APOPKA CITY COUNCIL AGENDA

January 7, 2026 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

PRESENTATION OF COLORS - APOPKA COLOR GUARD

PLEDGE

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. 2025-19 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

APPROVAL OF MINUTES

1. **Approval of Regular City Council Meeting Minutes of December 17, 2025.**

AGENDA REVIEW

PRESENTATION

1. **BerryDunn Presentation of Draft Strategic Plan**
   Presented by: Karen Whichard, BerryDunn

2. **Opportunity Apopka Business Expo**
   Presented by: Antranette Forbes, Economic Development Director

CONSENT (Action Item)

1. **Awarding of Duty Weapon**

2. **Retirement of Police Canines**

3. **Integrated Criminal Justice Information System (ICJIS) Access Agreement (Orange County & Apopka Police Department)**

4. **Child Abduction Response Team Agreement (FDLE & Apopka PD)**

5. **Special Event Request - Road Closures for Dr. Martin Luther King Jr. Day Parade**

6. **Authorize the execution of piggyback contracts for the assigned terms: American Ramp Company, IT Plus, Inc. and Florida Sheriffs Association.**

BUSINESS (Action Item)

1. **Interlocal Agreement with Orange County for Transfer of Golden Gem Road (Kelly Park Road and Capital Reef Way Termini)**

   Presented by: Jean Sanchez, Senior Planner

2. **Special Election - Appointment of Alternate Canvassing Board Members, per Apopka Municipal Code, Sec. 30-26.**

   Presented by: Susan Bone, City Clerk

3. **Discussion and appointment of a new Board Member to the Apopka Community Redevelopment Agency (CRA)**

   Presented by: Antranette Forbes, Economic Development Director

4. **Main Street Apopka Agreement (Response to Notice of Default)**

   Presented by: Radley Williams, Interim City Administrator

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. **Ordinance No. 3117 – Second Reading - Change of Zoning/PD Rezoning, Master Plan and PD Agreement Ondich North**
   Owner(s): IPM S-1 Reo, LLC; Hmf, LLC; Charles P. Stallings; Kim L. Stallings; Euell E. Stallings, Jr.; and Crystal Denise Stallings
   Applicant: Pulte c/o Aaron Struckmeyer
   Parcel Identification Number(s): 01-20-27-0000-00-007, 01-20-27-0000-00-034, 01-20-27-0000-00-053, 02-20-27-0000-00-010, 02-20-27-0000-00-011, 02-20-27-0000-00-020 (portion of)
   Location: Northwest corner of Ondich Road and SR 453/SR 429
   Existing Future Land Use: County Rural
   Proposed Future Land Use: Residential Estate
   Existing Use(s): Mostly vacant and some parcels with single-family residences
   Existing Zoning: Zoning: County R-2 (Residential District)
   Proposed Zoning: PD (Planned Development)
   Density: One dwelling unit per acre
   Tract Size: 196.83 +/- Acres
   Presented by: Jean Sanchez, Senior Planner

2. **Ordinance No. 3128 - Second Reading - Platting and Expedited Permitting**

   Presented by: Cliff Shepard, City Attorney

3. **Ordinance No. 3140 - First Reading - Future Land Use Amendment - 1030 E. Sandpiper Street**
   Owner(s): Lincoln Douglas Haynes and Lauren Elizabeth Haynes
   Applicant(s): Lincoln Douglas Haynes
   Location: 1030 E. Sandpiper Street
   Project: 1.79 +/- Acres
   Density: N/A
   Project Manager:Amer Hamza
   Presented by: Amer Hamza, Planner

4. **Ordinance No. 3141 - First Reading - Change of Zoning - 1030 E. Sandpiper Street**
   Owner(s): Lincoln Douglas Haynes and Lauren Elizabeth Haynes
   Applicant(s): Lincoln Douglas Haynes
   Location: 1030 E. Sandpiper Street
   Project: 1.79 +/- Acres
   Density: N/A
   Project Manager: Amer Hamza
   Presented by: Amer Hamza, Planner

5. **Ordinance No. 3147 - First Reading - Paulucci Acres Planned Development (PD) Rezoning, PD Master Plan, and PD Agreement**
   Owner(s): Paulucci Acres, LLC.
   Applicant(s): Daniel O'Keefe, Shutts & Bowen, LLP
   Location: Generally located east of Vick Road, East of Jason Dwelley Parkway, North and South of Ponkan Road, South and East of Pittman Road, and East of Ponkan Summitt Drive
   Project: Paulucci Acres
   Density: 1.67 du/ac
   Project Manager: Bobby Howell, AICP

6. **Ordinance No. 3151 - First Reading - Amendment to the City of Apopka General Employees' Retirement System**

   Presented by: John Hanson, Building Official

7. **Ordinance No. 3152 - First Reading - Revising Ordinance No. 2933 - Chapter 78, Utilities, Article II, Water & Sewer Systems by Creating Division 1.5 Industrial & Commercial Pretreatment.**

   Presented by: Glen Brooks

8. **Resolution No. 2025-45 Establishing Meter Tampering Fines**

   Presented by: Blanche Sherman, Finance Director

CITY COUNCIL REPORTS

CITY ADMINISTRATOR'S REPORT

1. **Utilities Meter Replacement Program Status Update**

CITY ATTORNEY'S REPORT

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 December 17, 2025 at 7:00 PM, in the City of Apopka Council Chambers.

Present:

- Mayor Bryan Nelson
- Commissioner Diane Velazquez
- Commissioner Nick Nesta
- Commissioner Alexander Smith
- Commissioner Nadia Anderson
- Attorney Clifford Shepard

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE
Commissioner Smith – Provided Invocation, led Pledge of Allegiance, Fact of the Day.

MAYOR READ THE DECORUM STATEMENT

PUBLIC COMMENT

Mayor Nelson opened the Public Period. Public comment was given as follows:

- **Virginia Street –** Unhoused and needy in Apopka.
- **Albert McKimmie –** Pioneering Agreement.
- **Deborah Green –** Apopka Birding Park update.
- **Sylvester Hall –** Leadership.
- **Leroy Bell –** Police brutality, Police statistics, election.
- **Dr. Jim Moyer** – Orange Soil & Water Conservation update.

There being no one else who wished to speak, Mayor Nelson closed the Public Period.

APPROVAL OF MINUTES

1. Approval of Regular Meeting Minutes of December 3, 2025.

    a. **Mayor Nelson** asked for a motion to approve the corrected version of the minutes that were provided by the Clerk from December 3, 2025.
    b. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Velazquez.**
    c. **Motion carried unanimously.**

AGENDA REVIEW

PRESENTATION

1. **Foliage Sertoma Club Parade Awards**
   Presented by: Bryan Nelson, Mayor

CONSENT (Action Item)

1. Approve the Execution of Agreement #A5747 Between the Florida Department of Corrections and the Apopka Police Department.
2. Approve Temporary Grading Easement to City of Apopka Kelly Park Road (Aggarwal & Gupta Family Foundation).
3. Approve Lien Satisfaction for Crossroads at Kelly Park Phase 2B.
4. Approve Permissive Use Agreement - St. Johns River Water Management District for Apopka Birding Park.
5. Authorization for event street closure and open container area for the City's New Year's Eve Ball Drop event on 5th Street on December 31, 2025.
6. Authorization to Dispose Surplus Property
7. Authorize the issuance of an Evaluated Source Memo: Sta-Con Inc.
8. Authorize the execution of piggyback contracts for the assigned terms: Herc Rentals, Inc. and Stage Door II, LLC.
9. Amendment of Personnel Rules and Regulations Manual to add a Compassionate Leave Bank
10. Award contract for ITB:2026-A-202, HVAC Repair and Replacement Services to: Air Mechanical Service Group, Kalos Services, Inc., Max Service Air Conditioning and Heat, Sherman Mechanical Contractors, and VMG Mechanical, LLC.
11. Accept the disbursement report for November 2025.
12. City of Apopka FY2026 Budget-to-Actual for Two Months Ending November 30, 2025.

    a. **Mayor Nelson** asked for a motion to approve consent agenda items 1 through 4 and 6 through 12.
    b. **Motion** by **Commissioner Smith** and seconded by **Commissioner Anderson.**
    c. **Motion carried unanimously.**

CONSENT AGENDA ITEM #5

1. **Authorization for event street closure and open container area for the City's New Year's Eve Ball Drop event on 5th Street on December 31, 2025.**
   Presented by: Cindy Edwards, Interim Parks and Recreation Director

   Mayor Nelson opened public comment period. There being no one who wished to speak, Mayor Nelson closed the Public Period.

   a. **Mayor Nelson** asked for a motion to approve the authorization for event street closure.

b. Motion by **Commissioner Nesta** and seconded by **Commissioner Smith.**
c. Motion carried unanimously.

BUSINESS (Action item)

1. **Sponsorship of Public Facilities Policy and Procedures**
   Presented by: Radley Williams, Interim City Administrator

   Mayor Nelson opened public comment period. There being no one who wished to speak, Mayor Nelson closed the Public Period.

   a. Mayor Nelson asked for a Motion to authorize the sponsorship of Public Facilities Policy and Procedures with the one strike in the language.
   b. Motion by **Commissioner Anderson** and seconded by **Commissioner Smith.**
   c. Motion carried unanimously.

2. **Special Election - Appointment of Alternate Canvassing Board Members, per Apopka Municipal Code, Sec. 30-26.**
   Presented by: Susan Bone, City Clerk

   Mayor Nelson opened public comment period.

   - **Leroy Bell –** Discrepancies with ballot counts last election.
   - **Sylvester Hall –** Concerns regarding how the board members are selected.

   There being no one else who wished to speak, Mayor Nelson closed the Public Period.

   a. Mayor Nelson asked for a Motion to postpone this item until next meeting on January 7, 2026.
   b. Motion by **Commissioner Nesta** and seconded by **Commissioner Velazquez.**
   c. Motion carried unanimously.

PUBLIC HEARINGS/ ORDINANCES/ RESOLUTIONS (ACTION ITEMS)

1. **Ordinance No. 3144 - Second Reading - General Employees Pension**
   Presented by: Susan Bone, City Clerk

   Mayor Nelson opened public comment period. There being no one who wished to speak, Mayor Nelson closed the Public Period.

   a. No motions made.

2. **Ordinance No. 3143 - Second Reading - Certified Recovery Residences**
   Presented by: Cliff Shepard, City Attorney

   Mayor Nelson opened public comment period. There being no one who wished to speak, Mayor Nelson closed the Public Period.

   a. **Mayor Nelson** asked for a Motion to adopt Ordinance No. 3143.
   b. **Motion** by **Commissioner Smith** and seconded by **Commissioner Anderson.**
   c. **Motion carried unanimously.**

3. **Ordinance No. 3145 - Second Reading Police and Fire Impact Fees**
   Presented by: Blanche Sherman and Shawn Ocasio

   Mayor Nelson opened public comment period. There being no one who wished to speak, Mayor Nelson closed the Public Period.

   a. **Mayor Nelson** asked for a Motion to adopt Ordinance No. 3145.
   b. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Velazquez.**
   c. **Motion carried unanimously.**

4. **Ordinance No. 3146- Second Reading Parks & Recreation Impact Fees**
   Presented by: Blanche Sherman, Finance Director

   Mayor Nelson opened public comment period. There being no one who wished to speak, Mayor Nelson closed the Public Period.

   a. **Mayor Nelson** asked for a Motion to adopt Ordinance No. 3146.
   b. **Motion** by **Commissioner Smith** and seconded by **Commissioner Nesta.**
   c. **Motion carried unanimously.**

5. **Ordinance No. 3148 - Second Reading and Adoption - Amendment to the Police Officers Retirement System**
   Presented by: Frank Mega, HYN Consulting, Inc.

   Mayor Nelson opened public comment period. There being no one who wished to speak, Mayor Nelson closed the Public Period.

   a. **Mayor Nelson** asked for a Motion to adopt Ordinance No. 3148.
   b. **Motion** by **Commissioner Velazquez** and seconded by **Commissioner Smith.**
   c. **Motion carried unanimously.**

6. **Ordinance No. 3149 - Second Reading and Adoption - Amendment to the City of Apopka Firefighters Pension Plan**
   Presented by: Frank Mega, HYN Consulting, Inc.

   Mayor Nelson opened public comment period. There being no one who wished to speak, Mayor Nelson closed the Public Period.

   a. **Mayor Nelson** asked for a Motion to adopt Ordinance No. 3149.
   b. **Motion** by **Commissioner Smith** and seconded by **Commissioner Nesta.**
   c. **Motion carried unanimously.**

7. **Ordinance No. 3117 – First Reading - Change of Zoning/PD Rezoning, Master Plan and PD Agreement Ondich North**
   Owner(s): IPM S-1 Reo, LLC; Hmf, LLC; Charles P. Stallings; Kim L. Stallings; Euell E. Stallings, Jr.; and Crystal Denise Stallings
   Applicant: Pulte c/o Aaron Struckmeyer
   Parcel Identification Number(s): 01-20-27-0000-00-007, 01-20-27-0000-00-034, 01-20-27-0000-00-053, 02-20-27-0000-00-010, 02-20-27-0000-00-011, 02-20-27-0000-00-020 (portion of)
   Location: Northwest corner of Ondich Road and SR 453/SR 429
   Existing Future Land Use: County Rural
   Proposed Future Land Use: Residential Estate
   Existing Use(s): Mostly vacant and some parcels with single-family residences
   Existing Zoning: Zoning: County R-2 (Residential District)
   Proposed Zoning: PD (Planned Development)
   Density: One dwelling unit per acre
   Tract Size: 196.83 +/- Acres
   Presented by: Jean Sanchez, Senior Planner

   Mayor Nelson opened public comment period.

   - **Albert McKimmie –** Annexations, green spaces, roadway maintenance.
   - **Geraldine Ferris –** Rezoning Ondich North property.
   - **Sylvester Hall –** Workshops and infrastructure.

   There being no one else who wished to speak, Mayor Nelson closed the Public Period.

   a. **Mayor Nelson** asked for a Motion to approve Ordinance No. 3117 at first reading and hold over for second reading and adoption.
   b. **Motion** by **Commissioner Smith** and seconded by **Commissioner Velazquez.**
   c. **Motion carried 4 to 1 with Commissioner Anderson voting nay.**

8. **Ordinance No. 3147 - First Reading - Paulucci Acres Planned Development (PD) Rezoning and Planned Development (PD) Master Plan (Request for continuance to January 7, 2026)**
   Owner(s): Paulucci Acres, LLC.
   Applicant(s): Daniel O'Keefe, Shutts & Bowen, LLP
   Location: Generally located east of Vick Road, East of Jason Dwelley Parkway, North and South of Ponkan Road, South and East of Pittman Road, and East of Ponkan Summitt Drive
   Project: Paulucci Acres
   Density: 1.67 du/ac
   Project Manager: Bobby Howell, AICP

   Mayor Nelson opened public comment period.

   - **Albert McKimmie –** Acreage, agenda reviews.

   There being no one else who wished to speak, Mayor Nelson closed the Public Period.

   a. **Mayor Nelson** asked for a Motion to delay this item to January 7, 2026 meeting.
   b. **Motion** by **Commissioner Velazquez** and seconded by **Commissioner Smith.**
   c. **Motion carried unanimously.**

9. **Resolution No. 2025-46 - Calling for a Special Election to fill Vacancy in Seat 4.**
   Presented by: Susan Bone, City Clerk

   Mayor Nelson opened public comment period. There being no one who wished to speak, Mayor Nelson closed the Public Period.

   a. **Mayor Nelson** asked for a Motion to approve Resolution No. 2025-46.
   b. **Motion** by **Commissioner Nesta** and seconded by **Commissioner Smith.**
   c. **Motion carried unanimously.**

CITY COUNCIL REPORTS

CITY ADMINISTRATOR'S REPORT

CITY ATTORNEY'S REPORT

MAYOR'S REPORT

ADJOURNMENT

The meeting adjourned at 8:42 P.M.

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

Prepared by :_____
Jodi Wrigley, Deputy City Clerk

SUBJECT:
Presentation of the Initial Draft of the City of Apopka Strategic Plan for City Council Review and Feedback

SUMMARY:
Beginning in the late Spring 2025, the City of Apopka contracted with BerryDunn to facilitate the development of a five-year strategic plan. To date, the process has included a community survey, community forums, and key partner interviews to provide input on the overall direction of the City and to help establish priorities and areas of focus.

Findings were presented to the Mayor and City Council in October, where the Council provided guidance on the mission, vision, core values, and strategic focus areas. Staff then developed strategic objectives and performance measures in a subsequent work session, refining these components further in virtual meetings in November. The purpose of this session is to obtain feedback from the Mayor and Council on the current draft, which will inform the Final Draft to be brought back to City Council for consideration and adoption.

The following Initial Draft of the City of Apopka Strategic Plan is presented for City Council review and feedback.

City of Apopka, FL

Initial Strategic Plan Draft

Mission Statement

We deliver accessible, high-quality programs and services, ensure public safety, and strive to enhance the quality of life in our community.

Vision Statement

To be Central Florida's most cherished hometown, celebrated for our vibrant community and beautiful natural environment.

Core Values

- **Community-First**: We provide high-quality services for all residents, working to ensure that every decision reflects the values and needs of our diverse community.
- **Accountable**: We are transparent, open, and honest stewards of public resources.
- **Professional**: We earn confidence through ethical conduct, expert service, and a commitment to respectful and meaningful dialogue with all community members.
- **Committed**: We cultivate a culture where all are empowered to take initiative, act decisively, and stay the course to make progress toward our shared vision for Apopka.

Strategic Focus Area: Quality of Life

Goal Statement: Foster a vibrant, healthy, and connected community through expanded access to recreational programming, wellness initiatives, and cultural events.

Objectives:

- Develop and adopt a Trails Master Plan based upon an Active Transportation Network Study to increase bike and pedestrian connectivity within Apoka as well as to neighboring jurisdictions.
- Maintain and grow the City's diverse portfolio of programs and events to provide opportunities for residents of all ages, abilities, and interests.
- Allocate resources to develop and deliver workshops, enhance scholarship opportunities, and cultivate new partnerships that expand access to programs and services for all community members.
- Develop and implement educational initiatives for community members that promote physical and mental health to improve community well-being.
- Partner to highlight and promote regional environmental amenities like Lake Apopka and Wekiwa Springs State Park to enhance access for residents and visitors.
- Increase passive and active park amenities to meet the needs of the community as it grows.
- Update Parks and Recreation Master Plan to help guide future investments in parks and recreation facilities and programming.

Performance Measures:

- Linear feet/number of sidewalk and trail gaps eliminated annually.
- Increase program participants by 10%.
- Develop a curriculum with current community partners to provide educational courses and increase offerings.
- Update Parks and Recreation Master Plan by 2028.
- Maintain participant satisfaction rating of 90% or higher for programming.
- Acres of parkland per 1000 residents (set target).

Strategic Focus Area: Infrastructure and Transportation

Goal Statement: Develop and deliver infrastructure that meets the needs of the community, accounts for future growth needs, and supports commercial development.

Objectives:

- Make appropriate operating and capital investments in the water and wastewater infrastructure to help ensure reliable service to residents and businesses.
- Promote water conservation and reuse initiatives to improve long-term sustainability of the water system.
- Maintain full regulatory compliance and consistently meet or exceed standards for water quality and wastewater treatment.
- In coordination with development trends and annexation plans, implement the 2040 water master plan with five-year updates to meet the needs created by growth in the community.
- Enhance mobility and connectivity by investing in tools and technologies to reduce congestion and travel times.
- Partner with Orange County and other jurisdictions in the region to conduct the Northwest Orange County Areawide Transportation Study (NOWOCATS) to develop a transportation system that can support anticipated growth while preserving the unique character of the region.
- Coordinate the transportation system with the adopted Future Land Use Map series and help ensure that existing and anticipated population changes, residential and non-residential land uses, and employment patterns are consistent with the mobility modes and services proposed to serve the City.
- Conduct a comprehensive water and sewer rate study to help ensure that current and future rates are fair, maintain system reliability, fund necessary infrastructure improvements, and maintain the system's financial viability.
- Maintain City streets in accordance with established safety and quality standards by implementing a proactive maintenance program that includes regular inspections, timely repairs, and preventive treatments.

Performance Measures:

- Maintain a 95% or higher water meter reading success rate.
- Water use per capita.
- Maintain 100% compliance with the Florida Department of Environmental Protection (FDEP) permitting requirements.
- Maintain a Pavement Condition Index (PCI) of 75–80 for City streets and roadways.
- Rehabilitate or replace two percent of the water infrastructure annually.
- Work with County to complete NOWOCATS Study by 2027.

Strategic Focus Area: Organizational Health

Goal Statement: Promote a high-performing and financially sustainable organization by improving internal communication, investing in staff development and technology, and maintaining sound fiscal practices that support the City's long-term goals.

Objectives:

- Develop an internal communication structure to ensure all departments are aligned and efficient.
- Develop an IT Master Plan to manage resources effectively, reduce duplication, and improve reliability of systems that support critical public services.
- Incorporating best practices in change management, develop a training and development strategy to improve employee retention, support succession planning, and facilitate transitions to new software systems and tools.
- Continue to maintain a balanced operating budget that supports the strategic plan, accounts for needs created by community growth, and supports Apopka's short and long-term service delivery needs.
- Develop and implement a sustainable, long-term financial plan that provides adequate capital funding for the maintenance, rehabilitation, and expansion of critical infrastructure.
- In compliance with state statutes, complete formal impact fee assessments at regular intervals to maintain current service levels, help ensure new development contributes appropriately to infrastructure needs, and provide long-term financial stability for the City.
- As the City continues to grow, explore developing a dedicated communications office to better educate and inform the community about City programs and services and promote the City brand.
- Explore launching a digital or in-person Citizen Academy to increase understanding of City responsibilities and services.
- Conduct salary studies every two years to help ensure competitive wages and attract and retain qualified staff.

Performance Measures:

- 100% of staff meet certification standards.
- % increase in social media engagement.
- % increase in time spent on City website pages.
- Develop a communications department for internal and external communication by 2030.
- Launch Citizen Academy by 2028.
- Develop an IT Master Plan by 2027.
- Maintain Aa2 Issuer Rating from Moody's Bond Rating Agency.
- Maintain a no-finding audit.
- Percentage/Milestone of internal advancement.

- # of employees participating in mentorship program.

Strategic Focus Area: Economic Vitality

Goal Statement: Advance the City's prosperity by fostering a vibrant business environment, supporting thoughtful development, and creating opportunities to attract new and support the expansion of businesses.

Objectives:

- Encourage and incentivize new development and redevelopment that mixes land uses to encourage a blend of residential, commercial, and recreational activity hubs within the community.
- Establish an attractive brand for the City with particular focus on telling the Apopka story.
- Explore appropriate public/private partnerships to increase the tax base and improve quality of life amenities.
- Consistent with state mandates, conduct regular reviews of the City Codes to make sure the regulatory environment supports desired development outcomes.
- Develop and implement a recruitment and retention strategy to increase the number of diverse businesses in the community.
- Partner to help build a workforce to support the City's new and current businesses by leveraging nearby educational organizations and partnerships.
- Partner with regional tourism entities to promote ecotourism in Apopka.
- Implement the annual CRA Workplan to improve quality of life and strengthen commercial development, with a focus on local retail and dining, to drive economic growth to increased property values.

Performance Measures:

- Annual increase in commercial tax base.
- % Increase in new businesses annually.
- Number of FRAP projects completed in the CRA.
- Number of RRAP projects completed in the CRA.
- Dollar value of private investment leveraged.
- Complete business recruitment and retention strategy by 2027.
- Complete initial branding effort by 2027.

Strategic Focus Area: Safe and Healthy

Goal statement: Strengthen our residents' sense safety, health, and resilience by prioritizing investments in professional public safety services, infrastructure improvements, and community engagement initiatives.

Objectives:

- Maintain professional compliance standards to provide a well-trained public safety workforce.
- Develop and open a new public safety building and a training facility to meet the needs of the police and fire departments.
- Identify and plan specific funding for future public safety needs including technology, staffing, and equipment to maintain the appropriate level of public safety services as the City grows.
- Develop a funding plan for public safety technology needs to keep critical equipment current while minimizing impacts on the City's operating budget.
- Implement the fire strategic plan to maintain high quality fire service for City residents and businesses.
- Enhance feelings of safety and security by data driven patrols and community management.
- Maintain and enhance public safety community engagement activities to educate and inform the community.
- Evaluate response time and asset location with community growth to have reliable responses.
- Make appropriate investments to upgrade intersections and crossings, implement traffic calming, and complete street principles to meet ADA standards and improve overall safety.
- Collaborate with the local/regional transportation agencies, the Florida Department of Transportation (FDOT), law enforcement, the School Board, and other related agencies to implement Vision Zero and Target Zero strategies.

Performance Measures:

- Maintain 100 % compliance with police and fire regulations.
- Establish a funding plan for the public safety building in the fiscal year 2026/2027.
- Open new public safety building by 2031.
- Establish funding plan for public safety training facility by 2029.
- Maintain ISO Class 1 rating for fire services.
- Achieve an annual reduction in reported priority crimes within designated hot-spot areas following targeted, data-informed deployment strategies.
- Maintain consistent citywide emergency response performance as measured by stable or improving average response times despite population growth.
- Number of intersections improved.

- Percentage decrease year over year in vehicle, pedestrian, and bike collisions resulting in serious injury or fatality.

Save the Date

APOPKA
ECONOMIC DEVELOPMENT

Presents

Opportunity Apopka

Business Expo

Unlock the Resources Your Business Needs to Succeed

Friday, January 9, 2026

9 AM to 12 PM

Apopka Community Center

We are bringing together local entrepreneurs, small business owners, and startups with the organizations and service providers that can help them grow and thrive. This event offers a unique opportunity to connect with experts, explore essential resources, and discover tools that support long-term business success in Apopka and beyond.

Scan the QR to visit our Apopka Economic Development Website
www.Apopka.gov/EconomicDevelopment

City of Apopka
CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)
Item #: 1.
Meeting Date: January 7, 2026
Department: Police Department

SUBJECT:
Awarding of Duty Weapon

ACTION ITEM INFORMATION:

REQUEST:
Chief Lovetta Quinn-Henry, PhD, requests approval to transfer the duty weapon assigned to Sergeant Kimberly Walsh in recognition of her retirement after 27 years of service.

SUMMARY:
Sergeant Kimberly Walsh has served the City of Apopka and the Apopka Police Department for over 27 years. Chief Quinn-Henry is requesting approval to transfer Sergeant Walsh's duty weapon to her in honor of her service. Her current department duty firearm is a Glock 21, Serial Number: YHS887.

FUNDING SOURCE:
N/A

RECOMMENDED MOTION:
Approve Chief Quinn-Henry to award retiring Sergeant Kimberly Walsh with her service weapon.

ATTACHMENTS:
None

City of Apopka
CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)
Item #: 2.
Meeting Date: January 7, 2026
Department: Police Department

SUBJECT:
Retirement of Police Canines

ACTION ITEM INFORMATION:

REQUEST:
Chief Lovetta Quinn-Henry, PhD. requests approval to retire two existing Police Department canines that are no longer performing to department standards and authorize the sale of the canines to police officers.

SUMMARY:
The Police Department is requesting approval to retire two existing police canines due to performance issues that prevent the dogs from meeting operational standards. Upon retirement, the canines will be sold to police officers.

FUNDING SOURCE:
N/A

RECOMMENDED MOTION:
It is recommended that Chief Quinn-Henry be approved to retire two existing police canines, which will be sold to police officers.

ATTACHMENTS:
1. k9 sale BLANK

CONTRACT FOR SALE OF CANINE

The City of Apopka, a municipal corporation organized and existing under the laws of the State of Florida, hereinafter referred to as "Seller," and ( ), hereinafter referred to as "Buyer," hereby agree as follows:

1. Seller agrees to sell to buyer, and buyer agrees to purchase from seller, a canine named " " hereafter referred to as "the canine" (subject to the provisions contained in paragraphs 2 through 4 below), for $1.00.

2. Seller warrants that it is the sole owner of the canine. Except for these warrantees, the canine is sold in "as is, where is" condition. Buyer assumes all other risks. Buyer and Seller acknowledge that the canine is being retired from active service with the City of Apopka Police Department and has received training which included apprehending people through physical interaction with them (i.e. biting).

3. Seller agrees to make the canine available to buyer at an agreed upon date and time.

4. The Buyer hereby assumes any and all risks of personal injury or death and personal damage or loss from any and all causes arising from the use of, or contact with the canine. Buyer hereby releases the Seller, its elected officials, officers, employees, agents, and servants from any liability or contribution to liability arising from the use of, or contact with, the canine and hereby agrees to indemnify and save harmless the seller, its elected officials, officers, employees, agents, and servants from any such liability or contribution to liability.

5. This contract constitutes the sole and only agreement of the Buyer and Seller, and supersedes any prior understandings, or written or verbal agreements between the parties.

On behalf of SELLER:

_____
Lovetta Quinn-Henry, PhD. Date
Chief of Police
Apopka Police Department

Witness:

_____

Printed Name: _____

On behalf of BUYER:

_____
Date

Witness:

_____

Printed Name:_____

Approved as to form and legality:

_____
Erin L. DeYoung, General Counsel, Apopka Police Department

City of Apopka
CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)
Item #: 3.
Meeting Date: January 7, 2026
Department: Police Department

SUBJECT:
Integrated Criminal Justice Information System (ICJIS) Access Agreement (Orange County & Apopka Police Department)

ACTION ITEM INFORMATION:

REQUEST:
Chief Lovetta Quinn-Henry requests approval to execute an interagency agreement between the Orange County Corrections Department and the Apopka Police Department for the exchange of criminal justice information and Computer Usage.

SUMMARY:
Chief Lovetta Quinn-Henry, PhD. Requests Approval to execute the interagency agreement allowing the Apopka Police Department access to Orange County's Integrated Criminal Justice Information System (ICJIS) for authorized criminal justice purposes. The agreement requires compliance with FBI CJIS Security Policy and FDLE User Agreements, establishes data security, access controls, training, and confidentiality responsibilities, and outlines device, encryption, and incident response requirements. The County retains oversight and the right to deny access for security concerns. The agreement has a five-year term, includes termination and indemnification provisions, and ensures all shared criminal justice information is used, protected, and disposed of in accordance with applicable laws.

There is no cost associated with this agreement.

FUNDING SOURCE:
N/A

RECOMMENDED MOTION:
Approval for Chief Lovetta Quinn-Henry, PhD. to execute the ICJIS Access Agreement between Orange County Corrections Department and the Apopka Police Department.

ATTACHMENTS:
1. Interagency Agreement (Apopka Police Department) Final

INTERAGENCY AGREEMENT BETWEEN ORANGE COUNTY, FLORIDA AND APOPKA POLICE DEPARTMENT FOR CRIMINAL JUSTICE INFORMATION EXCHANGE AND COMPUTER USAGE

THIS AGREEMENT is entered into by and between ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida (County), on behalf of its Orange County Corrections Department (OCCD), and the Apopka Police Department.

RECITALS

WHEREAS, OCCD and Apopka Police Department are criminal justice agencies formally recognized by the Federal Bureau of Investigation (FBI) and the Florida Department of Law Enforcement (FDLE); and

WHEREAS, OCCD is the Orange County, Florida department responsible for maintaining electronic databases and applications for the creation and storage of records regarding Orange County jail inmates, hereafter referred to as Criminal Justice Information (CJI); and

WHEREAS, both the County and Apopka Police Department have entered into Criminal Justice User Agreements (UA) with FDLE, and are required to abide by the FBI Criminal Justice Information Systems (CJIS) Security Policy (CSP) for access to state and national Criminal Justice Information (CJI), as more specifically defined by the CSP; and,

WHEREAS, the parties agree to routinely share CJI for the administration of criminal justice**.**

NOW THEREFORE, in consideration of the mutual covenants and conditions provided herein, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The County shall provide Apopka Police Department with access to its Integrated Criminal Justice Information System (ICJIS) for the administration of criminal justice.

2. Access to ICJIS will be provided with the least privileged rights, and for business-related functions only.

3. Apopka Police Department agrees to manage the accounts and retain the training records of its users. Users must maintain CJIS compliance and complete all required security awareness training: prior to gaining access to agency CJI or systems; when required by system changes; or within 30 days of any security event for individuals involved in the event.

4. Apopka Police Department agrees to immediately revoke a user's access when required because of a change in employment, assignment, or role.

5. Apopka Police Department agrees all its users with access to ICJIS are required to maintain the confidentiality, and prevent the unauthorized disclosure, of any confidential or exempt data or information accessed or obtained from the system.

6. Apopka Police Department agrees all its users with access to ICJIS are responsible for safeguarding this access and ensuring access is not provided to persons outside of the agency.

7. Apopka Police Department is responsible for making sure security provisions are being enforced for its users of the system.

8. Apopka Police Department users may only access ICJIS via Apopka Police Department owned devices. All connections to the system must be encrypted to ensure security of the data.

9. The parties agree to abide by all terms and conditions of the Criminal Justice User Agreement executed between FDLE and each party, including but not be limited to the FBI CJIS Security Policy.

10. The parties agree to abide by all applicable federal, state, and local laws, rules, and regulations regarding the use of ICJIS and the information it contains.

11. Apopka Police Department agrees any information or records it receives or accesses pursuant to this agreement will only be used or disseminated for authorized criminal justice purposes. Such information or records shall be maintained in a secure manner and destroyed in compliance with all applicable federal and state laws.

12. All CJIS data transmitted over any public network segment must be encrypted as required by the FBI CJIS Security Policy.

13. Apopka Police Department agrees to ensure all devices with connectivity to CJI employ virus protection software and such software shall be maintained in accordance with the software vendor's published updates; and will promptly and fully patch Windows and other software present on all such devices, after necessary testing, upon such patches becoming available.

14. Personnel from Orange County Information Systems and Services (ISS) working with Apopka Police Department may be allowed access to CJI provided all requirements of the FBI CJIS Security Addendum are complied with and security training is current as required by the FBI CJIS Security Policy.

15. Apopka Police Department agrees to have a written policy for Incident Response/Plan and discipline of personnel who access CJI via the County's ICJIS for unauthorized purposes or otherwise disclose information to unauthorized individuals or in an unauthorized manner, or violate CJIS rules, regulations, or operating procedures. A copy of this policy will be provided to the County for its records. Should staff from either Apopka Police Department or the County become aware of a security violation by Apopka Police Department personnel, notification will be made to a designated point of contact with Apopka Police Department to address the matter.

16. The County reserves the right to deny access to ICJIS and CJI, or related records, to any individual, based on articulable concerns for the security and integrity of CJIS and any related program/system information.

17. The term of this Agreement shall be for a period of five (5) years from the date the last party signs the Agreement, unless otherwise terminated by either party.

18. Either party may terminate this agreement, without cause, upon thirty (30) days' written notice, which shall be provided in accordance with paragraph 21 herein. Either party may terminate this Agreement immediately, upon finding the terms of this Agreement have been violated.

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

20. This Agreement constitutes the entire agreement of the parties and may not be modified or amended without written agreement executed by both parties.

21. Any notices required to be delivered pursuant to this agreement shall be in writing and may be: (a) hand delivered; (b) sent by recognized overnight courier; or (c) mailed by certified or registered mail, return receipt requested, in a postage prepaid envelope, and addressed to the other party as set forth below

As to County:

Orange County, Florida
Attn: Chief of Corrections
Orange County Corrections Administration
3723 Vision Blvd.
Orlando, Florida 32839

As to Apopka Police Department

Apopka Police Department
Attn: Chief of Police
112 East 6th Street
Apopka, Florida 32703

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

ORANGE COUNTY, FLORIDA
By: Orange County Board of County Commissioner

By: _____
Jerry L. Demings
Orange County Mayor

Date: _____

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Louis A. Quiñones, Jr.
Chief
Orange County Corrections Department

Date: _____

By: _____
Lovetta Quinn-Henry, PhD
Chief
Apopka Police Department

Date: _____

City of Apopka
CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)
Item #: 4.
Meeting Date: January 7, 2026
Department: Police Department

SUBJECT:
Child Abduction Response Team Agreement (FDLE & Apopka PD)

ACTION ITEM INFORMATION:

REQUEST:
Chief Lovetta Quinn-Henry requests approval to execute a Voluntary Cooperation Mutual Aid Agreement between the Florida Department of Law Enforcement (FDLE) and the Apopka Police Department to form an Orlando Regional Operations Center Child Abduction Response Team.

SUMMARY:
Chief Lovetta Quinn-Henry, PhD. requests approval to execute a Voluntary Cooperation Mutual Aid Agreement between the Florida Department of Law Enforcement (FDLE) and the Apopka Police Department. Participating agencies will join together in a multi-jurisdictional effort to rescue abducted children through the Orlando Regional Operations Center Child Abduction Response Team (CART). The goal of CART is to provide a pool of specialized investigators who can deliver dedicated and intensive investigative, preventive, and general law enforcement efforts, primarily related to child abduction cases.

FUNDING SOURCE:
There is no cost associated with this agreement.

RECOMMENDED MOTION:
Approve Chief Lovetta Quinn-Henry, PhD. to execute said agreement.

ATTACHMENTS:
1. Child Abduction Response Team Agreement (FDLE & Apopka PD)

VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE PARTICIPATING AGENCIES AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT TO FORM AN ORLANDO REGIONAL OPERATIONS CENTER CHILD ABDUCTION RESPONSE TEAM

WHEREAS, the below subscribed law enforcement agencies have joined together in a multi-jurisdictional effort to rescue abducted children and under appropriate circumstances allocate their resources to missing/endangered children cases; and

WHEREAS, the undersigned agencies are all participants in a multi-agency effort known collectively as the **Child Abduction Response Team (CART)**; and

WHEREAS, the undersigned agencies agree to utilize applicable state and federal laws to prosecute criminal, civil, and forfeiture actions against identified violators, as appropriate; and

WHEREAS, the undersigned agencies have the authority under Part 1, Chapter 23, Florida Statutes, "the Florida Mutual Aid Act," to enter into a voluntary agreement for cooperation and assistance of a routine law enforcement nature that crosses jurisdictional lines; and

WHEREAS, the subscribing law enforcement agencies are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to continuing, multi-jurisdictional criminal activity, so as to protect the public peace and safety, and preserve the lives and property of the citizens; and

WHEREAS, this agreement does not supersede or take the place of any other agreement entered into by the various members of the Child Abduction Response Team. Those agreements shall remain in full effect.

NOW THEREFORE, the Parties agree as follows:

As acknowledged by their execution of this Agreement, each of the undersigned law enforcement agencies approve, authorize and enter into this Agreement at the request of the member agencies of the Child Abduction Response Team (CART) and the Florida Department of Law Enforcement (FDLE), subject to the terms and conditions noted herein, for the purposes and goals indicated.

Additional Parties may, at the request and with the approval of FDLE and the other CART members, enter into this Agreement at a later date as evidenced by their signing of this Agreement. Any Party may cancel its participation in this Agreement upon delivery of written notice of cancellation to FDLE.

CART GOALS AND COOPERATION TO BE RENDERED:

The goal of the CART is to provide a pool of specialized investigators to focus dedicated and intensive investigative, preventative, and general law enforcement efforts primarily with regard to abducted children. To provide for voluntary cooperation, each of the CART agencies hereby approve and enter into this agreement whereby each of the agencies may request and render law

enforcement assistance to the other in dealing with any violations of Florida Statutes including, but not limited to, the arrest and criminal prosecution of those involved in child kidnapping, abduction, false imprisonment and similar or related crimes (utilizing state and federal prosecutions, as appropriate); the rescue of the abducted child or children and the seizure and forfeiture of assets of those engaged in child abduction or otherwise supporting such activity (utilizing state and federal forfeiture options, as appropriate).

Nothing herein shall otherwise limit the ability of participating CART members to provide, as provided by or allowed by law, such assistance in any enforcement action as may be lawfully requested by a law enforcement officer having jurisdiction over an incident, crime or matter under consideration.

The Parties to this Agreement are contributing personnel and resources in support of the CART efforts, with the operations of the CART being coordinated with FDLE and other agency members.

JURISDICTION, PROCEDURES FOR REQUESTING ASSISTANCE, COMMAND AND SUPERVISORY RESPONSIBILITY:

The principal sites of CART activity shall be the following counties: Volusia, Lake, Seminole, Orange, Osceola, Brevard, Indian River, Saint Lucie, and Martin.

When engaged in CART operations that have been approved by FDLE, as contemplated by this Agreement, CART members that do not otherwise have jurisdictional authority shall enjoy full jurisdictional authority anywhere in the State of Florida, although principally focused within the principal sites of CART activity listed herein, with full power to enforce Florida laws and avail themselves of the provisions of this Agreement. Officers assigned to CART operations pursuant to this agreement shall be empowered to render enforcement assistance and take law enforcement action in accordance with the law and the terms of this Agreement. Execution of this agreement and continued participation by FDLE and one or more CART member agencies shall constitute a general reciprocal, continuing request for and granting of assistance between the members of the Team that shall be considered authorized in accordance with the provisions of this Agreement. No additional or specific formal request for assistance is required. CART members operating outside the jurisdiction of their respective Agencies shall not enjoy extra-jurisdictional authority as law enforcement officers unless engaged in approved CART activities as stated herein. Pursuant to Section 23.127(1), Florida Statues, employees and agents of the undersigned Agencies participating in the CART, when engaging in authorized mutual cooperation and assistance pursuant to this Agreement, have the same powers, duties, rights, privileges and immunities as if the employees were performing duties inside the political subdivision in which the employee is normally employed.

Activities shall be considered authorized only when approved and directed as provided herein by an FDLE supervisor or command designee. The CART will normally function as a force multiplier for the requesting agency, and the requesting agency will remain as the lead agency in overall control of the investigation, unless the requesting agency has formally asked that the CART, under FDLE supervision or other FDLE approved supervision, assume control of the investigation. The Parties stipulate that in the event that a significant investigative or jurisdictional dispute should arise, the issue will immediately be forwarded to the relevant agency chief executives for resolution. If at any time an FDLE supervisor or FDLE Special Agent designee(s) determines that an extra-territorial CART operation pursuant to this agreement should be terminated, said

operation is to be promptly terminated in a manner assuring the safety of all involved law enforcement officers.

No CART employee or agent shall engage in activities outside the jurisdictional territory of the CART pursuant to the authority of this Agreement that are not approved, are unreported or otherwise unknown to the FDLE supervisor and which are not documented as provided herein. FDLE supervisor(s) shall maintain documentation that will demonstrate the daily involvement of specific employees or agents provided by the Parties to this Agreement, including each operation's supervisor or designated leader. Such documentation will assist in memorializing which individuals had mutual aid authority pursuant to this Agreement for particular time periods.

After consultation with other participating CART agencies, FDLE may request that a particular employee or agent of the CART no longer be allowed to participate in furtherance of this Agreement. Upon receiving the request, the employing Agency shall promptly terminate said person's participation in the activities contemplated by this provision of the Agreement. Upon the request of a participating agency that a sworn or support member of FDLE no longer participate in the CART, FDLE shall, if otherwise in FDLE's best interest to do so, terminate said member's participation in the CART. With the approval of FDLE, a Party to this Agreement may otherwise add, substitute, reinstate, or replace any of its sworn or support employees participating in the CART.

Whenever an operation occurs outside the territorial limits of the principal sites of CART activity as set forth herein, the Chief of Investigations for the FDLE office in the region affected shall be notified about the presence of CART personnel in his or her region. Local law enforcement in the area of operation will be notified, as appropriate.

Nothing herein shall otherwise limit the jurisdiction and powers normally possessed by an employee as a member of the employee's Agency.

FORFEITURE ACTIONS ARISING FROM THIS AGREEMENT:

Forfeiture actions based upon seizures made by the CART may be pursued in either state or federal court. Actions shall be based upon current statutory and case law. Distribution of the proceeds shall be shared equally among the participating agencies, or as otherwise specified by written agreement.

PROPERTY AND EVIDENCE:

All property and evidence, including currency, seized within Florida but outside the primary jurisdictional area for CART operations, in connection with state violations and pursuant to this Agreement, shall be taken into custody, processed and documented by an FDLE Special Agent in accordance with FDLE policy relating to the handling of property, evidence and currency.

When such items are seized within the primary jurisdictional area for CART operations, in connection with state violations and pursuant to this Agreement, the items may be taken into custody, processed, documented and maintained by the lead agency, the agency with primary jurisdiction or as otherwise agreed upon.

In the event an investigation becomes a federal case or inquiry, any such property and evidence will be transferred into the custody of the Federal Bureau of Investigation or handled in accordance with their direction.

LIABILITY AND COST-RELATED ISSUES:

Each Party engaging in any mutual cooperation and assistance pursuant to this Agreement agrees to assume its own liability and responsibility for the acts, omissions, or conduct of such Party's own employees while such employees are engaged in rendering such aid, cooperation and assistance pursuant to this Agreement. Nothing herein shall be deemed to constitute a waiver of any sovereign immunity to which any Party is entitled statutorily under Section 768.28, Florida Statutes, or based on common law or case law. Each Party shall remain responsible for the compensation, retirement, workers compensation and other benefits accruing to the benefit of their participating employees.

Each Party to this Agreement agrees to furnish necessary personnel, property, police equipment, vehicles, resources and facilities to render services to each other Party to this Agreement in order to effect the purposes of the CART and agrees to bear the cost of loss or damage to such equipment, vehicles, or property. Parties understand and agree that they will be responsible for their own liability and bear their own costs with regard to their property and resources, or personnel expenses incurred by reason of death, injury or incidents giving rise to liability. This provision shall not preclude necessary property or resources being purchased, funded, or provided by a participating Party via the Party's legally vested forfeiture funds, if otherwise authorized by law.

Each Agency furnishing aid pursuant to this Agreement shall compensate its own employees during the time such aid is rendered and shall defray the actual expenses of its employees while they are rendering such aid, including any amounts, if legally applicable, that may be determined to be payable for compensation due to personal injury or death while such employees are engaged in rendering such aid. The privileges and immunities from liability, exemption from laws, ordinances, and rules, and all pension, insurance, relief, disability, workers' compensation, salary (including overtime compensation or compensatory time), death and other benefits that apply to the activity of an employee of an Agency when performing the employee's duties within the territorial limits of the employee's Agency shall apply to the employee to the same degree, manner, and extent while such employee acts under this Agreement. This provision shall not preclude payment of compensation, including overtime compensation, for its personnel utilizing its legally vested forfeiture funds to the extent allowed by law.

Each Party agrees to maintain its own comprehensive general liability insurance, professional liability insurance, and automotive liability insurance or maintain a self-insuring fund for the term of this Agreement in the amounts determined by each Party to adequately insure such Party's liability assumed herein. But, for Florida law enforcement officers, in no event shall such coverage be less than the statutory waiver of sovereign immunity limits. Each Party agrees to provide the other Parties with a copy of the respective insurance or self-insurance required hereunder, including the endorsements thereto and renewals thereto. In the event a Party maintains a self-insurance fund, such Party agrees to provide the other Parties with documentation to substantiate the existence and maintenance of such self-insurance fund. The Parties agree that federal participants will be governed by applicable federal laws concerning the above liability issues.

COMPLAINTS AGAINST CHILD ABDUCTION RESPONSE TEAM MEMBERS:

Whenever a complaint has been lodged as a result of CART efforts outside their jurisdictional boundaries pursuant to this Agreement, a designee of FDLE shall ascertain at a minimum:

The identity(ies) of the complainant(s) and an address where the complainant(s) may be contacted, the nature of the complaint, any supporting evidence or facts as may be available, including the names and addresses of witnesses to that which has been complained about, the identity(ies) of the CART participant(s) accused and the employing Agency(ies) of the participant(s) accused.

FDLE will promptly provide to each affected employing Agency the above information for administrative review and appropriate handling or disposition. Each affected employing Agency shall, upon completion of said review, notify FDLE of its findings and any actions taken.

The Parties agree that federal agency participants will handle any complaints against their personnel while such federal personnel are involved in CART operations.

OBLIGATION TO COORDINATE WITH PROSECUTOR'S OFFICE:

The principal goal of the Child Abduction Response Team is the rescue of abducted children and the arrest of criminal perpetrators. An equally important goal is the successful prosecution of perpetrators. The latter requires close coordination with prosecuting authorities, both in the state and federal courts. Members of the CART are obligated to coordinate their efforts in such a way as to support the efficient prosecution of cases, including, but not limited to, prompt responses to requests from prosecutors for information or assistance in handling CART generated cases and reasonable availability for pretrial conferences with prosecutors, discovery depositions, pretrial hearings and trials. Civil or administrative actions derived from CART operations are likewise to receive coordinated support efforts from CART members. CART supervisors shall monitor the efforts of CART members in support of criminal prosecutions, civil actions, administrative actions and forfeiture cases. Such monitoring shall include regular contact with assigned prosecutors or attorneys pursuing actions on behalf of the CART to assure the expected level of support from CART members is occurring. Failure by a member of the CART to support such efforts on a routine and regular basis in the manner set forth herein shall constitute grounds for removal of the member from this Agreement.

COPY TO EACH PARTICIPATING CART MEMBER AGENCY:

When this Agreement is fully executed, a copy shall be provided to each CART member so that each member may be fully aware of the powers, limitations, and expectations applicable to CART members and operations.

TERM OF AGREEMENT:

This Agreement shall be effective as to the executing Parties upon execution by the member agencies of the CART and FDLE. As each additional Party executes this Agreement, it shall be effective as to the newly executing Party.

This Agreement may be duplicated for dissemination to all Parties, and such duplicates shall be of the same force and effect as the original.

Execution of this Agreement may be signified by properly **signing** and **dating** a separate signature page.

The original agreement and all signature pages shall be maintained by the FDLE Office of General Counsel. A copy of this agreement will also be maintained by the Special Agent in Charge for the CART region of operation.

This Agreement shall remain in full force as to all participating Parties until December 31, 2028, unless terminated in writing by FDLE as to all or separate Parties. This agreement may be renewed, amended, or extended only in writing. Any Party may withdraw from this Agreement upon providing written notice to FDLE and all other participating Parties. Any written cancellation or extension shall be maintained with the original agreement and a copy forwarded to FDLE Mutual Aid office.

PARTY'S ACCEPTANCE OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE MEMBER AGENCIES OF THE ORLANDO REGIONAL OPERATIONS CENTER ABDUCTION RESPONSE TEAM.

Pursuant to Section 23.1225(3), F.S., this agreement may be entered into by a chief executive officer of the agency who is authorized to contractually bind the agency. By signing below, an indication of such authorization is being made. Any signatory may attach to this signature page any further evidence of authorization you wish to remain on file at FDLE along with this signature page.

****

For the Florida Department of Law Enforcement (FDLE):

J. Mark Glass, Commissioner
Florida Department of Law Enforcement

25FEB25
Date

Legal Review by _____ (attorney initials)

PARTY'S ACCEPTANCE OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE MEMBER AGENCIES OF THE ORLANDO REGIONAL OPERATIONS CENTER CHILD ABDUCTION RESPONSE TEAM.

Pursuant to Section 23.1225(3), F.S., this agreement may be entered into by a chief executive officer of the agency who is authorized to contractually bind the agency. By signing below, an indication of such authorization is being made. Any signatory may add or attach to this signature page any further evidence of authorization you wish to remain on file at FDLE along with this signature page.

****

For the Apopka Police Department:

_____

Chief Lovetta Quinn-Henry
Chief of Police

_____

Date of Execution

City of Apopka
CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)
Item #: 5.
Meeting Date: January 7, 2026
Department: Parks and Recreation

SUBJECT:
Special Event Request - Road Closures for Dr. Martin Luther King Jr. Day Parade

ACTION ITEM INFORMATION:

REQUEST:
Authorization for closures of requested streets for the Dr. Martin Luther King Jr. Day Parade.

SUMMARY:
Street closures are requested for the annual Dr. Martin Luther King Jr. Day Parade organized by the South Apopka Ministerial Alliance with support from the City. The event date requested is Dr. Martin Luther King Jr. Day on January 19th, 2026. The requested street closures include Central Ave from Apopka Community Center north on Station Street and south on Marvin C Zanders Avenue to 13th Street, between the hours of 12pm and 4pm. The special events permit application has been reviewed by staff, including the Police Department and Fire Department, and recommended for approval.

FUNDING SOURCE:
n/a

RECOMMENDED MOTION:
Recommend approval of the requested street closures for the 2026 Dr. Martin Luther King Jr. Day Parade.

ATTACHMENTS:
1. Dr. Martin Luther King Parade Event Packet.DRC

DRC: 1/7/26

Special Event Permit Application

Welcome! A completed Special Event Permit application is required for all events with the City of Apopka. All events will be reviewed by our Development Review Committee for approval. The City of Apopka has the exclusive right to permit or deny an individual or organization facility use.

Note: Special event permit applications must be submitted at least 60 days before the event.

Incomplete applications will not be reviewed and will be denied. After approval, an estimation of fees forms for your event based on the application and the approval is applicable.

Contact Events:
events@apopka.net
407-703-1812

You must submit all required documents with your application.

Special Event Permit Application Checklist

Remember, we suggest that all applications submitted at least 60 to 90 days prior to the event.

Please review this checklist and make sure you have the items requested below available during this application process.

- Completed Special Event Permit Application
- Event Description
- A non-refundable application fee of $50.00.
- A certificate of general liability insurance listing the "City of Apopka" as 'Additional Insured' must be submitted. Copy of the declaration sheet and endorsement page must be included. Additional insurance may be required, please see the event insurance requirements.
- A site plan (Map) or Parade/Race Route **MUST** be submitted with your application. Map must identify location of staging, tents, parking, barricades, vendors, and restrooms and must be to scale.
- Letter from the property owner granting permission for use of their property. (if on private property)
- If alcohol will be served at your event you must include the alcohol permit and insurance with the completed permit
- Copies of flyers and advertisements.
- Policies and protocols in regards to CDC Guidelines/COVID-19 & social distancing
- All renters and vendors must have a listing with the Florida Department of State Division of Corporations. Visit www.sunbiz.org for more information about the process of registering a business.
- All businesses must also must submit a copy of your Business Tax Receipt for the municipality/county that your business/organization is registered in.

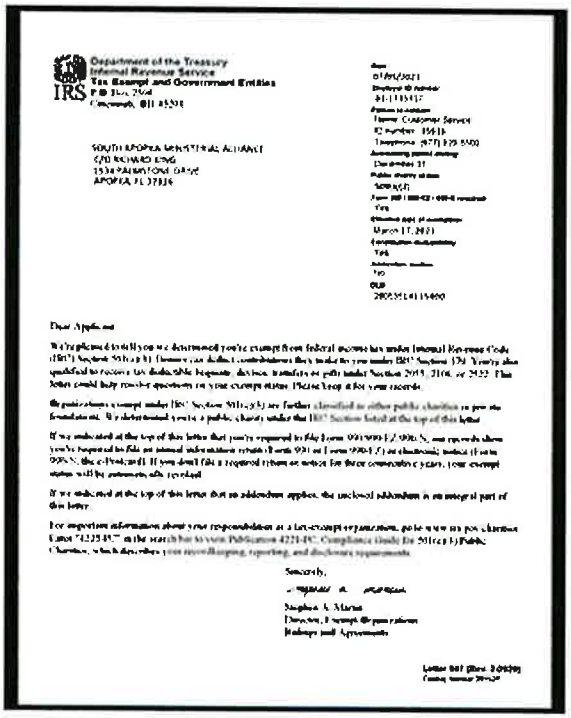
Applicant must be present for duration of event.

Organization Name	South Apopka Ministerial Alliance
Name of Applicant	Monique Morris
Mailing Address	630 E 13TH ST

City	APOPKA
State	FL
Zip Code	32703
Cell Phone	14077024223
Email	deanqueen456@gmail.com
Is your organization a Non – Profit (501C3) OR Tax Exempt Organization?	Yes
State of Florida Tax ID Number	81-1735317

A copy of your 501C3 non-profit certificate is required for non-profit status. Otherwise taxes will be charged.

Please attach a copy of your 501C3 non-profit certificate



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
IRS

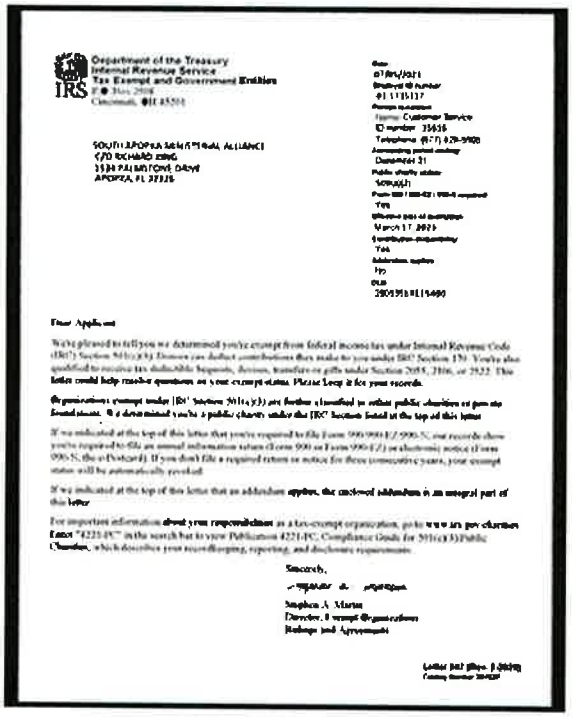
SOUTH APOPKA MINISTERIAL ALLIANCE
C/O RICHARD KING
1534 PALMSTONE DRIVE
APOPKA, FL 32703

Dear Applicant:

Sincerely,

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements

Please attach a copy of your Business Tax Receipt for the municipality/county that your business/organization is registered in.



