



AGENDA

APOPKA CITY COUNCIL MEETING @ 1:30 PM City Hall Council Chamber 120 East Main Street – Apopka, Florida 32703 April 01, 2015

INVOCATION

Reverend Gerard Moss - St. Paul AME Church

PLEDGE OF ALLEGIANCE

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

EMPLOYEE RECOGNITION

1. Lawrence Brown – Public Services/Sanitation – Fifteen Year Service Award
2. Anastacio Navarro – Public Services/Sanitation – Fifteen Year Service Award
3. Carl Jones – Public Services/Administration – Twenty-Five Year Service Award

PRESENTATIONS

1. National Telecommunicator's Week Proclamation - Presented to Donna Saladin, Communications Director
2. Water Conservation Month Proclamation - Presented to Jean Jreij, Public Services Director

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on March 4, 2015, at 1:30 p.m.

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

REGULAR AGENDA

1. Award the contract to Reiss Engineering, Inc., to perform a water, sanitary sewer and reclaimed water impact fees and rates update study and bond engineers report, in the amount of \$66,819.00, and approve a contingency fund in the amount of \$6,600.00.
2. Authorize the execution of the interagency agreement, between the City of Apopka and the Seminole County Sheriff's Office, to transition to the CAFEWEB Computer Aided Dispatch System.

SPECIAL REPORTS AND PUBLIC HEARINGS

ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2411 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – McCarthy McCollough, from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000-00-003) [Ordinance No. 2411 meets the requirements for adoption having been advertised in The Apopka Chief on March 20, 2015.]
2. ORDINANCE NO. 2412 – SECOND READING & ADOPTION - CHANGE OF ZONING – McCarthy McCollough, from “County” A-1 (Agriculture) to “City” AG (0-1 du/5 ac) (Agriculture) and RCE-1 for property located at 1505 West Kelly Park Road. (Parcel ID #: 08-20-28-0000-00-003) [Ordinance No. 2412 meets the requirements for adoption having been advertised in The Apopka Chief on March 20, 2015.]
3. ORDINANCE NO. 2386 – FIRST READING - CHANGE OF ZONING - Florida Land Trust #111 – ZDA at Sandpiper, LLC - From “County” PD to “City” Planned Unit Development (PUD/R-1A) for property located south of Sandpiper Street, west of North Thompson Road, east of Ustler Road. (Parcel ID Nos.: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-

023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, and 03-21-28-0000-00-119)

4. ORDINANCE NO. 2388 – FIRST READING - Amending the City of Apopka, Code of Ordinances, Part III, Land Development Code, Section III – Overlay Zones - To create a new Section 3.05 entitled “Designated Grow Area Overlay District.”
5. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [NOTE: City Council, at its meeting on March 18, 2015, tabled the first reading of Ordinance No. 2405 until the April 1, 2015, City Council meeting.]
6. ORDINANCE NO. 2413 – FIRST READING - 2015-2 ADMINISTRATIVE REZONING – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for Certain real properties generally located within the city limits of Apopka, comprising 274.64 Acres, more or less, and owned by Always Growing Trees, Inc.; Chester S. Peckett Trust; Peckett Family Trust; Christopher Johnson; David and Sue Hill; Donald And Debra Kirkland; DRK Inc.; Earl Gaylon Ward Estate; Franklin and Jacqueline King; J and L Gardenias, Inc.; James and Linda King; Joseph and Donna Cox; Kenneth and Harvey Morris; Patricia Bartlett; Project Orlando LLC; Robert Brantley; Rockwood Groves LLC; Shirley Dobbs; T. O. Mahaffey Jr.; and William M Duval Trust.
7. ORDINANCE NO. 2414 – FIRST READING - 2015-2 ADMINISTRATIVE REZONING – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for certain real properties generally located within the city limits of Apopka, comprising 23.78 Acres, more or less, and owned by John and Joanne Ault; Beverly Safier; Donald and Donna Thomas; and Phillip and Peggy Dionne.
8. ORDINANCE NO. 2415 – FIRST READING – Amending the City of Apopka, Code of Ordinances, Section 2, Division 2, Chapter 2 to create Subsection 2-123 entitled “Pass-Through Fees.”
9. RESOLUTION NO. 2015-09 - Authorizing the issuance and execution of a promissory note with Whitney Bank D/B/A Hancock Bank in the aggregate principal amount not to exceed \$1,000,000 for the acquisition of various public safety vehicles including a fire heavy rescue truck, a fire replacement 4x4 vehicle and ten police vehicles.

SITE APPROVALS

DEPARTMENT REPORTS AND BIDS

MAYOR'S REPORT

- [1.](#) Ratify Appointment to Planning Commission - Tony Foster

OLD BUSINESS

1. COUNCIL
2. PUBLIC

NEW BUSINESS

1. COUNCIL
2. PUBLIC

ADJOURNMENT

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

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

Backup material for agenda item:

1. Approve the minutes from the regular City Council meeting held on March 4, 2015, at 1:30 p.m.

CITY OF APOPKA

Minutes of the regular City Council meeting held on March 4, 2015, at 1:30 p.m., in the City of Apopka Council Chambers.

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

ABSENT: Commissioner Billie Dean

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

INVOCATION – Mayor Kilsheimer introduced Sr. Pastor Kevin Goza of Trinity Baptist Church, who gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on March 1, 1961, President John F. Kennedy issued an executive order establishing the Peace Corps following up on his inaugural address where he challenged America's youth *"to ask not what your country can do for you, ask what you can do for your country."* The program was designed to promote world peace and friendship by sending trained, American volunteers to assist in development efforts. In all, more than 180,000 Americans have joined the Peace Corps since 1961 serving in 134 Nations. He asked everyone to reflect on the selflessness of our Peace Corps volunteers who help promote peace through service throughout the world as he led in the Pledge of Allegiance.

Mayor Kilsheimer recognized Orange County School Board member Christine Moore. Ms. Moore said she wanted to publicly thank the City for all of the collaboration and cooperation with the Sixth Annual Apopka Arts and Jazz Festival. She stated they normally raise approximately \$20,000, but this event was more about the children having the opportunity to perform and display their art. She affirmed 31 schools participated in the event with Apopka High School and Wekiva High School being the hosts.

EMPLOYEE RECOGNITION

1. **Patricia Arnold – Public Services/Waste Water Plant – Five Year Service Award -** Patricia began working for the City on February 8, 2010, as an Assistant Laboratory Technician, which is her current position. The City Council joined Mayor Kilsheimer in congratulating Patricia on her years of service to the City.

PRESENTATIONS

1. **Art & Foliage Festival Proclamation** – Mayor Kilsheimer read a Proclamation in recognition of the 54th Art & Foliage Festival, and then presented it to Dena Morrow, President of the Apopka Women's Club.

CONSENT AGENDA

1. Approve the minutes from the regular City Council Meeting held on February 18, 2015 at 7:00 p.m.
2. Approve the allocation of funds, in the amount of \$500.00, to purchase art at the 54th annual Art & Foliage Festival to be held on April 25th and 26th, 2015.
3. Authorize the Mayor, or his designee, to sign an agreement with Orange County for the wholesale delivery and use of reclaimed water to the City of Apopka.
4. Authorize the purchase and funding of property from the Engelmann Holding Company, in the amount of \$140,400.00, plus the appraisal and half of the closing cost, which shall not exceed \$3,000.00.
5. Authorize the expenditure, in the amount of \$20,982.00, from the Law Enforcement Trust Fund to replace and upgrade the Police Department's weapons.
6. Approve the Disbursement Report for the month of February, 2015.

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

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

ORDINANCES AND RESOLUTIONS

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

ORDINANCE NO. 2408

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

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

MOTION by Commissioner Velazquez and seconded by Commissioner Ruth to adopt Ordinance No. 2408. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Velazquez, and Ruth voting aye.

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

ORDINANCE NO. 2409

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF WEST KELLY PARK ROAD, EAST OF GOLDEN GEM ROAD, COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY LESLIE AND NANCY HEBERT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION by Commissioner Arrowsmith and seconded by Commissioner Ruth to adopt Ordinance No. 2409. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Velazquez, and Ruth voting aye.

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

ORDINANCE NO. 2410

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (0-1 DU/AC) (AGRICULTURE) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF EFFIE WAY (3600 W KELLY PARK RD.), COMPRISING 6.11 ACRES MORE OR LESS, AND OWNED BY LESLIE AND NANCY HEBERT; PROVIDING FOR DIRECTIONS TO THE COMMUNITY

DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Arrowsmith and seconded by Commissioner Velazquez to adopt Ordinance No. 2410. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Velazquez, and Ruth voting aye.

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

ORDINANCE NO. 2386

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

David Moon, Planning Manager provided a brief overview and history of this project requesting to change the zoning from County PD to City PUD with a maximum of 49 residential units. He went over the history of this application stating City Council denied the application at their November 9, 2014 meeting and at their January 21, 2015 meeting requested to reconsider this ordinance as well as requesting staff to provide a presentation comparing the various zoning categories at the February 4, 2015 meeting. The ordinance is now back before Council for a First Reading. He affirmed at the February 4, 2015 meeting questions were raised about the Master Plan for this subject site. He advised the applicant listened to those comments and came up with an optional Master Plan which is depicted in Exhibit C. He reviewed the differences between the plan exhibited in Exhibit A and Exhibit C. In summary, he advised the minimum house size has not changed and is 2,200 square feet, the same number of lots, on lot 10, the large oak tree is still saved and the buffer is still along the south of the property line adjacent to Oak Water. One of the major differences between the two plans, in the original plan the 15 acres was to be preserved either in the conservation easement or as open space areas, and because the applicant was preserving that large area, staff agreed to delay the habitat inventory and management plan to the Final Development Plan. The staff report is included with the minutes.

In response to Commissioner Velazquez stating as she understands, with the larger lots, there is loss of some of the tree preservation, Mr. Moon advised by reconfiguring the lots and extending the lots further to the west, staff calculated an additional 57 trees would be lost and this only counts trees that have a diameter breast height of 6 inches or greater and this number does not include the loss of trees associated with the extension of lot lines further to the north and the increased size of ponds, as well as the new pond located along Ustler Road. He affirmed that the general consensus of Development Review Committee was that this plan is consistent with the Comprehensive Plan and Land Development Code as is the original plan.

Commissioner Arrowsmith suggested a condition that if there is a single story home in Oak Water that the home abutting that lot be limited to a single story home.

Miranda Fitzgerald, representing the applicant, said they have had discussions with neighbors and the issue of limiting the height on those properties did come up and she advised this was not an acceptable proposition, primarily because it does limit value, as well as they do have the 30 foot buffer between the lot lines, setbacks on both the Oak Water Estates side and on their own side, and they do not feel it is necessary. She stated they would be willing to plant two additional oak trees to the back of those five lots that are potentially an issue. She stated they have listened and from the last three hearings, they have known lot size has been an issue with the residents. She advised that Exhibit C is from the basis of a sketch or layout Mr. Haubner had previously presented. She advised with Exhibit C they have an average gross size of 25,752 square feet, which is well over half an acre. She advised that since Exhibit C was developed, Mr. Goldberg has met both with Mr. Haubner, Commissioner Bryan Nelson, and with the President of the Wekiva Preserve HOA. She affirmed that one of their comments during the discussion was in regards to the pond area, wherein they requested a 20 foot buffer of trees between the edge of the pond and Ustler Road which they have agreed to. She stated if they are allowed to proceed with Exhibit C, they will need to refine the notes in Exhibit B correlating them with the new plan. She affirmed the spirit of these remain the same, just some minor tweaks. She reiterated the applicant is happy to proceed with either plan. She stated one thing that will not change, is they still will have a condition that the lots are not going to be clear cut, but will be selectively cleared based on the foot print of a house plan.

In response to Commissioner Ruth, Ms. Fitzgerald advised the garage entrance condition has not changed, in Exhibit A there is a condition they have to have either a minimum of 500 square feet of pavers or side entry garages, which will transfer to Exhibit C.

Mayor Kilsheimer disclosed his ex parte communications, stating he has not had any discussion within the last couple of weeks, but he has had discussions in general with people in this neighborhood throughout the consideration. In addition Commissioner Velazquez disclosed having received one letter from Mary Smothers, and a private meeting with her, as well as one telephone call from Bryan Nelson.

City Attorney Shepard advised to provide any e-mails, notes, or memos received to the clerk.

Mayor Kilsheimer opened the meeting to a public hearing.

Crystal Lawrence said she was here on behalf of the Wekiva Preserve HOA and the Board of

Directors. She presented a petition with over 120 signatures from residents and business owners within the City of Apopka supporting the PUD plan for the Sandpiper development.

Mary Smothers said Ms. Fitzgerald mentioned the maximum lot size and pointed out the minimum lot size and she inquired what the size of the minimum lot would be, to which Ms. Fitzgerald pointed out the interior lot stating it was 15,120 square feet, and the largest lot is 72,635 square feet. Ms. Smothers stated she was very pleased with all of the work Mr. Goldberg has done. She said the minimum square footage for the homes was 2,200 and she stated she hoped there would be a number of homes larger than that.

Lou Haubner commended the developer for doing a great job and affirmed they were getting to where they wanted to go with Exhibit C. He said with regards to the trees in the wetland area, once developed, the trees will fall or die due to having a shallow root system. He declared he would like to see side entry garages and also suggested changing the side setback to 10 feet. He further stated with regards to conservation area, he would like to see the 10 acres on Ustler Road preserved.

Ms. Fitzgerald affirmed she has been authorized to go to a 10 foot side setback.

Jack Cooper inquired about the perk tests and whether they would have to be redone. He also stated he did not feel either plan was compatible with the area, but he would prefer Exhibit A which leaves more trees and one less house on the lake.

Ellen O'Connor said the average lot size was provided and inquired how many lots were half acre lots or over. She affirmed that those who have been involved with this, their issue since 2007 have consistently been comparable and compatible. She declared the half acre was important to them and also the preserving of the land.

Ms. Fitzgerald said, quickly counting, it looks like there are 24 lots that are over half acre in Exhibit C.

Ms. O'Connor said her point and their issue is that they were looking at less than half the homes are comparable and compatible with abutting communities.

Mary Smothers inquired if there was a requirement to place fences around the retention ponds to which Mr. Davoll advised this would be based upon the design criteria in the Land Development Code and which does require fences around wet ponds, but dry ponds depend upon the slope and design of the pond.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve Ordinance No. 2386 at First Reading and carry it over for a Second Reading with Exhibit C and the condition of a 10 foot side setback. Motion carried with a 3-1 vote with Mayor Kilsheimer and Commissioners Velazquez and Ruth voting aye and Commissioner Arrowsmith voting nay.

5. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) The applicant requested this be continued to the March 18, 2015 Council meeting.
6. RESOLUTION NO. 2015-04 - Granting a non-exclusive franchise, to Waste Pro USA Inc., for roll-off container collection and disposal of waste in the City of Apopka. The City Clerk read the title as follows:

RESOLUTION NO. 2015-04

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve Resolution No. 2015-04 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Velazquez, and Ruth voting aye.

7. RESOLUTION NO. 2015-05 - Amending the budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015. The City Clerk read the title as follows:

RESOLUTION NO. 2015-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, PROVIDING FOR A BUDGET AMENDMENT

Glenn Irby, City Administrator, advised the City Charter is very specific with regards to when the Budget needs to be amended. Any time a fund becomes overdrawn, it must come before the Council for amendment. He reviewed the amended funds and said staff recommends approval.

In response to Commissioner Arrowsmith inquiry about a water/sewer rate study, Mr. Jreij advised there will be a rate study and impact fee study done this fiscal year and it will be brought before Council for approval.

MOTION by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to approve Resolution No. 2015-05 as presented.

Mayor Kilsheimer opened the meeting to public input.

Pastor Bradford expressed his concern and asked if it would be possible during the annual budgeting process the community have an opportunity to be heard on how to spend these dollars.

Ray Shackelford echoed Pastor Bradford's concerns and stated we have to do what was best for the City and stated the need to have open meetings and dialogue.

Christine Moore said it was helpful for her to hear this debate and it sounds as if it is more clerical in nature. She stated the strategic planning process should clean up a lot of these issues.

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

8. RESOLUTION NO. 2015-06 - Reimbursing certain costs relating to the acquisition, construction and installation of various water and sewer system capital improvements. The City Clerk read the title as follows:

RESOLUTION NO. 2015-06

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

Mayor Kilsheimer said this was an accompanying resolution that allows for the reimbursement of some of the money spent.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Resolution No. 2015-06 as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Velazquez, and Ruth voting aye.

SITE APPROVALS – There were no Site Approvals.

DEPARTMENT REPORTS AND BIDS – There were no Department Reports and Bids

MAYOR'S REPORT - Mayor Kilsheimer reported his appointment to the Citizens Advisory Council of MetroPlan Orlando was Theresa Mott.

Mayor Kilsheimer advised the City Clerk was in receipt of information from the Supervisor of Elections with regards to the next City of Apopka election. He stated the State of Florida plans to set the Presidential Preference Primary election on March 15, 2016. The City of Apopka would normally hold their General Election on the second Tuesday of March and if we hold our election on March 15, 2016, coinciding with the Presidential Preference Primary, we will need to adopt an Ordinance.

OLD BUSINESS

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

NEW BUSINESS

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

Bryan DeCaul said he wanted to introduce himself and stated he represented the World Financial Group and they were interested in providing financial education to the community free of charge and they were looking to share basic concepts.

Pastor Bradford said he is a lifelong Apopkan, and he owns two businesses. He expressed concern with regards of what is taking place within the south Apopka community and stated he is presently serving as the representative for the Community Action Board for Orange County. He spoke of two areas that he would like to see dollars generated to spend on projects in these areas.

Tenita Reid said she recently read about Defenders of Wildlife offering bear proof garbage cans free to any resident that requested them west of Interstate 4 in Seminole County and suggested staff look into this to see if it could be extended to this area. She also inquired if there were plans for a traffic light at Martin and Vick Roads stating this was a dangerous area.

ADJOURNMENT - There being no further business to discuss, the meeting adjourned at 3:20 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

Backup material for agenda item:

2. Approve the minutes of the Administrative Bid Opening No. 2015-01 for Gasoline & Diesel Fuel held on February 25, 2015, at 10:15 a.m.

ADMINISTRATIVE BID NO. 2015-01
GASOLINE & DIESEL FUEL
City of Apopka Council Chambers
February 25, 2015, 10:15 a.m.

PRESENT: Joseph Routt, Fleet Superintendent/Project Coordinator; Ken Gatton, Project Coordinator; and Susan Bone, Deputy City Clerk.

OTHERS PRESENT: None

OPENING: Ken Gatton called the meeting to order and announced that the bid opening is for **GASOLINE & DIESEL FUEL**.

Mr. Gatton announced that the time for submitting additional bids had elapsed, and no more bids would be accepted.

The bids were duly advertised in the Orlando Sentinel on Sunday, January 25, 2015 and on Wednesday, February 4, 2015 and placed on Demand Star. Proof of publication is on file at the City Clerk's office.

Five (5) bids were received prior to the published 10:00 a.m. deadline. Mr. Gatton then turned the meeting over to Joseph Routt.

Mr. Routt read the bids in the order received, as follows:

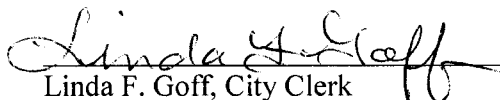
GREAT LAKES PETROLEUM COMPANY 4500 RENAISSANCE PARKWAY CLEVELAND, OHIO 44128	Pump off fee	N/A
	Small Gas/Diesel Tanker 100 – 4,000 gal	\$ + .18
	Full Load 87 Gas Tanker 8,000-8,500 gal	\$ + .035
	Full Load Diesel Tanker 7,500-8,500 gal	\$ + .035
	Split Load (Gas & Diesel) 7,500 – 8,500 gal	\$ + .035
PETROLEUM TRADERS CORPORATION 7120 POINTE INVERNESS WAY FORT WAYNE, IN 46804	Pump off fee	\$ 45.00
	Small Gas/Diesel Tanker 100 – 4,000 gal	\$ + .1500
	Full Load 87 Gas Tanker 8,000-8,500 gal	\$ - .0126
	Full Load Diesel Tanker 7,500-8,500 gal	\$ - .0220
	Split Load (Gas & Diesel) 7,500 – 8,500 gal	\$ - .0150
MANSFIELD OIL COMPANY 1025 AIRPORT PARKWAY GAINESVILLE, GA 30501	Pump off fee	\$ 40.00
	Small Gas/Diesel Tanker 100 – 4,000 gal	\$ + 0.2640
	Full Load 87 Gas Tanker 8,000-8,500 gal	\$ - 0.0002
	Full Load Diesel Tanker 7,500-8,500 gal	\$ - 0.0205
	Split Load (Gas & Diesel) 7,500 – 8,500 gal	(see above)
LYNCH OIL COMPANY, INC. PO BOX 450669 KISSIMMEE, FL 34745-0669	Pump off fee	\$ 25.00
	Small Gas/Diesel Tanker 100 – 4,000 gal	\$ + .39
	Full Load 87 Gas Tanker 8,000-8,500 gal	\$ + .10
	Full Load Diesel Tanker 7,500-8,500 gal	\$ + .12
	Split Load (Gas & Diesel) 7,500 – 8,500 gal	\$ + .10
PALMDALE OIL COMPANY 2153 RAYBORN STREET ORLANDO, FL 32824	Pump off fee	\$ 0
	Small Gas/Diesel Tanker 100 – 4,000 gal	\$.0953
	Full Load 87 Gas Tanker 8,000-8,500 gal	\$.0168
	Full Load Diesel Tanker 7,500-8,500 gal	\$.0168
	Split Load (Gas & Diesel) 7,500 – 8,500 gal	\$.0168

Mr. Routt announced that the bids will be evaluated, and a recommendation will be presented to the City Council for awarding the bid. It is the bidder's responsibility to contact the City to obtain the date and time of the City Council meeting when the bid recommendation will be presented.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:25 a.m.

ATTEST:


Joseph Routt, Project Coordinator


Linda F. Goff, City Clerk

Backup material for agenda item:

3. Approve the minutes of the Administrative Bid Opening No. 2015-02 for Community-Wide Visioning Process held on March 25, 2015, at 3:15 p.m.

ADMINISTRATIVE BID NO. 2015-02
COMMUNITY WIDE VISIONING PROCESS
City of Apopka Council Chambers
March 25, 2015, 3:15 p.m.

PRESENT: Glenn Irby, City Administrator; David Moon, Planning Manager; Merry Lovern, Executive Asst. to the Mayor, and Susan Bone, Deputy City Clerk.

OTHERS PRESENT: None

OPENING: Glenn Irby called the meeting to order and announced that the bid opening is for the **COMMUNITY WIDE VISIONING PROCESS**.

Mr.Irby announced that the time for submitting additional bids had elapsed, and no more bids would be accepted.

The bids were duly advertised in the Orlando Sentinel on Monday, February 9, 2015; the Apopka Chief on Friday, February 13, 2015 and was placed on the American Planning Association website (Florida Chapter). A copy of which is on file at the City Clerk's office.

Six (6) bids were received prior to the published 3:00 p.m. deadline.

Mr. Irby read the bids in the order received, as follows:

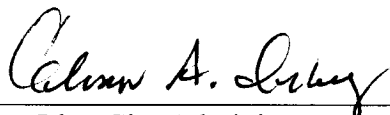
ORDER REC'D	NAME/ADDRESS	TOTAL BASE BID	REQUIREMENTS
1	Gianni, Longo & Associates 636 Broadway Street, Suite 1111 New York, NY 10012	\$ <u>124,120</u>	Duplicate – Yes Original + 7 copies Flash Drive included
2	Analitica P.O. Box 990 26910 S. W. 30 th Avenue Newberg, FL 32669	\$ <u>96,000</u>	Duplicate - Yes Original + 7 copies CD included
3	Future I.Q. Partners, Inc. 4225 Southtowne Drive Eau Clair, WI 54701	\$ <u>125,000</u>	Duplicate - Yes Original + 7 copies Flash Drive included
4	The Office of Dr. Clara Bostick 3701 NW 75 th Terrace Fort Lauderdale, FL 33319	\$ <u>12,500</u> – <u>\$14,000</u>	Duplicate - Yes Original + 7 copies No FD or CD

5	vhb 225 East Robinson Street, Suite 300 Landmark Center Two Orlando, FL 32801	\$ <u>187,550</u>	Duplicate - Yes Original + 7 copies CD included
6	Keith and Schnars, P.A. 6500 North Andrews Avenue Fort Lauderdale, FL 33309	\$ <u>123,661</u>	Duplicate - Yes Original + 7 copies CD included

A review committee will be established for the purposes of reviewing the bids and a recommendation will be presented to the City Council regarding the awarding the bid.

It is the bidder's responsibility to contact the City to obtain the date and time of the City Council meeting when the bid recommendation will be presented.

ADJOURNMENT: There being no further business, the meeting was adjourned at 3:31 p.m.



Glenn Irby, City Administrator

ATTEST:



Linda F. Goff, City Clerk

Backup material for agenda item:

4. Approve the final one-year extension of the annual contract, with Shelley's Environmental Systems, for the wastewater residuals transport and disposal at a cost of \$40.00 per cubic yard.



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: April 1, 2015
FROM: Public Services
EXHIBITS:

**SUBJECT: WASTEWATER RESIDUALS TRANSPORT AND DISPOSAL CONTRACT
EXTENSION**

**Request: APPROVE THE LAST ONE YEAR EXTENSION OF THE ANNUAL CONTRACT
WITH SHELLEY'S ENVIRONMENTAL SYSTEMS FOR THE WASTEWATER
RESIDUALS TRANSPORT AND DISPOSAL**

SUMMARY:

On April 17, 2013, City Council approved a service Agreement to transport, treat and dispose of sludge generated at the city's Water Reclamation Facility. The Agreement was for one year with the possibility of two additional one-year contract extensions. This is the last extension, and will be from April 23, 2015 through to April 22, 2016.

Shelley's Environmental Systems has agreed to an additional one-year extension of the service Agreement at the price of \$40 per cubic yard. The current rate is \$32.50 per cubic yard. The new rate will be a 23.08 percent increase.

FUNDING SOURCE:

Sewer Operational Fund

RECOMMENDATION ACTION:

Approve the last one year extension of the annual contract with Shelley's Environmental Systems for the wastewater residuals transport and disposal at the price of \$40 per cubic yard.

DISTRIBUTION:

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
Human Resources Director
Information Technology Director
Police Chief

Public Services Director
City Clerk
Fire Chief

Backup material for agenda item:

5. Ratification of the committee assisting in the selection of a firm to perform the Community-Wide Visioning Process.



CITY OF APOPKA CITY COUNCIL

X CONSENT AGENDA
___ PUBLIC HEARING
___ SPECIAL REPORTS
___ OTHER: _____

MEETING OF: April 1, 2015
FROM: Administration
EXHIBITS: Selection Criteria

**SUBJECT: SELECTION COMMITTEE FOR THE COMMUNITY-WIDE VISIONING
PROCESS**

**Request: RETIFICATION OF A COMMITTEE IN THE SELECTION OF A FIRM TO
PERFORM THE COMMUNITY-WIDE VISIONING FOR THE FUTURE OF THE
CITY OF APOPKA**

SUMMARY:

On February 9, 2015, staff advertised Request for Proposals (RFPs) for a Community-Wide Visioning Process. The proposals were due on Wednesday, March 25, 2015. A total of six proposals were received and now a selection committee is needed and should be appointed by the Council to shortlist the top two firms for contract consideration.

The following people were chose by staff to be further considered for ratification by the Council to form this committee: Glenn Irby, City of Apopka; David Moon, City of Apopka; Robbie Manley, City of Apopka; Reverend Hezekiah Bradford, community leader; Suzanne Kidd, citizen; Vernon Brown, citizen; and Paul Faircloth, business owner and citizen. Staff believes this group is a fair representation of the City of Apopka as a whole. All have been contacted and have agreed to serve.

Within the RFP document detailing how responses should be crafted, there were criteria designed to inform the respondents how they would each be evaluated. From these criteria, a score sheet to be used by each committee person was developed. A copy of this form is attached, for your review.

The schedule of events is anticipated as follows:

Selection Committee meets to shortlist companies responding to the RFP	April 10, 2015
Short listed firms notified by email	April 14, 2015
Presentations by shortlisted firms, if requested	April 21, 2015
City Council Votes to select firm to conduct visioning process	May 6, 2015
Contract executed and Notice to Proceed issued no later than	June 1, 2015

FUNDING SOURCE:

RECOMMENDATION ACTION:

Staff respectfully requests Council ratify the committee and recognize it as an ad hoc advisory committee for the purpose of assisting in selecting a firm to perform a Community-Wide Visioning for the future of the City of Apopka.

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

COMMUNITY-WIDE VISION PROCESS
REQUEST FOR PROPOSALS

SELECTION CRITERIA

Criteria (p. 13, RFP document)	Maximum Points	Score
1. Responsiveness of the request for qualifications and/or proposal to the purpose and scope of services.	0 - 20	
2. Ability and history of successfully completing contracts of this type, meeting projected dead-lines, experience in similar work.	0 - 25	
3. Performance data, references, and key personnel.	0 - 25	
4. Most efficient and effect scope of work and product.	0 - 20	
5. Price.	0 - 10	

Backup material for agenda item:

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

Run: 3/26/15
6:03PM

CITY OF APOPKA
Disbursements Report
By Account Number, Paid 2/27/15 thru 3/26/15

Page: 1

Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
2/03/15	139322	123365		MANSFIELD OIL, CO.	165662	3/05/15	001-141.1200	19,009.29
2/25/15	139893	123733		TPH ACQUISITION LLLP	165705	3/05/15	001-141.1200	1,028.72
2/11/15	139514	123512		MANSFIELD OIL, CO.	165797	3/12/15	001-141.1200	16,593.98
3/04/15	140004	123822		MANSFIELD OIL, CO.	166040	3/26/15	001-141.1200	16,637.46
Subtotal for 001-141.1200								53,269.45
2/19/15	139790	123643		LAKE APOPKA NATURAL GAS DISTRICT	165788	3/12/15	001-141.1201	1,837.78
Subtotal for 001-141.1201								1,837.78
2/10/15	139486	123487		ASCENT AVIATION GROUP INC	165598	3/05/15	001-141.1202	8,539.93
Subtotal for 001-141.1202								8,539.93
2/17/15	139680	123573		ASCENT AVIATION GROUP INC	165598	3/05/15	001-141.1203	25,530.01
3/06/15	140060	123855		ASCENT AVIATION GROUP INC	165860	3/19/15	001-141.1203	26,762.42
Subtotal for 001-141.1203								52,292.43
1/26/15	139133	123209		TPH ACQUISITION LLLP	165705	3/05/15	001-141.1400	993.41
2/24/15	139872	123714		PRIDE ENTERPRISES	165680	3/05/15	001-141.1400	1,197.44
2/23/15	139853	123703		PRIDE ENTERPRISES	165680	3/05/15	001-141.1400	1,745.99
1/26/15	139135	123211		WELDON PARTS-ORLANDO	165719	3/05/15	001-141.1400	809.82
2/13/15	139586	123561		GLENN JOINER & SON, INC.	165639	3/05/15	001-141.1400	335.94
2/10/15	139507	123508		ACTION GATOR TIRE	165585	3/05/15	001-141.1400	1,864.40
2/06/15	139426	123430		PRIDE ENTERPRISES	165680	3/05/15	001-141.1400	1,168.99
12/09/14	138306	122637		AMSOIL INC./ACCOUNTS RECEIVABLE	165732	3/12/15	001-141.1400	2,304.51
12/09/14	138308	122639		AMSOIL INC./ACCOUNTS RECEIVABLE	165732	3/12/15	001-141.1400	2,407.68
12/09/14	138307	122638		AMSOIL INC./ACCOUNTS RECEIVABLE	165732	3/12/15	001-141.1400	2,444.98
2/17/15	139686	123579		PRIDE ENTERPRISES	165816	3/12/15	001-141.1400	639.83
2/20/15	139819	123665		ORLANDO KIA EAST	165813	3/12/15	001-141.1400	81.39
2/09/15	139457	123463		O'REILLY AUTO PARTS	165809	3/12/15	001-141.1400	73.24
2/06/15	139438	123436		AMSOIL INC./ACCOUNTS RECEIVABLE	165732	3/12/15	001-141.1400	1,112.65
2/10/15	139489	123490		AMSOIL INC./ACCOUNTS RECEIVABLE	165732	3/12/15	001-141.1400	1,288.38
2/10/15	139488	123489		AMSOIL INC./ACCOUNTS RECEIVABLE	165732	3/12/15	001-141.1400	1,486.38
2/20/15	139814	123660		NEXTRAN TRUCK CENTER - ORLANDO	165805	3/12/15	001-141.1400	957.26
2/17/15	139682	123575		STRS ENERGY INC	165832	3/12/15	001-141.1400	1,087.95
1/05/15	138725	122900		PRIDE ENTERPRISES	165935	3/19/15	001-141.1400	1,004.73
1/09/15	138827	122979		ACTION GATOR TIRE	165848	3/19/15	001-141.1400	2,437.12
1/30/15	139270	123321		MILLIKAN BATTERY & ELECTRIC	166041	3/26/15	001-141.1400	70.00
2/25/15	139892	123732		ON-SITE ANTIFREEZE RECYCLING, LLC	166045	3/26/15	001-141.1400	787.50
2/20/15	139818	123664		SOUTHERN C & E	166062	3/26/15	001-141.1400	443.80
3/09/15	140078	123872		PRIDE ENTERPRISES	166054	3/26/15	001-141.1400	1,678.00
3/13/15	140274	124017		ORLANDO FREIGHTLINER, INC.	166048	3/26/15	001-141.1400	383.32
2/25/15	139888	123728		O'REILLY AUTO PARTS	166043	3/26/15	001-141.1400	64.44
2/20/15	139816	123662		WELDON PARTS-ORLANDO	166085	3/26/15	001-141.1400	660.80
2/12/15	139556	123529		TPH ACQUISITION LLLP	166074	3/26/15	001-141.1400	920.98
Subtotal for 001-141.1400								30,450.93
3/18/15	140386	124116		INSURANCE OFFICE OF AMERICA INC.	166030	3/26/15	001-155.0001	78,348.25
Subtotal for 001-155.0001								78,348.25
3/05/15	140014			BLUE CROSS AND BLUE SHIELD OF FL	165602	3/05/15	001-155.0004	19,782.50
3/05/15	140018			P & A GROUP, THE	165673	3/05/15	001-155.0004	357.50
3/05/15	140019			SYMETRA LIFE INSURANCE	165699	3/05/15	001-155.0004	21,957.43
3/12/15	140215			LINA	165790	3/12/15	001-155.0004	2,861.04
3/19/15	140418			SYMETRA LIFE INSURANCE	165957	3/19/15	001-155.0004	22,042.38
3/11/15	140262	124008		GIDEON, STEVEN	165899	3/19/15	001-155.0004	694.41
3/13/15	140282	124025		JAY MINIATI, INC	165910	3/19/15	001-155.0004	1,200.00
3/26/15	140535			P & A GROUP, THE	166051	3/26/15	001-155.0004	357.50
Subtotal for 001-155.0004								69,252.76

Run: 3/26/15
6:03PM

CITY OF APOPKA
Disbursements Report
By Account Number, Paid 2/27/15 thru 3/26/15

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Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
2/16/15	139668	123563		CARE HERE	165607	3/05/15	001-155.0006	27,845.68
3/11/15	140195	123977		JANI- KING OF ORLANDO	165909	3/19/15	001-155.0006	186.00
3/10/15	140132	123928		PSS WORLD MEDICAL, INC.	165937	3/19/15	001-155.0006	290.15
3/26/15	140549			CENTURYLINK	165994	3/26/15	001-155.0006	332.18
3/16/15	140295	124048		CARE HERE	165992	3/26/15	001-155.0006	42,789.48
3/26/15	140547			DUKE ENERGY	166010	3/26/15	001-155.0006	199.01
Subtotal for 001-155.0006								71,642.50
3/19/15	140404			GUARDIAN FUELING TECHNOLOGIES, II	165903	3/19/15	001-205.0002	-14,211.00
Subtotal for 001-205.0002								-14,211.00
3/26/15	140552			HENDRICKSON, REBECCA	166028	3/26/15	001-217.1100	3.90
Subtotal for 001-217.1100								3.90
3/12/15	140218			DEPT. OF BUSINESS & PROF. REGULAT	165754	3/12/15	001-217.1111	5,382.73
Subtotal for 001-217.1111								5,382.73
3/05/15	140014			BLUE CROSS AND BLUE SHIELD OF FL	165602	3/05/15	001-218.1600	1,072.83
3/05/15	140019			SYMETRA LIFE INSURANCE	165699	3/05/15	001-218.1600	1,492.66
3/19/15	140418			SYMETRA LIFE INSURANCE	165957	3/19/15	001-218.1600	1,406.29
Subtotal for 001-218.1600								3,971.78
3/12/15	140237			VISION SERVICE PLAN - (IC)	165839	3/12/15	001-218.1603	2,357.22
3/26/15	140536			VISION SERVICE PLAN - (IC)	166083	3/26/15	001-218.1603	2,386.21
Subtotal for 001-218.1603								4,743.43
3/12/15	140215			LINA	165790	3/12/15	001-218.1610	5,573.69
Subtotal for 001-218.1610								5,573.69
3/12/15	140215			LINA	165790	3/12/15	001-218.1615	3,394.75
Subtotal for 001-218.1615								3,394.75
3/05/15	140016			ALLSTATE	165589	3/05/15	001-218.1620	16,689.15
3/26/15	140534			ALLSTATE	165979	3/26/15	001-218.1620	16,597.67
Subtotal for 001-218.1620								33,286.82
3/12/15	140222			YOURIDGUARD, INC.	165844	3/12/15	001-218.1622	1,221.10
Subtotal for 001-218.1622								1,221.10
3/12/15	140230			FLORIDA COMBINED LIFE	165772	3/12/15	001-218.1630	19,730.29
3/12/15	140231			FLORIDA COMBINED LIFE	165773	3/12/15	001-218.1630	19,328.10
Subtotal for 001-218.1630								39,058.39
3/04/15	140008			UNITED WAY-HEART OF FLORIDA	165712	3/05/15	001-218.1650	29.50
Subtotal for 001-218.1650								29.50
3/04/15	140007			STEPHENS, MARTI	165693	3/05/15	001-218.1750	98.08
3/12/15	140220			STEPHENS, MARTI	165831	3/12/15	001-218.1750	98.08
3/18/15	140377			STEPHENS, MARTI	165954	3/19/15	001-218.1750	98.08
3/26/15	140532			STEPHENS, MARTI	166063	3/26/15	001-218.1750	98.08
Subtotal for 001-218.1750								392.32
3/04/15	140006			U.S. DEPARTMENT OF EDUCATION	165711	3/05/15	001-218.1760	164.89
3/12/15	140219			U.S. DEPARTMENT OF EDUCATION	165836	3/12/15	001-218.1760	213.93
3/18/15	140379			U.S. DEPARTMENT OF EDUCATION	165961	3/19/15	001-218.1760	144.10
3/26/15	140531			U.S. DEPARTMENT OF EDUCATION	166079	3/26/15	001-218.1760	144.10
Subtotal for 001-218.1760								667.02
3/04/15	140005			INTERNAL REVENUE SERVICE	165651	3/05/15	001-218.1770	11.54
3/12/15	140221			INTERNAL REVENUE SERVICE	165784	3/12/15	001-218.1770	11.54
3/18/15	140378			INTERNAL REVENUE SERVICE	165908	3/19/15	001-218.1770	11.54
3/26/15	140530			INTERNAL REVENUE SERVICE	166031	3/26/15	001-218.1770	11.54
Subtotal for 001-218.1770								46.16
3/12/15	140210			MARTIN, PATRICK	165798	3/12/15	001-220.0004	200.00
3/18/15	140375			CAIN, CLARENCE	165869	3/19/15	001-220.0004	200.00

Run: 3/26/15
6:03PM

CITY OF APOPKA
Disbursements Report
By Account Number, Paid 2/27/15 thru 3/26/15

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Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
Subtotal for 001-220.0004								400.00
3/19/15	140388			DR HORTON INC.	165887	3/19/15	001-220.2255	750.00
Subtotal for 001-220.2255								750.00
3/05/15	140023			PACK MASTERS	165674	3/05/15	001-316.0000	16.25
3/12/15	140214			PROFESSIONAL EXECUTIVE SERVICES	165818	3/12/15	001-316.0000	15.25
Subtotal for 001-316.0000								31.50
3/19/15	140409			WILLIAMS CONSTRUCTION & DEVELOP	165971	3/19/15	001-341.2000	150.00
Subtotal for 001-341.2000								150.00
3/12/15	140218			DEPT. OF BUSINESS & PROF. REGULAT	165754	3/12/15	001-341.8705	-538.27
Subtotal for 001-341.8705								-538.27
3/05/15	140021			JONES, SYDNA	165655	3/05/15	001-347.2100	70.91
3/12/15	140211			JOHNSON, HAGAN	165785	3/12/15	001-347.2100	80.00
3/18/15	140371			BASS, LONNIE	165863	3/19/15	001-347.2100	80.00
3/18/15	140369			FULKS, AMANDA	165898	3/19/15	001-347.2100	80.00
3/18/15	140372			AFETO, LLASHEDA	165849	3/19/15	001-347.2100	152.00
3/18/15	140373			BELLEMORE, CARRIE	165864	3/19/15	001-347.2100	80.00
3/18/15	140374			MARTENSSON, LEIF	165917	3/19/15	001-347.2100	80.00
3/26/15	140552			HENDRICKSON, REBECCA	166028	3/26/15	001-347.2100	60.00
Subtotal for 001-347.2100								682.91
3/12/15	140212			RIGGS, STEVEN	165823	3/12/15	001-354.0020	92.94
Subtotal for 001-354.0020								92.94
3/26/15	140533			WILLIAMS, ALONZO	166086	3/26/15	001-1010-512.1200	237.50
Subtotal for 001-1010-512.1200								237.50
10/21/14	137358	121965		SHEPARD, SMITH & CASSADY, P.A.	166060	3/26/15	001-1010-512.3150	7,246.50
Subtotal for 001-1010-512.3150								7,246.50
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	001-1010-512.4100	73.18
Subtotal for 001-1010-512.4100								73.18
12/10/14	138333	122666		COPIER CONNECTION LLC	165880	3/19/15	001-1010-512.4600	74.40
Subtotal for 001-1010-512.4600								74.40
2/27/15	139931	123759		SALEM COMMUNICATIONS	165689	3/05/15	001-1010-512.4900	20,960.00
Subtotal for 001-1010-512.4900								20,960.00
2/24/15	139868	123710		APOPKA HIGH SCHOOL	165595	3/05/15	001-1010-512.5200	50.00
1/16/15	139002	123112		PRIDE ENTERPRISES	165680	3/05/15	001-1010-512.5200	36.50
3/05/15	140017			CITY CLERK PETTY CASH FUND	165611	3/05/15	001-1010-512.5200	28.43
2/27/15	139936	123763		APOPKA AREA CHAMBER OF COMMERCE	165593	3/05/15	001-1010-512.5200	500.00
2/02/15	139319	123362		UNITED TROPHY MFG., INC.	165963	3/19/15	001-1010-512.5200	52.60
3/16/15	140291	124044		APOPKA CHIEF, THE	165981	3/26/15	001-1010-512.5200	18.00
Subtotal for 001-1010-512.5200								685.53
2/27/15	139932	123760		APOPKA CHIEF, THE	165594	3/05/15	001-1010-512.5400	18.00
3/04/15	139993	123814		METROPLAN ORLANDO	165799	3/12/15	001-1010-512.5400	11,032.25
Subtotal for 001-1010-512.5400								11,050.25
2/03/15	139340	123386		SUNTRUST BANK	165722	3/06/15	001-1010-512.5500	200.00
2/03/15	139338	123387		SUNTRUST BANK	165722	3/06/15	001-1010-512.5500	200.00
2/05/15	139397	123411		SUNTRUST BANK	165722	3/06/15	001-1010-512.5500	200.00
Subtotal for 001-1010-512.5500								600.00
2/23/15	139845	123695		FLORIDA DEPT OF LAW ENFORCEMENT	165774	3/12/15	001-1020-512.3100	40.50
Subtotal for 001-1020-512.3100								40.50
1/30/15	139281	123332		VERIZON WIRELESS	166082	3/26/15	001-1020-512.4100	169.12
Subtotal for 001-1020-512.4100								169.12
3/05/15	140017			CITY CLERK PETTY CASH FUND	165611	3/05/15	001-1020-512.5100	27.98
3/05/15	140025	123838		OFFICE DEPOT	166044	3/26/15	001-1020-512.5100	170.45

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Subtotal for 001-1020-512.5100								198.43
1/16/15	139002	123112		PRIDE ENTERPRISES	165680	3/05/15	001-1020-512.5200	27.50
1/30/15	139279	123330		SHI INTERNATIONAL CORP.	165829	3/12/15	001-1020-512.5200	594.00
Subtotal for 001-1020-512.5200								621.50
3/05/15	140013			IRBY, GLENN A	165652	3/05/15	001-1020-512.5500	97.87
3/05/15	140037			SUNTRUST BANK	165722	3/06/15	001-1020-512.5500	49.00
3/16/15	140301	124054		SUNTRUST BANK	166068	3/26/15	001-1020-512.5500	-49.00
Subtotal for 001-1020-512.5500								97.87
3/11/15	140195	123977		JANI- KING OF ORLANDO	165909	3/19/15	001-1022-519.3400	3,018.00
Subtotal for 001-1022-519.3400								3,018.00
3/05/15	140039			CENTURYLINK	165608	3/05/15	001-1022-519.4100	62.84
3/11/15	140160			CENTURYLINK	165746	3/12/15	001-1022-519.4100	35.00
3/26/15	140548			CENTURYLINK	165994	3/26/15	001-1022-519.4100	72.34
Subtotal for 001-1022-519.4100								170.18
3/05/15	140035			DUKE ENERGY	165629	3/05/15	001-1022-519.4300	562.97
3/12/15	140240			LAKE APOPKA NATURAL GAS DISTRICT	165788	3/12/15	001-1022-519.4300	848.90
3/12/15	140207			DUKE ENERGY	165759	3/12/15	001-1022-519.4300	1,959.19
3/20/15	140428			DUKE ENERGY	165973	3/20/15	001-1022-519.4300	7,603.12
3/26/15	140547			DUKE ENERGY	166010	3/26/15	001-1022-519.4300	341.11
Subtotal for 001-1022-519.4300								11,315.29
2/02/15	139309	123356		GRAINGER	165640	3/05/15	001-1022-519.4600	263.76
2/10/15	139504	123505		MERCER PEST CONTROL, INC.	165665	3/05/15	001-1022-519.4600	349.17
2/12/15	139561	123533		GRAINGER	165640	3/05/15	001-1022-519.4600	58.15
2/12/15	139565	123544		APOPKA ACE HARDWARE & LUMBER IN	165592	3/05/15	001-1022-519.4600	124.10
2/20/15	139827	123681		GEMBECKI MECHANICAL SERVICES, INC	165778	3/12/15	001-1022-519.4600	307.50
12/30/14	138671	122849		A & H FLOOR COVERING INC.	165845	3/19/15	001-1022-519.4600	662.96
2/17/15	139729	123613		H D SUPPLY WATER WORKS, LTD.	165904	3/19/15	001-1022-519.4600	265.00
1/08/15	138811	122963		HOME DEPOT CREDIT SERVICES	165906	3/19/15	001-1022-519.4600	56.21
3/05/15	140026	123839		GEMBECKI MECHANICAL SERVICES, INC	166021	3/26/15	001-1022-519.4600	476.72
2/18/15	139748	123624		SUNTRUST BANK	166068	3/26/15	001-1022-519.4600	171.00
Subtotal for 001-1022-519.4600								2,734.57
3/16/15	140290	124043		ORLANDO APOPKA AIRPORT ASSOCIAT	165932	3/19/15	001-1022-519.4900	620.00
Subtotal for 001-1022-519.4900								620.00
3/12/15	140238			PUBLIC SERVICES PETTY CASH	165820	3/12/15	001-1022-519.5200	9.00
1/29/15	139257	123308		HOME DEPOT CREDIT SERVICES	165906	3/19/15	001-1022-519.5200	43.19
1/27/15	139182	123255		NATIONAL TRAFFIC SIGNS, INC.	165924	3/19/15	001-1022-519.5200	457.56
3/19/15	140401			PUBLIC SERVICES PETTY CASH	165938	3/19/15	001-1022-519.5200	21.99
Subtotal for 001-1022-519.5200								531.74
3/05/15	140017			CITY CLERK PETTY CASH FUND	165611	3/05/15	001-1022-519.5250	7.00
Subtotal for 001-1022-519.5250								7.00
10/10/14	137031	121717		CROWN SHREDDING, LLC	165619	3/05/15	001-1030-512.4600	125.00
Subtotal for 001-1030-512.4600								125.00
10/10/14	137039	121722		OFFICE DEPOT	166044	3/26/15	001-1030-512.5100	293.76
Subtotal for 001-1030-512.5100								293.76
10/10/14	137039	121722		OFFICE DEPOT	166044	3/26/15	001-1030-512.5200	220.33
Subtotal for 001-1030-512.5200								220.33
2/23/15	139845	123695		FLORIDA DEPT OF LAW ENFORCEMEN	165774	3/12/15	001-1120-513.3100	40.50
Subtotal for 001-1120-513.3100								40.50
10/02/14	136699	121472		STAPLES ADVANTAGE	165830	3/12/15	001-1120-513.5100	62.07
10/02/14	136699	121472		STAPLES ADVANTAGE	165953	3/19/15	001-1120-513.5100	18.59
Subtotal for 001-1120-513.5100								80.66

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2/19/15	139799	123647		GOVCONNECTION, INC.	165780	3/12/15	001-1120-513.5200	275.98
2/18/15	139747	123826		M.H.S. OF CENTRAL FLORIDA INC	165795	3/12/15	001-1120-513.5200	325.00
Subtotal for 001-1120-513.5200								600.98
2/19/15	139789	123751		RICOH USA, INC.	165686	3/05/15	001-1170-513.4600	18.95
3/18/15	140348	124091		RICOH USA, INC.	166057	3/26/15	001-1170-513.4600	6.62
Subtotal for 001-1170-513.4600								25.57
10/07/14	136910	121692		SWIFTREACH NETWORKS, INC.	165833	3/12/15	001-2110-522.4100	140.00
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	001-2110-522.4100	8.56
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	001-2110-522.4100	108.21
Subtotal for 001-2110-522.4100								256.77
3/05/15	140032			DUKE ENERGY	165629	3/05/15	001-2110-522.4300	1,159.33
3/12/15	140239			LAKE APOPKA NATURAL GAS DISTRICT	165788	3/12/15	001-2110-522.4300	41.15
3/12/15	140240			LAKE APOPKA NATURAL GAS DISTRICT	165788	3/12/15	001-2110-522.4300	65.17
3/19/15	140391			DUKE ENERGY	165891	3/19/15	001-2110-522.4300	116.70
3/26/15	140545			DUKE ENERGY	166010	3/26/15	001-2110-522.4300	6,577.23
Subtotal for 001-2110-522.4300								7,959.58
2/27/15	139934	123761		CROWN SHREDDING, LLC	165619	3/05/15	001-2110-522.4600	86.10
Subtotal for 001-2110-522.4600								86.10
2/11/15	139519	123516		CAPITAL OFFICE PRODUCTS	165605	3/05/15	001-2110-522.5100	232.90
12/01/14	138083	122471		OFFICE DEPOT	166044	3/26/15	001-2110-522.5100	12.94
Subtotal for 001-2110-522.5100								245.84
3/09/15	140090	123892		GOVCONNECTION, INC.	166023	3/26/15	001-2110-522.5200	139.86
Subtotal for 001-2110-522.5200								139.86
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	001-2120-522.4100	404.25
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	001-2120-522.4100	504.18
Subtotal for 001-2120-522.4100								908.43
3/05/15	140017			CITY CLERK PETTY CASH FUND	165611	3/05/15	001-2120-522.4600	7.59
2/18/15	139738	123618		CHANNEL INNOVATIONS CORP.	165610	3/05/15	001-2120-522.4600	1,230.53
3/10/15	140099	123900		CHANNEL INNOVATIONS CORP.	165876	3/19/15	001-2120-522.4600	170.00
2/17/15	139725	123611		FLORIDA DOOR SOLUTIONS INC.	165897	3/19/15	001-2120-522.4600	338.00
1/28/15	139206	123267		A. EDWARDS DBA APOPKA APPLIANCE	165846	3/19/15	001-2120-522.4600	476.58
3/16/15	140299	124052		CONSOLIDATED FLEET SERVICES	165879	3/19/15	001-2120-522.4600	2,442.00
2/20/15	139832	123685		SUNTRUST BANK	166068	3/26/15	001-2120-522.4600	499.99
Subtotal for 001-2120-522.4600								5,164.69
2/12/15	139551	123526		W. S. DARLEY & COMPANY	165714	3/05/15	001-2120-522.4650	2,442.08
2/12/15	139553	123527		W. S. DARLEY & COMPANY	165714	3/05/15	001-2120-522.4650	1,410.37
1/26/15	139128	123204		HALL-MARK FIRE APPARATUS	165646	3/05/15	001-2120-522.4650	530.31
1/30/15	139266	123317		TOTAL TRUCK PARTS	165703	3/05/15	001-2120-522.4650	112.43
1/15/15	138957	123079		ADVANCE AUTO PARTS	165724	3/12/15	001-2120-522.4650	6.49
3/02/15	139946	123773		K & K GLASS INC	165786	3/12/15	001-2120-522.4650	305.00
2/06/15	139424	123428		AMERICAN WIRE & TERMINAL	165731	3/12/15	001-2120-522.4650	65.43
1/09/15	138828	122980		AMAZON HOSE AND RUBBER CO	165728	3/12/15	001-2120-522.4650	50.40
2/20/15	139812	123658		O'REILLY AUTO PARTS	165809	3/12/15	001-2120-522.4650	99.84
3/03/15	139956	123782		MILLIKAN BATTERY & ELECTRIC	165921	3/19/15	001-2120-522.4650	860.00
2/20/15	139821	123667		ROSENBAUER MINNESOTA, LLC	165945	3/19/15	001-2120-522.4650	1,064.86
2/25/15	139885	123725		TOTAL TRUCK PARTS	166072	3/26/15	001-2120-522.4650	51.77
3/17/15	140302	124055		UNITED PARCEL SERVICE	166081	3/26/15	001-2120-522.4650	2.32
2/06/15	139425	123429		A.O.K. TIRE MART	165975	3/26/15	001-2120-522.4650	187.51
2/27/15	139930	123758		ETR, L.L.C.	166011	3/26/15	001-2120-522.4650	121.68
1/30/15	139272	123323		ORLANDO FREIGHTLINER, INC.	166048	3/26/15	001-2120-522.4650	610.25
Subtotal for 001-2120-522.4650								7,920.74

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12/02/14	138115	122491		WALMART COMMUNITY/RFCSLLC	165715	3/05/15	001-2120-522.5200	251.34
1/13/15	138913	123043		HOME DEPOT CREDIT SERVICES	165649	3/05/15	001-2120-522.5200	259.56
2/17/15	139718	123606		CAPITAL OFFICE PRODUCTS	165605	3/05/15	001-2120-522.5200	1,053.19
2/18/15	139750	123626		PUBLIX SUPER MARKETS, INC.	165683	3/05/15	001-2120-522.5200	39.49
2/24/15	139864	123707		MUNICIPAL EQUIPMENT COMPANY	165802	3/12/15	001-2120-522.5200	628.50
2/17/15	139716	123604		GO KEM, INC., dba AUTO KARE	165779	3/12/15	001-2120-522.5200	362.40
2/27/15	139927	123755		CAPITAL OFFICE PRODUCTS	165742	3/12/15	001-2120-522.5200	625.75
3/12/15	140217			FIRE DEPARTMENT PETTY CASH FUND	165768	3/12/15	001-2120-522.5200	66.08
2/04/15	139358	123448		LIBERTY ART WORKS, INC.	165789	3/12/15	001-2120-522.5200	330.00
3/10/15	140101	123902		GRAMAC PRINTING	165902	3/19/15	001-2120-522.5200	120.00
2/03/15	139344	123447		SUNTRUST BANK	166068	3/26/15	001-2120-522.5200	645.07
12/01/14	138083	122471		OFFICE DEPOT	166044	3/26/15	001-2120-522.5200	12.44
3/12/15	140243	124035		HOME DEPOT CREDIT SERVICES	166029	3/26/15	001-2120-522.5200	42.18
3/16/15	140298	124051		AMERICAN SOLUTIONS FOR BUSINESS	165980	3/26/15	001-2120-522.5200	359.17
3/16/15	140300	124053		APOPKA PLAQUE AND TROPHY	165983	3/26/15	001-2120-522.5200	65.00
Subtotal for 001-2120-522.5200								4,860.17
2/27/15	139941	123769		UNIFIRE INC	165962	3/19/15	001-2120-522.5500	928.94
Subtotal for 001-2120-522.5500								928.94
3/10/15	140097	123898		SPRINT	165952	3/19/15	001-2130-526.4100	81.99
3/10/15	140098	123899		AT & T MOBILITY	165861	3/19/15	001-2130-526.4100	270.58
10/06/14	136809	121573		VERIZON WIRELESS	165967	3/19/15	001-2130-526.4100	75.14
1/27/15	139161	123230		AT & T MOBILITY	165985	3/26/15	001-2130-526.4100	270.58
3/25/15	140504	124197		AT & T MOBILITY	165985	3/26/15	001-2130-526.4100	312.70
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	001-2130-526.4100	252.49
Subtotal for 001-2130-526.4100								1,263.48
2/17/15	139694	123587		AIR LIQUIDE HEALTHCARE AMERICA	165587	3/05/15	001-2130-526.4400	510.36
3/10/15	140100	123901		AIR LIQUIDE HEALTHCARE AMERICA	165850	3/19/15	001-2130-526.4400	623.02
3/25/15	140500	124193		AIR LIQUIDE HEALTHCARE AMERICA	165976	3/26/15	001-2130-526.4400	310.03
Subtotal for 001-2130-526.4400								1,443.41
12/29/14	138660	122876		PHYSIO-CONTROL , INC.	165676	3/05/15	001-2130-526.4600	16,572.00
Subtotal for 001-2130-526.4600								16,572.00
1/26/15	139131	123207		DON REID FORD	165756	3/12/15	001-2130-526.4650	146.41
Subtotal for 001-2130-526.4650								146.41
3/25/15	140503	124196		GRAMAC PRINTING	166025	3/26/15	001-2130-526.4700	502.00
Subtotal for 001-2130-526.4700								502.00
3/10/15	140096	123897		NEB GROUP, INC.	165925	3/19/15	001-2130-526.4950	3,290.74
Subtotal for 001-2130-526.4950								3,290.74
2/17/15	139689	123582		STERICYCLE INC.	165694	3/05/15	001-2130-526.5200	2,501.03
2/17/15	139690	123583		ARROW INTERNATIONAL INC	165597	3/05/15	001-2130-526.5200	557.98
2/17/15	139691	123584		S & W HEALTHCARE CORPORATION	165687	3/05/15	001-2130-526.5200	526.55
2/17/15	139696	123589		BOUND TREE MEDICAL, LLC.	165604	3/05/15	001-2130-526.5200	845.96
2/17/15	139695	123588		BOUND TREE MEDICAL, LLC.	165604	3/05/15	001-2130-526.5200	1,705.42
3/10/15	140102	123903		STERICYCLE INC.	165955	3/19/15	001-2130-526.5200	2,501.03
3/10/15	140104	123904		BOUND TREE MEDICAL, LLC.	165867	3/19/15	001-2130-526.5200	2,407.83
3/10/15	140105	123905		BOUND TREE MEDICAL, LLC.	165867	3/19/15	001-2130-526.5200	1,805.45
3/10/15	140106	123906		TAYLORS PHARMACY	165958	3/19/15	001-2130-526.5200	110.25
3/10/15	140107	123907		QUADMED, INC.	165939	3/19/15	001-2130-526.5200	1,344.27
3/10/15	140108	123908		QUADMED, INC.	165939	3/19/15	001-2130-526.5200	1,699.81
3/03/15	139983	123804		KAPPA MAP GROUP LLC	166034	3/26/15	001-2130-526.5200	672.00
3/25/15	140501	124194		ARROW INTERNATIONAL INC	165984	3/26/15	001-2130-526.5200	1,108.49
3/25/15	140499	124192		S & W HEALTHCARE CORPORATION	166059	3/26/15	001-2130-526.5200	213.83
3/25/15	140506	124199		TAYLORS PHARMACY	166070	3/26/15	001-2130-526.5200	2,456.50

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Subtotal for 001-2130-526.5200								20,456.40
10/30/14	137560	122139		CLERK OF THE COURT, ORANGE CO	165612	3/05/15	001-2210-521.3100	60.00
12/05/14	138266	122608		RANDY MEANS CONSULTING	165941	3/19/15	001-2210-521.3100	440.00
3/06/15	140055	123887		ORANGE COUNTY COMPTROLLER	165931	3/19/15	001-2210-521.3100	55.50
10/30/14	137560	122139		CLERK OF THE COURT, ORANGE CO	165877	3/19/15	001-2210-521.3100	6.00
Subtotal for 001-2210-521.3100								561.50
12/08/14	138274	122614		AMERICAN TRAFFIC SOLUTIONS, INC.	165855	3/19/15	001-2210-521.3400	98,814.00
Subtotal for 001-2210-521.3400								98,814.00
3/05/15	140037			SUNTRUST BANK	165722	3/06/15	001-2210-521.4000	-38.00
Subtotal for 001-2210-521.4000								-38.00
10/06/14	136807	121594		VERIZON WIRELESS	165967	3/19/15	001-2210-521.4100	187.85
Subtotal for 001-2210-521.4100								187.85
1/23/15	139123	123200		SUNTRUST BANK	165722	3/06/15	001-2210-521.4200	20.00
Subtotal for 001-2210-521.4200								20.00
3/05/15	140035			DUKE ENERGY	165629	3/05/15	001-2210-521.4300	130.65
3/12/15	140239			LAKE APOPKA NATURAL GAS DISTRICT	165788	3/12/15	001-2210-521.4300	41.14
3/12/15	140207			DUKE ENERGY	165759	3/12/15	001-2210-521.4300	12.63
3/19/15	140391			DUKE ENERGY	165891	3/19/15	001-2210-521.4300	116.70
3/20/15	140428			DUKE ENERGY	165973	3/20/15	001-2210-521.4300	575.19
3/26/15	140547			DUKE ENERGY	166010	3/26/15	001-2210-521.4300	132.47
Subtotal for 001-2210-521.4300								1,008.78
3/06/15	140051	123883		CARTRIDGE CENTER INC	165874	3/19/15	001-2210-521.5100	86.06
Subtotal for 001-2210-521.5100								86.06
12/29/14	138645	122832		WALMART COMMUNITY/RFCSELLC	165715	3/05/15	001-2210-521.5200	3.78
12/05/14	138267	122609		U S SURPLUS SALES, INC.	165835	3/12/15	001-2210-521.5200	4.73
10/02/14	136752	121527		STAPLES ADVANTAGE	165830	3/12/15	001-2210-521.5200	94.69
3/06/15	140048	123880		ID WHOLESALER	165907	3/19/15	001-2210-521.5200	163.75
10/02/14	136761	121533		WALMART COMMUNITY/RFCSELLC	166084	3/26/15	001-2210-521.5200	28.79
Subtotal for 001-2210-521.5200								295.74
1/09/15	138858	123063		U S SURPLUS SALES, INC.	165710	3/05/15	001-2210-521.5210	270.00
1/14/15	138951	123274		U S SURPLUS SALES, INC.	165960	3/19/15	001-2210-521.5210	8,875.00
Subtotal for 001-2210-521.5210								9,145.00
2/03/15	139339	123445		NOTARY PUBLIC UNDERWRITERS INC.	165806	3/12/15	001-2210-521.5400	101.52
Subtotal for 001-2210-521.5400								101.52
1/02/15	138698	122944		SUNTRUST BANK	166068	3/26/15	001-2220-521.4000	48.04
Subtotal for 001-2220-521.4000								48.04
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	001-2220-521.4100	186.31
10/06/14	136807	121594		VERIZON WIRELESS	165967	3/19/15	001-2220-521.4100	3,191.15
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	001-2220-521.4100	72.14
Subtotal for 001-2220-521.4100								3,449.60
1/28/15	139195	123293		ENFORCEMENT ELECTRONICS SERVIC	165761	3/12/15	001-2220-521.4600	45.00
10/21/14	137354	122133		CANON SOLUTIONS AMERICA, INC	165741	3/12/15	001-2220-521.4600	405.03
10/21/14	137354	122133		CANON SOLUTIONS AMERICA, INC	165871	3/19/15	001-2220-521.4600	27.55
3/13/15	140254	124036		A-ABRA-KEY-DABRA LOCKSMITH SERV.	165974	3/26/15	001-2220-521.4600	163.00
Subtotal for 001-2220-521.4600								640.58
1/30/15	139273	123324		TPH ACQUISITION LLLP	165705	3/05/15	001-2220-521.4650	278.58
10/14/14	137103	121779		ORLANDO DODGE INC.	165671	3/05/15	001-2220-521.4650	45.94
2/17/15	139701	123594		MORGANELLI & ASSOCIATES	165667	3/05/15	001-2220-521.4650	196.60
2/06/15	139424	123428		AMERICAN WIRE & TERMINAL	165731	3/12/15	001-2220-521.4650	42.75
2/27/15	139923	123752		PRO TREE KUSTOMS AND AUTO COLLI	165817	3/12/15	001-2220-521.4650	504.80
1/26/15	139131	123207		DON REID FORD	165756	3/12/15	001-2220-521.4650	743.52

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2/20/15	139803	123650		DON REID FORD	165886	3/19/15	001-2220-521.4650	551.35
1/26/15	139130	123206		A.O.K. TIRE MART	165847	3/19/15	001-2220-521.4650	498.96
2/05/15	139405	123416		MULLINAX FORD	166042	3/26/15	001-2220-521.4650	189.90
2/25/15	139886	123726		DON REID FORD	166001	3/26/15	001-2220-521.4650	443.74
3/17/15	140302	124055		UNITED PARCEL SERVICE	166081	3/26/15	001-2220-521.4650	2.33
2/12/15	139555	123528		TPH ACQUISITION LLLP	166074	3/26/15	001-2220-521.4650	79.96
1/15/15	138961	123083		PEP BOYS - MANNY, MOE & JACK, THE	166053	3/26/15	001-2220-521.4650	54.99
Subtotal for 001-2220-521.4650								3,633.42
12/12/14	138476	122740		SUNTRUST BANK	165722	3/06/15	001-2220-521.4700	250.00
Subtotal for 001-2220-521.4700								250.00
3/06/15	140051	123883		CARTRIDGE CENTER INC	165874	3/19/15	001-2220-521.5100	430.30
Subtotal for 001-2220-521.5100								430.30
12/29/14	138645	122832		WALMART COMMUNITY/RFCSELLC	165715	3/05/15	001-2220-521.5200	6.32
1/09/15	138858	123063		U S SURPLUS SALES, INC.	165710	3/05/15	001-2220-521.5200	270.00
1/09/15	138859	123064		SPECIAL PRODUCTS GROUP	165692	3/05/15	001-2220-521.5200	122.45
2/09/15	139461	123467		COSTCO / ATT. KERRY	165617	3/05/15	001-2220-521.5200	214.96
10/30/14	137573	122141		PIEDMONT ANIMAL HOSPITAL	165677	3/05/15	001-2220-521.5200	189.00
10/30/14	137601	122147		SPECIAL PRODUCTS GROUP	165692	3/05/15	001-2220-521.5200	237.61
2/11/15	139571	123549		WALMART COMMUNITY/RFCSELLC	165715	3/05/15	001-2220-521.5200	9.94
1/26/15	139137	123282		PRO IMAGE APPAREL	165682	3/05/15	001-2220-521.5200	448.00
1/26/15	139136	123281		CRIMSON TECHNOLOGY PRODUCTS LL	165618	3/05/15	001-2220-521.5200	70.00
3/06/15	140046			SSD INTERNATIONAL INC	165720	3/06/15	001-2220-521.5200	900.00
1/09/15	138869	123065		SUNTRUST BANK	165722	3/06/15	001-2220-521.5200	86.49
11/21/14	137997	122602		SUNTRUST BANK	165722	3/06/15	001-2220-521.5200	256.00
1/23/15	139123	123200		SUNTRUST BANK	165722	3/06/15	001-2220-521.5200	220.00
2/06/15	139420	123424		SHI INTERNATIONAL CORP.	165829	3/12/15	001-2220-521.5200	283.73
10/02/14	136752	121527		STAPLES ADVANTAGE	165830	3/12/15	001-2220-521.5200	189.40
2/09/15	139474	123536		U S SURPLUS SALES, INC.	165835	3/12/15	001-2220-521.5200	495.20
2/09/15	139475	123537		NATIONAL IMPRINT CORPORATION	165803	3/12/15	001-2220-521.5200	701.04
10/30/14	137605	122148		BRAVERY BADGE, LLC	165739	3/12/15	001-2220-521.5200	113.99
2/11/15	139524	123520		SHI INTERNATIONAL CORP.	165829	3/12/15	001-2220-521.5200	425.59
2/12/15	139559	123531		SHI INTERNATIONAL CORP.	165829	3/12/15	001-2220-521.5200	146.94
12/05/14	138267	122609		U S SURPLUS SALES, INC.	165835	3/12/15	001-2220-521.5200	32.30
2/11/15	139530	123521		EVAVLT, INC	165763	3/12/15	001-2220-521.5200	716.80
1/27/15	139171	123290		BRAVERY BADGE, LLC	165739	3/12/15	001-2220-521.5200	95.95
10/08/14	136948	121696		LOWE'S	165914	3/19/15	001-2220-521.5200	40.46
10/30/14	137573	122141		PIEDMONT ANIMAL HOSPITAL	165933	3/19/15	001-2220-521.5200	520.00
2/09/15	139475	123537		NATIONAL IMPRINT CORPORATION	165923	3/19/15	001-2220-521.5200	225.40
10/30/14	137592	122145		U S SURPLUS SALES, INC.	165960	3/19/15	001-2220-521.5200	244.62
10/02/14	136761	121533		WALMART COMMUNITY/RFCSELLC	166084	3/26/15	001-2220-521.5200	115.20
2/03/15	139344	123447		SUNTRUST BANK	166068	3/26/15	001-2220-521.5200	645.07
2/11/15	139571	123549		WALMART COMMUNITY/RFCSELLC	166084	3/26/15	001-2220-521.5200	500.00
2/09/15	139473	123535		SUNTRUST BANK	166068	3/26/15	001-2220-521.5200	449.90
2/06/15	139420	123424		SHI INTERNATIONAL CORP.	166061	3/26/15	001-2220-521.5200	567.45
3/11/15	140203	124031		AOPKA PLAQUE AND TROPHY	165983	3/26/15	001-2220-521.5200	60.00
Subtotal for 001-2220-521.5200								9,599.81
10/07/14	136881	121689		LOGSON, ALEXANDRIA	165913	3/19/15	001-2220-521.5225	243.50
10/07/14	136879	121688		REYES, FERNANDO	165943	3/19/15	001-2220-521.5225	50.49
10/07/14	136878	121687		REHN, PAUL	165942	3/19/15	001-2220-521.5225	92.86
Subtotal for 001-2220-521.5225								386.85
2/03/15	139339	123445		NOTARY PUBLIC UNDERWRITERS INC.	165806	3/12/15	001-2220-521.5400	101.52
Subtotal for 001-2220-521.5400								101.52

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12/03/14	138148	122532		NET TRANSCRIPTS, INC	165926	3/19/15	001-2230-521.3100	54.00
Subtotal for 001-2230-521.3100								54.00
10/07/14	136882	121690		LIVEVIEW GPS, INC	165792	3/12/15	001-2230-521.4100	184.60
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	001-2230-521.4100	26.58
10/06/14	136807	121594		VERIZON WIRELESS	165967	3/19/15	001-2230-521.4100	397.02
10/10/14	137063	121766		SPRINT	165951	3/19/15	001-2230-521.4100	294.98
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	001-2230-521.4100	252.49
Subtotal for 001-2230-521.4100								1,155.67
1/30/15	139273	123324		TPH ACQUISITION LLLP	165705	3/05/15	001-2230-521.4650	32.20
10/14/14	137103	121779		ORLANDO DODGE INC.	165671	3/05/15	001-2230-521.4650	89.95
1/13/15	138899	123031		GRAINGER	165640	3/05/15	001-2230-521.4650	35.56
1/26/15	139131	123207		DON REID FORD	165756	3/12/15	001-2230-521.4650	114.25
3/02/15	139946	123773		K & K GLASS INC	165786	3/12/15	001-2230-521.4650	45.00
2/20/15	139812	123658		O'REILLY AUTO PARTS	165809	3/12/15	001-2230-521.4650	5.58
3/11/15	140169	123956		MID FLORIDA GOLF CARS DIST., INC.	165920	3/19/15	001-2230-521.4650	76.95
2/25/15	139887	123727		O'REILLY AUTO PARTS	166043	3/26/15	001-2230-521.4650	101.66
2/20/15	139807	123654		ORLANDO DODGE INC.	166047	3/26/15	001-2230-521.4650	122.31
2/25/15	139886	123726		DON REID FORD	166001	3/26/15	001-2230-521.4650	105.11
2/12/15	139555	123528		TPH ACQUISITION LLLP	166074	3/26/15	001-2230-521.4650	135.16
1/15/15	138961	123083		PEP BOYS - MANNY, MOE & JACK, THE	166053	3/26/15	001-2230-521.4650	42.49
Subtotal for 001-2230-521.4650								906.22
3/06/15	140051	123883		CARTRIDGE CENTER INC	165874	3/19/15	001-2230-521.5100	387.27
Subtotal for 001-2230-521.5100								387.27
12/29/14	138645	122832		WALMART COMMUNITY/RFCSLLC	165715	3/05/15	001-2230-521.5200	2.53
2/20/15	139840	123690		JPMORGAN CHASE BANK, N.A.	165656	3/05/15	001-2230-521.5200	18.29
10/02/14	136752	121527		STAPLES ADVANTAGE	165830	3/12/15	001-2230-521.5200	94.69
12/05/14	138267	122609		U S SURPLUS SALES, INC.	165835	3/12/15	001-2230-521.5200	12.92
2/17/15	139708	123672		EXPRESS DIAGNOSTICS INTERNATIONAL	165764	3/12/15	001-2230-521.5200	140.44
3/06/15	140052	123884		BRIGHT HOUSE NETWORKS, LLC	165868	3/19/15	001-2230-521.5200	30.00
2/24/15	139874	123738		SUNTRUST BANK	166068	3/26/15	001-2230-521.5200	475.00
10/02/14	136761	121533		WALMART COMMUNITY/RFCSLLC	166084	3/26/15	001-2230-521.5200	28.80
Subtotal for 001-2230-521.5200								802.67
2/03/15	139342	123446		NOTARY PUBLIC UNDERWRITERS INC.	165807	3/12/15	001-2230-521.5400	197.04
2/10/15	139510	123541		NOTARY PUBLIC UNDERWRITERS INC.	165808	3/12/15	001-2230-521.5400	98.52
Subtotal for 001-2230-521.5400								295.56
2/10/15	139509	123540		SUNTRUST BANK	166068	3/26/15	001-2230-521.5500	50.00
Subtotal for 001-2230-521.5500								50.00
10/30/14	137605	122148		BRAVERY BADGE, LLC	165739	3/12/15	001-2235-521.5200	38.00
Subtotal for 001-2235-521.5200								38.00
10/21/14	137349	122132		DIRECTTV	165621	3/05/15	001-2250-519.4100	134.98
10/07/14	136874	121684		NETWORK INNOVATIONS INC.	165669	3/05/15	001-2250-519.4100	73.73
10/10/14	137051	121790		RAPID SYSTEMS	165822	3/12/15	001-2250-519.4100	2,698.75
10/07/14	136910	121692		SWIFTREACH NETWORKS, INC.	165833	3/12/15	001-2250-519.4100	140.00
10/07/14	136874	121684		NETWORK INNOVATIONS INC.	165927	3/19/15	001-2250-519.4100	73.73
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	001-2250-519.4100	84.36
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	001-2250-519.4100	36.07
Subtotal for 001-2250-519.4100								3,241.62
3/05/15	140032			DUKE ENERGY	165629	3/05/15	001-2250-519.4300	878.60
3/19/15	140391			DUKE ENERGY	165891	3/19/15	001-2250-519.4300	274.71
3/26/15	140545			DUKE ENERGY	166010	3/26/15	001-2250-519.4300	30.65
Subtotal for 001-2250-519.4300								1,183.96

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2/18/15	139735	123675		MDE, INC.	165664	3/05/15	001-2250-519.4600	1,750.00
10/30/14	137572	122140		MOTOROLA SOLUTIONS, INC.	165800	3/12/15	001-2250-519.4600	44,417.78
12/12/14	138478	122742		CLIFTON'S TOWER SERVICE, INC.	165878	3/19/15	001-2250-519.4600	26,126.46
Subtotal for 001-2250-519.4600								72,294.24
3/06/15	140051	123883		CARTRIDGE CENTER INC	165874	3/19/15	001-2250-519.5100	387.27
Subtotal for 001-2250-519.5100								387.27
12/29/14	138645	122832		WALMART COMMUNITY/RFCSLLC	165715	3/05/15	001-2250-519.5200	6.32
10/02/14	136752	121527		STAPLES ADVANTAGE	165830	3/12/15	001-2250-519.5200	189.40
2/03/15	139345	123396		GOVCONNECTION, INC.	165780	3/12/15	001-2250-519.5200	137.99
10/08/14	136948	121696		LOWE'S	165914	3/19/15	001-2250-519.5200	40.45
10/02/14	136761	121533		WALMART COMMUNITY/RFCSLLC	166084	3/26/15	001-2250-519.5200	43.20
Subtotal for 001-2250-519.5200								417.36
3/12/15	140238			PUBLIC SERVICES PETTY CASH	165820	3/12/15	001-3310-519.1200	4.99
Subtotal for 001-3310-519.1200								4.99
3/11/15	140159			PUBLIC SERVICES PETTY CASH	165820	3/12/15	001-3310-519.4000	35.65
3/19/15	140401			PUBLIC SERVICES PETTY CASH	165938	3/19/15	001-3310-519.4000	64.40
Subtotal for 001-3310-519.4000								100.05
3/03/15	139990	123811		NEXTEL COMMUNICATIONS	165804	3/12/15	001-3310-519.4100	32.85
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	001-3310-519.4100	8.57
10/07/14	136860	121633		VERIZON WIRELESS	165967	3/19/15	001-3310-519.4100	37.57
Subtotal for 001-3310-519.4100								78.99
3/19/15	140390			DUKE ENERGY	165891	3/19/15	001-3310-519.4300	208.84
3/26/15	140547			DUKE ENERGY	166010	3/26/15	001-3310-519.4300	263.14
Subtotal for 001-3310-519.4300								471.98
3/10/15	140142	123934		AIRGAS USA, LLC	165851	3/19/15	001-3310-519.4400	174.95
Subtotal for 001-3310-519.4400								174.95
1/05/15	138704	122878		APOPKA ACE HARDWARE & LUMBER IN	165592	3/05/15	001-3310-519.4600	2.99
2/17/15	139681	123574		SAFETY- KLEEN	165688	3/05/15	001-3310-519.4600	608.01
2/20/15	139812	123658		O'REILLY AUTO PARTS	165809	3/12/15	001-3310-519.4600	5.68
1/14/15	138916	123045		SUNTRUST BANK	166068	3/26/15	001-3310-519.4600	624.18
Subtotal for 001-3310-519.4600								1,240.86
1/30/15	139273	123324		TPH ACQUISITION LLLP	165705	3/05/15	001-3310-519.4650	251.10
2/18/15	139731	123614		ADVANCE DRIVELINE	165586	3/05/15	001-3310-519.4650	1,453.96
Subtotal for 001-3310-519.4650								1,705.06
1/23/15	139115	123194		ORLANDO SENTINEL	166050	3/26/15	001-3310-519.4902	336.34
Subtotal for 001-3310-519.4902								336.34
2/17/15	139684	123577		L & B DISTRIBUTING	165658	3/05/15	001-3310-519.5200	109.95
2/06/15	139423	123427		DON WOOD, INC.	165622	3/05/15	001-3310-519.5200	2,409.00
2/10/15	139498	123499		BLUETARP FINANCIAL INC	165603	3/05/15	001-3310-519.5200	324.27
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	001-3310-519.5200	451.60
1/13/15	138899	123031		GRAINGER	165640	3/05/15	001-3310-519.5200	18.66
2/20/15	139812	123658		O'REILLY AUTO PARTS	165809	3/12/15	001-3310-519.5200	4.44
2/18/15	139733	123616		FASTENAL COMPANY	165765	3/12/15	001-3310-519.5200	125.81
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	001-3310-519.5200	453.00
3/11/15	140186	123970		CAPITAL CONTRACTORS INC.	165872	3/19/15	001-3310-519.5200	65.00
2/20/15	139800	123648		L & B DISTRIBUTING	166035	3/26/15	001-3310-519.5200	19.00
Subtotal for 001-3310-519.5200								3,980.73
2/06/15	139435	123435		WELDON PARTS-ORLANDO	165841	3/12/15	001-3310-519.5500	100.00
3/11/15	140170	123957		ANGI ENERGY SYSTEMS, LLC	165856	3/19/15	001-3310-519.5500	750.00
Subtotal for 001-3310-519.5500								850.00
3/19/15	140404		20140009	GUARDIAN FUELING TECHNOLOGIES, I	165903	3/19/15	001-3310-519.6300	142,109.99

