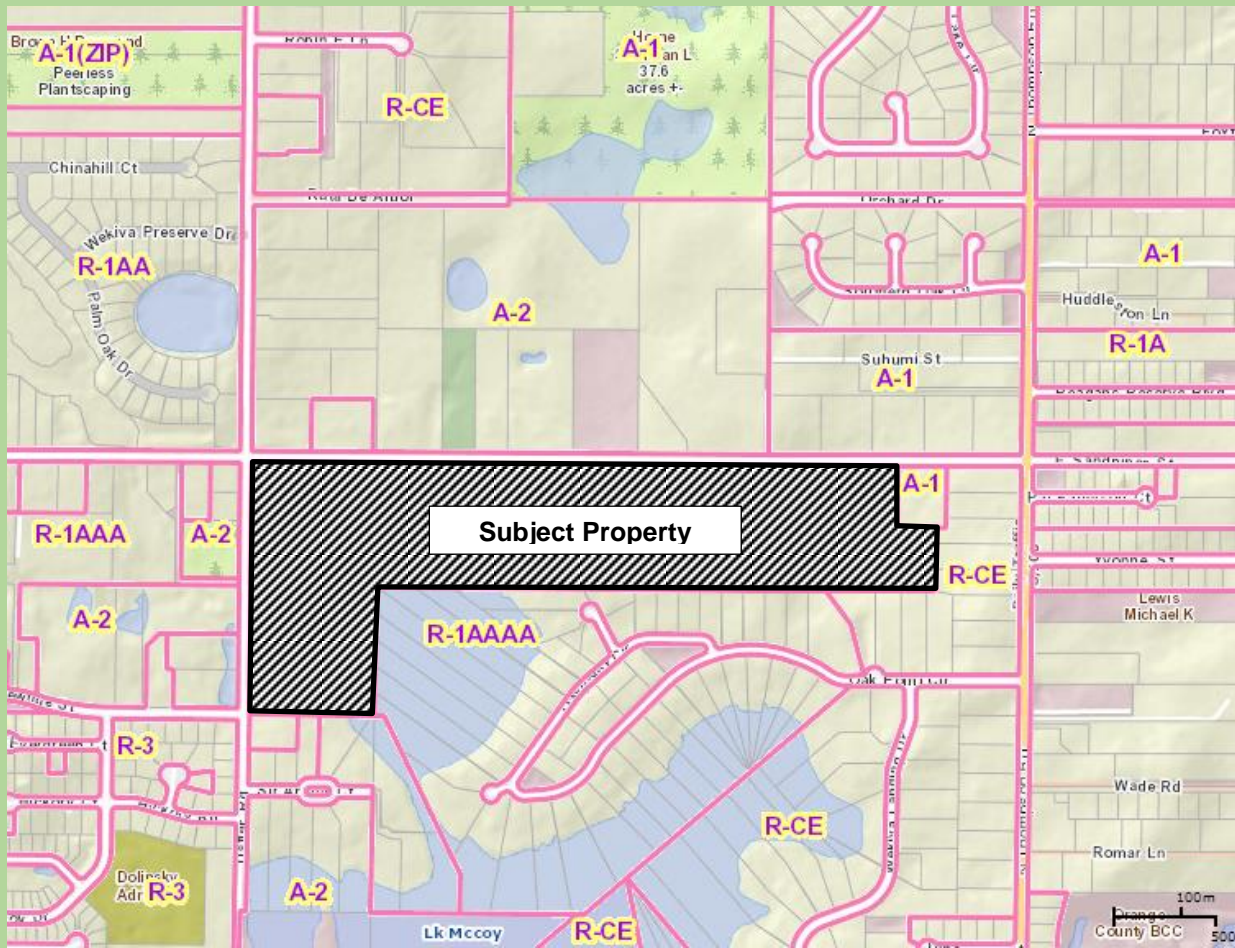
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	03-21-28-0000-00-047	03-21-28-0000-00-072
	03-21-28-0000-00-073	03-21-28-0000-00-119



### VICINITY MAP

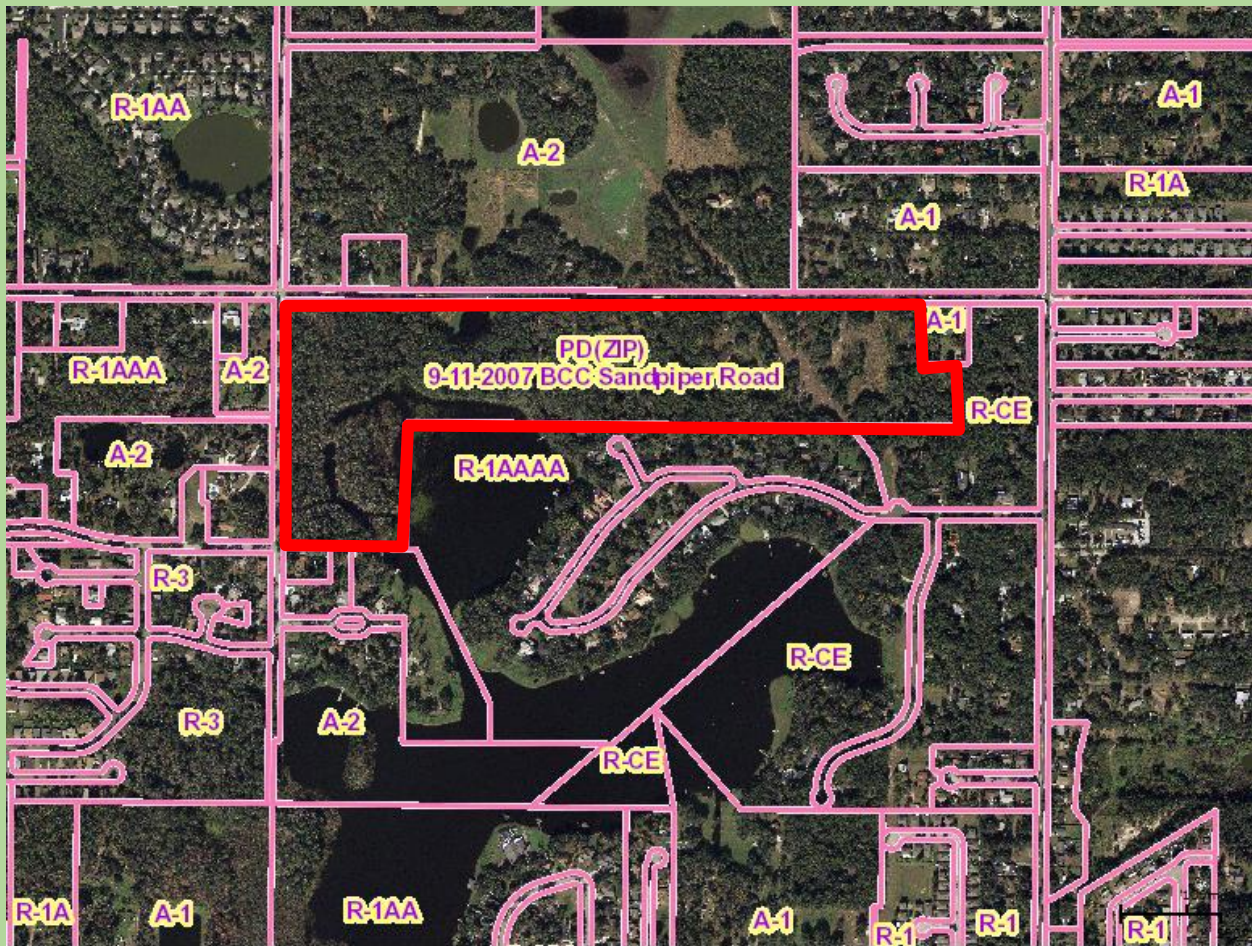


### ADJACENT ZONING





ADJACENT USES



**ORDINANCE NO. 2386**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/R-1A) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, EAST OF USTLER ROAD, COMPRISING 58.23 ACRES, MORE OR LESS AND OWNED BY FLORIDA LAND TRUST #111 - ZDA AT SANDPIPER, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

**WHEREAS**, the City of Apopka has requested a change in zoning on said property as identified in Section I of this ordinance; and

**WHEREAS**, the proposed Planned Unit Development (PUD/R-1A) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section I.** That the zoning classification of the following described property be designated as Planned Unit Development (PUD/R-1A), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1A zoning category except where otherwise addressed in this ordinance.
- B. Development of the property shall occur consistent with the Master Site Plan set forth in Exhibit “A” Development standards applicable to the Exhibit “A” Sandpiper Master Site Plan are set forth within Exhibit “B”. If a development standard or zoning regulation is not addressed within Exhibit “B”, development shall comply with the R-1A zoning standards set forth in the Land Development Code. Where any development standard conflicts between the Sandpiper Master Site Plan and the Land Development Code, the Master Site Plan shall preside. Any proposed revision to the Master Site Plan shall be evaluated and processed pursuant to Section 2.02.18.N. (Master plan revision), LDC.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Site Plan/PDP provisions will expire. At such time, the City Council may:
  1. Permit a single six-month extension for submittal of the required Final Development Plan;
  2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or
  3. Rezone the property to a more appropriate zoning classification.
- D. The following PUD development standards shall apply to the development of the subject property:
  1. Development standards are established within the PUD/PDP Master Site Plan.
  2. Unless otherwise addressed within the PUD development standards, the R-1A zoning standards will apply to the subject property.

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**Section II.** That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD/R-1A) as defined in the Apopka Land Development Code.

Legal Description:

The Northeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida.

The West 275.0 feet of the Northwest ¼ of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof.

The West ½ of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS, the North 330 feet of the East 200 feet of the West 220 feet thereof, AND LESS the North 30 feet thereof.

That part of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, beginning at a point South 00 degrees 02 minutes 00 seconds West, 30.0 feet and North 89 degrees 35 minutes 59 seconds East, 550.0 feet from the Northwest corner of said Southwest ¼ of the Northwest ¼, run North 89 degrees 35 minutes 59 seconds East, 108.90 feet along the South line of Sandpiper Road; thence run South 00 degrees 01 minutes 08 seconds West, 312.00 feet; thence run North 89 degrees 35 minutes 59 seconds East, 193.00 feet; thence run South 00 degrees 03 minutes 49 seconds West, 320.19 feet; thence run South 89 degrees 35 minutes 00 seconds West, 301.81 feet; thence run North 00 degrees 02 minutes 00 seconds East, 632.27 feet to the POINT OF BEGINNING.

ALSO: The East 275.0 feet of the West 550.00 feet of the Northwest ¼ of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof for Sandpiper Road.

The Northeast ¼ of the Southwest ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida; less the North 30 feet thereof.

The North 330.00 feet of the West 220.00 feet of the West ½ of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30.00 feet thereof, AND LESS the West 20.00 feet thereof.

The West 145 feet of North 643 Feet of the West ½ of the Southwest ¼ of the Northeast ¼ of Section 3-21-28 (Less R/W on North & West)

Parcel ID Nos.: 02-21-28-0000-00-106; 02-21-28-0000-00-131; 03-21-28-0000-00-015; 03-21-28-0000-00-022; 03-21-28-0000-00-023; 03-21-28-0000-00-046; 03-21-28-0000-00-047; 03-21-28-0000-00-072; 03-21-28-0000-00-073; and 03-21-28-0000-00-119

Combined Acreage 57.7 +/- Acres

**Section III.** That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

**Section IV.** That the Community Development Director, or the Director's designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

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**Section V.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

**Section VI.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section VII.** That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: April 1, 2015

READ SECOND TIME  
AND ADOPTED: April 15, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: March 20, 2015





**MADDEN**  
 CIVIL ENGINEERS  
 431 E. Horatio Avenue  
 Suite 280  
 Maitland, Florida 32751  
 (407) 828-8330

**PRELIMINARY DEVELOPMENT PLAN**  
 FOR  
**SANDPIPER ROAD**  
 APOPKA, FLORIDA

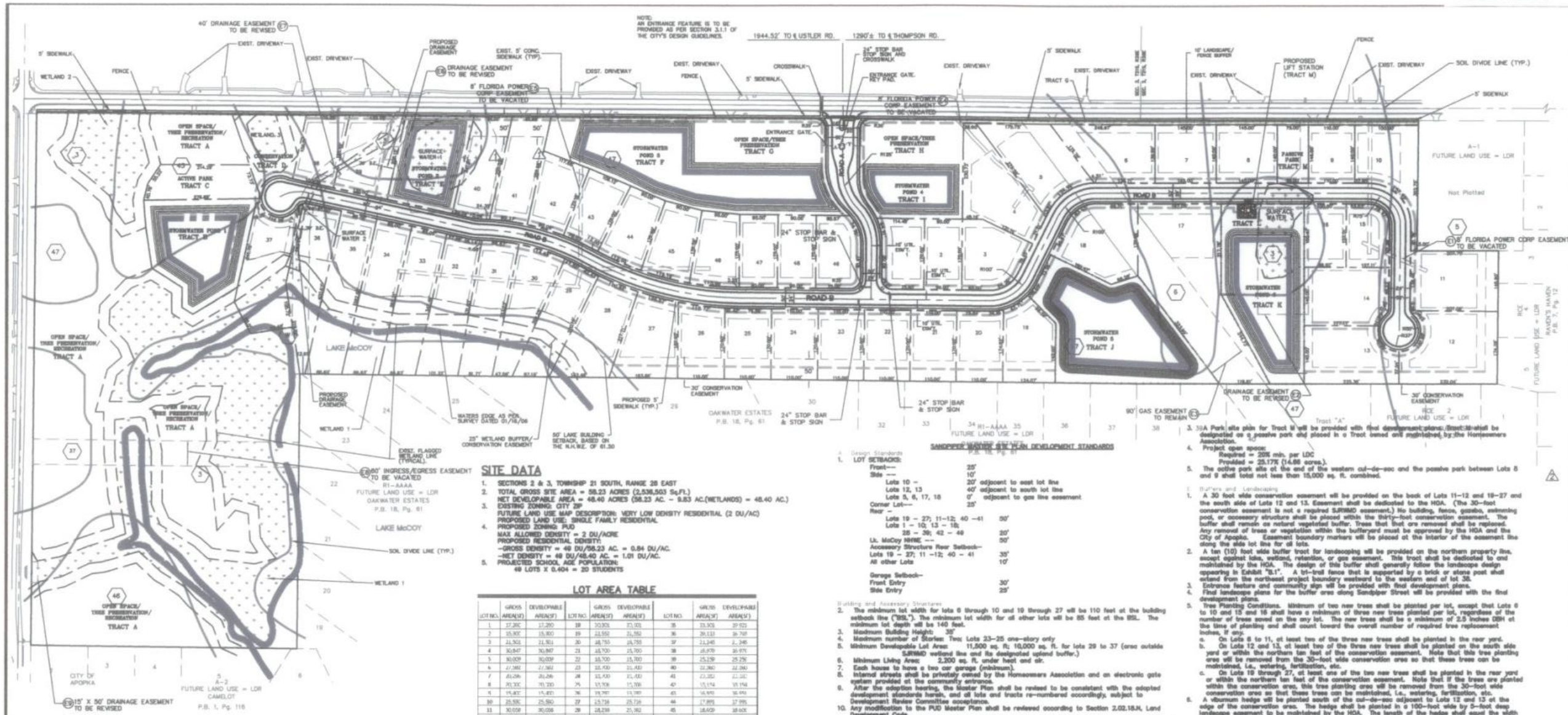
**CLIENT**  
 FLORIDA LAND TRUST #111  
 100 S. VIRGINIA AVE., UNIT 201  
 MIAMI BEACH, FL 33139  
 (407) 941-6225

**ENGINEER IN CHARGE:**  
 DAVID A. STOKES, P.E. #65527  
 CERTIFICATE OF AUTHORIZATION NO. 08-0007723

NO.	REVISION	DATE	BY	DATE

**JOB #** 12059  
**DATE:** 2/20/15  
**SCALE:** 1" = 120'  
**DESIGNED BY:** DAS  
**DRAWN BY:** TRF  
**APPROVED BY:** DAS

**PDP**



**SITE DATA**  
 1. SECTIONS 2 & 3, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
 2. TOTAL GROSS SITE AREA = 58.23 ACRES (2,536,503 sq. ft.)  
 3. NET DEVELOPABLE AREA = 48.40 ACRES (2,112,000 sq. ft.)  
 4. EXISTING ZONING: CITY 38  
 5. FUTURE LAND USE MAP DESCRIPTION: VERY LOW DENSITY RESIDENTIAL (2 DU/AC)  
 6. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL  
 7. PROPOSED ZONING: R2D  
 8. MAX ALLOWED DENSITY = 2 DU/ACRE  
 9. PROPOSED RESIDENTIAL DENSITY:  
 - GROSS DENSITY = 48 DU/58.23 AC. = 0.84 DU/AC.  
 - NET DENSITY = 48 DU/48.40 AC. = 1.01 DU/AC.  
 10. PROJECTED SCHOOL AGE POPULATION:  
 48 LOTS @ 0.40 = 20 STUDENTS

**LOT AREA TABLE**

LOT NO.	AREA (SQ. FT.)	AREA (AC.)	LOT NO.	AREA (SQ. FT.)	AREA (AC.)
1	27,200	0.62	18	10,300	0.24
2	25,500	0.58	19	24,500	0.56
3	21,500	0.49	20	18,700	0.43
4	20,200	0.46	21	23,700	0.54
5	20,000	0.46	22	16,700	0.38
6	21,300	0.49	23	16,500	0.38
7	25,000	0.57	24	16,500	0.38
8	26,700	0.61	25	15,700	0.36
9	15,400	0.35	26	13,700	0.31
10	25,500	0.58	27	23,700	0.54
11	20,000	0.46	28	24,200	0.55
12	16,800	0.38	29	24,500	0.56
13	25,000	0.57	30	23,300	0.53
14	27,700	0.63	31	27,700	0.63
15	25,200	0.58	32	15,500	0.35
16	25,400	0.58	33	22,200	0.51
17	27,600	0.63	34	11,700	0.27
<b>TOTAL</b>		<b>1,171,800</b>	<b>TOTAL</b>		<b>1,187,124</b>
<b>AVERAGE AREA</b>		<b>146,475</b>	<b>AVERAGE AREA</b>		<b>148,390</b>

**SOILS LEGEND**

3	BABINER FINE SAND	4.3	BEYPER FINE SAND
5	CANDLER FINE SAND	4.6	TAVARES FINE SAND
6	CANDLER-APOPKA FINE SAND	4.7	TAVARES-MILHOPPER FINE SANDS
37	ST. JOHNS FINE SAND	W	WATER



**OPEN SPACE TABLE**

TYPE	AREA (AC.)
SEE STORMWATER PONDS	3.38 AC.
SEE WETLANDS	4.31 AC.
UPLAND AREA	0.88 AC.
<b>TOTAL OPEN SPACE</b>	<b>14.88 AC. (25.18%)</b>

**TRACT TABLE**

TRACT	LAND USE	OWNERSHIP/MAINTENANCE	LOT SIZE
A	OPEN SPACE/TREE PRESERVATION/RESTORATION	HSA	15.89 AC. (26.77%)
B	STORMWATER POND	HSA	1.33 AC. (2.28%)
C	ACTIVE PARK	HSA	0.48 AC. (0.82%)
D	CONSERVATION	HSA	0.48 AC. (0.82%)
E	STORMWATER POND	HSA	0.82 AC. (1.41%)
F	STORMWATER POND	HSA	1.78 AC. (3.06%)
G	OPEN SPACE/TREE PRESERVATION	HSA	1.77 AC. (3.04%)
H	STORMWATER POND	HSA	0.82 AC. (1.41%)
I	STORMWATER POND	HSA	0.82 AC. (1.41%)
J	STORMWATER POND	HSA	1.48 AC. (2.54%)
K	STORMWATER POND	HSA	1.44 AC. (2.47%)
L	LIFT STATION	CITY OF APOPKA	0.84 AC. (1.44%)
M	PARKING PARK	HSA	0.54 AC. (0.93%)
N	WATER	HSA	0.57 AC. (0.98%)
-	LAKE	HSA	36.88 AC. (63.34%)
<b>TOTAL</b>			<b>58.23 AC. (100%)</b>



**EASEMENT DATA**

1. 8' FLORIDA POWER CORP. EASEMENT TO BE VACATED O.R. 1915, PG 912	24. 40' ORAINAGE EASEMENT TO BE REVISED O.R. 1771, PG 470 & 472
2. DRAINAGE EASEMENT TO BE REVISED O.R. 5203, PG 4061	25. 60' INGRESS/EGRESS EASEMENT TO BE VACATED O.R. 1877, PG 412 & 877
3. 30' GAS EASEMENT TO REMAIN O.R. 1758, PG 511	26. 15' X 50' DRAINAGE EASEMENT TO BE REVISED O.R. 6406, PG 2907
4. 8' FLORIDA POWER CORP. EASEMENT TO BE VACATED O.R. 1758, PG 510; O.R. 1891, PG 256; & O.R. 2010, PG 57	

**WETLAND/SURFACE WATER TABLE**

WETLAND NUMBER	AREA	SURFACE WATER IMPACT
W-1 (NEW LAKE WOODS)	1.71 ACRES	SURFACE WATER AREA: 0.58 AC. (3.34%)
W-2	6.29 ACRES	WATER: 0.18 AC. (0.31%)
W-3	6.98 ACRES	WATER: 0.18 AC. (0.31%)
W-4	6.98 ACRES	WATER: 0.18 AC. (0.31%)
W-5	6.98 ACRES	WATER: 0.18 AC. (0.31%)
<b>TOTAL</b>	<b>28.92 ACRES</b>	<b>TOTAL SURFACE WATER IMPACT: 0.82 AC.</b>

**IMPERVIOUS AREA TABLE**

IMPERVIOUS FEATURE	AREA
DRIVEWAYS	3.67 ACRES
ROADS	0.86 ACRES
DRIVEWAYS (W/PAV)	0.46 ACRES
PAVING (W/PAV)	3.84 ACRES
<b>TOTAL IMPERVIOUS</b>	<b>7.27 ACRES (12.5% NET LAND AREA)</b>
<b>TOTAL IMPERVIOUS</b>	<b>7.27 ACRES (12.5% NET LAND AREA)</b>

- SANDPIPER ROAD PRELIMINARY DEVELOPMENT STANDARDS**
- Design Standards:**
    - Lot Setbacks:
      - Front: 35'
      - Side: 10'
      - Lot 10 - 30' adjacent to west lot line
      - Lot 12, 13 - 40' adjacent to south lot line
      - Lot 5, 6, 17, 18 - 27' adjacent to gas line easement
    - Corner Lot: 45'
    - Rear:
      - Lot 19 - 27; 11-12; 40-41: 50'
      - Lot 1 - 10; 13 - 18: 30'
      - 28 - 39; 42 - 48: 30'
      - LA. McCoy DRIVE: 50'
      - Accessory Structures Rear Setback: 10'
      - Lot 19 - 27; 11-12; 40-41: 35'
      - All other Lots: 10'
    - Garage Setback: 30'
    - Site Entry: 35'
  - Building and Accessory Structures:**
    - The minimum lot width for lots 6 through 10 and 19 through 27 will be 110 feet of the building setback line ("BSL"). The minimum lot width for all other lots will be 85 feet of the BSL. The minimum lot depth will be 140 feet.
    - Maximum Building Height: 35'
    - Maximum number of Stories: Two. Lots 33-25 one-story only.
    - Minimum Developable Lot Area: 11,500 sq. ft. for lots 28 to 37 (area outside "S"URFMD setback line and its designated upland buffer).
    - Minimum Lot Area: 2,500 sq. ft. under lot and ok.
    - Each house to have a two car garage (minimum).
    - Internal streets shall be privately owned by the Homeowners Association and an electronic gate system provided at the community entrance.
    - After the adoption hearing, the Master Plan shall be revised to be consistent with the adopted development standards herein, and all lots and tracts re-numbered accordingly, subject to Development Review Committee approval.
    - Any modification to the PUD Master Plan shall be released according to Section 2.02.18.J, Land Development Code.
    - A parking garage shall be dedicated to the HOA between lots 8 and 9. Lot 10 will be a minimum of 120 feet wide with a 20-foot wide eastern side yard setback.
    - On Lot 12 and 13, if a courtyard/side loaded driveway is constructed, the garage doors must face north.
    - On Lot 15, the eastern building line and setback will align with the front building line and setback of Lot 14.
  - Utilities and Infrastructure:**
    - Water service shall be provided by the City of Apopka. The water system shall be designed to city standards.
    - An overlay agreement is necessary to install 12" diameter force main along sandpiper road.
    - Storm water management system shall be designed to comply with the requirements of the City of Apopka and St. Johns River Water Management District.
    - A final drainage report and site report will be submitted with final development plan.
    - Sanitary service shall be provided by the City of Apopka. The sanitary system shall be designed to city standards.
    - Utility easements to be dedicated to the City of Apopka.
    - Drainage easements to be dedicated to the Home Owners Association unless otherwise accepted by the City of Apopka.
    - All storm water and utility pipes may be moved to save existing trees in the right-of-way. Any change in the location of these pipes will be shown on the final engineering plans.
    - On-site streets are to be constructed per City of Apopka standards.
    - A signage plan will be provided with the final development plan submitted.
    - Entrance gate shall conform to city codes. Entrance gate to be equipped with emergency access system through an off-road light stand gate collection and job area. There must also be a bypass with an emergency access code.
    - A blanket ingress/egress easement will be granted for access to the city over Road A and B.
    - Subsided easement easement and the hydrants must be in place before building construction may begin.
    - Street names will be provided with the final development plan.
    - Soil waste collection and public safety (first and fire) provided by the City of Apopka.
    - If any overhead utility lines must be placed underground, coordination with City's Public Safety Dept.
    - The internal street right-of-way is to be private with an entrance gate.
    - A (5) (5) foot wide sidewalk to be constructed adjacent to internal roads throughout the entire project in compliance with the City of Apopka Land Development Code. Sidewalk alignment shall be consistent with the final development plan to preserve existing trees.
    - In lieu of installation of sidewalk along Ustler Road, the owner may pay into the city sidewalk fund at the rate of \$3.50/sf for 4" thick sidewalk and \$4.25 for 8" thick sidewalk.
    - 15-foot wide sidewalk shall be constructed along Sandpiper Road from Ustler Road to the northeast corner of the project boundaries.
  - Recreation, Open Space, Lake Access:**
    - The active park area shall be a minimum of 15,000 sq. ft. within Tract "C". A park site plan and recreation equipment shall be provided with the Final Development Plan. Design of the park shall comply with the Land Development Code.
    - Only the nine lot owners (Lots 29-37) who will have lots backing up to Lake McCoy will have access to the lake and be able to build private docks to access said lake. All nine lot owners will be required to join the Lake McCoy boating district. No other docks or recreation will be allowed to have access to Lake McCoy from this development. Dock details will be evaluated with the final development plan and to include planning showing a 15-foot wide access to the lake for each lot.



# EXHIBIT “B”

## SANDPIPER MASTER SITE PLAN DEVELOPMENT STANDARDS

### A. Design Standards

#### 1. LOT SETBACKS:

Front--	25'
Side --	10'
Lots 10 –	20' adjacent to east lot line
Lots 12, 13	40' adjacent to south lot line
Lots 5, 6, 17, 18	0' adjacent to gas line easement
Corner Lot--	25'
Rear –	
Lots 19 – 27; 11-12; 40 -41	50'
Lots 1 – 10; 13 – 18;	
28 – 39; 42 – 49	20'
Lk. McCoy NHWE --	50'
Accessory Structure Rear Setback—	
Lots 19 – 27; 11 -12; 40 - 41	35'
All other Lots	10'
Garage Setback—	
Front Entry	30'
Side Entry	25'

2. The minimum lot width for lots 6 through 10 and 19 through 27 will be 110 feet at the building setback line (“BSL”). The minimum lot width for all other lots will be 85 feet at the BSL. The minimum lot depth will be 140 feet.
3. Maximum Building Height: 35'
4. Maximum number of Stories: Two; Lots 23 – 25 one-story only
5. Minimum Developable Lot Area: 11,500 sq. ft; 10,000 sq. ft. for lots 29 to 37 (area outside SJRWMD wetland line and its designated upland buffer.)
6. Minimum Living Area: 2,200 sq. ft. under heat and air.
7. Each house to have a two car garage (minimum).
8. Internal streets shall be privately owned by the Homeowners Association and an electronic gate system provided at the community entrance.
9. After the adoption hearing, the Master Plan shall be revised to be consistent with the adopted development standards herein, and all lots and tracts re-numbered accordingly, subject to Development Review Committee acceptance.
10. Any modification to the PUD Master Plan shall be reviewed according to Section 2.02.18.N, Land Development Code.
11. A passive park shall be dedicated to the HOA between lots 8 and 9 (Tract “M”). Lot 10 will be a minimum of 120 feet wide with a 20-foot wide eastern side yard setback.
12. On Lots 12 and 13, if courtyard/side loaded entries are constructed, the garage doors must face north.
13. On Lot 15, the eastern building line and setback will align with the front building line and setback of Lot 14.

**B. Buildings and Accessory Structures**

1. Home design shall meet the intent of the City’s Development Design Guidelines.
2. Pools, sheds, buildings, gazebos, fences and other accessory structures are prohibited in the side yard setbacks and within the 30 foot conservation easement at the rear of lots 11-12 and 19-27.
3. Existing structures will be removed prior to platting.
4. At least 500 sq. ft. of driveway pavers will be installed per house or a side-loaded / courtyard entry will be provided for each house, to be decided on a house-by-house basis by the builder.

**C. Utilities and Infrastructure**

1. Water service shall be provided by the City of Apopka. The water system shall be designed to city standards.
2. An oversize agreement is necessary to install 12" diameter force main along sandpiper road.
3. Storm water management system shall be designed to comply with the requirements of the City of Apopka and St. Johns River Water Management District.
4. A final drainage report and soils report will be submitted with final development plans
5. Sanitary service shall be provided by the City of Apopka. The sanitary system shall be designed to city standards.
5. Utility easements to be dedicated to the City of Apopka.
6. Drainage easements to be dedicated to the home owners association unless otherwise accepted by the City of Apopka.
7. All storm water and utility pipes may be moved to save existing trees in the right-of-way. Any change in the location of these pipes will be shown on the final engineering plans.
8. On-site streets are to be constructed per City of Apopka standards.
9. A signage plan will be provided with the final development plan submittal.

10. Entrance gate shall conform to city codes. Entrance gate to be equipped with emergency access system through an opti-com type visual gate activation and yelp siren. There must also be a keypad with an emergency access code.
11. A blanket ingress/egress easement will be granted for access to the city over Road A and B.
12. Stabilized access roadways and fire hydrants must be in place before building construction may begin
13. Street names will be provided with the final development plans
14. Solid waste collection and public safety (police and fire) provided by the City of Apopka.
15. All/any overhead utility lines must be placed underground, coordination with City's Public Service Dept.
16. The internal street right-of-way is to be private with an entrance gate;
17. A five (5) foot wide sidewalks to be constructed adjacent to internal roads throughout the entire project in compliance with the City of Apopka Land Development Code. Sidewalk alignment may be adjusted at final development plan to preserve existing trees.
18. In lieu of installation of sidewalk along Ustler Road, the owner may pay into the city sidewalk fund at the rate of \$3.50/sf for 4" thick sidewalk and \$4.25 for 6" thick sidewalk.
19. A five-foot wide sidewalk shall be constructed along Sandpiper Road from Ustler Road to the northeast corner of the project boundary.

**D. Recreation, Open Space, Lake Access**

1. The active park area shall be a minimum of 15,000 sq.ft. within Tract "C". A park site plan and recreation equipment shall be provided with the Final Development Plan. Design of the park shall comply with the Land Development Code.
2. Only the nine lot owners (Lots 29-37) who will have lots backing up to Lake McCoy will have access to the lake and be able to build private docks to access said lake. All nine lot owners will be required to join the Lake McCoy taxing district. No other docks or recreation will be allowed to have access to Lake McCoy from this development. Dock details will be evaluated with the final development plan and is to include language allowing a 15-foot wide access to the lake for each lot.
3. A park site plan for Tract "M" will be provided with final development plans. Tract "M" shall be designated as a passive park and placed in a Tract owned and maintained by the Homeowners Association.
4. Project open space:
  - Required = 20% min. per LDC
  - Provided = 40.89% (23.81 acres.).
5. The active park (Tract "C") at the end of the western cul-de-sac and the passive park (Tract "M") between Lots 8 and 9 shall total not less than 15,000 sq. ft. combined.

**E. Buffers and Landscaping**

1. A 30 foot wide conservation easement will be provided on the back of Lots 11- 12 and 19-27 and the south side of Lots 12 and 13. Easement shall be dedicated to the HOA. (The 30-foot conservation easement is not a required SJRWMD easement.) No building, fence, gazebo, swimming pool, or accessory structure shall be placed within the thirty-foot conservation easement. The buffer shall remain as natural vegetated buffer. Trees that that are removed shall be replaced. Any removal of trees or vegetation within the bufferyard must be approved by the HOA and the City of Apopka. Easement boundary markers will be placed at the interior of the easement line along the side lot line for all lots.

2. A ten (10) foot wide buffer tract for landscaping will be provided on the northern property line, except against lake, wetland, retention, or gas easement. This tract shall be dedicated to and maintained by the HOA. The design of this buffer shall generally follow the landscape design appearing in Exhibit "B.1". A tri-trail fence that is supported by a brick or stone post shall extend from the northeast project boundary westward to the western end of lot 38.
3. Entrance feature and community sign will be provided with final development plans.
4. Final landscape plans for the buffer area along Sandpiper Street will be provided with the final development plans.
5. Tree Planting Conditions. Minimum of two new trees shall be planted per lot, except that Lots 6 to 10 and 15 and 16 shall have a minimum of three new trees planted per lot, regardless of the number of trees saved on the any lot. The new trees shall be a minimum of 2.5 inches DBH at the time of planting and shall count toward the overall number of required tree replacement inches, if any.
  - a. On Lots 6 to 11, at least two of the three new trees shall be planted in the rear yard.
  - b. On Lots 12 and 13, at least two of the three new trees shall be planted on the south side yard or within the northern ten feet of the conservation easement. Note that this tree planting area will be removed from the 30-foot wide conservation area so that these trees can be maintained, i.e., watering, fertilization, etc.
  - c. On Lots 19 through 27, at least one of the two new trees shall be planted in the rear yard or within the northern ten feet of the conservation easement. Note that if the trees are planted within the conservation area, this tree planting area will be removed from the 30-foot wide conservation area so that these trees can be maintained, i.e., watering, fertilization, etc.
6. A viburnum hedge will be planted south of the cul-de-sac adjacent to Lots 12 and 13 at the edge of the conservation area. The hedge shall be planted in a 100-foot wide by 5-foot deep landscape easement to be maintained by the HOA. The length of the hedge shall equal the width of the cul-de-sac, and the height of the hedge shall be at least six feet within two years of planting.
7. Tree Protection Plan.
  - a. Any individual residential lot shall not be cleared until a building permit is approved. Existing trees (6" or greater DBH) shall appear on the plot plan (i.e. foundation survey). The plot plan shall identify the location of the driveway. Location of a house and its driveway shall be oriented with a reasonable consideration for the protection of existing trees, particularly trees with a DBH of 24 inches or greater. The Community Development Director shall determine if a reasonable consideration has been made and shall take final action on the plot plan, and may deny or accept the plot plan; provided, however, the Community Development Director's determination shall only consider the location of the house and other impervious surfaces on the lot and shall not consider the type or style of the proposed house. Applicant can appeal the Community Development Director's decision to the Planning Commission.
  - b. The Final Development Plan shall include tree protection techniques to prevent harm to any trees or encroachment into protected natural areas, including but not limited to tree barricades, silt fencing or other similar techniques accepted by the city engineer.
  - c. Clearing shall be allowed for road ROW, retention ponds, community recreation area at the end of the western cul-de-sac, utility and stormwater infrastructure, off-site improvements, and areas needed to make necessary grading transitions for a safe work environment.
8. Any conservation easement or area of Tract "A" within twenty feet of Ustler Road or Sandpiper Street may be encroached upon or removed by the City, in part or whole, at its discretion to make improvements to roads, utility mains or lines, and/or stormwater systems, including expansion of the Ustler Road or Sandpiper Street right-of-way. Such open space or conservation easements shall not prevent the City or a utility provider from implementing necessary public services.

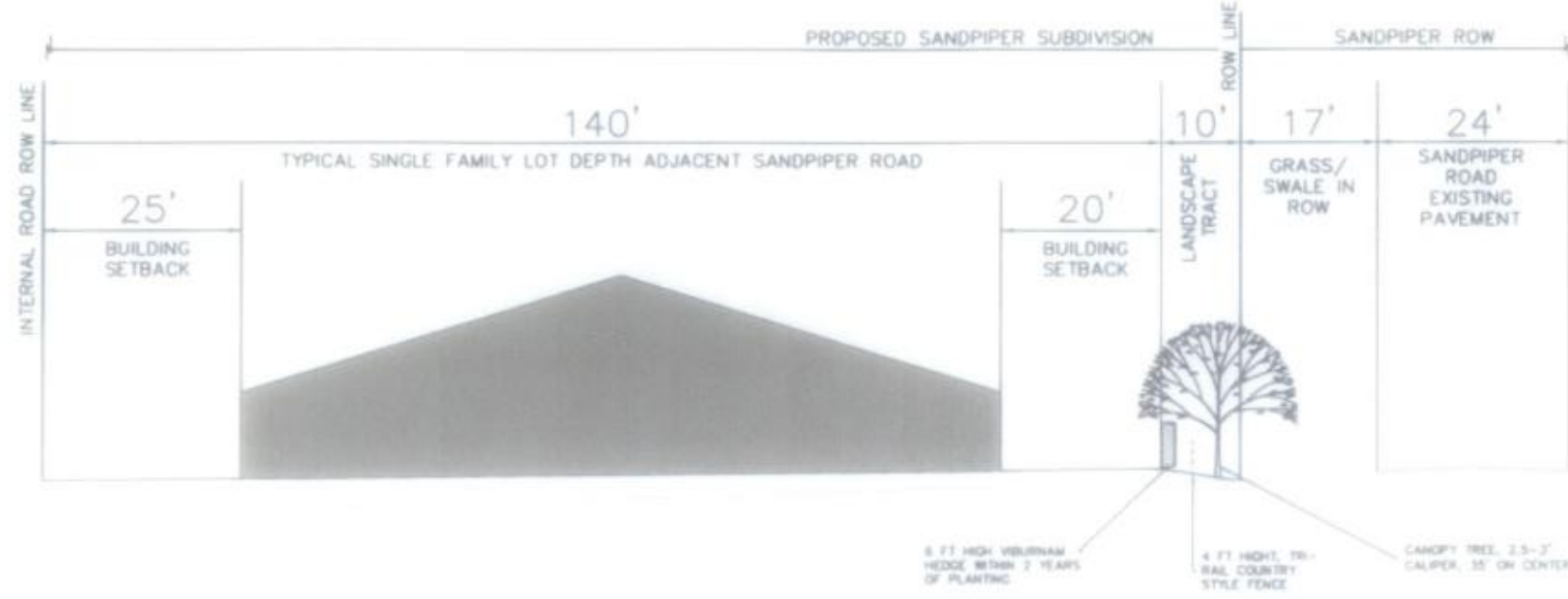
#### **F. Maintenance and Plat**

1. Homeowners association will maintain all common areas, roads, and fences/walls.
2. The final development plan shall include the plat document, and the plat shall be in final form.
3. Lots 5, 6, 17, and 18 have access to the gas easement surface area as allowed by the recorded easement. Easement details will be provided with the final development plan.
4. The HOA shall enforce the protection of the southern conservation buffer as an undisturbed natural buffer area. If the HOA fails to enforce the buffer area, the City may require either the property owner or the HOA to take action to remedy any encroachment into the buffer area.

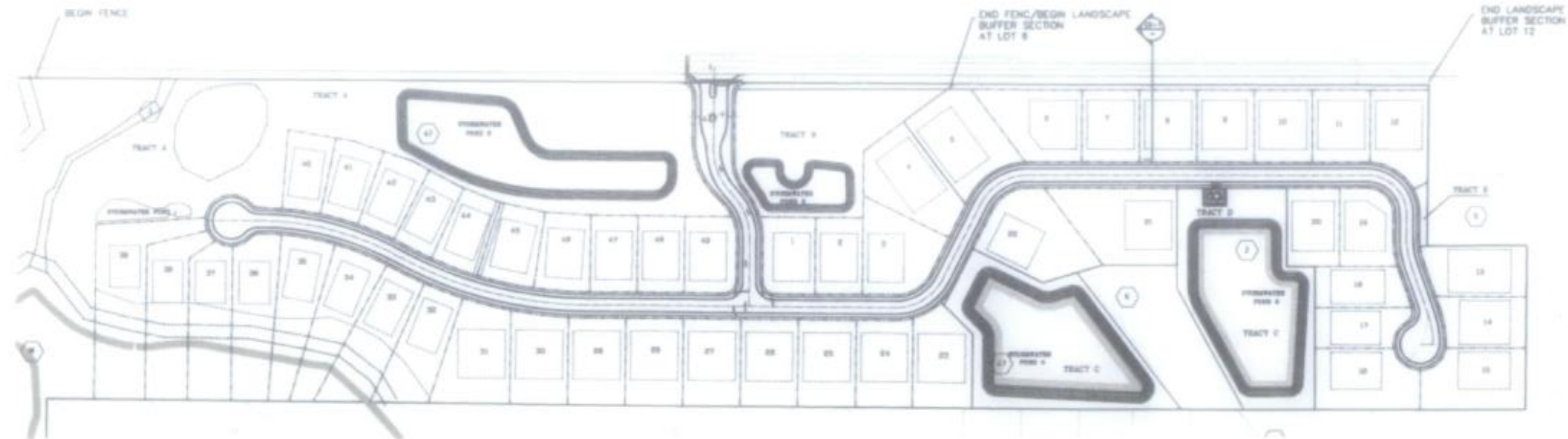
#### **G. Wetlands and Environmental**

1. All acreage regarding developable and conservation areas (wetlands and buffers) are considered approximate until finalized during a review by the St. Johns River Water Management District and the City of Apopka. The SJRWMD concurrency will be provided at final plan review.
2. The jurisdictional wetland areas are to be placed in a conservation easement.
3. Any development in a special flood hazard area will require the finish floor elevation to be 20-inches above the 100 yr. Flood elevation, minimum.
4. An erosion protection plan will be submitted with final development plans.
5. The habitat inventory and management report shall be provided to the city no later than the final development plan stage.
6. Tree removal, tree replacement, and landscaping shall be in conformance with Article V of the City of Apopka Land Development Code.
7. Individual lot arbor/clearing permit is required prior to clearing or grading of any lot or issuance of building permit. Placement of the house shall preserve existing trees to the greatest extent practical. Plot plan for each lot shall illustrate tree locations as presented within the PUD Master Plan/Preliminary Development Plan.
8. In order to save existing trees stem walls/retaining walls may be utilized on individual lots.
9. The 25 foot wide (average)/15 foot wide minimum wetland buffer/conservation easement within Lots 28 to 37 and Tract A is to be dedicated to the SJRWMD. Lot owners may not clear any vegetation within the conservation easement on their lot except to accommodate a maximum 15 foot wide path to reach the water's edge.

**H. Development Condition Continuity.** The PUD Development Standards shall be printed within the PUD Master Plan and the Final Development Plan.



CX-1 SANDPIPER ROAD 10 FT LANDSCAPE BUFFER TRACT CROSS SECTION FROM LOTS 8 TO 12 ONLY, N.T.S.



LANDSCAPE CROSS SECTION FOR SANDPIPER

CLIENT  
FLORIDA LAND TRUST #111  
100 S. ANDREA AVE., UNIT 202  
WEST PALM BEACH, FL 33411  
(561) 841-1428

ENGINEER IN CHARGE  
DAVID A. STOKES, P.E., PRSIST.  
SUPERVISOR OF ADMINISTRATION (06-18-00014)

DATE	REVISIONS

JOB # 12028  
DATE 02/14/14  
SCALE N.T.S.  
DESIGNED BY CHM  
DRAWN BY CHM  
APPROVED BY CHM

CX-1

**Backup material for agenda item:**

2. ORDINANCE NO. 2388 – SECOND READING & ADOPTION - Amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.” [Ordinance No. 2388 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.]





**CITY OF APOPKA  
CITY COUNCIL**

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<input type="checkbox"/>	<b>CONSENT AGENDA</b>	<b>MEETING OF:</b>	<b>April 15, 2015</b>
<input checked="" type="checkbox"/>	<b>PUBLIC HEARING</b>	<b>FROM:</b>	<b>Community Development</b>
<input type="checkbox"/>	<b>SPECIAL REPORTS</b>	<b>EXHIBITS:</b>	<b>Ordinance No. 2388</b>
<input checked="" type="checkbox"/>	<b>OTHER: Ordinance</b>		<b>Exhibit "A" FAQ</b>
			<b>Exhibit "B" News Coverage</b>
			<b>Exhibit "C" F.S. §381</b>
			<b>Exhibit "D" Amend 2 Ballot Information</b>

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**SUBJECT: ORDINANCE NO. 2388 – AMENDING THE CITY OF APOPKA, CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, SECTION III – OVERLAY ZONES - TO CREATE A NEW SECTION 3.05 TITLED “DESIGNATED GROW AREA OVERLAY DISTRICT.”**

**Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2388 - AMENDING THE CITY OF APOPKA, CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, SECTION III – OVERLAY ZONES - TO CREATE A NEW SECTION 3.05 TITLED “DESIGNATED GROW AREA OVERLAY DISTRICT.”**

**SUMMARY:**

*The proposed ordinance includes new language added by City Council at the first reading on April 1, 2015. Following the first reading of Ordinance No. 2388, the Development Review Committee met to evaluate the new language Council accepted on April 1 to expand the Designated Grow Area. Additional research was also conducted by staff. The expansion of the Designated Grow Areas to include any property operated as a registered nursery for at least thirty continuous years could allow the cultivation or processing of cannabis adjacent to or near established residential neighborhoods at various locations scattered throughout the City. Staff discovered that at least 11 nursery growers meet the State requirements for 30 years continuous operations in the State of Florida and raise at least 400,000 plants. Staff recommends an alternative that expands the Hermit Smith/Hogshead Grow Area boundaries, and also allows Legacy Nursery sites located therein to qualify as eligible sites where a Special Exception Use may be sought for the cultivation or processing of cannabis. A Legacy Nursery Site is defined as: Property actively operated as a registered nursery within a Designated Grow Area for at least five continuous years preceding and measured from the effective date of the ordinance.*

At its February 4, 2015 meeting, City Council took action to re-schedule and re-advertise public hearings for Ordinance No. 2388. The ordinance was delayed for 60 days by City Council on November 19, 2014 because the Florida Department of Health had not yet finalized and approved the administrative rules to govern the Compassionate Medical Cannabis Act of 2014.

In February 2015 the Department of Health (DOH) approved the administrative rules. Only one significant policy change was made by the DOH in the past three months that may concern local government zoning enforcement. Dispensing locations are now allowed to occur at multiple locations. Previously, a cannabis grower was limited to dispensing at the site where the cannabis was grown. The proposed ordinance limits the number of dispensing sites to no more than five within each of the two Designated Grow Areas.

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<b><u>DISTRIBUTION:</u></b>		
Mayor Kilsheimer	Finance Director	Fire Chief
Commissioners (4)	HR Director	Public Ser. Director
City Administrator Irby	IT Director	City Clerk
City Dev. Director	Police Chief	

On June 16, 2014, Governor Scott signed the Compassionate Medical Cannabis Act of 2014 into law, allowing for the cultivation, processing and dispensing of low THC cannabis beginning January 1, 2015. Administrative Rules have been established by the Florida Department of Health (FDH) to govern operation of low-THC marijuana businesses. The Act authorizes the FDH to limit dispensing operations to five organizations or licenses in Florida – one per each of five regional districts. However, legal battles have already commenced to challenge the license limitation. Costa Farms of South Florida, who acquired the Herman Engelmann nursery business in Apopka this past year, is referenced in reports from several news organizations that it intends to legally challenge the State’s limitation on the number of licenses that can be issued.

On November 4, 2014, registered voters will have the opportunity to act on a Ballot Amendment 2, which addresses medical marijuana in general. The Compassionate Medical Cannabis Act of 2014 is unrelated and separate from the November ballot. While the Compassionate Medical Cannabis Act of 2014 allows only low-THC marijuana, the November ballot will allow for all levels of THC marijuana. Administrative rules have not yet been prepared by the FDH to address the November ballot marijuana.

Regardless of rules and requirements that the State has established for the Act of 2014 or may establish if the November ballot is adopted, legal challenges against the State could result in Court rulings that control weaken State control. As Florida Statutes delegates authority to local governments to address matters such as land use and zoning, in addition to other powers. The proposed medical marijuana ordinance limits the cultivation, processing and dispensing of medical marijuana to two geographical areas of the City. Each area, known as a “Designated Grow Area” comprises about 450 to 500 acres. Cultivation, processing, or dispensing of non-medical marijuana is prohibited in the City of Apopka, as proposed in the ordinance.

Information regarding the pros and cons of medical marijuana are provided with the support material. These documents include:

- Exhibit “A” - FAQs on Low THC-cannabis
- Exhibit “B” - News Coverage – Pros and Cons of Medical Marijuana and other information
- Exhibit “C” - Florida Statute 381
- Exhibit “D” - Florida Amendment 2 Ballot Language

**PUBLIC HEARING SCHEDULE:**

- Planning Commission - November 10, 2014 (5:01 pm)
- City Council – April 1, 2015 – 1st Reading (1:30 pm)
- City Council – April 15, 2015 – 2nd Reading (7:00 pm)

**DULY ADVERTISED:**

- March 13, 2015 - Public Hearing Notice
- April 3, 2015 – Ordinance Heading

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**RECOMMENDATION ACTION:**

The **Planning Commission**, at its meeting on November 10, 2014, recommended approval (5-0) of the amendment to the City Of Apopka, Code Of Ordinances, Part III, Land Development Code, Section III – “Overlay Zones” to create a new section 3.05 entitled “Designated Grow Area Overlay District.”, subject to staff researching a distance requirement between dispensaries prior to City Council’s adoption of Ordinance No. 2388.

The **City Council**, at its meeting on April 1, 2015, accepted the First Reading of Ordinance No. 2388 and held it over for Second Reading and Adoption on April 15, 2015.

**ORDINANCE NO. 2388**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED “DESIGNATED GROW AREA OVERLAY DISTRICT”, PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A “DESIGNATED GROW AREA OVERLAY DISTRICT” AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICTS OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida is considering legalizing the cultivation and processing of cannabis and the dispensing of marijuana; and

**WHEREAS**, the purpose and intent of this Ordinance is to regulate the cultivation and processing of cannabis and the dispensing of non-medical\medical marijuana in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City.

**WHEREAS**, the City Council has determined that it is in the best interest of the citizenry and general public to regulate the location of cannabis cultivation and processing and marijuana dispensaries/medical marijuana treatment centers in the event the State of Florida legalizes said dispensaries, whether for medical use or non-medical use; and

**WHEREAS**, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

**WHEREAS**, the City Council has determined that given the potential impact on the surrounding area, cannabis cultivation and processing and marijuana dispensaries/medical marijuana treatment centers should only be permitted within a limited areas of the municipal limits, and non-medical marijuana sales should be prohibited within the municipal limits;

**WHEREAS**, the City Council has determined that it is advisable and in the public interest to set certain distance and other siting standards in regard to the location and operation of cannabis cultivation or processing or marijuana dispensaries/medical marijuana treatment centers; and

**WHEREAS**, the City Council of the City of Apopka finds that this ordinance promotes the general welfare and is consistent with the Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF APOPKA, FLORIDA, as follows:**

**SECTION 1. DEFINITIONS:**

- a. Agriculture: means the science and art of production of plant(s) and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, including hay or grass harvesting and bailing operation. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.
- b. Cannabis: Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.
- c. Cannabis Cultivation: the planting, tending, improving, farming, drying or harvesting of cannabis plants from seed, juvenile stock, or grafting.
- d. Cannabis Processing: the preparation of the cannabis plant intended for use as medicine or medical purposes as prescribed by a licensed Florida physician.
- e. Designated Grow Area (DGA) Overlay District. The following areas are defined as a “Designated Grow Area” Overlay District:
  - 1) Keene\Clarcona DGA: All Agriculture or Industrial zoned property in the general area west of the S.R. 414 bridge at E. Keene Road, east of McQueen Road, and south of S.R. 414, as depicted in Map A: Keene\Clarcona Road DGA as delineated in Map A: Keene\Clarcona DGA.
  - 2) Hermit Smith\Hogshead DGA: All Agriculture or Industrial zoned property within the area west of S.R. 429, south of U.S. 441, and north of Lust Road, as delineated in Map B: Hermit Smith\Hogshead DGA.
  - 3) ~~Property operated as a registered nursery for at least thirty (30) continuous years that is assigned an Agriculture or Professional Office/Institutional zoning category. Such site must access a collector or arterial classified road.~~ [added by City Council, April 4, 2015]
- f. Fully enclosed and secure structure: A space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.
- g. Horticulture Nursery: an agriculture operation limited to the cultivation of fruits, vegetables, nuts, seeds, herbs, sprouts, mushrooms, algae, flowers, seaweeds and non-food crops such as grass and ornamental trees and plants.
- h. Legacy Grow Site: Property actively operated as a registered nursery within a Designated Grow Area for at least five continuous years preceding and measured from the effective date of this ordinance.

- i. **Marijuana Dispensary:** A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plant(s) are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local and state laws.
- j. **Marijuana Treatment Center:** A medical marijuana dispensary where qualifying patients are administered medical marijuana by medical professional licensed by the State of Florida to patients in accordance with all local and state laws.
- k. **Medical Use:** The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment, as identified by a physician licensed by the State of Florida.
- l. **Non-Medical Marijuana Sales.** The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plant(s) when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under state law.

**SECTION 2. CANNABIS CULTIVATION AND PROCESSING PROHIBITED.**

Cultivation or processing of cannabis for non-medical marijuana purposes is prohibited within the City of Apopka. Excepting the Designated Grow Areas described in Sec. 3a., cultivation or processing of cannabis for medical use is prohibited in all other areas of the City of Apopka. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the City of Apopka to cause or allow such parcel to be used for the cultivation or processing of cannabis plants within a fully enclosed and secure structure on the parcel, except as outlined below in Section 3.

**SECTION 3. CANNABIS CULTIVATION AND PROCESSING.**

- a. Cultivation or processing of cannabis for medical marijuana is allowed as a Special Exception use approved by the Planning Commission within an Agriculture or Industrial I-1 district located within a DGA or Legacy Grow Site located within a DGA as delineated in Maps “A” and “B”. If a parcel, lot, or legal lot-of-record straddles the DGA boundary, no cultivation or processing can occur outside the DGA boundary.
- b. Horticulture Nursery Special Exception Prohibition. Cultivation or processing of cannabis for medical or non-medical use is prohibited as a special exception use for horticulture nursery operations. Any Special Exception approved by the City prior to the effective date of this ordinance is not allowed to cultivate or process cannabis.
- c. Enclosed Cultivation. Any cultivation of cannabis shall occur within a fully enclosed and secure structure. Outdoor cultivation is prohibited
- d. Enclosed Processing. All cannabis processing, laboratories, research activities and associated equipment occur within a fully enclosed and secured building that has been issued a building permit by the City of Apopka or Orange County.
- e. License. A valid license must be obtained from the State of Florida and remain in effect during the operation of the cannabis business. All cultivation and processing activities shall cease if a license has expired. At least seventy-two (72) hours before a cannabis cultivation or processing business terminates operation, the owner must notify the Police Chief of the City of Apopka.

f. Additional Special Exception Criteria:

- 1) Street Access. All cannabis cultivation and processing sites within the Keene\Clarcona DGA must directly access Keene Road or Clarcona Road. All cannabis cultivation and processing sites within the Hermit Smith\Hogshead DGA must directly access Hermit Smith Road, ~~or~~ Hogshead Road, Peterson Street, or Binion Road.

A stabilized surface acceptable to the city engineer shall be provided from the public street to any onsite processing buildings.

- 2) Utilities. All cannabis processing sites shall connect to a central water and sewer system unless otherwise temporarily waived by the City Administrator until a development agreement addresses a schedule for connecting the site to such services. Onsite wells and septic tanks may be allowed on a temporary basis through a development agreement that ensures connection to a central water and sewer systems within five years.
- 3) Employee Parking. All employee vehicle parking areas shall occur within a paved, lighted parking lot.
- 4) Distance Separation. Cultivation or processing buildings or structures shall be separated from other uses according to the following separation minimum standard:

	<b>Affected Property (feet)</b>			
<b>Location of Cultivation or Processing Buildings or Structure</b>	<b>Vacant Parcel Assigned a Residential Zoning District</b>	<b>Church or Place of Worship, School, Hospital, County or Municipal Park, Day Care (F.S. 402.302)</b>	<b>Platted Residential Subdivision; Residential Parcel less than 5 acres</b>	<b>Occupied Residential Parcel Greater than 5 acres</b>
Designated Grow Area	100	1,000	250	200

Distances shall be measured by drawing a straight line between the closest point of the cannabis cultivation or processing building or nursery structure to the closest property line or edge of leased space (whichever is closer) of the affected property.

