



AGENDA

APOPKA CITY COUNCIL MEETING @ 1:30 PM City Hall Council Chamber 120 East Main Street – Apopka, Florida 32703 March 04, 2015

INVOCATION

Sr. Pastor Kevin Goza - Trinity Baptist Church

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.

EMPLOYEE RECOGNITION

1. Patricia Arnold – Public Services/Waste Water Plant – Five Year Service Award

PRESENTATIONS

1. Art & Foliage Festival Proclamation - Presented to the Apopka Women's Club

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on February 18, 2015 at 7:00 p.m.
2. Approve the allocation of funds, in the amount of \$500.00, to purchase art at the 54th annual Art & Foliage Festival to be held on April 25th and 26th, 2015.
3. Authorize the Mayor, or his designee, to sign an agreement with Orange County for the wholesale delivery and use of reclaimed water to the City of Apopka.

4. Authorize the purchase and funding of property from the Engelmann Holding Company, in the amount of \$140,400.00, plus the appraisal and half of the closing cost, which shall not exceed \$3,000.00.
5. Authorize the expenditure, in the amount of \$20,982.00, from the Law Enforcement Trust Fund to replace and upgrade the Police Department's weapons.
6. Approve the Disbursement Report for the month of February, 2015.

SPECIAL REPORTS AND PUBLIC HEARINGS

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2408 – SECOND READING & ADOPTION – Establishing a time-limited moratorium for land use amendments, zoning changes and development orders for properties located within the proposed Ocoee-Apopka Road Corridor Small Area Overlay District until October 31, 2015. [Ordinance No. 2408 meets the requirements for adoption having been advertised in The Apopka Chief on February 20, 2015.]
2. ORDINANCE NO. 2409 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Leslie & Nancy Hebert, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046) [Ordinance No. 2409 meets the requirements for adoption having been advertised in The Apopka Chief on February 20, 2015.]
3. ORDINANCE NO. 2410 – SECOND READING & ADOPTION - CHANGE OF ZONING – Leslie & Nancy Hebert, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046) [Ordinance No. 2410 meets the requirements for adoption having been advertised in The Apopka Chief on February 20, 2015.]
4. 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)
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)

6. RESOLUTION NO. 2015-04 - Granting a non-exclusive franchise, to Waste Pro USA Inc., for roll-off container collection and disposal of waste in the City of Apopka.
7. RESOLUTION NO. 2015-05 - Amending the budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015.
8. RESOLUTION NO. 2015-06 - Reimbursing certain costs relating to the acquisition, construction and installation of various water and sewer system capital improvements.

SITE APPROVALS

DEPARTMENT REPORTS AND BIDS

MAYOR'S REPORT

OLD BUSINESS

1. COUNCIL
2. PUBLIC

NEW BUSINESS

1. COUNCIL
2. PUBLIC

ADJOURNMENT

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 February 18, 2015 at 7:00 p.m.

CITY OF APOPKA

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

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

ABSENT: Commissioner Bill Arrowsmith

PRESS PRESENT: Roger Ballas - The Apopka Chief
Steve Hudak – The Orlando Sentinel

INVOCATION – Commissioner Ruth introduced Pastor Todd Lamphere of The Venue Church, who gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said while doing some research on Black History Month, he came across the story of noted African-American scientist George Washington Carver. A botanist and inventor, he was born around 1864, educated at Iowa State University, and later became a faculty member of the prestigious Tuskegee Institute. His reputation as a scientist is based on his research and promotion of crop rotation and the development of crops that were alternatives to cotton, including peanuts, soybeans, sweet potatoes, and pecans. He urged farmers to use the alternative crops as sources of food, creating hundreds of recipes and bulletins that he distributed to farmers. He also developed hundreds of products including plastics, paints, dyes and even a type of gasoline. His advice was sought from world leaders such as President Theodore Roosevelt, Mahatma Gandhi and business tycoons such as Henry Ford and Thomas Edison. His scholarship and research contributed to improve quality of life for many farming families and made Carver an icon for all Americans. He asked everyone to reflect on the pioneering spirit and legacy of George Washington Carver as he led in the Pledge of Allegiance.

PRESENTATIONS

1. Presentation of Art to the City of Apopka - By Sky Moheb, Fine Arts Painter

Betty Ann Huntsman introduced Sky Moheb who has been displaying his artwork in the lobby of City Hall. Mr. Moheb thanked the City for allowing him to display his artwork and donated one of his paintings to the City which will be displayed in lobby of the Mayor's office.

2. FFA Week Proclamation - Presented to FFA student presidents and faculty advisors from Apopka High School, Wekiva High School, Apopka Memorial Middle School, Wolf Lake Middle School, and Piedmont Lakes Middle School

Mayor welcomed Brian Dornbush, NW Orange County FFA Alumni; from Apopka High School FFA President Jake Dornbush, Vice President Haley Maxwell, and Advisor Katie Sanchez; from Wekiva High School FFA President Caylah Farley, and Advisor Randy Ius; from Apopka Memorial Middle School FFA President Haley Garrett, Vice President Izaiah Marquez, Advisors John Cloran and Duncan Sikes; from Piedmont Middle School FFA President Melissa Pena, Vice President Lyric Jackson, Amber Ritson, and Advisor Melissa Hamilton; from Wolf Lake Middle School FFA President Gabriel Cohen, Vice President Emma Fitzgerald, and Advisor Brian Harper. He then read the Proclamation and presented it to the FFA Alumni.

Mayor Kilsheimer announced that Ordinance Nos. 2406 and 2407 were originally advertised to be heard at 8:00 p.m., therefore Items 1 and 2 under Ordinances and Resolution will not be heard until after 8:00 p.m.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on February 4, 2015 at 1:30 p.m.
2. Authorize the use of Kit Land Nelson Park and the provision of support services for the 54th annual Art & Foliage Festival.
3. Authorize the Mayor to execute the amendment to the Interlocal Agreement creating the Orlando Urban Area Metropolitan Planning Organization.

MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve the three items of the Consent Agenda.

In response to Commissioner Velazquez inquiring about Item 3, Mayor Kilsheimer explained there was a vote at the January MetroPlan Orlando (MPO) meeting to add a new voting member as a Municipal Advisory Committee seat and this amendment requires our signing the Interlocal Agreement agreeing to participate in the MPO.

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

SPECIAL REPORTS AND PUBLIC HEARINGS - There were no special reports or public hearings.

ORDINANCES AND RESOLUTIONS

- 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) [NOTE: Applicant has requested this

item be continued until the March 4, 2015, City Council 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 Velazquez, and seconded by Commissioner Ruth to continue this item to the March 4, 2015 meeting. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

4. **ORDINANCE NO. 2408 – FIRST READING –** Establishing a time-limited moratorium for land use amendments, zoning changes and development order for properties located within the proposed Ocoee-Apopka Road Corridor Small Area Overlay District until October 31, 2015. The City Clerk read the title as follows:

ORDINANCE NO. 2408

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL OCTOBER 31, 2015 ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATIONS FOR AMENDMENTS TO THE CITY’S COMPREHENSIVE PLAN OR LAND DEVELOPMENT CODE FOR THE GEOGRAPHICAL AREA COMPRISING THE OCOEE APOPKA ROAD SMALL AREA STUDY WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING FOR EXEMPTIONS; AND PROVIDING FOR SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

David Moon, Planning Manager, advised on February 20, 2015 the Planning Commission held a hearing on Ordinance No. 2408 and recommended approval. He explained the ordinance is requesting a land use moratorium within the Ocoee Apopka Road Small Area Study. The study was conducted over the past year by Littlejohn Consultants which was funded by five key stakeholders. He affirmed there was community participation that included two community meetings with the property owners within the small area study, as well as two meetings with the stakeholders that funded the project. There were also presentations and workshops with the Planning Commission and City Council. He reviewed a Power Point presentation, and reviewed maps of a map of the market area and small area study area. A copy of his presentation is on file in the Community Development Department. He explained

the purpose of the temporary moratorium is to prevent incompatible and undesirable development from interfering with the vision emerging from the Ocoee Apopka Road Small Area Study. He declared the moratorium will provide time for the City to transfer that vision from the Small Area Study into zoning and development codes. He advised this moratorium ordinance will expire October 31, 2015, unless otherwise extended by the City Council through another ordinance. He advised that this ordinance will not apply to the pockets of unincorporated areas. The ordinance also covers exemptions and has a waiver provision, as well as addresses vesting process. Developments that are already underway will be exempt. He advised staff recommends approval.

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. 2408 at First Reading and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

4. ORDINANCE NO. 2409 – FIRST READING - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Leslie & Nancy Hebert, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046) The City Clerk read the title as follows:

ORDINANCE NO. 2409

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 SOUTH OF WEST KELLY PARK ROAD, EAST OF GOLDEN GEM ROAD, COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY LESLIE AND NANCY HEBERT; 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 Ruth and seconded by Commissioner Dean to approve Ordinance No. 2409 at First Reading and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

5. ORDINANCE NO. 2410 – FIRST READING - CHANGE OF ZONING – Leslie & Nancy Hebert, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046). The City Clerk read the title as follows:

ORDINANCE NO. 2410

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (0-1 DU/AC) (AGRICULTURE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF EFFIE WAY (3600 W KELLY PARK RD.), COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY LESLIE AND NANCY HEBERT; 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. 2410 at First Reading and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

6. RESOLUTION NO. 2015-03 – Authorization to execute a Joint Participation Agreement between the State of Florida Department of Transportation (FDOT) and the City of Apopka for the construction of curb ramps and pedestrian crossings at the intersection of State Road 500/US 441 and Hiawassee Road (FM Number 432402-3-58-01). The City Clerk read the title as follows:

RESOLUTION NO. 2015-03

AUTHORIZATION TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (THE DEPARTMENT) AND THE CITY OF APOPKA (CITY) FOR THE CONSTRUCTION OF CURB RAMPS AND PEDESTRIAN CROSSINGS AT THE INTERSECTION OF STATE ROAD 500/US 441 AND HIAWASSEE ROAD (FM NUMBER 432402-3-58-01) FOR THE PROJECT “CONSTRUCTION OF CURB RAMPS AND PEDESTRIAN CROSSINGS AT THE INTERSECTION OF STATE ROAD 500/US 441 AND HIAWASSEE ROAD.”

Jay Davoll, Community Development Director, gave a brief lead in, stating this was basically a joint participation agreement with the FDOT. He explained with the Sam’s project approved in

2013, they had to obtain a driveway permit for State Road 441. At the time they approached FDOT, they were also advised that FDOT had some other work they had planned on doing in this intersection, but further in the future, and they negotiated having this construction project done all at the same time with FDOT reimbursing for the work. He advised that FDOT cannot reimburse a private company, but they can reimburse the City, so the City will coordinate this with the private company. He advised there were two minor corrections to the information provided: page 314 of the agenda packet had a blank under the term and he received the date of September 30, 2015 today for completion of the Project. Also, Exhibit C has a correction of dates for the beginning of construction in February 2015, and completing the construction by June 2015, with the final closeout in September. He advised these modifications were acceptable by FDOT, staff, and the representatives for Sam's Club.

In response to Commissioner Dean inquiring if the City would have any authority for bids with this project, Mr. Davoll advised that Sam's Club has all of the contractors and subcontractors hired, and with accordance of the agreement, they also have a construction inspection company that is doing all of the construction inspections and providing reports on a daily basis. The City is helping to expedite the work in the intersection to be done all at one time.

MOTION by Commissioner Dean, and seconded by Commissioner Ruth to adopt Resolution No. 2015-03 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

SITE APPROVALS

1. PLAT – Sam's Club #6189-00, owned by Sam's East, Inc., located south of U.S. 441, located west of North Hiawassee Road and east of Lake Pleasant Road. (Parcel ID Nos. 24-21-28-0000-00-002; 24-21-28-0000-049; 24-21-28-0000-083 & 24-21-28- 0000-084)

Jay Davoll provided a brief lead in for this plat, advising the plan was approved in September 18, 2013, with the condition that the Plat would be approved prior to obtaining a Certificate of Occupancy. He pointed out on the site plan that was with the Final Development Plan where there was a retention pond that was obtained by the City during the Hiawassee Road project and in order to help accommodate this project, it was moved and this Plat came in later to make sure everything was put in place. He advised the Planning Commission and Development Review Committee recommended approval.

MOTION by Commissioner Velazquez, and seconded by Commissioner Ruth, to approve the Sam's Club Plat. Motion carried unanimously with Mayor Kilsheimer and Commissioner 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 the Old Florida Outdoor Festival was outstanding this past weekend with a fabulous turnout and good weather. One returning vendor exceeded his revenues in one day what he had taken in over two days at all previous festivals. He reported that Mullinax Ford sold several vehicles during the event. He affirmed we had record participation in both the BBQ competition and Chili cook off. He stated this event projected a great and positive image for Apopka and he thanked Sarah Ryan, Chuck Carnesale, Robert Sargent, Jean Jreij and his staff, Chief Manley and the Police Department, Chief Bronson and the Fire Department, and the entire Finance Team as well as everyone who worked and volunteered to make this a successful event.

Mayor Kilsheimer announced a new look has been unveiled for the City's website and invited everyone to visit the website. He stated Robert Sargent has undertaken this project and there are more press releases on the site, both for the City as well as what is going on throughout the community.

OLDBUSINESS

1. COUNCIL – There was no Old Business from the Council.
2. PUBLIC – There was no Old Business from the Pubic.

NEW BUSINESS

1. COUNCIL

Commissioner Dean suggested the City provide new landscaping for the Apopka Community Building/VFW. He also stated one of the medians that were recently landscaped needed to be redone.

ORDINANCES AND RESOLUTIONS (cont.)

1. **ORDINANCE NO. 2406 – SECOND READING & ADOPTION - 2015 ADMINISTRATIVE REZONING** - From "County" A-1 (Agriculture) to "City" AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 424.4 acres, more or less, and owned by Cantero Holdings LLC; Hal D. Cornell, Thompson P Swartz, & Jerome L. Hutching; Cristan Properties Inc.; Cayetano R & Cristeta M Cruzada; Terry Lyn Dale; Kent A & Anne M Greer; J And L Gardenias Inc.; Lee Kyun & Myung Lee; John & Joseph A Moore; Ronald & Lisa Raboud; SKH Group Inc.; Romeo & Herminia Flaquer; Nancy B Foster; R. A. & Nancy B Foster; Elvia Galvan & Alvaro Mazariegos; Barry Grimm; Scott & Nancy Hines; John Iafrate; JIL Properties Inc.; Ricky Tilman & Karen Lynn Nelson; R. M. & Monica M Poorbaugh; Richard & Monica M Poorbaugh Tr; and Mary Emily Shannon. [Ordinance No. 2406 meets the requirements for adoption having been advertised in The Apopka Chief on February 6, 2015.] The City Clerk read the title as follows:

ORDINANCE NO. 2406

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 424.4 ACRES, MORE OR LESS, AND OWNED BY CANTERO HOLDINGS LLC; HAL D. CORNELL, THOMPSON P SWARTZ, & JEROME L. HUTCHING; CRISTAN PROPERTIES INC.; CAYETANO R & CRISTETA M CRUZADA; TERRY LYN DALE; KENT A & ANNE M GREER; J AND L GARDENIAS INC.; LEE KYUN & MYUNG LEE; JOHN & JOSEPH A MOORE; RONALD & LISA RABOUD; SKH GROUP INC.; ROMEO & HERMINIA FLAQUER; NANCY B FOSTER; R. A. & NANCY B FOSTER; ELVIA GALVAN & ALVARO MAZARIEGOS; BARRY GRIMM; SCOTT & NANCY HINES; JOHN IAFRATE; JIL PROPERTIES INC.; RICKY TILMAN & KAREN LYNN NELSON; R. M. & MONICA M POORBAUGH; RICHARD & MONICA M POORBAUGH TR; AND MARY EMILY SHANNON; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION was made by Commissioner Ruth, and seconded by Commissioner Dean, to adopt Ordinance No. 2406. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez and Ruth voting aye.

- 2. ORDINANCE NO. 2407 – SECOND READING & ADOPTION - 2015 ADMINISTRATIVE REZONING -** From “County” A-2 (Agriculture) to “City” AG (Agriculture) for certain real properties generally located within the City Limits of Apopka, comprising 37.6 acres, more or less, and owned by Alfred & Rose Marie Kager Life Estate; Virginia H Mapel Life Estate; Virginia H Mapel & Donna M McCree; and Roy & Patricia A Valdez. The City Clerk read the title as follows:

ORDINANCE NO. 2407

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-2 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED WITHIN THE CITY LIMITS OF APOPKA, COMPRISING 37.6 ACRES, MORE OR LESS, AND OWNED BY ALFRED & ROSE MARIE KAGER LIFE ESTATE; VIRGINIA H MAPEL LIFE ESTATE;

VIRGINIA H MAPEL & DONNA M MCCREE; AND ROY & PATRICIA A VALDEZ; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer opened the meeting for a public hearing.

Alfred Kager said he owns 10 acres on Plymouth Sorrento Road and inquired what kinds of changes were occurring with regards to Agriculture.

Mr. Moon advised the City Agriculture zoning category was comparable to the County's A-2 category and these properties would now be in the municipality. He further explained these were administrative re-zonings as the properties were previously annexed receiving a City future land use designation, but the property owners had never applied for city zoning. He affirmed a letter was sent to all property owners that are affected by this ordinance.

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

MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to adopt Ordinance No. 2407. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Ruth voting aye.

NEW BUSINESS (cont.)

2. PUBLIC

Bob Blanchard said he was the Vice President of the Sheeler Oaks Community Association and stated they have had a problem for many years with speeding vehicles. He stated Indian Bluff and Larkwood were being used as a cut through. He said they didn't mind anyone driving through, but they wanted to keep the speed down through this residential area. He affirmed they feel that they have a solution and suggested having a 3-way stop at two intersections would slow some of the speeding. He declared their Association would pay for the stop signs and the installation.

Alexander Smith said he was a resident of Apopka and as a resident, at a previous City Council meeting there were several comments made in reference to things that appeared not to be in sync on both sides of the railroad tracks. As a result of that, he would like to address the Council that we have a "One Apopka Resolution" that would be a transparency resolution. He provided copies of the Draft Resolution for "One Apopka for Progress" and asked the Council to consider it for adoption. He read the resolution and a copy of which is on file in the Clerk's office. He stated he thought we were headed in the right direction and this would assist in that movement.

Ray Shackelford said he hoped the Council would give consideration to the "One Apopka for Progress" resolution. He stated every Council meeting they come to, they hear some outstanding prayers, including the words "we all are children of God" and the Pledge of Allegiance to the Flag was also recited, including the words "and justice for all" and declared if we are sincere and committed to those words, there should be overwhelming support for

this resolution. He also said he would appreciate the City contributing to the Special Olympics held at Apopka High School. He applauded the Old Florida Outdoor Festival and said it can be bigger with greater diversity in planning and implementation.

Commissioner Dean requested the "One Apopka Resolution" be placed on the agenda for the meeting on the third Wednesday in March for a vote stating it was about transparency and inclusion.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 8:21 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

Backup material for agenda item:

2. Approve the allocation of funds, in the amount of \$500.00, to purchase art at the 54th annual Art & Foliage Festival to be held on April 25th and 26th, 2015.



CITY OF APOPKA CITY COUNCIL

☒ CONSENT AGENDA
☐ PUBLIC HEARING
☐ SPECIAL REPORTS
☐ OTHER: _____

MEETING OF: March 4, 2015
FROM: Administration
EXHIBITS: _____

SUBJECT: ALLOCATION OF FUNDS FOR THE CITY TO PURCHASE ARTWORK AT THE 2015 ART & FOLIAGE FESTIVAL, TO BE HELD ON SATURDAY, APRIL 25TH AND SUNDAY, APRIL 26TH, 2015.

Request: ALLOCATE \$500.00 FOR THE PURCHASE OF ARTWORK AT THE 2015 ART & FOLIAGE FESTIVAL

SUMMARY:

Every year, the City purchases a work of art at the annual Art & Foliage Festival to display in City Hall. In past years, the City has acquired some very attractive artwork at reasonable prices. This request is for \$500.00, which has been included in the City's 2014-2015 budget.

FUNDING SOURCE:

Account Number 001-1010-512.5200

RECOMMENDATION ACTION:

Approve the allocation of \$500.00 for the City to purchase artwork at the 54th annual Art & Foliage Festival.

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
City Administrator Irby
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

Backup material for agenda item:

3. Authorize the Mayor, or his designee, to sign an agreement with Orange County for the wholesale delivery and use of reclaimed water to the City of Apopka.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 4, 2015
FROM: Public Services
EXHIBITS: Agreement

SUBJECT: DELIVERY OF RECLAIMED WATER FROM ORANGE COUNTY TO THE CITY

Request: AUTHORIZE THE MAYOR OR HIS DESIGNEE TO SIGN AN AGREEMENT WITH ORANGE COUNTY FOR THE WHOLESALE DELIVERY AND USE OF RECLAIMED WATER TO THE CITY OF APOPKA

SUMMARY:

Staff has negotiated with Orange County for the wholesale delivery and use of reclaimed water from Orange County. The City shall receive from the County up to 2.5 million gallons (mg) per day of reclaimed water, with the rate as set by the Orange County Commissioners. The current rate is \$0.31 per 1,000 of water. The date of the delivery of the reclaimed water is to be 24 months from the date of the agreement and shall be for a term of 20 years.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Authorize the Mayor or his designee to sign an agreement with Orange County for the wholesale delivery and use of reclaimed water to the City of Apopka.

DISTRIBUTION:

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
Human Resources Director
Information Technology Director
Police Chief

Public Services Director
City Clerk
Fire Chief

AGREEMENT
BY AND BETWEEN
CITY OF APOPKA AND ORANGE COUNTY
FOR THE WHOLESALE DELIVERY
AND USE OF RECLAIMED WATER

THIS AGREEMENT (“Agreement”) is made and entered into as of the date of last execution below (the “Effective Date”), by and between **ORANGE COUNTY, FLORIDA**, a political subdivision and charter county of the State of Florida (the “County”), whose address or principal place of business is 201 South Rosalind Avenue, Orlando, Florida, 32802, and the **CITY OF APOPKA, FLORIDA**, a municipal corporation organized and existing under the laws of the State of Florida (the “City”), whose address or principal place of business is 120 East Main Street, Apopka, Florida, 32703. The City and the County may also be referred to in this Agreement individually as a “Party” or collectively as the “Parties.”

RECITALS

WHEREAS, the County owns, operates and maintains water reclamation facilities ("Facilities") which produce reclaimed water that may be used for productive and beneficial purposes in accordance with permits issued by the Florida Department of Environmental Protection ("FDEP"); and

WHEREAS, the City desires to be a reclaimed water customer of the County under terms and conditions set forth in this Agreement; and

WHEREAS, the Parties understand that the County will rely upon this Agreement in the operation of the County’s reclaimed water delivery system to the City; and

WHEREAS, the City covenants, agrees and acknowledges that this Agreement is not in conflict with the “Renew Reclaimed Water Agreement between the City of Apopka and Orlando

Utilities Commission” entered into on March 5, 2009.

NOW THEREFORE, in consideration of the recitals, agreements, and mutual covenants contained herein, the Parties hereto agree as follows:

1. RECITALS INCORPORATED.

Each of the foregoing recitals forms a material part of this Agreement.

2. TERM OF THE AGREEMENT.

This Agreement shall be effective for an initial term of twenty (20) years from the Effective Date and shall automatically be extended for successive five (5) year terms unless either Party provides written notice to the other Party of its intent to terminate this Agreement at least one (1) year prior to the end of the initial term or any successive term. Further, this Agreement may be terminated as provided in Section 10, herein.

3. RATES AND PAYMENT.

a) The City shall pay the County for reclaimed water at the rates established by Resolution of the Orange County Board of County Commissioners, as amended from time to time, for the class of customer for which the City qualifies. For the purposes of this Agreement, the current rate classification for which the City qualifies is Interruptible User with On-Site Storage. Subject to the metering and billing provisions herein, the City shall pay the County for all reclaimed water delivered.

b) The City agrees to pay monthly invoices generated by the County for reclaimed water used by the City. Said charge shall include the County’s fixed monthly charge and the volume charge based upon and applied to the metered volume of reclaimed water, used by the City on a monthly basis. The County may cease delivery of reclaimed water to the City if any invoice is not paid in full within sixty (60) days of the date of invoice. Reclaimed water service will be reinstated upon full payment of the invoice and any additional charges incurred. All County standard billing procedures and charges, as amended from time to time by the Orange County Board of County Commissioners, shall apply. Payments must be made to the following address:

Orange County Utilities
Customer Service Division
9150 Curry Ford Road
Orlando, FL 32825

4. USE OF RECLAIMED WATER BY THE CITY.

a) The City shall use, or provide to its customers for use, reclaimed water delivered by the County in the City’s Utility Service Area as defined in the “City of Apopka/Orange County Amended and Restated Water, Wastewater and Reclaimed Water Territorial Agreement”

and only for purposes in compliance and consistent with current and future state and federal laws and regulations, as well as the rules and regulations of the FDEP, the applicable water management district and other governmental or regulatory agencies having jurisdiction within the City. In no event will the City discharge or allow others to discharge reclaimed water directly to surface waters of the State of Florida without written authorization from the FDEP. If monitoring is required for the use of reclaimed water used by or provided by the City, the City shall be solely responsible for the installation of monitoring systems and for collecting, analyzing, and reporting all required information to the County, the FDEP, and/or any other governmental or regulatory agency requiring such monitoring at no cost to the County.

b) The City shall obtain, implement, maintain and renew any permits, licenses or other programs required by state, regional or federal regulatory agencies to maintain or expand the City's reclaimed water system.

5. WATER QUALITY.

The County will deliver to the City at the point of connection, the location of which is defined in Section 6 of this Agreement, reclaimed water of a quality consistent with the requirements for “public access” treatment levels as described in Florida Administrative Code Chapters 62-600 through 62-650, and all other applicable regulations, as such regulations may be amended from time to time. The County shall provide to the City, upon written request, any and all routine monitoring and testing of the reclaimed water delivered to the City, but only for those parameters required to meet applicable regulations, as may be amended from time to time. The City reserves the right to independently monitor the quality of the reclaimed water delivered to the City at the turnout, using state-approved and certified testing laboratories, at its sole cost. The City shall provide to the County the results of all such monitoring and testing. The City agrees to notify the County immediately in the event tests indicate that the reclaimed water does not meet applicable standards; and the City shall have the right to stop accepting reclaimed water from the County until the reclaimed water meets the applicable standards required under state or federal laws and regulations. Suspension of the acceptance of reclaimed water to be delivered by the County under the terms of this Agreement is the sole remedy for any failure by the County to deliver to the City reclaimed water of a quality consistent with the terms of this Section 5.

6. CONSTRUCTION OF CONNECTIONS.

a) The City shall be solely responsible for ownership, operation, and maintenance of all portions of the reclaimed water distribution and transmission systems located downstream of the County's turnout assembly, as shown in an approximate location in **Exhibit “A,”** attached hereto and incorporated herein by reference.

b) The City shall install and/or modify the City's reclaimed water distribution and transmission systems to the extent necessary to connect to the County's system at the approximate connection point shown in **Exhibit “A,”** at no cost to the County and no later than six (6) months after the County has installed the master meter. The County shall provide the City a set of reproducible record drawings of the master meter in order for the City to prepare the interconnect construction plans and specifications. The City shall provide one original set of all construction plans and specifications, for the County's review and records, of the connection to

the County's turnout assembly. The City shall provide said plans and specifications to the County no later than fourteen (14) days prior to commencement of construction. The City shall provide to the County a reproducible set of sealed as-built plans, drawings and specifications of the connection to the County's turnout assembly within sixty (60) days of the completion of the construction of the connection.

c) The County plans to install, at County's expense, the turnout assembly and all appurtenances thereto, including the master meter, at the approximate connection point as shown in **Exhibit "A"** approximately twenty four (24) months following the Effective Date of this Agreement. The County shall own and maintain the master meter. The City shall connect, at its expense, the City's reclaimed water distribution system and any transmission system extensions to the point of connection on the County's transmission system agreed to by the Parties and as shown in **Exhibit "A"** in a manner satisfactory to and approved by the County, no later than six (6) months after the County has installed the master meter ("Completion of Connection"). The City and County timeframes for construction may be extended should any regulatory agency cause a delay due to required permit modifications. The Parties shall notify one another to request additional time to complete construction and approve the request only when necessary. Approval of any request for additional time to complete construction must be made by letter agreement executed by the City's Public Services Director and the County's Utilities Director. Additional connection points may be requested by the City in writing and are subject to approval of the County, at the County's sole discretion. **Exhibit "B,"** attached hereto and incorporated herein by reference, delineates the further ownership and maintenance responsibilities of the City and the County.

d) The City shall be solely responsible for all infrastructure improvements to the City distribution system, including development of storage capacity, necessary to accommodate variations in the reclaimed water availability from the County at no cost to the County.

e) The County shall provide the City a Right of Entry for the duration of the Agreement to enable the City to read and maintain the City's turnout and Supervisory Control and Data Acquisition (SCADA) System.

7. DELIVERY OF RECLAIMED WATER.

a) Upon completion of the connection of the City distribution system to the County's turnout, the City agrees to accept reclaimed water provided by the County pursuant to the provisions of this Agreement. The total quantity of reclaimed water to be delivered daily to the City will be at a minimum, one (1) million gallons plus or minus ten percent (+/-10%) for the first twelve consecutive months of the Agreement following Completion of Connection. The City shall not exceed annual average daily flow of 1.1 MGD in the first year of delivery. For the period that begins on the first day of the thirteenth month up to the last day of the twenty-fourth month following Completion of Connection, the minimum amount of reclaimed water to be delivered daily to the City will increase to two (2) million gallons plus or minus ten percent (+/-10%). The City shall not exceed annual average daily flow of 2.2 MGD in the second year of delivery. For the period beyond the twenty-fourth month from the Completion of Connection

and for the duration of this Agreement thereafter, the minimum reclaimed water to be delivered daily to the City will increase to an amount between two and a half (2.5) million gallons and three (3.0) million gallons plus or minus ten percent (+/-10%). The City shall not exceed annual average daily flow of an amount between 2.75 MGD and 3.3 MGD in any year after the second year of delivery. For the duration of this Agreement, the City shall not exceed a maximum daily peak flow greater than 1.3 times the average daily flow for that year. The County agrees to take reasonable steps to provide the necessary pressure to meet the City's needs.

b) Both Parties recognize that adverse weather conditions or unforeseen circumstances may necessitate modification of the reclaimed water delivery. During such adverse conditions, the County may restrict or curtail the delivery of the reclaimed water to the City until the County determines that the adverse conditions have passed. During these periods, reclaimed water flow may be reduced significantly from normal levels. These reductions may include, but not be limited to, the volume and pressure of the reclaimed water supplied to the City. The City shall have the right to restrict or temporarily suspend the use of the reclaimed water to be delivered in the event of adverse weather conditions or unforeseen circumstances.

c) If the County's transmission system fails for reasons or events beyond the County's control, or when the County performs maintenance or repairs the system, then delivery of reclaimed water under the requirements of this Agreement may be temporarily interrupted or limited in quantity.

d) In the event of limitation or interruption pursuant to the circumstances described in subparagraphs 7b) and c), herein, the County shall notify the City in writing in advance. However, if advance written notice is not practical, then the County shall make reasonable efforts to provide advance or contemporaneous oral notice to the City, followed within forty-eight (48) hours by written notice.

e) If the City reclaimed water distribution or transmission system fails for reasons or events beyond the City's reasonable control, then acceptance of reclaimed water under the requirements of this Agreement may be interrupted or limited in quantity. The City shall notify the County, in writing, in advance of its intent to curtail, disrupt, interrupt, or limit the acceptance of reclaimed water. However, if advance written notice is not practical, then the City shall make reasonable efforts to provide advance or contemporaneous oral notice to the County, followed within forty-eight (48) hours by written notice.

8. METERING.

Upon installation, calibration and acceptance, the metering equipment shall remain the property of the County, and the County shall be responsible for the operation, maintenance, calibration and replacement of the master meter. The County shall read the master meter(s) for billing purposes. The metering equipment shall be of standard make and type, installed at a readily accessible location and shall record flow with an error not to exceed plus or minus two percent (2%) of full scale reading for billing purposes. The County shall inspect the master meter at least annually for accuracy and if needed, re-calibrate the meter(s). The County shall provide the City with the meter inspection results. If the master meter is found to be in error

exceeding two percent (2%) of true accuracy shall be recalibrated at the County's sole cost and to the satisfaction of the Parties. If the master meter is found to be inaccurate, a bill adjustment will be made to the flow-based component of the charge. The billing adjustment shall be based upon the difference between the inaccurate reading and the average flow for the twelve (12) month period that preceded the inaccuracy. In no case shall the period for which adjustments are sought exceed twelve (12) months. Individual customer metering shall be the responsibility of the City. The customer metering equipment shall remain the property of the City, and the City shall be responsible for the operation, maintenance, calibration and replacement of the meters. The City shall read the individual customer meters for billing purposes.

9. EXCUSE FROM PERFORMANCE BY GOVERNMENTAL ACTS.

If for any reason during the term of this Agreement and through no fault of the County or City, local, regional, state or federal governments, agencies or courts fail to issue necessary permits, grant necessary approvals, or require any change in the operation of the treatment, transmission and distribution systems or the application and use of reclaimed water, then to the extent that such requirements shall affect the ability of either Party to perform any of the terms of this Agreement, or substantially affect the County's ability to deliver reclaimed water under this Agreement, the affected Party shall be excused from the performance thereof and a new agreement shall be negotiated, if possible, by the Parties hereto in conformity with such permits, approvals, or requirements.

10. DEFAULT, TERMINATION, ASSIGNMENT.

a) Each of the following occurrences shall be considered a default by the City and a breach of this Agreement for which the County shall have the right (not exclusive as to other available remedies) to terminate this Agreement at any time and without penalty, upon sixty (60) days prior written notice to the City:

(i) The City fails to receive and use the minimum demand of reclaimed water made available by the County as provided in Section 7, herein,

(ii) The City fails to pay any invoice or bill described in Section 3 herein, in full within the timeframes specified,

(iii) The City fails to complete all connections required in Section 6, herein, within the timeframes specified therein.

b) The following occurrence shall be considered a default by the County and a breach of this Agreement for which the City shall have the right (not exclusive as to other available remedies) to terminate this Agreement at any time and without penalty, upon sixty (60) days prior written notice to the County:

(i) The County fails to provide reclaimed water pursuant to Section 7, herein.

c) After the expiration of the initial term of this Agreement, either Party may terminate for convenience this Agreement upon giving the other Party written notice of its intent to terminate at least one year prior to the date of termination.

d) The County shall have the right to transfer all or any part of its Facilities to another supplier and to assign all or any part of its rights and obligations under this Agreement to an alternate supplier, who shall be bound by and accept, and be exclusively responsible for all applicable terms and conditions of this Agreement.

e) The City shall have no right to assign this Agreement, provided specifically, however, that this Agreement shall not preclude the City from assigning operation and maintenance responsibilities of the City distribution system to a third party.

11. NOTICES.

Any notice, demand, consent, or communication that any Party is required or allowed to give to any other Party hereunder shall be in writing and either served personally by hand-delivery, or by overnight courier service, such as Federal Express, or by United States Postal Service certified mail, postage prepaid, return requested, addressed to the Party at the address set forth opposite the Party's name below, or at some other address as the Party shall have specified by written notice to all the other Parties hereto and delivered in accordance herewith:

City: Chief Administrative Office
City of Apopka
120 East Main Street
Apopka, FL 32703

With a copy to: Public Services Director
City of Apopka
748 East Cleveland Street
Apopka, FL 32703

County: Director
Orange County Utilities
9150 Curry Ford Road
Orlando, FL 32825

With a copy to: County Administrator
Orange County Government
201 S. Rosalind Ave., 5th Floor
P.O. Box 1393
Orlando, FL 32802-1393

A Party shall notify the other Party in writing of a change of address for Notices under this Paragraph, at least thirty (30) days prior to the effective date of the address change.

12. DISPUTE RESOLUTION.

All claims, disputes and other matters in question between the Parties arising out of, or relating to, this Agreement or its performance or breach shall be resolved in accordance with the following steps in the following order: (a) negotiation; (b) non-binding mediation; and (c) judicial resolution.

All claims, disputes and other matters between the Parties shall first be addressed between the City's Water Resources Operations Manager and the County's Utilities Engineering Manager, who will promptly confer in an effort to resolve the dispute. If no resolution is reached, the complaint or dispute shall be submitted in writing to the City's Public Services Director and the County's Utilities Director. Within ten (10) days after delivery of such notice, representatives of both Parties will meet at a mutually acceptable time and place, and thereafter as often as they reasonably deem necessary, to exchange relevant information and to attempt to resolve the dispute. If the matter has not been resolved within thirty (30) days of the disputing Party's notice, or if the Parties fail to meet within ten (10) days if practicable and possible, either Party may submit the dispute to non-binding mediation.

A Party submitting a dispute to non-binding mediation (the "Requesting Party") shall do so by delivering to the other Party a notice demanding or requesting, as the case may be, mediation of the dispute and providing a list of three mediators acceptable to the Requesting Party. Within ten (10) days after the receipt of the notice from the Requesting Party, the other Party shall, in writing, provide a notice either choosing one mediator from the list provided by the Requesting Party or offering a list of three additional mediators for consideration. Within ten (10) days of Requesting Parties receipt of the notice, the Parties shall mutually agree and appoint a mediator from the lists provided. To the extent practicable, the mediator shall have special competence and experience with respect to the subject matter under consideration. No mediator, appointed, shall have the power to amend or add to this Agreement. Within twenty (20) days after the mediator is named, a time and date for the mediation shall be scheduled and documented in writing. The mediation will be conducted expeditiously and the location of the non-binding mediation will be the Orlando, Florida metropolitan area.

The mediator thereupon shall proceed promptly to hear and determine the controversy. The mediator shall fix a time within which the matter shall be submitted to him or her by both of the Parties. Any settlement achieved through mediation shall be confidential and made in writing and in duplicate, and one copy shall be delivered to each of the Parties.

For all dispute resolution methods, including non-binding mediation, each Party shall pay their respective attorneys fees, expert fees, expenses and court costs, as applicable. The Parties shall equally share in the expenses for the mediator. If no resolution is reached, either Party can submit the dispute for judicial resolution. However, no legal proceeding or action may be brought by either Party without first completing the above-described dispute resolution process, unless one of the Parties refuses to participate in the above-described dispute resolution process in contravention of this provision.

13. NO PARTNERSHIP.

Notwithstanding any provision of this Agreement, the Parties do not intend to create hereby any joint venture, partnership, association taxable as a corporation, or other entity for the conduct of any business for profit with the other Party. For the purposes of this Agreement, each Party shall not be construed as the agent for the other Parties. For the purposes of this Agreement the Parties are independent contractors.

14. PARTIES BOUND AND BENEFITTED; DISCLAIMER OF THIRD PARTY BENEFICIARIES.

This Agreement is solely for the benefit of and be binding upon the formal Parties hereto and their respective successors and upon the County's assigns pursuant to the provision of Section 11. Nothing in this Agreement, express or implied, is intended to confer upon any other person any rights or remedies hereunder. No right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party.

15. SEVERABILITY.

If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the Parties contained therein are not materially prejudiced and if the intentions of the Parties can continue to be effectuated. To that end, this Agreement is declared severable.

16. NON-WAIVER.

The failure of any Party to insist upon the other Party's compliance with its obligations under this Agreement in any one or more instances shall not operate to release such other Party from its duty to comply with such obligations in all other instances.

17. INDEMNIFICATION AND HOLD HARMLESS.

To the extent permitted by law, each Party agrees to defend, indemnify and hold harmless the other Party, its officials and employees from all claims, actions, losses, suits, judgments, fines, liabilities, costs and expenses (including attorney's fees) attributable to its negligent acts or omissions, or those of its officials and employees acting within the scope of their employment, or arising out of or resulting from the indemnifying Party's negligent performance under this agreement. Nothing contained herein shall constitute a waiver of sovereign immunity or the provisions of Section 768.28, Florida Statutes. The foregoing shall not constitute an agreement by either Party to assume any liability for the acts, omissions and/or negligence of the other Party.

18. APPLICABLE LAW.

a) This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida. Any litigation arising out of this Agreement shall be had in the federal or state courts located and lying within Orlando, Orange County, Florida.

b) This Agreement shall be construed as a wholesale reclaimed water service agreement and shall not be construed as a construction contract.

19. HEADINGS.

The various section headings used in this Agreement are for convenience or reference only and are not to be used to interpret, construe, apply or enforce its substantive provisions.

20. ENTIRE AGREEMENT.

This Agreement and the Exhibits attached hereto constitute the entire agreement and understanding between the Parties and shall supersede and replace any and all prior or contemporaneous representations, negotiations, statements, understandings, or agreements between the Parties, whether verbal or written, relating to the matters set forth herein. The Parties hereto fully understand the terms and conditions of this Agreement have entered into this Agreement voluntarily and have received or had the opportunity to receive independent advice and legal counsel.

21. MODIFICATION; AMENDMENTS IN WRITING.

This Agreement may only be modified or amended by an instrument in writing agreed to and executed by the Parties hereto or their successors in interest.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the respective dates set forth under each signature.

