



AGENDA

APOPKA CITY COUNCIL MEETING @ 8:00 PM City Hall Council Chamber 120 East Main Street – Apopka, Florida 32703 November 19, 2014

INVOCATION

Christian Ore - Victory Church

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

1. Proclamation - Presented to the Apopka High School Bowling Team

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting of October 15, 2014 at 8:00 p.m.
2. Reject Bid No. 2014-03, from Wright's Landscaping, Inc., for Lawn Maintenance Services for Code Enforcement.
3. Authorize the disposal of surplus equipment/property and their removal from the City's asset list.
4. Authorize the Mayor to execute Amendment II of the Project Renew Agreement between the City of Apopka and the Orlando Utilities Commission.

SPECIAL REPORTS AND PUBLIC HEARINGS

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2386 – SECOND READING & ADOPTION - CHANGE OF ZONING - Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, and 03-21-28-0000-00-119) [Ordinance No. 2386 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]
2. ORDINANCE NO. 2388 – SECOND READING & ADOPTION - Amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.” [Ordinance No. 2388 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]
3. ORDINANCE NO. 2390 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Metzler Family Trust, from “County” Low Density Residential (0-4 du/ac) and “City” Very Low Suburban Residential (0-2 du/ac) to “City” Agriculture (1 du/5 ac), for property located east of Vick Road, north of West Lester Road. (Parcel ID #s: 28-20-28-0000-00-010 & 28-20-28-0000-00-075) [Ordinance No. 2390 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]
4. ORDINANCE NO. 2391- SECOND READING & ADOPTION - CHANGE OF ZONING - Metzler Family Trust, from “County” A-1 and “City” R-1AA to “City” AG, for property located east of Vick Road, north of West Lester Road. (Parcel ID #s: 28-20-28-0000-00-010 & 28-20-28-0000-00-075) [Ordinance No. 2391 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]
5. ORDINANCE NO. 2392- SECOND READING & ADOPTION - CHANGE OF ZONING – Norman E. Sawyer, from “County” I-1/I-5 (ZIP) (Industrial) to “City” I-1 (Industrial) AG, for property located north of 13th Street, east of Lambing Lane. (Parcel ID #s: 15-21-28-0000-00-095 & 15-21-28-0000-00-096) [Ordinance No. 2392 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]

SITE APPROVALS

DEPARTMENT REPORTS AND BIDS

1. Administrative Report

MAYOR'S REPORT

OLD BUSINESS

- 1. COUNCIL
- 2. PUBLIC

NEW BUSINESS

- 1. COUNCIL
- 2. PUBLIC

ADJOURNMENT

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

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

Backup material for agenda item:

1. Approve the minutes from the regular City Council meeting of October 15, 2014 at 8:00 p.m.

CITY OF APOPKA

Minutes of the regular City Council meeting held on October 15, 2014, at 8:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth
City Attorney Cliff Shepard

PRESS PRESENT: Roger Ballas - The Apopka Chief

INVOCATION - Commissioner Arrowsmith introduced Senior Pastor James Hicks of the Center of Faith Church, who gave the Invocation.

PLEDGE OF ALLEGIANCE - Mayor Kilsheimer said October 13, 1775 is celebrated as the birthday of the United States Navy and on that date, the Continental Congress authorized the construction and administration of the first American Naval Force. Initially seven ships were constructed and led the new Nation in several victories over British warships, as well as successful attacks on British Merchant ships. The United States quickly established itself as a naval power and the Navy has played an important part in both peacetime and wartime missions since its inception in 1775. He asked everyone to remember those who have served in the United States Navy and all of those who are currently deployed in our armed forces as he led in the Pledge of Allegiance.

Mayor Kilsheimer said during public participation, we were going to try something new by limiting time for those who get up to speak a second time to 1-2 minutes.

PRESENTATIONS

1. Red Ribbon Week Proclamation - Mayor Kilsheimer read the proclamation and presented it to Rod Toledo, Nicholas Toledo, Jacob Toledo, Victor Vargas, Christian Vargas and Roberto Vargas of the Orlando Devil Dog Young Marines.
2. Fire Prevention Month Proclamation - Mayor Kilsheimer read the proclamation and presented it to Chief Tyre. Chief Tyre reminded everyone to change the batteries in their smoke detectors on November 2, 2014 when setting their clocks back.

CONSENT AGENDA

1. Approve the minutes of the regular City Council meeting held on September 17, 2014, at 8:00 p.m.
2. Approve the minutes of Administrative Bid No. 2014-13, for Auditing Services, held on October 3, 2014, at 10:15 a.m.

3. Approve the bid from Rosenbauer America, LLC. in the amount of \$593,516.00, for construction of Heavy Rescue Apparatus.
4. Approve a request from Greenbrier of Central Florida, LLC. to hold the "Paws For a Cause" Festival on October 24 & 25, 2014, at 3703 W. Kelly Park Road.
5. Authorize the issuance of a Peddler's Permit to Tampa Bay Automotive LLC., to hold a vehicle sale at Apopka Land Regional Shopping Center.
6. Approve a request from St. Francis of Assisi Catholic Church to hold their Fall Festival on October 24, 25 & 26, 2014, at 834 S. Orange Blossom Trail.
7. Authorize an expenditure from the Law Enforcement Trust Fund, in the amount of \$2,500.00, to Apopka High School for the creation of the Academic Consortium of Scholars.
8. Authorize an expenditure from the Law Enforcement Trust Fund, in the amount of \$12,500.00, for undercover operations.
9. Authorize the Mayor or his designee to execute the Sewer and Water Capacity Agreement for VitAg Corporation, located 6751 West Jones Avenue.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve the nine items of the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

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

ORDINANCES AND RESOLUTIONS – There were no ordinances or resolutions.

SITE APPROVALS - There were no site approvals.

DEPARTMENT REPORTS AND BIDS –

1. **Administrative Report** – Janice G. Goebel, Interim City Administrator, said her report had been distributed and she would answer any questions.

MAYOR'S REPORT –

1. Appointment and ratification of Pamela D. Toler to the Planning Commission.

MOTION was made by Commissioner Ruth and seconded by Commissioner Velazquez to ratify the appointment of Pamela D. Toler to the Planning Commission. Motion carried unanimously with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. Approval of new City Auditor, Moore Stephens Lovelace, CPAs and Advisors

Mayor Kilsheimer reported the firm that had served as the City Auditor resigned in August, stating they were going to be concentrating on other areas of business. He advised the City

had received four proposals for Auditing Services. The Review Committee met and after discussing the proposals decided to recommend Moore Stephens Lovelace, CPAs and Advisors.

MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to approve Moore Stephens Lovelace as the new City auditing firm. Motion carried by a unanimous vote with Mayor Kilsheimer and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

OLD BUSINESS

1. **COUNCIL** - Commissioner Arrowsmith said he had been contacted by the Boy Scouts of America several months ago to inquire if the City would be able to contribute \$5,000 to their organization again this year. He stated he spoke to the City Administrator at that time and he had approved this under his authority. As a result, they were told they would be receiving the donation and apparently they have sent invoices and the funds have not been sent to them.

Mayor Kilsheimer advised this commitment had not been communicated to him and upon his inquiring about it, he was told it was up to his discretion. He had staff research and the City had donated \$5,000 the year before and the largest amount up until then was \$1,500. He advised \$500 had been donated to them.

MOTION was made by Commissioner Arrowsmith and seconded by Commissioner Dean to donate an additional \$4,500 to the Boy Scouts of America. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

Commissioner Arrowsmith said the original concept of the Community Trust was for events such as this and he does not know of any guidelines that have been established. He suggested that group needs to hold a meeting and establish some guidelines so these organizations can be referred to them in the future.

2. **PUBLIC** - Ray Shackelford requested clarification on the Charter stating the Council recently ratified the appointment of the City Attorney and at the last meeting Ms. Goebel's appointment as Interim City Administrator was not ratified. He said he supports and endorses her appointment. He also submitted for the record a recommendation for One Apopka for Progress List.

Mayor Kilsheimer said serving on an interim basis did not require a ratification vote. He said when a new candidate is selected for City Administrator that will be brought to the Council for ratification.

Ron Landon said he received a notice in the mail that the City was transferring the employee assets to ING and inquired if the Council voted on this matter.

NEW BUSINESS

1. **COUNCIL** – Commissioner Ruth said the Academic Consortium of Scholars was on the Consent Agenda. He said James Delgado was present and he requested to have him speak on the program at Apopka High School.

Mr. Delgado said Mr. Guthrie, Principal of Apopka High School, had put him in charge of the program that recognizes academic achievement. He explained this program celebrates the students for what they have accomplished in the classroom just like the athletes are recognized. The students are recognized based upon their GPA scores and they earn apparel from t-shirts, a hoodie jacket, fraternity style jersey, and a jacket. He affirmed they appreciate the support from the community.

Commissioner Arrowsmith asked the City Attorney for clarification regarding the consulting agreement made with Richard Anderson where it states the City Commission will not answer to him, nor will he answer to the City Commission. He inquired if the commissioners were able to contact him on a one on one basis.

City Attorney Shepard advised part of this was to clarify he was no longer the CAO and not directing employees. He said he did not think the intent was to keep commissioners from communicating with him, but he would check further into this matter and report back. He stated there could certainly be communication in this setting with the Council, as he would be working as the lobbyist.

In response to Commissioner Ruth stating the City of Apopka needs to communicate better on events through a newsletter, Mayor Kilsheimer advised the City has a monthly newsletter that goes out in the water bills. He agreed there needs to be more and better communication from the City. He affirmed there is regular communication on the City's Facebook page, the website, and The Apopka Chief was a good source of communication.

2. **PUBLIC** - Dr. Shackelford inquired when the public would know who would be serving on the City Administrator selection committee, to which Mayor Kilsheimer said he would be selecting those members in the near future. He asked Dr. Shackelford if he would like to serve on the committee. Dr. Shackelford responded in the affirmative.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 8:45 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk

Backup material for agenda item:

2. Reject Bid No. 2014-03, from Wright's Landscaping, Inc., for Lawn Maintenance Services for Code Enforcement.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: November 19, 2014
FROM: Police Department
EXHIBITS:

SUBJECT: LAWN MAINTENNACE SERVICES FOR CODE ENFORCEMENT
/ABANDONED PROPERTY SERVICE AND NEIGHBORHOOD/
SUBDIVISION MAINTENANCE FOR NON-AD VALOREM ACCESSED
PROPERTIES WITHIN THE CITY OF APOPKA

Request: REJECT BID RECEIVED FOR BID NO. 2014-03 THE LAWN
MAINTENANCE SERVICES FOR CODE ENFORCEMENT

SUMMARY:

Staff advertised for Lawn Maintenance and Services for Code Enforcement. Only one (1) bid was received:

- | | |
|------------------------------|---|
| 1. Wright's Landscaping Inc. | Bid Group 'A': \$6,234.00
Bid Group 'B': \$31,440.00
Total Bid: \$37,674.00 |
|------------------------------|---|

The low bidder, Wright's Landscaping, Inc., did not meet the required bidder qualifications. A bidder qualification specified a copy of the bidders Limited Ornamental Turf License and was not provided.

FUNDING SOURCE:

Non-Ad Valorem Special Assessments

RECOMMENDED ACTION:

Reject the bid received for lawn maintenance services for code enforcement.

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
City Clerk
Fire Chief

Backup material for agenda item:

3. Authorize the disposal of surplus equipment/property and their removal from the City's asset list.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: November 19, 2014
 FROM: Police Department
 EXHIBITS: Property List

SUBJECT:

SURPLUS PROPERTY

Request:

**AUTHORIZE THE DISPOSAL OF SURPLUS EQUIPMENT/PROPERTY AND
REMOVAL OF ASSETTED PROPERTY FROM THE CITY ASSET LIST.**

SUMMARY:

Staff requests City Council approval to dispose of surplus equipment/property which has no useful benefit to the daily operation of the city. This request is to authorize the disposal of items by auction, donation, or elimination. The attached list identifies said surplus radio, office, computer, and other equipment located in storage which no longer is functional or has usefulness to the city that can be identified by asset number or serial number. Included in the request is the disposal of miscellaneous small items with no asset tag or serial number located in various storage areas controlled by the city deemed to have no value to the city.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Authorize department members to dispose of said property.

DISTRIBUTION

Mayor Kilshiemer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

Fire Services

Police Services

APOPKA POLICE DEPARTMENT

Electronic Disposal Inventory

UPSTAIRS HALLWAY

Item Description	Make	City Asset Number	Other Number	Condition
Laptop	Dell	18492		BAD/BROKE
Laptop	Dell	20198		BAD/BROKE
Laptop	Dell	20362		BAD/BROKE
Laptop	Dell	19335		BAD/BROKE
Laptop	Dell	20363		BAD/BROKE
Laptop	Dell	20064		BAD/BROKE
Laptop	Dell	20192		BAD/BROKE
Laptop	Dell	20197		BAD/BROKE
Laptop	Dell	19519		BAD/BROKE
Laptop	Dell	20075		BAD/BROKE
Laptop	Dell	20195		BAD/BROKE
Laptop	Dell	20073		BAD/BROKE
Laptop	Dell	20065		BAD/BROKE
Laptop	Dell	20078		BAD/BROKE
Laptop	Dell	20077		BAD/BROKE
Laptop	Dell	20199		BAD/BROKE
Laptop	Dell	20203		BAD/BROKE
Laptop	Dell	19332		BAD/BROKE
Laptop	Dell	20364		BAD/BROKE
Laptop	Dell	20080		BAD/BROKE
Laptop	Dell	20208		BAD/BROKE
Laptop	Dell	20202		BAD/BROKE
Laptop	Dell	20056		BAD/BROKE
Laptop	Dell	20069		BAD/BROKE
Laptop	Dell	20361		BAD/BROKE
Laptop	Dell	20066		BAD/BROKE
Laptop	Dell	20057		BAD/BROKE
Laptop	Dell	20074		BAD/BROKE
Laptop	Dell	20360		BAD/BROKE
Laptop	Dell	20368		BAD/BROKE

АРОРКА POLICE DEPARTMENT

Electronic Disposal Inventory

Laptop	Dell	20058		BAD/BROKE
Laptop	Dell	20060		BAD/BROKE
Laptop	Dell	20063		BAD/BROKE
Laptop	Dell	20204		BAD/BROKE
Laptop	Dell		9174L91	BAD/BROKE
Laptop	Dell		8374L91	BAD/BROKE
Laptop	Dell		9574L91	BAD/BROKE
Laptop	Dell		1574L91	BAD/BROKE
Laptop	Dell		6574L91	BAD/BROKE
Laptop	Dell		3T08QH1	BAD/BROKE
Laptop	Dell		9S08QH1	BAD/BROKE
Laptop	Dell	20076		BAD/BROKE
Laptop	Gateway	19650		BAD/BROKE
Laptop	Dell	20201		BAD/BROKE
Laptop	Dell	20206		BAD/BROKE
Laptop	Dell	20205		BAD/BROKE
Laptop	Dell		C5JR9C1	BAD/BROKE
Laptop	Acer	20134		BAD/BROKE
Laptop	Micron	19376		BAD/BROKE
Laptop	Dell		34QYPC1	BAD/BROKE
Laptop	Dell		6674L91	BAD/BROKE
Laptop	Dell		2874L91	BAD/BROKE
Laptop	Dell		3074L91	BAD/BROKE
Laptop	Dell		1974L91	BAD/BROKE
Laptop	Dell		D974L91	BAD/BROKE
Laptop	Dell		H074L91	BAD/BROKE
Laptop	Dell		4974L9A	BAD/BROKE
Laptop	Dell		FB74L91	BAD/BROKE
Laptop	Dell		NO IDENTIFICATION NUMBER	BAD/BROKE
Laptop	Gateway	19648		BAD/BROKE
Computer Tower	RMS	18607		BAD/BROKE
Computer Tower	RMS	18581		BAD/BROKE

APOPKA POLICE DEPARTMENT

Electronic Disposal Inventory

Computer Tower		18596			BAD/BROKE
Computer Tower		18571			BAD/BROKE
Computer Tower		18707			BAD/BROKE
Computer Tower		18573			BAD/BROKE
Computer Tower		18599			BAD/BROKE
Computer Tower			16191022300322		BAD/BROKE
Computer Tower			34656-15B		BAD/BROKE
Computer Tower			XP-PD-2230-0004		BAD/BROKE
Computer Tower			33211-10B		BAD/BROKE
Computer Tower			32194-4		BAD/BROKE
Computer Tower			RC220KKR10073500226		BAD/BROKE
Computer Tower			4120243744		BAD/BROKE
Computer Tower			16191022300521		BAD/BROKE
Computer Tower			16191022300674		BAD/BROKE
Computer Tower			4120249151		BAD/BROKE
Computer Tower			4C20273657		BAD/BROKE
Computer Tower	RMS	18544			BAD/BROKE
Computer Tower			34142		BAD/BROKE
Computer Tower			16191022300464		BAD/BROKE
Computer Tower			34656-10HH		BAD/BROKE
Computer Tower			33211-30		BAD/BROKE
Computer Tower			RMS112628		BAD/BROKE
Monitor	Elements		5769PRCOELD		BAD/BROKE
Monitor			IN284109602 G02		BAD/BROKE
Monitor	NEC		XA1769S05A-00582002663		BAD/BROKE
Monitor	NEC		92131083NA		BAD/BROKE
Monitor	NEC		92131060NA		BAD/BROKE
Monitor	Acer		420537		BAD/BROKE
Monitor	Acer		ETLBN0C023835DBE264002		BAD/BROKE
Monitor	Acer		420536		BAD/BROKE
Monitor	Acer		ETL4908370731088214237		BAD/BROKE
Monitor	Acer		480363		BAD/BROKE

АРОРКА POLICE DEPARTMENT

Electronic Disposal Inventory

Monitor	Acer			ETL460C288814DBE27404D	BAD/BROKE
Monitor	Acer			ETL480B182650088C9392B	BAD/BROKE
Monitor	Acer			ETL3409004529004B6PQ10	BAD/BROKE
Monitor	Acer			ETL4908370731086384237	BAD/BROKE
Monitor	Acer			ETLBN0C023835DBE324002	BAD/BROKE
Monitor	Acer			ETL480B182650088E4392B	BAD/BROKE
Monitor	Acer			ETLBN0C02391535F8D4000	BAD/BROKE
Monitor	Acer			ETL490837072800E224237	BAD/BROKE
Monitor	Acer			ETL49083707310887F4237	BAD/BROKE
Monitor	Acer			ETL460C005611003C74021	BAD/BROKE
Monitor	Samsung			GH17HCHW515701J	BAD/BROKE
Monitor	Samsung			GY19H9NW900968	BAD/BROKE
Monitor	Dell			CN-0WH320-46633-75U-5UJU	BAD/BROKE
Monitor	HP			3CQ9060CFP	BAD/BROKE
32 Keyboards					BAD/BROKE
17 Computer Mice					BAD/BROKE
Fax Machine	Brother			U60074J1J605790	BAD/BROKE
Fax Machine	Brother			U60283F6J487657	BAD/BROKE
Fax Machine	Brother			U60298M4J171328	BAD/BROKE
Scanner	HP			CN61QSR17K	BAD/BROKE
Scanner	HP		19737		BAD/BROKE
Scanner	HP		19738		BAD/BROKE
Copier	HP			C7064A	BAD/BROKE
Copier	HP			Q7785A	BAD/BROKE
Copier	HP			A534255	BAD/BROKE
Copier/Scanner/Fax	HP			Q3460A	BAD/BROKE
Photo Machine	Noritsu		20917		BAD/BROKE
Printer/Fax/Copier	Canon			F146100	BAD/BROKE
Printer	HP			VND4841410	BAD/BROKE
Printer	HP			C6487C	BAD/BROKE
Printer	HP			VND4741427	BAD/BROKE
Printer	HP		19853		BAD/BROKE

АПОРКА POLICE DEPARTMENT

Electronic Disposal Inventory

Printer	HP		C32531	BAD/BROKE
Printer	HP		C8150A	BAD/BROKE
Printer	HP		C3253	BAD/BROKE
Printer	HP		SG7BF5Z03G	BAD/BROKE
Printer	HP		C32532	BAD/BROKE
Printer	HP		NO IDENTIFICATION NUMBER	BAD/BROKE
Printer	HP		C32533	BAD/BROKE
Printer	HP		CNB1T35444	BAD/BROKE
Printer	HP		CNB1002345	BAD/BROKE
Shredder	Boston		10528	BAD/BROKE
Alarm	Varda		15587	BAD/BROKE
Projector	3M		10344	BAD/BROKE
Battery Backup	APC		BK650MC	BAD/BROKE
Time Clock	Simplex		B00721AS	BAD/BROKE
Typewriter	IBM		1351000	BAD/BROKE
Laptop	Dell		H274L91	BAD/BROKE

GRAMS GARAGE ELECTRONICS:

Fax/Printer/Scanner/Copier	Brother		U60073A21908260	BAD/BROKE
Copier	Canon		19219	BAD/BROKE
Shredder	Achiever		SL-MEG-6043	BAD/BROKE
Printer Laserjet	HP		19101	BAD/BROKE
Monitor	Acer		ETL480B182650088E7392B	BAD/BROKE
Monitor	Acer		ETL750B01863602CAC3902	BAD/BROKE
Monitor	Brother		U56503F1K990923	BAD/BROKE
Fax Machine	Brother		17979	BAD/BROKE
Communications Recorder	Dictaphone		17978	BAD/BROKE
Communications Recorder	Dictaphone		17980	BAD/BROKE
Communications Recorder	Dictaphone		94Z47863	BAD/BROKE
Monitor	Cheer		190-71207288	BAD/BROKE
Monitor	CTX		ETLC1080849290E2DE4213	BAD/BROKE
Monitor	Acer		CNBGH79329	BAD/BROKE
Printer	HP			BAD/BROKE

АРОРКА POLICE DEPARTMENT

Electronic Disposal Inventory

Desktop Tower				34656-10NN	BAD/BROKE
Desktop Tower				34656-45B	BAD/BROKE
Desktop Tower				30854	BAD/BROKE
Desktop Tower				00045-679-960-528	BAD/BROKE
Desktop Tower				4120249186	BAD/BROKE
Desktop Tower				34656-45C	BAD/BROKE
Monitor	Viewsonic			QC9070200007	BAD/BROKE
Printer	HP Deskjet			MY08G112WJ	BAD/BROKE
Printer	HP Deskjet		19658		BAD/BROKE
Printer	HP Laserjet			907204	BAD/BROKE
Card Printer	Credentia		18680		BAD/BROKE
Desktop Tower	Cooler Master			800-45-149-659-378	BAD/BROKE
Backup	APC			QB0505138587	BAD/BROKE
Microprinter	Canon		17871		BAD/BROKE
Monitor	Acer			ETL640C1727390297F4054	BAD/BROKE
Desktop Tower				250076	BAD/BROKE
FATS MACHINE	FATS MACHINE			18931	BAD/BROKE
Microwave Antenna	Microwave Antenna				BAD/BROKE
Fiberglass Antenna	Fiberglass Antenna				BAD/BROKE
Monitor	Komodo			921ECYC2002247	BAD/BROKE
Copier	Canon			NP6551	BAD/BROKE
24VDC Charger	Power Conversion			34119-1001	BAD/BROKE
Camera	Bosch			879203587	BAD/BROKE
Rotating Camera					BAD/BROKE
4 Truck Utility Boxes					BAD/BROKE
Misc. Auto Parts					BAD/BROKE
Desktop Tower				34656-15C	BAD/BROKE
Desktop Tower	RMS		18590		BAD/BROKE
13 Keyboards					BAD/BROKE
9 Computer Mice					BAD/BROKE

Item

HP DESKTOP
HP DESKTOP
HP DESKTOP
COMPAQ DESKTOP
CUSTOM DESKTOP
LENOVO DEKSTOP AND DRIVE

S/N

2UA904073M
2UA904077V
2UA90407WF
CNH5251WMP
N/A
LMNMDG8

SAMSUNG MONITOR
BLACK MONITOR
DELL MONITOR
OPEN TABLE MONITOR

MY19HCGQB05612T
ZLC12586AY20150
KN0D5428722014BH0405
G08L008060

Public Services

ITEM	ASSET TAG/SERIAL #	CONDITION	LOCATION	DIVISION	OTHER INFO
1989 Ford F-800 Bucket Trk	1FDPF82K5KVA28727	Poor	Fleet	3412	Unit 20-0220
1983 International Bus	1HVBA1850DDHA21754	Poor	Fleet	3612	Unit 39-0685
2005 Mower-Scag	BG800200	Poor	Fleet	3513	Unit 27-1071
2002 Mower-Scag	7650545	Poor	Fleet	3513	Unit 27-0874
1998 Mower-Scag	4330003	Poor	Fleet	3513	Unit 27-0617
2008 Mower-Scag	649630260	Poor	Fleet	3513	Unit 27-1269
1990 Norwalk C.N.G. Compressor	50798	Poor	Fleet	3310	Unit 33-0858
1990 Norwalk C.N.G. Compressor	50800	Poor	Fleet	3310	Unit 33-0859
2006 Ford Crown Vic	2FAFP71WX6X156628	Poor	Fleet	2220	Unit 11-0841
2003 Ford Crown Vic	2FAFP71WX3X113757	Poor	Fleet	2220	Unit 11-0821
2003 Ford Explorer 4X4 XLS	1FMZU72K13UC33946	Poor	Fleet	2220	Unit 30-0824
2005 Ford Taurus	1FAFP53U55A268146	Poor	Fleet	2210	Unit 30-1035
2007 Chevrolet Impala	2G1WS55R679202181	Poor	Fleet	2220	Unit 11-1197
2005 Ford Taurus	1FAFP53U25A131536	Poor	Fleet	2220	Unit 30-0993
2006 Ford Taurus	1FAFP53U76A242178	Poor	Fleet	2230	Unit 30-0849
2002 Ford Crown Vic	2FAFP71WX2X126815	Poor	Fleet	2220	Unit 11-0806
Brother-MFC Multifunction printer	U62511G2J334390	Poor	PS Admin	3141	
HP Desk Jet 9800	MY6M1Z03S	Unknown	PS Admin	3410	
HP Desk Jet 1120 C	SG9BA13172	Unknown	PS Admin	3410	
Acer Monitor	ETL340900443300592PQ110	Poor	PS Admin	3010	
Xerox WorkCentre Pro 215	19317	Poor	PS Admin	3010	
Logitech Keyboard 120		Poor	PS Admin	3010	
Bod Incubator	20106	Poor	PS Lab	3121	Large Item
Filtration System Barnstead		Unknown	PS Lab	3121	
Hach Digestion Apparatus	6986	Unknown	PS Lab	3121	
Barnstead Glass Still	17808	Poor	PS Lab	3121	Leaks
YSI Analog D. O. Meter	17459	Poor	PS Lab	3121	Very Old Equipment
Field Turbidimeter	17586	Poor	PS Lab	3121	Very Old Equipment
Accunet 925 PH Meter	16299	Poor	PS Lab	3121	Very Old Equipment
Analytical Balance	16141	Unknown	PS Lab	3121	Very Old Equipment
Dry Oven	16155	Poor	PS Lab	3121	Very Old Equipment
Waterbath Incubator	17462	Unknown	PS Lab	3121	Very Old Equipment
Hot Plate/Stir Plate	612931122036	Poor	PS Lab	3121	Very Old Equipment
Cod Digester	16532	Unknown	PS Lab	3121	Very Old Equipment
DR/3000 Spectrophotometer	16531	Unknown	PS Lab	3121	Very Old Equipment
Hach Digestion Apparatus	16985	Unknown	PS Lab	3121	Very Old Equipment
Accunet PH Meter	16148	Poor	PS Lab	3121	Very Old Equipment
Master Flow Cycle Controller	17732	Unknown	PS Lab	3121	Very Old Equipment
Barnstead Still	8705028	Poor	PS Lab	3121	Very Old Equipment
Gas Detection Equipment	16991	Unknown	PS Lab	3121	Very Old Equipment

ITEM	ASSET TAG/SERIAL #	CONDITION	LOCATION	DIVISION	OTHER INFO
Acer Computer Monitor	ETL170A031YZ	Poor	NW/RC	3612	
HP Inkjet 1100	CN35M1Z0BT	Good	NW/RC	3612	
HP Inkjet 1100	CN36J120QS	Good	NW/RC	3612	
HP Inkjet 1100	CN35L1209C	Good	NW/RC	3612	
HP 9800 Printer	MY68J1Z050	Good	NW/RC	3612	
Proview Monitor	W19Z05700070	Poor	NW/RC	3612	
Laminator	UG08596X	Poor	NW/RC	3612	
Microsoft Keyboard	6:9682E+12	Good	NW/RC	3612	
Fellowes	4G21806542B	Good	NW/RC	3612	
CPU Lite	XPPS3513-0002	Poor	NW/RC	3612	
HP Desk Jet 5650	MY45Q4P044	Good	NW/RC	3612	
Mag Imnvision Monitor	FGVZ42153234U	Poor	NW/RC	3612	
Acer Computer Monitor	80701538440	Poor	NW/RC	3612	
Proview Computer Monitor	W19Z059001501U	Poor	NW/RC	3612	

Communications

Serial #	ASSET #
326AAE4148	19070
326AAE4159	19074
326AAE4162	19072
326AAE4149	NONE
326AAE4160	19071
326AAE4158	19068
326AAE4154	19065
326AAE4151	NONE
326AAE4155	NONE
326AAE4157	19063
326AAE4153	19066
326AAE4156	19064
326AAE4152	19069
326AAE4150	19067

SERIAL #	ASSET #
326AZW0877	18827
326AZW0864	18806
326AZW0875	18845
326AZW0884	18753
326AZW0887	18812
326AZW0891	19020
326AZW0896	18813
326AZW0892	18973
326AZW0871	18755
326AZW0873	18828
326AZW0930	18817
326AZW0888	18811
326AZW0860	18831
326AZW0883	18974
326AZW0859	19019
326AZW0913	18841
326AZW0924	18821
326AZW0933	18866
326AZW0898	18864
326AZW0895	18754
326AAA1373	18990
326AZW0939	18867
326AZW0907	18856
326AZW1859	18855
326AZW0917	18860
326AZW0929	18985
326AZW0894	18857
326AZW0940	18868
326AZW0870	18858
326AZW0942	18977
326AZW1858	18853
326AZW1860	18852
326AZW0882	18816
326AZW0927	18998
326AZW0861	18862
326AZW0919	18854
326AZW0914	18833
326AZW0932	18978
326AZW0918	18830
326AZW0899	18757
326AZW0915	18764
326AZW0903	18750
326AZW0936	18823
326AZW0867	18861
326AZW0886	18802
326AZW0872	18814
326AZW0866	18804
326AZW0904	18807
326AZW0916	18840
326AZW0923	18822
326AZW0925	18824

