



APOPKA CITY COUNCIL AGENDA
March 01, 2017 1:30 PM
APOPKA CITY HALL COUNCIL CHAMBERS
Agendas are subject to amendment through
5:00pm on the day prior to City Council Meetings

CALL TO ORDER
INVOCATION - Pastor Kevin Goza of Trinity Baptist Church
PLEDGE

AGENDA REVIEW

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment Period:

The Public Comment Period is for City-related issues that may or may not be on today's Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

Proclamations:

1. Art & Foliage Festival Proclamation presented to GFWC Apopka Woman's Club Mayor Kilsheimer

Employee Recognition:

- ❖ Five Year Service Award – Theodore Oliver – Fire/Suppression
- ❖ Ten Year Service Award – Eric Hernandez – Recreation/Athletics

CONSENT (Action Item)

1. Authorize the purchase of vehicles for Public Services, Recreation and Administration.
2. Authorize a Private Street Traffic Enforcement Agreement with Wekiva Run Homeowners Association, Inc.
3. Authorize a Scoreboard Sponsorship Agreement with Major Display Inc. for new Scoreboards.
4. Authorize the Emerson North Townhomes School Concurrence Mitigation Agreement.
5. Authorize the replacement of a computer and dispatch solution for the Fire Department.
6. Award a bid to Space Coast Fire and Safety, Inc. for Security & Fire Alarm systems and approve the associated funding.

BUSINESS (Action Item)

1. PLAT – Emerson North Townhomes - 1701 Ocoee Apopka Road - Quasi-Judicial David Moon

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

- | | |
|---|--------------------|
| <u>1.</u> Ordinance No. 2527 – Second Reading – Code of Ordinances, Part II, Chapter 78 – Parking – Legislative | Chief McKinley |
| <u>2.</u> Ordinance No. 2555 – First Reading – Comprehensive Plan – Small Scale Amendment – Legislative | Elizabeth Florence |
| <u>3.</u> Ordinance No. 2556 – First Reading - Administrative Rezoning – Quasi-Judicial | Elizabeth Florence |
| <u>4.</u> Ordinance No. 2557 – First Reading - Administrative Rezoning – Quasi-Judicial | Elizabeth Florence |
| <u>5.</u> Ordinance No. 2558 – First Reading - Administrative Rezoning – Quasi-Judicial | Elizabeth Florence |
| <u>6.</u> Ordinance No. 2560 – First Reading - Comprehensive Plan – Large Scale Amendment – Legislative | Kyle Wilkes |
| <u>7.</u> Ordinance No. 2561 – First Reading - Comprehensive Plan – Capital Improvement Element – Legislative | Kyle Wilkes |
| <u>8.</u> Ordinance No. 2562 – First Reading - Comprehensive Plan – Small Scale Amendment – Legislative | Kyle Wilkes |
| <u>9.</u> Ordinance No. 2563 – First Reading - Change of Zoning – Quasi-Judicial | Kyle Wilkes |
| <u>10.</u> Resolution No. 2017-04 - Recreation Master Plan | David Burgoon |
| <u>11.</u> Resolution No. 2017-05 - Governmental Lease- Purchase | David Burgoon |
| <u>12.</u> Resolution No. 2017-06 - FACC 45th Anniversary | Linda Goff |

CITY COUNCIL REPORTS

MAYOR'S REPORT

SPECIAL REPORTS

- 1. Eagle Scout presentation on repairs/replacement to the Cemetery Gazebo.

Daniel Baughman

ITEMS NOT REQUIRING ACTION

- 1. Thank you note to elected officials from Commissioner Betsy VanderLey for flowers at Mayor Jon VanderLey's funeral.

ADJOURNMENT

MEETINGS AND UPCOMING EVENTS

DATE	TIME	EVENT
March 2, 2017	5:30pm – 9:00pm	Food Truck Round Up
March 9, 2017	5:00pm – 9:00pm	Rotary Club Apopka Fair – Kit Land Nelson Park
March 10, 2017	5:00pm – 11:00pm	Rotary Club Apopka Fair – Kit Land Nelson Park
March 10, 2017	7:00pm – 8:30pm	Movie in the Park – Moana - Northwest Recreation Complex
March 11, 2017	12:00pm – 11:00pm	Rotary Club Apopka Fair – Kit Land Nelson Park
March 12, 2017	12:00pm – 11:00pm	Rotary Club Apopka Fair – Kit Land Nelson Park
March 14, 2017	5:30pm – 6:30pm	Planning Commission Meeting
March 15, 2017	7:00pm –	Council Meeting
March 17, 2017	5:00pm – 11:00pm	Charlie Daniels Concert – Northwest Recreation Complex
March 27, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden
March 29, 2017	1:30pm –	Council Meeting
April 6, 2017	5:30pm – 9:00pm	Food Truck Round Up
April 11, 2017	5:30pm – 6:30pm	Planning Commission Meeting
April 13, 2017	3:00pm – 5:00pm	City Council Workshop – CRA Procedural Review & CRA Plan Update
April 14, 2017	7:00pm – 8:30pm	Movie in the Park – TBD - Northwest Recreation Complex
April 15, 2017	9:30am –	Easter Eggstravaganza - Northwest Recreation Complex
April 19, 2017	7:00pm –	Council Meeting
April 24, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

Backup material for agenda item:

1. Authorize the purchase of vehicles for Public Services, Recreation and Administration.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: January 18, 2017
 FROM: Public Services
 EXHIBITS:

SUBJECT: CAPITAL EQUIPMENT

REQUEST: AUTHORIZE THE PURCHASE OF NEW EQUIPMENT FROM HUB CITY FORD, AND DUVALL FORD

SUMMARY:

The purchase of new capital equipment for the various departments and divisions as indicated in the chart below [PS = Public Services]. This Capital Equipment will replace inoperable equipment that will be surplus. Pricing is made available from the following dealers through the Florida Sheriffs Association Contract as follows:

Truck	Dealer	Division	Budgeted	Price
F-150 4X2 extended cab CNG	Hub City Ford	PS Facilities Maintenance	\$35,000	\$36,903
F-150 4X2 extended cab CNG	Hub City Ford	PS Water Plant	\$35,000	\$36,903
F-150 4X2 extended cab CNG	Hub City Ford	PS Wastewater Plant	\$35,000	\$36,903
F-150 4X2 extended cab CNG	Hub City Ford	PS Utility Maintenance	\$35,000	\$36,903
2017 Ford Escape	Hub City Ford	PS Administration	\$20,000	\$18,658
2017 Ford Expedition	Duval Ford LLC	City Hall Administration	\$28,700	\$28,243
2017 Ford Fusion	Duval Ford LLC	City Hall Administration	\$17,000	\$17,212
F-250 4X2 CNG	Duval Ford LLC	Recreation Grounds	\$29,000	\$45,758
F-350 4X2 CNG	Duval Ford LLC	PS Restoration	\$35,000	\$41,741
Total			\$269,700	\$299,224

The higher pricing for PS [Public Services] is due to the manufacturer requiring engine upgrades on the Compress Natural Gas (CNG) conversion. Any additional costs over budget will be paid with additional savings experienced in the individual departments.

FUNDING SOURCE:

Funding is included in the FY16/17 Budget.

RECOMMENDATION ACTION:

Authorize the purchase of capital equipment in the amount of \$299,224.

DISTRIBUTION

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

Backup material for agenda item:

2. Authorize a Private Street Traffic Enforcement Agreement with Wekiva Run Homeowners Association, Inc.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Police Department
 EXHIBITS: Agreement

SUBJECT: PRIVATE STREET TRAFFIC ENFORCEMENT AGREEMENT

REQUEST: AGREEMENT WITH THE WEKIVA RUN HOMEOWNERS ASSOCIATION, INC., TO ENFORCE TRAFFIC LAWS PURSUANT TO FLORIDA STATUTE 316.0006(2)(B).

SUMMARY:

The Police Department has been approached by the Wekiva Run Homeowners Association, Inc., a non-profit corporation controlling the private roads within the Wekiva Run Neighborhood, to enforce municipal and state traffic codes and laws within the neighborhood. Florida State Statute 316.006(2)(b) allows for a municipality to exercise jurisdiction over any private road within its boundaries if the municipality and party owning such road enter into a written agreement approved by the City Council. A copy of the agreement has been executed by the Wekiva Run Homeowners Association, Inc., and is attached.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Authorize the Police Chief to execute the agreement on behalf of the City.

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director (2)
Commissioners (4)	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**AGREEMENT FOR
TRAFFIC CONTROL ON PRIVATE ROADS**

This Agreement for Traffic Control on Private Roads located in the gated community of WEKIVA RUN HOMEOWNERS ASSOCIATION, INC. is entered into by and between the City of Apopka, Florida (hereinafter referred to as the "City"), and WEKIVA RUN HOMEOWNERS ASSOCIATION, INC. (hereinafter referred to as "WEKIVA RUN").

WITNESSETH:

WHEREAS, the WEKIVA RUN owns fee simple title to all the private roadways lying within a gated community (hereinafter "Private Roads") more specifically described in a sketch of the property to be provide to the City of Apopka Police Department. These private roadways are located within the corporate limits of the City of Apopka; and

WHEREAS, pursuant to state statute, the City does not have traffic control jurisdiction over private roads such as those owned by WEKIVA RUN; and

WHEREAS, Section 316.006(2)(b), *Florida Statutes*, provides that a city may exercise jurisdiction over any private roads if the city and the party owning such roads provide for city traffic control jurisdiction by a written agreement approved by the City Council; and

WHEREAS, the WEKIVA RUN wants the City to exercise traffic control jurisdiction over traffic offenses upon the Private Roads; and

WHEREAS, the City of Apopka Police Department is willing to exercise traffic control jurisdiction over traffic offenses upon the Private Roads; and

WHEREAS, the City of Apopka believes that a public purpose is served by enforcing traffic laws within the private roads owned by WEKIVA RUN; and

WHEREAS, the parties desire to set forth the terms and conditions required for such an agreement.

NOW, THEREFORE, in consideration of the covenants and conditions herein, the City and WEKIVA RUN hereby agree as follows:

1. **RECITALS.** The above recitals are true and correct, and are incorporated herein by reference and form a material part of this Agreement.

2. **TRAFFIC CONTROL JURISDICTION.** The City agrees to exercise jurisdiction over traffic offenses upon the Private Roads pursuant to the terms and conditions expressed in Section 316.006(2)(b), *Florida Statutes* and as amended. The foregoing shall not be construed to require any minimum level of staffing or create any priority for traffic enforcement on the Private Roads. All decisions regarding the level of traffic enforcement on the Private Roads and staffing related thereto shall be within the sole discretion of the Chief of Police.

3. **TRAFFIC CONTROL SIGNAGE.** WEKIVA RUN shall establish the speed limit for the Private Roads and shall be responsible for posting the speed limit by appropriate signage along said roads. Such signage must comply with Department of Transportation requirements prior to any enforcement action. The City shall enforce the speed limits consistent with Section 316.183, Florida Statutes.

4. **AUTHORITY IN ADDITION TO EXISTING AUTHORITY.** The City's exercise of traffic control jurisdiction pursuant to this Agreement shall be in addition to the authority presently exercised by the City over the Private Roads, and nothing herein shall be construed to limit or remove any such authority. The City agrees to continue to provide such police services as are required by law.

5. **COMPENSATION.** Pursuant to Florida Statute 316.006(2)(b)(1), the WEKIVA RUN shall compensate the City of Apopka Police Department for the actual costs of traffic control and enforcement performed under this Agreement.

6. **CITY TO RETAIN REVENUES.** All revenue from the fines, costs, and penalties imposed by the traffic citations issued for violation of traffic laws as described above on the Private Roads shall be retained by the City and apportioned in the manner set forth in applicable statutes.

7. **LIABILITY NOT INCREASED.** Neither the existence of this Agreement nor anything contained herein shall give rise to any greater liability on the part of the City than that which the City would ordinarily be subjected to when providing its normal police services.

8. **INDEMNIFICATION.** To the fullest extent permitted by law, WEKIVA RUN shall indemnify, defend, and hold the City harmless from any loss, cost, damage or expense, including attorney's fees, for any action arising out of, related to, or stemming from, either directly or indirectly, the maintenance, repair and/or reconstruction of any roads, road drainage or signage or any matter related to providing traffic control enforcement pursuant to this Agreement. To ensure its ability to fulfill its obligation under this paragraph, WEKIVA RUN shall maintain General Liability insurance in the minimum amount of One Million Dollars (\$1,000,000.00), and shall file with the City current certificates of the required insurance providing a 30-day advance written notice of cancellation. Such insurance shall (a) name the City as and additional insured as it relates to activities conducted pursuant to this contract and (b) be issued by companies authorized to do business under the laws of the State of Florida and acceptable to the City. No claims whatsoever shall be made or asserted against the City by the Association for or on account of anything done or as a result of anything omitted to be done in connection with this Agreement.

9. **ROAD MAINTENANCE.** Neither the existence of the Agreement nor anything contained herein shall impose any obligation or duty upon the City to provide maintenance on and/or related drainage of the Private Roads. The maintenance, repair and construction or reconstruction of all roads, drainage and signage within the WEKIVA RUN shall at all times be solely and exclusively the responsibility of the WEKIVA RUN.

10. **TERM.** The term of this Agreement shall commence on the Date Approved by the Apopka City Council and continue through one year from such date and shall thereafter automatically continue for successive one year terms unless terminated by either party by thirty (30) days written notice to the other parties. The provisions of Paragraph 8 herein shall survive the termination of this Agreement.

11. **APPLICABLE LAW.** This agreement and the provision contained herein shall be construed and interpreted according to the laws of the State of Florida.

12. **ENTIRE AGREEMENT.** This Agreement, including all Exhibits attached hereto, constitutes the entire understanding and agreement between the parties and may not be changed, altered, or otherwise modified except when reduced to writing and executed in the same manner, with the approval of the City Council.

13. **NOTICE.** All notices to be given shall be in writing and sent by certified mail, return receipt requested, to the following:

AS TO THE CITY: Chief of Police
 Apopka Police Department
 112 East 6th Street
 Apopka, Florida 32703

AS TO WEKIVA RUN HOMEOWNERS ASSOCIATION, INC.:
 REGISTERED AGENT
 ACCESS MANAGEMENT
 215 CELEBRATION PLACE
 SUITE 115
 CELEBRATION, FL. 34747

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

ATTEST:

CITY OF APOPKA

By: _____
Linda Goff, City Clerk

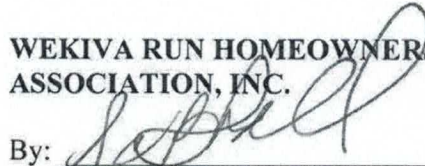
By: _____
Michael McKinley, Chief of Police

Date: _____

APPROVED BY THE CITY OF APOPKA CITY COUNCIL AT A
MEETING HELD ON THE _____ DAY OF
_____ 20__.

**WEKIVA RUN HOMEOWNERS
ASSOCIATION, INC.**

By:



Schevalda Brown-Sma V

Printed Name/Title

Date:

1/10/2017

WITNESS:

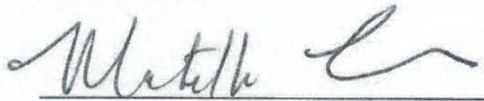


Signature

Karen Wonsetter
Name Printed

Date:

1-10-2017



Signature

Michelle Olsen
Name Printed

Date:

1-10-2017

Backup material for agenda item:

3. Authorize a Scoreboard Sponsorship Agreement with Major Display Inc. for new Scoreboards.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Recreation
 EXHIBITS: Scoreboard Rendition
 Scoreboard Sponsorship Agreement

SUBJECT: SCOREBOARD SPONSORSHIP AGREEMENT

REQUEST: AUTHORIZE AN AGREEMENT WITH MAJOR DISPLAY INC. FOR NEW SCOREBOARDS.

SUMMARY:

The Recreation Department is requesting direction to enter into a sponsorship agreement with Major Display to receive 4 new scoreboards. The new scoreboards will be placed on Fields A, B, C, & D at the Northwest Recreation Complex. These scoreboards would be utilized by our adult softball league and numerous baseball and softball tournaments throughout the year. The scoreboards would include a viewable area in full color LED display, custom headers, advertising panels and wireless controllers.

The package price for four scoreboards is \$132,200, the City would be responsible for a deposit of \$46,500 and a \$15,000 cost to supply power to each location. The remaining scoreboard balance of \$85,700 would be covered through sponsorships to be sought out by Major Display. Sponsorship revenue would be collected and split 50/50 between the City and Major Display. Once the full cost of the four scoreboards is met (\$85,700) the agreement would then allow for a 70/30 split (City/Major Display). An annual estimate of revenue for sponsorship is projected to be \$100,000.

The Recreation Department is striving to maintain City fields at a high level of service and these scoreboards would add to that value.

FUNDING SOURCE:

Approval will require the use of General Fund reserves and will be included in the next quarterly budget amendment.

RECOMMENDATION ACTION:

Authorize the \$46,500 to purchase the scoreboards and \$15,000 to install electric to each location for a total of \$61,500.

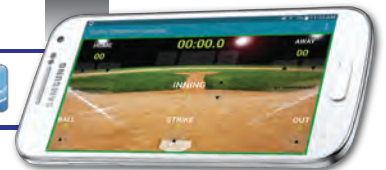
DISTRIBUTION

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



Sports Monitor
SCB3000




"The smarter way to keep score"



Sales Team Member
Shorty Robbins

Job Title
City of Apopka - Northwest Rec.

Date
10-3-2016

Board Size	Model	Header Size	Ad Panel Size	Digit Size	Team Colors	This Original Design (except Registered or existing Trade Marks) is the property of Major Display. UNLESS PURCHASED SEPARATELY from Major Display. This drawing may not be reproduced or photo copied in whole, without written permission.
5'x10'x6"	BS-01-1	2.25'x10'x6"	2'x10'x6"	18"	 	
Job Location Apopka, FL				10" COLOR 		



**Project Proposal
Apopka Parks and Recreation
David Burgoon, Director**

I am pleased to submit the following outline for proposal to install four scoreboards at the Northwest Recreation Complex:

- 4-each BS-01-1 5x10 scoreboard
- 4-each 29"x72" viewable area full color 16mm LED display
- Custom headers
- Advertising panels as shown
- Wireless Controllers with proprietary app, cases
- Installation with customer-supplied electrical
- 7 year Sports Marketing agreement
- Full Warrantee on boards and ad panels for duration of the agreement

Package price \$132,300
Deposit \$46,500

Sponsorship Valuation proposal

Field Naming Partner (4)- Value: \$15,000 each for 7 years

- Scoreboard Header
- LIVE SCORE broadcast presence
- Dedicated site Coupon ads

2 ad panels (8)- Value: \$5,000 each for 7 years

- LIVE SCORE broadcast presence
- Dedicated site Coupon ads

Cost for contract	deposit	balance	Est sponsorship revenue annually	Total sponsorship revenue estimated over 7 years	Total ad revenue to Apopka after scoreboards are paid for, with 70/30 split
\$132,300	\$46,500	\$85,800	\$100,000	\$700,000	\$430,000

Terms:

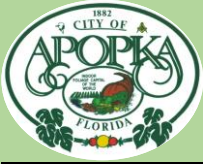
- Minimum deposit required. 50/50 of sponsorship sales to Major Display until balance due is fulfilled.
- Agreement allows for manufacture and installation of scoreboards and static advertising panels with a deposit of \$46,500 with installation of LED Displays once an advertising revenue threshold of \$40,000 is met. This must be cash value not contract value for potential sponsorships.
- Once fulfilled, 70/30 City/Major Display for balance of contract.

Shorty Robbins CPRP
Director of Marketing
Park and Recreation Division



Backup material for agenda item:

4. Authorize the Emerson North Townhomes School Concurrency Mitigation Agreement.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Community Development
 EXHIBITS: Concurrency Agreement

SUBJECT: EMERSON NORTH TOWNHOMES SCHOOL CONCURRENCY MITIGATION AGREEMENT

REQUEST: APPROVAL OF THE EMERSON NORTH TOWNHOMES SCHOOL CONCURRENCY MITIGATION AGREEMENT

SUMMARY:

New residential development applications are reviewed by Orange County Public Schools for their impact placed on existing student capacity at public schools. This school impact analysis, called school concurrency, occurs at the time of a Final Development Plan and Plat application. In 2008 the City of Apopka entered into an interlocal agreement with the Orange County School Board to address public school facility planning and implementation of school concurrency (hereafter School Agreement). As a party to this School Agreement, the City becomes a party to the Agreement. Therefore, City Council must accept the Agreement and authorize the Mayor to sign it. When school enrollment is over capacity at the public schools serving additional students generated by a proposed residential development, a new development must have a school concurrency mitigation analysis to determine additional cost of school impacts the proposed development will generate above that considered by the school impact fee. The developer pays these additional fees according to the conditions of the school concurrency mitigation fee. (See exhibit.)

OWNER/APPLICANT: Pulte Group c/o Doug Hoffman
 ENGINEER: Donald W. McIntosh Associates, Inc. c/o John T. Townsend, P.E.
 LOCATION: 1701 Ocoee Apopka Road (South of S.R. 414 and West of Marden Road)
 PROPOSED USE: Residential Townhomes Community (136) units & future public right-of-way
 TRACT SIZE: 21.42 +/- (17.1 acres in residential community; 4.24 acres for East Harmon Road ROW)
 SCHOOL ATTENDENCE ZONES: Wheatley Elementary; Wolf Lake Middle; Wekiva High

FUNDING SOURCE:
 N/A

DISTRIBUTION

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

**CITY COUNCIL – MARCH 1, 2017
EMERSON NORTH TOWNHOMES
SCHOOL CONCURRENCY MITIGATION AGREEMENT
PAGE 2**

PUBLIC HEARING SCHEDULE:

March 1, 2017 – City Council (1:30 pm)

RECOMMENDATION ACTION:

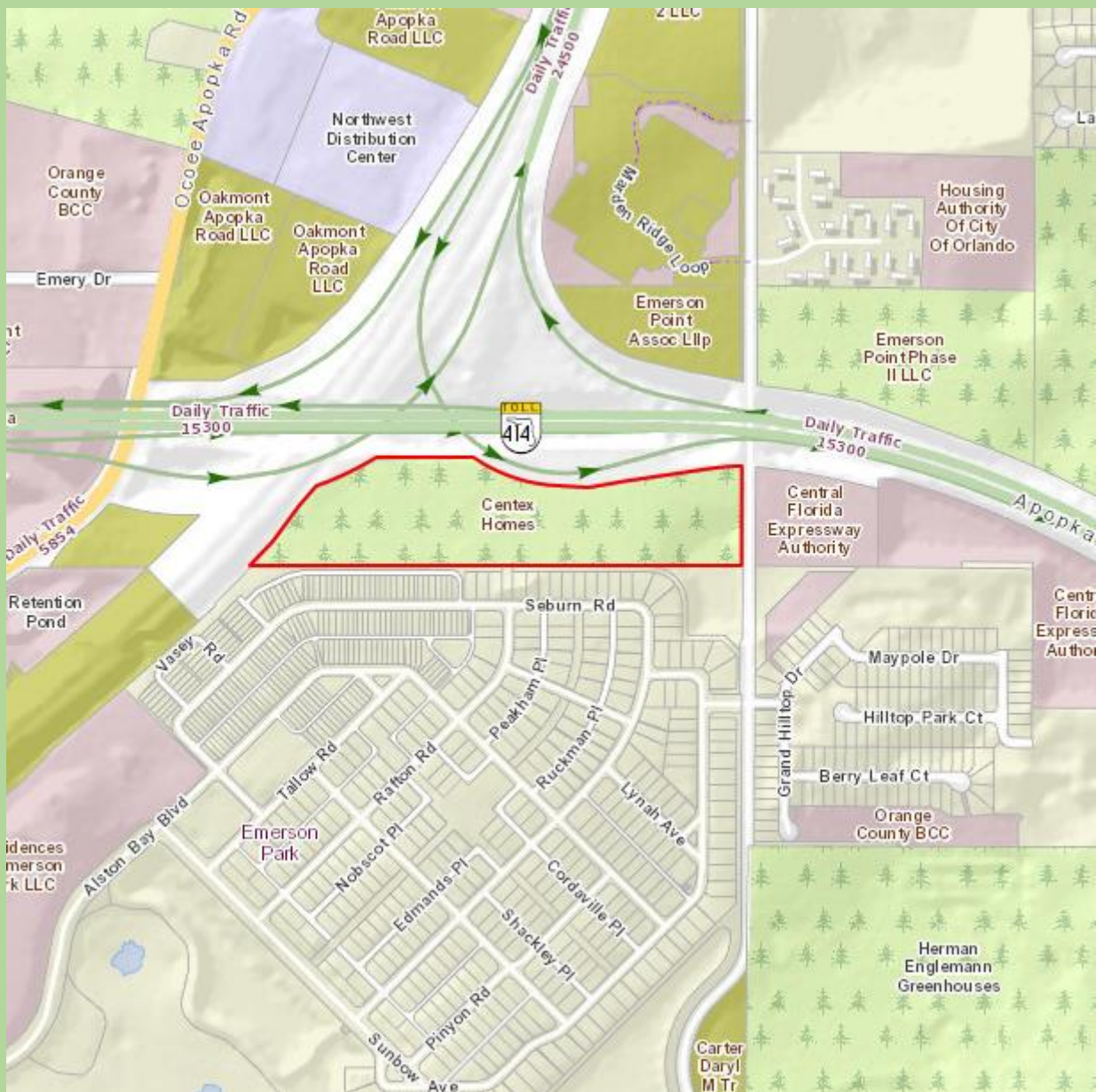
City Council Recommended Motion: Approve the Emerson North Townhomes Concurrency Mitigation Agreement and authorize the Mayor to sign the Agreement.

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



EMERSON NORTH TOWNHOMES
21.42 +/- Acres (17.1 acres residential/4.24 future R.O.W)
Proposed Number of Units: 136
Parcel ID#: 20-21-28-0000-00-001

VICINITY MAP



After recording return to:

Tyrone K. Smith, AICP
Orange County Public Schools
6501 Magic Way, Building 200
Orlando, Florida 32809

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

**SCHOOL CONCURRENCY
MITIGATION AGREEMENT
APK-16-006
Emerson North
20-21-28-0000-00-001**

THIS SCHOOL CONCURRENCY MITIGATION AGREEMENT (“Agreement”), is entered into by THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA a body corporate and political subdivision of the State of Florida, (“School Board”); CITY OF APOPKA, a municipal corporation of the State of Florida (the “City” or “Applicable Local Government”), and CENTEX HOMES, a Nevada general partnership, whose address is 4901 Vineland Road, Suite 500, Orlando, Florida 32811 (the “Applicant”), collectively referred to herein as the “Parties.”

RECITALS:

WHEREAS, the School Board, Orange County, and the municipalities within Orange County have entered into that certain “Amended Interlocal Agreement For Public School Facility Planning and Implementation of Concurrency” (the “Interlocal Agreement”), and

WHEREAS, pursuant to Section 16.6 of the Interlocal Agreement, an applicant submitting a School Concurrency Determination Application for approval of a Site Plan that will generate additional students in a School Concurrency Service Area in which there is insufficient Available School Capacity to accommodate the anticipated additional students must enter into a Proportionate Share Mitigation Agreement to prevent school overcrowding attributable to the anticipated additional students generated by the Residential Development as specified in the Interlocal Agreement;

WHEREAS, an Applicant must submit the School Concurrency Determination Application along with a Development Analysis which identifies the proposed location of the Residential Development, the number of Residential Units that will be created, a phasing schedule (if applicable), a map demonstrating land use and zoning classifications for the Applicant’s property, as well as all other information required pursuant to Section 16.5 of the Interlocal Agreement, to the Applicable Local Government; and

APPROVED
School Board Meeting: 1/13/16
Agenda Item: 15.01 19

WHEREAS, Applicant is the fee simple owner, or authorized agent of the owner, of that certain tract of land, as more particularly described on Exhibit "A," attached hereto and incorporated herein by reference (the "Property"), the location of which is illustrated by a map attached hereto as Exhibit "B," and incorporated herein by reference; and

WHEREAS, the Applicant has submitted a School Concurrency Determination Application and Development Analysis to the City in connection with a proposal to obtain approval for a site plan in order to develop 136 multi-family, attached Residential Units on the Property (the "Project") and the City has forwarded the School Concurrency Determination Application and Development Analysis to the School Board; and

WHEREAS, the School Board has reviewed and evaluated the Applicant's School Concurrency Determination Application and Development Analysis as required by Section 18.6 of the Interlocal Agreement, and has determined that based on the current adopted Level of Service standards for the School Concurrency Service Areas within which the Property is located and the anticipated new School Capacity that will be available in the first three (3) years of the current District Facilities Work Program to serve the proposed Residential Development, there is insufficient Available School Capacity at the middle school level to serve the new multi-family Residential Units within the School Concurrency Service Areas for the Project or within adjacent School Concurrency Service Areas as determined by an Adjacency Review; and

WHEREAS, approving the School Concurrency Determination Application without requiring Proportionate Share Mitigation for the impacts of the proposed new Residential Units will either create or worsen school overcrowding in the applicable School Concurrency Service Areas; and

WHEREAS, the Applicant has agreed to enter into this Agreement with the School Board and City to provide Proportionate Share Mitigation proportionate to the demand for Public School Facilities to be created by the Project, as more particularly set forth herein.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, agree as follows:

1. INCORPORATION OF RECITALS. The foregoing recitals are true and correct and are hereby incorporated into this Agreement by reference as if fully set forth herein.
2. DEFINITION OF MATERIAL TERMS. Any capitalized terms used herein but not defined shall have the meaning attributed to such term in the Interlocal Agreement.
3. LEGALLY BINDING COMMITMENT. This Agreement constitutes a legally binding commitment by the Applicant to mitigate for the impacts of the new Residential Units for which the Applicant is seeking approval pursuant to the School Concurrency Determination Application and is intended to satisfy the requirements of Florida law and the Orange County Code.
4. PROPORTIONATE SHARE MITIGATION. The Parties hereby agree that the Applicant shall provide Proportionate Share Mitigation in order to meet the demand for School

Capacity created by the Project and to provide additional capacity for middle school students, as follows, in accordance with Section 17.2 of the Interlocal Agreement:

Payment in the amount of ONE HUNDRED SIXTY ONE THOUSAND FIVE HUNDRED SEVENTY FOUR AND 94/100 DOLLARS (\$161,574.94) to cover the Proportionate Share Mitigation associated with providing the necessary capacity to complete the Project (the "Proportionate Share") to the School Board. Such payment shall be due and payable prior to the time the plat for the Property is approved and has been calculated in accordance with Section 17.2 of the Interlocal Agreement.

5. USE OF PROPORTIONATE SHARE. The School Board shall direct the Proportionate Share to a School Capacity improvement identified in the capital improvement schedule in the five (5) year district work plan of the School Board's District Facilities Work Program which satisfies the demands from the proposed Residential Development. If such a School Capacity improvement does not exist in the District Facilities Work Program, the School Board may, in its sole discretion, add a School Capacity improvement to its District Facilities Work Program to mitigate the impacts from the Project, as provided in Section 17.6 of the Interlocal Agreement.

6. IMPACT FEE CREDIT. The Proportionate Share paid pursuant to this Agreement shall be credited against the School Impact Fee on a dollar for dollar basis at fair market value.

The School Board shall notify the City of the amount of the School Impact Fee Credit based upon thirty (30) Equivalent Residential Units (as defined in Section 30-622 of the Orange County Code), of ONE HUNDRED SEVENTEEN THOUSAND SIX HUNDRED THIRTY AND 00/100 DOLLARS (\$117,630.00), and shall request a School Impact Fee credit account in such amount upon receipt of the Proportionate Share Mitigation.

7. ISSUANCE OF SCHOOL CONCURRENCY RECOMMENDATION. Upon final execution of this Agreement by all Parties hereto, this Agreement will serve as the Applicant's Capacity Encumbrance Letter (the "CEL") in accordance with Section 16.7 of the Interlocal Agreement.

8. SCHOOL CAPACITY ENCUMBRANCE AND RESERVATION. Upon final execution of this Agreement by all Parties hereto, this Agreement will serve as the Final School Concurrence Recommendation to the Applicable Local Government in accordance with Section 16.6(g) of the Interlocal Agreement.

At such time as Applicant has prepaid the School Impact Fees further described in Section 6 of this Agreement, and paid the applicable installment(s) of the School Capacity Reservation Fee described in Section 9 below, School Capacity shall be reserved for the Project Units reflected on the application. If the Applicant fails to make any of the required School Capacity Reservation Fee payments described in Paragraph 9 below or if this Agreement is terminated, such reserved School Capacity shall be returned to the applicable Concurrence Service Area.

9. CAPACITY RESERVATION FEE. In order to reserve capacity for the total units in the Project, Applicant shall be required to pay a School Capacity Reservation Fee

for the Project. As of the date of this Agreement, the total School Capacity Reservation Fees for the Project are NINE HUNDRED FORTY TWO THOUSAND FOUR HUNDRED EIGHTY AND 00/100 (\$942,480.00) and are anticipated to be paid in accordance with the schedule below: However, Applicant shall be obligated to pay the School Capacity Reservation Fee at the rates in effect at the time Applicant applies to reserve capacity for the Project.

- a. Due within 180 days of the Effective Date of the CEL (the “First Installment”): \$314,160.00; and
- b. 12 months from date of the First Installment: \$ 314,160.00; and
- c. 24 months from date of the First Installment: \$ 314,160.00 .

Notwithstanding the schedule provided by this Section, Applicant may prepay any or all of the School Capacity Reservation Fees in advance. School Capacity Reservation Fees paid pursuant to this Agreement shall be credited towards School Impact Fees as provided in Section 30-599 of the County Code. In the event Applicant has established a pre-paid school impact fee account, the School Capacity Reservation Fees may be paid from such school impact fee credit account.

10. **TERMINATION.** This Agreement shall terminate and Applicant shall forfeit any administrative fees paid, as well as any capacity encumbered or reserved under the following circumstances, unless the City and the School Board agree to an extension of the Applicant’s School Concurrency Mitigation Agreement:

a. The Applicable Local Government does not approve the Site Plan within one hundred eighty (180) days from approval of the Site Plan by the City Council. In such event, all Proportionate Share Mitigation paid by the Applicant shall be refunded to the Applicant by the School Board.

b. The Applicant fails to proceed in good faith in a diligent and timely manner and secure at least one Building Permit for a unit other than a model home within three (3) years of recording of the plat. In such case, this Agreement shall be terminated and any encumbered or reserved school capacity shall be returned to its applicable capacity bank. The Applicant will not be entitled to a refund of any portion of the Proportionate Share Mitigation paid under this Agreement, and will only be entitled to receive a 90% refund of the Capacity Reservation Fee assuming all other applicable conditions are met.

11. **COVENANTS RUNNING WITH THE LAND.** This Agreement shall be binding, and shall inure to the benefit of the heirs, legal representatives, successors, and assigns of the parties, and shall be a covenant running with the Property and be binding upon the successors and assigns of the Owner and upon any person, firm, corporation, or entity who may become the successor in interest to the Property.

12. **NOTICES.** Any notice delivered with respect to this Agreement shall be in writing and be deemed to be delivered (whether or not actually received) (i) when hand delivered to the person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the person at the

address set forth opposite the party's name below, or to such other address or other person as the party shall have specified by written notice to the other party delivered in accordance herewith:

School Board School Board of Orange County, Florida
 Attn: Superintendent
 445 West Amelia Street
 Orlando, Florida 32801

With a Copy to: Orange County Public Schools
 Attn: Facilities Planning Department
 6501 Magic Way, Building 200
 Orlando, Florida 32809

Owner/Applicant: Shutts & Bowen, LLP
 Daniel O'Keefe, Esq.
 300 S. Orange Avenue, Suite 1000
 Orlando, Florida 32801

City: City of Apopka
 Attn: Planning Department
 120 E. Main Street
 Apopka, Florida 32703

13. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only. They in no way define, describe, extend or limit the scope or intent of this Agreement.

14. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing, and signed by the party against whom it is asserted. Any such written waiver shall only be applicable to the specific instance to which it relates, and shall not be deemed to be a continuing or future waiver.

15. EXHIBITS. All Exhibits attached hereto are a part of this Agreement and are fully incorporated herein by this reference.

16. AMENDMENTS. No modification, amendment, or alteration to the terms or conditions contained herein shall be binding upon the parties hereto unless in writing and executed by all the Parties to this Agreement.

17. ASSIGNMENT, TRANSFER OF RIGHTS. The Applicant may assign its rights, obligations and responsibilities under this Agreement to a third-party purchaser of all or any part of fee simple title to the Property; provided, however, that any such assignment shall be in writing and shall require the prior written consent of all of the Parties hereto, which consent shall not be unreasonably withheld, conditioned, or delayed. Such consent may be conditioned upon the receipt by the other parties hereto of the written agreement of the assignee to comply with conditions and procedures to aid in the monitoring and enforcement of the assignee's performance of the Applicant's obligations with regard to Proportionate Share Mitigation under

this Agreement. The assignor under such assignment shall furnish the Parties with a copy of the written assignment within ten (10) days of the date of execution of same.

18. COUNTERPARTS. This Agreement may be signed in counterparts, each of which may be deemed an original, and all of which together constitute one and the same agreement.

19. RECORDING OF THIS AGREEMENT. The School Board agrees to record this Agreement, at Applicant's expense, in the Public Records of Orange County, Florida.

20. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement among the Parties with respect to the subject matter addressed herein, and it supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, among the Parties.

21. SEVERABILITY. If any provision of this Agreement is declared invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision will be stricken from the Agreement, and the balance of the Agreement will remain in full force and effect as long as doing so would not affect the overall purpose or intent of the Agreement.

22. APPLICABLE LAW. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida and in accordance with the Orange County Code and venue for any action to enforce the provisions of this Agreement shall be in the Ninth Judicial Circuit Court in and for Orange County, Florida.

23. ATTORNEY'S FEES. In the event any party hereto brings an action or proceeding, including any counterclaim, cross-claim, or third party claim, against any other party hereto arising out of this Agreement, each party in such action or proceeding, including appeals therefrom, shall be responsible for its own attorney fees.

24. EFFECTIVE DATE. The effective date of this Agreement shall be the date when the last one of the parties has properly executed this Agreement as determined by the date set forth immediately below their respective signatures (the "Effective Date").

25. PRE-PAYMENT, MITIGATION & CAPACITY RESERVATION FORMS. This Agreement requires the Applicant to pay a Capacity Reservation Fee and Proportionate Share Mitigation prior to the recording of a Plat or issuance of a Building Permit. The form attached hereto as **Exhibit "C,"** must be completed and returned to the School Board's Facilities Planning Department with all fees due hereunder, including, but not limited to, Capacity Reservation Fees and Proportionate Share Mitigation. This form must be completed and returned to the Facilities Planning Department, in addition to all fees payable pursuant to the terms of this Agreement, to satisfy Paragraph 4 and Paragraph 9 of this Agreement.

Signatures on Following Page

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives on the dates set forth below each signature:

Signed and sealed in the presence of:

“SCHOOL BOARD”

THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA, a body corporate and political subdivision of the State of Florida

Susan Hamer
Print Name: Susan Hamer

Nancy L. Conder
Print Name: Nancy L. Conder

By: *William E. Sublette*
William E. Sublette, its Chairman

Date: 1-27-17

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 27th day of JANUARY, 2017, by William E. Sublette, Chairman of The School Board of Orange County, Florida, a body corporate and political subdivision of the State of Florida, on behalf of The School Board, who is personally known to me or had produced _____ (type of identification) as identification.



AFFIX NOTARY STAMP

Deborah M. McGill
NOTARY PUBLIC OF FLORIDA
Print Name: Deborah M. McGill
Commission No.: _____
Expires: _____

[ADDITIONAL SIGNATURE PAGES TO FOLLOW]

THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA, a body corporate and political subdivision of the State of Florida

Signed and sealed in the presence of:

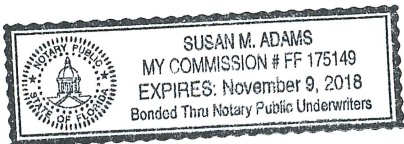
[Signature]
Print Name: Nancy L. Conover
[Signature]
Print Name: Ape Bryant

Attest: [Signature]
Barbara M. Jenkins, Ed.D. as its Secretary and Superintendent

Dated: 1-30-17

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 30th day of January, 2017, by Barbara M. Jenkins as Secretary and Superintendent of The School Board of Orange County, Florida, a body corporate and political subdivision of the State of Florida, on behalf of The School Board, who is personally known to me or has produced _____ (type of identification) as identification.



AFFIX NOTARY STAMP

[Signature]
NOTARY PUBLIC OF FLORIDA
Print Name: Susan Adams
Commission No.: _____
Expires: _____

Reviewed and approved by Orange County Public School's Chief Facilities Officer

[Signature]
John T. Morris
Chief Facilities Officer

Date: JAN 20, 2017

Approved as to form and legality by legal counsel to The School Board of Orange County, Florida, exclusively for its use and reliance.

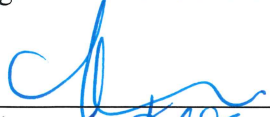
[Signature]
Laura L. Kelly, Esq., Staff Attorney III and Executive Officer of Real Estate

Date: January 17, 2017


“APPLICANT”


Signed and sealed in the presence of:

CENTEX HOMES, a Nevada general partnership


Print Name: Kassandra Engelscher

BY: Centex Real Estate Corporation, a Nevada corporation, its managing partner

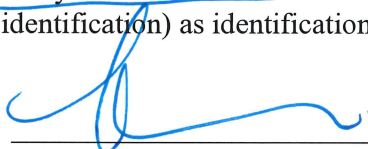

Print Name: Diana Labanda

By: 
~~Dan Fitzpatrick~~ DOUG HOFFMAN
VP of Finance LAND

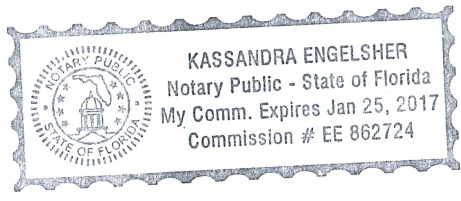
Date: 12/29/16

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 29th day of December, 2016, by ~~DAN FITZPATRICK~~ as VP of Finance of LAND Centex Real Estate Corporation, a Nevada corporation, as managing partner for CENTEX HOMES, a Nevada general partnership, on behalf of the organization. He/she is personally known to me or has produced _____ (type of identification) as identification.


NOTARY PUBLIC OF FLORIDA
Print Name: Kassandra Engelscher
Commission No.: _____
Expires: _____

AFFIX NOTARY STAMP



“CITY”

CITY OF APOPKA, FLORIDA, a municipal corporation of the State of Florida.

By: Mayor

Print Name _____

Title: _____

Date: _____

ATTEST:

By: _____

City Clerk

{Corporate Seal}

Date: _____

Exhibit "A" – Legal Description

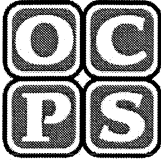
Legal Description:

A parcel of land, being a portion of that certain Trustee's Deed, as recorded in Official Records Book 8923, Page 2003, Public Records of Orange County, Florida, lying in Section 20, Township 21 South, Range 28 East, Orange County, Florida, being described as follows:

Commence at the Northeast corner of the plat of EMERSON PARK, according to the plat thereof as recorded in Plat Book 68, Pages 1 through 17 for a POINT OF BEGINNING; thence run South 89°59'54" West, along the North line of said EMERSON PARK, 2304.23 feet to the Northwest corner of said EMERSON PARK and the Easterly limited access Right-of-Way line of State Road 451, according to the Orlando-Orange County Expressway Authority Right-of-Way Map of Maitland Boulevard Extension of State Road 429/414 Systems Interchange, prepared by URS Corporation dated 12-15-10, said point lies on a non-tangent curve concave Northwesterly; thence run along said Easterly limited access of State Road 451, the following courses; thence run Northeasterly, along said non-tangent curve having a radius of 7809.44 feet, a central angle of 01°10'57", an arc length of 161.19 feet, a chord length of 161.19 feet and a chord bearing of North 43°17'37" East; thence non-tangent to said curve, run North 36°21'34" East, 205.20 feet to a point on a non-tangent curve concave Northwesterly; thence run Northeasterly, along said non-tangent curve, having a radius of 7789.44 feet, a central angle of 00°52'54", an arc length of 119.86 feet, a chord length of 119.86 feet and a chord bearing of North 40°45'40" East to a point of intersection with the Southerly limited access Right-of-Way of State Road 414, according to aforesaid Orlando-Orange County Expressway Authority Right-of-Way Map of Maitland Boulevard Extension of State Road 429/414 Systems Interchange, said point lies on a non-tangent curve concave Northwesterly; thence run along said Southerly limited access Right-of-Way line the following courses; thence run Northeasterly, along said non-tangent curve, having a radius of 1430.00 feet, a central angle of 12°34'34", an arc length of 313.88 feet, a chord length of 313.25 feet and a chord bearing of North 64°35'56" East; thence run non-tangent to said curve, South 89°55'15" East, 453.46 feet to a point on a non-tangent curve concave Northeasterly; thence run Southeasterly, along said non-tangent curve, having a radius of 749.49 feet, a central angle of 31°42'43", an arc length of 414.83 feet, a chord length of 409.55 feet and a chord bearing of South 71°21'09" East, thence non-tangent to said curve, run South 86°44'15" East, 152.54 feet; thence run North 80°21'42" East, 174.31 feet; thence run North 81°41'03" East, 401.05 feet to a point on a non-tangent curve concave Southerly; thence run Easterly, along said non-tangent curve, having a radius of 1223.14 feet, a central angle of 07°04'42", an arc length of 151.11 feet, a chord length of 151.01 feet and a chord bearing of North 85°13'16" East to a point lying on the West Right-of-Way line of Marden Road, according to said Orlando-Orange County Expressway Authority Right-of-Way Map of Maitland Boulevard Extension of State Road 429/414 Systems Interchange, thence run South 00°15'48" West, along said West Right-of-Way line, 467.18 feet to the POINT OF BEGINNING.

Exhibit “A” – Legal Description

Exhibit “C”-Forms



CAPACITY RESERVATION FEE & MITIGATION FORM

DEPARTMENT OF FACILITIES PLANNING
 6501 MAGIC WAY, BUILDING 200, ORLANDO, FL 32809
 TEL: 407-317-3974 / FAX: 407-317-3263 / WEBSITE: <http://planning.ocps.net>

A Concurrency Mitigation Agreement (CMA) or Concurrency Encumbrance Letter (CEL) may require certain property owners and developers to pay a Capacity Reservation Fee (CRF) and/or Proportionate Share Mitigation at some point in the development process prior to issuance of a building permit. This form must be completed and returned to the Department of Facilities Planning at Orange County Public Schools (OCPS) with a check payable to OCPS in the amount of the estimated Capacity Reservation Fees, and/or Proportionate Share Mitigation. This form must be completed and returned to the Department of Facilities Planning at Orange County Public Schools. Any questions regarding this form should be directed to the following:

Contact: Tyrone K. Smith, AICP
 (407) 317-3700 x2022898
 tyrone.smith@ocps.net

SECTION 1: CMA \ CEL INFORMATION	CMA \ CEL #:
	CMA \ CEL Title:
	Jurisdiction:
	Parcel ID(s): ¹
	General Location:
	Development Permit Type: ²

SECTION 2: APPLICANT INFORMATION	Date:
	Applicant Name:
	Company:
	Address:
	Phone #:
	Email:

Exhibit “C”-Forms

CAPACITY RESERVATION FEE & MITIGATION FORM

For OCPS Use Only:	
Reviewer : _____ Date Reviewed: _____	Received Stamp
<input type="checkbox"/>	Application Sufficient
<input type="checkbox"/>	Letter of Authorization Approved

Footnotes:

1. List all parcel identification numbers assigned to the parcels within the Preliminary Subdivision Plan (PSP), site plan, or plat boundaries that apply to this application. List parcel IDs in a separate attachment, if necessary.
2. Development permit type – state whether the credit will be applied to a plat, PSP, site plan, or other type of permit required by local government. Only one development permit type should apply. A separate Prepaid School Impact Fee Form must be completed for each development permit application.
3. State the title of the PSP, site plan or plat exactly as it appears on that document.

Backup material for agenda item:

5. Authorize the replacement of a computer and dispatch solution for the Fire Department.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Information Technology
 EXHIBITS:

SUBJECT: FIRE DEPARTMENT COMPUTER AIDED DISPATCH (CAD) REPLACEMENT.

REQUEST: AUTHORIZE THE REPLACEMENT OF A COMPUTER AIDED DISPATCH SOLUTION FOR THE FIRE DEPARTMENT.

SUMMARY:

The Fire Department is currently using Global Computer Aided Dispatching Software. Global is a legacy platform that no longer provides any functionality enhancements. Functionality enhancements include allowing users the ability to dynamically update street spans and annexations, GPS tracking of units and mobile applications for CAD information.

The Fire Department CAD should be replaced with a more current version (upgraded) in order for I.T. personnel to properly map calls and for the appropriate units to be dispatched. With the expansion of the Fire Department into fifth and sixth station areas, the failure of the software to allow for adequate street and address database maintenance, this will become more detrimental and critical.

This request was intended to be presented before Council during the 2017-2018 budget process, however, I.T. staff has identified dispatching inadequacies that need to be addressed immediately and has been able to negotiate with Harris, Corp. (the parent company of the existing software) to upgrade the system in order to solve these dispatching issues and ensure the system will meet the Fire Department’s needs at the time the new areas come on line.

The I.T. staff has identified a \$23,560 credit for upgrading along with an anticipated \$4,500 quarterly savings for maintenance. The necessary upgrade is projected to cost \$127,100. With the identified \$28,060 in current credits, if purchased now, makes the expected upgrade \$99,040. Therefore, it is requested this project timeline be advanced and addressed now (rather than later) for both a cost savings and operational benefit.

The Fire and Information Technology Department request approval to upgrade the existing Harris software to the latest version to meet the immediate and future dispatching needs of fire and EMS services within the city. Harris Corporation is an existing evaluated source. The discounted rates are primarily due to our having ‘software for life’ credit through Harris Corp.

FUNDING SOURCE:

Funding will be provided from reserves.

RECOMMENDATION ACTION:

Authorize the purchase of the identified software upgrade and funding from reserves.

DISTRIBUTION

Mayor Kilsheimer

Finance Director

Public Services Director

Commissioners
City Administrator
Community Development Director

HR Director
IT Director
Police Chief

Recreation Director
City Clerk
Fire Chief

Backup material for agenda item:

6. Award a bid to Space Coast Fire and Safety, Inc. for Security & Fire Alarm systems and approve the associated funding.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Administration
 EXHIBITS:

Subject: RFP 2016-18 “SECURITY AND FIRE ALARM SYSTEM INSTALLATION, MONITORING, INSPECTING, TESTING AND MAINTENANCE”

Request: AWARD SPACE COAST FIRE AND SAFETY, INC. AS THE RESPONSIVE BIDDER, AND APPROVE FUNDING.

SUMMARY:

RFP 2016-18, titled “Security and Fire Alarm System Installation, Monitoring, Inspecting, Testing and Maintenance”, seeks to establish an expanded and enhanced security and fire alarm system. To accomplish this input from the City’s Department Heads has been sought to identify those facilities under their responsibility that currently have, or would benefit from, a Security, Fire or Panic Alarm system. Due to the sensitivity of these proposed security measures, only the total number of various locations have been provided.

Security Alarm System

28 Locations	FY 16/17	Six (6) Month Cost	
		Installation Hook-Up	\$15,050
		Monitoring Six (6) Mo.	\$6,112
		Total	\$21,163
	FY 17/18	Annual Cost	
		Annual Inspection	\$3,000
		Monitoring Twelve (12) Mo.	\$12,228
		Total	\$15,228

Fire Alarm System

19 Locations	FY 16/17	Six (6) Month Cost	
		Installation Hook-Up	\$55,712
		Monitoring Six (6) Mo.	\$4,440
		Total	\$60,152
	FY 17/18	Annual Inspection	\$1,646
		Monitoring Twelve (12) Mo.	\$8,880
		Total	\$10,527

Panic Alarm System

11 Location	FY 16/17	Six (6) Month Cost	
			\$1,200
		Total	\$1,200
	FY 17/18		Total \$0

Total Cost: FY 16/17 = \$76,775* **Total Cost: FY 17/18 = \$25,755**
**FY 16/17 Budgeted Alarm System Funds 001-1022-519.4600; \$5,740*

FUNDING SOURCE:

FY 16/17 - \$76,775 Reserves; \$25,755 to be included in the upcoming FY 17/18 Budget.

RECOMMENDATION ACTION:

City Council approve the results of RFP 2016-18; award Space Coast Fire and Safety, Inc., and approve the use of reserve funds in the amount of \$76,775.

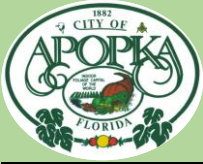
DISTRIBUTION

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

Backup material for agenda item:

1. PLAT – Emerson North Townhomes - 1701 Ocoee Apopka Road - Quasi-Judicial

David Moon



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Community Development
 EXHIBITS: Vicinity & Aerial Maps
 Final Plat

SUBJECT: EMERSON NORTH TOWNHOMES – PLAT

REQUEST: APPROVAL OF THE EMERSON NORTH TOWNHOMES PLAT

SUMMARY:

OWNER/APPLICANT: Pulte Group c/o Doug Hoffman

ENGINEER: Donald W. McIntosh Associates, Inc. c/o John T. Townsend, P.E.

LOCATION: 1701 Ocoee Apopka Road (South of S.R. 414 and West of Marden Road)

ZONING: Mixed-EC

FUTURE LAND USE: Mixed Use (0-15 du/ac)

EXISTING USE: Planted Pine Trees

PROPOSED USE: Residential Townhomes Community (136) units & future public right-of-way

TRACT SIZE: 21.42 +/- (17.1 acres in residential community; 4.24 acres for East Harmon Road ROW)

DENSITY: 7.95 Units/Acre (136 units/17.1 acres)

RELATIONSHIP TO ADJACENT PROPERTIES:

Direction	Future Land Use	Zoning	Present Use
North (City)	Central Florida Expressway	R-O-W	S.R. 414
East (City)	Mixed Use	R-3	Vacant Land/Planted Pines Trees
South (City)	Mixed Use	Mixed-EC	Emerson Park/Single family houses and townhomes
West (City)	Central Florida Expressway	R-O-W	Vacant Land/Retention Pond

FUNDING SOURCE:

N/A

DISTRIBUTION

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

ADDITIONAL COMMENTS: City Council approved a Final Development on December 7, 2017. The Plat is consistent with the approved Preliminary and Final Development Plans. At a public hearing held on August 9, 2016, the Planning Commission recommended to approve the Preliminary Development Plan. Final Development Plans are not reviewed by the Planning Commission if it reviewed the Preliminary Development Plan. After review of the Plat, the Development Review Committee found the Plat to be consistent with the Final Development Plan and Land Development Code.

PROJECT SUMMARY: The Emerson North Townhomes development is a two phase project proposing 136 townhome units with 3.12 +/- acres of active and passive recreation and open space within a 17.1 +/- acre site. Comprising a total of 21.42 acres, the Final Development Plan reserves the northern eighty feet of the northern project line for a future public right-of-way. A developer's agreement establishes a process for the dedication of the right-of-way to the City and addresses fair-share compensation of the right-of-way dedication and road construction. Proposed design plans for the Harmon Road East Extension include aesthetic brick pavers at intersections and a concept landscape plan. Final details of the roadside and median landscaping and materials will be addressed by the end of January 2017.

SCHOOL CAPACITY REPORT: Except for any plat application that addresses only the northern public right-of-way to be dedicated to the City of Apopka, a plat or building permit involving a residential structure shall not be released for recording with the County Comptroller until such time that a concurrency mitigation agreement has been approved by Orange County Public Schools (OCPS).

ORANGE COUNTY NOTIFICATION: The County was notified at the time of the land use amendment and rezoning applications for this property. Coordination occurred with County planning staff regarding impact on adjacent parcels. Orange County also receives a copy of the Development Review Committee agenda.

PUBLIC HEARING SCHEDULE:

February 14, 2017 – Planning Commission (5:30 pm)

March 1, 2017 – City Council (1:30 pm)

RECOMMENDATION ACTION:

The **Development Review Committee** finds the Plat to be consistent with the approved Final Development Plan and Land Development Code, recommending approval of the Emerson North Townhomes Plat.

The **Planning Commission**, at its meeting on February 14, 2017, found the Emerson North Townhomes Plat consistent with the Land Development Code; and unanimously recommended approval of the Plat.