COUNTY:

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____

Teresa Jacobs

County Mayor

Date: _____

Attest: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____

Deputy Clerk

CITY:
CITY OF APOPKA

By: _____
Joseph E. Kilsheimer, Mayor

Date: _____

ATTEST:

By: _____
Linda F. Goff, City Clerk

(SEAL)

EXHIBIT "A"
City Connection Point

EXHIBIT "B"
Meter Assembly Detail/Delineation of Ownership and Maintenance

EXHIBIT "A"



W. Keene Road

Marden Road

200' Wide Equestrian Trail

Orange County Utilities
Reclaimed Water Master Meter *

200' Wide Equestrian Trail

NWRF
Property Line

Facility Fence Line

OCU RW Main

200' Wide Equestrian Trail

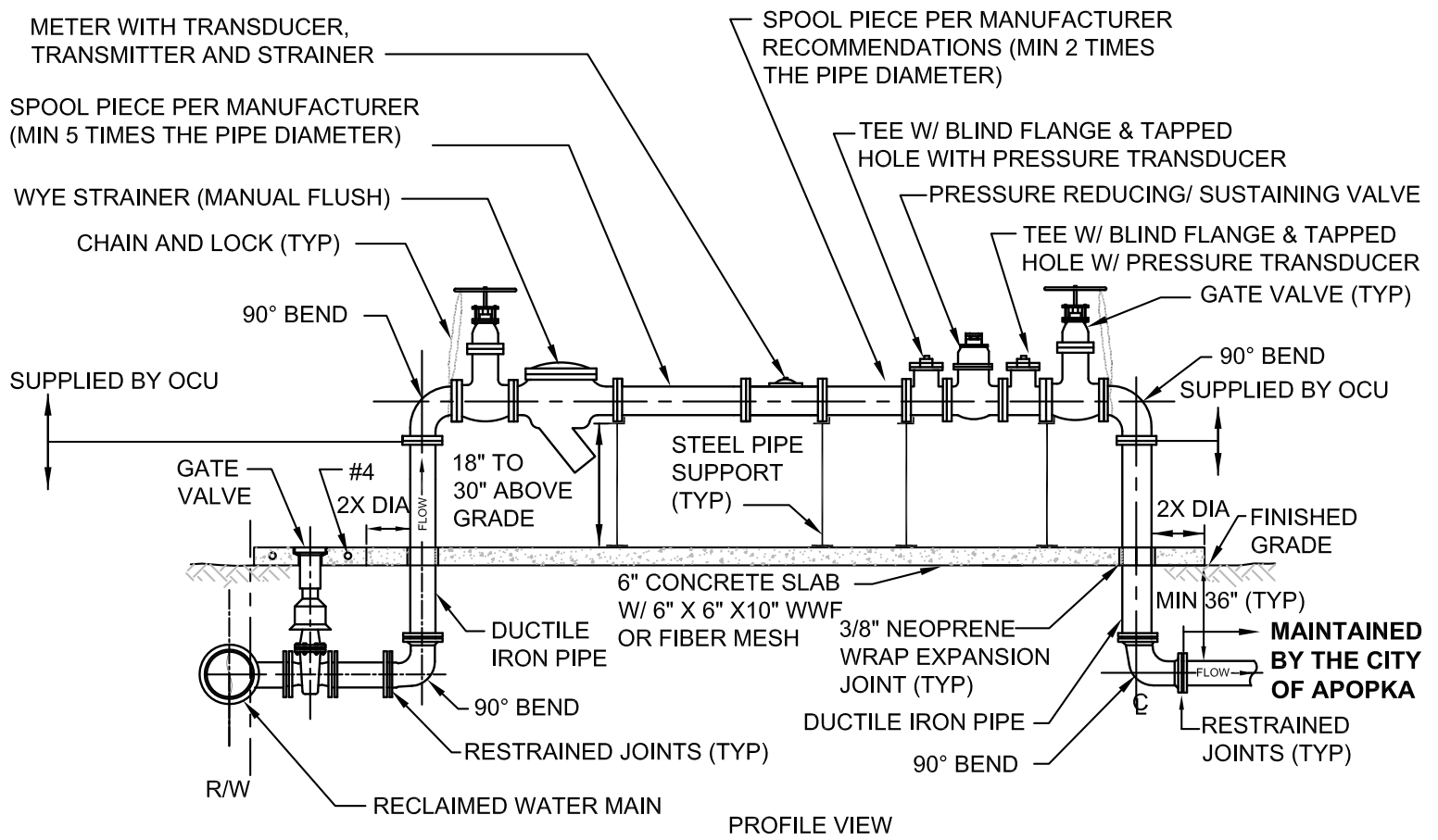
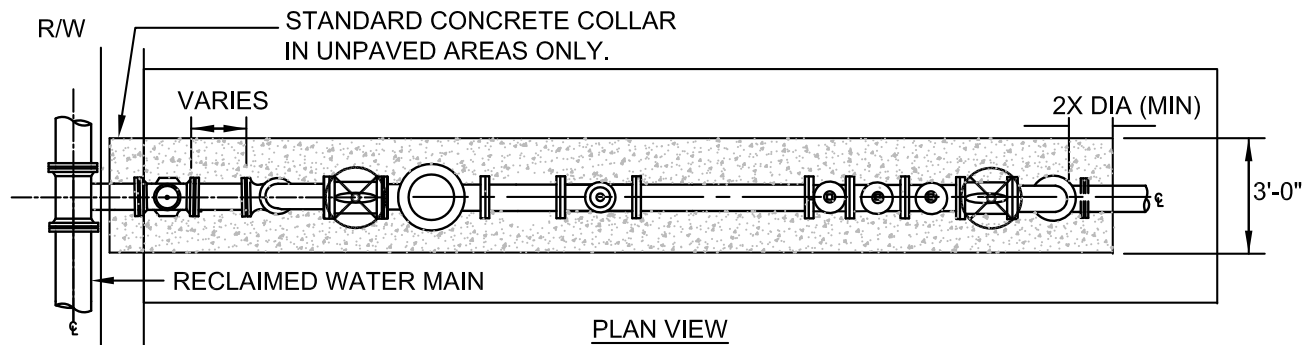
ORANGE COUNTY NORTHWEST WATER RECLAMATION FACILITY

NWRF
Property Line
Facility Fence Line

* Approximate location. Actual location to be determined in the field.

ORANGE COUNTY UTILITIES RECLAIMED WATER MASTER METER ASSEMBLY 4" AND LARGER

ORANGE COUNTY UTILITIES RECLAIMED WATER MASTER METER ASSEMBLY 4" AND LARGER



Backup material for agenda item:

4. Authorize the purchase and funding of property from the Engelmann Holding Company, in the amount of \$140,400.00, plus the appraisal and half of the closing cost, which shall not exceed \$3,000.00.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 4, 2015
FROM: Public Services
EXHIBITS:

SUBJECT: PROPERTY PURCHASE OF APPROXIMATELY 7.20 ACRES OF LAND OFF LENT ROAD WEST OF THE NORTHWEST RECREATION COMPLEX (NWRC).

REQUEST: APPROVE THE PURCHASE AND FUNDING OF PROPERTY FROM THE ENGELMANN HOLDING COMPANY IN THE AMOUNT OF \$140,400.00

SUMMARY:

Staff negotiated with Mr. Andrew Engelmann, of Engelmann Holdings Company, for the purchase of approximately 7.20 acres of land, Parcel ID Number 19-20-28-0000-00-037. The property is located at 2490 Lent Road and the purchase price is \$19,500.00 per acre, for a total cost to the City of \$140,400.00, subject to the appraisal and Phase 1 Environmental Assessment Study. The seller will pay for the Phase 1 Environmental Assessment Study and half of the closing costs. The City will pay for the appraisal and the remainder of the closing costs, not to exceed \$3,000.00.

The property is located off Lent Road and abuts the NWRC property and will be used to expand the complex.

FUNDING SOURCE:

General Fund Reserves

RECOMMENDATION ACTION:

Approve the purchase and funding of property from the Engelmann Holding Company in the amount of \$140,400.00, plus the appraisal and half of the closing cost not to exceed \$3,000.00

DISTRIBUTION:

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
Human Resources Director
Information Technology Director
Police Chief

Public Services Director
City Clerk
Fire Chief

Backup material for agenda item:

5. Authorize the expenditure, in the amount of \$20,982.00, from the Law Enforcement Trust Fund to replace and upgrade the Police Department's weapons.



CITY OF APOPKA CITY COUNCIL

☒ CONSENT AGENDA
☐ PUBLIC HEARING
☐ SPECIAL REPORTS
☐ OTHER: _____

MEETING OF: March 4, 2015
FROM: Police Department
EXHIBITS: Request Memo

SUBJECT:

\$20,982.00 EXPENDITURE FROM LAW ENFORCEMENT TRUST FUNDS.

Request:

AUTHORIZE A \$20,982.00 EXPENDITURE FROM LAW ENFORCEMENT TRUST FUNDS FOR THE REPLACEMENT AND UPGRADE OF THE POLICE DEPARTMENT'S WEAPONS.

SUMMARY:

The Police Department requests City Council approval for the expenditure of funds from the Law Enforcement Trust Fund in the amount of \$20,982.00 to replace and upgrade the department's handguns and shotguns, along with the approval to trade in weapons to the authorized vendor to offset the purchase price. The department weapons have reached the end of their duty cycle. Through the trade-in program, the department will receive credit for weapons to off-set the replacement cost.

FUNDING SOURCE:

The budget will be amended to reflect this purchase.

Law Enforcement Trust Fund: \$20,982.00

Other funding sources (trade in sales): \$53,855.00

RECOMMENDATION ACTION:

Authorize the department to encumber \$74,837.00 for the total purchase described and allow the sale of department assets to off-set the purchase cost. Authorize the Finance Department to disburse \$20,982.00 from the Law Enforcement Trust Fund for this purchase.

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services
Recreation Director
City Clerk
Fire Chief



City of Apopka
Police Department
112 E. 6th Street Apopka, Florida 32703

Memorandum

Date: March 4, 2015
To: Honorable Joseph E. Kilsheimer
RE: LAW ENFORCEMENT TRUST FUND

The Police Department requests City Council approval for the expenditure of funds from the Law Enforcement Trust Fund in the amount of \$20,982.00 to replace and upgrade the department's handguns and shotguns, along with the approval to trade in weapons to the authorized vendor to offset the purchase price. The department weapons have reached the end of their duty cycle. Through the trade-in program, the department will receive credit for weapons to off-set the replacement cost.

Vendor 1:

GT Distributors, Inc	107	Glock 21	\$469.00	\$ 50,183.00
PO Box 458	6	Glock 30	\$469.00	\$ 2,814.00
Rossville, GA 30741	30	Glock 27	\$409.00	\$ 12,270.00
		Total Expenditure this vendor		\$ 65,267.00

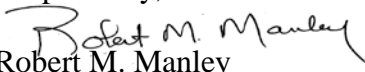
Vendor 2:

SSD International	22	Mossberg 590	\$435.00	\$ 9,570.00
1349 S. Orange Blossom Tr.		Total Expenditure this vendor		\$ 9,570.00
Apopka, FL 32703				

TRADE IN

12	Mossberg 590	(\$200.00)	(\$ 2,400.00)
10	Mossberg 500	(\$150.00)	(\$ 1,500.00)
97	Glock 21	(\$370.00)	(\$ 35,890.00)
11	Glock 30	(\$370.00)	(\$ 4,070.00)
10	Beretta Tomcat	(\$160.00)	(\$ 1,600.00)
3	Scattergun Shot Gun	(\$300.00)	(\$ 900.00)
23	Glock 27	(\$290.00)	(\$ 6,670.00)
1	Glock 36	(\$375.00)	(\$ 375.00)
2	Walther PPKs	(\$225.00)	(\$ 450.00)
	Trade in allowance this vendor		(\$ 53,855.00)
	TOTAL EXPENDITURE		\$ 20,982.00

Respectfully,


Robert M. Manley
Chief of Police

Backup material for agenda item:

6. Approve the Disbursement Report for the month of February, 2015.

Run: 2/26/15
4:29PM

CITY OF APOPKA
Disbursements Report
By Account Number, Paid 1/30/15 thru 2/26/15

Page: 1

Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
1/09/15	138856	123000		MANSFIELD OIL, CO.	165136	2/05/15	001-141.1200	16,736.70
1/22/15	139074	123169		MANSFIELD OIL, CO.	165476	2/19/15	001-141.1200	15,859.90
Subtotal for 001-141.1200								32,596.60
2/13/15	139575	123553		LAKE APOPKA NATURAL GAS DISTRICT	165556	2/26/15	001-141.1201	4,612.40
Subtotal for 001-141.1201								4,612.40
2/02/15	139306	123352		ASCENT AVIATION GROUP INC	165276	2/12/15	001-141.1203	23,839.43
Subtotal for 001-141.1203								23,839.43
2/12/15	139546			U.S. POSTAL SERVICE/ACCT.36070175	165375	2/12/15	001-141.1300	2,000.00
Subtotal for 001-141.1300								2,000.00
12/09/14	138305	122636		ADVANCE AUTO PARTS	165074	2/05/15	001-141.1400	62.04
2/02/15	139303	123350		DON REID FORD	165102	2/05/15	001-141.1400	154.00
1/02/15	138693	122867		ACTION GATOR TIRE	165073	2/05/15	001-141.1400	2,230.62
1/02/15	138694	122868		PRIDE ENTERPRISES	165154	2/05/15	001-141.1400	760.61
1/29/15	139240	123242		BLUETARP FINANCIAL INC	165280	2/12/15	001-141.1400	45.27
2/03/15	139332	123375		PRIDE ENTERPRISES	165351	2/12/15	001-141.1400	2,394.88
2/03/15	139333	123390		PRIDE ENTERPRISES	165351	2/12/15	001-141.1400	641.72
1/09/15	138834	122985		TPH ACQUISITION LLLP	165372	2/12/15	001-141.1400	666.40
1/28/15	139209	123265		PRIDE ENTERPRISES	165351	2/12/15	001-141.1400	378.11
1/09/15	138836	122987		WELDON PARTS-ORLANDO	165381	2/12/15	001-141.1400	652.11
2/10/15	139487	123488		DANA SAFETY SUPPLY, INC.	165529	2/26/15	001-141.1400	184.00
10/21/14	137326	121942		ORLANDO FREIGHTLINER, INC.	165566	2/26/15	001-141.1400	1,172.00
12/16/14	138515	122753		MILLIKAN BATTERY & ELECTRIC	165560	2/26/15	001-141.1400	252.00
Subtotal for 001-141.1400								9,593.76
2/09/15	139484	123483		PREFERRED GOVERNMENTAL INS. TRL	165491	2/19/15	001-155.0002	17.40
Subtotal for 001-155.0002								17.40
2/04/15	139374			NEW DIRECTIONS	165144	2/05/15	001-155.0004	1,794.63
2/05/15	139391			LINA	165132	2/05/15	001-155.0004	2,845.44
2/05/15	139380	123404		EXPLAIN MY BENEFITS	165452	2/19/15	001-155.0004	3,089.55
2/17/15	139712	123602		BERRY, JASON RYAN	165523	2/26/15	001-155.0004	491.90
2/17/15	139719	123607		WRIGHT, DAVID	165583	2/26/15	001-155.0004	697.86
2/18/15	139775	123635		HAROLD, LYNNE	165549	2/26/15	001-155.0004	825.00
2/18/15	139776	123636		HARMON, STEPHANIE	165548	2/26/15	001-155.0004	693.45
Subtotal for 001-155.0004								10,437.83
2/04/15	139379	123403		CARE HERE	165287	2/12/15	001-155.0006	8,533.00
2/06/15	139430	123391		PSS WORLD MEDICAL, INC.	165353	2/12/15	001-155.0006	713.05
2/18/15	139774			CENTURYLINK	165432	2/19/15	001-155.0006	325.27
2/05/15	139415	123393		JANI- KING OF ORLANDO	165467	2/19/15	001-155.0006	186.00
2/26/15	139917			DUKE ENERGY	165538	2/26/15	001-155.0006	213.37
Subtotal for 001-155.0006								9,970.69
2/05/15	139391			LINA	165132	2/05/15	001-218.1610	5,380.41
Subtotal for 001-218.1610								5,380.41
2/05/15	139391			LINA	165132	2/05/15	001-218.1615	3,366.70
Subtotal for 001-218.1615								3,366.70
2/05/15	139390			TRUSTMARK VOLUNTARY BENEFIT SOL	165177	2/05/15	001-218.1621	10,607.74
Subtotal for 001-218.1621								10,607.74
2/12/15	139548			YOURIDGUARD, INC.	165382	2/12/15	001-218.1622	1,221.10
Subtotal for 001-218.1622								1,221.10
2/05/15	139396			FLORIDA COMBINED LIFE	165112	2/05/15	001-218.1630	19,394.71
Subtotal for 001-218.1630								19,394.71
2/04/15	139366			UNITED WAY-HEART OF FLORIDA	165181	2/05/15	001-218.1650	37.50
Subtotal for 001-218.1650								37.50

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2/04/15	139369			STEPHENS, MARTI	165170	2/05/15	001-218.1750	98.08
2/10/15	139526			STEPHENS, MARTI	165369	2/12/15	001-218.1750	98.08
2/18/15	139761			STEPHENS, MARTI	165504	2/19/15	001-218.1750	98.08
2/26/15	139902			STEPHENS, MARTI	165574	2/26/15	001-218.1750	98.08
Subtotal for 001-218.1750								392.32
2/04/15	139368			U.S. DEPARTMENT OF EDUCATION	165180	2/05/15	001-218.1760	137.45
2/10/15	139527			U.S. DEPARTMENT OF EDUCATION	165374	2/12/15	001-218.1760	137.45
2/18/15	139762			U.S. DEPARTMENT OF EDUCATION	165514	2/19/15	001-218.1760	217.50
2/26/15	139904			U.S. DEPARTMENT OF EDUCATION	165578	2/26/15	001-218.1760	137.45
Subtotal for 001-218.1760								629.85
2/04/15	139367			INTERNAL REVENUE SERVICE	165122	2/05/15	001-218.1770	11.54
2/10/15	139528			INTERNAL REVENUE SERVICE	165332	2/12/15	001-218.1770	11.54
2/18/15	139763			INTERNAL REVENUE SERVICE	165466	2/19/15	001-218.1770	11.54
2/26/15	139905			INTERNAL REVENUE SERVICE	165553	2/26/15	001-218.1770	11.54
Subtotal for 001-218.1770								46.16
2/11/15	139542			LOPEZ, ISMAEL	165338	2/12/15	001-220.0004	200.00
2/11/15	139543			ST MATTHEW HOLINESS CHURCH	165366	2/12/15	001-220.0004	200.00
2/11/15	139544			JONES, MELVIN	165335	2/12/15	001-220.0004	200.00
Subtotal for 001-220.0004								600.00
2/18/15	139764			LENNAR HOMES, LLC	165471	2/19/15	001-220.1460	7,472.88
Subtotal for 001-220.1460								7,472.88
2/11/15	139529			GULOTTA, BRIAN	165326	2/12/15	001-347.2100	80.00
2/11/15	139531			SIMMONS, CHRIS	165361	2/12/15	001-347.2100	80.00
2/11/15	139533			GONZALEZ, YULIMEY	165322	2/12/15	001-347.2100	92.00
2/11/15	139536			LOUIS, MARIE	165340	2/12/15	001-347.2100	140.00
2/11/15	139538			SHIMET, TROY	165360	2/12/15	001-347.2100	80.00
2/11/15	139539			CZARNECKI, MATTHEW	165299	2/12/15	001-347.2100	80.00
2/11/15	139540			ELLIOTT, JACOB	165308	2/12/15	001-347.2100	80.00
2/11/15	139541			COOK, DANIEL	165296	2/12/15	001-347.2100	120.00
2/11/15	139537			CASTILLO, LINA	165288	2/12/15	001-347.2100	100.00
2/18/15	139769			BORES, TRICIA	165422	2/19/15	001-347.2100	80.00
2/18/15	139771			WARD, HEIDI	165515	2/19/15	001-347.2100	30.00
2/18/15	139770			RICHMOND, ANGELA	165496	2/19/15	001-347.2100	70.00
Subtotal for 001-347.2100								1,032.00
2/26/15	139906			CW TRUCKING INC	165528	2/26/15	001-354.0020	262.00
Subtotal for 001-354.0020								262.00
2/26/15	139903			WILLIAMS, ALONZO	165582	2/26/15	001-1010-512.1200	237.50
Subtotal for 001-1010-512.1200								237.50
10/21/14	137358	121965		SHEPARD, SMITH & CASSADY, P.A.	165500	2/19/15	001-1010-512.3150	19,883.00
Subtotal for 001-1010-512.3150								19,883.00
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	001-1010-512.4100	101.75
Subtotal for 001-1010-512.4100								101.75
12/10/14	138333	122666		COPIER CONNECTION LLC	165297	2/12/15	001-1010-512.4600	74.40
10/28/14	137526	122062		VERTICALS UNLIMITED, INC.	165579	2/26/15	001-1010-512.4600	140.80
Subtotal for 001-1010-512.4600								215.20
10/14/14	137116	121792		PRIDE ENTERPRISES	165351	2/12/15	001-1010-512.4700	224.72
Subtotal for 001-1010-512.4700								224.72
1/22/15	139091	123182		CAPITAL OFFICE PRODUCTS	165091	2/05/15	001-1010-512.5100	251.76
Subtotal for 001-1010-512.5100								251.76
12/22/14	138611	122812		PIN CENTER, THE	165153	2/05/15	001-1010-512.5200	625.00
2/05/15	139419			SOUTH APOPKA MINISTERIAL ALLIANCE	165188	2/06/15	001-1010-512.5200	300.00

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10/02/14	136734	121500		HOME DEPOT CREDIT SERVICES	165463	2/19/15	001-1010-512.5200	-10.32
Subtotal for 001-1010-512.5200								914.68
1/27/15	139177	123238		NATIONAL LEAGUE OF CITIES	165142	2/05/15	001-1010-512.5400	3,813.00
Subtotal for 001-1010-512.5400								3,813.00
2/12/15	139563	123534		MOORE, ASHLEY	165479	2/19/15	001-1020-512.2300	484.20
Subtotal for 001-1020-512.2300								484.20
1/30/15	139281	123332		VERIZON WIRELESS	165379	2/12/15	001-1020-512.4100	189.68
Subtotal for 001-1020-512.4100								189.68
1/26/15	139156	123223		CAPITAL OFFICE PRODUCTS	165285	2/12/15	001-1020-512.5100	42.88
Subtotal for 001-1020-512.5100								42.88
1/27/15	139190	123273		GLOBAL INDUSTRIAL EQUIPMENT	165459	2/19/15	001-1020-512.5200	116.61
Subtotal for 001-1020-512.5200								116.61
2/05/15	139415	123393		JANI- KING OF ORLANDO	165467	2/19/15	001-1022-519.3400	3,018.00
Subtotal for 001-1022-519.3400								3,018.00
2/04/15	139373			CENTURYLINK	165095	2/05/15	001-1022-519.4100	35.00
Subtotal for 001-1022-519.4100								35.00
2/04/15	139352			DUKE ENERGY	165107	2/05/15	001-1022-519.4300	287.90
2/12/15	139552			DUKE ENERGY	165306	2/12/15	001-1022-519.4300	1,353.09
2/18/15	139766			LAKE APOPKA NATURAL GAS DISTRICT	165468	2/19/15	001-1022-519.4300	1,396.67
2/19/15	139795			DUKE ENERGY	165446	2/19/15	001-1022-519.4300	7,272.34
2/26/15	139917			DUKE ENERGY	165538	2/26/15	001-1022-519.4300	183.90
Subtotal for 001-1022-519.4300								10,493.90
1/28/15	139207	123266		MAHONEY ICE EQUIPMENT	165135	2/05/15	001-1022-519.4600	165.00
1/22/15	139070	123168		H D SUPPLY WATER WORKS, LTD.	165187	2/06/15	001-1022-519.4600	700.00
1/21/15	139050	123156		GRAINGER	165324	2/12/15	001-1022-519.4600	110.30
10/31/14	137621	122112		GEMAIRE DISTRIBUTORS LLC	165321	2/12/15	001-1022-519.4600	94.69
1/27/15	139172	123234		CRITTER AND PEST DEFENSE	165298	2/12/15	001-1022-519.4600	115.00
1/22/15	139088	123179		CONSOLIDATED ELECTRICAL DIST.	165294	2/12/15	001-1022-519.4600	574.00
12/19/14	138604	122808		FLORIDA DOOR SOLUTIONS INC.	165456	2/19/15	001-1022-519.4600	400.00
1/08/15	138811	122963		HOME DEPOT CREDIT SERVICES	165463	2/19/15	001-1022-519.4600	422.17
2/04/15	139364	123399		POWER PRO-TECH SERVICES, INC.	165490	2/19/15	001-1022-519.4600	150.00
2/04/15	139363	123398		CASCADE WATER SERVICES	165431	2/19/15	001-1022-519.4600	126.01
2/04/15	139354	123379		ANDREWS FILTER & SUPPLY CORP.	165519	2/26/15	001-1022-519.4600	1,136.73
Subtotal for 001-1022-519.4600								3,993.90
12/22/14	138610	122818		SAFETY SHOE DISTRIBUTORS, L.L.P.	165498	2/19/15	001-1022-519.5200	80.00
1/30/15	139293	123342		GRAINGER	165461	2/19/15	001-1022-519.5200	208.72
2/26/15	139899			PUBLIC SERVICES PETTY CASH	165571	2/26/15	001-1022-519.5200	6.94
Subtotal for 001-1022-519.5200								295.66
10/10/14	137031	121717		CROWN SHREDDING, LLC	165099	2/05/15	001-1030-512.4600	74.00
Subtotal for 001-1030-512.4600								74.00
2/03/15	139343			ORANGE COUNTY COMPTROLLER	165070	2/03/15	001-1030-512.4900	27.00
2/04/15	139371			ORANGE COUNTY COMPTROLLER	165150	2/05/15	001-1030-512.4900	45.50
Subtotal for 001-1030-512.4900								72.50
1/28/15	139213	123263		GOVCONNECTION, INC.	165460	2/19/15	001-1030-512.5200	132.26
Subtotal for 001-1030-512.5200								132.26
2/05/15	139412	123421		IIMC	165329	2/12/15	001-1030-512.5400	400.00
Subtotal for 001-1030-512.5400								400.00
1/22/15	139110	123278		FLORIDA DEPT OF LAW ENFORCEMEN	165113	2/05/15	001-1120-513.3100	40.50
Subtotal for 001-1120-513.3100								40.50
10/02/14	136700	121473		OFFICE DEPOT	165148	2/05/15	001-1120-513.5100	58.25
Subtotal for 001-1120-513.5100								58.25

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1/29/15	139245	123300		M.H.S. OF CENTRAL FLORIDA INC	165475	2/19/15	001-1120-513.5200	367.50
Subtotal for 001-1120-513.5200								367.50
2/06/15	139446	123440		DEPARTMENT OF HWY SAFETY AND MC	165437	2/19/15	001-1170-513.3100	20.00
2/06/15	139443	123439		DEPARTMENT OF HWY SAFETY AND MC	165437	2/19/15	001-1170-513.3100	60.00
Subtotal for 001-1170-513.3100								80.00
2/05/15	139381	123405		EMPOWER SOFTWARE SOLUTIONS, IN	165449	2/19/15	001-1170-513.4600	1,033.95
2/17/15	139711	123601		EMPOWER SOFTWARE SOLUTIONS, IN	165540	2/26/15	001-1170-513.4600	1,228.21
Subtotal for 001-1170-513.4600								2,262.16
1/21/15	139041	123147		STAPLES ADVANTAGE	165367	2/12/15	001-1170-513.5200	434.10
Subtotal for 001-1170-513.5200								434.10
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	001-2110-522.4100	108.21
10/07/14	136910	121692		SWIFTREACH NETWORKS, INC.	165370	2/12/15	001-2110-522.4100	248.86
Subtotal for 001-2110-522.4100								357.07
2/04/15	139351			DUKE ENERGY	165107	2/05/15	001-2110-522.4300	594.79
2/12/15	139554			DUKE ENERGY	165306	2/12/15	001-2110-522.4300	528.28
2/19/15	139796			DUKE ENERGY	165446	2/19/15	001-2110-522.4300	5,531.01
2/18/15	139766			LAKE APOPKA NATURAL GAS DISTRICT	165468	2/19/15	001-2110-522.4300	76.57
2/18/15	139765			LAKE APOPKA NATURAL GAS DISTRICT	165468	2/19/15	001-2110-522.4300	54.27
2/19/15	139797			DUKE ENERGY	165446	2/19/15	001-2110-522.4300	113.12
Subtotal for 001-2110-522.4300								6,898.04
1/30/15	139278	123329		NFPA	165146	2/05/15	001-2110-522.4600	165.00
2/11/15	139516	123514		RICOH USA, INC.	165497	2/19/15	001-2110-522.4600	159.92
Subtotal for 001-2110-522.4600								324.92
1/22/15	139108	123224		CAPITAL OFFICE PRODUCTS	165091	2/05/15	001-2110-522.5100	859.38
Subtotal for 001-2110-522.5100								859.38
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	001-2120-522.4100	504.18
Subtotal for 001-2120-522.4100								504.18
1/21/15	139051	123157		A. EDWARDS DBA APOPKA APPLIANCE	165071	2/05/15	001-2120-522.4600	197.49
1/29/15	139243	123298		APOPKA AUTO UPHOLSTERY	165084	2/05/15	001-2120-522.4600	75.00
1/27/15	139187	123260		FLORIDA DOOR SOLUTIONS INC.	165317	2/12/15	001-2120-522.4600	1,540.00
1/21/15	139049	123155		GRAINGER	165461	2/19/15	001-2120-522.4600	480.84
12/15/14	138489	122743		OFFICE DEPOT	165486	2/19/15	001-2120-522.4600	436.49
1/29/15	139244	123299		POLLARDWATER.COM	165570	2/26/15	001-2120-522.4600	308.50
Subtotal for 001-2120-522.4600								3,038.32
1/05/15	138707	122881		ADVANCE AUTO PARTS	165074	2/05/15	001-2120-522.4650	40.77
1/21/15	139044	123150		TOTAL TRUCK PARTS	165173	2/05/15	001-2120-522.4650	112.43
12/17/14	138531	122769		TOTAL TRUCK PARTS	165173	2/05/15	001-2120-522.4650	111.85
1/30/15	139277	123328		MUNICIPAL EQUIPMENT COMPANY	165344	2/12/15	001-2120-522.4650	153.00
1/09/15	138829	122981		AMERICAN WIRE & TERMINAL	165271	2/12/15	001-2120-522.4650	62.81
1/21/15	139052	123158		LAW ENFORCEMENT SUPPLY	165470	2/19/15	001-2120-522.4650	70.35
1/05/15	138711	122885		ORLANDO FREIGHTLINER, INC.	165566	2/26/15	001-2120-522.4650	658.54
Subtotal for 001-2120-522.4650								1,209.75
1/23/15	139125	123225		SPECIAL PRODUCTS GROUP	165169	2/05/15	001-2120-522.5200	585.75
12/03/14	138168	122558		STEPHENS INC.	165368	2/12/15	001-2120-522.5200	243.40
12/22/14	138606	122874		AMERICAN SOLUTIONS FOR BUSINESS	165414	2/19/15	001-2120-522.5200	2,983.81
1/12/15	138888	123024		PUBLIX SUPER MARKETS, INC.	165494	2/19/15	001-2120-522.5200	38.49
1/27/15	139183	123256		PUBLIX SUPER MARKETS, INC.	165494	2/19/15	001-2120-522.5200	40.98
2/03/15	139325	123444		PUBLIX SUPER MARKETS, INC.	165494	2/19/15	001-2120-522.5200	38.49
Subtotal for 001-2120-522.5200								3,930.92
10/06/14	136809	121573		VERIZON WIRELESS	165379	2/12/15	001-2130-526.4100	75.14
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	001-2130-526.4100	216.42

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2/17/15	139692	123585		SPRINT	165503	2/19/15	001-2130-526.4100	107.04
Subtotal for 001-2130-526.4100								398.60
1/27/15	139165	123232		AIR LIQUIDE HEALTHCARE AMERICA	165075	2/05/15	001-2130-526.4400	491.91
Subtotal for 001-2130-526.4400								491.91
12/31/14	138687	122861		TPH ACQUISITION LLLP	165174	2/05/15	001-2130-526.4650	59.98
1/14/15	138941	123056		MULLINAX FORD	165343	2/12/15	001-2130-526.4650	3,092.00
1/09/15	138829	122981		AMERICAN WIRE & TERMINAL	165271	2/12/15	001-2130-526.4650	62.80
1/21/15	139052	123158		LAW ENFORCEMENT SUPPLY	165470	2/19/15	001-2130-526.4650	82.02
Subtotal for 001-2130-526.4650								3,296.80
2/17/15	139693	123586		NEB GROUP, INC.	165483	2/19/15	001-2130-526.4950	3,490.22
Subtotal for 001-2130-526.4950								3,490.22
1/27/15	139164	123231		QUADMED, INC.	165157	2/05/15	001-2130-526.5200	1,495.74
1/27/15	139166	123233		BOUND TREE MEDICAL, LLC.	165089	2/05/15	001-2130-526.5200	2,052.94
1/27/15	139158	123227		EMERGENCY MEDICAL SERVICES	165448	2/19/15	001-2130-526.5200	1,625.00
Subtotal for 001-2130-526.5200								5,173.68
1/26/15	139155	123285		ALISON M. YURKO, P.A.	165077	2/05/15	001-2210-521.3100	675.00
Subtotal for 001-2210-521.3100								675.00
12/08/14	138274	122614		AMERICAN TRAFFIC SOLUTIONS, INC.	165415	2/19/15	001-2210-521.3400	99,330.00
Subtotal for 001-2210-521.3400								99,330.00
10/06/14	136807	121594		VERIZON WIRELESS	165379	2/12/15	001-2210-521.4100	187.45
Subtotal for 001-2210-521.4100								187.45
11/04/14	137672	122515		FEDEX	165310	2/12/15	001-2210-521.4200	12.82
Subtotal for 001-2210-521.4200								12.82
2/04/15	139352			DUKE ENERGY	165107	2/05/15	001-2210-521.4300	19.59
2/12/15	139552			DUKE ENERGY	165306	2/12/15	001-2210-521.4300	486.29
2/18/15	139765			LAKE APOPKA NATURAL GAS DISTRICT	165468	2/19/15	001-2210-521.4300	54.27
2/19/15	139795			DUKE ENERGY	165446	2/19/15	001-2210-521.4300	12.63
2/19/15	139797			DUKE ENERGY	165446	2/19/15	001-2210-521.4300	113.11
2/26/15	139917			DUKE ENERGY	165538	2/26/15	001-2210-521.4300	552.32
2/26/15	139918			DUKE ENERGY	165538	2/26/15	001-2210-521.4300	170.16
Subtotal for 001-2210-521.4300								1,408.37
10/10/14	137053	121733		PRIDE ENTERPRISES	165351	2/12/15	001-2210-521.4700	52.27
2/11/15	139572	123550		ID WHOLESALER	165552	2/26/15	001-2210-521.4700	338.25
Subtotal for 001-2210-521.4700								390.52
10/02/14	136751	121526		OFFICE DEPOT	165348	2/12/15	001-2210-521.5100	44.56
10/02/14	136751	121526		OFFICE DEPOT	165486	2/19/15	001-2210-521.5100	2.03
12/03/14	138152	122533		OFFICE DEPOT	165486	2/19/15	001-2210-521.5100	26.97
Subtotal for 001-2210-521.5100								73.56
12/08/14	138299	122649		AMERICAN SOLUTIONS FOR BUSINESS	165081	2/05/15	001-2210-521.5200	267.00
Subtotal for 001-2210-521.5200								267.00
1/27/15	139168	123287		IACP	165120	2/05/15	001-2210-521.5400	300.00
1/31/15	139297	123441		FLORIDA POLICE CHIEFS ASSOCIATION	165318	2/12/15	001-2210-521.5400	325.00
Subtotal for 001-2210-521.5400								625.00
2/11/15	139573	123551		E.S.BARTLETT PHD CLINIC.PSYCHOL.IN	165539	2/26/15	001-2220-521.3100	135.00
Subtotal for 001-2220-521.3100								135.00
1/28/15	139205	123296		VETERANS OF FOREIGN WARS OF THE	165183	2/05/15	001-2220-521.4000	2,300.00
Subtotal for 001-2220-521.4000								2,300.00
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	001-2220-521.4100	72.14
10/06/14	136807	121594		VERIZON WIRELESS	165379	2/12/15	001-2220-521.4100	3,154.05
10/02/14	136764	121536		TRANSUNION RISK AND ALTERNATIVE C	165373	2/12/15	001-2220-521.4100	200.00
Subtotal for 001-2220-521.4100								3,426.19

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1/28/15	139195	123293		ENFORCEMENT ELECTRONICS SERVIC	165108	2/05/15	001-2220-521.4600	1,970.66
10/21/14	137354	122133		CANON SOLUTIONS AMERICA, INC	165426	2/19/15	001-2220-521.4600	286.98
10/21/14	137354	122133		CANON SOLUTIONS AMERICA, INC	165525	2/26/15	001-2220-521.4600	12.23
Subtotal for 001-2220-521.4600								2,269.87
12/16/14	138516	122754		MILLIKAN BATTERY & ELECTRIC	165140	2/05/15	001-2220-521.4650	514.50
12/12/14	138456	122702		APOPKA ACE HARDWARE & LUMBER IN	165083	2/05/15	001-2220-521.4650	6.99
12/31/14	138687	122861		TPH ACQUISITION LLLP	165174	2/05/15	001-2220-521.4650	471.61
1/05/15	138713	122887		PEP BOYS - MANNY, MOE & JACK, THE	165152	2/05/15	001-2220-521.4650	109.98
1/02/15	138700	122870		PRO TREE KUSTOMS AND AUTO COLLI	165155	2/05/15	001-2220-521.4650	1,463.30
1/05/15	138709	122883		DON REID FORD	165102	2/05/15	001-2220-521.4650	320.27
1/22/15	139068	123166		AAMCO TRANSMISSIONS	165072	2/05/15	001-2220-521.4650	674.00
1/21/15	139043	123149		TPH ACQUISITION LLLP	165372	2/12/15	001-2220-521.4650	54.48
1/05/15	138705	122879		A.O.K. TIRE MART	165265	2/12/15	001-2220-521.4650	292.38
1/09/15	138829	122981		AMERICAN WIRE & TERMINAL	165271	2/12/15	001-2220-521.4650	62.81
1/29/15	139225	123247		INNOVATIVE TRANSMISSION SERVICE	165331	2/12/15	001-2220-521.4650	1,550.00
2/06/15	139422	123426		UNITED PARCEL SERVICE	165376	2/12/15	001-2220-521.4650	19.39
Subtotal for 001-2220-521.4650								5,539.71
12/29/14	138646	122833		TRADEMARK PRESS SOLUTIONS INC.	165175	2/05/15	001-2220-521.4700	205.00
10/09/14	137017	121761		TRADEMARK PRESS SOLUTIONS INC.	165576	2/26/15	001-2220-521.4700	94.95
Subtotal for 001-2220-521.4700								299.95
10/02/14	136751	121526		OFFICE DEPOT	165348	2/12/15	001-2220-521.5100	89.13
10/02/14	136751	121526		OFFICE DEPOT	165486	2/19/15	001-2220-521.5100	4.07
12/03/14	138152	122533		OFFICE DEPOT	165486	2/19/15	001-2220-521.5100	53.94
Subtotal for 001-2220-521.5100								147.14
1/26/15	139154	123284		LOU'S GLOVES, INC	165133	2/05/15	001-2220-521.5200	425.00
1/07/15	138793	122991		CDW GOVERNMENT, INC.	165093	2/05/15	001-2220-521.5200	58.00
1/27/15	139169	123288		APOPKA PLAQUE AND TROPHY	165086	2/05/15	001-2220-521.5200	512.00
1/27/15	139170	123289		U S SURPLUS SALES, INC.	165179	2/05/15	001-2220-521.5200	237.50
1/27/15	139171	123290		BRAVERY BADGE, LLC	165090	2/05/15	001-2220-521.5200	469.50
1/09/15	138847	123057		GOLD NUGGET DBA	165115	2/05/15	001-2220-521.5200	133.88
1/12/15	138892	123067		ROMINE REPROGRAPHICS	165163	2/05/15	001-2220-521.5200	440.00
12/08/14	138299	122649		AMERICAN SOLUTIONS FOR BUSINESS	165081	2/05/15	001-2220-521.5200	267.00
11/18/14	137924	122525		TASER INTERNATIONAL, INC.	165172	2/05/15	001-2220-521.5200	1,523.56
1/23/15	139114	123193		GOVCONNECTION, INC.	165323	2/12/15	001-2220-521.5200	155.85
12/18/14	138576	122831		BATTERY BANK, THE	165279	2/12/15	001-2220-521.5200	468.74
1/21/15	139041	123147		STAPLES ADVANTAGE	165367	2/12/15	001-2220-521.5200	-7.99
1/23/15	139117	123196		THINSPACE TECHNOLOGY LTD	165510	2/19/15	001-2220-521.5200	389.00
2/11/15	139530	123521		EVAVULT, INC	165451	2/19/15	001-2220-521.5200	716.80
1/12/15	138896	123028		SHI INTERNATIONAL CORP.	165501	2/19/15	001-2220-521.5200	425.59
1/14/15	138943	123070		TASER INTERNATIONAL, INC.	165509	2/19/15	001-2220-521.5200	650.72
11/21/14	137999	122529		ENFORCEMENT ELECTRONICS SERVIC	165450	2/19/15	001-2220-521.5200	385.00
10/30/14	137592	122145		U S SURPLUS SALES, INC.	165577	2/26/15	001-2220-521.5200	64.41
Subtotal for 001-2220-521.5200								7,314.56
10/07/14	136879	121688		REYES, FERNANDO	165160	2/05/15	001-2220-521.5225	51.14
Subtotal for 001-2220-521.5225								51.14
1/22/15	139107	123276		NITV FEDERAL SERVICES, LLC	165147	2/05/15	001-2220-521.5500	1,185.00
1/22/15	139109	123277		CENTER FOR ADVANCED TECH LAW EN	165094	2/05/15	001-2220-521.5500	834.00
Subtotal for 001-2220-521.5500								2,019.00
1/14/15	138943	123070		TASER INTERNATIONAL, INC.	165509	2/19/15	001-2220-521.6400	1,029.95
Subtotal for 001-2220-521.6400								1,029.95
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	001-2230-521.4100	252.49
10/06/14	136807	121594		VERIZON WIRELESS	165379	2/12/15	001-2230-521.4100	369.22

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10/07/14	136882	121690		LIVEVIEW GPS, INC	165472	2/19/15	001-2230-521.4100	184.60
10/10/14	137063	121766		SPRINT	165502	2/19/15	001-2230-521.4100	294.98
Subtotal for 001-2230-521.4100								1,101.29
12/12/14	138456	122702		APOPKA ACE HARDWARE & LUMBER IN	165083	2/05/15	001-2230-521.4650	14.97
12/31/14	138687	122861		TPH ACQUISITION LLLP	165174	2/05/15	001-2230-521.4650	270.44
1/05/15	138707	122881		ADVANCE AUTO PARTS	165074	2/05/15	001-2230-521.4650	10.77
2/04/15	139375	123400		SURPLUS STEEL & SUPPLY, INC	165575	2/26/15	001-2230-521.4650	22.00
Subtotal for 001-2230-521.4650								318.18
10/02/14	136751	121526		OFFICE DEPOT	165348	2/12/15	001-2230-521.5100	44.56
10/02/14	136751	121526		OFFICE DEPOT	165486	2/19/15	001-2230-521.5100	2.03
12/03/14	138152	122533		OFFICE DEPOT	165486	2/19/15	001-2230-521.5100	26.97
Subtotal for 001-2230-521.5100								73.56
12/08/14	138299	122649		AMERICAN SOLUTIONS FOR BUSINESS	165081	2/05/15	001-2230-521.5200	52.50
12/18/14	138576	122831		BATTERY BANK, THE	165279	2/12/15	001-2230-521.5200	40.50
2/09/15	139477	123539		APOPKA PLAQUE AND TROPHY	165584	2/26/15	001-2230-521.5200	264.00
Subtotal for 001-2230-521.5200								357.00
2/11/15	139570	123548		F.A.C.E.	165541	2/26/15	001-2230-521.5400	40.00
Subtotal for 001-2230-521.5400								40.00
2/13/15	139576	123554		LAKE TECH'S INSTITUTE OF PUBLIC SA	165469	2/19/15	001-2230-521.5500	50.00
2/09/15	139476	123538		HAINES CITY REGION / USPCA	165547	2/26/15	001-2230-521.5500	780.00
2/20/15	139841	123691		SEMINOLE STATE COLLEGE	165573	2/26/15	001-2230-521.5500	585.00
Subtotal for 001-2230-521.5500								1,415.00
12/09/14	138317	122652		RECONYX INC	165159	2/05/15	001-2230-521.6400	1,350.28
1/14/15	138943	123070		TASER INTERNATIONAL, INC.	165509	2/19/15	001-2230-521.6400	1,029.95
Subtotal for 001-2230-521.6400								2,380.23
10/07/14	136910	121692		SWIFTREACH NETWORKS, INC.	165370	2/12/15	001-2250-519.4100	248.86
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	001-2250-519.4100	36.07
10/10/14	137051	121790		RAPID SYSTEMS	165354	2/12/15	001-2250-519.4100	2,698.75
10/07/14	136874	121684		NETWORK INNOVATIONS INC.	165484	2/19/15	001-2250-519.4100	73.73
Subtotal for 001-2250-519.4100								3,057.41
2/04/15	139352			DUKE ENERGY	165107	2/05/15	001-2250-519.4300	865.22
2/19/15	139797			DUKE ENERGY	165446	2/19/15	001-2250-519.4300	274.71
2/26/15	139918			DUKE ENERGY	165538	2/26/15	001-2250-519.4300	30.12
Subtotal for 001-2250-519.4300								1,170.05
12/16/14	138516	122754		MILLIKAN BATTERY & ELECTRIC	165140	2/05/15	001-2250-519.4600	491.00
10/30/14	137572	122140		MOTOROLA SOLUTIONS, INC.	165141	2/05/15	001-2250-519.4600	44,417.78
Subtotal for 001-2250-519.4600								44,908.78
10/02/14	136751	121526		OFFICE DEPOT	165348	2/12/15	001-2250-519.5100	89.13
12/03/14	138152	122533		OFFICE DEPOT	165486	2/19/15	001-2250-519.5100	53.94
10/02/14	136751	121526		OFFICE DEPOT	165486	2/19/15	001-2250-519.5100	4.07
Subtotal for 001-2250-519.5100								147.14
11/06/14	137749	122520		AMERICAN SOLUTIONS FOR BUSINESS	165081	2/05/15	001-2250-519.5200	1,043.10
Subtotal for 001-2250-519.5200								1,043.10
2/18/15	139767			PUBLIC SERVICES PETTY CASH	165493	2/19/15	001-3310-519.4000	32.20
2/26/15	139899			PUBLIC SERVICES PETTY CASH	165571	2/26/15	001-3310-519.4000	13.80
Subtotal for 001-3310-519.4000								46.00
1/28/15	139194	123270		NEXTEL COMMUNICATIONS	165145	2/05/15	001-3310-519.4100	32.81
10/07/14	136860	121633		VERIZON WIRELESS	165379	2/12/15	001-3310-519.4100	37.57
Subtotal for 001-3310-519.4100								70.38
2/19/15	139794			DUKE ENERGY	165446	2/19/15	001-3310-519.4300	218.88
2/26/15	139919			DUKE ENERGY	165538	2/26/15	001-3310-519.4300	231.02