XTS3000_II

326AZW0897	18829
326AAA1372	18989
326AAA1314	18987
326AZW0876	18760
326AZW0885	18803
326AZW0910	18815
326AZW0893	18808
326AZW0934	18749
326AZW0865	18801
326AZW0868	18751
326AZW0926	18748
326AZW0858	18762
326AZW0862	18851
326AZW0941	18819
326AZW0889	19016
326AZW0943	18826
326AZW0890	18849
326AZW0874	18975
326AZW0906	18850
326AZW0879	18761
326AZW0863	18842
326AZW0931	18825
326AZW0901	19017
326AZW0857	18805
326AZW0902	18832
326AZW0880	18809
326AZW0878	18810
326AZW0900	19018
326AZW0869	18752
326AZW0944	18818
326AZW0928	NONE
326AZW0856	NONE
326AAA1371	18988
326AZW0937	18820
326AZW0881	18848
326AZW0909	18765
326AAA1370	NONE
326AZW0912	18976
326AZW0920	18865

XTS3000_III

SERIAL #	ASSET #
326AZW0761	18730
326AZW1861	18838
326AZW0764	18729
326AZW0771	18734
326AZW0766	18731
326AZW0775	18732
326AZW0769	18746
326AZW0757	18745
326AZW0754	18739
326ACE1660	19510
326AZW0759	18728
326AZW0756	18744
326AZW0767	18736
326AZW0773	18742
326AZW0774	18735
326AZW0762	18726
326AZW0772	18733
326AZW0922	NONE
326AZW0758	18724
326AZW0755	18737
326AZW0921	18741
326AZW0770	18747
326AZW0753	18738
326AZW0768	18743
326AZW0763	18723

SERIAL #	ASSET #
466AVW2232Z	NONE
466AWE133Z	17984
466AXS2566Z	18280
466AYY6900Z	18521
466AWN3541Z	NONE
466AWEA131Z	17986
466AWEA128Z	NONE
466AYA2040Z	18365
466AWEA129Z	17987
466AXW1202Z	NONE
466AVS3044Z	NONE
466AVS5411Z	NONE
466AWEA130Z	NONE
466AVS5409Z	17907
466AXS2563Z	18279
466AYU7994	18480
466AYA2037Z	18366
466AWEA132Z	17985
466AWEA135Z	17990
366AWEA134Z	17991
466AXS2564Z	18277
466AXS2565Z	18278
466AVS5407Z	17906
466AVS5410Z	17903
466AVS5408Z	17905
466AYA2041Z	18364
466AVW2231Z	NONE
466AYA2039Z	NONE
466AWG0858Z	NONE
466AYA2038Z	NONE

MTS2000_II

SERIAL #	ASSET #
466AVA3302Z	NONE
466AUE4215Z	NONE

SERIAL #	ASSET #
466AYN4105Z	NONE
466AXL6273Z	NONE
466AWWC641Z	NONE
466AXE2015Z	NONE
466AWWC646Z	NONE
466AWWC643Z	NONE
466AXL6271Z	NONE
466AXL6272Z	18330
466AYE3012Z	NONE
466AXE2016Z	NONE
511AWA44642	NONE
466AWWC645Z	18118
466AWWC644Z	NONE
466AYE3011Z	NONE
466AYE3013Z	18410
466AXE2017Z	18181
466AWWC642Z	18117
511AVA6869ZW3	18264
466AWG4310Z	17996
466AWL3604Z	NONE
466AYE3010Z	18412
466AXE2013Z	18177
466AUY2088Z	NONE
477AUY3207Z	NONE
511AUA2862ZW3	NONE

Spare

BOARD CONTROLLER

RSC- TRN9968B 02

ACB I- TRN7056A

TCI- TRN9968B48

BHF BASE STATION

SERIAL # 582CPN0007

Controller Boards

MAIN CONTROL

TSC
TIB 1
RIB 1
IRB
RSC
TCI
CSC
ACB 1
ACB 1
RIB 2
RIB 3
RIB 4
TIB 2
TIB 3
TIB 4
CMB
ACB 2
RSC
IRB
RIB 1
RIB 2
RIB 3
TSC
TIB 1
TIB 2
TIB 3

ALT. CONTROL

ACB 1
TCI
RSC
IRB
RIB 1
TSC
TIB 1
ACB 1
CSC
RIB 2
RIB 3
RIB 4
TIB 2
TIB 3
TIB 4
CMB
ACB 2
RSC
IRB
RIB 1
RIB 2
RIB 3
TSC
TIB 1
TIB 2
TIB 3

ARADYNE 3810

SERIAL #

4758086

Controller Boards

IAIN CONTROL

TSC
TIB 1
RIB 1
IRB
RSC
TCI
CSC
ACB 1
ACB 1
RIB 2
RIB 3
RIB 4
TIB2
TIB 3
TIB 4
CMB
ACB 2
RSC
IRB
RIB 1
RIB 2
RIB 3
TSC
TIB 1
TIB 2
TIB 3

ALT. CONTROL

ACB 1
TCI
RSC
IRB
RIB 1
TSC
TIB 1
ACB 1
CSC
RIB 2
RIB 3
RIB 4
TIB 2
TIB 3
TIB 4
CMB
ACB 2
RSC
IRB
RIB 1
RIB 2
RIB 3
TSC
TIB 1
TIB 2
TIB 3

ARADYNE 3810

SERIAL #
4758086

ASTRO SPECTRA

SERIAL #	ASSET #
494ACC1757	19524
494ACC1756	17525
494AZW0331	18967
494AZW0356	18847
494AZW0347	18972
494AZW1127	18982
494AZW1125	18872
494AZW0348	19006
494AZW0353	18979
494AZW0354	19008
494AZW0355	18871
494AZW1124	18870
494AZW0362	18846
494AZW0346	19007
494ACC1752	NONE
494AZW0350	19004
494ACC1753	19509
494AZW0361	18839
494AZW0378	NONE
494AZW0369	NONE
494AZW0364	18835
494AZW0366	18969
494AZW0363	18980
494AZW0359	18843
494AZW0365	18863
494AZW0370	18971
494AZW0352	19003
494AZW0339	18981
494AZW0337	19011
494AZW0360	18766
494AZW0376	18721
494AZW0357	18999
494AAN2293	NONE
526CDC0515	19826
494AZW0341	18770
494AZW0338	18992
494AZW0343	18722
494AZW1128	18837
494ACU0930	NONE
494AZW0344	18758
494AZW0345	19005
494AZW0340	19012
526CDG0307	19763
494ACC1755	19523
494ACU0931	NONE
494AZW0349	18968
494ACC1754	19522
494AZW0371	18834
494AZW0334	18844
494AZW0332	18759
494AZW0368	19009

ASTRO SPECTRA

494AZW0351	19010
494AZW0372	18970

MCS2000

SERIAL #	ASSET #
722AYS0288	18441
722AYS0286	18439
722AYS0290	18443
722AXL0890	18246
722AYS0287	18444
722AYS0285	18442
722AZW0322	NONE
722AZW0323	NONE
722AXJ1252	18207
722AXY0614	NONE
722AXY0615	NONE
722AXJ0629	NONE

ASTRO

SERIAL #	ASSET #
310AAS0210	NONE
310AAS0214	NONE
310AAS0215	19193
310AAS0203	19194
310AAS0216	NONE
310AAS0216	NONE
310AAS0213	NONE
310AAS0209	NONE
310AAS0212	NONE
310AAS0206	NONE
310AAS0207	NONE
310AAS0211	NONE
310AAS0204	NONE
310AAS0208	NONE

BATTERY COUNT

MTS BATTERY

40

XTS BATTERY

103

ASTRO BATTERY

5

DIU3000

524SZUDK17
524SZUDK15
524SZUDK14
524SZUDK19
524SZUDK18
524SZUDK13
524SZUDK16

MISCELLANEOUS

BOARD CONTROLLERS

CAGE-SLOT 1-4
S# BLN1215A

KEYLOADER

S# 201CBF0092

CAGE-SLOT 3-3
S# BLN6654F

BPN6018A
BPN6017A
B1840A MID B03
BLN6845A MID R03
BLN6845A MID R02
BLN6845A MID RO1
BLN1234B OP LO1
BLN1227B OP 002
B1840A MID S01
B1826AA MID B14
B1826AA MID B13
BLN6664 B
BLN6755C
BLN6664B
B1826AA MID B10
BLN1231A MID T03
B1826AA MID B11
B1826AA MID B12
BLN1227B OP 001
BLN1234B OP L02
BLN6845A MID R04
BLN6845A MID RO5
BLN6845A MID R06
BLN7011A
BFN6008A MID F04
BFN6008A MID F01
BFN6008A MID F02
BFN6008A MID F03
BPN6018A
BPN6017A
BLN6755C
BLN6664B
BLN1231A MID T01
B1826AA MID B09
B1840A MID B07
B1840A MID B06
B1840A MID B05
BLN7011A
BLN1231A MID T02
B1840A MID B04
B1840A MID B02
BLN6755C
BLN6755C
BLN1215A MID D09

MISCELLANEOUS

BLN1215A MID D10
BLN1215A MID D11
BLN1215A MID D12
BLN1215A MID D14

Tensr Channel Banks -2

Backup material for agenda item:

4. Authorize the Mayor to execute Amendment II of the Project Renew Agreement between the City of Apopka and the Orlando Utilities Commission.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: November 19, 2014
FROM: Public Services
EXHIBITS: Project RENEW
Amendment II

**SUBJECT: ORLANDO UTILITIES COMMISSION (OUC) / CITY OF APOPKA PROJECT
RENEW AGREEMENT**

**Request: AUTHORIZE THE MAYOR TO EXECUTE THE OUC/CITY OF APOPKA PROJECT
RENEW AMENDMENT II.**

SUMMARY:

On January 9, 2009, City Council approved an agreement between the City and OUC for OUC to provide and the City to accept 3 million gallons per day (MGD) of reclaimed water by October 2011 plus an additional 5.55 MGD by October 2015, for a total of 8.55 MGD. On July 18, 2012, Council approved Amendment I to postpone the delivery date of the 3 MGD to October 2018 and subsequently the delivery of the 5.55 MGD to October 2020. Attached is Amendment II to postpone the delivery date of the 3 MGD to October 2020 and subsequently the delivery of the 5.55 MGD to October 2022.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Authorize the Mayor to execute the OUC/Apopka Project RENEW Amendment II subject to approval by the City Attorney.

DISTRIBUTION:

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

AMENDMENT 2 TO
RENEW RECLAIMED WATER AGREEMENT
BETWEEN THE CITY OF APOPKA
AND ORLANDO UTILITIES COMMISSION

THIS AMENDMENT 2 (“Amendment”) is made and entered into this ____ day of _____, 2014, by and between the CITY OF APOPKA (hereinafter “Apopka”), a municipal corporation of the State of Florida, and ORLANDO UTILITIES COMMISSION (hereinafter “OUC”), a statutory commission organized and existing under the laws of the State of Florida. Apopka and OUC may also be referred to in this Agreement individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, Apopka owns and operates potable Water, Wastewater, Reclaimed Water and Storm Water management facilities and provides those related services within Apopka’s city limits and in portions of unincorporated Orange County; and

WHEREAS, OUC is the municipal utility provider within the City of Orlando (hereinafter “Orlando”) of, among other services, Water Service and Electric service as well as providing such services to portions of unincorporated Orange and Osceola Counties; and

WHEREAS, Orlando owns and operates Wastewater, Reclaimed Water and Storm Water management facilities; and

WHEREAS, OUC and Apopka entered into the RENEW Reclaimed Water Agreement on March 5, 2009, (“RENEW Agreement”) and entered into Amendment 1 thereto on August 2, 2012, whereby they each agreed to work cooperatively with the other to share in the cost to reroute 9.2 MGD of raw wastewater from the Iron Bridge collection system and pump it to Conserv II WRF,

then pump 8.55 MGD Reclaimed Water through a new pipeline to Apopka and 0.65 MGD Reclaimed Water through the existing Conserv II pipe to the City of Winter Garden (“Original RENEW Plan”); and

WHEREAS, OUC has experienced delays outside of its control in proceeding with Project RENEW property acquisition and in addition, has experienced less near term growth and development in its service area than originally forecast and as a result, the timing of the Original RENEW Plan under the Original CUP does not match OUC’s current service obligations; and

WHEREAS, on May 10, 2011, SJRWMD approved a modification of the Original CUP and through negotiations with OUC, issued a modified CUP 2-095-3159-15 (“Modified CUP”), wherein certain conditions of the Original CUP, including original RENEW Condition 37 (Condition 30 in Modified CUP) dealing with the requirements of Project RENEW, were modified; and

WHEREAS, on May 21, 2014, SJRWMD approved a modification of the Modified CUP and through negotiations with OUC, issued a modified CUP 2-095-3159-16 (“Modified CUP 2014”), wherein certain conditions of the Modified CUP, including RENEW Condition 30 (Condition 29 in Modified CUP 2014) dealing with the requirements of Project RENEW, were modified; and

WHEREAS, OUC and Apopka desire to amend and modify the RENEW Agreement to reflect the conditions of the Modified CUP.

ACCORDINGLY, in consideration of the recitals, agreements and mutual covenants contained herein, and other good and valuable consideration, the receipt of which are hereby acknowledged by Apopka and OUC, the Parties agree as follows:

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

2. **DEFINITIONS.** The words, phrases and terms used in this Amendment shall have the meanings set out in the RENEW Agreement, unless the context requires otherwise.

3. **AMENDMENT TO SUBSECTION 4.7.** Subsection 4.7 of the RENEW Agreement shall be amended to read as follows:

4.7 Timing of Construction. Subject to the fulfillment of any conditions precedent as set forth in Section 8 below, OUC shall at its sole discretion determine the timing of the construction of the Project Facilities to meet the CUP requirement of Phase I completion by October 8, 2020. OUC shall provide Apopka with sixty (60) days prior written notice indicating its proposed construction start date. Apopka may request to defer the proposed construction start date by providing OUC with thirty (30) days prior written notice. If Apopka requests a deferral of more than three (3) months, OUC may terminate this Agreement and neither party shall have any further obligation to the other.

4. **AMENDMENT TO SUBSECTION 7.1.** Subsection 7.1 of the RENEW Agreement shall be amended to read as follows:

7.1 OUC Delivery Obligations. OUC shall use all reasonable efforts to complete construction of the Project Facilities in time to make Reclaimed Water available in accordance with the following schedule and quantities:

A. No later than October 8, 2020, a Constant Flow based on 3.0 MGD (calendar annual average) of Reclaimed Water available to Apopka; and

B. No later than October 8, 2022, a Constant Flow based on 8.55 MGD (calendar annual average) of Reclaimed Water available to Apopka.

5. **AMENDMENT TO SUBSECTION 7.2.** Subsection 7.2 of the RENEW Agreement shall be amended to read as follows:

7.2 *Apopka Obligations to Accept Reclaimed Water. Apopka shall accept delivery of Reclaimed Water at the Delivery Point in accordance with the following schedule and quantities:*

A. *No later than October 8, 2020, a Constant Flow based on 3.0 MGD and 3.0 MGD (calendar annual average) of Reclaimed Water, unless Apopka has requested to defer the construction start date, in which case the parties shall mutually agree on a new delivery date; and*

B. *No later than October 8, 2022, a Constant Flow based on 8.55 MGD Constant Flow and 8.55 MGD (calendar annual average) of Reclaimed Water unless Apopka has requested to defer the construction start date, in which case the parties shall mutually agree on a new delivery date.*

6. **AMENDMENT TO SUBSECTION 8.4.** Subsection 8.4 of the RENEW Agreement shall be amended to read as follows:

8.4 OUC and Apopka shall have mutually agreed in writing to Modify Project RENEW to the extent deemed necessary by either party to accommodate any of the following:(a) conditions relating to Apopka’s CUP requirements; (b) any modifications imposed on OUC under its CUP; (c) alternative sources and methods for OUC delivery of Reclaimed Water to Apopka; (d) alternative sources and methods for OUC delivery and use of Reclaimed Water that may assist in the recovery or prevention of Minimum Flow Levels established by the SJRWMD or other water management districts; and (e) findings from an updated RENEW engineering study to be submitted within 2 years after adoption of the MFL Prevention/Recovery Strategy for South Lake, Orange and Seminole Counties by the SJRWMD Governing Board, as required by OUC’s CUP. The study will include a goal to develop solutions to regional constraints which are economically beneficial to both Apopka and OUC at no cost to Apopka.

7. **AMENDMENT TO SECTION 12.** Section 12 of the RENEW

Agreement shall be amended to read as follows:

12. **MUTUAL COOPERATION, CAPACITY REDUCTION AND PERMITTING.** *Apopka and OUC agree that if (a) OUC's conditions precedent under Section 8 have not been met or waived in writing by OUC and (b) Apopka has demonstrated a need for Reclaimed Water at the time of its request and the Apopka City Commission has approved the terms of a contract for an alternate source of Reclaimed Water, then Apopka may request OUC to amend this Agreement to allow for an extension of delivery dates or a reduction in the quantities of Reclaimed Water it must accept and OUC must provide under Section 7.1. If OUC is unwilling or unable to either match the timing, pricing and quantity of the Reclaimed Water from the alternate source or terminate this Agreement, then OUC shall be required to so amend the Agreement.*

8. **EFFECTIVE DATE; TERM.** This Amendment shall take effect on the date the last party executes this Amendment as evidenced by the date below each signature.

9. **GOVERNING LAW.** This Amendment shall be governed by the laws of the State of Florida.

10. **ALL REMAINING TERMS UNCHANGED.** Except to the extent modified in this Amendment, all other terms in the RENEW Agreement remain unchanged.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their designated representatives, as of the day and year indicated above.

ORLANDO UTILITIES COMMISSION

CITY OF APOPKA, FLORIDA

By: _____
Kenneth P. Ksionek,
General Manager & CEO

By: _____
Joseph E. Kilsheimer,
Mayor

Approved as to Form and Legality
OUC Legal Department

Approved as to Form and Legality for the use and
reliance of the City of Apopka, Florida only.

By: _____

By: _____
City Attorney

Backup material for agenda item:

1. ORDINANCE NO. 2386 – SECOND READING & ADOPTION - CHANGE OF ZONING - Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, and 03-21-28-0000-00-119) [Ordinance No. 2386 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]



CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: November 19, 2014
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2386
"A" PUD Master Plan\ PDP
"B" Development Standards
"B-1" Northern Landscape Buffer

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

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

SUMMARY

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

DISTRIBUTION

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

ADDITIONAL COMMENTS:

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

- Lots: 49 single family lots.
- Min. Lot Area: PUD Master Plan sets lots ranging from 11,691 to 29,618 sq. ft.
Minimum developable lot area is 11,500 sq. ft.; 10,000 sq. ft. for lots containing wetlands
- Min. Lot Width: 75 ft.
- Min. Living Area: 2,200 sq. ft. (the applicant proposed this minimum at the Planning Commission hearing)
- Density: 1.01 dwelling units (du) per acre (49 du\48.4 developable acres)
- Access: All lots access an internal road. A single entrance road connects to Sandpiper Road. No lots or new roads will connect to Ustler Road.
- Park: A minimum area of 15,000 sq. ft. will be provided for active recreation. The park site plan will be submitted with the final development plan. Park to be located in Tract “A”.
- Buffers:
1. Sandpiper Road. A ten foot wide landscape tract, owned by the HOA, follows the south side of Sandpiper Road from the northeast corner of the project site westward behind to the project Lots 6 through 12. The design of the buffer will follow that which appears in Exhibit “B”, Northern Landscape Buffer, and will contain a six-foot high shrub (within two years of planting, a tri-rail country style fence with stone or brick posts, and canopy trees or understory trees where suitable (taking into consideration the overhead power lines). West of the project entrance, a tri-rail fence will extend westward to the open space area.
 2. Eastern project line. No buffer tract or easement. The residential lots in this development project abut residential lots typically 1.3 to 1.7 acres in size. No buffer is required by code.
 3. Southern project line. A thirty foot wide conservation easement follows the rear of Lots 23 through 31 and the side yard of Lots 15 and 16. This conservation easement is to be left in its natural vegetation and is assigned to the HOA. No pools, fences, or other accessory structures can be placed within the 30-foot wide conservation easement.
 4. Western project line. Approximately 15 acres are preserved as open space\recreation from Ustler Road eastward for a distance of approximately 640 feet.
- Lake Access: Only owners of Lots 32 through 39 – eight lots -- are allowed access to Lake McCoy. Boat docks are allowed only for these eight lots. A maximum 15 foot wide path can be cleared across wetlands to reach the lake, subject to Water Management District approval.
- Sidewalks: Sidewalks are provided on both sides of internal streets and along Sandpiper Street. In lieu of constructing sidewalks along Ustler Road, developer shall pay to the City an amount to cover the sidewalk cost, per the rates established by the Public Services Department.

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

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

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

PUD RECOMMENDATIONS:

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

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1A zoning category except where otherwise addressed in this ordinance.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Final Development Plan submitted in association with the PUD district.
- C. If a Final Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Site Plan\ PDP provisions will expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for submittal of the required Final Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or
 - 3. Rezone the property to a more appropriate zoning classification.
- D. The following PUD development standards shall apply to the development of the subject property:
 - 1. Development standards are established within the PUD/PDP Master Site Plan.
 - 2. Unless otherwise addressed within the PUD development standards, the R-1A zoning standards will apply to the subject property.

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

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

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

PUBLIC HEARING SCHEDULE:

September 9, 2014 – Planning Commission (5:01 pm)
September 17, 2014 – City Council (8:00 pm) – Remanded back to Planning Commission
October 21, 2014 – Planning Commission (5:01 pm)
November 5, 2014 – City Council (1:30 pm) – 1st Reading
November 19 2014 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

August 22, 2014 – Public Notice and Notification
August 29, 2014 – Public Notice
October 3, 2014 – Public Notice
November 7, 2014 – Ordinance Heading Ad

RECOMMENDED ACTION:

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

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

The **City Council**, at its meeting on September 17, 2014, directed staff to return the item to the Planning Commission for a “Findings of Fact” of their decision to not approve the Change in Zoning from “County” PD (ZIP) (Residential) to “City” Planned Unit Development (PUD/R-1A) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee, and the Master Site Plan\ Preliminary Development Plan subject to the Staff Recommendations and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **Planning Commission**, at its meeting on October 21, 2014, recommended: [**The City Attorney, at the November 5, 2014, City Council meeting, advised the City Council that, due to conflicts with procedural requirements, the Council was to disregard the Planning Commission recommendations.**]

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

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

Adopt Ordinance No. 2386 and the PUD Master Plan.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

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

LAND USE &

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

R-1A DISTRICT

REQUIREMENTS*:

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

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

BUFFERYARD

REQUIREMENTS:

Sandpiper Proposed PUD requirements:

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

ALLOWABLE USES:

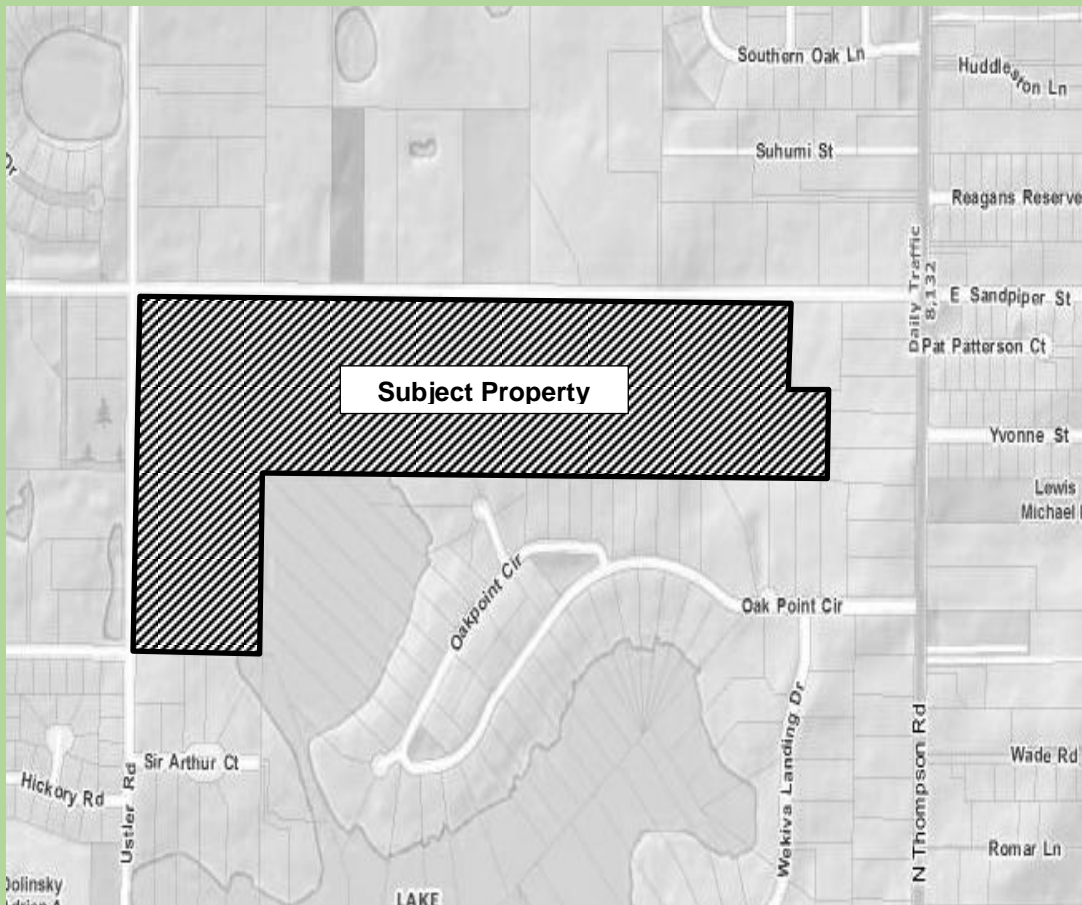
Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with section 2.02.01, LDC.

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

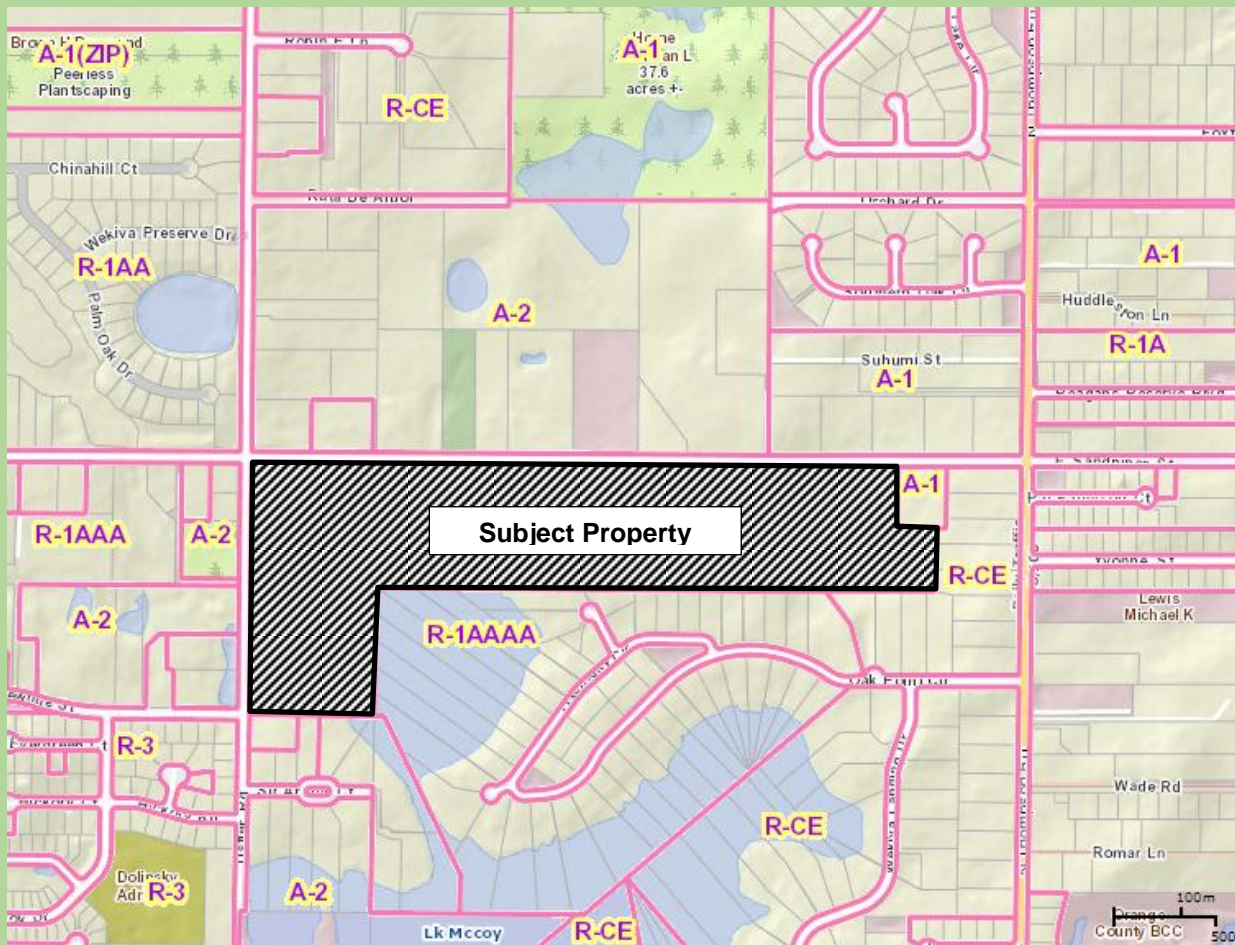
Parcel ID #s:	02-21-28-0000-00-106	02-21-28-0000-00-131
	03-21-28-0000-00-015	03-21-28-0000-00-022
	03-21-28-0000-00-023	03-21-28-0000-00-046
	03-21-28-0000-00-047	03-21-28-0000-00-072
	03-21-28-0000-00-073	03-21-28-0000-00-119



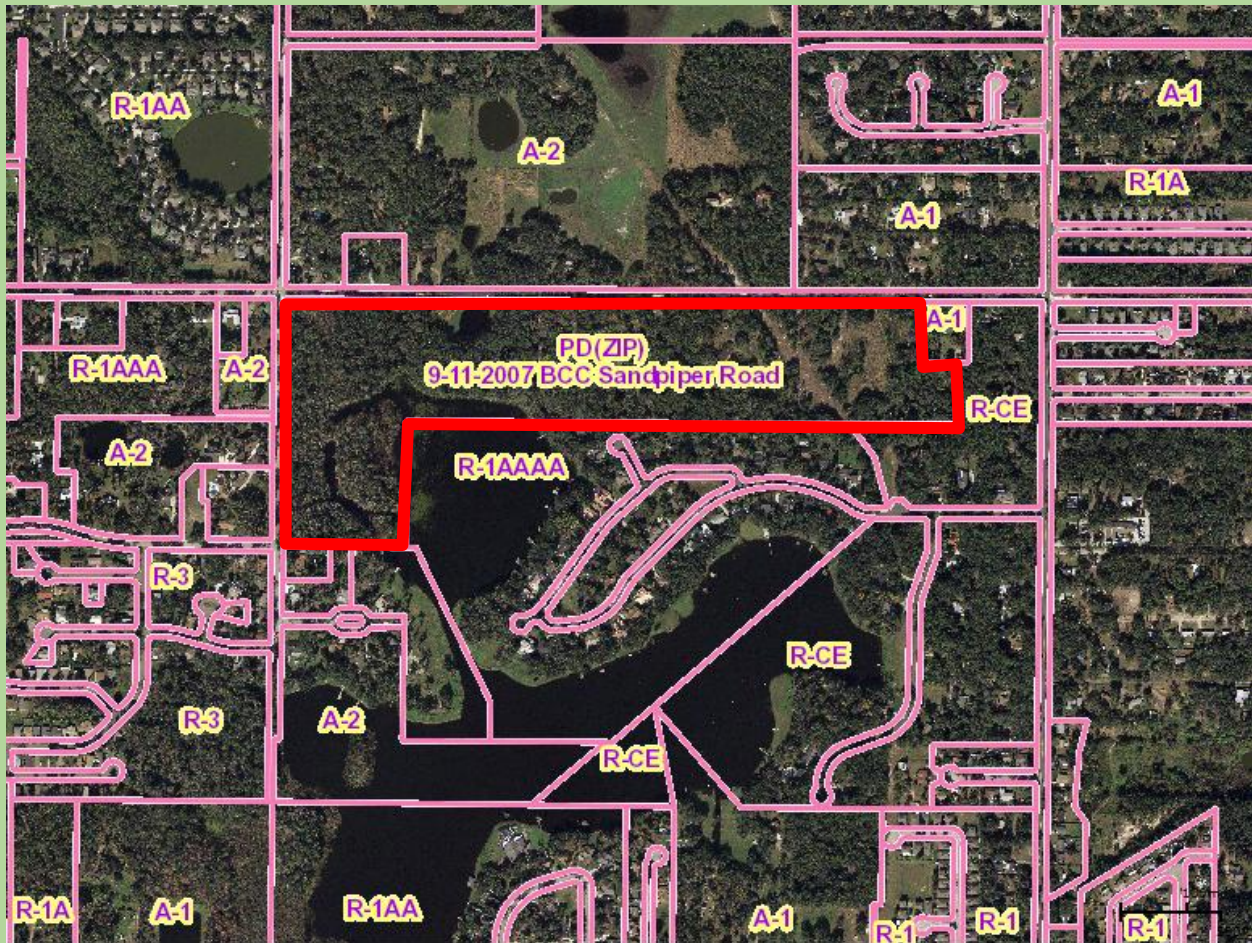
VICINITY MAP



ADJACENT ZONING



ADJACENT USES



ORDINANCE NO. 2386

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

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

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

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

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

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

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

2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or
3. Rezone the property to a more appropriate zoning classification.