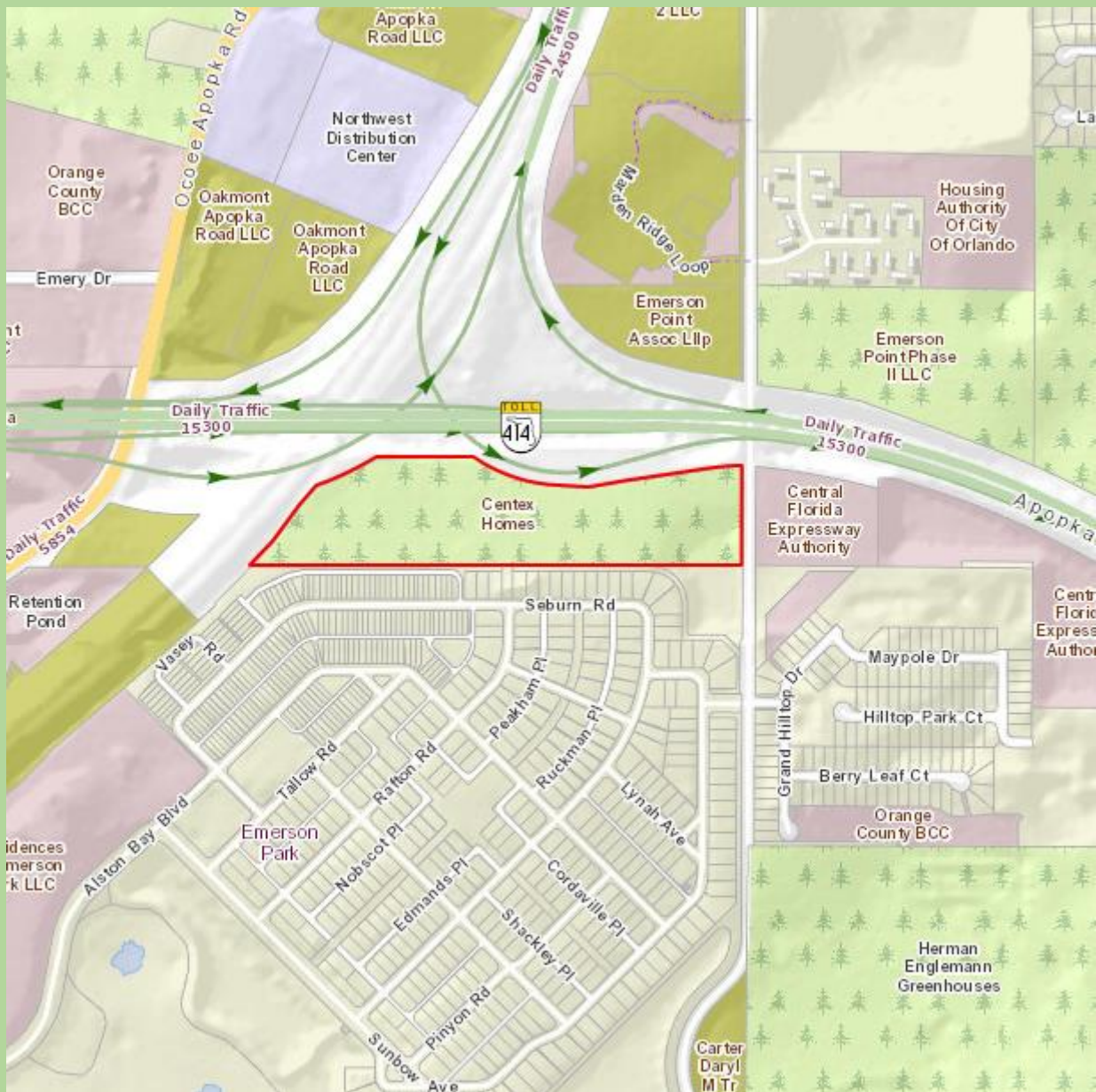
City Council Recommended Motion: Approve the Emerson North Townhomes Plat subject to the findings of the staff report.

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.



EMERSON NORTH TOWNHOMES
21.42 +/- Acres (17.1 acres residential\4.24 future R.O.W)
Proposed Number of Units: 136
Parcel ID#: 20-21-28-0000-00-001

VICINITY MAP





AERIAL MAP



EMERSON NORTH TOWNHOMES

A PORTION OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST,
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

SHEET 1 OF 7

PLAT BOOK PAGE



DESCRIPTION:
That part of Section 20, Township 21 South, Range 28 East, Orange County, Florida, being described as follows:
BEGIN at the Northeast corner of EMERSON PARK, according to the plat thereof as recorded in Plat Book 66, Pages 1 through 17 of the Public Records of Orange County, Florida; thence S89°59'58"W, along the North line of said EMERSON PARK, 2304.25 feet to the Northwest corner of said EMERSON PARK and the Easterly limited access Right-of-Way line of State Road 451, according to the Orlando-Orange County Expressway Authority Right-of-Way Map of Mallard Boulevard Extension of State Road 429/414 Systems Interchange, prepared by URS Corporation dated 12/15/10, and a point on a non-tangent curve concave Northwesterly, having a radius of 7809.44 feet and a chord bearing of N43°17'35"E; thence run along said Easterly limited access right-of-way line of State Road 451 the following courses: Northeastly, along the arc of said curve through a central angle of 01°10'58", for a distance of 161.22 feet to a non-tangent line; thence N36°21'34"E, 205.20 feet to a point on a non-tangent curve concave Northwesterly, having a radius of 7789.44 feet and a chord bearing of N40°45'40"E; thence Northeastly, along the arc of said curve through a central angle of 00°52'54", for a distance of 119.86 feet to the Southerly limited access Right-of-Way of State Road 414, according to aforesaid Orlando-Orange County Expressway Authority Right-of-Way Map of Mallard Boulevard Extension of State Road 429/414 Systems Interchange and a point on a non-tangent curve concave Northwesterly, having a radius of 1430.00 feet and a chord bearing of N64°35'56"E; thence run along said Southerly limited access Right-of-Way line the following courses: Northeastly, along the arc of said curve through a central angle of 12°34'34" for a distance of 313.88 feet to a non-tangent line; thence S89°55'15"E, 453.46 feet to a point on a non-tangent curve concave Northerly, having a radius of 749.49 feet and a chord bearing of S71°21'09"E; thence Easterly, along the arc of said curve through a central angle of 31°42'43" for a distance of 414.83 feet to a non-tangent line; thence S86°44'15"E, 152.54 feet; thence N80°21'42"E, 174.31 feet; thence N81°41'03"E, 401.05 feet to a point on a non-tangent curve concave Southerly having a radius of 1223.14 feet and a chord bearing of N85°11'53"E; thence Easterly along the arc of said curve through a central angle of 07°01'56" for a distance of 150.12 feet to the West line of lands described in Document Number 20160580138 of said Public Records; thence departing said Southerly limited access Right-of-Way line, run along said West line the following seven (7) courses and distances: S03°56'49"W, 42.30 feet to the point of curvature of a curve concave Westerly having a radius of 60.00 feet and a chord bearing of S19°52'47"W; thence Southerly along the arc of said curve through a central angle of 31°51'56" for a distance of 33.37 feet to the point of tangency; thence S35°48'45"W, 30.78 feet; to the point of curvature of a curve concave Easterly having a radius of 77.00 feet and a chord bearing of S03°00'32"W; thence Southerly along the arc of said curve through a central angle of 65°36'26" for a distance of 88.17 feet to the point of tangency; thence S29°47'41"E, 36.62 feet to the point of curvature of a curve concave Southwesterly having a radius of 65.00 feet and a chord bearing of S23°43'10"E; thence Southeasterly along the arc of said curve through a central angle of 12°09'01" for a distance of 13.78 feet to the point of compound curvature of a curve concave Westerly having a radius of 285.00 feet and a chord bearing of S11°12'22"E; thence Southerly along the arc of said curve through a central angle of 12°52'36" for a distance of 64.05 feet to a non-tangent line and the West Right-of-way line of Marden Road, as described in Deed Book 543, Page 3 of said Public Records, thence S00°15'48"W, along said West Right-of-way line, 178.70 feet to the POINT OF BEGINNING.
Containing 21.289 acres more or less.

- NOTES:**
- Bearings based on the East line of the Northeast 1/4 of Section 20, Township 21 South, Range 28 East, as being N00°15'48"E (on assumed meridian).
 - All lines intersecting curves are non radial unless noted as (R) = Radial.
 - The land described in the foregoing caption is subject to the covenants, conditions and restrictions set forth in that certain Community Declaration for Emerson North Townhomes, Document # _____, recorded among the Public Records of Orange County, Florida, as amended or supplemented (the "Declaration").
 - Per Chapter 177.091 (28) Florida Statutes: All plotted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.
 - Tract A (Open Space) constitutes Common Area and shall be conveyed to, owned and maintained by the Emerson North Townhomes Homeowners Association, Inc.
 - Tract B and Tract C (Stormwater Management Area) constitutes Common Area and shall be conveyed to, owned and maintained by the Emerson North Townhomes Homeowners Association, Inc. Tract B and Tract C are subject to a perpetual non-exclusive Drainage Easement in favor of the City of Apopka, over the entire tract.
 - Tract D and Tract E (Recreational, Open Space and Wall) constitutes Common Area and shall be conveyed to, owned and maintained by the Emerson North Townhomes Homeowners Association, Inc.
 - Tract F (Signage) is dedicated to the City of Apopka by this plat. Tract F will be maintained by the Emerson North Townhomes Homeowners Association, Inc. until such time as a sign is constructed in Tract F by the City of Apopka.
 - Tract G (Right-of-Way) is dedicated to the City of Apopka by this plat.
 - Tract H (Recreational and Open Space) constitutes Common Area and shall be conveyed to, owned and maintained by the Emerson North Townhomes Homeowners Association, Inc.
 - TRACT I (Private Roadway) shall be conveyed to, owned and maintained by the Emerson North Townhomes Homeowners Association, Inc. TRACT I is subject to a perpetual non-exclusive Drainage and Utility Easement in favor of the City of Apopka, over the entire tract.
 - Tract J (Recreational, Open Space, Drainage and Utilities) constitutes Common Area and shall be conveyed to, owned and maintained by the Emerson North Townhomes Homeowners Association, Inc.
 - There is a perpetual non-exclusive 10.00' Utility Easement on the front and street side of Lots and Tracts and a 7.50' Drainage and Utility Easement along the rear of all lots and a 5.00' Drainage and Utility Easement along the side of all lots, as shown hereon.
 - All Utility Easements shown hereon are dedicated to the non-exclusive use of the City of Apopka and utility providers for the purpose of constructing, operating, maintaining and replacing their respective facilities servicing the lands described in the foregoing caption.
 - All Drainage Easements shown hereon are dedicated to the non-exclusive use of the Emerson North Townhomes Homeowners Association, Inc. and the City of Apopka and shall be maintained in accordance with the terms and conditions of the Declaration. Drainage Easements dedicated to the City of Apopka are only for emergency access and maintenance purposes in the event inadequate maintenance of the stormwater drainage system servicing the lands describe in the foregoing caption creates a hazard to the public health, safety and general welfare.
 - There is a perpetual non-exclusive 5.00' Landscape Easement located directly behind and abutting the Utility Easements on the front of all Lots, as shown hereon. As more particularly set forth in the Declaration, this easement is dedicated to the Emerson North Townhomes Homeowners Association, Inc. for the protection and maintenance of street trees by the Association.
 - The Wall Easement located within Lots 1 through 8, as shown hereon, is dedicated to the Emerson North Townhomes Homeowners Association, Inc.
 - Lands described hereon are subject to the right of any entity holding a City of Apopka franchise to access the neighborhood to provide services herein and utilize the streets and easements for their respective purposes.
 - There are 136 lots and 10 tracts in this subdivision.

LEGEND
(FOR ALL SHEETS)

CA	CENTRAL ANGLE
RA	RADIUS
LA	ARC LENGTH
CB	CHORD BEARING
CL	CHORD LENGTH
CP	CENTRELINE
CM	CURVE NUMBER (SEE TABLE)
LN	LINE NUMBER (SEE TABLE)
NO	NUMBER
CCR	CERTIFIED CORNER RECORD
CLF	CHAIN LINK FENCE
CM	CONCRETE MONUMENT
CJR	COUNTY ROAD
DB	DEED BOOK
DE	DRAINAGE EASEMENT
DAE	DRAINAGE AND ACCESS EASEMENT
DBAE	DRAINAGE AND UTILITY EASEMENT
FND	FOUND
IP	IRON PIPE
IRC	IRON ROD AND CAP
LB	LICENSED BUSINESS
LE	LANDSCAPE EASEMENT
LS	LICENSED SURVEYOR
NO ID	NO IDENTIFICATION NUMBER
N&D	NAIL AND DISK
NT	NON-TANGENT
(NR)	NON-RADIAL
NTS	NOT TO SCALE
ORB	OFFICIAL RECORD BOOK
PB	PLAT BOOK
PC	POINT OF CURVATURE
PC-C	POINT OF CURVATURE
PCC	POINT OF COMPOUND CURVATURE
P.D.	PLANNED DEVELOPMENT
PDE	PRIVATE DRAINAGE EASEMENT
PG	PAGE
POS	PAGES
POL	POINT ON LINE
PRC	POINT OF REVERSE CURVATURE
PRM	PERMANENT REFERENCE MONUMENT
PT	POINT OF TANGENCY
(R)	RADIAL
R/W	RIGHT-OF-WAY
SEC 20-21-28	SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST
SMA	STORMWATER MANAGEMENT AREA
S.R.	STATE ROAD
UE	UTILITY EASEMENT
WE	WALL EASEMENT

DENOTES PERMANENT REFERENCE CONTROL POINT (SET NAIL AND DISK STAMPED "PCP LB88" PER CHAPTER 177, FLORIDA STATUTES. (UNLESS OTHERWISE NOTED))
 DENOTES PERMANENT REFERENCE MONUMENT (SET 4"x4" CONCRETE MONUMENT WITH DISK STAMPED "PRM LB88" PER CHAPTER 177, FLORIDA STATUTES. (UNLESS OTHERWISE NOTED))

SECTION LINE
 RIGHT-OF-WAY LINE
 LIMITED ACCESS RIGHT-OF-WAY LINE
 SHEET MATCH LINE

PREPARED BY:
DONALD W. McINTOSH ASSOCIATES, INC.
 ENGINEERS PLANNERS SURVEYORS
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 844-4088
 CERTIFICATE OF AUTHORIZATION NUMBER 1868

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

EMERSON NORTH TOWNHOMES DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the general partnership named below, being the owner in fee simple of the lands described in the foregoing caption to this plat, hereby dedicates said lands and plat for the uses and purposes herein expressed and dedicates Tract G (Right-of-Way) and Tract F (Signage) to the City of Apopka. Recording of this plat shall act as conveyance to the City of Apopka and no further instrument shall be necessary to vest fee simple title or such rights to the City of Apopka.

In witness whereof, the undersigned has caused these presents to be signed and acknowledged by the officer named below on date:

CENTEX HOMES, a Nevada general partnership

By: _____
 Print Name: _____
 Print Title: _____

Signed, sealed and delivered in the presence of:

 signature

 printed name

 signature

 printed name

STATE OF FLORIDA
 COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____ as _____ of Centex Real Estate Corporation, a Nevada corporation, as Managing General Partner of Centex Homes, a Nevada general partnership, on behalf of the general partnership. He/She is _____ personally known to me or _____ produced _____ as identification, and did not take an oath. In witness whereof, I have hereunto set my hand and seal on the above date.

NOTARY PUBLIC

My commission expires: _____
 Commission #: _____

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered land surveyor, does hereby certify that this plat was prepared under my direction and supervision and that this plat complies with all the survey requirements of Chapter 177, Florida Statutes; and that said land is located in the City of Apopka, Florida.

By: _____ Date: _____
 Rocky L. Carson
 Florida Registered Surveyor and Mapper
 Certificate No. 4285

DONALD W. McINTOSH ASSOCIATES, INC.
 Certificate of Authorization Number LB 68
 2200 Park Avenue North, Winter Park, FL 32789

CERTIFICATE OF APPROVAL BY APOPKA PLANNING COMMISSION

THIS IS TO CERTIFY, That on _____, the foregoing plat was approved by the Apopka Planning Commission of the City of Apopka.

 Chairman Date

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on _____, the City Council of the City of Apopka approved the foregoing plat.

Attest:

 Joe Kishelmer, Mayor City Clerk

CERTIFICATE OF APPROVAL BY CITY ENGINEER

Examined and Approved: _____ Date: _____
 City Engineer: R. Jay Davall

CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY, That the foregoing plat was recorded in the Orange County Official Records on _____, as File No. _____ County Comptroller in and for Orange County, Florida.

By: _____

CERTIFICATE OF REVIEW BY CITY SURVEYOR

Pursuant to Section 177.081, Florida Statutes, I have reviewed this plat for conformity to chapter 177 Part I of the Florida Statutes and that said plat complies with the technical requirements of that chapter; provided however, that my review does not include field verification of any of the coordinates, points or measurements shown on this plat.

Signed: _____ Date: _____
 PRINTED NAME: Ralph A. Nieto, PSM
 Nieto, Whittaker Surveying, LLC
 Registration No. 6025

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EMERSON NORTH TOWNHOMES

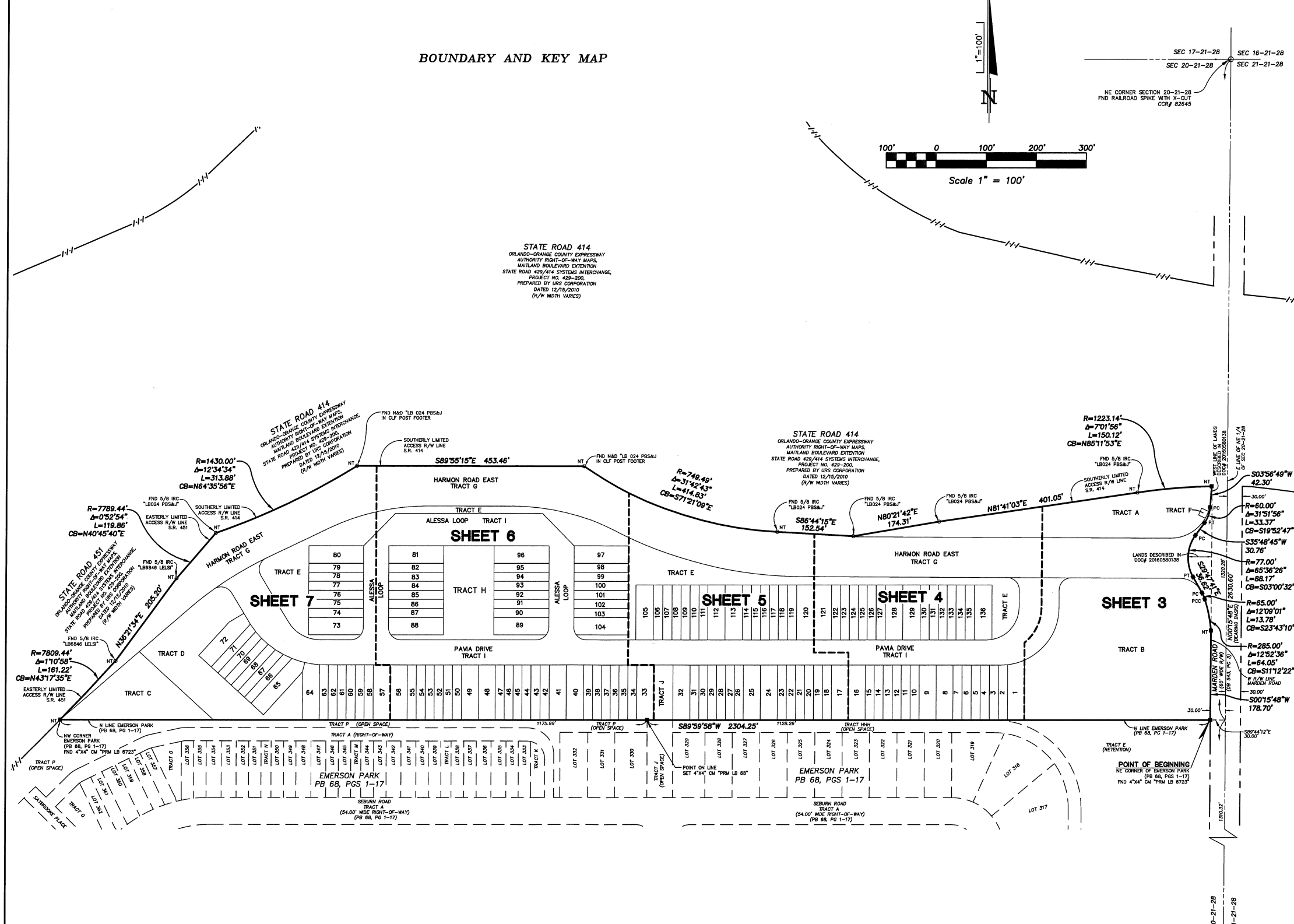
A PORTION OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST,
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

SHEET 2 OF 7

PLAT BOOK

PAGE

BOUNDARY AND KEY MAP



STATE ROAD 414
ORLANDO-ORANGE COUNTY EXPRESSWAY
AUTHORITY RIGHT-OF-WAY MAPS
MAYLAND BOULEVARD EXTENSION
STATE ROAD 429/414 SYSTEMS INTERCHANGE
PROJECT NO. 429-200
PREPARED BY URS CORPORATION
DATED 12/15/2010
(R/W WIDTH VARIES)

STATE ROAD 414
ORLANDO-ORANGE COUNTY EXPRESSWAY
AUTHORITY RIGHT-OF-WAY MAPS
MAYLAND BOULEVARD EXTENSION
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PREPARED BY:
DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NUMBER LB68

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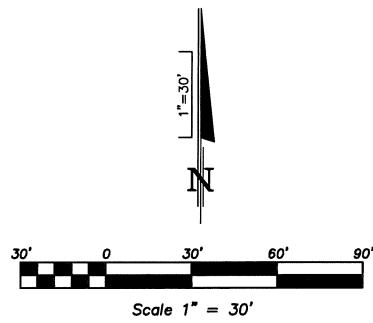
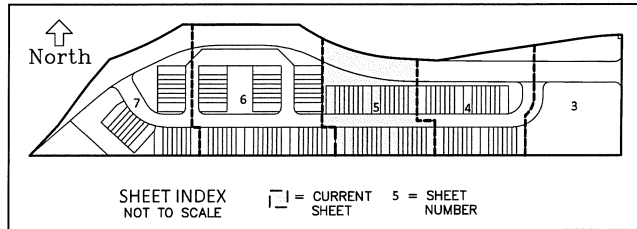
EMERSON NORTH TOWNHOMES

A PORTION OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 28 EAST,
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

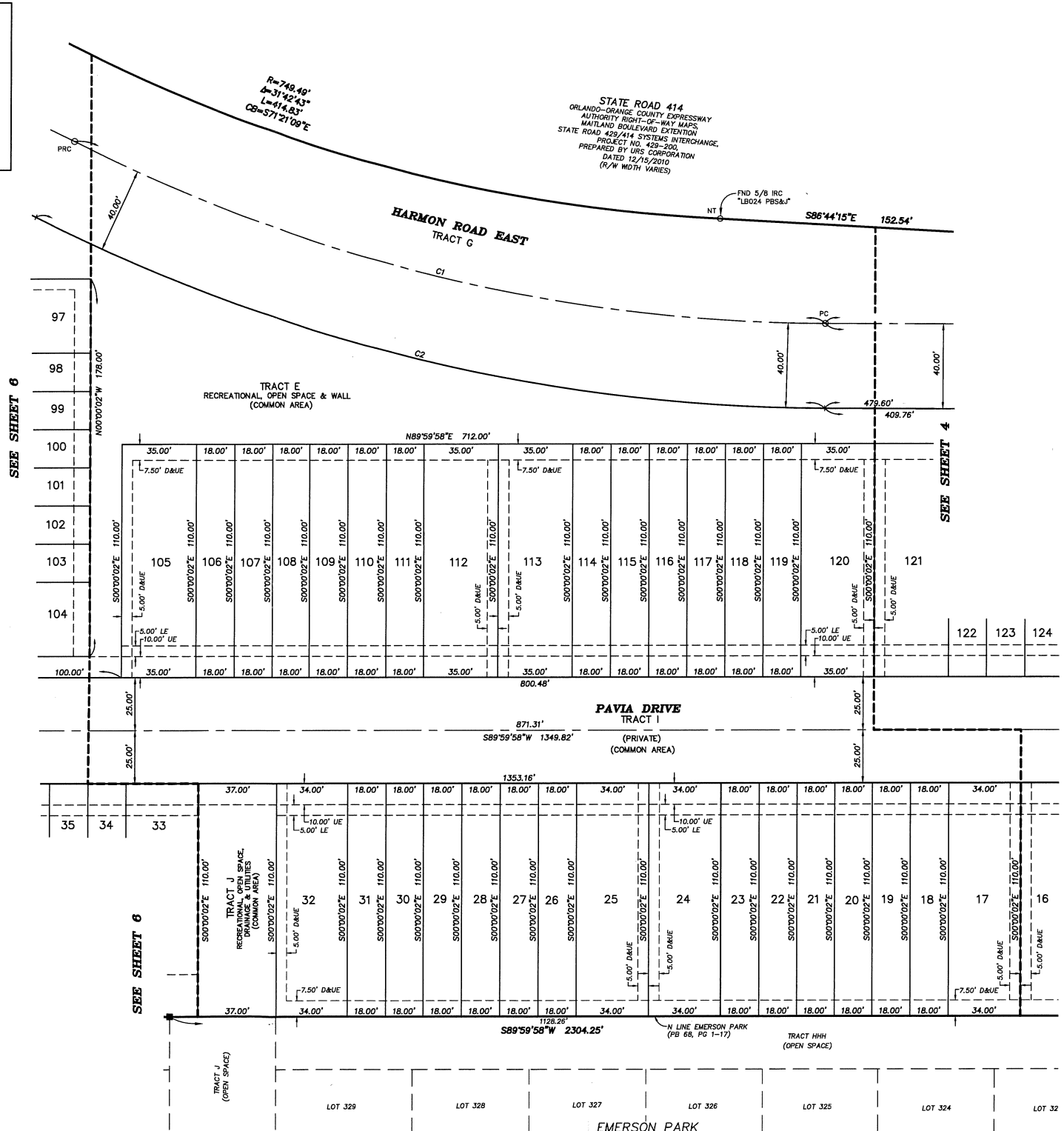
SHEET 5 OF 7

PLAT BOOK

PAGE



CURVE TABLE					
NUMBER	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	789.49'	26°44'39"	368.51'	365.18'	S76°21'50"E
C2	829.49'	26°44'39"	367.18'	363.68'	S76°21'50"E

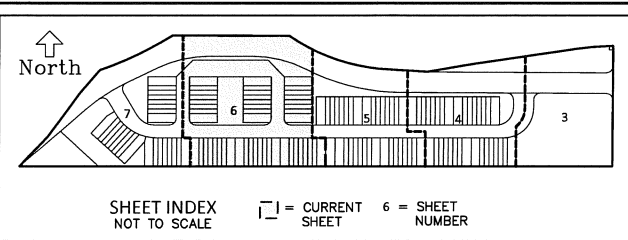


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ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4069
CERTIFICATE OF AUTHORIZATION NUMBER LB68

10:25AM

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EMERSON NORTH TOWNHOMES

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CITY OF APOPKA, ORANGE COUNTY, FLORIDA

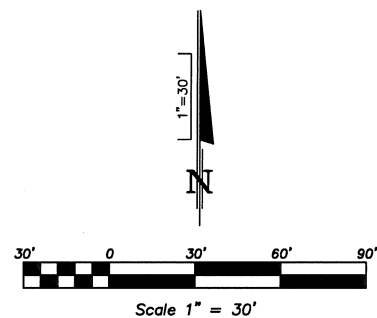
SHEET 6 OF 7

PLAT BOOK PAGE

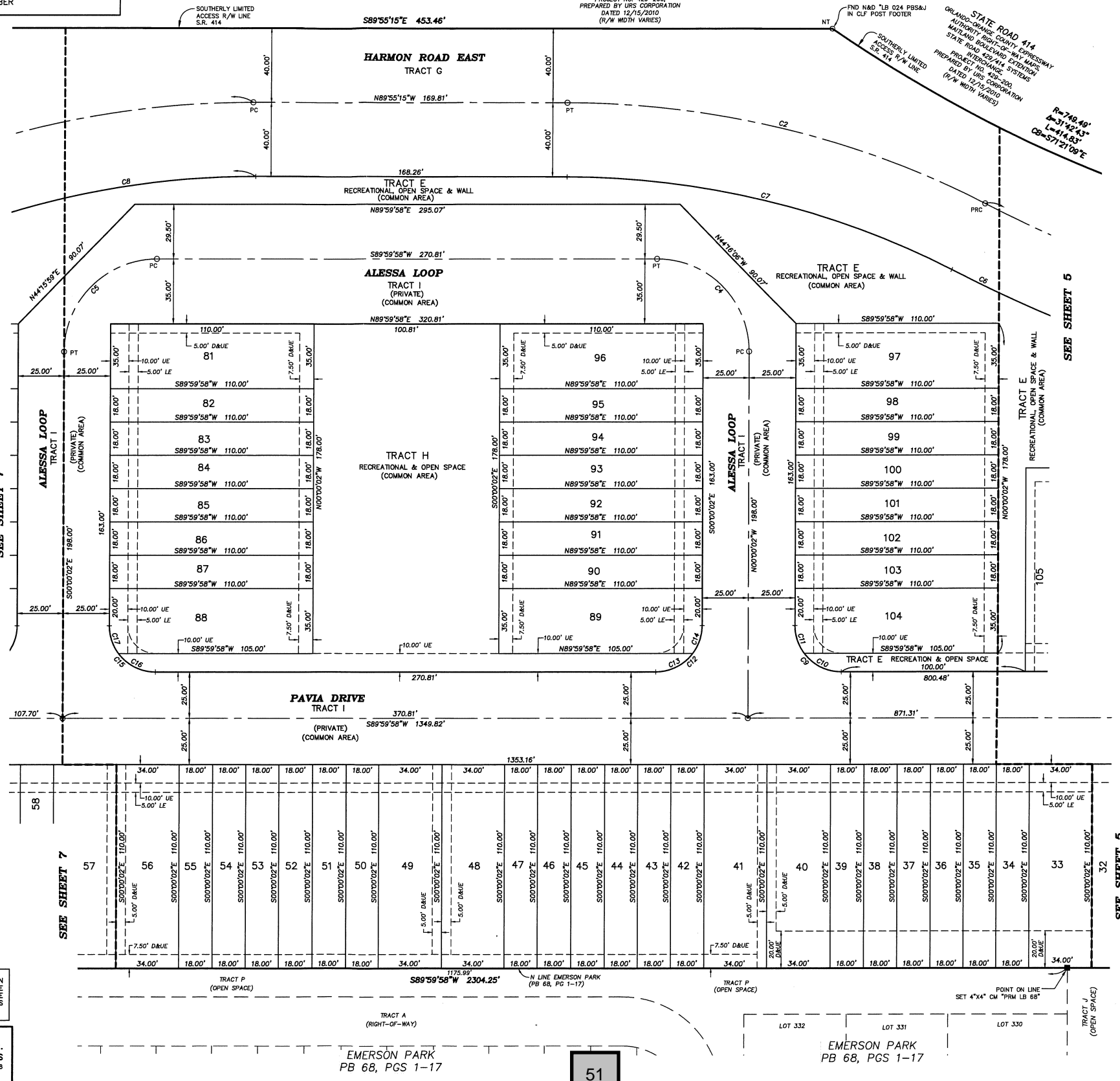
STATE ROAD 414
ORLANDO-ORANGE COUNTY EXPRESSWAY
AUTHORITY RIGHT-OF-WAY MARKS
MAITLAND BOULEVARD EXTENSION
STATE ROAD 429/414 SYSTEMS
INTERCHANGE
PROJECT NO. 429-200
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STATE ROAD 414
ORLANDO-ORANGE COUNTY EXPRESSWAY
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STATE ROAD 429/414 SYSTEMS
INTERCHANGE
PROJECT NO. 429-200
PREPARED BY URS CORPORATION
DATED 12/15/2010
(R/W WIDTH VARIES)

R=749.49'
L=3142.43'
CB=57121.09°E



CURVE TABLE				
NUMBER	RADIUS	DELTA	LENGTH	CHORD BEARING
C2	500.00'	26°55'44"	235.00'	232.84' N76°27'23"W
C4	50.00'	90°00'00"	78.54'	70.71' N45°00'02"W
C5	50.00'	90°00'00"	78.54'	70.71' S44°59'58"W
C6	829.49'	26°44'39"	387.18'	383.68' S76°21'50"E
C7	460.00'	26°55'44"	216.20'	214.21' N76°27'23"W
C8	460.00'	25°28'49"	204.57'	202.89' S77°20'20"W
C9	25.00'	90°00'00"	39.27'	35.36' S45°00'02"E
C10	25.00'	53°07'48"	23.18'	22.36' S63°26'08"E
C11	25.00'	36°52'12"	16.09'	15.81' S18°28'08"E
C12	25.00'	90°00'00"	39.27'	35.36' N44°59'58"E
C13	25.00'	53°07'48"	23.18'	22.36' N63°26'03"E
C14	25.00'	36°52'12"	16.09'	15.81' N18°28'03"E
C15	25.00'	90°00'00"	39.27'	35.36' S45°00'02"E
C16	25.00'	53°07'48"	23.18'	22.36' S63°26'08"E
C17	25.00'	36°52'12"	16.09'	15.81' S18°28'08"E



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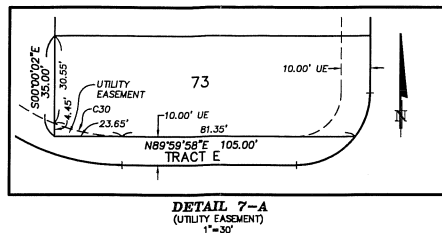
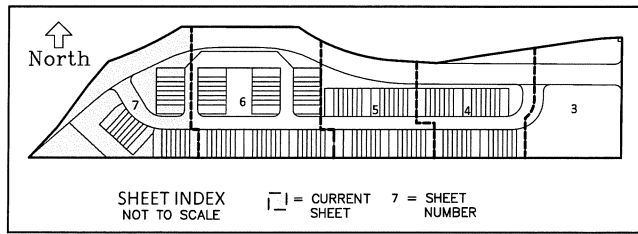
EMERSON NORTH TOWNHOMES

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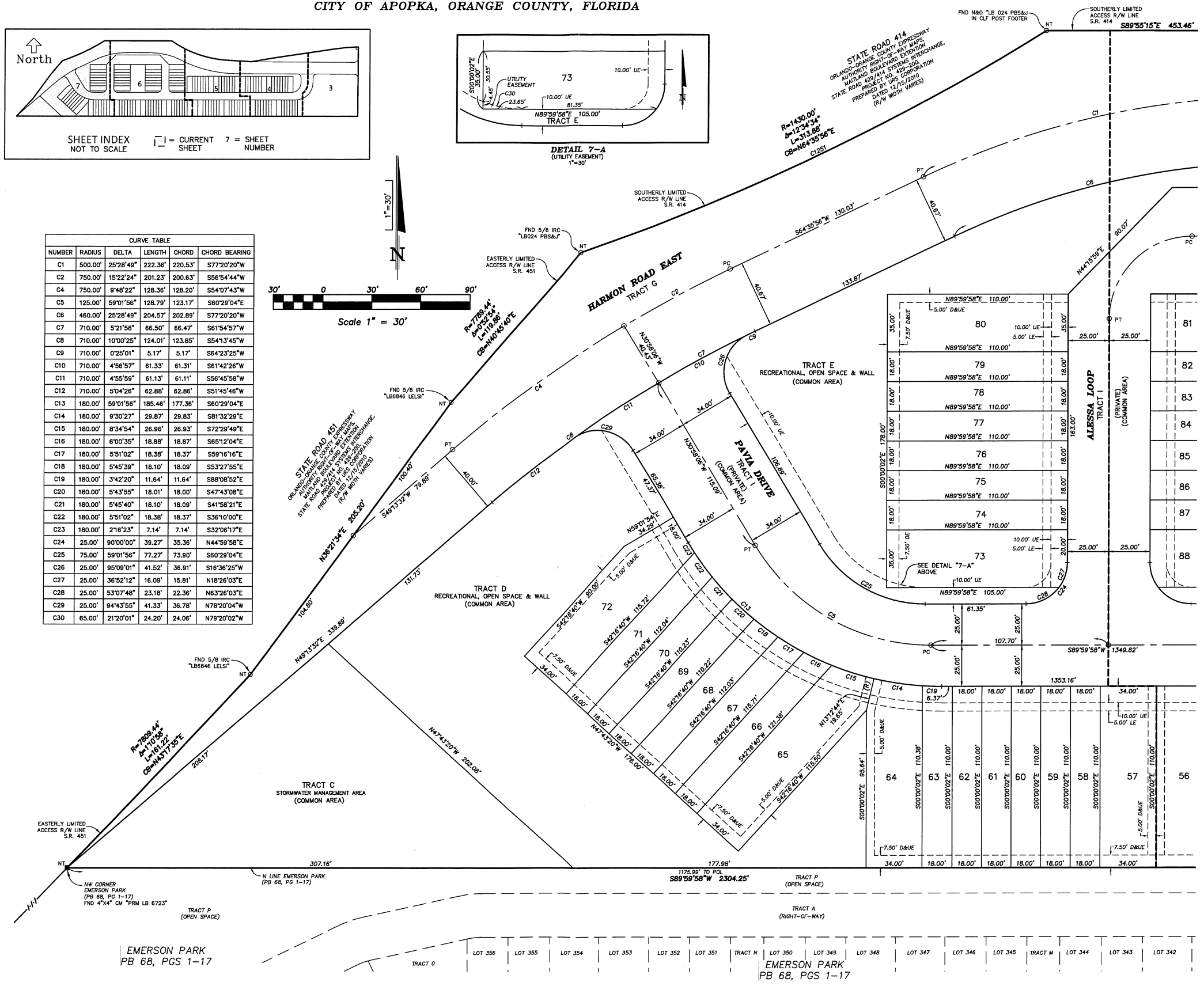
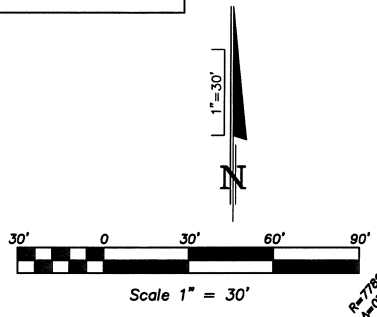
SHEET 7 OF 7

PLAT BOOK

PAGE



CURVE TABLE				
NUMBER	RADIUS	DELTA	LENGTH	CHORD BEARING
C1	500.00'	25°28'49"	222.36'	S77°20'20"W
C2	750.00'	15°22'24"	201.23'	S56°54'44"W
C4	750.00'	9°48'22"	128.36'	S54°07'43"W
C5	125.00'	59°01'56"	128.79'	S60°29'04"E
C6	460.00'	25°28'49"	204.57'	S77°20'20"W
C7	710.00'	5°21'58"	66.50'	S61°54'57"W
C8	710.00'	10°00'25"	124.01'	S54°13'45"W
C9	710.00'	0°25'01"	5.17'	S64°23'25"W
C10	710.00'	4°56'57"	61.33'	S61°42'26"W
C11	710.00'	4°55'59"	61.13'	S56°45'58"W
C12	710.00'	6°04'26"	62.88'	S51°45'46"W
C13	180.00'	59°01'56"	185.46'	S60°29'04"E
C14	180.00'	9°30'27"	29.87'	S81°32'29"E
C15	180.00'	8°34'54"	26.96'	S72°29'49"E
C16	180.00'	6°00'35"	18.88'	S65°12'04"E
C17	180.00'	5°51'02"	18.38'	S59°16'16"E
C18	180.00'	5°45'39"	18.10'	S53°27'55"E
C19	180.00'	3°42'20"	11.64'	S88°08'52"E
C20	180.00'	5°43'55"	18.01'	S47°43'08"E
C24	25.00'	90°00'00"	39.27'	N44°59'58"E
C25	75.00'	59°01'56"	77.27'	S60°29'04"E
C26	25.00'	95°09'01"	41.52'	S16°36'25"W
C27	25.00'	36°52'12"	16.09'	N18°26'03"E
C28	25.00'	53°07'48"	23.18'	N63°26'03"E
C29	25.00'	94°43'55"	41.33'	N78°20'04"W
C30	65.00'	21°20'01"	24.20'	N79°20'02"W



SEE SHEET 6

SEE SHEET 6

PREPARED BY:
DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NUMBER LB88

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

Backup material for agenda item:

1. Ordinance No. 2527 – Second Reading – Code of Ordinances, Part II, Chapter 78 – Parking – Legislative Chief McKinley



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Community Development
 EXHIBITS: Ordinance No. 2527

SUBJECT: **ORDINANCE NO. 2527 -- CITY OF APOPKA CODE OF ORDINANCES, PART II, CHAPTER 78 – TRAFFIC AND MOTOR VEHICLES, AMENDING ARTICLE II – STOPPING, STANDING AND PARKING**

REQUEST: **SECOND READING & ADOPTION OF ORDINANCE NO. 2527 TO AMEND THE CITY OF APOPKA CODE OF ORDINANCES, PART II, CHAPTER 78 – TRAFFIC AND MOTOR VEHICLES, ARTICLE II – STOPPING, STANDING AND PARKING IN ITS ENTIRETY.**

SUMMARY:

The last update to Chapter 78, Article II – Stopping, Standing and Parking, of the Apopka Code of Ordinances (hereafter Parking Ordinance) was in 2013. After significant comment and input from the Apopka Community after implementation of the 2013 ordinance, the Apopka Police Department established in 2016 a parking ordinance committee, comprised of Apopka residents from various neighborhoods, to review the effectiveness of the 2013 parking ordinance. Beginning with a kick-off meeting in July 2016, this committee met several times at workshop settings through mid-September. After recommending potential changes to the parking ordinance, the committee held a public hearing on September 26 to gather input from the general public. A final workshop was held on October 10, 2016, to discuss public comments from the September 26, 2016, public hearing.

The current draft amendment to the Parking Ordinance is based on input and direction from the parking ordinance committee to achieve the following purpose:

- Allow on-street parking with reasonable restrictions.
- Ensure public safety vehicles have access throughout the community
- Ensure delivery of other governmental services.

PUBLIC HEARING SCHEDULE:

December 13, 2016 – Planning Commission (5:30 pm)
 February 15, 2017 – City Council (7:00 pm) – First Reading
 March 1, 2017 – City Council (1:30 pm) – Second Reading

DULY ADVERTISED:

February 3, 2017
 February 17, 2017

FUNDING SOURCE:

N/A

DISTRIBUTION

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

RECOMMENDATION ACTION:

The **Planning Commission**, at its meeting on December 13, 2016, unanimously recommended adoption of the amendments to the City of Apopka Code Of Ordinances, Part II, Chapter 78 – Traffic and Motor Vehicles, Article II – Stopping, Standing and Parking in its Entirety.

The **City Council**, at its meeting on February 15, 2017, accepted the First Reading of Ordinance No 2527 and Held it Over for Second Reading and Adoption on March 1, 2017.

Recommended Motion: Adopt Ordinance No. 2527.

ORDINANCE NO. 2527

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 78 “TRAFFIC AND MOTOR VEHICLES,” ARTICLE I, “IN GENERAL,” SECTION 78-1 “DEFINITIONS” AND AMENDING CHAPTER 78 “TRAFFIC AND MOTOR VEHICLES,” ARTICLE II, “STOPPING, STANDING AND PARKING” IN ITS ENTIRETY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND SETTING AN EFFECTIVE DATE.

WHEREAS, Section 166.021(3), *Florida Statutes*, provides, in pertinent part, that “[t]he Legislature recognizes that pursuant to the grant of powers set forth in Section 2(b), Art. VIII of the State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state legislature may act” except for certain very limited matters; and

WHEREAS, pursuant to Florida Law chartered municipalities have original jurisdiction over all streets and highways located within their boundaries; and

WHEREAS, the City of Apopka actively participates in the enforcement of traffic enforcement and, particularly, parking, to protect the health, safety, and welfare of all persons in the Town; and

WHEREAS, the City Council of the City of Apopka, Florida, has determined that the continued protection of the health, safety, and welfare of its citizens requires that Chapter 78 Article II, of the Apopka Code of Ordinances be amended in its entirety.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Apopka Code of Ordinances, ~~striketrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

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

SECTION 1. CHAPTER 78, TRAFFIC AND MOTOR VEHICLES, ARTICLE I, SECTION 78-1 DEFINITIONS shall be amended as follows, and all definitions within the section shall be placed in alphabetical order:

Sec. 78-1. Definitions

Commercial vehicle means a tractor cab, or tractor trailer or truck with a tandem rear axle or gross vehicle weight of over ten thousand (10,000) pounds, or having a length greater than twenty-one (21) feet, or height greater than ten (10) feet, or buses used for transporting passengers for a fee, taxicabs, shuttle vans, limousines or vans used to transport passengers for a fee. Any vehicle with external modifications designed to be used for the purpose of lifting objects or persons above the height of the vehicle is included as a commercial vehicle. Step vans, flatbed and stake bed trucks, wreckers, farm equipment, dump trucks and earth moving equipment are included as commercial vehicles. Sport utility vehicles, family vans not transporting passengers for a fee and standard manufactured pick-up trucks, and dual rear wheel pick-up trucks used for personal use and emergency vehicles are expressly excluded from the definition of commercial vehicle.

~~Stop and Stopping~~ Stopping, standing, or parking means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a ~~law enforcement officer~~ police officer or traffic control sign or signal.

Trailer means and includes any vehicle or device, with or without motorized power, regardless of whether connected to a tow vehicle, designed for carrying persons or property and for being drawn by a motor vehicle. The term shall include, but not be limited to, vehicles or devices designed, manufactured or used for: transporting or carrying boats, jet skis, or similar watercraft; transporting or carrying motor scooters or motorcycles; transporting or carrying automobiles, trucks, buses or similar motor vehicles; or a dwelling place, living abode or sleeping place (either permanently or temporarily) and equipped for use as a conveyance on streets and highways. This definition excludes message boards used to transmit emergency messages or directional for traffic control.

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a street or highway and includes any portion of such device or attachment thereto.

SECTION 2. The provisions of CHAPTER 78, TRAFFIC AND MOTOR VEHICLES, ARTICLE II, STOPPING, STANDING AND PARKING shall be vacated and deleted in its entirety, and the following shall be adopted in its place. The provisions to be vacated and deleted are attached as Exhibit "A."

ARTICLE II. STOPPING, STANDING, OR PARKING

DIVISION 1. GENERALLY

Sec. 78-35. – General Application.

Applicable portions of this Article shall not apply to the driver or owner of any vehicle which is disabled while on the paved or main-traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. Such vehicle may be towed in accordance with this chapter, and all costs associated with the removal are the responsibility of the registered owner.

Nothing in this Article shall prevent a bona-fide emergency vehicle from stopping, standing, or parking in any area, whether posted or not, during and for the performance of official duties.

Unless in conflict herein chapter 78, Florida State Statute Chapter 316.003, "Definitions" and all parking violations found in Florida State Statute 316, as may be amended by the Florida Legislature, are hereby incorporated by reference. Such prohibitions may be enforced under this section on a ticket form issued by the City.

Sec. 78-36. - Authority to place signage and designate parking time limits and local restrictions.

The Chief of Police may install street signs, as may be necessary, to indicate the parking limit or restriction placed on any street, any portion of such street, or right-of-way within the City of Apopka.

The Chief of police may designate time limits or local restrictions for parking on streets during special events and emergency situations.

Sec. 78-37. - Manner of stopping, standing, or parking.

1. When parked upon a street which has been marked or a sign erected for angle parking, a vehicle shall be parked at the angle to the curb indicated by such mark or sign and within twelve (12) inches of the edge of the pavement.
2. When parked upon a street which has been marked or a sign erected for parallel parking with the edge of the street, a vehicle shall be parked headed in the direction of traffic and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the pavement.
3. When parked upon a street in accordance with this chapter a vehicle shall be parked headed in the direction of traffic and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the pavement.
4. When parked within any marked parking space, no vehicle may be parked over any marking line, nor shall any portion of the vehicle protrude outside the marked space.
5. No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
6. No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street, including right-of-way within the City.

Sec. 78-38. - Obstructing traffic.

1. No person shall stop, stand or park any vehicle in a street in such a manner or under such conditions as to leave available less than twelve feet of the width of any lane of the street for free movement of vehicular traffic, except when necessary in obedience to a traffic regulation or a traffic sign or signal or police officer.
2. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street when it is practicable to stop, park, or so leave the vehicle off such part of the street and parked in a driveway or paved area created for such purpose. In any event, any vehicle parked on a street must leave no less than twelve (12) feet of unobstructed street width.
3. No person shall stop, park, or leave standing any vehicle so that there is not a clear view of the stopped vehicle from a distance of two-hundred (200) feet, in each direction upon the roadway.
4. No person shall stop, park, or leave standing any vehicle, whether attended or unattended in an alley so as to provide free passage for emergency vehicles.
5. No person shall park a vehicle on a curve, or within thirty (30) feet of the approach of a curve, when such parking obstructs the regular flow of traffic along a curve and/or disrupts the sight picture along the roadway.

Sec. 78-39. - Stopping, standing and parking prohibited in specified places.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

1. At any place within fifteen (15) feet of a community mail box , except momentarily to pick up or drop off mail, between the hours of 8 a.m. and 6 p.m. any day, excluding Sunday and Federal Holidays. At any place within fifteen (15) feet of a single mail box between the hours of 8 a.m. and 6 p.m. any day, excluding Sunday and Federal Holidays unless the vehicle has a valid registration which lists the street address on which the mail box is located. Such vehicle shall be exempted from this requirement.
2. At any place in such a manner which would block access to residential or commercial refuse containers by public or private refuse removal equipment.
3. Alongside any curb which has been painted yellow or red, unless otherwise specifically permitted by appropriate signs or devices posted by the city.
4. In any parking space specifically designated and marked for the disabled unless such vehicle displays a parking permit as required by state law, or in such a manner as to block or obstruct a wheelchair ramp or any such specially designated and marked parking space provided in accordance with s. 553.5041 F.S.S., and the vehicle is transporting the person to whom the displayed permit is issued. The violation may not be dismissed for failure of the marking on the parking space to comply with s. 553.5041 F.S.S. if the space is in general compliance and is clearly distinguishable as a designated accessible parking space for people who have disabilities.
 - a. A law enforcement officer or a parking enforcement specialist has the right to demand to be shown the person's disabled parking permit and driver license or state identification card when investigating the possibility of a violation of this section. If such a request is refused, the person in charge of the vehicle may be charged with resisting an officer without violence, as provided in s. 843.02 F.S.S.
 - b. It is unlawful for any person to obstruct the path of travel to an accessible parking space, curb cut, or access aisle by standing or parking a vehicle within any such designated area. The violator is subject to the same penalties as are imposed for illegally parking in a space that is designated as an accessible parking space for persons who have disabilities.
 - c. Any person who is chauffeuring a person who has a disability is allowed, without need for a disabled parking permit or a special license plate, to stand temporarily in any such parking space, for the purpose of loading or unloading the person who has a disability. A penalty may not be imposed upon the driver for such temporary standing.
 - d. A vehicle that is transporting a person who has a disability and that has been granted a permit under s. 320.0848(1)(a) F.S.S. may be parked for a maximum of 30 minutes in any parking space reserved for persons who have disabilities.
 - e. A violation of this section with regard to parking in a handicapped space or access area may be voided at the discretion of a police supervisor upon payment by the offender of seven dollars and fifty cents (\$7.50) payable to the City of Apopka if, at the time of the

- infraction, the driver or person legally operating the vehicle possesses a government issued handicap parking permit but failed to properly display it.
5. Within the curved area of a cul-de-sac.
 6. Within an intersection or within thirty (30) feet of the intersection approach.
 7. Upon certain designated municipal streets within a community controlled by a Homeowner's Association. Any such parking prohibition shall be upon petition to the Chief of Police by the Association, by majority vote of members of such Association, ratified by the Board, and submitted to the Chief of Police. Such action shall be effective upon approval by resolution of the City Council, upon recommendation of the Chief of Police. Such Association controlled areas shall be properly marked with signs as approved by the City. Any costs associated with the procurement or installation thereof of signage shall be borne by the Association.
 8. At any place, other than a bus stop, taxi-stand, or other designated passenger loading area, by the driver of a bus, taxi, or other vehicle for hire, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations, at any place for the purpose of, and while actually engaged in loading or unloading passengers.
 9. In a designated bus stop or taxi stand unless the vehicle is a bus or taxi, respectively.
 10. In front of, across from, or along the curb within twelve (12) feet of the entrance to, a public or private driveway, except momentarily to pick up or drop off passengers.
 11. On a sidewalk or in such a manner that any part of such vehicle is protruding over a sidewalk or any part of the sidewalk area.
 12. On a crosswalk; within twenty (20) feet of a crosswalk at an intersection unless permitted to do so by appropriate signs or devices posted in such area.
 13. Facing the wrong way on a one way street, or in opposition to the direction of travel of the lane in which the vehicle is located (left wheels to curb, prohibited).
 14. Within fifteen (15) feet of a fire hydrant, fire department connection, or fire drafting connection; or within twenty (20) feet of any driveway entrance to a fire station.
 15. Within any fire lane.
 16. Within an alley, or blocking access to such alley, or in such position to block any entrance to any abutting property.
 17. Along or within any bicycle path, walking path, or other pedestrian or human powered vehicle lane.
 18. Within fifty (50) feet of the nearest rail upon a railroad or railroad crossing, unless behind the safety line of a railroad crossing if less than fifty (50) feet.
 19. Upon any bridge or elevated structure upon a roadway.

20. In painted safety zones or gore areas on roadways.
21. Within any space designated for an emergency vehicle.
22. Within or on a median.
23. Within or on any off street right-of-way within the city limits unless otherwise allowed.

Sec. 78-40. – Stopping, standing, or parking in place where prohibited by sign or markings.

No person shall park a vehicle at any place where an official sign or marking prohibits stopping, standing, or parking.

Sec. 78-41. - Parking for certain purposes prohibited; Parking of vehicle types prohibited.

1. Curbstoning (reference FSS 316.1951):
 - a. It is unlawful for any person to park a motor vehicle upon a public street or highway, a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such property by the City and the person is in compliance with all City licensing regulations.
 - b. The provisions of subsection (a.) do not prohibit a person from parking his or her own motor vehicle or his or her other personal property on any private real property which the person owns or leases or on private real property which the person does not own or lease, but for which he or she obtains the permission of the owner, or on the public street immediately adjacent thereto, for the principal purpose and intent of sale, hire, or rental.
 - c. Subsection (a.) does not prohibit a licensed motor vehicle dealer from displaying for sale or offering for sale motor vehicles at locations other than the dealer's licensed location if the dealer has been issued a supplemental license for off-premises sales, as provided in s. 320.27(5), and has complied with the requirements in subsection (a.). A vehicle displayed for sale by a licensed dealer at any location other than the dealer's licensed location is subject to immediate removal without warning.
 - d. A law enforcement officer, compliance officer, code enforcement officer from the City may issue a citation and cause to be immediately removed at the owner's expense any motor vehicle found in violation of subsection (a.), except as provided in subsections (b.) and (c.), or in violation of subsection (e.), subsection (f.), subsection (g.), or subsection (h.), and the owner shall be assessed a penalty as provided in Division II. A motor vehicle removed under this section shall not be released from an impound or towing and storage facility before a release form prescribed by the department has been completed verifying that the fine has been paid that ordered immediate removal of the motor vehicle. However, the owner may pay towing and storage charges to the towing and storage facility pursuant to s. 713.78 F.S.S. before payment of the fine or before the release form has been completed.
 - e. It is unlawful to offer a vehicle for sale if the vehicle identification number has been destroyed, removed, covered, altered, or defaced, as described in s. 319.33(1)(d) F.S.S. A vehicle found in violation of this subsection is subject to immediate removal without warning.

- f. It is unlawful to knowingly attach to any motor vehicle a registration that was not assigned or lawfully transferred to the vehicle pursuant to s. 320.261. A vehicle found in violation of this subsection is subject to immediate removal without warning.
 - g. It is unlawful to display or offer for sale a vehicle that does not have a valid registration as provided in s. 320.02. A vehicle found in violation of this subsection is subject to immediate removal without warning. This subsection does not apply to vehicles and recreational vehicles being offered for sale through motor vehicle auctions as defined in s. 320.27(1)(c)4 F.S.S.
 - h. A vehicle is subject to immediate removal without warning if it bears a telephone number that has been displayed on three or more vehicles offered for sale within a 12-month period.
 - i. Any other provision of law to the contrary notwithstanding, a violation of subsection (a.), subsection (e.), subsection (f.), subsection (g.), or subsection (h.) shall subject the owner of such motor vehicle to towing fees reasonably necessitated by removal and storage of the motor vehicle and a fine as required by Division II.
2. No person shall stand or park a vehicle upon any street for the principal purpose of painting, greasing or repairing such vehicle.
 3. No person shall stand or park a vehicle upon any street for the principal purpose of washing or polishing such vehicle or any part thereof. However, bona-fide, temporary car washes conducted with the intent of raising funds for a non-profit entity upon publicly accessed and traveled parking and business lots may be allowed given they are properly authorized by the property owner; last no longer than six (6) hours; and are conducted on weekends only.
 4. No person shall stand or park a vehicle upon any street, alley, parking lot, or residential area for the principal purpose of displaying advertising.
 5. No person shall stand or park a vehicle upon any street or alley for the principal purpose of selling merchandise from the motor vehicle, except in a duly established marketplace or when so authorized or licensed under the laws of the city.
 6. Parking of trailers, is regulated in the same manner as a “vehicle” for the purpose of this chapter and per the requirements of this section.
 - a. Trailers within any city park or city recreation facility are prohibited except where specifically authorized by a police officer, park ranger, or recreation attendant or permitted by an official sign. If so permitted, only for the purpose of, and during the time of, visiting or using the park or recreation facility where such parking is permitted.
 - b. Nothing in this section shall apply to a work or utility trailer being used to assist in the performance of such work, on a temporary basis, and with proper maintenance of traffic protocol in place and in a manner not to obstruct the flow of traffic.
 7. Parking of recreational vehicles or trailered vessels is regulated in the same manner as a vehicle for the purpose of this chapter and per the requirements of this section.
 - a. Recreation vehicles and trailered vessels may be parked on a street for a maximum of 72 hours when necessary for loading, unloading, cleaning or other preparations as may be necessary provided all other restrictions are followed and all driveway and on-site parking

- is first occupied (or is otherwise unusable) and such vessel is registered (or leased) to the owner or occupier of the residence adjacent to the street on which parked.
- b. In any case where an exception exists to park on a street, a recreational vehicle(s) or trailered vessel must be parked within twelve (12) inches of the curb and with the flow of traffic and adhering to all other parking rules. Nothing in this section is intended to conflict with restrictions in storage of such vehicles identified in 7.02.04 "Storage of boats and recreational vehicles" of the land development code.
8. Parking of commercial vehicles is prohibited in the same manner as a vehicle for the purpose of this chapter and per the requirements of this section.
- a. Commercial vehicles are prohibited from parking in any residential area at any time. Nothing in this section precludes a bona-fide vendor from using a commercial vehicle in conducting legitimate business and for its designed purpose, during such time the business is being conducted. Promotional trucks or other commercial vehicles being used solely for promotional purposes are specifically prohibited.
 - b. Commercial vehicles are prohibited from parking in any business district unless specifically owned or leased by such business having ownership or control of the property. Such vehicles shall not be used in an effort to advertise or promote the business through the method of parking or position in relation to the traveling public in an effort contrary to the spirit of the City's sign codes and ordinances. Such vehicles shall be located in a bona-fide parking space unless being actively loaded or unloaded.