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Subtotal for 001-3310-519.6300								142,109.99
3/03/15	139990	123811		NEXTEL COMMUNICATIONS	165804	3/12/15	001-3512-539.4100	32.85
Subtotal for 001-3512-539.4100								32.85
3/05/15	140032			DUKE ENERGY	165629	3/05/15	001-3512-539.4300	14.03
Subtotal for 001-3512-539.4300								14.03
12/12/14	138461	122707		FIELDS EQUIPMENT COMPANY, INC.	165634	3/05/15	001-3512-539.4650	428.16
Subtotal for 001-3512-539.4650								428.16
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	001-3512-539.5200	28.92
2/06/15	139428	123449		HOME DEPOT CREDIT SERVICES	165906	3/19/15	001-3512-539.5200	270.70
2/06/15	139429	123450		HOME DEPOT CREDIT SERVICES	165906	3/19/15	001-3512-539.5200	453.79
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	001-3512-539.5200	28.92
2/26/15	139897	123741		HOME DEPOT CREDIT SERVICES	165906	3/19/15	001-3512-539.5200	111.79
Subtotal for 001-3512-539.5200								894.12
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	001-3513-572.4100	8.57
Subtotal for 001-3513-572.4100								8.57
3/05/15	140032			DUKE ENERGY	165629	3/05/15	001-3513-572.4300	158.63
Subtotal for 001-3513-572.4300								158.63
3/13/15	140244	123994		ALL-RITE FENCE SERVICES, INC.	165977	3/26/15	001-3513-572.4600	358.00
Subtotal for 001-3513-572.4600								358.00
1/30/15	139273	123324		TPH ACQUISITION LLLP	165705	3/05/15	001-3513-572.4650	34.05
3/03/15	139965	123790		D&M TRACTOR PARTS	165752	3/12/15	001-3513-572.4650	378.02
2/20/15	139812	123658		O'REILLY AUTO PARTS	165809	3/12/15	001-3513-572.4650	17.95
3/03/15	139956	123782		MILLIKAN BATTERY & ELECTRIC	165921	3/19/15	001-3513-572.4650	140.00
3/09/15	140082	123876		BELL RENTALS & SALES, INC.	165989	3/26/15	001-3513-572.4650	45.41
Subtotal for 001-3513-572.4650								615.43
2/24/15	139871	123713		WASTE MANAGEMENT OF VISTA LANDF	165716	3/05/15	001-3513-572.4900	300.96
3/11/15	140190	123973		WASTE MANAGEMENT OF VISTA LANDF	165969	3/19/15	001-3513-572.4900	334.62
Subtotal for 001-3513-572.4900								635.58
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	001-3513-572.5200	215.72
3/02/15	139944	123771		DISPLAY SALES	165755	3/12/15	001-3513-572.5200	130.28
2/05/15	139388	123409		GOVCONNECTION, INC.	165780	3/12/15	001-3513-572.5200	31.30
3/11/15	140159			PUBLIC SERVICES PETTY CASH	165820	3/12/15	001-3513-572.5200	41.66
2/11/15	139523	123519		GOVCONNECTION, INC.	165780	3/12/15	001-3513-572.5200	8.62
2/11/15	139524	123520		SHI INTERNATIONAL CORP.	165829	3/12/15	001-3513-572.5200	212.80
3/12/15	140238			PUBLIC SERVICES PETTY CASH	165820	3/12/15	001-3513-572.5200	1.25
2/26/15	139914	123748		MALTBYS TREE SERVICE INC.	165796	3/12/15	001-3513-572.5200	800.00
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	001-3513-572.5200	215.72
2/19/15	139791	123645		LOWE'S	165914	3/19/15	001-3513-572.5200	170.97
3/19/15	140401			PUBLIC SERVICES PETTY CASH	165938	3/19/15	001-3513-572.5200	12.82
3/03/15	139982	123831		SUNTRUST BANK	166068	3/26/15	001-3513-572.5200	328.50
3/11/15	140194	123976		DISPLAY SALES	166000	3/26/15	001-3513-572.5200	183.00
Subtotal for 001-3513-572.5200								2,352.64
3/10/15	140128	123925		SUNSHINE SAFETY COUNCIL, INC.	166065	3/26/15	001-3513-572.5500	225.00
Subtotal for 001-3513-572.5500								225.00
2/04/15	139376	123401		MOTOROLA SOLUTIONS, INC.	165801	3/12/15	001-3514-572.4100	379.00
Subtotal for 001-3514-572.4100								379.00
3/26/15	140547			DUKE ENERGY	166010	3/26/15	001-3514-572.4300	13.01
3/26/15	140545			DUKE ENERGY	166010	3/26/15	001-3514-572.4300	33.07
Subtotal for 001-3514-572.4300								46.08
2/10/15	139504	123505		MERCER PEST CONTROL, INC.	165665	3/05/15	001-3514-572.4600	40.00
Subtotal for 001-3514-572.4600								40.00

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1/30/15	139273	123324		TPH ACQUISITION LLLP	165705	3/05/15	001-3514-572.4650	34.05
2/03/15	139328	123370		JACOBSEN, A DIVISION OF TEXTRON	165653	3/05/15	001-3514-572.4650	1,571.71
2/03/15	139341	123385		JACOBSEN, A DIVISION OF TEXTRON	165653	3/05/15	001-3514-572.4650	52.68
2/24/15	139862	123706		WESCO TURF , INC.	165842	3/12/15	001-3514-572.4650	309.18
3/04/15	139998	123817		HYDRAULIC HOUSE, INC.	165783	3/12/15	001-3514-572.4650	160.01
2/20/15	139812	123658		O'REILLY AUTO PARTS	165809	3/12/15	001-3514-572.4650	25.20
12/31/14	138686	122860		APOPKA AUTO UPHOLSTERY	165857	3/19/15	001-3514-572.4650	0.00
1/26/15	139130	123206		A.O.K. TIRE MART	165847	3/19/15	001-3514-572.4650	45.64
1/05/15	138715	122889		TRAIL SAW & MOWER SERVICE, INC.	165959	3/19/15	001-3514-572.4650	37.48
1/15/15	138964	123085		WESCO TURF , INC.	165970	3/19/15	001-3514-572.4650	55.59
2/25/15	139887	123727		O'REILLY AUTO PARTS	166043	3/26/15	001-3514-572.4650	87.16
2/02/15	139271	123322		GLENN JOINER & SON, INC.	166022	3/26/15	001-3514-572.4650	6.22
3/11/15	140189	123972		LOUIS E. SNYDER	166039	3/26/15	001-3514-572.4650	960.00
Subtotal for 001-3514-572.4650								3,344.92
2/02/15	139304	123351		JOHN DEERE LANDSCAPES	165654	3/05/15	001-3514-572.5200	2,256.00
12/09/14	138330	122663		TRUGREEN	165707	3/05/15	001-3514-572.5200	7,395.00
2/05/15	139386	123408		TWC DISTRIBUTORS	165709	3/05/15	001-3514-572.5200	151.96
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	001-3514-572.5200	94.40
1/29/15	139248	123303		PIONEER MANUFACTURING CO.	165678	3/05/15	001-3514-572.5200	2,300.00
2/02/15	139302	123349		WESCO TURF , INC.	165842	3/12/15	001-3514-572.5200	493.04
2/25/15	139880	123721		JOHN DEERE LANDSCAPES	165911	3/19/15	001-3514-572.5200	2,250.53
2/05/15	139385	123407		GOLF SPECIALTIES , INC	165900	3/19/15	001-3514-572.5200	1,974.00
3/03/15	139976	123800		PIONEER MANUFACTURING CO.	165934	3/19/15	001-3514-572.5200	2,280.00
2/06/15	139448	123456		BLUETARP FINANCIAL INC	165865	3/19/15	001-3514-572.5200	214.24
2/09/15	139466	123472		HOME DEPOT CREDIT SERVICES	165906	3/19/15	001-3514-572.5200	138.70
1/15/15	138966	123086		HOME DEPOT CREDIT SERVICES	165906	3/19/15	001-3514-572.5200	348.93
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	001-3514-572.5200	70.80
3/11/15	140182	123967		TRAIL SAW & MOWER SERVICE, INC.	166075	3/26/15	001-3514-572.5200	264.55
2/27/15	139926	123754		DON WOOD, INC.	166002	3/26/15	001-3514-572.5200	211.75
3/26/15	140551			RECREATION DEPT. PETTY CASH	166056	3/26/15	001-3514-572.5200	7.25
Subtotal for 001-3514-572.5200								20,451.15
2/13/15	139585	123560		MANSFIELD OIL, CO.	165916	3/19/15	001-3514-572.5250	1,363.07
Subtotal for 001-3514-572.5250								1,363.07
2/23/15	139845	123695		FLORIDA DEPT OF LAW ENFORCEMENT	165774	3/12/15	001-3612-572.3100	729.00
Subtotal for 001-3612-572.3100								729.00
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	001-3612-572.4100	12.96
3/10/15	140098	123899		AT & T MOBILITY	165861	3/19/15	001-3612-572.4100	44.12
1/27/15	139161	123230		AT & T MOBILITY	165985	3/26/15	001-3612-572.4100	44.12
Subtotal for 001-3612-572.4100								101.20
3/05/15	140035			DUKE ENERGY	165629	3/05/15	001-3612-572.4300	107.39
3/12/15	140207			DUKE ENERGY	165759	3/12/15	001-3612-572.4300	205.89
3/20/15	140428			DUKE ENERGY	165973	3/20/15	001-3612-572.4300	2,313.68
3/26/15	140547			DUKE ENERGY	166010	3/26/15	001-3612-572.4300	12,005.08
Subtotal for 001-3612-572.4300								14,632.04
2/20/15	139835	123686		HIGH REACH CO. LLC	165648	3/05/15	001-3612-572.4400	1,814.80
Subtotal for 001-3612-572.4400								1,814.80
10/17/14	137238	121851		RICOH USA, INC.	165686	3/05/15	001-3612-572.4600	133.40
10/17/14	137240	121853		RICOH USA, INC.	165686	3/05/15	001-3612-572.4600	89.65
2/10/15	139504	123505		MERCER PEST CONTROL, INC.	165665	3/05/15	001-3612-572.4600	320.87
10/17/14	137254	121865		RICOH USA, INC.	165686	3/05/15	001-3612-572.4600	83.72
Subtotal for 001-3612-572.4600								627.64
1/05/15	138704	122878		APOPKA ACE HARDWARE & LUMBER IN	165592	3/05/15	001-3612-572.4650	10.98

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12/12/14	138461	122707		FIELDS EQUIPMENT COMPANY, INC.	165634	3/05/15	001-3612-572.4650	959.25
1/09/15	138833	122984		CAR STORE OF WEST ORANGE, INC.	165606	3/05/15	001-3612-572.4650	267.60
1/05/15	138710	122884		MILLIKAN BATTERY & ELECTRIC	165666	3/05/15	001-3612-572.4650	125.00
3/03/15	139951	123776		RYAN BROTHERS, INC.	165824	3/12/15	001-3612-572.4650	51.92
3/03/15	139952	123777		DAVIDS TRAILERS INC.	165753	3/12/15	001-3612-572.4650	48.95
2/20/15	139812	123658		O'REILLY AUTO PARTS	165809	3/12/15	001-3612-572.4650	16.54
2/20/15	139803	123650		DON REID FORD	165886	3/19/15	001-3612-572.4650	25.65
12/31/14	138686	122860		APOPKA AUTO UPHOLSTERY	165857	3/19/15	001-3612-572.4650	525.00
Subtotal for 001-3612-572.4650								2,030.89
2/09/15	139459	123465		CAPITAL OFFICE PRODUCTS	165605	3/05/15	001-3612-572.5100	225.65
2/20/15	139836	123687		CAPITAL OFFICE PRODUCTS	165605	3/05/15	001-3612-572.5100	92.32
3/18/15	140351	124094		CAPITAL OFFICE PRODUCTS	165991	3/26/15	001-3612-572.5100	32.41
3/18/15	140356	124099		CAPITAL OFFICE PRODUCTS	165991	3/26/15	001-3612-572.5100	453.36
Subtotal for 001-3612-572.5100								803.74
1/21/15	139057	123161		FLORIDA ISA	165637	3/05/15	001-3612-572.5200	716.00
2/20/15	139830	123683		CFM DISTRIBUTING CO., INC.	165609	3/05/15	001-3612-572.5200	238.15
3/03/15	139980	123803		CFM DISTRIBUTING CO., INC.	165747	3/12/15	001-3612-572.5200	352.48
3/17/15	140327	124071		CFM DISTRIBUTING CO., INC.	165995	3/26/15	001-3612-572.5200	1,088.89
3/18/15	140355	124098		CFM DISTRIBUTING CO., INC.	165995	3/26/15	001-3612-572.5200	118.14
3/26/15	140551			RECREATION DEPT. PETTY CASH	166056	3/26/15	001-3612-572.5200	125.54
Subtotal for 001-3612-572.5200								2,639.20
2/03/15	139329	123371		AYERS DISTRIBUTING CO.	165600	3/05/15	001-3613-572.5200	1,668.00
2/12/15	139561	123533		GRAINGER	165640	3/05/15	001-3613-572.5200	53.79
2/23/15	139845	123695		FLORIDA DEPT OF LAW ENFORCEMENT	165774	3/12/15	001-3613-572.5200	40.50
2/03/15	139331	123373		FIFTH THIRD BANK	165896	3/19/15	001-3613-572.5200	280.00
2/03/15	139335	123374		FIFTH THIRD BANK	165896	3/19/15	001-3613-572.5200	216.00
3/03/15	139968	123793		WALMART COMMUNITY/RFCSLLC	166084	3/26/15	001-3613-572.5200	82.56
1/27/15	139162	123286		U S SURPLUS SALES, INC.	166078	3/26/15	001-3613-572.5200	32.50
Subtotal for 001-3613-572.5200								2,373.35
2/23/15	139849	123699		GRAND RENTAL STATION	165641	3/05/15	001-3613-572.5201	1,940.00
1/28/15	139192	123272		GRAND RENTAL STATION	165641	3/05/15	001-3613-572.5201	1,640.00
1/30/15	139280	123331		GRAND RENTAL STATION	165641	3/05/15	001-3613-572.5201	2,040.00
1/30/15	139294	123343		GRAND RENTAL STATION	165641	3/05/15	001-3613-572.5201	1,110.00
2/23/15	139850	123700		CONSOLIDATED ELECTRICAL DIST.	165614	3/05/15	001-3613-572.5201	296.80
1/09/15	138819	122971		SUNBELT RENTALS, INC.	165695	3/05/15	001-3613-572.5201	128.60
2/27/15	139940	123768		PRINTERS, THE	165681	3/05/15	001-3613-572.5201	414.00
3/03/15	139953	123778		CONSTANTINE, PAUL J., JR	165615	3/05/15	001-3613-572.5201	100.00
1/29/15	139220	123250		GRAND RENTAL STATION	165641	3/05/15	001-3613-572.5201	1,275.00
2/19/15	139788	123644		FLASH-RITE, INC.	165636	3/05/15	001-3613-572.5201	2,176.30
2/12/15	139549	123524		COSTCO / ATT. KERRY	165617	3/05/15	001-3613-572.5201	233.41
2/20/15	139831	123684		CFM DISTRIBUTING CO., INC.	165609	3/05/15	001-3613-572.5201	1,479.52
3/05/15	140017			CITY CLERK PETTY CASH FUND	165611	3/05/15	001-3613-572.5201	51.39
2/26/15	139912	123746		WAYNE DENSCH, INC.	165718	3/05/15	001-3613-572.5201	11,881.00
1/06/15	138752	122923		SUNBELT RENTALS, INC.	165695	3/05/15	001-3613-572.5201	2,351.50
2/26/15	139911	123745		PASHA, PETER PATRICK	165675	3/05/15	001-3613-572.5201	400.00
1/27/15	139178	123239		GRAND RENTAL STATION	165641	3/05/15	001-3613-572.5201	1,740.00
1/27/15	139191	123292		RAPID SYSTEMS	165685	3/05/15	001-3613-572.5201	2,087.24
2/27/15	139937	123764		SUNTRUST BANK	165722	3/06/15	001-3613-572.5201	780.80
2/27/15	139939	123767		SUNTRUST BANK	165722	3/06/15	001-3613-572.5201	44.68
1/29/15	139252	123306		SUNTRUST BANK	165722	3/06/15	001-3613-572.5201	181.25
2/10/15	139496	123497		SUNTRUST BANK	165722	3/06/15	001-3613-572.5201	138.84
3/03/15	139954	123780		SCHWEIZER, DAVID	165826	3/12/15	001-3613-572.5201	800.00

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3/09/15	140086	123879		UNITED SITE SERVICES	165837	3/12/15	001-3613-572.5201	6,345.00
3/03/15	139959	123785		RAMIREZ, FRANK	165821	3/12/15	001-3613-572.5201	1,000.00
3/10/15	140095	123896		ADAM STRATTON FOUNDATION	165723	3/12/15	001-3613-572.5201	750.00
3/16/15	140289	124042		DANIELS III, JESSIE	165883	3/19/15	001-3613-572.5201	400.00
1/30/15	139289	123339		HOME DEPOT CREDIT SERVICES	165906	3/19/15	001-3613-572.5201	927.12
2/03/15	139330	123372		LOWE'S	165914	3/19/15	001-3613-572.5201	623.60
2/05/15	139409	123419		LOWE'S	165914	3/19/15	001-3613-572.5201	366.41
3/17/15	140328	124072		RYAN, SARAH	165946	3/19/15	001-3613-572.5201	200.00
2/09/15	139463	123469		HOME DEPOT CREDIT SERVICES	165906	3/19/15	001-3613-572.5201	351.86
2/09/15	139460	123466		HOME DEPOT CREDIT SERVICES	165906	3/19/15	001-3613-572.5201	190.80
3/09/15	140092	123893		APOPKA CHIEF, THE	165858	3/19/15	001-3613-572.5201	1,799.00
3/12/15	140213	123981		COX EVENTS GROUP	165881	3/19/15	001-3613-572.5201	13,037.68
3/18/15	140366	124107		ORLANDO SENTINEL	166050	3/26/15	001-3613-572.5201	1,300.00
3/17/15	140309	124060		COSTCO / ATT. KERRY	165997	3/26/15	001-3613-572.5201	1,217.20
2/17/15	139697	123590		SUNTRUST BANK	166068	3/26/15	001-3613-572.5201	394.44
3/12/15	140232	123987		SUNTRUST BANK	166068	3/26/15	001-3613-572.5201	630.00
3/16/15	140301	124054		SUNTRUST BANK	166068	3/26/15	001-3613-572.5201	51.00
1/26/15	139141	123212		SUNTRUST BANK	166068	3/26/15	001-3613-572.5201	1,035.00
3/25/15	140497	124190		SUNTRUST BANK	166068	3/26/15	001-3613-572.5201	3,133.78
3/25/15	140498	124191		APOPKA PLAQUE AND TROPHY	165983	3/26/15	001-3613-572.5201	345.00
Subtotal for 001-3613-572.5201								67,388.22
3/05/15	140012			RANDALL A. SOMERS	165684	3/05/15	001-4020-515.3100	1,000.00
3/11/15	140162			ANDERSON, RICHARD	165733	3/12/15	001-4020-515.3100	22,000.00
3/19/15	140387			RANDALL A. SOMERS	165940	3/19/15	001-4020-515.3100	1,000.00
3/19/15	140405			MJ ALTMAN COMPANIES, INC.	165922	3/19/15	001-4020-515.3100	64.48
Subtotal for 001-4020-515.3100								24,064.48
3/11/15	140161			FLORIDA CENTRAL RAILROAD	165771	3/12/15	001-4020-515.3400	7,021.11
Subtotal for 001-4020-515.3400								7,021.11
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	001-4020-515.4100	36.07
Subtotal for 001-4020-515.4100								36.07
3/10/15	140149	123941		RICOH USA, INC.	165944	3/19/15	001-4020-515.4600	87.74
Subtotal for 001-4020-515.4600								87.74
3/10/15	140120	123918		APOPKA OFFICE SUPPLY	165982	3/26/15	001-4020-515.4700	28.00
Subtotal for 001-4020-515.4700								28.00
2/13/15	139580	123557		APOPKA CHIEF, THE	165594	3/05/15	001-4020-515.4902	68.75
2/23/15	139846	123696		APOPKA CHIEF, THE	165594	3/05/15	001-4020-515.4902	206.00
3/03/15	139958	123784		APOPKA CHIEF, THE	165734	3/12/15	001-4020-515.4902	566.00
3/09/15	140088	123890		APOPKA CHIEF, THE	165858	3/19/15	001-4020-515.4902	324.00
3/13/15	140271	124014		APOPKA CHIEF, THE	165858	3/19/15	001-4020-515.4902	44.00
3/11/15	140205	123979		ORLANDO SENTINEL	166050	3/26/15	001-4020-515.4902	140.00
Subtotal for 001-4020-515.4902								1,348.75
3/10/15	140110	123909		OFFICE DEPOT	166044	3/26/15	001-4020-515.5100	384.16
Subtotal for 001-4020-515.5100								384.16
3/03/15	139957	123783		FLORIDA FLOODPLAIN MANAGERS ASS	165775	3/12/15	001-4020-515.5400	400.00
3/16/15	140288	124041		FLORIDA FLOODPLAIN MANAGERS ASS	166017	3/26/15	001-4020-515.5400	60.00
Subtotal for 001-4020-515.5400								460.00
3/10/15	140149	123941		RICOH USA, INC.	165944	3/19/15	001-4021-524.4600	87.73
Subtotal for 001-4021-524.4600								87.73
1/26/15	139131	123207		DON REID FORD	165756	3/12/15	001-4021-524.4650	7.80
Subtotal for 001-4021-524.4650								7.80
3/10/15	140120	123918		APOPKA OFFICE SUPPLY	165982	3/26/15	001-4021-524.4700	28.00

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Subtotal for 001-4021-524.4700								28.00
3/10/15	140111	123910		CAPITAL OFFICE PRODUCTS	165873	3/19/15	001-4021-524.5100	113.22
3/10/15	140110	123909		OFFICE DEPOT	166044	3/26/15	001-4021-524.5100	26.78
Subtotal for 001-4021-524.5100								140.00
3/16/15	140297	124050		INTERNATIONAL CODE COUNCIL, INC.	166032	3/26/15	001-4021-524.5400	125.00
Subtotal for 001-4021-524.5400								125.00
3/11/15	140174	123961		BOAF	165866	3/19/15	001-4021-524.5500	250.00
Subtotal for 001-4021-524.5500								250.00
10/02/14	136738	121507		ATLANTIC.NET	165736	3/12/15	001-5110-519.3400	251.18
Subtotal for 001-5110-519.3400								251.18
3/05/15	140038			TW TELECOM	165708	3/05/15	001-5110-519.4100	2,396.74
3/05/15	140039			CENTURYLINK	165608	3/05/15	001-5110-519.4100	76.24
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	001-5110-519.4100	29.88
10/07/14	136860	121633		VERIZON WIRELESS	165967	3/19/15	001-5110-519.4100	72.14
3/19/15	140389			CENTURYLINK	165875	3/19/15	001-5110-519.4100	165.20
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	001-5110-519.4100	794.34
10/29/14	137542	122108		DEPT OF MGMT SERVICES - STATE OF	165998	3/26/15	001-5110-519.4100	1,984.58
3/26/15	140548			CENTURYLINK	165994	3/26/15	001-5110-519.4100	76.24
3/26/15	140549			CENTURYLINK	165994	3/26/15	001-5110-519.4100	619.00
3/26/15	140550			CENTURYLINK	165994	3/26/15	001-5110-519.4100	244.50
Subtotal for 001-5110-519.4100								6,458.86
1/12/15	138894	123026		SUNTRUST BANK	165722	3/06/15	001-5110-519.4200	19.79
10/02/14	136743	121509		FEDEX	165766	3/12/15	001-5110-519.4200	32.29
Subtotal for 001-5110-519.4200								52.08
10/27/14	137472	122035		SUNTRUST BANK	165722	3/06/15	001-5110-519.4600	190.00
12/29/14	138661	122864		BROCADE COMMUNICATIONS SYSTEMS	165740	3/12/15	001-5110-519.4600	7,385.70
10/02/14	136749	121513		VIABLE SOLUTIONS INC.	165838	3/12/15	001-5110-519.4600	2,040.00
12/11/14	138373	122687		TERADICI CORPORATION	165834	3/12/15	001-5110-519.4600	2,500.00
2/20/15	139842	123692		HARRIS COMPUTER CORP DBA	165782	3/12/15	001-5110-519.4600	22,075.00
2/18/15	139737	123634		ESRI	165762	3/12/15	001-5110-519.4600	9,500.00
1/29/15	139263	123314		UNITRENDS, INC.	165964	3/19/15	001-5110-519.4600	13,798.00
3/03/15	139985	123806		GOVCONNECTION, INC.	166023	3/26/15	001-5110-519.4600	2,806.51
3/10/15	140125	123922		DIGITAL DATA TECHNOLOGIES, INC.	165999	3/26/15	001-5110-519.4600	4,038.48
3/13/15	140252	124000		RADIO IP SOFTWARE INC	166055	3/26/15	001-5110-519.4600	5,326.35
Subtotal for 001-5110-519.4600								69,660.04
10/02/14	136744	121510		OFFICE DEPOT	165810	3/12/15	001-5110-519.5100	340.85
Subtotal for 001-5110-519.5100								340.85
1/12/15	138894	123026		SUNTRUST BANK	165722	3/06/15	001-5110-519.5200	168.20
10/02/14	136747	121512		SUNTRUST BANK	165722	3/06/15	001-5110-519.5200	54.00
2/03/15	139327	123369		SHI INTERNATIONAL CORP.	165829	3/12/15	001-5110-519.5200	6,463.84
2/06/15	139420	123424		SHI INTERNATIONAL CORP.	165829	3/12/15	001-5110-519.5200	141.86
2/06/15	139421	123425		GOVCONNECTION, INC.	165780	3/12/15	001-5110-519.5200	795.85
10/14/14	137131	121799		GOVCONNECTION, INC.	165780	3/12/15	001-5110-519.5200	424.79
2/05/15	139394	123410		CONCORD TECHNOLOGIES	165750	3/12/15	001-5110-519.5200	284.93
2/20/15	139829	123682		GOVCONNECTION, INC.	165780	3/12/15	001-5110-519.5200	1,443.21
3/02/15	139950	123779		CDW GOVERNMENT, INC.	165993	3/26/15	001-5110-519.5200	264.00
2/19/15	139779	123639		GOVCONNECTION, INC.	166023	3/26/15	001-5110-519.5200	1,030.99
2/06/15	139420	123424		SHI INTERNATIONAL CORP.	166061	3/26/15	001-5110-519.5200	283.73
3/09/15	140093	123894		BATTERY BANK, THE	165988	3/26/15	001-5110-519.5200	159.60
10/14/14	137131	121799		GOVCONNECTION, INC.	166023	3/26/15	001-5110-519.5200	89.95
10/02/14	136747	121512		SUNTRUST BANK	166068	3/26/15	001-5110-519.5200	18.70

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2/26/15	139921	123766		CDW GOVERNMENT, INC.	165993	3/26/15	001-5110-519.5200	285.36
3/05/15	140031	123843		GOVCONNECTION, INC.	166023	3/26/15	001-5110-519.5200	139.98
2/20/15	139843	123693		SUNTRUST BANK	166068	3/26/15	001-5110-519.5200	343.05
Subtotal for 001-5110-519.5200								12,392.04
Subtotal for Fund 001 GENERAL FUND								1,193,449.17
1/14/15	138920	123049		FIRST AMERICAN TITLE INSURANCE CC	165635	3/05/15	101-3412-541.3100	400.00
Subtotal for 101-3412-541.3100								400.00
3/05/15	140038			TW TELECOM	165708	3/05/15	101-3412-541.4100	18.04
3/03/15	139990	123811		NEXTEL COMMUNICATIONS	165804	3/12/15	101-3412-541.4100	32.85
3/19/15	140389			CENTURYLINK	165875	3/19/15	101-3412-541.4100	74.53
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	101-3412-541.4100	21.31
10/07/14	136860	121633		VERIZON WIRELESS	165967	3/19/15	101-3412-541.4100	37.57
3/19/15	140414			CENTURYLINK	165875	3/19/15	101-3412-541.4100	52.29
10/29/14	137542	122108		DEPT OF MGMT SERVICES - STATE OF	165998	3/26/15	101-3412-541.4100	23.08
Subtotal for 101-3412-541.4100								259.67
3/17/15	140302	124055		UNITED PARCEL SERVICE	166081	3/26/15	101-3412-541.4200	6.26
Subtotal for 101-3412-541.4200								6.26
3/05/15	140032			DUKE ENERGY	165629	3/05/15	101-3412-541.4300	454.54
3/12/15	140208			DUKE ENERGY	165759	3/12/15	101-3412-541.4300	190.85
3/19/15	140391			DUKE ENERGY	165891	3/19/15	101-3412-541.4300	1,519.16
3/26/15	140545			DUKE ENERGY	166010	3/26/15	101-3412-541.4300	2,177.86
Subtotal for 101-3412-541.4300								4,342.41
3/05/15	140032			DUKE ENERGY	165629	3/05/15	101-3412-541.4310	11,101.00
3/12/15	140207			DUKE ENERGY	165759	3/12/15	101-3412-541.4310	22,918.97
3/12/15	140208			DUKE ENERGY	165759	3/12/15	101-3412-541.4310	1,173.43
3/20/15	140428			DUKE ENERGY	165973	3/20/15	101-3412-541.4310	53,875.96
3/26/15	140547			DUKE ENERGY	166010	3/26/15	101-3412-541.4310	15,282.88
Subtotal for 101-3412-541.4310								104,352.24
3/02/15	139947	123774		FLORIDA CENTRAL RAILROAD	165770	3/12/15	101-3412-541.4400	1,701.00
3/02/15	139948	123775		FLORIDA CENTRAL RAILROAD	165770	3/12/15	101-3412-541.4400	1,701.00
Subtotal for 101-3412-541.4400								3,402.00
2/06/15	139444	123453		GRIDSMART TECHNOLOGIES INC	165643	3/05/15	101-3412-541.4600	600.00
2/20/15	139825	123671		TEMPLE, INC.	165702	3/05/15	101-3412-541.4600	450.00
1/16/15	139009	123118		CONTROL TECHNOLOGIES, INC	165616	3/05/15	101-3412-541.4600	1,260.48
10/02/14	136749	121513		VIALE SOLUTIONS INC.	165838	3/12/15	101-3412-541.4600	48.00
2/17/15	139707	123600		EMERSON NETWORK POWER SURGE F	165893	3/19/15	101-3412-541.4600	1,315.55
Subtotal for 101-3412-541.4600								3,674.03
3/11/15	140173	123960		UNIVERSAL ENGINEERING SCIENCES, I	165965	3/19/15	101-3412-541.4607	490.50
Subtotal for 101-3412-541.4607								490.50
1/30/15	139273	123324		TPH ACQUISITION LLLP	165705	3/05/15	101-3412-541.4650	71.16
1/30/15	139265	123316		ALTEC INDUSTRIES, INC.	165590	3/05/15	101-3412-541.4650	866.00
10/14/14	137103	121779		ORLANDO DODGE INC.	165671	3/05/15	101-3412-541.4650	30.83
1/05/15	138714	122888		PIRTEK ALTAMONTE SPRINGS	165679	3/05/15	101-3412-541.4650	162.33
1/26/15	139131	123207		DON REID FORD	165756	3/12/15	101-3412-541.4650	88.04
1/05/15	138715	122889		TRAIL SAW & MOWER SERVICE, INC.	165959	3/19/15	101-3412-541.4650	58.83
2/20/15	139803	123650		DON REID FORD	165886	3/19/15	101-3412-541.4650	188.85
12/31/14	138686	122860		APOPKA AUTO UPHOLSTERY	165857	3/19/15	101-3412-541.4650	525.00
1/26/15	139130	123206		A.O.K. TIRE MART	165847	3/19/15	101-3412-541.4650	525.02
2/25/15	139886	123726		DON REID FORD	166001	3/26/15	101-3412-541.4650	35.65
2/02/15	139271	123322		GLENN JOINER & SON, INC.	166022	3/26/15	101-3412-541.4650	21.58
Subtotal for 101-3412-541.4650								2,573.29

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2/24/15	139871	123713		WASTE MANAGEMENT OF VISTA LANDF	165716	3/05/15	101-3412-541.4900	482.46
3/11/15	140190	123973		WASTE MANAGEMENT OF VISTA LANDF	165969	3/19/15	101-3412-541.4900	457.82
Subtotal for 101-3412-541.4900								940.28
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	101-3412-541.5200	101.60
2/05/15	139388	123409		GOVCONNECTION, INC.	165780	3/12/15	101-3412-541.5200	31.30
3/04/15	139999	123818		MALTBYS TREE SERVICE INC.	165796	3/12/15	101-3412-541.5200	600.00
3/11/15	140159			PUBLIC SERVICES PETTY CASH	165820	3/12/15	101-3412-541.5200	14.99
2/11/15	139524	123520		SHI INTERNATIONAL CORP.	165829	3/12/15	101-3412-541.5200	212.79
2/12/15	139559	123531		SHI INTERNATIONAL CORP.	165829	3/12/15	101-3412-541.5200	146.94
3/12/15	140238			PUBLIC SERVICES PETTY CASH	165820	3/12/15	101-3412-541.5200	29.98
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	101-3412-541.5200	101.60
3/19/15	140401			PUBLIC SERVICES PETTY CASH	165938	3/19/15	101-3412-541.5200	17.13
Subtotal for 101-3412-541.5200								1,256.33
1/30/15	139291	123341		TWC DISTRIBUTORS	165709	3/05/15	101-3412-541.5201	124.71
Subtotal for 101-3412-541.5201								124.71
2/06/15	139456	123462		VULCAN INC.	165713	3/05/15	101-3412-541.5204	2,195.00
2/25/15	139879	123720		SEMINOLE SALES INC	165827	3/12/15	101-3412-541.5204	47.53
10/24/14	137458	122017		NATIONAL TRAFFIC SIGNS, INC.	165924	3/19/15	101-3412-541.5204	3,193.18
Subtotal for 101-3412-541.5204								5,435.71
2/06/15	139432	123432		ORLANDO PAVING CO	165672	3/05/15	101-3412-541.5300	382.00
1/13/15	138903	123034		ORLANDO PAVING CO	166049	3/26/15	101-3412-541.5300	212.93
Subtotal for 101-3412-541.5300								594.93
3/10/15	140127	123924		SUNSHINE SAFETY COUNCIL, INC.	166065	3/26/15	101-3412-541.5500	495.00
Subtotal for 101-3412-541.5500								495.00
12/03/14	138164	122549	20150002	DUKE ENERGY	165623	3/05/15	101-3412-541.6300	72,172.00
Subtotal for 101-3412-541.6300								72,172.00
3/03/15	139990	123811		NEXTEL COMMUNICATIONS	165804	3/12/15	101-3414-541.4100	97.84
Subtotal for 101-3414-541.4100								97.84
1/26/15	139131	123207		DON REID FORD	165756	3/12/15	101-3414-541.4650	-41.86
2/02/15	139271	123322		GLENN JOINER & SON, INC.	166022	3/26/15	101-3414-541.4650	33.99
2/12/15	139555	123528		TPH ACQUISITION LLLP	166074	3/26/15	101-3414-541.4650	108.35
Subtotal for 101-3414-541.4650								100.48
2/17/15	139717	123605		SAFETY PRODUCTS INC	165825	3/12/15	101-3414-541.5200	106.48
Subtotal for 101-3414-541.5200								106.48
Subtotal for Fund 101 STREETS IMPROVEMENT FUND								200,824.16
10/03/14	136797	121556		LUKE TRANSPORTATION ENGINEER CC	165794	3/12/15	102-3413-541.3112	412.50
Subtotal for 102-3413-541.3112								412.50
12/16/14	138518	122756	20150004	DANNY L. DULGAR, INC.	165620	3/05/15	102-3413-541.6300	750.00
3/10/15	140094	123895	20100004	UNIVERSAL ENGINEERING SCIENCES, I	165965	3/19/15	102-3413-541.6300	1,580.00
Subtotal for 102-3413-541.6300								2,330.00
Subtotal for Fund 102 TRANSPORTATION IMPACT FEES								2,742.50
3/03/15	139990	123811		NEXTEL COMMUNICATIONS	165804	3/12/15	120-3151-538.4100	27.85
Subtotal for 120-3151-538.4100								27.85
3/06/15	140061	123856		FLOWERS CHEMICAL LABORATORIES I	165777	3/12/15	120-3151-538.5200	205.00
Subtotal for 120-3151-538.5200								205.00
Subtotal for Fund 120 STORMWATER SPECIAL REVENUE FUND								232.85
3/19/15	140405			MJ ALTMAN COMPANIES, INC.	165922	3/19/15	401-117.0000	1,547.63
Subtotal for 401-117.0000								1,547.63
2/09/15	139465	123471		BATTERIES PLUS	165601	3/05/15	401-141.1120	367.20
2/10/15	139508	123509		H D SUPPLY WATER WORKS, LTD.	165645	3/05/15	401-141.1120	82,237.80
2/17/15	139717	123605		SAFETY PRODUCTS INC	165825	3/12/15	401-141.1120	1,592.60

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Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
2/06/15	139448	123456		BLUETARP FINANCIAL INC	165865	3/19/15	401-141.1120	279.86
2/04/15	139362	123376		CALICO INDUSTRIES, INC.	165870	3/19/15	401-141.1120	1,230.00
2/17/15	139720	123608		H D SUPPLY WATER WORKS, LTD.	165904	3/19/15	401-141.1120	1,006.00
3/06/15	140062	123857		GRAINGER	166024	3/26/15	401-141.1120	2,225.57
3/09/15	140089	123891		L & B DISTRIBUTING	166035	3/26/15	401-141.1120	128.60
Subtotal for 401-141.1120								89,067.63
10/02/14	136738	121507		ATLANTIC.NET	165736	3/12/15	401-3010-539.3400	251.17
3/11/15	140186	123970		CAPITAL CONTRACTORS INC.	165872	3/19/15	401-3010-539.3400	540.00
Subtotal for 401-3010-539.3400								791.17
3/05/15	140038			TW TELECOM	165708	3/05/15	401-3010-539.4100	328.67
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	401-3010-539.4100	8.79
10/29/14	137542	122108		DEPT OF MGMT SERVICES - STATE OF	165998	3/26/15	401-3010-539.4100	276.92
Subtotal for 401-3010-539.4100								614.38
3/19/15	140391			DUKE ENERGY	165891	3/19/15	401-3010-539.4300	333.54
3/19/15	140390			DUKE ENERGY	165891	3/19/15	401-3010-539.4300	69.61
Subtotal for 401-3010-539.4300								403.15
2/10/15	139504	123505		MERCER PEST CONTROL, INC.	165665	3/05/15	401-3010-539.4600	301.69
10/30/14	137572	122140		MOTOROLA SOLUTIONS, INC.	165800	3/12/15	401-3010-539.4600	12,600.00
10/02/14	136749	121513		VIALE SOLUTIONS INC.	165838	3/12/15	401-3010-539.4600	288.00
12/17/14	138545	122779		COPIER CONNECTION LLC	165880	3/19/15	401-3010-539.4600	81.87
3/11/15	140178	123964		FREEDOM MECHANICAL INC.	166019	3/26/15	401-3010-539.4600	431.00
Subtotal for 401-3010-539.4600								13,702.56
2/20/15	139803	123650		DON REID FORD	165886	3/19/15	401-3010-539.4650	26.40
Subtotal for 401-3010-539.4650								26.40
3/20/15	140433	124139		TYCO INTEGRATED SECURITY	166077	3/26/15	401-3010-539.4900	1,983.81
Subtotal for 401-3010-539.4900								1,983.81
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	401-3010-539.5200	43.52
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	401-3010-539.5200	43.52
10/02/14	136747	121512		SUNTRUST BANK	166068	3/26/15	401-3010-539.5200	40.30
Subtotal for 401-3010-539.5200								127.34
3/02/15	139945	123772		COCA-COLA ENTERPRISES	165748	3/12/15	401-3010-539.5201	146.64
Subtotal for 401-3010-539.5201								146.64
3/11/15	140159			PUBLIC SERVICES PETTY CASH	165820	3/12/15	401-3111-533.4000	49.44
Subtotal for 401-3111-533.4000								49.44
3/03/15	139990	123811		NEXTEL COMMUNICATIONS	165804	3/12/15	401-3111-533.4100	29.94
10/07/14	136910	121692		SWIFTREACH NETWORKS, INC.	165833	3/12/15	401-3111-533.4100	270.63
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	401-3111-533.4100	12.96
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	401-3111-533.4100	72.14
3/26/15	140549			CENTURYLINK	165994	3/26/15	401-3111-533.4100	150.00
Subtotal for 401-3111-533.4100								535.67
3/05/15	140035			DUKE ENERGY	165629	3/05/15	401-3111-533.4300	2,742.49
3/12/15	140207			DUKE ENERGY	165759	3/12/15	401-3111-533.4300	2,132.01
3/20/15	140428			DUKE ENERGY	165973	3/20/15	401-3111-533.4300	15,594.49
3/26/15	140547			DUKE ENERGY	166010	3/26/15	401-3111-533.4300	13,387.58
Subtotal for 401-3111-533.4300								33,856.57
2/05/15	139416	123394		AWC INC.	165599	3/05/15	401-3111-533.4600	452.57
2/10/15	139504	123505		MERCER PEST CONTROL, INC.	165665	3/05/15	401-3111-533.4600	35.00
10/24/14	137447	122006		FASTENAL COMPANY	165632	3/05/15	401-3111-533.4600	9.73
2/25/15	139896	123740		AGRICULTURAL SERVICES INTERNATIO	165725	3/12/15	401-3111-533.4600	480.00
11/25/14	138060	122441		CANON SOLUTIONS AMERICA, INC	165741	3/12/15	401-3111-533.4600	7.27
1/28/15	139214	123253		AMSOIL INC./ACCOUNTS RECEIVABLE	165732	3/12/15	401-3111-533.4600	140.17

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Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
10/02/14	136734	121500		HOME DEPOT CREDIT SERVICES	165906	3/19/15	401-3111-533.4600	63.36
10/15/14	137152	121820		TRAIL SAW & MOWER SERVICE, INC.	166075	3/26/15	401-3111-533.4600	347.30
3/04/15	140009	123823		CONSOLIDATED ELECTRICAL DIST.	165996	3/26/15	401-3111-533.4600	81.84
Subtotal for 401-3111-533.4600								1,617.24
2/20/15	139803	123650		DON REID FORD	165886	3/19/15	401-3111-533.4650	7.80
3/09/15	140082	123876		BELL RENTALS & SALES, INC.	165989	3/26/15	401-3111-533.4650	120.80
2/25/15	139886	123726		DON REID FORD	166001	3/26/15	401-3111-533.4650	47.27
2/25/15	139887	123727		O'REILLY AUTO PARTS	166043	3/26/15	401-3111-533.4650	87.60
2/12/15	139555	123528		TPH ACQUISITION LLLP	166074	3/26/15	401-3111-533.4650	115.27
Subtotal for 401-3111-533.4650								378.74
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	401-3111-533.5200	102.84
2/24/15	139875	123716		ALLIED UNIVERSAL CORPORATION	165588	3/05/15	401-3111-533.5200	958.72
2/17/15	139705	123598		ALLIED UNIVERSAL CORPORATION	165588	3/05/15	401-3111-533.5200	814.08
2/06/15	139451	123458		LIBERTY LOCKSMITHS & SECURITY PR	165660	3/05/15	401-3111-533.5200	340.00
2/16/15	139678	123571		GRAINGER	165640	3/05/15	401-3111-533.5200	187.36
2/27/15	139925	123753		ALLIED UNIVERSAL CORPORATION	165588	3/05/15	401-3111-533.5200	1,112.32
2/25/15	139894	123739		AWC INC.	165737	3/12/15	401-3111-533.5200	492.46
3/11/15	140159			PUBLIC SERVICES PETTY CASH	165820	3/12/15	401-3111-533.5200	7.78
3/12/15	140238			PUBLIC SERVICES PETTY CASH	165820	3/12/15	401-3111-533.5200	16.50
10/02/14	136735	121501		FLOWERS CHEMICAL LABORATORIES I	165777	3/12/15	401-3111-533.5200	480.00
3/09/15	140085	123878		ALLIED UNIVERSAL CORPORATION	165727	3/12/15	401-3111-533.5200	1,664.00
3/04/15	140003	123821		SOUTHEASTERN SURVEYING	165948	3/19/15	401-3111-533.5200	2,160.00
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	401-3111-533.5200	102.84
3/19/15	140401			PUBLIC SERVICES PETTY CASH	165938	3/19/15	401-3111-533.5200	9.00
10/20/14	137298	121907		HOME DEPOT CREDIT SERVICES	165906	3/19/15	401-3111-533.5200	72.89
3/06/15	140044	123849		CONSOLIDATED ELECTRICAL DIST.	165996	3/26/15	401-3111-533.5200	560.65
3/03/15	139989	123810		GRAINGER	166024	3/26/15	401-3111-533.5200	422.81
3/13/15	140278	124021		FLOWERS CHEMICAL LABORATORIES I	166018	3/26/15	401-3111-533.5200	120.00
3/16/15	140294	124047		ALLIED UNIVERSAL CORPORATION	165978	3/26/15	401-3111-533.5200	2,309.76
3/11/15	140156	123947		AVANTI COMPANY, THE	165986	3/26/15	401-3111-533.5200	2,000.00
Subtotal for 401-3111-533.5200								13,934.01
3/03/15	139987	123808		FLORIDA RURAL WATER ASSOCIATION	165776	3/12/15	401-3111-533.5500	250.00
3/12/15	140224	123982		ROCKHURST UNIVERSITY CONT. EDUC,	166058	3/26/15	401-3111-533.5500	199.00
Subtotal for 401-3111-533.5500								449.00
10/31/14	137625	122115		HARRINGTON INDUSTRIAL PLASTICS LL	165647	3/05/15	401-3111-533.6400	8,120.67
Subtotal for 401-3111-533.6400								8,120.67
3/11/15	140186	123970		CAPITAL CONTRACTORS INC.	165872	3/19/15	401-3121-535.3400	400.00
Subtotal for 401-3121-535.3400								400.00
3/11/15	140159			PUBLIC SERVICES PETTY CASH	165820	3/12/15	401-3121-535.4000	11.50
3/19/15	140401			PUBLIC SERVICES PETTY CASH	165938	3/19/15	401-3121-535.4000	14.38
Subtotal for 401-3121-535.4000								25.88
3/03/15	139990	123811		NEXTEL COMMUNICATIONS	165804	3/12/15	401-3121-535.4100	65.72
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	401-3121-535.4100	17.14
Subtotal for 401-3121-535.4100								82.86
3/11/15	140172	123959		FEDEX	165894	3/19/15	401-3121-535.4200	8.20
Subtotal for 401-3121-535.4200								8.20
3/05/15	140035			DUKE ENERGY	165629	3/05/15	401-3121-535.4300	6,443.98
3/12/15	140208			DUKE ENERGY	165759	3/12/15	401-3121-535.4300	435.40
3/19/15	140391			DUKE ENERGY	165891	3/19/15	401-3121-535.4300	44,378.66
3/26/15	140545			DUKE ENERGY	166010	3/26/15	401-3121-535.4300	11,816.73
Subtotal for 401-3121-535.4300								63,074.77

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1/20/15	139020	123128		T3 CUSTOM FABRICATION, INC.	165700	3/05/15	401-3121-535.4600	182.00
2/24/15	139876	123717		T3 CUSTOM FABRICATION, INC.	165700	3/05/15	401-3121-535.4600	970.00
2/10/15	139504	123505		MERCER PEST CONTROL, INC.	165665	3/05/15	401-3121-535.4600	64.17
2/11/15	139513	123511		AWC INC.	165599	3/05/15	401-3121-535.4600	315.96
1/26/15	139150	123221		T3 CUSTOM FABRICATION, INC.	165700	3/05/15	401-3121-535.4600	970.00
2/05/15	139416	123394		AWC INC.	165599	3/05/15	401-3121-535.4600	452.58
1/06/15	138745	122918		SOUTHERN AQUATIC MANAGEMENT, INC.	165691	3/05/15	401-3121-535.4600	190.00
10/24/14	137447	122006		FASTENAL COMPANY	165632	3/05/15	401-3121-535.4600	9.73
1/16/15	139011	123120		AWC INC.	165599	3/05/15	401-3121-535.4600	549.58
3/06/15	140059	123854		AIR CENTERS OF FLORIDA INC.	165726	3/12/15	401-3121-535.4600	864.87
1/28/15	139214	123253		AMSOIL INC./ACCOUNTS RECEIVABLE	165732	3/12/15	401-3121-535.4600	467.08
1/16/15	139011	123120		AWC INC.	165737	3/12/15	401-3121-535.4600	129.75
10/02/14	136734	121500		HOME DEPOT CREDIT SERVICES	165906	3/19/15	401-3121-535.4600	92.97
1/06/15	138745	122918		SOUTHERN AQUATIC MANAGEMENT, INC.	165949	3/19/15	401-3121-535.4600	190.00
10/15/14	137152	121820		TRAIL SAW & MOWER SERVICE, INC.	166075	3/26/15	401-3121-535.4600	347.29
3/03/15	139989	123810		GRAINGER	166024	3/26/15	401-3121-535.4600	352.25
3/10/15	140117	123916		TWC SERVICES	166076	3/26/15	401-3121-535.4600	168.00
3/03/15	139988	123809		KAMAN INDUSTRIAL TECHNOLOGIES CORP.	166033	3/26/15	401-3121-535.4600	185.85
3/04/15	140009	123823		CONSOLIDATED ELECTRICAL DIST.	165996	3/26/15	401-3121-535.4600	81.85
12/05/14	138250	122588		FLORIDA BEARINGS, INC.	166014	3/26/15	401-3121-535.4600	1,413.90
Subtotal for 401-3121-535.4600								7,997.83
1/05/15	138710	122884		MILLIKAN BATTERY & ELECTRIC	165666	3/05/15	401-3121-535.4650	67.00
1/30/15	139264	123315		TOTAL TRUCK PARTS	165703	3/05/15	401-3121-535.4650	56.36
2/20/15	139803	123650		DON REID FORD	165886	3/19/15	401-3121-535.4650	225.48
2/25/15	139886	123726		DON REID FORD	166001	3/26/15	401-3121-535.4650	541.99
Subtotal for 401-3121-535.4650								890.83
2/23/15	139851	123701		SHELLEY'S SEPTIC TANKS	165690	3/05/15	401-3121-535.4900	8,305.00
2/16/15	139672	123565		SHELLEY'S SEPTIC TANKS	165690	3/05/15	401-3121-535.4900	8,125.00
3/04/15	140000	123819		SHELLEY'S SEPTIC TANKS	165828	3/12/15	401-3121-535.4900	4,875.00
3/10/15	140122	123920		SHELLEY'S SEPTIC TANKS	165947	3/19/15	401-3121-535.4900	4,875.00
Subtotal for 401-3121-535.4900								26,180.00
2/17/15	139688	123581		KED GROUP, INC.	165657	3/05/15	401-3121-535.5200	8,901.00
2/17/15	139705	123598		ALLIED UNIVERSAL CORPORATION	165588	3/05/15	401-3121-535.5200	1,488.64
1/05/15	138727	122902		COMPRESSED GAS SOLUTIONS, INC.	165613	3/05/15	401-3121-535.5200	182.33
2/24/15	139875	123716		ALLIED UNIVERSAL CORPORATION	165588	3/05/15	401-3121-535.5200	1,600.00
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	401-3121-535.5200	367.00
2/27/15	139925	123753		ALLIED UNIVERSAL CORPORATION	165588	3/05/15	401-3121-535.5200	1,164.80
2/19/15	139777	123637		GRAINGER	165640	3/05/15	401-3121-535.5200	179.92
10/02/14	136732	121498		FISHER SCIENTIFIC	165769	3/12/15	401-3121-535.5200	290.11
1/05/15	138727	122902		COMPRESSED GAS SOLUTIONS, INC.	165749	3/12/15	401-3121-535.5200	474.94
2/23/15	139848	123698		DWYER INSTRUMENTS, INC.	165760	3/12/15	401-3121-535.5200	350.62
3/12/15	140238			PUBLIC SERVICES PETTY CASH	165820	3/12/15	401-3121-535.5200	3.50
1/12/15	138883	123019		FLOWERS CHEMICAL LABORATORIES INC.	165777	3/12/15	401-3121-535.5200	375.00
3/09/15	140085	123878		ALLIED UNIVERSAL CORPORATION	165727	3/12/15	401-3121-535.5200	859.52
3/04/15	140003	123821		SOUTHEASTERN SURVEYING	165948	3/19/15	401-3121-535.5200	2,160.00
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	401-3121-535.5200	348.04
2/06/15	139450	123457		USA BLUE BOOK	165966	3/19/15	401-3121-535.5200	1,208.76
2/23/15	139848	123698		DWYER INSTRUMENTS, INC.	165892	3/19/15	401-3121-535.5200	62.53
1/27/15	139179	123240		SOUTHERN ENVIRONMENTAL, INC.	166064	3/26/15	401-3121-535.5200	840.00
3/12/15	140229	123986		HACH COMPANY	166027	3/26/15	401-3121-535.5200	713.16
3/11/15	140155	123946		AVANTI COMPANY, THE	165986	3/26/15	401-3121-535.5200	2,000.00
3/06/15	140044	123849		CONSOLIDATED ELECTRICAL DIST.	165996	3/26/15	401-3121-535.5200	560.65

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3/10/15	140121	123919		AWK INDUSTRIES INC.	165987	3/26/15	401-3121-535.5200	824.20
3/10/15	140118	123917		LINKO TECHNOLOGY INC	166038	3/26/15	401-3121-535.5200	2,495.00
3/16/15	140294	124047		ALLIED UNIVERSAL CORPORATION	165978	3/26/15	401-3121-535.5200	1,016.96
3/03/15	139989	123810		GRAINGER	166024	3/26/15	401-3121-535.5200	530.51
1/12/15	138883	123019		FLOWERS CHEMICAL LABORATORIES I	166018	3/26/15	401-3121-535.5200	579.00
10/02/14	136732	121498		FISHER SCIENTIFIC	166013	3/26/15	401-3121-535.5200	97.31
Subtotal for 401-3121-535.5200								29,673.50
3/12/15	140224	123982		ROCKHURST UNIVERSITY CONT. EDUC.	166058	3/26/15	401-3121-535.5500	199.00
Subtotal for 401-3121-535.5500								199.00
2/17/15	139706	123599		AWC INC.	165737	3/12/15	401-3121-535.6400	6,668.68
Subtotal for 401-3121-535.6400								6,668.68
2/23/15	139854	123734		GOVCONNECTION, INC.	165901	3/19/15	401-3131-536.4100	520.09
Subtotal for 401-3131-536.4100								520.09
3/19/15	140390			DUKE ENERGY	165891	3/19/15	401-3131-536.4300	104.42
3/10/15	140123	123921		OCE MT DORA LLC	165929	3/19/15	401-3131-536.4300	117.00
Subtotal for 401-3131-536.4300								221.42
1/30/15	139273	123324		TPH ACQUISITION LLLP	165705	3/05/15	401-3131-536.4650	19.78
2/18/15	139744	123622		DON WOOD, INC.	165622	3/05/15	401-3131-536.4650	325.27
1/05/15	138710	122884		MILLIKAN BATTERY & ELECTRIC	165666	3/05/15	401-3131-536.4650	191.50
2/03/15	139334	123389		ORLANDO HOSE & FLUIDPOWER	165812	3/12/15	401-3131-536.4650	290.00
1/15/15	138957	123079		ADVANCE AUTO PARTS	165724	3/12/15	401-3131-536.4650	5.15
2/20/15	139812	123658		O'REILLY AUTO PARTS	165809	3/12/15	401-3131-536.4650	24.48
1/26/15	139131	123207		DON REID FORD	165756	3/12/15	401-3131-536.4650	7.80
1/26/15	139130	123206		A.O.K. TIRE MART	165847	3/19/15	401-3131-536.4650	701.30
3/05/15	140030	123842		PRO TREE KUSTOMS AND AUTO COLLIS	165936	3/19/15	401-3131-536.4650	512.23
2/20/15	139803	123650		DON REID FORD	165886	3/19/15	401-3131-536.4650	62.28
2/02/15	139271	123322		GLENN JOINER & SON, INC.	166022	3/26/15	401-3131-536.4650	-54.42
2/25/15	139887	123727		O'REILLY AUTO PARTS	166043	3/26/15	401-3131-536.4650	51.52
Subtotal for 401-3131-536.4650								2,136.89
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	401-3131-536.5200	136.48
1/22/15	139099	123188		PRIDE ENTERPRISES	165680	3/05/15	401-3131-536.5200	194.92
3/12/15	140238			PUBLIC SERVICES PETTY CASH	165820	3/12/15	401-3131-536.5200	13.57
12/08/14	138292	122626		L & B DISTRIBUTING	165787	3/12/15	401-3131-536.5200	644.98
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	401-3131-536.5200	136.48
2/23/15	139855	123735		B&H PHOTO VIDEO	165862	3/19/15	401-3131-536.5200	125.00
3/09/15	140089	123891		L & B DISTRIBUTING	166035	3/26/15	401-3131-536.5200	208.50
3/06/15	140062	123857		GRAINGER	166024	3/26/15	401-3131-536.5200	106.07
2/12/15	139555	123528		TPH ACQUISITION LLLP	166074	3/26/15	401-3131-536.5200	7.50
Subtotal for 401-3131-536.5200								1,573.50
3/11/15	140186	123970		CAPITAL CONTRACTORS INC.	165872	3/19/15	401-3141-533.3400	131.67
Subtotal for 401-3141-533.3400								131.67
3/03/15	139990	123811		NEXTEL COMMUNICATIONS	165804	3/12/15	401-3141-533.4100	32.85
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	401-3141-533.4100	8.57
10/07/14	136860	121633		VERIZON WIRELESS	165967	3/19/15	401-3141-533.4100	75.14
10/06/14	136816	121595		VERIZON WIRELESS	166082	3/26/15	401-3141-533.4100	36.07
Subtotal for 401-3141-533.4100								152.63
3/19/15	140390			DUKE ENERGY	165891	3/19/15	401-3141-533.4300	104.42
3/19/15	140391			DUKE ENERGY	165891	3/19/15	401-3141-533.4300	284.34
3/26/15	140547			DUKE ENERGY	166010	3/26/15	401-3141-533.4300	44.73
Subtotal for 401-3141-533.4300								433.49
3/04/15	139997	123816		FLORIDA CENTRAL RAILROAD	165770	3/12/15	401-3141-533.4400	598.32

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Subtotal for 401-3141-533.4400								598.32
1/30/15	139285	123335		H D SUPPLY WATER WORKS, LTD.	165645	3/05/15	401-3141-533.4600	1,572.40
Subtotal for 401-3141-533.4600								1,572.40
1/30/15	139273	123324		TPH ACQUISITION LLLP	165705	3/05/15	401-3141-533.4650	20.94
1/13/15	138899	123031		GRAINGER	165640	3/05/15	401-3141-533.4650	25.15
1/26/15	139131	123207		DON REID FORD	165756	3/12/15	401-3141-533.4650	269.00
1/09/15	138828	122980		AMAZON HOSE AND RUBBER CO	165728	3/12/15	401-3141-533.4650	38.58
1/15/15	138957	123079		ADVANCE AUTO PARTS	165724	3/12/15	401-3141-533.4650	5.15
2/20/15	139803	123650		DON REID FORD	165886	3/19/15	401-3141-533.4650	407.38
12/31/14	138686	122860		APOPKA AUTO UPHOLSTERY	165857	3/19/15	401-3141-533.4650	95.00
2/25/15	139887	123727		O'REILLY AUTO PARTS	166043	3/26/15	401-3141-533.4650	13.48
2/12/15	139555	123528		TPH ACQUISITION LLLP	166074	3/26/15	401-3141-533.4650	105.96
Subtotal for 401-3141-533.4650								980.64
3/12/15	140225	123983		SUNSHINE STATE ONE CALL OF FL.INC.	165956	3/19/15	401-3141-533.4900	485.45
Subtotal for 401-3141-533.4900								485.45
2/18/15	139739	123619		TRACER ELECTRONICS LLC	165706	3/05/15	401-3141-533.5200	1,205.00
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	401-3141-533.5200	218.40
1/22/15	139099	123188		PRIDE ENTERPRISES	165680	3/05/15	401-3141-533.5200	194.92
1/29/15	139237	123245		FERGUSON ENTERPRISES, INC.	165633	3/05/15	401-3141-533.5200	465.00
12/31/14	138676	122854		H D SUPPLY WATER WORKS, LTD.	165645	3/05/15	401-3141-533.5200	11,613.00
1/30/15	139286	123336		H D SUPPLY WATER WORKS, LTD.	165781	3/12/15	401-3141-533.5200	1,044.55
2/20/15	139823	123669		H D SUPPLY WATER WORKS, LTD.	165781	3/12/15	401-3141-533.5200	750.00
2/19/15	139787	123642		ORLANDO PAVING CO	165814	3/12/15	401-3141-533.5200	271.25
2/17/15	139722	123609		BOOTH'S COBBLESTONES INC	165738	3/12/15	401-3141-533.5200	1,265.00
3/11/15	140159			PUBLIC SERVICES PETTY CASH	165820	3/12/15	401-3141-533.5200	25.36
3/05/15	140033	123844		CEMEX	165743	3/12/15	401-3141-533.5200	872.00
3/12/15	140238			PUBLIC SERVICES PETTY CASH	165820	3/12/15	401-3141-533.5200	29.94
2/19/15	139785	123640		H D SUPPLY WATER WORKS, LTD.	165781	3/12/15	401-3141-533.5200	2,071.10
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	401-3141-533.5200	218.40
3/05/15	140034	123845		LAKE JEM FARMS INC.	166037	3/26/15	401-3141-533.5200	258.00
2/06/15	139433	123433		BRADFORD PROFESSIONAL CONCRETE	165990	3/26/15	401-3141-533.5200	4,356.00
3/06/15	140062	123857		GRAINGER	166024	3/26/15	401-3141-533.5200	81.31
Subtotal for 401-3141-533.5200								24,939.23
2/20/15	139838	123688		PELLETIER, ROY A.	166052	3/26/15	401-3141-533.5500	608.00
Subtotal for 401-3141-533.5500								608.00
3/20/15	140427	124134		FLORIDA DEPARTMENT OF	166015	3/26/15	401-3141-533.6300	650.00
Subtotal for 401-3141-533.6300								650.00
10/02/14	136703	121476		POSTMASTER - APOPKA	165815	3/12/15	401-3161-533.4200	394.00
10/02/14	136704	121477		FEDEX	165766	3/12/15	401-3161-533.4200	28.10
1/29/15	139241	123243		FEDEX OFFICE	165895	3/19/15	401-3161-533.4200	1,479.80
1/26/15	139126	123202		FEDEX OFFICE	165895	3/19/15	401-3161-533.4200	3,096.31
1/09/15	138823	122975		FEDEX OFFICE	165895	3/19/15	401-3161-533.4200	2,351.51
1/15/15	138993	123104		FEDEX OFFICE	165895	3/19/15	401-3161-533.4200	3,121.30
10/02/14	136708	121481		FEDEX OFFICE	165895	3/19/15	401-3161-533.4200	174.08
Subtotal for 401-3161-533.4200								10,645.10
2/20/15	139810	123827		H D SUPPLY WATER WORKS, LTD.	166026	3/26/15	401-3161-533.4600	375.00
Subtotal for 401-3161-533.4600								375.00
10/02/14	136710	121483		PRIDE ENTERPRISES	165680	3/05/15	401-3161-533.4700	22.50
10/02/14	136708	121481		FEDEX OFFICE	165895	3/19/15	401-3161-533.4700	23.80
1/26/15	139126	123202		FEDEX OFFICE	165895	3/19/15	401-3161-533.4700	2,600.90
1/29/15	139241	123243		FEDEX OFFICE	165895	3/19/15	401-3161-533.4700	1,255.52

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1/09/15	138823	122975		FEDEX OFFICE	165895	3/19/15	401-3161-533.4700	1,984.30
1/15/15	138993	123104		FEDEX OFFICE	165895	3/19/15	401-3161-533.4700	2,652.00
Subtotal for 401-3161-533.4700								8,539.02
10/02/14	136700	121473		OFFICE DEPOT	165810	3/12/15	401-3161-533.5100	274.19
10/02/14	136700	121473		OFFICE DEPOT	165930	3/19/15	401-3161-533.5100	30.48
10/02/14	136698	121471		STAPLES ADVANTAGE	165953	3/19/15	401-3161-533.5100	91.88
10/02/14	136702	121475		CAPITAL OFFICE PRODUCTS	165873	3/19/15	401-3161-533.5100	69.10
10/02/14	136700	121473		OFFICE DEPOT	166044	3/26/15	401-3161-533.5100	283.78
Subtotal for 401-3161-533.5100								749.43
10/02/14	136711	121484		CROWN SHREDDING, LLC	165619	3/05/15	401-3161-533.5200	102.30
10/02/14	136707	121480		SUNTRUST BANK	166068	3/26/15	401-3161-533.5200	62.97
Subtotal for 401-3161-533.5200								165.27
3/11/15	140186	123970		CAPITAL CONTRACTORS INC.	165872	3/19/15	401-3171-535.3400	66.67
Subtotal for 401-3171-535.3400								66.67
3/03/15	139990	123811		NEXTEL COMMUNICATIONS	165804	3/12/15	401-3171-535.4100	32.85
12/19/14	138605	122809		VERIZON WIRELESS	165967	3/19/15	401-3171-535.4100	37.57
2/23/15	139854	123734		GOVCONNECTION, INC.	165901	3/19/15	401-3171-535.4100	520.09
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	401-3171-535.4100	8.57
Subtotal for 401-3171-535.4100								599.08
3/19/15	140390			DUKE ENERGY	165891	3/19/15	401-3171-535.4300	69.61
3/26/15	140547			DUKE ENERGY	166010	3/26/15	401-3171-535.4300	44.72
Subtotal for 401-3171-535.4300								114.33
2/18/15	139746	123623		WATER RESOURCE TECHNOLOGY	165717	3/05/15	401-3171-535.4600	1,386.40
2/18/15	139749	123625		ALTERNATIVE POWER SOLUTIONS, INC	165591	3/05/15	401-3171-535.4600	344.90
1/26/15	139144	123215		CENTRAL FLORIDA LIFTSTATIONS, INC.	165744	3/12/15	401-3171-535.4600	1,975.00
1/26/15	139147	123218		CENTRAL FLORIDA WELD & FAB, LLC	165745	3/12/15	401-3171-535.4600	415.00
1/21/15	139059	123163		XYLEM WATER SOLUTIONS USA, INC.	165843	3/12/15	401-3171-535.4600	2,423.00
2/11/15	139515	123513		MICHIGAN ST. PUMP & ELECTRIC MOTC	165919	3/19/15	401-3171-535.4600	7,497.00
2/24/15	139865	123708		MICHIGAN ST. PUMP & ELECTRIC MOTC	165919	3/19/15	401-3171-535.4600	4,484.00
3/03/15	139963	123789		MICHIGAN ST. PUMP & ELECTRIC MOTC	165919	3/19/15	401-3171-535.4600	8,976.00
1/26/15	139143	123214		MICHIGAN ST. PUMP & ELECTRIC MOTC	165919	3/19/15	401-3171-535.4600	3,491.00
Subtotal for 401-3171-535.4600								30,992.30
12/03/14	138139	122510		ENVIRONMENTAL PRODUCTS OF FLOR	165630	3/05/15	401-3171-535.4650	1,456.00
1/15/15	138953	123075		MULLINAX FORD	165668	3/05/15	401-3171-535.4650	2,446.85
2/12/15	139569	123547		SURPLUS STEEL & SUPPLY, INC	165698	3/05/15	401-3171-535.4650	198.00
2/17/15	139683	123576		FORGE FASTENER & SUPPLY CO,	165638	3/05/15	401-3171-535.4650	80.92
2/04/15	139355	123378		SUNTRUST BANK	165722	3/06/15	401-3171-535.4650	419.97
1/15/15	138957	123079		ADVANCE AUTO PARTS	165724	3/12/15	401-3171-535.4650	16.88
2/17/15	139699	123592		WALKER MILLER EQUIPMENT CO. INC.	165840	3/12/15	401-3171-535.4650	81.30
2/06/15	139424	123428		AMERICAN WIRE & TERMINAL	165731	3/12/15	401-3171-535.4650	60.30
2/12/15	139557	123530		SAFETY PRODUCTS INC	165825	3/12/15	401-3171-535.4650	29.00
2/20/15	139801	123649		PRO TREE KUSTOMS AND AUTO COLLI	165817	3/12/15	401-3171-535.4650	507.00
1/05/15	138715	122889		TRAIL SAW & MOWER SERVICE, INC.	165959	3/19/15	401-3171-535.4650	26.06
2/06/15	139425	123429		A.O.K. TIRE MART	165975	3/26/15	401-3171-535.4650	37.50
2/05/15	139405	123416		MULLINAX FORD	166042	3/26/15	401-3171-535.4650	293.24
3/10/15	140143	123935		SURPLUS STEEL & SUPPLY, INC	166069	3/26/15	401-3171-535.4650	69.95
1/30/15	139272	123323		ORLANDO FREIGHTLINER, INC.	166048	3/26/15	401-3171-535.4650	34.40
Subtotal for 401-3171-535.4650								5,757.37
2/04/15	139353	123380		H D SUPPLY WATER WORKS, LTD.	165645	3/05/15	401-3171-535.5200	160.00
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	401-3171-535.5200	123.56
1/22/15	139099	123188		PRIDE ENTERPRISES	165680	3/05/15	401-3171-535.5200	194.92
2/11/15	139517	123515		EVOQUA WATER TECHNOLOGIES LLC	165631	3/05/15	401-3171-535.5200	7,800.00

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1/20/15	139027	123134		EVOQUA WATER TECHNOLOGIES LLC	165631	3/05/15	401-3171-535.5200	4,036.50
2/23/15	139855	123735		B&H PHOTO VIDEO	165862	3/19/15	401-3171-535.5200	125.00
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	401-3171-535.5200	123.56
3/06/15	140062	123857		GRAINGER	166024	3/26/15	401-3171-535.5200	81.31
3/06/15	140063	123858		GRAINGER	166024	3/26/15	401-3171-535.5200	2,437.34
3/03/15	139962	123788		EVOQUA WATER TECHNOLOGIES LLC	166012	3/26/15	401-3171-535.5200	4,708.00
Subtotal for 401-3171-535.5200								19,790.19
3/20/15	140429	124135		FLORIDA DEPARTMENT OF	166016	3/26/15	401-3171-535.6300	500.00
Subtotal for 401-3171-535.6300								500.00
2/20/15	139812	123658		O'REILLY AUTO PARTS	165809	3/12/15	401-3181-536.4650	19.99
Subtotal for 401-3181-536.4650								19.99
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	401-3181-536.5200	38.92
1/29/15	139222	123248		LOWE'S	165914	3/19/15	401-3181-536.5200	150.46
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	401-3181-536.5200	42.50
Subtotal for 401-3181-536.5200								231.88
3/10/15	140128	123925		SUNSHINE SAFETY COUNCIL, INC.	166065	3/26/15	401-3181-536.5500	225.00
Subtotal for 401-3181-536.5500								225.00
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	401-3410-539.4100	4.31
Subtotal for 401-3410-539.4100								4.31
3/19/15	140390			DUKE ENERGY	165891	3/19/15	401-3410-539.4300	34.81
3/19/15	140391			DUKE ENERGY	165891	3/19/15	401-3410-539.4300	333.54
Subtotal for 401-3410-539.4300								368.35
1/30/15	139273	123324		TPH ACQUISITION LLLP	165705	3/05/15	401-3410-539.4650	15.58
1/26/15	139131	123207		DON REID FORD	165756	3/12/15	401-3410-539.4650	132.80
Subtotal for 401-3410-539.4650								148.38
2/10/15	139505	123506		CAPITAL OFFICE PRODUCTS	165605	3/05/15	401-3410-539.5100	182.78
Subtotal for 401-3410-539.5100								182.78
3/19/15	140401			PUBLIC SERVICES PETTY CASH	165938	3/19/15	401-3410-539.5200	4.00
2/17/15	139685	123578		ONIX NETWORKING CORP	166046	3/26/15	401-3410-539.5200	580.49
Subtotal for 401-3410-539.5200								584.49
1/09/15	138873	123011		SUNTRUST BANK	165722	3/06/15	401-3410-539.5400	98.75
Subtotal for 401-3410-539.5400								98.75
Subtotal for Fund 401 WATER AND WASTEWATER OPERATING FUND								417,715.02
2/23/15	139845	123695		FLORIDA DEPT OF LAW ENFORCEMEN	165774	3/12/15	402-3210-534.3100	40.50
Subtotal for 402-3210-534.3100								40.50
3/11/15	140186	123970		CAPITAL CONTRACTORS INC.	165872	3/19/15	402-3210-534.3400	66.66
Subtotal for 402-3210-534.3400								66.66
3/05/15	140038			TW TELECOM	165708	3/05/15	402-3210-534.4100	27.39
10/13/14	137092	121771		AMERICAN MESSAGING	165854	3/19/15	402-3210-534.4100	12.96
10/29/14	137542	122108		DEPT OF MGMT SERVICES - STATE OF	165998	3/26/15	402-3210-534.4100	23.08
Subtotal for 402-3210-534.4100								63.43
2/24/15	139871	123713		WASTE MANAGEMENT OF VISTA LANDF	165716	3/05/15	402-3210-534.4300	5,605.38
3/11/15	140190	123973		WASTE MANAGEMENT OF VISTA LANDF	165969	3/19/15	402-3210-534.4300	6,420.04
3/19/15	140390			DUKE ENERGY	165891	3/19/15	402-3210-534.4300	104.42
Subtotal for 402-3210-534.4300								12,129.84
2/24/15	139870	123712		GREENLEAF COMPACTION, INC.	165642	3/05/15	402-3210-534.4400	210.00
Subtotal for 402-3210-534.4400								210.00
10/02/14	136749	121513		VIALE SOLUTIONS INC.	165838	3/12/15	402-3210-534.4600	24.00
Subtotal for 402-3210-534.4600								24.00
1/30/15	139273	123324		TPH ACQUISITION LLLP	165705	3/05/15	402-3210-534.4650	162.83
1/21/15	139047	123153		FASTENAL COMPANY	165632	3/05/15	402-3210-534.4650	59.82

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1/26/15	139152	123222		HYDRAULIC HOUSE, INC.	165650	3/05/15	402-3210-534.4650	385.86
1/29/15	139242	123297		TAMPA CRANE & BODY, INC.	165701	3/05/15	402-3210-534.4650	1,214.41
1/26/15	139132	123208		NEXTRAN TRUCK CENTER - ORLANDO	165670	3/05/15	402-3210-534.4650	1,042.44
2/23/15	139844	123694		MILLIKAN BATTERY & ELECTRIC	165666	3/05/15	402-3210-534.4650	1,400.00
1/23/15	139124	123201		TAMPA CRANE & BODY, INC.	165701	3/05/15	402-3210-534.4650	1,380.21
2/12/15	139564	123543		MILLIKAN BATTERY & ELECTRIC	165666	3/05/15	402-3210-534.4650	1,400.00
2/20/15	139817	123663		MAUDLIN INTERNATIONAL	165663	3/05/15	402-3210-534.4650	63.37
2/18/15	139734	123617		LOUIS E. SNYDER	165661	3/05/15	402-3210-534.4650	725.00
1/05/15	138712	122886		NEXTRAN TRUCK CENTER - ORLANDO	165670	3/05/15	402-3210-534.4650	1,251.40
10/30/14	137607	122096		GROENEVELD	165644	3/05/15	402-3210-534.4650	750.45
2/17/15	139684	123577		L & B DISTRIBUTING	165658	3/05/15	402-3210-534.4650	199.99
2/25/15	139891	123731		LOUIS E. SNYDER	165793	3/12/15	402-3210-534.4650	614.39
2/06/15	139424	123428		AMERICAN WIRE & TERMINAL	165731	3/12/15	402-3210-534.4650	35.70
1/09/15	138828	122980		AMAZON HOSE AND RUBBER CO	165728	3/12/15	402-3210-534.4650	148.90
2/16/15	139671	123564		ORLANDO FREIGHTLINER, INC.	165811	3/12/15	402-3210-534.4650	553.00
1/15/15	138958	123080		NEXTRAN TRUCK CENTER - ORLANDO	165805	3/12/15	402-3210-534.4650	2,483.56
1/26/15	139130	123206		A.O.K. TIRE MART	165847	3/19/15	402-3210-534.4650	647.50
3/03/15	139956	123782		MILLIKAN BATTERY & ELECTRIC	165921	3/19/15	402-3210-534.4650	1,400.00
2/18/15	139732	123615		LUBECORE FLORIDA, LLC	165915	3/19/15	402-3210-534.4650	417.88
2/13/15	139578	123556		SOUTHERN SEWER EQUIPMENT	165950	3/19/15	402-3210-534.4650	349.37
3/09/15	140083	123877		MAUDLIN INTERNATIONAL	165918	3/19/15	402-3210-534.4650	280.55
3/06/15	140058	123853		MAUDLIN INTERNATIONAL	165918	3/19/15	402-3210-534.4650	245.28
2/12/15	139566	123545		NEXTRAN TRUCK CENTER - ORLANDO	165928	3/19/15	402-3210-534.4650	2,493.78
1/30/15	139272	123323		ORLANDO FREIGHTLINER, INC.	166048	3/26/15	402-3210-534.4650	-61.90
2/25/15	139887	123727		O'REILLY AUTO PARTS	166043	3/26/15	402-3210-534.4650	117.62
2/25/15	139886	123726		DON REID FORD	166001	3/26/15	402-3210-534.4650	58.38
2/12/15	139555	123528		TPH ACQUISITION LLLP	166074	3/26/15	402-3210-534.4650	195.98
10/14/14	137096	121772		THERMO KING OF ORLANDO	166071	3/26/15	402-3210-534.4650	442.29
3/10/15	140143	123935		SURPLUS STEEL & SUPPLY, INC	166069	3/26/15	402-3210-534.4650	44.18
2/06/15	139425	123429		A.O.K. TIRE MART	165975	3/26/15	402-3210-534.4650	1,685.90
Subtotal for 402-3210-534.4650								22,188.14
2/24/15	139869	123711		LABOR READY SOUTHEAST, INC.	165659	3/05/15	402-3210-534.4903	1,278.40
3/11/15	140187	123971		LABOR READY SOUTHEAST, INC.	165912	3/19/15	402-3210-534.4903	1,278.40
3/11/15	140184	123969		LABOR READY SOUTHEAST, INC.	165912	3/19/15	402-3210-534.4903	1,278.40
3/13/15	140275	124018		LABOR READY SOUTHEAST, INC.	166036	3/26/15	402-3210-534.4903	1,278.40
Subtotal for 402-3210-534.4903								5,113.60
2/17/15	139700	123593		ARAMARK UNIFORM SERVICES, INC.	165596	3/05/15	402-3210-534.5200	284.80
1/09/15	138828	122980		AMAZON HOSE AND RUBBER CO	165728	3/12/15	402-3210-534.5200	152.34
1/15/15	138965	123094		SAFETY PRODUCTS INC	165825	3/12/15	402-3210-534.5200	32.80
3/10/15	140148	123940		ARAMARK UNIFORM SERVICES, INC.	165859	3/19/15	402-3210-534.5200	284.80
Subtotal for 402-3210-534.5200								754.74
Subtotal for Fund 402 SANITATION								40,590.91
3/10/15	140137	123932	20130003	VOGEL BROS. BUILDING CO	165968	3/19/15	403-205.0002	-133,000.00
3/10/15	140139	123952		CROM CORPORATION, THE	165882	3/19/15	403-205.0002	-18,776.00
3/10/15	140138	123951	20140006	GARNEY COMPANIES, INC	166020	3/26/15	403-205.0002	-37,975.45
Subtotal for 403-205.0002								-189,751.45
1/07/15	138791	122958	20130003	CONSOLIDATED ELECTRICAL DIST.	165751	3/12/15	403-3115-535.6300	1,343.60
12/17/14	138557	122786	20130003	XYLEM WATER SOLUTIONS USA, INC.	165843	3/12/15	403-3115-535.6300	15,401.00
10/28/14	137517	122058	20140006	AMERICAN CAST IRON PIPE COMPANY	165730	3/12/15	403-3115-535.6300	344,021.17
10/28/14	137524	122060	20140006	FERGUSON ENTERPRISES, INC.	165767	3/12/15	403-3115-535.6300	4,452.65
1/09/15	138820	122972	20130003	LINDSAY PRECAST, INC.	165791	3/12/15	403-3115-535.6300	17,908.00
12/08/14	138277	122615	20130003	ARDAMAN & ASSOCIATES, INC	165735	3/12/15	403-3115-535.6300	393.53

Run: 3/26/15
6:03PM

CITY OF AOPKA
Disbursements Report
By Account Number, Paid 2/27/15 thru 3/26/15

Page: 26

Date	Reference	P. O.	Project	Vendor	Check	Paid	Account Number	Amount
3/10/15	140137	123932	20130003	VOGEL BROS. BUILDING CO	165968	3/19/15	403-3115-535.6300	1,330,000.00
3/10/15	140139	123952	20140008	CROM CORPORATION, THE	165882	3/19/15	403-3115-535.6300	187,760.00
10/28/14	137517	122058	20140006	AMERICAN CAST IRON PIPE COMPANY	165852	3/19/15	403-3115-535.6300	241,707.73
1/07/15	138791	122958	20130003	CONSOLIDATED ELECTRICAL DIST.	165996	3/26/15	403-3115-535.6300	8,408.04
12/31/14	138675	122853	20130003	UET MIXERS, INC	166080	3/26/15	403-3115-535.6300	39,950.00
3/10/15	140138	123951	20140006	GARNEY COMPANIES, INC	166020	3/26/15	403-3115-535.6300	379,754.58
3/10/15	140136	123931	20130003	H D SUPPLY WATER WORKS, LTD.	166026	3/26/15	403-3115-535.6300	2,771.00
Subtotal for 403-3115-535.6300								2,573,871.30
Subtotal for Fund 403 WATER, WASTEWATER AND REUSE IMPACT FEES								2,384,119.85
Grand Total								4,239,674.46

Backup material for agenda item:

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



CITY OF APOPKA CITY COUNCIL

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

MEETING OF: April 1, 2015
FROM: Public Services
EXHIBITS:

**SUBJECT: WATER, SANITARY SEWER AND RECLAIMED WATER IMPACT FEES AND RATES
UPDATE STUDY AND BOND ENGINEERS REPORT**

**Request: AWARD THE CONTRACT TO REISS ENGINEERING, INC., TO PERFORM A WATER,
SANITARY SEWER AND RECLAIMED WATER IMPACT FEES AND RATES
UPDATE STUDY AND BOND ENGINEERS REPORT IN THE AMOUNT OF \$66,819.00.**

SUMMARY:

Staff has obtained proposals from the City consultants, Reiss Engineering, Inc. for \$66,819.00 and C H 2 M Hill Engineering, Inc. for \$144,004.00, to perform a water, sanitary sewer and reclaimed water impact fees and rates update study and provide an engineering report for a bond issue. The last rate study was performed in 2008. There are several capital improvement projects with high costs and shall require the City to issue bonds for funding. Some of the projects which may require the bond funding are as follows:

- The expansion of the Wastewater Plant
- The North Shore Projects
- Reclaimed Water Plant and Storage Facility at Golden Gem Property
- Northwest Aquifer Recharge Storage Ponds
- Southwest Water Treatment Plant

Staff recommends Reiss Engineering, Inc. at a cost of \$66,819.00.