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Subtotal for 001-3310-519.4300								449.90
2/11/15	139512	123510		AIRGAS USA, LLC	165413	2/19/15	001-3310-519.4400	191.15
Subtotal for 001-3310-519.4400								191.15
1/26/15	139127	123203		DON WOOD, INC.	165103	2/05/15	001-3310-519.4600	239.01
1/15/15	138955	123077		AIRGAS USA, LLC	165076	2/05/15	001-3310-519.4600	136.71
1/05/15	138707	122881		ADVANCE AUTO PARTS	165074	2/05/15	001-3310-519.4600	12.86
Subtotal for 001-3310-519.4600								388.58
1/05/15	138707	122881		ADVANCE AUTO PARTS	165074	2/05/15	001-3310-519.5200	17.59
12/12/14	138456	122702		APOPKA ACE HARDWARE & LUMBER IN	165083	2/05/15	001-3310-519.5200	16.74
1/12/15	138875	123013		L & B DISTRIBUTING	165128	2/05/15	001-3310-519.5200	73.90
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	001-3310-519.5200	564.50
2/09/15	139480	123479		CAPITAL CONTRACTORS INC.	165428	2/19/15	001-3310-519.5200	65.00
2/26/15	139899			PUBLIC SERVICES PETTY CASH	165571	2/26/15	001-3310-519.5200	7.00
Subtotal for 001-3310-519.5200								744.73
1/15/15	138988	123101		APOPKA BOTTLE & R.V.GAS CENTER IN	165085	2/05/15	001-3310-519.5250	41.11
Subtotal for 001-3310-519.5250								41.11
2/10/15	139502	123503		NATURAL GAS VEHICLE INSTITUTE	165561	2/26/15	001-3310-519.5500	795.00
Subtotal for 001-3310-519.5500								795.00
2/12/15	139547			JOHNSON BUILT, INC.	165334	2/12/15	001-3310-519.6400	874.00
Subtotal for 001-3310-519.6400								874.00
1/28/15	139194	123270		NEXTEL COMMUNICATIONS	165145	2/05/15	001-3512-539.4100	32.80
Subtotal for 001-3512-539.4100								32.80
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	001-3512-539.5200	36.15
12/22/14	138610	122818		SAFETY SHOE DISTRIBUTORS, L.L.P.	165498	2/19/15	001-3512-539.5200	169.60
1/22/15	139093	123186		A-QUALITY AWNING, INC.	165516	2/26/15	001-3512-539.5200	480.00
Subtotal for 001-3512-539.5200								685.75
2/04/15	139351			DUKE ENERGY	165107	2/05/15	001-3513-572.4300	467.67
2/12/15	139554			DUKE ENERGY	165306	2/12/15	001-3513-572.4300	1,173.43
2/19/15	139796			DUKE ENERGY	165446	2/19/15	001-3513-572.4300	1,854.90
2/26/15	139919			DUKE ENERGY	165538	2/26/15	001-3513-572.4300	13.01
Subtotal for 001-3513-572.4300								3,509.01
12/12/14	138456	122702		APOPKA ACE HARDWARE & LUMBER IN	165083	2/05/15	001-3513-572.4650	29.88
1/15/15	138955	123077		AIRGAS USA, LLC	165076	2/05/15	001-3513-572.4650	85.73
11/10/14	137774	122231		A.O.K. TIRE MART	165265	2/12/15	001-3513-572.4650	102.49
Subtotal for 001-3513-572.4650								218.10
1/29/15	139262	123312		WASTE MANAGEMENT OF VISTA LANDF	165184	2/05/15	001-3513-572.4900	151.36
2/16/15	139673	123566		WASTE MANAGEMENT OF VISTA LANDF	165581	2/26/15	001-3513-572.4900	550.00
Subtotal for 001-3513-572.4900								701.36
1/22/15	139083	123175		OFFICE DEPOT	165148	2/05/15	001-3513-572.5100	31.95
2/09/15	139481	123485		OFFICE DEPOT	165486	2/19/15	001-3513-572.5100	24.87
Subtotal for 001-3513-572.5100								56.82
2/04/15	139372			PUBLIC SERVICES PETTY CASH	165156	2/05/15	001-3513-572.5200	3.57
2/05/15	139400			PUBLIC SERVICES PETTY CASH	165156	2/05/15	001-3513-572.5200	62.55
1/22/15	139094	123184		WINFIELD SOLUTIONS, LLC,	165186	2/05/15	001-3513-572.5200	110.54
1/23/15	139114	123193		GOVCONNECTION, INC.	165323	2/12/15	001-3513-572.5200	249.94
1/21/15	139050	123156		GRAINGER	165324	2/12/15	001-3513-572.5200	8.78
1/06/15	138760	122930		FLASH-RITE, INC.	165314	2/12/15	001-3513-572.5200	190.00
1/06/15	138761	122931		UNITED SITE SERVICES	165377	2/12/15	001-3513-572.5200	467.28
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	001-3513-572.5200	270.27
1/23/15	139116	123195		ORLANDO BUSINESS TELEPHONE SYS	165487	2/19/15	001-3513-572.5200	166.50
1/23/15	139117	123196		THINSPACE TECHNOLOGY LTD	165510	2/19/15	001-3513-572.5200	194.50

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2/18/15	139767			PUBLIC SERVICES PETTY CASH	165493	2/19/15	001-3513-572.5200	44.60
2/06/15	139449	123482		ATLAS GLASS & MIRROR	165419	2/19/15	001-3513-572.5200	265.49
2/09/15	139464	123470		TRAIL SAW & MOWER SERVICE, INC.	165511	2/19/15	001-3513-572.5200	473.96
Subtotal for 001-3513-572.5200								2,507.98
2/26/15	139900			PUBLIC SERVICES PETTY CASH	165571	2/26/15	001-3513-572.5400	22.09
Subtotal for 001-3513-572.5400								22.09
2/26/15	139918			DUKE ENERGY	165538	2/26/15	001-3514-572.4300	35.11
Subtotal for 001-3514-572.4300								35.11
12/09/14	138325	122660		CONSOLIDATED ELECTRICAL DIST.	165294	2/12/15	001-3514-572.4600	5.70
10/16/14	137213	121916		APOPKA PLUMBING	165417	2/19/15	001-3514-572.4600	241.82
1/15/15	138980	123095		A-1 SATISFACTION WATERPROOFING	165411	2/19/15	001-3514-572.4600	700.00
Subtotal for 001-3514-572.4600								947.52
1/09/15	138837	122988		WESCO TURF , INC.	165185	2/05/15	001-3514-572.4650	221.06
1/05/15	138707	122881		ADVANCE AUTO PARTS	165074	2/05/15	001-3514-572.4650	129.48
1/15/15	138954	123076		ADVANCE DRIVELINE	165266	2/12/15	001-3514-572.4650	40.74
10/21/14	137333	121949		SOUTHEAST POWER SYSTEMS OF ORL	165364	2/12/15	001-3514-572.4650	532.99
Subtotal for 001-3514-572.4650								924.27
12/09/14	138330	122663		TRUGREEN	165176	2/05/15	001-3514-572.5200	7,395.00
1/29/15	139251	123305		MILLER, MARK	165139	2/05/15	001-3514-572.5200	43.00
1/15/15	138968	123088		LAKE JEM FARMS INC.	165130	2/05/15	001-3514-572.5200	220.00
12/09/14	138303	122634		JOHN DEERE LANDSCAPES, INC.	165126	2/05/15	001-3514-572.5200	2,245.20
1/22/15	139079	123172		JOHN DEERE LANDSCAPES	165125	2/05/15	001-3514-572.5200	2,347.56
1/15/15	138967	123087		BRANTLEY NURSERIES	165282	2/12/15	001-3514-572.5200	298.40
1/15/15	138983	123097		LOCKS, DOORS & SAFES, INC.	165473	2/19/15	001-3514-572.5200	192.00
2/09/15	139467	123473		BWI-APOPKA	165425	2/19/15	001-3514-572.5200	319.69
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	001-3514-572.5200	118.00
Subtotal for 001-3514-572.5200								13,178.85
1/09/15	138854	122999		MANSFIELD OIL, CO.	165559	2/26/15	001-3514-572.5250	891.14
Subtotal for 001-3514-572.5250								891.14
1/09/15	138846	122996		NATIONAL RECREATION & PARK ASSOC	165143	2/05/15	001-3514-572.5500	75.00
1/29/15	139249	123313		INTERNATIONAL SOCIETY ARBORICULT	165123	2/05/15	001-3514-572.5500	95.00
12/15/14	138510	122750		FLORIDA TURFGRASS ASSOCIATION	165319	2/12/15	001-3514-572.5500	100.00
Subtotal for 001-3514-572.5500								270.00
2/17/15	139724	123610		HUTCHINSON, MATTHEW	165551	2/26/15	001-3612-572.3400	8,625.00
Subtotal for 001-3612-572.3400								8,625.00
2/12/15	139552			DUKE ENERGY	165306	2/12/15	001-3612-572.4300	632.35
2/19/15	139795			DUKE ENERGY	165446	2/19/15	001-3612-572.4300	1,583.40
2/26/15	139917			DUKE ENERGY	165538	2/26/15	001-3612-572.4300	9,210.38
Subtotal for 001-3612-572.4300								11,426.13
10/17/14	137238	121851		RICOH USA, INC.	165161	2/05/15	001-3612-572.4600	133.40
10/17/14	137240	121853		RICOH USA, INC.	165161	2/05/15	001-3612-572.4600	83.87
2/02/15	139305	123353		ODOM ELECTRICAL SERVICES INC.	165347	2/12/15	001-3612-572.4600	700.00
12/02/14	138120	122494		ODOM ELECTRICAL SERVICES INC.	165347	2/12/15	001-3612-572.4600	150.00
1/27/15	139173	123235		MUSCO SPORTS LIGHTING , LLC	165481	2/19/15	001-3612-572.4600	2,308.11
Subtotal for 001-3612-572.4600								3,375.38
1/27/15	139176	123237		GOLF CART ENTERPRISES INC.	165116	2/05/15	001-3612-572.4650	205.75
12/12/14	138473	122720		APOPKA AUTO UPHOLSTERY	165273	2/12/15	001-3612-572.4650	700.00
1/15/15	138959	123081		GLENN JOINER & SON, INC.	165458	2/19/15	001-3612-572.4650	11.18
Subtotal for 001-3612-572.4650								916.93
2/04/15	139372			PUBLIC SERVICES PETTY CASH	165156	2/05/15	001-3612-572.5200	15.00
2/02/15	139299	123347		CAPITAL OFFICE PRODUCTS	165091	2/05/15	001-3612-572.5200	455.06

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2/02/15	139300	123348		CFM DISTRIBUTING CO., INC.	165097	2/05/15	001-3612-572.5200	436.98
2/03/15	139336	123388		CFM DISTRIBUTING CO., INC.	165290	2/12/15	001-3612-572.5200	1,209.51
2/16/15	139666			ROBERTS, LISA	165406	2/14/15	001-3612-572.5200	114.00
2/16/15	139667			KRETSCHMAN, ERIC	165407	2/15/15	001-3612-572.5200	318.00
1/21/15	139056	123160		SEDA, MARIELA	165499	2/19/15	001-3612-572.5200	3,600.00
12/22/14	138610	122818		SAFETY SHOE DISTRIBUTORS, L.L.P.	165498	2/19/15	001-3612-572.5200	80.00
2/09/15	139458	123464		BREWER, RODNEY	165423	2/19/15	001-3612-572.5200	120.00
2/06/15	139436	123451		AFTERMATH, INC.	165412	2/19/15	001-3612-572.5200	4,605.94
2/09/15	139462	123468		CFM DISTRIBUTING CO., INC.	165433	2/19/15	001-3612-572.5200	1,158.85
2/02/15	139298	123346		APOPKA PLAQUE AND TROPHY	165584	2/26/15	001-3612-572.5200	1,639.00
Subtotal for 001-3612-572.5200								13,752.34
1/22/15	139110	123278		FLORIDA DEPT OF LAW ENFORCEMEN	165113	2/05/15	001-3613-572.5200	81.00
2/16/15	139666			ROBERTS, LISA	165406	2/14/15	001-3613-572.5200	114.00
2/16/15	139667			KRETSCHMAN, ERIC	165407	2/15/15	001-3613-572.5200	318.00
12/16/14	138519	122757		FIFTH THIRD BANK	165453	2/19/15	001-3613-572.5200	349.76
1/27/15	139162	123286		U S SURPLUS SALES, INC.	165513	2/19/15	001-3613-572.5200	32.50
1/15/15	138969	123089		FIFTH THIRD BANK	165453	2/19/15	001-3613-572.5200	300.32
11/24/14	138039	122424		FIFTH THIRD BANK	165453	2/19/15	001-3613-572.5200	130.48
11/24/14	138041	122426		FIFTH THIRD BANK	165453	2/19/15	001-3613-572.5200	169.45
11/24/14	138044	122429		FIFTH THIRD BANK	165453	2/19/15	001-3613-572.5200	83.00
Subtotal for 001-3613-572.5200								1,578.51
1/26/15	139142	123213		EVENT WRISTBANDS	165109	2/05/15	001-3613-572.5201	615.58
1/29/15	139255	123307		SONNY'S REAL PIT BAR-B-Q	165168	2/05/15	001-3613-572.5201	681.35
1/30/15	139290	123340		ONSHORE-OFFSHORE PUBLISHING MA	165149	2/05/15	001-3613-572.5201	400.00
2/02/15	139312	123359		DIETZMANN, FRANCIS X	165101	2/05/15	001-3613-572.5201	325.80
1/28/15	139215	123252		INSURANCE OFFICE OF AMERICA INC.	165121	2/05/15	001-3613-572.5201	5,997.60
2/05/15	139393			KILSHEIMER, JOSEPH E.	165127	2/05/15	001-3613-572.5201	84.99
2/09/15	139478	123477		COMPLETE PRODUCTION RESOURCES	165291	2/12/15	001-3613-572.5201	41,996.50
2/09/15	139482	123480		RYAN, SARAH	165358	2/12/15	001-3613-572.5201	145.19
2/09/15	139483	123481		SONNY'S REAL PIT BAR-B-Q	165363	2/12/15	001-3613-572.5201	130.00
2/09/15	139485	123486		DADE PAPER & BAG CO.	165300	2/12/15	001-3613-572.5201	1,294.26
2/10/15	139490	123491		ROBINSON'S RACING PIGS	165356	2/12/15	001-3613-572.5201	2,000.00
2/10/15	139491	123492		DOCKDOGS INC	165302	2/12/15	001-3613-572.5201	4,250.00
2/10/15	139493	123494		IT'S ALL ABOUT ATTITUDE, LLC	165333	2/12/15	001-3613-572.5201	25,000.00
2/10/15	139494	123495		BUFFALO ROAM TOURING INC	165283	2/12/15	001-3613-572.5201	2,000.00
2/10/15	139495	123496		IMPOSSIBLE PRODUCTIONS INC	165330	2/12/15	001-3613-572.5201	20,000.00
2/04/15	139360	123377		GREATER ORLANDO COASTAL ANGLER	165325	2/12/15	001-3613-572.5201	957.00
2/05/15	139410	123420		APOPKA CHIEF, THE	165274	2/12/15	001-3613-572.5201	2,058.00
2/10/15	139492	123493		NELSONS TENTS AND EVENTS	165345	2/12/15	001-3613-572.5201	14,884.29
2/03/15	139346	123384		PRINTERS, THE	165352	2/12/15	001-3613-572.5201	283.00
2/05/15	139403	123414		APOPKA PLAQUE AND TROPHY	165275	2/12/15	001-3613-572.5201	2,447.50
2/11/15	139532	123522		SONNY'S REAL PIT BAR-B-Q	165385	2/13/15	001-3613-572.5201	4,994.40
2/11/15	139535	123523		JOHN & SHIRLEY CATERING INC.	165384	2/13/15	001-3613-572.5201	4,130.00
2/12/15	139550	123525		JILL'S CASHBOX INC	165383	2/13/15	001-3613-572.5201	600.00
2/16/15	139669			FROSCHE, DAVID	165254	2/14/15	001-3613-572.5201	25.00
2/16/15	139663			BARBER, MATTHEW	165403	2/14/15	001-3613-572.5201	125.00
2/15/15	139623			MCKAY, JAMES TERRY	165236	2/14/15	001-3613-572.5201	100.00
2/15/15	139633			SNOW, RALPH T.	165247	2/14/15	001-3613-572.5201	150.00
2/16/15	139641			PETER J GOLOB	165220	2/14/15	001-3613-572.5201	200.00
2/15/15	139591			BURG, JAMES R	165192	2/14/15	001-3613-572.5201	1,000.00
2/15/15	139627			CULBERTSON II, GENE A	165241	2/14/15	001-3613-572.5201	50.00
2/15/15	139625			ROBINSON, JAMIE ABERCROMBIE	165238	2/14/15	001-3613-572.5201	75.00

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2/16/15	139653			WILLIAMS, ROBERT H	165393	2/14/15	001-3613-572.5201	175.00
2/15/15	139609			SHORT, RUSSEL	165212	2/14/15	001-3613-572.5201	375.00
2/15/15	139601			BROD, JAMES N	165204	2/14/15	001-3613-572.5201	50.00
2/15/15	139588			BARBER, MATTHEW	165189	2/14/15	001-3613-572.5201	10,000.00
2/15/15	139589			POLFER, MATT	165190	2/14/15	001-3613-572.5201	5,000.00
2/15/15	139590			MROCZKA, BRYAN	165191	2/14/15	001-3613-572.5201	500.00
2/15/15	139592			HENRY, THOMAS	165193	2/14/15	001-3613-572.5201	500.00
2/15/15	139594			PETER J GOLOB	165195	2/14/15	001-3613-572.5201	350.00
2/15/15	139596			McCOIN, JIM	165199	2/14/15	001-3613-572.5201	225.00
2/15/15	139598			YELVERTON, ROBERT F	165201	2/14/15	001-3613-572.5201	150.00
2/15/15	139599			DIMOVSKI, DANIELLE	165202	2/14/15	001-3613-572.5201	100.00
2/15/15	139600			WOOLEY, DAMON L	165203	2/14/15	001-3613-572.5201	75.00
2/15/15	139602			ROBERTS, JUSTIN	165205	2/14/15	001-3613-572.5201	500.00
2/15/15	139603			POLFER, MATT	165206	2/14/15	001-3613-572.5201	500.00
2/15/15	139604			McCOIN, JIM	165207	2/14/15	001-3613-572.5201	500.00
2/15/15	139606			HENRY, THOMAS	165209	2/14/15	001-3613-572.5201	375.00
2/15/15	139607			WHITCOMB, JASON	165210	2/14/15	001-3613-572.5201	375.00
2/15/15	139608			POLFER, MATT	165211	2/14/15	001-3613-572.5201	375.00
2/15/15	139610			WHITCOMB, JASON	165213	2/14/15	001-3613-572.5201	250.00
2/15/15	139611			BARBER, MATTHEW	165214	2/14/15	001-3613-572.5201	250.00
2/15/15	139612			CROSON, PAUL	165216	2/14/15	001-3613-572.5201	250.00
2/15/15	139614			ELSER, JAMES	165222	2/14/15	001-3613-572.5201	175.00
2/15/15	139615			NELSON III, TILLMAN LEE	165224	2/14/15	001-3613-572.5201	175.00
2/15/15	139616			BURG, JAMES R	165226	2/14/15	001-3613-572.5201	150.00
2/15/15	139613			TIM MALOY	165218	2/14/15	001-3613-572.5201	200.00
2/15/15	139618			PEACH, BRADLEY	165229	2/14/15	001-3613-572.5201	125.00
2/15/15	139620			PURVIS, BEN	165232	2/14/15	001-3613-572.5201	125.00
2/15/15	139622			FRAZEE, LAURA L	165234	2/14/15	001-3613-572.5201	100.00
2/15/15	139624			EARWOOD, BRIAN	165237	2/14/15	001-3613-572.5201	75.00
2/15/15	139626			BARBER, MATTHEW	165240	2/14/15	001-3613-572.5201	75.00
2/15/15	139628			BROD, JAMES N	165242	2/14/15	001-3613-572.5201	50.00
2/15/15	139630			BROD, JAMES N	165244	2/14/15	001-3613-572.5201	50.00
2/15/15	139631			HODGE, JOSEPH	165245	2/14/15	001-3613-572.5201	1,000.00
2/15/15	139632			HUNTER, JASON	165246	2/14/15	001-3613-572.5201	500.00
2/15/15	139634			CHATTOS, JEFFERY	165251	2/14/15	001-3613-572.5201	40.00
2/15/15	139635			WILLIS, TRACY ALLEN	165252	2/14/15	001-3613-572.5201	35.00
2/15/15	139636			SUFFICOOL, BRADLEY	165253	2/14/15	001-3613-572.5201	30.00
2/15/15	139638			HODGE, JOSEPH	165256	2/14/15	001-3613-572.5201	125.00
2/15/15	139639			HODGE, JOSEPH	165257	2/14/15	001-3613-572.5201	125.00
2/15/15	139640			SNOW, RALPH T.	165258	2/14/15	001-3613-572.5201	125.00
2/16/15	139652			BARBER, MATTHEW	165392	2/14/15	001-3613-572.5201	175.00
2/15/15	139637			MULLINS, ANTHONY	165255	2/14/15	001-3613-572.5201	125.00
2/16/15	139654			SMITH, STEPHEN	165394	2/14/15	001-3613-572.5201	175.00
2/16/15	139656			GOGGIN, ANDREW	165396	2/14/15	001-3613-572.5201	62.50
2/16/15	139658			MROCZKA, BRYAN	165398	2/14/15	001-3613-572.5201	287.50
2/16/15	139660			PURVIS, BEN	165400	2/14/15	001-3613-572.5201	225.00
2/16/15	139662			HYLTON, SHEAN	165402	2/14/15	001-3613-572.5201	150.00
2/16/15	139664			CULBERTSON II, GENE A	165404	2/14/15	001-3613-572.5201	100.00
2/16/15	139670			KING JR, BOBBY	165409	2/14/15	001-3613-572.5201	175.00
2/16/15	139665			WHITCOMB, JASON	165405	2/14/15	001-3613-572.5201	75.00
2/15/15	139629			ROBERTS, JUSTIN	165243	2/14/15	001-3613-572.5201	50.00
2/15/15	139621			BAGBY, ROB	165233	2/14/15	001-3613-572.5201	100.00

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2/16/15	139659			MCKAY, JAMES TERRY	165399	2/14/15	001-3613-572.5201	287.50
2/15/15	139605			HENRY, THOMAS	165208	2/14/15	001-3613-572.5201	500.00
2/15/15	139595			ELSER, JAMES	165198	2/14/15	001-3613-572.5201	250.00
2/15/15	139597			SHORT, RUSSEL	165200	2/14/15	001-3613-572.5201	200.00
2/15/15	139593			ROBERTS, JUSTIN	165194	2/14/15	001-3613-572.5201	400.00
2/16/15	139657			WOODHAMS, GREG	165395	2/14/15	001-3613-572.5201	62.50
2/16/15	139655			MULLINS, ANTHONY	165397	2/14/15	001-3613-572.5201	100.00
2/15/15	139619			PETER J GOLOB	165230	2/14/15	001-3613-572.5201	125.00
2/16/15	139661			YELVERTON, ROBERT F	165401	2/14/15	001-3613-572.5201	225.00
2/15/15	139617			WALDEN, JEREMY	165228	2/14/15	001-3613-572.5201	150.00
2/16/15	139647			KRAUS, E J	165386	2/15/15	001-3613-572.5201	165.20
2/16/15	139642			AOPKA FIREFIGHTER'S ASSOCIATION	165410	2/15/15	001-3613-572.5201	1,000.00
2/16/15	139643			WESTERHOLM, LORI	165260	2/15/15	001-3613-572.5201	500.00
2/16/15	139644			FORLIFER, RICHARD	165261	2/15/15	001-3613-572.5201	200.00
2/16/15	139646			NELSON, SHELLEY	165263	2/15/15	001-3613-572.5201	200.00
2/16/15	139648			SCHMITZ, DENNIS	165387	2/15/15	001-3613-572.5201	235.15
2/16/15	139650			LEONARD, VIKKI	165390	2/15/15	001-3613-572.5201	50.00
2/16/15	139649			YOUNGBLOOD, BOB	165388	2/15/15	001-3613-572.5201	225.38
2/16/15	139645			CROSON, PAUL	165262	2/15/15	001-3613-572.5201	100.00
2/16/15	139651			LEONARD, LEWIS	165391	2/15/15	001-3613-572.5201	110.95
2/19/15	139798			COTE, BRIAN	165434	2/19/15	001-3613-572.5201	175.00
1/29/15	139246	123301		ID WHOLESALER	165464	2/19/15	001-3613-572.5201	267.25
2/17/15	139703	123596		INNOVATIVE PARTY RENTALS	165465	2/19/15	001-3613-572.5201	5,750.00
2/19/15	139782			LUSTMAN, MICHAEL	165474	2/19/15	001-3613-572.5201	800.00
2/18/15	139741	123621		DUCKS UNLIMITED OF FLORIDA	165440	2/19/15	001-3613-572.5201	1,850.00
2/17/15	139704	123597		ORLANDO FUN CREW INC	165488	2/19/15	001-3613-572.5201	5,000.00
2/17/15	139702	123595		AOPKA PLAQUE AND TROPHY	165416	2/19/15	001-3613-572.5201	560.00
1/28/15	139204	123295		MOTOROLA SOLUTIONS, INC.	165480	2/19/15	001-3613-572.5201	232.00
2/17/15	139698	123591		RYAN, SARAH	165572	2/26/15	001-3613-572.5201	407.32
2/18/15	139756	123630		K92.3	165554	2/26/15	001-3613-572.5201	9,266.00
2/18/15	139757	123631		GARRETT CORTESE	165546	2/26/15	001-3613-572.5201	1,350.00
2/17/15	139713	123603		FAST SIGNS	165542	2/26/15	001-3613-572.5201	3,176.64
2/05/15	139406	123417		ATLAS GLASS & MIRROR	165521	2/26/15	001-3613-572.5201	775.78
2/18/15	139758	123632		K92.3	165554	2/26/15	001-3613-572.5201	9,864.00
2/06/15	139445	123454		A.M. LEONARD INC.	165517	2/26/15	001-3613-572.5201	229.84
Subtotal for 001-3613-572.5201								207,645.97
2/04/15	139370			RANDALL A. SOMERS	165158	2/05/15	001-4020-515.3100	1,000.00
2/05/15	139392			ANDERSON, RICHARD	165082	2/05/15	001-4020-515.3100	22,000.00
2/18/15	139768			RANDALL A. SOMERS	165495	2/19/15	001-4020-515.3100	1,000.00
Subtotal for 001-4020-515.3100								24,000.00
2/26/15	139901			FLORIDA CENTRAL RAILROAD	165543	2/26/15	001-4020-515.3400	6,003.23
Subtotal for 001-4020-515.3400								6,003.23
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	001-4020-515.4100	36.07
Subtotal for 001-4020-515.4100								36.07
2/06/15	139454	123460		RICOH USA, INC.	165355	2/12/15	001-4020-515.4600	83.94
Subtotal for 001-4020-515.4600								83.94
10/10/14	137053	121733		PRIDE ENTERPRISES	165351	2/12/15	001-4020-515.4700	82.00
Subtotal for 001-4020-515.4700								82.00
2/02/15	139311	123358		AOPKA CHIEF, THE	165274	2/12/15	001-4020-515.4902	375.75
Subtotal for 001-4020-515.4902								375.75
2/02/15	139321	123364		CAPITAL OFFICE PRODUCTS	165285	2/12/15	001-4020-515.5100	59.90
2/02/15	139320	123363		OFFICE DEPOT	165486	2/19/15	001-4020-515.5100	236.21

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Subtotal for 001-4020-515.5100								296.11
1/30/15	139296	123345		AMERICAN PLANNING ASSOCIATION	165080	2/05/15	001-4020-515.5400	537.00
Subtotal for 001-4020-515.5400								537.00
2/06/15	139454	123460		RICOH USA, INC.	165355	2/12/15	001-4021-524.4600	83.94
Subtotal for 001-4021-524.4600								83.94
10/10/14	137053	121733		PRIDE ENTERPRISES	165351	2/12/15	001-4021-524.4700	82.01
Subtotal for 001-4021-524.4700								82.01
2/02/15	139321	123364		CAPITAL OFFICE PRODUCTS	165285	2/12/15	001-4021-524.5100	59.90
2/02/15	139320	123363		OFFICE DEPOT	165486	2/19/15	001-4021-524.5100	173.79
Subtotal for 001-4021-524.5100								233.69
10/02/14	136738	121507		ATLANTIC.NET	165277	2/12/15	001-5110-519.3400	251.18
Subtotal for 001-5110-519.3400								251.18
10/29/14	137542	122108		DEPT OF MGMT SERVICES - STATE OF	165100	2/05/15	001-5110-519.4100	1,984.58
2/05/15	139395			CENTURYLINK	165096	2/05/15	001-5110-519.4100	76.24
2/05/15	139401			CENTURYLINK	165096	2/05/15	001-5110-519.4100	175.86
10/07/14	136860	121633		VERIZON WIRELESS	165379	2/12/15	001-5110-519.4100	72.14
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	001-5110-519.4100	679.85
2/18/15	139774			CENTURYLINK	165432	2/19/15	001-5110-519.4100	619.00
2/18/15	139773			CENTURYLINK	165432	2/19/15	001-5110-519.4100	244.50
Subtotal for 001-5110-519.4100								3,852.17
1/28/15	139216	123262		CARASOFT TECHNOLOGY CORP	165092	2/05/15	001-5110-519.4600	1,743.16
11/25/14	138058	122439		ORLANDO BUSINESS TELEPHONE SYS	165487	2/19/15	001-5110-519.4600	732.00
2/10/15	139497	123498		DIGITAL DATA TECHNOLOGIES, INC.	165439	2/19/15	001-5110-519.4600	4,038.48
Subtotal for 001-5110-519.4600								6,513.64
2/05/15	139394	123410		CONCORD TECHNOLOGIES	165293	2/12/15	001-5110-519.5200	299.73
1/21/15	139039	123145		SHI INTERNATIONAL CORP.	165501	2/19/15	001-5110-519.5200	425.83
1/28/15	139199	123269		B&H PHOTO VIDEO	165420	2/19/15	001-5110-519.5200	199.80
1/28/15	139200	123268		CANON SOLUTIONS AMERICA, INC.	165427	2/19/15	001-5110-519.5200	599.00
1/15/15	138994	123105		BROCADE COMMUNICATIONS SYSTEMS	165424	2/19/15	001-5110-519.5200	2,105.30
Subtotal for 001-5110-519.5200								3,629.66
1/02/15	138696	122897		SHI INTERNATIONAL CORP.	165166	2/05/15	001-5110-519.6400	10,576.36
12/23/14	138630	122815		CDW GOVERNMENT, INC.	165093	2/05/15	001-5110-519.6400	21,960.00
12/15/14	138492	122744		SINNOTT WOLACH TECHNOLOGY GROU	165362	2/12/15	001-5110-519.6400	7,164.00
12/23/14	138630	122815		CDW GOVERNMENT, INC.	165289	2/12/15	001-5110-519.6400	728.00
Subtotal for 001-5110-519.6400								40,428.36
2/26/15	139907			OLD FLORIDA NATIONAL BANK	165565	2/26/15	001-9011-590.7182	289,460.00
Subtotal for 001-9011-590.7182								289,460.00
2/26/15	139907			OLD FLORIDA NATIONAL BANK	165565	2/26/15	001-9011-590.7282	5,035.10
Subtotal for 001-9011-590.7282								5,035.10
Subtotal for Fund 001 GENERAL FUND								1,061,117.71
1/28/15	139194	123270		NEXTEL COMMUNICATIONS	165145	2/05/15	101-3412-541.4100	32.80
10/29/14	137542	122108		DEPT OF MGMT SERVICES - STATE OF	165100	2/05/15	101-3412-541.4100	23.08
2/05/15	139401			CENTURYLINK	165096	2/05/15	101-3412-541.4100	84.03
10/07/14	136860	121633		VERIZON WIRELESS	165379	2/12/15	101-3412-541.4100	37.57
2/19/15	139783			CENTURYLINK	165432	2/19/15	101-3412-541.4100	52.29
Subtotal for 101-3412-541.4100								229.77
2/19/15	139796			DUKE ENERGY	165446	2/19/15	101-3412-541.4300	1,537.26
2/26/15	139919			DUKE ENERGY	165538	2/26/15	101-3412-541.4300	2,373.09
Subtotal for 101-3412-541.4300								3,910.35
2/04/15	139351			DUKE ENERGY	165107	2/05/15	101-3412-541.4310	9,059.96
2/12/15	139554			DUKE ENERGY	165306	2/12/15	101-3412-541.4310	23,603.15

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2/19/15	139796			DUKE ENERGY	165446	2/19/15	101-3412-541.4310	2,671.55
2/26/15	139919			DUKE ENERGY	165538	2/26/15	101-3412-541.4310	66,049.21
Subtotal for 101-3412-541.4310								101,383.87
1/27/15	139184	123257		ORANGE COUNTY PUBLIC WORKS DEP	165151	2/05/15	101-3412-541.4400	1,701.00
2/05/15	139408	123418		FLORIDA CENTRAL RAILROAD	165316	2/12/15	101-3412-541.4400	1,128.00
Subtotal for 101-3412-541.4400								2,829.00
2/05/15	139389			LEGACYSCAPES	165131	2/05/15	101-3412-541.4600	1,118.72
1/15/15	138949	123074		STRAIGHT LINE LOOPS LLC	165505	2/19/15	101-3412-541.4600	4,960.00
Subtotal for 101-3412-541.4600								6,078.72
12/05/14	138265	122600		MIDDLESEX CORPORATION, THE	165342	2/12/15	101-3412-541.4607	307,891.66
Subtotal for 101-3412-541.4607								307,891.66
1/13/15	138901	123033		SMITH EQUIPMENT & SUPPLY COMPAN	165167	2/05/15	101-3412-541.4650	293.40
1/21/15	139043	123149		TPH ACQUISITION LLLP	165372	2/12/15	101-3412-541.4650	37.00
1/15/15	138959	123081		GLENN JOINER & SON, INC.	165458	2/19/15	101-3412-541.4650	21.23
Subtotal for 101-3412-541.4650								351.63
1/29/15	139262	123312		WASTE MANAGEMENT OF VISTA LANDF	165184	2/05/15	101-3412-541.4900	153.12
2/16/15	139673	123566		WASTE MANAGEMENT OF VISTA LANDF	165581	2/26/15	101-3412-541.4900	387.20
Subtotal for 101-3412-541.4900								540.32
1/22/15	139083	123175		OFFICE DEPOT	165148	2/05/15	101-3412-541.5100	245.29
2/09/15	139481	123485		OFFICE DEPOT	165486	2/19/15	101-3412-541.5100	12.16
Subtotal for 101-3412-541.5100								257.45
2/04/15	139372			PUBLIC SERVICES PETTY CASH	165156	2/05/15	101-3412-541.5200	19.97
2/05/15	139400			PUBLIC SERVICES PETTY CASH	165156	2/05/15	101-3412-541.5200	16.79
1/23/15	139114	123193		GOVCONNECTION, INC.	165323	2/12/15	101-3412-541.5200	249.95
1/23/15	139117	123196		THINSPACE TECHNOLOGY LTD	165510	2/19/15	101-3412-541.5200	194.50
1/23/15	139116	123195		ORLANDO BUSINESS TELEPHONE SYS	165487	2/19/15	101-3412-541.5200	166.50
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	101-3412-541.5200	127.00
2/26/15	139900			PUBLIC SERVICES PETTY CASH	165571	2/26/15	101-3412-541.5200	53.51
2/26/15	139899			PUBLIC SERVICES PETTY CASH	165571	2/26/15	101-3412-541.5200	17.16
Subtotal for 101-3412-541.5200								845.38
1/30/15	139283	123334		SPRING HILL NURSERY, INC	165365	2/12/15	101-3412-541.5201	359.40
2/06/15	139431	123431		SUNRISE LANDSCAPE SUPPLY, INC.	165506	2/19/15	101-3412-541.5201	113.75
Subtotal for 101-3412-541.5201								473.15
1/28/15	139210	123264		BRADFORD PROFESSIONAL CONCRETE	165281	2/12/15	101-3412-541.5203	4,455.00
2/06/15	139434	123434		BRADFORD PROFESSIONAL CONCRETE	165524	2/26/15	101-3412-541.5203	3,206.00
Subtotal for 101-3412-541.5203								7,661.00
1/27/15	139181	123254		NATIONAL TRAFFIC SIGNS, INC.	165482	2/19/15	101-3412-541.5204	1,980.00
Subtotal for 101-3412-541.5204								1,980.00
11/24/14	138014	122410		ORLANDO PAVING CO	165567	2/26/15	101-3412-541.5300	173.88
Subtotal for 101-3412-541.5300								173.88
2/09/15	139471	123476		DEPT. OF CORRECTIONS	165438	2/19/15	101-3414-541.3400	14,374.25
Subtotal for 101-3414-541.3400								14,374.25
1/28/15	139194	123270		NEXTEL COMMUNICATIONS	165145	2/05/15	101-3414-541.4100	98.26
Subtotal for 101-3414-541.4100								98.26
12/16/14	138516	122754		MILLIKAN BATTERY & ELECTRIC	165140	2/05/15	101-3414-541.4650	150.00
12/12/14	138473	122720		APOPKA AUTO UPHOLSTERY	165273	2/12/15	101-3414-541.4650	425.00
1/21/15	139043	123149		TPH ACQUISITION LLLP	165372	2/12/15	101-3414-541.4650	32.88
Subtotal for 101-3414-541.4650								607.88
Subtotal for Fund 101 STREETS IMPROVEMENT FUND								449,686.57
10/03/14	136797	121556		LUKE TRANSPORTATION ENGINEER CC	165341	2/12/15	102-3413-541.3112	4,334.50
Subtotal for 102-3413-541.3112								4,334.50

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Subtotal for Fund 102 TRANSPORTATION IMPACT FEES								4,334.50
2/11/15	139525	123542		KIDS HOUSE OF SEMINOLE INC	1303	2/20/15	103-2291-521.4900	500.00
Subtotal for 103-2291-521.4900								500.00
Subtotal for Fund 103 LAW ENFORCEMENT TRUST-FEDERAL								500.00
1/28/15	139194	123270		NEXTEL COMMUNICATIONS	165145	2/05/15	120-3151-538.4100	27.80
Subtotal for 120-3151-538.4100								27.80
Subtotal for Fund 120 STORMWATER SPECIAL REVENUE FUND								27.80
2/19/15	139784			MJ ALTMAN COMPANIES, INC.	165478	2/19/15	401-117.0000	1,508.78
Subtotal for 401-117.0000								1,508.78
11/17/14	137875	122304		H D SUPPLY WATER WORKS, LTD.	165187	2/06/15	401-141.1120	4,203.54
12/08/14	138285	122623		H D SUPPLY WATER WORKS, LTD.	165327	2/12/15	401-141.1120	1,047.00
1/15/15	138981	123096		H D SUPPLY WATER WORKS, LTD.	165327	2/12/15	401-141.1120	22,421.93
Subtotal for 401-141.1120								27,672.47
10/02/14	136738	121507		ATLANTIC.NET	165277	2/12/15	401-3010-539.3400	251.17
2/09/15	139480	123479		CAPITAL CONTRACTORS INC.	165428	2/19/15	401-3010-539.3400	540.00
Subtotal for 401-3010-539.3400								791.17
10/29/14	137542	122108		DEPT OF MGMT SERVICES - STATE OF	165100	2/05/15	401-3010-539.4100	276.92
Subtotal for 401-3010-539.4100								276.92
2/19/15	139794			DUKE ENERGY	165446	2/19/15	401-3010-539.4300	72.96
2/19/15	139797			DUKE ENERGY	165446	2/19/15	401-3010-539.4300	333.06
Subtotal for 401-3010-539.4300								406.02
2/09/15	139479	123478		FLORIDA CENTRAL RAILROAD	165455	2/19/15	401-3010-539.4400	150.00
Subtotal for 401-3010-539.4400								150.00
10/30/14	137572	122140		MOTOROLA SOLUTIONS, INC.	165141	2/05/15	401-3010-539.4600	12,600.00
10/10/14	137031	121717		CROWN SHREDDING, LLC	165099	2/05/15	401-3010-539.4600	51.00
10/28/14	137508	122057		RICOH USA, INC.	165161	2/05/15	401-3010-539.4600	239.26
12/17/14	138545	122779		COPIER CONNECTION LLC	165297	2/12/15	401-3010-539.4600	81.87
Subtotal for 401-3010-539.4600								12,972.13
10/10/14	137053	121733		PRIDE ENTERPRISES	165351	2/12/15	401-3010-539.4700	97.87
Subtotal for 401-3010-539.4700								97.87
2/09/15	139481	123485		OFFICE DEPOT	165486	2/19/15	401-3010-539.5100	63.17
Subtotal for 401-3010-539.5100								63.17
12/22/14	138610	122818		SAFETY SHOE DISTRIBUTORS, L.L.P.	165498	2/19/15	401-3010-539.5200	84.80
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	401-3010-539.5200	54.40
2/26/15	139900			PUBLIC SERVICES PETTY CASH	165571	2/26/15	401-3010-539.5200	4.59
Subtotal for 401-3010-539.5200								143.79
2/04/15	139372			PUBLIC SERVICES PETTY CASH	165156	2/05/15	401-3010-539.5201	3.49
1/20/15	139038	123144		COCA-COLA ENTERPRISES	165526	2/26/15	401-3010-539.5201	150.00
Subtotal for 401-3010-539.5201								153.49
1/15/15	138988	123101		APOPKA BOTTLE & R.V.GAS CENTER IN	165085	2/05/15	401-3010-539.5250	41.11
Subtotal for 401-3010-539.5250								41.11
2/26/15	139900			PUBLIC SERVICES PETTY CASH	165571	2/26/15	401-3111-533.4000	34.50
Subtotal for 401-3111-533.4000								34.50
1/28/15	139194	123270		NEXTEL COMMUNICATIONS	165145	2/05/15	401-3111-533.4100	34.10
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	401-3111-533.4100	72.14
10/07/14	136910	121692		SWIFTREACH NETWORKS, INC.	165370	2/12/15	401-3111-533.4100	497.74
2/18/15	139774			CENTURYLINK	165432	2/19/15	401-3111-533.4100	150.00
Subtotal for 401-3111-533.4100								753.98
2/04/15	139352			DUKE ENERGY	165107	2/05/15	401-3111-533.4300	2,082.25
2/12/15	139552			DUKE ENERGY	165306	2/12/15	401-3111-533.4300	2,576.74
2/19/15	139795			DUKE ENERGY	165446	2/19/15	401-3111-533.4300	12,980.08