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

Legal Description:

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

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

The West $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS, the North 330 feet of the East 200 feet of the West 220 feet thereof, AND LESS the North 30 feet thereof.

That part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, beginning at a point South 00 degrees 02 minutes 00 seconds West, 30.0 feet and North 89 degrees 35 minutes 59 seconds East, 550.0 feet from the Northwest corner of said Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, run North 89 degrees 35 minutes 59 seconds East, 108.90 feet along the South line of Sandpiper Road; thence run South 00 degrees 01 minutes 08 seconds West, 312.00 feet; thence run North 89 degrees 35 minutes 59 seconds East, 193.00 feet; thence run South 00 degrees 03 minutes 49 seconds West, 320.19 feet; thence run South 89 degrees 35 minutes 00 seconds West, 301.81 feet; thence run North 00 degrees 02 minutes 00 seconds East, 632.27 feet to the POINT OF BEGINNING.

ALSO: The East 275.0 feet of the West 550.00 feet of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof for Sandpiper Road.

The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 3, Township 21 South, Range 28 East, Orange County, Florida; less the North 30 feet thereof.

The North 330.00 feet of the West 220.00 feet of the West $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30.00 feet thereof, AND LESS the West 20.00 feet thereof.

The West 145 feet of North 643 Feet of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 3-21-28 (Less R/W on North & West)

ORDINANCE NO. 2386

PAGE 3

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

Combined Acreage 57.7 +/- Acres

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

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

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

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

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

READ FIRST TIME: November 5, 2014
READ SECOND TIME
AND ADOPTED: November 19, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED: August 22, 2014
September 19, 2014
October 3, 2014
November 7, 2014

RECEIVED
 AUG 26 2014
 By _____

MASTER SITE PLAN/PRELIMINARY DEVELOPMENT PLAN

SANDPIPER ROAD

SECTIONS 2 & 3, TOWNSHIP 21 SOUTH, RANGE 28 EAST,
 APOPKA, FLORIDA

LEGAL DESCRIPTION

Parcel No. 1:
 The Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida.

Parcel No. 2:
 The West 275.0 feet of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof.

Parcel No. 3:
 The West 1/2 of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 330 feet of the East 200 feet of the West 220 feet thereof. And less the North 30 feet thereof.

Parcel No. 4:
 Not part of the Southeast 1/4 of the Northeast 1/4 of Section 2, Township 21 South, Range 28 East, Orange County, Florida, beginning at a point South 00°02'00" West, 30.0 feet and North 89°30'58" East, 550.0 feet from the Northwest corner of said Southeast 1/4 of the Northeast 1/4, run North 89°30'58" East, 108.90 feet along the South line of Sandpiper Road; thence run South 50°03'08" West, 312.00 feet; thence run North 89°30'58" East, 163.00 feet; thence run South 00°03'44" West, 230.18 feet; thence run South 89°30'00" West, 301.81 feet; thence run North 00°02'00" East, 632.27 feet to the Point of Beginning.

ALSO: The East 275.0 feet of the West 550.0 feet of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof for Sandpiper Road.

Parcel No. 5:
 The Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof.

Parcel No. 6:
 The North 330.00 feet of the West 220.00 feet of the West 1/2 of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 30.00 feet thereof, AND LESS the West 20.00 feet thereof.

Parcel 7:
 The West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, Less the North 30 feet thereof, and LESS the West 30 feet thereof.

- PARCEL ID NO.:
- 03-21-28-0000-00-023
 - △ 03-21-28-0000-00-119
 - 03-21-28-0000-00-015
 - 03-21-28-0000-00-046
 - 03-21-28-0000-00-073
 - 03-21-28-0000-00-072
 - 03-21-28-0000-00-022
 - 03-21-28-0000-00-047
 - 02-21-28-0000-00-131
 - 02-21-28-0000-00-106

PROJECT TEAM MEMBERS:

- | | | |
|--|--|---|
| OWNER / DEVELOPER
FLORIDA LAND TRUST #111
100 S. VIRGINIA AVE., UNIT 201
WINTER PARK, FL 32789
PHONE: (407) 947-4225 | ENGINEER
MADDEN, MOORHEAD & GLUNT, INC.
431 E. HORATIO AVE., SUITE 260
MAITLAND, FLORIDA 32751
PHONE: (407) 629-8330 | ENVIRONMENTALIST
BIO-TECH CONSULTING
2002 E. ROBINSON STREET
ORLANDO, FL 32805
PHONE: (407) 884-5888 |
| SURVEYOR
BENCHMARK SURVEYING & MAPPING CONSULTANTS, INC.
505 WEST PLANT STREET
WINTER GARDEN, FLORIDA 34787
PHONE: (407) 854-8184 | GEOTECHNICAL ENGINEER
UNIVERSAL ENGINEERING SCIENCES
3532 MADGE BLVD
ORLANDO, FLORIDA 32811
PHONE: (407) 423-0504 | |
| TELEPHONE
DUMBARD
P.O. BOX 770338
WINTER GARDEN, FL 34777-0338
PHONE: (407) 814-5388
ATTN: MIKE JERNIGAN | GAS
LAKE APOPKA NATURAL GAS
P.O. BOX 771275
WINTER GARDEN, FL 34777
PHONE: (407) 656-2734
ATTN: JOHN YEAZELL EXT 112 | ELECTRIC
DUKE ENERGY
8407 BODDY CREEK ROAD
ORLANDO, FL 32824
PHONE: (407) 850-2785 |
| WATER AND SEWER
CITY OF APOPKA
748 E. CLEVELAND STREET
APOPKA, FL 32704
PHONE: (407) 703-1731 | CABLE
BRIGHT HOUSE NETWORKS
844 MADGIRE ROAD
GORLE, FL 34761
PHONE: (407) 532-8011
ATTN: TRACEY DOMOSTOY | |

INDEX OF SHEETS

COV	COVER SHEET
1	LAND TITLE SURVEY
PDP-1	PRELIMINARY DEVELOPMENT PLAN
PUT-1 & PUT-2	PRELIMINARY DRAINAGE & UTILITY PLAN
TR-1	TREE LOCATION PLAN
CLP-1	CONCEPTUAL LANDSCAPE PLAN

FOR

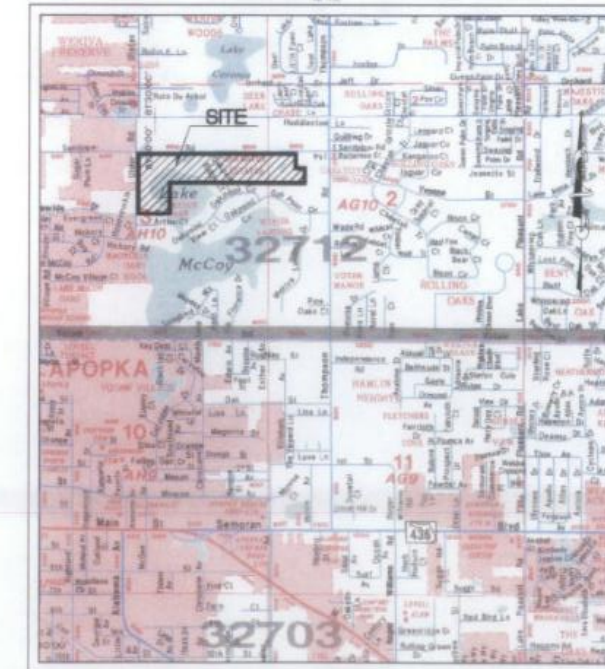
FLORIDA LAND TRUST #111
 100 S. VIRGINIA AVE., UNIT 201
 WINTER PARK, FL 32789
 PH (407) 947-4225



MADDEN
MOORHEAD & GLUNT, INC.
CIVIL ENGINEERS

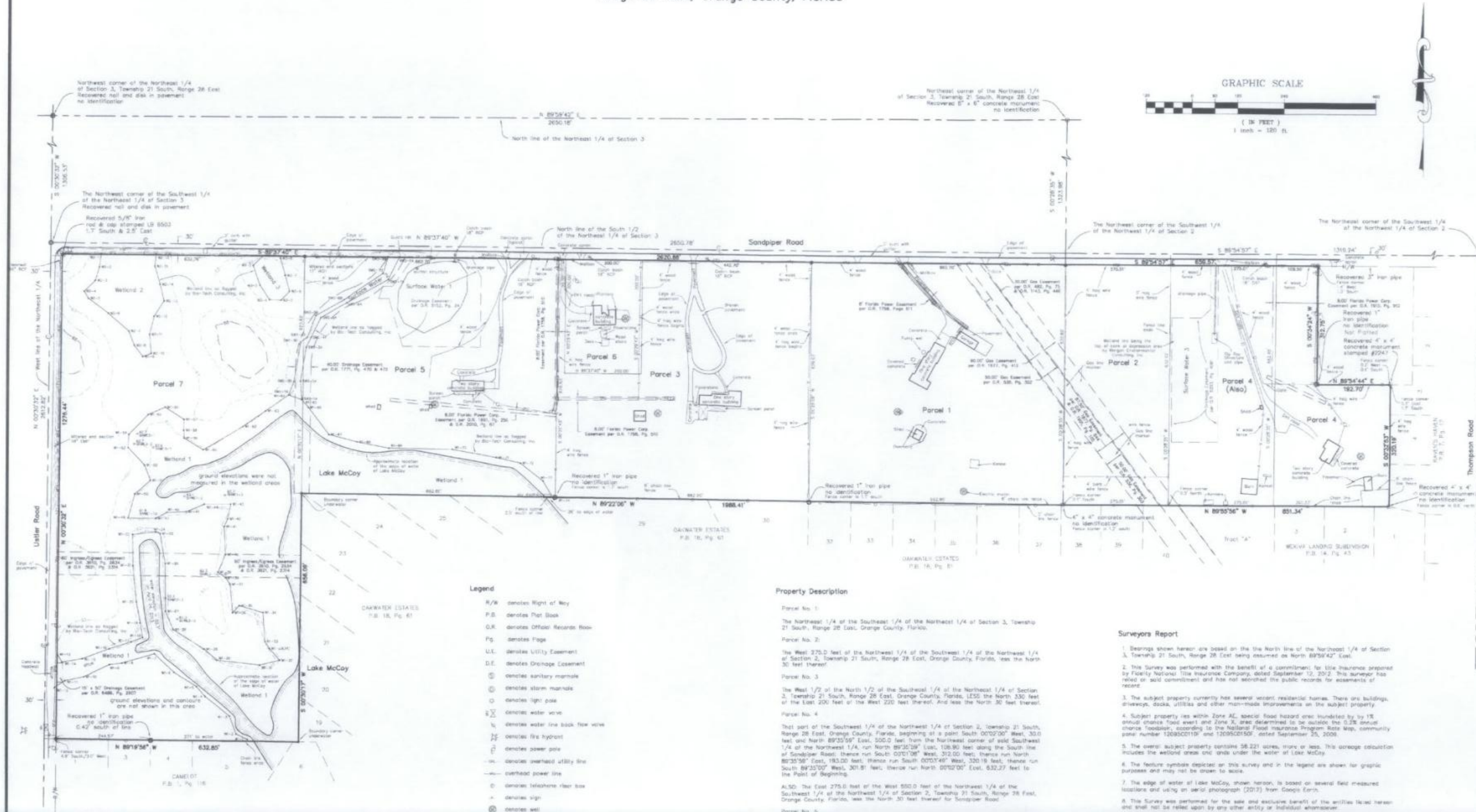
431 E. HORATIO AVENUE, SUITE 260
 MAITLAND, FLORIDA 32751
 PHONE (407) 629-8330
 FAX (407) 629-8336

VICINITY MAP



DRAWN BY: K. STUBBS, P.E., M.A.S.T.Y.
 CHECKED BY: M. COLEMAN, M.S., D. B. BOGERT
 SANDPIPER ROAD 25112

Boundary Survey of a portion of Sections 2 and 3, Township 21 South, Range 28 East, Orange County, Florida



Northwest corner of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East. Recovered nail and disk in pavement. No identification.

Northwest corner of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East. Recovered 2" x 6" concrete monument. No identification.

The Northwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 3. Recovered 5/8" iron rod & cap stamped LR 8503. 1.7' South & 2.5' East.

Recovered 1" iron pipe. No identification. Face corner to S.W. corner.

Recovered 1" iron pipe. No identification. 0.42' south of line.

Recovered 1" iron pipe. No identification. 0.42' south of line.

Wetland Area Acreage
 Wetland 1 contains 3.714 acres
 Wetland 2 contains 0.739 acres
 Wetland 3 contains 0.174 acres
 Surface Water 1 contains 0.581 acres
 Surface Water 2 contains 0.178 acres
 Surface Water 3 contains 0.443 acres

- Legend**
- R/W denotes Right of Way
 - P.B. denotes Plat Book
 - O.K. denotes Official Record Book
 - P.S. denotes Page
 - U.L. denotes Utility Easement
 - D.E. denotes Drainage Easement
 - ⊕ denotes sanitary manhole
 - ⊙ denotes storm manhole
 - ⊚ denotes light pole
 - ⊠ denotes water valve
 - ⊞ denotes water line back flow valve
 - ⊚ denotes fire hydrant
 - ⊚ denotes power pole
 - ⊚ denotes overhead utility line
 - ⊚ denotes overhead power line
 - ⊚ denotes telephone fiber line
 - ⊚ denotes sign
 - ⊚ denotes well
 - ⊚ denotes guy wire anchor
 - ⊚ denotes set 5/8" iron rod & cap stamped "PS" 5205", unless otherwise noted
 - ⊚ denotes recovered 1/2" iron rod with no identification
 - ⊚ denotes wetland flag and number, as marked by others
 - DWP denotes corrugated metal drainage pipe
 - RCF denotes reinforced concrete drainage pipe
 - SHW denotes seawall high water elevation
 - ⊚ denotes contour line and elevation

Property Description

Parcel No. 1:
 The Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida.

Parcel No. 2:
 The West 275.0 feet of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof.

Parcel No. 3:
 The West 1/2 of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet of the East 200 feet of the West 220 feet thereof. And less the North 30 feet thereof.

Parcel No. 4:
 That part of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 21 South, Range 28 East, Orange County, Florida, beginning at a point South 00°02'00" West, 30.0 feet and North 89°35'59" East, 500.0 feet from the Northwest corner of said Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida; thence run North 02°01'36" West, 312.00 feet; thence run North 80°35'36" East, 183.00 feet; thence run South 00°03'49" West, 330.18 feet; thence run South 89°35'00" West, 301.81 feet; thence run North 00°02'00" East, 632.27 feet to the Point of Beginning.

Also, The East 275.0 feet of the West 500.0 feet of the Southwest 1/4 of the Northeast 1/4 of Section 2, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof for Sandpiper Road.

Parcel No. 5:
 The Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof.

Parcel No. 6:
 The North 330.00 feet of the West 220.00 feet of the West 1/2 of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, less the North 30.00 feet thereof, AND 1/55 the West 20.00 feet thereof.

Parcel 7:
 The West 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East, Orange County, Florida, less the North 30 feet thereof, and 1/55 the West 30 feet thereof.

Surveyors Report

- Bearings shown herein are based on the North line of the Northeast 1/4 of Section 3, Township 21 South, Range 28 East being assumed as North 89°56'42" East.
- This Survey was performed with the benefit of a commitment for title insurance prepared by Fidelity National Title Insurance Company, dated September 12, 2012. This surveyor has read or said commitment and has not searched the public records for assessments of record.
- The subject property currently has several vacant residential homes. There are buildings, driveways, docks, utilities and other man-made improvements on the subject property.
- Subject property lies within Zone AE, special flood hazard area bounded by 1% annual chance flood event and Zone X, area determined to be outside the 0.2% annual chance floodplain, according to the National Flood Insurance Program Rate Map, community panel number 1206020119 and 1206020150, dated September 25, 2006.
- The overall subject property contains 38.221 acres, more or less. This acreage calculation includes the wetland areas and areas under the water of Lake McCoy.
- The feature symbols depicted on this survey and in the legend are shown for graphic purposes and may not be drawn to scale.
- The edge of water of Lake McCoy, shown herein, is based on several field measured locations and using an aerial photograph (2013) from Google Earth.
- This Survey was performed for the sole and exclusive benefit of the entities listed herein and shall not be relied upon by any other entity or individual whatsoever.
- This Survey was performed for the sole and exclusive benefit of the entities listed herein and shall not be relied upon by any other entity or individual whatsoever.
- This survey meets the Minimum Technical Standards set forth in Florida Administrative Code Rule 32-17, pursuant to Florida Statute Chapter 472.
- This Survey is not valid without the signature and original sealed seal of a Florida Licensed Surveyor and Mapper.
- Elevations, shown herein, are based on Orange County Vertical Datum relative to the National Geospatial Vertical Datum of 1929. The vertical control points used for this survey are county designation numbers R-296-002 and S-909-006. See topographic survey prepared by this firm for additional topographic information.
- The seasonal high water elevations (SHWE), shown herein, are elevation of nails set in trees by a representative of Bio-Tech Consulting, Inc.

Benchmark Surveying & Mapping, LLC
 Certificate of Authorization Number - LB-1874
 Post Office Box 771065, Winter Garden, Florida 34777-1065
 3110 Red Fire Run, Kissimmee, Florida 34746
 (407) 854-8183 - www.benchmarksurveyingandmapping.com

Prepared For: Florida Land Trust #111
 201A of Sandpiper Road, Trusse
 Haggler, Inc.
 10000 South
 Industrial Surveyor and Mapper
 Florida Licensed # 3505

Boundary Survey of a portion of Sections 2 and 3, Township 21 South, Range 28 East, Orange County, Florida

4/24/13	318.03 update
1/18/13	Project Number
10/27/09	1" = 120'
10/27/09	Scale
10/27/09	Field Book/Price

August 2, 2008
 Original Field Date
 49/35
 Field Book/Price

Sheet 1 of 1



PRELIMINARY DEVELOPMENT PLAN FOR SANDPIPER ROAD

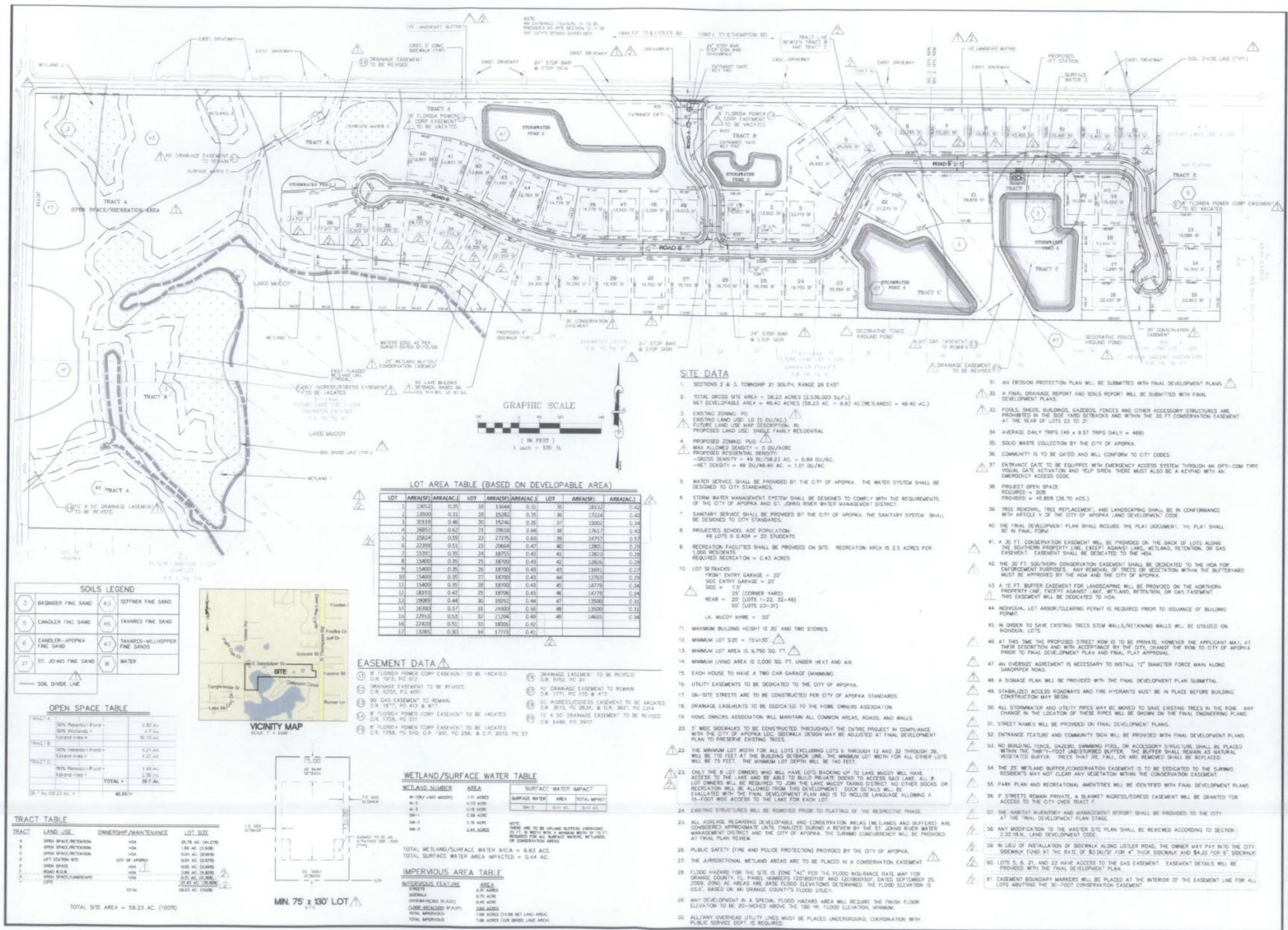
CLIENT: FLORIDA LAND TRUST #111

ENGINEER IN CHARGE: DAVID A. STOKES, P.E. #66227

DATE: 07/30/14

JOB # 2059, DATE 07/30/14, SCALE 1" = 120'