FUNDING SOURCE:

Utility Operating Fund (from prior year's budget), to be included in the second quarter budget amendment.

RECOMMENDATION ACTION:

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

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	

Backup material for agenda item:

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



CITY OF APOPKA CITY COUNCIL

☐ CONSENT AGENDA
☐ PUBLIC HEARING
☐ SPECIAL REPORTS
☒ OTHER: Regular Agenda

MEETING OF: April 1, 2015
FROM: Administration
EXHIBITS: Interagency Agreement
CJ User Agreement

SUBJECT: CAFÉWEB COMPUTER AIDED DISPATCH SYSTEM

Request: EXECUTION OF THE NECESSARY DOCUMENTS BETWEEN THE CITY OF APOPKA AND THE SEMINOLE COUNTY SHERIFF'S OFFICE TO ENABLE TRANSITION TO THE CAFÉWEB COMPUTER AIDED DISPATCH SYSTEM

SUMMARY:

For some time, the Fire and Police Departments have been attempting to upgrade their Computer Aided Dispatching (CAD) software using one specific company [Global]. This has worked fairly well for the Fire Department, but the Police Department has separate and very specific issues that have caused it to look elsewhere for its software. They have found it in Seminole County at the Sheriff's Office [SCSO]. CAFÉWEB [CAFÉ] is a CAD system incorporating a records management system that was written by employees of SCSO. It is very specific to police and is employed by other departments.

Presented for your review, discussion and hopeful approval is an interagency agreement between the City of Apopka and the SCSO for the Apopka Police Department [APD] to connect to and use the CAFÉ software. The software will actually reside within the confines of SCSO and Apopka's IT department will connect via phone lines. SCSO will maintain the system and provide the following:

1. A number of related criminal justice software applications beyond CAFÉ;
2. All necessary database security and backup for APD;
3. All necessary training and instruction to APD;
4. All necessary software support into the future;
5. Applications necessary for APD to facilitate sharing of law enforcement data on a regional, state and nationwide basis;
6. A sufficient number of qualified personnel to perform and oversee all services necessary for CAFÉ to operate optimally.

APD as beneficiary of this service must agree to the following:

1. Abide to all applicable local, state and federal laws, rules and regulations;
2. Abide by the terms and conditions of the Criminal Justice User Agreement between the FDLE and SCSO – a copy follows the interagency agreement herein;
3. Agree to allow only authorized personnel to use the computer system provided by SCSO;
4. Acknowledge the SCSO software is copyright protected;
5. Provide adequate computer hardware that is compatible with SCSO;
6. Ensure all APD personnel to use SCSO software attend all necessary training;
7. Maintain all required SCSO software by annual agreement.

There are specific expenses related to connecting and remaining connected to the SCSO system. They are delineated under section 5 of the agreement herein. For the current fiscal year, the cost to the city will be \$69,040.27. In years beginning with FY16, the annual cost will be \$87,782.27. In addition to these costs, there are one time hardware costs as well. They include the following:

1. Router/VPN	\$5,838.19
2. Router Configuration	1,500.00
3. Computer, monitor and UPS for 911 feed	1,200.00
4. USB to Serial for 911 feed	50.00
5. 7 – Computers for dispatch	5,950.00
6. 6 - Monitor change and setup for dispatch	21,975.00
7. UPS	1,540.00
8. Keyboard/Mouse Switch	14,000.00
9. Windows 7 upgrade license	<u>6,500.00</u>

Sub-Total	<u>\$58,553.19</u>
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Grand – Total (Year One)	<u>\$127,593.46</u>
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Currently APD dispatches for Eatonville, Ocoee and Maitland Police Departments. While Ocoee has indicated they are severing ties with APD as of July 1, 2015, payment from the other entities exceeds the amount required by SCSO to transition. Winter Park is using SCSO software and both Eatonville and Maitland have made it known if APD does not transition they will switch to Winter Park and pay them to provide dispatching services. As well, both have indicated if APD switches to SCSO, they much prefer to remain as they are.

FUNDING SOURCE:

Funding was provided in the FY14 budget and will be carried forward into the current budget via the 2nd budget amendment.

RECOMMENDATION ACTION:

Staff recommends Council direct the City Administrator to execute the necessary documents with SCSO to enable transition of Computer Aided Dispatching and related ancillary services to their department. Said current year monetary amounts required by SCSO are budgeted within the current operating budget.

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

INTERAGENCY AGREEMENT
SEMINOLE COUNTY SHERIFF'S OFFICE AND APOPKA POLICE DEPARTMENT -
AGREEMENT FOR CRIMINAL JUSTICE COMPUTER SERVICES AND SUPPORT

THIS AGREEMENT is made and entered by and between DONALD F. ESLINGER, Seminole County Sheriff's Office, hereinafter referred to as "SHERIFF", a Constitutional Officer of the political subdivision of Seminole County, Florida, whose address is 100 Bush Blvd., Sanford, FL 32773, and the APOPKA POLICE DEPARTMENT, hereinafter referred to as "PD", whose address is 112 E 6th St, Apopka, FL 32703.

WITNESSETH

WHEREAS, The SHERIFF and PD, are criminal justice agencies, formally recognized by the Federal Bureau of Investigations (FBI) and the Florida Department of Law Enforcement (FDLE); AND

WHEREAS, in accordance with sections 163.01(2) and 163.01(14) Florida Statutes, the SHERIFF and PD are authorized to enter into inter-local Agreements for the provision of services; AND

WHEREAS, The SHERIFF presently has the benefit of access to the Florida Criminal Justice network (CJNet), National Crime Information Center (NCIC), the Florida Crime Information Center, and the Interstate Identification Index (III) all hereafter referred to as FCIC, via network connectivity to the FDLE; AND

WHEREAS, The SHERIFF has developed sophisticated law enforcement software which is presently in use by other law enforcement and criminal justice agencies and is supported and maintained by Sheriff's Office staff on a seven days per week, twenty-four hours per day basis; AND

WHEREAS, PD has determined that it is advantageous to enter into a contractual agreement with the SHERIFF for the provision of criminal justice computer software services, including continued access to FCIC and state/national criminal justice information for the administration of criminal justice.

NOW, THEREFORE, in consideration of the mutual understandings and agreements set forth herein, the parties agree as follows:

1. Agreement Term

The TERM of this Agreement shall be from April 1st, 2015 until such time as either party desires to end the Agreement in accordance with termination provisions set forth in Section 9 of this Agreement, the dates of signature of the parties notwithstanding.

2. Purpose

The purpose of this Agreement to establish terms and conditions under which the SHERIFF shall provide criminal justice computer software services and support to the PD.

3. Cooperation

It is agreed that both parties shall provide all reasonable and necessary cooperation and assistance so as to facilitate the terms of this Agreement.

4. **Basic Services**

1. **The SHERIFF agrees to:**

- A. Provide CAFEWEB, XCAD, MICAD, Sherlock and other related criminal justice software available on the SHERIFF'S network to the PD.
- B. Provide database security and backup services for PD data residing on Sheriff's Office systems.
- C. Provide necessary instruction and training to PD personnel on CAFEWEB, XCAD, MICAD, Sherlock and other related software to support the transition to SCSO systems. After initial system setup, SHERIFF may, at its sole discretion, offer additional training to PD.
- D. Provide, maintain and pay for such data transfer circuit(s) required to support connection and interface with CAFEWEB, XCAD, MICAD, Sherlock and other related criminal justice software on the SHERIFF'S network.
- E. Provide highest level (Tier 3) expert support to the PD for CAFEWEB, XCAD, MICAD, Sherlock and other related software.
- F. Share PD CAFEWEB data with the Law Enforcement Technology, Training and Research center to facilitate law enforcement data sharing on a regional, state and nationwide basis.
- G. Provide for a sufficient number of appropriately qualified personnel to perform those services set forth within this Agreement.
- H. Make reasonable efforts to ensure delivery of the provision of services set forth herein. SHERIFF makes no warranties, representations, or guarantees with regards to specific performance levels, data accuracy, data completeness, system uptime, security, or system integration and SHERIFF will not be held liable for any direct or indirect damages incurred by PD's use of the software/system(s), including but not limited to loss of data or loss of system use.

2. **PD agrees to:**

- A. Abide by all applicable local, state, and federal laws, rules and regulations, as well as the FBI CJIS Security Policy and rules and regulations of FCIC with regards to the use of said criminal justice computer systems, and ensure compliance with Florida Public Records laws in regards to exempt and confidential data contained within criminal justice software systems provided by the SHERIFF.
- B. Abide by all the terms and conditions of the Criminal Justice User Agreement executed between the FDLE and the SHERIFF, a copy of which is attached to this Agreement.

- C. Limit use of provided criminal justice computer systems to authorized personnel within the PD and only for the administration of criminal justice.
- D. Acknowledge, by executing this Agreement, that all software written by the SHERIFF is subject to copyright protection and may not be sold or transferred to any other entity without the express written consent of the SHERIFF.
- E. Provide adequate computer hardware compatible with the software, hardware and network equipment utilized by the SHERIFF.
- F. Ensure that all authorized PD personnel attend training on CAFEWEB, XCAD, MICAD, Sherlock and other related software provided by the SHERIFF prior to utilizing SHERIFF systems.
- G. Perform acceptance testing on all brand new CAFEWEB, XCAD, MICAD and Sherlock installations before using the systems in a live environment.
- H. Maintain all required software licenses required to access the SHERIFF'S law enforcement software systems.
- I. Provide for a sufficient number of appropriately qualified personnel to support and maintain SHERIFF'S law enforcement software on PD computers. This includes performing technical support for basic user issues (Tier 1) and providing administrative level support (Tier 2) for advanced technical troubleshooting.

5. **Compensation and Payment**

1. PD agrees to reimburse the SHERIFF for services provided for within this Agreement in accordance with the following schedule:

Description	Amount	Due Date	Term Date/Notes
FY 14/15 Expenses			
NetMotion Purchase	\$ 11,000.00	15-May	
NetMotion Support	1,710.27	15-May	4/15 - 3/16
E-line Installation	1,000.00	15-May	
E-line Reimbursement	4,780.00	15-May	5/15 - 9/15
CAFEWeb Setup & Training	10,250.00	15-May	
CAFEWeb Maintenance	8,050.00	15-Jul	7/15-9/15
One time programming	20,000.00	15-Jul	Not to exceed
XCAD/MICAD Setup & Training	12,250.00	15-Jul	
	\$ 69,040.27		
FY 15/16 & Ongoing			
XCAD/MICAD Maintenance	\$ 42,400.00	16-Jan	10/15 - 9/16
NetMotion Support	1,710.27	16-Jan	4/16 - 3/17
E-line Reimbursement	11,472.00	16-Jan	10/15 - 9/16
CAFEWeb Maintenance	32,200.00	16-Jan	10/15 - 9/16
	\$ 87,782.27		

2. Payments shall be made upon submittal of an invoice by the SHERIFF. Annual payment requests shall be made by the SHERIFF no later than January of the fiscal year in question.
3. The SHERIFF shall no later than May 1st of each year, submit to PD the cost for Annual Maintenance as set forth in this Agreement for the upcoming fiscal year beginning October 1st. This anticipated cost shall not be binding upon the PD and shall be subject to negotiation between the PD and the SHERIFF.
4. PD may request custom programming or other specialized computer services that are outside the scope of this this agreement. Such services will be provided at the sole discretion of SHERIFF and will be charged at \$125.00 per hour worked. SHERIFF will provide estimates for such services but PD acknowledges and agrees that it receives estimates only, and the actual cost for the services may be less or more. SHERIFF shall invoice PD for its work once per month. Payment for specialized services shall be payable within 60 days of receipt of the invoice.

All payments made by PD shall be sent to the following address:

Seminole County Sheriff's Office
Financial Services Section
100 Bush Blvd
Sanford, FL 32773

6. **Indemnification**

Pursuant to Florida Statutes and to the extent provided for by Florida law, neither the SHERIFF nor PD waives any defense of sovereign immunity, or increases the limits of its liability, upon entering into this Agreement. This Agreement does not contain any provision that requires one party to indemnify or insure the other party for the other party's actions, or to assume any liability for the other party's actions.

7. **Dispute Resolution**

This Agreement shall be governed by and construed with the laws of the State of Florida. Venue shall be in Seminole County, Florida. The SHERIFF'S designee, IT Director Mary Fahlstrom, and PD'S designee, Lieutenant Carol McMaster, shall resolve minor disputes.

Notices

Whenever any party desires to give notice unto the other party, notice may be sent to:

For SHERIFF:

Mary Fahlstrom, IT Director
Seminole County Sheriff's Office
100 Bush Blvd.
Sanford, FL 32773

For PD:

Chief Robert Manley
Apopka Police Department
112 E 6th St.
Apopka, FL 32703

8. **Termination**

Either party may terminate this agreement upon providing ninety (90) days written notice, except that the SHERIFF may terminate this agreement immediately and without notice upon finding that the PD has willfully violated the terms of this agreement. Within thirty (30) days following termination, SHERIFF will provide PD with a copy of PD data stored on SHERIFF's systems in Microsoft SQL Server format.

9. **Entire Agreement**

It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof, as well as any previous Agreement presently in effect between the parties relating to the subject matter hereof. Any alterations, amendments, deletions, or waivers of the provisions of this Agreement shall be valid only when expressed in writing, approved by the respective parties and duly executed on behalf of each party as set forth herein.

IN WITNESS HEREOF, the parties hereto have caused this agreement to be executed by the proper officers and officials.

Apopka Police Department

Seminole County Sheriff's Office

By: Chief Robert Manley

By: Sheriff Donald F. Eslinger

Date

Date

City of Apopka

By: City Administrator Glenn A. Irby

Date

CRIMINAL JUSTICE USER AGREEMENT

This Agreement, is entered into between the Florida Department of Law Enforcement (hereinafter referred to as FDLE), an agency of the State of Florida with headquarters at 2331 Phillips Road, Tallahassee, Florida and the

Seminole County Sheriff's Office,

with headquarters at

100 Bush Boulevard, Sanford, Florida 32771,

with the primary ORI of: FL0590000, (hereinafter referred to as the User).

Whereas, FDLE is authorized by law to operate and regulate the Florida Criminal Justice Network (hereinafter CJNet) as an intra-agency information and data-sharing network for use by the state's criminal justice agencies;

Whereas, FDLE is authorized by law to establish and operate the Florida Crime Information Center (hereinafter FCIC) for the exchange of information relating to crimes, criminals and criminal activity;

Whereas, FDLE participates in the National Crime Information Center (hereinafter NCIC), a service of the United States Department of Justice, the Interstate Identification Index (hereinafter III), the Federal Bureau of Investigation's (hereinafter FBI) Law Enforcement Online (hereinafter LEO), the FBI's National Data Exchange (hereinafter NDEx) and the International Justice and Public Safety Network (hereinafter Nlets), and serves as Florida's Criminal Justice Information Services (CJIS) Systems Agency (CSA) for the interstate transmission of Criminal Justice Information (CJI) to and from agencies in Florida and agencies in the continental United States, Alaska, Hawaii, U.S. Virgin Islands, Canada and Puerto Rico;

Whereas, the FDLE Director of Criminal Justice Information Services is recognized by the FBI as the CJIS Systems Officer (CSO) for the State of Florida, responsible for administering and ensuring statewide compliance with the FBI CJIS Security Policy (CSP);

Whereas, the User requires access to intrastate and interstate CJI systems provided by FDLE through the CJNet in order to effectively discharge its public duties;

Whereas, FDLE facilitates local law enforcement and other criminal justice agencies' requests to participate in the information services provided on CJNet, provided the User agrees to abide by applicable federal and state laws; administrative code, and all policies, procedures and regulations related to these systems. FDLE retains full control over the management and operation of CJNet and FCIC.

Therefore, in consideration of the mutual benefits to be derived from this Agreement, the FDLE and the User do hereby agree as follows:

This User Agreement is designed for criminal justice agencies within Florida that have either direct or indirect access to FCIC/CJNet. If the User does not perform a specific function, the provisions regarding that function will not apply to the User.

SECTION I FCIC/NCIC/CJNET FDLE REQUIREMENTS

FDLE is duly authorized and agrees to ensure access to the criminal justice information services provided on CJNet and adhere to the following:

1. Serve as the CSA for the State of Florida and provide the User with access to CJI as is available in the FCIC/NCIC and III systems and NLETS through CJNet, and to serve as the means of exchanging CJI between the User and other criminal justice agencies on CJNet.
2. Provide the opportunity for CJIS certification/re-certification and CJIS Security Awareness training.
3. Provide the User with information concerning privacy and security requirements imposed by state and federal policies, laws, rules and regulations. All references herein to policies, operating procedures, operating instructions, operating manuals and technical memoranda with which adherence is required may be found on the CJNet CJIS Resource Center web page.
4. Provide state criminal history record check services for non-criminal justice purposes as provided by law.
5. Act as the central state repository; provide identification, record keeping, and exchange of Criminal History Record Information (CHRI) services.
6. Facilitate access, using CJNet, to other information applications or systems that the User may be authorized to access.

SECTION II FCIC/NCIC/CJNET USER REQUIREMENTS

By accepting access as set forth above, the User agrees to adhere to the following to ensure continuation of access:

1. **USE OF THE SYSTEM: Use of the CJNet and any system accessed via the CJNet is restricted to the administration of criminal justice or as otherwise specifically authorized or required by statute.** Information obtained from the FCIC/NCIC files, or computer interfaces to other state or federal systems, by means of access granted through CJNet, can only be used for authorized purposes in compliance with FCIC/NCIC and III rules, regulations and operating procedures, and state and federal law. It is the responsibility of the User to ensure access to CJNet is for authorized purposes only, and to regulate proper use of the

network and information at all times. The User shall establish appropriate written standards, which may be incorporated with existing codes of conduct, for disciplining violators of this and any incorporated policy. Accessing information and systems provided via CJNet for other than authorized purposes is deemed misuse. The User shall notify the CSO of any sustained/confirmed cases of misuse by using the CJS Systems Misuse Reporting Form found on the CJNet CJIS Resource Center web page. In cases of sustained/confirmed misuse, the User shall identify disciplinary actions and the corrective actions taken to prevent future incidents. FDLE reserves the right to deny CJI access to individuals who have sustained cases of misuse.

- 1.1 If the User provides an interface between FDLE and other criminal justice agencies, the serviced agency(ies) shall abide by all of the provisions of this agreement. Serviced agencies that access CJNet, FCIC/NCIC and/or related applications by interfacing through the User shall, likewise, abide by all provisions of this agreement. Additionally, the User and the serviced agency shall enter into an interagency agreement when access to CJNet/FCIC/NCIC is provided by the User to a serviced agency.
- 1.2 MESSAGES: Only law enforcement and other criminal justice messages shall be sent over and through the CJNet and FCIC/NCIC. All messages shall be treated as privileged unless otherwise indicated. The User should be prudent in use of regional and statewide broadcast message requests. All messages shall use plain English language in the message.
- 1.3 COMPLIANCE: The User shall access FCIC/NCIC and other CJNet applications in strict compliance with applicable CJNet, FCIC, NCIC, III and Nlets policies including, but not limited to, policies, practices and procedures relating to:
 - 1.3.1 TIMELINESS: FCIC/NCIC records shall be entered, modified, located, cleared, and canceled promptly in order to ensure system accuracy and effectiveness. If the User performs FCIC/NCIC updates for other agencies, the User shall comply with timeliness requirements for the records entered for the serviced agencies as well.
 - 1.3.2 HOT FILE ENTRIES: In order to make entries into the FCIC/NCIC hot files, the User shall have personnel dedicated to maintain a 24-hour, seven-day a week FCIC/NCIC operation.
 - 1.3.2.1 If the User enters records into FCIC/NCIC for another agency, the User shall execute an interagency agreement with each serviced agency outlining each agency's responsibilities.

- 1.3.2.2 Adult Warrants, Missing Persons and all property records of the FCIC Hot File records, entered by state and local agencies, will be made available to the public on the Internet via the FCIC Public Access System (PAS), unless explicitly flagged by the User for exclusion.
- 1.3.3 QUALITY ASSURANCE: Appropriate and reasonable quality assurance procedures shall be in place, including second party verification during entry, to ensure all entries in FCIC/NCIC are complete, accurate, and valid.
- 1.3.4 VALIDATION: The User shall validate all records that the User has entered into the system for accuracy and retention. To be in compliance with FCIC/NCIC rules, regulations and operating procedures, the User shall ensure each record is modified to confirm the successful validation of each record on file in FCIC/NCIC. Failure to modify a record to indicate validation may result in its removal from the file. The User shall develop its own written validation procedures specifying the steps taken by the User to complete record validation.
- 1.3.5 HIT CONFIRMATION: The User shall comply with FCIC/NCIC rules, regulations and operating procedures by responding to the hit confirmations in a timely manner (within ten minutes or one-hour depending on priority).
- 1.3.6 DISSEMINATION: Information obtained from the FCIC/NCIC hot files, CJNet or computer interfaces to other state or federal systems, by means of access granted pursuant to Section 943.0525, F.S., shall only be used for the administration of criminal justice.
 - 1.3.6.1 Upon receipt of a public record request for CJI, the User shall confer with FDLE regarding the appropriate response. It is the responsibility of the User to ensure that access to the CJNet is for authorized criminal justice purposes only, and to regulate proper access to and use of the network and information at all times.
 - 1.3.6.2 The User will disseminate CHRI obtained or derived from federal records or systems only to criminal justice agencies and only for the administration of criminal justice. The administration of criminal justice includes criminal justice employment screening.
 - 1.3.6.3 The User, if functioning in the capacity of a pretrial release program or providing CHRI for a pretrial release program, may disseminate Florida public record information only, in compliance with Section 907.043 (3),

F.S., which requires “[e]ach pretrial release program [to] prepare a register displaying information that is relevant to the defendants released through such a program.”

The authority to disseminate information for this purpose shall be restricted to county probation services offices and those criminal justice entities providing the probation offices with information obtained via the FCIC message switch for the administration of criminal justice.

- 1.3.7 RETENTION: CHRI which the User maintains, whether retrieved from III or Florida’s criminal history record system, shall be kept in a secure records environment to prevent unauthorized access. Retention of CHRI is governed by the record retention schedule for law enforcement published by the Florida Department of State, GS2.

1.3.7.1 Retention of criminal history records, whether retrieved from III or the state system, for extended periods may be appropriate when the time sensitivity of the specific record is important.

1.3.7.2 When, in the sound judgment of the User, retention of criminal history records, whether retrieved from III or the state system, is no longer required, final disposition will be accomplished in a secure manner in compliance with state law, FCIC/NCIC and III rules, regulations and operating procedures to preclude unauthorized access.

1.3.7.3 Because CHRI may become outdated at any time, a current criminal history record check should be performed whenever CHRI is used or relied upon by the User. Entry or retention of criminal history records in a separate or local database would be inconsistent with this principle, and is therefore discouraged. The retention of criminal history records, whether retrieved from III or the state system, in a secondary (non-FDLE) database is not authorized by law.

- 1.3.8 CRIMINAL HISTORY TRANSMISSION: Any electronic device that uses wireless or radio technology to transmit voice data may be used for the transmission of CHRI only when an officer determines there is an immediate need for this information to further an investigation or there is a situation affecting the safety of an officer or the public.

1.3.8.1 A facsimile machine may be used to transmit criminal history information between criminal justice agencies, provided both agencies have an NCIC Originating Agency Identifier (ORI) and are authorized to receive

criminal history information. Appropriate measures shall be taken to prevent unauthorized viewing or receipt by unauthorized persons

- 1.3.9 TRANSACTION LOGGING: Each interface agency accessing FCIC/NCIC and III systems shall ensure that an automated transaction log is maintained. The FCIC/NCIC portion of this log shall be maintained for a minimum of twelve months, and the III portion shall be maintained for a minimum of four years.
- 1.3.9.1 Automated transaction logging is a feature included in the application software provided by FDLE, and local agencies are encouraged to retain these logs for future reference. Users purchasing or developing an interface to FCIC shall ensure transaction logging is an included feature.
- 1.3.9.2 The automated transaction log shall identify: the operator on all transactions, the agency authorizing all transactions, the requester and secondary recipient for all criminal history transactions. This information can be captured at log-on and can be a name, badge number, serial number, or other unique identifier.
- 1.3.9.3 The User may only disseminate CHRI to another authorized recipient and shall maintain a record of any dissemination of state or federal criminal history information. This record shall reflect at a minimum: (1) date of release; (2) to whom the information relates; (3) to whom the information was released; (4) the State Identification (SID) and/or the FBI number(s); (5) the purpose code and (6) the reason for which the information was requested.
- 1.3.10 INFORMATION ACCESS: The User shall allow only properly screened (as per Section III, paragraph 2 of this User Agreement), authorized personnel performing a criminal justice function who have received proper security awareness training to have access to information contained within the CJNet, FCIC/NCIC or other state or federal criminal justice information system accessed through the FCIC message switch, FBI CJIS Wide Area Network or Internet. The User will also provide assistance to other criminal justice agencies not equipped with direct FCIC access in compliance with FCIC/NCIC and III rules, regulations and operating procedures, but only to the extent that such assistance is not otherwise prohibited.

- 1.3.10.1 The User shall ensure that all personnel who initiate a transaction to the FCIC message switch are current in CJIS certification.
 - 1.3.10.2 Each individual user shall be properly authenticated prior to initiating a transaction to or requesting information from FCIC or other CJNet application.
 - 1.3.10.3 The User shall ensure that persons allowed to complete CJIS certification are at least 18 years of age and are U.S. citizens or have a valid immigration status/visa.
 - 1.3.10.4 FDLE reserves the right to deny FCIC, CJNet or related programs/ systems access to any individual based on valid, articulable concerns for the security and integrity of FCIC, CJNet or related programs/ systems.
- 1.3.11 WORKSTATION: FDLE is not responsible for the workstation acquisition, maintenance, operation, repair, supplies or workstation operation personnel costs. The User shall immediately notify the FDLE Customer Support Center, should an FCIC/NCIC workstation or device, associated with an FCIC/NCIC entry(ies), malfunction or become inoperable. All costs associated with returning the workstation to operation, other than CJNet costs, shall be the User's responsibility. FDLE will assist with executing trouble-shooting procedures.
- 1.4 Interface Operations: For systems implemented after December 31, 2008, the User shall ensure that all automated interfaces that programmatically (i.e., without human intervention) generate transactions to the FCIC message switch are restricted to no more than one transaction per second per interface.
2. AUDITS: The User shall permit an FDLE appointed inspection team to conduct inquiries with regard to any allegations or potential security violations, as well as for routine audits.
- 2.1 FDLE conducts regularly scheduled compliance and technical security audits of every agency accessing the CJNet to ensure network security, conformity with state law, and compliance with all applicable FDLE, CJNet, FCIC/NCIC and III rules, regulations and operating procedures. Compliance and technical security audits may be conducted at other than regularly scheduled times.
3. TRAINING: The User is responsible for complying with training requirements established in CSP and the rules, regulations, and policies established by FCIC/NCIC, III, FDLE and other CJNet applications. The User is responsible for

remaining current in the applications, procedures, and policies and ensuring personnel attend these training sessions.

- 3.1 All User personnel who access CJI for the administration of criminal justice shall complete security awareness training, including but not limited to criminal justice officials, e.g., Police Chiefs, Sheriffs, Judges, State Attorneys, etc.
- 3.2 Only operators who have successfully completed CJIS certification shall be allowed to have unsupervised access to the FCIC/NCIC system.
- 3.3 FCIC/NCIC operators who are in their initial six months of assignment may be permitted supervised access to FCIC/NCIC. Operators shall successfully complete CJIS certification within six months of appointment or assignment to duties requiring direct access to FCIC/NCIC.
- 3.4 The User shall require all personnel who are authorized to initiate a transaction to the FCIC message switch to successfully complete CJIS Certification. The User agrees to remove from FCIC/NCIC access any employee who fails to achieve required certification standards, whose certification has expired, whose certification is otherwise rescinded or as directed by FDLE.
- 3.5 The User shall require all information technology (IT) personnel, including any vendor or contracted staff who will in the course of their contracted criminal justice support duties initiate a transaction to the FCIC message switch, to successfully complete CJIS certification.
- 3.6 The User shall maintain training records for all personnel with access to CJI, i.e., CJIS certification and security awareness training.
- 3.7 The User shall require all IT personnel, including any vendor, responsible for maintaining/supporting any IT component used to process, store or transmit any unencrypted CJI, to successfully complete and maintain in current status the CJIS security awareness training provided by FDLE.
4. RELOCATION: Should the User desire to relocate the data circuit(s) and/or equipment connected to CJNet, the User shall provide FDLE written notice 90 days in advance of the projected move. All costs associated with the relocation of the equipment and the data circuit(s), including delays in work order dates, will be borne by the User unless FDLE has funding to make changes without charge. The repair and cost of any damages resulting from such relocation will be the User's responsibility.
 - 4.1 The User shall also provide 90 days advance notice when requesting additional access to FCIC.

5. **LIABILITY:** The User understands that the FDLE, its officers, and employees shall not be liable in any claim, demand, action, suit, or proceeding, including, but not limited to, any suit in law or in equity, for damages by reason of, or arising out of, any false arrest or imprisonment or for any loss, cost, expense or damages resulting from or arising out of the acts, omissions, or detrimental reliance of the personnel of the User in entering, removing, or relying upon information transmitted through CJNet or in the FCIC/NCIC and NLETS information systems.
6. **CRIMINAL HISTORY RECORDS:** FDLE is authorized to establish a statewide biometric identification system and an intrastate system for the communication of information relating to crimes, criminals and criminal activity.

To support the creation and maintenance of the criminal history files, the User, as appropriate, shall:

- 6.1 Provide for inclusion in criminal history records information systems, adult and juvenile criminal fingerprints on all felony arrests; adult criminal fingerprints on all misdemeanors and comparable ordinance violation arrests; and juvenile fingerprints on misdemeanor arrests specified at Section 943.051, F.S. The submission of other juvenile misdemeanor arrest fingerprints is optional.
 - 6.2 Provide security for CHRI and systems that process or store CHRI, and security training for personnel who receive, handle or have access to CHRI.
 - 6.3 Screen all personnel who will have direct access to CHRI and reject for employment personnel who have violated or appear unwilling or incapable of abiding by the requirements outlined in this agreement.
 - 6.4 Defer to FDLE on any determination as to what purposes qualify for criminal justice versus non-criminal justice designation, as well as with respect to other purposes that may be authorized by law.
 - 6.5 As authorized by Florida Statutes and/or federal regulations, the User may share state CHRI. Dissemination of information requires compliance with all applicable statutes, FCIC/NCIC and III rules, regulations and operating procedures, including logging. Agencies shall maintain the restriction on dissemination applicable to such record information, including but not limited to confidentiality or exemption from Section 119.07(1), F.S., as provided by law.
 - 6.6 Provide security and establish policies to prevent unauthorized access to or dissemination of sealed records, or unauthorized notification of expunged records.
7. As FALCON is a CJI system, the User shall adhere to all policies regarding access, use and dissemination of CHRI. The User shall comply with all training and other appropriate requirements associated with its criminal justice status. The

User shall review FALCON subscriptions to determine whether the User is still authorized to receive criminal history record information on an individual. The User shall indicate the continued authorizing relationship with that individual, i.e., the person is still employed, volunteering, etc., or is currently the subject of investigation or under supervision by the User. CHRI received as a result of a FALCON subscription may be disseminated for criminal justice purposes, and is subject to the same legal and policy restrictions associated with CHRI.

SECTION III SECURITY REQUIREMENTS

1. The User shall comply with the CSP and the rules, regulations, policies and procedures established for CJNet, FCIC/NCIC, III and NLETS, which include but are not limited to System Security, Personnel Security, Physical Security, User Authorization, Technical Security, Dissemination of Information Obtained from the Systems, and Destruction of Records. By accepting access as set forth above, the User agrees to adhere to the following security policies in order to ensure continuation of that access:
2. **PERSONNEL BACKGROUND SCREENING:** At a minimum, the User shall conduct a state and national fingerprint-based records check on 1) all personnel who are authorized to access state and/or national CJI data or systems, 2) IT personnel who maintain/support information technology components used to process, transmit or store unencrypted CJI, and 3) other personnel, including but not limited to support personnel, contractors and custodial staff, with unescorted physical or logical access to physically secure locations, as defined in the CSP and/or IT components used to process, transmit or store unencrypted CJI. The User is strongly encouraged to screen the applicant by other available means, e.g., local court records, in addition to the fingerprint-based record check.
 - 2.1 The User shall submit applicant fingerprints of persons described in Section III, paragraph 2, for positive comparison against the state and national criminal history and for searching of the Hot Files.
 - 2.2 The results of the fingerprint-based record check shall be reviewed prior to granting access to CJI or components used to process/store CJI, including access for IT support. The User may conduct a preliminary on-line criminal justice employment check using Purpose code "J" for this purpose.
 - 2.2.1 If a record of any kind exists, the User shall consult the FDLE Guidelines for CJIS Access and notify the CSO for review. Upon notification from the User, the CSO shall review the matter to determine if access is appropriate and officially notify the User in writing of the CSO's decision regarding access.
 - 2.2.2 Once the original background screening has been completed, if the User learns that an employee with access to CJI, including any personnel as identified in Section III, paragraph 2, has a criminal

history or pending charge(s), the User shall consult the FDLE Guidelines for CJIS Access and notify the CSO. The CSO shall review the facts and circumstances and notify the User in writing regarding access to CJI.

- 2.2.3 The User shall have a written policy for discipline of personnel who 1) access CJNet and/or CJI for purposes that are not authorized, 2) disclose information to unauthorized individuals, or 3) violate FCIC/NCIC or III rules, regulations or operating procedures.
- 2.3 As the CSA for the State of Florida, the FDLE reserves the right to deny individual user access to any system or related program that is used to process, transmit or store CJI based on valid, articulable concerns for the security and integrity of the information and/or related systems.
- 2.4 The User shall ensure the appropriate ORI is used for submission of applicant fingerprints. Fingerprints submitted for positions associated with the administration of criminal justice or as required by the CSP, shall include the User's criminal justice ORI. Fingerprints submitted for any other positions not related to the administration of criminal justice or required by the CSP shall include the appropriate and approved non-criminal justice ORI.
3. **PHYSICAL SECURITY:** The User shall identify facilities, areas, rooms, etc. where CJI is accessed, processed and/or stored to determine physical security requirements as identified in the CSP. The User may designate a facility, area, room, etc., either a physically secure location or a secured area, as defined in the CSP, provided the appropriate requirements are met. Access shall be limited to persons needing access for completion of required duties. The User shall have a written policy that ensures and implements security measures, secures devices that access FCIC/NCIC/CJNet and prevents unauthorized use or viewing of information on these devices. The use of password protected screen blanking software is recommended for devices that access FCIC/NCIC when the operator may leave the computer unsupervised. FDLE reserves the right to object to equipment location, security measures, qualifications and number of personnel who will be accessing FCIC/NCIC and to suspend or withhold service until such matters are corrected to FDLE's reasonable satisfaction.
4. **ADMINISTRATIVE SECURITY:** The User shall designate individual agency contacts, as described below, to assist the User and FDLE in ensuring compliance with this Agreement. Training for these positions is provided by FDLE, and the User shall ensure that its designee is keenly aware of the duties and responsibilities of each of the following positions. FDLE reserves the right to object to the Users appointment of a TAC, LASO, LAI or AAA based on valid, articulable concerns for the security and integrity of FCIC, CJNet or related programs/systems. The User shall provide FDLE with up-to-date contact information for these positions.

- 4.1 **TERMINAL AGENCY COORDINATOR:** The User shall designate a Terminal Agency Coordinator (TAC) to ensure compliance with FCIC/NCIC and III rules, regulations and operating procedures, and to facilitate communication between FDLE and the User. The TAC shall maintain a current CJIS Certification. TACs shall attend TAC training within six (6) months of being assigned to the position, and as often, as required by FDLE, thereafter.
 - 4.2 **LOCAL AGENCY SECURITY OFFICER:** The User shall designate a Local Agency Security Officer (LASO) to ensure compliance with the CSP. Within six months of assignment to the position, the LASO is encouraged to complete any appropriate LASO training made available by FDLE, including CJIS security awareness training.
 - 4.3 In addition to TAC and LASO, there are other points of contact and positions necessary to manage applications and facilitate communication between the User and FDLE. These positions are identified on the Agency CJIS Contact Form, which may be found on the CJNet CJIS Resource Center website under CJIS Forms and Publications.
5. **MANAGEMENT CONTROL AGREEMENTS:** In situations where data processing/information services, law enforcement dispatch functions or human resources functions are provided by a non-criminal justice governmental entity, the User shall enter into a management control agreement as required by the CSP. In situations where governmental structure or hierarchy does not support or permit an agreement between the parties involved, a directive which includes all of the provisions for a management control agreement identified in the CSP may be substituted.
6. **INTERAGENCY AGREEMENTS:** The User shall execute an Interagency Agreement with any other criminal justice agency to which criminal justice information services are outsourced, including but not limited to information technology related functions. The User shall consult with FDLE to determine if a given function requires an Interagency Agreement.
7. **TECHNICAL SECURITY**
 - 7.1 Remote access services to CJI, including, but not limited to access to FCIC/NCIC and CJNet via the User's Network, will be permitted provided the User establishes appropriate security measures to ensure compliance with all rules, regulations, procedures, and the CSP.
 - 7.2 All FCIC/NCIC/III data transmitted over any public network segment shall be encrypted as required by the CSP. This requirement also applies to any private data circuit that is shared with non-criminal justice users and/or is not under the direct security control of a criminal justice agency.

- 7.3 The User shall maintain, in current status, and provide upon request by FDLE a complete topological drawing, which depicts the User's network configuration as connected to CJNet. As required by the CSP, this documentation shall clearly indicate all network connections, service agencies and interfaces to other information systems.
- 7.4 The User shall ensure only authorized criminal justice agencies or agencies authorized by FDLE are permitted access to the CJNet via the User's CJNet connection.
- 7.5 The User shall ensure all devices with connectivity to CJNet employ virus protection, anti-spam and anti-spyware software and such software shall be maintained in accordance with the software vendor's published updates.
- 7.6 CJI, including but not limited to information obtained from the FCIC message switch and CJNet, may only be accessed via computers or interface devices owned by the User or by the contracted entity. Vendors under contract with the User to perform the administration of criminal justice may be allowed to use their own devices for access provided all requirements of the FBI CJIS Security Addendum are satisfied.
- 7.7 The User shall ensure that CJNet-only devices have a Windows or network type password to prevent unauthorized access.
- 7.8 Provided appropriate security precautions are in place, and upon approval from the FDLE Network Administration staff, the User may employ wireless network connectivity (for example the 802.11 wireless networking protocol).
8. **COMPUTER SECURITY INCIDENT RESPONSE CAPABILITY:** The User shall have a written policy documenting the actions to be taken in response to a possible computer security incident. The policy shall include identifying, reporting, investigating and recovery from computer security incidents. The User shall immediately notify the CSO of any suspected compromise of the CJNet.
9. **SECURITY AUTHORITY:** All policies, procedures and operating instructions contained in the CSP and FCIC/NCIC, III and NLETS documents, operating manuals and technical memoranda, are hereby incorporated into and made a part of this agreement, except to the extent that they are inconsistent herewith or legally superseded by higher authority.
10. **CLIENT SOFTWARE LICENSE:** The FCIC Client Software (eAgent) license from Diverse Computing, Incorporated is located in the Help menu of the eAgent client software. The FCIC Client Software (eAgent) license is made a part of and incorporated by reference into this User Agreement and shall be binding on the User upon acceptance of the software. The User is allowed up to one hundred (100) eAgent Subswitch mnemonics. The User is not permitted to install eAgent, as provided by FDLE, on laptops for use in a mobile environment, including tablets, netbooks and other "handheld" devices. The User is not permitted to use the eAgent client software as an interface to the FCIC message switch for another application.

11. PRIVATE VENDORS: Private vendors which, under contract with the User, are permitted access to information systems that process CJI, shall abide by all aspects of the FBI CJIS Security Addendum.
 - 11.1 The contract between the User and the vendor shall incorporate the FBI CJIS Security Addendum to ensure adequate security of CJI.
 - 11.2 The User shall ensure all vendor employees are appropriately screened prior to granting the vendor employees access to CJI. Vendor employee fingerprints submitted by the User to FDLE as required by the CSP shall be taken/rolled/printed by a recognized law enforcement agency or an FDLE approved third party vendor. NOTE: A vendor may not fingerprint its own employees.
 - 11.3 The User shall maintain the Security Addendum Certification form for each member of the vendor staff with access to information systems that processes CJI.
 - 11.4 The User shall ensure all vendor employees with access to CJI have received the appropriate security awareness training via the CJIS Online application and are in current status.
 - 11.5 The User shall ensure private vendors permitted such access are aware of the provisions of Section 817.5681, F.S. regarding breach of security of personal information.
 - 11.6 The User shall contact FDLE for review prior to entering into a contract or agreement with a private vendor in the course of which state or national CJI is processed, stored or transferred from the User's physically secure location to a vendor owned or operated facility(s) (e.g., cloud services.)
 - 11.7 The User shall maintain and keep current a list of all vendor employees who have been authorized access to CJI.
12. USERNAMES and PASSWORDS/AUTHENTICATION: The User shall ensure that all personnel, including IT support and vendors, who initiate a transaction to the FCIC message switch have a separate and distinct username and password/authentication for the software/interface used to initiate the transaction.
 - 12.1 The User shall ensure that all User-operated interfaces, including but not limited to computer aided dispatch systems, record management systems, jail management systems and mobile data systems with the FCIC message switch or other systems that contain CJI, follow the password requirements as outlined in the CSP.
 - 12.2 Individual users shall refrain from sharing passwords and/or other authenticators, including but not limited to smart cards, tokens, public key

infrastructure (PKI) certificates, etc., used to access CJI or CJNet related systems.

- 12.3 Individual users shall refrain from using another individual's account or session for the purpose of accessing CJI or other CJNet applications.
 - 12.4 Individual users shall refrain from caching credentials/passwords for access to systems/applications used to process or store CJI.
 - 12.5 All personnel with access to any system or application that processes or stores CJI for maintenance or administration purposes shall be uniquely identified.
13. **INDIVIDUAL USER ACCESS:** The User shall deactivate individual user access to eAgent and/or other FCIC interfaces, other CJNet applications and other state/federal systems containing CJI, including but not limited to LEO and/or NDEx, upon separation, reassignment or termination of duties, provided individual user access is no longer required for the administration of criminal justice.
 14. **OFF SITE STORAGE/PROCESSING OF CJI:** The User shall contact and receive approval from the CSO prior to entering into an agreement with a noncriminal justice governmental agency for off-site storage or processing of CJI (often referred to as cloud computing or cloud services.)

SECTION IV MISCELLANEOUS REQUIREMENTS

1. FDLE has received funding from the United States Department of Justice and is subject to and must demand intrastate users of its criminal history record services adhere to US Code (28 U.S.C. section 534), State Statute (Chapter 943 F.S.), Code of Federal Regulations (28 C.F.R. Part 20), Florida Administrative Code (Chapter 11C-6, F.A.C.), FCIC/NCIC and III rules, regulations and operating procedures which this agreement incorporates both present and future.
2. **PENALTIES AND LIABILITIES:** Any non-compliance with the terms of this Agreement concerning the use and dissemination of criminal history information may subject the User's officers or employees to a fine not to exceed \$11,000 as provided for in the Code of Federal Regulations, Title 28, Section 20.25, and/or discontinuance of service. Moreover, certain offenses against system security and the information contained therein are crimes under Florida Statutes and can result in criminal prosecution.
3. **PROVISIONS INCORPORATED:** The User shall be bound by applicable federal and state laws, federal regulations and the rules of FDLE to the same extent that the User would be if such provisions were fully set out herein. Moreover, this Agreement incorporates both present and future law, regulations and rules.

4. **TERMINATION:** Either party may terminate this Agreement, with or without cause, upon providing advanced written notice of 45 days. Termination for cause includes, but is not limited to, any change in the law that affects either party's ability to substantially perform as provided in this Agreement. Should the aforementioned circumstances arise, either party may terminate or ask to modify the Agreement accordingly.
 - 4.1 FDLE reserves the right to terminate service, without notice, upon presentation of reasonable and credible evidence that the User is violating this Agreement or any pertinent federal or state law, regulation or rule.
5. **MODIFICATIONS:** Modifications to the provisions in this Agreement shall be valid only through execution of a formal written amendment.
6. **ACCOUNTABILITY:** To the extent provided by the laws of Florida, and without waiving any defenses or immunities to which the User may be entitled, the User agrees to be responsible for the negligent acts or omissions of its personnel arising out of or involving any information contained in, received from, entered into or through CJNet, FCIC/NCIC, III and NLETS.
7. **ACKNOWLEDGEMENT:** The User hereby acknowledges the duties and responsibilities as set out in this Agreement. The User acknowledges that these duties and responsibilities have been developed and approved by FDLE to ensure the reliability, confidentiality, completeness, and accuracy of all records contained in or obtained by means of the CJNet, including the FCIC/NCIC System. The User further acknowledges that failure to comply with these duties and responsibilities may subject its access to various sanctions as approved by the FBI Criminal Justice Information Services Advisory Policy Board. These sanctions may include termination of NCIC services to the User. The User may appeal these sanctions through the CSA.
8. **TERM OF AGREEMENT:** This agreement will remain in force until it is determined by FDLE that a new agreement is required. The User should initiate the execution of a new agreement when a change of agency chief executive or official occurs.

IN WITNESS HEREOF, the parties hereto have caused this agreement to be executed by the proper officers and officials.

NAME OF THE USER AGENCY Seminole County Sheriff's Office

USER CHIEF EXECUTIVE or OFFICIAL

Donald F. Eslinger TITLE Sheriff
(PLEASE PRINT)

[Signature]
(SIGNATURE)

DATE 1/9/14

WITNESS [Signature] TITLE Executive Director

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

BY Donna M. Uzzell TITLE CJIS Director
(PLEASE PRINT)

[Signature]
(SIGNATURE)

DATE 1/29/14

WITNESS [Signature] TITLE CJIS ADI

Backup material for agenda item:

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



CITY OF APOPKA CITY COUNCIL

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

DATE: April 1, 2015
FROM: Community Development
EXHIBITS: Land Use Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2411

SUBJECT: **ORDINANCE NO. 2411 - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – MCCARTHY MCCOLLOUGH, 1505 WEST KELLY PARK ROAD, FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC).**

Request: **SECOND READING & ADOPTION OF ORDINANCE NO. 2411 – COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT – MCCARTHY MCCOLLOUGH, 1505 WEST KELLY PARK ROAD, FROM “COUNTY” RURAL (0-1 DU/10 AC) TO “CITY” RURAL SETTLEMENT (0-1 DU/5 AC). PARCEL ID NUMBER 08-20-28-0000-00-003.**

SUMMARY

OWNER/APPLICANT: McCarthy McCollough

LOCATION: North of West Kelly Park Road, east of Foliage Way

EXISTING USE: Single-family home

CURRENT ZONING: “County” A-1

PROPOSED DEVELOPMENT: Single-family home

PROPOSED ZONING: “City” AG and RCE-1 and (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from “County” A-1 to “City” AG (6.44 acres) & “City” RCE-1 (2 acres).)

TRACT SIZE: 8.44 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Unit
PROPOSED: 2 Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject parcel was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Rural Settlement is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 8.44 acres. The property owner intends to use the site for a residential development. The applicant intends to split the lot, contingent upon future land use and rezoning approvals, and sell approximately two (2) acres of the existing subject property for an additional single-family residence. Residential development of the two acres parcel will require connection to central water and sewer.

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

COMPREHENSIVE PLAN COMPLIANCE: The existing and proposed use of the property is consistent with the Rural Settlement Future Land Use designation and the City's proposed AG and RCE-1 Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary. Location served by the following schools: Zellwood Elementary; Wolf Lake Middle School; and Apopka High School.

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

PUBLIC HEARING SCHEDULE:

March 10, 2015 - Planning Commission (5:01 pm)

March 18, 2015- City Council (7:00 pm) - 1st Reading

April 1, 2015 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:

February 20, 2015 – Public Notice and Notification

March 20, 2015 – Ordinance Heading Ad

March 27, 2015 – ¼ Page w/Map Ad

RECOMMENDED ACTION:

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

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

The **City Council**, at its meeting on March 18, 2015, accepted the First Reading of Ordinance No. 2411 and held it over for Second Reading and Adoption on March 4, 2015.

Adopt Ordinance No. 2411.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Mobile Home/Vacant Land
East (City)	Agriculture (1 du/5 ac)	A-1 (ZIP)	Single-family home
South (City)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Vacant Land
South (County)	Rural (0-1 du/10 ac)	A-1	Mobile Home
West (County)	Rural (0-1 du/10 ac)	A-1	Manufactured home

II. LAND USE ANALYSIS

The general character of the area surrounding the subject property is compatible with this development of agricultural uses and rural county estate residential. The property lies north of West Kelly Park Road and east of Foliage Way.

Wekiva Parkway Interchange Vision Plan Area: No

Wekiva River Protection Area: No

Area of Critical State Concern: No

DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The subject property is located within the Northern Area of the Joint Planning area.

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 karst features present on the northeast portion of the subject property.

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

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

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

CALCULATIONS:

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

PROPOSED (City designation): 2 Unit(s) x 2.659 p/h = 6 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. The subject site has access to Kelley Park Road, which is a major collector road.

Sanitary Sewer Analysis

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

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

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

Potable Water Analysis

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

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

2. Projected total demand under existing designation: 210 GPD
3. Projected total demand under proposed designation: 420 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment:
None
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

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

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

Infrastructure Information

Water treatment plant permit number: CUP No. 3217

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

Permitted capacity of the water treatment plant(s): 21.981 mil. GPD

Total design capacity of the water treatment plant(s): 33.696 mil. GPD

Availability of 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

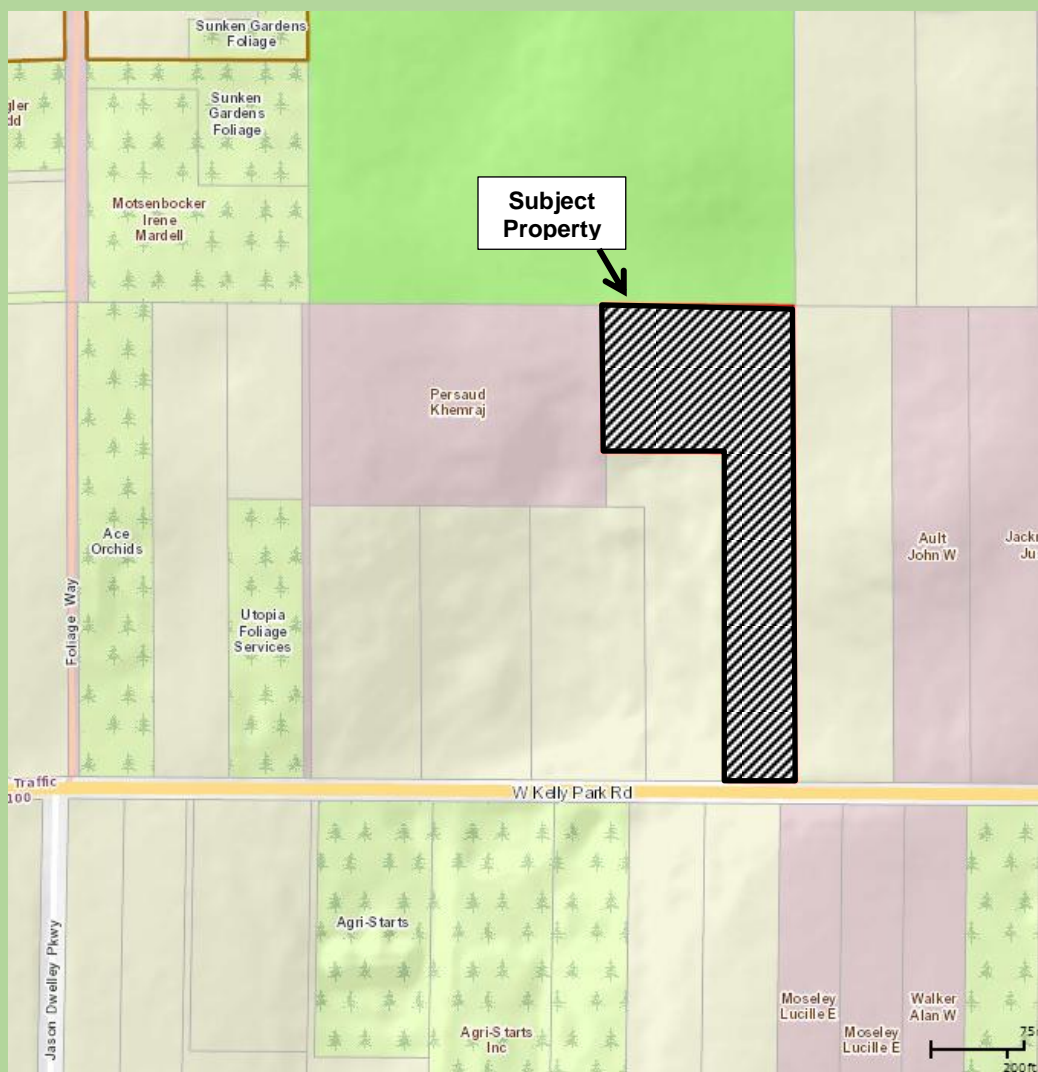
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.009 AC
3. Projected facility under proposed designation: 0.018 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:
None

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



McCarthy McCullough
8.44 +/- Acres
Existing Maximum Allowable Development: 1 dwelling units
Proposed Maximum Allowable Development: 2 dwelling units
Proposed Small Scale Future Land Use Change
From: "County" Rural (0-1/10 ac)
To: "City" Agriculture (0-1 du/5 ac)
Proposed Zoning Change
From: "County" A-1
To: "City" AG & RCE-1
Parcel ID #s: 08-20-28-0000-00-003

VICINITY MAP



[illegible]

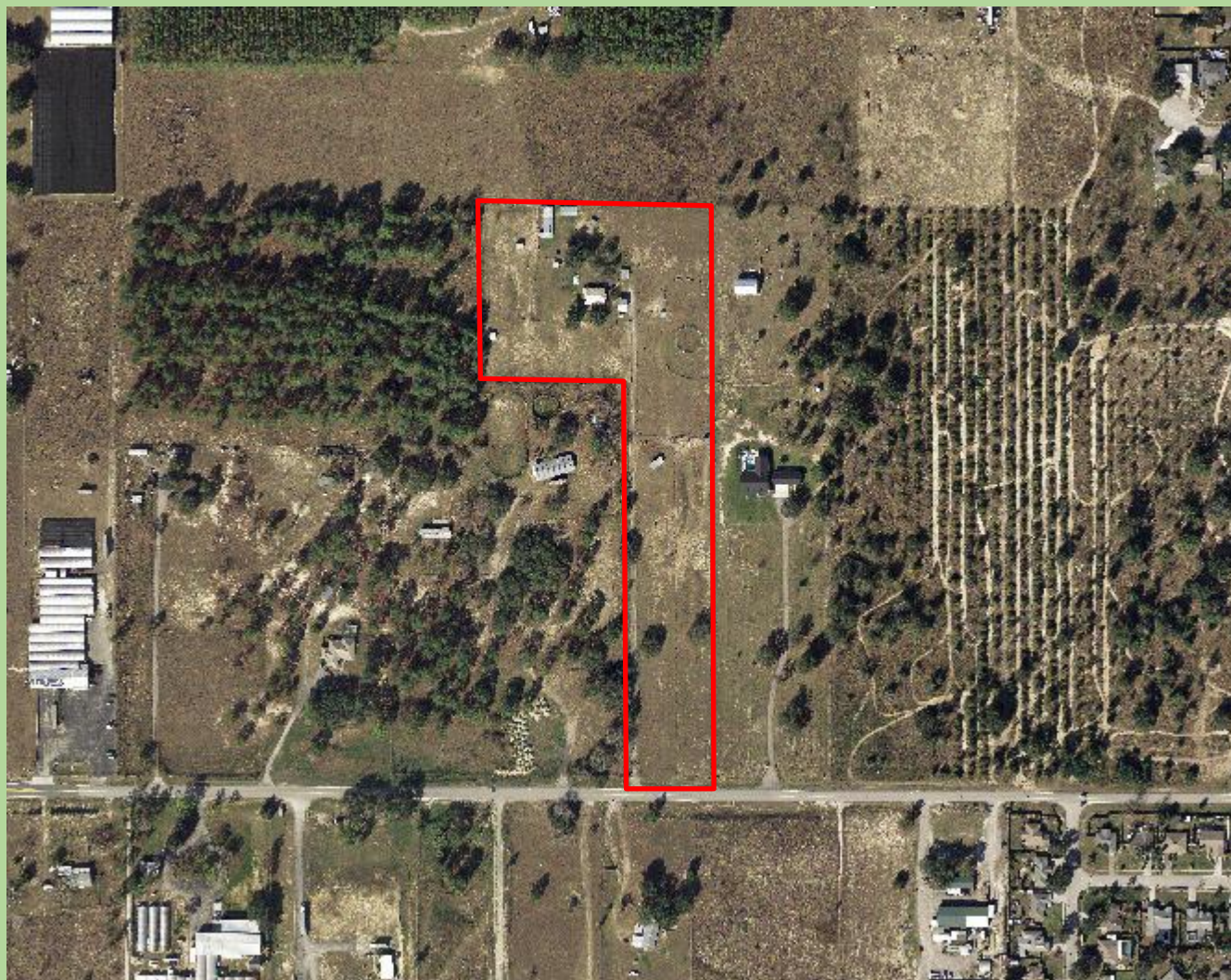


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2411

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

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. 2409 on March 4, 2015; and

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

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

Section I. Purpose and Intent.

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

Section II. Future Land Use Element.

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2409, is amended in its entirety to change the land use from “County” Rural (0-1 du/10 ac) to “City” Rural Settlement (0-1 du/5 ac), for certain real property generally located south of West Kelly Park Road, east of Foliage Way, comprising 8.44 acres more or less, (Parcel No. 08-20-28-0000-00-003; as further described in Exhibit “A” attached hereto.

Section III. Applicability and Effect.

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

Section IV. Severability.

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

ORDINANCE NO. 2411
PAGE 2

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

Section VI. Effective Date.

This Ordinance shall become effective upon adoption.

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

READ FIRST TIME: March 18, 2015

READ SECOND TIME
AND ADOPTED: April 1, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR HEARING: February 20, 2015
March 20, 2015
March 27, 2015

EXHIBIT "A"

ORDINANCE NO. 2411

McCarthy McCullough

8.51 +/- Acres

Existing Maximum Allowable Development: 1 dwelling units

Proposed Maximum Allowable Development: 2 dwelling units

Proposed Small Scale Future Land Use Change

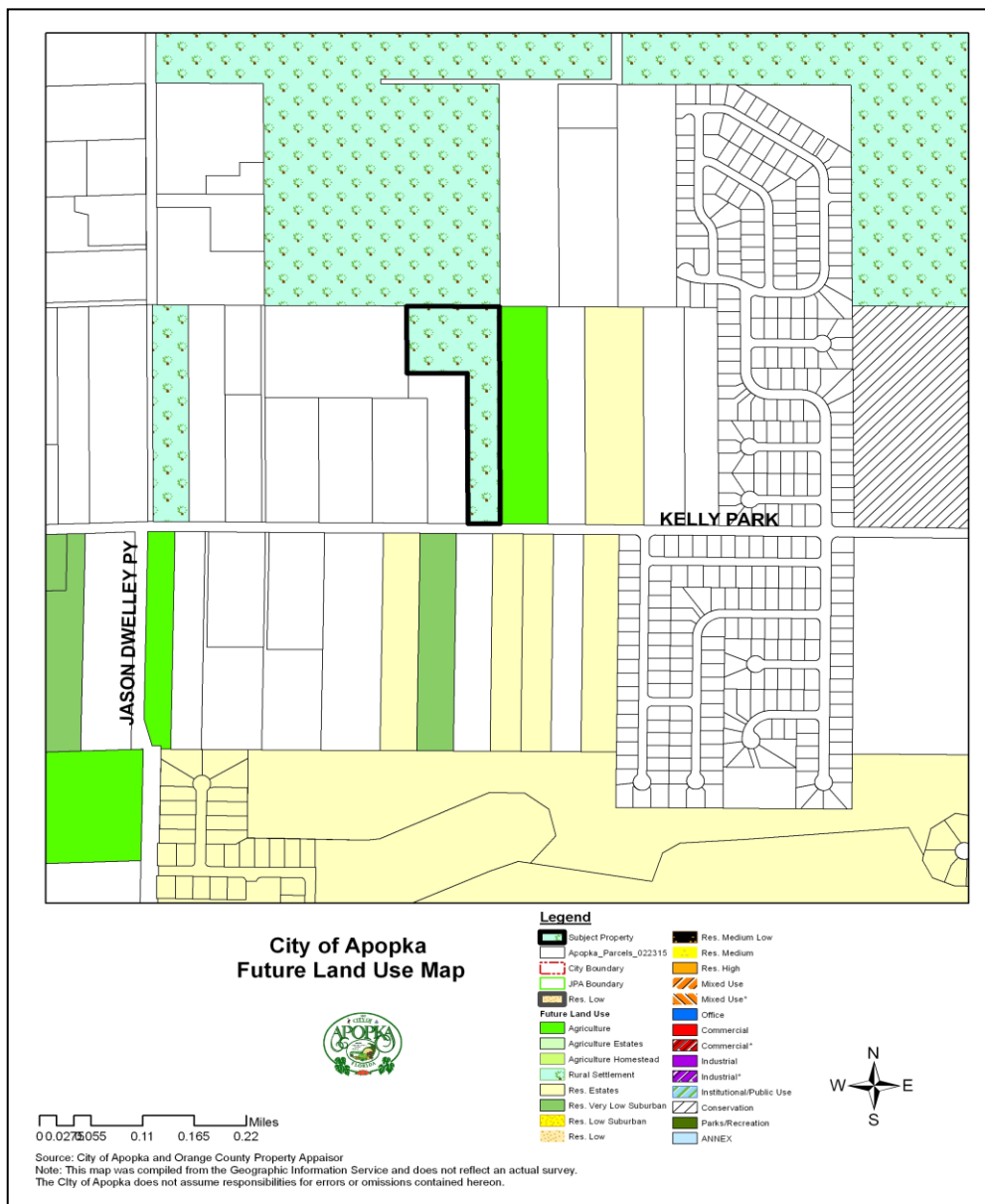
From: "County" Rural (0-1/10 ac)

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

Parcel ID #s: 08-20-28-0000-00-003



VICINITY MAP



The Apopka Chief
APOPKA, FLORIDA

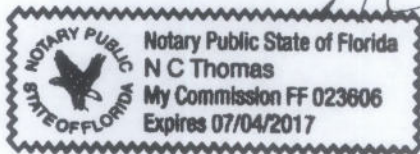
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **March 20, 2015**, 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.

John E. Ricketson
Sworn and subscribed before me this
20th day of March, 2015, by John E. Ricketson,
who is personally known to me.



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

PUBLIC NOTICE

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, April 1, 2015, at 1:30 p.m., or as soon thereafter as possible.

ORDINANCE NO. 2411

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

ORDINANCE NO. 2412

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

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
March 20, 2015
Publish: The Apopka Chief

152589

Backup material for agenda item:

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



CITY OF APOPKA CITY COUNCIL

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

DATE: April 1, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Zoning Change Map
Site Survey
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2412

SUBJECT: **ORDINANCE NO. 2412 – CHANGE OF ZONING – MCCARTHY MCCOLLOUGH, 1505 WEST KELLY PARK ROAD, FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (0-1 DU/AC) (AGRICULTURE) (6.44 AC) AND RCE-1 (RESIDENTIAL) (2.0 AC)**

Request: **SECOND READING & ADOPTION OF ORDINANCE NO. 2412 – CHANGE OF ZONING – MCCARTHY MCCOLLOUGH, 1505 WEST KELLY PARK ROAD, FROM “COUNTY” A-1 (AGRICULTURE) TO “CITY” AG (AGRICULTURE) (6.44 AC) AND RCE-1 (RESIDENTIAL) (2.0 AC). PARCEL ID NO. 08-20-28-0000-00-003.**

SUMMARY

OWNER/APPLICANT: McCarthy McCollough

LOCATION: North of W Kelly Park Road, east of Foliage Way (1505 W Kelly Park Rd.)

EXISTING USE: Single-family home

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

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

ZONING: “County” A-1 (Agriculture)

PROPOSED ZONING: AG (min. lot area of five acres) and RCE-1(mi. lot area of one acre)

PROPOSED DEVELOPMENT: Existing and new single-family home

TRACT SIZE: 8.44 +/- acres total

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on December 17, 2014, through the adoption of Ordinance No. 2395. A survey of the proposed lot split is provided with the support information. The smaller proposed lot abutting Kelley Park Road is two acres and the applicant request RCE-1 zoning for this portion of the property. The minimum lot area for RCE-1 is one acre. However, a portion of the front of this parcel as well as the access portion of the parcel zoned AG will likely be acquired for right-of-way when Kelley Park Road is widened from 60 feet to up to 120 feet. In such case, the remaining portion of the RCE-1 parcel will meet the minimum lot size.

The proposed zoning change is compatible with the character of the surrounding area and the subject parcel contains an existing. The applicant has requested the AG zoning to assure that the property can be developed as a single-family residence and meet site and access requirements, and be compatible with surrounding nature of development. The zoning application covers approximately 8.44 acres. The portion of the property proposed to be zoned RCE-1 is located adjacent to Kelley Park Road. The property owner intends to use both parcels a single-family home but desires to retain the larger parcel for agriculture use. Access to the larger rear parcel will occur through a flag-lot. Any single family home constructed on the RCE-1 parcel will have to connect to central water and sewer.

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 & RCE-1 rezoning is consistent with the proposed Future Land Use Designation of Rural Settlement (up to one unit per five acres, maximum density of one unit per acre) for this property. Minimum lot size for property assigned the AG zoning category is 5 acres, and the minimum lot size for property assigned the RCE-1 zoning classification is 1 acre.

SCHOOL CAPACITY REPORT: The impact on the number of residential units under the proposed rezoning will be de minimus and, therefore, a school capacity enhancement agreement with OCPS is not necessary. Location served by the following schools: Zellwood Elementary; Wolf Lake Middle School; and Apopka High School.

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the change in Zoning from “County” A-1 to “City” AG (6.44 ac) and RCE-1 (2.0 ac) for the parcel owned by McCarthy McCollough located at 1505 West Kelly Park Road, subject to the information and findings in the staff report.

The **Planning Commission**, at its meeting on March 10, 2015, recommended approval (6-0) of the change in Zoning “County” A-1 to “City” AG (6.44 ac) and RCE-1 (2.0 ac) for the parcel owned by McCarthy McCollough located at 1505 West Kelly Park Road, subject to the information and findings in the staff report.

The **City Council**, at its meeting on March 18, 2015, accepted the First Reading of Ordinance No. 2412 and held it over for Second Reading and Adoption on March 4, 2015.

Adopt Ordinance No. 2412.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement (0-1 du/5 ac)	A-1 (ZIP)	Manufactured Home/Vacant Land
East (City)	Agriculture (1 du/5 ac)	A-1 (ZIP)	Single-family home
South (City) South (County)	Rural Settlement (0-1 du/5 ac) Rural (0-1 du/10 ac)	A-1 (ZIP) A-1	Vacant Land Mobile Home
West (County)	Rural (0-1 du/10 ac)	A-1	Manufactured home

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a major collector roadway (W Kelly Park Road). The zoning application covers approximately 8.44 acres as follows: Parcel 1 will comprise 6.44 acres and Parcel 2 will comprise 2.00 acres. The property owner intends to split the property into two lots for two-single family residences.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG and RCE-1 zoning is consistent with the City's Rural Settlement (0-1 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 & RCE-1 zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use designation. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

Minimum Living Area:	1,200 sq. ft.
Minimum Site Area:	5 acres.
Minimum Lot Width	None
Setbacks:	
Front:	25 ft.
Rear:	25 ft.
Side:	25 ft.
Corner	25 ft.

Based on the above zoning standards, the existing 6.44-acre portion of the subject parcel complies with code requirements for the AG district.

BUFFERYARD REQUIREMENTS:

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

ALLOWABLE USES:

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

**RCE-1 DISTRICT
REQUIREMENTS:**

Minimum Living Area:	2,000 sq. ft.
Minimum Site Area:	1 acre (43,560 sq. ft.)
Minimum Lot Width	130 ft.
Setbacks:	
Front:	35 ft.
Rear:	30 ft.
Side:	15 ft.
Corner	35 ft.

Based on the above zoning standards, the proposed split of 2 acres from the subject parcel complies with code requirements for the RCE-1 district.

**BUFFERYARD
REQUIREMENTS:**

Proposed residential subdivisions shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis.

Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

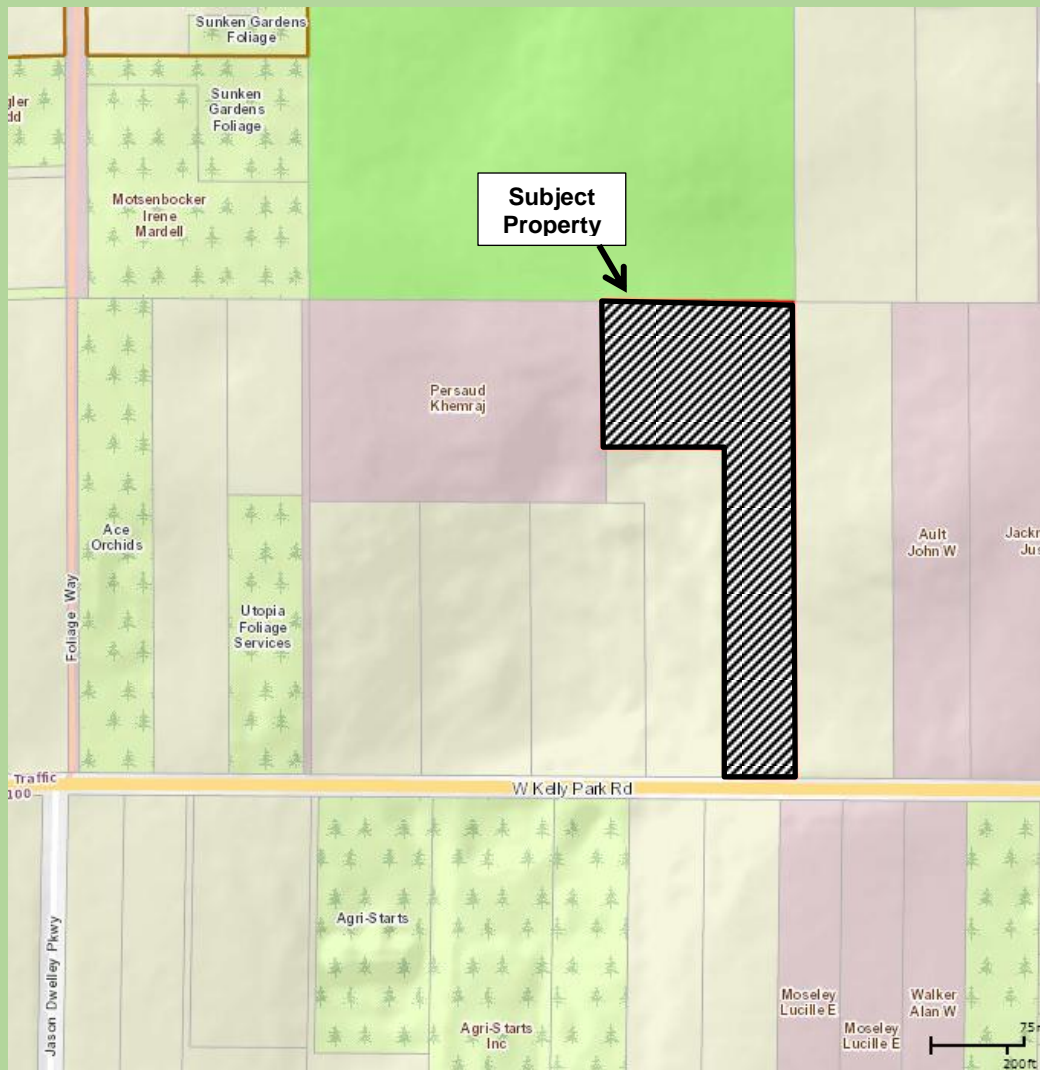
ALLOWABLE USES:

Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Guest/granny quarters in accordance with article VII of this code.



McCarthy McCollough
8.44 +/- Acres
Existing Maximum Allowable Development: 1 dwelling units
Proposed Maximum Allowable Development: 2 dwelling units
Proposed Small Scale Future Land Use Change
From: “County” Rural (0-1/10 ac)
To: “City” Agriculture (0-1 du/5 ac)
Proposed Zoning Change
From: “County” A-1
To: “City” AG (6.44 ac) & RCE-1 (2.0 ac)
Parcel ID #: 08-20-28-0000-00-003

VICINITY MAP





ZONING CHANGE MAP





SITE SURVEY

BOUNDARY SURVEY

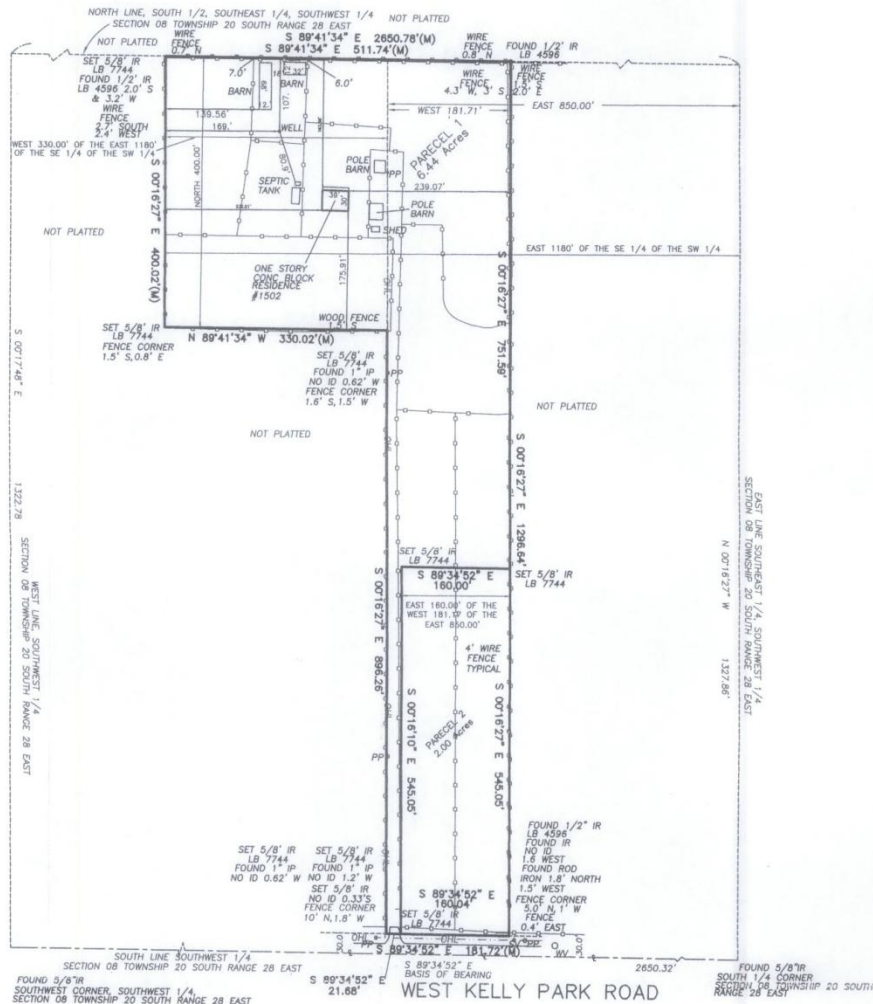
DESCRIPTION: PARCEL 1

THE WEST 181.71 FEET OF THE EAST 850 FEET OF THE SE 1/4 OF THE SW 1/4 OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 28 EAST, AND THE NORTH 400 FEET OF THE WEST 330 FEET OF THE EAST 1180 FEET OF THE SE 1/4 OF THE SW 1/4 OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA.

LESS EAST 160.00 FEET OF THE SOUTH 575.00 FEET OF WEST 181.71 FEET OF THE EAST 850.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 28 EAST ORANGE COUNTY.

DESCRIPTION: PARCEL 2

THE EAST 160.00 FEET OF THE SOUTH 575.00 FEET OF WEST 181.71 FEET OF THE EAST 850.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 28 EAST ORANGE COUNTY.



SURVEYORS NOTES:

- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE OPINION. THERE MAY EXIST MATTERS ON RECORD AFFECTING THE SUBJECT PROPERTY.
- BEARINGS BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 08, TOWNSHIP 20 SOUTH, RANGE 28 EAST ORANGE COUNTY, FLORIDA AS BEING S 89°34'52" E (AN ASSUMED DATUM THEREOF).
- NO UNDERGROUND UTILITIES, FOUNDATIONS OR IMPROVEMENTS HAVE BEEN LOCATED.
- ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, THE STRUCTURE SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD AREA. THIS STRUCTURE LIES IN UNSHADED ZONE "X", COMMUNITY PANEL NO. 120179 0050 F EFFECTIVE DATE: SEPTEMBER 25, 2009 (SUBJECT TO CHANGE).

I hereby affirm that this survey represented hereon is true and correct to the best of my knowledge and belief. It has been prepared in accordance with the standards set forth in Chapter 5J-17, F.A.C., pursuant to Chapters 177 and 472, Florida Statutes and unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper, this drawing, sketch, plot or map is for informational purposes only and is not valid.