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities

SOUTH APOPKA MINISTERIAL ALLIANCE
C/O RICHARD KING
1534 PALMSTONE DRIVE
APOPKA, FL 32325

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

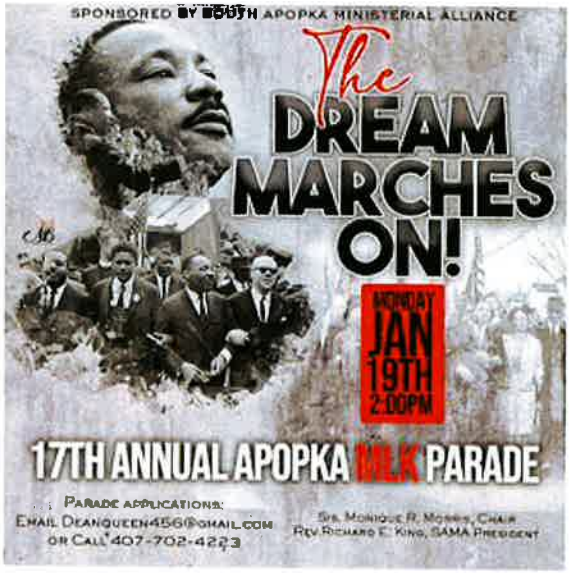
For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements

Name of the Event	Dr. Martin Luther King, Jr Parade 17th Annual
Date(s) of the Event	Monday, January 19, 2026
Hours of the Event	2:00 p.m. -3:30 p.m.
Location of the Event	519 Central Ave, Station Street, Marvin C Zanders Ave, end at John Bridges Center
Does the location of the event take place on Public or Private Property?	Yes
Anticipated attendance:	1000
Briefly describe the event and all activities that will occur during the event:	Parade commemorating Dr, King. VIP Reception at the VFW at 12:00, then the parade will start.
Event Category	• Parade/Procession/March
Are there flyers or advertisements for this event?	Yes

Attach Flyer or Advertisement 1



Will there be admission fees to your event?	No
Will you be serving alcohol?	No
Is your event open to the public?	Yes
Does your event include food concession?	No
Do you intend to have food trucks at your event?	No
Will there be merchandising vending at your event?	No
Will they need electric?	Yes

Additional fees apply for electric use.

Will you be hiring a private security company for the event?	No
Do you require overnight security?	No
Are there musical entertainment features related to your event?	No
Will amplified sound be used during the event?	Yes
Will any streets be closed or will the flow of traffic be affected by the event?	Yes

Please indicate the road names Side Streets down Marvin Zanders Ave

Does your event include the use of tents?	No
Will inflatables be used at your event?	No
Will your event include any fireworks or pyrotechnics?	No

Date/Time (on site load in and load out)

For events that are held on City Property, set up days and load out days may require additional fees.

Setup/Load In

Date	01/19/2026
Start Time	2:00 PM (EST)
End Time	3:30 PM (EST)

Event Dates

Date	01/19/2026
Start Time	2:00 PM (EST)
End Time	3:30 PM (EST)

Take Down/Load Out

Date	01/19/2026
Start Time	2:00 PM (EST)
End Time	4:00 PM (EST)

I, Being the Applicant/Event Organizer, have read and understand the guidelines contained within the City of Apopka's Special Event Permit Application and agree to conduct my event in accordance. I further understand that failure to abide by these guidelines may result in the denial or forfeiture of my Special Event Permit.

The City of Apopka is not responsible for lost, stolen or damaged items.

I acknowledge that the information contained in this application is true, correct, and complete to the best of my knowledge.

Applicant Signature	
Name of Applicant	Monique Morris
Title of Applicant	Parade Chairperson

Date Submitted	12/26/2025

The Applicant/Event Organizer shall maintain at all times throughout the duration of the event, a current insurance policy naming the City of Apopka as an additional insured providing coverage for all approved event activities and must be active on the date(s) of the event, including the set-up and break-down period. Failure to provide proof of adequate coverage will result in the denial of the special event permit or cancellation of the event. The City may require subcontractors acting on behalf of the Applicant/Event Organizer to provide proof of insurance or other related documents depending on the scope or location of the event.

- Comprehensive listing of all subcontractors, including but not limited to concessionaires, vendors, exhibitors, and entertainers must be submitted no later than forty-five (45) business days prior to the event.
- All certificates of insurance, required extensions to said insurance certificates, copies of insurance policies and insurance agreements must be submitted no later than **thirty (30) business days prior to the event**.

If insurance requirements are not met at least twenty (20) business days prior to the date of the event, your event will be cancelled!

The City of Apopka defines an Applicant/Event Organizer as any individual or organization that is responsible for all aspects of an event to include advertising, marketing, talent costs, insurance, hold harmless agreement contracts, along with all the revenues and expenses for the event. The Applicant/Event Organizer agrees to conduct this event in accordance with the City of Apopka Code of Ordinances (Chapters 46 and 62).

REQUIREMENTS

- Applicant/Event Organizer recognizes the City's authority to halt the operation of the above listed event due to inclement weather or any other safety concern that may arise.
- The City is not responsible or liable for any damage, loss or theft to any vendor or event participant.
- Applicant/Event Organizer agrees that the City may use photographic images and video taken at the event in promotions and publications. These images may be used online or provided to media outlets and/or used in social media applications.

INSURANCE

Before activity setup, or any other site activity begins, Applicant/Event Organizer must have a Certificate of Liability Insurance **(including all extensions to the insurance certificate—to also include a copy of the complete insurance policy)** on file with the City's Risk Management Division. The cost of such insurance shall be the responsibility of the Applicant/Event Organizer and must meet ALL requirements as directed by the City of Apopka. The City reserves the right to increase coverage as determined for higher risk events or activities. This insurance policy must remain in effect throughout the entire duration of the property use beginning with load-in and ending at the conclusion of load-out.

- Applicant/Event Organizer shall, at its sole cost and expense, procure and maintain throughout the term of this agreement, Commercial General Liability and Workers' Compensation insurance, including Employer Liability insurance, with minimum policy limits of $1,000,000 Combined Single Limits, or to the extent and in such amounts as required and authorized by Florida Law. If such GL insurance contains a general aggregate limit, it shall apply separately to this event in the amount of $2,000,000. Products and completed operations aggregate shall be $1,000,000. Damage to rented premises shall be included at $100,000. The event Applicant/Event

Organizer and their representatives who wish to drive on City property to set up or tear down for events, and/or Food Trucks and/or any vehicle that functions as the workplace or is used to perform contracted work must provide an Automobile Liability insurance policy in the minimum amount of $300,000 Combined Single Limit. If alcohol is being served, the Applicant/Event Organizer shall provide evidence of coverage for liquor liability in the minimum amount of $1,000,000. The insurance policy must not exclude Personal Injury/Advertising Injury, Medical, volunteer coverage or spectator liability.

- All insurance policies shall: 1) provide that the insurance carrier shall not cancel, terminate or otherwise modify the terms and conditions of said policies except upon thirty days written notice to the City's contract administrator; 2) be evidenced by an endorsed Certificate of Insurance generated and executed by a licensed insurance broker, brokerage, or similar licensed insurance professional evidencing such coverage, and naming the City of Apopka as a named additional insured, as well as furnishing the City with a certified copy, or copies, of said insurance policies; and 3) be approved as to form and sufficiency by the City's contract administrator. The original insurance certificate(s) and all extensions to the insurance certificate(s) should be sent to: City of Apopka, Risk Management, 120 East Main Street, Apopka, FL 32703 or e-mailed to riskmanagement@apopka.net. All insurance coverage shall be written with a company having an A.M. Best Rating of at least the "A" category and size category of VIII.
- Applicant/Event Organizer is solely responsible for all applicable policy premiums, deductibles, and/or self-insured retention attached to any required coverages. Said insurance coverages procured by the Applicant/Event Organizer as required herein, including but not limited to any excess and/or umbrella coverages, shall be considered, and the Applicant/Event Organizer agrees that said insurance coverages it procures as required herein shall be considered, as primary insurance over and above any other insurance, or self–insurance, available to the City, and that any other insurance, or self-insurance available to the City shall be considered secondary to, or in excess of, the insurance coverage(s) procured by the Applicant/Event Organizer as required herein.
- Applicant/Event Organizer shall require and verify that all subcontractors, including but not limited to concessionaires, vendors, exhibitors, and entertainers, maintain insurance meeting all of the requirements stated herein. Furthermore, the insurance policy held by the Applicant/Event Organizer shall have no endorsement(s) restricting, limiting or excluding the subcontractors or work on behalf of the Applicant/Event Organizer by a subcontractor. The Certificate of Insurance submitted by the Applicant/Event Organizer must clearly state that all such subcontractors are "Named Insureds".

Nothing herein shall be construed to extend the City of Apopka's liability beyond that provided in section 768.28, Florida Statutes.

By signing below, I acknowledge that I have read and understand the insurance requirements contained herein. I further understand that my permit application may be declined if I fail to provide the appropriate insurance coverage.

Signature of Applicant	Monique R. Morris
Name of Applicant	Monique Morris
Title of Applicant	Parade Chairperson
Sponsoring Organization Name	South Apopka Ministerial Alliance

Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.●. Box 2508
Cincinnati, ●H 45201

SOUTH APOPKA MINISTERIAL ALLIANCE
C/O RICHARD KING
1534 PALMSTONE DRIVE
APOPKA, FL 32326

Date:
07/05/2023
Employer ID number:
81-1735317
Person to contact:
Name: Customer Service
ID number: 35816
Telephone: (877) 829-5500
Accounting period ending:
December 31
Public charity status:
509(a)(2)
Form 990 / 990-EZ / 990-N required:
Yes
Effective date of exemption:
March 17, 2023
Contribution deductibility:
Yes
Addendum applies:
No
DLN:
26053514115400

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

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Sincerely,

Stephen A. Martin
Director, Exempt ●rganizations
Rulings and Agreements

Letter 947 (Rev. 2-2020)
Catalog Number 35152P

2025 FLORIDA NOT FOR PROFIT CORPORATION ANNUAL REPORT

FILED
Apr 26, 2025
Secretary of State
4269651721CC

DOCUMENT# N16000002664

Entity Name: SOUTH APOPKA MINISTERIAL ALLIANCE, INC.

Current Principal Place of Business:

1534 PALMSTONE DRIVE
APOPKA, FL 32703-7236

Current Mailing Address:

1534 PALMSTONE DRIVE
APOPKA, FL 32703-7236 US

FEI Number: 81-1735317

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

KING, RICHARD
1534 PALMSTONE DRIVE
APOPKA, FL 32703-7236 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: RICHARD KING 04/26/2025
Electronic Signature of Registered Agent — Date

Officer/Director Detail :

Title	PRESIDENT
Name	KING, RICHARD
Address	1534 PALMSTONE DRIVE
City-State-Zip:	APOPKA FL 32703-7236

Title	VP
Name	BRADFORD, HEZEKIAH JR.
Address	573 SMOKE MONT COURT
City-State-Zip:	APOPKA FL 32712

Title	T
Name	SMITH, ALEXANDER
Address	573 SMOKE MONT COURT
City-State-Zip:	APOPKA FL 32712

Title	AT
Name	GILMORE, ELLA
Address	573 SMOKE MONT COURT
City-State-Zip:	APOPKA FL 32712

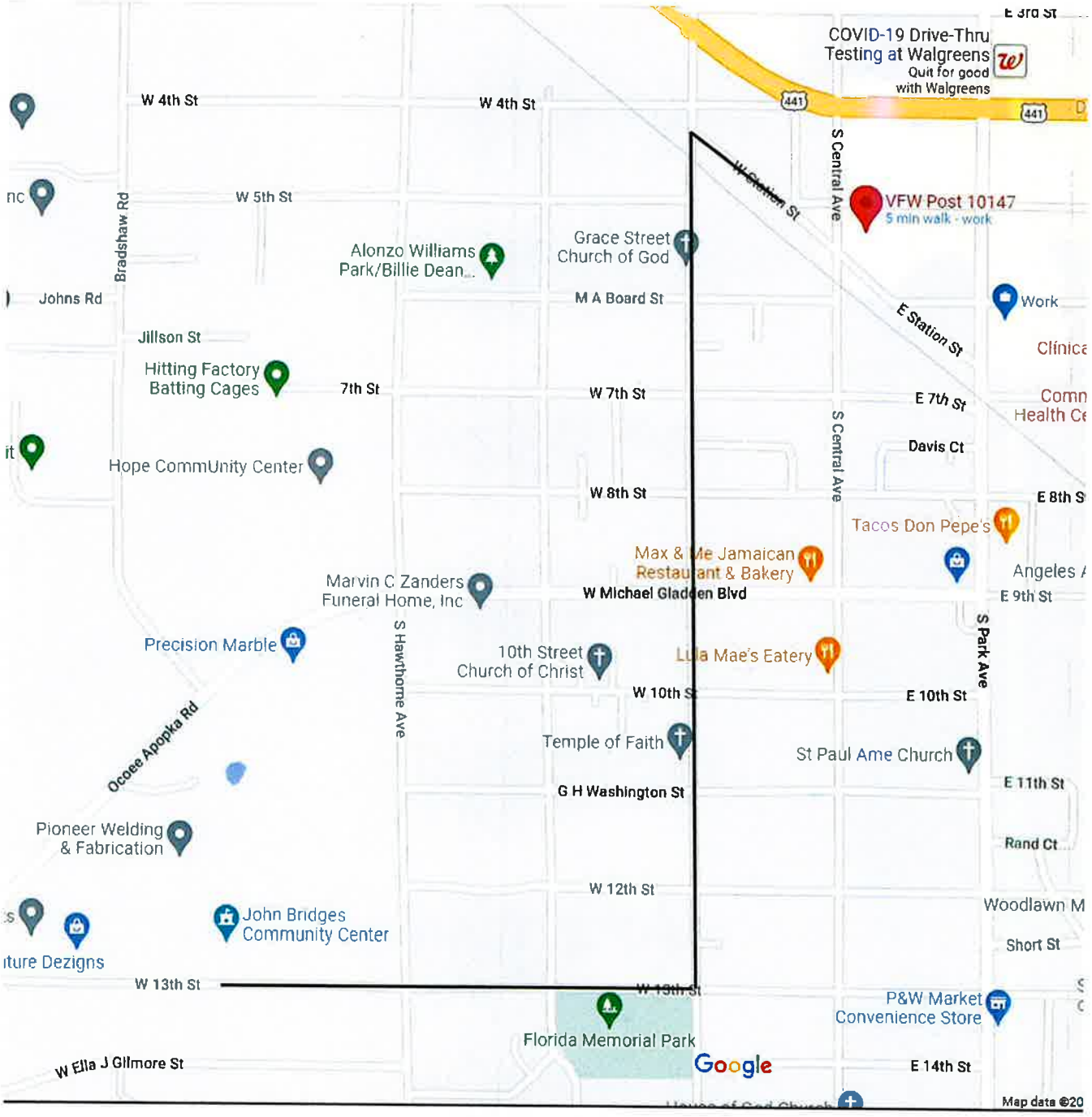
Title	S
Name	MORRIS, MONIQUE
Address	573 SMOKE MONT COURT
City-State-Zip:	APOPKA FL 32712

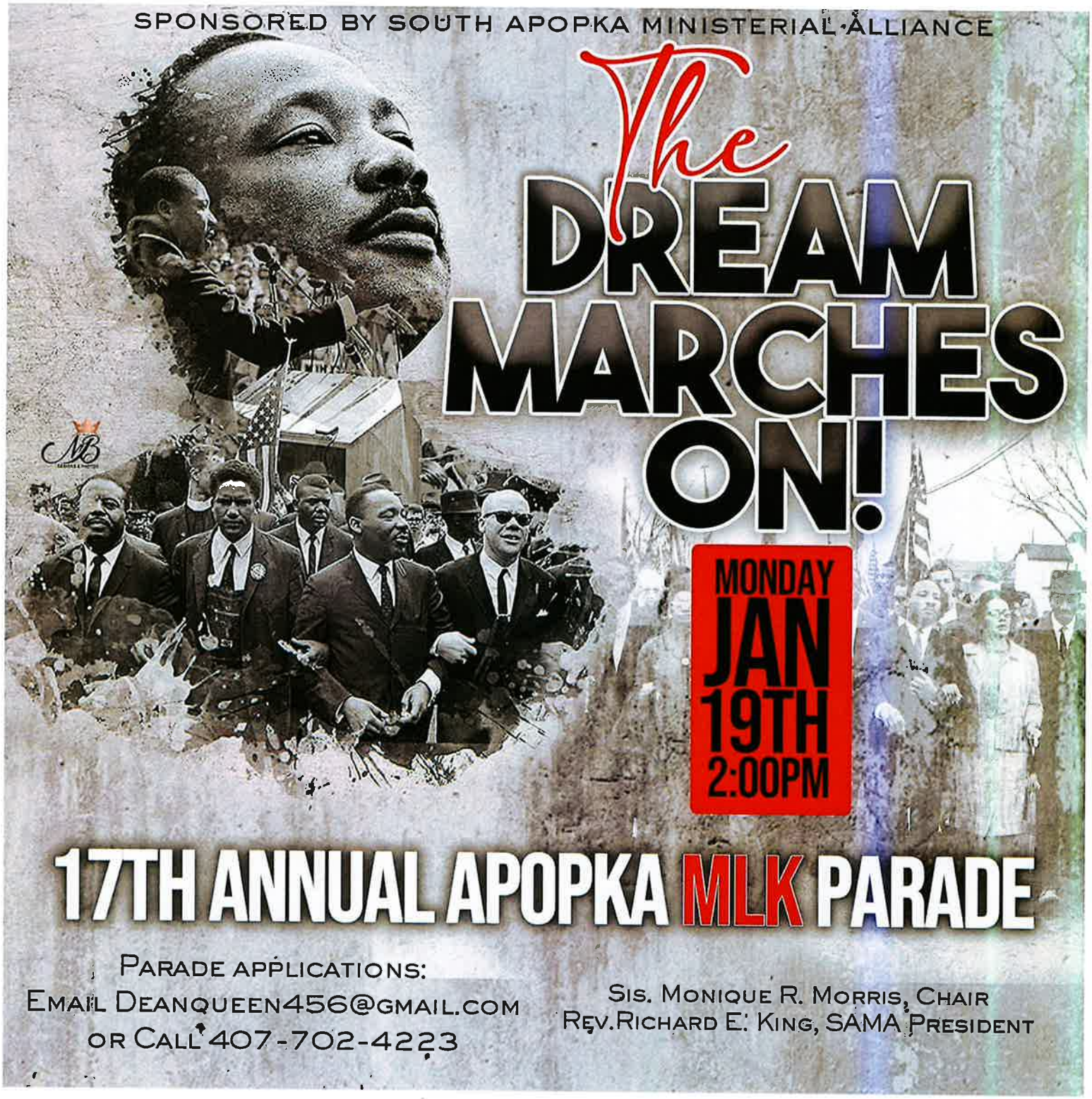
I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: RICHARD KING PRESIDENT 04/26/2025
Electronic Signature of Signing Officer/Director Detail — Date

2026 MLK PARADE ROUTE

Monday January 19th, 2026




SPONSORED BY SOUTH APOPKA MINISTERIAL ALLIANCE
The
DREAM
MARCHES
ON!
MONDAY
JAN
19TH
2:00PM
17TH ANNUAL APOPKA MLK PARADE
PARADE APPLICATIONS:
EMAIL DEANQUEEN456@GMAIL.COM
OR CALL 407-702-4223
SIS. MONIQUE R. MORRIS, CHAIR
REV. RICHARD E. KING, SAMA PRESIDENT

City of Apopka
CITY COUNCIL STAFF REPORT

Section: CONSENT (Action Item)
Item #: 6.
Meeting Date: January 7, 2026
Department: Finance Department

SUBJECT:
Authorize the execution of piggyback contracts for the assigned terms: American Ramp Company, IT Plus, Inc. and Florida Sheriffs Association.

ACTION ITEM INFORMATION:

REQUEST:
Authorize the execution of a 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 the most efficient method of purchase or the 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 submittals, vendors, descriptions, sources, and expiration dates. Please note, contracts may have varying effective start dates.

Department:	**Parks and Recreation**
Vendor:	**American Ramp Company**
Description:	**Skatepark, Bike Park, Pump Track, and BMX Track Solutions**
Source:	Sourcewell
Bid/Contract #:	090425
Original Bid Award Date:	October 21, 2025
Expiration Date:	October 20, 2029
Renewals:	Three (3) additional one (1) year renewal options
Max Expiration Date:	October 20, 2032

Department:	**Public Works**
Vendor:	**IT Plus, Inc.**
Description:	**Smart Infrastructure Solutions, Outdoor Sensors, and Related Products and Services**
Source:	Sourcewell
Bid/Contract #:	041525
Original Bid Award Date:	July 23, 2025
Expiration Date:	July 22, 2029
Renewals:	Three (3) additional one (1) year renewal options
Max Expiration Date:	July 22, 2032

Department:	**Fleet**
Vendor:	**All Awarded Vendors (see attached)**
Description:	**Pursuit, Administrative, and Other Vehicles**
Source:	Florida Sheriffs Association
Bid/Contract #:	FSA25-VEL33.0
Original Bid Award Date	October 1, 2025
Expiration Date:	September 30, 2027
Renewals:	Two (2) additional one (1) year renewal options
Max Expiration Date	September 30, 2029

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:

1. FSA25-VEL33.0 Awarded Vendor List

- Alligator Alley Harley-Davidson
- American Road Group
- Bachrodt FT, LLC. dba Palmetto Ford of Miami
- Beck Chrysler Dodge Jeep
- Beck Ford Lincoln
- Bozard Ford
- Carl Black of Orlando, LLC.
- Crown Auto Group
- Duval Ford, LLC.
- ETR, LLC.
- Family Ford, Inc.
- Florida Transportation Systems, Inc.
- Garber Chevrolet Buick GMC, Inc.
- Garber Chrysler Dodge Truck, Inc.
- Garber Ford, Inc.
- Hardy Chevrolet GMC, Inc.
- Kelley Buick GMC, Inc.
- Matheny Fire & Emergency
- Recon Power Bikes
- Rush Truck Centers of Florida, Inc.
- SAG Cocoa, LLC. dba Cocoa Ford
- Seg Adventures, LLC.
- Seminole Toyota
- Step One Automotive dba CDJR Ft. Walton Beach
- Step One Automotive dba Ford Crestview
- Step One Automotive dba Kia Ft. Walton Beach

- Stingray Chevrolet
- Tallahassee BGC, LLC.
- Tallahassee CH, LCC.
- Tampa Truck Center
- Terry Taylor’s DeLand Nissan, Inc.
- Treaty Oak Outdoors, LLC.
- Tropical Ford

City of Apopka
CITY COUNCIL STAFF REPORT

Section: BUSINESS (Action Item)
Item #: 1.
Meeting Date: January 7, 2026
Department: Community Development

SUBJECT:
Interlocal Agreement with Orange County for Transfer of Golden Gem Road (Kelly Park Road and Capital Reef Way Termini)

ACTION ITEM INFORMATION:

REQUEST:
Approve the Interlocal Agreement (ILA) with Orange County for the transfer of jurisdiction of Golden Gem Road from Kelly Park Road to Capital Reef Way, and authorize the Mayor to execute the Agreement.

SUMMARY:
Golden Gem Road plays a critical role in supporting the long-term mobility, development, and infrastructure objectives of the Kelly Park Interchange area. In response to increasing traffic demands and the need for roadway improvements consistent with City standards, the City has pursued the transfer of jurisdiction over the northern segment of this corridor—specifically from Kelly Park Road to Capital Reef Way. This transfer enables the City to coordinate roadway reconstruction, manage future development impacts, and ensure consistency with the City's adopted planning frameworks. While Orange County initially sought to expand the limits of the transfer farther south to the Parkview Preserve boundary, both parties have since aligned on the appropriateness of reverting to the City's originally supported termini. The current Interlocal Agreement reflects this consensus and incorporates the revised County contribution of $585,000. Orange County has also informed staff that City Council approval must occur prior to placement of the item on the Board of County Commissioners agenda. The chronology below summarizes the steps that led to the present agreement before Council.

Chronology of Key Actions:

1. 1. Original City Council Action – June 19, 2024
    - On June 19, 2024, the Apopka City Council approved an Interlocal Agreement (ILA) with Orange County for the transfer of a segment of Golden Gem Road from Kelly Park Road to Capital Reef Way into City jurisdiction. This action reflects the City's long-standing position on the appropriate limits of roadway transfer.
2. County-Proposed Revisions Following 2024 Approval
    - Subsequent to City approval, Orange County requested revisions to the ILA language and later proposed expanding the southern terminus to the Parkview Preserve subdivision boundary—approximately 1,300 linear feet south of Capital Reef Way—adding an estimated $2.8 million in construction costs.
3. City–County Discussions in 2025
    - May 16, 2025: City staff met with County officials to request transfer of the County's $750,000 resurfacing allocation and advocated for maintaining the City-supported limits. The County instead introduced an extended terminus to Parkview Preserve.
    - July 7, 2025: City staff met again with County officials, reiterating the request to revert to Capital Reef Way and transfer resurfacing funds.
    - July 22, 2025: The County declined to adjust the extended terminus and did not revise the ILA.

4. August 6, 2025 – City Council Denial of County-Proposed ILA
    - On August 6, 2025, the City Council unanimously voted not to accept the amended ILA extending the terminus to Parkview Preserve. The City reaffirmed its support for the originally agreed limits of Kelly Park Road to Capital Reef Way, communicating this position to the County on August 7, 2025.
5. County Response – September 24, 2025 Letter
    - In a formal letter dated September 24, 2025, Orange County:
        - Acknowledged the City's denial of the Parkview-terminus ILA,
        - Confirmed the City's continued commitment to Kelly Park to Capital Reef,
        - Offered to reduce the limits accordingly, with proportional funding of $585,000,
        - Clarified that the segment south of Capital Reef Way would remain under County jurisdiction and maintained only through resurfacing.
6. November 12–14, 2025 – Agreement on Revised Limits and Funding
    - On November 12, 2025, City staff notified the County that the City was agreeable to proceed with the transfer of Golden Gem Road from Kelly Park Road to Capital Reef Way, together with the County's $585,000 contribution. The City also requested that the updated ILA be presented to the Board of County Commissioners (BCC) first.
    - On November 14, 2025, County staff confirmed that the ILA had been revised accordingly and submitted for the December 16 BCC agenda, and that execution by the County would precede City Council action.
7. Subsequent Change in County Process Requirement
    - After the November 14 confirmation, Orange County notified City staff that the County now requires City Council approval prior to placing the item on a future BCC agenda. This represents a procedural change from the previously agreed-upon BCC-first sequence.

Although this represents a change in process, approval of the ILA remains consistent with the City's long-term vision for the Kelly Park Interchange Form-Based Code (KPI-FBC) area. Bringing this segment of Golden Gem Road under City jurisdiction is essential to implementing the roadway, mobility, and development standards envisioned in the KPI-FBC. Local control allows the City to deliver coordinated, context-sensitive improvements that support the area's planned mixed-use growth. For these reasons, staff recommends approval of the ILA.

FUNDING SOURCE:

N/A

RECOMMENDED MOTION:

Approve the Interlocal Agreement (ILA) with Orange County for the transfer of jurisdiction of Golden Gem Road from Kelly Park Road to Capital Reef Way, and authorize the Mayor to execute the Agreement.

ATTACHMENTS:

1. ILA - Golden Gem
2. ILA Golden Gem Limits - Sketch and Description
3. OC Response on Golden Gem Road 092425

THIS INSTRUMENT SHOULD BE RETURNED TO
Susan Bone
City Clerk
City of Apopka
120 East Main Street
Apopka, Florida 32703

INTERLOCAL AGREEMENT REGARDING TRANSFER OF JURISDICTION OF A PORTION OF GOLDEN GEM ROAD WITHIN ORANGE COUNTY ROAD SYSTEM

THIS INTERLOCAL AGREEMENT is made and entered into on this _____ day of _____, 2026 ("Agreement"), by and between ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida ("County") and the CITY OF APOPKA, FLORIDA, a municipal corporation of the State of Florida ("City") for the purpose of transferring the jurisdiction of a portion of Golden Gem Road within the Orange County Road System.

RECITALS

WHEREAS, the County and City have authority pursuant to Section 163.01, Florida Statutes, to enter into interlocal agreements;

WHEREAS, pursuant to Section 335.0415(2), Florida Statutes, any change of the jurisdiction of a public road after July 1, 1995, that is a part of a county road system or a city street system is governed by Section 335.0415(3), Florida Statutes;

WHEREAS, pursuant to Section 335.0415(3), Florida Statutes, subsequent to July 1, 1995, public roads within the respective road systems of a county or a city may be transferred between those jurisdictions only by mutual agreement of those local governmental entities;

WHEREAS, the City desires to own (or accept dedication of, whatever the case may be), operate, maintain, control, and have responsibility over a portion of the County road known as Golden Gem Road from the south right-of-way line of West Kelly Park Road to the south line of SW ¼ of Section 13, Township 20, Range 27E, including associated drainage easements and retention areas, more particularly described in Exhibit A ("Road Segment");

WHEREAS, this Agreement is intended solely to address the transfer of the Road Segment from the County's road system to the City's street system for purposes of ownership, operation and maintenance,

and to act as an acknowledgment by the City of its jurisdiction, ownership, and authority to operate and maintain such roads upon the effective date of this Agreement; and

WHEREAS, the County will remain responsible for the ownership, operation and maintenance of the portion of Golden Gem Road lying to the south of the South line of the SW ¼ of Section 13, Township 20, Range 27E.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. *Recitals*. The foregoing recitals are true and correct and are hereby incorporated herein by reference.

2. *Transfer of Jurisdiction of Road Segment*. In accordance with Section 335.0415(3), Florida Statutes, County and City hereby agree to the permanent transfer of ownership, control, and roadway maintenance responsibilities from the County to the City of the Road Segment. County shall provide all documents and drawings concerning the road drainage and right-of-way, to the extent such documents are in County's possession. City's jurisdiction to operate and maintain Road Segment means the authority and responsibility to maintain, control, repair, or improve such roads, as the term "road" is defined by Section 334.03(22), Florida Statutes, and to regulate, warn, or guide traffic on such roads, regardless of any future alteration, realignment, construction, extension, widening, or renaming of such roads. The Road Segment is therefore deemed to be a part of the City's "city street system" for purposes of operation and maintenance. Pursuant to Section 337.29(3), Florida Statutes, to the extent that sovereign immunity has been waived, liability for torts shall be in City. Also pursuant to Section 337.29(3), Florida Statutes, except as otherwise provided by law or this Agreement, City shall have the same governmental, corporate, and proprietary powers with relation to Road Segment that City has with relation to other public roads and rights-of-way within its jurisdiction.

3. *Dedication and Acceptance; Deed; Vesting of Title.* For any right-of-way for the Road Segment that is or may be in possession of County by dedication, including right-of-way associated with

drainage, County hereby dedicates to City, and City hereby accepts such right-of-way. For any right-of-way for the Road Segment that is or may be held in fee title by County, including right-of-way associated with drainage, County shall execute and deliver a County Deed in favor of the City substantially in the form attached hereto as Exhibit "B," for any portion of Golden Gem Road from the south line of West Kelly Park Rd to the south line of the SW ¼ of Section 13, Township 20, Range 27E that the County holds, or may hold, fee title or a property interest, as specifically described in the legal description and map attached to Exhibit "B" as Appendix "A," within thirty (30) days of execution of this Agreement. Within fifteen (15) days of receipt thereof, City shall accept the deed and right-of-way by recording the deeds in the Official Records of Orange County at City's expense.

4. *County Payment*. The parties agree that it is reasonable and for a public purpose that County participate in City's construction of resurfacing improvements to the Road Segments which are necessary to bring the Road Segments up to a standard of good repair as part of the transfer of the Road Segment to City. The improvements will generally consist of milling and resurfacing the Road Segments (the "Project"). The Project has an estimated cost of approximately Five Hundred and Eighty-Five Thousand Dollars ($585,000.00) (the "Estimated Cost"). In consideration for City's assumption of the ownership and maintenance of the Road Segments and to facilitate improvement of the Road Segments, County agrees to pay to City the amount of the Estimated Cost by check or wire transfer (the "County Payment"). The County Payment will be made to City within sixty (60) days after City submits to County a request for payment, together with supporting documentation including a Notice of Completion of the Project, the requested amount of the County Payment, and contractor invoices showing a total actual cost incurred by City for construction of the Project (the "Total Cost"). In the unlikely event the Total Cost is less than the Estimated Cost, the County Payment will be reduced, dollar for dollar, but in no event will the County Payment be increased.

5. *Miscellaneous.*

5.1 Amendments. This Agreement may be amended only by express written instrument approved by the Board of County Commissioners of the County and the City Council of the City, and executed by the authorized officers of each.

5.2 Validity. County and City each represents, warrants, and covenants to and with the other its respective authority and power under Florida law to enter into this Agreement, acknowledges the validity and enforceability of this Agreement, and waives any future right of defense based on claim of illegality, invalidity, or unenforceability of any nature. County and City each hereby represents, warrants, and covenants to and with the other that this Agreement has been validly approved by its respective governing body at a duly held public meeting, and that this Agreement constitutes a legal, valid, and binding contract enforceable against the respective party in accordance with the terms hereof (assuming the due authorization, execution, and delivery hereof by the other parties hereto).

5.3 Ambiguities. Both parties have been allowed equal input regarding the terms and wording of this Agreement and have had the benefit of consultation with their respective legal counsel prior to its execution, such that all language herein shall be construed equally against the parties, and no language shall be construed strictly against its drafter.

5.4 Headings. The headings and captions of paragraphs or subparagraphs used in this Agreement are for the convenience of the parties for reference only and are not intended to define or limit their contents, nor are they to affect the construction or interpretation of this Agreement.

5.5 Severability. The provisions of this Agreement are declared by the parties to be severable only to the extent the remaining provisions can effectuate the purpose and intent of the parties.

5.6 Governing Law; Venue; Attorneys' Fees and Costs. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Venue for any action

arising out of or relating to this Agreement shall be in the Circuit Court for the Ninth Judicial Circuit in Orange County, Florida. In the event a party deems it necessary to take legal action to enforce any provision of this Agreement, each party shall bear its own attorneys' fees and costs at both the trial and appellate levels.

5.7 Entire Agreement. This Agreement, along with its exhibits, constitutes the entire Agreement between the parties regarding the subject matter hereof. Any prior oral or written agreements or understandings of any kind between the parties relating to the subject matter hereof are null and void and of no further effect.

5.8 Counterparts. This Agreement and any amendments thereto may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

5.9 Notices. Any notice required to be given or otherwise given by one party to the other party shall be in writing. Notice shall be deemed delivered when given by hand delivery; notice shall be deemed delivered five (5) days after being deposited in the United State Mail, postage prepaid, certified, or registered; notice shall be deemed delivered the next business day after being dropped with a recognized overnight mail or courier delivery service; notices shall be deemed delivered the next business day when transmitted by facsimile or telecopy transmission, with receipt acknowledged upon transmission. Notices shall be addressed as follows:

IF TO COUNTY: Director, Orange County Public Works Department
4200 South John Young Parkway
Orlando, Florida 32839
Facsimile: 407.836.7716

WITH COPY TO: County Attorney
Orange County Administration Center
201 South Rosalind Avenue
Orlando, Florida 32801
Facsimile: 407.836.5888

IF TO CITY: Transportation Coordinator
City of Apopka
120 East Main Street
Apopka, Florida 32703
Facsimile: 407.703.1791

WITH COPY TO: City Attorney
City of Apopka
120 East Main Street
Apopka, Florida 32703
Facsimile: 407.703.1793

In all cases, notices shall be deemed delivered to a party only upon delivery of copies to the persons indicated above in the same manner as for the party being notified. Either party may change its designated official or address for receipt of notice by giving notice of such change to the other party in the manner provided in this subparagraph.

6. *Effective Date.* This Agreement shall become effective on the date of execution by the County or the date of execution by the City, whichever date is later.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year indicated below.

ATTEST: Phil Diamond, CPA, County Comptroller as Clerk of the Board of County Commissioners

ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida,

_____
Deputy Clerk

_____
Jerry L. Demings, Mayor

_____
Printed Name

_____
Date

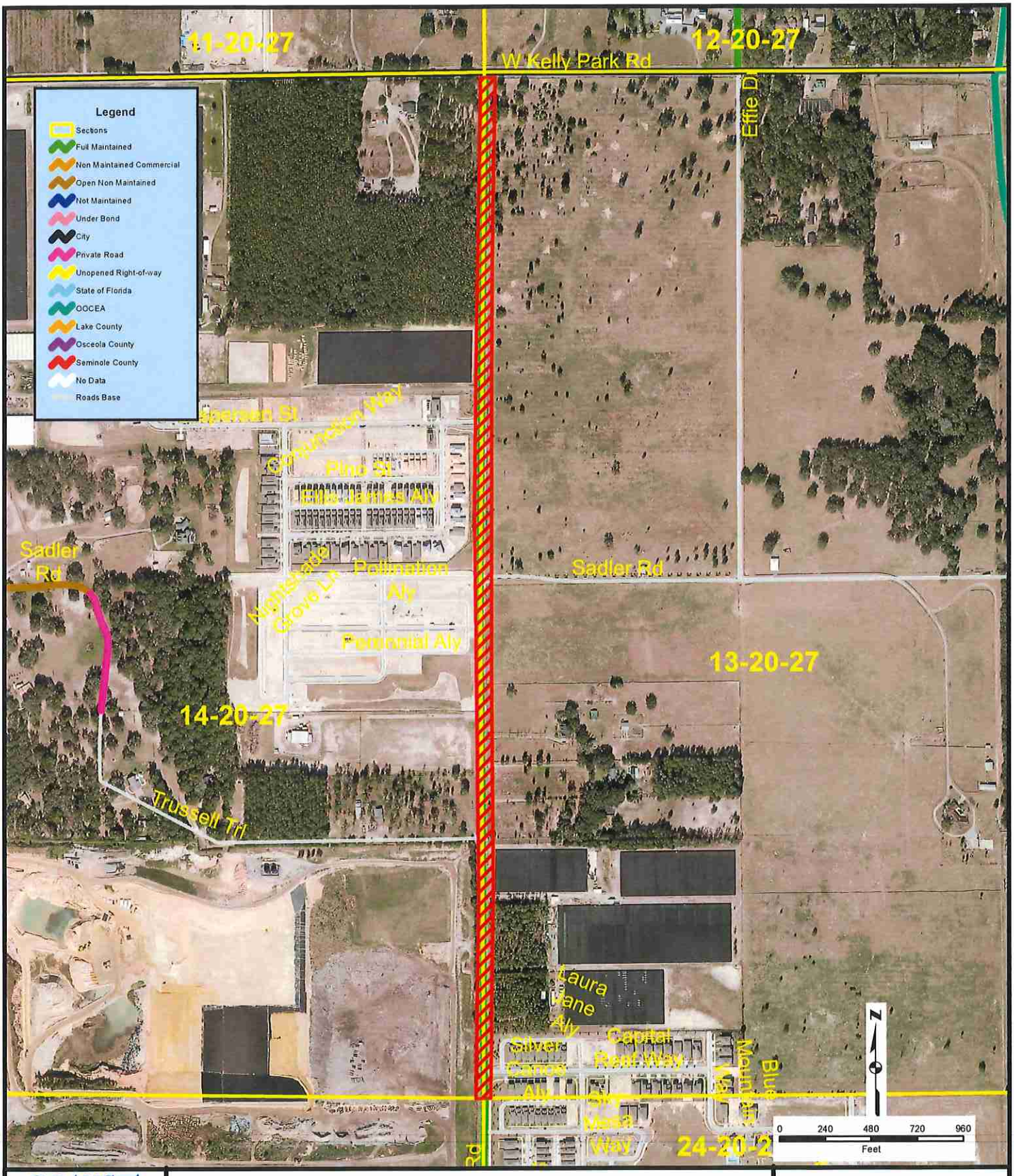
ATTEST:

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

_____
Susan Bone, City Clerk

_____
Bryan Nelson, Mayor

_____
Date



ORANGE COUNTY GOVERNMENT FLORIDA

Exhibit "A"
Interlocal Agreement regarding Transfer of Jurisdiction of a Portion of Golden Gem Road within Orange County Road System

Author: George Shupp
Checked by:
Date Saved: 11/13/2025

All data, information, and maps are provided "as is" without warranty or any representation of accuracy, timeliness of completeness

R:\Roads&Drainage\Research\Real Estate & Road Transfer\Road\Golden Gem Rd\Golden Gem 2\8.5x11_Portrait.mxd

Exhibit "B"

Project: Interlocal Agreement with the City of Apopka and Orange County regarding the Transfer of Jurisdiction of Golden Gem Road

COUNTY DEED

THIS DEED, made as of the date signed below, by Orange County, a charter county and political subdivision of the state of Florida, whose address is P. O. Box 1393, Orlando, Florida 32802-1393, GRANTOR, and the City of Apopka, a municipal corporation, under the laws of the state of Florida, whose address is 1201 E. Main St., Apopka, Florida, 32703 GRANTEE.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of $1.00 and other valuable considerations, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the said GRANTEE forever, all the right, title, interest, claim, and demand which the GRANTOR has in and to the following described lot, piece, or parcel of land, situate, lying and being in the county of Orange, state of Florida, to-wit:

SEE ATTACHED APPENDIX "A"

Property Appraiser's Parcel Identification Number:

Unassigned

THIS COUNTY DEED is being given in accordance with the Interlocal Agreement regarding the Transfer of Jurisdiction of Golden Gem Road from the south right-of-way line of West Kelly Park Road to the south line of SW ¼ of Section 13, Township 20, Range 27E.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit, and behoove of the GRANTEE forever.

Project: Interlocal Agreement with the City of Apopka and Orange County regarding the Transfer of Jurisdiction of Golden Gem Road

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal)

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: _____
Jerry L. Demings, Mayor
Orange County Mayor

DATE: _____

ATTEST: Phil Diamond, CPA, Orange County Comptroller,
as Clerk to the Board of County Commissioners

BY: _____
Deputy Clerk

_____
Printed Name

Appendix "A"

SKETCH AND DESCRIPTION

(THIS IS NOT A SURVEY)

GOLDEN GEM ROAD

LYING IN SECTION 13–20–27 & 14–20–27
ORANGE COUNTY, FLORIDA

LEGAL DESCRIPTION

A PORTION OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST AND A PORTION OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 30 FEET OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AND THE EAST 30 FEET OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS THE NORTH 30 FEET THEREOF BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN N 89°21'01" W, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14 A DISTANCE OF 30.00 FEET; THENCE ALONG A LINE 30 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 14 RUN THE FOLLOWING TWO (2) COURSES AND DISTANCES; (1) RUN N 00°21'14" W, A DISTANCE OF 2688.96 FEET; (2) THENCE RUN N 00°30'19" E, A DISTANCE OF 2603.64 FEET; THENCE ALONG A LINE 30 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 14, RUN N 89°12'17" E, A DISTANCE OF 30.01 FEET TO THE INTERSECTION OF A LINE 30 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 13, THENCE ALONG SAID LINE RUN N 89°54'49" E, A DISTANCE OF 30.00 FEET TO A POINT LYING 30 FEET EAST OF THE WEST LINE OF SAID SECTION 13; THENCE ALONG A LINE 30 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 13 RUN THE FOLLOWING TWO (2) COURSES AN DISTANCES; (1) RUN S 00°30'19" W, A DISTANCE OF 2604.19 FEET; (2) THENCE RUN S 00°21'14" E, A DISTANCE OF 2688.98 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 13 RUN S 89°32'16" W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.29 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1) NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS–OF–WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD BY THIS FIRM.

3) BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EAST LINE OF THE SE 1/4 OF SECTION 14–20–27, HAVING A BEARING OF N 00°21'14" W.

REVISED: 01/08/2024
SEE SHEET 2 FOR SKETCH
04/25/2023
PROJECT: 21175
SHEET 1 OF 2

PREPARED BY:
I CERTIFY THAT THIS MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472, FLORIDA STATUTES.

01/08/24

DAVID M. McDERMOTT
FLORIDA REGISTERED SURVEYOR AND MAPPER CERTIFICATE No. 4779

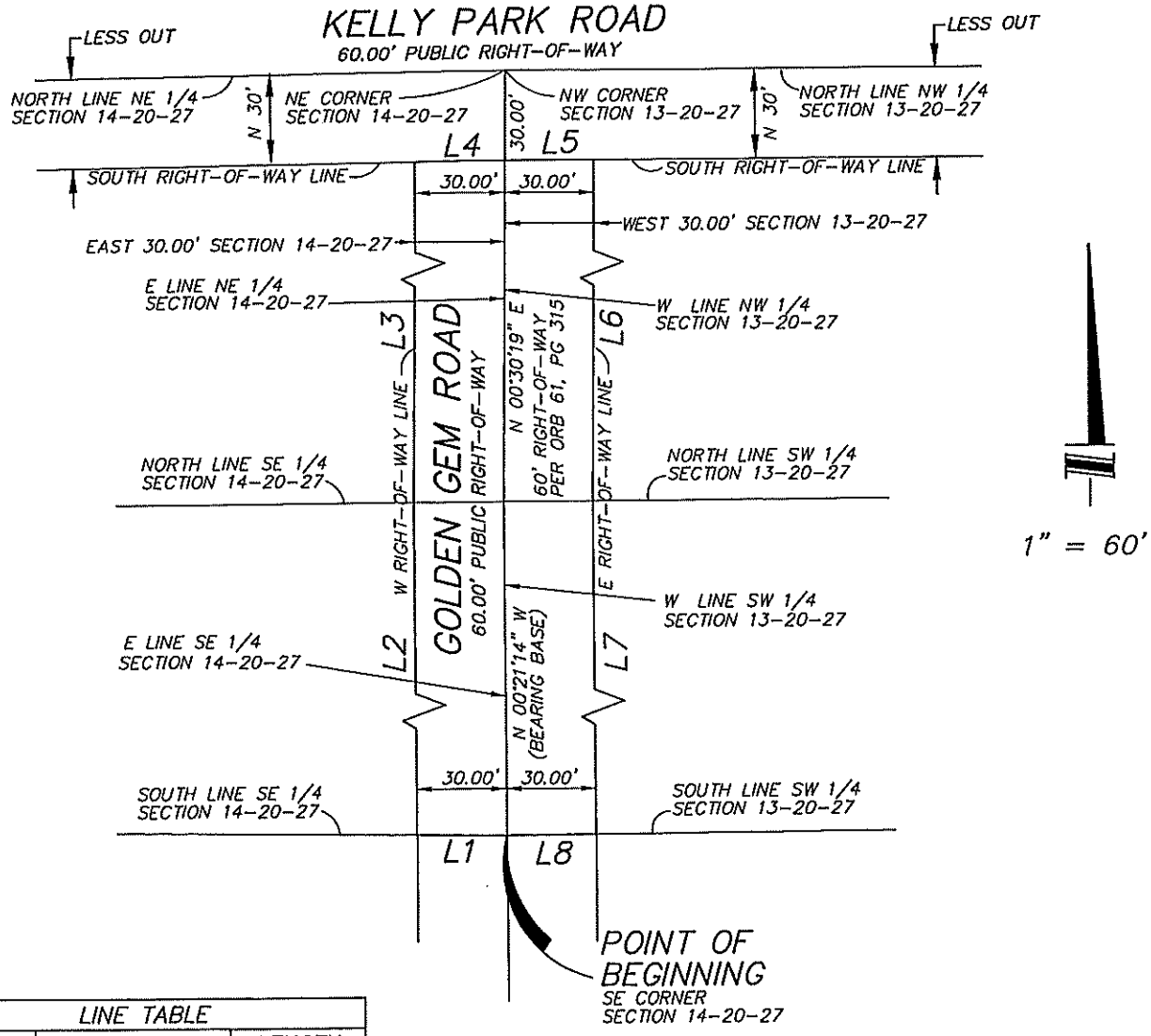
Associated Land Surveying & Mapping, Inc.
1681 POWELL STREET, LONGWOOD, FLORIDA 32750
PH (407) 869–5002, FAX (407) 869–8393
CERTIFICATE OF AUTHORIZATION # LB 6767

SKETCH AND DESCRIPTION

(THIS IS NOT A SURVEY)

GOLDEN GEM ROAD

LYING IN SECTION 13-20-27 & 14-20-27
ORANGE COUNTY, FLORIDA



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 89°21'01" W	30.00'
L2	N 00°21'14" W	2688.96'
L3	N 00°30'19" E	2603.64'
L4	N 89°12'17" E	30.01'
L5	N 89°54'49" E	30.00'
L6	S 00°30'19" W	2604.19'
L7	S 00°21'14" E	2688.98'
L8	S 89°32'16" W	30.00'

LEGEND
ORB - OFFICIAL RECORDS BOOK
PG - PAGE

REVISED: 01/08/2024
SEE SHEET 1 FOR DESCRIPTION
04/25/2023
PROJECT: 21175
SHEET 2 OF 2

Associated Land Surveying & Mapping, Inc.
1681 POWELL STREET, LONGWOOD, FLORIDA 32750
PH (407) 869-5002, FAX (407) 869-8393
CERTIFICATE OF AUTHORIZATION # LB 6767

SKETCH AND DESCRIPTION

(THIS IS NOT A SURVEY)

SADLER ROAD

LYING IN SECTION 14-20-27
ORANGE COUNTY, FLORIDA

LEGAL DESCRIPTION

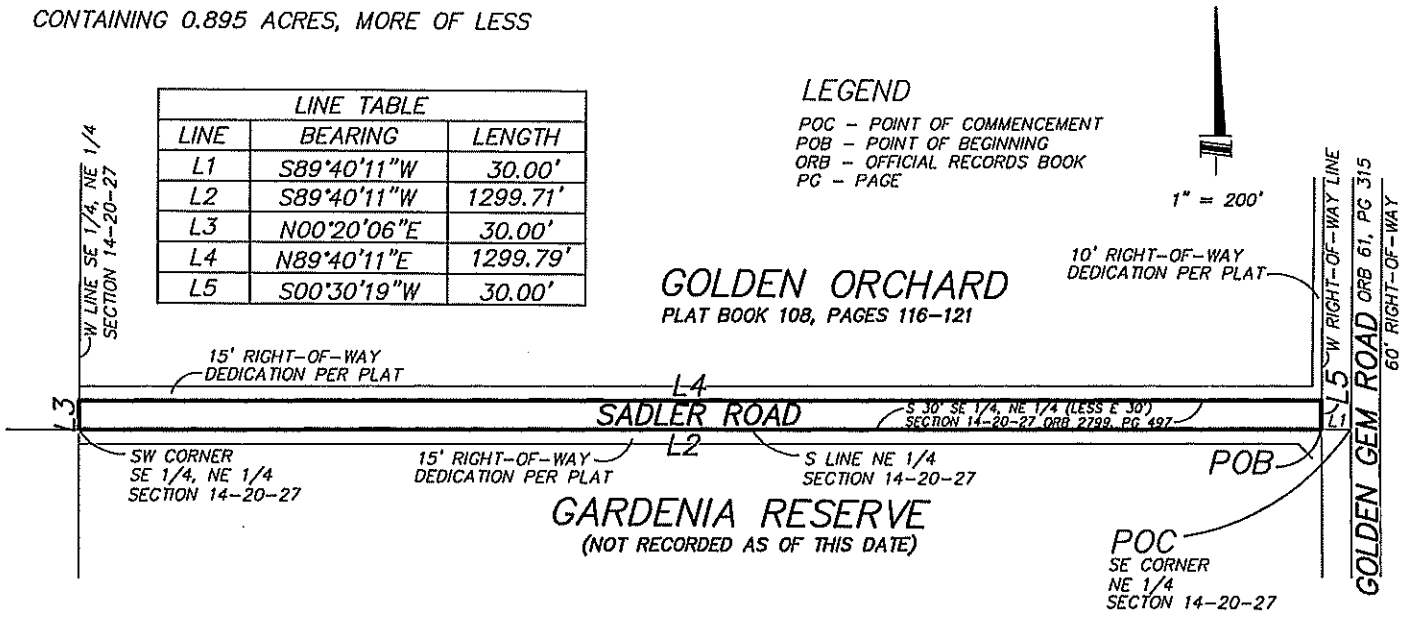
A PORTION OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 30 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 (LESS THE EAST 30 FEET THEREOF) OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 14; THENCE RUN S 89°40'11" W, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 14 A DISTANCE OF 30.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF GOLDEN GEM ROAD AND THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE CONTINUE S 89°40'11" W ALONG SAID SOUTH LINE A DISTANCE OF 1299.71 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 14; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 14 RUN N 00°20'06" E, A DISTANCE OF 30.00 FEET; THENCE ALONG A LINE 30.00 FEET NORTH OF AND PARALLEL TO SAID SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 14 RUN N 89°40'11" E, A DISTANCE OF 1299.79 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF GOLDEN GEM ROAD; THENCE RUN S 00°30'19" W, ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.895 ACRES, MORE OF LESS

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°40'11"W	30.00'
L2	S89°40'11"W	1299.71'
L3	N00°20'06"E	30.00'
L4	N89°40'11"E	1299.79'
L5	S00°30'19"W	30.00'



SURVEYORS NOTES:

1) SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

2) BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA BEING S 89°40'11" W.

3) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, OWNERSHIP OR OTHER MATTERS OF RECORD.

REVISED TYPO 06/28/2023
REVISED PER COMMENTS 05/09/2023
04/25/2023
SHEET 1 OF 1

PROJECT: 21175

PREPARED BY:
I CERTIFY THAT THIS MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472, FLORIDA STATUTES.

06/28/23

DAVID M. McDERMOTT
FLORIDA REGISTERED SURVEYOR AND MAPPER CERTIFICATE No. 4779

Associated Land Surveying & Mapping, Inc.
1681 POWELL STREET LONGWOOD, FLORIDA 32750
PH (407) 869-5002, FAX (407) 869-8393
CERTIFICATE OF AUTHORIZATION # LB 6767

SKETCH AND DESCRIPTION

(THIS IS NOT A SURVEY)

GOLDEN GEM ROAD

LYING IN SECTION 13–20–27 & 14–20–27
ORANGE COUNTY, FLORIDA

LEGAL DESCRIPTION

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CONTAINING 7.29 ACRES, MORE OR LESS.

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REVISED: 01/08/2024
SEE SHEET 2 FOR SKETCH
04/25/2023
PROJECT: 21175
SHEET 1 OF 2

PREPARED BY:
I CERTIFY THAT THIS MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472, FLORIDA STATUTES.

01/08/24

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SKETCH AND DESCRIPTION

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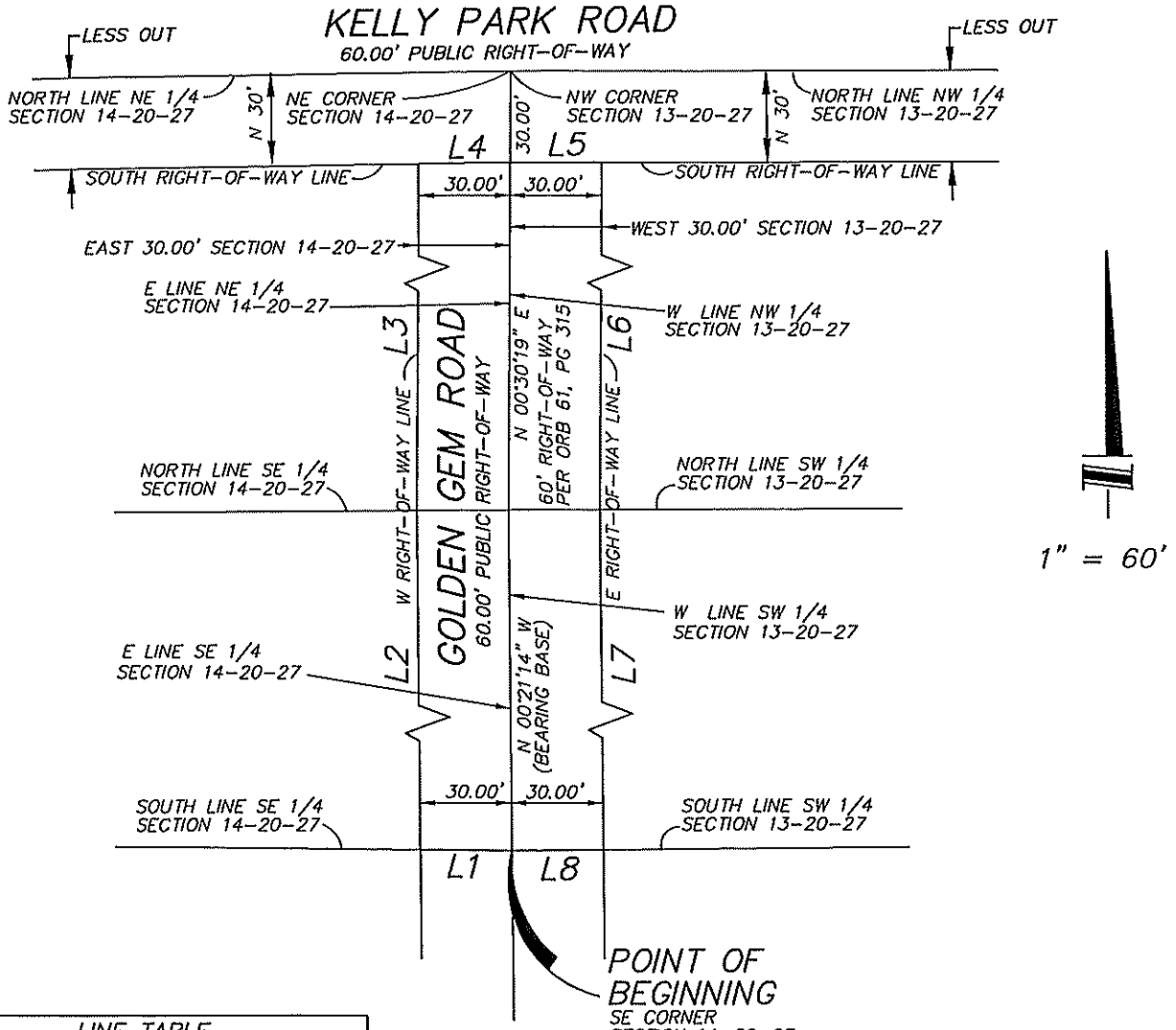
GOLDEN GEM ROAD

LYING IN SECTION 13-20-27 & 14-20-27
ORANGE COUNTY, FLORIDA



LINE TABLE		
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LEGEND
ORB – OFFICIAL RECORDS BOOK
PG – PAGE

REVISED: 01/08/2024
SEE SHEET 1 FOR DESCRIPTION
04/25/2023
SHEET 2 OF 2

PROJECT: 21175

Associated Land Surveying & Mapping, Inc.
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PH (407) 869-5002, FAX (407) 869-8393
CERTIFICATE OF AUTHORIZATION # LB 6767

PUBLIC WORKS DEPARTMENT
BRETT W. BLACKADAR, P.E., PMP, PTOE, *Deputy Director*
4200 South John Young Parkway ■ Orlando, Florida 32839
407-836-7805 ■ Fax 407-836-7766
e-mail: brett.blackadar@ocfl.net

September 24, 2025

Jean Sanchez, Senior Planner
City of Apopka
120 East Main Street
Apopka, FL 32703

Subject: Golden Gem Rd

Dear Ms. Sanchez,

Thank you for informing us recently by email that at the August 6, 2025 Apopka City Council meeting, the Council unanimously voted not to accept the amended Interlocal Agreement (ILA) for Golden Gem Road as proposed by Orange County. This agreement would have transferred the maintenance responsibilities for Golden Gem Road from Orange County to the City of Apopka between the limits of Kelly Park Road to the southern terminus to the boundary of the Parkview Preserve Subdivision. Thank you for also letting us know that the City remains committed to improving the northern segment of Golden Gem Road within the originally agreed-upon limits, from Kelly Park Road to Capital Reef Way, and the County welcomes continued dialogue on opportunities for coordination or future partnerships.