- 5) Minimum Parcel Size. A minimum parcel size necessary for cultivation, processing, or combined operations within a DGA is two (2) compact and contiguous acres.
- 6) Parcel. Cannabis cultivation or processing shall occur on a separate parcel, lot, or legal lot-of-record than that on which a medical marijuana dispensaries/medical marijuana treatment centers is located.

- 7) Signage. No business identification sign (i.e., wall, monument, pole, directional) shall include the words “marijuana”, “cannabis”, or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs for any business cultivation, processing or dispensing business. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed.
- 8) Security and Safety Plan. A security and safety plan will be reviewed and approved by the chief of police or designee. The security and safety plan shall at minimum address but not be limited to, locking options, alarm systems, and video surveillance, and as otherwise determined necessary by the Police Chief. Any such documents or information for review shall be transmitted directly to the police chief’s office for review and not attached to the permit as may be required by the Community Development Department. The police chief or designee will respond to the development review committee approval or denial of said plan. Any information, records, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems or other sensitive information gathered will be exempt from public records in accordance with FSS 119.071, “General exemptions from inspection or copying of public records.”

#### **SECTION 4. MARIJUANA DISPENSARIES/MEDICAL MARIJUANA TREATMENT CENTERS.**

- a. *Applicable Zoning District*. Marijuana dispensaries/medical marijuana treatment centers for marijuana medical use are allowed as a Special Exception within a Commercial C-1, Industrial I-1 or Agriculture District located within a Designated Grow Area subject to compliance with the standards set forth below. No more than five (5) medical marijuana dispensary/medical marijuana treatment center establishments shall locate within each of the Designated Grow Areas.
- b. *Prohibited Locations*. Non-medical marijuana dispensaries/medical treatment centers or sales are prohibited within the jurisdictional area of the City of Apopka. Medical Marijuana dispensaries/medical marijuana treatment centers are prohibited in the City of Apopka except as allowed in Section 4.a. Zoning Districts where medical marijuana dispensaries/medical marijuana treatment centers are prohibited also include: the Downtown Development Overlay District, Community Redevelopment Area (CRA), Planned Unit Development, Mixed-EC, and Mixed-CC zoning categories.
- c. No other business shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located. This requirement does not apply to licensed nursery businesses that were operating prior to the effective date of this ordinance.
- d. Any parking demand created by marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations.
- e. *Controlled Substances*. The onsite sale, provision, or dispensing of marijuana is prohibited except as specifically authorized by state law.
- f. *Loitering*. A marijuana dispensary/medical marijuana treatment center shall provide adequate seating for its patients and business invitees. The marijuana dispensary/medical marijuana treatment center shall not direct or encourage any patient or business to stand, sit (including in a



parked car), or gather or loiter outside of the building where the dispensary/center operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business and depart. The marijuana dispensary/medical marijuana treatment center shall post conspicuous signs on at least three (3) sides of the building stating that no loitering is allowed on the property.

- g. *Queuing of Vehicles.* The marijuana dispensary/medical marijuana treatment center shall ensure that there is no queuing of vehicles in the rights-of-way. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- h. *No Drive-Through Service.* No marijuana dispensary/medical marijuana treatment center shall have a drive-through or drive-in service aisle. All onsite dispensing, payment for and receipt of said marijuana shall occur from within or inside the marijuana dispensary/medical marijuana treatment center.
- i. *On-Site Consumption of Marijuana and/or Alcoholic Beverages.* No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way except for medical marijuana treatment centers. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- j. *Signage.* No business identification sign (i.e., wall, monument, pole, directional, human) shall include the words “marijuana”, “cannabis”, or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs or on any building or structure used a marijuana dispensing\marijuana treatment center. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed
- k. *Hours of Operation.* Marijuana dispensaries/medical marijuana treatment centers shall only dispense or treat patrons between 7:00 A.M. and 8:00 P.M.
- l. *Customer Waiting Area.* All customer waiting areas shall occur within in an enclosed building. No customer waiting areas shall occur outdoors or within a porch area, whether covered or not.
- m. *Building Orientation and Design.* All customer building entrances shall be oriented to and visible from a public street. Color of any wall or roof of any marijuana dispensaries/medical marijuana treatment centers shall comply with the City’s Development Design Guidelines.
- n. *Distance Separation.* No marijuana dispensary/medical marijuana treatment center shall be located within one thousand (1,000) feet of any school or church, or within two hundred (200) feet of any residentially zoned property, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the marijuana dispensary/medical marijuana treatment center structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer) of the school, church or residentially zoned property.
- o. *Compliance with Other Laws.* All marijuana dispensaries/medical marijuana treatment centers shall at all times be in compliance with all state regulations and the Apopka City Code of Ordinances and Land Development Code, as may be applicable and amended from time to time.
- p. *Security and Safety Plan.* Compliance with Section 3.f.8. of this ordinance is required.

- q. *Special Exception Standards.* When considering an application for marijuana dispensaries/ medical marijuana treatment centers, the Planning Commission must consider the special exception criteria listed in paragraph d below, in addition to that criteria listed in subsection 2.02.B.5. The Planning Commission may deny the request, approve the request, or approve the request with conditions, based upon a review of these considerations. The Planning Commission may assign additional conditions and safeguards as deemed necessary:
- 1) Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
  - 2) No other business, aside or separate from the dispensing of marijuana shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located.
  - 3) The parcel, lot, or lot-of-record shall access a collector or arterial road.
  - 4) Additional Hours of Operation Restrictions. Hours of operation can be further restricted based on proximity of residential development or to protect the character and environment of developed surrounding areas.
- r. *Exemptions.* Hospitals and pharmacies licensed by the State of Florida are exempt from Section 4.

**SECTION 5. GENERAL USE. PROHIBITION ON STREETS, SIDEWALKS, ALLEYS, ETC.**

- 1) Regulations applicable to the consumption of medical marijuana. No person shall smoke, ingest, or otherwise consume medical marijuana in the City of Apopka unless such smoking, ingesting or consumption occurs entirely within a private residence, or within a clinic, health care facility, residential care facility, or residential hospice licensed pursuant to applicable provisions of Florida Statutes.
- 2) It is unlawful for any person to purchase, use, smoke, ingest, offer for sale, possess, consume, or carry any non-medical\medical marijuana in any public park or governmental property or on the public right -of -way, inclusive of streets, sidewalks or alleys, within the Municipal Corporate Limits of the City of Apopka Florida.
- 3) It is unlawful for any person to purchase, use, smoke, ingest, offer for sale, possess, consume or carry non-medical\medical marijuana or carry in or upon any parking area open to public use or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property.
- 4) It is unlawful for any person to smoke, ingest, or otherwise consume or carry or use non-medical\medical marijuana while such person is in or on any vehicle which is located in or upon any parking area open to public use, or in or upon any private property without consent of the owner or in any public park or governmental property or on the public right -of -way, inclusive of streets, sidewalks or alley.
- 5) It is unlawful for any person to smoke, ingest or otherwise consume or use any non-medical\medical marijuana on the streets, sidewalks or alleys within the city, while such person is an operator or passenger in or on any vehicle, whether moving or stopped, and such consumption is open to public view.

**SECTION 6.** Notwithstanding any other provision, it is unlawful for any person to utilize medical marijuana in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys, within the city; in or upon any parking area open to public use, or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property; or when such person is in or on any vehicle which is located in or upon any parking area open to public use, or in or upon any private property or in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys.

**SECTION 7.** It is unlawful for any vendor, or for any agent, servant or employee of such vendor, to permit the use of medical marijuana in or upon any parking or other area outside of the vendor's building or room if such parking or other area is adjacent to the building or premises in which the business licensed is operated, when such parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such licensed vendor or any agent, servant or employee of such licensed vendor. A licensed vendor may post and maintain a legible painted or printed sign in at least two separate prominent places on such parking or other area, with sufficient light directed thereon to be visible during the hours of darkness while such place of business is open, in letters not less than three inches in height, stating the following: "WARNING: Utilization of medical marijuana on this Lot Prohibited—\$500.00 Fine and/or 60 days in Jail—City Ordinance." Posting of such signs shall constitute prima facie evidence that such vendor is not operating in violation of subsection (a) of this section. If any licensed vendor mentioned in this section is a corporation, then the officers of such corporation shall be regarded as the owners thereof for the purposes of enforcement of this section.

**SECTION 8. PENALTIES.** Any person violating any of the provisions of this article shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. § 162.22, (1997). Each incident or separate occurrence of any act that violates this article shall be deemed a separate offense. In addition to the penalties provided under this section, violators of this article shall be subject to any other appropriate civil or criminal action provided by law in a court of competent jurisdiction, including, but not limited to, injunctive relief.

**SECTION 9. CONFLICTS.** Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of such conflict.

**SECTION 10. SEVERABILITY.** If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

**SECTION 11. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon passage and adoption by the City Council as to the acceptable siting locations for marijuana dispensaries/medical marijuana treatment centers, however the designation of a marijuana dispensary/medical marijuana treatment center and the selling of marijuana products as defined by the Florida Constitution or Florida Law shall occur only upon and after the official date in which the sale and distribution of marijuana has been deemed legal by the State of Florida.

**SECTION 12. REPEALER.** Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Land Development Code, Chapter III, Article 3, Section 3-11, Subsection E, Paragraph 15 titles “Pain Management Clinics.

**SECTION 13. INCLUSION INTO THE LAND DEVELOPMENT CODE.** It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Apopka Land Development Code, re-arranged to meet existing codification, and that the sections of this ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

Passed on the first reading on the 15<sup>th</sup> day of April, 2015.

FIRST READING: April 1, 2015

SECOND READING  
AND ADOPTION: April 15, 2015

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

Attorney signature recommended for this ordinance.

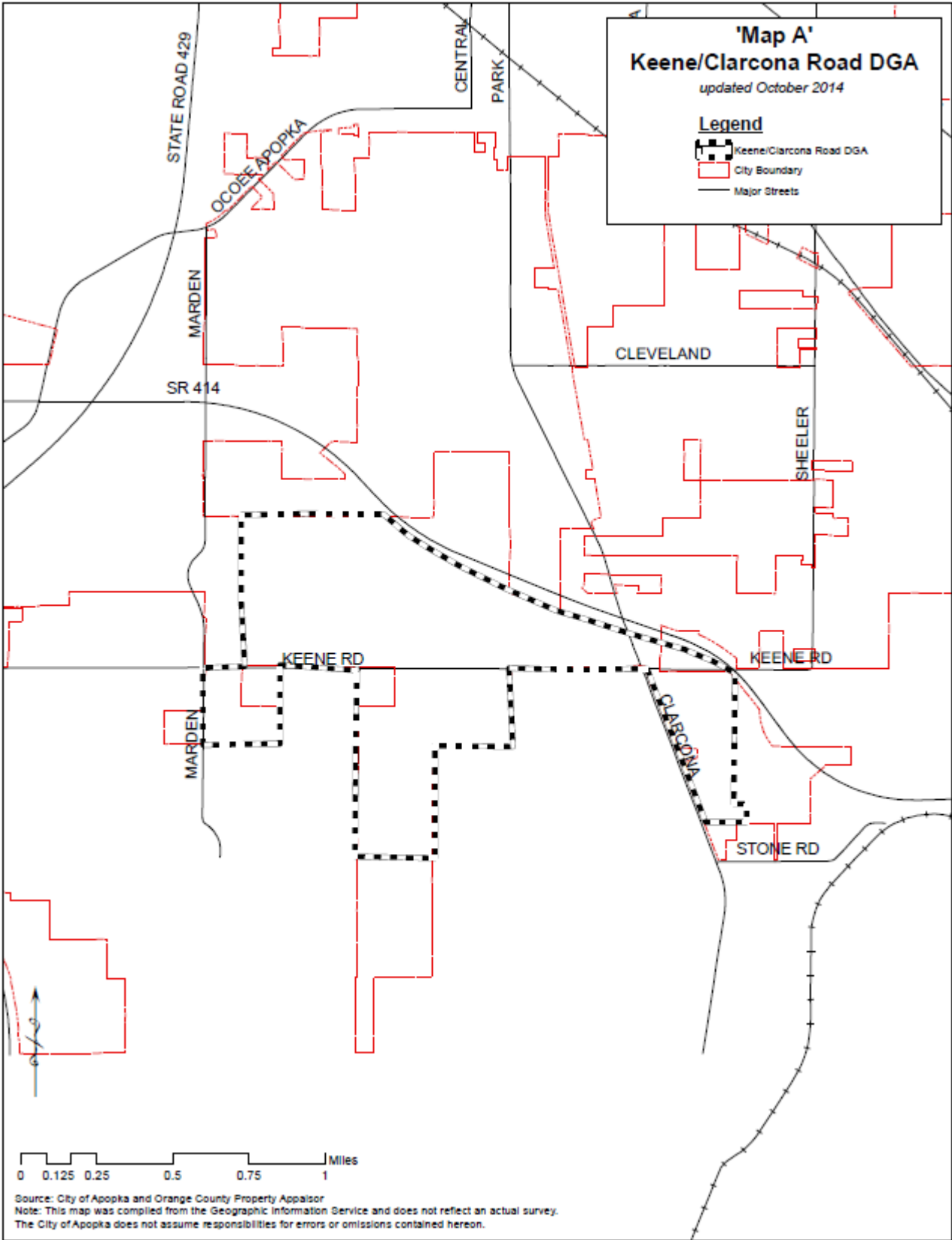
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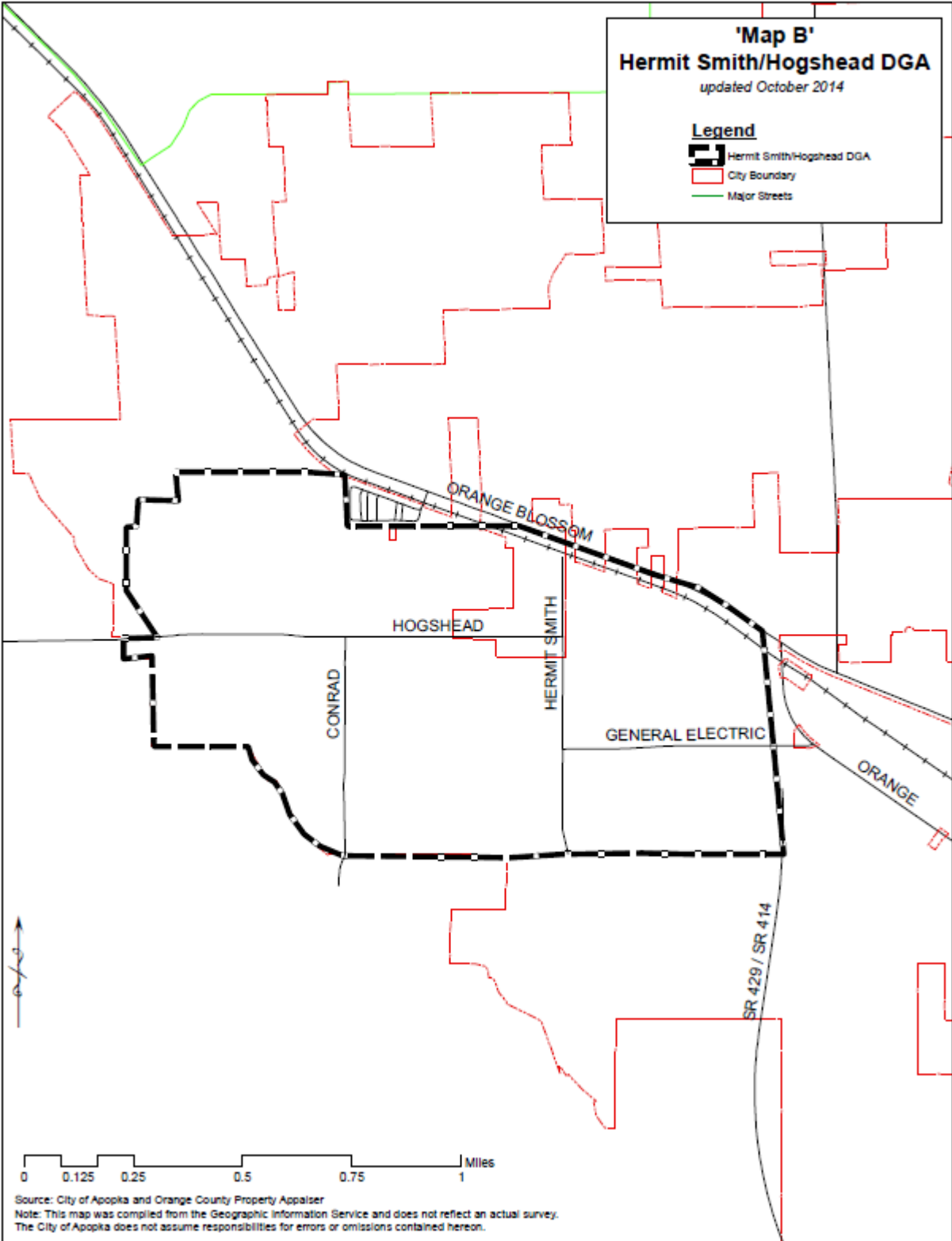
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Linda Goff, City Clear

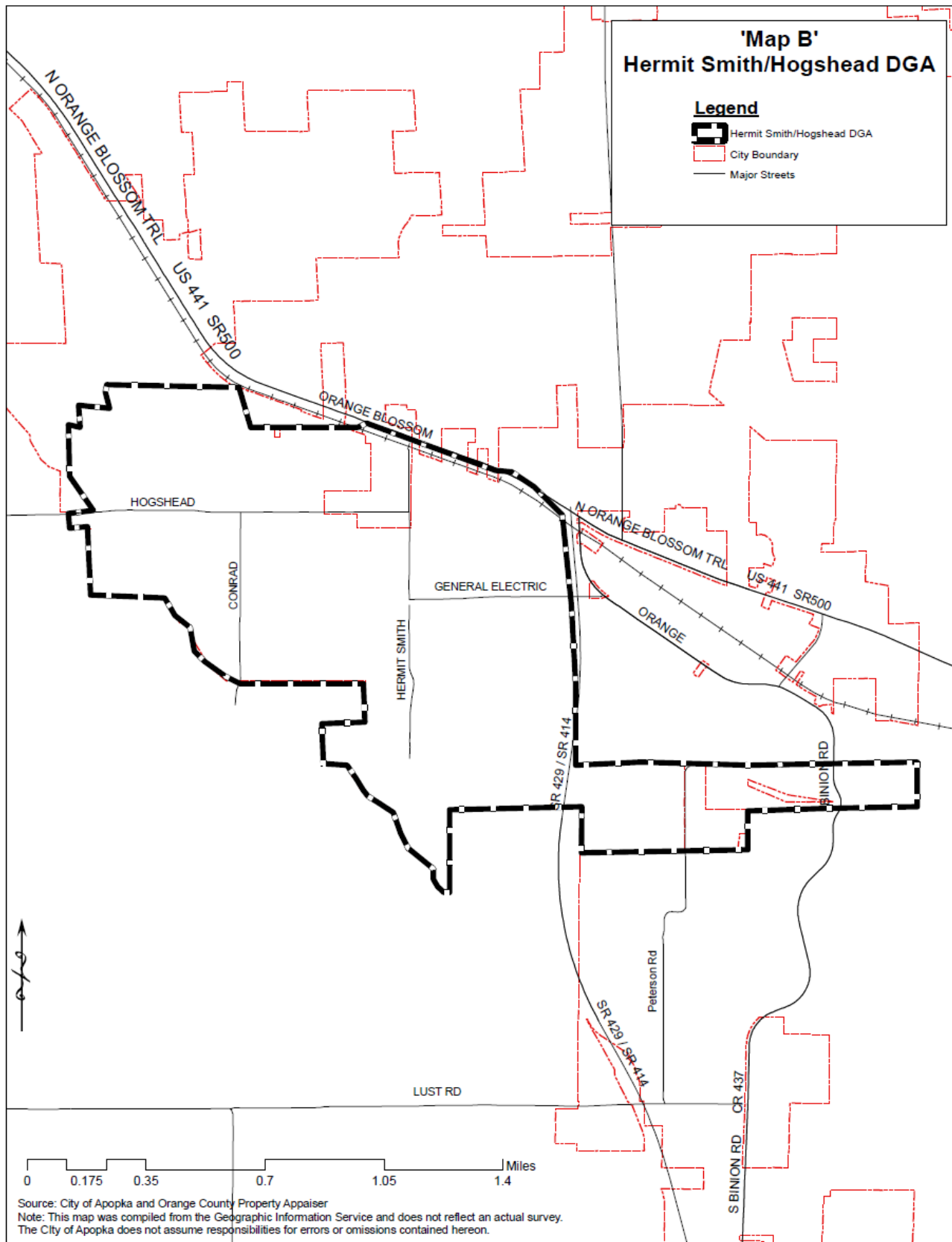
APPROVED AS TO FORM:

\_\_\_\_\_  
Clifford B. Shephard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: March 13, 2015  
April 3, 2015









**FAQs on Low THC-cannabis**  
**August 11, 2014**  
**Source: Florida Department of Health, August 14, 2014**

**Compassionate Medical Cannabis Act of 2014 (Chapter 381.986, Florida Statutes)**

**Definitions:**

- **Dispensing organization:** An organization approved by the Florida Department of Health to cultivate, process, and dispense low-THC cannabis pursuant to section 456.60 F.S.
- **Low-THC cannabis:** A plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of any tetrahydrocannabinol and more than 10 percent cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.
- **Medical use:** Administration of the ordered amount of low-THC cannabis. The term does not include the possession, use or administration by smoking. The term also does not include the transfer of low-THC cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.
- **Qualified patient:** A Florida resident of who has been added to the compassionate use registry by a physician licensed under Chapter 458 or Chapter 459 to receive low-THC cannabis from a dispensing organization.
- **Smoking:** Burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

**FAQs**

**1. When will the legislation become law?**

- a. Governor Scott signed the Compassionate Medical Cannabis Act of 2014 (Chapter 381.986, Florida Statutes) into law on June 16, 2014.

**2. Does that mean doctors can start ordering low THC-cannabis for patients?**

- a. The Compassionate Medical Cannabis Act of 2014 authorizes the ordering of low-THC cannabis by doctors licensed under Chapter 458 and Chapter 459 of Florida Statutes for their qualified patients beginning on January 1, 2015.

**3. Is this the same law proposed on the November ballot?**

- a. The Compassionate Medical Cannabis Act of 2014 (Chapter 381.986, Florida Statutes) is unrelated to the constitutional amendment being placed on the November ballot. The ballot will contain Amendment 2 to Article X of the Florida Constitution, which would add Section 29 to Article X.

**4. Can any doctor in Florida prescribe low THC-cannabis?**

- a. The Compassionate Medical Cannabis Act of 2014 states that low-THC cannabis can only be ordered by physicians licensed under Chapter 458 or Chapter 459 of Florida Statutes. Chapter 458 covers medical practice or allopathic physicians and Chapter 459 covers osteopathic physicians. The law further states that before ordering low-THC cannabis for use by a patient, the ordering physician must successfully complete an 8-hour course approved by either the Florida Medical Association or the Florida Osteopathic Medical Association. The course will encompass the clinical indications for the

appropriate use of low-THC cannabis, the appropriate delivery mechanisms, the contraindications for such use, as well as the relevant state and federal laws governing the ordering, dispensing, and possessing of this substance, and the physician must successfully pass an examination upon completion of the course.

## **5. What are the requirements for obtaining low THC-cannabis?**

- a. The Compassionate Medical Cannabis Act of 2014 states that in order to be qualified to obtain low-THC cannabis:
  - i. The patient must be a permanent Florida resident.
  - ii. If a patient is under the age of 18, a second physician must agree with the determination of need for the patient.
  - iii. The patient must suffer from cancer or a physical medical condition that chronically produces symptoms of seizures, or severe and persistent muscle spasms; or symptoms of the same.
  - iv. Other treatments must have been tried without success.
  - v. The ordering physician must determine the risks of using low-THC cannabis are reasonable in light of the benefit to the patient.
  - vi. The ordering physician must register the patient in the Compassionate Use Registry.
  - vii. The ordering physician must maintain a patient treatment plan which outlines the dose, route of administration, planned duration, monitoring of the patient's illness, and tolerance of the low-THC cannabis, and submit the plan to the University of Florida, College of Pharmacy on a quarterly basis for research purposes.

## **6. What about those people who are here only part of the year?**

- a. The Compassionate Medical Cannabis Act of 2014 states a patient must be a permanent Florida resident.

## **7. What are the requirements to grow and dispense low THC-cannabis in Florida?**

- a. The Compassionate Medical Cannabis Act of 2014 allows the Florida Department of Health to designate five dispensing organizations in Florida.
- b. These dispensing organizations will be located in specified geographic regions throughout the state: one each in northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida.
- c. The Florida Department of Health will develop an application form and determine the fees necessary, both initially and at biennial renewal, to cover the costs of administering The Compassionate Medical Cannabis Act of 2014.
- d. Dispensing organizations must meet stringent requirements:
  - i. Must have been in operation as a registered nursery in this state for at least 30 continuous years.
  - ii. Must have the ability to provide appropriate infrastructure and personnel, and maintain accountability for all raw materials, finished product and byproducts, in order to prevent unlawful access to these substances.

- iii. Must have a valid certificate of registration from the Florida Department of Agriculture that allows cultivation of more than 400,000 plants.
- iv. Must meet specific financial requirements.
- v. All owners and managers must be fingerprinted and pass a level 2 background check.
- vi. Must employ a medical director licensed under Chapter 458 or 459, Florida Statutes, to supervise dispensing activities.

**8. What are the financial requirements for a distributor?**

- a. Dispensing organizations must have the financial ability to maintain operations for the duration of the two-year approval cycle.
- b. Dispensing organizations must provide certified financials to the Department.
- c. Upon approval, dispensing organizations must post a \$5 million performance bond.

**9. Can patients grow their own low THC-cannabis?**

- a. No.

**10. What are the regulations for planting low THC-cannabis?**

- a. Only licensed dispensaries will be allowed to plant and grow low-THC cannabis in Florida.

**11. Where can I get an application to be a dispensary?**

- a. The application will be developed during the rule-making process. Rule-making workshop notices will be posted on the Department website, and the public is welcome to attend these workshops.

**12. What medical conditions are approved for use of low THC-cannabis under The Compassionate Medical Cannabis Act of 2014?**

- a. The Compassionate Medical Cannabis Act of 2014 allows the use of low-THC cannabis, when ordered by a physician licensed under Chapter 458 or Chapter 459 of F.S., for patients suffering from cancer or a physical medical condition that chronically produces symptoms of seizures, or severe and persistent muscle spasms, or to alleviate symptoms of such, if no other satisfactory alternative treatment options exist for the patient and other specific requirements have been met.

## **News and Information Articles Regarding Medical Cannabis**

### **A. Pros of Legalized Medical Cannabis**

#### **Sweetening the Pot: Taxing Medical Marijuana Reaps Benefits in San Jose**

<http://www.forbes.com/sites/kellyphillipserb/2011/05/16/sweetening-the-pot-taxing-medical-marijuana-reaps-benefits-in-san-jose/>

Source: *Forbes*

Summary: Medical marijuana legalization in California has led to a windfall in sales and “sin tax” collection in cities like San Jose. The drug would normally be exempt from sales tax for medical purposes, but because the federal government lists it as a Schedule 1 substance, it cannot be dispensed by a doctor’s prescription – it is dispensed with a doctor’s note – and therefore is *not* exempt from taxes like prescriptions.

#### **Fewer Pain Pill Overdoses In States With Legal Medical Marijuana**

[http://www.huffingtonpost.com/2014/08/26/painkiller-overdose-medical-marijuana\\_n\\_5711425.html](http://www.huffingtonpost.com/2014/08/26/painkiller-overdose-medical-marijuana_n_5711425.html)

Source: *Huffington Post*

Summary: A study published in JAMA found that despite a rise in pain killer deaths in the U.S., overdose in states with legalized medical marijuana is 25 percent lower.

#### **Studies claim medical marijuana may reduce suicide rates, traffic fatalities**

<http://www.pbs.org/newshour/rundown/studies-claim-medical-marijuana-may-reduce-suicide-rates-traffic-fatalities/>

Source: *PBS*

Summary: Recent studies show that medical marijuana may reduce suicide rates by up to 5 percent in the general population and as much as 10 percent in young adults. In addition, traffic deaths have decreased 8-11 percent in the first year where states have legalized medical cannabis.

## **23 Health Benefits of Marijuana**

<http://www.businessinsider.com/health-benefits-of-medical-marijuana-2014-4?op=1>

Source: *Business Insider*

Summary: The article describes the ailments that can be treated with medical marijuana, as well as the negative impacts of overuse. The article also contains links to other news coverage on the positive health benefits of medical cannabis.

## **How medical marijuana has become a \$5M business in Maine — and growing**

<http://bangordailynews.com/slideshow/medical-marijuanas-economic-impact-growing-in-maine/>

Source: *Bangor Daily News*

Summary: The positive impact on state sales and income tax revenue from medical marijuana dispensaries (and related caregivers) are highlighted for Maine, which does not exempt medical marijuana from sales tax as a prescription.

## **B. Cons of Legalized Medical Cannabis**

### **Economic impact of medical marijuana in Florida an open question**

<http://jacksonville.com/news/metro/2014-02-01/story/economic-impact-medical-marijuana-florida-open-question>

Source: *Florida Times-Union*

Summary: Business and other leaders debate the economic impact legalized medical marijuana would have in Florida, which many say remains an open question.

### **Medical Marijuana: More states legalizing, but scientific evidence lacking**

<http://www.cbsnews.com/news/medical-marijuana-more-states-legalizing-but-scientific-evidence-lacking/>

Source: *CBS News*

Summary: Dr. Margaret Haney of Columbia University's Marijuana Research Center argues that despite states' recent legalization efforts, carefully controlled studies of the medical benefits of marijuana remain scant.

### **Colorado residents say legal pot has economic, medical benefits; officials criticize unregulated industry**

[http://www.nj.com/news/index.ssf/2010/06/medical\\_marijuana\\_pot\\_nj\\_color.html](http://www.nj.com/news/index.ssf/2010/06/medical_marijuana_pot_nj_color.html)

Source: *Newark Star-Ledger*

Summary: Colorado passed one of the most liberal marijuana legalization laws in the country, including for medical purposes. Residents and medical professional tout the health benefits to patients, but local zoning and other nuisance issues highlight the need for local follow-up ordinances for regulation.

## Other Stories

### **The Legalization of Marijuana in Colorado: The Impact (August 2014)**

<http://www.rmhidta.org/html/FINAL%20Legalization%20of%20MJ%20in%20Colorado%20The%20Impact.pdf>

An annual report prepared by an organization called the Rocky Mountain High-Intensity Drug Trafficking Area, an intergovernmental law enforcement organization that covers a four state area. The mission of the Rocky Mountain HIDTA is to facilitate cooperation and coordination among federal, state and local drug enforcement efforts to enhance combating the drug trafficking problem locally, regionally and nationally. This mission is accomplished through joint multi-agency colocated drug task forces sharing information and working cooperatively with other drug enforcement initiatives including interdiction

### **Medical Marijuana: Pros & Cons of Budding Legalization**

<https://www.umhs-sk.org/blog/medical-marijuana-pros-cons-of-budding-legalization/Caribbean-Medical-Schools>

### **Would Medical Marijuana be a Boon or a Bust?**

<http://www.gulfshorebusiness.com/November-2013/Would-Medical-Marijuana-be-a-Boon-or-a-Bust/>

Source: *Gulf Shore Business*

Summary: Supporters and opponents to legalization discuss the potential economic benefits and societal costs of legalization across the country and in Florida.

### **Legal Use of Marijuana Clashes With Job Rules**

[http://www.nytimes.com/2014/09/08/us/legal-use-of-marijuana-clashes-with-workplace-drug-testing.html?\\_r=0](http://www.nytimes.com/2014/09/08/us/legal-use-of-marijuana-clashes-with-workplace-drug-testing.html?_r=0)

Source: *New York Times*

Summary: In states that have legalized the use of marijuana (including medical), employers have fired or limited employment based on 'zero tolerance' substance policies, including for those eligible to use it for medical reasons.

**Florida Statute 381.986**  
**(aka "Compassionate Medical Cannabis Act of 2014")**

381.986 Compassionate use of low-THC cannabis.—(1) DEFINITIONS.—As used in this section, the term:

- (a) "Dispensing organization" means an organization approved by the department to cultivate, process, and dispense low-THC cannabis pursuant to this section.
- (b) "Low-THC cannabis" means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.
- (c) "Medical use" means administration of the ordered amount of low-THC cannabis. The term does not include the possession, use, or administration by smoking. The term also does not include the transfer of low-THC cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.
- (d) "Qualified patient" means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis from a dispensing organization.
- (e) "Smoking" means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

(2) PHYSICIAN ORDERING.—Effective January 1, 2015, a physician licensed under chapter 458 or chapter 459 who has examined and is treating a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms may order for the patient's medical use low-THC cannabis to treat such disease, disorder, or condition or to alleviate symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for that patient and all of the following conditions apply:

- (a) The patient is a permanent resident of this state.
- (b) The physician determines that the risks of ordering low-THC cannabis are reasonable in light of the potential benefit for that patient. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient's medical record.
- (c) The physician registers as the orderer of low-THC cannabis for the named patient on the compassionate use registry maintained by the department and updates the registry to reflect the contents of the order. The physician shall deactivate the patient's registration when treatment is discontinued.
- (d) The physician maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the patient's symptoms and other indicators of tolerance or reaction to the low-THC cannabis.
- (e) The physician submits the patient treatment plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of low-THC cannabis on patients.



(f) The physician obtains the voluntary informed consent of the patient or the patient's legal guardian to treatment with low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community of the effectiveness of treatment of the patient's condition with low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects.

(3) PENALTIES.—

(a) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from:

1. Cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated with low-THC cannabis; or
2. Symptoms of cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be alleviated with low-THC cannabis.

(b) Any person who fraudulently represents that he or she has cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms to a physician for the purpose of being ordered low-THC cannabis by such physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) PHYSICIAN EDUCATION.—

(a) Before ordering low-THC cannabis for use by a patient in this state, the appropriate board shall require the ordering physician licensed under chapter 458 or chapter 459 to successfully complete an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses the clinical indications for the appropriate use of low-THC cannabis, the appropriate delivery mechanisms, the contraindications for such use, as well as the relevant state and federal laws governing the ordering, dispensing, and possessing of this substance. The first course and examination shall be presented by October 1, 2014, and shall be administered at least annually thereafter. Successful completion of the course may be used by a physician to satisfy 8 hours of the continuing medical education requirements required by his or her respective board for licensure renewal. This course may be offered in a distance learning format.

(b) The appropriate board shall require the medical director of each dispensing organization approved under subsection (5) to successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses appropriate safety procedures and knowledge of low-THC cannabis.

(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis each time such physician renews his or her license. In addition, successful completion of the course and examination specified in paragraph (b) is required for the medical director of each dispensing organization each time such physician renews his or her license.

(d) A physician who fails to comply with this subsection and who orders low-THC cannabis may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

(5) DUTIES OF THE DEPARTMENT.—By January 1, 2015, the department shall:

(a) Create a secure, electronic, and online compassionate use registry for the registration of physicians and patients as provided under this section. The registry must be accessible to law enforcement agencies and to a dispensing organization in order to verify patient authorization for low-THC cannabis

and record the low-THC cannabis dispensed. The registry must prevent an active registration of a patient by multiple physicians.

(b) Authorize the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis. The applicant must possess a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131 that is issued for the cultivation of more than 400,000 plants, be operated by a nurseryman as defined in s. 581.011, and have been operated as a registered nursery in this state for at least 30 continuous years.
2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.
3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.
4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.
5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a \$5 million performance bond.
6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.
7. The employment of a medical director who is a physician licensed under chapter 458 or chapter 459 to supervise the activities of the dispensing organization.

(c) Monitor physician registration and ordering of low-THC cannabis for ordering practices that could facilitate unlawful diversion or misuse of low-THC cannabis and take disciplinary action as indicated.

(d) Adopt rules necessary to implement this section.

(6) DISPENSING ORGANIZATION.—An approved dispensing organization shall maintain compliance with the criteria demonstrated for selection and approval as a dispensing organization under subsection (5) at all times. Before dispensing low-THC cannabis to a qualified patient, the dispensing organization shall verify that the patient has an active registration in the compassionate use registry, the order presented matches the order contents as recorded in the registry, and the order has not already been filled. Upon dispensing the low-THC cannabis, the dispensing organization shall record in the registry the date, time, quantity, and form of low-THC cannabis dispensed.

(7) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's legal representative may purchase and possess for the patient's medical use up to the amount of low-THC cannabis ordered for the patient.

(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved dispensing organization and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of reasonable quantities, as established by department rule, of low-THC cannabis. For purposes of this subsection, the terms “manufacture,” “possession,” “deliver,” “distribute,” and “dispense” have the same meanings as provided in s. 893.02.

(c) An approved dispensing organization and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of reasonable quantities, as established by department rule, of low-THC cannabis.

**Florida Amendment 2**  
**November 4 Ballot Language**

The official ballot language reads as follows:

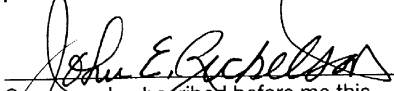
“Allows the medical use of marijuana for individuals with debilitating diseases as determined by a licensed Florida physician. Allows caregivers to assist patients’ medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not authorize violations of federal law or any non-medical use, possession or production of marijuana.”

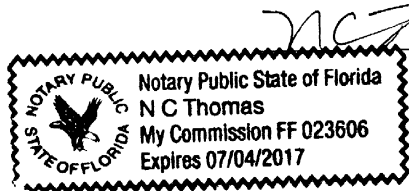
**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

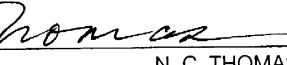
STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **April 3, 2015**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.florida-publicnotices.com](http://www.florida-publicnotices.com)

Affiant further says that the said **APOPKA CHIEF** is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical\* class mail matter (\*second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.

  
Sworn and subscribed before me this  
**3rd day of April, 2015**, by John E. Ricketson,  
who is personally known to me.



  
N. C. THOMAS  
Notary Public, State of Florida  
My Commission FF 023606  
Expires July 04, 2017

**Public Notice**

CITY OF APOPKA  
PUBLIC HEARING NOTICE

The following ordinances are to be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, April 15, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

**ORDINANCE NO. 2388**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED "DESIGNATED GROW AREA OVERLAY DISTRICT," PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A "DESIGNATION GROW AREA OVERLAY DISTRICT" AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICTS OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.**

**ORDINANCE NO. 2413**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 274.64 ACRES, MORE OR LESS, AND OWNED BY ALWAYS GROWING TREES, INC., CHESTER S. PECKETT TRUST, PECKETT FAMILY TRUST, CHRISTOPHER JOHNSON, DAVID AND SUE HILL, DONALD AND DEBRA KIRKLAND, DRK INC., EARL GAYLON WARD ESTATE, FRANKLIN AND JACQUELINE KING, J AND L GARDENIAS, INC., JAMES & LINDA KING, JOSEPH & DONNA COX, KENNETH & HARVEY MORRIS, PATRICIA BARTLETT, PROJECT ORLANDO LLC, ROBERT BRANTLEY, ROCKWOOD GROVES LLC, SHIRLEY DOBBS, T. O. MAHAFFEY JR., WILLIAM M DUVAL TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2414**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 23.78 ACRES, MORE OR LESS, AND OWNED BY JOHN AND JOANNE AULT, BEVERLY SAFIER, DONALD AND DONNA THOMAS, AND PHILLIP AND PEGGY DIONNE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2415**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES, PART II, CHAPTER 2, DIVISION 2, SECTION 2, BY ADDING SUBSECTION 2-123 ENTITLED "PASS-THROUGH FEES;" PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council  
Community Development Department

April 3, 2015  
Publish: The Apopka Chief

**Backup material for agenda item:**

3. ORDINANCE NO. 2413 – SECOND READING & ADOPTION - 2015-2 ADMINISTRATIVE REZONING – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for Certain real properties generally located within the city limits of Apopka, comprising 274.64 Acres, more or less, and owned by Always Growing Trees, Inc.; Chester S. Peckett Trust; Peckett Family Trust; Christopher Johnson; David and Sue Hill; Donald And Debra Kirkland; DRK Inc.; Earl Gaylon Ward Estate; Franklin and Jacqueline King; J and L Gardenias, Inc.; James and Linda King; Joseph and Donna Cox; Kenneth and Harvey Morris; Patricia Bartlett; Project Orlando LLC; Robert Brantley; Rockwood Groves LLC; Shirley Dobbs; T. O. Mahaffey Jr.; and William M Duval Trust. [Ordinance No. 2413 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.]



CITY OF APOPKA
CITY COUNCIL

- X PUBLIC HEARING
ANNEXATION
PLAT APPROVAL
X OTHER: Ordinance

DATE: April 15, 2015
FROM: Community Development
EXHIBITS: "A" Cases Spreadsheet
"B" Zoning Reports
Ordinance No. 2413

SUBJECT: ORDINANCE NO. 2413 - 2015-2 ADMINISTRATIVE REZONINGS - FROM "COUNTY" A-1 (ZIP) TO "CITY" AG (1 DU/5 AC) FOR PROPERTIES WITH A FUTURE LAND USE DESIGNATION OF "CITY" RURAL SETTLEMENT.

Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2413 - 2015-2 ADMINISTRATIVE REZONING FROM "COUNTY" A-1 (ZIP) TO "CITY" AG (1 DU/5 AC) FOR PROPERTIES WITH A FUTURE LAND USE DESIGNATION OF "CITY" RURAL SETTLEMENT.

SUMMARY

The 4 parcels, comprising a total of 274.64 +/- acres, have been annexed into the City of Apopka and have been assigned the Future Land Use designation that is compatible with the proposed AG zoning designation. All subject properties currently have a City Future Land Use Designation of Rural Settlement (RS) and a County zoning category of A-1 assigned to them. A summary of each zoning case is provided in Exhibits "A" and "B".

Table with 2 columns: Category and Value. Rows include: All Cases ("County A-1"), Total # of Parcels (26), Total # of Property Owners (7), Total Acreage (274.64 +/-).

One parcel was pulled because the current zoning does not match those included within Cycle 2 Administrative Rezoning. The numbers have been revised to account for the removed case. Exhibit "A" shows this parcel deleted. The attached exhibits provide a summary of each proposed zoning amendment. Each property owner has been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to their property. An individual zoning report has been prepared for each zoning case. All zoning reports are provided in Exhibit "B".

Pursuant to the Interlocal Agreement between the City and Orange County (2004), policy of the City's Comprehensive Plan (Policy 3.9) and State law (s 163.3202, F.S.), the City is required to assign a zoning category to lands that are annexed into the City's jurisdiction. To comply with these requirements, city staff is recommending that the City assign a zoning category that is most compatible to the current zoning category that was assigned by Orange County.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning for each case will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary. The affected schools are listed in Exhibit "A."

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 6, 2015.

DISTRIBUTION

- Mayor Kilsheimer
Commissioners (4)
City Administrator Irby
Community Dev. Director
Finance Director
HR Director
IT Director
Police Chief
Public Ser. Director
City Clerk
Fire Chief



**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 – City Council (1:30 pm) – 1st Reading  
April 15, 2015 – City Council (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in zoning from “County” A-1 to “City” AG as set forth in Exhibits “A” and “B” for the properties described therein.

The **Planning Commission**, at its meeting on March 10, 2015, recommended approval (7-0) of the change in zoning from “County” A-1 to “City” AG as set forth in Exhibits “A” and “B” for the properties described therein.

The **City Council**, at its meeting on April 1, 2015, accepted the First Reading of Ordinance No. 2413 and held it over for Second Reading and Adoption on April 15, 2015.

Adopt Ordinance No. 2413.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**EXHIBIT "A"**

**2015-2 Administrative Rezoning Properties**

**From "County" A-1 (ZIP) to "City" AG**

Case #	Parcel ID	Name	Mailing Address	Acreage	FLU	Current Zoning	Proposed Zoning	Schools			Existing Use
								ES	MS	HS	
2015-2-1	11-20-27-0000-00-054	Always Growing Trees, Inc.	6318 Nightwind Cir, Orlando, FL 32818-8833	20.07	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Ornamental nursery
2015-2-2	11-20-27-0000-00-031	Chester S. Peckett Trust	15815 Acorn Cir, Tavares, FL 32778-9447	1.18	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Container Nursery
2015-2-2	11-20-27-0000-00-032	Chester S. Peckett Trust	15815 Acorn Cir, Tavares, FL 32778-9447	9.90	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Container nursery and manufactured home
2015-2-2	11-20-27-0000-00-043	Chester S. Peckett Trust	15815 Acorn Cir, Tavares, FL 32778-9447	1.86	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Container nursery
2015-2-2	11-20-27-0000-00-052	Peckett Family Trust	15815 Acorn Cir, Tavares, FL 32778-9447	6.86	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Container nursery and manufactured home
2015-2-3	24-20-27-0000-00-099	Christopher Johnson	1952 Township Road 1095, Ashland, OH 44805	10.00	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Manufactured Home
2015-2-4	09-20-28-0000-00-009	David & Sue Hill	P. O. Box 1358, Sorrento, FL 32776-1358	1.38	RS	A-1(ZIP)	AG	RSES	WLMS	AHS	Container nursery
2015-2-4	09-20-28-0000-00-015	David & Sue Hill	P. O. Box 1358, Sorrento, FL 32776-1358	1.46	RS	A-1(ZIP)	AG	RSES	WLMS	AHS	Single-family home
2015-2-4	09-20-28-0000-00-031	David & Sue Hill	P. O. Box 1358, Sorrento, FL 32776-1358	1.48	RS	A-1(ZIP)	AG	RSES	WLMS	AHS	Container nursery
2015-2-5	09-20-28-0000-00-029	Donald & Debra Kirkland	6220 Mt Plymouth Rd, Apopka, FL 32712-5226	1.59	RS	A-1(ZIP)	AG	RSES	WLMS	AHS	Single-family home
2015-2-6	09-20-28-0000-00-013	DRK Inc	6220 Mt Plymouth Rd, Apopka, FL 32712-5226	4.05	RS	A-1(ZIP)	AG	RSES	WLMS	AHS	Container nursery
2015-2-7	09-20-28-0000-00-030	Earl Gaylon Ward Estate	P. O. Box 506, Apopka, FL 32704-0506	0.13	RS	A-1(ZIP)	AG	RSES	WLMS	AHS	Vacant Residential

Elementary School (ES)

AES = Apopka ES  
 DLES = Dream Lake ES  
 LES = Lovell ES  
 RSES = Rock Springs ES  
 WES = Wheatley ES  
 WLFES = Wolf Lake ES  
 WOODS = Wood ES

Middle School (MS)

AMMS = Apopka Memorial MS  
 PLMS = Piedmont Lakes MS  
 WLMS = Wolf Lake MS

High School (HS)

AHS = Apopka HS  
 WHS = Wekiva HS

**EXHIBIT "A"**

**2015-2 Administrative Rezoning Properties**

**From "County" A-1 (ZIP) to "City" AG**

Case #	Parcel ID	Name	Mailing Address	Acreage	FLU	Current Zoning	Proposed Zoning	Schools			Existing Use
								ES	MS	HS	
2015-2-8	05-20-28-0000-00-004	Franklin & Jacqueline King	1816 S Eola Dr, Orlando, FL 32802-4010	4.01	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Grazing
2015-2-8	05-20-28-0000-00-018	Franklin & Jacqueline King	1816 S Eola Dr, Orlando, FL 32802-4010	9.23	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Grazing
2015-2-9	09-20-28-0000-00-025	J and L Gardenias, Inc.	6336 Mt Plymouth Rd, Apopka, FL 32712-5363	1.99	RS	A-1(ZIP)	AG	RSES	WLMS	AHS	Container nursery
2015-2-10	05-20-28-0000-00-030	James & Linda King	1707 Haas Rd, Apopka, FL 32712-5219	1.27	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Single-family home
2015-2-10	05-20-28-0000-00-038	James & Linda King	1707 Haas Rd, Apopka, FL 32712-5219	3.99	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Grazing
2015-2-11	05-20-28-0000-00-032	Joseph & Donna Cox	1689 Haas Rd, Apopka, FL 32712-5219	8.11	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Manufactured Home
2015-2-12	06-20-28-0000-00-028	Kenneth & Harvey Morris	2121 Haas Rd, Apopka, FL 32712-5127	4.14	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Single-family home
2015-2-12	06-20-28-0000-00-030	Kenneth & Harvey Morris	2121 Haas Rd, Apopka, FL 32712-5127	5.23	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Grazing and manufactured home
2015-2-12	06-20-28-0000-00-044	Kenneth & Harvey Morris	2121 Haas Rd, Apopka, FL 32712-5127	5.18	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Grazing and manufactured home
2015-2-12	06-20-28-0000-00-062	Kenneth & Harvey Morris	2121 Haas Rd, Apopka, FL 32712-5127	14.93	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Grazing and manufactured home
2015-2-13	05-20-28-0476-00-090	Patricia Bartlett	1118 Crown Isle Circle, Apopka, FL 32712-2913	3.69	RS	A-1(ZIP)	AG	RSES	WLMS	AHS	Single-family home
2015-2-14	24-20-27-0000-00-076	Project Orlando LLC	1900 Summit Tower Blvd, Ste 820, Orlando FL 32810-5951	11.17	RS	A-1(ZIP)	AG	WLES	WLMS	AHS	Non-Ag vacant acreage

Elementary School (ES)

AES = Apopka ES  
 DLES = Dream Lake ES  
 LES = Lovell ES  
 RSES = Rock Springs ES  
 WES = Wheatley ES  
 WLF Lake ES  
 WOOD ES

Middle School (MS)

AMMS = Apopka Memorial MS  
 PLMS = Piedmont Lakes MS  
 WLMS = Wolf Lake MS

High School (HS)

AHS = Apopka HS  
 WHS = Wekiva HS

**EXHIBIT "A"**

**2015-2 Administrative Rezoning Properties**

**From "County" A-1 (ZIP) to "City" AG**

Case #	Parcel ID	Name	Mailing Address	Acreage	FLU	Current Zoning	Proposed Zoning	Schools			Existing Use
								ES	MS	HS	
2015-2-15	09-20-28-0000-00-028	Robert Brantley	121 Lakeshore Dr, Altamonte Springs, FL 32714-1914	4.23	RS	A-1(ZIP)	AG	RSES	WLMS	AHS	Warehousing
2015-2-16	05-20-28-0000-00-006	Rockwood Groves LLC	c/o H. N. Roth, P. O. Box 770249, Winter Garden, FL 34777-0249	101.49	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Timberland
2015-2-17	09-20-28-0000-00-020	Shirley Dobbs	6444 Mt Plymouth Rd, Apopka, FL 32712-5228	0.91	RS	A-1(ZIP)	AG	RSES	WLMS	AHS	Single-family home
2015-2-18	06-20-28-0000-00-015	T O Mahaffey Jr	P. O. Box 1147, Sorrento, FL 32776-1147	2.49	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Single-family home
2015-2-18	06-20-28-0000-00-059	T O Mahaffey Jr	P. O. Box 1147, Sorrento, FL 32776-1147	30.03	RS	A-1(ZIP)	AG	ZES	WLMS	AHS	Field nursery and grazing
2015-2-19	24-20-27-0000-00-109	William M Duval Trust	P. O. Box 549 Plymouth, FL 32768-0549	2.59	RS	A-1(ZIP)	AG	WLES	WLMS	AHS	Container Nursery

Elementary School (ES)

AES = Apopka ES  
 DLES = Dream Lake ES  
 LES = Lovell ES  
 RSES = Rock Springs ES  
 WES = Wheatley ES  
 WLES = Wekiva ES  
 WLMS = Wolf Lake ES

Middle School (MS)

AMMS = Apopka Memorial MS  
 PLMS = Piedmont Lakes MS  
 WLMS = Wolf Lake MS

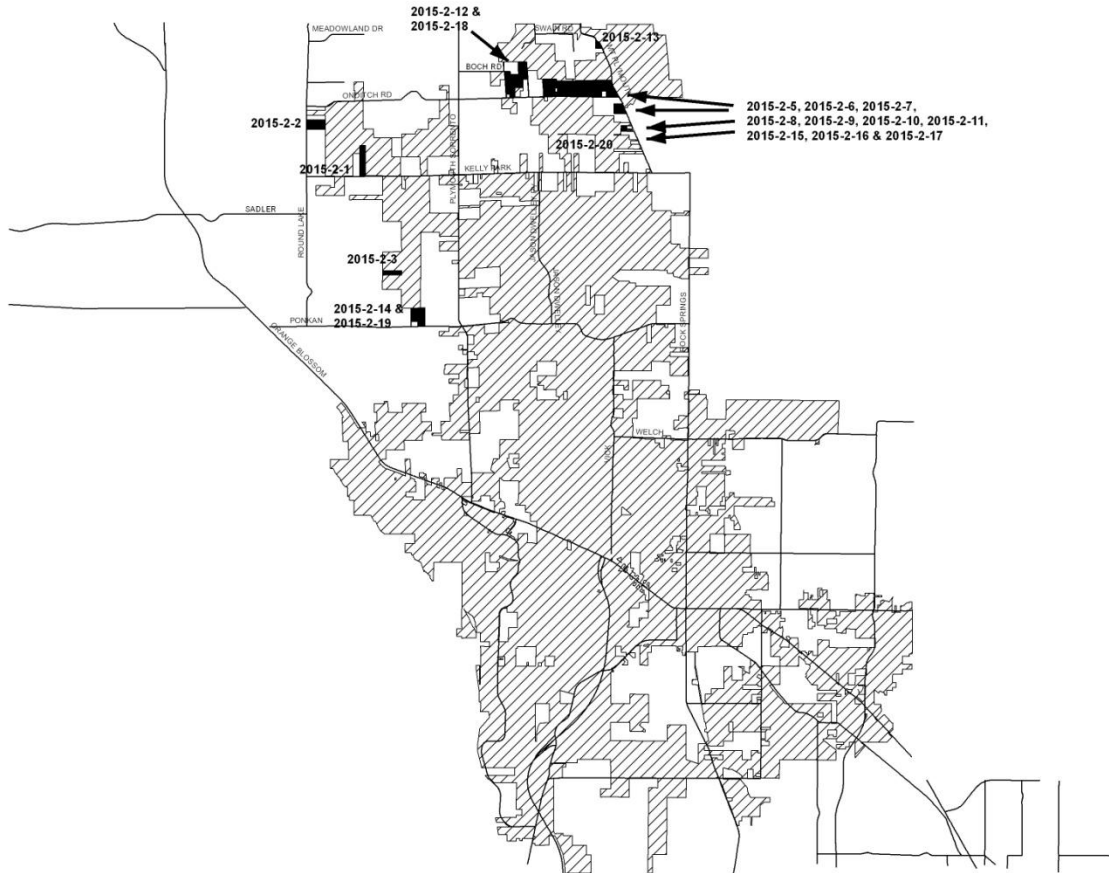
High School (HS)

AHS = Apopka HS  
 WHS = Wekiva HS



**2015-2 Administrative Change of Zoning  
274.64 +/- Acres  
Proposed Zoning Change:  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (5 acre min. lot)**

**ORDINANCE # 2413 ADMINISTRATIVE REZONING CASES LOCATION MAP**



**CASE  
REPORTS**

**From  
“County” A-1 (ZIP)  
To  
“City” AG**

**For properties with the  
“City” Future Land Use of  
Rural Settlement**



# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** ALWAYS GROWING TREES, INC. (Case # 2015-2-1)

**PARCEL ID NUMBER:** 11-20-27-0000-00-054

**Request:** ADMINISTRATIVE REZONING  
**FROM:** "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
**TO:** "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

**OWNER:** Always Growing Trees, Inc.  
**APPLICANT:** City of Apopka  
**LOCATION:** North of W Kelly Park Road, west of Gold Gem Road  
**EXISTING USE:** Ornamental nursery  
**FUTURE LAND USE:** Rural Settlement (1 du/5 acres)  
**ZONING:** A-1 (ZIP)  
**PROPOSED DEVELOPMENT:** Ornamental nursery (existing)  
**PROPOSED ZONING:** AG  
**TRACT SIZE:** 20.07 acres  
**MAXIMUM ALLOWABLE DEVELOPMENT:**  
EXISTING ZONING: 4 Residential Units  
PROPOSED ZONING: 4 Residential Units