DANIEL L. WHITTAKER P.S.M. 5648

12/11/2014
PRINT DATE:

PREPARED FOR:

MCCARTHY MCCOLLOUGH
1502 KELLY PARK ROAD

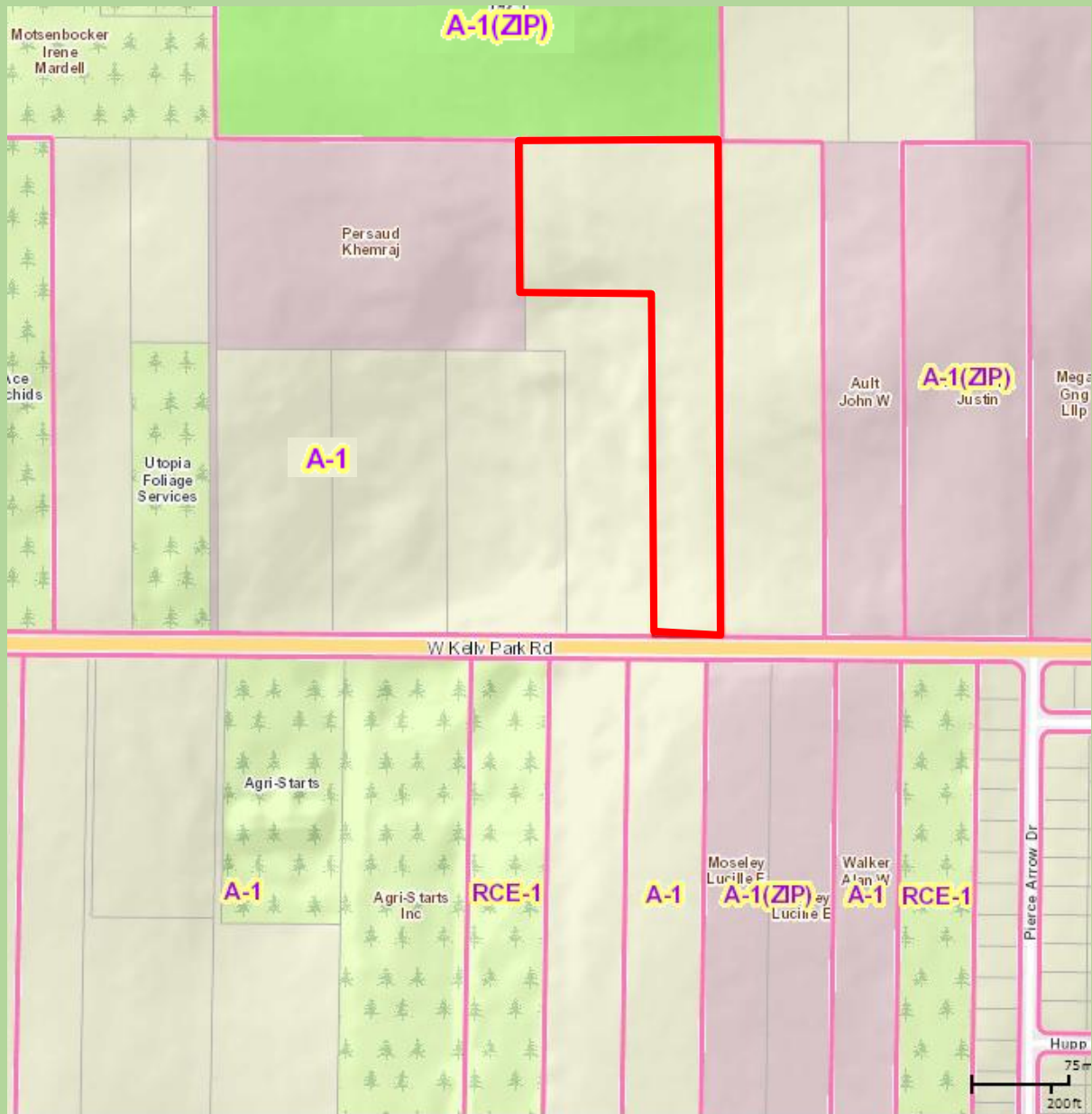
FIELD BY: DLW DATE: 11/07/14
DRAWN BY: DW ORDER NO.:
SCALE: 1"=150' SHEET 1 OF 1
NO. DATE REVISIONS



Nieto-Whittaker Surveying LLC
562 W. Springtree Way, Lake Mary, FL 32746
PH: (407) 484-0103 FAX: (407) 302-6776
LB No. 7744

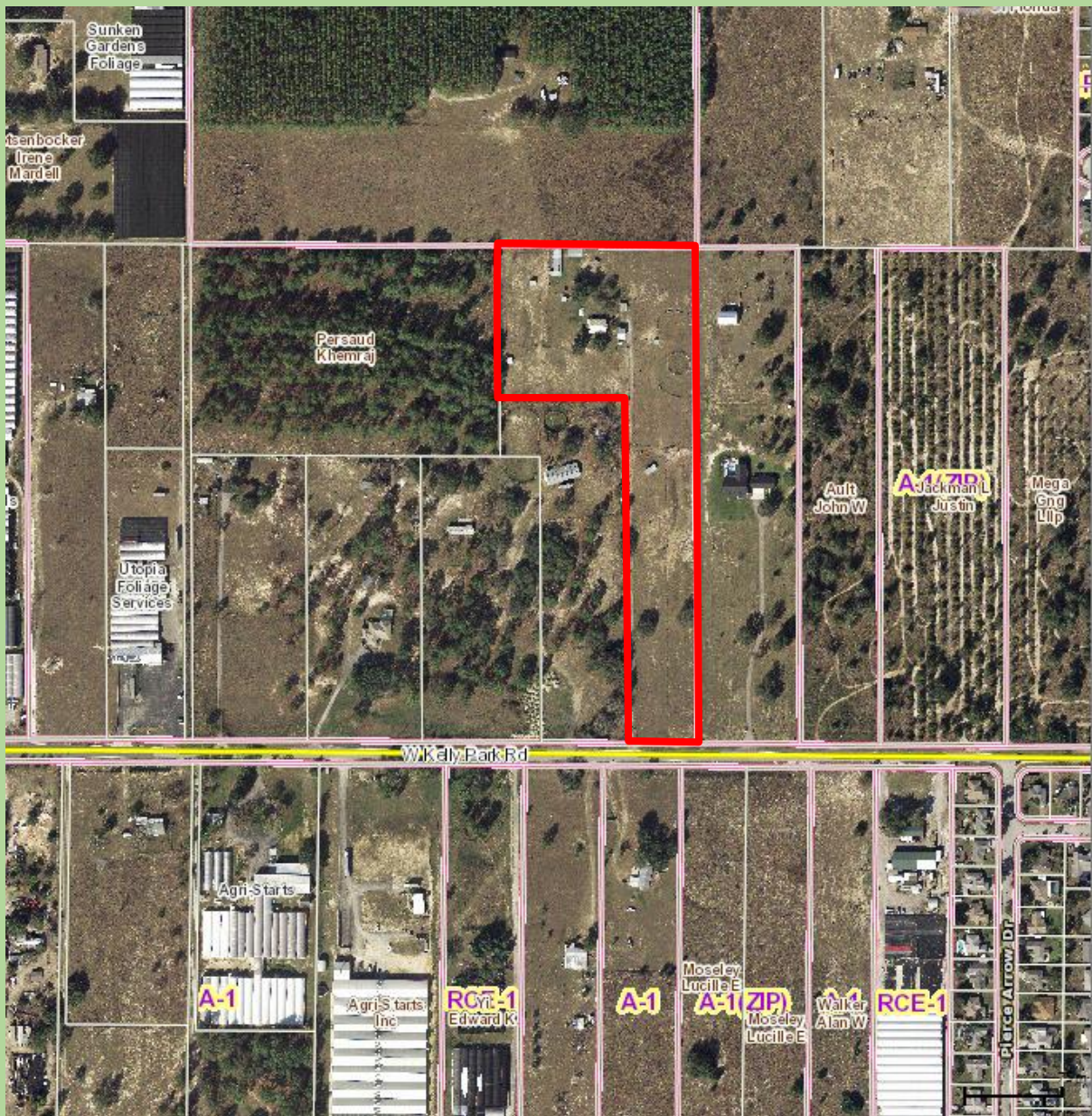


ADJACENT ZONING



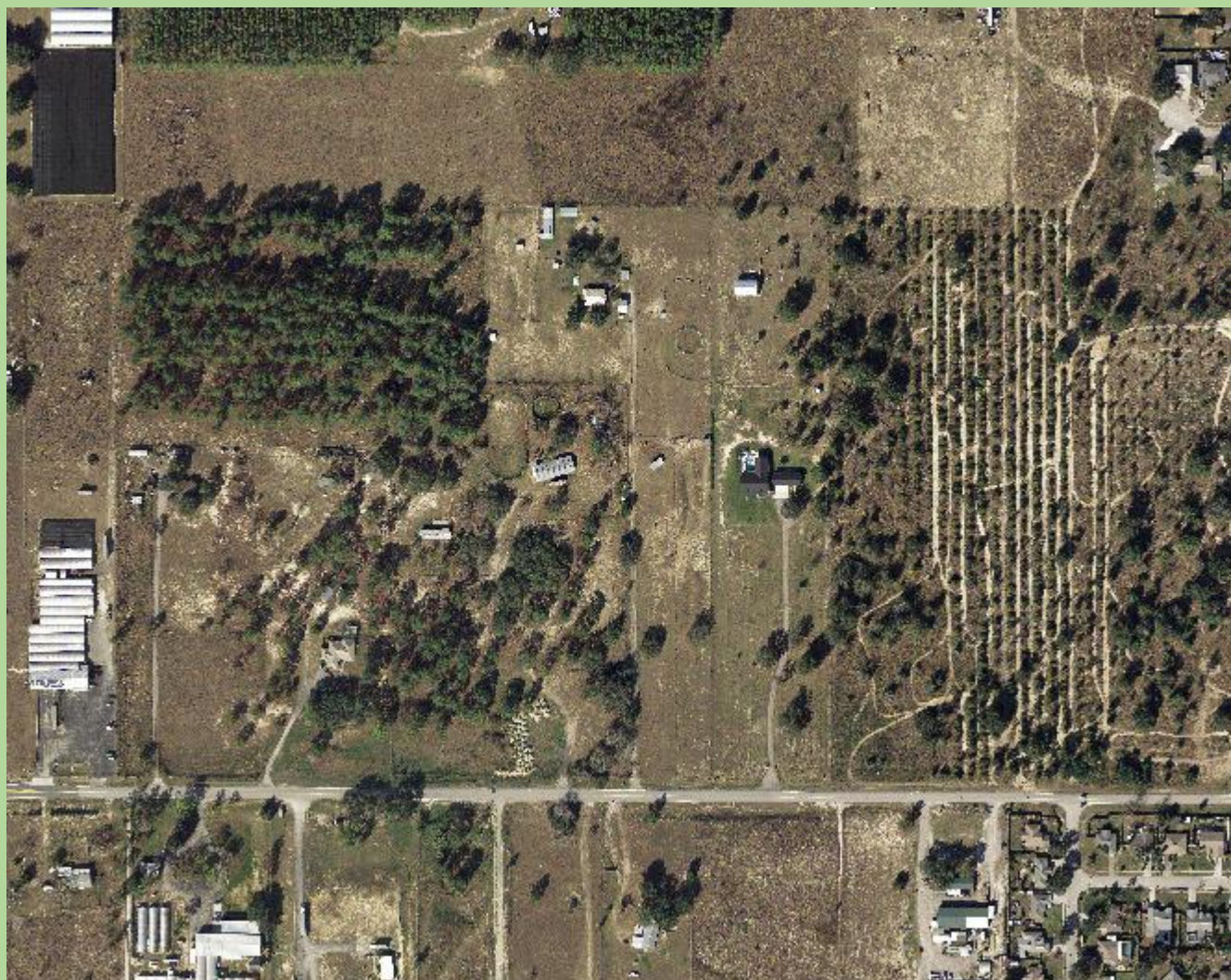


ADJACENT USES





EXISTING USES



ORDINANCE NO. 2412

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

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

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

WHEREAS, the proposed AG (min. 5 acre lot)) (Agriculture) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby AG (Agriculture) (6.44 ac) and RCE-1 (Residential) (2.0 ac), as defined in the Apopka Land Development Code.

Legal Description:

Parcel 1: The west 181.71 feet of the east 850 feet of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 8, Township 20 South, Range 28 East, and the north 400 feet of the west 330 feet of the east 1180 feet of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 8, Township 20 South, Range 28 East, Orange County, Florida. LESS the east 160.00 feet of the south 575.00 feet of the west 181.71 feet of the east 850.00 feet of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 8, Township 20 South, Range 28 East, Orange County, Florida.
6.44 +/- acres (AG)

Parcel 2: The east 160.00 feet of the south 575.00 feet of the west 181.71 feet of the east 850.00 feet of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 8, Township 20 South, Range 28 East, Orange County, Florida.
2.00 +/- acres (RCE-1)

Parcel ID # 08-20-28-0000-00-003
Combined 8.44 acres +/-

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

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

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

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

Section VI. That this Ordinance shall take effect upon adoption of Ordinance No. 2411.

READ FIRST TIME: March 18, 2015

READ SECOND TIME
AND ADOPTED: April 1, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: February 20, 2015
March 20, 2015

The Apopka Chief
APOPKA, FLORIDA

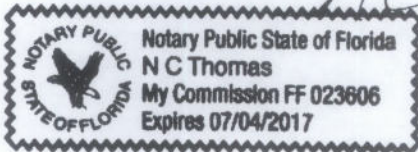
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **March 20, 2015**, 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
20th day of March, 2015, by John E. Ricketson,
who is personally known to me.



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

PUBLIC NOTICE

**CITY OF APOPKA
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, April 1, 2015, at 1:30 p.m., or as soon thereafter as possible.

ORDINANCE NO. 2411

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

ORDINANCE NO. 2412

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 (AGRICULTURE) TO "CITY" AG (AGRICULTURE) (6.44 AC) AND RCE-1 (RESIDENTIAL) (2.0 AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST KELLY PARK ROAD, EAST OF FOLIAGE WAY (1505 W KELLY PARK RD.), COMPRISING 8.44 ACRES MORE OR LESS, AND OWNED BY MCCARTHY MCCOLLUGH; 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
March 20, 2015
Publish: The Apopka Chief

152589

Backup material for agenda item:

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



CITY OF APOPKA CITY COUNCIL

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

DATE: April 1, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Ordinance No. 2386
Exhibit "A" – Option 1 PUD Master Plan\PD
Exhibit "B" – Development Standards\Exh. "A"
Exhibit "B1" – Northern Landscape Buffer
Exhibit "C" – Option 2 PUD Master Plan\PD
Exhibit "D" - Development Standards\Exh. "C"
Exhibit "D1" – 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 (OPTION 1 AND 2)

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

SUMMARY

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

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS: Two master plan options are included within the adopting ordinance. City Council may select one option (Exhibit “A” or “C”) over the other, or it may leave both options within the ordinance and leave the choice to the discretion of the developer.

Responding to comments presented to City Council at past meetings and hearings, the applicant has prepared an optional Master Plan. At the hearing, if desired by City Council, a presentation can be made explaining the differences between the plans presented in Exhibits “A” (Option 1) and “C” (Option 2).

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

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

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

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

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

PUD RECOMMENDATIONS: The recommendations are that the zoning classification of the aforementioned project 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 Elementary School, Apopka Middle School, and Apopka High School.

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

PUBLIC HEARING SCHEDULE:

September 9, 2014 – Planning Commission (5:01 pm)

September 17, 2014 – City Council (8:00 pm) – Remanded back to Planning Commission

October 21, 2014 – Planning Commission (5:01 pm)

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

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

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

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

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

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

April 1, 2015 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

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

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

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

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

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

RECOMMENDATION CONTINUED:

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

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

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

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

ZONING REPORT**RELATIONSHIP TO ADJACENT PROPERTIES:**

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

LAND USE &**TRAFFIC COMPATIBILITY:**

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

R-1A DISTRICT**REQUIREMENTS*:**

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

* PUD development standards set forth in Exhibit “B” and “D” 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:**

Varies between Exhibit “A” and “C” options.

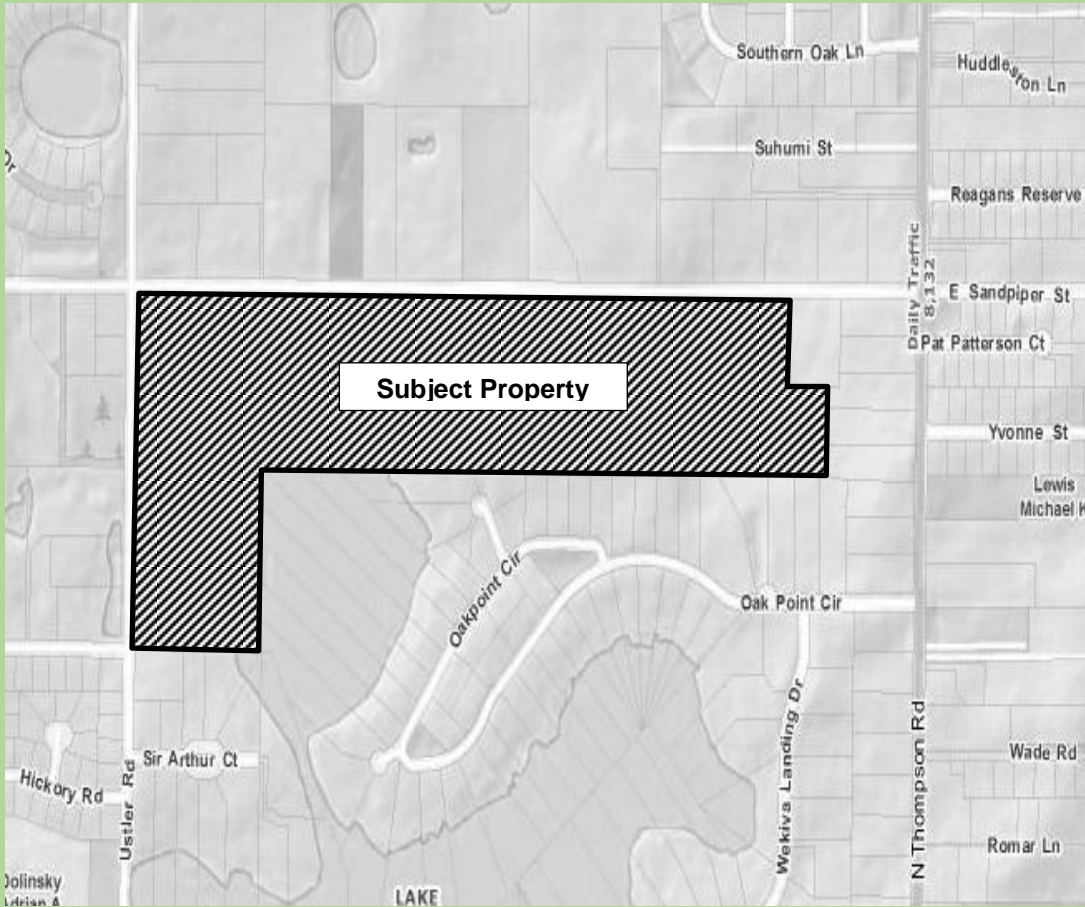
ALLOWABLE USES:

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.

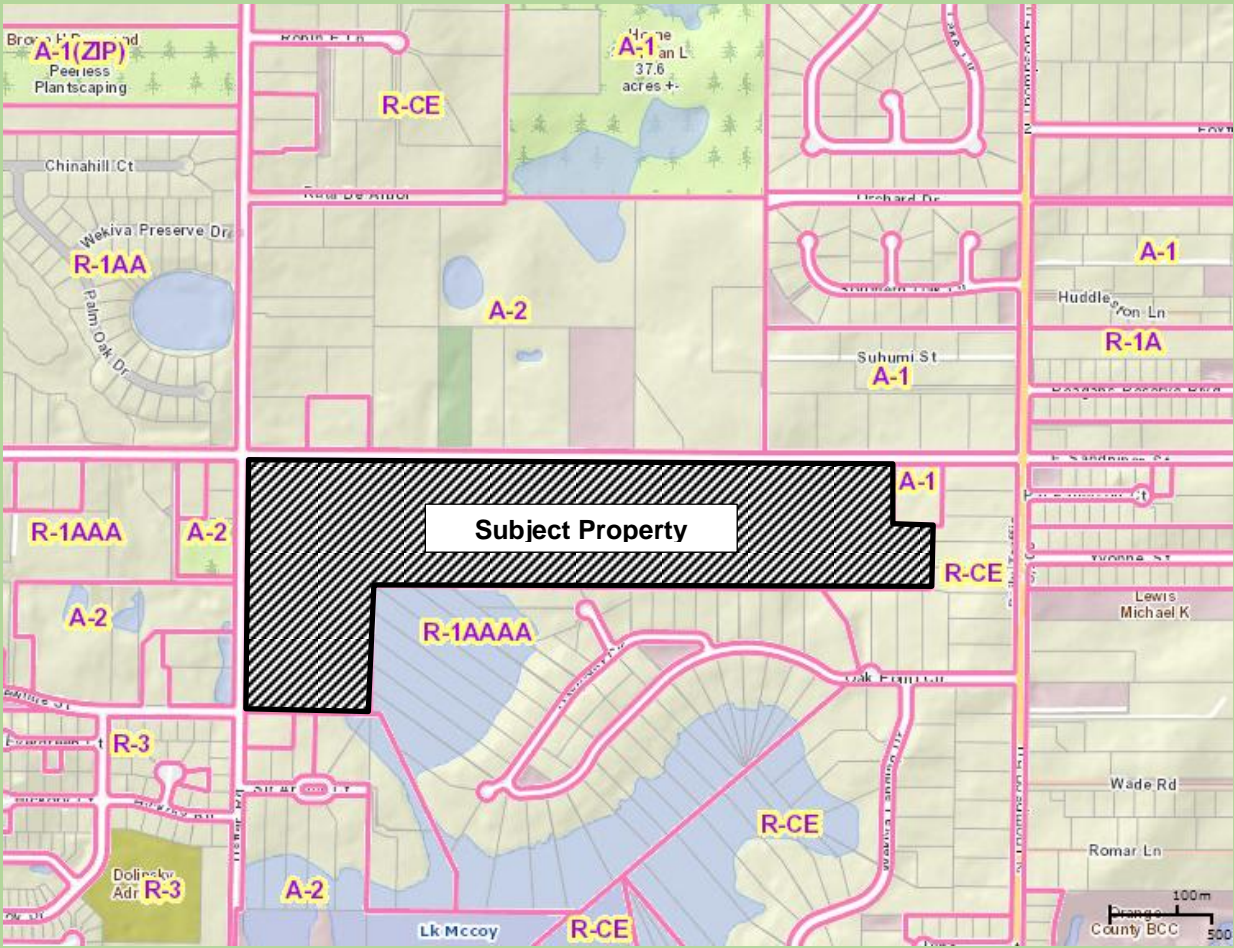
Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee
58.23 +/- Total Acres; 48.4 Developable Acres
Existing Zoning Maximum Allowable Development: 49 Dwelling Units
Proposed Zoning Maximum Allowable Development: up to 49 Dwelling Units
Proposed Zoning Change
From: "County" PD (ZIP)
To: "City" Planned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

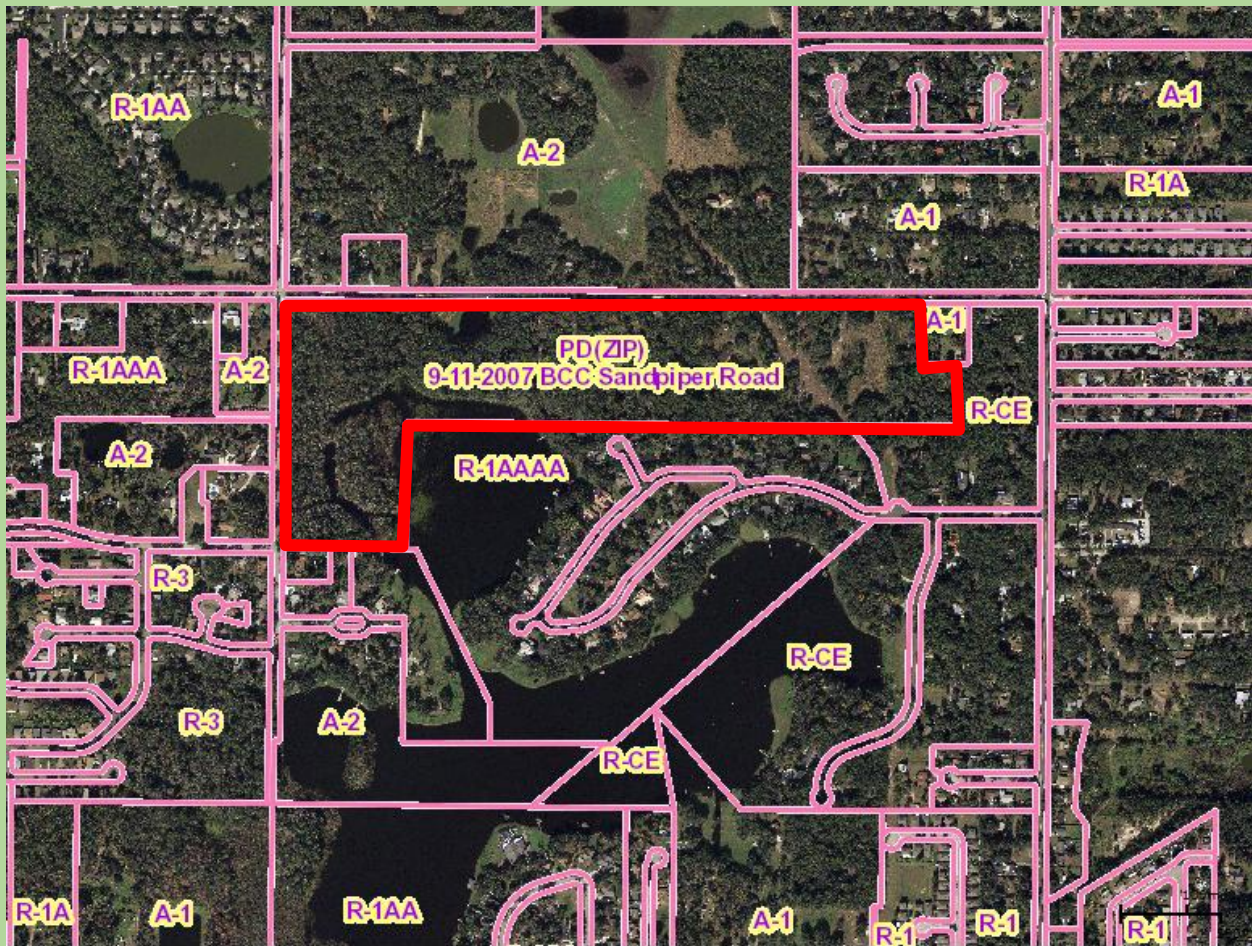
VICINITY MAP



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

2. Unless otherwise addressed within the PUD development standards, the R-1A zoning standards will apply to the subject property.

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

Legal Description:

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

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

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

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

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

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

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

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

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

Combined Acreage 57.7 +/- Acres

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

Section 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

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

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

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

READ FIRST TIME: April 1, 2015

READ SECOND TIME
AND ADOPTED: April 15, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: March 20, 2015
 April 3, 2015



PRELIMINARY DEVELOPMENT PLAN FOR SANDPIPER ROAD

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

ENGINEER IN CHARGE:

DAVID A. STOKES P.E. #66527

CERTIFICATE OF AUTHORIZATION NO. ER-0007723

JOB #	12059
DATE:	07/30/14
SCALE:	1" = 120'
DESIGNED BY:	CHM
DRAWN BY:	RHM
APPROVED BY:	CHM
8/1/14	REVISED PER CITY OF APOPKA COMMENTS
8/26/14	REVISED PER CITY OF APOPKA COMMENTS
9/3/14	REVISED PER CITY COMMENTS
4/22/15	REVISED PER CITY OF APOPKA COMMENTS
6	
7	
8	
9	
10	
11	
	DATE
	REVISIONS

PDP

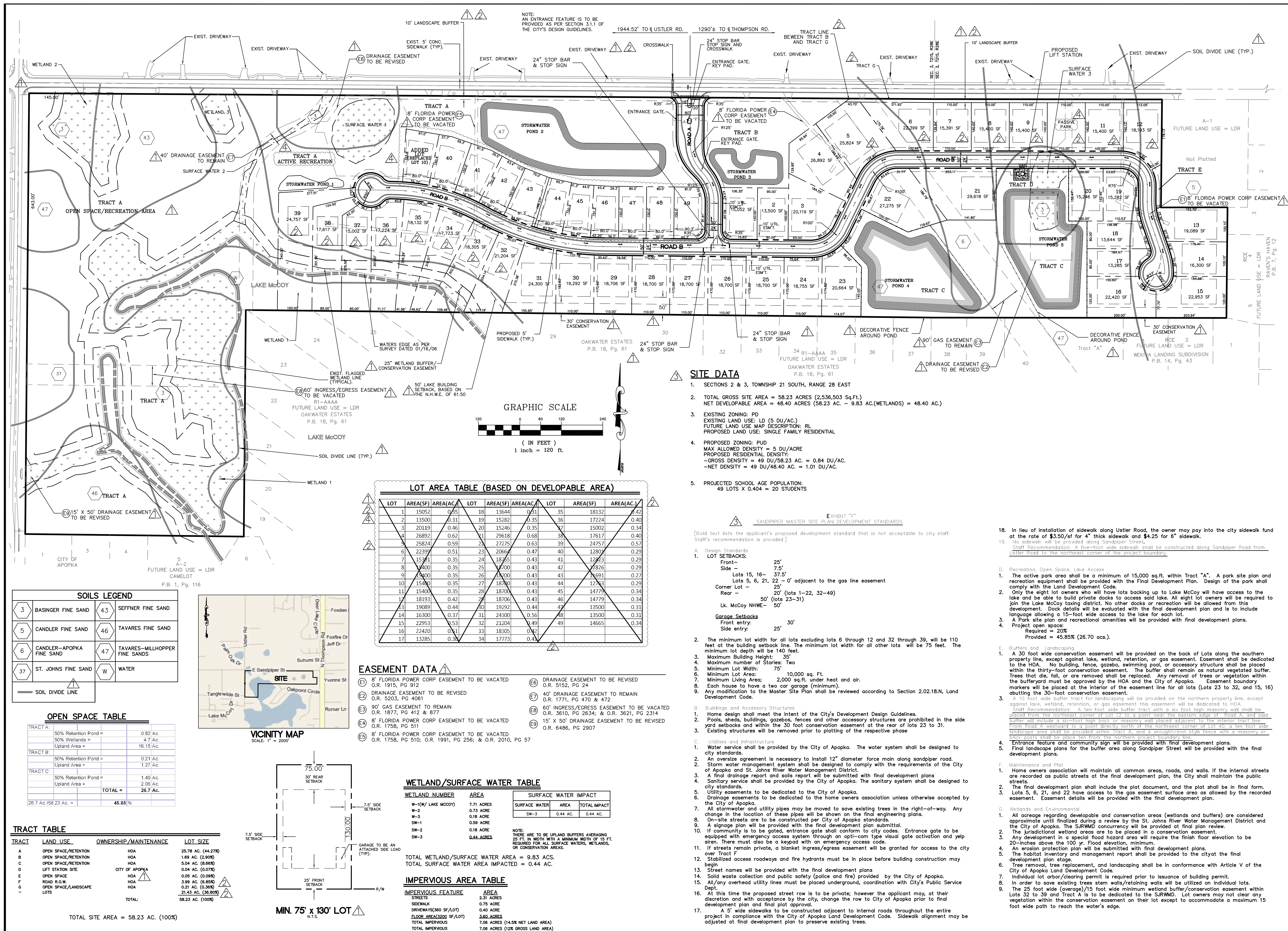


EXHIBIT “B”

SANDPIPER MASTER SITE PLAN DEVELOPMENT STANDARDS

A. Design Standards

1. LOT SETBACKS:

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

Garage Setbacks

Front entry:	30'
Side entry:	25'

2. The minimum lot width for lots 6 through 12 and 23 through 31 will be 110 feet at the building setback line. The minimum lot width for all other lots will be 75 feet. The minimum lot depth will be 140 feet.
3. Maximum Building Height: 35'
4. Maximum number of Stories: Two
5. Minimum Lot Area: 11,500 sq. ft; 10,000 sq. ft. for lots 31 to 39 (area outside SJRWMD wetland line and its designated upland buffer.)
6. Minimum Living Area; 2,200 sq. ft. under heat and air.
7. Each house to have a two car garage (minimum).
8. Internal streets shall be privately owned by the Homeowners Association and a electronic gate system provided at the community entrance.
9. After the adoption hearing, the Master Plan shall be revised to be consistent with the adopted development standards herein, and all lots and tracts re-numbered accordingly, subject to Development Review Committee acceptance.
10. Any modification to the PUD Master Plan shall be reviewed according to Section 2.02.18.N, Land Development Code.
11. Lot 10 shall be dedicated as a passive park. Lot 10 shall be relocated to the north side of the western street. Lot 12 will be 120 feet wide with a 20-foot wide eastern side yard setback.
12. On Lots 15 and 16, if courtyard/side loaded entries are constructed, the garage doors must face north.
13. On Lot 19, move the eastern building line and setback to align with the front building line and setback of Lot 18.
14. Lots 40 – 49 will be reconfigured so that each lot will be 80 feet wide, and a new 80-foot wide lot will be added in this area to compensate for the loss of Lot 10. The pond area on the west side of these lots will be reconfigured.

B. Buildings and Accessory Structures

1. Home design shall meet the intent of the City's Development Design Guidelines.
2. Pools, sheds, buildings, gazebos, fences and other accessory structures are prohibited in the side yard setbacks and within the 30 foot conservation easement at the rear of lots 23 to 31.
3. Existing structures will be removed prior to platting.
4. At least 500 sq. ft. of driveway pavers will be installed per house or a side-loaded / courtyard entry will be provided for each house, to be decided on a house-by-house basis by the builder.

C. Utilities and Infrastructure

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

D. Recreation, Open Space, Lake Access

1. The active park area shall be a minimum of 15,000 sq.ft. within Tract "A". A park site plan and recreation equipment shall be provided with the Final Development Plan. Design of the park shall comply with the Land Development Code.

2. Only the eight lot owners who will have lots backing up to Lake McCoy will have access to the lake and be able to build private docks to access said lake. All eight lot owners will be required to join the Lake McCoy taxing district. No other docks or recreation will be allowed from this development. Dock details will be evaluated with the final development plan and is to include language allowing a 15-foot wide access to the lake for each lot.
3. A Park site plan and recreational amenities will be provided with final development plans.
4. Project open space:
 Required = 20% min. per LDC
 Provided = 45.85% (26.70 acs.).
5. Lot 10 shall be designated as a passive park and placed in a Tract owned and maintained by the Homeowners Association.
6. The park site at the end of the western cul-de-sac and the passive park within the former Lot 10 shall total not less than 15,000 sq. ft. combined.

E. Buffers and Landscaping

1. A 30 foot wide conservation easement will be provided on the back of Lots along the southern property line, except against lake, wetland, retention, or gas easement. Easement shall be dedicated to the HOA. (The 30-foot conservation easement is not a required SJRWMD easement.) No building, fence, gazebo, swimming pool, or accessory structure shall be placed within the thirty-foot conservation easement. The buffer shall remain as natural vegetated buffer. Trees that that are removed shall be replaced. Any removal of trees or vegetation within the bufferyard must be approved by the HOA and the City of Apopka. Easement boundary markers will be placed at the interior of the easement line along the side lot line for all lots (Lots 23 to 31, and 15, 16) abutting the 30-foot conservation easement.
3. A ten (10) foot wide buffer tract for landscaping will be provided on the northern property line, except against lake, wetland, retention, or gas easement. This tract shall be dedicated to and maintained by the HOA. The design of this buffer shall generally follow the landscape design appearing in Exhibit "B.1". A tri-trail fence that is supported by a brick or stone post shall extend from the northeast project boundary westward to the beginning of the designated open space area.
4. Entrance feature and community sign will be provided with final development plans.
5. Final landscape plans for the buffer area along Sandpiper Street will be provided with the final development plans.
6. Tree Planting Conditions. Minimum of two new trees shall be planted per lot, except that Lots 6 to 12 and 15 and 16 shall have a minimum of three new trees planted per lot, regardless of the number of trees saved on the any lot. The new trees shall be a minimum of 2.5 inches DBH at the time of planting and shall count toward the overall number of required tree replacement inches, if any.
 - a. On Lots 6 to 12, at least two of the three new trees shall be planted in the rear yard.
 - b. On Lots 15 and 16, at least two of the three new trees shall be planted on the south side yard or within the northern ten feet of the conservation easement. Note that this tree planting area will be removed from the 30-foot wide conservation area so that these trees can be maintained, i.e., watering, fertilization, etc.
 - c. On Lots 23 through 31, at least one of the two new trees shall be planted in the rear yard or within the northern ten feet of the conservation easement. Note that if the trees are planted within the conservation area, this tree planting area will be removed from the 30-foot wide conservation area so that these trees can be maintained, i.e., watering, fertilization, etc.
7. A viburnum hedge will be planted south of the cul-de-sac adjacent to Lots 15 and 16 at the edge of the conservation area. The hedge shall be planted in a 100-foot wide by 5-foot deep landscape

easement to be maintained by the HOA. The length of the hedge shall equal the width of the cul-de-sac, and the height of the hedge shall be at least six feet within two years of planting.

8. Tree Protection Plan.

- a. Any individual residential lot shall not be cleared until a building permit is approved. Existing trees (6" or greater DBH) shall appear on the plot plan (i.e. foundation survey). The plot plan shall identify the location of the driveway. Location of a house and its driveway shall be oriented with a reasonable consideration for the protection of existing trees, particularly trees with a DBH of 24 inches or greater. The Community Development Director shall determine if a reasonable consideration has been made and shall take final action on the plot plan, and may deny or accept the plot plan; provided, however, the Community Development Director's determination shall only consider the location of the house and other impervious surfaces on the lot and shall not consider the type or style of the proposed house. Applicant can appeal the Community Development Director's decision to the Planning Commission.
- b. The Final Development Plan shall include tree protection techniques to prevent harm to any trees or encroachment into protected natural areas, including but not limited to tree barricades, silt fencing or other similar techniques accepted by the city engineer.
- c. Clearing shall be allowed for road ROW, retention ponds, community recreation area at the end of the western cul-de-sac, utility and stormwater infrastructure, off-site improvements, and areas needed to make necessary grading transitions for a safe work environment.

F. Maintenance and Plat

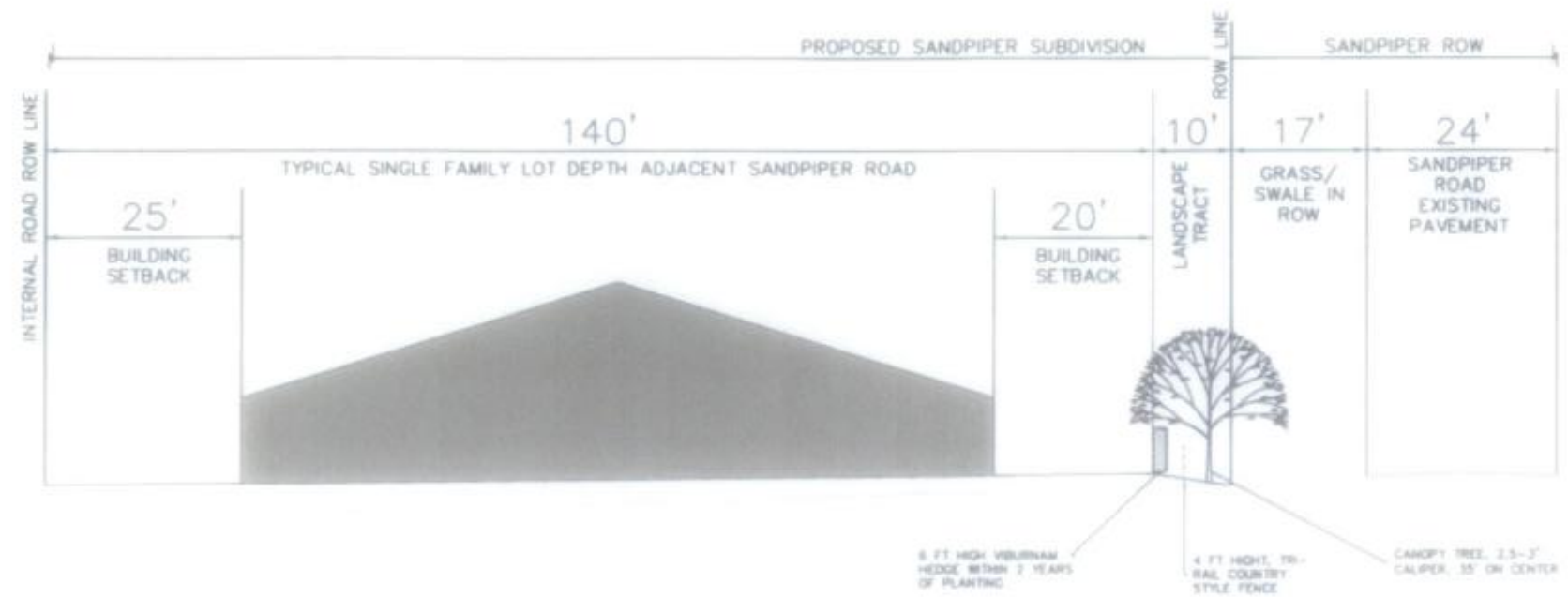
1. Homeowners association will maintain all common areas, roads, and fences/walls.
2. The final development plan shall include the plat document, and the plat shall be in final form.
3. Lots 5, 6, 21, and 22 have access to the gas easement surface area as allowed by the recorded easement. Easement details will be provided with the final development plan.
4. The HOA shall enforce the protection of the southern conservation buffer as an undisturbed natural buffer area. If the HOA fails to enforce the buffer area, the City may require either the property owner or the HOA to take action to remedy any encroachment into the buffer area.

G. Wetlands and Environmental

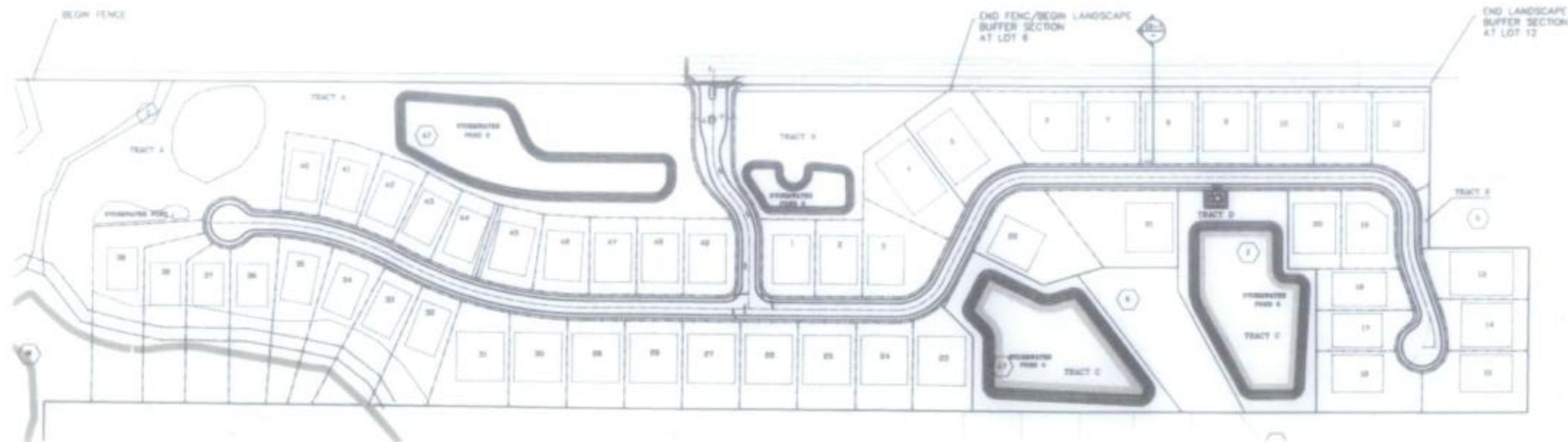
1. All acreage regarding developable and conservation areas (wetlands and buffers) are considered approximate until finalized during a review by the St. Johns River Water Management District and the City of Apopka. The SJRWMD concurrency will be provided at final plan review.
2. The jurisdictional wetland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

vegetation within the conservation easement on their lot except to accommodate a maximum 15 foot wide path to reach the water's edge.

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



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



LANDSCAPE CROSS SECTION
FOR
SANDPIPER

CLIENT
FLORIDA LAND TRUST #111
100 S. W. 1st Ave., Unit 200
West Palm Beach, FL 33411
(561) 841-1200

ENGINEER IN CHARGE
DAVID A. STOKES, P.E., PRSIST
SUFFICIENT OF SUBMITTALS FOR 10-10-2014

DATE	REVISIONS

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

CX-1

PRELIMINARY DEVELOPMENT PLAN
FOR
SANDPIPER ROAD

TRUST #1111
 A.E. UNIT 201
 FL 32789
 4225

DA LAND
15 VIRGINIA AVE
WINTER PARK, CO
407-947-

27 OF2015 E. #66527

o. 665
55 FEB 1965
STOKES P. I.

DAVID
Z

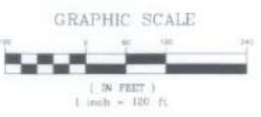
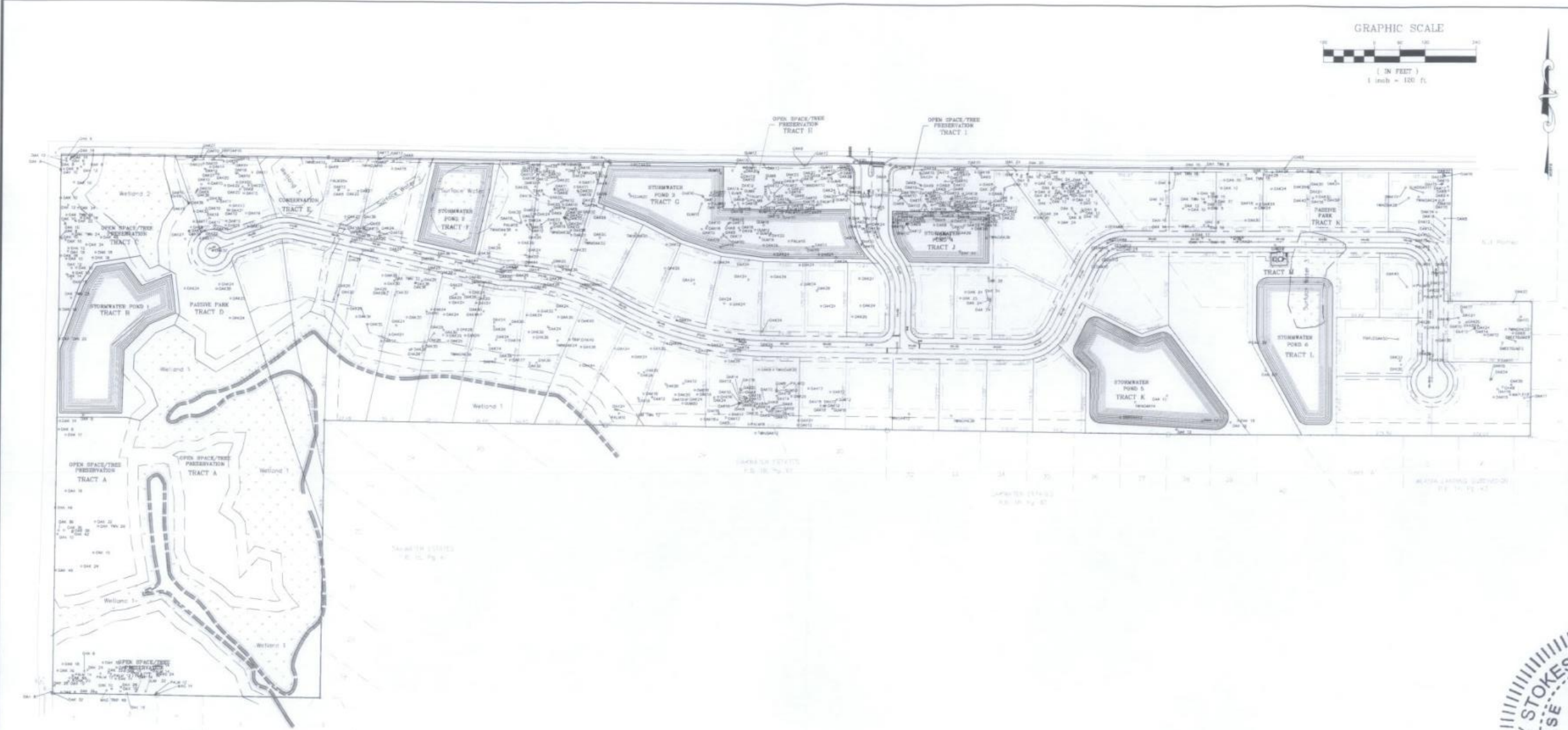
REVISIONS

DATE 10/11

R # 12059
 DATE 2/20/15
 SCALE 1" = 120'
 DESIGNED BY CHM
 TRF

APPROVED BY: CHM



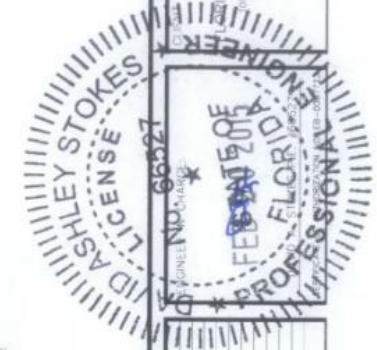




MADDEN
MADDEN & GUNY, INC.
CIVIL ENGINEERS
431 E. Horatio Avenue
Suite 260
Maitland, Florida 32751
(407) 629-6330

TREE LOCATION PLAN
FOR
SANDPIPER ROAD
FLORIDA

FLORIDA LAND TRUST #111
100 S. VICKIA AVE., UNIT 201
WINTER PARK, FL 32789
407-847-4225



RECEIVED
FEB 20 2015

TREE LEGEND

- 12" OAK TREE AND SIZE (12" OAK TREE)
- 16" TWIN OAK TREE AND SIZE (16" TWIN OAK TREE)
- 8" TRIPLE OAK TREE AND SIZE (8" TRIPLE OAK TREE)
- 18" MAPLE TREE AND SIZE (18" MAPLE TREE)
- 14" CEDAR TREE AND SIZE (14" CEDAR TREE)
- 18" GUM TREE AND SIZE (18" GUM TREE)
- 18" SWEET GUM TREE AND SIZE (18" SWEET GUM TREE)
- 18" PECAN TREE AND SIZE (18" PECAN TREE)
- 10" PALM TREE AND SIZE (10" PALM TREE)
- TREE COUNT AREA DIVIDER

NOTE:
TREE LOCATION PLAN IS BASED ON A TREE SURVEY
PREPARED BY BENCHMARK SURVEYING & MAPPING
CONSULTANTS, INC., DATED OCTOBER 5, 2005.
Field Office Box 17005, Winter Garden, Florida 34777-1005
537 West Palm Street, Winter Garden, Florida 34787
(407) 554-0153 Fax (407) 554-0164

DATE	REVISIONS

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

TR-1

EXHIBIT “B”

SANDPIPER MASTER SITE PLAN DEVELOPMENT STANDARDS

A. Design Standards

1. LOT SETBACKS (minimum):

Front-	25'
Side -	10'
Lots 13, 14	40' (southern lot line only)
Lots 5, 6, 18, 19	0' adjacent to the gas line easement
Corner Lots -	25'
Rear -	
Lots 1-19, 29-37; 39-40, 43-49	20'
Lots 20-28, 41-42	50'
Lot 38	30'
L. McCoy NHWE-	50'
Accessory Structures (pools, screen rooms, etc.):	
Lots 38-42	20'
Other Lots	per city code
<u>Garage Setbacks</u>	
Front entry:	30'
Side entry:	25'

(Note: other setback standards may apply below.)

2. The minimum lot width for lots 6 through 11 and 20 through 28 will be 110 feet at the building setback line (“BSL”). The minimum lot width for all other lots will be 85 feet at the BSL. The minimum lot depth will be 140 feet.
3. Maximum Building Height: 35'
4. Maximum number of Stories: Two
5. Minimum Lot Area: 11,500 sq. ft; 10,000 sq. ft. for lots 29 to 37 (area outside SJRWMD wetland line and its designated upland buffer.)
6. Minimum Living Area; 2,200 sq. ft. under heat and air.
7. Each house to have a two car garage (minimum).
8. Internal streets shall be privately owned by the Homeowners Association and an electronic gate system provided at the community entrance.
9. After the adoption hearing, the Master Plan shall be revised to be consistent with the adopted development standards herein, and all lots and tracts re-numbered accordingly, subject to Development Review Committee acceptance.
10. Any modification to the PUD Master Plan shall be reviewed according to Section 2.02.18.N, Land Development Code.
11. Lot 11 will be a minimum of 120 feet wide with a 20-foot wide eastern side yard setback.
12. On Lots 13 and 14, if courtyard/side loaded garage entries are constructed, the garage doors must face to the north.
13. On Lot 16, the eastern building line and setback to align with the front building line and setback of Lot 15.

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 20 to 28.
3. Existing structures will be removed prior to platting.
4. At least 500 sq. ft. of driveway pavers will be installed per house or a side-loaded / courtyard entry will be provided for each house, to be decided on a house-by-house basis determined by the builder.

C. Utilities and Infrastructure

1. Water service shall be provided by the City of Apopka. The water system shall be designed to city standards.
2. An oversize agreement is necessary to install 12" diameter force main along sandpiper road.
3. Storm water management system shall be designed to comply with the requirements of the City of Apopka and St. Johns River Water Management District.
4. A final drainage report and soils report will be submitted with final development plans
5. Sanitary service shall be provided by the City of Apopka. The sanitary system shall be designed to city standards.
5. Utility easements to be dedicated to the City of Apopka.
6. Drainage easements to be dedicated to the home owners association unless otherwise accepted by the City of Apopka.
7. All storm water and utility pipes may be moved to save existing trees in the right-of-way. Any change in the location of these pipes will be shown on the final engineering plans.
8. On-site streets are to be constructed per City of Apopka standards.
9. A signage plan will be provided with the final development plan submittal.
10. Entrance gate shall conform to city codes. Entrance gate to be equipped with emergency access system through an opti-com type visual gate activation and yelp siren. There must also be a keypad with an emergency access code.
11. A blanket ingress/egress easement will be granted for access to the city over Road A and B.
12. Stabilized access roadways and fire hydrants must be in place before building construction may begin.
13. Street names will be provided with the final development plans
14. Solid waste collection and public safety (police and fire) provided by the City of Apopka.
15. All/any overhead utility lines must be placed underground, coordination with City's Public Service Dept.
16. The internal street right-of-way is to be private with an entrance gate;
17. A five (5) foot wide sidewalks to be constructed adjacent to internal roads throughout the entire project in compliance with the City of Apopka Land Development Code. Sidewalk alignment may be adjusted at final development plan to preserve existing trees.
18. In lieu of installation of sidewalk along Ustler Road, the owner may pay into the city sidewalk fund at the rate of \$3.50/sf for 4" thick sidewalk and \$4.25 for 6" 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 “D”. A park site plan and recreation equipment for Tract “D” shall be provided with the Final Development Plan. Design of the park shall comply with the Land Development Code.
2. Only the nine lot owners (Lots 29-37) who will have lots backing up to Lake McCoy will have access to the lake and be able to build private docks to access said lake. All nine lot owners will be required to join the Lake McCoy taxing district. No other docks or recreation will be allowed to have access to Lake McCoy from this development. Dock details will be evaluated with the building permit and is to include language allowing a 15-foot wide access path across wetlands to the lake for each lot.
3. A Park site plan for Tract “N” will be provided with final development plans. Tract “N” shall be a passive park owned and maintained by the Homeowners Association.

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 conservation easement 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 20 to 28, 13 and 14 abutting the 30-foot conservation easement).
2. A 20 foot wide conservation easement will be provided on the western property line (abutting Ustler Road). The buffer shall be dedicated to the HOA and shall remain as natural vegetated buffer unless determined otherwise by the City. Trees that are removed shall be replaced by the HOA. Any removal of trees or vegetation within the conservation easement must be approved by the HOA and the City of Apopka. The 20 foot wide conservation easement may be encroached upon or removed by the City, in part or whole, at its discretion to make improvements to roads, utility mains or lines, and/or stormwater systems, including expansion of the Ustler Road right-of-way. Such easement shall not prevent the City or a utility provider from implementing necessary public services.
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 northwest corner of Lot 38.
4. Entrance feature and community sign will be provided with final development plans.
5. Final landscape plans for the buffer area along Sandpiper Street will be provided with the final development plans.
6. Tree Planting Conditions. Minimum of two new trees shall be planted per lot, except that Lots 4 to 11, 13 and 14 shall have a minimum of three new trees planted per lot, regardless of the number of trees saved on the any lot. The new trees shall be a minimum of 2.5 inches DBH at the time of planting and shall count toward the overall number of required tree replacement inches, if any.
 - a. On Lots 4 to 11, at least two of the three new trees shall be planted in the rear yard.
 - b. On Lots 13 and 14, at least two of the three new trees shall be planted on the south side yard.
 - c. On Lots 20 through 28, at least one of the two new trees shall be planted in the rear yard

7. A viburnum hedge will be planted south of the cul-de-sac adjacent to Lots 13 and 14 near the edge of the conservation area. The hedge shall be planted in a 100-foot wide by 5-foot deep landscape easement to be maintained by the HOA. The length of the hedge shall equal the width of the cul-de-sac, and the height of the hedge shall be at least six feet within two years of planting.
8. Tree Protection Plan.
 - a. Any individual residential lot shall not be cleared until a building permit is approved. Existing trees (6" or greater DBH) shall appear on the plot plan (i.e. foundation survey). The plot plan shall identify the location of the driveway. Location of a house and its driveway shall be oriented with a reasonable consideration for the protection of existing trees, particularly trees with a DBH of 24 inches or greater. The Community Development Director shall determine if a reasonable consideration has been made and shall take final action on the plot plan, and may deny or accept the plot plan; provided, however, the Community Development Director's determination shall only consider the location of the house and other impervious surfaces on the lot. Applicant can appeal the Community Development Director's decision to the Planning Commission.
 - b. The Final Development Plan shall include tree protection techniques to prevent harm to any trees or encroachment into protected natural areas, including but not limited to tree barricades, silt fencing or other similar techniques accepted by the city engineer.
 - c. Clearing shall be allowed for road ROW, retention ponds, community recreation area at the end of the western cul-de-sac, utility and stormwater infrastructure, off-site improvements, and areas needed to make necessary grading transitions for a safe work environment.

F. Maintenance and Plat

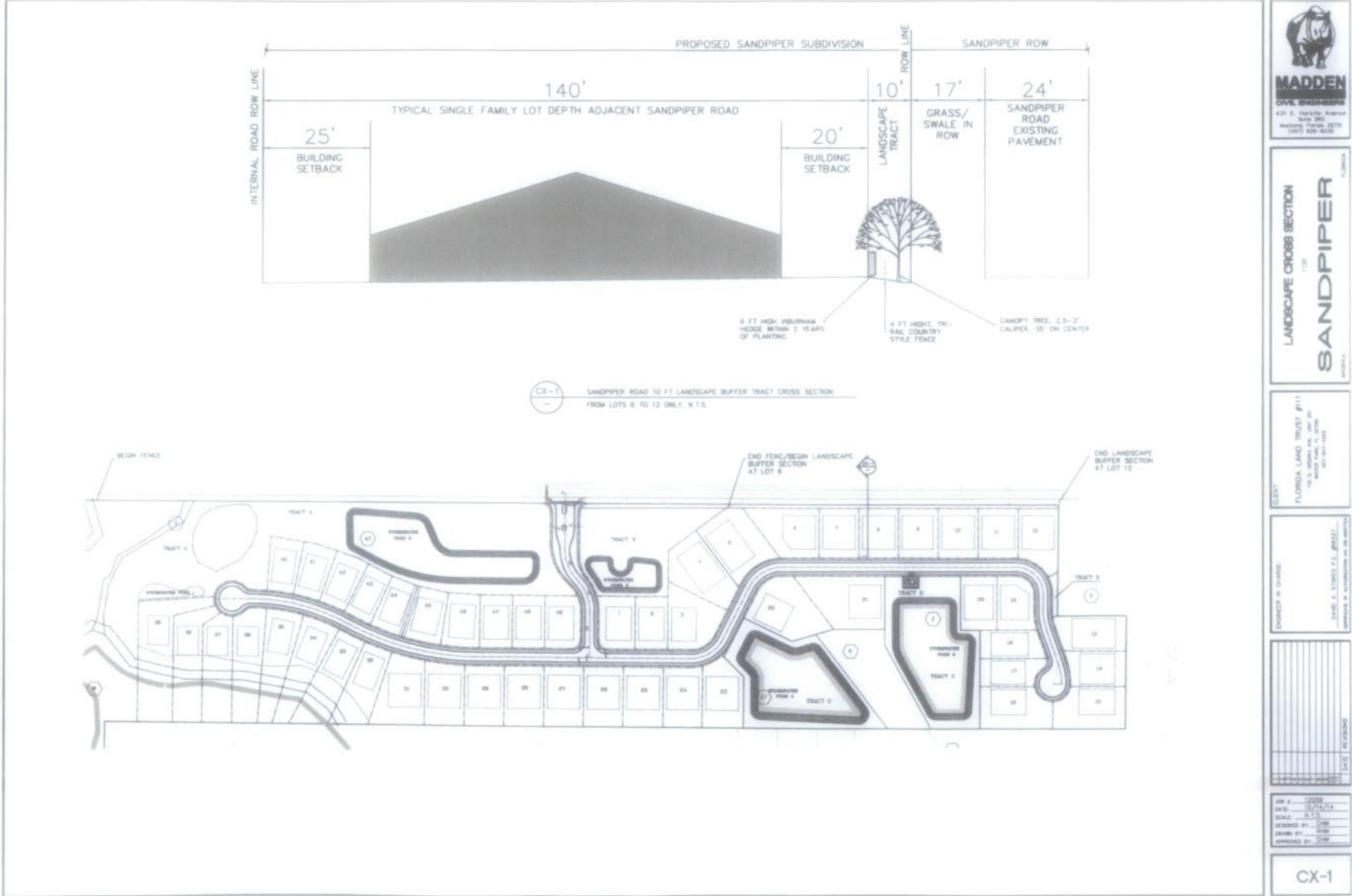
1. Homeowners association will maintain all common areas, fences\walls within common areas, and road tracts.
2. The final development plan shall include the plat document, and the plat shall be in final form.
3. Lots 5, 6, 18, and 19 have access to the gas easement surface area as allowed by the recorded easement. Easement details will be provided with the final development plan.
4. The HOA shall enforce the protection of the southern conservation buffer as an undisturbed natural buffer area. If the HOA fails to enforce the buffer area, the City may require either the property owner or the HOA to take action to remedy any encroachment into the buffer area.

G. Wetlands and Environmental

1. All acreage regarding developable and conservation areas (wetlands and buffers) are considered approximate until finalized during a review by the St. Johns River Water Management District and the City of Apopka. The SJRWMD concurrency will be provided at final plan review.
2. The jurisdictional wetland areas and required upland buffers 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 unless as otherwise described herein.
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 29 to 37, Tract A and Tract C 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.



Backup material for agenda item:

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



CITY OF APOPKA CITY COUNCIL

<u> </u> CONSENT AGENDA	MEETING OF: April 1, 2015, 2015
<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: FIRST READING 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.”

Request: FIRST READING 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;” AND HOLD OVER FOR SECOND READING AND ADOPTION.

SUMMARY:

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

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

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.

DISTRIBUTION:

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

Finance Director
HR Director
IT Director
Police Chief

Fire Chief
Public Ser. Director
City Clerk

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

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

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

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

- a. FAQs on Low THC-cannabis
- b. News Coverage – Pros and Cons of Medical Marijuana and other information
- c. Florida Statute 381
- d. Florida Amendment 2 Ballot Language

PUBLIC HEARING SCHEDULE:

Planning Commission - November 10, 2014 (5:01 pm)
City Council – April 1, 2015 – 1st Reading (1:30 pm)
– April 14, 2015 – 2nd Reading (7:00 pm)

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

RECOMMENDATION ACTION:

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

Accept the First Reading of Ordinance No. 2388 and Hold It over for Second Reading and Adoption on April 15, 2015.

ORDINANCE NO. 2388

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

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

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

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

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

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

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

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

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

SECTION 1. DEFINITIONS:

- a. **Agriculture:** means the science and art of production of plant(s) and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, including hay or grass harvesting and baling 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 PROCESSIONG 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:

Location of Cultivation or Processing Buildings or Structure	Affected Property (feet)			
	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. No more than five (5) medical marijuana dispensary/medical marijuana treatment center establishments shall locate within each of the Designated Grow Areas.
- b. *Prohibited Locations.* Non-medical marijuana dispensaries/medical treatment centers or sales are prohibited within the jurisdictional area of the City of Apopka. Medical Marijuana dispensaries/medical marijuana treatment centers are prohibited in the City of Apopka except as allowed in Section 4.a. Zoning Districts where medical marijuana dispensaries/medical marijuana treatment centers are prohibited also include: the Downtown Development Overlay District, Community Redevelopment Area (CRA), Planned Unit Development, Mixed-EC, and Mixed-CC zoning categories.
- c. No other business shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located. This requirement does not apply to licensed nursery businesses that were operating prior to the effective date of this ordinance.
- d. Any parking demand created by marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations.
- e. *Controlled Substances.* The onsite sale, provision, or dispensing of marijuana is prohibited except as specifically authorized by state law.
- f. *Loitering.* A marijuana dispensary/medical marijuana treatment center shall provide adequate seating for its patients and business invitees. The marijuana dispensary/medical marijuana treatment center shall not direct or encourage any patient or business to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary/center operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business and depart. The marijuana dispensary/medical marijuana treatment center shall post conspicuous signs on at least three (3) sides of the building stating that no loitering is allowed on the property.
- g. *Queuing of Vehicles.* The marijuana dispensary/medical marijuana treatment center shall ensure that there is no queuing of vehicles in the rights-of-way. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

Passed on the first reading on the _____ day of _____, 2015.

FIRST READING: April 1, 2015

SECOND READING
AND ADOPTION: April 15, 2015

Joseph E. Kilsheimer, Mayor

Attorney signature recommended for this ordinance.

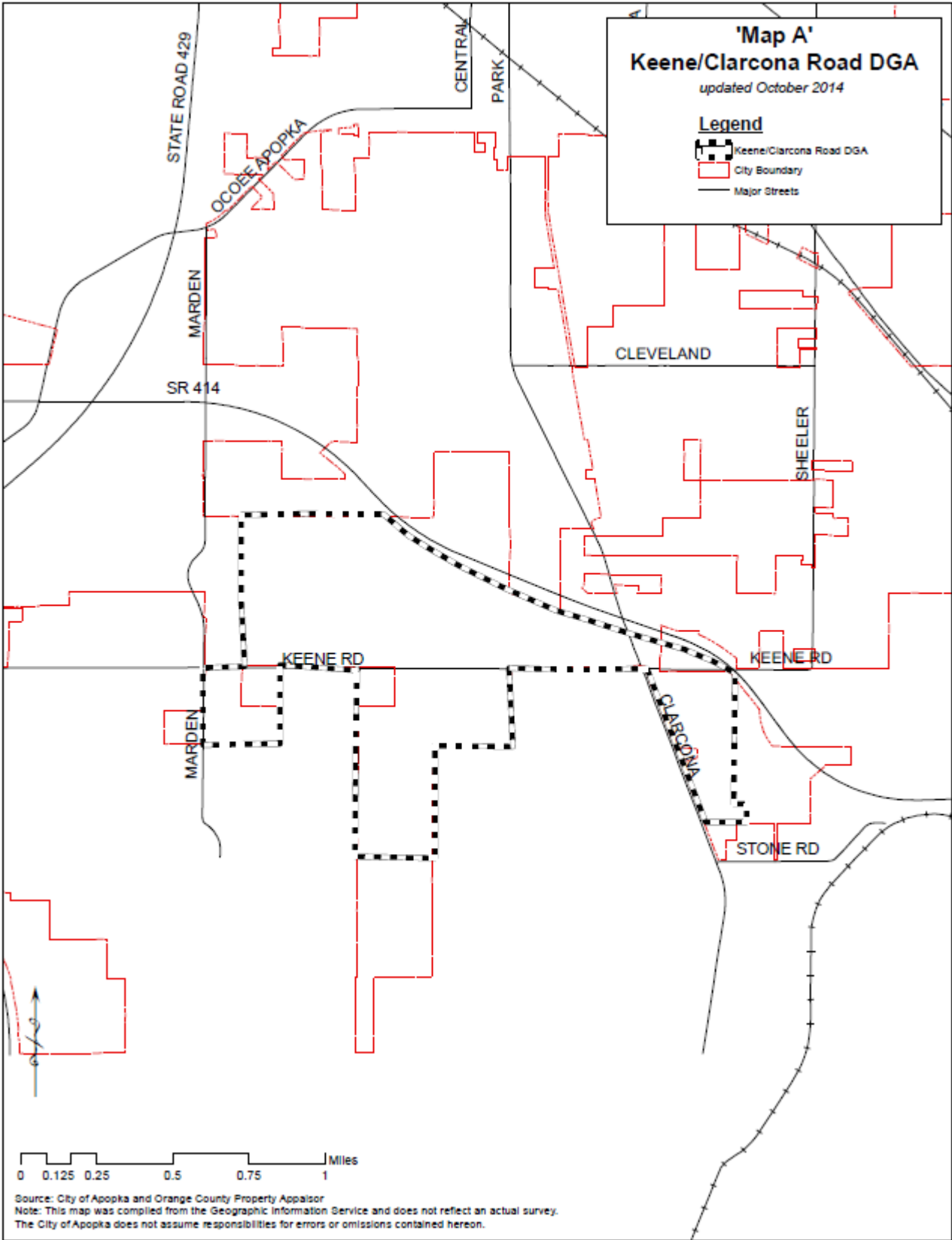
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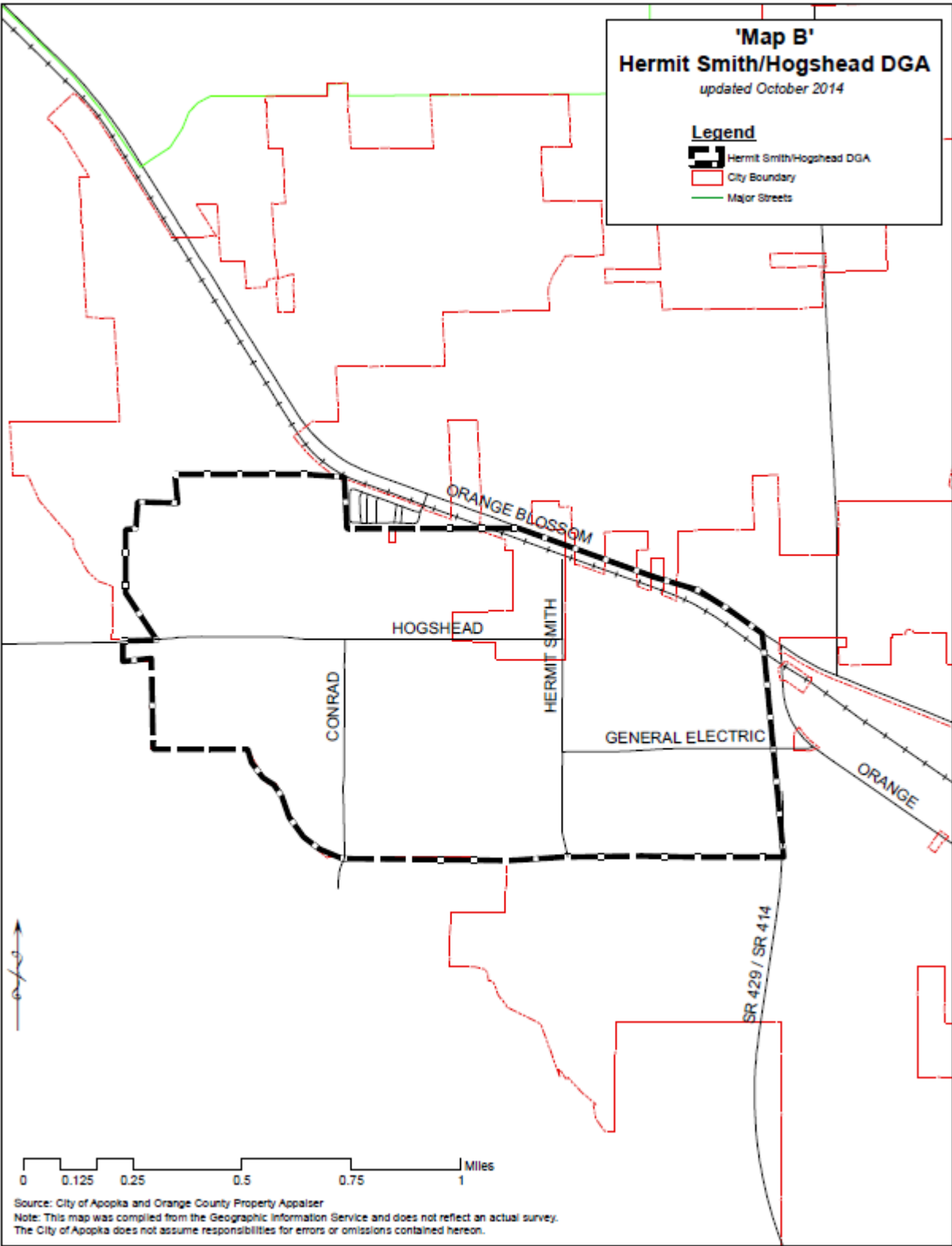
Linda Goff, City Clear

APPROVED AS TO FORM:

Clifford B. Shephard, City Attorney

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





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

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

Definitions:

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

FAQs

1. When will the legislation become law?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. What are the financial requirements for a distributor?

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

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

- a. No.

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

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

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

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

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

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

News and Information Articles Regarding Medical Cannabis

A. Pros of Legalized Medical Cannabis

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

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

Source: *Forbes*

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

Fewer Pain Pill Overdoses In States With Legal Medical Marijuana

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

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.”

Backup material for agenda item:

5. ORDINANCE NO. 2405 – FIRST READING – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC – for property located south of Sandpiper Street, west of North Thompson Road, and east of Ustler Road, from “County” PD (ZIP) (Residential) to “City” R-1AAA. (Parcel ID #s: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119) [NOTE: City Council, at its meeting on March 18, 2015, tabled the first reading of Ordinance No. 2405 until the April 1, 2015, City Council meeting.]



CITY OF APOPKA CITY COUNCIL

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

DATE: April 1, 2015
FROM: Community Development
EXHIBITS: Zoning Report
Vicinity Map
Adjacent Zoning Map
Adjacent Uses Map
Supporting LDC information
Legal Opinion
E-mail Alex Toledo
Ordinance No. 2405

SUBJECT: **ORDINANCE NO. 2405 – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDAAT SANDPIPER, LLC – FROM “COUNTY” PD TO “CITY” R-1AAA**

Request: **FIRST READING OF ORDINANCE NO. 2405 – CHANGE OF ZONING - FLORIDA LAND TRUST #111 – ZDA AT SANDPIPER, LLC - FROM “COUNTY” PD (ZIP) (RESIDENTIAL) TO “CITY” R-1AAA; PARCEL ID NUMBERS: 02-21-28-0000-00-106, 02-21-28-0000-00-131, 03-21-28-0000-00-015, 03-21-28-0000-00-022, 03-21-28-0000-00-023, 03-21-28-0000-00-046, 03-21-28-0000-00-047, 03-21-28-0000-00-072, 03-21-28-0000-00-073, AND 03-21-28-0000-00-119; AND HOLD OVER FOR SECOND READING AND ADOPTION.**

SUMMARY

OWNER/APPLICANT: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee

LOCATION: South of Sandpiper Street, west of North Thompson Road, east of Ustler Road

EXISTING USE: Abandoned Single Family Homes

CURRENT ZONING: “County” PD (“City” ZIP)

PROPOSED DEVELOPMENT: Residential Subdivision

FUTURE LAND USE DESIGNATION: “City” Residential Very Low Suburban (0- 2.0 du/ac)

TRACT SIZE: Combined total Acreage: 58.23 +/- Total Acres (48.4 developable acres)

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: up to 97 Dwelling Units (max. 2 un/ac x 49.4)
PROPOSED: up to 97 Dwelling Units (max. 2 un/ac x 49.4)

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject parcels were annexed into the City of Apopka on September 17, 2008, through the adoption of Ordinance No. 2068; and on September 18, 2013, through the adoption of Ordinance No. 2326.

Pursuant to Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation. Based on zoning currently assigned to properties in the general area surrounding the subject property, the R-1AAA zoning category is compatible with the zoning categories assigned to the general area. Based on a review of zoning categories assigned to other properties within the general area surrounding the subject property as well as to properties within the City as a whole, the R-1AAA zoning category and zoning categories allowing a smaller lot size have been allowed adjacent to or within the area of properties allowing a higher residential density or larger minimum lot size.

As the zoning application requests an R-1AAA district, zoning or development conditions or restrictions cannot be placed on the subject property unless otherwise accepted by the applicant. Regarding this matter, a legal opinion has been prepared by the city attorney's office and is provided with the attached information.

Selection of a zoning category is made according to the allowed zoning district hierarchy set forth within Chapter 2 of the Land Development Code. This zoning hierarchy is summarized within Table II-1 and Section 2.02.02 of the LDC. The zoning category of R-1AAA requires a minimum lot size of 16,000 sq. ft. and a minimum lot width of 120 feet. As shown within Table II-1 the next category within the zoning hierarchy that requires a larger lot size is RCE-1, which requires a minimum lot size of one acre (43,560 sq. ft.) with a minimum lot width of 130 feet. No other zoning category exists that addresses a lot size option greater than 16,000 sq. ft. and less than one acre. For example, a zoning category does not exist that requires a minimum lot size of half an acre (21,780 sq. ft.). A subdivision plan or Master plan is not required to be submitted with a standard zoning application.

Staff has analyzed the proposed amendment and determined that adequate transportation public facilities capacities exist to support this zoning change (see attached Zoning Report) subject to the extension of water and sewer lines to the property. Prior to developing the subject property pursuant to the R-1AAA zoning category, water and sewer lines must be extended to the subject property. As the City does not currently plan to extend such infrastructure to the property within its five-year capital improvement program, the developer will be required to facilitate such extension.

COMPREHENSIVE PLAN COMPLIANCE: The proposed Change of Zoning designation is consistent with the City's proposed Future Land Use designation of Residential Very Low Suburban. Site development cannot exceed the densities allowed by the Future Land Use policies and must occur consistent with the City's Comprehensive Plan, Land Development Code, and Development Design Guidelines. Per Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation.

SCHOOL CAPACITY REPORT:

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

ORANGE COUNTY NOTIFICATION:

The JPA requires the City to notify the County before any public hearing or advisory board. The City properly notified Orange County on December 19, 2014.

PUBLIC HEARING SCHEDULE:

January 13, 2015 – Planning Commission (5:01 pm)

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

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

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

March 18, 2015 – City Council (7:00 pm) – 1st Reading – Tabled.

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

April 15, 2015 – City Council (7:00 pm) – 2nd Reading

DULY ADVERTISED:

December 26, 2014 – Public Notice and Notification

February 6, 2014 – Ordinance Heading Ad

February 13, 2015 – Public Notice and Notification

March 20, 2015 – Ordinance Heading Ad

RECOMMENDED ACTION:

The **Development Review Committee** recommends approval of the Change in Zoning from “County” PD (ZIP) (Residential) to “City” R-1AAA (0-2 un/ac) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee and the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **Planning Commission**, at its meeting on January 13, 2015, recommended denial (6-0) of the Change in Zoning from “County” PD (ZIP) (Residential) to “City” R-1AAA (0-2 un/ac) (Residential) for the property owned by Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee subject to the applicant obtaining a School Capacity Enhancement Agreement from OCPS.

The **City Council**, at its meeting on February 4, 2015, elected to continue the First Reading and instructed staff to prepare a presentation on the Sandpiper project for the February 18, 2015 meeting on the three zoning options; PUD, RCE and R-1AAA zoning, providing pros and cons of each.

The **City Council**, at its meeting on March 4, 2015, elected to continue the First Reading and instructed staff to prepare a presentation on the Sandpiper project for the March 18, 2015 meeting on the three zoning options; PUD, RCE and R-1AAA zoning, providing pros and cons of each.

The **City Council**, at its meeting on March 18, 2015, Tabled the First Reading of Ordinance No. 2405 until the April 1, 2015 meeting.

Accept the First Reading of Ordinance No. 2405 and Hold it Over for Second Reading and Adoption on April 15, 2015.

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

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

LAND USE & TRAFFIC COMPATIBILITY:

Pursuant to Section 2.01.02, Table II-1 of the LDC, the R-1AAA zoning category is a permissible zoning district within the Residential Very Low Suburban Future Land Use Designation. Based on zoning currently assigned to properties in the general area surrounding the subject property, the R-1AAA zoning category is compatible with the zoning categories assigned to the general surrounding area.

Based on a review of zoning categories assigned to other properties within the general area surrounding the subject property as well as to properties within the City as a whole, the R-1AAA zoning category and zoning categories allowing a smaller lot size have been allowed adjacent to or within the area of properties allowing a higher residential density or larger minimum lot size. For example, the Wekiva Preserve residential community is assigned a zoning category of R-1AA (min. 12,500 sq. ft. lot) and abuts property assigned County A-1 or A-2), and the southern neighborhoods of the Wekiva Glen residential community is assigned a zoning has R-1A (min. 10,000 sq. ft. lot) next to properties assigned the RCE-1 zoning district (min. lot size of one acre).