PDP



SITE DATA

- 1. SECTIONS 2 & 3, TOWNSHIP 21 SOUTH, RANGE 26 EAST
2. TOTAL GROSS SITE AREA = 58.23 ACRES (2,536,503 Sq.Ft.)
3. EXISTING ZONING: PD
4. PROPOSED ZONING: PUD
5. WATER SERVICE SHALL BE PROVIDED BY THE CITY OF APOPKA
6. STORM WATER MANAGEMENT SYSTEM SHALL BE DESIGNED TO COMPLY WITH THE REQUIREMENTS OF THE CITY OF APOPKA AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
7. SANITARY SERVICE SHALL BE PROVIDED BY THE CITY OF APOPKA
8. PROJECTED SCHOOL AGE POPULATION: 49 LOTS x 0.844 = 41 STUDENTS
9. RECREATION FACILITIES SHALL BE PROVIDED ON SITE. RECREATION AREA IS 2.5 ACRES PER 1,000 RESIDENTS. REQUIRED RECREATION = 0.43 ACRES
10. LOT SETBACKS: FRONT ENTRY GARAGE = 30', SIDE ENTRY GARAGE = 25', REAR = 25' (CORNER YARD), 50' (LOTS 23-31)
11. MAXIMUM BUILDING HEIGHT IS 30' AND TWO STORES.
12. MINIMUM LOT SIZE = 75x130'.
13. MINIMUM LOT AREA IS 9,750 SQ. FT.
14. MINIMUM LIVING AREA IS 2,000 SQ. FT. UNDER HEAT AND AIR.
15. EACH HOUSE TO HAVE A TWO CAR GARAGE (MINIMUM).
16. UTILITY EASEMENTS TO BE DEDICATED TO THE CITY OF APOPKA.
17. ON-SITE STREETS ARE TO BE CONSTRUCTED PER CITY OF APOPKA STANDARDS.
18. DRAINAGE EASEMENTS TO BE DEDICATED TO THE HOME OWNERS ASSOCIATION.
19. HOME OWNERS ASSOCIATION WILL MAINTAIN ALL COMMON AREAS, ROADS, AND WALLS.
20. 5' WIDE SIDEWALKS TO BE CONSTRUCTED THROUGHOUT THE ENTIRE PROJECT IN COMPLIANCE WITH THE CITY OF APOPKA LDC. SIDEWALK DESIGN MAY BE ADJUSTED AT FINAL DEVELOPMENT PLAN TO PRESERVE EXISTING TREES.
21. THE MINIMUM LOT WIDTH FOR ALL LOTS EXCLUDING LOTS 6 THROUGH 12 AND 32 THROUGH 38, WILL BE 110 FEET AT THE BUILDING SETBACK LINE. THE MINIMUM LOT WIDTH FOR ALL OTHER LOTS WILL BE 75 FEET. THE MINIMUM LOT DEPTH WILL BE 140 FEET.
22. ONLY THE 8 LOT OWNERS WHO WILL HAVE LOTS BACKING UP TO LAKE MOODY WILL HAVE ACCESS TO THE LAKE AND BE ABLE TO BUILD PRIVATE DOCKS TO ACCESS SAO LAKE. ALL 8 LOT OWNERS WILL BE REQUIRED TO JOIN THE LAKE MOODY TAKING DISTRICT. NO OTHER DOCKS OR RECREATION WILL BE ALLOWED FROM THIS DEVELOPMENT. DOCK DETAILS WILL BE EVALUATED WITH THE FINAL DEVELOPMENT PLAN AND IS TO INCLUDE LANGUAGE ALLOWING A 15-FOOT WIDE ACCESS TO THE LAKE FOR EACH LOT.
23. EXISTING STRUCTURES WILL BE REMOVED PRIOR TO PLATTING OF THE RESPECTIVE PHASE.
24. ALL ACHIEVABLE DEVELOPABLE AND CONSERVATION AREAS (WETLANDS AND BUFFERS) ARE CONSIDERED APPROPRIATE UNTIL FINALIZED DURING A REVIEW BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE CITY OF APOPKA. THE SHARED CONCRECY WILL BE PROVIDED AT FINAL PLAN REVIEW.
25. PUBLIC SAFETY (FIRE AND POLICE PROTECTION) PROVIDED BY THE CITY OF APOPKA.
26. THE JURISDICTIONAL WETLAND AREAS ARE TO BE PLACED IN A CONSERVATION EASEMENT.
27. FLOOD HAZARD FOR THE SITE IS ZONE "AE" PER THE FLOOD INSURANCE RATE MAP FOR ORANGE COUNTY, FL. PANEL NUMBERS 1201800110F AND 1201800150F, DATED SEPTEMBER 25, 2009. ELEVATION AREAS ARE BASE FLOOD ELEVATIONS DETERMINED. THE FLOOD ELEVATION IS 65.5' BASED ON AN ORANGE COUNTY'S FLOOD STUDY.
28. ANY DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA WILL REQUIRE THE FINISH FLOOR ELEVATION TO BE 20-INCHES ABOVE THE 100 YEAR FLOOD ELEVATION, MINIMUM.
29. ALL ANY OVERHEAD UTILITY LINES MUST BE PLACED UNDERGROUND. COORDINATION WITH PUBLIC SERVICE DEPT. IS REQUIRED.
30. AN EROSION PROTECTION PLAN WILL BE SUBMITTED WITH FINAL DEVELOPMENT PLANS.
31. A FINAL DRAINAGE REPORT AND SOILS REPORT WILL BE SUBMITTED WITH FINAL DEVELOPMENT PLANS.
32. POOLS, SPAS, BUILDINGS, GAZEBOS, FENCES AND OTHER ACCESSORY STRUCTURES ARE PROHIBITED IN THE SOFT YARD SETBACKS AND WITHIN THE 30 FT CONSERVATION EASEMENT AT THE REAR OF LOTS 23 TO 31.
33. AVERAGE DAILY TRIPS (49 x 9.57 TRIPS DAILY = 469)
34. SOLID WASTE COLLECTION BY THE CITY OF APOPKA.
35. COMMUNITY IS TO BE GATED AND WILL CONFORM TO CITY CODES.
36. ENTRANCE GATE TO BE EQUIPPED WITH EMERGENCY ACCESS SYSTEM THROUGH AN OPT-COM TYPE VISUAL GATE ACTIVATION AND YIELD SIGN. THERE MUST ALSO BE A KEYPAD WITH AN EMERGENCY ACCESS CODE.
37. PROJECT OPEN SPACE REQUIRED = 208 PROVIDED = 45.85 (26 TO ACS.)
38. TREE REMOVAL, TREE REPLACEMENT, AND LANDSCAPING SHALL BE IN CONFORMANCE WITH ARTICLE V OF THE CITY OF APOPKA LAND DEVELOPMENT CODE.
39. THE FINAL DEVELOPMENT PLAN SHALL INCLUDE THE PLAT DOCUMENT. THE PLAT SHALL BE IN FINAL FORM.
40. A 30 FT. CONSERVATION EASEMENT WILL BE PROVIDED ON THE BACK OF LOTS ALONG THE SOUTHERN PROPERTY LINE (EXCEPT AGAINST LAKE, WETLAND, RETENTION, OR GAS EASEMENT). EASEMENT SHALL BE DEDICATED TO THE HOA.
41. A 10 FT. BUFFER EASEMENT FOR LANDSCAPING WILL BE PROVIDED ON THE NORTHERN PROPERTY LINE, EXCEPT AGAINST LAKE, WETLAND, RETENTION, OR GAS EASEMENT. THIS EASEMENT WILL BE DEDICATED TO HOA.
42. INDIVIDUAL LOT ABANDON/CLEARING PERMIT IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT.
43. IN ORDER TO SAVE EXISTING TREES STEM WALLS/RETAINING WALLS WILL BE UTILIZED ON INDIVIDUAL LOTS.
44. AT THIS TIME THE PROPOSED STREET ROW IS TO BE PRIVATE. HOWEVER THE APPLICANT MAY, AT THEIR DISCRETION AND WITH ACCEPTANCE BY THE CITY, CHANGE THE ROW TO CITY OF APOPKA PRIOR TO FINAL DEVELOPMENT PLAN AND FINAL PLAT APPROVAL.
45. AN OVERSIDE AGREEMENT IS NECESSARY TO INSTALL 12" DIAMETER FORCE MAIN ALONG SANDPIPER ROAD.
46. A SIGNAGE PLAN WILL BE PROVIDED WITH THE FINAL DEVELOPMENT PLAN SUBMITTAL.
47. STABILIZED ACCESS ROADWAYS AND FIRE HYDRANTS MUST BE IN PLACE BEFORE BUILDING CONSTRUCTION MAY BEGIN.
48. ALL STORMWATER AND UTILITY PIPES MAY BE MOVED TO SAVE EXISTING TREES IN THE ROW. ANY CHANGE IN THE LOCATION OF THESE PIPES WILL BE SHOWN ON THE FINAL ENGINEERING PLANS.
49. STREET NAMES WILL BE PROVIDED ON FINAL DEVELOPMENT PLANS.
50. ENTRANCE FEATURE AND COMMUNITY SIGN WILL BE PROVIDED WITH FINAL DEVELOPMENT PLANS.
51. NO BUILDING, FENCE, GAZEBO, SWIMMING POOL, OR ACCESSORY STRUCTURE SHALL BE PLACED WITHIN THE THIRTY-FOOT LAND-SETBACK BUFFER. THE BUFFER SHALL REMAIN AS NATURAL VEGETATED BUFFER. TREES THAT DIE, FALL, OR ARE REMOVED SHALL BE REPLACED.
52. THE 25' WETLAND BUFFER/CONSERVATION EASEMENT IS TO BE DEDICATED TO THE SHARED RESIDENTS MAY NOT CLEAR ANY VEGETATION WITHIN THE CONSERVATION EASEMENT.
53. PARK PLAN AND RECREATIONAL AMENITIES WILL BE IDENTIFIED WITH FINAL DEVELOPMENT PLANS.
54. IF STREETS REMAIN PRIVATE, A BLANKET INGRESS/EGRESS EASEMENT WILL BE GRANTED FOR ACCESS TO THE CITY OVER TRACT F.
55. THE HABITAT INVENTORY AND MANAGEMENT REPORT SHALL BE PROVIDED TO THE CITY AT THE FINAL DEVELOPMENT PLAN STAGE.
56. ANY MODIFICATION TO THE MASTER SITE PLAN SHALL BE REVIEWED ACCORDING TO SECTION 2.02(1)(M), LAND DEVELOPMENT CODE.
57. IN LIEU OF INSTALLATION OF SIDEWALK ALONG UTLER ROAD, THE OWNER MAY PAY INTO THE CITY SIDEWALK FUND AT THE RATE OF \$3.50/SF FOR 4" THICK SIDEWALK AND \$4.25 FOR 6" SIDEWALK.
58. LOTS 5, 6, 21, AND 22 HAVE ACCESS TO THE GAS EASEMENT. EASEMENT DETAILS WILL BE PROVIDED WITH THE FINAL DEVELOPMENT PLAN.
59. EASEMENT BOUNDARY MARKERS WILL BE PLACED AT THE INTERIOR OF THE EASEMENT LINE FOR ALL LOTS ABUTTING THE 30-FOOT CONSERVATION EASEMENT.



LOT AREA TABLE (BASED ON DEVELOPABLE AREA)

Table with 4 columns: LOT, AREA(SF), AREA(AC), LOT, AREA(SF), AREA(AC), LOT, AREA(SF), AREA(AC)

EASEMENT DATA

- 1. IF FLORIDA POWER CORP EASEMENT TO BE VACATED. D.R. 1973, PG 9-7.
2. DRAINAGE EASEMENT TO BE REVISED. D.R. 1973, PG 405-1.
3. GAS EASEMENT TO REMAIN. D.R. 1877, PG 412 & 877.
4. IF FLORIDA POWER CORP EASEMENT TO BE VACATED. D.R. 1728, PG 511.
5. IF FLORIDA POWER CORP EASEMENT TO BE VACATED. D.R. 1756, PG 510; D.R. 1391, PG 256; & C.R. 2013, PG 37.
6. DRAINAGE EASEMENT TO BE REVISED. D.R. 5152, PG 21.
7. DRAINAGE EASEMENT TO REMAIN. D.R. 1771, PG 470 & 472.
8. INGRESS/EGRESS EASEMENT TO BE VACATED. D.R. 3010, PG 293A; & D.R. 3621, PG 2314.
9. 15' x 50' DRAINAGE EASEMENT TO BE REVISED. D.R. 6456, PG 2907.

WETLAND/SURFACE WATER TABLE

Table with 3 columns: WETLAND NUMBER, AREA, SURFACE WATER IMPACT

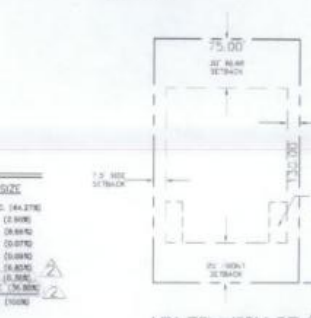
IMPERVIOUS AREA TABLE

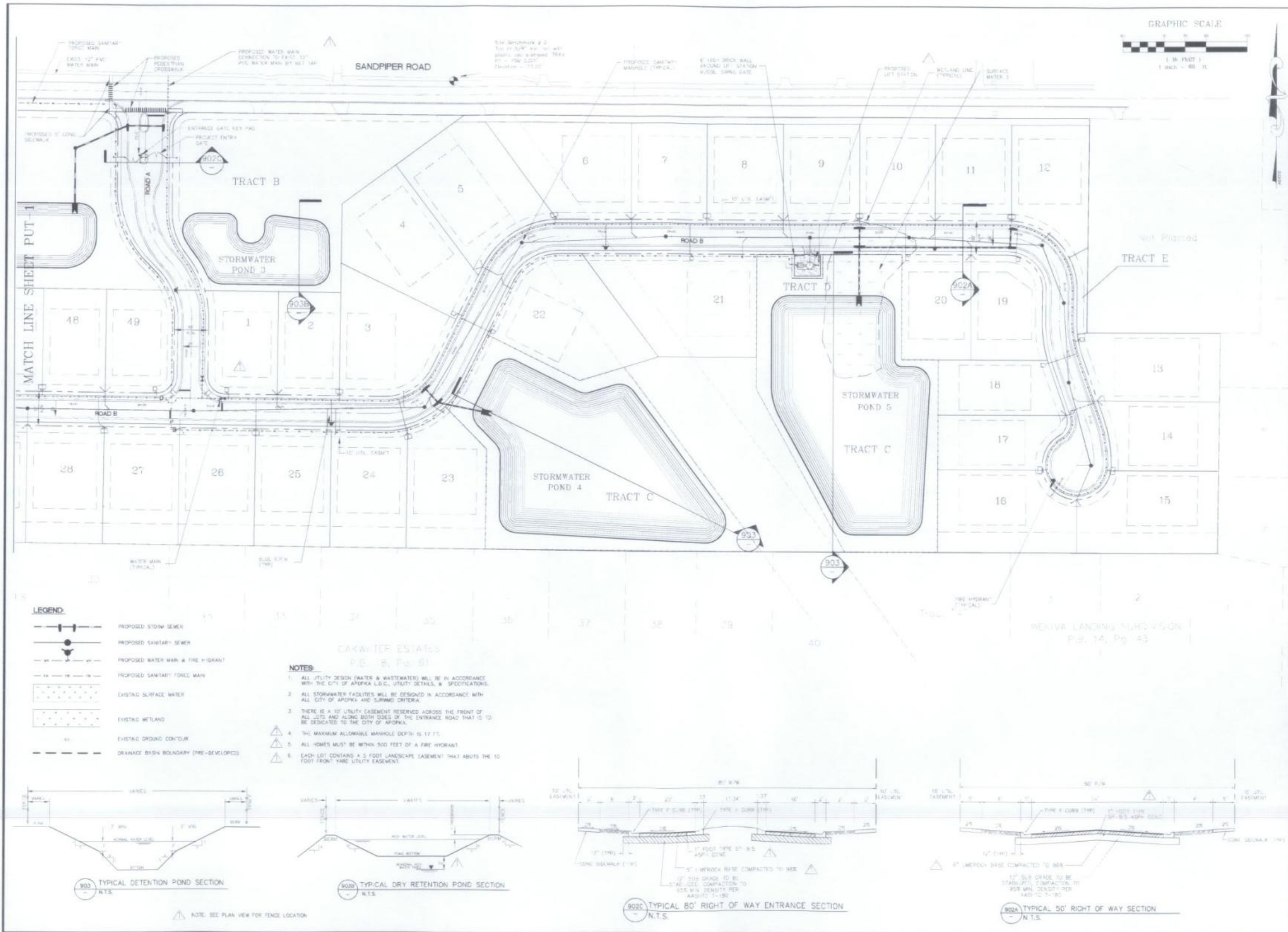
Table with 2 columns: IMPERVIOUS FEATURE, AREA

SOILS LEGEND table with 5 columns: SOIL TYPE, SYMBOL

OPEN SPACE TABLE table with 2 columns: TRACT, OPEN SPACE AREA

TRACT TABLE table with 4 columns: TRACT, LAND USE, OWNERSHIP/MAINTENANCE, LOT SIZE





MADDEN
ENGINEERING & SURVEY, INC.
CIVIL ENGINEERS

431 E. Spring St. Avenue
Suite 200
Maitland, Florida 32751
(407) 829-8330

PRELIMINARY DRAINAGE AND UTILITY PLAN
FOR
SANDPIPER ROAD
APOPKA, FLORIDA

PROJECT
FLORIDA LAND TRUST #111
801 S. US HWY 90, SUITE 201
MAITLAND, FLORIDA 32751
A.T. 947-4776

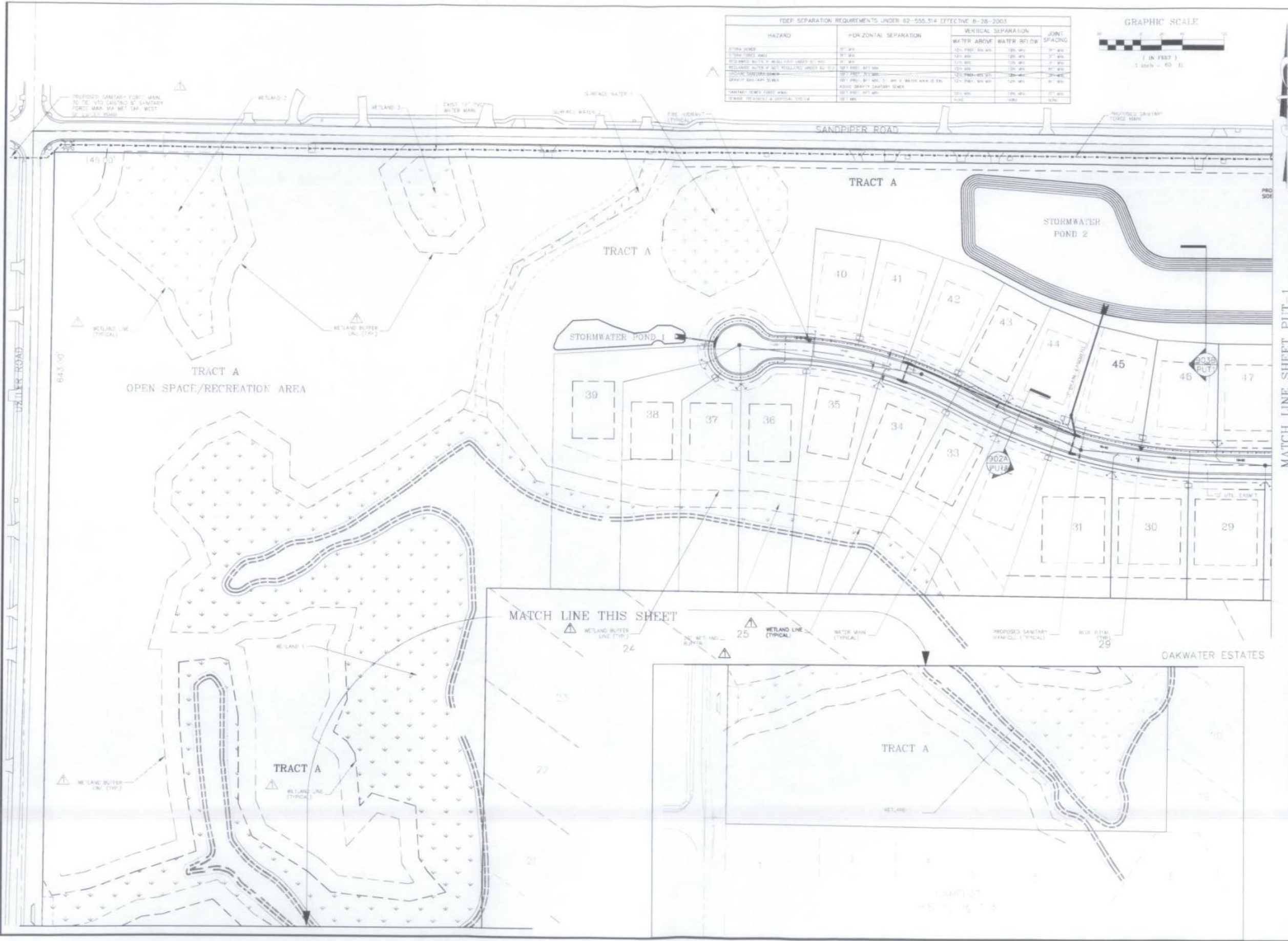
ENGINEER IN CHARGE
DAVID A. STEVENS, P.E. #86027
LICENSED PROFESSIONAL ENGINEER
STATE OF FLORIDA OR NO. 18-000-020

DATE: 05/17/2017
SCALE: 1" = 60'
SECTION: 11
DRAWN BY: C-M
APPROVED BY: C-M

JOB # 12059
DATE: 07/20/14
SCALE: 1" = 60'
SECTION: 11
DRAWN BY: C-M
APPROVED BY: C-M

PUT-1

FDEP SEPARATION REQUIREMENTS UNDER 62-555.314 EFFECTIVE 6-28-2003			
HAZARD	HORIZONTAL SEPARATION	VERTICAL SEPARATION	JOINT SPACING
		WATER ABOVE WATER BELOW	
STORM SEWER	5' MIN	12" MIN	12" MIN
STORM SEWER	5' MIN	12" MIN	12" MIN
PROPOSED WATER MAIN	5' MIN	12" MIN	12" MIN
EXISTING WATER MAIN	5' MIN	12" MIN	12" MIN
EXISTING SANITARY SEWER	5' MIN	12" MIN	12" MIN
PROPOSED SANITARY SEWER	5' MIN	12" MIN	12" MIN
EXISTING FIRE HYDRANT	5' MIN	12" MIN	12" MIN
PROPOSED FIRE HYDRANT	5' MIN	12" MIN	12" MIN
EXISTING UTILITY	5' MIN	12" MIN	12" MIN
PROPOSED UTILITY	5' MIN	12" MIN	12" MIN



MADDEN
MOOREHEAD & GUNY, INC.
CIVIL ENGINEERS
431 E. Historic Avenue
Suite 250
Maitland, FL 32751
(407) 829-8530

PRELIMINARY DRAINAGE AND UTILITY PLAN
FDP
SANDPIPER ROAD
FLORIDA

CLIENT
FLORIDA LAND TRUST #111
700 E. WINDY AVE., SUITE 300
WINTER PARK, FL 32789
407-947-4215

ENGINEER IN CHARGE
DAVID A. STEIN, P.E., #000327
REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA, LICENSE NO. 14-000003

NO.	REVISIONS	DATE

JOB # 2009
DATE 07/30/14
SCALE 1" = 60'
DESIGNED BY C-M
DRAWN BY B-H
APPROVED BY C-M

PUT-2



TREE LOCATION PLAN
 FOR
SANDPIPER ROAD
 AVIOPVA

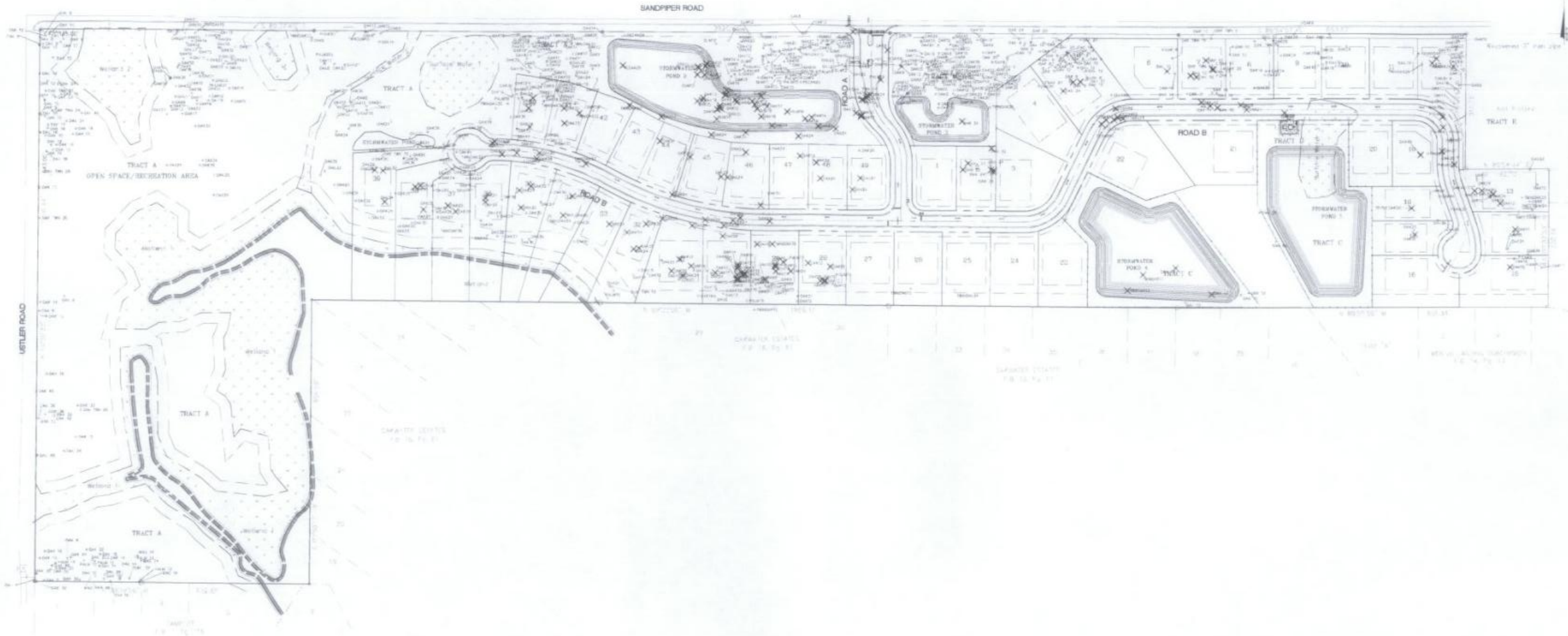
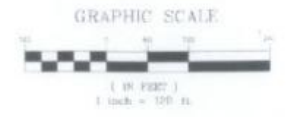
CLIENT
 FLORIDA LAND TRUST #111
 100 S. VICTORIA AVE., SUITE 201
 WINTER PARK, FL 32789
 407-947-4974

ENGINEER IN CHARGE
 DAVID A. STOUTS, P.E. #66507
 2500 S.W. 10TH AVENUE, SUITE 100, MIAMI, FL 33135

DATE: 10/05/2006
SCALE: 1"=120'
DRAWN BY: R-M
CHECKED BY: C-M
APPROVED BY: C-M

JOB # 2258
 DATE 07/30/04
 SCALE 1"=120'
 DRAWN BY C-M
 CHECKED BY R-M
 APPROVED BY C-M

TR-1



- TREE LEGEND**
- 12" DAK DENOTES OAK TREE AND SIZE (12" OAK TREE)
 - 10" TWIN DAK DENOTES TWIN OAK TREE AND SIZE (10" TWIN OAK TREE)
 - 8" TRIPLE DAK DENOTES TRIPLE OAK TREE AND SIZE (8" TRIPLE OAK TREE)
 - 18" MAPLE DENOTES MAPLE TREE AND SIZE (18" MAPLE TREE)
 - 14" CEDAR DENOTES CEDAR TREE AND SIZE (14" CEDAR TREE)
 - 18" GUM DENOTES GUM TREE AND SIZE (18" GUM TREE)
 - 18" SWEET GUM DENOTES SWEET GUM TREE AND SIZE (18" SWEET GUM TREE)
 - 18" PECAN DENOTES PECAN TREE AND SIZE (18" PECAN TREE)
 - 10" PALM DENOTES PALM TREE AND SIZE (10" PALM TREE)
- TREE COUNT AREA DIVIDER

TREE INFORMATION TABLE	
TOTAL TREE INCHES ON SITE	= 15,894
TOTAL NUMBER OF SPECIMEN TREES(24" AND GREATER)	= 354
SPECIMEN TREES GREATER THAN 24" BEING REMOVED	= 89
TOTAL SPECIMEN TREE INCHES RETAINED	= 4,965
TOTAL INCHES REMOVED	= 3,622
TOTAL INCHES RETAINED	= 12,272
TOTAL INCHES REQUIRED ON SITE(1 TREE @ 2.5 IN/8000 SF)	= 793
TOTAL TREE INCHES REPLACED	= 543*
TOTAL TREE INCHES POST DEVELOPMENT	= 12,815

X TREES TO BE REMOVED
* FROM TREE REPLACEMENT TABLE

COMMUNITY PARK TREE TABLE	
COMMUNITY PARK AREA	20,000 SF
REQUIRED TREES(1/4000 SF) @ 3" PER TREE	5 TREES

TREE REPLACEMENT TABLE	
RETENTION AREAS	61 TREES AT 3 INCHES = 183
STREET TREES	17 TREES AT 3 INCHES = 51
LOT TREES(2 PER LOT)	98 TREES AT 3 INCHES = 294
COMMUNITY PARK TREES	5 TREES AT 3 INCHES = 15

NOTE
 TREE LOCATION PLAN IS BASED ON A TREE SURVEY
 PREPARED BY BENDHARY SURVEYING & MAPPING
 CONSULTANTS, INC. DATED OCTOBER 5, 2006.
 1101 S.W. 10TH AVENUE, SUITE 100, MIAMI, FLORIDA 33135
 312 W. Palm Street, Boca Raton, Florida 33432
 (407) 634-4367 Fax (407) 634-4367



MADDEN
 HOODHEAD & CLINT, INC.
 CIVIL ENGINEERS
 431 E. Herold Avenue
 Suite 200
 Maitland, Florida 32751
 (407) 529-8230

CONCEPTUAL LANDSCAPE PLAN
 TOP
SANDPIPER ROAD
 BOTTOM

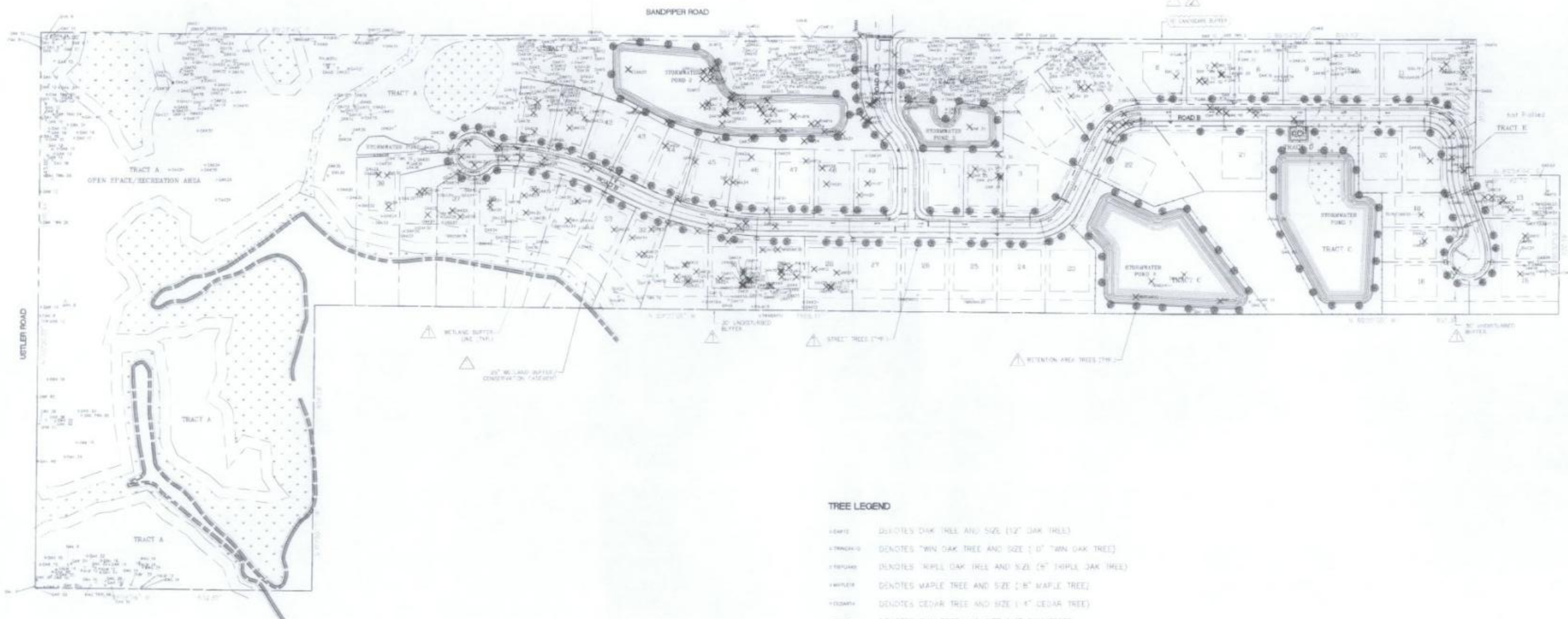
CLIENT
 FLORIDA LAND TRUST #111
 1001 S. VIRGINIA AVE. SUITE 200
 WINTER PARK, FL 32789
 407 947 8376

ENGINEER IN CHARGE
 DAVID A. STONIS, P.E., #68057
 2510 W. BAYVIEW BLVD. SUITE 100
 MIAMI, FL 33149

DATE	DESCRIPTION

JOB # 2008
 DATE 07/30/14
 SCALE 1"=120'
 DESIGNED BY C/M
 DRAWN BY R/M
 APPROVED BY C/M

CLP-1



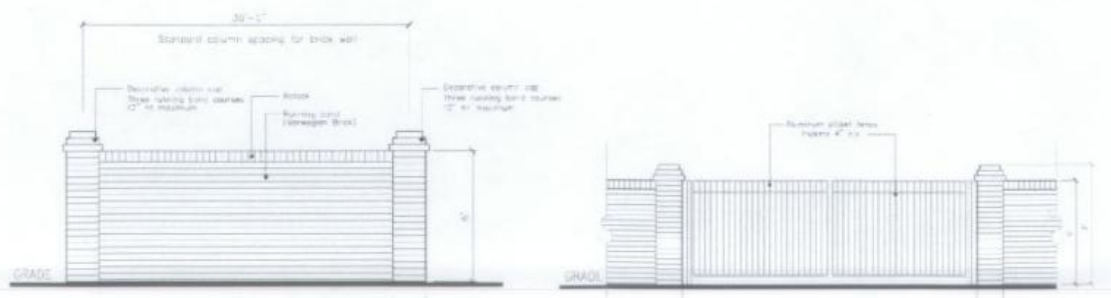
TREE LEGEND

- 18" D OAK DENOTES 18" OAK TREE AND SIZE (12" OAK TREE)
- 10" D OAK DENOTES 10" OAK TREE AND SIZE (8" OAK TREE)
- 12" D OAK DENOTES 12" OAK TREE AND SIZE (10" OAK TREE)
- 14" D OAK DENOTES 14" OAK TREE AND SIZE (12" OAK TREE)
- 16" D OAK DENOTES 16" OAK TREE AND SIZE (14" OAK TREE)
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- 198" D OAK DENOTES 198" OAK TREE AND SIZE (196" OAK TREE)
- 200" D OAK DENOTES 200" OAK TREE AND SIZE (198" OAK TREE)

NOTES

1. THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO CHANGE WITH FINAL ENGINEERING.
2. THIS PLAN SHOWS STREET TREES AT 30 FT. CENTERS.
3. PROPOSED SIDEWALKS CAN BE SHIFTED TO SAVE EXISTING TREES WHERE POSSIBLE. ANY CHANGES IN LOCATION WILL BE SHOWN ON FINAL DEVELOPMENT PLANS.
4. PROPOSED STREET TREES TO BE LOCATED IN 5' LANDSCAPE EASEMENT BEHIND THE 10' UTILITY EASEMENT.
5. RETENTION POND TREES ARE SHOWN AT 25 FT. CENTERS.
6. EXISTING TREE LOCATIONS FROM SURVEY BY BENCHMARK SURVEYING & MAPPING CONSULTANTS, INC.
7. PROPOSED REPLACEMENT TREE DIAMETER SHALL BE 3" MINIMUM.
8. IRRIGATION AND LANDSCAPING WITHIN THE COMMON AREAS AND INDIVIDUAL LOTS, SHALL BE IN ACCORDANCE WITH THE CITY'S WATER-WISE ORDINANCE.
9. DETAILED LANDSCAPE AND IRRIGATION PLANS WILL BE PROVIDED WITH FINAL DEVELOPMENT PLANS.
10. AN ADDITIONAL 2 TREES PER LOT WILL BE PLANTED ALONG WITH STREET TREES AND RETENTION AREA TREES. FOR LOTS WHERE NO EXISTING TREES CAN BE PRESERVED, THREE ADDITIONAL TREES WILL BE PLANTED AT TIME OF LOT DEVELOPMENT, WHERE THEY CAN BE PRACTICALLY ACCOMMODATED.