The County is open to reducing the limits of the transfer to end at Capital Reef Way; however, we have concerns about these reduced limits. First, the County would need to proportionally reduce the funding commitment to offset the County's increased resurfacing obligations. Instead of the previously agreed upon amount of $750,000, we would only be able to transfer funding in the amount of $585,000 based on the reduced limits.

Second, a portion of Golden Gem Rd serving City development would remain County-maintained from Capital Reef Way to the southern terminus of the Parkview Preserve subdivision. The County's future maintenance plans for that segment only include resurfacing without any other capital improvements. Therefore, this portion of Golden Gem would likely have an inconsistent cross section within the portion maintained by the City, which may create concerns among City residents as well as potential future maintenance conflicts between the County and City.

The County has funding for the resurfacing of the entire section of Golden Gem Rd (from Ponkan Rd to Kelly Park Rd) for the FY 25/26 paving budget. In order for the County to expend the funds in upcoming budget year, we need to move forward with the paving project no later than June 1, 2026. If we do not have an agreement in place with the City of Apopka by that time, the County will proceed with the resurfacing the entire limits of Golden Gem Rd.

If the City were to be interested in transferring sections of Golden Gem Rd after the commencement or completion of our resurfacing project, the transfer agreement would not be able to include any funding as previously discussed.

If you have any questions regarding the information in this letter, please contact me at 407-836-7805 or at brett.blackadar@ocfl.net.

Sincerely,

Brett W. Blackadar, P.E., PMP, PTOE
Deputy Director

cc: Jon V. Weiss, PE, Deputy County Administrator
Joseph C. Kunkel, PE, Public Works Director
Eduardo Avellaneda, PE, Manager, Roads and Drainage Division
Vladimir Simonovski, Public Works Director, City of Apopka

City of Apopka
CITY COUNCIL STAFF REPORT

Section: BUSINESS (Action Item)
Item #: 2.
Meeting Date: January 7, 2026
Department: City Clerk

SUBJECT:
Special Election - Appointment of Alternate Canvassing Board Members, per Apopka Municipal Code, Sec. 30-26.

ACTION ITEM INFORMATION:

REQUEST:
Appoint a First and Second Alternate Canvassing Board Member to serve on the Canvassing Board for the upcoming Municipal Election and Special Election being held on Tuesday, March 10, 2026.

SUMMARY:
The City Canvassing Board shall be composed of the City Clerk and two members of the City Council who are not candidates. In the event that one of the City Council members is no longer eligible to sit on the Canvassing Board, the majority of City Council must appoint two Citizens to serve as First and Second Alternate Canvassing Board members. The First Alternate Canvassing Board member will serve as the 3rd member of the City Canvassing Board. In the event that he/she cannot fulfill their duties, the Second Alternate Canvassing Board Member will serve as the 3rd member of the City Canvassing Board.

This item was first heard at the City Council meeting of December 17, 2025, whereby the Council voted unanimously to postpone this item in order to provide additional names of potential alternates. The City Clerk's office received emails from local residents offering to serve as alternates and the Clerk provided those names to the Council, as follows:

*Eric Mock
*Michelle Torres
*Nikki McGuire
*Dennis Harper
*Dr. Olmstead

Requesting a recommendation from the City Council to appoint the First and Second Alternates to the Canvassing Board.

FUNDING SOURCE:
N/A

RECOMMENDED MOTION:
Requesting a recommendation from the City Council to appoint the First and Second Alternates to the Canvassing Board.

ATTACHMENTS:
None

City of Apopka
CITY COUNCIL STAFF REPORT

Section: BUSINESS (Action Item)
Item #: 3.
Meeting Date: January 7, 2026
Department: Economic Development

SUBJECT:
Discussion and appointment of a new Board Member to the Apopka Community Redevelopment Agency (CRA)

ACTION ITEM INFORMATION:

REQUEST:
Council direction and appointment of a new Board Member to the Apopka Community Redevelopment Agency (CRA)

SUMMARY:
Apopka Community Redevelopment Agency (CRA) Board Member Chenicqua “Nikki” Williams has submitted her resignation from the Board, effective December 31, 2025. Staff appreciates her service and contributions to the City of Apopka through her participation as a member of the Apopka CRA.

As her resignation creates a vacancy in the 7-member board composition. In accordance with Resolution 9316, adopted on June 28, 1993, the appointment of a new member shall be made by the City Council. This item is to provide the Council with an opportunity to discuss the appointment of a new citizen to fill the seat vacated by Ms. Williams.

FUNDING SOURCE:
n/a

RECOMMENDED MOTION:
n/a

ATTACHMENTS:
None

City of Apopka
CITY COUNCIL STAFF REPORT

Section: BUSINESS (Action Item)
Item #: 4.
Meeting Date: January 7, 2026
Department: Administration

SUBJECT:
Main Street Apopka Agreement (Response to Notice of Default)

ACTION ITEM INFORMATION:

REQUEST:
City Council direction regarding Main Street Apopka funding agreement and Notice of Default

SUMMARY:
Staff are seeking further direction from City Council regarding the Main Street Apopka funding agreement. A Notice of Default Letter was sent to Main Street Apopka in response to issues surrounding a mural commissioned by Main Street Apopka. The Notice of Default Letter sent by the City to Main Street Apopka, along with subsequent email communications covering the timeline below have been attached to this staff report.

- **10/29/25** - Notice of Default Letter emailed to Main Street Apopka email address by the Interim City Administrator
- **10/30/25** - Notice of Default Letter mailed via certified mail to Main Street Apopka mailing address
- **11/25/25** - Follow-up email sent to Main Street Apopka email address by the Interim City Administrator
- **12/12/25** - Written response received by Main Street Apopka via email to Interim City Administrator
- **Notice of Default Cure period expiration — 12/14/25**

In the response letter received by Main Street Apopka (MSA) on December 12, 2025, the following remedies have been provided by MSA for consideration by Council to cure the default:

1. MSA's former Executive Director tendered her resignation from the Board on October 13, 2025. Such resignation was received and accepted by the Board with an immediate effective end date.
2. MSA is committed to making the City financially whole based on the funds allocated to the mural project. To that end, our financial records indicate that a total of $4,600.00 were expended on the Downtown Apopka Mural project. This amount includes $1,600.00 used toward the expeditious removal of the mural in its entirety. In lieu of a reimbursement, MSA wishes to forfeit $4,600.00 from its next disbursement from the City. This forfeiture is reflected in the attached modified invoice. Also included with this communication is a full accounting of the funds received from the City and expended by MSA.
3. We conducted a thorough internal review of the mural project, including the decision-making process that led to the selection of the artwork. This review resulted in our decision to modify our Board leadership and engage appropriate administrative and pro bono legal support.
4. I (Karla Hoyes, Main Street Apopka) was on-boarded MSA's first paid employee - my primary goal in this role is to ensure the business and operational practices of MSA are consistently upheld. Unfortunately, I am currently on furlough until City funding is restored. Additionally, we developed and disseminated a job description for our new Executive Director - that search remains open.

5. MSA continues to maintain its 501(c)(3) designation, as well as all insurances required under the funding agreement.
6. Lastly, but perhaps of the greatest importance, Florida Main Street Ad Hoc Committee has received and thoroughly reviewed our application for accreditation into the Main Street America Network. The Committee voted unanimously to approve our application to move on to the Secretary of State for final approval into the Main Street America Apprenticeship Program. We look forward to sharing details with the City about next steps over the next several months.

Upon review of the response letter and balance sheet report provided by Main Street Apopka showing how City funds were used, staff have the following remaining items which need clarification by Main Street Apopka:

1. The response letter from MSA indicates $4,600 was spent on expenses related to the mural project. Staff review of the report provided by MSA shows a total of $5,006.75 identified as mural expenses paid.
2. How was the board leadership modified? Were additional board members involved in the mural project?
3. There are expenses totaling $1,590.83 identified as "Organization" or "Business Meals" expenses (identified in the table below). Additional information is requested on how these expenditures tie into the current MSA work plan.

Date	Vendor	Item Description	Four-Point Approach/Business Category	Amount
8/11	DJ's Unlimited	Deposit - Annual Team Meeting	Organization	-$200.00
8/12	True Coffee	Consulting meeting	Business Meals	-$19.44
8/12	Cielito Linda Mexican	Training meeting	Business Meals	-$85.27
8/13	Canon Coffee	Team Meeting	Business Meals	-$6.39
8/25	Hilton Garden Inn	Room rental	Organization	-$506.00
9/5	DJ's Unlimited	Annual Team Meeting	Organization	-$628.00
9/8	Hilton Garden Inn	Annual Team Meeting	Organization	-$52.39
10/3	Publix	Meals & Entertainment	Organization	-$93.34

Staff has sent MSA a follow-up request for this additional information to be gathered and presented at the City Council meeting with this staff report.

FUNDING SOURCE:
FY25 and FY26 budgetary appropriations

RECOMMENDED MOTION:
Staff seek further direction from City Council regarding acceptance or denial of the Notice of Default cures provided by Main Street Apopka.

ATTACHMENTS:

1. Email #1 - Notice of Default - Main Street Apopka (with attachments) 2025-10-29
2. Certified Mail returned unclaimed
3. Email #2 - RE_ Notice of Default - Main Street Apopka 2025-11-25
4. Email #3 - Main Street Apopka Response to Notice of Default (with attachments) 2025-12-14
5. City reviewed Balance Sheet

From: Radley Williams
To: "Main Street Apopka"
Cc: Bryan Nelson; Clifford Shepard; "Holli New"; Susan Bone
Subject: Notice of Default - Main Street Apopka
Date: Wednesday, October 29, 2025 3:20:00 PM
Attachments: Main Street Apopka - Notice of Default (10.29.2025) signed.pdf
City Funding Balance Sheet Report as of 2025-08-27.pdf
Match Report 2025-06-01 thru 2025-07-17.pdf

Good afternoon Ms. Kasheta,

Please find attached a copy of the official Notice of Default in reference to the grant funding agreement between the City of Apopka and Main Street Apopka, Inc. The original is being mailed via Certified Mail to your address at P.O. Box 209 Apopka, FL 32712.

If you could please also send me updates of the attached reports for the City Funding Balance Sheet Report and Match Report through today's date of October 29, 2025 at your earliest convenience for review.

Thank you,

Radley

Radley Williams

Interim City Administrator
City of Apopka
407-703-1649
rwilliams@apopka.net

October 29, 2025

VIA CERTIFIED MAIL
Attn: Executive Director
Main Street Apopka
P.O. Box 209
Apopka, Florida 32712

COPY TO:
Caitlin Kasheta
1826 Eagles Rest Dr.
Apopka, Florida 32712

NOTICE OF DEFAULT

Dear Main Street Apopka:

Please be advised this letter serves as official notice of default under the grant funding agreement (the "Agreement") between the City and Main Street Apopka, Inc. ("MSA"), effective July 1, 2025, for MSA's misuse of the funds disbursed by the City to MSA.

As you know, the Downtown Apopka mural commissioned by MSA and funded under the Agreement is not an original work of the contracted artist, but a substantially similar copy of another artist's work. As a result, the funds provided by the City were not used for the intended purpose of commissioning an original mural in the Downtown Apopka area. This is a misuse of funds and constitutes willful misconduct and/or gross negligence, all of which are defaults under Section 16.1(b) and (d) of the Agreement. Moreover, the controversy surrounding MSA's misuse of public funds has been widely reported and has created considerable public scrutiny directed at the City. This negative public attention compromises the City's trust as a public institution and undermines the purposes of the grant program.

In accordance with Section 16.2 of the Agreement, MSA has **forty-five (45) days** from the date of receiving this correspondence to cure the default. Given the unusual nature of these circumstances, the City is willing to accept the following acts as potentially sufficient cures to the default described herein, subject to Council approval:

1. Resignation or replacement of the current Main Street Apopka Executive Director and any Main Street Apopka Board member that had actual knowledge that the art selected for the mural was not an original work of the contracted artist; and
2. Reimbursement of all City funds provided to MSA which were used and or spent in relation to the Downtown Apopka mural.

If MSA fails to cure the default in the manner described above within the cure period, the City may thereafter take any steps it deems appropriate to enforce its remedies under the Agreement and applicable law, including, without limitation, immediate termination of the Agreement and MSA's repayment of any unexpended and/or improperly used funds provided by the City to date.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,

/s/
Radley Williams, Interim CAO

City Funding Balance Sheet Report				
Date	Vendor	Item Description	Four-Point Approach/Business Category	Amount
7/17	City of Apopka	First Quarterly Installment Payment		$12,500.00
7/24	Ridge Bonnick	Deposit payment for mural	Design	-$1,500.00
7/31	OneMic Entertainment	Deposit for car show band	Promotion	-$500.00
8/5	TechSoup	Quickbooks online application	Operating Expenses	-$80.00
8/11	DJ's Unlimited	Presentation services	Organization	-$200.00
8/12	Intuit	Payroll	Employee Wages	-$207.79
8/12	True Coffee	Consulting meeting	Business Meals	-$19.44
8/12	Cielito Linda Mexican	Training meeting	Business Meals	-$85.27
8/13	Canon Coffee	Team Meeting	Business Meals	-$6.39
8/20	Intuit	Payroll	Employee Wages	-$207.79
8/20	Illuminate Dezigns	Volunteer shirts	Organization	-$292.88
8/20	Amazon	Volunteer apparel	Organization	-$17.38
8/21	Amazon	Volunteer apparel	Organization	-$92.23
8/21	Design Print Solutions	Plaque for mural	Promotion	-$23.96
8/21	Hobby Lobby	Picture frame for display table - mural event	Design	-$10.64
8/21	Staples	Marketing material - mural event	Design	-$53.82
8/22	Ridge Bonnick	Remaining balance payment for mural	Design	-$1,500.00
8/22	Historic Plant City Main Street	Quarterly training	Organization	-$130.00
8/22	Staples	Paper, flash drive, dividers, binder	Organization	-$52.35
8/25	Amazon	Marketing material - mural event	Design	-$83.65
8/25	Staples	Ink	Organization	-$48.56
8/25	Hilton Garden Inn	Room rental	Organization	-$506.00
8/25	Lowe's	Adhesive for plaque	Promotion	-$14.89
8/25	Staples	Ink	Organization	-$126.41
8/25	Staples	Paper	Organization	-$7.44
8/26	Karla Hoyes	Picture frames for display table - mural event	Design	-$34.68
8/26	Intuit	Payroll	Employee Wages	-$207.78
8/26	Amazon	Marketing material - MSA program and volunteer material	Organization	-$183.46
8/26	Staples	Ink	Organization	-$40.44
8/27	OneMic Entertainment	Refund deposit for car show band less paypal fees	Promotion	$470.25
Balance Total				$6,737.00

50% Match Report - June 1-July 17				
Type (cash or in-kind)	Description	Value	Quantity	Total
In-Kind	Professional services - Executive Director @ $78,240 BLS national average annual salary / 12 months	$6,520.00	1	$6,520.00
In-Kind	Professional services - Bookkeeping @ $75 per hour	$75.00	3	$225.00
In-Kind	Professional services - Project Management @ $55 per hour	$55.00	59	$3,245.00
In-Kind	Professional services - Web Design @ $60 per hour	$60.00	8	$480.00
In-Kind	Professional services - Grant research @ $35 per hour	$35.00	12	$420.00
In-Kind	Professional services - Advertising, Promotions, and Marketing Management @ $75 per hour	$75.00	20	$1,500.00
In-Kind	Professional services - Non-Profit Consulting	$150.00	16	$2,400.00
Cash	Corporate Donation	$200.00	1	$200.00
Cash	Corporate Donation	$500.00	1	$500.00
Cash	Private Donation	$20.00	1	$20.00
Cash	Grant	$5,000.00	1	$5,000.00
Cash	Grant	$4,500.00	1	$4,500.00
Total				$25,010.00

City of Apopka
Administration
120 E Main St.
Apopka, FL 32703

CERTIFIED MAIL®

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10/29/2025 ZIP 32703
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US POSTAGE

Main street Apopka
Attn: Executive Director
PO Box 209
Apopka, FL 32712

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RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 327035385 99 *0374-09070-30-42

UNC

32703>5385

From: Radley Williams
To: Main Street Apopka
Cc: Bryan Nelson; Clifford Shepard; Holli New; Susan Bone; Tamara Hobbick
Subject: RE: Notice of Default - Main Street Apopka
Date: Tuesday, November 25, 2025 2:32:00 PM
Attachments: Main Street Apopka - Notice of Default (10.29.2025) signed.pdf
City Funding Balance Sheet Report as of 2025-08-27.pdf
Match Report 2025-06-01 thru 2025-07-17.pdf

Good afternoon Ms. Kasheta,

Reaching out as I have not heard back from you yet in regard to the below email and attached letter. Please let me know if Main Street Apopka would like to meet to discuss the letter and any proposed remedies of the default. The original letter that was sent certified mail on October 30th was also returned as "Unclaimed / Unable to Forward" to my office. Please let me know if you would like to pick that up from City Hall. The 45-day period from the date of the letter mailing expires on Sunday, December 14, 2025.

Thank you,

Radley

Radley Williams
Interim City Administrator
City of Apopka
407-703-1649
rwilliams@apopka.net

From: Radley Williams
Sent: Wednesday, October 29, 2025 3:20 PM
To: Main Street Apopka <mainstreetapopka@gmail.com>
Cc: Bryan Nelson <bnelson@apopka.net>; Clifford Shepard <cshepard@shepardfirm.com>; Holli New <hnew@shepardfirm.com>; Susan Bone <sbone@apopka.net>
Subject: Notice of Default - Main Street Apopka

Good afternoon Ms. Kasheta,

Please find attached a copy of the official Notice of Default in reference to the grant funding agreement between the City of Apopka and Main Street Apopka, Inc. The original is being mailed via Certified Mail to your address at P.O. Box 209 Apopka, FL 32712.

If you could please also send me updates of the attached reports for the City Funding Balance Sheet Report and Match Report through today's date of October 29, 2025 at your earliest

convenience for review.

Thank you,

Radley

Radley Williams
Interim City Administrator
City of Apopka
407-703-1649
rwilliams@apopka.net

From: Main Street Apopka
To: Radley Williams
Cc: Stephanie Brinkley
Subject: Response to Notice of Default
Date: Friday, December 12, 2025 12:44:18 PM
Attachments: MSA - Response to Apopka Notice of Default.pdf

CAUTION: This Email originated from a source outside the City of Apopka. Do not click on links or open attachments unless you recognize the sender and you know the content is safe.

Good Afternoon Radley,

Attached is the response to the notice of default regarding the City of Apopka

Thank you for your time and feel free to contact us if you have any questions.

Karla B. Hoyes
MSA Executive Assistant

Main Street Apopka
P.O. Box 209
Apopka, FL 32703
mainstreetapopka@gmail.com

City of Apopka
Attn.: Radley Williams
3710 Jason Dwelley Parkway
Apopka, FL 32712

Submitted via email to rwilliams@apopka.net

Mr. Williams -

I am in receipt of your Notice of Default (the "Notice") dated October 29, 2025 regarding the still active funding agreement between the City of Apopka (the "City") and Main Street Apopka ("MSA"). In direct response to the Notice, please note the following:

1. MSA's former Executive Director tendered her resignation from the Board on October 13, 2025. Such resignation was received and accepted by the Board with an immediate effective end date.

2. MSA is committed to making the City financially whole based on the funds allocated to the mural project. To that end, our financial records indicate that a total of $4,600.00 were expended on the Downtown Apopka Mural project. This amount includes $1,600.00 used toward the expeditious removal of the mural in its entirety. In lieu of a reimbursement, MSA wishes to forfeit $4,600.00 from its next disbursement from the City. This forfeiture is reflected in the attached modified invoice. Also included with this communication is a full accounting of the funds received from the City and expended by MSA.

The MSA team takes the concerns raised by the City very seriously. MSA is committed to maintaining the integrity and purpose of the grant funding provided by the City, and have openly acknowledged and quickly addressed the issues surrounding the Downtown Apopka mural project.

To that end, and in addition to the recommendations made in the Notice, we are taking the following actions to further address the concerns raised:

1. We conducted a thorough internal review of the mural project, including the decision-making process that led to the selection of the artwork. This review resulted in

our decision to modify our Board leadership and engage appropriate administrative and pro bono legal support.

2. I was on-boarded MSA's first paid employee - my primary goal in this role is to ensure the business and operational practices of MSA are consistently upheld. Unfortunately, I am currently on furlough until City funding is restored. Additionally, we developed and disseminated a job description for our new Executive Director - that search remains open.

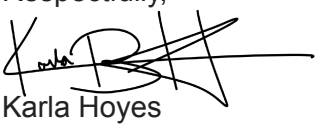
3. MSA continues to maintain its 501(c)(3) designation, as well as all insurances required under the funding agreement.

4. Lastly, but perhaps of the greatest importance, Florida Main Street Ad Hoc Committee has received and thoroughly reviewed our application for accreditation into the Main Street America Network. The Committee voted unanimously to approve our application to move on to the Secretary of State for final approval into the Main Street America Apprenticeship Program. We look forward to sharing details with the City about next steps over the next several months.

We appreciate the City's willingness to work with us during this challenging time. We are committed to restoring trust and ensuring compliance with the terms of the grant agreement.

We will keep you updated on our progress and are eager to work towards a resolution that is satisfactory for both parties. Should you have any further questions or require additional information, please do not hesitate to reach out.

Respectfully,



Karla Hoyes
Main Street Apopka

CC: Stephanie Brinkley (steph@influencinglaw.com)

Enclosures: October 31, 2025 MSA Invoice to City (Modified); Updated Financial Records

Main Street Apopka
PO Box 209
Apopka, FL 32704-0209 United States
mainstreetapopka@gmail.com | (407) 462-2315

Invoice #000013

Issue date
Oct 9, 2025

Quarterly Installment Payment

Please send all checks to P.O. Box 209 Apopka, FL 32703
Additional Recipients: purchase@apopka.gov

Customer
City of Apopka
City of Apopka
BSherman@apopka.net
120 E Main St
Apopka, FL 32703

Invoice Details
PDF created December 9, 2025
$7,700.00
Service date October 1, 2025

Payment
Due October 31, 2025
$7,700.00

Items	Quantity	Price	Amount
Quarterly Installment Payment	1	$7,700.00	$7,700.00
Subtotal			$7,700.00

Total Due $7,700.00

Pay online

To pay your invoice go to https://squareup.com/u/vljojVYc
Or open the camera on your mobile device and place the QR code in the camera's view.

City Funding Balance Sheet Report				
Date	Vendor	Item Description	Four-Point Approach/Business Category	Amount
7/17	City of Apopka	First Quarterly Installment Payment	Income	$12,500.00
7/24	Ridge Bonnick	Deposit payment for mural	Design	-$1,500.00
7/31	OneMic Entertainment	Deposit for car show band	Promotion	-$500.00
8/5	TechSoup	Quickbooks online application	Office Supplies	-$80.00
8/11	DJ's Unlimited	Deposit - Annual Team Meeting	Organization	-$200.00
8/12	Intuit	Payroll	Employee Wages	-$207.79
8/12	True Coffee	Consulting meeting	Business Meals	-$19.44
8/12	Cielito Linda Mexican	Training meeting	Business Meals	-$85.27
8/13	Canon Coffee	Team Meeting	Business Meals	-$6.39
8/20	Intuit	Payroll	Employee Wages	-$207.79
8/20	Illuminate Dezigns	Volunteer apparel	Organization	-$292.88
8/20	Amazon	Volunteer apparel	Organization	-$17.38
8/21	Amazon	Volunteer apparel	Organization	-$92.23
8/21	Design Print Solutions	Plaque for mural	Promotion	-$23.96
8/21	Hobby Lobby	Picture frame for display table - mural event	Promotion	-$10.64
8/21	Staples	Marketing material - mural event	Promotion	-$53.82
8/22	Ridge Bonnick	Remaining balance payment for mural	Design	-$1,500.00
8/22	Historic Plant City Main Street	Quarterly training	Organization	-$130.00
8/22	Staples	Paper, flash drive, dividers, binder	Office Supplies	-$52.35
8/25	Amazon	Marketing material - mural event	Promotion	-$83.65
8/25	Staples	Ink	Office Supplies	-$48.56
8/25	Hilton Garden Inn	Room rental	Organization	-$506.00
8/25	Lowe's	Adhesive for plaque	Promotion	-$14.89
8/25	Staples	Ink	Office Supplies	-$126.41
8/25	Staples	Paper	Office Supplies	-$7.44
8/26	Karla Hoyes	Reimbursement - picture frames for mural event	Promotion	-$34.68
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8/26	Amazon	Marketing material - MSA program and volunteer material	Promotion	-$183.46
8/26	Staples	Ink	Office Supplies	-$40.44
8/27	OneMic Entertainment	Refund deposit for car show band less paypal fees	Promotion	$470.25
8/27	UPS	Postage	Office Supplies	-$123.23
8/27	Sunbiz	Amendment	Lisences and Registrations	-$61.25
8/29	Oscar Painter	Mural remediation	Promotion	-$1,200.00
9/2	Square	Subscription	Operating Expense	-$15.00
9/2	Google Suites	Subscription	Operating Expense	-$18.60
9/2	Staples	Misc. Office Supplies	Office Supplies	-$29.62
9/3	Intuit	Payroll	Employee Wages	-$126.75
9/4	Illuminate Dezigns	Volunteer Shirts	Organization	-$275.00
9/5	Sunbiz	Credit Card fee	Bank Charges & Fees	-$1.03
9/5	DJ's Unlimited	Annual Team Meeting	Organization	-$628.00
9/8	Hilton Garden Inn	Annual Team Meeting	Organization	-$52.39
9/8	Intuit	Subscription	Operating Expense	-$31.50
9/11	Oscar Painter	Mural remediation	Promotion	-$600.00
9/11	Next Insurance	Liability Insurance	Insurance	-$27.24
9/16	Intuit	Payroll	Employee Wages	-$110.82
9/22	Amazon	Pop-Up event supplies	Organization	-$193.94
10/1	Intuit	Payroll	Employee Wages	-$198.09
10/2	Square	Subscription	Operating Expense	-$15.00

10/2	Google Suites	Subscription	Operating Expense	-$16.80
10/3	Publix	Meals & Entertainment	Organization	-$93.34
10/6	Intuit	Payroll	Employee Wages	-$263.20
10/14	Paypal	Per diem & Mileage reimbursmenet for FL Main Street Qtrly Workshop	Employee Benefits	-$239.40
10/14	Next Insurance	Liability Insurance	Insurance	-$27.24
10/15	Intuit	Payroll	Employee Wages	-$71.34
10/16	Facebook	Paid advertising	Promotion	-$85.05
11/3	Square	Subscription	Operating Expense	-$15.00
11/6	Intuit	Subscription	Operating Expense	-$56.50
11/12	Next Insurance	Liability Insurance	Insurance	-$27.24
11/17	Facebook	Paid advertising	Promotion	-$14.92
12/2	Google Suites	Subscription	Operating Expense	-$16.80
12/8	Intuit	Subscription	Operating Expense	-$56.50
Balance Total				$2,046.21

CITY REVIEWED

City Funding Balance Sheet Report

Date	Vendor	Item Description	Four-Point Approach/Business	Amount
7/17	City of Apopka	First Quarterly Installment Payment	Income	$12,500.00
7/24	Ridge Bonnick	Deposit payment for mural	Design	-$1,500.00
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8/25	Staples	Ink	Office Supplies	-$126.41
8/25	Staples	Paper	Office Supplies	-$7.44
8/26	Karla Hoyes	Reimbursement - picture frames for mural event	Promotion	-$34.68
8/26	Intuit	Payroll	Employee Wages	-$207.78
8/26	Amazon	Marketing material - MSA program and volunteer material	Promotion	-$183.46
8/26	Staples	Ink	Office Supplies	-$40.44
8/27	OneMic Entertainment	Refund deposit for car show band less paypal fees	Promotion	$470.25
8/27	UPS	Postage	Office Supplies	-$123.23
8/27	Sunbiz	Amendment	Lisences and Registrations	-$61.25
8/29	Oscar Painter	Mural remediation	Promotion	-$1,200.00
9/2	Square	Subscription	Operating Expense	-$15.00
9/2	Google Suites	Subscription	Operating Expense	-$18.60
9/2	Staples	Misc. Office Supplies	Office Supplies	-$29.62
9/3	Intuit	Payroll	Employee Wages	-$126.75
9/4	Illuminate Dezigns	Volunteer Shirts	Organization	-$275.00
9/5	Sunbiz	Credit Card fee	Bank Charges & Fees	-$1.03
9/5	DJ's Unlimited	Annual Team Meeting	Organization	-$628.00
9/8	Hilton Garden Inn	Annual Team Meeting	Organization	-$52.39
9/8	Intuit	Subscription	Operating Expense	-$31.50
9/11	Oscar Painter	Mural remediation	Promotion	-$600.00
9/11	Next Insurance	Liability Insurance	Insurance	-$27.24
9/16	Intuit	Payroll	Employee Wages	-$110.82
9/22	Amazon	Pop-Up event supplies	Organization	-$193.94
10/1	Intuit	Payroll	Employee Wages	-$198.09
10/2	Square	Subscription	Operating Expense	-$15.00
10/2	Google Suites	Subscription	Operating Expense	-$16.80
10/3	Publix	Meals & Entertainment	Organization	-$93.34
10/6	Intuit	Payroll	Employee Wages	-$263.20
10/14	Paypal	Per diem & Mileage reimbursmenet for FL Main Street Qtrly	Employee Benefits	-$239.40
10/14	Next Insurance	Liability Insurance	Insurance	-$27.24
10/15	Intuit	Payroll	Employee Wages	-$71.34
10/16	Facebook	Paid advertising	Promotion	-$85.05
11/3	Square	Subscription	Operating Expense	-$15.00
11/6	Intuit	Subscription	Operating Expense	-$56.50
11/12	Next Insurance	Liability Insurance	Insurance	-$27.24
11/17	Facebook	Paid advertising	Promotion	-$14.92
12/2	Google Suites	Subscription	Operating Expense	-$16.80
12/8	Intuit	Subscription	Operating Expense	-$56.50
Balance Total				**$2,046.21**

Mural Related Expenses	$	(5,006.75)
Employee/Staffing Related Expenses	$	(1,632.96)
25% allowable annually	*$*	*12,500.00*
Expenses City Requests Additional Informati	$	(1,590.83)

City of Apopka
CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)
Item #: 1.
Meeting Date: January 7, 2026
Department: Community Development

SUBJECT:
Ordinance No. 3117 – Second Reading - Change of Zoning/PD Rezoning, Master Plan and PD Agreement Ondich North

ACTION ITEM INFORMATION:
Owner(s): IPM S-1 Reo, LLC; Hmf, LLC; Charles P. Stallings; Kim L. Stallings; Euell E. Stallings, Jr.; and Crystal Denise Stallings
Applicant: Pulte c/o Aaron Struckmeyer
Parcel Identification Number(s): 01-20-27-0000-00-007, 01-20-27-0000-00-034, 01-20-27-0000-00-053, 02-20-27-0000-00-010, 02-20-27-0000-00-011, 02-20-27-0000-00-020 (portion of)
Location: Northwest corner of Ondich Road and SR 453/SR 429
Existing Future Land Use: County Rural
Proposed Future Land Use: Residential Estate
Existing Use(s): Mostly vacant and some parcels with single-family residences
Existing Zoning: Zoning: County R-2 (Residential District)
Proposed Zoning: PD (Planned Development)
Density: One dwelling unit per acre
Tract Size: 196.83 +/- Acres

REQUEST:
Adopt Ordinance No. 3117, Change of Zoning from County A-1 (Citrus Rural) to PD (Planned Development), approval of Master Plan and PD Agreement for Ondich North.

SUMMARY:
Owner(s): IPM S-1 Reo, LLC; Hmf, LLC; Charles P. Stallings; Kim L. Stallings; Euell E. Stallings, Jr.; and Crystal Denise Stallings
Applicant: Pulte c/o Aaron Struckmeyer
Parcel Identification Number(s): 01-20-27-0000-00-007, 01-20-27-0000-00-034, 01-20-27-0000-00-053, 02-20-27-0000-00-010, 02-20-27-0000-00-011, 02-20-27-0000-00-020 (portion of)
Location: Northwest corner of Ondich Road and SR 453/SR 429
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Proposed Future Land Use: Residential Estate
Existing Use(s): Mostly vacant and some parcels with single-family residences
Existing Zoning: Zoning: County R-2 (Residential District)
Proposed Zoning: PD (Planned Development)
Density: One dwelling unit per acre
Tract Size: 196.83 +/- Acres

ZONING REPORT
This chart includes the relationships to adjacent properties.

Direction	Future Land Use	Zoning	Present Use

North	County Rural	County A-1 (Citrus Rural) District	Vacant and Single-family residences
East	County Rural	County A-1	Single-family residences
South	City Mixed-Use and County Rural	City KPI-MU (Kelly Park Interchange - Mixed-Use)	Ondich South Residential Subd
West	County Rural	County A-1	Vacant and agricultural facilities

PROJECT SUMMARY:

Ondich North is a proposed Planned Development located at the northwest corner of Ondich Road and SR 429/SR 453, encompassing approximately 196.83 acres. The property was annexed into the City by a 4–1 City Council vote on July 2, 2025, and future land use amendment to Mixed-Use unanimously adopted on November 5, 2025. This PD and Master Plan have remained consistent with the development concept discussed at the time of annexation. The Ondich North Planned Development establishes clear and consistent development standards that reinforce the estate-style character envisioned for this portion of the City's Northern JPA. Building placement will observe setbacks of 25 feet along the front and rear yards and 7.5 feet along the sides, maintaining generous spacing between homes. The maximum structure height will not exceed 35 feet (two stories). All homes will be constructed with attached two-car garages, and design diversity will be achieved through varying elevations, roof forms, materials, and color palettes to prevent repetitive façades along the same streetscape.

The project will preserve its open and natural character through a minimum open space set-aside of 50 percent of the gross land area. This open space will be distributed among large tree preservation tracts, recreation areas, and landscaped buffers, consistent with the requirements of the Residential Estate (RE) Future Land Use category and the Northern JPA Settlement Agreement. The preserved tracts, located primarily along the northern and western portions of the property, will maintain mature tree canopy and provide a natural visual buffer from neighboring parcels. The preserved areas will serve as both passive recreation space and ecological buffers, maintaining the rural character of the surrounding area while providing residents with access to natural amenities and walking trails.

Along Ondich Road, a minimum 10-foot landscape buffer will be maintained, supplemented by shade trees and ornamental plantings. The project perimeter will include 50-foot-wide buffer areas, managed by the homeowners' association, to further transition between the proposed residential development and adjacent rural lands. A 2.77-acre amenity tract will be centrally located within the community and will include a cabana with restrooms, a swimming pool, and a covered mailbox kiosk, providing recreational and social gathering space for residents. All stormwater facilities will be designed in compliance with City of Apopka and SJRWMD standards, and all utilities will be installed underground to maintain a clean and cohesive streetscape.

Collectively, these standards ensure that the Ondich North PD achieves a balanced relationship between built environment and preserved landscape—reinforcing the City's commitment to sustainable growth, neighborhood character, and protection of environmental resources. In coordination with the adjoining Ondich South PD, the Master Plan provides for future stub-outs that can accommodate multi-modal connectivity, including pedestrian and bicycle linkages, ensuring long-term integration with the City's broader trail and mobility network

ACCESS & CIRCULATION:

The Ondich North PD has been designed with a clustered development pattern that balances efficient vehicular circulation with extensive open space preservation. The subdivision will be accessed from two primary entrances along Ondich Road, each constructed with dedicated eastbound left-turn and westbound right-turn lanes to

enhance safety and traffic flow. Internally, a looped private street system with sidewalks on both sides ensures walkability and connectivity between the residential clusters, amenity tract, and natural open space areas.

Rather than distributing development uniformly across the site, the project's clustered layout intentionally concentrates homes within the central and southern portions of the property while preserving large, contiguous tracts of open space and tree canopy to the north and west. This configuration reduces impervious surface area, shortens infrastructure corridors, and maximizes preservation of existing vegetation. The internal street network has been designed to minimize cut-through traffic, and gated entries will limit access to residents and guests only.

PLANNED DEVELOPMENT AGREEMENT

- Pursuant to LDC Section 3.7.2.F.2, a PD Agreement will accompany this rezoning and will establish:
- Phasing and timing of infrastructure;
- Dedication and maintenance of open space, buffers, and conservation tracts;
- Provision of utilities and stormwater facilities; and
- Environmental protection measures and community amenities.

PUBLIC PARTICIPATION:

A virtual Community Awareness and Participation (CAPP) meeting was held on January 6, 2025. Residents' concerns focused on traffic safety, tree removal, and construction impacts. The applicant committed to constructing turn lanes and upgrading the Ondich Road frontage, preserving approximately 50% acres of the site as open space and tree canopy, and managing all staging and equipment on-site during construction to minimize disruption.

COMPREHENSIVE PLAN COMPLIANCE

The Ondich North PD is consistent with the City of Apopka Comprehensive Plan, meets the density and use standards of the Residential Estate FLU, and appropriately implements the PD framework for low-density residential development. The PD aligns with FLUE Policy 3.1.b (Residential Estate) by providing:

- Single-family detached homes
- Large lots (75' × 130') and low-density development
- Over 50% open space, buffering, and tree preservation
- Infrastructure sized appropriately for estate-scale development

The project also satisfies the PD objectives of the Comprehensive Plan by clustering development, preserving open space and ensuring compatibility with surrounding rural and residential lands.

Utility extensions and roadway connections are coordinated with the adjacent Ondich South project, supporting Objective 3 regarding coordinated, orderly growth, and with Policy 3.1 of the Future Land Use Element of the Comprehensive Plan which notes the following:

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

SCHOOL CAPACITY REPORT

Orange County Public Schools (OCPS) has indicated that capacity is not available at elementary, middle and high school levels. Ondich North is deficient by 32.040, 16.920 and 23.940 students at Zellwood Elementary, Wolf Lake MIddle and Apopka High Schools, respectively.

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 properly notified Orange County on March 11, 2025.

PUBLIC HEARING SCHEDULE

December 9, 2025 – Planning Commission (5:30 PM)
December 17, 2025 – City Council (7:00 PM) – First Reading
January 7, 2026 – City Council (1:30 PM) – Second Reading/Adoption

DULY ADVERTISED

November 19, 2025 – Mailed notices to adjacent property owners
November 19, 2025 – Public notice signs posted on property
November 21, 2025 – Apopka Chief

FUNDING SOURCE:

N/A

FUNDING SOURCE:
N/A

RECOMMENDED MOTION:
DEVELOPMENT REVIEW COMMITTEE (DRC):
Recommend approval of Ordinance No. 3117, rezoning the subject property from County A-1 (Agricultural) to City PD (Planned Development), as well as, the Master Plan and PD Agreement, based on the findings and facts presented in this staff report and supporting exhibits.

PLANNING COMMISSION:
At its meeting on December 9, 2025, the Planning Commission unanimously recommended approval of Ordinance No. 3117, rezoning the subject property from County A-1 (Agricultural) to City PD (Planned Development), as well as, the Master Plan and PD Agreement, finding PD rezoning consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, based on the findings and facts presented in the staff report and exhibits.

CITY COUNCIL:

At its meeting on December 17, 2025, the City Council accepted the first reading of Ordinance No. 3117, Change of Zoning from County A-1 (Citrus Rural) to PD (Planned Development) for Ondich North by a vote of 4-1, and held it over for second reading and adoption.

RECOMMENDED MOTION – CITY COUNCIL:
Adopt Ordinance No. 3117, Change of Zoning from County A-1 (Citrus Rural) to PD (Planned Development), approval of Master Plan and PD Agreement for Ondich North.

ATTACHMENTS:

1. Ordinance No 3117
2. Ondich North PD Agreement
3. Ondich North - Map Series
4. Ondich North - OCPS Capacity Determination
5. Ondich North - Community Meeting Report
6. Advertisement November 14

ORDINANCE NO. 3117

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM COUNTY A-1 (CITRUS RURAL) TO PD (PLANNED DEVELOPMENT), FOR CERTAIN REAL PROPERTY OWNED BY OWNED BY PM S-1 REO, LLC; HMF, LLC; CHARLES P. STALLINGS; KIM L. STALLINGS; EUELL E. STALLINGS, JR.; AND CRYSTAL DENISE STALLINGS; LOCATED ON THE NORTHWEST CORNER OF ONDICH ROAD AND SR 453/SR 429; COMPRISING 196.83 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

WHEREAS, the applicant, Pulte Homes Company c/o Aaron Struckmeyer, P.E., on behalf of the fee simple owners of the Property, submitted an application for a PD (Planned Development) on the Property identified and depicted in Exhibit "A," attached hereto; and

WHEREAS, the proposed PD (Planned Development) amendment of the Property is consistent with the City's Comprehensive Plan and Land Development Code; and

WHEREAS, the City of Apopka Planning Commission, sitting as the Local Planning Agency, recommended approval of the change in the zoning of the Property and found that the rezoning is consistent with the City's Comprehensive Plan; and

WHEREAS, the City of Apopka has followed all statutory and Code requirements for noticing and advertising this rezoning Ordinance and public hearings associated with the rezoning; and

WHEREAS, the City Council has received public input on the rezoning and a recommendation from staff; and

WHEREAS, the City Council of the City of Apopka finds that the applicants have met the necessary criteria for rezoning under City's Land Development Code and that rezoning serves a legitimate public purpose and will not adversely affect the public interest.

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

Section I. Findings and Intent. The City of Apopka has complied with all requirements and procedures of Florida Law in processing this Ordinance. The recitals set forth above are hereby adopted.

Section II. Rezoning. The Property described and shown in Exhibit "A", being situated in the City of Apopka, Florida, is hereby rezoned and assigned the PD (Planned Development) Zoning District, as defined in the Apopka Land Development Code.

Section III. Zoning Map. The Official Zoning Map of the City of Apopka shall be amended to conform to the zoning assignment approved in Section 2 of this Ordinance. The Community Development Director, or the Director's designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

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

Section V. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section VI. Effective Date. This Ordinance shall become effective immediately following such time that its companion future land use map amendment ordinance (Ordinance 3108) takes effect.

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this _____ day of _____, 2026.

READ FIRST TIME: _____

READ SECOND TIME AND ADOPTED: _____

ATTEST:

_____ _____

Susan Bone, City Clerk Bryan Nelson, Mayor

Approved as to form and legal sufficiency:

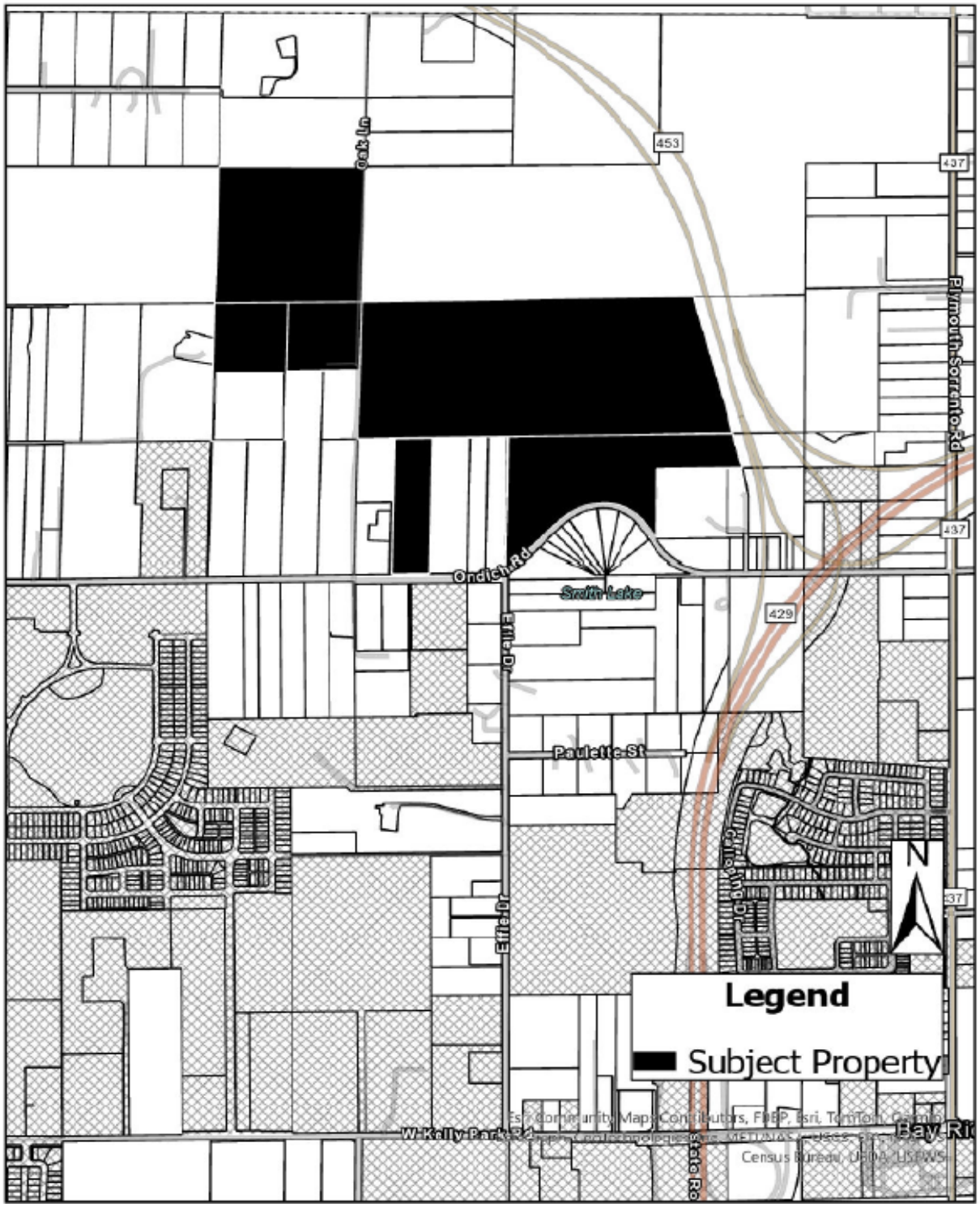
_____

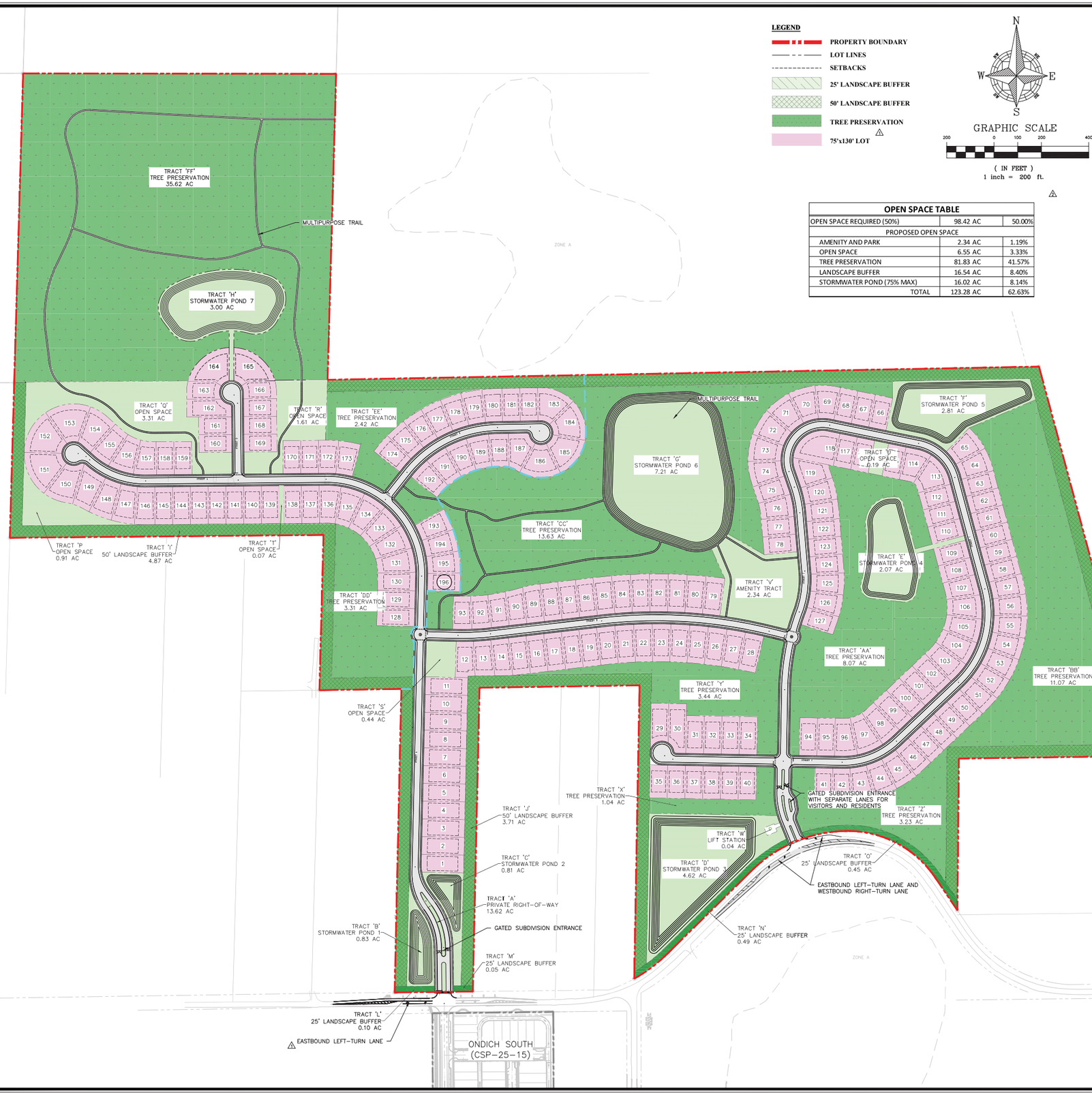
Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 21, 2025

EXHIBIT A

Parcel Identification Number(s): 01-20-27-0000-00-007, 01-20-27-0000-00-034, 01-20-27-0000-00-053, 02-20-27-0000-00-010, 02-20-27-0000-00-011, 02-20-27-0000-00-020 (portion of)





LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- SETBACKS
- 25' LANDSCAPE BUFFER
- 50' LANDSCAPE BUFFER
- TREE PRESERVATION △
- 75'x130' LOT

N W E S

GRAPHIC SCALE

200 0 100 200 400

(IN FEET)
1 inch = 200 ft.

△

OPEN SPACE TABLE		
OPEN SPACE REQUIRED (50%)	98.42 AC	50.00%
PROPOSED OPEN SPACE		
AMENITY AND PARK	2.34 AC	1.19%
OPEN SPACE	6.55 AC	3.33%
TREE PRESERVATION	81.83 AC	41.57%
LANDSCAPE BUFFER	16.54 AC	8.40%
STORMWATER POND (75% MAX)	16.02 AC	8.14%
TOTAL	123.28 AC	62.63%

OVERALL SITE DATA:

OCPA - PARCEL ID #s:	**01-20-27-0000-00-007, 01-20-27-0000-00-034 01-20-27-0000-00-053, 02-20-27-0000-00-010 02-20-27-0000-00-011, 02-20-27-0000-00-020**
TOTAL PROPERTY AREA:	**196.83 Ac.**
FEMA FLOOD INSURANCR RATE MAP FLOOD ZONE: FIRM PANEL #12095C0050H DATED SEPT. 24, 2021	**X**
EXISTING FUTURE LAND USE (FLU):	**R (COUNTY)** △
PROPOSED FUTURE LAND USE (FLU):	**RS (CITY)**
ADJACENT FUTURE LANE USE (FLU):	
NORTH	**R (COUNTY)**
SOUTH	**R (COUNTY), MU (CITY)**
EAST	**R (COUNTY)**
WEST	**R (COUNTY)**
EXISTING ZONING:	**A-1 (COUNTY)**
PROPOSED ZONING:	**PD (CITY)**
ADJACENT ZONING:	
NORTH	**A-1 (COUNTY), R-CE-5 (COUNTY)**
SOUTH	**A-1 (COUNTY), MU-N (CITY)**
EAST	**A-1 (COUNTY),**
WEST	**A-1 (COUNTY), R-CE-5 (COUNTY)**
PROPOSED NUMBER OF DWELLING UNITS :	**196 LOTS**
PROPOSED NET DENSITY:	**0.99 DU/Ac.**
MINIMUM OPEN SPACE:	**50% (98.42 Ac.)** △
PROPOSED MINIMUM LOT REQUIREMENTS:	**75'x130' LOTS**
MINIMUM LOT AREA	**9,750 SF**
MINIMUM LOT WIDTH	**75 ft.**
MINIMUM LOT DEPTH	**130 ft.**
MAXIMUM BUILDING HEIGHT	**35 ft. (2-story)**
SETBACKS	
FRONT/STREET SIDE	**25 ft. min.**
REAR	**25 ft. min.**
SIDE	**7.5 ft. min.**
CORNER	**25 ft. min.**

△△

TRACT DATA					
TRACT	DESCRIPTION	OPEN SPACE TYPE	AREA (AC)	AREA (SF)	OWNER
TRACT 'A'	PRIVATE RIGHT-OF-WAY	N/A	13.62 AC	593,208 SF	H.O.A.
TRACT 'B'	STORMWATER POND 1	PASSIVE	0.83 AC	36,170 SF	H.O.A.
TRACT 'C'	STORMWATER POND 2	PASSIVE	0.81 AC	35,432 SF	H.O.A.
TRACT 'D'	STORMWATER POND 3	PASSIVE	4.62 AC	201,363 SF	H.O.A.
TRACT 'E'	STORMWATER POND 4	PASSIVE	2.07 AC	90,370 SF	H.O.A.
TRACT 'F'	STORMWATER POND 5	PASSIVE	2.81 AC	122,214 SF	H.O.A.
TRACT 'G'	STORMWATER POND 6	PASSIVE	7.21 AC	314,139 SF	H.O.A.
TRACT 'H'	STORMWATER POND 7	PASSIVE	3.00 AC	130,608 SF	H.O.A.
TRACT 'I'	50' LANDSCAPE BUFFER	PASSIVE	4.87 AC	211,969 SF	H.O.A.
TRACT 'J'	50' LANDSCAPE BUFFER	PASSIVE	3.71 AC	161,424 SF	H.O.A.
TRACT 'K'	50' LANDSCAPE BUFFER	PASSIVE	6.88 AC	299,558 SF	H.O.A.
TRACT 'L'	25' LANDSCAPE BUFFER	PASSIVE	0.10 AC	4,208 SF	H.O.A.
TRACT 'M'	25' LANDSCAPE BUFFER	PASSIVE	0.05 AC	2,047 SF	H.O.A.
TRACT 'N'	25' LANDSCAPE BUFFER	PASSIVE	0.49 AC	21,556 SF	H.O.A.
TRACT 'O'	25' LANDSCAPE BUFFER	PASSIVE	0.45 AC	19,694 SF	H.O.A.
TRACT 'P'	OPEN SPACE	PASSIVE	0.91 AC	39,740 SF	H.O.A.
TRACT 'Q'	OPEN SPACE	ACTIVE	3.31 AC	144,356 SF	H.O.A.
TRACT 'R'	OPEN SPACE	ACTIVE	1.61 AC	70,230 SF	H.O.A.
TRACT 'S'	OPEN SPACE	PASSIVE	0.44 AC	19,303 SF	H.O.A.
TRACT 'T'	OPEN SPACE	PASSIVE	0.07 AC	3,200 SF	H.O.A.
TRACT 'U'	OPEN SPACE	PASSIVE	0.19 AC	8,400 SF	H.O.A.
TRACT 'V'	AMENITY TRACT	ACTIVE	2.34 AC	102,073 SF	H.O.A.
TRACT 'W'	LIFT STATION	N/A	0.04 AC	1,944 SF	CITY
TRACT 'X'	TREE PRESERVATION	PASSIVE	1.04 AC	45,341 SF	H.O.A.
TRACT 'Y'	TREE PRESERVATION	PASSIVE	3.44 AC	149,985 SF	H.O.A.
TRACT 'Z'	TREE PRESERVATION	PASSIVE	3.23 AC	140,794 SF	H.O.A.
TRACT 'AA'	TREE PRESERVATION	PASSIVE	8.07 AC	351,703 SF	H.O.A.
TRACT 'BB'	TREE PRESERVATION	PASSIVE	11.07 AC	482,051 SF	H.O.A.
TRACT 'CC'	TREE PRESERVATION	ACTIVE	13.63 AC	593,805 SF	H.O.A.
TRACT 'DD'	TREE PRESERVATION	PASSIVE	3.31 AC	143,987 SF	H.O.A.
TRACT 'EE'	TREE PRESERVATION	PASSIVE	2.42 AC	105,327 SF	H.O.A.
TRACT 'FF'	TREE PRESERVATION	ACTIVE	35.62 AC	1,551,513 SF	H.O.A.

△

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
1	11/04/25	UPDATED OWNERSHIP ENTITY FOR TREE PRESERVATION TRACTS	SCS
2	07/31/25	CITY OF APOPKA COMMENTS DATED 07/14/2025	AF
3	05/30/25	UPDATED PER INFORMAL FEEDBACK FROM CITY STAFF	AF

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 588-2228
BOARD OF PROFESSIONAL
ENGINEERS REGISTRY
NO. 39060

PD MASTER PLAN

ONDICH NORTH
CITY OF APOPKA, FLORIDA

DRAWN: A. FRANCIS
DESIGNED: S. SANCHEZ
CHECKED: L.CLASSON
DATE: 11/4/2025

SCALE: 1" = 200'
PROJECT: PUL-037
SHEET: C1.0

This item has been digitally signed and sealed by Sofia C Sierra-Gil, PE on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

P:_PROJECT DRAWINGS\PUL-037 Ondich Parcels Development\Drawings\CAD Civil3D\Layouts\03 PUD Master Plan\PD Master Plan.dwg Modified:11/4/2025 By:ssanchez Plotted By:sofia sanchez

PHASING DATA			
	Phase 1	Phase 2	Total
AREA (AC)	117.28 AC	79.54 AC	**196.83 AC**
LOT COUNT	127	69	**196**
OPEN SPACE (AC)	69.10 AC	54.17 AC	**123.28 AC**
OPEN SPACE (PERCENTAGE)	58.9%	68.1%	**62.6%**

PHASING NOTES:

1. AMENITY TO BE CONSTRUCTED AS PART OF PHASE 1

N
W E
S

GRAPHIC SCALE

200 0 100 200 400

(IN FEET)
1 inch = 200 ft.

