



APOPKA CITY COUNCIL AGENDA

October 4, 2023 1:30 PM

Apopka City Hall Council Chambers

APOPKA CITY COUNCIL MEETING WILL BE LIVE-STREAMED ON YOUTUBE. TO WATCH, PLEASE VISIT:

<https://www.youtube.com/CityofApopkaFL>

CALL TO ORDER

INVOCATION

PLEDGE

EMPLOYEE RECOGNITION

1. Service Pin Awards - City Employees

Presented by: Joseph Patton, Human Resources Director

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of September 20, 2023.
2. Final Budget Hearing Minutes of September 20, 2023.

AGENDA REVIEW

PRESENTATION

PROCLAMATION

1. Cybersecurity Awareness month
Presented by: Mayor Nelson

PUBLIC COMMENT PERIOD

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

CONSENT (Action Item)

1. Acuera Estates – School Concurrency Mitigation Agreement
2. Authorize the issuance of sole source memos: Nextran Truck Center - Orlando and Southern Sewer Equipment
3. Authorize the issuance of evaluated source memos: Mullinax Ford

4. Notification of Application for BJA Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant JAG-Countywide (JAGC) Program
5. Authorize the execution of contracts/renewals for the assigned terms: Professional Engineering Contracts with: Kimley-Horn and Associates, Inc., Metric Engineering, Inc., Michael Baker International, Inc., NewKirk Engineering, Inc., RS&H Inc., and Vanasse Hangen Brustlin, Inc. (VHB).
6. Authorize the execution of piggyback contracts for the assigned terms: Safariland LLC Authorized Reseller GT Distributors Inc., Asphalt Paving Systems Inc., American Ramp Company Inc., Michigan Street Pump & Electric Motors.

BUSINESS (Action Item)

1. Northwest Recreation Complex Tennis Court Rules and Regulations
Presented by: Radley Williams, Recreation Director
2. Authorize the execution of contracts/renewals for the assigned terms: Recruitment & Engineering Products & Services Inc.
Presented by: James Hitt, Community Development Director
3. Conflict Waiver for Simultaneous Representation of Galvin Land Services, LLC
Presented by: Pamela Richmond, Transportation Coordinator
4. Mayflower Avenue Improvements
Presented by: Pamela Richmond, Transportation Coordinator

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance Number 3006 – Second Reading – Comprehensive Plan Amendment – Text Amendment – Policy 3.1.h.ii and Map 1-1.a; Future Land Use Element – 750 and 922 Plymouth Sorrento Road
Owner(s): Peggy G Charlton Living Trust 1/2 Int, Gary D Charlton Living Trust 1/2 Int, and Gary D Charlton Living Trust
Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.
Location: 750 and 922 Plymouth Sorrento Road
Density: 25 dwelling units per acre
Project Manager: Jean Sanchez
Presented by: Jean Sanchez, Senior Planner
2. Ordinance Number 3007 – Second Reading – Small-Scale Future Land Use Amendment from Commercial and Agriculture to HDR-25 – 750 and 922 Plymouth Sorrento Road
Owner(s): Peggy G Charlton Living Trust 1/2 Int, Gary D Charlton Living Trust 1/2 Int, and Gary D Charlton Living Trust
Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.
Location: 750 and 922 Plymouth Sorrento Road
Density: 25 dwelling units per acre
Project Manager: Jean Sanchez
Presented by: Jean Sanchez, Senior Planner
3. Resolution 2023-32 - Live Local Act
Presented by: Bobby Howell, Planning Manager

CITY COUNCIL REPORTS

CITY ADMINISTRATOR'S REPORT

CITY ATTORNEY'S REPORT

1. Ordinance No. 3030 -Surplus Real Property Disposal Ordinance draft

MAYOR'S REPORT

ADJOURNMENT

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

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

CITY OF APOPKA MINUTES

Minutes of the City Council Meeting held on September 20, 2023 at 7:00 PM, in the City of Apopka Council Chambers.

Present:

- Mayor Bryan Nelson
- Commissioner Kyle Becker
- Commissioner Nick Nesta
- Commissioner Alexander Smith
- Commissioner Diane Velazquez
- Interim-City Administrator, Charles Vavrek
- Attorney Cliff Shepherd

INVOCATION & PLEDGE OF ALLEGIANCE: Commissioner Smith provided the Invocation, led in the Pledge of Allegiance, and gave the Fact of the Day: Today is National Pepperoni Pizza Day. Multiple surveys have shown pepperoni's to be the favorite pizza topping of Americans and more than 1/3 of the pizzas in the country are topped with it. So, it comes with no surprise that there is a National Pepperoni Pizza Day. Pepperoni takes its name from pepperoni with one 'p' an Italian name for pepper. In Italy, what Americans call pepperoni is known as spicy salami. Pepperoni is a dried sausage made of a mixture of pork, beef, and spices; including peppers. The name pepperoni began being used following World War I primarily in Italian American communities. Pizza began becoming popular in America after World War II and the first evidence of pepperoni on pizzas dates back to 1950. They gained their popularity at the same time that pizza chain restaurants proliferated. Pizza Hut opened in 1958 and Dominos opened in 1960.

PRESENTATIONS

1. 2023-2024 Apopka Youth Council

Presented by: Stephen Cribb

Special Projects Specialist (SPS) Stephen Cribb stated that one of his projects is to lead the Apopka Youth Council for the 2023-2024 School Year. During this school year the Youth Council will be encouraged to serve the community of Apopka through service projects they plan and participate in. The youth will engage their local government to see how they can impact change, and finally the AYC members will grow and develop their leadership skills. I am here to present the 2023-2024 Apopka Youth Council; these students were selected based on their demonstration of leadership, heart for serving their community, and passion for local government. This year's Youth Council includes students of both public and private academic backgrounds. The names of the students selected for this year's Apopka Youth Council are Ashely Blanco, Tristyn Cook, Alfred Luna, Mia Perez Interiano., Breanne Protacio, Beatriz Salim, Charles Williams, and Oliva Young.

Olivia Young stated that she is a senior at Apopka High School and she looks forward to learning about the city and working alongside the leaders of the city. She also looks forward to expanding her network for future use.

Beatriz Salim stated that she is a senior at Apopka High School and she is excited to meet the new members of the Youth Council and be in connection with the City Councilmembers.

Mia Perez Interiano stated that she attends Apopka High School and she is looking forward to working with her fellow Apopka Youth Council members, to help the community and spread outreach.

2. Hispanic Heritage Celebration Art Contest – Winner
Presented by: Stephen Cribb

SPS Cribb presented **Hector Salines Jaimes** as the winner of the art contest winner and gave him a \$100 gift card.

FIRE NEGOTIATIONS EXECUTIVE SESSION

Closed and confidential pursuant to Section 447.605, Florida Statutes

Council Meeting called back to order at 8:13PM

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of September 6, 2023.
2. Tentative Budget Hearing Minutes of September 6, 2023.
 - a. **Mayor Nelson** asked if anyone had any questions about either set of minutes.

Commissioner Velazquez stated that the only change in the regular council meeting minutes is that they did not articulate the style of bench and the council decided on the style and **Mayor Nelson** stated the one with the center piece and **Commissioner Velazquez** said yes. **Mayor Nelson** stated that Susan can add those.

- b. Hearing further questions or comments, he asked for a motion to approve the regular council meeting minutes of September 6, 2023 and the tentative budget hearing minutes of September 6, 2023 with the noted correction.
 - c. **Motion by Commissioner Nesta** and seconded by **Commissioner Smith** to approve the regular council meeting minutes of September 6, 2023 and the tentative budget hearing minutes of September 6, 2023 with the noted correction.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

PUBLIC COMMENT

Dr. O - 2629 Grassmoor Loop Apopka, FL 32712 Apopka, Fl – 103 days ago I requested some documents, I produced two of them via the state, that Susan could not get from her employees, and the third one I am waiting on, so I am here to pick it up today. I hope it is available. I don't think Susan has it yet. January 20, 2020 the contract was signed, in February the satellite image at google said it was already put up, and then on May 9, 2022 Bryan finally for the permission to put them up, that's 27 months after he put them up. Then he wrote me on July 31st saying that he had permission prior to the installation, now the installation was done February 2020 and he did not get permission until 27 months later. Then he was censured for lying three days after he told me that he had the permission. When it comes to open government public documentations, the public officer has the documents is subject to suspension or removal or impeachment and a definite term of imprisonment not to exceed one year or a fine of \$1,000 for not producing those documents. The person who has and not dot provide me with an opportunity to see those documents and to take a picture or provide me with copies of those documents; that is the person who possess or is in control of those documents.

Albert McKimmie – 3603 Golden Gem Rd Apopka, FL 32712 – Tonight I would like to speak about Law & Order and I would like to see if we can increase the ability for our Chief to provide more services, to us. For security reasons I will not say the number of officer that I believe are working on any particular evening, but I believe it is quite low. I believe that because it is as low as it is we are unable to do the stops and checks that would give us the ability to remove drugs and fire arms off the streets of Apopka. If the number is as low as I believe, all it takes is for someone to go down on one end of Apopka, fire some rounds into a building and half the police force in Apopka, on duty that night, is down at the other end of the city.

Ace Woodham – 47 E Magnolia Street Apopka, FL 32703 – Stated that he heard a department head say that we are just closing the fire alarm system at Camp Wewa; if that's so, that means our Mayor opened the camp up to the public and put hundreds of kids lives in jeopardy without a certified fire inspection being done. I know he has done a great job with trying to get Camp Wewa fixed up and I know we sometimes jump the gun, but I hope that I am wrong.

Gregory Worrell – 2437 Cerberus Drive Apopka, FL 32712 – Stated that Galaxy Tennis has is contracted to use court number four at the Ponkan Athletic Facility, but they are now reserving courts two and three, which is only leaving one court for everyone else. He asked should they be just subjected to court four. **Mr. Worrell** stated that he used to come every day, but he does not come anymore, because there are not anymore courts to use. **Mayor Nelson** stated that we've changed the details of their contract, and the Parks and Recreation Director Radley Williams will be more than happy to share that with him. **Mr. Gregory Worrell** stated that he has met with Radley and went over all of that and nothing has changed, he feels that things are just getting out of control.

Garreth Leslie – 2277 Windsor Court Loop Apopka, FL 32712 – Galaxy Tennis is contracted out to just court four, but recently, within the last three to four months he has been able to reserve a court, but not just the one, it has been courts three and two. He has been conducting business on the courts, as well. We have one single court left, yet we have three to five people trying to squeeze on and play. We had a meeting with Radley about a month and a half ago and the rules have changes to where you can reserve a court, but we were all afraid that with this rule change, Galaxy Tennis would monopolize the system. The very first day that rule change, that is exactly

what he did: reserved all the courts, and there were no courts left for the community, but yet he was conducting business. When we brought it up, it was pretty much said ‘well prove it, I don’t see how he can coach on the whole court.’ I don’t see how it is fair for the community, someone like myself and the community who has been out at the tennis courts for the last fifteen years, since that court has been developed; I go there every day with my kids. So, now this rule change has come onboard and there are people just standing around to play.

Christopher Miller – 1516 Woodfield Oaks Drive Apopka, FL 32703 – Here on behalf of State Senator Geraldine Thompson, District 15. We are here as a resource and if anything is ever needed from us, we are here to help. Our office address is 511 W South Street Orlando, FL 32805, it is right across from the Amway Center. Our district office number is 407-245-0194.

Scout Troop 602 – Citizenship of Community Merit Badge Eagle Required – The group, a total of six, came up and greeted the council and took a photo.

AGENDA REVIEW

No Changes.

CONSENT (Action Item)

1. Authorize the Mayor to sign an agreement between the City of Apopka and the Town of Windermere for use of firearms range.
2. Approve a Utility Easement for Bronson’s Ridge Parcel 4.
3. Authorize the execution of contracts/renewals for the assigned terms: Recruitment & Engineering Products & Services Inc.
4. Authorize the execution of piggyback contracts for the assigned terms: Red Wing Brands of America, Bound Tree Medical, LLC.
5. Accept the disbursement report for August 2023.
6. City of Apopka FY2023 Budget-to-Actual Report for the Eleven Months Ending August 31, 2023.
 - a. **Mayor Nelson** asked if anyone had any questions about any of the items on Consent.

Commissioner Nesta asked that item number three - Authorize the execution of contracts/renewals for the assigned terms: Recruitment & Engineering Products & Services Inc. – be pulled from the agenda and the company come and give a very quick/brief presentation/update.

- b. Hearing further questions or comments, he asked for a motion to approve items one, two, four, five, and six (1, 2, 4, 5 and 6) on the consent agenda.

- c. **Motion by Commissioner Nesta** and seconded by **Commissioner Velazquez** to approve items one, two, four, five, and six (1, 2, 4, 5 and 6) on the consent agenda.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

BUSINESS (Action Item)

- 1. Floor and Décor Apopka – Major Development Plan
Owner(s): Mid-Florida Freezer Properties, LLC
Applicant(s): Kimley-Horn and Associates, Inc. c/o Brian Ashby P.E.
Location: Southwest corner of Lake View Drive and U.S. 441
Project: 5.72 +/- acres; Wholesale facility use
Density/Intensity: 0.31 Floor Area Ratio
Project Manager: Jean Sanchez
Presented by: Jean Sanchez, Senior Planner

Senior Planner (SP) Jean Sanchez stated that this item was tabled at the September 6, 2023 council meeting, due to transportation concerns/issues. Her and staff and available tonight to further discuss.

- a. **Motion by Commissioner Nesta** and seconded by **Commissioner Velazquez** to take the item off the table.
- b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

Commissioner Velazquez stated that she had a meeting with Floor and Décor on Monday, and Pam Richmond was present for the meeting. **Logan Opsal – Lowndes Law Firm 215 N Eola Dr Orlando, FL 32801** – stated that he was able to meet with most of the council over the course of the last week; there were two issues that came about: Lakeview Drive and Mayflower Ave. Functionally Mayflower Ave is being used as driveway to Mid Florida Freezer, it has been used for some time over many years, so it has some wear from the trucks. Separately, Lakeview Drive is a County Rd, but this body has encouraged staff and also have taken on themselves, to reach out to the county. He stated that his understanding is as a result of those conversations is the county does not have the funds or the junction to move forward with any improvements to this right now, so there is a sense of the city needing to take that on. He said it happens, but in this scenario, you have a development coming in which has the potential of directly benefiting and elevating the traffic issues on Lakeview Drive. He went on to state that they have come up with some options, with the current site plan, and how they can address the issues in a creative way. One option is to install a gate. He heard the concern of patrons trying to access the site through Mayflower Ave and a physical gate would prevent that. Of coarse it would need to comply with all code and design standards, so we would work with city staff on that, but the trucks would have the access code or key. So, it would be a truck only access, as a patron or any other vehicle, you would be physically restricted from Mayflower Ave. On top of that we talked about signage, again we would yield to the city on whether it would be a ‘trucks only’ or ‘no outlet’ or both, we are happy to participate in that, so

there is clear direction and also there is a physical barrier. I think some or most of you have been out to this site or are well aware of the area and the condition of Mayflower, some of the concerns that were talked about in the past was 'will a car want to access Mayflower?' We would mark this for employee parking and we would have directional signs, but more importantly, Shephard Ave is now vacant, so there is no cross access to Mayflower to 441 for any sort of cut through. Switching gears to Lakeview Drive: the impact fees can go directly to fixing this issue now. We are asking for approval on this current site plan. **Commissioner Becker** stated that he is not concerned about the historical use of Mayflower, the fact is that it is titled an avenue and by definition in our land development code, that means a certain thing. The width of that avenue is sixteen (16) feet wide and the average width of a tractor trailer is eight and a half feet (8.5ft), that means one tractor trailer can be on that avenue at a time. To knowingly approve something, when we have deficient roadway is where my hang up is. Long-term we may get calls from Mid-Florida Freezer saying 'you've put a whole bunch more traffic on this road that is not sufficient to have more than one tractor trailer and the ingress/egress is not sufficient, at this point.' He stated that he is not getting any confirmation from staff that this is high priority and he thinks that it should be. **Logan Opsal** stated that from a legal standpoint, they have not caused this deficiency, so there is no basis to hang up this project, based on a deficiency that they have not caused. **Commissioner Becker** stated that, in his opinion, his argument is that we have a road that does not satisfy the width requirements that a fully functioning road within our city, our standards should be. For me to approve development that's going to contribute to that out of compliance or nonconforming current state of that road, it would not be prudent for me to do that. Knowing that we have a deficient road that is going to be a primary lifeline into this business. All of your product is going to be coming onto Mayflower Ave. It is creating a safety issue when there are other tractor trailers going past it when there is not sufficient room for both of those to be safely on that road. **Logan Opsal** stated that we don't know the width of the road because it changes at different points throughout, but if the basis of denying this site that has been worked on, from staff, with all these access points, with these additional things to keep anything but trucks out of the entrance to this, on a basis that there is an existing deficiency, that is not a legal basis for denial. What I want to do is offer these things and point out what has changed, including signage, keeping patrons in the front, and improving right-of-way with impact dollars to Lakeview Drive. The flow of Lakeview Drive will help overall site circulation and traffic patterns, in general. **Commissioner Velazquez** stated that she and Pam Richmond spoke about if there was any possible way to partner the cost, because our transportation person estimated about \$700,00 just to bring Mayflower up to code. She stated that she is more for signage than a gate, because of first responders. Whenever you put a gate, it is time loss for emergency services. She went on to state that she agrees with Commissioner Becker, she has done a lot of business with Floor and Décor outside of Apopka, but we also have to deal with the fact that we are bringing in a box store business with an insufficient road, for them. She went on to state that the transportation person said that the impact fees are solely going to Lakeview Drive and there was nothing else to do for Mayflower.

Commissioner Smith stated that his major concern was with improving Lakeview Drive and it appears that they are willing to do that. Mayflower has been in the condition it is for some time and the two businesses that are currently there uses it, as it is, so I am not so concerned about Mayflower. My major concern is making sure that Lakeview Drive is improved so that there is safety, especially at the intersection, and that those customers that are going to patronize this business is able to do so safely. Lakeview Drive is my major concern. **Commissioner Nesta** stated that the city is vacating approximately 12,000 square feet for your project's benefit, so there is definitely something coming, for your benefit, from Shepherd Ave. The city's requirement is only to provide safe and adequate access to your project; the Mayflower access is not a requirement, it is a preference to your side. From my understanding this west side will still be used by patrons for pick and drop off, even though it will be marked for employee parking only. **Logan Opsal** stated yes, that would be the safest access to pick up your pick-up order, off of Lakeview. **Commissioner Nesta** stated that this comes down to money, who wants to contribute and who does not. There has to be a dollar amount somewhere that you guys have to be willing to contribute. The number that was thrown out was \$700,000 and that was for the whole road. You all take maybe 20% of that for your driveway, that again, is not required, it is a preference, so if you prefer to have that access point, contribute \$125-\$175,000 and keep moving. If \$175,000 is a make or break for your project then it is a much closer project then you should be doing. That helps us move this street up and allocate funds towards it and it gets done while you are constructing this, as well. **Logan Opsal** stated that what Commissioner Nesta just said was a very productive point in their meeting, as well, they spoke on the dollar and who needs to give them, they are not legally obligated to do it, but they did want to at least have a conversation to see what that would look like. He understands that the margins are small, but he is hearing from his clients that they are not able to contribute to that. Another concern would be, based on other discussions, would be does the city want to spend dollars on Mayflower, at this juncture, or is it something that can be done in the future, with the participation of all those who are utilizing Mayflower Ave, who caused this issue in the first place without paying impact fees. **Commissioner Smith** stated that this was his point, if we are going to require them to contribute, what about the two businesses that are exists there who are going to benefit and use the road. **Logan Opsal** stated that yes, it is a city road and yes it should be maintained and yes, it is not being maintained. We would love for it to be maintained, but that is not a burden that we can take on, in a cost perspective. But it is a conversation that we are willing to have with others that are willing to participation, but to offer a check for \$150,000 right now is not going to work, but what we can do is restrict access now, limit from our use to just the trucks. **Commissioner Nesta** stated that the Mayflower access is not required, it is a preference, so either contribute or don't have that access point and **Logan Opsal** stated that there was a site circulation issue, so that is the 'why'. **Mayor Nelson** asked Commissioner Nesta if he got the chance to speak with Commissioner Moore and **Commissioner Nesta** stated that the intersection of Lakeview itself, FDOT owns the light and the road, 441, and Orange County owns the rights-of-way. **Pam Richmond** stated that FDOT owns and controls the signal and 441, Orange County owns and maintains all Lakeview, we have no responsibilities there. If we want to have that signal modified in any way, there will be no changes to that light that are not approved by DOT and that have the site plan and the traffic study. They are trying to work out something that we can do as an interim fix until we find the funding to do the full-blown

fix. In regards to Mayflower Ave. **Commissioner Smith** asked if the council is asking the applicant to improve Mayflower from Lakeview to their entrance and **Commissioner Nesta** stated just to pay for it. I don't want them to actually do it, I want them to contribute and we do all of Mayflower. **Commissioner Becker** stated that he does not think we will get to a place where the applicant will commit to any money tonight. I think that we should as a council say, that we shouldn't have a primer development or a store like Floor and Décor coming here and have deficient access point into this development. We should see value that Mayflower Ave should be brought up to standard, per our own code, per our own guidance, and improve the road. Whether it is \$200K or \$300K, we have a premier facility, let's make it a premier facility. Lastly, **Commissioner Becker** asked if the TIA that was submitted voluntary or required and the response was that it was requested by staff. **Commissioner Becker** then asked if there is a waiver in the request for this, for their rebuttal presumption, in terms of the left turn lane into the this develop and the response was part of the TIA that was submitted and approved, we analyzed the need for any left or right turn lanes and it was found to be not necessary based off the value of trips. **Mayor Nelson** asked Pam Richmond what is the cost to improve Mayflower and **Pam Richmond** stated that the Public Services Director Deodat did an estimate and it was \$700,000; that would fix the apron and the road. It is not a capacity project, that would just be to bring the lanes back to where they originally were, which were probably 20 feet wide. To call it a capacity project the lanes would have to be at least 11 feet each, but then we would not be able to do the intersection. **Mayor Nelson** stated that we can talk about the Mayflower all we want, but Lakeview is the problem.

Public Comment

John Cloran – 593 Ustler Rd Apopka, FL 32712 – The City of Apopka has the road, why has the City of Apopka not done something about the road? This is just an added deal. That road has been that way for years, now you have someone that wants to come in and you want them to pay all of it.

Albert McKimmie – 3603 Golden Gem Rd Apopka, FL 32712 – Asked for consistent decision making from the council.

After further discussion,

- a. **Motion by Commissioner Becker** and seconded by **Commissioner Nesta** to have staff to put together a funding estimate for proper engineering improvements to Mayflower Ave extending west from Lakeview Drive, inclusive of the intersection west of the ingress-egress for the subject applicant, Floor Décor, project site, and bring it back to Council for approval.

Commissioner Velazquez stated that she is going to be voting for something that we don't have the dollar amount, for Mayflower and **Commissioner Becker** stated that it is an estimate. We are not doing any earmarks for any money right now, we are asking staff to put a firm commitment that we are going to get a firm estimate of what it will cost to make this improvement and **Commissioner Nesta** confirmed that they are just looking for an estimate that will be brought back to council for approval.

Mayor Nelson stated that he does not mind voting for that, but he does not want to give the false assurance that he will vote for the estimate. **Commissioner Velazquez** stated that if we can get Floor Décor to the finish line, we will vote to get an estimate to fixing Mayflower, that is it. I am not voting on 'let's fix it' because I do not think it is fair to vote on 'let's fix it' if we do not have a number. **Mayor Nelson** suggested to table the Floor and Décor item and bring it back in two weeks and Commissioners Nesta, Velazquez, and Becker did not agree.

- b. Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye.

Next up,

- a. Motion by Commissioner Smith** and seconded by **Commissioner Nesta** to approve the Floor and Décor Apopka – Major Development Plan.

- b. Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye.

2. "LIVE at the Amphitheater" Marketing Program
Presented by: Radley Williams, Recreation Director

Parks and Recreation Direction (PRD) Radley Williams stated that the Apopka Parks and Recreation Department proposes the development and implementation of a fee-based marketing program for non-City organized special events held at the Apopka Amphitheater. The marketing program would allow event promoters and organizers hosting special events at the Apopka Amphitheater the opportunity to utilize City-owned marketing infrastructure and social media platforms to market for their upcoming event(s). Currently, the use of City-owned marketing infrastructure and social media is limited to City-organized or Citysupported events. Staff are regularly asked by event promoters and organizers for any opportunities to market on the City-owned marketing infrastructure and social media platforms, but at this time none are available to be offered. The fee-based marketing program would open up a new opportunity for the event promoters and organizers to market their events while also opening a new revenue source for the City, and capitalize on the growing interest in the Apopka Amphitheater from event promoters and organizers.

- a. Mayor Nelson** asked if anyone had any questions about this item.
Commissioner Smith asked is it possible to add a week to the Silver Package and two weeks to the Gold package and **PRD Williams** stated yes.
- b.** Hearing no further questions or comments, he asked for a motion to approve the "LIVE at the Amphitheater" Marketing Program.
- c. Motion by Commissioner Smith** and seconded by **Commissioner Nesta** to approve the "LIVE at the Amphitheater" Marketing Program.
- d. Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye

3. Charter Review methods

Presented by: Clif Shepard, City Attorney

City Attorney (CA) Clif Shepard stated that he has outlined three possible methods of charter reviews: 1) Council Lead – With this method, Council conducts the review with the assistance of the City Attorney, proceeding through the entire document, article by article. The Council sets the schedule for special charter review meetings, sets the agendas for said meetings, invites citizen participation before, during and after each such meeting, and eventually considers an ordinance sending any proposed changes to the voters in a referendum election. In the event certain proposed amendments require more intense study or citizen input, we can place them in the “parking lot,” which is a term we derived for a special separate meeting devoted to just those issues, and which typically occurs towards the end of the review process. We then come back to any such issues at that “parking lot” meeting and make decisions on how the City wants to proceed; 2) Council/Citizen Lead – This method works the same as the Council lead but adds citizens to the reviewing board via Council appointment. Council can add as many citizens as it would like but it is suggested the resulting number is odd, to prevent tie votes on issues. Additionally, since Council may not delegate its voting authority on resolutions or ordinances, Council alone would have the final say on what issues are ultimately included in the referendum ballot; and 3) Citizen Lead – This method has the Council appointing an all citizen review board, who then supplants the Council as the lead reviewing body. The remainder of the review is conducted in the same manner as the Council lead review, with the assistance of the City Attorney.

He went on to give examples of other municipalities charter review committees and stated that the County is simply citizen-led and completely independent; they do not have to go back to the county commission. Others who have citizen-led always have to go back to the governing body because the governing body are the only ones that can pass the ordinance to get it on the ballot. You will find a mixture.

Commissioner Velazquez stated that she attended the Orange County charter review meeting on Monday night and there was many sub-committees and discussions happening. **Commissioner Becker** stated that he has always gravitated towards a council-led charter review. **CA Shepard** stated the first step is to set a schedule, the schedule will tell you whether you are working towards the next March election or the one that will happen the following November. Then we determine if we want to do one or two articles per meeting, then determine how to develop an agenda, from that, which can go out as early as you want it to. **Commissioner Smith** stated that he is fine with the council-led charter review committee as long as there is some citizen input and **Commissioner Nesta** agreed.

Public Comment

Albert McKimmie – 3603 Golden Gem Rd Apopka, FL 32712 – Stated that over that over the last 6 months a number of the council members have proven themselves to the people of Apopka, and we have no problem with a council driven charter review

He suggested getting started and finished as soon as possible so that it can be on the ballot for the next general election. He stated that they fully support whatever decisions they make.

- a. **Motion by Commissioner Becker** and seconded by **Commissioner Velazquez** to approve a council-led charter review.
- b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye

Commissioner Becker asked in terms of setting calendar, what does that look like and **CA Shepard** stated that if we are talking about meetings that will begin in January, the decision is already made, because in order to get in on the March ballot we'd have to have every done, meaning ordinance passed with two readings by December 12th.

Commissioner Becker stated that he does not think that that is feasible. **CA Shepard** stated that January gives us plenty of time for the next cycle, so we can start scheduling meetings as soon as you want as long as we don't have December 12th as the deadline.

Mayor Nelson asked CA Shepard to come back with a timeline. **Commissioner Becker** suggested to do two articles per meeting. **CA Shepard** stated that he does not wade into the waters of the controversial because he does not have a problem with the council-led, council-manager, or strong mayor; that is not a problem or issue from the law side. He talks about gender neutrality, tie-breaker issues, etc.

4. Consider Renaming Columbus Day to Indigenous Peoples Day
Presented by: Susan Bone, City Clerk

City Clerk (CC) Susan Bone stated According to the calendar, Columbus Day has been recognized as a national holiday, since designated by President Franklin D. Roosevelt in 1934. In 1971, Congress changed the date from October 12th to the second Monday of October. Columbus Day celebrations in the United States were meant to honor the legacy of the man credited with "discovering" the New World. The earliest known Columbus Day celebration dates back to October 12, 1792, on the 300th anniversary of his landing. In 1990, South Dakota, currently the state with the third-largest population of Native Americans in the U.S., became the first state to officially recognize Native Americans' Day, now commonly referred to as Indigenous Peoples' Day in other parts of the Country. By the 2010's, Indigenous Peoples' Day, gained steam as it was adopted by scores of cities and states around the nation. Some states honor both Columbus Day and Indigenous Peoples' Day, while others have renamed it entirely. As you are aware, the City does NOT currently recognize this day as a holiday, nor has it ever been celebrated in any way.

Commissioner Smith stated that since the last council meeting he's received several emails with a lot of information and resources to go and look at and get more information. After doing that research and listening to those individuals, and I think I did respond to all of them, I would like to suggestion that we leave Columbus Day as is and that we, as the City of Apopka recognize August 9th, each year, as Indigenous Peoples Day.

Commissioner Becker stated that it was never his intent to rename the holiday. Columbus Day is still a federally recognized holiday. We may not recognize it, but if we all look at

our iPad it does say Columbus Day and Indigenous Peoples Day. I encourage us to honor that day.

Commissioner Velazquez stated that it was only after she received a few emails that she stated to really research Columbus Day and Indigenous Peoples Day and then she found that every 9th day of August commemorates the International Day of Worlds Indigenous Peoples. It was only two years ago that they actually incorporated it and made it Columbus Day and Indigenous. I concur with Commissioner Smith.

Mayor Nelson stated that he had Steven Cribb searching for when the Indians came to lake Apopka, but he could not find that day.

Public Comment

Andre Dimino – Agreed with leaving Columbus Day as is.

- a. **Motion by Commissioner Velazquez** and seconded by **Commissioner Smith** to leave Columbus Day as is and make August 9th Indigenous Peoples Day, for the City of Apopka.
- b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 3010 – Second Reading – Small-Scale Future Land Use Amendment from Industrial to Commercial – Shake the Nations Property
Owner(s): Shake the Nations Ministries, Inc.
Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.
Location: 333 Semoran Commerce Place
Tract Size: 2.4 +/- acres
Project Manager: Jean Sanchez
Presented by: Jean Sanchez, Senior Planner

No Changes.

- a. **Mayor Nelson** asked if anyone had any questions about this item.
 - b. Hearing no further questions or comments, he asked for a motion to adopt Ordinance Number 3010.
 - c. **Motion by Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance Number 3010.
 - d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye
2. Ordinance No. 3011 – Second Reading – Change of Zoning from I-L (Light Industrial) to C-COR (Corridor Commercial) – Shake the Nations Property.
Owner(s): Shake the Nations Ministries, Inc.
Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.
Location: 333 Semoran Commerce Place

Tract Size: 2.4 +/- acres
Project Manager: Jean Sanchez
Presented by: Jean Sanchez, Senior Planner

No Changes.

- a. **Mayor Nelson** asked if anyone had any questions about this item.
- b. Hearing no further questions or comments, he asked for a motion to adopt Ordinance Number 3011.
- c. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance Number 3011.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye

3. Ordinance No. 3019 - Second Reading - Small-Scale Future Land Use Amendment - The Ridge Self-Storage
Owner(s): The Ridge Self-Storage, LLC
Applicant(s): Josh Edmondson, Poulos & Bennett, LLC
Location: West side of Ocoee-Apopka Road, north of SR 414
Project: The Ridge Self-Storage
Density: 0.6 maximum FAR
Project Manager: Bobby Howell
Presented by: Bobby Howell, Planning Manager

- a. **Mayor Nelson** asked if anyone had any questions about this item.
- b. Hearing no further questions or comments, he asked for a motion to adopt Ordinance Number 3019 -
- c. **Motion** by **Commissioner Smith** and seconded by **Commissioner Nesta** to adopt Ordinance Number 3019.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye

4. Ordinance No. 3020 - Second Reading, The Ridge Self-Storage Rezoning
Owner(s): The Ridge Self-Storage, LLC
Applicant(s): Josh Edmondson, Poulos & Bennett, LLC
Location: West side of Ocoee-Apopka Road, north of SR 414
Project: The Ridge Self-Storage Rezoning
Density: 0.6 maximum FAR
Project Manager: Bobby Howell
Presented by: Bobby Howell, Planning Manager

- a. **Mayor Nelson** asked if anyone had any questions about this item.
- b. Hearing no further questions or comments, he asked for a motion to adopt Ordinance Number 3020.

- c. **Motion by Commissioner Nesta** and seconded by **Commissioner Smith** to adopt Ordinance Number 3020.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye

5. Ordinance No. 3021 - Second Reading - Land Development Code amendments
Presented by: James Hitt, Community Development Director

No Changes.

- a. **Mayor Nelson** asked if anyone had any questions about this item.
- b. Hearing no further questions or comments, he asked for a motion to adopt Ordinance Number 3021.
- c. **Motion by Commissioner Nesta** and seconded by **Commissioner Velazquez** to adopt Ordinance Number 3021.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye

6. Ordinance No. 3022 - Second Reading -Chapter 18, Buildings and Building Regulations, Article III. – Permit Fees.
Presented by: James Hitt, Community Development Director

No Changes.

- a. **Mayor Nelson** asked if anyone had any questions about this item.
- b. Hearing no further questions or comments, he asked for a motion to adopt Ordinance Number 3022.
- c. **Motion by Commissioner Smith** and seconded by **Commissioner Nesta** adopt Ordinance Number 3022.
- d. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye

7. Ordinance No. 3024 – Second Reading - Annexation – SNP Properties
Owner(s): SNP Properties, LLC
Applicant(s): Denny Shiver
Location: Southeast corner of Plymouth Sorrento Road and Dowman Drive
Tract Size: 5.0 +/- acres
Project Manager: Jean Sanchez
Presented by: Jean Sanchez, Senior Planner

No Changes.

- a. **Mayor Nelson** asked if anyone had any questions about this item.
- b. Hearing no further questions or comments, he asked for a motion to adopt Ordinance Number 3024.
- c. **Motion by Commissioner Velazquez** and seconded by **Commissioner Nesta** to accept the first reading of Ordinance Number 3024.

- d. Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith & Velazquez voting aye

CITY COUNCIL REPORTS

Commissioner Nesta

-Will not be available tomorrow through Sunday and I know there will be a couple different events: some officers being sworn in, the homeless meeting tomorrow, and the race downtown on Saturday.

- I would like a copy of the rough draft of the meeting minutes to be sent to the full council

-Update on the lot at 305 E 8th Street? **Mayor Nelson** stated that we've split it into four lots and a pocket park. It is ready to go and the park is on Highland. He asked Jim Hitt for an update.

Community Development Director (CDD) Jim Hitt stated that it is the old maintenance barn that Orange County deeded over to us. We've got a pocket park that we got funding through the CRA for and four extra lots that we've already got surveyed. We also have a plat ready to go, for when we decide we want to do it. **Mayor Nelson** said that the only problem that has come up is that we have some fiber that goes from the old building to across the street, that we are still trying to figure out what to do with it. **IT Director Robert Hippler** stated that we currently have fiber running from our Fire Department down the bike path directly into that building, so we are going to pull the fiber back out and put a pole box closer to Highland and 8th street and from there we're going to have to go onto to street to get back over to the fuel island. We have three separate devices running off of fiber, over there. It shouldn't be a horrible issue, but there will be a cost associated to do it. **Commissioner Nesta** asked if we are going to RFP and **Mayor Nelson** stated that we can give it to Habitat for Humanity or we can sell it. **Commissioner Nesta** stated that he has had a couple groups reach out wanting to lease it, long-term. **Commissioner Velazquez** asked if the council ever voted on the item they received from Clif Shepard's office regarding having a city procedure, disposal of real property. **CA Shepard** stated that right now there is not a procedure, but he can come up with one. **Commissioner Velazquez** suggested before they move forward with anything they get something drawn up.

Commissioner Smith

-I will be out of town Friday – Sunday.

Commissioner Becker

-Nothing further to discuss.

Commissioner Velazquez

-Thank you to the residents who came out to honor the 9-11 memorial

-The Kit Land Nelson Park Hispanic Event was very nice. On the same day I attended the swearing in of new American citizens, which is an annual event.

-I attended the Orange County Charter Review Meeting

-Tomorrow is the Next Step Foundation; I was wondering why did it get changed to the chamber

-Sunday, September 24th Fall Festival at Emerson Park

-I am not available on Friday, Saturday I will be around, but Sunday I am not too sure.

CITY ADMINISTRATOR'S REPORT

Charles Vavrek asked the council to please give Radley and myself a consensus date for the Camp Wewa workshop.

The council agreed on October 16, 2023 at 5:30pm.

CITY ATTORNEY'S REPORT

Nothing.

MAYOR'S REPORT

- Handed out suggestions on the South Apopka Annexation issue and asked the council to bring it back to discuss, in two weeks.
- Next Step Foundation is tomorrow night at 6:30, here in City Hall
- National Entrepreneur Center - Lunch & Learn at the community on November 7th at 11:30am with the Apopka Chamber of Commerce
- Hispanic Heritage Celebration was a great event; we had about 1,000 in attendance. Shout out to the DEI Committee, Steven Cribb and the Parks and Rec Crew.

ADJOURNMENT

The meeting adjourned at 10:59PM.

All video recordings of City Council Meetings are always posted on the City of Apopka's YouTube page, for viewing.

Bryan Nelson, Mayor

Attest: _____
Susan M. Bone, City Clerk

Minutes Transcribed by: _____
Victoria Parks, Deputy City Clerk

CITY OF APOPKA MINUTES

Minutes of the City Council Final Budget Hearing held on September 20, 2023 scheduled for 6:00 PM, in the City of Apopka Council Chambers.

Present:

- Mayor Bryan Nelson
- Commissioner Kyle Becker
- Commissioner Nick Nesta
- Commissioner Alexander Smith
- Commissioner Diane Velazquez
- Interim City Administrator, Charles Vavrek
- Attorney Cliff Shepherd

INVOCATION & PLEDGE OF ALLEGIANCE: Commissioner Smith

PUBLIC HEARINGS

1. Resolution No. 2023-30 - Setting the millage levy for the Fiscal Year 2023-2024 at 4.1876

Mayor Nelson read in accordance with the truth and millage trim compliance requirements the city must set the final millage rate and advise the property appraiser of the final millage rate. The final millage rate is 4.1876, which represents a 13.21% increase over the rollback millage rate of 3.6991.

- a. **Motion by Commissioner Smith** and seconded by **Commissioner Velazquez** to approve Resolution 2023-30.
- b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

2. Resolution No. 2023-31 – Adopting the Annual Budget for Fiscal Year 2023-2024: Please click on the link to see the FY24 Final Budget: Landing/Overview Page for Tentative Budget Workshop and Public Hearings
Presented by: Blanche Sherman, Finance Director

Finance Director (FD) Blanche Sherman stated that the total proposed budget for all funds is balanced at \$165,828,988.00. This represents an increase of \$18,252,199.00 or 12.4% over the FY22-'23 budget.

Public Comment

Dr O. – Apopka, FL – I have a concern that we just made a huge net profit this year. At the July meeting it said \$44 million-dollars net profit. We are saying we are having a zero budget, which we are supposed to, we are supposed to be non-profit government and we put all these monies in the reserves, yet in a lot of places we are not accomplishing

anything. No signs are being put up on the interstate after repeated emails and public service post, reports, and phones. The ponds are not getting cleaned; the reports from March state that they are not getting mowed, pumped out, or cleaned, and yet money is being turned back from the Public Services Department. How can we possibly ask for more Ad Valorem for five years; we have the money. We can hire the employees. Just because we can charge taxes doesn't mean we should.

Commissioner Becker asked FD Sherman to speak on this, in reference to the profit mentioned, because it was misrepresented. The city is not pocketing \$40 million dollars.

FD Sherman stated that is a year-to-date amount and everything is not equal; the revenues and the expenditures and it is not an annual projection. If you look at the annual projection for the month of August it is more around \$23 million that we could potentially have, but that does not include our year-end expenses as well. In regards to carry forwards with the major capital projects, those amounts that have not been spent, in that current year, do get carried forward, so those projects can continue in the next year.

Commissioner Becker stated that what someone can do

- a. **Motion by Commissioner Becker** and seconded by **Commissioner Velazquez** to approve Resolution 2023-31.
 - b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
3. Resolution 2023-28 Imposing the Uniform Method of Collections for Non-Ad Valorem Special Assessments levied within the City of Apopka for the Stormwater Utility.
Presented by: Richard Earp

Public Comment

Dr. O – Apopka, FL – I wish to have the assessments that are out there looked at again, because a 4.34 piece of property having the same assessment as the .3 piece of property, residential, does not make sense. A commercial piece of property that is all concrete, just being three times as much as a residential, just does not make sense. It should at least be four times as much since it is more than four times the size of the property. There is something definitely wrong.

- a. **Motion by Commissioner Smith** and seconded by **Commissioner Becker** to approve Resolution 2023-28 at first reading and hold over for second reading and adoption.
 - b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
4. Resolution 2023-21 Imposing the Uniform Method of Collections for Non-Ad Valorem Special Assessments levied within the Lake McCoy Village Neighborhood Improvement District.
Presented by: Charles Vavrek, Special Assessments

Public Comment

Dr. O – Apopka, FL – Will it be the same people maintaining the drains, as those that are supposed to be maintaining them now?

City Administrator (CA) Charles Vavrek stated, for clarification, City staff does not maintain these ponds; these are ponds that have been abandoned by the HOAs. We have a contractor, Brightview, that comes in and cuts the ponds. We are still responsible for the inflow structure, the pipe going into the pond, but traditionally all of our ponds have always been maintained by the HOAs, so what happens when the HOAs go under – they get abandoned and we get the calls. Unfortunately, when you have a Code Enforcement case and no one to go after, you have to come up with a solution and this is our solution, so we can maintain and cut the ponds. Also, part of the assessment is to do engineering studies from time to time to make sure we stay in compliance with our MS4 permit.

- a. **Motion by Commissioner Velazquez** and seconded by **Commissioner Nesta** to approve Resolution 2023-21.
 - b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
5. Resolution 2023-22 Imposing the Uniform Method of Collections for Non-Ad valorem Special Assessments levied within the Martin Place Neighborhood Improvement District.
Presented by: Charles Vavrek, Special Assessments
 - a. **Motion by Commissioner Nesta** and seconded by **Commissioner Smith** to approve Resolution 2023-22.
 - b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
6. Resolution 2023-23 Imposing the Uniform Method of Collections for Non-Ad Valorem Special Assessments levied within the Lovell Terrace Neighborhood Improvement District.
Presented by: Charles Vavrek, Special Assessments
 - a. **Motion by Commissioner Becker** and seconded by **Commissioner Smith** to approve Resolution 2023-23.
 - b. **Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
7. Resolution 2023-24 Imposing the Uniform Method of Collections for NonAd Valorem Special Assessments levied within the Meadowlark (Coke Property) Street Lighting District.
 - a. **Motion by Commissioner Nesta** and seconded by **Commissioner Becker** to approve Resolution 2023-24.

- b. Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
- 8. Resolution 2023-25 Imposing the Uniform Method of Collections for Non-Ad Valorem Special Assessments levied within the Ivy Trails Street Lighting District.
Presented by: Charles Vavrek, Special Assessments
 - a. Motion by Commissioner Smith** and seconded by **Commissioner Nesta** to approve Resolution 2023-25.
 - b. Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.
- 9. Resolution No. 2023-26 Imposing the uniform Method of Collections for non-Ad Valorem Special Assessments levied within the Nottingham Park Street Lighting District.
Presented by: Charles Vavrek, Special Assessments
 - a. Motion by Commissioner Velazquez** and seconded by **Commissioner Smith** to approve Resolution 2023-26.
 - b. Motion carried unanimously**, with Mayor Nelson, and Commissioners Becker, Nesta, Smith, & Velazquez voting aye.

ADJOURNMENT

The meeting adjourned at 6:25PM.

All video recordings of City Council Meetings are always posted on the City of Apopka's YouTube page, for viewing.

Bryan Nelson, Mayor

Attest: _____
Susan M. Bone, City Clerk

Minutes Transcribed by: _____
Victoria Parks, Deputy City Clerk



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 1.

Meeting Date: October 4, 2023

Department: Community Development

SUBJECT:

Acuera Estates – School Concurrency Mitigation Agreement

REQUEST:

Approve the Acuera Estates – School Concurrency Mitigation Agreement

SUMMARY:

Owner(s): KLLB AIV LLC

Parcel Identification Number(s): 18-20-28-0000-00-117 and 18-20-28-0000-00-089

Location: East of Tigris Drive and west of Jason Dwelley Parkway

Future Land Use (FLU): Residential Very Low Suburban (maximum two dwelling units per acre)

Zoning: RSF-1B (Residential Single-Family-Large-Lot District)

Existing Use: Vacant

Proposed Development: 76 Residential Units

Tract Size: 38.62 +/- acres

School Attendance Zones: Kelly Park School, Kelly Park School and Apopka High School

PROJECT SUMMARY:

New residential development applications are reviewed by Orange County Public Schools (OCPS) for their impact placed on existing student capacity at public schools. This school impact analysis, called school concurrency, occurs at the time of a Construction Site Plan and Plat application. In 2008, the City of Apopka entered into an interlocal agreement with the Orange County School Board to address public school facility planning and implementation of school concurrency (hereafter School Agreement). As a party to this School Agreement, the City becomes a party to this Agreement. Therefore, City Council must accept the Agreement and authorize the Mayor to sign it to allow OCPS to implement the mitigation plan.

When school enrollment is over capacity at the public schools serving additional students generated by a proposed residential development, a new development must have a school concurrency mitigation analysis to determine additional cost of school impacts the proposed development will generate above that considered by the school impact fee. The developer pays these additional fees according to the conditions of the school concurrency mitigation fee.

ATTACHMENTS:

- Acuera Estates – School CMA

FUNDING SOURCE:

Not applicable

RECOMMENDED MOTION:

Approve the Acuera Estates – School Concurrency Mitigation Agreement and authorize the Mayor to sign the Agreement.

ATTACHMENTS:

1. Acuera Estates - School CMA

After recording return to:

Christopher C. Mills, AICP
Orange County Public Schools
6501 Magic Way, Building 200
Orlando, Florida 32809

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

**SCHOOL CONCURRENCY
MITIGATION AGREEMENT
APK-22-021**

ACUERA ESTATES

Parcel ID#: 18-20-28-0000-00-089, 18-20-28-0000-00-017

THIS SCHOOL CONCURRENCY MITIGATION AGREEMENT ("Agreement"), is entered into by THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA a body corporate and political subdivision of the State of Florida, ("School Board"); CITY OF APOPKA, a municipal corporation of the State of Florida, ("City") and KLLB AIV, LLC, a Delaware limited liability company, whose address is 6900 E. Camelback Road, Suite 1090, Scottsdale, AZ 85251 (the "Applicant"), collectively referred to herein as the "Parties."

RECITALS:

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

WHEREAS, pursuant to Section 18.6 of the Interlocal Agreement, an applicant submitting a School Concurrency Determination Application for approval of a Site Plan that will generate additional students in a School Concurrency Service Area in which there is insufficient Available School Capacity to accommodate the anticipated additional students must enter into a Proportionate Share Mitigation Agreement to prevent school overcrowding attributable to the anticipated additional students generated by the Residential Development as specified in the Interlocal Agreement;

WHEREAS, an Applicant must submit the School Concurrency Determination Application along with a Development Analysis which identifies the proposed location of the Residential Development, the number of Residential Units that will be created, a phasing schedule (if applicable), a map demonstrating land use and zoning classifications for the Applicant's property, as well as all other information required pursuant to Section 18.5 of the Interlocal Agreement, to the County; and

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

WHEREAS, the Applicant has submitted a School Concurrency Determination Application and Development Analysis to the City in connection with a proposal to obtain Site Plan Approval in order to develop 26 Residential Units on the Property (the "Project") and the City has forwarded the School Concurrency Determination Application and Development Analysis to the School Board; and

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

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

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

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

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

Capacity created by the Project and to provide additional capacity for twelve (12) high school students, as follows, in accordance with Section 19.2 of the Interlocal Agreement:

Payment in the amount of THREE HUNDRED FORTY-SEVEN THOUSAND THREE HUNDRED SEVENTEEN AND 00/100 DOLLARS (\$347,317.00) to cover the Proportionate Share Mitigation associated with providing the necessary capacity to complete the Project (the "Proportionate Share") to the School Board. Such payment shall be due and payable prior to the time the plat or, if a plat is not required, a vertical Building Permit for the Property is approved and has been calculated in accordance with the formula found in Section 19.2 of the Interlocal Agreement. To the extent the Applicant's proposed Residential Development is subject to a Capacity Enhancement Agreement, any capacity enhancement mitigation paid pursuant to such agreement was applied as a credit to the Proportionate Share Mitigation required for the Project. Such credit was subtracted from the total Proportionate Share Mitigation required pursuant to the Interlocal Agreement and is reflected in the Proportionate Share required in this Section 4.

5. **USE OF PROPORTIONATE SHARE.** The School Board shall direct the Proportionate Share to a School Capacity improvement identified in the capital improvement schedule in the five (5) year district work plan of the School Board's District Facilities Work Program which satisfies the demands from the proposed Residential Development. If such a School Capacity improvement does not exist in the District Facilities Work Program, the School Board may, in its sole discretion, add a School Capacity improvement to its District Facilities Work Program to mitigate the impacts from the Project, as provided in Section 19.6 of the Interlocal Agreement.

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

Upon payment of the Proportionate Share, the School Board shall notify the City of the amount of the School Impact Fee Credit based upon the amount received pursuant to Section 4 of this Agreement, and shall request a School Impact Fee credit account in such amount. Applicant shall not be entitled to a credit or refund for any portion of the Proportionate Share Mitigation in excess of the Impact Fee Credit Amount.

7. **ISSUANCE OF SCHOOL CONCURRENCY RECOMMENDATION.** Upon final execution of this Agreement by all Parties hereto, this Agreement will serve as the Applicant's Capacity Encumbrance Letter in accordance with Section 18.7 of the Interlocal Agreement.

8. **SCHOOL CAPACITY ENCUMBRANCE AND RESERVATION.** Upon final execution of this Agreement by all Parties hereto, this Agreement will serve as the Applicant's Capacity Encumbrance Letter that School Capacity will be available for the Project. This is in accordance with Section 18.6(g) of the Interlocal Agreement.

At such time as Applicant has prepaid the School Impact Fees further described in Section 6 of this Agreement, and paid the applicable installment(s) of the School Capacity Reservation Fee described in Section 9 below, School Capacity shall be reserved for the Project Units reflected on the application; if the Applicant fails to make any of the required School Capacity Reservation Fee

payments described in Paragraph 9 below or if this Agreement is terminated, such reserved School Capacity shall lapse and be returned to the applicable Concurrency Service Area.

9. CAPACITY RESERVATION FEE. . The Applicant shall be required to pay a School Capacity Reservation Fee for the Project in accordance with Section 30-599 of the Orange County Code. The Applicant shall pay the School Capacity Reservation Fee further described below.

- a. 6 months from effective date of this agreement: \$266,066.00; and
- b. 18 months from effective date of this agreement: \$266,066.00; and
- c. 30 months from effective date of this agreement: \$266,066.00.

Notwithstanding the schedule provided by this Section, Applicant may prepay any or all of the School Capacity Reservation Fees in advance. School Capacity Reservation Fees paid pursuant to this Agreement shall be credited towards School Impact Fees as provided in Section 30-599 of the County Code.

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

a. The Applicable Local Government does not approve the Site Plan/Plat/Functional Equivalent within one hundred eighty (180) days from the Effective Date of this agreement. In such event, all Proportionate Share Mitigation paid by the Applicant shall be refunded to the Applicant by the School Board.

b. The Applicant fails to proceed in good faith in a diligent and timely manner and secure at least one Building Permit for a unit other than a model home within three (3) years of recording of the plat or, if a plat is not required, within three (3) years of final approval of the Site Plan. The School Board shall have sole discretion to determine whether the Applicant has proceeded in good faith in a diligent and timely manner. In such case, this Agreement shall be terminated and any encumbered or reserved school capacity shall be returned to its applicable capacity bank. The Applicant will not be entitled to a refund of any portion of the Proportionate Share Mitigation paid under this Agreement, and will only be entitled to receive a 90% refund of the Capacity Reservation Fee assuming all other applicable conditions are met. The School Board delegates to the Superintendent, or designee, the authority to determine whether the Applicant has proceeded in good faith in a diligent and timely manner.