- = PROPOSED STREET TREE (LIVE OAK) IN ACCORDANCE WITH CITY CODE
- X = TREES TO BE REMOVED



WALL DETAIL

DOUBLE SWING GATE DETAIL (1/2" STATION)

LIFT STATION WALL DETAIL

EXHIBIT “B”

SANDPIPER MASTER SITE PLAN DEVELOPMENT STANDARDS

A. Design Standards

1. LOT SETBACKS:

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

<u>Garage Setbacks</u>	
Front entry:	30'
Side entry:	25'

2. The minimum lot width for lots 6 through 12 and 23 through 31 will be 110 feet at the building setback line. The minimum lot width for all other lots will be 75 feet. The minimum lot depth will be 140 feet.
3. Maximum Building Height: 35'
4. Maximum number of Stories: Two
5. Minimum Lot Area: 11,500 sq. ft; 10,000 sq. ft. for lots 31 to 39 (area outside SJRWMD wetland line and its designated upland buffer.)
6. Minimum Living Area; 2,200 sq. ft. under heat and air.
7. Each house to have a two car garage (minimum).
8. Any modification to the PUD Master Plan shall be reviewed according to Section 2.02.18.N, Land Development Code.

B. Buildings and Accessory Structures

1. Home design shall meet the intent of the City’s Development Design Guidelines.
2. Pools, sheds, buildings, gazebos, fences and other accessory structures are prohibited in the side yard setbacks and within the 30 foot conservation easement at the rear of lots 23 to 31.
3. Existing structures will be removed prior to platting..

C. Utilities and Infrastructure

1. Water service shall be provided by the City of Apopka. The water system shall be designed to city standards.
2. An oversize agreement is necessary to install 12" diameter force main along sandpiper road.
3. Storm water management system shall be designed to comply with the requirements of the City of Apopka and St. Johns River Water Management District.
4. A final drainage report and soils report will be submitted with final development plans
5. Sanitary service shall be provided by the City of Apopka. The sanitary system shall be designed to city standards.
5. Utility easements to be dedicated to the City of Apopka.

6. Drainage easements to be dedicated to the home owners association unless otherwise accepted by the City of Apopka.
7. All stormwater and utility pipes may be moved to save existing trees in the right-of-way. Any change in the location of these pipes will be shown on the final engineering plans.
8. On-site streets are to be constructed per City of Apopka standards.
9. A signage plan will be provided with the final development plan submittal.
10. Entrance gate shall conform to city codes. Entrance gate to be equipped with emergency access system through an opti-com type visual gate activation and yelp siren. There must also be a keypad with an emergency access code.
11. A blanket ingress/egress easement will be granted for access to the city over Tract F.
12. Stabilized access roadways and fire hydrants must be in place before building construction may begin
13. Street names will be provided with the final development plans
14. Solid waste collection and public safety (police and fire) provided by the City of Apopka.
15. All/any overhead utility lines must be placed underground, coordination with City's Public Service Dept.
16. At this time the proposed street right-of-way is to be private with an entrance gate;
17. A five (5) foot wide sidewalks to be constructed adjacent to internal roads throughout the entire project in compliance with the City of Apopka Land Development Code. Sidewalk alignment may be adjusted at final development plan to preserve existing trees.
18. In lieu of installation of sidewalk along Ustler Road, the owner may pay into the city sidewalk fund at the rate of \$3.50/sf for 4" thick sidewalk and \$4.25 for 6" sidewalk.
19. A five-foot wide sidewalk shall be constructed along Sandpiper Road from Ustler Road to the northeast corner of the project boundary.

D. Recreation, Open Space, Lake Access

1. The active park area shall be a minimum of 15,000 sq.ft. within Tract "A". A park site plan and recreation equipment shall be provided with the Final Development Plan. Design of the park shall comply with the Land Development Code.
2. Only the eight lot owners who will have lots backing up to Lake McCoy will have access to the lake and be able to build private docks to access said lake. All eight lot owners will be required to join the Lake McCoy taxing district. No other docks or recreation will be allowed from this development. Dock details will be evaluated with the final development plan and is to include language allowing a 15-foot wide access to the lake for each lot.
3. A Park site plan and recreational amenities will be provided with final development plans.
4. Project open space:
 Required = 20% min. per LDC
 Provided = 45.85% (26.70 acs.).

E. Buffers and Landscaping

1. A 30 foot wide conservation easement will be provided on the back of Lots along the southern property line, except against lake, wetland, retention, or gas easement. Easement shall be dedicated to the HOA. (The 30-foot conservation easement is not a required SJRWMD easement.) No building, fence, gazebo, swimming pool, or accessory structure shall be placed within the thirty-foot conservation easement. The buffer shall remain as natural vegetated buffer. Trees that are removed shall be replaced. Any removal of trees or vegetation within the bufferyard must be approved by the HOA and the City of Apopka. Easement boundary markers will be placed at

the interior of the easement line along the side lot line for all lots (Lots 23 to 31, and 15, 16) abutting the 30-foot conservation easement.

3. A ten (10) foot wide buffer tract for landscaping will be provided on the northern property line, except against lake, wetland, retention, or gas easement. This tract shall be dedicated to and maintained by the HOA. The design of this buffer shall generally follow the landscape design appearing in Exhibit "B.1". A tri-trail fence that is supported by a brick or stone post shall extend from the northeast project boundary westward to the beginning of the designated open space area.
4. Entrance feature and community sign will be provided with final development plans.
5. Final landscape plans for the buffer area along Sandpiper Street will be provided with the final development plans.

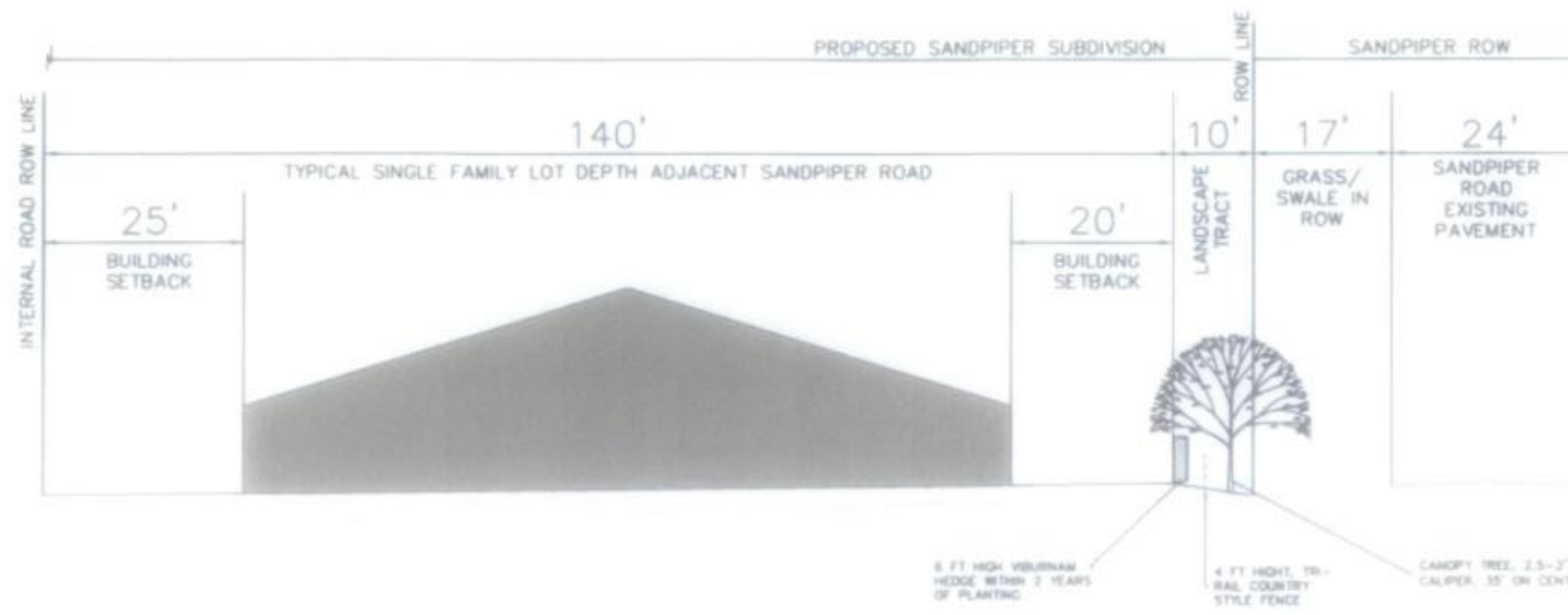
F. Maintenance and Plat

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

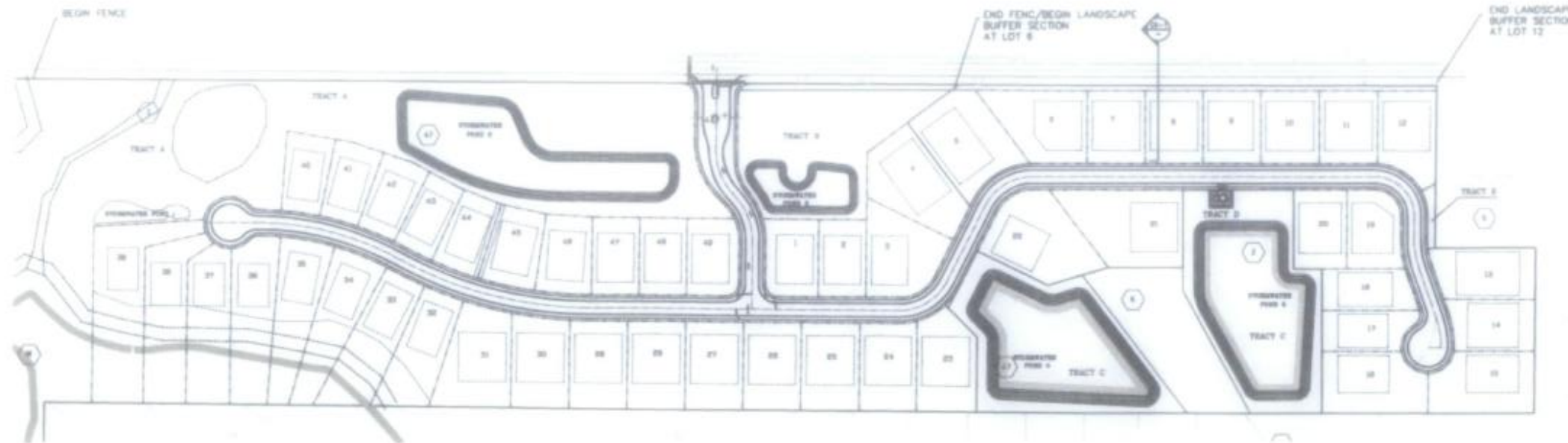
G. Wetlands and Environmental

1. All acreage regarding developable and conservation areas (wetlands and buffers) are considered approximate until finalized during a review by the St. Johns River Water Management District and the City of Apopka. The SJRWMD concurrency will be provided at final plan review.
2. The jurisdictional wetland areas are to be placed in a conservation easement.
3. Any development in a special flood hazard area will require the finish floor elevation to be 20-inches above the 100 yr. Flood elevation, minimum.
4. An erosion protection plan will be submitted with final development plans.
5. The habitat inventory and management report shall be provided to the city at the final development plan stage.
6. Tree removal, tree replacement, and landscaping shall be in conformance with Article V of the City of Apopka Land Development Code.
7. Individual lot arbor/clearing permit is required prior to clearing or grading of any lot or issuance of building permit. Placement of the house shall preserve existing trees to the greatest extent practical. Plot plan for each lot shall illustrate tree locations as presented within the PUD Master Plan\ Preliminary Development Plan.
8. In order to save existing trees stem walls/retaining walls may be utilized on individual lots.
9. The 25 foot wide (average)/15 foot wide minimum wetland buffer/conservation easement within Lots 32 to 39 and Tract A is to be dedicated to the SJRWMD. Lot owners may not clear any vegetation within the conservation easement on their lot except to accommodate a maximum 15 foot wide path to reach the water's edge.

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



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



LANDSCAPE CROSS SECTION FOR SANDPIPER

CLIENT: FLORIDA LAND TRUST #111
 100 S. ANDERSON AVE., UNIT 200
 WEST PALM BEACH, FL 33411
 (561) 841-1428

ENGINEER IN CHARGE: JAMES A. STOKES, P.E., PRECISE
 SUPERVISOR OF ADMINISTRATION: DEB BARTON

DATE	REVISIONS

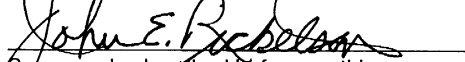
JOB # 12028
 DATE 12/14/14
 SCALE N.T.S.
 DESIGNED BY CHM
 DRAWN BY CHM
 APPROVED BY CHM

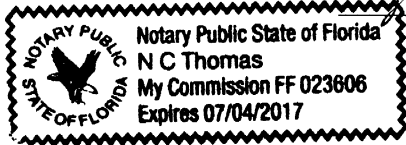
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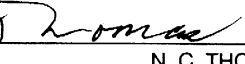
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **November 07, 2014**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

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


Sworn and subscribed before me this
7th day of November, 2014, by John E. Ricketson,
who is personally known to me.




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

Public Notice

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, November 19, 2014, at 8:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2386

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

ORDINANCE NO. 2388

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

ORDINANCE NO. 2390

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) & "CITY" RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) TO "CITY" AGRICULTURE (1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF VICK ROAD, NORTH OF WEST LESTER ROAD, COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2391

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (0-4 DU/AC) (RESIDENTIAL) AND "CITY" R-1AA (0-10 DU/AC) TO "CITY" AG (1 DU/5 AC) (CONTAINER NURSERY) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LESTER ROAD, EAST OF VICK ROAD (2127 AND 2133 VICK ROAD), COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2392

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" I-1/I-5 (ZIP) (LIGHT INDUSTRIAL) TO "CITY" I-1 (INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF 13TH STREET, EAST OF LAMBING LANE, COMPRISING 2.3 ACRES MORE OR LESS, AND OWNED BY NORMAN E. SAWYER; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2393

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/HOSPITAL, MEDICAL OFFICE AND ACCESSORY USE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF HARMON ROAD, WEST OF OCOEE APOPKA ROAD, AND EAST OF S.R. 429, COMPRISING 33.7 ACRES, MORE OR LESS AND OWNED BY ADVENTIST HEALTH SYSTEM/SUNBELT, INC., DBA FLORIDA HOSPITAL APOPKA; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department

November 7, 2014
Publish: The Apopka Chief

Backup material for agenda item:

2. ORDINANCE NO. 2388 – SECOND READING & ADOPTION - Amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.” [Ordinance No. 2388 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]



**CITY OF APOPKA
CITY COUNCIL**

<u> </u> CONSENT AGENDA	MEETING OF:	November 19, 2014
<u> X </u> PUBLIC HEARING	FROM:	Community Development
<u> </u> SPECIAL REPORTS	EXHIBITS:	Ordinance No. 2388
<u> X </u> OTHER: Ordinance		Exhibit "A" FAQ
		Exhibit "B" News Coverage
		Exhibit "C" F.S. §381
		Exhibit "D" Amend 2 Ballot Information

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

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

SUMMARY:

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

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

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

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

Information regarding the pro's and con's of medical marijuana are provided with the support material. These documents include:

Exhibit "A" - FAQs on Low THC-cannabis

Exhibit "B" - News Coverage – Pro's and Con's of Medical Marijuana and other information

Exhibit "C" - Florida Statute 381

Exhibit "D" - Florida Amendment 2 Ballot Language

PUBLIC HEARING SCHEDULE:

November 5, 2014 - City Council 1st Reading (1:30 pm)

November 10, 2014 - Planning Commission (5:01 pm)

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

DULY ADVERTISED:

October 17, 2014 – Public Hearing Notice

November 7, 2014 – Ordinance Heading

RECOMMENDATION ACTION:

The **City Council**, at its meeting on November 5, 2014, accepted the First Reading of Ordinance No. 2388 and Held it Over for Third Reading and Adoption on November 19, 2014, subject to the recommendation of the Planning Commission.

The **Planning Commission**, at its meeting on November 10, 2014, recommended approval (5-0) of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones – to create a new Section 3.05 entitled "Designated Grow Area Overlay District."

Adopt Ordinance No. 2388.

ORDINANCE NO. 2388

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

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

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

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

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

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

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

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

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

SECTION 1. DEFINITIONS:

- a. Agriculture: means the science and art of production of plant(s) and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, including hay or grass harvesting and bailing operation. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.
- b. Cannabis: Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.
- c. Cannabis Cultivation: the planting, tending, improving, farming, drying or harvesting of cannabis plants from seed, juvenile stock, or grafting.
- d. Cannabis Processing: the preparation of the cannabis plant intended for use as medicine or medical purposes as prescribed by a licensed Florida physician.
- e. Designated Grow Area (DGA) Overlay District. The following areas are defined as a “Designated Grow Area” Overlay District:
 - 1) Keene/Clarcona DGA: All Agriculture or Industrial zoned property in the general area west of the S.R. 414 bridge at E. Keene Road, east of McQueen Road, and south of S.R. 414, as depicted in Map A: Keene\Clarcona Road DGA as delineated in Map A: Keene\Clarcona DGA.
 - 2) Hermit Smith\Hogshead DGA: All Agriculture or Industrial zoned property within the area west of S.R. 429, south of U.S. 441, and north of Lust Road, as delineated in Map B: Hermit Smith\Hogshead DGA.
- f. Fully enclosed and secure structure: A space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.
- g. Horticulture Nursery: an agriculture operation limited to the cultivation of fruits, vegetables, nuts, seeds, herbs, sprouts, mushrooms, algae, flowers, seaweeds and non-food crops such as grass and ornamental trees and plants.
- h. Marijuana Dispensary: A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plant(s) are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local and state laws.
- i. Marijuana Treatment Center: A medical marijuana dispensary where qualifying patients are administered medical marijuana by medical professional licensed by the State of Florida to patients in accordance with all local and state laws.

- j. Medical Use: The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment, as identified by a physician licensed by the State of Florida.
- k. Non-Medical Marijuana Sales. The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plant(s) when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under state law.

SECTION 2. CANNABIS CULTIVATION AND PROCESSING PROHIBITED.

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

SECTION 3. CANNABIS CULTIVATION AND PROCESSING.

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

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

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

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

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

- 5) Minimum Parcel Size. A minimum parcel size necessary for cultivation, processing, or combined operations within a DGA is two (2) compact and contiguous acres.
- 6) Parcel. Cannabis cultivation or processing shall occur on a separate parcel, lot, or legal lot-of-record than that on which a medical marijuana dispensaries/medical marijuana treatment centers is located.
- 7) Signage. No business identification sign (i.e., wall, monument, pole, directional) shall include the words “marijuana”, “cannabis”, or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs for any business cultivation, processing or dispensing business. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed.
- 8) Security and Safety Plan. A security and safety plan will be reviewed and approved by the chief of police or designee. The security and safety plan shall at minimum address but not be limited to, locking options, alarm systems, and video surveillance, and as otherwise determined necessary by the Police Chief. Any such documents or information for review

shall be transmitted directly to the police chief's office for review and not attached to the permit as may be required by the Community Development Department. The police chief or designee will respond to the development review committee approval or denial of said plan. Any information, records, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems or other sensitive information gathered will be exempt from public records in accordance with FSS 119.071, "General exemptions from inspection or copying of public records."

SECTION 4. MARIJUANA DISPENSARIES/MEDICAL MARIJUANA TREATMENT CENTERS.

- a. *Applicable Zoning District.* Marijuana dispensaries/medical marijuana treatment centers for marijuana medical use are allowed as a Special Exception within a Commercial C-1, Industrial I-1 or Agriculture District located within a Designated Grow Area subject to compliance with the standards set forth below.
- b. *Prohibited Locations.* Non-medical marijuana dispensaries/medical treatment centers or sales are prohibited within the jurisdictional area of the City of Apopka. Medical Marijuana dispensaries/medical marijuana treatment centers are prohibited in the City of Apopka except as allowed in Section 4.a. Zoning Districts where medical marijuana dispensaries/medical marijuana treatment centers are prohibited also include: the Downtown Development Overlay District, Community Redevelopment Area (CRA), Planned Unit Development, Mixed-EC, and Mixed-CC zoning categories.
- c. No other business shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located. This requirement does not apply to licensed nursery businesses that were operating prior to the effective date of this ordinance.
- d. Any parking demand created by marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations.
- e. *Controlled Substances.* The onsite sale, provision, or dispensing of marijuana is prohibited except as specifically authorized by state law.
- f. *Loitering.* A marijuana dispensary/medical marijuana treatment center shall provide adequate seating for its patients and business invitees. The marijuana dispensary/medical marijuana treatment center shall not direct or encourage any patient or business to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary/center operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business and depart. The marijuana dispensary/medical marijuana treatment center shall post conspicuous signs on at least three (3) sides of the building stating that no loitering is allowed on the property.
- g. *Queuing of Vehicles.* The marijuana dispensary/medical marijuana treatment center shall ensure that there is no queuing of vehicles in the rights-of-way. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.

- h. *No Drive-Through Service.* No marijuana dispensary/medical marijuana treatment center shall have a drive-through or drive-in service aisle. All onsite dispensing, payment for and receipt of said marijuana shall occur from within or inside the marijuana dispensary/medical marijuana treatment center.
- i. *On-Site Consumption of Marijuana and/or Alcoholic Beverages.* No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way except for medical marijuana treatment centers. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- j. *Signage.* No business identification sign (i.e., wall, monument, pole, directional, human) shall include the words “marijuana”, “cannabis”, or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs or on any building or structure used a marijuana dispensing/marijuana treatment center. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed
- k. *Hours of Operation.* Marijuana dispensaries/medical marijuana treatment centers shall only dispense or treat patrons between 7:00 A.M. and 8:00 P.M.
- l. *Customer Waiting Area.* All customer waiting areas shall occur within in an enclosed building. No customer waiting areas shall occur outdoors or within a porch area, whether covered or not.
- m. *Building Orientation and Design.* All customer building entrances shall be oriented to and visible from a public street. Color of any wall or roof of any marijuana dispensaries/medical marijuana treatment centers shall comply with the City’s Development Design Guidelines.
- n. *Distance Separation.* No marijuana dispensary/medical marijuana treatment center shall be located within one thousand (1,000) feet of any school or church, or within two hundred (200) feet of any residentially zoned property, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the marijuana dispensary/medical marijuana treatment center structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer) of the school, church or residentially zoned property.
- o. *Compliance with Other Laws.* All marijuana dispensaries/medical marijuana treatment centers shall at all times be in compliance with all state regulations and the Apopka City Code of Ordinances and Land Development Code, as may be applicable and amended from time to time.
- p. *Security and Safety Plan.* Compliance with Section 3.f.8. of this ordinance is required.
- q. *Special Exception Standards.* When considering an application for marijuana dispensaries/medical marijuana treatment centers, the Planning Council must consider the special exception criteria listed in paragraph d below, in addition to that criteria listed in subsection 2.02.B.5. The Planning Commission may deny the request, approve the request, or approve the request with conditions, based upon a review of these considerations. The Planning Commission may assign additional conditions and safeguards as deemed necessary:

- 1) Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
 - 2) No other business, aside or separate from the dispensing of marijuana shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located.
 - 3) The parcel, lot, or lot-of-record shall access a collector or arterial road.
 - 4) Additional Hours of Operation Restrictions. Hours of operation can be further restricted based on proximity of residential development or to protect the character and environment of developed surrounding areas.
- r. *Exemptions.* Hospitals and pharmacies licensed by the State of Florida are exempt from Section 4.

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

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

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

any parking area open to public use, or in or upon any private property or in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys.

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

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

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

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

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

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

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

Passed on the first reading on the _____ day of _____, 2014.