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2/26/15	139917			DUKE ENERGY	165538	2/26/15	401-3111-533.4300	13,474.68
Subtotal for 401-3111-533.4300								31,113.75
1/27/15	139175	123236		SEAL DISTRIBUTORS, INC.	165359	2/12/15	401-3111-533.4600	693.16
1/22/15	139092	123183		H D SUPPLY WATER WORKS, LTD.	165327	2/12/15	401-3111-533.4600	3,984.00
11/25/14	138060	122441		CANON SOLUTIONS AMERICA, INC	165284	2/12/15	401-3111-533.4600	7.27
12/09/14	138325	122660		CONSOLIDATED ELECTRICAL DIST.	165294	2/12/15	401-3111-533.4600	5.07
1/28/15	139214	123253		AMSOIL INC./ACCOUNTS RECEIVABLE	165272	2/12/15	401-3111-533.4600	359.72
1/15/15	138987	123100		A-1 SATISFACTION WATERPROOFING	165264	2/12/15	401-3111-533.4600	1,500.00
10/24/14	137447	122006		FASTENAL COMPANY	165309	2/12/15	401-3111-533.4600	17.49
1/16/15	139001	123111		ALLEN'S REFRIGERATION & AIR COND.	165267	2/12/15	401-3111-533.4600	2,475.00
1/16/15	139013	123122		AWC INC.	165278	2/12/15	401-3111-533.4600	1,116.49
1/29/15	139221	123249		H D SUPPLY WATER WORKS, LTD.	165327	2/12/15	401-3111-533.4600	875.00
1/22/15	139069	123167		FLORIDA ARMATURE WORKS, INC.	165315	2/12/15	401-3111-533.4600	5,450.00
2/06/15	139422	123426		UNITED PARCEL SERVICE	165376	2/12/15	401-3111-533.4600	4.47
10/02/14	136734	121500		HOME DEPOT CREDIT SERVICES	165463	2/19/15	401-3111-533.4600	52.48
2/03/15	139323	123366		HARRINGTON INDUSTRIAL PLASTICS LL	165550	2/26/15	401-3111-533.4600	607.49
1/23/15	139118	123197		CROM CORPORATION, THE	165527	2/26/15	401-3111-533.4600	300.00
Subtotal for 401-3111-533.4600								17,447.64
1/22/15	139083	123175		OFFICE DEPOT	165148	2/05/15	401-3111-533.5100	133.38
Subtotal for 401-3111-533.5100								133.38
2/04/15	139372			PUBLIC SERVICES PETTY CASH	165156	2/05/15	401-3111-533.5200	4.40
1/16/15	138995	123106		LaMOTTE COMPANY	165134	2/05/15	401-3111-533.5200	31.29
1/20/15	139022	123129		GRAINGER	165117	2/05/15	401-3111-533.5200	1,869.96
10/03/14	136776	121523		CONSOLIDATED ELECTRICAL DIST.	165294	2/12/15	401-3111-533.5200	73.33
2/06/15	139439	123437		ALLIED UNIVERSAL CORPORATION	165268	2/12/15	401-3111-533.5200	1,841.92
10/02/14	136731	121497		FISHER SCIENTIFIC	165313	2/12/15	401-3111-533.5200	365.82
2/06/15	139452	123459		CAR STORE TRANSPORT	165430	2/19/15	401-3111-533.5200	193.00
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	401-3111-533.5200	128.55
10/02/14	136731	121497		FISHER SCIENTIFIC	165454	2/19/15	401-3111-533.5200	51.48
10/20/14	137298	121907		HOME DEPOT CREDIT SERVICES	165463	2/19/15	401-3111-533.5200	37.78
11/25/14	138059	122440		PHENOVA, INC.	165569	2/26/15	401-3111-533.5200	584.25
10/17/14	137246	121858		AWK INDUSTRIES INC.	165522	2/26/15	401-3111-533.5200	58.00
Subtotal for 401-3111-533.5200								5,239.78
2/10/15	139500	123501		DEP - OPERATOR CERTIFICATION	165436	2/19/15	401-3111-533.5500	600.00
Subtotal for 401-3111-533.5500								600.00
2/09/15	139480	123479		CAPITAL CONTRACTORS INC.	165428	2/19/15	401-3121-535.3400	400.00
Subtotal for 401-3121-535.3400								400.00
2/04/15	139372			PUBLIC SERVICES PETTY CASH	165156	2/05/15	401-3121-535.4000	8.63
2/05/15	139400			PUBLIC SERVICES PETTY CASH	165156	2/05/15	401-3121-535.4000	23.58
2/18/15	139767			PUBLIC SERVICES PETTY CASH	165493	2/19/15	401-3121-535.4000	14.38
2/26/15	139900			PUBLIC SERVICES PETTY CASH	165571	2/26/15	401-3121-535.4000	20.13
Subtotal for 401-3121-535.4000								66.72
1/28/15	139194	123270		NEXTEL COMMUNICATIONS	165145	2/05/15	401-3121-535.4100	65.61
Subtotal for 401-3121-535.4100								65.61
2/04/15	139352			DUKE ENERGY	165107	2/05/15	401-3121-535.4300	9,518.89
2/12/15	139552			DUKE ENERGY	165306	2/12/15	401-3121-535.4300	839.38
2/19/15	139795			DUKE ENERGY	165446	2/19/15	401-3121-535.4300	44,755.13
2/26/15	139917			DUKE ENERGY	165538	2/26/15	401-3121-535.4300	5,369.29
2/26/15	139919			DUKE ENERGY	165538	2/26/15	401-3121-535.4300	5,110.59
Subtotal for 401-3121-535.4300								65,593.28
1/20/15	139023	123130		AWC INC.	165088	2/05/15	401-3121-535.4600	57.40

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1/12/15	138884	123020		TWC SERVICES	165178	2/05/15	401-3121-535.4600	236.00
12/09/14	138325	122660		CONSOLIDATED ELECTRICAL DIST.	165294	2/12/15	401-3121-535.4600	65.03
1/22/15	139069	123167		FLORIDA ARMATURE WORKS, INC.	165315	2/12/15	401-3121-535.4600	4,346.00
10/24/14	137447	122006		FASTENAL COMPANY	165309	2/12/15	401-3121-535.4600	17.50
1/30/15	139288	123338		DILLER BROWN & ASSOC INC	165301	2/12/15	401-3121-535.4600	202.00
1/28/15	139214	123253		AMSOIL INC./ACCOUNTS RECEIVABLE	165272	2/12/15	401-3121-535.4600	1,198.69
1/27/15	139175	123236		SEAL DISTRIBUTORS, INC.	165359	2/12/15	401-3121-535.4600	341.42
10/02/14	136734	121500		HOME DEPOT CREDIT SERVICES	165463	2/19/15	401-3121-535.4600	47.48
12/09/14	138312	122643		PAT'S PUMP & BLOWER, LLC.	165568	2/26/15	401-3121-535.4600	3,160.00
Subtotal for 401-3121-535.4600								9,671.52
11/10/14	137774	122231		A.O.K. TIRE MART	165265	2/12/15	401-3121-535.4650	748.28
Subtotal for 401-3121-535.4650								748.28
1/30/15	139282	123333		SHELLEY'S SEPTIC TANKS	165165	2/05/15	401-3121-535.4900	6,500.00
Subtotal for 401-3121-535.4900								6,500.00
1/15/15	138955	123077		AIRGAS USA, LLC	165076	2/05/15	401-3121-535.5200	70.66
1/29/15	139219	123251		ALLIED UNIVERSAL CORPORATION	165078	2/05/15	401-3121-535.5200	1,408.64
2/05/15	139400			PUBLIC SERVICES PETTY CASH	165156	2/05/15	401-3121-535.5200	9.24
1/12/15	138883	123019		FLOWERS CHEMICAL LABORATORIES I	165114	2/05/15	401-3121-535.5200	150.00
10/02/14	136732	121498		FISHER SCIENTIFIC	165313	2/12/15	401-3121-535.5200	588.70
11/18/14	137930	122356		CAR STORE OF WEST ORANGE, INC.	165286	2/12/15	401-3121-535.5200	193.00
1/30/15	139295	123344		DWYER INSTRUMENTS, INC.	165307	2/12/15	401-3121-535.5200	909.97
1/12/15	138883	123019		FLOWERS CHEMICAL LABORATORIES I	165320	2/12/15	401-3121-535.5200	105.00
1/05/15	138727	122902		COMPRESSED GAS SOLUTIONS, INC.	165292	2/12/15	401-3121-535.5200	484.62
2/06/15	139439	123437		ALLIED UNIVERSAL CORPORATION	165268	2/12/15	401-3121-535.5200	1,271.68
2/03/15	139326	123368		GRAINGER	165461	2/19/15	401-3121-535.5200	384.62
1/12/15	138883	123019		FLOWERS CHEMICAL LABORATORIES I	165544	2/26/15	401-3121-535.5200	360.00
11/25/14	138059	122440		PHENOVA, INC.	165569	2/26/15	401-3121-535.5200	251.09
Subtotal for 401-3121-535.5200								6,187.22
11/19/14	137947	122371		PELLETIER, ROY A.	165350	2/12/15	401-3121-535.5500	469.00
2/10/15	139500	123501		DEP - OPERATOR CERTIFICATION	165436	2/19/15	401-3121-535.5500	675.00
Subtotal for 401-3121-535.5500								1,144.00
2/05/15	139399	123413		OCE MT DORA LLC	165346	2/12/15	401-3131-536.4300	175.50
2/19/15	139794			DUKE ENERGY	165446	2/19/15	401-3131-536.4300	109.44
Subtotal for 401-3131-536.4300								284.94
1/22/15	139103	123189		TAMPA CRANE & BODY, INC.	165171	2/05/15	401-3131-536.4650	20,353.33
1/28/15	139193	123271		ORLANDO HOSE & FLUIDPOWER	165349	2/12/15	401-3131-536.4650	114.57
1/05/15	138705	122879		A.O.K. TIRE MART	165265	2/12/15	401-3131-536.4650	265.00
1/15/15	138959	123081		GLENN JOINER & SON, INC.	165458	2/19/15	401-3131-536.4650	100.10
Subtotal for 401-3131-536.4650								20,833.00
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	401-3131-536.5200	170.60
Subtotal for 401-3131-536.5200								170.60
2/09/15	139480	123479		CAPITAL CONTRACTORS INC.	165428	2/19/15	401-3141-533.3400	131.67
Subtotal for 401-3141-533.3400								131.67
1/28/15	139194	123270		NEXTEL COMMUNICATIONS	165145	2/05/15	401-3141-533.4100	32.81
10/07/14	136860	121633		VERIZON WIRELESS	165379	2/12/15	401-3141-533.4100	75.14
10/06/14	136816	121595		VERIZON WIRELESS	165379	2/12/15	401-3141-533.4100	36.07
Subtotal for 401-3141-533.4100								144.02
2/19/15	139797			DUKE ENERGY	165446	2/19/15	401-3141-533.4300	260.88
2/19/15	139794			DUKE ENERGY	165446	2/19/15	401-3141-533.4300	109.43
2/26/15	139918			DUKE ENERGY	165538	2/26/15	401-3141-533.4300	50.88
Subtotal for 401-3141-533.4300								421.19

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1/28/15	139212	123259		FLORIDA CENTRAL RAILROAD	165111	2/05/15	401-3141-533.4400	1,051.32
Subtotal for 401-3141-533.4400								1,051.32
12/16/14	138516	122754		MILLIKAN BATTERY & ELECTRIC	165140	2/05/15	401-3141-533.4650	165.00
2/04/15	139348	123382		PRO TREE KUSTOMS AND AUTO COLLIS	165492	2/19/15	401-3141-533.4650	338.70
Subtotal for 401-3141-533.4650								503.70
2/09/15	139468	123474		SUNSHINE STATE ONE CALL OF FL.INC.	165507	2/19/15	401-3141-533.4900	481.81
Subtotal for 401-3141-533.4900								481.81
2/09/15	139481	123485		OFFICE DEPOT	165486	2/19/15	401-3141-533.5100	158.88
Subtotal for 401-3141-533.5100								158.88
1/20/15	139034	123141		LAKE JEM FARMS INC.	165337	2/12/15	401-3141-533.5200	216.00
2/04/15	139349	123381		RYAN BROTHERS, INC.	165357	2/12/15	401-3141-533.5200	75.00
2/05/15	139404	123415		EA TAPPING SERVICES, LLC	165447	2/19/15	401-3141-533.5200	215.00
1/30/15	139287	123337		H D SUPPLY WATER WORKS, LTD.	165462	2/19/15	401-3141-533.5200	2,389.00
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	401-3141-533.5200	273.00
1/22/15	139095	123187		LAKE JEM FARMS INC.	165557	2/26/15	401-3141-533.5200	156.00
Subtotal for 401-3141-533.5200								3,324.00
1/22/15	139070	123168		H D SUPPLY WATER WORKS, LTD.	165187	2/06/15	401-3141-533.6300	-310.00
1/27/15	139180	123241		H D SUPPLY WATER WORKS, LTD.	165462	2/19/15	401-3141-533.6300	1,862.40
Subtotal for 401-3141-533.6300								1,552.40
10/02/14	136708	121481		FEDEX OFFICE	165312	2/12/15	401-3161-533.4200	387.00
11/26/14	138067	122447		FEDEX OFFICE	165312	2/12/15	401-3161-533.4200	1,478.33
12/29/14	138664	122845		FEDEX OFFICE	165312	2/12/15	401-3161-533.4200	1,474.90
12/22/14	138609	122811		FEDEX OFFICE	165312	2/12/15	401-3161-533.4200	3,073.28
11/14/14	137854	122287		FEDEX OFFICE	165312	2/12/15	401-3161-533.4200	3,128.65
11/06/14	137743	122199		FEDEX OFFICE	165312	2/12/15	401-3161-533.4200	2,321.13
11/20/14	137993	122392		FEDEX OFFICE	165312	2/12/15	401-3161-533.4200	3,090.43
12/08/14	138283	122621		FEDEX OFFICE	165312	2/12/15	401-3161-533.4200	2,316.23
12/16/14	138514	122752		FEDEX OFFICE	165312	2/12/15	401-3161-533.4200	3,147.27
12/29/14	138634	122820		FEDEX OFFICE	165312	2/12/15	401-3161-533.4200	1,131.90
Subtotal for 401-3161-533.4200								21,549.12
1/15/15	138944	123071		SENSUS METERING SYSTEMS	165164	2/05/15	401-3161-533.4600	6,812.42
Subtotal for 401-3161-533.4600								6,812.42
12/29/14	138664	122845		FEDEX OFFICE	165312	2/12/15	401-3161-533.4700	1,251.40
12/08/14	138283	122621		FEDEX OFFICE	165312	2/12/15	401-3161-533.4700	1,961.46
11/20/14	137993	122392		FEDEX OFFICE	165312	2/12/15	401-3161-533.4700	2,596.90
12/16/14	138514	122752		FEDEX OFFICE	165312	2/12/15	401-3161-533.4700	2,669.54
10/02/14	136708	121481		FEDEX OFFICE	165312	2/12/15	401-3161-533.4700	49.20
11/14/14	137854	122287		FEDEX OFFICE	165312	2/12/15	401-3161-533.4700	2,656.10
12/22/14	138609	122811		FEDEX OFFICE	165312	2/12/15	401-3161-533.4700	2,585.28
12/29/14	138634	122820		FEDEX OFFICE	165312	2/12/15	401-3161-533.4700	554.40
11/06/14	137743	122199		FEDEX OFFICE	165312	2/12/15	401-3161-533.4700	1,962.92
11/26/14	138067	122447		FEDEX OFFICE	165312	2/12/15	401-3161-533.4700	1,240.91
Subtotal for 401-3161-533.4700								17,528.11
10/02/14	136700	121473		OFFICE DEPOT	165486	2/19/15	401-3161-533.5100	45.49
10/02/14	136702	121475		CAPITAL OFFICE PRODUCTS	165429	2/19/15	401-3161-533.5100	57.80
10/02/14	136700	121473		OFFICE DEPOT	165564	2/26/15	401-3161-533.5100	76.41
Subtotal for 401-3161-533.5100								179.70
10/02/14	136701	121474		OFFICE DEPOT	165348	2/12/15	401-3161-533.5200	31.34
1/29/15	139245	123300		M.H.S. OF CENTRAL FLORIDA INC	165475	2/19/15	401-3161-533.5200	157.50
Subtotal for 401-3161-533.5200								188.84
2/09/15	139480	123479		CAPITAL CONTRACTORS INC.	165428	2/19/15	401-3171-535.3400	66.67

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Subtotal for 401-3171-535.3400								66.67
1/28/15	139194	123270		NEXTEL COMMUNICATIONS	165145	2/05/15	401-3171-535.4100	34.89
12/19/14	138605	122809		VERIZON WIRELESS	165379	2/12/15	401-3171-535.4100	37.57
Subtotal for 401-3171-535.4100								72.46
2/19/15	139794			DUKE ENERGY	165446	2/19/15	401-3171-535.4300	72.96
2/26/15	139918			DUKE ENERGY	165538	2/26/15	401-3171-535.4300	50.87
Subtotal for 401-3171-535.4300								123.83
1/29/15	139235	123246		CLOUD 9 SERVICES, INC	165098	2/05/15	401-3171-535.4400	1,800.00
2/05/15	139398	123412		FLORIDA CENTRAL RAILROAD	165316	2/12/15	401-3171-535.4400	1,937.74
Subtotal for 401-3171-535.4400								3,737.74
1/21/15	139060	123164		MICHIGAN ST. PUMP & ELECTRIC MOTC	165138	2/05/15	401-3171-535.4600	3,388.00
1/26/15	139149	123220		MICHIGAN ST. PUMP & ELECTRIC MOTC	165138	2/05/15	401-3171-535.4600	2,192.00
1/26/15	139145	123216		MICHIGAN ST. PUMP & ELECTRIC MOTC	165138	2/05/15	401-3171-535.4600	1,988.00
1/26/15	139148	123219		MICHIGAN ST. PUMP & ELECTRIC MOTC	165138	2/05/15	401-3171-535.4600	1,839.00
2/05/15	139417	123422		BATTERIES PLUS	165421	2/19/15	401-3171-535.4600	998.00
1/26/15	139146	123217		MICHIGAN ST. PUMP & ELECTRIC MOTC	165477	2/19/15	401-3171-535.4600	2,574.00
Subtotal for 401-3171-535.4600								12,979.00
12/12/14	138456	122702		APOPKA ACE HARDWARE & LUMBER IN	165083	2/05/15	401-3171-535.4650	82.98
1/05/15	138707	122881		ADVANCE AUTO PARTS	165074	2/05/15	401-3171-535.4650	31.95
11/18/14	137930	122356		CAR STORE OF WEST ORANGE, INC.	165286	2/12/15	401-3171-535.4650	340.00
2/04/15	139375	123400		SURPLUS STEEL & SUPPLY, INC	165575	2/26/15	401-3171-535.4650	9.79
Subtotal for 401-3171-535.4650								464.72
1/22/15	139083	123175		OFFICE DEPOT	165148	2/05/15	401-3171-535.5100	61.83
2/09/15	139481	123485		OFFICE DEPOT	165486	2/19/15	401-3171-535.5100	19.54
Subtotal for 401-3171-535.5100								81.37
1/20/15	139030	123137		EVOQUA WATER TECHNOLOGIES LLC	165110	2/05/15	401-3171-535.5200	5,671.00
2/04/15	139372			PUBLIC SERVICES PETTY CASH	165156	2/05/15	401-3171-535.5200	13.23
1/12/15	138878	123018		H D SUPPLY WATER WORKS, LTD.	165187	2/06/15	401-3171-535.5200	80.22
1/09/15	138821	122973		HD SUPPLY POWER SOLUTIONS, LTD.	165328	2/12/15	401-3171-535.5200	1,405.20
1/09/15	138822	122974		CONSOLIDATED PIPE & SUPPLY COMP.	165295	2/12/15	401-3171-535.5200	768.00
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	401-3171-535.5200	154.45
2/05/15	139404	123415		EA TAPPING SERVICES, LLC	165447	2/19/15	401-3171-535.5200	125.00
1/30/15	139287	123337		H D SUPPLY WATER WORKS, LTD.	165462	2/19/15	401-3171-535.5200	1,753.00
Subtotal for 401-3171-535.5200								9,970.10
11/05/14	137691	122186		RING POWER CORPORATION	165162	2/05/15	401-3181-536.4650	52.25
Subtotal for 401-3181-536.4650								52.25
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	401-3181-536.5200	48.65
Subtotal for 401-3181-536.5200								48.65
2/19/15	139797			DUKE ENERGY	165446	2/19/15	401-3410-539.4300	333.06
2/19/15	139794			DUKE ENERGY	165446	2/19/15	401-3410-539.4300	36.48
Subtotal for 401-3410-539.4300								369.54
2/05/15	139414	123392		TRI-GLOBAL TECHNOLOGIES, LLC.	165512	2/19/15	401-3410-539.4600	60.50
Subtotal for 401-3410-539.4600								60.50
1/22/15	139083	123175		OFFICE DEPOT	165148	2/05/15	401-3410-539.5100	138.25
2/09/15	139481	123485		OFFICE DEPOT	165486	2/19/15	401-3410-539.5100	328.12
Subtotal for 401-3410-539.5100								466.37
2/04/15	139372			PUBLIC SERVICES PETTY CASH	165156	2/05/15	401-3410-539.5200	4.00
1/07/15	138793	122991		CDW GOVERNMENT, INC.	165093	2/05/15	401-3410-539.5200	58.00
1/16/15	139006	123115		TRI-GLOBAL TECHNOLOGIES, LLC.	165512	2/19/15	401-3410-539.5200	195.00
10/20/14	137281	121891		SAFETY SHOE DISTRIBUTORS, L.L.P.	165498	2/19/15	401-3410-539.5200	334.40
Subtotal for 401-3410-539.5200								591.40

Run: 2/26/15
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CITY OF APOPKA
Disbursements Report
By Account Number, Paid 1/30/15 thru 2/26/15

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Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
Subtotal for Fund 401 WATER AND WASTEWATER OPERATING FUND								294,376.90
2/09/15	139480	123479		CAPITAL CONTRACTORS INC.	165428	2/19/15	402-3210-534.3400	66.66
Subtotal for 402-3210-534.3400								66.66
10/29/14	137542	122108		DEPT OF MGMT SERVICES - STATE OF	165100	2/05/15	402-3210-534.4100	23.08
Subtotal for 402-3210-534.4100								23.08
2/06/15	139422	123426		UNITED PARCEL SERVICE	165376	2/12/15	402-3210-534.4200	3.64
Subtotal for 402-3210-534.4200								3.64
1/29/15	139262	123312		WASTE MANAGEMENT OF VISTA LANDF	165184	2/05/15	402-3210-534.4300	6,640.92
2/19/15	139794			DUKE ENERGY	165446	2/19/15	402-3210-534.4300	109.44
2/16/15	139673	123566		WASTE MANAGEMENT OF VISTA LANDF	165581	2/26/15	402-3210-534.4300	5,578.98
2/16/15	139674	123567		OCU - SOLID WASTE DIVISION	165563	2/26/15	402-3210-534.4300	66,862.38
Subtotal for 402-3210-534.4300								79,191.72
1/29/15	139260	123310		GREENLEAF COMPACTION, INC.	165118	2/05/15	402-3210-534.4400	210.00
Subtotal for 402-3210-534.4400								210.00
1/12/15	138875	123013		L & B DISTRIBUTING	165128	2/05/15	402-3210-534.4650	39.95
10/14/14	137102	121778		AMAZON HOSE AND RUBBER CO	165079	2/05/15	402-3210-534.4650	327.82
1/15/15	138948	123073		TAMPA CRANE & BODY, INC.	165171	2/05/15	402-3210-534.4650	2,995.49
1/05/15	138713	122887		PEP BOYS - MANNY, MOE & JACK, THE	165152	2/05/15	402-3210-534.4650	54.99
1/05/15	138709	122883		DON REID FORD	165102	2/05/15	402-3210-534.4650	1,192.09
12/16/14	138516	122754		MILLIKAN BATTERY & ELECTRIC	165140	2/05/15	402-3210-534.4650	185.00
1/15/15	138956	123078		MAUDLIN INTERNATIONAL	165137	2/05/15	402-3210-534.4650	365.56
1/15/15	138955	123077		AIRGAS USA, LLC	165076	2/05/15	402-3210-534.4650	136.72
1/27/15	139157	123226		LOUIS E. SNYDER	165339	2/12/15	402-3210-534.4650	1,451.11
1/23/15	139112	123191		A.O.K. TIRE MART	165265	2/12/15	402-3210-534.4650	2,241.48
11/10/14	137774	122231		A.O.K. TIRE MART	165265	2/12/15	402-3210-534.4650	1,643.24
11/18/14	137930	122356		CAR STORE OF WEST ORANGE, INC.	165286	2/12/15	402-3210-534.4650	572.40
1/21/15	139043	123149		TPH ACQUISITION LLLP	165372	2/12/15	402-3210-534.4650	1,258.01
1/05/15	138705	122879		A.O.K. TIRE MART	165265	2/12/15	402-3210-534.4650	1,891.80
1/28/15	139193	123271		ORLANDO HOSE & FLUIDPOWER	165349	2/12/15	402-3210-534.4650	128.20
1/09/15	138829	122981		AMERICAN WIRE & TERMINAL	165271	2/12/15	402-3210-534.4650	22.70
12/31/14	138681	122858		FORGE FASTENER & SUPPLY CO,	165457	2/19/15	402-3210-534.4650	171.22
1/15/15	138959	123081		GLENN JOINER & SON, INC.	165458	2/19/15	402-3210-534.4650	96.55
1/09/15	138835	122986		TAMPA CRANE & BODY, INC.	165508	2/19/15	402-3210-534.4650	990.67
1/15/15	138962	123084		TAMPA CRANE & BODY, INC.	165508	2/19/15	402-3210-534.4650	1,168.34
1/23/15	139113	123192		A.O.K. TIRE MART	165518	2/26/15	402-3210-534.4650	2,055.74
1/15/15	138960	123082		ORLANDO FREIGHTLINER, INC.	165566	2/26/15	402-3210-534.4650	1,306.42
2/04/15	139375	123400		SURPLUS STEEL & SUPPLY, INC	165575	2/26/15	402-3210-534.4650	52.50
1/26/15	139129	123205		MILLIKAN BATTERY & ELECTRIC	165560	2/26/15	402-3210-534.4650	1,400.00
Subtotal for 402-3210-534.4650								21,748.00
12/08/14	138276	122690		MAGNETIC ATTRACTION INC.	165558	2/26/15	402-3210-534.4700	17,000.00
Subtotal for 402-3210-534.4700								17,000.00
1/29/15	139261	123311		LABOR READY SOUTHEAST, INC.	165129	2/05/15	402-3210-534.4903	2,397.00
2/04/15	139359	123397		LABOR READY SOUTHEAST, INC.	165336	2/12/15	402-3210-534.4903	1,278.40
2/16/15	139677	123570		LABOR READY SOUTHEAST, INC.	165555	2/26/15	402-3210-534.4903	1,278.40
2/16/15	139675	123568		LABOR READY SOUTHEAST, INC.	165555	2/26/15	402-3210-534.4903	319.60
2/16/15	139676	123569		LABOR READY SOUTHEAST, INC.	165555	2/26/15	402-3210-534.4903	1,438.20
Subtotal for 402-3210-534.4903								6,711.60
1/22/15	139083	123175		OFFICE DEPOT	165148	2/05/15	402-3210-534.5100	109.77
2/09/15	139481	123485		OFFICE DEPOT	165486	2/19/15	402-3210-534.5100	159.24
Subtotal for 402-3210-534.5100								269.01
12/18/14	138572	122787		IRON CONTAINER LLC	165124	2/05/15	402-3210-534.5200	13,405.00

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Disbursements Report
By Account Number, Paid 1/30/15 thru 2/26/15

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Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
2/09/15	139470	123475		ARAMARK UNIFORM SERVICES, INC.	165418	2/19/15	402-3210-534.5200	829.39
1/27/15	139190	123273		GLOBAL INDUSTRIAL EQUIPMENT	165459	2/19/15	402-3210-534.5200	219.08
2/26/15	139899			PUBLIC SERVICES PETTY CASH	165571	2/26/15	402-3210-534.5200	17.99
Subtotal for 402-3210-534.5200								14,471.46
Subtotal for Fund 402 SANITATION								139,695.17
2/02/15	139301	123395		VOGEL BROS. BUILDING CO	165380	2/12/15	403-205.0002	-92,300.00
2/24/15	139867	123709		GARNEY COMPANIES, INC	165545	2/26/15	403-205.0002	-18,663.16
2/20/15	139824	123670	20130003	VOGEL BROS. BUILDING CO	165580	2/26/15	403-205.0002	-61,100.00
Subtotal for 403-205.0002								-172,063.16
12/08/14	138277	122615	20130003	ARDAMAN & ASSOCIATES, INC	165087	2/05/15	403-3115-535.6300	745.58
1/07/15	138792	122959	20140006	UNIVERSAL ENGINEERING SCIENCES, I	165182	2/05/15	403-3115-535.6300	1,145.59
10/28/14	137517	122058	20140006	AMERICAN CAST IRON PIPE COMPANY	165270	2/12/15	403-3115-535.6300	472,427.52
2/02/15	139301	123395	20130003	VOGEL BROS. BUILDING CO	165380	2/12/15	403-3115-535.6300	923,000.00
2/06/15	139422	123426	20130003	UNITED PARCEL SERVICE	165376	2/12/15	403-3115-535.6300	3.94
2/10/15	139506	123507	20130003	DUKE ENERGY	165530	2/26/15	403-3115-535.6300	962.40
10/20/14	137312	121926	20130003	NORTHCOAST VALVE & GATE, INC	165562	2/26/15	403-3115-535.6300	38,402.00
2/20/15	139824	123670	20130003	VOGEL BROS. BUILDING CO	165580	2/26/15	403-3115-535.6300	611,000.00
2/24/15	139867	123709	20140006	GARNEY COMPANIES, INC	165545	2/26/15	403-3115-535.6300	186,631.52
Subtotal for 403-3115-535.6300								2,234,318.55
Subtotal for Fund 403 WATER, WASTEWATER AND REUSE IMPACT FEES								2,062,255.39
Grand Total								4,011,994.04

Backup material for agenda item:

1. ORDINANCE NO. 2408 – SECOND READING & ADOPTION – Establishing a time-limited moratorium for land use amendments, zoning changes and development orders for properties located within the proposed Ocoee-Apopka Road Corridor Small Area Overlay District until October 31, 2015. [Ordinance No. 2408 meets the requirements for adoption having been advertised in The Apopka Chief on February 20, 2015.]



**CITY OF APOPKA
CITY COUNCIL**

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL HEARING
 X OTHER: Ordinance

MEETING OF: March 4, 2015
FROM: Community Development
EXHIBITS: Ordinance No. 2408
OAR Area Map
Draft Dev. Guidelines

SUBJECT: **ORDINANCE NO. 2408 – ESTABLISHING A TIME-LIMITED MORATORIUM FOR LAND USE AMENDMENTS, ZONING CHANGES AND DEVELOPMENT ORDERS FOR PROPERTIES LOCATED WITHIN THE PROPOSED OCOEE-APOPKA ROAD OVERLAY DISTRICT**

Request: **SECOND READING & ADOPTION OF ORDINANCE NO. 2408 – ESTABLISHING A TIME-LIMITED MORATORIUM FOR LAND USE AMENDMENTS, ZONING CHANGES AND DEVELOPMENT ORDERS FOR PROPERTIES LOCATED WITHIN THE PROPOSED OCOEE-APOPKA ROAD CORRIDOR SMALL AREA OVERLAY DISTRICT UNTIL OCTOBER 31, 2015.**

SUMMARY:

In March 2014, the City commenced a small area study for an area covering approximately 4.4 square miles in the vicinity of Ocoee Apopka Road. Completion and expansion of the State Road 429, 414, and 451 tollway system, together with proposed construction of the Florida Hospital Replacement Medical Campus, have and will generate immediate and increased pressure to develop higher density residential, commercial, and industrial uses within the Ocoee Apopka Road Small Area Study boundaries. To better manage growth and development consistent with the desired land use patterns and development standards that will emerge from the Ocoee Apopka Road Small Area Study, a temporary moratorium is proposed and will sunset on October 31, 2015. The moratorium grants City Council authority to waive the moratorium if a proposed development application is determined to meet the intent of the current draft development guidelines.

DULY ADVERTISED: January 23, 2015 – Public Hearing Notice
 February 20, 2015 – Ordinance Heading

FUNDING SOURCE: N/A

RECOMMENDED ACTION:

The **Planning Commission**, at its meeting on February 20, 2015, recommended approval (6-0) of the establishment of a Time-Limited Moratorium on land use amendments, zoning changes, and development plans for properties located within the proposed Ocoee-Apopka Road Corridor Small Area Overlay District until October 31, 2015.

The **City Council**, at its meeting on February 18, 2015, accepted the First Reading of Ordinance No. 2408 and held it over for Second Reading and Adoption on March 4, 2015.

Adopt Ordinance No. 2408.

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

ORDINANCE NO. 2408

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL OCTOBER 31, 2015, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATIONS FOR AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN OR LAND DEVELOPMENT CODE FOR THE GEOGRAPHICAL AREA COMPRISING THE OCOEE APOPKA ROAD SMALL AREA STUDY WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

WHEREAS, in March 2014, the City commenced a small area study for an area covering approximately 4.4 square miles in the vicinity of Ocoee Apopka Road; and

WHEREAS, completion and expansion of the State Road 429, 414, and 451 toll way system, together with proposed construction of the Florida Hospital Replacement Medical Campus, have and will generate immediate and increased pressure to develop higher density residential, commercial, and industrial uses within the Ocoee Apopka Road Small Area Study boundaries; and

WHEREAS, the City Council deems it in the best interest of Apopka to manage growth and development consistent with the desired land use patterns and development standards that will emerge from the Ocoee Apopka Road Small Area Study; and

WHEREAS, the aforementioned moratorium is temporary and will sunset according to an eight month schedule, but conditions are provide, if satisfactorily met, that enable City Council to waive the moratorium for a development determined to meet the intent of the development standards set forth in the current proposed development guidelines; and

WHEREAS, the City has accomplished many tasks and expended public funds over the past decade in furtherance of managing development in the general vicinity contained within the area embraced by the Ocoee Apopka Road Small Area Study for the purpose of promoting economic development and generating jobs; and

WHEREAS, the absence of such moratorium may result in rapid development of land that is inconsistent with the vision for the area defined by the Ocoee Apopka Road Small Area Study; and

WHEREAS, the City has made or plans to make an investment of taxpayers' dollars in the furtherance of the implementation and installation of public infrastructure to support future development proposed within the Ocoee Apopka Road Small Area Study; and

WHEREAS, development occurring consistent with a unified development plan is key to the success of implementing the Ocoee Apopka Small Area Study and the vision that City Council holds for that area; and

WHEREAS, the adoption of the moratorium on the processing of applications for certain development orders and permits and amendments to the current Comprehensive Plan and Land Development Code applicable to properties located within the boundaries of the Ocoee Apopka Road Small Area Study will provide the City time to prepare and adopt necessary Comprehensive Plan and Land Development Code amendments to further the desired vision of the City of Apopka for area comprising the Ocoee Apopka Road Small Area Study; and

WHEREAS, the adoption of this moratorium will allow necessary time to amend the Comprehensive Plan and Land Development Code to steer incompatible uses from encroaching within the vicinity upon a proposed new regional medical campus; and

WHEREAS, this moratorium is adopted in good faith and is not discriminatory against any property owners within the Ocoee Apopka Road Small Area Study, and is appropriate to the amendment of the Comprehensive Plan and Land Development Code; and

WHEREAS, the City Council of the City of Apopka has determined that it is in the best interest of the citizens of Apopka to enact a moratorium on the processing of certain applications for development orders and development permits, as specified herein, as well as amendments to the City's current Comprehensive Plan and Land Development Code, applicable only to properties within the boundaries of the Ocoee Apopka Road Small Area Study.

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

SECTION I. TEMPORARY MORATORIUM IMPOSED.

- A. The City Council of the City of Apopka hereby declares a moratorium for the time period specified in Section V on the processing of the following Development Permit Applications for properties located within the boundaries of the Ocoee Apopka Road Small Area Study (as defined in Section II):

Permit Applications:

1. Proposed Development of Regional Impact;
2. Comprehensive Land Use Plan Amendments;
3. Comprehensive Plan Text Amendments;

4. Rezoning, including but not limited to, changes to zoning district boundaries and zoning district regulations;
 5. Master Plans, Final Development Plans, and Preliminary Development Plans;
 6. Variances which increase previously approved density, or intensity of development of a parcel. For purposes of this provision, and by way of example, the density or intensity of development of a parcel means the amount of square footage of a building area to be constructed on a parcel, or the number of dwelling units on a parcel;
 7. Special exceptions;
 8. Modifications to Development Orders, including but not limited to, Planned Unit Development, that result in a change in density or intensity of uses, and/or result in an increase in trips for the Development Plan previously approved. For purpose of this provision, and by way of example, the density or intensity of development of a parcel means the amount of square footage of building area to be constructed on a parcel, or the number of dwelling units on a parcel.
- B. For the purposes of this Ordinance a development order or permit means a preliminary development plan, final development plan, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

SECTION II. AREA APPLICABLE TO THE MORATORIUM - The moratorium shall apply to all lands under the jurisdiction of the City of Apopka located within the boundaries of the Ocoee Apopka Road Small Area Study as delineated within Exhibit "A". If a parcel is split by the Small Area boundary line, then the moratorium only applies to that portion of the parcel that lies within the Small Area Study.

SECTION III. EXEMPTIONS. The City Council hereby determines that the following shall be exempt from the requirements of this ordinance:

1. All applications for Development Permits exempt from the City's regulatory authority as provided by applicable Federal, State, or Local Law;
2. Applications for Development Permits, as determined by the City Administrator, or his designee, and confirmed in writing prior to first reading of this Ordinance to be sufficient pursuant to the requirements of the City's Land Development Code.
3. Development Orders for Excavations approved as part of a final development plan;

4. Any building permit for an agriculture structure associate with an existing agriculture use;
5. Arbor permits;
6. Building permits, including building, plumbing, mechanical and electrical permits for new construction of a single family dwelling or barn or for the construction of an addition to a single family dwelling or barn, and their accessory structures, or for construction of improvement that are consistent with site plans associated with Development Permits that were approved prior to the first reading of this Ordinance;
7. A preliminary development plan, final development plan, plat, master plan, special exception or building permit approved by the City prior to the effective date of this ordinance and which has not expired including but not limited to all pending and future applications for development orders or permits applicable to the following: Florida Hospital Apopka Replacement Campus PUD Master Plan and Preliminary Development Plan; Emerson Park PUD, Apopka Woods Final Development Plan, Magnolia Park Final Development Plan, and Marden Ridge Master Plan(Preliminary Development Plan);
8. A complete application for a preliminary development plan, final development plan, master plan, master plan, special exception or building permit submitted to the City prior to the effective date of this ordinance;
9. Any accessory use permits such as fences, swimming pools, etc., as defined within Chapter 7 of the Land Development Code;
10. Any building permit to replace existing damage to a single family home or to accommodate an addition to an existing single family home.
11. Applications for plat approvals for previously approved final development plans.

SECTION IV: WAIVER OF MORATORIUM. The City Council of the City of Apopka, at its discretion, may waive the moratorium for land use amendments, rezonings, or master plans, or final or preliminary development plan applications if it determines that said application meets the intent of the recommendations and findings of the Ocoee Apopka Road Small Area Study and its associated Development Standards, provided in Exhibit “B”. An applicant requesting a waiver from the Moratorium must indicate so in writing with the submittal of a development application with documentation demonstrating how the proposed development and infrastructure meet the intent of the Ocoee Apopka Road Small Area Study. If an application involves a land use amendment or rezoning request, a master plan or preliminary plan must be included with the application. Architectural renders for the exterior of all buildings shall be submitted with all moratorium waiver requests.

SECTION V: ADMINISTRATIVE/QUASI-JUDICIAL REVIEW PROCEDURES. Owners of real property within the Ocoee Apopka Road Small Area Study or the authorized agent of such owner may request a determination of vested rights by following the procedures set for in Article VI, Section 4.06.02 of the Apopka Code of Ordinances.

SECTION VI: MORATORIUM SCHEDULE. The City Council of the City of Apopka hereby declares that the moratorium shall be effective through October 31, 2015, unless otherwise modified or extended by the City Council.

SECTION VII: SCOPE OF COVERAGE: Unless otherwise stated, this Ordinance shall cover all lands within the Ocoee Apopka Road Small Area Study, as delineated within Exhibit "A".

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.

SECTION X: EFFECTIVE DATE: This ordinance shall take effect upon passage and adoption.