LEGEND

- PROPERTY BOUNDARY
- PHASING LINE
- PHASE 1
- PHASE 2

PHASE 2

PHASE 1

TRACT 'FF'
TREE PRESERVATION
35.62 AC

TRACT 'H'
STORMWATER POND 7
3.00 AC

TRACT 'Q'
OPEN SPACE
3.31 AC

TRACT 'R'
OPEN SPACE
1.61 AC

TRACT 'EE'
TREE PRESERVATION
2.42 AC

TRACT 'G'
STORMWATER POND 6
7.21 AC

TRACT 'F'
STORMWATER POND 5
2.81 AC

TRACT 'U'
OPEN SPACE
0.19 AC

TRACT 'CC'
TREE PRESERVATION
13.63 AC

TRACT 'V'
AMENITY TRACT
2.34 AC

TRACT 'E'
STORMWATER POND 4
2.07 AC

TRACT 'K'
50' LANDSCAPE BUFFER
6.88 AC

TRACT 'AA'
TREE PRESERVATION
8.07 AC

TRACT 'BB'
TREE PRESERVATION
11.07 AC

TRACT 'DD'
TREE PRESERVATION
3.31 AC

TRACT 'Y'
TREE PRESERVATION
3.44 AC

TRACT 'S'
OPEN SPACE
0.44 AC

TRACT 'X'
TREE PRESERVATION
1.04 AC

TRACT 'Z'
TREE PRESERVATION
3.23 AC

TRACT 'W'
LIFT STATION
0.04 AC

TRACT 'D'
STORMWATER POND 3
4.62 AC

TRACT 'O'
25' LANDSCAPE BUFFER
0.45 AC

TRACT 'P'
OPEN SPACE
0.91 AC

TRACT 'I'
50' LANDSCAPE BUFFER
4.87 AC

TRACT 'T'
OPEN SPACE
0.07 AC

TRACT 'J'
50' LANDSCAPE BUFFER
3.71 AC

TRACT 'C'
STORMWATER POND 2
0.81 AC

TRACT 'A'
PRIVATE RIGHT-OF-WAY
13.62 AC

TRACT 'B'
STORMWATER POND 1
0.83 AC

TRACT 'M'
25' LANDSCAPE BUFFER
0.05 AC

TRACT 'N'
25' LANDSCAPE BUFFER
0.49 AC

TRACT 'L'
25' LANDSCAPE BUFFER
0.10 AC

ZONE A

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
1	11/04/25	UPDATED OWNERSHIP ENTITY FOR TREE PRESERVATION TRACTS	SCS
2	07/31/25	CITY OF APOPKA COMMENTS DATED 07/14/2025	AF
3	05/30/25	UPDATED PER INFORMAL FEEDBACK FROM CITY STAFF	AF

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 588-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

PD PHASING PLAN

ONDICH NORTH
CITY OF APOPKA, FLORIDA

DRAWN: A. FRANCIS
DESIGNED: S. SANCHEZ
CHECKED: L.CLASSON
DATE: 11/4/2025

SCALE: 1" = 200'
PROJECT: PUL-037
SHEET: C1.1

SOFIA CAROLINA SIERRA SANCHEZ
LICENSE
No. 90745
STATE OF FLORIDA
11/4/25
PROFESSIONAL ENGINEER

P:_PROJECT DRAWINGS\PUL-037 Ondich Parcels Development\Drawings\CAD Civil3D\Layouts\03 PUD Master Plan\PD Master Plan.dwg Modified:11/4/2025 By:ssanchez Plotted By:sofia sanchez

P:_PROJECT DRAWINGS\PUL-037 Ondich Parcels Development\Drawings\CAD Civil3D\Layouts\03 PUD Master Plan\PD Master Plan.dwg Modified:11/4/2025 By:ssanchez Plotted By:sofia sanchez

UTILITY NOTES:

1. UTILITY DESIGN IS PRELIMINARY AND SUBJECT TO CHANGE DURING CONSTRUCTION SITE PLAN PERMITTING.
2. UTILITY EXTENSIONS AS SHOWN ARE DEPENDENT ON THE CONSTRUCTION OF THE ONDICH SOUTH SUBDIVISION, CURRENTLY UNDER CITY REVIEW FOR APPROVAL AS CSP-25-15.

N W E S

GRAPHIC SCALE
200 0 100 200 400
(IN FEET)
1 inch = 200 ft.

LEGEND
- PROPERTY BOUNDARY
- WATER MAIN
- RECLAIMED WATER MAIN
- FORCE MAIN
- GRAVITY SEWER MAIN

TRACT 'FF' TREE PRESERVATION 35.62 AC
TRACT 'H' STORMWATER POND 7 3.00 AC
TRACT 'Q' OPEN SPACE 3.31 AC
TRACT 'R' OPEN SPACE 1.61 AC
TRACT 'EE' TREE PRESERVATION 2.42 AC
TRACT 'G' STORMWATER POND 6 7.21 AC
SANITARY SEWER MANHOLE (TYP)
TRACT 'F' STORMWATER POND 5 2.81 AC
TRACT 'U' OPEN SPACE 0.19 AC
PVC WATER MAIN (TYP)
TRACT 'P' OPEN SPACE 0.91 AC
TRACT 'I' 50' LANDSCAPE BUFFER 4.87 AC
TRACT 'T' OPEN SPACE 0.07 AC
TRACT 'CC' TREE PRESERVATION 13.63 AC
TRACT 'E' STORMWATER POND 4 2.07 AC
TRACT 'V' AMENITY TRACT 2.34 AC
TRACT 'DD' TREE PRESERVATION 3.31 AC
PVC GRAVITY SANITARY SEWER (TYP)
TRACT 'AA' TREE PRESERVATION 8.07 AC
TRACT 'BB' TREE PRESERVATION 11.07 AC
TRACT 'K' 50' LANDS 6.88 AC
TRACT 'Y' TREE PRESERVATION 3.44 AC
PVC RECLAIMED WATER MAIN (TYP)
TRACT 'S' OPEN SPACE 0.44 AC
TRACT 'X' TREE PRESERVATION 1.04 AC
TRACT 'J' 50' LANDSCAPE BUFFER 3.71 AC
LIFT STATION WET WELL
TRACT 'W' LIFT STATION 0.04 AC
TRACT 'Z' TREE PRESERVATION 3.23 AC
TRACT 'C' STORMWATER POND 2 0.81 AC
TRACT 'D' STORMWATER POND 3 4.62 AC
TRACT 'O' 25' LANDSCAPE BUFFER 0.45 AC
TRACT 'A' PRIVATE RIGHT-OF-WAY 13.62 AC
TRACT 'B' STORMWATER POND 1 0.83 AC
TRACT 'N' 25' LANDSCAPE BUFFER 0.49 AC
TRACT 'M' 25' LANDSCAPE BUFFER 0.05 AC
APPROXIMATE POINT OF CONNECTION TO 6" PVC RECLAIMED WATER MAIN STUBBED OUT BY ONDICH SOUTH
TRACT 'L' 25' LANDSCAPE BUFFER 0.10 AC
APPROXIMATE POINT OF CONNECTION TO 8" PVC WATER MAIN STUBBED OUT BY ONDICH SOUTH
MATCHLINE
ZONE A

TRACT 'M' LANDSCAPE BUFFER AC
SITE BENCHMARK SET 1/2" IRON ROD WITH CAP LB8627 EL=163.32'
MATCHLINE
APPROXIMATE POINT OF CONNECTION TO 16" PVC WATER MAIN STUBBED OUT BY ONDICH SOUTH
APPROXIMATE POINT OF CONNECTION TO 12" PVC FORCE MAIN STUBBED OUT BY ONDICH SOUTH
APPROXIMATE POINT OF CONNECTION TO 16" PVC RECLAIMED WATER MAIN STUBBED OUT BY ONDICH SOUTH
5' WOOD PRIVACY FENCE

EFFIE DRIVE UTILITY EXTENSION DETAIL

NOT FOR CONSTRUCTION

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2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 588-2228
BOARD OF PROFESSIONAL ENGINEERS REGISTRY NO. 39060

PD UTILITY PLAN

ONDICH NORTH
CITY OF APOPKA, FLORIDA

DRAWN: A. FRANCIS
DESIGNED: S. SANCHEZ
CHECKED: L.CLASSON
DATE: 11/4/2025

SCALE 1" = 200'
PROJECT PUL-037
SHEET C1.2

SOFIA CAROLINA SIERRA LICENSE No. 90745 STATE OF FLORIDA PROFESSIONAL ENGINEER 11/4/25

P:_PROJECT DRAWINGS\PUL-037 Ondich Parcels Development\Drawings\CAD Civil3D\Layouts\03 PUD Master Plan\PD Master Plan.dwg Modified: 11/4/2025 By: ssanchez Plotted By: sofia sanchez

ONDICH NORTH MASTER PLAN DEVELOPMENT STANDARDS

A. Design Standards (1)

1. LOT CRITERIA:

Description	Single-Family Detached 75-Foot Lots
Front Porch Setback (2)	0' min.
Front/Street Side Setback	25' min.
Rear Setback (3)	25' min.
Side Setback	7.5' min.
Garage Front Setback	30' min.
Min. Average Lot Area	9,750 SF
Min. Lot Width	75'
Min. Lot Depth	130'
Max. Lot Coverage	75%
Max. Building Height	35'/2 Stories
Min. Living Area	1,500 SF

(1) See Master Plan sheet for depiction of conceptual typical site plans.
(2) Front porch setback as allowed per City of Apopka Development Design Guidelines 3.2.1.
(3) Swimming pools and other structures are allowed to encroach within the building setbacks as allowed in Section 4.3.4 of the City of Apopka Land Development Code.

B. Architectural, Buildings, and Accessory Structures

1. Architectural design shall meet the intent of City of Apopka Development Design Guidelines unless otherwise stated.
2. All lots shall have detached single-family homes.
3. Each individual single-family home shall have a minimum of two (2) bedrooms.
4. All lots shall have minimum two (2) car garages.
5. Mail delivery for all lots within the project shall occur at cluster mailbox units. Approval from the Postmaster of the location(s) shall be submitted prior to approval of the Construction Site Plan.
6. AC condenser units ("Units") and similar equipment shall be placed in the side or rear yard area. Units and similar equipment shall be placed with a minimum three (3) feet setback from side property line. Units shall be screened from side streets with landscaping or opaque fencing.
7. Storage sheds or similar storage facilities are allowed within the development as long as street buffering and/or adequate screening is provided as specified through the HOA documents.
8. A property owner may request approval by the City to allow one (1) accessory dwelling unit (ADU) per lot provided the ADU meets all requirements as specified through the HOA documents.
9. Swimming pools shall be allowed on all lots.
10. Architectural Design Standards:
    a) Architectural styles shall be determined prior to Construction Site Plan approval, and these shall meet the intent of the City of Apopka's Development Design Guidelines except as noted on these Development Standards. Modification or replacement of the exterior elevations can be approved by the Community Development Director or the Planning Director, or a designee, if such changes

represent equivalent architectural value. Substantial deviations from architectural renderings must be approved by City Council.
    b) Front facade materials such as cultured stone veneer, stucco, wood plank, and fiber cement siding may be utilized to be consistent with the applicable Architectural Style.
    c) Minimum roof pitch over the main house and garage shall be 4/12. Roof pitch over porches shall be a minimum of 4/12.
    d) Thirty-year asphalt shingle shall be installed on all roofs. Three-tab shingles are prohibited. The shingle color shall compliment the color scheme of the house.
    e) Aluminum or vinyl fascia and soffit shall be standard for all houses. Fascia and soffit color shall compliment the color scheme of the house.
    f) Trim around windows and doors shall be painted a different color from the body of the house. Doors may be painted either the same as the trim or separate accent color.
    g) Concrete or pavers shall be installed for driveways, lead walks, porches, and porticos.
11. Front Building Entrance Elevation Design Standards:
    a) A front-entry garage shall be flush with or behind the primary residential façade or porch.
    b) All lots shall be allowed to have front-entry, side-entry or courtyard-entry garages.
    c) A three car front-entry garage can comprise more than fifty percent of the front façade length if (1) habitable floor is located over the majority of the garage or (2) an architectural feature such as dormers gives an appearance of an occupied floor above the garage.
    d) Front porches and porticos may be at grade level.
    e) Identical model plan type shall not be constructed on neighboring lots who share a side yard property boundary line or are directly across the street without a different elevation type.
    f) Identical exterior paint schemes shall not be applied on neighboring lots who share a side yard property boundary line or are directly across the street.
    g) Specific elevations style types shall have similar wall finishes, window grid patterns, window bands & trim, roof lines and slopes, etc. Applied to each lot width model plan type front elevations.
    h) Modification or replacement of the exterior elevations can be approved by the Community Development Director or the Planning Director, or a designee, if such changes represent equivalent architectural value. Substantial deviations from exterior elevations must be approved by City Council.
12. Individual Lot Front & Rear Yard Fencing Standards:
    a) Maximum height of a fence shall be six (6) feet above final grade or six (6) inches less than the community common wall height, whichever is less. No fence shall exceed the height of an abutting common area wall.
    b) Fencing in front yards and street corner side yards of lots shall adhere to LDC Section 5.5.
    c) Vinyl fencing shall be allowed.

C. Utilities and Infrastructure

1. Potable water service shall be provided by the City of Apopka. The water system shall be designed to City of Apopka and FDEP standards.
2. Reclaimed water service shall be provided by the City of Apopka. The reclaimed water system shall be designed to City of Apopka standards.
3. Sanitary service shall be provided by the City of Apopka. The sanitary system shall be designed to City of Apopka and FDEP standards.
4. Utility easements shall be dedicated to the City of Apopka.

5. Stabilized access roadways and fire protection, which can be provided via a temporary source (i.e., water tank), must be in place before building construction may begin.
6. Solid waste collection and public safety (police and fire) provided by the City of Apopka.
7. Stormwater management system shall be designed to comply with the design standards of the City of Apopka and the St. Johns River Water Management District.
8. A final drainage report and soils report will be submitted with the Construction Site Plan.
9. Drainage easements to be dedicated to the Homeowners' Association ("HOA") unless otherwise required by the City of Apopka.
10. All stormwater and utility pipes may be moved to save existing trees in the right-of-way. Any change in the location of these pipes will be shown on the Construction Site Plan.
11. Internal rights of way are to be constructed per City of Apopka standards.
12. The internal rights-of-way are permitted to be private and the community is permitted to be gated. The installation of access gates at the entrances of the project is permitted. Any access gates shall be owned and maintained by the HOA.
13. Five-foot (5') wide sidewalks are to be constructed adjacent to internal rights-of-way throughout the entire development. Sidewalk alignment may be adjusted at Construction Site Plan to preserve existing trees.
14. Power service within the development shall be underground. No overhead service will be allowed.
15. Vehicular, pedestrian and accent lighting shall substantially conform to Section 3.10 of the City of Apopka Development Design Guidelines.

D. Recreation and Open Space

1. Required project open space shall be a minimum of 50% of the developed site area in accordance with the requirements for the Northern Area of the Joint Planning Area (JPA) as set forth in the Settlement Interlocal Agreement between the City of Apopka and Orange County effective October 26, 2004.
2. Required project recreation shall be provided at a rate of 3.6 acres per 1,000 population with 2.6 population per dwelling unit.
3. The amenity tract shall be approximately 2.77 acres as shown on the Master Plan. A specific park site plan showing amenities/equipment shall be provided with the Construction Site Plan. Park amenities shall include a cabana with restrooms, a swimming pool, and a covered mailbox kiosk at a minimum. The swimming pool shall meet minimum sizing requirements based on the Florida Building Code. Documentation/calculations that the proposed pool size and deck complies with state health standards will be provided at the Building Permit Application.

E. Buffers and Landscaping

1. A buffer with a minimum width of ten (10) feet shall be provided along Ondich Road. This tract shall be dedicated to and maintained by the HOA.
2. A buffer with a minimum width of fifty (50) feet shall be provided along the property boundaries adjacent to proposed development unless otherwise specified in these Development Standards. This tract shall be dedicated to and maintained by the HOA.
3. The design of all buffer tracts shall comply with Water Wise Ordinance 2069 and Section 5.3 of the City of Apopka Land Development Code. Landscaping, Irrigation, and Hardscape Plans shall be provided at Construction Site Plan.
4. Entrance feature and community sign details will be provided with the Construction Site Plan.

5. Final landscape plans for the buffer areas along the proposed entrances on Ondich Road shall be provided with the Construction Site Plan.
6. Tree Planting Conditions – A minimum of four (4) new trees shall be planted per residential lot. The new trees shall be a minimum of three (3) inches DBH at the time of planting and shall count toward the overall number of required tree replacement inches, if any. Street tree plantings shall conform to Section 3.6 of the City of Apopka Development Design Guidelines.
7. Tree Protection Plan - The Construction Site Plan shall include tree protection techniques to prevent harm to any trees designated to be preserved or encroachment into protected natural areas, including but not limited to tree barricades, silt fencing or other similar techniques accepted by the City Engineer.

F. Maintenance and Plat

1. The HOA shall maintain all common areas and all fences/walls and landscaping within said areas.
2. The HOA shall be responsible for the maintenance of all private rights-of-way and stormwater collection systems within the private rights-of-way of the development.
3. The City of Apopka shall be responsible for maintenance of utilities (potable water main, reclaimed water main, force main, etc.) within the private rights-of-way of the development.

G. Wetlands and Environmental

1. There are no wetland areas within the site.
2. According to the FEMA Flood Insurance Rate Map for Orange County, FL, Panel No. 12095-C-0050-H, dated September 24, 2021, the entire site of the proposed development is located within Unshaded Zone 'X' (areas determined to outside the 500-year floodplain).
3. An erosion control plan will be submitted with the Construction Site Plan.
4. Tree removal, tree replacement, and landscaping shall comply with Water Wise Ordinance 2069 and Section 5.3 of the City of Apopka Land Development Code.
5. An individual lot clearing/arbor permit is required prior to clearing or grading any lot or issuance of a building permit. Placement of the house shall preserve existing trees to the greatest practical extent. Plot plan for each lot shall illustrate tree locations as presented within the Construction Site Plan.

H. Development Condition Continuity

1. The PD Development Standards shall be printed within the PD Master Plan and the Construction Site Plan.

I. Signage

1. Signage shall comply with Section 5.10 of the City of Apopka Land Development Code and with the City of Apopka Development Design Guidelines.
2. The general locations of the primary entry signs shall be identified on the PD Master Development Plan.

J. Lighting

1. Lighting shall comply with Section 5.6 of the City of Apopka Land Development Code and Section 3.10 of the City of Apopka Development Design Guidelines. Street and parking areas or pedestrian path light poles shall be decorative type. Details will be provided with the Construction Site Plan.

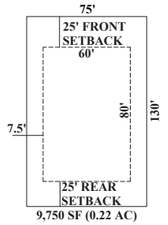
K. Building Permits & Model Homes

1. Building permits shall be issued and home construction shall be allowed for up to 50% of the homes within the project upon completion of stabilized access and fire protection, which can be provided via a temporary source (i.e., water tank), and prior to plat recording.
2. Each model home shall be allowed to be temporarily used for a sales office associated with the residential development.
3. A Temporary Certificate of Acceptance (TCO) for each model home shall be allowed with temporary utilities (i.e., sewer holding tank and generator power).
4. Model homes shall not receive a final Certificate of Acceptance (CO) until a final plat is recorded in the Public Records of Orange County, Florida.

L. Miscellaneous

5. Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies.
6. All acreages are subject to change with Major Development Plan, Construction Site Plan and Final Plat review and approval.
7. Outdoor storage areas (boats, trailers, recreational vehicles, etc.) are allowed within the development as long as adequate screening is provided as specified through the HOA documents.
8. All lots shall have uniform address numbers on the front facades of the residence.

TYPICAL 75' LOT SIZE/PROPOSED BUILDABLE AREA



NOT FOR CONSTRUCTION

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BOARD OF PROFESSIONAL ENGINEERS REGISTRY NO. 39060

PD DEVELOPMENT STANDARDS

ONDICH NORTH
CITY OF APOPKA, FLORIDA

DRAWN: A. FRANCIS
DESIGNED: S. SANCHEZ
CHECKED: L.CLASSON
DATE: 11/4/2025

SCALE: N.T.S.
PROJECT: PUL-037
SHEET: C1.3

SOFIA CAROLINA SIERRA-GIL
LICENSE
No. 90745
STATE OF FLORIDA
11/4/25
PROFESSIONAL ENGINEER

This item has been digitally signed and sealed by Sofia C. Sierra-Gil, PE on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

This instrument prepared by
and after recording return to:

Shutts & Bowen LLP
Attn: Elesa R. Sowell, Esq.
300 S. Orange Ave., Suite 1600
Orlando, FL 32801

_____SPACE ABOVE THIS LINE FOR RECORDING DATA_____

PLANNED DEVELOPMENT AGREEMENT
(Ondich North)

THIS PLANNED DEVELOPMENT AGREEMENT (this "**Agreement**") is made and entered into as of the Effective Date (as defined below) by and among PM S-1 REO LLC, a Delaware limited liability company ("**PM**"), whose address is 400 North Ashley Drive, Suite 700, Tampa, Florida 33602, HMF LLC, a Florida limited liability company ("**HMF**" and together with PM, collectively, "**Owner**"), whose address is 888 S.E. Third Avenue, Suite 501, Ft. Lauderdale, Florida 33163, PULTE HOME COMPANY, LLC, a Michigan limited liability company ("**Developer**"), whose address is 4901 Vineland Road, Suite 500, Orlando, Florida 32811, and the CITY OF APOPKA, FLORIDA, a Florida municipal corporation ("**City**"), whose address is 120 East Main Street, Apopka, Florida, 32703. Owner, Developer and City are sometimes together referred to herein as the "**Parties**", and separately as a "**Party**", as the context requires.

RECITALS

A. Owner is the fee simple owner of that certain real property, currently bearing Orange County Tax Parcel Identification Numbers 02-20-27-0000-00010, 01-20-27-0000-00053, 02-20-27-0000-00011, 01-20-27-0000-00034, 01-20-27-0000-00007, and a portion of 02-20-27-0000-00020 and located in incorporated City of Apopka, Orange County, Florida, as more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference (the "**Property**").

B. Developer is the contract purchaser of the Property for the purpose of developing the Property in accordance with that certain Planned Development / Major Development Plan for Ondich North (the "**Master Plan**") prepared by 1828 Engineering, LLC.

C. Developer desires to develop the Property as a residential development consisting of 196 single family residential units, together with roadways, open spaces and other amenities as more specifically set forth in the Master Plan (the "**Development Improvements**"), which may be referred to herein collectively as the "**Project**".

D. The City requires that Developer develop the Property in accordance with the City's Comprehensive Land Use Plan ("**Comprehensive Plan**"), its Land Development Code ("**LDC**"), and the terms and conditions of this Agreement.

E. Developer submitted its application to change the zoning classification of the Property to Planned Development (PD) pursuant to the Master Plan.

F. Pursuant to Section 3.7.2.F.2 of the LDC, this Agreement is a required component for the establishment of a PD district to, *inter alia*, establish the conditions related to the approval of the Master Plan, provision of public facilities in the Project, environmental protection of the Property, community benefits and amenities in the Project, and other provisions determined by the City to be relevant and necessary to the development of the Property.

G. The Parties desire to enter into this Agreement to facilitate development of the Property in accordance with the Master Plan in a mutually agreeable manner, resolve any inconsistencies in applicable provisions of the LDC with the Master Plan, and set forth the agreements and conditions that shall be applicable throughout the Project.

H. The terms and conditions set forth in this Agreement are consistent with and further the goals, objectives, and policies of the Comprehensive Plan, and construction of the Project pursuant to the Master Plan, and this Agreement will provide the City and its residents with a quality residential development which meets or exceeds the requirements of the LDC, and which will provide recreational / open spaces for resident use, internal and dedicated pedestrian trails, and the preservation of natural habitat.

I. The Master Plan is consistent with and meets the intent of the PD zoning classification and complies with all requirements of the LDC.

J. The Project is approved for development pursuant to the Master Plan, a copy of which is contained in **Exhibit "B"** attached hereto and incorporated herein by this reference, subject to the terms and conditions set forth in this Agreement.

K. City is authorized by home-rule powers to enter into agreements regarding the development and redevelopment of property.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Recitals**. The recitals set forth above are true and correct and are incorporated herein by this reference.

2. **Project Specifications**. The Project consists of the following:

(a) Gross Acreage: 196.83

(b) Net Developable Acreage: 196.83

(c) Gross Residential Density (Max Allowed): Up to 1.0 dwelling unit / acre

(d) Proposed Net Residential Density: 0.99 dwelling units / acre

(e) Proposed Number of Dwelling Units: 196

(f) Phasing: The Project may be developed in two (2) phases.

(g) Open Space (Minimum): 50% of Net Developable Acreage (98.42 acres)

3. **Private Right of Way**. Rights-of-way internal to the Project (Tract A) will be private and will be owned and maintained by the homeowners association (the "**HOA**"). Rights-of-way internal to the Project are to be constructed in accordance with City's standards. The Project is permitted to be gated. The installation of access gates at the entrances of the Project is permitted. Any access gates shall be owned and maintained by the HOA.

4. **Utilities**.

(a) A lift station tract (Tract U) shall be dedicated to the City at final plat and shall be maintained by the City.

(b) Potable water, reclaimed water, and wastewater services shall be provided by the City. Developer shall be responsible for the design and installation of on-site potable water, reclaimed water, and wastewater facilities in compliance with applicable City, State of Florida, and federal regulation. Easements necessary for the construction, installation, and maintenance of the on-site potable water, reclaimed water, and wastewater facilities shall be granted to the City prior to the issuance of final certificate of occupancy.

(c) Electric services shall be provided by Duke Energy. Easements necessary for the construction, installation, and maintenance of the on-site electric facilities shall be granted to the provider prior to the issuance of final certificate of occupancy.

(d) Natural gas services, if offered by Developer, shall be provided by Lake Apopka Natural Gas. Easements necessary for the construction, installation, and maintenance of the on-site natural gas facilities shall be granted to the provider prior to the issuance of final certificate of occupancy.

(e) Cable television / telecommunications services shall be provided by Spectrum. Easements necessary for the construction, installation, and maintenance of the on-site cable television / telecommunications facilities shall be granted to the provider prior to the issuance of final certificate of occupancy.

(f) Fire protection services shall be provided by the City. Developer shall be responsible for the design and installation of on-site fire protection facilities in compliance with applicable City, State of Florida, and federal regulation. Easements necessary for the construction, installation, and maintenance of the on-site fire protection facilities shall be granted to the City prior to the issuance of final certificate of occupancy.

(g) Solid waste / trash collection services shall be provided by the City.

5. **Stormwater**. Stormwater ponds (Tract B, Tract C, Tract D, Tract E, Tract F, Tract G and Tract H) shall be owned and maintained by the HOA. City shall have the right, but not the obligation, to perform maintenance on the stormwater ponds if the HOA fails to properly maintain the same. Easement rights to access the stormwater ponds for such maintenance shall be granted to the City prior to the issuance of final certificate of occupancy.

6. **Recreation / Open Space / Buffer Tracts**.

(a) The amenity tract (Tract V) shall be owned and maintained by the HOA.

(b) The open space tracts (Tract P, Tract Q, Tract R, Tract S, Tract T, and Tract U) shall be owned and maintained by the HOA.

(c) The tree preservation tracts (Tract X, Tract Y, Tract Z, Tract AA, Tract BB, Tract CC, Tract DD, Tract EE and Tract FF) shall be owned and maintained by the HOA.

(d) The 50' landscape buffer tracts (Tract I, Tract J and Tract K) and the 25' landscape buffer tracts (Tract L, Tract M, Tract N and Tract O) shall be owned and maintained by the HOA.

7. **Community Benefits and Amenities**.

(a) Required open space shall be a minimum of 50% of the Net Developable Acreage in accordance with the requirements for the Northern Area of the Joint Planning Area (JPA) as set forth in the Settlement Interlocal Agreement between the City of Apopka and Orange County effective October 26, 2004. The Master Plan contemplates Open Space of 123.28 acres, which is 62.63% of Net Developable Acreage in the Project, which exceeds the requirements of the JPA and the LDC.

(b) Required Project recreation shall be provided at a rate of 3.6 acres per 1,000 population with 2.6 population per dwelling unit.

(c) The following amenities will be provided within the Project:

(i) Pool cabana with restrooms

(ii) Resort-style swimming pool

(iii) Recreation Lawns

(iv) Covered mailbox kiosk

(v) Multi-purpose trail system

8. **Environmental Protection / Natural Preservation**. As set forth in the Master Plan, the Project contains 81.83 acres of Tree Preservation, which is 42% of Net Developable Acreage in the Project, and incorporates these Tree Preservation areas into the design of Open Space.

9. **Development of Project**. Except as otherwise set forth herein as the responsibility of City, Developer shall design, permit, and construct, at its own cost and expense, all Development Improvements related to the Project.

(a) Improved Architectural Design. The Development Improvements shall comply with the City of Apopka Design Guidelines (the "**Design Guidelines**"), unless otherwise stated herein or in the Master Plan, to provide sufficient architectural diversity to avoid monotony and provide visual interest.

(b) Construction Plans. The Development Improvements shall be constructed in accordance with the construction plans approved by City through its standard Construction Site Plan review process.

(c) Impact Fees. At the time of issuance of any building permits for the Project, Developer shall pay to City all applicable City impact fees in amounts which are in effect at the time of building permit issuance. Impact fees payable may be paid in cash or with such impact fee credits, if any, which then may be available to the Developer regardless of whether such impact fee credits are awarded pursuant to this Agreement or otherwise.

10. **Consistency with City's Comprehensive Plan**. City hereby finds that this Agreement is consistent with the City's Comprehensive Plan and other City governing documents, and is a legislative act of the City Council. City further finds that this Agreement promotes the public health, safety, and welfare, and is consistent with, and a proper exercise of, City's powers under the Municipal Home Rule Powers Act, as provided in Section 2(b), Article VIII of the Florida Constitution, Chapter 166.021, *Florida Statutes*, and City's police powers. For avoidance of doubt, this is a non-statutory development agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220-163.3243, Florida Statutes.

11. **Minor (aka "Insubstantial") Amendments and Adjustments**. The Parties agree that a Project of this type requires ongoing day-to-day decisions that may result in minor or insignificant changes to the Project. Such "**Minor Adjustments**" are those which do not materially affect or modify the Project and are typical of developments of this type. No such Minor Adjustment may modify or otherwise adversely impact the criteria outlined in the approved Master Plan or approved Final Development Plan. Developer is authorized to make such Minor Adjustments as are necessary in its professional discretion and in the ordinary course of business with approval of City Administrator or his designee ("**City Designee**"). If Developer is in doubt as to whether a matter is a Minor Adjustment, Developer may from time to time request the concurrence of City Designee that a particular matter involves a Minor Adjustment, which request for concurrence shall be in writing, and which concurrence shall also be in writing, shall not be unreasonably withheld, conditioned, or delayed, and shall be binding upon City and Developer.

12. **Obligation to Adhere to Requirements of Law**. Developer agrees that it will comply with all applicable Federal, State, and local laws, as the same may be amended or created from time to time. No clause or provision of this Agreement shall be construed or excuse the observance of any requirement of any law by any Party, except as otherwise expressly provided herein. Failure of this Agreement to address a particular permit, condition, term, or restriction shall

not relieve any Party of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

13. **Covenants and Terms**. The terms, the conditions and covenants set forth herein shall be construed as covenants running with title to the Property. This Agreement shall be binding upon and inure to the benefit of Owner and its assigns and successors in interest. City hereby agrees that this Agreement will be assigned to Developer upon Developer's acquisition of the Property. For purposes of clarity, to the extent Developer does not acquire the Property, Developer shall not be responsible for any obligations hereunder.

14. **Further Documentation**. Each Party agrees that at any time following a request therefor by another Party, each Party shall execute and deliver to the requesting Party such further documents and instruments reasonably necessary to confirm and/or effectuate the obligations of any Party hereunder and the consummation of the transactions contemplated hereby.

15. **Amendments**. This Agreement may not be amended, unless evidenced in writing, executed by all Parties hereto, and recorded in the Public Records of Orange County, Florida.

16. **Indemnification**. Developer shall indemnify and hold harmless City and its elected and appointed officials, employees and agents from and against any and all suits, claims, damages, losses, liabilities, and reasonable costs and expenses whatsoever (including attorneys' fees), which City may incur (or which may be claimed against City by any person whomsoever) by reasons of or in connection with the design or construction of the Development Improvements and public infrastructure. Nothing herein shall require Developer to indemnify City or its agents for their own negligence. This paragraph shall survive expiration or earlier termination of this Agreement.

17. **Default**. Failure by any Party to perform any of its obligations hereunder shall constitute a default, entitling any non-defaulting Party to pursue, subject to the limitations provided by Section 34, such remedies as may be available to it under Florida law or equity, including, without limitation, an action for specific performance and/or injunctive relief. Prior to any Party filing an action as a result of a default under this Agreement, a non-defaulting Party shall first provide the defaulting Party with written notice of said default. Upon receipt of said notice, the defaulting Party shall be provided a thirty (30) day opportunity in which to cure the default, except where otherwise provided herein. Notwithstanding the foregoing, if Developer determines, in Developer's sole discretion and prior to commencing development of the Project, that market conditions or other factors have made proceeding with the Project unadvisable, then, in that instance, Developer shall be free to terminate this Agreement without penalty or claim of damages by City by providing written notice of termination to City no less than thirty (30) days prior to the effective date of termination.

18. **Attorneys' Fees**. In the event of default, the prevailing Party shall have the right to recover all reasonable attorneys' fees and court costs incurred as a result thereof, in addition to all other remedies provided herein.

19. **Bankruptcy**. In the event (a) an order or decree is entered appointing a receiver for Developer or its assets or (b) a petition is filed by Developer for relief under federal bankruptcy laws or any other similar law or statute of the United States, which action is not dismissed, vacated,

or discharged within sixty (60) days after the filing thereof, then City shall have the right to terminate immediately this Agreement.

20. **No Liability or Monetary Remedy**. Each Party hereby acknowledges and agrees that no Party shall be liable for direct, indirect, special, punitive or consequential damages and hereby waive any and all claims and causes of action for the recovery of such direct, indirect, special, punitive or consequential damages.

21. **Force Majeure**. Except as otherwise expressly provided in this Agreement, no Party shall be liable for any breach of this Agreement for any delay or failure of performance resulting from any cause beyond such Party's reasonable control, including but not limited to the weather, strikes or labor disputes, pandemics, adverse rulings in third-party lawsuits, casualty, war, terrorist acts, riots or civil disturbances, acts of civil or military authorities, or acts of God (individually, a "force majeure") provided the Party affected takes all reasonably necessary steps to resume full performance.

22. **Notice**. Any notice required or allowed to be delivered hereunder shall be in writing and shall be: (a) hand delivered to the official hereinafter designated, effective upon such delivery; (b) deposited in the United States mail, postage prepaid, certified or registered mail, return receipt requested, effective upon receipt of such notice; or (c) deposited with a nationally recognized overnight courier service (*e.g.*, Federal Express, United Parcel Service, Purolator, Airborne, Express Mail, etc.), effective one (1) business day after such deposit; addressed to a Party at the address specified below, or at such other address as from time to time may be provided by written notice:

City:	City Administrator 120 E. Main St. Apopka, FL 32703
with a copy to:	City Attorney 120 E. Main St. Apopka, FL 32703
Owner:	PM S-1 REO, LLC et al. Attn: Adam Cohen 400 North Ashley Drive, Suite 700 Tampa, Florida 33602
with a copy to:	Hill, Ward & Henderson Attn: Jerilyn H. Reed, Esq. 101 East Kennedy Blvd, Suite 3700 Tampa, Florida 33602
Developer:	Pulte Home Company, LLC Attn: Aaron Struckmeyer, Director-Land Planning and Entitlements

4901 Vineland Road, Suite 500
Orlando, FL 32811

with a copy to: Shutts & Bowen LLP
Attn: Elesa R. Sowell, Esq.
300 S. Orange Ave., Suite 1600
Orlando, FL 32801

23. **Severability**. Invalidation of any word, clause, sentence, or section contained herein due to illegality, unconstitutionality, or for any other reason and as determined by a court of competent jurisdiction shall not act to cause this entire Agreement to be found to be invalid, illegal, or unconstitutional, and this Agreement shall be read without such invalid, illegal, or unconstitutional word, clause, sentence, or section.

24. **Recording in Public Records**. This Agreement, executed by all Parties, shall be recorded in the Public Records of Orange County, Florida. The City Clerk of City shall insure that proper recording of this Agreement is accomplished promptly after the execution of this Agreement by the Parties.

25. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and all of which shall together constitute on and the same instrument.

26. **Entire Agreement**. This Agreement constitutes the entire agreement between the Parties with respect to the specific matters contained herein and supersedes all previous discussions, understandings, and agreements with respect thereto.

27. **No Third-Party Beneficiaries**. The Agreement is solely for the benefit of the Parties signing hereto and their successors and assigns, and no right, nor any cause of action, shall accrue to or for the benefit of any third party.

28. **Relationship of the Parties**. This Agreement does not evidence the creation of, nor shall it be construed as creating, a partnership or joint venture between the Parties. Developer cannot create any obligation or responsibility on behalf of City or bind City in any manner except as otherwise expressly set forth herein. Each Party is acting for its own account, and it has made its own independent decisions to enter into this Agreement and as to whether the same is appropriate or proper for it based upon its own judgment and upon advice from such advisers as it has deemed necessary. Each Party acknowledges that the other Parties hereto are not acting as a fiduciary for or an adviser to it in respect of this Agreement or any responsibility or obligation contemplated herein. Developer and Owner further represents and acknowledges that no one was paid a fee, commission, gift, or other consideration by Developer or Owner as an inducement to entering into this Agreement.

29. **Controlling Law**. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida, and all duly adopted ordinances, regulations, and policies of City now in effect and those hereinafter adopted.

30. **Venue**. The location for settlement of any and all claims, controversies, or disputes, arising out of or relating to any part of this Agreement, or any breach hereof, shall be Orange County, Florida.

31. **Personal Liability**. No provision of this Agreement is intended, nor shall any be construed, as a covenant of any official (either elected or appointed), director, employee, or agent of City in an individual capacity and neither shall any such individuals be subject to personal liability by reason of any covenant or obligation of City hereunder.

32. **No General Obligation**. In no event shall any obligation of City under this Agreement be or constitute a general obligation or indebtedness of City or a pledge of the ad valorem taxing power of City, within the meaning of the Constitution of the State of Florida or any other applicable laws, but shall be payable solely from legally available revenues and funds. Neither Developer nor any other party under or beneficiary of this Agreement shall ever have the right to compel the exercise of the ad valorem taxing power of City or any other governmental entity or taxation in any form on any real or personal property to pay City's obligations or undertakings hereunder.

33. **Agency**. The Parties, and their agents, contractors, or subcontractors, shall perform all activities described in this Agreement as independent entities and not as agents of each other.

34. **Sovereign Immunity**. Nothing contained in this Agreement shall be construed as a waiver of City's right to sovereign immunity for tort claims under and subject to §768.28, *Florida Statutes*.

35. **City's Police Power and Regulatory Powers**. City hereby reserves all police and regulatory powers granted to City by law. Notwithstanding any other provision of this Agreement, nothing herein shall be construed as City's bargaining away, surrendering, or in any way diminishing its police or regulatory powers.

36. **Interpretation**. The Parties hereby acknowledge and agree that each has participated equally in the drafting of this Agreement, and neither Party shall be favored or disfavored regarding the interpretation of this Agreement in the event of a dispute between the Parties. Each Party hereto hereby acknowledges that it was properly represented in the negotiation of this Agreement and this Agreement shall not be more strictly construed against one Party or another as a result of such Party's participation in the drafting of this Agreement.

37. **References**. Whenever any reference is made in this Agreement to any article, section, paragraph, etc. of this Agreement (or of any other document or instrument), unless otherwise expressly provided, such reference shall be deemed to include all parts and portions of the article, section, paragraph, etc. to which such reference is made, including without limitation all subarticles, subsections, subparagraphs, sentences, and/or clauses thereof, if any.

38. **Time of the Essence**. Time is of the essence of this Agreement. Unless otherwise expressly specified in this Agreement: (i) in computing any period of time described in this Agreement, the day of the act or event after which the designated period of time begins to run is not to be included, and the last day of the period so computed is to be included, unless such last

day is a Saturday, Sunday, or holiday, in which event the period shall run and extend until the next day which is neither a Saturday, Sunday, or holiday; (ii) if any specified/fixed date or deadline set forth in this Agreement falls on a Saturday, Sunday, or holiday, then such date or deadline shall roll and extend to next day which is neither a Saturday, Sunday, or holiday; and (iii) the last day of any time period described in this Agreement, and the time for performance on any other date or deadline set forth in this Agreement, shall be deemed to end/be at 6:00 p.m. local time in Orange County, Florida. As used in this Agreement, "**holiday**" shall mean federal holidays as defined in 5 U.S.C. 6103, and "**Business Days**" shall mean and refer to all days other than Saturdays, Sundays, and holidays.

39. **Compliance with Public Records Law**. Pursuant to Section 119.0701, *Florida Statutes,* when Developer provides services to City by constructing public infrastructure or improving City property under the terms of this Agreement, Developer shall comply with the public records laws set forth in Chapter 119, *Florida Statutes*, and any successor statute. Specifically, Developer shall:

(a) Keep and maintain public records that ordinarily and necessarily would be required by City in order to perform the service provided to City;

(b) Provide the public with access to public records on the same terms and conditions that City would provide the records and at a cost that does not exceed the cost provided in Chapter 119, *Florida Statutes*, or otherwise provided by law;

(c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;

(d) Meet all requirements for retaining public records and transfer, at no cost to City, all public records in possession of Developer upon completion, inspection, and issuance of a Certificate of Occupancy for the completed services on City property, and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to City in a format that is compatible with the information technology systems of City;

(e) Upon request of City, Developer shall promptly provide City with copies of public records which pertain to this Agreement; and

(f) In the event that Developer receives a request from any person or entity other than City for a document, computerized information, audio or videotape, CD, DVD, or any other record in Developer's possession pursuant to this Agreement, Developer shall notify City immediately and submit the request to City for direction on how to comply with Florida's Public Records Law. Developer shall allow City to inspect the requested record to advise Developer if any material therein is exempt or confidential and therefore subject to redaction.

40. **Effective Date**. The "**Effective Date**" of this Agreement is the date when this Agreement is duly recorded in the Public Records of Orange County, Florida.

41. **Jury Waiver**. EACH PARTY HERETO, AND ITS SUCCESSORS AND/OR ASSIGNS, HEREBY VOLUNTARILY, INTENTIONALLY, IRREVOCABLY, AND FOREVER WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY LITIGATION BASED HEREON OR ARISING OUT OF, UNDER, OR IN CONNECTION WITH THIS AGREEMENT AND/OR THE SUBJECT MATTER HEREOF.

[signature pages and exhibits follow]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the Effective Date.

"CITY"

CITY OF APOPKA, FLORIDA,
a Florida municipal corporation

By: _____
Bryan Nelson, Mayor

ATTEST:

_____
_____, City Clerk

Approved as to Form:

_____
_____, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me, by means of ___ physical presence or ___ online notarization, this ___ day of _____, 202__, by Bryan Nelson, as Mayor of the City of Apopka, Florida, a Florida municipal corporation, on behalf of the City of Apopka, Florida. He ___ is personally known to me OR ___ has produced _____ as identification.

[AFFIX NOTARY SEAL]

_____
Notary Public

_____
Print Name
My Commission Expires:_____

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the Effective Date.

"OWNER"

Signed, sealed, and delivered in the presence of:

PM S-1 REO LLC, a Delaware limited liability company

_____

Print Name:_____

Address: _____

_____

By:_____

Print Name: _____

Title: _____

_____

Print Name:_____

Address: _____

_____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ___ physical presence or ___ online notarization, this ___ day of _____, 20_____, by _____ _____, as _____ of PM S-1 REO LLC, a Delaware limited liability company, on behalf of the company. He ___ is personally known to me OR ___ has produced _____ as identification.

[AFFIX NOTARY SEAL]

_____

Notary Public

_____

Print Name

My Commission Expires:_____

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the Effective Date.

"OWNER"

Signed, sealed, and delivered in the presence of:

HMF LLC, a Florida limited liability company

_____

Print Name:_____

Address: _____

_____

By:_____

Print Name: _____

Title: _____

_____

Print Name:_____

Address: _____

_____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ___ physical presence or ___ online notarization, this ___ day of _____, 20_____, by _____ _____, as _____ of HMF LLC, a Florida limited liability company, on behalf of the company. S/He ___ is personally known to me OR ___ has produced _____ as identification.

[AFFIX NOTARY SEAL]

_____

Notary Public

_____

Print Name

My Commission Expires:_____

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the Effective Date.

"DEVELOPER"

Signed, sealed, and delivered in the presence of:

PULTE HOME COMPANY, LLC, a Michigan limited liability company

_____

Print Name:_____

Address: _____

_____

_____

Print Name:_____

Address: _____

_____

By:_____

Print Name: _____

Title: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ___ physical presence or ___ online notarization, this ___ day of _____, 20_____, by _____ _____, as _____ of PULTE HOME COMPANY, LLC, a Michigan limited liability company, on behalf of the company. He ___ is personally known to me OR ___ has produced _____ as identification.

[AFFIX NOTARY SEAL]

_____

Notary Public

_____

Print Name

My Commission Expires:_____

EXHIBIT "A"

Legal Description of the Property

The land referred to herein below is situated in the County of Orange, State of Florida, and described as follows:

Parcel 1:

That part of the Southeast ¼ of the Southwest ¼, lying North of Ondich Road and the North ¼ of the Southwest ¼ of the Southeast ¼ of Section 1, Township 20 South, Range 27 East, Orange County, Florida.

Less and except that portion as set forth in that certain Order of Taking recorded January 30, 2015 in Official Records Book 10869, page 79, of the Public Records of Orange County, Florida.

Parcel 2:

The Southeast ¼ of the Northeast ¼ of Section 2, Township 20 South, Range 27 East, Orange County, Florida.

Together with a non-exclusive easement for unimpeded pedestrian and vehicular access, ingress, and egress as created in that certain Easement Agreement, recorded March 7, 2018 in Instrument No. 20180135614, Public Records of Orange County, Florida.

Parcel 3:

A TRACT OF LAND, LYING IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 88°56'20" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 2684.78 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 88°56'20" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1, A DISTANCE OF 321.24 FEET TO A POINT LYING ON THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 429 (WEKIVA PARKWAY), STATE ROAD 46 CONNECTOR INTERCHANGE, PER CENTRAL FLORIDA EXPRESSWAY AUTHORITY RIGHT-OF-WAY MAP F.P. NUMBER 429-204; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 15°03'37" EAST, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, 1206.74 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY, ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE AND SAID CURVE, HAVING A RADIUS OF 22824.00 FEET, A CENTRAL ANGLE OF 00°23'21", AN ARC LENGTH OF 155.00 FEET, A CHORD LENGTH OF 155.00 FEET AND

A CHORD BEARING OF SOUTH 14°51’56” EAST TO A POINT LYING ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1; THENCE DEPARTING SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE, RUN NON-TANGENT TO SAID CURVE, SOUTH 89°08'51” WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, A DISTANCE OF 688.30 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN SOUTH 89°07'52” WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 2036.77 FEET TO THE NORTHEAST CORNER OF THE WEST 330.00 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 01°23'13” WEST, ALONG THE EAST LINE OF THE WEST 330.00 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1283.24 FEET TO A POINT LYING ON THE NORTH RIGHT-OF-WAY LINE OF ONDICH ROAD; THENCE RUN SOUTH 89°19'14” WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 330.21 FEET TO A POINT LYING ON THE WEST LINE OF THE WEST 330.00 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, RUN NORTH 01°23'13” EAST, ALONG THE WEST LINE OF THE WEST 330.00 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1282.15 FEET TO A POINT LYING ON AFORESAID SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN SOUTH 89°07'52” WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 338.14 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 01°29'49” EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1311.14 FEET TO THE POINT OF BEGINNING.

Parcel 4:

The NE ¼ of the NE ¼ of the SE ¼ of Section 2, Township 20 South, Range 27 East, together with non-exclusive easements for ingress and egress over the East 20 feet of the SE ¼ of the SE ¼ of said Section 2, as recorded in Official Records Book 3995, page 3632 and over the East 20 feet of the South ½ of the NE ¼ of the SE ¼, as recorded in Official Records Book 5142, page 3281, all of the Public Records of Orange County, Florida.

Parcel 5:

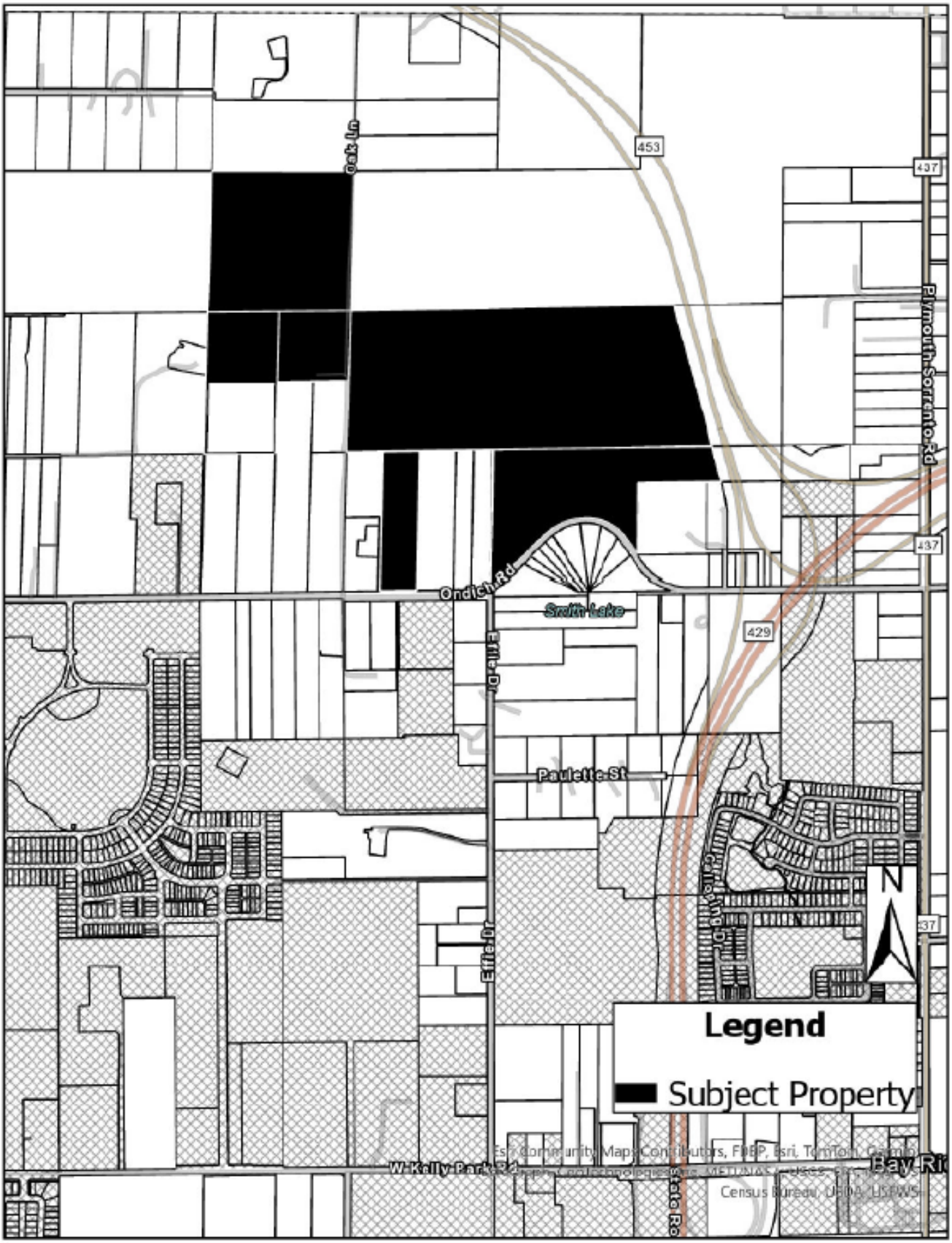
The Northwest ¼ of the Northeast ¼ of the Southeast ¼ of Section 2, Township 20 South, Range 27 East, Orange County, Florida.

EXHIBIT "B"

Master Plan

[see attached one (1) document totaling four (4) pages]

Vicinity

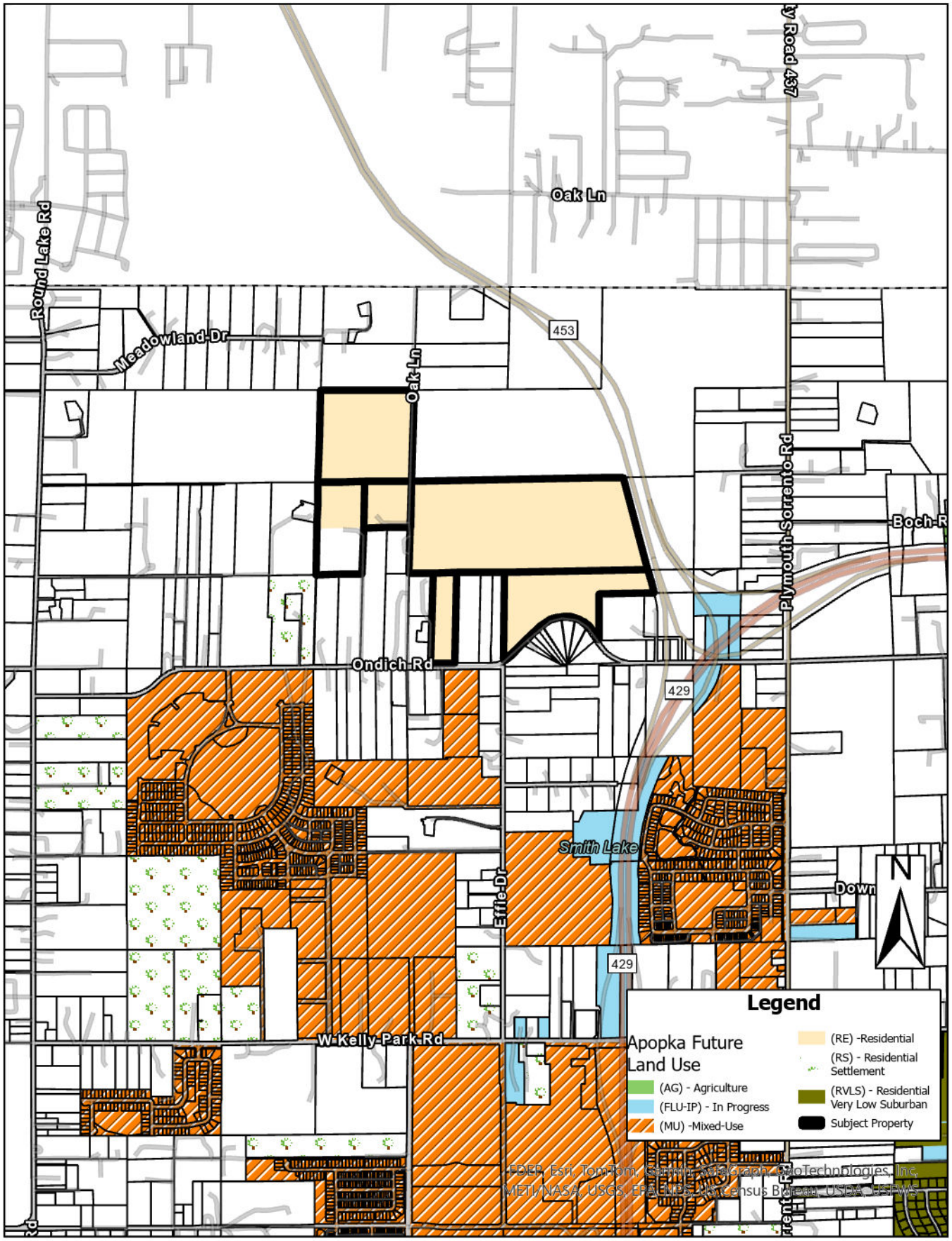


Oak Ln
453
437
Plymouth-Sorrento Rd
437
Ondich Rd
Smith Lake
429
Effie Dr
Paulette St
Effie Dr
N
Legend
Subject Property
W Kelly Park Rd
Bay Ri
Census Bureau, USDA, USFWS

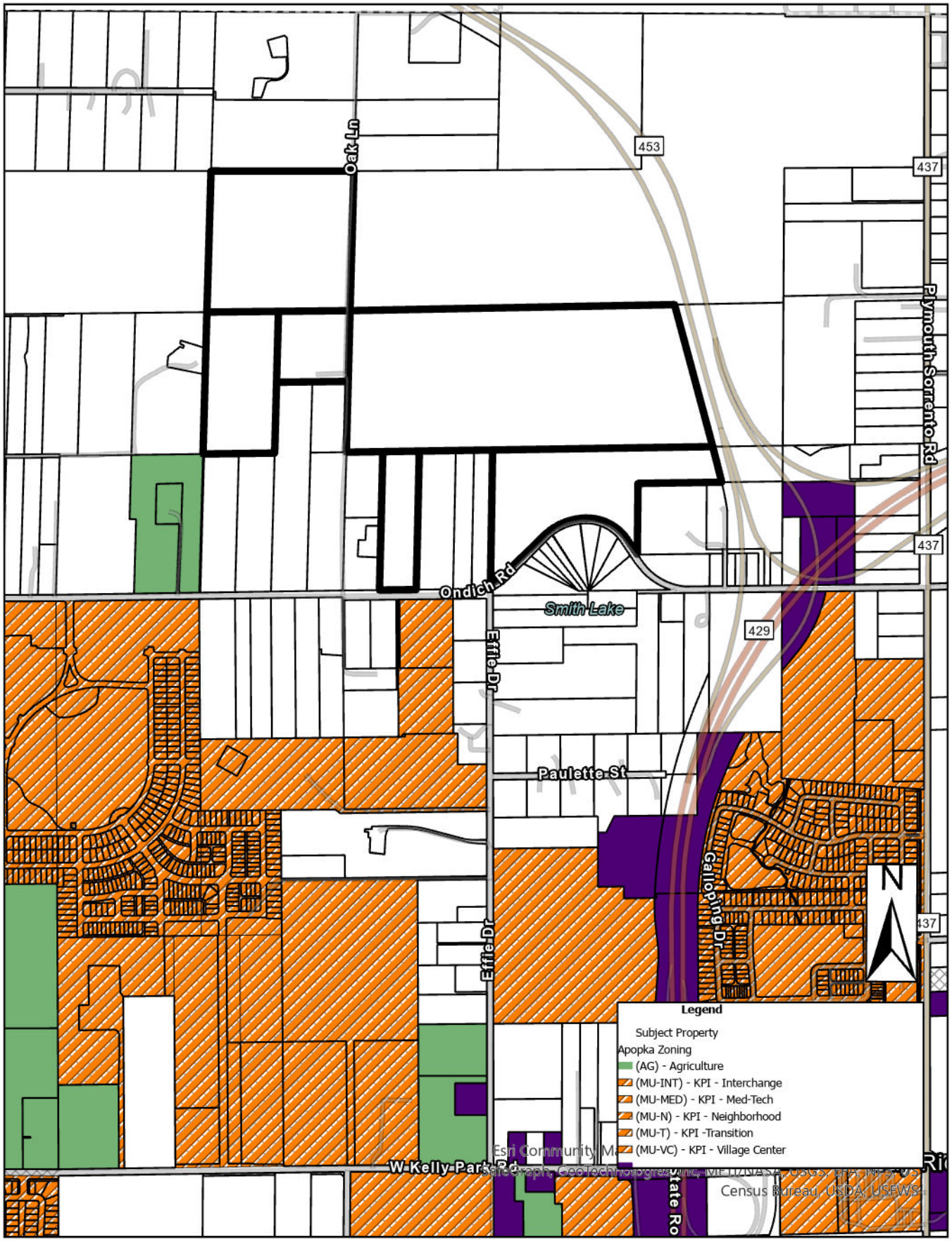
Aerial

Oak Ln
453
Ondich Rd
Smith Lake
429
Effie Dr
Paulette St
Galloping Dr
N
Legend
Subject Property
429
Esri Community Maps Contributors, FDEP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Maxar

Future Land Use



Zoning



Oak Ln
453
437
Plymouth Sorrento Rd
437
Ondich Rd
Smith Lake
429
Effie Dr
Paulette St
Galloping Dr
N
437
Effie Dr
Legend
Subject Property
Apopka Zoning
(AG) - Agriculture
(MU-INT) - KPI - Interchange
(MU-MED) - KPI - Med-Tech
(MU-N) - KPI - Neighborhood
(MU-T) - KPI -Transition
(MU-VC) - KPI - Village Center
W Kelly Park Rd
Census Bureau, USDA, USFWS

Orange County Public Schools

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

FORMAL SCHOOL CAPACITY DETERMINATION
CAPACITY LETTER - EXTENSION

July 28, 2025

E-MAIL: lclasson@appianfl.com
Luke M. Classon, P.E.
Appian Engineering, LLC
2221 Lee Road, Suite 17
Winter Park, FL 32789

Application APK-25-004 Ondich North

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:	Ondich North		
OCPS Completed Application Date:	02/12/25		
Parcel #(s):	20-27-01-0000-00-007, 034, 053, 20-27-02-0000-00-010, 011, 020		
Requested New Units (#):	SF: 180	MF:	TH:
Vested Unit(s):	SF: 19	MF:	TH:
Total Project Units:	199		
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:

	Zellwood ES	Wolf Lake MS	Apopka HS
Jurisdictional Analysis	Apopka-15.88% Unincorporated-83.30%	Apopka-64.98% Unincorporated-34.43%	Apopka-61.11% Unincorporated-37.74%

"The Orange County School Board is an equal opportunity agency."