FIRST READING: November 5, 2014

SECOND READING
AND ADOPTION: November 19, 2014

Joseph E. Kilsheimer, Mayor

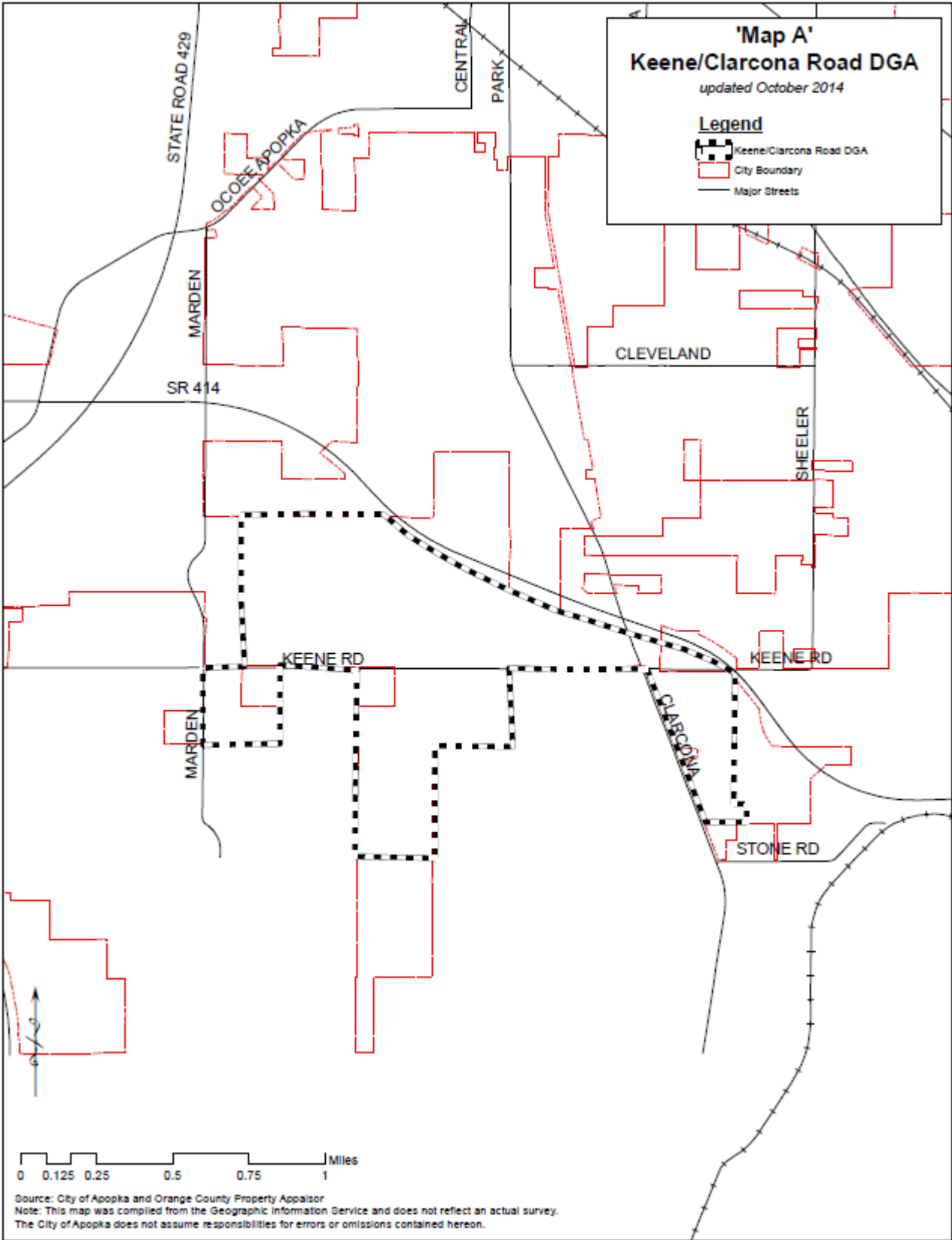
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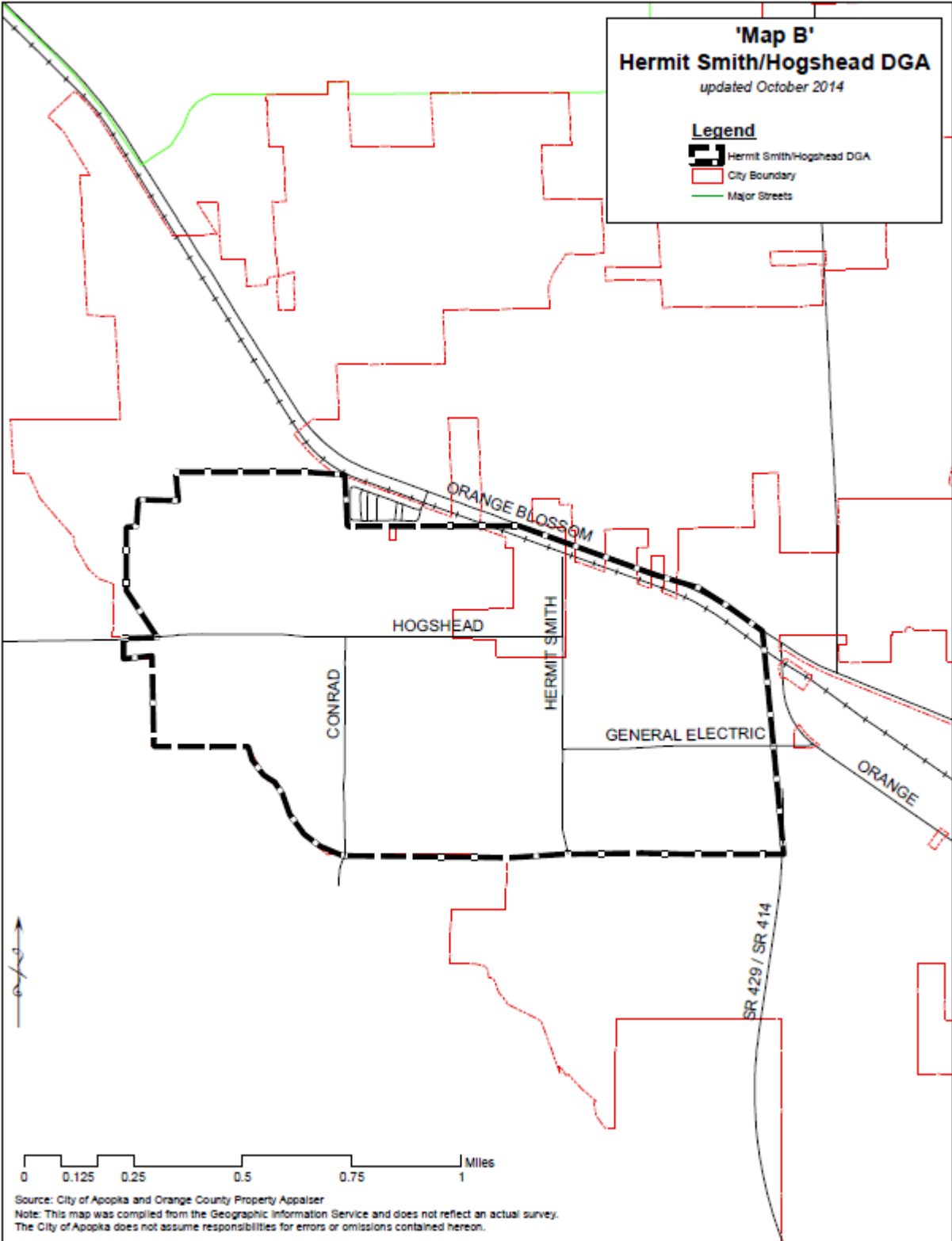
Linda Goff, City Clear

APPROVED AS TO FORM:

Clifford B. Shephard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: October 7, 2014
November 7, 2014





FAQs on Low THC-cannabis

August 11, 2014

Source: Florida Department of Health, August 14, 2014

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

Definitions:

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

FAQs

1. When will the legislation become law?

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

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

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

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

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

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

- a. The Compassionate Medical Cannabis Act of 2014 states that low-THC cannabis can only be ordered by physicians licensed under Chapter 458 or Chapter 459 of Florida Statutes. Chapter 458 covers medical practice or allopathic physicians and Chapter 459 covers osteopathic physicians. The law further states that before ordering low-THC cannabis for use by a patient, the ordering physician must successfully

complete an 8-hour course approved by either the Florida Medical Association or the Florida Osteopathic Medical Association. The course will encompass the clinical indications for the appropriate use of low-THC cannabis, the appropriate delivery mechanisms, the contraindications for such use, as well as the relevant state and federal laws governing the ordering, dispensing, and possessing of this substance, and the physician must successfully pass an examination upon completion of the course.

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

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

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

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

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

- a. The Compassionate Medical Cannabis Act of 2014 allows the Florida Department of Health to designate five dispensing organizations in Florida.
- b. These dispensing organizations will be located in specified geographic regions throughout the state: one each in northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida.
- c. The Florida Department of Health will develop an application form and determine the fees necessary, both initially and at biennial renewal, to cover the costs of administering The Compassionate Medical Cannabis Act of 2014.

- d. Dispensing organizations must meet stringent requirements:
 - i. Must have been in operation as a registered nursery in this state for at least 30 continuous years.

- ii. Must have the ability to provide appropriate infrastructure and personnel, and maintain accountability for all raw materials, finished product and byproducts, in order to prevent unlawful access to these substances.
- iii. Must have a valid certificate of registration from the Florida Department of Agriculture that allows cultivation of more than 400,000 plants.
- iv. Must meet specific financial requirements.
- v. All owners and managers must be fingerprinted and pass a level 2 background check.
- vi. Must employ a medical director licensed under Chapter 458 or 459, Florida Statutes, to supervise dispensing activities.

8. What are the financial requirements for a distributor?

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

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

- a. No.

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

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

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

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

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

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

News and Information Articles Regarding Medical Cannabis

A. Pros of Legalized Medical Cannabis

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

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

Source: *Forbes*

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

Fewer Pain Pill Overdoses In States With Legal Medical Marijuana

http://www.huffingtonpost.com/2014/08/26/painkiller-overdose-medical-marijuana_n_5711425.html

Source: *Huffington Post*

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

Studies claim medical marijuana may reduce suicide rates, traffic fatalities

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

Source: *PBS*

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

23 Health Benefits of Marijuana

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

Source: *Business Insider*

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

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

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

Source: *Bangor Daily News*

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

B. Cons of Legalized Medical Cannabis

Economic impact of medical marijuana in Florida an open question

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

Source: *Florida Times-Union*

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

Medical Marijuana: More states legalizing, but scientific evidence lacking

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

Source: *CBS News*

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

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

http://www.nj.com/news/index.ssf/2010/06/medical_marijuana_pot_nj_color.html

Source: *Newark Star-Ledger*

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

Other Stories

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

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

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

Medical Marijuana: Pros & Cons of Budding Legalization

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

Would Medical Marijuana be a Boon or a Bust?

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

Source: *Gulf Shore Business*

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

Legal Use of Marijuana Clashes With Job Rules

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

Source: *New York Times*

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

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

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

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

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

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

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

(3) PENALTIES.—

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

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

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

(4) PHYSICIAN EDUCATION.—

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

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

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

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

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

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

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

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

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

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

(d) Adopt rules necessary to implement this section.

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

(7) EXCEPTIONS TO OTHER LAWS.—

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

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

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

Florida Amendment 2
November 4 Ballot Language

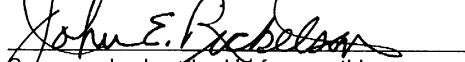
The official ballot language reads as follows:

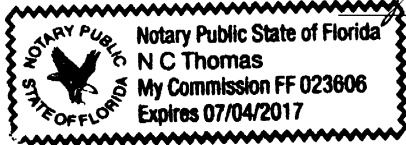
“Allows the medical use of marijuana for individuals with debilitating diseases as determined by a licensed Florida physician. Allows caregivers to assist patients’ medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical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

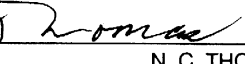
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **November 07, 2014**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

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


Sworn and subscribed before me this
7th day of November, 2014, by John E. Ricketson,
who is personally known to me.




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

Public Notice

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, November 19, 2014, at 8:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2388

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

ORDINANCE NO. 2388

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

ORDINANCE NO. 2390

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) & "CITY" RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) TO "CITY" AGRICULTURE (1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF VICK ROAD, NORTH OF WEST LESTER ROAD, COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2391

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (0-4 DU/AC) (RESIDENTIAL) AND "CITY" R-1AA (0-10 DU/AC) TO "CITY" AG (1 DU/5 AC) (CONTAINER NURSERY) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LESTER ROAD, EAST OF VICK ROAD (2127 AND 2133 VICK ROAD), COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2392

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" I-1/I-5 (ZIP) (LIGHT INDUSTRIAL) TO "CITY" I-1 (INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF 13TH STREET, EAST OF LAMBING LANE, COMPRISING 2.3 ACRES MORE OR LESS, AND OWNED BY NORMAN E. SAWYER; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2393

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/HOSPITAL, MEDICAL OFFICE AND ACCESSORY USE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF HARMON ROAD, WEST OF OCOEE APOPKA ROAD, AND EAST OF S.R. 429, COMPRISING 33.7 ACRES, MORE OR LESS AND OWNED BY ADVENTIST HEALTH SYSTEM/SUNBELT, INC., DBA FLORIDA HOSPITAL APOPKA; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department

November 7, 2014
Publish: The Apopka Chief

Backup material for agenda item:

3. ORDINANCE NO. 2390 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Metzler Family Trust, from “County” Low Density Residential (0-4 du/ac) and “City” Very Low Suburban Residential (0-2 du/ac) to “City” Agriculture (1 du/5 ac), for property located east of Vick Road, north of West Lester Road. (Parcel ID #s: 28-20-28-0000-00-010 & 28-20-28-0000-00-075) [Ordinance No. 2390 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]



**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: November 19, 2014
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2390

SUBJECT: ORDINANCE NO. 2390 - METZLER FAMILY TRUST – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) & “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) TO “CITY” AGRICULTURE (1 DU/5 AC)

Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2390 - METZLER FAMILY TRUST – COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT FROM “COUNTY” LOW DENSITY RESIDENTIAL (0-4 DU/AC) & “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) TO “CITY” AGRICULTURE (1 DU/5 AC). (PARCEL ID NOS.: 28-20-28-0000-00-010 & 28-20-28-0000-00-075)

SUMMARY

OWNER/APPLICANT: Metzler Family Trust, c/o Larry Metzler

LOCATION: East of Vick Road, north of West Lester Road

EXISTING USE: Container Nursery

CURRENT ZONING: “County” A-1 (ZIP) & “City” R-1AA

PROPOSED DEVELOPMENT: Container Nursery

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

TRACT SIZE: 9.97 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 29 Units (5 ac. x 4 du/ac) plus (4.97 ac x 2 du/ac)
PROPOSED: 2 Units (9.97 x one du per 5 acres)

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
Interim CA
Community Dev. Dir.

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS

The subject parcels were annexed into the City of Apopka on March 18, 1998 for Parcel # 28-20-28-0000-00-075, through the adoption of Ordinance No. 1151 and on October 1, 2014 for Parcel # 28-20-28-0000-00-010, through the adoption of Ordinance No. 2380. The proposed Small-Scale Future Land Use Amendment is requested by the owner, who has operated a foliage nursery at this site for more than a decade and desires to continue to do so for many years. Changing the zoning to Agriculture will also help preserve future agriculture tax credits with the Orange County Property Appraiser's office.

A request to assign an Agriculture zoning category to the Property is being processed in conjunction with this FLUM amendment. The FLUM amendment application covers approximately 9.97 acres. The property owner intends to continue using the site for a container nursery.

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

COMPREHENSIVE PLAN COMPLIANCE

The existing and proposed use of the property is consistent with the Agriculture Future Land Use designation and the City's proposed AG Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT

Staff has notified Orange County Public Schools (OCPS) of the proposed Future Land Use Map Amendment. The Future Land Use change to "City" Agriculture will generate fewer homes and thus fewer students for certain elementary, middle and high schools than the can be anticipated from higher residential densities allowed by "County" Future Land Use of Low Density and the "City Future Land Use of Very Low Suburban. This Future Land Use amendment is subject to school capacity enhancement review.

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 September 24, 2014.

PUBLIC HEARING SCHEDULE

October 21, 2014 – Planning Commission (5:01 pm)
November 5, 2014 – City Council (1:30 pm) - 1st Reading
November 19, 2014 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED

October 3, 2014 – Public Notice and Notification
November 7, 2014 – Ordinance Heading Ad
November 14, 2014 – ¼ Page w/map Ad

RECOMMENDED ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Low Density Residential (0-4 du/ac) and City “Very Low Suburban) to “City” Agriculture for the property owned by the Metzler Family Trust subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on October 21, 2014, recommended approval (7-0) of the change in Future Land Use from “County” Low Density Residential (0-4 du/ac) and City “Very Low Suburban) to “City” Agriculture for the property owned by the Metzler Family Trust subject to the information and findings in the staff report.

The **City Council**, at its meeting on November 5, 2014, accepted the First Reading of Ordinance No. 2390; and held it over for Second Reading and Adoption on November 19, 2014.

Adopt Ordinance no. 2390.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Low Density Residential (0-4 du/ac)	A-1	Grazing
East (County)	Low Density Residential (0-4 du/ac)	A-1	Manufactured Home
South (County)	Low Density Residential (0-4 du/ac)	A-1	Manufactured Home/Container Nursery
West (City)	Residential Low Suburban (0-3.5 du/ac)	PUD	Spring Ridge Subdivision

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with this development of agriculture. The property lies east of Vick Road, north of West Lester 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 the “Core Area” of the JPA. The proposed FLUM Amendment request a change from “County” Low Density Residential (0-4 du/ac) to “City” Agriculture (1 du/5 ac) is consistent with the terms of the JPA.

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

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

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

Analysis of the character of the Property: The property fronts Vick Road. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain is level.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.m Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The subject parcels were annexed into the City of Apopka on March 18, 1998 for Parcel # 28-20-28-0000-00-075, through the adoption of Ordinance No. 1151 and on October 1, 2014 for Parcel # 28-20-28-0000-00-010, through the adoption of Ordinance No. 2380. The proposed future land use designation for the Property is Agriculture (1 du/5ac). Based on the housing element of the City's Comprehensive Plan, this amendment will not increase the City's future population as fewer homes are allowed through the proposed future land use designation.

CALCULATIONS:

ADOPTED (City designation): 29 Unit(s) x 2.659 p/h = 77 persons
PROPOSED (City designation): 2 Unit(s) x 2.659 p/h = 5 persons

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

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

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

Sanitary Sewer Analysis

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

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

2. Projected total demand under existing designation: 7840 GPD
3. Projected total demand under proposed designation: 392 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita
7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 8400 GPD
3. Projected total demand under proposed designation: 420 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider: City of Apopka
3. Projected LOS under existing designation: 424 lbs./person/day
4. Projected LOS under proposed designation: 20 lbs./person/day
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

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

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

Availability of distribution lines to serve the property: Yes

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

Drainage Analysis

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

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.318 AC
3. Projected facility under proposed designation: 0.015 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.

**Metzler Family Trust
9.97 +/- Acres**

Existing Maximum Allowable Development: 29 Units (5 ac. x 4 du/ac) plus (4.97 ac x 2 du/ac)

Proposed Maximum Allowable Development: 2 Units (9.97 x one du per 5 acres)

Proposed Small Scale Future Land Use Change

**From: "County" Low Density Residential (0-4 du/ac) &
"City" Residential Very Low Suburban (0-2 du/ac)**

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

Proposed Zoning Change

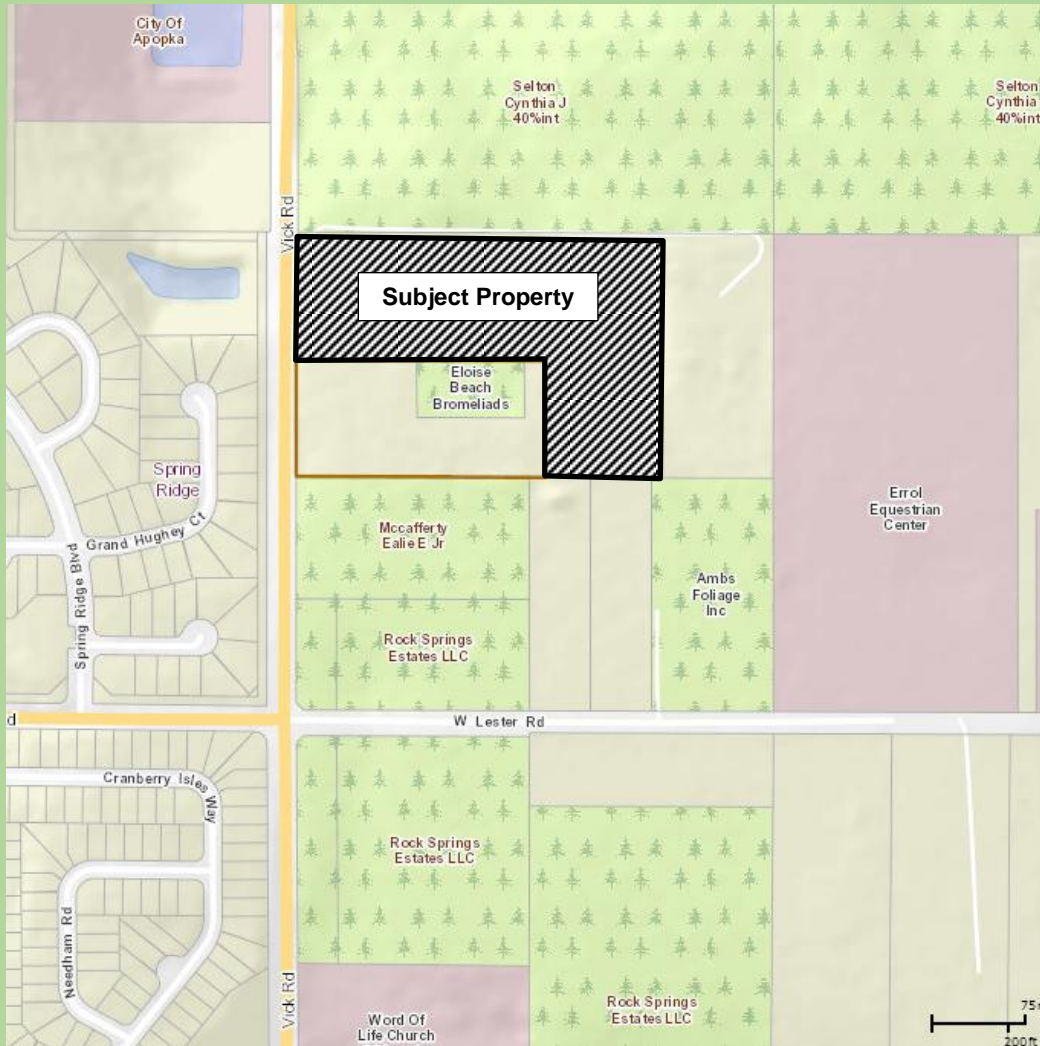
From: "County" A-1 & "City" R-1AA

To: "City" AG

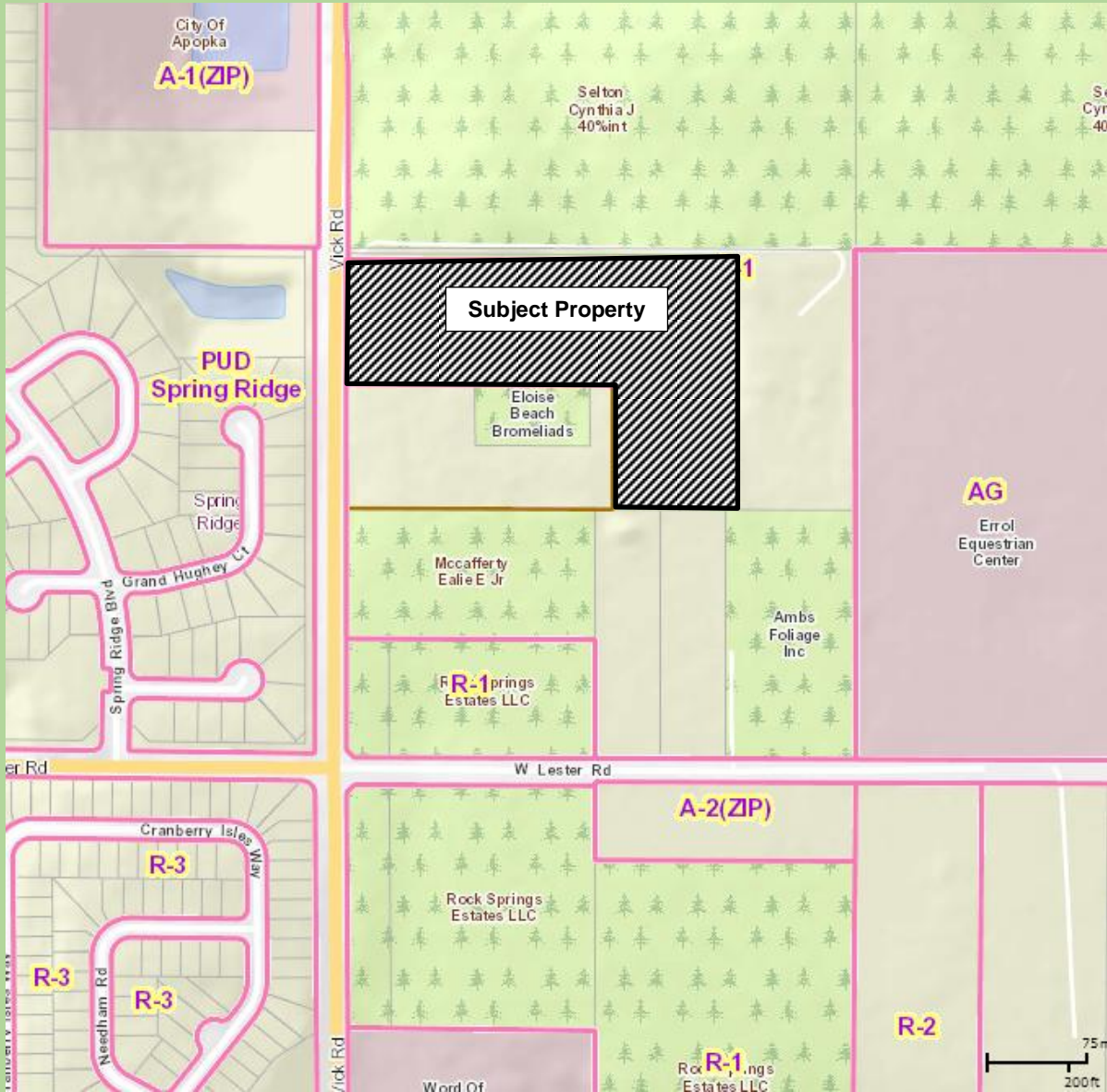
Parcel ID #s: 28-20-28-0000-00-010 & 28-20-28-0000-00-075



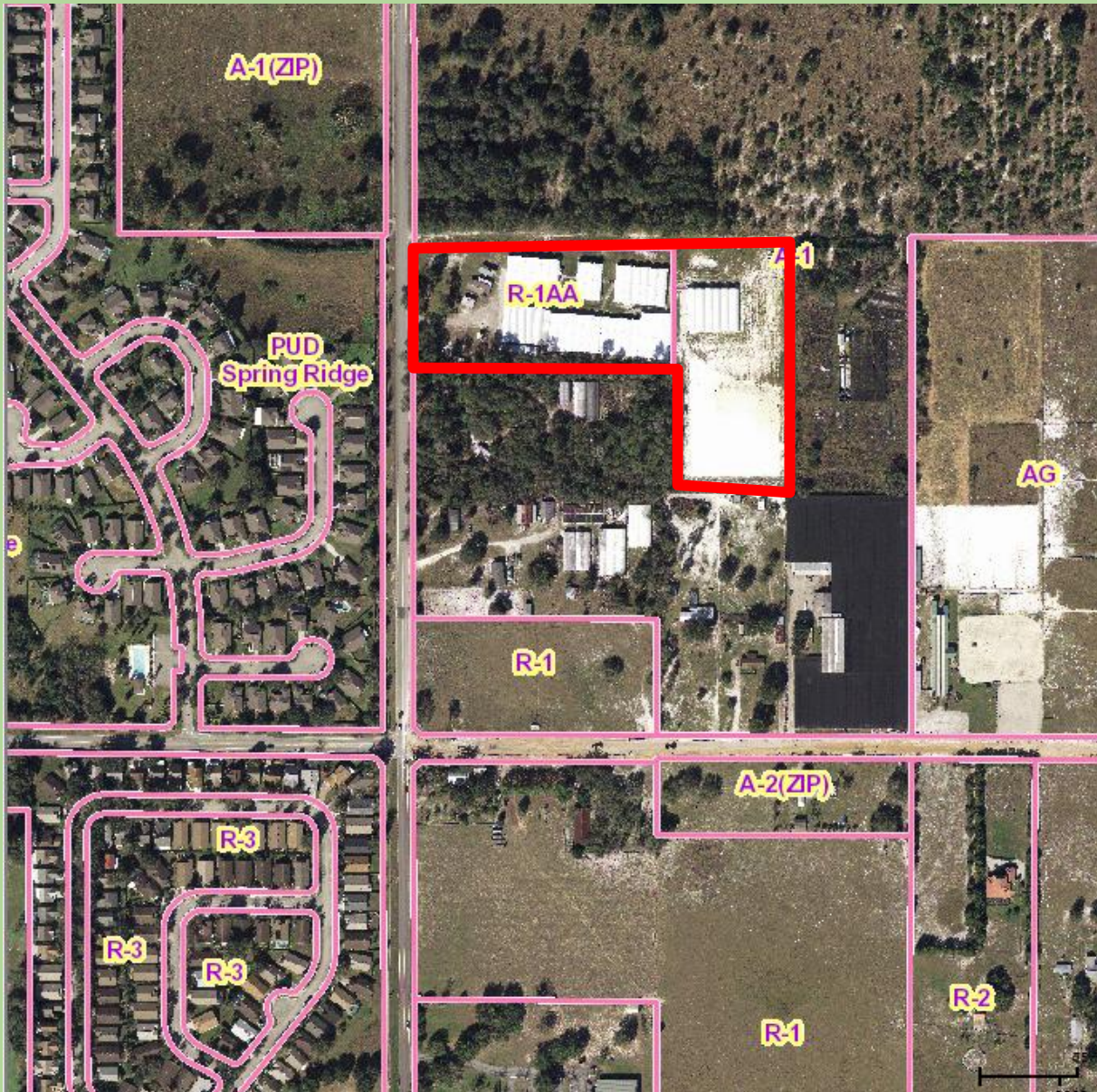
VICINITY MAP



ADJACENT ZONING



ADJACENT USES



ORDINANCE NO. 2390

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) & “CITY” RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) TO “CITY” AGRICULTURE (1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF VICK ROAD, NORTH OF WEST LESTER ROAD, COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; 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. 2359 on May 21, 2014; 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. 2359, is amended in its entirety to change the land use from “County” Low Density Residential (0-4 du/ac) & “City” Residential Very Low Suburban (0-2 du/ac) To “City” Agriculture (1 du/5 ac) for certain real property generally located east of Vick Road, north of West Lester Road; 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.

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 19th of November, 2014.

READ FIRST TIME: November 5, 2014

READ SECOND TIME
AND ADOPTED: November 19, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, Esq., City Attorney

DULY ADVERTISED: October 3, 2014
 November 7, 2014
 November 14, 2014

Ordinance No. 2390

Metzler Family Trust
9.97 +/- Acres

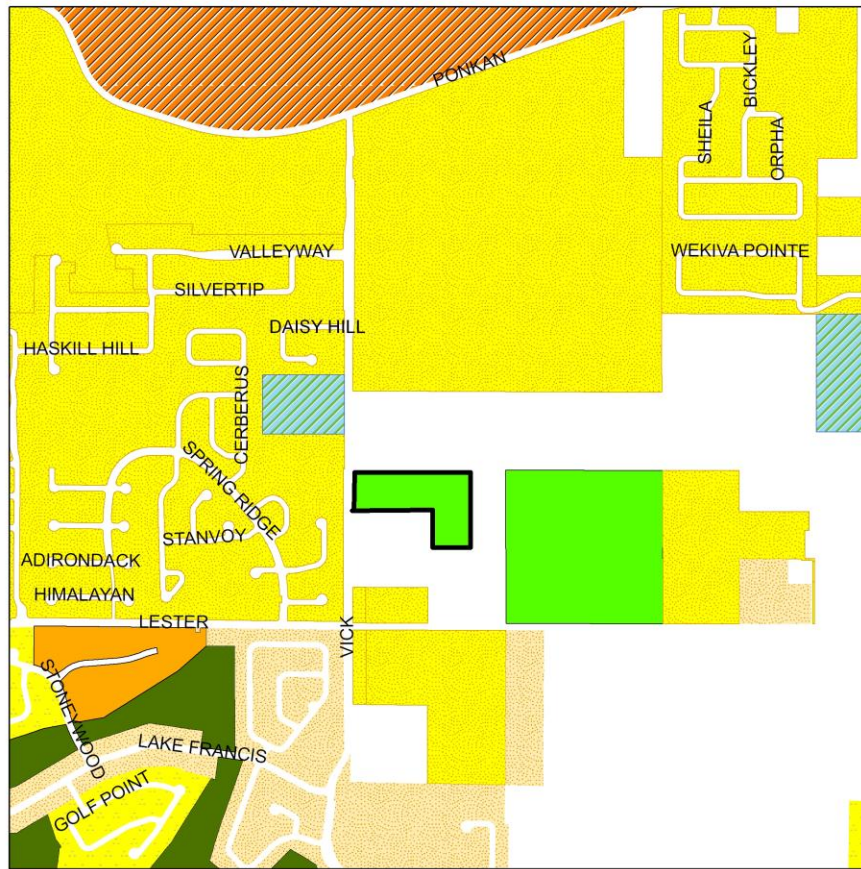
Existing Maximum Allowable Development: 29 Units (5 ac. x 4 du/ac) plus (4.97 ac x 2 du/ac)

Proposed Maximum Allowable Development: 2 Units (9.97 x one du per 5 acres)

Proposed Small Scale Future Land Use Change
From: "County" Low Density Residential (0-4 du/ac) &
"City" Residential Very Low Suburban (0-2 du/ac)

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

Parcel ID #s: 28-20-28-0000-00-010 & 28-20-28-0000-00-075



City of Apopka
Future Land Use Map



Legend	
Street_101014	Res. Medium
Subject Properties	Res. High
City Boundary	Mixed Use
JPA Boundary	Mixed Use*
Future Land Use	
Agriculture	Office
Agriculture Estates	Commercial
Agriculture Homestead	Commercial*
Rural Settlement	Industrial
Res. Estates	Industrial*
Res. Very Low Suburban	Institutional/Public Use
Res. Low Suburban	Conservation
Res. Low	Parks/Recreation
Res. Medium Low	ANNEX

0 0.04 0.08 0.16 0.24 0.32 Miles

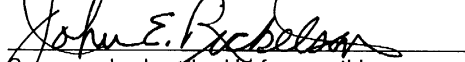
Source: City of Apopka and Orange County Property Appraiser
Note: This map was compiled from the Geographic Information Service and does not reflect an actual survey.
The City of Apopka does not assume responsibilities for errors or omissions contained hereon.