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

12. NOTICES. Any notice delivered with respect to this Agreement shall be in writing and be deemed to be delivered (whether or not actually received) (i) when hand delivered to the

person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the person at the address set forth opposite the party's name below, or to such other address or other person as the party shall have specified by written notice to the other party delivered in accordance herewith:

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

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

Owner/Applicant: KLLB AIV, LLC
Attn: Ryan Mott
6900 E. Camelback Road, Suite 1090
Scottsdale, AZ 85251

City/Town: City of Apopka
Attn: Planning & Zoning Division
120 E. Main Street
Apopka, Florida 32703

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

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

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

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

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

conditions and procedures to aid in the monitoring and enforcement of the assignee's performance of the Applicant's obligations with regard to Proportionate Share Mitigation under this Agreement. The assignor under such assignment shall furnish the Parties with a copy of the written assignment within ten (10) days of the date of execution of same.

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

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

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

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

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

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

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

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

Signatures on Following Page

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

Signed and sealed in the presence of:

"SCHOOL BOARD"

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


Print Name: Martin Gutierrez

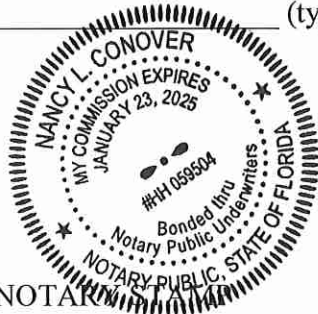
By: 
Teresa Jacobs, Chair


Print Name: Aracelis Henley

Date: 8/15/23

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

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 15 day of August, 2023, by Teresa Jacobs, Chair of The School Board of Orange County, Florida, a body corporate and political subdivision of the State of Florida, on behalf of The School Board, who is personally known to me or had produced _____ (type of identification) as identification.



AFFIX NOTARY SEAL


NOTARY PUBLIC OF FLORIDA
Print Name: Nancy L. Conover
Commission No.: _____
Expires: _____

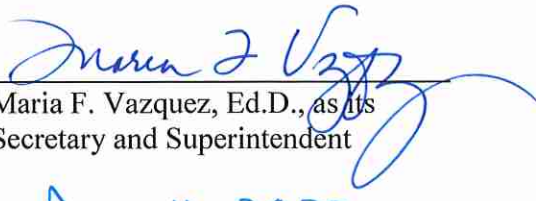
[ADDITIONAL SIGNATURE PAGES TO FOLLOW]

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

Signed and sealed in the presence of:


Print Name: Madeline Anttila


Print Name: Aronika Harkley

Attest: 
Maria F. Vazquez, Ed.D., as its
Secretary and Superintendent

Dated: Aug 11, 2023

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

The foregoing instrument was acknowledged before me by means of ☐ physical presence
or ☐ online notarization, this 15 day of August, 2023, by Barbara M. Jenkins as Maria F. Vazquez
Secretary and Superintendent of The School Board of Orange County, Florida, a body corporate
and political subdivision of the State of Florida, on behalf of The School Board, who is personally
known to me or has produced _____ (type of identification)
as identification _____




NOTARY PUBLIC OF FLORIDA
Print Name: Nancy L. Conover
Commission No.: _____
Expires: _____

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



Rory A. Salimbene, PE
Chief Facilities Officer

Date: August 7, 2023

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



Jad M. Brewer, Esq.
Staff Attorney III

Date: August 7, 2023

"APPLICANT"

Signed and sealed in the presence of:

KLLB AIV LLC, a Delaware limited liability company

Print Name: Jennifer Zinner By: Jm

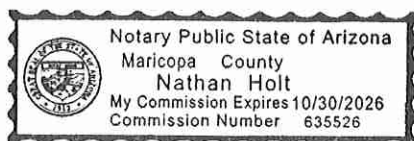
Print Name: RYAN MOTT

Print Name: Tricia Patton Title: AUTHORIZED SIGNATORY

Date: 8.31/23

ARIZONA
STATE OF ~~FLORIDA~~)
MARICOPA) s.s.:
COUNTY OF ~~ORANGE~~)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 31 day of AUGUST, 2023, by RYAN MOTT as AUTHORIZED SIGNATORY **KLLB AIV LLC**, a Delaware limited liability company, on behalf of the company. He/she is personally known to me or has produced _____ (type of identification) as identification.



AFFIX NOTARY STAMP

Nathan Holt
NOTARY PUBLIC OF ~~FLORIDA~~ **ARIZONA**
Print Name: Nathan Holt
Commission No.: 635526
Expires: 10/30/26

“CITY”

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

By: Mayor

Print Name _____

Title: _____

Date: _____

ATTEST:

By: _____

City Clerk

{Corporate Seal}

Date: _____

JOINDER OF BEAZER HOMES, LLC

Beazer Homes, LLC, a Delaware limited liability company, who has entered into an option agreement dated March 29, 2023 to purchase lots within the Property from Applicant, hereby joins in and consents to the execution of this Agreement for itself and on behalf of any affiliate of Beazer Homes that receives an assignment of the Agreement, and hereby agrees, upon acquisition of the lots, to assume all rights and obligations of Applicant thereunder and further agrees to comply with the conditions and procedures to aid in the monitoring and enforcement of the assignee's performance of the Applicants' obligations under the Agreement.

BEAZER HOMES, LLC, a Delaware limited
liability company

By: 

Name:

Marco Bisi

Its:

Land Development Manager

Exhibit "A" – Legal Description

Parcel 1:

Commence at the Northeast corner of the Southeast Quarter of Section 18, Township 20 South, Range 28 East, Orange County, Florida; thence S 86°38'15" W, along the North line of the Southeast Quarter of said Section 18, a distance of 661.25 feet to the Point of Beginning; thence continue S 86°38'15" W, a distance of 261.22 feet; thence S 02°23'12" E, a distance of 689.66 feet; thence N 82°54'09" E, a distance of 237.87 feet; thence N 00°20'20" W, a distance of 675 feet to the Point of Beginning.

AND

Commence at the Southeast corner of Section 18, Township 20 South, Range 28 East, Orange County, Florida; thence N 00°23'00" W, along the East line of said Section 18, a distance of 663.32 feet to the Southeast corner of the North Three Quarters of the Southeast Quarter of said Section 18 and the Point of Beginning; thence continue N 00°23'00" W along said East line of Section 18, a distance of 572.20 feet; thence S 87°35'00" W, a distance of 400 feet; thence S 02°25'00" E, a distance of 220.00 feet; thence S 87°35'00" W a distance of 126.26 feet; thence S 02°23'12" E, a distance of 345.57 feet to the South line of the North 3/4 of the Southeast Quarter of said Section 18; thence N 88°17'37" E along the said South line of the North 3/4 of the Southeast Quarter a distance of 506.18 feet to the Point of Beginning.

AND

Commence at the Southeast corner of Section 18, Township 20 South, Range 28 East, Orange County, Florida; thence N 00°23'00" W along the East line of said Section 18, a distance of 1235.52 feet to the Point of Beginning; thence continue N 00°23'00" W along the East line of said Section 18, a distance of 742.76 feet; thence S 86°38'15" W, a distance of 661.77 feet; thence S 82°54'09" W, a distance of 237.87 feet; thence S 02°23'12" E, a distance of 711.95 feet; thence N 87°35'00" E, a distance of 135.50 feet; thence S 02°23'12" E, a distance of 562.95 feet, to the South line of the North 3/4 of the Southeast Quarter of said Section 18; thence N 88°17'37" E along the said South line of the North 3/4 of the Southeast Quarter a distance of 211.14 feet; thence departing said South line N 02°23'12" W, a distance of 345.57 feet; thence N 87°35'00" E, a distance of 126.26 feet; thence N 02°25'00" W, a distance of 220.00 feet; thence N 87°35'00" E, a distance of 400.00 feet to the Point of Beginning.

Being more particularly described as follows:

Commence at the Northeast corner of the Southeast One Quarter (1/4) of section 18, Township 20 South, Range 28 East; thence run S 86°38'15" W along the North line of said Southeast One Quarter (1/4) for 661.25 feet to the Point of Beginning; thence run S 00°20'20" E, for 675.00 feet; thence run N 86°38'15" E for 661.77 feet to the point of intersection with the East line of previously mentioned Southeast One Quarter (1/4) of Section 18, Township 20 South, Range 28 East; thence run S 00°23'00" E along said East line for 1315.02 feet to the Southeast corner of the North 3/4 of said Southeast One Quarter (1/4), said point lying N 00°23'00" W of and 663.32 feet from the Southeast corner of Section 18, Township 20 South, Range 28 East; thence run S 88°17'37" W along the South line of said North 3/4 of said Southeast One Quarter (1/4) for 717.32 feet; thence run N 02°23'12" W for 562.95 feet; thence S 87°35'00" W for 135.50 feet; thence N 02°23'12" W for 1401.61 feet to the point of intersection with the North line of the Southeast One Quarter (1/4) of Section 18, Township 20 South, Range 28 East; thence run N 86°38'15" E along said North line for 261.22 feet to the Point of Beginning.

Exhibit "A" – Legal Description

Parcel 2:

The North 1/2 of the South 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 18, Township 20 South, Range 28 East, Orange County, Florida, AND the West 401 feet of the South 1/2 of the South 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 18, Township 20 South, Range 28 East, Orange County, Florida.

Non-Exclusive Easement Estate:

Together with those non-exclusive rights created by Easement Agreement recorded in O.R. Book 8768, Page 379, Public Records of Orange County, Florida, over the following described property: The South 15 feet of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 20 South, Range 28 East, Orange County, Florida.

Non-Exclusive Easement Estate:

Together with those non-exclusive easement rights created by Right-of-Way Easement recorded in O.R. Book 1556, Page 603 and as created in Warranty Deed recorded in O.R. Book 2438, Page 1649, Public Records of Orange County, Florida, over the following described property: The North 15 feet of the East 3/4 of the North 1/2 of the Northwest 1/4 of Section 19, Township 20 South, Range 28 East, and the North 15 feet of the Northwest 1/4 of the Northeast 1/4 of Section 19, Township 20 South, Range 28 East, and the South 45 feet of the West 1/2 of the South 1/4 of the Southeast 1/4 of Section 18, Township 20 South, Range 28 East, Orange County, Florida.

Exhibit “B”-Location Map



Facilities Planning
Orange County Public Schools



Jurisdiction: Orange County
School Board Dist.: # 7
Parcel ID: Multiple Parcels
Acreage: +/- 42 ac

Schools
ES: Zellwood
MS: Wolf Lake
HS: Apopka

APK-22-021
Acuera Estates

Exhibit "C"-Forms



6501 Magic Way, Building 200 • Orlando, Florida 32809 • (407) 317-3700 • www.ocps.net

CAPACITY RESERVATION FEE & MITIGATION FORM

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

Contact: Christopher C. Mills
(407) 317-3700 x2022391
Christopher.Mills@ocps.net

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

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

Capacity Reservation Fee Form – Page 1 of 3

Revised 1/2022

Exhibit "C"-Forms

SECTION 3: DEVELOPMENT PROFILE	Plat/Site Plan Title: ³								
	Project Name:								
	Phase:								
	Enter the # of units:								
	Single Family					Town-House	Multi-Family	Multi-Family High Rise	Total # of Units
	< 2,000	2,000 – 2,499	2,500 – 2,999	3,000 – 3,999	> = 4,000				
Local Governmental Approval date of Plat/Site Plan:									

SECTION 4: PAYMENT SUMMARY	Capacity Reservation Fee Amount (payable to the applicable local government)			
	Installment: ☐ 1 st ☐ 2 nd ☐ 3 rd ☐ Remaining			Installment Amount \$ _____
	Balance			
	A check made payable to the applicable local government must accompany this form. If the prepayment amount is correct and the form complete and sufficient, a Letter of Authorization will be prepared by OCPS to inform the Applicable Local Government to create a credit account. OCPS will forward the Letter of Authorization to the Applicable Local Government and copy the Applicant.			
	Effective 10/1/2022			
	Single Family < 2,000 sq. ft.	\$8,829.00/unit	Single Family > = 4,000 sq. ft.	\$9,584.00/unit
	Single Family 2,000 – 2,499 sq. ft.	\$9,513.00/unit	Townhouse	\$8,805.00/unit
	Single Family 2,500 – 2,999 sq. ft.	\$11,402.00/unit	Multi-Family (Non High Rise)	\$6,751.00/unit
	Single Family 3,000 – 3,999 sq. ft.	\$12,015.00/unit	Multi-Family (High Rise)	\$307.00/unit ^d
	Does this CMA / CEL require an additional contribution? Yes ☐ No ☐			
Identify the section of the CMA / CEL that requires the mitigation payment?				
Proportionate Share Mitigation Amount (payable to Orange County School Board) \$ _____				

Applicant Checklist:	
☐	Capacity Reservation Fee check, payable to the applicable <u>Local Government</u> . (Deliver to OCPS)
☐	Proportionate Share Mitigation check, payable to the <u>Orange County Public Schools</u> . (Deliver to OCPS)
☐	11 X 17 copy of the site plan/plat associated with this request. (Attach to email)

Signature of Applicant

Print Name of Applicant

Date

Exhibit “C”-Forms

CAPACITY RESERVATION FEE & MITIGATION FORM

For OCPS Use Only:	
Reviewer : _____ Date Reviewed: _____	Received Stamp
☐	Application Sufficient
☐	Letter of Authorization Approved

Footnotes:

1. List all parcel identification numbers assigned to the parcels within the Preliminary Subdivision Plan (PSP), site plan, or plat boundaries that apply to this application. List parcel IDs in a separate attachment, if necessary.
2. Development permit type – state whether the credit will be applied to a plat, PSP, site plan, or other type of permit required by local government. Only one development permit type should apply. A separate Prepaid School Impact Fee Form must be completed for each development permit application.
3. State the title of the PSP, site plan or plat exactly as it appears on that document.
4. Multi-Family High Rise rate is effective June 22, 2021.



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 2.

Meeting Date: October 4, 2023

Department: Finance Department

SUBJECT:

Authorize the issuance of sole source memos: Nextran Truck Center - Orlando and Southern Sewer Equipment

REQUEST:

Approve the issuance of sole source memos for fiscal year (FY) 2024

SUMMARY:

The departments purchase large amounts of various commodities in its daily operations, including equipment, tooling, and services throughout the year. This purchasing may be accomplished via sole source memo when only one vendor is able to provide or meet the City's requirements. In accordance with Section 107.3 of the City's Purchasing Policy:

107.3.9.8.3. SOLE SOURCE.

Sole Source procurements are proprietary and used when only one vendor is able to provide commodities, contractual services, or construction services of adequate quality or quantity that meet the City's requirements, or when compatibility with existing systems requires procurement from a single source. Note: A memo of explanation must be sent to the appropriate approval authority along with the requisition documentation being attached to the purchase order. The City Administrator must give approval for the Sole Source designation. The Sole Source designation will expire each fiscal year after approval and may be renewed upon submission of a new request with documentation. Sole Source designations above \$50,000.00 must be noticed per Section 287.057(3)(c), Florida Statutes.

Contingent to any purchase order being issued, the listed pricing sources are reviewed by the appropriate departments and legal review where applicable. City Council staff report approvals, source memos and contractual information are kept on record with each purchase order issued. In accordance with Section 107.3.9.8.3 & 107.3.9.8.4. of the City's Purchasing Policy, staff requests blanket purchase order approval of the attached vendors for the purchase of the referenced commodities. The amounts shown will remain within the approved budget as designated.

Summary of Requested Sole Source Vendors:

Department	Vendor	Description	Requested Amount
Public Services Fleet Division	Nextran Truck Center: Orlando	Mack Authorized Dealer for Parts and Service	\$80,000
Public Services Fleet Division	Southern Sewer Equipment	New Way Truck Dealer for Parts and Service	\$235,000
Public Services Fleet Division	Cummins Power South	Cummins Dealer for CNG Engines & Repair	\$100,000

Vendor Sole Source Memo Details:

Vendor:	Nexttran Truck Center: Orlando
Department:	Public Services: Fleet Division
Description:	Mack Authorized Dealer for Parts and Services
Requested Amount:	\$80,000
Policy Requirement:	Sole Source procurements are proprietary and used when only one vendor is able to provide commodities, contractual services, or construction services of adequate quality or quantity that meet the City's requirements: Nexttran Truck Centers of Orlando is the Mack authorized Dealer for parts and services in the Central Florida area.
Policy Requirement:	Compatibility with existing systems requires procurement from a single source: The City Fleet includes sanitation trucks and various dump trucks that are manufactured by Mack.
Justification:	Only authorized dealer for parts and services on city-owned vehicles.
History:	Sole Source memo authorized in FY23 by City Council on October 5, 2022.

Vendor:	Southern Sewer Equipment
Department:	Public Services: Fleet Division
Description:	New Way Truck Authorized Dealer for Parts and Services
Requested Amount:	\$235,000
Policy Requirements:	Sole Source procurements are proprietary and used when only one vendor is able to provide commodities, contractual services, or construction services of adequate quality or quantity that meet the City's requirements: Southern Sewer Equipment is the New Way Truck Dealer for parts and services in the Central Florida area.
Policy Requirements:	Compatibility with existing systems requires procurement from a single source: The City Fleet includes multiple trucks that are equipped with New Way parts.
Justification:	Only authorized dealer for parts and services on city-owned vehicles.
History:	Sole Source memo authorized in FY23 by City Council on October 5, 2022.

Vendor:	Cummins Power South
Department:	Public Services: Fleet Division
Description:	Engine Repairs: CNG Cummin Engines for Sanitation & Fire Trucks

Requested Amount:	\$100,000
Policy Requirements:	Sole Source procurements are proprietary and used when only one vendor is able to provide commodities, contractual services, or construction services of adequate quality or quantity that meet the City's requirements: Cummins Power South is the Cummins/Onan Distributor for parts and services in the State of Florida.
Policy Requirements:	Compatibility with existing systems requires procurement from a single source: The City Fleet includes Sanitation & Fire Trucks that are equipped with CNG Cummin Engines.
Justification:	Only authorized dealer for parts and services on city-owned vehicles.
History:	Evaluated Source memo authorized in FY23 by City Council on October 5, 2022. Converting to a Sole Source memo in FY24 as it was identified that Cummins Power South is the only authorized parts and service distributor for Cummins/Onan CNG Engines.

FUNDING SOURCE:

Approved FY24 budget

RECOMMENDED MOTION:

Approve the issuance of blanket purchase orders to the referenced vendors, not to exceed budgetary appropriations.

ATTACHMENTS:

None



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 3.

Meeting Date: October 4, 2023

Department: Finance Department

SUBJECT:

Authorize the issuance of evaluated source memos: Mullinax Ford

REQUEST:

Approve the issuance of evaluated source memos for fiscal year (FY) 2024

SUMMARY:

The departments purchase large amounts of various commodities in its daily operations, including equipment, tooling, and services throughout the year. This purchasing may be accomplished via evaluated source memo when a vendor is in the best interest of the City. In accordance with Section 107.3 of the City's Purchasing Policy:

107.3.9.8.4. EVALUATED SOURCE

Only after conducting a comprehensive review of all available competitive sources and all other applicable competitive considerations, may products or services be purchased from a vendor without obtaining competitive prices (when it has been determined that it is in the best interest of the City to use that vendor). Documentation must be attached clearly defining why it is in the best interest of the City not to obtain quotes with each purchase and/or why this vendor is to be used when other vendors may supply their products at a lesser price. Proven quality differences and proximity of supplier are some examples of the reasons why a vendor may be declared an Evaluated Source. The City Administrator must give approval for the Evaluated Source designation. The Evaluated Source designation will expire each fiscal year after approval and may be renewed upon submission of a new request with documentation.

Contingent to any purchase order being issued, the listed pricing sources are reviewed by the appropriate departments and legal review where applicable. City Council staff report approvals, source memos and contractual information are kept on record with each purchase order issued. In accordance with Section 107.3.9.8.4. of the City's Purchasing Policy, staff requests blanket purchase order approval of the attached vendors for the purchase of the referenced commodities. The amounts shown will remain within the approved budget as designated.

Summary of Requested Evaluated Source Vendors:

Department	Vendor	Description	Requested Amount
Public Services: Fleet	Mullinax Ford	Engine & Transmission Repairs: Ford Vehicles	\$79,000

Vendor Evaluated Source Memo Details:

Vendor:	Mullinax Ford
Department:	Public Services: Fleet
Description:	Engine & Transmission Repairs: Ford Vehicles
Requested Amount:	\$79,000
Policy Requirements:	Comprehensive review of all available competitive sources and all other applicable competitive considerations: The vendor supplies service, repairs, and parts for Ford vehicles. As a Ford certified dealer, Mullinax Ford can provide service to any Ford vehicles that are under warranty. They also have a large utility truck service center that allows for a multitude of vehicles to be serviced. There are two other Ford dealerships service centers in the central Florida area however they are both 20-30 minutes outside of the city and would require additional towing and delivery services.
Policy Requirements:	Proven quality differences and proximity of supplier: The vendor's proximity being within five miles of the Fleet division allows for minimal towing services and for repair turnaround in a timely manner. Due to the location, the vendor will also deliver parts when needed.
Policy Requirements:	Justification/Documentation clearly defining why it is in the best interest of the City not to obtain quotes with each purchase and/or why this vendor: When fleet has vehicles in need of repair it is essential to have a vendor that will provide quick turnaround time to continue operations. The close proximity allows for this vendor to service vehicles and deliver parts to the Fleet division when they are required. Their ability to service vehicles under ford warranty is a benefit that repairs and service will be conducted within the terms of conditions of the newer vehicles. This memo will allow Fleet to continue operations while research is developed to locate a piggybackable contract or advertise a formal solicitation.
History:	Evaluated Source memo authorized in FY23 by City Council on October 5, 2022.

FUNDING SOURCE:

Approved FY24 budget

RECOMMENDED MOTION:

Approve the issuance of blanket purchase orders to the referenced vendors, not to exceed budgetary appropriations.

ATTACHMENTS:

None



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 4.

Meeting Date: October 4, 2023

Department: Police Department

SUBJECT:

Notification of Application for BJA Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant JAG-Countywide (JAGC) Program

REQUEST:

The Police Department is applying to receive \$12,348.00 in funds to put towards the purchase of a School Resource Officer (SRO) golf cart and a steel awning/canopy for the training center.

SUMMARY:

Attached, you will find a memorandum of our intended use of the awarded grant funds in accordance with the grant application requirements.

FUNDING SOURCE:

N/A

RECOMMENDED MOTION:

Authorize the Police Department's application for funding in accordance with the 2022 Edward Byrne Memorial Justice Assistance Grant, JAG-Countywide (JAGC) Program

ATTACHMENTS:

1. JAGC Grant Application - 2022(2) (Memo)



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

Memorandum

Date: September 25, 2023

To: Honorable Bryan Nelson and Commissioners

RE: FY 22 Edward Byrne Memorial Justice Assistance Grant, JAG-Countywide (JAGC)

This letter is to give notice the Apopka Police Department is applying for Federal funds from the US Department of Justice (USDOJ) through the Florida Department of Law Enforcement (FDLE). The funds are going to be used to purchase equipment to enhance our operational capabilities for our School Resource Officers (SROs) and improve our training center.

First, grant funds will be used to purchase a new electric golf cart with the capacity to carry 4 passengers. Currently, the department has a limited fleet of ageing golf carts and the SRO's need an additional one to assist with transportation around the high school campus.

Second, grant funds will be used to put towards the purchase of a new steel awning/canopy for the police/fire training center. Currently, the training center has an airconditioned building for indoor classroom training, but only has limited shade and shelter available for outdoor training. This new awning/canopy would increase our abilities to train outdoors by providing additional protection from the elements.

There is no match requirement for the awarded funds. If you have any questions, please feel free to contact Lieutenant Jason Woertman or myself.

Respectfully,

Michael McKinley
Chief of Police



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 5.

Meeting Date: October 4, 2023

Department: Finance Department

SUBJECT:

Authorize the execution of contracts/renewals for the assigned terms: Professional Engineering Contracts with: Kimley-Horn and Associates, Inc., Metric Engineering, Inc., Michael Baker International, Inc., NewKirk Engineering, Inc., RS&H Inc., and Vanasse Hangen Brustlin, Inc. (VHB).

REQUEST:

Authorize the execution of the contracts/renewals for the assigned terms.

SUMMARY:

The departments purchase various commodities in its daily operations including equipment, tooling, and services throughout the year. A contract shall be utilized when it is determined that the terms and conditions are complex or incremental or in any other way require a contract, they are also encouraged when applicable for operational proficiencies. Contracts are acquired under the most efficient method of purchase or best cost savings for the quantities that are being utilized. Contract renewals are requested when the contract is scheduled to expire and the City seeks to continue the terms and conditions for an additional period of time. Contractual information is kept on record with each purchase order issued.

Per Purchasing Policy 107.3.15 - Contracts:

A contract means a written agreement or purchase order between the City and a vendor detailing the legal responsibilities of both parties in the offer and acceptance of a specific act, usually for the procurement of goods, services, or construction for money or other considerations. A contract shall be used for a commodity, contractual service, construction service and/or where the City Attorney, Department Director, Purchasing Administrator or designee determines that the terms and conditions are complex or incremental or in any other way require a contract. All contracts must be reviewed by the City Attorney. Purchasing will forward all non-state affiliated piggyback contracts to the City Attorney for review when applicable. All contracts less than \$50,000.00 must be approved by the City Administrator. All contracts of \$50,000.00 or more must be approved by the City Council and City Attorney prior to the Mayor or City Administrator signing.

Per Purchasing Policy 107.3.17 - Piggyback Contracts:

Piggyback contracts will only be authorized during the period of time that the original contract is active and has not expired (if the original contract expires or terminates, so shall the piggyback contract). The Department Director or designee must review and confirm potential piggyback contracts for applicability and scope. The request for utilizing a piggyback contract must be submitted to the Finance Department for purchasing review. Upon approval the Purchasing Administrator or designee shall submit their review to the City Attorney for final approval. Contracts that are over \$50,000 will also require City Council approval. Multi-Year Piggybacks: if determined to be over \$50,000 and once authorized by City Council; if the dollar amount allotted in the fiscal year budget is available for the services or commodities, it will not require additional City Council approval.

Below is a full listing of contracts that are being requested by; department submittal, vendor, description, source, and expiration dates.

Department:	Community Development - Citywide
New Contract or Renewal:	Renew negotiated rates for two (2) additional twelve (12) month periods.
Contract Type:	Continuing Services
Vendor:	Kimley-Horn and Associates, Inc.
Contract Description:	Professional Engineering Services: Transportation Planning and Traffic Engineering Services
Terms:	Initial three (3) year term
Start Date:	June 5, 2020
Expiration Date:	June 4, 2023
Renewals Available:	Negotiated rates for two (2) additional twelve (12) month periods.
Annual Cost:	As-needed basis utilizing approved fiscal year budgeted funding.
Contract Source Method:	RFQ 2020-04: Transportation Planning & Traffic Engineering Continuing Services City Council Authorized contract on May 6, 2020
Summary:	Multiple departments require transportation planning and traffic engineering services in support of various capital improvement projects and development projects throughout the city. Contracts for such services are provided on a continuing service basis and utilized as-needed for an initial term of three years with the option to renew for two additional one year periods (total max of 5 years). No specific assignment or work authorization nor minimum amount of professional services or compensation will be guaranteed under the contract. There is no representation that the type or value of work will be evenly distributed, or that work will be distributed in any given year under the contract term. Contracts are in accordance with Section 287.055 Florida Statutes, as amended, Consultants' Competitive Negotiations Act (CCNA). The City of Apopka seeks to negotiate rates for each renewal period.

Department:	Community Development - Citywide
New Contract or Renewal:	Renew negotiated rates for two (2) additional twelve (12) month periods.
Contract Type:	Continuing Services
Vendor:	Metric Engineering, Inc.
Contract Description:	Professional Engineering Services: Transportation Planning and Traffic Engineering Services
Terms	Initial three (3) year term
Start Date:	June 5, 2020
Expiration Date:	June 4, 2023
Renewals Available:	Negotiated rates for two (2) additional twelve (12) month periods.
Annual Cost:	As-needed basis utilizing approved fiscal year budgeted funding.
Contract Source Method:	RFQ 2020-04: Transportation & Traffic Engineering Continuing Services City Council Authorized contract on May 6, 2020
Summary	Multiple departments require transportation planning and traffic engineering services in support of various capital improvement projects and development projects throughout the city. Contracts for such services are provided on a continuing service basis and utilized as-needed for an initial term of three years with the option to renew for two additional one year periods (total max of 5 years). No specific assignment or work authorization nor minimum amount of professional services or compensation will be guaranteed under the contract. There is no representation that the type or value of work will be evenly distributed, or that work will be distributed in any given year under the contract term. Contracts are in accordance with Section 287.055 Florida Statutes, as amended, Consultants' Competitive Negotiations Act (CCNA). The City of Apopka seeks to negotiate rates for each renewal period.

Department:	Community Development - Citywide
New Contract or Renewal:	Renew negotiated rates for two (2) additional twelve (12) month periods.
Contract Type:	Continuing Services
Vendor:	Michael Baker International, Inc.
Contract Description:	Professional Engineering Services: Transportation Planning and Traffic Engineering Services
Terms	Initial three (3) year term
Start Date:	June 5, 2020
Expiration Date:	June 4, 2023
Renewals Available:	Negotiated rates for two (2) additional twelve (12) month periods.
Annual Cost:	As-needed basis utilizing approved fiscal year budgeted funding.
Contract Source Method:	RFQ 2020-04: Transportation & Traffic Engineering Continuing Services City Council Authorized contract on May 6, 2020
Summary	Multiple departments require transportation planning and traffic engineering services in support of various capital improvement projects and development projects throughout the city. Contracts for such services are provided on a continuing service basis and utilized as-needed for an initial term of three years with the option to renew for two additional one year periods (total max of 5 years). No specific assignment or work authorization nor minimum amount of professional services or compensation will be guaranteed under the contract. There is no representation that the type or value of work will be evenly distributed, or that work will be distributed in any given year under the contract term. Contracts are in accordance with Section 287.055 Florida Statutes, as amended, Consultants' Competitive Negotiations Act (CCNA). The City of Apopka seeks to negotiate rates for each renewal period.

Department:	Community Development - Citywide
New Contract or Renewal:	Renew negotiated rates for two (2) additional twelve (12) month periods.
Contract Type:	Continuing Services
Vendor:	NewKirk Engineering, Inc.
Contract Description:	Professional Engineering Services: Transportation Planning and Traffic Engineering Services
Terms	Initial three (3) year term
Start Date:	June 8, 2020
Expiration Date:	June 7, 2023
Renewals Available:	Negotiated rates for two (2) additional twelve (12) month periods.
Annual Cost:	As-needed basis utilizing approved fiscal year budgeted funding.
Contract Source Method:	RFQ 2020-04: Transportation & Traffic Engineering Continuing Services City Council Authorized contract on May 6, 2020
Summary	Multiple departments require transportation planning and traffic engineering services in support of various capital improvement projects and development projects throughout the city. Contracts for such services are provided on a continuing service basis and utilized as-needed for an initial term of three years with the option to renew for two additional one year periods (total max of 5 years). No specific assignment or work authorization nor minimum amount of professional services or compensation will be guaranteed under the contract. There is no representation that the type or value of work will be evenly distributed, or that work will be distributed in any given year under the contract term. Contracts are in accordance with Section 287.055 Florida Statutes, as amended, Consultants' Competitive Negotiations Act (CCNA). The City of Apopka seeks to negotiate rates for each renewal period.

Department:	Community Development - Citywide
New Contract or Renewal:	Renew negotiated rates for two (2) additional twelve (12) month periods.
Contract Type:	Continuing Services
Vendor:	RS&H, Inc.
Contract Description:	Professional Engineering Services: Transportation Planning and Traffic Engineering Services
Terms	Initial three (3) year term
Start Date:	June 8, 2020
Expiration Date:	June 7, 2023
Renewals Available:	Negotiated rates for two (2) additional twelve (12) month periods.
Annual Cost:	As-needed basis utilizing approved fiscal year budgeted funding.
Contract Source Method:	RFQ 2020-04: Transportation & Traffic Engineering Continuing Services City Council Authorized contract on May 6, 2020
Summary	Multiple departments require transportation planning and traffic engineering services in support of various capital improvement projects and development projects throughout the city. Contracts for such services are provided on a continuing service basis and utilized as-needed for an initial term of three years with the option to renew for two additional one year periods (total max of 5 years). No specific assignment or work authorization nor minimum amount of professional services or compensation will be guaranteed under the contract. There is no representation that the type or value of work will be evenly distributed, or that work will be distributed in any given year under the contract term. Contracts are in accordance with Section 287.055 Florida Statutes, as amended, Consultants' Competitive Negotiations Act (CCNA). The City of Apopka seeks to negotiate rates for each renewal period.

Department:	Community Development - Citywide
New Contract or Renewal:	Renew negotiated rates for two (2) additional twelve (12) month periods.
Contract Type:	Continuing Services
Vendor:	Vanasse Hangen Brustlin, Inc. (VHB)
Contract Description:	Professional Engineering Services: Transportation Planning and Traffic Engineering Services
Terms	Initial three (3) year term
Start Date:	June 19, 2020
Expiration Date:	June 18, 2023
Renewals Available:	Negotiated rates for two (2) additional twelve (12) month periods.
Annual Cost:	As-needed basis utilizing approved fiscal year budgeted funding.
Contract Source Method:	RFQ 2020-04: Transportation & Traffic Engineering Continuing Services City Council Authorized contract on May 6, 2020
Summary	Multiple departments require transportation planning and traffic engineering services in support of various capital improvement projects and development projects throughout the city. Contracts for such services are provided on a continuing service basis and utilized as-needed for an initial term of three years with the option to renew for two additional one year periods (total max of 5 years). No specific assignment or work authorization nor minimum amount of professional services or compensation will be guaranteed under the contract. There is no representation that the type or value of work will be evenly distributed, or that work will be distributed in any given year under the contract term. Contracts are in accordance with Section 287.055 Florida Statutes, as amended, Consultants' Competitive Negotiations Act (CCNA). The City of Apopka seeks to negotiate rates for each renewal period.

FUNDING SOURCE:

As authorized, adopted, and per the appropriated fiscal year budgetary funding within each departmental budget.

RECOMMENDED MOTION:

Authorize the execution of contracts/renewals per the assigned terms.

ATTACHMENTS:

None



City of Apopka CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)

Item #: 6.

Meeting Date: October 4, 2023

Department: Finance Department

SUBJECT:

Authorize the execution of piggyback contracts for the assigned terms: Safariland LLC Authorized Reseller GT Distributors Inc., Asphalt Paving Systems Inc., American Ramp Company Inc., Michigan Street Pump & Electric Motors.

REQUEST:

Authorize the execution of piggyback contract for the assigned terms.

SUMMARY:

The department purchases various commodities in its daily operations, including equipment, tooling, and services throughout the year. A piggyback contract can be executed via another entity's agreement when the items or services have already been bid by other governmental agencies or special co-operative agreements, provided such contracts are the result of a competitive bidding process and all terms and conditions are the same. This method provides for the most efficient method of purchase or best cost savings for the quantities that are being utilized. These contracts are also encouraged when applicable for operational proficiencies and to minimize staff processing time. Contractual information is kept on record with each purchase order issued.

Per Purchasing Policy 107.3.17 - Piggyback Contracts:

Piggyback contracts will only be authorized during the period of time that the original contract is active and has not expired (if the original contract expires or terminates, so shall the piggyback contract). The Department Director or designee must review and confirm potential piggyback contracts for applicability and scope. The request for utilizing a piggyback contract must be submitted to the Finance Department for purchasing review. Upon approval, the Purchasing Administrator or designee shall submit their review to the City Attorney for final approval. Contracts that are over \$50,000 will also require City Council approval. Multi-Year Piggybacks: if determined to be over \$50,000 and once authorized by City Council, if the dollar amount allotted in the fiscal year budget is available for the services or commodities, it will not require additional City Council approval.

Below is a full listing of the piggyback contracts that are being requested by; department submittal, vendor, description, source, and expiration dates.

Department:	Police Department
Vendor:	Safariland LLC and Authorized Reseller GT Distributors Inc.
Description:	Defense Products
Source:	State of Florida, Department of Management Services
Bid/Contract #:	46000000-21-STC
Expiration Date:	September 30, 2024
Renewals:	Yes

Department: Public Services
Vendor: Asphalt Paving Systems, Inc.
Description: Milling, Resurfacing and Minor Concrete Work
Source: City of Kissimmee
Bid/Contract #: 2022-002
Expiration Date: September 20, 2025
Renewals: Yes

Department: Parks and Recreation
Vendor: American Ramp Company, Inc.
Description: Skatepark, Bike Park, and Pump Track Solutions with Related Equipment, Accessories, and Services.
Source: Sourcewell
Bid/Contract #: 112420
Expiration Date: December 28, 2025
Renewals: Yes

Department: Public Services
Vendor: Michigan Street Pump & Electric Motors
Description: Plumbing Services, Lift Station Preventative Maintenance & Repairs
Source: Orange County Public Schools
Bid/Contract #: 2302087
Expiration Date: May 9, 2028
Renewals: Yes

FUNDING SOURCE:

As authorized, adopted, and per the appropriated fiscal year budgetary funding within each departmental budget.

RECOMMENDED MOTION:

Authorize the execution of piggyback contracts per the assigned terms.

ATTACHMENTS:

None



City of Apopka CITY COUNCIL STAFF REPORT

Section: BUSINESS (Action Item)

Item #: 1.

Meeting Date: October 4, 2023

Department: Parks and Recreation

SUBJECT:

Northwest Recreation Complex Tennis Court Rules and Regulations

REQUEST:

Staff seek Council direction on the Northwest Recreation Complex tennis court rules and regulations.

SUMMARY:

In response to issues and incidents occurring at the Northwest Recreation Complex tennis courts throughout the year, Parks and Recreation staff developed and implemented updates to the rules and regulations governing the use of the tennis courts. The rule updates were developed by staff with the methodology of common industry rules and regulations for similar types of park and recreation facilities. The rule updates also brought the Northwest Recreation Complex tennis courts more inline with the current rules and regulations for the other athletic fields and courts managed by the Parks and Recreation Department. The full set of rules and regulations is provided in the attached, with the major changes being:

- Advanced court booking reduced from seven (7) days in advance to 72 hours in advance, with advanced court bookings available for online booking
- Court reservations are now limited to one (1) reservation per day per person.
- Court reservations are now available for a minimum one (1) hour rental and a maximum two (2) hour rental.
- Courts that are not rented can be used on a first-come, first-serve walk-up basis for no fee. Walk-up court usage is limited to a one (1) hour maximum per group.
- Individuals providing coaching, lessons, and/or training must rent a court and will not be considered a first come, first-serve walk-up court-usage. Additional liability insurance may be required.

The court rental fee remained unchanged at \$5 per hour (plus tax).

These rules were set with an effective date of July 31, 2023 and most individuals and court users have complied with the rule updates. There are individuals, however, who are not, and refuse to, abide by the new rules in place. The main contention presented to staff by these individuals is the feeling that they, as tax payers, should not be required to pay a court rental fee for a public tennis court. Fees are charged to residents and non-residents for similar uses of the other city-owned and managed athletic fields and courts. In addition, the individuals feel they are not providing coaching, lessons, or instruction because they are not collecting fees for these services. For these reasons, they feel they are entitled to use the courts on a free first-come, first-serve walk-up use. Despite repeated communication and discussions by staff about the rules and their court usage, they refuse to rent the court.

Standard operating procedures for handling rule violations at our parks and recreation facilities are as follows:

- Staff will notify the individual/group of the rule violation and ask for compliance.
- If the individual/group continues the rule violation, staff will notify a supervisor and will again notify the individual/group and ask for compliance.

- If the rule violation continues, staff will request assistance from a supervisor to assist with the situation, and may request assistance from the Apopka Police Department to ask the individual/group to leave the park.
- Repeat rule violators may be trespassed from the park and recreation facility.

Due to the nature of recent public comment and the continued struggle by staff to enforce the updated rules and regulations, staff felt it necessary to bring this item to the Council for review and further direction, prior to proceeding with any elevated response by staff at the park that could lead to trespassing individuals.

Additional options available for review discussion by the Council are as follows:

1. Proceed with the rules and regulations implemented on July 31, 2023.
2. Revert back to the rules and regulations prior to July 31, 2023.
3. Maintain the current rental agreement with Tennis Galaxy for Court #4 rental and convert Courts #1, #2, and #3 to first-come, first-serve walk-up play with no court rental/reservations.
4. Maintain the current rental agreement with Tennis Galaxy for Court #4, provide additional rental time to Tennis Galaxy for Court #3 for additional programming/lessons, and convert Courts #1 and #2 to first-come, first-serve walk-up play with no court rentals or reservations.
5. Terminate current agreement with Tennis Galaxy for Court #4 rental and convert all courts to first-come, first-serve walk-up play with no court rentals/reservations.

These options were all considered during development of the updated rules and regulations and staff recommend maintaining the rules and regulations implemented on July 31, 2023 and having staff proceed with full enforcement of the tennis court rules and regulations.

FUNDING SOURCE:

N/A

RECOMMENDED MOTION:

Staff recommend maintaining the rules and regulations implemented on July 31, 2023, but seek direction from Council.

ATTACHMENTS:

1. Tennis Court Rules & Regulations (eff 2023-07-31)
2. Tennis Court Rules (prior to 2023-07-31)
3. Tennis Galaxy Agreement (exp. 2024-09-30)

EFFECTIVE JULY 31, 2023

Northwest Recreation Complex Tennis Courts

3710 Jason Dwelley Parkway, Apopka, FL 32712

For Emergencies, Please Dial 911

Welcome! For the enjoyment of all, please abide by the following rules and regulations.

Players and guests not abiding by the rules may be asked to leave the facility.

Court Hours of Operation

Monday – Friday: 7am-9pm

Saturday – Sunday: 7am-Sunset (*rentals available until 5pm*)

Rules and Regulations

- Tennis Courts are for racquet/paddle sports only.
- Courts are available for rental at \$5 per hour, plus tax.
- Court reservations are limited to one (1) reservation per day per person.
- Court reservations are available for a minimum one (1) hour rental and a maximum two (2) hour rental.
- Courts may be reserved 72 hours in advance, either online at Apopka.gov or in person at the Northwest Recreation Complex Administration Office.
- Cancellations received within 24 hours of the reservation will not be refunded.
- Requests for Tournament play or League play will require a Tournament/League Request Application to be submitted to the Apopka Parks and Recreation Athletics division for review and approval.
- Courts that are not rented can be used on a first-come, first-serve walk-up basis for no fee. Walk-up court usage is limited to a one (1) hour maximum per group.
- Individuals providing coaching, lessons, and/or training must rent a court and will not be considered a first-come, first-serve walk-up court usage. Additional liability insurance may be required.
- Please use proper sportsmanship, tennis etiquette, and clothing, including appropriate footwear.
- Please help keep your park enjoyable and clean for all by refraining from the following:
 - Smoking and Alcohol use
 - Profanity, Excessive Noise, or Horseplay/Fighting
 - Littering, Glass bottles, Food, and Gum
 - Animals/Pets on the courts (other than service animals)
- Please keep all valuables with you. The City of Apopka and staff are not responsible for any lost or stolen items.
- All persons using the facility do so at their own risk and hold harmless the City of Apopka, its officers, agents, and employees from any and all claims related to the use of this facility.
- The Apopka Parks and Recreation Department reserves the right to close the facility for any reason and to amend these rules and regulations at any time should modification be necessary.

OFFICE: 407-703-1784 NIGHTS/WEEKEND: 407-340-5849

Northwest Recreation Complex Tennis Court Rules (prior to 7/31/23)

- Tennis Courts are to be used for tennis only.
- Please use tennis shoes only.
- Court reservations take priority over drop-in play.
- Court reservations can be made by calling 407-703-1784 on Monday-Friday 8am-5pm.
- Court reservations can be made up to one week in advance.
- For drop-in play, if others are waiting, please limit your play to one set.
 - If 6 ALL occurs, first one winning 7 games wins the set.
- Glass containers are prohibited.
- No animals on the court.
- No in-line skates, bicycles, or skateboards.

Hours

Monday-Friday: 8am-8:45pm

Saturday-Sunday: 8am-Sunset

CITY OF APOPKA
Tennis Court Rental Agreement

THIS AGREEMENT made and entered into this 12 day of October, 2021 by and between the City of Apopka, a Florida municipal corporation, hereinafter referred to as "City", and Tennis Galaxy, owned/operated by Peter Fazekas hereinafter referred to as "Contractor". The parties mutually agree as follows:

1. Contractor is an independent contractor and not an employee of the City. Contractor will not look to the City for workers' compensation insurance coverage or any other employee benefit provided by the city.
2. The term of this Agreement shall commence on the 01 day of October, 2021 and shall continue until the 30th day of September, 2024. This agreement will renew automatically for a period of one (1) year unless it is terminated by either party pursuant to the terms of this Agreement.
3. Contractor will have exclusive access to Tennis Court # 4 at the Northwest Recreation Complex in Apopka, Florida during the times and days listed in this agreement in order to provide instruction for Tennis Classes, Clinics and Lessons.
4. City has the sole authority to close the facility or change the availability schedule of the facility for any reason or no reason, with or without notice. In such cases, fees paid by Contractor to the City for court usage shall be pro-rated based on the percentage of time available for the Contractor to use the facility. Facility closures for City Holiday's, are excluded from the pro-rating of fees.
5. City will regularly maintain the tennis facility and is responsible for all repairs and equipment replacement resulting from regular use.
6. Contractor is solely responsible for participant fee structure, associated record keeping, all customer service needs, and any other details in relation to the business of Contractor.
7. Contractor shall pay the city a fee equal to \$90 each week, or, \$4,680 annually. The fee shall be paid in 12 equal installments of \$390, due on the first (1st) day of each month. Fees paid after the fifth (5th) day of the month shall be subject to a 5% penalty. Unpaid fees as of the tenth (10th) day of the month shall terminate this agreement.
8. Contractor may display one (1) sign of no more than 24" x 36" in a space near the main entry gate to the tennis courts to be approved by the Parks and Recreation Director. The Contractor may also display one (1) sign of no more than 12" x 24" near Tennis Court # 4, in a space approved by the Parks and Recreation Director. The style and contents of each sign shall be approved by the Parks and Recreation Director. The Parks and Recreation Director shall have the authority to remove

and return to Contractor either or both signs at his sole discretion. Contractor shall be solely responsible for the approved signs, financial or otherwise.

9. Contractor's exclusive access to Tennis Court # 4 at the Northwest Recreation Complex in Apopka, Florida, shall be the following:
Monday – Friday, 8:00am – 12:00pm
Monday – Friday, 4:30pm – 8:45pm
10. Contractor and City may agree to additional tennis court usage time and/or space, subject to terms which would be stipulated in a separate agreement.
11. Contractor will comply with all laws, ordinances and regulations. Contractor shall take all reasonable safety precautions, and will provide reasonable protection to prevent damage, injury or loss to all persons and property on City facilities.
12. Contractor indemnifies and will hold harmless City from and against all claims, damages, losses and expenses, including attorney's fees, arising out of or resulting from the occupancy of City facilities by Contractor, its agents, customers, invitees, and/or guests under this Agreement.
13. Contractor shall supply, and maintain a valid Certificate of Insurance for the duration of this Agreement in accordance with requirements set forth by City.
14. Either party may terminate this agreement at any time upon thirty (30) days written notice.
15. This Agreement supersedes any prior understanding or agreement, either written or oral. This Agreement may only be changed or modified by signed agreement in writing.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers as of the day and year first written above.

Attest:

Samara Hobbie

Carolyn Ann Ray



CITY OF APOPKA, FLORIDA

Edward Bass

Edward Bass, City Administrator

Peter Fazekas

Peter Fazekas, Tennis Galaxy



City of Apopka CITY COUNCIL STAFF REPORT

Section: BUSINESS (Action Item)

Item #: 2.

Meeting Date: October 4, 2023

Department: Finance Department

SUBJECT:

Authorize the execution of contracts/renewals for the assigned terms: Recruitment & Engineering Products & Services Inc.

Presented by: James Hitt, Community Development Director

REQUEST:

Authorize the execution of the contracts/renewals for the assigned terms.

SUMMARY:

The departments purchase various commodities in its daily operations including equipment, tooling, and services throughout the year. A contract shall be utilized when it is determined that the terms and conditions are complex or incremental or in any other way require a contract, they are also encouraged when applicable for operational proficiencies. Contracts are acquired under the most efficient method of purchase or best cost savings for the quantities that are being utilized. Contract renewals are requested when the contract is scheduled to expire and the City seeks to continue the terms and conditions for an additional period of time. Contractual information is kept on record with each purchase order issued.

Per Purchasing Policy 107.3.15 - Contracts:

A contract means a written agreement or purchase order between the City and a vendor detailing the legal responsibilities of both parties in the offer and acceptance of a specific act, usually for the procurement of goods, services, or construction for money or other considerations. A contract shall be used for a commodity, contractual service, construction service and/or where the City Attorney, Department Director, Purchasing Administrator or designee determines that the terms and conditions are complex or incremental or in any other way require a contract. All contracts must be reviewed by the City Attorney. Purchasing will forward all non-state affiliated piggyback contracts to the City Attorney for review when applicable. All contracts less than \$50,000.00 must be approved by the City Administrator. All contracts of \$50,000.00 or more must be approved by the City Council and City Attorney prior to the Mayor or City Administrator signing.

Per Purchasing Policy 107.3.17 - Piggyback Contracts:

Piggyback contracts will only be authorized during the period of time that the original contract is active and has not expired (if the original contract expires or terminates, so shall the piggyback contract). The Department Director or designee must review and confirm potential piggyback contracts for applicability and scope. The request for utilizing a piggyback contract must be submitted to the Finance Department for purchasing review. Upon approval the Purchasing Administrator or designee shall submit their review to the City Attorney for final approval. Contracts that are over \$50,000 will also require City Council approval. Multi-Year Piggybacks: if determined to be over \$50,000 and once authorized by City Council; if the dollar amount allotted in the fiscal year budget is available for the services or commodities, it will not require additional City Council approval.

Below is a full listing of contracts that are being requested by; department submittal, vendor, description, source, and expiration dates.

Department:	Community Development
New Contract or Renewal:	First Renewal
Contract Type:	Service
Vendor:	Recruitment and Engineering Products & Services Inc.
Contract Description:	Identification of delinquent Business Tax Receipt (BTR) taxpayers and attainment of their Business Tax Receipt (BTR).
Terms:	Annual Renewal
Start Date:	October 1, 2023
Expiration Date:	September 30, 2024
Renewals Available:	Yes
Annual Cost:	As needed on an emergency basis.
Contract Source Method:	Waiver of the Procurement Process approved by City Council September 21, 2022.
Summary:	Recruitment and Engineering Products & Services Inc. has been providing services to the City of Apopka in the identification of uncollected Business Tax Receipt (BTR) fees. Their compensation is based ONLY on the collected funds; therefore, there is no financial obligation to the City other than reimbursement for mailing expenses based on receipts submitted to the City, along with the list of all the taxpayers that were mailed notices. Services are per the agreement executed on October 28, 2022. The term of the contract is through September 30, 2023, with the option to renew for two (2) additional one (1) year terms. The City of Apopka seeks to renew this contract for the first renewal period.

FUNDING SOURCE:

As authorized, adopted, and per the appropriated fiscal year budgetary funding within each departmental budget.

RECOMMENDED MOTION:

Authorize the execution of contracts/renewals per the assigned terms.

ATTACHMENTS:

1. Presentation



Business Tax Receipts Educational & Compliance Campaign

9/19/2023 - Executive Status Update



Note 1: The numbers, as presented in this Summary, will change over time as the data being analyzed gets updated.

BTR DATA TRACKING

BTR Year (Oct. 1 - Sept. 30)	2023		2022		2021		2020		Overall
BTR Recipients per Category									
# of Corporations	3,226		2,364		2,283		2,074		6,742
# of Bus w/ Fictitious Name	630		608		610		579		810
# of Individuals	173		18		20		49		326
Remaining to associate	52		218		230		259		137
2 categories association	(449)		(431)		(445)		(429)		(559)
# of Persons and Location	3,632	31%	2,777	3%	2,698	7%	2,532		7,456
BTR's Applications/Year									
# of BTRs issued	3,938		2,499		2,462		2,482		11,381
# of BTRs awaiting Payment (1233 are from Auto-Renewal)	1,382		996		1,023		855		4,256
	5,320	52%	3,495	0%	3,485	4%	3,337		15,637

Note 2: A typical BTR cycle from notification (Application mailing) to the issuance of a Receipt is about 8 to 10 weeks. Hence, the numbers within this section will change to incrementally positive results with time as the new data is provided by the City. The process is time consuming as it requires Application review from several Departments within the City.