Given the above analysis, this project does not meet 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 February 07, 2026 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 City of Apopka's 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 Mills, AICP
Senior Administrator, Real Estate Management and Land Planning

SK/cm

Attachments – Attachment A: Detailed Capacity Analysis

CC: Jean Sanchez, City of Apopka (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File

Attachment A

Orange County Public Schools
Facilities Planning

School Capacity Determination

User ID SV

Project ID: **CEA – APK – 25 – 004**

Project Name:					
			ONDICH NORTH		
Unvested Units	Single Family Units:	180	Vested Units	Single Family Units:	19
	Multi Family Units:	0		Multi Family Units:	0
	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

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	BB		
	School:	ZELLWOOD ES	WOLF LAKE MS	APOPKA HS
	Analysis of Existing Conditions			
	School Capacity (2023-2024)	633	1,112	3,390
	Enrollment (2023-2024)	546	1,151	3,449
	Utilization (2023-2024)	96.0%	122.0%	110.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	150	0	0
	Analysis of Reserved Capacity			
	School Level	Elementary	Middle	
	Encumbered Capacity	164	182	232
	Reserved Capacity	0	18	0
	Adjusted Utilization	112.2%	121.5%	108.6%
	Adjusted Available Seats	0	0	0
	Analysis of Proposed Development			
	Students Generated	32.040	16.920	23.940
	Adjusted Utilization	117.2%	123.0%	109.3%
	AVAILABLE/NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
	Number of Seats to Mitigate	32.040	16.920	23.940

ZELLWOOD ES	
WOLF LAKE MS	
APOPKA HS	

Orange County Public Schools

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

FORMAL SCHOOL CAPACITY DETERMINATION
CAPACITY LETTER

February 12, 2025

E-MAIL: lclasson@appianfl.com
Luke M. Classon, P.E.
Appian Engineering, LLC
2221 Lee Road, Suite 17
Winter Park, FL 32789

Application APK-25-004 Ondich North

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:	Ondich North		
OCPS Completed Application Date:	02/12/25		
Parcel #(s):	20-27-01-0000-00-007, 034, 053, 20-27-02-0000-00-010, 011, 020		
Requested New Units (#):	SF: 180	MF:	TH:
Vested Unit(s):	SF: 19	MF:	TH:
Total Project Units:	199		
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:

	Zellwood ES	Wolf Lake MS	Apopka HS
Jurisdictional Analysis	Apopka-15.88% Unincorporated-83.30%	Apopka-64.98% Unincorporated-34.43%	Apopka-61.11% Unincorporated-37.74%

"The Orange County School Board is an equal opportunity agency."

Given the above analysis, this project does not meet 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 August 11, 2025 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 City of Apopka's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at 407-317-3700 ext. 2022139 or Tamara.Pelc@ocps.net, if you have any questions or comments regarding this matter.

Sincerely,

Tamara L. Pelc
Administrator, Facilities Planning

SK/tp

Attachments – Attachment A: Detailed Capacity Analysis

CC: Jean Sanchez, City of Apopka (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File

Attachment A

Orange County Public Schools
Facilities Planning

School Capacity Determination

User ID SV February 12, 2025 12:31:36

Project ID: **CEA – APK – 25 – 004** Valid Until: August 11, 2025

Project Name:					
			ONDICH NORTH		
Unvested Units	Single Family Units:	180	Vested Units	Single Family Units:	19
	Multi Family Units:	0		Multi Family Units:	0
	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

Capacity Enhancement				
	School Level	Elementary	Middle	High
	CSA:	BB		
	School:	ZELLWOOD ES	WOLF LAKE MS	APOPKA HS
	Analysis of Existing Conditions			
	School Capacity (2023-2024)	633	1,112	3,390
	Enrollment (2023-2024)	546	1,151	3,449
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	School Level	Elementary	Middle	
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	AVAILABLE/NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
	Number of Seats to Mitigate	32.040	16.920	23.940

ZELLWOOD ES	
WOLF LAKE MS	
APOPKA HS	

ONDICH NORTH
PRE-APPLICATION COMMUNITY MEETING REPORT

APPIAN ENGINEERING

appianfl.com • 407.960.5868

2221 LEE ROAD, SUITE 27
WINTER PARK, FLORIDA 32789

City of Apopka
Planning Division
Attn: Ms. Jean Sanchez
120 E. Main Street
Apopka, FL 32703
Submitted Via Email: JESANCHEZ@APOPKA.NET

RE: ONDICH NORTH – COMMUNITY MEETING REPORT

To Ms. Sanchez:

On January 6, 2024, a community meeting was held via Zoom to discuss a proposed Future Land Use and Zoning Amendment with the surrounding property owners. The proposed development consists of 197 detached single-family homes and would be located north of the intersection of Ondich Road Effie Drive in Apopka, Florida.

The following report is to serve as the last step in the pre-application process. Below is a list of items that this meeting report needs to address and/or identify according to the guidelines. You will find a written response in **bold** that details how Appian Engineering, LLC has successfully satisfied each item, in the corresponding bullet point of the following section.

What techniques did you use to notify and involve the public regarding your application?

- **All property owners within three hundred (300) feet of the site. Scanned certified mail receipts of the notified property owners are included as Appendix A in this report. The envelopes were mailed on December 9th, 2024. Each envelope contained a letter explaining what was being proposed and provided the date, time, and location for the meeting. In addition to the letter, a location map and aerial map of the site were also included. An example of the community meeting notification letter and associated exhibits is included as Appendix B of this report.**
- **The sign-in sheet for the meeting is included on Page 5 of this report. It includes Luke Classon, P.E., from Appian Engineering, Sofia Sierra-Gil, P.E., from Appian Engineering, Andrew Francis, E.I., from Appian Engineering, Amir Lopez, E.I., from Appian Engineering, Aaron Struckmeyer from Pulte Group, Bernard Sullivan from Pulte Group, Serena Turke from Pulte Group, Elesa Sowell from Shutts and Bowen LLP and several of the notified surrounding residents.**

What concerns, issues and problems did you hear during the process?

- **Residents brought up concerns as it relates to traffic, especially along Ondich Road and if there was planned roadway expansion.**

- **One Resident inquired about the large portion of open space provided within the development and if the tree preservation area to the north would be developed.**
- **Two residents inquired about the utilities being provided to the development.**
- **One resident raised a concern about what will be done to limit impact to the surrounding residents during construction.**
- **Two residents who were unable to attend the meeting submitted emails about their concerns which have been included as appendix C in this report.**

How have you (or will you) address the concerns, issues and problems raised?

- **The development will include turn lanes on Ondich Road at both entrances to facilitate traffic flow. With this the portion of Ondich Road touching the development will be brought up to Orange County road standards. Additionally, the western entrance will be aligned with the entrance to the proposed Development Ondich South providing interconnectivity between the developments. The developer will also be paying the required impact fees to the City of Apopka which may facilitate improvements.**
- **The larger amount of open space being provided is to be compliant with the JPA between the City and the County as well as for the development to be competitive with the developments being provided in the area. Any development in the Tree Preservation area in the northern portion of the property would be limited to a recreational trail through the existing trees if anything.**
- **The development plans to extend utilities north from the proposed entrances of the development south of Ondich Road, Ondich South. While utility connections to existing homes on Ondich Road will not be provided as part of the development, the extension of the potable, reclaimed, and force mains will provide private homeowners the opportunity to coordinate with the City to connect their properties to the City's system.**
- **When the development reaches the construction stage construction equipment will be kept onsite during construction and a maintenance of traffic plan will be established to limit the construction impact to surrounding residents.**

If there are concerns, issues and problems you aren't able to address, tell us why.

- **All concerns, issues, and problems were answered.**

If the City has any questions, please do not hesitate to contact our office via phone at 407-960-5868 or via email at LClasson@appianfl.com.

VERY TRULY YOURS,
APPIAN ENGINEERING, LLC

LUKE CLASSON, P.E.
PRINCIPAL / SR. PROJECT MANAGER

SIGN-IN SHEET

Location: Online Via Zoom Date: January 6, 2025
Time: 6:00 PM - 7:00PM

Ondich South - CAPP Meeting

Attendees	Affiliation
Luke Classon, P.E.	Principal / Project Manager - Appian
Sofia Sierra-Gil, P.E.	Project Manager - Appian
Andrew Francis, E.I.	Project Engineer - Appian
Amir Lopez, E.I.	Appian
Bernard Sullivan	Developer - Pulte Group
Aaron Struckmeyer	Developer - Pulte Group
Serena Turke	Developer – Pulte Group
Elesa Sowell	Attorney – Shutts and Bowen LLP
Nancy Moore	Notified Property Owner
Deb Minton	Notified Property Owner
Jennifer (last name not stated)	Notified Property Owner
Sam (last name not stated)	Notified Property Owner
Adam Cohen	Notified Property Owner
Brian (last name not stated)	Notified Property Owner
Allison Mathurin	Notified Property Owner

APPENDIX A – NOTIFIED PROPERTY OWNERS

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REYES ANGINETTE
3536 ONDICH RD
APOPKA, FL 32712
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PEREZ CINDY
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MERIDITH AMBER LEE
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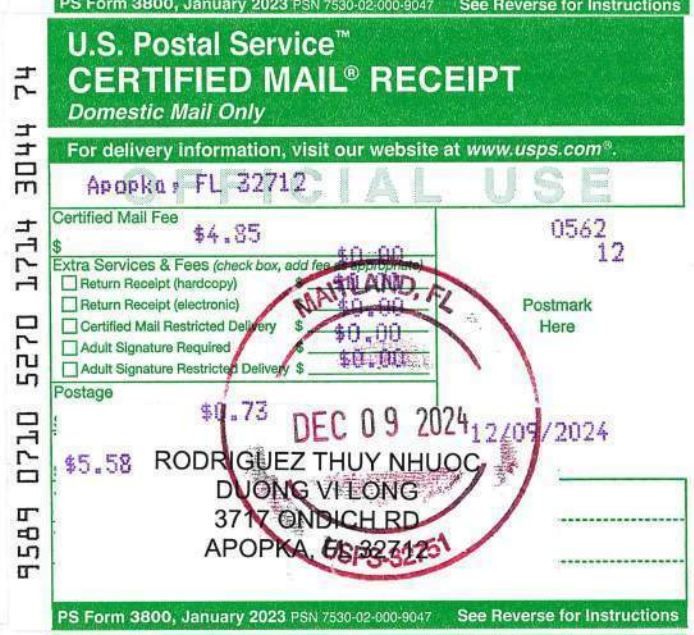
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DUONG VI LONG
3717 ONDICH RD
APOPKA, FL 32712
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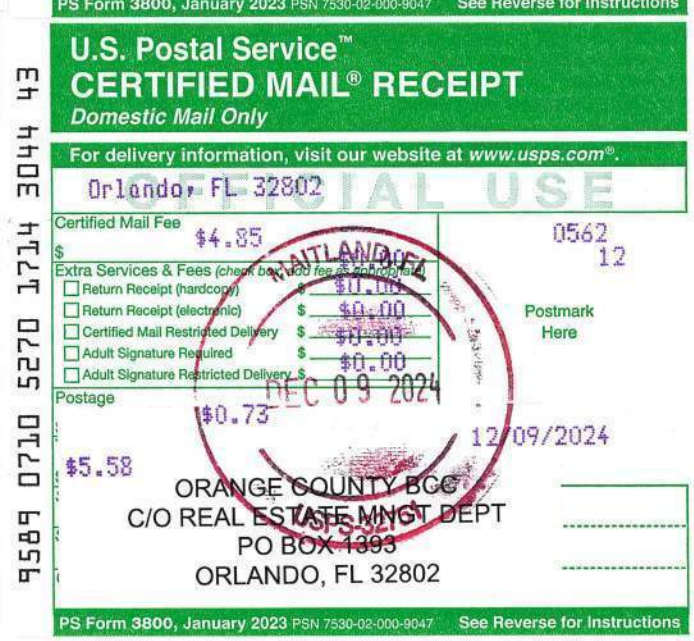
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Adult Signature Required $0.00
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Postage $0.73
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C/O REAL ESTATE MNGT DEPT
PO BOX 1393
ORLANDO, FL 32802
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PARK CHONG SOON
112 BORDEAUX WAY
BRASELTON, GA 30517

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MOORE JOHN P W
MOORE JOSEPH A
P.O. BOX 298
ZELLWOOD, FL 32798

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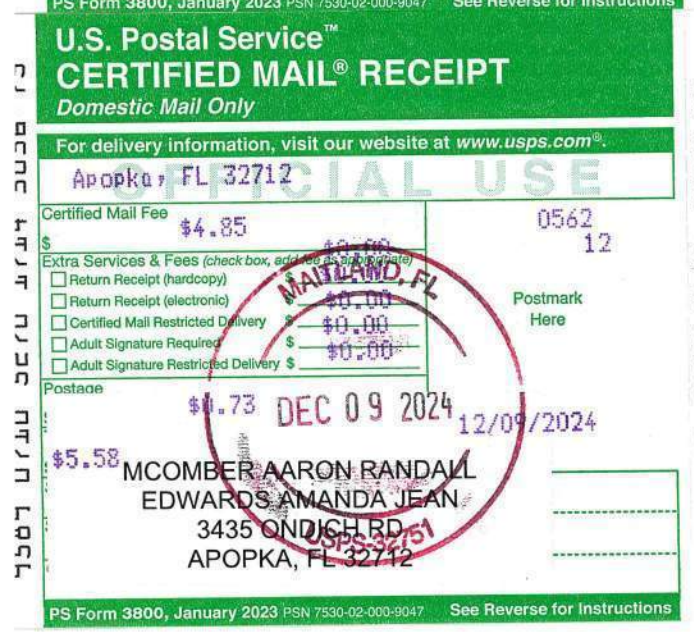

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EDWARDS AMANDA JEAN
3435 ONDICH RD
APOPKA, FL 32712

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CARTER ARAN GLENN
P.O. BOX 2012
APOPKA, FL 32704

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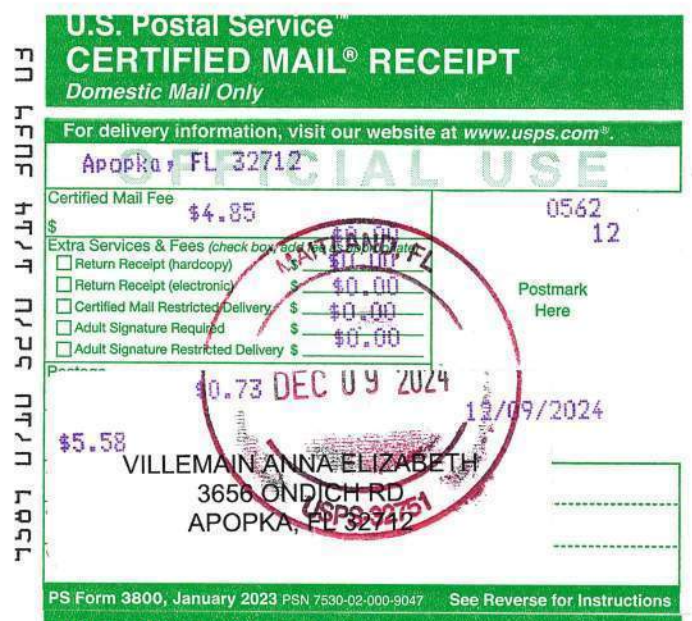

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Extra Services & Fees (check box, add fee as appropriate)
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Certified Mail Fee $ $4.85 | 0562 12

Extra Services & Fees (check box, add fee as appropriate)
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- ☐ Adult Signature Restricted Delivery $

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$5.58

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APOPKA, FL 32712

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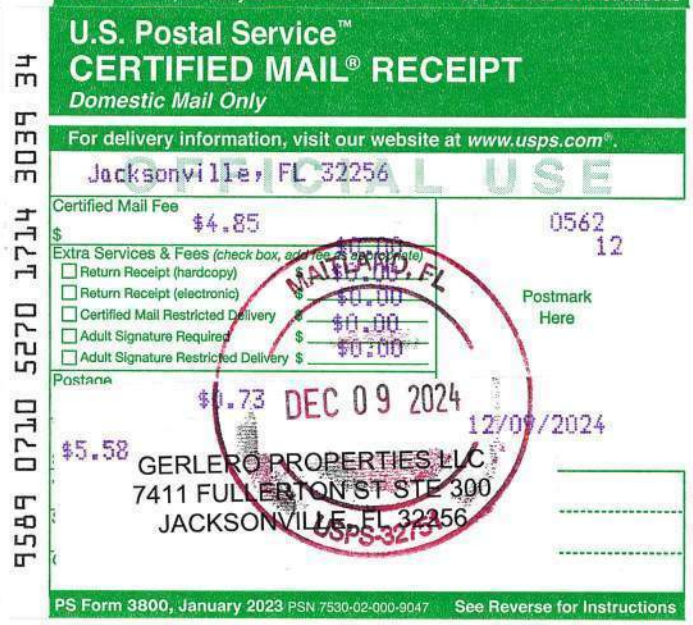

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Jacksonville, FL 32256

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JACKSONVILLE, FL 32256

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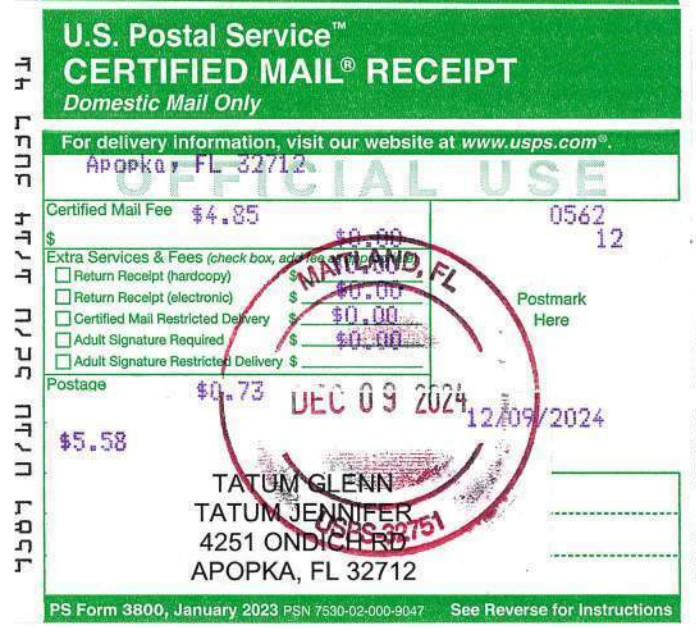

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DICKEY KATHY ANN
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MICHAEL AND JACQUELINE BENITEZ
REVOCABLE LIVING TRUST
C/O MICHAEL BENITEZ TRUSTEE
4310 MEADOWLAND DR
MOUNT DORA, FL 32757
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RUTLEDGE STACEY IRRGANG
RUTLEDGE DARROLD M
4303 MEADOWLAND DR
MOUNT DORA, FL 32757
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SEAWRIGHT BRADFORD SCOTT JR
SEAWRIGHT BRANDON S
C/O CYNTHIA A RESINGER GUARDIAN
P.O. BOX 1051
PLYMOUTH, FL 32768
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P.O. BOX 648
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C/O MICHAEL BENITES TRUSTEE
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3544 ONDICH RD
APOPKA, FL 32712
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ORLANDO, FL 32807

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MANN JAMES A
MANN DINH H
1430 MERION DR
MOUNT DORA, FL 32757

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TREJO JOEL
22730 N BUCKHILL RD
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REM: THE SAMUEL JOSEPH HENSON TRUST
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HUNSAKER SUSAN
3610 ONDICH RD
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GAONA FELIPE
3658 ONDICH RD
APOPKA, FL 32712

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Adult Signature Restricted Delivery $
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MORGAN CHARLES A III 50% INT
MORGAN ELIZABETH ANN 50% INT
827 WHITNEY AVE
NEW HAVEN, CT 06511
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Adult Signature Required $0.00
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BEGELMAN KURT W LIFE ESTATE
BEGELMAN BETHANN R LIFE ESTATE
4308 INDIAN DEER RD
WINDMERE, FL 34786
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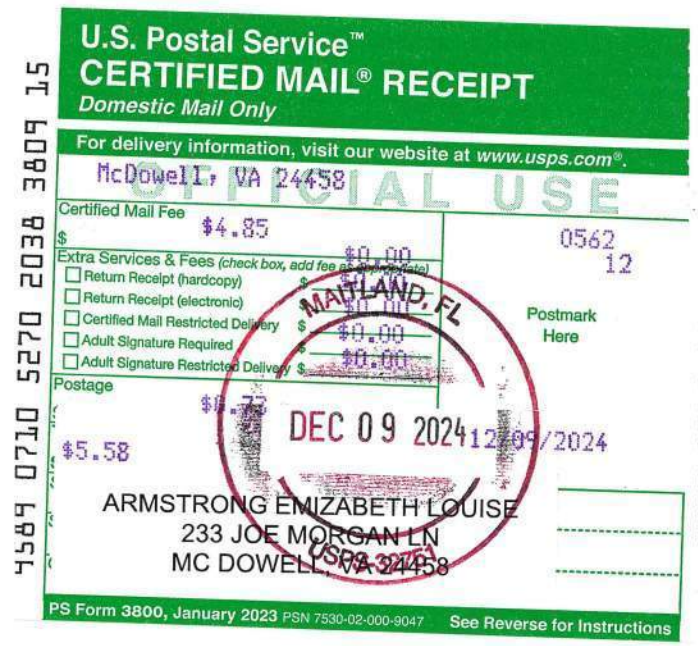
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ARMSTRONG ELIZABETH LOUISE
233 JOE MORGAN LN
MC DOWELL, VA 24458
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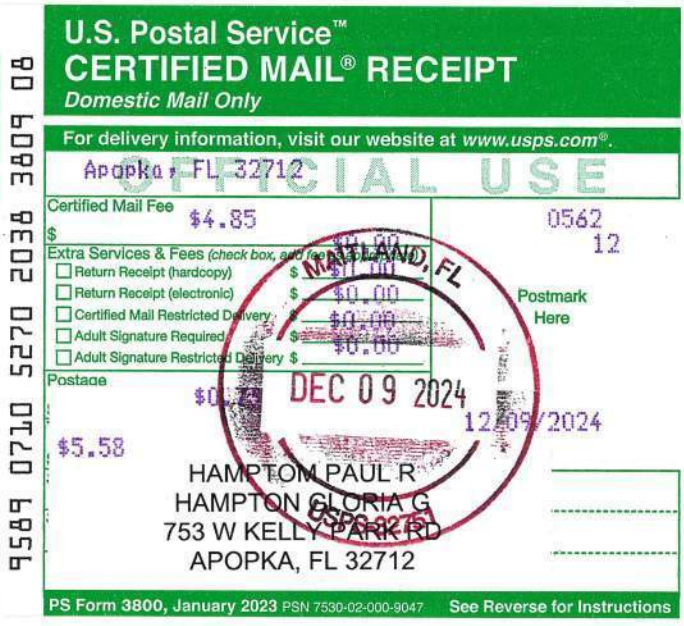
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Postage $0.73
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HAMPTOM PAUL R
HAMPTON GLORIA G
753 W KELLY PARK RD
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APPENDIX B – PRE-APPLICATION COMMUNITY MEETING NOTIFICATION LETTER

COMMUNITY MEETING NOTIFICATION LETTER

RE: ONDICH NORTH– COMMUNITY AWARENESS AND PARTICIPATION MEETING

Dear Property Owner:

Appian Engineering, LLC, would like to invite you to attend a virtual Community Awareness and Participation (CAP) meeting to discuss the development of the proposed Subdivision. The planned subdivision will be located northwest of the intersection of Ondich Road and Effie Drive. The meeting will be held via Zoom on the following date and time:

Community Awareness and Participation Meeting
January 6th, 2025, at 6:00 PM – 7:15 PM

Join Zoom Meeting

https://us06web.zoom.us/j/83206433485?pwd=FD4evuJ5BfsYyMNhzRLg9fs7ZkpojL.1
Meeting ID: 832 0643 3485
Passcode: 600874

The proposed subdivision will have a primary entrance on Ondich Road just west of the intersection with Effie Drive, and a secondary entrance on Ondich Road just east of said intersection. It will be comprised of 197 detached single-family homes. The development will also include stormwater ponds, open space areas, and tree preservation areas.

I would like to address any comments or concerns you may have regarding this project. If you are unable to attend the virtual meeting, please feel free to email your comments to lclasson@appianfl.com or mail them to our office at 2221 Lee Road Suite 27, Winter Park, FL 32789.

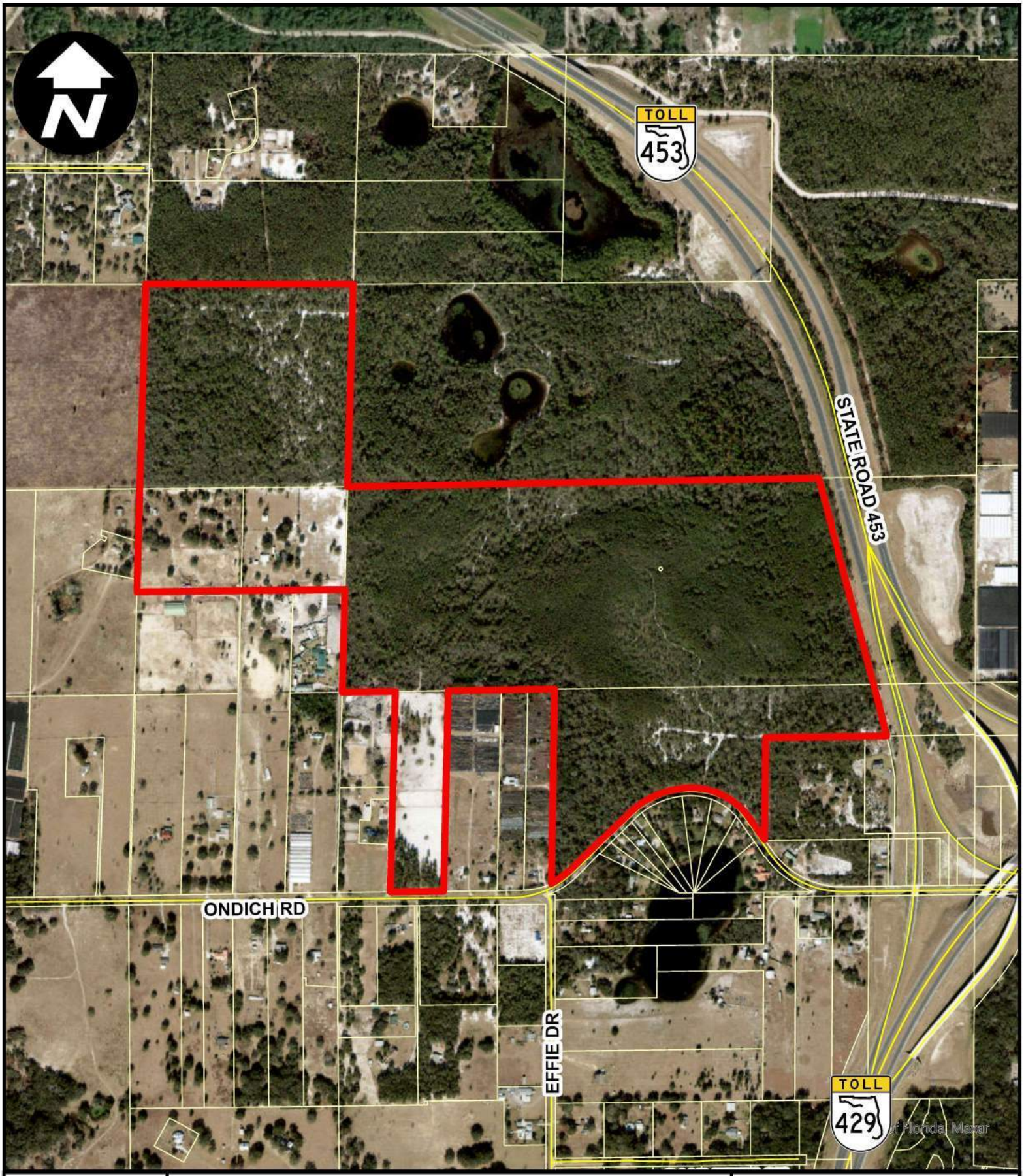
Please call me at (407) 960-5868 or email me at lclasson@appianfl.com if you have any questions regarding the development prior to the meeting.

I look forward to hearing from you or virtually meeting you to discuss this development.

VERY TRULY YOURS,
APPIAN ENGINEERING, LLC

LUKE M. CLASSON, P.E.
PRINCIPAL/SR PROJECT MANAGER

Attachments: Location Map, Aerial Map, and Conceptual Plan



APPIAN ENGINEERING

CIVIL ENGINEERING | LAND PLANNING

APPIANFL.COM • 407.960.5868

2221 Lee Road, Suite 27, Winter Park, Florida 32789

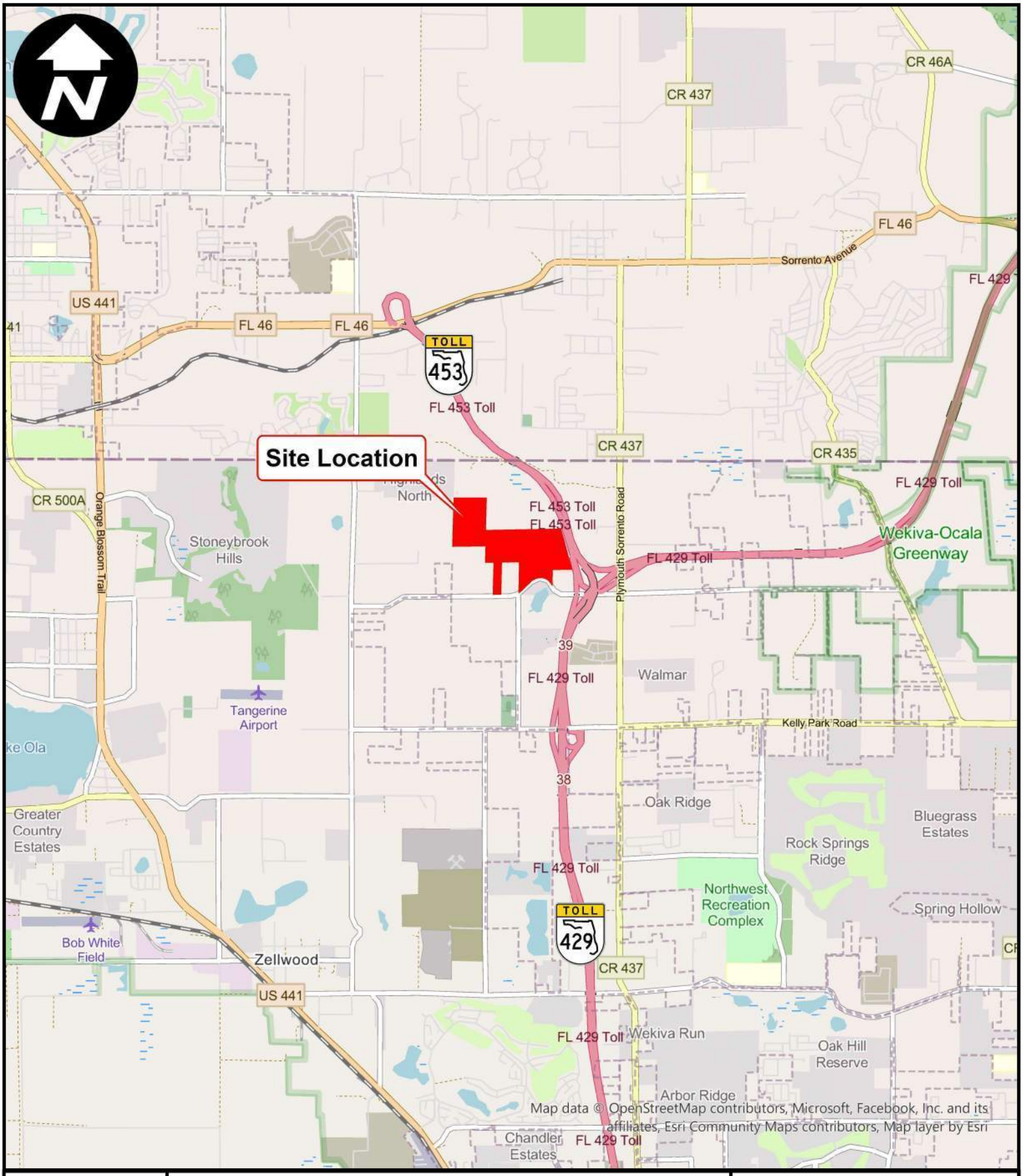
Aerial Map

Orange County, Florida

PUL-037 | 1" = 800 FT

Date: 1/9/2024

Path: P:_PROJECT DRAWINGS\PUL-037 Ondich Parcels Development\Drawings\GIS\AERIAL MAP.aprx



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2221 Lee Road, Suite 27, Winter Park, Florida 32789

Location Map

Orange County, Florida

PUL-037 | 1" = 5,000 ft

Date: 1/9/2024

Path: P:_PROJECT DRAWINGS\PUL-037 Ondich Parcels Development\Drawings\GIS\LOCATION MAP.aprx

APPENDIX C – RESPONSES TO EMAILS FROM RESIDENTS PRIOR TO MEETING

From: Kathy Dickey <kathy.dickey@asmapa.com>
Sent: Monday, December 23, 2024 4:01 PM
To: Luke M. Classon
Subject: Ondich North - Community Awareness and Participation Meeting
Attachments: Property Appraiser info sheet.pdf; Map.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Attached is the Property Appraiser's information sheet and map of the property that we own at 4221 Ondich Road in Apopka.

Please advise as to how we will be compensated for our property if the subdivision is approved.

Thank you and have a nice Christmas & New Year holiday.

Kathy Ann Dickey, Paralegal
Asma & Asma, P.A.
886 South Dillard Street
Winter Garden, Florida 34787
Phone: 407-656-5750 | Fax: 407-656-0486
Kathy.Dickey@asmapa.com

Asma & Asma, P.A. will be closed from December 25, 2024 through January 1, 2025 to allow our staff to spend time with their family during the holidays. Asma & Asma, P.A. will reopen January 2, 2025.

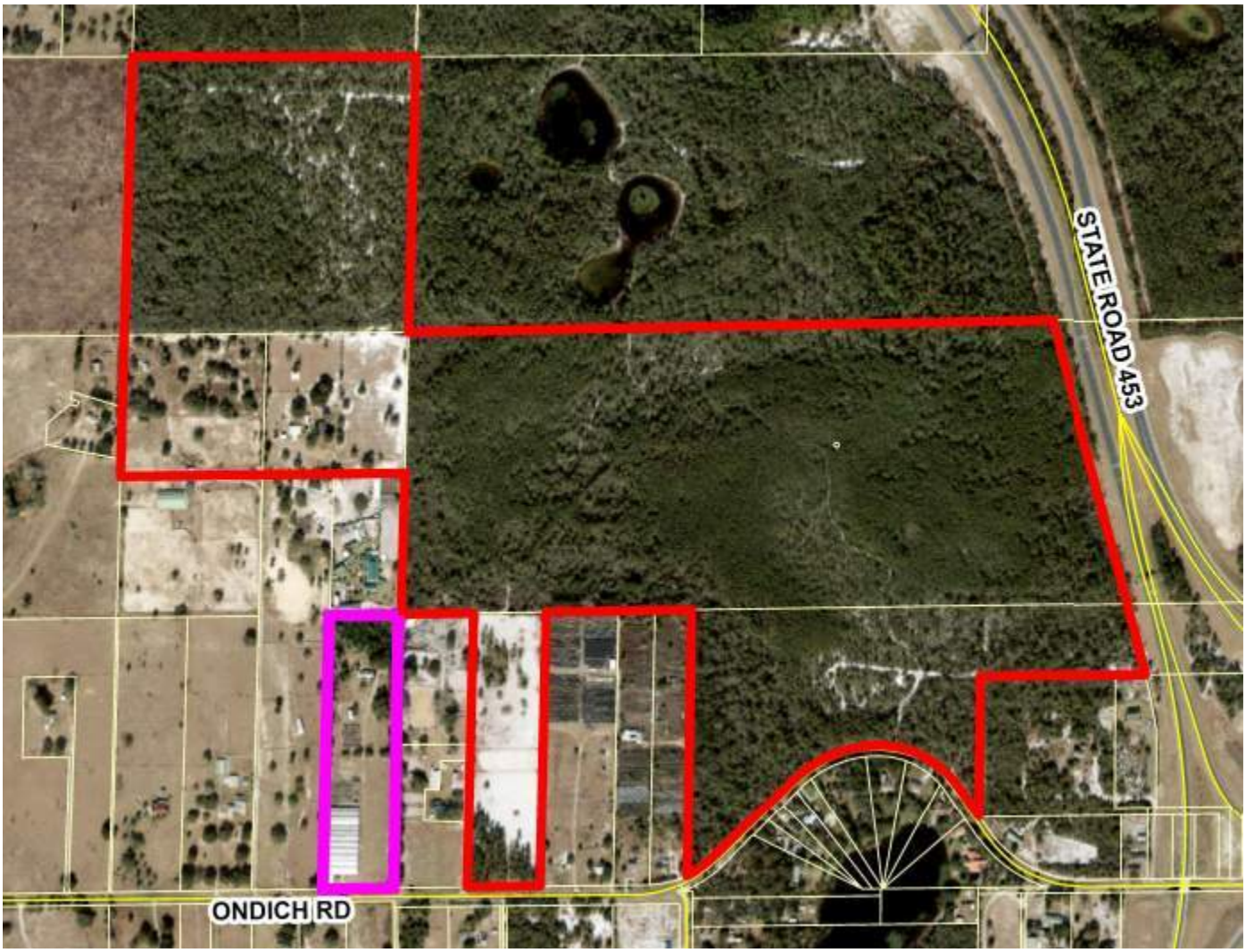
Asma & Asma, P.A.
ATTORNEYS AT LAW

****
NOTICE: This e-mail including attachments is covered by the Electronic Communications Privacy Act, 18 U.S.C. Section 2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that you have received the message in error. Please delete it. Thank you.

From: Luke M. Classon
Sent: Tuesday, December 31, 2024 10:37 AM
To: chongpark925
Subject: PUL 037 Ondich North-community awareness and participation Meeting
Attachments: Aerial Map - Park Property.pdf

Chongsoon,

Thank you for reaching out. We are having a Community meeting via Zoom on January 6th at 6:00 pm that you is referenced in the mailing notice that you received. My clients property that they are looking to develop is not directly adjacent to your property however I will notify them of your interest to be included in their planning. For your use I have attached a map showing your property outlined in magenta and their property limits shown in red (image copied below as well). My client Pulte Homes is looking to propose a low density residential subdivision within their red outlined property and provide landscape buffers surrounding the development.



Please advise if you have additional questions or would like to discuss further.

Luke M. Classon, P.E.
Principal / Project Manager

APPIAN ENGINEERING
2221 Lee Road | Suite 27 | Winter Park, Florida | 32789

Office: (407) 960-5868 ext. 106
Direct: (407) 636-3226
Mobile: (407) 451-5718
appianfl.com

From: chongpark925 <chongpark925@yahoo.com>
Sent: Monday, December 30, 2024 5:49 PM
To: Luke M. Classon <lclasson@appianfl.com>
Subject: Ondich North-community awareness and participation Meeting

Hello, this is chongsoon park and Inho park.
My property address is 4103 ondich road, apopka,fl 32712. I am glad to hear that you have building project of Ondich area.
However, I couldn't see my property involved in your project or I don't know how to read Aerial Map or Conceptual plan. I am not a native speaker so ,if I will participate in the zoom meeting on 6th, January, I have no confidence to understand about your project. If you pre explain or oriented to me regarding this project via email, I will appreciate that helping me understand that kind of projects. First, Is my property contains in your project? If Yes, I definitely welcome to your planning.
My property address
4103 ondich rd 32712
02-20-27-0000-00008
The E1/2 of E1/2 of SE1/4 of SE1/4 SEC
02-20-27(Less S 30 FT For RD R/W)

Warm Regards,
Chongsoon Park

Sent from my Verizon, Samsung Galaxy smartphone

See Proof on Next Page

AFFIDAVIT OF PUBLICATION

The Apopka Chief
400 N. Park Avenue, Apopka, FL 32712
(407) 886-2777

I, J.C. Derrick, of lawful age, being duly sworn upon oath, deposes and says that I am the Publisher of The Apopka Chief, a publication that is a "legal newspaper" as that phrase is defined for the city of Apopka, for county of Orange, in the state of Florida, that this affidavit is 1 of 3 with the full text of the sworn-to notice set forth on the page(s) that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

Publication Dates:
- Nov 14, 2025

Notice ID: PRnERzrZ2T26JsflKoh1

Notice Name: City of Apopka ord. 3117 11-14

J. C. Derrick
Publisher

VERIFICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Signed or attested before me on this

14 day of November, A.D. 2025.

Nancy C Thomas
Notary Public

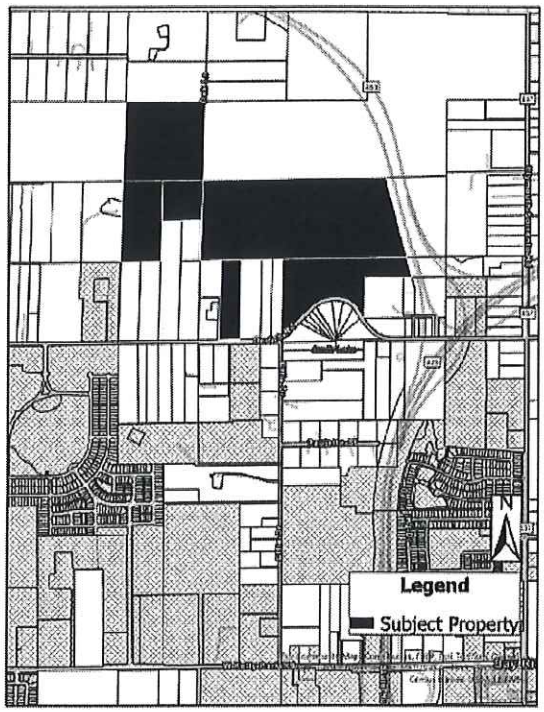
Notary Public State of Florida
Nancy C Thomas
My Commission HH 688639
Expires 7/4/2029

CITY OF APOPKA
PUBLIC HEARING NOTICE
CHANGE OF ZONING

NOTICE is hereby given pursuant to Secs. 163.3184 and 166.041(3)(a), Florida Statutes and the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.4.7.B, that **PULTE HOMES COMPANY, LLC C/O AARON STRUCKMEYER, P.E.** made application relating to the following described property.

ORDINANCE NO. 3117

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM COUNTY A-1 (CITRUS RURAL) TO PD (PLANNED DEVELOPMENT), FOR CERTAIN REAL PROPERTY OWNED BY OWNED BY PM S-1 REO, LLC; HMF, LLC; CHARLES P. STALLINGS; KIM L. STALLINGS; EUELL E. STALLINGS, JR.; AND CRYSTAL DENISE STALLINGS; LOCATED ON THE NORTHWEST CORNER OF ONDICH ROAD AND SR 453/SR 429; COMPRISING 196.83 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.



Parcel Identification Number(s): 01-20-27-0000-00-007, 01-20-27-0000-00-034, 01-20-27-0000-00-053, 02-20-27-0000-00-010, 02-20-27-0000-00-011, 02-20-27-0000-00-020 (portion of)
Contains: 196.83 +/- acres

NOTICE is given that a public hearing for Ordinance Number 3117 will be held by the **City of Apopka Planning Commission** at its regularly scheduled meeting in the City Council Chambers of the Apopka City Hall, 120 E. Main Street, Apopka, Florida on **Tuesday, December 9, 2025 beginning at 5:30 P.M.**, or as soon thereafter as possible.

FURTHER NOTICE is given that a public hearing for Ordinance Number 3117 will be held by the **City of Apopka City Council** at its regularly scheduled meeting in the City Council Chambers of the Apopka City Hall, 120 E. Main Street, Apopka, Florida on **Wednesday, December 17, 2025 beginning at 7:00 P.M. and Wednesday, January 7, 2026 at 1:30 P.M.**

Affected parties and the public may appear at the above listed hearings to speak. The proposed Future Land Use and Rezoning Applications can be inspected at the Apopka Community Development Department located at Apopka City Hall on weekdays between the hours of 8:00 A.M. and 4:30 P.M. City Hall address shown below. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with

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

Apopka City Council
Apopka Planning Commission
Community Development Department

November 14, 2025

City of Apopka
CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)
Item #: 2.
Meeting Date: January 7, 2026
Department: Community Development

SUBJECT:
Ordinance No. 3128 - Second Reading - Platting and Expedited Permitting

ACTION ITEM INFORMATION:

REQUEST:
Adopt Ordinance No. 3128 - Platting and Expedited Permitting.

SUMMARY:
Senate Bill 784 (Chapter 2025-164) requires that certain plat or replat applications be approved administratively. Section 177.073, Florida Statutes requires local governments to establish a process to expedite the issuance of building permits for residential subdivisions prior to recording a final plat. To be in compliance with recently passed state laws, Ordinance No. 3128 establishes Preliminary and Final Platting requirements by removing the approval authority from the Planning Commission and City Council and authorizes administrative approvals. In addition Ordinance No. 3128 establishes and expedited residential subdivision building permits prior to the recording of a Final Plat, as noted in recently passed state law.

FUNDING SOURCE:
N/A

RECOMMENDED MOTION:
PLANNING COMMISSION:
At the September 9, 2025 meeting, the Planning Commission unanimously recommended approval of Ordinance No. 3128.

CITY COUNCIL: At the October 15, 2025 meeting, the City Council unanimously accepted First Reading of Ordinance No. 3128 and held it over for Second Readonjg and Adoption.

CITY COUNCIL - Recommended Motion:
Adopt Ordinance No. 3128.

ATTACHMENTS:
1. Ordinance No. 3128
2. Advertisement September 26
3. Advertisement December 19
4. Business Impact Estimate - 3128 - Apopka platting

ORDINANCE NO. 3128

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, FLORIDA, BY AMENDING THE CITY'S PLATTING AND REPLATTING PROCEDURES TO ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS; ESTABLISHING A PROCESS TO EXPEDITE THE ISSUANCE OF BUILDING PERMITS FOR RESIDENTIAL SUBDIVISIONS PRIOR TO RECORDING A FINAL PLAT; UPDATING REGULATIONS PERTAINING TO MODEL SALES HOMES; UPDATING DEFINITIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE.

WHEREAS, pursuant to its home rule powers, the City of Apopka may regulate land use matters and design standards within the City's jurisdictional limits through the adoption of land development regulations; and

WHEREAS, from time to time the City of Apopka provides updates and amendments to its land development regulations; and

WHEREAS, Senate Bill 784 (Chapter 2025-164) requires that certain plat or replat applications be approved administratively; and

WHEREAS, Section 177.073, *Florida Statutes* requires local governments to establish a process to expedite the issuance of building permits for residential subdivisions prior to recording a final plat; and

WHEREAS, the Apopka Planning Commission held a public hearing with all required public notice on September 9, 2025, for the purpose of providing recommendations to the Apopka City Commission with regard to this Ordinance and recommended that the Commission adopt the Ordinance amendment the City's land development regulations as set forth herein; and

WHEREAS, the City of Apopka finds that the amendments to its Land Development Code, as set forth herein, are consistent with all applicable policies of the City's Comprehensive Plan; and

WHEREAS, the City Commission of the City of Apopka, Florida, has determined that the amendments to its Land Development Code, as set forth herein, advance a public purpose and promote and protect the health, safety, and welfare of the citizens and residents of the City.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA, AS FOLLOWS:

(Words in strike through type are deletions; words in underscore type are additions; asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.)

SECTION I. LEGISLATIVE FINDINGS. The foregoing recitals are hereby adopted as the legislative findings of the City Council of the City of Apopka, Florida.

SECTION II. Article 2, of the Land Development Code (Part III) of the Code of Ordinances of The City of Apopka, Florida, is hereby amended to read as follows:

ARTICLE 2 – ADMINISTRATION

***

2.2.1. Summary Table

Table 2.2.1: Summary Table of Development Review Responsibilities identifies the various development approvals and permits authorized by this LDC and indicates the role City boards and staff have in making recommendations or decisions on applications for each type of development approval or permit. It also identifies those applications that require a public hearing, and notes whether an informational meeting or pre-application community meeting is required.

Table 2.2.1: Summary Table of Development Review Responsibilities
A-Appeal; D-Decision; R-Recommendation; S-Staff Review;
< >-Public Hearing; *-Informational Meeting Required
#-Pre-Application Community Meeting Required

Review Procedure	Review Authority				
	City Council	Planning Commission	Development Review Committee	Community Development Director	Staff
Discretionary Approvals					
Annexation	See Ch. 171, Fla. Stat.				
Comprehensive Plan Amendment	See Ch. 163, Fla. Stat.				
Text Amendment	<D>	<R>	S		
Map Amendment					
General *#	<D>	<R>	S		
Site Specific *#	<D>	<R>	S		
Planned Development *#	<D>	<R>	S		
Special Exception *#	<A>	<D>	S		
Site Development and Platting					
Development Plan					
Minor	<A>		D		

Major					
Site Plan *	<D>	<R>	S		
Construction Site Plan			<D>		
Plat					
Final Plat (Subdivision)	~~<D>~~	~~<R>~~	S		D (City Administrator or designee)
Plat Vacation		<D>	S		
Minor Replat				D	

***

2.3.1. City Council

A. **Powers and Duties.** In addition to other authority granted to City Council by the Florida Constitution and State law, the City Council has the following powers and duties under this LDC:

1. To review and decide the following:
    a. Text amendments (See 2.5.1.C, Text Amendments);
    b. General map amendments (See 2.5.1.D, General Map Amendment);
    c. Site-specific map amendments (See 2.5.1.E, Site-Specific Map Amendment (Rezoning));
    d. Planned developments (See 2.5.1.F, Planned Development);
    e. Development plans:
        1. Site plans (See 2.5.2.A.4.b.1, Site Plan Procedure);
        2. Construction site plans (See 2.5.2.A.4.b.2, Construction Site Plan Procedure); and

    ~~f. Plats (subdivision) (See 2.5.2.B, Plat (Subdivision));~~

    ~~g.~~ f. Concurrency resolution agreements (See 2.5.3, Concurrency);

***

2.3.2. Planning Commission

A. **Establishment.** The Apopka Planning Commission is hereby established in accordance with State law.

B. **Powers and Duties under LDC.** The Planning Commission shall have the following powers under this LDC.

1. To make decisions on the following:
    a. Special exception permits (See 2.5.1.G, Special Exception Permit);
    b. Plat vacations (See 2.5.2.D, Plat Vacation); and
    c. Zoning variances (See 2.5.5.A, Zoning Variance).
2. To review and make recommendations to the City Council on the following:
    a. Text amendments (See 2.5.1.C, Text Amendments);
    b. General map amendments (See 2.5.1 .D, General Map Amendment);
    c. Site-specific map amendments (See 2.5.1.E, Site-Specific Map Amendment (Rezoning)):
    d. Planned developments (See 2.5.1.F, Planned Development);
    e. Site plans for major development (See 2.5.2.A.4.b.1, Site Plan Procedure); and
    ~~f. Plats (subdivision) (See 2.5.2.B, Plat (Subdivision));~~

***

2.4.7. Scheduling of Public Hearing and Public Notification

A. **Public Hearing Scheduling**

1. Table 2.4.7.A, Required Public Hearings, identifies the types of applications that require public hearings under this LDC, the review bodies responsible for conducting those public hearings, and the type of required public hearing (standard or quasi-judicial).

Table 2.4.7.A: Required Public Hearings
S: Standard Public Hearing; Q: Quasi-Judicial Public Hearing

Procedure	Board Conducting Public Hearing	
	City Council	Planning Commission
Discretionary Approvals		
Text Amendment	S	S
Map Amendment		
General	S	S
Site Specific	Q	S
Planned Development	Q	S
Special Exception	-	Q

Site Development and ~~Platting~~Plat Vacation		
Major Development Plan		
Preliminary	Q	S
Final	Q	-
~~Plat~~	~~S~~	~~S~~
Plat Vacation	-	S
Relief		
Variance (Zoning)	-	Q
Appeal	Q	-

***

2.5.2. Site Development and Platting

A. Development Plan (Major and Minor)

***

5. **Development Plan (Major and Minor) Review Standards.** A development plan (major or minor) shall only be approved upon a finding that the applicant demonstrates there is competent substantial evidence in the record that all of the following standards are met:

   a. The proposed development and uses in the development plan comply with Article 3: Zoning Districts, and Article 4: Use Regulations;

   b. The development proposed in the development plan and its general layout and design comply with all the standards in Article 5: Development Standards, and Article 6: Environmental Standards;

   c. The development proposed in the development plan complies with all conditions of approval in any development approval or permit to which the plan is subject; and

   d. The development proposed in the development plan complies with all other applicable standards in this LDC and all other City regulations; and

   e. ~~If any part of the development plan requires a plat, the plat is approved in accordance with Sec. 2.5.2.B, Plat (Subdivision), and is in substantial conformance with the development plan.~~ If any part of a Development Plan requires a plat, a Preliminary Plat shall be submitted as part of a Minor Development Plan application or as part of a Site Plan application for a Major Development Plan. The approved Preliminary Plat must be in compliance with this Land Development Code (including those standards set forth in 2.5.2.B.4, the Florida Building Code, the Fire Code and Chapter 177, *Florida Statutes*). A Final Plat shall be reviewed and approved in accordance with Sec. 2.5.2.B, Plat (Subdivision).

B. **Plat (Subdivision)**

1. **Purpose.** The purpose of this section is to provide a uniform means for the approval of divisions of land and to ensure that plats (subdivisions) promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City by:

   a. Providing for the orderly growth and development of the City;

   b. Coordinating streets and roads within proposed plat with the City's street system and transportation plans, and with other public facilities;

   c. Providing rights-of-way for streets and utility easements;

   d. Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets in relation to existing or planned streets;

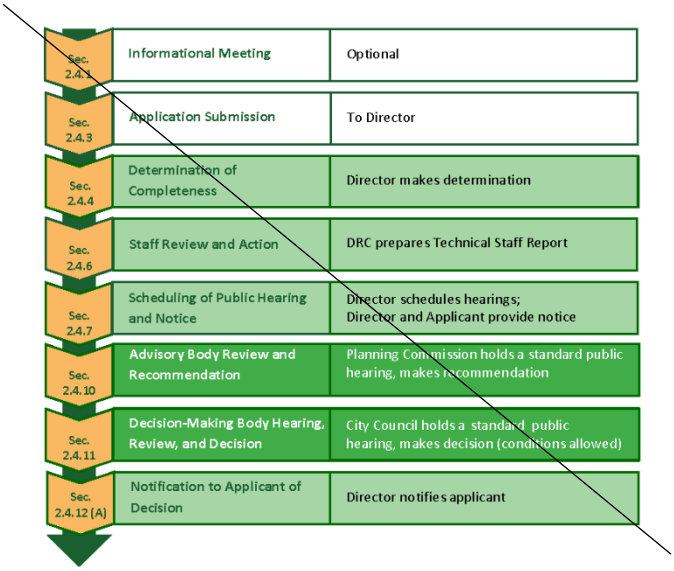
   e. Ensuring there is adequate open space and recreation facilities to serve development; and

   f. Ensuring there is proper recordation of land ownership or property owner association records, where applicable.