READ FIRST TIME: February 18, 2015

READ SECOND TIME
AND ADOPTED: March 4, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

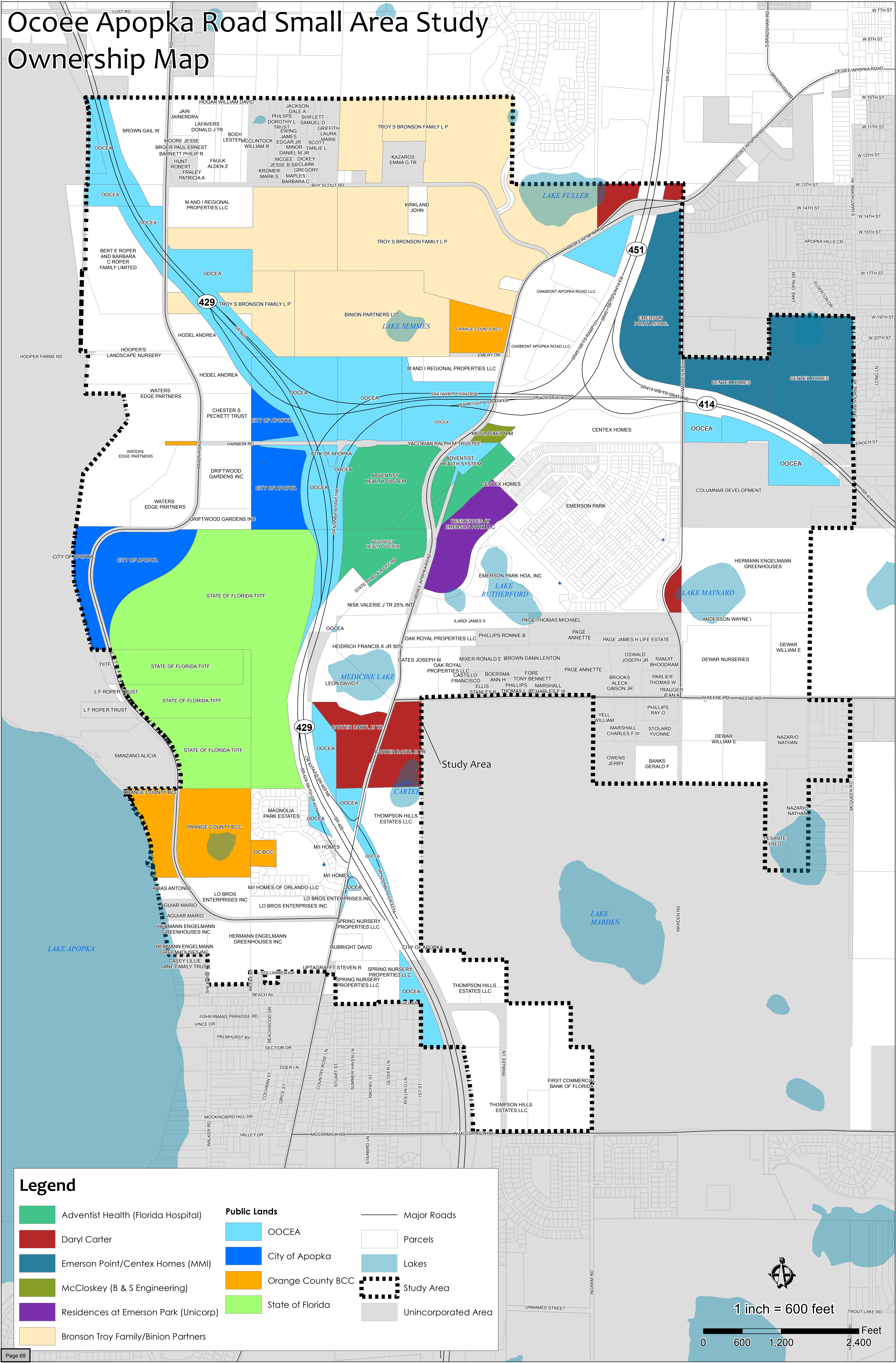
APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING: January 23, 2015
February 20, 2015

Ocoee Apopka Road Small Area Study

Ownership Map



XI. APPENDIX C: Ocoee-Apopka Road Development Standards Sample¹

¹ The name of the Overlay should use the name selected for the area.

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Ocoee-Apopka Road Zoning Overlay²

A. PURPOSE:

The purpose of the standards contained in this Section is to guide development into creating a mixed use employment center around the Florida Hospital site, located on Ocoee-Apopka Road. The standards require a more efficient and sustainable urban form throughout the overlay, and includes standards to achieve a compact, pedestrian-friendly environment in the core. The standards allow a wide range of housing, employment and recreation choices and opportunities throughout the district.

B. THE OVERLAY PLAN/UNDERLYING ZONING

The district overlay plan (Map 1) identifies the subzones within the overlay, each of which offering a full diversity of building types, street types, and civic space types, and each reflecting appropriate characteristics for its location. The standards contained in this section apply to all development within those zones. Standards not specifically mentioned in this section revert to the directives of the underlying zoning district.

C. CONFLICTS

The provisions of the land development code apply within the overlay area, except as specifically noted in this Section. When in conflict with other sections of the Code, the provisions of this Section shall take precedence over those of other codes, ordinances, regulations and standards.

D. ALLOWABLE USES

The following table shows the uses that would be allowed within the various subareas. The uses listed are only allowed if consistent the Future Land Use category applicable to each property.

Table 1. Table of Uses

USE	New Market	Gateway	RTE	Neighb	MU
RESIDENTIAL					
Single-Family Detached	Yes	Yes	No	Yes	Yes
Duplex	Yes	Yes	No	Yes	Yes
Town Houses	Yes	Yes	Yes	Yes	Yes
Multi-Family	Yes	Yes	Yes	Yes	Yes
Mobile Home Parks	No	No	No	No	No
Accessory Residential (garage apt., etc.)	Yes	Yes	No	Yes	Yes
COMMERCIAL					
Auto Dealers (new & used)	No	No	No	No	No
Auto Parts Sales	No	No	No	No	No
Auto Repair	No	No	No	No	No
Bar/Lounge (not part of a restaurant or hotel)	No	Yes	Yes	No	Yes

² The name of the Overlay should use the name selected for the area.

USE	New Market	Gateway	RTE	Neighb	MU
Bed & Breakfast	Yes	Yes	Yes	Yes	Yes
Business Services	Yes	Yes	Yes	No	Yes
Convenience Store	Yes	Yes	Yes	No	Yes
Drive-through Facilities	No	Yes	Yes	No	Yes
Drug Store	Yes	Yes	Yes	No	Yes
Grocery Store	Yes	Yes	Yes	No	Yes
Hotel/Motel/timeshare	Yes	Yes	Yes	No	Yes
Personal Service (unless noted below)	Yes	Yes	Yes	No	Yes
• Laundromats	No	No	No	No	Yes
• Pet Boarding Facility	No	No	Yes	No	Yes
• Tattoo/Body Piercing Parlors	No	No	Yes	No	Yes
Restaurant	Yes	Yes	Yes	No	Yes
Retail	Yes	Yes	Yes	No	Yes
Service Station	No	Yes	Yes	No	Yes
Theater	Yes (S)	Yes	Yes	No	Yes
Wholesale Commercial	No	Yes	Yes	No	Yes
Banking	Yes	Yes	Yes	No	Yes
OFFICE					
Finance, Insurance	Yes	Yes	Yes	No	Yes
Medical/Dental	Yes	Yes	Yes	No	Yes
Other Office	Yes	Yes	Yes	No	Yes
LIGHT INDUSTRIAL *					
Distribution	No	Yes	Yes	No	Yes
Food packaging/processing	No	No	No	No	No
Manufacturing	No	Yes	Yes	No	Yes
Research, training, testing	Yes	Yes	Yes	No	Yes
Storage/Warehouses	No	Yes	Yes	No	Yes
RECREATION					
Indoor Recreation	Yes	Yes	Yes	No	Yes
Golf Courses	No	Yes	Yes	No	Yes
Public/Private Sports Facilities	Yes (S)	Yes	Yes	Yes	Yes
Parks and Plazas	Yes	Yes	Yes	Yes	Yes
PUBLIC/CIVIC					
Public parks and playgrounds	Yes	Yes	Yes	Yes	Yes
Utilities	Yes	Yes	Yes	Yes	Yes
Civic Clubs, lodges, fraternal organizations	Yes	Yes	Yes	No	Yes
Cemeteries	No	No	No	No	No

USE	New Market	Gateway	RTE	Neighb	MU
INSTITUTIONAL					
Churches	Yes (S)	Yes	Yes	No	Yes
Elementary School	Yes	Yes	Yes	Yes	Yes
Middle School	Yes	Yes	Yes	Yes	Yes
High School	Yes (S)	Yes	Yes	No	Yes
Museums	Yes	Yes	Yes	No	Yes
Hospitals	Yes (S)	Yes	Yes	No	Yes
Clinics	Yes	Yes	Yes	No	Yes
Technical, vocational, professional schools	Yes (S)	Yes	Yes	No	Yes
Day Care	Yes	Yes	Yes	Yes	Yes
Nursing Homes	Yes	Yes	Yes	Yes	Yes
ALF	Yes	Yes	Yes	Yes	Yes
Funeral Homes	No	Yes	Yes	No	Yes

* High-tech industries including computers, advanced electronics, lasers, robotics
(S) [Special Exception approval required.](#)

[NOTE TO STAFF: WE DIDN'T LIST ADULT ENTERTAINMENT BECAUSE THERE IS A SECTION OF THE CODE OF ORDINANCES SPECIFICALLY STATING THAT THEY ARE ONLY ALLOWED IN I-1 AND SUBJECT TO CONDITIONS.]

E. BUILDING FORM STANDARDS

Table 2 contains the building form standards, which determine the location, scale and massing of buildings. The standards apply to all buildings within the character zones, except for civic/institutional buildings, which are exempt from certain standards as noted in the following sub-sections. **Sections E.1 through 8** contain a description of each standard, supplemental regulations, and the exceptions applicable to civic/institutional buildings.

Table 2: Development Standards

	New Market	Gateways	RTE	MU*	Neighborhood
					
A. BLOCK STANDARDS					
Block Perimeter (max.)	1,600'	2,000'	2,600'	2,000'	2,000
B. LOT CONFIGURATION					
Lot Width	40' min/120' max	18' min.	18' min.	18' min.	See note 1
C. DEVELOPMENT INTENSITY					
Building Coverage (max.)	100%	80%	70%	90%	See note 1
Ground Floor Area (max. sq. ft.)	NA	20,000[LEA1]**	NA	NA	See note 1
D. BUILDING FRONTAGE					
Primary Frontage (min.)	80%	60%	50%	65%	See note 1
Secondary Frontage (min.)	60%	40%	30%	50%	See note 1
E. BUILDING SETBACKS*** [SHOWN AS PRIVATE FRONTAGE ZONE ON CROSS-SECTIONS]					
New Market Local Street ①	8' build-to-line	NA	NA	NA	NA
New Market Principal Street ②	8' min. - 15' max.	NA	NA	NA	NA
Principal Street ③	NA	8' min. - 80' max.	NA	NA	15' min.
Urban Avenue ④	8' min. - 15' max.	8' min. - 80' max.	8' min. - 80' max.	8' min. - 80' max.	15' min.
Scenic Avenue ⑤	NA	NA	8' min. - 80' max.	8' min. - 80' max.	NA
Local Street ⑥	NA	8' min. - 80' max.	8' min. - 80' max.	8' min. - 80' max.	15' min.
Side Setback (min.)	0' or 5'	5'	0' or 5'[LDI2]'	0' or 5'	See note 1
Rear Setback (min.)	3' or 15' (alley[LEA3]) 0' (no alley)	3' or 15' (alley) 10' (no alley)	3' or 15' (alley) 10' (no alley)	3' or 15' (alley) 0' (no alley)	See note 1

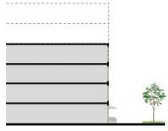



* For areas within the overlay district only. The Mixed-ED standards still apply to areas outside the district.

** May allow up to 50,000 square feet through the special exception process.

*** See [Section](#) for landscape zone and sidewalk requirements. Garages must be setback a minimum of 25' from the site frontage line.

Note 1: Per Mixed-EC standards for sites designated as such. All others shall meet the standards of R-2.

Table 2: District Development Standards (Cont.)

	New Market	Gateways	RTE	Mixed Use	Neighborhood
					
F. BUILDING HEIGHT					
Minimum	25 ft.	24 ft.	24 ft.	24 ft.	
Maximum (stories by right/bonus*)	4/7	2/4	4/7	4/7	2/4
G. GLAZING					
Non-residential 1st floor	New Market Local Street	65%	50%	--	NA
	All other streets	30%	30%	30%	NA
Non-residential above 1st floor & multiple-family	15%	15%	15%	15%	15%
H. PRIVATE FRONTAGE ZONE					
Storefront	YES	YES	YES	YES	NO
Gallery	YES	YES	YES	YES	NO
Arcade	YES	YES	YES	YES	NO
Forecourt	YES	YES	YES	YES	NO
Stoop	YES	YES	YES	YES	YES
Porch	NO	YES	YES	YES	YES

* See Bonus System requirements (Error! Reference source not found.) [SECTION NOT DEVELOPED]

** See O for Development Compatibility standards

1. Block Size.

Connectivity is achieved by limiting the size of city blocks. Therefore, in order to prioritize connectivity, land shall be organized by development blocks based on the requirements listed in Table 2 for each zone. **Figures 1 and 2** depict the process of breaking down large blocks to meet the standards.

Figure 1: Creating Blocks

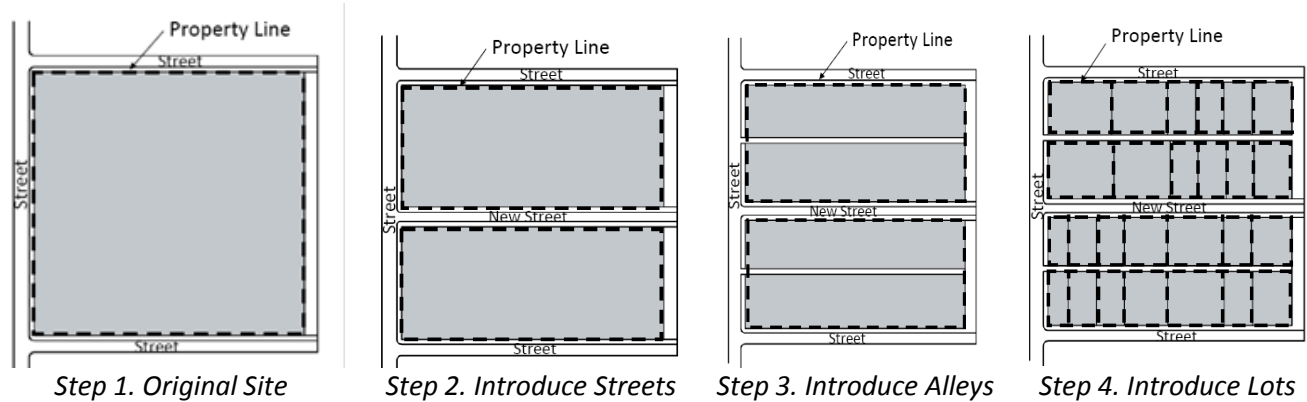


Figure 2: Example of Block Scale³



2. Lot Configuration.

No maximum lot width is prescribed for development within some of the zones. However, the width of a lot shall not be justification for not meeting the building frontage requirements. If the lot is too wide for a particular type of building, the applicant has the option of subdividing the lot into smaller, narrower lots.

3. Development Intensity.

The maximum development intensity on a site is determined by a combination of maximum permitted setbacks, height and building coverage. The intent of building coverage restrictions is to ensure a higher level of openness within the less urban zones while allowing more intensive development in the core. In no event shall the density and intensity prescribed in the comprehensive plan be exceeded.

³ Lansing, Michigan, Form-Based Code presentation

4. Building Frontage.

The purpose of the building frontage requirements is to create a continuous urban form along all streets.

- a. The building frontage standards are stated as a proportion of the building length within the required minimum and maximum setback relative to the width of the development site measured at the site frontage line (see **Figure 4**).
- b. Building frontage requirements vary based on the street type. See **Section F.2** for the definition of primary and secondary streets. Sites with multiple street frontages shall meet the minimum frontage requirement along all streets.
- c. In the case where the required building frontage cannot be met due to the need to provide vehicular access from the primary frontage, a gateway, arch or similar feature shall be provided to preserve the block continuity and may be counted toward meeting the building frontage requirement (see **Figures 3 and 4**).
- d. Libraries, places of religious assembly, public administration buildings, hospitals and schools (elementary, middle and high) are not subject to the minimum frontage requirements.

Figure 4: Building Frontage

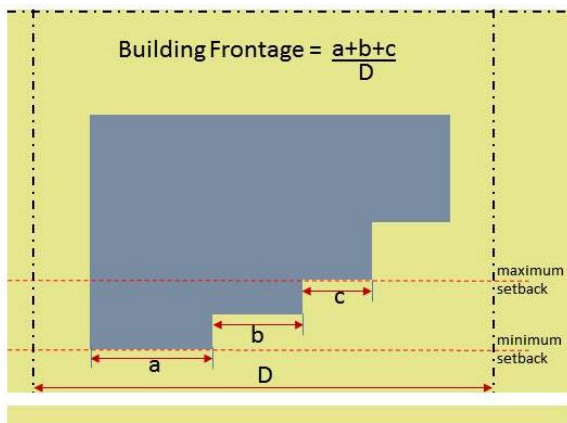


Figure 3: Example of Gateway



- e. On New Market Local streets, as defined in **Section F**, the ground floor along the street frontage shall contain active uses oriented to the street. Active uses may include, but are not limited to, display or floor areas for retail uses, waiting and seating areas for restaurants, atriums or lobbies for offices, and lobbies or dining areas for hotels or multifamily residential buildings. Residential units shall not be located directly on the first floor street frontage of buildings on New Market Local streets.

5. Building Setbacks.

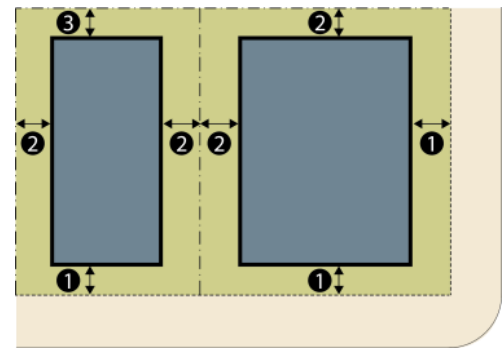
The placement of a building on a site is critical to creating a vital and coherent public realm. The intent of the building setback standards is to shape the public realm, and strengthen the physical and functional character of the area. **Figure 5** depicts the types of setbacks.

- a. The front/street setbacks listed in **Table 2** shall be measured from the back of the sidewalk as depicted in the cross-sections shown in **Section F**, instead of the actual front property line, except for the following:

- (1) If the site fronts on a street that is not being redesigned to match the cross sections in **Section F**, the setback shall be determined by staff. In making the determination, staff will consider the adopted cross-sections and vision for the public realm.
- (2) Should the required street setback fall within a public right-of-way, it shall be shifted to the property line instead.

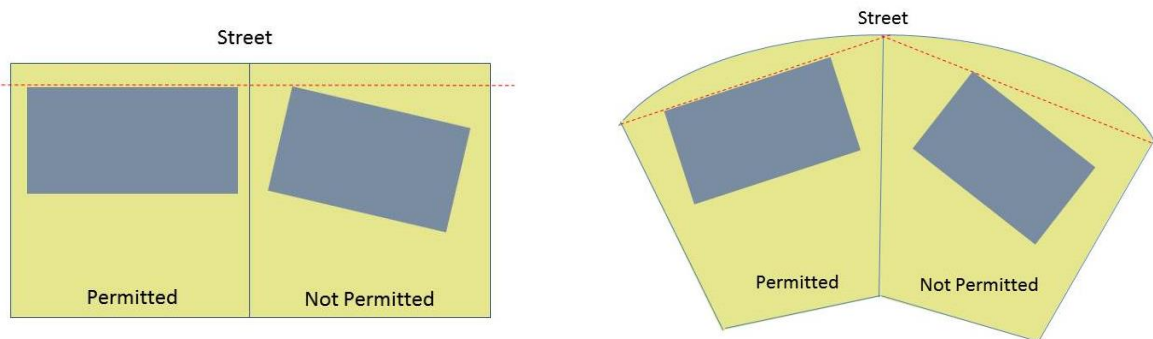
- b. Libraries, places of religious assembly, public administration buildings, hospitals and schools (elementary, middle and high) are not subject to the maximum street setback requirement, unless located within a multi-use development, or shopping center. The setbacks shall be determined through the development review process considering the vision for the area.
- c. The configuration of the Public Frontage Zone (landscape zone and sidewalk), as well as the installation of landscaping and furniture within the landscape zone, are the responsibility of the developer in conjunction with the development of a site. The design of the landscape zone varies depending on the street type.
- (1) Along New Market Streets, the landscape/furniture zone shall be used to expand the sidewalk. Therefore, trees shall be planted within sidewalk cutouts, planters or tree grates. Street furniture such as benches, trash receptacles and bike racks may also be installed in the landscape zone.
 - (2) Along other streets, the landscape zone shall be used to buffer the pedestrians from the vehicular traffic. Therefore, sod, shrubs, ground cover and/or accent plants and street trees shall be planted within the landscape zone.
- d. Facades shall be built parallel to a rectilinear Site Frontage Line or parallel to the tangent of a curved Site Frontage Line (see **Figure 6** Building Alignment).

Figure 5: Building Setbacks



- ❶ Street Setback
- ❷ Side Setback
- ❸ Rear Setback

Figure 6: Building Alignment



- e. The building setback and frontage standards position buildings relatively close to the street and, in the case of the New Market Area, extending almost to the side property lines. This configuration restricts the location of parking areas and drop-off drives along the street frontage. Placing these uses to the side of the building is permitted only if the building frontage requirements are met. In such cases, vehicular areas along the street shall be masked from the street by a garden wall (see garden wall standards under fences and walls in **Section N**). Pedestrian comfort shall be a primary consideration. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
- f. The placement of buildings at the rear of a site is allowed as long as one or more buildings are placed along the front of the site meeting the setback and building frontage requirements of this division. **Figure 7** shows an acceptable design alternative. Streets or access drives must be incorporated into the site to break it down into smaller lots/blocks (platting will not be required). The main access drive shall be centered on the anchor building and shall be lined with buildings, which shall meet the required frontage standards along the street and access drive.

Figure 7: Multiple Buildings on a Site

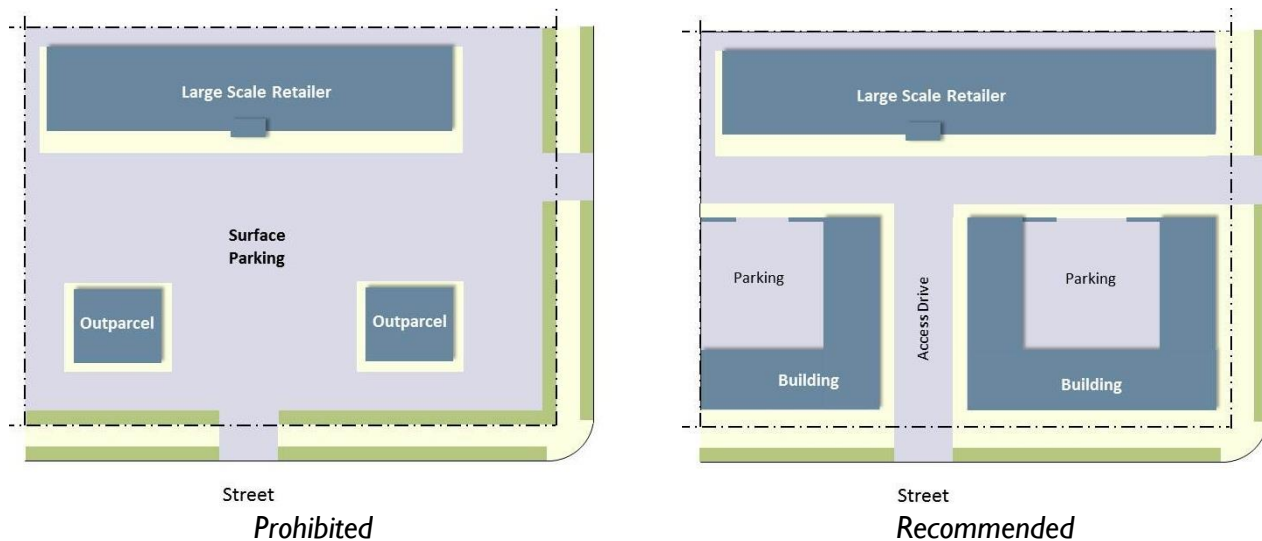


Figure 8: Public and Private Frontage Zone Components

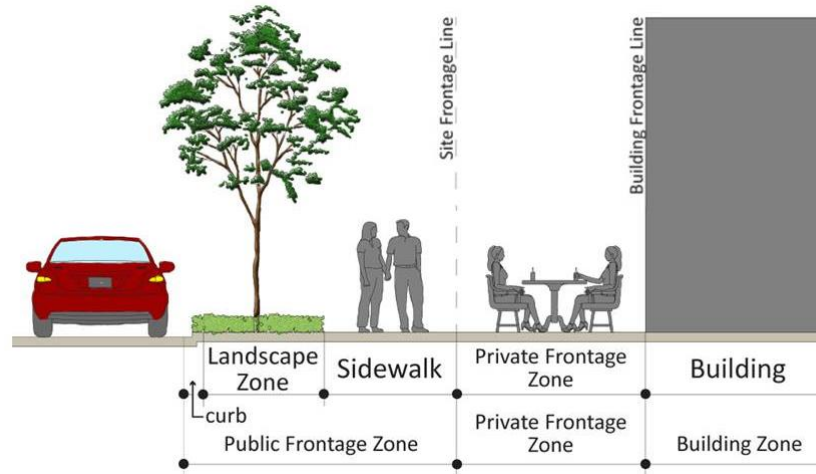


Table 3: Public and Private Frontage Zone Dimensions

Street:	New Market			Gateway			RTE			MU			Neighborhood		
	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone	Landscape/ Furnit Zone*	Public Sidewalk*	Private Frontage Zone
New Market Local Street	10'	9'	8'	NA	NA	NA	NA	NA	NA			NA			NA
New Market Principal	13'	10'	8'-15'	NA	NA	NA	NA	NA	NA			NA			NA
Principal Street	NA	NA	NA	13'	6'	8'-80'	NA	NA	NA			NA	13'	6'	15'
Urban Avenue	11'	8'	8'-15'	11'	8'	8'-80'	11'	8'	8'-80'	11'		8'-80'	11'	8'	15'
Scenic Avenue	NA	NA	NA	NA	NA	NA	11'	8'	8'-80'	11'	8'	8'-80'			NA
Local Street	NA	NA	NA	6'	6'	8'-80'	6'	6'	8'-80'	6'	6'	8'-80'	6'	6'	15'

* Dimension includes a 2' step strip adjacent to parallel parking. Street trees planted within a landscape zone of less than 8' in width must utilize an acceptable method to ensure healthy tree growth.

6. Building Height

The building height limitations contained in **Table 2** do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances required to be placed on the roof and not intended for human occupancy. Other exceptions include:

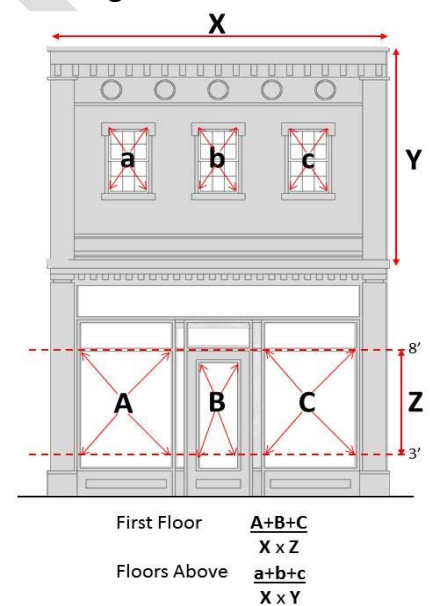
- a. Roof structures above eave line can vary in height up to a maximum of fifteen (15) feet above eave line.
- b. Trellises may extend above the maximum height up to eight (8) feet.
- c. Stair, elevator or mechanical enclosures shall be limited to ten (10) feet above the maximum height and shall not exceed twenty (20) percent of the roof area.

7. Glazing Requirements

The glazing requirements apply to retail and multifamily uses within the New Market Area.

- a. Glazing percentages shall be calculated as follows:
 - i. Non-Residential First Floor: The area of glass between 3 feet and 8 feet above grade divided by the area of the building façade also between 3 feet and 8 feet above grade.
 - ii. Non-Residential above First Floor: The combined area of glass on all floors above the first divided by the total area of the building façade for those floors.
 - iii. Residential: The area of glass divided by the area of the façade.
- b. The approving authority may allow reduced glazing and/or glass transmittance for places of religious assembly and schools.
- c. There is no limit on how much glazing is provided. However, if glass walls are utilized, an architectural feature, such as a canopy/marquee, overhang, or a horizontal change in plane shall be provided between the first and second floors to ensure pedestrian scale at the sidewalk level.
- d. Windows and glass doors shall be glazed in clear glass with 80% minimum transmittance. The use of reflective glass and reflective film is prohibited on the ground floor of all buildings.

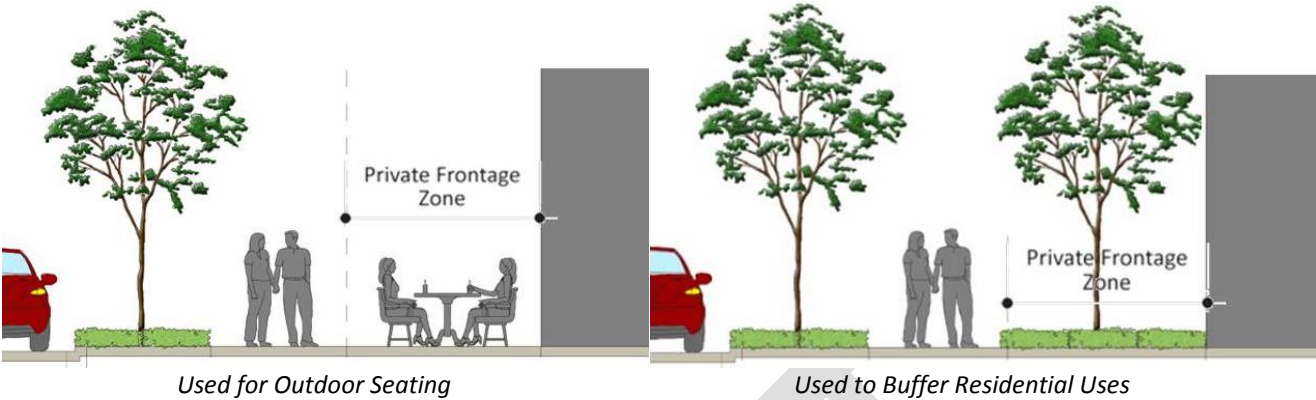
Figure 9: Non-Residential Glazing



8. Private Frontage Zone Requirements

All buildings shall have at least one type of frontage incorporated into its design. Figure 11 contains the dimensional requirements for the various types of private frontages allowed. The intent of the private frontage zone is to provide a transition, both physical and visual, between the public frontage zone (street) and the building zone. The type of activity conducted in the private frontage zone depends on how much privacy is needed along the building facade. For a commercial building, for instance, the intent of the private frontage zone is to attract customers into the business (Figure 10). For a residential site, the intent of the private frontage zone is to provide for some privacy to the ground floor rooms.

Figure 10: Examples of Private Frontage Zone Activity



DRAFT

Figure 11: Private Frontage Standards

Storefront	Gallery	Arcade
New Market, Mixed-Use	New Market, Mixed-Use	New Market, Mixed-Use
		
<p>1. Width: 25% of façade width min. 2. Depth: 5' min. 3. Clear Height: 8' min.</p>	<p>1. Width: 75% of façade width min. 2. Depth: 8' min. 3. Clear Height: 12' min. (1st floor)</p>	<p>1. Width: 75% of façade width min. 2. Depth: 8' min. 3. Clear Height: 12' min. (1st floor)</p>
Forecourt	Stoop	Porch
RTE, Gateway	Neighborhoods	Neighborhoods
		
<p>1. Width: 10' min. to 50% of façade width max. 2. Depth: 10' min/20' max. 3. Elevation: 18" max. above grade.</p>	<p>1. Width: 5' min. to 16' max. 2. Depth: 5' to 8' 3. Clear Height: 8' 4. Elevation: 21" min. above grade.</p>	<p>1. Width: 12' min. 2. Depth: 8' min. 3. Clear Height: 8' min. 4. Elevation: 21" min. above grade.</p>

Note: See Article II for definitions of frontages.

- a. Private Frontage Standards, General.
 - i. Landscaping within private frontage zones in the New Market Zone, if provided, shall be in the form of containers and/or planter boxes in scale and consistent with the building mass and architecture. Private frontage zones in other areas or in front of uses that do not require pedestrian interaction along the façade (e.g. offices, hotels, multifamily) may be landscaped with a combination of intermediate trees, palms, shrubs, vines and/or ground covers.
 - ii. In addition to the encroachments listed in Figure 11, cantilevered balconies, bay windows, and roof overhangs are allowed to encroach into the private frontage zone.
 - iii. Street furniture such as benches, trash receptacles, and/or bicycle racks may be installed within the private frontage zone.
 - iv. Outdoor cafes are permitted in conjunction with private frontages subject to meeting the standards of this section.
 - v. Elements within the private frontage zone (landscaping and architectural features) must comply with the vision triangle requirements.
- b. Standards for storefronts, awnings and canopies.
 - i. Storefront doors shall not be recessed more than 5 feet from the front façade. If the doors are recessed more than 3 feet, angled walls leading to the door are recommended to promote the visibility of the entrance.
 - ii. Awnings and canopies shall not cover architectural elements such as cornices or ornamental features.
 - iii. High gloss or plasticized fabrics and aluminum are not allowed for awnings.
 - iv. Backlit awnings are not allowed.
 - v. Awning should be at minimum match the width of the window or door opening and shall be in keeping with the character of the building.
- c. Standards for galleries and arcades.
 - i. Along storefront streets, gallery/arcade openings shall correspond to storefront entrances.
 - ii. Galleries may be one (1) or two (2) stories.
 - iii. Arcades and galleries must have consistent depth along a frontage.
- d. Standards for forecourts.
 - i. Forecourts shall be paved and enhanced with landscaping.
 - ii. Forecourts are not intended to be covered; however, awnings and umbrellas are allowed and encouraged.
- e. Standards for stoops and porches.
 - i. Stoops must correspond directly with the building entry.
 - ii. Porches may be one (1) or two (2) stories.
 - iii. Porches shall be open and not air conditioned to be allowed to encroach into the private frontage zone.

F. STREET STANDARDS

Streets are intended for use by vehicular and pedestrian traffic and to provide access to lots and open spaces, and shall be designed in context with the urban form and desired design speed of the Character Area through which they pass. Infill development and redevelopment on sites fronting on existing streets shall not be required to reconfigure the street to meet the Travel Zone standards of this section, but shall be required to implement the Public Frontage Zone requirements. The Travel Zone standards contained in this section apply to the creation of new City public streets. The standards may also be used whenever an existing City street is reconfigured by the City or a developer.

1. Street Components

The street system generally consists of the vehicular lanes, on-street parking, bicycle lanes, curbs, landscape zone and sidewalk. The travel lanes, bicycle lanes and on-street parking and curb make up the Travel Zone, while the landscape zone and sidewalk are classified as the Public Frontage Zone. **Figure 11** depicts these components. In addition to the travel lanes and associated public frontages, a system of rear alleys or lanes serves as the primary means of vehicular ingress to individual lots.

2. Street Types

The Ocoee-Apopka Road Small Area Study depicts the following types of streets: Avenues, Principal Streets, New Market Streets and Local Streets. Below is a detailed description of the function of each street type. Figures 12 through 17 depict the roadway design for each street type. Map 2 shows their location.

“Primary” and “secondary” streets shall be determined based on the following street hierarchy, with New Market Local streets having the highest priority and local streets the lowest.

a. New Market Streets:

New Market Streets are intended to function at the highest level of pedestrian functionality rather than as auto-centric throughways. Storefront Streets typically include spacious sidewalks and private frontage zones to accommodate a comfortable public realm. New Market Streets in the study area include the proposed connections in the New Market area.

b. Principal Streets:

Principal streets carry high volumes of through traffic, but include less pedestrian traffic than New Market streets. Principal Streets should be designed to include on-street parking as well as allow for bicycle traffic through bike lanes or sharrows lane designations. Bump outs interspersed with on-street parking facilitate pedestrian crossing from one side of the street to the other. Typical Principal street types include the segment of Ocoee-Apopka Road from Highway 414 to Highway 429.

c. Avenues:

Avenues are roadways that carry high volumes of through traffic with limited pedestrian activity and slightly higher vehicular speeds than Principal, New Market and Local streets. The design of the Avenue may include on-street parking, but at a minimum should include bike lanes. If parking is provided, bump outs should be used to shorten the distance for pedestrians trying to cross the street. Avenues may have two or three drive lanes and could be classified as Urban or Scenic. Typical Urban Avenue street types include segments of Harmon Road, Keene Road and Marden Road. Binion

Road is classified as a scenic avenue with greater natural buffers outside the street right-of-way and limited surrounding development.

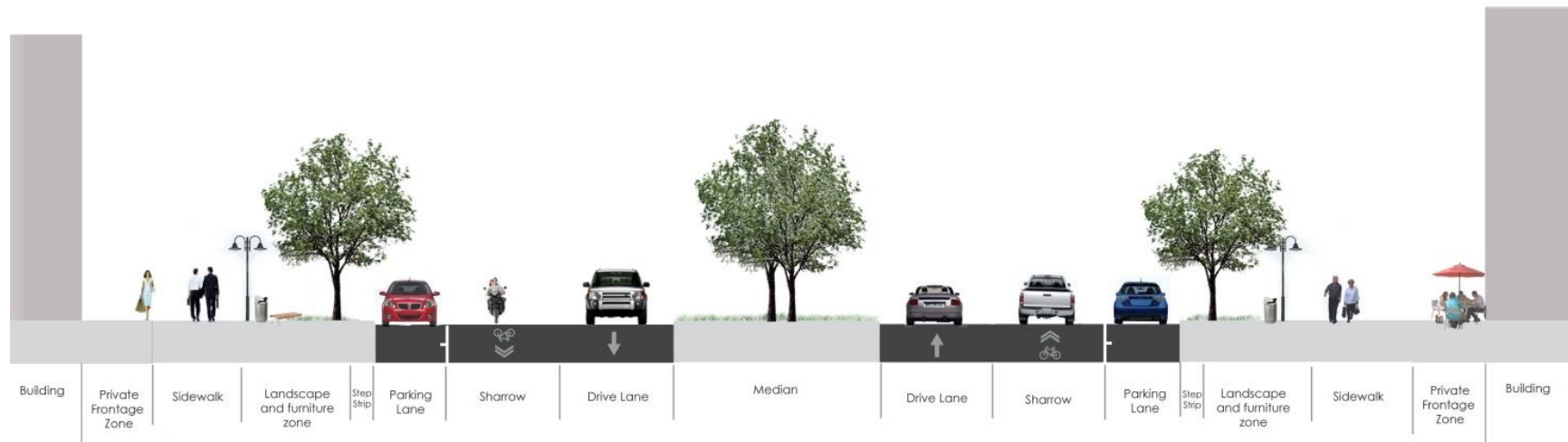
d. Local Streets

Local Street types make up a large portion of the transportation network within and around the study area. These roadways are intended to have slow speeds (may contain traffic calming devices) and provide the predominant connection between residential areas and the New Market and Research, Technology and Education districts. Bike lanes are encouraged in the design of Local Streets as the trail system primarily follows Principal and New Market Streets. Local streets may also allow informal (un-striped) on-street parking in some of the neighborhood districts. Typical local streets in the study area include many of the existing and proposed roads in the neighborhood and gateway districts.

e. Urban Walkways

An Urban Walkway (also known as Muses) is a pedestrian/bicycle pathway that serves to improve pedestrian/bicycle connectivity, delineate blocks and provide for expanded pedestrian space. Development may front on these walkways as long as there is vehicular access provided along another frontage.

Figure 12: Typical Components of a Street



Sharrow means that the bicycles share the right-of-way with vehicles.