The following is based on the System Data as of 9/15/2023

Notification-to-BTR-Issuance Data Tracking

Month # as of Oct. 19, 2022	1st Mo	2nd Mo	3rd Mo	4th Mo	5th Mo	6th Mo	Total	Avg/Mo	# of Mo
Mailed Applications & Response									
# of Mailed Applications	1,041	1,493	356	698	521	1	4,110	685	6
# of Responses	693	1,165	241	527	355	0	2,981	596	5
# of Awaited Responses	348	328	115	171	166	1	1,129	188	6
Percentage Resp. to Mailed Apps	67%	78%	68%	76%	68%	0%	73%	87%	
Campaign Response Breakdown						2,624	64% of	4,110	
BTR Issued/Being Processed (Paid/Awaiting Payment)						1,906	46% of	4,110	
# of those no longer subject to BTR requirements						718	17% of	4,110	720 Confirmed
Campaign Cost vs Potential Revenue Breakdown (Excluding Penalty Revenue)									
Postage (Fixed for 6,736 envelops mailed)						(\$4,042)			
Mailing Materials ((Fixed for 6,736 Envelops mailed)						(\$4,792)			
New Revenue as a result of BTR-EC&C, as of 9/15/2023						\$115,572	For	1,539	issued BTRs
Total BTR Revenue since 10/19/2022 (BTR-EC&C Start Date)						\$158,653	For	2,107	issued BTRs
For Budgetary Purpose Revenue Breakdown (Excluding Penalty Revenue)									
FY 2022-23 BTR Revenue to date						\$180,920	For	2,378	Issued BTRs
FY 2022-23 BTR Account Receivable to date						\$87,428	For	1,382	Awaiting Payment
FY 2022-23 BTR Anticipated Revenue to date						\$268,348	For	3,760	Total BTRs

4. **Roles and Responsibilities of City.**

- a. City will provide the following information to Provider:
 - i. Business Tax Receipt (BTR) records that will include all the fields within the BTR database, initially for the current/previous year and thereafter on a monthly basis;
 - ii. Documentation related to the Business Tax Receipt issuance process, including:
 - 1. Policies and Procedures addressing:
 - a. Conformance to State, County and City laws and ordinances;
 - b. Process and oversight;
 - c. Non-compliance Enforcement;
 - 2. Forms, including:
 - a. Local business awareness brochures, websites, pamphlets, etc.
 - b. Business Tax Receipt Application requested information;
 - c. Business Name, owner(s), address change;
 - d. Site inspections and warnings;
 - e. Enforcement; and
 - f. Business Tax Receipt revocation.
 - 3. Personnel training and continuing education;
 - 4. Data verification sources; and
 - 5. Data exchange with other departments and agencies.
- b. City will notify Provider of any public records requests for information relating to this Agreement; and
- c. City will allow Provider to utilize City's name as a client and confirm that City entered this Agreement with Provider to other jurisdictions upon request regarding same.
- d. City will mail all the BTR applications prepared and delivered to the City by Provider or reimburses Provider for all of the BTR applications' mailing related expenses.
- e. City will reimburse Provider for all of the BTR applications' preparation expenses consisting of envelopes, papers, printer ink, etc.

5. **Roles and Responsibilities of Provider.**

- a. Provider will:
 - i. Cooperate with all public records requests, or seek immediate judicial ruling regarding any exempt, proprietary, confidential, or other protected information.
 - ii. Conduct the Enhanced Business Tax Receipt Delinquent Taxpayers' Names Delivery review.
 - iii. Conduct thorough analysis and evaluation of Business Tax Receipt collection's policies, procedures, forms, software, personnel training.
 - iv. Interview City personnel comprehensively.
 - v. Submit a detailed report based on Provider's findings as well as addressing policies, procedures, and operational recommendations.
 - vi. Submit recommended forms' modification pertaining to Business Tax Receipt application, data collection, evaluation for approval and update.
 - vii. Utilize the information provided by City, along with other information obtained by Provider, to assess the ongoing business operations within the jurisdiction.
 - viii. Compile the data and prepare an assessment report for City detailing the ongoing business operations within City, along with the professionals, businesses, and persons that are delinquent in paying currently owed or past due Business Taxes.
 - ix. Update the assessment of the jurisdiction annually to add and remove business operations as appropriate, and provide same to City, along with updated recommendations.
 - x. Determine persons that are liable for local business tax, prepare BTR related notifications/applications, and deliver them to the City on a weekly basis for mailing.
 - xi. Within its capabilities and when asked, provide City with any assistance needed to minimize the workload on City personnel.
 - xii. Coordinate its BTR related activities with City Personnel.

6. **Effective Date.** The effective date of this Agreement shall be October 1, 2022. Unless terminated earlier in accordance with Paragraph 7 herein, the Agreement will terminate on September 30, 2023, with an option for two (2) one (1) year renewals upon an affirmative vote of the City Council, except for the provisions of this Agreement which by their terms survive the termination of this Agreement, in order to allow for enough time to competently evaluate the Program and produce a summary document as described in Paragraph 9 herein.



Business Tax Receipt - Educational & Compliance Campaign Update



Overview

The following is an update on the progress achieved over the last 10 months with respect to the Business Tax Receipt - Educational and Compliance Campaign (BTR-E&CC) that is led by the Community Development Department (CDD). This campaign is based on the City of Apopka Project Description which is appended to this update,

Scope

- The identification of delinquent and/or non-paying “Persons” (as defined in Chapter 205 FS and Chapter 74 CoA Ordinances), notifying them of the requirement for compliance within a specific period, and educating them on the importance of maintaining an active Business Tax Receipt at all times;
- Audit the content of the current BTR database, develop a process for data cleanup and validation, and establish standards for data acquisition in compliance with local ordinances and other regulatory requirements so it becomes sharable with other departments within this jurisdiction and beyond;
- Enhance current BTR policies and procedures.

Year 1 Accomplishments

- Increased the number of issued BTR by over 50% narrowing the gap between compliant and non-compliant Persons;
- Generated over \$119,000 in additional BTR yearly revenue to date while maintaining the same resources;
- Improved compliance with the City ordinances including business being conducted within the appropriate zoning areas;
- Working with other City and County Departments to eliminate inconsistencies related to addressing and parcel data;
- Completed about 40% of the overall project tasks to ensure that the intended goals are met on-time and within budget;

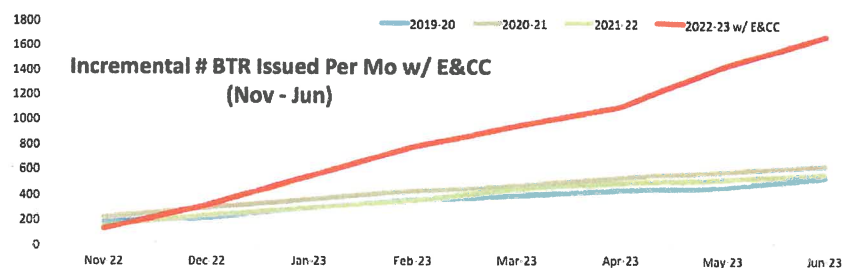
Benefits

The benefits to the City of Apopka include:

- Collection of unrealized fees in the order of doubling the yearly BTR revenue within 3 years, with minimal expenses;
- Enhance the capability for evaluating the health of the local economy based on verified data;
- Improve compliance with City’s ordinances, including zoning, and increase Tangible Personal Property Revenue;
- Enhance data standardization and accuracy to facilitate data exchange amongst the City and County Departments;
- Rely on local resources when it comes to Emergency Preparedness Response and Recovery rather than sending local tax money to national companies.

Cost to date

- Set up/Upfront: **\$0**
- Cost of mailed letters: **\$8,834**;
- Fees, one time 25% of identified Persons’ revenue: **\$24,462**
- Campaign Revenue: \$119,770 (68% of total BTR Revenue excluding Penalties and OC reimbursement)
- FY2022-23 BTR Total Revenue: \$174,937 (Campaign Rev included)



Duration

For optimum results, it’s a three years project/campaign that is based on a one-year agreement renewable yearly.



City of Apopka Project Description

Overview

The goal of this project is to assist the City of Apopka in identifying “Persons”*, as defined in Florida Statutes Chapter 205 and City of Apopka’s Ordinances Chapter 66, that are engaging in or managing any business, profession, or occupation within the City’s jurisdiction without obtaining a Business Tax Receipt (BTR) or are delinquent on their BTR fees.

To our knowledge, TFC is the only private entity in Florida that specializes in the identification of taxpayers that are delinquent on their BTR.

As previously noted and based on the City and State of Florida records, we have identified over \$800,000 in uncollected BTR fees that are owed to the City of Apopka. TFC can assist the City in the identification of these taxpayers and in the collection of these funds, pursuant to City ordinances. Our compensation is based ONLY on the collected funds; therefore, there is no financial obligation to the City other than reimbursement for mailing expenses based on receipts submitted by TFC to the City, along with the list of all the taxpayers that were mailed notices.

Any and all notices will be pre-approved by City Management prior to mailing or emailing them.

Once a contract is signed, the collection process runs as follows:

- Identification of delinquent taxpayers;
- City pre-approved notices will be sent out by mail, along with a hard copy application and instructions to fill it in online;
- For the filled-in applications sent back by mail, TFC staff will enter them into the system or will provide the data in a soft copy format so it can be easily imported into the City system, saving the City staff tremendous amount of hours in data-entry;
- At the end of each month, the City will reimburse TFC for its fees, which is a percentage of the collected funds as agreed on contractually.

Services that will also be available to the City, at no additional charge to the fees previously described, include:

- Conduct the “Enhanced BT-Collection Operational Review” as described further below.
- Conduct a thorough analysis and evaluation of Business Tax Receipt collection's policies, procedures, forms, software, personnel training.
- Interview Municipality Personnel comprehensively if and when necessary.
- Submit a detailed report based on its findings as well as addressing policies, procedures, and operational recommendations.
- Submit recommended forms' modification pertaining to Business Tax Receipt application, data collection, evaluation for approval and update.
- Utilize the information provided by City, along with other information obtained by TFC to assess the ongoing business operations within the jurisdiction.
- Compile the data and prepare an assessment report for the City detailing the ongoing business operations within the City, along with the professionals, businesses, and persons that are delinquent in paying currently owed or past due Business Taxes.

- Update the assessment of the jurisdiction annually to add and remove business operations as appropriate, and provide same to the City, along with updated recommendations.

The tasks of this project will be accomplished by relying on information that will be provided by the City to TFC. There will be regular coordinations on an as-needed basis to ensure that everyone agrees on the format and accuracy of the deliverables.

Upon completion, TFC will submit to the City a Final Report along with a list of all the completed tasks along with outcomes. TFC will continually be available to the City of Apopka to answer any questions or assist with any other matter.

* Definitions per Florida Statutes, Chapter 205:

“Local business tax” means the fees charged and the method by which a local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. It does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection. Unless otherwise provided by law, these are deemed to be regulatory and in addition to, but not in lieu of, any local business tax imposed under the provisions of this chapter.

“Person” means any individual, firm, partnership, joint adventure, syndicate, or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver, or other fiduciary, and includes the plural as well as the singular.

Operational Review Description:

A) Basic BT-Collection Operational Review:

This option consists of the following deliverables:

- (1) Conducting a Basic Business Tax (BT) collection operational review
 - a) Review the City’s Ordinances (Code)
 - b) High Level Review of the BT-Collection policies, procedures, forms, software, personnel, data sources, and data exchange with other Departments.
 - c) Finding’s Analysis based on the previous two points, taking into consideration requirements from Florida Statutes, County and other adjacent or comparable size cities ordinances
 - d) Request clarification for our questions
 - e) Provide high level recommendations

B) Enhanced BT-Collection Operational Review:

This option consists of the following deliverables:

- (1) Conducting a Basic BT-Collection Operational Review
- (2) Names of individuals and/or entities that are conducting business within the city limit and have and have not been identified by the Community Development Department.
- (3) Updating All data delivered back to the city to include:
 - i) Company names and addresses along with their respective owners’ names and addresses as well as Sunbiz record IDs that match the State’s Records.
 - ii) Identification of all companies that are not in compliance with the State’s:
 - a. Sunbiz Registration
 - b. Regulatory Registrations; i.e.: DBPR, Dept of Agriculture, etc.
 - iii) Identification of all companies that are delinquent on their County BTR.
 - iv) Verification of the City’s BTR Physical addresses against the County GIS Database.



City of Apopka CITY COUNCIL STAFF REPORT

Section: BUSINESS (Action Item)

Item #: 3.

Meeting Date: October 4, 2023

Department: Community Development

SUBJECT:

Conflict Waiver for Simultaneous Representation of Galvin Land Services, LLC

REQUEST:

Approve the Conflict Waiver for Simultaneous Representation of Galvin Land Services, LLC and the City of Apopka.

SUMMARY:

The Grosshans Group, specifically, Jacob Schumer as an employee of Grosshans, currently represents the City of Apopka as outside counsel for most transportation agreements. This includes transportation impact fee credit agreements and pass through work. Most notably, Mr. Schumer drafted and facilitated the successful negotiation of the Kelly Park Road Widening Pioneering Agreement.

Galvin Land Services, LLC, wishes to employ The Grosshans Group for legal council and services, specifically excluding anything that will come before the City of Apopka, to avoid any conflicts of interest.

This conflict waiver is asking the City and Galvin Land Services, LLC, to provide express and informed consent that Grosshans is representing both parties.

ATTACHMENTS:

- Conflict Waiver for Simultaneous Representation of Galvin Land Services, LLC and the City of Apopka.

FUNDING SOURCE:

Not applicable.

RECOMMENDED MOTION:

Approve the Conflict Waiver for Simultaneous Representation of Galvin Land Services, LLC and the City of Apopka.

ATTACHMENTS:

1. Conflict Waiver for Simultaneous Representation of Galvin Land Services, LLC and the City of Apopka



August 28, 2023

Bryan Nelson, Mayor
City of Apopka
120 E. Main Street
Apopka, FL 32703

Mike Galvin
Galvin Land Services, LLC
121 Snell Isle Blvd
St. Petersburg, FL 33704

**RE: CONFLICT WAIVER FOR SIMULTANEOUS REPRESENTATION OF GALVIN
LAND SERVICES, LLC AND THE CITY OF APOPKA**

Mayor and Mr. Galvin,

Our firm currently represents the City of Apopka as outside counsel for transportation projects and passthrough matters. This letter is being prepared in anticipation of our firm providing various land development legal services to Galvin Land Services, LLC. Because the City of Apopka and Galvin Land Services have a continuing contractual relationship under development agreements regarding land within the Kelly Park Interchange, this presents a potential conflict between the two parties. While the parties themselves do not have any known adverse interest at this time, there is the potential for a conflict because the parties may ultimately come to a disagreement as to the development of the land subject to the development agreements or the contractual obligations under those agreements.

These risks could be considered to create a conflict under Rule 4-1.7(a)(2) of the Rules Regulating the Florida Bar. However, the firm believes that we can provide competent and diligent representation to both clients. The Firm will not provide any legal representation to Galvin Land Services, LLC when it comes to matters before the City of Apopka, and will not provide legal representation to either party as to any specific conflict that arises between the two parties.

Additionally, the Firm will continue to maintain its duties of confidentiality and privilege as to each party. Specifically, we will not disclose or make use of any information that we may gain from our representation of Apopka in connection with our representation of Galvin Land Services. Similarly, we will not disclose or make use of any information that we may gain from our representation of Galvin Land Services in connection with our representation of Apopka.

We therefore ask that you each provide express and informed consent to the representation as described above. By giving your consent, you acknowledge that we have made a full disclosure to you of the facts and circumstances surrounding any conflict of interest or potential conflict which may exist now or in the future with regard to the firm's separate representation of Galvin Land Services, LLC, and the City of Apopka, as described above.

Despite any such conflict of interest which may exist, you hereby agree to our representation as described above and in our respective engagement letters. You further agree that we have the right to withdraw our continued representation if, in our opinion, our continued

representation would violate the Rules Regulating the Florida Bar. You are, of course, free to consult with independent counsel about this consent.

If wish to consent to our representation in this manner, please sign the statement below.

Sincerely,

/s/ Jacob Schumer

Jacob Schumer

The undersigned has read the foregoing, acknowledges its right to seek an opinion of independent counsel, and hereby consents to the firm's simultaneous representation of Galvin Land Services, LLC and the City of Apopka.

By: _____

Bryan Nelson
Mayor, City of Apopka

Date: _____

By: _____

Mike Galvin
Manager, Galvin Land Services, LLC

Date: _____



City of Apopka CITY COUNCIL STAFF REPORT

Section: BUSINESS (Action Item)

Item #: 4.

Meeting Date: October 4, 2023

Department: Community Development

SUBJECT:

Mayflower Avenue Improvements

REQUEST:

Instruct staff on how to proceed with Mayflower Avenue improvements.

SUMMARY:

Staff has engaged Kimley-Horn Associates to provide a certified engineer's cost estimate for improvements to Mayflower Avenue as requested by Council at its September 20th meeting. Staff only has one week between Council's request and the agenda submittal deadline, which is not enough time to collect data and prepare certified cost estimates; accordingly, the information is not provided in the staff report but will be presented to Council on October 4th at the City Council meeting.

A licensed professional engineer from Kimley-Horn, with extensive experience in traffic engineering and roadway design, will be at the meeting to explain the costs and options offered to Council, and to answer all questions.

FUNDING SOURCE:

Streets Fund

RECOMMENDED MOTION:

Instruct staff on how to proceed with Mayflower Avenue improvements.

ATTACHMENTS:

None



City of Apopka CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

Item #: 1.

Meeting Date: October 4, 2023

Department: Community Development

SUBJECT:

Ordinance Number 3006 – Second Reading – Comprehensive Plan Amendment – Text Amendment – Policy 3.1.h.ii and Map 1-1.a; Future Land Use Element – 750 and 922 Plymouth Sorrento Road

REQUEST:

Adopt Ordinance Number 3006.

SUMMARY:

Owner(s): Peggy G Charlton Living Trust 1/2 Int, Gary D Charlton Living Trust 1/2 Int, and Gary Charlton Living Trust

Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.

Parcel Identification Number(s): 06-21-28-7172-08-050 and 06-21-28-7172-08-040

Location: 750 and 922 Plymouth Sorrento Road

Existing Future Land Use: Commercial (0.25 floor area ratio maximum) and Agriculture (1 dwelling unit per 5 acres)

Proposed Future Land Use: HDR-25 (25 dwelling units per acre maximum)

Zoning District: C-C (Community Commercial) and T (Transitional)

Existing Use(s): Vacant and warehouse

Tract Size: 13.05 +/- Acres

PROJECT SUMMARY:

A text amendment to the Comprehensive Plan, per Florida Statute 163, is processed similar to a large-scale future land use amendment. After recommendation from the Planning Commission; if approved, the City Council transmits the amendment to the Florida Department of Economic Opportunity.

The applicant intends to construct a multi-family development with a proposed density of 19 dwelling units per acre, and therefore they are requesting to amend Policy 3.1.h of the Future Land Use Amendment and extend the boundary of Map 1-1.a of the Comprehensive Plan to make the subject properties eligible for HDR-25 (High Density Residential – 25) Future Land Use (FLU) designation. The HDR-25 FLU designation is established under Ordinance Number 2747, which was adopted by City Council on May 26, 2020. The HDR-25 FLU designation is based on ongoing development trends and market demands for multi-family development, particularly multi-story apartment buildings, as the need exists for higher density residential development where transportation facilities and infrastructure show the potential to support the residential density increase and compatibility with the area is demonstrated.

The proposed Future Land Use designation of HDR-25 is compatible with the area because parcels on the north of the subject properties are within the delineated area eligible to have a future land use designation of HDR-25. The subject properties are in close proximity to the Floridian Town Center on the northwest, which comprises a mix of commercial and high-density residential uses. Additionally, an approved high-density residential development, slated to have 516 units within Unincorporated Orange County is located northeast of the subject properties. This

application is being processed simultaneously with an application to amend the FLU map from Agriculture and Commercial to HDR-25.

Future Land Use Element:

Policy 3.1.h. ii. High Density Residential – 25 (HDR-25)

The primary use shall be residential dwelling units with a minimum of 15 units per acre up to a maximum of 25 dwelling units per acre; elementary schools; middle schools, high schools; supporting infrastructure of less than five acres. The HDR-25 Designation may only be assigned to properties located within the geographical areas delineated within Maps 1- 1. a to 1- 1. d. through a Future Land Use Map Amendment.

Properties assigned the HDR - 25 Designation must have access to a collector or arterial road, or planned as a component of a pedestrian -oriented, mixed- use master plan with internal complete street" connectivity. Only properties located inside an HDR - 25 edibility area, as delineated in Maps 1- 1. a to 1- 1. d, are eligible to be assigned this designation through a Future Land Use Map amendment.

Special exception uses shall include:

- 1) Institutional uses of ten acres or less,
- 2) Supporting infrastructure and public facilities of five acres or more.

Planned Development uses may include:

- 1) All primary uses
- 2) All special exception uses
- 3) Retail commercial uses at a rate not in excess of 50 square feet of gross floor area per residential unit in the PD. Commercial uses must be completely internalized within the PD.
- 4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods.

ORANGE COUNTY NOTIFICATION:

The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on March 16, 2023.

PUBLIC HEARING SCHEDULE:

May 9, 2023 – Planning Commission (5:30 P.M.)

June 7, 2023 – City Council (1:30 P.M.), First Reading and Transmittal

October 4, 2023 – City Council (1:30 P.M.), Second Reading

DULY ADVERTISED:

April 21, 2023 – Apopka Chief

April 25, 2023 – Mailed notices to adjacent property owners; Posters placed on property

April 28, 2023 – Apopka Chief

September 22, 2023 – Apopka Chief

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

ATTACHMENTS:

- Maps
- Ordinance Number 2747
- Ordinance Number 3006

FUNDING SOURCE:

Not applicable.

RECOMMENDED MOTION:

Development Review Committee:

Recommends approval of the amendment to Policy 3.1.h.ii of the Future Land Use Element and Map 1-1.a, Apopka Comprehensive Plan, and recommend transmittal to the Florida Department of Economic Development.

Planning Commission:

At its meeting on May 9, 2023, Planning Commission, on a 6-1 vote, found the request incompatible with the surrounding area and recommended to deny the amendment to Policy 3.1.h.ii of the Future Land Use Element and Map 1-1.a, Apopka Comprehensive Plan and transmittal to the Florida Department of Economic Development.

City Council:

At its meeting on June 7, 2023, City Council accepted the first reading of Ordinance Number 3006 and approved the transmittal to the Florida Department of Economic Opportunity.

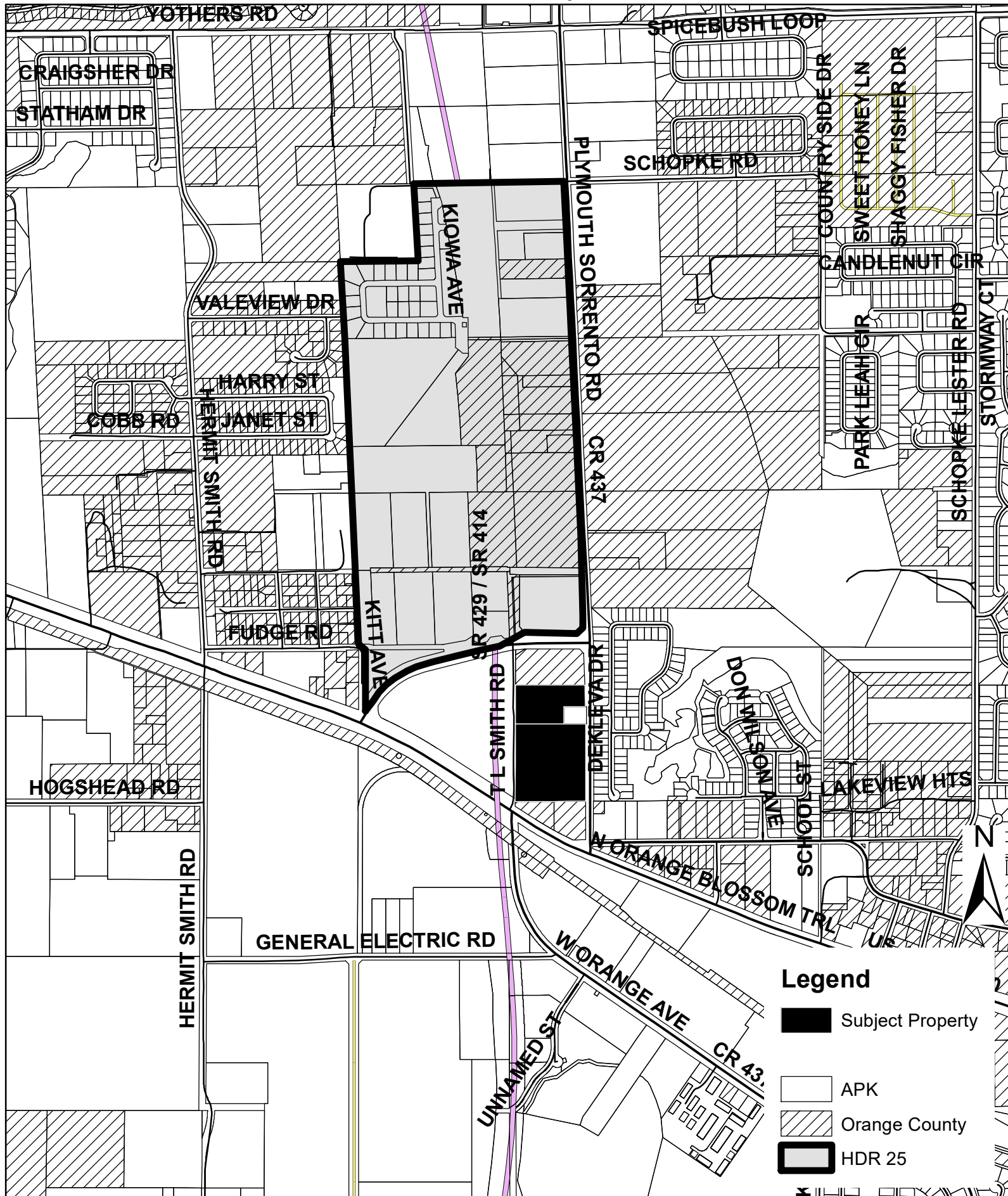
Recommended Motion – City Council:

Adopt Ordinance Number 3006.

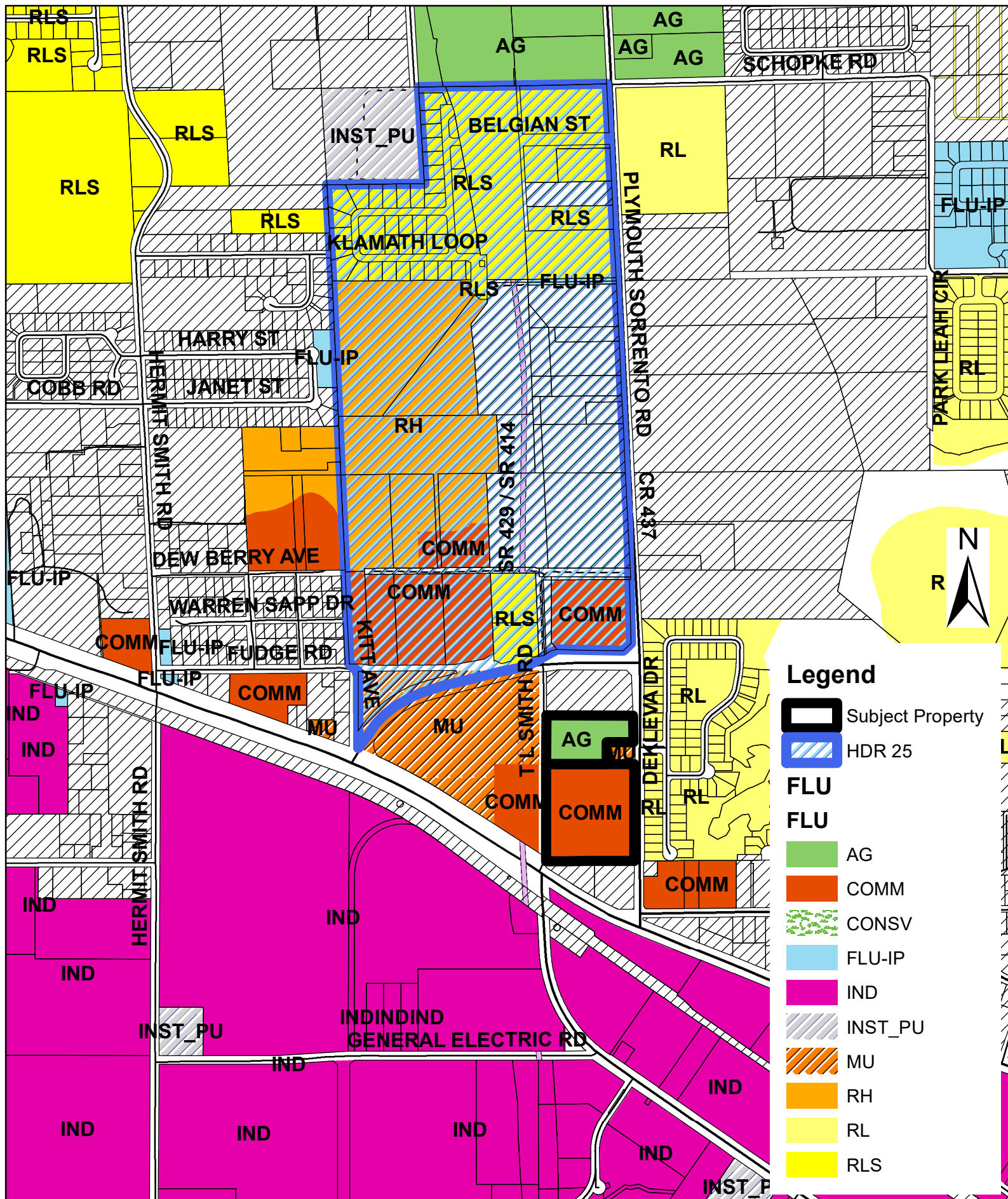
ATTACHMENTS:

1. Maps
2. Ordinance Number 3006
3. Ordinance Number 2747

Vicinity

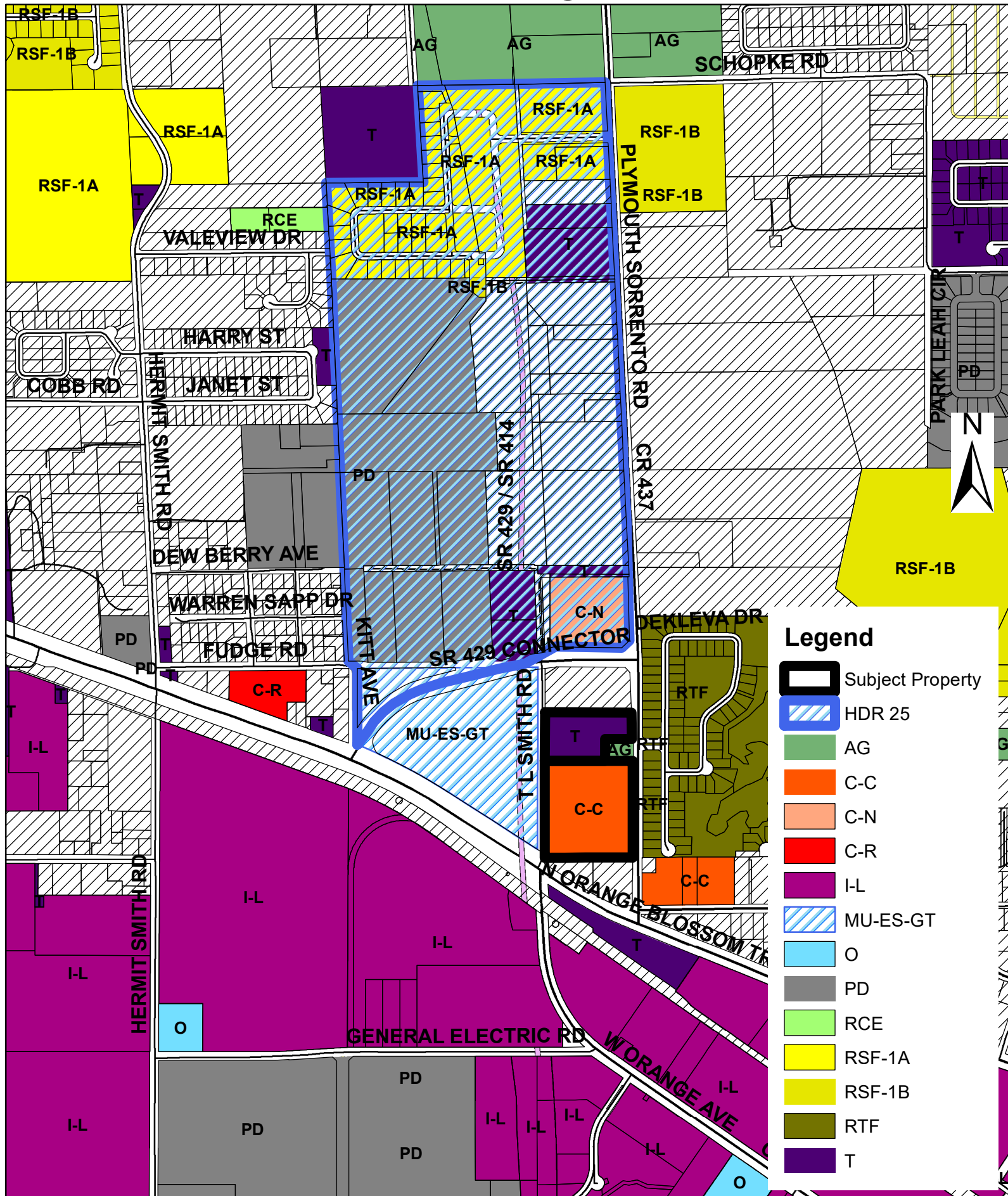


Future Land Use



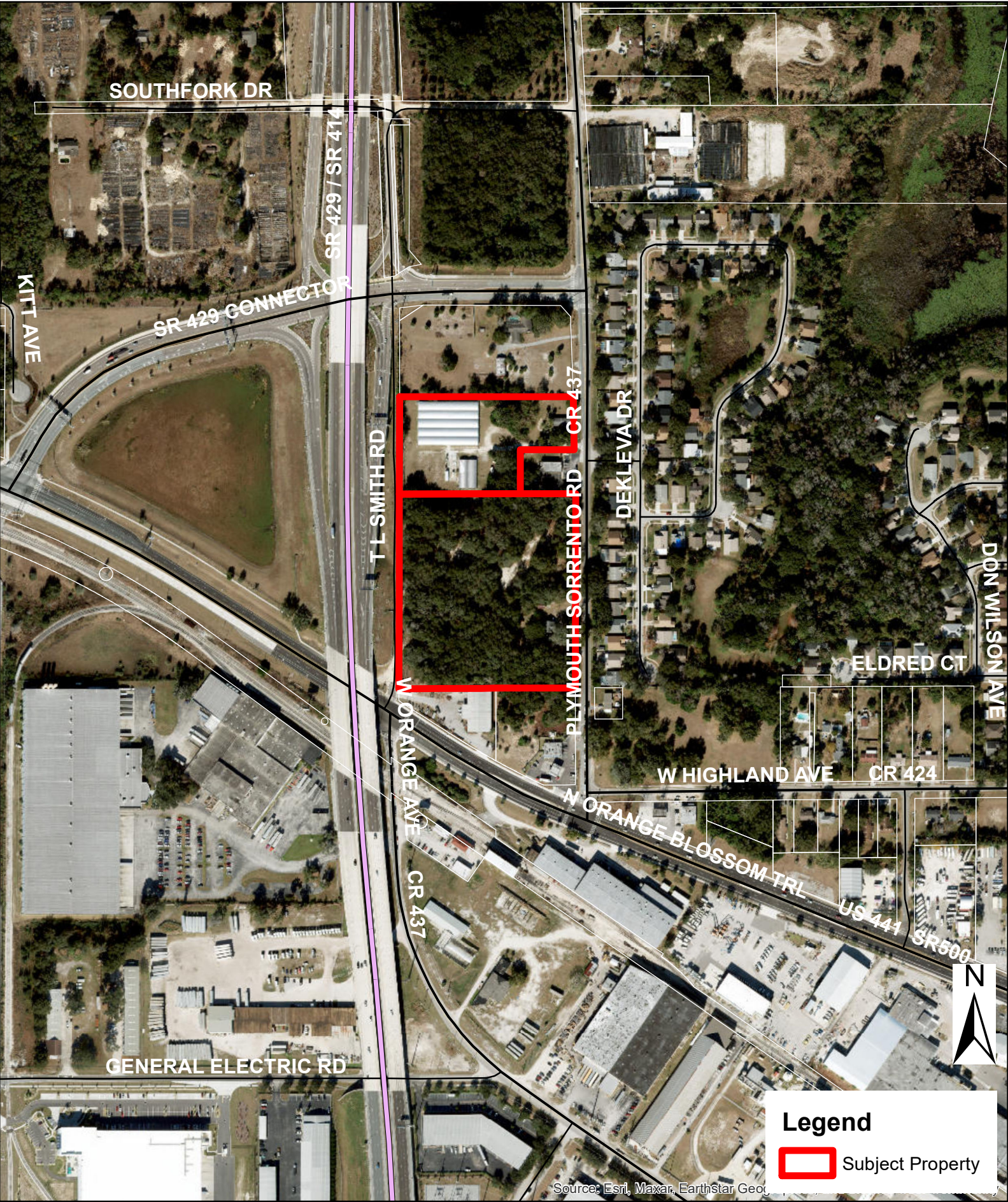
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Zoning



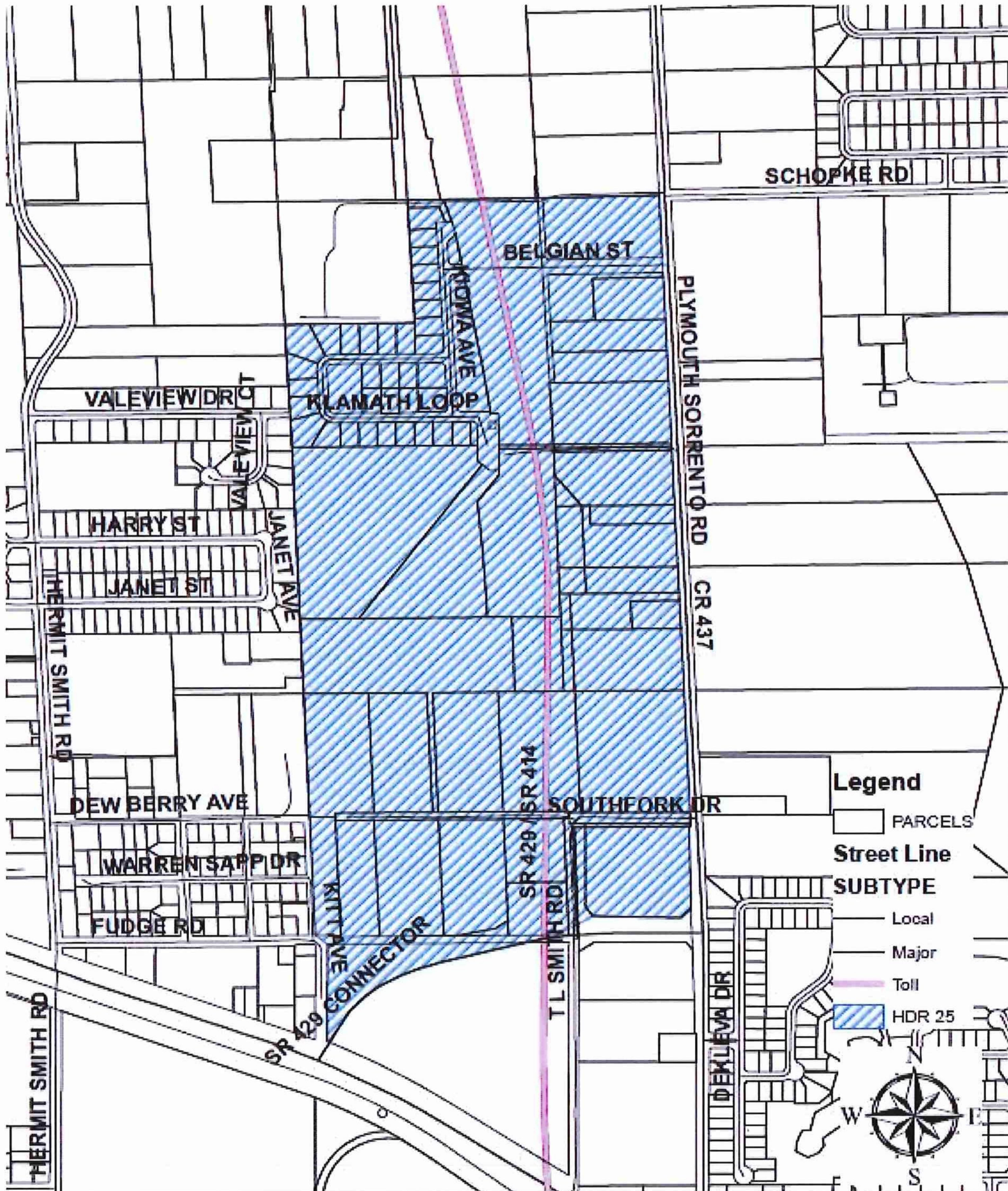
(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Aerial

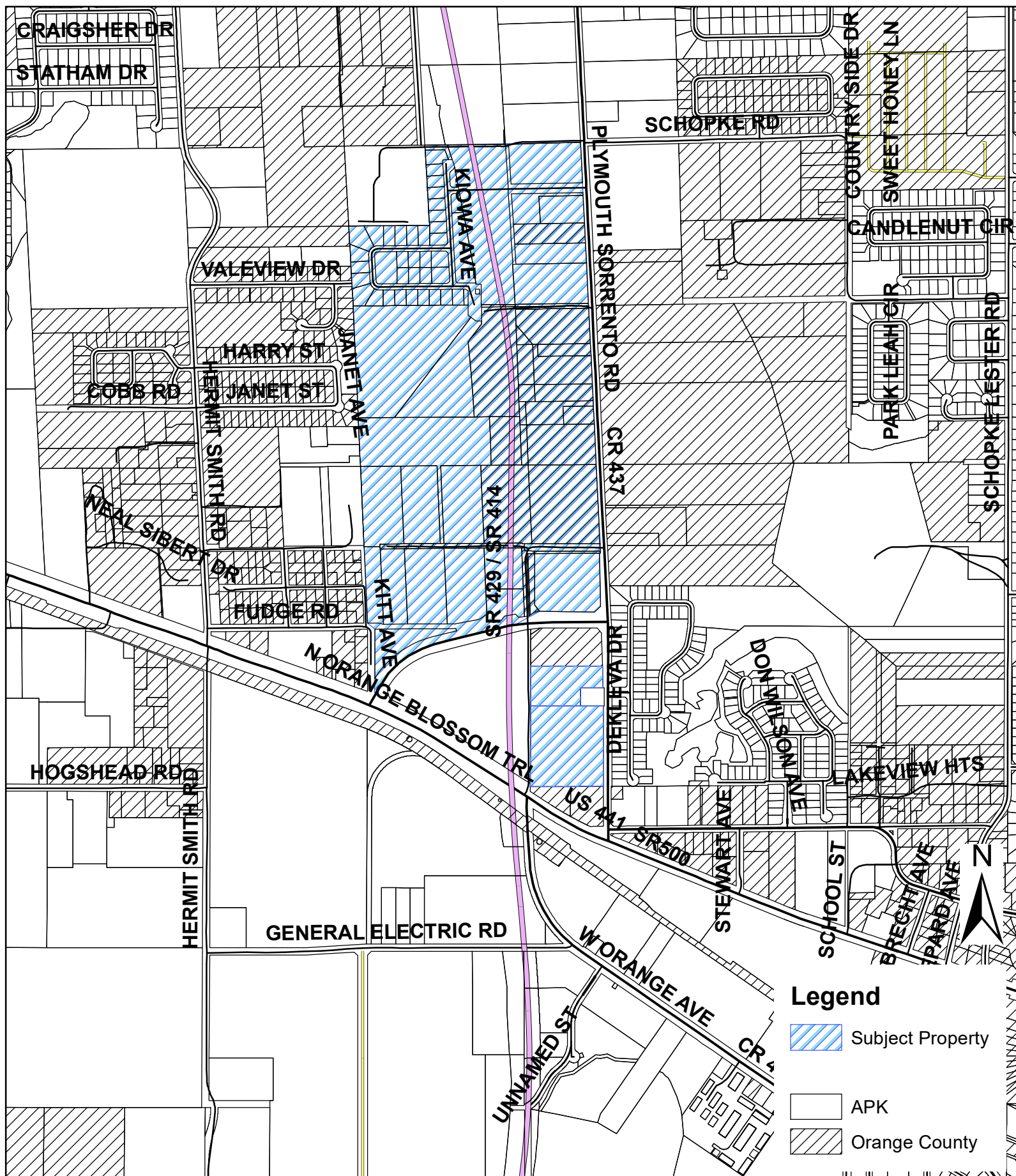


(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Map 1-1.a: Policy 3.1.h.ii
S.R. 429 / U.S. 441 Area
(Ord. No. 2747; May 6, 2020)
(Map delineates areas eligible for designation as
HDR-25 through a Future Land Use Amendment.)



(Map delineates areas eligible for designation as HDR-25 through a Future Land Use Amendment)



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

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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. 2998 on April 19, 2023; 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. The City of Apopka hereby amends the Future Land Use Element of the adopted Comprehensive Plan as follows:

Policy 3.1.h.ii of the Future Land Use Element and Map 1-1.a of the Apopka Comprehensive Plan are hereby amended as set forth within Exhibit “B” of this ordinance.

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

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

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

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this
day of _____, 2023.

ORDINANCE NO. 3006

PAGE 2

READ FIRST TIME: June 7, 2023

READ SECOND TIME AND
ADOPTED: October 4, 2023

ATTEST:

Susan Bone, City Clerk

Bryan Nelson, Mayor

Approved as to form and legal sufficiency:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: April 21, 2023 and September 22, 2023

EXHIBIT “A”

Policy 3.1.h.ii Proposed Amendment

Future Land Use Element, Apopka Comprehensive Plan

(new language – underscore; deleted language – strike-through)

ii. High Density Residential – 25 (HDR-25)

The primary use shall be residential dwelling units with a minimum of 15 units per acre up to a maximum of 25 dwelling units per acre; elementary schools; middle schools, high schools; supporting infrastructure of less than five acres. The HDR-25 Designation applies to the properties located within the area delineated within Map 1-1. The HDR-25 Designation may be assigned to properties located within the geographical areas delineated within Maps ~~1-2~~ 1-1 to 1-5 through a Future Land Use Map Amendment adopted by City Council through Public Hearings set forth in Florida Statute 163; and properties within the HDR-25 Designation must have access to a collector or arterial road, or planned as a component of a pedestrian-oriented, mixed-use master plan with internal “complete street” connectivity.

Special exception uses shall include:

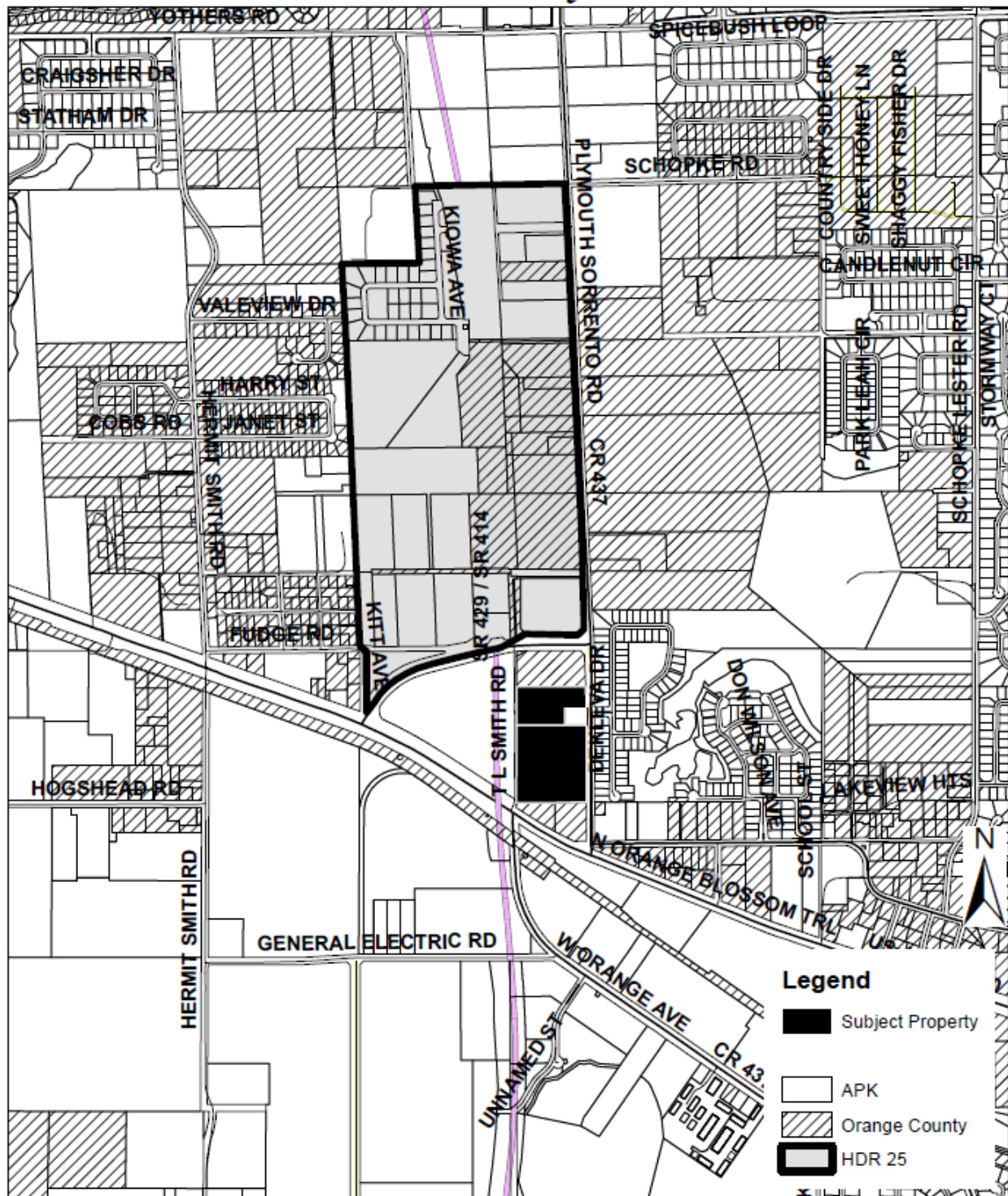
- (1) Institutional uses of ten acres or less;
- (2) Supporting infrastructure and public facilities of five acres or more

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Retail commercial uses at a rate not in excess of 50 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

EXHIBIT "B"

Map 1-1.a



ORDINANCE NO. 2747

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 POLICY 3.1.h; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2670; and

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

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

SECTION I: The City of Apopka hereby amends the Future Land Use Element of the adopted Comprehensive Plan as provided in Exhibit "A" of this ordinance.

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

SECTION III: If any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

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

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

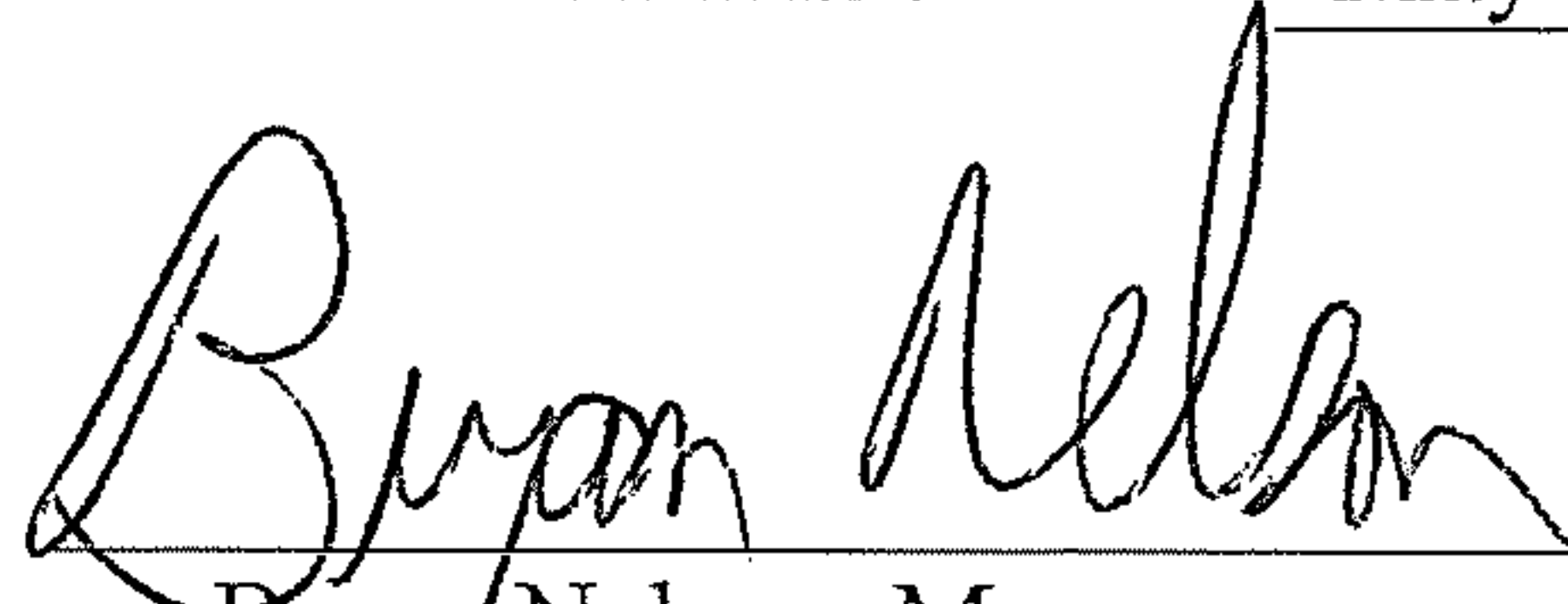
ORDINANCE NO. 2747

PAGE 2

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this 6th day of May, 2020.