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 2000.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Mixed Use	A-1 (ZIP)	Grazing
East (City)	Rural Settlement	A-1 (ZIP)	Grazing
South (City)	Rural Settlement	A-1 (ZIP)	Timberland
West (County)	Rural	A-1	Grazing

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (W Kelly Park Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner: 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE**

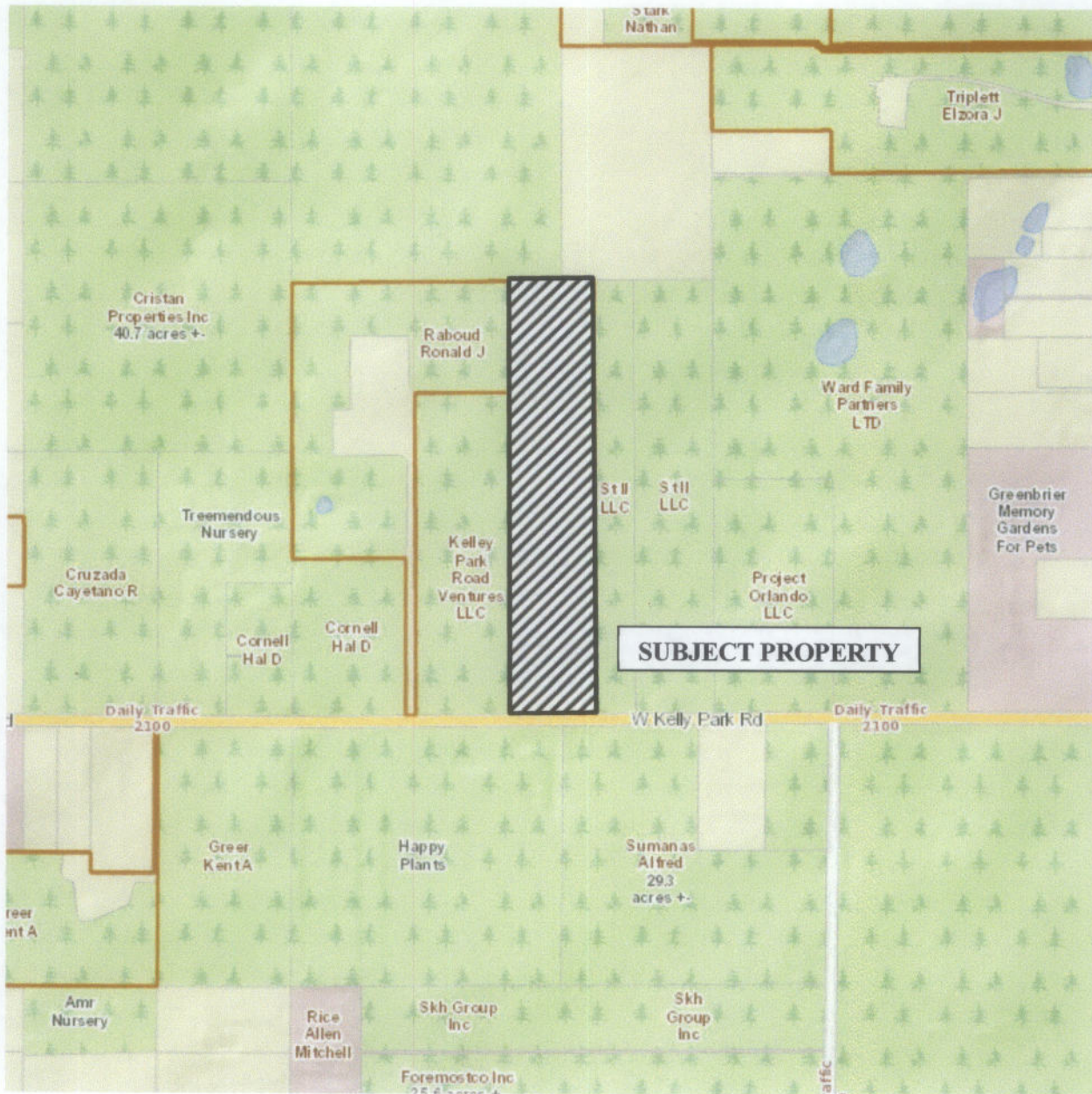
**USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



Always Growing Trees, Inc.  
20.07 +/- Acres  
Proposed Zoning Change:  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID #: 11-20-27-0000-00-054

### VICINITY MAP







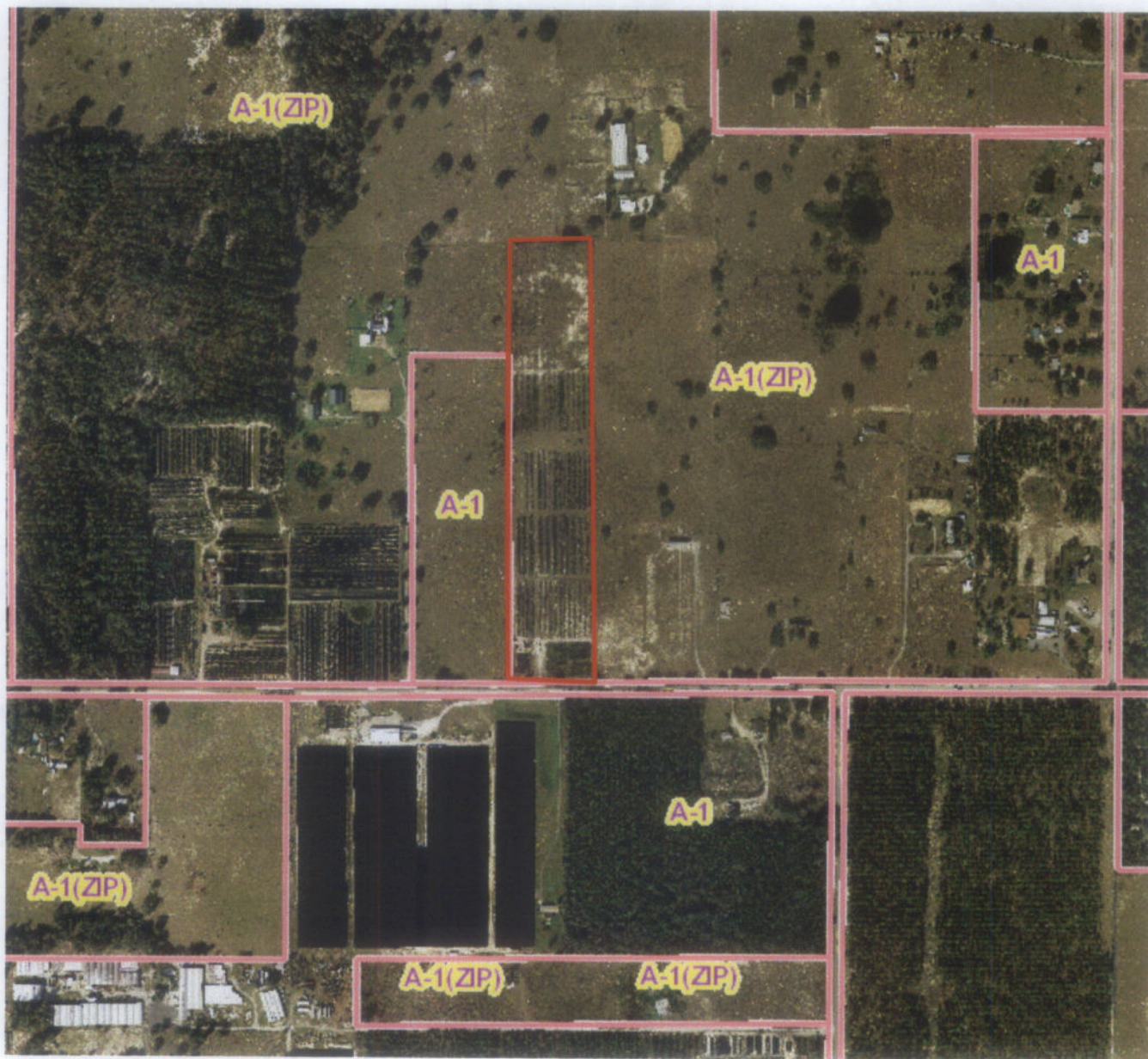
### ADJACENT ZONING







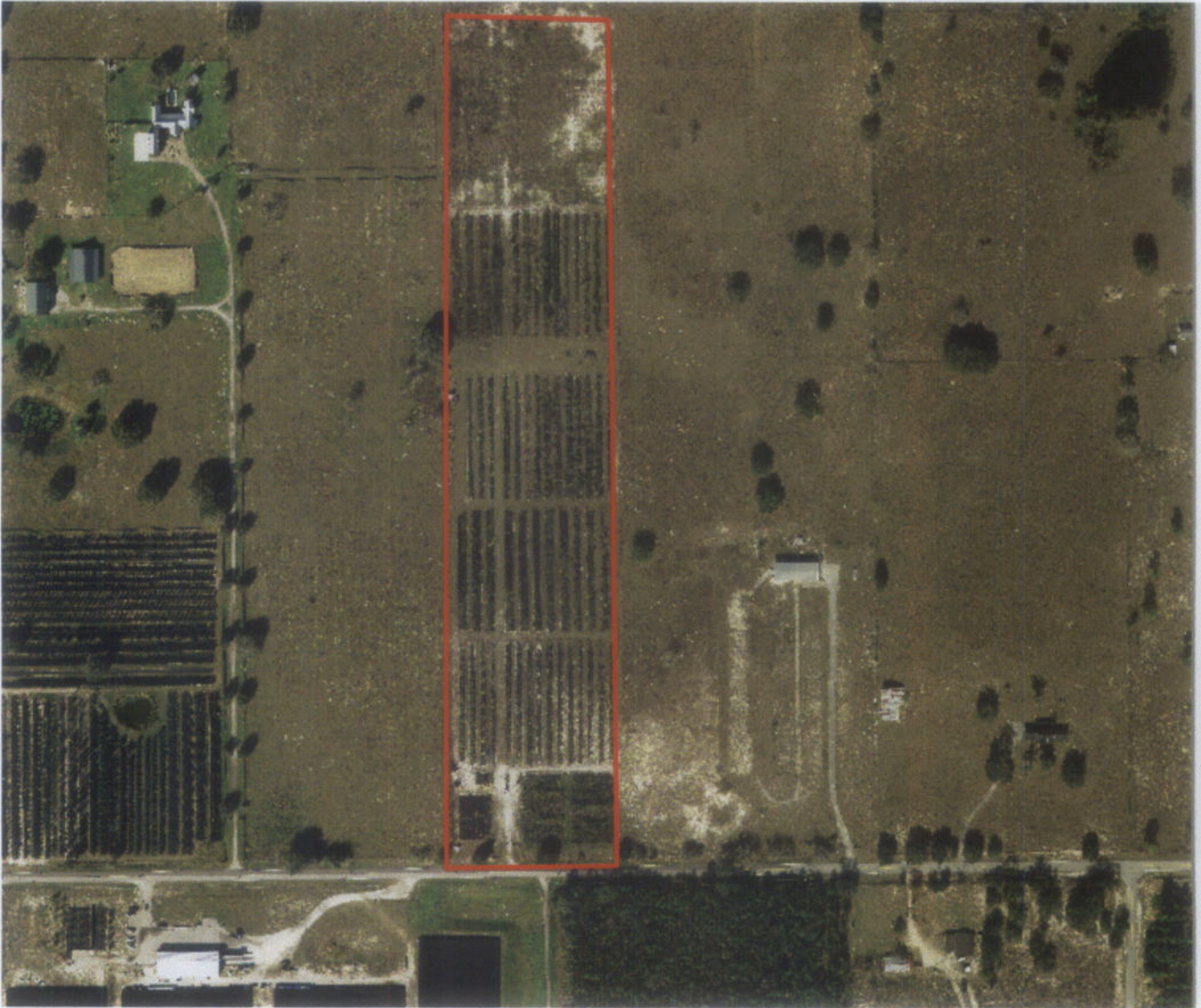
### ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

<input checked="" type="checkbox"/> PUBLIC HEARING	FROM: Community Development
<input type="checkbox"/> ANNEXATION	EXHIBITS: Zoning Report
<input type="checkbox"/> PLAT APPROVAL	Vicinity Map
<input type="checkbox"/> OTHER:	Adjacent Zoning Map
	Adjacent Uses Map
	Existing Uses

**SUBJECT:** CHESTER S. PECKETT TRUST & PECKETT FAMILY TRUST  
(Case # 2015-2-2)

**PARCEL ID NUMBERS:** 11-20-27-0000-00-031, 11-20-27-0000-00-032, 11-20-27-0000-00-043 & 11-20-27-0000-00-052

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

**SUMMARY**

OWNER: Chester S. Peckett Trust & Peckett Family Trust

APPLICANT: City of Apopka

LOCATION: East of Round Lake Road, south of Ondich Road

EXISTING USE: Container nursery

FUTURE LAND USE: Rural Settlement (1 du/5 acres)

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Container nursery (existing)

PROPOSED ZONING: AG

TRACT SIZE: 19.8 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT:	EXISTING ZONING:	3 Residential Units
	PROPOSED ZONING:	3 Residential Units

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Dir.

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir.  
City Clerk  
Fire Chief



**ADDITIONAL COMMENTS:**

The subject properties were annexed into the City of Apopka on October 7, 2009, through the adoption of Ordinance No. 2122.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (City)	Mixed Use	A-1 (ZIP)	Grazing
South (County)	Rural	A-1	Container nursery and manufactured home
West (County)	Rural	A-1	Single-family home

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Round Lake Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE**

**USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



**Chester S. Peckett Trust & Peckett Family Trust  
19.8 +/- Acres**

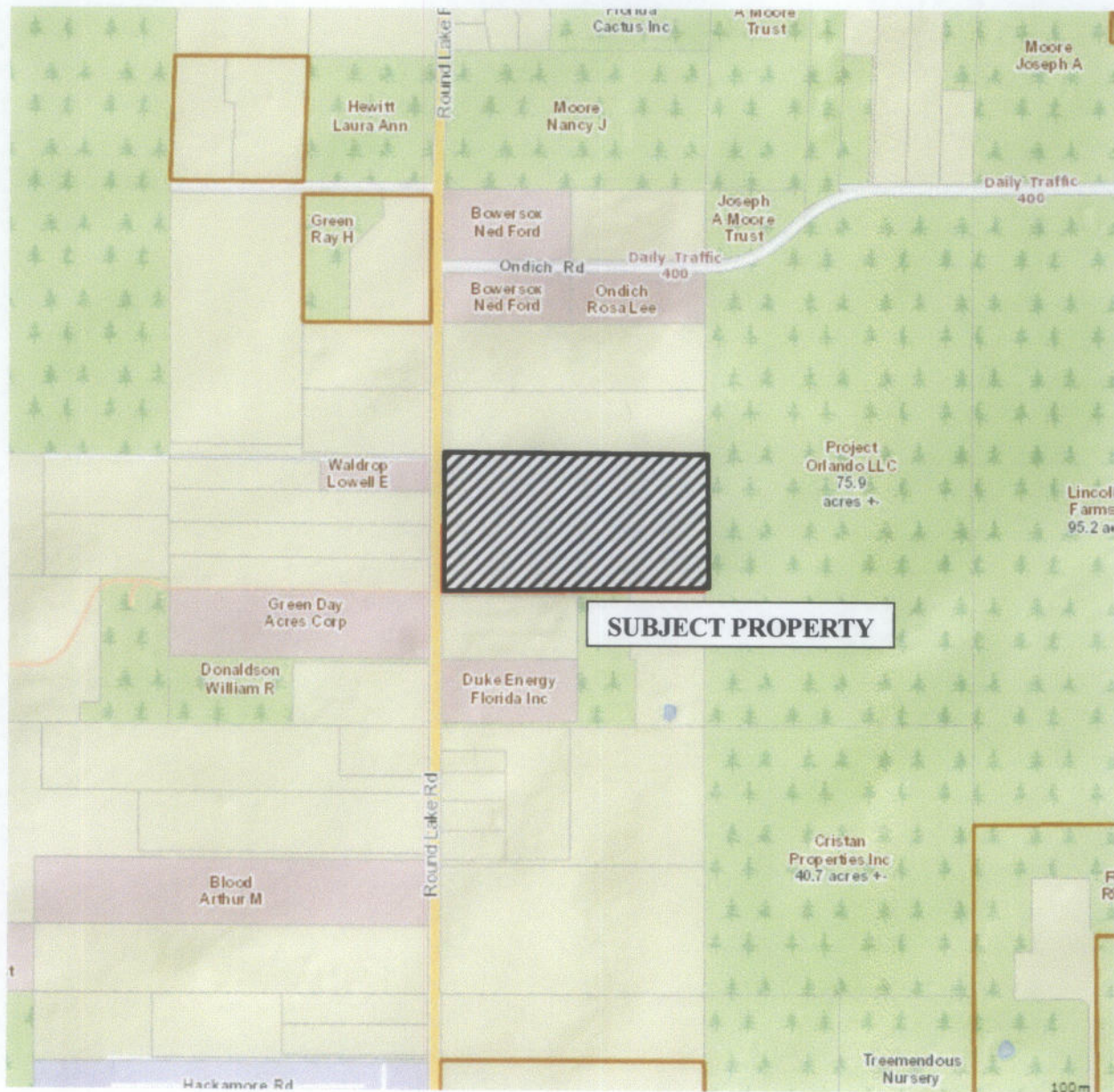
**Proposed Zoning Change:**

**From: "County" A-1 (ZIP) (Agriculture) (10,000 sq. ft. min. lot)**

**To: "City" AG (Agriculture) (0-1 du/5 ac)**

**Parcel ID #s: 11-20-27-0000-00-031, 11-20-27-0000-00-032,  
11-20-27-0000-00-043, 11-20-27-0000-00-052**

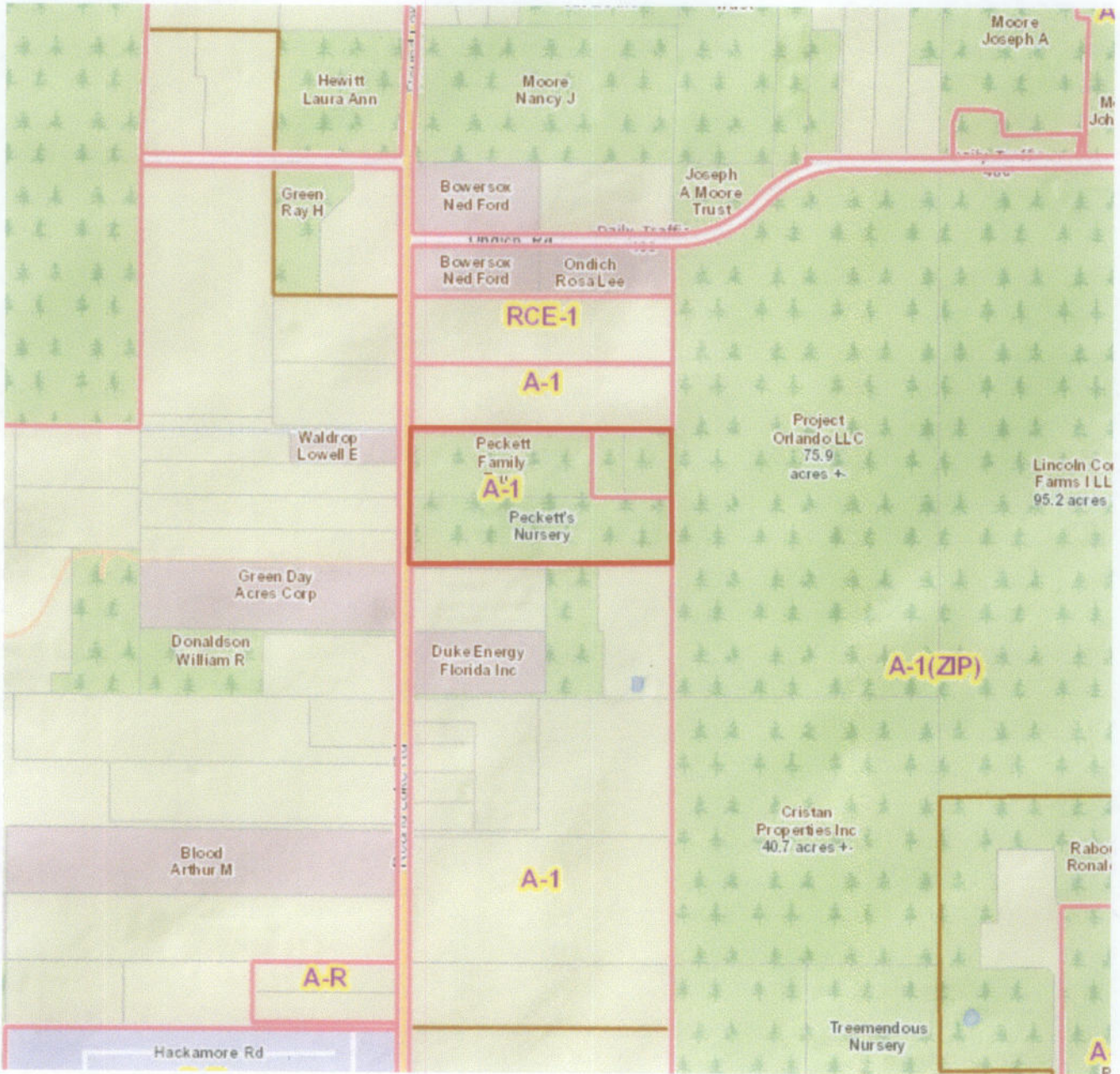
**VICINITY MAP**







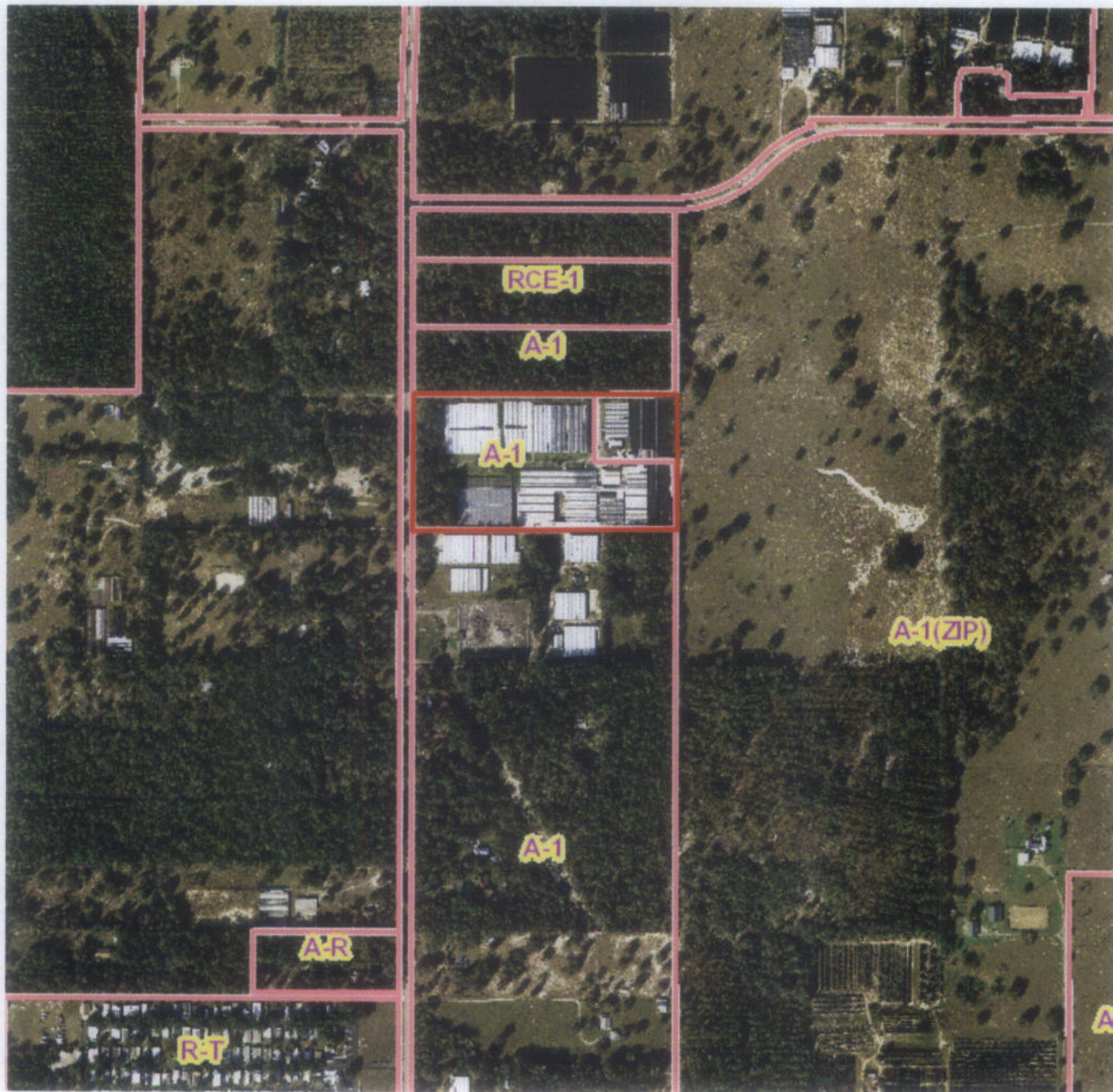
### ADJACENT ZONING







### ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** CHRISTOPHER JOHNSON (Case # 2015-2-3)

**PARCEL ID NUMBER:** 24-20-27-0000-00-099

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Christopher Johnson  
APPLICANT: City of Apopka  
LOCATION: East of Golden Gem Road, east of W Ponkan Road  
EXISTING USE: Manufactured home  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Manufactured home (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 10.00 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units  
PROPOSED ZONING: 2 Residential Units

### DISTRIBUTION

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Dir.

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir.  
City Clerk  
Fire Chief



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on May 16, 2007, through the adoption of Ordinance No. 1930.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed zoning classification is consistent with the Future Land Use Designation assigned to the property.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**JOINT PLANNING AREA/OVERLAY:** The subject properties are located within the “Northern Area” of the Joint Planning Area with Orange County. The subject properties are not located within any other city overall or protection area.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PROPERTY OWNER NOTIFICATION:** The property owner was notified of this administrative rezoning and public hearing dates at least thirty (30) days prior to the adoption public hearing.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Timberland
East (City)	Conservation	A-1 (ZIP)	Municipal conservation
South (City)	Conservation	A-1 (ZIP)	Municipal conservation
West (County)	Rural	A-1	Office and non-ag vacant acreage

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Golden Gem Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use designation and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE**

**USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



**Christopher Johnson**  
**10 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (10,000 sq. ft. min. lot)**  
**To: "City" AG (Agriculture) (0-1 du/5 ac)**  
**Parcel ID #: 24-20-27-0000-00-099**

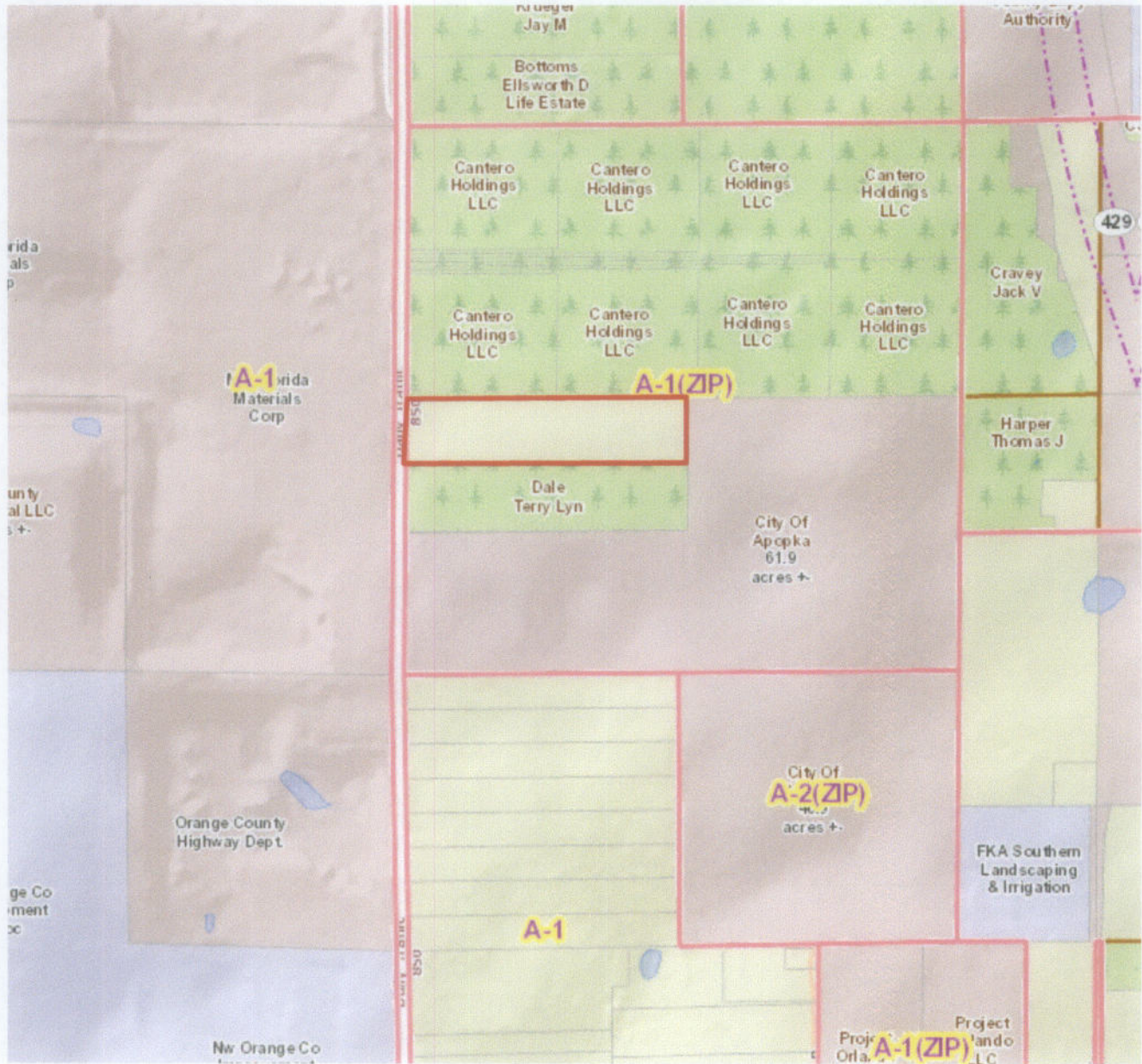
**VICINITY MAP**







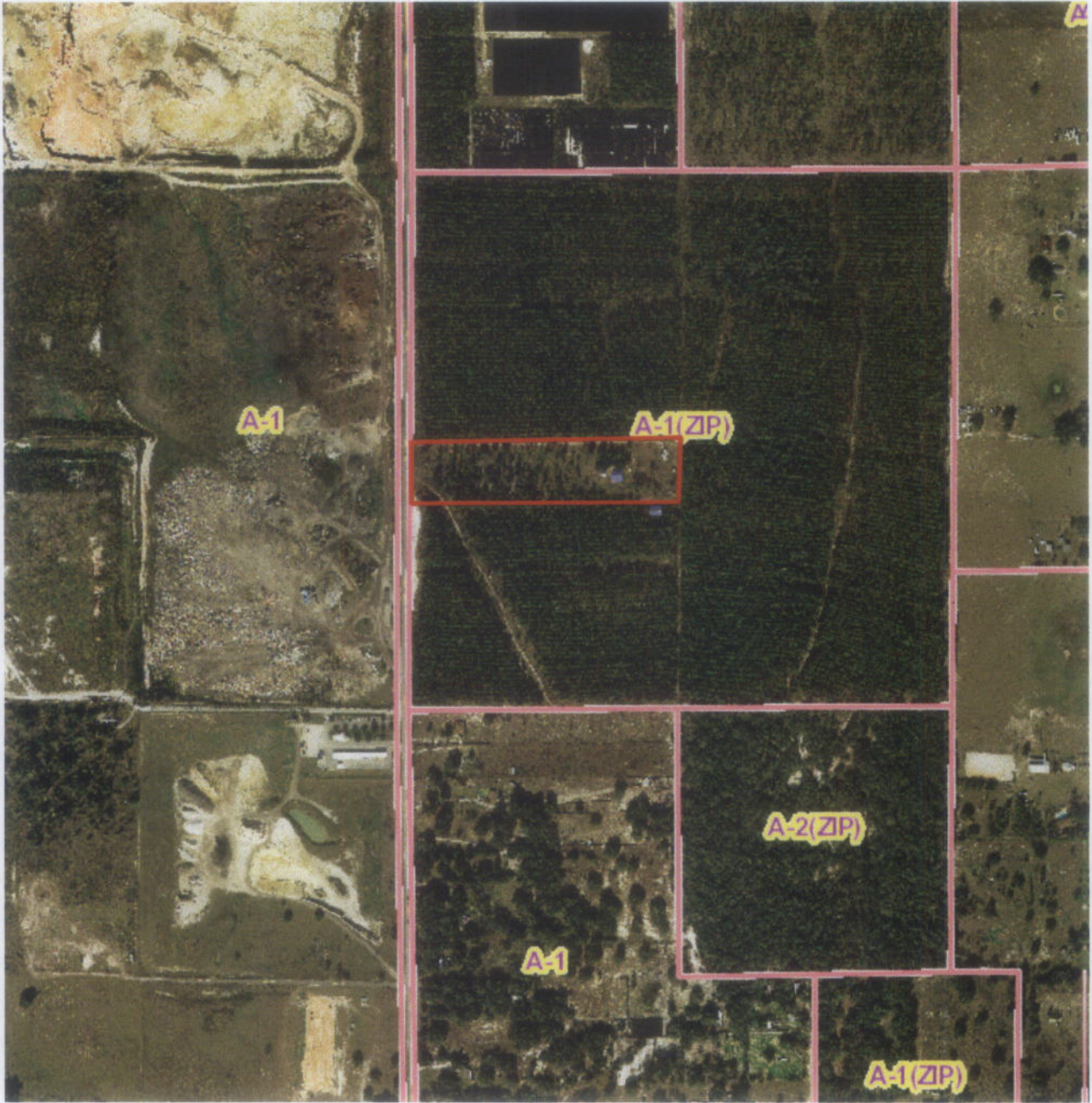
### ADJACENT ZONING







ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

<input checked="" type="checkbox"/> PUBLIC HEARING	FROM: Community Development
<input type="checkbox"/> ANNEXATION	EXHIBITS: Zoning Report
<input type="checkbox"/> PLAT APPROVAL	Vicinity Map
<input type="checkbox"/> OTHER:	Adjacent Zoning Map
	Adjacent Uses Map
	Existing Uses

**SUBJECT:** DAVID & SUE HILL (Case # 2015-2-4)

**PARCEL ID NUMBERS:** 09-20-28-0000-00-009, 09-20-28-0000-00-015 & 09-20-28-0000-00-031

**Request:** ADMINISTRATIVE REZONING  
**FROM:** "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
**TO:** "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

**OWNER:** David & Sue Hill

**APPLICANT:** City of Apopka

**LOCATION:** North of W Kelly Park Road, west of Mt. Plymouth Road

**EXISTING USE:** Container nursery & single-family home

**FUTURE LAND USE:** Rural Settlement (1 du/5 acres)

**ZONING:** A-1 (ZIP)

**PROPOSED DEVELOPMENT:** Container nursery & single-family home (existing)

**PROPOSED ZONING:** AG

**TRACT SIZE:** 4.3 +/- acres

**MAXIMUM ALLOWABLE DEVELOPMENT:**

EXISTING ZONING:	1 Residential Unit
PROPOSED ZONING:	1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject properties were annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1781.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning designation be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The three parcels are legal, non-conforming lots.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (City)	Agricultural Homestead	A-1 (ZIP)	Water management (vacant SJWMD)
South (City)	Rural Settlement	A-1 (ZIP)	Container nursery & vacant residential
West (County)	Rural	A-1	Agricultural and non-ag acreage

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway Mt. Plymouth Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. The AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site is a legal, non-conforming lot under the AG zoning district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.

**ALLOWABLE  
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





David & Sue Hill  
4.3 +/- Acres

**Proposed Zoning Change:**

From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)

To: "City" AG (Agriculture) (0-1 du/5 ac)

Parcel ID #s: 09-20-28-0000-00-009, 09-20-28-0000-00-015 &  
09-20-28-0000-00-031

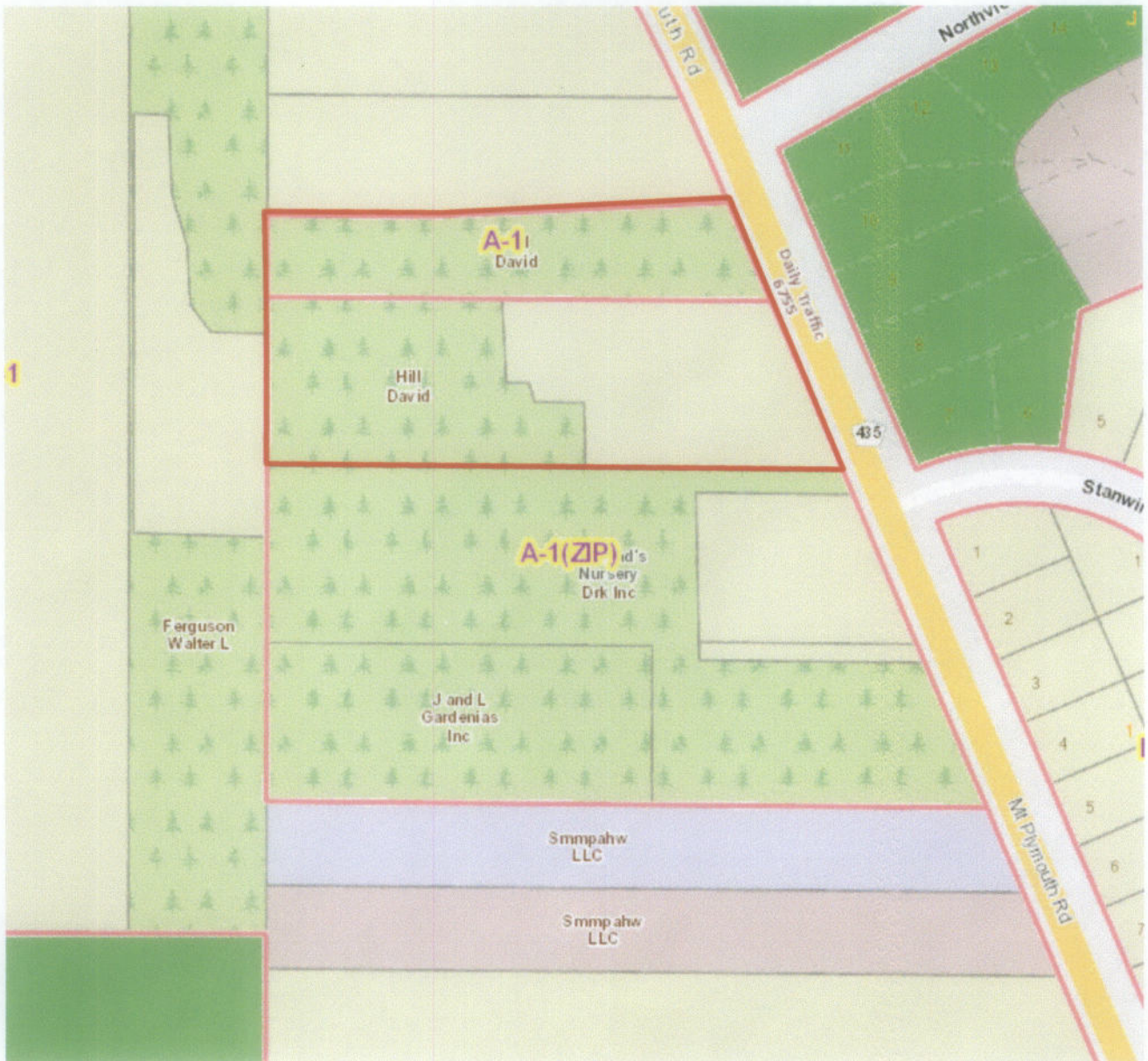
**VICINITY MAP**







### ADJACENT ZONING







### ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** DONALD & DEBRA KIRKLAND (Case # 2015-2-5)

**PARCEL ID NUMBER:** 09-20-28-0000-00-029

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Donald & Debra Kirkland  
APPLICANT: City of Apopka  
LOCATION: North of W Kelly Park Road, west of Mt. Plymouth Road  
EXISTING USE: Single-family home  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Single-family home (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 1.59 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1780.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning designation be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (County)	Low Density Residential	R-1	Single-family homes
South (City) & (County)	Rural Settlement & Rural	A-1 (ZIP) A-1	Right-of-Way Non-ag acreage
West (City)	Rural Settlement	A-1 (ZIP)	Right-of-way & Warehousing

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway Mt. Plymouth Road).

**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. The AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site is a legal, non-conforming lot under the AG zoning district.

**BUFFERYARD REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE**

**USES:**

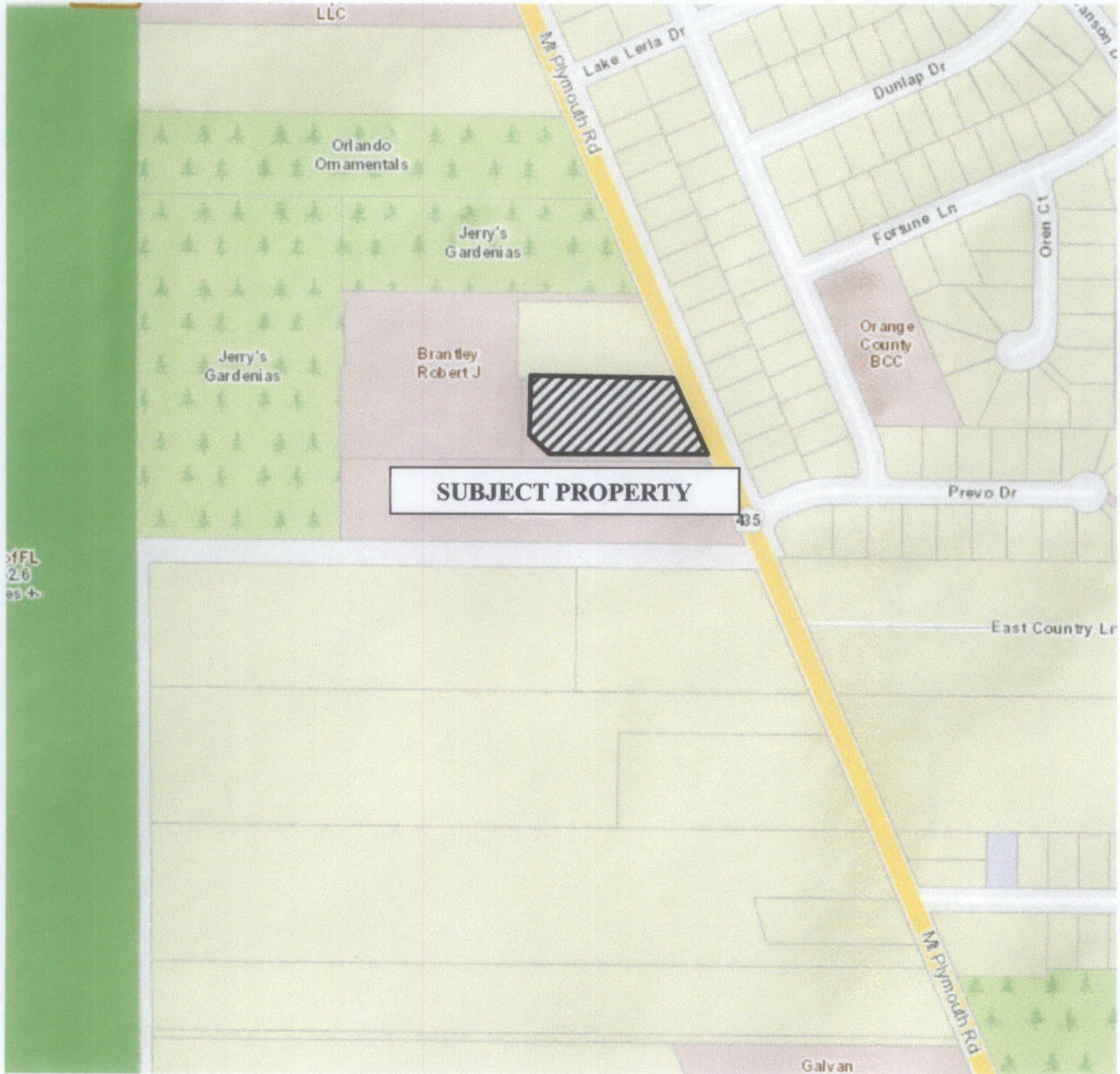
Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





**Donald & Debra Kirkland**  
**1.59 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "City" AG (Agriculture) (0-1 du/5 ac)**  
**Parcel ID#: 09-20-28-0000-00-029**

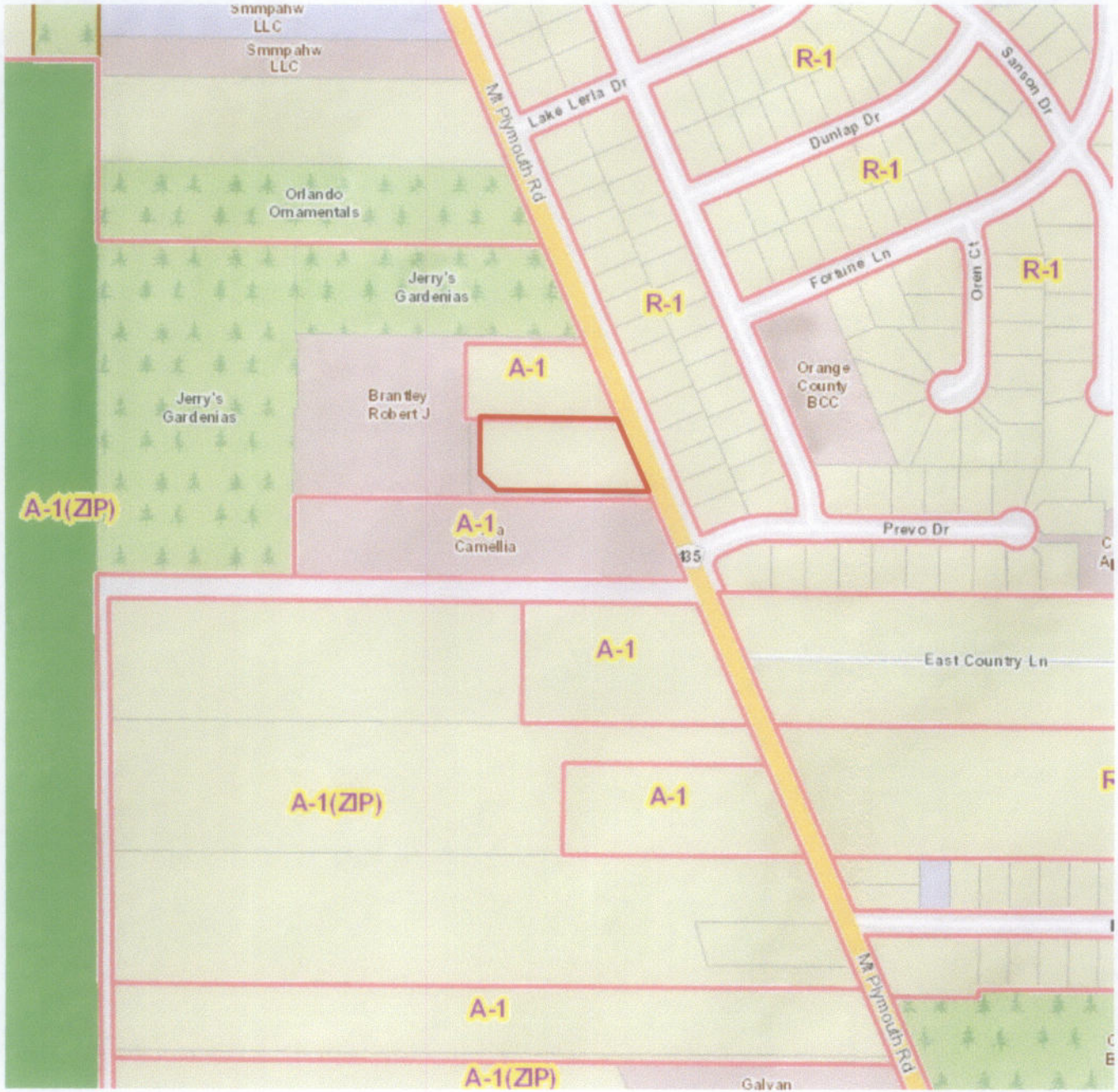
**VICINITY MAP**







### ADJACENT ZONING







### ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** DRK, INC. (Case # 2015-2-6)

**PARCEL ID NUMBER:** 09-20-28-0000-00-013

**Request:** ADMINISTRATIVE REZONING

**FROM:** "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
**TO:** "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

**OWNER:** DRK, Inc.  
**APPLICANT:** City of Apopka  
**LOCATION:** West of Mt. Plymouth Road, south of Hass Road.  
**EXISTING USE:** Container Nursery  
**FUTURE LAND USE:** Rural Settlement (1 du/5 acres)  
**ZONING:** A-1 (ZIP)  
**PROPOSED DEVELOPMENT:** Container Nursery (existing)  
**PROPOSED ZONING:** AG  
**TRACT SIZE:** 4.05 +/- acres  
**MAXIMUM ALLOWABLE DEVELOPMENT:**  
EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Dir.

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir.  
City Clerk  
Fire Chief



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1780.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning designation be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan.

The proposed zoning change is compatible with the character of the surrounding area. Currently, the 4.05 acre parcel accommodates a container nursery.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Single-family home
East (City)	Rural Settlement	A-1 (ZIP)	Single-family home
South (City & County)	Rural Settlement & Rural	A-1 & A-1 (ZIP)	Container nursery & warehousing
West (County)	Rural	A-1	Single-family home & vacant agricultural acreage

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway, Mt. Plymouth Rd.

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site is a legal, non-conforming lot under the AG zoning district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



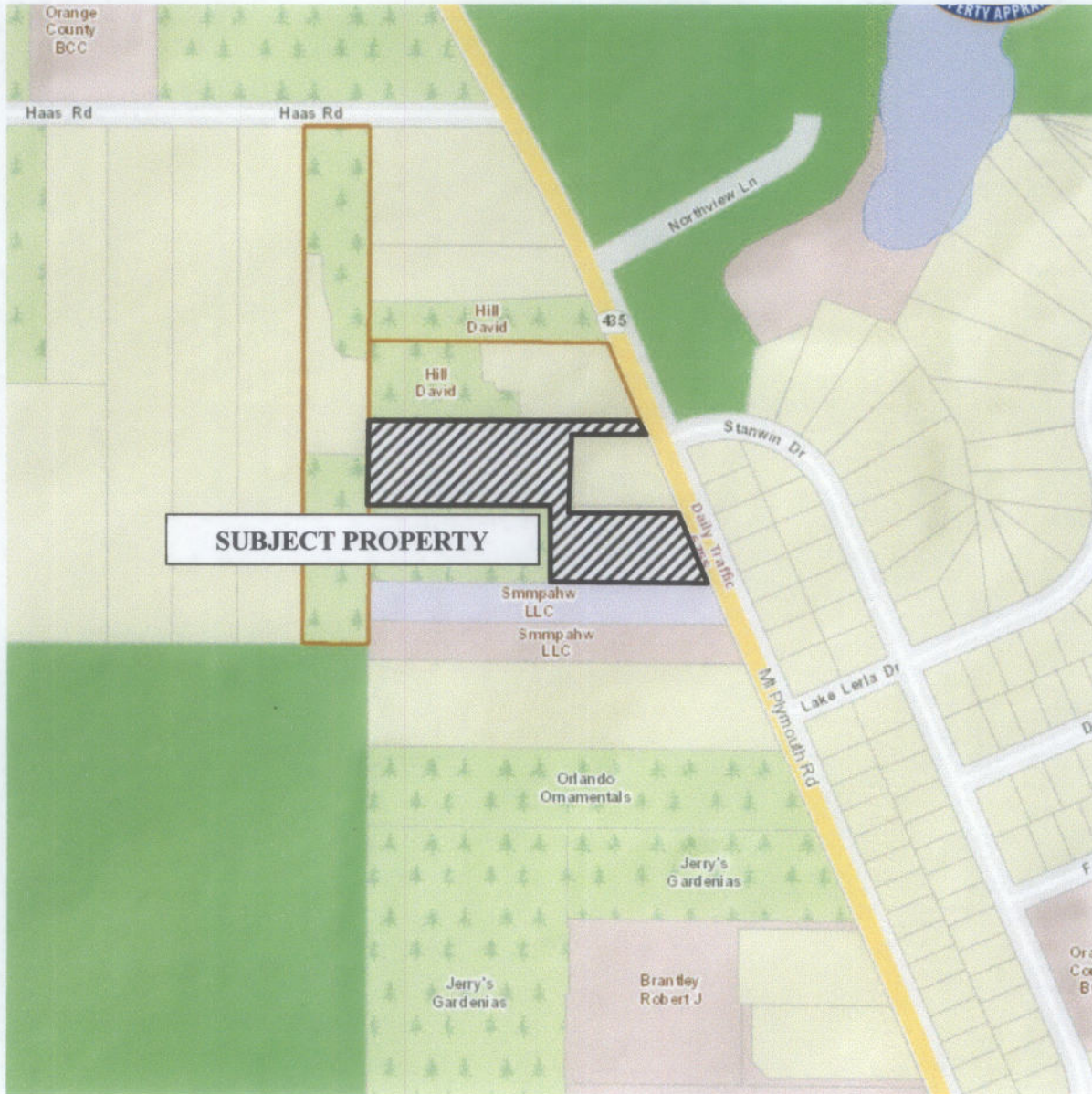
**ALLOWABLE  
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



DRK, Inc.  
4.05 +/- Acres  
Proposed Zoning Change:  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID#: 09-20-28-0000-00-013

**VICINITY MAP**







### ADJACENT ZONING







### ADJACENT USES





**EXISTING  
USES**







# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** EARL GAYLON WARD ESTATE (Case # 2015-2-7)

**PARCEL ID NUMBER:** 09-20-28-0000-00-030

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Earl Gaylon Ward Estate  
APPLICANT: City of Apopka  
LOCATION: West of Mt. Plymouth Road, south of Hass Road.  
EXISTING USE: Vacant  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Container Nursery (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 0.13 +/- acre  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1783.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Single-family home
East (County)	Rural	R-1	Single-family homes
South (City)	Rural Settlement	A-1 (ZIP)	Container nursery
West (City)	Rural Settlement	A-1 (ZIP)	Container nursery

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway, Mt. Plymouth Rd.

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site is a legal, non-conforming lot under the AG zoning district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE  
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



Earl Gaylon Ward Estate  
0.13 +/- Acres  
Proposed Zoning Change:  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID #: 09-20-28-0000-00-030

VICINITY MAP







### ADJACENT ZONING







### ADJACENT USES





**EXISTING  
USES**







# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** FRANKLIN & JACQUELINE KING (Case # 2015-2-8)

**PARCEL ID NUMBERS:** 05-20-28-0000-00-004, 05-20-28-0000-00-018

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Franklin & Jacqueline King  
APPLICANT: City of Apopka  
LOCATION: North of Haas Road, east of Foliage Way  
EXISTING USE: Grazing  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Grazing (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 13.24 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units  
PROPOSED ZONING: 2 Residential Units

### DISTRIBUTION

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Dir.