2. **Applicability.** Approval of a final plat in accordance with the provisions of this section is required before the division of land (whether improved or unimproved) into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land. **Note:** Per Sec. 2.5.2.A.5, Development Plan, If any part of a Development Plan requires a plat, a Preliminary Plat shall be submitted as part of a Minor Development Plan application or as part of a Site Plan application for a Major Development Plan. The Preliminary Plat must be in compliance with this Land Development Code (including those standards set forth in 2.5.2.B.4, the Florida Building Code, the Fire Code and Chapter 177, *Florida Statutes*.

3. **Final Plat (Subdivision) Procedure.** This subsection identifies additions or modifications to the standard review procedures in Sec. 2.4, Standard Review Procedures, that apply to a plat. ~~Figure 2.5.2.B.3 identifies key steps in the plat procedure.~~

~~**Figure 2.5.2.B.3: Plat (Subdivision) Procedure**~~



a. **Informational Meeting.** Optional (See Sec. 2.4.1, Informational Meeting).

b. **Pre-Application Community Meeting.** Not Applicable.

c. **Application Submission.** Applicable (See Sec. 2.4.3, Application Submission).

d. **Determination of Completeness.** Applicable (See Sec. 2.4.4, Determination of Completeness).

e. **Application Amendment or Withdrawal.** Applicable (See Sec. 2.4.5, Application Amendment or Withdrawal).

f. **Staff Review and Action.** Applicable (See Sec. 2.4.6, Staff Review and Action). The DRC reviews the application and prepares a Technical Staff Report. Then, the City Administrator or designee reviews the application and the Technical Staff Report and makes a decision based on the review standards in Sec. 2.5.2.B.4 Plat (Subdivision) Review Standards. The City Administrator or designee's decision shall be one of the following:

   1. Approval of the application;

   2. Approval of the application with conditions; or

   3. Denial of the application. If the City Administrator or designee does not approve the application, he or she will notify the applicant in writing of the reasons for declining to approve the application.

g. **Scheduling of Public Hearing and Public Notification.** Not Applicable. ~~Applicable (See Sec. 2.4.7, Scheduling of Public Hearing and Public Notification).~~

h. **Deferral of Public Hearing.** Not Applicable. ~~Applicable (See Sec. 2.4.8, Deferral of Public Hearing).~~

i. **Public Hearing Procedures.** Not Applicable. ~~Applicable (See Sec. 2.4.9, Public Hearing Procedures).~~

j. **Advisory Body Review and Recommendation.** Not Applicable. ~~Applicable (See Sec. 2.3.10, Advisory Body Review and Recommendation). The Planning Commission reviews the application at a standard hearing and makes a recommendation based on the review standards in Sec. 2.5.2.B.4, Plat (Subdivision) Review Standards.~~

k. **Decision-Making Body Hearing, Review and Decision.** Not Applicable. ~~Applicable (See Sec. 2.4.11, Decision-Making Body Hearing, Review, and Decision). The City Council reviews the application at a standard public hearing and makes a decision based on the review standards in Sec. 2.5.2.B.4, Plat (Subdivision) Review Standards. The City Council's decision shall be one of the following:~~

~~1. Approval of the application; or~~

~~2. Denial of the application.~~

l. **Post Decision-Making Actions.** Applicable (See Sec. 2.4.12, Post Decision-Making Actions).

4. **Plat (Subdivision) Review Standards.** A plat shall only be approved upon a finding the applicant demonstrates that the plat conforms to the requirements of Chapter 177, *Florida Statutes*. ~~there is competent substantial evidence in the record all of the following standards are met:~~

~~a. The plat and its general layout and design comply with all applicable standards in Article 5: Development Standards, and Article 6: Environmental Standards;~~

~~b. The plat complies with all conditions of approval in any development approval or permit to which it is subject;~~

~~c. The plat conforms to the requirements of Chapter 177, Florida Statutes;~~

~~d. The plat conforms to any development plan (major or minor) to which it is a part; and~~

~~e. The plat complies with all other applicable standards in this LDC and all other City regulations.~~

C. Expedited Residential Subdivision Building Permits.

1. **Purpose.** The purpose of this section is to establish a process, pursuant to Section 177.073, *Florida Statutes*, as amended, to expedite issuance of building permits for residential subdivisions prior to Final Plat recording if certain requirements are met, as set forth herein.

2. **Submittal Requirements.** Submittals for the expedited residential subdivision building permit process are required to include the following:

a. An Expedited Residential Subdivision Building Permit Application. The application must include identification of the percentage of planned homes or the number of building permits, not to exceed the thresholds set forth in Section

177.073, *Florida Statutes*, to be issued prior to recording of the Final Plat for the residential subdivision.

b. Application Fee and Pass-through Deposits.

c. Ownership Disclosure Form and supporting documents.

d. Owner Authorization Form. Required if the applicant is not the property owner.

f. An Emergency Access and Water Supply Plan. The plan is required to show adequate fire department access to the subdivision and sufficient water supply to those lots seeking expedited building permits and must be approved by the Fire Marshal. The emergency access and supply plan must be complied with throughout construction in accordance with NFPA 1.

3. **Bonds.** The applicant is required to submit a valid performance bond to guarantee the installation of necessary improvements, as per Section 177.031(9), Florida Statutes, in the amount of one hundred thirty (130) percent of the construction costs. Cost for construction shall be: (1) estimated by the applicant's engineer, or (2) a copy of the contract between the applicant/developer and the contractor. The amount of the performance bond must be approved as adequate by the City Administrator and City Engineer or their designees. This bonding requirement may also be met by escrow deposit, cashier's check, certified check, or an alternative document as approved by the City Council, which may include an irrevocable letter of credit or developer agreement.

4. **Addressing.** Those lots requesting Expedited Residential Subdivision Building Permits must be pre-addressed after the approval of the Preliminary Plat and prior to submission of an Expedited Residential Subdivision Building Permit Application. This can be accomplished by making a request to the City Administrator or designee, with the approved Preliminary Plat at least ten (10) working days prior to the submission of an Expedited Residential Subdivision Building Permit Application. Plans for lots required to be addressed must include the approved street names, adjacent road names, entrance locations, lot numbers, all possible lot division lines, and north arrow. Assigned addresses are subject to change until the plat has been recorded. The City Administrator or designee shall have the authority to deviate from these standards as necessary to ensure the safety of the general public.

5. Criteria for approval. The following criteria are required to be met for approval and issuance of expedited residential subdivision building permits:

a. An approved Minor or Major Development Plan. The Development Plan must include an approved Preliminary Plat (as per Section 177.073, *Florida Statutes* and as defined in Section 10.4 of this LDC), which was submitted and approved as part of a Minor Development Plan application or as part of a Site Plan application for a Major Development Plan. The approved Preliminary Plat must be in compliance with this Land Development Code, the Florida Building Code, the Fire Code and Section 177.031, *Florida Statutes*.

b. Proof that the applicant provided the Preliminary Plat and Minor or Major Development Plan to the applicable electric, gas, water, and wastewater utilities servicing the property; and

c. All proposed structures seeking an expedited building permit must meet the requirements for an approved master building permit or the most recently adopted Florida Building Code requirements.

d. The emergency access and water supply plan must be approved by the Fire Marshall in accordance with NFPA 1.

e. Adequate addressing and installation of street signs in accordance with the requirements outlined in City's Land Development Code must be completed.

f. Proof that the applicant holds a valid performance bond, approved by the City, for 130 percent of the uncompleted necessary improvements, as defined above; and

g. Execution of an indemnification and hold harmless agreement in favor of the City, pursuant to Section 177.073(10), *Florida Statutes*.

6. Restrictions. Applicants may not:

a. Transfer ownership of lots until the final plat is approved and recorded in the Public Records of Orange County, Florida.

b. Obtain a temporary or final certificate of occupancy until the Final Plat has been recorded.

c. Occupy or allow occupation of any structure prior to issuance of a certificate of occupancy.

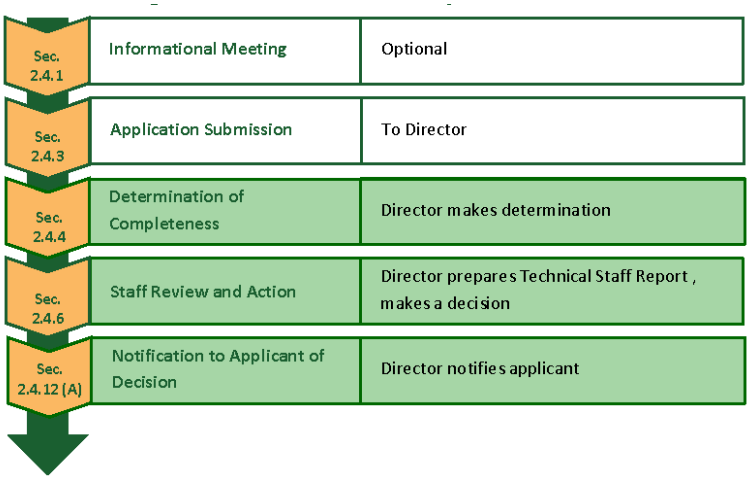
~~C.~~ D. **Minor Replat**

1. **Purpose.** The purpose of this section is to establish a uniform mechanism for the resubdivision of a lot or parcel of land which does not require the creation of a new street, or improvements for water, sewer, drainage or other public facilities other than those services normally provided for individual platted lots. All lots shall abut an existing dedicated right-of-way.

2. **Applicability.** Approval of a minor replat in accordance with this section is required before resubdivision of a lot or parcel of land which does not require the creation of a new street, or improvements for water, sewer, drainage or other public facilities other than those services normally provided for individual platted lots.

3. **Minor Replat Procedure.** This subsection identifies additions or modifications to the standard review procedures in Sec. 2.4, Standard Review Procedures, that apply to a minor replat. Figure ~~2.5.2.C.3~~ 2.5.2.D.3 identifies key steps in the minor replat procedure.

Figure ~~2.5.2.C.3~~ 2.5.2.D.3: Minor Replat Procedure



a. **Informational Meeting.** Optional (See Sec. 2.4.1, Informational Meeting).

b. **Pre-Application Community Meeting.** Not Applicable.

c. **Application Submission.** Applicable (See Sec. 2.4.3, Application Submission).

d. **Determination of Completeness.** Applicable (See Sec. 2.4.4, Determination of Completeness).

e. **Application Amendment or Withdrawal.** Applicable (See Sec. 2.4.5, Application Amendment or Withdrawal).

f. **Staff Review and Action.** Applicable. (See Sec. 2.4.6, Staff Review and Action). The Director reviews the application and makes a decision on the application based on Sec. ~~2.5.2.C.4~~ 2.5.2.D.4, Minor Replat Review Standards. The Director's decision shall be one of the following:

   1. Approval of the application; ~~or~~

   2. ~~Denial of the application.~~ Approval of the application with conditions; or

   3. Denial of the application. If the Director does not approve the application, he or she will notify the applicant in writing of the reasons for declining to approve the application.

g. **Scheduling of Public Hearing and Public Notification.** Not Applicable.

h. **Deferral of Public Hearing.** Not Applicable.

i. **Public Hearing Procedures.** Not Applicable.

j. **Advisory Body Review and Recommendation.** Not Applicable.

k. **Decision-Making Body Hearing, Review and Decision.** Not Applicable.

l. **Post Decision-Making Actions.** Applicable (See Sec. 2.4.12, Post Decision-Making Actions). Except no further division of an approved minor replat is allowed in accordance with this LDC unless a development plan (major and minor) for

which it is part is approved which requires modification to the approved minor replat.

4. **Minor Replat Review Standards.** A minor replat shall only be approved upon a finding the applicant demonstrates that the minor replat conforms to the requirements of Chapter 177, *Florida Statutes*. ~~there is competent substantial evidence in the record all of the following standards are met:~~

   ~~a. The minor replat and its general layout and design comply with all applicable standards in Article 5: Development Standards, and Article 6: Environmental Standards;~~

   ~~b. The minor replat complies with all conditions of approval in any development approval or permit to which it is subject; and~~

   ~~c. The minor replat conforms to the requirements of Chapter 177, Florida Statutes;~~

   ~~d. The minor replat conforms to any development plan (major or minor) to which it is a part;~~

   ~~e. The minor replat does not require the creation of a new street, or improvements for water, sewer, drainage or other public facilities other than those services normally provided for individual platted lots; and~~

   ~~f. The minor replat complies with all other applicable standards in this LDC and all other City regulations.~~

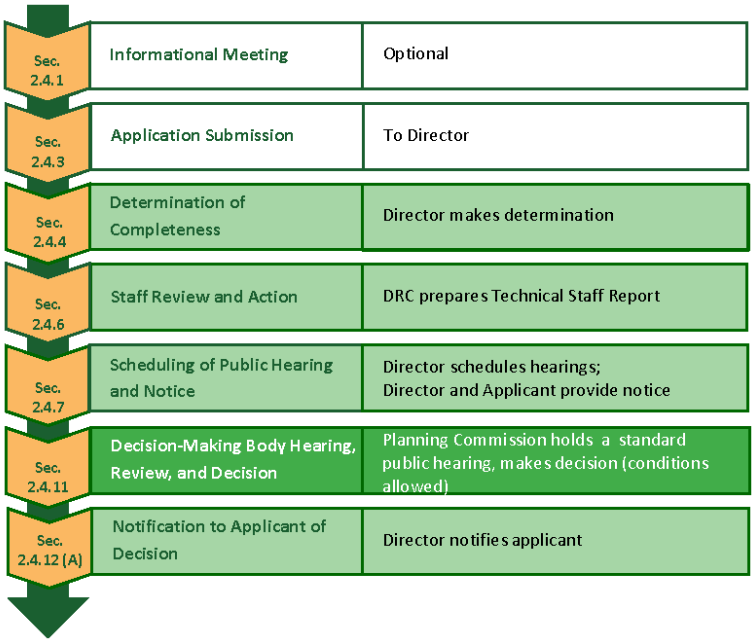
~~D.~~ E. **Plat Vacation**

1. **Purpose.** The purpose of this section is to establish a uniform mechanism for vacating recorded plats.

2. **Applicability.** This section applies to the vacation of any recorded plat or part thereof. The plat, or part of the plat may be vacated in accordance with in this section.

3. **Plat Vacation Procedure.** This subsection identifies additions or modifications to the standard review procedures in Sec. 2.4, Standard Review Procedures, that apply to a plat vacation. Figure ~~2.5.2.D.3~~ 2.5.2.E.3 identifies key steps in the plat vacation procedure.

Figure ~~2.5.2.D.3~~ 2.5.2.E.3 : Plat Vacation Procedure



a. **Informational Meeting.** Optional (See Sec. 2.4.1, Informational Meeting).

b. **Pre-Application Community Meeting.** Not Applicable.

c. **Application Submission.** Applicable (See Sec. 2.4.3, Application Submission).

d. **Determination of Completeness.** Applicable (See Sec. 2.4.4, Determination of Completeness).

e. **Application Amendment or Withdrawal.** Applicable (See Sec. 2.4.5, Application Amendment or Withdrawal).

f. **Staff Review and Action.** Applicable (See Sec. 2.4.6, Staff Review and Action). The DRC reviews the application and prepares a Technical Staff Report based on Sec. ~~2.5.2.D.4~~ 2.5.2.E.4, Plat Vacation Review Standards.

g. **Scheduling of Public Hearing and Public Notification.** Applicable (See Sec. 2.4.7, Scheduling of Public Hearing and Public Notification).

h. **Deferral of Public Hearing.** Applicable (See Sec. 2.4.8, Deferral of Public Hearing).

i. **Public Hearing Procedures.** Applicable (See Sec. 2.4.9, Public Hearing Procedures).

j. **Advisory Body Review and Recommendation.** Not Applicable.

k. **Decision-Making Body Hearing, Review and Decision.** Applicable (See Sec. 2.4.11, Decision-Making Body Hearing, Review, and Decision). The Planning Commission reviews the application at a standard public hearing and makes a decision based on the review standards in on Sec. ~~2.5.2.D.4~~ 2.5.2.E.4, Plat Vacation

Review Standards. The Planning Commission's decision shall be one of the following:

1. Approval of the application; or
2. Denial of the application.

l. **Post Decision-Making Actions.** Applicable (See Sec. 2.4.12, Post Decision-Making Actions).

4. **Plat Vacation Review Standards.** A plat shall not be vacated which has dedicated rights-of-way to public use or dedicated rights-of-way or easements for any public utility, storm drainage course, floodplain, public access roadway, or dedicated public facility, until:

a. Consents have been provided by the public users of the easements;

b. Each public utility, which is franchised to provide services within the area of the plat, is notified in writing of the proposed vacation, and has 30 calendar days to comment;

c. Conditions of consent from any public agencies or utilities having rights in any land proposed to be vacated have the conditions incorporated into the vacation; and

d. If any agency or utility having rights in any land proposed to be vacated objects, a finding is made that a specific public benefit will not be annulled if the vacation is granted.

e. New plats assigned concurrently with a plat vacation may take into account previous dedications.

***

SECTION III. Section 4.4.4, of the Land Development Code (Part III) of the Code of Ordinances of the City of Apopka, Florida, is hereby amended to read as follows:

4.4.4. Standards Specific to Temporary Uses and Structures

The standards set forth in this subsection for a specific temporary use or structure shall apply to the particular individual temporary use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this LDC. This subsection is intended to set forth and consolidate the standards for all temporary uses and structures for which a reference to this subsection is provided in the "Standards for Specific Temporary Uses and Structures" column of Table: 4.4.2.C, Temporary Uses and Structure Table. These standards may be modified by other applicable standards or requirements in this LDC.

***

E. **Model Sales Home/Unit.** ~~A single model~~ Up to four (4) sales home/units may be located on a new development site and temporarily used for sales or leasing uses associated with a residential development, or mixed-use development with residential units, subject to the following standards:

***

4. There shall be no more than ~~one~~four (4) model sales home/units per builder in the development.
5. ~~The~~A building used as or containing a sales office shall comply with all building setbacks and other development requirements.

***

SECTION IV. Section 10.4 of the Land Development Code, of the Code of Ordinances of The City of Apopka, Florida, is hereby amended to read as follows:

10.4. Definitions

***

Federal Emergency Management Agency (FEMA). A federal agency with the mission of helping people before, during, and after disasters.

Final Plat. The final plat map presented by a subdivider for final approval, and upon approval, is to be submitted for recording.

***

Portable shipping container. A large metal or wooden container, typically intended for transport by a large truck, train, or ship, that is used for the temporary storage and or transport of personal property.

Preliminary Plat. A map or delineated representation of the subdivision of lands that is a complete and exact representation of a subdivision or planned community and contains any additional information needed to be in compliance with Ch. 177, Part 1, Fla. Stat., Platting, and of any other provisions in this LDC and the City Code of Ordinances to be submitted for approval prior to submittal of a Final Plat application.

***

SECTION V: CODIFICATION. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Apopka, as additions or amendments thereto.

SECTION VI: SEVERABILITY. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION VII: CONFLICTS. All ordinances or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

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

PASSED UPON at the first reading of the City Council, this _____ day of _____ 2025.

PASSED UPON at the second and final reading of the City Council, this ____ day of _____ 2025.

ATTEST:

_____	_____
SUSAN M. BONE	BRYAN NELSON
City Clerk	Mayor

DULY ADVERTISED FOR PUBLIC HEARING: _____, 2025
_____, 2025

CITY OF APOPKA
PUBLIC HEARING NOTICE

NOTICE is hereby given pursuant to Sec. 166.041(3)(a), Florida Statutes and the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.4.7.B, that the City of Apopka proposes to amend the City's platting and re-platting procedures.

ORDINANCE NO. 3128

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, FLORIDA, BY AMENDING THE CITY'S PLATTING AND REPLATTING PROCEDURES TO ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS; ESTABLISHING A PROCESS TO EXPEDITE THE ISSUANCE OF BUILDING PERMITS FOR RESIDENTIAL SUBDIVISIONS PRIOR TO RECORDING A FINAL PLAT; UPDATING REGULATIONS PERTAINING TO MODEL SALES HOMES; UPDATING DEFINITIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE.

NOTICE is given that a public hearing for Ordinance Number 3128 will be held by the **City of Apopka City Counci**l at its regularly scheduled meeting in the City Council Chambers of the Apopka City Hall, 120 E. Main Street, Apopka, Florida on **Wednesday, October 15, 2025 beginning at 7:00 P.M., and Wednesday, November 5, 2025 at 1:30 P.M.** or as soon thereafter as possible.

Affected parties and the public may appear at the above listed hearings to speak. The proposed Ordinance can be inspected at the Apopka Community Development Department located at Apopka City Hall on weekdays between the hours of 8:00 a.m. and 4:30 p.m. City Hall address shown below. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

Apopka City Council
September 26, 2025 **Community Development Department**

CITY OF APOPKA
PUBLIC HEARING NOTICE

NOTICE is hereby given pursuant to Sec. 166.041(3)(a), Florida Statutes and the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.4.7.B, that the City of Apopka proposes to amend the City's platting and re-platting procedures.

ORDINANCE NO. 3128

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, FLORIDA, BY AMENDING THE CITY'S PLATTING AND REPLATTING PROCEDURES TO ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS; ESTABLISHING A PROCESS TO EXPEDITE THE ISSUANCE OF BUILDING PERMITS FOR RESIDENTIAL SUBDIVISIONS PRIOR TO RECORDING A FINAL PLAT; UPDATING REGULATIONS PERTAINING TO MODEL SALES HOMES; UPDATING DEFINITIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE.

NOTICE is given that a public hearing for Ordinance Number 3128 will be held by the **City of Apopka City Council** at its regularly scheduled meeting in the City Council Chambers of the Apopka City Hall, 120 E. Main Street, Apopka, Florida on **Wednesday, January 7, 2026 beginning at 1:30 P.M.** or as soon thereafter as possible.

Affected parties and the public may appear at the above listed hearing to speak. The proposed Ordinance can be inspected at the Apopka Community Development Department located at Apopka City Hall on weekdays between the hours of 8:00 a.m. and 4:30 p.m. City Hall address shown below. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

December 19, 2025

Apopka City Council
Community Development Department

ORDINANCE BUSINESS IMPACT ESTIMATE

Florida Statutes, Section 166.041(4)

ORDINANCE NUMBER: 3128

ORDINANCE TITLE: PLATTING & EXPEDITED ISSUANCE OF BUILDING PERMITS

MEETING DATE: November 5, 2025 (Adoption Hearing)

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Apopka's website by the time notice of the proposed ordinance is published.

ORDINANCE NO. 3128

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES OF THE CITY OF APOPKA, FLORIDA, BY AMENDING THE CITY'S PLATTING AND REPLATTING PROCEDURES TO ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS; ESTABLISHING A PROCESS TO EXPEDITE THE ISSUANCE OF BUILDING PERMITS FOR RESIDENTIAL SUBDIVISIONS PRIOR TO RECORDING A FINAL PLAT; UPDATING REGULATIONS PERTAINING TO MODEL SALES HOMES; UPDATING DEFINITIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

☒ The proposed ordinance is required for compliance with Federal or State law or regulation;
☐ The proposed ordinance relates to the issuance or refinancing of debt;
☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

[1] See Section 166.041(4)(c), Florida Statutes.

☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;

☐ The proposed ordinance is an emergency ordinance;

☐ The ordinance relates to procurement; or

☐ The proposed ordinance is enacted to implement the following:

a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City of Apopka;
c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

This ordinance creates an administrative plat approval process as well as an expedited building permit process for residential subdivisions prior to final plat approval. The ordinance also updates regulations pertaining to model sales homes. Per the ordinance's recitals, the ordinance is necessary to comply with Florida statutory requirements, advances a public purpose, and promotes and protects the health, safety, and welfare of the citizens and residents of the City of Apopka.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

It is not anticipated that businesses will incur direct compliance costs. Applicants for (optional) expedited permits will have to submit a valid performance bond to guarantee the installation of necessary improvements as required by Florida law, which requirements are incorporated in the ordinance.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

Applicants for (optional) expedited permits will have to submit a valid performance bond to guarantee the installation of necessary improvements as required by Florida law.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

It is not anticipated that the City will incur additional regulatory costs or receive additional revenue. Any costs to the City for mandatory statutory compliance are expected to be incurred for staff administration only.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The ordinance will affect those businesses involved in development of land. The ordinance will affect those businesses involved in development of land. Currently ~ (+ or -) 20.

4. Additional information the governing body deems useful (if any):

N/A

City of Apopka
CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)
Item #: 3.
Meeting Date: January 7, 2026
Department: Community Development

SUBJECT:
Ordinance No. 3140 - First Reading - Future Land Use Amendment - 1030 E. Sandpiper Street

ACTION ITEM INFORMATION:
Owner(s): Lincoln Douglas Haynes and Lauren Elizabeth Haynes
Applicant(s): Lincoln Douglas Haynes
Location: 1030 E. Sandpiper Street
Project: 1.79 +/- Acres
Density: N/A
Project Manager:Amer Hamza

REQUEST:
Accept First Reading of Ordinance No. 3140 and hold it over for Second Reading and Adoption.

SUMMARY:
Owner(s): Lincoln Douglas Haynes and Lauren Elizabeth Haynes
Applicant: Lincoln Douglas Haynes
Parcel Identification Number(s): 02-21-28-0000-00-112
Location: 1030 E. Sandpiper Street
Existing Future Land Use: In-Progress
Proposed Future Land Use: Residential Very Low Suburban
Existing Use(s): Single Family Residence
Existing Zoning: T (Transitional)
Tract Size: 1.79 +/- Acres

Zoning Report
This chart includes the relationships to adjacent properties.

Direction	Future Land Use	Zoning	Present Use
North	County Low Density Residential	County A-1	Single Family Residence, Single Family Residence
East	County Low Density Residential	County R-CE	Single Family Residence, Single Family Residence, Single Family Residence
South	Residential Very Low Suburban, County Low Density Residential	PD (Planned Development), County R-CE	Single Family Residence, Single Family Residence
West	Residential Very Low Suburban	PD (Planned Development)	Single Family Residence

PROJECT SUMMARY:
The applicant is requesting a future land use amendment of the property from In-Progress to Residential Very Low

Suburban. The subject property has a total of 1.79 acres and is located at 1030 E. Sandpiper Street just west of N. Thompson Road and east of Ustler Road. The site already has an existing single-family residence and there are other single-family residences nearby located west and south of the subject property with the same future land use designation of Residential Very Low Suburban. The applicant plans to apply for a special exception permit at a later date to be able to build an Accessory Dwelling Unit (ADU) on the subject property for his elderly parents. Approval of the future land use amendment does not constitute approval of the ADU on the property.

Land Development Code Section 2.5.1.D.3 requires the Council to weigh the relevance of and consider whether and the extent to which the proposed amendment:

a. Is consistent with and furthers the goals, objectives and policies of the comprehensive plan and other adopted City plans;

- Applicant's response: proposed RCE zoning and Residential Very Low Suburban future land use is consistent with and furthers the goals, objectives and policies of the comprehensive plan and other adopted City plans.
- Staff response: Staff has no objection.

b. Is in conflict with any provisions of the LDC;

- Applicant's response: No conflict with any portion of LDC.
- Staff response: Staff has no objection.

c. Addresses a demonstrated community need;

- Applicant's response: Yes, providing a space for elderly parents to remain Apopka residents and age in place.
- Staff response: Staff has no objection.

d. Is required by changed conditions;

- Applicant's response: The property is currently under transition zoning and requires changed conditions.
- Staff response: Staff has no objection.

e. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

- Applicant's response: Zoning is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land.
- Staff response: Staff has no objection.

f. Would result in a logical and orderly development pattern;

- Applicant's response: Zoning would result in a logical and orderly development pattern.
- Staff response: Staff wants clarification that redevelopment is for residential use.

g. Would not result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and

- Applicant's response: Zoning would not result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
- Staff response: Staff has no objection.

h. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).

- Applicant's response: Yes, this would result in development that is adequately served by public facilities.
- Staff response: Staff has no objection.

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 October 6, 2025.

SCHOOL CAPACITY REPORT:
OCPS determined that this future land use amendment is de minimis and does not require a school capacity report. The property is zoned for Clay Springs Elementary, Appoka Middle, and Apopka High School.

PUBLIC HEARING SCHEDULE:
December 9, 2025 – Planning Commission (5:30 P.M.)
January 7, 2026 – City Council (1:30 P.M.), First Reading
January 21, 2026 – City Council (7:00 P.M.), Second Reading and Adoption

DULY ADVERTISED:
November 7, 2025 – Apopka Chief
November 5, 2025 – Mailed notices to adjacent property owners
November 3, 2025 – Posters placed on property

LAND USE REPORT
I. RELATIONSHIP TO ADJACENT PROPERTIES

Direction	Future Land Use	Zoning	Present Use
North	County Low Density Residential	County A-1	Single Family Residence, Single Family Residence
East	County Low Density Residential	County R-CE	Single Family Residence, Single Family Residence, Single Family Residence
South	Residential Very Low Suburban, County Low Density Residential	PD (Planned Development), County R-CE	Single Family Residence, Single Family Residence
West	Residential Very Low Suburban	PD (Planned Development)	Single Family Residence

II. LAND USE ANALYSIS
The subject property is located at 1030 E. Sandpiper Street just west of N. Thompson Road and east of Ustler Road. All city jurisdiction properties nearby the subject property have the future land use designation of Residential Very Low Suburban. The subject property currently has an existing single-family residence. The Residential Very Low Suburban future land use allows a maximum density of up to 2 units an acre. The Residential Very Low Subruban Future Land Use would be consistent with the proposed zoning of the property, which is RCE (Residential Country Estate) zoning district.

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 Small-Scale Future Land Use Amendment request for a change from Commercial to Mixed Use is consistent with the terms of the JPA (Second Amendment).

City of Apopka Comprehensive Plan Policies:

Future Land Use Element:
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

Transportation Element:
Policies 1.1 and 1.2 state that the City of Apopka is a Transportation Concurrency Exception Area. The properties have existing access from W Keene Road and Marden 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.

Conservation Element:
A habitat study will be not required as the development is less than ten (10) acres.

Land Use Calculations:
CURRENT: Future Land Use – In-Progress
N/A

PROPOSED: Future Land Use – Residential Very Low Suburban
2 DU/AC X 1.79 ac = 3.58 Units

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

FUNDING SOURCE:
N/A

RECOMMENDED MOTION:
Development Review Committee:
Recommends approval of the change in Future Land Use from In Progress to Residential Very Low Suburban and finds the proposed amendment consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, recommending approval of the future land use amendment, based on the findings and facts presented in the staff report and exhibits.

Planning Commission:
At the December 9, 2025 meeting, the Planning Commission unanimously recommended approval of the future land use amendment, based on the findings and facts presented in the staff report and exhibits.

Recommended Motion – City Council:
Accept First Reading of Ordinance No. 3140 and hold it over for Second Reading and Adoption.

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:
1. Ordinance Number 3140
2. 1030 E Sandpiper Street Map Series
3. OCPS Capacity Determination Exemption
4. Newspaper Advertisement (November 7)

ORDINANCE NO. 3140

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM IN PROGRESS TO RESIDENTIAL VERY LOW SUBURBAN FOR PROPERTY OWNED BY LINCOLN DOUGLAS HAYNES AND LAUREN ELIZABETH HAYNES; LOCATED AT 1030 E. SANDPIPER STREET; COMPRISING 1.79 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka adopted the City's Comprehensive Plan by Ordinance No. 653 on October 2, 1991, in accordance with the laws of the State of Florida; and

WHEREAS, the City of Apopka is committed to planning and managing the future growth and development of the City; and

WHEREAS, the City Council of the City of Apopka has the authority to amend its Comprehensive Plan pursuant to Chapter 163, *Florida Statutes*; and

WHEREAS, the City of Apopka Planning Commission held a public hearing on December 9, 2025, to consider this small-scale amendment to the Future Land Use Map of the Comprehensive Plan and determined that this amendment is internally consistent with the City's Comprehensive Plan; and

WHEREAS, the City Council of the City of Apopka held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, the City of Apopka has complied with all requirements and procedures of Florida law in processing this small-scale amendment to the City's Comprehensive Plan; and

WHEREAS, the City Council of the City of Apopka hereby finds and determines that this amendment is internally consistent with the City's Comprehensive Plan.

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 Community Planning Act. The City of Apopka has complied with all requirements of Florida Law in processing this ordinance. The recitals set forth above recitals are hereby adopted.

Section II. Future Land Use Map Amendment. Page 1-32 (Map 1-6) of the Future Land Use Element of the City of Apopka Comprehensive Plan, is hereby amended to change the land use from In Progress to Residential Very Low Suburban for Lincoln Douglas Haynes and Lauren Elizabeth Haynes at 1030 E. Sandpiper Street, comprising 1.79 acres more or less; as shown and further described in Exhibit "A" attached hereto.

Section III. Applicability and Effect. The applicability and effect of the City of Apopka Comprehensive Plan shall be as provided by the Community Planning Act as set forth in Chapter 163, *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. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed**.**

Section VI. Effective Date. This Ordinance shall become effective thirty-one (31) days after adoption. If challenged within thirty (30) days after adoption, the Ordinance shall become effective after the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small-scale development amendment is in compliance with applicable law.

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this _____ day of _____, 2026.

READ FIRST TIME: January 7, 2026

READ SECOND TIME AND ADOPTED:

ATTEST:

_____ _____

Susan Bone, City Clerk Bryan Nelson, Mayor

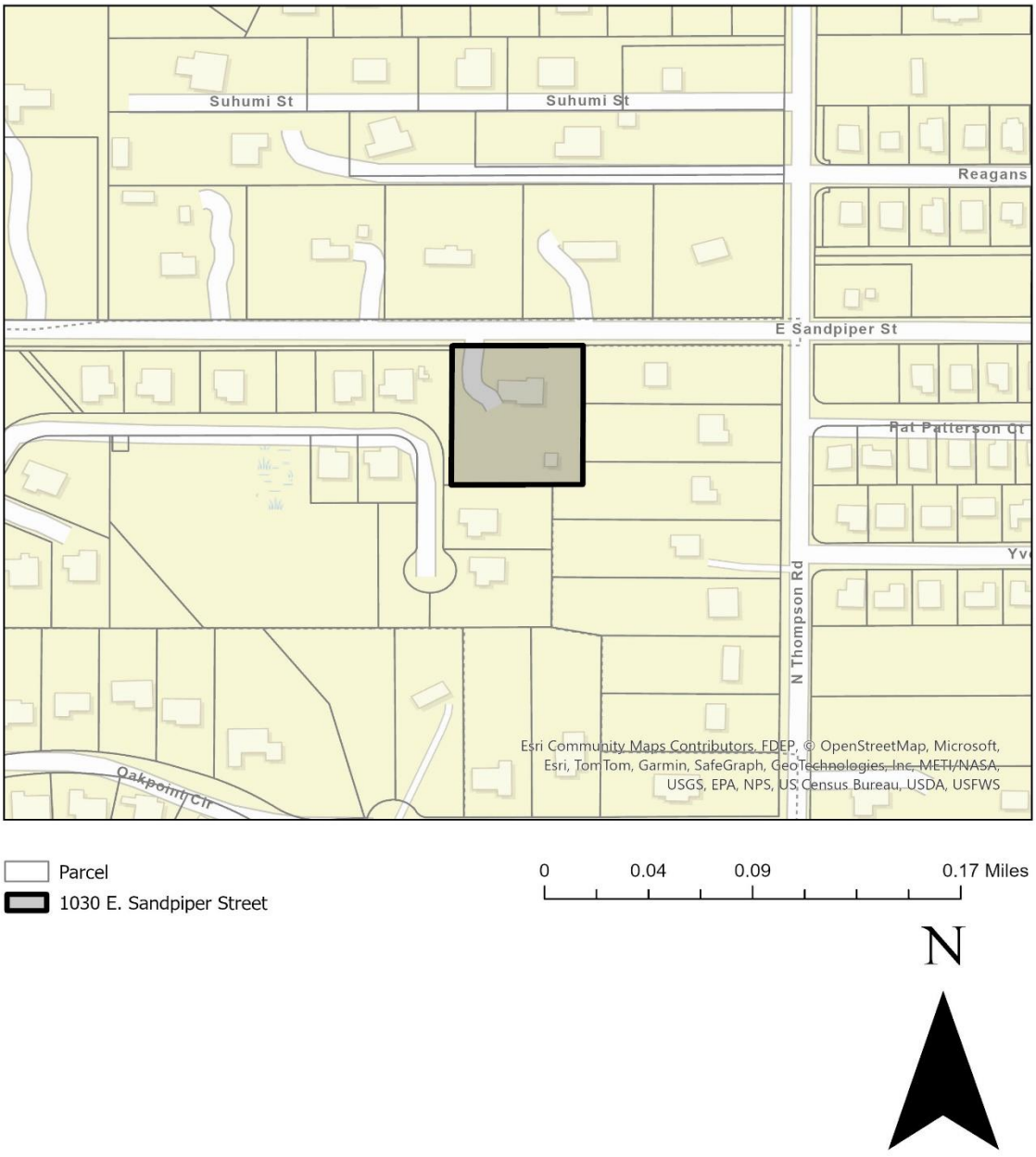
Approved as to form and legal sufficiency:

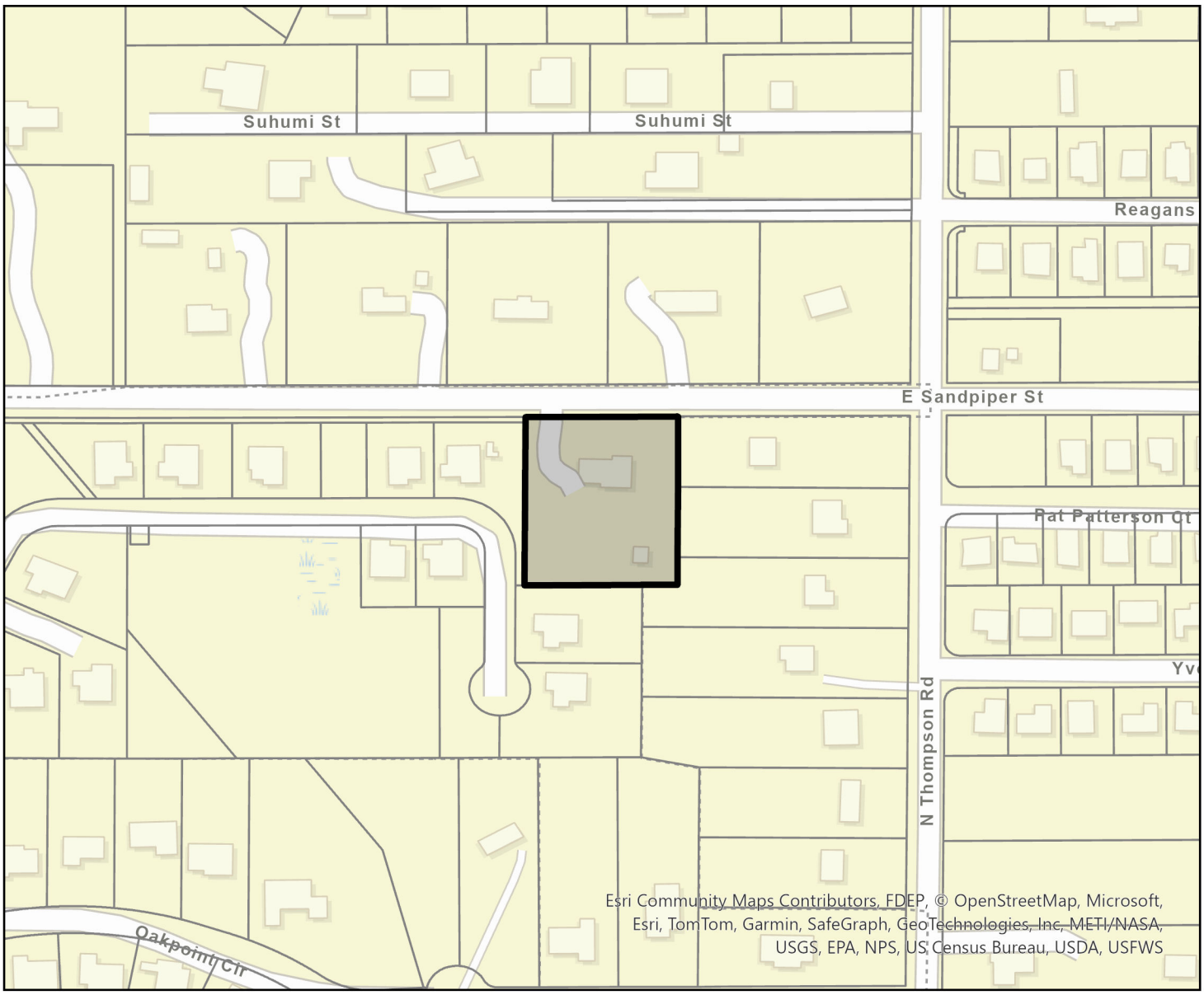
_____

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 7, 2025

EXHIBIT "A"
Parcel Identification Number(s): 02-21-28-0000-00-112
Acreage: 1.79 +/- Acres



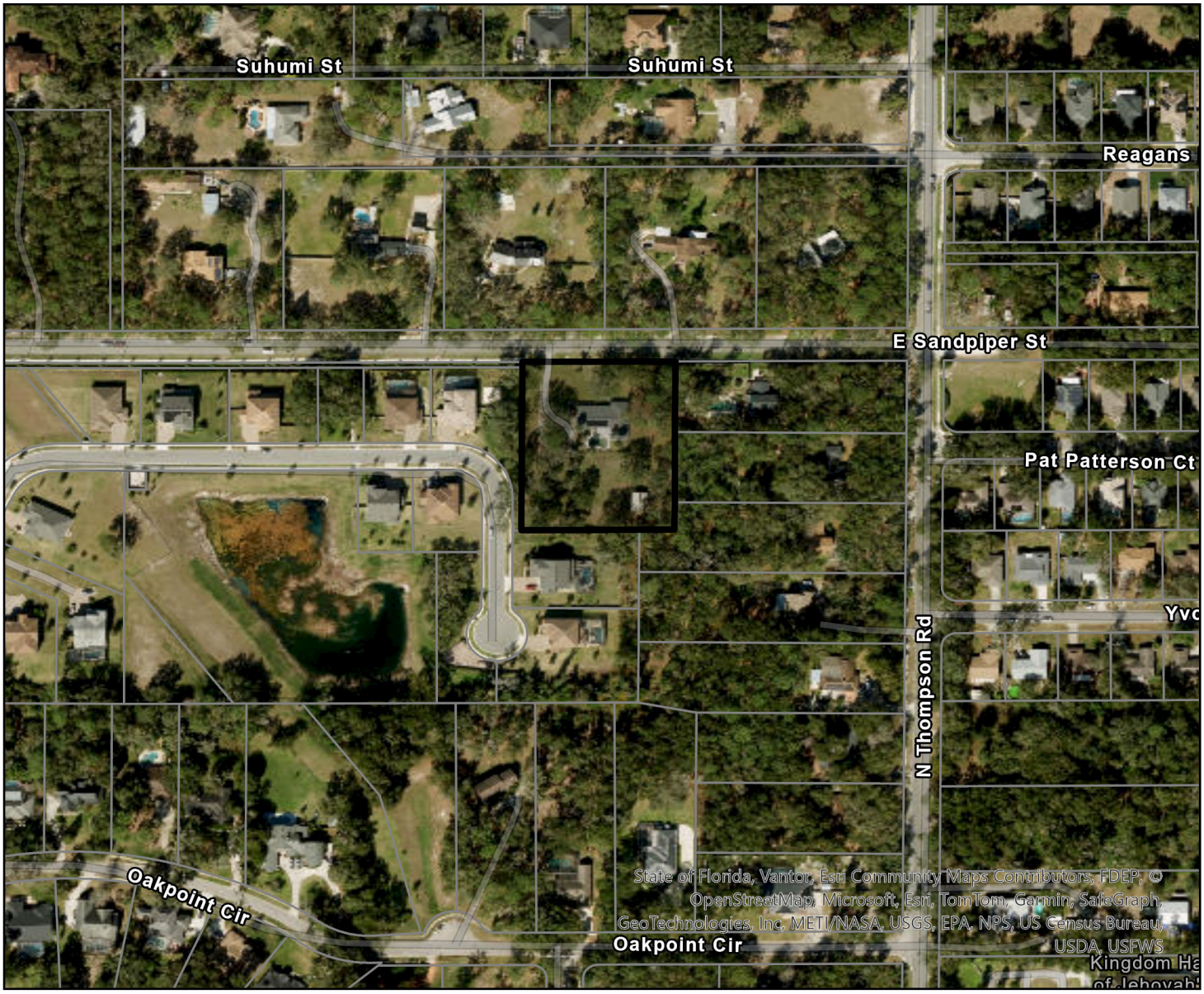


Parcel

1030 E. Sandpiper Street

0 0.04 0.09 0.17 Miles

N

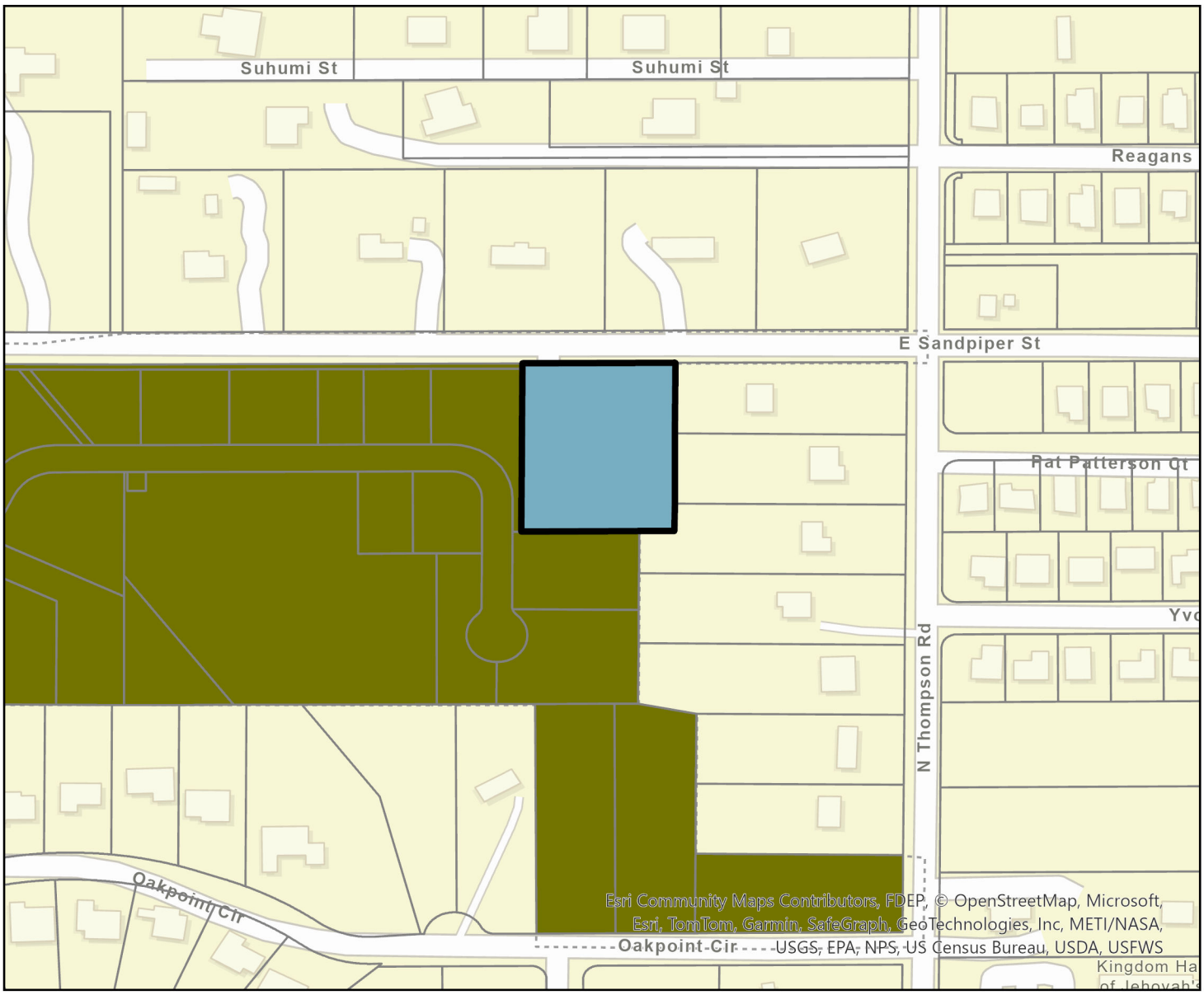


Parcel

1030 E. Sandpiper Street

0 0.04 0.09 0.17 Miles

N



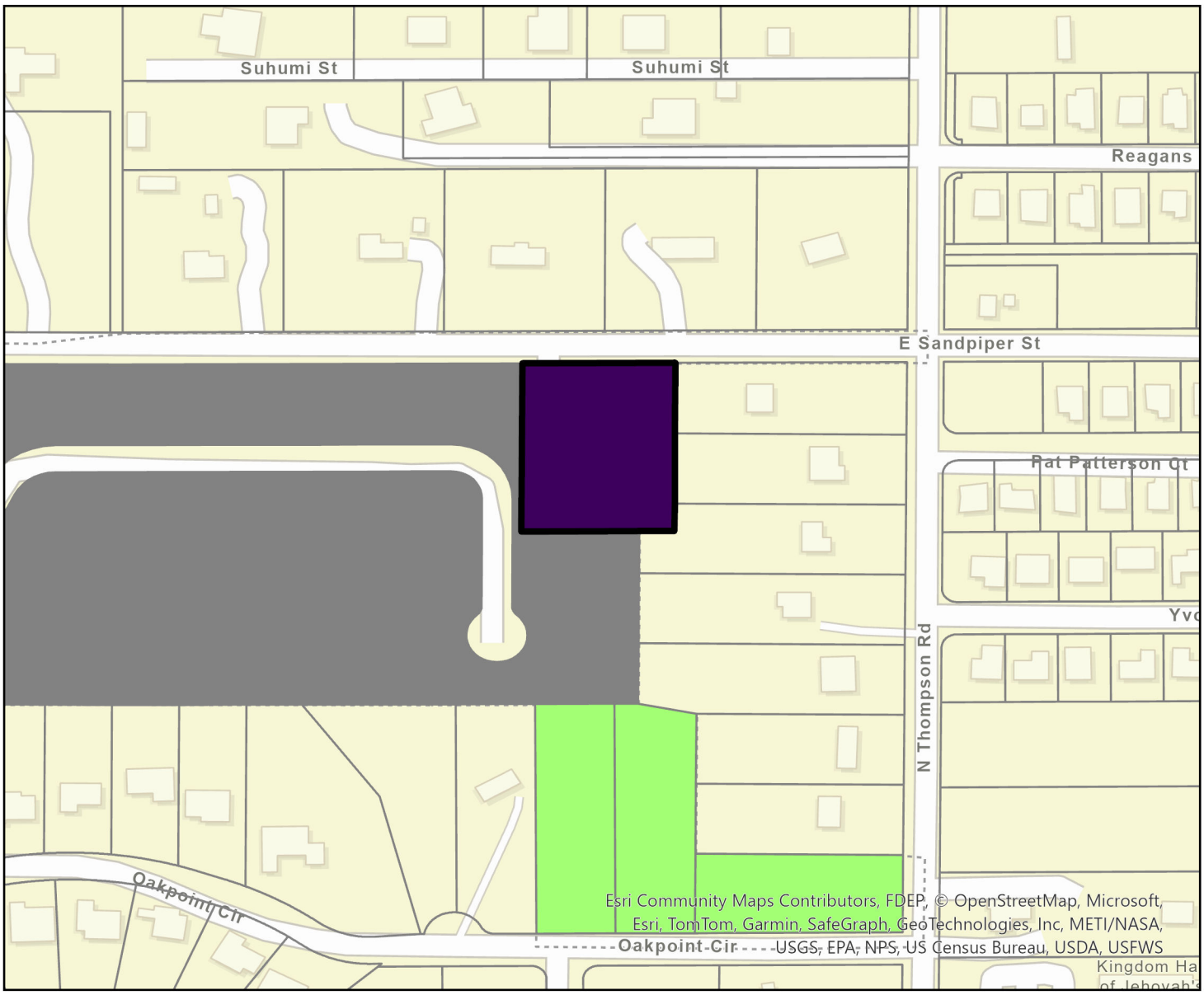
Parcel

Apopka Future Land Use

- AG
- AG-E
- AG-HOME
- COMM
- CONSV
- FLU-IP
- HDR-25
- IND
- INST_PU
- MU
- OFF
- PR
- RE
- RH
- RL
- RLS
- RM
- RML
- RS
- RVLS
- 1030 E. Sandpiper Street

0 0.04 0.09 0.17 Miles

N



Parcel

Apopka Zoning

- AG
- AIR
- C-C
- C-COR
- C-N
- C-R
- I-H
- I-L
- INST
- MHP
- MU-D
- MU-ES-GT
- MU-INT
- MU-MED
- MU-N
- MU-T
- MU-VC
- O
- PD
- PR
- RCE
- RMF
- RSF-1A
- RSF-1B
- RTF
- T
- 1030 E. Sandpiper Street

0 0.04 0.09 0.17 Miles

N

Outlook

Re: FLU / RZ 1030 E Sandpiper Street

From Amer Hamza <AHamza@Apopka.net>
Date Mon 10/6/2025 3:19 PM
To Mills, Christopher C. <Christopher.Mills@ocps.net>
Cc Bobby Howell <BHowell@Apopka.net>; Jean Sanchez <JeSanchez@apopka.net>

Thank you for the update.

Amer Hamza
Planner I
City of Apopka
407-703-1684

From: Mills, Christopher C. <Christopher.Mills@ocps.net>
Sent: Monday, October 6, 2025 3:17 PM
To: Amer Hamza <AHamza@Apopka.net>
Cc: Bobby Howell <BHowell@Apopka.net>; Jean Sanchez <JeSanchez@apopka.net>
Subject: RE: FLU / RZ 1030 E Sandpiper Street

Thank you very much for that explanation.

OCPS considers this to be de minimis and as such a Capacity Determination is not necessary for this project.

Christopher

Christopher C. Mills, AICP
Senior Administrator, Facilities Planning
Orange County Public Schools
6501 Magic Way, Building 200
Orlando, FL 32809
Tel: 407-317-3700 ext. 2022391
planning.ocps.net

From: Amer Hamza <AHamza@Apopka.net>
Sent: Monday, October 6, 2025 3:16 PM
To: Mills, Christopher C. <Christopher.Mills@ocps.net>
Cc: Bobby Howell <BHowell@Apopka.net>; Jean Sanchez <JeSanchez@apopka.net>
Subject: Re: FLU / RZ 1030 E Sandpiper Street

⚠ **CAUTION:** This email originated from outside of Orange County Public Schools. Do not click links or open attachments unless you know the content is safe.

The new Future Land Use designation of Residential Very Low Suburban which will allow a total of 3 units as the density would be 2 units an acre. However, the lot requirements for the proposed zoning (Residential Country Estate) would not allow the current lot to be subdivided as the frontage of each lot needs to have a minimum of 130 feet. The current lot has a frontage of 250 feet so minimum of 260 feet of frontage would be needed to divide a lot with the proposed zoning into two lots. The current primary structure would also need to be demolished which the applicant does not intend to do. The applicant applied for the FLU amendment/Rezoning change to be able to build an Accessory Dwelling Unit in the future as the current zoning is Transitional (T) and the current future land use is In-Progress.

Thank You,

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From: Mills, Christopher C. <Christopher.Mills@ocps.net>
Sent: Monday, October 6, 2025 3:07 PM
To: Amer Hamza <AHamza@Apopka.net>
Cc: Bobby Howell <BHowell@Apopka.net>; Jean Sanchez <JeSanchez@apopka.net>
Subject: RE: FLU / RZ 1030 E Sandpiper Street

Under the new designations for FLU and Zoning, would the applicant be able to subdivide and build three additional units in the future?

Christopher

_____
Christopher C. Mills, AICP
Senior Administrator, Facilities Planning
Orange County Public Schools
6501 Magic Way, Building 200
Orlando, FL 32809
Tel: 407-317-3700 ext. 2022391
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Cc: Bobby Howell <BHowell@Apopka.net>; Jean Sanchez <JeSanchez@apopka.net>
Subject: FLU / RZ 1030 E Sandpiper Street

You don't often get email from ahamza@apopka.net. Learn why this is important
⚠ **CAUTION:** This email originated from outside of Orange County Public Schools. Do not click links or open attachments unless you know the content is safe.

Good Afternoon,

Responding to your question regarding 1030 E Sandpiper Street FLU/RZ, yes this is for one lot/one dwelling unit.

Thank You,

Amer Hamza
Planner I
City of Apopka
407-703-1684

The information contained in this e-mail message is intended solely for the recipient(s) and may contain privileged information. Tampering with or altering the contents of this message is prohibited. This information is the same as any written document and may be subject to all rules governing public information according to Florida Statutes. Any message that falls under Chapter 119 shall not be altered in a manner that misrepresents the activities of Orange County Public Schools. [References: Florida State Constitution I.24, Florida State Statutes Chapter 119, and OCPS Management Directive A-9.] If you have received this message in error, or are not the named recipient notify the sender and delete this message from your computer.

See Proof on Next Page

AFFIDAVIT OF PUBLICATION

The Apopka Chief
400 N. Park Avenue, Apopka, FL 32712
(407) 886-2777

I, J.C. Derrick, of lawful age, being duly sworn upon oath, deposes and says that I am the Publisher of The Apopka Chief, a publication that is a "legal newspaper" as that phrase is defined for the city of Apopka, for county of Orange, in the state of Florida, that this affidavit is 1 of 3 with the full text of the sworn-to notice set forth on the page(s) that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

Publication Dates:
- Nov 7, 2025

Notice ID: pEfHYeLGluMKv1mogUJT

Notice Name: City of Apopka ord. 3140 and 3141 11-7

J. C. Derrick
Publisher

VERIFICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Signed or attested before me on this

7 day of November, A.D. 2025.