Sec. 78-42. - Use of loading zones.

1. No person shall stop, stand or park a vehicle in any place marked as a loading zone for a period of time longer than the time indicated by signs or other appropriate markings or devices.
2. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone during the hours when the provisions applicable to loading zones are in effect. Such vehicle must have attached in a conspicuous place on the rear of the vehicle a permit issued pursuant to section 78-43 for such loading and unloading. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

Sec. 78-43. - Loading zone permit.

1. The Chief of Police or his designee shall issue to applicants as provided in this section, tag permits for the use of loading and unloading zones, which shall be effective October 1 through September 30.
 - a. The application for such permit shall contain the following information:
 - i. Whether the applicant is a wholesaler, retailer or common carrier.
 - ii. The number of vehicles operated by the applicant.
 - iii. The number of vehicles owned by the applicant which will carry loading and unloading permits.
 - iv. The average number of stops per day for loading and unloading purposes.

- v. The name of the business, the type of business, the location of the business, and the mailing address and telephone number of the business.
 - vi. The names and driver's license numbers of the employed or contracted drivers doing business within the city.
 - vii. The appropriate permit fee as specified below.
- b. All applications will be submitted in writing to the chief of police or his designee, and the chief of police or his designee shall have the authority to issue, deny, and/or revoke such permits. The applicant shall have the right to appeal denial or revocation of a permit to the city council.
2. Schedule of fees for Loading Zone Permit
- a. Such permit fees shall be \$30.00 for the initial applicant vehicle and \$20.00 for each additional vehicle under the same application. Each additional vehicle must either be registered to the applicant or applicant's organization or in the name of an employee of the applicant or applicant organization. The Chief of Police reserves the right to revoke any application or permit for errors, omissions, or false statement.
 - b. A charge of \$10.00 shall be required for any lost, stolen, or misplaced permits. Permits are not transferrable between and among vehicles.
 - c. Any permit issued after April 1 of the fiscal year, October 1st through September 30th, shall be prorated by 50% of the above fee.
3. Violation of any such terms and conditions shall be grounds for immediate revocation of the permit by the Chief of Police, who shall give written notice thereof to the holder of the permit. Any person whose permit is revoked by the Chief of Police may appeal such decision to the City Council. Such appeal shall be taken by filing written notice thereof, in duplicate, with the city administrator's office within five days after the decision of the Chief of Police. The notice of the appeal shall contain the grounds for the appeal and shall contain information that either the finding is contrary to the law or is not supported by competent substantial evidence. The Chief of Police shall forthwith transmit copies of the appeal to the City Council along with all papers constituting the record upon which the action appealed from is based. The filing of a notice of appeal will not delay the effectiveness of any revocation.

Sec. 78-44. - Removal of illegally parked, abandoned or disabled vehicles.

Members of the police department of the city are hereby authorized, but are not required, to have immediately removed any vehicle from any street or alley or other public place within the city by the city's authorized towing service under the following circumstances:

1. When such vehicle is in violation of any portion of this chapter; or
2. When a vehicle upon a street or alley is:
 - a. disabled or when the person in charge of the vehicle is by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal and the vehicle is obstructing traffic or otherwise creating a safety hazard; or

- b. disabled, abandoned, or otherwise left in a manner obstructing traffic or otherwise creating a safety hazard.
 - c. stolen, subject to forfeiture, being held as evidence or contains evidence in a criminal investigation, or the driver is being arrested and the arresting officer decides to remove the vehicle from the location to protect the vehicle from potential damage.
 3. When any vehicle is parked on any municipal parking facility or area designated or used in connection with city hall, the police station or other municipal property of the city in violation of the posted signs and the permitted uses.
 4. When any motor vehicle remains stopped or parked on any property owned or controlled by the city not designated for parking; longer than allowable posted times; overnight; or in a manner endangering the safety and security of any property owned or controlled by the city. If the towing is due to a security concern, and such concern is ultimately determined to be unfounded, the Chief of Police reserves the right to waive any tow fee.
 5. Storage, cost and removal of impounded vehicles:
 - a. When a vehicle is removed under this chapter, notice of storage and costs shall be sent to the vehicle owner within seven (7) days via certified mail, return receipt requested, pursuant to the provisions of F.S. § 713.78.
 - b. Owner responsibility. The cost of towing, booting, or removing a vehicle impounded or immobilized under this section and the cost of storing the same or removing the immobilization device, shall be chargeable against the vehicle owner and a lien shall be placed upon the vehicle. Before the release of the vehicle, the owner of the vehicle shall pay these charges and any outstanding parking tickets, administrative delinquency or collection fees owed. The vehicle shall be stored in a private place and the towing and/or storage charges shall be set by the private towing company. All of such charges shall be the responsibility of the vehicle owner.
 6. Notice to vehicle owner.
 - a. Upon taking possession of any vehicle, as provided in this section, the towing company shall follow guidelines set forth in F.S. § 715.05 regarding notification of owner, upon towing or removing a motor vehicle.
 - b. Notification shall be by certified mail, return receipt requested, and shall notify the owner and all lien holders of the location of the vehicle and the fact that it is unclaimed. Notice shall be given within seven (7) days excluding Saturday and Sunday, from the date of storage and shall be complete upon mailing.
 - c. If the state of registration is unknown, a good faith best effort to notify the owner shall be made, and such notice shall be given within a reasonable period of time from the date of storag
 7. Recovery.
 - a. The registered owner of a towed, impounded or immobilized vehicle shall be entitled to recover such vehicle only after making payment for the charges and expenses for the cost

of towing or immobilizing such vehicle, plus the cost of storage and any outstanding parking tickets, administrative delinquency or collection fees owed on such vehicle herein specified.

- b. The registered owner of such vehicle shall be responsible for paying the charges and fine(s) as herein provided whether or not such registered owner was the person who unlawfully parked or left standing such vehicle and in each instance the police department shall require payment of the sums herein provided for before restoring possession of such vehicle to the registered owner.

Sec. 78-45. - Official traffic-control devices.

The location and existence of all official traffic-control devices which are in place or in existence on all streets and highways, except state roads, within the boundaries of the city on the effective date of this ordinance are hereby ratified and confirmed and shall be considered to have been authorized by the city council. The city council hereby delegates its authority to place official traffic-control devices on all streets and highways, except state roads, within the boundaries of the city to the Chief of Police, who shall hereafter be responsible for determining the need for placement of official traffic-control devices.

Sec. 78-46. – Overtime parking in parking zones.

1. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle to be parked overtime or beyond the period of legal parking time, and any vehicle in any parking zone longer than the time limit fixed for such zone by sign or ordinance shall be considered to be illegally parked.
2. It shall be unlawful to relocate a vehicle from one parking space within the same parking zone or to relocate a vehicle temporarily from the same parking space unless the vehicle has left the parking zone for an amount of time equal to or greater than the legal time limit for parking fixed for such zone.
3. It shall be unlawful to roll the tires of a vehicle to remove or obscure or attempt to remove or obscure the markings made by parking enforcement personnel prior to removing the vehicle from the parking zone.

Sec. 78-47. – Parking of vehicles without affixed current and valid registration license plate and validation sticker; removing, impounding, or immobilization of vehicles without affixed current and valid registration license plate and validation sticker.

1. No person shall stop, stand, or park a vehicle upon any street, in any off-street parking facility in the city, right-of-way, upon any property owned and controlled by the city, or any private parking area open to the public, unless such vehicle has affixed to it a current and valid registration license plate and validation sticker.
2. Any motor vehicle without a current and valid license plate and validation sticker affixed to it found parked at any time upon any street, in any off-street parking facility in the city, or upon any property owned and controlled by the city may, in addition to the issuance of a parking violation notice, be immediately immobilized by or under the direction of a police officer, parking enforcement specialist, or code enforcement officer in such a manner as to prevent its operation. No such vehicle shall be immobilized by any means other than the use

of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

3. It shall be the duty of the police officer, parking enforcement specialist, or code enforcement officer immobilizing such motor vehicle, or under whose direction such vehicle is immobilized, to post on such vehicle, in a conspicuous place, notice sufficient to inform the owner or operator of the vehicle that:
 - a. Such vehicle has been immobilized pursuant to and by the authority of this Section of the Apopka Code of Ordinances; and
 - b. The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon payment to the police department the fine prescribed in Division 2 of this Article for the offense of parking a vehicle without a current and valid registration license plate and validation sticker affixed to it.
4. It shall be unlawful for anyone, except those persons authorized by the police department, to remove or attempt to remove, tamper with, or in any way damage or alter the immobilization device.
5. If the owner of the immobilized vehicle, or other duly authorized person, does not make arrangements for removal of the immobilization device in accordance with the foregoing provisions within twenty-four (24) hours of the time such motor vehicle was immobilized, a police officer, parking enforcement specialist, or code enforcement officer of the city is hereby authorized to have such vehicle towed by the city's authorized towing company.
 - a. The owner of the vehicle shall be responsible for any and all towing and storage charges along with the civil penalty identified in Division 2.
 - b. The penalty must be remitted prior to the release of the vehicle.

Sec. 78-48. – Removing, impounding, and immobilization of vehicles for non-payment of fines within the section.

1. Any motor vehicle found to have three or more outstanding municipal parking violations that is parked at any time upon any street, in any off-street parking facility in the city, or upon any property owned and controlled by the city may, in addition to the issuance of a parking violation notice, be immediately immobilized by or under the direction of a police officer, parking enforcement specialist, or code enforcement officer in such a manner as to prevent its operation. No such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.
2. It shall be the duty of the police officer, parking enforcement specialist, or code enforcement officer immobilizing such motor vehicle, or under whose direction such vehicle is immobilized, to post on such vehicle, in a conspicuous place, notice sufficient to inform the owner or operator of the vehicle that:
 - a. Such vehicle has been immobilized pursuant to and by the authority of this Section of the Apopka Code of Ordinances.

- b. The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon payment to the police department the fine prescribed in Division 2 or this Article for the offense of parking a vehicle without a current and valid registration license plate and validation sticker affixed to it.
3. It shall be unlawful for anyone, except those persons authorized by the police department to remove or attempt to remove, tamper with, or in any way damage or alter the immobilization device.
4. If the owner of the immobilized vehicle, or other duly authorized person, does not make arrangements for removal of the immobilization device in accordance with the foregoing provisions within twenty-four (24) hours of the time such motor vehicle was immobilized, a police officer, parking enforcement specialist, or code enforcement officer of the city is hereby authorized to have such vehicle towed by the city's authorized towing company.
 - a. The owner of the vehicle shall be responsible for any and all towing and storage charges along with the civil penalty identified in Division 2.
 - b. The penalty must be remitted prior to the release of the vehicle.

Sec. 78-49. – Protection of pedestrians in and around school zones.

1. In order to protect drivers and pedestrians around the Orange County Public Schools within the municipal limits of the city, no person shall load or unload passengers seventeen (17) years of age or younger into or from a vehicle within one-fourth (1/4) mile around such school, on the streets, alleyways, cul-de-sacs, right-of-ways, public parking areas, or private parking areas open to the public, or other such areas, unless on the campus proper of the school, within designated loading or unloading areas provided for such purpose, or under the direction of a police officer or school official.
2. A notice of such prohibition is not required in all areas within one-fourth (1/4) mile around such schools in order to enforce the provisions of this section.

Sec. 78-50 – State statute incorporation

Adoption of state statutes by reference includes statutes both in existence at the time and those later adopted by the state legislature.

Secs. 78-51.—78-60. - Reserved.

DIVISION 2. - CITATIONS; PENALTIES

Sec. 78-61. - Schedule of Fees, Charges, civil penalties; court appearance.

1. Schedule of Charges and Penalties:
 - a. Fines: Any person cited for violation of the regulations set forth in this chapter who submits payment within five (5) working days of the issuance of the citation shall be fined as follows:

<u>Violation</u>	<u>Fine</u>
<u>Any portion of Chapter 78 notwithstanding below.</u>	<u>\$40.00</u>
<u>Sec. 78-39 (4.) – Stopping, standing or parking prohibited in designated handicap parking places</u>	<u>\$250.00</u>
<u>Sec. 78-41 (1.) Curbstoning. (Notwithstanding any tow fees.)</u>	<u>\$100.00</u>
<u>Sec. 78-43 – Loading zone permit</u>	<u>\$50.00</u>
<u>Sec. 78-44 – Removal of illegally parked, abandoned, or disabled vehicles. (Notwithstanding any tow fees.)</u>	<u>\$100.00</u>

b. Penalties

- i. Penalties must be paid within five (5) business days of the date of issuance of the parking violation notice, by either hand delivery to the parking fines unit or by mailing the penalty in the envelope provided with the notice. If such penalty is not paid within five (5) working days as provided in this subsection, the amount of the civil penalty shall be \$10.00 greater than the amount specified for the parking violation as provided in the schedule of penalties above.
- ii. Any person receiving a parking violation notice shall, within five (5) business days, pay the civil penalty as prescribed above, transfer liability to the person who was in the care, custody, or control of the vehicle at the time of the parking violation, or request a hearing. Any person electing to appear before the designated hearing officer shall be deemed to have waived his right to pay the civil penalty as set forth above. The hearing will be governed in accordance with Section 78-66, of the code.

c. Surcharges

- i. A surcharge in the amount of \$10.00 is imposed on all parking fines for parking violations occurring within the city, for the sole purpose of funding school crossing guard programs pursuant to authority of F.S. §.318.12(11).
- ii. This surcharge shall be placed in the school crossing guard trust fund and funds collected from this surcharge shall be distributed to fund school crossing programs. However, the city may set aside funds from this surcharge to pay for startup costs and recurring administrative costs related to printing new tickets or other means of implementing the school crossing guard program.
- iii. Funds collected from this surcharge must be distributed quarterly to fund the school crossing guard programs.
- d. Administrative charges. In addition to the assessment pursuant to section 78-61 herein, administrative charges in the amount of the city’s actual costs may be assessed in the event of an unsuccessful appeal under Section 78-66 or the necessity to institute collection procedures.
- e. Collection of fines. The city may establish procedures for the collection of a penalty imposed herein, and may enforce such penalty by civil action in the nature of debt.

Sec. 78-62. - Liability for payment of penalties.

1. Pursuant to F.S. §316.1967, the owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence, when required by this section, that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within five (5) working days after notification of the parking violation, to furnish to the records unit of the police department an affidavit setting forth the name, address, and driver's license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle.
2. The affidavit submitted under this section is admissible in a proceeding charging a parking ticket violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation, provided it contains, at a minimum, the full name, address, and the date of birth of the person on control, care, or custody of the vehicle at the time of violation and such person must be a valid license holder of one of the fifty States or the several Territories of the United States.
3. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle. If the vehicle was stolen at the time of the parking citation, the owner of the vehicle shall submit an affidavit to the police department indicating that the vehicle was stolen along with a stolen vehicle police report. The owner of a leased vehicle is not responsible for a parking ticket violation and is not required to submit an affidavit or the other evidence specified in this section, if the vehicle is registered in the name of the person who leased the vehicle.

Sec. 78-63. - Failure to obey violation notice; alteration or destruction of violation notice.

1. It shall be unlawful for the responsible party as defined in section 78-62 to neglect to answer to the charge set forth in a parking violation notice affixed to a motor vehicle by an authorized member of the city.
2. The notice referred to in subsection (a) of this section is and shall remain the property of the city before and after the serving, delivery or affixing thereof. All persons receiving any such notice in writing, whether by personal service or by affixing the notice to a motor vehicle, shall be and are hereby required to preserve such notice and to bring and present or otherwise transmit the notice to the police department when answering the charge set forth in such notice.
3. No person, whether the recipient thereof or otherwise, shall willfully throw away, alter, mar, mutilate, destroy or discard the parking violation notice of the city. Any person violating this section shall be subject to the penalty provided in section 78-64.

Sec. 78-64. - Procedure upon noncompliance with violation notice.

If any person summoned by a parking violation notice affixed on a motor vehicle does not respond to such notice within the time period specified on such notice, the police department shall assess the appropriate delinquent fee per violation against the registered owner of the motor vehicle. In addition, a notice of summons shall be sent, by U.S. mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation notice and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a separate

citation may be issued for failure to comply in violation of section 78-63(a). Costs in the amount of \$5.00 shall be assessed incident to each notification process. A violation of section 78-63(a) shall be deemed a separate and distinct violation and shall not be construed to be merged with or a part of the original parking violation.

Sec. 78-65. - Withholding of issuance of license plates and stickers by state.

1. The city police department may prepare and supply to the county clerk's office a list of persons who have three or more outstanding parking violations on a magnetically encoded computer reel or cartridge, or by any other electronic means which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations which occurred within the city.
2. If a person's name appears on the list referred to in subsection (a) of this section, the tax collector shall, in accordance with F.S. § 315.1967 and 320.03, not issue a license plate or revalidation sticker to such person until such person's name no longer appears on the list or until the person presents a receipt showing that such parking fines and all applicable late charges or other related charges have been paid, and also pays an administrative service charge to the tax collector.
3. Pursuant to the authority granted in F.S. §§ 316.1967 and 320.03, this section shall be applicable throughout the city; providing, however, that the police department responsible for enforcement of parking violations in the city shall be responsible for preparing and supplying the applicable list of persons who have three or more outstanding parking violations.

Sec. 78-66. – Procedure for referring cases involving the violation of a municipal parking ordinance to a hearing officer.

1. Guiding Statute:
 - a. Pursuant to F.S. §318.325, any municipality may adopt an ordinance that allows the municipality to refer cases involving the violation of a municipal parking ordinance to a hearing officer.
 - b. Notwithstanding the provisions of F.S. §318.14 and 775.08(3), any parking violation shall be deemed to be an infraction as defined in §318.13(3); however, the violation must be enforced and disposed of in accordance with the provisions of general law applicable to parking violations and in accordance with this code where the violation occurred.
 - c. The police department records unit shall be responsible for collecting and distributing the fines, forfeitures, and court costs assessed under this section.
 - d. Pursuant to F.S. §316.1967, any person who elects to appear before the city's hearing officer to present evidence, waives his or her right to pay the civil penalty provisions of the ticket. The Hearing Officer, after a hearing, shall make a determination as to whether a parking violation has been committed and shall impose the civil penalty designated by ordinance, plus the Hearing Officer shall impose the City approved administrative fee. The administrative fee for parking enforcement hearings and Local Hearings for red light camera infractions shall be the same.
2. Appeal to hearing officer.
 - a. Request for hearing:

- i. The city's code enforcement hearing officer or the city's Local Hearing Officer is authorized to consider disputes under this chapter. The responsible party as defined in section 78-62, shall, within five (5) business days of the date of the notice of infraction, file a request for hearing with the city. Such request shall be in writing, or on a form provided and approved by the Chief of Police, and delivered to the police department records unit. A hearing shall be scheduled.
 - ii. Upon receipt of the request, the city shall schedule a hearing. Notice of hearing shall be provided to the responsible party shall be hand delivered, or delivered by U.S. mail, to the address provided on the request for appeal.
 - iii. If the person receiving the parking violation requests a hearing, but later chooses to cancel the hearing, there will be a fifty (\$50) cancellation fee instead of the city assessed administrative fee in addition to the civil penalty.
 - iv. If a hearing date is set, and the person requesting a hearing wishes to continue the hearing, the person shall request a continuance within five (5) business days of the hearing. The request for continuance may be granted one time for cause but shall be assessed an additional fifty (\$50) cancellation fee.
- b. The hearing
- i. Formal rules of evidence do not apply at the hearing, but due process shall be observed and govern the proceedings.
 - ii. Any person, who requests a hearing and does not appear at the hearing, shall waive their right to be heard at the hearing and waives their right to present additional evidence or additional defenses. The Local Hearing Officer or City Code Enforcement Hearing Officer may make a determination as to whether a parking violation was committed based on the evidence presented at the hearing by the City.
3. Unless an affidavit is provided pursuant to section 78-62, it is presumed the person registered as the vehicle owner with the Florida Department of Motor Vehicles or any other state vehicle registration office, or an individual having the owner's consent, was operating the vehicle at the time of the infraction.

Secs. 78-67—78-80. - Reserved.

SECTION 3. CODIFICATION. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

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

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

READ FIRST TIME: February 15, 2017

READ SECOND TIME
AND ADOPTED: March 1, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda G. Goff, City Clerk

APPROVED as to form and legality for
use and reliance by the City of Apopka,
Florida.

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: February 3, 2017
February 24, 2017

EXHIBIT "A"

~~ARTICLE II. STOPPING, STANDING AND PARKING~~

~~DIVISION 1. GENERALLY~~

~~Sec. 78-36. Authority to designate parking time limits.~~

~~The chief of police may designate time limits for parking on streets and install street signs, as may be necessary, to indicate the parking limit placed on any street or portion of such street.~~

~~Sec. 78-37. Manner of stopping, standing, or parking.~~

~~(a) No person shall stop, stand or park a vehicle, or trailer, whether motorized or otherwise, nor conex or container upon any street, regardless of whether or not there is a posting prohibiting such action, except as follows:~~

~~(1) Upon a street which has been marked or a sign erected for angle parking, a vehicle shall be parked at the angle to the curb indicated by such mark or sign or upon a street which has been marked or a sign erected for parallel parking with the edge of the street, headed in the direction of traffic and with the curbside wheels of the vehicle within 12 inches of the edge of the street.~~

~~(2) In a place where, and at hours when, stopping for the loading or unloading of merchandise or materials is permitted, a vehicle used for the transportation of merchandise or materials may back into the curb to take on or discharge its load when the owner of such vehicle holds a loading zone permit granting him such privilege in accordance with this Code. Such permit shall be on the rear of the vehicle at the time. It shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit.~~

~~(3) This section shall not apply to the driver or owner of any vehicle which is disabled while on the paved or main traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position, or to passenger-carrying buses, or licensed taxis, temporarily parked while loading or discharging passengers, where conditions render such parking off the paved portion of the street hazardous or impractical nor will this section apply to family or social gatherings provided all other restrictions are followed and all driveway and on-site parking is first occupied. In any case where an exception exists to park on a street, the vehicle(s) must be parked within 12 inches of the curb and with the flow of traffic and adhering to all other parking rules including, but not limited to, not blocking traffic or parking within 30 feet of an intersection or curve or within 15 feet of a fire hydrant.~~

~~a. It is prima facie evidence of a violation of this section if the vehicle(s) parked in the street under this exception are registered (or leased) to an address on the street parked, are registered in the name of a person living on the street parked, or, in any case, found to be parked in the street for sequential days.~~

~~b. For the purpose of this section a "family or social gathering" is defined as a special occasion such as birthdays, graduation, holidays, or other special events. It is not intended for the routine gathering or meeting whether daily, weekly or monthly. Exceptions under this section are considered affirmative defenses and must be proved by the defendant in a hearing.~~

- ~~(4) For the purposes of this chapter "stopping, standing, or parking" is considered the halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a police officer or traffic control sign or signal.~~
- ~~(b) Parking of trailers, etc., prohibited. For the purpose of this section, the term "trailer" shall mean and include any vehicle or device, with or without motorized power, designed for carrying persons or property and for being drawn by a motor vehicle. The term shall include, but not be limited to, vehicles or devices designed, manufactured or used for: transporting or carrying boats, jet skis, or similar watercraft; transporting or carrying motor scooters or motorcycles; transporting or carrying automobiles, trucks, buses or similar motor vehicles; or a dwelling place, living abode or sleeping place (either permanently or temporarily) and equipped for use as a conveyance on streets and highways. This excludes portable signs.~~
- ~~(1) No person shall park a trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:~~
- ~~a. On any sidewalk;~~
 - ~~b. On any public street, highway or street;~~
 - ~~c. On any public right-of-way;~~
 - ~~d. Bicycle lane or trail; or~~
 - ~~e. On any city park or city recreation facility except where specifically authorized by a police officer, park ranger, firefighter, code enforcement officer, recreation attendant, or permitted by an official sign. If so permitted, only for the purpose of, and during the time of, visiting or using the park or recreation facility where such parking is permitted.~~
- ~~(2) Nothing in this section shall apply to a work or utility trailer being used to assist in the performance of such work, on a temporary basis and with proper maintenance of traffic protocol in place and in a manner not to obstruct the flow of traffic.~~
- ~~(c) Nothing in this section ((a) or (b), above) shall apply to temporary (max. of 72 hours) parking of recreational vehicles or trailered vessels when necessary for loading, unloading, cleaning or other preparations as may be necessary for the residents themselves provided all other restrictions are followed and all driveway and onsite parking is first occupied (or is otherwise unusable) and such vessel is registered (or leased) to the owner or occupier of the residence upon the street parked. In any case where an exception exists to park on a street, the vehicle(s) or trailer must be parked within 12 inches of the curb and with the flow of traffic and adhering to all other parking rules including, but not limited to, not blocking traffic or parking within 30 feet of an intersection or curve or within 15 feet of a fire hydrant. Nothing in this section is meant to be in conflict with restrictions in storage of such vehicles identified in 7.02.04 "Storage of boats and recreational vehicles" of the Land Development Code). Exceptions under this section are considered affirmative defenses and must be proved by the defendant in a hearing.~~
- ~~(d) Commercial vehicles:~~
- ~~(1) Vehicles considered to be commercial vehicles in accordance with the Apopka LDC are prohibited from parking in any residential area at any time. Nothing in this section precludes a bonafide vendor from using a commercial vehicle in conducting legitimate business and for its~~

~~designed purpose. Promotional trucks or other commercial vehicles being used for promotional purposes are specifically prohibited.~~

- ~~(2) Vehicles considered to be commercial vehicles in accordance with the Apopka LDC are prohibited from parking in any business district unless specifically owned or leased by such business having ownership or control of the property. Such vehicles shall not be used in an effort to advertise or promote the business through the method of parking or position in relation to the traveling public in an effort contrary to the spirit of the city's sign codes and ordinances. Such vehicles shall be located in a bona fide parking space unless being actively loaded or unloaded.~~
- ~~(3) For purposes of this section, "commercial vehicle" means a tractor cab, or tractor trailer or truck with a tandem rear axle or a gross vehicle weight of over 10,000 pounds, or having a length greater than 21 feet, or height greater than ten feet, or buses used for transporting passengers for a fee, taxicabs, shuttle vans, limousines or vans used to transport passengers for a fee. Any vehicle with external modifications designed to be used for the purpose of lifting objects or persons above the height of the vehicle is included as a commercial vehicle. Step vans, flatbed and stake bed trucks, wreckers, farm equipment, dump trucks and earth moving equipment are included as commercial vehicles. Sport utility vehicles, family vans not transporting passengers for a fee and standard manufactured pick-up trucks, and dual rear wheel pick-up trucks used for personal use are expressly excluded from the definition of commercial vehicle. Also excluded from the definition of commercial vehicle are light duty class "A" wreckers when they are authorized by the city.~~

~~Sec. 78 38. Obstructing traffic.~~

- ~~(a) No person shall stop, stand or park any vehicle in a street in such a manner or under such conditions as to leave available less than ten feet of the width of any lane of the street for free movement of vehicular traffic, except when necessary in obedience to a traffic regulation or a traffic sign or signal or police officer.~~
- ~~(b) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street when it is practicable to stop, park, or so leave the vehicle off such part of the street; but in every event, an unobstructed width of the street opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available in each direction upon the highway.~~
- ~~(c) No person shall stop, park, or leave standing any vehicle, whether attended or unattended in an alley so as to provide free passage for emergency vehicles.~~

~~Sec. 78 39. Stopping, standing and parking prohibited in specified places.~~

~~No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:~~

- ~~(1) Opposite a dead end or jog street outside of the central business district.~~
- ~~(2) At any place in such a manner as to block access to commercial refuse containers by the city refuse removal equipment.~~
- ~~(3) Alongside any curb which has been painted yellow or red, unless otherwise specifically permitted by appropriate signs or devices posted by the city.~~

- ~~(4) In any parking space specifically designated and marked for the disabled unless such vehicle displays a parking permit as required by state law, or in such a manner as to block or obstruct a wheelchair ramp.~~

~~Sec. 78-40. Stopping, standing, or parking in place where prohibited by sign or markings.~~

~~No person shall park a vehicle at any place where an official sign or marking prohibits stopping, standing, or parking. However, nothing in this article shall prevent a bona fide emergency vehicle from stopping, standing, or parking in any area, whether posted or not, during and for the performance of official duties.~~

~~Sec. 78-41. Parking for certain purposes prohibited.~~

~~(a) No person shall stand or park a vehicle upon a public or private street, public parking lot or any other public property for the principal purpose and intent of displaying such vehicle thereon for sale, hire or rental.~~

~~(b) No person shall stand or park a vehicle pursuant to F.S. § 316.1951.~~

~~(1) Prohibitions:~~

~~a. It is unlawful for any person to park a motor vehicle, as defined in F.S. § 320.01, upon a public street or highway, a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such paved property by city licensing regulations.~~

~~1. This provision does not prohibit a person from parking his or her own motor vehicle or his or her other personal property on any private real property which the person owns or leases or on private real property which the person does not own or lease, but for which he or she obtains the permission of the owner, or on the public street immediately adjacent thereto, for the principal purpose and intent of sale, hire, or rental.~~

~~2. Nor does this provision prohibit a licensed motor vehicle dealer from displaying for sale or offering for sale motor vehicles at locations other than the dealer's licensed location if the dealer has been issued a supplemental license for off premises sales, as provided, and has complied with the requirements within this section; however, a vehicle displayed for sale by a licensed dealer at any location other than the dealer's licensed location is subject to immediate removal without warning.~~

~~i. It is unlawful to offer a vehicle for sale if the vehicle identification number has been destroyed, removed, covered, altered, or defaced, as described in F.S. § 319.33(1)(d). A vehicle found in violation of this subsection is subject to immediate removal without warning.~~

~~ii. It is unlawful to knowingly attach to any motor vehicle a registration that was not assigned or lawfully transferred to the vehicle pursuant to F.S. § 320.261. A vehicle found in violation of this subsection is subject to immediate removal without warning.~~

- ~~iii. It is unlawful to display or offer for sale a vehicle that does not have a valid registration as provided in F.S. § 320.02. A vehicle found in violation of this subsection is subject to immediate removal without warning. This subsection does not apply to vehicles and recreational vehicles being offered for sale through motor vehicle auctions as defined in F.S. § 320.27(1)(c)4.~~
- ~~iv. A vehicle is subject to immediate removal without warning if it bears a telephone number that has been displayed on three or more vehicles offered for sale within a 12-month period.~~
- ~~v. Any other provision of law to the contrary notwithstanding, a violation of this section shall subject the owner of such motor vehicle to towing fees reasonably necessitated by removal and storage of the motor vehicle and a fine as required below.~~

~~(2) A police officer or code enforcement officer of the city, pursuant to state statute and this article, shall tow and hold upon remittance of the civil penalty, a motor vehicle parked in violation of this section.~~

~~a. Any motor vehicle found in violation of this section shall be held by the authorized towing company contracted with the city and assessed a fine of \$100.00 payable to the city.~~

~~b. The vehicle shall not be released from impound before the fine has been paid.~~

~~(c) No person shall stand or park a vehicle upon any street for the principal purpose of painting, greasing or repairing such vehicle, except repairs necessitated by an emergency.~~

~~(d) No person shall stand or park a vehicle upon any parking lot or in front of any business unless such business is licensed and zoned for such activity.~~

~~(e) No person shall stand or park a vehicle upon any street for the principal purpose of washing or polishing such vehicle or any part thereof, when a charge is made for such service. However, bona-fide, temporary car washes conducted with the intent of raising funds for a non-profit entity upon publicly accessed and traveled parking and business lots may be allowed given they are properly authorized by the property owner; last no longer than six hours; and are conducted on Saturdays only.~~

~~(f) No person shall stand or park a vehicle upon any street or alley for the principal purpose of displaying advertising.~~

~~(g) No person shall stand or park a vehicle upon any street or alley for the principal purpose of selling merchandise from the motor vehicle, except in a duly established marketplace or when so authorized or licensed under the laws of the city.~~

~~Sec. 78 42. Use of loading zones.~~

~~(a) No person shall stop, stand or park a vehicle in any place marked as a passenger zone for a period of time longer than the time indicated by signs or other appropriate markings or devices.~~

~~(b) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone during the hours when the provisions applicable to loading zones are in effect. Such vehicle must have attached in a conspicuous place on the rear of the vehicle a permit issued pursuant~~

~~to section 78-43 for such loading and unloading. In no case shall the stop for loading and unloading of materials exceed 30 minutes.~~

~~Sec. 78-43. Loading zone permit.~~

- ~~(a) The chief of police or his designee shall issue to applicants as provided in this section, tag permits for the use of loading and unloading zones, which shall be effective October 1 through September 30. Such permits shall be issued at a prorated rate as identified in Division 2 "Citations; Penalties" within this article. The chief of police or his designee is further authorized to establish rules and regulations governing such designated freight loading and unloading zones, and the use thereof.~~
- ~~(b) The application for such permit shall contain the following information:
 - ~~(1) Whether the applicant is a wholesaler, retailer or common carrier.~~
 - ~~(2) The number of vehicles operated by the applicant.~~
 - ~~(3) The number of vehicles owned by the applicant which will carry loading and unloading permits.~~
 - ~~(4) The average number of stops per day for loading and unloading purposes.~~
 - ~~(5) The name of the business, the type of business, the location of the business, and the mailing address and telephone number of the business.~~
 - ~~(6) The names and driver's license numbers of the employed or contracted drivers doing business within the city.~~~~
- ~~(c) All applications will be submitted in writing to the chief of police or his designee, and the chief of police or his designee shall have the authority to issue such permits. The applicant shall have the right to appeal to the city council.~~
- ~~(d) Violation of any such terms and conditions shall be grounds for immediate revocation of the permit by the chief of police, who shall give written notice thereof to the holder of the permit. The permit holder may appeal such revocation to the city council, pursuant to Article XII of the Code of Ordinances, by filing a written notice of appeal with the city clerk within seven working days from the date of the revocation notice. Should the permit be revoked, any and all fees paid in advance shall be forfeited and retained by the city, subject to further action by city council in the event of appeal.~~

~~Sec. 78-44. Removal of illegally parked, abandoned or disabled vehicles.~~

~~Members of the police department of the city are hereby authorized, but are not required, to have immediately removed any vehicle from any street or alley or other public place within the city by the city's authorized towing service under the following circumstances:~~

- ~~(1) When any vehicle is left unattended:
 - ~~a. On a sidewalk;~~
 - ~~b. In front of a public or private driveway;~~
 - ~~c. Within 15 feet of a fire hydrant or in a fire lane;~~
 - ~~d. Within an intersection;~~
 - ~~e. On a crosswalk;~~
 - ~~f. In a space designated for emergency vehicles only;~~~~

- ~~g. Bicycle trail or lane;~~
 - ~~h. Within 20 feet of a driveway entrance to a fire station, and, if prohibited by a sign, on the side of a street opposite such station;~~
 - ~~i. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic and is prohibited by sign;~~
 - ~~j. At any place where official signs prohibit parking, stopping or standing and the vehicle is obstructing traffic or otherwise creating a safety hazard;~~
 - ~~k. Between a safety zone and the nearest curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the city engineer has indicated a different length;~~
 - ~~l. In a city off street parking facility or parking meter zone for any period of time longer than 24 hours or upon any particular street for a period of time longer than 72 consecutive hours, unless during the 72 hour period the vehicle has been removed from the particular street for a period of at least 12 consecutive hours;~~
 - ~~m. Upon any bridge, elevated structure, viaduct, or causeway, where such vehicle is obstructing traffic or otherwise creating a safety hazard;~~
 - ~~n. In any space which has been officially reserved by a sign so indicating; or~~
 - ~~p. In a metered parking space which has been reserved by an official sign or covered by a bag placed thereon by the city and indicating "No Public Parking."~~
- ~~(2) When a vehicle upon a street or alley is:~~
- ~~a. Disabled or when the person in charge of the vehicle is by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal and the vehicle is obstructing traffic or otherwise creating a safety hazard; or~~
 - ~~b. Disabled, abandoned, or otherwise left in a manner obstructing traffic or otherwise creating a safety hazard.~~
- ~~(3) When any vehicle is parked on any municipal parking facility or area designated or used in connection with City Hall, the police station or other municipal property of the city in violation of the posted signs and the permitted uses.~~
- ~~(4) When any motor vehicle remains stopped or parked on any property owned or controlled by the city not designated for parking for a period longer than 12 hours; longer than allowable posted times; overnight; or in a manner endangering the safety and security of the facility. If the towing is due to a security concern, and such concern is ultimately determined to be unfounded, the chief of police reserves the right to waive any tow fee.~~
- ~~(5) Storage, cost and removal of impounded vehicles:~~
- ~~a. [Vehicle removal; notification.] When a vehicle is removed under this chapter, notice of storage and costs shall be sent to the vehicle owner within seven days via certified mail, return receipt requested, pursuant to the provisions of F.S. § 713.78.~~
 - ~~b. Owner responsibility. The cost of towing, booting, or removing a vehicle impounded or immobilized under this section and the cost of storing the same or removing the immobilization device, shall be chargeable against the vehicle owner and a lien shall be~~

~~placed upon the vehicle. Before the release of the vehicle, the owner of the vehicle shall pay these charges and any outstanding parking tickets, administrative delinquency or collection fees owed. The vehicle shall be stored in a private place and the towing and/or storage charges shall be set by the private towing company. All of such charges shall be the responsibility of the vehicle owner.~~

- ~~e. *Notice to vehicle owner.* Upon taking possession of any vehicle, as provided in this section, the towing company shall follow guidelines set forth in F.S. § 715.05 regarding notification of owner, upon towing or removing a motor vehicle. Notification shall be by certified mail, return receipt requested, and shall notify the owner and all lien holders of the location of the vehicle and the fact that it is unclaimed. Notice shall be given within seven days excluding Saturday and Sunday, from the date of storage and shall be complete upon mailing. If the state of registration is unknown, a good faith best effort to notify the owner shall be made, and such notice shall be given within a reasonable period of time from the date of storage.~~
- ~~d. *Recovery.* The registered owner of a towed, impounded or immobilized vehicle shall be entitled to recover such vehicle only after making payment for the charges and expenses for the cost of towing or immobilizing such vehicle, plus the cost of storage and any outstanding parking tickets, administrative delinquency or collection fees owed on such vehicle herein specified. The registered owner of such vehicle shall be responsible for paying the charges and fine(s) as herein provided whether or not such registered owner was the person who unlawfully parked or left standing such vehicle and in each instance the police department shall require payment of the sums herein provided for before restoring possession of such vehicle to the registered owner.~~
- ~~e. *Sale of unredeemed vehicle(s).* If an impounded vehicle is not claimed and all charges paid within 30 days after the city has taken possession of such vehicle, an action may be commenced in the court having jurisdiction by legal counsel representing the city in the name of the city, as plaintiff, and against the name of the owner, as defendant, for the amount of the charges due, plus attorney's fees and costs incurred in the action. Upon judgment being obtained in favor of the city, the vehicle may be levied upon and sold for the purpose of satisfying the judgment.~~

~~Sec. 78-45. Official traffic control devices.~~

~~The location and existence of all official traffic control devices which are in place or in existence on all streets and highways, except state roads, within the boundaries of the city on the effective date of this ordinance are hereby ratified and confirmed and shall be considered to have been authorized by the city council. The city council hereby delegates its authority to place official traffic control devices on all streets and highways, except state roads, within the boundaries of the city to the chief of police, who shall hereafter be responsible for determining the need for placement of official traffic control devices.~~

~~Sec. 78-46. Overtime parking in parking zones.~~

- ~~(a) It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle to be parked overtime or beyond the period of legal parking time, and any vehicle in any parking zone longer than the time limit fixed for such zone by sign or ordinance shall be considered to be illegally parked.~~
- ~~(b) It shall be unlawful to relocate a vehicle from one parking space within the same parking zone or to relocate a vehicle temporarily from the same parking space unless the vehicle has left the parking~~

~~zone for an amount of time equal to or greater than the legal time limit for parking fixed for such zone.~~

- ~~(c) It shall be unlawful to roll the tires of a vehicle to remove or obscure or attempt to remove or obscure the markings made by parking enforcement personnel prior to removing the vehicle from the parking zone.~~

~~Sec. 78 47.— Parking of vehicles without affixed current and valid registration license plate and validation sticker; removing, impounding, or immobilization of vehicles without affixed current and valid registration license plate and validation sticker.~~

- ~~(a) No person shall stop, stand, or park a vehicle upon any street, in any off-street parking facility in the city, or upon any property owned and controlled by the city unless such vehicle has affixed to it a current and valid registration license plate and validation sticker.~~

- ~~(b) Any motor vehicle without a current and valid license plate and validation sticker affixed to it found parked at any time upon any street, in any off-street parking facility in the city, or upon any property owned and controlled by the city may, in addition to the issuance of a parking violation notice, be immediately immobilized by or under the direction of a police officer, parking enforcement specialist, or code enforcement officer in such a manner as to prevent its operation. No such vehicle shall be immobilized by any means other than the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.~~

- ~~(c) It shall be the duty of the police officer, parking enforcement specialist, or code enforcement officer immobilizing such motor vehicle, or under whose direction such vehicle is immobilized, to post on such vehicle, in a conspicuous place, notice sufficient to inform the owner or operator of the vehicle that:~~

- ~~(1) Such vehicle has been immobilized pursuant to and by the authority of this section of the Apopka Code of Ordinances; and~~

- ~~(2) The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon payment to the police department the fine prescribed in Division 2 of this article for the offense of parking a vehicle without a current and valid registration license plate and validation sticker affixed to it.~~

- ~~(d) It shall be unlawful for anyone, except those persons authorized by the police department, to remove or attempt to remove, tamper with, or in any way damage or alter the immobilization device.~~

- ~~(e) If the owner of the immobilized vehicle, or other duly authorized person, does not make arrangements for removal of the immobilization device in accordance with the foregoing provisions within 24 hours of the time such motor vehicle was immobilized, a police officer, parking enforcement specialist, or code enforcement officer of the city is hereby authorized to have such vehicle towed by the city's authorized towing company.~~

- ~~(1) The owner of the vehicle shall be responsible for any and all towing and storage charges along with the civil penalty identified in Division 2.~~

- ~~(2) The penalty must be remitted prior to the release of the vehicle.~~

~~Sec. 78 48.— Removing, impounding, and immobilization of vehicles for non-payment of fines within the section.~~

- ~~(a) Any motor vehicle found to have three or more outstanding municipal parking violations that is parked at any time upon any street, in any off-street parking facility in the city, or upon any property owned and controlled by the city may, in addition to the issuance of a parking violation notice, be immediately immobilized by or under the direction of a police officer, parking enforcement specialist, or code enforcement officer in such a manner as to prevent its operation. No such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.~~
- ~~(b) It shall be the duty of the police officer, parking enforcement specialist, or code enforcement officer immobilizing such motor vehicle, or under whose direction such vehicle is immobilized, to post on such vehicle, in a conspicuous place, notice sufficient to inform the owner or operator of the vehicle that:—~~
 - ~~(1) Such vehicle has been immobilized pursuant to and by the authority of this section of the Apopka Code of Ordinances.~~
 - ~~(2) The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon payment to the police department the fine prescribed in Division 2 of this article for the offense of parking a vehicle without a current and valid registration license plate and validation sticker affixed to it.~~
- ~~(c) It shall be unlawful for anyone, except those persons authorized by the police department to remove or attempt to remove, tamper with, or in any way damage or alter the immobilization device.~~
- ~~(d) If the owner of the immobilized vehicle, or other duly authorized person, does not make arrangements for removal of the immobilization device in accordance with the foregoing provisions within 24 hours of the time such motor vehicle was immobilized, a police officer, parking enforcement specialist, or code enforcement officer of the city is hereby authorized to have such vehicle towed by the city's authorized towing company.~~
 - ~~(1) The owner of the vehicle shall be responsible for any and all towing and storage charges along with the civil penalty identified in Division 2.~~
 - ~~(2) The penalty must be remitted prior to the release of the vehicle.~~

~~Sec. 78-49. Protection of pedestrians in and around school zones.~~

- ~~(a) In order to protect drivers and pedestrians around the Orange County Public Schools within the municipal limits of the city, no person shall load or unload passengers 17 years of age or younger into or from a vehicle within one-fourth mile around such school, on the streets, alleyways, culs-de-sac, rights-of-way, or other such areas, unless on the campus proper of the school, within designated loading or unloading areas provided for such purpose, or under the direction of a police officer or school official.~~
- ~~(b) A notice of such prohibition is not required in all areas within one-fourth mile around such schools in order to enforce the provisions of this section.~~

~~Sec. 78-50. State statute incorporation.~~

~~Adoption of state statutes by reference includes statutes both in existence at the time and those later adopted by the state legislature.~~

~~Secs. 78-51—78-60. Reserved.~~

~~DIVISION 2. CITATIONS; PENALTIES~~

~~Sec. 78-61. Schedule of civil penalties; court appearance.~~

~~(a) Schedule of charges and penalties:~~

~~(1) *Fines:* Any person cited for violation of the regulations set forth in this chapter who submits payment within five working days of the issuance of the citation shall be fined as follows:~~

Violation	Fine
Sec. 78-37 Manner of stopping, standing, or parking	\$30.00
Sec. 78-38 Obstructing traffic	\$30.00
Sec. 78-39(1-3) Stopping, standing or parking prohibited in specified places	\$30.00
Sec. 78-39(4) Stopping, standing or parking prohibited in designated handicap parking places	\$100.00
Sec. 78-40 Stopping, standing, or parking where prohibited by sign or markings	\$30.00
Sec. 78-41 Parking for certain purposes prohibited	\$30.00
Sec. 78-42 Use of loading zones	\$30.00
Sec. 78-43 Loading zone permit	\$50.00
Sec. 78-44 Removal of illegally parked, abandoned, or disabled vehicles	\$30.00
Sec. 78-46 Overtime parking in parking zones	\$30.00
Sec. 78-47 Parking of vehicles without current and valid registration, et. al.	\$30.00
Sec. 78-48 Protection of pedestrians in and around school zones	\$30.00

~~(2) *Penalties:* Provided the penalty is paid within five working days of the date of issuance of the parking violation notice, by either hand delivery to the parking fines unit or by mailing the penalty in the envelope provided with the notice. If such penalty is not paid within five working days as provided in this subsection, the amount of the civil penalty shall be \$10.00 greater than the amount specified for the parking violation as provided in the schedule of penalties above.~~

~~Any person receiving a parking violation notice shall, within five working days, pay the civil penalty as prescribed above or request a hearing. Any person electing to appear before the designated hearing officer shall be deemed to have waived his right to pay the civil penalty as set forth above. The hearing will be governed in accordance with section 78-66 of the Code.~~

~~(3) Surcharges:~~

- ~~a.— A surcharge in the amount of \$10.00 is imposed on all parking fines for parking violations occurring within the city, for the sole purpose of funding school crossing guard programs pursuant to authority of F.S. § 318.12(11).~~
- ~~b.— This surcharge shall be placed in the school crossing guard trust fund and funds collected from this surcharge shall be distributed to fund school crossing programs. However, the city may set aside funds from this surcharge to pay for startup costs and recurring administrative costs related to printing new tickets or other means of implementing the school crossing guard program.~~
- ~~c.— Funds collected from this surcharge must be distributed quarterly to fund the school crossing guard programs.~~

~~(4) Administrative charges:~~

- ~~a.— In addition to the assessment pursuant to section 78-61 herein, administrative charges in the amount of the city's actual costs may be assessed in the event of an unsuccessful appeal under section 78-66 or the necessity to institute collection procedures.~~

~~(5) Collection of fines: The city may establish procedures for the collection of a penalty imposed herein, and may enforce such penalty by civil action in the nature of debt.~~

~~a.— Schedule of fees:~~

~~1.— Section 78-43, "Loading Zone Permit"~~

- ~~(a) Such permit fees shall be \$30.00 for the initial applicant vehicle and \$20.00 for each additional vehicle under the same application. Each additional vehicle must either be registered to the applicant or applicant's organization or in the name of an employee of the applicant or applicant organization. The chief of police reserves the right to revoke any application or permit for errors, omissions, or false statement.~~
- ~~(b) A charge of \$10.00 shall be required for any lost, stolen, or misplaced permits. Permits are not transferrable between and among vehicles.~~
- ~~(c) Any permit issued after April 1 of the fiscal year, October 1st through September 30th, shall be prorated by 50 percent of the above fee.~~

~~Sec. 78-62.— Liability for payment of penalties.~~

- ~~(a) Pursuant to F.S. § 316.1967, the owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence, when required by this section, that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within five working days after notification of the parking violation, to furnish to the records unit of the police department an affidavit setting forth the~~

~~name, address, and driver's license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle.~~

- ~~(b) The affidavit submitted under this section is admissible in a proceeding charging a parking ticket violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation.~~
- ~~(c) The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle. The owner of a leased vehicle is not responsible for a parking ticket violation and is not required to submit an affidavit or the other evidence specified in this section, if the vehicle is registered in the name of the person who leased the vehicle.~~

~~Sec. 78-63. Failure to obey violation notice; alteration or destruction of violation notice.~~

- ~~(a) It shall be unlawful for the responsible party as defined in section 78-62 to neglect to answer to the charge set forth in a parking violation notice affixed to a motor vehicle by an authorized member of the city.~~
- ~~(b) The notice referred to in subsection (a) of this section is and shall remain the property of the city before and after the serving, delivery or affixing thereof. All persons receiving any such notice in writing, whether by personal service or by affixing the notice to a motor vehicle, shall be and are hereby required to preserve such notice and to bring and present or otherwise transmit the notice to the police department when answering the charge set forth in such notice.~~
- ~~(c) No person, whether the recipient thereof or otherwise, shall willfully throw away, alter, mar, mutilate, destroy or discard the parking violation notice of the city. Any person violating this section shall be subject to the penalty provided in section 78-64.~~

~~Sec. 78-64. Procedure upon noncompliance with violation notice.~~

- ~~(a) If any person summoned by a parking violation notice affixed on a motor vehicle does not respond to such notice within the time period specified on such notice, the police department shall assess the appropriate delinquent fee per violation against the registered owner of the motor vehicle. In addition, a notice of summons shall be sent, by certified mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation notice and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a separate citation may be issued for failure to comply in violation of section 78-63(a). Costs in the amount of \$5.00 shall be assessed incident to each notification process. A violation of section 78-63(a) shall be deemed a separate and distinct violation and shall not be construed to be merged with or a part of the original parking violation.~~

~~Sec. 78-65. Withholding of issuance of license plates and stickers by state.~~

- ~~(a) The city police department may prepare and supply to the county clerk's office, traffic violations bureau, a list of persons who have three or more outstanding parking violations. The county clerk's office will forward the list of the named persons to the state department of highway safety and motor vehicles on a magnetically encoded computer reel, cartridge, or by any other electronic means which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations which occurred within the city.~~

- ~~(b) If a person's name appears on the list referred to in subsection (a) of this section, the tax collector shall, in accordance with F.S. §§ 315.1967 and 320.03, not issue a license plate or revalidation sticker to such person until such person's name no longer appears on the list or until the person presents a receipt showing that such parking fines and all applicable late charges or other related charges have been paid, and also pays an administrative service charge to the tax collector.~~
- ~~(c) Pursuant to the authority granted in F.S. §§ 316.1967 and 320.03, this section shall be applicable throughout the city; providing, however, that the police department responsible for enforcement of parking violations in the city shall be responsible for preparing and supplying the applicable list of persons who have three or more outstanding parking violations.~~

~~Sec. 78-66. Procedure for referring cases involving the violation of a municipal parking ordinance to a hearing officer.~~

~~(a) Guiding statute:~~

- ~~(1) Pursuant to F.S. § 318.325, any municipality may adopt an ordinance that allows the municipality to refer cases involving the violation of a municipal parking ordinance to a hearing officer.~~
- ~~a. Notwithstanding the provisions of F.S. §§ 318.14 and 775.08(3), any parking violation shall be deemed to be an infraction as defined in F.S. § 318.13(3); however, the violation must be enforced and disposed of in accordance with the provisions of general law applicable to parking violations and in accordance with this Code where the violation occurred.~~
- ~~b. The police department records unit shall be responsible for collecting and distributing the fines, forfeitures, and court costs assessed under this section.~~
- ~~(2) Pursuant to F.S. § 316.1967, any person who elects to appear before the city's hearing officer to present evidence, waives his or her right to pay the civil penalty provisions of the ticket. The hearing officer, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100.00 or the fine amount designated by ordinance, plus court costs. Any person who fails to pay the civil penalty within the time allowed by the hearing officer is deemed to have been convicted of a parking ticket violation, and the city may take appropriate measures to enforce collection of the fine.~~

~~(b) Appeal to hearing officer:~~

~~(1) Request for appeal:~~

- ~~a. The city's code enforcement hearing officer is authorized to consider appeals under this chapter. The responsible party as defined in section 78-62, shall, within five business days of the date of the notice of infraction, file an appeal with the city. Such request for appeal shall be in writing, or on a form provided and approved by the chief of police, and delivered to the police department records unit. A hearing on the appeal shall be scheduled.~~
- ~~b. Upon receipt of the appeal, the city shall schedule a hearing before the hearing officer to occur not later than 60 days after the city receives the appeal request. Notice of hearing shall be provided to the responsible party as defined in section 78-62 no less than ten days prior to the hearing, and shall be delivered via certified mail, return receipt requested, to the address provided on the request for appeal.~~

~~(2) The following shall be permissible grounds for an appeal:~~

- a. ~~At the time of the infraction, the vehicle was not under the care, custody, or control of the vehicle owner or an individual with vehicle owner's consent, established pursuant to affidavit as provided in section 78-62;~~
 - b. ~~The motor vehicle driver was issued a uniform traffic citation by a police officer, which was separate and distinct from the citation issued under this section, for the same offense cited within the parking violation;~~
 - c. ~~Any other reason the hearing officer deems appropriate. The member issuing the contested citation shall be available and may testify at the appeal; or~~
 - d. ~~The vehicle owner, or his or her representative, may also present testimony and evidence.~~
- (3) ~~Unless an affidavit is provided pursuant to section 78-62, it is presumed the person registered as the vehicle owner with the Florida Department of Motor Vehicles or any other state vehicle registration office, or an individual having the owner's consent, was operating the vehicle at the time of the infraction.~~

~~Secs. 78-67—78-80. Reserved.~~

Backup material for agenda item:

2. Ordinance No. 2555 – First Reading – Comprehensive Plan – Small Scale Amendment – Legislative Florence Elizabeth



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Community Development
 EXHIBITS: Land Use Report
 Vicinity Map
 Adjacent Zoning Map
 Adjacent Uses Map
 Adjacent/Proposed FLU Map
 Ordinance No. 2555

SUBJECT: ORDINANCE NO. 2555 - SMALL SCALE – FUTURE LAND USE AMENDMENT – SMITH FAMILY REVOCABLE LIVING TRUST

REQUEST: FIRST READING OF ORDINANCE NO. 2555 - SMALL SCALE – FUTURE LAND USE AMENDMENT – SMITH FAMILY REVOCABLE LIVING TRUST FROM “COUNTY” RURAL (1 DU/10 AC) TO “CITY” AGRICULTURE (1 DU/5 AC); AND HOLD OVER FOR SECOND READING & ADOPTION. (PARCEL ID #S: 06-20-28-0000-00-047; 06-20-28-0000-00-066)

SUMMARY:

APPLICANT: City of Apopka
 LOCATION: East of Mt. Plymouth Road, south of Boch Road
 EXISTING USE: Manufactured Homes/Grazing
 CURRENT ZONING: “County” A-2 (ZIP)
 PROPOSED DEVELOPMENT: Manufactured Homes (existing)
 PROPOSED ZONING: “City” AG (Agriculture) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County”A-2 to “City” AG [Agriculture].)
 TRACT SIZE: 4.01 +/- acres
 MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: 1 dwelling unit per 10 acres
 PROPOSED: 1 dwelling unit per 5 acres

FUNDING SOURCE:

N/A

DISTRIBUTION

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

ADDITIONAL COMMENTS: Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning and future land use classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 29, 2010, through the adoption of Ordinance No. 2202. Staff is requesting an administrative small scale future land use amendment for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city future land use designation is comparable to the densities and intensities and uses allowed under the existing “county” future land use designation, and the proposed future land use amendment is compatible with the character of the surrounding area.

The subject property is located in an area characterized as agricultural in nature, with “County” Rural future land use to the north and west of the subject property, and single-family residential to the east and proposed S.R. 429\Wekiva Parkway south of the site. The existing and proposed use of the subject site for manufactured homes is a permitted use in the proposed AG zoning district and future land use designation and compatible with the surrounding zoning and uses.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with “City” AG (Agriculture) Future Land Use designation and the City’s proposed Agriculture Zoning.

SCHOOL CAPACITY REPORT: The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 9, 2016.

PUBLIC HEARING SCHEDULE:

- February 14, 2017 – Planning Commission (5:30 pm)
- March 1, 2017 – City Council (1:30 pm) – 1st Reading
- March 15, 2017 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

- January 27, 2017 – Public Notice and Notification
- March 3, 2017 – Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from “County” Rural (1 du/ 10 ac) to “City” Agriculture (1 du/5 ac) for the property owned by Smith Family Revocable Living Trust.

The **Planning Commission**, at its meeting on February 14, 2017, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommended approval of the change in Future Land Use from “County” Rural (1 du/ 10 ac) to “City” Agriculture (1 du/5 ac) for the property owned by Smith Family Revocable Living Trust.

Accept the First Reading of Ordinance No. 2555 and Hold it Over for Second Reading and Adoption on March 15, 2017.

Note: This item is considered Legislative. 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 (County)	Rural (0 – 1 du/10 acres)	A-2	Single-family home
East (City)	Agriculture (0 – 1 du/5 acre)	A-2 (ZIP)	Single-family home
South (City)	Rural Settlement (0 – 1 du/5 acres) (county)	A-2 (ZIP)	Proposed 429
West (County)	Rural Settlement (0 – 1 du/5 acres)	A-2	Agriculture

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with the current agricultural uses. The property is east of Mt. Plymouth Road, south of Boch 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 located within “North 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 Basin 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 storm water 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 karst features on this property.