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir.  
City Clerk  
Fire Chief



**ADDITIONAL COMMENTS:**

The subject properties were annexed into the City of Apopka on November 1, 2006, through the adoption of Ordinance No. 1872.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)

April 1, 2015 - City Council (1:30 pm) - 1st Reading

April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice

April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Grazing & Conservation
East (City)	Rural Settlement	A-1 (ZIP)	Grazing
South (City)	Rural Settlement	A-1 (ZIP)	State-owned land & manufactured home
West (County)	Rural	A-1	Single-family home & grazing

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Haas Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)

Minimum Site Area: At least 5 acres (or 217,800 sq. ft)

Minimum Lot Width NA

Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE**

**USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



**Franklin & Jacqueline King**  
13.24 +/- Acres  
**Proposed Zoning Change:**  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID #s: 05-20-28-0000-00-004 & 05-20-28-0000-00-018

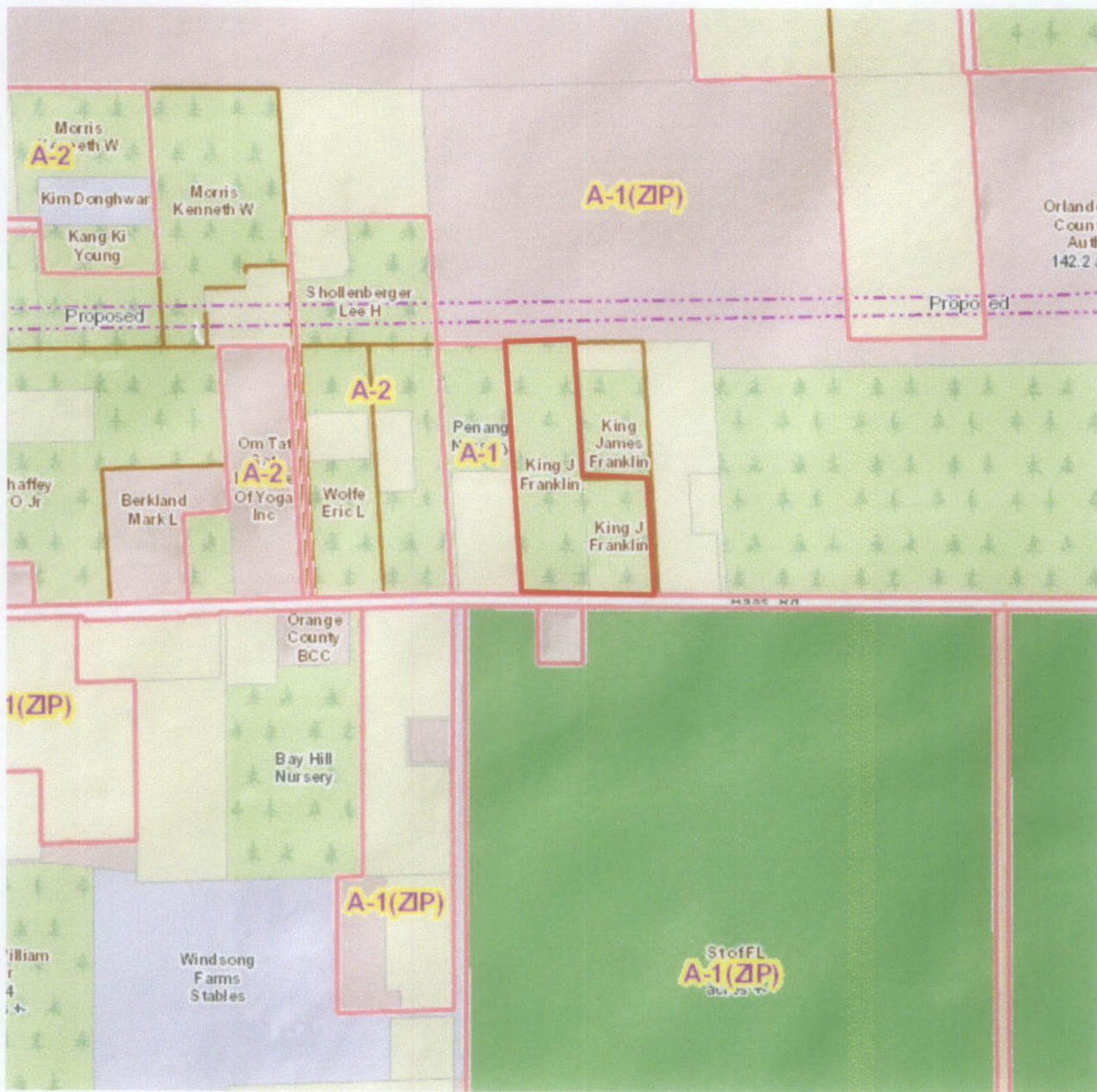
**VICINITY MAP**







### ADJACENT ZONING







### ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** J&L GARDENIAS (Case # 2015-2-9)

**PARCEL ID NUMBER:** 09-20-28-0000-00-025

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: J&L Gardenias  
APPLICANT: City of Apopka  
LOCATION: West of Mt. Plymouth Road, south of Haas Road  
EXISTING USE: Container nursery  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Container nursery (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 1.99 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1784.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Container nursery
North (City)	Rural Settlement	A-1 (ZIP)	Container nursery
South (County)	Rural	A-1	Warehousing
West (County)	Rural	A-1	Container nursery

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site is a legal, non-conforming lot within the AG zoning district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE  
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



**J&L Gardenias**  
**1.99 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "City" AG (Agriculture) (0-1 du/5 ac)**  
**Parcel ID #: 09-20-28-0000-00-025**

**VICINITY MAP**







### ADJACENT ZONING







**ADJACENT USES**







**EXISTING  
USES**





**CITY OF APOPKA  
2015-2 ADMINISTRATIVE REZONING**

<input checked="" type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ANNEXATION <input type="checkbox"/> PLAT APPROVAL <input type="checkbox"/> OTHER:	FROM: Community Development EXHIBITS: Zoning Report Vicinity Map Adjacent Zoning Map Adjacent Uses Map Existing Uses
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**SUBJECT:** JAMES & LINDA KING (Case # 2015-2-10)

**PARCEL ID NUMBERS:** 05-20-28-0000-00-030 & 05-20-28-0000-00-038

**Request:** ADMINISTRATIVE REZONING  
 FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
 TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

**SUMMARY**

OWNER:	James & Linda King
APPLICANT:	City of Apopka
LOCATION:	North of Haas Road, east of Foliage Way
EXISTING USE:	Single-family home and grazing
FUTURE LAND USE:	Rural Settlement (1 du/5 acres)
ZONING:	A-1 (ZIP)
PROPOSED DEVELOPMENT:	Single-family home and grazing (existing)
PROPOSED ZONING:	AG
TRACT SIZE:	5.26 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:	EXISTING ZONING: 1 Residential Unit PROPOSED ZONING: 1 Residential Unit

**DISTRIBUTION**

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject properties were annexed into the City of Apopka on November 1, 2006, through the adoption of Ordinance No. 1872.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Conservation
East (City)	Rural Settlement	A-1 (ZIP)	Manufactured home
South (City)	Rural Settlement	A-1 (ZIP)	State-owned land and manufactured home
West (City)	Rural Settlement	A-1 (ZIP)	Grazing

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Haas Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE  
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



**James & Linda King**  
**5.26 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "City" AG (Agriculture) (0-1 du/5 ac)**  
**Parcel ID #s: 05-20-28-0000-00-030 & 05-20-28-0000-00-038**

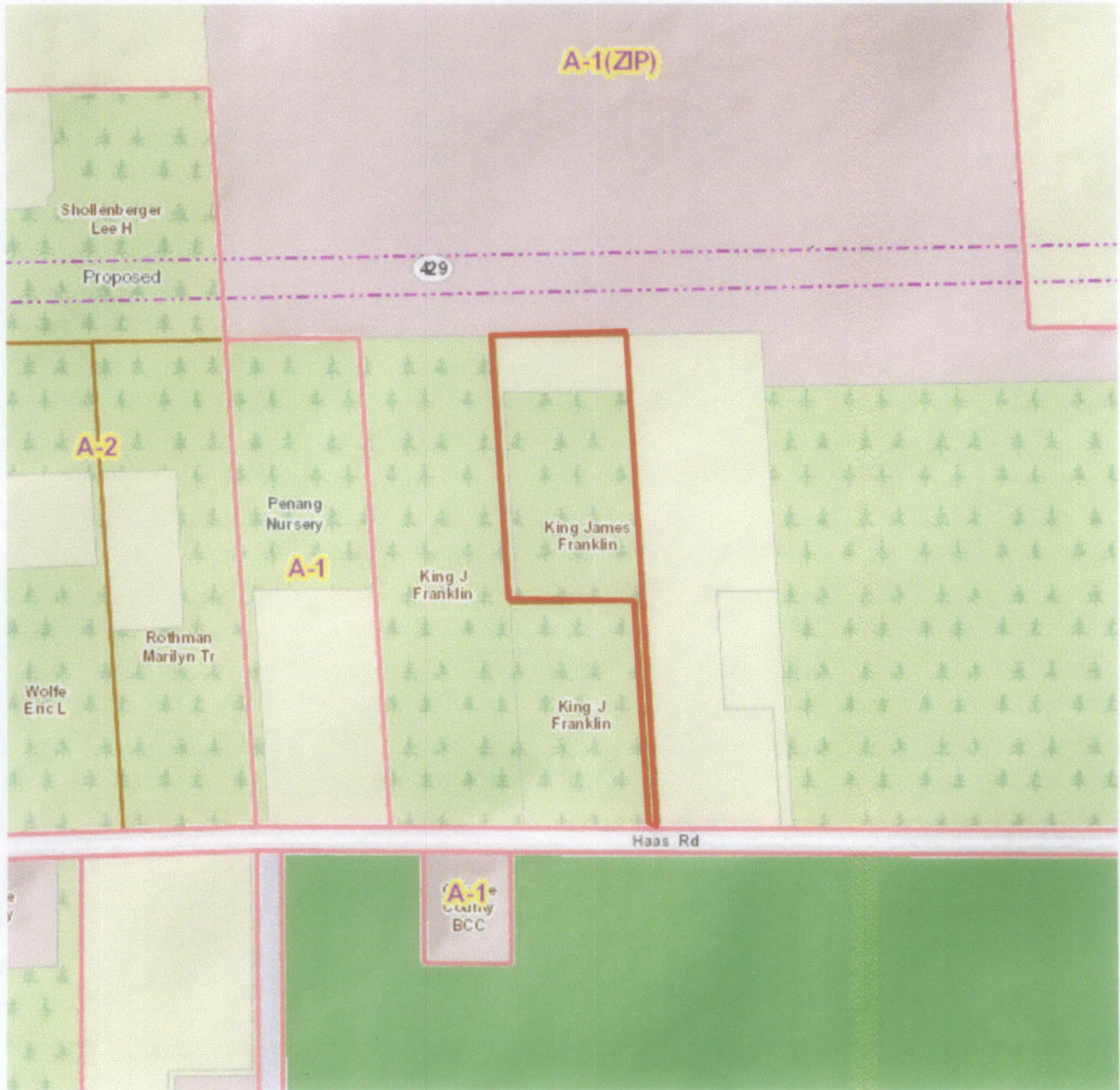
**VICINITY MAP**







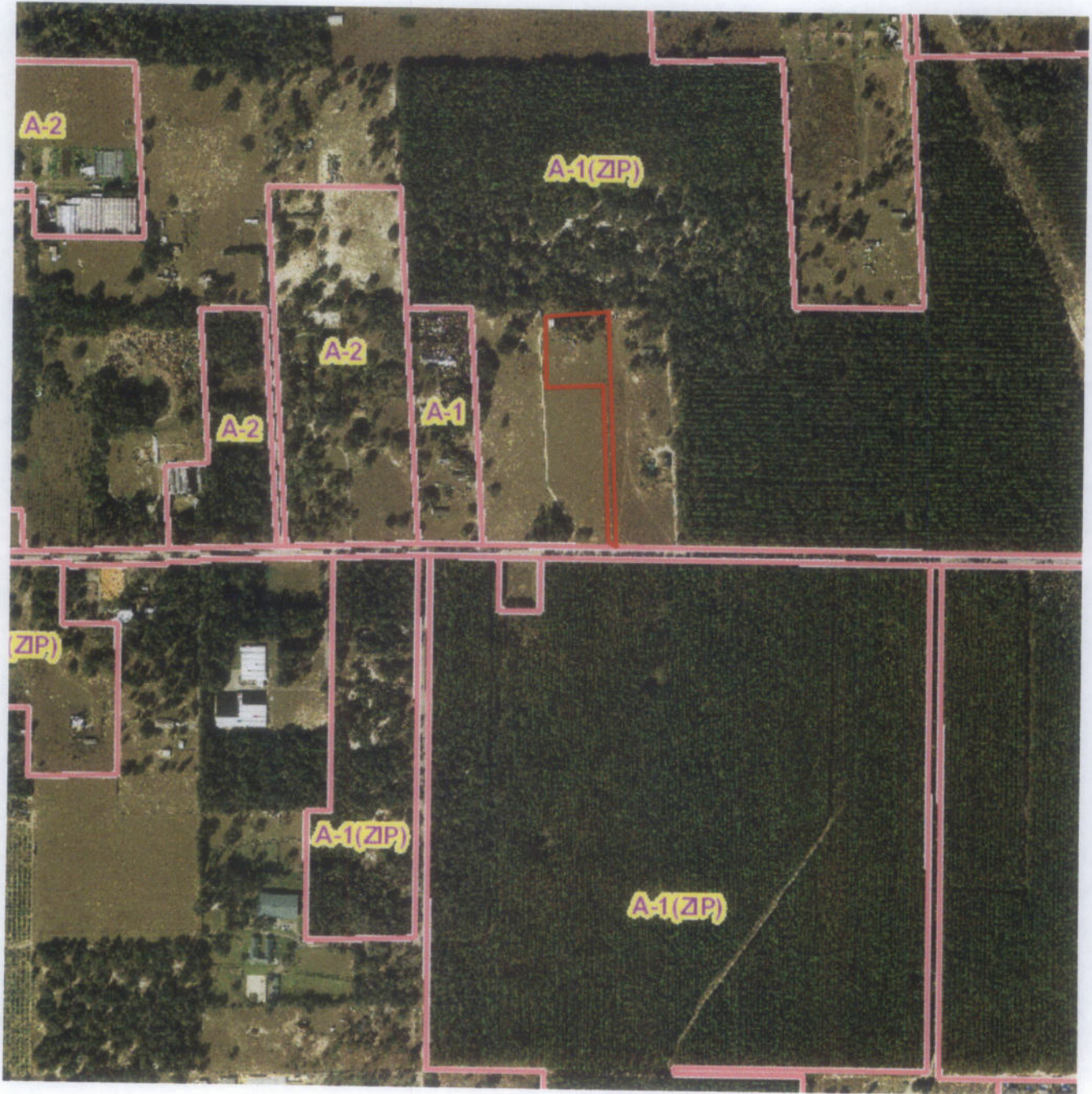
### ADJACENT ZONING







ADJACENT USES







**EXISTING  
USES**





**CITY OF APOPKA  
2015-2 ADMINISTRATIVE REZONING**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** JOSEPH & DONNA COX (Case # 2015-2-11)

**PARCEL ID NUMBER:** 05-20-28-0000-00-032

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

**SUMMARY**

OWNER: Joseph & Donna Cox  
APPLICANT: City of Apopka  
LOCATION: North of Haas Road, east of Foliage Way  
EXISTING USE: Manufactured Home  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Manufactured Home (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 8.11 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

**DISTRIBUTION**

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1776.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note:** This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Conservation
East (City)	Rural Settlement	A-1 (ZIP)	Single-family home & Timberland
South (City)	Rural Settlement	A-1 (ZIP)	State-owned land and manufactured home
West (City)	Rural Settlement	A-1 (ZIP)	Grazing

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Haas Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE**

**USES:**

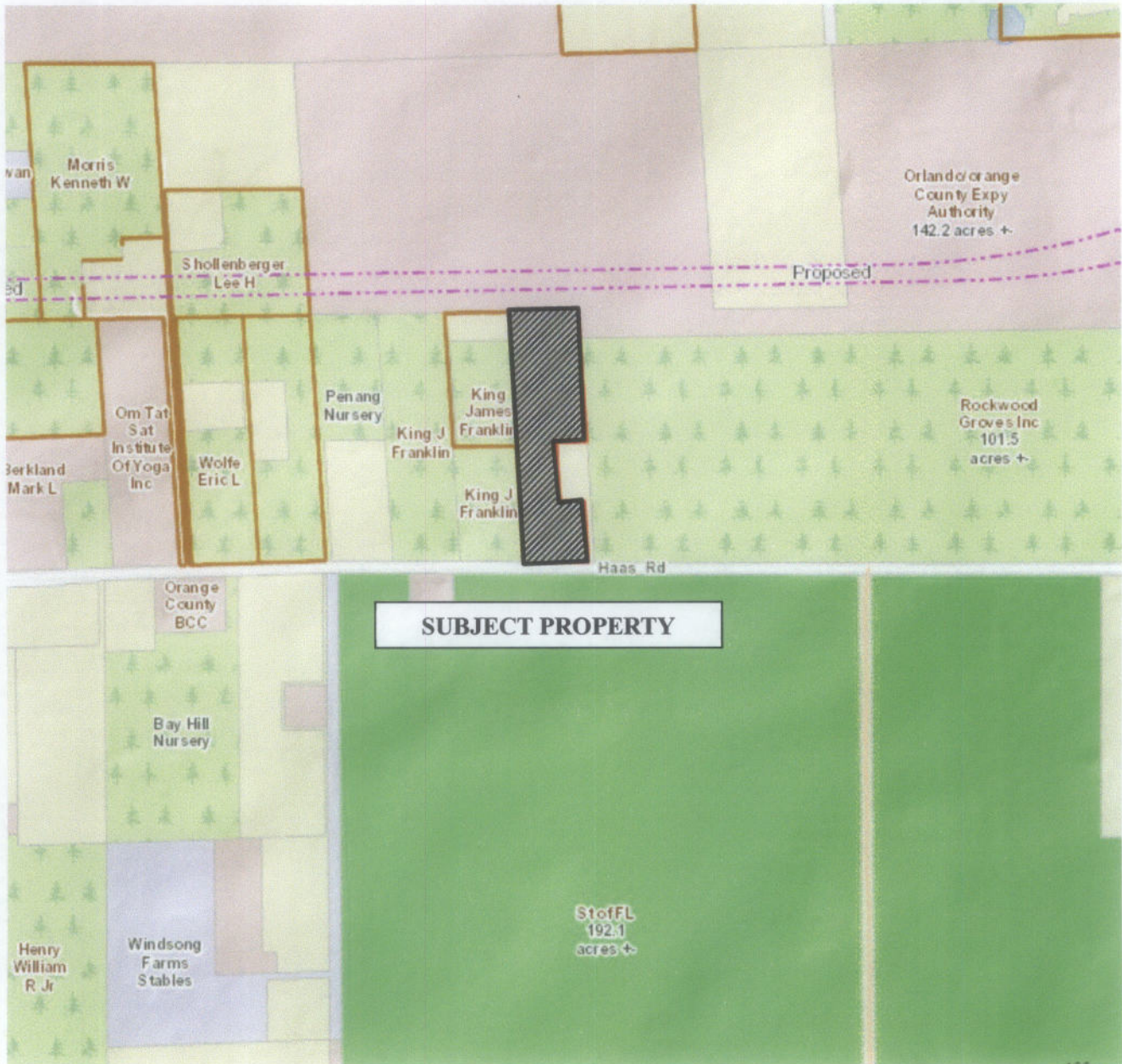
Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





**Joseph & Donna Cox**  
**8.11 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "City" AG (Agriculture) (0-1 du/5 ac)**  
**Parcel ID #: 05-20-28-0000-00-032**

**VICINITY MAP**







### ADJACENT ZONING







ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** KENNETH & HARVEY MORRIS (Case # 2015-2-12)

**PARCEL ID NUMBERS:** 06-20-28-0000-00-028, 06-20-28-0000-00-030, 06-20-28-0000-00-044 & 06-20-28-0000-00-062

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Kenneth & Harvey Morris  
APPLICANT: City of Apopka  
LOCATION: North of Haas Road, east of Boch Road  
EXISTING USE: Single-family home, manufactured homes and grazing  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Single-family home, manufactured homes and container nursery (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 29.48 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING ZONING: 5 Residential Units  
PROPOSED ZONING: 5 Residential Units

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject properties were annexed into the City of Apopka on December 1, 2004, through the adoption of Ordinance No. 1684.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Conservation	PR	Conservation
North (County)	Rural	A-1	Manufactured home and greenhouse
East (City)	Rural Settlement	A-1 (ZIP)	Manufactured home
South (City)	Rural Settlement	A-1 (ZIP)	Grazing
South (County)	Rural	A-2	Non-ag acreage
West (City)	Rural Settlement	A-1 (ZIP)	Manufactured home
West (County)	Rural	A-2	Single-family home

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Haas Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.

**ALLOWABLE  
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





**Kenneth & Harvey Morris**  
29.48 +/- Acres

**Proposed Zoning Change:**

**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**

**To: "City" AG (Agriculture) (0-1 du/5 ac)**

**Parcel ID #s: 06-20-28-0000-00-028, 06-20-28-0000-00-030,  
06-20-28-0000-00-044, 06-20-28-0000-00-062**

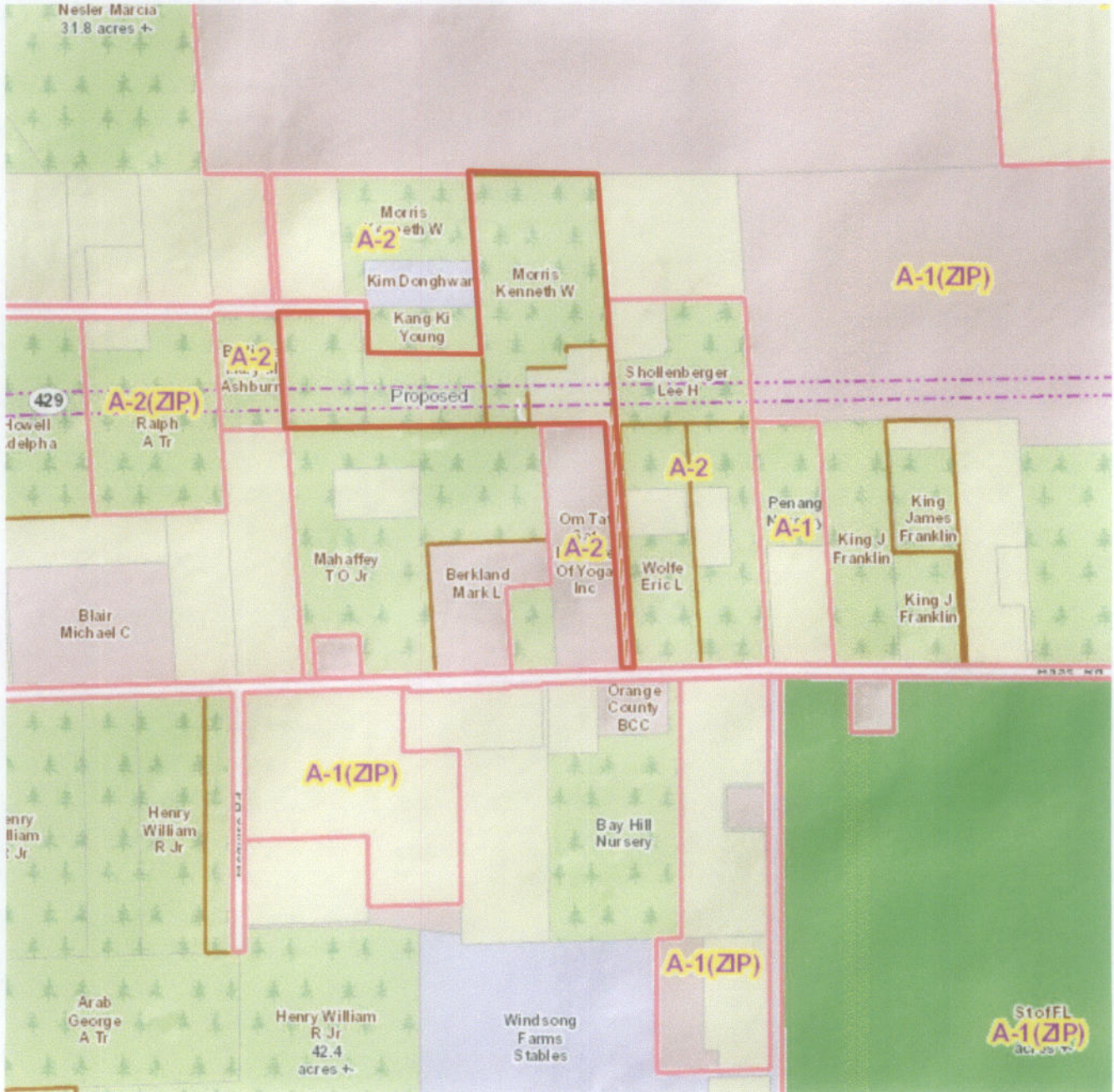
**VICINITY MAP**







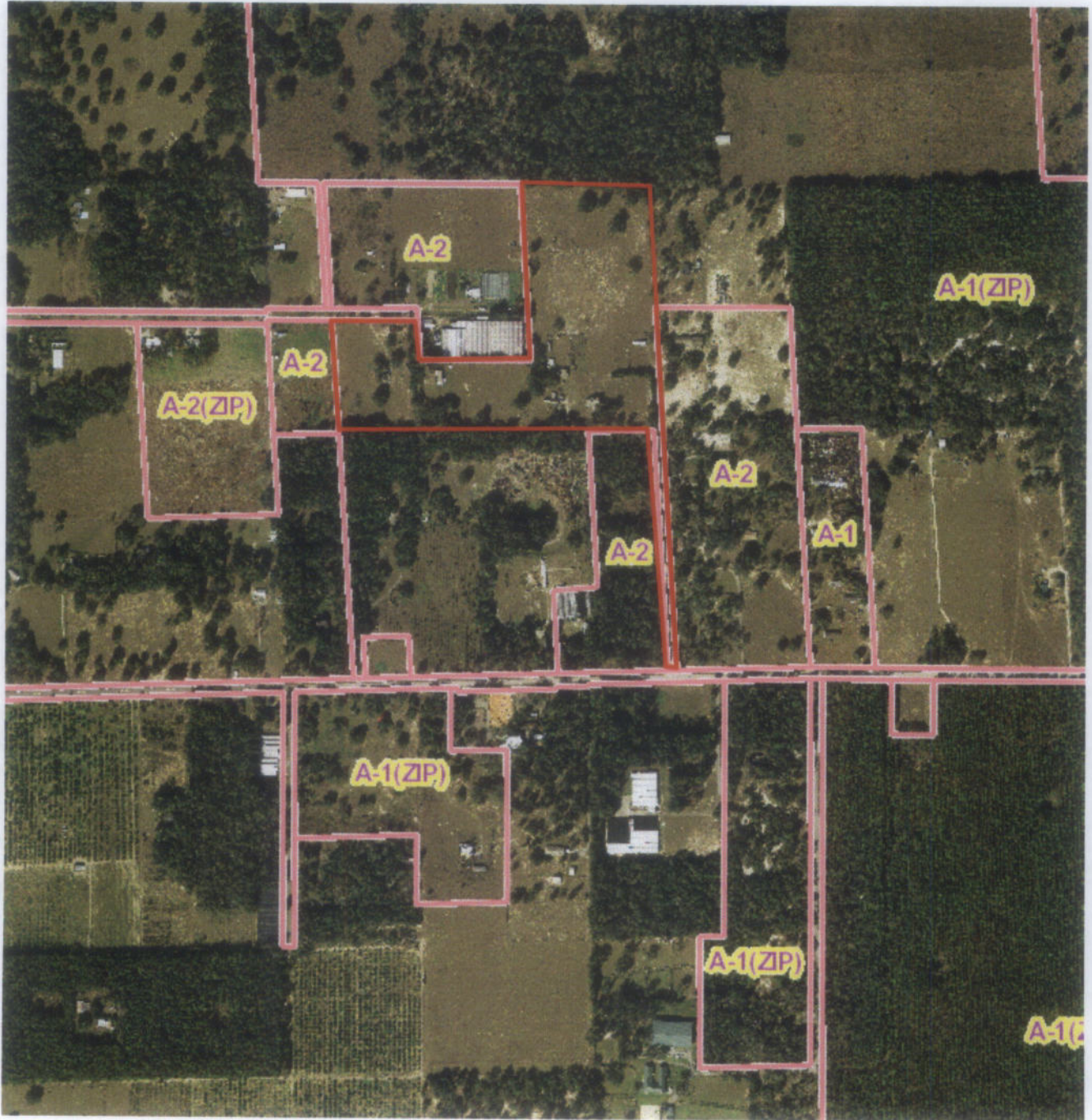
### ADJACENT ZONING







### ADJACENT USES







**EXISTING  
USES**







# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** PATRICIA BARTLETT (Case # 2015-2-13)

**PARCEL ID NUMBER:** 05-20-28-0476-00-090

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Patricia Bartlett  
APPLICANT: City of Apopka  
LOCATION: West of Mt. Plymouth Road, south of the Lake County line  
EXISTING USE: Single-family home  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Single-family home (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 3.69 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 1993.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)

April 1, 2015 - City Council (1:30 pm) - 1st Reading

April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice

April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural	A-1 (ZIP)	Manufactured home
East (City)	Agriculture	A-1 (ZIP)	Manufactured home
South (County)	Rural	A-1	Single-family home
West (County)	Rural	A-1	Container nursery

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site is a legal, non-conforming lot within the AG zoning district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE**

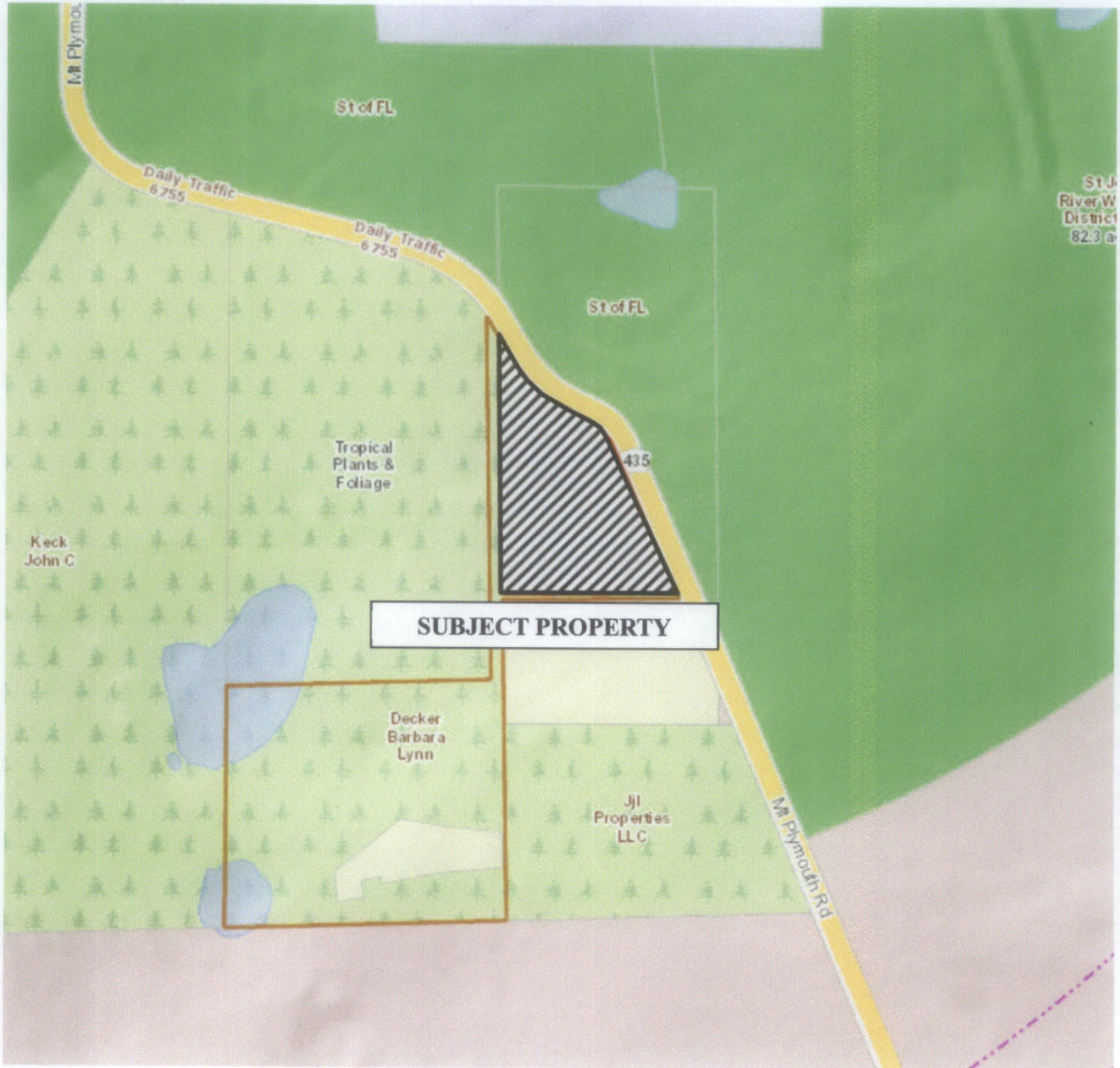
**USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



Patricia Bartlett  
3.69 +/- Acres  
Proposed Zoning Change:  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID #: 05-20-28-0476-00-090

**VICINITY MAP**







### ADJACENT ZONING







ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** PROJECT ORLANDO LLC (Case # 2015-2-14)

**PARCEL ID NUMBER:** 24-20-27-0000-00-076

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Project Orlando LLC  
APPLICANT: City of Apopka  
LOCATION: North of West Ponkan Road, east of Poverty Lane  
EXISTING USE: Vacant non-ag acreage  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Vacant non-ag acreage (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 11.17 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units  
PROPOSED ZONING: 2 Residential Units

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1965.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Conservation	A-2 (ZIP)	Municipal conservation
East (City)	Rural Settlement	A-1 (ZIP)	Vacant non-agricultural acreage
South (County)	Rural	A-1	Single-family homes and R-O-W
West (County)	Rural	A-1	Single-family homes

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (West Ponkan Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE**

**USES:**

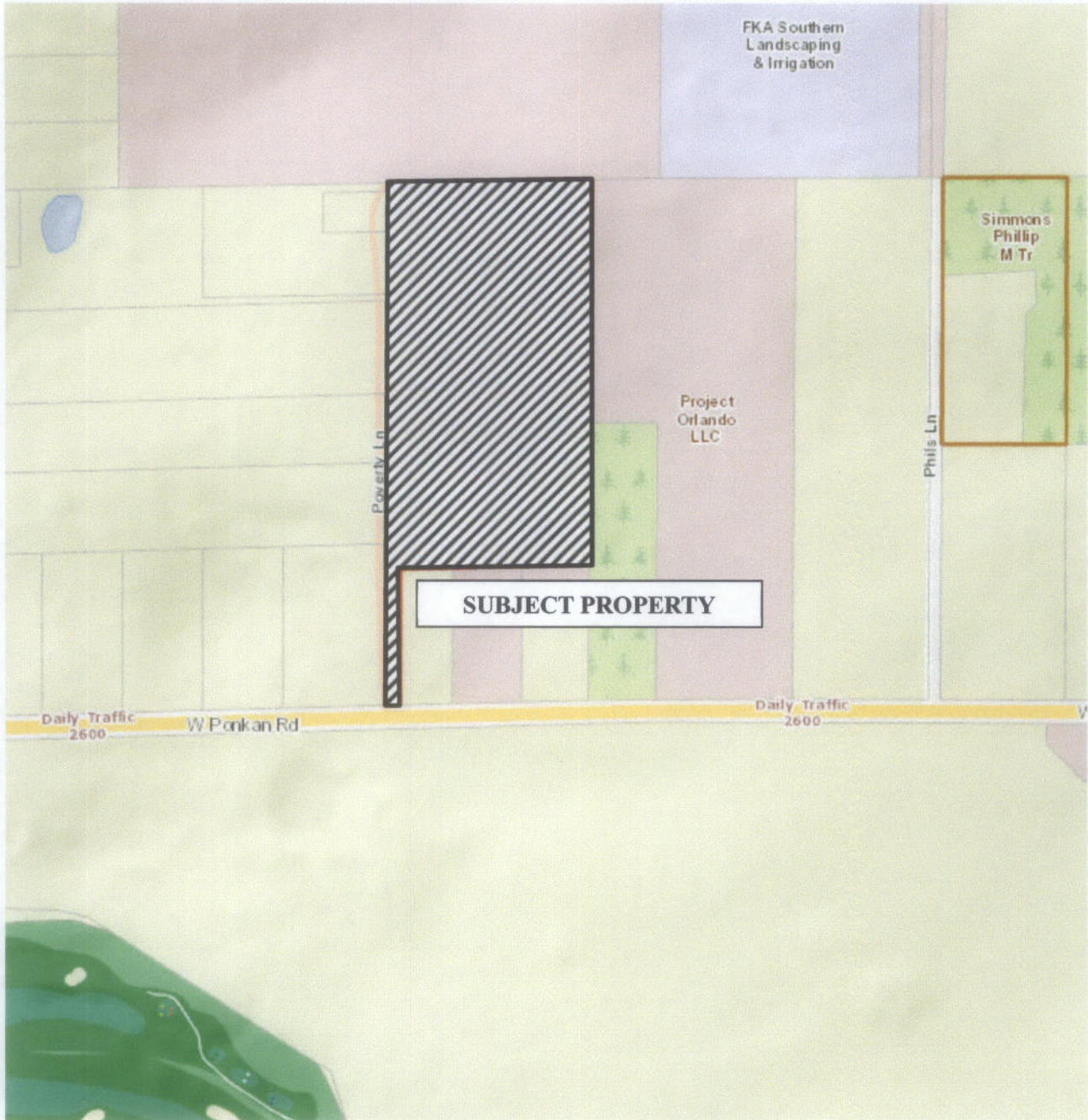
Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





**Project Orlando LLC**  
11.17 +/- Acres  
**Proposed Zoning Change:**  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID #: 24-20-27-0000-00-076

**VICINITY MAP**







### ADJACENT ZONING







ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** ROBERT BRANTLEY (Case # 2015-2-15)

**PARCEL ID NUMBER:** 09-20-28-0000-00-028

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Robert Brantley  
APPLICANT: City of Apopka  
LOCATION: West of Mt. Plymouth Road, north of Kelly Park Road.  
EXISTING USE: Warehousing & non-ag acreage  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Warehousing & non-ag acreage (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 4.23 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Dir.

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir.  
City Clerk  
Fire Chief



**ADDITIONAL COMMENTS:**

The subject property was were annexed into the City of Apopka on December 1, 2004, through the adoption of Ordinance No. 1687.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Container nursery
East (County)	Rural Settlement	A-1 (ZIP)	Single-family homes
South (County)	Rural	A-1	Vacant (non-ag acreage)
West (City)	Rural Settlement	A-1 (ZIP)	Container nursery & manufactured home

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site is a legal, non-conforming lot within the AG zoning district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.

**ALLOWABLE  
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





**Robert Brantley**  
**4.23 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "City" AG (Agriculture) (0-1 du/5 ac)**  
**Parcel ID #: 09-20-28-0000-00-028**  
**VICINITY MAP**







### ADJACENT ZONING







### ADJACENT USES





**EXISTING  
USES**







# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** ROCKWOOD GROVES LLC (Case # 2015-2-16)

**PARCEL ID NUMBER:** 05-20-28-0000-00-006

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Rockwood Groves LLC  
APPLICANT: City of Apopka  
LOCATION: North of Haas Road, west of Mt. Plymouth Road  
EXISTING USE: Timberland  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Timberland (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 101.49 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING ZONING: 20 Residential Units  
PROPOSED ZONING: 20 Residential Units

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on February 19, 2003, through the adoption of Ordinance No. 1572.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Conservation
East (City)	Agriculture Homestead	A-1 (ZIP)	SJWMD land
South (City)	Rural Settlement	A-1 (ZIP)	State-owned land
South (County)	Rural	A-1	Single-family homes
West (City)	Rural Settlement	A-1 (ZIP)	Single-family home and grazing

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner: 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE**

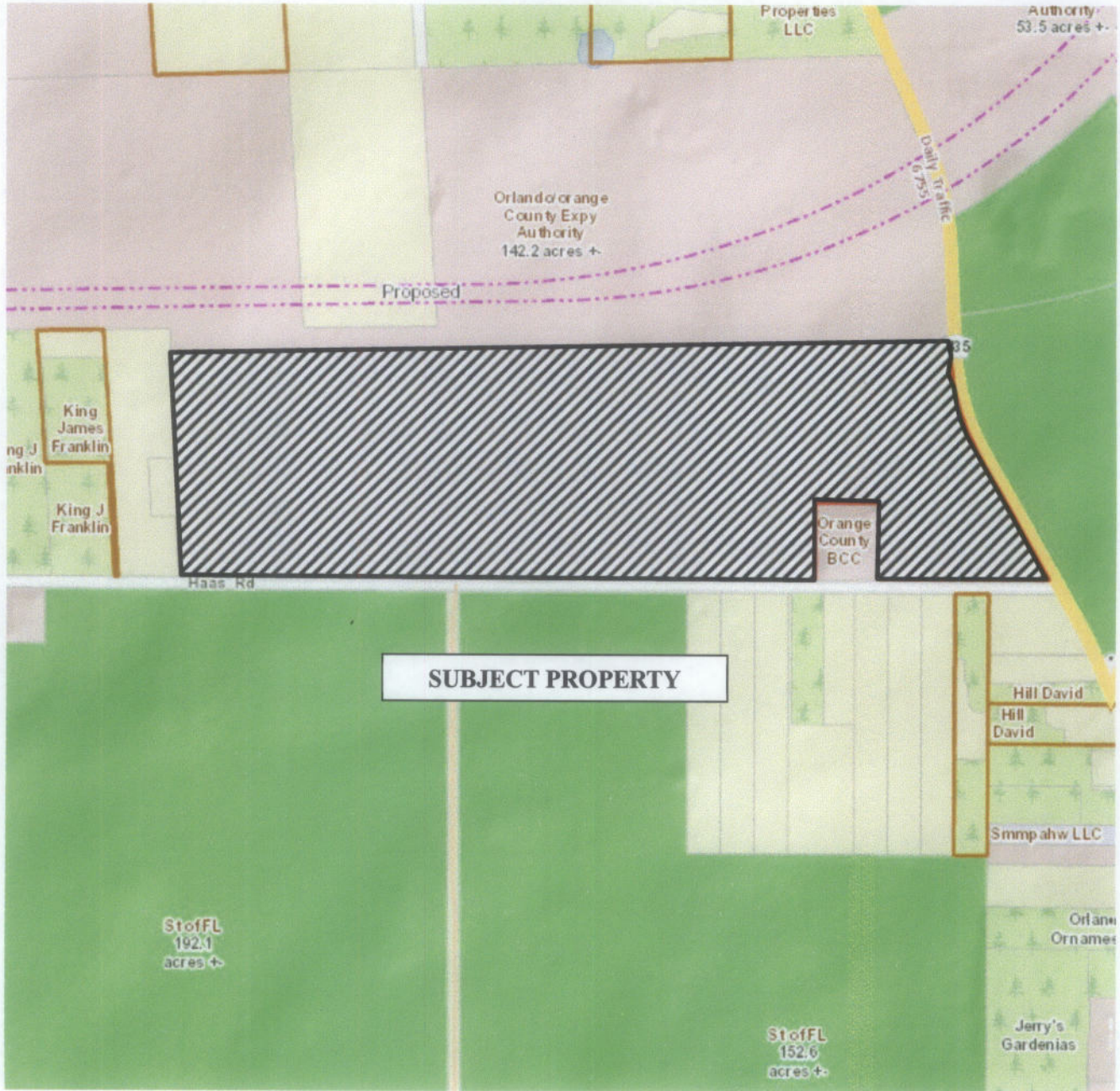
**USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



**Rockwood Groves LLC**  
101.49 +/- Acres  
**Proposed Zoning Change:**  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID #: 05-20-28-0000-00-006

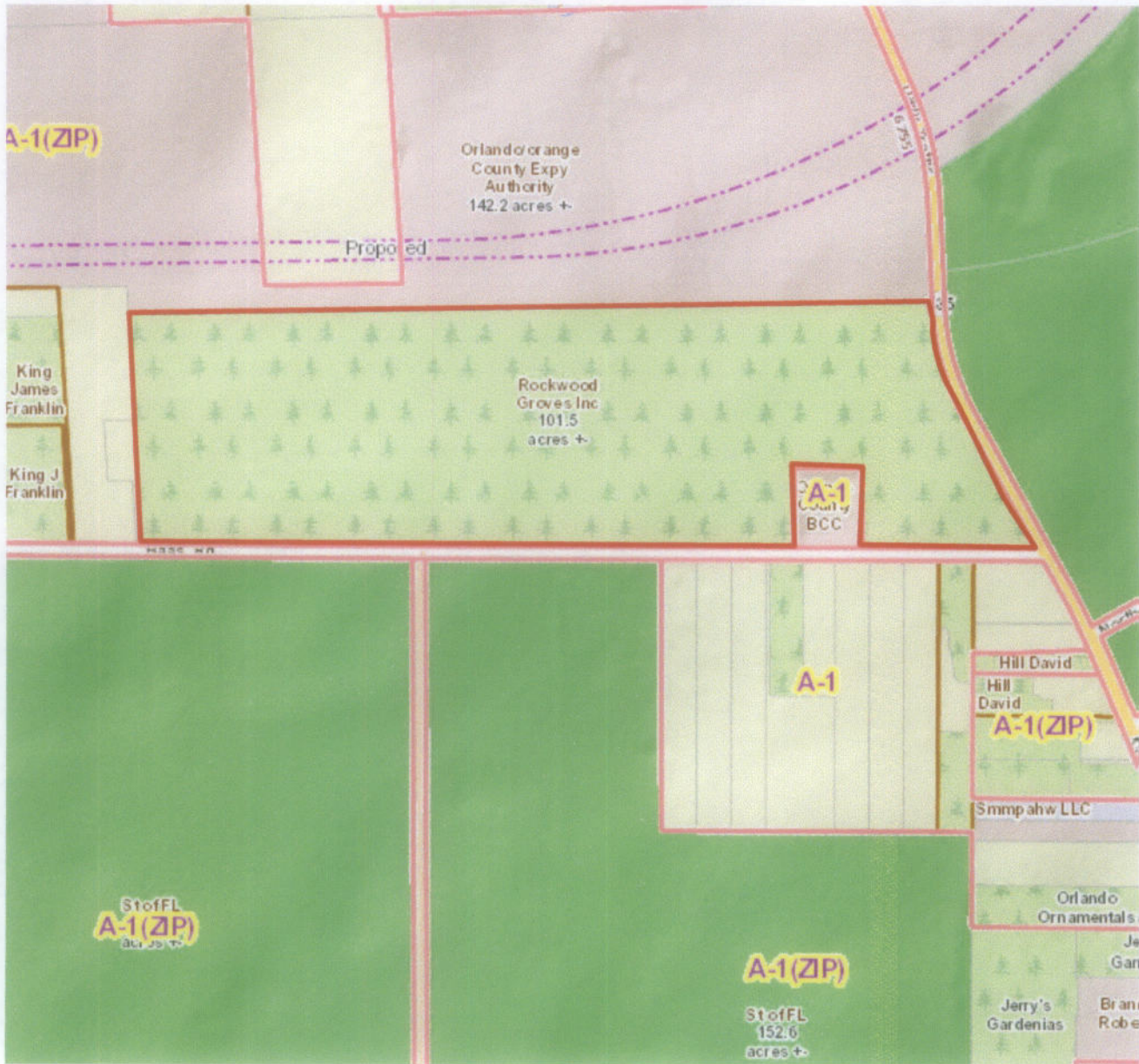
**VICINITY MAP**







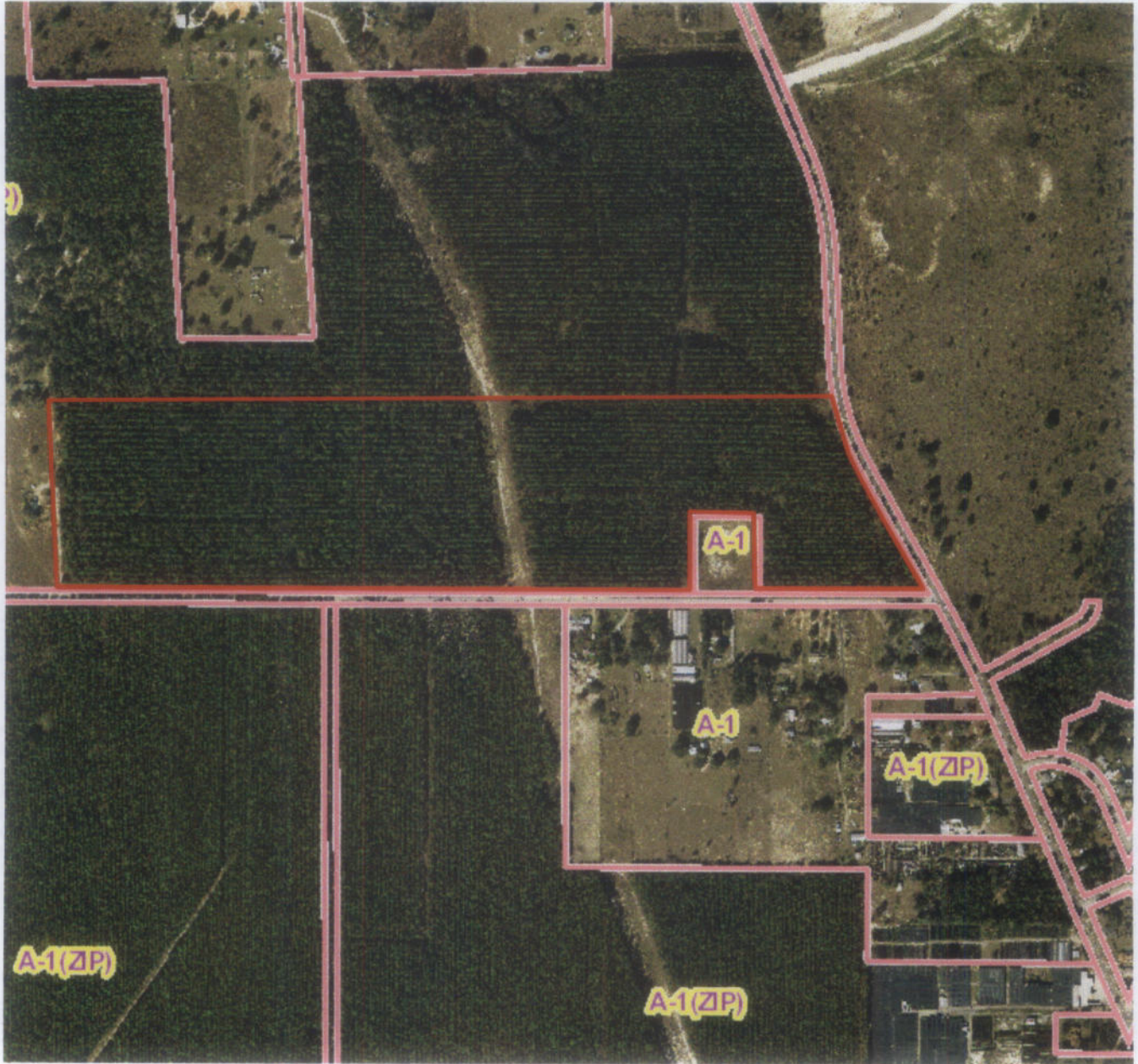
### ADJACENT ZONING







ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** SHIRLEY DOBBS (Case # 2015-2-17)

**PARCEL ID NUMBER:** 09-20-28-0000-00-020

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Shirley Dobbs  
APPLICANT: City of Apopka  
LOCATION: West of Mt. Plymouth Road, south of Haas Road  
EXISTING USE: Single-family home  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Single-family home (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 0.91 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1783.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Single-family home
East (County)	Low Density Residential	R-1	Single-family homes
South (City)	Rural Settlement	A-1 (ZIP)	Container nursery
West (City)	Rural Settlement	A-1 (ZIP)	Container nursery

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner: 100 ft. (Non-Residential)

Based on the above zoning standards, the existing 0.91 acre parcel is a legal, non-conforming lot within the AG zoning district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE  
USES:**

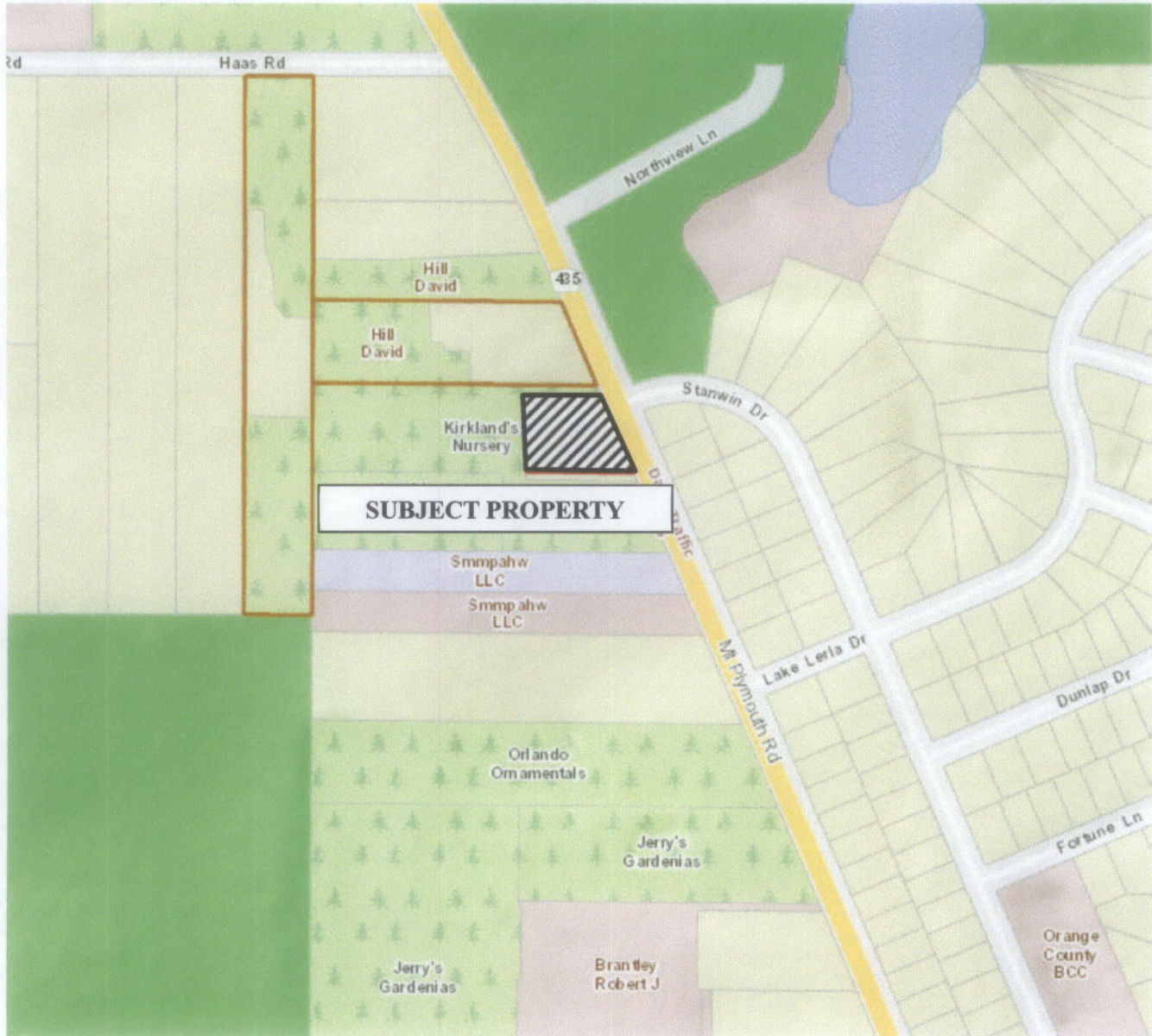
Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





**Shirley Dobbs**  
0.91 +/- Acres  
**Proposed Zoning Change:**  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID #: 09-20-28-0000-00-020

**VICINITY MAP**







### ADJACENT ZONING







### ADJACENT USES







**EXISTING  
USES**





**CITY OF APOPKA  
2015-2 ADMINISTRATIVE REZONING**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** T. O. MAHAFFEY, JR. (Case # 2015-2-18)

**PARCEL ID NUMBERS:** 06-20-28-0000-00-015 & 06-20-28-0000-00-059

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

**SUMMARY**

OWNER: T. O. Mahaffey, Jr.  
APPLICANT: City of Apopka  
LOCATION: North of Haas Road, east of McGuire Road  
EXISTING USE: Single-family home & grazing  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Single-family home & grazing (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 32.52 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING ZONING: 6 Residential Units  
PROPOSED ZONING: 6 Residential Units

**DISTRIBUTION**

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject properties were annexed into the City of Apopka on December 1, 2004, through the adoption of Ordinance No. 1685.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Single-family home
East (County)	Low Density Residential	R-1	Single-family homes
South (City)	Rural Settlement	A-1 (ZIP)	Container nursery
West (City)	Rural Settlement	A-1 (ZIP)	Container nursery

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.