Nancy C Thomas
Notary Public

Notary Public State of Florida
Nancy C Thomas
My Commission HH 688639
Expires 7/4/2029

CITY OF APOPKA
PUBLIC HEARING NOTICE
CHANGE OF FUTURE LAND USE AND CHANGE OF ZONING

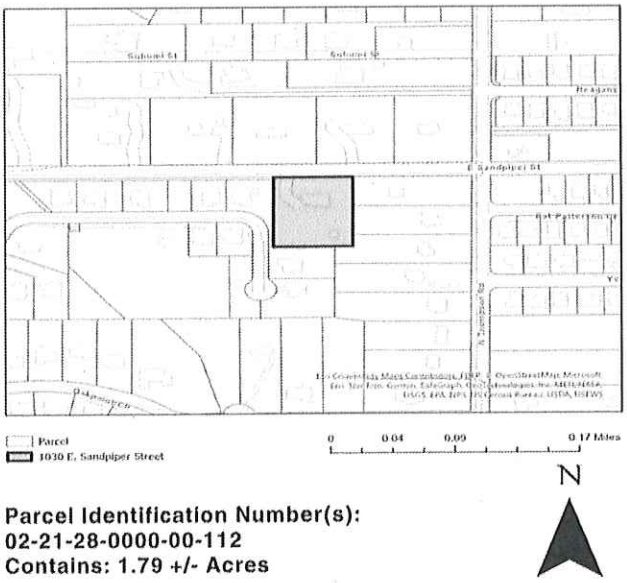
NOTICE is hereby given pursuant to Secs. 163.3184 and 166.041(3)(a), Florida Statutes and the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.4.7.B, that **Lincoln Douglas Haynes** has made application relating to the following described property.

ORDINANCE NO. 3140

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE FUTURE LAND USE FROM IN PROGRESS TO RESIDENTIAL VERY LOW SUBURBAN, FOR PROPERTY LOCATED AT 1030 E. SANDPIPER STREET; OWNED BY LINCOLN DOUGLAS HAYNES AND LAUREN ELIZABETH HAYNES COMPRISING 1.79 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

ORDINANCE NO. 3141

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM T (TRANSITIONAL) TO RCE (RESIDENTIAL COUNTRY ESTATE), FOR PROPERTY LOCATED AT 1030 E. SANDPIPER STREET; OWNED BY LINCOLN DOUGLAS HAYNES AND LAUREN ELIZABETH HAYNES COMPRISING 1.79 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.



Parcel Identification Number(s):
02-21-28-0000-00-112
Contains: 1.79 +/- Acres

Notice is given that the **City of Apopka Planning Commission** will hold a public hearing at its regularly scheduled meeting in the City Council Chambers of the Apopka City Hall, 120 E. Main Street, Apopka, Florida on T**uesday, December 9, 2025 beginning at 5:30 P.M.**, or as soon thereafter as possible.

FURTHER NOTICE is given that a public hearing for Ordinance Numbers 3140 & 3141 will be held by the **City of Apopka City Council** at its regularly scheduled meeting in the City Council Chambers of the Apopka City Hall, 120 E. Main Street, Apopka, Florida on **Wednesday, January 7, 2026 beginning at 1:30 P.M.**

Affected parties and the public may appear at the above listed hearings to speak. The proposed Small-Scale Future Land Use and Rezoning Applications can be inspected at the Apopka Community Development Department located at Apopka City Hall on weekdays between the hours of 8:00 a.m. and 4:30 p.m. City Hall address shown below. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to

participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

Apopka City Council
Apopka Planning Commission
Community Development Department

November 7, 2025

City of Apopka
CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)
Item #: 4.
Meeting Date: January 7, 2026
Department: Community Development

SUBJECT:
Ordinance No. 3141 - First Reading - Change of Zoning - 1030 E. Sandpiper Street

ACTION ITEM INFORMATION:
Owner(s): Lincoln Douglas Haynes and Lauren Elizabeth Haynes
Applicant(s): Lincoln Douglas Haynes
Location: 1030 E. Sandpiper Street
Project: 1.79 +/- Acres
Density: N/A
Project Manager: Amer Hamza

REQUEST:
Accept First Reading of Ordinance No. 3141 and hold it over for Second Reading and Adoption.

SUMMARY:
Owner(s): Lincoln Douglas Haynes and Lauren Elizabeth Haynes
Applicant: Lincoln Douglas Haynes
Parcel Identification Number(s): 02-21-28-0000-00-112
Location: 1030 E. Sandpiper Street
Existing Future Land Use: In-Progress
Proposed Future Land Use: Residential Very Low Suburban
Existing Use(s): Single Family Residence
Existing Zoning: T (Transitional)
Tract Size: 1.79 +/- Acres

Direction	Future Land Use	Zoning	Present Use
North	County Low Density Residential	County A-1	Single Family Residence, Single Family Residence
East	County Low Density Residential	County R-CE	Single Family Residence, Single Family Residence, Single Family Residence
South	Residential Very Low Suburban, County Low Density Residential	PD (Planned Development), County R-CE	Single Family Residence, Single Family Residence
West	Residential Very Low Suburban	PD (Planned Development)	Single Family Residence

PROJECT SUMMARY:
The applicant is requesting the rezoning of the property from the current zoning of T (Transitional) Zoning District to RCE (Residential Country Estate). The subject property is located at 1030 E. Sandpiper Street just west of N. Thompson Road and east of Ustler Road. The subject property has a total area of 1.79 acres and currently has an existing single-family residence. There are other properties to the south of the subject property with the proposed

RCE (Residential Country Estate) Zoning. The applicant plans to apply for a special exception permit at a later date to be able to build an Accessory Dwelling Unit (ADU) on the subject property for his elderly parents to reside in. Approval of the rezoning does not constitute approval of the ADU on the property.

Land Development Code Section 2.5.1.D.3 requires the Council to weigh the relevance of and consider whether and the extent to which the proposed amendment:

a. Is consistent with and furthers the goals, objectives and policies of the comprehensive plan and other adopted City plans;
- Applicant's response: The proposed RCE zoning and Residential Very Low Suburban future land use is consistent with and furthers the goals, objectives and policies of the comprehensive plan and other adopted City plans.
- Staff response: Staff has no objection.

b. Is in conflict with any provisions of the LDC;
- Applicant's response: No conflict with any portion of LDC.
- Staff response: Staff has no objection.

c. Addresses a demonstrated community need;
- Applicant's response: Yes, providing a space for elderly parents to remain Apopka residents and age in place.
- Staff response: Staff has no objection.

d. Is required by changed conditions;
- Applicant's response: The property is currently under transition zoning and requires changed conditions.
- Staff response: Staff has no objection.

e. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
- Applicant's response: Zoning is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land.
- Staff response: Staff has no objection.

f. Would result in a logical and orderly development pattern;
- Applicant's response: Zoning would result in a logical and orderly development pattern.
- Staff response: Staff has no objection.

g. Would not result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
- Applicant's response: Zoning would not result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
- Staff response: Staff has no objection.

h. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).
- Applicant's response: Yes, this would result in development that is adequately served by public facilities.
- Staff response: Staff has no objection.

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 October 6, 2025.

SCHOOL CAPACITY REPORT:
OCPS determined that this rezoning application is de minimis and does not require a school capacity report. The property is zoned for Clay Springs Elementary, Apopka Middle, and Apopka High School.

PUBLIC HEARING SCHEDULE:
December 9, 2025 – Planning Commission (5:30 P.M.)

January 7, 2026 – City Council (1:30 P.M.), First Reading
January 21, 2026 – City Council (7:00 P.M.), Second Reading and Adoption

DULY ADVERTISED:
November 7, 2025 – Apopka Chief
November 5, 2025 – Mailed notices to adjacent property owners
November 3, 2025 – Posters placed on property

FUNDING SOURCE:
N/A

RECOMMENDED MOTION:
Development Review Committee (DRC):
Recommends approval of the Change of Zoning from T (Transitional) to RCE (Residential Country Estate), finding the proposed change consistent with the Comprehensive Plan and Land Development Code, and compatible with the character of the surrounding areas, based on the findings and facts presented in the staff report and exhibits.

Planning Commission:
At the December 9, 2025 meeting, the Planning Commission unanimously recommended approval of the change of zoning, based on the findings and facts presented in the staff report and exhibits.

Recommended Motion – City Council:
Accept first reading of Ordinance No. 3141 and hold it over for Second Reading and Adoption.

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

ATTACHMENTS:
1. Ordinance Number 3141
2. 1030 E Sandpiper Street Map Series
3. Advertisement on Newspaper (November 7)
4. OCPS Capacity Determination Exemption

ORDINANCE NO. 3141

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM T (TRANSITIONAL) TO RCE (RESIDENTIAL COUNTRY ESTATE), FOR PROPERTY LOCATED AT 1030 E. SANDPIPER STREET; OWNED BY LINCOLN DOUGLAS HAYNES AND LAUREN ELIZABETH HAYNES; COMPRISING 1.79 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

WHEREAS, the applicant, Lincoln Douglas Haynes, on behalf of the fee simple owners of the Property, submitted an application for a change in zoning on the Property identified and depicted in Exhibit "A," attached hereto, from T (Transitional) to RCE (Residential Country Estate); and

WHEREAS, the proposed RCE (Residential Country Estate) District rezoning of the Property is consistent with the City's Comprehensive Plan and Land Development Code; and

WHEREAS, the City of Apopka Planning Commission, sitting as the Local Planning Agency, recommended approval of the change in the zoning of the Property and found that the rezoning is consistent with the City's Comprehensive Plan; and

WHEREAS, the City of Apopka has followed all statutory and Code requirements for noticing and advertising this rezoning Ordinance and public hearings associated with the rezoning; and

WHEREAS, the City Council has received public input on the rezoning and a recommendation from staff; and

WHEREAS, the City Council of the City of Apopka finds that the applicants have met the necessary criteria for rezoning under City's Land Development Code and that rezoning serves a legitimate public purpose and will not adversely affect the public interest.

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

Section I. Findings and Intent. The City of Apopka has complied with all requirements and procedures of Florida Law in processing this Ordinance. The recitals set forth above are hereby adopted.

Section II. Rezoning. The Property described and shown in Exhibit "A", being situated in the City of Apopka, Florida, is hereby rezoned and assigned the RCE (Residential Country Estate) Zoning District, as defined in the Apopka Land Development Code.

Section III. Zoning Map. The Official Zoning Map of the City of Apopka shall be amended to conform to the zoning assignment approved in Section 2 of this Ordinance. The Community Development Director, or the Director's designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

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

Section V. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section VI. Effective Date. This Ordinance shall become effective immediately following such time that its companion future land use map amendment ordinance (Ordinance 3140) takes effect.

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this ____ day of _____, 2026.

READ FIRST TIME: January 7, 2026

READ SECOND TIME AND ADOPTED:

ATTEST:

_____ _____

Susan Bone, City Clerk Bryan Nelson, Mayor

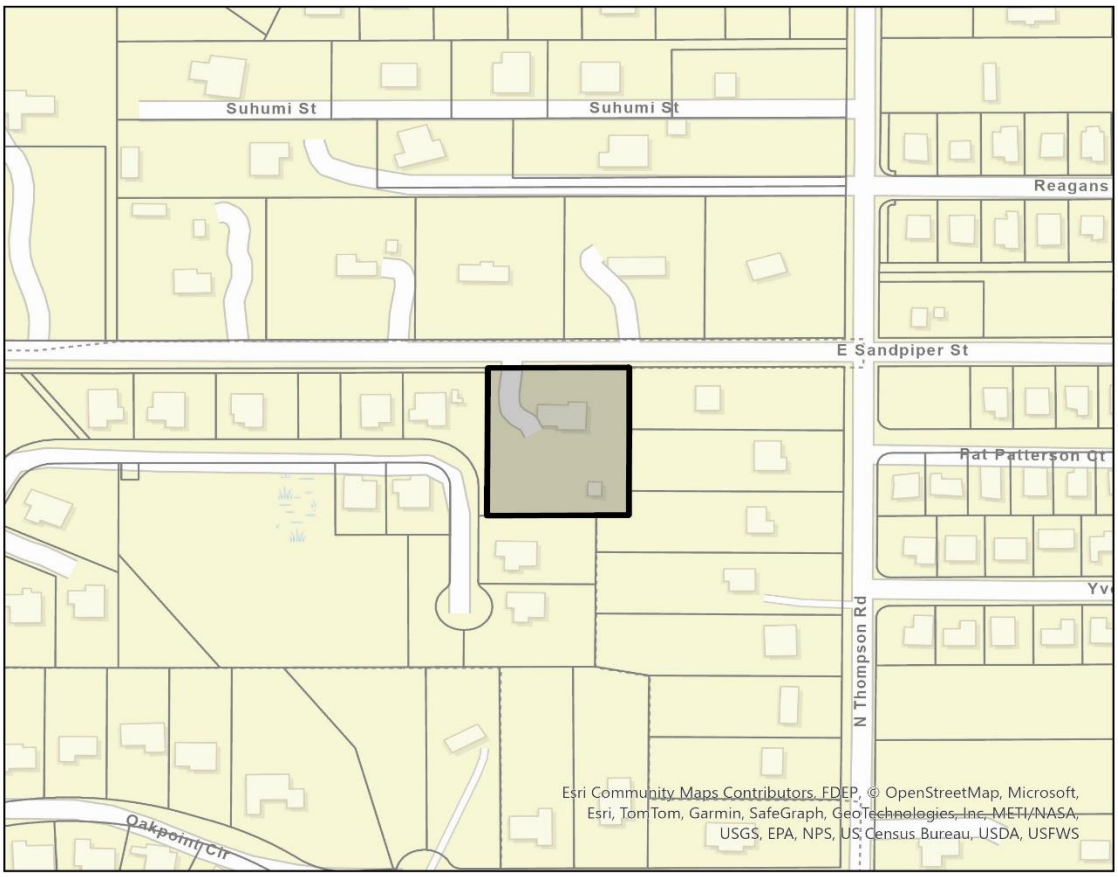
Approved as to form and legal sufficiency:

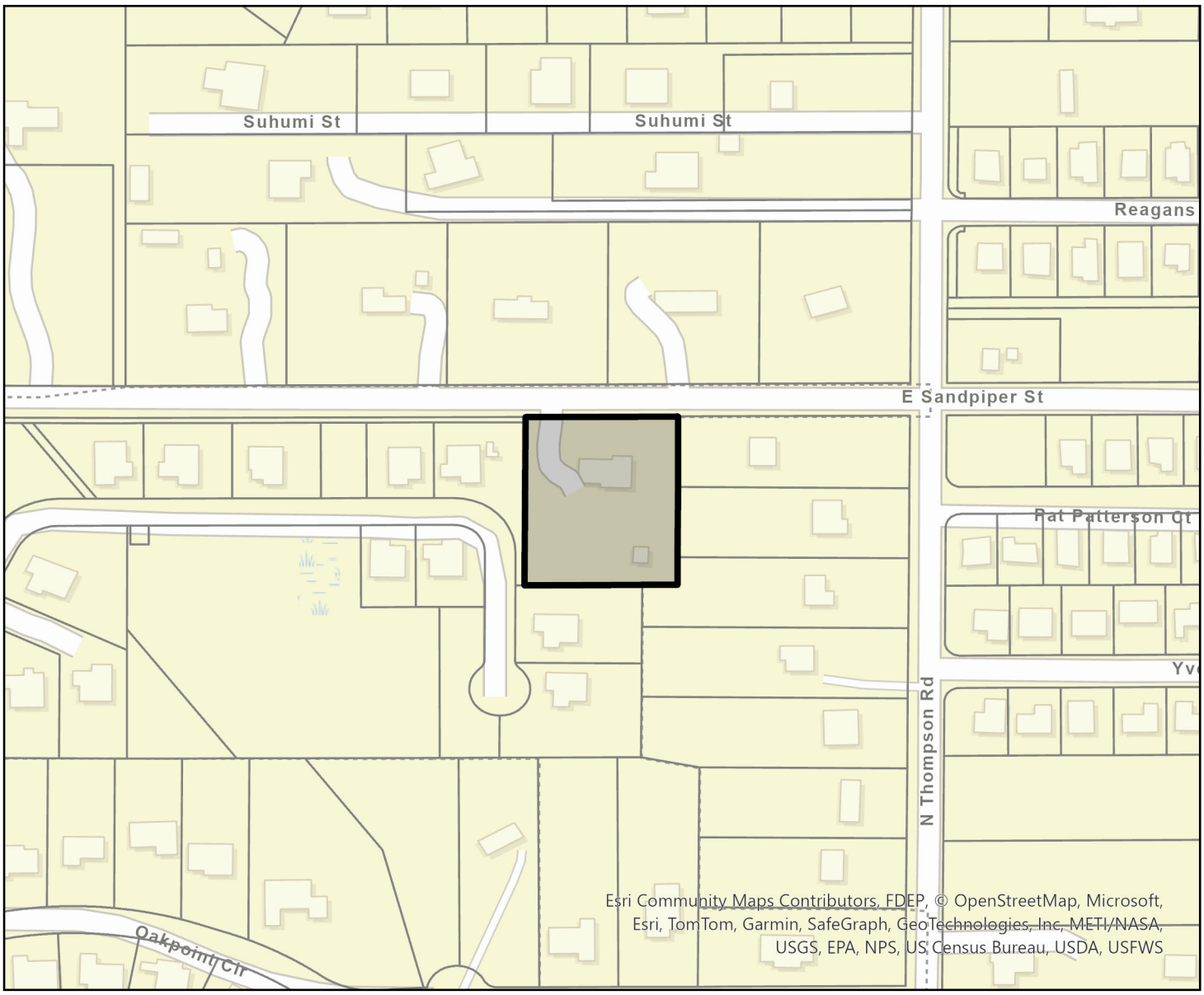
_____

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 7, 2025

EXHIBIT A
Parcel Identification Number(s): 02-21-28-0000-00-112
Acreage: 1.79 +/- Acres



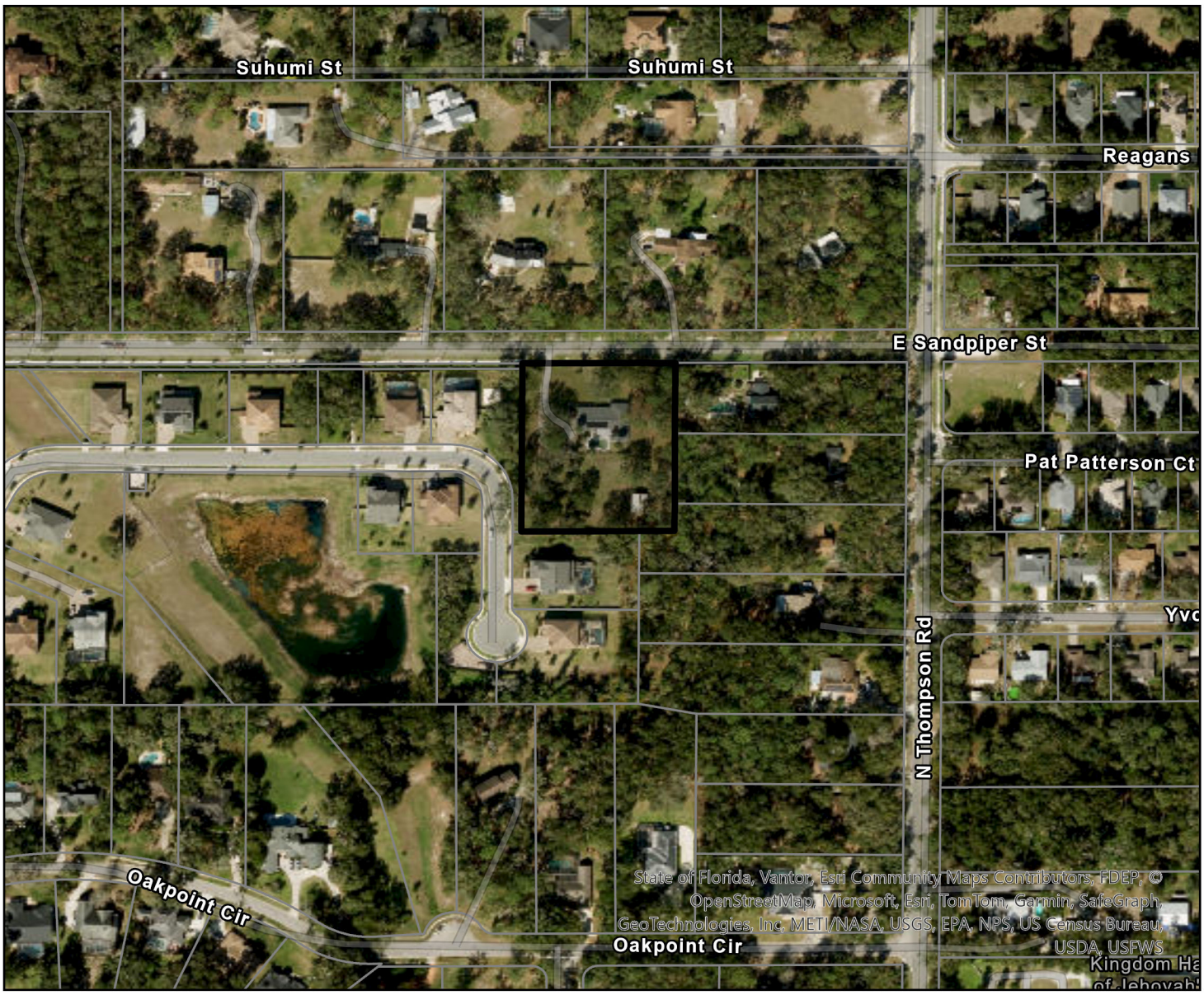


Parcel

1030 E. Sandpiper Street

0 0.04 0.09 0.17 Miles

N



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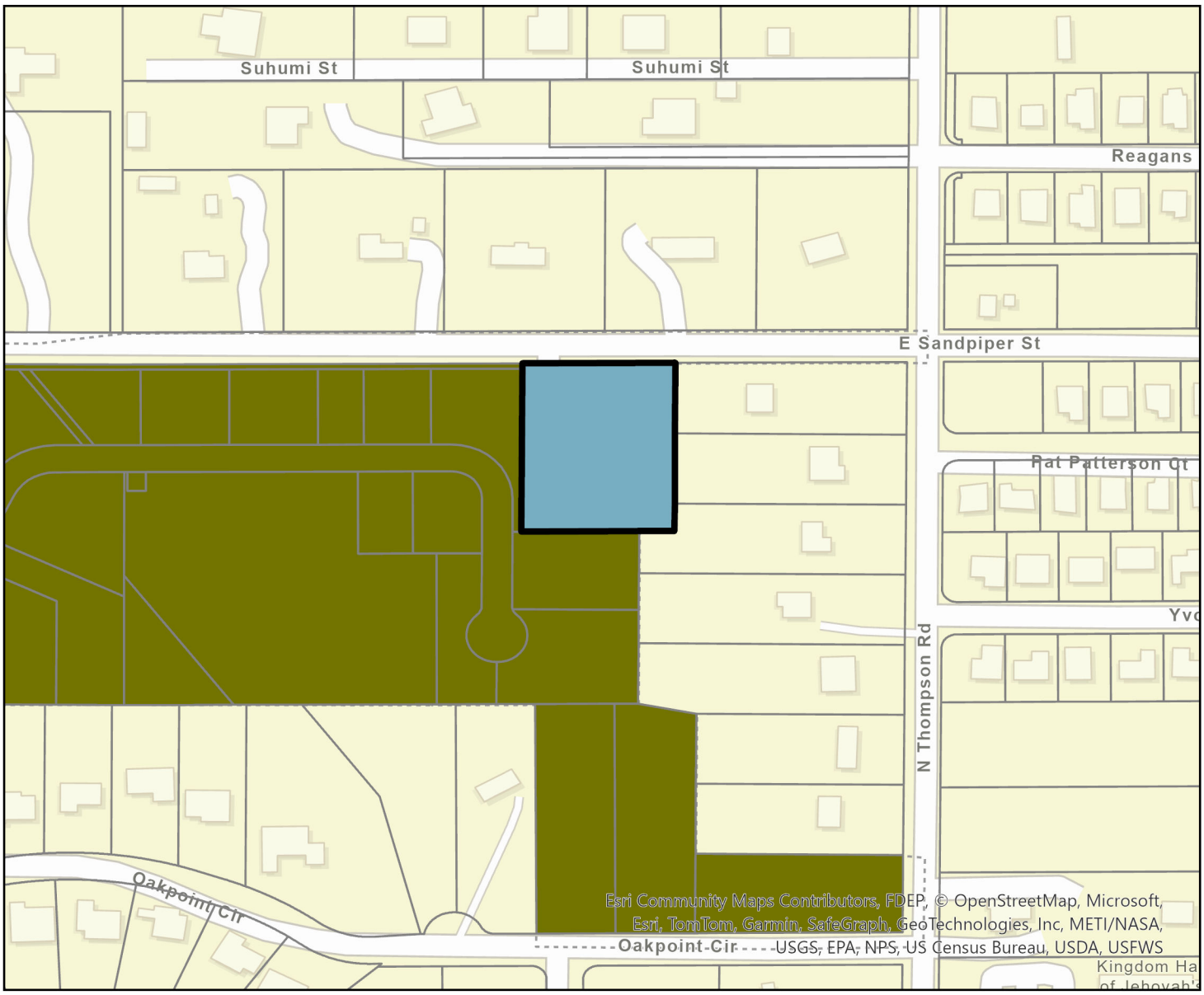


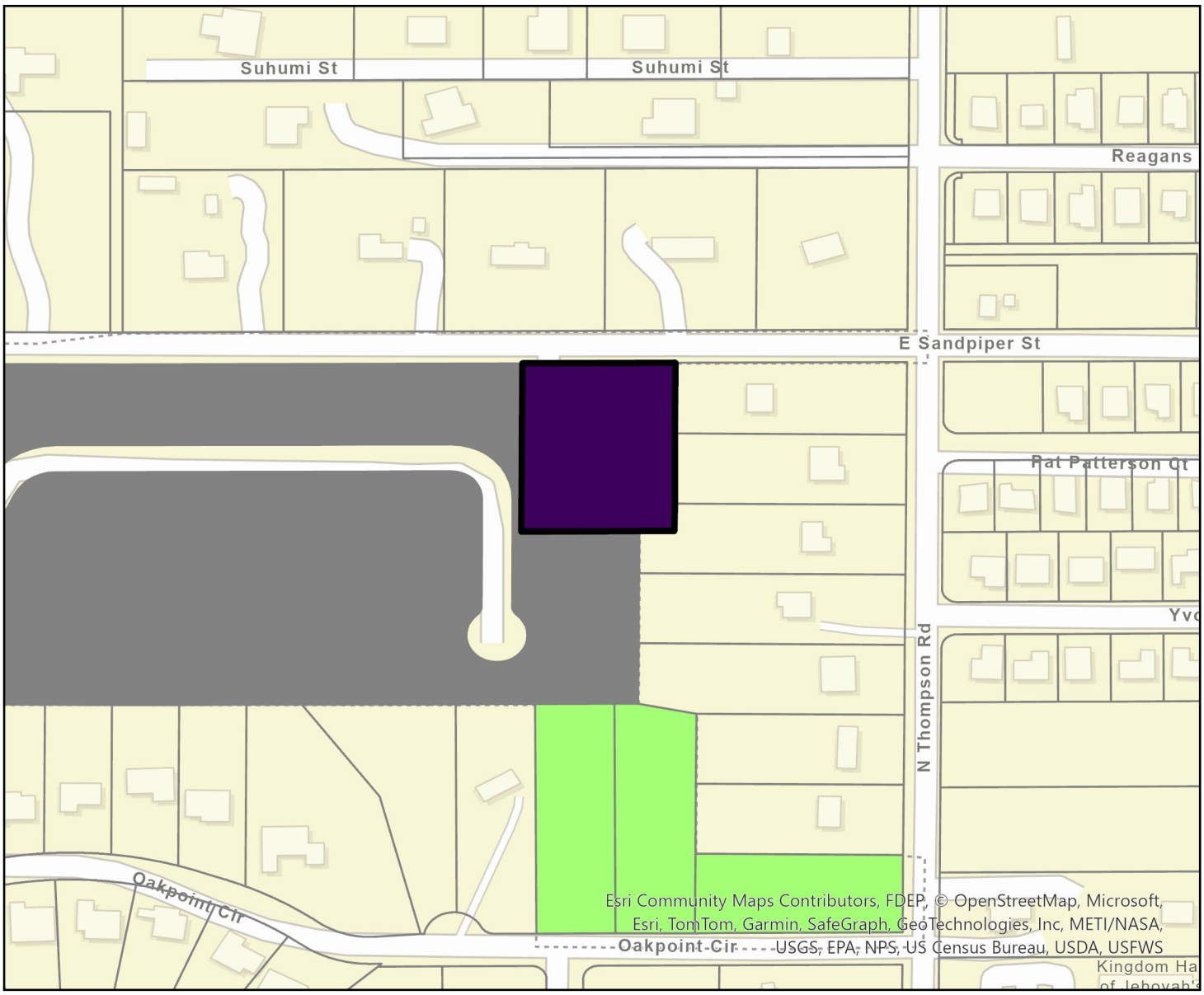
Parcel

Apopka Future Land Use

- AG
- AG-E
- AG-HOME
- COMM
- CONSV
- FLU-IP
- HDR-25
- IND
- INST_PU
- MU
- OFF
- PR
- RE
- RH
- RL
- RLS
- RM
- RML
- RS
- RVLS
- 1030 E. Sandpiper Street

0 0.04 0.09 0.17 Miles

N



Parcel

Apopka Zoning

- AG
- AIR
- C-C
- C-COR
- C-N
- C-R
- I-H
- I-L
- INST
- MHP
- MU-D
- MU-ES-GT
- MU-INT
- MU-MED
- MU-N
- MU-T
- MU-VC
- O
- PD
- PR
- RCE
- RMF
- RSF-1A
- RSF-1B
- RTF
- T
- 1030 E. Sandpiper Street

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See Proof on Next Page

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Notice ID: pEfHYeLGluMKv1mogUJT

Notice Name: City of Apopka ord. 3140 and 3141 11-7

J. C. Derrick
Publisher

VERIFICATION

STATE OF FLORIDA
COUNTY OF ORANGE

Signed or attested before me on this

7 day of November, A.D. 2025.

Nancy C Thomas
Notary Public

Notary Public State of Florida
Nancy C Thomas
My Commission HH 688639
Expires 7/4/2029

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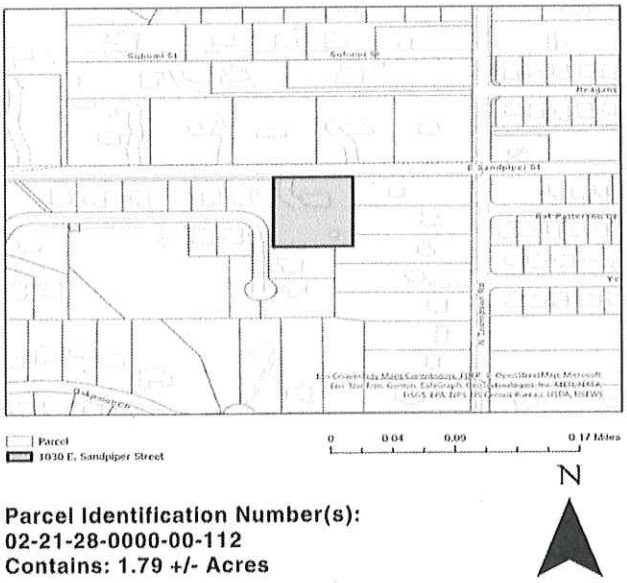

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Apopka City Council
Apopka Planning Commission
Community Development Department

November 7, 2025

Outlook

Re: FLU / RZ 1030 E Sandpiper Street

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City of Apopka
407-703-1684

From: Mills, Christopher C. <Christopher.Mills@ocps.net>
Sent: Monday, October 6, 2025 3:07 PM
To: Amer Hamza <AHamza@Apopka.net>
Cc: Bobby Howell <BHowell@Apopka.net>; Jean Sanchez <JeSanchez@apopka.net>
Subject: RE: FLU / RZ 1030 E Sandpiper Street

Under the new designations for FLU and Zoning, would the applicant be able to subdivide and build three additional units in the future?

Christopher

_____
Christopher C. Mills, AICP
Senior Administrator, Facilities Planning
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From: Amer Hamza <AHamza@Apopka.net>
Sent: Monday, October 6, 2025 3:06 PM
To: Mills, Christopher C. <Christopher.Mills@ocps.net>
Cc: Bobby Howell <BHowell@Apopka.net>; Jean Sanchez <JeSanchez@apopka.net>
Subject: FLU / RZ 1030 E Sandpiper Street

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Good Afternoon,

Responding to your question regarding 1030 E Sandpiper Street FLU/RZ, yes this is for one lot/one dwelling unit.

Thank You,

Amer Hamza
Planner I
City of Apopka
407-703-1684

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City of Apopka
CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)
Item #: 5.
Meeting Date: January 7, 2026
Department: Community Development

SUBJECT:
Ordinance No. 3147 - First Reading - Paulucci Acres Planned Development (PD) Rezoning, PD Master Plan, and PD Agreement

ACTION ITEM INFORMATION:
Owner(s): Paulucci Acres, LLC.
Applicant(s): Daniel O'Keefe, Shutts & Bowen, LLP
Location: Generally located east of Vick Road, East of Jason Dwelley Parkway, North and South of Ponkan Road, South and East of Pittman Road, and East of Ponkan Summitt Drive
Project: Paulucci Acres
Density: 1.67 du/ac
Project Manager: Bobby Howell, AICP

REQUEST:
Accept First Reading of Ordinance No. 3147, PD Rezoning, PD Master Plan, and PD Agreement and hold it over for Second Reading and Adoption.

SUMMARY:
This chart includes the relationships to adjacent properties.

Direction	Future Land Use	Zoning	Present Use
North	County Rural, Low Density, City Parks & Recreation, Institutional, Residential Very Low Suburban, Residential Estate	County A-1, City PD (Planned Development), RSF-1A, MU-ES-GT, Office	Vacant property, residential uses, Wolf Lake Elementary and Middle Schools
East	County Low Density, City Residential Low Suburban,	County R-1AA, A-1, City RSF-1A, PD (Planned Development), RSF-1A, MU-ES-GT	Residential uses
South	City Residential Low Suburban, Agriculture	County AG, City PD (Planned Development), RSF-1A	Agricultural buildings, residential uses
West	County Low Density, City Residential Low Suburban, Institutional	County A-1, City Parks and Recreation, Office, RSF-1A	Wolf Lake Elementary and Middle Schools, City of Apopka Jason

			Dwelley recreational complex, residential uses

Project Overview

The subject property is approximately 618.36 acres in size and is zoned Transitional (T), RSF-1A (Residential Single-Family Estate), and MU-ES-GT (Mixed Use East Shore Gateway) and has a future land use designation of Mixed-Use, Residential Low Suburban, Residential Estate, and Commercial. The Residential Low Suburban future land use designation allow a maximum density of 3.5 dwelling units per acre, the Residential Estate future land use designation permits a maximum of 1 dwelling unit per acre, and the Mixed-Use future land use designation permits a maximum of 2 dwelling units per acre as the properties are north of Ponkan Road per the requirements of Policy 3.5 of the Future Land Use Element of the Comprehensive Plan. The subject property is located east of Vick Road, East of Jason Dwelley Parkway, North and South of Ponkan Road, South and East of Pittman Road, and East of Ponkan Summitt Drive. The proposed change of zoning to PD (Planned Development) is being requested by the prospective developer, who proposes to construct a Planned Development consisting of 1,034 lots consisting of single-family detached units and townhome units, two nonresidential properties that are proposed at the northeast and southeast corner of the intersection of Ponkan Road and Jason Dwelley Parkway, and a 145.56 acre dedication of parkland to the City that is located on the south side of Ponkan Road. The maximum density that is proposed is 1.67 dwelling units per acre. Of the 618.36 acres, 605.86 is developable. The applicant is requesting a rezoning of property from T (Transitional), RSF-1A (Residential Single-Family Estate), and MU-ES-GT (Mixed Use East Shore Gateway) to PD (Planned Development District).

Per Land Development Code Section 3.7.2.A the purpose of the Planned Development - (PD) zoning district is to encourage innovative, integrated, and efficient land planning and physical design concepts. The planned development district is intended to achieve a high quality of development, environmental sensitivity, energy efficiency, and adequate public facilities and services, and other goals and objectives by:
(1) Reducing the inflexibility of zoning district standards that sometimes results from strict application of the base district, and development and form standards;
(2) Allowing greater flexibility in selecting: the form and design of development, the ways by which pedestrians and traffic circulate, how the development is located and designed to respect the natural features of the land and protect the environment, the location and integration of open space and civic space into the development, and design amenities;
(3) Encouraging a greater mix of land uses within the same development;
(4) Allowing more efficient use of land, with smaller networks of streets and utilities;
(5) Providing pedestrian connections within the site and to the public right-of-way; and
(6) Promoting development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses.

The PD Master Plan proposes a residential subdivision consisting of 1,034 lots consisting of single-family detached and townhome units, in addition to non-residential development on 616.06 acres with a maximum allowable density of 1.67 dwelling units per acre, which is less than the allowable maximum density permits in the Residential Low Suburban and Mixed-Use future land use designations. Of the 616.06 acres, 200 acres are proposed to be dedicated as conservation, 147.76 acres will be dedicated as open space, and 12.2 acres will be dedicated as right-of-way. 258.1 acres are reserved for construction. The PD Master Plan proposes dedication of 145.58 acres located on the south side of Ponkan Road to the City as a public park, and 3.71 acres located on the south side of Ponkan Road to Orange County for open space and stormwater for Ponkan Road.

The PD Master Plan proposes both residential and non-residential development on the north and south sides on Ponkan Road, and only residential development on the east side of Vick Road. The PD Master Plan proposes the development of two non-residential lots on the north and south sides of Ponkan Road, specifically a 5.92 acre parcel located at the northeast corner of the intersection of Jason Dwelley Parkway and Ponkan Road that is noted at Tract "U7", and a 4.9 acre parcel located on the southeast corner of the intersection of Jason Dwelley Parkway and Ponkan Road that is noted as Tract "T7". Permitted uses and prohibited uses of each are noted on Sheet C1.11a of the PD Master Plan. Access to Tract "U7" is via a right-in/right-out on Ponkan Road, a full access on Jason Dwelley Parkway, and via a proposed internal roadway that is located on the north side of the parcel. Access via Tract "T7" is proposed via a right-in/right-out on Ponkan Road. Adjacent to this parcel is a 145.56 acre parcel that is noted as conservation that will be dedicated to the City for a public park.

Residential development

For the residential portion of the development, a total of 1,034 units are proposed in a mix of 876 single-family detached and 158 townhome lots. Single-family detached lots are front and rear loaded. The front loaded lots range from 95, 85, 70, 60, and 55-feet in width. The rear loaded lots range from 40 and 34-feet in width. Townhome units are proposed in six and eight unit buildings. The residential portion of the development is contained within five areas on both the north and south sides of Ponkan Road, on the east side of Vick Road, and north of Rogers Road, east of Ponkan Summit Drive.

The residential portion of the development that is located on the east side of Vick Road, south of Ponkan Road proposes residential development consisting of single-family detached units that are 95-feet, 85-feet, 70-feet in width that are front loaded, and rear loaded lots that range in width from 40-feet and 34-feet in width and six and eight units townhomes that are rear loaded. Within this portion of the development, three conservation areas totaling 15.73 acres, 1.5 acres, and 8.8 acres are proposed, in addition to two stormwater ponds totaling 21.21 acres and 16 acres are proposed. A 25-foot wide landscape buffer is proposed on the northern and eastern boundaries to provide buffering adjacent to the existing residential subdivisons. An amenity tract totaling 1.23 acres is proposed. A 0.45 acre dedication of right-of-way will be dedicated to the City of Apopka along Vick Road. Access will be provided via two full access points along Vick Road where right and left turn lanes are provided on the PD Master Plan.

The residential portion of the development that is located on the west side of Vick Road, south of Ponkan Road proposes single-family detached units that are 95-feet, 70-feet, 60-feet in width that are front loaded. Within this portion of the development, an open space area totaling 4.64 acres is proposed, in addition to a stormwater pond totaling 13.1 acres. A 25-foot wide landscape buffer is proposed on the southern boundary to provide buffering adjacent to the existing residential subdivision located to the south. Access will be provided via two full access points along Vick Road where right and left turn lanes are provided on the PD Master Plan.

The residential portion of the development that is located on the north side of Ponkan Road, east of the intersection of Ponkan Road and Vick Road proposes single-family detached units that are 95-feet, 70-feet, 60-feet in width that are front loaded. Within this portion of the development, two stormwater ponds totaling 13.1 acres and 3.3 acres are provided. A 25-foot wide landscape buffer is proposed on the northern and western boundaries to provide buffering adjacent to the existing residential subdivisions. Access will be provided via two full access points along Ponan Road where right and left turn lanes are provided on the PD Master Plan. In addition vehicular connection is proposed into the adjacent Hamrick Estates subdivision via an existing platted stubout.

The residential portion of the development that is located on the north side of Ponkan Road, east of Jason Dwelley Parkway, and west of the Hamrick Estates subdivision consists of single-family detached units that are 95-feet, 70-feet, 60-feet, and 55-feet in width that are front loaded, and rear loaded lots that are 34-feet in width and six and eight units townhomes that are rear loaded. Within this portion of the development, two conservation areas totaling 14.68 acres, and 13.7 acres are proposed. Stormwater ponds totaling 9.96, 7.59 acres, 5.77 acres, 11.04 acres, and 8.98 acres are proposed. A 25-foot wide landscape buffer is proposed on the northern and eastern boundaries to provide buffering adjacent to the existing residential subdivisons. An amenity tract totaling 0.87 acres is proposed. Access will be provided via two full access points along Jason Dwelley Parkway where right and left turn lanes are provided on the PD Master Plan, and a new roundabout leading into the site from Ponkan Road that is located to the west of the existing Hamrick Estates subdivision. The PD Master Plan proposes vacation of a portion of Pittman Road to accommodate the construction of the roundabout on Ponkan Road.

The residential portion of the development that is located north of Rogers Road, and east of Ponkan Summit Drive proposes development consisting of single-family detached units that are 95-feet, 70-feet, 60-feet in width that are front loaded. Within this portion of the development, a 4 acre open space tract is proposed, a 0.43 acre amenity tract, and a stormwater pond totaling 23.95 acres. A 25-foot wide landscape buffer is proposed on the southern and western boundaries to provide buffering adjacent to the existing subdivisions. Access will be provided via Rogers Road.

Nonresidential development

Two nonresidential properties are proposed at the northeast and southeast corner of the intersection of Ponkan Road and Jason Dwelley Parkway. The parcel that is located at the northeast corner of the intersection of Jason Dwelley Parkway and Ponkan Road is approximately 8.92 acres and will be accessed via a full access point on Jason Dwelley Parkway and via a right-in/right-out on Ponkan Road. The parcel that is located on the south side of

Ponkan Road, south of the intersection of Ponkan Road and Jason Dwelley Parkway is approximately 4.9 acres in size. It will be accessed via a right-in/right-out that is located on Ponkan Road. Permitted uses are detailed within the PD Master Plan. In addition a left turn lane will be constructed leading into the Wolf Lake Middle School campus.

Amenities/Open Space

Of the 618.36 acres, 605.86 acres are developable. Of the 605.86 acres, 347.76 acres are proposed to be reserved as open space. 2.57 acres are reserved for recreation amenities, 17.66 acres are reserved as open space, 2.78 acres are reserved for Orange County dedicated stormwater areas, 145.66 acres are reserved for dedication to the City as a conservation area -passive park, 54.44 acres are reserved as Conservation area, 13.82 acres are reserved for landscape buffers, 108.77 acres are reserved for stormwater ponds, and 2.16 acres of the nonresidential areas are reserved for open space. Amenities include pool/cabana, tennis courts, sports facilities, playground/tot lots, outdoor fitness stations or picnic rest areas. In addition, a 15,870 linear foot trail will be dedicated to the City on the 145.66 acre parcel, a 6,290 linear foot trail will be constructed in the Ponkan Road right-of-way that will be owned and maintained by Orange County, and a 16,250 linear foot internal trail system will be owned and maintained by the homeowners association. Open space and stormwater ponds will be in tracts that are owned and maintained by a homeowners association (HOA).

Transportation

Internal streets will be dedicated to the public, while the alleys will be dedicated to the homeowner's association. The PD Master Plan details a 30-foot wide dedication of right-of-way on both sides of Ponkan Road to Orange County to allow for future widening of Ponkan Road. Email correspondence has been provided from Orange County indicating this is sufficient right-of-way for Ponkan Road. A roundabout is proposed for construction on Ponkan Road along the proposed project's frontage, southwest of the existing Hamrick Estates subdivision, and west of Vick Road for safety and to assist in alleviating congestion on Ponkan Road. The PD Master Plan proposes the future vacation of a portion of Pittman Road that is currently extends to Ponkan Road. Pittman Road permits access to the Hamrick Estates subdivision. If in the future the portion of right-of-way for Pittman Road is vacated, access to the Hamrick Estates subdivision would be via the proposed roundabout on Ponkan Road. Approval of the PD Master Plan does not authorize vacation of the portion of Pittman Road right-of-way. Vacation of the right-of-way would be via future action of the City Council. As noted in the analysis of the residential areas, access will be provided via right and left turn lanes and full access points where noted, and via right-in/right-outs where noted.

A traffic impact analysis report was prepared by the applicant's transportation consultant dated April 2025 to evaluate the impact of the proposed development traffic on area roadways. The project is a mixed-used development that includes 878 single family dwelling units, 174 townhomes, and 10,300 square feet retail space. The anticipated buildout date is 2030. The approximately 617 acre site is generally located both north and south of West Ponkan Road, between Plymouth Sorrento Road and Vick Road. The proposed development will be accessed by multiple driveways including three (3) proposed driveways on Vick Road, two (2) proposed driveways on Jason Dwelley Parkway, two (2) proposed driveways on Ponkan Road, one (1) driveway on Pittman Road, and one (1) driveway on Rogers Road. Information used in this analysis included data collected by Traffic & Mobility Consultants, information provided by the project team, and other data and information obtained from the City of Apopka, Orange County, the Institute of Transportation Engineers (ITE), and the Florida Department of Transportation (FDOT).

The study area was established in accordance with the requirements of the City of Apopka and the approved study methodology. The impact area includes roadway segments within the project's 1-mile area of influence and where proposed project trips are equivalent to 3% or more of the daily roadway segment's capacity. Both roadway segments and area intersections were analyzed for existing traffic impacts, and then again with the traffic from the proposed development.

Roadway segment capacity was analyzed based on the adopted Level of Service (LOS) standards, capacity, and the corresponding traffic volumes to determine the resulting LOS. The study intersections (to include project driveways) were analyzed in accordance with the methods of the Highway Capacity Manual (HCM) as applied in the Synchro analytical tool. The analysis results for both existing traffic and buildout conditions (existing traffic and proposed project traffic) indicates that all intersections within the study area currently operate at adequate LOS standards and are projected to continue to operate at adequate LOS standards at buildout of the proposed development.

As mentioned above the proposed plan reflects multiple driveways to access the proposed project. Site access

was evaluated to determine the need for deceleration lanes at the project driveways. Turn lane warrants were evaluated based on section 5.16.5 of the City of Apopka Land Development Code (LDC) and methods of the National Cooperative Highway Research Program (NCHRP) Report 457 – Evaluating Intersection Improvements: An Engineering Study Guide. The turn lane warrant evaluation results indicate that deceleration lanes are necessary to safely serve the projected traffic entering and exiting at the site driveways from the roadways. Per City of Apopka LDC, both left turn and right turn deceleration lanes are required at all the project driveways on Vick Road, Ponkan Road, Lester Road, and Jason Dwelley Parkway. Turn lane dimensions are determined in accordance with the requirements of the FDOT Florida Design Manual (FDM) Exhibit 212-1.

The driveway access safety improvements are shown below:
Ponkan Road & Vick Road
o Construct a 170-foot eastbound left turn deceleration lane on Ponkan Road
o Construct a 145-foot westbound right turn deceleration lane on Ponkan Road
Jason Dwelley Road & Access A
o Construct a 345-foot southbound left turn deceleration lane on Jason Dwelley Road
o Construct a 145-foot northbound right turn deceleration lane on Jason Dwelley Road
Jason Dwelley Road & Access B
o Construct a 350-foot southbound left turn deceleration lane on Jason Dwelley Road
o Construct a 145-foot northbound right turn deceleration lane on Jason Dwelley Road
Ponkan Road & Access D
o Construct a 145-foot eastbound right turn deceleration lane on Ponkan Road
o Construct a 230-foot westbound left turn deceleration lane on Ponkan Road
Vick Road & Access F
o Construct a 145-foot southbound right turn deceleration lane on Vick Road
o Construct a 210-foot northbound left turn deceleration lane on Vick Road
Vick Road & Access G
o Construct a 363-foot southbound left turn deceleration lane on Vick Road
o Construct a 145-foot northbound right turn deceleration lane on Vick Road
Vick Road & Access H
o Construct a 365-foot southbound left turn deceleration lane on Vick Road
o Construct a 145-foot northbound right turn deceleration lane on Vick Road

Public Participation
The applicant held community meetings on January 13, 2025, March 5, 2025, August 4, 2025, and December 2, 2025. Summaries of the meetings are attached.

Planned Development Agreement
Per Section 3.7.F.2 of the Land Development Code, the applicant is required to enter into a Planned Development Agreement. This agreement addresses how public facilities will be provided to the development, provisions related to environmental protection, and identification of community benefits in addition to Ponkan Road improvements, potential vacation of a portion of Pittman Road, utility improvements, the City park, architectural theme, possible Community Development District (CDD), potential project expansion, construction of improvements by a CDD, master HOA, subassocations, and a property owners association, stormwater ponds, tree protection plan submittal, construction of development improvements, internal street network, development review, developer obligations, insubstantial amendments and adjustments.

Land Development Code Section 2.5.1.D.3 requires the Council to weigh the relevance of and consider whether and to what extent the proposed amendment:
a. Is consistent with and furthers the goals, objectives and policies of the comprehensive plan and other adopted City plans;
• Applicant’s response: The requested action to rezone the Paulucci Parcels to a Planned Development (“PD”) zoning designation is consistent with and furthers the goals, objectives, and policies of the City’s Comprehensive Plan. Specifically, the requested PD rezoning aligns Goal 1, Objective 3, Policy 3.1 of the City’s Comprehensive Plan, which states that PD zoning is designed to provide the following eight goals, and the proposed rezoning serves all of the following enumerated goals with responses to each goal set forth below in italics:
1. Provide an alternate method of land development not available within the framework of other zoning districts to special projects which merit such treatment;
RESPONSE: The proposed PD would provide a framework for development suitable to a property of this size and scale and allow for thoughtful growth management in an area of the City experiencing significant growth and

offering regional recreational and entertainment facilities. The varied zoning and densities of the property and surrounding lands would not result in cohesive and compatible development without a PD.
2. Allow the development of sites that would normally be difficult to develop due to topography, soils, or other site-specific features;
RESPONSE: The proposed PD enables clustering and provides restrictions and limitations on the permitted development of the subject property to protect natural features and provide abundant amenities designed to benefit the City as well as the Proposed Development. Specifically, the proposed PD allows for development which protects the site's existing lakes in a cohesive manner.
3. Promote the most compatible, beneficial use to adjoining neighborhoods;
RESPONSE: The proposed PD promotes the most compatible and beneficial uses with adjoining neighborhoods and enables the preservation of significant open space by clustering residential development near existing residential development and clustering commercial development near the intersection of W. Ponkan Road and Jason Dwelley Parkway—while reducing the densities and intensities from what is currently allowed by existing zoning. The Proposed Development will result in a lower density project, at a gross density of 1.7 dwelling units per acre, than adjacent neighborhoods. The permitted uses under the existing zoning include industrial, "big box" commercial and apartment uses whereas the proposed PD only permits single-family residential and neighborhood friendly commercial uses that are the most compatible and beneficial with the surrounding uses, including the existing subdivisions, ball fields and amphitheater. Further, the proposed PD requires significant perimeter buffers and the same or greater lot widths as adjoining lots along the perimeter of the Proposed Development, whereas the existing zoning does not require buffers nor the matching of lot widths of adjacent lots.
4. Preserve significant environmental, topographical or natural features;
RESPONSE: The proposed PD preserves significant environmental, topographical and natural features of the subject property by providing restrictions and limitations on the permitted development of the subject property to protect natural features, including lakes, and provide abundant amenities designed to benefit the City as well as the Proposed Development.
5. Allow a variety of housing types;
RESPONSE: The proposed PD allows for a variety of single-family housing types, ensuring the Proposed Development offers a range of housing products that accommodate different household sizes, income levels, and life stages. Specifically, the project will include single-family detached homes on varying lot sizes and townhomes, which together provide opportunities for first-time homebuyers, growing families, and those seeking to downsize. By incorporating this mix of housing types, the Proposed Development will contribute to a more resilient housing supply and align with the City's long-term vision for balanced growth.
6. Accommodate mixed uses;
RESPONSE: The proposed PD accommodates a mix of residential and neighborhood-friendly commercial uses in a manner that is appropriate and compatible with the surrounding uses.
7. Offer a maximum amount of open space and recreational amenities;
RESPONSE: The proposed PD offers a minimum of 50% open space and will accommodate active and passive recreational use and enjoyment of same, which is more than double the amount of open space required under the existing zoning (e.g., 10% for residential uses under MU-ES-GT and 20% for RSF-1A).
8. Prevent urban sprawl through the use of infill development and maximum use of existing public facilities currently in place.
RESPONSE: The Proposed Development aligns with the City's smart growth policies by providing for infill development of land that is already surrounded by improved lands. Further, consistent with Policy 3.1 of the City's Comprehensive Plan, the Applicant is not pursuing PD zoning as a means to circumvent traditional zoning requirements because development under the existing zoning would result in more dense and significantly more intense development which would be inconsistent with the surrounding uses. Rather, the proposed PD enables clustering and provides restrictions and limitations on the permitted development of the subject property to ensure compatibility with surrounding uses, provide significant landscape buffering, protect natural features and provide abundant amenities designed to benefit the City as well as the Proposed Development. Pursuant to Future Land Use Goal 1, the City shall ensure that the character and location of new development maximizes the economic benefit to the land, complements the environmental and historic resources, and meets the housing needs of the current and projected population. The proposed PD is consistent with Future Land Use Goal 1 because it would provide complimentary commercial services to the new residential development in the area, compliments the environmental resources by ensuring the protection of the lakes, and meets the housing needs of the current and projected population—thus maximizing the economic benefit to the land. The proposed PD is also consistent with Future Land Use Goal 1, Objective 3, Policy 3.1.i, because the proposed commercial parcels would be primarily used "for business, commerce, and convenience shopping which may be neighborhood or community oriented." The main uses of commercial land are businesses, shops, and commerce which would confer an economic benefit to the surrounding area and further support the City's Northwest Recreation Complex. Policy 3.1.d. establishes that

the RLS future land use designation can accommodate up to 3.5 du/ac and shall be comprised primarily of residential dwelling units. Policy 3.1.b. establishes that the RE future land use designation can accommodate up to 1 du/ac and shall be comprised primarily of single-family dwelling units. Policy 3.1.r., together with Section 3.6.7.C of the City's Land Development Code, establishes that the MU future land use designation for the subject property can accommodate up to 2 du/ac and 2.0 FAR. Based on the approximately 618-acre subject site and a proposed future land use designations of RLS 3.5 du/ac, RE 1 du/ac and MU 2 du/ac and 2.0 FAR, the subject property allows for 1,855 units and 6,284,619 sf. The PD Master Plan provided with this Application proposes 1,052 units, or a proposed gross density of 1.7 du/ac, which is below the maximum allowance. Approval of the rezoning to PD is not only consistent with the future land use designations and the Comprehensive Plan, but will also ensure a future land use pattern that provides sustainable growth and development within the City.

• Staff response: Staff has no objection.

b. Is in conflict with any provisions of the LDC;

• Applicant's response: No, the requested action is not in conflict with any provision of the City's Land Development Code and provides consistent zoning with the surrounding lands. An Annexation Application for the Residential Parcels and the FLU Amendment Application for the Residential Parcels and the Commercial Parcel-South have been submitted to the City.

• Staff response: Staff has no objection.

c. Addresses a demonstrated community need;

• Applicant's response: The proposed PD zoning addresses a demonstrated community need, as the City of Apopka has experienced considerable economic growth consistent with anticipated changes in the Joint Planning Agreement between Orange County and the City of Apopka. The proposed PD zoning would provide more residential housing, and the complimentary commercial services to support that housing and the surrounding non-residential uses—meeting the demonstrated need outlined in the Future Land Use Housing Element Goals, Objectives and Policies Objective 1—while also allowing for greater control and thoughtful planning to ensure development aligns with the community needs.

• Staff response: Staff has no objection.

d. Is required by changed conditions;

• Applicant's response: Yes, there are changed conditions that necessitate the rezoning. The site is currently vacant, undeveloped land that is entitled for more dense and intense development that the Proposed Development and is surrounded by residential development and community amenities. The surrounding uses and development—including the City's Northwest Recreation Complex—have created a need for neighborhood-friendly commercial logically placed at or near the intersection of Ponkan Road and Jason Dwelley Parkway, which is in contrast to the current entitlements that allow for industrial and big box commercial uses north of Ponkan Road. The proposed PD will allow for the development of a residential community to address population trends while ensuring that the existing development pattern is not disrupted by commercial and industrial development.