The entire City is designated a Transportation Concurrency Exception Area. As such a transportation study is not required as part of a zoning application. Based on a review of recent traffic counts for Sandpiper Street and nearby roads, adequate capacity is available on these streets to satisfactory accommodated vehicle trips generated by future development of the subject property.

R-1AAA DISTRICT REQUIREMENTS*:

Minimum Site Area:	16,000 sq. ft.
Minimum Lot Width:	120 ft.
Front Setback:	25 ft.
Side Setback:	10 ft.
Rear Setback:	20 ft.
Corner Setback:	25 ft.
Minimum Living Area:	1,800 sq. ft.

**BUFFERYARD
REQUIREMENTS:**

Developments shall provide a minimum six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis.

Areas adjacent to agricultural districts or activities shall provide a minimum five-foot bufferyard and a minimum six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval.

ALLOWABLE USES:

Single-family dwellings and their customary accessory structures and uses in accordance with article VII of this code. Supporting infrastructure and public facilities of less than five acres as defined in this code and in accordance with [section 2.02.01](#). Accessory structures, such as swimming pools and screened rooms, must be set back at least five feet from the rear property line.

Applicant: Florida Land Trust #111, c/o ZDA at Sandpiper, LLC, Trustee

From: “County” PD (ZIP)

To: “City” R-1AAA Residential

57.7 +/- Acres (48.4 developable acres)

Maximum Allowable Development: up to 97 dwelling units

Proposed Minimum Lot Size: 16,000 sq. ft.

Future Land Use Designation: Residential Very Low Suburban (0 – 2 un\ac)

Parcel ID #s: 02-21-28-0000-00-106 02-21-28-0000-00-131

03-21-28-0000-00-015 03-21-28-0000-00-022

03-21-28-0000-00-023 03-21-28-0000-00-046

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

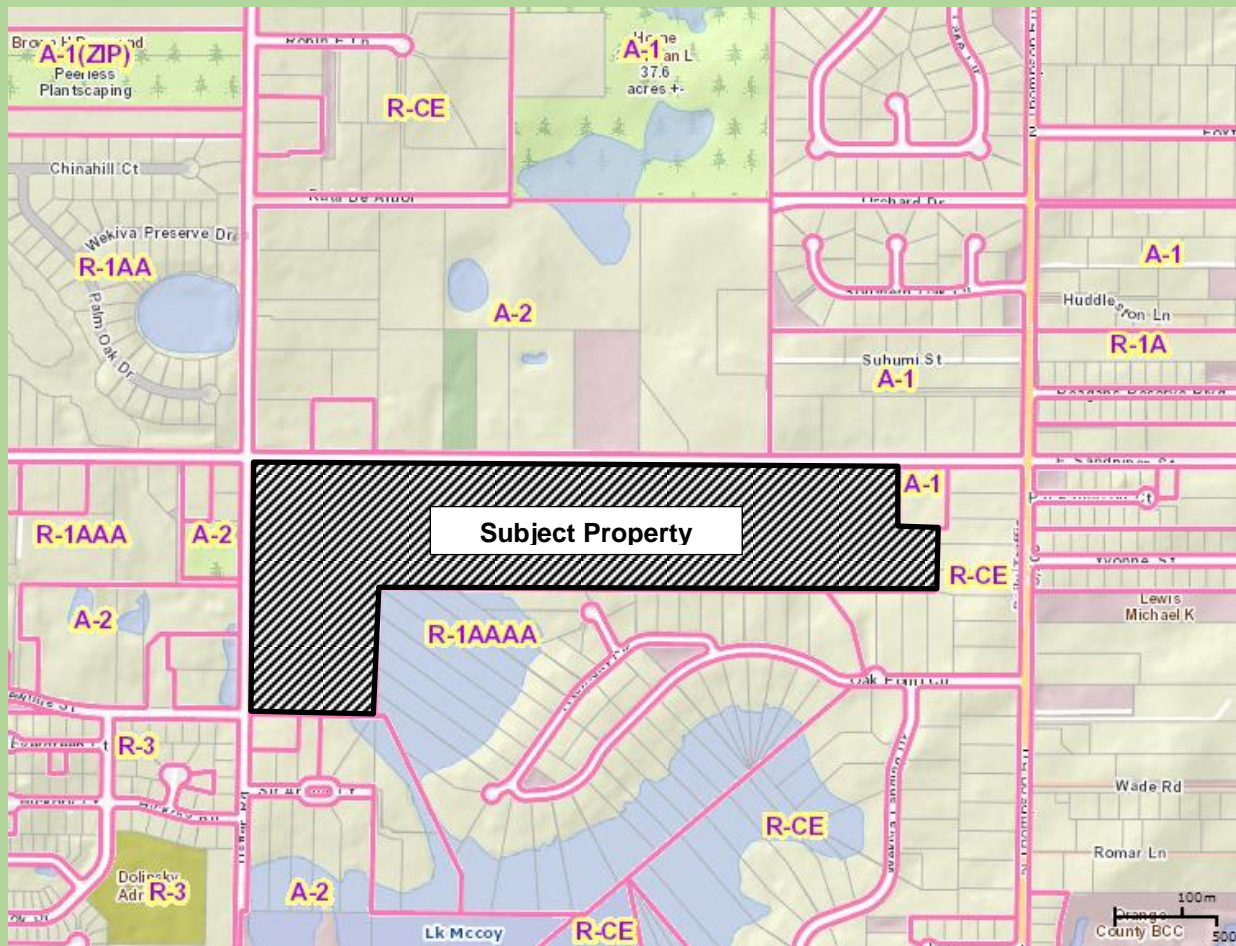
03-21-28-0000-00-073 03-21-28-0000-00-119



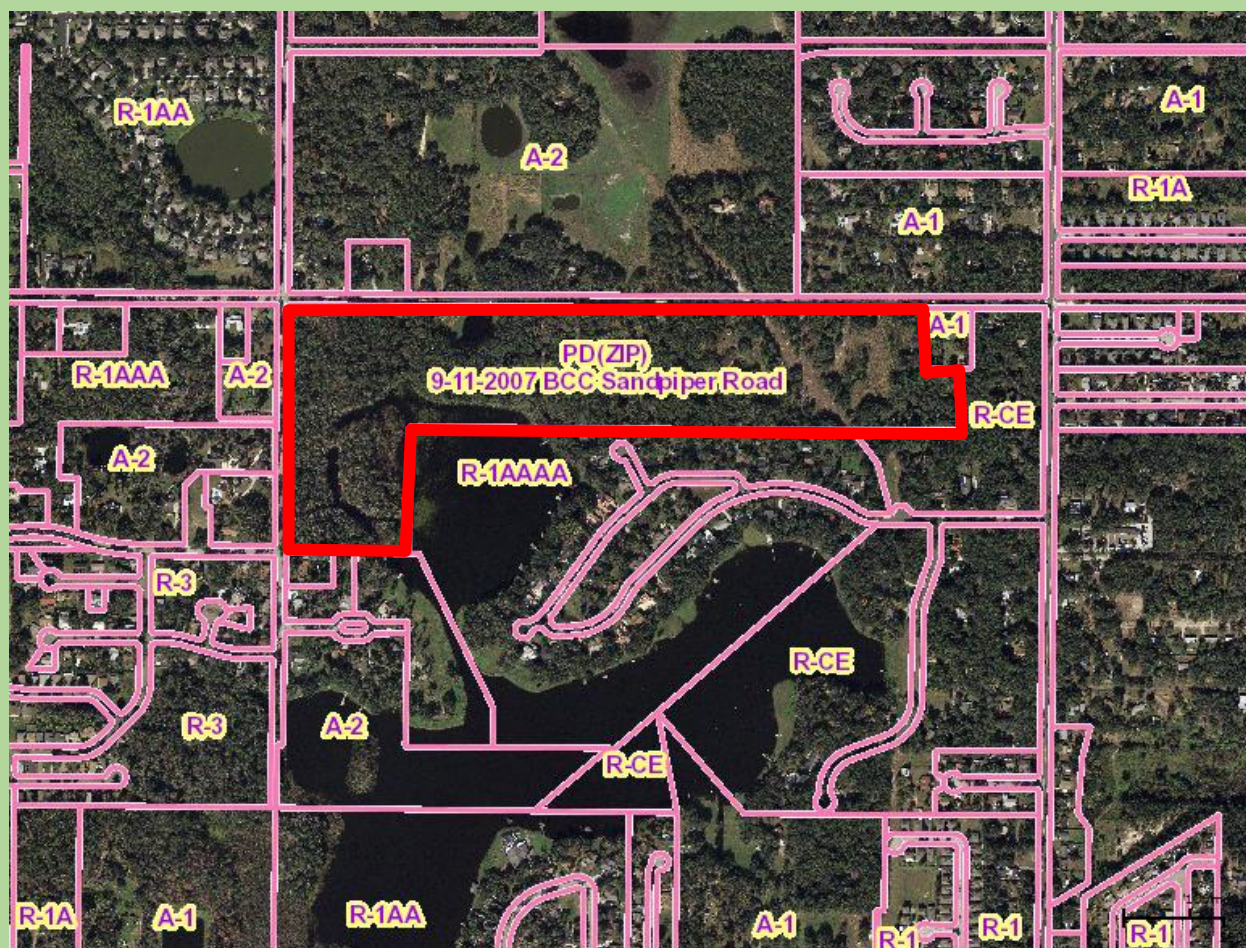
VICINITY MAP



ADJACENT ZONING



ADJACENT USES



ORDINANCE NO. 2405

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

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

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

WHEREAS, the proposed R-1AAA (Residential) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property, being situated in the City of Apopka, Florida, is hereby R-1AAA (Residential), as defined in the Apopka Land Development Code.

Legal Description:

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

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

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

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

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

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

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

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

Parcel ID Nos.: 02-21-28-0000-00-106; 02-21-28-0000-00-131; 03-21-28-0000-00-015; 03-21-28-0000-00-022; 03-21-28-0000-00-023; 03-21-28-0000-00-046; 03-21-28-0000-00-047; 03-21-28-0000-00-072; 03-21-28-0000-00-073; and 03-21-28-0000-00-119
Combined Acreage 57.7 +/- Acres

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

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

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

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

Section VI. That this Ordinance shall take effect immediately.

READ FIRST TIME: March 4, 2015

READ SECOND TIME
AND ADOPTED: March 18, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: February 13, 2015
March 6, 2015

2.00.00. GENERALLY**2.00.01. Purpose.**

The purpose of this article is to describe the zoning districts that apply to Future Land Use Designations of the Apopka Comprehensive Plan and the specific uses and restrictions with minimum standards which apply to each zoning district. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the city as expressed in the Apopka Comprehensive Plan.

(Ord. No. 963, § 1, 11-6-96)

**2.01.00. ALLOWABLE ZONING DISTRICTS
WITHIN FUTURE LAND USE
CLASSIFICATIONS**

2.01.01. Generally.

Land use districts for Apopka are established in the Comprehensive Plan, Future Land Use Element. The land use districts and classifications defined in the Future Land Use Element of the Apopka Comprehensive Plan and delineated on the Future Land Use Map series shall be the

determinants of permissible activities on any parcel in the jurisdiction. Land use and zoning designations must be compatible in order for development to occur. Refer to the Future Land Use Element of the Comprehensive Plan for the definitions of each use category. This section of the Land Development Code is intended to correlate individual zoning classifications with land use districts.

In interpreting and applying the provisions of this code, development shall be held to be the minimum requirements for the promotion of the public health, safety, property and general welfare of the community. It is not intended by this code to interfere with, abrogate or annul any lawful easements, covenants, or other agreements between parties; provided, however, that where this code imposes a greater restriction upon the use of buildings or premises than are imposed or required by other resolutions, rules, regulations, or by lawful easements, covenants, or agreements, the provisions of this code shall control.

(Ord. No. 963, § 1, 11-6-96)

2.01.02. Allowed zoning districts.

**TABLE II-1
PERMISSIBLE ZONING DISTRICTS WITHIN FUTURE LAND USE CLASSIFICATIONS**

Density/ Intensity Standard	Future Land Use Classifications*														
	AG	Residential						OFF	COMM	MU	IND	INST	REC	CONS	CBD
		VLS	LS	L	ML	M	H								
	1 du per 5 acres	0 to 2	0 to 3.5	0 to 5	0 to 7.5	0 to 10.0	0 to 15	.30 FAR	.25 FAR		.60 FAR				2.00 FAR
Zoning Classification:															
AG	X														
AG-E	X	X	X	X											
RCE-1		X	X	X	X	X	X								
RCE-2		X	X	X	X	X	X								
R-1		X	X	X	X	X	X								
R-1A		X	X	X	X	X	X								
R-1AA		X	X	X	X	X	X								
R-1AAA		X	X	X	X	X	X								
R-2				X	X	X	X								
R-3					X	X	X								
MHP					X										X
MHS					X										X
PO/I								X				X			X
CN									X						X

2.02.00. USES ALLOWED IN ZONING DISTRICTS

2.02.01. General.

A. Minimum requirements for site area, lot width, yard setback, and living area by zoning district.

Districts		Minimum Setbacks						
		Minimum Site Area	Minimum Lot Width (feet)	Front (feet)	Side (feet)	Rear (feet)	Corner (feet)	Minimum Living (Sq. Ft.)
AG,	Agriculture,							
	Resid. mobile home	5 AC	None	25	25	25	25	400
	Resid. tenant housing	5 AC	None	25	25	25	25	600
	Resid. single-family	5 AC	None	25	25	25	25	1,200
	Nonresidential	5 AC	None	100	100	100	100	
	Apiaries	5 AC	None	200	200	200	200	
AG-E,	Residential							
	Single-Family	2½ AC	150	45	35	50	35	2,200
RCE-1,	Residential							
	County Estates 1	1 AC	130	35	15	30	35	2,000
RCE-2,	Residential							
	County Estates 2	2 AC	150	35	15	30	35	2,200
R-1		8,000sf	75	25	10	20	25	1,500
R-1A	Residential	10,000sf	85	25	10	20	25	1,600
R-1AA	Single-Family	12,500sf	95	25	10	20	25	1,700
R-1AAA		16,000sf	120	25	10	20	25	1,800
R-2,	Residential One and Two Family							
SF	Single-Family	7,500sf	70	25	*7.5	20	25	1,350
	Duplex	15,000sf	140	25	10	20	25	1,350
R-3,	Residential							
	Single-Family	7,500sf	70	25	*7.5	20	25	1,350
	Duplex	15,000sf	140	25	10	20	25	1,350
	Multiple-Family							
	Rental/Apartments	1 AC	None	**	***	**	25	750
	Fee Simple, Condo or Townhouse	1 AC	None	**	***	**	25	1,350
MHP,	Mobile Home Park	10 AC						
		4,000sf	None	*15	7.5	15*	7.5	600
MHS,	Mobile Home Subd.							
	Mobile Home	5,000sf	50	20	7.5	15	25	600
	Single-Family	6,000sf	60	25	*7.5	20	25	1,000

* 15 feet between structures.

** Distance between buildings: 50' front to front and 50' rear to rear.

*** 20' between structures.

NOTE:

1. Maximum building height for all districts is 35'

MEMORANDUM

Shepard, Smith & Cassady, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751
Telephone (407) 622-1772
Facsimile (407) 622-1884

To: Cliff B. Shepard, Esq.
From: Andrew J. Hand
Subject: Imposition of Conditions on Straight Zoning Application
Date: December 9, 2014

- 1) When in receipt of a “straight zoning” application is it lawful for the City Council of the City of Apopka to impose additional conditions for zoning approval that are not specified within the City’s code if all criteria of the City’s zoning ordinance are met?**

No. It is my opinion that imposition of additional conditions by City Council or other reviewing agencies for zoning approval of a straight zoning application is improper under Florida law if such conditions are not specified within Apopka’s code.

According to the Court in *City of Homestead v. Schild*, 227 So.2d 540, 543 (Fla. 3d DCA 1969):

“The law of Florida is committed to the doctrine of the requirement that zoning ordinances and their exceptions must be predicated upon legislative standards which can be applied to all cases, rather than to the theory of granting an administrative board or even a legislative body the power to arbitrarily decide each case entirely within the discretion of the members of the administrative board or legislative body, or to shift a particular parcel of property arbitrarily from one zoning classification to another...”

Another principle of Florida law is that “a local government may not deny a development order based on criteria which are not specifically enumerated in its land use regulations.” *See Drexel v. City of Miami Beach*, 64 So. 2d 317 (Fla. 1953). *See also Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983); *ABC Liquors, Inc. v. City of Ocala*, 366 So. 2d 146 (Fla. 1st DCA 1979).

Based on the case law above which I find to be analogous to this situation, it is my opinion that it would not be legal for City Council to unilaterally impose of conditions that are not specifically delineated within the City’s zoning code on an application for straight zoning.

Additionally, although such a situation is not implicated here, it is important to note that in the absence of planned development zoning situations, bilateral agreements between developers and municipalities to accomplish rezonings in Florida constitute “contract zoning” and are illegal. In *Hartnett v. Austin*, 93 So. 2d 86 (Fla. 1956), Florida’s Supreme Court held that, “[a] municipality has no authority to enter into a private contract with a property owner for the amendment of a zoning ordinance subject to various covenants and restrictions in a collateral deed or agreement to be executed between the city and property owner.”

Notwithstanding the illegality of contract zoning, Florida has evolved to permit developers to make concessions to a local government at a public hearing. Self-imposed conditions proffered by a developer to a municipality to mitigate development impacts or to address public discontent associated with an application do not automatically render a local government’s decision to rezone void as contract zoning.¹ However, it is important to point out that this rule appears to be limited to unilateral concessions offered by the developer to a municipality rather than conditions directly imposed on a developer by a municipality that are not specified within the municipality’s land development regulations.

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

Jeanne Green - Fwd: RE: Sandpiper Development- Planning Commission Meeting 1/13/15

From: Linda Goff
To: Jeanne Green
Date: 1/13/2015 12:23 PM
Subject: Fwd: RE: Sandpiper Development- Planning Commission Meeting 1/13/15
Attachments: City Attorney Opinion.pdf; Snyder Decision.pdf

He corrected a typo - please use this version

>>> Alex Toledo <belight25@hotmail.com> 1/13/2015 11:50 AM >>>

If not too late, please use this version instead (as I corrected a typo).

Good morning, Ms. Goff:

I am a resident concerned about the developments plans for the Sandpiper property which is on the agenda for the Planning Commission today. Unfortunately, I will not be able to attend the meeting. Would it be possible for you to share this e-mail with each of the Planning Commission members and the City Attorney?

I reviewed the supporting documentation for the agenda items for today's Planning Commission Meeting and as near as I can tell, the only change to Mr. Goldberg's application is the inclusion of an opinion letter from the City's attorney (attached).

The opinion centers around the question: **"When in receipt of a "straight zoning" application is it lawful for the City Council of the City of Apopka to impose additional conditions for zoning approval that are not specified within the City's code if all criteria of the City's zoning ordinance are met?"**

This question seems inherently flawed in that it presumes that the City Council has set "additional conditions" for the approval of this project. As far as I'm aware, they didn't set any additional conditions for approval. They merely denied the application. The denial was based on competent and substantial evidence promulgated by the Planning Commission and reiterated and adopted by the public (myself included) as their own. Namely that the development plan, as proposed, was not compatible with the adjacent area due to lot sizes.

The other thing the City Attorney's letter does is cite case law from the 1950's and 60's in support of approval of this application. I note that absent from his analysis is any mention of the Florida Supreme Court's 1993 decision in *Snyder v. Brevard County Commissioners* (also attached) which, in my opinion, gives the City firm footing upon which to deny this application. Taken in isolation, the cases that the City Attorney cites would leave the reader with the impression that the Council's hands are tied and that any input from the public should be completely disregarded as futile. I don't believe that's the case and *Snyder v. Brevard* makes it quite clear that citizen input is to be considered in a local government's rezoning decisions.

I am curious as to whom presented the question that the City Attorney is answering in his opinion letter. Did it come from an elected or appointed official or from staff? Please consider this question a public records request.

Also, if the City Attorney is inclined to answer questions from persons other than elected/appointed officials or city staff regarding this application, might he be inclined to answer this one as well: **Is the City required to approve an application (even if deemed complete) where the Council has previously decided to deny the application based on competent, substantial evidence (that the lot sizes proposed are not compatible with the adjacent area) and the decision was rendered in a non-arbitrary, non-discriminatory and reasonable manner (as evidenced by the fact that the vast majority of the public is in opposition to the development plans as written)?**

Thank you in advance,

MEMORANDUM

Shepard, Smith & Cassady, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751
Telephone (407) 622-1772
Facsimile (407) 622-1884

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“The law of Florida is committed to the doctrine of the requirement that zoning ordinances and their exceptions must be predicated upon legislative standards which can be applied to all cases, rather than to the theory of granting an administrative board or even a legislative body the power to arbitrarily decide each case entirely within the discretion of the members of the administrative board or legislative body, or to shift a particular parcel of property arbitrarily from one zoning classification to another...”

Another principle of Florida law is that “a local government may not deny a development order based on criteria which are not specifically enumerated in its land use regulations.” See *Drexel v. City of Miami Beach*, 64 So. 2d 317 (Fla. 1953). See also *Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983); *ABC Liquors, Inc. v. City of Ocala*, 366 So. 2d 146 (Fla. 1st DCA 1979).

Based on the case law above which I find to be analogous to this situation, it is my opinion that it would not be legal for City Council to unilaterally impose of conditions that are not specifically delineated within the City’s zoning code on an application for straight zoning.

Additionally, although such a situation is not implicated here, it is important to note that in the absence of planned development zoning situations, bilateral agreements between developers and municipalities to accomplish rezonings in Florida constitute "contract zoning" and are illegal. In *Hartnett v. Austin*, 93 So. 2d 86 (Fla. 1956), Florida's Supreme Court held that, "[a] municipality has no authority to enter into a private contract with a property owner for the amendment of a zoning ordinance subject to various covenants and restrictions in a collateral deed or agreement to be executed between the city and property owner."

Notwithstanding the illegality of contract zoning, Florida has evolved to permit developers to make concessions to a local government at a public hearing. Self-imposed conditions proffered by a developer to a municipality to mitigate development impacts or to address public discontent associated with an application do not automatically render a local government's decision to rezone void as contract zoning.¹ However, it is important to point out that this rule appears to be limited to unilateral concessions offered by the developer to a municipality rather than conditions directly imposed on a developer by a municipality that are not specified within the municipality's land development regulations.

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

SUPREME COURT OF FLORIDA

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA,
Petitioner, v. JACK R. SNYDER, et ux., Respondents.

No. 79,720

October 7, 1993

OPINION BY: GRIMES

The Motion for Rehearing filed by Petitioner, having been considered in light of the revised opinion, is hereby denied.

GRIMES, J.

We review *Snyder v. Board of County Commissioners*, 595 So. 2d 65 (Fla. 5th DCA 1991), because of its conflict with *Schauer v. City of Miami Beach*, 112 So. 2d 838 (Fla. 1959); *City of Jacksonville Beach v. Grubbs*, 461 So. 2d 160 (Fla. 1st DCA 1984), review denied, 469 So. 2d 749 (Fla. 1985); and *Palm Beach County v. Tinnerman*, 517 So. 2d 699 (Fla. 4th DCA 1987), review denied, 528 So. 2d 1183 (Fla. 1988). We have jurisdiction under article V, section 3(b)(3) of the Florida Constitution. Jack and Gail Snyder owned a one-half acre parcel of property on Merritt Island in the unincorporated area of Brevard County. The property is zoned GU (general use) which allows construction of a single-family residence. The Snyders filed an application to rezone their property to the RU-2-15 zoning classification which allows the construction of fifteen units per acre. The area is designated for residential use under the 1988 Brevard County Comprehensive Plan Future Land Use Map. Twenty-nine zoning classifications are considered potentially consistent with this land use designation, including both the GU and the RU-2-15 classifications.

After the application for rezoning was filed, the Brevard County Planning and Zoning staff reviewed the application and completed the county's standard "rezoning review worksheet." The worksheet indicated that the proposed multifamily use of the Snyders' property was consistent with all aspects of the comprehensive plan except for the fact that it was located in the one-hundred-year flood plain in which a maximum of only two units per acre was permitted. For this reason, the staff recommended that the request be denied.

At the planning and zoning board meeting, the county planning and zoning director indicated that when the property was developed the land elevation would be raised to the point where the one-hundred-year-flood plain restriction would no longer be applicable. Thus, the director stated that the staff no longer opposed the application. The planning and zoning board voted to approve the Snyders' rezoning request.

When the matter came before the board of county commissioners, Snyder stated that he intended to build only five or six units on the property. However, a number of citizens spoke in opposition to the rezoning request. Their primary concern was the increase in traffic which would be caused by the development. Ultimately, the commission voted to deny the rezoning request without stating a reason for the denial.

The Snyders filed a petition for certiorari in the circuit court. Three circuit judges, sitting en banc, reviewed the petition and denied it by a two-to-one decision. The Snyders then filed a petition for certiorari in the Fifth District Court of Appeal.

The district court of appeal acknowledged that zoning decisions have traditionally been considered legislative in nature. Therefore, courts were required to uphold them if they could be justified as being "fairly debatable." Drawing heavily on *Fasano v. Board of County Commissioners*, 264 Ore. 574, 507 P.2d 23 (Or. 1973), however, the court concluded that, unlike initial zoning enactments and comprehensive rezonings or rezonings affecting a large portion of the public, a rezoning action which entails the application of a general rule or policy to specific individuals, interests, or activities is quasi-judicial in nature. Under the latter circumstances, the court reasoned that a stricter standard of judicial review of the rezoning decision was required. The court went on to hold:

(4) Since a property owner's right to own and use his property is constitutionally protected, review of any governmental action denying or abridging that right is subject to close judicial scrutiny. Effective judicial review, constitutional due process and other essential requirements of law, all necessitate that the governmental agency (by whatever name it may be characterized) applying legislated land use restrictions to particular parcels of privately owned lands, must state reasons for action that denies the owner the use of his land and must make findings of fact and a record of its proceedings, sufficient for judicial review of: the legal sufficiency of the evidence to support the findings of fact made, the legal sufficiency of the findings of fact supporting the reasons given and the legal adequacy, under applicable law (i.e., under general comprehensive zoning ordinances, applicable state and case law and state and federal constitutional provisions) of the reasons given for the result of the action taken.

(5) The initial burden is upon the landowner to demonstrate that his petition or application for use of privately owned lands, (rezoning, special exception, conditional use permit, variance, site plan approval, etc.) complies with the reasonable procedural requirements of the ordinance and that the use sought is consistent with the applicable comprehensive zoning plan. Upon such a showing the landowner is presumptively entitled to use his property in the manner he seeks unless the opposing governmental agency asserts and proves by clear and convincing evidence that a specifically stated public necessity requires a specified,

more restrictive, use. After such a showing the burden shifts to the landowner to assert and prove that such specified more restrictive land use constitutes a taking of his property for public use for which he is entitled to compensation under the taking provisions of the state or federal constitutions.

Snyder v. Board of County Commissioners, 595 So. 2d at 81 (footnotes omitted).

Applying these principles to the facts of the case, the court found (1) that the Snyders' petition for rezoning was consistent with the comprehensive plan; (2) that there was no assertion or evidence that a more restrictive zoning classification was necessary to protect the health, safety, morals, or welfare of the general public; and (3) that the denial of the requested zoning classification without reasons supported by facts was, as a matter of law, arbitrary and unreasonable. The court granted the petition for certiorari.

Before this Court, the county contends that the standard of review for the county's denial of the Snyders' rezoning application is whether or not the decision was fairly debatable. The county further argues that the opinion below eliminates a local government's ability to operate in a legislative context and impairs its ability to respond to public comment. The county refers to *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991), review denied, 598 So. 2d 75 (Fla. 1992), for the proposition that if its rezoning decision is quasi-judicial, the commissioners will be prohibited from obtaining community input by way of ex parte communications from its citizens. In addition, the county suggests that the requirement to make findings in support of its rezoning decision will place an insurmountable burden on the zoning authorities. The county also asserts that the salutary purpose of the comprehensive plan to provide controlled growth will be thwarted by the court's ruling that the maximum use permitted by the plan must be approved once the rezoning application is determined to be consistent with it.

The Snyders respond that the decision below should be upheld in all of its major premises. They argue that the rationale for the early decisions that rezonings are legislative in nature has been changed by the enactment of the Growth Management Act. Thus, in order to ensure that local governments follow the principles enunciated in their comprehensive plans, it is necessary for the courts to exercise stricter scrutiny than would be provided under the fairly debatable rule. The Snyders contend that their rezoning application was consistent with the comprehensive plan. Because there are no findings of fact or reasons given for the denial by the board of county commissioners, there is no basis upon which the denial could be upheld. Various amici curiae have also submitted briefs in support of their several positions.

Historically, local governments have exercised the zoning power pursuant to a broad delegation of state legislative power subject only to constitutional limitations. Both federal and state courts adopted a highly deferential standard of judicial review early in the history of local zoning. In *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 47 S. Ct. 114, 71 L. Ed. 303 (1926), the United States Supreme Court held that "if the

validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control." 272 U.S. at 388. This Court expressly adopted the fairly debatable principle in *City of Miami Beach v. Ocean & Inland Co.*, 147 Fla. 480, 3 So. 2d 364 (1941).

Inhibited only by the loose judicial scrutiny afforded by the fairly debatable rule, local zoning systems developed in a markedly inconsistent manner. Many land use experts and practitioners have been critical of the local zoning system. Richard Babcock deplored the effect of "neighborhoodism" and rank political influence on the local decision-making process. Richard F. Babcock, *The Zoning Game* (1966). Mandelker and Tarlock recently stated that "zoning decisions are too often ad hoc, sloppy and self-serving decisions with well-defined adverse consequences without off-setting benefits." Daniel R. Mandelker and A. Dan Tarlock, *Shifting the Presumption of Constitutionality in Land-Use Law*, 24 *Urb. Law.* 1, 2 (1992).

Professor Charles Harr, a leading proponent of zoning reform, was an early advocate of requiring that local land use regulation be consistent with a legally binding comprehensive plan which would serve long range goals, counteract local pressures for preferential treatment, and provide courts with a meaningful standard of review. Charles M. Harr, "In Accordance With A Comprehensive Plan," 68 *Harv. L. Rev.* 1154 (1955). In 1975, the American Law Institute adopted the Model Land Development Code, which provided for procedural and planning reforms at the local level and increased state participation in land use decision-making for developments of regional impact and areas of critical state concern.

Reacting to the increasing calls for reform, numerous states have adopted legislation to change the local land use decision-making process. As one of the leaders of this national reform, Florida adopted the Local Government Comprehensive Planning Act of 1975. Ch. 75-257, Laws of Fla. This law was substantially strengthened in 1985 by the Growth Management Act. Ch. 85-55, Laws of Fla.

Pursuant to the Growth Management Act, each county and municipality is required to prepare a comprehensive plan for approval by the Department of Community Affairs. The adopted local plan must include "principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development" of the local government's jurisdictional area. § 163.3177(1), Fla. Stat. (1991). At the minimum, the local plan must include elements covering future land use; capital improvements generally; sanitary sewer, solid waste, drainage, potable water, and natural ground water aquifer protection specifically; conservation; recreation and open space; housing; traffic circulation; intergovernmental coordination; coastal management (for local government in the coastal zone); and mass transit (for local jurisdictions with 50,000 or more people). *Id.* § 163.3177(6).

Of special relevance to local rezoning actions, the future land use plan element of the local plan must contain both a future land use map and goals, policies, and measurable objectives to guide future land use decisions. This plan element must designate the

"proposed future general distribution, location, and extent of the uses of land" for various purposes. Id. § 163.3177(6)(a). It must include standards to be utilized in the control and distribution of densities and intensities of development. In addition, the future land use plan must be based on adequate data and analysis concerning the local jurisdiction, including the projected population, the amount of land needed to accommodate the estimated population, the availability of public services and facilities, and the character of undeveloped land. Id. § 163.3177(6)(a).

The local plan must be implemented through the adoption of land development regulations that are consistent with the plan. Id. § 163.3202. In addition, all development, both public and private, and all development orders approved by local governments must be consistent with the adopted local plan. Id. § 163.3194(1)(a). Section 163.3194(3), Florida Statutes (1991), explains consistency as follows:

(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

Section 163.3164, Florida Statutes (1991), reads in pertinent part:

(6) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(7) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Because an order granting or denying rezoning constitutes a development order and development orders must be consistent with the comprehensive plan, it is clear that orders on rezoning applications must be consistent with the comprehensive plan.

The first issue we must decide is whether the Board's action on Snyder's rezoning application was legislative or quasi-judicial. A board's legislative action is subject to attack in circuit court. *Hirt v. Polk County Bd. of County Comm'rs*, 578 So. 2d 415 (Fla. 2d DCA 1991). However, in deference to the policy-making function of a board when acting in a legislative capacity, its actions will be sustained as long as they are fairly debatable. *Nance v. Town of Indialantic*, 419 So. 2d 1041 (Fla. 1982). On the other hand, the rulings of a board acting in its quasi-judicial capacity are subject to review by certiorari and will be upheld only if they are supported by substantial competent evidence. *De Groot v. Sheffield*, 95 So. 2d 912 (Fla. 1957).

Enactments of original zoning ordinances have always been considered legislative. *Gulf & Eastern Dev. Corp. v. City of Fort Lauderdale*, 354 So. 2d 57 (Fla. 1978); *County of Pasco v. J. Dico, Inc.*, 343 So. 2d 83 (Fla. 2d DCA 1977). In *Schauer v. City of Miami Beach*, this Court held that the passage of an amending zoning ordinance was the exercise of a legislative function. 112 So. 2d at 839. However, the amendment in that case was comprehensive in nature in that it effected a change in the zoning of a large area so as to permit it to be used as locations for multiple family buildings and hotels. *Id.* In *City of Jacksonville Beach v. Grubbs* and *Palm Beach County v. Tinnerman*, the district courts of appeal went further and held that board action on specific rezoning applications of individual property owners was also legislative. *Grubbs*, 461 So. 2d at 163; *Tinnerman*, 517 So. 2d at 700.

It is the character of the hearing that determines whether or not board action is legislative or quasi-judicial. *Coral Reef Nurseries, Inc. v. Babcock Co.*, 410 So. 2d 648 (Fla. 3d DCA 1982). Generally speaking, legislative action results in the formulation of a general rule of policy, whereas judicial action results in the application of a general rule of policy. Carl J. Peckinpugh, Jr., Comment, *Burden of Proof in Land Use Regulations: A Unified Approach and Application to Florida*, 8 Fla. St. U. L. Rev. 499, 504 (1980). In *West Flagler Amusement Co. v. State Racing Commission*, 122 Fla. 222, 225, 165 So. 64, 65 (1935), we explained:

A judicial or quasi-judicial act determines the rules of law applicable, and the rights affected by them, in relation to past transactions. On the other hand, a quasi-legislative or administrative order prescribes what the rule or requirement of administratively determined duty shall be with respect to transactions to be executed in the future, in order that same shall be considered lawful. But even so, quasi-legislative and quasi-executive orders, after they have already been entered, may have a quasi-judicial attribute if capable of being arrived at and provided by law to be declared by the administrative agency only after express statutory notice, hearing and consideration of evidence to be adduced as a basis for the making thereof.

Applying this criterion, it is evident that comprehensive rezonings affecting a large portion of the public are legislative in nature. However, we agree with the court below when it said:

Rezoning actions which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be functionally viewed as policy application, rather than policy setting, are in the nature of . . . quasi-judicial action

Snyder, 595 So. 2d at 78. Therefore, the board's action on Snyder's application was in the nature of a quasi-judicial proceeding and properly reviewable by petition for certiorari.¹

We also agree with the court below that the review is subject to strict scrutiny. In practical effect, the review by strict scrutiny in zoning cases appears to be the same as that given in the review of other quasi-judicial decisions. See *Lee County v. Sunbelt Equities, II, Ltd. Partnership*, 619 So. 2d 996 (Fla. 2d DCA 1993) (The term "strict scrutiny" arises from the necessity of strict compliance with comprehensive plan.). This term as used in the review of land use decisions must be distinguished from the type of strict scrutiny review afforded in some constitutional cases. Compare *Snyder v. Board of County Comm'rs*, 595 So. 2d 65, 75-76 (Fla. 5th DCA 1991) (land use), and *Machado v. Musgrove*, 519 So. 2d 629, 632 (Fla. 3d DCA 1987), review denied, 529 So. 2d 693 (Fla. 1988), and review denied, 529 So. 2d 694 (Fla. 1988) (land use), with *In re Estate of Greenberg*, 390 So. 2d 40, 42-43 (Fla. 1980) (general discussion of strict scrutiny review in context of fundamental rights), appeal dismissed, 450 U.S. 961, 101 S. Ct. 1475, 67 L. Ed. 2d 610 (1981), *Florida High Sch. Activities Ass'n v. Thomas*, 434 So. 2d 306 (Fla. 1983) (equal protection), and *Department of Revenue v. Magazine Publishers of America, Inc.*, 604 So. 2d 459 (Fla. 1992) (First Amendment).

At this point, we depart from the rationale of the court below. In the first place, the opinion overlooks the premise that the comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth. See *City of Jacksonville Beach*, 461 So. 2d at 163, in which the following statement from *Marracci v. City of Scappoose*, 26 Ore. App. 131, 552 P.2d 552, 553 (Or. Ct. App. 1976), was approved:

[A] comprehensive plan only establishes a long-range maximum limit on the possible intensity of land use; a plan does not simultaneously establish an immediate minimum limit on the possible intensity of land use. The present use of land may, by zoning ordinance, continue to be more limited than the future use contemplated by the comprehensive plan.

Even where a denial of a zoning application would be inconsistent with the plan, the local government should have the discretion to decide that the maximum development density should not be allowed provided the governmental body approves some development that is consistent with the plan and the government's decision is supported

¹ One or more of the amicus briefs suggests that Snyder's remedy was to bring a de novo action in circuit court pursuant to section 163.3215, Florida Statutes (1991). However, in *Parker v. Leon County*, Nos. 80,230 and 80,288, 627 So.2d 476 (Fla. Oct. 7, 1993), we explained that this statute only provides a remedy for third parties to challenge the consistency of development orders.

by substantial, competent evidence.

Further, we cannot accept the proposition that once the landowner demonstrates that the proposed use is consistent with the comprehensive plan, he is presumptively entitled to this use unless the opposing governmental agency proves by clear and convincing evidence that specifically stated public necessity requires a more restricted use. We do not believe that a property owner is necessarily entitled to relief by proving consistency when the board action is also consistent with the plan. As noted in *Lee County v. Sunbelt Equities II, Limited Partnership*:

Absent the assertion of some enforceable property right, an application for rezoning appeals at least in part to local officials' discretion to accept or reject the applicant's argument that change is desirable. The right of judicial review does not ipso facto ease the burden on a party seeking to overturn a decision made by a local government, and certainly does not confer any property-based right upon the owner where none previously existed. . . . Moreover, when it is the zoning classification that is challenged, the comprehensive plan is relevant only when the suggested use is inconsistent with that plan. Where any of several zoning classifications is consistent with the plan, the applicant seeking a change from one to the other is not entitled to judicial relief absent proof the status quo is no longer reasonable. It is not enough simply to be "consistent"; the proposed change cannot be inconsistent, and will be subject to the "strict scrutiny" of *Machado* to insure this does not happen.

619 So. 2d at 1005-06.

This raises a question of whether the Growth Management Act provides any comfort to the landowner when the denial of the rezoning request is consistent with the comprehensive plan. It could be argued that the only recourse is to pursue the traditional remedy of attempting to prove that the denial of the application was arbitrary, discriminatory, or unreasonable. *Burritt v. Harris*, 172 So. 2d 820 (Fla. 1965); *City of Naples v. Central Plaza of Naples, Inc.*, 303 So. 2d 423 (Fla. 2d DCA 1974). Yet, the fact that a proposed use is consistent with the plan means that the planners contemplated that that use would be acceptable at some point in the future. We do not believe the Growth Management Act was intended to preclude development but only to insure that it proceed in an orderly manner.

Upon consideration, we hold that a landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance. At this point, the burden shifts to the governmental board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose. In effect, the landowners' traditional remedies will be subsumed within this rule, and the

board will now have the burden of showing that the refusal to rezone the property is not arbitrary, discriminatory, or unreasonable. If the board carries its burden, the application should be denied.

While they may be useful, the board will not be required to make findings of fact. However, in order to sustain the board's action, upon review by certiorari in the circuit court it must be shown that there was competent substantial evidence presented to the board to support its ruling. Further review in the district court of appeal will continue to be governed by the principles of *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982).

Based on the foregoing, we quash the decision below and disapprove *City of Jacksonville Beach v. Grubbs* and *Palm Beach County v. Tinnerman*, to the extent they are inconsistent with this opinion. However, in the posture of this case, we are reluctant to preclude the Snyders from any avenue of relief. Because of the possibility that conditions have changed during the extended lapse of time since their original application was filed, we believe that justice would be best served by permitting them to file a new application for rezoning of the property. The application will be without prejudice of the result reached by this decision and will allow the process to begin anew according to the procedure outlined in our opinion.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, KOGAN and HARDING, JJ., concur.
SHAW, J., dissents.

JUDGES: GRIMES, BARKETT, OVERTON, McDONALD, KOGAN, HARDING,
SHAW

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Backup material for agenda item:

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



CITY OF APOPKA CITY COUNCIL

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE: April 1, 2015
<input type="checkbox"/> ANNEXATION	FROM: Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS: "A" Cases Spreadsheet
<input checked="" type="checkbox"/> OTHER: Ordinance	"B" Zoning Reports
	Ordinance No. 2413

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

Request: **FIRST READING OF ORDINANCE NO. 2413 -2015-2 ADMINISTRATIVE REZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (1 DU/5 AC) FOR PROPERTIES WITH A FUTURE LAND USE DESIGNATION OF “CITY” RURAL SETTLEMENT; AND HOLD IT OVER FOR SECOND READING AND ADOPTION ON APRIL 15, 2015.**

SUMMARY

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

All Cases (“County A-1”)

Total # of Parcels:	26
Total # of Property Owners:	7
Total Acreage:	274.64 +/-

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

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

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

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

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

Accept the First Reading of Ordinance No. 2413 and Hold it Over for Second Reading and Adoption on April 15, 2015.

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

EXHIBIT "A"											
2015-2 Administrative Rezoning Properties											
From "County" A-1 (ZIP) to "City" AG											
Case #	Parcel ID	Name	Mailing Address	Acreage	FLU	Current Zoning	Proposed Zoning	Schools			Existing Use
								ES	MS	HS	

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

Elementary School (ES)

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

Middle School (MS)

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

High School (HS)

AHS = Apopka HS
WHS = Wekiva HS

EXHIBIT "A"											
2015-2 Administrative Rezoning Properties											
From "County" A-1 (ZIP) to "City" AG											
Case #	Parcel ID	Name	Mailing Address	Acreage	FLU	Current Zoning	Proposed Zoning	Schools			Existing Use
								ES	MS	HS	

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

Elementary School (ES)

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

Middle School (MS)

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

High School (HS)

AHS = Apopka HS
WHS = Wekiva HS

EXHIBIT "A"											
2015-2 Administrative Rezoning Properties											
From "County" A-1 (ZIP) to "City" AG											
Case #	Parcel ID	Name	Mailing Address	Acreage	FLU	Current Zoning	Proposed Zoning	Schools			Existing Use
								ES	MS	HS	

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

Elementary School (ES)
AES = Apopka ES
DLES = Dream Lake ES
LES = Lovell ES
RSES = Rock Springs ES
WES = Wheatley ES
WLES = Wolf Lake ES
WLMS = Wolf Lake MS

Middle School (MS)
AMMS = Apopka Memorial MS
PLMS = Piedmont Lakes MS
WLMS = Wolf Lake MS

High School (HS)
AHS = Apopka HS
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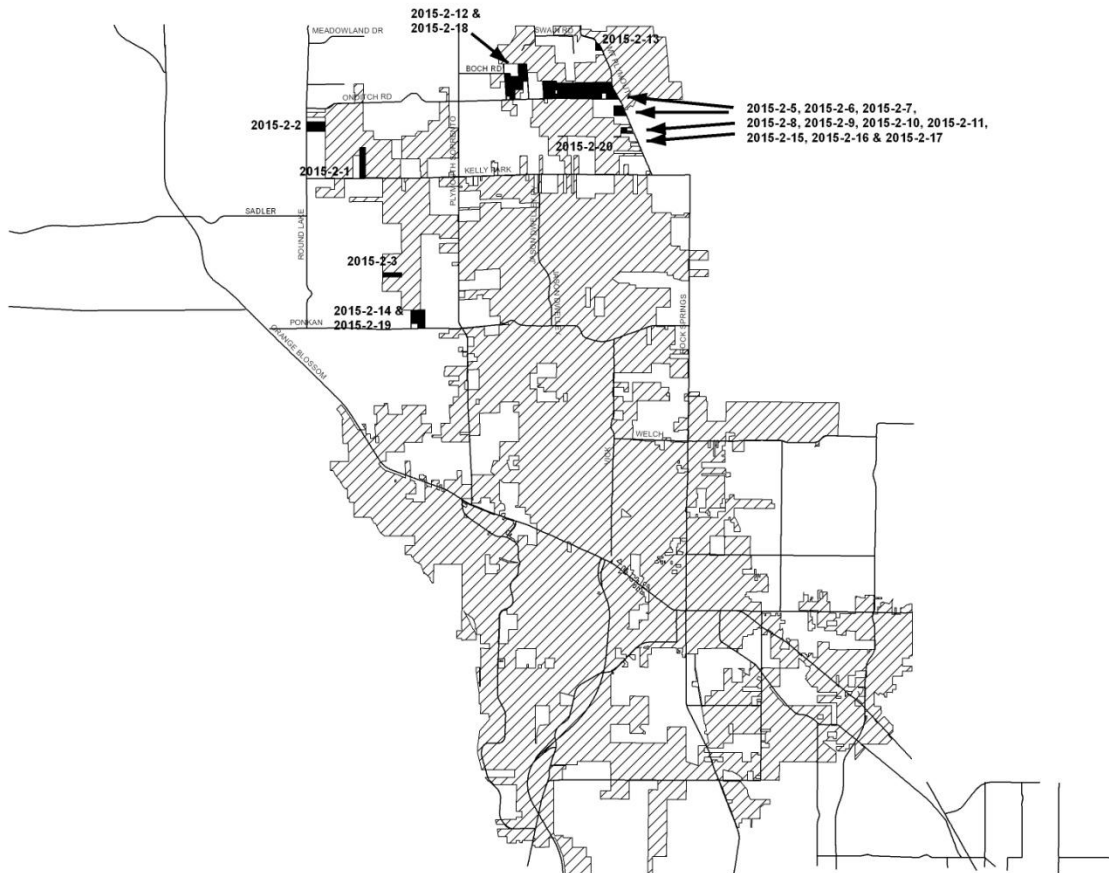


**2015-2 Administrative Change of Zoning
274.64 +/- Acres**

Proposed Zoning Change:

**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)**

ORDINANCE # 2413 ADMINISTRATIVE REZONING CASES LOCATION MAP



**CASE
REPORTS**

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

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



CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

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

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

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

SUMMARY

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

EXISTING ZONING:	4 Residential Units
PROPOSED ZONING:	4 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

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

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

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

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

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

LAND USE &

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

COMPREHENSIVE PLAN COMPLIANCE:

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

AG DISTRICT REQUIREMENTS:

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

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

BUFFERYARD REQUIREMENTS:

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

ALLOWABLE

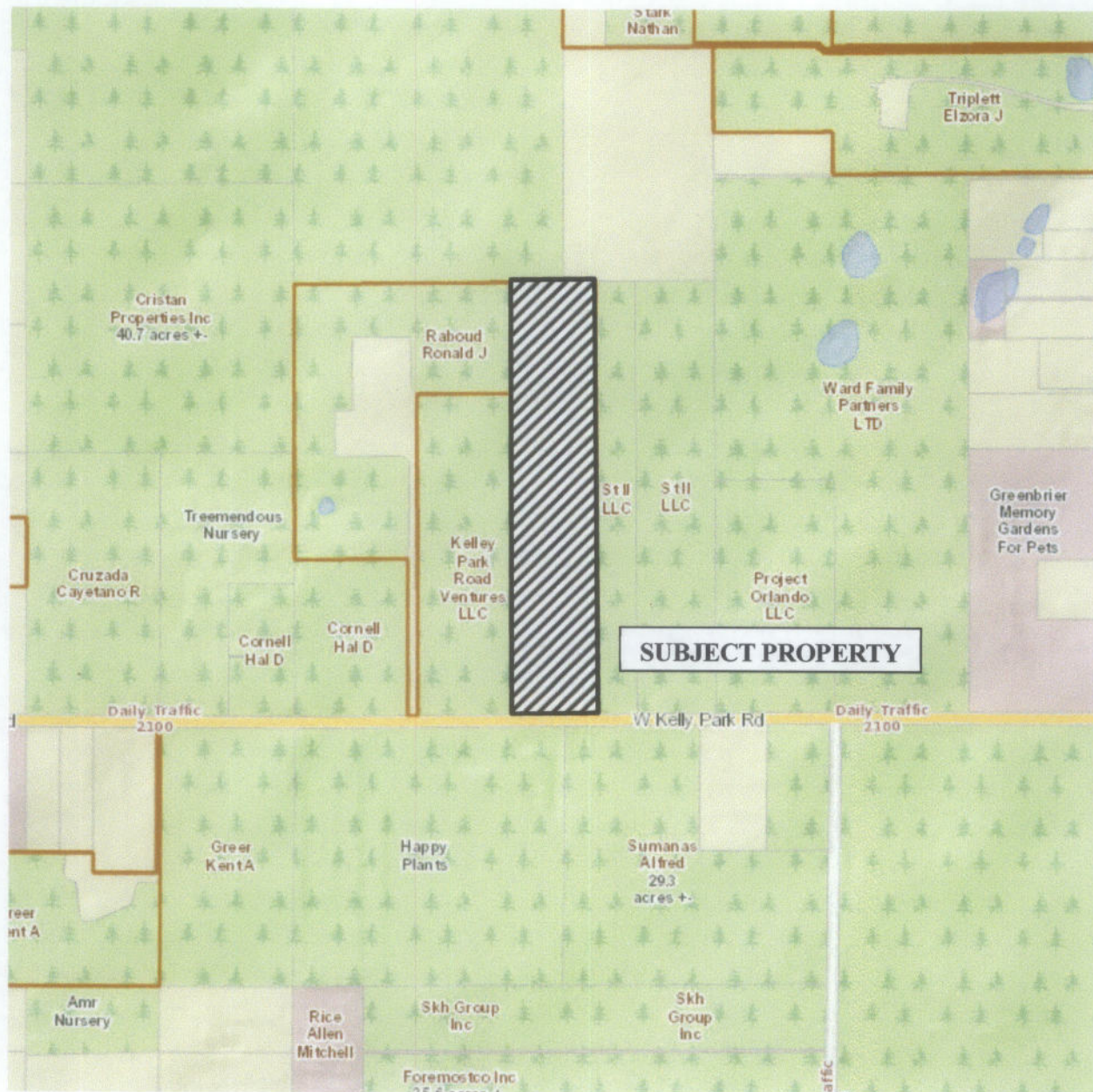
USES:

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



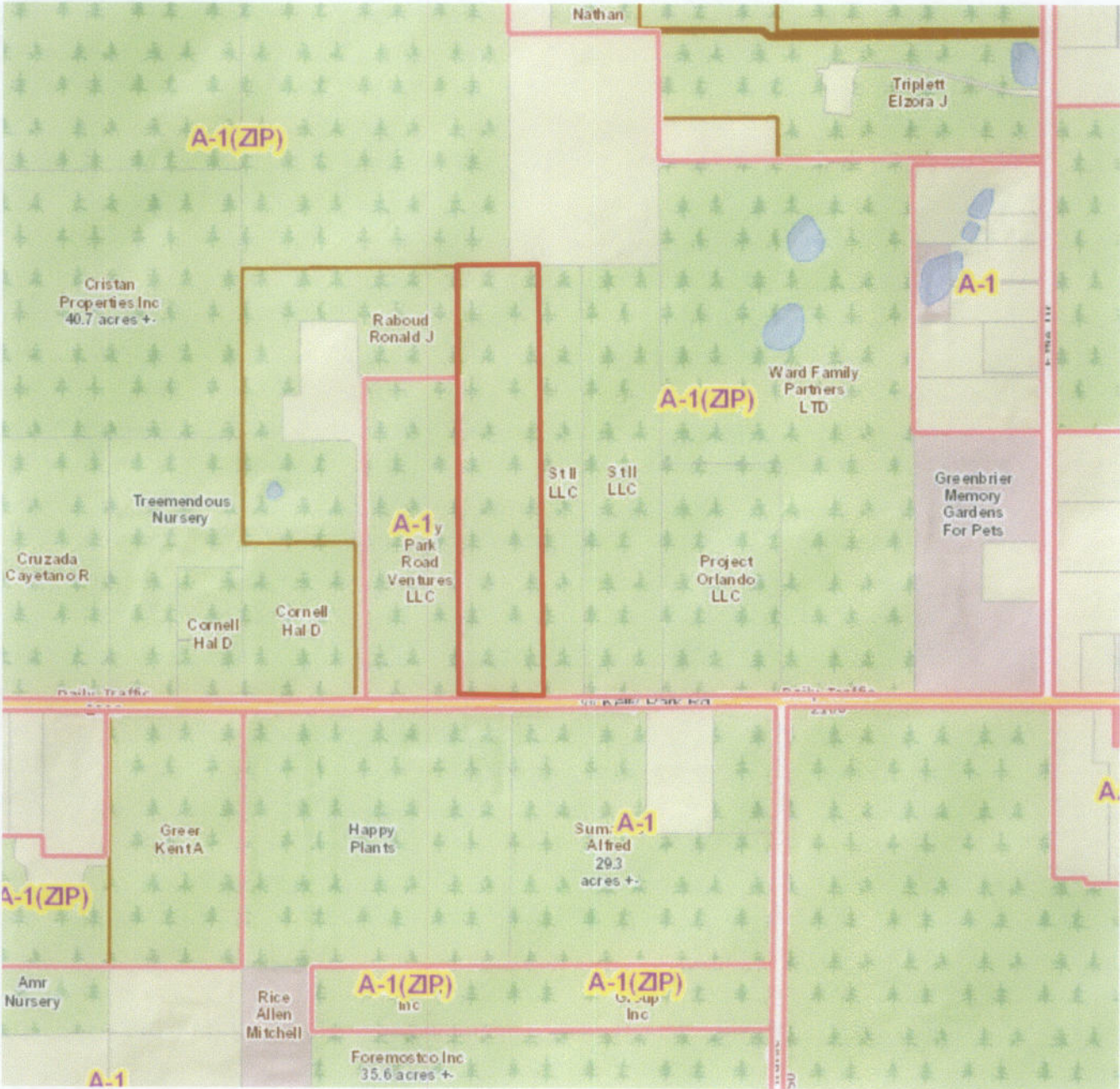
Always Growing Trees, Inc.
20.07 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID #: 11-20-27-0000-00-054

VICINITY MAP



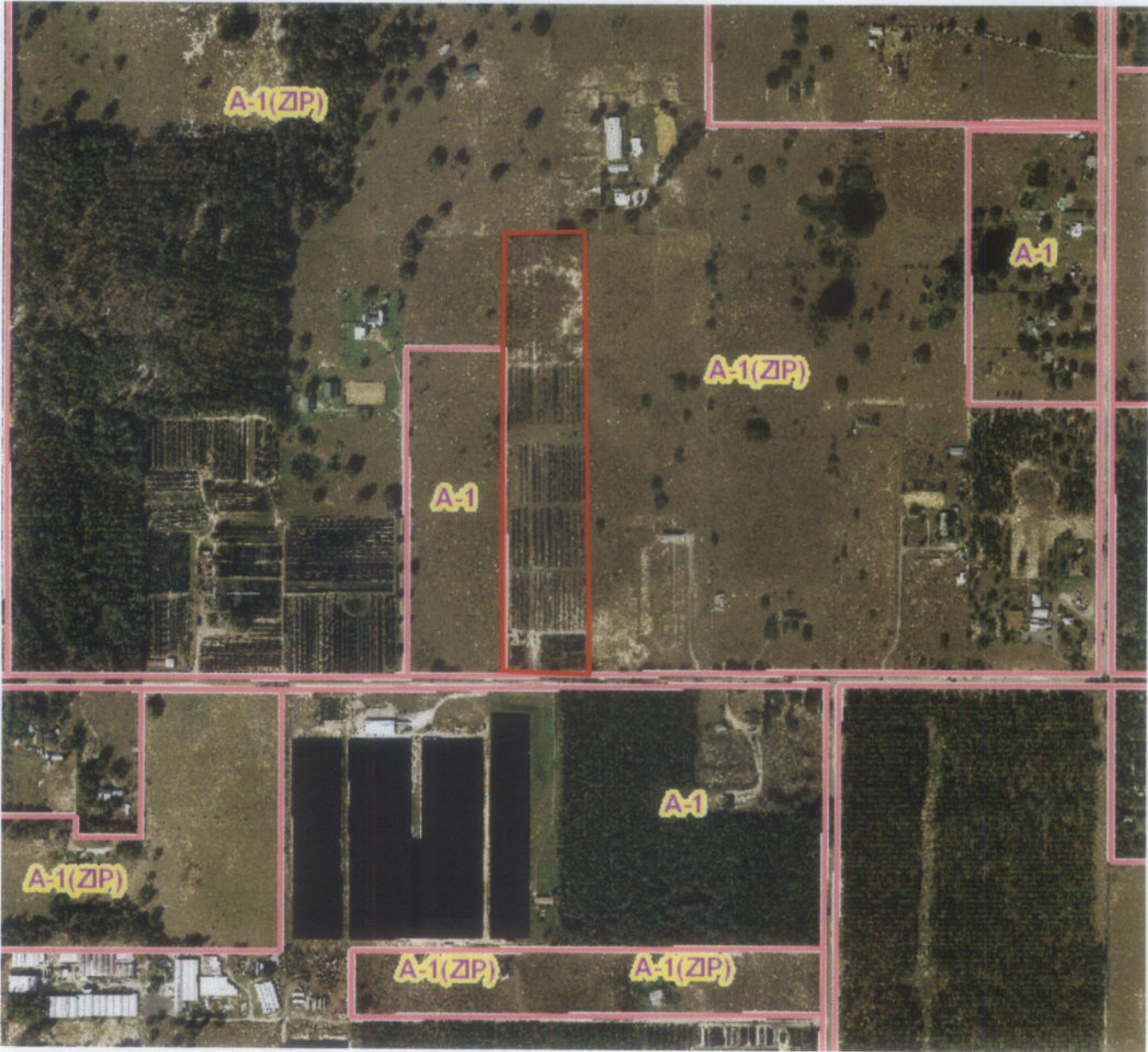


ADJACENT ZONING



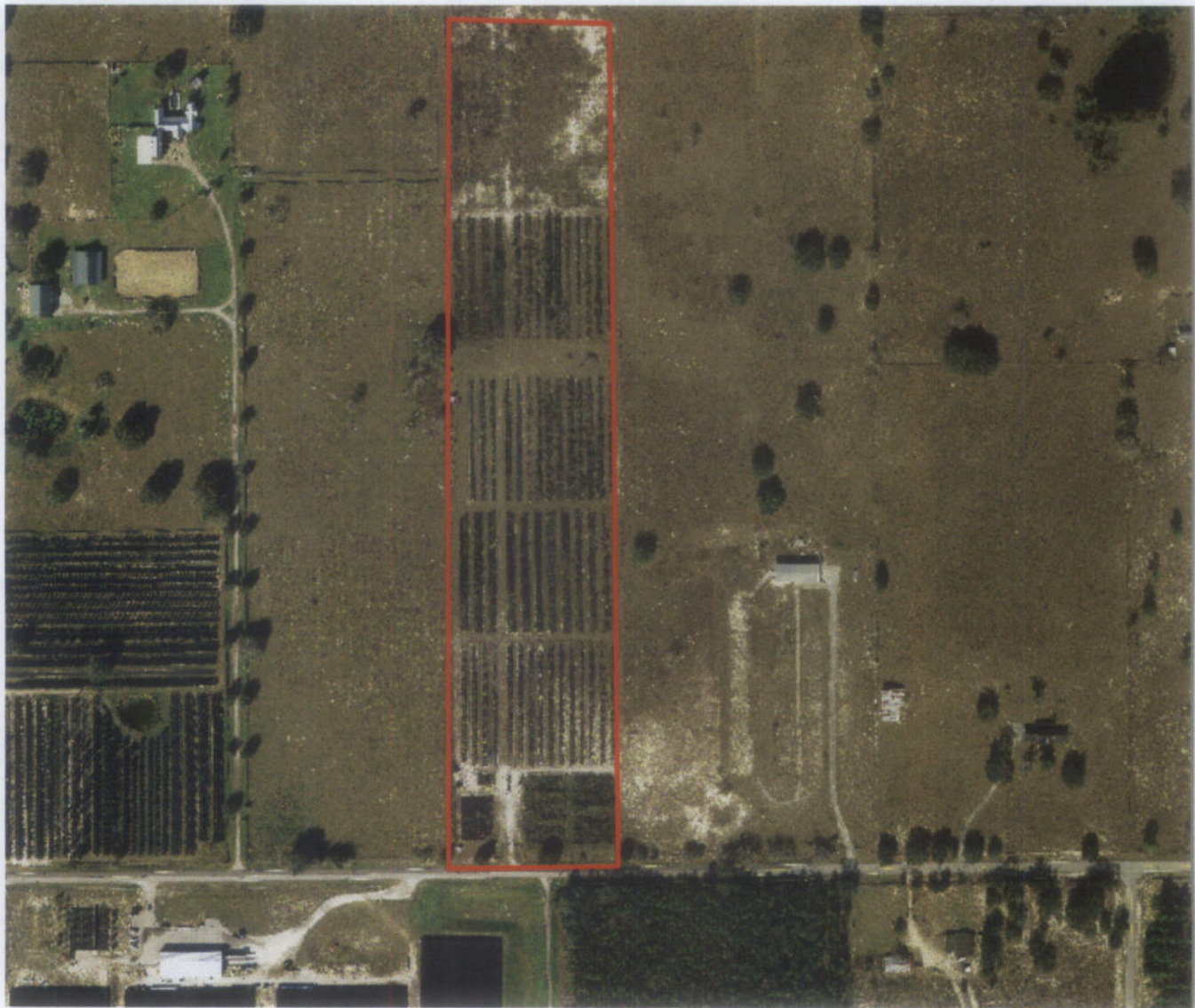


ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

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

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

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

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

SUMMARY

OWNER: Chester S. Peckett Trust & Peckett Family Trust

APPLICANT: City of Apopka

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

EXISTING USE: Container nursery

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

ZONING: A-1 (ZIP)

PROPOSED DEVELOPMENT: Container nursery (existing)

PROPOSED ZONING: AG

TRACT SIZE: 19.8 +/- acres

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

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

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

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

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

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

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

LAND USE &

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

COMPREHENSIVE PLAN COMPLIANCE:

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

AG DISTRICT REQUIREMENTS:

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

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

BUFFERYARD REQUIREMENTS:

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

ALLOWABLE

USES:

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



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

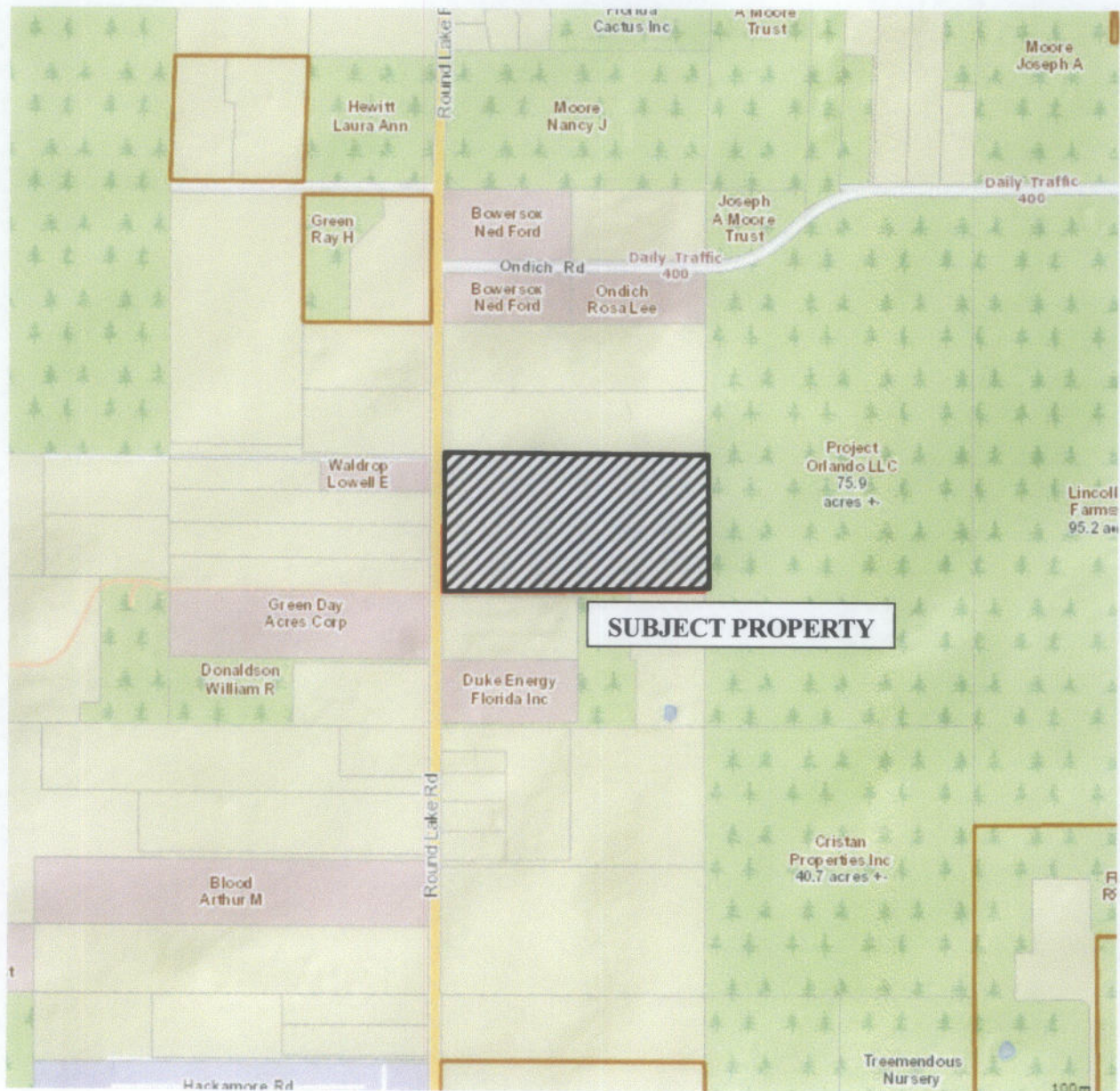
Proposed Zoning Change:

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

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

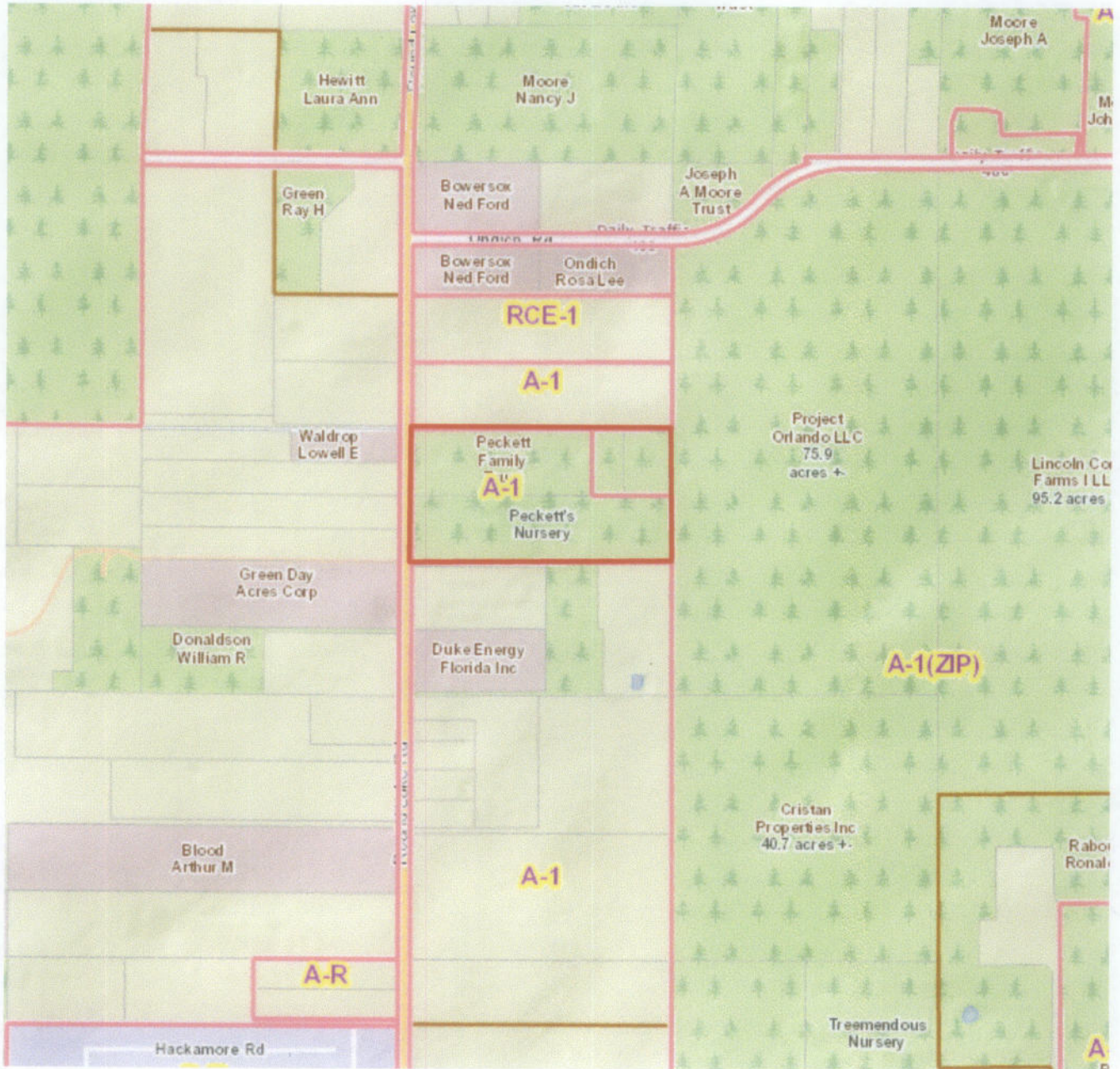
**Parcel ID #s: 11-20-27-0000-00-031, 11-20-27-0000-00-032,
11-20-27-0000-00-043, 11-20-27-0000-00-052**

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

<input checked="" type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ANNEXATION <input type="checkbox"/> PLAT APPROVAL <input type="checkbox"/> OTHER:	FROM: Community Development EXHIBITS: Zoning Report Vicinity Map Adjacent Zoning Map Adjacent Uses Map Existing Uses
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SUBJECT: CHRISTOPHER JOHNSON (Case # 2015-2-3)

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

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

SUMMARY

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

DISTRIBUTION

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

ADDITIONAL COMMENTS:

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

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

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

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

March 10, 2015 – Planning Commission (5:01 pm)

April 1, 2015 - City Council (1:30 pm) - 1st Reading

April 15, 2015 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

February 20, 2015 – Public Hearing Notice

April 3, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

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

LAND USE &

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

COMPREHENSIVE
PLAN COMPLIANCE:

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

AG DISTRICT
REQUIREMENTS:

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

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

BUFFERYARD
REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



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

VICINITY MAP



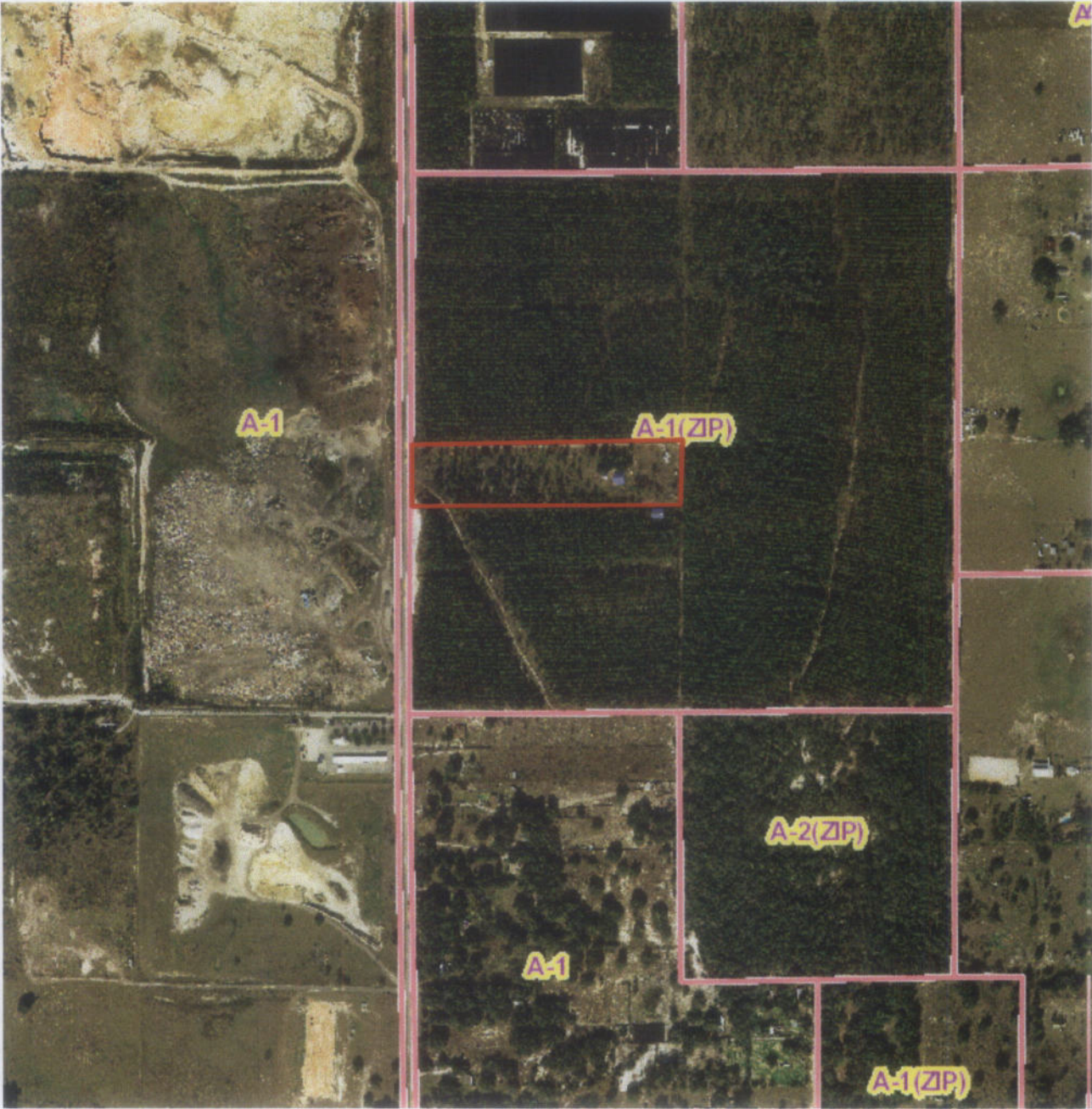


ADJACENT ZONING





ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

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

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

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

SUMMARY

OWNER: David & Sue Hill
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, west of Mt. Plymouth Road
EXISTING USE: Container nursery & single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Container nursery & single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 4.3 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject properties were annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1781.

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

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The three parcels are legal, non-conforming lots.

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (City)	Agricultural Homestead	A-1 (ZIP)	Water management (vacant SJWMD)
South (City)	Rural Settlement	A-1 (ZIP)	Container nursery & vacant residential
West (County)	Rural	A-1	Agricultural and non-ag acreage

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway Mt. Plymouth Road).

COMPREHENSIVE PLAN COMPLIANCE:

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

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the subject site is a legal, non-conforming lot under the AG zoning district.

BUFFERYARD REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



David & Sue Hill
4.3 +/- Acres

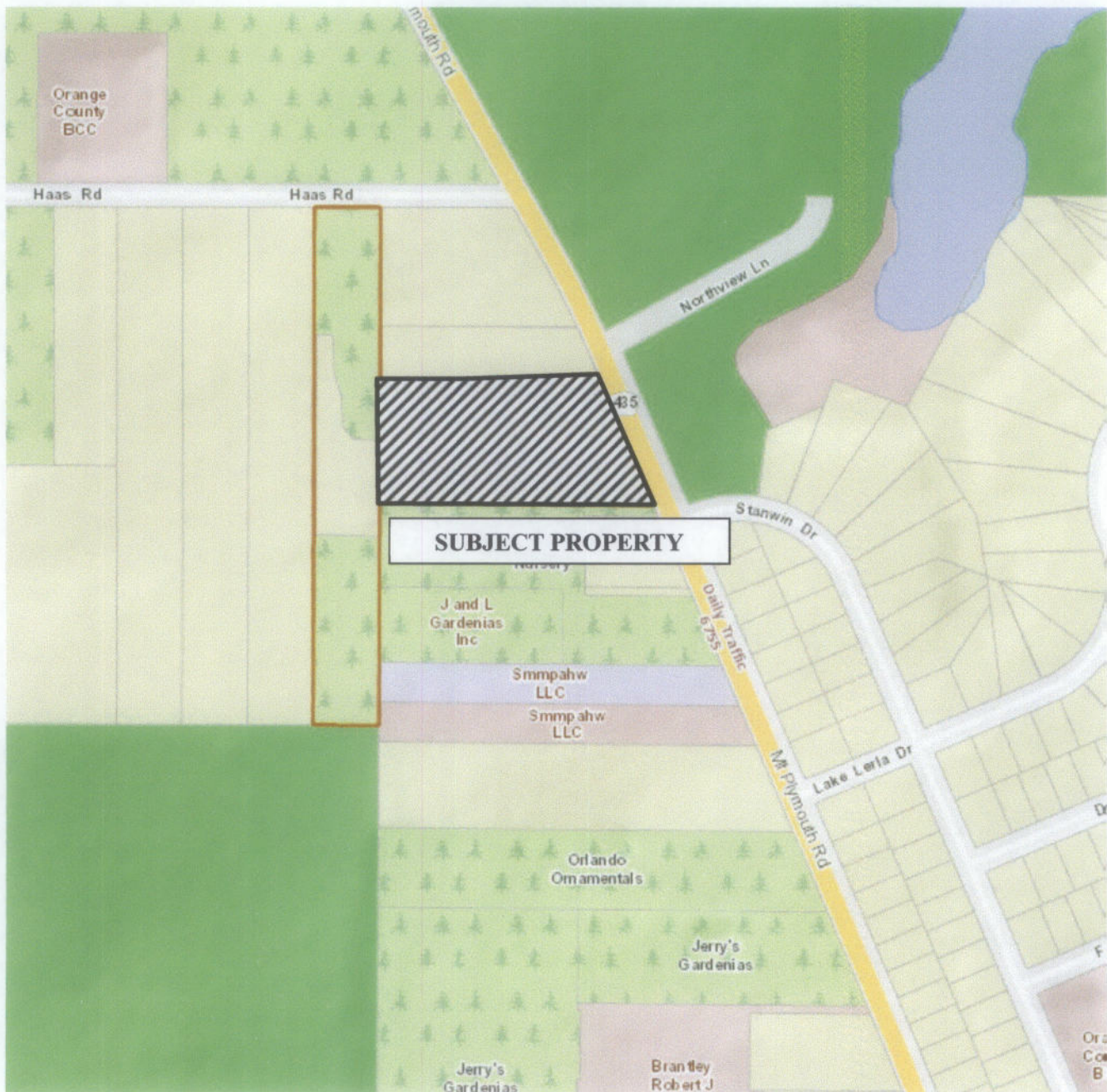
Proposed Zoning Change:

From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)

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

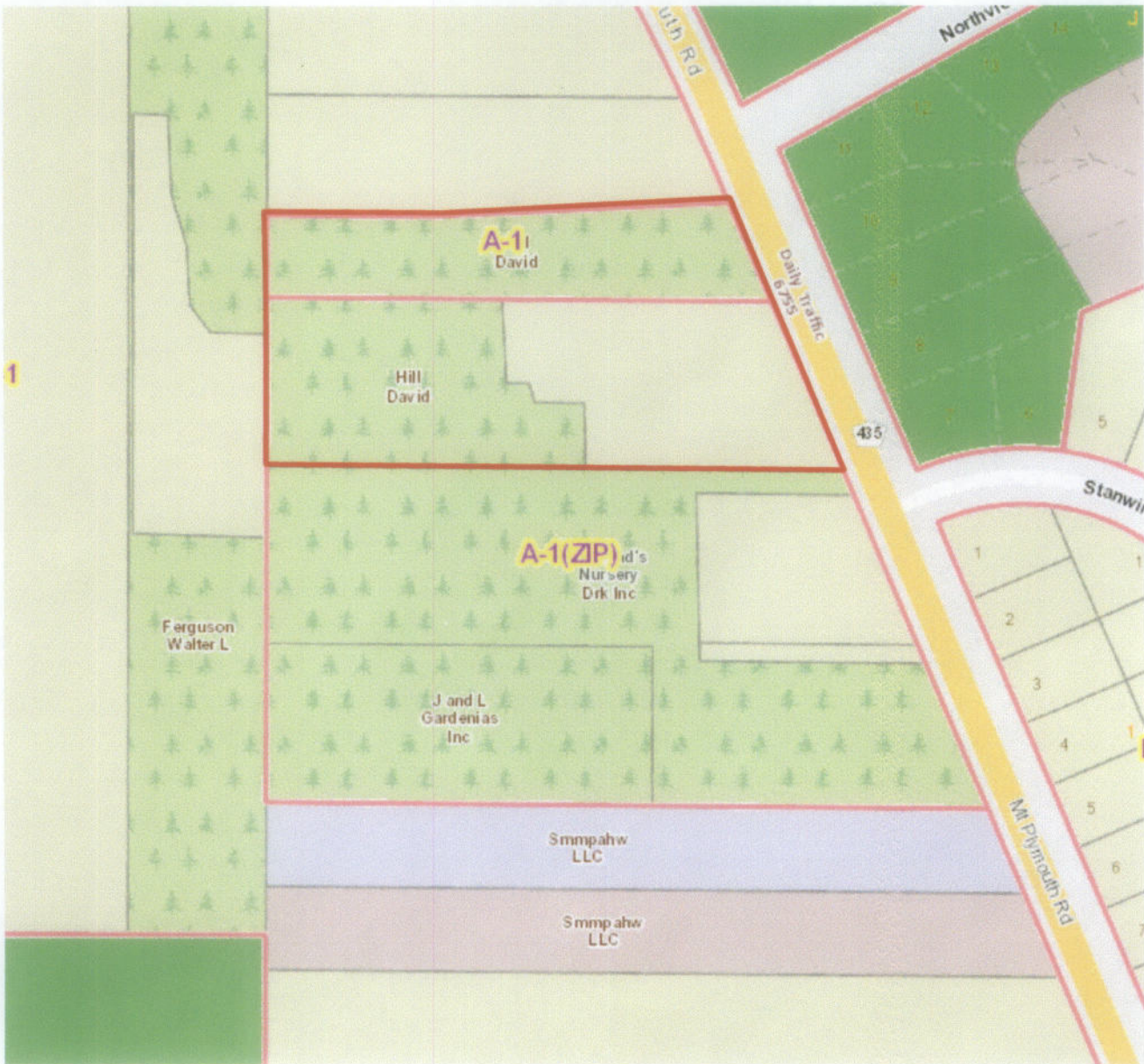
Parcel ID #s: 09-20-28-0000-00-009, 09-20-28-0000-00-015 &
09-20-28-0000-00-031

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: DONALD & DEBRA KIRKLAND (Case # 2015-2-5)

PARCEL ID NUMBER: 09-20-28-0000-00-029

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

SUMMARY

OWNER: Donald & Debra Kirkland
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, west of Mt. Plymouth Road
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 1.59 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1780.