Analysis of the character of the Property: The property fronts Boch Road. The vegetative communities present are urban; the soils present are Tavares-Millhopper Fine sand; and no wetlands occur on the site, and the terrain has a 0-5 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.m Agricultural 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 Agriculture (1 du/5 ac). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

CALCULATIONS:

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

Housing Needs: This amendment will not impact the housing needs as projected in the Comprehensive Plan. One single family home is the maximum development anticipated for the subject properties.

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.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the Orange County Utilities service area for potable water, reclaimed water and sanitary service. The property owner will need to provide a letter from Orange County Utilities demonstrating available capacity prior to submittal of any development plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 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: 196 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: City of Apopka; 177 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: 210 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: Yes

Solid Waste

1. Facilities serving the site: none

2. If the site is not currently served, please indicate the designated service provider:
City of Apopka
3. Projected LOS under existing designation: 4 lbs./person/day
4. Projected LOS under proposed designation: 4 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 GPD

Total design capacity of the water treatment plant(s): 33.696 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 - 25 hour design storm
3. Projected LOS under proposed designation: 100 year - 25 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: 0.009 AC
3. Projected facility under proposed designation: 0.009 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.

SMITH FAMILY REVOCABLE LIVING TRUST

Boch Rd.

4.01 +/- 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/Agricultural (1 du/10 ac)

To: "City" Agriculture (1 du/5 ac)

Proposed Zoning Change

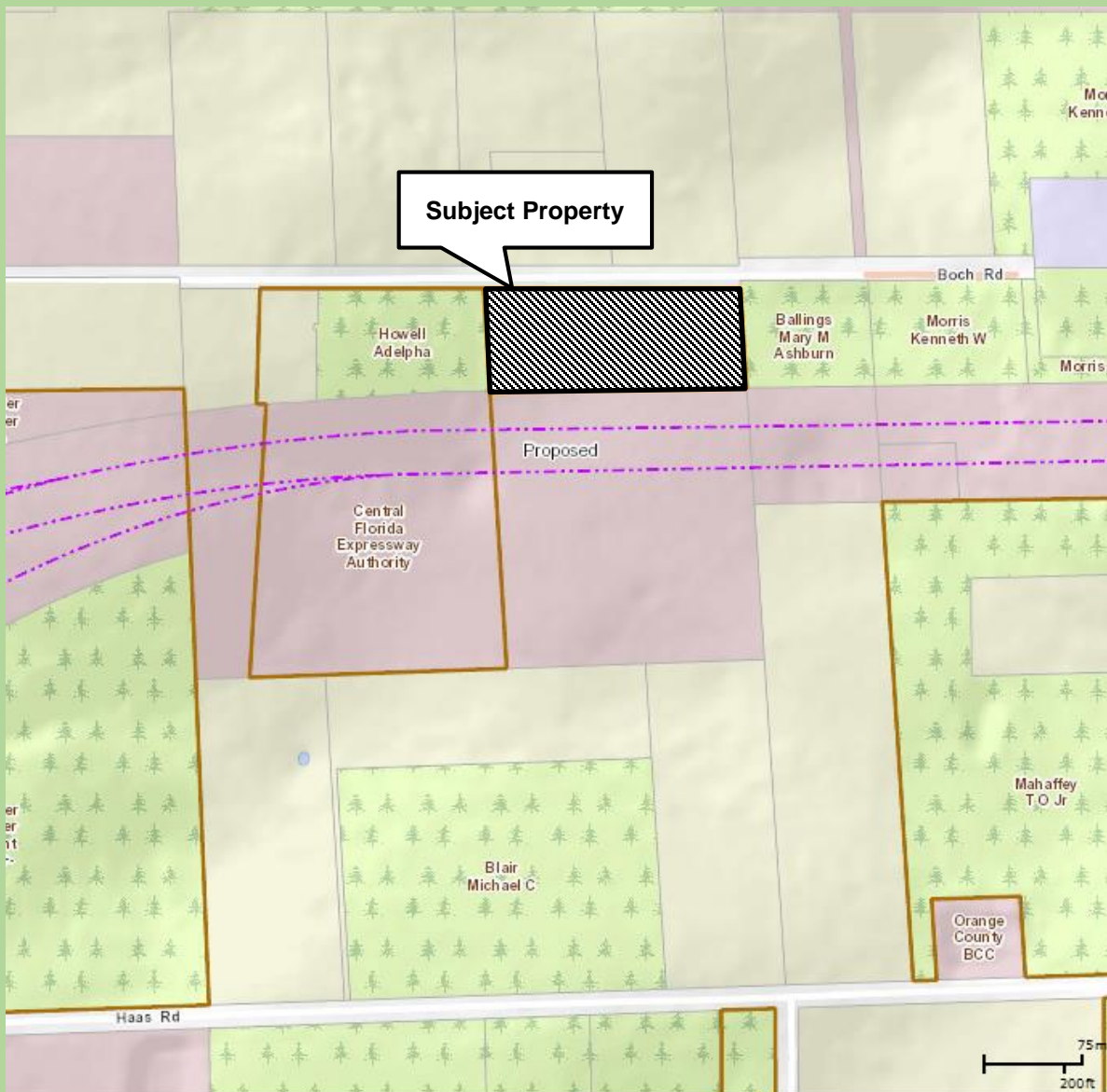
From: "County" A-2

To: "City" AG

Parcel ID #: 06-20-28-0000-00-047 & 06-20-28-0000-00-066

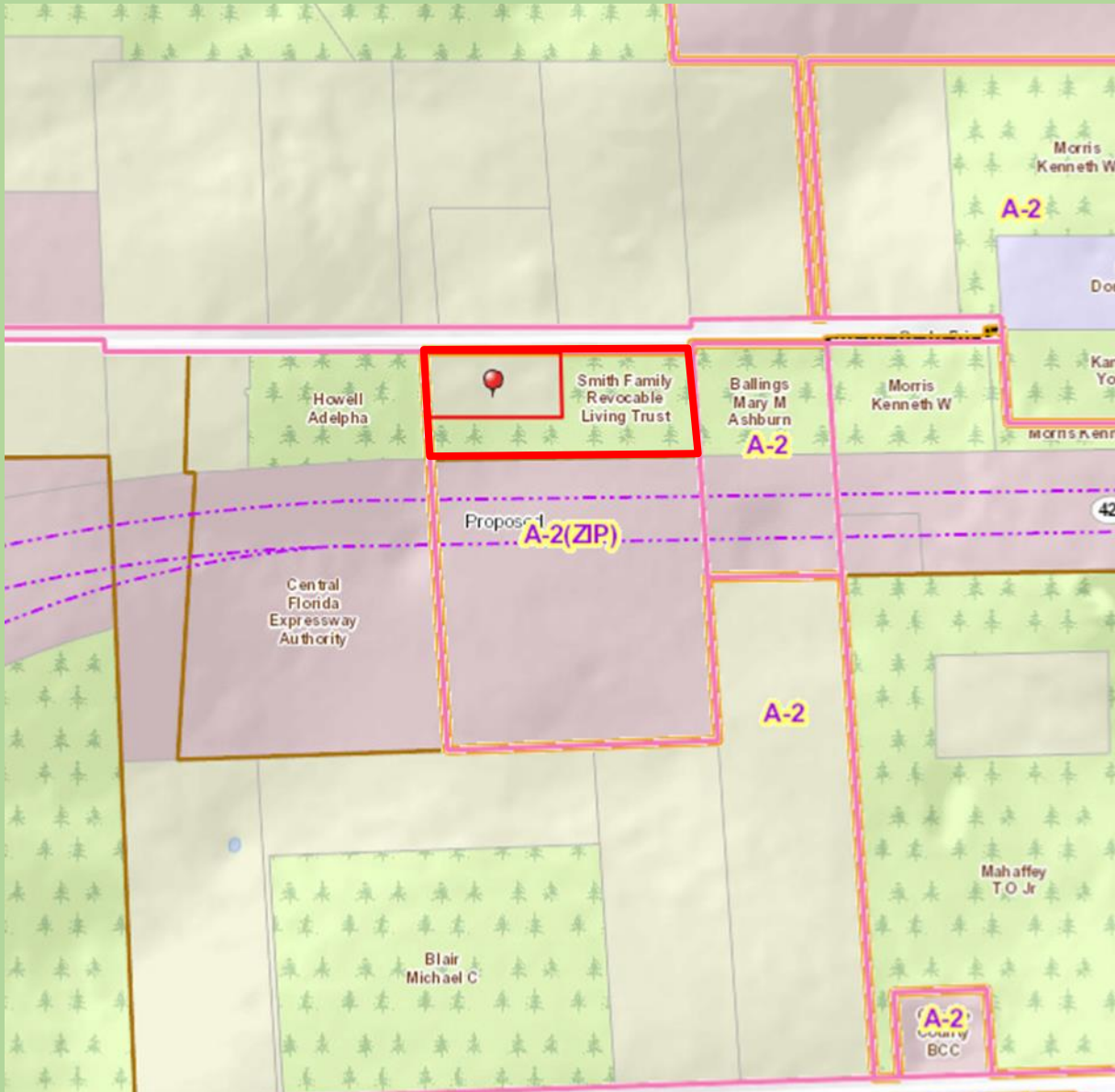


VICINITY MAP



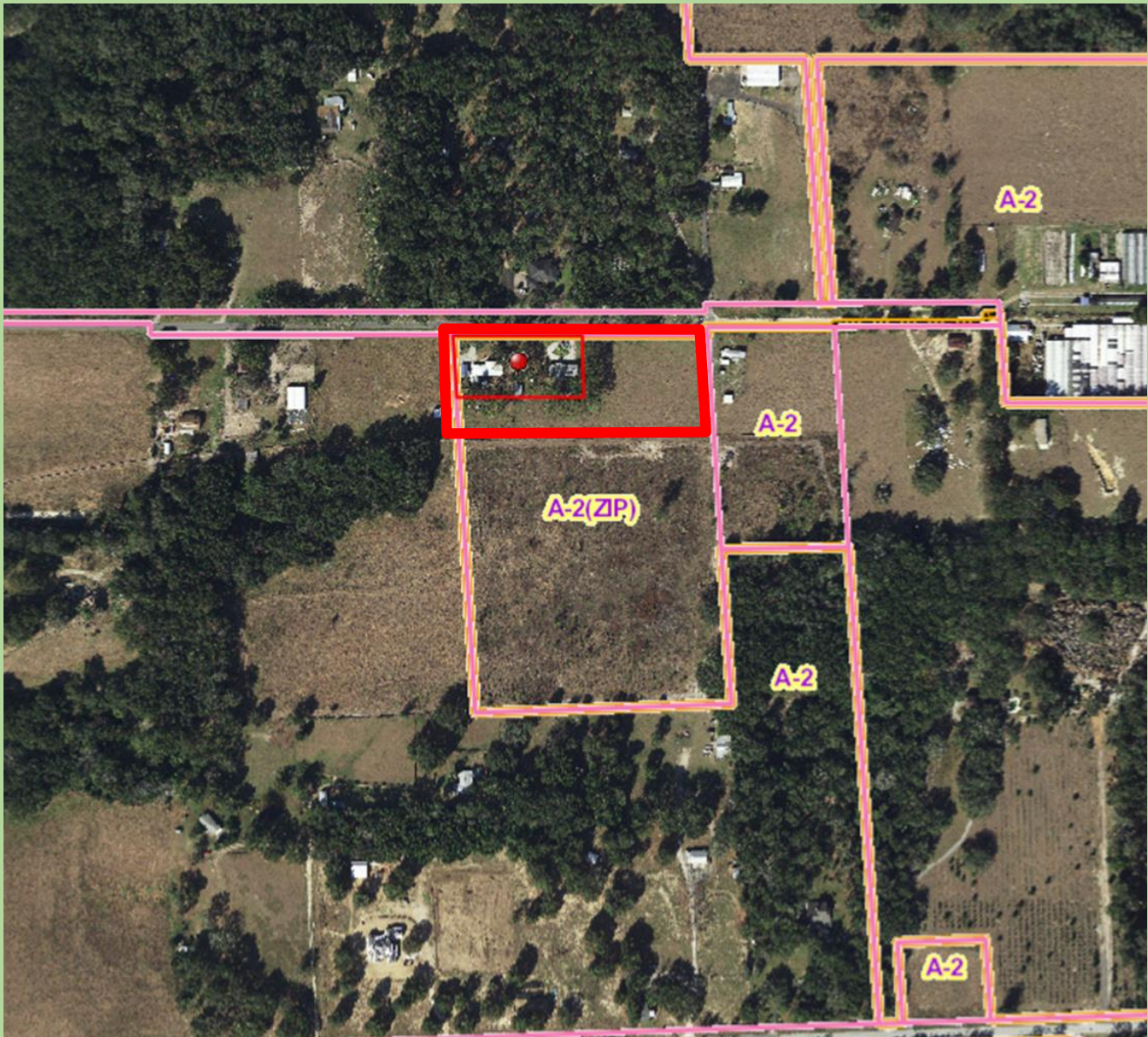


ADJACENT ZONING



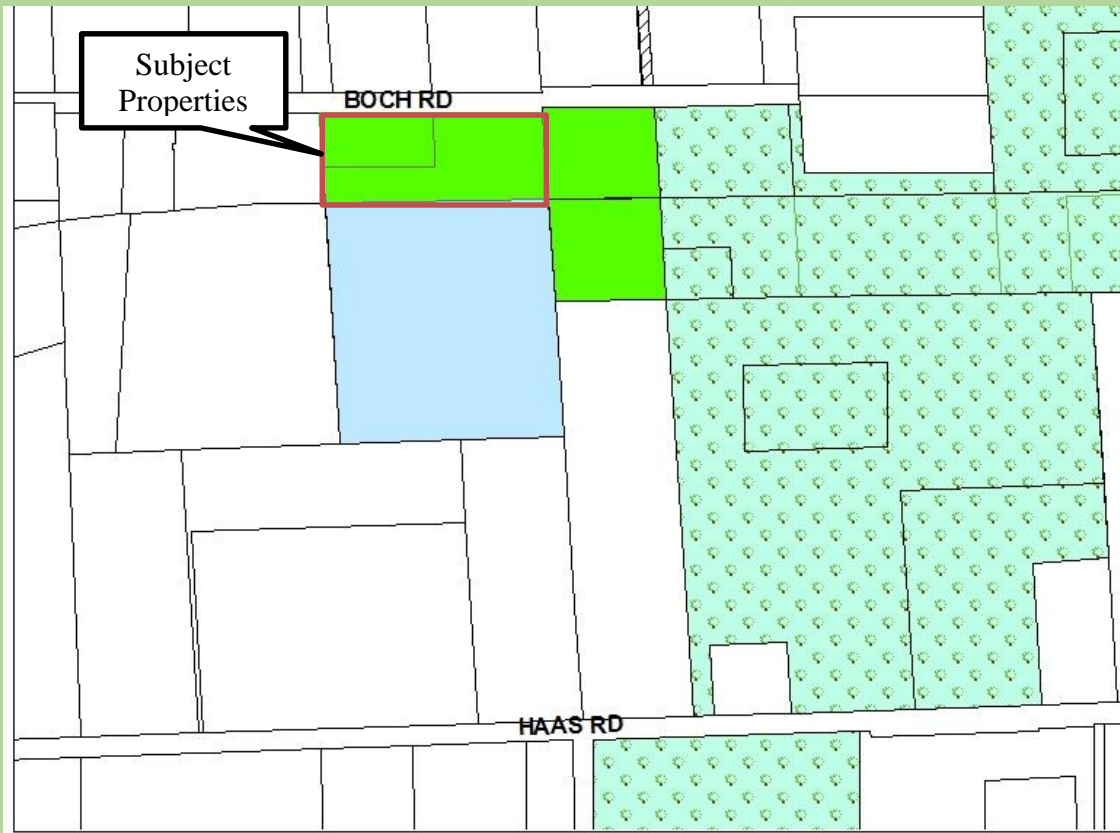


ADJACENT USES

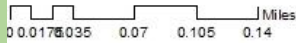




ADJACENT & PROPOSED FUTURE LAND USE DESIGNATION



**City of Apopka
 Future Land Use Map**



Source: City of Apopka and Orange County Property Appraiser
 Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.
 The City of Apopka does not assume responsibility for errors or omissions contained hereon.

Legend

- | | |
|------------------------------|--------------------------|
| Smith Family Revocable Trust | Res. Low |
| Apopka_Parcel_072216 | Res. Medium Low |
| City Boundary | Res. Medium |
| JPA Boundary | Res. High |
| Future Land Use | Mixed Use |
| LAND_USE | Office |
| Agriculture | Commercial |
| Agriculture Estates | Industrial |
| Agriculture Homestead | Institutional/Public Use |
| Rural Settlement | Conservation |
| Res. Estates | Parks/Recreation |
| Res. Very Low Suburban | ANNEX |
| Res. Low Suburban | |



ORDINANCE NO. 2555

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 (1 DU/ 10 AC) TO “CITY” AGRICULTURE (1 DU/5 AC), FOR CERTAIN REAL PROPERTY LOCATED AT PLYMOUTH SORRENTO RD., COMPRISING 4.01 ACRES MORE OR LESS, AND OWNED BY SMITH FAMILY REVOCABLE LIVING TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 future land use 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 future land use classification of the following described property, being situated in the City of Apopka, Florida, is hereby AG, as defined in the Apopka Land Development Code.

Legal Description:

(NOTE: HOMESTEAD PORTION OF FOLLOWING DESCRIBED PROPERTY) BEG 719.92 FT S OF NE COR OF SW1/4 RUN W 671.75 FT S 982.68 FT E 671.75 FT N 964.72 FT TO POB (LESS COMM AT NE COR OF SW1/4 OF 6/20/28 TH S03-43-34E 719.76 FT TO PT ON S R/W LINE OF BOCH RD TH CONT S03-43-34E 258.85 FT TO POB TH CONT S03-43-34E 705.81 FT TH S87-57-23W 671.78 FT TH N03-39-34W 718.92 FT TH N89-04-36E 671.46 FT TO POB PER 10900/3208) SEC 06-20-28 SEE 6147/0723 (NOTE: AGRICULTURAL PORTION OF FOLLOWING DESCRIBED PROPERTY) BEG 719.92 FT S OF NE COR OF SW1/4 RUN W 671.75 FT S 982.68 FT E 671.75 FT N 964.72 FT TO POB (LESS COMM AT NE COR OF SW1/4 OF 6/20/28 TH S03-43-34E 719.76 FT TO PT ON S R/W LINE OF BOCH RD TH CONT S03-43-34E 258.85 FT TO POB TH CONT S03-43-34E 705.81 FT TH S87-57-23W 671.78 FT TH N03-39-34W 718.92 FT TH N89-04-36E 671.46 FT TO POB PER 10900/3208) SEC 06-20-28 SEE 6147/0723

Parcel ID #s: 06-20-28-0000-00-047; 06-20-28-0000-00-066
Contains: 4.01 +/- Acres

Section II. That the future land use classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

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

ORDINANCE NO. 2555

PAGE 2

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

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

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

READ FIRST TIME: March 1, 2017

READ SECOND TIME
AND ADOPTED: March 15, 2017

Joseph E. Kilsheimer, Mayor

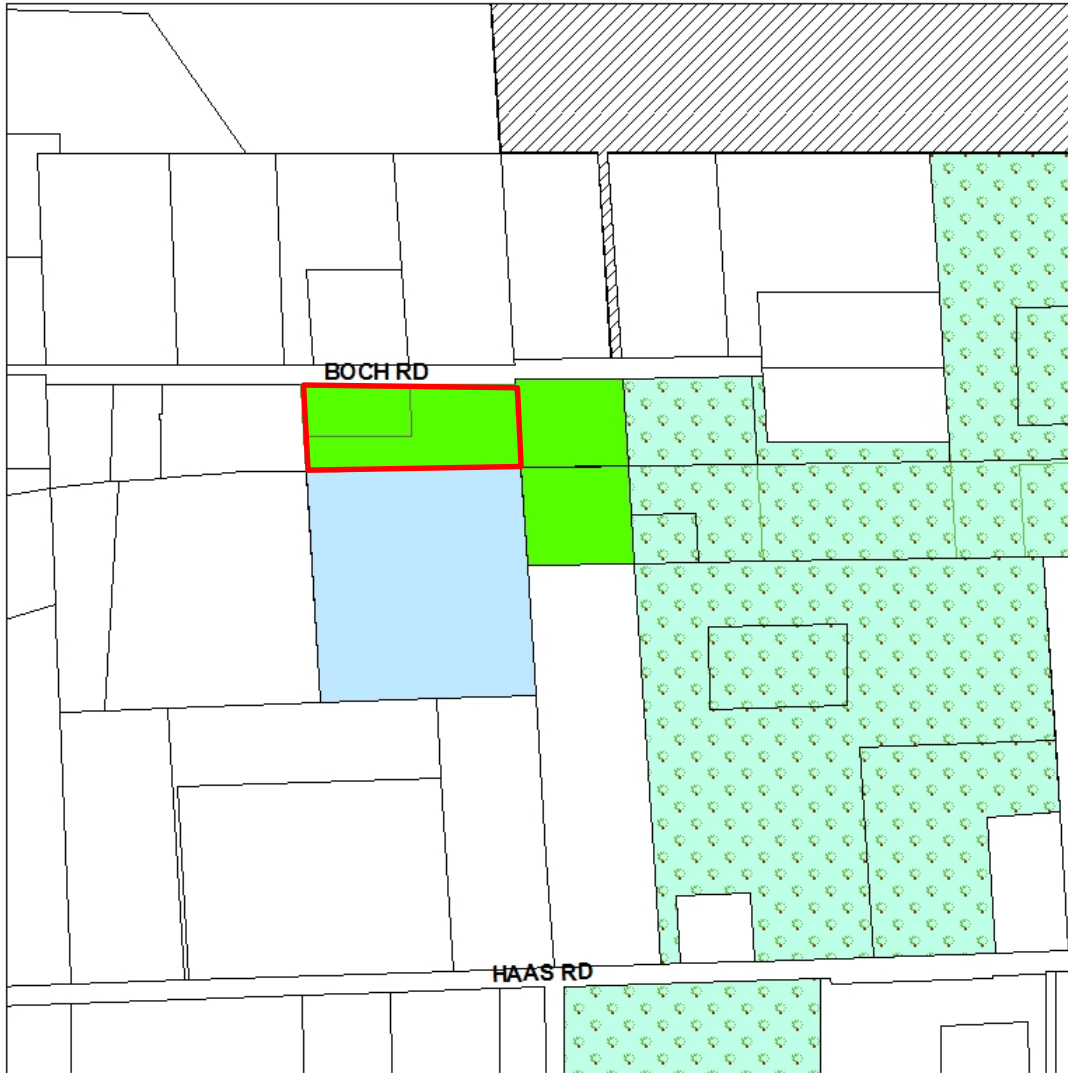
ATTEST:

Linda Goff, City Clerk

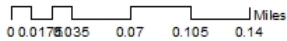
DULY ADVERTISED: January 27, 2017
 March 3, 2017



SMITH FAMILY REVOCABLE LIVING TRUST
Boch Rd.
4.01 +/- Acres
Proposed Small Scale Future Land Use Change
From: "County" Rural/Agricultural (1 du/10 ac)
To: "City" Agriculture (1 du/5 ac)
Parcel ID #s: 06-20-28-0000-00-047 & 06-20-28-0000-00-066



**City of Apopka
Future Land Use Map**



Source: City of Apopka and Orange County Property Appraiser
 Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.
 The City of Apopka does not assume responsibilities for errors or omissions contained hereon.

Legend

- | | |
|------------------------------|--------------------------|
| Smith Family Revocable Trust | Res. Low |
| Apopka_Parces_072216 | Res. Medium Low |
| City Boundary | Res. Medium |
| JPA Boundary | Res. High |
| Future Land Use | |
| Agriculture | Office |
| Agriculture Estates | Commercial |
| Agriculture Homestead | Industrial |
| Rural Settlement | Institutional/Public Use |
| Res. Estates | Conservation |
| Res. Very Low Suburban | Parks/Recreation |
| Res. Low Suburban | AN/EX |



Backup material for agenda item:

3. Ordinance No. 2556 – First Reading - Administrative Rezoning – Quasi-Judicial

Elizabeth Florence



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Community Development
 EXHIBITS: Zoning Report
 Vicinity Map
 Adjacent Zoning Map
 Adjacent Uses Map
 Ordinance No. 2556

SUBJECT: **ORDINANCE NO. 2556 – ADMINISTRATIVE CHANGE OF ZONING – SMITH FAMILY REVOCABLE LIVING TRUST (CASE #S 2017-1-3 & 2017-01-4)**

REQUEST: **FIRST READING OF ORDINANCE NO. 2556 - ADMINISTRATIVE CHANGE OF ZONING – SMITH FAMILY REVOCABLE LIVING TRUST, FROM “COUNTY” A-2 (ZIP) TO “CITY” AG (AGRICULTURE); AND HOLD OVER FOR SECOND READING & ADOPTION. (PARCEL ID #S: 06-20-28-0000-00-047; 06-20-28-0000-00-066)**

SUMMARY:

OWNER: Smith Family Revocable Living Trust

APPLICANT: City of Apopka

LOCATION: East of Mt. Plymouth Road, south of Boch Road

EXISTING USE: Manufactured Homes/Grazing

FUTURE LAND USE: Agriculture (0 - 1 du/5 acres)

ZONING: A-2 (ZIP)

PROPOSED DEVELOPMENT: Manufactured Homes (existing)

PROPOSED ZONING: AG

TRACT SIZE: 4.01 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit
 PROPOSED ZONING: 1 Residential Unit

FUNDING SOURCE:

N/A

DISTRIBUTION

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

ADDITIONAL COMMENTS: Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject properties were annexed into the City of Apopka on December 29, 2010, through the adoption of Ordinance No. 2202. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as agricultural in nature, with “County” A-2 zoning to the north and west of the subject property, and single-family residential to the east and proposed 429 south of the site. The existing and proposed use of the subject site for manufactured homes is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses.

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

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

SCHOOL CAPACITY REPORT: The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 9, 2016.

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

PUBLIC HEARING SCHEDULE:
February 14, 2017 – Planning Commission (5:30 pm)
March 1, 2017 – City Council (1:30 pm) – 1st Reading
March 15, 2017 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:
January 27, 2017 – Public Notice and Notification
March 3, 2017 – Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG for the property owned by Smith Family Revocable Trust.

The **Planning Commission**, at its regularly scheduled meeting on February 14, 2017, found the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the change of zoning amendment from “County” A-2 (ZIP) to “City” AG for the property owned by Smith Family Revocable Trust.

City Council Recommended Motion: Accept the First Reading of Ordinance No. 2556 and Hold it Over for Second Reading and Adoption on March 15, 2017.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (0 – 1 du/10 acres)	A-2	Single-family home
East (City)	Agriculture (0 – 1 du/5 acre)	A-2 (ZIP)	Single-family home
South (City)	Rural Settlement (0 – 1 du/5 acres) (county)	A-2 (ZIP)	Proposed 429
West (County)	Rural Settlement (0 – 1 du/5 acres)	A-2	Agriculture

LAND USE & TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Boch Rd). The land use is compatible with the surrounding properties because it is agricultural in nature. The zoning change will not affect traffic in the area.

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG zoning is consistent with the City’s Agriculture Future Land Use designation, which will be assigned along with this rezoning and with the character of the surrounding area and future proposed development. The AG zoning classification is one of the acceptable zoning categories allowed within the Agriculture Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

- Minimum Living Area: 1,200 sq. ft. (Single-family)
400 sq. ft. (mobile home)
- Minimum Site Area: 5 acres
- Minimum Lot Width: NA
- Setbacks: Front: 25 ft. (100 ft. non-residential uses)
- Rear: 25 ft. (100 ft. non-residential uses)
- Side: 25 ft. (100 ft. non-residential uses)
- Corner: 25 ft. (100 ft. non-residential uses)

Based on the above zoning standards, the subject site is legal, nonconforming with code requirements for the AG district, because each property is under 5 acres.

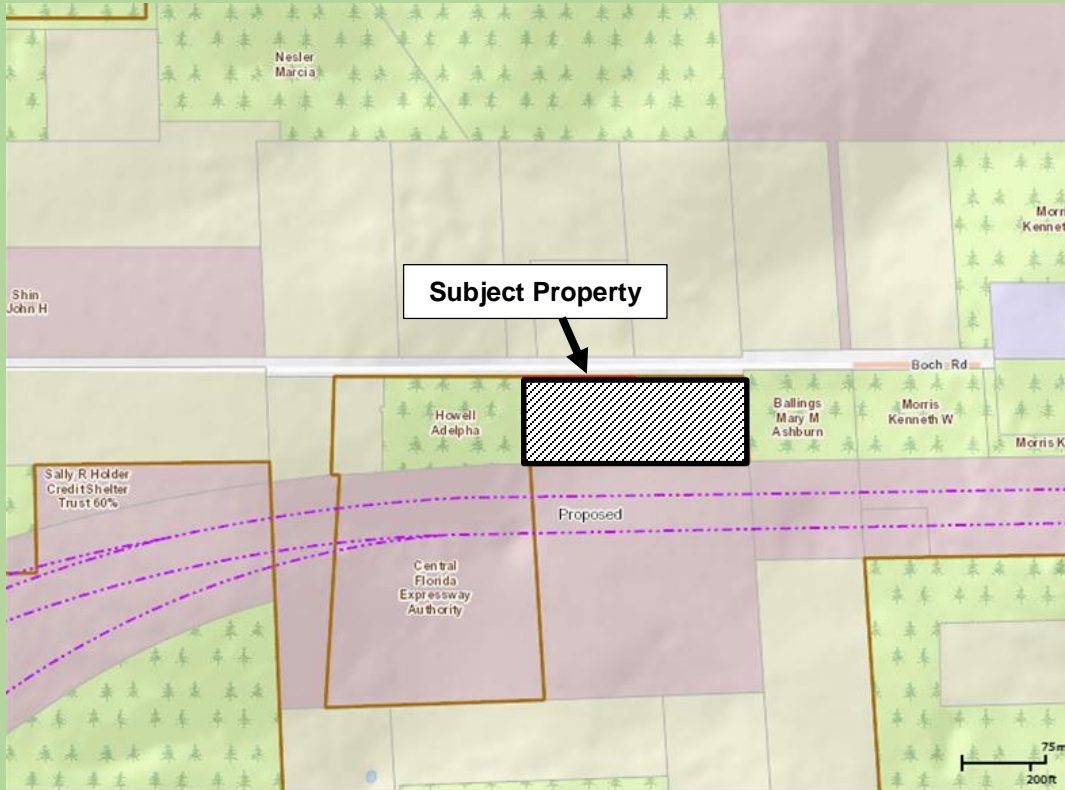
BUFFERYARD REQUIREMENTS: Uses including, but not limited to, kennels, livestock barn stables, and other similar uses shall be a minimum of 100 feet from all property lines. Apiaries shall be located 200 feet from any property line. All other yard setbacks shall be a minimum of 25 feet from the property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

ALLOWABLE USES: Single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.



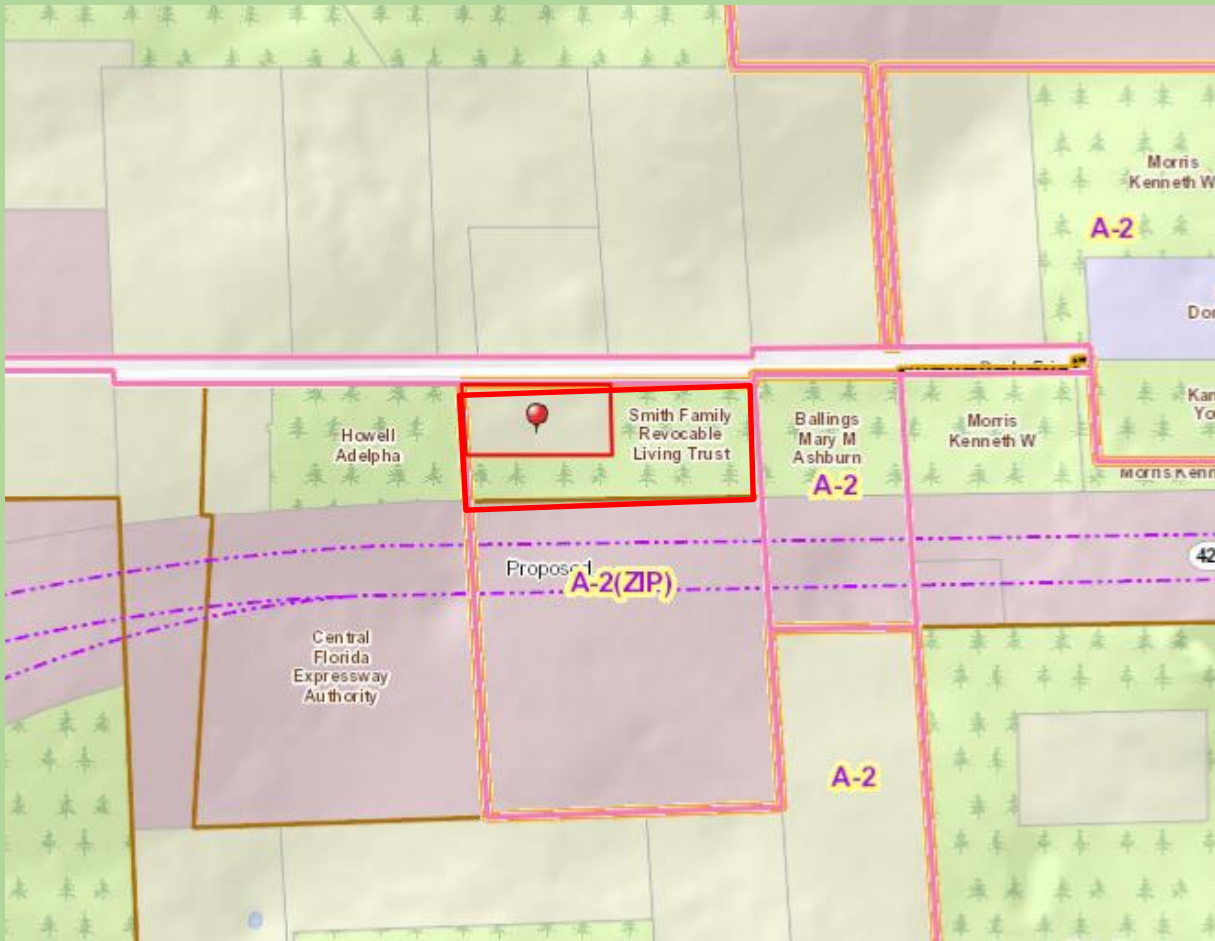
Smith Family Revocable Living Trust
4.01 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)
Parcel ID #s: 06-20-28-0000-00-047; 06-20-28-0000-00-066

VICINITY MAP





ADJACENT ZONING



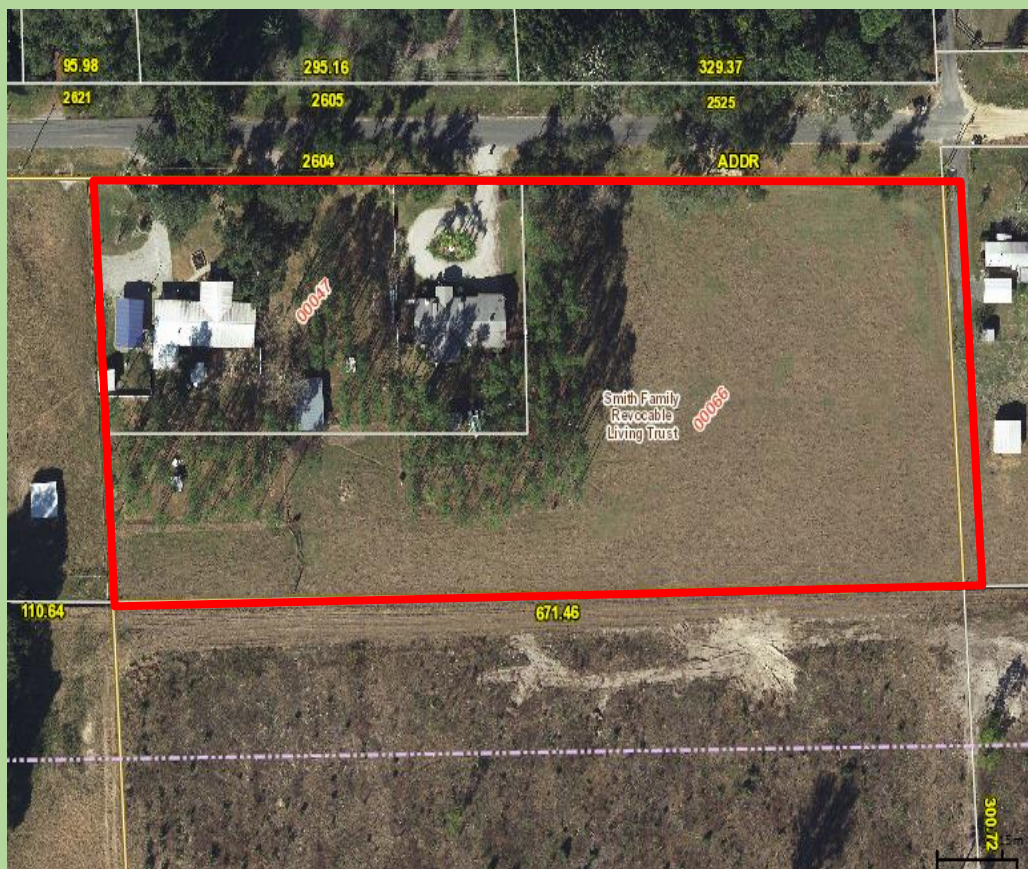


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2556

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 4.01 ACRES, MORE OR LESS, AND OWNED BY SMITH FAMILY REVOCABLE LIVING TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

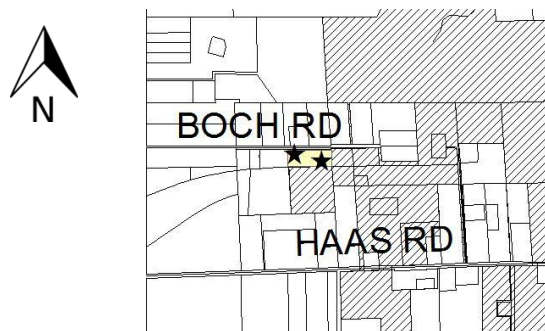
WHEREAS, the proposed AG zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby AG, as defined in the Apopka Land Development Code.

Legal Description:

(NOTE: HOMESTEAD PORTION OF FOLLOWING DESCRIBED PROPERTY) BEG 719.92 FT S OF NE COR OF SW1/4 RUN W 671.75 FT S 982.68 FT E 671.75 FT N 964.72 FT TO POB (LESS COMM AT NE COR OF SW1/4 OF 6/20/28 TH S03-43-34E 719.76 FT TO PT ON S R/W LINE OF BOCH RD TH CONT S03-43-34E 258.85 FT TO POB TH CONT S03-43-34E 705.81 FT TH S87-57-23W 671.78 FT TH N03-39-34W 718.92 FT TH N89-04-36E 671.46 FT TO POB PER 10900/3208) SEC 06-20-28 SEE 6147/0723 (NOTE: AGRICULTURAL PORTION OF FOLLOWING DESCRIBED PROPERTY) BEG 719.92 FT S OF NE COR OF SW1/4 RUN W 671.75 FT S 982.68 FT E 671.75 FT N 964.72 FT TO POB (LESS COMM AT NE COR OF SW1/4 OF 6/20/28 TH S03-43-34E 719.76 FT TO PT ON S R/W LINE OF BOCH RD TH CONT S03-43-34E 258.85 FT TO POB TH CONT S03-43-34E 705.81 FT TH S87-57-23W 671.78 FT TH N03-39-34W 718.92 FT TH N89-04-36E 671.46 FT TO POB PER 10900/3208) SEC 06-20-28 SEE 6147/0723



Parcel I.D.: 06-20-28-0000-00-047 & 06-20-28-0000-00-066
Contains: 4.01 +/- Acres

ORDINANCE NO. 2556

PAGE 2

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

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

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

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

Section VI. That this Ordinance shall take effect upon the adoption of Ordinance No. 2555.

READ FIRST TIME: March 1, 2017

READ SECOND TIME
AND ADOPTED: March 15, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: January 27, 2017
 March 3, 2017

Backup material for agenda item:

4. Ordinance No. 2557 – First Reading - Administrative Rezoning – Quasi-Judicial

Elizabeth Florence

ADDITIONAL COMMENTS: Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on December 29, 2010 through the adoption of Ordinance No. 2201. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as single-family and agricultural in nature, with “County” A-2 zoning to the north, south, east and west of the subject property. The existing and proposed use of the subject site for a manufactured home is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses.

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

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

SCHOOL CAPACITY REPORT: The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 9, 2016.

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

PUBLIC HEARING SCHEDULE:

- February 14, 2017 – Planning Commission (5:30 pm)
- March 1, 2017 – City Council (1:30 pm) – 1st Reading
- March 15, 2017 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

- January 27, 2017 – Public Notice and Notification
- March 3, 2017 – Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the change in Zoning from “County” A-2 (ZIP) to “City” AG for the property owned by Mary M. Ashburn Ballings.

The **Planning Commission**, at its regularly scheduled meeting on February 14, 2017, found the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; unanimously recommended approval of the change of zoning amendment from “County” A-2 (ZIP) to “City” AG for the property owned by Mary M. Ashburn Ballings.

City Council Recommended Motion: Accept the First Reading of Ordinance No. 2557 and Hold it Over for Second Reading and Adoption on March 15, 2017.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural (0 – 1 du/10 acres)	A-2	Single-family home
East (City)	Low Density Residential (0 – 4 du/ acre)	A-1 (ZIP)	Single-family home
South (County)	Rural Settlement (0 – 1 du/5 acres)	A-2	Single-family home
West (City)	Rural Settlement (0 – 1 du/5 acres)	A-2 (ZIP)	Grazing

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Boch Rd). Its land use is similar to the surrounding agricultural area, and will not affect traffic because there is an existing home on the property.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

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

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (Single-family)
400 sq. ft. (mobile home)
- Minimum Site Area: 5 acres
- Minimum Lot Width: NA
- Setbacks: Front: 25 ft. (100 ft. non-residential uses)
- Rear: 25 ft. (100 ft. non-residential uses)
- Side: 25 ft. (100 ft. non-residential uses)
- Corner: 25 ft. (100 ft. non-residential uses)

Based on the above zoning standards, the subject site does not comply with code requirements for the AG district, therefore it will be a legal, nonconforming property.

**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 lines.

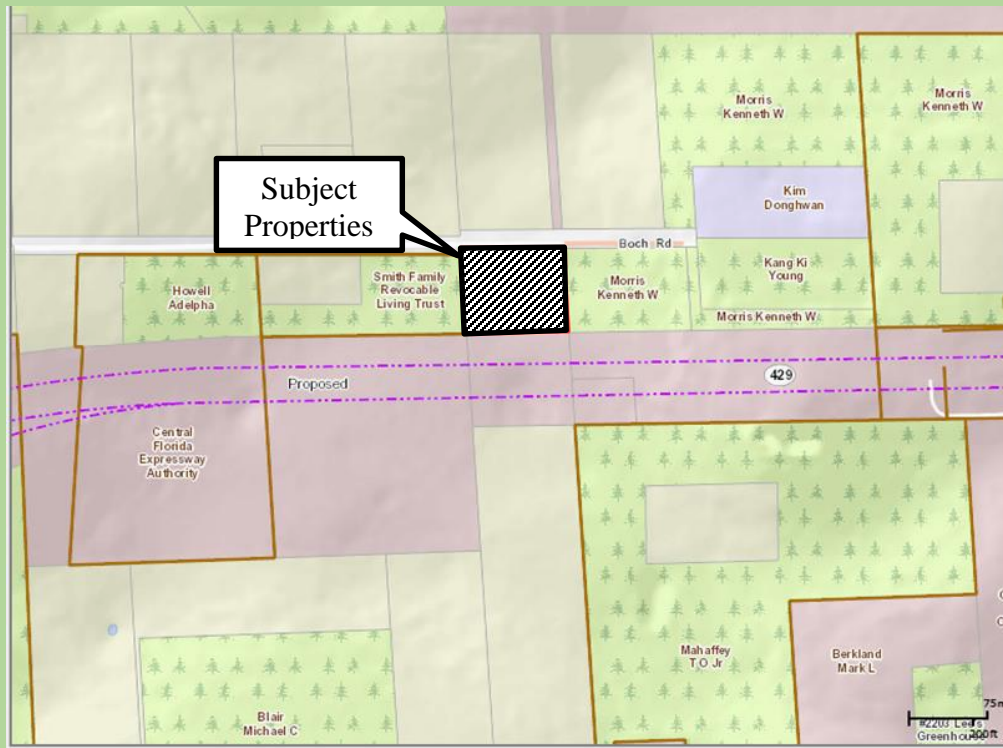
ALLOWABLE USES:

Single-family dwellings, including mobile homes, and their customary Accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.



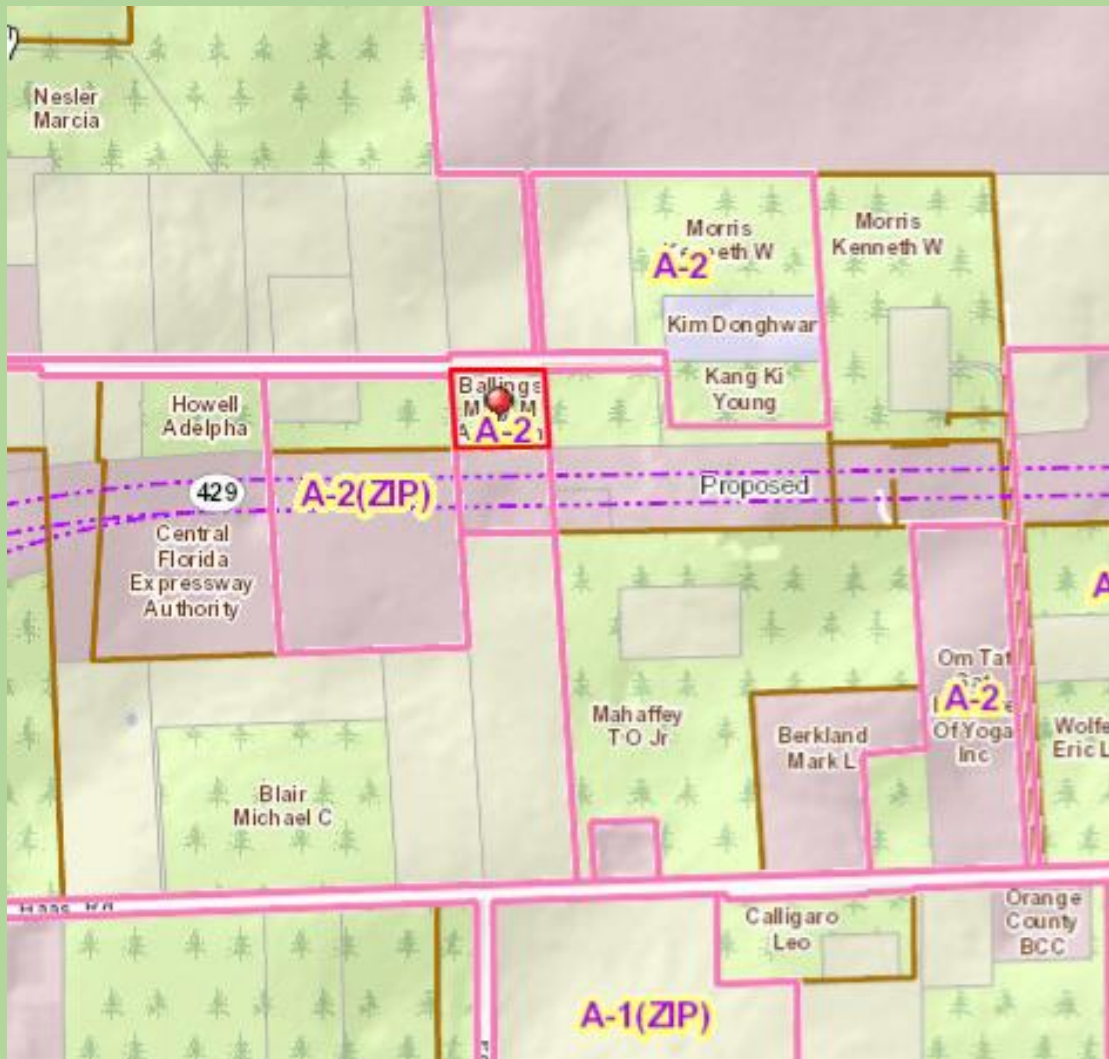
Mary M. Ashburn Ballings
2.10 +/- Acres
Proposed Zoning Change:
From: “County” A-2 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: “City” AG (Agriculture) (5 acre min. lot)
Parcel ID #: 09-20-28-7608-00-050

VICINITY MAP



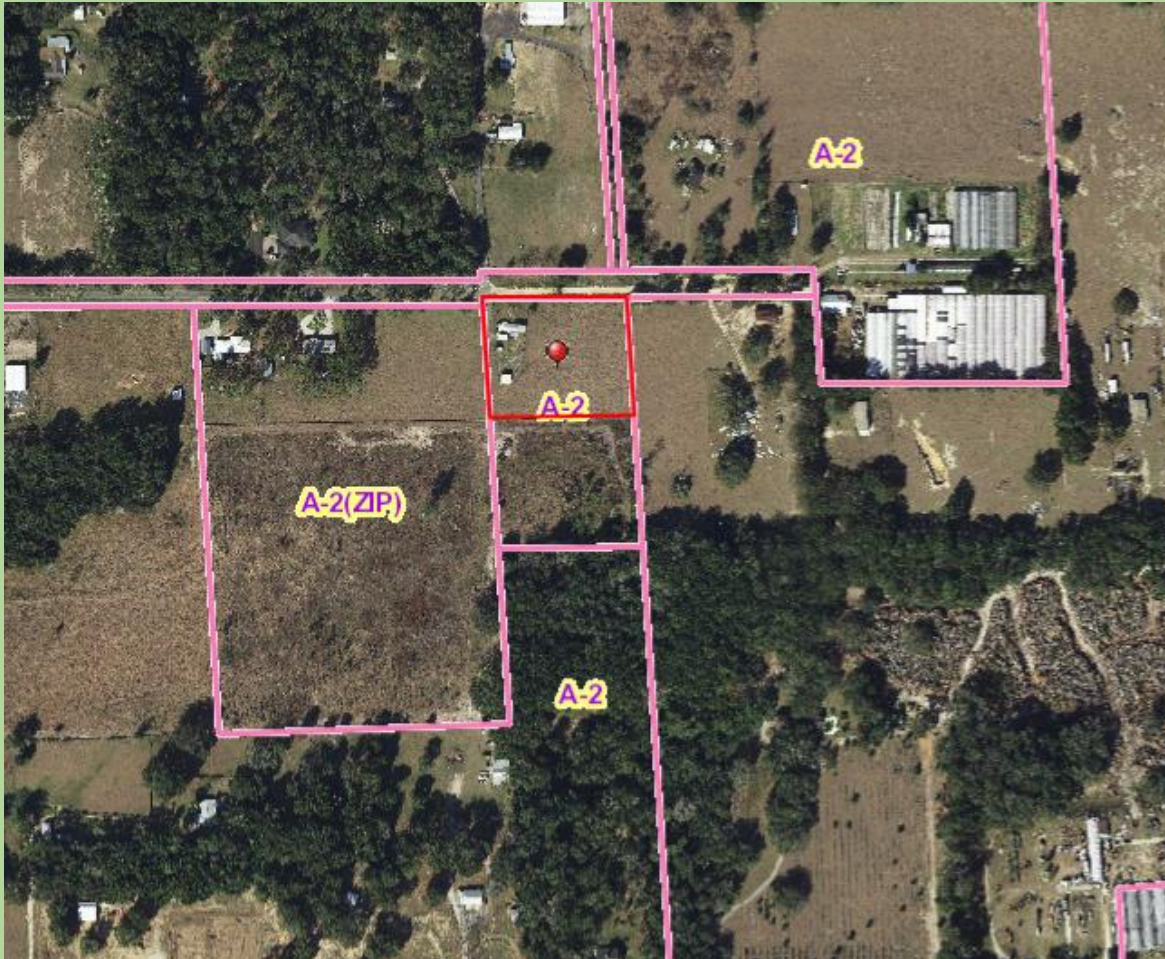


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**



ORDINANCE NO. 2557

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 2.10 ACRES, MORE OR LESS, AND OWNED BY MARY M. ASHBURN BALLINGS; 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

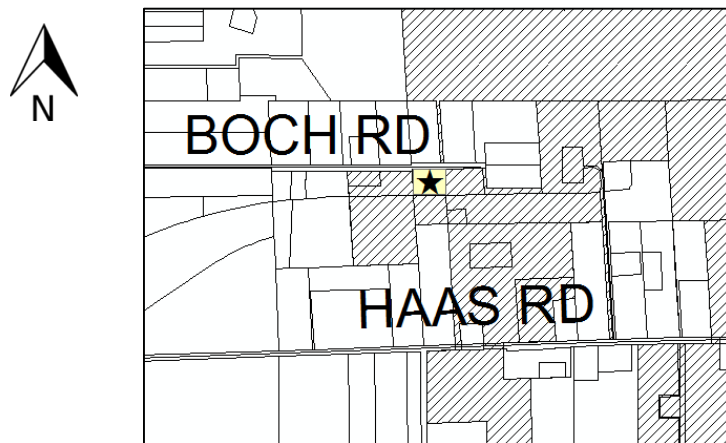
WHEREAS, the proposed AG zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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, as defined in the Apopka Land Development Code.

Legal Description:

W1/2 OF SW1/4 OF NW1/4 OF SE1/4 OF SEC 06-20-28 (LESS N 30 FT FOR R/W PER 2956/593) & (LESS COMM AT SW COR OF SE1/4 OF SEC RUN N03-43-34W 1279.55 FT TO PT ON S LINE OF NW1/4 OF SE1/4 FOR POB THE CONT N03-43-34W 300.72 FT TH DEPARTING W LINE N89-04-36E 331.91 FT TO E LINE OF W1/4 OF NW1/4 OF SE1/4 TH S03-42-12E 300.77 FT TO PT ON AFORESAID S LINE TH DEPARTING SAID E LINE S89-05-11W 331.79 FT TO POB PER 10941/4885)



Parcel I.D.: 06-20-28-0000-00-029

Contains: 2.10 +/- 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.

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.

READ FIRST TIME: March 1, 2017

READ SECOND TIME
AND ADOPTED: March 15, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: January 27, 2017
 March 3, 2017

Backup material for agenda item:

5. Ordinance No. 2558 – First Reading - Administrative Rezoning – Quasi-Judicial

Elizabeth Florence



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Community Development
 EXHIBITS: Zoning Report
 Vicinity Map
 Adjacent Zoning Map
 Adjacent Uses Map
 Ordinance No. 2558

SUBJECT: **ORDINANCE NO. 2558 – ADMINISTRATIVE CHANGE OF ZONING – TITF (TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND)/DEP (CASE #S 2017-1-2)**

REQUEST: **FIRST READING OF ORDINANCE NO. 2558 - ADMINISTRATIVE CHANGE OF ZONING – TITF (TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND)/DEP, FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (AGRICULTURE); AND HOLD OVER FOR SECOND READING & ADOPTION. (PARCEL ID #: 05-20-28-0047600-040)**

SUMMARY:

OWNER: TITF (Trustees of the Internal Improvement Trust Fund) - DEP

APPLICANT: City of Apopka

LOCATION: West of Mt. Plymouth Road, north of Swain Road

EXISTING USE: Building/state land

FUTURE LAND USE: Rural Settlement (1 du/acre)

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: nonresidential building (existing)

PROPOSED ZONING: AG

TRACT SIZE: 9.27 +/- Acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Nonresidential Unit
 PROPOSED ZONING: 1 Nonresidential Unit

FUNDING SOURCE:

N/A

DISTRIBUTION

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

ADDITIONAL COMMENTS: Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning classification be assigned to annexed properties. The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1962. Staff is requesting an administrative rezoning for the subject property to comply with the policy set forth in the Comprehensive Plan. The proposed city zoning category is comparable to the densities and intensities and uses allowed under the existing “county” zoning classification, and the proposed zoning change is compatible with the character of the surrounding area.

The subject property is located in an area characterized as single-family and agricultural in nature, with “County” A-1 zoning to the east, north, south, and west of the subject property, and mobile home park to the east of the site. The existing and proposed use of the subject site for a nonresidential building is a permitted use in the proposed AG zoning district and compatible with the surrounding zoning and uses.

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

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

SCHOOL CAPACITY REPORT: The request of the proposed rezoning would result in a number of residential units considered ‘de minimum’ and, therefore, a school capacity determination is not required for the subject properties.

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

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on December 9, 2016.

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

PUBLIC HEARING SCHEDULE:

- February 14, 2017 – Planning Commission (5:30 pm)
- March 1, 2017 – City Council (1:30 pm) – 1st Reading
- March 15, 2017 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

- January 27, 2017 – Public Notice and Notification
- March 3, 2017 – Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the change in Zoning from “County” A-1 (ZIP) to “City” AG for the property owned by TIITF/DEP.

The **Planning Commission**, at its regularly scheduled meeting on February 14, 2017, found the change in zoning to be consistent with the Comprehensive Plan and compatible with the character of the surrounding areas; and unanimously recommended approval of the change of zoning amendment from “County” A-1 (ZIP) to “City” AG for the property owned by TIITF/DEP.

City Council Recommended Motion: Accept the First Reading of Ordinance No. 2558 and Hold it Over for Second Reading and Adoption on March 15, 2017.