Figure 13. New Market Local Street Typical Section

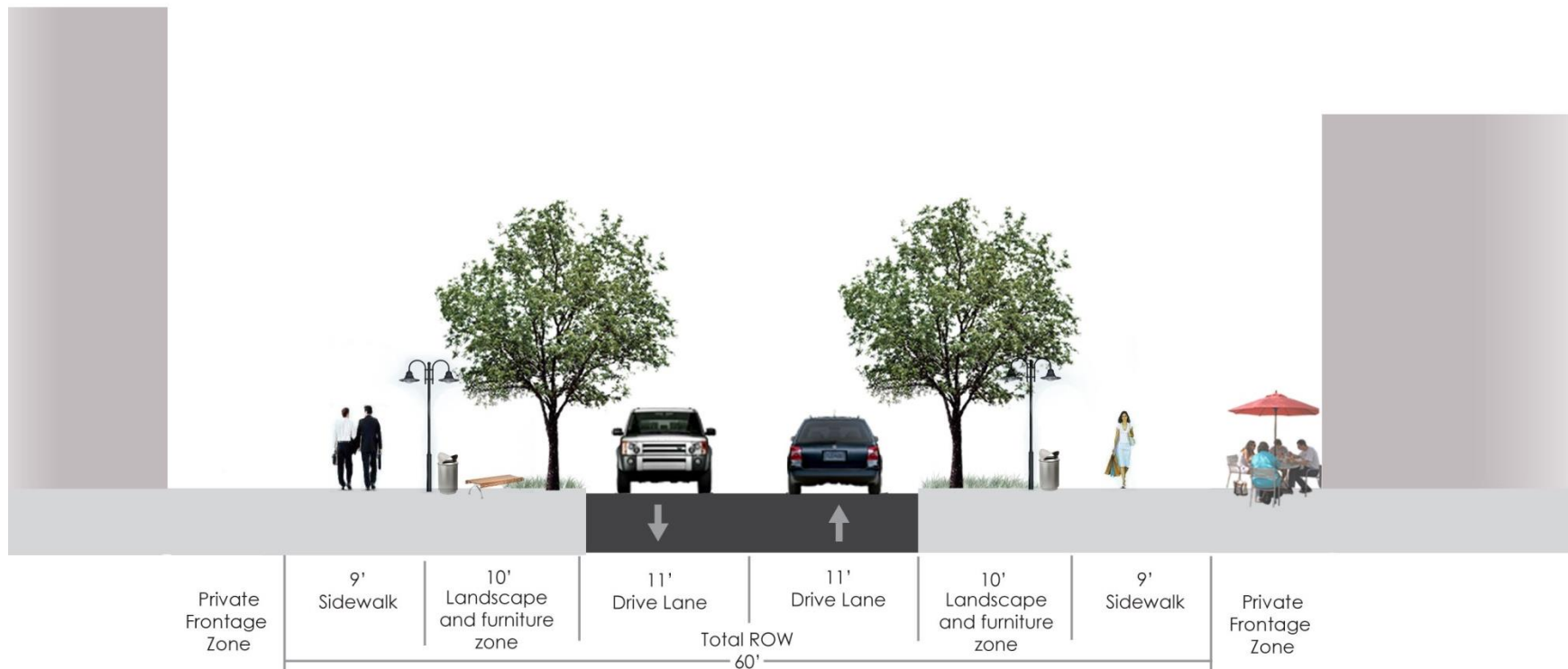


Figure 14. New Market Principal Street Typical Section

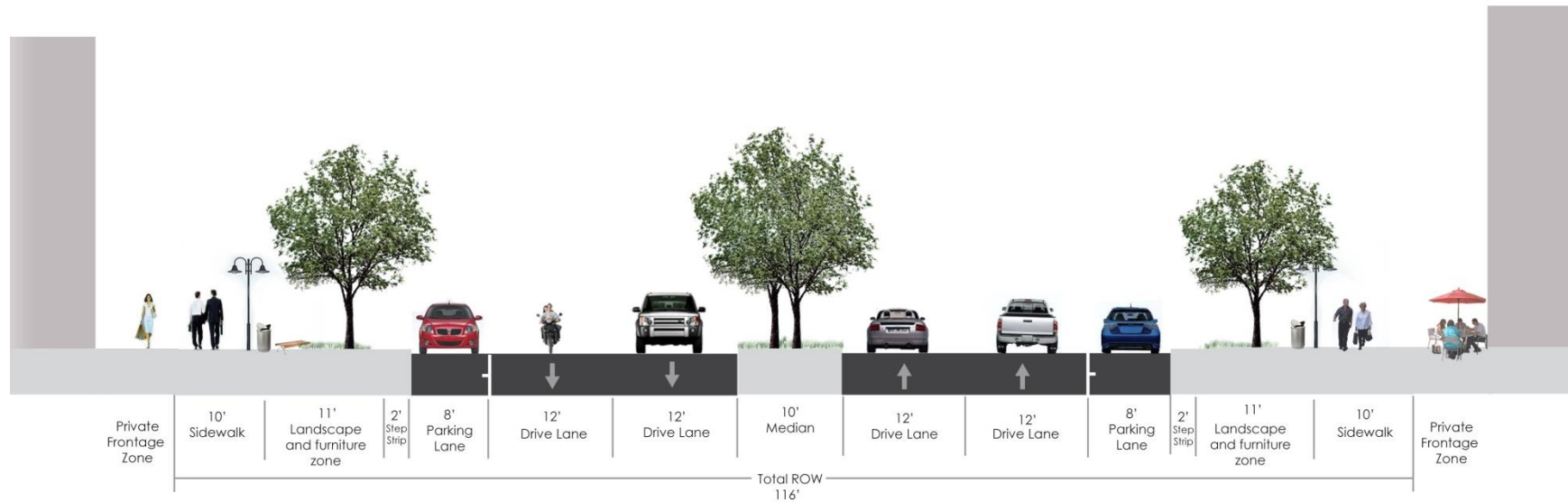


Figure 15. Principal Street Typical Section

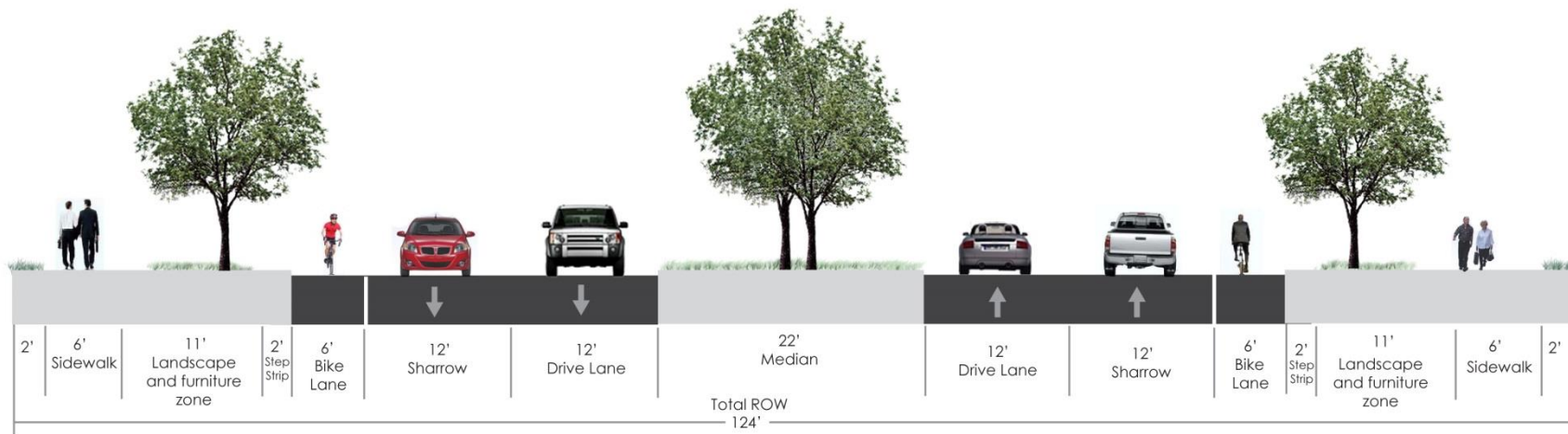


Figure 16. Urban Avenue Typical Section

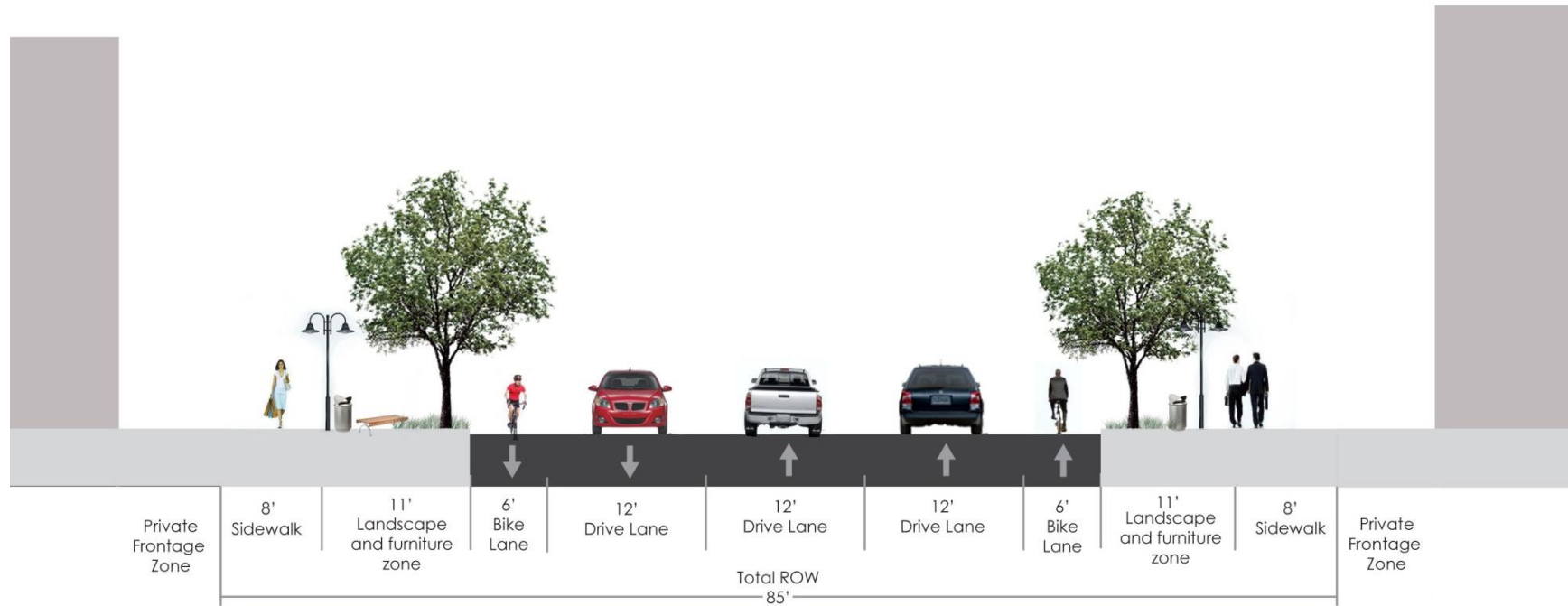


Figure 17. Scenic Avenue Typical Section

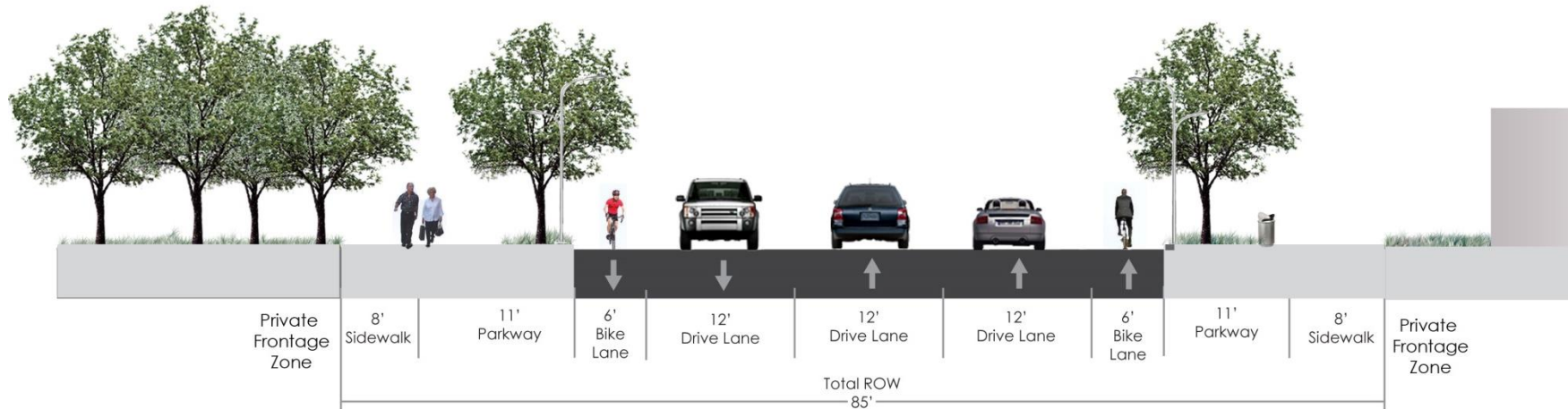


Figure 18. Local Street Typical Section

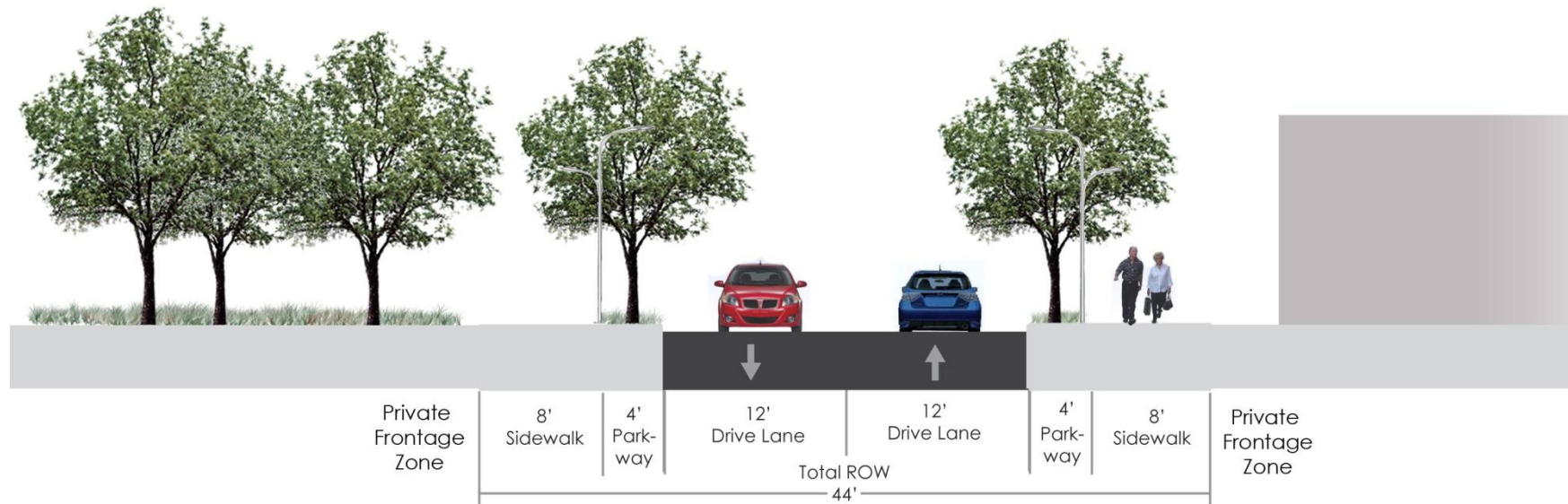
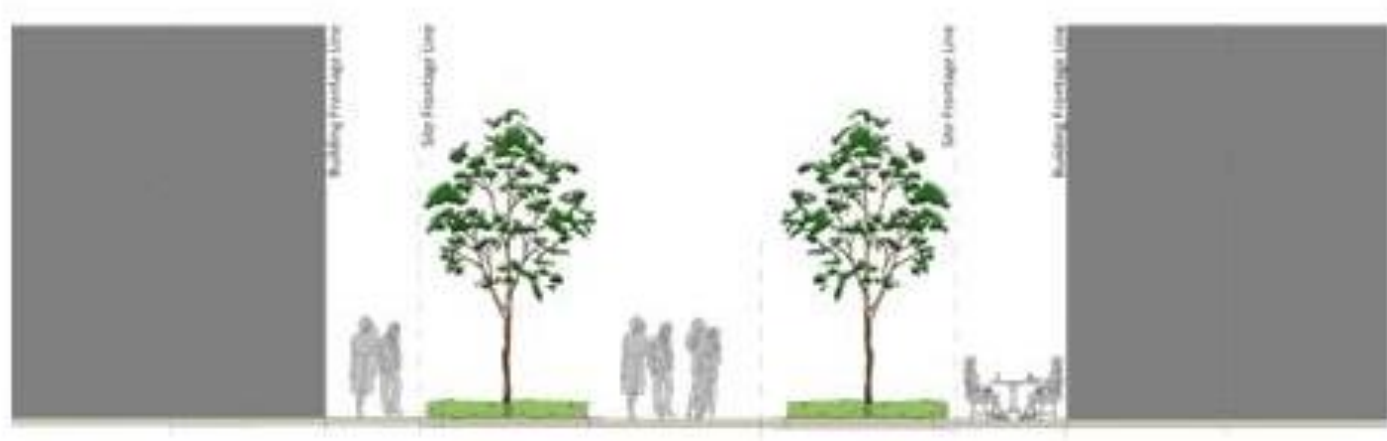


Figure 19. Urban Walkways



3. Street Requirements

Any new streets, alleys or urban walkways proposed as part of a new development shall be constructed at the expense of the owner/developer. As new City streets are built or existing streets are rebuilt (excluding maintenance and repair), their design shall conform to the cross sections shown in the previous section and the following standards:

- a. All streets shall terminate at other streets, in order to form a network. Therefore, cul-de-sac streets are not permitted. Internal streets and driveways shall connect wherever possible to those on adjacent sites.
- a. A system of joint use driveways and cross access easements shall be established between abutting non-residential sites (including mixed-use sites). The site design shall incorporate the following:
 - i. Stub-outs and other design features to make it visually obvious that the abutting properties will be tied in to provide cross access via a service drive;
 - ii. A unified access and circulation system that includes coordinated or shared parking areas, wherever feasible.
- b. Corner curb radii should be between 9 ft. for New Market Local Streets and alleys, and 15 ft. for all other streets. Corner radii and clear zones shall be created within the vision triangle established using AASHTO standards.

G. STREET LANDSCAPING.

Street trees shall be planted along the sides of all streets. A street tree shall be planted for every 30 to 50 feet of street frontage, depending on the canopy area needed for the tree species. The widths of driveways along a street shall be subtracted from the linear feet of street frontage length for the purposes of calculating the number of required street trees. In no case shall trees be spaced closer together than 25 feet or farther apart than 60 feet. Alleys are exempt from this requirement for street trees.

1. Street trees shall be high quality shade trees and shall be planted in tree lawns with a minimum width of 8 feet, or within tree wells with minimum 4-foot by 4-foot surface openings.
 - a. On-street parking spaces may be located between street trees, as long as the required number of trees are planted along the street frontage, and the minimum rootzone volume is provided for each tree.
 - b. Tree wells may be enclosed with pavers or other hardscape materials above the required rootzone volume. The city manager or designee may determine if installation of an aeration system is necessary to conduit water and oxygen to the roots of trees within tree wells.
2. Street trees shall be planted between the street and the public sidewalk.
3. City staff may require the adjustment of the prescribed build-to line in order to accommodate the required street trees and ensure that the trees will meet separation requirements from utility lines, buildings, and paved areas.

4. A minimum 10-foot separation shall be provided between street trees and street stormwater inlets, except where bioretention inlets that incorporate trees are utilized.

H. LOCATION OF PARKING FACILITIES

1. Surface parking lots shall be located in the rear of the lot, behind the building. A portion of the parking area may be located to the side of the building as long as the minimum building frontage requirements are met. However, no surface parking area shall extend more than fifty (50) percent of the development site or seventy (70) feet along any street frontage, whichever is less, without a building, structure or park interrupting the parking frontage.
2. Surface and structure parking areas shall be accessed from rear alleys or rear lanes where available, from an adjacent property (shared use agreement necessary), or from a secondary street (see **Figures 19 and 20**). Vehicular access from a primary street will only be allowed in the absence of the three options mentioned above.
3. Any parking areas located along a public street, alley or urban walkway shall be screened from street view by a garden wall.

Figure 21: Shared Parking.

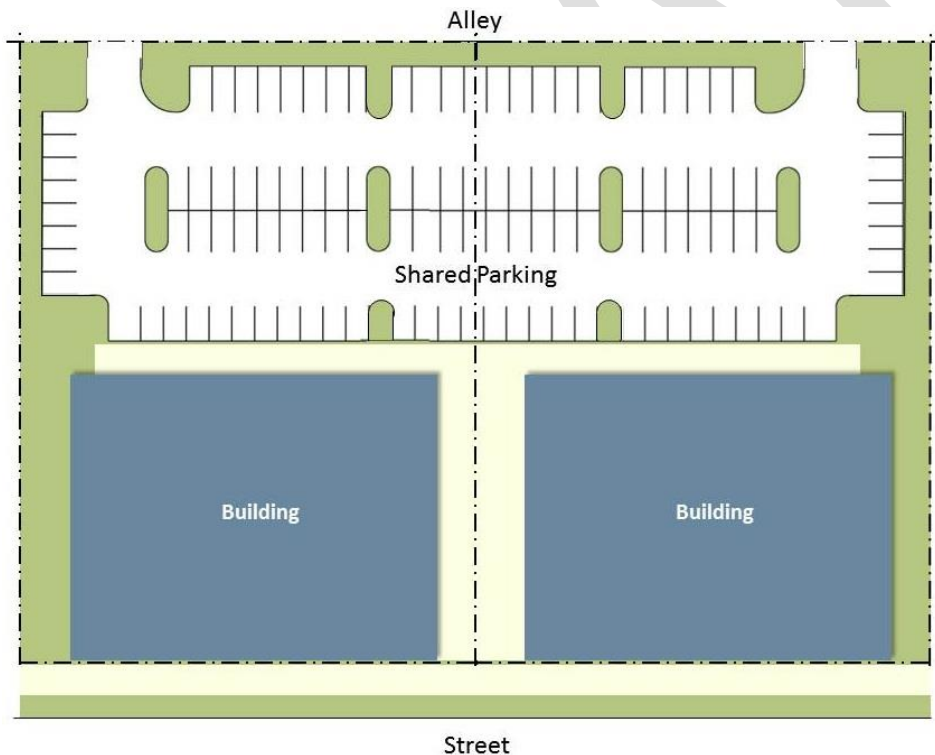
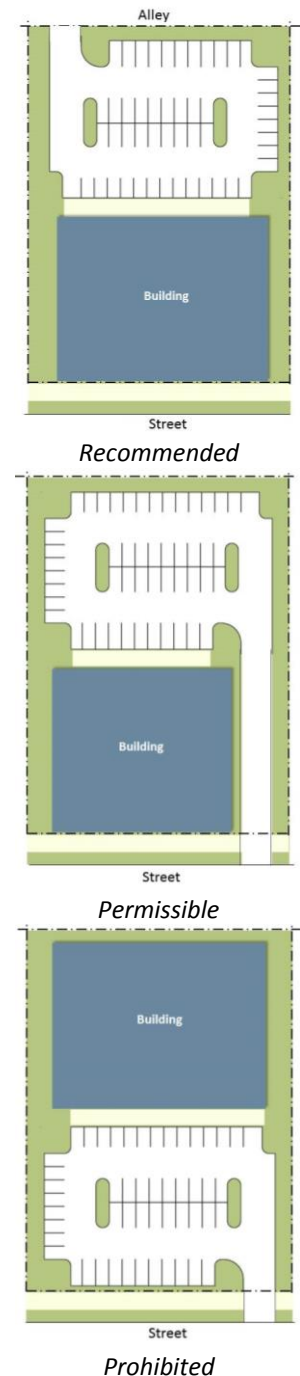


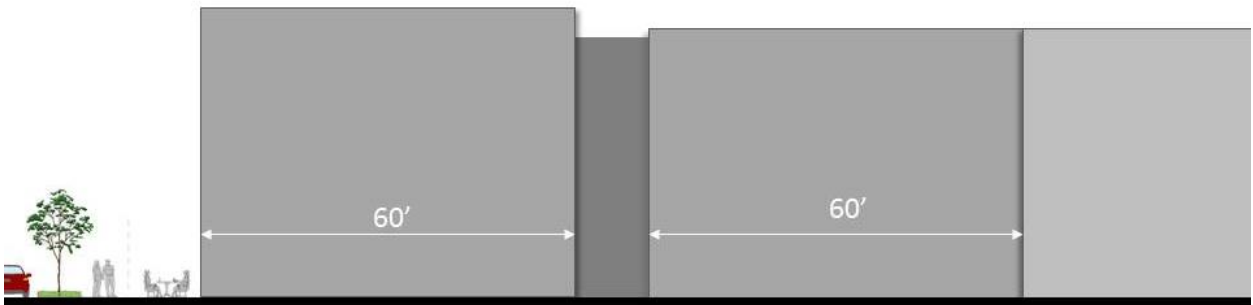
Figure 20: Site Access



I. BUILDING MASSING

Large building volumes shall be divided to appear as smaller volumes grouped together. Volume breaks may be achieved by volume projections and recesses, and varying heights and roof lines. Therefore, building facades shall not exceed sixty (60) feet along a street frontage without providing a substantial volume break such as a volume recess, a tower or bay, or an architecturally prominent public entrance (**Figure 21**). The recesses and projections shall have a minimum depth of three (3) feet.

Figure 22: Building Massing



J. FACADE ARTICULATION

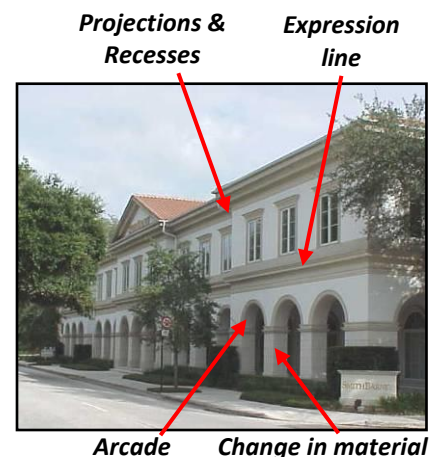
The standards contained in this section apply to multi-family residential, non-residential and mixed-use buildings. The parts that make up a building façade are key elements for defining the public realm (street space). The façade design standards contained in this section are not intended to regulate style or appeal. The purpose of these standards is to ensure facades are designed to:

- Reduce the mass/scale and uniform monolithic appearance of large unadorned walls by requiring architectural detail;
- In the case of commercial and public buildings, ensure the building facades are inviting; and,
- Increase public safety by designing buildings that provide human surveillance of the street.

Building facades along public streets shall maintain a pedestrian scale and integrate the public and private spaces using architectural elements as follows:

1. Façades shall not exceed twenty (20) horizontal feet and ten (10) vertical feet without including at least one (1) of the following elements:
 - A window or door
 - Awning, canopy or marquee.
 - An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of six (6) inches.
 - Arcade, gallery or stoop.
 - Complementary changes in materials or texture.
2. Architectural treatments on the façade, such as cornices or expression lines, shall be continued around the sides of the building.

Figure 23: Façade Elements



3. Building elevations (secondary/interior side façades) shall have the same color and materials as the facade.
4. An expression line is required between the first and second stories delineating the transition between ground and upper floors.

K. BUILDING ENTRANCES

1. The *main* entrance of all buildings shall be oriented toward the public right-of-way.
2. Where parking areas are located behind the building, a *secondary* pedestrian entrance may be provided from the parking area directly into the building.
3. Entrances shall be operable, clearly-defined and highly-visible. In order to emphasize entrances they shall be accented by a change in materials around the door, recessed into the façade (alcove), or accented by an overhang, awning, canopy or marquee.
4. When two New Market, Avenue or Principal Streets intersect customer entrances shall be provided from both streets. A corner entrance will be a permitted exception to this requirement.
5. Buildings located along New Market streets shall provide a door every seventy-five (75) feet along that façade, regardless of the size of the building.
6. Multi-family residential buildings shall have entrances every 150 feet.

L. BUILDING COLOR

1. A minimum combination of two (2) and a maximum of three (3) colors shall be allowed per building.
2. Black and neon paint as the predominant exterior color is prohibited.

M. ROOF DESIGN

1. Buildings with flat roofs shall have a cornice treatment or a parapet. The cornice shall be at least eighteen (18) inches in height. Parapet shall be a minimum of two (2) feet in height.
2. Sloping roofs shall not exceed the average height of the supporting walls.
3. Roof materials shall be light-colored or a planted surface.

N. GARDEN/STREET WALLS

Fences are typically used to achieve privacy on a site. Garden walls are used to continue the building frontage along a street, to screen vehicular areas such as parking lots, and to frame public zones such as courtyards and outdoor cafes. Garden walls shall meet the following standards:

3. In the absence of a building façade along any part of a Building Frontage Line, a street wall shall be built co-planar with the façade. Breaks are permitted in the street wall to provide pedestrian access to the site and for the purpose of tree protection. Street walls shall have openings no larger than necessary to allow automobile and pedestrian access.
4. Urban garden walls are the only types of fences/walls allowed facing streets and alleys.
5. Garden walls shall be a minimum of 3 feet in height and shall not exceed a 5 foot maximum. However, the portion of the wall above 3 feet shall be no more than 50% solid.

6. Garden walls shall be constructed of wrought iron, brick, masonry, stone or other decorative materials and shall match or compliment the finishes on the building. Chain link fences shall be prohibited.
7. If landscaping is provided on either side of the wall, the landscaping strip shall be a minimum of two (2) feet wide.

Figure 24. Examples of Garden/Street Walls

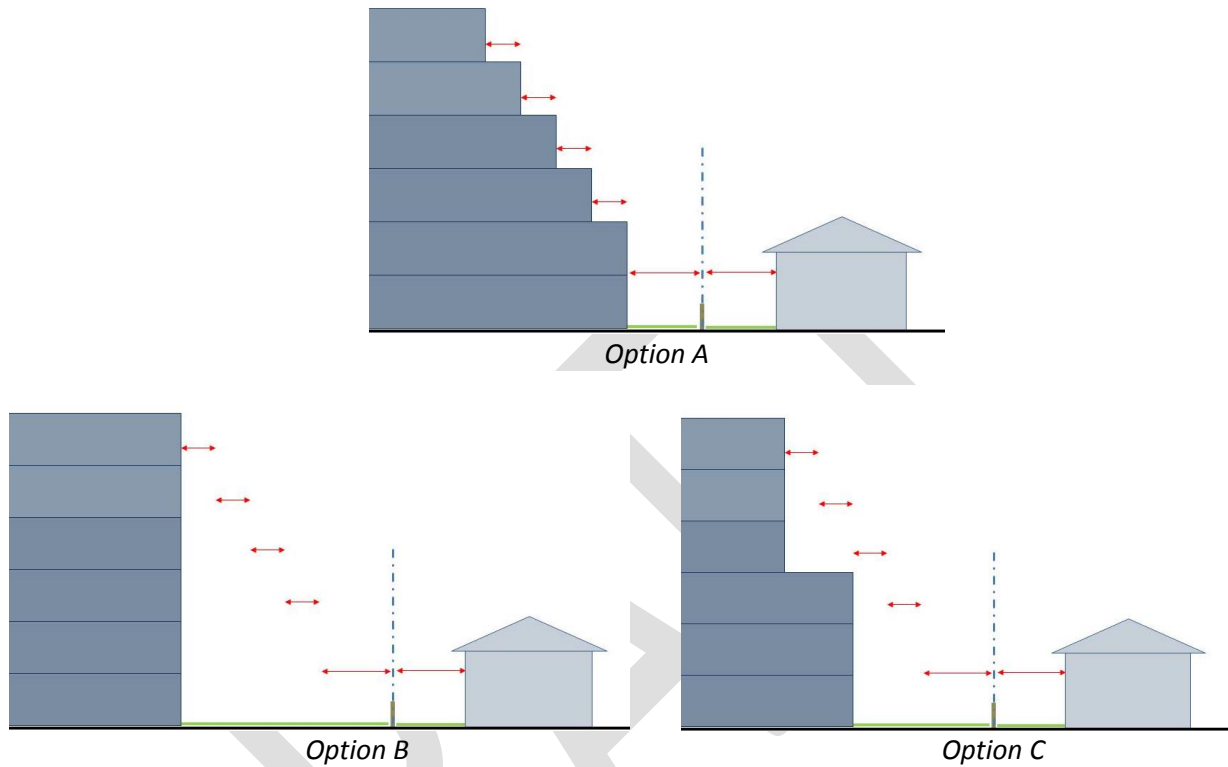


O. DEVELOPMENT COMPATIBILITY

1. The compatibility buffers required by the LDC shall only apply to proposed non-residential and multifamily development abutting a residential zoning district, and only along the property line shared by the two uses. No buffers shall be required between any other uses, unless specifically required as part of a special exception approval.
2. The minimum required side and rear setback for non-residential and multifamily buildings located on property abutting a single family zoning district shall be the same as the setback required on the adjacent residential lot or as determined by the required buffer, whichever is greater.
3. Proposed non-residential and multifamily buildings abutting a single family zoning district shall provide an additional building setback of ten (10) feet for each floor above two (2) stories for that portion of the building facing the residential area. Developers may elect to apply the setback just to those floors above the second/third story (step back approach, Option A), to the entire façade (Option B) or a combination of the two (Option C). See **Figure 24**. The additional setback/step-back for multi-story buildings may render some sites ineligible for the maximum permitted height in that district.

4. Proposed non-residential and multifamily buildings across a street or alley from a single family zoning districts shall also comply with the additional setback requirements of this subsection. Credit will be given for the distance between the street/alley center lane and the curb.

Figure 25. Setbacks Abutting Residential Zoning



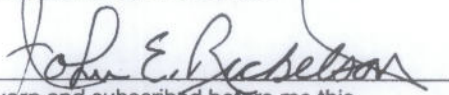
5. Whenever a zero foot setback is allowed, it may only be used if the abutting property is within a district/zone that allows the same setback.
6. Within 300 feet of any property which is in a residential zoning district or shown for residential use on the future land use map of the comprehensive plan, all activity and uses, except storage of equipment and parking, shall be conducted within completely enclosed buildings.

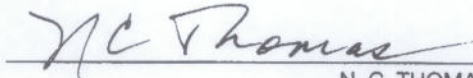
The Apopka Chief
APOPKA, FLORIDA

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: **February 20, 2015**, as well as being posted online at www.theapopkachief.com and www.floridapublicnotices.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
20th day of February, 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 will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, March 4, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2408

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL OCTOBER 31, 2015 ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATIONS FOR AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN OR LAND DEVELOPMENT CODE FOR THE GEOGRAPHICAL AREA COMPRISING THE OCOEE APOPKA ROAD SMALL AREA STUDY WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING FOR EXEMPTIONS; AND PROVIDING FOR SEVERABILITY; CONFLICTS; AND 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
February 20, 2015
Publish: **The Apopka Chief**

152128

Backup material for agenda item:

2. ORDINANCE NO. 2409 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Leslie & Nancy Hebert, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046) [Ordinance No. 2409 meets the requirements for adoption having been advertised in The Apopka Chief on February 20, 2015.]



CITY OF APOPKA CITY COUNCIL

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☒ OTHER:

DATE: March 4, 2015
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2409

SUBJECT: **ORDINANCE NO. 2409 - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT - LESLIE & NANCY HEBERT, 3600 WEST KELLY PARK ROAD, FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC).**

Request: **SECOND READING & ADOPTION OF ORDINANCE NO. 2409 – COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - LESLIE & NANCY HEBERT, 3600 WEST KELLY PARK ROAD, FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC). PARCEL ID NUMBER 13-20-27-0000-00-046.**

SUMMARY

OWNER/APPLICANT: Leslie & Nancy Hebert

LOCATION: South of West Kelly Park Road, east of Golden Gem Road

EXISTING USE: Vacant

CURRENT ZONING: “County” A-1

PROPOSED DEVELOPMENT: Single-family home

PROPOSED ZONING: “City” AG (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” A-1 to “City” AG.)

TRACT SIZE: 6.11 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Unit
PROPOSED: 1 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 December 17, 2014, through the adoption of Ordinance No. 2395. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Rural Settlement is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 6.11 acres. The property owner intends to use the site for a residential development.

The subject site is located within one (1) mile of the Wekiva Parkway Interchange Land Use Plan. If future development should be proposed for this property that exceeds current allowable uses, a Future Land Use Amendment and zoning application must first be approved by the City consistent with the Wekiva Parkway Vision Plan.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Rural Settlement Future Land Use designation and the City's proposed AG Zoning classification. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

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 January 9, 2015.

PUBLIC HEARING SCHEDULE:

February 10, 2015 - Planning Commission (5:01 pm)
February 18, 2015- City Council (7:00 pm) - 1st Reading
March 4, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

January 23, 2015 – Public Notice and Notification
February 20, 2015 – Ordinance Heading Ad
February 27, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Leslie & Nancy Hebert.

The **Planning Commission**, at its meeting on February 10, 2015, recommended approval (6-0) of the change in Future Land Use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac) for the property owned by Leslie & Nancy Hebert.

The **City Council**, at its meeting on February 18, 2015, accepted the First Reading of Ordinance No. 2409 and held it over for Second Reading and Adoption on March 4, 2015.

Adopt Ordinance No. 2409.

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.

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Single-family home
East (City)	Mixed Use	A-1 (ZIP)	Single-family home & horse farm
South (City)	Mixed Use	A-1 (ZIP)	Timberland & grazing
West (County)	Rural (0-1 du/10 ac)	A-1	Single-family home

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with this development of low density residential. The property lies south of W Kelly Park Road and east of Golden Gem Road.

Wekiva River Protection Area: No
Area of Critical State Concern: No
DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is not located within “Core Area” of the JPA.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basing Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The Property fronts W Kelly Park Rd. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 5-12 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.s Rural Settlement Residential Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Rural Settlement (0-1 du/5 ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (City designation): 1 Unit(s) x 2.659 p/h = 3 persons

PROPOSED (City designation): 1 Unit(s) x 2.659 p/h = 3 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPD/Capita;
81 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 196 GPD
3. Projected total demand under proposed designation: 392 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A GPD/Capita;
177 GPD/Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 210 GPD
3. Projected total demand under proposed designation: 420 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment:
None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:
City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: 24 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment:
None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

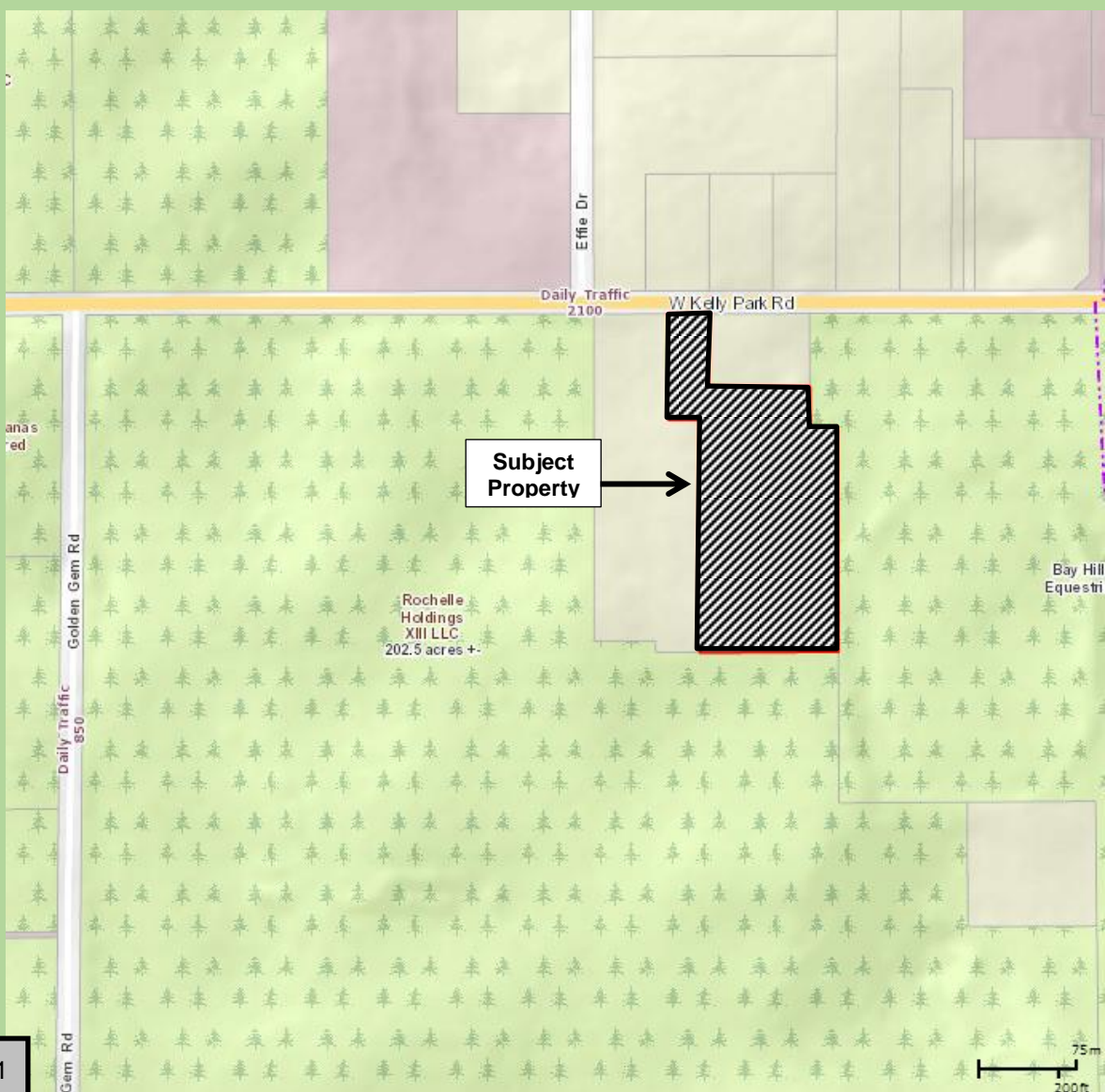
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.003 AC
3. Projected facility under proposed designation: 0.006 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:
None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.



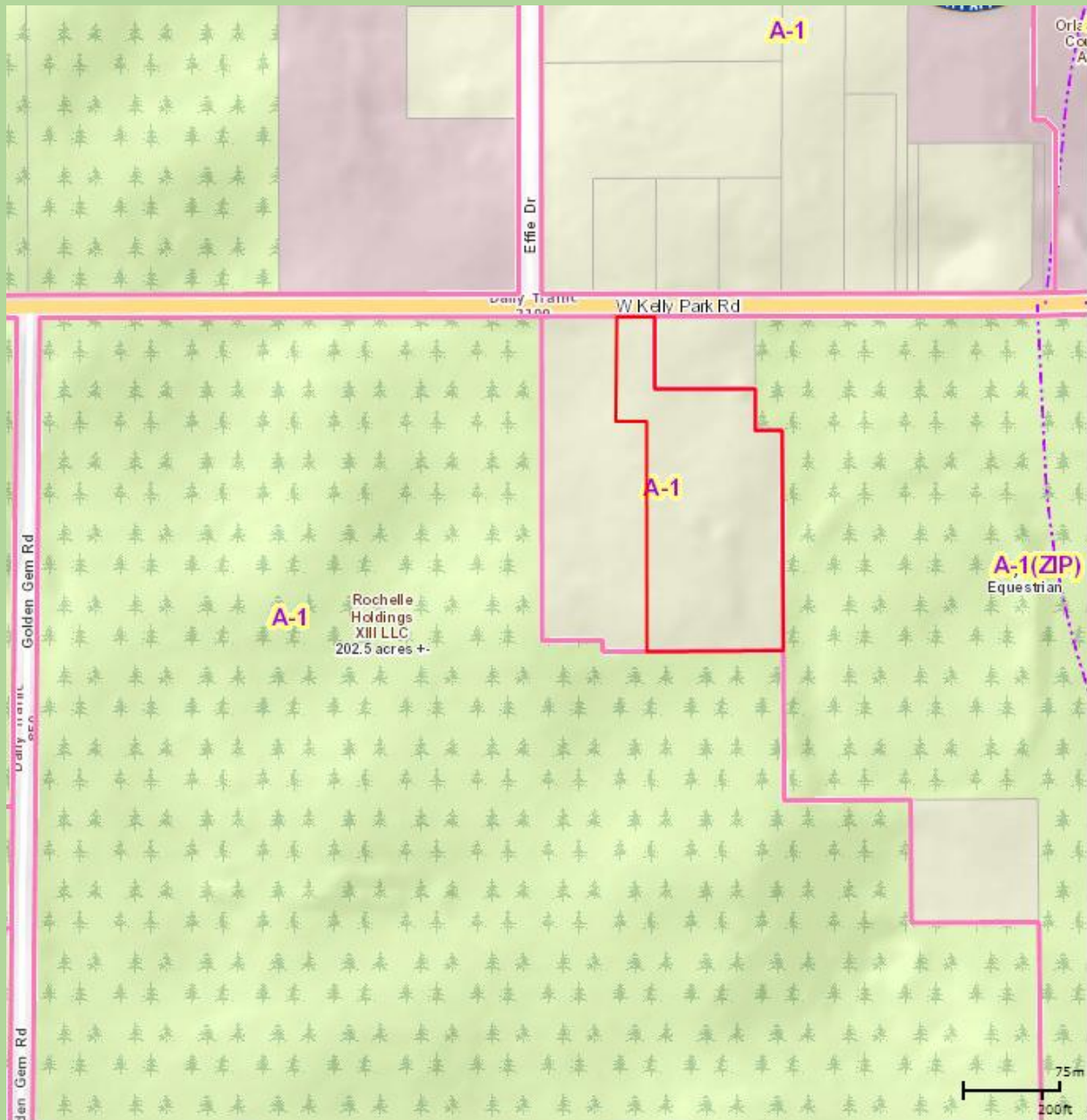
Leslie & Nancy Hebert
6.11 +/- Acres
Existing Maximum Allowable Development: 1 dwelling units
Proposed Maximum Allowable Development: 1 dwelling units
Proposed Small Scale Future Land Use Change
From: "County" Rural (0-1/10 ac)
To: "City" Rural Settlement (0-1 du/5 ac)
Proposed Zoning Change
From: "County" A-1
To: "City" AG
Parcel ID #s: 13-20-27-0000-00-046

VICINITY MAP





ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2409

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 SOUTH OF WEST KELLY PARK ROAD, EAST OF GOLDEN GEM ROAD, COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY LESLIE AND NANCY HEBERT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2402 on January 7, 2015; and

WHEREAS, the City of Apopka’s local planning agency (Planning Commission) has, in preparation of the amended version of the Apopka Comprehensive Plan, analyzed the proposed amendment pursuant to Chapter 163, Part II, F.S., found it to be consistent with the intent of the Apopka Comprehensive Plan, and held public hearings providing for full public participation.