**ALLOWABLE  
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





T. O. Mahaffey, Jr.  
35.52 +/- Acres  
Proposed Zoning Change:  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID #s: 06-20-28-0000-00-015 & 06-20-28-0000-00-059

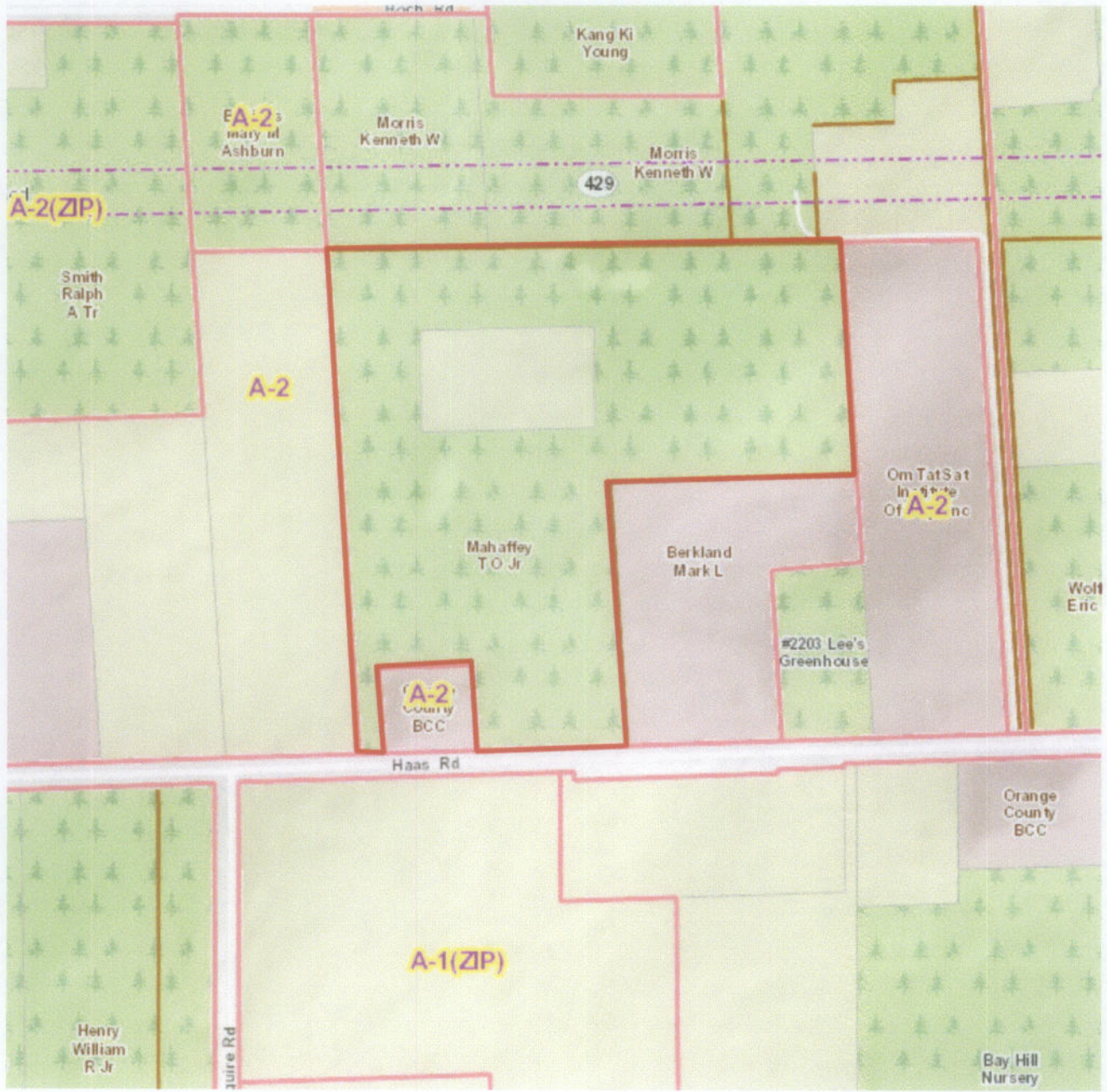
### VICINITY MAP







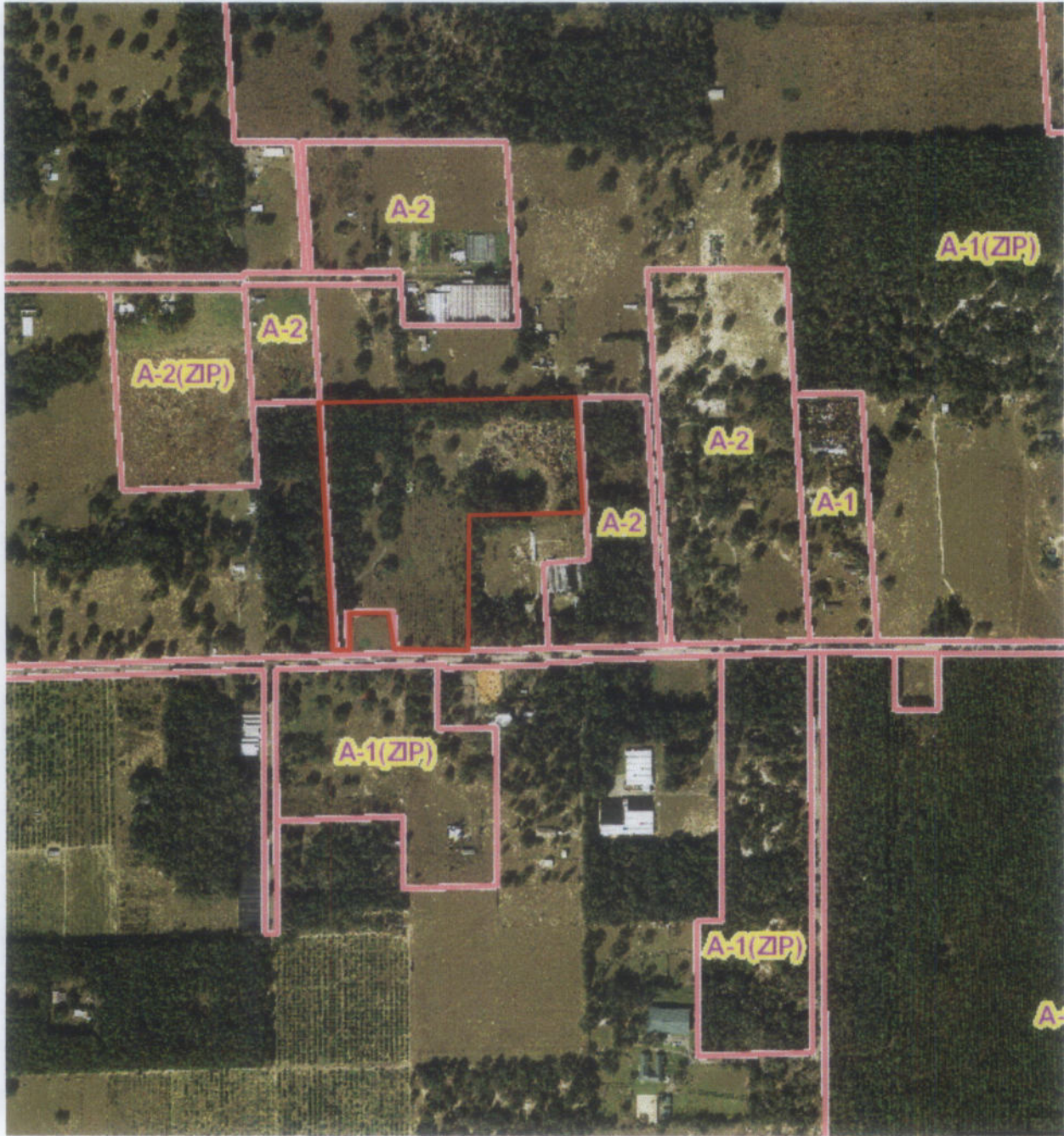
### ADJACENT ZONING







### ADJACENT USES







**EXISTING  
USES**







# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** WILLIAM M DUVAL TRUST (Case # 2015-2-19)

**PARCEL ID NUMBER:** 24-20-27-0000-00-109

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: William M Duval Trust  
APPLICANT: City of Apopka  
LOCATION: North of W Ponkan Road, west of Phils Lane  
EXISTING USE: Container nursery  
FUTURE LAND USE: Rural Settlement (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Container nursery (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 2.59 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1965.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-forming lot within the AG zoning district.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Non-ag acreage
East (City)	Rural Settlement	A-1 (ZIP)	Non-ag acreage
South (County)	Low Density Residential	PD	Vacant residential
West (City) West County)	Rural Settlement Rural	A-1 (ZIP) A-1	Non-ag acreage Single-family home

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (W Ponkan Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site is a legal, non-conforming lot within the AG zoning district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



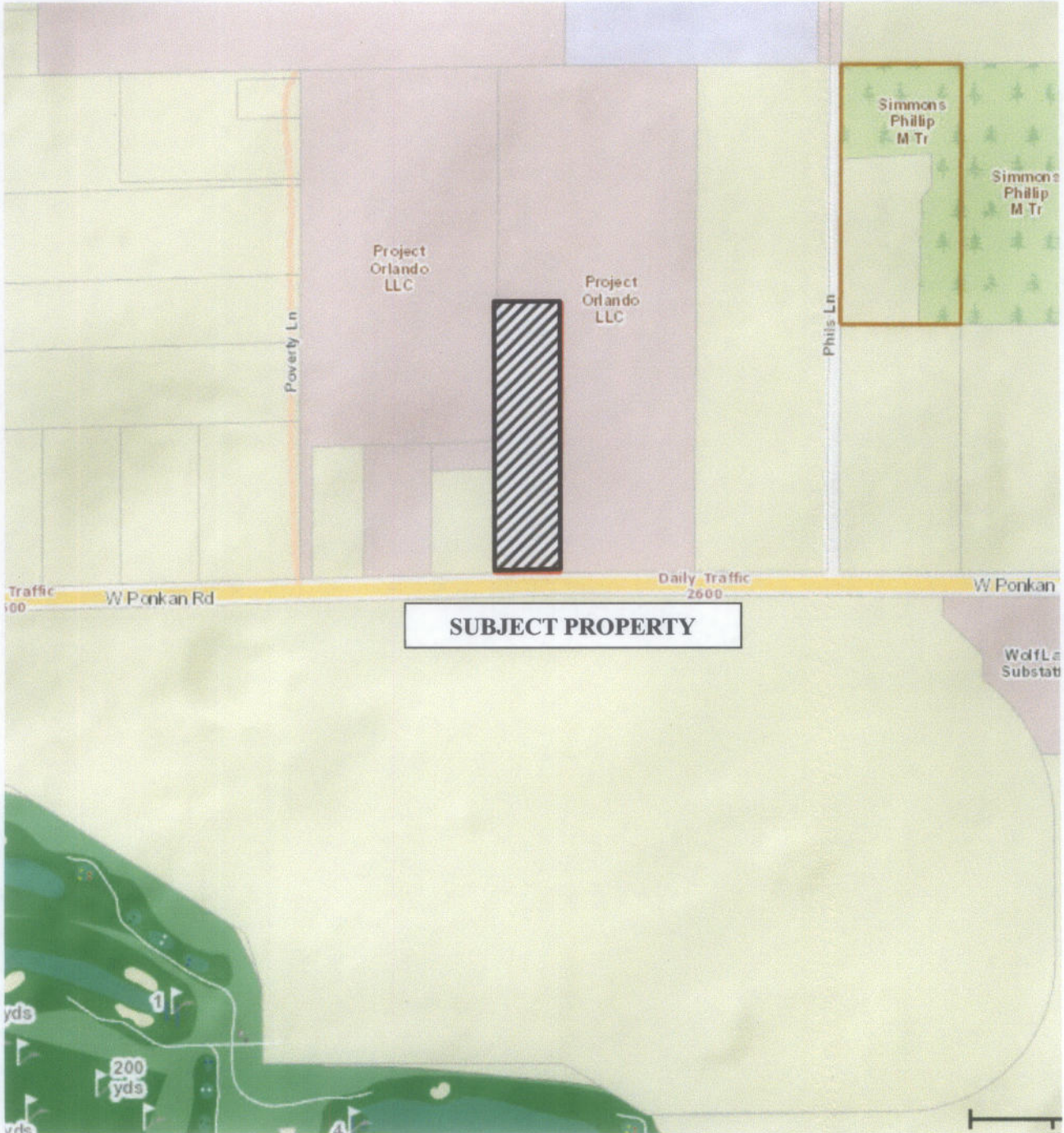
**ALLOWABLE  
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



**William M Duvall Trust**  
2.59 +/- Acres  
**Proposed Zoning Change:**  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID #: 24-20-27-0000-00-109

**VICINITY MAP**







### ADJACENT ZONING







ADJACENT USES







**EXISTING  
USES**



**ORDINANCE NO. 2413**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 274.64 ACRES, MORE OR LESS, AND OWNED BY ALWAYS GROWING TREES, INC., CHESTER S. PECKETT TRUST, PECKETT FAMILY TRUST, CHRISTOPHER JOHNSON, DAVID AND SUE HILL, DONALD AND DEBRA KIRKLAND, DRK INC., EARL GAYLON WARD ESTATE, FRANKLIN AND JACQUELINE KING, J AND L GARDENIAS, INC., JAMES AND LINDA KING, JOSEPH AND DONNA COX, KENNETH AND HARVEY MORRIS, PATRICIA BARTLETT, PROJECT ORLANDO LLC, ROBERT BRANTLEY, ROCKWOOD GROVES LLC, SHIRLEY DOBBS, T. O. MAHAFFEY JR., WILLIAM M DUVAL TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

**WHEREAS**, the City of Apopka Community Development Department, has requested an administrative change in zoning on said property as identified in Section I of this ordinance; and

**WHEREAS**, the proposed AG zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section I.** That the zoning classification of the following described properties, being situated in the City of Apopka, Florida, is hereby AG as defined in the Apopka Land Development Code:

PARCEL	NAME	ACREAGE	LAND USE	COUNTY ZONING	PROPOSED ZONING
11-20-27-0000-00-054	Always Growing Trees, Inc.	20.07	RS	A-1(ZIP)	AG
11-20-27-0000-00-031	Chester S. Peckett Trust	1.18	RS	A-1(ZIP)	AG
11-20-27-0000-00-032	Chester S. Peckett Trust	9.90	RS	A-1(ZIP)	AG
11-20-27-0000-00-043	Chester S. Peckett Trust	1.86	RS	A-1(ZIP)	AG
11-20-27-0000-00-052	Peckett Family Trust	6.86	RS	A-1(ZIP)	AG
24-20-27-0000-00-099	Christopher Johnson	10.00	RS	A-1(ZIP)	AG
09-20-28-0000-00-009	David and Sue Hill	1.38	RS	A-1(ZIP)	AG
09-20-28-0000-00-015	David and Sue Hill	1.46	RS	A-1(ZIP)	AG
09-20-28-0000-00-031	David and Sue Hill	1.48	RS	A-1(ZIP)	AG
09-20-28-0000-00-029	Donald and Debra Kirkland	1.59	RS	A-1(ZIP)	AG
09-20-28-0000-00-013	DRK Inc	4.05	RS	A-1(ZIP)	AG
09-20-28-0000-00-030	Earl Gaylon Ward Estate	0.13	RS	A-1(ZIP)	AG
05-20-28-0000-00-004	Franklin and Jacqueline King	4.01	RS	A-1(ZIP)	AG
05-20-28-0000-00-018	Franklin and Jacqueline King	9.23	RS	A-1(ZIP)	AG
09-20-28-0000-00-025	J and L Gardenias, Inc.	1.99	RS	A-1(ZIP)	AG
05-20-28-0000-00-030	James and Linda King	1.27	RS	A-1(ZIP)	AG
05-20-28-0000-00-038	James and Linda King	3.99	RS	A-1(ZIP)	AG
18-0000-00-032	Joseph and Donna Cox	8.11	RS	A-1(ZIP)	AG



**ORDINANCE NO. 2413**

**PAGE 2**

PARCEL	NAME	ACREAGE	LAND USE	COUNTY ZONING	PROPOSED ZONING
06-20-28-0000-00-028	Kenneth and Harvey Morris	4.14	RS	A-1(ZIP)	AG
06-20-28-0000-00-030	Kenneth and Harvey Morris	5.23	RS	A-1(ZIP)	AG
06-20-28-0000-00-044	Kenneth and Harvey Morris	5.18	RS	A-1(ZIP)	AG
06-20-28-0000-00-062	Kenneth and Harvey Morris	14.93	RS	A-1(ZIP)	AG
05-20-28-0476-00-090	Patricia Bartlett	3.69	RS	A-1(ZIP)	AG
24-20-27-0000-00-076	Project Orlando LLC	11.17	RS	A-1(ZIP)	AG
09-20-28-0000-00-028	Robert Brantley	4.23	RS	A-1(ZIP)	AG
05-20-28-0000-00-006	Rockwood Groves LLC	101.49	RS	A-1(ZIP)	AG
09-20-28-0000-00-020	Shirley Dobbs	0.91	RS	A-1(ZIP)	AG
06-20-28-0000-00-015	T. O. Mahaffey Jr.	2.49	RS	A-1(ZIP)	AG
06-20-28-0000-00-059	T. O. Mahaffey Jr.	30.03	RS	A-1(ZIP)	AG
24-20-27-0000-00-109	William M Duval Trust	2.59	RS	A-1(ZIP)	AG

**Section II.** That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

**Section III.** That the Community Development Director, or the Director’s designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

**Section IV.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

**Section V.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section VI.** That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: April 1, 2015

READ SECOND TIME  
AND ADOPTED: April 15, 2015

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

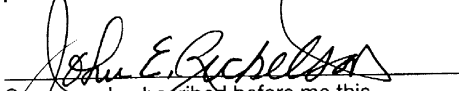
DULY ADVERTISED FOR ADOPTION HEARING: February 20, 2015  
April 3, 2015

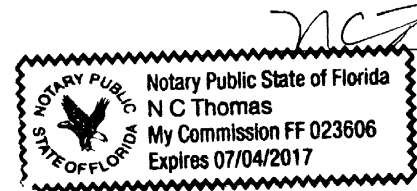
**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

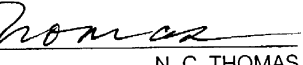
STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **April 3, 2015**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.florida-publicnotices.com](http://www.florida-publicnotices.com)

Affiant further says that the said **APOPKA CHIEF** is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical\* class mail matter (\*second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.

  
Sworn and subscribed before me this  
**3rd day of April, 2015**, by John E. Ricketson,  
who is personally known to me.



  
N. C. THOMAS  
Notary Public, State of Florida  
My Commission FF 023606  
Expires July 04, 2017

**Public Notice**

CITY OF APOPKA  
PUBLIC HEARING NOTICE

The following ordinances are to be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, April 15, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

**ORDINANCE NO. 2388**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED "DESIGNATED GROW AREA OVERLAY DISTRICT," PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A "DESIGNATION GROW AREA OVERLAY DISTRICT" AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICTS OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.**

**ORDINANCE NO. 2413**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 274.64 ACRES, MORE OR LESS, AND OWNED BY ALWAYS GROWING TREES, INC., CHESTER S. PECKETT TRUST, PECKETT FAMILY TRUST, CHRISTOPHER JOHNSON, DAVID AND SUE HILL, DONALD AND DEBRA KIRKLAND, DRK INC., EARL GAYLON WARD ESTATE, FRANKLIN AND JACQUELINE KING, J AND L GARDENIAS, INC., JAMES & LINDA KING, JOSEPH & DONNA COX, KENNETH & HARVEY MORRIS, PATRICIA BARTLETT, PROJECT ORLANDO LLC, ROBERT BRANTLEY, ROCKWOOD GROVES LLC, SHIRLEY DOBBS, T. O. MAHAFFEY JR., WILLIAM M DUVAL TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2414**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 23.78 ACRES, MORE OR LESS, AND OWNED BY JOHN AND JOANNE AULT, BEVERLY SAFIER, DONALD AND DONNA THOMAS, AND PHILLIP AND PEGGY DIONNE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2415**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES, PART II, CHAPTER 2, DIVISION 2, SECTION 2, BY ADDING SUBSECTION 2-123 ENTITLED "PASS-THROUGH FEES;" PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council  
Community Development Department

April 3, 2015  
Publish: The Apopka Chief

**Backup material for agenda item:**

4. ORDINANCE NO. 2414 – SECOND READING & ADOPTION - 2015-2 ADMINISTRATIVE REZONING – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for certain real properties generally located within the city limits of Apopka, comprising 23.78 Acres, more or less, and owned by John and Joanne Ault; Beverly Safier; Donald and Donna Thomas; and Phillip and Peggy Dionne. [Ordinance No. 2414 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.]





**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: April 15, 2015  
FROM: Community Development  
EXHIBITS: "A" Cases Spreadsheet  
"B" Zoning Reports  
Ordinance No. 2414

**SUBJECT: ORDINANCE NO. 2414 – 2015-2 ADMINISTRATIVE REZONING – FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (1 DU/5 AC) FOR PROPERTIES WITH A FUTURE LAND USE DESIGNATION OF “CITY” AGRICULTURE.**

**Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2414 -2015-2 ADMINISTRATIVE REZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (1 DU/5 AC) FOR PROPERTIES WITH A FUTURE LAND USE DESIGNATION OF “CITY” AGRICULTURE.**

**SUMMARY**

The 4 parcels, comprising a total of 23.78+/- acres, have been annexed into the City of Apopka and have been assigned the Future Land Use designation that is compatible with the proposed AG zoning designation. All subject properties currently have a City Future Land Use Designation of Agriculture (AG) and a County zoning category of A-1 assigned to them. A summary of each zoning case is provided in Exhibits “A” and “B”.

All Cases (“County A-1”)

Total # of Parcels: 4  
Total # of Property Owners: 7  
Total Acreage: 23.78 +/-

One parcel was pulled because the current zoning does not match those included within Cycle 2 Administrative Rezoning. The numbers above remove this case. Exhibit “A” shows this parcel deleted. The attached exhibits provide a summary of each proposed zoning amendment. Each property owner has been notified via a letter sent certified mail that a zoning category comparable to the County designation will be assigned to their property. An individual zoning report has been prepared for each zoning case. All zoning reports are provided in Exhibit “B”.

Pursuant to the Interlocal Agreement between the City and Orange County (2004), policy of the City’s Comprehensive Plan (Policy 3.9) and State law (s 163.3202, F.S.), the City is required to assign a zoning category to lands that are annexed into the City’s jurisdiction. To comply with these requirements, city staff is recommending that the City assign a zoning category that is most compatible to the current zoning category that was assigned by Orange County.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning for each case will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary. The affected schools are listed in Exhibit “A.”

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on February 6, 2015.

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Ser. Director  
City Clerk  
Fire Chief

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 – City Council (1:30 pm) – 1st Reading  
April 15, 2015 – City Council (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in zoning from “County” A-1 to “City” AG as set forth in Exhibits “A” and “B” for the properties described therein.

The **Planning Commission**, at its meeting on March 10, 2015, recommended approval (7-0) of the change in zoning from “County” A-1 to “City” AG as set forth in Exhibits “A” and “B” for the properties described therein.

The **City Council**, at its meeting on April 1, 2015, accepted the First Reading of Ordinance No. 2414 and held it over for Second Reading and Adoption on April 15, 2015.

Adopt Ordinance No. 2414.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**EXHIBIT "A"**  
**2015-2 Administrative Rezoning Properties**  
**From "County" A-1 (ZIP) to "City" AG**

Case #	Parcel ID	Name	Mailing Address	Acreage	FLU	Current Zoning	Proposed Zoning	Schools			Existing Use
								ES	MS	HS	
2015-2-20	08-20-28-0000-00-005	John & Joanne Ault	1411 W Kelly Park Rd, Apopka, FL 32712-5206	7.99	AG	A-1(ZIP)	AG	ZES	WLMS	AHS	Single-family home
<del>2015-2-21</del>	<del>17-20-28-0000-00-018</del>	<del>Donald &amp; Kathleen Smithers</del>	<del>1564 W Kelly Park Rd, Apopka, FL 32712-5208</del>	<del>6.14</del>	<del>AG</del>	<del>A-1(ZIP)</del>	<del>AG</del>	<del>ZES</del>	<del>WLMS</del>	<del>AHS</del>	<del>Manufactured Home</del>
2015-2-22	22-21-28-0000-00-190	Beverly Safier	2205 Clarcona Rd, Apopka, FL 32703-7917	1.33	AG	A-1(ZIP)	AG	WES	PLMS	WHS	Single-family home
2015-2-23	27-21-28-0000-00-056	Donald & Donna Thomas	353 Foggy Creek Rd, Davenport, FL 33837-5776	4.34	AG	A-1(ZIP)	AG	WES	PLMS	WHS	Manufactured Home
2015-2-24	18-20-28-0000-00-053	Phillip & Peggy Dionne	4700 Jason Dwelley Pkwy, Apopka, FL 32712-6058	10.12	AG	A-1(ZIP)	AG	ZES	WLMS	AHS	Single-family home

Elementary School (ES)

AES = Apopka ES  
DLES = Dream Lake ES  
LES = Lovell ES  
RSES = Rock Springs ES  
WES = Wheatley ES  
WLES = Wolf Lake ES

Middle School (MS)

AMMS = Apopka Memorial MS  
PLMS = Piedmont Lakes MS  
WLMS = Wolf Lake MS

High School (HS)

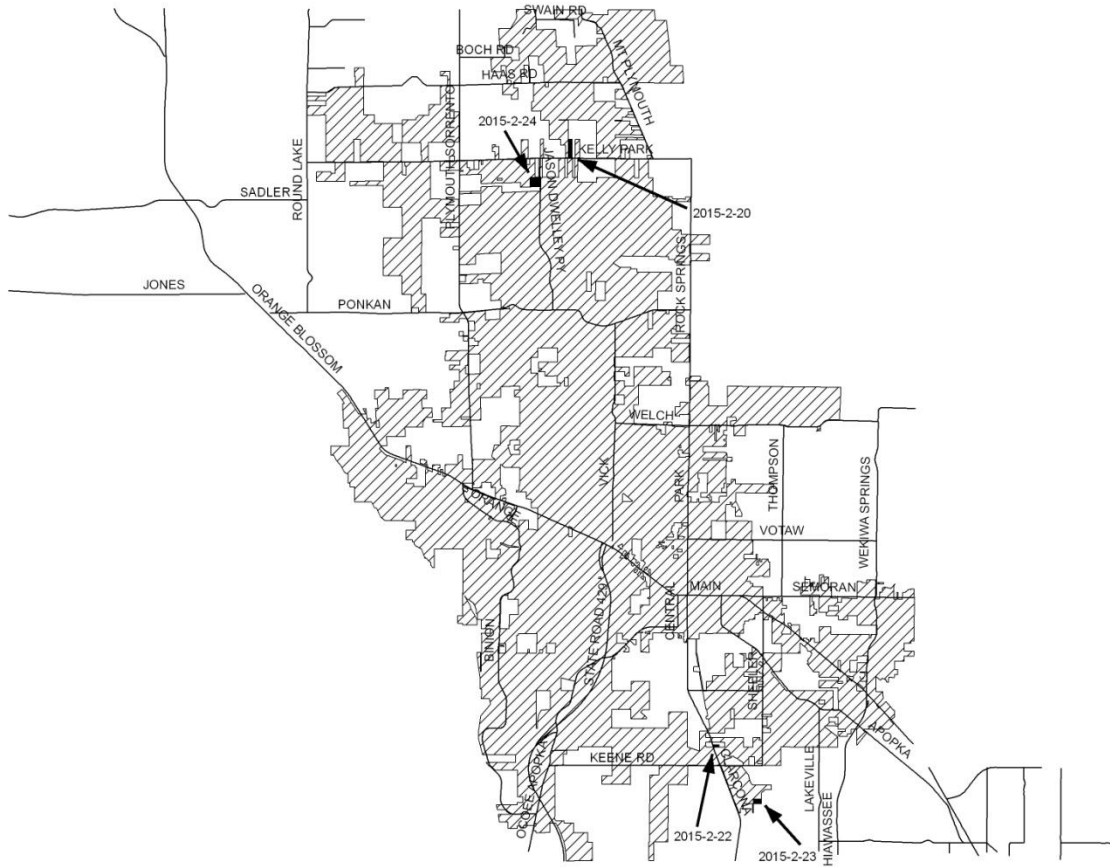
AHS = Apopka HS  
WHS = Wekiva HS





**2015-2 Administrative Change of Zoning**  
**23.78 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "City" AG (Agriculture) (5 acre min. lot)**

**ORDINANCE # 2414 ADMINISTRATIVE REZONING CASES LOCATION MAP**



**CASE  
REPORTS**

**From  
“County” A-1 (ZIP)  
To  
“City” AG**

**For properties with the  
“City” Future Land Use of  
Agriculture**



# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** JOHN & JOANNE AULT (Case # 2015-2-20)

**PARCEL ID NUMBER:** 08-20-28-0000-00-005

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: John & Joanne Ault  
APPLICANT: City of Apopka  
LOCATION: North of W Kelly Park Road, west of Pierce Arrow Drive  
EXISTING USE: Single-family home  
FUTURE LAND USE: Agriculture (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Single-family home (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 7.99 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on April 20, 2011, through the adoption of Ordinance No. 2212.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Manufactured home
East (County)	Rural	A-1	Single-family home
South (City)	Residential Estates	A-1 (ZIP)	Non-ag acreage
West (City)	Rural Settlement	A-1 (ZIP)	Single-family home

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (W Kelly Park Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner: 100 ft. (Non-Residential)

Based on the above zoning standards, the subject site complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE**

**USES:**

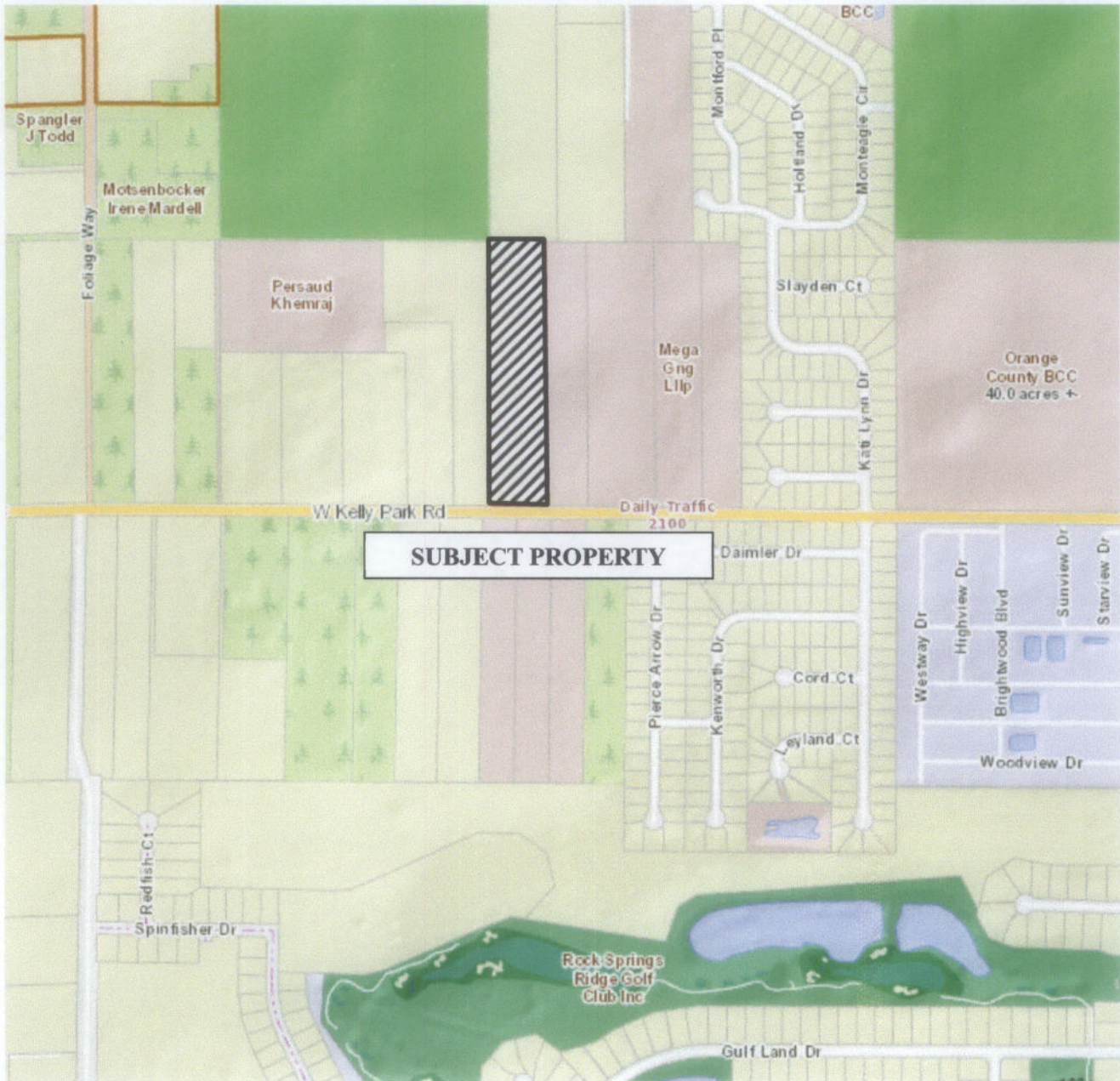
Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





**John & Joanne Ault**  
**7.99 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "City" AG (Agriculture) (0-1 du/5 ac)**  
**Parcel ID #: 08-20-28-0000-00-005**

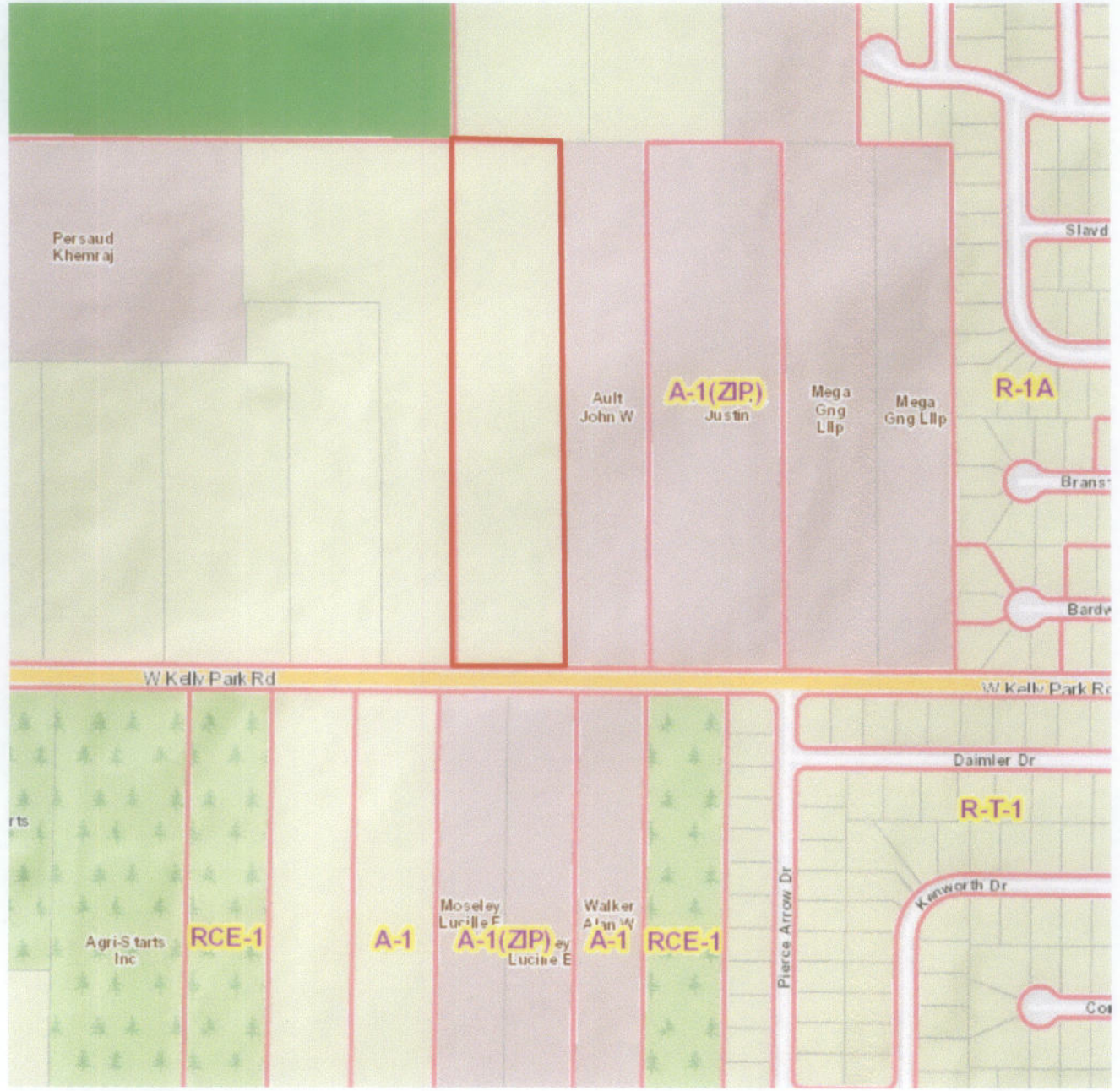
**VICINITY MAP**







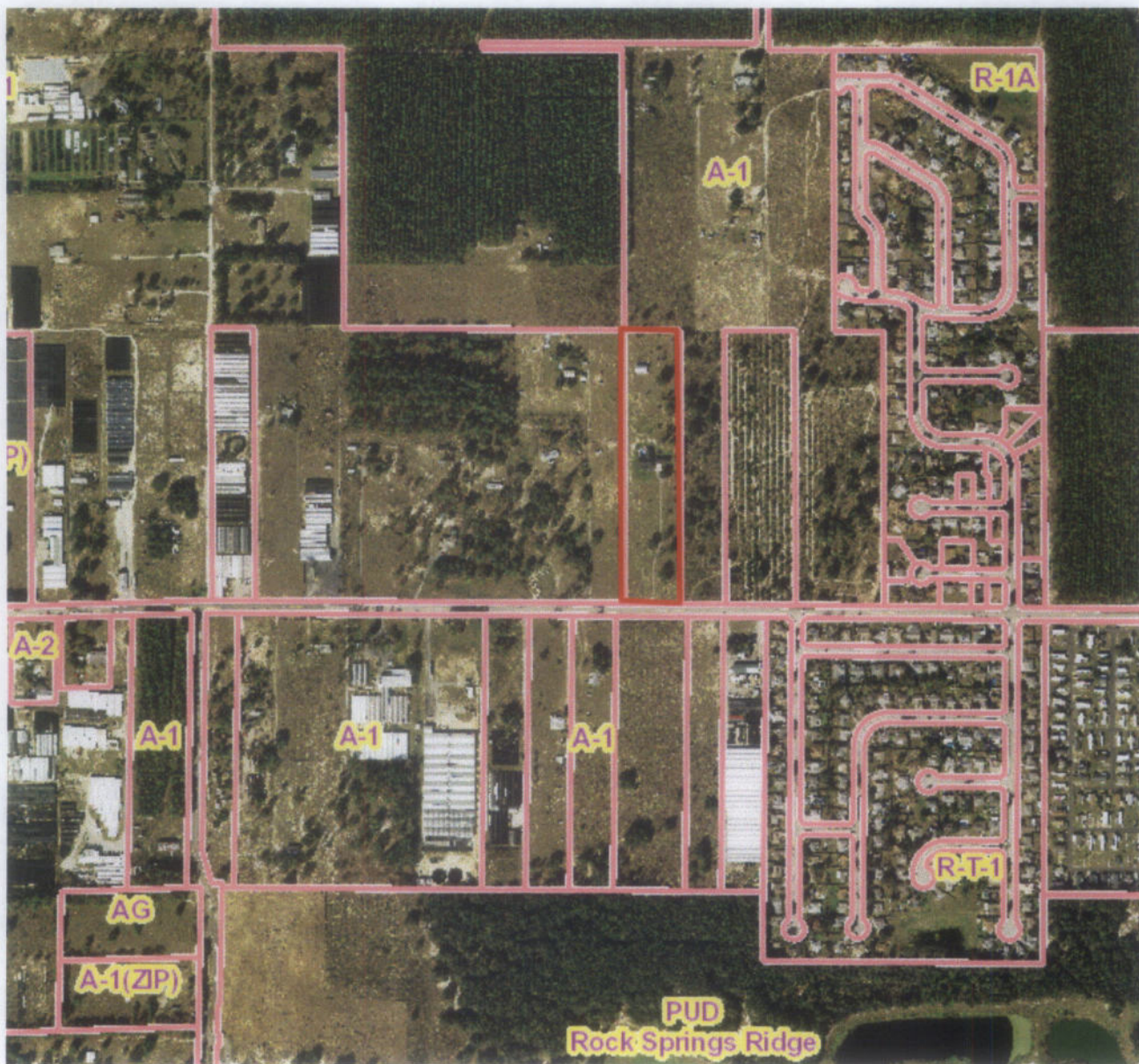
### ADJACENT ZONING







### ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** BEVERLY SAFIER (Case # 2015-2-22)

**PARCEL ID NUMBER:** 22-21-28-0000-00-190

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Beverly Safier  
APPLICANT: City of Apopka  
LOCATION: East of Clarcona Road, south of Stew Lane  
EXISTING USE: Single-family home  
FUTURE LAND USE: Agriculture (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Single-family home (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 1.33 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on November 1, 2006, through the adoption of Ordinance No. 1880.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (County)	Rural	A-1	Single-family home
South (City)	Commercial	C-1	Vacant commercial
West (County)	Rural	A-1	Warehousing & R-O-W

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Clarcona Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)
- Rear: 100 ft. (Non-Residential)
- Side: 100 ft. (Non-Residential)
- Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the existing 1.33 acres is considered a legal, non-conforming lot within the AG zoning district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.

**ALLOWABLE  
USES:**

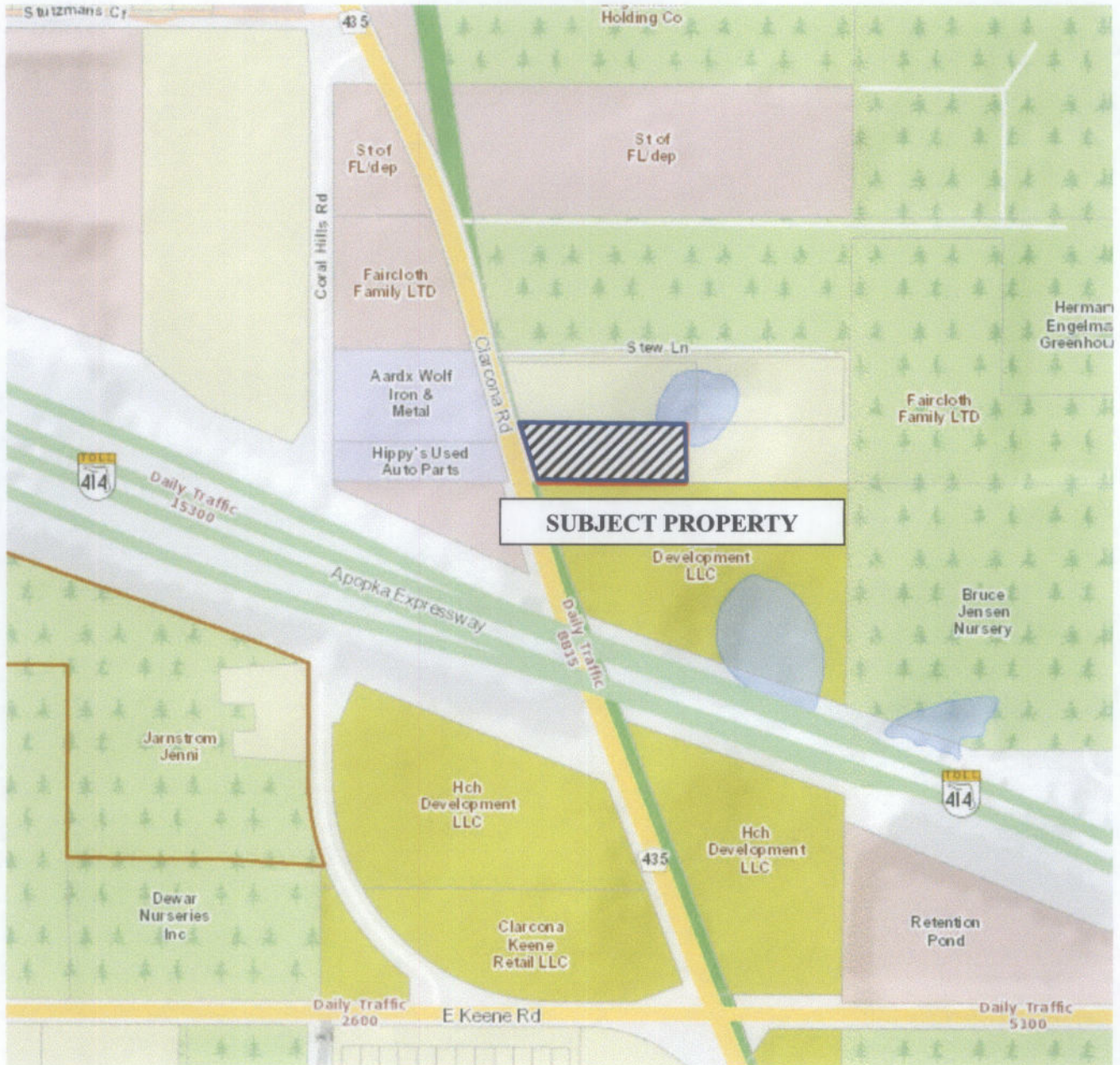
Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





**Beverly Safier**  
1.33 +/- Acres  
**Proposed Zoning Change:**  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (0-1 du/5 ac)  
Parcel ID #: 22-21-28-0000-00-190

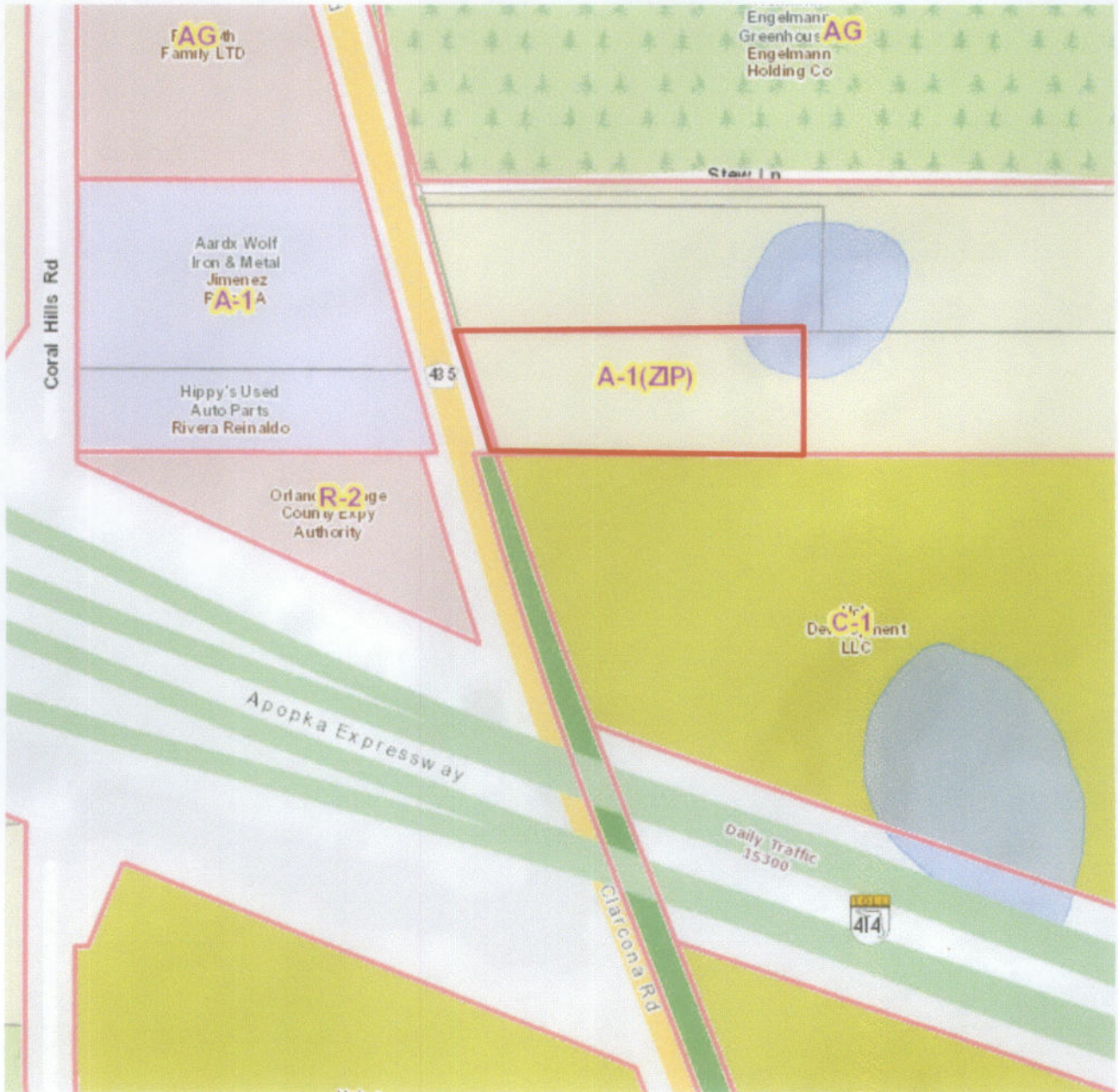
### VICINITY MAP







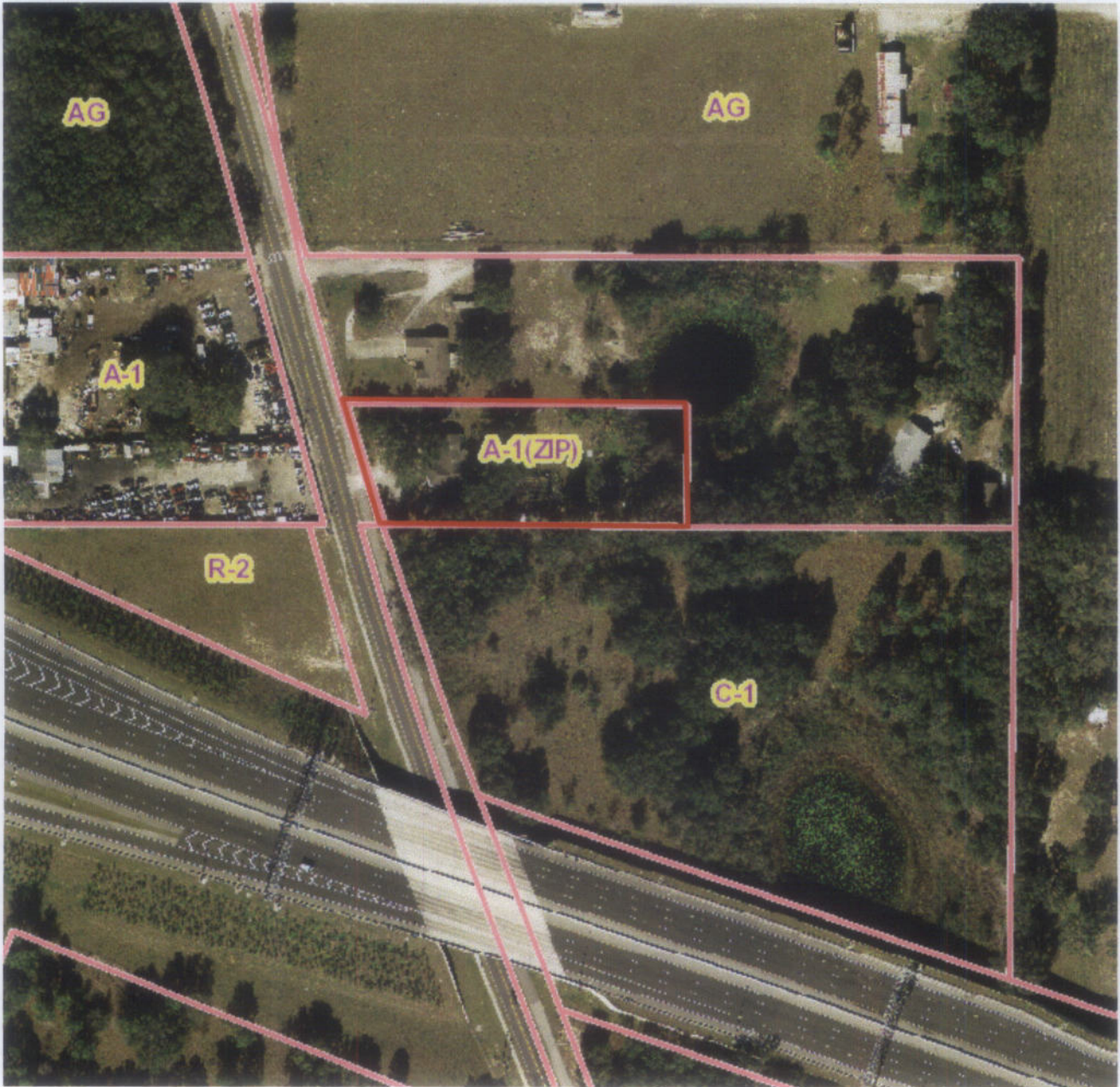
### ADJACENT ZONING







ADJACENT USES







**EXISTING  
USES**







**CITY OF APOPKA  
2015-2 ADMINISTRATIVE REZONING**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** DONALD & DONNA THOMAS (Case # 2015-2-23)

**PARCEL ID NUMBER:** 27-21-28-0000-00-056

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

**SUMMARY**

OWNER: Donald & Donna Thomas  
APPLICANT: City of Apopka  
LOCATION: East of S Sheeler Road, north of Stone Road  
EXISTING USE: Manufactured home  
FUTURE LAND USE: Agriculture (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Manufactured home (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 4.34 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT:  
EXISTING ZONING: 1 Residential Unit  
PROPOSED ZONING: 1 Residential Unit

**DISTRIBUTION**

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on September 21, 2005, through the adoption of Ordinance No. 1771.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (County)	Rural	A-1	Horse farm
South (County)	Rural	A-1	Single-family home
West (County)	Agriculture	AG	Container nursery

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (S Sheeler Road).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width: NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner: 100 ft. (Non-Residential)

Based on the above zoning standards, the existing 4.34 acres is considered a legal, non-conforming lot within the AG zoning district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



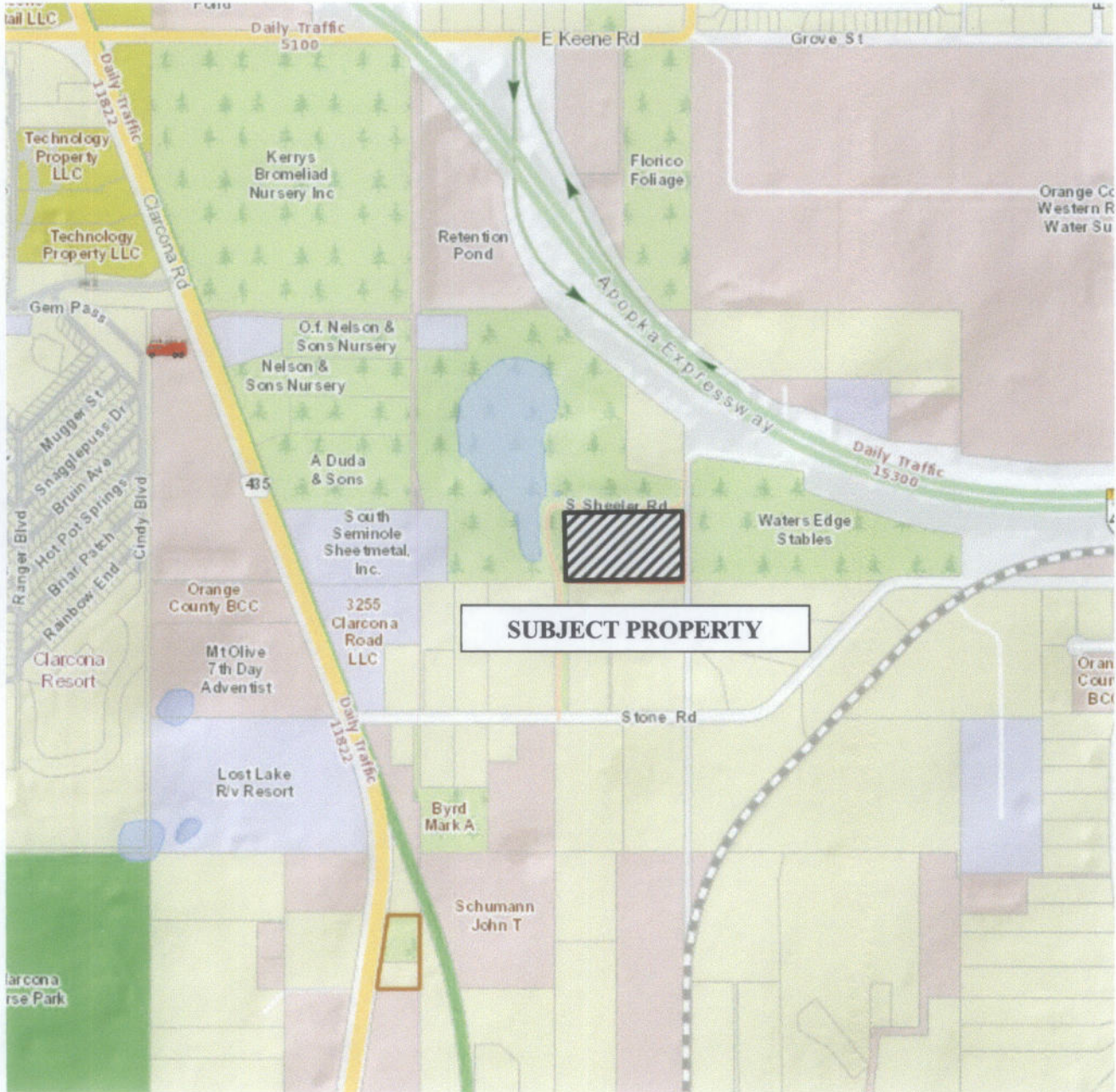
**ALLOWABLE  
USES:**

Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.