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 acres)	A-1(ZIP)	Non-agriculture acreage
East (City)	AG (0 – 1 du/ 5 acre)	A-1 (ZIP)	State Lands
South (County)	Rural (0 – 1 du/10 acres)	A-1	Two Single-family home
West (City)	Rural Settlement (0 – 1 du/5 acres)	A-1 (ZIP)	Non-agriculture acreage

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Swain Rd). It is similar in nature to the surrounding agricultural and natural land areas, and there should be no impact on traffic.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

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

**AG DISTRICT
 REQUIREMENTS:**

- Minimum Living Area: 1,200 sq. ft. (Single-family)
 400 sq. ft. (mobile home)
- Minimum Site Area: 5 acres
- Minimum Lot Width: NA
- Setbacks: Front: 25 ft. (100 ft. non-residential uses)
- Rear: 25 ft. (100 ft. non-residential uses)
- Side: 25 ft. (100 ft. non-residential uses)
- Corner: 25 ft. (100 ft. non-residential uses)

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

**BUFFERYARD
 REQUIREMENTS:**

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

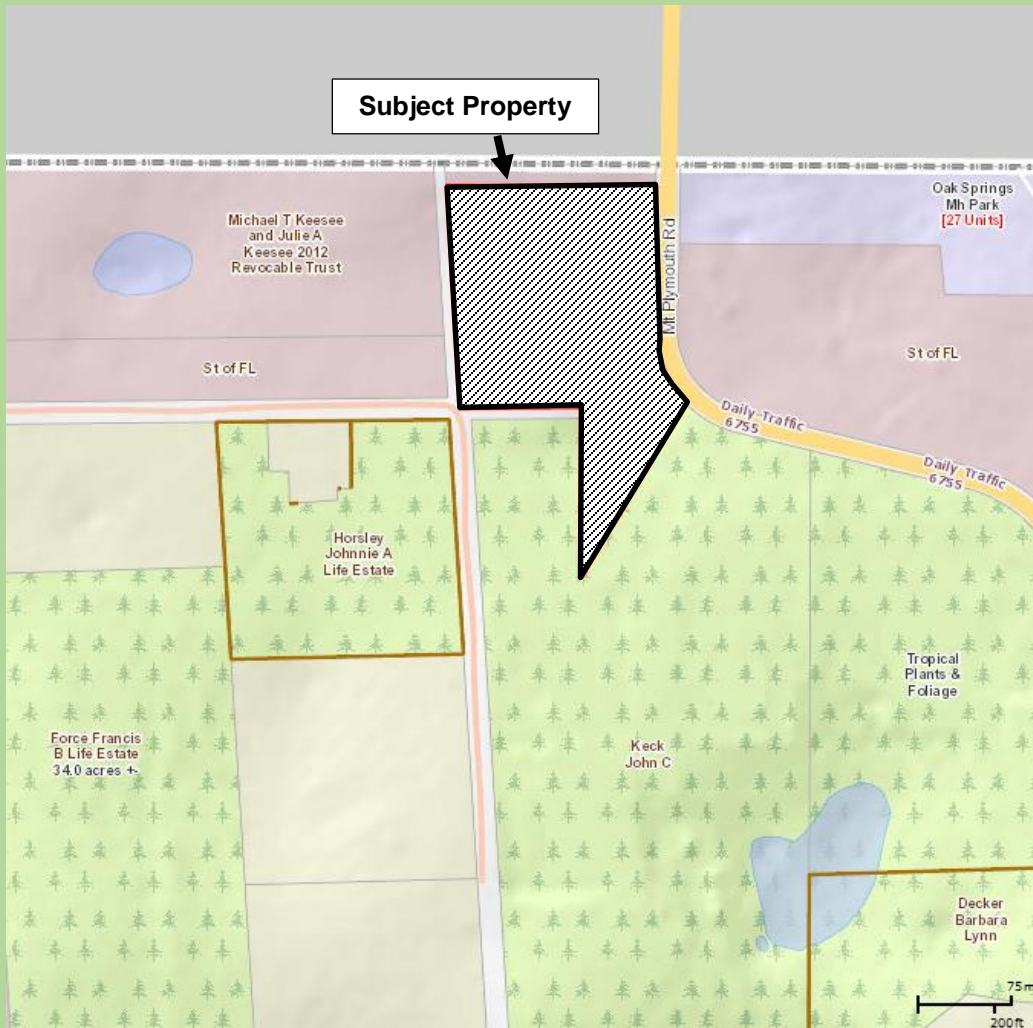
ALLOWABLE USES:

Single-family dwellings, including mobile homes, and their customary accessory structures, apiaries, kennels, crops and animal production and structures necessary for support and such production. Livestock barns and stables, commercial wholesale foliage plant production, and similar compatible uses.



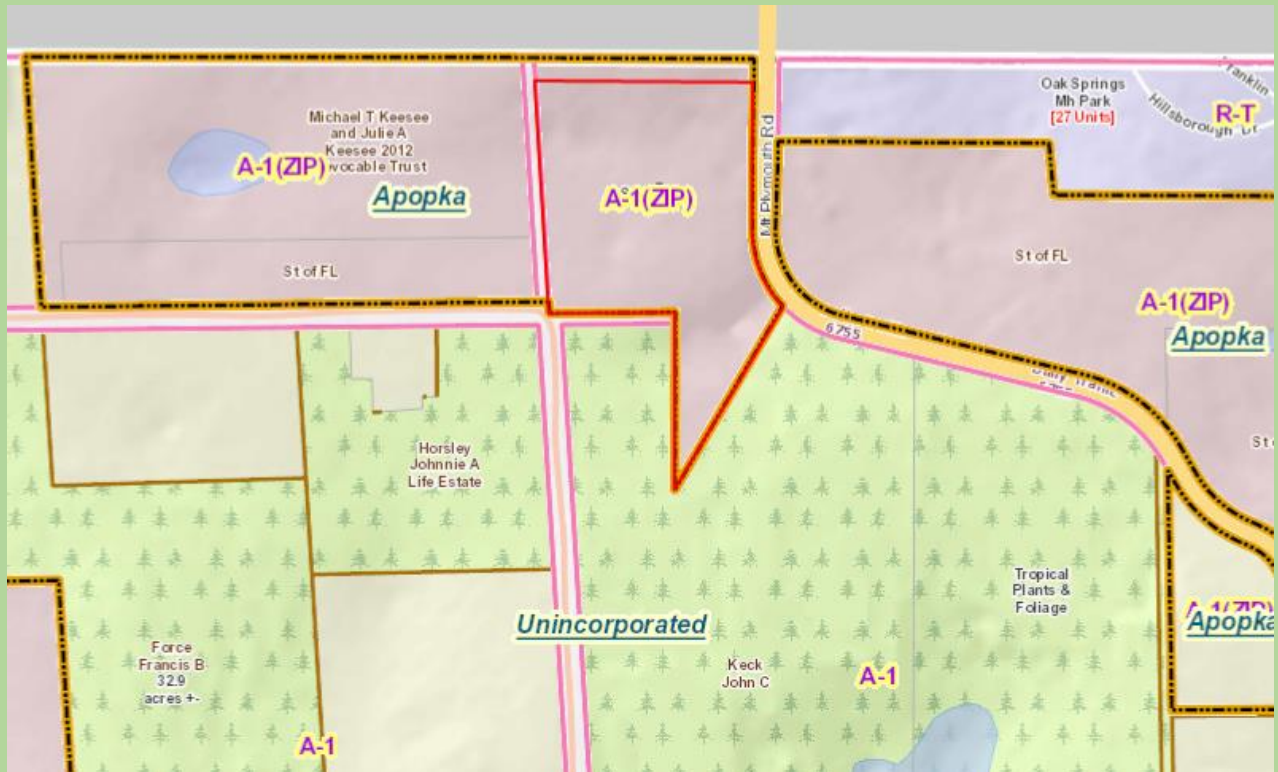
TIITF/DEP
9.27 +/- Acres
Proposed Zoning Change:
From: “County” A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: “City” AG (Agriculture) (5 acre min. lot)
Parcel ID #: 05-20-28-0476-00-040

VICINITY MAP



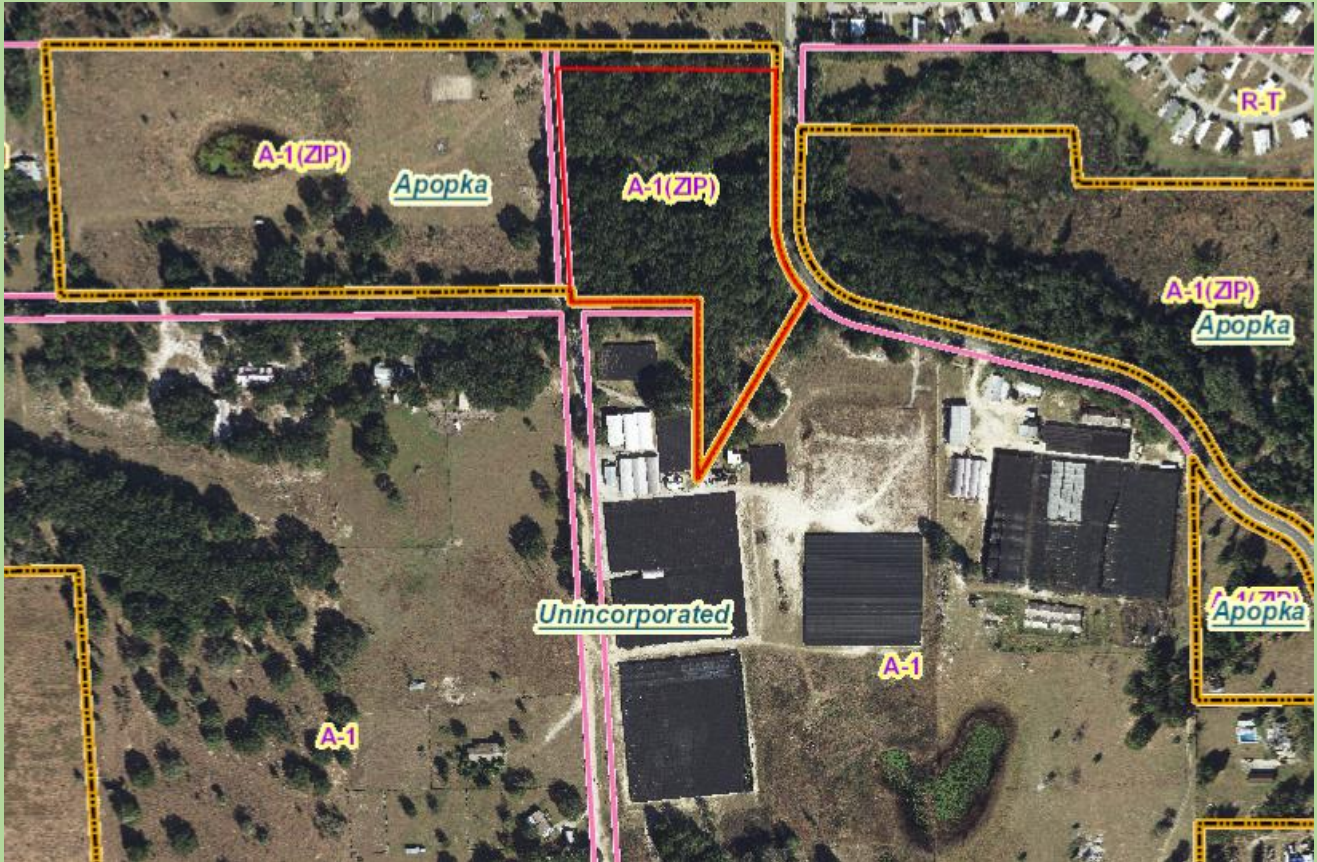


ADJACENT ZONING





ADJACENT USES





EXISTING USES



ORDINANCE NO. 2558

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 9.27 ACRES, MORE OR LESS, AND OWNED BY TITF/DEP; 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

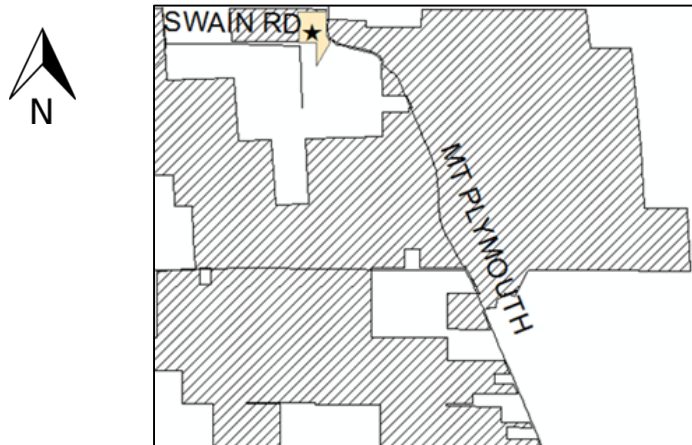
WHEREAS, the proposed AG zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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, as defined in the Apopka Land Development Code.

Legal Description:

J B BABCOCKS SUB B/27 A PORTION OF LOTS 4 & 6 DESC AS BEG N1/4 COR OF SEC 05-20-28 TH RUN S 670 FT S86-56-14E 30.12 FT S88-16-18E 299.98 FT S03-40-52W 464 FT N34-19-25E 550.42 FT TO WLY R/W SR 435 TH NWLY ALONG R/W 224.83 FT N04-02-29E 444.10 TH N86-9-52W 576.45 FT TO POB (LESS PT TAKEN FOR R/W PER 9795/8222 1770/527) & (LESS N 60 FT OF SAID LOT 4)



Parcel I.D.: 05-20-28-0476-00-040

Contains: 9.27 +/- 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.

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.

READ FIRST TIME: March 1, 2017

READ SECOND TIME
AND ADOPTED: March 15, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: January 27, 2017
 March 3, 2017

Backup material for agenda item:

6. Ordinance No. 2560 – First Reading - Comprehensive Plan – Large Scale Amendment – Legislative Wilkes

Kyle



CITY OF APOPKA CITY COUNCIL

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Ordinance

MEETING OF: March 1, 2017
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Future Land Use Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses Map
Ordinance No. 2560

SUBJECT: ORDINANCE NO. 2560 - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – PROJECT ORLANDO, LLC

REQUEST: ORDINANCE NO. 2560 - FIRST READING - COMPREHENSIVE PLAN AMENDMENT - LARGE SCALE – FUTURE LAND USE AMENDMENT – PROJECT ORLANDO, LLC, FROM RURAL SETTLEMENT (0-1 DU/5 AC) TO RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC); (PARCEL ID #S 24-20-27-0000-00-005 & 24-20-27-0000-00-076); AND AUTHORIZE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

OWNER/APPLICANT: Project Orlando LLC c/o James Welborn
LOCATION: North of Ponkan Road, east of Golden Gem Road
EXISTING USE: Container nursery
CURRENT ZONING: AG (Agriculture)
PROPOSED DEVELOPMENT: Vacant
PROPOSED ZONING: A zoning application will be processed during or within six months of the e FLUM adoption hearing.
TRACT SIZE: 23.43 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 4 units
PROPOSED: 46 single-family units

FUNDING SOURCE:

N/A

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

ADDITIONAL COMMENTS: The subject parcels were annexed into the City of Apopka on September 7, 2007. The applicant requests a future land use designation of Residential Very Low Suburban. The request is compatible with surrounding future land use designations and adjacent uses. As a “Large-Scale” Future Land use Amendment (i.e., ten or more acres), this application will be transferred to State agencies for consistency review with State policies.

COMPREHENSIVE PLAN COMPLIANCE: The proposed use of the property is compatible with the character of the surrounding area and is consistent with the Residential Very Low Suburban land use designation. City planning staff supports the FLUM amendment given the consistency with the Comprehensive Plan policies listed below and the intent of the proposed development as a single-family residential community see (Land Use Analysis below). Site development cannot exceed the intensity allowed by the Future Land Use policies.

Future Land Use Element

1. **Policy 3.1.c** The primary use shall be residential dwelling units up to 2 dwelling units per acre, elementary schools; middle schools; supporting infrastructure of less than two acres, neighborhood parks.

The applicant’s wish to develop the properties for a single-family residential subdivision, which is consistent with Policy 3.1.c.

2. **Policy 3.14** The City shall consider the following when evaluating land use amendments, especially changes from very low density categories to higher density categories and voluntary annexation requests:
 - Whether the amendment demonstrates a functional relationship of the proposed amendment to other more densely or intensely designated or development lands;
 - The availability of public facilities and water supplier to service a more dense or intense land use; and
 - Multi-modal transportation linkages between proposed residential use and neighborhood.

The request for single-family residential development at two (2) dwelling units per acre provides for a transition between the Zellwood Station mobile home and golf development to the south and the rural and single-family homes at lower densities adjacent to the subject properties. Any future residential development will require connection to city water/sewer.

3. **Policy 3.2** Development and redevelopment shall be integrated with the adjacent land uses through: (1) the creation of like uses; or (2) creation of complementary uses; or (3) mitigation of adverse impacts.

The proposed use for the subject properties as a low-density single-family residential development is consistent with the current and future proposed development of the surrounding area. Residential Very Low Suburban future land use designation is within proximity to the subject properties, and is compatible with single-family residential homes immediately adjacent to the subject properties. Any future single-family community will require as part of residential zoning requirements to provide landscape buffers and walls as part of the zoning site requirements to mitigate any adverse impacts.

4. **Policy 3.5** Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) will be restricted to no more than two dwelling units per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan.

CITY COUNCIL – MARCH 1, 2017
PROJECT ORLANDO, LLC – LARGE SCALE FUTURE LAND USE AMENDMENT
PAGE 3

The subject properties are located north of Ponkan Road and west of Rock Springs Road. These sites are not within the Wekiva Parkway Interchange Vision Plan area; the request for a Residential Low future land use designation, which allows for a maximum density of two dwelling units per acre is consistent with this policy.

SCHOOL CAPACITY REPORT: An executed capacity enhancement agreement with Orange County Public Schools will be required prior to adoption of the future land use amendment.

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 13, 2017.

PUBLIC HEARING SCHEDULE:

February 14, 2017 – Planning Commission (5:30 pm)

March 1, 2017 – City Council (1:30 pm) - 1st Reading & Transmittal

DULY ADVERTISED:

February 3, 2017 – Public Notice and Notification

TBD – Ordinance Heading & Public Notice ¼ Page Ad w/Map

RECOMMENDATION ACTION:

The **Development Review Committee** finds that the requested future land use amendment is compatible with the character of the surrounding area and is consistent with the land use designation; and recommended approval of the Future Land Use amendment from Rural Settlement (0-1 du/5 ac) to Residential Very Low Suburban (0-2 du/ac); and transmittal to the Florida Department for the property owned by Project Orlando, LLC, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on February 14, 2017, found that the requested future land use amendment is compatible with the character of the surrounding area and is consistent with the land use designation; and unanimously recommended approved of the change in Future Land Use from Rural Settlement (0-1 du/5 ac) to Residential Very Low Suburban (0-2 du/ac) for the property owned by Project Orlando, LLC, subject to the information and findings in the staff report; and transmittal to the Florida Department of Economic Opportunity.

Accept the First Reading of Ordinance No. 2560; and authorize transmittal to the Florida Department of Economic Opportunity.

Note: This item is considered legislative. 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 & County)	“City” Conservation & “County” Rural (0-1 du/ac)	“City” A-1 (ZIP) & “County” A-1	Vacant
East (County)	Rural (0-1 du/10 ac)	A-1	Mobile home
South (County)	Rural (0-1 du/10 ac)	P-D	R-0-W & Vacant (Zellwood Country Club)
West (County)	Rural (0-1 du/10 ac)	A-1	Single-family residences

The property has access from the south to W Ponkan Road.

II. LAND USE ANALYSIS

The subject properties are located within an area with land uses that permit low density residential development, including “City” Residential Very Low Suburban land uses less than a quarter-mile east of the subject sites.

City owned conservation properties and other rural, less intense uses to the north. The proposed use as single-family residential is consistent as single-family residences to the west and east, as well as and Zellwood Station, a higher-density golf course and mobile home community to the south of W Ponkan Road.

Therefore, the proposed Residential Very Low Suburban future land use designation is consistent with the general future land use character and long-range planning goals of the surrounding area.

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 located within the “Northern Tier” of the JPA. Orange County government has been notified of the proposed FLUM amendment and has not objected.

Transportation: Road access to the site from W. Ponkan Road to the south.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. 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 storm water 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 karst features on this property.

Analysis of the character of the Property: The current use of the properties are vacant. The dominant soil, Candler Fine Sand, has a 0-5 percent slope.

CITY COUNCIL – MARCH 1, 2017
PROJECT ORLANDO, LLC – LARGE SCALE FUTURE LAND USE AMENDMENT
PAGE 5

Analysis of the relationship of the amendment to the population projections: These properties were annexed into the City on September 7, 2005. Based on the adoption of the JPA, the size of the property, and the proposed land use change, the amendment will increase the population if developed.

CALCULATIONS: ADOPTED: 4 x 2.659 p/h = 11 persons
 PROPOSED: 46 x 2.659 p/h = 122 persons

Housing Needs: This amendment is to change the future land use to a future land use designation that permits residential uses, and will increase the number of available housing units in the City of Apopka.

Habitat for species listed as endangered, threatened or of special concern: A habitat study is required for developments greater than ten (10) acres in size. At the time the Master Site Plan or Preliminary Development Plan is submitted to the City, the development applicant must conduct a species survey and submit a habitat management plan if any threatened or endangered species are identified within the project site.

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; 81 GPCD; 81 GPD

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

2. Projected total demand under existing designation: 784 GPD

3. Projected total demand under proposed designation: 9,016 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; 177 GPCD; 177 GPD

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

2. Projected total demand under existing designation: 840 GPD

3. Projected total demand under proposed designation: 9,660 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 177 GPCD

6. Projected LOS under proposed designation: 177 GPCD

7. Improved/expansions already programmed or needed as a result of the proposed amendment: None

8. Parcel located within the reclaimed water service area: Yes

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: 44 lbs./person/day
4. Projected LOS under proposed designation: 488 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 event.
3. Projected LOS under proposed designation: 100 year - 24 hour design storm event.
4. Improvement/expansion: On-site retention/detention pond

Recreation

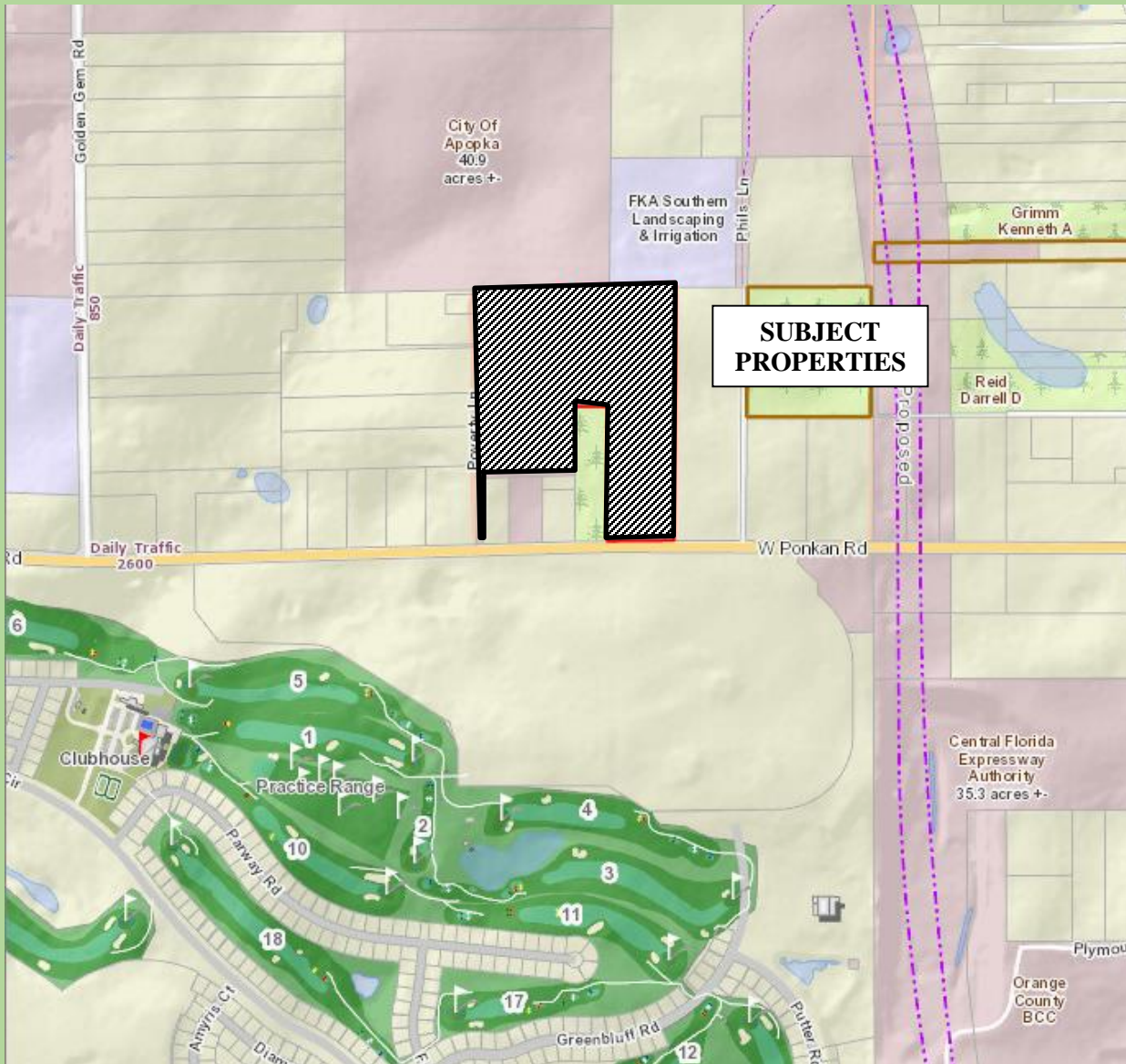
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.033 AC
3. Projected facility under proposed designation: 0.366 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None.

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



Project Orlando LLC
Property Owner
23.43 +/- Acres
Proposed Large Scale Future Land Use Amendment:
From: Rural Settlement (0-1 du/5 ac)
To: Residential Very Low Suburban (0-2 du/ac)
Proposed Change of Zoning:
From: AG (Agriculture)
To: TBD at time of FLUM adoption
Parcel ID #s: 24-20-27-0000-00-005 & 24-20-27-0000-00-076

VICINITY MAP



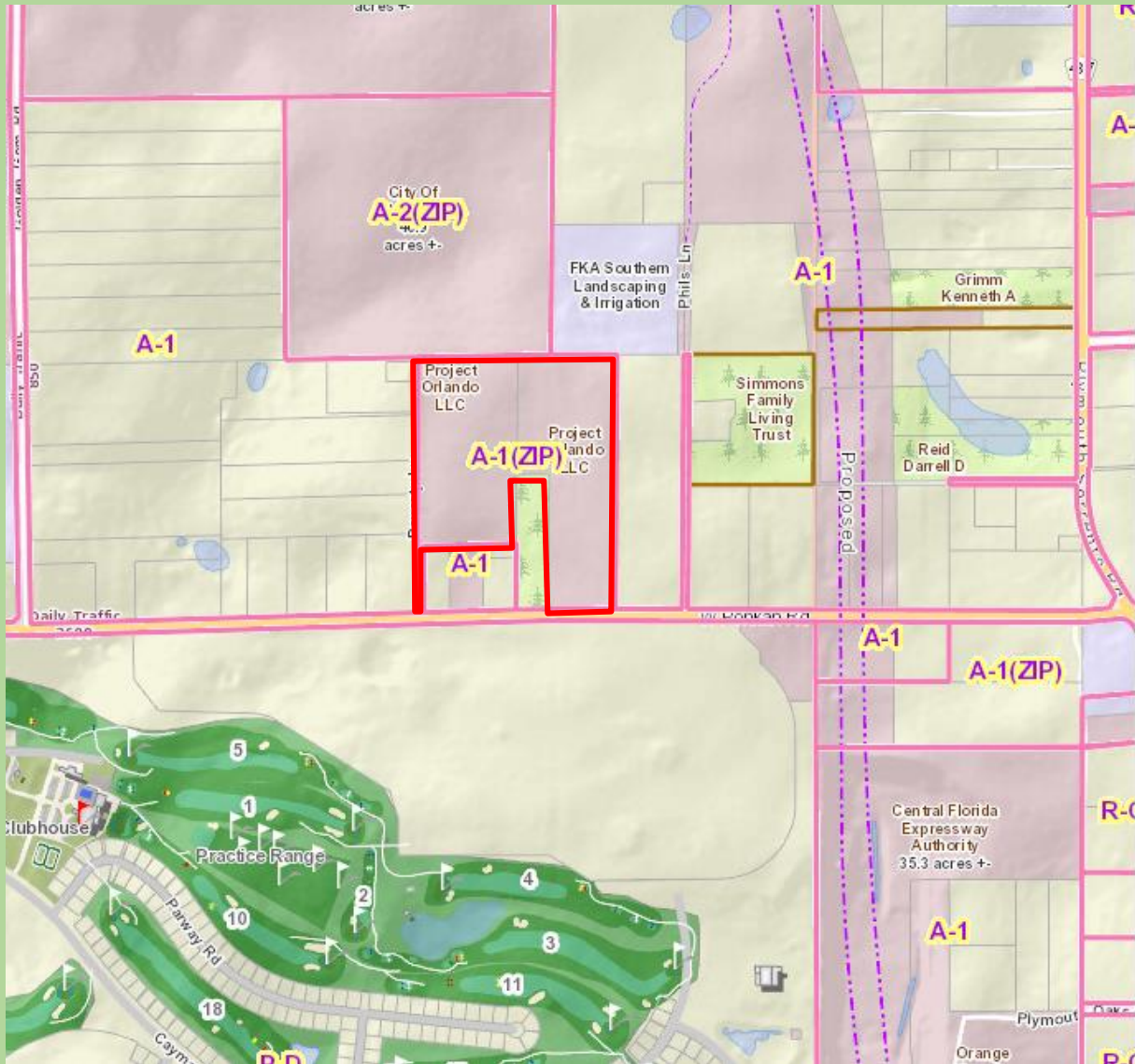


FUTURE LAND USE MAP





ADJACENT ZONING





ADJACENT USES





EXISTING USES



ORDINANCE NO. 2560

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 RURAL SETTLEMENT (0-1 DU/5 AC) TO RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF PONKAN ROAD AND EAST OF GOLDEN GEM ROAD, COMPRISING 23.43 ACRES, MORE OR LESS AND OWNED BY PROJECT ORLANDO, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka, Florida, on October 2, 1991 adopted Ordinance No. 653 which adopted the Comprehensive Plan for the City of Apopka; and

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2552; and

WHEREAS, the City of Apopka's Local Planning Agency and the City Council have conducted the prerequisite advertised public hearings, as per Chapter 163, Florida Statutes, relative to the transmittal and adoption of this ordinance and the requirements for amendment to the Comprehensive Plan.

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

SECTION I: The City of Apopka hereby amends the Future Land Use Element of the adopted Comprehensive Plan as follows:

The Future Land Use Map is hereby amended and replaced in its entirety by Exhibit "A" of this Ordinance, and incorporated herein by reference.

SECTION II: This Ordinance shall become effective following adoption and upon issuance by the Department of Community Affairs or the Administration Commission, as may be applicable, a final order finding the amendment to be in compliance in accordance with Chapter 163.3184.

SECTION III: 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 IV: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION V: This Ordinance shall become effective upon issuance of a final order by the Florida Department of Economic Opportunity finding the plan amendment in compliance in accordance with s.163.3184 (2)(a), Florida Statute.

ORDINANCE NO. 2560
PAGE 2

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this
____ day of _____, 2017.

READ FIRST TIME: March 1, 2017

READ SECOND TIME
AND ADOPTED: _____

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

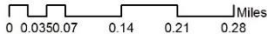
DULY ADVERTISED FOR PUBLIC HEARING: February 3, 2017

EXHIBIT "A"

Project Orlando LLC
Property Owner
23.43 +/- Acres
Proposed Large Scale Future Land Use Amendment:
From: Rural Settlement (0-1 du/5 ac)
To: Residential Very Low Suburban (0-2 du/ac)
Proposed Change of Zoning:
From: AG (Agriculture)
To: TBD at time of FLUM adoption
Parcel ID #s: 24-20-27-0000-00-005; 24-20-27-0000-00-076



**City of Apopka
Future Land Use Map**



Source: City of Apopka and Orange County Property Appraiser
 Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.
 The City of Apopka does not assume responsibilities for errors or omissions contained hereon.

Legend	
	Subject Sites
	City Boundary
	JPA Boundary
Future Land Use	
	Agriculture
	Agriculture Estates
	Agriculture Homestead
	Rural Settlement
	Res. Estates
	Res. Very Low Suburban
	Res. Low Suburban
	Res. Low
	Res. Medium Low
	Res. Medium
	Res. High
	Mixed Use
	Mixed Use*
	Office
	Commercial
	Commercial*
	Industrial
	Industrial*
	Institutional/Public Use
	Conservation
	Parks/Recreation
	ANNEX



Backup material for agenda item:

7. Ordinance No. 2561 – First Reading - Comprehensive Plan – Capital Improvement Element – Legislative
Kyle Wilkes



CITY OF APOPKA CITY COUNCIL

- _____ CONSENT AGENDA
- X PUBLIC HEARING
- _____ SPECIAL REPORTS
- X OTHER: Ordinance

MEETING OF: March 1, 2017
 FROM: Community Development
 EXHIBITS: Ordinance No. 2561
 Appendix 7-1, CIE

SUBJECT: AMENDMENT TO THE CITY’S FIVE-YEAR CAPITAL IMPROVEMENTS PLAN, AND INCORPORATING INTO THE CITY OF APOPKA, COMPREHENSIVE PLAN, CAPITAL IMPROVEMENTS ELEMENT.

REQUEST: FIRST READING OF ORDINANCE NO. 2561 - ANNUAL UPDATE TO THE CITY OF APOPKA, FIVE-YEAR CAPITAL IMPROVEMENTS PLAN AND INCORPORATE INTO THE CITY OF APOPKA COMPREHENSIVE PLAN, CAPITAL IMPROVEMENT ELEMENT; AND HOLD OVER FOR SECOND READING AND ADOPTION.

SUMMARY:

The city’s annual update to the Five-Year Capital Improvement Plan was adopted recently by City Council. This annual update of the five-year CIP is intended to schedule capital projects that are necessary to meet accepted levels of service (LOS), to maintain and repair failing facilities, and to provide additional infrastructure facilities and roads to meet demands generated by new growth and development.

However, the City is pursuing a Florida Department of Environmental Protection – Office of Operation, Lands and Recreation grant. This grant request is for \$200,000 to fund the installation of a fitness trail/track at Kit Land Nelson Park to complement the future park improvements to Kit Land Nelson Park and Edwards Field. The grant requires as part of the application process that the proposed grant project be included in the City’s Five-Year Capital Improvement Plan.

Further, grant fund disbursement will require a 40 percent match (\$80,000) from the City’s Recreation general fund.

Exhibit ‘A’ of this report includes the updated CIP to be incorporated as Appendix 7-1 of the Capital Improvements Element. The proposed CIP changes (additions) are included in the ‘General Fund’ and ‘FDEP Grant Fund’ sections of the Recreation CIP (shown in Exhibit ‘A’).

Legislative changes in 2011 to Chapter 163, Florida Statutes allow local governments to update their five-year CIP by ordinance, and is not considered a comprehensive plan policy amendment. Therefore, incorporation of the updated CIP into the Capital Improvements Element does not require transmittal to the Florida Department of Economic Opportunity for state agency review.

PUBLIC HEARING SCHEDULE:

- February 14, 2017 – Planning Commission (5:30 pm)
- March 1, 2017 – City Council 1st Reading (1:30 pm)
- March 15, 2017 – City Council 2nd Reading (7:00 pm)

DULY ADVERTISED:

- February 3, 2017 – Public Hearing Notice
- March 3, 2017 – Ordinance Adoption Ad

FUNDING SOURCE: FDEP Grant & Recreation General Fund (Contingent upon grant approval)

DISTRIBUTION

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

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the amendment to the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element.

The **Planning Commission**, at its meeting on February 14, 2017, unanimously recommended approval of the amendment to the City of Apopka Five-Year Capital Improvements Plan to be incorporated into the Apopka Comprehensive Plan – Capital Improvements Element.

City Council Recommended Motion: Accept the first reading of Ordinance 2561, and hold over for Second Reading and Adoption on March 15, 2017.

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

ORDINANCE NO. 2561

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; INCORPORATING AN AMENDMENT TO THE CITY'S FIVE YEAR CAPITAL IMPROVEMENTS PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka, Florida, on October 2, 1991 adopted Ordinance No. 653 which adopted the Comprehensive Plan for the City of Apopka; and

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2552; and

WHEREAS, the City of Apopka's Local Planning Agency and the City Council have conducted the prerequisite advertised public hearings, as per Chapter 163, Florida Statutes, relative to the adoption of this ordinance and the requirements for amendment to the Comprehensive Plan.

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

SECTION I: The City of Apopka hereby amends the Capital Improvements Element of the adopted Comprehensive Plan as follows:

The Capital Improvements Element is hereby amended to incorporate annual updates to the Five Year Capital Improvements plan and replaced in its entirety by Exhibit "A" of this Ordinance, and incorporated herein by reference.

SECTION II: 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 III: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: This Ordinance shall become effective upon adoption.

ORDINANCE NO. 2561
PAGE 2

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this
____ day of _____, 20____.

READ FIRST TIME: March 1, 2017

READ SECOND TIME
AND ADOPTED: March 15, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Cliff B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: February 3, 2017
March 10, 2017

APPENDIX 7-1*: FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS - RECREATION
 (* indicates proposed changes)

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Concession, bathrooms, building and sidewalks at NWRC	General Fund		\$300,000					\$300,000
Parking Lot-NWRC Little League Fields			\$510,000					\$510,000
Picnic Pavilions			\$100,000		\$100,000		\$100,000	\$300,000
NWRC Ball Field Renovations		\$23,900	\$50,000	\$50,000	\$50,000			\$173,900
Fitness Equipment for Kit Land Nelson Park (with grant)								\$23,900
Bleacher Covers Over Quad 3			\$60,000					\$60,000
Tennis Court Resurfacing – NWRC						\$50,000		\$50,000
Basketball Resurfacing – NWRC						\$50,000		\$50,000
Lk. Ave. Park – Playground, Pavilion, Shade Structure					\$350,000			\$350,000
Old Little League Fields New Park						\$200,000		\$200,000
NWRC Scoreboards for (1) Quad			\$30,000	\$30,000				\$60,000
New ball fields (Baseball, soccer, etc.)					\$2,200,000			\$2,200,000
Alonzo Williams Park Improvements (Contingent upon CDBG grant award)			\$50,000				\$50,000	
Kit Land Nelson Park Fitness (grant contingent)*			\$80,000				\$80,000	
TOTAL GENERAL FUND		\$23,900	\$1,180,000	\$2,630,000	\$450,000	\$0	\$100,000	\$3,285,000

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Recreation Splash Pad at NWRC	Recreation Impact Fund					\$400,000		\$400,000
Skate Park			\$300,000					\$300,000
Playground at Apopka Athletic Complex (AAC)			\$75,000					\$75,000
Splash Pad w/ Restrooms (Kit Land Nelson Park)		\$750,000						\$750,000
Park Lot - NWRC				\$267,000	\$865,000		\$1,165,000	\$2,297,000
TOTAL RECREATION IMPACT FUND		\$750,000	\$375,000	\$267,000	\$865,000	\$400,000	\$1,650,000	\$4,307,000
Alonzo Williams Community Center Bldg.	CDBG		\$750,000					\$750,000
TOTAL CDBG			\$750,000					\$750,000
Alonzo Williams Park ¹ Renovations	FRDAP Grant	\$28,000						\$28,000
Alonzo Williams Park New Construction ²		\$22,000						\$22,000
Kit Land Nelson Park Renovations ³		\$3,700						\$3,700
Kit Land Nelson Park New Construction ⁴		\$42,500						\$42,500
AAC Renovations ⁵			\$17,000					\$17,000
AAC New Construction ⁶			\$33,000					\$33,000
Old Little League Fields New Park Construction						\$200,000		
TOTAL FRDAP GRANT FUNDS		\$96,200	\$50,000	\$0	\$200,000	\$0	\$0	\$346,200

¹ Resurfacing, irrigation, drinking fountain, picnic facilities

² Playground, security lighting

³ Resurfacing, tennis court maintenance, drinking fountain, picnic facilities, miscellaneous maintenance

⁴ New playground, bike rack, picnic facilities

⁵ Restrooms, playground surface materials, baseball dugout shelters, drinking fountain & picnic facilities

⁶ Playground, landscaping, picnic facilities

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Kit Land Nelson Park Fitness Track/Trail*	FDEP Grant		\$200,000					\$200,000
TOTAL FDEP GRANT FUNDS			\$200,000					\$200,000
Gymnasium/Aquatic Center (GO Bond)	Other Funds		\$20,000,000					\$20,000,000
Fitness Equipment for Kit Land Nelson Park/Outdoor Fitness Grant		\$9,560						\$9,560
TOTAL OTHER FUNDS		\$9,560	\$20,000,000	\$0	\$0	\$0	\$0	\$20,009,560

APPENDIX 7-1 (CONT'D) : FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS - PUBLIC SERVICES

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Downtown Parking Lot	CRA	\$200,000						\$200,000
Downtown Park Lot Upgrades			\$500,000					\$500,000
TOTAL CRA FUND								\$700,000
Brick Streets, Repair & Restoration	Street Improvement Fund		\$500,000					\$500,000
Equipment (3412 Streets-6400)		\$60,000	\$60,000	\$60,000	\$50,000	\$50,000	\$50,000	\$330,000
New Sidewalk & Curb Construction (3412 Streets-6304)		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$300,000
Paving & Resurfacing (3412 Streets-6304)		\$600,000	\$600,000	\$600,000	\$600,000	\$600,000		\$3,000,000
8 th Street Complex (Renovation/or Relocate) Split with 3412/3513/3181)		\$300,000						\$300,000
TOTAL STREET IMPROVEMENT FUND		\$1,010,000	\$1,410,000	\$710,000	\$700,000	\$700,000	\$100,000	\$4,630,000

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
6 th Street Reconstruction & Downtown Related Street Improvements, Central Ave to US 441	Traffic Impact Fee	\$500,000	\$500,000	\$1,000,000				\$2,000,000
Bradshaw Rd US 441 Traffic Signal		\$400,000						\$400,000
Peterson Rd (End of pavement to Hermit Smirth Rd) 2 lanes				\$750,000				\$750,000
Maine Ave, Martin St to Old Dixie Hwy (2 lanes)					\$1,000,000			\$1,000,000
Martin St, Maine Ave between Park Ave					\$1,600,000			\$1,600,000
Marden Rd (Keene Rd to CR 437A) 2 lanes, Urban Section Improvement		\$500,000	\$500,000					\$100,000
New Sidewalks		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000		\$250,000
Rogers Rd, Lester Rd to Ponkan Rd				\$1,400,000				\$1,400,000
Old Dixie (Hawthorne Ave to Schopke Lester Rd) turn lane, curb, gutter		\$1,000,000						\$1,000,000
Sheeler Ave/Cleveland St Intersection Improvement (turn lanes/traffic light)			\$500,000					\$500,000
Plymouth Rd/Yothers Rd Intersection Improvements		\$500,000						\$500,000

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Piedmont-Wekiwa Rd/Greenacres Rd (Traffic Light)	Traffic Impact Fee (Cont'd)			\$350,000				\$350,000
TOTAL TRAFFIC IMPACT FUND		\$2,950,000	\$1,550,000	\$3,550,000	\$2,650,000	\$50,000	\$0	\$9,850,000
Drainage Upgrading – Citywide (6308)	Stormwater Fund	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$2,100,000
TOTAL STORMWATER FUND		\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$2,100,000
Miscellaneous Water Mains (2)	Water Impact Fund	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000
TOTAL WATER IMPACT FUND		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$600,000
Binion Rd RWM, IFAS to Ocoee Apopka Rd, 5,329 LF,	Reclaim Fund				\$511,584			\$511,584
16" Golden Gem Reuse Station HSP						\$6,500,000		\$6,500,000
Keene Rd RWM, Marden Rd to Ocoee Apopka Rd, 4,413 LF, 36"		\$794,340						\$794,340
Kelly Park Rd RMW II, Jason Dwelley Pkwy to Rock Springs Rd 16", 8,801 LF (2)				\$705,000				\$705,000
Kelly Park Rd RWM, Golden Gem Rd to Round Lake Rd 24"			\$371,400					\$371,400

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Miscellaneous RWM (5)	Reclaim Fund (Cont'd)	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$600,000
Northwest Reclaim Water Pump Station, 2 @ \$3,000			\$700,000					\$700,000
Northwest Reclaim Water Pond 2 & 3		\$250,000						\$250,000
Ocoee Apopka Rd, RWM, Harmon Rd to Alston Bay Blvd, 2,500 LF, 30"		\$412,500						\$412,500
Ocoee Apopka Rd RWM, Keene Rd to Alston Bay Blvd, 4,000 LF 30"		\$660,000						\$600,000
Plymouth Sorrento Rd RWM, Yothers Rd to Ponkan Rd, 4,654 LF 24" (2)			\$670,176					\$670,176
Ocoee Apopka Rd RWM, Keene Rd to Binion Rd, 3,500 LF 30"		\$308,000						\$308,000
Plymouth Sorrento Rd RWM, Ponkan Rd to Kelly Park Rd 2,745 LF, 20" (2)			\$645,000					\$645,000
TOTAL RECLAIM FUND		\$2,524,840	\$2,486,576	\$805,000	\$611,584	\$6,600,000	\$100,000	\$13,128,000

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Plymouth Sorrento Rd WM, Yothers Rd to Ponkan Rd, 5,423 LF 12" (1)	Water Impact Fund (Cont'd)	\$390,456						\$390,456
Plymouth Regional Water Plant, modifications and improvements Wells #1 & 2			\$900,000					\$900,000
Ponkan Rd, Ponkan Pines to Golden Gem 8,271 LF 12"			\$595,572					\$595,572
Sheeler Oaks WTP 65T .75 MG (1)			\$750,000					\$750,000
Southwest Water Plant (1)							\$4,500,000	\$4,500,000
US 441 WM, Roger Williams Rd to Sheeler Rd (1)					\$240,000			\$240,000
TOTAL WATER IMPACT FUND		\$1,590,776	\$2,245,572	\$2,220,000	\$2,644,976	\$4,600,000	\$100,000	\$13,401,324
Martin's Pond Improvements	Other Funds (TBD)							TBD
TOTAL OTHER FUNDS								TBD

Comprehensive Plan Element/Project	Source of Funding	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Totals
Grossenbacher WTP, Replace Well	Water Impact Fee				\$910,000			\$910,000
Haas Rd WM, Mt. Plymouth Rd to Round Lake Rd, 22,708 LF 12" (1)					\$1,634,976			\$1,634,976
Kelly Park Rd WM, Golden Gem Rd to Round Lake Rd, 4,035 LF 16" (1)			\$387,360					\$387,360
Kelly Park Rd WM, Plymouth Sorrento Rd to Golden Gem, 6,672 LF 12" (1)		\$400,320						\$400,320
Miscellaneous Water Mains (2)		\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$600,000
Mt. Plymouth Water Plant (Well #1) modifications and improvements		\$700,000						\$700,000
Mt. Plymouth Water Plant (Well #4) modifications and improvements			\$900,000					\$900,000
NW WTP (1 MG Storage Tank) (1)				\$850,000				\$850,000
Plymouth Sorrento Rd WM Ponkan Rd to Kelly Park Rd, 10,720 LF 16" (1)				\$1,030,000				\$1,030,000

Backup material for agenda item:

8. Ordinance No. 2562 – First Reading - Comprehensive Plan – Small Scale Amendment – Legislative Wilkes

Kyle



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Community Development
 EXHIBITS: Land Use Report
 Vicinity Map
 Adjacent Zoning Map
 Adjacent Uses Map
 Adjacent/Proposed FLU Map
 Ordinance No. 2562

SUBJECT: ORDINANCE NO. 2562 - SMALL SCALE – FUTURE LAND USE AMENDMENT – APOPKA HOLDINGS, LLC

REQUEST: FIRST READING OF ORDINANCE NO. 2562 - SMALL SCALE – FUTURE LAND USE AMENDMENT – APOPKA HOLDINGS, LLC, FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” OFFICE (MAX. 0.3 FAR); AND HOLD OVER FOR SECOND READING & ADOPTION. (PARCEL ID #S: 09-21-28-7540-00-771; 09-21-28-7540-00-772)

SUMMARY:

OWNER/APPLICANT: Apopka Holdings LLC
 LOCATION: 1109 S Park Avenue & 157 Rand Court
 EXISTING USE: Single-family residence
 CURRENT ZONING: “County” R-3 (ZIP)
 DEVELOPMENT POTENTIAL: Maximum 10,715 sq. ft. office use (.30 floor area ratio)
 PROPOSED ZONING: “City” PUD/PO/I (Professional Office/Institutional) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County”R-3 (ZIP) to “City” PUD/PO/I.)
 TRACT SIZE: 0.82 +/- acres
 MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: Single-family residence
 PROPOSED: Up to 10,715 sq. ft. office use.

FUNDING SOURCE:

N/A

DISTRIBUTION

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

ADDITIONAL COMMENTS: Applicant intends to use the subject property for a parking lot to meet minimum parking requirements for the Central Florida Recovery Center, located on the opposite side of Park Avenue\Clarcona Road. Presently, the subject property has not yet been assigned a “City” Future Land Use Designation or a “City” zoning category. Applicant is requesting the City to assign a future land use designation of Office (max FAR of 0.3) to the property.

The subject properties were annexed into the City of Apopka on February 1, 2017, through the adoption of Ordinance No. 2546. 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 Office is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 0.82 acres.

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). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Office (max 0.3 FAR) Future Land Use designation and the City’s proposed PUD/PO/I Zoning.

SCHOOL CAPACITY REPORT: Because this request represents a change to a non-residential future land use designation and zoning classification, school capacity determination by Orange County Public Schools is not required.

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 13, 2017.

PUBLIC HEARING SCHEDULE:

- February 14, 2017 - Planning Commission (5:30 pm)
- March 1, 2017 - City Council (1:30 pm) - 1st Reading
- March 15, 2017 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

- February 3, 2017 – Public Notice and Notification
- March 10, 2017 – ¼ Page w/Map Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from “County” Low Density Residential (0-4 du/ac) to “City” Office (max 0.3 FAR) for the properties owned by Apopka Holdings LLC and located at 1109 S Park Avenue & 157 Rand Court.

The **Planning Commission**, at its meeting on February 14, 2017, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommended approval of the change in Future Land Use from “County” Low Density Residential (1 du/4 ac) to “City” Office (Max. 0.3 FAR) for the property owned by Apopka Holdings LLC and located at 1109 S Park Avenue & 157 Rand Court.

Accept the First Reading of Ordinance No. 2562 and Hold it Over for Second Reading and Adoption on March 15, 2017.

Note: This item is considered Legislative. 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)	Industrial (max 0.6 FAR)	I-1	Vacant industrial
East (County)	Low Density Residential (0-4 du/ac)	R-3	Single-family residences
South (County)	Low Density Residential (0-4 du/ac)	R-3	Single family residence
West (City)	Residential Low (0-5 du/ac) & Office (max 0.3 FAR)	R-3 & PUD/POI/Residential	Church (St. Paul AME Church) and Central Florida Recovery Center Office/Inpatient Residential

II. LAND USE ANALYSIS

The applicant intends to redevelop the property for use for off-site parking to serve the approved mental health and substance abuse center located on the west side of Park Avenue\Clarcona Road. If all the land is not needed to accommodate parking needs for the Central Florida Recovery Center, a small office building may be constructed on the subject property. The proposed future land use of Office and use for the property is compatible with the general character of the surrounding neighborhood. Predominant existing land uses and assigned zoning in the abutting and surrounding area industrial are single family residential and religious facilities, with Office future land use to the west of subject sites (under the same ownership as the subject sites), and Industrial land use to the north.

North: Abutting the subject property to the north are vacant industrial properties with industrial and commercial buildings to the north of this vacant property.

West: The subject properties front S. Park Ave. to the west, with St. Paul AME Church and the approved Central Florida Recovery Center properties to the west. These uses have Residential Low and Office future land use designations, respectively.

South: Single family homes abut the subject property directly to the south. While the areas to the south are predominantly single family residential, commercial-zoned nodes do occur approximately 600 feet away.

East: Properties to the east are located within unincorporated Orange County and are used currently for single-family residences and have a Low Density Residential land use designation.

The proposed future land use designation of “City” Office serves as a transitional land use between the residential uses to the east and south, as well as the institutional uses to the west and industrial land uses to the north.

Therefore, staff supports the proposed future land use changes.

Other Information:

- 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 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 Basin 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 properties front S Park Avenue. 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 0-5 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.j Office 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 Office (max FAR 0.3). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population.

CALCULATIONS:

ADOPTED (County designation): 3 Unit(s) x 2.659 p/h = 8 persons
PROPOSED (City designation): N/A, no residential.