READ FIRST TIME: January 15, 2020

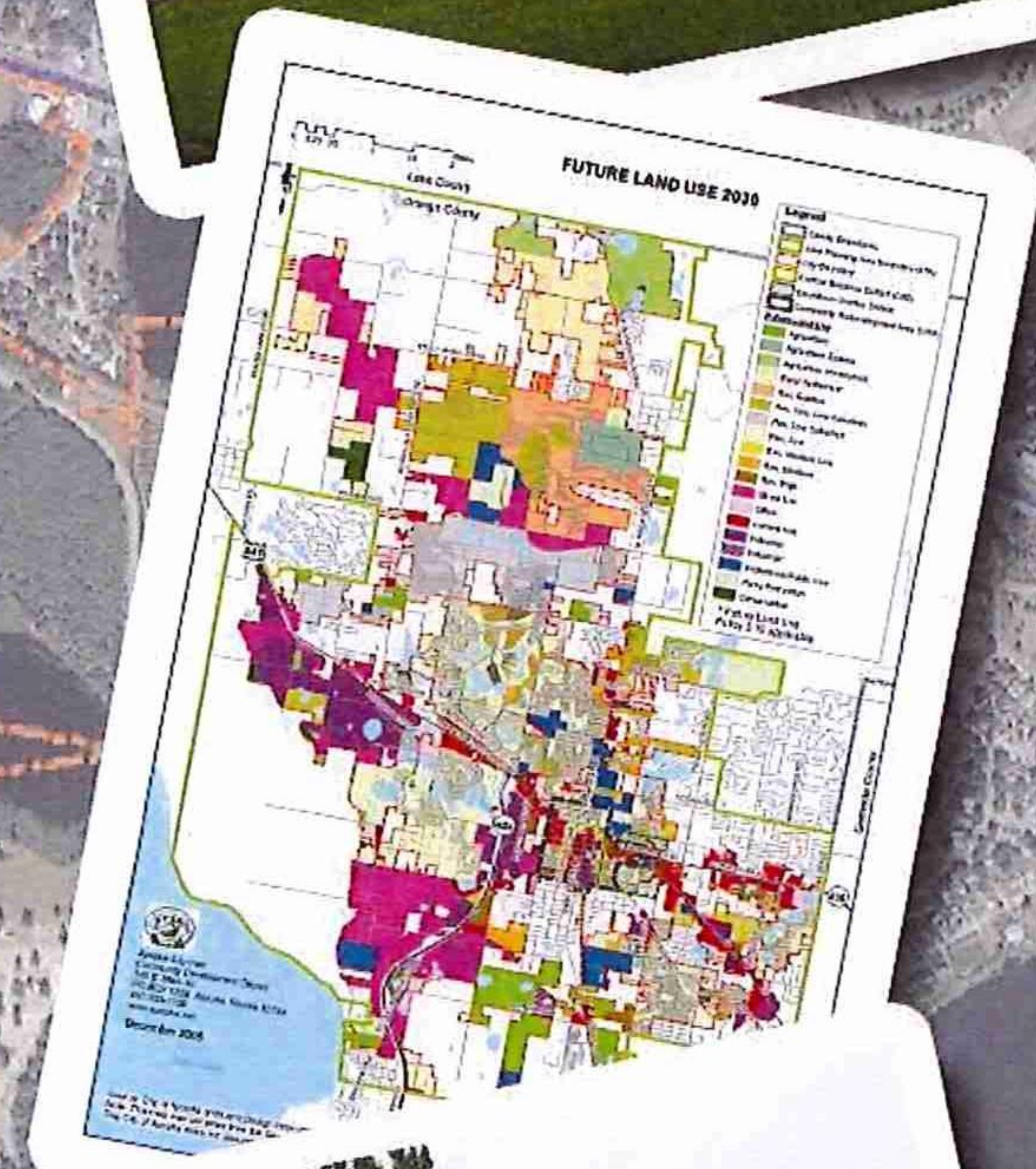
READ SECOND TIME
AND ADOPTED: May 6, 2020


Bryan Nelson, Mayor

ATTEST:


Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: November 29, 2019; December 27, 2019; April 24, 2020; May 1, 2020



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FUTURE LAND USE ELEMENT

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FUTURE LAND USE ELEMENT

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INTRODUCTION

PURPOSE AND SCOPE

The most important objective of the Apopka Comprehensive Plan and the Future Land Use Element (FLUE) is to provide development guidance and growth management for the future. The FLUE addresses the adequacy of land uses in relation to current and future land demands throughout the 2030 planning period. The Future Land Use Map (FLUM) identifies the location of each land use category.

The Future Land Use Element (FLUE), in conjunction with the City's Land Development Code and other implementing mechanisms, is designed to guide the distribution of growth in Apopka to ensure that future patterns of land use are tailored to:

- Meet the statutory requirements of Chapter 163 and 187, Florida Statutes (F.S.) and 9J-5 Florida Administrative Code (F.A.C.); further the Florida Comprehensive Plan, Chapter 179, F.S. and the East Central Florida Regional Planning Council (ECFRPC) Strategic Regional Policy Plan (SRPP);
- Reduce sprawl, consistent with Rules 9J-5.006(3)(b) and 9J-5.011(2)(b)3, F.A.C.;
- Improve development efficiency by guiding development to existing growth areas where infrastructure systems are in place and where unit costs for public services and facilities are relatively low;
- Protect natural resources by guiding development away from wetlands and other natural resources; and
- Enhance community character by reinforcing existing development patterns and addressing compatibility issues.

RELATION TO OTHER ELEMENTS

Although the FLUE delineates the types and magnitude of development which the City foresees as its future, this element should not be viewed in isolation. The natural constraints to the land, the services needed to develop the land, the complete documentation of housing needs in the City and the regional and state agencies which regulate the development and use of the land within Apopka are only briefly summarized in this element.

More specific information on the quality of parks and recreational opportunities available in Apopka are listed in the Recreation and

Open Space Element, as is a discussion of land designated to be left as open space and undeveloped either for aesthetic reasons or due to natural impediments to development. The FLUE summarizes the amount of land necessary for single family and multifamily development. The issues of cost, tenure and other resident needs are more fully portrayed in the Housing Element. Issues relating to the amount of infrastructure needed for proposed development, including potable water, sanitary sewer, stormwater management and solid waste are discussed in the Infrastructure Element. The analysis of transportation problems and opportunities in Apopka are more fully detailed in the Transportation Element, including the importance of land use patterns to transportation. Costs and methods to finance the necessary transportation, infrastructure and recreation improvements for the development envisioned in the FLUE are listed in the Capital Improvements Element. The process by which other governmental agencies impact development decisions within the City and the methods through which the City can improve the relationships with these agencies are described in the Intergovernmental Coordination Element.

INVENTORY

GENERAL SETTING AND HISTORY OF APOPKA

The City of Apopka is located in northwest Orange County near the geographical center of the State of Florida. Lake County abuts the City limits to the north. The City borders Seminole County to the east and has incorporated portions of the Wekiva Springs State Park. U.S. Highway 441 (US 441) and State Road (SR) 436 intersect within the City and provide access to the Orlando metropolitan area. US 441 is also designated as both Main Street and SR 500. The multiple functions of this road are discussed in detail in the Transportation Element. SR 429, also known as the Western Expressway (a component of the Florida Intrastate Highway System, the FIHS), provides access to the Florida Turnpike, to the south. **Map 1-1** depicts the City's location in the State.

The history and prehistory of the Apopka area has been documented by Jerrell H. Shofner in The History of Apopka and Northwest Orange County, (Tallahassee: Rose Printing Company, 1982). The following summary has been excerpted from Shofner's book:

Chartered as the Town of Apopka City in 1882, Apopka was already the trading center of the area which today comprises Northwest Orange County. It had evolved into a town because early settlers had been attending lodge meetings at Orange Lodge No. 36, F & AM, since the early 1850s. The City's location between the Wekiva River and Lake Apopka made it the logical town site for those interested in citrus culture, an amenable climate, and winter homes. Early agriculture consisted of citrus orchards which utilized the Wekiva River to transport produce to market. Many of the citrus growers had nurseries to supply their own seedlings, but commercial nurseries cropped up in the early 1880s. By the end of that decade several thriving nurseries were operating in the Northwest Orange County area.

The first ornamental horticultural nursery was introduced in the area in 1913. The business grew only Boston ferns and by the 1920s had attracted enough area competition to convince City fathers to adopt the title "Fern Capital of the World". By the 1950s this title was transformed into the "Foliage Capital of the World" as more and more forms of ornamental plant materials were produced and sold from the Apopka area.

As railroads gave way to automobile transportation in the early 20th century, Apopka's role as northwest Orange County's trading and cultural center was enhanced.

EXISTING LAND USES

Table 1-1 summarizes the acreage by land use found within the City of Apopka in 2009. This table was derived from the Orange County property appraiser's Geographic Information System (GIS) database.

The GIS database identified each land parcel and classified the existing land use or uses based on the property appraiser's land use codes. The City's existing land uses are shown on **Map 1-2**.

Pursuant to §9J-5.006(1)(f), F.A.C., the land uses adjacent to the City's boundaries must be shown on the land use map series. **Map 1-3** depicts the land uses for all lands adjacent to the City of Apopka.

TABLE 1-1: EXISTING LAND USE, 2009

Existing Land Use	2009	
	Acres	% of Acres
Agriculture	3,975.63	18.79%
Residential	4,390.18	20.75%
Commercial	471.90	2.23%
Office	222.59	1.05%
Industrial	754.55	3.57%
Institutional/Public Use**	3,285.17	15.53%
Vacant	3,721.47	17.59%
Subtotal Developable	16,821.49	79.51%
Conservation	340.12	1.61%
Park & Recreation*	2,150.22	10.16%
Water, R-O-W, Unclassified	1,848.17	8.73%
Subtotal Undevelopable	4,338.51	20.50%
TOTAL	21,160.00	100%

* Includes private parks and recreation facilities

** Includes some parks and recreation facilities

Source: Land Design Innovations, Inc., 2009 (Orange County Property Appraiser data)

HISTORIC RESOURCES

The City of Apopka has a significant recorded history. There are also documented prehistoric sites in the surrounding unincorporated areas. There are several methods commonly used to recognize historic places. Possibly the most prestigious method is listing on the National Register of Historic Places (NRHP). National Register listing does not provide any protection to a house or site other than economic incentives to maintain the historic character. Economic incentives may include tax deductions for restoration and/or increased property value.

Within the City of Apopka, there is one area listed on the NRHP - the Ryan & Company Lumber Company located at 210 E. Fifth Street. Four individual buildings are also on the National Register of Historic Places:

- Carroll Building, 407-409 S. Park Ave.;
- Seaboard Airline Railway Depot, 36 E. Station Street;
- Mitchill-Tibbetts House, 21 E. Orange St.; and
- Waite-Davis house, 5 South Central Avenue.

The City completed a Historic Properties Survey in 1992 which contains recommendations for historic preservation and possible National Register nominations. The study was completed in order to identify the City's significant historical resources and implement strategies to protect and enhance them. Over 190 sites have been listed on the Florida Master Site File from the first phase of this study and are included in **Appendix 1-1**. The identified historical and cultural resources are shown on **Map 1-4**. A windshield survey identified about 350 additional structures that may be historically significant, mostly concentrated within the original City limits of Apopka; however, several pockets of older structures are scattered throughout the City.

NATURAL RESOURCES

This section briefly discusses the natural environment within the City of Apopka. This information is discussed in greater detail in the Conservation Element.

Groundwater Aquifer Recharge

Prime aquifer recharge areas are located within the Apopka City limits and utility service area.

Soils and Topography

Soil conditions refer to those characteristics of the land having special relevance and importance to urban development. Soils in the City of Apopka and surrounding planning area are generally of the Lakeland-Blanton association characterized by nearly level to strongly sloping, well drained to somewhat excessively drained sandy soils interspersed with many lakes and ponds. Small areas of more poorly drained soils, or hydric soils, are found in the flat wooded and wet grassy flat areas scattered throughout the Apopka area, particularly bordering the lakes and ponds. There is little surface drainage pattern in the Lakeland-Blanton Association since most drainage is through the porous soil. The Conservation Element contains a more detailed description of the soils in Apopka.

Floodplains

Floodplains are identified in conjunction with the Federal Emergency Management Agency's Flood Insurance Rate Maps. The National Flood Insurance Program is legislation that provides for the identification of flood hazard areas up to 100 year storm level and makes available federally subsidized insurance to property owners in such areas, provided these communities, have become participants and agreed to adopt and enforce minimum land use controls adequate to meet Federal Insurance Administration standards for future flood plain management. The City's programs that address stormwater management are described in more detail and drainage basins mapped in the Infrastructure Element.

Wetlands

The City of Apopka contains a variety of wetland types. The largest concentration of wetlands is located in southwest Apopka. These wetlands are associated with Marshall Lake, Upper and Lower Lake Doe, Lake Witherington and Lake Fuller. These wetlands are mostly freshwater swamp with areas of mixed wetland forest. Another area of wetlands, located only partially in the City is located in the northeast area and surrounds Lake McCoy, with most of the wetlands outside the City limits. This area contains the largest variety of wetland types in the Apopka area.

The third major area of wetlands is in northwest Apopka where a peat mine has been permitted to operate. The peat mine was permitted through Orange County and the SJRWMD with the condition that the wetlands be restored and endangered species be protected. The City's wetlands protection programs and a map showing where the wetlands are located are included in the Conservation Element.

Wekiva Study Area

The City is located within the Wekiva Study Area designated by the state legislature in its Wekiva Parkway and Protection Act, Part III of Chapter 369, F.S. that was signed into law in 2004 and amended in 2005. The Act requires local governments in the Wekiva Study Area to adopt amendments to their comprehensive plans. Both Orange County and the City of Apopka have adopted the required amendments. **Appendix 1-2** includes a set of overlay maps that are adopted as a part of the Future Land Use Map series and identify the natural resource features related to the Wekiva Study Area.

POPULATION PROJECTIONS

Chapter 9J-5, F.A.C. directs that the “comprehensive plan shall be based on resident and seasonal population estimates and projections.” According to the definition established by 9J-5, resident population refers to “inhabitants counted in the U.S. Bureau of the Census in the total population category.” Seasonal population encompasses those “inhabitants who utilize, or may be expected to utilize, public facilities or services, but who are not residents. Seasonal population shall include tourists, migrant farm workers, and other short-term and long-term visitors.” The total seasonal population combined with the total resident population represents the “total functional population.”

Projected population figures determine future facility needs and land requirements and must be taken into consideration in preparing the Future Land Use Element. Population estimates and projections were prepared by Land Design Innovations, Inc. as part of the comprehensive plan and are shown in **Table 1-2**. A description of the methodologies used to formulate the projections is found in **Appendix 1-3**.

TABLE 1-2: POPULATION FORECAST, 2010-2030

Year	Permanent and Institutional Population	Seasonal Population*	Total Population
2010	41,382**	601	41,983
2015	56,138	815	56,953
2020	73,226	1,063	74,289
2025	97,330	1,413	98,743
2030	123,741	1,797	125,538

* Seasonal population based on 2000 Census percentage of seasonal units

**2010 estimate calculated based on building permits issued between 4/1/09 and 3/31/10

Source: U.S. Census 2000; Land Design Innovations, 2010

LAND USE ANALYSIS

AVAILABILITY OF FACILITIES AND SERVICES

Before determining the appropriate amount of acreage to be assigned for various land uses to accommodate future demand, it is important to evaluate infrastructure necessary to support the projected development. Infrastructure includes transportation, sanitary sewer, reclaimed water, solid waste, stormwater and potable water facilities.

Transportation

Roads located in the City of Apopka include those under the responsibility of the Florida Department of Transportation (FDOT), Orange County and the City of Apopka. The major transportation routes serving Apopka are US 441 (SR 500), SR 436 (Semoran Boulevard) and SR 429 (Western Expressway). These roads are essential to regional mobility and a majority of the current congestion levels can be attributed to growth in the Lake/Orange/Seminole County area.

A portion of US 441 is listed as an FDOT Constrained Facility and a portion is listed as an FDOT Backlogged Facility. US 441 is one of only two roadways in the City that are currently operating at or below the adopted LOS standard. US 441, from Park Avenue to SR 436 is operating at a LOS "F." The segment of Welch Road from Rock Springs Road to Thompson Road is operating at a LOS "E.". The Transportation Element analyzes the transportation system and proposes methods to address current and future roadway deficiencies.

With the 2009 passage of Senate Bill 360, Apopka has been designated a "Dense Urban Land Area" (DULA). This designation exempts the entire City from meeting State transportation concurrency requirements. This will allow the City to address deficiencies using a palette of comprehensive, multi-modal programs and facilities rather than focusing on individual roadway segments meeting concurrency standards. The Transportation Element includes policies related to the establishment of these programs.

The Apopka Orlando Airport, a general aviation field, is located within the City limits. Freight rail service is available, but no passenger rail service is available at the present time. Transit service is provided by LYNX (Central Florida Regional Transportation Authority). Four routes presently service Apopka (Routes 17, 41, 44 and 405). These routes operate on approximately fifteen minute to one hour headways. Route 405 is a circulator

connecting residential to shopping and businesses within the Apopka area. The routes have a central transfer stop (Apopka Superstop) at Central Avenue/7th Street. The passage of state legislation in December 2009 paves the way for development of the Central Florida Rail Corridor, which will provide high-speed rail service between Tampa and Orlando within the planning timeframe.

The City does not provide a comprehensive system of bicycle facilities; however, a trailhead is located in downtown Apopka allowing access to the 22-mile West Orange Trail, a "rails-to-trails" multi-use path. The City has identified the need to develop a more comprehensive sidewalk/bicycle trail system for use of City residents as an alternative to vehicular use.

Sanitary Sewer

The City of Apopka is responsible for providing sanitary sewer to all land within the approved utility service area, which includes the municipal limits and portions of unincorporated Orange County. Within the service area, isolated pockets of development still occur that are not connected to the central wastewater system. The Sanitary Sewer Sub-element evaluates and analyzes the sanitary sewer system provided by the City.

The sanitary sewer system consists of collection systems and treatment facilities including a water reuse system. The treatment facilities have a current permitted capacity of 4.5 million gallons per day (mgd). In 2008, the average daily wastewater flow was 4.3 mgd. The City is currently completing the planning and design to expand the capacity of the City's water reclamation facility to 8.0 mgd, which will provide for projected future needs through the 20-year planning timeframe.

The Apopka Regional Reuse of Water (ARROW) presently distributes approximately 4.5 mgd of reclaimed wastewater to commercial and residential consumers. Project ARROW provides three storage tanks with a total capacity of 4 million gallons, lined storage ponds with a capacity of 25 million gallons, a reclaimed water pumping station with a total capacity of 10,800 gallons per minute (gpm) and a reclaimed water distribution system consisting of over 10 miles of pipe ranging from 8 inches to 24 inches in diameter.

Stormwater Management

The Central Business District of Apopka sits on a broad ridge with elevations reaching 150 feet. The surrounding terrain slopes northeast toward the Wekiva River Basin, which has an elevation of 25 feet, and southwest toward Lake Apopka, with an elevation of 65 feet. The natural surface water drainage system consists of a large number of closed basins, which are relatively small, that may be lakes or historically dry depressions.

Normal rainfall events generate runoff that is directed to these lakes or depressions by natural swales and drainage ways, or through man-made drainage facilities. For the most part, these depressions are not connected except in extreme rainfall events such as those associated with tropical storms. The one exception is the drainage way associated with Greenwood Cemetery in the northeast section of Apopka. Here, runoff is directed into a ravine, which is connected by man-made drainage conveyance under Votaw Road to Lake McCoy. Lake McCoy discharges to a dry depression known as Lake Coronia during extreme rainfall events then to Lake Prevatt and the Wekiva River.

The City's Drainage Master Plan was updated in April 2009. The master plan has identified one problem area that needs to be addressed, the flooding that occurs within the Lake Avenue/Main Street Drainage Basin during heavy rainfall events. Recommended improvements for correcting this flooding problem include installation of two manholes, two junction boxes, and approximately 1,800 feet of 30-inch drainage pipe.

An evaluation of the drainage system in the City of Apopka's utility service area is provided in the Stormwater Management Sub-element.

Aquifer Recharge

Urban development within critical aquifer recharge areas results in increased runoff to surface waters as opposed to percolation to the aquifer. Apopka is situated on porous sand hills where the most effective recharge areas are the ones also best suited for urban development. The City requires special performance criteria for development taking place in critical aquifer recharge areas.

Potable Water

The City of Apopka owns, operates and maintains five water plants and a water distribution system. There are no existing deficiencies in the City potable water system. In order to meet the potable water consumption needs through 2030, the City will need one additional water plant.

The City currently has a consumptive use permit (CUP) issued by the St. Johns River Water Management District (SJRWMD) for withdrawal of groundwater in the amount of 10.358 million gallons per year. The City's consumptive use permit is currently approved by SJRWMD on a year-to-year basis until the review process and final approval is completed for the City's request to combine several CUPs under one permit. The average day pumping rate during the calendar year 2008 was 7.307 mgd.

Solid Waste

Based on projections presented in the Solid Waste Sub-element, Orange County currently has adequate landfill capacity to meet the City's needs through the year 2030.

VACANT LAND SUITABILITY ANALYSIS

The ability of land to support development, better known as the carrying capacity, is a major determinant in land use patterns. Natural constraints to development include the presence of wetlands, 100-year floodplain areas and critical environmental habitats. Man-made constraints to development include areas of historic or archaeological significance.

Table 1-3 shows the acreage of uncommitted vacant lands. This includes vacant subdivided lots, vacant land parcels and vacant agricultural lands, which are cleared lands that have not been used for agricultural production in more than a year. **Map 1-5** depicts vacant land with the assigned future land use classification and a sensitive land overlay intended to show potential development constraints.

TABLE 1-3: VACANT LANDS

Future Land Use Categories	Vacant		Env. Sensitive	Developable	
	Acreage	%	Acreage	Acreage	%
Agriculture	157.17	4.3%	2.17	155.00	4.5%
Agriculture Estate	10.99	0.3%	0.00	10.99	0.3%
Agriculture Homestead	6.28	0.2%	0.01	6.27	0.2%
Residential:	2216.14	60.7%	126.13	2090.01	60.1%
Rural Settlement	85.33	2.3%	0.00	85.33	2.5%
Estate	160.94	4.4%	0.00	160.94	4.6%
Very Low Suburban	438.70	12.01%	22.72	415.98	12.0%
Low Suburban	472.23	12.9%	50.71	421.52	12.0%
Low	767.90	21.0%	37.27	730.63	21.0%
Medium Low	18.55	0.5%	0.00	18.55	0.5%
Medium	142.10	3.9%	14.62	127.48	3.6%
High Density	130.40	3.6%	0.82	129.58	3.7%
Mixed-Use	484.98	13.9%	13.05	471.94	13.6%
Office	49.75	1.4%	5.64	44.11	1.3%
Commercial	194.79	5.3%	7.62	187.17	5.4%
Industrial	512.07	14.0%	12.56	499.51	14.4%
Institutional/Public Use	19.15	0.5%	9.45	9.70	0.3%
Total	3,651	100%		3,475	100%

Future Land Use Categories	Vacant		Env. Sensitive	Developable	
	Acreage	%	Acreage	Acreage	%
Parks/Recreation	1.54	NA	NA	NA	NA
Conservation	68.14	NA	NA	NA	NA
Total	3,721				

Source: City of Apopka, 2009

PROJECTED LAND USE NEEDS

In order to meet the needs of the projected population, the amount of land needed for each type of development was analyzed. **Table 1-4** shows the projected land use demand for 2030 based on the ratio of land use acreage per 1,000 residents in 2009.

TABLE 1-4: PROJECTED LAND USE DEMAND AND LAND USE COMPARISON, 2009 – 2030

Land Use Categories	2009 ELUM Acreage	Acres/1,000 population	Demand Based on 2009 Ratio	2030 FLUM Acreage	Surplus/ Deficiency	2009 to 2030 Acreage Change
Population	---	40,406	125,538		--	
Residential	4,243	105	13,181	12,122	(1,060)	7,879
Low Density	2,922	72	9,078	11,074	1,996	8,152
Medium Density	1,279	32	3,973	805	(3,168)	-474
High Density	42	1	130	243	112	201
Mixed-Use	2,342	58	7,276	2,409	(4,867)	67
Office	218	5	677	194	(483)	-24
Commercial	469	12	1,457	975	(481)	507
Industrial	683	17	2,122	1,510	(612)	827
Institutional/Public Use	3,023	75	9,393	835	(8,558)	-2,188
Parks/Recreation	2,042	51	6,344	1,045	(5,299)	-997
Agriculture	2,728	68	8,476	916	(7,560)	-1,812
Vacant	3,226	80	10,022	0	NA	-3,226
TOTAL DEVELOPABLE	18,973	470	58,947	20,006	(38,941)	-1,033
Conservation	340	8	1,057	320	(736)	-20
Other (unclassified, ROW & Water)	1,847	46	5,738	833	(4,905)	-1,014
TOTAL UNDEVELOPABLE	2,187	54	6,795	1,154	(5,641)	(1,033)
GRAND TOTAL	21,160	524	65,742	21,160	(44,582)	0

Sources: City of Apopka, Land Design Innovations, Inc., 2010.

Note: Existing Land Use acreages in Tables 1-3 and 1-4 do not match because of the Mixed-Use category.

Table 1-5 presents the amount of developable residential lands by land use category and the holding capacity of those lands. Based on the acreage of vacant land designated as residential in the Future Land Use Map, the City could accommodate an additional 10,378 dwelling units. Future land use acreage is shown in **Table 1-7**.

TABLE 1-5: VACANT LAND ANALYSIS

Future Land Use	Density/ Intensity	Vacant Developable Acreage*	Use Split (Resid/ Non-Resid)	Density Factor**	Potential Residential Units
Agriculture Homestead	1 du/10 ac	6.27	-	90%	1
Agriculture	1 du/5 ac	155.00	-	90%	28
Agriculture Estate	1 du/2 ac	10.99	-	90%	5
Residential		2090.01			7,274
Rural Settlement	1 du/ac	85.33	95/5	75%	61
Estate Very	1 du/ac	160.94	95/5	75%	115
Low Suburban Low	2 du/ac	415.98	95/5	80%	632
Suburban	3.5 du/ac	421.52	95/5	80%	1,121
Low Density	5 du/ac	730.63	95/5	80%	2,776
Medium Low Density	7.5 du/ac	18.55	90/10	85%	106
Medium Density	10 du/ac	127.48	90/10	85%	975
High Density	15 du/ac	129.58	90/10	85%	1,487
Mixed-Use	15 dua/2.0 FAR	471.94	50/50	85%	3,009
Office	0.30 FAR	44.11			0
Commercial	0.25 FAR	187.17			0
Industrial	0.60 FAR	499.51			0
Institutional/ Public Use	0.50 FAR	9.70			0
Parks/Recreation	Not Developable	NA			NA
Conservation	Not Developable	NA			NA
TOTAL		3,475			10,316

* Acreage adjusted to exclude areas of potential environmental constraints (wetlands, floodplains and wildlife habitats) and lands approved for development (approximately 689 acres).

** Assumes that only a percentage of the acreage will be used for residential due to locational/density restrictions.

Source: City of Apopka, 2009

TABLE 1-6: FUTURE LAND USE

Future Land Use Categories	Maximum Density/Intensity	FLUM Acreage	Percent of Total Lands
Agriculture	1 du/5 ac	916	4.3%
Agriculture Estate	1 du/2 ac	243	1.1%
Agriculture Homestead	1 du/10 ac	648	3.1%
Residential		11,231	53.1%
Rural Settlement	1 upa	1,265	6.0%
Estate	1 upa	1,192	5.6%
Very Low Suburban	2 upa	1,363	6.4%
Low Suburban	3.5 upa	1,840	8.7%
Low	5 upa	4,524	21.4%
Medium Low	7.5 upa	311	1.5%
Medium	10 upa	494	2.3%
High Density	15 upa	243	1.1%
Mixed-Use	15 dua/2.0 FAR	2409	11.4%
Office	0.30 FAR	194	0.9%
Commercial	0.25 FAR	975	4.6%
Industrial	0.60 FAR	1,510	7.1%
Institutional/Public Use	0.50 FAR	835	3.9%
Parks/Recreation	0.20 FAR	1,045	4.9%
SUB-TOTAL		20,006	94.5%
Conservation	Not Developable	320	1.5%
Other (ROW & Water)	Not Developable	833	3.9%
GRAND TOTAL		21,160	100.0%

Source: Land Design Innovations, Inc. 2009

Future Agriculture Land Use

Agriculture land use is expected to decrease over the planning timeframe as urbanization continues. Many nurseries in the Apopka area are expanding, which tends to offset the smaller ones which are being absorbed by others. This land use currently occupies almost 19 percent of the land in the City; however, it is expected to convert to other land uses.

Future Residential Land Use

The City has designated 11,231 acres of residential land on the Future Land Use Map (FLUM) (**Map 1-7**). The proportion of acreage of land use to population, and the housing needs identified in the

Housing Element were used to determine future residential land use needs. The Housing Element identified a need for a total of 48,498 dwelling units by 2030. This 48,498 number reflects current units plus the additional units needed to accommodate projected population growth. Of the 48,498 housing units, a need for 41,005 units for single-family and 7,493 units for multi-family has been projected (see Table 2-21 in the Housing Element). The distribution between single-family and multi-family is based upon the current distribution (83.89% single-family).

The City expects an increase in residential acreage in the future but not to the extent of keeping the same 2008 ratios for the different density levels. The ratio of medium density acreage is expected to increase, while high-density will decrease in stand-alone residential districts. However, the mixed-use category encourages the development of high density residential development in conjunction with retail or office developments. That increase in available lands for higher density residential development, in addition to expected future annexations of residential lands, will address the future demand for residential land use.

Future Mixed-Use Land Use

The City has determined that future growth will focus on a strategy that incorporates infill/redevelopment principles in addition to expansion of jurisdictional boundaries through annexation. An infill/redevelopment strategy will result in increased development densities and intensities, which will need to be directed to the appropriate areas, where public facilities and services can support it.

The mixed-use land use category was developed based on area-wide master plans, ensuring that neighborhoods contain a mixture of land uses that reflect the desired character of the community, promote realistic housing-job balance, offer varied housing opportunities, are served by adequate transportation, protect environmentally sensitive lands, incorporate parks/open space and use traditional community building practices. The mixed-use designation within these master plans has been structured to ensure that it is compatible with existing and projected surrounding land uses.

In order to encourage innovative land use techniques, creative urban design, environmental protection and the use of sustainable development principles and practices, the following areas may be designated mixed-use on the official land use map:

1. Areas within the Expressway, Plymouth, West, and Northwest study areas as shown on the adopted master plans;
2. Areas within the Central Business District.
3. Areas that have been subject to a Small Area Study.

For any new mixed-use land designation, the applicant needs to obtain a comprehensive plan amendment, and shall submit the following:

1. Small Area Study - A land use study prepared to demonstrate the need for a new Mixed-Use designation within the City of Apopka. The area to be covered in the study will be determined by staff. However, it must include all properties within a 1-mile radius minimum, measured around the perimeter of the proposed Mixed Use District. The study shall cover existing and future conditions for the following aspects:
 - Land Use
 - Transportation
 - Utilities
 - Parks & Open Space
2. Master Plan - The applicant shall submit a site master plan for the proposed mixed-use property showing the following:
 - Requested mixed-use designation (community or employment), with justification;
 - Land use program, including proposed acreage, intensities and densities for each land use component;
 - Allowable uses, if more restrictive than City requirements;
 - Proposed amenities, credits and bonuses proposed;
 - Transportation plan to ensure connectivity and appropriate access (vehicular, bicycle and pedestrian);
 - Design principles, standards and guidelines, if more restrictive than citywide requirements; and
 - A Developer's Agreement containing the standards, bonuses and specific requirements of the project.

Future Commercial Land Use

Projections of future commercial land were based on the current ratio of land use to population. Based on the 2009 population of 40,406 the ratio is currently 12 acres per 1,000 residents. This ratio includes the commercial development included within mixed use areas. Applying the 2009 ratio to the 2030 population projection of 125,538, the City would need a total of almost 1,457 commercial acres (see **Table 1-4**).

This need is met in two ways. The FLUM shows that 975 acres are shown in the commercial land use category. When including the commercial and office acreage allowable in the mixed-use land use categories, the FLUM provides over 2,100 acres, or a ratio of

almost 15 acres per 1,000 residents. Since Apopka serves as a regional commerce center, the City has determined that this increase in the commercial ratio is appropriate.

Future Office Land Use

Projections of future office land were based on the current ratio of land use to population. Based on the 2009 population of 40,406 the ratio is currently 5 acres per 1,000 residents. This ratio includes the office development included within mixed use areas. Applying the 2009 ratio to the 2030 population projection of 125,538, the City would need a total of 677 office acres (see **Table 1-4**).

The FLUM shows that 194 acres are shown in the office land use category. When including the commercial and office acreage allowable in the mixed-use land use categories, the FLUM provides over 1,380 acres, or a ratio of about 9 acres per 1,000 residents. Since Apopka serves as a regional commerce center, the City has determined that this increase in the office ratio is appropriate.

Future Industrial Land Use

Industrial land use projections were calculated using the same basic methodology as described above for commercial and office lands. The amount of industrial acreage required to meet future growth is shown in **Table 1-4**. Currently, there are approximately 683 acres of developed industrial lands within the City of Apopka, or 17 acres for every 1,000 residents. Based upon the current work force and community needs, it is projected that the demand for industrial uses will increase at a ratio of about 17 acres per 1,000 residents. Applying the 2009 ratio to the 2030 population projection of 125,538, the City would need a total of almost 2,122 acres for industrial uses.

Future Recreation Land Use

Based on the analysis of additional recreation and open space needs identified in the Recreation Element, the City of Apopka requires three acres of park land per 1,000 residents. If the population reaches the projected 125,538 permanent residents by 2030, the City will need approximately 377 acres of park and open space to meet future recreation demands. Since approximately 292 acres of public park land is currently available within the City limits, an additional 85 acres are needed to meet the 2030 projected demand.

Future Public/Institutional Land Use

It is difficult to forecast a need for public and institutional

uses, because the provision of these uses is based upon such unknown factors as funding for capital facilities, long-range public school needs and other factors. The City has determined that the current public/institutional acreage, along with the acreage allowed in almost all the other land use categories, is appropriate to ensure that such facilities and services are located near the population they are intended to serve.

Growth in this land use category will come from schools, churches, day care schools, hospitals and clinics and governmental services. There are no planned expansions of governmental services at this time. Expansion of the City's wastewater treatment facility will occur at the present plant location. The Orange County School Board estimates the need for two additional schools in the Apopka area, and the City will work closely with the School Board to accommodate this need. With regard to health care facilities, Florida Hospital has expanded its Apopka facility on the present site, so no additional land is needed.

Future Conservation Land Use

This land use category includes those lands that contain valuable and threatened natural resources, such as floodplains, estuarine properties, and unique ecological communities. Several areas in the City have already been designated as conservation, but there may be other noteworthy areas identified in the future which may be considered for conservation designation on the Future Land Use Map. Additional conservation lands can be anticipated with annexations of natural resources.

NEED FOR REDEVELOPMENT

There are various areas in the City of Apopka/ Orange County JPA in which redevelopment is needed. **Map 1-7** shows the major redevelopment areas around the Apopka area as described in this section.

Community Redevelopment Area

The City of Apopka completed a Finding of Necessity and established a Community Redevelopment Agency, in accordance with Chapter 163.357, Part III, F.S. The CRA was tasked to administer the Community Redevelopment Plan, which was adopted in June 1993. The plan established the 644-acre Central Business District Community Redevelopment Area. The Community Redevelopment Plan, updated in 2005, provides a coordinated strategy of improvements and a vision of what the CRA area can become. Projects can be funded with the Community Redevelopment Trust Fund using Tax Increment Funds (TIF). Goals and objectives were prepared to guide the City in the

redevelopment of the district. By establishing a CRA the City can also apply for the Small Cities Community Development Block Grant Program (CDBG).

Central Business District

The Central Business District (CBD) is located within the CRA and consists of thirty-six blocks in the original City limits encompassing 186 acres. This area was first developed during the last two decades of the nineteenth century. Many existing buildings in the CBD date from the first half of the twentieth century. As was true of downtowns during this time period, the area contains a mixture of all land use types and includes the primary governmental and commerce bases of the City. This mixture of uses provokes the "small town" atmosphere which many residents consider the most attractive quality of the City.

One of the most overwhelming concerns in the CBD is the need to reclaim Main Street (US 441) as a local commercial street. As identified in the Transportation Element, various segments of this road operate below normally acceptable traffic standards, primarily because the highway is a major route for traffic traveling from Lake County to Orlando.

This area includes many of the most historic structures of the City. These buildings and their historic context must be protected. At the same time, twenty-two percent of the total area of the Central Business District is vacant and several areas are underdeveloped. This provides tremendous potential for the City to allow infill development types. It will be one of the primary goals of the City to complete a study which will provide adequate means to determine the mixture of land uses and urban design guidelines necessary to renew this resource.

South Apopka

South Apopka has been designated as a Community Development Block Grant Target Area by Orange County. The portion that is within the City limits is available for Small City CDBG funding programs. The area has residential, commercial and industrial land uses which extend south of US 441, east of Bradshaw Road and extends south and east to the City limits. The county area includes the residential development just beyond the southern portion of the CRA area and the Central Business District.

Much of the development in this area was platted in the late nineteenth century. This area has a large minority population, low income and a high concentration of vacant and substandard housing units. Redevelopment of this area will be neighborhood- oriented to follow the policies of the Housing Element.

US 441 Corridor (Orange Blossom Trail)

This corridor extends through Apopka from the western area of Apopka in Plymouth to the southeast corner near the Seminole County line. This is the commercial and industrial corridor of Apopka, with direct access to the two major arterial roads in the City. Many of the uses along this corridor have been in existence since the incorporation of Apopka. This roadway is heavily traveled and, due to various deteriorating structures or outside open industrial storage, the redevelopment of the corridor is greatly needed.

Several factors contribute to the blight along the corridor, including a tremendous amount of traffic, outside storage of goods, a lack of continuity in setback and infill development, untended vacant lots, multiple five and six-way intersections, multiple driveway cuts in close proximity to each other, vacant and deteriorating structures, excessive and dilapidated signage, conflicting and competing land uses, and finally, jurisdictional changes (Apopka and Orange County).

The difference in land use and zoning development requirements between the City and the County can lead to various setbacks, design standards and code enforcement. These variations do not allow for consistent development of the corridor, and coordination between the two entities is needed. The City typically follows the practice of annexing property and designating the equivalent City land use category to that which it carries in Orange County. Annexation proposals are researched to allow for potential land use continuity along the corridor, which will help to promote more visually pleasing development.

SR 436/Semoran Boulevard Corridor

This corridor is experiencing similar conditions as those described along US 441; however, the magnitude is less extreme. SR 436/Semoran Boulevard is the main arterial road connecting Apopka to the Interstate (1-4) corridor and extends east from the downtown intersection of Main Street and US 441 to the Orange/Seminole County line (Line Drive). This corridor contains less industrial or heavy commercial types of use than that in the US 441 corridor and has developed as primarily commercial and office in nature and includes several business centers and shopping plazas. There are many existing buildings which are in need of renovation. Because this area lies within the City and County, it lacks consistency in design, setbacks and uses. Multiple driveway cuts pose a problem, but with the development of multi-tenant use areas, this situation has declined over the years.

ENTERPRISE ZONES

There are two Enterprise Zones located within the City of Apopka. These zones were established by the state and are targeted for economic revitalization. The Florida Enterprise Zone program offers financial incentives to businesses located in designated areas. These incentives are offered to encourage private investment in the zones, as well as employment opportunities for the area's residents. As part of this program, the City of Apopka encourages redevelopment of existing structures and development of new site developments, in accordance with the Apopka Development Design Guidelines.

South Apopka Enterprise Zone

This area is south of U.S. 441/Main St., east of Bradshaw, west of Sheeler Ave, and north of Cleveland Street. Portions of this zone are included in the CRA area and the Central Business District. Much of the property in this area was platted in the late nineteenth century. The residential portion of this zone is one of the lower income areas of the City and has a high concentration of vacant and substandard housing units. The commercial portion is part of the CRA area and is one of the targeted areas for the CDBG program and the Facade Renovation Grant Program. The South Apopka Enterprise Zone is approximately 2.1 square miles inclusive of both the Apopka city limits and the unincorporated areas.

Lake Apopka Enterprise Zone

This zone includes portions of the City of Apopka and unincorporated Orange County, with property uses ranging from agricultural to industrial. The area extends west from Plymouth-Sorrento Road and Binion Road to Lake Apopka, south and east of the Lake/Orange County line. The Lake Apopka Enterprise Zone encompasses 20.137 square miles of City and unincorporated county areas.

The Lake Apopka Redevelopment Area lies within the Lake Apopka Enterprise Zone and was established as part of the City of Apopka's Lake Apopka Redevelopment Plan. Chapter 373.461 (5), F.S. was established as part of the state's buyout of the muck farms around Lake Apopka. The statute specifies that proceeds from the sale of farm equipment are to be used to provide economic and infrastructure development assistance for northwest Orange County and Apopka, which have been "adversely affected economically". As part of the City's Lake Apopka Redevelopment Plan, an Impact Fee Trust Fund was created to fund the Impact Fee Incentive Program,

which can assist with the development of sites within the City limits of the Lake Apopka Enterprise Zone.

INCONSISTENT USES

The elimination or reduction of uses that are inconsistent with the City's character and proposed future land uses have traditionally been dealt with by: removal, if dilapidated, through the code enforcement process; or, by restrictions on the expansion or improvements for uses which are nonconforming to the zoning classification. The code enforcement process is most effective when used in conjunction with neighborhood development and redevelopment. Neighborhoods may be residential or commercial or a combination of uses. The concepts of neighborhood planning are more completely analyzed in the Housing Element. These same concepts will be used in commercial areas for elimination of blighted areas.

Any uses or areas that will be made non-conforming by adoption of the comprehensive plan will be precluded from either increasing the degree of non-conformity or from development of new non-conforming uses in the following manner:

1. Administrative rezoning for annexed properties shall be completed within one year after adoption of the associated comprehensive plan future land use amendment. No inconsistent use of land or a structure shall be substantially expanded nor be used as grounds for adding other structure or uses prohibited elsewhere in the same land use district; nor shall the inconsistent use of land or a structure be used as grounds for adding other structures or uses prohibited elsewhere in the same land use district.
2. The lot containing an inconsistent use shall not be enlarged, increased, or extended to occupy an area of land greater in size than existed at the effective date of adoption or amendment of this Comprehensive Plan.
3. No inconsistent use shall be moved in whole or in part to another parcel of land which shall create an inconsistent use on the parcel of land to which the use is moved. No additional structure which is not consistent with the requirements of this Comprehensive Plan shall be erected in connection with such inconsistent use of land.
4. The inconsistent use of a building or parcel shall not be reinstituted after the use has been discontinued for 180 days.
5. A single family residence that has been maintained as a non-conforming use for five years and held in the same, ownership, family ownership, family-inherited ownership or a combination of these ownerships, for at least 25 years may be enlarged or replaced if destroyed, with the stipulation that the enlargement or replacement shall not increase non conformance to land development codes. If a Final Development Plan associated with a

planned unit development (PUD) has not been approved by the City within three years after approval of the PUD master plan, the approval of the PUD master plan will expire. Additionally, if more than two years lapse between the Final Development Plan approval of any sequential phases of the PUD, the approval of the PUD master plan shall expire.

GREEN HOUSE GAS REDUCTION AND ENERGY CONSERVATION

Greenhouse gases (GHGs) are the gases in the atmosphere that trap heat. Carbon dioxide, methane, nitrous oxide, ozone and fluorinated gases are some of the most abundant GHGs in the atmosphere. Some of the GHGs, such as carbon dioxide, occur naturally in the atmosphere through natural processes and human activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The greenhouse gases that enter the atmosphere because of the human activities are listed below.

- Carbon Dioxide - Burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and also as a result of other chemical reactions (e.g., manufacture of cement).
- Methane - Production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.
- Nitrous Oxide - Agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.
- Fluorinated Gases (also known as High Global Warming Potential Gases) - Variety of Industrial processes.

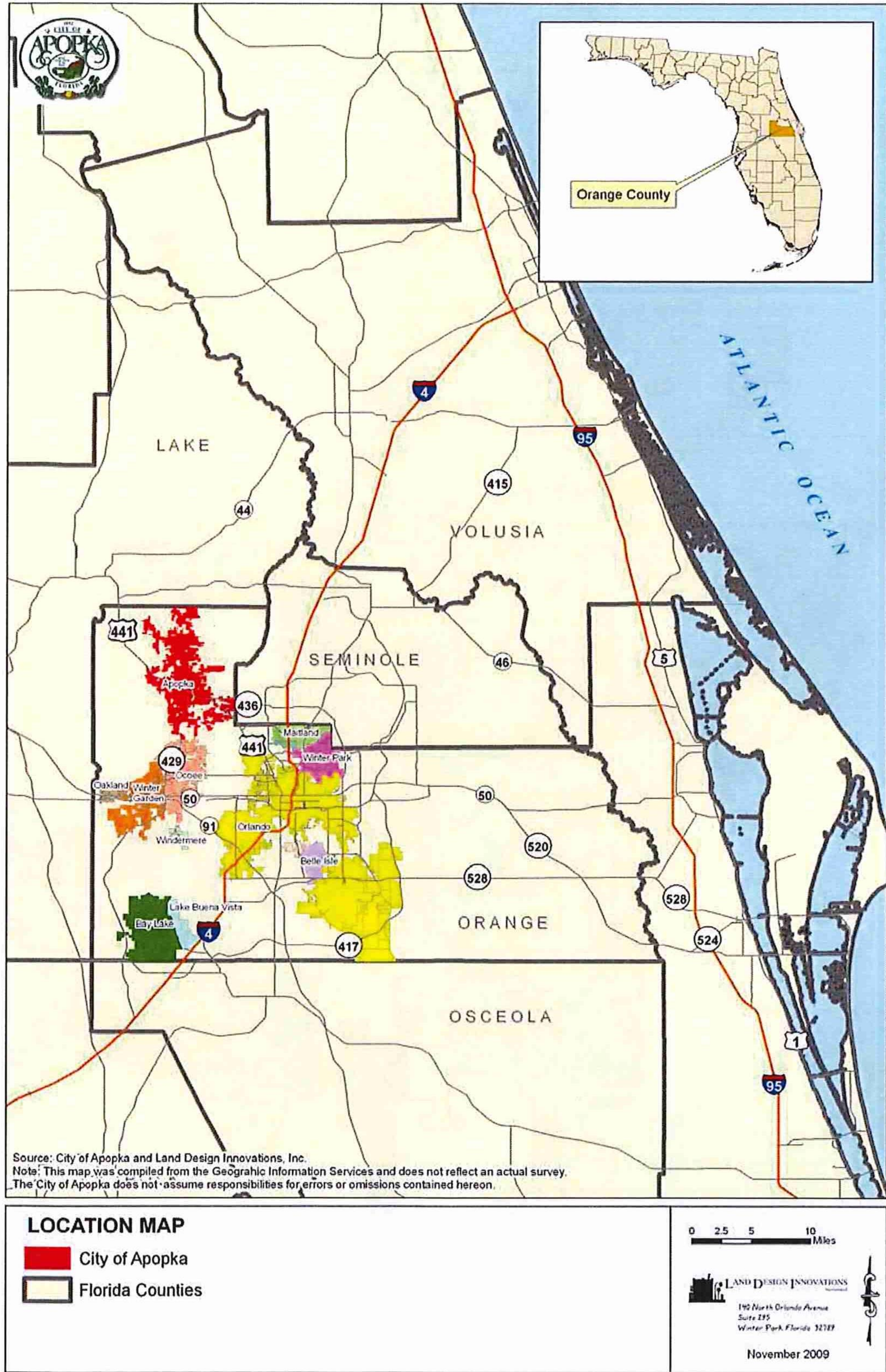
While greenhouse gases play a vital role in maintaining the necessary conditions for life on Earth, the rapidly increasing concentrations of these gases are causing a rise in global temperature - global warming. It is now apparent that the increasing atmospheric concentration of GHGs resulting from human activities is changing the climate in ways that pose serious risks to citizens' health, economy, and environment. To combat global warming, the Florida Legislature enacted House Bill 697 in its 2008 session. HB 697 amended Chapter 163, F.S. to address green house gas reduction and energy conservation through comprehensive plans. Chapter 163.31776(a), F.S., requires that the Future Land Use Element include greenhouse gas reduction strategies and energy efficient land use patterns, accounting for existing and future energy electric power generation and transmission systems.

The land use pattern plays a significant role in reducing vehicle miles travelled (VMT) and thus in reducing energy consumption and its associated GHGs emission. VMT can be reduced by promoting

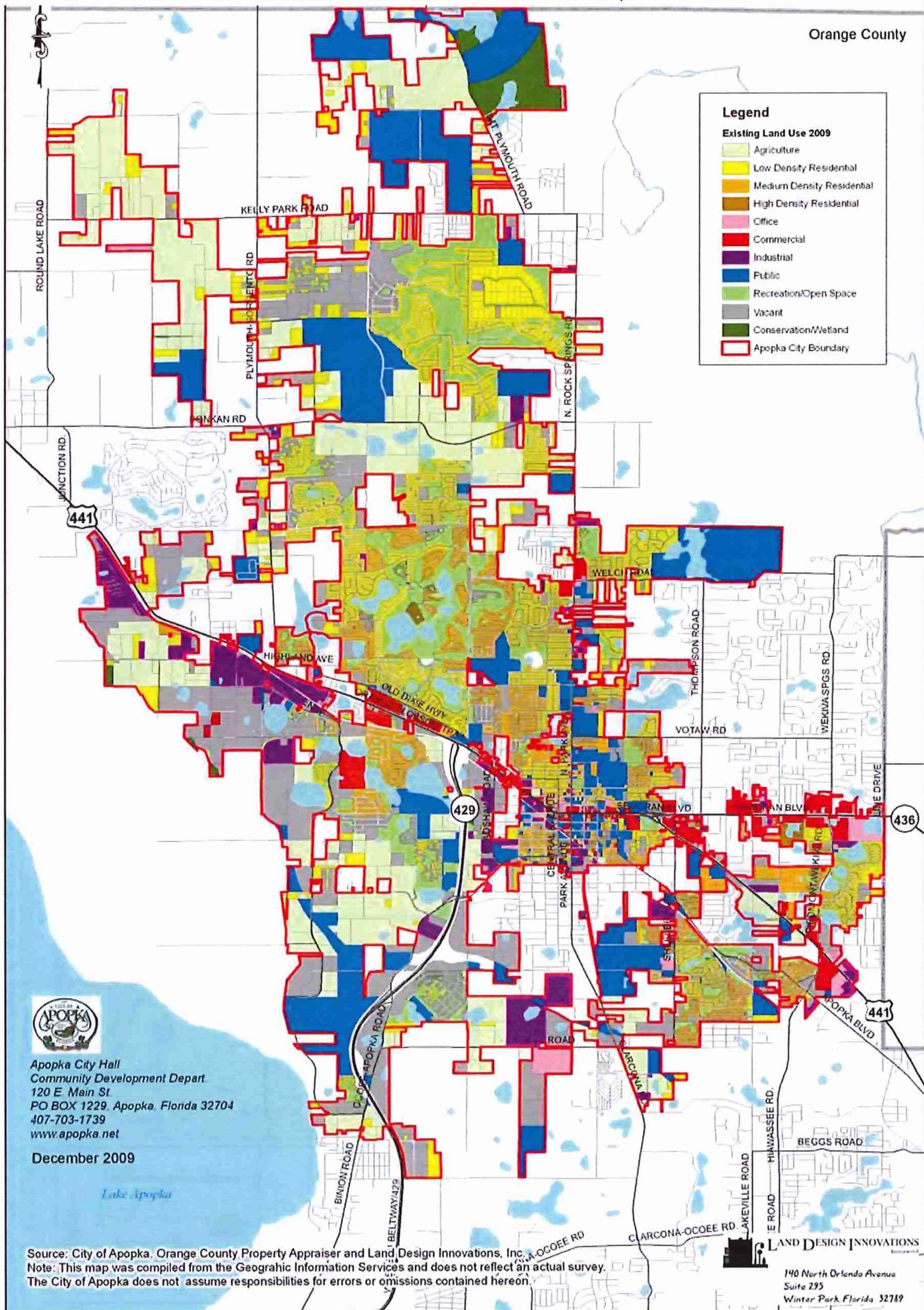
strategies such as compact development, high density development arranged to encourage pedestrians, bicycle and transit use, transit-oriented development and mixed-use development. The preservation of historic buildings and their adaptive reuse result in energy conservation. These buildings are typically closer to population centers and adaptive reuse generally involves lower impacts on natural resources than new construction. The use of "green" building standards, as opposed to conventional codes, results in energy conservation. In addition, protecting and enhancing green spaces provides natural carbon sinks in soils, vegetation and streambeds to mitigate carbon emissions.

Implementation of the City of Apopka's comprehensive plan goals, objectives and policies and enforcement of the land development regulations will reduce urban sprawl and VMT, encourage more mixed-use development in specific areas in the City, preserve green space and promote education of citizens in energy conservation measure and practices.