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

Section I. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section II. Future Land Use Element.

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2402, is amended in its entirety to change the land use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for certain real property generally located south of West Kelly Park Road, east of Golden Gem Road, comprising 6.11 acres more or less, (Parcel No. 13-20-27-0000-00-046; as further described in Exhibit “A” attached hereto.

Section III. Applicability and Effect.

The applicability and effect of the City of Apopka Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes.

Section IV. Severability.

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

ORDINANCE NO. 2409
PAGE 2

Section V. The Community Development Director is hereby authorized to amend the Future Land Use to comply with this ordinance.

Section VI. Effective Date.

This Ordinance shall become effective upon adoption.

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this _____ day of _____, 2015.

READ FIRST TIME: February 18, 2015

READ SECOND TIME
AND ADOPTED: March 4, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: January 23, 2015
February 20, 2015
February 27, 2015

EXHIBIT "A"

ORDINANCE NO. 2409

Leslie & Nancy Hebert

6.11 +/- Acres

Existing Maximum Allowable Development: 1 dwelling unit

Proposed Maximum Allowable Development: 1 dwelling unit

Proposed Small Scale Future Land Use Change

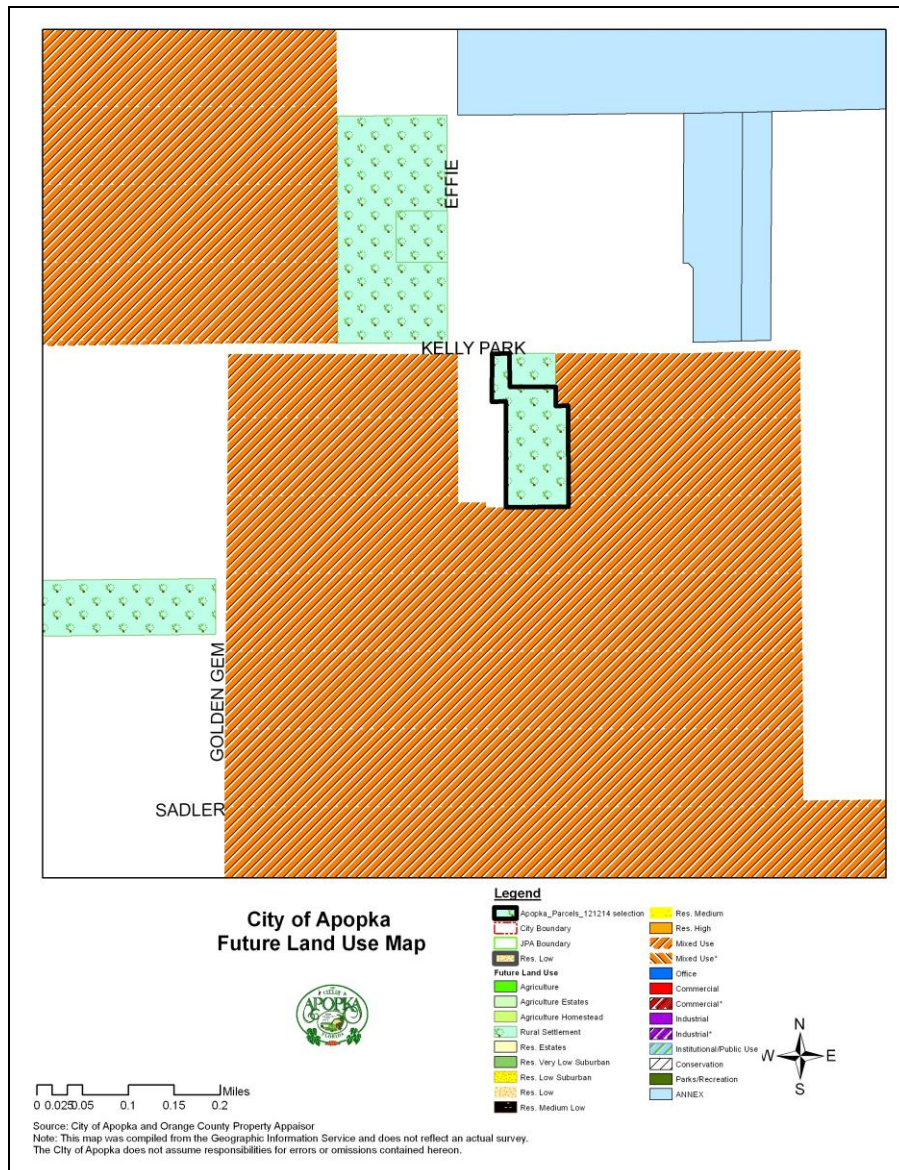
From: "County" Rural (0-1/10 ac)

To: "City" Rural Settlement (0-1 du/5 ac)

Parcel ID #s: 13-20-27-0000-00-046



VICINITY MAP

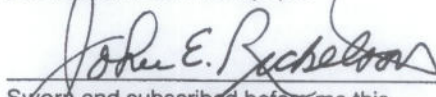


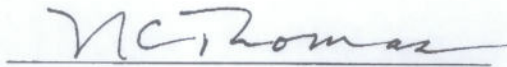
The Apopka Chief
APOPKA, FLORIDA

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: **February 20, 2015**, as well as being posted online at www.theapopkachief.com and www.floridapublicnotices.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
20th day of February, 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 will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, March 4, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2409

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 SOUTH OF WEST KELLY PARK ROAD, EAST OF GOLDEN GEM ROAD, COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY **LESLIE AND NANCY HEBERT**; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2410

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (0-1 DU/AC) (AGRICULTURE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF EFFIE WAY (3600 W KELLY PARK RD.), COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY **LESLIE AND NANCY HEBERT**; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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
February 20, 2015
Publish: **The Apopka Chief**

152129

Backup material for agenda item:

3. ORDINANCE NO. 2410 – SECOND READING & ADOPTION - CHANGE OF ZONING – Leslie & Nancy Hebert, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture), for property located at 3600 West Kelly Park Road. (Parcel ID #: 13-20-27-0000-00-046) [Ordinance No. 2410 meets the requirements for adoption having been advertised in The Apopka Chief on February 20, 2015.]



CITY OF APOPKA CITY COUNCIL

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

DATE: March 4, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map

SUBJECT: ORDINANCE NO. 2410 – CHANGE OF ZONING - LESLIE & NANCY HEBERT, 3600 WEST KELLY PARK ROAD, FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (0-1 DU/AC) (AGRICULTURE)

Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2410 – COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - LESLIE & NANCY HEBERT, 3600 WEST KELLY PARK ROAD, FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE). PARCEL ID NUMBER 13-20-27-0000-00-046.

SUMMARY

OWNER/APPLICANT: Leslie & Nancy Hebert

LOCATION: North of W Kelly Park Road, east of Effie Way (3600 W Kelly Park Rd.)

EXISTING USE: Single-family home

FUTURE LAND USE: “County” Rural (0-1 du/10 ac)

PROPOSED LAND USE: Rural Settlement (0-1 du/5 ac) (Note: this Change of Zoning amendment request is being processed along with a request to change the Future Land Use Map designation from “County” Rural to “City” Rural Settlement (0-1 du/5 ac).

ZONING: “County” A-1 (Agriculture)

PROPOSED ZONING: “City” AG (min. lot area of 5 acres)

PROPOSED DEVELOPMENT: Single-family home (existing)

TRACT SIZE: 6.11 +/- 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 December 17, 2014, through the adoption of Ordinance No. 2395. The proposed zoning change is compatible with the character of the surrounding area and the subject parcels are vacant. The applicant has requested the AG zoning to assure that the property can be developed as a single-family residence and meet site and access requirements, and be compatible with surrounding nature of development. The zoning application covers approximately 6.11 acres. The property owner intends to use the site for a single-family home.

The subject site is located within one (1) mile of the Wekiva Parkway Interchange Land Use Plan. If future development should be proposed for this property that exceeds current allowable uses, any development plan would be required to meet policies set forth in the comprehensive plan related to the Wekiva Parkway Interchange Land Use Plan, including Policy 20.4, which requires development plans to meet the development standards of an adopted form-based code for the Wekiva Parkway Interchange Vision Plan.

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 proposed Future Land Use Designation of Rural Settlement (up to one unit per five acres) for this property. Minimum lot size for property assigned the AG zoning category is 5 acres.

SCHOOL CAPACITY REPORT: The proposed rezoning will not result in an increase in the number of residential units which could be developed at the subject property. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be de minimus.

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 January 9, 2015.

PUBLIC HEARING SCHEDULE:

February 10, 2015 - Planning Commission (5:01 pm)
February 18, 2015- City Council (7:00 pm) - 1st Reading
March 4, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

January 23, 2015 – Public Notice and Notification
February 20, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 to “City” AG for the parcel owned by Leslie & Nancy Hebert located at 3600 West Kelly Park Road, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on February 10, 2015, recommended approval (6-0) of the change in Zoning from “County” A-1 to “City” AG for the parcel owned by Leslie & Nancy Hebert located at 3600 West Kelly Park Road, subject to the information and findings in the staff report.

The **City Council**, at its meeting on February 18, 2015, accepted the First Reading of Ordinance No. 2410 and held it over for Second Reading and Adoption on March 4, 2015.

Adopt Ordinance No. 2410.

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 (0-1 du/5 ac)	A-1 (ZIP)	Single-family home
East (City)	Mixed Use	A-1 (ZIP)	Single-family home & horse farm
South (City)	Mixed Use	A-1 (ZIP)	Timberland & grazing
West (County)	Rural (0-1 du/10 ac)	A-1	Single-family home

LAND USE & TRAFFIC COMPATIBILITY:

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

The zoning application covers approximately 6.11 acres. The property owner intends to use the property for one (1) single-family residence.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (0-1 du/5 ac) Future Land Use designation 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 Residential Low Density Future Land Use designation. 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.
Minimum Site Area:	5 acres.
Minimum Lot Width	None
Setbacks:	Front: 25 ft.
	Rear: 25 ft.
	Side: 25 ft.
	Corner 25 ft.

Based on the above zoning standards, the existing 6.11 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.

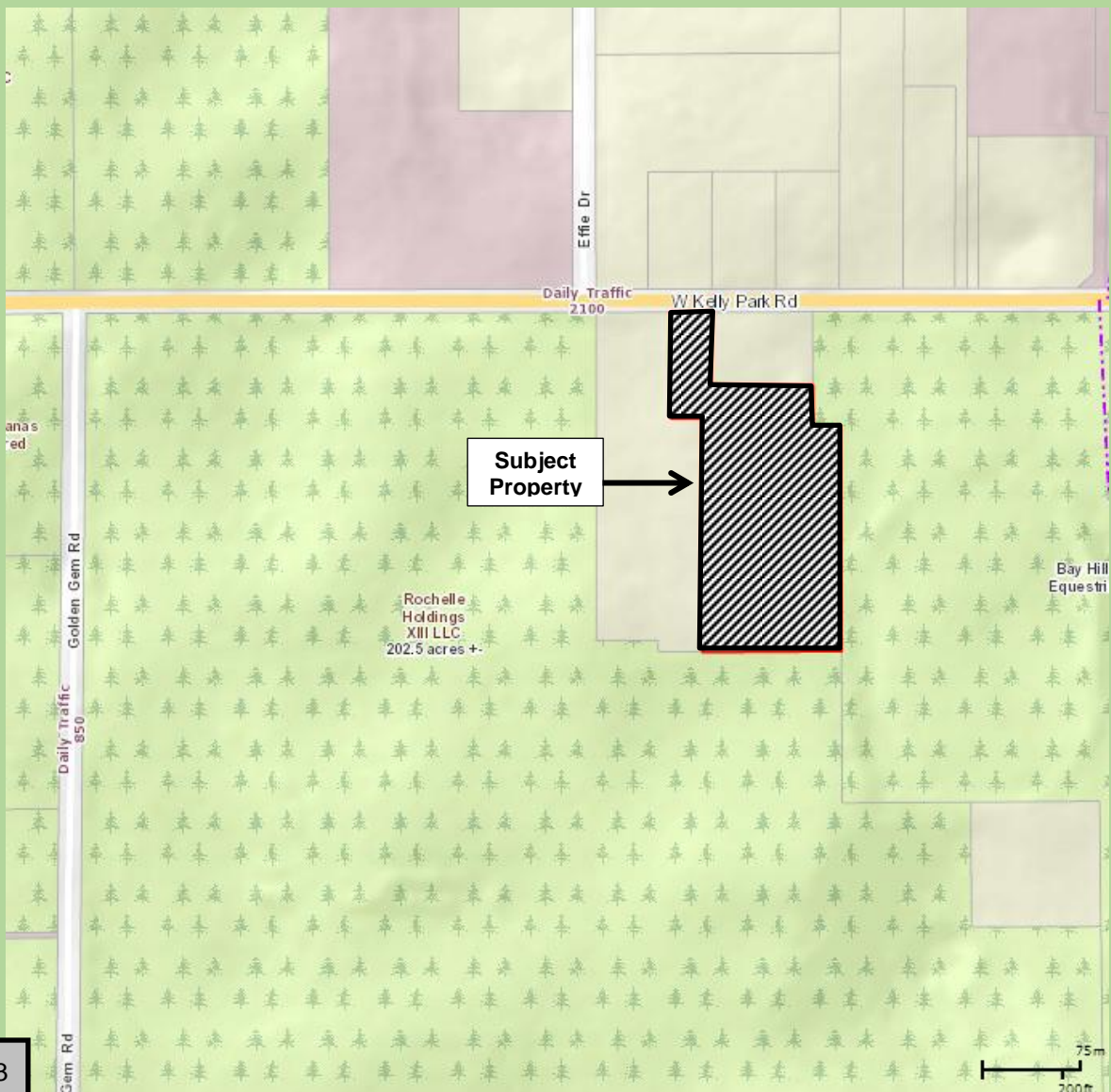
ALLOWABLE USES:

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, crops and animal production and the buildings and structures necessary to support such production, as well as kennels. Single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of this Code. Apiaries.



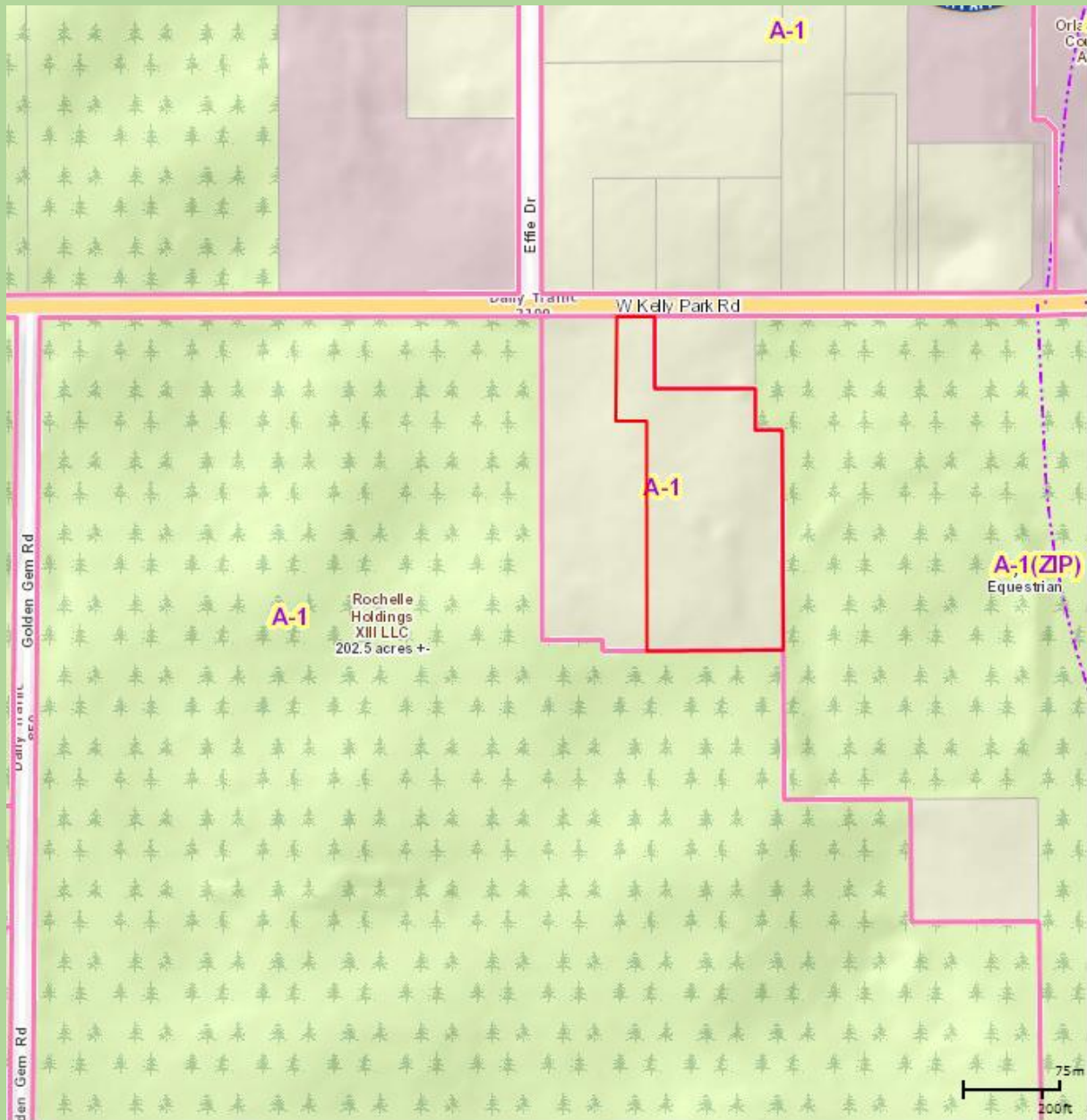
Leslie & Nancy Hebert
6.51 +/- Acres
Existing Maximum Allowable Development: 1 dwelling unit
Proposed Maximum Allowable Development: 1 dwelling unit
Proposed Small Scale Future Land Use Change
From: "County" Rural (0-1/10 ac)
To: "City" Rural Settlement (0-1 du/5 ac)
Proposed Zoning Change
From: "County" A-1
To: "City" AG
Parcel ID #s: 13-20-27-0000-00-046

VICINITY MAP



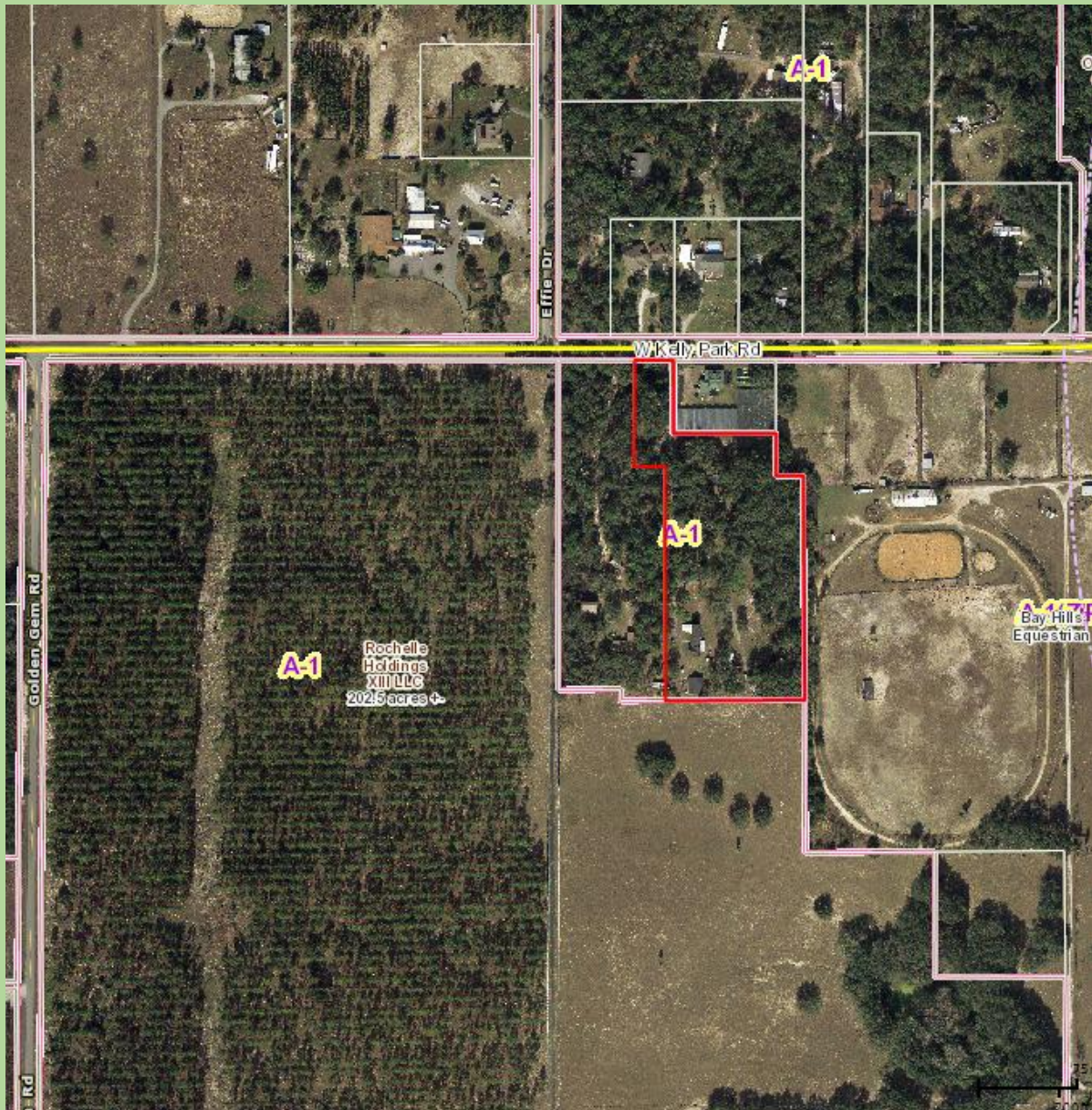


ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 2410

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) (AGRICULTURE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF EFFIE WAY (3600 W KELLY PARK RD.), COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY LESLIE AND NANCY HEBERT; 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 AG (min. 5 acre lot)) (Agriculture) 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 AG (Agriculture), as defined in the Apopka Land Development Code.

Legal Description:

A PARCEL OF LAND LYING IN THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 13; THENCE RUN SOUTH 00°11'12" EAST ALONG THE WEST LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 13 FOR A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT OF WAY OF KELLY PARK ROAD; THENCE SOUTH 90°00'00" EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF KELLY PARK ROAD FOR A DISTANCE OF 227.80 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; CONTINUE THENCE SOUTH 90°00'00" EAST ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°00'00" EAST FOR A DISTANCE OF 190.00 FEET; THENCE SOUTH 90°00'00" EAST FOR A DISTANCE OF 265.1 FEET; THENCE RUN SOUTH 00°21'50" EAST FOR A DISTANCE OF 110.00 FEET; THENCE RUN SOUTH 90°00'00" EAST FOR A DISTANCE OF 66.00 FEET TO THE EAST LINE OF THE WEST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 13; THENCE SOUTH 00°21'50" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 579.56 FEET; THENCE SOUTH 89°40'22" WEST PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 13 FOR A DISTANCE OF 358.66 FEET; THENCE NORTH 00°00'00" WEST FOR A DISTANCE OF 606.59 FEET; THENCE NORTH 90°00'00" WEST FOR A DISTANCE OF 81.24 FEET; THENCE NORTH 00°00'00" WEST FOR A DISTANCE OF 275.00 FEET TO THE POINT OF BEGINNING.

Parcel ID # 13-20-27-0000-00-046

6.11 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 upon adoption of Ordinance No. 2409.

READ FIRST TIME: February 18, 2015

READ SECOND TIME
AND ADOPTED: March 4, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

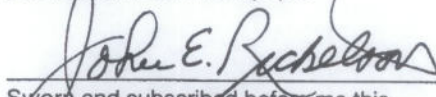
DULY ADVERTISED: January 23, 2015
February 20, 2015

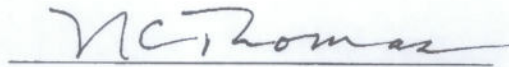
The Apopka Chief
APOPKA, FLORIDA

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: **February 20, 2015**, as well as being posted online at www.theapopkachief.com and www.floridapublicnotices.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
20th day of February, 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 will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, March 4, 2015, at 1:30 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2409

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 SOUTH OF WEST KELLY PARK ROAD, EAST OF GOLDEN GEM ROAD, COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY **LESLIE AND NANCY HEBERT**; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2410

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (0-1 DU/AC) (AGRICULTURE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF EFFIE WAY (3600 W KELLY PARK RD.), COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY **LESLIE AND NANCY HEBERT**; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND 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
February 20, 2015
Publish: The Apopka Chief

152129

Backup material for agenda item:

4. 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)



CITY OF APOPKA CITY COUNCIL

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☒ OTHER: Ordinance

DATE: March 04, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2386
"A" PUD Master Plan/PDP
"B" Development Standards
"B-1" Northern Landscape Buffer
"C" Optional Master Plan

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: FIRST READING – 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); AND HOLD OVER FOR SECOND READING & ADOPTION ON MARCH 18, 2015.

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: Responding to comments presented to City Council at past meetings and hearings, the applicant has prepared an optional Master Plan. At the hearing, if desired by City Council, a presentation can be made explaining the differences between the plan presented in Exhibit “A” and that presented in Exhibit “C”.

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 11,691 to 29,618 sq. ft.
Minimum developable lot area is 11,500 sq. ft.; 10,000 sq. ft. for lots containing wetlands
- Min. Lot Width: 75 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. Park to be located in Tract “A”.
- Buffers:
1. Sandpiper Road. A ten foot wide landscape tract, owned by the HOA, follows the south side of Sandpiper Road from the northeast corner of the project site westward behind to the project Lots 6 through 12. The design of the buffer will follow that which appears in Exhibit “B”, Northern Landscape Buffer, and will contain a six-foot high shrub (within two years of planting, a tri-rail country style fence with stone or brick posts, and canopy trees or understory trees where suitable (taking into consideration the overhead power lines). West of the project entrance, a tri-rail fence will extend westward to the open space area.
 2. Eastern project line. No buffer tract or easement. The residential lots in this development project abut residential lots typically 1.3 to 1.7 acres in size. No buffer is required by code.
 3. Southern project line. A thirty foot wide conservation easement follows the rear of Lots 23 through 31 and the side yard of Lots 15 and 16. This conservation easement is to be left in its natural vegetation and is assigned to the HOA. No pools, fences, or other accessory structures can be placed within the 30-foot wide conservation easement.
 4. Western project line. Approximately 15 acres are preserved as open space\recreation from Ustler Road eastward for a distance of approximately 640 feet.

Lake Access: Only owners of Lots 32 through 39 – eight lots -- are allowed access to Lake McCoy. Boat docks are allowed only for these eight lots. A maximum 15 foot wide path can be cleared across wetlands to reach the lake, subject to Water Management District approval.

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 “A”.

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 association 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.

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 ES, Apopka MS, Apopka HS.

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) – 1st Reading

November 19 2014 – City Council (8:00 pm) - 2nd Reading – Denied

January 21, 2015 – City Council (8:00 pm) – Reconsidered.

March 4, 2015 – City Council (1:30 pm) – 1st Reading

March 18, 2015 – City Council (7:00 pm) – 2nd 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

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 September 17, 2014, directed staff to return the item to the Planning Commission for a “Findings of Fact” of their decision to not approve 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 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.

Accept the First Reading of Ordinance No. 2386, and Hold it Over for Second Reading and Adoption on March 18, 2015.

Not Page 134 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-1AAAA	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 “F” 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:**

Sandpiper Proposed PUD requirements:

- a. 30-foot wide buffer easement along the south property line as set forth in the Master Plan. Easement dedicated to the HOA.
- b. 10-foot wide buffer tract with six-foot high hedge (within 2 years from planting) that creates a near-opaque screen, canopy trees, and a tri-rail fence with masonry or brick posts.

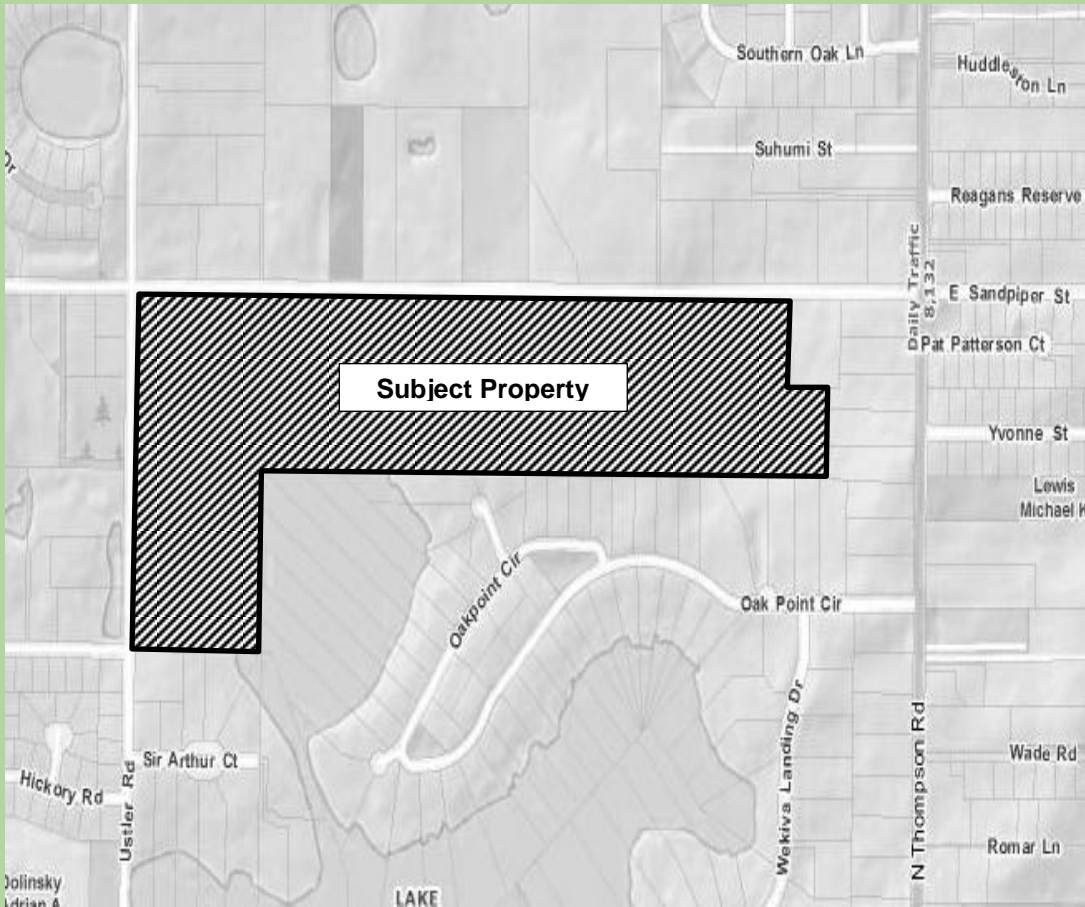
ALLOWABLE USES:

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.

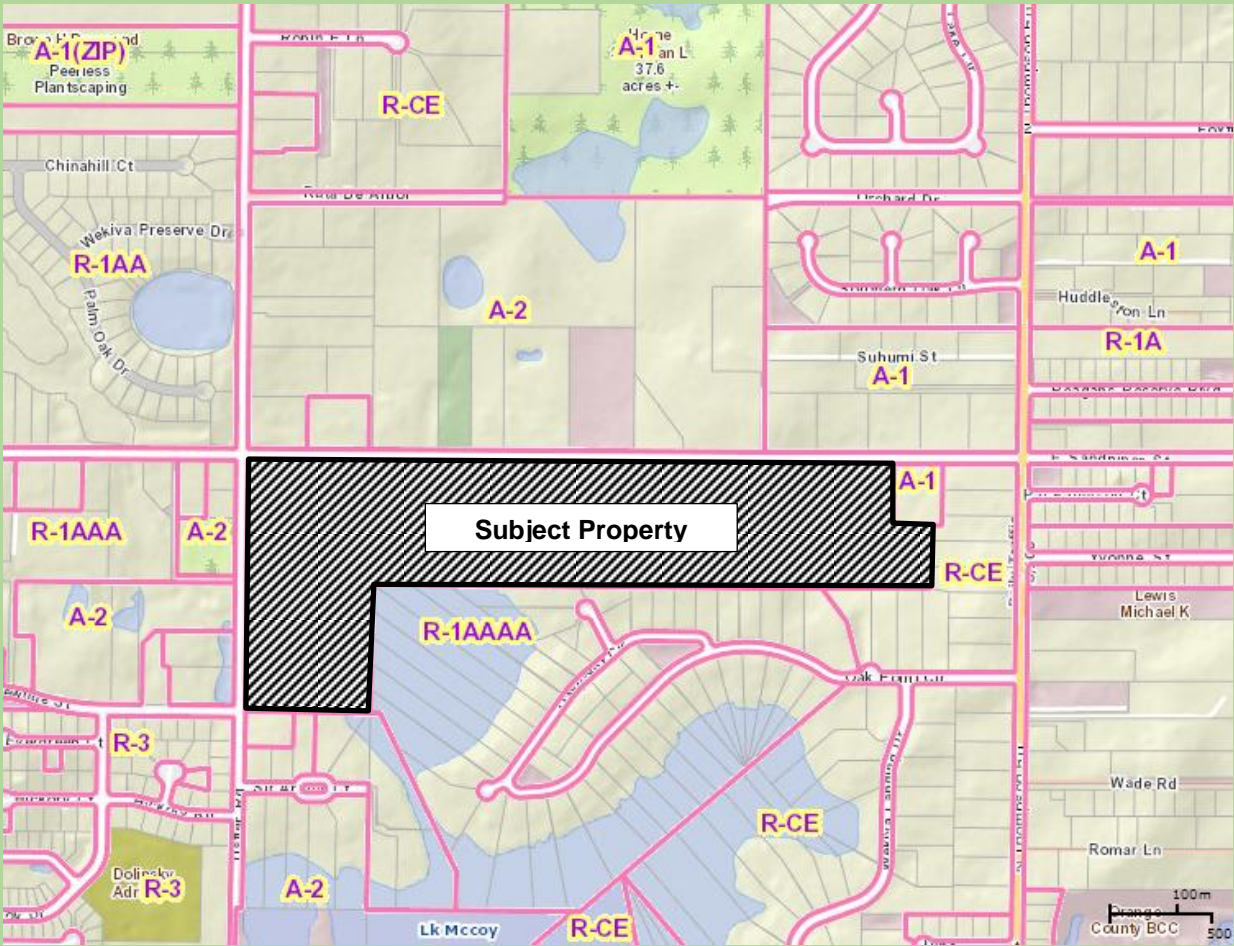
Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee
58.23 +/- Total Acres; 48.4 Developable Acres
Existing Zoning Maximum Allowable Development: 49 Dwelling Units
Proposed Zoning Maximum Allowable Development: up to 49 Dwelling Units
Proposed Zoning Change
From: "County" PD (ZIP)
To: "City" Planned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

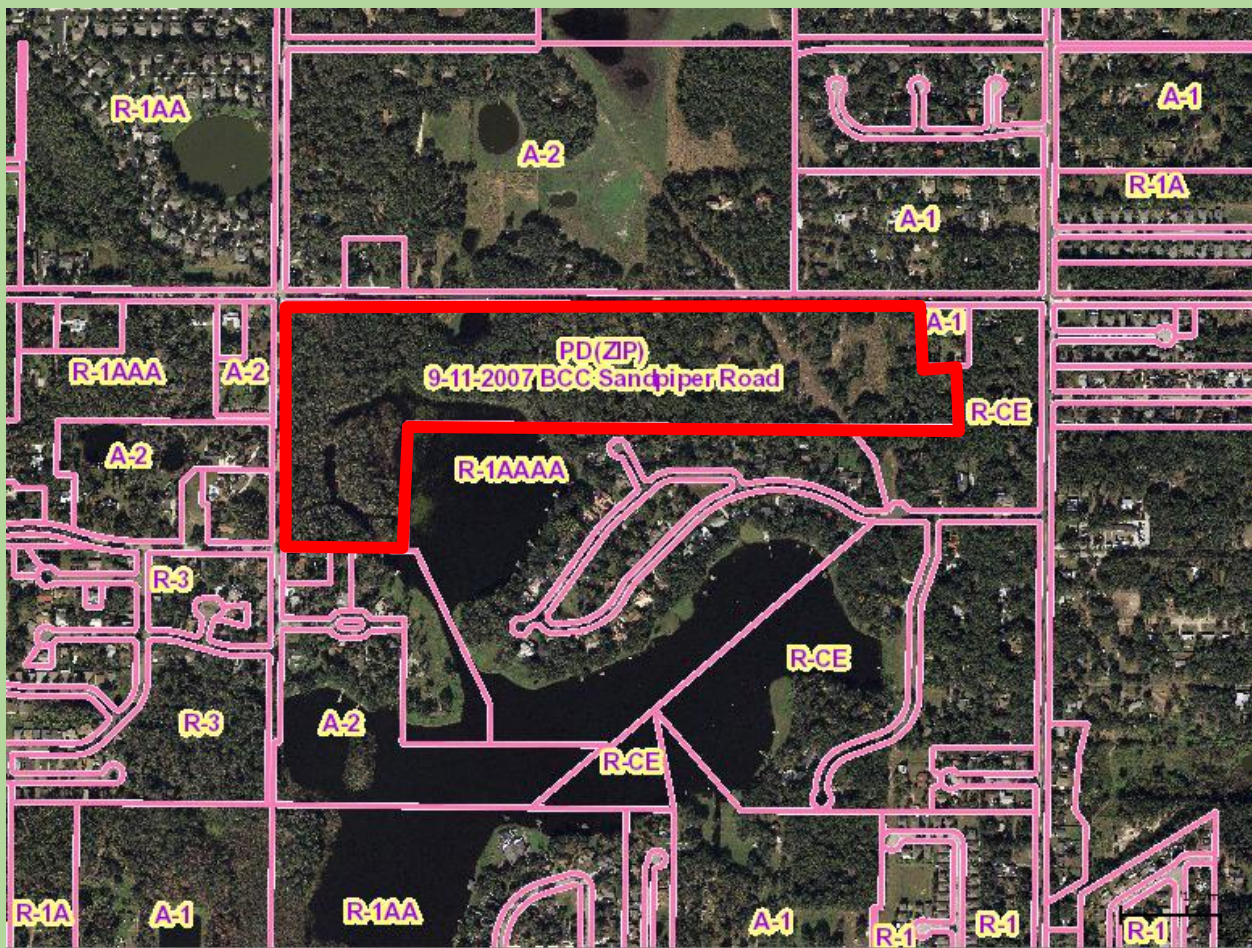


ADJACENT ZONING





ADJACENT USES



ORDINANCE NO. 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 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.

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 $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 3, Township 21 South, Range 28 East, Orange County, Florida.

The West 275.0 feet of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof.

The West $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ 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 $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ 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 $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, 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 $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof for Sandpiper Road.

The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ 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 $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ 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 $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ 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 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.

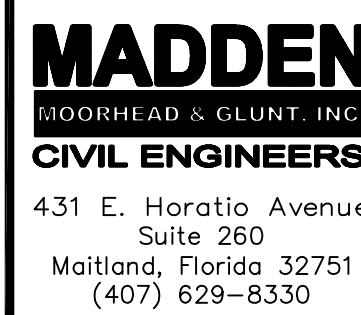
Section VII. That this Ordinance shall take effect upon the date of adoption.

READ SECOND TIME
AND ADOPTED: March 18, 2015

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: February 13, 2015
March 6, 2015



FLORIDA

CLIENT

ENGINEER IN CHARGE:

[illegible]

JOB # 12059
DATE: 07/30/14
SCALE: 1" = 120'
DESIGNED BY: CHM
DRAWN BY: RHM
APPROVED BY: CHM

PDP



1. SECTIONS 2 & 3, TOWNSHIP 21 SOUTH, RANGE 28 EAST
2. TOTAL GROSS SITE AREA = 58.23 ACRES (2,536,505 Sq.Ft.)
NET DEVELOPABLE AREA = 48.40 ACRES (58.23 AC. - 9.83 AC.(WETLANDS)) = 48.40 AC.
3. EXISTING ZONING: PD
EXISTING LAND USE: LD (5 DU/AC.)
FUTURE LAND USE MAP DESCRIPTION: RL
PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
4. PROPOSED ZONING: PUD
MAX ALLOWED DENSITY = 5 DU/ACRE
PROPOSED RESIDENTIAL DENSITY:
-GROSS DENSITY = 49 DU/58.23 AC. = 0.84 DU/AC.
-NET DENSITY = 49 DU/48.40 AC. = 1.01 DU/AC.
5. PROJECTED SCHOOL AGE POPULATION:
49 LOTS X 0.404 = 20 STUDENTS

3 EXHIBIT "F"
SANDPIPER MASTER SITE PLAN DEVELOPMENT STANDARDS

[Bold text lists the applicant's proposed development standard that is not acceptable to city staff. Staff's recommendation is provided.]

1. **Design Standards**
- a. **LOT SETBACKS:**
- | | |
|---------|-------|
| Front - | 25' |
| Side - | 7.5' |
| Back - | 37.5' |
1. Lots 15, 16 - 22' - 0' adjacent to the gas line easement
2. Lots 5, 6, 21, 22 - 0' adjacent to the gas line easement
- Corner Lot - 25'
- Rear - 20' (lots 1-22, 32-49)
- 50' (lots 23-31)
- Lk. McCoy NWHE - 50'
- b. **Garage Setbacks**
- | | |
|---------------|-----|
| Front entry - | 30' |
| Side entry - | 25' |
2. The minimum lot width for all lots excluding lots 6 through 12 and 32 through 39, will be 110 feet at the building setback line. The minimum lot width for all other lots will be 75 feet. The minimum lot depth will be 140 feet.
3. Maximum Building Height: 35'
4. Maximum number of Stories: Two
5. Minimum Lot Width: 75'
6. Minimum Lot Area: 10,000 sq. Ft.
7. Minimum Living Area: 2,000 sq.ft. under heat and air.
8. Each house to have a two car garage (minimum).
9. Any modification to the Master Site Plan shall be reviewed according to Section 2.02.18.N, Land Development Code.
- 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.
3. Existing structures will be removed prior to platting of the respective phase
- b. **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. 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 sewer shall be provided by the City of Apopka. The sanitary system shall be designed city standards.
6. Utility easements to be dedicated to the City of Apopka.
7. Drainage easements to be dedicated to the home owners association unless otherwise accepted the City of Apopka.
8. All stormwater 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.
9. On-street streets are to be constructed per City of Apopka standards.
10. A signage plan will be provided with the final development plan submittal.
11. If community is to be gated, entrance gate shall conform to city codes. Entrance gate to be constructed with a gated access system through an opti-con type visual gate activation and yellow sign. There must also be a keypad with an emergency access code.
12. If streets remain private, a blanket ingress/egress easement will be granted for access to the corner Tract F
13. Stabilized access roadways and fire hydrants must be in place before building construction may begin
14. Street names will be provided with the final development plans
15. Solid waste collection and public safety (police and fire) provided by the City of Apopka.
16. All/any overhead utility lines must be placed underground, coordination with City's Public Service Dept.
17. At this time the proposed street row is to be private; however the applicant may, at their discretion and with acceptance by the city, change the row to City of Apopka prior to final development plan and final plat approval.
18. A 5' wide sidewalks to be constructed adjacent to internal roads throughout the entire project in compliance with the City of Apopka Land Use Ordinance Code. Sidewalk alignment may be adjusted at final development plan to preserve existing trees.