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.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the Orange County Utilities service area for potable water, reclaimed water and sanitary service. The property owner will need to provide a letter from Orange County Utilities demonstrating available capacity prior to submittal of any development plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 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: 588 GPD
3. Projected total demand under proposed designation: 1,607 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: City of Apopka ; 177 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: 1,362 GPD
- 3. Projected total demand under proposed designation: 2,143 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: Yes

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: 32 lbs./person/day
- 4. Projected LOS under proposed designation: 21 lbs./day/1000 sf
- 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 GPD
- Total design capacity of the water treatment plant(s): 33,696 GPD
- Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: No

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 25 hour design storm
3. Projected LOS under proposed designation: 100 year - 25 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

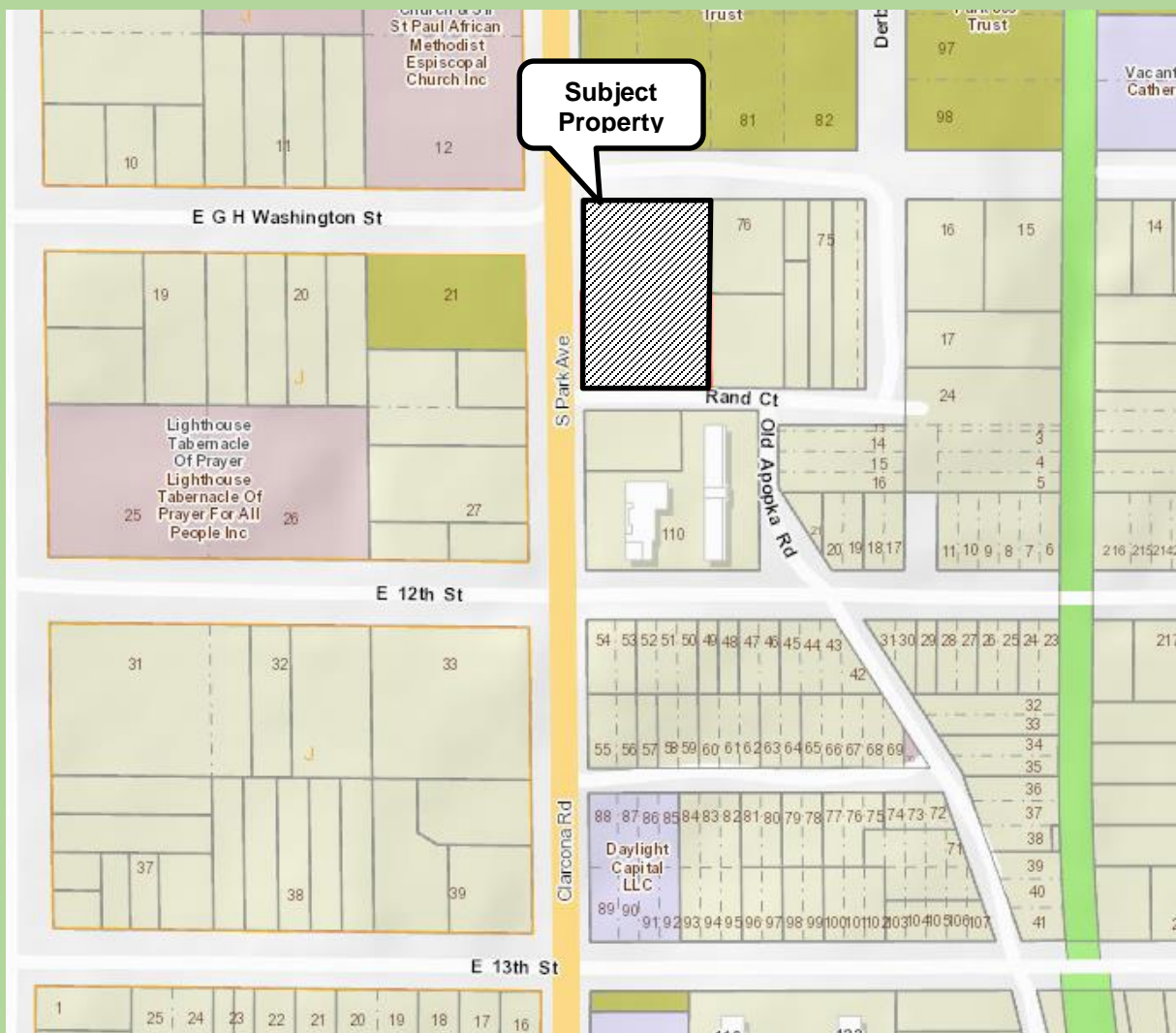
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.024 AC
3. Projected facility under proposed designation: N/A AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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



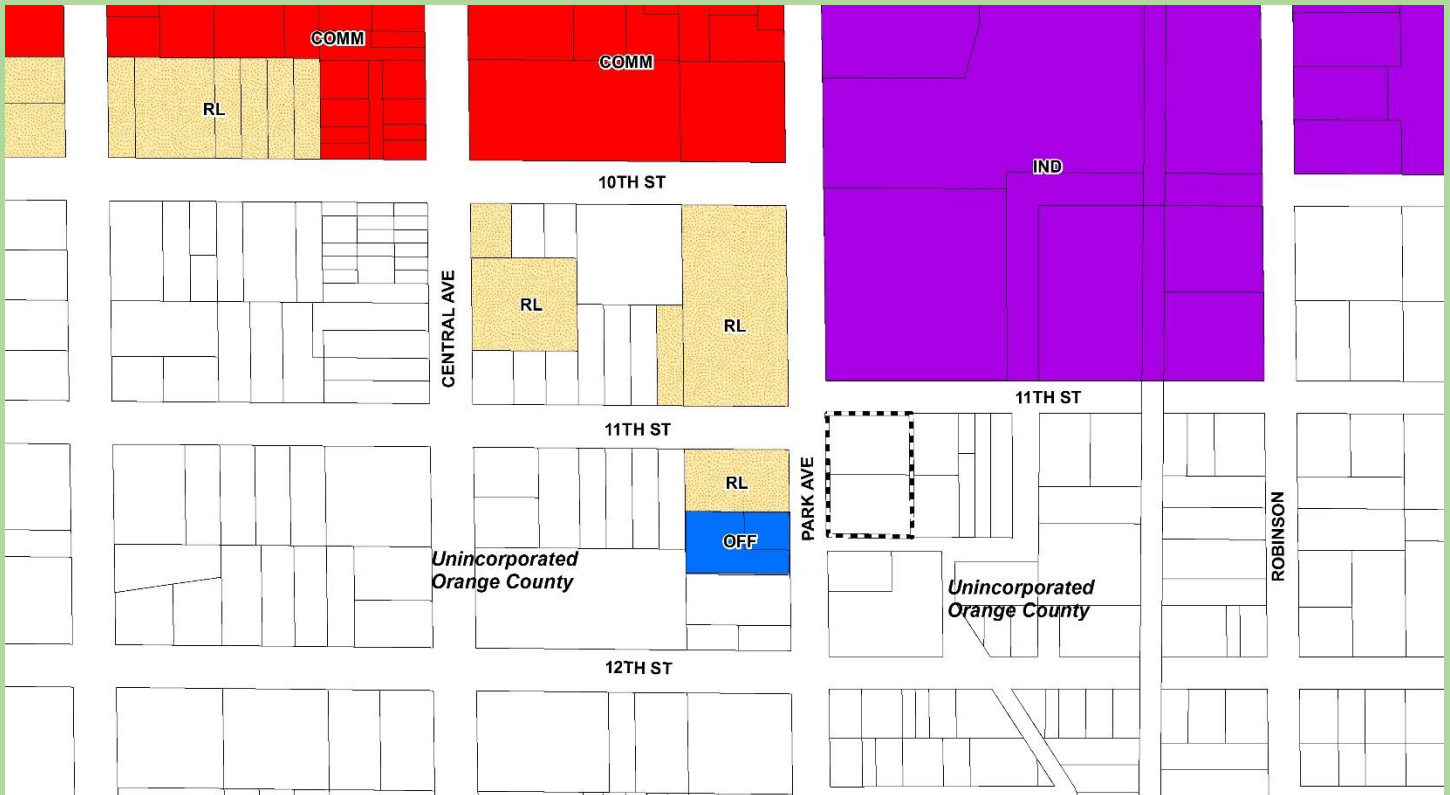
Apopka Holdings, LLC
Proposed Small Scale Future Land Use Amendment:
From: “County” Low Density Residential (0-4 du/ac)
To: “City” Office (max 0.3 FAR)
Proposed Change of Zoning:
From: “County” R-3 (Residential)
To: “City” PUD/PO/I (Planned Unit Development/Professional Office/Institutional)
Parcel ID #s: 15-21-28-7540-00-771; 15-21-28-7540-00-772

VICINITY MAP



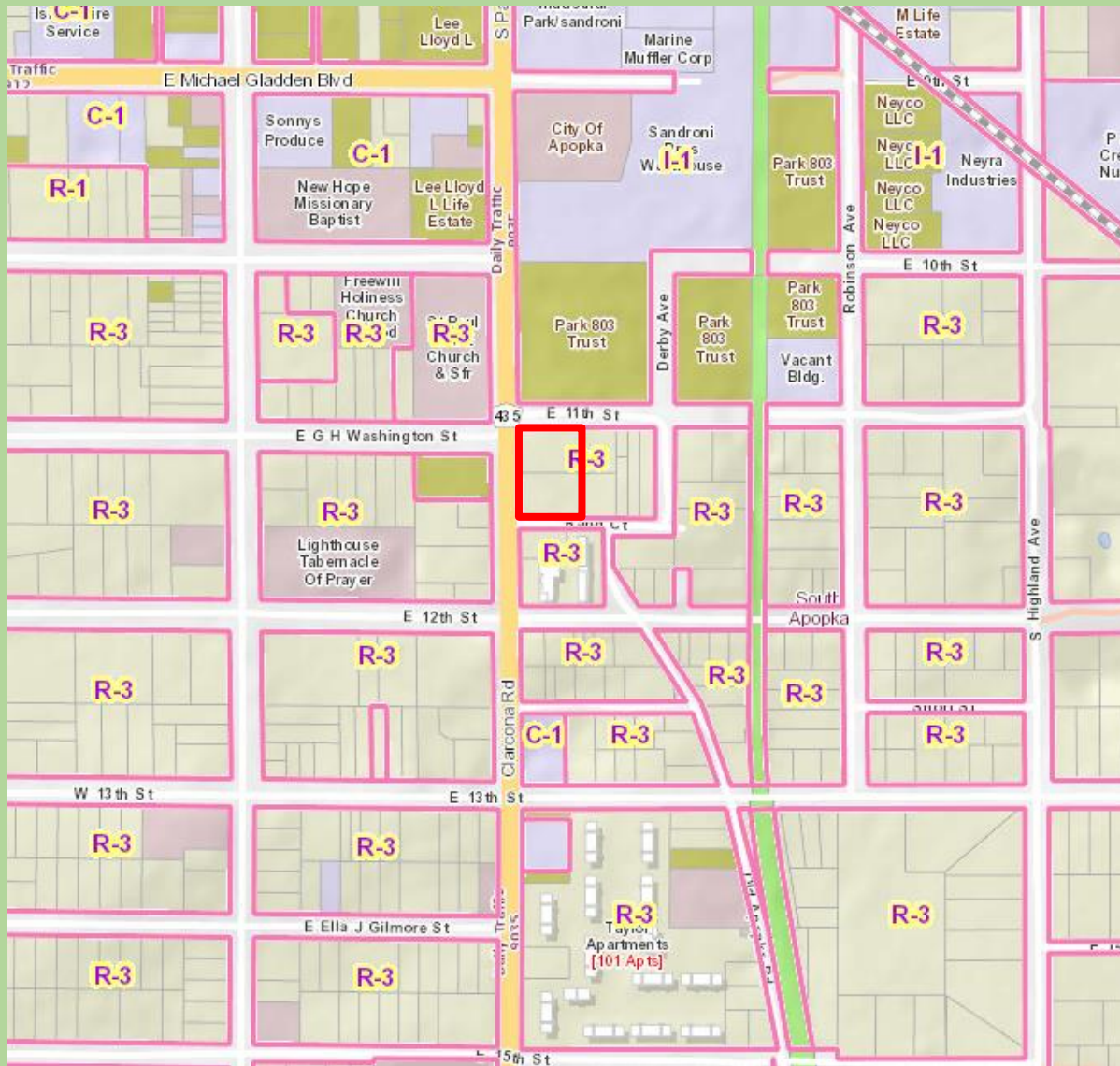


FUTURE LAND USE MAP



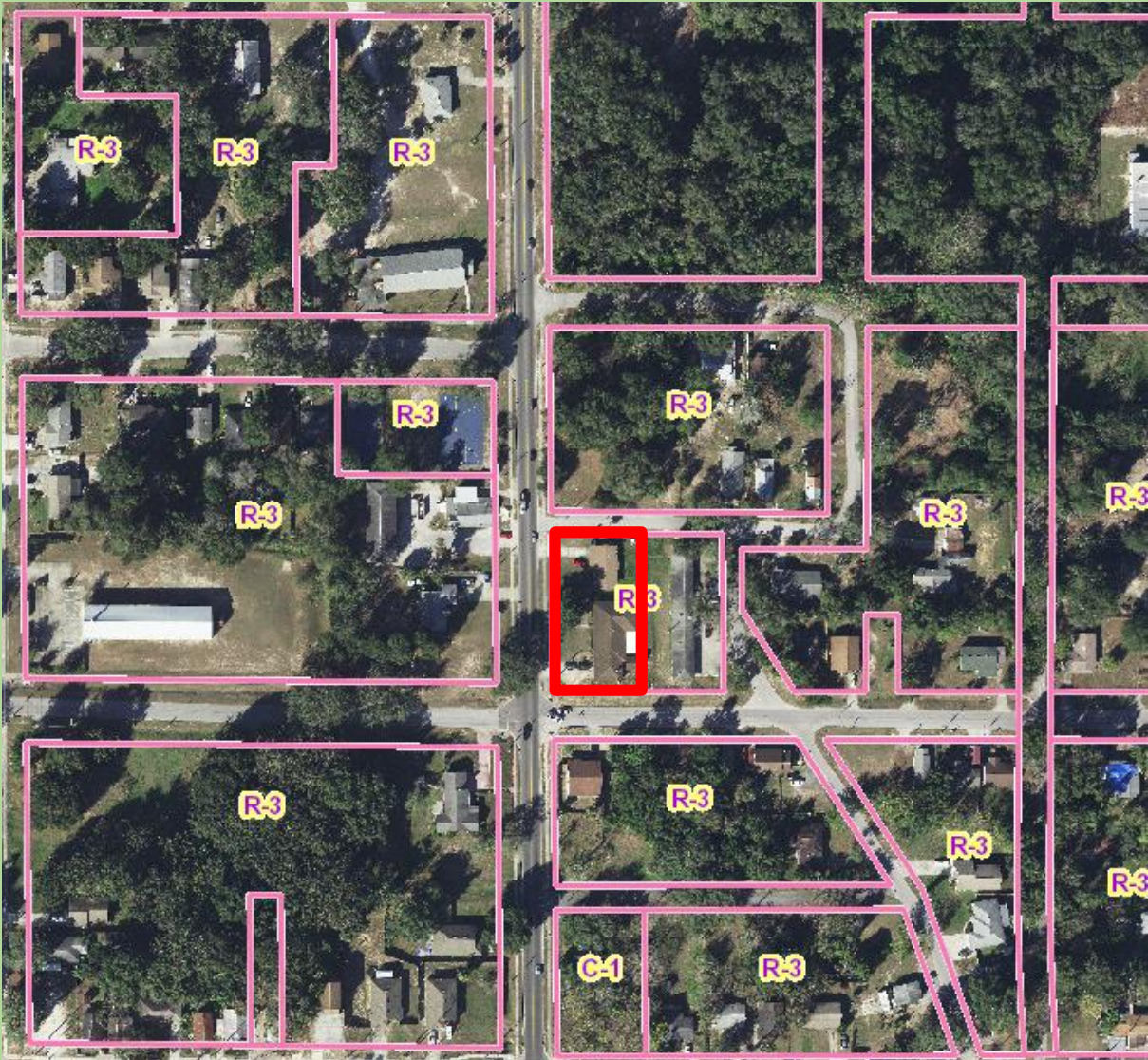


ADJACENT ZONING



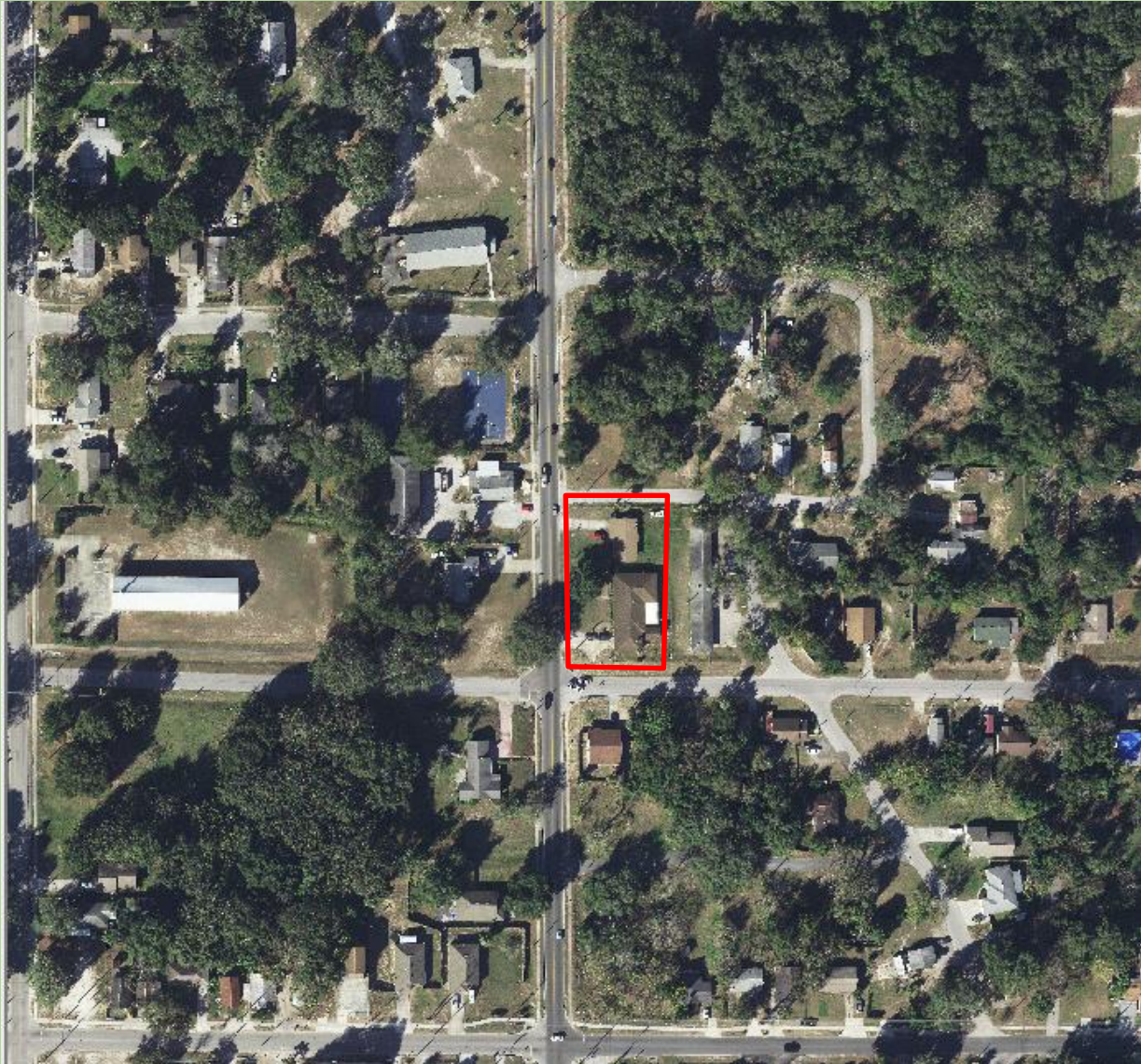


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2562

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” LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO “CITY” OFFICE (MAX. FAR 0.30), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF SOUTH PARK AVENUE AND NORTH OF RAND COURT, COMPRISING 0.82 ACRES MORE OR LESS, AND OWNED BY APOPKA HOLDINGS, LLC; 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. 2552 on February 15, 2017; 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. 2552, is amended in its entirety to change the land use from “County” Low Density Residential (0-4 du/ac) To “City” Office (Max. FAR 0.30), for certain real property generally located east of South Park Avenue, north of Rand Court and comprising 0.82 acres more or less, and owned by Apopka Holdings, LLC; 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.

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 15th day of March, 2017,

READ FIRST TIME: March 1, 2017

READ SECOND TIME
AND ADOPTED: March 15, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

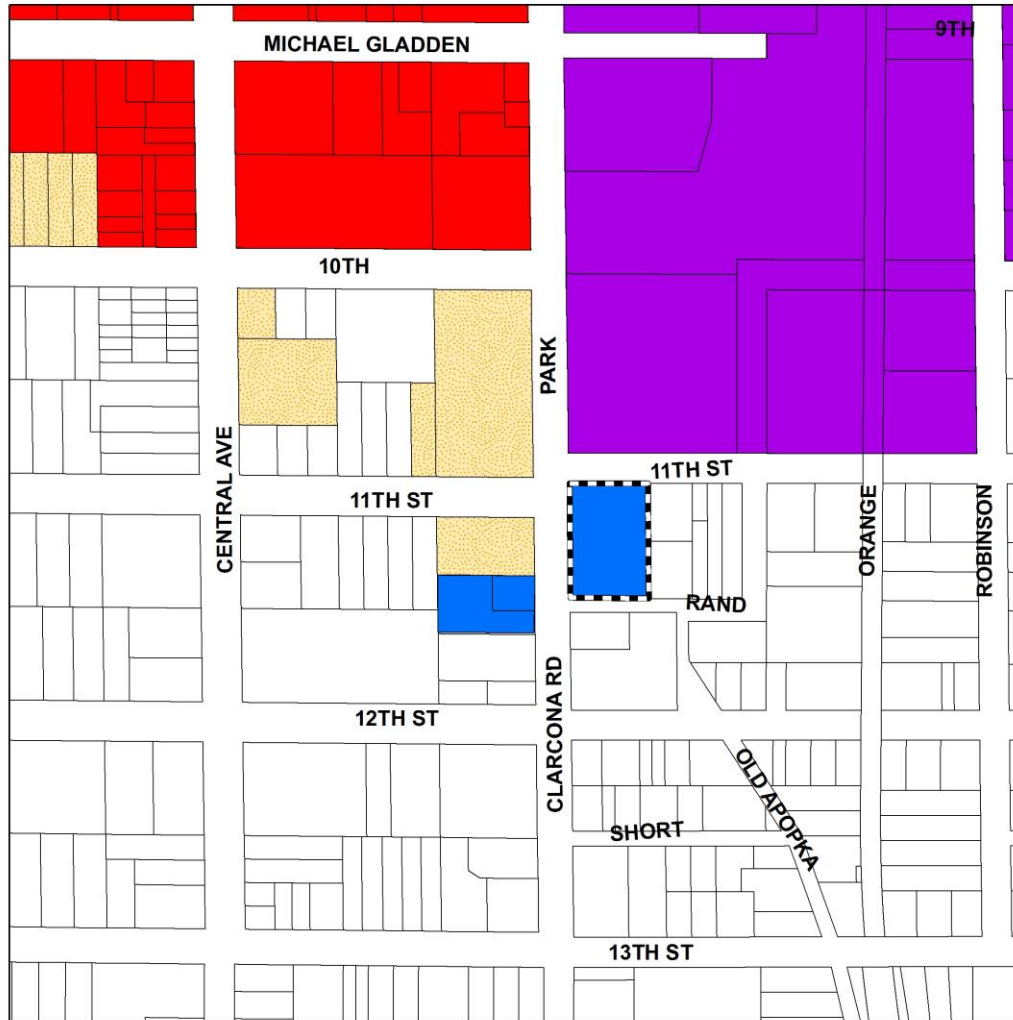
DULY ADVERTISED FOR HEARING: February 3, 2017
March 3, 2017



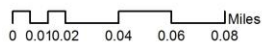
EXHIBIT "A"

ORDINANCE NO. 2562

Apopka Holdings, LLC
Proposed Small Scale Future Land Use Amendment:
From: "County" Low Density Residential (0-4 du/ac)
To: "City" Office (max 0.3 FAR)
From: "County" R-3 (Residential)
Parcel ID #s: 15-21-28-7540-00-771; 15-21-28-7540-00-772



City of Apopka Future Land Use Map



Source: City of Apopka and Orange County Property Appraiser
 Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.
 The City of Apopka does not assume responsibilities for errors or omissions contained herein.

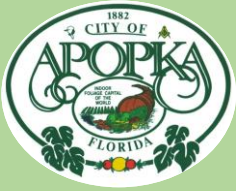
Legend

- Subject Sites
- City Boundary
- JPA Boundary
- LAND_USE**
- Agriculture
- Agriculture Estates
- Agriculture Homestead
- Rural Settlement
- Res. Estates
- Res. Very Low Suburban
- Res. Low Suburban
- Res. Low
- Res. Medium Low
- Res. Medium
- Res. High
- Mixed Use
- Mixed Use*
- Office
- Commercial
- Commercial*
- Industrial
- Industrial*
- Institutional/Public Use
- Conservation
- Parks/Recreation
- ANNEX



Backup material for agenda item:

9. Ordinance No. 2563 – First Reading - Change of Zoning – Quasi-Judicial
Kyle Wilkes



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Community Development
 EXHIBITS: Zoning Report
 Vicinity Map
 Adjacent Zoning Map
 Adjacent Uses Map
 Ordinance No. 2563

SUBJECT: ORDINANCE NO. 2563 - CHANGE OF ZONING – APOPKA HOLDINGS, LLC

REQUEST: FIRST READING OF ORDINANCE NO. 2563 - CHANGE OF ZONING – APOPKA HOLDINGS, LLC, FROM “COUNTY” R-3 (ZIP) TO “CITY” PLANNED UNIT DEVELOPMENT (PUD/PO-I); AND HOLD OVER FOR SECOND READING & ADOPTION. (PARCEL ID #S: 09-21-28-7540-00-771; 09-21-28-7540-00-772)

SUMMARY:

OWNER/APPLICANT: Apopka Holdings LLC

LOCATION: 1109 S Park Avenue & 157 Rand Court

EXISTING USE: Single-family residence

CURRENT ZONING: “County” R-3 (ZIP)

DEVELOPMENT POTENTIAL: Maximum 10,715 sq. ft. office use (.30 floor area ratio)

PROPOSED LAND USE: “City” Office (Max. 0.3 FAR) (Note: this Change of Zoning request is being processed along with a request to change the Future Land Use designation from “County” Low Density Residential (0-4 du/ac) to “City” Office (Max. 0.3 FAR)

TRACT SIZE: 0.82 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT UNDER ZONING DISTRICT: EXISTING: Single-family residence
 PROPOSED: Up to 10,715 sq. ft. office use.

FUNDING SOURCE:

N/A

DISTRIBUTION

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

ADDITIONAL COMMENTS: The subject properties were annexed into the City of Apopka on February 1, 2017 via Ordinance 2546. The applicant requests the change of zoning to PUD/PO/I to accommodate off-site parking to serve the existing Central Florida Recovery Center properties owned by the applicant. If the subject site accommodates the parking requirements for Central Florida Recovery Center, applicant may desire to construct a 2,000 sq. ft. office building on the site as well, subject to demonstrating that sufficient parking is available for the subject property and for the Central Florida Recovery Center.

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

PUD ZONING AND DEVELOPMENT STANDARDS: That the zoning classification of the following described property be designated as Planned Unit Development (PUD), 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: the subject property shall be used for parking to accommodate the parking requirements for the Central Florida Recovery Center located on Parcel Numbers 09-21-28-0917-10-211 and 09-21-28-0917-10-213. If another site is used and developed to accommodate this parking need for Central Florida Recovery, then the following all uses permitted within the PO/I (Professional Office/Institutional PO/I (zoning category) are allowed except for following PO/I uses shall be prohibited:

1. Hospitals, museums, libraries or cultural institutions;
2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
3. Boarding or rooming house(s);
4. All other uses listed as prohibited within the Professional Office/Institutional zoning district;
5. Pharmacy;
6. All uses permitted through a special exception within the Professional Office/Institutional zoning district.

B. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health safety and welfare, the following development standards shall apply to the development of the Property and for the Final Development/master site plan:

Building Design Standards:

1. New development shall have architectural features and materials that are residential in character.
 - a. Any office structure shall have a roof with a 4-to-1 pitch and shall be shingled or tiled.
 - b. Maximum number of stories allowed is two (2). Maximum building height of thirty-five (35) feet.
 - c. Windows shall include fenestration detail and/or shutters.
 - d. All ground and rooftop utilities shall be screened from view from any public street or adjacent property.

- e. A main building entrance shall face a public street.

Building Design Guidelines

1. Building exterior design uses residential-scale fenestration that may include:
 - i. Windows with multi-pane glazing
 - ii. Dormers or similar architectural features
 - iii. Roof overhang, cornice, eaves, soffits
2. Building façades that are modulated into house-sized segments or broken into separate buildings are encouraged.
3. A portico or porch is encouraged to define a main building entrance.
4. The total area of the first floor of a building shall not exceed 12,000 sq. ft. and the total gross floor area of a building shall not exceed 18,000 sq. ft. The minimum and maximum floor area does not apply to churches.

Site Design Standards:

1. The front façade and primary entrance of the building shall be oriented toward the front of the property.
 2. Minimum front setback of 15 ft. and a maximum of 25 ft.
 3. Parking lot shall be screened from the public street by a hedge and wrought-iron style fence or a 3-foot decorative stone wall.
 4. Parking is located at the rear or side of any building.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Plan 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 Plan provisions and any conditions of approval; or
 3. Rezone the property to a more appropriate zoning classification.
 4. The site shall provide a six-foot brick/masonry wall along the southern and eastern portions of the subject properties adjacent to residential uses.
 5. The subject properties shall meet all other buffer yard and landscaping requirements, as defined in the Apopka Land Development Code.
 6. The applicant must demonstrate through the Final Development Plan that sufficient parking exists to support off-site parking requirements for existing Central Florida Recovery Center properties west of Park Avenue, as well as any future professional office development on-site.

7. Connection to City central water and sewer service is required prior to issuance of a certificate of occupancy for any future office development.
8. The applicant must receive approval for the location of a crosswalk from the subject properties to the existing Central Florida Recovery Center properties; the approved crosswalk location shall be identified on the Final Development Plan.
9. Unless otherwise provided herein, the design of the site through a Master Plan\Final Development Plan shall occur consistent with development standards for the PO/I zoning district. Modifications to the Final Development Plan may be approved by the Development Review Committee if determined to be an insubstantial change by the Community Development Director.

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Office Future Land Use designation and the City’s proposed Planned Unit Development (PUD/PO/I) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: Because this Change of Zoning represents a change to a non-residential underlying zoning classification, a capacity enhancement agreement with Orange County Public Schools is not required.

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 13, 2017.

PUBLIC HEARING SCHEDULE:

February 14, 2017 - Planning Commission (5:30 pm)
March 1, 2017 - City Council (1:30 pm) - 1st Reading
March 15, 2017 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

February 3, 2017 – Public Notice and Notification
March 3, 2017 – ¼ Page w/Map Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the Change in Zoning from “County” R-3 (ZIP) to “City” Planned Unit Development (PUD/PO-I) for the properties owned by Apopka Holdings LLC and located at 1109 S Park Avenue & 157 Rand Court.

The **Planning Commission**, at its meeting on February 14, 2017, found the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and unanimously recommended approval of the Change in Zoning from “County” R-3 (ZIP) to “City” Planned Unit Development (PUD/PO-I) for the properties owned by Apopka Holdings LLC and located at 1109 S Park Avenue & 157 Rand Court.

Accept the First Reading of Ordinance No. 2563 and Hold it Over for Second Reading and Adoption on March 15, 2017.

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)	Industrial (max 0.6 FAR)	I-1	Vacant industrial
East (County)	Low Density Residential (0-4 du/ac)	R-3	Single-family residences
South (County)	Low Density Residential (0-4 du/ac)	R-3	Single family residence
West (City)	Residential Low (0-5 du/ac) & Office (max 0.3 FAR)	R-3 & PUD/PO/I/Residential	Church (St. Paul AME Church) and Central Florida Recovery Center Office/Inpatient Residential

LAND USE

COMPATIBILITY:

The proposed zoning and use is compatible with adjacent zoning districts and the general character of the surrounding area. Predominant land uses in the abutting and surrounding area are single family residential and religious facilities. Parcels abutting to the west across S Park Avenue are for a church – the St. Paul African Methodist Episcopal Church, as well as the existing Central Florida Recovery Center owned by the applicant, institutional and office uses, respectively. In addition, the area contains other non-residential land uses, including industrial north and commercial to the south of the subject sites.

The underlying PO/I zoning serves as a transitional zoning between the residential uses to the east and south, to the institutional and industrial zoning uses and zoning to the west and north of the subject properties. The Land Use Compatibility supporting information from the Future Land Use amendment is incorporated into the findings of the Zoning Report.

TRAFFIC

COMPATIBILITY:

The property has access to a Minor Arterial roadway (S. Park Avenue/Clarcona Road). A medical office/clinic is a permissible use within the PO/I zoning category. Future land use designations and zoning categories assigned to properties to the north, south, east, and west is predominantly residential, industrial and commercial.

COMPREHENSIVE

PLAN COMPLIANCE:

The proposed PUD/PO/I/Residential zoning is compatible with policies set forth in the Comprehensive Plan. The underlying PO/I zoning standards within the proposed PUD are as follows:

PO/I DISTRICT

REQUIREMENTS:

- FAR: 0.30 (max.)
- Open Space: 30 percent
- Minimum Site Area: 10,000 sq. ft.
- Minimum Lot Width: 85 ft.
- Setbacks: Front: 25 ft.
- Side: 10 ft.
- Corner: 25 ft.
- Rear: 10 ft.
- Adjacent to Residential: 25 ft.

**BUFFERYARD
REQUIREMENTS:**

Areas adjacent to all road rights-of-way shall provide a minimum ten (10) foot landscaped bufferyard. Areas adjacent residential use shall provide a minimum six (6) foot masonry wall within a ten (10) foot landscaped bufferyard.

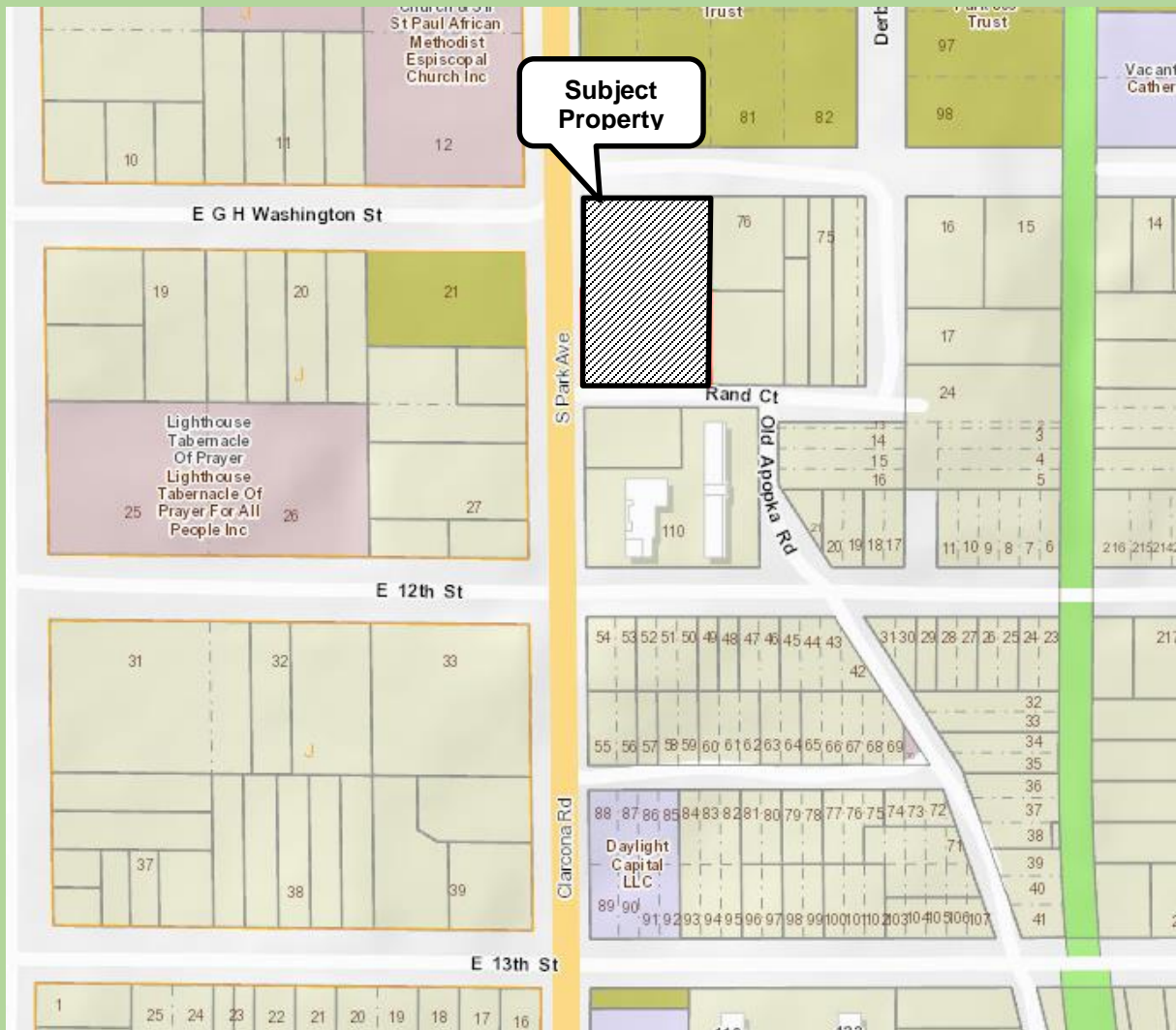
**ALLOWABLE
USES:**

Professional offices, medical or dental clinics and offices, establishments for the retail sale of pharmaceutical, medical and dental supplies, hospitals, museums, libraries, churches and educational facilities.



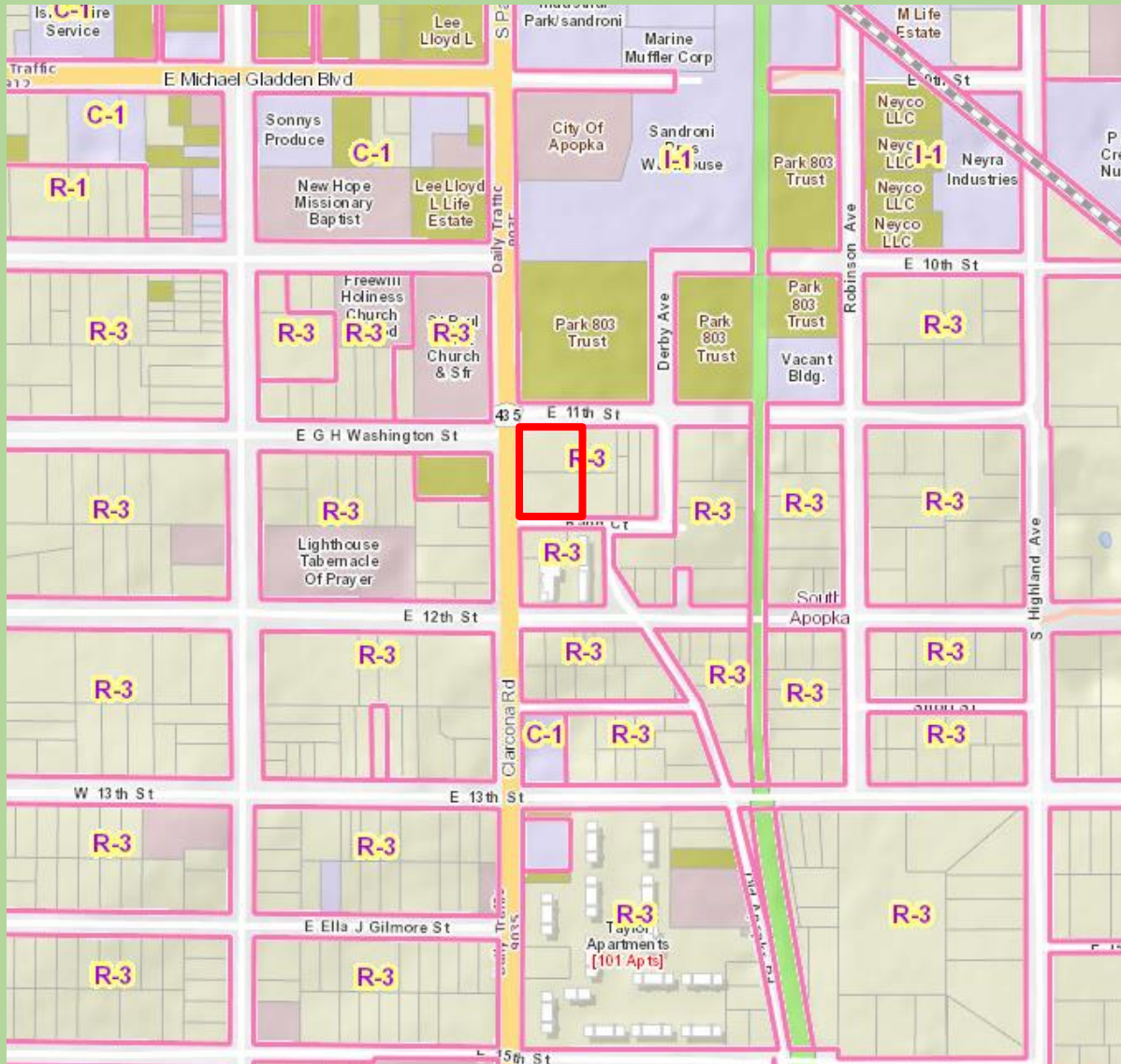
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VICINITY MAP



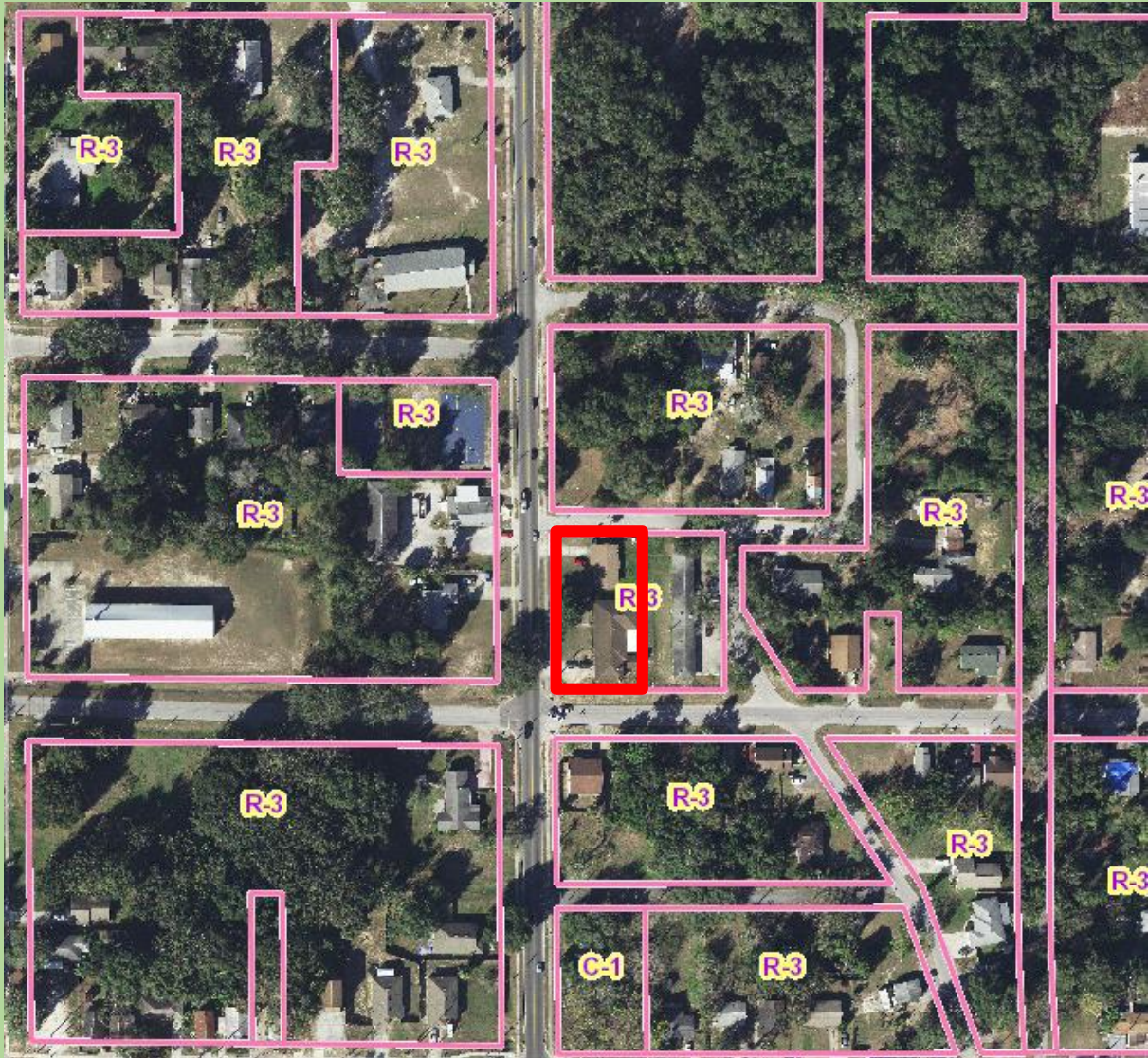


ADJACENT ZONING



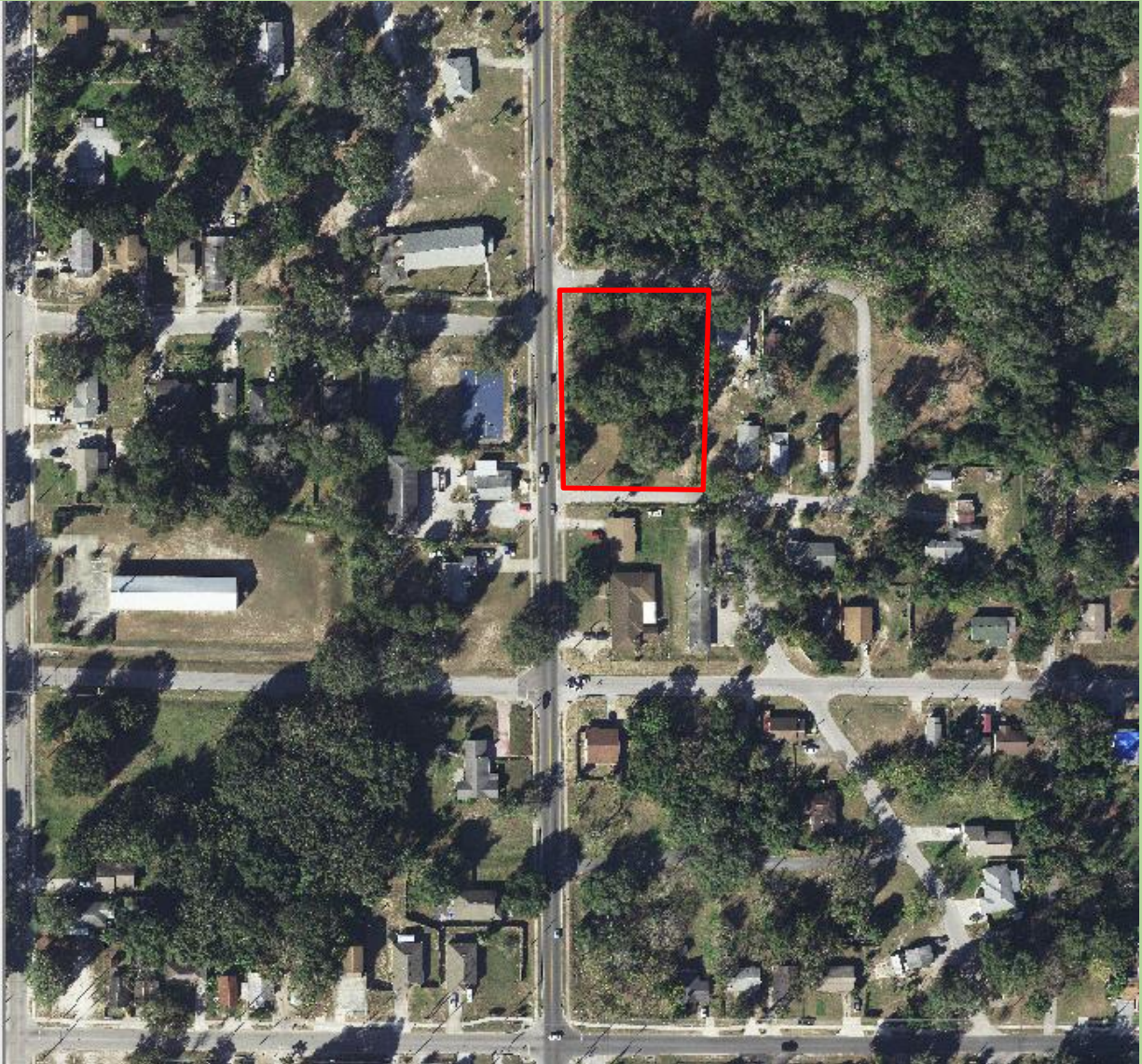


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2563

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” R-3 (RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (PUD-PO/I); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF SOUTH PARK AVENUE AND NORTH OF RAND COURT, COMPRISING 0.82 ACRES MORE OR LESS, AND OWNED BY APOPKA HOLDINGS, 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-PO/I-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 be designated as Planned Unit Development (PUD-PO/I-Residential), as defined in the Apopka Land Development Code, and with the following Master Plan provisions, as established in Exhibit “A”, subject to the following zoning provisions:

PUD ZONING AND DEVELOPMENT STANDARDS: That the zoning classification of the following described property shall be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions affecting the use of the Property:

- A. The uses permitted within the PUD district shall be: the subject property shall be used for parking to accommodate the parking requirements for the Central Florida Recovery Center located on Parcel Numbers 09-21-28-0917-10-211 and 09-21-28-0917-10-213. If another site is used and developed to accommodate this parking need for Central Florida Recovery, then the following all uses permitted within the PO/I (Professional Office/Institutional PO/I (zoning category) are allowed except for following PO/I uses shall be prohibited:
1. Hospitals, museums, libraries or cultural institutions;
 2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
 3. Boarding or rooming house(s);
 4. All other uses listed as prohibited within the Professional Office/Institutional zoning district;
 5. Pharmacy;

6. All uses permitted through a special exception within the Professional Office/Institutional zoning district.
- B. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health safety and welfare, the following development standards shall apply to the development of the Property and for the Final Development/master site plan:

Building Design Standards:

1. New development shall have architectural features and materials that are residential in character.
 - a. Any office structure shall have a roof with a 4-to-1 pitch and shall be shingled or tiled.
 - b. Maximum number of stories allowed is two (2). Maximum building height of thirty-five (35) feet.
 - c. Windows shall include fenestration detail and/or shutters.
 - d. All ground and rooftop utilities shall be screened from view from any public street or adjacent property.
 - e. A main building entrance shall face a public street.

Building Design Guidelines

1. Building exterior design uses residential-scale fenestration that may include:
 - i. Windows with multi-pane glazing
 - ii. Dormers or similar architectural features
 - iii. Roof overhang, cornice, eaves, soffits
2. Building façades that are modulated into house-sized segments or broken into separate buildings are encouraged.
3. A portico or porch is encouraged to define a main building entrance.
4. The total area of the first floor of a building shall not exceed 12,000 sq. ft. and the total gross floor area of a building shall not exceed 18,000 sq. ft. The minimum and maximum floor area does not apply to churches.

Site Design Standards:

1. The front façade and primary entrance of the building shall be oriented toward the front of the property.

2. Minimum front setback of 15 ft. and a maximum of 25 ft.
 3. Parking lot shall be screened from the public street by a hedge and wrought-iron style fence or a 3-foot decorative stone wall.
 4. Parking is located at the rear or side of any building.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Plan 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 Plan provisions and any conditions of approval; or
 3. Rezone the property to a more appropriate zoning classification.
 4. The site shall provide a six-foot brick/masonry wall along the southern and eastern portions of the subject properties adjacent to residential uses.
 5. The subject properties shall meet all other buffer yard and landscaping requirements, as defined in the Apopka Land Development Code.
 6. The applicant must demonstrate through the Final Development Plan that sufficient parking exists to support off-site parking requirements for existing Central Florida Recovery Center properties west of Park Avenue, as well as any future professional office development on-site.

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-PO/I), as defined in the Apopka Land Development Code.

Legal Description:

ROBINSON & DERBYS ADD TO APOPKA B/40 THE N1/2 OF LOT 77 & N1/2 OF LOT 78 Parcel I.D. No. 15-21-28-7540-00-771 (0.41 +/- acres)

ROBINSON & DERBYS ADD TO APOPKA B/40 THE S1/2 OF LOTS 77 & 78 Parcel I.D. No. 15-21-28-7540-00-772 (0.41 +/- acres)

Combined acreage: 0.82 +/- acre

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

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

ORDINANCE NO. 2563

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

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

Section VII. That this Ordinance shall take effect upon adoption of Ordinance No. 2562.

READ FIRST TIME: March 1, 2017

READ SECOND TIME
AND ADOPTED: March 15, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: February 3, 2017
March 3, 2017

Backup material for agenda item:

10. Resolution No. 2017-05 - Governmental Lease- Purchase David Burgoon



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Recreation
 EXHIBITS: Resolution 2017-04

SUBJECT: RECREATION MASTER PLAN

REQUEST: CONSIDERATION AND ACCEPTANCE OF RESOLUTION 2017-04

SUMMARY:

Policy 3.3 of the Apopka Comprehensive Plan, Recreation Element requires that the City prepare a Parks Master Plan to address future recreation needs and park availability to neighborhood residents. In addition, city residents identified in the Grow Apopka 2025 community wide visioning workshops the need to improve the park and recreational offerings within the city over time.

The objective of the master plan is to inventory existing parks, identify current deficiencies and future recreation needs, and offer recommendations for future recreational opportunities in Apopka. The plan provides for a strategy on inventory, establishes long range goals and creates additional standards and policies. These developments will strengthen recreation programs in the community and promote Apopka as a regional recreation destination.

A Parks & Recreation Master Plan Public Advisory Committee was established to provide public input in the master plan process, help define goals for Apopka’s recreational amenities and offer recommendations for improving existing facilities and identifying future needs. Committee members and city staff based final recommendations on future park needs based on: adopted level of service of three (3) acres of park/open space per 1,000 residents, policies addressed within the Recreation Element of the Comprehensive Plan, input expressed by residents at the Public Advisory Committee meetings and visioning workshops, and the desire to ensure all residents of Apopka have access to recreation amenities.

At the November 30, 2016 City Council Workshop, Recreation staff presented the Parks & Recreation Master Plan for consideration. Staff has made all the recommended changes. The priority and timeline for items in the master plan are outlined in the approved Capital Improvement Plan.

FUNDING SOURCE:

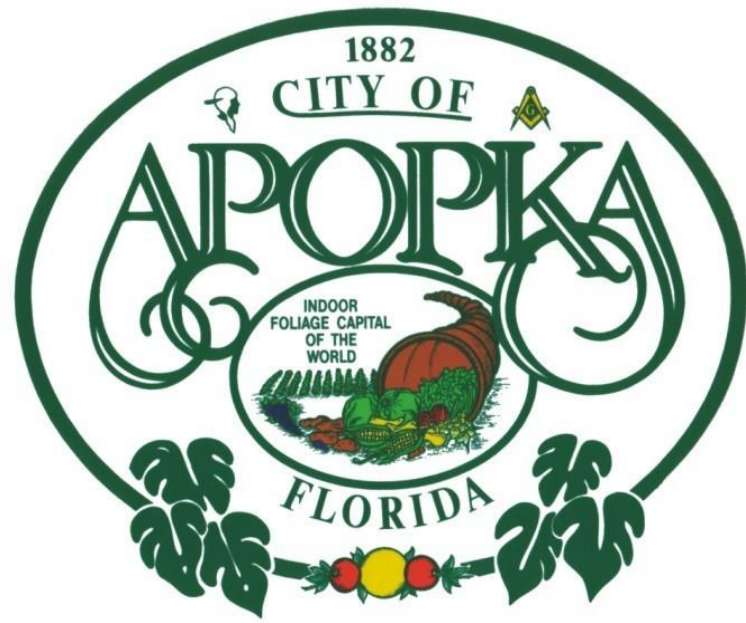
N/A

RECOMMENDATION ACTION:

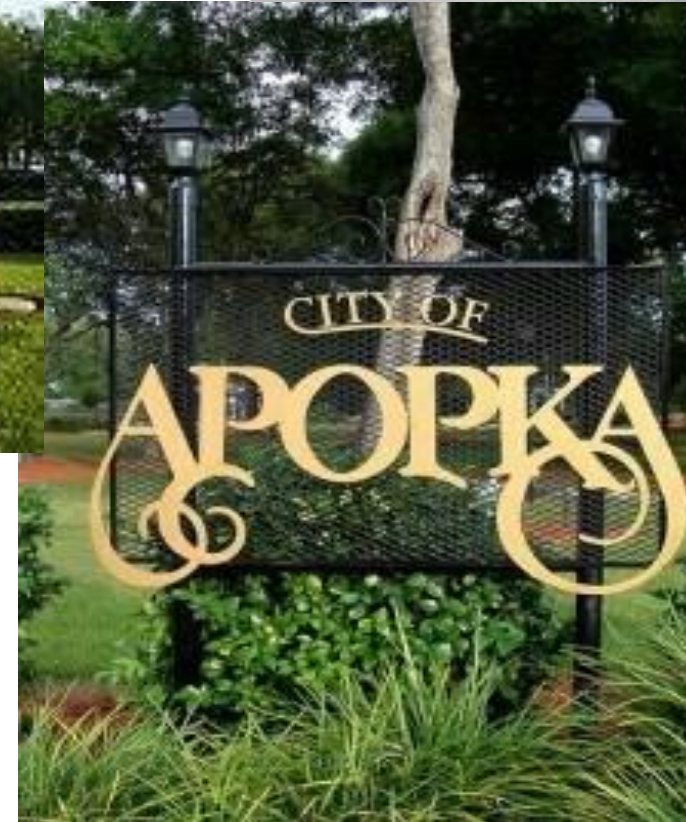
Approve resolution 2017-04 City of Apopka’s Recreation Master Plan.

DISTRIBUTION

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



City of Apopka Parks & Recreation Master Plan



IT STARTS IN
PARKS



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Acknowledgements

Apopka City Council

Joseph Kilsheimer	Mayor
Billie Dean	Seat 1
Diane Velazquez	Seat 2
Doug Bankson	Seat 3
Kyle Becker	Seat 4



Apopka Parks & Recreation Master Plan Community Advisory Committee

Capt. Jerome Miller, Chairperson
Christine Bornstein
Anita Boyd
Justin Gomez
Danyiel Hunter-Yarbrough
Matthew Hutchinson
Tenita Reid
Bryan Richey
Eli Rivera
Bill Spiegel
Larry Zwieg

Apopka City Staff

David Burgoon, CPRP	Recreation Director
Shakenya Harris-Jackson, Ed.D.	Grant & Neighborhood Services Coordinator
Lorena Potter	Recreation Operations Manager
Robert Sargent	Public Information Officer
Kyle Wilkes, AICP	Planner II

Project Overview

City of Apopka Staff was directed by the city administration to develop a comprehensive Parks & Recreation Master Plan as required under the Parks & Recreation Element of the Apopka 2030 Comprehensive Plan. The objective of this master plan is to inventory existing parks, identify current deficiencies and future recreation needs, develop a trails element to address parks connectivity and offer recommendations for future recreational opportunities in Apopka.

This master plan is part of a larger public input and visioning process by the City of Apopka that celebrates the city's heritage, yet positions the city for the future growth. The master plan was developed to meet other objectives as well. They include:

- Inventory of existing city parks as well as county, state, school and privately-owned recreation facilities.
- Identify strengths, weaknesses and opportunities for each city-owned neighborhood, community, and regional parks/special use facilities.
- Assess the city's ability to meet current and future level of service (LOS) standards to ensure available recreational facilities are adequate to meet future growth.
- Public input that solicits community desires as it relates to existing facility improvements and future recreational opportunities.
- Develop a separate Trails Element that promotes park linkages through multimodal transportation, and fosters bicycle/pedestrian safety through education and engineering improvements.

The intent of this master plan is to offer a strategy for inventory, assessment and improvement of recreational offerings to promote wellness among Apopkans and promote Apopka as a regional recreation destination.

Public Input & Community Advisory Committee

An integral part of any master planning process is to define a vision, goals and recommendations that echo the desires of the community and its residents. The Mayor created a Parks & Recreation Master Plan Community Advisory Committee comprised of two members appointed by each member of City Council, as well as a chairperson, to craft an overall vision for the future of parks and recreation in Apopka. This diverse committee of 11 members, listed in the Acknowledgments section of this report, provided input to staff in crafting a master plan vision statement and Parks & Recreation mission statement.

The committee also met over a timeframe of five months for seven meetings and crafted recommendations for utilizing and improving existing park facilities, and they identified future recreational amenities that would help position Apopka as a leader in community health and outdoor recreation.

The following executive summary provides a synopsis of this report's findings and strategies to achieve these objectives.



Recreation Mission Statement:

To provide a variety of safe, wholesome, innovative, and diverse recreation programs, activities and facilities to enrich the quality of life for citizens and visitors of Apopka, through quality leadership, fiscal stability, and responsible planning.



Master Plan Vision Statement:

Our vision is to provide recreational facilities and programs that are inclusive, affordable, diverse, and nurture a healthy lifestyle. We will embrace and build upon the city's history and natural assets as a leader in recreation and outdoor activities. We will offer services that enhance quality of life. We will promote the equitable distribution of resources throughout the Apopka community.

Executive Summary & Recommendations

Master Plan Recommendations

General Recommendations & Recommendations for All Parks Improved landscaping and beautification

- Increase the number of benches, picnic and grilling options
- Use consistent signage, benches/tables and other facilities to create a “sense of place” and “brand” for Apopka parks.
- Use materials that echo and promote the theme of Apopka as a leader in outdoor recreation.
- Improve landscaping and beautification

Park Specific Recommendations – Neighborhood Parks



Alonzo Williams Park

- Resurface basketball courts and possibly provide shade
- Convert baseball diamonds into multi-use fields
- New signage with park rules
- Playground renovation
- Expand building to create community center Picnic Pavilion
- Improve parking
- Provide pedestrian crossings to park
- Security lighting and cameras

Park Specific Recommendations – Neighborhood Parks - Continued

Buchan Pond

- Improve some foliage to improve lake views
- Lake access
- Picnic pavilion
- Lake boardwalk

Dream Lake Park

- New benches and tables
- Replace grill
- Access to water
- Water fountain
- Improve parking area
- Lake boardwalk

Lake Avenue Park

- New playground
- Picnic pavilion (20'x40')
- New grills

Former Little League Complex

- Scenario 1: Convert baseball diamonds to multi-purpose fields
- Scenario 2: Convert to a multi-use park with skate/BMX park, new playground & optional location for splash pad.