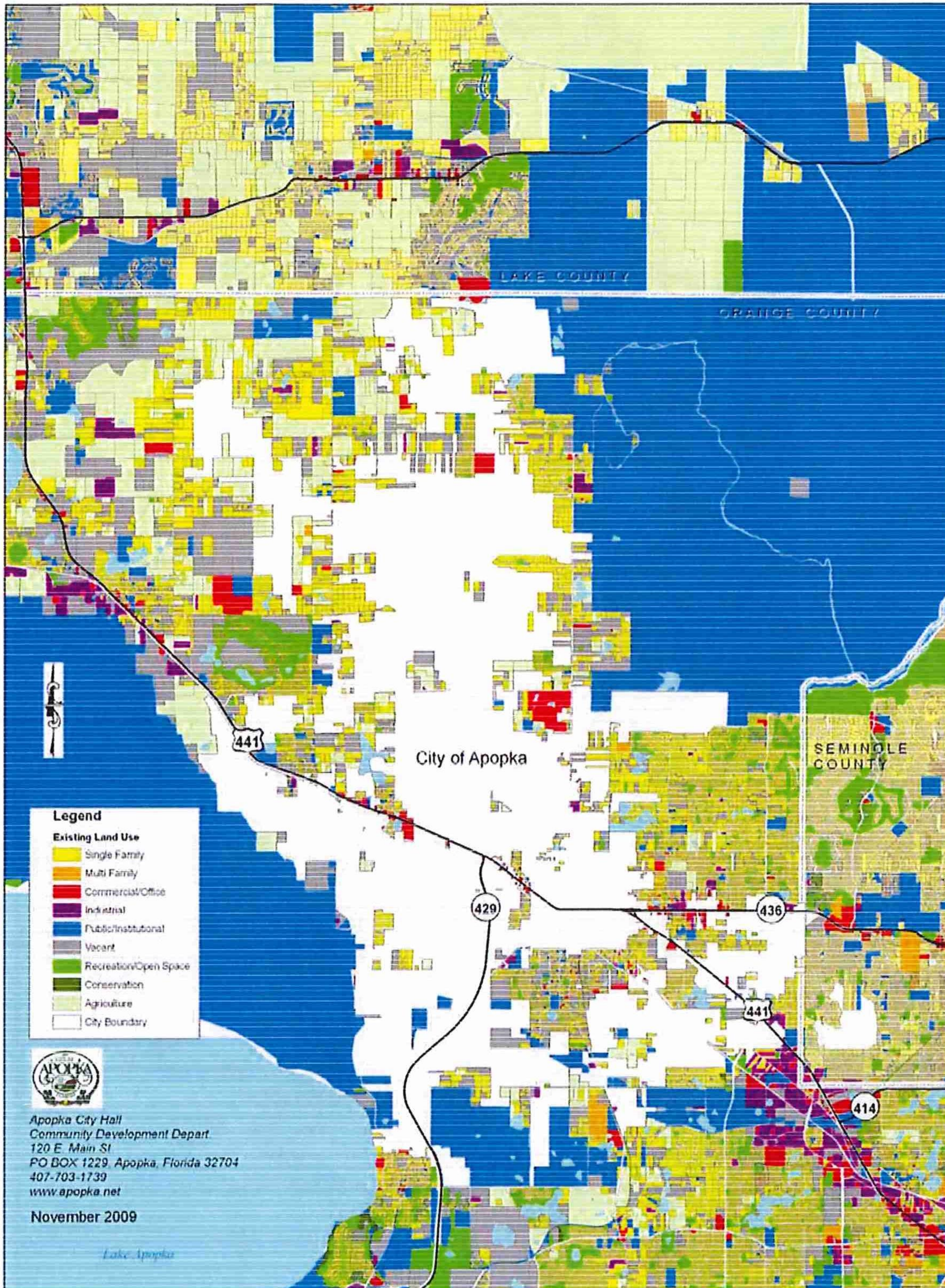
MAP 1-1: LOCATION MAP



MAP 1-2: CITY OF APOPKA EXISTING LAND USE, 2009

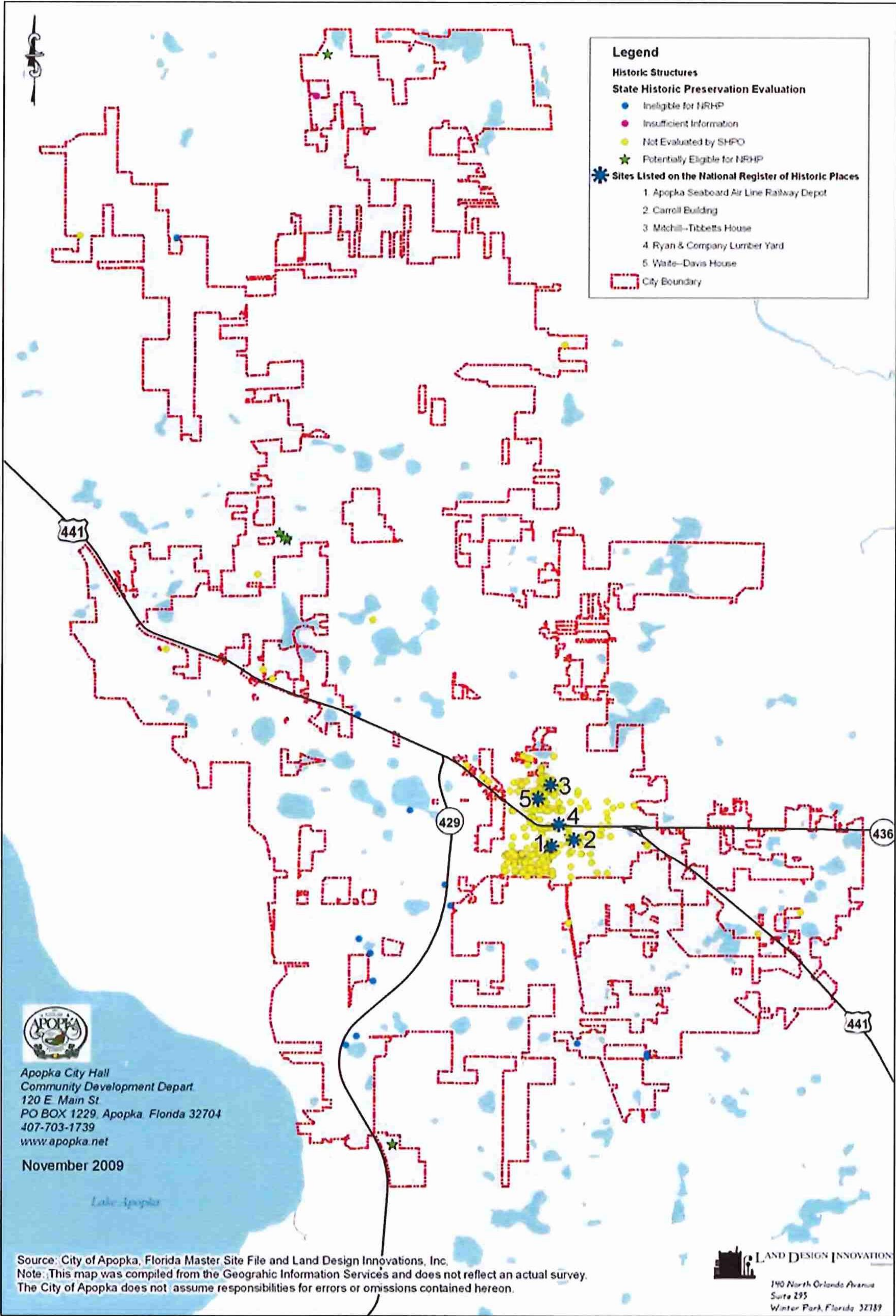


MAP 1-3: EXISTING LAND USE SURROUNDING APOPKA

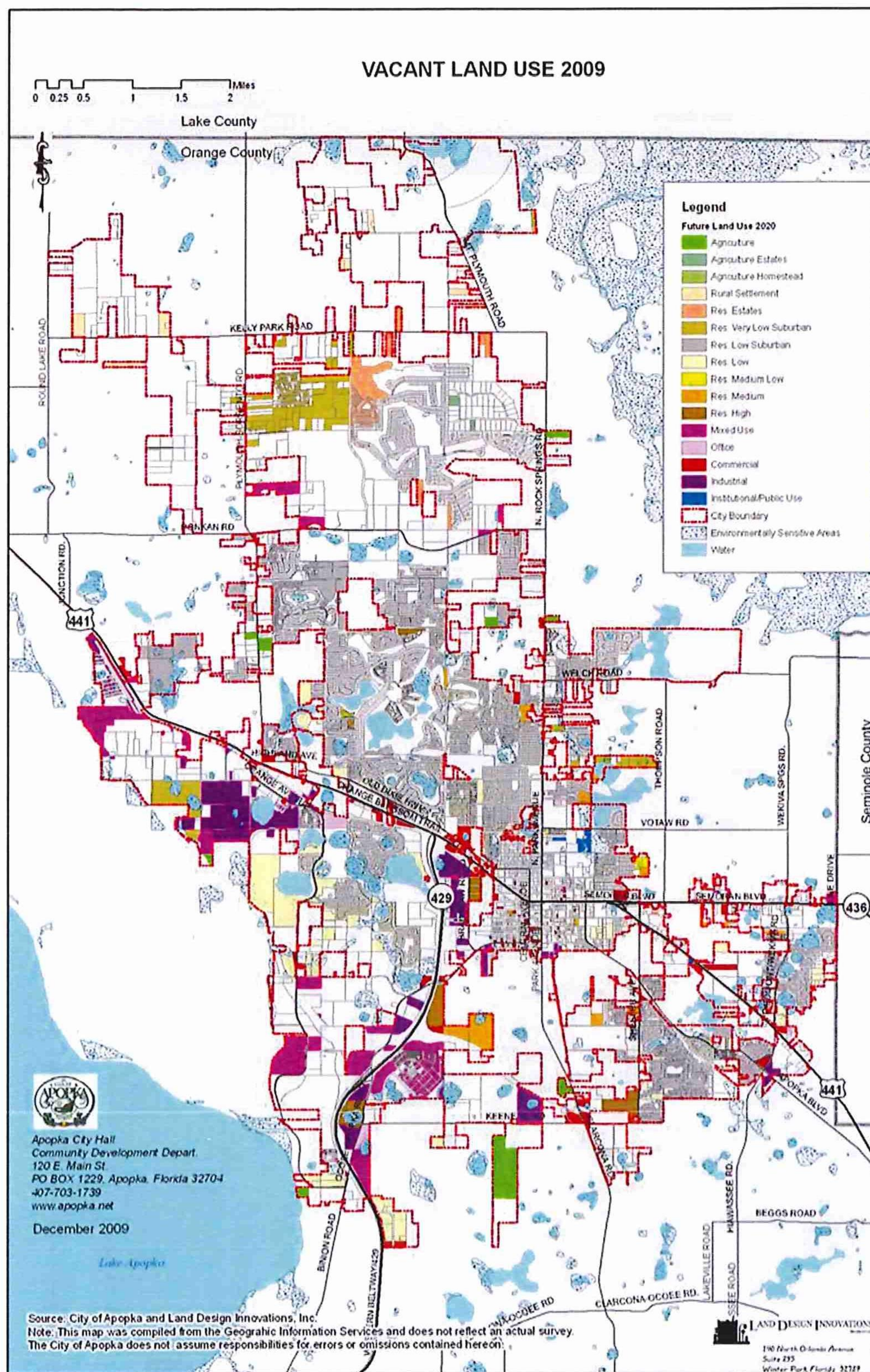


Source: City of Apopka, Orange County Property Appraiser, Lake County Property Appraiser, Seminole County Property Appraiser and Land Design Innovations, Inc.
Note: This map was compiled from the Geographic Information Services and does not reflect an actual survey.
The City of Apopka does not assume responsibilities for errors or omissions contained herein.

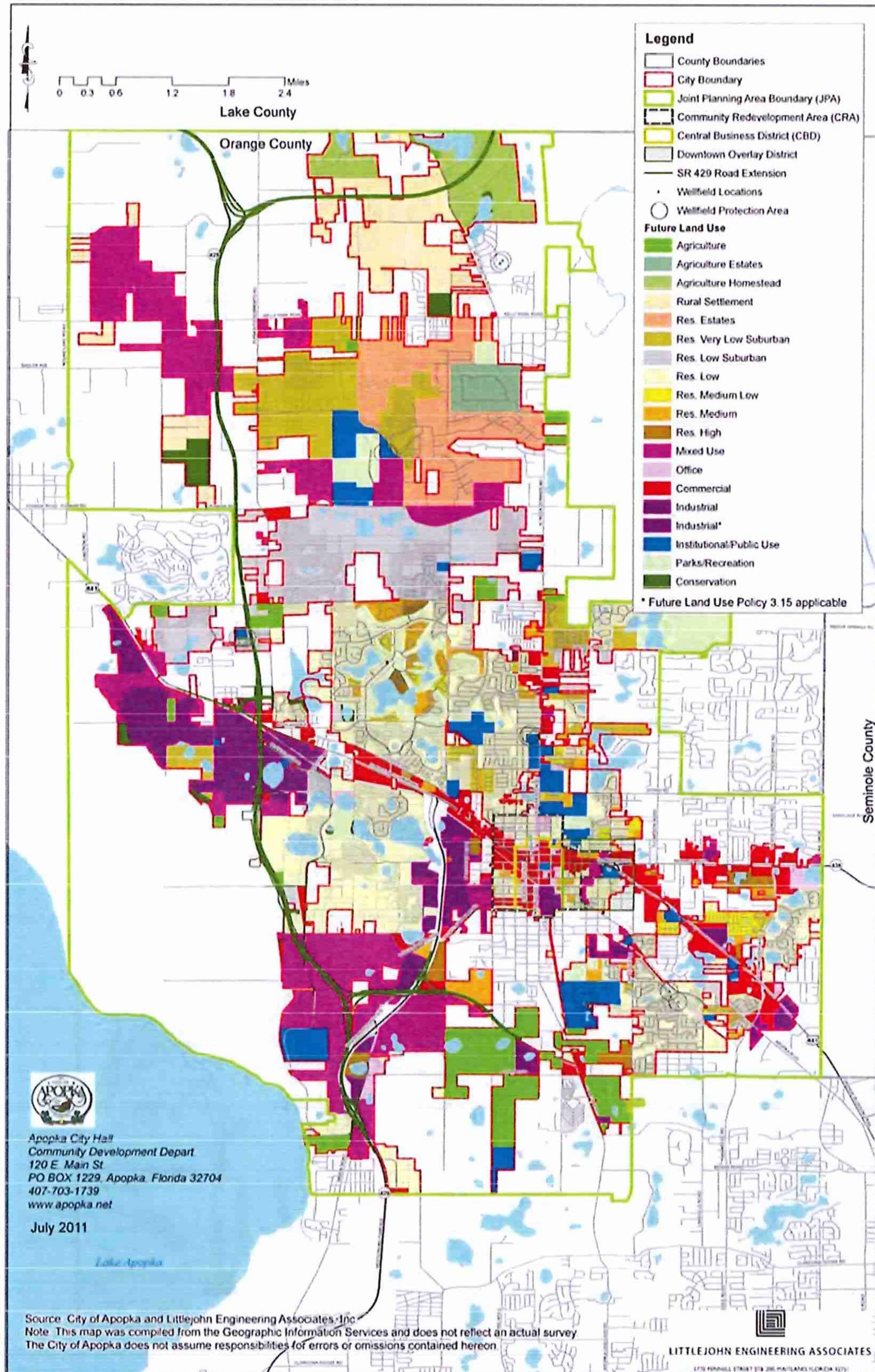
MAP 1-4: HISTORICAL AND CULTURAL RESOURCES MAP



MAP 1-5: VACANT LAND BY FUTURE LAND USE CATEGORY



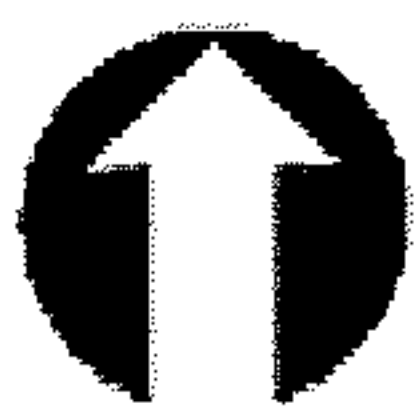
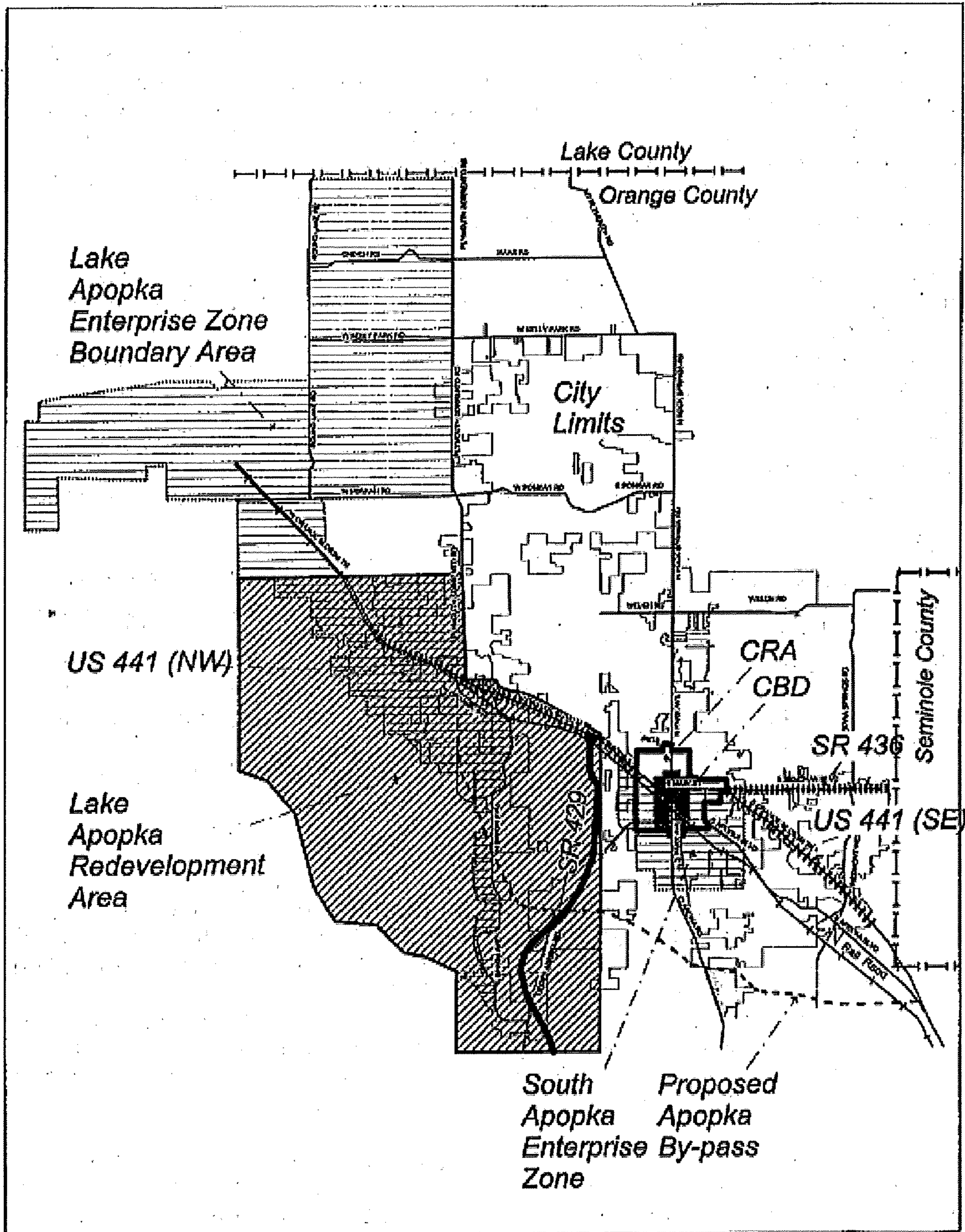
MAP 1-6: FUTURE LAND USE MAP, 2030



MAP 1-7: REDEVELOPMENT AREAS

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Prepared by: The Apopka Community Development Department - 2001



Scale: N.T.S.
Print Date: 6-30-01

REDEVELOPMENT AREAS ENTERPRISE ZONES



APPENDIX 1-1

INVENTORY OF HISTORIC BUILDINGS SURVEYED IN APOPKA

(The complete Historic Properties Survey, May 1992, is on file in the City of Apopka, Community Development Department)

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
2	447 South Alabama Avenue		Frame Vernacular	Private residence	Private residence
4	506 South Alabama Avenue	192	Colonial Revival	Private residence	Private residence
3	509 South Alabama Avenue	c. 1905	Frame Vernacular	Private residence	Private residence
13	918 South Alabama Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
30	1125 Apopka Boulevard	c. 1925	Frame Vernacular	Private residence	Private residence
33	2098 Apopka Boulevard	c. 1925	Bungalow	Private residence	Private residence
30	250 Cabel Lane	c. 1925	Bungalow	Private residence	Private residence
26	335 Carnation Court	c. 1925	Bungalow	Private residence	Private residence
5	11 North Central Avenue	c. 1924	Bungalow	Private residence	Private residence
5	38 North Central Avenue	c. 1924	Bungalow	Private residence	Private residence
5	141 North Central Avenue	c. 1924	Bungalow	Private residence	Private residence
6	204 North Central Avenue	c. 1890	Frame Vernacular	Private	Private

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
				residence	residence
274	231 North Central Avenue	c. 1925	Bungalow	Private residence	Private residence
273	245 North Central Avenue	c. 1925	Bungalow	Private residence	Private residence
272	253 North Central Avenue	c. 1925	Bungalow	Private residence	Private residence
50	5 South Central Avenue	1886	Frame Vernacular	Private residence	Private residence
49	22 South Central Avenue	c. 1900	Frame Vernacular	Private residence	Private residence
48	30 South Central Avenue	c. 1910	Frame Vernacular	Private residence	Private residence
46	107 South Central Avenue	c. 1900	Frame Vernacular	Private residence	Private residence
45	126 South Central Avenue	1925	Bungalow	Private residence	Private residence
43	140 South Central Avenue	c. 1919	Frame Vernacular	Private residence	Private residence
44	141 South Central Avenue	1912	Frame Vernacular	Private residence	Private residence
42	204 South Central Avenue	c. 1940	Frame Vernacular	Private residence	Private residence
82	406 South Central Avenue	1926	Masonry Vernacular	Commercial	Commercial
83	550 South Central Avenue	1924	Masonry Vernacular	Commercial	Commercial
111	612 South Central Avenue	c. 1915	Frame Vernacular	Private residence	Private residence
110	702 South Central Avenue	c. 1940	Frame Vernacular	Private residence	Private residence
108	816 South Central Avenue	c. 1940	Bungalow	Private residence	Private residence
97	1002 South Central Avenue	c. 1940	Shotgun	Private residence	Private residence
96	1012 South Central Avenue	c. 1940	Shotgun	Private residence	Private residence

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
95	1014 South Central Avenue	c. 1940	Shotgun	Private residence	Private residence
94	1016 South Central Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
93	1018 South Central Avenue	c. 1925	Bungalow	Private residence	Private residence
213	1150 South Central Avenue	c. 1925	Bungalow	Private residence	Private residence
214	1201 South Central Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
143	1186 South Clarcona Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
176	18 South Davis Court	c. 1940	Frame Vernacular	Private residence	Private residence
177	24 South Davis Court	c. 1940	Frame Vernacular	Private residence	Private residence
178	28 South Davis Court	c. 1940	Frame Vernacular	Private residence	Private residence
179	30 South Davis Court	c. 1940	Frame Vernacular	Private residence	Private residence
175	729 South Davis Court	c. 1940	Frame Vernacular	Private residence	Private residence
174	733 South Davis Court	c. 1940	Frame Vernacular	Private residence	Private residence
305	566 West Dixie Highway	c. 1925	Frame Vernacular	Private residence	Private residence
126	104 South Edgewood Avenue	c. 1925	Bungalow	Private residence	Private residence
125	155 South Edgewood Avenue	c. 1935	Colonial Revival	Private residence	Private residence
211	149 East Eighteenth Street	c. 1925	Bungalow	Private residence	Private residence
315	19 West Eighteenth Street	c. 19265	Frame Vernacular	Private residence	Private residence
172	13 East Eight Street	c. 1925	Frame Vernacular	Private residence	Private residence
170	26 East Eight Street	c. 1940	Shotgun	Private residence	Private residence
169	53 East Eight Street	c. 1940	Frame Vernacular	Private residence	Private residence
168	57 East Eight Street	c. 1940	Frame Vernacular	Private residence	Private residence
167	63 East Eight Street	c. 1940	Frame Vernacular	Private residence	Private residence
109	16 West Eight Street	c. 1915	Shotgun	Private residence	Private residence
219	74 West Eight Street	c. 1935	Bungalow	Private residence	Private residence
216	103 West Eight Street	c. 1935	Bungalow	Private residence	Private residence

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
217	110 West Eight Street	c. 1940	Frame Vernacular	Private residence	Private residence
227	131 West Eight Street	c. 1925	Frame Vernacular	Private residence	Private residence
228	134 West Eight Street	c. 1950	Frame Vernacular	Private residence	Private residence
247	250 West Eight Street	c. 1940	Frame Vernacular	Private residence	Private residence
92	31 East Eleventh Street	c. 1925	Frame Vernacular	Private residence	Private residence
149	122 East Eleventh Street	c. 1940	Frame Vernacular	Private residence	Private residence
206	344 East Fifteenth Street	c. 1935	Frame Vernacular	Private residence	Private residence
76	13 East Fifth Street	c. 1915	Frame Vernacular	Private residence	Private residence
17	210 East Fifth Street	1924	Frame Vernacular	Commercial	Commercial
18	223 East Fifth Street	c. 1925	Bungalow	Private residence	Private residence
47	1 East First Street	c. 1928	Masonry Vernacular	Private residence	Private residence
73	60 East First Street	c. 1932	Neoclassical	Private residence	Private residence
32	154 East First Street	c. 1920	Bungalow	Private residence	Private residence
127	242 East First Street	c. 1940	Bungalow	Private residence	Private residence
70	28 West First Street	c. 1920	Frame Vernacular	Private residence	Private residence
69	31 West First Street	c. 1900	Frame Vernacular	Private residence	Private residence
67	58 West First Street	c. 1915	Bungalow	Private residence	Private residence
68	61 West First Street	1902	Frame Vernacular	Private residence	Private residence
23	407 South Forest Avenue	c. 1925	Frame Vernacular	Commercial	Commercial
316	34 East Fourteenth Street	c. 1946	Log House	Private residence	Private residence
207	309 East Fourteenth Street	c. 1925	Bungalow	Private residence	Private residence
264	312 West Fourth Street	c. 1925	Bungalow	Private residence	Private residence
263	319 West Fourth Street	c. 1910	Frame Vernacular	Private residence	Private residence
262	320 West Fourth Street	c. 1900	Frame Vernacular	Private residence	Private residence
261	341 West Fourth Street	c. 1900	Frame Vernacular	Private residence	Private residence

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
137	906 South Georgia Avenue	c. 1910	Frame Vernacular	Private residence	Private residence
33	North Goodrich Avenue	1925	Bungalow	Private residence	Private residence
35	16 North Goodrich Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
34	17 North Goodrich Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
36	41 North Goodrich Avenue	c. 1935	Frame Vernacular	Private residence	Private residence
317	1725 West Harmon Road	c. 1920	Frame Vernacular	Private residence	Private residence
256	124 South Hawthorne Avenue	c. 1940	Frame Vernacular	Private residence	Private residence
257	306 South Hawthorne Avenue	c. 1925	Bungalow	Private residence	Private residence
258	308 South Hawthorne Avenue	c. 1925	Bungalow	Private residence	Private residence
307	16 North Highland Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
306	15 South Highland Avenue	c. 1925	Bungalow	Private residence	Private residence
130	120 South Highland Avenue	c. 1935	Frame Vernacular	Private residence	Private residence
128	143 South Highland Avenue	c. 1925	Bungalow	Private residence	Private residence
129	144 South Highland Avenue	c. 1920	Frame Vernacular	Private residence	Private residence
12	517 South Highland Avenue	1925	Bungalow	Private residence	Private residence
13	541 South Highland Avenue	c. 1923	Frame Vernacular	Private residence	Private residence
14	601 South Highland Avenue	1886	Gothic Revival	Private residence	Private residence
15	615 South Highland Avenue	c. 1925	Bungalow	Private residence	Private residence
134	1009 South Highland Avenue	c. 1940	Frame Vernacular	Private residence	Private residence
205	1328 South Highland Avenue	c. 1945	Frame Vernacular	Private residence	Private residence
204	1391 South Highland Avenue	c. 1940	Frame Vernacular	Private residence	Private residence
323	2491 West Highland Avenue	c. 1905	Frame Vernacular	Private residence	Private residence
322	2765 West Highland Avenue	1884	Frame Vernacular	Private residence	Private residence
321	2803 West Highland Avenue	c. 1925	Bungalow	Private residence	Private residence
319	2805 West Highland Avenue	c. 1925	Bungalow	Private residence	Private residence

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
320	2807 West Highland Avenue	c. 1925	Bungalow	Private residence	Private residence
209	156 East Hunt Street	c. 1946	Shotgun	Private residence	Private residence
271	260 North Lake Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
270	301 North Lake Avenue	1950	Neoclassical	Private residence	Private residence
66	23 South Lake Avenue	c. 1910	Frame Vernacular	Private residence	Private residence
71	148 South Lake Avenue	c. 1915	Frame Vernacular	Private residence	Private residence
254	506 South Lake Avenue	c. 1935	Shotgun	Private residence	Private residence
215	1126 South Lake Avenue	c. 1925	Bungalow	Private residence	Private residence
313	1317 South Lake Avenue	c. 1926	Bungalow	Private residence	Private residence
336	1402 South Lake Pleasant Road	c. 1925	Bungalow	Private residence	Private residence
327	1609 Lester Schopke Road	c. 1925	Bungalow	Private residence	Private residence
326	1901 Lester Schopke Road	c. 1925	Bungalow	Private residence	Private residence
135	920 South Little Avenue	c. 1935	Frame Vernacular	Private residence	Private residence
221	709 Lou-Ann Drive	c. 1940	Shotgun	Private residence	Private residence
222	719 Lou-Ann Drive	c. 1940	Frame Vernacular	Private residence	Private residence
223	727 Lou-Ann Drive	c. 1940	Frame Vernacular	Private residence	Private residence
224	735 Lou-Ann Drive	c. 1940	Frame Vernacular	Private residence	Private residence
226	742 Lou-Ann Drive	c. 1925	Frame Vernacular	Private residence	Private residence
225	743 Lou-Ann Drive	c. 1940	Frame Vernacular	Private residence	Private residence
56	19 East Magnolia Street	c. 1925	Bungalow	Private residence	Private residence
57	46 East Magnolia Street	c. 1940	Bungalow	Private residence	Private residence
38	127 East Magnolia Street	c. 1925	Frame Vernacular	Private residence	Private residence
37	131 East Magnolia Street	c. 1925	Frame Vernacular	Private residence	Private residence
63	75 West Magnolia Street	c. 1920	Frame Vernacular	Private residence	Private residence
279	142 West Magnolia Street	c. 1935	Frame Vernacular	Private residence	Private residence

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
278	145 West Magnolia Street	c. 1925	Bungalow	Private residence	Private residence
277	157 West Magnolia Street	1926	Bungalow	Private residence	Private residence
275	203 West Magnolia Street	c. 1925	Colonial Revival	Private residence	Private residence
81	30-34 East Main Street	c. 1921	Masonry Vernacular	Commercial	Commercial
80	38 East Main Street	1912	Masonry Vernacular	Commercial	Commercial
79	48 East Main Street	1923	Masonry Vernacular	Commercial	Commercial
77	65 East Main Street	c. 1932	Bungalow	Private residence	Commercial
78	72 East Main Street	1912	Masonry Vernacular	Commercial	Commercial
21	101 East Main Street	c. 1927	Masonry Vernacular	Commercial	Vacant
19	120 East Main Street	1924	Neoclassical	Education	Government
22	125 East Main Street	c. 1895	Colonial Revival	Private residence	Private residence
24	212 East Main Street	1922	Frame Vernacular	Commercial	Commercial
5	453 East Main Street	1859	Frame Vernacular	Commercial	Commercial
122	501 East Main Street	1903	Queen Anne	Private residence	Commercial
296	209 North Maine Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
295	224 North Maine Avenue	1941	Frame Vernacular	Private residence	Private residence
294	236 North Maine Avenue	c. 1935	Frame Vernacular	Private residence	Private residence
292	240 North Maine Avenue	c. 1925	Bungalow	Private residence	Private residence
293	241 North Maine Avenue	c. 1940	Frame Vernacular	Apartment	Apartment
291	252 North Maine Avenue	c. 1925	Bungalow	Private residence	Private residence
290	256 North Maine Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
289	301 North Maine Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
287	319 North Maine Avenue	c. 1935	Frame Vernacular	Private residence	Private residence
288	320 North Maine Avenue	c. 1935	Frame Vernacular	Private residence	Private residence
286	334 North Maine Avenue	c. 1925	Frame Vernacular	Private residence	Private residence

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
120	538 East Mason Street	c. 1925	Bungalow	Private residence	Private residence
119	603 East Mason Street	c. 1935	Frame Vernacular	Private residence	Private residence
118	709 East Mason Street	c. 1925	Frame Vernacular	Private residence	Private residence
117	723 East Mason Street	c. 1940	Frame Vernacular	Private residence	Private residence
114	817 East Mason Street	c. 1925	Frame Vernacular	Private residence	Private residence
121	10 South McGee Avenue	c. 1920	Bungalow	Private residence	Private residence
123	306 South McGee Avenue	c. 1910	Frame Vernacular	Private residence	Private residence
6	511 South McGee Avenue	c. 1905	Frame Vernacular	Private residence	Private residence
181	47 East Michael Gladden Boulevard	c.1940	Frame Vernacular	Private residence	Private residence
103	14 West Michael Gladden Boulevard	c. 1935	Frame Vernacular	Commercial	Commercial
102	22-24 West Michael Gladden Boulevard	c. 1934 (demo 4/20/01)	Frame Vernacular	Commercial	Commercial
237	31 West Michael Gladden Boulevard	c. 1935	Bungalow	Private residence	Private residence
105	32 West Michael Gladden Boulevard	c. 1905	Frame Vernacular	Private residence	Private residence
238	34 West Michael Gladden Boulevard	c. 1925	Frame Vernacular	Private residence	Private residence
240	38 West Michael Gladden Boulevard	c. 1925	Shotgun	Private residence	Private residence
241	40 West Michael Gladden Boulevard	c. 1925	Shotgun	Private residence	Private residence
104	41 West Michael Gladden Boulevard	c. 1935	Frame Vernacular	Private residence	Private residence
239	61 West Michael Gladden Boulevard	c. 1920	Frame Vernacular	Private residence	Private residence
242	70 West Michael Gladden Boulevard	c. 1925	Bungalow	Private residence	Private residence

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
243	71 West Michael Gladden Boulevard	c. 1920	Frame Vernacular	Private residence	Private residence
244	104 West Michael Gladden Boulevard	c. 1935	Bungalow	Private residence	Private residence
245	144 West Michael Gladden Boulevard	c. 1925	Frame Vernacular	Private residence	Private residence
246	170 West Michael Gladden Boulevard	c. 1925	Shotgun	Private residence	Private residence
248	270 West Michael Gladden Boulevard	c. 1940	Bungalow	Private residence	Private residence
11	425 South Midland Avenue	1926	Bungalow	Private residence	Private residence
9	510 South Midland Avenue	c. 1925	Bungalow	Private residence	Private residence
10	511 South Midland Avenue	1924	Bungalow	Private residence	Private residence
8	521 South Midland Avenue	1926	Frame Vernacular	Private residence	Private residence
124	481 East Monroe Street	c. 1895	Frame Vernacular	private residence	Private residence
115	801 East Monroe Street	c. 1940	Frame Vernacular	private residence	Private residence
116	813 East Monroe Street	c. 1935	Frame Vernacular	private residence	Private residence
269	139 West Myrtle Street	c. 1924	Frame Vernacular	private residence	Private residence
267	140 West Myrtle Street	c. 1925	Bungalow	Private residence	Private residence
268	152 West Myrtle Street	1926	Bungalow	Private residence	Private residence
283	222 North New Hampshire Avenue	c. 1925	Bungalow	Private residence	Private residence
284	242 North New Hampshire Avenue	c. 1925	Frame Vernacular	irate residence	Private residence
285	342 North New Hampshire Avenue	c. 1925	Bungalow	Private residence	Private residence
59	22 East Oak Street	c. 1925	Frame Vernacular	Private residence	Private residence
60	48 East Oak Street	c. 1940	Frame Vernacular	Private residence	Private residence
61	56 East Oak Street	c. 1940	Frame Vernacular	Private residence	Private residence
1	458 South Oakland Avenue	c. 1925	Frame Vernacular	Private residence	Private residence
282	397 West Old Dixie Highway	c. 1925	Bungalow	Private residence	Private residence

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
299	410 West Old Dixie Highway	c. 1925	Bungalow	Private residence	Private residence
300	412 West Old Dixie Highway	c. 1925	Frame Vernacular	Private residence	Private residence
301	414 West Old Dixie Highway	c. 1925	Bungalow	Private residence	Private residence
298	417 West Old Dixie Highway	c. 1925	Frame Vernacular	Private residence	Private residence
297	419 West Old Dixie Highway	c. 1925	Frame Vernacular	Private residence	Private residence
302	426 West Old Dixie Highway	c. 1925	Frame Vernacular	Private residence	Private residence
303	437 West Old Dixie Highway	c. 1925	Bungalow	Private residence	Private residence
324	2427 West Old Dixie Highway	c. 1925	Bungalow	Private residence	Private residence
51	21 East Orange Street	1887	Frame Vernacular	Private residence	Private residence
52	31 East Orange Street	c. 1890	Frame Vernacular	Private residence	Private residence
53	36 East Orange Street	c. 1910	Bungalow	Private residence	Private residence
65	45 East Orange Street	c. 1924	Bungalow	Private residence	Private residence
64	73 East Orange Street	c. 1891	Frame Vernacular	Private residence	Private residence
280	171 East Orange Street	c. 1925	Frame Vernacular	Private residence	Private residence
281	235 East Orange Street	c. 1925	Frame Vernacular	Private residence	Private residence
40	108 North Park Avenue	c. 1940	Minimal Traditional	Private residence	Private residence
39	116 North Park Avenue	c. 1935	Frame Vernacular	Private residence	Private residence
308	311 North Park Avenue	c. 1925	Bungalow	Private residence	Private residence
163	704 South Park Avenue	1925	Frame Vernacular	Private residence	Private residence
106	914 South Park Avenue	c. 1920	Frame Vernacular	Religious	Religious
107	950 South Park Avenue	c. 1925	Bungalow	Private residence	Private residence
212	1213 South Park Avenue	c. 1935	Frame Vernacular	Private residence	Private residence
208	1563 South Park Avenue	c. 1946	Bungalow	Private residence	Private residence
337	1121 Piedmont Wekiva Road	c. 1918	Frame Vernacular	Private residence	Private residence
333	750 Plymouth Sorrento Road	c. 1925	Bungalow	Private residence	Private residence

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
332	801 Plymouth Sorrento Road	c. 1920	Bungalow	Private residence	Private residence
330	1255 Plymouth Sorrento Road	c. 1925	Bungalow	Private residence	Private residence
331	1277 Plymouth Sorrento Road	1926	Bungalow	Private residence	Private residence
329	1680 Plymouth Sorrento Road	c. 1915	Frame Vernacular	Private residence	Private residence
188	157 Rand Court	C. 1940	Frame Vernacular	Private residence	Private residence
145	169 Rand Court	C. 1925	Bungalow	Private residence	Private residence
146	171 Rand Court	C. 1940	Bungalow	Private residence	Private residence
187	175 Rand Court	C. 1925	Frame Vernacular	Private residence	Private residence
147	179 Rand Court	C. 1940	Frame Vernacular	Private residence	Private residence
148	185 Rand Court	C. 1940	Frame Vernacular	Private residence	Private residence
90	813 South Robinson Avenue	c. 1920	Frame Vernacular	Private residence	Private residence
91	959 South Robinson Avenue	c. 1910	Frame Vernacular	Private residence	Private residence
199	1112 South Robinson Avenue	c. 1940	Frame Vernacular	Private residence	Private residence
200	1114 South Robinson Avenue	c. 1940	Frame Vernacular	Private residence	Private residence
197	1120 South Robinson Avenue	c. 1940	Frame Vernacular	Private residence	Private residence
198	1166 South Robinson Avenue	c. 1945	Frame Vernacular	Private residence	Private residence
325	2251 Rogers Road	c. 1935	Frame Vernacular	Private residence	Private residence
41	42 East Second Street	c. 1930	Bungalow	Private residence	Private residence
26	134 East Second Street	c. 1923	Bungalow	Private residence	Private residence
27	153 East Second Street	c. 1925	Bungalow	Private residence	Private residence
29	157 East Second Street	1926	Bungalow	Private residence	Private residence
28	164 East Second Street	c. 1920	Bungalow	Private residence	Private residence
30	167 East Second Street	c. 1925	Bungalow	Private residence	Private residence
31	168 East Second Street	1924	Frame Vernacular	Private residence	Private residence
112	60 West Second Street	c. 1920	Frame Vernacular	Private residence	Private residence

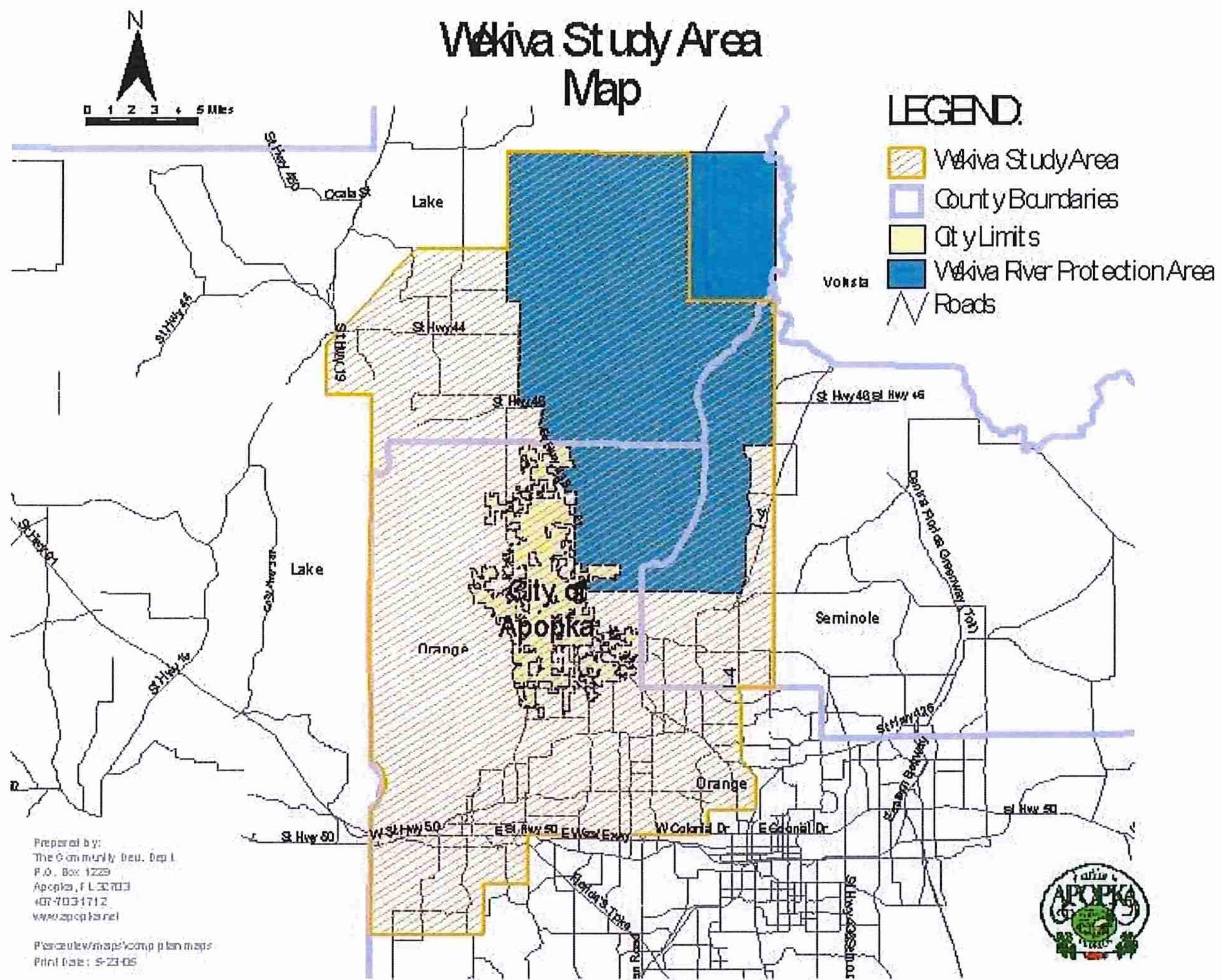
Record No.	Address	Date (Circa)	Style	Original Use	Present Use
72	77 West Second Street	c. 1940	Frame Vernacular	Private residence	Private residence
265	115 West Second Street	c. 1920	Frame Vernacular	Private residence	Private residence
255	214 West Second Street	c. 1935	Frame Vernacular	Private residence	Private residence
311	232 West Seventh Street	c. 1925	Shotgun	Private residence	Private residence
310	236 West Seventh Street	c. 1920	Frame Vernacular	Private residence	Private residence
166	58 East Seventh Street	c. 1940	Frame Vernacular	Private residence	Private residence
164	133 East Seventh Street	c. 1924	Frame Vernacular	Private residence	Private residence
87	224 East Seventh Street	c. 1905	Frame Vernacular	Private residence	Apartment
88	235 East Seventh Street	c. 1925	Frame Vernacular	Private residence	Private residence
89	247 East Seventh Street	1924	Frame Vernacular	Private residence	Private residence
133	312 East Seventh Street	c. 1925	Frame Vernacular	Private residence	Private residence
132	318 East Seventh Street	c. 1940	Frame Vernacular	Private residence	Private residence
131	412 East Seventh Street	c. 1900	Frame Vernacular	Private residence	Private residence
250	32 West Seventh Street	c. 1945	Frame Vernacular	Private residence	Private residence
249	225 West Seventh Street	c. 1925	Bungalow	Private residence	Private residence
203	203 East Sixteenth Street	c. 1935	Frame Vernacular	Private residence	Private residence
86	160 East Sixth Street	c. 1924	Frame Vernacular	Private residence	Private residence
16	217 East Sixth Street	c. 1924	Frame Vernacular	Private residence	Private residence
7	359 East Sixth Street	1924	Frame Vernacular	Private residence	Private residence
113	804 East Sixth Street	c. 1925	Bungalow	Private residence	Private residence
251	36 West Sixth Street #4	c. 1925	Frame Vernacular	Private residence	Private residence
252	48 West Sixth Street	c. 1940	Frame Vernacular	Private residence	Private residence
251	220 West Sixth Street	c. 1935	Bungalow	Private residence	Private residence
74	312-316 South Central Avenue	1925	Mediterranean Revival	Commercial	Commercial
75	404-406 South Central Avenue	1927	Mediterranean Revival	Private residence	Private residence

Record No.	Address	Date (Circa)	Style	Original Use	Present Use
20	407-409 South Park Avenue	1932	Masonry Vernacular	Physicians Office	Museum
173	737-739 South Davis Court	c. 1940	Frame Vernacular	Private residence	Private residence
338	1192 St. Francis Place	c. 1915	Colonial Revival	Private residence	Private residence
84	31A East Station Street	c. 1940	Frame Vernacular	Private residence	Private residence
85	36 East Station Street	1918	Frame Vernacular	Depot	Vacant
202	413 East Tenth Street	c. 1945	Frame Vernacular	Private residence	Private residence
101	7 West Tenth Street	c. 1925	Frame Vernacular	Private residence	Private residence
100	17 West Tenth Street	c. 1940	Shotgun	Private residence	Private residence
236	24 West Tenth Street	c. 1940	Frame Vernacular	Private residence	Private residence
99	37 West Tenth Street	c. 1940	Shotgun	Private residence	Private residence
98	40 West Tenth Street	c. 1940	Shotgun	Private residence	Private residence
233	45 West Tenth Street	c. 1920	Frame Vernacular	Private residence	Private residence
232	121 West Tenth Street	c. 1950	Frame Vernacular	Private residence	Private residence
231	203 West Tenth Street	c. 1950	Frame Vernacular	Private residence	Private residence
25	221 East Third Street	c. 1930	Frame Vernacular	Storage	Storage
142	127 East Thirteenth Street	c. 1925	Shotgun	Private residence	Private residence
141	229 East Thirteenth Street	c. 1925	Frame Vernacular	Private residence	Private residence
138	303 East Thirteenth Street	c. 1925	Frame Vernacular	Private residence	Private residence
139	308 East Thirteenth Street	c. 1940	Frame Vernacular	Private residence	Private residence
190	309 East Thirteenth Street	c. 1940	Frame Vernacular	Private residence	Private residence
140	324 East Thirteenth Street	c. 1940	Frame Vernacular	Private residence	Private residence
144	135 East Twelfth Street	c. 1925	Frame Vernacular	Private residence	Private residence
195	209 East Twelfth Street	c. 1935	Frame Vernacular	Private residence	Private residence
192	230 East Twelfth Street	c. 1935	Frame Vernacular	Private residence	Private residence
318	1665 U.S. Highway 441	c. 1915	Frame Vernacular	Private residence	Private residence

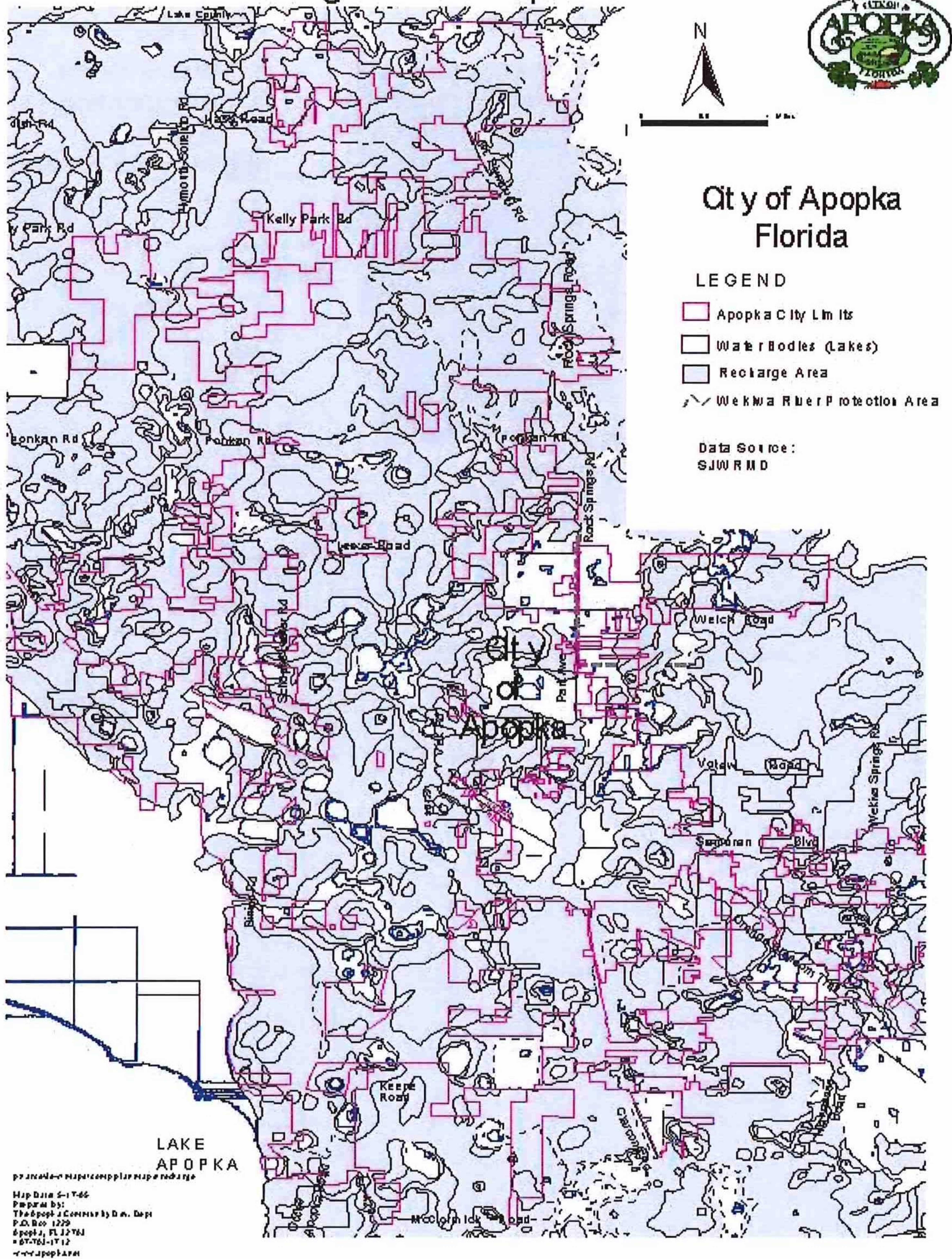
Record No.	Address	Date (Circa)	Style	Original Use	Present Use
328	1907 Vick Road	c 192	Bungalow	Privat residenc	Privat residenc
334	1122 Votaw Road	. 5	Fram Vernacula	e	e
229	742 South Washington Avenue	c 192	e	Privat residenc	Privat residenc
312	1314 South Washington Avenue	. 5	Fram Vernacula	e	e
		c 193		e	e