Donald & Donna Thomas  
4.34 +/- Acres  
Proposed Zoning Change:  
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)  
To: "City" AG (Agriculture) (1 du/5 ac)  
Parcel ID #: 27-21-28-0000-00-056

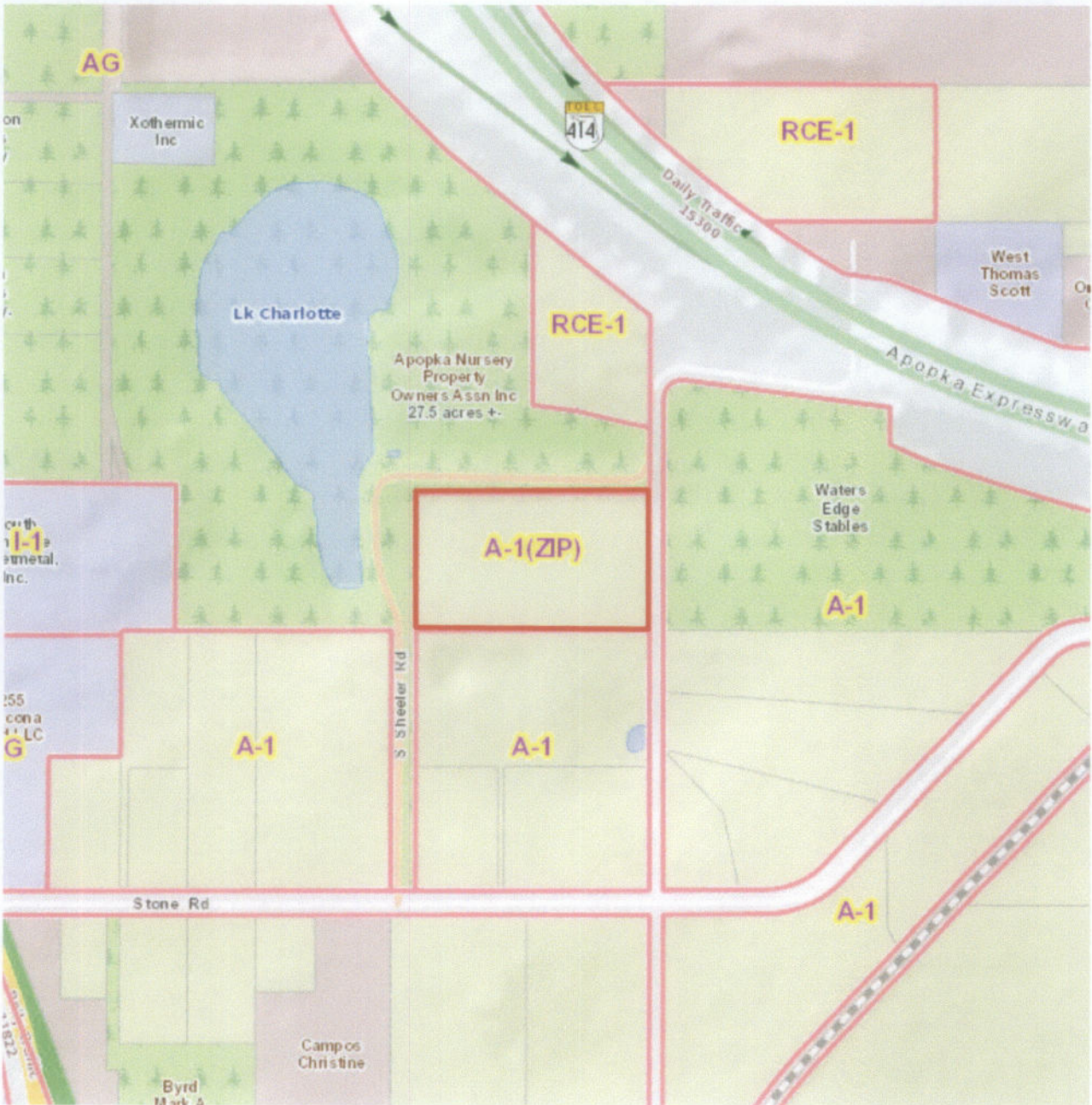
**VICINITY MAP**







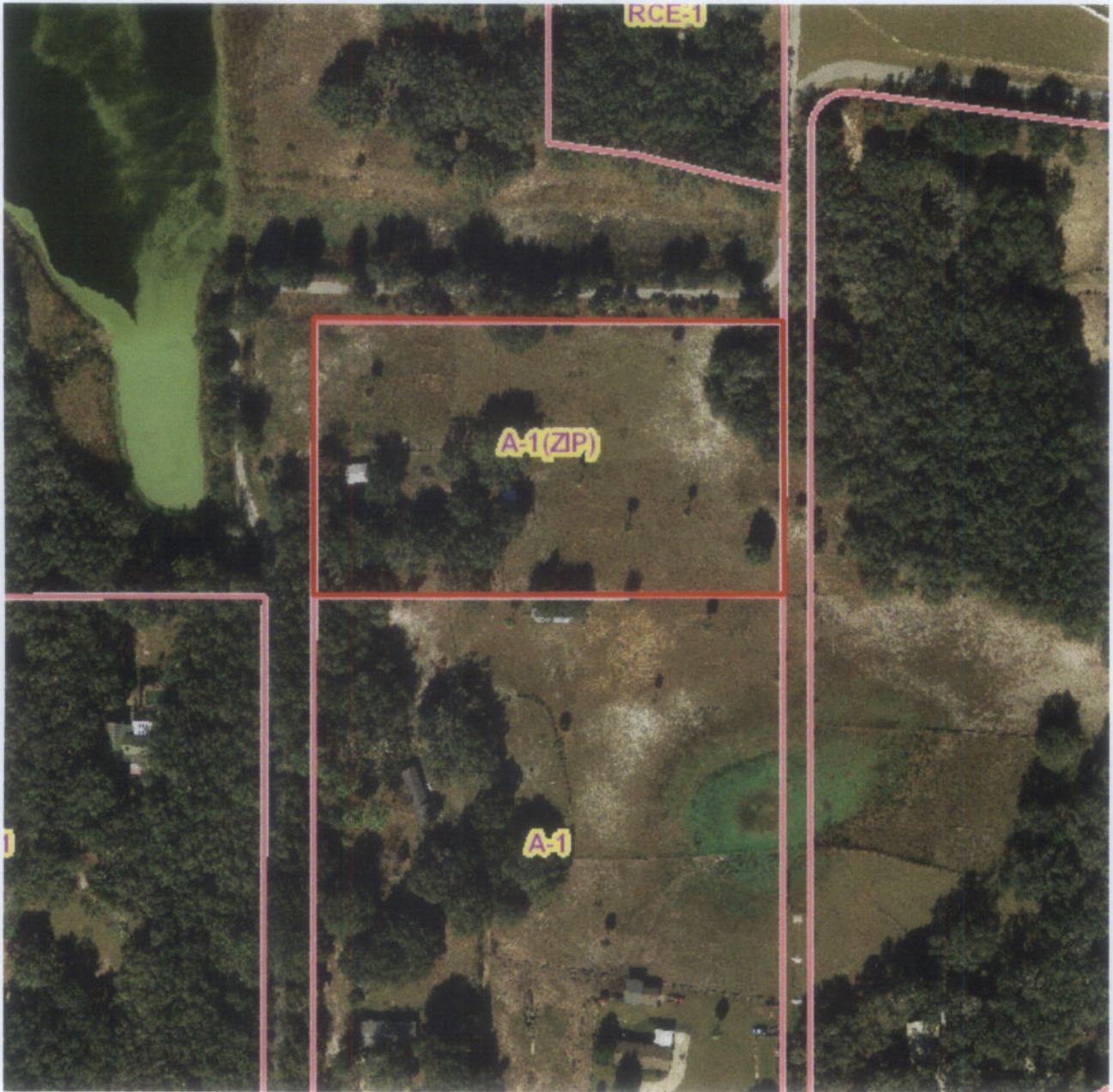
### ADJACENT ZONING







### ADJACENT USES







**EXISTING  
USES**





# CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Existing Uses

**SUBJECT:** PHILLIP & PEGGY DIONNE (Case # 2015-2-24)

**PARCEL ID NUMBER:** 18-20-28-0000-00-053

**Request:** ADMINISTRATIVE REZONING  
FROM: "COUNTY" A-1 (ZIP) (0-1 DU/10 ACRES) (AGRICULTURE)  
TO: "CITY" AG (0-1 DU/5 AC) (AGRICULTURE)

### SUMMARY

OWNER: Phillip & Peggy Dionne  
APPLICANT: City of Apopka  
LOCATION: West of Jason Dwelley Parkway, south of W Kelly Park Road.  
EXISTING USE: Single-family home  
FUTURE LAND USE: Agriculture (1 du/5 acres)  
ZONING: A-1 (ZIP)  
PROPOSED DEVELOPMENT: Single-family home (existing)  
PROPOSED ZONING: AG  
TRACT SIZE: 10.12 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 2 Residential Units  
PROPOSED ZONING: 2 Residential Units

### DISTRIBUTION

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir.
Commissioners (4)	HR Director	City Clerk
City Administrator Irby	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City on November 16, 2007, through the adoption of Ordinance No. 1787.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning designation be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan.

The proposed zoning change is compatible with the character of the surrounding area. Currently, the 4.23 acre parcel accommodates warehousing and vacant acreage.

Staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this zoning change (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

**SCHOOL CAPACITY REPORT:** The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on February 6, 2015.

**PUBLIC HEARING SCHEDULE:**

March 10, 2015 – Planning Commission (5:01 pm)  
April 1, 2015 - City Council (1:30 pm) - 1st Reading  
April 15, 2015 – City Council (7:00 pm) - 2nd Reading

**DULY ADVERTISED:**

February 20, 2015 – Public Hearing Notice  
April 3, 2015 - Ordinance Heading Ad

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**

**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City) North (County)	Residential Very Low Suburban Rural	R-1AAA A-1	Container nursery Single-family home
East (City)	Residential Estate	PUD	Single-family homes
South (County)	Rural	A-1	Single-family home
West (County)	Rural	A-1	Single-family home

**LAND USE &**

**TRAFFIC COMPATIBILITY:** The subject property fronts and is accessed by a local roadway (Jason Dwelley Parkway).

**COMPREHENSIVE  
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT  
REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (single-family home)  
400 sq. ft. (mobile home)
- Minimum Site Area: At least 5 acres (or 217,800 sq. ft)
- Minimum Lot Width NA
- Setbacks: Front: 100 ft. (Non-Residential)  
Rear: 100 ft. (Non-Residential)  
Side: 100 ft. (Non-Residential)  
Corner 100 ft. (Non-Residential)

Based on the above zoning standards, the existing 10.12 acre parcel complies with code requirements for the AG district.

**BUFFERYARD  
REQUIREMENTS:**

Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property line.



**ALLOWABLE  
USES:**

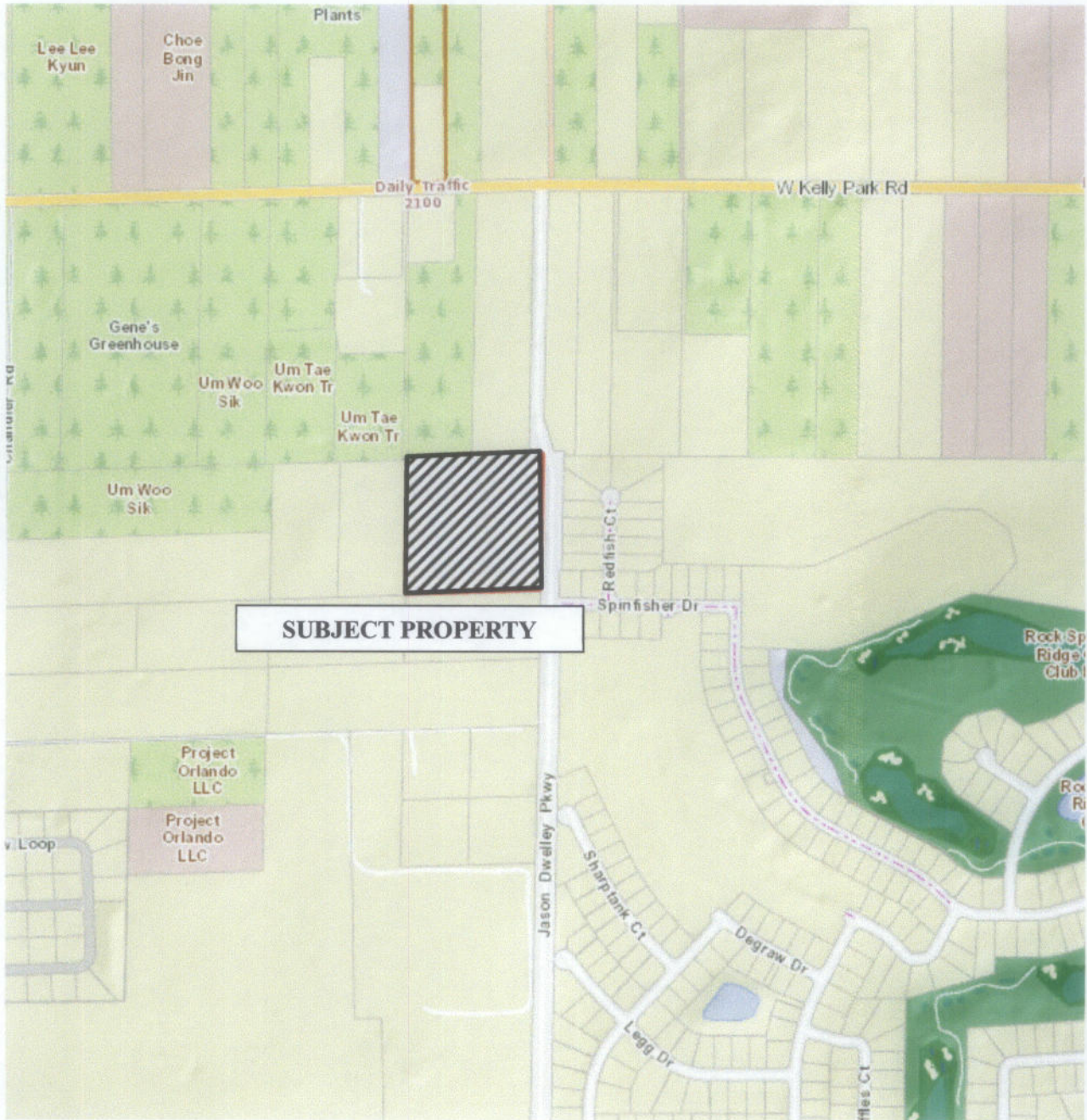
Office building and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes, commercial wholesale foliage plant production nursery. Tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Livestock barns and stables, apiaries, crops and animal production and the buildings and structures necessary to support such production, kennels; as well as single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code.





**Phillip & Peggy Dionne**  
**10.12 +/- Acres**  
**Proposed Zoning Change:**  
**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)**  
**To: "City" AG (Agriculture) (0-1 du/5 ac)**  
**Parcel ID #: 18-20-28-0000-00-053**

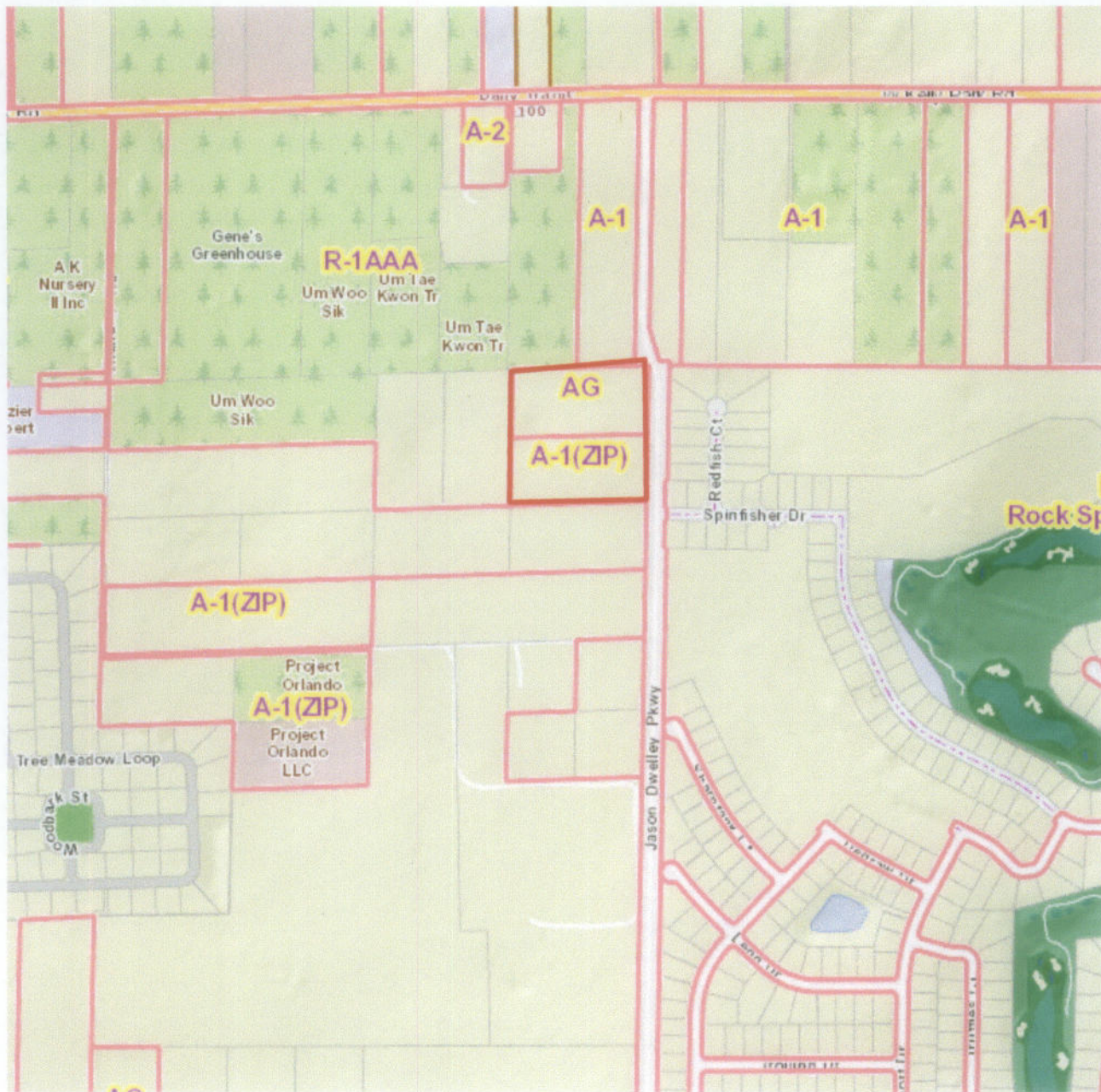
**VICINITY MAP**







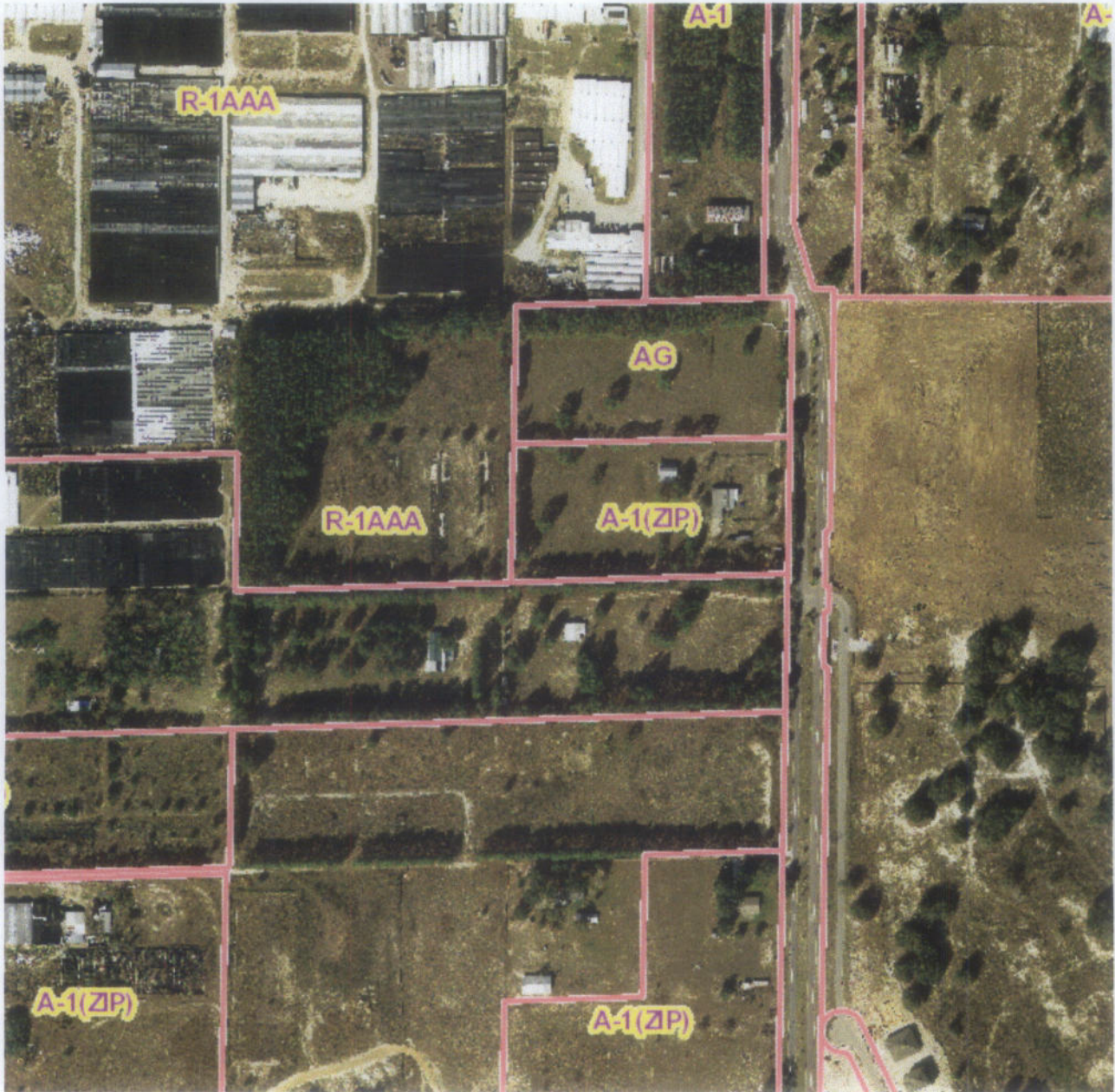
### ADJACENT ZONING







### ADJACENT USES







**EXISTING  
USES**



**ORDINANCE NO. 2414**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 23.78 ACRES, MORE OR LESS, AND OWNED BY JOHN AND JOANNE AULT, BEVERLY SAFIER, DONALD AND DONNA THOMAS, AND PHILLIP AND PEGGY DIONNE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

**WHEREAS**, the City of Apopka Community Development Department, has requested an administrative change in zoning on said property as identified in Section I of this ordinance; and

**WHEREAS**, the proposed AG zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section I.** That the zoning classification of the following described properties, being situated in the City of Apopka, Florida, is hereby AG as defined in the Apopka Land Development Code:

PARCEL	NAME	ACREAGE	LAND USE	COUNTY ZONING	PROPOSED ZONING
08-20-28-0000-00-005	John & Joanne Ault	7.99	AG	A-1(ZIP)	AG
22-21-28-0000-00-190	Beverly Safier	1.33	AG	A-1(ZIP)	AG
27-21-28-0000-00-056	Donald & Donna Thomas	4.34	AG	A-1(ZIP)	AG
18-20-28-0000-00-053	Phillip & Peggy Dionne	10.12	AG	A-1(ZIP)	AG

**Section II.** That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

**Section III.** That the Community Development Director, or the Director’s designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

**ORDINANCE NO. 2414**

**PAGE 2**

**Section IV.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

**Section V.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section VI.** That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME:

April 1, 2015

READ SECOND TIME

AND ADOPTED:

April 15, 2015

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED FOR ADOPTION HEARING:

February 20, 2015

April 3, 2015

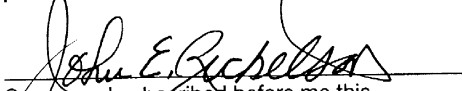


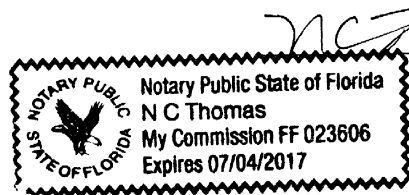
**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

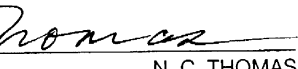
STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **April 3, 2015**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.florida-publicnotices.com](http://www.florida-publicnotices.com)

Affiant further says that the said **APOPKA CHIEF** is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical\* class mail matter (\*second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.

  
Sworn and subscribed before me this  
**3rd day of April, 2015**, by John E. Ricketson,  
who is personally known to me.



  
N. C. THOMAS  
Notary Public, State of Florida  
My Commission FF 023606  
Expires July 04, 2017

**Public Notice**

CITY OF APOPKA  
PUBLIC HEARING NOTICE

The following ordinances are to be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, April 15, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

**ORDINANCE NO. 2388**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED "DESIGNATED GROW AREA OVERLAY DISTRICT," PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A "DESIGNATION GROW AREA OVERLAY DISTRICT" AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICTS OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.**

**ORDINANCE NO. 2413**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 274.64 ACRES, MORE OR LESS, AND OWNED BY ALWAYS GROWING TREES, INC., CHESTER S. PECKETT TRUST, PECKETT FAMILY TRUST, CHRISTOPHER JOHNSON, DAVID AND SUE HILL, DONALD AND DEBRA KIRKLAND, DRK INC., EARL GAYLON WARD ESTATE, FRANKLIN AND JACQUELINE KING, J AND L GARDENIAS, INC., JAMES & LINDA KING, JOSEPH & DONNA COX, KENNETH & HARVEY MORRIS, PATRICIA BARTLETT, PROJECT ORLANDO LLC, ROBERT BRANTLEY, ROCKWOOD GROVES LLC, SHIRLEY DOBBS, T. O. MAHAFFEY JR., WILLIAM M DUVAL TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2414**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 23.78 ACRES, MORE OR LESS, AND OWNED BY JOHN AND JOANNE AULT, BEVERLY SAFIER, DONALD AND DONNA THOMAS, AND PHILLIP AND PEGGY DIONNE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2415**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES, PART II, CHAPTER 2, DIVISION 2, SECTION 2, BY ADDING SUBSECTION 2-123 ENTITLED "PASS-THROUGH FEES;" PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council  
Community Development Department

April 3, 2015  
Publish: The Apopka Chief

**Backup material for agenda item:**

5. ORDINANCE NO. 2415 – SECOND READING & ADOPTION – Amending the City of Apopka, Code of Ordinances, Section 2, Division 2, Chapter 2 to create Subsection 2-123 entitled – Pass-Through Fees. [Ordinance No. 2415 meets the requirements for adoption having been advertised in The Apopka Chief on April 3, 2015.]



CITY OF APOPKA  
CITY COUNCIL

<input type="checkbox"/>	CONSENT AGENDA	MEETING OF:	April 15, 2015
<input checked="" type="checkbox"/>	PUBLIC HEARING	FROM:	Community Development
<input type="checkbox"/>	SPECIAL REPORTS	EXHIBITS:	Ordinance No. 2415
<input checked="" type="checkbox"/>	OTHER: Ordinance		

**SUBJECT:** ORDINANCE NO. 2415 – AMENDING THE CITY OF APOPKA, CODE OF ORDINANCES, TO CREATE SUBSECTION 2-123 OF SECTION 2, DIVISION 2, CHAPTER 2, TITLED– PASS-THROUGH FEES.

**Request:** SECOND READING & ADOPTION OF ORDINANCE NO. 2415 - AMENDING THE CITY OF APOPKA, CODE OF ORDINANCES, TO CREATE A NEW SUBSECTION 2-123 OF SECTION 2, DIVISION 2, CHAPTER 2, ENTITLED “PASS-THROUGH FEES.”

**SUMMARY:**

The City Council of the City of Apopka recognizes that the City incurs significant costs to retain professional consultants for the review, inspection and regulation of development activities occurring within the City. Such consultants include attorneys, engineers, planners, environmental specialists, property appraisers and surveyors. Costs for such professional services exceed the application fee paid to the City. Thus, this cost places an unscheduled burden on the City budget. The City desires that applicants for certain development activities pay the costs of review, inspection and regulation of development activities relative to their application. The City of Apopka desires to amend its City Code to provide for pass-through of certain costs incurred by the City pertaining to the review, inspection and regulation of development activities.

**PUBLIC HEARING SCHEDULE:**

City Council, April 1, 2015 (1:30 pm) - 1<sup>st</sup> Reading  
City Council, April 15, 2015 (7:00 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

March 20, 2015 – Public Hearing Notice  
April 3, 2015 – Ordinance Heading

**FISCAL IMPACT:** The proposed amendment to the City’s development review fee schedule will primarily allow the City to pass certain costs for professional services, particularly legal services, to development applicants. Such fees typically are not scheduled within the standard development review application fee or the City’s budget. This occurs because the need for such professional services will differ from one development project to the next based on the scale and complexity of the proposed development. Most development applications will not warrant a need for the pass-through fee. Overall, the proposed ordinance represents a cost savings for the City of Apopka and its residents.

**RECOMMENDATION ACTION:**

The **City Council**, at its meeting on April 1, 2015, accepted the First Reading of Ordinance No. 2415, and held it over for Second Reading and Adoption on April 15, 2015.

Adopt Ordinance No. 2415.

<b><u>DISTRIBUTION:</u></b>		
Mayor Kilsheimer	Finance Director	Fire Chief
Commissioners (4)	HR Director	Public Ser. Director
City Administrator Irby	IT Director	City Clerk
City Dev. Director	Police Chief	



**ORDINANCE NO. 2415**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES, PART II, CHAPTER 2, DIVISION 2, SECTION 2, BY ADDING SUBSECTION 2-123 ENTITLED “PASS-THROUGH FEES;” PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Apopka recognizes that the City incurs significant costs in the review, inspection and regulation of development activities occurring within the City; and

**WHEREAS**, the City Council of the City of Apopka desires that applicants for certain development activities pay the costs of review, inspection and regulation of development activities relative to their application; and

**WHEREAS**, the City Council of the City of Apopka desires to amend its City Code to provide for pass-through of certain costs incurred by the City pertaining to the review, inspection and regulation of development activities,

**NOW THEREFORE, BE IT ENACTED** by the City Council of the City of Apopka, Florida as follows:

**SECTION 1.** The City of Apopka Code of Ordinances, Part II, Chapter 2, Division 2, Section 2, Subsection 2-123 Entitled “Pass-Through Fees” is hereby created as follows, and all other sections of the City Code shall be renumbered accordingly:

**ARTICLE IV - FINANCE  
DIVISION II - FEES**

**2-123.1 Authority**

The City is hereby authorized to assess and collect fees, deposits, costs and expenses relating or pertaining to the review, inspection, regulation and defense of development related activities pursuant to this Section.

**2-123.-2 Definitions.**

The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

*Applicant* shall mean and refer to an owner or an owner’s authorized agent who submits an Application, proposal, petition or project to the City.

*Application*, for purposes of this Section, shall mean and refer to an application, petition or proposal submitted to the City pertaining to development for which City approval is required, and shall be limited to the following, except as the provisions of Section 2-123.3 shall apply:

- (i) Comprehensive plan amendment
- (ii) Concurrency determination
- (iii) Development agreement, formulation and review
- (iv) Development of regional impact
- (v) Final subdivision plat, including any revisions to a previously approved or existing subdivision or plat
- (vi) Special Exception
- (vii) Planned unit development
- (viii) Preliminary development plan
- (ix) Final development plan
- (x) Rezoning (with or without a comprehensive plan amendment)
- (xi) Variance Request
- (xii) Vesting Determination
- (xiii) Impact fee agreements
- (xiv) Utility plans and agreements
- (xv) Any other development application or development order not listed above
- (xvi) Substantial change in any of the above

*City* shall mean and refer to the City of Apopka, Florida.

*City consultant* shall mean and refer to those companies, private consultants, governments, individuals or other entities under contract with the City to provide services to or for the City or who provide services to or for the City or who provide technical or legal expertise to or for the City, including but not limited to, attorneys, engineers, planners, environmental specialists, property appraisers and surveyors.

*City staff* shall mean and refer to City employees.

*Total development review amount* shall mean and refer to the total amount of the review deposit to be paid by an Applicant pursuant to Section 2-123.3 and any fees authorized to be collected by the City pursuant to its Code of Ordinances.

*Owner* shall mean and refer to an owner or group of owners of fee simple title to a particular lot, tract, or parcel of real property.

*Owner's authorized agent* shall mean and refer to an agent of the owner duly authorized to submit and process an Application. If the Applicant is not the property owner, a proper authorization must accompany the Application. Such authorization shall be evidenced by a power of attorney signed by the owner and notarized specifically authorizing the agent to represent the owner in connection with the Application and as to the owner's real property which is the subject of the Application. The authorization shall include an agreement of the owner to be bound by the actions of the owner's authorized agent and the provisions of this Section.

*Review deposit* shall mean and refer to a deposit of money, as established by this Section, to be paid by an Applicant at the time of the filing of an Application as defined above or, upon good cause shown, such other development-related Application as determined by the City Administrator or his/her designee as required in Section 2-123.3.

### **2-123.3 Review deposits.**

(a) *Required review deposits.* A \$5,000 review deposit, payable to the City of Apopka by money order, personal or company check or cashier's check drawn on a

financial institution authorized to do business in Orange County, Florida, shall be delivered to and collected by the City at the time of submission of each Application as defined in Section 2-123.-2. Said review deposit shall be utilized by the City to reimburse the City for the actual costs paid by the City incurred as a result of the review of the development activity.

(b) *Other types of development-related applications.* Upon good cause shown, a review deposit, in an amount determined by the City Administrator not to exceed \$5000, paid as set forth above in subsection (a), shall be delivered to and collected by the City at the time of submission of such other types of development-related application as may be determined by the City Administrator or at such other time as the City Administrator may designate. The following factors, by way of example, not limitation, may be considered to support a finding of good cause for the imposition of a review deposit during the review and approval of a development-related Application other than as described in Section 2-123.-2 and for establishing the appropriate review deposit amount: information provided by the City staff and Applicant about the complexity and scope of the proposed development-related Application and the development project, the payment history of the Applicant as it pertains to past dealings with the City, and the expected involvement of City consultants.

(c) *Waiver of review deposits.* In all cases, the City Administrator may waive the requirement of a review deposit if, based upon information from City staff and the Applicant, the amount of the fees, costs and expenses relating to the review, processing, inspection and regulation of such, as estimated by the City Administrator, will not exceed the Application fee. Similarly, should the City Administrator determine, at any time thereafter, in his sole discretion, that requiring a review deposit is in the City's best interest, he may require one at that time. No review of an Application pertaining or relating to subdivision plats, development agreements, planned unit developments, a development of regional impact or such other development-related Application as determined by the City Administrator, shall commence until the Application fee and review deposit, if applicable, is paid. The total development review amount shall be forwarded to the City Administrator prior to the end of the second business day following the submittal of said Application for review or approval. The balance of the review deposit, if any, shall be returned to the Applicant as provided for in section 2-123.1-4. No interest shall be paid to Applicant on any review deposit on account with the City.

(d) *Administrative Fee for review deposits.* To mitigate City's cost to administer and process a Pass-Through Fee review deposit, an administrative fee equal to three percent (3%) of the actual costs of the review by the City Consultant shall be paid to the City. This administrative fee shall be deducted from the review deposit.

**2-123.4 Project account.**

Once an application pertaining or relating to an Application or, upon good cause shown, such other development-related Application as determined by the City Administrator, has been submitted to the City and the applicable total development Application fee has been collected, the City Administrator or his/her designee shall establish an individual project account through which all fees, expenses and costs incurred by the City which are associated with the applicable Application will be monitored. The project account will be maintained throughout the entire review, processing, inspection, and regulation process until the latter of:



- (i) Final action (after all appeal periods have run) by the City Council has occurred with respect to the Application;
- (ii) No further significant involvement of the City staff or City consultants is expected to occur;
- (iii) The City has been paid all of the amounts due under this Section and the City Code; or
- (iv) The expiration of any warranty period associated with the conveyance or dedication of improvements to the City.

Fees, costs and expenses for any City consultant time directly related to the review, processing, inspection or regulation of any Application or development pursuant to this Section, the City Code and/or State Statutes, and all other directly related expenses, including, but not limited to, advertising, legal, inspection and engineering costs are to be charged to the project account.

#### **2-123.5 City invoices.**

(a) *Payment.* The City Administrator or his/her designee may periodically calculate the costs, expenses and fees incurred by the City for each Application for which a review deposit is required and send an invoice to the Applicant for payment. The Applicant shall have ten (10) days from the date of the invoice to pay to the City the invoiced amount. Thereafter, if payment is not received in the required time, the City Administrator or his/her designee shall apply the review deposit toward payment for the invoiced amounts. If the total of the costs, expenses, and fees incurred by the City for an Application for which a review deposit is required exceeds the review deposit, and payment is not received in the required time after invoicing, then the City Administrator or his/her designee shall apply the review deposit to the unpaid portion of the invoice and send a notice of nonpayment to the Applicant for the remaining amount of the invoice. The City Administrator or designee shall also send a notice to the Applicant and to all City staff and City consultants associated with the subject Application or project, instructing them to cease all work relating to such Application or project unless and until further notified by the City Administrator or his/her designee. A copy of such notice shall be sent to the Applicant.

Upon receipt of the notice, work by the City staff and City consultants on the Application or project shall cease, and neither building permits, certificates of completion, temporary certificates of occupancy, nor certificates of occupancy will be issued with respect to such real property. Continuation of the review of the Application or project with respect to the real property for which payment was not made will not be undertaken by the City until such time as all outstanding fees, costs and expenses due under this Section are paid in full and a new review deposit paid to the City.

Unless otherwise provided for in this Section, if an Applicant receives or is granted approval on an Application or project or is issued a building permit, certificate of completion, temporary certificate of occupancy, certificate of occupancy, occupational license or other development order by the City, and additional fees, costs, expenses or such other obligations attributable to the Application are thereafter posted to the project account for work that is associated with said approval or issuance, the Applicant or his/her successor in interest shall pay said costs, fees and expenses incurred by the City for such Application. The City shall send an invoice to the

Applicant or successor for such fees or expenses, and the Applicant or successor shall reimburse the City for such fees or expenses within ten (10) days.

(b) *Deficiency and liens.* Failure to pay an invoiced amount within the requested time shall constitute a violation of this section. Any deficiency owed to the City, whether incurred before or after project approval, shall bear interest from the date of the aforementioned notice of non-payment at the rate of 18 percent simple interest per annum or otherwise at the highest rate permitted by law until paid. The amount of any such deficiency owed to the City shall, together with interest and the costs of collection as hereinafter provided, shall be the personal obligation of the Applicant and shall be a continuing lien on the real property related to the Application or project under review. Any subsequent or new owner of the real property related to the Application or project shall take title subject to the obligations of the Applicant under the terms of this Section and shall be jointly and severally liable for such obligations. An Applicant may not escape liability for the deficiency by abandonment of the Application or project, withdrawal of such Application or sale of the real property with respect to which such Application has been submitted. If the initial or subsequent invoices are not paid in a timely fashion, and the invoiced amount exceeds the amount of the review deposit, the City may take whatever legal means it deems appropriate to collect the deficiency, including, but not limited to, retaining the services of a collection agency or attorney, initiating legal proceedings for the collection thereof, recording a notice of lien as hereinafter provided, and foreclosing same in the same manner as mortgage liens are foreclosed.

If the project is subject to the provisions of a development agreement, and the Applicant is found to be in default of such development agreement, then it would be considered a default of that agreement and whatever remunerative such development agreement calls for would be applied, as opposed to the provisions called for in this ordinance.

**2-123.6 Required payments.**

Payment for costs, expenses and fees incurred by the City under this Section is a requirement for the City's final approval of the Application and project.

**2-123.7 Assessable costs, expenses, and fees.**

All direct costs, expenses and fees incurred by the City that relate directly to the review, processing, inspection, regulation or defense of an Application, including, but not limited to, expenses incurred by City consultants who review or defend the Application at the direction of the City, as well as other expenses related directly to advertising, surveying, legal review and/or engineering review for an Application or project shall be assessed to the Applicant and reimbursed to the City. Assessable expenses shall not include the cost of City employee time in reviewing such Application, as such time shall be deemed to have been reimbursed by the Application fee.

City consultants shall submit records of their time, fees, costs, and expenses to the City Administrator or his/her designee and such fees, costs and expenses shall be invoiced to the Applicant on a dollar-for-dollar basis for services provided under the

direction of the City to review. The rates charged to the Applicant for said services shall not exceed those charged to the City.

**2-123.8 Objections/appeal.**

Any objection to any invoice or to any matter set forth in this Section must be set forth in writing and addressed and delivered to the City Administrator on or before the tenth day after the date of the relevant invoice. In the event the City Administrator denies the objection, the Applicant shall have ten (10) days after the date of the City Administrator's written decision to file an appeal of such decision with the City Clerk or his/her designee, which appeal shall be heard by the City Council. All objections and appeals shall set forth in detail the reasons and evidence upon which the objection and appeal are based. Failure of the Applicant to establish beyond a preponderance of the evidence that an invoice is not appropriate and is not based upon competent substantial evidence, shall result in a denial of the objection and appeal.

**2-123.9 Attorney's fees in the event of failure to pay review costs.**

In the event the City is required to enforce this Section, then the City shall be entitled to recover from the Applicant all costs and expenses incurred, including but not limited to its reasonable attorneys' fees, paralegal fees and other costs and expenses, whether incurred prior to, during or subsequent to court proceedings or on appeal, and/or in any bankruptcy proceedings involving the Applicant, the real property and/or the project being reviewed.

**2-123.10 Change of ownership.**

An Applicant shall provide prompt written notice to the City Administrator in the event of a change in ownership of all or a portion of a lot, tract, or parcel of real property with respect to which an Application, or project is pending before the City. Such notice shall be on a form approved by the City and shall include the name, address and phone number of the new owner and a legal description of the lot, tract or parcel of real property now owned by the new owner. Any such new owner (i) shall not be entitled to utilize or draw upon any review deposit previously paid to the City by the original Applicant, (ii) shall be liable to the City for all fees, costs and expenses related to the lot, tract or parcel of real property which arise subsequent to the date the new owner acquires title to such real property, and (iii) may be required by the City to pay a separate review deposit in the same manner as a new Application, in which case a separate project account will be opened in the name of the new owner or the new owner's authorized agent. If a separate review deposit is required, no work shall be undertaken by the City or its consultants with respect to the lot, tract or parcel of real property under control of the new owner until a separate review deposit is paid to the City. Until such time as the City receives such written notice of a change in ownership, the original Applicant shall be jointly and severally liable to the City for all fees, costs and expenses associated with the Application or project; provided, however, that upon receipt by the City of a notification of change of ownership, the original Applicant shall no longer be liable to the City for fees, costs and expenses incurred by the City which arise after receipt of the notification of change of ownership, and the new owner shall be solely liable to the City for all such fees, costs and expenses associated with the Application or project activities subsequent to the date of receipt by the City of such notification. Additionally, the Applicant shall be entitled to a refund of any review



deposit balance as of the date said change of ownership notice is received by the City, provided all assessable costs, expenses and fees hereunder and incurred to that date are paid in full.

**2-123.11 Agreement to be bound by this Section.**

Submission of an Application shall constitute the consent and agreement for the Applicant and the owner, if the Application is being executed by the owner's authorized agent, to be bound by the provisions of this Section.

**2-123.12-19 Reserved.**

**SECTION 2.** Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof, which may be determined to be in conflict herewith, are hereby repealed.

**SECTION 3.** Severability. It is the intent of the City Council of the City of Apopka, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**SECTION 4.** Effective Date. This ordinance shall become effective immediately upon adoption.

**APPROVED AND ADOPTED** by the City Council of the City of Apopka, Florida this \_\_\_\_\_day of \_\_\_\_\_, 2015.

READ FIRST TIME: April 1, 2015  
READ SECOND TIME  
AND ADOPTED: April 15, 2015

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk


DULY ADVERTISED:                    March 13, 2015  
   April 3, 2015

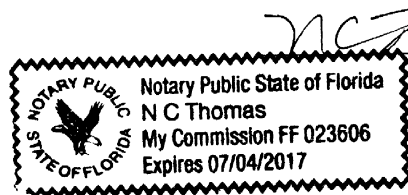
**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

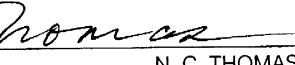
STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **April 3, 2015**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.florida-publicnotices.com](http://www.florida-publicnotices.com)

Affiant further says that the said **APOPKA CHIEF** is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical\* class mail matter (\*second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.

  
Sworn and subscribed before me this  
**3rd day of April, 2015**, by John E. Ricketson,  
who is personally known to me.



  
N. C. THOMAS  
Notary Public, State of Florida  
My Commission FF 023606  
Expires July 04, 2017

**Public Notice**

CITY OF APOPKA  
PUBLIC HEARING NOTICE

The following ordinances are to be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, April 15, 2015, at 7:00 p.m.**, or as soon thereafter as possible.

**ORDINANCE NO. 2388**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED "DESIGNATED GROW AREA OVERLAY DISTRICT," PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A "DESIGNATION GROW AREA OVERLAY DISTRICT" AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICTS OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.**

**ORDINANCE NO. 2413**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 274.64 ACRES, MORE OR LESS, AND OWNED BY ALWAYS GROWING TREES, INC., CHESTER S. PECKETT TRUST, PECKETT FAMILY TRUST, CHRISTOPHER JOHNSON, DAVID AND SUE HILL, DONALD AND DEBRA KIRKLAND, DRK INC., EARL GAYLON WARD ESTATE, FRANKLIN AND JACQUELINE KING, J AND L GARDENIAS, INC., JAMES & LINDA KING, JOSEPH & DONNA COX, KENNETH & HARVEY MORRIS, PATRICIA BARTLETT, PROJECT ORLANDO LLC, ROBERT BRANTLEY, ROCKWOOD GROVES LLC, SHIRLEY DOBBS, T. O. MAHAFFEY JR., WILLIAM M DUVAL TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2414**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 23.78 ACRES, MORE OR LESS, AND OWNED BY JOHN AND JOANNE AULT, BEVERLY SAFIER, DONALD AND DONNA THOMAS, AND PHILLIP AND PEGGY DIONNE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2415**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES, PART II, CHAPTER 2, DIVISION 2, SECTION 2, BY ADDING SUBSECTION 2-123 ENTITLED "PASS-THROUGH FEES;" PROVIDING FOR PASS-THROUGH TO THE APPLICANT OF CERTAIN COSTS INCURRED BY THE CITY PERTAINING TO THE REVIEW, INSPECTION AND REGULATION OF DEVELOPMENT ACTIVITIES WITHIN THE CITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection. All interested parties may appear and be heard with respect to these hearings. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council  
Community Development Department

April 3, 2015  
Publish: The Apopka Chief

**Backup material for agenda item:**

6. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [NOTE: Council tabled Ordinance No. 2405 until the April 15, 2015 meeting.]





**CITY OF APOPKA  
CITY COUNCIL**

X PUBLIC HEARING  
ANNEXATION  
PLAT APPROVAL  
X OTHER: Ordinance

DATE: April 15, 2015  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Supporting LDC information  
Legal Opinion  
E-mail Alex Toledo  
Ordinance No. 2405

**SUBJECT: ORDINANCE NO. 2405 – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDAAT SANDPIPER, LLC – FROM “COUNTY” PD TO “CITY” R-1AAA**

**Request: FIRST READING OF ORDINANCE NO. 2405 – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC - FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” R-1AAA; PARCEL ID NUMBERS: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119; AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY**

OWNER/APPLICANT: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee  
LOCATION: South of Sandpiper Street, west of North Thompson Road, east of Ustler Road  
EXISTING USE: Abandoned Single Family Homes  
CURRENT ZONING: “County” PD (“City” ZIP)  
PROPOSED DEVELOPMENT: Residential Subdivision  
FUTURE LAND USE DESIGNATION: “City” Residential Very Low Suburban (0- 2.0 du/ac)  
TRACT SIZE: Combined total Acreage: 58.23 +/- Total Acres (48.4 developable acres)  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: up to 97 Dwelling Units (max. 2 un/ac x 49.4)  
PROPOSED: up to 97 Dwelling Units (max. 2 un/ac x 49.4)

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
City Administrator Irby  
Community Dev. Dir.  
Finance Dir.  
HR Director  
IT Director  
Police Chief  
Public Ser. Dir.  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:**

The subject parcels were annexed into the City of Apopka on September 17, 2008, through the adoption of Ordinance No. 2068; and on September 18, 2013, through the adoption of Ordinance No. 2326.

Pursuant to Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation. Based on zoning currently assigned to properties in the general area surrounding the subject property, the R-1AAA zoning category is compatible with the zoning categories assigned to the general area. Based on a review of zoning categories assigned to other properties within the general area surrounding the subject property as well as to properties within the City as a whole, the R-1AAA zoning category and zoning categories allowing a smaller lot size have been allowed adjacent to or within the area of properties allowing a higher residential density or larger minimum lot size.

As the zoning application requests an R-1AAA district, zoning or development conditions or restrictions cannot be placed on the subject property unless otherwise accepted by the applicant. Regarding this matter, a legal opinion has been prepared by the city attorney's office and is provided with the attached information.

Selection of a zoning category is made according to the allowed zoning district hierarchy set forth within Chapter 2 of the Land Development Code. This zoning hierarchy is summarized within Table II-1 and Section 2.02.02 of the LDC. The zoning category of R-1AAA requires a minimum lot size of 16,000 sq. ft. and a minimum lot width of 120 feet. As shown within Table II-1 the next category within the zoning hierarchy that requires a larger lot size is RCE-1, which requires a minimum lot size of one acre (43,560 sq. ft.) with a minimum lot width of 130 feet. No other zoning category exists that addresses a lot size option greater than 16,000 sq. ft. and less than one acre. For example, a zoning category does not exist that requires a minimum lot size of half an acre (21,780 sq. ft.). A subdivision plan or Master plan is not required to be submitted with a standard zoning application.

Staff has analyzed the proposed amendment and determined that adequate transportation public facilities capacities exist to support this zoning change (see attached Zoning Report) subject to the extension of water and sewer lines to the property. Prior to developing the subject property pursuant to the R-1AAA zoning category, water and sewer lines must be extended to the subject property. As the City does not currently plan to extend such infrastructure to the property within its five-year capital improvement program, the developer will be required to facilitate such extension.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed Change of Zoning designation is consistent with the City's proposed Future Land Use designation of Residential Very Low Suburban. Site development cannot exceed the densities allowed by the Future Land Use policies and must occur consistent with the City's Comprehensive Plan, Land Development Code, and Development Design Guidelines. Per Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation.

**SCHOOL CAPACITY REPORT:**

Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. Prior to submittal of a final development plan application, the applicant must obtain a school capacity enhancement or mitigation agreement from OCPS. Affected Schools: Dream Lake Elementary School, Apopka Middle School, and Apopka High School.

**ORANGE COUNTY NOTIFICATION:**

The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on December 19, 2014.

**PUBLIC HEARING SCHEDULE:**

January 13, 2015 – Planning Commission (5:01 pm)  
February 4, 2015 – City Council (1:30 pm) - 1<sup>st</sup> Reading  
February 18, 2015 – City Council (7:00 pm) - 2<sup>nd</sup> Reading - Reconsideration  
March 4, 2015 – City Council (1:30 pm) – 1<sup>st</sup> Reading – Continued  
March 18, 2015 – City Council (7:00 pm) – 1<sup>st</sup> Reading – Tabled.  
April 1, 2015 – City Council (1:30 pm) – 1<sup>st</sup> Reading – Tabled.  
April 15, 2015 – City Council (7:00 pm) – 1<sup>st</sup> Reading  
May 6, 2015 – City Council (1:30 pm) – 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

December 26, 2014 – Public Notice and Notification  
February 6, 2014 – Ordinance Heading Ad  
February 13, 2015 – Public Notice and Notification  
March 20, 2015 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the Change in Zoning from “County” PD (ZIP) (Residential) to “City” R-1AAA (0-2 un/ac) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **Planning Commission**, at its meeting on January 13, 2015, recommended denial (6-0) of the Change in Zoning from “County” PD (ZIP) (Residential) to “City” R-1AAA (0-2 un/ac) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee subject to the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **City Council**, at its meeting on February 4, 2015, elected to continue the First Reading and instructed staff to prepare a presentation on the Sandpiper project for the February 18, 2015 meeting on the three zoning options; PUD, RCE and R-1AAA zoning, providing pros and cons of each.

The **City Council**, at its meeting on March 4, 2015, elected to continue the First Reading and instructed staff to prepare a presentation on the Sandpiper project for the March 18, 2015 meeting on the three zoning options; PUD, RCE and R-1AAA zoning, providing pros and cons of each.

The **City Council**, at its meeting on March 18, 2015, Tabled the First Reading of Ordinance No. 2405 until the April 1, 2015 meeting.

The **City Council**, at its meeting on April 1, 2015, Tabled the First Reading of Ordinance No. 2405 until the April 15, 2015 meeting.

Accept the First Reading of Ordinance No. 2405 and Hold it Over for Second Reading and Adoption on May 6, 2015.

**Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.**



**ZONING REPORT**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Res. Low Density (4 du/ac)	A-1, A-2	SF Homes
East (County)	Res. Low Density (4 du/ac)	A-1, RCE	SF Homes
South (County)	Res. Low Density (4 du/ac)	A-2, RCE, R-1AAAA	SF Homes
South (City)	Res. Very Low Suburban (0-2 du/ac)	R-1AAA	SF Homes
West (City)	Res. Very Low Suburban (0-2 du/ac)	RCE-1, R-1AAAA	SF Homes
West (County)	Res. Low Density (4 du/ac)	A-2	SF Homes

**LAND USE & TRAFFIC COMPATIBILITY:**

Pursuant to Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation. Based on zoning currently assigned to properties in the general area surrounding the subject property, the R-1AAA zoning category is compatible with the zoning categories assigned to the general surrounding area.

Based on a review of zoning categories assigned to other properties within the general area surrounding the subject property as well as to properties within the City as a whole, the R-1AAA zoning category and zoning categories allowing a smaller lot size have been allowed adjacent to or within the area of properties allowing a higher residential density or larger minimum lot size. For example, the Wekiva Preserve residential community is assigned a zoning category of R-1AA (min. 12,500 sq. ft. lot) and abuts property assigned County A-1 or A-2), and the southern neighborhoods of the Wekiva Glen residential community is assigned a zoning has R-1A (min. 10,000 sq. ft. lot) next to properties assigned the RCE-1 zoning district (min. lot size of one acre).

The entire City is designated a Transportation Concurrency Exception Area. As such a transportation study is not required as part of a zoning application. Based on a review of recent traffic counts for Sandpiper Street and nearby roads, adequate capacity is available on these streets to satisfactory accommodated vehicle trips generated by future development of the subject property.

**R-1AAA DISTRICT REQUIREMENTS\*:**

- Minimum Site Area: 16,000 sq. ft.
- Minimum Lot Width: 120 ft.
- Front Setback: 25 ft.
- Side Setback: 10 ft.
- Rear Setback: 20 ft.
- Corner Setback: 25 ft.
- Minimum Living Area: 1,800 sq. ft.

**BUFFERYARD  
REQUIREMENTS:**

Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis.

Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

**ALLOWABLE USES:**

Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with [section 2.02.01](#). Accessory structures, such as swimming pools and screened rooms, must be set back at least five feet from the rear property line.