Park Specific Recommendations – Community Parks

Apopka Athletic Complex

- Upgrade current fields
- Address and remedy drainage issues
- Landscaping
- Facility repair
- Upgrade playground
- Hire employees to staff park & building

Doctor's Dog Park

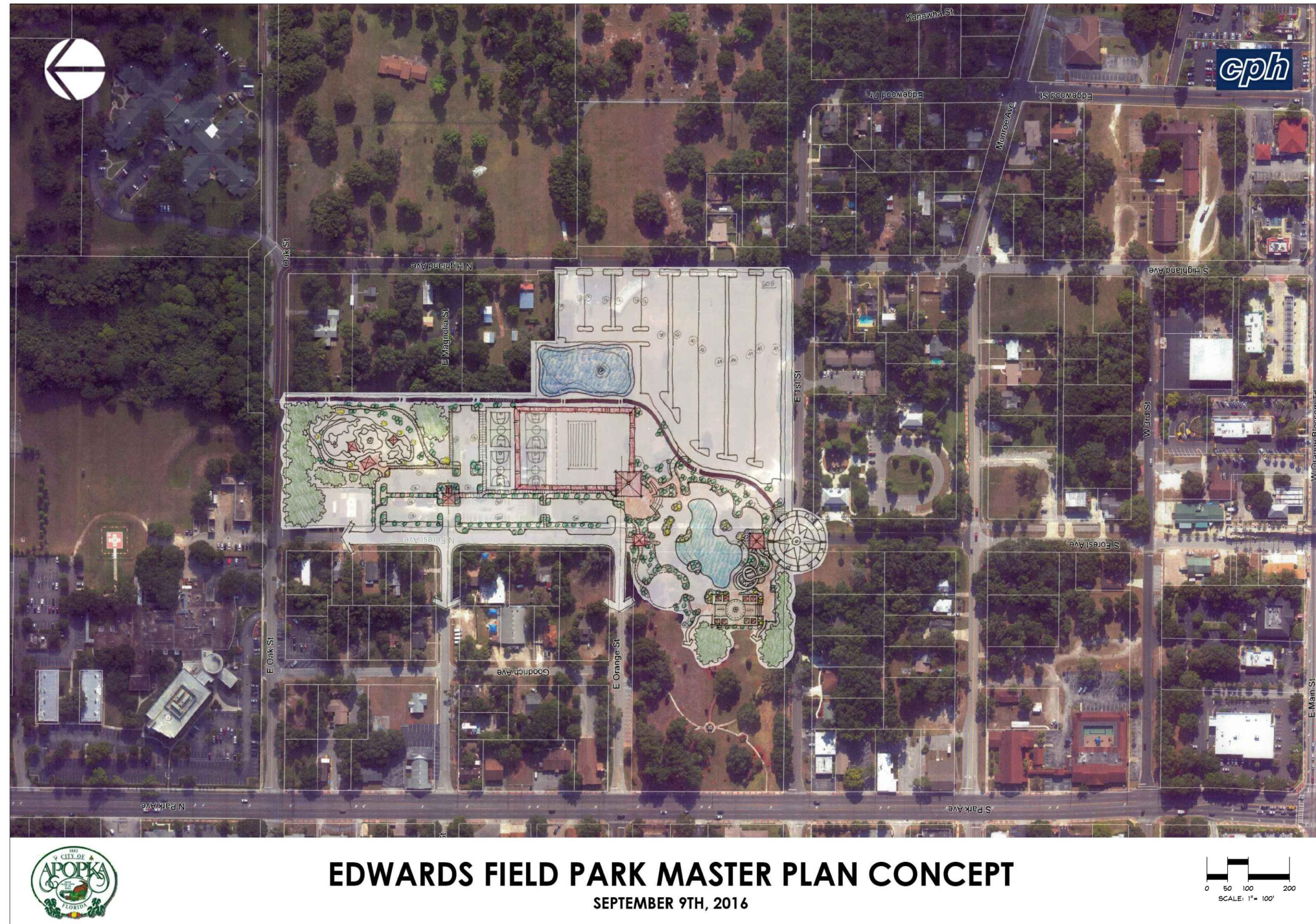
- Information/community board in the parking area
- Additional bench seating
- Flashing pedestrian crossing beacon between park and the parking area
- More dog obstacles



Park Specific Recommendations – Community Parks Continued:

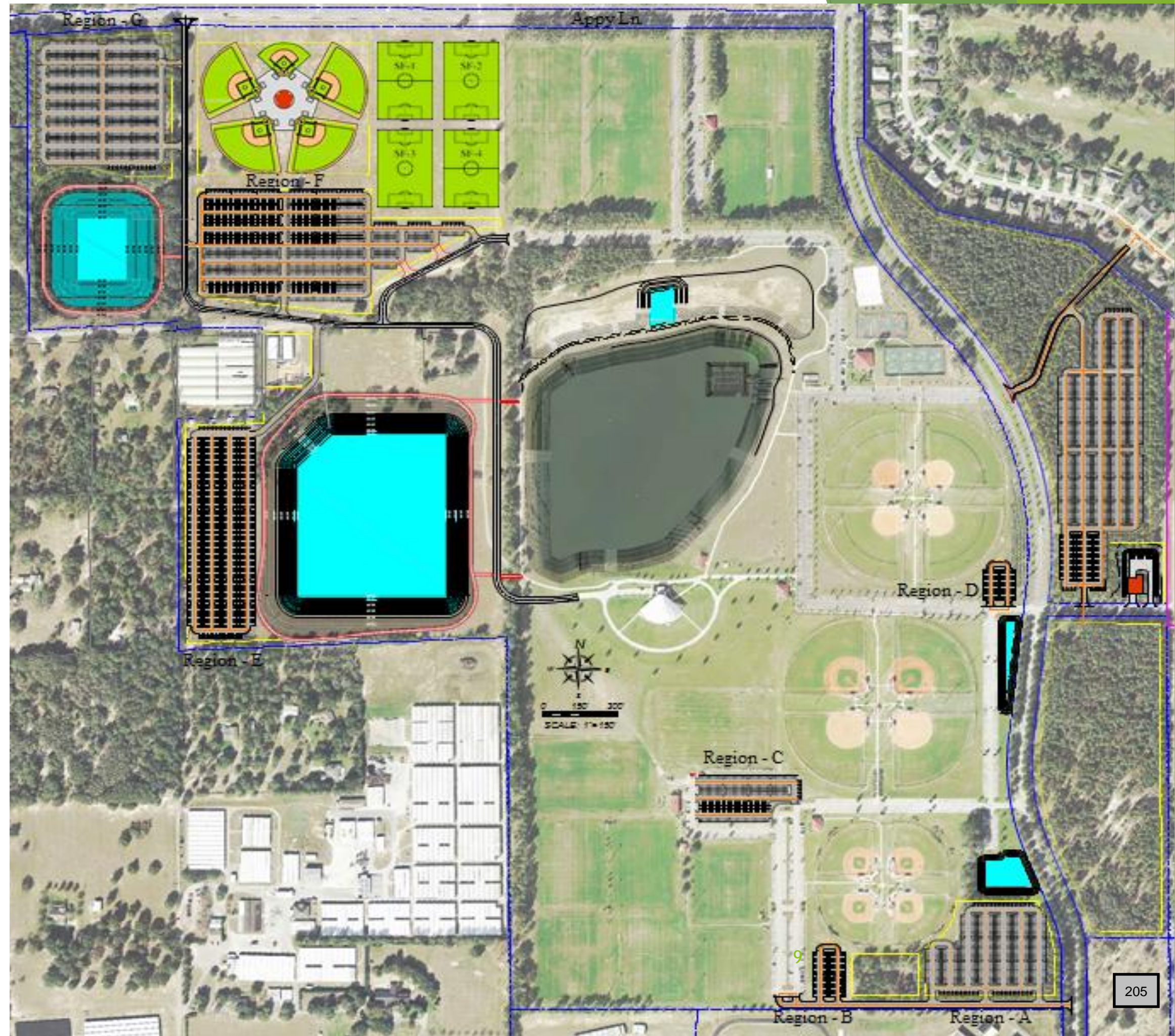
Kit Land Nelson / Edwards Field / Fran Carlton Center

- Incorporate Kit Land Nelson, Edwards Field & Fran Carlton Center to create a “central park” for Apopka
- Modernization of children’s play area
- Install bike racks
- Fitness stations along trail
- Addition of picnic facilities
- Renovation of tennis courts
- Gymnasium / fitness center / aquatics center with conference space to replace Fran Carlton
- Splash Pad
- Skate Park



Northwest Recreation Complex

- Restrooms at each baseball quad.
- Two batting cages and one bullpen for each side of baseball diamond.
- Shelter and water for soccer/lacrosse fields.
- Add lights to fields
- Scoreboards for each field.
- Walking trail with benches and lighting around new retention pond area.
- Additional parking
- New access road around existing playground.
- Upgrade existing playground
- New playground to serve the north end of the complex.
- Renovation of existing tennis courts.



Section II: Existing Parks Analysis

Existing Parks Analysis

Apopka’s existing recreation facilities were analyzed by both city staff as well as the Parks & Recreation Master Plan Public Advisory Committee to assess the strengths, weaknesses and opportunities for each facility to ensure it met the recreational needs of residents, and each site was maximized for its best use. Apopkans have access to numerous state, county, school and private/neighborhood parks within the city limits, only those public parks owned and maintained by the City of Apopka were evaluated for the purposes of this master plan.

The city owns and operates nine (9) park facilities currently. Together, these facilities go toward meeting the city’s required parks/recreation level of service (LOS). This level of service is used to determine the needed acreage of park land based on the city’s population. Currently, the City’s adopted level of service for parks is 3 acres per 1,000 city residents.

The table below shows the acreage of neighborhood and community parks, total city park acreage and the LOS acreage surplus/deficiency based upon the city’s current population estimate of 47,084. Based on this current population level, the city requires 141.3 acres of park land.

City Park Acreage

Park Type	Acreage
Neighborhood	11.84
Community	305.81
Special Use	38.2
Total Acreage	355.85
LOS Acreage Surplus/Defic.	+ 92.26

The existing facilities analysis looked beyond the mere allocation of acreage for recreational purposes and examined each current facility to address what amenities were provided at each park, what general purpose or target audience each park served and the strengths and weaknesses of each facility to determine what factors could be built upon and what needed improvement at each location.

A park typology was created to group parks by type based on the scale of the park, the number of residents/geographic area served and the amenities offered. Existing city recreation facilities were categorized into a recreation typology based on the following classifications: Neighborhood Parks, Community Parks, Urban Open Space & Special Use Facilities. The typology is explained below, and based upon the criteria adopted as part of the Apopka Comprehensive Plan’s Recreation & Open Space Element.

Neighborhood Parks:

Neighborhood parks are generally smaller in size and serve a population of a neighborhood. They should be accessible by pedestrians and bicyclists and, therefore, should have multi-modal connectivity within a ¼ and ½ -mile radius and serve a population of around 5,000 residents.

These parks provide easy access for children and adults to multi-purpose fields courts and fields, playgrounds, and open/passive recreation space.

Community Parks:

Community parks serve a larger population and have a larger service area, generally accessible by multiple areas or an entire region (with a radius of three miles or more) and a population of 10,000. They are located near major roadways or intersections to provide for maximum accessibility to those drawn from a larger geographic area. Community Parks provide amenities such as swimming pools, recreation buildings and indoor facilities, in addition to multi-purpose fields and courts.

Parks Analysis Introduction (Cont'd)

Urban Open Space:

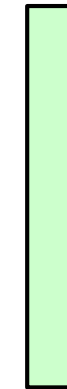
Urban open space are natural areas located within developed or urbanized areas. They provide environmental amenities and natural buffers to urban uses such as residential and commercial development. The size of these open spaces can vary depending on the type of open space provide, which can include linear and pocket parks, traffic circle parks, plazas or pedestrian malls, squares or promenades.

Special Use Facilities:

City staff created an additional type for those facilities that are city-owned by not used exclusively for recreational purposes, but could host recreation programs or expand current recreation offerings such as fitness classes, cultural and family events, or other civic events.

Each park is color coded by its park typology as shown to the right. The following park offerings and attributes were assessed in the evaluation process:

- Open Space Canopy
- Trees Lake/Water Access
- Playground/ Swings
- Baseball/Softball Fields
- Other Athletic Fields (Multi-Purpose)
- Information Kiosk
- Benches/Seating
- Picnic Tables
- Buildings Park Signage
- Paved Parking
- Handicap Accessible
- Lighting
- Restrooms
- Water Fountains
- Flagpole



Neighborhood



Community



Urban Open



Special Use

Parks Inventory: City, County, State, School & Privately-Owned Parks & Recreational Facilities in Apopka

City Owned and Serviced Parks and Facilities

Alonzo Williams Park
 Apopka Athletic Complex/ Buchan Pond
 Apopka Blue Sink
 Apopka Little League Complex (former)
 Binion Road Property
 Connelly Property
 Doctors' Dog Park
 Dream Lake Park
 Edwards' Field Complex
 Fran Carlton Center
 Golden Gem Road Property
 Highland Manor
 Kit Land Nelson Park
 Lust Road Property (SJRMD)
 Lake Avenue Park
 McBride Estate
 Museum of Apopkans
 Northwest Recreation Complex
 VFW Community Center

County Owned and Serviced Parks and Facilities

John Bridges Center
 Kelly Park (Rock Springs)
 Magnolia Park
 Roosevelt Nichols Park
 Tom Staley Historical Park
 West Orange Trail/Apopka Station
 Wheatley Park

State Owned and Serviced Parks and Facilities

Lake Apopka Restoration Area
 Wekiva Springs State Park

OCPS School Facilities for Potential Community Use

Apopka Elementary School
 Apopka Memorial Middle School
 Apopka High School/9th Grade Center
 Clay Springs Elementary School
 Dream Lake Elementary School
 Lakeville Elementary School
 Lovell Elementary School
 Phyllis Wheatley Elementary School
 Piedmont Lakes Middle School
 Rock Springs Elementary School
 Wekiva High School
 Wolf Lake Elementary School
 Wolf Lake Middle School

Privately Owned Parks and Facilities within Residential Areas

Bluegrass Estates
 Cambridge Commons
 Cedar Glen
 Charter Oaks
 Chelsea park
 Chandler Estates
 Country Landing
 Courtyards Coach Homes (Errol)
 Davis Place
 Dunhill Estates
 Emerson Park
 Errol Estates

Golfside Village
 Hawthorne Oaks

Privately Owned Parks and Facilities within Residential Areas (Cont'd)

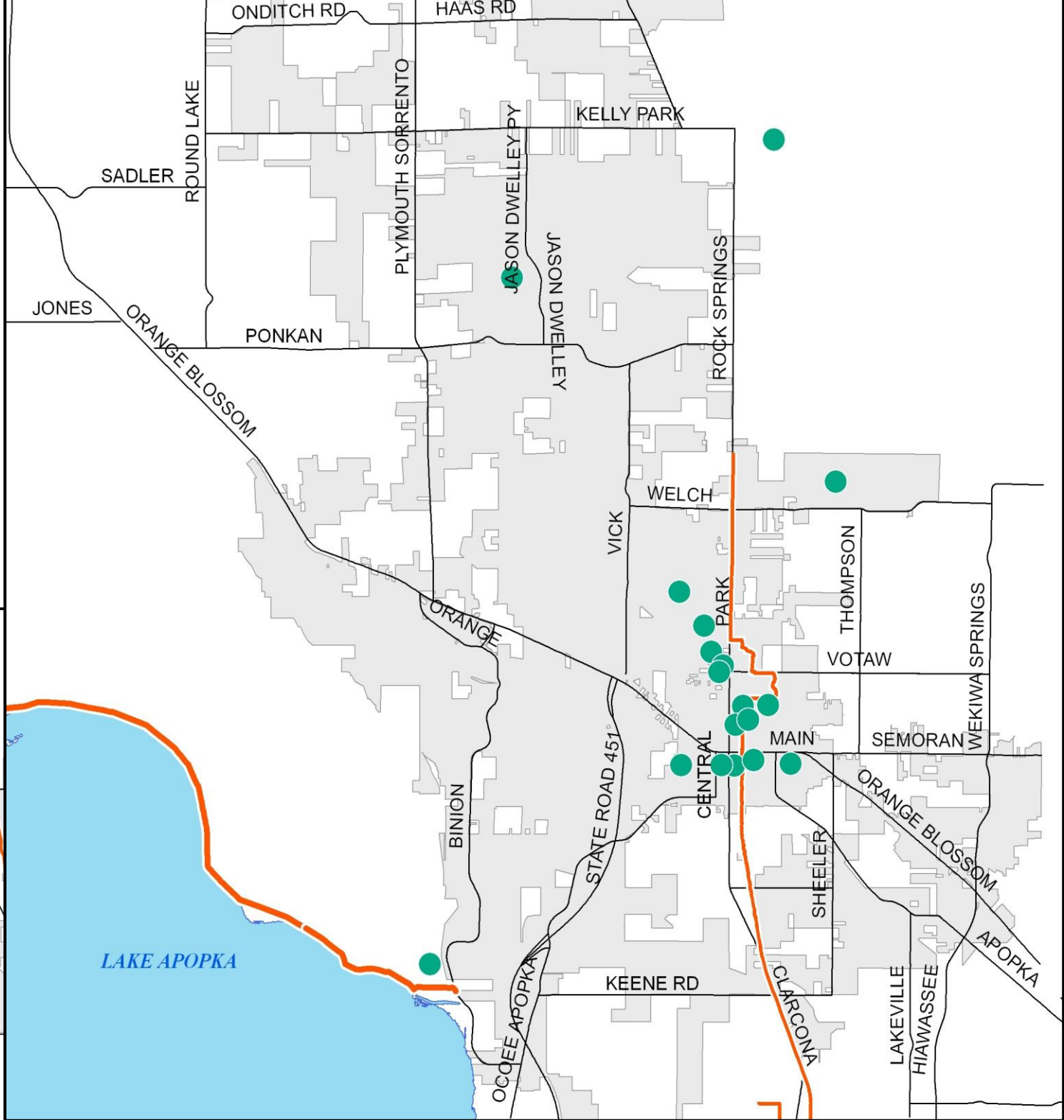
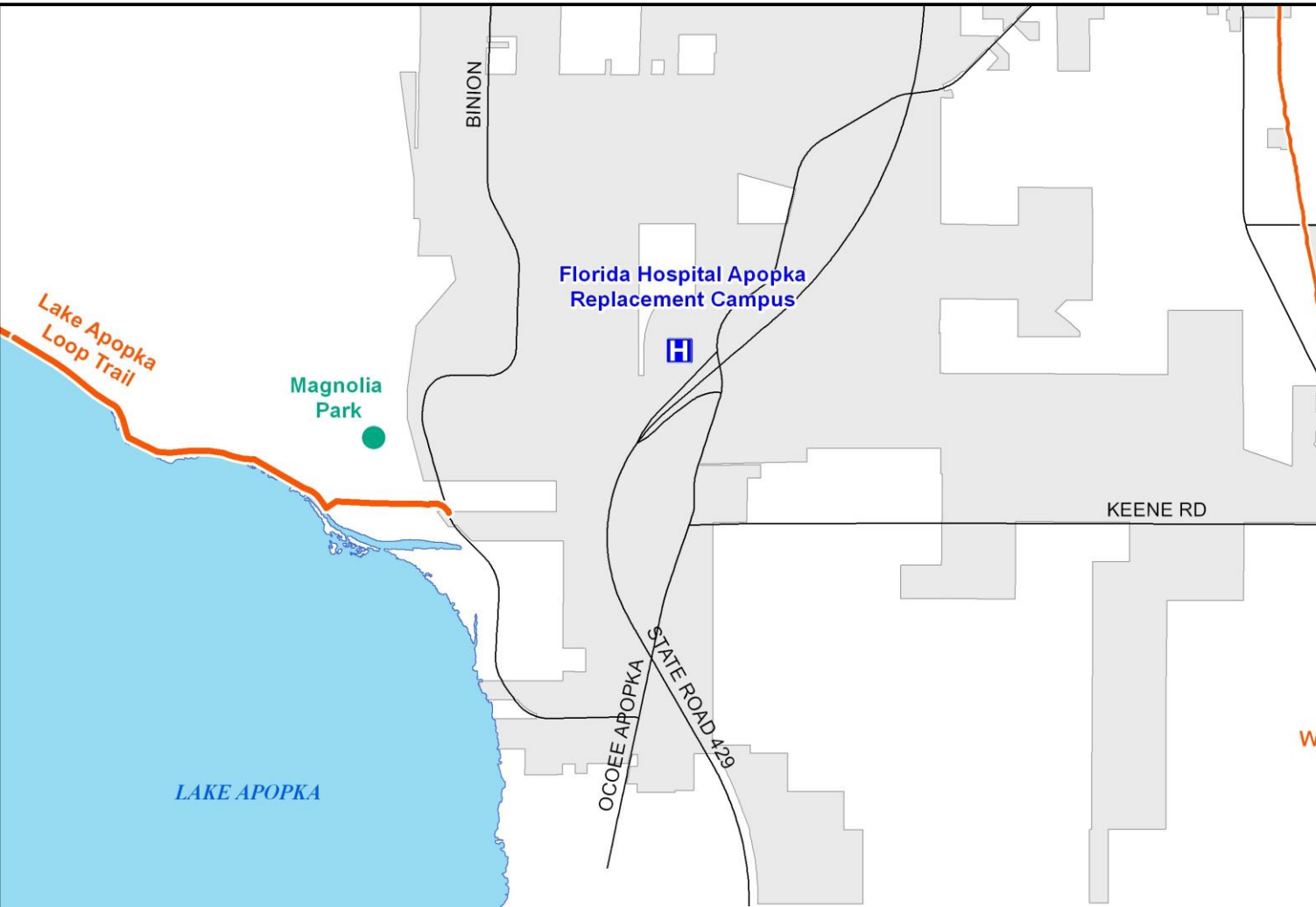
Lake Alden
 Lake Doe Cove Phase I
 Lake Heiniger
 Lake Pleasant Estates
 Magnolia Oaks Ridge
 Magnolia Park
 Margarett Crescent
 Maudehelen Phases I & II
 Meadow Oaks
 Muirfield Estates
 Oaks of Wekiva
 Piedmont Lakes
 Pines of Wekiva
 Plymouth Harbor
 Plymouth Landing
 Rock Springs Ridge
 Sheeler Oaks
 Schopke Estates
 Spring Harbor
 Spring Ridge
 Stanton Ridge
 The Meadows of Apopka
 Wekiva Run
 Vick's Landing Phase I
 Votaw Village

Privately Owned Parks and Facilities within Residential Areas (Cont'd)

Wekiva Park
 Wekiva Preserve
 Wekiva Springs Reserve
 Wekiva Springs Reserve (Phase II)
 Wekiva Village
 Townhomes Whispering
 Winds Woodfield Oaks

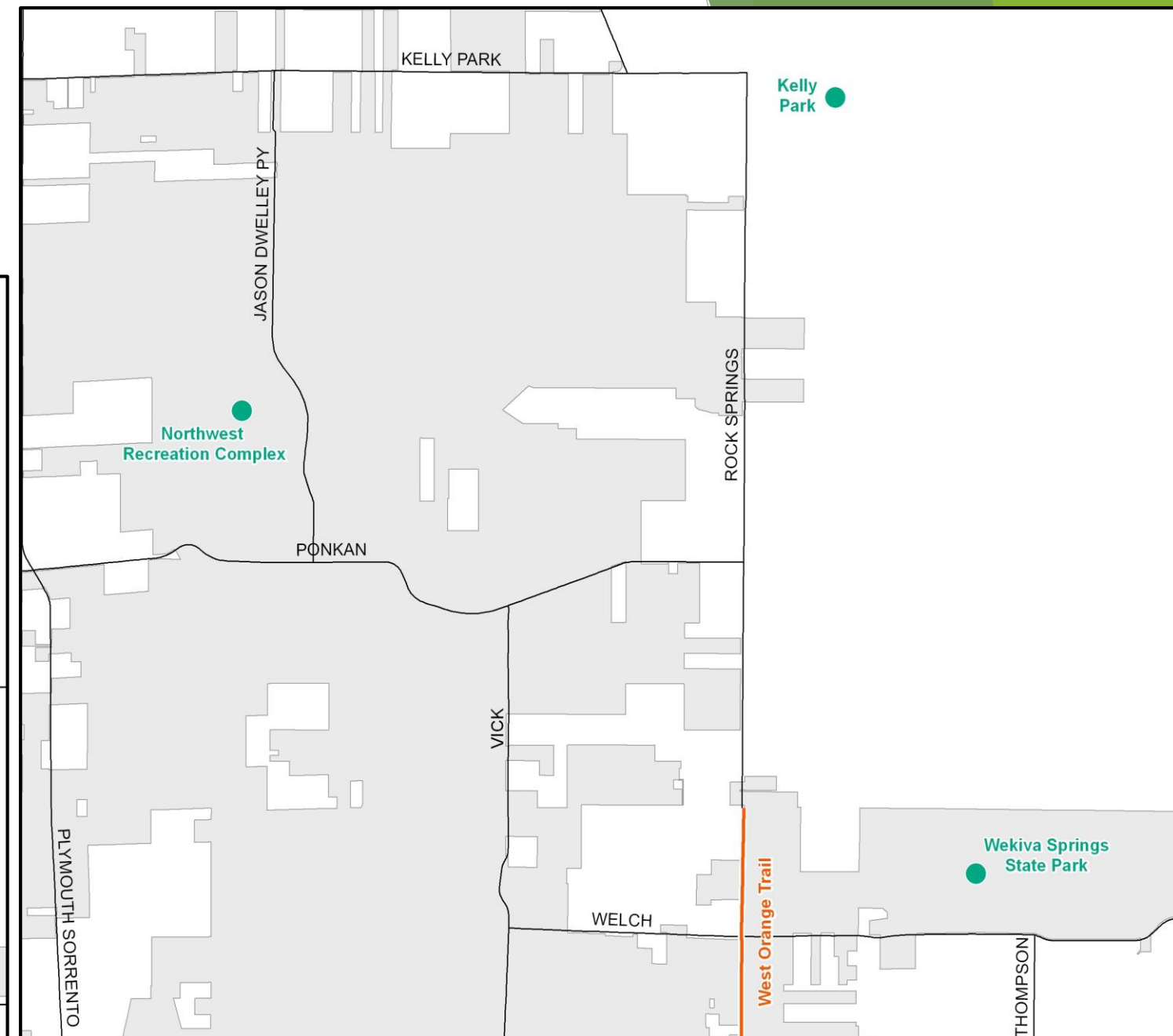
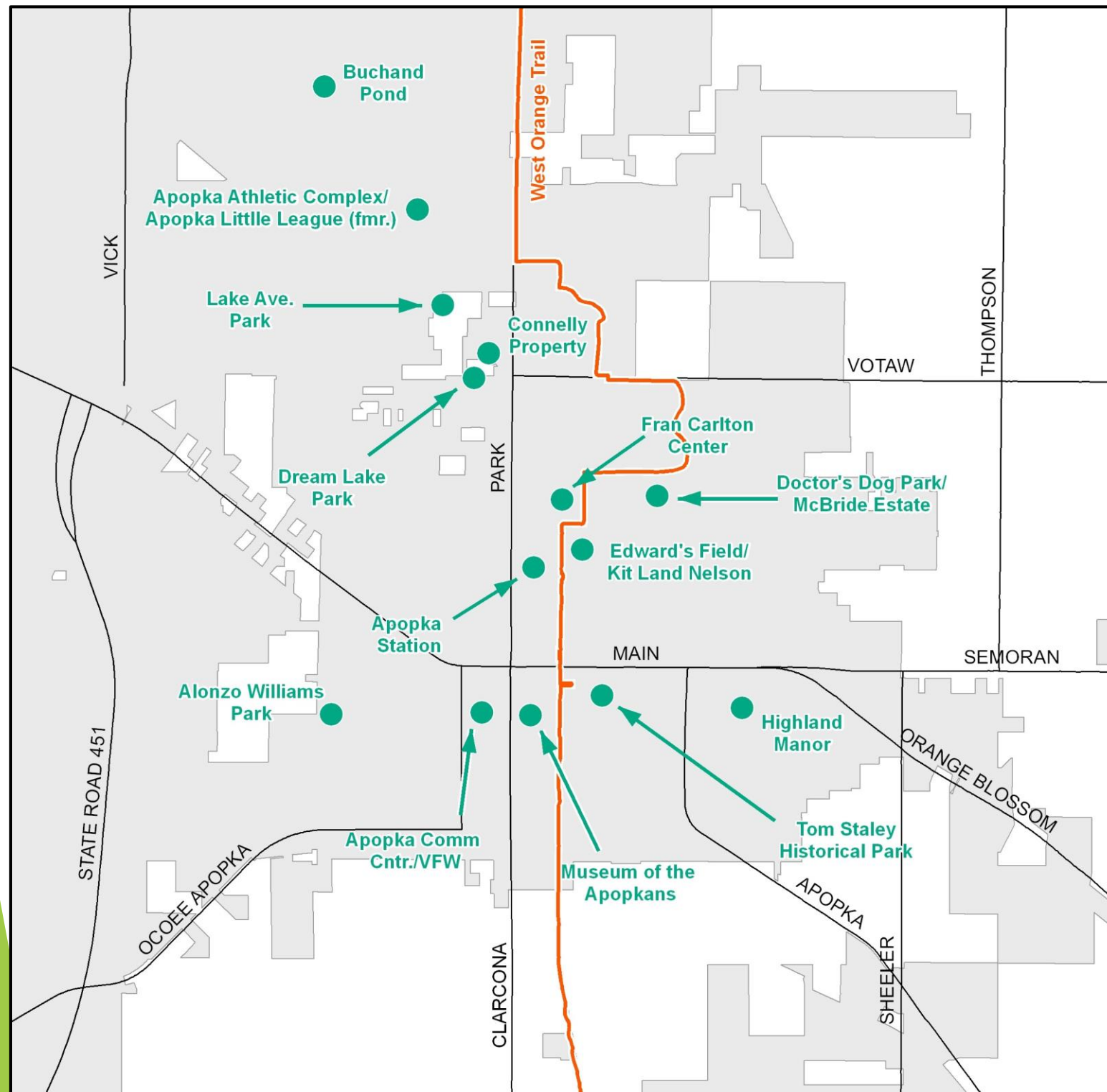
Apopka Area City, County & State Parks

Lake Apopka Area Parks & Recreational Facilities



Citywide Parks & Recreational Facilities

Central Apopka Parks & Recreational Facilities



Northern Apopka Parks & Recreational Facilities

Apopka Area Parks Existing Facilities Matrix

	Open Space	Canopy Trees	Lake/Water Access	Playground	Swings	Baseball/Softball	Other Athletic Fields	Informational Fields	Benches/Kiosk	Picnic/Seating	Buildings	Park Signage	Sidewalks	Paved Parking	Unpaved Parking	Handicap Accessible	Lighting	Restrooms	Water	Flagpole
Neighborhood Parks																				
Alonzo Williams Park			◆			◆				◆	◆	◆		◆		◆	◆	◆		
Dream Lake Park		◆									◆									
Lake Avenue Park		◆	◆																	
Community Parks																				
Apopka Athletic Complex/Buchan	◆	◆				◆		◆		◆			◆	◆		◆	◆	◆	◆	◆
Doctor's Dog Park	◆	◆						◆			◆	◆		◆					◆	
Edward's Field	◆	◆						◆			◆	◆		◆						
Fran Carlton Center	◆							◆				◆	◆		◆	◆	◆	◆	◆	◆
Kit Land Nelson Park																			◆	◆
Northwest Recreation Complex	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆	◆	◆
Special Use Facilities																				
Apopka Blue Sink	◆	◆	◆																	
Apopka Little League Complex		◆																		
Binion Road Property	◆	◆																		
Connelly Property	◆	◆	◆							◆		◆						◆	◆	
Golden Gem Road Property	◆	◆																		
Higland Manor	◆	◆	◆							◆	◆	◆	◆		◆	◆	◆	◆	◆	
Lust Road Property	◆	◆								◆										
McBride Estate	◆	◆								◆							◆	◆	◆	
Museum of the Apopkans								◆		◆	◆	◆	◆		◆	◆				
VFW/Community Center								◆		◆	◆	◆	◆		◆	◆	◆	◆	◆	◆
Orange County Parks																				
John Bridges Center	◆	◆		◆	◆			◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆
Kelly Park (Rock Springs)	◆	◆	◆	◆	◆			◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆
Magnolia Park	◆	◆	◆	◆				◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆
Tom Staley Historical Park	◆	◆						◆			◆	◆	◆		◆					
West Orange Trail/Apopka Station	◆	◆		◆				◆	◆	◆	◆	◆	◆				◆	◆	◆	◆
Wheatley Park	◆			◆			◆	◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆
State Parks																				
Lake Apopka Restoration Area	◆	◆	◆												◆					
Wekiva Springs State Park	◆	◆	◆	◆				◆	◆	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆

Alonzo Williams Park

Address: 515 S. Hawthorne Avenue

Acreage: 3.09 Acres

Designation: Neighborhood Park

Description:

This park has a community center with two small meeting rooms, and grounds with a large multi-purpose field and basketball courts and a playground. Although the park is fenced, it is open for community use.

Existing Amenities:

Natural Amenity: There are several mature oak trees between the playground and field area and toward the rear of the property.

Playground: Two playground components with multiple climbing and sliding options. A metal framed swing set with 3 belt swings and 1 toddler swing—play surface is engineered wood mulch.

Athletic Fields: There is a large multi-purpose grass field. There is an outdoor basketball court with 4 hoops.

Parking: Gravel parking is available near the operations building. There is a vacant lot across the street that is used as grass parking.

Buildings: There is a 1,640 square foot operations building which houses restrooms, 2 multi purpose rooms, office and storage space, and a functional kitchen.

Signage: There is a sign near the operations building identifying the location as the Alonzo Williams Park. Additional signing for No smoking, No alcohol and lighting procedures.

Sidewalks: There are sidewalks along both Hawthorne and M.A Board Streets.

Specialty Paving: There is a curb cut near the playing fields.

Handicap Accessible: No



Alonzo Williams Park cont'd

Existing Amenities:

Benches/Seating: There is a picnic table under the porch of the operations building as well as two other picnic tables and grills near the playground. There is also bench seating near the playground. There are two sets of bleachers near the multi-purpose field and two sets of bleachers near the basketball courts.

Lighting: Field lighting for the basketball courts and the multi-purpose field.

Receptacles: Two trash receptacles in each dug-out. Additional two per softball field. There are four trash receptacles in the playground area.

Restrooms: There are single stall male & female restrooms located in the operations building.

Water: There is a drinking fountain in the operations building. There are also fountains outside near the playground and basketball courts. Hose access at the operations building for additional water needs.

Flagpole: There is a flagpole on the property.

Advantages:

The location of the complex is convenient for children to walk from the adjacent neighborhoods.

Challenges:

Operations building is old and made of concrete block with no insulation. The office is very small and does not have adequate storage. There is frequent vandalism at the site. Staff at this facility need to be comfortable in the area and accepted by the community.

Recommendations:

- Resurface basketball courts and provide shade.
- Convert baseball diamonds into multi-use fields.
- New signage with park rules, items not permitted, etc.
- Playground renovation
- Expand building to create community center. Picnic Pavilion
- Re-grade and improve existing parking.
- Provide pedestrian crossings to park. Security lighting and cameras
- Splash pad



Existing Facilities Analysis

Apopka Athletic Complex

Address 797 Wells Avenue

Acres 13.06 Acres

Designation: Community Park

Description:

The Apopka Athletic complex is an active park complex with 13.06 acres. It is located off Wells Street near the Apopka High School 9th Grade Center. Access to the park is from Wells Street with parking at the 9th grade center side of the complex. There is pedestrian access from Wells and the Apopka High School and 9th grade center via sidewalk and there is additional pedestrian access from the playground side of the complex via a sidewalk which connects to the Pines of Wekiva Residential subdivision from Lancer Oak Drive. There is a current contract for use of the softball fields and concession area by the Apopka's Future Rebels girls softball organization.

Existing Amenities:

Natural Amenity: There is a tree lined green space which adjoins the complex on the east side between the softball fields and the Buchan Pond Recreation Area.

Playground: Two playground components with multiple climbing and sliding options. A wood frame swing set with 2 toddler swings and another wood framed swing with two belt swings—play surface is playground sand.

Athletic Fields: There are two softball fields with fenced dug-outs and 2 multi-purpose grass fields. There are also batting cages constructed between the two softball fields.

Parking: Paved parking is available on the west side of the complex as it adjoins the Apopka 9th Grade Center. There is some grass parking available on the southeastern side of the complex near the Buchan Pond area. There is a driveway with limited parking for the operations building.

Buildings: There is a 2,100 square foot operations building which houses restrooms and a concession area as well as office and storage space. There are fenced dug-outs on the two softball fields.



Apopka Athletic Complex cont'd

Existing Amenities (Cont'd):

Signage: There is a sign near the operations building identifying the location as the Apopka Athletic Complex. Additional signing for No smoking, No alcohol and lighting procedures.

Sidewalks: At front of property on Wells and along the paved parking area to the west near the 9th grade center. Sidewalks also surround the perimeter of the building and extend in front of the bleachers at each softball field.

Specialty Paving: Curb cuts near the bleacher areas at the front of the complex.

Handicap Accessible: No

Benches/Seating: There are benches in the softball dug-outs and 2 sets of bleachers for each softball field.

Lighting: Field lighting for the softball fields and the multi-purpose fields.

Receptacles: Two trash receptacles in each dug-out Additional two per softball field. There are for trash receptacles in the playground area.

Restrooms: There are multi-stall male & female restrooms located in the operations building.

Water: There is a drinking fountain with potable water near the operations building. There is hose access at the operations building for additional water needs.

Advantages: The location of the complex is convenient for children to walk from Apopka High School, 9th grade center and from the adjacent neighborhoods. Proximity to the school(s) offer unique opportunities for joint use.

Challenges: The facility is currently not staffed and thus there are no city-run athletic programs at this location. Lack of daily supervision affords an environment that invites vandalism. Playground is over 15 years old and requires updating; the wooden framed swing-sets do not meet current standards and should be removed. There is no accessible parking or access to playground. Playground location is a great distance from the parking areas.



Recommendations:

- Upgrade current fields
- Address and remedy drainage issues
- Landscaping
- Facility repair
- Upgrade playground
- Hire employees to staff park & building

Existing Facilities Analysis

Buchan Pond

Address 797 Wells Avenue

Acreage: Included in AAC Acreage

Designation: Neighborhood Park

Description: Buchan Pond is a water front property that is part of the Apopka Athletic complex.

Existing Amenities:

Natural Amenity: There is walk up access to Buchan Pond for fishing from the shore. There are several; mature oak trees and also some added landscaping with Palms on the property.

Parking: There is grass parking and some handicap parking that is paved.

Buildings: None

Signage: There is no signage on the property

Sidewalks: There is a sidewalk on Wells Avenue and an additional sidewalk on the property that runs between two large trees.

Specialty Paving: No

Handicap Accessible: There is accessible parking—however there is no paved access from the parking to the amenities.

Benches/Seating: There is one picnic table, one charcoal grill, and one bench.

Lighting: None

Receptacles: None, however there is a trash dumpster between the pond and the AAC Operations building.

Restrooms: None, closest are at AAC Operations building.

Water: The closest access to potable water is at AAC Operations building

Flagpole: None



Buchan Pond cont'd

Advantages:

The location of the park is convenient for children to walk from Apopka High School, 9th grade center and from the adjacent neighborhoods. Proximity to the school(s) offer unique opportunities for joint use. The lake access offers opportunities for environmental studies and/or programs.

Challenges:

Lack of adequate parking and handicap accessibility. Maintenance of the vegetation along the lakefront to keep the area from becoming overgrown. Vandalism and the tendency of kids to use the area as a “hang-out” discourage families from utilizing the area.

Recommendations

- Improve some foliage to improve lake views
- Lake access
- Picnic pavilion
- Lake Boardwalk



Existing Facilities Analysis

Blue Sink

Address Access From Sand Wedge Loop

Acreage

Designation: Special Use (not designated for public use at this time)

Description: Apopka Blue sink is located on a conservation area just outside the urban area of the City of Apopka. This area is co-managed by the St. Johns Water Management and the City of Apopka.

Existing Amenities: The Apopka Blue Sink is a sink hole cave that gives access to a network of underground caves and natural springs.

Natural Amenity:

Playground: None

Athletic Fields: None

Parking: None

Buildings: None

Signage: None

Sidewalks: None

Specialty Paving: None

Handicap Accessible: None

Benches/Seating: None

Lighting: None

Receptacles: None

Restrooms: None

Water: None

Flagpole: None



Advantages: The Apopka Blue Sink is an excellent example of the pristine underground springs and natural caves found in the area. Its connection to the Rock springs and Wekiva systems offers unique opportunities to for ecological study.

Challenges: The system should only be accessed by experienced divers and as such is not open to public use. There is no easy access or amenities on the property. Dumping of refuse in the sink has been an ongoing problem. Fortunately, our partnership with the St. John's River Management district and assistance from the Cambrian Foundation has helped to maintain this valuable natural treasure.

Recommendations:

No Recommendations at this time

Existing Facilities Analysis

(Former) Apopka Little League Complex

Address 305 W. Grossenbacher

Acreage: Drive 6 acres

Designation: Neighborhood Park

Description: This former little league complex is located at the corner of Park Avenue and Martin Street. There is a operations building with restrooms and concession area, however, this has not been used for several years. The field fencing has been removed and there is now a large grassy area.

Existing Amenities:

Natural Amenity: Large Oak tree in the South west corner of the property near Martin Street.. Landscaping at the corner of Park and Martin Streets and along the roadside near Park Avenue.

Parking: There is some paved parking on the north side of the facility near the water treatment plant. On the Martin Street side, there is no paved parking, patrons park on the grass near the road.

Buildings: Old Little League Operations building and a garage.

Signage: There is no signage on the property

Sidewalks: There is no sidewalk on Grossenbacher Ave. There is a sidewalk on Martin Street, and from Martin Street to the Operations building.

Specialty Paving: 2 curb cuts on Martin Street.

Handicap Accessible: No

Benches/Seating: None

Lighting: Field lights

Receptacles: None

Restrooms: In former Little League Operations building



Existing Facilities Analysis

(Former) Apopka Little League Complex cont'd

Existing Amenities:

Water: Access to water at former little league Operations building

Flagpole: None

Advantages:

The location of the complex is convenient for children to walk from Dream Lake Elementary School, Apopka Memorial Middle School, and from the adjacent neighborhoods. It is also within a reasonable walking distance from Apopka High School and the 9th grade center.

Proximity to the school(s) offer unique opportunities for joint use.

Challenges:

There is not adequate parking for the facility and no handicap access. The former Little League Operations building has been empty for several years and has been vandalized several times, resulting in interior damage and now the building is boarded up. The building would need a lot of repair before it could be used again. Also, there is a water treatment facility that backs up to the old fields area.

Recommendations:

Scenario 1: Convert baseball diamonds to multi-purpose fields

Scenario 2: Convert to a multi-use park with skate/BMX park, new playground & optional location for splash pad.



Existing Facilities Analysis

Connelly Property

Address 368 North Park Avenue

Acreage 2.70 Acres

Designation: Special Use (not designated for public use at this time)

Description: The Connelly property is a beautiful lakefront parcel that is adjacent to the current Dream Lake Park and across the street from Apopka Memorial Middle school. There is a 3 bedroom 2.5 bath home with attached 2 car garage on the lot.

Existing Amenities:

Natural Amenity: Mature oak trees and other vegetation. The property is lakefront on Dream Lake.

Playground: None

Athletic Fields: None

Parking: Driveway and 2 car garage

Buildings: Three bedroom, 2.5 bath home with fireplace and 2 car garage, total living space is 2374 sq. ft. with total under roof of 3873 sq. ft.

Signage: None

Sidewalks: There is sidewalk on Park Avenue and on Laurel Street

Specialty Paving: None

Handicap Accessible:

None **Benches/Seating:**

None **Lighting:** None

Receptacles: None

Restrooms: Residential restrooms in the house.

Water: Access inside the house and at exterior hose attachments

Flagpole: None



Existing Facilities Analysis

Connelly Property Cont'd

Advantages: The property is a beautifully maintained lakefront residence, close to Dream Lake elementary and Apopka Memorial Middle School.

Challenges: The city currently mows and maintains the property, but it is not used for any purpose. The existing home would need renovation to bring it up to code for public use.

Recommendations:

Expand Dream Lake park to this area and add the following:

- Boardwalk with a dock
- Playground
- Pavilion



Existing Facilities Analysis

Doctor's Dog Park

Address 21 N. Highland Avenue

Acreage 5.0

Designation: Community Park

Description:

Doctor Dog Park is an off-leash park for dog owners of Apopka and visitors to our area. It currently has three separate fenced areas: an all dog area for dogs of any size, a small dog area for small and toy breed dogs and puppies 4 months and older, and a reserve park which is intentionally left empty. The use of the parks is rotated to avoid wear and tear on the grass due to digging and other activity.

Existing Amenities:

Natural Amenity: There are several mature oak trees in each park. There is also other vegetation and landscaping has been added at the entrance for aesthetics.

Parking: Gravel parking is located across the street from the dog park near the Edwards Field stadium. There is a designated street crossing area for dogs and their owners.

Buildings: None

Signage: There is a sign at the entrance identifying the location as Doctors' Dog Park and there are additional signs with dog park rules and lighting procedures.

Sidewalks: There is a sidewalk along Highland Avenue in front of the Park.

Specialty Paving: No

Handicap Accessible: No

Benches/Seating: There are benches within each park for patrons.

Lighting: None

Receptacles: There are two trash receptacles in each park as well as dog waste bag stations with disposal receptacles.

Restrooms: None



Water: There is a water fountain in each section of the park with access for both patrons and their pets. There is also a paved "dog wash" station in one park, with plans to include in the others.

Existing Facilities Analysis

Doctor's Dog Park cont'd

Existing Amenities (Cont'd):

Flagpole: None

Advantages: The park is centrally located and has easy access from Highland Avenue. The ability to rotate which area of the park are open is a plus and helps to maintain the grass. The patrons like the water access which allows them to bath their dogs at the park and also allows them to cool off in summer months. The addition of the concrete pad keeps the water area from becoming a mud hole.

Challenges: Handicap access is problematic—especially with parking located across the street and two gate access to enter each park. Also, since parks are grassy areas, wheelchair accessibility is difficult. Patrons leave personal items such as kiddie pools, toys, towels and bowls throughout the park.

Recommendations:

- Add an information/community board in the parking area
- Additional bench seating
- Flashing pedestrian crossing beacon between park and the parking area



Dream Lake Park

Address 364 North Park Avenue

Acres 1.09 Acres

Designation: Neighborhood Park

Description:

Dream Lake Park is a passive park with lakefront access to Dream Lake. Patrons can fish from the bank or picnic on the grounds.

Existing Amenities:

Natural Amenity: Lakefront access to Dream Lake. Mature oak trees shade the park, there is also other native vegetation throughout the park and at the lake shore.

Playground: None

Athletic Fields: None

Parking: There is a gravel parking area with access from Park Avenue. There are four curb stops to designate parking areas, but there is space to park about eight vehicles, depending on size.

Buildings: None

Signage: There is no sign designating the park name. There are signs with rules: “No vehicles beyond this point.” and “No swimming, boat launching. Fishing from bank on- ly.”

Sidewalks: There is a sidewalk on Park Avenue fronting the park.

Specialty Paving: Curb cut to parking area.

Handicap Accessible: No

Benches/Seating: There are three concrete picnic tables and one bench.



Dream Lake Park cont'd

Existing Amenities (Cont'd):

Lighting: None

Receptacles: There is one trash receptacle in the park.

Restrooms: None

Water: None

Flagpole: None

Kiosk: There is a wooden information kiosk located near the front of the park.

Advantages:

The park is beautiful, with a pristine view of the lake and several mature trees. The lake attracts wildlife, including a variety of birds. Picnic tables make it possible for families to enjoy a picnic lunch in a natural setting.

Challenges:

Proximity to Park Avenue causes a lot of traffic noise which detracts from the parks ambiance. The narrow distance between the street and the Lake make increasing the park- ing area difficult.

Recommendations:

- New benches and tables
- Replace grill and provide access to water
- Water fountain
- Improve parking area
- Lake boardwalk



Edward's Field Complex

Address 242 East First Street

Acreage 8

Designation: Community Park

Description:

The Edwards Field Complex was formerly a baseball field and several multi-purpose fields. A section of Forest Avenue that ran between Kit Land Nelson Park and Edwards Field was grassed in and trees were planted in Edwards Field in an effort to expand the Kit Land Nelson Park. There is a historic grandstand on the property and the Fran Carlton Center is housed on the Edwards Field acreage. Edwards Field is the site for the Apopka Fair and is used for parking at several events held in the Kit Land Nelson Park such as the Art & Foliage Festival, Hometown Halloween in the Park, Winter Wonderland, and the monthly Food Truck Round Ups. A portion of the West Orange Trail runs through the Edwards Field Complex. The parking lot for the Doctors' Dog Park is also located on the Highland side of the Edwards' Field Complex.

Existing Amenities:

Natural Amenity: Large open field area with several mature Oak trees .

Playground: No

Athletic Fields: There is a large grassy area which can be used as a multi-purpose field and the former baseball field area.

Parking: The entire south side of the field is generally used as unpaved parking.

Buildings: Historic Grandstand

Signage: There is a sign designating the park as Edwards Field.

Sidewalks: There is sidewalk access from First Street and Highland and there is access from the West Orange Trail on the west and north sides of the complex.

Specialty Paving: No

Handicap Accessible: Yes, but no designated parking.

Benches/Seating: None



Edward's Field Complex cont'd

Existing Amenities (Cont'd):

Lighting: There are light poles on the field, but they are not functional.

Receptacles: There are trash receptacles along the sidewalk on First Street and along the West Orange Trail.

Receptacles: There are electrical outlets at the west side of the field along the west orange trail for vendor use during community events.

Restrooms: There are non-functioning restrooms located under the grandstand area of Edwards Field. There are restrooms located at the Fran Carlton Center and at the West Orange Trail Apopka Station.

Water: There is water access at the west side of the park near the west Orange Trail.

Flagpole: No

Advantages: Large open space which can be utilized for many purposes including summer camp activities and overflow for large community events, or to expand the existing Kit Land Nelson Park. The grandstand is a historical element in the community.

Challenges: The grandstand is in disrepair with termite and water damage in the storage area. The restrooms under the grandstand are not functional. The area will always be utilized for parking, because there is not adequate paved parking for community events, this prevents development of the field for other purposes.

Recommendations:

- Incorporate Kit Land Nelson, Edwards Field & Fran Carlton Center to create a "central park" for Apopka
- Gymnasium / fitness center / aquatics center with conference space to replace Fran Carlton



Existing Facilities Analysis

Fran Carlton Center

Address 11 North Forest Avenue

Acreage Included in the Edwards Field Acreage

Designation: Community Center

Description:

The Fran Carlton Center is a 7000 square foot community center with 5 offices, 1 activity room with a divider, 6 storage closets within the meeting rooms, restrooms and a full kitchen.

Existing Amenities:

Natural Amenity: Landscaping at front and sides of building

Playground: None, however there are nearby playgrounds at KLNP and the West Orange Trail Apopka Station.

Athletic Fields: None, however there is a large grassy area that can be used as a multi-purpose field in the adjacent Edwards' Field Complex.

Parking: There is a paved parking lot in front of the building with 36 regular and 2 handicap spaces.

Buildings: Fran Carlton Center, adjacent grounds complex with an office and two garage/storage areas.

Signage: There is a sign at the front of the parking lot designating the building as the Fran Carlton Center. The name of the facility is also on the front face of the building.

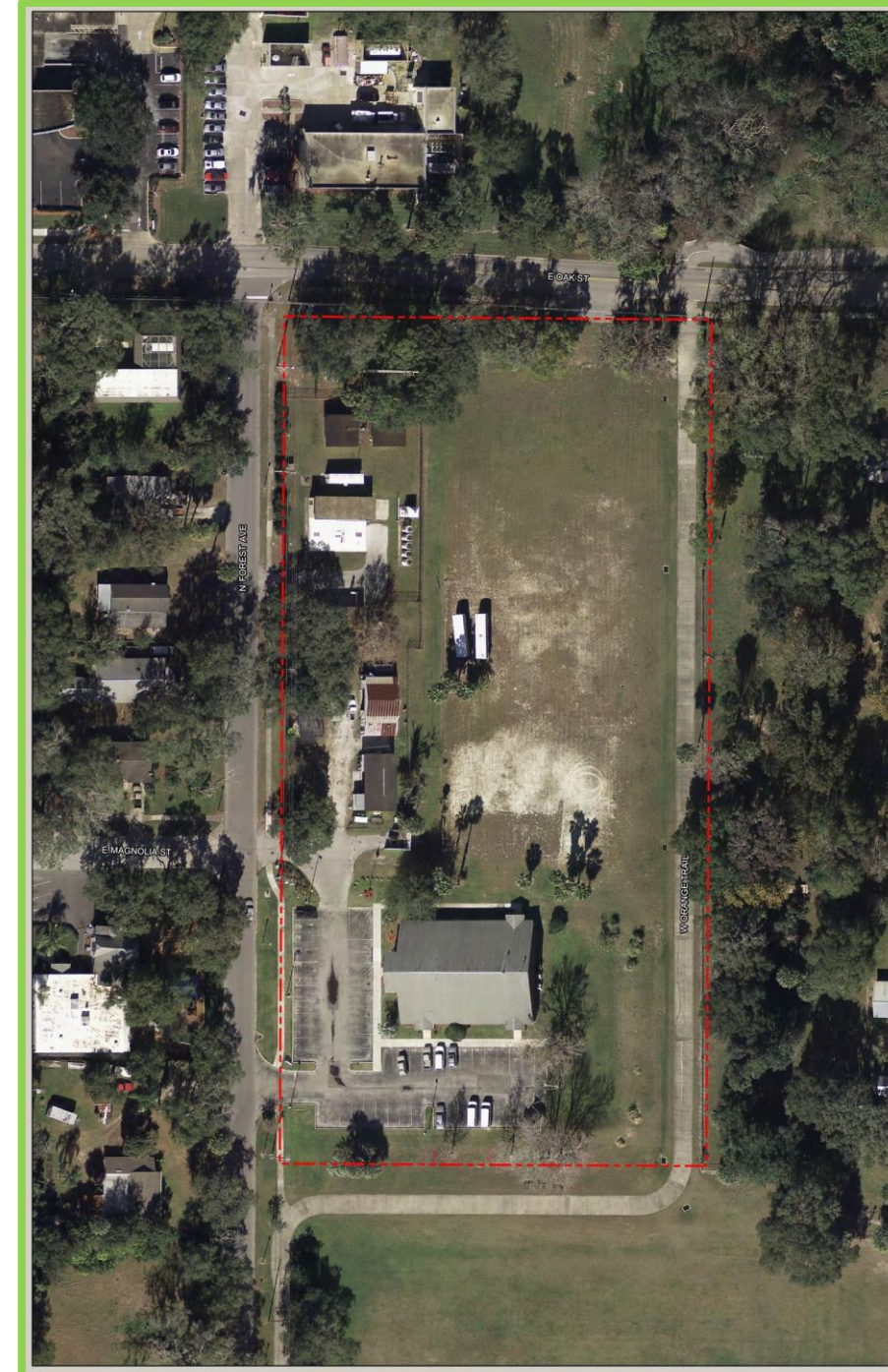
Sidewalks: There is sidewalk along Forest Avenue in front of the building.

Specialty Paving: There is a wheel chair ramp and designated fire zone.

Handicap Accessible: Yes, there is designated accessible parking and a wheel chair ramp for building access.

Benches/Seating: There are benches in front of the building. The interior furnishings include lobby furniture and 200 folding chairs and 25 folding tables for community and private event use.

Signage: There is a sign near the operations building identifying the location as the Fran Carlton Center. Additional signing for No smoking, No alcohol and lighting procedures.



Existing Facilities Analysis

Fran Carlton Center cont'd

Existing Amenities (Cont'd):

Lighting: There are exterior light at the front and side entrances of the building as well as parking lot and street lights.

Receptacles: There are trash receptacles at each entrance/exit and throughout the facility.

Restrooms: Ladies' and men's' with 3 stalls each (includes 1 accessible each).

Water: There is a water fountain in the building near the restrooms. There are exterior hose spigots at both sides and the rear of the building.

Flagpole: There is a flagpole to the left of the front entrance of the building.

Advantages: The building is multifunctional, with large meeting rooms and a convenient central Apopka location. Mirrored walls make it ideal for dance and fitness programs. The proximity to the Kit Land Nelson Park allows it to be a back-up for community events in case of inclement weather. It offers a rental locations for private functions at a reasonable rate.

Challenges: The facility is beginning to show wear, including a settling of the structure on the north side causing a large crack in the exterior. The divider is not completely sound proof, so sometimes one class or meeting will interfere with another. Meeting hall can only be divided into two rooms, while it would be beneficial to be able to sub-divide these into smaller spaces. The seniors view this as their center and wish that it were open for seniors activities Monday through Friday; current staffing is only Tuesday & Wednesday and during special programs. When there is a large function at the center, the parking is not adequate, forcing patrons to park in the adjacent Edwards' Field. Since the volleyball courts and decking were removed from the north side of the facility, the space there is not utilized. There is no access to ice for the outside rental groups.

Recommendations:

- Incorporate Kit Land Nelson, Edwards Field & Fran Carlton Center to create a "central park" for Apopka
- Fitness stations along trail
- Gymnasium / fitness center / aquatics center with conference space to replace Fran Carlton
- Splash Pad
- Skate Park



Existing Facilities Analysis

Golden Gem Road Property

Address 3513 Golden Gem Road

Acreage 61.90

Designation: Special Use (not designated for public use at this time)

Description: The Golden Gem Road property is undeveloped land in the Northwest area of Apopka. There are currently no buildings or amenities on the parcel.

Existing Amenities: The area is heavily wooded with mature oak trees and other vegetation. The rural location and undeveloped land make it a perfect home for Florida wildlife including gopher tortoises, fox, and wild turkeys.

Natural Amenity: Oak trees, native plants and wildlife.