APPENDIX 1-2

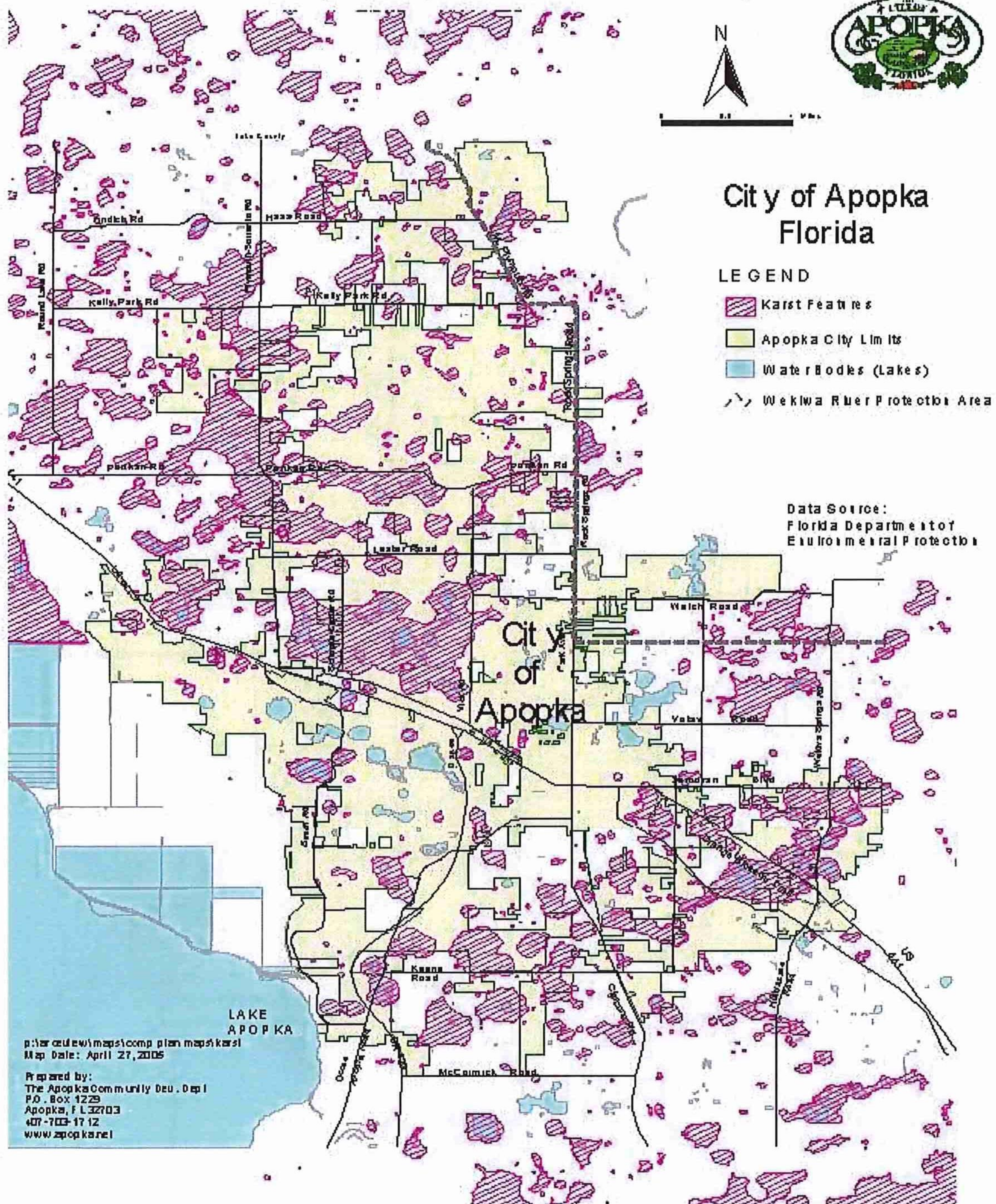
FUTURE LAND USE OVERLAY MAPS



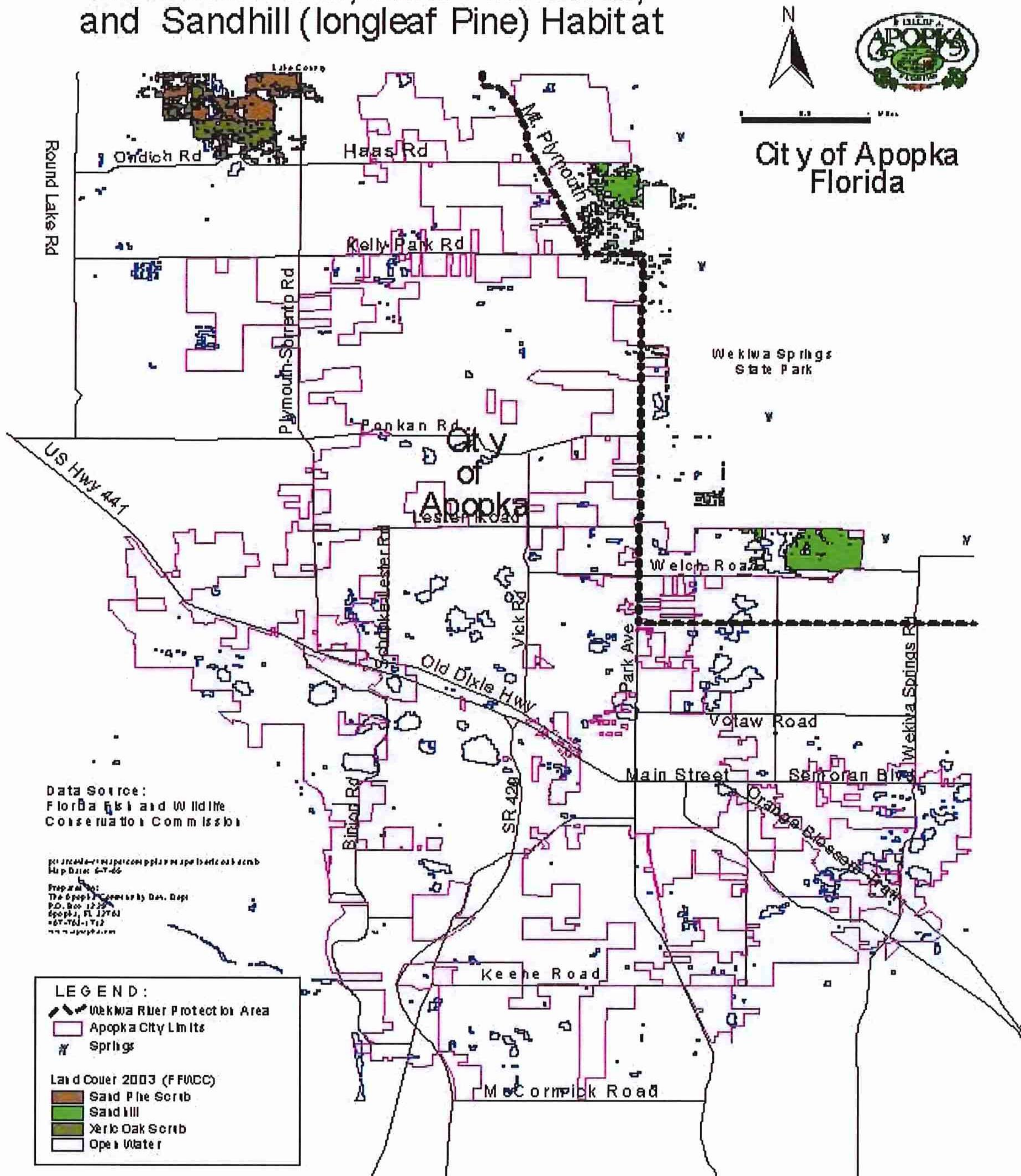
Recharge Area Map



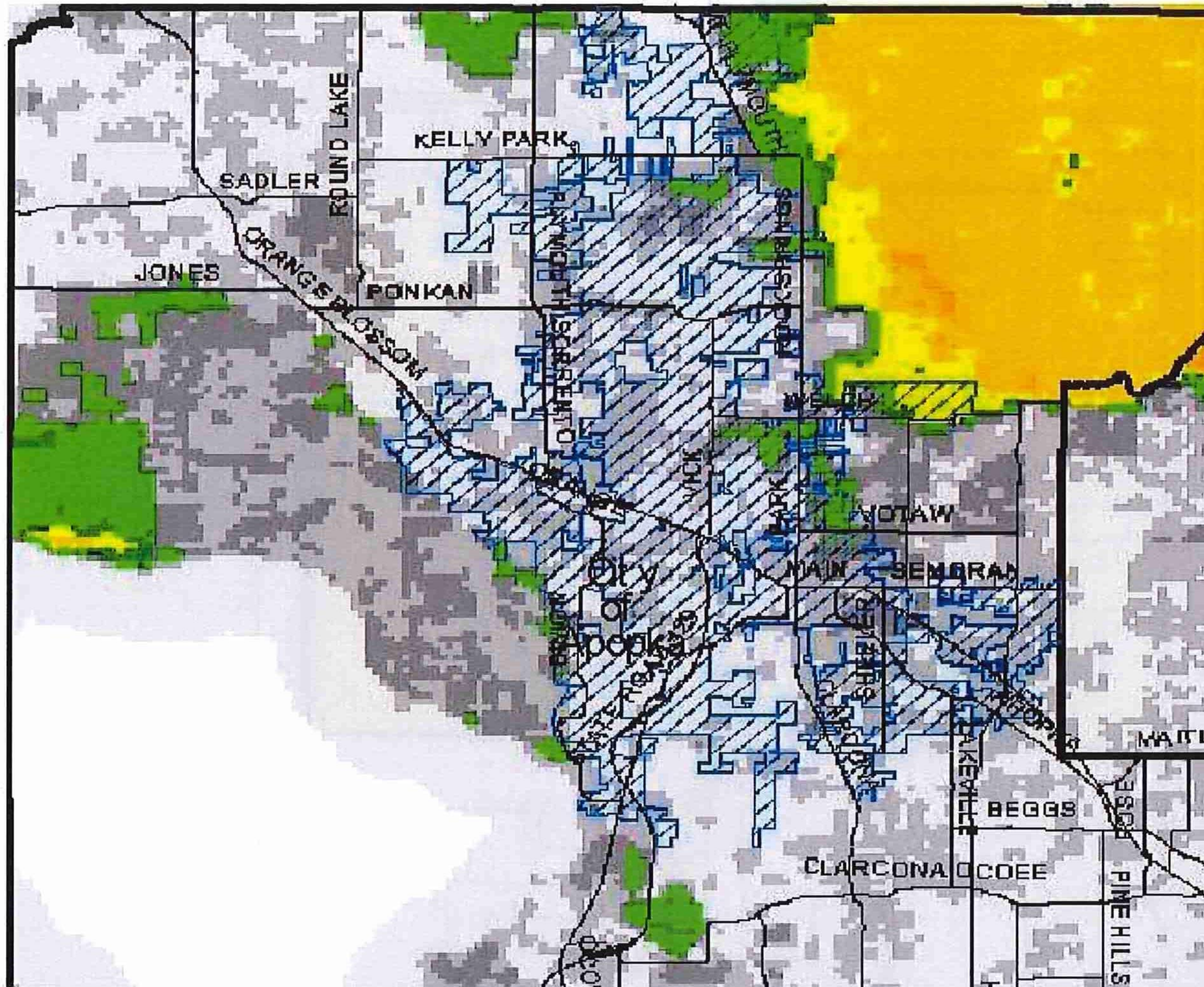
Karst Topography Features Map



Xeric Oak Scrub, Sand Pine Scrub, and Sandhill (longleaf Pine) Habitat



Wekiva Basin Integrated Wildlife Habitat Ranking System



This map depicts the suitability of habitat areas on a rating scale with a ranking of 1-10. The rating 10 being the most suitable/most important.

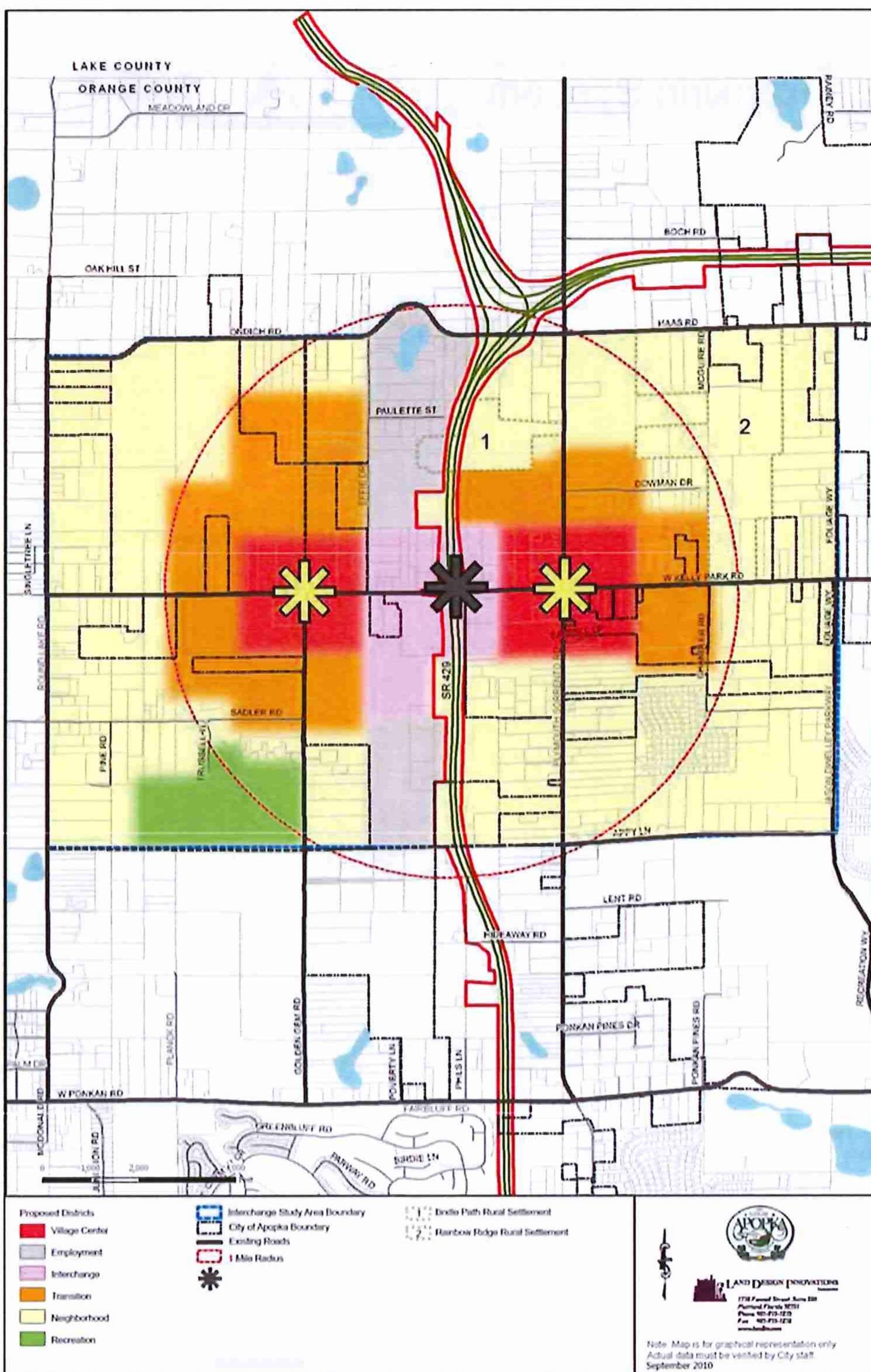
City of Apopka Florida

Data Source:
Florida Fish and Wildlife
Conservation Commission

p:\arcsw\maps\comp plan maps\habitatranking
Map Date: April 25, 2005

Prepared by:
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WEKIVA PARKWAY INTERCHANGE VISION PLAN



Character district boundaries are illustrative only. See Policy 20.5 for additional information.

APPENDIX 1-3

POPULATION AND DEMOGRAPHICS

In order to plan for the future needs of the residents of the City of Apopka it is important to define the demographics and how the population trends are anticipated to change over time. The historic, present and future demographic compositions of the City are described in this section.

Population estimates and projections are required for each municipality submitting comprehensive plans in compliance with Chapter 163 of the Florida Statutes, and Rule 9J-5 of the Florida Administrative Code. Chapter 9J-5.005(2)(e), F.A.C., requires that the comprehensive plan be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections shall be either those provided by the University of Florida, Bureau of Economics and Business Research, those provided by the Executive Office of the Governor; or shall be generated by the local government.

The City of Apopka has selected to prepare its own estimates and projections for the comprehensive plan. The projections were calculated through the planning horizon, up to the year 2030, to more accurately depict future growth. Natural increase is generally the most significant factor in population growth in a short-term context (e.g. five to ten year time frame); over a longer time period, net migration becomes the dominant factor influencing population change. Net migration is the difference between in-migration and out-migration relative to a given geographic area under study.

This report contains the estimates and projections and a description of the methodologies utilized to generate the figures.

Population estimates and projections are essential for the various elements that comprise the comprehensive plan, including land use, housing, recreation and the various infrastructure related elements. Estimates and projections have been calculated using approved Florida Department of Community Affairs data sources and projection methods.

HISTORIC POPULATION TRENDS: 1960-1990

Table P-1 illustrates the historic population growth between 1965 and 2000. Between 1960 and 1970, 467 residents were added, reflecting a 1.31 percent increase. The City has demonstrated a consistent record of significant growth since 1970. From 1970 to 1980 the City grew from 4,045 to 6,019 by adding 1,974 residents,

or a 48.8 percent increase. This ten-year period reflected a 4.9 percent annual increase which occurred during a period of recession which severely affected the largest Planned Unit Development in Apopka. The change between 1980 and 1990 represented an increase of 7,579 to a total of 13,611 people. This increase was more than 126 percent.

The Apopka community had captured 2.01 percent of Orange County's population by 1990, up from only 1.36 in 1960, 1.17 percent in 1970, 1.27 percent in 1980. Apopka's rate of growth from 1960 to 1970 lagged behind the County's but from 1970 to 1980 increased at a faster rate than did the county.

The rate of growth for Apopka has continued to accelerate since 1970. The 2000 U.S. Census provided the City of Apopka with continued proof that Apopka was growing at an extremely fast pace. The City added 13,031 residents from 1990 to 2000, or a 95.7 percent increase. Apopka's share of Orange County's population jumped from 2.0 percent to 3.0 percent and was confirmed as the fastest growing city in Orange County - the second largest city in Orange County behind Orlando.

Recent Population Trends 2000-2009

The City has continued to experience steady population growth since the 2000 Census. According to population estimates published by the University of Florida Bureau of Business and Economic Research (BEBR), the population grew 30 percent from 2000 to 2005 to a population of 34,801 and increased its share of Orange County's population from 3.0 percent to 3.3 percent. **Table P-1** illustrates recent population growth, based on BEBR population estimates. Apopka's has been steadily increasing its size through annexations every year, and this trend is expected to continue through 2030, resulting in the continued increase of its population.

POPULATION PROJECTION TECHNIQUES

Alternative population forecasts for Apopka to the year 2030 were performed using four curve fitting/extrapolation techniques and three shift-share approaches. The extrapolation techniques were applied based upon the City's historical population data. The shift-share approach assumes that the growth of the City is directly related to the growth of the County.

Curve Fitting/Extrapolation Techniques

Curve fitting/extrapolation techniques rely on professionally accepted mathematical formulas to project growth (or decline) trends, as revealed by historic population data, into the future. Four types of extrapolation techniques were used to forecast the City's population:

Linear- Linear projections forecast a constant rate of population growth (or decline) in terms of additional (or fewer) residents; as a result, the relative population change in terms of percentage increase (or decrease) diminishes over time.

Geometric - Geometric projections forecast a constant relative increase in population over time; as a result, the absolute population increase (or decrease), in terms of additional residents, increases over time.

Parabolic - Parabolic projections tend to forecast population growth (or decline) at an increasing rate over time, both in absolute and relative terms; as a result, the parabolic technique usually produces a significantly higher net change in population than the geometric or linear techniques.

Shift-Share Forecast

The shift-share forecast approach, a variation of the historic population trend forecast, was also performed using three of the four techniques identified above. The shift-share approach assumes that the growth of a community is directly related to the growth of a region. This approach forecasts a community's share of the region's growth into the future using historic population share rates. The forecasted share rates are applied to the region's forecasted population to derive the community's forecasted population.

Evaluation of Forecasts

The results of the population forecasts using the three techniques based on **historic** trends are shown in **Table P-2**. As shown in this table, the 2030 forecasts vary from a low of approximately 47,250 using the linear historic trend technique to a high of approximately 143,300 using the geometric trend technique.

Table P-2 also shows population forecasts using three **shift-share** techniques: linear, geometric and parabolic. The 2030 forecasts vary from approximately 79,070, using the linear shift-share method to approximately 141,070 using the parabolic shift-share approach.

Of the three shift-share scenarios, the parabolic shift-share forecast seems to better reflect the expected future growth trend.

The alternative forecasts scenarios prepared for Apopka were evaluated to determine the most likely forecast, based upon the following characteristics.

Evaluation Statistics

The appropriateness of each extrapolation technique, from a mathematical perspective, can be determined using evaluation statistics. Evaluation statistics measure the extent to which a given extrapolation technique corresponds to the historic population data. Two evaluation statistics were used to evaluate the City's population projections:

(1) Coefficient of Relative Variation (CRV)

The CRV is an input evaluation statistic. As such, it compares the underlying trends in the historic data to the assumed trend for each extrapolation technique. The more closely the extrapolation technique matches the historic data, the lower the CRV. **Table P-2** shows the corresponding CRV for each method used. The geometric historic trend had the lowest CRV, followed by the linear historic trend.

(2) Mean Absolute Percentage Error (MAPE)

The MAPE is an output evaluation statistic. The MAPE compares the underlying trends of the historic data to the forecasted trend for each extrapolation technique. The more closely the forecasted trend of a given extrapolation technique matches the historic pattern, the lower the MAPE. **Table P-2** shows the corresponding MAPE for each method used. The parabolic shift-share forecast had the lowest MAPE with the parabolic historic trend forecast next lowest. The linear historic trend forecast deviates the most from matching historic data trends.

Recommended Population Forecast

Permanent Population

At the time the population projections were prepared, the City was experiencing continued growth. However, in the past few years the City has a slow in growth due to the economic climate that is being experienced state-wide. Therefore, in order to reflect the slow down in growth, the population projections are being adjusted. This adjustment was done by comparing the 2010 projections with a recent estimate (2009 BEBR estimate plus units approved between 2009 and 2010) and noticing that the estimate accounted for approximately 88 percent of the population projection. All future projections were adjusted accordingly. The recommended forecast is shown in **Table P-1**. Forecasts developed by the Florida Housing Data Clearinghouse (University of Florida, Shimberg Center for Affordable Housing) are included for comparison purposes.

Seasonal Population

Based on historical growth, projections were calculated for the years through 2030. Seasonal population is not anticipated to greatly impact Apopka during the planning horizon, as approximately 1,200 seasonal residents (based on 455 additional seasonal dwelling units) are anticipated between the years 2010 and 2030. The seasonal population was added to the permanent population, as required by the State, for the purpose of calculating future public service and infrastructure.

TABLE P-1: APOPKA HISTORICAL POPULATION AND POPULATION PROJECTIONS

Year	Actual Apopka Pop (BEBR)	Shimberg Center Forecast	Orange County	Apopka Actual Share of County Population	Linear Forecast		Geometric Forecast		Parabolic Forecast		Adjusted Forecast
					Apopka Share	Apopka Population	Apopka Share	Apopka Population	Apopka Share	Apopka Population	
1965	3,812		302,200	1.30%							
1970	4,045		344,311	1.20%							
1975	5,265		424,552	1.20%							
1980	6,019		471,016	1.30%							
1985	7,935		554,659	1.40%							
1990	13,611		677,491	2.00%							
1995	18,449		758,962	2.40%							
2000	26,642		896,344	3.00%							
2005	34,801		1,043,437	3.30%							
2010		43,862	1,139,864		3.30%	37,481	3.60%	40,474	4.10%	47,177	41,983
2015		52,601	1,299,015		3.60%	46,321	4.10%	53,084	4.90%	64,000	56,953
2020		60,998	1,437,418		3.80%	55,248	4.70%	67,602	5.80%	83,481	74,289
2025		68,785	1,636,255		4.10%	67,434	5.40%	88,563	6.80%	110,960	98,743
2030		76,260	1,797,582		4.40%	79,074	6.20%	111,973	7.80%	141,070	125,538

Note: 1965 population is an estimate

Source: University of Florida, Bureau of Business and Economic Research (BEBR)
Orange County Population Source: 1965 - 2005 = BEBR Estimates
2010 - 2030 = Orange County's Population Projection (Website)

TABLE P-2: EVALUATION OF ALTERNATIVE FORECASTS

Characteristic	Population Trend Forecast			Shift-Share (Apopka to Orange County) Forecast		
	Linear	Geometric	Parabolic	Linear	Geometric	Parabolic
Assumptions	Apopka's population increases at a constant rate; relative growth rate diminishes over time.	Apopka's population increases at an increasing rate; relative growth rate remains constant over time.	Apopka's population increases at an increasing rate; relative growth rate increases over time.	Population growth in Apopka is a function of population growth in Orange County.		
Evaluation Statistics						
Coefficient of Relative Variation (CRV)	0.79	0.49	1.48	0.91	0.97	3.38
Mean Absolute Percentage Error (MAPE)	22.84	10.33	8.20	15.66	10.34	4.43
2030 Population Forecast	47,250	143,300	96,640	79,070	111,970	141,070
% Change from existing (2005)	35.8%	311.8%	177.7%	127.2%	221.7%	305.4%
Total Change from existing (2005)	12,450	108,500	61,840	44,270	77,170	106,270
Average Annual Growth Rate (2005 - 2030)	1.2%	5.8%	4.2%	3.3%	4.8%	5.8%

MAPE Value: Mean absolute percentage error (also known as MAPE) is measure of accuracy in a fitted time series value in statistics, specifically trending. It usually expresses accuracy as a percentage for various experiments. The lesser the MAPE value, the more accurate the projections.

CRV - The lower the value, the more accurate the projections.

Source: Land Design Innovations, 2009

FUTURE LAND USE ELEMENT

GOALS, OBJECTIVES AND POLICIES

GOAL 1

Ensure that the character and location of new and redeveloped land uses maximize the economic benefit to the land; complement the environmental and historic resources; and meet the housing and service needs of the current and projected population.

Objective 1

The City of Apopka shall review and amend its Land Development Regulations to ensure provisions are included which provide that infill development, redevelopment and new development proposals are appropriate to the topography, soil conditions and the availability of facilities and services.

Policy 1.1

New development or redevelopment must meet the adopted levels of service for public facilities as established by the Apopka Comprehensive Plan.

Policy 1.2

The public facilities that are needed to serve future development shall be provided by the applicant seeking a development permit and/or the City, in a timely manner that is concurrent with development.

Policy 1.3

Private or public electric utilities needed to support the future land use categories may be permitted by right or as a special exception in all land use designations.

Policy 1.4

Development will be encouraged in areas with excess capacities for public facilities, and discouraged in areas with deficient capacities for public facilities unless these facilities can be provided concurrently with development and adopted levels of service.

Policy 1.5

Public facilities and utilities shall be located to consider maximizing the efficiency of services provided, minimize their costs and minimize their impacts upon the natural environment.

Policy 1.6

The City of Apopka shall require property which is within the Utility Service Area, adjacent to the city limits and receiving city sewer, and/or water, to annex, and properties which will receive said services but which are not adjacent to the city limits, but within the Utility Service Area, shall file a deed of encumbrance to annex when the property becomes contiguous to the city limits.

Policy 1.7

The City of Apopka shall continue to require compensating storage for all flood water displaced by development below the elevation of the base 100-year flood and require the finished floor elevation of all inhabitable structures be located 1-foot above the base 100-year flood elevation.

Policy 1.8

The City of Apopka shall require all development which receives city water or sewer services to annex immediately following the time at which the property becomes contiguous to the Apopka City limits.

Policy 1.9

The Apopka Land Development Code shall include criteria for joint access and the distance which a curb cut must be from intersections, for all road classifications.

Policy 1.10

The City of Apopka shall protect the functionality and integrity of controlled access roadways as higher volume through-traffic corridors through the development of an adequate arterial and collector support system, as designated on the Future Transportation Map series.

Policy 1.11

The City of Apopka shall restrict direct access to arterial roads when access via another facility can be provided.

Policy 1.12

Residential neighborhoods shall be designed to include an efficient system of internal circulation and street stub-outs, when appropriate, to connect adjacent developments and link neighborhoods.

Policy 1.13

The City of Apopka shall work to consolidate and reduce the number of curb cuts in commercial areas through such methods as vehicular cross access agreements.

Policy 1.14

The Apopka Land Development Regulations shall include drainage standards which are based on lot coverage data specific to Apopka.

Policy 1.15

An assessment shall be made at the time of any and all Comprehensive Plan land use amendments of the soil conditions and topography of the subject property and the ability of the soils and topography to support the proposed density/intensity and land uses.

Policy 1.16

An analysis of proposed development and redevelopment based on recommendations, deemed appropriate by the City of Apopka, shall be contained in any existing or future hazard mitigation reports.

Policy 1.17

The City of Apopka shall coordinate existing and future land use water supply planning with all applicable governmental agencies, including municipal, county and regional plans, and St. Johns River Water Management District and the Florida Department of Environmental Protection.

Objective 2

The City shall continue to utilize state and federal funds, as applicable, to assist in revitalization of commercial, housing and infrastructure improvements to redevelop slum or blighted areas when such grants or monies become available.

Policy 2.1

The City shall utilize the terms "Slum Area" and "Blighted Area" as defined in 163.340, Florida Statutes.

Policy 2.2

The City's Redevelopment Plan shall be utilized, and updated on an annual basis during the budgetary process. The plan identifies funding mechanisms and sources which can be used in underutilized commercial and residential areas and addresses the use of tax increment financing, tax and benefit assessment districts, public-private joint ventures, and utility fees and utility districts.

Policy 2.3

A Redevelopment Advisory Board shall be established and utilized as a means to gain input from the public for redevelopment issues throughout the City.

Policy 2.4

Annexations of properties adjacent to S.R. 436 and U.S. 441 shall include an analysis of the redevelopment of declining adjacent or on-site strip commercial areas and recommendations shall be made to identify alternatives to existing development.

Policy 2.5

The City of Apopka shall implement the recommendations of the parking study for the Central Business District and the Community Redevelopment Area, which investigated municipal-owned parking facilities, joint use/shared facilities and provisions for pedestrians in a phased timeline beginning in 2011.

Policy 2.6

The City shall continue to implement the requirements of the CRA Design Guidelines and the City of Apopka Development Design Guidelines in the Central Business District and the CRA area as well as throughout the City.

Policy 2.7

The City shall encourage building preservation and development in the Central Business District which are based on historic

character of the area through the use of the CRA Design Guidelines and enforcement of the City of Apopka Development Design Guidelines.

Policy 2.8

The City shall utilize regional drainage facilities where available which can provide off-site retention for development and redevelopment in the Central Business District and CRA area.

Policy 2.9

The City of Apopka Community Redevelopment Plan for the Community Redevelopment Area shall preserve the mixture of uses necessary to promote the historic character and function of the area.

Policy 2.10

The City of Apopka shall complete an Economic Development Study to facilitate the development of new employment bases for Apopka residents by December 2011.

Policy 2.11

By December 2013, the City shall conduct a small area master plan study of the Central Business District that will establish general guidelines to promote the new development and redevelopment of properties within this area.

Policy 2.12

As part of the Central Business District small area master plan, the City shall address the following components within the study:

- An analysis of whether to expand the boundaries of the Central Business District
- Promoting and maintaining a viable and healthy mixture of uses to include: office, retail, residential and civic
- Protecting the historic resources of the area
- Determining what infrastructure improvements need to be made to increase development and redevelopment potential
- Encouraging quality architectural design through development incentives
- Encouraging pedestrian oriented development and urban design features

- Incorporating relevant findings of the Redevelopment Implementation Plan

Policy 2.13

By July 2014, the City shall update the Land Development Code to implement the Central Business District small area master plan.

Objective 3

The City of Apopka shall implement the Future Land Use Map and discourage the proliferation of urban sprawl by promotion of land uses which are consistent with its character and that are coordinated with planned and proposed regional and local transportation and other public facilities.

Policy 3.1

Each Future Land Use Map classification shall have a permitted primary use or uses and permitted secondary support uses. Secondary support uses shall require a special exception review or permit issued through the Planned Unit Development process. All special exceptions shall be accompanied by a site plan. The Planned Unit Development process is a form of performance zoning which may be applied to any land use category and is designed to provide the following:

1. provide an alternate method of land development not available within the framework of other zoning districts to special projects which merit such treatment;
2. allow the development of sites that would normally be difficult to develop due to topography, soils, or other site-specific features;
3. promote the most compatible, beneficial use to adjoining neighborhoods;
4. preserve significant environmental, topographical or natural features;
5. allow a variety of housing types;
6. accommodate mixed uses;
7. offer a maximum amount of open space and recreational amenities;

8. prevent urban sprawl through the use of infill development and maximum use of existing public facilities currently in place.

Planned Unit Development may not be pursued simply as a means to circumvent traditional zoning requirements within the Land Development Code.

Policy 3.1.a

Agriculture Estate

The primary designation of this land use category shall be single-family dwelling units not to exceed one unit per two acre or less (1du/2ac) designed to facilitate a definite agriculture component, supporting infrastructure and public facilities sites of less than two acres; elementary schools and middle schools.

Special exception uses shall include:

- 1) Institutional uses of two acres or less
- 2) High schools
- 3) Supporting infrastructure and public facilities of two acres or more
- 4) Horticultural nurseries as a primary use

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

Policy 3.1.b

Residential Estate

The primary use shall be single family dwelling units up to 1 dwelling unit per acre, supporting infrastructure and/or public facilities of less than two acres; elementary schools and middle schools.

Special exception uses shall include:

- 1) Institutional uses of two acres or less
- 2) High schools
- 3) Supporting infrastructure and public facilities of two acres or more
- 4) Horticultural nurseries as a primary use

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

Policy 3.1.c

Very Low Density Suburban Residential

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

Special exception uses shall include:

- 1) Institutional uses of five acres or less
- 2) High schools
- 3) Supporting infrastructure and public facilities of two acres or more
- 4) Horticultural nurseries as a primary use;

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

Policy 3.1.d

Low Density Suburban Residential

The primary use shall be residential dwelling units up to 3.5 dwelling units per acre, elementary schools; middle schools, high schools; supporting infrastructure of less than two acres, neighborhood parks.

Special exception uses shall include:

- 1) Institutional uses of five acres or less
- 2) Supporting infrastructure and public facilities of two acres or more
- 3) Horticultural nurseries as a primary use;

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

Policy 3.1.e

Low Density Residential

The primary use shall be residential dwelling units up to 5 dwelling units per acre, elementary schools; middle schools, high schools; supporting infrastructure of less than two acres, neighborhood parks.

Special exception uses shall include:

- 1) Institutional uses of five acres or less
- 2) Supporting infrastructure and public facilities of five acres or more
- 3) Horticultural nurseries as a primary use;

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely

internalized within the PUD.

- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

Policy 3.1.f

Low-Medium Density Residential

The primary use shall be residential dwelling units up to 7.5 dwelling units per acre, elementary schools; middle schools, high schools; supporting infrastructure of less than five acres, neighborhoods.

Special exception uses shall include:

- 1) Institutional uses of ten acres or less
- 2) Supporting infrastructure and public facilities of five acres or more
- 3) Horticultural nurseries as a primary use;

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Neighborhood commercial uses at a rate not in excess of 50 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

Policy 3.1.g

Medium Density Residential

The primary use shall be residential dwelling units up to 10 dwelling units per acre, elementary schools; middle schools, high schools; supporting infrastructure of less than five acres.

Special exception uses shall include:

- 1) Institutional uses of ten acres or less;
- 2) Supporting infrastructure and public facilities of more than five acres;
- 3) Horticultural nurseries as a primary use;

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Retail commercial uses at a rate not in excess of 50 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

Policy 3.1.h (amended May 6, 2020, Ord. No. 2747)

High Density Residential

(new language - underscore; deleted language - strike-through)

i. High Density Residential - 15 (HDR-15)

The primary use shall be residential dwelling units up to 15 dwelling units per acre; elementary schools; middle schools, high schools; supporting infrastructure of less than five acres.

Special exception uses shall include:

- (1) Institutional uses of ten acres or less;
- (2) Supporting infrastructure and public facilities of five acres or more;
- ~~(3) Horticultural nurseries as a primary use;~~

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Retail commercial uses at a rate not in excess of 50 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

ii. High Density Residential - 25 (HDR-25)

The primary use shall be residential dwelling units with a minimum of 15 units per acre up to a maximum of 25 dwelling units per acre; elementary schools; middle schools, high schools; supporting infrastructure of less than five acres. The HDR-25 Designation may only be assigned to properties

located within the geographical areas delineated within Maps 1-1.a to 1-1.d. through a Future Land Use Map Amendment. Properties assigned the HDR-25 Designation must have access to a collector or arterial road, or planned as a component of a pedestrian-oriented, mixed-use master plan with internal "complete street" connectivity. Only properties located inside an HDR-25 edibility area, as delineated in Maps 1-1.a to 1-1.d, are eligible to be assigned this designation through a Future Land Use Map amendment.

Special exception uses shall include:

- (1) Institutional uses of ten acres or less;
- (2) Supporting infrastructure and public facilities of five acres or more;
- ~~(3) Horticultural nurseries as a primary use;~~

Planned Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) Retail commercial uses at a rate not in excess of 50 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods.

Policy 3.1.i

Commercial

Primary uses shall be for business, commerce, and convenience shopping which may be neighborhood or community oriented. The maximum floor area ratio shall be .25 gross floor area. Institutional land uses of less than five acres; and public facilities or utilities of less than five acres.

The expansion of strip commercial areas shall be prohibited except in infill areas.

Special exception uses shall include:

- 1) Institutional land uses of five acres or more
- 2) Elementary schools, middle schools and high schools
- 3) Supporting infrastructure and public facilities of five acres or more

Planned Unit Development uses may include:

- 1) All primary land uses
- 2) All special exception uses
- 3) Multifamily development of up to fifteen dwelling units per acre, when located within a primary use structure
- 4) Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

Policy 3.1.j

Office

Primary uses shall be for business and professional offices or institutional land uses with a maximum floor area ratio of .30 gross floor area. Public facilities or utilities of less than five acres shall also be primary uses.

Special exception uses shall include:

- 1) Commercial land uses may be permitted at a rate of 25 square feet of gross floor area ratio per 1,000 square feet of office building
- 2) Elementary schools, middle schools, and high schools, supporting infrastructure and public facilities of five acres or more

Planned Unit Development uses may include:

- (1) All primary land uses
- (2) All special exception uses
- (3) Single family or multi-family residential development at a maximum density of 15 units per acre, when located in a primary use structure
- (4) Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

Policy 3.1.k

Central Business District Overlay

The primary intent of the Central Business District overlay zone shall be to encourage business, commerce, and convenience shopping which shall conform to the historical intent and context of the Central Business District. The maximum floor area ratio shall be 2.0. No historic structure shall be made nonconforming.

Special exception uses for all designated land uses shall include:

- (1) Following a review to ensure compatibility and crime prevention through environmental design, the mixed use of commercial/office/residential structures shall be permitted.
- (2) All special exception uses permitted in the underlying land use classification.

Planned Unit Development uses may include:

- (1) All primary land uses
- (2) All special exception uses
- (3) All Planned Development uses allowed in the underlying land use classification
- (4) Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.

Policy 3.1.1

Industrial

The primary use shall be industrial, intensive commercial, agricultural and business/research parks. Also allowed are public facilities and supporting infrastructure. The use of the Planned Unit Development process shall be encouraged. The maximum floor area ratio shall be .60.

Planned Unit Development uses may include:

- (1) All primary uses
- (2) Other uses deemed compatible with and complimentary to the other proposed master planned uses and the surrounding neighborhoods.
- (3)

Policy 3.1.m

Agricultural

The primary designation of this land use category is any agricultural land use and, particularly, horticultural nurseries or greenhouses and residential dwelling units not to exceed one unit per five acres.

Greenhouses of less than five acres may be permitted as a secondary use in all future land use categories after a special exception review for compatibility.

Special exception uses allowed:

- 1) Elementary schools; middle schools, high schools

Policy 3.1.n

Parks/Recreation

Public and private recreation sites are the primary land use in this category. Public recreation sites shall be permitted by right or by special exception in all future land use categories. Commercial recreation shall be permitted in the commercial land use category. The maximum floor area ratio shall be .20.

Special exception uses shall include:

Elementary schools; middle schools, high schools

Policy 3.1.o

Conservation

Conservation land uses are designated on the Future Land Use Map, and shall serve as a conceptual indicator of conservation and wetland areas. If the area or a portion of an area designated as Conservation on the map is determined not to be a wetland based on actual wetland delineation by the applicant, the Future Land Use Map designation shall be consistent with the remainder of the parcel. A formal Future Land Use Map amendment shall not be required to change the Future Land Use Map designation under the above circumstances. Residential land uses will be permitted at a density of one dwelling unit per twenty acres in any conservation area.

Policy 3.1.p

Institutional/Public Use

Primary uses shall include public buildings and facilities. Existing public buildings and facilities and public education sites may be designated as institutional on the FLUM.

The maximum floor area ratio allowed in the Institutional/Public Use category shall be 0.30 for single story buildings and 0.50 for multi-story buildings.

Policy 3.1.q

Community Redevelopment Area Overlay District

The primary intent of the Community Development Overlay District shall be to encourage the development of residential and business and commerce uses consistent with the city's Community Redevelopment Plan as adopted and administered by the City's Community Redevelopment Agency. Allowable uses shall include those permitted through the underlying land use and zoning designations. The maximum floor area ratio for non-residential uses shall be twice that permitted through the underlying land use designation. Residential densities shall be consistent with those of the underlying land use designation.

Special exception uses shall include:

- 1) Following a review to ensure compatibility and crime prevention through environmental design, the mixed use of commercial/office/residential structures shall be permitted.
- 2) All special exception uses permitted in the underlying land use classification.

Planned Unit Development uses may include:

- (1) All primary uses
- (2) All special exception uses
- (3) All PUD uses allowed in the underlying land use classification
- (4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods.

Policy 3.1.5

Mixed-Use

The primary intent of the Mixed Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional uses and public

facilities uses to serve the residential and non-residential needs of special areas of the City. This mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses. The intensity of development within the mixed-use land use categories will vary depending on location and surrounding uses. Transit-oriented design elements shall be encouraged to promote multiple modes of transportation in the mixed use categories.

The Land Development Code will establish zoning districts and/or zoning overlay areas with standards that define the appropriate location for various intensities/densities.

The following maximum gross intensity/density standards shall not be exceeded.

	Community Center	Employment Center	Central Business District	Interchange (3)
USES ALLOWED (1)				
Residential	50% max.	30% max.	50% max.	75% max
Commercial	60% max.	40% max.	60% max.	30% max.
Office/Medical	50% max.	90% max.	70% max.	
Light Industrial	0	20%	10% max.	
Recreation (Passive or Active)	20% min.	15% min.	15% min.	15% min.
Institutional/Public/Civic	50% max.	40% max.	50% max.	40% max.
DEVELOPMENT STANDARDS				
FAR (2) Min.	0.25	0.25	0.25	(see Note 3)
Max.	0.6	1	2	1
Density Max.	10	15	15	25

NOTES:
(1) See LDC for definitions of Residential, Commercial,

- Office, Light Industrial, etc.
- (2) Calculated per individual site or in the case of mixed use by development site.
 - (3) Use percentages to be calculated based on the entire Wekiva Parkway Interchange Vision Plan Area. See Policies 20.9 and 20.10 for densities/intensities by character district.

Designation of a Mixed-Use Category

In order to encourage innovative land use techniques, creative urban design, environmental protection and the use of sustainable development principles and practices, designation of new mixed-use categories on the FLUM shall only be allowed for land located within the following areas:

- 1. Areas within the Expressway, Plymouth, West, and Northwest small area plans as shown on their respective master plans;
- 2. The CRA Overlay District depicted on the adopted FLUM;
- 3. Land anticipated for inclusion within the Wekiva Parkway Interchange Land Use Plan to be adopted by December 2010; and
- 4. Areas that have been subject to a *Small Area Study*.

Policy 3.1.s

Rural Settlement (Tier Density Max. 1 du/ac)

This land use designation is intended to apply within that area defined as the "Northern Area" in the Joint Planning Area Agreement between the City of Apopka and Orange County adopted on October 26, 2004, and other areas of the Wekiva Study Area as may be appropriate. The district is designed to facilitate development of single-family dwelling units and associated infrastructure which maximize the preservation of open space and promote the clustering of developments to both preserve and enhance the natural environment. This land use designation shall also include an agricultural component. Public facilities will be considered as Special Exceptions. Intensity of development within this land use category will vary depending upon the following framework:

- a. Agricultural, not to exceed one residential unit per five acres (1 du/5 ac).
- b. One residential unit per five acres (1 du/5 ac) with clustering required, with a minimum open space

requirement of 25%.

- c. Densities greater than one residential unit per five acres (1 du/5 ac) and less than one residential unit per one acre (1 du/1 ac) with clustering encouraged but not required, with a minimum open space requirement of 35%.
- d. One residential unit per one acre (1 du/1 ac) in a development with an overall size of less than 25 acres, with clustering encouraged but not required, with a minimum open space requirement of 35%.
- e. One residential unit per one acre (1 du/1 ac) in a development with an overall size of between 25 acres and 100 acres, provided the development is Planned Unit Development (PUD), with clustering required and a minimum open space requirement of 45%.
- f. One residential unit per one acre (1 du/1 ac) in a development greater than 100 acres provided the development is greater than 100 acres and is a Planned Unit Development (PUD) with clustering required, with a minimum open space requirement of 50%.

All required open space within this land use category shall be permanently protected.

Special exception uses allowed:

- 1) Institutional uses of two acres or less.
- 2) Elementary schools; middle schools, high schools.
- 3) Supporting infrastructure and public facilities of two acres or more.
- 4) Horticultural nurseries as a primary use.

Policy 3.1.t

Agricultural Homestead

This land use category is intended to accommodate any agricultural or agricultural support use, particularly, farming operations, horticultural nurseries, greenhouses, agribusinesses, and residential dwelling units not to exceed one unit per ten acres (1 du/10 acres).

Greenhouses of less than ten acres may be permitted as a secondary use in all future land use categories after a special exception review for compatibility.

Special exception uses allowed:

- 1) Elementary schools; middle schools, high schools

Policy 3.2

Development and redevelopment shall be integrated with the adjacent land uses through:

- (1) the creation of like uses; or
- (2) creation of complementary uses; or
- (3) mitigation of adverse impacts

Policy 3.3

New development and redevelopment must mitigate the adverse noise, visual, odor and vibration impacts created by that development upon all adjacent land uses that are not alike to the proposed development or redevelopment land use classification through requirements adopted as part of the land development regulations.

Policy 3.4

Established neighborhoods and emerging neighborhood units shall be protected by ensuring adequate public notice prior to land use designation and rezoning approvals of adjacent properties.

Policy 3.5

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

Policy 3.6

By December 2014, the City shall develop a proposal for joint notification of development projects between the City and Orange County and the City and Seminole County.

Policy 3.7

By December 2013, the City of Apopka shall complete a study of the Central Business District and the Community Redevelopment Area to identify the mixture of uses necessary to promote the historic character and revitalization of the area. The recommendations adopted by the City Council shall be initiated within one year following the completion of the study.

Policy 3.8

All plan amendment and rezoning staff reports shall contain a section that explains how the proposed change is consistent with, and furthers, the intent of the Apopka Comprehensive Plan; the State Comprehensive Plan; and the Regional Policy Plan, and how it is coordinated with planned and proposed regional and local transportation system plans. These reports shall be forwarded to the appropriate City boards and made available for public inspection.

Policy 3.9

Administrative rezoning for annexed properties shall be completed within one year after adoption of the associated Comprehensive Plan future land use amendment.

Policy 3.10

Projects which have been approved for construction (i.e., obtained final engineering approval and obtained all required governmental agency permits) and projects within the scheduled review process for approval of construction plans at the time any comprehensive plan amendment is adopted will be considered to have vested rights providing that construction occurs within the allowable time periods as currently described through the developer's agreement or the City's Land Development Code.

Policy 3.11

A vested right(s) shall be found to exist by the city when the affected property owner demonstrates that (s)he, in good faith, upon some act or omission of the government has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the right(s) (s)he has acquired. Application to the City within one year after adoption of any Comprehensive Plan amendment, shall be made by any person believing (s)he has a vested right. If the affected party fails within the one-year time period to submit an application requesting determination of the existence of a vested right, no vested right shall be deemed to exist. The burden of proof that a vested right exists shall be on the applicant. The applicant shall be required to submit all documents demonstrating the existence of a vested right to the Community Development Director. Thereafter the City Attorney shall issue a written determination within 30 days as to whether the vested rights of a real property owner are assignable and the period of time within which the vested

rights may be exercised. Appeal to the City Council must be submitted within 10 days to the City Clerk.

Policy 3.12

A real property owner may claim a vested right to a substantive right but not to a procedural right. If determined to exist, the vested right shall be assigned to the land. Upon the City's determination that a vested development right exists which is different from that provided in this plan, issuance of a development order consistent with the vested rights shall not be deemed inconsistent with the Comprehensive Plan.

Policy 3.13

- A. No non-conforming use of land or a structure shall be substantially expanded, i.e.:
- increase but not decrease the number of hotel, motel, or residential units in existence on the parcel of land or in a structure;
 - increase of in excess of ten percent(10%) of the floor area of a structure; increase in excess of five percent (5%) of the number of motor vehicle parking spaces located on the parcel of land;
 - increase in excess of five percent (5%) the number of hospital, nursing home, retirement home, or adult congregate living facility beds located in any structure;
 - decrease by five percent (5%) or more the area of the parcel;
 - increase in excess of five percent (5%) of the storage capacity for chemical or petroleum storage facilities located on a parcel of land nor be used as grounds for adding other structures or uses prohibited elsewhere in the same land use district; nor shall the inconsistent use of land or a structure be used as grounds for adding other structures or uses prohibited elsewhere in the same land use district.
- B. The lot containing a non-conforming use shall not be enlarged, increased, or extended to occupy an area of land greater in size than existed at the effective date of adoption or amendment of this Comprehensive Plan.

- C. No non-conforming use shall be moved in whole or in part to another parcel of land which shall create a non-conforming use on the parcel of land to which the use is moved. No additional structure which is not consistent with the requirements of this Comprehensive Plan shall be erected in connection with such non-conforming use of land.
- D. The non-conforming use of a building or parcel shall not be reinstituted after the use has been discontinued for 180 days.
- E. A single family residence which has been maintained as a non-conforming use for five years and held in the same ownership, family ownership, family-inherited ownership, or a combination of these ownerships, for at least 25 years may be enlarged or replaced if destroyed, with the stipulation that the enlargement or replacement shall not increase non conformance to land development regulations.

Policy 3.14

The City shall consider the following when evaluating land use amendments, especially changes from very low density categories to higher density categories and voluntary annexation requests:

- Whether the amendment demonstrates a functional relationship of the proposed amendment to other more densely or intensely designated or development lands;
- The availability of public facilities and water supplies to service a more dense or intense land use; and
- Multi-modal transportation linkages between proposed residential use and neighborhood.

Policy 3.15

To coordinate land use with the elements of the comprehensive plan, Future Land Use Element subarea policies applicable to a specific parcel or geographic area may be appropriate. When a Future Land Use Map amendment is based upon data and analysis that assumes a development potential less than the maximum development potential allowed by the future land use designation on the amendment parcel, a subarea policy for the amendment parcel shall be adopted establishing the land use and development potential and public facilities mitigation, as necessary, that is supported by and consistent with the data and analysis. Development of the following parcels shall be limited as follows:

PROPERTY OWNER	OCPA PARCEL ID NUMBER	ACRES +/-	FAR RESTRICTION MAXIMUM	FUTURE LAND USE
Clonts Farms, Inc.	18-21-28-0000-00-001	11.00	FAR 0.15	Commercial
Gail W. Brown	18-21-28-0000-00-057	3.00	FAR 0.10	Commercial
Mid Florida Freezer Warehouses, Inc.	01-21-27-0000-00-060	35.96	FAR 0.50	Industrial
Marilyn S. Boughan Trust	01-21-27-0000-00-029 01-21-27-0000-00-081 01-21-27-0000-00-082	12.44	FAR 0.50	Industrial
RRP Properties, LLC	01-21-27-0000-00-080	4.10	FAR 0.50	Industrial
Leaders, et. al.	06-21-28-7172-03-310 06-21-28-7172-03-320 06-21-28-7172-03-330	3.75	FAR 0.50	Industrial
Federal Citrus Corp	18-21-28-0000-00-015 18-21-28-0000-00-016 19-21-28-0000-00-010	28.50	FAR 0.25	Mixed Use
Wesley G. Benton Life Estate	18-21-28-0000-00-003 18-21-28-0000-00-006	10.88	FAR 0.30	Mixed Use

Objective 4

The City of Apopka shall protect its natural resources including wetlands as defined by 40C-4, FAC and 62-301, FAC, floodplain storage; and identified threatened and endangered species and species of special concern as defined in 68A-27.003, 68A-27.004 and 68A-27.005 FAC.