**Applicant: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee**  
**From: “County” PD (ZIP)**  
**To: “City” R-1AAA Residential**  
**57.7 +/- Acres (48.4 developable acres)**  
**Maximum Allowable Development: up to 97 dwelling units**  
**Proposed Minimum Lot Size: 16,000 sq. ft.**  
**Future Land Use Designation: Residential Very Low Suburban (0 – 2 un\ac)**

**Parcel ID #s: 02-21-28-0000-00-106    02-21-28-0000-00-131**  
**03-21-28-0000-00-015    03-21-28-0000-00-022**  
**03-21-28-0000-00-023    03-21-28-0000-00-046**  
**03-21-28-0000-00-047    03-21-28-0000-00-072**  
**03-21-28-0000-00-073    03-21-28-0000-00-119**

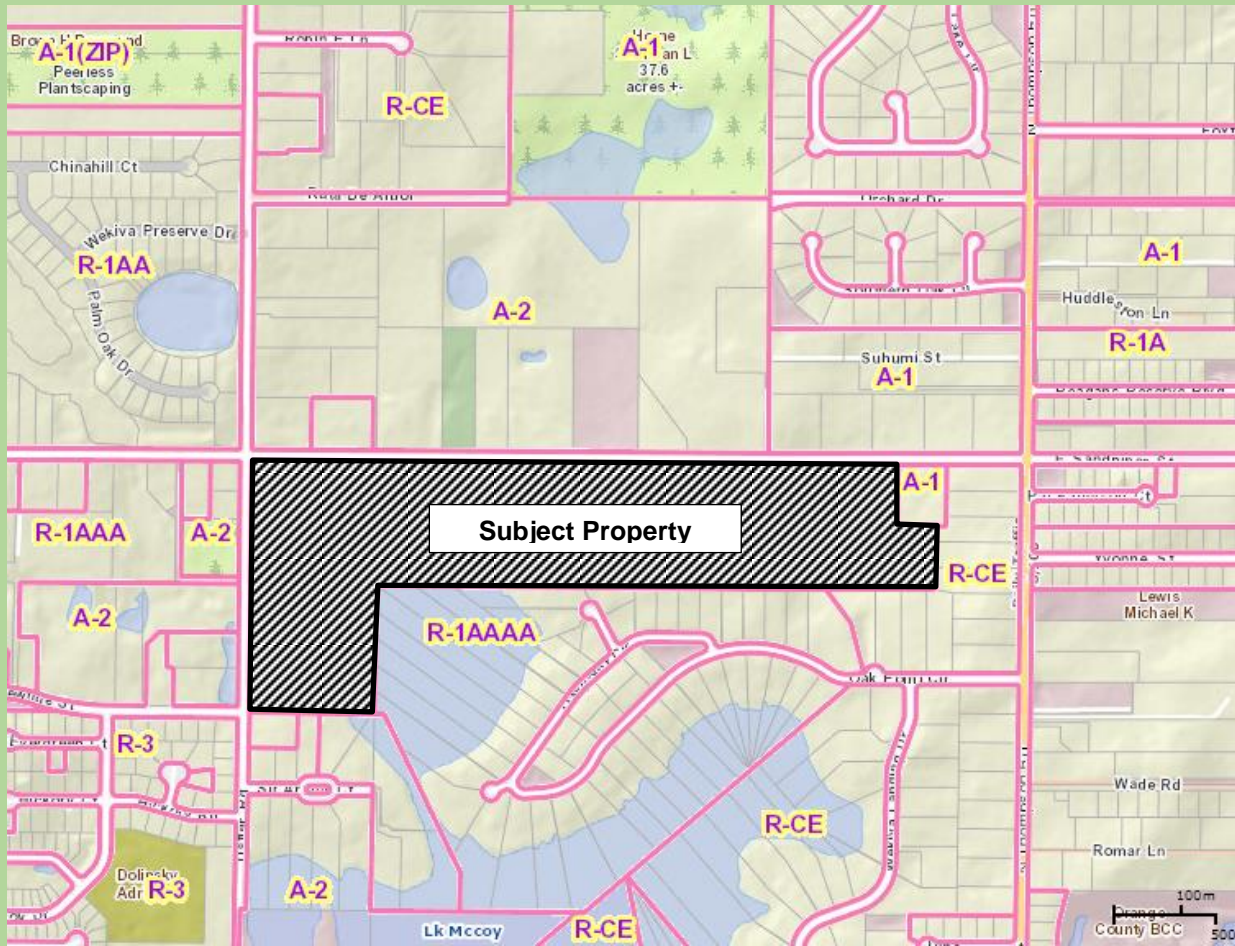


### VICINITY MAP

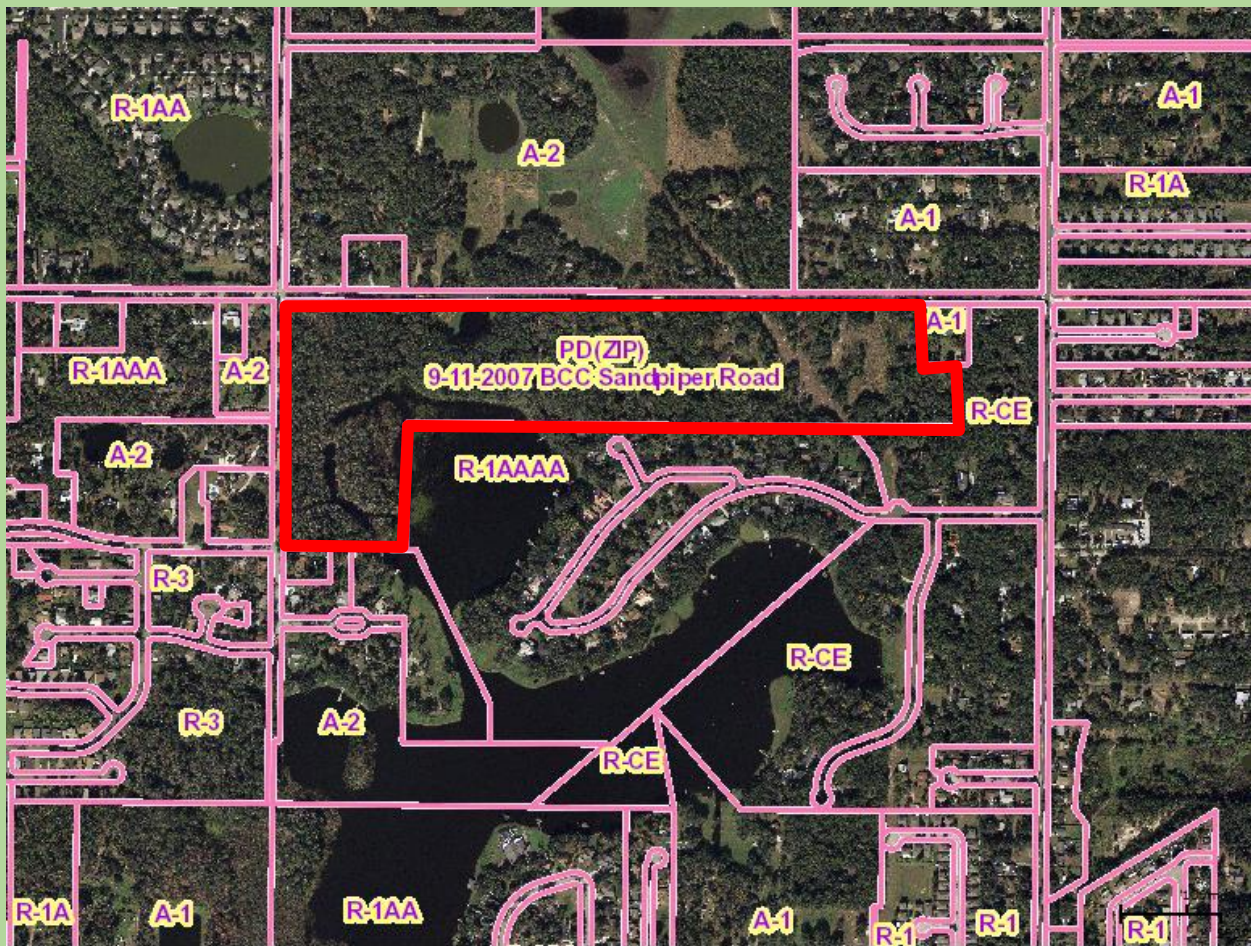




ADJACENT ZONING



ADJACENT USES



**ORDINANCE NO. 2405**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” R-1AAA (0-2 DU/AC); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF SANDPIPER STREET, WEST OF NORTH THOMPSON ROAD, AND EAST OF USTLER ROAD, COMPRISING 58.23 ACRES MORE OR LESS, AND OWNED BY FLORIDA LAND TRUST #111, C/O ZDA AT SANDPIPER, LLC, TRUSTEE; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, to manage the growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

**WHEREAS**, the City of Apopka has requested a change in zoning on said property as identified in Section I of this ordinance; and

**WHEREAS**, the proposed R-1AAA (Residential) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section I.** That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby R-1AAA (Residential), as defined in the Apopka Land Development Code.

Legal Description:

The Northeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida.

The West 275.0 feet of the Northwest ¼ of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof.

The West ½ of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS, the North 330 feet of the East 200 feet of the West 220 feet thereof, AND LESS the North 30 feet thereof.

That part of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, beginning at a point South 00 degrees 02 minutes 00 seconds West, 30.0 feet and North 89 degrees 35 minutes 59 seconds East, 550.0 feet from the Northwest corner of said Southwest ¼ of the Northwest ¼, run North 89 degrees 35 minutes 59 seconds East, 108.90 feet along the South line of Sandpiper Road; thence run South 00 degrees 01 minutes 08 seconds West, 312.00 feet; thence run North 89 degrees 35 minutes 59 seconds East, 193.00 feet; thence run South 00 degrees 03 minutes 49 seconds West, 320.19 feet; thence run South 89 degrees 35 minutes 00 seconds West, 301.81 feet; thence run North 00 degrees 02 minutes 00 seconds East, 632.27 feet to the POINT OF BEGINNING.

ALSO: The East 275.0 feet of the West 550.00 feet of the Northwest ¼ of the Southwest ¼ of the Northwest ¼ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof for Sandpiper Road.

The Northeast ¼ of the Southwest ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida; less the North 30 feet thereof.



**ORDINANCE NO. 2405**

**PAGE 2**

The North 330.00 feet of the West 220.00 feet of the West ½ of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30.00 feet thereof, AND LESS the West 20.00 feet thereof.

The West 145 feet of North 643 Feet of the West ½ of the Southwest ¼ of the Northeast ¼ of Section 3-21-28 (Less R/W on North & West)

Parcel ID Nos.: 02-21-28-0000-00-106; 02-21-28-0000-00-131; 03-21-28-0000-00-015; 03-21-28-0000-00-022; 03-21-28-0000-00-023; 03-21-28-0000-00-046; 03-21-28-0000-00-047; 03-21-28-0000-00-072; 03-21-28-0000-00-073; and 03-21-28-0000-00-119

Combined Acreage 57.7 +/- Acres

**Section II.** That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

**Section III.** That the Community Development Director, or the Director’s designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation. The Community Development Director shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

**Section IV.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

**Section V.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section VI.** That this Ordinance shall take effect immediately.

READ FIRST TIME: April 15, 2015

READ SECOND TIME  
AND ADOPTED: May 6, 2015

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

DULY ADVERTISED: February 13, 2015  
April 24, 2015

**2.00.00. GENERALLY**

**2.00.01. Purpose.**

The purpose of this article is to describe the zoning districts that apply to Future Land Use Designations of the Apopka Comprehensive Plan and the specific uses and restrictions with minimum standards which apply to each zoning district. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the city as expressed in the Apopka Comprehensive Plan.

(Ord. No. 963, § 1, 11-6-96)

**2.01.00. ALLOWABLE ZONING DISTRICTS WITHIN FUTURE LAND USE CLASSIFICATIONS**

**2.01.01. Generally.**

Land use districts for Apopka are established in the Comprehensive Plan, Future Land Use Element. The land use districts and classifications defined in the Future Land Use Element of the Apopka Comprehensive Plan and delineated on the Future Land Use Map series shall be the

determinants of permissible activities on any parcel in the jurisdiction. Land use and zoning designations must be compatible in order for development to occur. Refer to the Future Land Use Element of the Comprehensive Plan for the definitions of each use category. This section of the Land Development Code is intended to correlate individual zoning classifications with land use districts.

In interpreting and applying the provisions of this code, development shall be held to be the minimum requirements for the promotion of the public health, safety, property and general welfare of the community. It is not intended by this code to interfere with, abrogate or annul any lawful easements, covenants, or other agreements between parties; provided, however, that where this code imposes a greater restriction upon the use of buildings or premises than are imposed or required by other resolutions, rules, regulations, or by lawful easements, covenants, or agreements, the provisions of this code shall control.

(Ord. No. 963, § 1, 11-6-96)

**2.01.02. Allowed zoning districts.**

**TABLE II-1  
PERMISSIBLE ZONING DISTRICTS WITHIN FUTURE LAND USE CLASSIFICATIONS**

Density/ Intensity Standard	Future Land Use Classifications*														
	AG	Residential						OFF	COMM	MU	IND	INST	REC	CONS	CBD
		VLS	LS	L	ML	M	H								
	1 du per 5 acres	0 to 2	0 to 3.5	0 to 5	0 to 7.5	0 to 10.0	0 to 15	.30 FAR	.25 FAR		.60 FAR				2.00 FAR
Zoning Classification:															
AG	X														
AG-E	X	X	X	X											
RCE-1		X	X	X	X	X	X								
RCE-2		X	X	X	X	X	X								
R-1		X	X	X	X	X	X								
R-1A		X	X	X	X	X	X								
R-1AA		X	X	X	X	X	X								
R-1AAA		X	X	X	X	X	X								
R-2				X	X	X	X								
R-3					X	X	X								
MHP					X										X
MHS					X										X
PO/I								X			X				X
CN									X						X

2.02.00. USES ALLOWED IN ZONING DISTRICTS

2.02.01. General.

A. Minimum requirements for site area, lot width, yard setback, and living area by zoning district.

Districts		Minimum Site Area	Minimum Lot Width (feet)	Minimum Setbacks				Minimum Living (Sq. Ft.)
				Front (feet)	Side (feet)	Rear (feet)	Corner (feet)	
AG,	Agriculture,							
	Resid. mobile home	5 AC	None	25	25	25	25	400
	Resid. tenant housing	5 AC	None	25	25	25	25	600
	Resid. single-family	5 AC	None	25	25	25	25	1,200
	Nonresidential	5 AC	None	100	100	100	100	
	Apiaries	5 AC	None	200	200	200	200	
AG-E,	Residential							
	Single-Family	2½ AC	150	45	35	50	35	2,200
RCE-1,	Residential							
	County Estates 1	1 AC	130	35	15	30	35	2,000
RCE-2,	Residential							
	County Estates 2	2 AC	150	35	15	30	35	2,200
R-1		8,000sf	75	25	10	20	25	1,500
R-1A	Residential	10,000sf	85	25	10	20	25	1,600
R-1AA	Single-Family	12,500sf	95	25	10	20	25	1,700
R-1AAA		16,000sf	120	25	10	20	25	1,800
R-2,	Residential One and Two Family							
SF	Single-Family	7,500sf	70	25	*7.5	20	25	1,350
	Duplex	15,000sf	140	25	10	20	25	1,350
R-3,	Residential							
	Single-Family	7,500sf	70	25	*7.5	20	25	1,350
	Duplex	15,000sf	140	25	10	20	25	1,350
	Multiple-Family							
	Rental/Apartments	1 AC	None	**	***	**	25	750
	Fee Simple, Condo or Townhouse	1 AC	None	**	***	**	25	1,350
MHP,	Mobile Home Park	10 AC						
		4,000sf	None	*15	7.5	15*	7.5	600
MHS,	Mobile Home Subd.							
	Mobile Home	5,000sf	50	20	7.5	15	25	600
	Single-Family	6,000sf	60	25	*7.5	20	25	1,000

\* 15 feet between structures.

\*\* Distance between buildings: 50' front to front and 50' rear to rear.

\*\*\* 20' between structures.

NOTE:

1. Maximum building height for all districts is 35'



# MEMORANDUM

Shepard, Smith & Cassidy, P.A.  
2300 Maitland Center Parkway, Suite 100  
Maitland, Florida 32751  
Telephone (407) 622-1772  
Facsimile (407) 622-1884  
\*\*\*

**To:** Cliff B. Shepard, Esq.  
**From:** Andrew J. Hand  
**Subject:** Imposition of Conditions on Straight Zoning Application  
**Date:** December 9, 2014

- 1) When in receipt of a “straight zoning” application is it lawful for the City Council of the City of Apopka to impose additional conditions for zoning approval that are not specified within the City’s code if all criteria of the City’s zoning ordinance are met?**

No. It is my opinion that imposition of additional conditions by City Council or other reviewing agencies for zoning approval of a straight zoning application is improper under Florida law if such conditions are not specified within Apopka’s code.

According to the Court in *City of Homestead v. Schild*, 227 So.2d 540, 543 (Fla. 3d DCA 1969):

“The law of Florida is committed to the doctrine of the requirement that zoning ordinances and their exceptions must be predicated upon legislative standards which can be applied to all cases, rather than to the theory of granting an administrative board or even a legislative body the power to arbitrarily decide each case entirely within the discretion of the members of the administrative board or legislative body, or to shift a particular parcel of property arbitrarily from one zoning classification to another...”

Another principle of Florida law is that “a local government may not deny a development order based on criteria which are not specifically enumerated in its land use regulations.” See *Drexel v. City of Miami Beach*, 64 So. 2d 317 (Fla. 1953). See also *Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983); *ABC Liquors, Inc. v. City of Ocala*, 366 So. 2d 146 (Fla. 1st DCA 1979).

Based on the case law above which I find to be analogous to this situation, it is my opinion that it would not be legal for City Council to unilaterally impose of conditions that are not specifically delineated within the City’s zoning code on an application for straight zoning.

Additionally, although such a situation is not implicated here, it is important to note that in the absence of planned development zoning situations, bilateral agreements between developers and municipalities to accomplish rezonings in Florida constitute “contract zoning” and are illegal. In *Hartnett v. Austin*, 93 So. 2d 86 (Fla. 1956), Florida’s Supreme Court held that, “[a] municipality has no authority to enter into a private contract with a property owner for the amendment of a zoning ordinance subject to various covenants and restrictions in a collateral deed or agreement to be executed between the city and property owner.”

Notwithstanding the illegality of contract zoning, Florida has evolved to permit developers to make concessions to a local government at a public hearing. Self-imposed conditions proffered by a developer to a municipality to mitigate development impacts or to address public discontent associated with an application do not automatically render a local government’s decision to rezone void as contract zoning.<sup>1</sup> However, it is important to point out that this rule appears to be limited to unilateral concessions offered by the developer to a municipality rather than conditions directly imposed on a developer by a municipality that are not specified within the municipality’s land development regulations.

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<sup>1</sup> See *Wallberg v. Metropolitan Dade County*, 296 So. 2d 509 (Fla. 3d DCA 1974).

## Jeanne Green - Fwd: RE: Sandpiper Development- Planning Commission Meeting 1/13/15

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**From:** Linda Goff  
**To:** Jeanne Green  
**Date:** 1/13/2015 12:23 PM  
**Subject:** Fwd: RE: Sandpiper Development- Planning Commission Meeting 1/13/15  
**Attachments:** City Attorney Opinion.pdf; Snyder Decision.pdf

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He corrected a typo - please use this version

>>> Alex Toledo <belight25@hotmail.com> 1/13/2015 11:50 AM >>>

*If not too late, please use this version instead (as I corrected a typo).*

Good morning, Ms. Goff:

I am a resident concerned about the developments plans for the Sandpiper property which is on the agenda for the Planning Commission today. Unfortunately, I will not be able to attend the meeting. Would it be possible for you to share this e-mail with each of the Planning Commission members and the City Attorney?

I reviewed the supporting documentation for the agenda items for today's Planning Commission Meeting and as near as I can tell, the only change to Mr. Goldberg's application is the inclusion of an opinion letter from the City's attorney (attached).

The opinion centers around the question: **"When in receipt of a "straight zoning" application is it lawful for the City Council of the City of Apopka to impose additional conditions for zoning approval that are not specified within the City's code if all criteria of the City's zoning ordinance are met?"**

This question seems inherently flawed in that it presumes that the City Council has set "additional conditions" for the approval of this project. As far as I'm aware, they didn't set any additional conditions for approval. They merely denied the application. The denial was based on competent and substantial evidence promulgated by the Planning Commission and reiterated and adopted by the public (myself included) as their own. Namely that the development plan, as proposed, was not compatible with the adjacent area due to lot sizes.

The other thing the City Attorney's letter does is cite case law from the 1950's and 60's in support of approval of this application. I note that absent from his analysis is any mention of the Florida Supreme Court's 1993 decision in Snyder v. Brevard County Commissioners (also attached) which, in my opinion, gives the City firm footing upon which to deny this application. Taken in isolation, the cases that the City Attorney cites would leave the reader with the impression that the Council's hands are tied and that any input from the public should be completely disregarded as futile. I don't believe that's the case and Snyder v. Brevard makes it quite clear that citizen input is to be considered in a local government's rezoning decisions.

I am curious as to whom presented the question that the City Attorney is answering in his opinion letter. Did it come from an elected or appointed official or from staff? Please consider this question a public records request.

Also, if the City Attorney is inclined to answer questions from persons other than elected/appointed officials or city staff regarding this application, might he be inclined to answer this one as well: **Is the City required to approve an application (even if deemed complete) where the Council has previously decided to deny the application based on competent, substantial evidence (that the lot sizes proposed are not compatible with the adjacent area) and the decision was rendered in a non-arbitrary, non-discriminatory and reasonable manner (as evidenced by the fact that the vast majority of the public is in opposition to the development plans as written)?**

Thank you in advance,



# MEMORANDUM

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## SUPREME COURT OF FLORIDA

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA,  
Petitioner, v. JACK R. SNYDER, et ux., Respondents.

No. 79,720

October 7, 1993

### OPINION BY: GRIMES

The Motion for Rehearing filed by Petitioner, having been considered in light of the revised opinion, is hereby denied.

GRIMES, J.

We review *Snyder v. Board of County Commissioners*, 595 So. 2d 65 (Fla. 5th DCA 1991), because of its conflict with *Schauer v. City of Miami Beach*, 112 So. 2d 838 (Fla. 1959); *City of Jacksonville Beach v. Grubbs*, 461 So. 2d 160 (Fla. 1st DCA 1984), review denied, 469 So. 2d 749 (Fla. 1985); and *Palm Beach County v. Tinnerman*, 517 So. 2d 699 (Fla. 4th DCA 1987), review denied, 528 So. 2d 1183 (Fla. 1988). We have jurisdiction under article V, section 3(b)(3) of the Florida Constitution. Jack and Gail Snyder owned a one-half acre parcel of property on Merritt Island in the unincorporated area of Brevard County. The property is zoned GU (general use) which allows construction of a single-family residence. The Snyders filed an application to rezone their property to the RU-2-15 zoning classification which allows the construction of fifteen units per acre. The area is designated for residential use under the 1988 Brevard County Comprehensive Plan Future Land Use Map. Twenty-nine zoning classifications are considered potentially consistent with this land use designation, including both the GU and the RU-2-15 classifications.

After the application for rezoning was filed, the Brevard County Planning and Zoning staff reviewed the application and completed the county's standard "rezoning review worksheet." The worksheet indicated that the proposed multifamily use of the Snyders' property was consistent with all aspects of the comprehensive plan except for the fact that it was located in the one-hundred-year flood plain in which a maximum of only two units per acre was permitted. For this reason, the staff recommended that the request be denied.

At the planning and zoning board meeting, the county planning and zoning director indicated that when the property was developed the land elevation would be raised to the point where the one-hundred-year-flood plain restriction would no longer be applicable. Thus, the director stated that the staff no longer opposed the application. The planning and zoning board voted to approve the Snyders' rezoning request.



When the matter came before the board of county commissioners, Snyder stated that he intended to build only five or six units on the property. However, a number of citizens spoke in opposition to the rezoning request. Their primary concern was the increase in traffic which would be caused by the development. Ultimately, the commission voted to deny the rezoning request without stating a reason for the denial.

The Snyders filed a petition for certiorari in the circuit court. Three circuit judges, sitting en banc, reviewed the petition and denied it by a two-to-one decision. The Snyders then filed a petition for certiorari in the Fifth District Court of Appeal.

The district court of appeal acknowledged that zoning decisions have traditionally been considered legislative in nature. Therefore, courts were required to uphold them if they could be justified as being "fairly debatable." Drawing heavily on *Fasano v. Board of County Commissioners*, 264 Ore. 574, 507 P.2d 23 (Or. 1973), however, the court concluded that, unlike initial zoning enactments and comprehensive rezonings or rezonings affecting a large portion of the public, a rezoning action which entails the application of a general rule or policy to specific individuals, interests, or activities is quasi-judicial in nature. Under the latter circumstances, the court reasoned that a stricter standard of judicial review of the rezoning decision was required. The court went on to hold:

(4) Since a property owner's right to own and use his property is constitutionally protected, review of any governmental action denying or abridging that right is subject to close judicial scrutiny. Effective judicial review, constitutional due process and other essential requirements of law, all necessitate that the governmental agency (by whatever name it may be characterized) applying legislated land use restrictions to particular parcels of privately owned lands, must state reasons for action that denies the owner the use of his land and must make findings of fact and a record of its proceedings, sufficient for judicial review of: the legal sufficiency of the evidence to support the findings of fact made, the legal sufficiency of the findings of fact supporting the reasons given and the legal adequacy, under applicable law (i.e., under general comprehensive zoning ordinances, applicable state and case law and state and federal constitutional provisions) of the reasons given for the result of the action taken.

(5) The initial burden is upon the landowner to demonstrate that his petition or application for use of privately owned lands, (rezoning, special exception, conditional use permit, variance, site plan approval, etc.) complies with the reasonable procedural requirements of the ordinance and that the use sought is consistent with the applicable comprehensive zoning plan. Upon such a showing the landowner is presumptively entitled to use his property in the manner he seeks unless the opposing governmental agency asserts and proves by clear and convincing evidence that a specifically stated public necessity requires a specified,



more restrictive, use. After such a showing the burden shifts to the landowner to assert and prove that such specified more restrictive land use constitutes a taking of his property for public use for which he is entitled to compensation under the taking provisions of the state or federal constitutions.

*Snyder v. Board of County Commissioners*, 595 So. 2d at 81 (footnotes omitted).

Applying these principles to the facts of the case, the court found (1) that the Snyders' petition for rezoning was consistent with the comprehensive plan; (2) that there was no assertion or evidence that a more restrictive zoning classification was necessary to protect the health, safety, morals, or welfare of the general public; and (3) that the denial of the requested zoning classification without reasons supported by facts was, as a matter of law, arbitrary and unreasonable. The court granted the petition for certiorari.

Before this Court, the county contends that the standard of review for the county's denial of the Snyders' rezoning application is whether or not the decision was fairly debatable. The county further argues that the opinion below eliminates a local government's ability to operate in a legislative context and impairs its ability to respond to public comment. The county refers to *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991), review denied, 598 So. 2d 75 (Fla. 1992), for the proposition that if its rezoning decision is quasi-judicial, the commissioners will be prohibited from obtaining community input by way of ex parte communications from its citizens. In addition, the county suggests that the requirement to make findings in support of its rezoning decision will place an insurmountable burden on the zoning authorities. The county also asserts that the salutary purpose of the comprehensive plan to provide controlled growth will be thwarted by the court's ruling that the maximum use permitted by the plan must be approved once the rezoning application is determined to be consistent with it.

The Snyders respond that the decision below should be upheld in all of its major premises. They argue that the rationale for the early decisions that rezonings are legislative in nature has been changed by the enactment of the Growth Management Act. Thus, in order to ensure that local governments follow the principles enunciated in their comprehensive plans, it is necessary for the courts to exercise stricter scrutiny than would be provided under the fairly debatable rule. The Snyders contend that their rezoning application was consistent with the comprehensive plan. Because there are no findings of fact or reasons given for the denial by the board of county commissioners, there is no basis upon which the denial could be upheld. Various amici curiae have also submitted briefs in support of their several positions.

Historically, local governments have exercised the zoning power pursuant to a broad delegation of state legislative power subject only to constitutional limitations. Both federal and state courts adopted a highly deferential standard of judicial review early in the history of local zoning. In *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 47 S. Ct. 114, 71 L. Ed. 303 (1926), the United States Supreme Court held that "if the



validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control." 272 U.S. at 388. This Court expressly adopted the fairly debatable principle in *City of Miami Beach v. Ocean & Inland Co.*, 147 Fla. 480, 3 So. 2d 364 (1941).

Inhibited only by the loose judicial scrutiny afforded by the fairly debatable rule, local zoning systems developed in a markedly inconsistent manner. Many land use experts and practitioners have been critical of the local zoning system. Richard Babcock deplored the effect of "neighborhoodism" and rank political influence on the local decision-making process. Richard F. Babcock, *The Zoning Game* (1966). Mandelker and Tarlock recently stated that "zoning decisions are too often ad hoc, sloppy and self-serving decisions with well-defined adverse consequences without off-setting benefits." Daniel R. Mandelker and A. Dan Tarlock, *Shifting the Presumption of Constitutionality in Land-Use Law*, 24 *Urb. Law.* 1, 2 (1992).

Professor Charles Harr, a leading proponent of zoning reform, was an early advocate of requiring that local land use regulation be consistent with a legally binding comprehensive plan which would serve long range goals, counteract local pressures for preferential treatment, and provide courts with a meaningful standard of review. Charles M. Harr, "In Accordance With A Comprehensive Plan," 68 *Harv. L. Rev.* 1154 (1955). In 1975, the American Law Institute adopted the Model Land Development Code, which provided for procedural and planning reforms at the local level and increased state participation in land use decision-making for developments of regional impact and areas of critical state concern.

Reacting to the increasing calls for reform, numerous states have adopted legislation to change the local land use decision-making process. As one of the leaders of this national reform, Florida adopted the Local Government Comprehensive Planning Act of 1975. Ch. 75-257, *Laws of Fla.* This law was substantially strengthened in 1985 by the Growth Management Act. Ch. 85-55, *Laws of Fla.*

Pursuant to the Growth Management Act, each county and municipality is required to prepare a comprehensive plan for approval by the Department of Community Affairs. The adopted local plan must include "principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development" of the local government's jurisdictional area. § 163.3177(1), *Fla. Stat.* (1991). At the minimum, the local plan must include elements covering future land use; capital improvements generally; sanitary sewer, solid waste, drainage, potable water, and natural ground water aquifer protection specifically; conservation; recreation and open space; housing; traffic circulation; intergovernmental coordination; coastal management (for local government in the coastal zone); and mass transit (for local jurisdictions with 50,000 or more people). *Id.* § 163.3177(6).

Of special relevance to local rezoning actions, the future land use plan element of the local plan must contain both a future land use map and goals, policies, and measurable objectives to guide future land use decisions. This plan element must designate the



"proposed future general distribution, location, and extent of the uses of land" for various purposes. Id. § 163.3177(6)(a). It must include standards to be utilized in the control and distribution of densities and intensities of development. In addition, the future land use plan must be based on adequate data and analysis concerning the local jurisdiction, including the projected population, the amount of land needed to accommodate the estimated population, the availability of public services and facilities, and the character of undeveloped land. Id. § 163.3177(6)(a).

The local plan must be implemented through the adoption of land development regulations that are consistent with the plan. Id. § 163.3202. In addition, all development, both public and private, and all development orders approved by local governments must be consistent with the adopted local plan. Id. § 163.3194(1)(a). Section 163.3194(3), Florida Statutes (1991), explains consistency as follows:

(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

Section 163.3164, Florida Statutes (1991), reads in pertinent part:

(6) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(7) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Because an order granting or denying rezoning constitutes a development order and development orders must be consistent with the comprehensive plan, it is clear that orders on rezoning applications must be consistent with the comprehensive plan.

The first issue we must decide is whether the Board's action on Snyder's rezoning application was legislative or quasi-judicial. A board's legislative action is subject to attack in circuit court. *Hirt v. Polk County Bd. of County Comm'rs*, 578 So. 2d 415 (Fla. 2d DCA 1991). However, in deference to the policy-making function of a board when acting in a legislative capacity, its actions will be sustained as long as they are fairly debatable. *Nance v. Town of Indialantic*, 419 So. 2d 1041 (Fla. 1982). On the other hand, the rulings of a board acting in its quasi-judicial capacity are subject to review by certiorari and will be upheld only if they are supported by substantial competent evidence. *De Groot v. Sheffield*, 95 So. 2d 912 (Fla. 1957).

Enactments of original zoning ordinances have always been considered legislative. *Gulf & Eastern Dev. Corp. v. City of Fort Lauderdale*, 354 So. 2d 57 (Fla. 1978); *County of Pasco v. J. Dico, Inc.*, 343 So. 2d 83 (Fla. 2d DCA 1977). In *Schauer v. City of Miami Beach*, this Court held that the passage of an amending zoning ordinance was the exercise of a legislative function. 112 So. 2d at 839. However, the amendment in that case was comprehensive in nature in that it effected a change in the zoning of a large area so as to permit it to be used as locations for multiple family buildings and hotels. *Id.* In *City of Jacksonville Beach v. Grubbs* and *Palm Beach County v. Tinnerman*, the district courts of appeal went further and held that board action on specific rezoning applications of individual property owners was also legislative. *Grubbs*, 461 So. 2d at 163; *Tinnerman*, 517 So. 2d at 700.

It is the character of the hearing that determines whether or not board action is legislative or quasi-judicial. *Coral Reef Nurseries, Inc. v. Babcock Co.*, 410 So. 2d 648 (Fla. 3d DCA 1982). Generally speaking, legislative action results in the formulation of a general rule of policy, whereas judicial action results in the application of a general rule of policy. Carl J. Peckinpugh, Jr., Comment, *Burden of Proof in Land Use Regulations: A Unified Approach and Application to Florida*, 8 Fla. St. U. L. Rev. 499, 504 (1980). In *West Flagler Amusement Co. v. State Racing Commission*, 122 Fla. 222, 225, 165 So. 64, 65 (1935), we explained:

A judicial or quasi-judicial act determines the rules of law applicable, and the rights affected by them, in relation to past transactions. On the other hand, a quasi-legislative or administrative order prescribes what the rule or requirement of administratively determined duty shall be with respect to transactions to be executed in the future, in order that same shall be considered lawful. But even so, quasi-legislative and quasi-executive orders, after they have already been entered, may have a quasi-judicial attribute if capable of being arrived at and provided by law to be declared by the administrative agency only after express statutory notice, hearing and consideration of evidence to be adduced as a basis for the making thereof.

Applying this criterion, it is evident that comprehensive rezonings affecting a large portion of the public are legislative in nature. However, we agree with the court below when it said:

Rezoning actions which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be functionally viewed as policy application, rather than policy setting, are in the nature of . . . quasi-judicial action . . . .



Snyder, 595 So. 2d at 78. Therefore, the board's action on Snyder's application was in the nature of a quasi-judicial proceeding and properly reviewable by petition for certiorari.<sup>1</sup>

We also agree with the court below that the review is subject to strict scrutiny. In practical effect, the review by strict scrutiny in zoning cases appears to be the same as that given in the review of other quasi-judicial decisions. See *Lee County v. Sunbelt Equities, II, Ltd. Partnership*, 619 So. 2d 996 (Fla. 2d DCA 1993) (The term "strict scrutiny" arises from the necessity of strict compliance with comprehensive plan.). This term as used in the review of land use decisions must be distinguished from the type of strict scrutiny review afforded in some constitutional cases. Compare *Snyder v. Board of County Comm'rs*, 595 So. 2d 65, 75-76 (Fla. 5th DCA 1991) (land use), and *Machado v. Musgrove*, 519 So. 2d 629, 632 (Fla. 3d DCA 1987), review denied, 529 So. 2d 693 (Fla. 1988), and review denied, 529 So. 2d 694 (Fla. 1988) (land use), with *In re Estate of Greenberg*, 390 So. 2d 40, 42-43 (Fla. 1980) (general discussion of strict scrutiny review in context of fundamental rights), appeal dismissed, 450 U.S. 961, 101 S. Ct. 1475, 67 L. Ed. 2d 610 (1981), *Florida High Sch. Activities Ass'n v. Thomas*, 434 So. 2d 306 (Fla. 1983) (equal protection), and *Department of Revenue v. Magazine Publishers of America, Inc.*, 604 So. 2d 459 (Fla. 1992) (First Amendment).

At this point, we depart from the rationale of the court below. In the first place, the opinion overlooks the premise that the comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth. See *City of Jacksonville Beach*, 461 So. 2d at 163, in which the following statement from *Marracci v. City of Scappoose*, 26 Ore. App. 131, 552 P.2d 552, 553 (Or. Ct. App. 1976), was approved:

[A] comprehensive plan only establishes a long-range maximum limit on the possible intensity of land use; a plan does not simultaneously establish an immediate minimum limit on the possible intensity of land use. The present use of land may, by zoning ordinance, continue to be more limited than the future use contemplated by the comprehensive plan.

Even where a denial of a zoning application would be inconsistent with the plan, the local government should have the discretion to decide that the maximum development density should not be allowed provided the governmental body approves some development that is consistent with the plan and the government's decision is supported

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<sup>1</sup> One or more of the amicus briefs suggests that Snyder's remedy was to bring a de novo action in circuit court pursuant to section 163.3215, Florida Statutes (1991). However, in *Parker v. Leon County*, Nos. 80,230 and 80,288, 627 So.2d 476 (Fla. Oct. 7, 1993), we explained that this statute only provides a remedy for third parties to challenge the consistency of development orders.



by substantial, competent evidence.

Further, we cannot accept the proposition that once the landowner demonstrates that the proposed use is consistent with the comprehensive plan, he is presumptively entitled to this use unless the opposing governmental agency proves by clear and convincing evidence that specifically stated public necessity requires a more restricted use. We do not believe that a property owner is necessarily entitled to relief by proving consistency when the board action is also consistent with the plan. As noted in *Lee County v. Sunbelt Equities II, Limited Partnership*:

Absent the assertion of some enforceable property right, an application for rezoning appeals at least in part to local officials' discretion to accept or reject the applicant's argument that change is desirable. The right of judicial review does not ipso facto ease the burden on a party seeking to overturn a decision made by a local government, and certainly does not confer any property-based right upon the owner where none previously existed. . . . Moreover, when it is the zoning classification that is challenged, the comprehensive plan is relevant only when the suggested use is inconsistent with that plan. Where any of several zoning classifications is consistent with the plan, the applicant seeking a change from one to the other is not entitled to judicial relief absent proof the status quo is no longer reasonable. It is not enough simply to be "consistent"; the proposed change cannot be inconsistent, and will be subject to the "strict scrutiny" of *Machado* to insure this does not happen.

619 So. 2d at 1005-06.

This raises a question of whether the Growth Management Act provides any comfort to the landowner when the denial of the rezoning request is consistent with the comprehensive plan. It could be argued that the only recourse is to pursue the traditional remedy of attempting to prove that the denial of the application was arbitrary, discriminatory, or unreasonable. *Burritt v. Harris*, 172 So. 2d 820 (Fla. 1965); *City of Naples v. Central Plaza of Naples, Inc.*, 303 So. 2d 423 (Fla. 2d DCA 1974). Yet, the fact that a proposed use is consistent with the plan means that the planners contemplated that that use would be acceptable at some point in the future. We do not believe the Growth Management Act was intended to preclude development but only to insure that it proceed in an orderly manner.

Upon consideration, we hold that a landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance. At this point, the burden shifts to the governmental board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose. In effect, the landowners' traditional remedies will be subsumed within this rule, and the

board will now have the burden of showing that the refusal to rezone the property is not arbitrary, discriminatory, or unreasonable. If the board carries its burden, the application should be denied.

While they may be useful, the board will not be required to make findings of fact. However, in order to sustain the board's action, upon review by certiorari in the circuit court it must be shown that there was competent substantial evidence presented to the board to support its ruling. Further review in the district court of appeal will continue to be governed by the principles of *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982).

Based on the foregoing, we quash the decision below and disapprove *City of Jacksonville Beach v. Grubbs* and *Palm Beach County v. Tinnerman*, to the extent they are inconsistent with this opinion. However, in the posture of this case, we are reluctant to preclude the Snyders from any avenue of relief. Because of the possibility that conditions have changed during the extended lapse of time since their original application was filed, we believe that justice would be best served by permitting them to file a new application for rezoning of the property. The application will be without prejudice of the result reached by this decision and will allow the process to begin anew according to the procedure outlined in our opinion.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, KOGAN and HARDING, JJ., concur.  
SHAW, J., dissents.

**JUDGES:** GRIMES, BARKETT, OVERTON, McDONALD, KOGAN, HARDING,  
SHAW

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Nancy Stuparich, Assistant General Counsel and Jane C. Hayman, Deputy General Counsel, Tallahassee, Florida, Amicus Curiae for Florida League of Cities, Inc..

Paul R. Gougelman, III and Maureen M. Matheson of Reinman, Harrell, Graham, Mitchell & Wattwood, P.A., Melbourne, Florida, Amicus Curiae for Space Coast League



of Cities, Inc., City of Melbourne, and Town of Indialantic.

Richard E. Gentry, Florida Home Builders Association, Tallahassee, Florida; and Robert M. Rhodes and Cathy M. Sellers of Steel, Hector and Davis, Tallahassee, Florida, Amicus Curiae for Florida Home Builders Association.

David La Croix of Pennington, Wilkinson & Dunlap, P.A., Tallahassee, Florida; and William J. Roberts of Roberts and Eagan, P.A., Tallahassee, Florida, Amicus Curiae for Florida Association of Counties.

David J. Russ and Karen Brodeen, Assistant General Counsels, Tallahassee, Florida, Amicus Curiae for Florida Department of Community Affairs.

Richard Grosso, Legal Director, 1000 Friends of Florida, Tallahassee, Florida; and C. Allen Watts of Cobb, Cole and Bell, Daytona Beach, Florida, Amicus Curiae for 1000 Friends of Florida.

Neal D. Bowen, County Attorney, Kissimmee, Florida, Amicus Curiae for Osceola County.

M. Stephen Turner and David K. Miller of Broad and Cassel, Tallahassee, Florida, Amicus Curiae for Monticello Drug Company.

John J. Copelan, Jr., County Attorney and Barbara S. Monahan, Assistant County Attorney for Broward County, Fort Lauderdale, Florida; and Emeline Acton, County Attorney for Hillsborough County, Tampa, Florida, Amici Curiae for Broward County, Hillsborough County, and Florida Association of County Attorneys, Inc..

Thomas G. Pelham of Holland & Knight, Tallahassee, Florida, Amicus Curiae for Thomas G. Pelham, pro se.



**Backup material for agenda item:**

7. ORDINANCE NO. 2416 – FIRST READING - Moratorium – To establish a moratorium on the issuance of building permit and/or the receipt of preliminary or final development plan submittals for restaurants or food service operations with drive through lanes or drive-in service, such moratorium to extend until January 7, 2016.



**CITY OF APOPKA  
CITY COUNCIL**

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL HEARING
- OTHER: Ordinance

MEETING OF: April 15, 2015  
 FROM: Community Development  
 EXHIBITS: Ordinance No. 2416

**SUBJECT:**           **ORDINANCE NO. 2416 – TO ESTABLISH A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND/OR THE RECEIPT OF PRELIMINARY OR FINAL DEVELOPMENT PLAN SUBMITTALS FOR RESTAURANT OR FOOD SERVICE OPERATIONS WITH DRIVE THROUGH LANE OR DRIVE-IN SERVICE, SUCH MORATORIUM TO EXTEND UNTIL JANUARY 7, 2016.**

**Request:**           **FIRST READING OF ORDINANCE NO. 2416 - TO ESTABLISH A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND/OR THE RECEIPT OF PRELIMINARY OR FINAL DEVELOPMENT PLAN SUBMITTALS FOR RESTAURANT OR FOOD SERVICE OPERATIONS WITH DRIVE THROUGH LANE OR DRIVE-IN SERVICE, SUCH MORATORIUM TO EXTEND UNTIL JANUARY 7, 2016; AND HOLD OVER FOR SECOND READING AND ADOPTION ON MAY 6, 2015.**

**SUMMARY:**

The City of Apopka will soon embark upon a Community-Wide Visioning Process to identify current and long-term preferences for the development and character of neighborhoods and the Apopka community as a whole. Recent trends in the fast-food service industry utilize dual and stacked service lanes for which current development standards and design guidelines did not anticipate additional needs for land area, their associated on-site land use impacts, or potential nuisances to abutting properties. Inadequate site design of fast-food services restaurants and associated drive-through lanes has led to business practices placing employees, some of whom are teenagers, outdoors standing within service lanes or drive aisles to take customer orders, creating potential public health and safety concerns for the employee. In the course of recent evaluation of development plan applications for fast food restaurants with drive through lanes, staff has identified land use impacts incompatible to the size of the business and their potential impacts adjoining and surrounding land uses. Staff has determined that restaurant and/or food service operations devoted to providing food and beverage products to customers in drive through lanes have the potential to negatively impact adjoining land uses due to certain common operational characteristics. The Community-wide Visioning Process may find that residents of some neighborhoods find fast food restaurants with drive a through service incompatible with the residential character of the surrounding area, including traffic impacts and noise levels that may degrade the desired environ of such residential areas.

Per Section 1.08.13, Definitions, of the Land Development Code (LDC), a fast food restaurant means: an establishment whose principal business is the sale of food or beverage in a ready-to-consume state for consumption within the building, within a motor vehicle parked on the premises or off the premises as carry out orders. The principal method of operation includes, but is not limited to, the following characteristics: food or beverages are usually served in paper, plastic or other disposable container; there is generally not waiter or waitress service; food and beverages are served at a counter or window to be consumed elsewhere; drive-through service is often available.

**FUNDING SOURCE:** N/A

**DISTRIBUTION:**

- |                         |                  |                      |
|-------------------------|------------------|----------------------|
| Mayor Kilsheimer        | Finance Director | Public Ser. Director |
| Commissioners (4)       | HR Director      | City Clerk           |
| City Administrator Irby | IT Director      | Fire Chief           |
| Dev. Director           | Police Chief     |                      |

The proposed ordinance is applicable to the entire jurisdictional area of the City. Fast-food restaurants are currently a prohibited use within the Downtown Development District (Sec. 3.03.E.1., LDC,) and restaurants are prohibited in the Neighborhood Commercial (CN) zoning district (Sec. 2.02.11.C, LDC.). Elsewhere, drive-in (drive-through) restaurants within C-1, C-2, and C-3 must be at least 200 feet from residential areas, as measured from the property line.

The proposed ordinance is currently under review by the city attorney's office. Any significant changes will be forwarded to the City Council prior to the hearing date. If changes are considered minor, they will be presented at the hearing.

**PUBLIC HEARING SCHEDULE:**

Planning Commission – April 14, 2014 (5:01 pm)  
City Council – April 15, 2015 – 1st Reading (7:00 pm)  
City Council – May 6, 2015 – 2nd Reading (1:30 pm)

**DULY ADVERTISED:**

March 27, 2015 – Public Hearing Notice  
April 24, 2015 – Ordinance Heading

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**RECOMMENDED ACTION:**

The recommendation of the Planning Commission, from its meeting on April 14, 2015, will be presented at the April 15, 2015, City Council meeting.



**ORDINANCE NO. 2416**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING A MORATORIUM UNTIL JANUARY 7, 2016 ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, BUILDING PERMITS, SITE PLANS, DEVELOPMENT ORDERS, AND LAND USE ACTIVITIES WHICH WOULD ALLOW OR PERMIT CONSTRUCTION OF DRIVE-THROUGH OR DRIVE-IN RESTAURANT FACILITIES WITHIN THE CITY OF APOPKA DURING THE COURSE OF COMPLETION OF A STUDY AND POTENTIAL ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE AND DEVELOPMENT DESIGN GUIDELINES; PROVIDING EXEMPTIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR POSSIBLE EXTENSION OF THIS ORDINANCE; PROVIDING FOR ADMINISTRATIVE/QUASI-JUDICIAL VESTED RIGHTS REVIEW PROCEDURES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Apopka intends to conduct a Community-Wide Visioning Process to identify the current and future character of neighborhoods and the development of Apopka as a whole; and

**WHEREAS**, recent trends in the fast-food service industry utilize dual and stacked service lanes for which current development standards and design guidelines fail to adequately contemplate land area needs, associated on-site land use impacts or potential nuisances to abutting properties;

**WHEREAS**, inadequate site design of fast-food service restaurants with drive-through lanes or drive-in stations has led to business practices which require employees, some of whom are teenagers, to stand outdoors in service lanes or drive aisles to take customer orders, creating potential public health and safety concerns for the employees;

**WHEREAS**, in the course of recent evaluations of development plan applications for fast food restaurants with drive-through lanes and drive-in stations, staff identified land use impacts disproportionate to the size of the business and which also impacted adjoining and surrounding land uses; and

**WHEREAS**, the City Council of the City of Apopka believes that it is reasonable and appropriate to periodically review land use regulations to determine whether they provide appropriate performance standards and/or safeguards to ensure that businesses located within the City are constructed and operated in a manner which does not adversely impact adjoining land uses; and

**WHEREAS**, the preliminary review by staff determined that drive-through and drive-in restaurant facilities may adversely impact adjoining land uses due to certain common operational characteristics which include:

1. The entry and exit points to accommodate the drive-through service lanes frequently result in curb cut access ways that create traffic hazards for vehicles moving along public roadways.
2. Vehicles utilizing the drive through service lanes frequently stack during peak operating hours to a point where they may create traffic disruptions or blockages on adjacent public thoroughfares.
3. Drivers leaving food service windows are frequently distracted while checking orders or distributing food products and do not display the degree of caution necessary for vehicular operations when entering adjoining public roadways or passing through congested parking areas.
4. The combination of drivers attempting to order and receive food service and delivery lanes in parking areas over which pedestrians are going and coming to access the food service facilities creates an enhanced risk of a pedestrian/vehicular accident.
5. When large orders are received in drive-through lanes customers may be asked to move into vehicle holding areas which create the potential for congestion in parking and vehicle maneuvering areas creating additional accident risks and difficulty exiting adjacent public thoroughfares to access the establishment's parking and service roadways.
6. The signage necessary to direct and control traffic utilizing drive-through service lanes can create visual clutter and can generate confusion for motorists thereby increasing the risks of vehicular accidents.
7. The packaging material used in the distribution of food service products from drive-through and drive-in restaurant facilities correlates with increased trash along public rights-of-way and thoroughfares lying in close proximity to these establishments.

**WHEREAS**, the City of Apopka through the Citywide Visioning Process may determine that drive-through and drive-in restaurant facilities are incompatible with the residential character of the surrounding area, creating detrimental traffic impacts and elevated noise levels which cause the degradation of those areas;

**WHEREAS**, the Apopka City Council believes that it is reasonable and appropriate to ask staff to do a comprehensive study on the operational impacts of these types of food service establishments in order to determine what type of development and performance standards should be adopted by the municipality to ensure the safe, efficient and effective business operation of these types of facilities, and

**WHEREAS**, such study should also determine the appropriate locations and spatial separation for businesses of this type to ensure that they do not unreasonably impact adjoining business operations or nearby residential areas that might share common frontage on public thoroughfares; and

**WHEREAS**, the Apopka City Council believes that the moratorium period is necessary and appropriate to allow staff sufficient time to complete a study and to prepare appropriate regulations, if necessary, which reflect the results of the study; and

**WHEREAS**, the City Council believes it is reasonable and appropriate to establish exemptions and vesting rights procedures for property owners who believe they may be unreasonably impacted by this moratorium and will be subject to a hardship that is not appropriate based upon the character of the activity they propose to undertake; and

**WHEREAS**, the City Council has authority to adopt this Ordinance by virtue of the City's home rule authority under Section 166.021(4), *Florida Statutes* and its general police power; by virtue of Section 163.3202, *Florida Statutes*, which encourage the use of innovative zoning techniques; and based on the inherent authority conferred by comprehensive planning laws.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, THAT:**

**SECTION 1: LEGISLATIVE FINDINGS.**

The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Apopka.

**SECTION II. COMMISSION TO STUDY.**

The City Council of the City of Apopka hereby directs the City Administrator to institute a study on the operational characteristics and impacts of restaurants or food service operations that provide food service delivery in drive-through lanes or drive-in stations. The purpose of the study is to develop a full understanding of the characteristics and impacts of these facilities on adjoining thoroughfares and adjoining land uses. The study shall be undertaken as soon as practical and shall be completed before January 7, 2016 with recommendations for amendments to the City's Land Development Code and Development Design Guidelines.

**SECTION III. TEMPORARY MORATORIUM.**

(a) A temporary moratorium is hereby established on all non-exempt activity and actions relating to the acceptance, review, processing, and/or approval of, applications for development, building permits, site plans, development orders or any other land use activity which would allow or permit the construction or development of drive-through or drive-in restaurant facilities.

(b) This moratorium shall be effective until January 7, 2016 following the adoption of this Ordinance but may be extended if the City Council should subsequently adopt a new or amended Ordinance providing an extended time frame under which to complete the study on the characteristics and operational impacts of these drive-through and drive-in facilities.



(c) For the purposes of this Ordinance, a drive-through or drive-in restaurant facility is any commercial establishment which provides its patrons the ability to purchase food or beverages while remaining in a motor vehicle during the time which he or she is accommodated. This Ordinance does not apply to drive-up restaurants that provide curbside-to-go pick up service for parked customers who submit food or drink orders offsite from a telephone, email, or similar telecommunication device.

**SECTION IV. EXEMPTIONS.**

Exemptions from this Ordinance are the following:

(a) General maintenance, repairs and/or health and safety improvements on lawfully existing structures or accessory structures, so long as any such altered structures shall remain within the footprint of the original structure. Maintenance and/or repairs proposed for health and safety purposes shall be certified by a professional engineer registered in the State of Florida as repairs which are necessary to correct structural deficiencies which pose a health and safety hazard and shall be approved by the City Building Official.

(b) Interior remodeling or decorating of lawfully existing structures or accessory structures.

(c) Exterior repainting of lawfully existing structures and accessory structures.

(d) Applications to replace lawfully existing structures which pose a life, health, and safety hazard, so long as the structure, once replaced, complies with all provisions of the Code of Ordinances of the City of Apopka. Replacement shall be approved and certified by a professional engineer registered in the State of Florida as being necessary to correct structural deficiencies which pose a life, health and safety hazard and shall be approved by the City Building Official.

(e) Any vested improvement as provided under this Ordinance.

**SECTION V: ADMINISTRATIVE/QUASI-JUDICIAL REVIEW PROCEDURES.**

Owners of real property within the City of Apopka or the authorized agent of such owner may request a determination of vested rights by following the procedures set for in Article VI, Sections 4.06.00-4.06.04 of the Apopka Code of Ordinances.

**SECTION VI: EFFECTIVE DATE; REPEAL OR EXPIRATION.**

This Ordinance shall become effective immediately upon approval of the City Council and shall stand repealed as of 11:59 p.m. on January 7, 2016, unless repealed sooner or extended by the City Council consistent with the terms of this Ordinance, or upon adoption of amendments to the City's Land Development Code and Development Design Guidelines before the end of the moratorium period, all of which shall be drafted to protect the health, safety, and welfare of the residents of the City of Apopka and be compatible with the City's present efforts to protect and improve the character and quality of life within the City for both present and future residents.

**SECTION VII: SCOPE OF COVERAGE.**

Unless otherwise stated, this Ordinance shall cover all lands within the jurisdictional boundaries of the City of Apopka, including any lands annexed after the effective date of this Ordinance.

**SECTION VIII: SEVERABILITY.**

If any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of a section or subsection or part of this ordinance.

**SECTION IX: CONFLICTS.**

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

FIRST READING: April 15, 2015

SECOND READING  
AND ADOPTION: May 6, 2015

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Linda Goff, City Clerk

APPROVED AS TO FORM:

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Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: March 27, 2015  
April 24, 2015

**Backup material for agenda item:**

8. RESOLUTION NO. 2015-10 - Amending the budget for fiscal year beginning October 1, 2014 and ending September 30, 2015.





# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL HEARING
- OTHER: Resolution

MEETING OF: April 15, 2015  
FROM: Finance  
EXHIBITS: Exhibit A

**SUBJECT: RESOLUTION NO. 2015-10 – AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015.**

**Request: ADOPT RESOLUTION NO. 2015-10**

**SUMMARY:**

On September 19, 2014, by Resolution No. 2014-15, the City Council adopted the final budgets for fiscal year 2014/2015. The City committed to expenditures via the issuance of purchase orders during the previous fiscal year and has experienced unanticipated revenues/expenditures through the current fiscal year that need to be reflected in the current budget. Florida Statutes, Section 166.241(4) requires the governing body amend the budget in the same manner as the original budget is adopted.

**FUNDING SOURCE:**

General Fund, Street Improvement Fund, Transportation Impact Fees Fund, Stormwater Fund, Grant Fund, Utility Operating Fund, and the Utilities Impact Fees Fund.