Playground: None

Athletic Fields: None **Parking:**

None **Buildings:** None **Signage:**

None **Sidewalks:** None **Specialty**

Paving: None

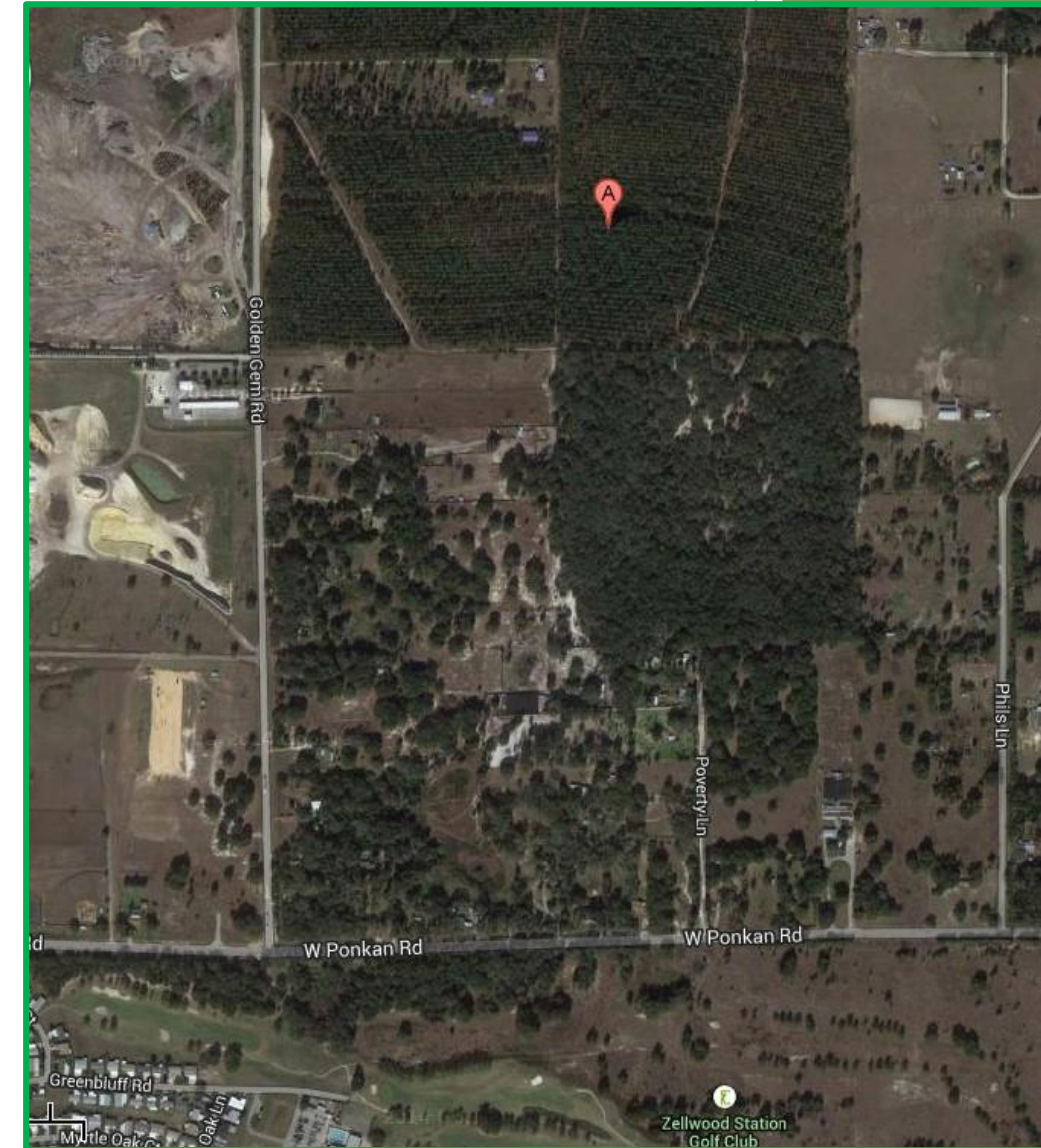
Handicap Accessible: None

Benches/Seating: None

Lighting: None **Receptacles:**

None **Restrooms:** None

Water: None **Flagpole**



Advantages: Large parcel close to existing Apopka facilities. The natural wooded aspect would make it a nice area to add trails and wildlife viewing opportunities.

Challenges : The area will need to be cleared (at least partially) and electrical, plumbing, etc. would need to be added

Recommendations: None at this time

Existing Facilities Analysis

Highland Manor

Address 604 East Main Street

Acreage 11.41 Acres

Designation: Special use (Restaurant, Private Event Location)

Existing Amenities:

Natural Amenity: Mature Oaks and lake on property.

Playground: None

Athletic Fields: None

Parking: 124 paved parking spaces

Buildings: Main house/ restaurant is a 4,000 sq. ft. structure with a bar, banquet room and full commercial kitchen. There are also smaller buildings on the property that have been used as retail and office space.

Signage: There is a sign at US HWY 441 Designating the Property as Highland Manor.

Sidewalks: There are sidewalks on 441 and within the property leading up to the restaurant.

Specialty Paving:

Handicap Accessible: There is handicap accessible parking and an entrance ramp to the restaurant.

Benches/Seating: None outside of the buildings.

Lighting: Exterior lighting on building and there are lights on property.

Receptacles: There are receptacles inside and around the outside of the restaurant building.

Restrooms: Men's & Ladies' full service multi stall restrooms are In the main restau- rant building.

Water: There is exterior water access at the restaurant, near the back kitchen en- trance

Flagpole: none



Highland Manor cont'd

Advantages: The property is a beautiful Victorian house and grounds at the intersection of Hwy 441 and 436—the site of the proposed downtown center. It is an ideal venue for special occasions such as weddings and other celebrations.

Challenges: None of the restaurants which have been at this location in the past 10 years have been very successful financially—leaving the City to shoulder the expense of maintaining the property without a steady revenue stream to offset the costs of the property's up-keep. Dubsdread is currently managing the property as a venue for special occasions only.

Recommendations: No Recommendations at this time



Existing Facilities Analysis

Kit Land Nelson Park

Address 10 South Forest Avenue

Acreage 5.1 Acres

Designation: Community park

► **Description:** Kit Land Nelson Park is a 5 acre facility located off of Park Avenue between First Street and Orange Street. It features several picnic areas, a gazebo, tennis courts, racquetball courts and playground.

► **Existing Amenities:**

► **Natural Amenity:** Mature Oak , Cyprus and crepe myrtle trees along with orna-

► mental shrubbery and other decorative landscaping.

► **Playground:** Dynamo space net climbing structure and a swing set with 3 belt seats and one toddler seat.

► **Athletic Fields:** There are two tennis courts and two indoor racquetball courts. located in the southeast corner of the park..

► **Parking:** 31 paved parking spaces, additional grass parking is available at adjacent

► Edward's Field.

► **Buildings:** Racquetball courts, tennis courts, gazebo

► **Signage:** There is a sign designating the area as Kit Land Nelson Park, there are ad- ditional signs with lightning procedures, no alcohol or pets, no smoking near play- ground, and playground rules.

► **Sidewalks:** There are sidewalks on Orange Street, First Street, and Park Avenue. The West Orange Trail runs at the back of the park between Edward's Field and the park. There are also sidewalks through-out the park and up to the gazebo.

► **Specialty Paving:** There are 2 curb cuts on Orange Street and one on First Street. There is a brick sidewalk leading up to the gazebo steps.

Handicap Accessible: : Yes, there are 4 handicap accessible parking spaces and side- walks run throughout the park.

Benches/Seating: There are 15 picnic tables and 6 benches throughout the park.

Lighting: There are light poles throughout the park and lighting on the tennis courts. Gazebo has lighting also.



Kit Land Nelson Park cont'd

Existing Facilities (Cont'd):

Receptacles: There are 15 trash receptacles throughout the park.

Restrooms: None, the closest restrooms are at the Fran Carlton Center or the West Orange Trail Apopka Station.

Water: There are water connections throughout the park and a water fountain is near the tennis courts.

Flagpole: Yes

Advantages: Kit Land Nelson Park is conveniently located near downtown Apopka and US HWY 441. The open space and tree-lined walkways make it a nice location for city events and for citizens to spend time picnicking with their families. The park is within walking distance of several residential areas.

Challenges: There are no restrooms in the park, so port-o-lets have to be rented for any special events in the park. Several Mature Oak trees were damaged and removed after the hurricanes of 2004.

Recommendations:

- Incorporate Kit Land Nelson, Edwards Field & Fran Carlton Center to create a “central park” for Apopka
- Modernization of children’s play area
- Install bike racks
- Fitness stations along trail
- Addition of picnic facilities
- Renovation of tennis courts
- Splash Pad



Existing Facilities Analysis

Lake Avenue Park

Address 439 North Lake Avenue

Acreage 1.15

Designation: Neighborhood Park

Description: Lake Avenue Park is a small neighborhood park with picnic tables and swings.

Existing Amenities:

Natural Amenity: Large mature Oak trees

Playground: A metal a frame wing set with 4 belt swings and a wood framed swing set with 2 toddler swings.

Athletic Fields: None

Parking: Grass parking at street front off Lake Avenue

Buildings: None

Signage: There are three signs on the fence, playground rules, no animals in the park and no tobacco products within 100 ft. of the playground area.

Sidewalks: The sidewalk is on the opposite side of Lake Avenue.

Specialty Paving: None

Handicap Accessible: No

Benches/Seating: There are two concrete picnic tables with benches

Lighting: None

Receptacles: None

Restrooms: None

Water: None **Flagpole:** None

Advantages: This park is conveniently located within walking distance of several residential neighborhoods and two local schools.

Challenges: There are no restrooms on the property and there is no water access. Fence at the front of property is damaged and needs to be repaired or replaced.

Recommendations

- New playground
- Addition of seating areas
- Picnic Pavilion with grills



Existing Facilities Analysis

McBride Estate

Address 21 North Highland Avenue

Acreage 21.75 acres (5 currently used for Doctors' Dog Park)

Designation: Special Use (Not currently designated for public use)

Description: The McBride Estate consists of a two story house with 5 bedrooms and three baths, and a two car garage . The house is situated on acreage located behind the Doctor's Dog Park and to the North of the Edgewood/Greenwood Cemetery .

Existing Amenities:

Natural Amenity: Large majestic oak trees, former rose garden other decorative plants and shrubbery; approximately half of the acreage is naturally wooded area with abundant wildlife including turkeys, fox squirrels, owls, opossums and armadillos.

Playground: None

Athletic Fields: None

Parking: Two car garage and driveway

Buildings: 2748 sq. ft. home built in 1974. Two outbuildings/sheds that are used for storage

Signage: None

Sidewalks: Sidewalk along Highland Avenue

Specialty Paving: None **Handicap**

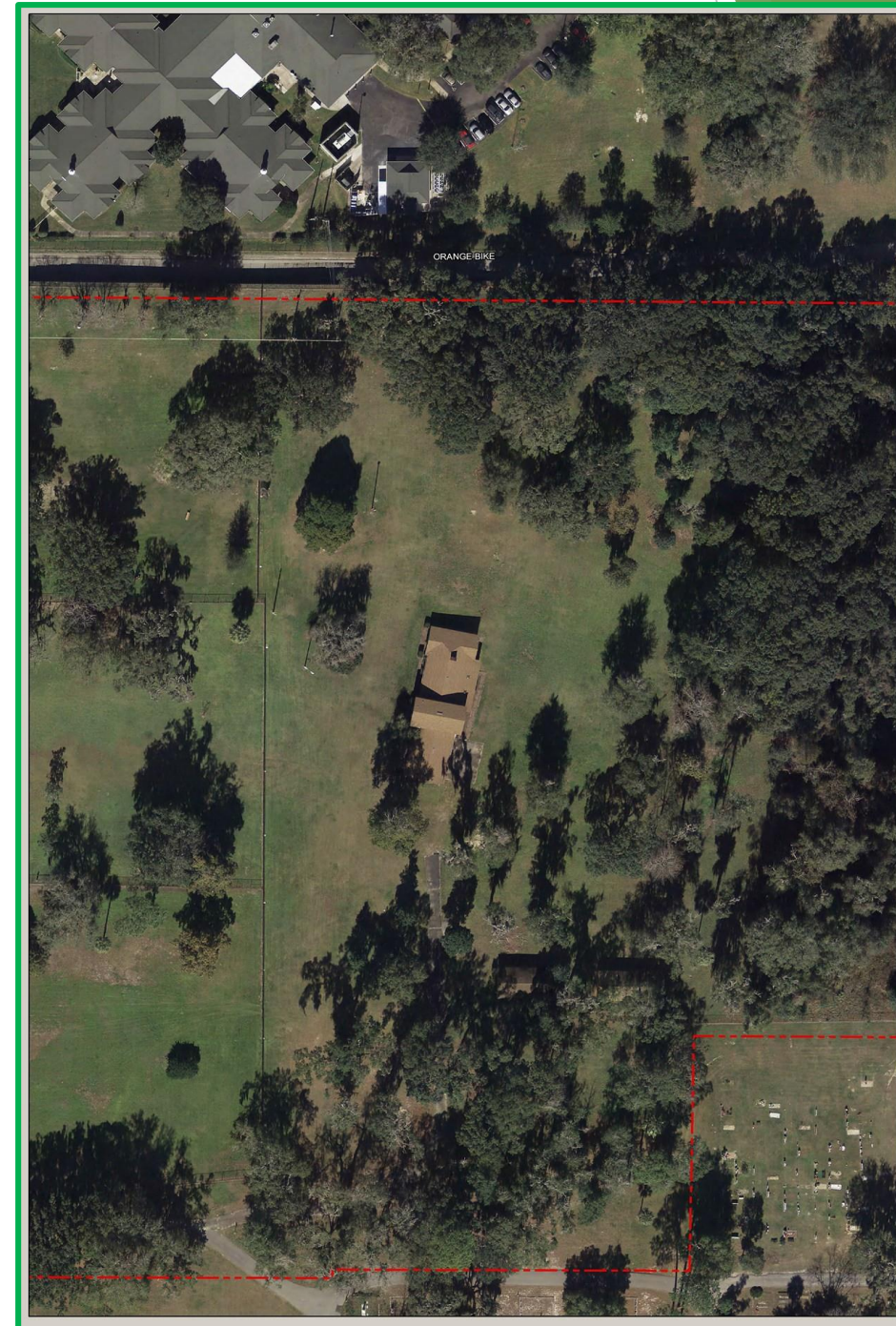
Accessible: No **Benches/Seating:**

None **Lighting:** None

Receptacles: None

Restrooms: Three restrooms in the house **Water:** Water access at

the house **Flagpole:** None



Existing Facilities Analysis

McBride Estate cont'd

Advantages: The grounds of the property are spacious with many lovely trees and shrubs, the location is close to downtown Apopka adjoins the Doctor's Dog Park and the Edgewood/Greenwood Cemetery.

Challenges: The house and out buildings are old and have only been used for storage for several years. The house does not meet code for public use. The location behind the dog park and near the cemetery makes entry to the property difficult—there is a single lane drive to get in and out of the property. There is no parking or handicap accessibility.



Existing Facilities Analysis

Museum of the Apopkans

Address 122 East Fifth Street (OCPA lists at 121 East 6th Street)

Acreage .42 acres

Designation: **Special Use** (Public Museum)

Description: The museum is a log cabin structure built in 2000, contains exhibits depicting the history of Apopka and Northwest Orange County and is run by the Apopka Historical Society with support from city staff. The museum is currently open Tuesday through Friday from noon to 5 PM. There are no admittance fees; donations are accepted.

Existing Amenities:

Natural Amenity: Landscaped grounds with trees, plants and shrubbery.

Playground: None

Athletic Fields: None

Parking: Shared paved parking with the Apopka Annex, there is additional paved parking at the rear of the museum on 6th street and some grass/ gravel parking to the south side of the museum with entrance from 6th street.

Buildings: 3200 sq. ft. log cabin with display areas, meeting room/library and kitchen.

Signage: There is a sign at the front entrance designating the property as the Museum of Apopkans and a small sign at the front of the Apopka annex near 5th street with museum hours and special event messages.

Sidewalks: There is a sidewalk from the paved parking area to the museum entrance.

Specialty Paving: There is a paved area to the left side of the museum with bricks engraved with sponsors names.

Handicap Accessible: Yes, one handicap accessible spot at the Utility billing annex.



Existing Facilities Analysis

Museum of the Apopkans cont'd

Existing Amenities (Cont'd)

Benches/Seating: There are 3 benches on the front porch, 1 on the east side of the building, one on the 6th St. side of the building and 4 on the paved area near the side doors.

Lighting: There are four light poles in the annex/museum parking area

Receptacles: There is one outdoor trash receptacle near the benches on the brick paved area

Restrooms: Single stall men's and ladies' restrooms access is inside the museum

Water: There is a water fountain inside the museum, no water access to the exterior of the structure.

Flagpole: Yes

Advantages: The museum is in close proximity to City Hall and the Apopka annex. The historical society maintains the exhibits and the finances of the museum. There are many interesting displays and artifacts depicting early life in Apopka and Northwest Orange County.

Challenges: The log cabin construction of the museum is not ideal for housing exhibits—it is difficult to maintain accurate temperature and lighting conditions for the artifacts. There is no space for expansion and many items are not displayed due to limited space. There is no signage on major highways indicating the museum's location. There is no room for the museum to host any traveling exhibits. There is no paid staff curator or manager of the museum to take charge of the exhibits, coordinate the volunteers, or search out funding or grant opportunities..



Northwest Recreation Complex

Address 3710 Jason Dwelley Parkway

Acreage 182.70

Designation: Community Park

Description: The Northwest Recreation complex is a large athletic complex facility with multiple athletic fields, tennis courts, basketball courts, a playground, walking trail and picnic pavilions. The Apopka amphitheater is located in the center of this complex and there are also office buildings for The Apopka recreation Department, Apopka Little League and Pop Warner Football.

Existing Amenities:

Natural Amenity: There are pine and magnolia trees throughout the park and a lake at the center of the park near the amphitheater. The lake attracts a variety of wild life and birds to the area including fox squirrels, bald eagles, sand hill cranes and osprey.

Playground: There is a large playground area with 3 differing multi-level play structures with climbing features and slides. There are two swing sets one with 4 belt seats and a tot swing with two toddler seats. There is also a rock climbing wall play feature.

Athletic Fields: There are 4 softball fields, 8 baseball fields, 16 soccer /multipurpose fields 1 designated football field, 4 tennis courts, 3 basketball courts 4 sand volleyball courts and a jogging/ walking trail.

Parking: There are 1085 paved parking spaces.

Buildings: There is a 7,702 sq. ft. operations building, 2 smaller office/concession buildings, 3 maintenance/ equipment buildings and a small storage shed. The Apopka Amphitheater is also located at the center of this complex.

Signage: There is a sign designating the park as Fields of Fame; Northwest Recreation Complex. There are also directional signs through-out the park.



Northwest Recreation Complex cont'd

Existing Amenities:

Specialty Paving: There are curb cutouts at several locations throughout the park and the walking/jogging trail around the lake is paved.

Handicap Accessible: Yes, there is handicap accessible parking in each area of the park and paved access to all baseball & softball fields, tennis courts, basketball courts, amphi-theater and walking trail. There is not paved access to the playgrounds and the soccer fields.

Benches/Seating: There are 2 pavilions on the playground area, one has 6 picnic tables and the other has 3. There is a pavilion with 4 tables in the soccer area, there is another pavilion with 1 table near the volleyball courts and a pavilion with 3 tables near the lake. There is a large pavilion with 10 picnic tables near the lake by the amphitheater. There are benches near the path around the lake, player benches on each soccer field, basketball court & tennis court, there are also bleachers at all of the softball and baseball fields and at the Pop Warner Football Field.

Lighting: There is lighting on all of the playing fields and courts. There are also light poles around the lake and in the parking lots.

Receptacles: There are trash & recycling receptacles at all of the pavilions, ball fields, tennis & basketball courts, soccer/football fields and at the exterior of all office buildings and concession areas. There are 3 dumpsters on the property.

Restrooms: There are multi-stall men's and women's restrooms at each of the office buildings and at the maintenance building near the soccer fields. There are also freestanding restroom facilities near the walking trail around the lake and at the entrance and concession area of the amphitheater.

Water: There are water fountains at the exterior of each of the office buildings and at all of the other restroom locations. There are hose attachments at each building and outside between the maintenance building and the soccer fields.

Flagpole: Yes



Existing Facilities Analysis

Northwest Recreation Complex cont'd

Advantages: This is a large facility with many different opportunities for outdoor recreation. The park is beautifully landscaped and has a nice lake with a walking trail. This park is home to a large soccer program run by the city's recreation department as well as active Little League and Pop Warner programs which utilize most of the playing fields. The park is also host to many base- ball and softball tournaments and also provides fields for travel leagues in soccer and lacrosse.

Tennis and volleyball courts, along with the playground and picnic pavilions offer something for everyone. There is additional acreage owned by the city that can be used for future expansion.

Challenges: The park is about a 15 minute drive from downtown Apopka, and while there are directional signs and the park is always busy, there are still a lot of residents who don't know where the park is located and have never visited it. The vast acreage of the park, hours of operations and many programs happening simultaneously make adequate staffing a challenge. The fixtures often suffer lightning damage. The amphitheater roof is difficult to maintain and needs annual cleaning, it is also subject to wind damage. Constant play on the fields make it difficult to maintain the integrity and appearance of the turf. While there are several restrooms throughout the complex, the vast size of the park makes it a long walk to the restrooms from several areas, including the center quads of baseball and softball fields and the playground. There is no water or electrical access in the quads of baseball and softball fields, this is difficult during large tournaments or special events such as the Easter Egg Hunt where a sound system is required. Although the park is large and has several fields, there are always outside groups wanting to rent fields for play., and they sometimes there are not enough fields available.

Recommendations:

- Small building at each baseball quad with restrooms/storage/water
- Two batting cages and one bullpen for each side of baseball diamond
- Shelter and water for soccer/lacrosse fields
- Lighting for soccer/lacrosse fields
- Scoreboards for each field
- Walking trail with benches and lighting around new retention pond area
- Separate parking area for amphitheater (500 parking spots)

Recommendations cont'd:

- Access road around existing playground to relieve traffic congestion.
- Upgrade existing playground
- Install a new playground to serve the north end of the complex.
- Additional parking for playground area(s)
- Renovation of existing tennis courts



Existing Facilities Analysis

VFW Community Center

Address: 519 South Central Avenue

Acreage: 1.72 Acres

Designation: Special Use (Community Center/VFW Post 10147)

Description: The VFW/Community Center is a large multi-purpose venue with a full commercial kitchen and dividable meeting space. It is used by VFW Post 10147, a voting location during elections, for some city functions and meetings and is also available to rent for private functions.

Existing Amenities:

Natural Amenity: Landscaping at the entrance and sides of building.

Playground: None

Athletic Fields: None

Parking: 54 paved parking spaces with additional parking located across 5th Street between Hall's Feed Store and Farm City Feed Store.

Buildings: 15665 sq. ft. Community Center

Signage: There is signage on the face of the building designating it as the Apopka Community Center/VFW Post 10147

Sidewalks: There is sidewalk on 5th street and on Central Avenue

Specialty Paving:

Handicap Accessible:

Yes

Benches/Seating: No exterior seating

Lighting: Street lights on both 5th Street and Central Avenue.

Receptacles:

Restrooms: There are multi-stall men's and women's restrooms inside the building.

Water: There is a water fountain inside the building and water access to the exterior rear of the building.

Flagpole: Yes



Existing Facilities Analysis

VFW Community Center cont'd

Advantages: This is a large facility for meetings and events, with a full commercial kitchen and bar. There is also a small stage and sound equipment. The VFW members coordinate the rental of the facility to the public and staff the events as needed.

Challenges: The City is able to use the facility for city meetings and functions, but there is careful coordination because of VFW programs and events. At public meetings and large events, there is not adequate parking and patrons must park across the street at the feed store parking lot. During elections,, traffic gets congested and people often park along the street.



Section III: Level of Service Assessment & Future Facility needs

Recreation Level of Service Standards

- Level of Service standards are set by Policy 1.1 of the Recreation & Open Space Element in the City's current Comprehensive Plan.
- Level of Service is the number of park acres needed per 1,000 city residents to satisfy recreation needs.
- The adopted LOS standard is 3.0 acres per 1,000 residents.
- Current population: 45,587; LOS = 136.76 acres
- Current park acreage: 233.56; 96.8 acres above LOS
- **Important to note:** 78 percent of the City's park acreage is at the NW Recreation Complex.

Apopka Population & Future Growth

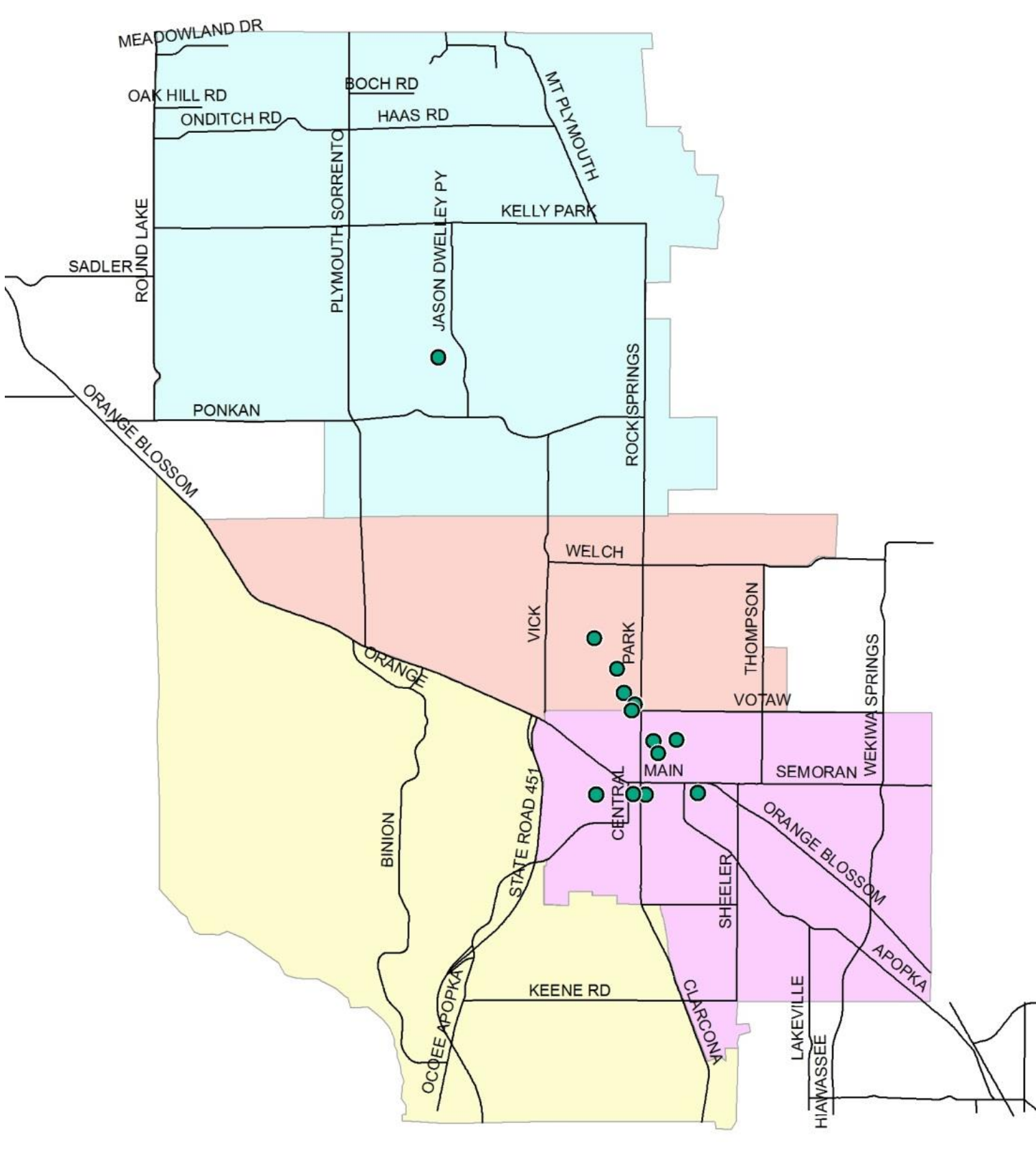
Year	Population (Projected)	Needed Parks Acreage	Surplus/ Deficiency	Surplus/ Deficiency (with addtl. NWRC ac.)
Current	45,587	136.76	97.42	191.43
2020	73,226	219.98	14.2	108.21
2025	97,330	291.99	(57.81)	36.2
2030	123,741	371.22	(137.04)	(43.03)
2035	??	??	??	??

Park Acreage By Visioning Quadrant Area

Park Acreage By Visioning Quadrant Area

LOS Area	Acreage
North	206.49*
Central	23.98
Downtown	3.09
Southwest	0.00

*Does not include undeveloped NWRC property.



Future Park Recommendations

- ▶ Ensure each area of the city meets minimum Level of Service standards set forth in the Comprehensive Plan.
- ▶ Identify future neighborhood and regional park needs in newer, high-growth areas of the city:
 - ▶ Additional recreational opportunities to tie in with the proposed Apopka City Center project
 - ▶ Ocoee-Apopka Road area (East Shore Village)
 - ▶ Northern area/Kelly Park Crossings
- ▶ Identify potential park property near the Lake Apopka North Shore to further capitalize on eco-tourism and airboat opportunities.
- ▶ Repurpose Connelly House and expand Dream Lake Park.
- ▶ Expand the Northwest Recreation Complex and redesign for better functionality and future need

Trails: Apopka On the Move

55

West Orange Trail

Description:

The West Orange Trail is a 22-mile multi-purpose trail maintained by Orange County and enjoyed by bicyclists, joggers, walkers and others that traverses Orange County and many of its towns, including Apopka. The trail spans from the Killarney Station south of Winter Garden to Welch Road in Apopka.

Advantages

The 14-foot wide paved trail serves prominently in Apopka's recreational amenities, opportunity to connect easily to city parks, as well as travel to nearby communities and destinations., including:

- Downtown Apopka
- Doctors Dog Park
- Fran Carlton Center
- Museum of the Apopkans
- Kit Land Nelson Park & Edwards Field

Apopka Station

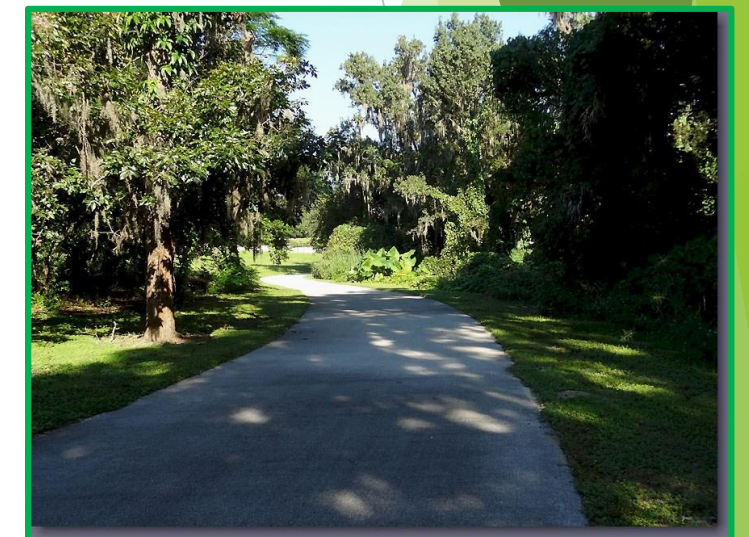
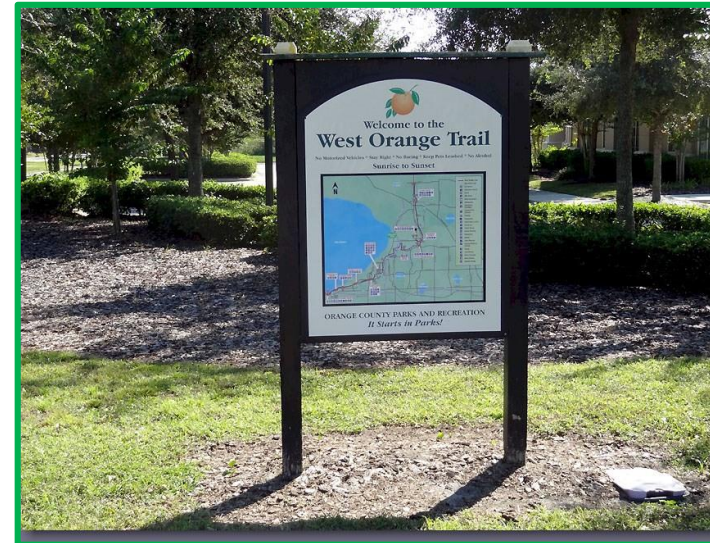
The Apopka Station on the West Orange Trail is a county park and the Apopka trailhead for the West Orange Trail located in the center of Apopka's historic downtown core, linking points southward to downtown Apopka, the nearby proposed Apopka Town Center, Kit Land Nelson Park to other the West Orange Trail's northern terminus. Apopka Station has a playground, open space and water/restroom facilities.

Opportunities:

Phase 4 of the project will extend the trail north from Welch Road to Kelly Park, giving Apopkans and other trail enthusiasts the opportunity to reach to reach Kelly Park as well as Wekiva Springs State Park. Phase 5 will connect West Orange Trail to Lake County and the statewide Coast-to-Coast Connector trail.

Challenges:

The West Orange Trail ends currently at Welch Road, limiting access to Kelly Park and Wekiva Springs State Park.



Lake Apopka Loop Trail & Lake Apopka Connector

Description:

The Lake Apopka Loop Trail, maintained by the Saint John's Water Management District, is a 15-mile multi-use trail through the Lake Apopka North Shore Restoration Area, from Magnolia Park west to Clay Island.

Amenities:

The Loop Trail eastern trailhead is located at Magnolia Park, providing trail users access to picnic, fitness, sports, camping and other outdoor activities. The trail gives hikers and cyclists views of Lake Apopka, and many opportunities for bird watching and enjoying wild-life and the natural beauty of the area.

Opportunities :

Future phases include an expansion westward from Clay Island to Lake County, as well as a planned proposed Lake Apopka Loop Connector, linking the Loop Trail at Magnolia Park to the West Orange Trail.

The Loop Trail and proposed connector trail are located near the southern end of the Ocoee-Apopka Road Small Area Study. These trails offer the opportunity to connect this emerging gateway area of the city to future recreational facilities in the study area, and a linkage from this emerging gateway area of the city to downtown Apopka.

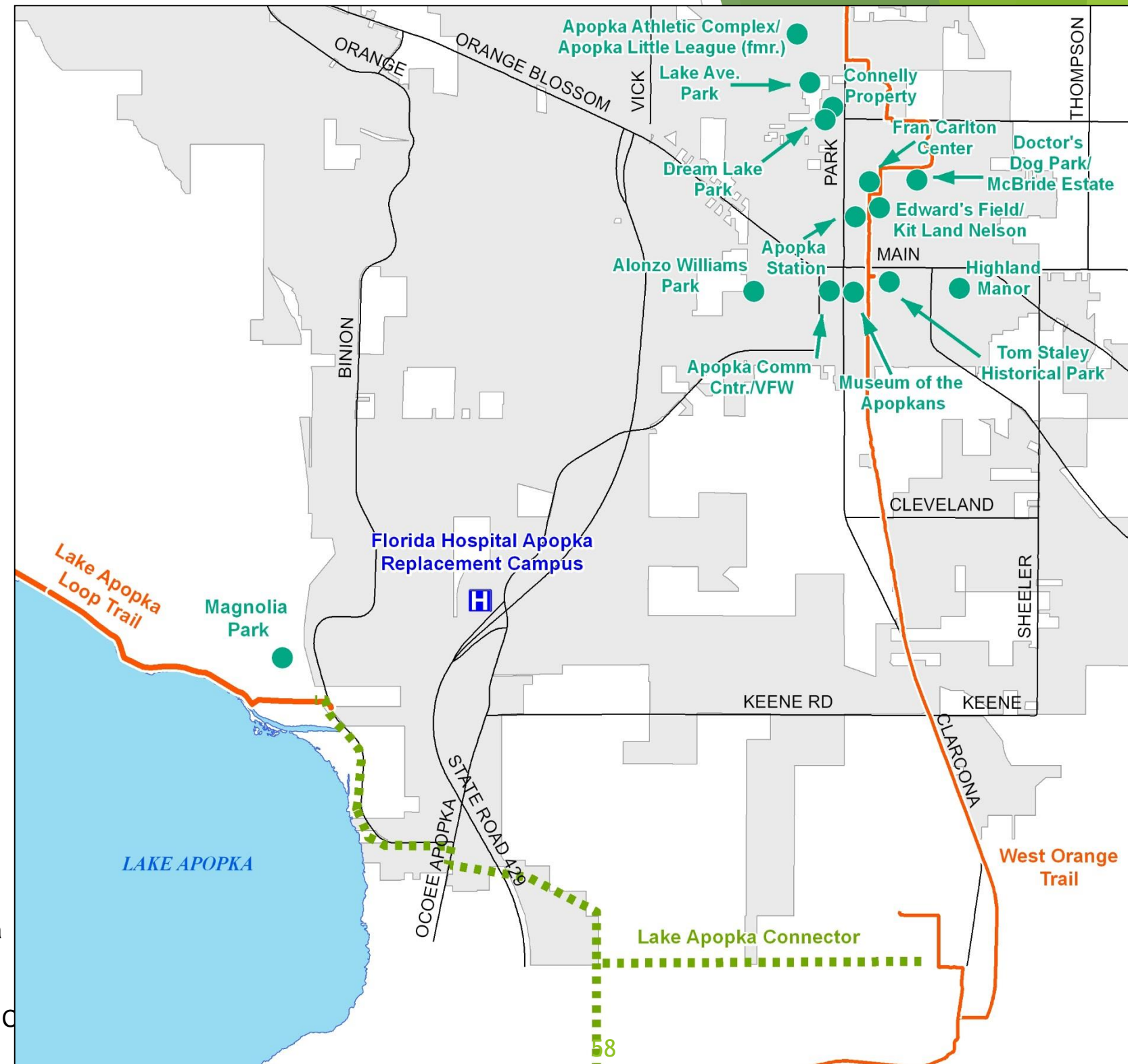
Challenges:

The Lake Apopka Loop Trail provides little connectivity at the time, due to limited recreational opportunities in the southwest portion of the city.

Recommendations:

Ensure adequate trail and sidewalk connectivity is made from future developments within the Ocoee-Apopka Road Small Area Study to the Lake Apopka Loop Trail and Lake Apopka Connector.

Identify and plan for bicycle and pedestrian connectivity between the Lake Apopka Loop and the Ocoee-Apopka Road study area.



Trail Recommendations

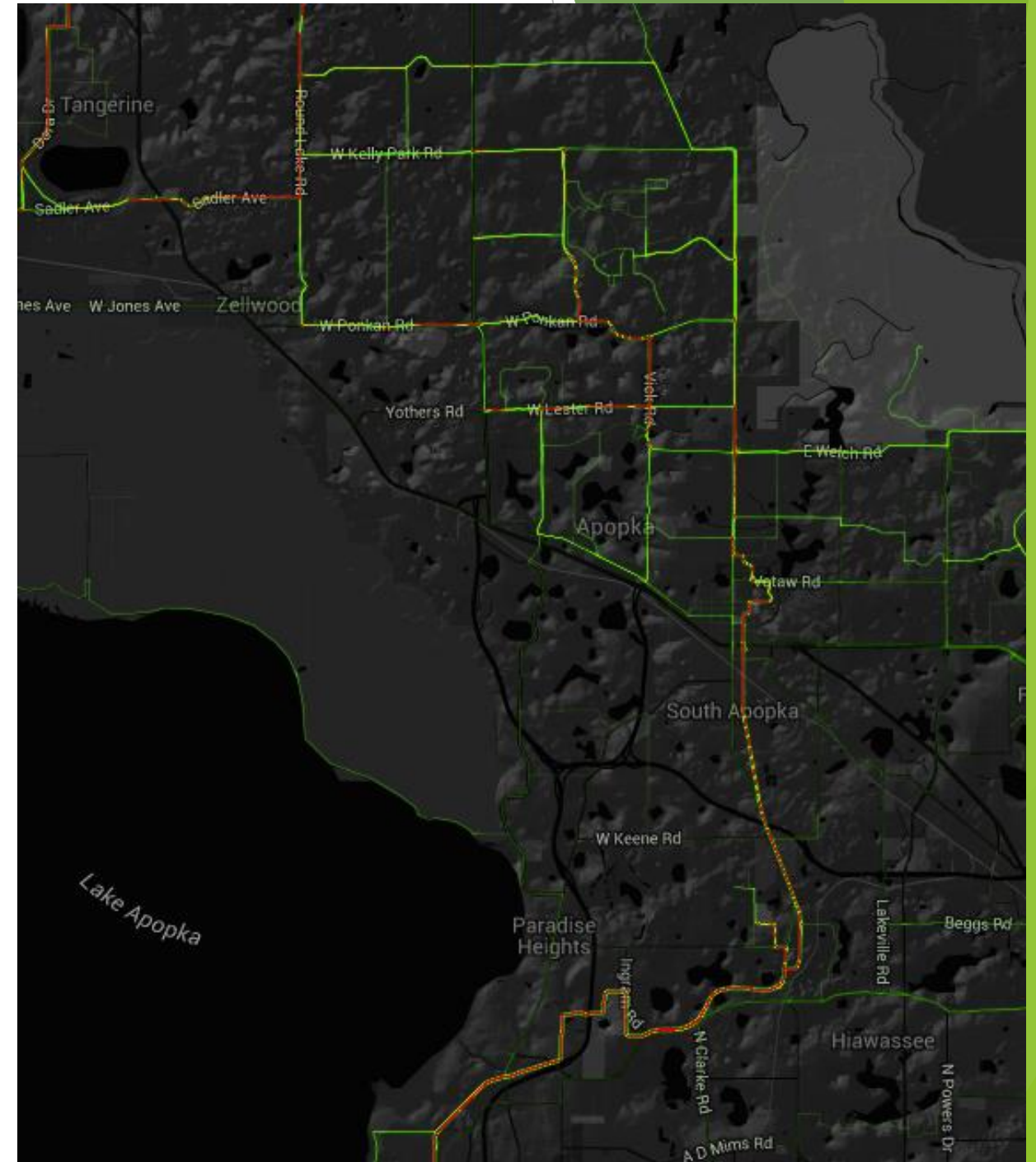
- ▶ Install a multi-use trail along the west side of Jason Dwelley Pkwy to provide pedestrian and bicycle access to the Northwest Recreation Center.
- ▶ Identify trail corridors that can connect the Ocoee-Apopka Road area to the Lake Apopka Loop Trail & the West Orange Trail

New Trails:

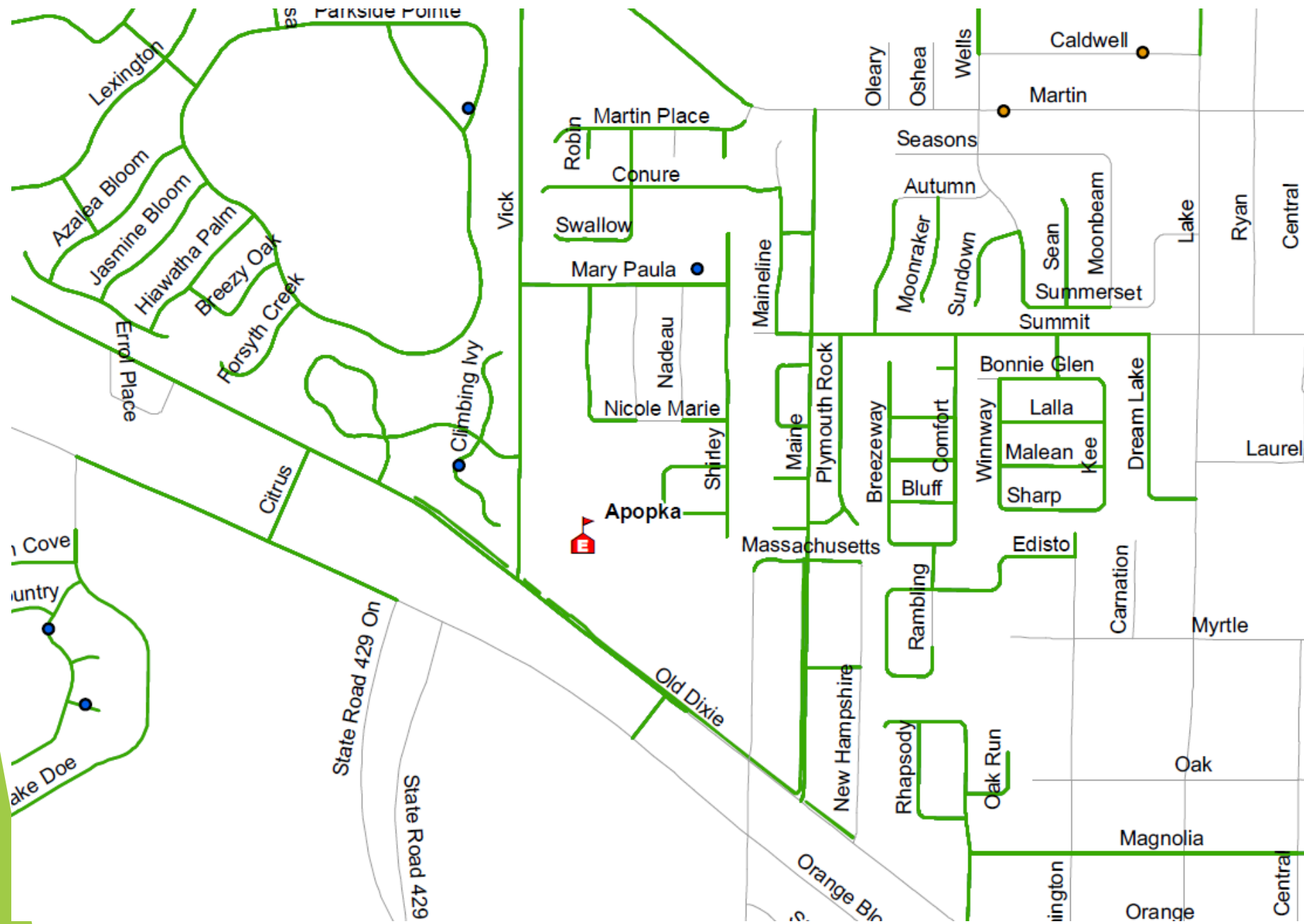
- ▶ *Welch Road – Rock Springs Rd to Wekiwa Springs State Park*
- ▶ *Ponkan Road – Rocks Springs Rd to Northwest Recreation Center*
- ▶ *Multi-Use Trail or Sidewalk – Central to Wheatley Elementary School*

New Bike Lanes:

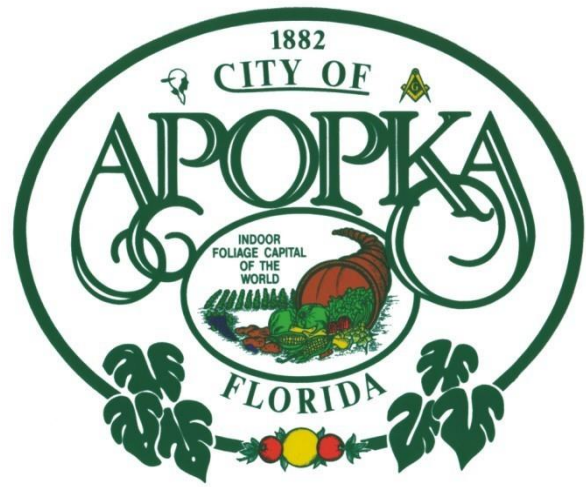
- ▶ *Ensure new or improved roadways have on-road bike lanes which meet current standards.*



Trail Recommendations (Cont'd)



- ▶ Develop a sidewalks map layer that identifies existing sidewalks and gaps.
- ▶ Develop a methodology that prioritizes sidewalk funding/connectivity between parks, schools and other walkable destinations.
- ▶ Research future growth patterns to identify needs for future trails & on-street bike paths.



Program Recommendations



Promote local community groups or neighboring HOA's to help clean and maintain neighborhood parks in an Adopt-A-Park program.



Playful City USA communities utilize play as an innovative solution to address a number of challenges facing kids, families and communities. In turn, these communities retain a competitive advantage by creating healthier, more vibrant communities where families want to live and companies want to do business.

Local Playful Cities:

- Orlando
- Winter Park
- Ormond Beach
- Tampa



Create a 'Get Active Apopka' program that promotes healthy food, promotes recreation and a healthy lifestyle.

Website to serve as clearinghouse for recreation and healthy food locations.

Maps that promote safe walking areas of varying distances close to Apopka attractions.

RESOLUTION NO. 2017-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ADOPTING THE PARKS & RECREATION MASTER PLAN AS A CONCEPTUAL PLAN FOR THE DEVELOPMENT AND MAINTENANCE OF APOPKA PARKS; AUTHORIZING THE MAYOR OR HIS OESIGNEE TO PREPARE IMPLEMENTATION MEASURES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an identified priority in the adopted Comp Plan called for the completion of a Parks & Recreation Master Plan; and,

WHEREAS, the City engaged Staff and the Recreation Advisory Committee to complete a Master Plan for Apopka's Park System; and

WHEREAS, at the November 30, 2016 City Council workshop, City staff presented the final draft of the Parks & Recreation Master Plan to the City Council; and

WHEREAS, the City Council desires to adopt the City of Apopka Parks & Recreation Master Plan prepared by City Staff.

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

Section 1. That Apopka City Council hereby adopts the Parks & Recreation Master Plan prepared by City Staff as a conceptual plan for future development and maintenance of the Parks & Recreation Department.

Section 2. The Mayor, or his designee, is authorized to prepare implementation measures including, but not limited to, ordinances, standards, comprehensive plan amendments and other such measures designed to implement the Plan.

Section 3. This Resolution shall become effective immediately upon its adoption by City Council.

PASSED AND RESOLVED this ____ day of _____, 2017, by the City Council of the City of Apopka, Florida.

APPROVED:

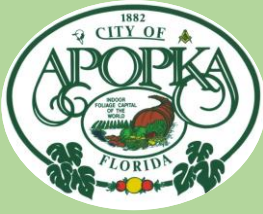
Joe Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

Backup material for agenda item:

11. Resolution No. 2017-05 - Governmental Lease- Purchase. David Burgoon



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: Recreation
 EXHIBITS: Resolution 2017-05

SUBJECT: GOVERNMENTAL LEASE-PURCHASE

REQUEST: CONSIDERATION AND ACCEPTANCE OF RESOLUTION 2017-05

SUMMARY:

At the January 4, 2017 City Council meeting, City Council approved to lease-purchase equipment from Wesco Turf. Inc. The finance company, TCY Equipment Finance, requires approval of the agreement via resolution.

To summarize, The Recreation Department maintains a fleet of over 40 pieces of various commercial equipment to maintain all of the fields at the Northwest Recreation complex. In the FY16/17 recreation budget there is \$146,000 allocated to purchase 8 new pieces of equipment (Kubota Tractor, Pull behind Reel Mower, 2 Z-Unit mowers, Toro Workman HD, Spray Unit, and 2 Gators).

The Recreation Department would like to enter into a 3 year lease-to-own agreement via State Contract to replace old and outdated equipment. With this lease the Recreation Department will receive all of the equipment included in the budget listed above along with 4 more needed units (Toro Sand Pro, Toro Top Dresser, Toro Workman MDX, and a Toro Groundsmaster Mower). At a cost of \$89,489.16 per year this would save \$56,510.84 from the current FY16/17 budget.

The Recreation Department is striving to maintain fields at a high level of service and the additional pieces of equipment obtained this year will allow the department to become more efficient and productive. Moreover the cost of the noted equipment is projected to increase over the next few years and this agreement will lock in the current State Contracted rate.

FUNDING SOURCE:

Included in the 2016/2017 FY Recreation Budget.

RECOMMENDATION ACTION:

Approve resolution 2017-05 Government Lease-Purchase.

DISTRIBUTION

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

RESOLUTION NO. 2017-05

A RESOLUTION AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF GOVERNMENTAL LEASE-PURCHASE AGREEMENT NO. 008-0713393-300 DATED JANUARY 23, 2017 (THE "LEASE"), IN PRINCIPAL AMOUNT NOT TO EXCEED \$217,998.24, BETWEEN CITY OF APOPKA, 11 NORTH FOREST AVE., APOPKA, FL 32704 AND TCF EQUIPMENT FINANCE, A DIVISION OF TCF NATIONAL BANK, 1111 WEST SAN MARNAN DR, SUITE A2 WEST, WATERLOO, IA 50701- 8926; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, City of Apopka, (the "Lessee") is a political subdivision duly organized and existing pursuant to the Constitution and laws of the State of Florida; and

WHEREAS, Lessee is duly authorized by applicable law to acquire such items of personal property as are needed to carry out its governmental functions and to acquire such personal property by entering into lease-purchase agreements; and

WHEREAS, Lessee hereby finds and determines that the execution of a Lease for the purpose of leasing with the option to purchase the property designated and set forth in Attachment 2 to the Lease is appropriate and necessary to the function and operations of the Lessee; and

WHEREAS, TCF Equipment Finance, a division of TCF National Bank, (the "Lessor") shall act as Lessor under said Lease; and

WHEREAS, the Lease shall not constitute a general obligation indebtedness of the Lessee within the meaning of the Constitution and laws of the State;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF City of Apopka:

Section 1. The Lease, in substantially the form as presently before the governing body of the Lessee, is hereby approved, and the Mayor of the Lessee, is hereby authorized to negotiate, enter into, execute, and deliver the Lease and related documents in substantially the form as presently before the governing body of the Lessee, with such changes therein as shall be approved by such officer, and which Lease will be available for public inspection at the offices of Lessee.

Section 2. The Lessee shall, and the officers, agents and employees of the Lessee are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the Lessee with respect to the Lease.

Section 3. The Lessee's obligations under the Lease shall be expressly subject to annual appropriation by Lessee; and such obligations under the Lease shall not constitute a general obligation of Lessee or indebtedness of Lessee within the meaning of the Constitution and laws of the State of Florida.

Section 4. All other related contracts and agreements necessary and incidental to the Lease are hereby authorized, ratified and approved.

Section 5. Lessee reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the current calendar year and hereby designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval.

CERTIFIED AS TRUE AND CORRECT this ____ day of _____, 2017

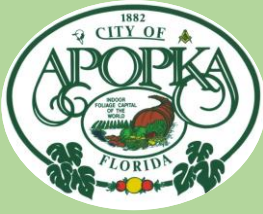
Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

Backup material for agenda item:

12. Resolution No. 2017-06 - FACC 45th Anniversary Linda Goff



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: March 1, 2017
 FROM: City Clerk
 EXHIBITS: Res. No. 2017-06

SUBJECT: FLORIDA ASSOCIATION OF CITY CLERKS (FACC)

REQUEST: ACKNOWLEDGE FACC FOR THE DISTINCTION OF 45 YEARS IN EXISTENCE

SUMMARY:

FACC was formed in 1972 by a fellow Municipal Clerk who needed assistance and found that a state organization did not exist. FACC’s vision, goals, and objectives have been established as a result of the tremendous leaders who have given willingly and unselfishly to the organization. There are over 575 members, and seven districts, representing Florida’s 411 municipalities.

FACC works in conjunction with the International Institute of Municipal Clerks (IIMC) to provide certification for city clerks. FACC is proud to have one of the largest certification programs in the country, with more than 200 Certified Municipal Clerks (CMC) and over 100 Master Municipal Clerks within FACC.

The year 2017 marks the 45th anniversary for FACC and it is respectfully requested that the City of Apopka acknowledge the organization with special recognition through approving this resolution.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Approve Resolution No. 2017-06.

DISTRIBUTION

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

RESOLUTION NO. 2017-06

**A RESOLUTION OF THE CITY OF APOPKA
COMMENDING THE FLORIDA ASSOCIATION OF
CITY CLERKS FOR ITS 45TH ANNIVERSARY.**

WHEREAS, the Florida Association of City Clerks (FACC) was established in 1972 to promote and develop the educational and professional status of Florida city clerks; and

WHEREAS, the primary objective of the FACC is to educate the city clerks in the State of Florida; and

WHEREAS, the FACC works in conjunction with the International Institute of Municipal Clerks to provide Certified Municipal Clerk (CMC) and Master Municipal Clerk (MMC) certification for city clerks; and

WHEREAS, the FACC strives to help increase the efficiency of city clerk functions, increase cooperation and assistance with city administrators, gather and disseminate information to improve procedures, and improve the efficiency of the administration of municipal government; and

WHEREAS, the FACC currently has more than 575 members in seven districts throughout the state; and

WHEREAS, the FACC is proud to have one of the largest certification programs in the country with more than 200 Certified Municipal Clerks and more than 100 Master Municipal Clerks among its members; and

WHEREAS, the FACC provides educational opportunities for clerks through its annual summer conference and academy and fall academy, webinars, district mini-academies and Athenian Dialogues; and

WHEREAS, the FACC provides a discussion forum by which members may post inquiries when researching best practices for programs, issues and opportunities within Florida's cities; and

WHEREAS, the year 2017 is the 45 anniversary of the FACC, which is an occasion worth of special recognition.

WHEREAS, the City of Apopka, Florida, is proud to offer membership into FACC for Linda F. Goff, CMC, City Clerk, and Susan M. Bone, Deputy City Clerk.

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

Section 1. That the City of Apopka, congratulates the FACC on its 45th anniversary.

Section 2. That a copy of this resolution be provided to the FACC Board of Directors.

PASSED AND ADOPTED by the City of Apopka this 15th day of February, 2017.

Joseph E. Kilsheimer
Mayor, City of Apopka, Florida

ATTEST:

Linda F. Goff, CMC, City Clerk

Backup material for agenda item:

1. Thank you note to elected officials from Commissioner Betsy VanderLey for flowers at Mayor Jon VanderLey's funeral.



In Appreciation

Dear Mayor & Commissioners

Thank you for the lovely flowers. They were very much appreciated -

Betsy
Vondra

During a time
like this
we realize how much
our friends and relatives
really mean
to us....

Your expression
of sympathy will always
be remembered