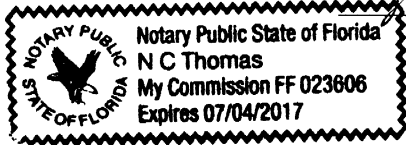


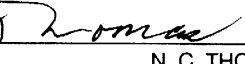
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **November 07, 2014**, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

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


Sworn and subscribed before me this
7th day of November, 2014, by John E. Ricketson,
who is personally known to me.




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

Public Notice

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on **Wednesday, November 19, 2014, at 8:00 p.m.**, or as soon thereafter as possible.

ORDINANCE NO. 2386

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

ORDINANCE NO. 2388

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

ORDINANCE NO. 2390

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) & "CITY" RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) TO "CITY" AGRICULTURE (1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF VICK ROAD, NORTH OF WEST LESTER ROAD, COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2391

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (0-4 DU/AC) (RESIDENTIAL) AND "CITY" R-1AA (0-10 DU/AC) TO "CITY" AG (1 DU/5 AC) (CONTAINER NURSERY) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LESTER ROAD, EAST OF VICK ROAD (2127 AND 2133 VICK ROAD), COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2392

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" I-1/I-5 (ZIP) (LIGHT INDUSTRIAL) TO "CITY" I-1 (INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF 13TH STREET, EAST OF LAMBING LANE, COMPRISING 2.3 ACRES MORE OR LESS, AND OWNED BY NORMAN E. SAWYER; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2393

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/HOSPITAL, MEDICAL OFFICE AND ACCESSORY USE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF HARMON ROAD, WEST OF OCOEE APOPKA ROAD, AND EAST OF S.R. 429, COMPRISING 33.7 ACRES, MORE OR LESS AND OWNED BY ADVENTIST HEALTH SYSTEM/SUNBELT, INC., DBA FLORIDA HOSPITAL APOPKA; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department

November 7, 2014
Publish: The Apopka Chief

Backup material for agenda item:

4. ORDINANCE NO. 2391- SECOND READING & ADOPTION - CHANGE OF ZONING - Metzler Family Trust, from "County" A-1 and "City" R-1AA to "City" AG, for property located east of Vick Road, north of West Lester Road. (Parcel ID #s: 28-20-28-0000-00-010 & 28-20-28-0000-00-075) [Ordinance No. 2391 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]



**CITY OF APOPKA
CITY COUNCIL**

X PUBLIC HEARING
ANNEXATION
PLAT APPROVAL
X OTHER: Ordinance

DATE: November 19, 2014
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Existing Uses
Current parcel configuration
Ordinance No. 2391

SUBJECT: ORDINANCE NO. 2391 - CHANGE OF ZONING - METZLER FAMILY TRUST, FROM "COUNTY" A-1 (0-4 DU/AC) (RESIDENTIAL) AND "CITY" R-1AA (0-10 DU/AC) TO "CITY" AG (1 DU/5 AC) (CONTAINER NURSERY)

Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2391 – CHANGE OF ZONING – METZLER FAMILY TRUST FROM "COUNTY" A-1 (0-4 DU/AC) (RESIDENTIAL) AND "CITY" R-1AA (0-10 DU/AC) TO "CITY" AG (1 DU/5 AC) (CONTAINER NURSERY). (PARCEL ID NO.S 28-20-28-0000-00-010 & 28-20-28-0000-00-075)

SUMMARY

OWNER/ APPLICANT: Metzler Family Trust, c/o Larry Metzler
LOCATION: North of Lester Road, east of Vick Road (2127 and 2133 Vick Rd.)
EXISTING USE: Container Nursery
FUTURE LAND USE: "City" Residential Very Low Suburban (2 du/ac) and "County" Low Density Residential (up to 4 du\ac)
ZONING: "City" R-1AA and "County" A-1
PROPOSED ZONING: "City" AG (1 du/5 ac) (Container Nursery) Note: this Change in Zoning request is being processed along with a request to change the Future Land Use Map designation from "City" Residential Very Low Suburban (2 du/ac) and "County" Low Density Residential (up to 4 du\ac) to "City" Agriculture (1 du/5 ac)
PROPOSED DEVELOPMENT: Container Nursery (existing)
TRACT SIZE: 9.97 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 29 Units (5 ac. x 4 du/ac) plus (4.97 ac x 2 du/ac)
PROPOSED: 2 Units (9.97 x one du per 5 acres)

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
Interim CA
Community Dev. Dir.

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject parcels were annexed into the City of Apopka on March 18, 1998 for Parcel # 28-20-28-0000-00-075, through the adoption of Ordinance No. 1151 and on October 1, 2014 for Parcel # 28-20-28-0000-00-010, through the adoption of Ordinance No. 2380. The proposed Small-Scale Future Land Use Amendment is requested by the owner, who has operated a foliage nursery at this site for more than a decade and desires to continue to do so for many years. Changing the zoning to Agriculture will also help preserve future agriculture tax credits with the Orange County Property Appraiser's office. 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. Pursuant to Florida law properties containing less than ten acres are eligible to be processed as a small-scale amendment, which does not require review by State planning agencies.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Agriculture (1 dwelling unit per 5 acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres.

SCHOOL CAPACITY REPORT: The proposed rezoning will result in a decrease in the number of residential units which could be developed at the subject property, resulting in fewer students than anticipated from the current zoning. A capacity enhancement agreement with OCPS is not necessary because the impacts on schools will be less than that generated by the current zoning.

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 September 24, 2014.

PUBLIC HEARING SCHEDULE:

October 21, 2014 – Planning Commission (5:01 pm)
November 5, 2014 - City Council (1:30 pm) - 1st Reading
November 19, 2014 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

October 3, 2014 – Public Notice and Notification
November 7, 2014 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 and “City” R-1AA to “City”AG for the parcel owned by Metzler Family Trust, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on October 21, 2014, recommended approval (7-0) of the change in Zoning from “County” A-1 and “City” R-1AA to “City”AG for the parcel owned by Metzler Family Trust, subject to the information and findings in the staff report.

The **City Council**, at its meeting on November 5, 2014, accepted the First Reading of Ordinance No. 2391 and held it over for Second Reading and Adoption on November 19, 2014.

Adopt Ordinance No. 2391.

Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into 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)	Low Density Residential (0-4 du/ac)	A-1	Grazing
East (County)	Low Density Residential (0-4 du/ac)	A-1	Manufactured Home
South (County)	Low Density Residential (0-4 du/ac)	A-1	Manufactured Home
West (City)	Residential Low Suburban (0-3.5 du/ac)	PUD	Spring Ridge Subdivision

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Lakeville Road). Zoning currently assigned to the property, R-1AA and A-1, allows a minimum lot size of 12,500 sq. ft. and 5 acres, respectively. The proposed change of zoning to AG limits lot size to a minimum of 5 acres.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City’s Agriculture (1 du/5 ac) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Residential Low Density 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: NA for non-residential use
- Minimum Site Area: 5 acres, or 217,800 sq. ft.
- Minimum Lot Width: None
- Setbacks: Front: 100 ft.
- Rear: 100 ft.
- Side: 100 ft.
- Corner: 100 ft.

Based on the above zoning standards, the existing 9.97 acre parcels and container nursery comply with code requirements for the AG district.

**ALLOWABLE
 USES:**

Agricultural production and associated residential dwelling units, as well as office and accessory buildings in conjunction with commercial agriculture uses for packing, shipping, and storage purposes. Commercial wholesale foliage plant production nursery, tenant dwellings, for year-round employees, on the basis of one dwelling unit for each five acres of land, provided such dwellings are accessory to the principal use of land. Also allowed are live-stock barns and stables; crops and animal production; the buildings and structures necessary to support such production; Kennels; Single-family dwellings, including mobile homes, and their customary accessory structures and uses in accordance with article VII of the Code; and Apiaries.

**Metzler Family Trust
9.97 +/- Acres**

Existing Maximum Allowable Development: 29 Units (5 ac. x 4 du/ac) plus (4.97 ac x 2 du/ac)

Proposed Maximum Allowable Development: 2 Units (9.97 x one du per 5 acres)

Proposed Small Scale Future Land Use Change

**From: "County" Low Density Residential (0-4 du/ac) &
"City" Residential Very Low Suburban (0-2 du/ac)**

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

Proposed Zoning Change

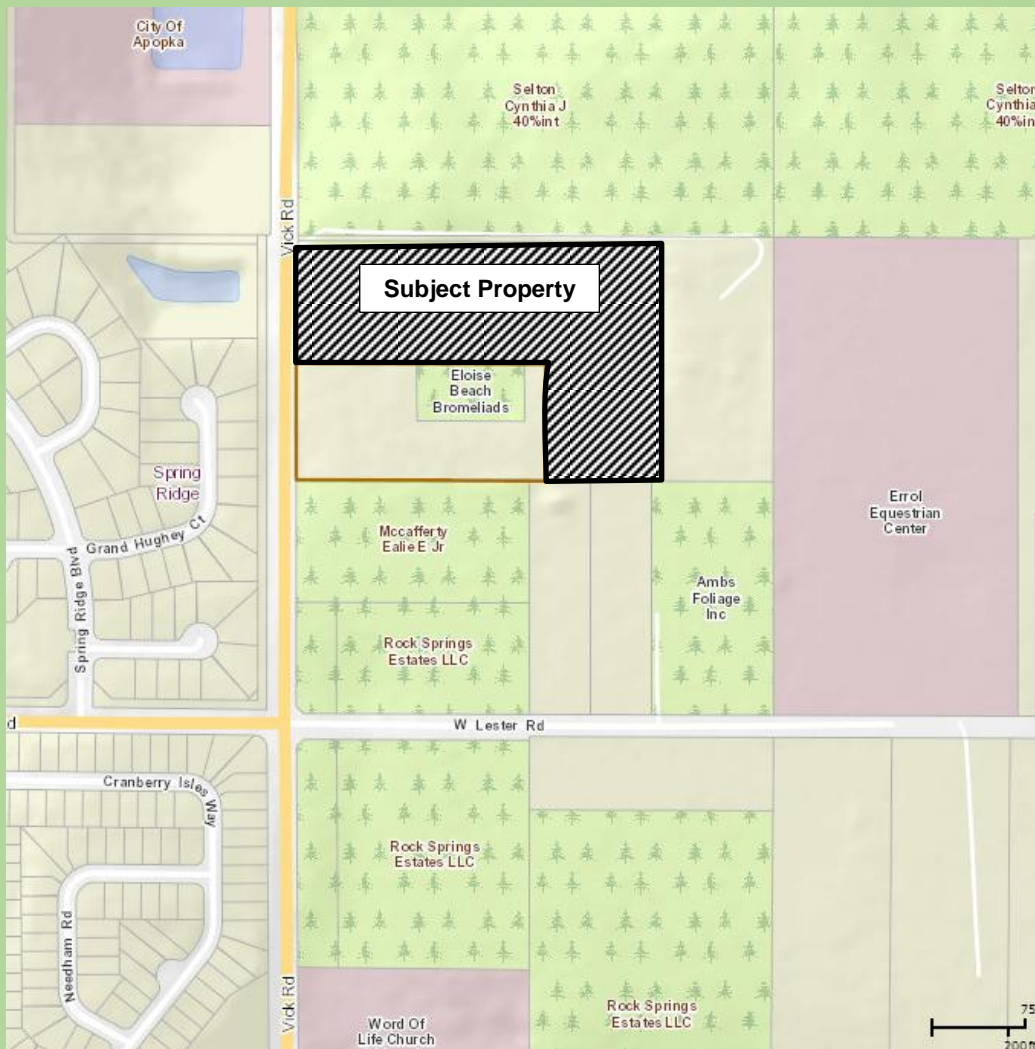
From: "County" A-1 & "City" R-1AA

To: "City" AG

Parcel ID #s: 28-20-28-0000-00-010 & 28-20-28-0000-00-075

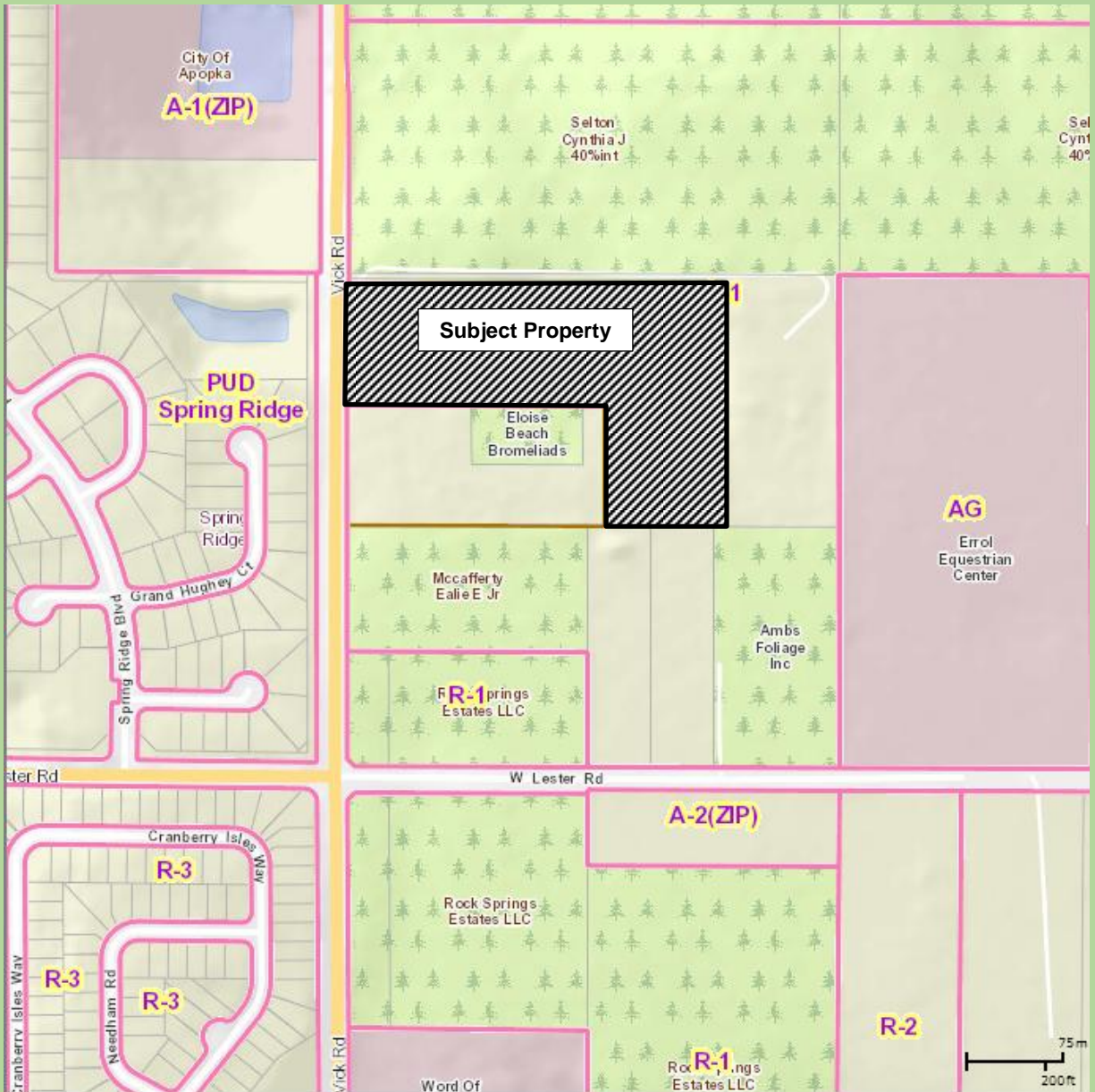


VICINITY MAP





ADJACENT ZONING

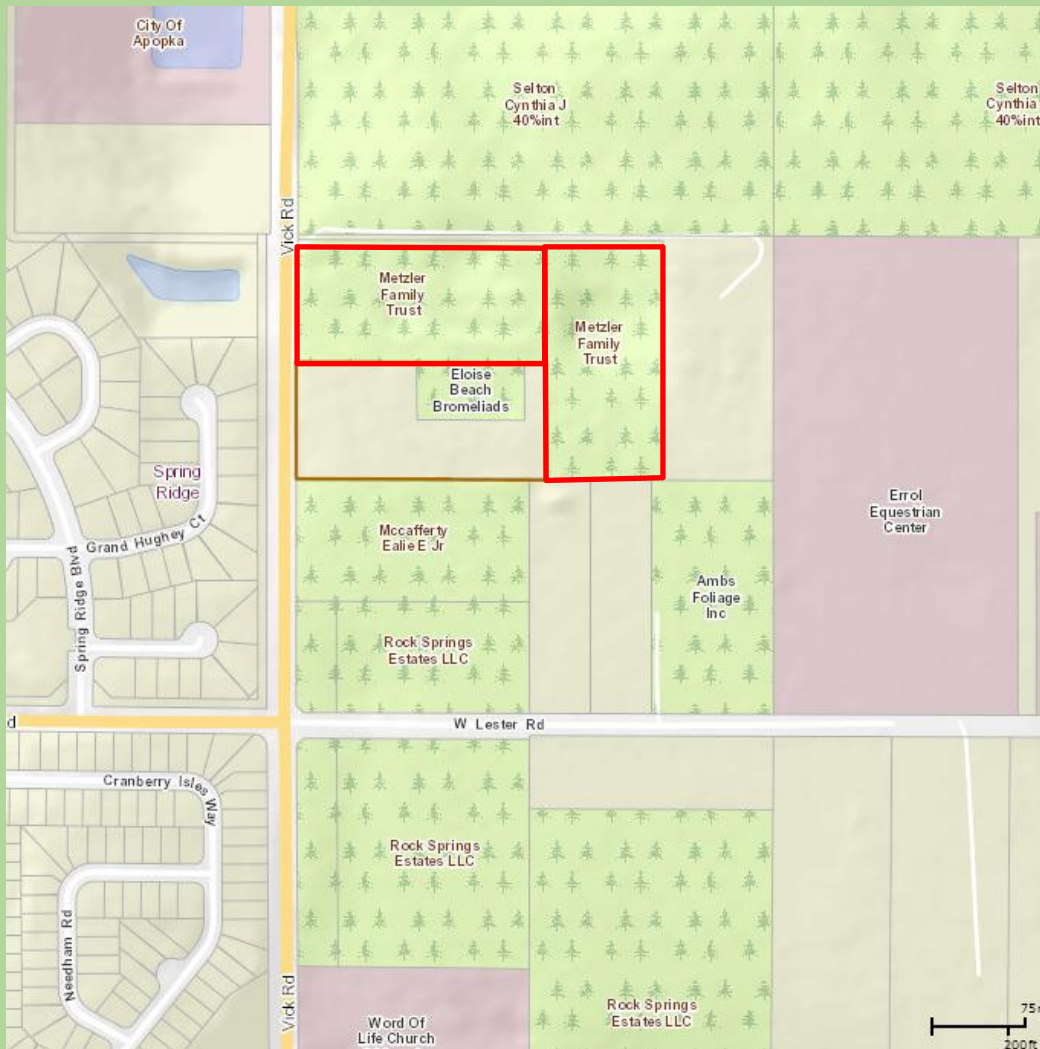




ADJACENT USES



CURRENT PARCEL CONFIGURATION



ORDINANCE NO. 2391

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (0-4 DU/AC) (RESIDENTIAL) AND “CITY” R-1AA (0-10 DU/AC) TO “CITY” AG (1 DU/5 AC) (CONTAINER NURSERY) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LESTER ROAD, EAST OF VICK ROAD (2127 AND 2133 VICK ROAD), COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY 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:

The West 318 feet of the East 620.1 feet of the North ½ of the Southwest ¼ of the Southwest ¼, Section 28, Township 20 South, Range 28 East, Orange County, Florida, LESS the North 15 feet thereof; AND the South 15 feet of the North 30 feet of the West 711 feet of the North ½ Of the Southwest ¼ of the Southwest ¼, Section 28, Township 20 South, Range 28 East, Orange County, Florida, LESS the West 30 feet for road and less that portion taken for Road Right of Way as recorded in Official Records Book 5009, Page 1243, Public Records of Orange County, Florida.

Parcel ID # 28-20-28-0000-00-010

FLU - From “County” Low Density Residential (0-4 du/ac)
To “City” Agriculture (1 du/5 ac)

ZONING -From “County” A-1
To “City” AG

5.00 acres +/-

And

The North 348 feet(except the North 30 feet thereof)of the West 711 feet of the North ½ of the Southwest ¼ of the Southwest ¼ of Section 28, Township 20 South, Range 28 East, (less the West 30 feet thereof for Road), in Orange County, Florida.

Parcel ID # 28-20-28-0000-00-075

FLU - From “City” Residential Very Low Suburban (0-2 du/ac)
To “City” Agriculture (1 du/5 ac)

ZONING -From “City” R-1AA
To “City” AG

4.97 acres +/-

9.97 +/- Combined Acres

ORDINANCE NO. 2391

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. The Community Development Director shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

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

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

Section VI. That this Ordinance shall take effect upon the effective date of City of Apopka Ordinance No. 2390.

READ FIRST TIME: November 5, 2014

READ SECOND TIME
AND ADOPTED: November 19, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, Esq., City Attorney

DULY ADVERTISED: October 3, 2014
 November 7, 2014

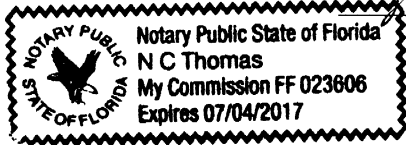
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: November 07, 2014, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

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

Sworn and subscribed before me this 7th day of November, 2014, by John E. Ricketson, who is personally known to me.



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

Public Notice

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinances be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, November 19, 2014, at 8:00 p.m., or as soon thereafter as possible.

ORDINANCE NO. 2386

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

ORDINANCE NO. 2388

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

ORDINANCE NO. 2390

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) & "CITY" RESIDENTIAL VERY LOW SUBURBAN (0-2 DU/AC) TO "CITY" AGRICULTURE (1 DU/5 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF VICK ROAD, NORTH OF WEST LESTER ROAD, COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2391

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (0-4 DU/AC) (RESIDENTIAL) AND "CITY" R-1AA (0-10 DU/AC) TO "CITY" AG (1 DU/5 AC) (CONTAINER NURSERY) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF LESTER ROAD, EAST OF VICK ROAD (2127 AND 2133 VICK ROAD), COMPRISING 9.97 ACRES MORE OR LESS, AND OWNED BY METZLER FAMILY TRUST; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2392

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" I-1/I-5 (ZIP) (LIGHT INDUSTRIAL) TO "CITY" I-1 (INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF 13TH STREET, EAST OF LAMBING LANE, COMPRISING 2.3 ACRES MORE OR LESS, AND OWNED BY NORMAN E. SAWYER; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 2393

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/HOSPITAL, MEDICAL OFFICE AND ACCESSORY USE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF HARMON ROAD, WEST OF OCOEE APOPKA ROAD, AND EAST OF S.R. 429, COMPRISING 33.7 ACRES, MORE OR LESS AND OWNED BY ADVENTIST HEALTH SYSTEM/SUNBELT, INC., DBA FLORIDA HOSPITAL APOPKA; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

City of Apopka City Council
Community Development Department

November 7, 2014
Publish: The Apopka Chief

Backup material for agenda item:

5. ORDINANCE NO. 2392- SECOND READING & ADOPTION - CHANGE OF ZONING – Norman E. Sawyer, from “County” I-1/I-5 (ZIP) (Industrial) to “City” I-1 (Industrial) AG, for property located north of 13th Street, east of Lambing Lane. (Parcel ID #s: 15-21-28-0000-00-095 & 15-21-28-0000-00-096) [Ordinance No. 2392 meets the requirements for adoption having been advertised in The Apopka Chief on November 7, 2014.]



**CITY OF APOPKA
CITY COUNCIL**

PUBLIC HEARING
 ANNEXATION
 PLAT APPROVAL
 OTHER: Ordinance

DATE: November 19, 2014
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Current Parcel Configuration
Ordinance No. 2392

SUBJECT: ORDINANCE NO. 2392 - CHANGE OF ZONING – NORMAN E. SAWYER, FROM “COUNTY” I-1/I-5 (ZIP) (LIGHT INDUSTRIAL) TO “CITY” I-1 (INDUSTRIAL)

Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2392 – CHANGE OF ZONING – NORMAN E. SAWYER, FROM “COUNTY” I-1/I-5 (ZIP) (LIGHT INDUSTRIAL) TO “CITY” I-1 (INDUSTRIAL). (PARCEL ID NOS 15-21-28-0000-00-095 & 15-21-28-0000-00-096)

SUMMARY

OWNER/APPLICANT: Norman E. Sawyer
LOCATION: North of 13th Street, East of Lambing Lane
EXISTING USE: Two (2) single-family residences, 1 mobile home
FUTURE LAND USE: Industrial
ZONING: “County” I-1/I-5 (Light Industrial)
PROPOSED DEVELOPMENT: Light Industrial or commercial. No development plans have been submitted to the City.
PROPOSED ZONING: I-1 (Restricted Industrial) -- Min. 15,000 Sq. Ft. Lot
TRACT SIZE: 2.3 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 60,113 sq. ft.
PROPOSED ZONING: 60,113 sq. ft.

DISTRIBUTION

Mayor Kilsheimer
Commissioners (4)
Interim CA
Community Dev. Dir.
Finance Dir.
HR Director
IT Director
Police Chief
Public Ser. Dir. (2)
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on January 16, 2008, through the adoption of Ordinance No. 2009. The proposed zoning change is compatible with the character of the surrounding area. As the Property is assigned a Future Land Use Designation of Industrial, the property owner desires to assign a compatible City zoning category. A city zoning category currently is not assigned to the Property. Prior to annexation into the City, the Property was assigned an I-1/I-5 zoning category by Orange County government.

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).

COMPREHENSIVE PLAN COMPLIANCE: The proposed I-1 rezoning is consistent with the Future Land Use Designation of Industrial that is assigned to the property. Site development cannot exceed the densities or intensities allowed by the Future Land Use policies. Development standards for the proposed I-1 zoning category establish a minimum lot area standard of 15,000 sq. ft.

SCHOOL CAPACITY REPORT: The proposed zoning is for a non-residential use. Therefore, a school capacity enhancement agreement 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 September 24, 2014.

PUBLIC HEARING SCHEDULE:

October 21, 2014 – Planning Commission (5:01 pm)
November 5, 2014 - City Council (1:30 pm) - 1st Reading
November 19, 2014 – City Council (8:00 pm) - 2nd Reading

DULY ADVERTISED:

October 3, 2014 – Public Notice and Notification
November 7, 2014 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” I-1/I-5 (ZIP) (Light Industrial) to “City” I-1 (Restricted Industrial) for the property owned by Norman E. Sawyer subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on October 21, 2014, recommended approval (7-0) of the change in Zoning from “County” I-1/I-5 (ZIP) (Light Industrial) to “City” I-1 (Restricted Industrial) for the property owned by Norman E. Sawyer subject to the information and findings in the staff report.

The **City Council**, at its meeting on November 5, 2014, accepted the First Reading of Ordinance No. 2392 and held it over for Second Reading and Adoption on November 19, 2014.

Adopt Ordinance No. 2392.

Note: This item is considered quasi-judicial. The staff report and its findings are to be incorporated into 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)	Low Density Residential (0-4 du/ac)	R-1	Single-Family Homes
East (County)	Low Density Residential (0-4 du/ ac)	R-1	Single-Family Homes
South County South (City)	Industrial (County) Institutional/Public Use (City)	A-1 (ZIP), PO/I	Warehousing Church
West (County)	Industrial	R-T-2	Manufactured Homes

**LAND USE &
 TRAFFIC COMPATIBILITY:**

The subject property fronts a major collector roadway (Apopka Boulevard) to the north and is bordered to the west by a local street – Lambing Lane.

The area along 13th Street to the south contains uses compatible with light industrial, including warehousing and religious uses that transition to manufactured homes to the west and more commercial zoning and uses to the east.

**COMPREHENSIVE
 PLAN COMPLIANCE:**

The proposed I-1 zoning is consistent with the City’s Industrial Future Land Use category. Development Plans shall not exceed the intensity allowed in the adopted Future Land Use Designation.

**I-1 DISTRICT
 REQUIREMENTS:**

Minimum Site Area: 15,000 sq. ft.
 Minimum Lot Width: 100 sq. ft.
 Setbacks- Front: 25 ft.
 Rear: 10 ft. (30 ft. abutting residential)
 Side: 10 ft.
 Corner: 25 ft.

**ALLOWABLE
 USES:**

Wholesale distribution, storage, and light manufacturing.