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

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (County)	Low Density Residential	R-1	Single-family homes
South (City) & (County)	Rural Settlement & Rural	A-1 (ZIP) A-1	Right-of-Way Non-ag acreage
West (City)	Rural Settlement	A-1 (ZIP)	Right-of-way & Warehousing

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway Mt. Plymouth Road).

COMPREHENSIVE
PLAN COMPLIANCE:

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

AG DISTRICT
REQUIREMENTS:

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

Based on the above zoning standards, the subject site is a legal, non-conforming lot under the AG zoning district.

BUFFERYARD
REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



Donald & Debra Kirkland

1.59 +/- Acres

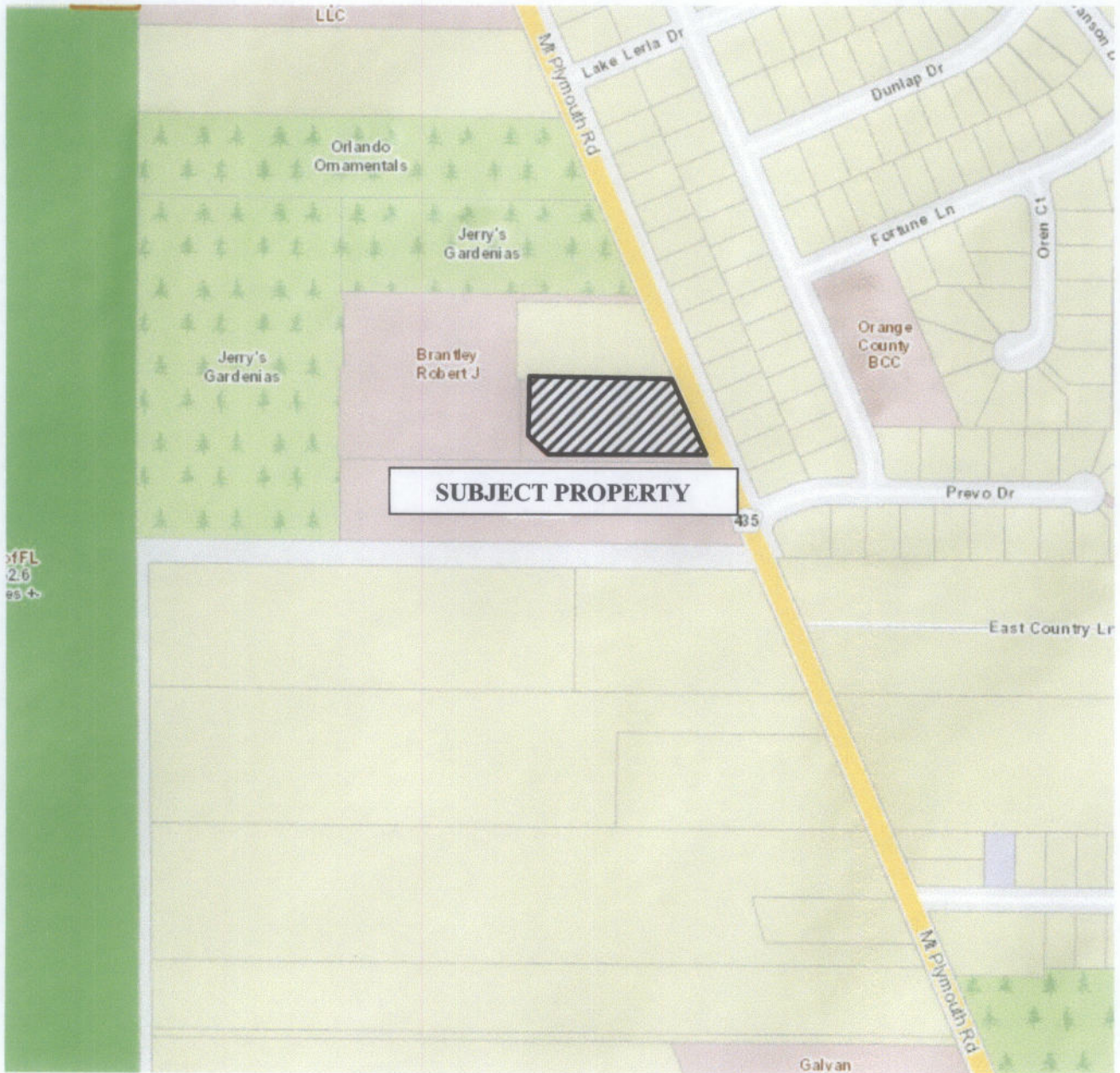
Proposed Zoning Change:

From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)

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

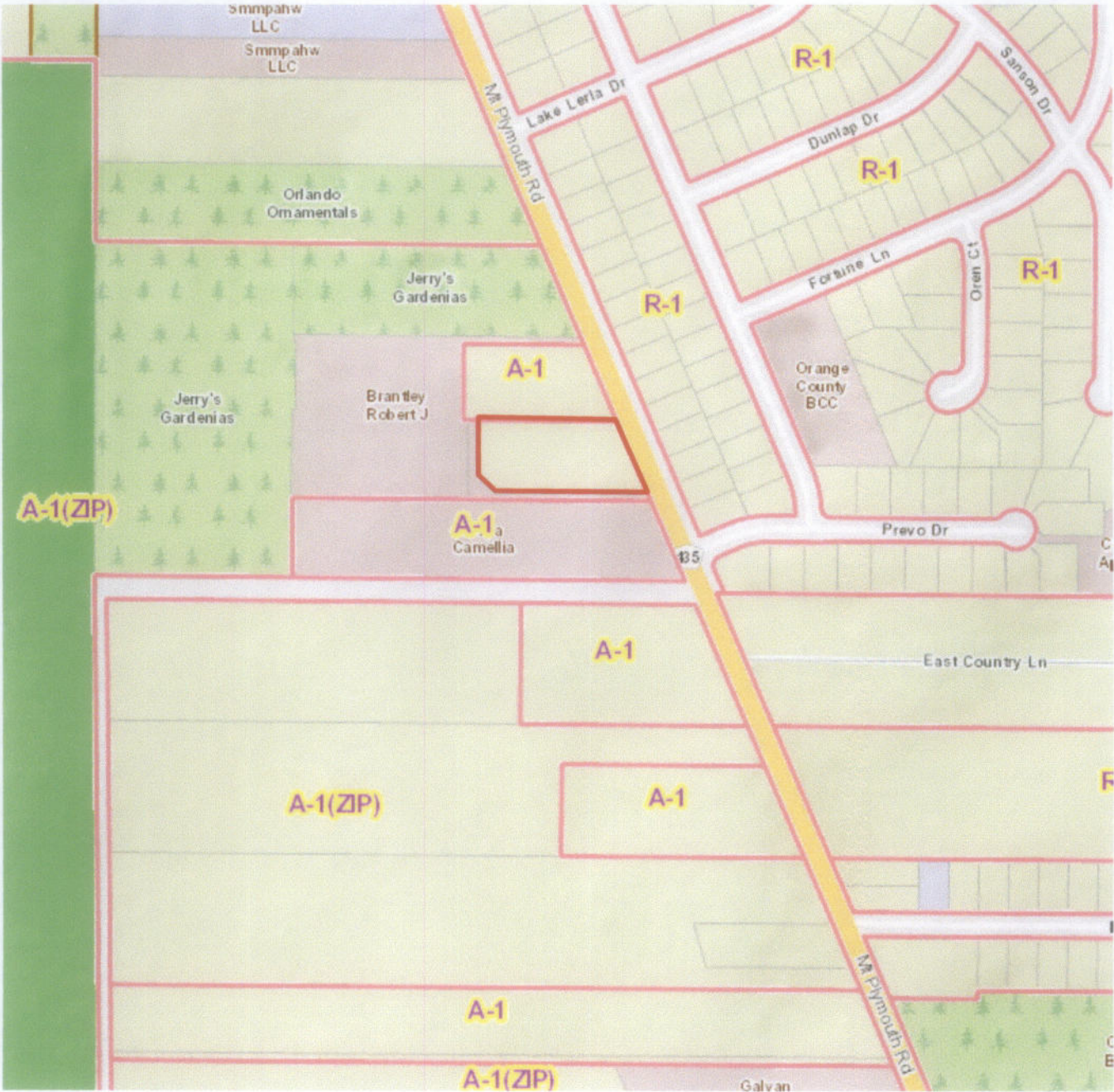
Parcel ID#: 09-20-28-0000-00-029

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: DRK, INC. (Case # 2015-2-6)

PARCEL ID NUMBER: 09-20-28-0000-00-013

Request: ADMINISTRATIVE REZONING

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

SUMMARY

OWNER: DRK, Inc.
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, south of Hass Road.
EXISTING USE: Container Nursery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Container Nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 4.05 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	1 Residential Unit
PROPOSED ZONING:	1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1780.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning designation be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan.

The proposed zoning change is compatible with the character of the surrounding area. Currently, the 4.05 acre parcel accommodates a container nursery.

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Single-family home
East (City)	Rural Settlement	A-1 (ZIP)	Single-family home
South (City & County)	Rural Settlement & Rural	A-1 & A-1 (ZIP)	Container nursery & warehousing
West (County)	Rural	A-1	Single-family home & vacant agricultural acreage

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway, Mt. Plymouth Rd.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the subject site is a legal, non-conforming lot under the AG zoning district.

BUFFERYARD REQUIREMENTS:

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

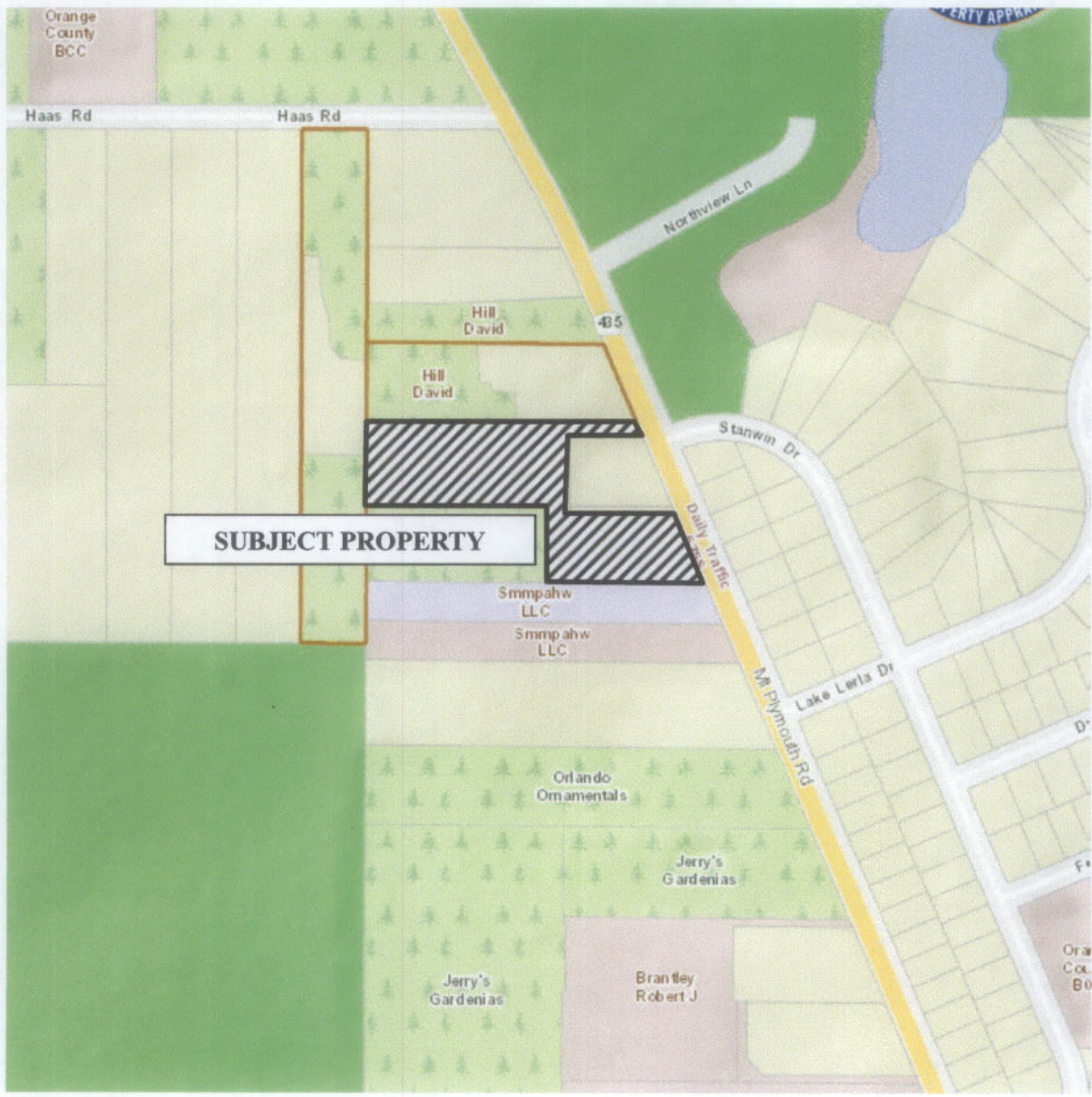
**ALLOWABLE
USES:**

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



DRK, Inc.
4.05 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID#: 09-20-28-0000-00-013

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: EARL GAYLON WARD ESTATE (Case # 2015-2-7)

PARCEL ID NUMBER: 09-20-28-0000-00-030

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

SUMMARY

OWNER: Earl Gaylon Ward Estate
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, south of Hass Road.
EXISTING USE: Vacant
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Container Nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 0.13 +/- acre
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1783.

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

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

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

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway, Mt. Plymouth Rd.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the subject site is a legal, non-conforming lot under the AG zoning district.

BUFFERYARD REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



Earl Gaylon Ward Estate
0.13 +/- Acres

Proposed Zoning Change:

From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)

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

Parcel ID #: 09-20-28-0000-00-030

VICINITY MAP



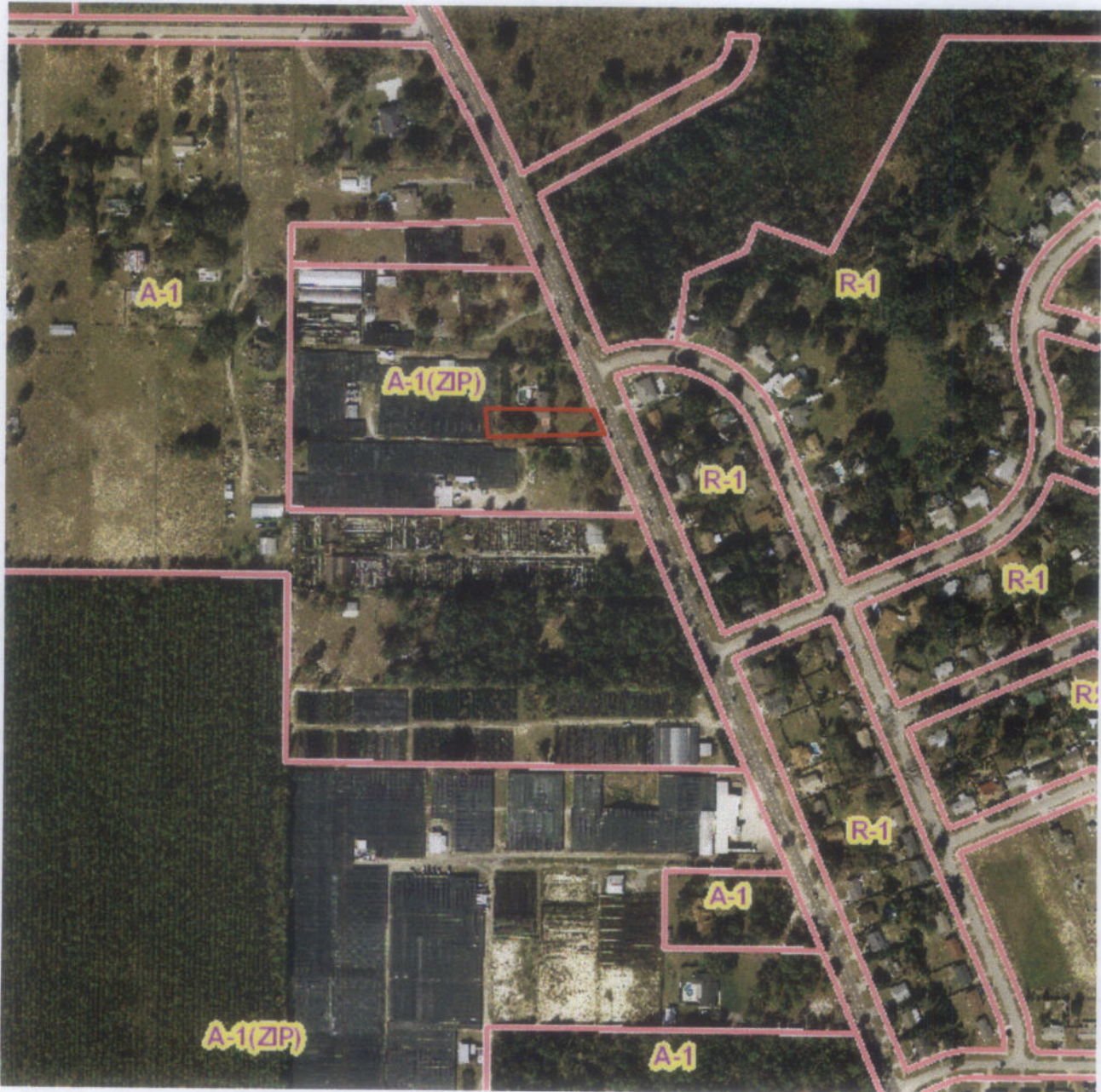


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: FRANKLIN & JACQUELINE KING (Case # 2015-2-8)

PARCEL ID NUMBERS: 05-20-28-0000-00-004, 05-20-28-0000-00-018

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

SUMMARY

OWNER: Franklin & Jacqueline King
APPLICANT: City of Apopka
LOCATION: North of Haas Road, east of Foliage Way
EXISTING USE: Grazing
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Grazing (existing)
PROPOSED ZONING: AG
TRACT SIZE: 13.24 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	2 Residential Units
PROPOSED ZONING:	2 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject properties were annexed into the City of Apopka on November 1, 2006, through the adoption of Ordinance No. 1872.

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

March 10, 2015 – Planning Commission (5:01 pm)

April 1, 2015 - City Council (1:30 pm) - 1st Reading

April 15, 2015 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

February 20, 2015 – Public Hearing Notice

April 3, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Grazing & Conservation
East (City)	Rural Settlement	A-1 (ZIP)	Grazing
South (City)	Rural Settlement	A-1 (ZIP)	State-owned land & manufactured home
West (County)	Rural	A-1	Single-family home & grazing

LAND USE &

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

COMPREHENSIVE
PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City’s Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT
REQUIREMENTS:

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

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

BUFFERYARD
REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



Franklin & Jacqueline King
13.24 +/- Acres

Proposed Zoning Change:

From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)

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

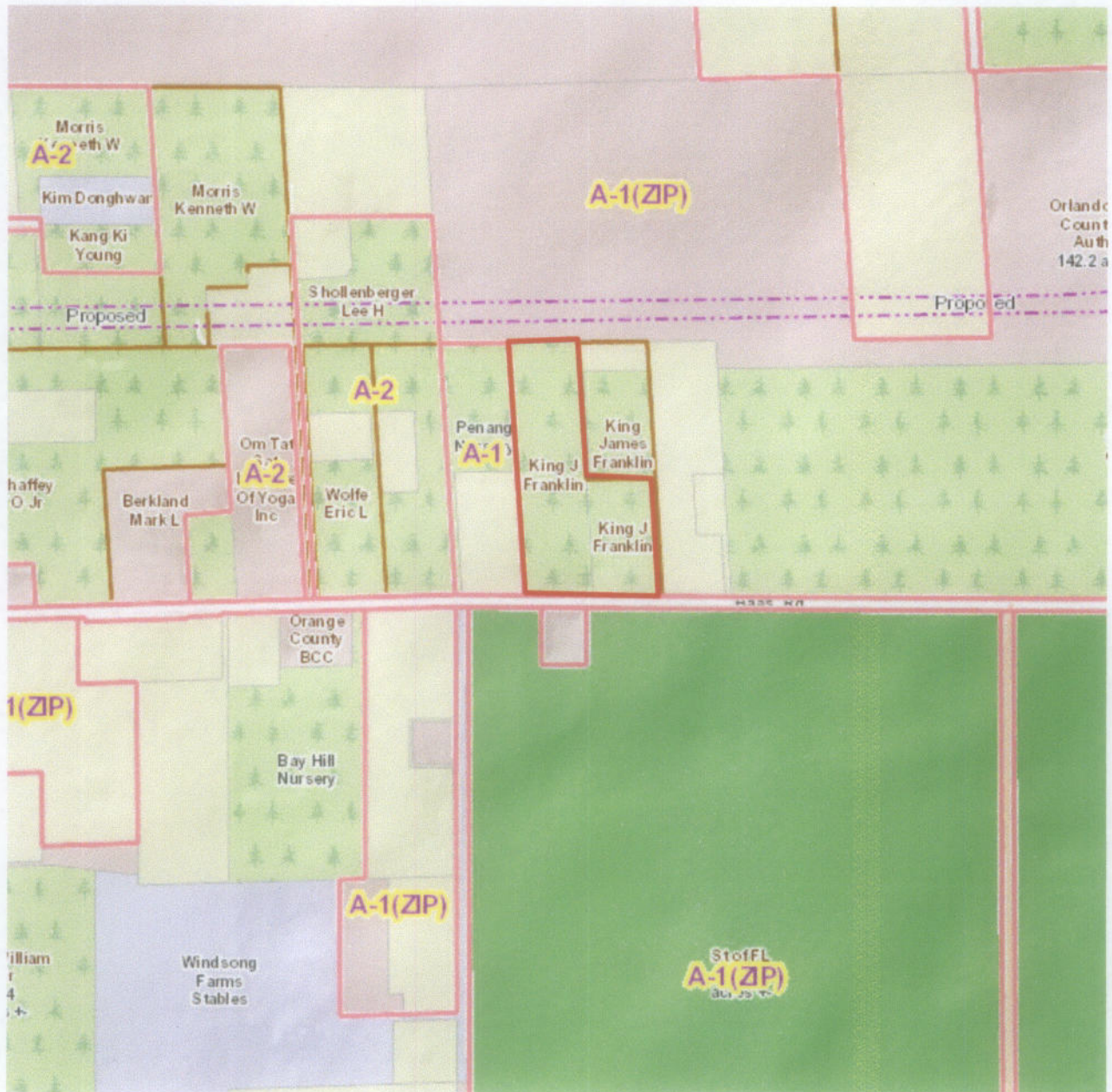
Parcel ID #s: 05-20-28-0000-00-004 & 05-20-28-0000-00-018

VICINITY MAP





ADJACENT ZONING



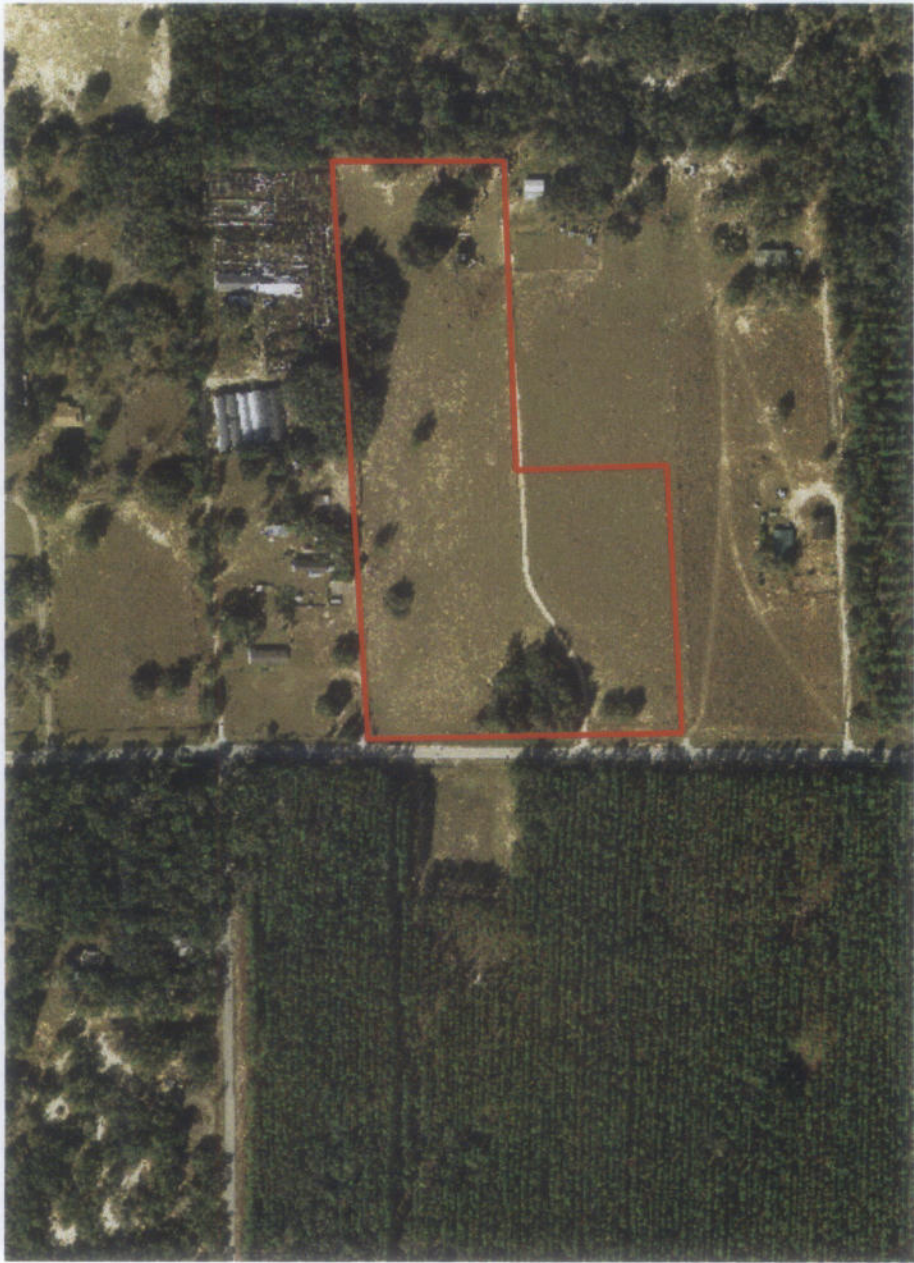


ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: J&L GARDENIAS (Case # 2015-2-9)

PARCEL ID NUMBER: 09-20-28-0000-00-025

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

SUMMARY

OWNER: J&L Gardenias
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, south of Haas Road
EXISTING USE: Container nursery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Container nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 1.99 +/- acres

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

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1784.

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Container nursery
North (City)	Rural Settlement	A-1 (ZIP)	Container nursery
South (County)	Rural	A-1	Warehousing
West (County)	Rural	A-1	Container nursery

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the subject site is a legal, non-conforming lot within the AG zoning district.

BUFFERYARD REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



J&L Gardenias
1.99 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID #: 09-20-28-0000-00-025

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

<u>X</u> PUBLIC HEARING ____ ANNEXATION ____ PLAT APPROVAL ____ OTHER:	FROM: Community Development EXHIBITS: Zoning Report Vicinity Map Adjacent Zoning Map Adjacent Uses Map Existing Uses
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SUBJECT: JAMES & LINDA KING (Case # 2015-2-10)

PARCEL ID NUMBERS: 05-20-28-0000-00-030 & 05-20-28-0000-00-038

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

SUMMARY

OWNER:	James & Linda King		
APPLICANT:	City of Apopka		
LOCATION:	North of Haas Road, east of Foliage Way		
EXISTING USE:	Single-family home and grazing		
FUTURE LAND USE:	Rural Settlement (1 du/5 acres)		
ZONING:	A-1 (ZIP)		
PROPOSED DEVELOPMENT:	Single-family home and grazing (existing)		
PROPOSED ZONING:	AG		
TRACT SIZE:	5.26 +/- acres		
MAXIMUM ALLOWABLE DEVELOPMENT:	EXISTING ZONING:	1	Residential Unit
	PROPOSED ZONING:	1	Residential Unit

DISTRIBUTION

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

ADDITIONAL COMMENTS:

The subject properties were annexed into the City of Apopka on November 1, 2006, through the adoption of Ordinance No. 1872.

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Conservation
East (City)	Rural Settlement	A-1 (ZIP)	Manufactured home
South (City)	Rural Settlement	A-1 (ZIP)	State-owned land and manufactured home
West (City)	Rural Settlement	A-1 (ZIP)	Grazing

LAND USE &

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

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

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

BUFFERYARD REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



James & Linda King

5.26 +/- Acres

Proposed Zoning Change:

From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)

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

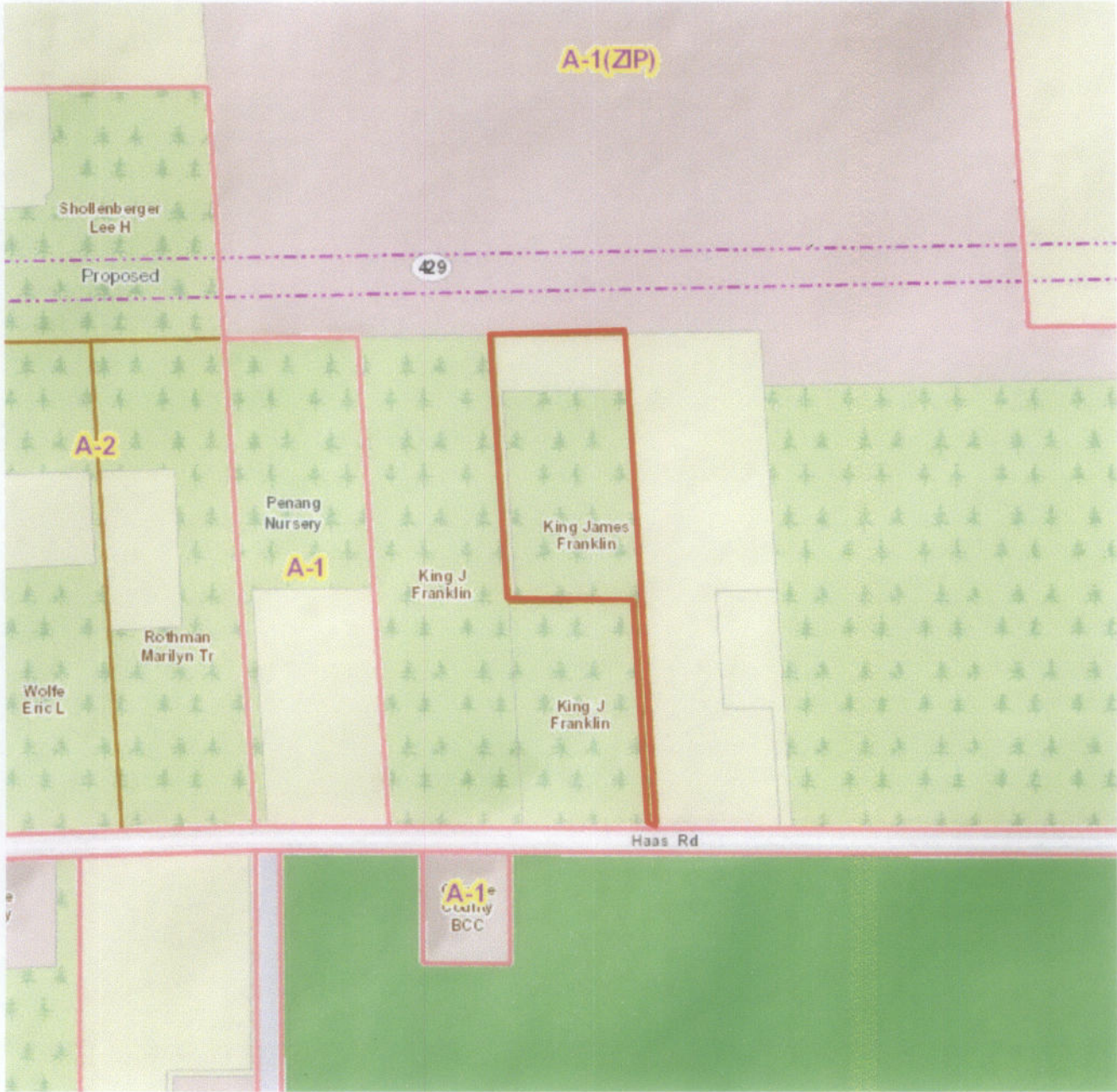
Parcel ID #s: 05-20-28-0000-00-030 & 05-20-28-0000-00-038

VICINITY MAP



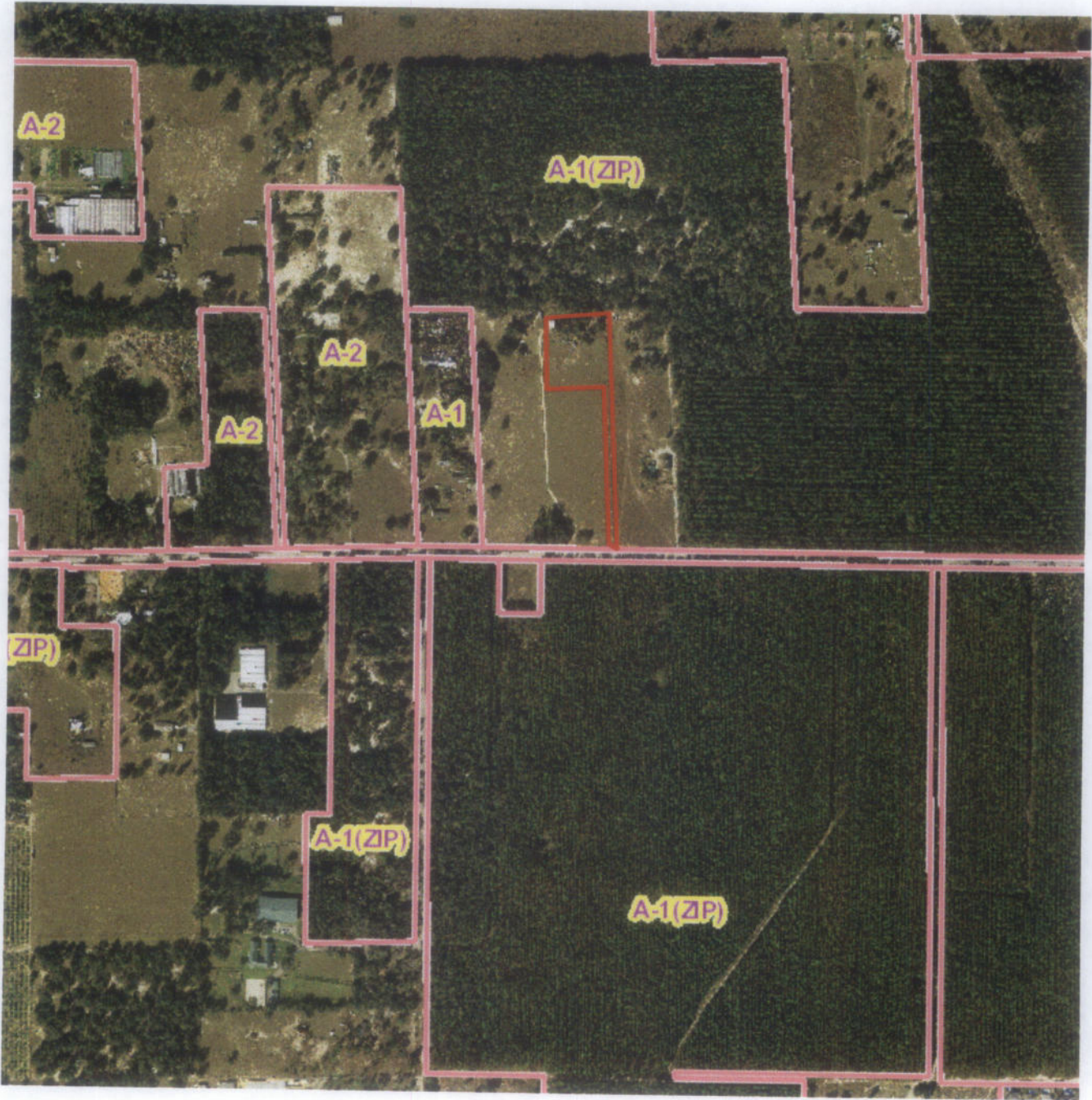


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: JOSEPH & DONNA COX (Case # 2015-2-11)

PARCEL ID NUMBER: 05-20-28-0000-00-032

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

SUMMARY

OWNER: Joseph & Donna Cox
APPLICANT: City of Apopka
LOCATION: North of Haas Road, east of Foliage Way
EXISTING USE: Manufactured Home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Manufactured Home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 8.11 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1776.

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Conservation
East (City)	Rural Settlement	A-1 (ZIP)	Single-family home & Timberland
South (City)	Rural Settlement	A-1 (ZIP)	State-owned land and manufactured home
West (City)	Rural Settlement	A-1 (ZIP)	Grazing

LAND USE &

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

**COMPREHENSIVE
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
REQUIREMENTS:**

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

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

**BUFFERYARD
REQUIREMENTS:**

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

ALLOWABLE

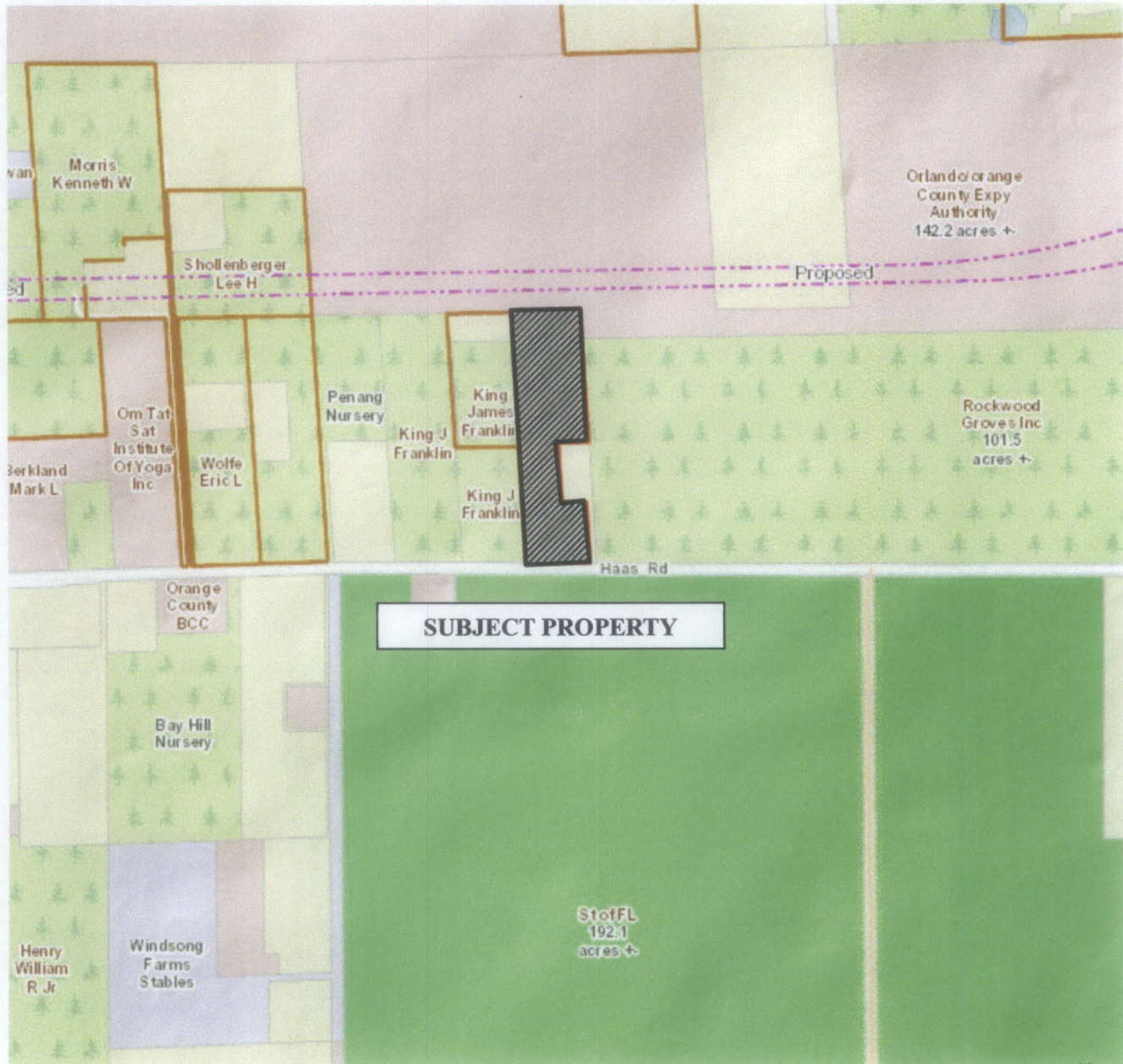
USES:

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



Parcel ID #: 05-20-28-0000-00-032

VICINITY MAP



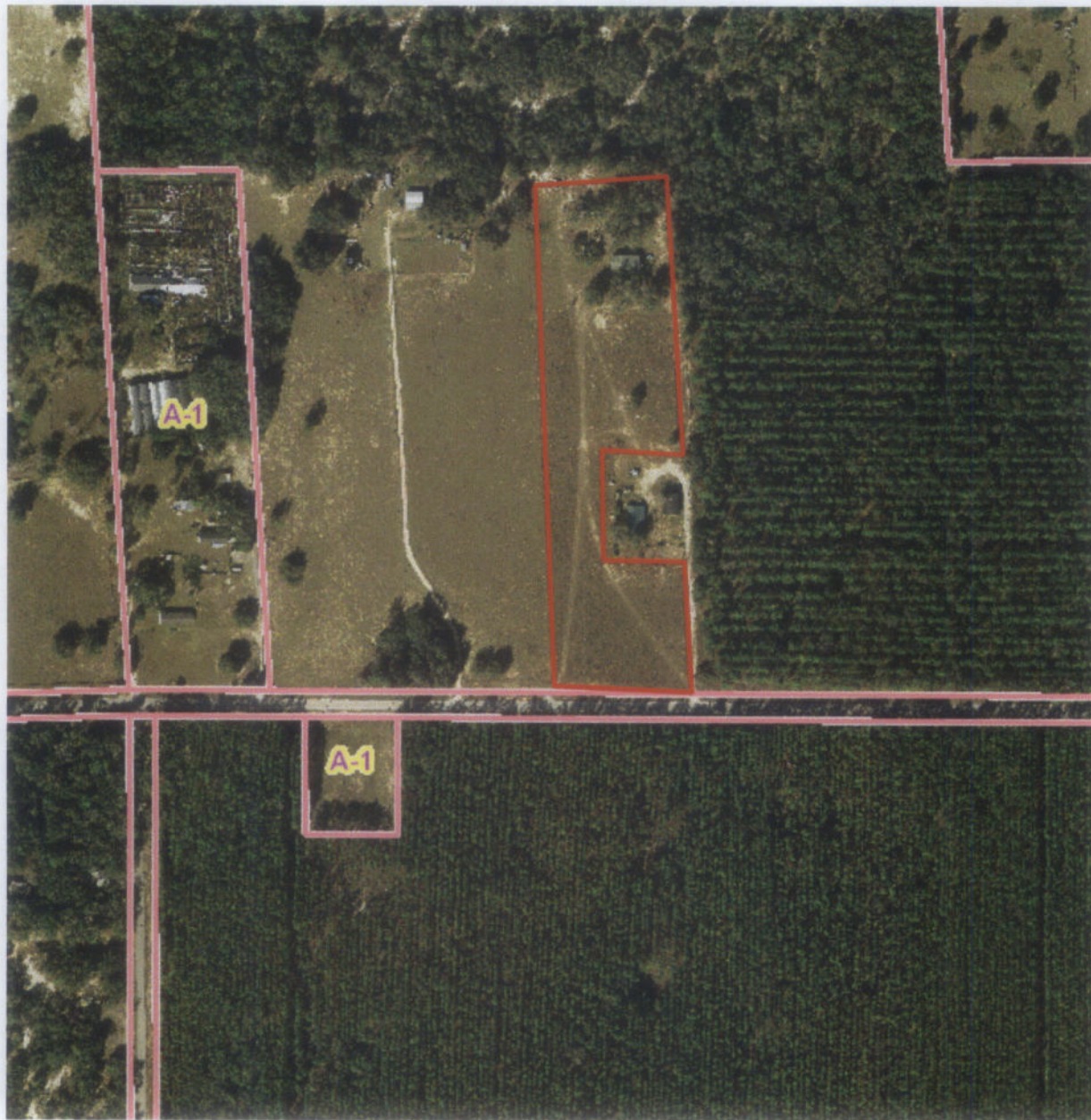


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: KENNETH & HARVEY MORRIS (Case # 2015-2-12)

PARCEL ID NUMBERS: 06-20-28-0000-00-028, 06-20-28-0000-00-030, 06-20-28-0000-00-044 & 06-20-28-0000-00-062

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

SUMMARY

OWNER: Kenneth & Harvey Morris
APPLICANT: City of Apopka
LOCATION: North of Haas Road, east of Boch Road
EXISTING USE: Single-family home, manufactured homes and grazing
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home, manufactured homes and container nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 29.48 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	5 Residential Units
PROPOSED ZONING:	5 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject properties were annexed into the City of Apopka on December 1, 2004, through the adoption of Ordinance No. 1684.

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Conservation	PR	Conservation
North (County)	Rural	A-1	Manufactured home and greenhouse
East (City)	Rural Settlement	A-1 (ZIP)	Manufactured home
South (City)	Rural Settlement	A-1 (ZIP)	Grazing
South (County)	Rural	A-2	Non-ag acreage
West (City)	Rural Settlement	A-1 (ZIP)	Manufactured home
West (County)	Rural	A-2	Single-family home

LAND USE &

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

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

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

BUFFERYARD REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



Kenneth & Harvey Morris

29.48 +/- Acres

Proposed Zoning Change:

From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)

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

**Parcel ID #s: 06-20-28-0000-00-028, 06-20-28-0000-00-030,
06-20-28-0000-00-044, 06-20-28-0000-00-062**

VICINITY MAP



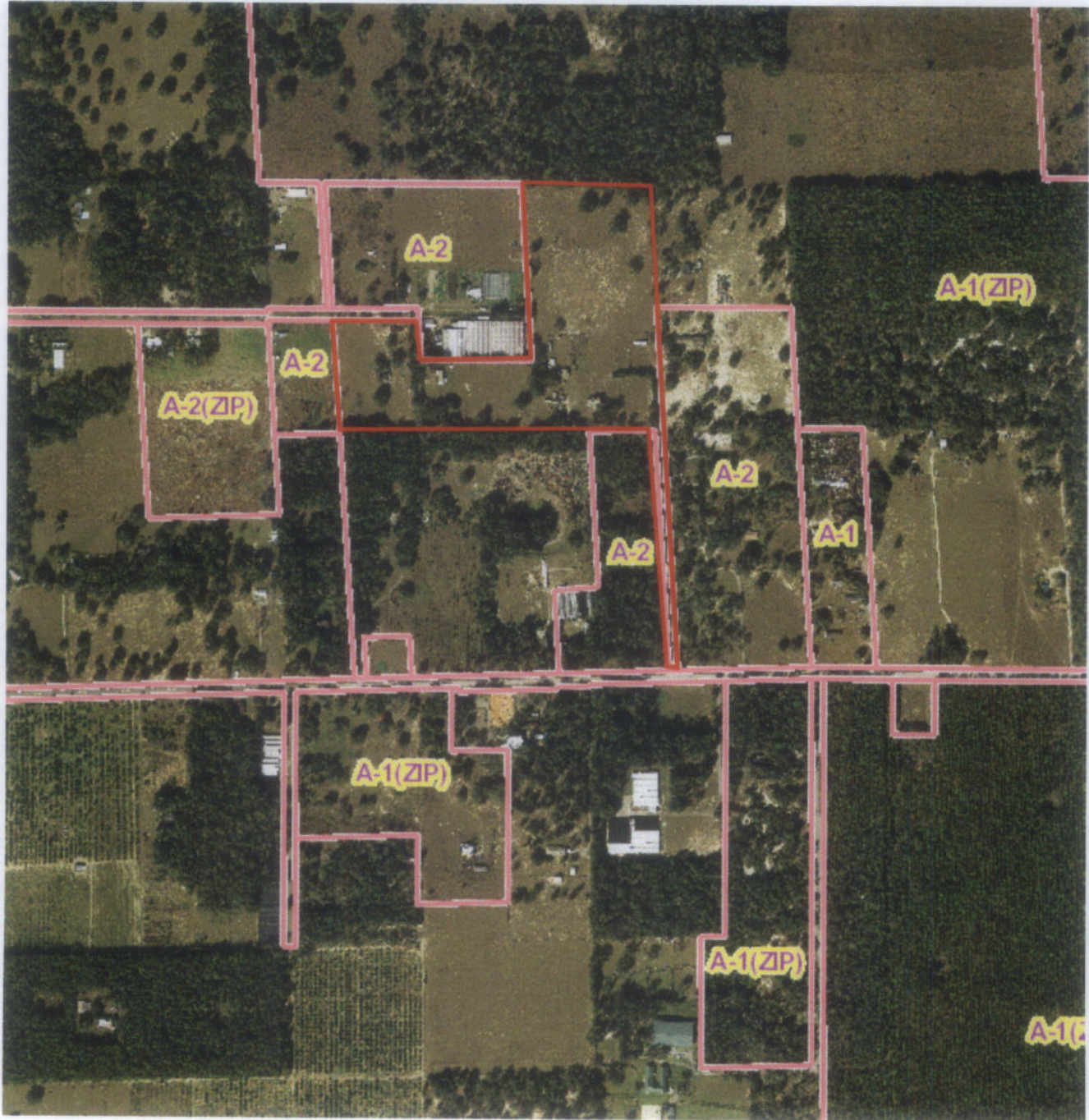


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: PATRICIA BARTLETT (Case # 2015-2-13)

PARCEL ID NUMBER: 05-20-28-0476-00-090

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

SUMMARY

OWNER: Patricia Bartlett
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, south of the Lake County line
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 3.69 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on December 19, 2007, through the adoption of Ordinance No. 1993.

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

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

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

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

PUBLIC HEARING SCHEDULE:

March 10, 2015 – Planning Commission (5:01 pm)

April 1, 2015 - City Council (1:30 pm) - 1st Reading

April 15, 2015 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

February 20, 2015 – Public Hearing Notice

April 3, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

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

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the subject site is a legal, non-conforming lot within the AG zoning district.

BUFFERYARD REQUIREMENTS:

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

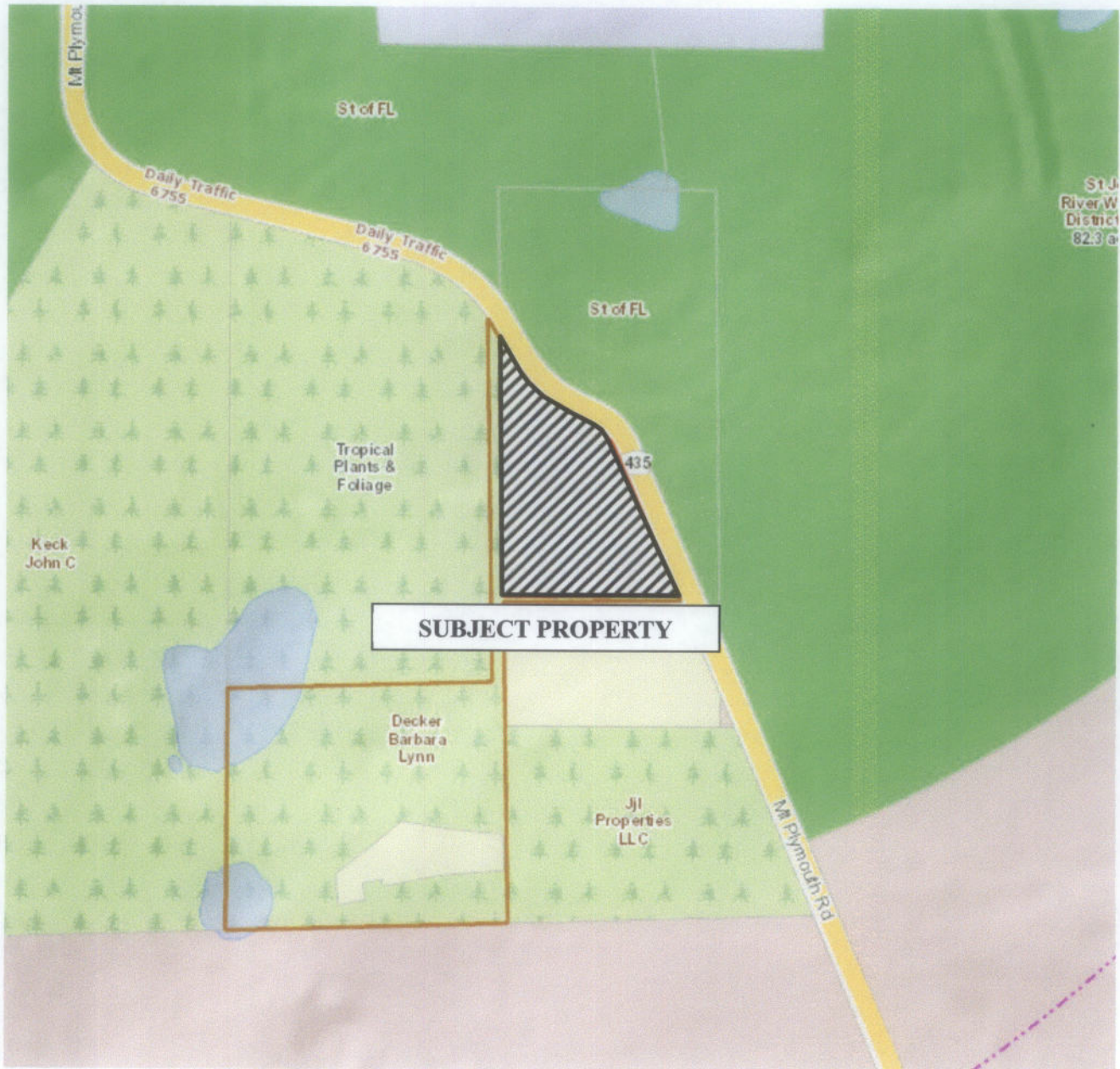
**ALLOWABLE
USES:**

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



Patricia Bartlett
3.69 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID #: 05-20-28-0476-00-090

VICINITY MAP



St of FL

A-1(ZIP)

Heavy traffic

Heavy traffic

St of FL

431

A-1(ZIP)

Tropical Plants & Foliage

Keck John C

A-1

Decker Barbara Lynn

JJI Properties LLC

St Johns River Water District 389 823 acres

Mt Plymouth Rd



ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: PROJECT ORLANDO LLC (Case # 2015-2-14)

PARCEL ID NUMBER: 24-20-27-0000-00-076

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

SUMMARY

OWNER: Project Orlando LLC
APPLICANT: City of Apopka
LOCATION: North of West Ponkan Road, east of Poverty Lane
EXISTING USE: Vacant non-ag acreage
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Vacant non-ag acreage (existing)
PROPOSED ZONING: AG
TRACT SIZE: 11.17 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1965.

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

March 10, 2015 – Planning Commission (5:01 pm)

April 1, 2015 - City Council (1:30 pm) - 1st Reading

April 15, 2015 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

February 20, 2015 – Public Hearing Notice

April 3, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Conservation	A-2 (ZIP)	Municipal conservation
East (City)	Rural Settlement	A-1 (ZIP)	Vacant non-agricultural acreage
South (County)	Rural	A-1	Single-family homes and R-O-W
West (County)	Rural	A-1	Single-family homes

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (West Ponkan Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

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

BUFFERYARD REQUIREMENTS:

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

ALLOWABLE

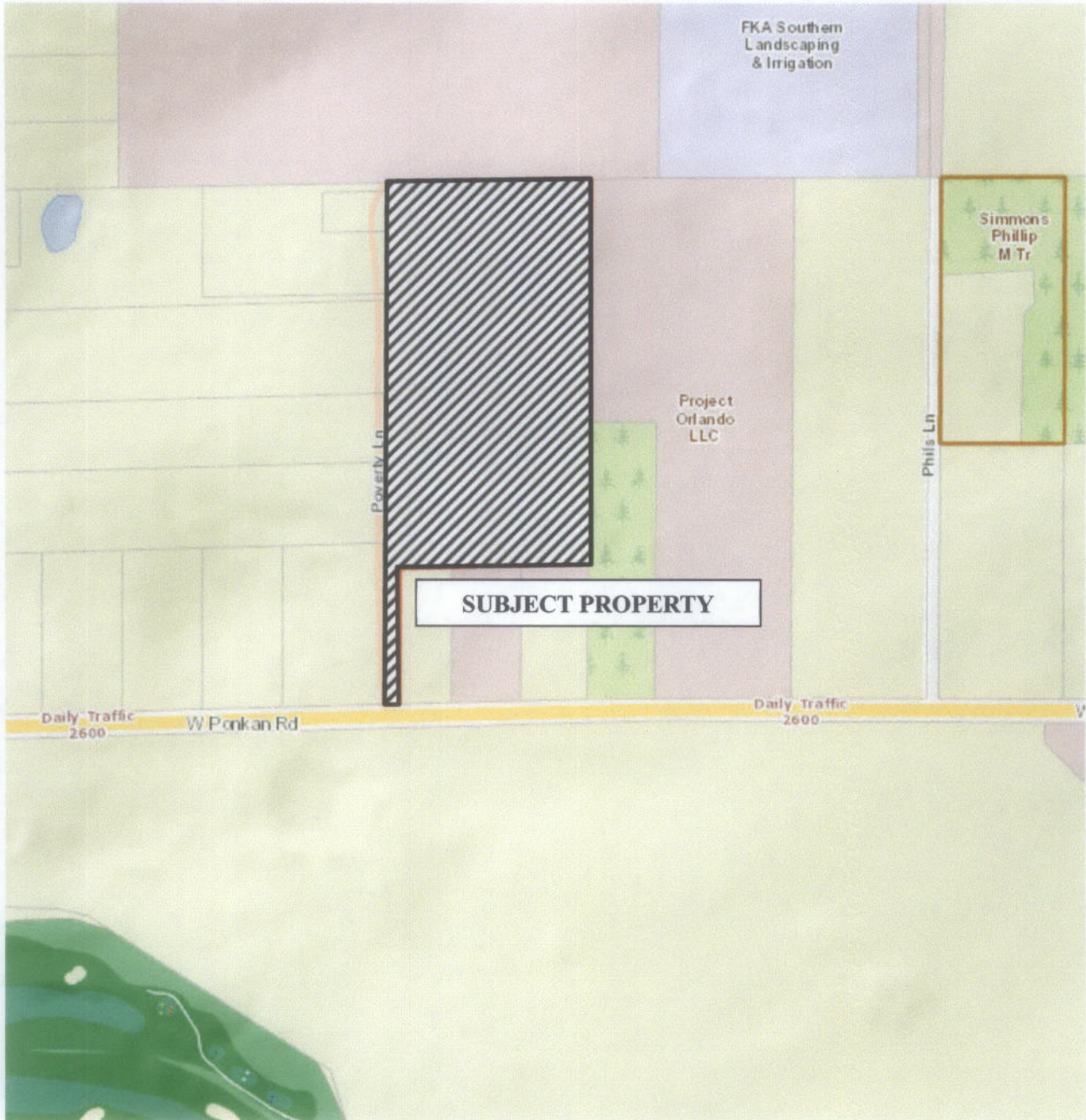
USES:

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



Project Orlando LLC
11.17 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID #: 24-20-27-0000-00-076

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: ROBERT BRANTLEY (Case # 2015-2-15)

PARCEL ID NUMBER: 09-20-28-0000-00-028

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

SUMMARY

OWNER: Robert Brantley
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, north of Kelly Park Road.
EXISTING USE: Warehousing & non-ag acreage
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Warehousing & non-ag acreage (existing)
PROPOSED ZONING: AG
TRACT SIZE: 4.23 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was were annexed into the City of Apopka on December 1, 2004, through the adoption of Ordinance No. 1687.

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

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

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

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

PUBLIC HEARING SCHEDULE:

March 10, 2015 – Planning Commission (5:01 pm)

April 1, 2015 - City Council (1:30 pm) - 1st Reading

April 15, 2015 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

February 20, 2015 – Public Hearing Notice

April 3, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Container nursery
East (County)	Rural Settlement	A-1 (ZIP)	Single-family homes
South (County)	Rural	A-1	Vacant (non-ag acreage)
West (City)	Rural Settlement	A-1 (ZIP)	Container nursery & manufactured home

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the subject site is a legal, non-conforming lot within the AG zoning district.

BUFFERYARD REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



Robert Brantley
4.23 +/- Acres

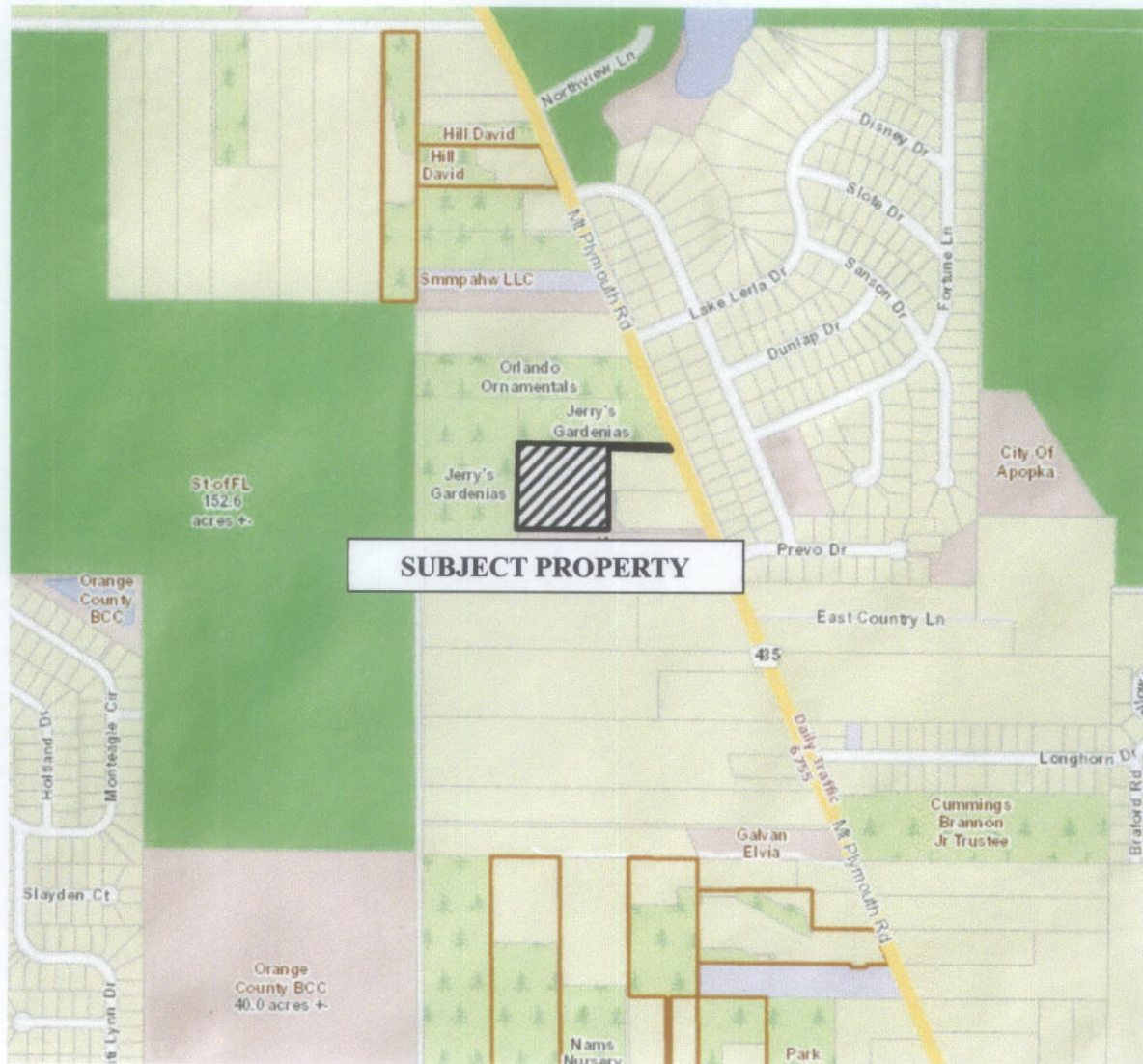
Proposed Zoning Change:

From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)

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

Parcel ID #: 09-20-28-0000-00-028

VICINITY MAP



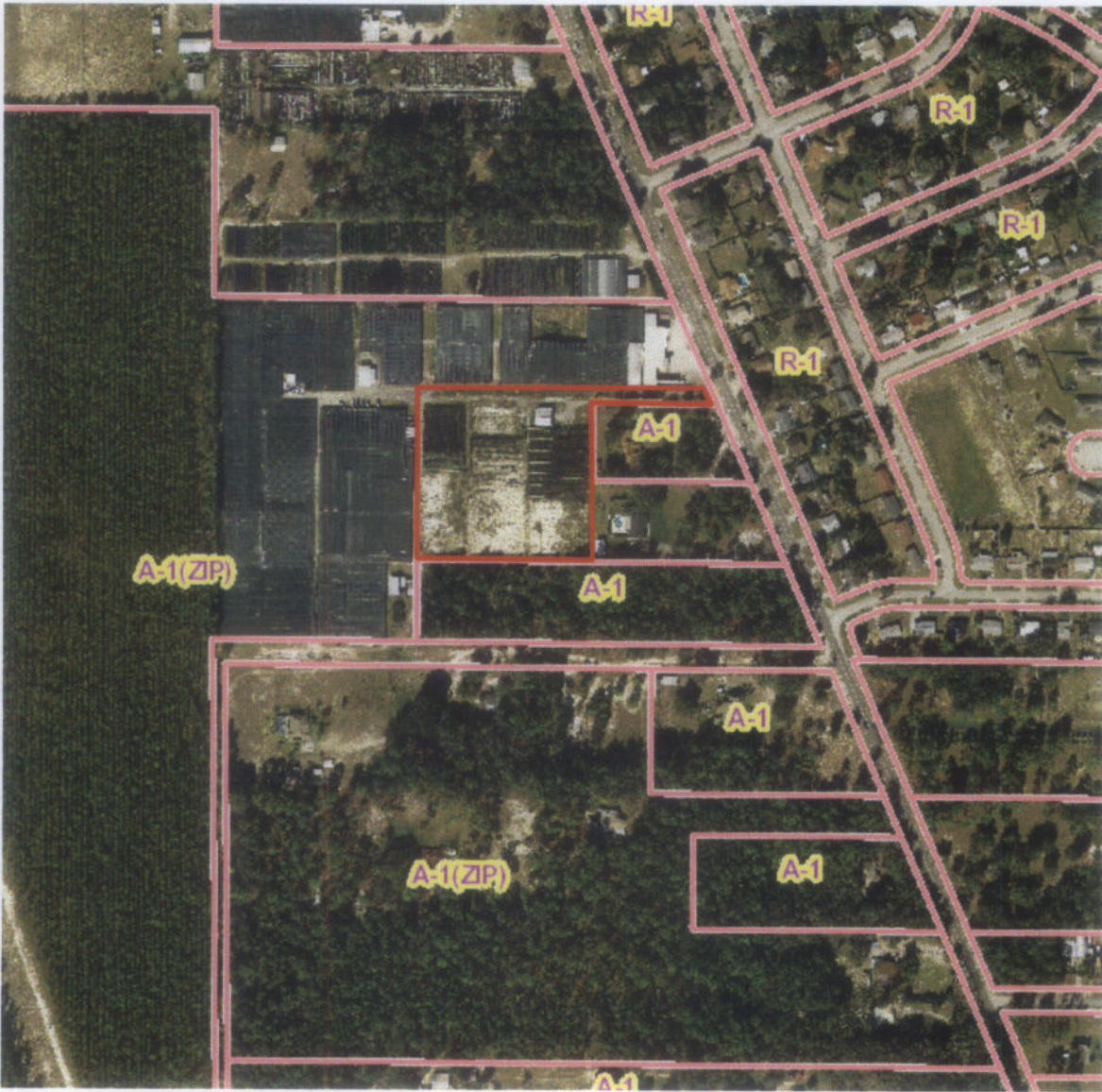


ADJACENT ZONING





ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: ROCKWOOD GROVES LLC (Case # 2015-2-16)

PARCEL ID NUMBER: 05-20-28-0000-00-006

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

SUMMARY

OWNER: Rockwood Groves LLC
APPLICANT: City of Apopka
LOCATION: North of Haas Road, west of Mt. Plymouth Road
EXISTING USE: Timberland
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Timberland (existing)
PROPOSED ZONING: AG
TRACT SIZE: 101.49 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 20 Residential Units
PROPOSED ZONING: 20 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on February 19, 2003, through the adoption of Ordinance No. 1572.

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

March 10, 2015 – Planning Commission (5:01 pm)

April 1, 2015 - City Council (1:30 pm) - 1st Reading

April 15, 2015 – City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

February 20, 2015 – Public Hearing Notice

April 3, 2015 - Ordinance Heading Ad

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Conservation
East (City)	Agriculture Homestead	A-1 (ZIP)	SJWMD land
South (City)	Rural Settlement	A-1 (ZIP)	State-owned land
South (County)	Rural	A-1	Single-family homes
West (City)	Rural Settlement	A-1 (ZIP)	Single-family home and grazing

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

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

BUFFERYARD REQUIREMENTS:

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

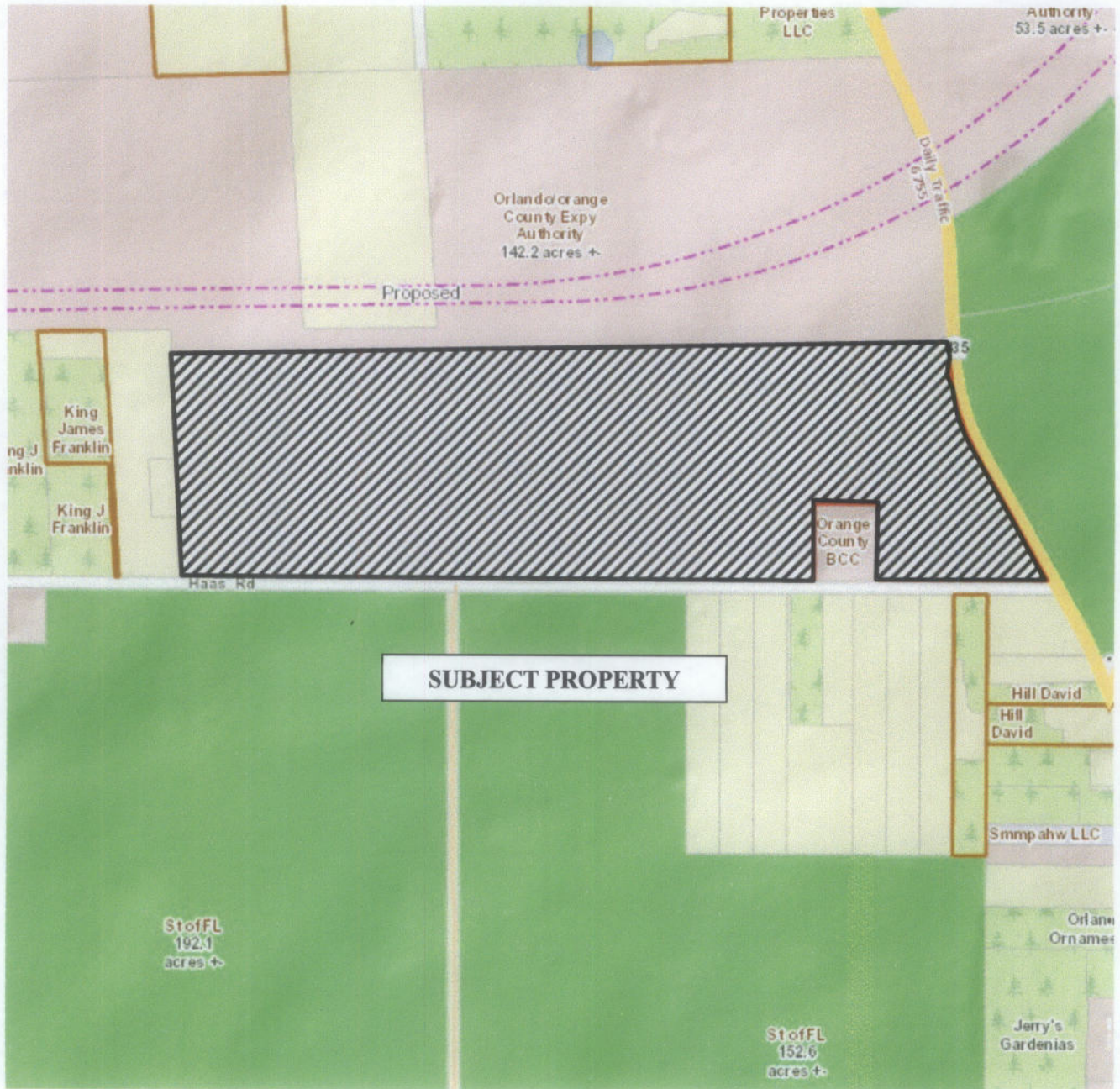
**ALLOWABLE
USES:**

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



Rockwood Groves LLC
101.49 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID #: 05-20-28-0000-00-006

VICINITY MAP



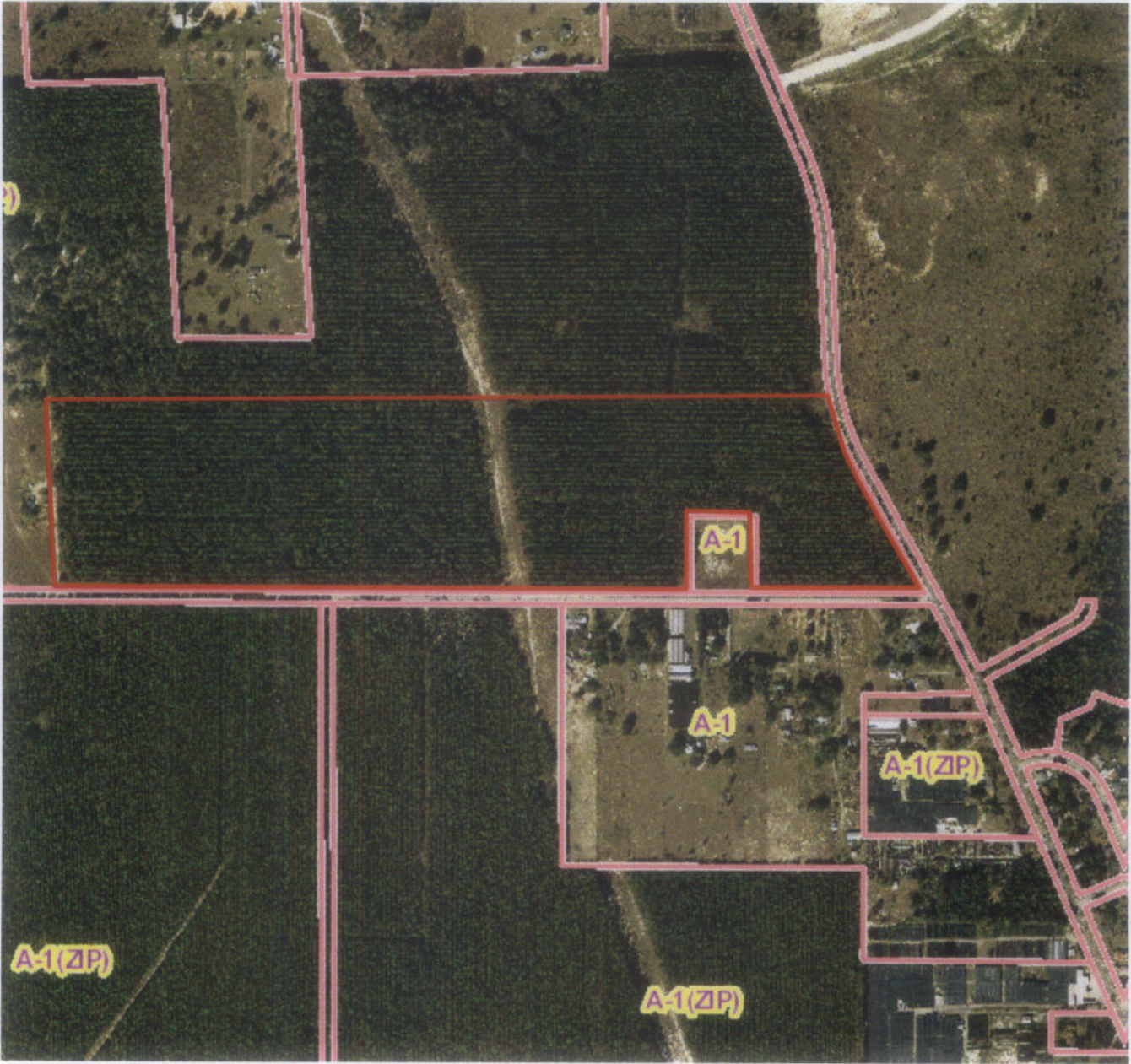


ADJACENT ZONING





ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: SHIRLEY DOBBS (Case # 2015-2-17)

PARCEL ID NUMBER: 09-20-28-0000-00-020

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

SUMMARY

OWNER: Shirley Dobbs
APPLICANT: City of Apopka
LOCATION: West of Mt. Plymouth Road, south of Haas Road
EXISTING USE: Single-family home
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 0.91 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on November 16, 2005, through the adoption of Ordinance No. 1783.

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

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Single-family home
East (County)	Low Density Residential	R-1	Single-family homes
South (City)	Rural Settlement	A-1 (ZIP)	Container nursery
West (City)	Rural Settlement	A-1 (ZIP)	Container nursery

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the existing 0.91 acre parcel is a legal, non-conforming lot within the AG zoning district.