Policy 4.1

The City of Apopka shall require development which destroys native trees, to replace cleared trees with similar species and maturity levels on a one to one ratio within practical limitations, for all areas of the City.

Policy 4.2

The City of Apopka shall protect its natural resources including wetlands as defined by 40C-4 and 62-302 FAC, floodplain storage and identified threatened and endangered species and species of special concern as defined in the Future Land Use Element.

Policy 4.3

Where listed species are found, the City of Apopka shall maintain necessary habitat for the protection of listed species pursuant to Rules 68A-27.003, 68A-27.004, and 68A-27.005, FAC, either through preservation or mitigation or relocation.

Policy 4.4

The City of Apopka shall continue to require all new development to retain a minimum of $\frac{1}{2}$ inch of run-off from the entire project site. However, retaining 3 inches of runoff from the directly connected impervious area within the project site shall be required unless it is demonstrated that post-development recharge is equal or greater than pre-development recharge as stipulated in Section 40C-41, FAC.

Policy 4.5

The City of Apopka shall continue to require that pollution abatement be accomplished by retention of runoff from the developed site with filtration into the soil through the bottom of the retention pond or through an approved filtering media consistent with the St. Johns River Water Management

District's standards, unless more stringent measurements are required in other policies. The City shall require in its Land Development Regulations that stormwater treatment facilities be designed so that the quality of the stormwater runoff will not degrade the receiving water quality below the minimum conditions necessary to assure the suitability of the water body for the designated use, in accordance with the classifications established in Chapter 62-302.400, F.A.C.

Policy 4.6

The City of Apopka shall require that the littoral zones and photic zones of manmade stormwater management systems be designed to provide physical filtration of stormwater consistent with the requirements of the St. John's River Water Management District.

Policy 4.7

The City of Apopka shall utilize public lands for appropriate multiple uses, such as parks, stormwater management systems and preservation of natural habitats.

Policy 4.8

The City of Apopka shall protect the health, safety, and welfare of the public from the harmful effects of hazardous wastes by cooperating with the Florida Department of Environmental Protection (FDEP) and Orange County Environmental Protection Department (OCEPD) in the regulation and disposal of hazardous wastes.

Policy 4.9

The Apopka Land Development Regulations shall address and limit activities which have the potential to contaminate air, water, soil or crops.

Policy 4.10

Recreational development shall be limited to bike/pedestrian trails or passive recreation uses in areas adjacent to conservation areas.

Policy 4.11

The City of Apopka shall protect its potable water service by enforcing a wellhead protection zone, consisting of a 500' radius from the wellhead, in which potentially high-risk land uses such as, but not limited to, industrial and manufacturing which use or store hazardous materials as defined by the U.S. Resource Conservation and Recovery Act and implemented by EPA are prohibited, consistent with FAC 62-521.200(7).

Policy 4.12

The City of Apopka, in cooperation with Orange County and the St. Johns River Water Management District (SJRWMD), shall ensure that the quality of surface water will meet state standards as detailed in Chapter 62-302.300 - 62-302.530 & 62-520.420 Florida Administrative Code (FAC).

Policy 4.13

The Aquifer Recharge Map in the Conservation Element shall serve as a map in the Future Land Use Map Series to identify and depict the aquifer recharge rates and areas within the corporate City limits of Apopka and any potential annexation areas.

Policy 4.14

The City of Apopka shall continue to coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) and the Florida Natural Areas Inventory (FNAI) to update the listed species and their habitats described in the Conservation Element.

Policy 4.15

The City of Apopka recognizes the need to protect specific rare natural communities within the Wekiva Study Area. These include the longleaf pine, sand hill, sand pine and xeric oak communities. The City shall require that a site assessment produced by an environmental professional verify the existence or lack thereof of these natural communities on all sites over 10 acres in size.

- If portions of these communities (less than or equal to 50%) exist on potential development sites, they shall be protected. The development potential lost through this protection shall be allowed to be transferred to more

appropriate areas of the site. If more than 50% of the site is encompassed by one of these communities, 50% of the natural community shall be protected with the density transferred from the protected portion of the site to the developed portion.

- As part of this assessment, the developer shall identify any karst features that include but are not limited to sinkholes with a direct connection to the aquifer and other karst features located on the site. All development shall maintain buffers in accordance with Policy 15.2 of this element.

Objective 5

The City of Apopka shall utilize the Apopka Historical Properties Survey of 1992 to encourage the protection of its historic resources, defined to be all historic sites eligible for listing on the Florida Master Site File, through identification and implementation procedures.

Policy 5.1

The City of Apopka shall utilize the Apopka Historical Society and the Museum of the Apopkans as resource for historic preservation issues.

Policy 5.2

The study of land uses appropriate to the historic nature of the Central Business District and the Community Redevelopment Area shall include recommendations based on incentives to reuse existing historic buildings where feasible.

Policy 5.3

The City of Apopka shall continue to promote preservation of historical sites throughout Apopka by use of the Apopka Historical Properties Survey, the Register of Historic Places and the Florida Master Site File.

Objective 6

The City of Apopka shall provide water and sewer services within the corporate limits or to areas within its Utility Service Area as defined in the Amended and Restated Water, Wastewater and Reclaimed Water Territorial Agreement with Orange County. Amendment to the Agreement shall require amendment to the Comprehensive Plan.

Policy 6.1

The City of Apopka will continue to give first priority to existing or developing enclave annexation.

Policy 6.2

The City of Apopka shall give highest priority to capital improvements which address existing level of service deficiencies.

Policy 6.3

The development of a variety of employment centers shall be encouraged in large scale planning developments in an effort to maximize the development's internal capture rate.

Policy 6.4

The City of Apopka will continue to pursue with Orange County joint planning opportunities, including, definition of an area logical for annexation; provisions for annexation of enclaves; compatibility of adjacent land uses; utilization of a common set of socioeconomic data for the Apopka environs; an equitable financing mechanism for recreation facilities used by non-residents; and conflict resolution.

Objective 7

The City of Apopka shall ensure the availability of suitable land for utility and public facility use necessary to support proposed development through acquisition or dedication during the development process.

Policy 7.1

The provision and programming of needed public facilities shall consider the needs of the existing developed urban and suburban areas and newly developing urban areas.

Policy 7.2

The City of Apopka shall maintain a representative from the Orange County School Board on the Local Planning Agency to review of proposals in conjunction with school siting needs.

Objective 8

The Apopka Land Development Code shall continually be updated to include the use of innovative land development criteria or guidelines as new opportunities for innovation are developed.

Policy 8.1

Planned Unit Developments (PUD) shall provide effective integration methods to maximize mixed uses such as multimodal transportation corridors, open space areas, consistent architectural guidelines and/or materials, consistent landscape guidelines and an integrated vehicular management system.

Policy 8.2

Development proposals shall include effective multi-modal transportation systems which may include provisions for car pooling, van pooling, mass transit, bicycling and walking.

Objective 9

Should a resource planning and management plan be developed pursuant to Chapter 380, F.S., the City of Apopka shall immediately coordinate development requests with the appropriate state agencies.

Policy 9.1

An annual evaluation of the Apopka Comprehensive Plan shall contain a section reviewing new regional plans developed pursuant to Chapter 380 which include any area included in the Apopka Comprehensive Plan.

Objective 10

All new development within the Wekiva River Protection Area shall be very low suburban residential density of two units per acre or less in nature, unless a proposed development would have less impact on natural resources.

Policy 10.1

The subdivisions of land which interfere with the required setbacks of protection zones pursuant to s. 373.415 F.S. shall be prohibited.

Policy 10.2

The density/intensity of any development on parcels of property adjacent to the waterways or wetlands of the Wekiva River System shall be concentrated on those parcels farthest from waterways, wetlands or public lands.

Policy 10.3

Upon annexation, Future Land Use designations of properties within the Wekiva River Protection Area shall be consistent with the established Orange County's intensity or density and allowable use shall be consistent with those allowed by the Orange County Comprehensive Plan. City Land Use amendments shall not exceed the intensity or density upon annexation.

Objective 11

The City of Apopka shall ensure adequate land is available for new public schools consistent with the Orange County School Board site selection and development criteria.

Policy 11.1

The City of Apopka shall allow public schools, elementary through High School, in the future land use designations as follows:

**City of Apopka
Public School Siting Locations
by Future Land Use Designation as Allowable Use**

Future Land Use Category	Allowable School Use		
	Elementary School	Middle School	High School
Agriculture (1 du/5 ac)	Allowed (SE)	Allowed (SE)	Allowed (SE)
Agriculture Estate (1 du/2 ac)	Allowed (SE)	Allowed (SE)	Allowed (SE)
Residential Estate (0-1 du/ac)	Allowed	Allowed	Allowed (SE)
Residential Very Low Suburban (0-2.0 du/ac)	Allowed	Allowed	Allowed (SE)
Residential Low Suburban (0-3.5 du/ac)	Allowed	Allowed	Allowed
Residential Low (0-5 du/ac)	Allowed	Allowed	Allowed
Residential Medium-Low	Allowed	Allowed	Allowed

Future Land Use Category	Allowable School Use		
	Elementary School	Middle School	High School
(0-7.5 du/ac)			
Residential Medium (0-10 du/ac)	Allowed	Allowed	Allowed
Residential High (0-15 du/ac)	Allowed	Allowed	Allowed
Mixed Use	Allowed (SE) Not Allowed in Industrial or Conservation Use areas	Allowed (SE) Not Allowed in Industrial or Conservation Use areas	Allowed (SE) Not Allowed in Industrial or Conservation Use areas
Rural Settlement (Tier Density 1 du/1 ac)	Allowed (SE)	Allowed (SE)	Allowed (SE)
Agricultural Homestead (1 du/10 ac)	Allowed (SE)	Allowed (SE)	Allowed (SE)
Commercial	Allowed (SE)	Allowed (SE)	Allowed (SE)
Office	Allowed (SE)	Allowed (SE)	Allowed (SE)
Industrial	Not Allowed	Not Allowed	Not Allowed
Parks / Recreation	Allowed (SE)	Allowed (SE)	Allowed (SE)
Conservation	Not Allowed	Not Allowed	Not Allowed
Institutional / Public Use	Allowed	Allowed	Allowed

Note: SE = Requires Special Exception

Source: Apopka Community Development Department, 2002

Policy 11.2

Public schools shall be developed in accordance with: (1) the Apopka Land Development Code (to the extent that the code is not in conflict with State or federal requirements); (2) the requirements of any mutual agreement between the City of Apopka and the Orange County School Board, which are consistent with this Comprehensive Plan; and (3) the following criteria for new public schools:

- a. Schools shall be located in close proximity to existing or anticipated concentrations of residential development except for high schools and except for specialized schools which are suitable for other locations due to special characteristics.
- b. Schools should generally be located away from industrial uses, airports, railroads, limited access roadways and other facilities which might adversely impact the schools

due to noise, vibration, odors, dust, toxic materials, traffic conditions, and/or other substantial hazards.

- c. Schools shall minimize detrimental impacts on residential neighborhoods, hospitals, nursing homes, adult communities and similar uses through proper site location, configuration, design, layout, access, parking, and buffers. Detrimental impacts can include, but shall not be limited to school yard noise, parking, and traffic.
- d. School size and land area requirements for elementary, middle and high schools shall meet the minimum standards established by the Orange County School Board.
- e. Sites should be of sufficient size to ensure that buildings and ancillary facilities, as well as future expansions can be located away from flood plains, flood prone areas, wetlands, and other environmentally sensitive areas, and will not adversely impact historic or archaeological resources.
- f. Public utilities (e.g. water, sewer, stormwater, and fire protection facilities) shall be available to the site.
- g. Sites shall have on or direct access to a collector or arterial road and have safe and suitable ingress and egress for pedestrians, bicycles, cars, busses, service vehicles, and emergency vehicles. Ingress and egress shall not create detrimental impacts on roads adjacent to the site.
- h. Mass transit or a public bus stop shall be located near the site when possible.

Policy 11.3

The City shall seek to co-locate public facilities, such as parks and recreation, community centers, and Orange County branch libraries, with schools to the greatest extent possible. In collocating facilities, the City shall use the following guidelines:

- Elementary Schools. Playgrounds may be collocated with elementary schools. In areas with densities high enough to support them, a neighborhood park with facilities for the elderly, a neighborhood recreation center, and a library sub-branch may be included.

- Middle Schools. Community parks and athletic fields are appropriate to be co-located with middle schools. A community center and a library sub-branch or branch may be included depending on the school's location and the population served.
- High School. Community parks with a community center and athletic fields may be collocated with high schools. A main branch library is also appropriate. If justified by the population to be served, a district park could be co-located with the school.
- School site combinations. Combinations of adjacent elementary, middle school, and high school sites may co-locate playgrounds, community parks, athletic fields, community centers and a library sub-branch if justified by the location and the population to be served. Appropriate land uses should be considered to each combination.

Policy 11.4

In order to ensure increased opportunities for coordination of land planning efforts with the Orange County School Board, the City shall continue to include representation by the Orange County Public Schools in the Local Planning Agency.

Policy 11.5

The City shall meet annually with the Orange County School Board or its representative to develop a school siting map, identifying potential location for new schools to serve anticipated growth.

Objective 12

The City shall maintain regulations in the LDC to implement the four Small Area Concept Plans for the Expressway, Plymouth, West and Northwest study areas.

Policy 12.1

The City shall coordinate with Orange County to shape the growth in this part of the county in a manner consistent with the Small Area master plans included within the Future Land Use Element.

Policy 12.2

Areas shown and assigned land use designations in the Small Area Study Master Plans which are not within the City's jurisdiction are only conceptual and do not assign any legally binding land uses. Should these areas be annexed, a Comprehensive Plan amendment will be required to officially designate them on the Future Land Use Map consistent with the land uses shown on the master plan included within the Future Land Use Element.

Policy 12.3

All development proposed within the boundaries of the four small area studies shall incorporate the following elements to the maximum extent feasible:

1. Public view/access to natural lakes within the study areas shall be preserved.
2. Residential developments around public lakes should be required to provide public streets, sidewalks or public parks around lakes instead of locating homes between the roads and the lakes.
3. Local streets should be designed in a grid system to the maximum extent possible and relate functionally to the surrounding arterial road network.

Policy 12.4

The City shall investigate the possibility of obtaining grant funds to install improvements at the gateways/focal points shown on the master plans of the four study areas. Improvements include coordinated directional signage, specialized landscaping, street furniture, fountains and landmarks/monuments.

Policy 12.5

The City shall support the construction of the Wekiva Parkway.

Policy 12.6

The City shall coordinate with the Expressway Authority and individual property owners to ensure that the borrow pits that result from the construction of an expressway can be reclaimed and redeveloped. The City shall adopt special design

standards by July 2012 to accommodate development in these locations.

Policy 12.7

The City shall include standards within the Land Development Code to ensure that development around Lake Apopka is consistent with the issues addressed in the Lake Apopka Planning Initiative, including protection of public access to Lake Apopka; protection of view sheds; integration of recreational uses; and incorporation of water-oriented commercial and recreational uses that can support eco-tourism.

Policy 12.8

The City shall establish a plan for improvements to the main access points to the Expressway Study Area. Improvements may include landscaping or monuments/signs to indicate the entrance to a neighborhood.

Policy 12.9

The City shall establish a plan for improvements to the main intersections in the Expressway Study Area, as shown in the master plan. Improvements may include roundabouts, uniform landscaping or streetscape furniture, islands or monuments/fountains.

Policy 12.10

The City shall ensure, through the Code Enforcement procedures, that industrial uses in the Expressway & Plymouth Study Areas are maintained in proper form so that they do not become a disincentive to attracting future economic development to the area.

Policy 12.11

The City shall consider an ordinance implementing Transfer of Development Rights to preserve any parcels along Lake Apopka that are still under private ownership.

Policy 12.12

The City shall ensure that the land development code includes requirements for adequate buffering to be provided between the airport/industrial uses and residential areas shown in the Plymouth master plan.

Policy 12.13

The City shall coordinate with FDOT and the County to build the proposed Lust Road extension as a tree-lined, scenic boulevard that will service the entire Plymouth area and would serve as the boundary for development expansion closer to Lake Apopka.

Policy 12.14

The City shall establish a plan for improvements to the main access points to the Plymouth Study Area - Proposed Apopka Bypass, Hermit Smith Road, and the proposed Lust Road intersection with U.S. 441. Improvements may include uniform landscape islands or monuments/signs to indicate the entrance to a neighborhood.

Policy 12.15

The City shall establish a plan for improvements to the main intersections in the Plymouth Study Area, as shown in the master plan. Improvements may include roundabouts, uniform landscaping or streetscape furniture, islands or monuments/fountains.

Policy 12.16

Within the "West" Study Area non-residential developments shall be designed to preserve the low-key, small-scale type of development that characterizes the West study area. Large-scale commercial developments such as department or discount stores shall be limited to U.S. 441.

Policy 12.17

The City shall establish a plan for improvements to the three main access points to the West Study Area from U.S. 441 - Junction Road, Hermit Smith Road and Plymouth Sorrento Road, and major intersections as shown in the master plan. Improvements may include uniform landscape islands or monuments/signs to indicate the entrance to a neighborhood, coordinated streetscape furniture.

Policy 12.18

Within the "Northwest Study Area", the City shall coordinate with Orange County and the property owners to develop passive

recreation uses on the site currently used for mining. This area is adjacent to the Northwest Orange County Improvement Center, the site of the Annual Zellwood Sweet Corn Festival. These two parks could be joined, and connected to other parks in the adjacent neighborhoods through landscaped trails.

Policy 12.19

The City shall establish plans for improvements to the main access points to the Northwest Study Area, as well as major intersections as shown in the master plan. Improvements may include uniform landscape islands or monuments/signs to indicate the entrance to a neighborhood, coordinated streetscape furniture.

OBJECTIVE 13

The City of Apopka shall implement the Joint Planning Area Agreement (JPA) between the City of Apopka and Orange County adopted on October 20, 2004.

Policy 13.1

By December 2013, the City of Apopka shall amend the land development code to incorporate the Joint Planning Area Agreement requirements.

Policy 13.2

The City shall utilize the Joint Planning Agreement as a guide for the review of projects and to assist in coordination between Apopka and Orange County which include the following items:

- a. Joint planning area;
- b. Utilities/On site disposal systems; stormwater; Wekiva Parkway Interchange Land Use Plan;
- c. Planning and development within the Joint Planning Area;
- d. Public Services.

Policy 13.3

The City shall annually review the JPA and the land development code to ensure applicability of current and future

needs in relation to the requirements of the Joint Planning Agreement.

Objective 14

In an effort to manage development in the Wekiva Study Area in a way that ensures that the sensitive environmental resources are protected, , the City of Apopka shall utilize the best available data for land use amendments and development review from the St. Johns River Water Management District, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection and other agencies.

Policy 14.1

The City of Apopka shall review all Future Land Use Map amendments which propose to increase densities/intensities in the Wekiva Study Area shall: optimize open space, and promote a pattern of development that adequately protects the natural resources, most effective recharge areas, karst features, and sensitive natural habitats of the area.

Policy 14.2

The City of Apopka shall review all plans for development which have identified sensitive resources to ensure it will be protected through approaches which may include coordinated greenway plans, dedication of conservation easements, acquisition of property, clustering of residential development, density credits and incentives, and low to very low density development.

Policy 14.3

No portion of any individual commercial or residential lot that is unbuilt may be counted towards the minimum open space requirements of Future Land Use Element Policy 3.1.s.

Policy 14.4

Stormwater facilities may be counted toward meeting the required open space standards, based upon the following conditions:

- Lined stormwater facilities cannot count toward the requirements. The entire facility must be pervious.
- No more than 50% of the open space requirements can be met with wetlands. Stormwater retention/detention

areas shall not count for more than 50% of the required open space percentages.

- Protected wetlands shall not count for more than 50% of the required open space percentages.
- Stormwater retention/detention areas and protected wetlands may be combined to meet the required open space percentages, but in no case shall the stormwater retention/detention areas and protected wetlands count for more than 75% of the required open space percentages.
- Lands with pervious surfaces utilized for sports or active recreation, provided that such lands shall not count more than 25% towards any open space requirements and the open space is permanently protected through conservation easements or similar binding mechanisms.

Policy 14.5

The following surveys and studies are required to be submitted with a subdivision plat or site plan or its functional equivalent, such as Planned Unit Developments for any project 30 acres in size or larger, and shall be conducted by a qualified environmental professional or a licensed geologist to evaluate the location and presence of sensitive environmental features.

- 1) An analysis of soils and other geotechnical information, using data such as the Wekiva Aquifer Vulnerability Assessment, to determine the location of the most effective recharge areas as the term is used in Rule 40C-41.063(3), F.A.C. or soils determined by the U.S. Soil Conservation Service to be Type "A" Hydrologic Soils Group which are considered to be the most effective recharge areas.
- 2) An analysis of the site to determine the location and nature of sinkholes and other karst features of the property such as stress-to-sink and other direct connections to the aquifer including an analysis to determine the depth to water table, the location of the Floridan aquifer relative to ground surface, and the thickness and extent of protective clay layers over the aquifer. This analysis may include the use of geophysical surveys, such as microgravity, ground penetrating radar surveys and soil borings or their appropriate alternatives and may be supplemented with

documented locations of sinkholes, light detection and ranging surveys (LIDAR) and aerial photographs.

- 3) An analysis of the site to determine the location of sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. This analysis shall be coordinated with the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection.
- 4) If the site will not be served by the sanitary sewer system, a comparative nitrate loading analysis for the proposed development shall be prepared using professionally acceptable methodology based on the existing land use at the time of this amendment versus the proposed land use activity at build-out. The analysis may take into account specific on-site best management practices and compensatory reduction off-site through the expansion of central sanitary sewer. The analysis must demonstrate, with all factors taken into account, that there is no increase in nitrate loading to groundwater. The comparative nitrate loading study submitted as data and analysis as part of the comprehensive plan amendment shall be deemed to meet this requirement.

Policy 14.6

Open space is defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Open space excludes water bodies, lots, street rights of way, parking lots, and impervious surfaces. Open space areas may include stormwater management areas that follow recommended BMPs as provided in Policy 14.5.

Policy 14.7

Priority for preservation and dedication of open space shall be given to the following resources: most effective recharge areas, wetlands, springs, spring runs, sinkholes, surface and subsurface caves, karst features, karst features with a direct connection to the aquifer and sensitive natural habitats including Long Leaf Pine, Sand Hill, Xeric Oak Scrub and Sand Pine scrub vegetative communities.

Policy 14.8

The following maps are included in **Appendix 1-2** of the Future Land Use Element and are hereby incorporated into the Future Land Use Map series as overlays; the Wekiva Study Area Boundary Map, the Recharge Area Map, the Karst Topography Features Map, and the Xeric Oak Scrub, Sand Pine Scrub, and Sandhill (Longleaf Pine Habitat) Map . These overlay maps also serve to delineate the most effective recharge areas, karst features, and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. The overlay map series are based on the best available data and analysis.

Objective 15

Site plans, subdivisions or their functional equivalent, such as Planned Unit Developments, within the Wekiva Study Area shall meet the design standards as set forth in the following policies.

Policy 15.1

Conservation subdivision designs shall include:

- 1) Clustering of units on small lots;
- 2) Establishment of open space, which shall be connected whenever possible, in recordable easements, plat or other recordable instrument. Open spaces percentages shall be as provided for in Policies 3.1.s;
- 3) Central water and sewer treatment facilities connected to the regional system; and
- 4) Minimal site disturbance.

Policy 15.2

Where feasible, development shall be buffered from springs, spring runs, sinkholes, caves and other karst features as shown below. The minimum buffer area shall consist of a setback that retains all natural vegetation within the buffer area.

<u>Feature</u>	<u>Minimum Buffer</u>
Springs	300 feet
Spring runs	150 feet
Sinkholes, with a direct connection to the aquifer	200 feet, measured from the drainage divide
Other sinkholes	100 feet, measured from the drainage divide
Caves	One-half mile, measured on the

<u>Feature</u>	<u>Minimum Buffer</u>
	surface from the centerline of the cave system
Other karst features with a direct connection to the aquifer (swallet or stream to sink)	200 feet, measured from the drainage divide

Policy 15.3

Where a lot of record is too small to accommodate development in compliance with the buffers set forth in Policy 15.2, all allowable use may be established provided that the building and associated paved areas are located the maximum distance possible from the karst features, and further provided that a swale and berm are located between the development and the karst feature. The swale and berm shall be designed to direct drainage away from the karst feature.

Objective 16

In order to minimize the contribution of nitrates to groundwater and to foster long-term stewardship of the springs, special design and Best Management Practices (BMPs) shall be instituted for all development within the Wekiva Study Area.

Policy 16.1

Development shall use joint or shared access to the maximum extent feasible in order to minimize impervious surfaces.

Policy 16.2

Non-residential development shall use shared parking to the maximum extent feasible in order to minimize impervious surfaces. All parking lots with 100 or more spaces shall be designed with a minimum of twenty (20) percent of the parking spaces in pervious area.

Policy 16.3

Design of parking lots, sidewalks, buildings and other impervious surfaces shall minimize connections between impervious surfaces through techniques shown on a site plan such as:

- 1) Directing flows from roof drains to vegetated areas or to rain barrels or cisterns for reuse of the water;
- 2) Directing flows from impervious surfaces so that they drain to vegetated buffers or natural areas; and
- 3) Breaking up flow directions from large paved surfaces.

Policy 16.4

Porous pavement materials, pervious concrete, and pervious asphalt should be used to minimize the amount of impervious surface with new development and redevelopment.

Policy 16.5

Commercial and industrial development shall be designed to minimize site disturbance by limiting clearing to the minimum area necessary to accomplish development, as follows:

- 1) Avoid or minimize the removal of existing trees and vegetation;
- 2) Minimize soil compaction by delineating the smallest disturbance area feasible; and
- 3) Maximize disconnection of impervious surfaces to reduce water runoff flows and increase opportunities for infiltration.

Objective 17

Proposed amendments to the Future Land Use Map (FLUM) within the Wekiva Study Area shall meet the criteria in the following policies:

Policy 17.1

Demonstrate that the proposed land use category is the least intensive category that will meet a demonstrated need of the use; and

Policy 17.2

All proposed land use amendments for properties over 30 acres in size will include an analysis to determine appropriate specific onsite BMP's and compensatory treatment for nitrate/nitrogen reduction, both on-site and off-site,

including, if necessary, through connection to central sanitary sewer. The analysis must demonstrate, when all factors are taken into account, that there is no increase in nitrate/nitrogen loading to groundwater and surface water.

Objective 18

The City shall implement the Wekiva Parkway Interchange Land Use Plan adopted on September 15, 2010, which addresses the requirements of Section 369.321(1) F.S. as it relates to coordinated planning within the Wekiva area.

Policy 18.1

The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

Policy 18.2

Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan. These standards shall address creative planning solutions to protect environmentally sensitive lands, such as:

Open Space

Standards will be developed for appropriate percentages of open space for single parcels and/or for the entire Interchange Study Area.

Clustering:

Standards will be developed to allow multiple land owners to aggregate parcels for the purpose of calculating density/intensity and developing cohesive clusters of higher density/intensity in the area closest to the interchange and major intersections in the study area.

Transfer of Development Rights (TDR):

A TDR system shall be developed to allow land owners that have sensitive lands or lands farthest from the interchange, to sell density/intensity rights to owners of lands closest to the interchange. The vision plan will analyze the potential sending and receiving areas.

Form-Based Regulations:

Develop form-based regulations for the study area to ensure the Vision Plan is implemented.

Policy 18.3

The development standards within the Interchange Study Area shall be applied through a zoning overlay, or similar method, that encompasses the study area. Developer agreements may be required.

Policy 18.4

If a parcel is severed by the one-mile radius or is under common ownership, either the entire parcel will be included or excluded from the study area based upon the Vision Plan.

Policy 18.5

In the event that the Wekiva Parkway is not constructed, it is anticipated that the Wekiva Parkway Interchange Plan will be reevaluated and appropriate comprehensive plan amendments adopted to address then-existing development and future land use designations within the Wekiva Parkway Interchange Plan Area.

Policy 18.6

Before any development can occur within the Project Orlando LLC site(further identified as parcels 11-20-27-0000-00-003, 11-20-27-0000-00-013, 11-20-27-0000-00-036, 11-20-27-0000-00-042, 11-20-27-0000-00-057, 12-20-27-0000-00-060, 11-20-27-0000-00-030, 13-20-27-0000-00-023, 13-20-27-0000-00-005, 13-20-27-0000-00-061, 13-20-27-0000-00-026, 13-20-27-0000-00-032), the proposed development must be processed and approved as a Development of Regional Impact (DRI) as defined in Chapter 380.06, Florida Statutes and Chapter 28-24, Florida Administrative Code.

Policy 18.7

Public school capacities and facilities serving the Project Orlando site shall be addressed with the rezoning and DRI processes. No increase in density above the vested 67 dwelling units shall be permitted by the City until it is demonstrated that adequate public school facilities are available to meet the increased demand.

Policy 18.8 (Ord. No: 2317; 10-02-2013)

Prior to the completion of the interchange, but following the official designation of the interchange location by the Expressway Authority, a development program may be permitted by the City which shall not exceed 17,907 average daily vehicle trips external to the Project Orlando project, subject to rezoning and a traffic study.

Policy 18.9

A parcel assigned a land use designation during the 2010-1 or 2010-2 large-scale comprehensive plan amendment cycles, shall not be assigned a city residential zoning category or obtain a rezoning for residential uses until Orange County Public Schools has either issued a finding of school capacity or a school capacity enhancement agreement to the applicable property owner, excepting those parcels having a diminimus impact on public schools as defined in the Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency.

Objective 19

New development in the City shall comply with "Smart Growth" principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl. The following policies shall be incorporated into the City's LDC prior to the next required Evaluation and Appraisal Report.

Policy 19.1

Development in the mixed-use categories, and where appropriate in other land use categories, shall provide pedestrian-friendly street design.

Policy 19.2

New development, as well as infill development where feasible, shall provide interconnected street grid networks to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks;

designs that encourage a greater use of bicycles, rollerblades, scooters and walking as daily transportation; connectivity to public transit; and a land use mix that demonstrates reduced external trips by encouraging internal trips.

Policy 19.3

New infill development in the mixed-use categories shall provide shops, offices and homes within neighborhoods, including mixed uses in one structure, to offer opportunities to encourage walking and/or live and work environments.

Objective 20

Ensure development within the City of Apopka surrounding the Wekiva Parkway interchange will occur in a predictable, yet flexible manner consistent with the intent of the Wekiva Parkway and Protection Act, the community vision, and the City's economic development goals, and which will provide a balanced land use scenario that can accommodate economic and residential growth in the context of the environmental concerns identified within the Wekiva Parkway and Protection Act, and that can serve as the primary targeted area for greenfield development within the Wekiva Study Area.

Policy 20.1

The Wekiva Parkway Interchange Plan is composed of three elements: the *Wekiva Parkway Interchange Vision Plan*, the *Wekiva Parkway Interchange Land Use Plan*, and the *Wekiva Parkway Interchange Goal, Objectives, and Policies*. The *Wekiva Parkway Interchange Vision Plan*, adopted as part of the Future Land Use Overlay Series found in Appendix 1-2 of the Future Land Use Element, represents a conceptual scenario that demonstrates the intent of the Wekiva Parkway Interchange Plan and will guide the development of lands located within the Wekiva Parkway Interchange Vision Plan Area. The Wekiva Parkway Interchange Land Use Plan and the Wekiva Parkway Interchange Goal, Objectives, and Policies shall represent the regulatory elements of the Wekiva Parkway Interchange Plan. The land use configuration and distribution demonstrated on the Wekiva Parkway Interchange Vision Plan are intended to illustrate the potential application of the adopted Wekiva Parkway Interchange Vision Plan policies; however, the specific details for each development phase will be established through the approval of development plans consistent with

the Wekiva Parkway Interchange Goal, Objectives & Policies, the Wekiva Parkway Interchange Land Use Plan, and the regulations established in the Wekiva Parkway Interchange Form-Based Code.

Policy 20.2

The Wekiva Parkway Interchange Vision Plan shall be applicable within Wekiva Parkway Interchange Vision Plan Area. The Wekiva Parkway Interchange Vision Plan Area is generally comprised of a one-mile radius emanating from the anticipated Wekiva Parkway Interchange. The exact configuration is based upon a logical, parcel-specific boundary consistent with the intent of capturing a one-mile radius.

Policy 20.3

The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.

Policy 20.4

Prior to approving the first development plan within the Wekiva Parkway Interchange Vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Code establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area. The Wekiva Parkway Interchange Form-Based Code shall be based on the criteria contained within the Wekiva Parkway Interchange Goal, Objectives, and Policies.

Policy 20.5

The Wekiva Parkway Interchange Vision Plan identifies the approximate location of the character districts necessary to support the anticipated development program within the Wekiva Parkway Interchange Vision Plan Area. The location and/or boundaries of the character districts shown on the Vision Plan are illustrative only, and it is the intent of the City that locations and boundaries can be refined through an administrative review, except where other review and approval procedures are specified, in either the Comprehensive Plan or the Wekiva Parkway Interchange Form-Based Code. The specific boundaries and locations of

character districts will be established through the approval of development plans, as established through the Wekiva Parkway Interchange Form-Based Code procedures.

Policy 20.6

Deviations in the area-wide densities and/or intensities established in the Wekiva Parkway Interchange Land Use Plan, or proposed design elements that are not consistent with the Wekiva Parkway Interchange Goal, Objectives, and Policies shall require a comprehensive plan amendment.

Policy 20.7

The Wekiva Parkway Interchange Form-Based Code shall include regulations governing the following community design elements for the Wekiva Parkway Interchange Plan area:

- An interconnected network of streets and paths designed to encourage pedestrian and bicycle travel, with traffic calming where appropriate;
- A complementary mix of land uses, including residential, employment, recreational, and civic;
- Appropriate densities and intensities of land uses within walking distance of transit stops; and
- Daily activities within walking distance of residences, public uses, streets and open spaces that are safe, comfortable and attractive for the pedestrian, with adjoining buildings open to the street and parking designed so as not to interfere with pedestrian and bicycle travel.

Policy 20.8

The Wekiva Parkway Interchange Form-Based Code shall include provisions requiring that the land uses incorporated into the Wekiva Interchange Vision and Land Use Plans are physically and functionally integrated, including a connected and continuous system of pedestrian facilities.

Policy 20.9

Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outlined in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan. This policy shall not be construed to remove any existing entitlements upon property within the

Wekiva Parkway Interchange Plan Area, nor shall it prevent development consistent with the existing future land use designations. Development occurring under the existing future land use designations shall comply with the design criteria included in the Wekiva Parkway Interchange Plan to the extent that the criteria does not conflict with the existing future land use designation.

Policy 20.10

The City shall ensure that areas of greatest density and intensity within the Wekiva Parkway Interchange Plan Area are located at and between the two major intersection nodes at Kelly Park Road/Golden Gem Road and Kelly Park Road/Plymouth-Sorrento Road, but not upon areas of Karst formations. The Wekiva Interchange Form-Based Code shall require a mix of uses consistent with Wekiva Interchange Plan and shall establish a system of transfer of development rights to encourage increased density and intensity within Wekiva Parkway Interchange Plan Area. Development at the outer edges of the mixed-use area shall maintain compatibility with the lands adjacent to the Wekiva Interchange Plan Area by reducing density and intensity or by providing substantial buffers, landscaping, height, and lighting controls. The City shall also allow transfer of development rights to maintain 20% open space in the overall Study Area. Densities and intensities allowed within the Wekiva Parkway Interchange Plan Area character districts shall be as shown on **Table 20.10**:

Table 20.10: Wekiva Parkway Interchange Character District Standards

Character District/ Purpose	Uses	Minimum/ Maximum Acreage*	Density (Units per Acre)	Intensity (FAR)	Open Space (min.)
Village Center (VC) Safe, vibrant and pedestrian-oriented mixed-use area. Each Village Center may include a Core of up to 40 acres each.	Residential, retail, commercial, office and entertainment uses. Horizontal mixed-uses shall be allowed, but vertically mixed-uses are preferred.	Min: 200 Max: 380 (40 acres max. of VC Core in each village)	Min: 7.5 Max: 25 District Average: 12	VC Core: Min: 0.3 Max: 1.0 Average: 0.5 Balance of VC: Min: 0.25 Max: 0.7 Average: 0.35	10% minimum in the form of public plazas and small park spaces that are urban in character.
Interchange Accommodate highway-oriented vehicular service uses and provide a transition between the fast traffic exiting the highway and the pedestrian Village Center.	Highway-oriented uses, such as automobile service & repair, retail, office, and limited high density residential.	Min: 175 Max: 380	Min: 7.5 Max: 15	Min: 0.1 Max: 1.0	15% minimum in the form of neighborhood parks and common areas
Employment (formerly Edge District) Accommodate corporate office development and foster the development of a campus-like corporate park.	Office, hospitality, clean industry, large institutional uses (hospitals, educational facilities), and large scale residential,	Min: 190 Max: 380	Min: 4 Max: 7.5	Min: 0.1 Max: 0.5	20% minimum in the form of large parks and interconnected wildlife corridors.
Transition	Single family	Min: 380	Min: 5	Min: 0.5	15% minimum in

Character District/ Purpose	Uses	Minimum/ Maximum Acreage*	Density (Units per Acre)	Intensity (FAR)	Open Space (min.)
Provide a transition between the high-density/intensity Village Core and the low-density/ intensity areas at the edge of the study area.	home and single or multi-use office/medium-density residential	Max: 770	Max: 15	Max: 1.0	the form of neighborhood parks and larger common areas.
Neighborhood Preserve the existing low-density single-family residential neighborhoods and transition to the less intense uses just outside the study area.	Single-family homes and small scale support uses (schools, churches, day care facilities)	Min: 2,360 Max: 3,060	Min: 1 Max: 5	Min: .05 Max: 0.5	20% minimum in the form of large parks and interconnected wildlife corridors.

* Calculated based on the entire vision plan area acreage.

Policy 20.11

Maximum allowable development within the Wekiva Parkway Interchange Plan Area shall be allocated among land uses as follows:

Single Family: 7,500 units

Multi Family: 8,500 units

Commercial/Services: 22 million square feet

Policy 20.12

The character district regulations included in the Form-Based Code will ensure densities and intensities are allocated as noted in **Table 20.10** (see **Policy 20.10**). The TDR system will allow increased densities in the Core area (noted as bonus density on the table). The average density/intensity for individual districts and the entire mixed-use area shall not exceed the average allowed. The City shall establish a tracking system to ensure the densities/intensities are kept within the established limits. The tracker will also ensure the acreages of the character districts remain within the parameters set in **Policy 20.10**.

Policy 20.13

Development within the Wekiva Parkway Interchange Vision Plan Area shall be planned in a manner that maximizes internal circulation and does not cause the Florida Strategic Intermodal System (SIS) to exceed its adopted Level of Service Standard without appropriate mitigation.

Policy 20.14

The Wekiva Parkway Interchange Vision Plan Area shall include the following performance targets for transit, bicycle and pedestrian facilities as follows:

- 80% of all the bicycle and pedestrian facilities within the Plan Area shall function at LOS C or better;
- All parcels within $\frac{1}{4}$ mile of a transit stop should be serviced by pedestrian facilities operating at LOS C or better.

LOS standards shall be measured in accordance with the methodology established in the FDOT Multimodal Transportation Districts and Area wide Quality of Service Handbook (Nov. 2003 or as revised). The City shall coordinate with LYNX and METROPLAN ORLANDO to apply the

transit quality of service framework as found in the most recent edition of the Transit Capacity and Quality of Service Manual (TCQSM) and required as part of METROPLAN ORLANDO'S long-range transportation plan where feasible.

Policy 20.15

The City and applicants for development within the Wekiva Parkway Interchange Vision Plan Area shall incorporate transportation demand management strategies into the transportation planning process to alleviate congestion. A range of techniques will be considered, such as vanpool/ridesharing programs, parking management and pricing, transit vouchers, pre-tax incentives, telecommuting, flextime, and/or other appropriate trip reduction strategies.

Policy 20.16

Proposed development within the Wekiva Parkway Interchange Vision Plan Area shall contribute to providing a safe, convenient, comfortable and aesthetically pleasing transportation environment that promotes walking, cycling, and transit use. Appropriate improvements or enhancements to the multimodal network to incorporate into the Wekiva Parkway Interchange Form-Based Code shall include, but not be limited, to the following:

- Accommodations for pedestrian access and movement, including sidewalks, benches and clearly marked crossings;
- Accommodations for bicycles, including lockers, showers, and racks;
- Shared use paths in accordance with the FDOT Bicycle Facilities Planning and Design Guidelines Handbook;
- Accommodations for transfer of passengers at designated transit facilities;
- Preferential parking for rideshare participants;
- Access for motor vehicle passenger drop-offs and pick-ups at designated transit facilities and at commercial and office development sites; and/or
- Accommodation for the mobility impaired, including parking spaces, sidewalks and ramps for handicapped access.

Policy 20.17

Street cross-sections, design standards, and operational measures to ensure streets are safe and convenient for transit, automobile, truck, bicycle and pedestrian travel shall be incorporated into the Wekiva Parkway Interchange Form-Based Code. Strategies will include, but not be limited, to marked crosswalks, wider sidewalks, on-street parking, bus turnouts, traffic calming, raised medians or other appropriate safety enhancements that reduce hazardous conflicts between modes and that are consistent with the planned functions of the roadway.

Policy 20.18

The Wekiva Parkway Interchange Form-Based Code shall include standards for street intersections to facilitate pedestrian crossings.

Policy 20.19

Developments within the Wekiva Parkway Interchange Plan Area shall provide direct bicycle and pedestrian connections within and between residential areas and supporting community facilities and services, such as shopping areas, employment centers, transit stops, neighborhood parks, and schools. Standards and design criteria shall be established within the Wekiva Parkway Interchange Form-Based Code.

Policy 20.20

The City will include in the Wekiva Parkway Interchange Form-Based Code standards for roadways to be built/improved within the Wekiva Parkway Interchange Overlay District. The regulations will create a hierarchy of streets that equitably serve the needs of the pedestrian, the bicycle, public transit, and the automobile based on a grid network system of roadways. The City will support a multi-modal transportation environment that allows for various transit options.

Policy 20.21

Properties assigned the Mixed-Use Interchange future land use designation shall be rezoned to the Wekiva Parkway Interchange Mixed-Use Zoning District to be established in the Wekiva Parkway Interchange Form-Based Code.

Policy 20.22

The Wekiva Parkway Interchange Mixed-Use Zoning District shall establish a range of allowable lot types to ensure a mix of uses. The District shall also provide the form-based building requirements and range of allowable uses for each lot type. The lot type ranges will establish the development framework and pattern within which uses can locate.

Policy 20.23

Permitted land uses within the Wekiva Parkway Interchange Mixed-Use Zoning District shall be outlined in the Wekiva Parkway Interchange Form-Based Code, consistent with the Mixed-Use Interchange future land use designation and **Policy 20.10**. The Community Development Director shall have the authority to approve uses not listed there if the proposed use is compatible with the listed permitted uses and/or will generate or support the development of employment opportunities and/or an increased tax base.

Policy 20.24

Where feasible, developments within the Wekiva Parkway Interchange Plan Area shall maximize the preservation of open space and promote the clustering of uses to both preserve and enhance the natural environment and to maintain the rural character of areas outside of the Wekiva Parkway Interchange Plan Area. The amount of required open space shall vary by district, with the more intensive districts requiring less than 20% for urban plazas/ parks and the less intensive districts requiring more than 20% for passive/active parks and open space for areas. **Policy 20.10** establishes the minimum required open space per district.

Policy 20.25

The Wekiva Parkway Interchange Area Form-Based Code shall include the following provisions to promote efficient access to and through the area, and to protect the traffic flow along the Wekiva Parkway.

- Prohibit the vacation of rights-of-way to maintain the current grid system and facilitate its expansion;
- Require, as part of development approval, a spacing of 300 to 600 feet for local streets to create walkable "city" blocks and maintain connectivity in the area and avoid the use of the highway for local traffic;

- Prohibit the use of cul-de-sacs and gated neighborhoods;
- Coordinate with the Expressway Authority to encourage the extension of local roads under the highway to maintain connectivity between the east and west sides;
- Limit the number of driveways along Kelly Park Road, Golden Gem and Plymouth Sorrento Road within the Plan Area, and encourage the use of shared driveways instead;
- Require compliance with Section 6.02.10 of the LDC, which requires a minimum distance separation between driveways and intersections;
- Require internal connectivity between sites, through joint-use driveways or alleys, to keep traffic off main roads;
- The Form-Based Code shall include standards for right-of-way width and cross section design based on street typology; and
- Provide pedestrian/bicycle connections at a maximum separation of 350 feet, through the use of mid-block paths or pedestrian shortcuts.

Policy 20.26

Large developments with 50,000 gross square feet or more and are adjacent to a major street, which is or may be used as a transit route, shall provide access for on-site public transit. The public transit stop shall include a bus pullout and shelter.

Policy 20.27

The City shall coordinate with developers the design and construction of proposed new streets within the plan area in conformance with the design standards contained in the Form-Based code. The following standards shall be followed:

- Specific right-of-way location of streets other than those shown on Map 20 of the ILUP shall be determined through the development review process.
- Continue enforcing Section 6.02.05 of the City's LDC (rights-of-way), which contains measures for the protection and use of rights-of-way, and consider the incorporation of more pedestrian-friendly standards in the Wekiva area form-based code.

Policy 20.28

Sites within the Wekiva Parkway Interchange Plan Area, as well as right-of-way areas, shall be subject to the vegetation protection and water conservation landscaping policies contained in the City's comprehensive plan. The City will include more restrictive vegetation protection standards in the Wekiva Parkway Interchange Form-Based Code to:

- Encourage transplanting and re-vegetation.
- Coordinate, on an as needed basis, with Orange County to update regulations for the protection of unique vegetative communities in both jurisdictions.
- Select and locate plants based on their ultimate growth.

Policy 20.29

In order to ensure that development within the mixed-use district creates a sense of community, the placement and orientation of buildings should be carefully planned. The following standards should be included in the form-based regulations:

- Primary building entrances shall orient toward the street, not to interior blocks or parking lots
- Freestanding single-use buildings should be avoided in all but the neighborhood character district, while mixed and interconnected buildings should be encouraged.
- Green areas or plazas may be used to create a prominent civic component to mixed-use areas. These green areas should be centrally located or placed in between the higher intensity uses.
- Standards for the design of gas stations, and other vehicular service uses, to ensure they fit into the desired pedestrian character. The Code will specify standards for building location, site layout, driveway location, signage and other design elements that will ensure compatibility with other proposed uses in the area.
- Building height regulations shall be established not to exceed the parameters listed for each character district in **Policy 20.30**.

Policy 20.30

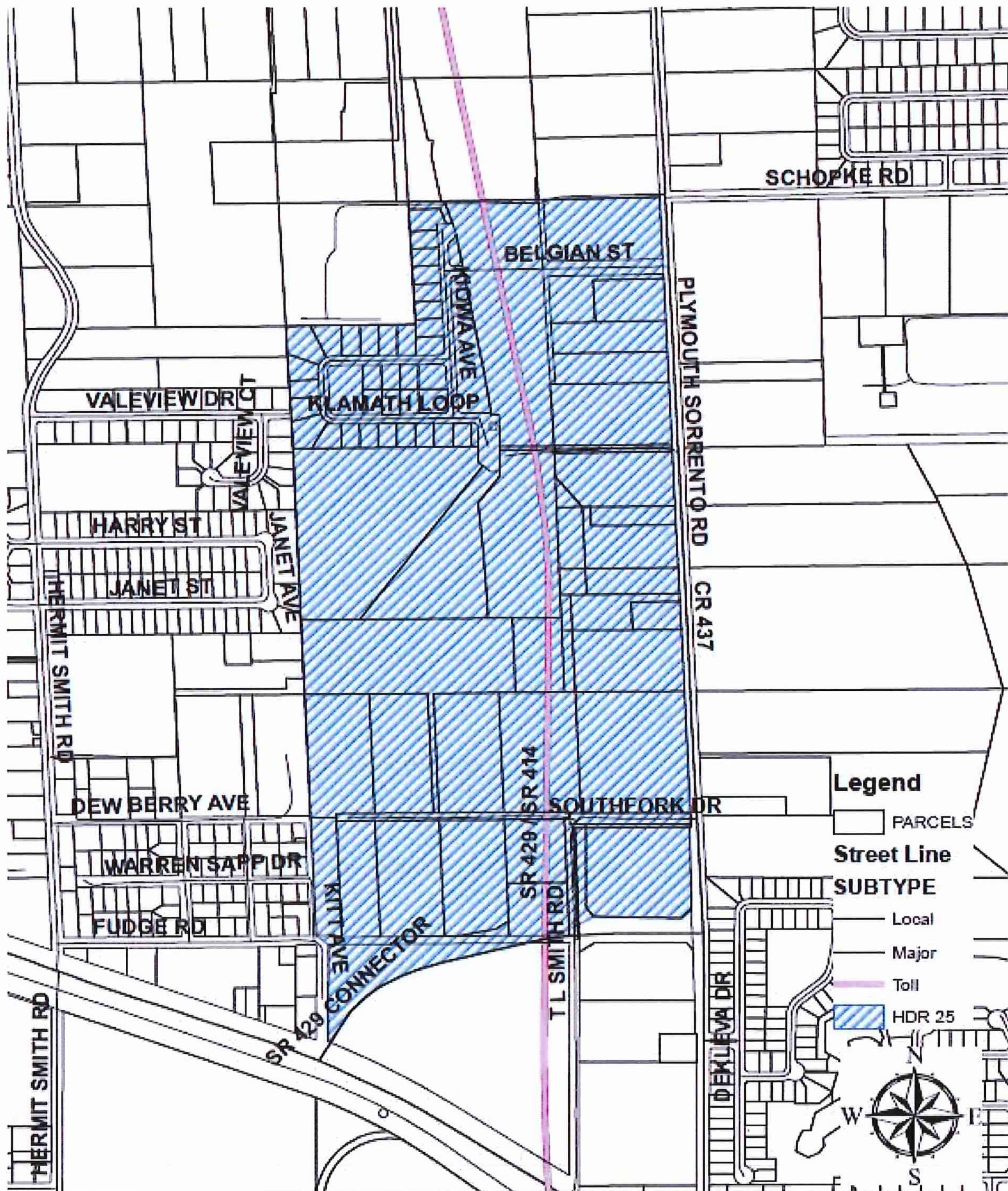
Building heights shall be arranged so that the tallest buildings are located in proximity to the Kelly Park Interchange and Kelly Park Road itself between the two Village Center nodes. Building heights shall be stepped down/ reduced as development approaches the periphery of the Interchange Study Area and as development nears the rural lands outside the study area. The form-based code shall establish appropriate building heights for each character district and shall address reduced building heights in proximity to the edges of character districts and the study area itself in order to promote compatibility between districts and protection of the rural character of lands outside the study area. In no case shall building height exceed ten occupied floors within the Interchange Study Area without a Comprehensive Plan amendment.

Policy 20.31

The Wekiva Parkway Interchange Form-Based Code shall include standards for signage within the Wekiva Parkway Interchange Plan Area and shall have the purpose to maintain a pedestrian character within the village centers, but at the same time, allow visibility from the highway. Standards shall at minimum:

- Continue to require a sign master plan for all Mixed Use Developments, per LDC Section 2.02.20
- Ground signs shall not be allowed in the Core Area if buildings are located within 15 feet from the street right of way.
- Ground signs shall not exceed a maximum height of 12 feet. This maximum height may be further reduced in certain character districts.
- No billboards shall be allowed within the Wekiva Parkway Interchange Plan Area
- Building signs shall be designed to complement the architecture rather than obscure it.

Map 1-1.a: Policy 3.1.h.ii
S.R. 429 / U.S. 441 Area
(Ord. No. 2747; May 6, 2020)
(Map delineates areas eligible for designation as
HDR-25 through a Future Land Use Amendment.)