Norman E. Sawyer
2.3 +/- Acres
Existing Maximum Allowable Development: 60,113 sq. ft.
Proposed Maximum Allowable Development: 60,113 sq. ft.
Proposed Zoning Change
From: “County” I-1/I-5 (ZIP) (Light Industrial)
To: “City” I-1 (Restricted Industrial)
Parcel ID #s: 15-21-28-0000-00-095 & 15-21-28-0000-00-096

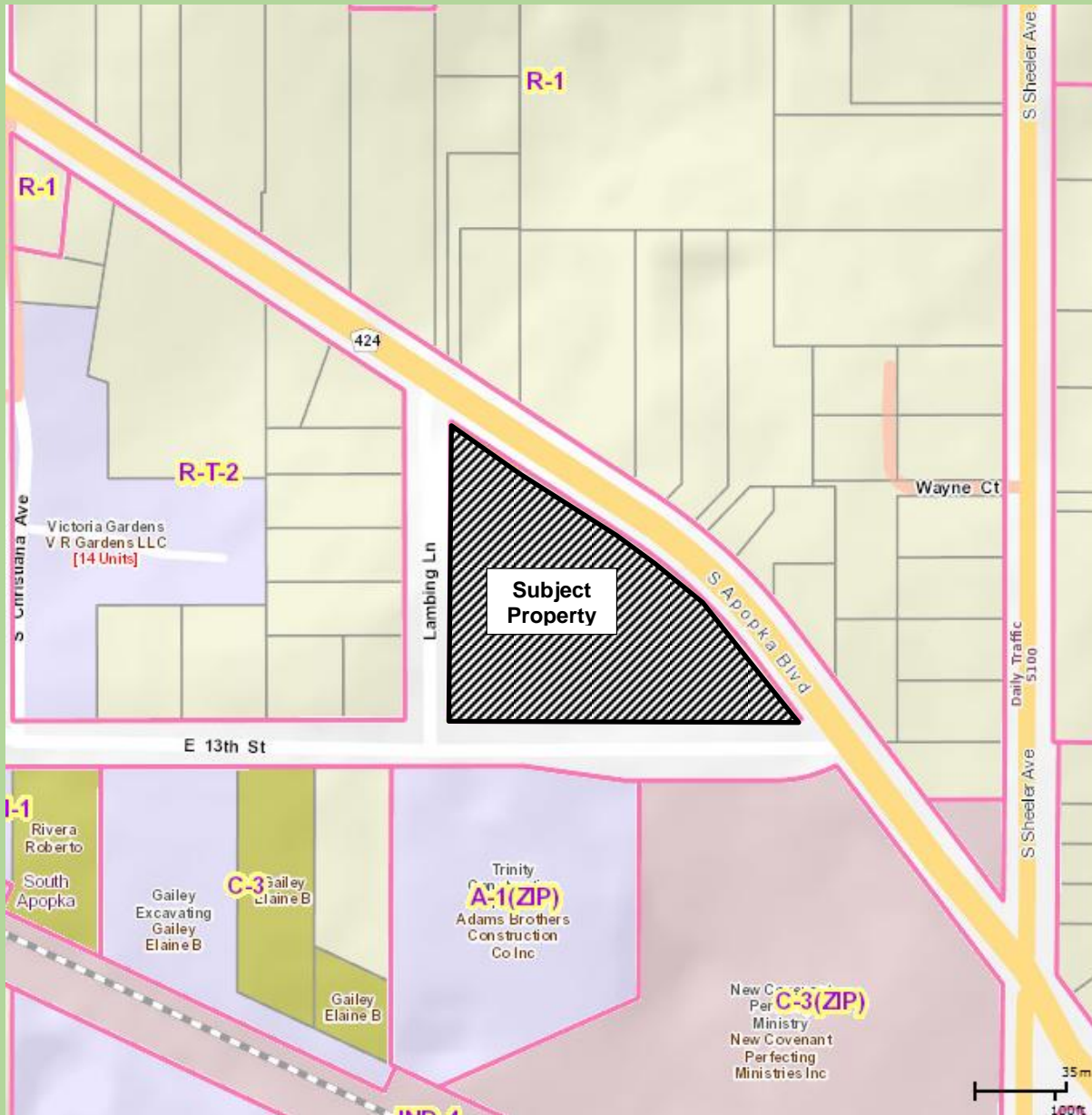


VICINITY MAP



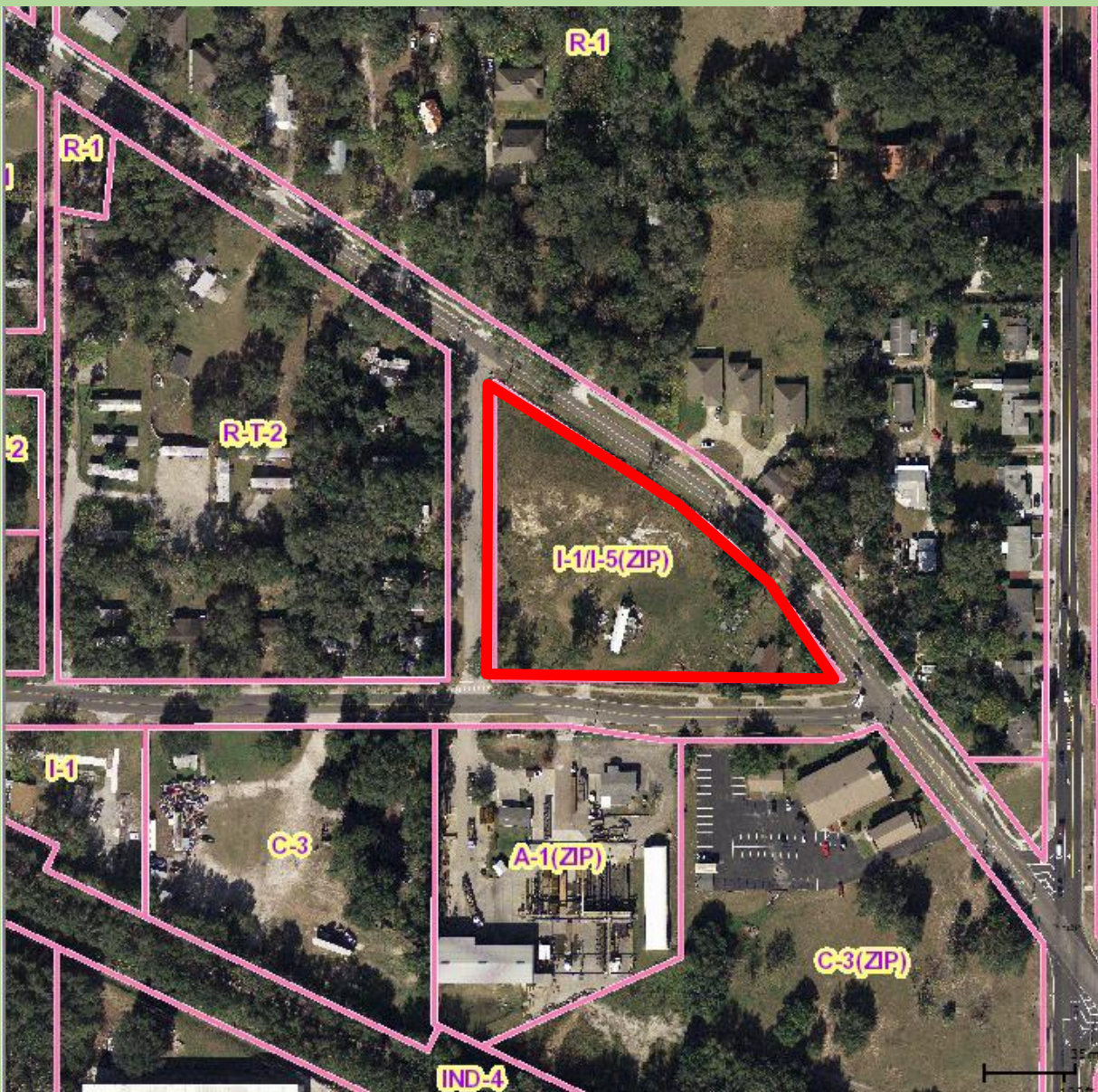


ADJACENT ZONING





ADJACENT USES





PARCEL CONFIGURATION



ORDINANCE NO. 2392

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” I-1/I-5 (ZIP) (LIGHT INDUSTRIAL) TO “CITY” I-1 (INDUSTRIAL) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF 13TH STREET, EAST OF LAMBING LANE, COMPRISING 2.3 ACRES MORE OR LESS, AND OWNED BY NORMAN E. SAWYER; 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 I-1 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 I-1, as defined in the Apopka Land Development Code.

Legal Description:

1169 Lambing Lane:

The East 110 feet of the West ½ of the Southeast ¼ of the Northeast ¼, lying South of paved road, less the West 20 feet thereof for road right-of-way, and less road right-of-way on the South, in Section 15, Township 21 South, Range 28 East, Orange County, Florida.

Parcel ID # 15-21-28-0000-00-095

0.74 acre +/-

1184 South Apopka Boulevard:

All of the Southeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 15, Township 21 South, Range 28 East, lying South and West of Old Apopka Highway, less road right-of-way on the South, Orange County, Florida.

Parcel ID # 15-21-28-0000-00-096

1.60 acres +/-

2.3 +/- Combined Acres

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

Section III. That the Community Development Director, or the Director’s designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation. The Community Development Director shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

ORDINANCE NO. 2392

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 immediately.

READ FIRST TIME: November 5, 2014

READ SECOND TIME
AND ADOPTED: November 19, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

APPROVED AS TO FORM:

Clifford B. Shepard, Esq., City Attorney

DULY ADVERTISED: October 3, 2014
 November 7, 2014

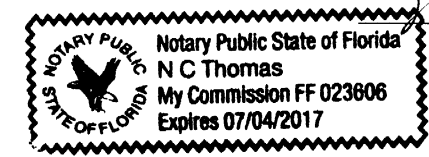
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of THE APOPKA CHIEF, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: November 07, 2014, as well as being posted online at www.theapokkachief.com and www.floridapublicnotices.com

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

Sworn and subscribed before me this 7th day of November, 2014, by John E. Ricketson, who is personally known to me.



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

Public Notice

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinances be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, November 19, 2014, at 8:00 p.m., or as soon thereafter as possible.

ORDINANCE NO. 2388

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

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ORDINANCE NO. 2391

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ORDINANCE NO. 2392

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ORDINANCE NO. 2393

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (ZIP) TO "CITY" PLANNED UNIT DEVELOPMENT (PUD/HOSPITAL, MEDICAL OFFICE AND ACCESSORY USE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF HARMON ROAD, WEST OF OCOEE APOPKA ROAD, AND EAST OF S.R. 429, COMPRISING 33.7 ACRES, MORE OR LESS AND OWNED BY ADVENTIST HEALTH SYSTEM/SUNBELT, INC., DBA FLORIDA HOSPITAL APOPKA; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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City of Apopka City Council
Community Development Department

November 7, 2014
Publish: The Apopka Chief

Backup material for agenda item:

1. Administrative Report

Administrative Report



Presented To: Mayor and City Council

November 19, 2014

A.S.K. Apopka Service Kiosk November 2013 – October 2014



Information Technology

January - October

Homepage Visits



Building Webpage Visits



Finance

January - October

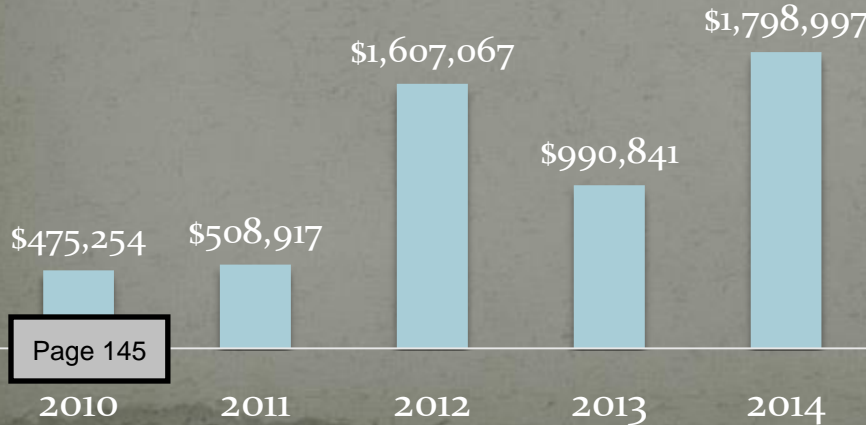
Sewer Impact



Water Impact



Transportation Impact



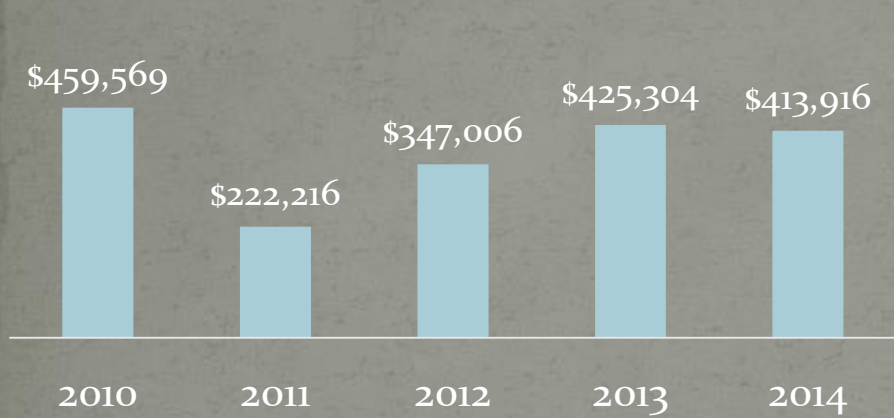
School Impact



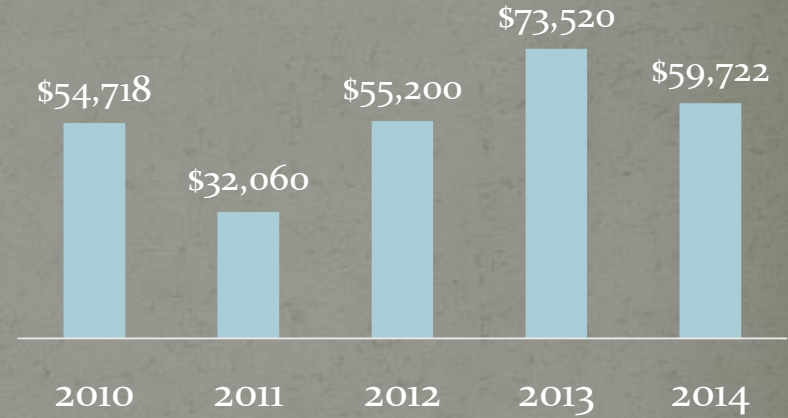
Finance

January - October

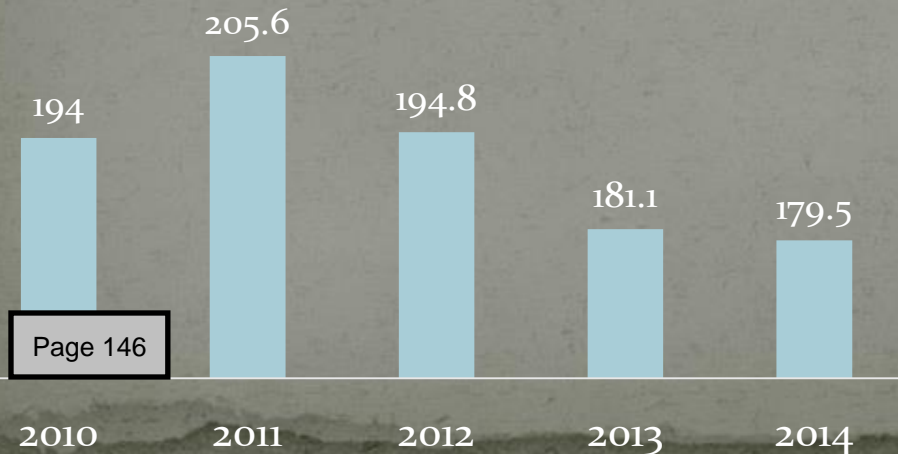
Reuse Impact



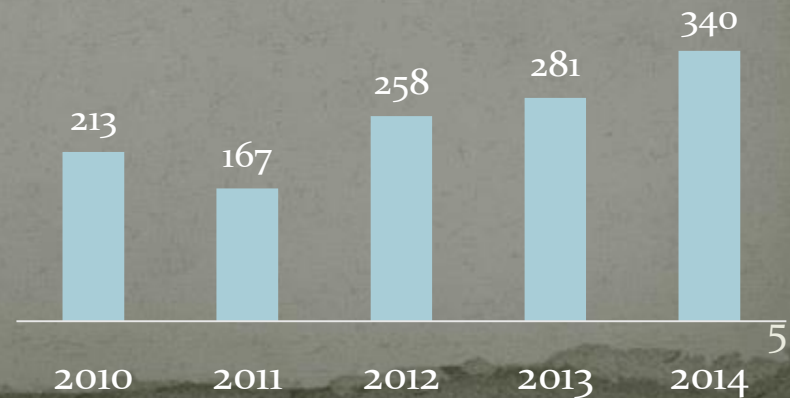
Recreation Impact



Average Potable Water Billed



New Potable Meters Set



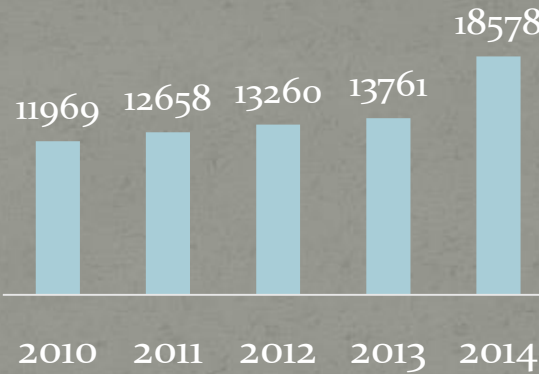
Finance - Utility Billing

January - October

Web



Office Window



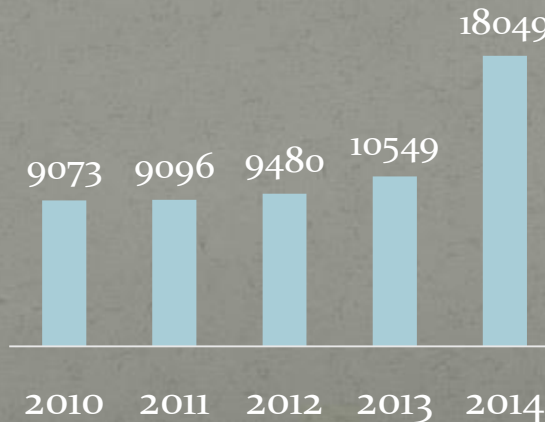
Mailed



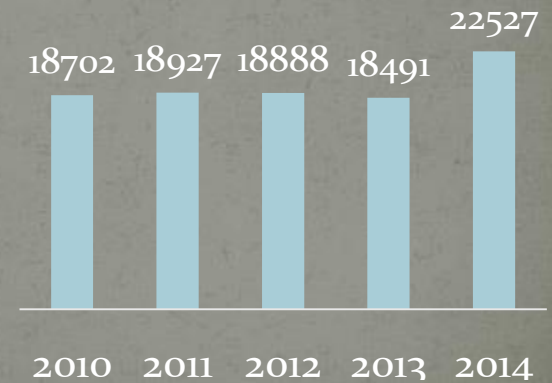
Drop Box



ACH



Drive-Up Window



Community Development

January - October

Arbor Permits



Arbor Revenues



Tree Bank Revenues



Community Development - Building

January - October

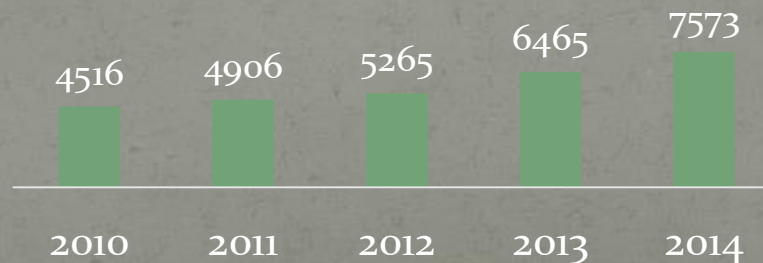
Automated Phone System Requests



Internet Inspection Requests



Office Inspection Requests



Community Development - Building

January - October

Value of

Construction

Permits Issued



Certificates of Occupancy Issued



Inspections Performed



Public Services – Water Plants

January - October

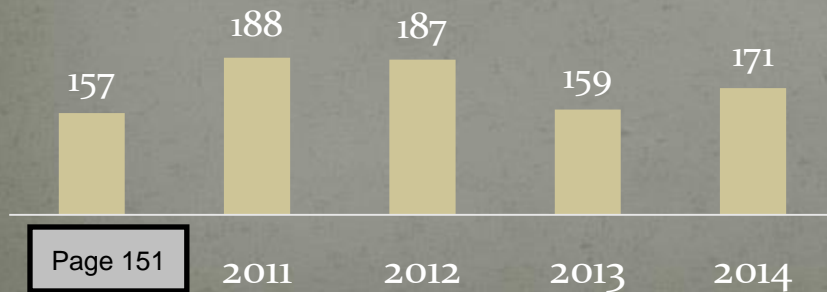
Water Plant – Average Daily Flow



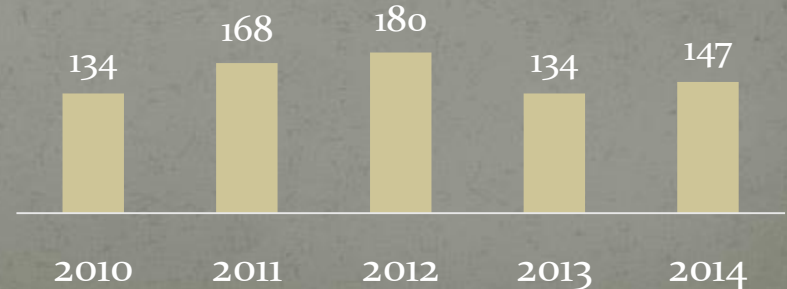
Wastewater Plant Average Daily Flow



Reclaimed Gallons Produced



Reclaimed Gallons Used



Public Services - Sanitation

January - October

Residential Customers



Commercial Customers



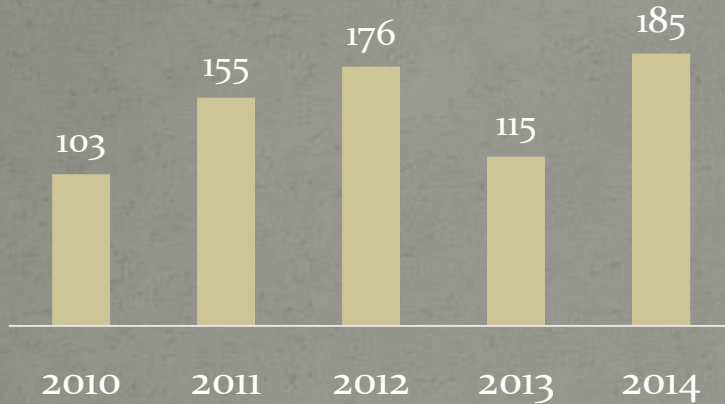
Recycling Customers



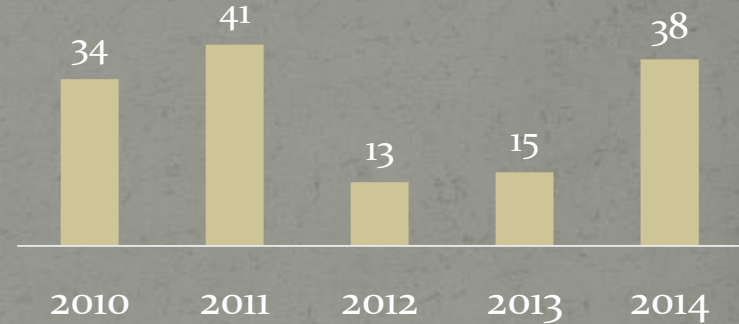
Public Services - Water Conservation

January - October

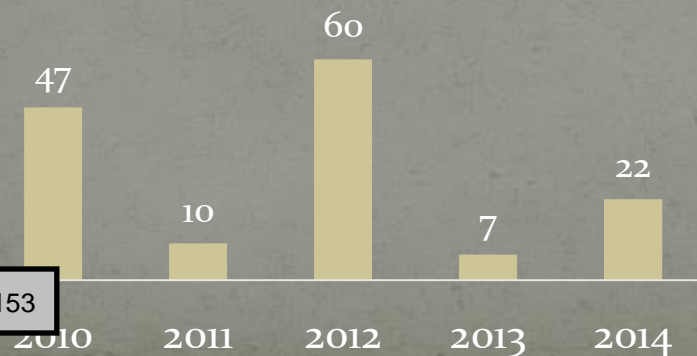
System Evaluations



Rain Sensors Issued



Program Rebates



Rebate Value



Public Services - Recreation

January - October

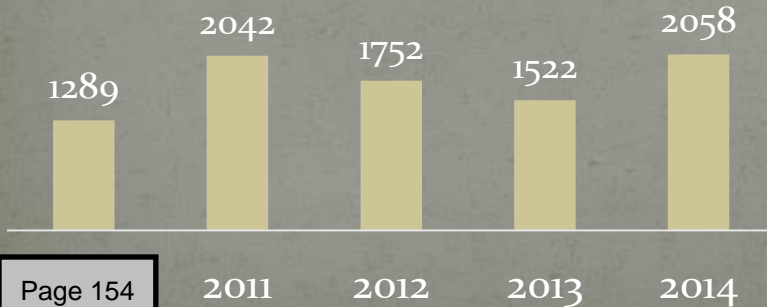
League Events



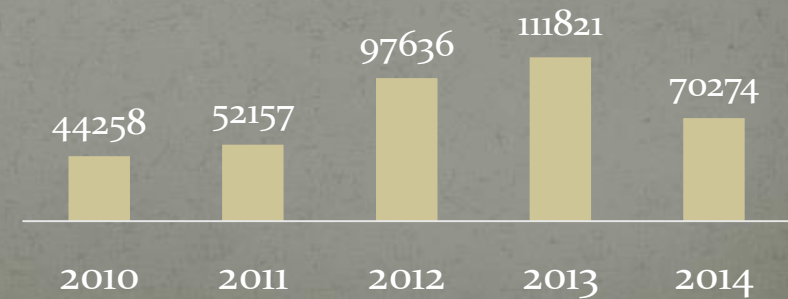
Senior Events



Facility Events



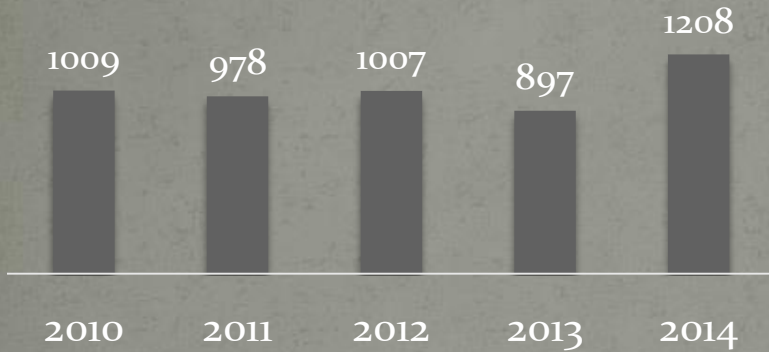
Special Events Attendees



Fire

January - October

NFIRS Calls For Service



EMS Calls For Service



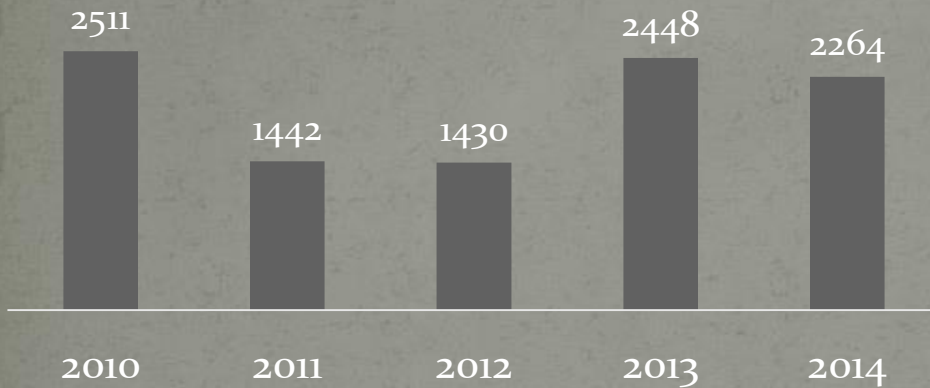
Annual Inspections



Police

January - October

Uniform Traffic Citations



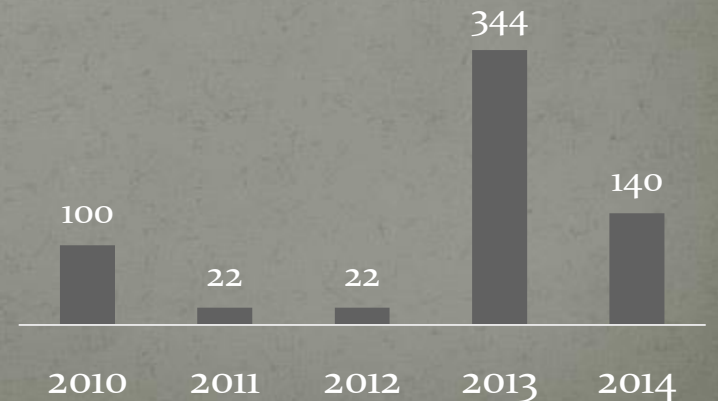
DUI Arrests



Warning Citations



Parking Citations



Police - Code Enforcement

January - October

Unkempt Cases



Disabled Vehicle Cases



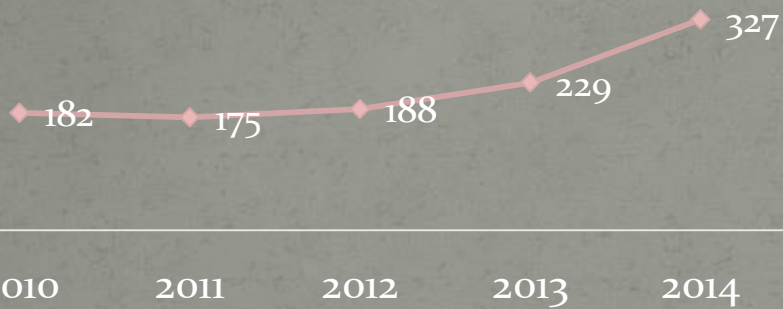
Total Code Enforcement Cases



Administrative Services

January - October

New Business Tax



Business Tax Renewals