BUFFERYARD REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



Shirley Dobbs
0.91 +/- Acres

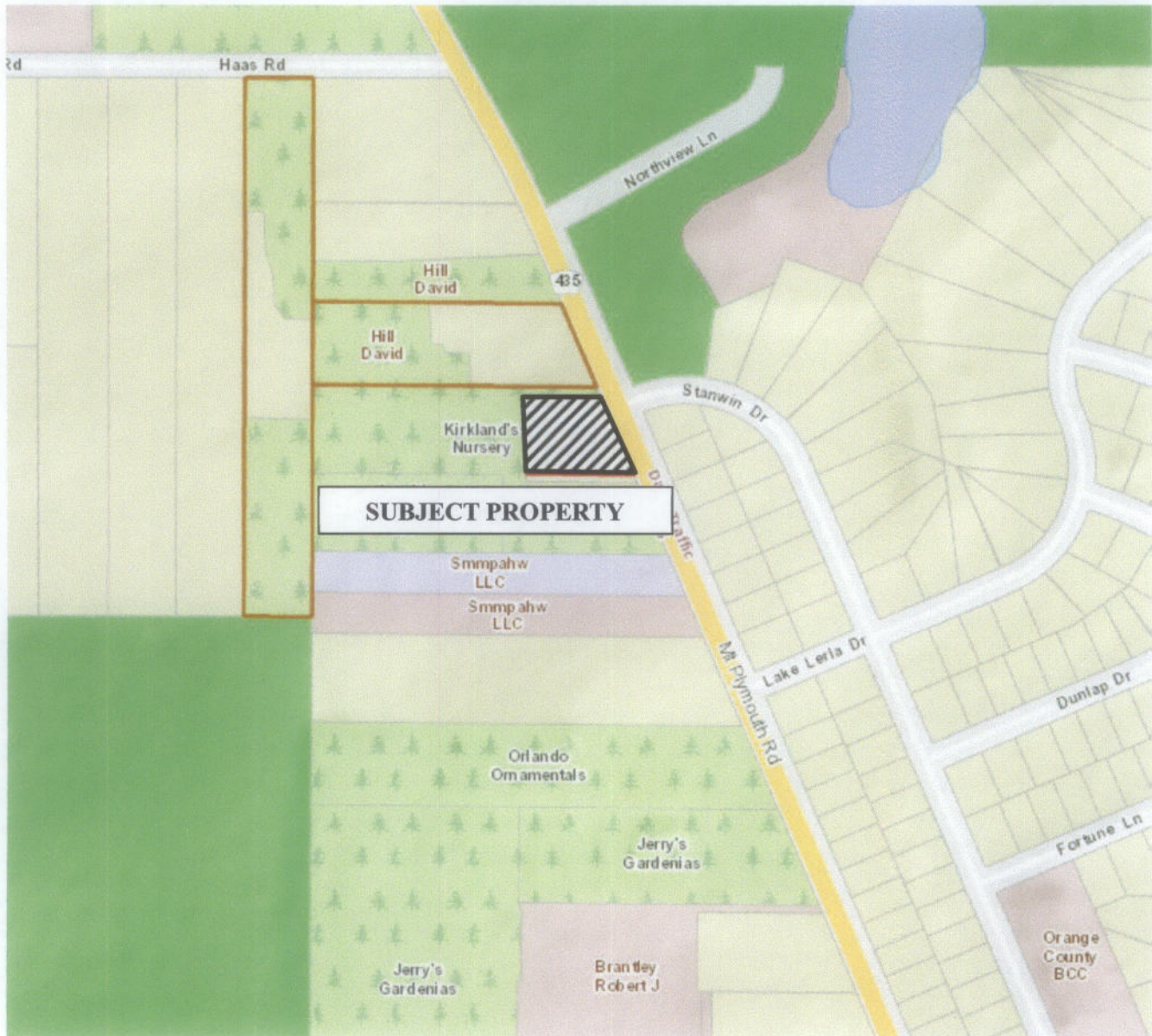
Proposed Zoning Change:

From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)

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

Parcel ID #: 09-20-28-0000-00-020

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: T. O. MAHAFFEY, JR. (Case # 2015-2-18)

PARCEL ID NUMBERS: 06-20-28-0000-00-015 & 06-20-28-0000-00-059

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

SUMMARY

OWNER: T. O. Mahaffey, Jr.
APPLICANT: City of Apopka
LOCATION: North of Haas Road, east of McGuire Road
EXISTING USE: Single-family home & grazing
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home & grazing (existing)
PROPOSED ZONING: AG
TRACT SIZE: 32.52 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:

EXISTING ZONING:	6 Residential Units
PROPOSED ZONING:	6 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject properties were annexed into the City of Apopka on December 1, 2004, through the adoption of Ordinance No. 1685.

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Single-family home
East (County)	Low Density Residential	R-1	Single-family homes
South (City)	Rural Settlement	A-1 (ZIP)	Container nursery
West (City)	Rural Settlement	A-1 (ZIP)	Container nursery

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Mt. Plymouth Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

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

BUFFERYARD REQUIREMENTS:

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

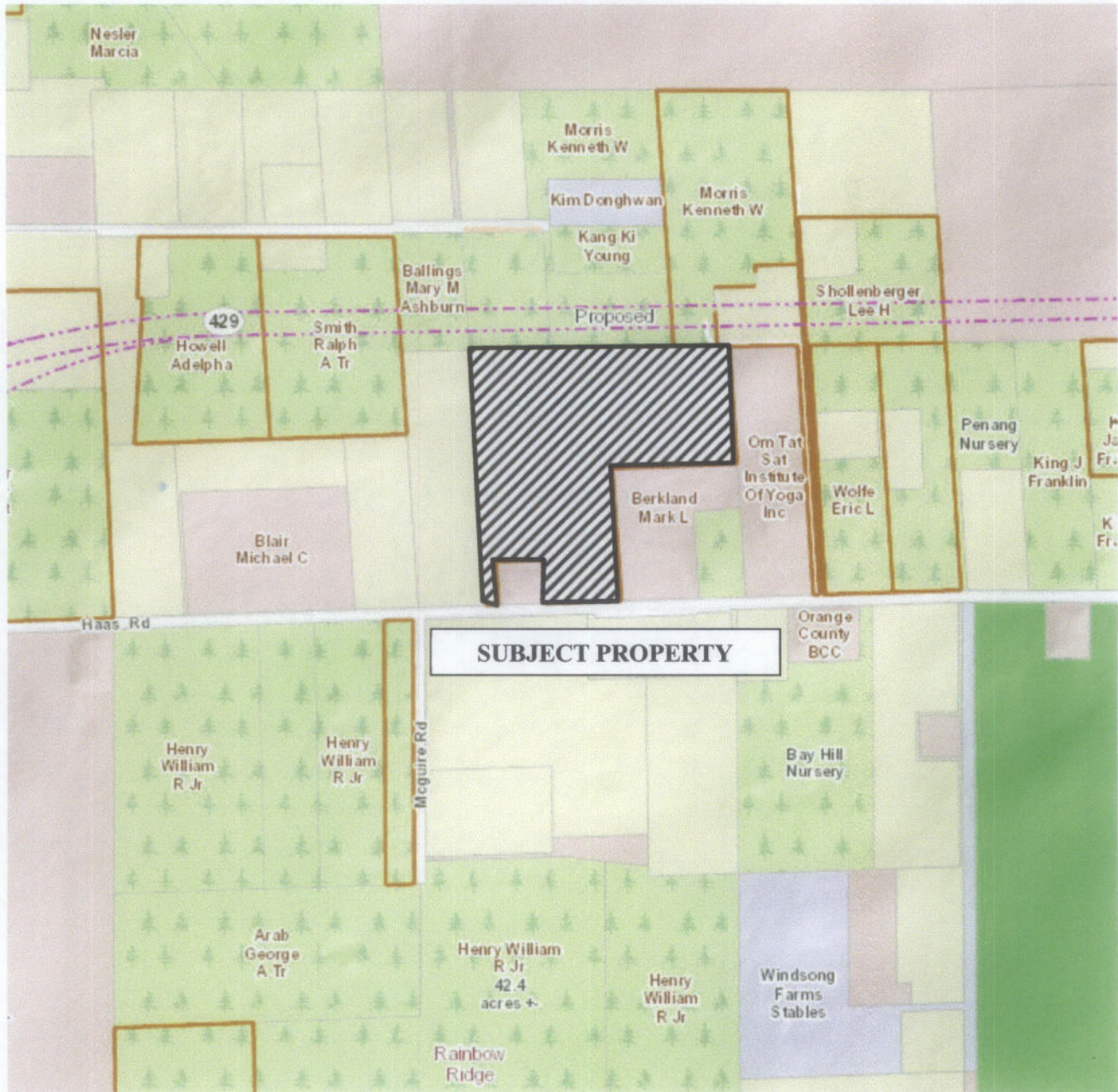
**ALLOWABLE
USES:**

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



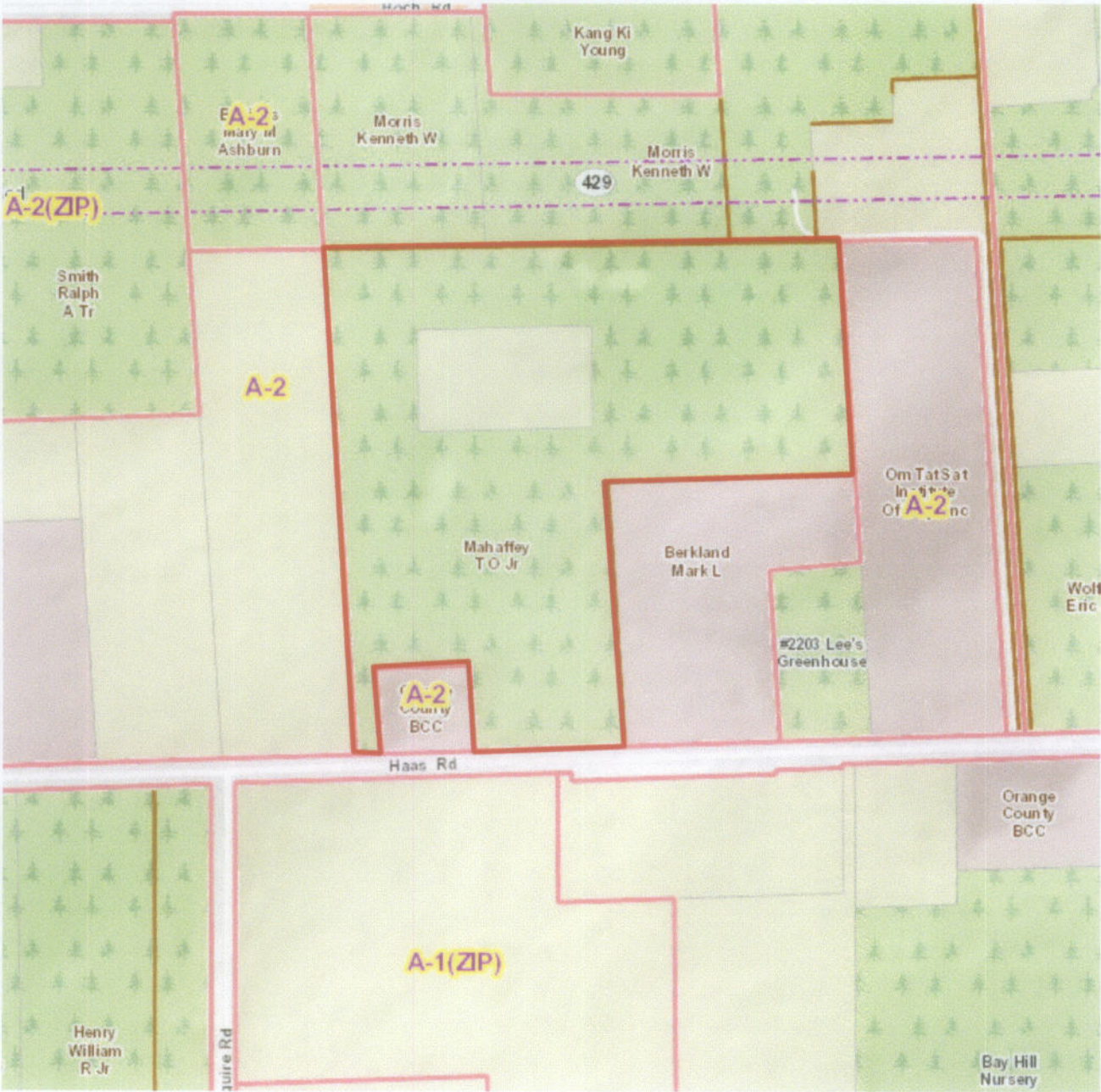
T. O. Mahaffey, Jr.
35.52 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID #s: 06-20-28-0000-00-015 & 06-20-28-0000-00-059

VICINITY MAP



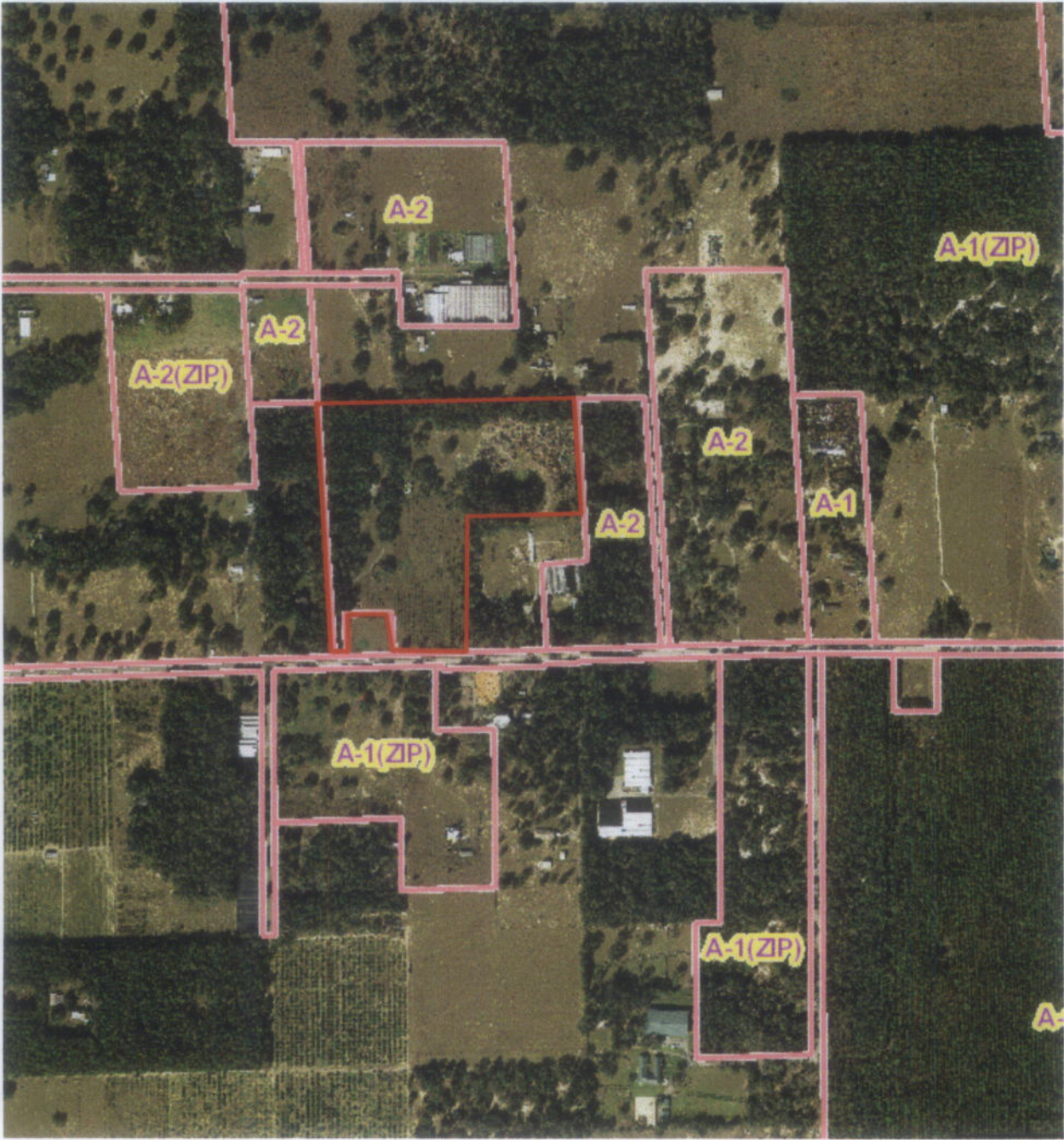


ADJACENT ZONING





ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: WILLIAM M DUVAL TRUST (Case # 2015-2-19)

PARCEL ID NUMBER: 24-20-27-0000-00-109

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

SUMMARY

OWNER: William M Duval Trust
APPLICANT: City of Apopka
LOCATION: North of W Ponkan Road, west of Phils Lane
EXISTING USE: Container nursery
FUTURE LAND USE: Rural Settlement (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Container nursery (existing)
PROPOSED ZONING: AG
TRACT SIZE: 2.59 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on September 5, 2007, through the adoption of Ordinance No. 1965.

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

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-forming lot within the AG zoning district.

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Rural Settlement	A-1 (ZIP)	Non-ag acreage
East (City)	Rural Settlement	A-1 (ZIP)	Non-ag acreage
South (County)	Low Density Residential	PD	Vacant residential
West (City) West County)	Rural Settlement Rural	A-1 (ZIP) A-1	Non-ag acreage Single-family home

LAND USE &

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

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the subject site is a legal, non-conforming lot within the AG zoning district.

BUFFERYARD REQUIREMENTS:

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

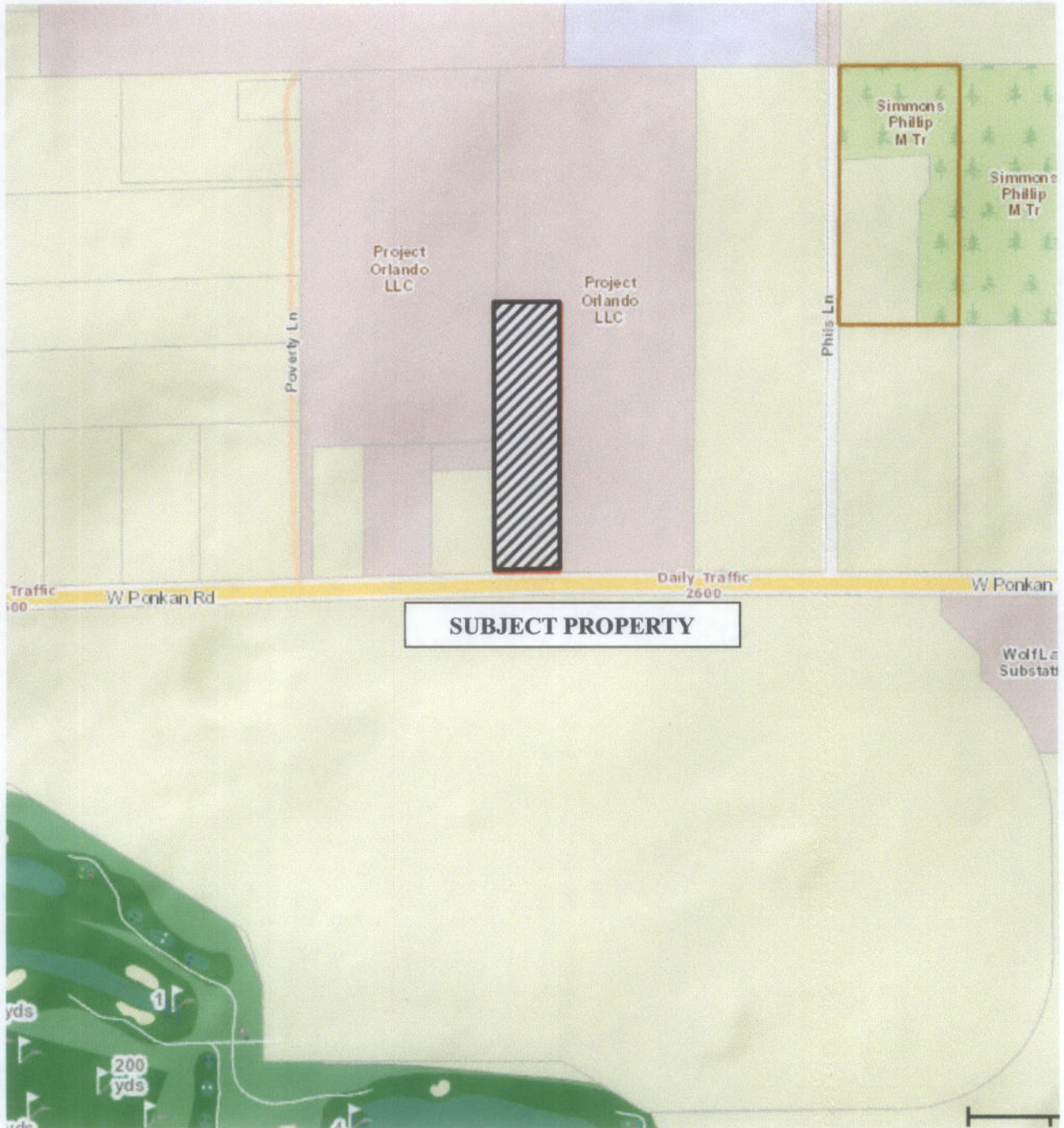
**ALLOWABLE
USES:**

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



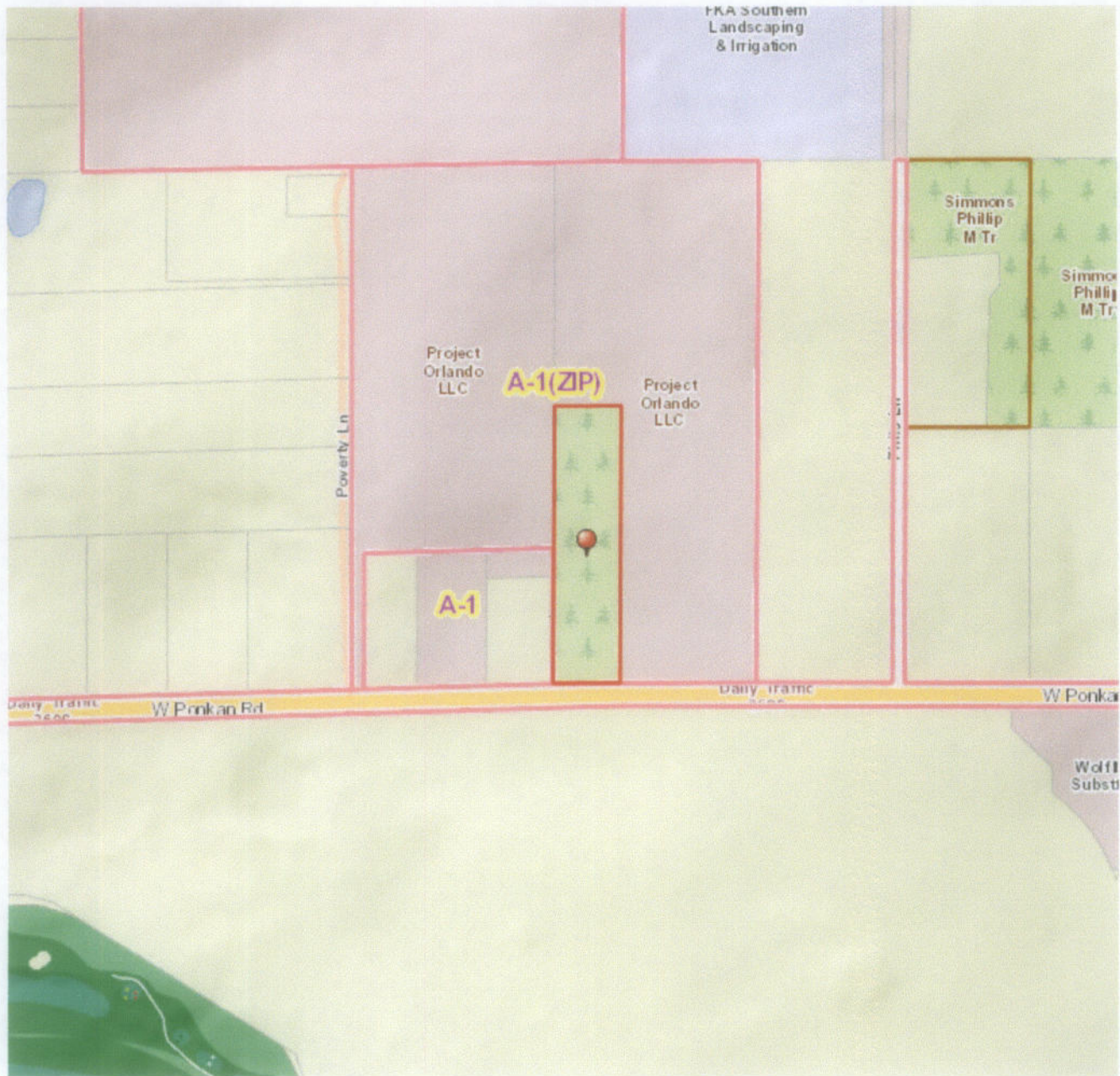
William M Duvall Trust
2.59 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID #: 24-20-27-0000-00-109

VICINITY MAP





ADJACENT ZONING





ADJACENT USES





EXISTING
USES



ORDINANCE NO. 2413

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

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

WHEREAS, the City of Apopka Community Development Department, has requested an administrative change in zoning on said property as identified in Section I of this ordinance; and

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

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

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

PARCEL	NAME	ACREAGE	LAND USE	COUNTY ZONING	PROPOSED ZONING
11-20-27-0000-00-054	Always Growing Trees, Inc.	20.07	RS	A-1(ZIP)	AG
11-20-27-0000-00-031	Chester S. Peckett Trust	1.18	RS	A-1(ZIP)	AG
11-20-27-0000-00-032	Chester S. Peckett Trust	9.90	RS	A-1(ZIP)	AG
11-20-27-0000-00-043	Chester S. Peckett Trust	1.86	RS	A-1(ZIP)	AG
11-20-27-0000-00-052	Peckett Family Trust	6.86	RS	A-1(ZIP)	AG
24-20-27-0000-00-099	Christopher Johnson	10.00	RS	A-1(ZIP)	AG
09-20-28-0000-00-009	David and Sue Hill	1.38	RS	A-1(ZIP)	AG
09-20-28-0000-00-015	David and Sue Hill	1.46	RS	A-1(ZIP)	AG
09-20-28-0000-00-031	David and Sue Hill	1.48	RS	A-1(ZIP)	AG
09-20-28-0000-00-029	Donald and Debra Kirkland	1.59	RS	A-1(ZIP)	AG
09-20-28-0000-00-013	DRK Inc	4.05	RS	A-1(ZIP)	AG
09-20-28-0000-00-030	Earl Gaylon Ward Estate	0.13	RS	A-1(ZIP)	AG
05-20-28-0000-00-004	Franklin and Jacqueline King	4.01	RS	A-1(ZIP)	AG
05-20-28-0000-00-018	Franklin and Jacqueline King	9.23	RS	A-1(ZIP)	AG
09-20-28-0000-00-025	J and L Gardenias, Inc.	1.99	RS	A-1(ZIP)	AG
05-20-28-0000-00-030	James and Linda King	1.27	RS	A-1(ZIP)	AG
05-20-28-0000-00-038	James and Linda King	3.99	RS	A-1(ZIP)	AG
18-0000-00-032	Joseph and Donna Cox	8.11	RS	A-1(ZIP)	AG

PARCEL	NAME	ACREAGE	LAND USE	COUNTY ZONING	PROPOSED ZONING
06-20-28-0000-00-028	Kenneth and Harvey Morris	4.14	RS	A-1(ZIP)	AG
06-20-28-0000-00-030	Kenneth and Harvey Morris	5.23	RS	A-1(ZIP)	AG
06-20-28-0000-00-044	Kenneth and Harvey Morris	5.18	RS	A-1(ZIP)	AG
06-20-28-0000-00-062	Kenneth and Harvey Morris	14.93	RS	A-1(ZIP)	AG
05-20-28-0476-00-090	Patricia Bartlett	3.69	RS	A-1(ZIP)	AG
24-20-27-0000-00-076	Project Orlando LLC	11.17	RS	A-1(ZIP)	AG
09-20-28-0000-00-028	Robert Brantley	4.23	RS	A-1(ZIP)	AG
05-20-28-0000-00-006	Rockwood Groves LLC	101.49	RS	A-1(ZIP)	AG
09-20-28-0000-00-020	Shirley Dobbs	0.91	RS	A-1(ZIP)	AG
06-20-28-0000-00-015	T. O. Mahaffey Jr.	2.49	RS	A-1(ZIP)	AG
06-20-28-0000-00-059	T. O. Mahaffey Jr.	30.03	RS	A-1(ZIP)	AG
24-20-27-0000-00-109	William M Duval Trust	2.59	RS	A-1(ZIP)	AG

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

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

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

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

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

READ FIRST TIME: April 1, 2015

READ SECOND TIME
AND ADOPTED: April 15, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR ADOPTION HEARING: February 20, 2015
April 3, 2015

Backup material for agenda item:

7. ORDINANCE NO. 2414 – FIRST READING - 2015-2 ADMINISTRATIVE REZONING – From “County” A-1 (ZIP) to “City” AG (1 du/5 ac) for certain real properties generally located within the city limits of Apopka, comprising 23.78 Acres, more or less, and owned by John and Joanne Ault; Beverly Safier; Donald and Donna Thomas; and Phillip and Peggy Dionne.



CITY OF APOPKA CITY COUNCIL

<input checked="" type="checkbox"/> PUBLIC HEARING	DATE: April 1, 2015
<input type="checkbox"/> ANNEXATION	FROM: Community Development
<input type="checkbox"/> PLAT APPROVAL	EXHIBITS: "A" Cases Spreadsheet
<input checked="" type="checkbox"/> OTHER: Ordinance	"B" Zoning Reports
	Ordinance No. 2414

SUBJECT: **ORDINANCE NO. 2414 – 2015-2 ADMINISTRATIVE REZONING – FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (1 DU/5 AC) FOR PROPERTIES WITH A FUTURE LAND USE DESIGNATION OF “CITY” AGRICULTURE.**

Request: **FIRST READING OF ORDINANCE NO. 2414 -2015-2 ADMINISTRATIVE REZONING FROM “COUNTY” A-1 (ZIP) TO “CITY” AG (1 DU/5 AC) FOR PROPERTIES WITH A FUTURE LAND USE DESIGNATION OF “CITY” AGRICULTURE; AND HOLD IT OVER FOR SECOND READING AND ADOPTION ON APRIL 15, 2015.**

SUMMARY

The 4 parcels, comprising a total of 23.78+/- acres, have been annexed into the City of Apopka and have been assigned the Future Land Use designation that is compatible with the proposed AG zoning designation. All subject properties currently have a City Future Land Use Designation of Agriculture (AG) and a County zoning category of A-1 assigned to them. A summary of each zoning case is provided in Exhibits “A” and “B”.

All Cases (“County A-1”)

Total # of Parcels:	4
Total # of Property Owners:	7
Total Acreage:	23.78 +/-

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

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

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

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

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

Accept the First Reading of Ordinance No. 2414 and Hold it Over for Second Reading and Adoption on April 15, 2015.

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

EXHIBIT "A"
2015-2 Administrative Rezoning Properties
From "County" A-1 (ZIP) to "City" AG

Case #	Parcel ID	Name	Mailing Address	Acreage	FLU	Current Zoning	Proposed Zoning	Schools			Existing Use
								ES	MS	HS	
2015-2-20	08-20-28-0000-00-005	John & Joanne Ault	1411 W Kelly Park Rd, Apopka, FL 32712-5206	7.99	AG	A-1(ZIP)	AG	ZES	WLMS	AHS	Single-family home
2015-2-21	17-20-28-0000-00-018	Donald & Kathleen Smithers	1564 W Kelly Park Rd, Apopka, FL 32712-5208	6.14	AG	A-1(ZIP)	AG	ZES	WLMS	AHS	Manufactured Home
2015-2-22	22-21-28-0000-00-190	Beverly Safier	2205 Clarcona Rd, Apopka, FL 32703-7917	1.33	AG	A-1(ZIP)	AG	WES	PLMS	WHS	Single-family home
2015-2-23	27-21-28-0000-00-056	Donald & Donna Thomas	353 Foggy Creek Rd, Davenport, FL 33837-5776	4.34	AG	A-1(ZIP)	AG	WES	PLMS	WHS	Manufactured Home
2015-2-24	18-20-28-0000-00-053	Phillip & Peggy Dionne	4700 Jason Dwelley Pkwy, Apopka, FL 32712-6058	10.12	AG	A-1(ZIP)	AG	ZES	WLMS	AHS	Single-family home

Elementary School (ES)
AES = Apopka ES
DLES = Dream Lake ES
LES = Lovell ES
RSES = Rock Springs ES
WES = Wheatley ES
WLES = Wolf Lake ES
wood ES

Middle School (MS)
AMMS = Apopka Memorial MS
PLMS = Piedmont Lakes MS
WLMS = Wolf Lake MS

High School (HS)
AHS = Apopka HS
WHS = Wekiva HS

**CASE
REPORTS**

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

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

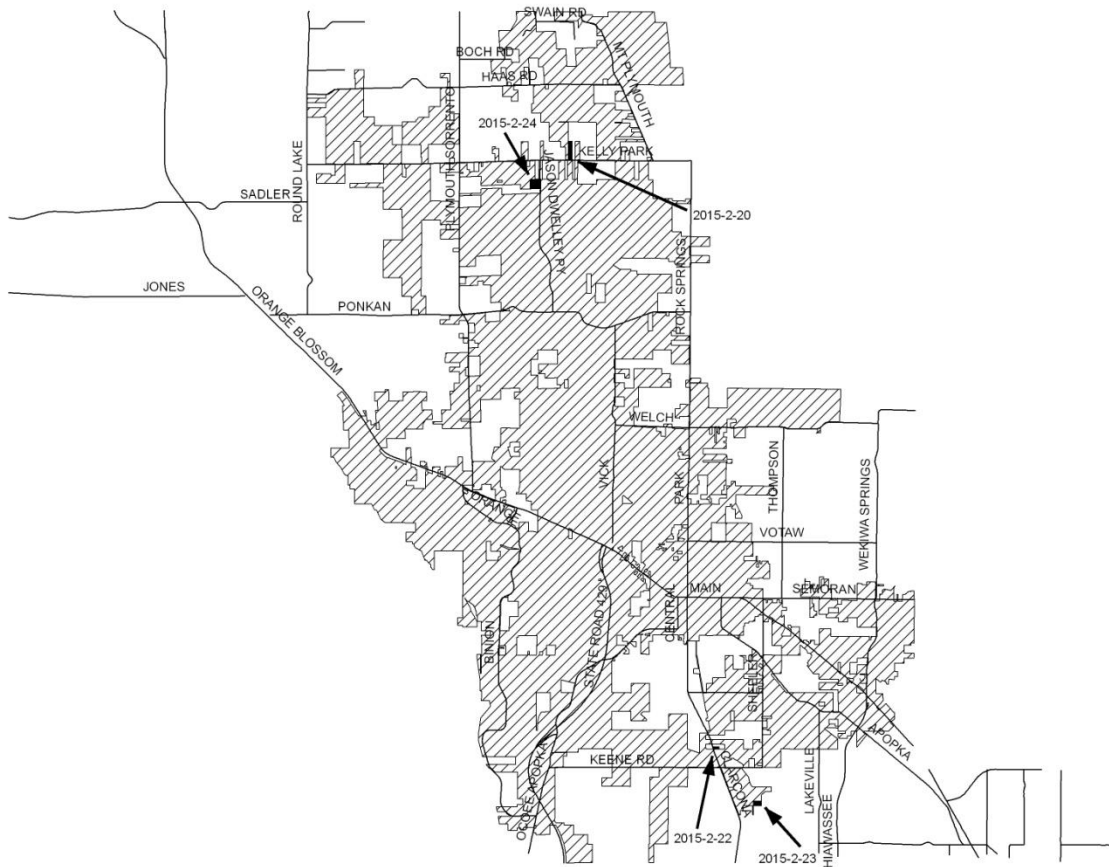


**2015-2 Administrative Change of Zoning
23.78 +/- Acres**

Proposed Zoning Change:

**From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (5 acre min. lot)**

ORDINANCE # 2414 ADMINISTRATIVE REZONING CASES LOCATION MAP





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: JOHN & JOANNE AULT (Case # 2015-2-20)

PARCEL ID NUMBER: 08-20-28-0000-00-005

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

SUMMARY

OWNER: John & Joanne Ault
APPLICANT: City of Apopka
LOCATION: North of W Kelly Park Road, west of Pierce Arrow Drive
EXISTING USE: Single-family home
FUTURE LAND USE: Agriculture (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 7.99 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on April 20, 2011, through the adoption of Ordinance No. 2212.

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

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

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

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Manufactured home
East (County)	Rural	A-1	Single-family home
South (City)	Residential Estates	A-1 (ZIP)	Non-ag acreage
West (City)	Rural Settlement	A-1 (ZIP)	Single-family home

LAND USE &

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

**COMPREHENSIVE
PLAN COMPLIANCE:**

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**AG DISTRICT
REQUIREMENTS:**

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

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

**BUFFERYARD
REQUIREMENTS:**

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

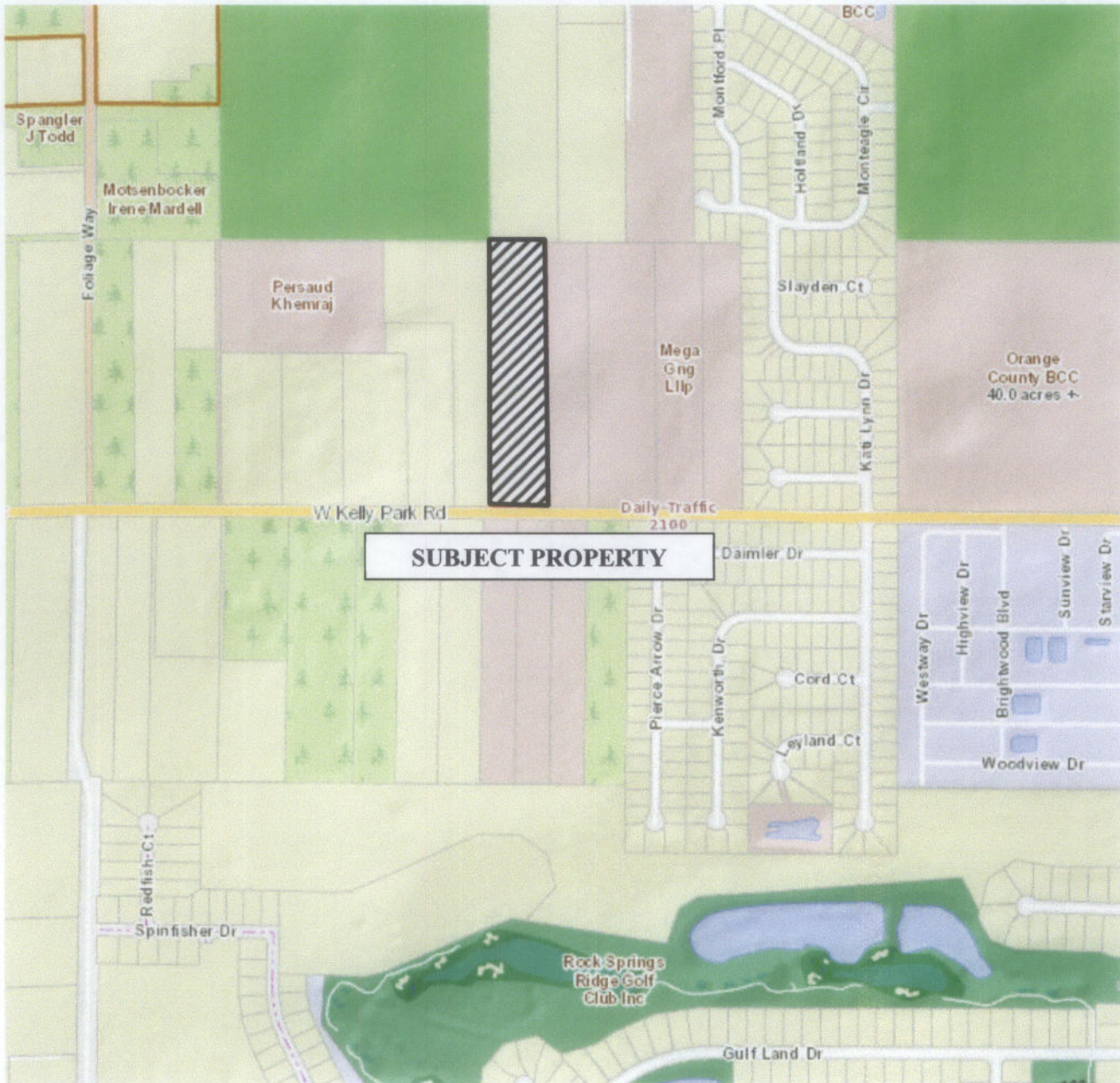
**ALLOWABLE
USES:**

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



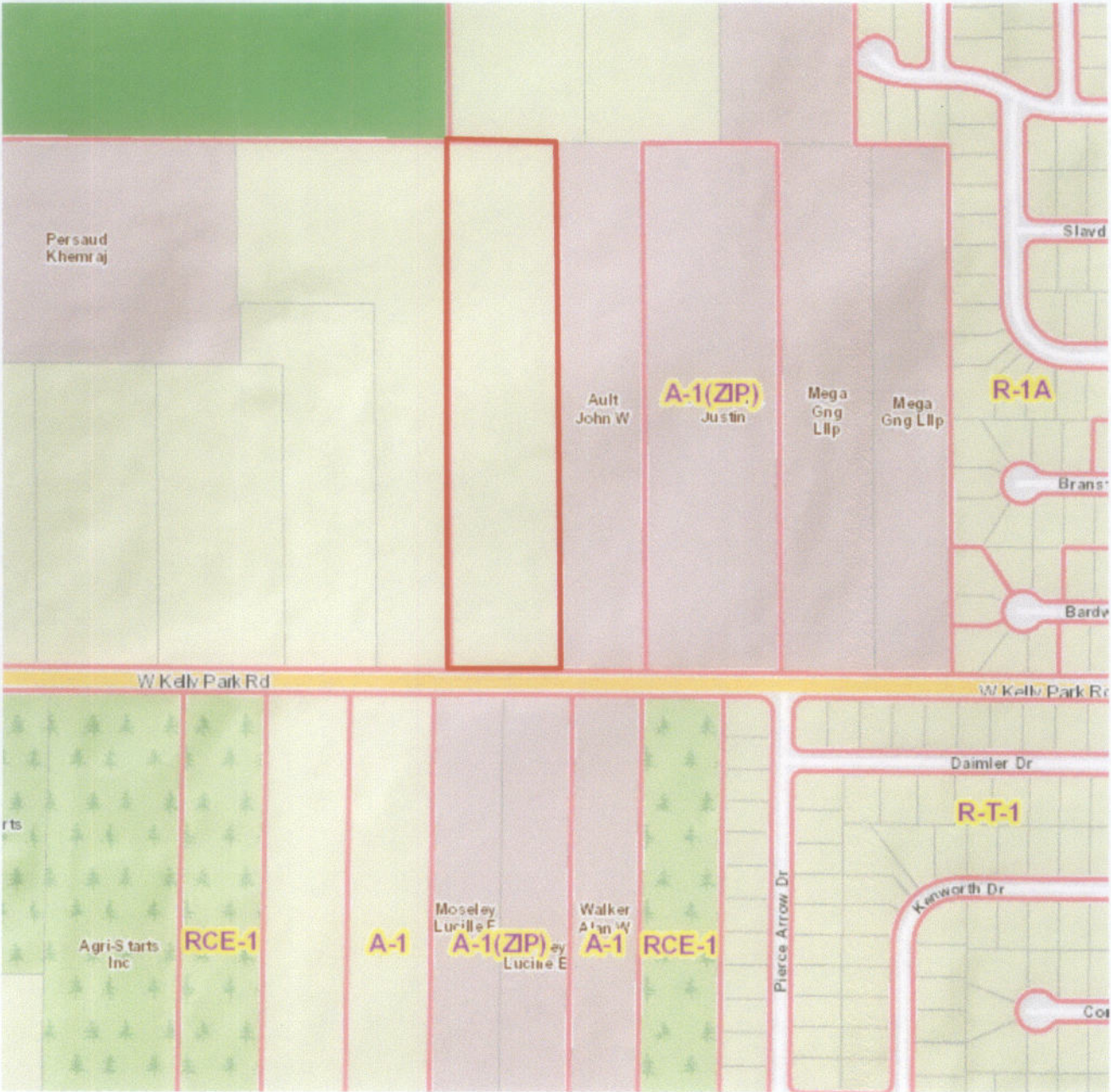
John & Joanne Ault
7.99 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID #: 08-20-28-0000-00-005

VICINITY MAP



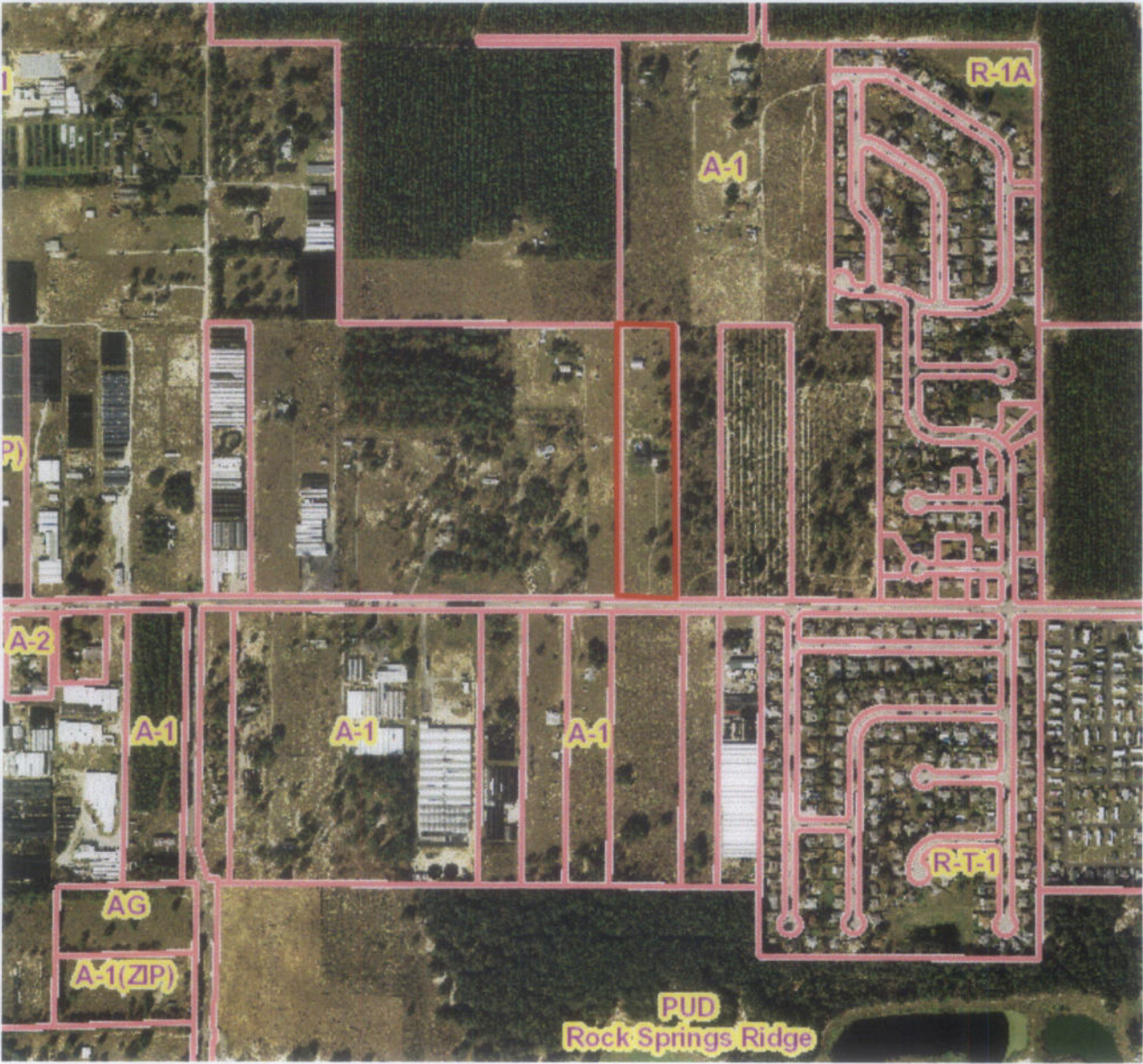


ADJACENT ZONING





ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: BEVERLY SAFIER (Case # 2015-2-22)

PARCEL ID NUMBER: 22-21-28-0000-00-190

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

SUMMARY

OWNER: Beverly Safier
APPLICANT: City of Apopka
LOCATION: East of Clarcona Road, south of Stew Lane
EXISTING USE: Single-family home
FUTURE LAND USE: Agriculture (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 1.33 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on November 1, 2006, through the adoption of Ordinance No. 1880.

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

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (County)	Rural	A-1	Single-family home
South (City)	Commercial	C-1	Vacant commercial
West (County)	Rural	A-1	Warehousing & R-O-W

LAND USE &

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

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the existing 1.33 acres is considered a legal, non-conforming lot within the AG zoning district.

BUFFERYARD REQUIREMENTS:

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

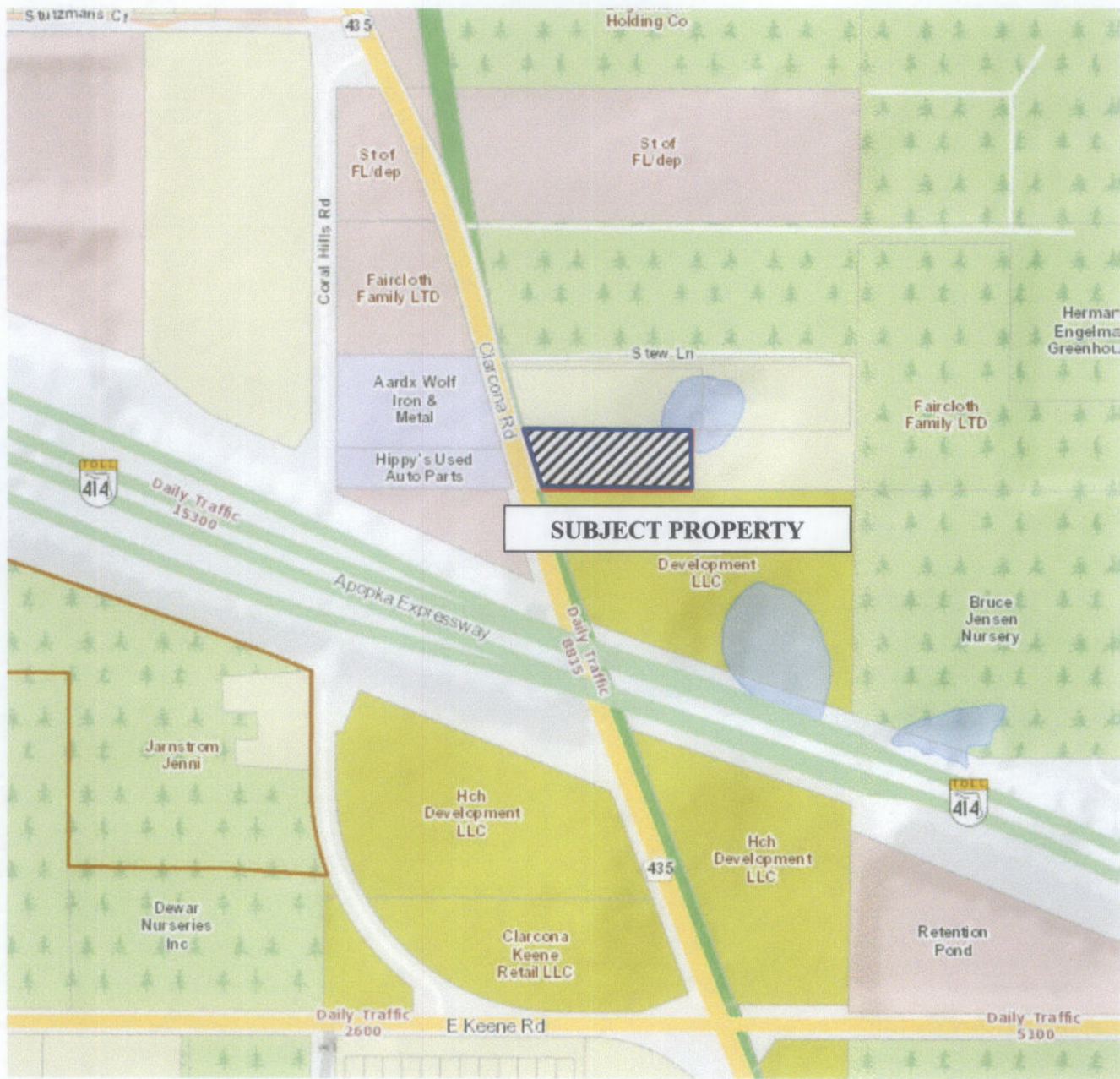
**ALLOWABLE
USES:**

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



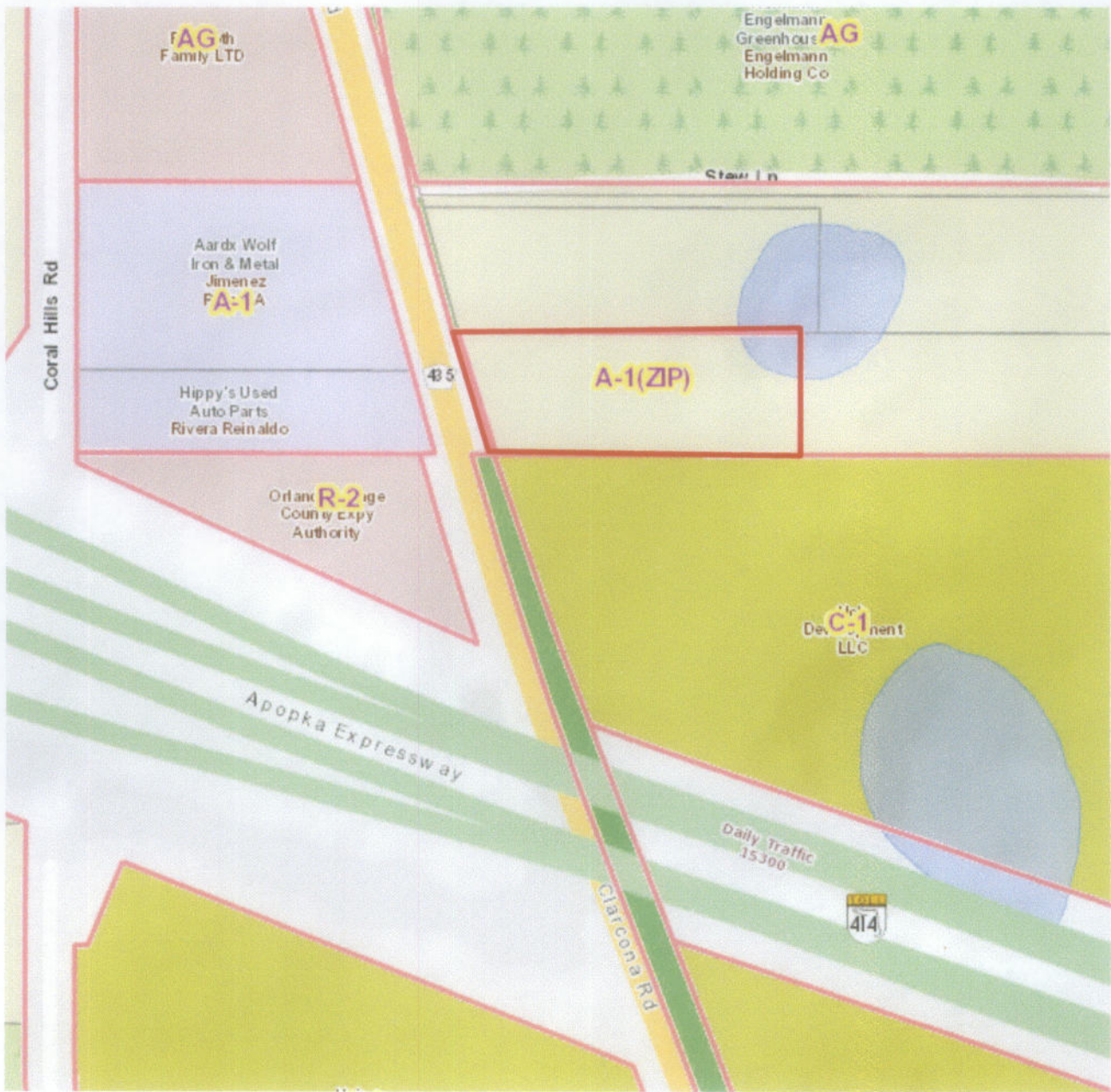
Beverly Safier
1.33 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID #: 22-21-28-0000-00-190

VICINITY MAP



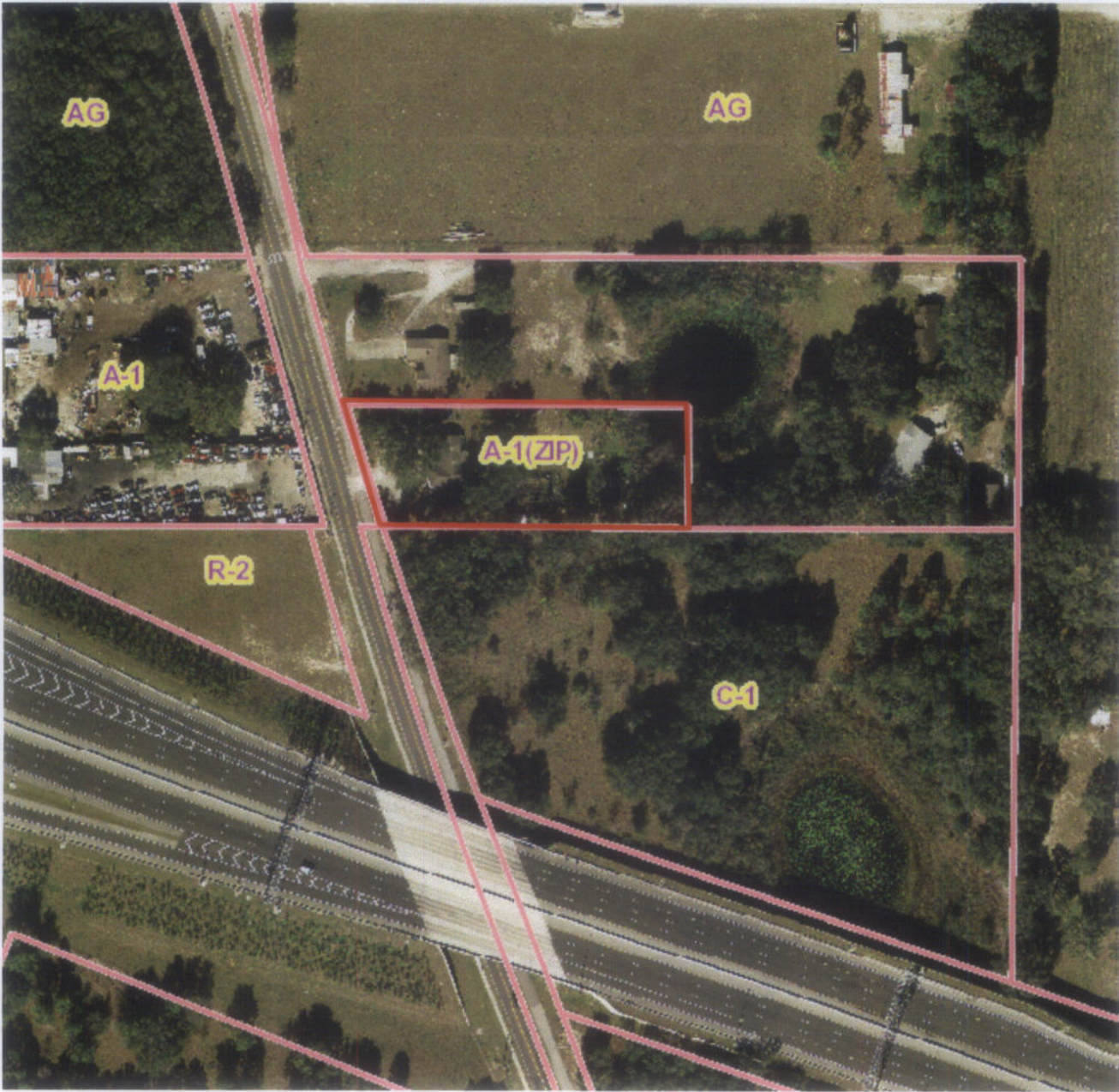


ADJACENT ZONING



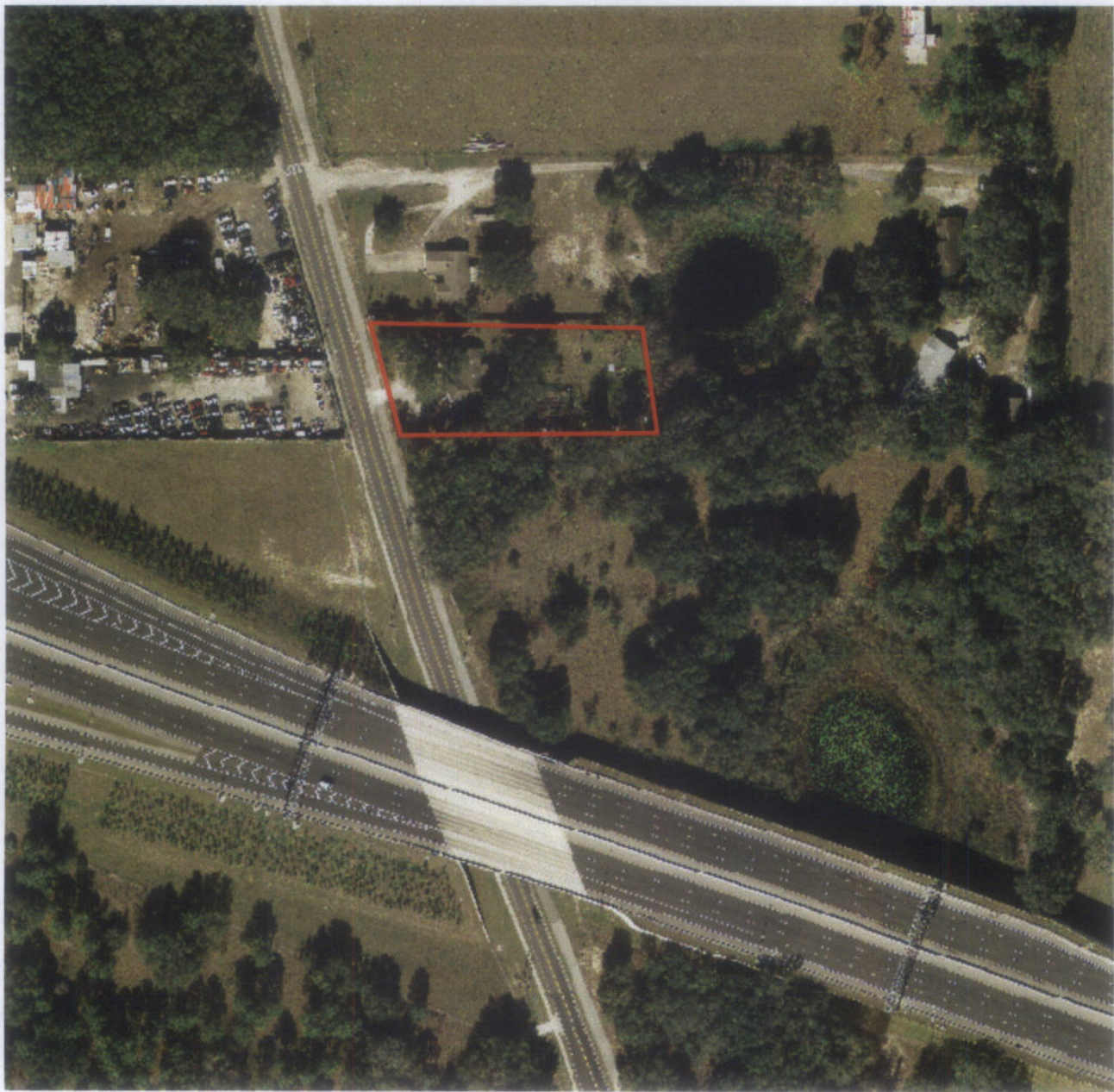


ADJACENT USES





EXISTING
USES





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: DONALD & DONNA THOMAS (Case # 2015-2-23)

PARCEL ID NUMBER: 27-21-28-0000-00-056

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

SUMMARY

OWNER: Donald & Donna Thomas
APPLICANT: City of Apopka
LOCATION: East of S Sheeler Road, north of Stone Road
EXISTING USE: Manufactured home
FUTURE LAND USE: Agriculture (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Manufactured home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 4.34 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 1 Residential Unit
PROPOSED ZONING: 1 Residential Unit

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City of Apopka on September 21, 2005, through the adoption of Ordinance No. 1771.

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

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

COMPREHENSIVE PLAN COMPLIANCE: The proposed AG rezoning is consistent with the Future Land Use Designation of Rural Settlement (one dwelling unit per five acres) that is assigned to the property. Minimum lot size for property assigned the AG zoning category is 5 acres. The subject property is considered a legal, non-conforming lot within the AG zoning district.

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	Rural	A-1	Single-family home
East (County)	Rural	A-1	Horse farm
South (County)	Rural	A-1	Single-family home
West (County)	Agriculture	AG	Container nursery

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (S Sheeler Road).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the existing 4.34 acres is considered a legal, non-conforming lot within the AG zoning district.

BUFFERYARD REQUIREMENTS:

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

**ALLOWABLE
USES:**

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



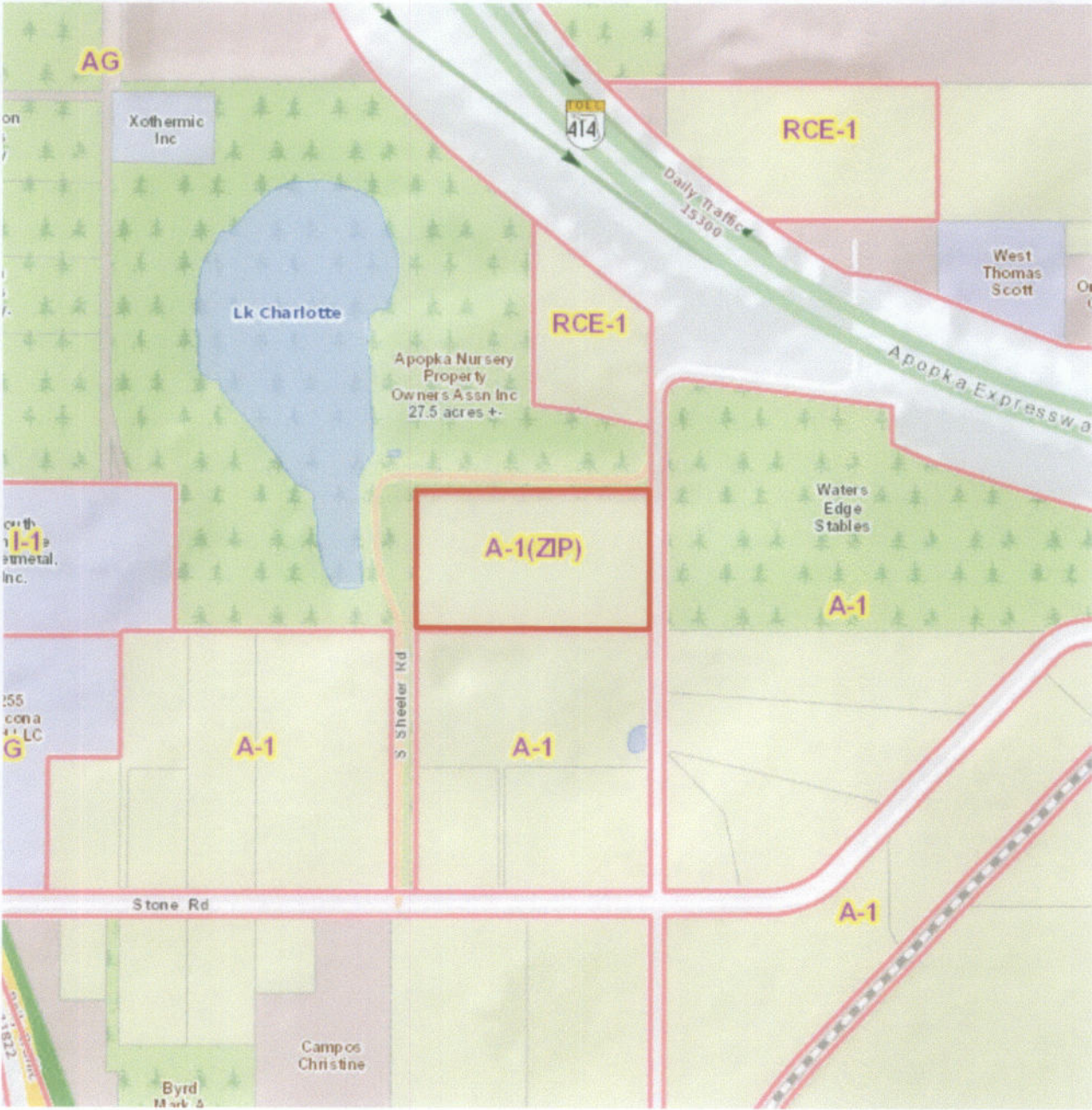
Donald & Donna Thomas
4.34 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (1 du/5 ac)
Parcel ID #: 27-21-28-0000-00-056

VICINITY MAP



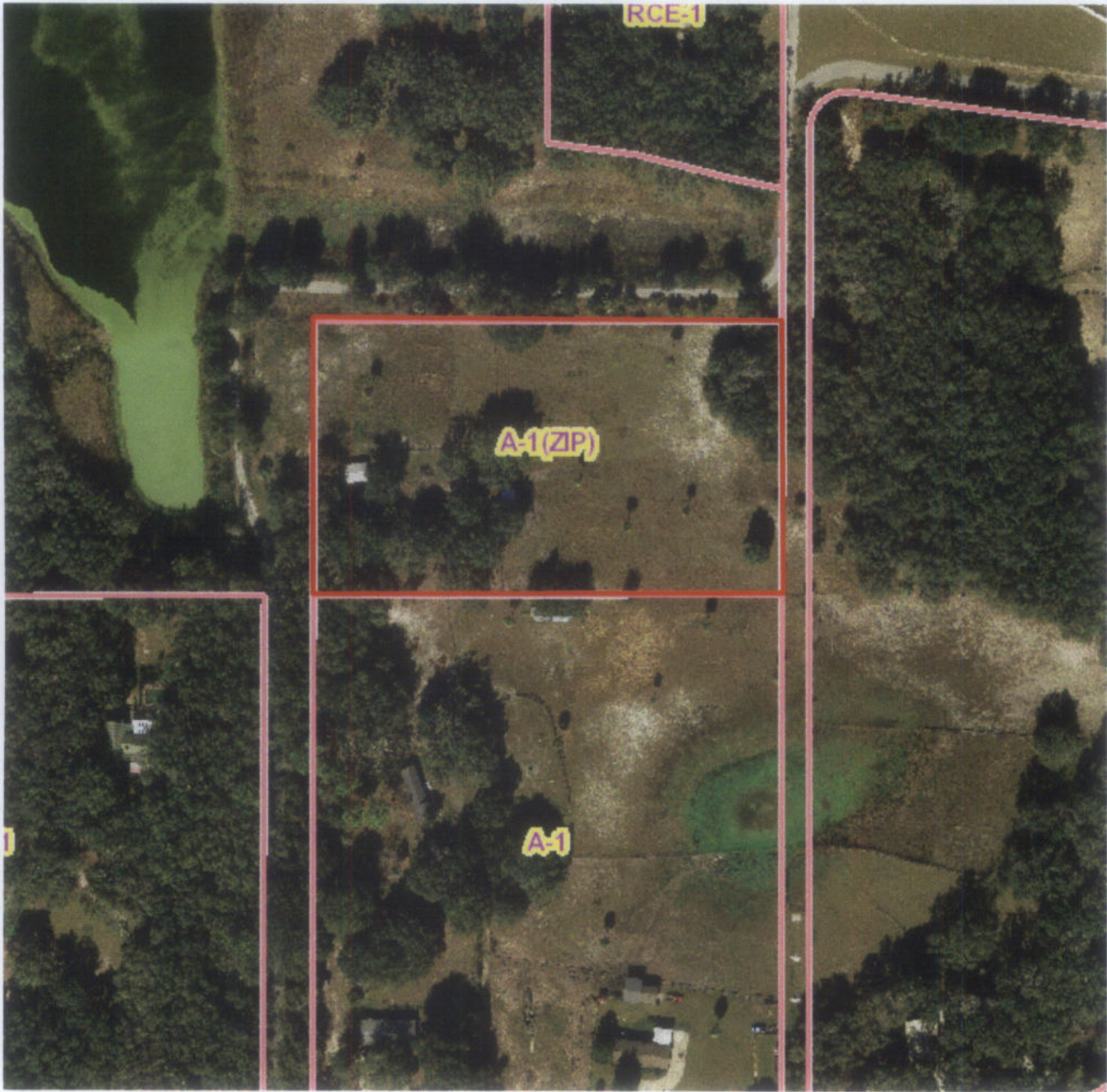


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**





CITY OF APOPKA 2015-2 ADMINISTRATIVE REZONING

☒ PUBLIC HEARING
☐ ANNEXATION
☐ PLAT APPROVAL
☐ OTHER:

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

SUBJECT: PHILLIP & PEGGY DIONNE (Case # 2015-2-24)

PARCEL ID NUMBER: 18-20-28-0000-00-053

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

SUMMARY

OWNER: Phillip & Peggy Dionne
APPLICANT: City of Apopka
LOCATION: West of Jason Dwelley Parkway, south of W Kelly Park Road.
EXISTING USE: Single-family home
FUTURE LAND USE: Agriculture (1 du/5 acres)
ZONING: A-1 (ZIP)
PROPOSED DEVELOPMENT: Single-family home (existing)
PROPOSED ZONING: AG
TRACT SIZE: 10.12 +/- acres
MAXIMUM ALLOWABLE DEVELOPMENT:
EXISTING ZONING: 2 Residential Units
PROPOSED ZONING: 2 Residential Units

DISTRIBUTION

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

Finance Dir.
HR Director
IT Director
Police Chief

Public Ser. Dir.
City Clerk
Fire Chief

ADDITIONAL COMMENTS:

The subject property was annexed into the City on November 16, 2007, through the adoption of Ordinance No. 1787.

Policy 3.9 of the Apopka Comprehensive Plan 2030 requires that a “city” zoning designation be assigned to annexed properties. Staff is requesting an administrative rezoning for the subject properties to comply with the policy set forth in the Comprehensive Plan.

The proposed zoning change is compatible with the character of the surrounding area. Currently, the 4.23 acre parcel accommodates warehousing and vacant acreage.

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

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

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

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

PUBLIC HEARING SCHEDULE:

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

DULY ADVERTISED:

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

RECOMMENDED ACTION:

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

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

ZONING REPORT

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Very Low Suburban	R-1AAA	Container nursery
North (County)	Rural	A-1	Single-family home
East (City)	Residential Estate	PUD	Single-family homes
South (County)	Rural	A-1	Single-family home
West (County)	Rural	A-1	Single-family home

LAND USE &

TRAFFIC COMPATIBILITY: The subject property fronts and is accessed by a local roadway (Jason Dwelley Parkway).

COMPREHENSIVE PLAN COMPLIANCE:

The proposed AG zoning is consistent with the City's Rural Settlement (1 du/5 acres) Future Land Use category and with the character of the surrounding area and future proposed development. Per Section 2.02.01, Table II-1, of the Land Development Code, AG zoning is one of the acceptable zoning districts allowed within the Rural Settlement Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

AG DISTRICT REQUIREMENTS:

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

Based on the above zoning standards, the existing 10.12 acre parcel complies with code requirements for the AG district.