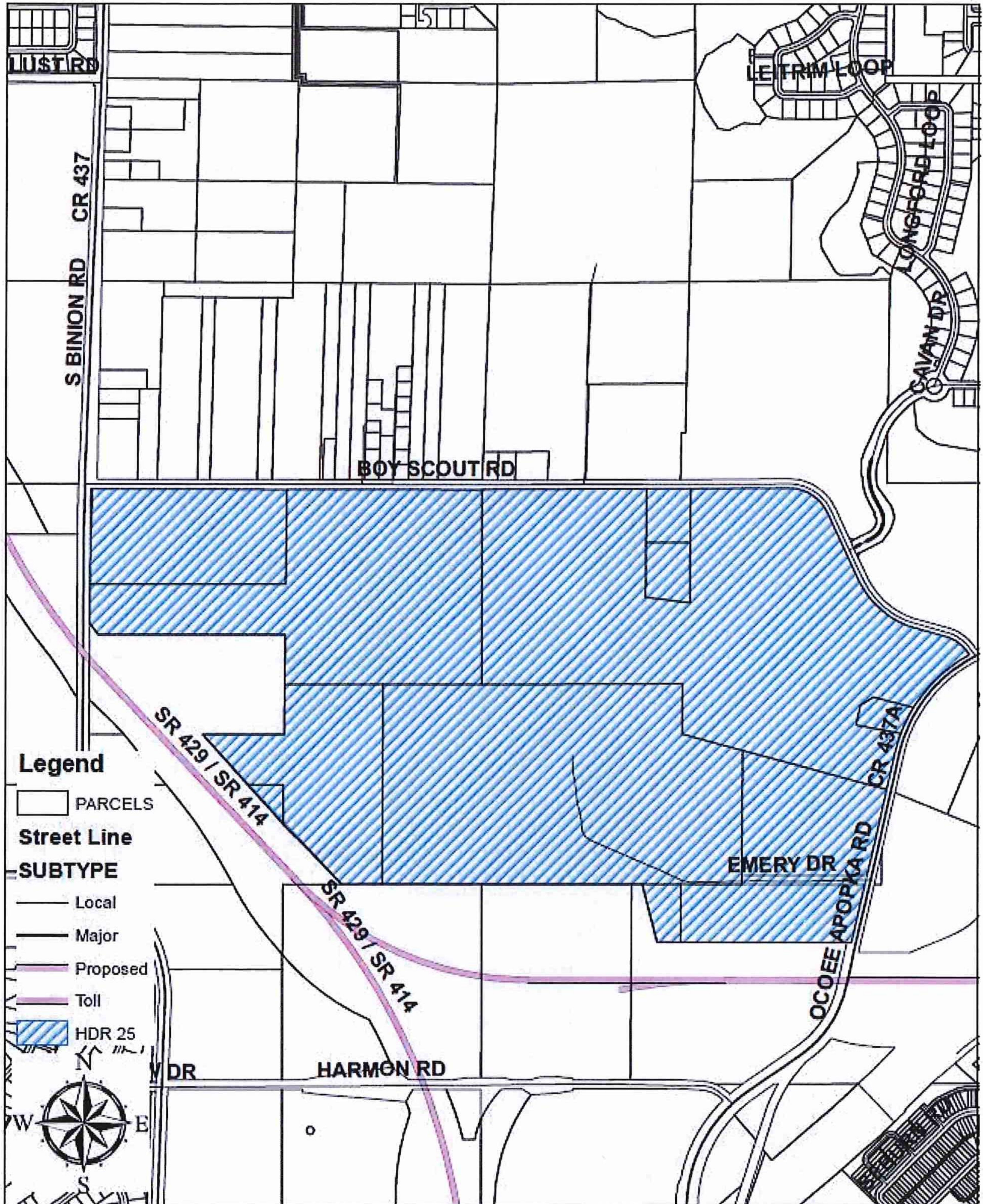


Map 1-1.b: Policy 3.1.h.ii

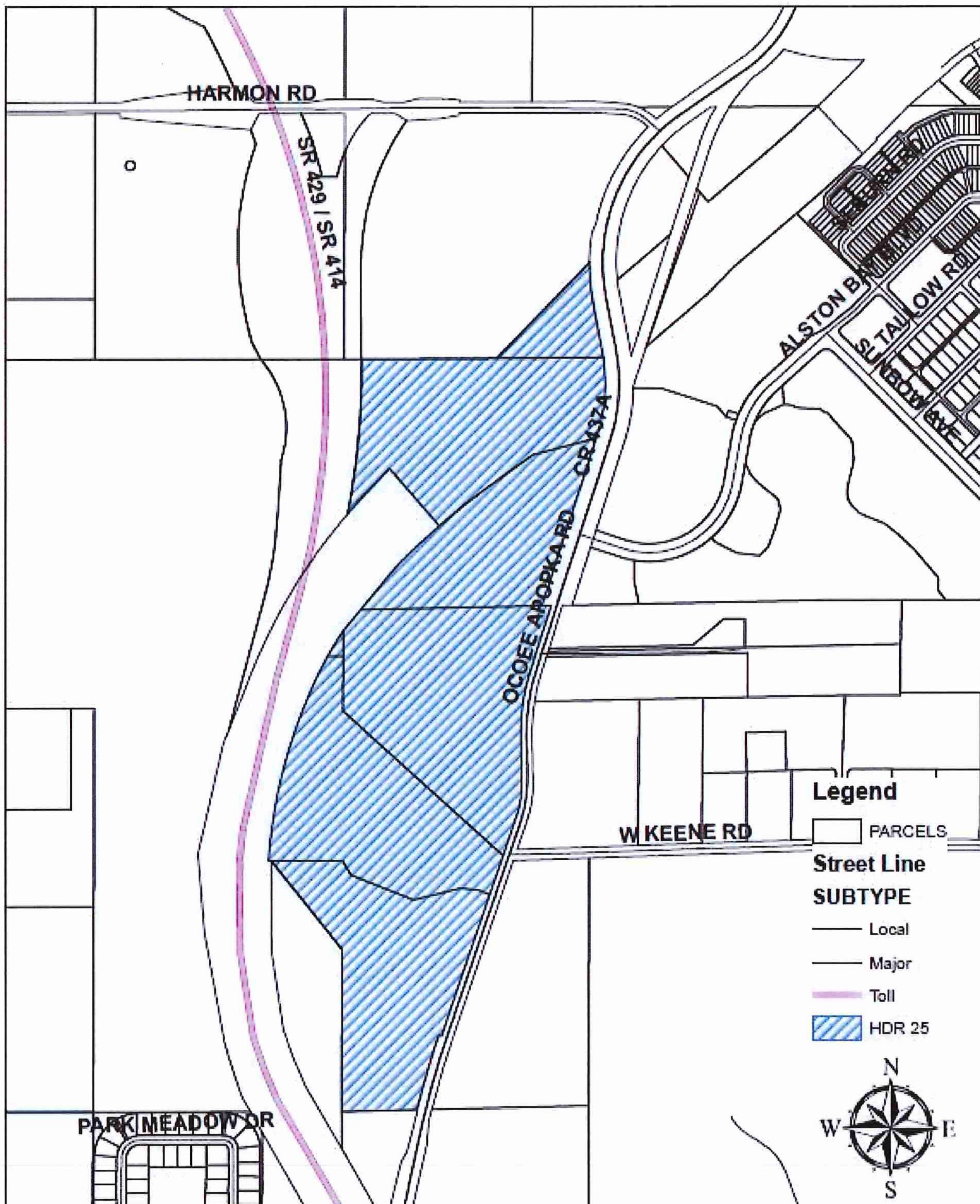
East Shore Parkway Area

(Ord. No. 2747, May 6, 2020)

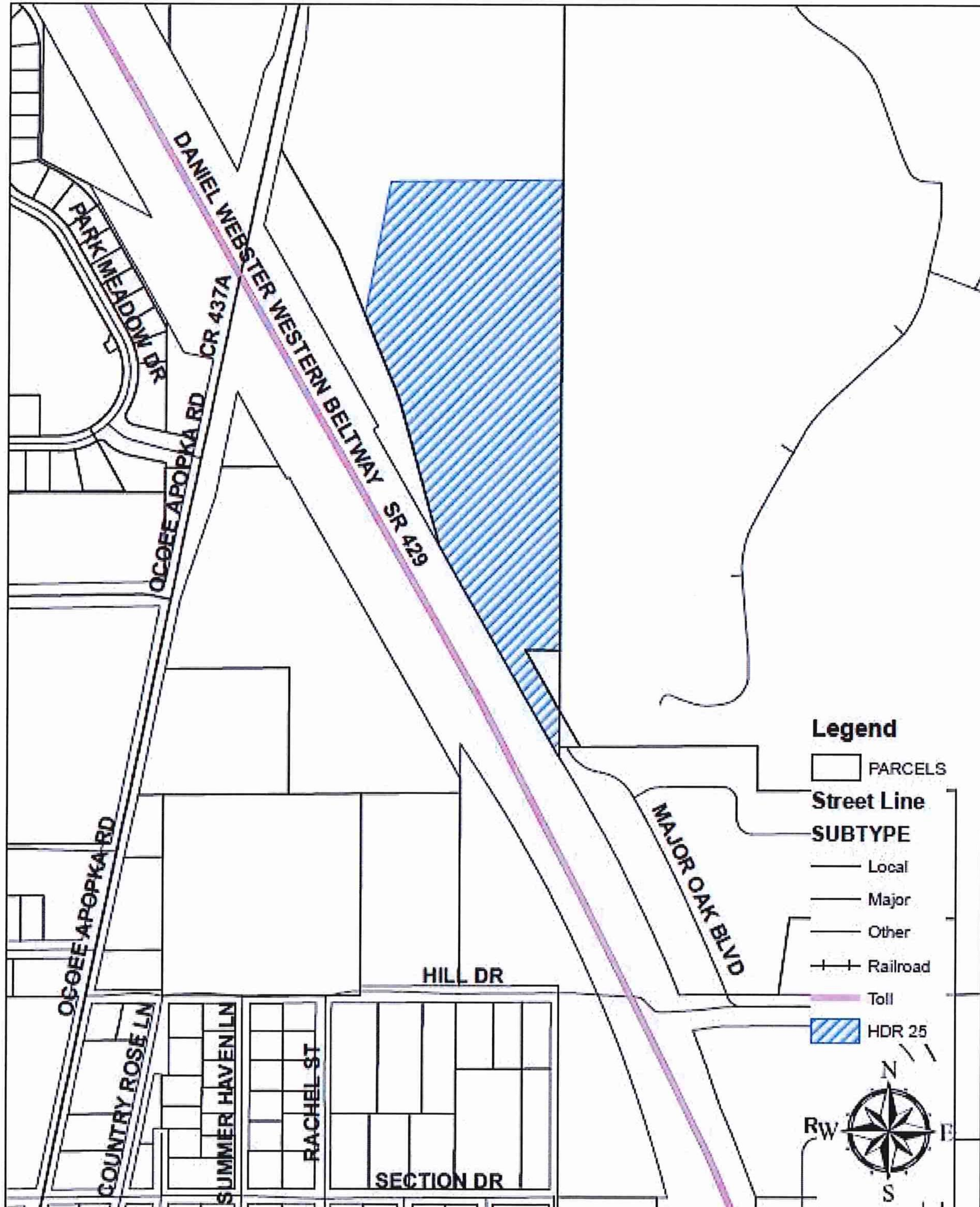
(Map delineates areas eligible for designation as
HDR-25 through a Future Land Use Amendment.)



Map 1-1.c: Policy 3.1.h.ii
East Shore New Market Area
(Ord. No. 2747; May 6, 2020)
(Map delineates areas eligible for designation as
HDR-25 through a Future Land Use Amendment.)



Map 1-1.d: Policy 3.1.h.ii
Oak Pointe North Area
(Ord. No. 2747; May 6, 2020)
(Map delineates areas eligible for designation as
HDR-25 through a Future Land Use Amendment.)





City of Apopka CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

Item #: 2.

Meeting Date: October 4, 2023

Department: Community Development

SUBJECT:

Ordinance Number 3007 – Second Reading – Small-Scale Future Land Use Amendment from Commercial and Agriculture to HDR-25 – 750 and 922 Plymouth Sorrento Road

REQUEST:

Adopt Ordinance Number 3007.

SUMMARY:

Owner(s): Peggy G Charlton Living Trust 1/2 Int, Gary D Charlton Living Trust 1/2 Int, and Gary D Charlton Living Trust

Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.

Parcel Identification Number(s): 06-21-28-7172-08-050 and 06-21-28-7172-08-040

Location: 750 and 922 Plymouth Sorrento Road

Existing Future Land Use: Commercial (0.25 floor area ratio maximum) and Agriculture (1 dwelling unit per 5 acres)

Proposed Future Land Use: HDR-25 (25 dwelling units per acre maximum)

Zoning District: C-C (Community Commercial) and T (Transitional)

Existing Use(s): Vacant and warehouse

Tract Size: 13.05 +/- Acres

PROJECT SUMMARY:

The proposed Future Land Use designation of HDR-25 is compatible with the area because parcels on the north of the subject properties are within the with the delineated area eligible to have a future land use designation of HDR-25. The subject properties are within the area that includes the Floridian Town Center on the northwest that comprises of a mix of commercial and high-density residential uses. On the northeast of the subject properties, an approved high-density residential development is slated to have 516 units within Unincorporated Orange County. This application is being processed simultaneously with an application amend the City's Comprehensive Plan to extend the geographical areas to be eligible for future land use designation of HDR-25. The applicant intends to construct a multi-family development with a proposed density of 19 dwelling units per acre.

SCHOOL CAPACITY REPORT:

Orange County Public Schools (OCPS) has indicated that capacity for the proposed development is not available at the elementary, middle and high schools, deficient of 34.968, 16.120 and 19.840 students, respectively. The property is zoned for the following schools: Wolf Lake Elementary, Wolf Lake Middle, and Apopka High School.

ORANGE COUNTY NOTIFICATION:

The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City notified Orange County on April 10, 2023.

PUBLIC HEARING SCHEDULE:

May 9, 2023 – Planning Commission (5:30 P.M.)

June 7, 2023 – City Council (1:30 P.M.), First Reading

October 4, 2023 – City Council (1:30 P.M.), Second Reading

DULY ADVERTISED:

April 21, 2023 – Apopka Chief

April 25, 2023 – Mailed notices to adjacent property owners; Posters placed on property

April 28, 2023 – Apopka Chief

September 22, 2023 – Apopka Chief

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

ATTACHMENTS:

- 750 & 922 Plymouth Sorrento Road – Land Use Report
- Maps
- Ordinance Number 3007
- 750 & 922 Plymouth Sorrento Road – OCPS School Capacity

FUNDING SOURCE:

Not applicable.

RECOMMENDED MOTION:

Development Review Committee:

Recommends approval of the change in future land use designation from Commercial and Agricultural to HDR-25 and finds the proposed amendment compatible with the character of the surrounding areas, recommending approval of the future land use amendment, subject to the adoption of the Comprehensive Plan Text Amendment to Map 1-1.a and Policy 3.1.h.ii, as well as, the findings and facts presented in the staff report and exhibits.

Planning Commission:

At its meeting on May 9, 2023, Planning Commission, on a vote of 6-1, recommended to deny this future land use amendment request, finding it incompatible with the character of the surrounding area.

City Council:

At its meeting on June 7, 2023, City Council accepted the first reading of Ordinance Number 3007 and held it over for second reading and adoption, subject to the adoption of Ordinance Number 3006.

Recommended Motion – City Council:

Adopt Ordinance Number 3007, subject to the adoption of Ordinance Number 3006.

ATTACHMENTS:

1. 750 & 922 PSR FLU - Land Use Report
2. Maps
3. Ordinance Number 3007
4. 750 & 922 Plymouth Sorrento Road - OCPS School Capacity

**SUBJECT:**

Small-Scale Future Land Use Amendment from Commercial and Agriculture to HDR-25 – 750 and 922 Plymouth Sorrento Road – Land Use Report

SUMMARY:

Owner(s): Peggy G Charlton Living Trust 1/2 Int, Gary D Charlton Living Trust 1/2 Int, and Gary D Charlton Living Trust
Applicant(s): Lowndes Law Firm c/o Jonathan Huels, Esq.
Parcel Identification Number(s): 06-21-28-7172-08-050 and 06-21-28-7172-08-040
Location: 750 and 922 Plymouth Sorrento Road
Existing Future Land Use: Commercial (0.25 floor area ratio maximum) and Agriculture (1 dwelling unit per 5 acres)
Proposed Future Land Use: HDR-25 (25 dwelling units per acre maximum)
Zoning District: C-C (Community Commercial) and T (Transitional)
Existing Use(s): Vacant and warehouse
Tract Size: 13.05 +/- Acres

LAND USE REPORT**I. RELATIONSHIP TO ADJACENT PROPERTIES**

Direction	Future Land Use	Zoning	Present Use
North	Commercial and County Rural	C-N (Neighborhood Commercial) and County A-1 (Citrus Rural)	Single Family Residence and Vacant (Floridian Town Center Parcel)
East	Residential Low	RTF (Residential Two-Family)	Single Family Residence and Plymouth Landing Residential Subdivision
South	Industrial and County Commercial	I-L (Light Industrial, County C-2 (General Commercial District and County PD (Planned Development)	Automobile Service Station and Repair Facility
West	Commercial and Mixed Use	MU-ES-GT (Mixed-Use – East Shore – Gateway)	SR 429 and Retention Pond

II. LAND USE ANALYSIS

The subject properties are in the western portion of the Joint Planning Area. Single-family residences are located to the east, commercial uses are located to the north, west and south, while industrial uses are further south of the subject properties. Development must comply with the HDR-25 future land use designation and be consistent with the Comprehensive Plan policies and Development Design Guidelines found in the

Land Development Code. The properties are approximately 13.05 acres in size. The parcel is not located in the following areas:

Wekiva Parkway Interchange Vision Plan Area: No

Wekiva River Protection Area: No

Area of Critical State Concern: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on October 26, 2004. The proposed FLUM Amendment request for a change from Commercial and Agriculture to High Density Residential-25 (HDR-25) is consistent with the terms of the JPA.

City of Apopka Comprehensive Plan Policies:

Future Land Use Element:

Policy 3.1.h.ii - The primary use shall be residential dwelling units with a minimum of 15 units per acre up to a maximum of 25 dwelling units per acre; elementary schools; middle schools, high schools; supporting infrastructure of less than five acres. The HDR-25 Designation may only be assigned to properties located within the geographical areas delineated within Maps 1- 1. a to 1- 1. d. through a Future Land Use Map Amendment.

Properties assigned the HDR - 25 Designation must have access to a collector or arterial road, or planned as a component of a pedestrian -oriented, mixed- use master plan with internal complete street" connectivity. Only properties located inside an HDR - 25 edibility area, as delineated in Maps 1- 1. A to 1- 1. d, are eligible to be assigned this designation through a Future Land Use Map amendment.

Special exception uses shall include:

- 1) Institutional uses of ten acres or less,
- 2) Supporting infrastructure and public facilities of five acres or more.

Planned Development uses may include:

- 1) All primary uses
- 2) All special exception uses
- 3) Retail commercial uses at a rate not in excess of 50 square feet of gross floor area per residential unit in the PD. Commercial uses must be completely internalized within the PD.
- 4) Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods.

Transportation Element:

Policies 1.1 and 1.2 state that the City of Apopka is a Transportation Concurrency Exception Area. The properties have access on Plymouth Sorrento Road.

Infrastructure Element:

Policies 1.1.1, 2.1.1 and 5.1.2 state the minimum levels of service for the City's wastewater and water systems as well as the City's solid waste collection service. The property has access to City water and wastewater.

Conservation Element:

Policy 4.1 states that a habitat study is required for developments ten (10) acres or more in size. As these properties are over ten acres in size, a habitat study will be required for development.

Land Use Calculations:

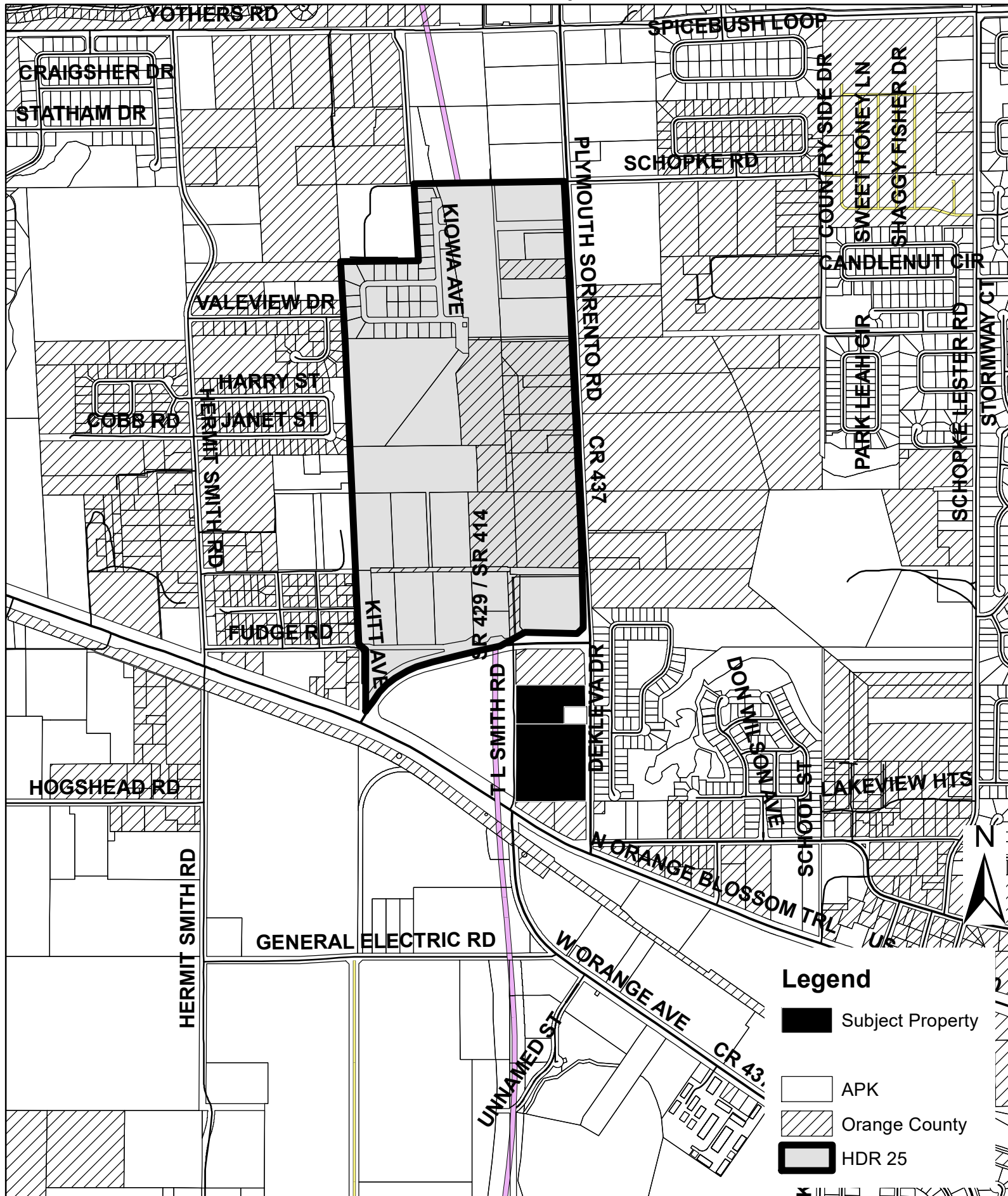
CURRENT: Commercial (0.25 floor area ratio maximum) and Agricultural (1 dwelling unit per 5 acres)

0.25 X 9.16 acres = 99,752 square feet of commercial uses
1 du/5 acres X 3.89 acres = 0 residential unit

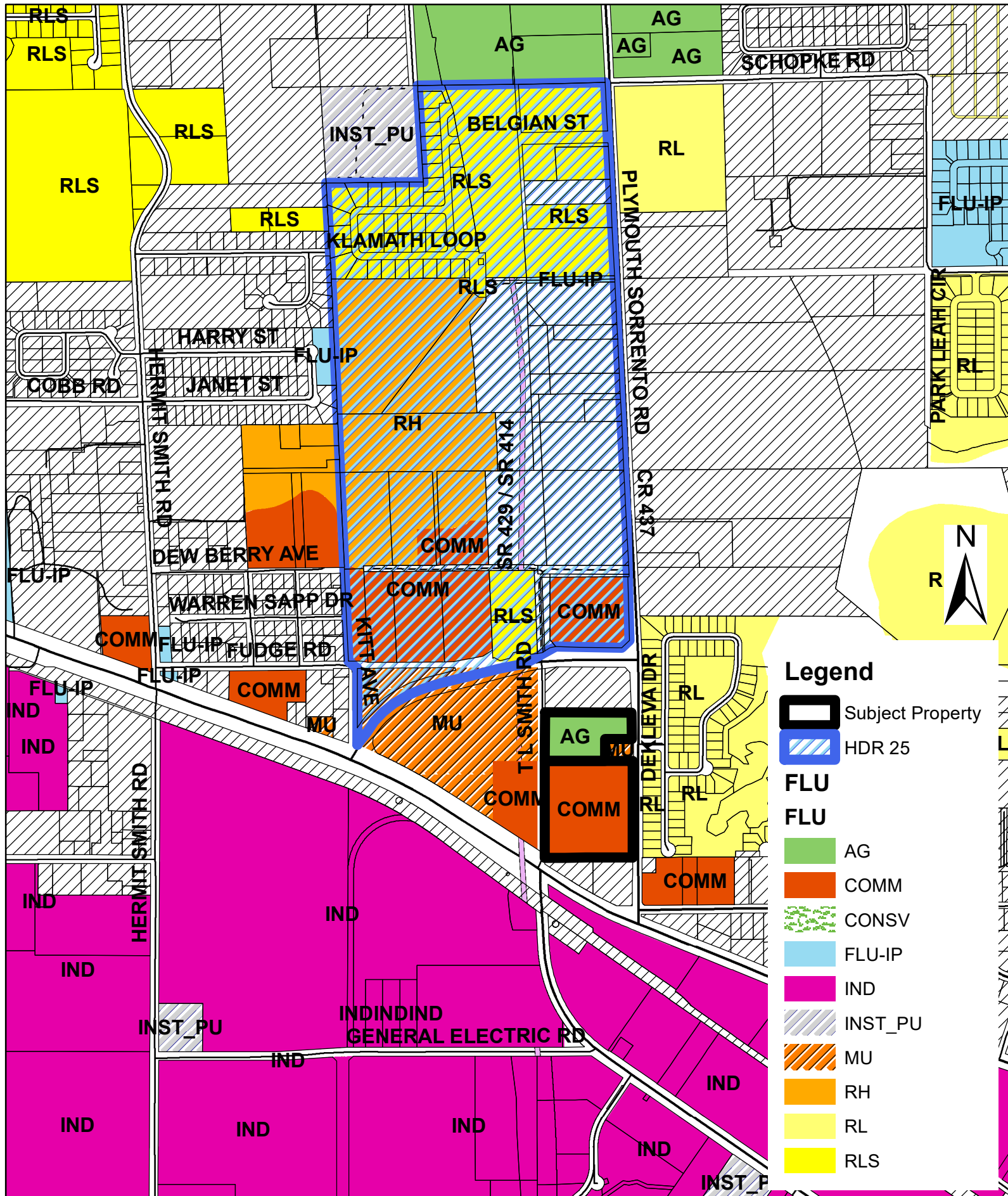
PROPOSED: HDR-25 (0.60 floor area ratio maximum)
25 du/acre X 13.05 acres = 325 residential units

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

Vicinity

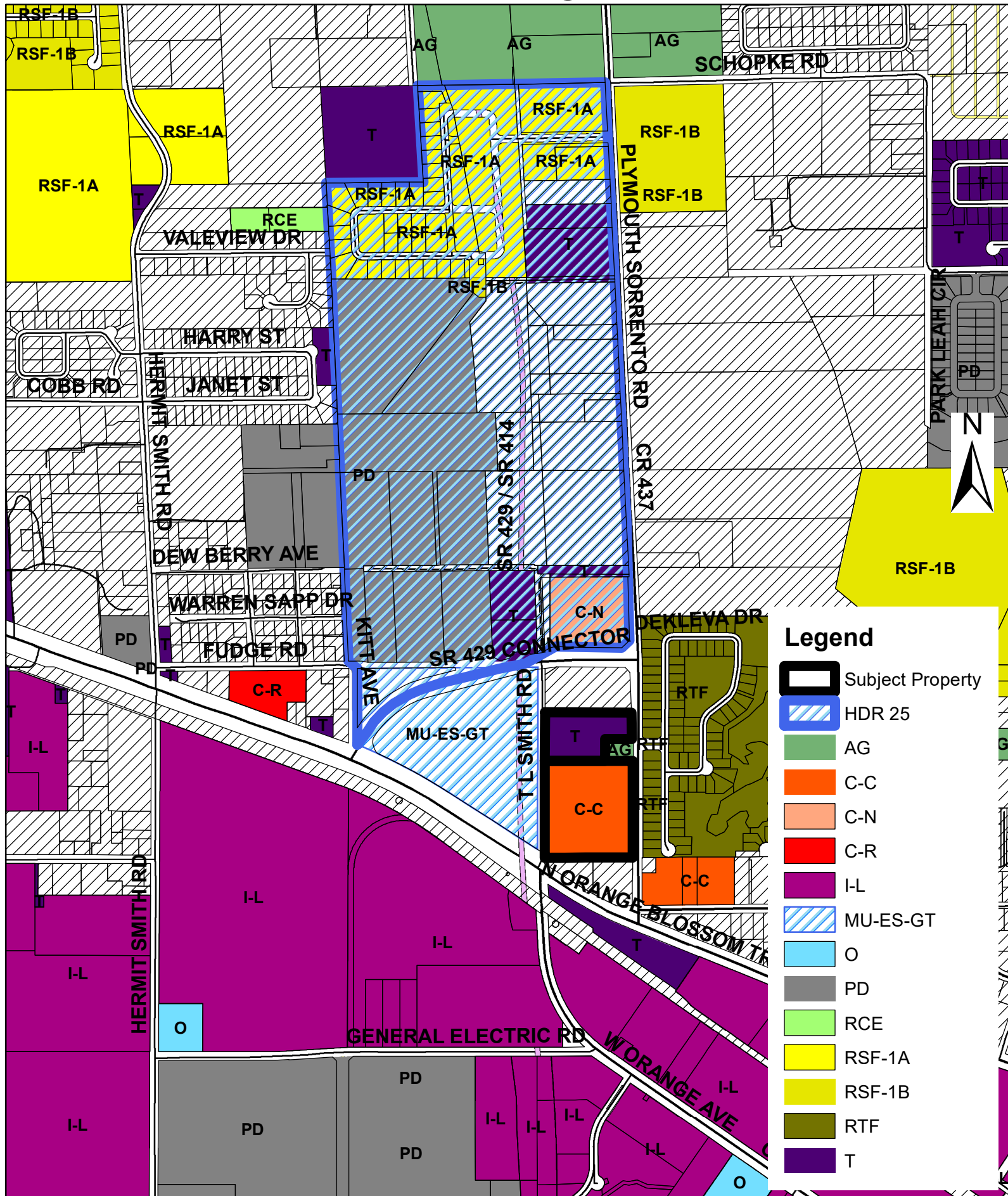


Future Land Use



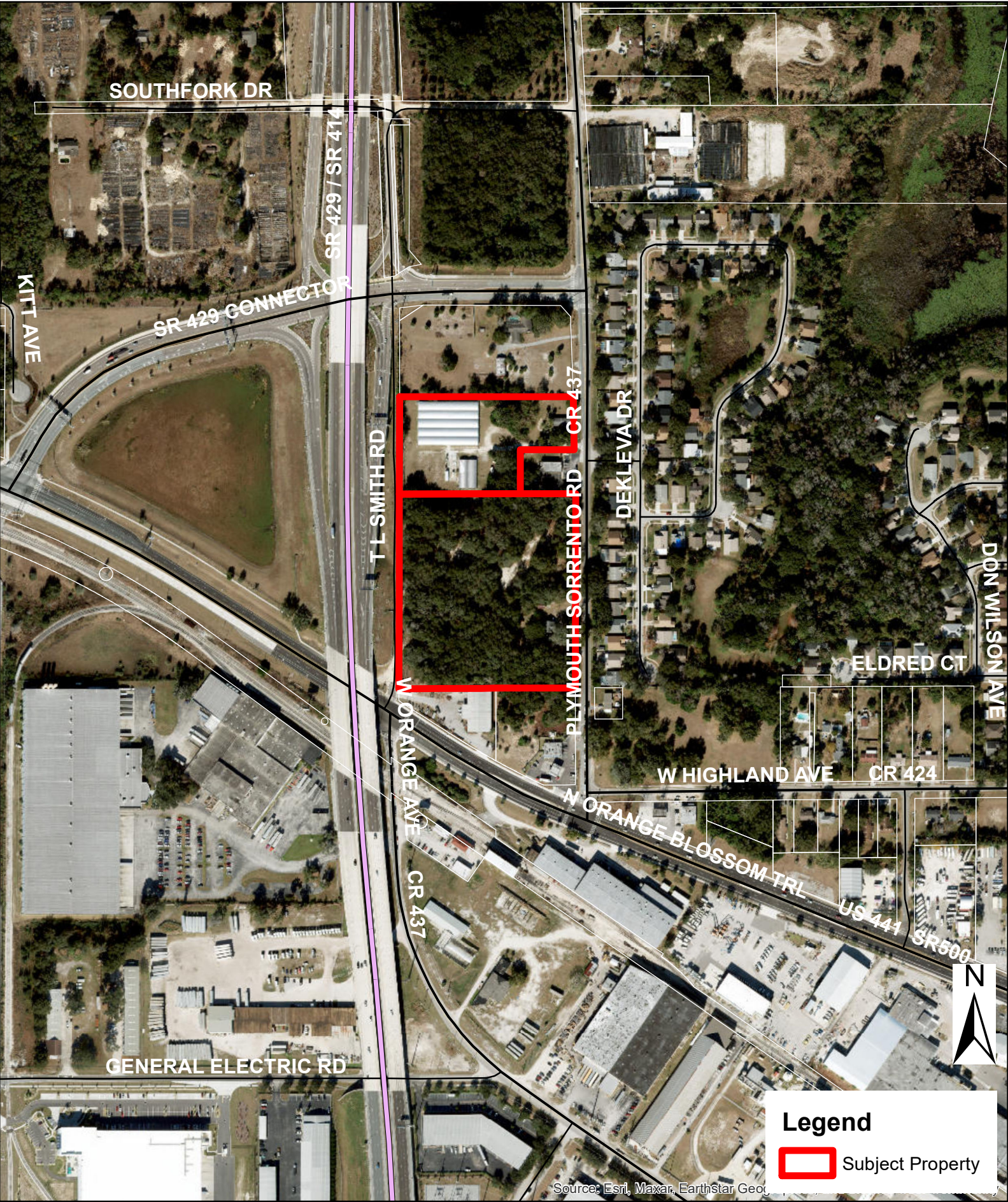
(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Zoning



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Aerial



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

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

PAGE 2

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this _____ day of _____, 2023.

READ FIRST TIME: June 7, 2023

READ SECOND TIME AND
ADOPTED: October 4, 2023

ATTEST:

Susan Bone, City Clerk

Bryan Nelson, Mayor

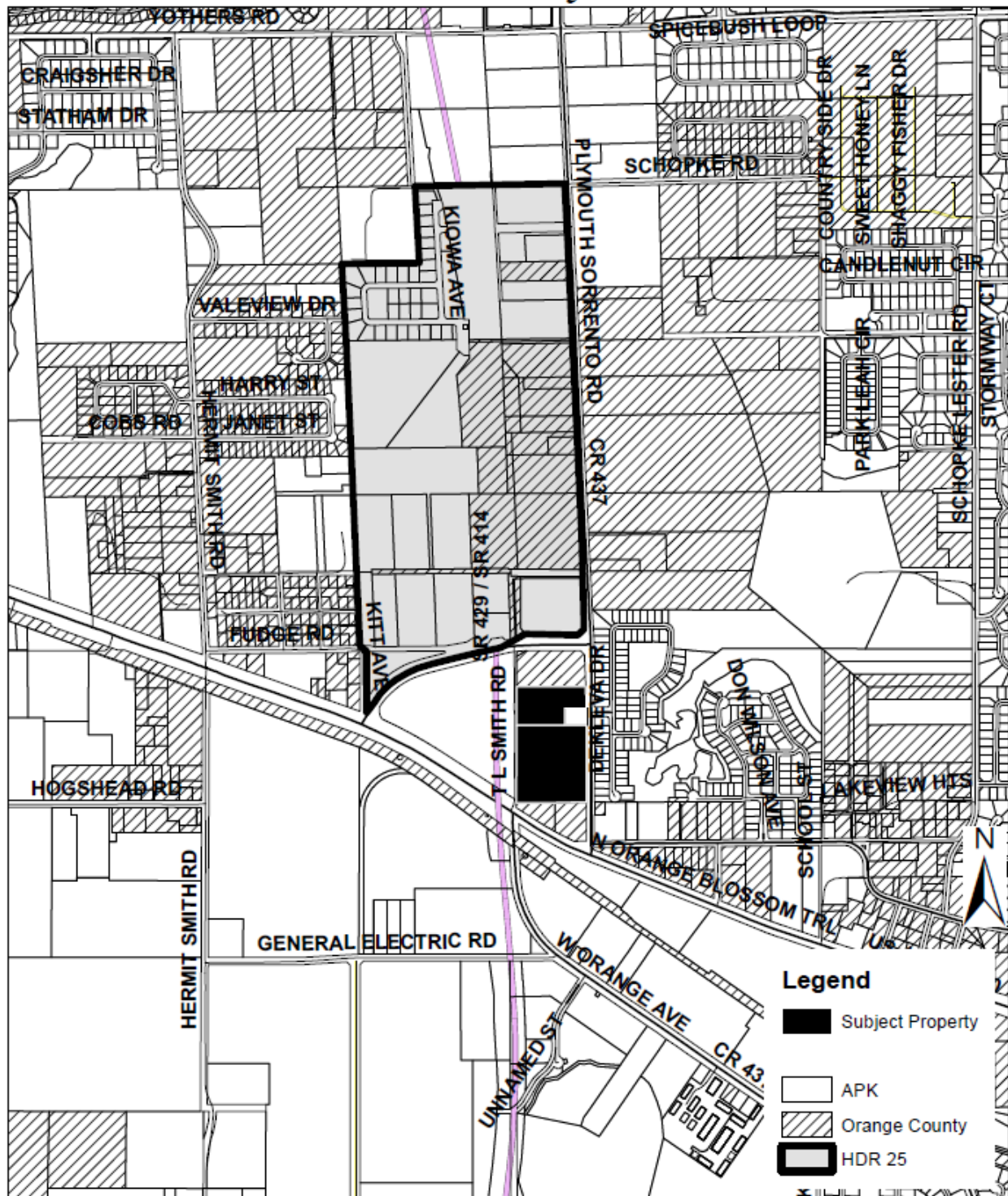
Approved as to form and legal sufficiency:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: April 21, 2023 and September 22, 2023

EXHIBIT "A"

Parcel Identification Number(s): 06-21-28-7172-08-050 and 06-21-28-7172-08-040





6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

May 4, 2023

JONATHAN.HUELS@LOWNDESLAW.COM

Jonathan P. Huels
Lowndes Law Firm
215 N. Eola Dr
Orlando, FL 32801

Application APK-23-010 750 & 922 Plymouth Sorrento Rd

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

Type of Development Application	☒ FLUM ☐ Rezoning ☐ Amendment or Extension
Development Application #:	TBD
Project Name:	Plymouth Sorrento Rd
OCPS Completed Application Date:	4/26/2023
Parcel #(s):	28-21-06-7172-08-050; 28-21-06-7172-08-040
Requested New Units (#):	SF: MF: 248 TH:
Vested Unit(s):	SF: MF: 2 TH:
Total Project Units:	250
School Board District:	#7

In accordance with Section 8 of the Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency ("Interlocal Agreement"), a detailed Capacity Analysis is provided in **Attachment A**.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Wolf Lake ES	Wolf Lake MS	Apopka HS
Jurisdictional Analysis	Apopka-86.13% Orange County-13.50%	Apopka-58.70% Orange County-40.85%	Apopka-66.67% Orange County-31.67%

Given the above analysis, this project meets the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from City of Apopka

This determination expires on October 30, 2023 OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from City of Apopka by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

This determination is governed by the Interlocal Agreement, the provisions of Orange County adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,



Christopher C. Mills, AICP
Senior Administrator, Facilities Planning

SK/cm

Attachments – Attachment A: Detailed Capacity Analysis

CC: Jean Sanchez, City of Apopka (via e-mail)
Sue Watson, Orange County (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File

Attachment A



School Capacity Determination

User ID SVK May 3, 2023 11:31:07

Project ID: CEA – APK – 23 – 010 Valid Until: October 30, 2023

Project Name:		750 & 922 PLYMOUTH SORRENTO ROAD		
Unvested Units	Single Family Units:	0	Single Family Units:	0
	Multi Family Units:	248	Multi Family Units:	2
	Multi Family High Rise Units:	0	Multi Family High Rise Units:	0
	Town Homes Units:	0	Town Homes Units:	0
	Mobile Home Units:	0	Mobile Home Units:	0
		Vested Units		

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	DD		
	School:	WOLF LAKE ES	WOLF LAKE MS	APOPKA HS
	Analysis of Existing Conditions			
	School Capacity (2021-2022)	828	1,152	3,020
	Enrollment (2021-2022)	735	1,195	3,509
	Utilization (2021-2022)	118.0%	122.0%	110.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	176	0	0
	Analysis of Reserved Capacity			
	School Level	Elementary	Middle	
	Encumbered Capacity	379	270	289
	Reserved Capacity	137	166	82
	Adjusted Utilization	151.1%	141.6%	128.5%
	Adjusted Available Seats	0	0	0
	Analysis of Proposed Development			
	Students Generated	34.968	16.120	19.840
	Adjusted Utilization	155.3%	143.0%	129.1%
	AVAILABLE/NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
	Number of Seats to Mitigate	34.968	16.120	19.840

WOLF LAKE ES	
WOLF LAKE MS	
APOPKA HS	



City of Apopka CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

Item #: 3.

Meeting Date: October 4, 2023

Department: Community Development

SUBJECT:

Resolution 2023-32 - Live Local Act

REQUEST:

Adopt Resolution 2023-32, Standard Operating Procedures to implement the Live Local Act

SUMMARY:

Senate Bill 102, otherwise known as the Live Local Act requires local governments to authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined per Florida Statute 420.004. A proposed development that satisfies the criteria of the Live Local Act may not be required to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized by the Act, and assuming such projects meet the criteria in the Act, they must be administratively approved. Resolution 2023-adopts standard operating procedures to implement the requirements of the Live Local Act.

FUNDING SOURCE:

N/A

RECOMMENDED MOTION:

Adopt Resolution 2023-32

ATTACHMENTS:

1. SB102 LLA Resolution

RESOLUTION NO. 2023-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, TO ADOPT STANDARD OPERATING PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF THE LIVE LOCAL ACT.

WHEREAS, on March 29, 2023, Governor Ron DeSantis signed Senate Bill 102, creating Section 125.01055(7), Florida Statutes (2023), known as the Live Local Act (the “Act”), which took effect on July 1, 2023; and

WHEREAS, the Act requires local governments to authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least forty percent (40%) of the residential units in a proposed multi-family rental development are, for a period of at least thirty (30) years, affordable as defined in Section 420.004, Florida Statutes (2023); and

WHEREAS, a proposed development that satisfies the Act’s criteria may not be required to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized by the Act and, if the project satisfies the City’s land development regulations for multifamily development and is otherwise consistent with the Comprehensive Plan, the project must be administratively approved without further action by the City Council; and

WHEREAS, the City Council wishes to adopt standard operating procedures to guide staff on how to process qualifying projects under the Act.

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

SECTION 1: The City Council hereby adopts the Live Local Act Standard Operating Procedures (the “SOPs”) as set forth in Appendix “A,” attached hereto and incorporated herein by reference, to accomplish the goals of the Act. The Council hereby directs any project applications submitted pursuant to the Act to be handled in substantial compliance with the SOPs attached hereto.

SECTION 2: By its terms, the Act expires on October 1, 2033. This Resolution, and the SOPs, shall likewise expire on October 1, 2033. In the event the Florida Legislature modifies the expiration date of the Act, this Resolution shall expire on such modified expiration date.

SECTION 3: All resolutions or parts of any resolution in conflict to the extent of such conflict are hereby repealed.

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

Dated this ____ day of October, 2023.

ATTEST:

**CITY COUNCIL OF THE CITY OF
APOPKA, FLORIDA**

SUSAN BONE, CITY CLERK

BRYAN NELSON, MAYOR

APPENDIX “A”

FORM OF LIVE LOCAL ACT STANDARD OPERATING PROCEDURES

LIVE LOCAL ACT STANDARD OPERATING PROCEDURES

Description

On March 29, 2023, Governor Ron DeSantis signed Senate Bill 102, which created Section 125.01055(7), Florida Statutes, otherwise known as the Live Local Act (the “Act”). The Act took effect on July 1, 2023. The Act requires local governments to authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multi-family rental development are, for a period of at least 30 years, affordable as defined in § 420.0004, Florida Statutes. A proposed development that satisfies the Act’s criteria may not be required to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized by the Act, and, assuming such projects meet the criteria in the Act, they must be administratively approved. This document outlines the process such projects need to follow to obtain administrative approval pursuant to the Act.

Eligibility Criteria

- Uses
 - Multi-family and mixed-use residential
 - For mixed use projects, at least 65 percent of the total square footage must be used for residential purposes.
- Affordability
 - At least 40 percent of the residential units must be affordable, as defined in § 420.0004, F.S.
 - The affordable units must remain affordable for a period of 30 years.
 - A Declaration of Covenants and Restrictions/Land Use Restriction Agreement (the “LURA”) documenting the project’s affordability, in a form acceptable to the City, must be executed and recorded prior to submitting for vertical permits.
- Development Standards
 - Except for height and density, the project must comply with all other applicable development standards. Except for allowable densities, height, and land use, the project must comply with all other applicable Comprehensive Plan provisions. Any project requiring a variance, or otherwise not able to comply with the applicable development standards and Comprehensive Plan provisions, will not qualify under this process and must comply with the applicable conventional development approval processes.
 - Projects zoned PD (Planned Development District) will not qualify under this process and must comply with the applicable planned development approval processes.

Application

- Any project applications for development under the Live Local Act ("LLA Application") must be made on the appropriate form provided by the City and must be accompanied by the appropriate review fee. The LLA Application must be in addition to any other application required commensurate with the type of use and project. The LLA Application

must specifically demonstrate, at a minimum, that the project qualifies as affordable housing under the Act.



City of Apopka CITY COUNCIL STAFF REPORT

Section: CITY ATTORNEY'S REPORT

Item #: 1.

Meeting Date: October 4, 2023

Department: Legal Department

SUBJECT:

Ordinance No. 3030 -Surplus Real Property Disposal Ordinance draft

REQUEST:

Accept the first reading of Ordinance Number 3030 and hold over for a second reading and adoption.

SUMMARY:

As requested, attached is a proposed ordinance creating a procedure for the disposition of surplus real property in the City, outside the CRA. As I have noted, real property in the CRA can only be disposed of in accordance with Florida Statute 163.380.

FUNDING SOURCE:

N/A

RECOMMENDED MOTION:

Accept the first reading of Ordinance No. 3030 policy for surplussing and disposing of real property in the City but outside of the CRA and hold over for a second reading and adoption.

ATTACHMENTS:

1. Surplus Real Property Disposal Ord Draft

SECTION I: Chapter X, “X,” of the Code of Ordinances of the City of Apopka is hereby amended as follows:

CHAPTER X – TITLE

* * * *

Sec. X-X. – Generally.

The Power to Dispose. The City of Apopka is empowered to sell, transfer, lease, convey, or otherwise dispose of any real property, improved or unimproved, now owned or hereafter acquired by or owned by the city, as provided herein. These procedures supplement any other procedures that may now or in the future be applicable as provided by law or regulation. NOTE: These procedures do not apply to the disposition of real property located in a Community Redevelopment Area as defined by Florida Statutes.

* * * *

Sec. X-X. – Definitions.

Real property includes, but is not limited to, any lands with or without a structure, buildings, parks, or other lands now owned or subsequently acquired by the City of Apopka and not located in a Community Redevelopment Area as defined by Florida Statutes.

Surplus property means real property that is determined to be obsolete, or the continued use of which is uneconomical or inefficient, or which serves no useful function by the City.

Sec. X-X. – Determination and legislative declaration of surplus.

(a) Any real property owned by the City may be declared as surplus upon:

- (1) Request by the Community Development Director, or designee; or
- (2) Request by an interested party. Such request shall be made to the Community Development Director, or designee, who shall provide a recommendation to the Council as to whether the property should be declared surplus; or
- (3) The City Council’s own request to initiate proceedings.

All requests to declare the City-owned land surplus must be recorded and circulated among the various departments of the City to determine each department’s need for the property. The results will then be sent to the City Council for its consideration in declaring the property surplus.

(b) To commence the sale, transfer, lease, conveyance, or other disposal proceedings, the City Council shall make a legislative finding that the real property is not needed for city purposes and declare the property surplus by resolution, which particularly describes, at a

minimum, the land by metes and bounds or by reference to a recorded plat or government survey; the property address by street number, if any; a description of all improvements located upon the land, if any; how said land has been used since same has belonged to the City; why said land is no longer needed for public purposes; and any other relevant property history.

(c) *Fair market value required; exceptions.* Except as provided in this section, the City Council shall not approve the sale, lease, or other disposition of real property owned by the City for a price or rental below the City's estimate of fair market value or fair market rental value thereof. Any requirement of this section, however, may be waived by unanimous vote of the City Council.

(1) If the property is estimated to have a value that exceeds _____, the land must be appraised by two (2) independent appraisers, who are designated members of the Appraisal Institute.

(2) If the property is estimated to have a value between _____ and _____, the land must be appraised by one (1) independent appraiser, who is a designated member of the Appraisal Institute.

(3) Unless the City Council shall determine to the contrary during the declaration of surplus proceeding, appraisals are not required for the following:

- a. A sale or lease to another government agency;
- b. A sale or lease to a bona fide not-for-profit 501(c)(3) or 501(c)(6) corporation; or
- c. A sale or lease of a property which is assessed by the county property appraiser for less than \$_____.

(d) *Procedure for Disposal*

(1) *Sealed bids.* Within thirty (30) calendar days after adoption of the resolution declaring the city-owned land surplus, the City shall notify the public of the intent to sell the property by publishing a request for proposals on the City's website not less than ten (10) days before sealed bids are due. The City shall also send notice of its intended sale to owners of adjacent properties by certified mail.

- a. The notice shall state, at a minimum, the date when sealed bids are due and that the minimum acceptable bid price shall be no less than 90 percent of the appraised value.
- b. Sealed bids shall be accompanied by cashier's checks or certified checks payable to the City in an amount equal to at least ten percent of the disposition price. In the case of a sale, the bid of the highest bidder complying with the terms and conditions set forth in such notice shall be accepted, unless the City Council rejects all bids because they are too low or because the Council determines that the property should be sold pursuant to a different provision of this section.
- c. The bid security will be returned to all except the three highest qualified bidders within ten (10) days after the opening of the bids. The remaining checks will be returned within ten (10) days after the city has entered into a sale and purchase contract with the highest bidder.
- d. After the highest bid has been determined, the Community Development Director, or designee, will submit a recommendation to the City Council for its consideration. If the bid is approved by the City Council, the successful bidder will be notified of the award and a contract for sale and purchase will be executed.
- e. In the event of a default on the part of any purchaser under contract for the sale of City-owned real property in making full payment or otherwise failing in the performance of the purchaser's obligations under the contract to purchase, as a minimum contractual remedy, the amount of the deposit shall be forfeited. Should a valid bid be rejected by the City, the initiating party shall be reimbursed the deposit fee.
- f. Failure of the successful bidder to close the sale within forty-five (45) calendar days after receiving the notice of award shall be just cause for the annulment of the award and the forfeiture of the bid security to the City, which forfeiture shall not be considered as a penalty but as liquidated damages. Upon failure to close, the City may: 1) offer the land to the other bidders in the order of their bid rank for the same amount as the highest

bidder or such other amount City deems appropriate; 2) schedule another round of bidding; 3) sell the property at public auction; or 4) decide to keep the property.

(2) *Private sale for small or irregularly shaped parcels.* The City may affect a private sale of a parcel of surplus property upon finding that due to the size, shape, location, and value of the parcel, the parcel is of use only to one or more adjacent property owners, and:

- a. A parcel is of insufficient size and shape to be issued a building permit for any productive improvements or development be constructed on the surplus property; or
- b. The value of the parcel is \$15,000.00 or less (as determined by an independent appraiser or the county property appraiser).

Notice of intended action shall be sent to the adjacent property owner(s) by certified mail and no bids or public notice shall be required. If, however, within ten (10) business days after receiving such mailed notice, two or more owners of adjacent property notify the City of their desire to purchase the parcel, the City shall accept sealed bids for the parcel from those property owners and may convey the land to the highest bidder or reject all bids. If the adjacent property owner(s) do not respond within ten (10) business days after receiving mailed notice, the City shall follow the competitive bid process established in this section.

(3) *Transfer to charitable or other governmental entities.*

- a. Within the reasonable exercise of its discretion and having consideration for the best interests of the city, the value and condition of the property, and the probability of such property being desired by a private party, the City Council may sell, transfer, lease, or otherwise convey the surplus property to a private nonprofit agency or to another government entity. No advertisement is required, and such sale or donation shall be under such terms and conditions as City Council deems appropriate.
- b. A resolution duly adopted by the City Council shall set forth the following:
 1. The facts of the application;
 2. The purpose for which the property is to be used;

3. The rent and term of the lease or the purchase price and terms; and
4. A provision to be incorporated into the lease or deed which states that in the event the property is no longer used or ceases to be used for the stated purpose, the lease term shall immediately cease, or in the case of a purchase, the property shall revert to the City which shall thereafter have the right to re-enter and repossess the property. Any improvements made to or on the real property shall also become property of the City with no compensation due to the other party.