**RECOMMENDED ACTION:**

Adopt Resolution No. 2015-10

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners  
City Administrator  
Community Development Director

Finance Director  
HR Director  
IT Director  
Police Chief

Public Services Director  
City Clerk  
Fire Chief

**RESOLUTION NO. 2015-10**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, PROVIDING FOR A BUDGET AMENDMENT

**WHEREAS**, the City Council of the City of Apopka, Florida, has determined that the Budget for Fiscal Year 2014/2015 should be amended; and

**WHEREAS**, Florida Statutes, Section 166.241(4) requires the governing body amend the budgets in the same manner as the original budget is adopted; and

**WHEREAS**, the City Council adopted the final budgets for fiscal year 2014/2015 through resolution on September 19, 2014.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AS FOLLOWS:**

**SECTION 1:** That the Budget for the City of Apopka, Florida, Fiscal Year 2014/2015 is hereby amended as indicated in Exhibit "A," Budget Amendment which is hereby attached and made part of this Resolution by reference thereto.

**SECTION 2:** Effective Date. This Resolution shall take effect upon final passage and adoption.

ADOPTED THIS 15th DAY OF APRIL, 2015

**CITY OF APOPKA, FLORIDA**

\_\_\_\_\_  
JOSEPH E KILSHEIMER, MAYOR

ATTEST:

\_\_\_\_\_  
DA F. GOFF, CITY CLERK

**CITY OF AOPKA**  
**FY 15 BUDGET AMENDMENT - RESOLUTION #2015-10**

<u>REVENUE</u>		<u>EXPENDITURES</u>	
<b>General Fund</b>			
001-389.0020-Funding from Committed Reserves	<b>20,000</b>	001-3513-572.5216-Tree Bank Expenditure	<b>20,000</b>
<i>Move monies from the tree bank reserves for City Hall beautification.</i>			
001-389.0009-Carry-Over Appropriations	<b>98,943</b>	001-2120-522.6400-Fire Equip and Machinery	<b>58,401</b>
001-389.0010-Funding from Reserves	<b>150,618</b>	001-2210-521.6400-Police Equip and Machinery	<b>90,210</b>
<i>Carry forward Purchase Order and funding for Police and Fire CAD Program (Global &amp; Cafe)</i>			
001-389.0009-Carry-Over Appropriations	<b>85,918</b>	001-2250-519.6400-Dispatch Equip and Mach	<b>100,950</b>
<i>Carry forward Purchase Orders and/ or funding for various ongoing capital purchases including construction of the Fuel Island, paving at the cemetery, sidewalks at the ball fields, purchase and installation of bleacher coverings, purchase of a Canine Cage, a laptop, and a Laser Level.</i>			
<b>Street Improvement Fund</b>			
101-389.0009-Carry-Over Appropriations	<b>215,159</b>	101-3412-541.6300-Infrastructure	<b>148,959</b>
<i>Carry forward Purchase Orders and funding for Mainstreet Lighting Upgrade, Sidewalk &amp; Curbs, and Street Stripping</i>			
<b>Transportation Impact Fees Fund</b>			
102-389.0009-Carry-Over Appropriations	<b>1,599,500</b>	101-3412-541.6306-Sidewalk & Curb Installation	<b>49,500</b>
<i>Carry forward funding for Transportation Master Plan and Fee Structure Updates, Yothers/Plymouth Intersection improvement, and Marden Rd.</i>			
<b>Stormwater Fund</b>			
120-389.0009-Carry-Over Appropriations	<b>22,600</b>	101-3412-541.4612-Street Stripping	<b>16,700</b>
<i>Carry forward Purchase Order and funding for Downtown Storm Water Pond (PO 120782-Miller Legg)</i>			
<b>Grant Fund</b>			
150-331.2000-Dept of Justice BJA Grant	<b>15,109</b>	102-3413-541.6300-Infrastructure	<b>1,500,000</b>
<i>Adjust Budget for Dept. of Justice Grant Award-Falcon Rapid ID</i>			
<b>Utility Operating Fund</b>			
401-389.0010-Funding from Reserves	<b>133,221</b>	102-3413-541.6300-Infrastructure	<b>99,500</b>
<i>Adjust budget for Rate Study, Master Plan Updates, Siemens PLC program @ Northwest WTP, Scada software upgrades</i>			
<b>Utilities Impact Fees Fund</b>			
403-389.0009-Carry-Over Appropriations	<b>6,040</b>	403-3113-535.6300-Infrastructure	<b>6,040</b>
<i>Carry forward Purchase Order and funding for Plymouth Regional Well #4</i>			



**Backup material for agenda item:**

1. Administrative Report - Glenn A. Irby - City Administrator



# Administrative Report

April 15, 2015

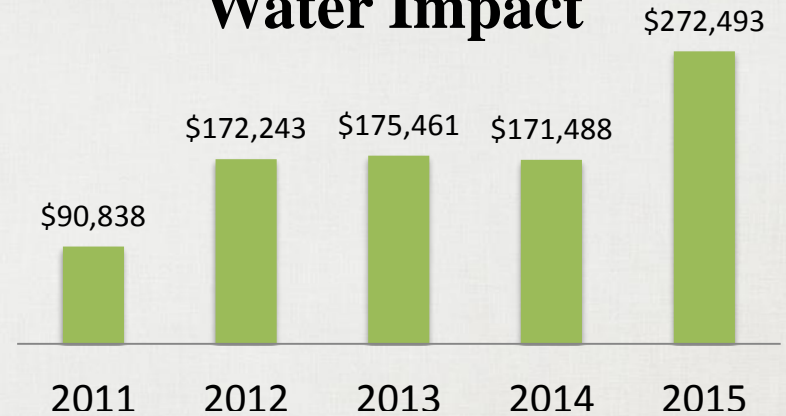
To: Mayor and City Council  
From: Glenn Irby, City Administrator

# Finance - March

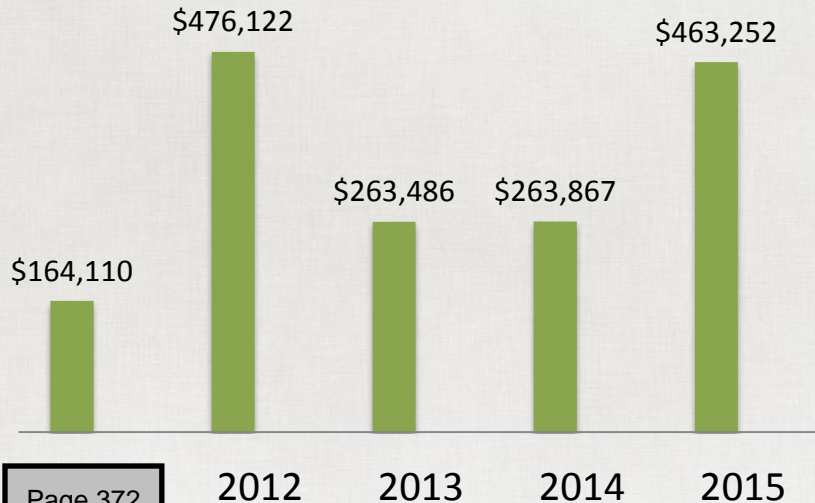
## Sewer Impact



## Water Impact



## Transportation Impact



## School Impact





# Finance - March

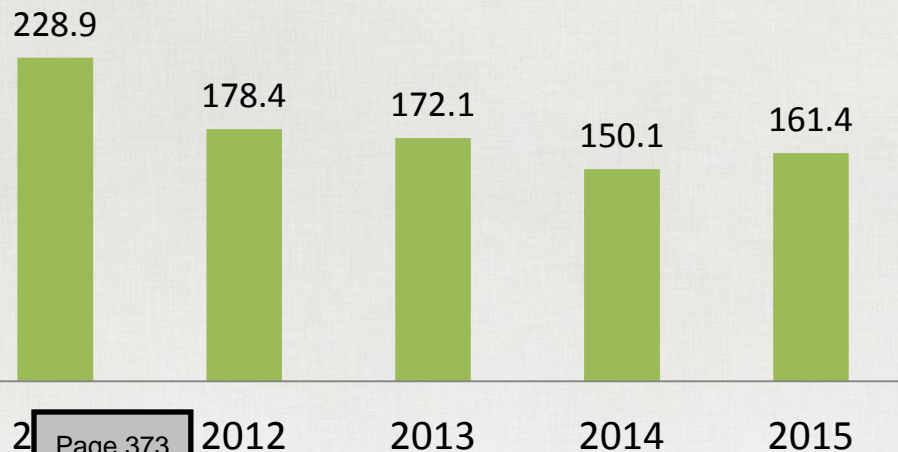
## Reuse Impact



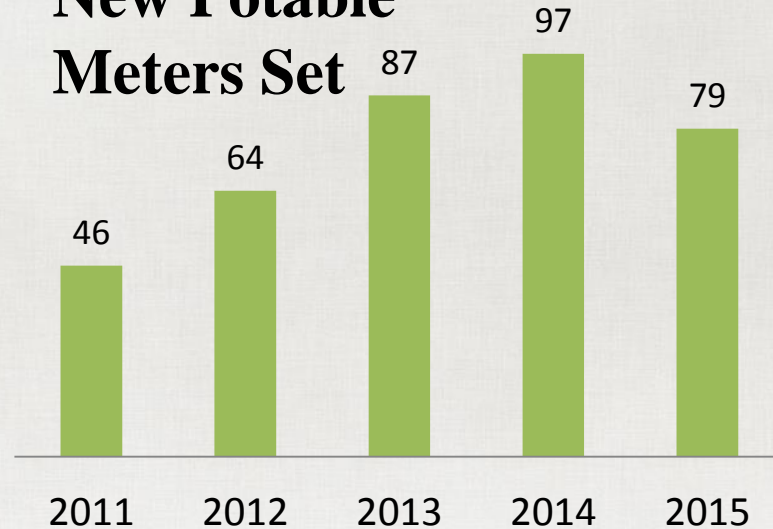
## Recreation Impact



## Average Potable Water Billed

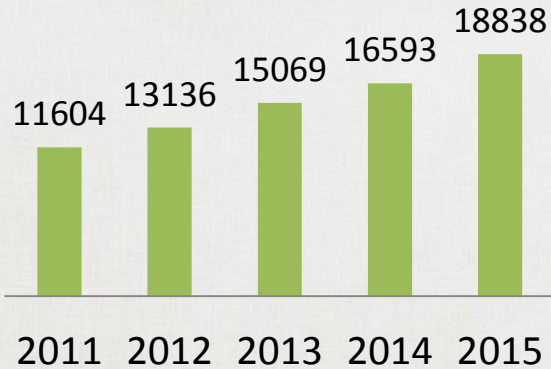


## New Potable Meters Set

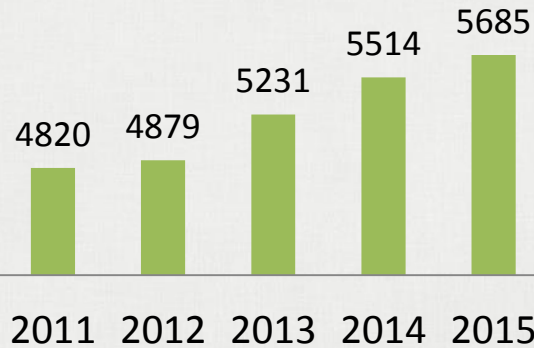


# Finance / Utility Billing - March

## Web



## Office Window



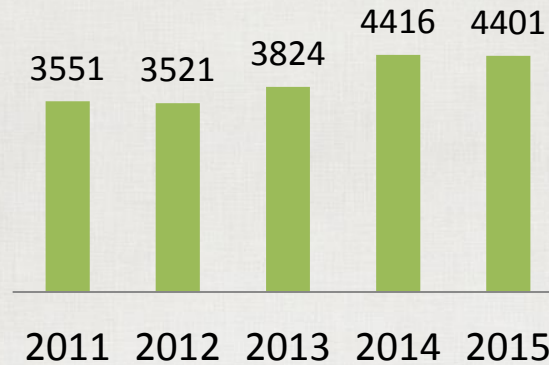
## Mailed



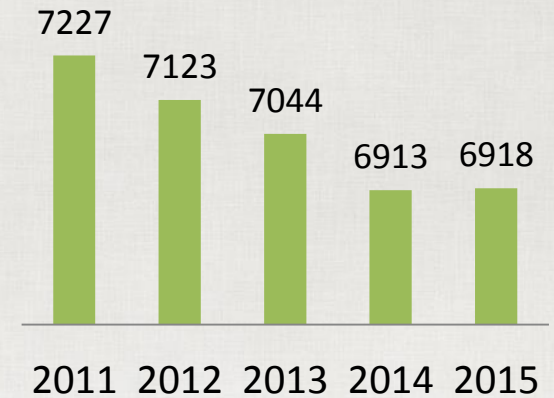
## Drop Box



## ACH

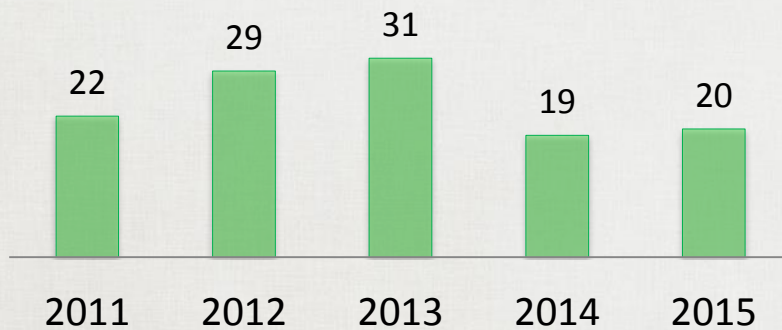


## Drive-Up Window

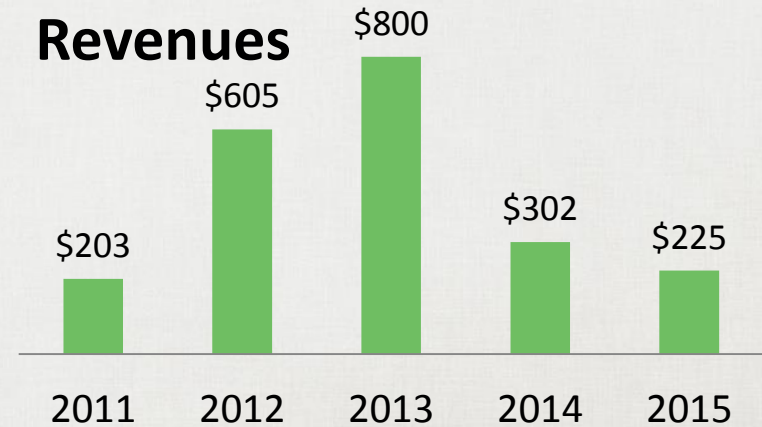


# Community Development - March

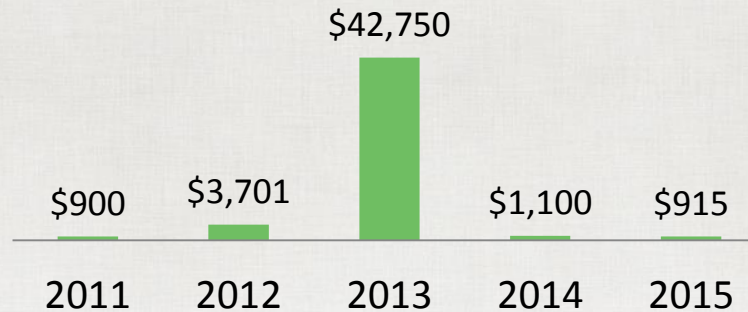
## Arbor Permits



## Arbor Revenues



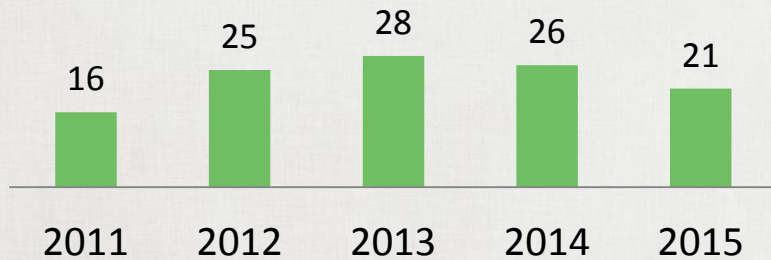
## Tree Bank Revenues



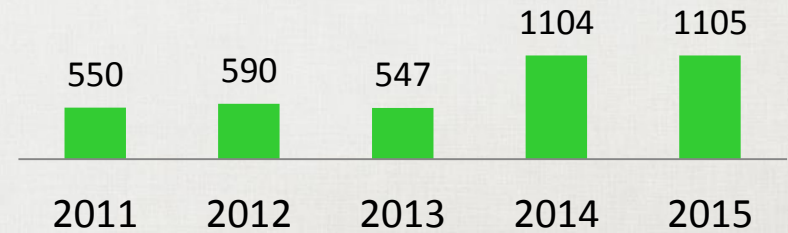


# Community Development / Building - March

## Automated Phone System Requests



## Internet Inspection Requests



## Office Inspection Requests



# Community Development / Building - March

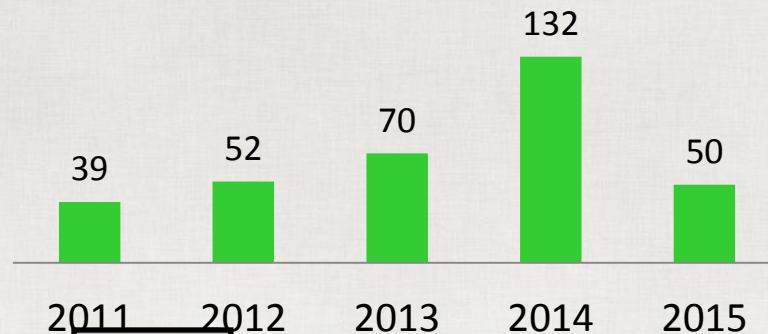
## Permits Issued



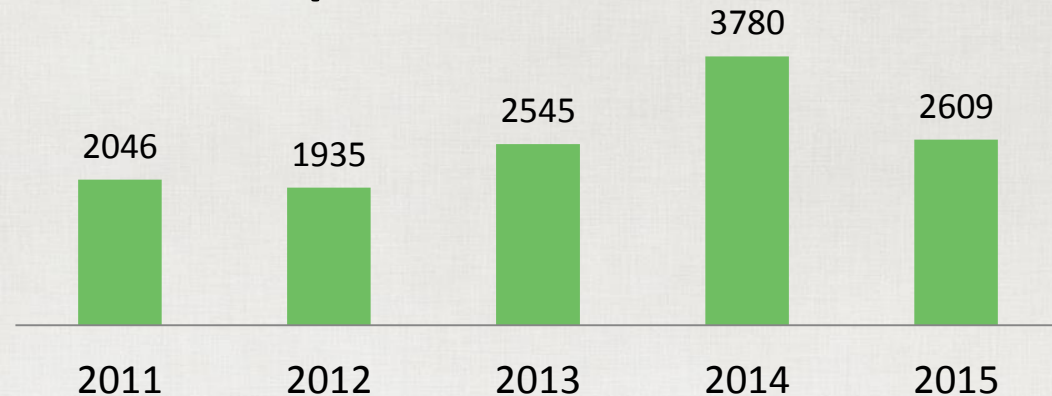
## Value of Construction



## Certificates of Occupancy Issued



## Inspections Performed



# Public Services / Water Plants - March

## Water Plant – Average Daily Flow



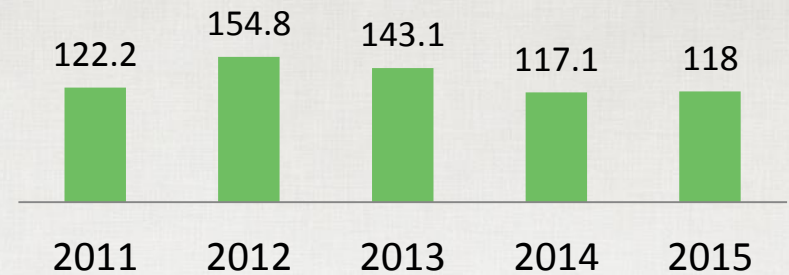
## Wastewater Plant Average Daily Flow



## Reclaimed Gallons Produced



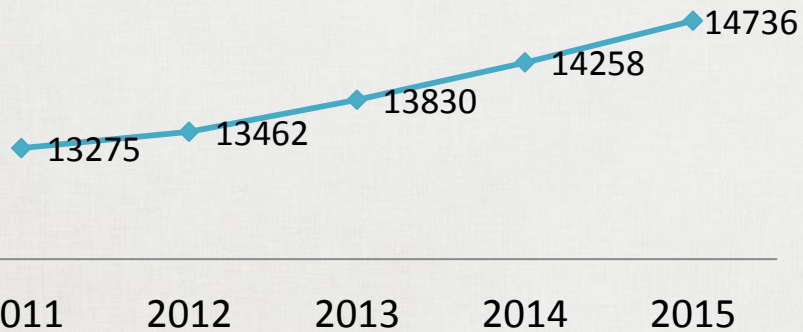
## Reclaimed Gallons Used



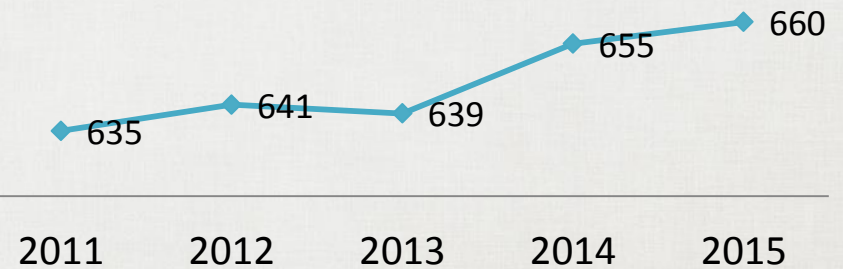


# Public Services / Sanitation - March

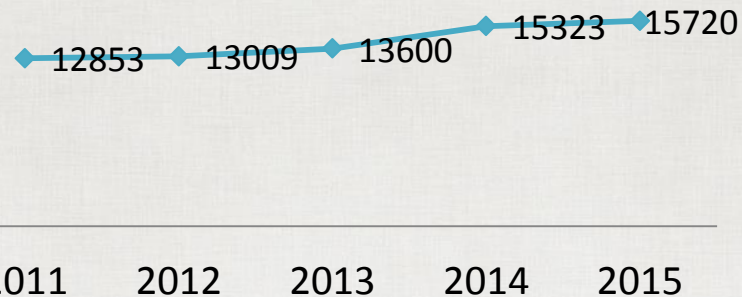
## Residential Customers



## Commercial Customers



## Recycling Customers

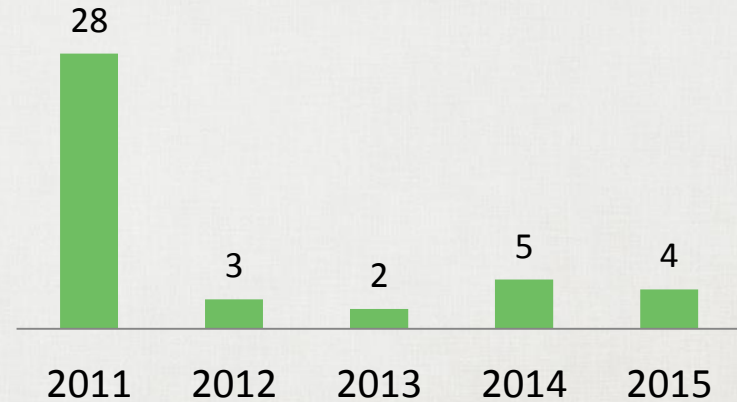


# Public Services / Water Conservation - March

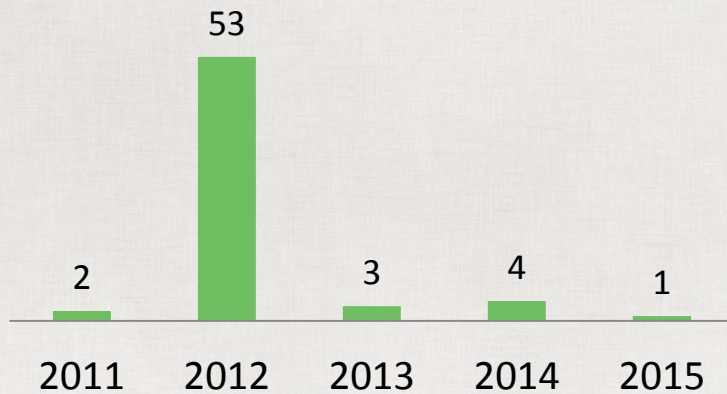
## System Evaluations



## Rain Sensors Issued



## Program Rebates



## Rebate Value



# Public Services / Recreation - March

## Program Events



## Senior Programs



## Facility Rentals



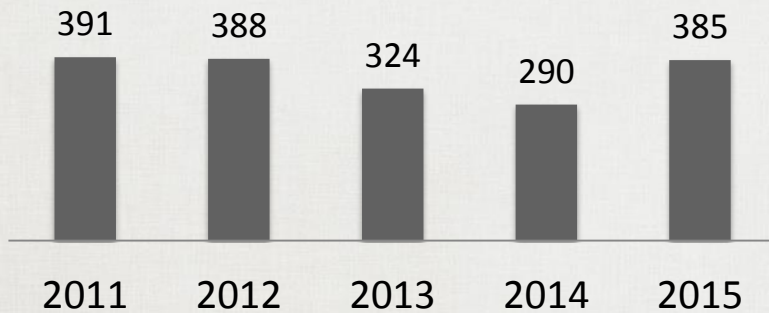
## Event Attendees



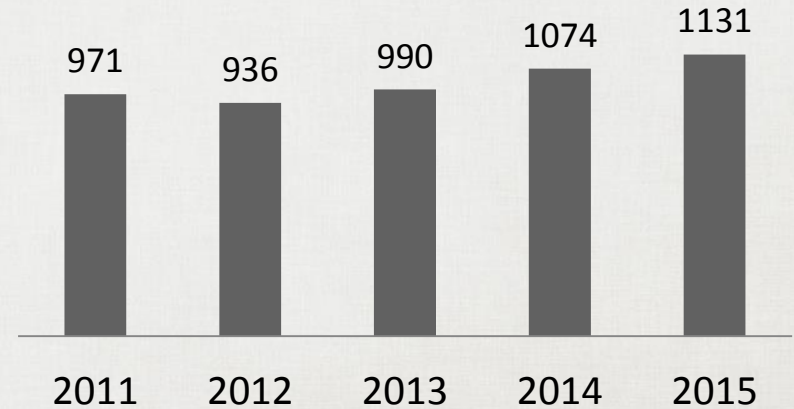


# Fire - March

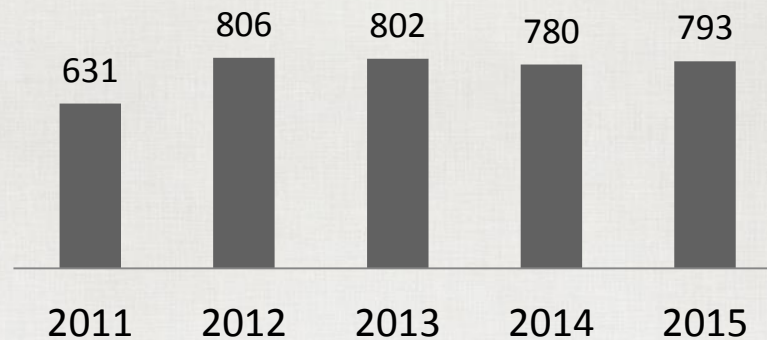
## NFIRS Calls For Service



## EMS Calls For Service

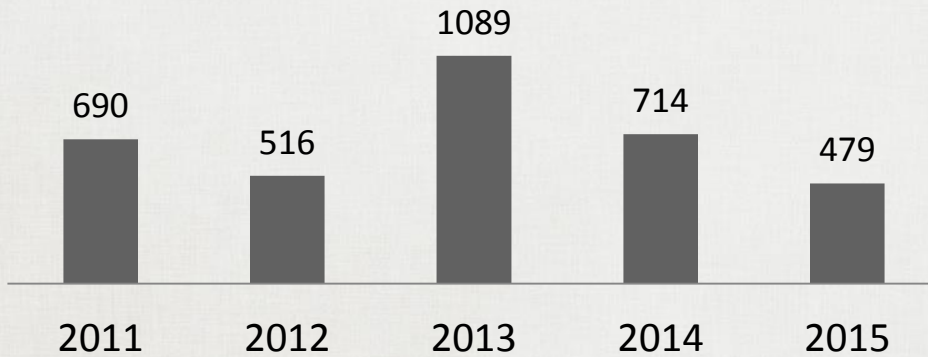


## Annual Inspections

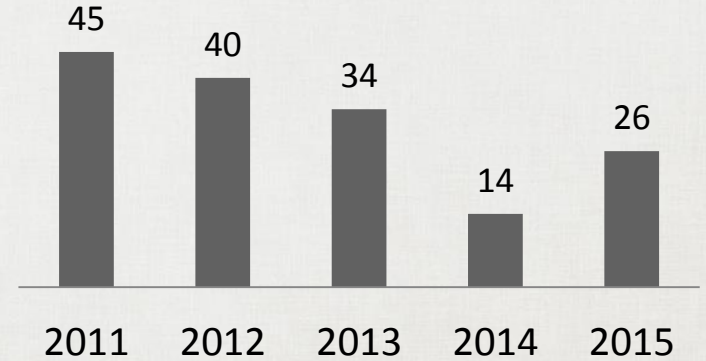


# Police - March

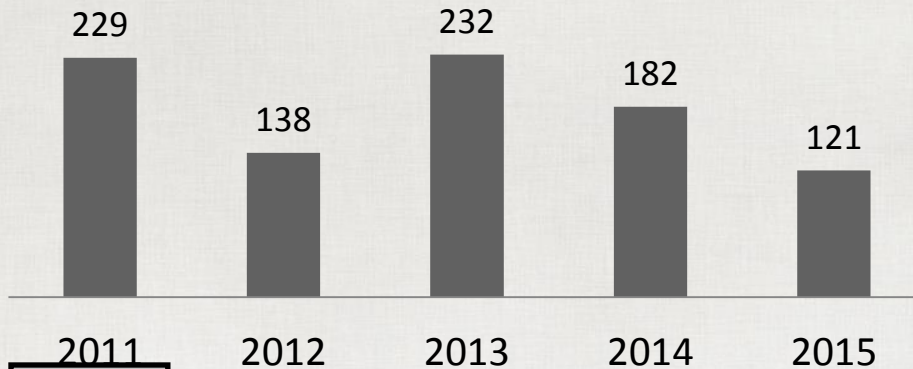
## Uniform Traffic Citations



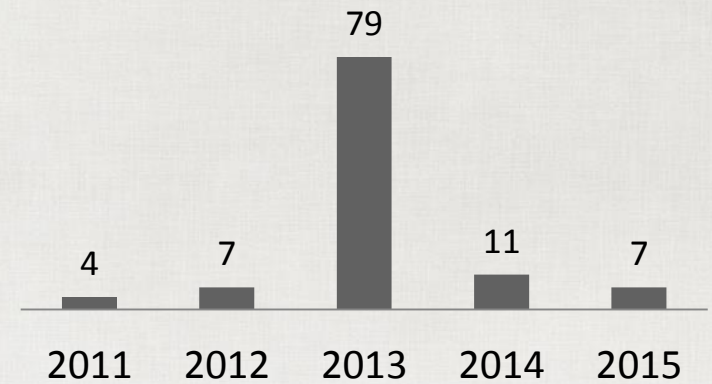
## DUI Arrests



## Warning Citations

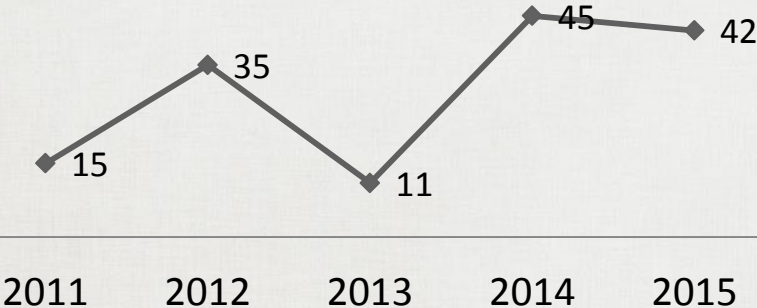


## Parking Citations

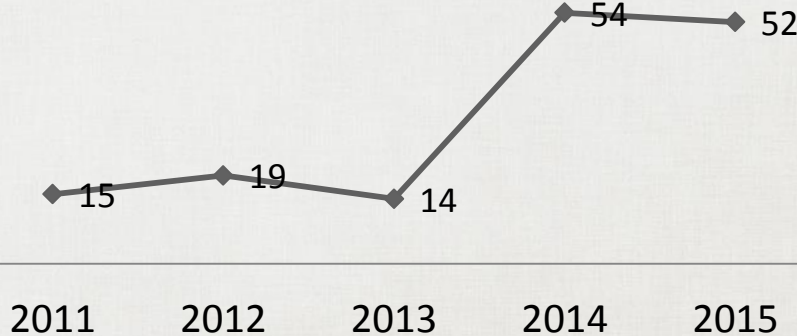


# Police / Code Enforcement - March

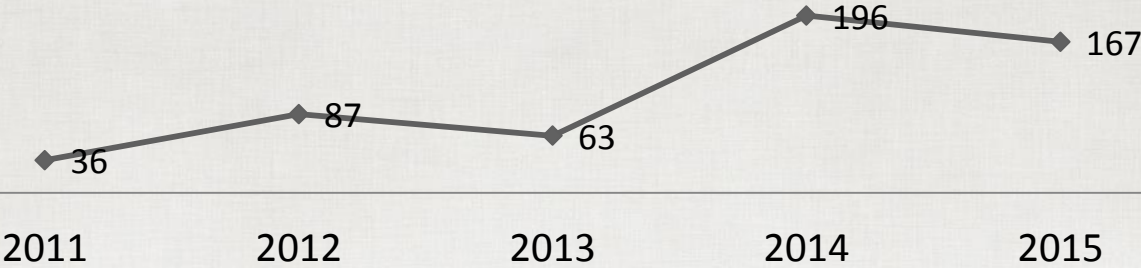
## Unkempt Cases



## Disabled Vehicle Cases



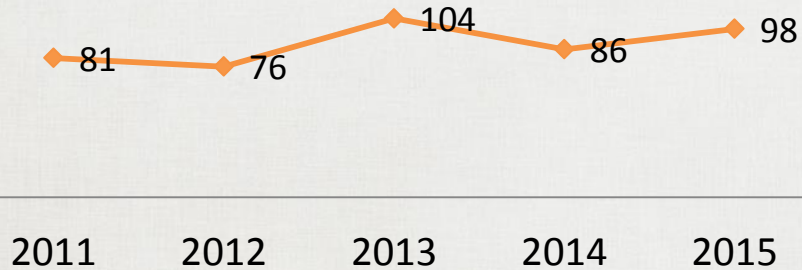
## Total Code Enforcement Cases



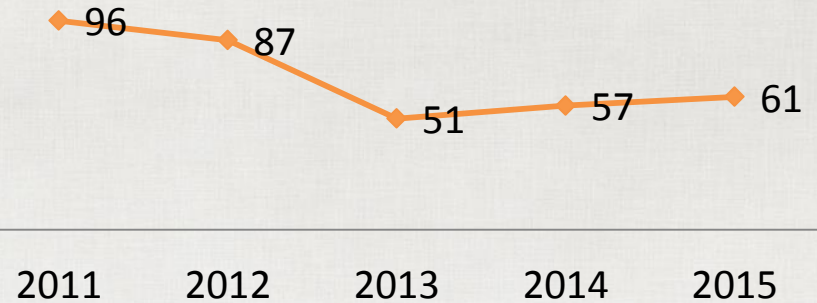


# Community Development - March

## New Business Tax



## Business Tax Renewals

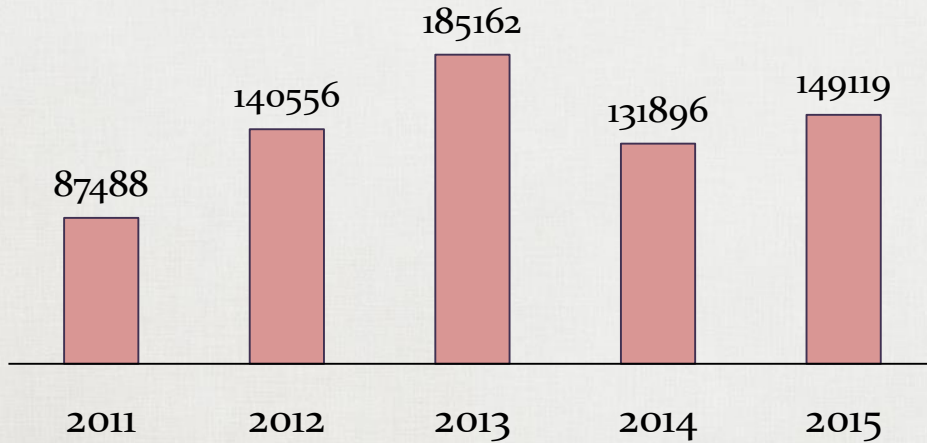


# A.S.K. Apopka Service Kiosk January - March

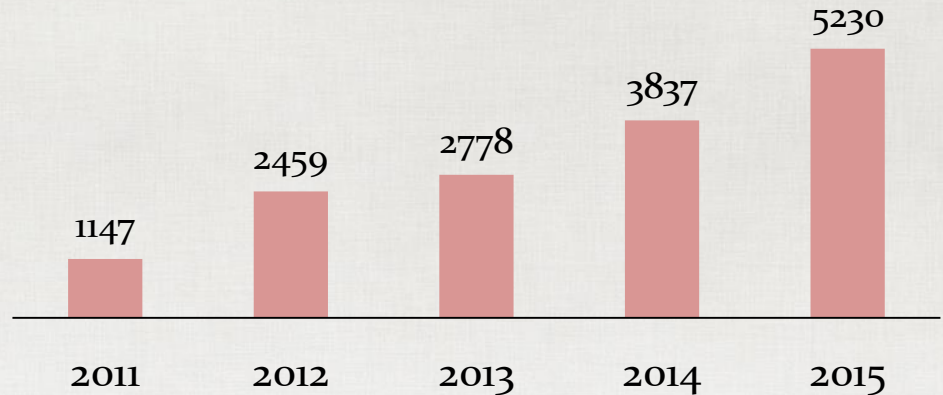


# Information Technology - March

## Homepage Visits



## Building Webpage Visits





# Thank You

For questions, call (407) 703-1750

**Backup material for agenda item:**

2. Ratify Appointment to Planning Commission - Melvin Birdsong



CITY OF APOPKA  
BOARD APPOINTMENT INFORMATION FORM

Please type if possible, or print clearly

Date: 4-9-2015

Board(s) Desired:

1. Planning Commission
2. \_\_\_\_\_
3. \_\_\_\_\_

Name: Melvin L. Birdsong

Address: (Home) 246 North Washington Ave, Apopka, FL 32703  
(Bus.) \_\_\_\_\_

Phone: (Home) 407-889-8356 (Bus.) 407-222-5499

Employer: Melvin L. Birdsong MLB Services, Catering, Cleaning, Painting And Lawn

Position: Owner

Education:	Years Comp.	Degree
High School <u>West Orange H.S.</u>	<u>12</u>	<u>Graduate</u>
College <u>Valencia Community College</u>	<u>1</u>	<u>Business/Music</u>

1. Are you a City of Apopka resident? Yes  No \_\_\_\_\_
2. Are you a registered voter? Yes  No \_\_\_\_\_
3. Do you own property in Apopka? Yes  No \_\_\_\_\_
4. Are you currently serving on a City Board? Yes  No \_\_\_\_\_
5. Have you ever served on a City Board? Yes  No \_\_\_\_\_

If yes, when and which Board? Present, Planning Commission

6. How long have you lived in Central Florida? Years 57

7. References:

Name	Address	Phone
<u>Pastor Freddie Filmore Sr,</u>	<u>1348 Old Apopka Rd, Apopka, FL 32703,</u>	<u>407-886-6006</u>
<u>Jerry Girley PA,</u>	<u>125 East Marks St, Orlando, FL 32803,</u>	<u>407-540-9866</u>
<u>Vanessa Darwood,</u>	<u>1680 S. Central Ave, Apopka, FL 32703,</u>	<u>407-886-7187</u>

(Continued on other side)



Work Experience: Store  
Restaurant Manager for McDonald's 14 years,  
Restaurant Owner Birdsong MLB Southern Cooking, Self-Employed  
Melvin Birdsong MLB Service (Present), Orange County Sheriff's Office  
Chaplain (Present)

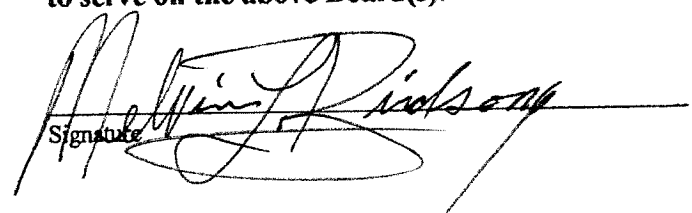
Community Involvement: Minister @ Freedom Ministries Church Apopka,  
Help as many people as possible in Central Fl. Area  
In need of assistance

Interests/Activities: Hunting, fishing, carpentry, paint and  
bodywork, camping, horseback riding, martial arts,  
football, baseball, basketball and singing

Why do you want to serve on this/these Board(s)? Do what I can to  
continue to serve the City of Apopka as  
I serve others in the Community

A resume or separate sheet with additional information may be included.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

  
Signature

If you have questions, please call the Community Development Department at (407) 703-1712.

Return this form to: Mayor's Office  
120 E. Main St.  
P.O. Drawer 1229  
Apopka, Florida 32704

\*\*\*\*\*NOMINATING BOARD USE ONLY\*\*\*\*\*

AIF Received	<u>4/10/15</u> <u>✓</u>	Info to Staff	_____
AIF Acknowledged	<u>4/10/15</u> <u>✓</u>	Mayor's Letter	_____
Forwarded to Mayor	<u>4/10/15</u> <u>✓</u>	Other	_____
Council Action	<u>4/15/15</u> <u>✓</u>		

**Backup material for agenda item:**

3. Ratify Appointment to Planning Commission - James Greene



# CITY OF APOPKA BOARD APPOINTMENT INFORMATION FORM

Please type if possible, or print clearly

Date: APRIL 9, 2015

Board(s) Desired:

1. PLANNING COMMISSION
2. \_\_\_\_\_
3. \_\_\_\_\_

Name: JAMES W. GREENE

Address: (Home) 444 LANARKSHIRE PLACE, APOPKA, FL 32712  
(Bus.) \_\_\_\_\_

Phone: (Home) 407-880-2151 (Bus.) \_\_\_\_\_

Employer: (RETIRED)

Position: \_\_\_\_\_

Education:	Years Comp.	Degree
High School: <u>PACOLET, SC, HIGH SCHOOL</u>	<u>12</u>	<u>GRADUATED</u>
College: <u>GEORGE WASHINGTON UNIV.</u>	<u>1</u>	<u>—</u>

1. Are you a City of Apopka resident? Yes  No \_\_\_\_\_
2. Are you a registered voter? Yes  No \_\_\_\_\_
3. Do you own property in Apopka? Yes  No \_\_\_\_\_
4. Are you currently serving on a City Board? Yes  No \_\_\_\_\_
5. Have you ever served on a City Board? Yes  No \_\_\_\_\_

If yes, when and which Board?  
APOPKA ① PLANNING COMMISSION ② POLICE OFFICERS PENSION BOARD

6. How long have you lived in Central Florida? Years 11.5

7. References:

Name	Address	Phone
<u>MICHAEL FILES</u>	<u>3819 ROCK HILL LOOP, APOPKA, FL</u>	<u>407-886-7607</u>
<u>FRANK HIBLER</u>	<u>913 GULF LANE DRIVE, APOPKA, FL</u>	<u>407-889-3953</u>
<u>ED VELAZQUEZ</u>	<u>4521 ROCK HILL LOOP APOPKA, FL</u>	<u>407-886-1258</u>

(Continued on other side)



Work Experience: ASSOC. DIR. OFFICE OF COMPLIANCE & ENFORCEMENT, US SURFACE TRANSPORTATION BOARD; VICE PRESIDENT, OFFICIAL AIRLINE GUIDES, INC.; CHIEF TARIFFS DIVISION, US CIVIL AERONAUTICS BOARD; TREASURER, AIRLINE TARIFF PUBLISHERS, INC.

Community Involvement: BOARD MEMBER & PRESIDENT OF HOA'S IN APOPKA AND WESTMONT, FL; SERVED ON SEVERAL APOPKA COMMITTEES; MEMBER OF APOPKA CITIZENS POLICE ACADEMY AND APOPKA VFW

Interests/Activities: GOLF & VOLUNTEER ACTIVITIES

Why do you want to serve on this/these Board(s)? CONTRIBUTE TO THE COMMUNITY IN WHICH I LIVE

A resume or separate sheet with additional information may be included.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

Jama W. Greene  
Signature

If you have questions, please call the Community Development Department at (407) 703-1712.

Return this form to: Mayor's Office  
120 E. Main St.  
P.O. Drawer 1229  
Apopka, Florida 32704

\*\*\*\*\*NOMINATING BOARD USE ONLY\*\*\*\*\*

AIF Received	<u>4/9/15</u>	Info to Staff	_____
AIF Acknowledged	<u>4/9/15</u>	Mayor's Letter	_____
Forwarded to Mayor	<u>4/9/15</u>	Other	_____
Council Action	<u>4/15/15</u>		

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**Backup material for agenda item:**

4. Ratify Appointment to Planning Commission - Jeremiah Jaspon



CITY OF APOPKA  
BOARD APPOINTMENT INFORMATION FORM

Please type if possible, or print clearly

Date: 3-25-15

Board(s) Desired:

1. Planning & Zoning
2. \_\_\_\_\_
3. \_\_\_\_\_

Name: JEREMIAH E. JASON

Address: (Home) 1036 TRUFFLES CT., APOPKA, FL 32712  
(Bus.) 301 S. Orlando Ave, Winter Park, FL 32789

Phone: (Home) 407-697-8276 (Bus.) 407-513-9515

Employer: Jaspon & Armas, PA

Position: Founding Partner

Education:	Years Comp.	Degree
High School <u>Atlantic High School</u>	<u>1995</u>	<u>Diploma</u>
College <u>Florida State Univ College of Law</u>	<u>2002</u>	<u>J.D.</u>

1. Are you a City of Apopka resident? Yes  No \_\_\_\_\_
  2. Are you a registered voter? Yes  No \_\_\_\_\_
  3. Do you own property in Apopka? Yes  No \_\_\_\_\_
  4. Are you currently serving on a City Board? Yes \_\_\_\_\_ No
  5. Have you ever served on a City Board? Yes \_\_\_\_\_ No
- If yes, when and which Board?

6. How long have you lived in Central Florida? Years 11

7. References:
- | Name                   | Address  | Phone                               |
|------------------------|--|-------------------------------------|
| <u>Gary Leboeuf</u>    | <u>1053 Truffles Ct., Apopka, FL</u>                 | <u>32712</u><br><u>917-569-2587</u> |
| <u>Christine Armas</u> | <u>Oviedo, FL</u>                                    | <u>407-535-2218</u>                 |
| <u>Kevin Hay</u>       | <u>5199 Palma Bracke Circle, West Palm Beach, FL</u> | <u>561-281-5623</u>                 |

(Continued on other side)  
33417



Work Experience: TRIAL LAWYER FOR LAST 10 YEARS

Community Involvement: Member Grief facilitator @ New Hope for Kids, Member of Hispanic Chamber of Commerce, member of Florida Justice Association, Board member of CPTLA, Prior Chair of a FL. Bar Grievance Committee

Interests/Activities: Fantasy Baseball, running, FSU Sports, Red Sox, Patriots, watching/playing with my kids

Why do you want to serve on this/these Board(s)? I want to be more involved in my community. I'm very interested in ~~the~~ making sure Apopka grows the right way.

*A resume or separate sheet with additional information may be included.*

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

  
Signature

If you have questions, please call the Community Development Department at (407) 703-1712.

Return this form to: Mayor's Office  
120 E. Main St.  
P.O. Drawer 1229  
Apopka, Florida 32704

\*\*\*\*\*NOMINATING BOARD USE ONLY\*\*\*\*\*

AIF Received	<u>3/25/15 m</u>	Info to Staff	_____
AIF Acknowledged	<u>3/25/15 m</u>	Mayor's Letter	_____
Forwarded to Mayor	<u>3/25/15 m</u>	Other	_____
Council Action	<u>4/15/15 m</u>		

**Backup material for agenda item:**

5. Ratify Appointment to Planning Commission - Linda Laurendeau



CITY OF APOPKA
BOARD APPOINTMENT INFORMATION FORM

Please type if possible, or print clearly

Date: 9 APRIL 2015

Board(s) Desired:

- 1. PLANNING COMMISSION
2.
3.

Name: LINDA A LAURENDEAU

Address: (Home) 1785 NORDIC CT
(Bus.)

Phone: (Home) 407.889.9792 (Bus.)

Employer: N/A

Position:

Table with 3 columns: Education, Years Comp., Degree. Rows include High School (OUR LADY OF NAZARETH ACADEMY, 4 years, H.S. DIPLOMA) and College (OUR LADY OF THE LAKE UNIVERSITY, 4 years, BA; WEBSTER UNIVERSITY, MA).

- 1. Are you a City of Apopka resident? Yes [checked] No
2. Are you a registered voter? Yes [checked] No
3. Do you own property in Apopka? Yes [checked] No
4. Are you currently serving on a City Board? Yes No [checked]
5. Have you ever served on a City Board? Yes No [checked]
If yes, when and which Board?

6. How long have you lived in Central Florida? Years 17

7. References: WITH PERMISSION!

Table with 3 columns: Name, Address, Phone. Rows include SARA KELLY (2048 EAGLES REST, 407.814.1703), ARTIE VECCHIO (1230 GLENMORE DR, 407.886.3938), DENA MORROW (1516 WHEELER RD, 407.886.3639).

(Continued on other side)



Work Experience: SEE RESUME

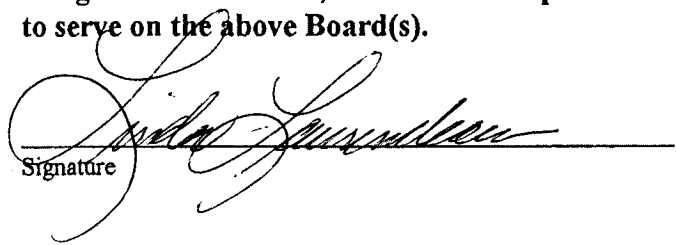
Community Involvement: SEE SUPPLEMENT

Interests/Activities: my VOLUNTEER WORK/GENEALOGY

Why do you want to serve on this/these Board(s)? TO BE AN ACTIVE PARTICIPANT IN THE FUTURE GROWTH OF OUR CITY. TO BE ABLE TO USE MY OWN GIFTS AND TALENTS TO THAT END.

*A resume or separate sheet with additional information may be included.*

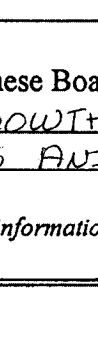
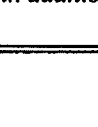
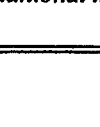
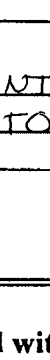
**I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).**

  
Signature

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Apopka, Florida 32704

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Forwarded to Mayor	<u>4/10/15</u> 	Other	_____
Council Action	<u>4/15/15</u> 		

# LINDA A. LAURENDEAU

1785 Nordic Ct., Apopka, Florida 32712-2076; 407.889.9792;llaurenda@aol.com

## OBJECTIVE

A position that allows and encourages me to use my education and diverse business and personal experience by being a team member of a firm focused on achieving and maintaining dominance in their field.

## EDUCATION

M.A., Human Resources Development, 2000, With Distinction  
Webster University, Orlando, Florida

B.A., Human Resources Organization and Development, 1997, Cum Laude  
Our Lady of the Lake University, San Antonio, Texas

Advocate, 2002, Florida Coalition Against Domestic Violence, Orlando, Florida

Domestic Violence Abuse Counselor, 1992, PEACE Initiative, San Antonio, Texas

Real Estate Agent, 1982, State of Texas, Deanie Owens Company, San Antonio, Texas

Certified Volunteer Firefighter/Certified EMT, 1979, State of Texas, Live Oak Volunteer  
Fire Dept., San Antonio, Texas

CPR Instructor/Instructor-Trainer-Affiliate Faculty, 1978, American Heart Assn., San  
Antonio Chapter, San Antonio, Texas

## QUALIFICATIONS

**Business** experience in communicating, consulting, project management, marketing, leadership, public relations, problem solving (specialty in call center applications and connectivity), training and curriculum development and delivery.

**Human Resources** knowledge and experience in career development, relocation, sexual harassment policies, labor relations, salary administration, tuition plan, associate benefits and performance appraisals.

**Counseling** victims of domestic violence within a community-based program as well as experience in presenting lectures against domestic violence to a wide variety of audiences. Successfully mediated a hearing in the workplace regarding a sexual harassment complaint and brought it to a satisfactory conclusion.

## **PROFESSIONAL EXPERIENCE**

Sales Engineer  
1997 - 2001

Provided technical advice and counsel to client executives and to our customers in support of products and services. Responsibilities included highly complex designs, technical assurance for both pre-sale and post-sale applications and design packages containing intricate connectivity diagrams.

Customer Support Engineer  
1994 - 1997

Provided adaptive teaching style to mentor customer service technicians and increase their knowledge level and skills. Included career development, training development and delivery, counseling, labor relations and in-depth technical support to internal and external customers in a broad range of products.

Marketing Support Specialist/Software Associate  
1978 -1994

Initiated and supported complex sales and implementation of telecommunications equipment by providing design, presentations, orders, project management, asset management, systems assurance, system administration and end-user training.

## **EMPLOYMENT HISTORY**

<b>AVAYA / LUCENT TECHNOLOGIES / A T &amp; T</b>	1983-2001
<b>SOUTHWESTERN BELL</b>	1976-1983

## **CURRENT COMMUNITY INVOLVEMENT**

American Society of Trainers and Developers  
Apopka Area Chamber of Commerce  
Apopka Citizen Police Academy Alumni Association  
Apopka Neighborhood Restorative Justice  
Apopka United Against Gangs  
Apopka Woman's Club  
Countryside Heights Homeowners Association  
Florida State Association of Parliamentarians  
Harbor House, Orange County Center Against Domestic Violence  
National Association of Parliamentarians  
Telephone Pioneers of America



**Linda A. Laurendeau**  
**Significant Volunteer Activities**  
1978 to present

**Texas**

American Heart Association

Cardiopulmonary Resuscitation (CPR) Program

Affiliate Faculty for South Texas affiliate; oversaw CPR program

Instructor Trainer; taught people to teach basic CPR

Instructor; taught basic CPR

France in the Heart of Texas [501(c)(3) corporation promoting French language and culture]

President and liaison for groups visiting from France

Treasurer

Board member

Worked at many fundraisers and cultural events

Live Oak, Texas, Fire Department

Volunteer Firefighter

Emergency Medical Technician

Putting an End to Abuse through Community Efforts (PEACE) Initiative

Counseled victims of domestic violence at police stations and hospital emergency rooms

St. Francis of Assisi Church, San Antonio, Texas

Pastoral Council

Texas Real Estate Salesman license

**Florida**

Apopka Area Chamber of Commerce

Member

Apopka Citizen Police Academy Alumni Association

Past President

Past Treasurer

Support police department activities

Neighborhood patrols

Apopka Police Department

Neighborhood Restorative Justice - community volunteer

Apopka Woman's Club

Parliamentarian

Corresponding Secretary  
Conservation Committee Chairman  
International Committee Chairman  
Newsletter Editor  
Historian for 50 year celebration; wrote and produced history book  
Various committees and projects

Association of Death Educators and Counselors  
Board member

Countryside Heights Homeowners Association  
Board member  
Neighborhood directory update chairman

Femmes de Coeur  
Chairwoman of a large fundraising event to benefit Healthcare Center for the Homeless  
Board member

General Federation of Women's Clubs, Florida  
State Bylaws Committee Chairman  
Parliamentarian *pro tem*  
Elections Committee Chairman  
District Chaplain

Harbor House (Spouse Abuse, d/b/a Orange County Center Against Domestic Violence)  
Speakers Bureau  
Volunteer as needed

L'Alliance Francaise  
Public Relations director

National Association of Parliamentarians/Florida State Association of Parliamentarians  
Member  
Studying to become a Registered Parliamentarian  
Judge for parliamentarian competitions

Orlando Diocese  
Bereavement Ministry Organization Facilitator  
Wrote and presented Domestic Violence overview

St. Francis of Assisi Catholic Church, Apopka, Florida  
Ministry of Mothers Sharing facilitator  
Bereavement coordinator/minister  
Memorial services for bereaved families

Telephone Pioneers of America  
Treasurer  
Various volunteer activities