BUFFERYARD REQUIREMENTS:

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

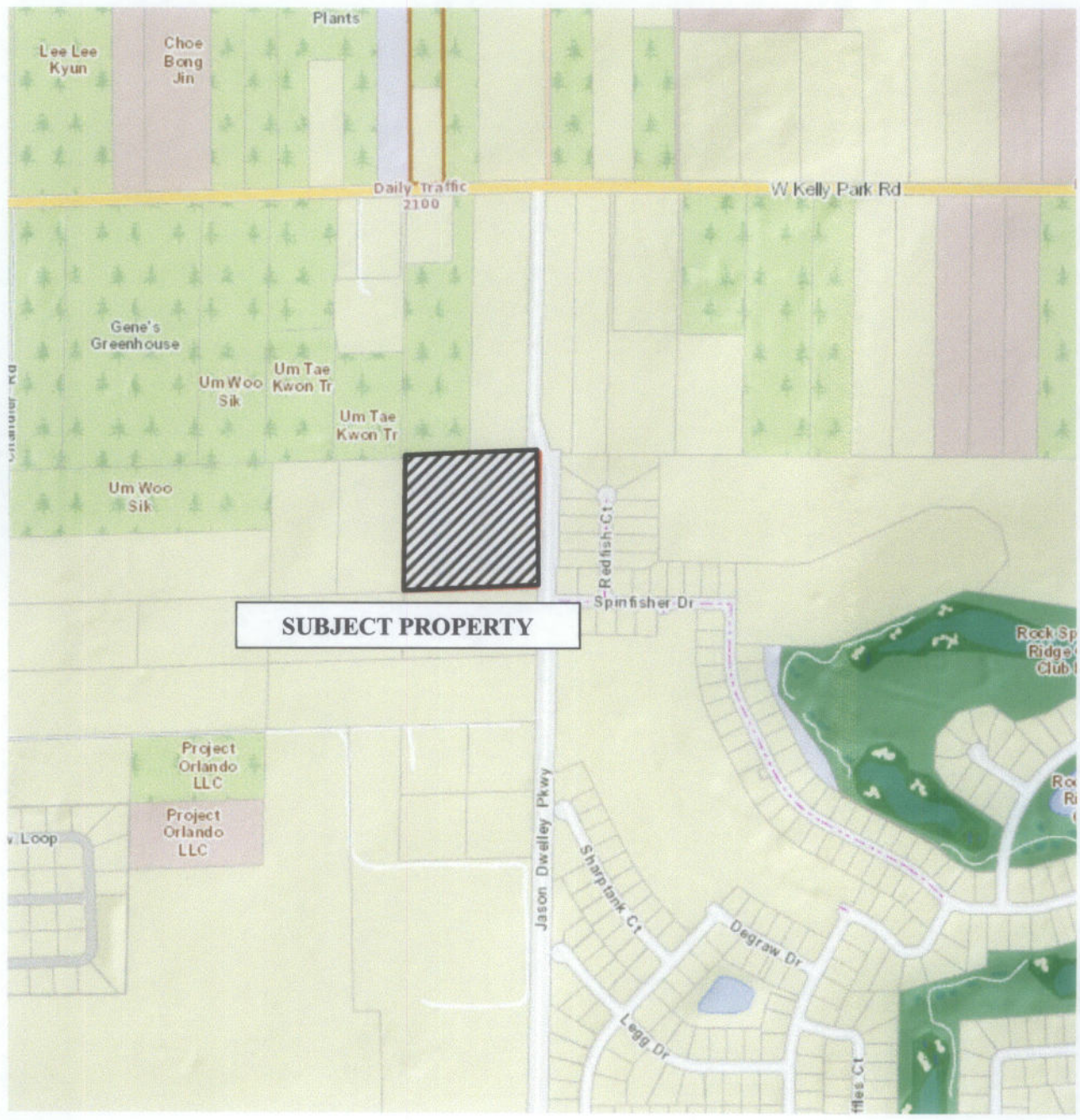
**ALLOWABLE
USES:**

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



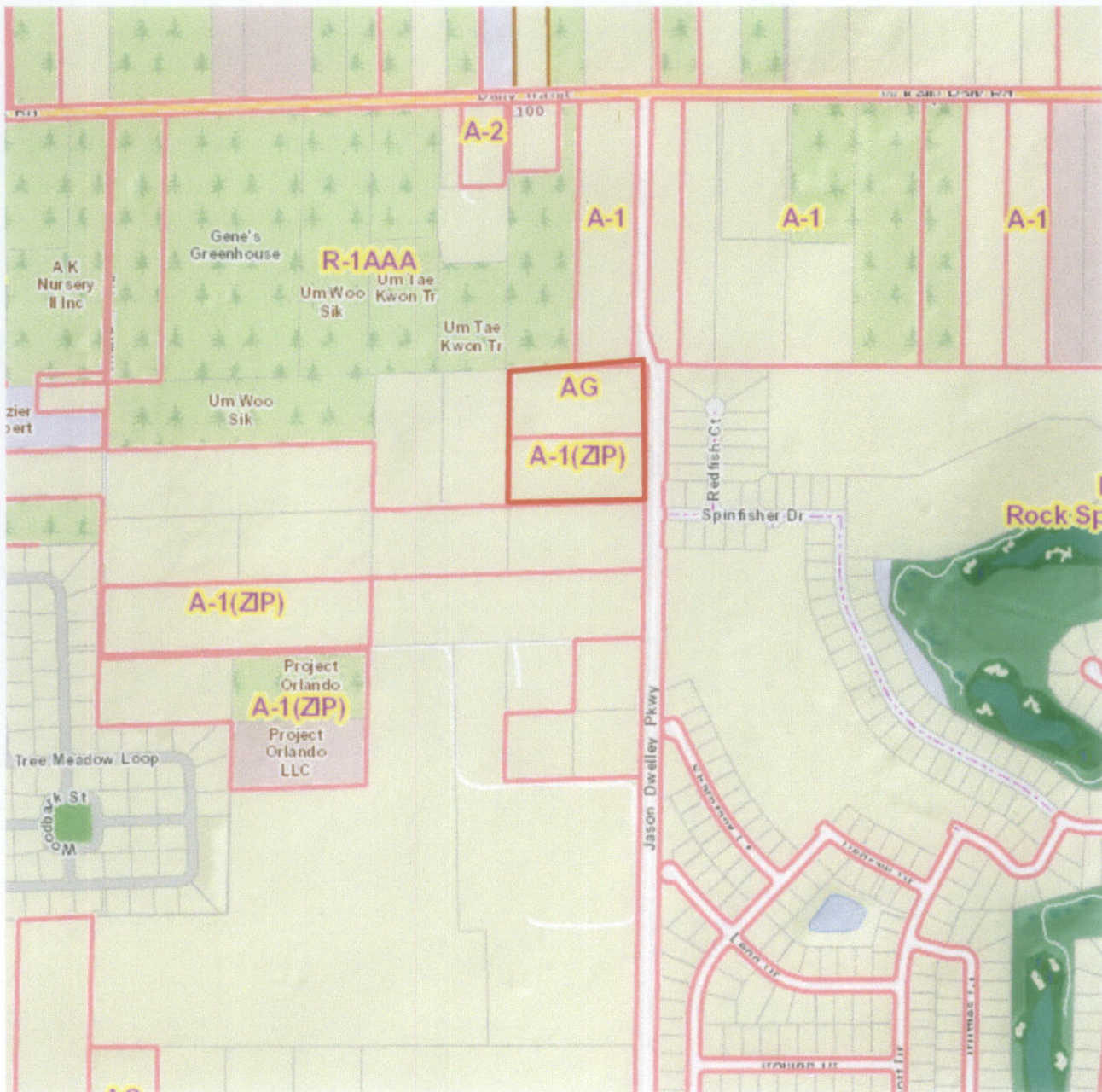
Phillip & Peggy Dionne
10.12 +/- Acres
Proposed Zoning Change:
From: "County" A-1 (ZIP) (Agriculture) (21,780 sq. ft. min. lot)
To: "City" AG (Agriculture) (0-1 du/5 ac)
Parcel ID #: 18-20-28-0000-00-053

VICINITY MAP



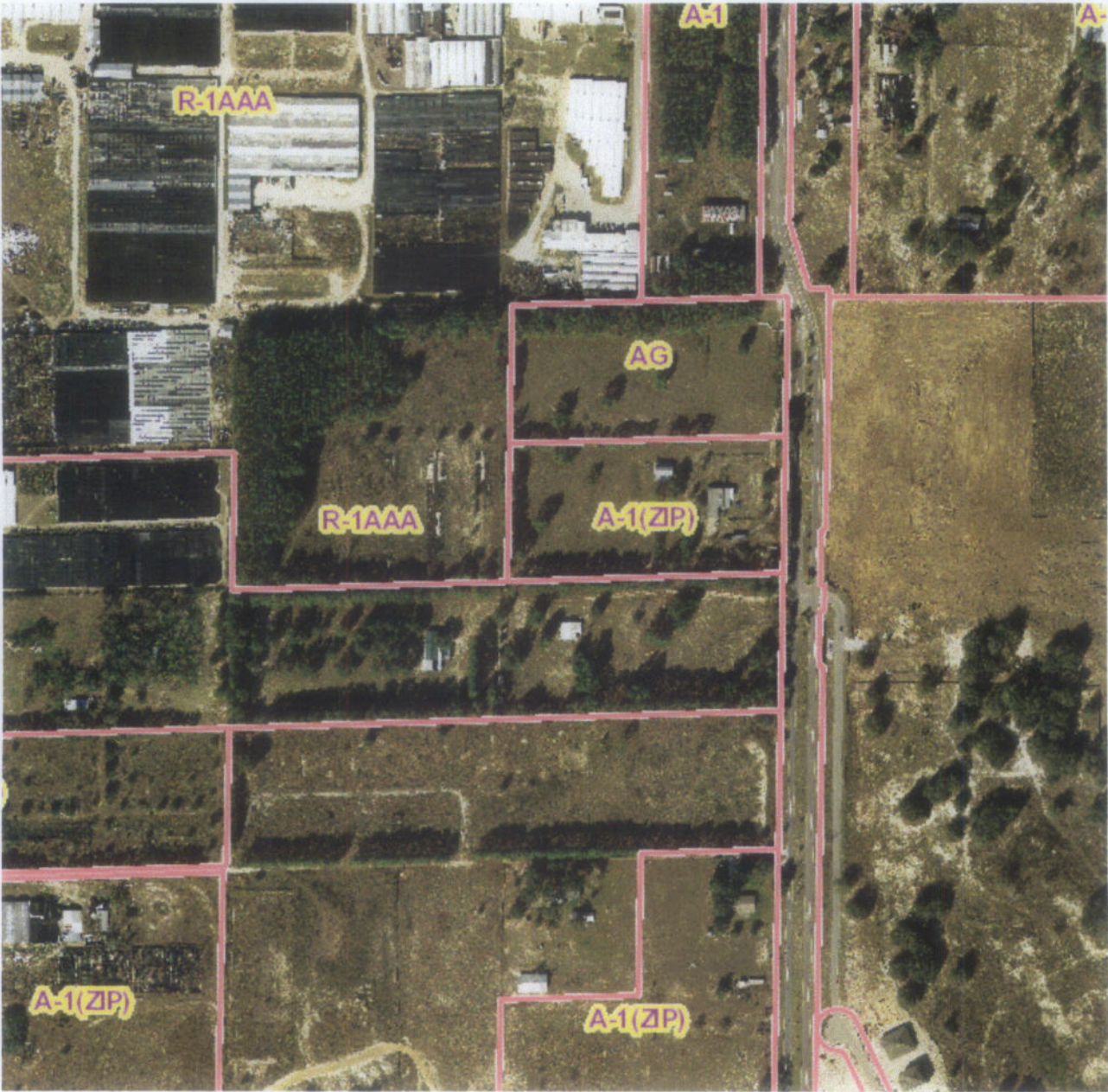


ADJACENT ZONING





ADJACENT USES





**EXISTING
USES**



ORDINANCE NO. 2414

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

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

WHEREAS, the City of Apopka Community Development Department, has requested an administrative change in zoning on said property as identified in Section I of this ordinance; and

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

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

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

PARCEL	NAME	ACREAGE	LAND USE	COUNTY ZONING	PROPOSED ZONING
08-20-28-0000-00-005	John & Joanne Ault	7.99	AG	A-1(ZIP)	AG
22-21-28-0000-00-190	Beverly Safier	1.33	AG	A-1(ZIP)	AG
27-21-28-0000-00-056	Donald & Donna Thomas	4.34	AG	A-1(ZIP)	AG
18-20-28-0000-00-053	Phillip & Peggy Dionne	10.12	AG	A-1(ZIP)	AG

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

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

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

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

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

READ FIRST TIME:

April 1, 2015

READ SECOND TIME

AND ADOPTED:

April 15, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR ADOPTION HEARING:

February 20, 2015

April 3, 2015

Backup material for agenda item:

8. ORDINANCE NO. 2415 – FIRST READING – Amending the City of Apopka, Code of Ordinances, Section 2, Division 2, Chapter 2 to create Subsection 2-123 entitled "Pass-Through Fees."



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA	MEETING OF:	April 1, 2015
X PUBLIC HEARING	FROM:	Community Development
SPECIAL REPORTS	EXHIBITS:	Ordinance No. 2415
X OTHER: Ordinance		

SUBJECT: ORDINANCE NO. 2415 – AMENDING THE CITY OF APOPKA, CODE OF ORDINANCES, TO CREATE SUBSECTION 2-123 OF SECTION 2, DIVISION 2, CHAPTER 2, TITLED– PASS-THROUGH FEES.

Request: FIRST READING OF ORDINANCE NO. 2415 - AMENDING THE CITY OF APOPKA, CODE OF ORDINANCES, TO CREATE A NEW SUBSECTION 2-123 OF SECTION 2, DIVISION 2, CHAPTER 2, TITLED– PASS-THROUGH FEES; AND HOLD IT OVER FOR SECOND READING AND ADOPTION ON APRIL 15, 2015.

SUMMARY:

The City Council of the City of Apopka recognizes that the City incurs significant costs to retain professional consultants for the review, inspection and regulation of development activities occurring within the City. Such consultants include attorneys, engineers, planners, environmental specialists, property appraisers and surveyors. Costs for such professional services exceed the application fee paid to the City. Thus, this cost places an unscheduled burden on the City budget. The City desires that applicants for certain development activities pay the costs of review, inspection and regulation of development activities relative to their application. The City of Apopka desires to amend its City Code to provide for pass-through of certain costs incurred by the City pertaining to the review, inspection and regulation of development activities.

PUBLIC HEARING SCHEDULE:

City Council, April 1, 2015 (1:30 pm) - 1st Reading
City Council, April 15, 2015 (7:00 pm) – 2nd Reading

DULY ADVERTISED:

March 20, 2015 – Public Hearing Notice
April 3, 2015 – Ordinance Heading

FISCAL IMPACT: The proposed amendment to the City’s development review fee schedule will primarily allow the City to pass certain costs for professional services, particularly legal services, to development applicants. Such fees typically are not scheduled within the standard development review application fee or the City’s budget. This occurs because the need for such professional services will differ from one development project to the next based on the scale and complexity of the proposed development. Most development applications will not warrant a need for the pass-through fee. Overall, the proposed ordinance represents a cost savings for the City of Apopka and its residents.

RECOMMENDATION ACTION:

CC recommended action – Accept the First Reading of Ordinance No. 2415, and Hold it Over for Second Reading and Adoption on April 15, 2015.

DISTRIBUTION:

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

Finance Director
HR Director
IT Director
Police Chief

Fire Chief
Public Ser. Director
City Clerk

ORDINANCE NO. 2415

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

WHEREAS, the City Council of the City of Apopka recognizes that the City incurs significant costs in the review, inspection and regulation of development activities occurring within the City; and

WHEREAS, the City Council of the City of Apopka desires that applicants for certain development activities pay the costs of review, inspection and regulation of development activities relative to their application; and

WHEREAS, the City Council of the City of Apopka desires to amend its City Code to provide for pass-through of certain costs incurred by the City pertaining to the review, inspection and regulation of development activities,

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

SECTION 1. The City of Apopka Code of Ordinances, Part II, Chapter 2, Division 2, Section 2, Subsection 2-123 Entitled “Pass-Through Fees” is hereby created as follows, and all other sections of the City Code shall be renumbered accordingly:

ARTICLE IV - FINANCE DIVISION II - FEES

2-123.1 Authority

The City is hereby authorized to assess and collect fees, deposits, costs and expenses relating or pertaining to the review, inspection, regulation and defense of development related activities pursuant to this Section.

2-123.-2 Definitions.

The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Applicant shall mean and refer to an owner or an owner’s authorized agent who submits an Application, proposal, petition or project to the City.

Application, for purposes of this Section, shall mean and refer to an application, petition or proposal submitted to the City pertaining to development for which City approval is required, and shall be limited to the following, except as the provisions of Section 2-123.3 shall apply:

- (i) Comprehensive plan amendment
- (ii) Concurrency determination
- (iii) Development agreement, formulation and review
- (iv) Development of regional impact
- (v) Final subdivision plat, including any revisions to a previously approved or existing subdivision or plat
- (vi) Special Exception
- (vii) Planned unit development
- (viii) Preliminary development plan
- (ix) Final development plan
- (x) Rezoning (with or without a comprehensive plan amendment)
- (xi) Variance Request
- (xii) Vesting Determination
- (xiii) Impact fee agreements
- (xiv) Utility plans and agreements
- (xv) Any other development application or development order not listed above
- (xvi) Substantial change in any of the above

City shall mean and refer to the City of Apopka, Florida.

City consultant shall mean and refer to those companies, private consultants, governments, individuals or other entities under contract with the City to provide services to or for the City or who provide services to or for the City or who provide technical or legal expertise to or for the City, including but not limited to, attorneys, engineers, planners, environmental specialists, property appraisers and surveyors.

City staff shall mean and refer to City employees.

Total development review amount shall mean and refer to the total amount of the review deposit to be paid by an Applicant pursuant to Section 2-123.3 and any fees authorized to be collected by the City pursuant to its Code of Ordinances.

Owner shall mean and refer to an owner or group of owners of fee simple title to a particular lot, tract, or parcel of real property.

Owner's authorized agent shall mean and refer to an agent of the owner duly authorized to submit and process an Application. If the Applicant is not the property owner, a proper authorization must accompany the Application. Such authorization shall be evidenced by a power of attorney signed by the owner and notarized specifically authorizing the agent to represent the owner in connection with the Application and as to the owner's real property which is the subject of the Application. The authorization shall include an agreement of the owner to be bound by the actions of the owner's authorized agent and the provisions of this Section.

Review deposit shall mean and refer to a deposit of money, as established by this Section, to be paid by an Applicant at the time of the filing of an Application as defined above or, upon good cause shown, such other development-related Application as determined by the City Administrator or his/her designee as required in Section 2-123.3.

2-123.3 Review deposits.

(a) *Required review deposits.* A \$5,000 review deposit, payable to the City of Apopka by money order, personal or company check or cashier's check drawn on a

financial institution authorized to do business in Orange County, Florida, shall be delivered to and collected by the City at the time of submission of each Application as defined in Section 2-123.-2. Said review deposit shall be utilized by the City to reimburse the City for the actual costs paid by the City incurred as a result of the review of the development activity.

(b) *Other types of development-related applications.* Upon good cause shown, a review deposit, in an amount determined by the City Administrator not to exceed \$5000, paid as set forth above in subsection (a), shall be delivered to and collected by the City at the time of submission of such other types of development-related application as may be determined by the City Administrator or at such other time as the City Administrator may designate. The following factors, by way of example, not limitation, may be considered to support a finding of good cause for the imposition of a review deposit during the review and approval of a development-related Application other than as described in Section 2-123.-2 and for establishing the appropriate review deposit amount: information provided by the City staff and Applicant about the complexity and scope of the proposed development-related Application and the development project, the payment history of the Applicant as it pertains to past dealings with the City, and the expected involvement of City consultants.

(c) *Waiver of review deposits.* In all cases, the City Administrator may waive the requirement of a review deposit if, based upon information from City staff and the Applicant, the amount of the fees, costs and expenses relating to the review, processing, inspection and regulation of such, as estimated by the City Administrator, will not exceed the Application fee. Similarly, should the City Administrator determine, at any time thereafter, in his sole discretion, that requiring a review deposit is in the City's best interest, he may require one at that time. No review of an Application pertaining or relating to subdivision plats, development agreements, planned unit developments, a development of regional impact or such other development-related Application as determined by the City Administrator, shall commence until the Application fee and review deposit, if applicable, is paid. The total development review amount shall be forwarded to the City Administrator prior to the end of the second business day following the submittal of said Application for review or approval. The balance of the review deposit, if any, shall be returned to the Applicant as provided for in section 2-123.1-4. No interest shall be paid to Applicant on any review deposit on account with the City.

(d) *Administrative Fee for review deposits.* To mitigate City's cost to administer and process a Pass-Through Fee review deposit, an administrative fee equal to three percent (3%) of the actual costs of the review by the City Consultant shall be paid to the City. This administrative fee shall be deducted from the review deposit.

2-123.4 Project account.

Once an application pertaining or relating to an Application or, upon good cause shown, such other development-related Application as determined by the City Administrator, has been submitted to the City and the applicable total development Application fee has been collected, the City Administrator or his/her designee shall establish an individual project account through which all fees, expenses and costs incurred by the City which are associated with the applicable Application will be monitored. The project account will be maintained throughout the entire review, processing, inspection, and regulation process until the latter of:

- (i) Final action (after all appeal periods have run) by the City Council has occurred with respect to the Application;
- (ii) No further significant involvement of the City staff or City consultants is expected to occur;
- (iii) The City has been paid all of the amounts due under this Section and the City Code; or
- (iv) The expiration of any warranty period associated with the conveyance or dedication of improvements to the City.

Fees, costs and expenses for any City consultant time directly related to the review, processing, inspection or regulation of any Application or development pursuant to this Section, the City Code and/or State Statutes, and all other directly related expenses, including, but not limited to, advertising, legal, inspection and engineering costs are to be charged to the project account.

2-123.5 City invoices.

(a) *Payment.* The City Administrator or his/her designee may periodically calculate the costs, expenses and fees incurred by the City for each Application for which a review deposit is required and send an invoice to the Applicant for payment. The Applicant shall have ten (10) days from the date of the invoice to pay to the City the invoiced amount. Thereafter, if payment is not received in the required time, the City Administrator or his/her designee shall apply the review deposit toward payment for the invoiced amounts. If the total of the costs, expenses, and fees incurred by the City for an Application for which a review deposit is required exceeds the review deposit, and payment is not received in the required time after invoicing, then the City Administrator or his/her designee shall apply the review deposit to the unpaid portion of the invoice and send a notice of nonpayment to the Applicant for the remaining amount of the invoice. The City Administrator or designee shall also send a notice to the Applicant and to all City staff and City consultants associated with the subject Application or project, instructing them to cease all work relating to such Application or project unless and until further notified by the City Administrator or his/her designee. A copy of such notice shall be sent to the Applicant.

Upon receipt of the notice, work by the City staff and City consultants on the Application or project shall cease, and neither building permits, certificates of completion, temporary certificates of occupancy, nor certificates of occupancy will be issued with respect to such real property. Continuation of the review of the Application or project with respect to the real property for which payment was not made will not be undertaken by the City until such time as all outstanding fees, costs and expenses due under this Section are paid in full and a new review deposit paid to the City.

Unless otherwise provided for in this Section, if an Applicant receives or is granted approval on an Application or project or is issued a building permit, certificate of completion, temporary certificate of occupancy, certificate of occupancy, occupational license or other development order by the City, and additional fees, costs, expenses or such other obligations attributable to the Application are thereafter posted to the project account for work that is associated with said approval or issuance, the Applicant or his/her successor in interest shall pay said costs, fees and expenses incurred by the City for such Application. The City shall send an invoice to the

Applicant or successor for such fees or expenses, and the Applicant or successor shall reimburse the City for such fees or expenses within ten (10) days.

(b) *Deficiency and liens.* Failure to pay an invoiced amount within the requested time shall constitute a violation of this section. Any deficiency owed to the City, whether incurred before or after project approval, shall bear interest from the date of the aforementioned notice of non-payment at the rate of 18 percent simple interest per annum or otherwise at the highest rate permitted by law until paid. The amount of any such deficiency owed to the City shall, together with interest and the costs of collection as hereinafter provided, shall be the personal obligation of the Applicant and shall be a continuing lien on the real property related to the Application or project under review. Any subsequent or new owner of the real property related to the Application or project shall take title subject to the obligations of the Applicant under the terms of this Section and shall be jointly and severally liable for such obligations. An Applicant may not escape liability for the deficiency by abandonment of the Application or project, withdrawal of such Application or sale of the real property with respect to which such Application has been submitted. If the initial or subsequent invoices are not paid in a timely fashion, and the invoiced amount exceeds the amount of the review deposit, the City may take whatever legal means it deems appropriate to collect the deficiency, including, but not limited to, retaining the services of a collection agency or attorney, initiating legal proceedings for the collection thereof, recording a notice of lien as hereinafter provided, and foreclosing same in the same manner as mortgage liens are foreclosed.

If the project is subject to the provisions of a development agreement, and the Applicant is found to be in default of such development agreement, then it would be considered a default of that agreement and whatever remunerative such development agreement calls for would be applied, as opposed to the provisions called for in this ordinance.

2-123.6 Required payments.

Payment for costs, expenses and fees incurred by the City under this Section is a requirement for the City's final approval of the Application and project.

2-123.7 Assessable costs, expenses, and fees.

All direct costs, expenses and fees incurred by the City that relate directly to the review, processing, inspection, regulation or defense of an Application, including, but not limited to, expenses incurred by City consultants who review or defend the Application at the direction of the City, as well as other expenses related directly to advertising, surveying, legal review and/or engineering review for an Application or project shall be assessed to the Applicant and reimbursed to the City. Assessable expenses shall not include the cost of City employee time in reviewing such Application, as such time shall be deemed to have been reimbursed by the Application fee.

City consultants shall submit records of their time, fees, costs, and expenses to the City Administrator or his/her designee and such fees, costs and expenses shall be invoiced to the Applicant on a dollar-for-dollar basis for services provided under the

direction of the City to review. The rates charged to the Applicant for said services shall not exceed those charged to the City.

2-123.8 Objections/appeal.

Any objection to any invoice or to any matter set forth in this Section must be set forth in writing and addressed and delivered to the City Administrator on or before the tenth day after the date of the relevant invoice. In the event the City Administrator denies the objection, the Applicant shall have ten (10) days after the date of the City Administrator's written decision to file an appeal of such decision with the City Clerk or his/her designee, which appeal shall be heard by the City Council. All objections and appeals shall set forth in detail the reasons and evidence upon which the objection and appeal are based. Failure of the Applicant to establish beyond a preponderance of the evidence that an invoice is not appropriate and is not based upon competent substantial evidence, shall result in a denial of the objection and appeal.

2-123.9 Attorney's fees in the event of failure to pay review costs.

In the event the City is required to enforce this Section, then the City shall be entitled to recover from the Applicant all costs and expenses incurred, including but not limited to its reasonable attorneys' fees, paralegal fees and other costs and expenses, whether incurred prior to, during or subsequent to court proceedings or on appeal, and/or in any bankruptcy proceedings involving the Applicant, the real property and/or the project being reviewed.

2-123.10 Change of ownership.

An Applicant shall provide prompt written notice to the City Administrator in the event of a change in ownership of all or a portion of a lot, tract, or parcel of real property with respect to which an Application, or project is pending before the City. Such notice shall be on a form approved by the City and shall include the name, address and phone number of the new owner and a legal description of the lot, tract or parcel of real property now owned by the new owner. Any such new owner (i) shall not be entitled to utilize or draw upon any review deposit previously paid to the City by the original Applicant, (ii) shall be liable to the City for all fees, costs and expenses related to the lot, tract or parcel of real property which arise subsequent to the date the new owner acquires title to such real property, and (iii) may be required by the City to pay a separate review deposit in the same manner as a new Application, in which case a separate project account will be opened in the name of the new owner or the new owner's authorized agent. If a separate review deposit is required, no work shall be undertaken by the City or its consultants with respect to the lot, tract or parcel of real property under control of the new owner until a separate review deposit is paid to the City. Until such time as the City receives such written notice of a change in ownership, the original Applicant shall be jointly and severally liable to the City for all fees, costs and expenses associated with the Application or project; provided, however, that upon receipt by the City of a notification of change of ownership, the original Applicant shall no longer be liable to the City for fees, costs and expenses incurred by the City which arise after receipt of the notification of change of ownership, and the new owner shall be solely liable to the City for all such fees, costs and expenses associated with the Application or project activities subsequent to the date of receipt by the City of such notification. Additionally, the Applicant shall be entitled to a refund of any review

deposit balance as of the date said change of ownership notice is received by the City, provided all assessable costs, expenses and fees hereunder and incurred to that date are paid in full.

2-123.11 Agreement to be bound by this Section.

Submission of an Application shall constitute the consent and agreement for the Applicant and the owner, if the Application is being executed by the owner's authorized agent, to be bound by the provisions of this Section.

2-123.12-19 Reserved.

SECTION 2. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof, which may be determined to be in conflict herewith, are hereby repealed.

SECTION 3. Severability. It is the intent of the City Council of the City of Apopka, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of Apopka, Florida this ____ day of _____, 2015.

READ FIRST TIME: April 1, 2015

READ SECOND TIME
AND ADOPTED: April 15, 2015

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED: March 13, 2015
 April 3, 2015

Backup material for agenda item:

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



CITY OF APOPKA CITY COUNCIL

- ☐ CONSENT AGENDA
☐ PUBLIC HEARING
☐ SPECIAL HEARING
☒ OTHER: Resolution No. 2015-09

MEETING OF: April 1, 2015
FROM: Finance
EXHIBITS: Loan Agreement

SUBJECT: RESOLUTION NO. 2015-09 – AUTHORIZING THE ISSUANCE AND EXECUTION OF A PROMISSORY NOTE WITH WHITNEY BANK D/B/A HANCOCK BANK IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,000,000 FOR THE ACQUISITION OF VARIOUS PUBLIC SAFETY VEHICLES INCLUDING A FIRE HEAVY RESCUE TRUCK, A FIRE REPLACEMENT 4X4 VEHICLE AND TEN POLICE VEHICLES.

Request: ADOPT RESOLUTION NO. 2015-09

SUMMARY:

The City has determined it is in need of a Heavy Rescue Truck, a Fire 4X4 Vehicle and ten(10) Police Vehicles and it is in the City's best interest to acquire these vehicles using proceeds of tax-exempt debt. The City's Financial Advisor solicited proposals from several financial institutions to finance these purchases. After reviewing the proposals it was determined that Whitney Bank d/b/a Hancock Bank provided the most favorable proposal. The loan agreement provides a 7-year term with a fixed interest rate of 1.67%.

FUNDING SOURCE:

General Fund

RECOMMENDED ACTION:

Adopt Resolution No. 2015-09

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
City Clerk
Fire Chief

RESOLUTION NO. 2015-09

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

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

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to the provisions of the Florida Constitution, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. When used in this Resolution, capitalized terms not otherwise defined herein shall have the meanings set forth in the Loan Agreement (as defined herein), unless the context clearly indicates a different meaning.

"Act" shall mean the Florida Constitution, Chapter 166, Florida Statutes, and other applicable provisions of law.

"Bank" shall mean Whitney Bank, d/b/a Hancock Bank, and its successors and assigns.

"City" shall mean the City of Apopka, Florida, a municipal corporation duly organized and validly existing under the laws of the State of Florida.

"Chief Administrative Officer" shall mean the Chief Administrative Officer of the City and such other person as may be duly authorized to act on his or her behalf, including, but not limited to, the Finance Director.

"Clerk" shall mean the City Clerk of the City, or his or her duly authorized designee.

"Code" shall mean the Internal Revenue Code of 1986, as amended, and applicable rules and regulations thereunder.

"Council" shall mean the City Council of the City.

"Finance Director" shall mean the Finance Director of the City and such other person as may be duly authorized to act on his or her behalf.

"Financial Advisor" means the City's financial advisor, Public Financial Management, Inc.

"Loan Agreement" shall mean the Loan Agreement to be executed between the Bank and the City, which shall be substantially in the form attached hereto as Exhibit B.

"Mayor" shall mean the Mayor of the City and in his or her absence or unavailability, the Vice-Mayor of the City and such other person as may be duly authorized to act on his or her behalf.

"Non-Ad Valorem Revenues" shall have the meaning assigned such term in the Loan Agreement.

"Project" shall mean the acquisition of a heavy fire rescue truck, a fire 4x4 vehicle and 10 police vehicles, as described in the plans and specifications on file or to be on file with the City, as the same may be modified or amended from time to time, and which are to be financed with a portion of the proceeds of the Series 2015 Note.

"Series 2015 Note" shall mean the City of Apopka, Florida Special Obligation Improvement Revenue Note, Series 2015, as such Series 2015 Note is more particularly described in the Loan Agreement.

The words "herein," "hereunder," "hereby," "hereto," "hereof," and any similar terms shall refer to this Resolution.

Words importing the singular number include the plural number, and vice versa.

SECTION 3. RESOLUTION TO CONSTITUTE CONTRACT. In consideration of the purchase and acceptance of the Series 2015 Note by the Bank, the provisions of this Resolution shall be a part of the contract of the City with the Bank, and

shall be deemed to be and shall constitute a contract between the City and the Bank. The provisions, covenants and agreements herein set forth to be performed by or on behalf of the City shall be for the benefit, protection and security of the Bank.

SECTION 4. FINDINGS. It is hereby ascertained, determined and declared that:

(A) The City has certain capital improvement needs and requirements in the form of the Project that are required to be acquired in order to improve and maintain the health, safety and welfare of the City and its inhabitants.

(B) The City's Financial Advisor solicited proposals from financial institutions to provide a loan to finance the Project.

(C) The Bank submitted its proposal to provide the City with a term loan to finance the Project which proposal was the most favorable proposal received by the City and is attached hereto as Exhibit A.

(D) The Series 2015 Note shall be repaid solely from the Non-Ad Valorem Revenues in the manner and to the extent set forth herein and in the Loan Agreement and the ad valorem taxing power of the City will never be necessary or authorized to pay said amounts.

(E) Due to the potential volatility of the market for tax-exempt obligations such as the Series 2015 Note and the complexity of the transactions relating to such Series 2015 Note, it is in the best interest of the City to issue the Series 2015 Note by a negotiated sale to the Bank, allowing the City to sell and issue the Series 2015 Note at the most advantageous time, rather than at a specified advertised date, thereby permitting the City to obtain the best possible price, terms and interest rate for the Series 2015 Note.

SECTION 5. AUTHORIZATION OF ACQUISITION OF THE PROJECT. The financing of the Project through the issuance of the Series 2015 Note is hereby authorized.

SECTION 6 ACCEPTANCE OF PROPOSAL. The City hereby accepts the proposal of the Bank to provide the City with a term loan to finance the Project in the form attached hereto as Exhibit A. The Chief Administrative Officer and the Finance Director are each hereby authorized to execute and deliver any documents required to formally accept such proposal and the terms thereof. All actions taken by such officers or their designees and the Financial Advisor with respect to such proposal prior to the date hereof are hereby authorized and ratified. To the extent of any conflict between the provisions of this Resolution or the Loan Agreement and the proposal, the provisions of this Resolution and the Loan Agreement shall prevail.

SECTION 7. APPROVAL OF FORM OF LOAN AGREEMENT AND SERIES 2015 NOTE. The City hereby approves a term loan from the Bank in the principal amount of not to exceed \$1,000,000. The terms and provisions of the Loan Agreement in substantially the form attached hereto as Exhibit B are hereby approved, with such changes, insertions and additions as the Mayor may approve. The City hereby authorizes the Mayor to execute and deliver, and the Clerk to attest and affix the City seal to, the Loan Agreement substantially in the form attached hereto as Exhibit B, with such changes, insertions and additions as the Mayor may approve, his execution thereof being evidence of such approval. In order to evidence the loan under the Loan Agreement, it is necessary to provide for the execution of the Series 2015 Note. The Mayor and the Clerk are authorized to execute and deliver the Series 2015 Note substantially in the form attached to the Loan Agreement as Exhibit A with such changes, insertions and additions as they may approve, their execution thereof being evidence of such approval.

SECTION 8. LIMITED OBLIGATION. The obligation of the City to repay the Series 2015 Note is a limited and special obligation payable from Non-Ad Valorem Revenues solely in the manner and to the extent set forth in the Loan Agreement and shall not be deemed a pledge of the faith and credit or taxing power of the City and such obligation shall not create a lien on any property whatsoever of or in the City other than the Non-Ad Valorem Revenues. The Non-Ad Valorem Revenues shall consist of legally available non-ad valorem revenues budgeted and appropriated by the Council to pay debt service on the Series 2015 Note, all to the extent described in the Loan Agreement.

SECTION 9. GENERAL AUTHORIZATION. The Mayor, the Chief Administrative Officer, the Finance Director and the Clerk are authorized to execute and deliver such documents, instruments and contracts, whether or not expressly contemplated hereby, and the City Attorney and other employees or agents of the City are hereby authorized and directed to do all acts and things required hereby or thereby as may be necessary for the full, punctual and complete performance of all the terms, covenants, provisions and agreements herein and therein contained, or as otherwise may be necessary or desirable to effectuate the purpose and intent of this Resolution.

SECTION 10. REPEAL OF INCONSISTENT DOCUMENTS. All ordinances, resolutions or parts thereof in conflict herewith are hereby superseded and repealed to the extent of such conflict.

SECTION 11. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

ADOPTED, this 1st day of April, 2015.

CITY OF APOPKA, FLORIDA

(SEAL)

By: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Whitney Bank, d/b/a Hancock Bank Proposal

EXHIBIT B

Form of Loan Agreement



Via E-Mail

March 18, 2015

Honorable Mayor and City Commission
City of Apopka, Florida

C/o Mr. Brent Wilder
Public Financial Management

C/o Mr. Nicklas Rocca
Public Financial Management

Re: City of Apopka – financing for Fire Truck and Police Cars
\$1,000,000 maximum (non-bank qualified CBA Revenue Note, Series 2015)

Please accept this letter as a commitment of Hancock Bank (Whitney Bank doing business as Hancock Bank) or the "Bank" to purchase the above captioned Note upon the terms and conditions outlined below:

Issuer: City of Apopka, Florida.

Amount: \$1,000,000 in aggregate principal amount "bank loan" in the form of a Revenue Note (the "Note" or "Series 2015 Note") of the Issuer.

Purpose of Issue: Proceeds of the Note will be used to finance the purchase of a Fire Truck and Police Cars for the City's use and to pay the cost of issuance related to the financing (the "Project").

Authority for Issue: Provisions of the Florida Constitution, the Charter of the City of Apopka, Florida, as amended; Chapter 166, Part II of the Florida Statutes, and any other valid constitutional and statutory authority.

Dated Date of Note - Date of Delivery

Form of Certificates: The Note will be issued as a single typewritten or printed certificate, in fully registered form.

Interest Rate & Term: Pursuant to the City's Request for Proposal we are offering the following interest rate and term:

Fixed Rate Option:

Fixed Rate option – fully funded ** on the day we close the loan as outlined below:

<u>Term ##</u>	<u>Annual Interest Rate #</u>
7 year term approximately – fully amortized	1.67% (Non-bank qualified tax exempt)

** The Issuer would fully fund the loan on the day we close the loan.

*The quoted fixed interest rate is contingent upon the Mayor and City Commission accepting our proposal by no later than 20 days from the date of this letter. If the Mayor and Commission accept our proposal by the stipulated time, we will **hold** the above referenced fixed interest rate **firm**, provided that the Note is closed (fully funded) no later than 30 days from the date of this proposal. Based on your RFP (estimated closing date of April 3rd), the 30 day time frame should provide more than adequate time to “lock-in” the interest rate. Should the Note not be funded within the 30 day time frame a different rate could apply, which would be based upon the same pricing methodology we used to calculate the above referenced fixed interest rate.*

Our pricing is based on the estimated amortization of principal that the City presented in its RFP. We realize that the final amortization schedule could change slightly in order to better meet the City's needs and we are open to some changes in this proposed amortization structure; however our pricing is based on the final amortization of principal not having an average life that exceeds **3.50** years. Should the final amortization have an average life that exceeds **3.50** years, our rate would be higher than that offered above.

Interest and Principal Payments: interest would be calculated on a 30 over 360 day basis. Interest would be payable semi-annually on March 1 and September 1 of each year, commencing September 1, 2015. Principal would be reduced annually on March 1 with the first principal payment commencing on March 1, 2016 and the last principal payment being on March 1, 2022, as outlined in the City's RFP.

The loan would be structured such that minimum principal denominational units be in units of one-thousand (\$1,000.00) or multiples thereof.

Prepayment Provisions: The principal may be prepaid in whole on any date with 10 days advance written notice to the Bank *without prepayment penalty*. Principal may be prepaid in part on any principal payment date (each March 1st) with 10 days advance written notice to the Bank *without prepayment penalty*, provided that the City pays all accrued interest which shall have accrued to the date of prepayment and provided further that any principal prepayments shall be in multiples of one-thousands (\$1,000.00). Prepayments shall be deemed to apply to those principal installments with the latest maturities on the Note in inverse order. **This is the same arrangement that the City currently has with its existing note with Hancock Bank (Special Obligation Improvement Revenue Note, Series 2014).**

Credit Approval: Already approved.

Security: To secure the Series 2015 Note the City would “covenant to budget and appropriate” (CBA) legally available non-ad valorem revenues from all revenues of the City derived from any source whatsoever other than revenues generated from ad valorem taxation. Such “covenant to budget and appropriate” would be subject only to the payment of debt secured by a lien on specific non-ad valorem revenues and the requirement that the City fund essential governmental services (the City will not otherwise be entitled to fail to budget and appropriate debt service in order to balance its budget). Such covenant to budget and appropriate shall be cumulative to the extent not paid, and shall continue until such non-ad valorem revenues in amounts sufficient to make all such required payments shall have been budgeted, appropriated and actually paid. The covenant to budget and appropriate in the manner stated herein shall have the effect of making revenues available for payment of principal and interest on the Note, and placing on the City a positive duty to appropriate and budget necessary amounts sufficient to meet its obligations under the Note.

The CBA language used in the loan agreement for the 2015 Note would be the same that was used in the City’s existing note with Hancock Bank (Special Obligation Improvement Revenue Note, Series 2014), which was agreed to by the City and the Bank (through negotiations involving Nabors Giblin & Nickerson as bond counsel and PFM the City’s Financial Advisor).

Additional Debt: The City would not incur additional debt secured by a lien on all or a portion of the legally available non ad valorem revenues or by a covenant to budget and appropriate from legally available non-ad valorem revenues unless it shall first certify that there are sufficient non-ad valorem revenues available to cover the debt service on the existing and new debt. **More specifically, the City would agree (by covenant) to employ the same Anti-Dilution test as is required by the City’s existing note with Hancock Bank (Special Obligation Improvement Revenue Note, Series 2014).**

Required Accounts: We would not require the City to set up a reserve fund for this loan. We would however require the City to set up a debt service account (sinking fund) into which it would make monthly proportionate deposits (i.e., 1/6 interest and 1/12 principal) sufficient to meeting its upcoming interest and principal payments. **The language used for the debt service account would be the same as was used in the City’s existing note with Hancock Bank (Special Obligation Improvement Revenue Note, Series 2014).**

Documentation: All documentation would need to be acceptable to the Bank and “Bank Counsel”. The Bank and Bank Counsel would need to review and approve all documentation prior to adoption and/or acceptance by the Issuer’s Board. We understand that Bond Counsel will be *Nabors, Giblin & Nickerson, P.A.* Bond Counsel would draft the loan documents and issue the customary legal and tax opinions. Based on this, the role of “Bank Counsel” would be limited to that of a “review function” only. We have outlined the cost of Bank Counsel in the paragraph captioned “Closing costs, fees and expenses” presented below.

Additional Terms and Conditions:

- * All legal and tax opinions would be addressed to the Bank and be in a form and substance acceptable to the Bank.
- * The City’s RFP states that the purchaser will be required to sign a certificate to the effect that “they are not relying on disclosures from the City”. We are amenable to signing such a certificate provided that it is recognized in the certificate that the Bank is relying on the City and its representatives with regard to the financial information and other information that the City (and its representatives) have presented with the City’s RFP.
- * Prior to closing the City would provide to the Bank a certificate to the effect that i) the financial statements were prepared in accordance with GAAP and fairly present the financial condition of the City as of their date and ii) since the date of the information presented in the 2013 audit (latest audit available at this time) there has been no material adverse change in the financial condition of the City or the pledged revenues/Non-ad Valorem Revenues.
- * We would require that the interest rate on the loan be “grossed up” and applied retroactively to the date of any event of taxability should it be determined by the Internal Revenue Service that the tax status of the Note has changed as a result of actions or inactions of the City. Such “gross up” would not exceed any statutory limit imposed by the State of Florida and would be equal to the tax equivalent yield as originally contemplated by the Bank.
- * The loan documentation would define standard events of default as are customary for this type of transaction and would provide reasonable remedies to the Bank in the event of default under the loan documents.
- * The City would reimburse the Bank for all reasonable legal and collection costs to exercise its remedies or collect its payments for the loan in the event of default.
- * Provision would be made for a “default interest rate” equal to 6% or any statutory interest rate limitation imposed by the State of Florida, whichever is less.
- * We would want to insure that provisions are made such that no other obligations (whether current or future) secured by CBA non-ad valorem revenues be allowed to accelerate their loan(s) to the City unless Hancock Bank were allowed to accelerate its loan.
- * Hancock Bank’s remedies could be exercised independently of all other series of debt obligations of the City and would require no other bondholders’ approvals to exercise such remedies in the event of default.

* Prior to funding the Series 2015 Note the City would provide to us an Anti-Dilution test certificate (based on the latest audited financial statement) attesting to sufficient non-ad valorem revenues being available to meet all debt service requirements on existing and the new debt.

* The City would agree to update its Anti-Dilution test annually upon receipt of its latest audited financial statement. This is a similar requirement that the City has with its existing Note with Hancock Bank (Special Obligation Improvement Revenue Note, Series 2014).

* The City would provide to the Bank (at no cost) the following information: a copy of its audited financial statement annually (automatically within 180 days after fiscal year end or whenever it becomes available, whichever occurs first), annual operating budgets (if requested by the Bank), and such other financial information as the Bank may reasonably request.

* Hancock Bank is purchasing this Note for its own account and has no intention to resell the Note. However, the Bank would not be subject to transfer restrictions, provided that we don't sell the Note to a non-permitted lender or in denominations of less than \$100,000.

Closing costs, fees and expenses: The bank would charge **no fees** and assess **no closing costs for its own benefit**. However, we would require the City to *reimburse* the Bank for "Bank Counsel" expense. Bank Counsel's fee will not exceed \$1, 500 if its role is limited to a "review" function only. All other legal expense i.e., Bond Counsel, City's Local Counsel, and the City's Financial Advisor would be paid directly by the City – see the "Documentation" paragraph above for more detail.

Tax Status of the Note: The quoted interest rate is predicated upon the Note being a tax exempt obligation pursuant to Section 103 of the Internal Revenue Service Code of 1986, as amended.


Delivery: As soon as possible after all approvals, but in any event the loan would be closed no later than 30 days from the date of this proposal in order for us to hold firm the quoted fixed rate of interest.

This proposal shall remain valid for a period of 30 days provided the City's Governing Body accepts this proposal within 20 days from the date of this letter.

Yours very truly,

HANCOCK BANK **

By:



Steven E. Cole
Senior Vice President
Public Finance Department

** "Hancock Bank" is a trade name used by Whitney Bank, a Mississippi chartered banking corporation, in providing products and services through its locations in Florida, Alabama and Mississippi. Any obligations incurred with regard to this proposal would be payable to Whitney Bank.

Accepted and Approved:

The Governing Body of the City of Apopka has accepted this Financing Proposal from Hancock Bank and hereby selects Hancock Bank to finance the above referenced Project.

Approved and accepted: As of this the _____ day of _____ 2015.

Mayor

Attest:

Clerk

LOAN AGREEMENT

BETWEEN

CITY OF APOPKA, FLORIDA

AND

WHITNEY BANK, d/b/a HANCOCK BANK

Dated as of April 3, 2015

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LOAN AGREEMENT

This **LOAN AGREEMENT** (the "Agreement") is made and entered into as of April 3, 2015, by and between the **CITY OF APOPKA, FLORIDA**, a municipal corporation duly organized and validly existing under the laws of the State of Florida, and its successors as may be provided by law (the "City"), and **WHITNEY BANK, d/b/a HANCOCK BANK**, a corporation duly organized and existing under the laws of the State of Mississippi and authorized to do business in the State of Florida, and its successors and assigns (the "Bank");

WITNESSETH:

WHEREAS, the City is authorized by provisions of Chapter 166, Florida Statutes, and other applicable provisions of law (collectively, the "Act") to, among other things, acquire, construct, equip, own, sell, lease, operate and maintain various capital improvements and public facilities to promote the health, welfare and economic prosperity of the residents of the City and to borrow money to finance and refinance the acquisition, construction, equipping and maintenance of such capital improvements and public facilities; and

WHEREAS, the City has various capital improvement needs and requirements in the form of the acquisition of a heavy fire rescue truck, a fire 4x4 vehicle and 10 police vehicles, as the same may be modified or amended from time to time (the "Project") that are being acquired in order to improve and maintain the health, safety and welfare of the City and its inhabitants; and

WHEREAS, in order to provide financing with respect to the Project, the financial advisor for the City, Public Financial Management, Inc. (the "Financial Advisor"), solicited bids on behalf of the City from various financial institutions to provide a loan to the City to finance the Project; and

WHEREAS, the Bank submitted its proposal to provide the City with a term loan to finance the Project, which proposal was the most favorable proposal received by the City; and

WHEREAS, the Bank is willing to make a term loan to the City, and the City is willing to incur such loan, pursuant to the terms and provisions of this Agreement in an aggregate principal amount of \$960,000 to finance the Project and pay costs relating to the issuance of the hereinafter described Series 2015 Note.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

That the parties hereto, intending to be legally bound hereby and in consideration of the mutual covenants hereinafter contained, **DO HEREBY AGREE** as follows:

ARTICLE I DEFINITION OF TERMS

SECTION 1.01. DEFINITIONS. The capitalized terms defined in this Article I shall, for all purposes of this Agreement, have the meanings specified in this Article I, unless the context clearly otherwise requires.

"Act" shall mean Chapter 166, Florida Statutes, and other applicable provisions of law.

"Agreement" shall mean this Loan Agreement, dated as of April 3, 2015, between the City and the Bank and any and all modifications, alterations, amendments and supplements hereto made in accordance with the provisions hereof.

"Bank" shall mean Whitney Bank, d/b/a Hancock Bank, and its successors and assigns.

"Business Day" shall mean any day other than a Saturday, Sunday or a day on which the Bank is authorized or required to be closed.

"City" shall mean the City of Apopka, Florida, a municipal corporation duly organized and validly existing under the laws of the State of Florida.

"Chief Administrative Officer" shall mean any acting, interim or permanent Chief Administrative Officer of the City or his or her duly authorized designee.

"Clerk" shall mean the City Clerk of the City, or his or her duly authorized designee.

"Code" shall mean the Internal Revenue Code of 1986, as amended, and applicable rules and regulations thereunder.

"Default Rate" shall mean a fixed rate of interest equal to the lesser of (A) 6.00% per annum and (B) the maximum interest rate allowed under applicable law.

"Determination of Taxability" shall mean the circumstance of interest paid or payable on the Series 2015 Note becoming includable for federal income tax purposes in the gross income of the Bank as a consequence of any act or omission of the City. A Determination of Taxability will be deemed to have occurred upon (A) the receipt by the City or the Bank of an original or a copy of an Internal Revenue Service Technical Advice Memorandum or Statutory Notice of Deficiency or other official letter or correspondence from the Internal Revenue Service which holds that any interest payable on the Series 2015 Note is includable in the gross income of the Bank; (B) the issuance of any public or private ruling of the Internal Revenue Service that any interest payable on the Series 2015 Note is includable in the gross income of the Bank; or (C) receipt by the

City or the Bank of an opinion of Note Counsel that any interest on the Series 2015 Note has become includable in the gross income of the Bank for federal income tax purposes; provided, no Determination of Taxability shall be deemed to occur unless the City has been given, to the extent permitted by law, an opportunity to participate in and seek, at the City's own expense, a final administrative determination by the Internal Revenue Service or determination by a court of competent jurisdiction (from which no further right of appeal exists) as to the occurrence of such Determination of Taxability. For all purposes of this definition, a Determination of Taxability will be deemed to occur on the date as of which the interest on the Series 2015 Note is deemed includable in the gross income of the Bank. A Determination of Taxability shall not occur solely in the event such interest is taken into account in determining adjusted current earnings for the purpose of the alternative minimum income tax imposed on corporations.

"Finance Director" shall mean the Finance Director of the City and such other person as may be duly authorized to act on his or her behalf.

"Fiscal Year" shall mean the 12-month period commencing on October 1 of any year and ending on September 30 of the immediately succeeding year.

"Interest Rate" shall mean a fixed interest rate equal to 1.67% per annum. The Interest Rate is subject to adjustment pursuant to Section 3.03 hereof.

"Maturity Date" shall mean March 1, 2022.

"Non-Ad Valorem Revenues" shall mean all revenues of the City derived from any source whatsoever other than revenues generated from ad valorem taxation on real or personal property which are legally available to make the payments required herein, but only after provision has been made by the City for the payment of all essential or legally mandated services.

"Note Counsel" shall mean Nabors, Giblin & Nickerson, P.A., Tampa, Florida or any other attorney at law or firm of attorneys, of nationally recognized standing in matters pertaining to the federal tax exemption of interest on obligations issued by states and political subdivisions, and duly admitted to practice law before the highest court of any state of the United States of America.

"Project" shall mean the acquisition of a heavy fire rescue truck, a fire 4x4 vehicle and 10 police vehicles, all as more particularly described and identified in the plans and specifications on file with the City and all incidental costs relating thereto, as the same may be modified from time to time.

"Resolution" shall mean Resolution No. 2015-09 adopted by the City on April 1, 2015, which among other things authorized the execution and delivery of this Loan Agreement and the issuance of the Series 2015 Note.

"Series 2015 Note" shall mean the City of Apopka, Florida Special Obligation Improvement Revenue Note, Series 2015, authorized to be issued by the Resolution and more particularly described in Article III hereof.

"State" shall mean the State of Florida.

"Taxable Rate" shall mean, upon a Determination of Taxability, the interest rate per annum that shall provide the Bank with the same after tax yield that the Bank would have otherwise received had the Determination of Taxability not occurred taking into account the increased taxable income of the Bank as a result of such Determination of Taxability.

"Tax Certificate" shall mean the Certificate as to Arbitrage and Certain Other Tax Matters to be executed by the City in connection with the issuance of the Series 2015 Note, as such Certificate may be amended from time to time.

SECTION 1.02. INTERPRETATION. Unless the context clearly requires otherwise, words of masculine gender shall be construed to include correlative words of the feminine and neutral genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa. Any capitalized terms used in this Agreement not herein defined shall have the meaning ascribed to such terms in the Resolution. This Agreement and all the terms and provisions hereof shall be construed to effectuate the purpose set forth herein and to sustain the validity hereof.

SECTION 1.03. TITLES AND HEADINGS. The titles and headings of the articles and sections of this Agreement, which have been inserted for convenience of reference only and are not to be considered a part hereof, shall not in any way modify or restrict any of the terms and provisions hereof, and shall not be considered or given any effect in construing this Agreement or any provision hereof or in ascertaining intent, if any question of intent should arise.

[Remainder of page intentionally left blank]

ARTICLE II
REPRESENTATIONS, WARRANTIES AND COVENANTS;
SECURITY FOR SERIES 2015 NOTE

SECTION 2.01. REPRESENTATIONS BY THE CITY. The City represents, warrants and covenants that:

(a) The City is a municipal corporation duly organized and validly existing under the Constitution and other laws of the State. Pursuant to the Resolution, the City has duly authorized the execution and delivery of this Agreement, the performance by the City of all of its obligations hereunder, and the issuance of the Series 2015 Note in the aggregate principal amount of \$960,000.

(b) The City has complied with all of the provisions of the Constitution and laws of the State, including the Act, and has full power and authority to enter into and consummate all transactions contemplated by this Agreement or under the Series 2015 Note, and to perform all of its obligations hereunder and under the Series 2015 Note and, to the best knowledge of the City after due inquiry, the transactions contemplated hereby do not conflict with the terms of any statute, order, rule, regulation, judgment, decree, agreement, instrument or commitment to which the City is a party or by which the City is bound.

(c) The City is duly authorized and entitled to issue the Series 2015 Note and enter into the Agreement and, when issued in accordance with the terms of this Agreement, the Series 2015 Note and this Agreement will each constitute legal, valid and binding obligations of the City enforceable in accordance with their respective terms, subject as to enforceability to bankruptcy, insolvency, moratorium, reorganization or other similar laws affecting creditors' rights generally, or by the exercise of judicial discretion in accordance with general principles of equity.

(d) There are no actions, suits or proceedings pending or, to the best knowledge of the City after due inquiry, threatened against or affecting the City, at law or in equity, or before or by any governmental authority, that, if adversely determined, would materially impair the ability of the City to perform the City's obligations under this Agreement or under the Series 2015 Note.

(e) The City will furnish to the Bank within 180 days after the close of each Fiscal Year a copy of the annual audited financial statements of the City prepared by a certified public accountant. The City shall also provide the Bank with a copy of the annual budget of the City each year within 30 days of the final adoption of such budget. With reasonable promptness the City shall provide such other data and information as may be reasonably requested by the Bank from time to time, or in the alternative the City shall permit the Bank the right to inspect any and all of the City books, records, and/or

accountings as may reasonably be related to this Agreement. The foregoing information shall be provided at no cost to the Bank.

SECTION 2.02. GENERAL REPRESENTATIONS, WARRANTIES AND COVENANTS OF THE BANK. The Bank hereby represents, warrants and agrees that it is a corporation duly organized and existing under the laws of the State of Mississippi, authorized to execute and deliver this Agreement and to perform its obligations hereunder, and such execution and delivery will not constitute a violation of its charter, articles of incorporation or bylaws. Pursuant to the terms and provisions of this Agreement, the Bank agrees to provide a term loan to the City as evidenced hereby and by the Series 2015 Note for the purpose of financing the Project and paying costs relating to the issuance of the Series 2015 Note.

SECTION 2.03. TAX COVENANT. (a) In order to maintain the exclusion from gross income for purposes of federal income taxation of interest on the Series 2015 Note, the City shall comply with each requirement of the Code applicable to the Series 2015 Note. In furtherance of the covenant contained in the preceding sentence, the City agrees to continually comply with the provisions of the Tax Certificate, which is incorporated fully by reference herein, as a source of guidance for achieving compliance with the Code.

(b) The City shall make any and all rebate payments required to be made to the United States Department of the Treasury in connection with the Series 2015 Note pursuant to Section 148(f) of the Code.

(c) So long as necessary in order to maintain the exclusion from gross income of interest on the Series 2015 Note for federal income tax purposes, the covenants contained in this Section shall survive the payment of the Series 2015 Note and the interest thereon, including any payment or defeasance thereof.

(d) The City shall not take or permit any action or fail to take any action which would cause the Series 2015 Note to be an "arbitrage bond" within the meaning of Section 148(a) of the Code.

SECTION 2.04. SERIES 2015 NOTE SHALL NOT BE INDEBTEDNESS OF THE CITY OR STATE. The Series 2015 Note, when delivered by the City pursuant to the terms of this Agreement, shall not be or constitute an indebtedness of the City, the State of Florida or any political subdivision or agency thereof, within the meaning of any constitutional, statutory or charter limitations of indebtedness, but shall be payable solely as herein provided. The Bank shall never have the right to compel the exercise of the ad valorem taxing power of the City, or taxation in any form on any property therein to pay the Series 2015 Note or the interest thereon. The Series 2015 Note is a special and limited obligation secured by and payable as to principal and interest from the Non-Ad Valorem Revenues, as provided herein.

SECTION 2.05. COVENANT TO BUDGET AND APPROPRIATE NON-AD VALOREM REVENUES. The City covenants and agrees to budget and appropriate in its annual budget for each Fiscal Year in which any amounts due hereunder or with respect to the Series 2015 Note remain unpaid or outstanding, by amendment, if necessary, from Non-Ad Valorem Revenues amounts sufficient to pay principal of and interest on the Series 2015 Note when due. Such covenant and agreement on the part of the City to budget and appropriate such amounts of Non-Ad Valorem Revenues shall be cumulative to the extent not paid, and shall continue until such Non-Ad Valorem Revenues or other legally available funds in amounts sufficient to make all such required payments shall have been budgeted, appropriated and actually paid. Notwithstanding the foregoing covenant of the City, the City does not covenant to maintain any services or programs, now provided or maintained by the City, which generate Non-Ad Valorem Revenues.

Such covenant to budget and appropriate does not create any lien upon or pledge of such Non-Ad Valorem Revenues, nor does it preclude the City from pledging in the future its Non-Ad Valorem Revenues, nor does it require the City to levy and collect any particular Non-Ad Valorem Revenues, nor does it give the Bank a prior claim on the Non-Ad Valorem Revenues as opposed to claims of general creditors of the City. Such covenant to budget and appropriate Non-Ad Valorem Revenues is subject in all respects to the payment of obligations secured by a pledge of such Non-Ad Valorem Revenues heretofore or hereafter entered into (including the payment of debt service on bonds, notes and other debt instruments). However, the covenant to budget and appropriate for the purposes and in the manner stated herein shall have the effect of making available for the payment of the Series 2015 Note, in the manner described herein, Non-Ad Valorem Revenues and placing on the City a positive duty to appropriate and budget, by amendment, if necessary, amounts sufficient to meet its obligations hereunder; subject, however, in all respects to the restrictions of Section 166.241, Florida Statutes, which generally provide that the governing body of each municipality may only make appropriations for each fiscal year which, in any one year, shall not exceed the amount to be received from taxation or other revenue sources; and subject, further, to the payment of services and programs which are for essential public purposes affecting the health, safety and welfare of the inhabitants of the City or which are legally mandated by applicable law. The City would not otherwise be entitled to fail to budget and appropriate debt service for the Series 2015 Note in order to balance its budget.

SECTION 2.06. DEBT SERVICE ACCOUNT. The City agrees to establish a "Debt Service Account" for the security of the Series 2015 Note. Each month, the City shall deposit or credit to the Debt Service Account legally available Non-Ad Valorem Revenues, the sum which, together with the balance in said Account, shall equal the principal and interest on the Series 2015 Note accrued and unpaid and to accrue to the end of the then current calendar month. Except as provided in the next succeeding paragraph, moneys in the Debt Service Account shall be applied by the City for the

payment of debt service on the Series 2015 Note. The City shall adjust the amount of the deposit to the Debt Service Account not later than a month immediately preceding any payment date so as to provide sufficient moneys in the Debt Service Account to pay the debt service on the Series 2015 Note coming due on such payment date. No further deposit need be made to the Debt Service Account when the moneys therein are equal to the debt service coming due on the Series 2015 Note on the next succeeding payment date. Any investment earnings on the Debt Service Account shall be retained therein.

Notwithstanding the foregoing, the deposit of legally available Non Ad-Valorem Revenues in the Debt Service Account does not create any lien upon or pledge of such Non-Ad Valorem Revenues in favor of the Bank. Payment of principal and interest on the Series 2015 Note from moneys in the Debt Service Account shall be junior and subordinate, in all respects, to (i) the payment of services and programs for essential public purposes affecting the health, safety and welfare of the inhabitants of the City or which are legally mandated by applicable law, and (ii) payments of obligations secured by a pledge of Non-Ad Valorem Revenues heretofore or hereinafter entered into (including payment of debt service on bonds, notes and other debt instruments).

SECTION 2.07. PAYMENT COVENANT. The City covenants that it shall duly and punctually pay from the Non-Ad Valorem Revenues in accordance with Sections 2.05 and 2.06 hereof, the principal of and interest on the Series 2015 Note at the dates and place and in the manner provided herein and in the Series 2015 Note according to the true intent and meaning thereof and all other amounts due under this Agreement.

SECTION 2.08. ANTI-DILUTION. The City covenants that it shall maintain a debt service coverage ratio calculated annually (as reflected in the City's audited financials for the prior Fiscal Year) in excess of 1.0 to 1.0 based upon the City's general fund as more particularly described as follows: the sum of the general fund's total revenues plus operating transfers into the general fund, less the general fund's total expenditures net of debt service paid from the general fund during the year less operating transfers out from the General Fund, plus the general fund's assigned and unassigned fund balance, divided by debt service paid from the general fund during the year.

[Remainder of page intentionally left blank]

ARTICLE III
DESCRIPTION OF SERIES 2015 NOTE; PAYMENT TERMS;
OPTIONAL PREPAYMENT

SECTION 3.01. DESCRIPTION OF THE SERIES 2015 NOTE. (a) The City hereby authorizes the issuance and delivery of the Series 2015 Note to the Bank which Series 2015 Note shall be in an amount equal to NINE HUNDRED SIXTY THOUSAND AND 00/100 DOLLARS (\$960,000.00) and shall be designated as the "City of Apopka, Florida Special Obligation Improvement Revenue Note, Series 2015." The text of the Series 2015 Note shall be substantially in the form attached hereto as Exhibit A, with such deletions, insertions and variations as may be necessary and desirable to reflect the particular terms of the Series 2015 Note. The provisions of the form of the Series 2015 Note are hereby incorporated in this Agreement.

(b) The Series 2015 Note shall be dated the date of its delivery. The Series 2015 Note shall be executed in the name of the City by the manual signature of the Mayor and the official seal of the City shall be affixed thereto and attested by the manual signature of the Clerk. In case any one or more of the officers, who shall have signed or sealed the Series 2015 Note, shall cease to be such officer of the City before the Series 2015 Note so signed and sealed shall have been actually delivered, such Series 2015 Note may nevertheless be delivered as herein provided and may be issued as if the person who signed or sealed such Series 2015 Note had not ceased to hold such office.

(c) The Series 2015 Note shall bear interest from its date of issuance at the Interest Rate (calculated on a 30/360 day count basis) as the same may be adjusted pursuant to Section 3.03 hereof. Interest on the Series 2015 Note shall be payable semi-annually on March 1 and September 1 of each year, commencing September 1, 2015 (each an "Interest Payment Date") so long as any amount under the Series 2015 Note remains outstanding. Principal of the Series 2015 Note shall be payable annually on March 1 of each year, commencing March 1, 2016 (each a "Principal Payment Date"), through and including the Maturity Date or earlier date of prepayment. The aggregate annual principal and interest payments shall be set forth in the Series 2015 Note. The Finance Director is authorized to establish the final debt service schedule with the assistance of the City's Financial Advisor and the agreement of the Bank.

(d) All payments of principal of and interest on the Series 2015 Note shall be payable in any coin or currency of the United States which, at the time of payment, is legal tender for the payment of public and private debts and shall be made to the Bank (i) in immediately available funds, (ii) by delivering to the Bank no later than the applicable Interest Payment Date or Principal Payment Date a check or draft of the City or wire transfer (at the request of the Bank), or (iii) in such other manner as the City and the Bank shall agree upon in writing. If any Interest Payment Date or Principal Payment Date is not a Business Day, then the date for such payment shall be the next succeeding Business Day, and payment on such day shall have the same force and effect as if made

on the nominal date of payment. The City shall maintain books and records with respect to the identity of the holders of the Series 2015 Note, including a complete and accurate record of all assignments of this Agreement and the Series 2015 Note as provided in Section 3.01(f).

(e) There will be no ongoing Bank fees for the term loan made hereunder. Except as otherwise provided herein, the Bank shall pay for all of its costs relating to servicing the term loan; provided however that the Bank will not be prevented from collecting from the City reasonable costs of collection to enforce its rights under the Series 2015 Note.

(f) The Bank's right, title and interest in and to this Agreement, the Series 2015 Note and any amounts payable by the City hereunder may be assigned and reassigned in whole or in part to one or more assignees or subassignees by the Bank, without the necessity of obtaining the consent of the City; *provided*, that any such assignment, transfer or conveyance (i) shall be made only to investors each of whom is a "*qualified institutional buyer*" as defined in Rule 144A(a)(1) promulgated under the Securities Act of 1933, as amended, and is purchasing this Agreement and the Series 2015 Note (or any interest therein) for its own account with no present intention to resell or distribute this Agreement and the Series 2015 Note (or interest therein), subject to each investor's right at any time to dispose of the Agreement and the Series 2015 Note (or any interest therein) as it determines to be in its best interests and (ii) shall not result in more than 35 owners of the Bank's rights and interests under this Agreement and the Series 2015 Note or the creation of any interest in this Agreement and the Series 2015 Note in an aggregate principal amount that is less than \$100,000. Unless to an affiliate controlling, controlled by or under common control with the Bank, no assignment, transfer or conveyance permitted by this Section 3.01(f) shall be effective until the City shall have received a written notice of assignment that discloses the name and address of each such assignee. If the Bank notifies the City of its intent to assign and sell its right, title and interest in and to this Agreement and the Series 2015 Note as herein provided, the City agrees that it shall execute and deliver to the assignor a notice and acknowledgement of assignment in form and substance satisfactory to the assignor within ten (10) days after its receipt of such request.

SECTION 3.02. OPTIONAL PREPAYMENT. (a) The Series 2015 Note may be prepaid, without penalty or premium, at any time prior to the Maturity Date, at the option of the City, from any moneys legally available therefor, upon notice as provided herein, in whole on any date, or in part on any Principal Payment Date, by paying to the Bank the principal amount of the Series 2015 Note to be prepaid, together with the unpaid interest accrued on the amount of principal so prepaid to the date of such prepayment. Prepayments must be made in \$1,000 principal amounts or multiples thereof.

(b) Any prepayment shall be made on such payment date as shall be specified by the City in a written notice provided to the Bank not less than ten (10) days prior thereto by first class mail. Notice having been given as aforesaid, the outstanding principal of the Series 2015 Note to be prepaid shall become due and payable on the date of prepayment stated in such notice, together with the interest accrued and unpaid to the date of prepayment on the principal amount then being paid. If on the date of prepayment moneys for the payment of the principal amount to be prepaid on the Series 2015 Note, together with the accrued interest to the date of prepayment on such principal amount, shall have been paid to the Bank as above provided, then from and after the date of prepayment, interest on such prepaid principal amount of the Series 2015 Note shall cease to accrue. If said money shall not have been so paid on the date of prepayment, such principal amount of the Series 2015 Note shall continue to bear interest until payment thereof at the Interest Rate.

(c) In the event any portion of the Series 2015 Note is optionally prepaid pursuant to this Section 3.02, the amount so prepaid shall be applied as a credit against the principal amount due on the then latest scheduled Principal Payment Date. The Bank shall make appropriate notations in its records indicating the amount and date of any such prepayment and shall promptly transmit an acknowledgment to the City indicating the amount and date of such prepayment.

SECTION 3.03. ADJUSTMENTS TO INTEREST RATES. In the event of a Determination of Taxability, the Interest Rate shall be immediately increased (effective retroactively to the date of inclusion in gross income) to the Taxable Rate; provided, however, such increased rate shall never exceed the maximum rate allowable by law.

In addition, upon a Determination of Taxability, the City agrees to pay to the Bank any penalties and interest paid or payable by the Bank to the Internal Revenue Service by reason of such Determination of Taxability.

[Remainder of page intentionally left blank]

ARTICLE IV
CONDITIONS FOR ISSUANCE OF THE SERIES 2015 NOTE

SECTION 4.01. CONDITIONS FOR ISSUANCE. (a) In connection with the issuance of the Series 2015 Note, the Bank shall not be obligated to purchase the Series 2015 Note pursuant to this Agreement unless at or prior to the issuance thereof the City delivers to the Bank the following items in form and substance acceptable to the Bank:

- (i) A fully executed Tax Certificate;
- (ii) A copy of a completed and executed Form 8038-G to be filed with the Internal Revenue Service;
- (iii) An opinion of Note Counsel addressed to the Bank (or addressed to the City with a reliance letter addressed to the Bank) in form and substance to the effect that (A) this Agreement and the Series 2015 Note have been duly authorized, executed and delivered by the City and each is an enforceable obligation against the City in accordance with its terms (enforceability of it may be subject to standard bankruptcy exceptions and the like) and (B) interest on the Series 2015 Note shall be excludable from gross income for federal income tax purposes and will not be treated as a preference item for purposes of computing the alternative minimum tax imposed by Section 55 of the Code (however, the interest on the Series 2015 Note may be taken into account in determining the adjusted current earnings for the purpose of computing the alternative minimum tax on certain corporations (as defined for federal tax purposes));
- (iv) The fully executed Series 2015 Note and Loan Agreement;
- (v) A certified copy of the Resolution;
- (vi) An opinion of the City Attorney of the City addressed to the Bank in a form and substance acceptable to the City and the Bank; and
- (vii) Such additional certificates, instruments and other documents as the Bank or Note Counsel may deem necessary or appropriate.

(b) The City shall apply the proceeds of the Series 2015 Note to finance the Project and pay costs of issuing the Series 2015 Note.

[Remainder of page intentionally left blank]

ARTICLE V EVENTS OF DEFAULT; REMEDIES

SECTION 5.01. EVENTS OF DEFAULT. An "Event of Default" shall be deemed to have occurred under this Agreement if:

(a) The City shall fail to make timely payment of principal or interest when due with respect to the Series 2015 Note;

(b) Any representation or warranty of the City contained in Article II of this Agreement shall prove to be untrue in any material respect when made;

(c) Any covenant of the City contained in this Agreement shall be breached or violated for a period of thirty (30) days after the City receives notice from the Bank of such breach or violation, unless the Bank shall agree in writing, in its sole discretion, to an extension of such time prior to its expiration; and

(d) There shall occur the dissolution or liquidation of the City, or the filing by the City of a voluntary petition in bankruptcy, or the commission by the City of any act of bankruptcy, or adjudication of the City as a bankrupt, or assignment by the City for the benefit of its creditors, or appointment of a receiver for the City, or the entry by the City into an agreement of composition with its creditors, or the approval by a court of competent jurisdiction of a petition applicable to the City in any proceeding for its reorganization instituted under the provisions of the Federal Bankruptcy Act, as amended, or under any similar act in any jurisdiction which may now be in effect or hereafter amended.

SECTION 5.02. REMEDIES. If any Event of Default shall have occurred and be continuing, the Bank or any trustee or receiver acting for the Bank may either at law or in equity, by suit, action, mandamus or other proceedings in any court of competent jurisdiction, protect and enforce any and all rights under the Laws of the State of Florida, or granted and contained in this Agreement, and may enforce and compel the performance of all duties required by this Agreement or by any applicable statutes to be performed by the City or by any officer thereof, including, but not limited to, specific performance. No remedy herein conferred upon or reserved to the Bank is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative, and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

Notwithstanding the foregoing, upon the occurrence of an Event of Default, the Bank shall in no event have the right to declare the entire amount of the then outstanding Series 2015 Note and all accrued interest thereon to be immediately due and payable. The City hereby covenants that it shall not grant to the holders from time to time of any debt secured by a covenant to budget and appropriate Non-Ad Valorem Revenues the

right to declare all or a portion of such debt immediately due and payable unless it shall amend this Agreement to allow the Bank such acceleration rights with respect to the Series 2015 Note.

Any amount due hereunder not paid within fifteen (15) days of the applicable due date shall bear interest at the Default Rate. Upon any other Event of Default, the Series 2015 Note shall bear interest at the Default Rate.

In addition, the Bank shall be reimbursed for its reasonable legal fees, costs and collection costs incurred on account of an Event of Default.

The Bank's remedies can be exercised independently of all other series of debt obligations secured by a covenant to budget and appropriate Non-Ad Valorem Revenues.

[Remainder of page intentionally left blank]

ARTICLE VI MISCELLANEOUS

SECTION 6.01. AMENDMENTS, CHANGES OR MODIFICATIONS TO THE AGREEMENT. This Agreement shall not be amended, changed or modified without the prior written consent of the Bank and the City.

SECTION 6.02. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same Agreement, and, in making proof of this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

SECTION 6.03. SEVERABILITY. If any clause, provision or section of this Agreement shall be held illegal or invalid by any court, the invalidity of such provisions or sections shall not affect any other provisions or sections hereof, and this Agreement shall be construed and enforced to the end that the transactions contemplated hereby be effected and the obligations contemplated hereby be enforced, as if such illegal or invalid clause, provision or section had not been contained herein.

SECTION 6.04. TERM OF AGREEMENT. This Agreement shall be in full force and effect from the date hereof and shall continue in effect as long as the Series 2015 Note is outstanding.

SECTION 6.05. NOTICE OF CHANGES IN FACT. Promptly after the City becomes aware of the same, the City will notify the Bank of (a) any change in any material fact or circumstance represented or warranted by the City in this Agreement or in connection with the issuance of the Series 2015 Note, and (b) any default or event which, with notice or lapse of time or both, could become a default under the Agreement, specifying in each case the nature thereof and what action the City has taken, is taking and/or proposed to take with respect thereto.

SECTION 6.06. NOTICES. Any notices or other communications required or permitted hereunder shall be sufficiently given if delivered personally or sent registered or certified mail, postage prepaid, to City of Apopka, Florida, City Hall Annex, 150 East 5th Street, Apopka, Florida 32703, Attention: Finance Director, and to the Bank, Whitney Bank, d/b/a Hancock Bank, 113 Designer Circle, Dothan, Alabama 36303, Attn: Steven E. Cole, or at such other address as shall be furnished in writing by any such party to the other, and shall be deemed to have been given as of the date so delivered or deposited in the United States mail.

SECTION 6.07. NO THIRD-PARTY BENEFICIARIES. This Agreement is for the benefit of the City and the Bank and their respective successors and assigns, and there shall be no third-party beneficiary with respect thereto.

SECTION 6.08. APPLICABLE LAW. The substantive laws of the State of Florida shall govern this Agreement.

SECTION 6.09. INCORPORATION BY REFERENCE. All of the terms and obligations of the Resolution are hereby incorporated herein by reference as if said Resolution was fully set forth in this Agreement and the Series 2015 Note.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first set forth herein.

CITY OF AOPKA, FLORIDA

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Clerk

WHITNEY BANK, d/b/a HANCOCK BANK

By: _____
Senior Vice President

EXHIBIT A

\$960,000.00

**UNITED STATES OF AMERICA
STATE OF FLORIDA
CITY OF APOPKA, FLORIDA
SPECIAL OBLIGATION IMPROVEMENT
REVENUE NOTE, SERIES 2015**

<u>Interest Rate</u>	<u>Date of Issuance</u>	<u>Final Maturity Date</u>
1.67%	April 3, 2015	March 1, 2022

KNOW ALL MEN BY THESE PRESENTS, that the City of Apopka, Florida (the "City"), for value received, hereby promises to pay, solely from the Non-Ad Valorem Revenues described in the within mentioned Agreement, to the order of Whitney Bank, d/b/a Hancock Bank, or its successors or assigns (the "Noteholder"), the principal sum of NINE HUNDRED SIXTY THOUSAND AND 00/100 DOLLARS (\$960,000.00) pursuant to that certain Loan Agreement by and between the Bank and the City, dated as of April 3, 2015 (the "Agreement"), and to pay interest on such the outstanding principal amount hereof from the Date of Issuance set forth above, or from the most recent date to which interest has been paid, at the Interest Rate per annum (calculated on a 30/360 day count basis) identified above (subject to adjustment as provided in the Agreement) on March 1 and September 1 of each year, commencing on September 1, 2015, so long as any amount under this Note remains outstanding. Principal of this Note shall be payable on March 1 of each year, commencing on March 1, 2016, through and including the Maturity Date identified above. The repayment schedule for this Note is set forth in definitive form on Appendix I attached hereto. The principal and interest on this Note is payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

This Note is issued under the authority of and in full compliance with the Constitution and statutes of the State of Florida, including, particularly, Chapter 166, Florida Statutes, and other applicable provisions of law, and Resolution No. 2015-09 duly adopted by the City on April 1, 2015 (the "Resolution"), as such Resolution may be amended and supplemented from time to time, and is subject to all terms and conditions of the Resolution and the Agreement. Any capitalized term used in this Note and not otherwise defined shall have the meaning ascribed to such term in the Agreement.

This Note is being issued to finance the acquisition of a heavy fire rescue truck, a fire 4x4 vehicle and 10 police vehicles. This Note is secured by and shall be payable from the Non-Ad Valorem Revenues to the extent provided and described in the Agreement.

This Note shall bear interest at the Interest Rate identified above on a 30/360 day count basis. Such Interest Rate is subject to adjustment as provided in Section 3.03 of the Agreement. The Noteholder shall provide to the City upon request such documentation to evidence the amount of interest due with respect to this Note upon any such adjustment.

Notwithstanding any provision in this Note to the contrary, in no event shall the interest contracted for, charged or received in connection with this Note (including any other costs or considerations that constitute interest under the laws of the State of Florida which are contracted for, charged or received) exceed the maximum rate of interest allowed under the State of Florida as presently in effect.

All payments made by the City hereon shall apply first to accrued interest, and then to the principal amount then due on this Note.

The City may prepay this Note, without penalty or premium, as a whole on any date, or in part on any Principal Payment Date, by paying to the Bank the principal amount thereof to be prepaid, together with the unpaid interest accrued on the amount of principal to be prepaid to the date of such prepayment. Each prepayment of the Note shall be made on such prepayment date as shall be specified by the City in a written notice delivered to the Bank not less than ten (10) days prior thereto, all in accordance with the provisions of the Agreement. All of the prepayment provisions contained in Section 3.02 of the Agreement shall apply with respect to this Note.

This Note, when delivered by the City pursuant to the terms of the Agreement and the Resolution, shall not be or constitute an indebtedness of the City or of the State of Florida, within the meaning of any constitutional, statutory or charter limitations of indebtedness, but shall be payable from sufficient amounts of Non-Ad Valorem Revenues, as provided in the Agreement and the Resolution. The Noteholder shall never have the right to compel the exercise of the ad valorem taxing power of the City or the State, or taxation in any form of any property therein to pay this Note or the interest thereon.

This Note shall be and have all the qualities and incidents of a negotiable instrument under the commercial laws and the Uniform Commercial Code of the State of Florida, subject to any provisions for registration and transfer contained in the Agreement. So long as any of this Note shall remain outstanding, the City shall maintain and keep books for the registration and transfer of this Note.

IN WITNESS WHEREOF, the City caused this Note to be signed by the manual signature of the Mayor and the seal of the City to be affixed hereto or imprinted or reproduced hereon, and attested by the manual signature of the City Clerk, and this Note to be dated the Date of Issuance set forth above.

CITY OF APOPKA, FLORIDA

(SEAL)

By: _____
Mayor

By: _____
City Clerk

Repayment Schedule for the
CITY OF APOPKA, FLORIDA
SPECIAL OBLIGATION IMPROVEMENT REVENUE NOTE, SERIES 2015

Backup material for agenda item:

1. Ratify Appointment to Planning Commission - Tony Foster



CITY OF APOPKA
BOARD APPOINTMENT INFORMATION FORM

Please type if possible, or print clearly

Date: 3/30/15

Board(s) Desired:

1. Planning & Zoning Commission

2. _____

3. _____

Name: John Antonio (Tony) Foster

Address: (Home) 2683 Ponkan Meadow Dr., Apopka 32712

(Bus.) _____

Phone: (Home) 407-703-2181 (Bus.) 352-223-5964

Employer: TCCC

Position: Manager (retired)

Education:	Years Comp.	Degree
High School <u>Rogers High School, Toledo, OH</u>	<u>4</u>	<u>Diploma</u>
College <u>Kentucky State Univ., Frankfort, KY</u>	<u>5</u>	<u>BS/MPA</u>
<u>Univ. of Phoenix, Indianapolis, IN</u>	<u>2</u>	<u>MBA</u>

1. Are you a City of Apopka resident? Yes X No _____
2. Are you a registered voter? Yes X No _____
3. Do you own property in Apopka? Yes _____ No X
4. Are you currently serving on a City Board? Yes _____ No X
5. Have you ever served on a City Board? Yes _____ No X
If yes, when and which Board? _____

6. How long have you lived in Central Florida? Years 8 years

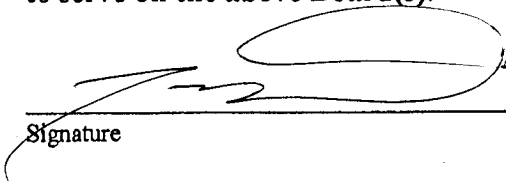
7. References:

Name	Address	Phone
<u>Tiffany Moore Russell</u>	<u>425 N. Orange Ave. Orlando</u>	<u>321-303-3536</u>
<u>Eddie Brown</u>	<u>Apopka</u>	<u>407-579-3988</u>
<u>Judge Tanya Wilson</u>	<u>425 N. Orange Ave. Orlando</u>	<u>321-231-9413</u>

(Continued on other side)

Work Experience: I have over 32 years of management experience, 24 years of significant planning within the automotive and food manufacturing industry. My specialty includes comprehensive 6 Sigma problem solving, process implementation and regulatory reviews.
 Community Involvement: I am currently the President of the Orlando Alumni Chapter of Kappa Alpha Psi Inc., an organization that serves our community as mentors, advocates for our senior health and wellness, and as partners in planning for economic empowerment.
 Interests/Activities: Church, family and community activities are of high priorities. Professionally, I serve as a board member for three non-profit organizations, local and national.
 Why do you want to serve on this/these Board(s)? I always believed it to be my responsibility to serve my community; I have done this all my life. It would be my pleasure to contribute any professional or intellectual strength to assist this beautiful city to continue its development and growth.
A resume or separate sheet with additional information may be included.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).



 Signature

If you have questions, please call the Community Development Department at (407) 703-1712.

Return this form to: Mayor's Office
 120 E. Main St.
 P.O. Drawer 1229
 Apopka, Florida 32704

*****NOMINATING BOARD USE ONLY*****

AIF Received	<u>3/30/2015</u> <u>nm</u>	Info to Staff	_____
AIF Acknowledged	<u>3/30/2015</u> <u>nm</u>	Mayor's Letter	_____
Forwarded to Mayor	<u>3/30/2015</u> <u>nm</u>	Other	_____
Council Action	<u>4/1/2015</u> <u>nm</u>		