LOT AREA TABLE (BASED ON DEVELOPABLE AREA)									
LOT	AREA(SF)	AREA(A)	LOT	AREA(SF)	AREA(A)	LOT	AREA(SF)	AREA(A)	
1	15052	0.35	18	13644	0.31	35	18132	0.42	
2	13500	0.31	19	15282	0.35	36	17224	0.40	
3	20119	0.46	20	15246	0.35	37	15002	0.34	
4	26892	0.62	21	29618	0.68	38	17617	0.40	
5	25824	0.59	22	27275	0.63	39	24757	0.57	
6	22395	0.51	23	20666	0.47	40	12801	0.29	
7	15361	0.35	24	18765	0.43	41	12533	0.29	
8	15400	0.35	25	18700	0.43	42	12826	0.29	
9	15400	0.35	26	18700	0.43	43	11691	0.27	
10	15400	0.35	27	18700	0.43	44	12763	0.29	
11	15400	0.35	28	18700	0.43	45	14779	0.34	
12	18193	0.42	29	18706	0.43	46	14779	0.34	
13	19089	0.44	30	19292	0.44	47	13500	0.31	
14	16300	0.37	31	24300	0.56	48	13500	0.31	
15	22953	0.53	32	21204	0.49	49	14665	0.34	
16	22420	0.51	33	18305	0.42				
17	13285	0.31	34	17773	0.41				

EASEMENT DATA


- | | |
|--|---|
| <p>E1 8' FLORIDA POWER CORP EASEMENT TO BE VACATED
O.R. 1915, PG 912</p> | <p>E6 DRAINAGE EASEMENT TO BE REVISED
O.R. 5152, PG 24</p> |
| <p>E2 DRAINAGE EASEMENT TO BE REVISED
O.R. 5201 PG 2861</p> | <p>E7 40' DRAINAGE EASEMENT TO REMAIN
O.R. 1771, PG 470 & 472</p> |
| <p>E3 90' GAS EASEMENT TO REMAIN
O.R. 1877, PG 412 & 877</p> | <p>E8 60' INGRESS/EGRESS EASEMENT TO BE VACATED
O.R. 3610, PG 2634; & O.R. 3621, PG 2314</p> |
| <p>E4 8' FLORIDA POWER CORP EASEMENT TO BE VACATED
O.R. 1758, PG 511</p> | <p>E9 15' X 50' DRAINAGE EASEMENT TO BE REVISED
O.R. 6486, PG 2907</p> |
| <p>E5 8' FLORIDA POWER CORP EASEMENT TO BE VACATED
O.R. 1758, PG 510; O.R. 1981, PG 296; & O.R. 2010, PG 57</p> | |

WETLAND/SURFACE WATER TABLE		
WETLAND NUMBER	AREA	SURFACE WATER IMPACT
		SURFACE WATER AREA TOTAL IMPACT
W-1(W/ LAKE MCCOY)	7.71 ACRES	
W-2	0.73 ACRES	
W-3	0.18 ACRES	
SW-1	0.59 ACRES	
SW-2	0.15 ACRES	
SW-3	0.44 ACRES	
NOTE: THERE ARE TO BE UPLAND BUFFERS AROUNDING ALL IN IN WIDTH OF 5'		

TOTAL WETLAND/SURFACE WATER AREA = 9.83 ACS
TOTAL SURFACE WATER AREA IMPACTED = 0.44 AC.

IMPERVIOUS AREA TABLE



<u>IMPERVIOUS FEATURE</u>	<u>AREA</u>
STREETS	2.31 ACRES
SIDEWALK	0.75 ACRE
DRIVEWAYS(360 SF/LOT)	0.40 ACRE
<u>FLOOR AREA(3200 SF/LOT)</u>	<u>3.60 ACRES</u>
TOTAL IMPERVIOUS	7.06 ACRES (14.5% NET LAND AREA)
TOTAL IMPERVIOUS	7.06 ACRES (12% GROSS LAND AREA)

SOILS LEGEND			
3	BASINGER FINE SAND	43	SEFFNER FINE SAND
5	CANDLER FINE SAND	46	TAVARES FINE SAND
6	CANDLER-APOPKA FINE SAND	47	TAVARES-MILLHOPPER FINE SANDS
37	ST. JOHNS FINE SAND	W	WATER
 SOIL DIVIDE LINE			

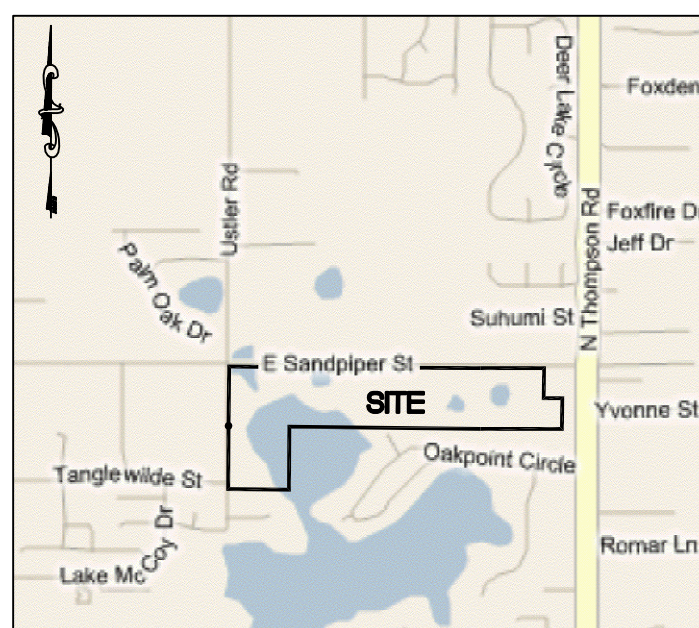
OPEN SPACE TABLE

TRACT A:	50% Retention Pond =	0.82 Ac.
	50% Wetlands =	4.7 Ac.
	Upland Area =	16.15 Ac.
TRACT B:	50% Retention Pond =	0.21 Ac.
	Upland Area =	1.27 Ac.
TRACT C:	50% Retention Pond =	1.49 Ac.
	Upland Area =	2.06 Ac.
	TOTAL =	26.7 Ac.
26.7 Ac. / 58.23 Ac. =		45.86 %

TRACT TABLE

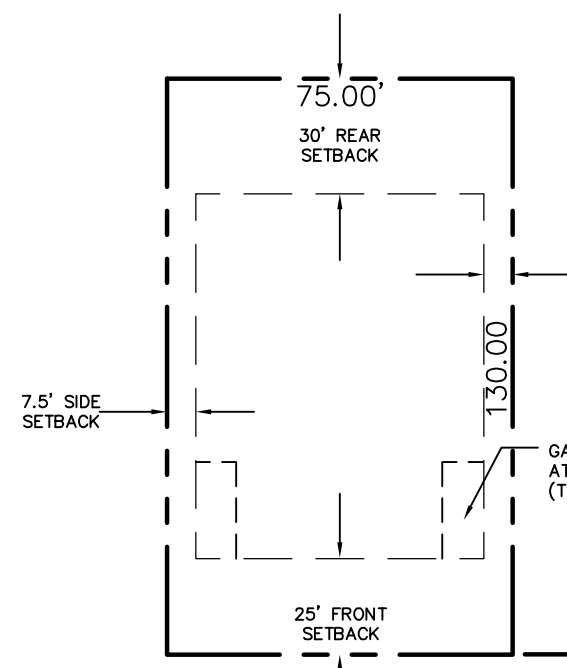
TRACT	LAND USE	OWNERSHIP/MAINTENANCE	LOT SIZE
A	OPEN SPACE/RETENTION	HOA	25.78 AC. (44.27%)
B	OPEN SPACE/RETENTION	HOA	1.69 AC. (2.90%)
C	OPEN SPACE/RETENTION	HOA	5.04 AC. (8.66%)
D	LIFT STATION SITE	CITY OF APOKKA	0.04 AC. (0.07%)
E	OPEN SPACE	HOA 	0.05 AC. (0.09%)
F	ROAD, R.O.W. & LANDSCAPE	HOA	3.90 AC. (6.85%)
G	OPEN SPACE, LANDSCAPE	HOA	0.21 AC. (0.36%)
-	LOTS		21.43 AC. (36.80%) 
		TOTAL:	58.23 AC. (100%)

TOTAL SITE AREA = 58.23 AC. (100%)



VICINITY MAP

SCALE: 1" = 2000'



MIN. 75' x 130' LOT 

GRAPHIC SCALE

(IN FEET)
1 inch = 120 ft

EXHIBIT “B”

SANDPIPER MASTER SITE PLAN DEVELOPMENT STANDARDS

A. Design Standards

1. LOT SETBACKS:

Front-	25'
Side -	7.5'
Lots 15, 16-	37.5'
Lots 5, 6, 21, 22 -	0' adjacent to the gas line easement
Corner Lot -	25'
Rear -	20' (lots 1-22, 32-49)
	50' (lots 23-31)
Lk. McCoy NHWE-	50'

Garage Setbacks

Front entry:	30'
Side entry:	25'

2. The minimum lot width for lots 6 through 12 and 23 through 31 will be 110 feet at the building setback line. The minimum lot width for all other lots will be 75 feet. The minimum lot depth will be 140 feet.
3. Maximum Building Height: 35'
4. Maximum number of Stories: Two
5. Minimum Lot Area: 11,500 sq. ft; 10,000 sq. ft. for lots 31 to 39 (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 a 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. Lot 10 shall be dedicated as a passive park. Lot 10 shall be relocated to the north side of the western street. Lot 12 will be 120 feet wide with a 20-foot wide eastern side yard setback.
12. On Lots 15 and 16, if courtyard/side loaded entries are constructed, the garage doors must face north.
13. On Lot 19, move the eastern building line and setback to align with the front building line and setback of Lot 18.
14. Lots 40 – 49 will be reconfigured so that each lot will be 80 feet wide, and a new 80-foot wide lot will be added in this area to compensate for the loss of Lot 10. The pond area on the west side of these lots will be reconfigured.

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 23 to 31.
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 stormwater 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 Tract F.
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" 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 "A". 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 eight lot owners 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 eight lot owners will be required to join the Lake McCoy taxing district. No other docks or recreation will be allowed 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 and recreational amenities will be provided with final development plans.
4. Project open space:
 Required = 20% min. per LDC
 Provided = 45.85% (26.70 acs.).
5. Lot 10 shall be designated as a passive park and placed in a Tract owned and maintained by the Homeowners Association.
6. The park site at the end of the western cul-de-sac and the passive park within the former Lot 10 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 along the southern property line, except against lake, wetland, retention, or gas easement. 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 (Lots 23 to 31, and 15, 16) abutting the 30-foot conservation easement.
3. 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 beginning of the designated open space area.
4. Entrance feature and community sign will be provided with final development plans.
5. Final landscape plans for the buffer area along Sandpiper Street will be provided with the final development plans.
6. Tree Planting Conditions. Minimum of two new trees shall be planted per lot, except that Lots 6 to 12 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 12, at least two of the three new trees shall be planted in the rear yard.
 - b. On Lots 15 and 16, 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 23 through 31, 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.
7. A viburnum hedge will be planted south of the cul-de-sac adjacent to Lots 15 and 16 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.

8. 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.

F. Maintenance and Plat

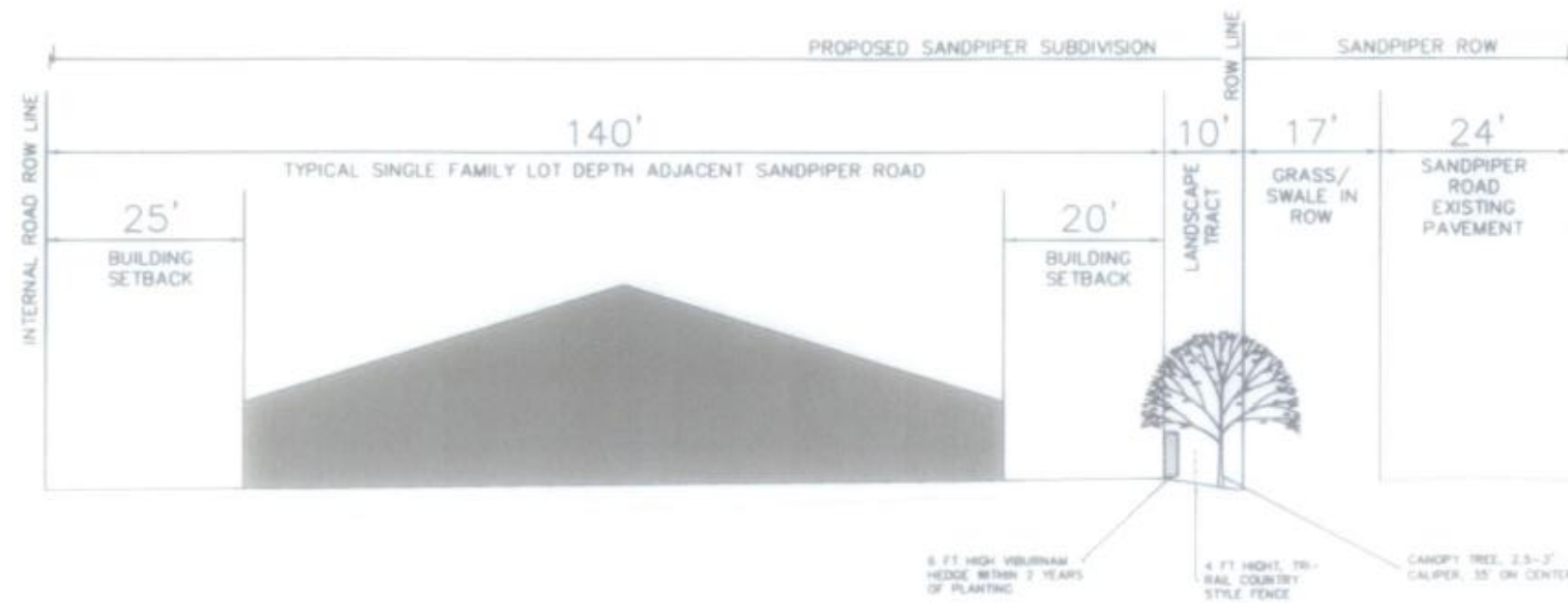
1. Homeowners association will maintain all common areas, roads, and fences/walls.
2. The final development plan shall include the plat document, and the plat shall be in final form.
3. Lots 5, 6, 21, and 22 have access to the gas easement surface area as allowed by the recorded easement. Easement details 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

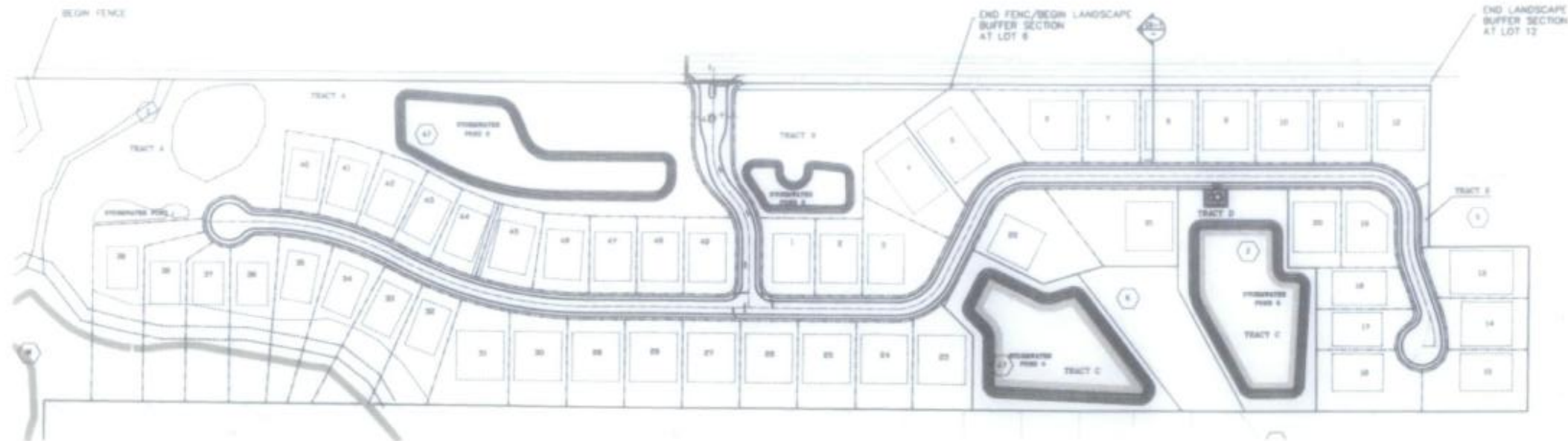
1. All acreage regarding developable and conservation areas (wetlands and buffers) are considered approximate until finalized during a review by the St. Johns River Water Management District and the City of Apopka. The SJRWMD concurrency will be provided at final plan review.
2. The jurisdictional wetland 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 at 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 32 to 39 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. W. 10th Ave., Unit 200
West Palm Beach, FL 33411
(561) 841-1200

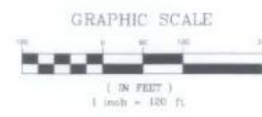
ENGINEER IN CHARGE
DAVID A. STOKES, P.E., PRSIST
SARAH J. WILSON, P.E., PRSIST

DATE	REVISIONS

AS 2 12089
DATE 10/14/14
SCALE N.T.S.
DESIGNED BY CHM
DRAWN BY CHM
APPROVED BY CHM

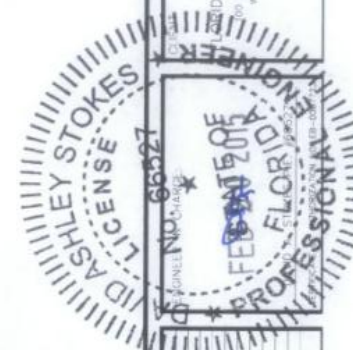
CX-1





TREE LOCATION PLAN
 FOR
 SANDPIPER ROAD

DA LAND TRUST #111
5 VICKI AVE., UNIT 201
WINTER PARK, FL 32789
407-947-4225

[illegible]

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

TR-1

#OAK12	DENOTES OAK TREE AND SIZE (12" OAK TREE)
#TWOAK10	DENOTES TWIN OAK TREE AND SIZE (10" TWIN OAK TREE)
#THROAK8	DENOTES TRIPLE OAK TREE AND SIZE (8" TRIPLE OAK TREE)
#MAP18	DENOTES MAPLE TREE AND SIZE (18" MAPLE TREE)
#CEDAR14	DENOTES CEDAR TREE AND SIZE (14" CEDAR TREE)
#GUM16	DENOTES GUM TREE AND SIZE (16" GUM TREE)
#SWEETGUM18	DENOTES SWEET GUM TREE AND SIZE (18" SWEET GUM TREE)
#PECAN16	DENOTES PECAN TREE AND SIZE (16" PECAN TREE)
#PALM10	DENOTES PALM TREE AND SIZE (10" PALM TREE)
	TREE COUNT AREA DIVIDER

NOTE:
TREE LOCATION PLAN IS BASED ON A TREE SURVEY
PREPARED BY BENCHMARK SURVEYING & MAPPING
CONSULTANTS, INC., DATED OCTOBER 5, 2005.

Backup material for agenda item:

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)



CITY OF APOPKA CITY COUNCIL

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☒ OTHER: Ordinance

DATE: March 4, 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 hierarch 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 ES, Apopka MS, Apopka HS.

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) - 1st Reading

February 18, 2015 – City Council (7:00 pm) - 2nd Reading - Reconsideration

March 4, 2015 – City Council (1:30 pm) – 1st Reading

March 18, 2015 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Notice and Notification

February 6, 2014 – Ordinance Heading Ad

February 13, 2015 – Public Notice and Notification

March 6, 2015 – Ordinance Heading Ad

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.

Accept the First Reading of Ordinance No. 2405 and Hold it Over for Second Reading and Adoption on February 18, 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

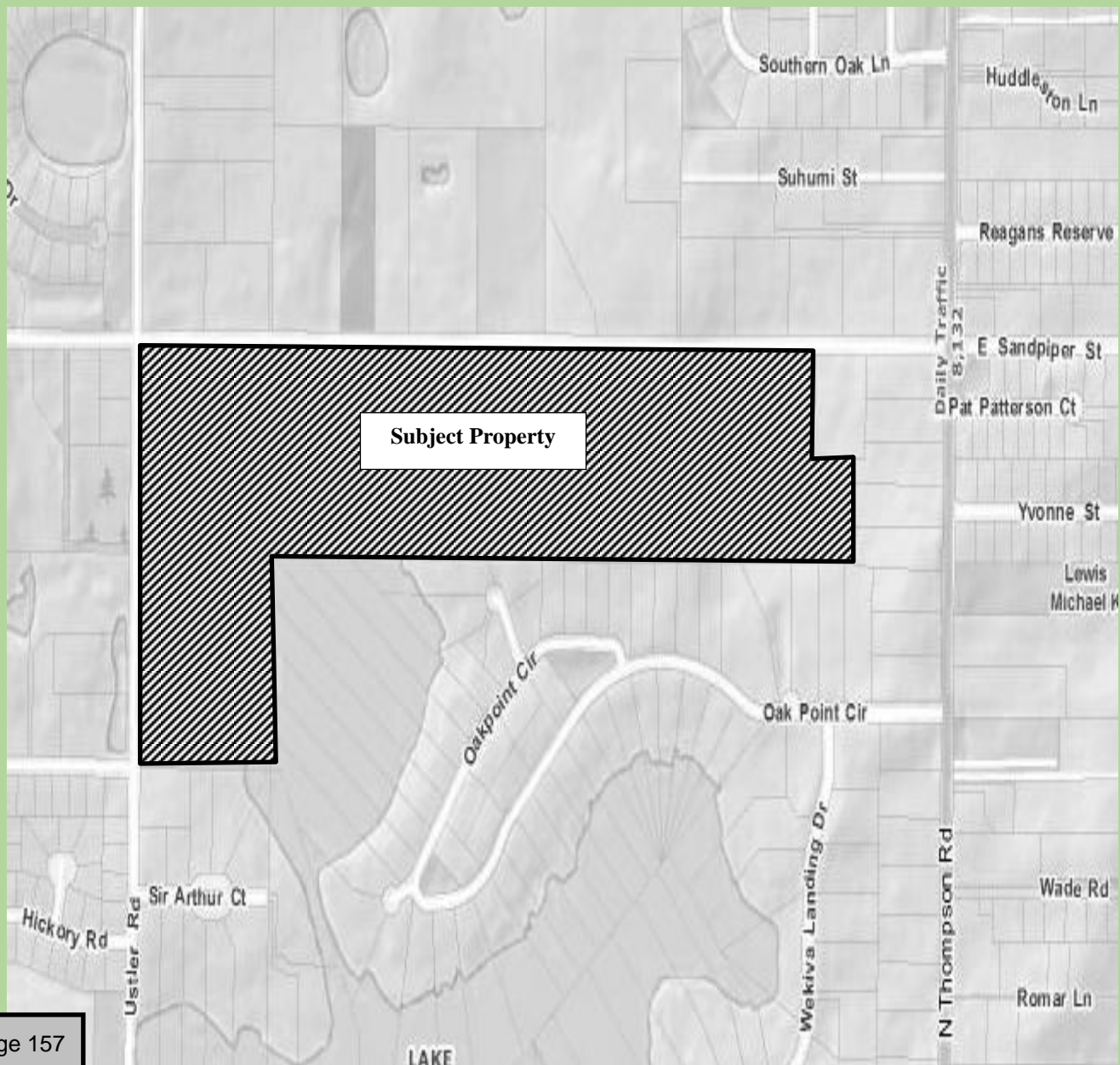
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03-21-28-0000-00-047 03-21-28-0000-00-072

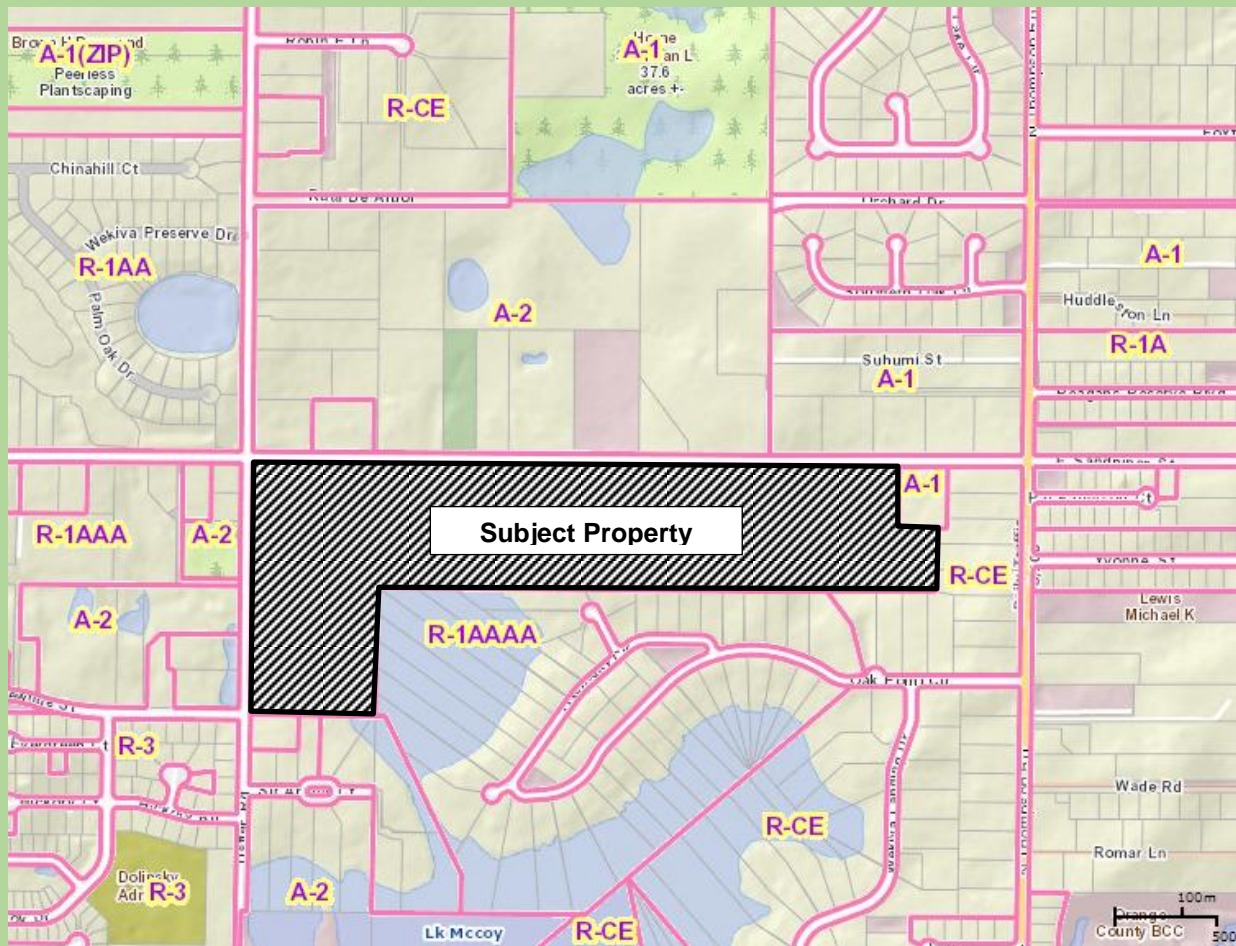
03-21-28-0000-00-073 03-21-28-0000-00-119



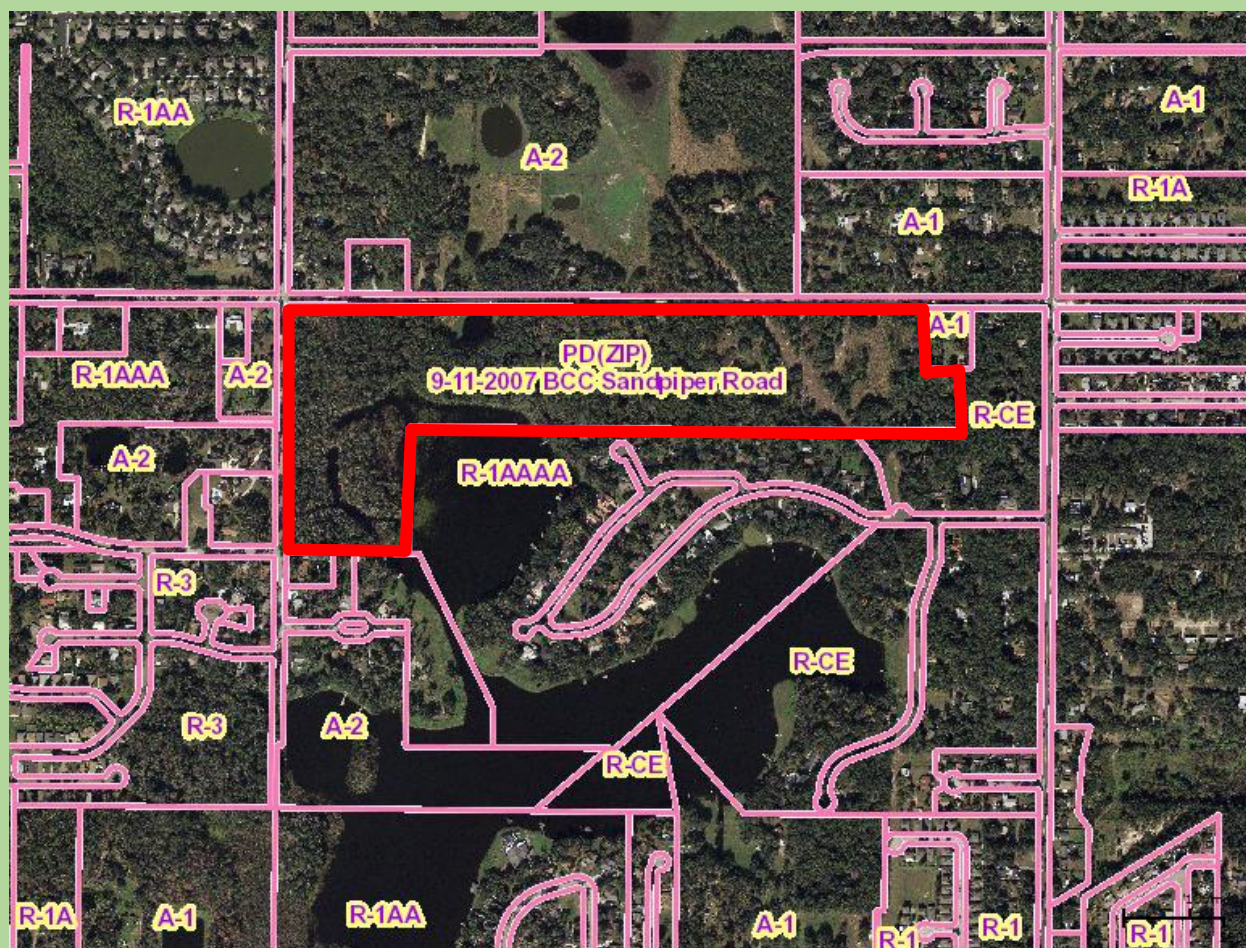
VICINITY MAP



ADJACENT ZONING



ADJACENT USES



ORDINANCE NO. 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.

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: March 4, 2015

READ SECOND TIME
AND ADOPTED: March 18, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: February 13, 2015
March 6, 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
POM								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 Setbacks						
		Minimum Site Area	Minimum Lot Width (feet)	Front (feet)	Side (feet)	Rear (feet)	Corner (feet)	Minimum Living (Sq. Ft.)
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 & Cassady, 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.¹ 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.

¹ 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

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

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

Shepard, Smith & Cassady, P.A.
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Maitland, Florida 32751
Telephone (407) 622-1772
Facsimile (407) 622-1884

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¹ See *Wallberg v. Metropolitan Dade County*, 296 So. 2d 509 (Fla. 3d DCA 1974).

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.¹

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

¹ 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

COUNSEL: Robert D. Guthrie, County Attorney and Eden Bentley, Assistant County Attorney, Melbourne, Florida,

for Petitioner.

Frank J. Griffith, Jr. of Cianfroga, Telfer, Reda & Faherty, P.A., Titusville, Florida,

for Respondents.

Denis Dean and Jonathan A. Glogau, Assistant Attorneys General, Tallahassee, Florida,
Amicus Curiae for The Attorney General, State of Florida.

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:

6. RESOLUTION NO. 2015-04 - Granting a non-exclusive franchise, to Waste Pro USA Inc., for roll-off container collection and disposal of waste in the City of Apopka.



CITY OF APOPKA CITY COUNCIL

- ☐ CONSENT AGENDA
- ☐ PUBLIC HEARING
- ☐ SPECIAL HEARING
- ☒ OTHER: RESOLUTION

MEETING OF: March 4, 2015
FROM: Public Services
EXHIBITS: Resolution 2015-04

SUBJECT: RESOLUTION NO. 2015-04 GRANTING A NON-EXCLUSIVE FRANCHISE FOR ROLL-OFF CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA TO WASTE PRO USA, INC.

Request: ADOPT RESOLUTION NO. 2015-04

SUMMARY:

Chapter 66, Article III, of the Code of Ordinances of the City of Apopka, provides for private refuse collection service through the granting of a non-exclusive franchise for roll-off container collection in the City. The minimum amount the City is to receive is \$960.00 per year for this agreement.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Adopt Resolution No. 2015-04

DISTRIBUTION:

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
Human Resources Director
Information Technology Director
Police Chief

Public Services Director
City Clerk
Fire Chief

RESOLUTION NO. 2015-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE PRO USA, INC., TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 66, Article III, of the Code of Ordinances of the City of Apopka, Florida, provide for private refuse collection service through the granting of non-exclusive franchise(s) for roll-off containers, and is hereinafter referred to as Chapter 66, Article III; and

WHEREAS, Chapter 66, Article III grants the City Council of the City of Apopka, Florida, the power, right and authority to contract by resolution with persons thereby granting non-exclusive franchise(s) to provide "roll-off" container collection and disposal of waste within the City of Apopka, Florida; and

WHEREAS, Chapter 66, Article III provides for City requirements, outlining Franchisee's duties, providing the terms and conditions under which such franchise shall operate.

WHEREAS, Chapter 66, Article III enables the City Council of the City of Apopka, Florida, to enter into a contract with persons desiring a franchise to provide roll-off container collection and disposal of waste within the City of Apopka; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Apopka, Florida, that:

SECTION I. GRANT AND TERM.

That the City Council of the City of Apopka, Florida, extends a non-exclusive franchise to:

Waste Pro USA, Inc.

a Florida corporation whose business address is:

3705 Saint John's Parkway.
Sanford, FL 32771-6369

hereinafter referred to as Grantee, to provide roll-off container collection and disposal of waste within the corporate limits of the City of Apopka, Florida, under the terms set out in Chapter 66, Article III.

The term of this franchise will begin on March 21, 2015 and end on March 20, 2018 (The term may be extended for an additional two (2) years, at the sole option of the City, by written notice to the franchisee not less than thirty (30) days prior to the expiration of the current term.)

SECTION II. COMPLIANCE WITH ORDINANCE AND RESOLUTION.

That the City of Apopka, Florida, and the Grantee of the franchise shall comply with all of the terms and conditions as set forth in Chapter 66, Article III, and this Resolution. A failure by the Grantee to comply with the terms and conditions of Chapter 66, Article III and/or all ordinances and resolutions of the City of Apopka, and/or the laws of the State of Florida or the United States, shall be grounds for the immediate revocation of the Franchise.

Payment of Franchise Fees shall be made payable to the City of Apopka, and mailed to City of Apopka, Attention: Accounts Payable, P.O. Box 1229, Apopka, Florida 32704-1229.

The fee for administrative and inspection costs and expenses shall be credited against the charges.

SECTION III. ENFORCEMENT.

The Mayor or his designee is hereby authorized to enforce the non-exclusive franchise granted by this Resolution for the City of Apopka.

SECTION IV. EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption, and the non-exclusive franchise granted by this Resolution shall be binding immediately on the City and the Grantee upon the date those proper officers or authorities of each have duly executed this Resolution.

ADOPTED by the City Council of the City of Apopka, Florida, this 4th day of March 2015.

CITY OF APOPKA, FLORIDA

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda Goff, City Clerk

ACCEPTANCE BY FRANCHISEE

The foregoing RESOLUTION NO. 2015-04 and the NON-EXCLUSIVE FRANCHISE provided for therein, and all the terms and conditions thereof, are hereby accepted, approved, and agreed to this _____ day of March, 2015

WASTE PRO USA, INC.

Signature

Printed Name

Title

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 2015, by

_____.

Notary Public, State of Florida

Printed Name of Notary

Personally Known _____ **OR** Produced Identification _____

Type of Identification Produced _____

Backup material for agenda item:

7. RESOLUTION NO. 2015-05 - Amending the budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015.



CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA
☐ PUBLIC HEARING
☐ SPECIAL REPORTS
☒ OTHER: Resolution No. 2015-05

MEETING OF: March 4, 2015
FROM: Finance
EXHIBITS: Exhibit A

SUBJECT: RESOLUTION NO. 2015-05 – AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015

Request: ADOPT RESOLUTION NO. 2015-05

SUMMARY:

On September 19, 2014, by Resolution No. 2014-15, the City Council adopted the final budgets for fiscal year 2014/2015. The City in previous years committed to expenditures in the 2014/2015 fiscal year that need to be reflected in the current budget. Florida Statutes, Section 166.241(4) requires the governing body amend the budgets in the same manner as the original budget is adopted.

FUNDING SOURCE:

General Fund, Sanitation Fund, and Utility Impact Fee Fund, as indicated in Exhibit A.

RECOMMENDATION ACTION:

Adopt Resolution No. 2015-05

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

RESOLUTION NO. 2015-05

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 4th DAY OF MARCH, 2015

CITY OF APOPKA, FLORIDA

JOSEPH E KILSHEIMER, MAYOR

ATTEST:

A F. GOFF, CITY CLERK

CITY OF AOPKA
FY 15 BUDGET AMENDMENT - RESOLUTION #2015-05

REVENUE		EXPENDITURES	
General Fund			
001-389.0009-Carry-Over Appropriations	32,141	001-4021-524.6400-Equipment and Machinery	32,141
Carry-forward Purchase Order and funding for CNG Pickup Truck			
001-389.0009-Carry-Over Appropriations	249,000	001-3412-541.4607-Road Resurfacing	249,000
Carry-forward Purchase Order and funding for Street Resurfacing			
001-389.1000-Reserves	415,200	001-1020-512.3100-Professional Services	415,200
Adjust budget for Additional Professional Services: Downtown Parking Lot Appraisal, Visioning Project, Code Form Based, and Lobbyist			
Sanitation Fund			
402-389.0009-Carry-Over Appropriations	30,000	403-3210-534.6400-Equipment and Machinery	30,000
Carry-forward Purchase Order and funding for CNG Pickup Truck			
Utility Impact Fee Fund			
403-384.0000-Other Financing Sources	8,120,000	403-3115-535.6300-Infrastructure	11,600,000
403-389.3000-Grants-State	3,480,000		
Adjust Budget for North Shore Reuse Project including Grant Funding			
403-384.0000-Other Financing Sources	2,924,697	403-3115-535.6300-Infrastructure	4,326,105
403-389.3000-Grants-State	1,401,408		
Adjust Budget for 48" Reuse Water Main Project including Grant Funding			
403-384.0000-Other Financing Sources	665,900	403-3115-535.6300-Infrastructure	920,000
403-389.3000-Grants-State	254,100		
Adjust Budget for Two Million Gallon Storage Tanks Project including Grant Funding			

Backup material for agenda item:

8. RESOLUTION NO. 2015-06 - Reimbursing certain costs relating to the acquisition, construction and installation of various water and sewer system capital improvements.



CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA
☐ PUBLIC HEARING
☐ SPECIAL REPORTS
☒ OTHER: Resolution No. 2015-06

MEETING OF: March 4, 2015
FROM: Finance
EXHIBITS:

SUBJECT: RESOLUTION NO. 2015-06 – REIMBURSING CERTAIN COSTS RELATING TO THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF VARIOUS WATER AND SEWER SYSTEM CAPITAL IMPROVEMENTS

Request: ADOPT RESOLUTION NO. 2015-06

SUMMARY:

The City has incurred, or will incur costs associated to the acquisition, construction and installation of various capital improvements to its water and sewer system. The City has determined it is in the best interest to reimburse such costs from proceeds of tax-exempt debt. In accordance with the United States Department of Treasury regulations, Resolution No. 2015-06 allows for the reimbursement of those certain costs relating to the capital improvements.

FUNDING SOURCE:

Current reserves will be used and a bond will be secured, at a later date, for reimbursement.

RECOMMENDATION ACTION:

Adopt Resolution No. 2015-06

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

RESOLUTION NO. 2015-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA WITH RESPECT TO THE REIMBURSEMENT OF CERTAIN COSTS RELATING TO THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF VARIOUS WATER AND SEWER SYSTEM CAPITAL IMPROVEMENTS.

WHEREAS, the City of Apopka, Florida (the "City") has incurred and/or will incur various costs in relation to the acquisition, construction and installation of various capital improvements to its water and sewer system (the "Project");

WHEREAS, the City has determined it is in its best interest to reimburse such costs from proceeds of tax-exempt debt; and

WHEREAS, the United States Department of Treasury has issued various regulations in regard to reimbursement of governmental costs through the issuance of tax-exempt debt;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AS FOLLOWS:

SECTION 1. It is the intent of the City to reimburse various costs and expenditures relating to the acquisition, construction and installation of the Project, as more particularly described on Exhibit A hereto, which costs and expenditures represent "original expenditures" as such term is defined in Treasury Regulations Section 1.150-2(c). The City has paid for, and/or reasonably anticipates that it will pay for such costs and expenditures of the Project from moneys on deposit in its water and sewer fund. It is reasonably expected that reimbursement of such costs and expenditures shall come from the issuance of tax-exempt debt, which is not expected to exceed \$22,000,000 aggregate principal amount. It is currently the intention of the City to principally secure and pay for such tax-exempt debt with net revenues of its water and sewer system. The expenditures to be reimbursed shall be consistent with the City's budgetary and financial policy as being the type of expenditures which shall be paid on a long-term basis.

SECTION 2. The City shall comply with all applicable law in regard to the public availability of records of official acts (i.e., adoption of this

resolution) by public entities such as the City, including making this resolution available to public inspection.

SECTION 3. It is the intent of this resolution to meet the requirements of Treasury Regulations Section 1.150-2 and to be a declaration of official intent under such Section.

SECTION 4. This Resolution shall become effective immediately upon adoption hereof.

ADOPTED, this 4th day of March, 2015.

CITY OF APOPKA, FLORIDA

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

EXHIBIT A

General Description of Project

- Various water and sewer system capital improvements, as more particularly described in the plans and specifications on file with the City