• Staff response: Staff has no objection.

e. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

• Applicant's response: Yes, the requested PD rezoning is compatible with the existing and proposed uses surrounding the subject property. Specifically, the surrounding zoning designations include:

	FLU	*Zoning*
North	*RVLS, FLU-IP, INST_PU, RE, RLS (City)* *LDR (County)*	*O, PD, PR, RSF-1A, RSF-1B, T (City)* *A-1 (County)*
South	*AG, INST_PU, RLS (City)* *LD (County)*	*AG, PD, RSF-1A, RSF-1B (City)* *A-1 (County)*
East	*MU, RE, RLS, (City)* *LDR (County)*	*MU-ES-GT, PD, RSF-1A (City)* *A-1, A-2, R1-AA (County)*
West	*INST_PU, MU, PR, COMM, RLS (City)* *LDR (County)*	*O, PD, PR, MU-ES-GT, CC, RSF 1-A (City)* *A-R, A-1 (County)*

The planned uses within the PD are residential and commercial. The proposed residential uses within the PD are adjacent to existing single-family residential development. The proposed commercial uses within the PD are at or near the intersection of W. Ponkan Road and Jason Dwelley Parkway and the existing surrounding uses include the ball fields and amphitheater at the City's Northwest Recreational Complex—which draw large groups of people for tournaments and performances on the weekends. These surrounding zoning designations and uses make the proposed PD compatible and appropriate. Further, the proposed PD results in development that is more compatible with existing surrounding uses than what is currently permitted under the existing zoning of MU-ES-GT.
• Staff response: Staff has no objection.
f. Would result in a logical and orderly development pattern;
• Applicant's response: Yes, the development pattern on the subject site is logical and orderly as there are existing residential subdivisions surrounding the residential portions of the Proposed Development. Further, the proposed PD contemplates compatible commercial uses in a logical and orderly manner by confining such uses to a limited area located at or near the intersection of Ponkan Road and Jason Dwelley Parkway.
• Staff response: Staff has no objection.
g. Would not result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
• Applicant's response: The proposed PD will not result in significant adverse impacts on the natural environment. The Applicant proposes to maintain the lakes and a significant portion of the surrounding natural environment by identifying these areas as conservation areas set forth in the PD Master Plan included with this Application, in addition to other open space including buffers, stormwater management and active and passive recreational areas. The conservation areas will be owned and maintained by the HOA, POA, CDD and/or other approved entity, but are not intended to be owned and maintained by the City. The conservation areas will allow for trails, gathering spaces, and other passive recreation designed to benefit the City as well as the Proposed Development. Further, the proposed PD offers a minimum of 50% open space, which is more than double the amount of open space required under the existing zoning (e.g., 10% for residential uses under MU-ES-GT and 20% for RSF-1A). The proposed PD rezoning will serve to allow improvements to the subject property which reduce the overall effect on the natural environment through improved infrastructure, stormwater management internal to the project, and increased landscaping. The preservation of the lakes and the surrounding habitats and the commitment to a 50% open space minimizes environmental impacts, including, but not limited to, water, air, noises, stormwater

management, wildlife, vegetation, wetlands, and the natural functioning of the environment while enabling improvements to the site that are consistent with the development and uses that surround the site on all sides. Furthermore, the project is designed to comply with all county, state, and federal environmental requirements.
• Staff response: Staff has no objection.
h. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).
• Applicant's response: Adequate public facilities are existing to support the proposed PD rezoning of the subject property and the Proposed Development. The data and analysis included in this Application supports the conclusion that adequate transportation, utilities, drainage and other public facilities either exist or will be provided for or mitigated as required in accordance with City's Comprehensive Plan, the Land Development Code and Florida Statutes. The Applicant will comply with all capacity and concurrency requirements for public facilities under the City's Comprehensive Plan, the Land Development Code, and Florida Statutes and with all local and state laws, regulations and requirements to ensure adequate public facilities are available to support both existing and future residents. The Proposed Development will provide for on-site and off-site roadway improvements and traffic mitigation to enhance local infrastructure and improve traffic flow and overall safety. All on-site streets will be constructed to City standards and internal rights-of-way will either be dedicated to the public or privately owned and maintained by the future HOA. The internal alleyways will be privately owned and maintained by the future HOA. The off-site transportation improvements, as set forth in the Traffic Impact Analysis included with this Application, include the improvement of the intersection of Vick Road and Ponkan Road, including southbound access connection and additional turn lanes. The developer of the Proposed Development has proposed to construct both a southbound left-turn lane and a right-turn lane at the intersection of Ponkan Road and Pittman Road. Additionally, although not required by Orange County, in an effort to improve overall safety on Ponkan Road, the proposed PD offers to dedicate 30 feet of right-ofway on both sides of Ponkan Road within the site, which will double the public right-of-way of Ponkan Road from 60 feet to 120 feet. The Proposed Development also contemplates dedicating to the City the necessary right-of-way to facilitate roadway enhancements along Vick Road. The Traffic Impact Analysis included with this Application concludes that the transportation network is not projected to become adversely impacted due to the Proposed Development. All required road improvements will be determined through the transportation concurrency process. The City has a 12-inch water main, a 12-inch wastewater force main and a 12-inch reclaim main along Ponkan Road public right-of-way. The water main ends at the northeast corner of Jason Dwelley Parkway and Ponkan Road, but continues as a 16-inch DIP at the northwest corner of Pittman Road and Ponkan Road. The utilities located along Vick Road are a 16-inch DIP water main, an 18-inch DIP wastewater force main and a 20-inch DIP reclaim main. Potable water, wastewater and reclaim mains are also located along Rogers Road. The City has confirmed that there is capacity in potable water, wastewater and reclaim from the City to serve the proposed full build out of the project. The Proposed Development has been designed to collect all of the stormwater runoff from the Proposed Development and treat it and then release it at the same or lower discharge rate than pre-development in accordance with local and state stormwater rules and regulations. The Proposed Development will undergo a school capacity determination in coordination with Orange County Public Schools and will comply with all school concurrency requirements, which will include financial contributions to mitigate any impacts on school capacity.
• Staff response: Staff has no objection.

COMPREHENSIVE PLAN COMPLIANCE: The proposed use of the property as depicted on the Master Plan is consistent with the Mixed-Use, Residential Low Suburban, Residential Estate, and Commercial Future Land Use designations as detailed within the Future Land Use Element of the Comprehensive Plan, and with Policy 3.1 of the Future Land Use Element of the Comprehensive Plan which notes the following for Planned Unit Developments:

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;

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.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.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.r.
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.~~7~~9 and 20.~~8~~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.

SCHOOL CAPACITY REPORT:
Orange County Public Schools (OCPS) has indicated that capacity for the proposed development is available and is vested as there is not an increase in the amount of units that are proposed. The location is served by the following schools: Rock Springs Elementary, Wolf Lake Middle, and Apopka High School.

ORANGE COUNTY NOTIFICATION: Pursuant to Section 7 of the Joint Planning Area agreement, Orange County was notified on October 17, 2025.

PUBLIC HEARING SCHEDULE:
December 9, 2025 - Planning Commission (5:30 pm)
December 17, 2025 - City Council (7:00 pm) - 1st Reading
January 7, 2026 – City Council (1:30 pm) - 2nd Reading

DULY ADVERTISED:
November 18, 2025 - Property posted public hearing notification signs
November 20, 2025 - Surrounding property owner notifications mailed via Certified Mail
November 21, 2025 – Apopka Chief

FUNDING SOURCE:
N/A

RECOMMENDED MOTION:
Development Review Committee: Finds the proposed rezoning to Planned Development (PD) consistent with the Comprehensive Plan and Land Development Code and recommends approval of the Paulucci Acres PD Rezoning/Master Plan.

Planning Commission: At the December 9, 2025 meeting, the Planning Commission recommended approval of Ordinance No. 3147, the rezoning of the subject parcels from T (Transitional), RSF-1A (Residential Single-Family Estate), and MU-ES-GT (Mixed Use East Shore Gateway) to PD (Planned Development District), and approval of the PD Master Plan based on the findings and facts presented in the staff report and exhibits by a vote of 5-1 with member Robert Ryan voting no due to concerns with Rogers Road not being up to City standards.

Recommended Motion - City Council: Accept First Reading of Ordinance No. 3147 and hold it over for Second Reading and Adoption.

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

ATTACHMENTS:
1. Ordinance Number 3147
2. PD Development Agreement - Paulucci
3. Map series
4. Orange County traffic comment
5. 1._Paulucci_PD_-_PD_Narrative(22748636.1)_Sun_Jun_8_2025_20-26-02 (1)
6. Advertisement November 21
7. 1st Community Meeting Summary (Paulucci Acres 1.13.2025)
8. 2nd Community Meeting Summary (Paulucci Acres 3.5.2025)
9. 3rd Community Meeting Summary (Paulucci Acres 8.4.2025)
10. 4th Community Meeting Summary (Paulucci Acres 12.2.2025)
11. APK-25-014 Paulucci Acres OCPS response

ORDINANCE NO. 3147

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM T (TRANSITIONAL), RSF-1A (RESIDENTIAL SINGLE-FAMILY ESTATE), AND MU-ES-GT (MIXED USE EAST SHORE GATEWAY) TO PD (PLANNED DEVELOPMENT DISTRICT), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF VICK ROAD, EAST OF JASON DWELLEY PARKWAY, NORTH AND SOUTH OF PONKAN ROAD, SOUTH AND EAST OF PITTMAN ROAD, AND EAST OF PONKAN SUMMITT DRIVE; OWNED BY PAULUCCI ACRES, LLC., COMPRISING 618.36 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

WHEREAS, Paulucci Acres, LLC has requested a change in zoning on said property as identified in Section I of this ordinance; and

WHEREAS, the proposed PD (Planned Development) District zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

SECTION I. That the zoning classification of the property described in Exhibit A, being situated in the City of Apopka, Florida, is hereby PD District, as defined in the Apopka Land Development Code, and with the following provisions:

A. Development of the property shall occur consistent with the Master Plan set forth in Exhibit "B". Where any development standard conflicts between the Master Plan and the Land Development Code, the Master Plan shall preside. Any proposed revision to the Master Plan shall be evaluated and processed pursuant to the Land Development Code.

B. A PD Agreement prepared in accordance with LDC Section 3.7.2.F.2 shall be approved by the City Council.

C. The uses permitted and prohibited within the PD District are those noted on the Master Plan and PD Agreement.

D. If a Plat associated with the PD district has not been approved by the City within three years after approval of these Master Plan, the approval of the Master Plan provisions will expire. At such time, the City Council may:

1. Permit a single six-month extension for submittal of the required Minor or Major Development Plan;

2. Allow the PD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or

3. Rezone the property to an appropriate zoning classification.

SECTION II: That the zoning classification of the following described Property, attached hereto as Exhibit A and incorporated herein, being situated in the City of Apopka, Florida, is hereby PD as defined in the Apopka Land Development Code.

SECTION III: AUTHORITY OF COMMUNITY DEVELOPMENT DIRECTOR. That the Community Development Director, or the Director's designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

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

SECTION V. That this Ordinance shall take effect upon the date of adoption.

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this ____ day of_____, 2026.

READ FIRST TIME:

READ SECOND TIME AND ADOPTED:

ATTEST:

_____ _____

Susan Bone, City Clerk Bryan Nelson, Mayor

Approved as to form and legal sufficiency:

_____

Cliff Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: November 21, 2025

EXHIBIT "A"

Parcel Identification Number(s): 20-20-28-0000-00-006, 20-20-28-0000-00-003, 20-20-28-0000-00-004, 20-20-28-0000-00-005, 20-20-28-0000-00-014, 20-20-28-0000-00-008, 30-20-28-0000-00-018, 29-20-28-0000-00-002, 29-20-28-0000-00-001, 29-20-28-0000-00-043, 29-20-28-0000-00-020, 29-20-28-0000-00-019, 28-20-28-0000-00-009, 28-20-28-0000-00-089, 28-20-28-0000-00-012, 28-20-28-0000-00-090, 28-20-28-0000-00-008, 28-20-28-0000-00-099

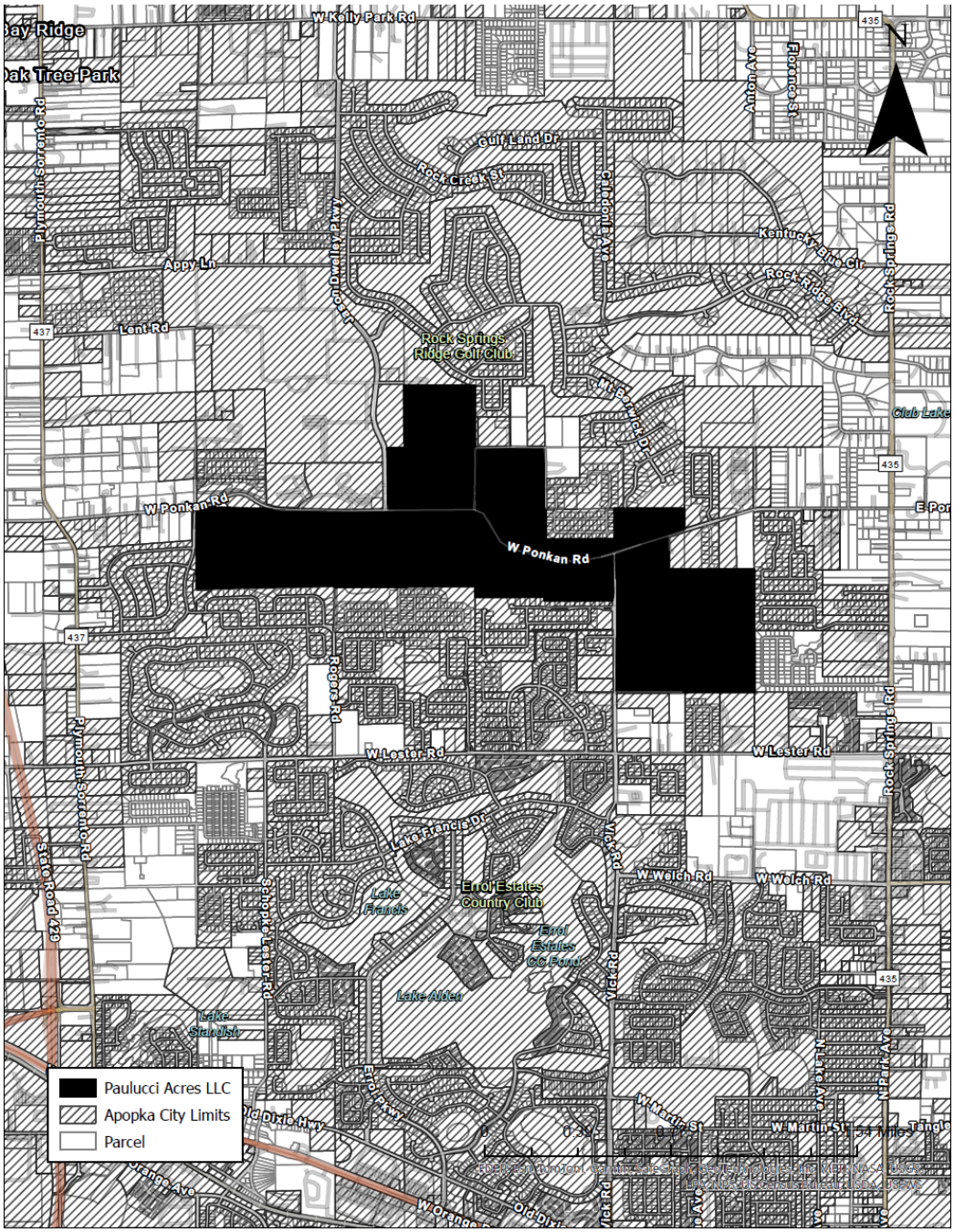


EXHIBIT “B” - MASTER PLAN

PD MASTER PLAN

FOR

PAULUCCI ACRES

CITY OF APOPKA, FLORIDA

OCPA PARCEL ID#'S 20-20-28-0000-00-003, 20-20-28-0000-00-004, 20-20-28-0000-00-005, 20-20-28-0000-00-006, 20-20-28-0000-00-008, 20-20-28-0000-00-014, 28-20-28-0000-00-008, 28-20-28-0000-00-009, 28-20-28-0000-00-012, 28-20-28-0000-00-099, 28-20-28-0000-00-089, 28-20-28-0000-00-090, 29-20-28-0000-00-001, 29-20-28-0000-00-002, 29-20-28-0000-00-019, 29-20-28-0000-00-020, 29-20-28-0000-00-043, 30-20-28-0000-00-018

SHEET INDEX

C0.0	COVER SHEET
C1.0-C1.10	MASTER PLAN
C1.11-C1.11a	DEVELOPMENT STANDARDS
C1.12	TYPICAL LOT DETAILS AND ROAD CROSS SECTIONS
C1.13	TRACT DATA TABLES
C1.14	PHASING PLAN
C1.15	CONCEPTUAL MULTI-PURPOSE TRAIL PLAN
C1.16	OPEN SPACE EXHIBIT
C1.17	AMENITY AND BUFFER TREATMENT EXHIBIT
C1.18	BUFFER TREATMENT DETAILS

PROJECT TEAM:

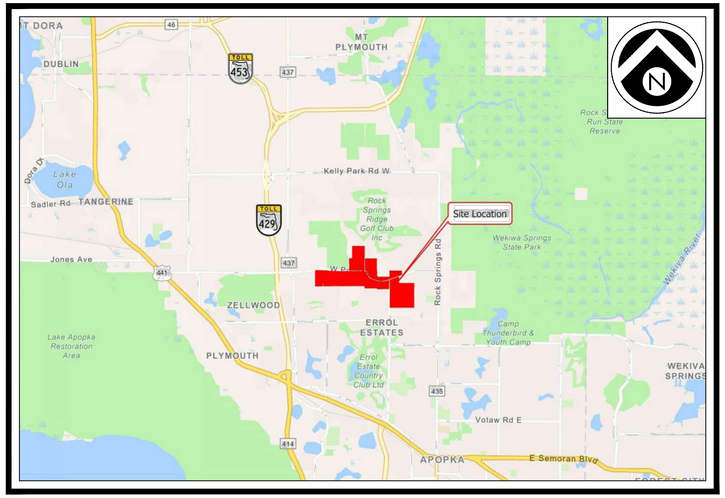
OWNER
PAULUCCI ACRES, LLC.
MANAGER: REGINA RABAITAILLE
390 NORTH ORANGE AVENUE - SUITE 1400
ORLANDO, FL 32801

DEVELOPER
PULTE HOME COMPANY, LLC
MANAGER: AARON STRUCKMEYER, P.E.
4901 VINELAND RD - SUITE 500
ORLANDO, FLORIDA 32811
PHONE: (407) 661-2201
EMAIL: AARON.STRUCKMEYER@PULTEGROUP.COM

ENGINEER
1828 ENGINEERING, LLC
ENGINEER: LUKE M. CLASSON, P.E.
2400 MAITLAND CENTER PKWY - SUITE 107
MAITLAND, FL 32751
PHONE: (407) 558-2228
EMAIL: LCLASSON@1828ENG.COM

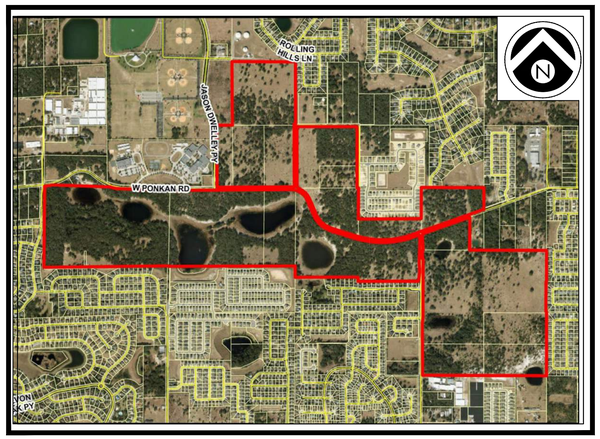
SURVEYOR
JOHNSTON'S SURVEYING, LLC
SURVEYOR: RICHARD D. BROWN, P.S.M.
900 CROSS PRAIRIE PARKWAY
KISSIMMEE, FL 34744
PHONE: (407) 847-2179
FAX: (407) 847-6140
EMAIL: RICK@JSURVEYING.COM

GEOTECHNICAL ENGINEER
DEVO ENGINEERING, LLC.
ENGINEER: DEVO SEEREERAM, Ph.D., P.E.
5500 ALHAMBRA DRIVE
ORLANDO, FL 32808
PHONE: (407) 290-2371
FAX: (407) 298-9011
EMAIL: DEVO@DEVOENG.COM



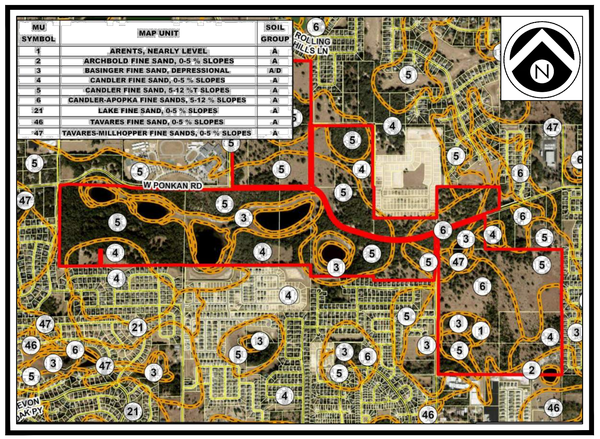
VICINITY MAP

SCALE: 1" = 3000'



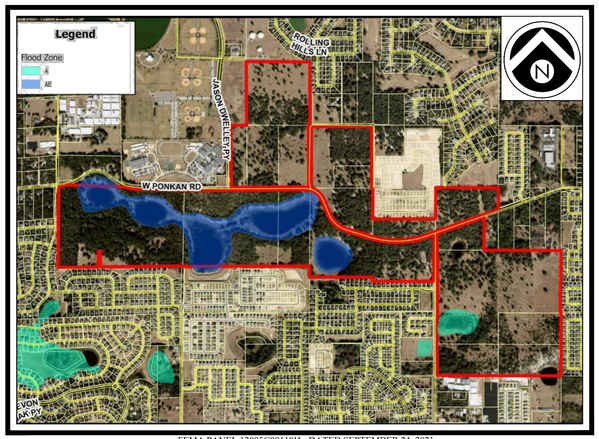
AERIAL MAP

SCALE: 1" = 400'



SOILS MAP

SCALE: 1" = 400'



FEMA PANEL 12095C0011OH - DATED SEPTEMBER 24, 2021

FEMA FLOOD MAP

SCALE: 1" = 400'

UTILITY PROVIDERS

WATER/SEWER/RECLAIMED:
CITY OF APOPKA
748 E. CLEVELAND STREET
APOPKA, FLORIDA 32703
CONTACT: VLADIMIR SIMONOVSKI, P.E.
PHONE: (407) 703-1731

SOLID WASTE COLLECTION:
CITY OF APOPKA
748 EAST CLEVELAND STREET
APOPKA, FLORIDA 32703
PHONE: (407) 703-1731

CABLE:
CHARTER COMMUNICATIONS
(A.K.A. SPECTRUM)
3767 ALL AMERICAN BOULEVARD
ORLANDO, FLORIDA 32810
CONTACT: TRACEY DOMOSTOY
PHONE: (407) 532-8509

TELEPHONE/FIBER:
CENTURY LINK
33 NORTH MAIN STREET, ROOM 144
WINTER GARDEN, FLORIDA 34787
CONTACT: BILLY HAGER
PHONE: (407) 814-5329

GAS
LAKE APOPKA NATURAL GAS DISTRICT
1320 WINTER GARDEN VINELAND ROAD
WINTER GARDEN, FLORIDA 34787
CONTACT: MINGO COLON
PHONE: (407) 656-2734

POWER:
DUKE ENERGY
3250 BONNETT CREEK ROAD
PO BOX 10000
LAKE BUENA VISTA, FLORIDA 32830
CONTACT: JENNIFER NAZARIAN
PHONE: (407) 938-6611

NOT FOR CONSTRUCTION

1828 ENGINEERING

2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228

BOARD OF PROFESSIONAL
ENGINEERING REGISTRY
NO. 39060

PERMITS REQUIRED

AGENCY	PERMIT TYPE	DATE APPLIED	DATE APPROVED	APPROVAL NO.

REV.	DATE	DESCRIPTION
1	07/08/2025	CITY OF APOPKA COMMENTS - DATED 07/08/2025
2	10/20/2025	CITY OF APOPKA COMMENTS - DATED 09/29/2025

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

This item has been digitally signed and sealed by Luke M. Classon, PE on the date adjacent to the seal.
Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

P:_PROJECT DRAWINGS\PUL-051 Paulucci Assemblage\Drawings\CAD Civil3D\Layouts\03 Master Plan\Cover Sheet.dwg Plotted:10/20/2025 By:dfrancis

OVERALL SITE DATA:

OCPA - PARCEL ID #s:	20-20-28-0000-00-003, 20-20-28-0000-00-004, 20-20-28-0000-00-005, 20-20-28-0000-00-006, 20-20-28-0000-00-008, 20-20-28-0000-00-014, 28-20-28-0000-00-008, 28-20-28-0000-00-009, 28-20-28-0000-00-012, 28-20-28-0000-00-089, 28-20-28-0000-00-090, 28-20-28-0000-00-099, 29-20-28-0000-00-001, 29-20-28-0000-00-002, 29-20-28-0000-00-019, 29-20-28-0000-00-020, 29-20-28-0000-00-043, 30-20-28-0000-00-018
TOTAL PROPERTY AREA:	618.06 Ac.
PORTION OF PD BOUNDARY NORTH OF W PONKAN RD	182.44 Ac.
PORTION OF PD BOUNDARY SOUTH OF W PONKAN RD	435.62 Ac.
CITY OF APOPKA RIGHT-OF-WAY DEDICATION	1.76 Ac.
ORANGE COUNTY RIGHT-OF-WAY DEDICATION	10.07 Ac.
AREA TO REMAIN IN ORANGE COUNTY	0.37 Ac.
TOTAL DEVELOPABLE AREA:	605.86 Ac.
RESIDENTIAL AREA:	595.04 Ac. (98.21%)
FUTURE COMMERCIAL:	10.82 Ac. (1.79%)
TOTAL CONSERVATION AREA:	200.00 Ac.
TOTAL OPEN/GREEN SPACE AREA:	147.76 Ac.
TOTAL CONSTRUCTION AREA:	258.10 Ac.
FEMA FLOOD INSURANCE RATE MAP FLOOD ZONE:	A & AE
FIRM PANEL #12095C0050H DATED SEPT. 24, 2021	
EXISTING FUTURE LAND USE (FLU):	MU, RLS, COMM
ADJACENT FUTURE LANE USE (FLU):	
NORTH	RVLS, FLU-IP, INST_PU, RLS (CITY) LD, R (COUNTY)
SOUTH	AG, INST_PU, RLS, (CITY), LD (COUNTY)
EAST	MU, RE, RLS, (CITY), LD, RURAL 1/1 (COUNTY)
WEST	INST_PU, MU, PR, RLS, (CITY) LD, R (COUNTY)
EXISTING ZONING:	MU-ES-GT, RSF-1A, A-1 (COUNTY)
PROPOSED ZONING:	PD
ADJACENT ZONING:	
NORTH	O, PD, PR, RSF-1A, RSF-1B, T (CITY) A-1 (COUNTY)
SOUTH	AG, PD, RSF-1A, RSF-1B (CITY) A-1 (COUNTY)
EAST	MU-ES-GT, PF, RSF-1A, RMF (CITY) A-1, A-2, RI-AA (COUNTY)
WEST	O, PD, PR, RCE, (CITY) AR, A-1 (COUNTY)

PROPOSED DEVELOPMENT PROGRAM:	
95' x 132' LOTS	73 LOTS
85' x 125' LOTS	18 LOTS
70' x 125' LOTS	49 LOTS
60' x 125' LOTS	190 LOTS
55' x 125' LOTS	347 LOTS
40' x 115' BUNGALOWS	166 LOTS
34' x 115 BUNGALOWS	33 LOTS
20' TOWNHOMES	158 LOTS
TOTAL:	1,034 LOTS
PROPOSED GROSS DENSITY:	1.67 DU/Ac.

GROSS DENSITY OF PORTION OF PD NORTH OF W PONKAN RD (337 LOTS/ 182.44 Ac.) = 1.85 DU/Ac.

GROSS DENSITY OF PORTION OF PD SOUTH OF W PONKAN RD (697 LOTS/ 435.62 Ac.) = 1.60 DU/Ac.

PARCEL#:20-20-28-0000-00-027
OWNER: CITY OF APOPKA
ADDRESS: 2500 BRUSH DR

PARCEL#:20-20-28-0000-00-029
OWNER: CITY OF APOPKA
ADDRESS: 1685 FIREHOUSE LN

PARCEL#:20-20-28-0000-00-030
OWNER: CITY OF APOPKA
ADDRESS: 1675 FIREHOUSE LN

ROCK SPRINGS RIDGE PHASE IV-A
(P.B.51, PG.39)

JASON DWELLEY PARKWAY

PARCEL#:20-20-28-0000-00-028
OWNER: CITY OF APOPKA
ADDRESS: JASON DWELLEY PARKWAY

PARCEL#:19-20-28-0000-00-048
FIELD OF FAME - NORTHWEST RECREATION COMPLEX
OWNER: CITY OF APOPKA
ADDRESS: 3710 JASON DWELLEY PARKWAY

PARCEL#:20-20-28-0000-00-009
OWNER: BIEBERLE DARDA
ADDRESS: 3180 PITTMAN RD

PARCEL#:20-20-28-0000-00-023
OWNER: TINA M JORDAN WILLIAMS
ADDRESS: 3188 PITTMAN RD

PARCEL#:20-20-28-0000-00-007 & 20-20-28-0000-00-032
OWNER: ROBERT S MOORE 50%, & DEBRA J SMITH 50%
ADDRESS: 3172 PITTMAN RD

PARCEL#:20-20-28-0000-00-007
NAME: ROCK SPRINGS RIDGE GOLF CLUB
OWNER: ROCK SPRINGS RIDGE GOLF CLUB INC.
ADDRESS: MT BERWICK DR

PARCEL#:20-20-28-0000-00-009
OWNER: BIEBERLE DARDA
ADDRESS: 3180 PITTMAN RD

PARCEL#:20-20-28-0000-00-009
OWNER: BIEBERLE DARDA
ADDRESS: 3180 PITTMAN RD

PITTMAN ROAD

PARCEL#:20-20-28-0000-00-010
OWNER: DEBRA LYNNE CHAREST LIFE ESTATE
ADDRESS: 3105 PITTMAN RD

ROCK SPRINGS RIDGE PHASE II
(P.B.42, PG.55-59)

HILLSIDE AT WEKIVA
(P.B.86, PG.74-76)

HAMRICK ESTATES
(P.B.106, PG.144-145)

PARCEL#:19-20-28-0000-00-049
WOLF LAKE ELEMENTARY SCHOOL
OWNER: SCHOOL BOARD OF ORANGE COUNTY
ADDRESS: 1771 W. PONKAN ROAD

PARCEL#:19-20-28-0000-00-044
WOLF LAKE MIDDLE SCHOOL
OWNER: SCHOOL BOARD OF ORANGE COUNTY
ADDRESS: 1771 W. PONKAN ROAD

PARCEL#:20-20-28-0000-00-025
OWNER: CITY OF APOPKA
ADDRESS: 1715 W PONKAN RD

W. PONKAN ROAD

W. PONKAN ROAD

W. PONKAN ROAD

PARCEL#:28-20-28-0000-00-007
OWNER: CITY OF APOPKA
ADDRESS: 325 W PONKAN RD

PARCEL#:28-20-28-0000-00-016
OWNER: JOHN B PITMAN TRUST
ADDRESS: 325 W PONKAN RD

PARCEL#:28-20-28-0000-00-006
OWNER: CITY OF APOPKA
ADDRESS: 325 W PONKAN RD

PARCEL#:28-20-28-0000-00-002 & 28-20-28-0000-00-004
OWNER: CITY OF APOPKA
ADDRESS: 320 W PONKAN RD

PARCEL#:28-20-28-0000-00-045
OWNER: MENEX CONSTRUCTION PAINTING INC
ADDRESS: 308 W PONKAN RD

PARCEL#:28-20-28-0000-00-003
OWNER: MENEX CONSTRUCTION PAINTING INC
ADDRESS: 300 W PONKAN RD

WEKIVA RUN PHASE I
(P.B.61, PG.31-36)

WEKIVA RUN PHASE II-A
(P.B.67, PG.79-84)

PONKAN SUMMIT DRIVE

WEKIVA RUN PHASE II-B
(P.B.67, PG.85-87)

WEKIVA RUN PHASE III-B
(P.B.77, PG.148-149)

VISTA RESERVE PHASE 1
(P.B.99, PG.76-78)

VISTA RESERVE PHASE 2
(P.B.101, PG.119-121)

ROGERS ROAD

OAK HILL RESERVE PHASE 1
(P.B.60, PG.104-106)

VICK ROAD

SPRING RIDGE PHASE 4 UNIT 3
(P.B.47 PG.121-122)

QUAIL ESTATES
(P.B.76 PG.2-3)

SPRING RIDGE PHASE 4 UNIT 2
(P.B.47 PG.119-120)

PARCEL#:29-20-28-0000-00-015
OWNER: CITY OF APOPKA
ADDRESS: 2300 VICK RD

PARCEL#:29-20-28-0000-00-015
OWNER: SOUTH PASS LLC
ADDRESS: 2228 VICK RD

SPRING RIDGE PHASE 2, 3 AND 4
(P.B.41 PG.142-144)

PARCEL# 28-20-28-0000-00-075
OWNER: METZLER FAMILY LIVING TRUST
ADDRESS: 2127 VICK RD

PARCEL#:28-20-28-0000-00-038
OWNER: ALMA PROPERTIES, LLC
ADDRESS: 2127A VICK RD

BRIDLEWOOD
(P.B.100 PG.21-23)

PARCEL#:28-20-28-0000-00-013 & 28-20-28-0000-00-100
OWNER: FRANK SCOTT MCCORKLE AND CAROL VEENEMAN MCCORKLE F

PARCEL#:28-20-28-0000-00-014
OWNER: RSPI MHC LLC
ADDRESS: 241 LESTER RD

PITMAN ESTATES
(P.B.56, PG.100-102)

TRADITIONS AT WEKIVA
(P.B.52, PG.60-62)

ALEXANDRIA PLACE
(P.B.55, PG.93-96)

N
W E
S

GRAPHIC SCALE

400 0 200 400 800

(IN FEET)
1 inch = 400 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
1	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	10/30/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025
SCALE: 1" = 400'
PROJECT: PUL-051
SHEET: C1.0

LAKE CLASSON
No 77066
STATE OF FLORIDA
10/20/25
PROFESSIONAL ENGINEER

The seal has been digitally signed and is compliant in terms of the date stamp and signature.
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VICK ROAD

TRACT 'L1'
LANDSCAPE MEDIAN
0.05 AC

TRACT 'U1'
LIFT STATION #1
0.05 AC

TRACT 'P1'
CONSERVATION AREA #2
8.80 AC

TRACT 'T1'
STORMWATER POND 2
21.21 AC

TRACT 'A1'
PUBLIC RIGHT-OF-WAY
14.37 AC

TRACT 'N1'
AMENITY TRACT #1
1.23 AC

TRACT 'R1'
OPEN SPACE
4.06 AC

TRACT 'K1'
10' LANDSCAPE BUFFER
0.08 AC

TRACT 'M1'
LANDSCAPE MEDIAN
0.01 AC

TRACT 'F5'
OPEN SPACE
0.19 AC

TRACT 'B5'
20' PRIVATE ALLEY
0.34 AC

TRACT 'C5'
20' PRIVATE ALLEY
0.34 AC

TRACT 'A5' PUBLIC
3.02 AC

TRACT 'E5'
10' LANDSCAPE BUFFER
0.10 AC

TRACT 'D1'
RIGHT-OF-WAY DEDICATION
0.45 AC

TRACT 'D5'
25' LANDSCAPE BUFFER
0.88 AC

PARCEL#:28-20-28-0000-00-075
OWNER: METZLER FAMILY LIVING TRUST
ADDRESS: 2127 VICK RD

TRACT 'G1'
20' PRIVATE ALLEY
0.26 AC

TRACT 'H1'
20' PRIVATE ALLEY
0.20 AC

TRACT 'I1'
20' PRIVATE ALLEY
0.20 AC

TRACT 'V1'
PUBLIC RIGHT-OF-WAY
4.08 AC

TRACT 'W1'
20' PRIVATE ALLEY
0.40 AC

TRACT 'Y1'
OPEN SPACE
3.70 AC

TRACT 'Z1'
CONSERVATION AREA #4
1.50 AC

PORTION OF PARCEL TO REMAIN IN ORANGE COUNTY AND EXCLUDED FROM PD
0.37 AC

TRACT 'X1'
25' LANDSCAPE BUFFER
1.26 AC

ALEXANDRIA PLACE
(P.B.55, PG.93-96)

KEY MAP

N
NE
E
SE
S
SW
W
NW

GRAPHIC SCALE
100 0 50 100 200
(IN FEET)
1 inch = 100 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

REV.	DATE	DESCRIPTION	BY
4	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
3	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 100'
PROJECT: PUL-051
SHEET: C1.1

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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REV.	DATE	DESCRIPTION	BY
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2	07/08/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING

2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228

BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE 1" = 100'
PROJECT PUL-051
SHEET C1.2

LUKE CLASSON
LICENSE No 77066
STATE OF FLORIDA
10/20/25
PROFESSIONAL ENGINEER

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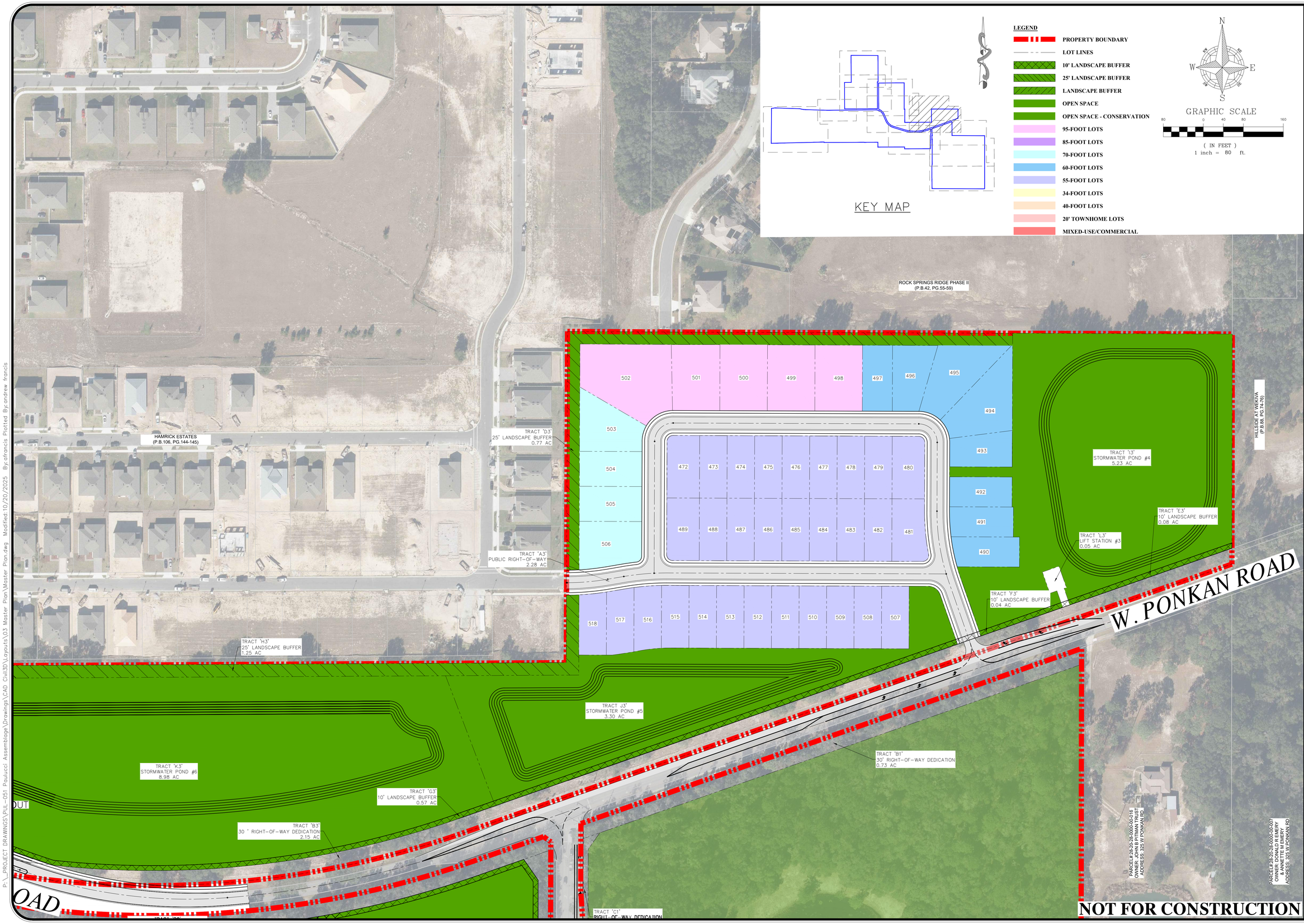

REV.	DATE	DESCRIPTION	BY
1	10/30/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.3

LUIS CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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PORTION OF PITTMAN ROAD RIGHT-OF-WAY TO BE VACATED

TRACT 'K4'
STORMWATER POND #7
9.96 AC

TRACT 'C4'
10' LANDSCAPE BUFFER
0.05 AC

TRACT 'J4' OPEN SPACE
0.15 AC

TRACT 'G4'
LANDSCAPE MEDIAN
0.03 AC

TRACT 'M4'
STORMWATER POND #9
7.59 AC

TRACT 'D4'
10' LANDSCAPE BUFFER
0.23 AC

W. PONKAN RD

TRACT 'B2'
30' RIGHT-OF-WAY DEDICATION
4.88 AC

TRACT 'Q1'
CONSERVATION AREA #3/
PUBLIC PARK DEDICATION
145.56 AC

TRACT 'E4'
10' LANDSCAPE BUFFER
0.52 AC

TRACT 'B4'
30' RIGHT-OF-WAY DEDICATION
2.15 AC

TRACT 'A4'
PUBLIC RIGHT-OF-WAY
5.02 AC

TRACT 'L4'
STORMWATER POND #8
5.77 AC

TRACT 'N4'
LIFT STATION #4
0.04 AC

TRACT 'H4'
LANDSCAPE MEDIAN
0.03 AC

TRACT 'J2'
OPEN SPACE/STORMWATER
(OC DEDICATION)
3.71 AC

TRACT 'K3'
STORMWATER POND #6
8.98 AC

TRACT 'C3'
RIGHT-OF-WAY DEDICATION
0.75 AC

PROPOSED ROUNDABOUT

TRACT 'D2'
10' LANDSCAPE BUFFER
0.43 AC

W. PONKAN ROAD

NOT FOR CONSTRUCTION

N
W E
S

GRAPHIC SCALE
80 0 40 80 160
(IN FEET)
1 inch = 80 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

KEY MAP

REV.	DATE	DESCRIPTION	BY
A	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.4

LUKE CLASSON
LICENSED
No 77066
STATE OF
10/20/25
PROFESSIONAL ENGINEER

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TRACT "K7"
CONSERVATION AREA #6
14.68 AC

PARCEL# 20-20-28-0000-00-009
OWNER: BIEBERLE DARDA
ADDRESS: 3180 PITTMAN RD

PARCEL# 20-20-28-0000-00-023
OWNER: TINA MARIE PRICE WILLIAMS, & BRYAN WILLIAMS
ADDRESS: 3186 PITTMAN RD

PARCEL# 20-20-28-0000-00-009
OWNER: BIEBERLE DARDA
ADDRESS: 3180 PITTMAN RD

PITTMAN RD

PARCEL# 20-20-28-0000-00-010
OWNER: DEBRA LYNNE
CHAREST LIFE ESTATE
ADDRESS: 3105 PITTMAN RD

TRACT "D7"
10' LANDSCAPE BUFFER
0.16 AC

TRACT "F4"
10' LANDSCAPE BUFFER
0.11 AC

TRACT "I4"
CONSERVATION AREA #5
13.73 AC

TRACT "C4"
10' LANDSCAPE BUFFER
0.05 AC

TRACT "K4"
STORMWATER POND #7
9.96 AC

TRACT "J4" OPEN SPACE
0.15 AC

TRACT "G4"
LANDSCAPE MEDIAN
0.03 AC

PORTION OF PITTMAN ROAD
RIGHT-OF-WAY TO BE VACATED

TRACT "M4"
STORMWATER POND #9
7.59 AC

TRACT "D4"
10' LANDSCAPE BUFFER
0.23 AC

GHT-OF-WAY

W. PONKAN RD

TRACT "B2"
30' RIGHT-OF-WAY DEDICATION
4.88 AC

HAMRICK ESTATES
(P.B.106, PG.144-145)

N
W E
S

GRAPHIC SCALE
80 0 40 80 160
(IN FEET)
1 inch = 80 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

KEY MAP

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
1	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.5

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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REV.	DATE	DESCRIPTION	BY
3	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	07/08/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING

2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228

BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 100'
PROJECT: PUL-051
SHEET: C1.6

LUKE CLASSON
LICENSE
No 77066
STATE OF FLORIDA
10/20/25
PROFESSIONAL ENGINEER

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JASON DWELLEY PARKWAY

FIREHOUSE LANE

PARCEL# 20-20-28-0000-00-030
OWNER: CITY OF APOPKA
ADDRESS: 1675 FIREHOUSE LN

ACCESS EASEMENT

TRACT "C7"
25' LANDSCAPE BUFFER
1.17 AC

1007 1006 1005 1004 1003 1002 1001 1000 999 998 997 996 995 994 993 992 991

1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026

979 980 981 982 983

978 977 976 975 974

984 985 986 987 988 989 990

TRACT "S7" LIFT STATION #6
0.05 AC

973 972 971

967 968 969 970

TRACT "Q7"
STORMWATER POND #11
11.04 AC

966 965 964 963 962 961 960

959 958 957 956

TRACT "I7"
25' LANDSCAPE BUFFER
0.86 AC

PARCEL# 20-20-28-0000-00-028
OWNER: CITY OF APOPKA
ADDRESS: JASON DWELLEY PARKWAY

TRACT "H7"
10' LANDSCAPE BUFFER
0.03 AC

TRACT "N7"
OPEN SPACE
0.07 AC

TRACT "O7"
OPEN SPACE
0.06 AC

1034 1033 1032 1031 1030 1029 1028 1027

TRACT "A7"
PUBLIC RIGHT-OF-WAY
9.36 AC

937 938 949

TRACT "J7"
AMENITY #3
0.87 AC

TRACT "K7"
CONSERVATION AREA #6
14.68 AC

PARCEL# 20-20-28-0000-00-007 &
20-20-28-0000-00-032
OWNER: ROBERT S MOORE 50%, &
DEBRA J SMITH 50%
ADDRESS: 3172 PITTMAN RD

PITTMAN RD

NOT FOR CONSTRUCTION

N
W E
S

GRAPHIC SCALE

80 0 40 80 160

(IN FEET)
1 inch = 80 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

KEY MAP

REV.	DATE	DESCRIPTION	BY
A	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
A	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.7

LUKE CLASSON
LICENSED
No 77066
STATE OF FLORIDA
10/20/25
PROFESSIONAL ENGINEER

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PARCEL#:20-20-28-0000-00-028
OWNER: CITY OF APOPKA
ADDRESS: JASON DWELLEY PARKWAY

TRACT "H7"
10' LANDSCAPE BUFFER
0.03 AC

TRACT "N7"
OPEN SPACE
0.07 AC

TRACT "O7"
OPEN SPACE
0.06 AC

TRACT "J7"
AMENITY #3
0.87 AC

TRACT "K7"
CONSERVATION AREA #6
14.68 AC

TRACT "A7"
PUBLIC RIGHT-OF-WAY
9.36 AC

TRACT "R7"
STORMWATER POND #12
10.74 AC

TRACT "D7"
10' LANDSCAPE BUFFER
0.16 AC

TRACT "G7"
10' LANDSCAPE BUFFER
0.26 AC

TRACT "F4"
10' LANDSC
0.11 AC

TRACT "M7"
OPEN SPACE
0.07 AC

TRACT "U7"
MIXED-USE/COMMERCIAL TRACT 2
5.92 AC

TRACT "F7"
LANDSCAPE BUFFER
0.14 AC

TRACT "L7"
OPEN SPACE
0.07 AC

TRACT "E7"
10' LANDSCAPE BUFFER
0.18 AC

TRACT "B7"
PRIVATE RIGHT-OF-WAY
1.39 AC

TRACT "M4"
STORMWATER POND #9
7.59 AC

TRACT "B2"
30' RIGHT-OF-WAY DEDICATION
4.88 AC

JASON DWELLEY PARKWAY

W. PONKAN RD

PITTMAN R

PORTION OF PITTMAN ROAD
RIGHT-OF-WAY TO BE VACATED

RIGHT-IN/RIGHT-OUT ACCESS TO
MIXED-USE/COMMERCIAL TRACT
AND CITY PARK PARKING FIELD

NOT FOR CONSTRUCTION

N
W E
S

GRAPHIC SCALE
80 0 40 80 160
(IN FEET)
1 inch = 80 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

KEY MAP

REV.	DATE	DESCRIPTION	BY
1	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.8

LUKE CLASSON
LICENSE
No 77066
STATE OF FLORIDA
10/20/25
PROFESSIONAL ENGINEER

This item has been digitally signed and sealed by Luke A. Classon, PE on the date adjacent to the seal.
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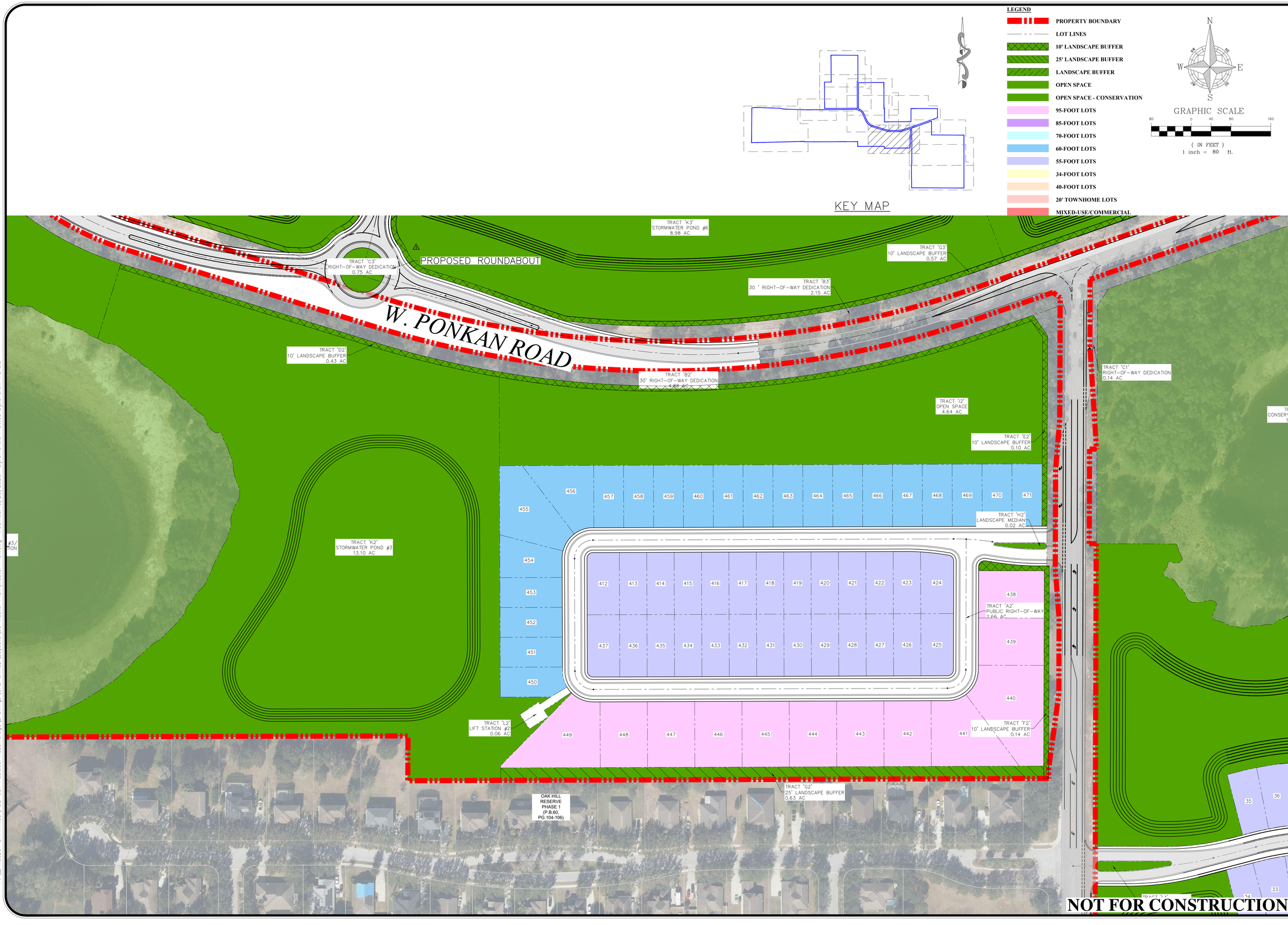
P:_PROJECT DRAWINGS\PUL-051 Paulucci Assemblage\Drawings\CAD Civil3D\Layouts\03 Master Plan\Master Plan.dwg Modified:10/20/2025 By:afrancis Plotted By:andrew.francis



P:_PROJECT DRAWINGS\PUL-051 Paulucci Assemblage\Drawings\CAD Civil3D\Layouts\03 Master Plan\Master Plan.dwg Modified:10/20/2025 By:afrancis Plotted By:andrew francis

REV.	DATE	DESCRIPTION	BY
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BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE 1" = 80'
PROJECT PUL-051
SHEET C1.9

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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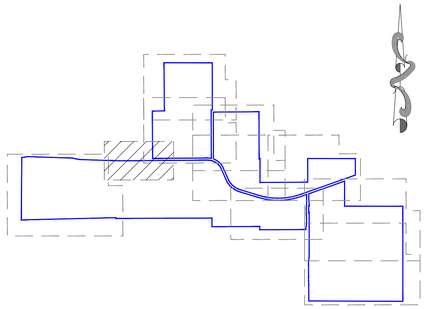

KEY MAP

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

N W E S

GRAPHIC SCALE

80 0 40 80 160

(IN FEET)
1 inch = 80 ft.

PARCEL#:19-20-28-0000-00-044
WOLF LAKE MIDDLE SCHOOL
OWNER: SCHOOL BOARD OF ORANGE COUNTY
ADDRESS: 1771 W. PONKAN ROAD

PARCEL#:20-20-28-0000-00-02
OWNER: CITY OF APOPKA
ADDRESS: 1715 W PONKAN R

JASON DWELLEY PARKWAY

W. PONKAN ROAD

TRACT "B2"
30' RIGHT-OF-WAY DEDICATION
4.88 AC

TRACT "U7"
MIXED-USE/COMMERCIAL TRACT 2
5.92 AC

TRACT "M7"
OPEN SPACE
0.07 AC

TRACT "F7"
LANDSCAPE BUFFER
0.14 AC

TRACT "L7"
OPEN SPACE
0.07 AC

TRACT "T7"
MIXED-USE/COMMERCIAL TRACT 1
4.90 AC

TRACT "P7"
OPEN SPACE/STORMWATER
8.71 AC

TRACT "Q1"
CONSERVATION AREA #3/
PUBLIC PARK DEDICATION
145.56 AC

FUTURE CONNECTION
TO COMMERCIAL TRACT

RIGHT-IN/RIGHT-OUT ACCESS TO
MIXED-USE/COMMERCIAL TRACT
AND CITY PARK PARKING FIELD

UNPAVED PARKING FIELD

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
1	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

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BOARD OF PROFESSIONAL
ENGINEERING REGISTRY
NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.10

LUKE CLASSON
LICENSED
No 77066
STATE OF
10/20/25
PROFESSIONAL ENGINEER

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PAULUCCI ACRES MASTER PLAN DEVELOPMENT STANDARDS

A. Design Standards (1)

1. Residential Lot Criteria:

Description	Single-Family Detached 95' & 85' Lots (Front-Loaded)	Single-Family Detached 70' Lots (Front-Loaded)	Single-Family Detached 55' Lots (Front-Loaded)	Single-Family Detached 55' Short Lots (Front-Loaded)	Single-Family Detached 34' & 40' Lots (Rear-Loaded)	Single-Family Attached 20' Townhomes (Rear-Loaded)
Front Porch Setback	10' min.	10' min.	10' min.	10' min.	10' min.	10' min.
Front Building Setback	Minimum:15'	Minimum: 15'	Minimum: 15'	Minimum: 10'	Minimum: 15'	Minimum: 15'
Front Garage Setback (2)	Minimum: 25'	Minimum: 25'	Minimum: 25'	Minimum: 25'	N/A	N/A
Street Side Setback	Minimum: 15'	Minimum: 15'	Minimum: 15'	Minimum: 15'	Minimum: 15'	Minimum: 15'
Side Setback	10' min.	5' min.	5' min.	5' min.	5' min.	0' for interior units 10' minimum for exterior units
Rear Setback	20' min.	20' min.	20' min.	10' min.	5' min.	5' min.
Garage Rear Setback	N/A	N/A	N/A	N/A	With driveway: 20' min. Without driveway: 5' min.	With driveway: 20' min. Without driveway: 5' min.
Min. Lot Area	10,625 SF	8,750 SF	6,875 SF	3,850 SF	3,910 SF	2,100 SF
Min. Lot Width	85'	70'	55'	55'	34'	20'
Min. Lot Depth	125'	125'	125'	70'	115'	105'
Max. Lot Coverage	75%	75%	75%	75%	75%	90%
Max. Building Height	35'/2 Stories	35'/2 Stories	35'/2 Stories	35'/2 Stories	35'/2 Stories	35'/2 Stories
Min. Living Area	1,600 SF	1,600 SF	1,600 SF	1,500 SF	1,300 SF	1,200 SF

(1) See PD Master Plan for depiction of conceptual typical site details.
(2) Front Garage Setback applies to homes with a garage facing the street, the Front Garage Setback does not apply to side loaded garages where just the typical front building setback would apply.
(3) An accessory dwelling unit (ADU), as defined in the City of Apopka Land Development Code ("LDC"), shall be allowed on all lots except 55' short lots. The ADU shall have a maximum gross floor area of 1,000 square feet. The setback for an ADU shall be the same as the principal structure and shall meet the applicable front, side and rear yard setbacks set forth in the above table.

2. Non-Residential Development:
   a) The Commercial Parcels, as identified on the PD Master Plan, shall be subject to the standards set forth in this Section A.2.
   b) Non-Residential Parcel Criteria:

Description	Commercial Parcels
Min. Lot Area	Minimum: 7,500 SF
Min. Lot Width	Minimum:75'
Front Yard Setback(3)	Minimum: 15'
Maximum: 80'	
Min. Building width in build-to-zone (% of lot width) (2)	Minimum: 60%
Side Yard Setback(3)	10' min.
Corner Side Yard Setback	20' min.
Rear Yard Setback	10' min.
Max. Building Height	45' max.
FAR	Minimum: 0.25 Maximum: 1.0
Min. Lot Depth	125'
Max. Lot Coverage	75%

(1) The area between the minimum and maximum build-to-lines that extends the width of the lot constitutes the build-to-zone.
(2) The remaining build-to-zone width may be occupied by outdoor gathering spaces, outdoor dining areas, walkways, landscaped areas, stormwater management facilities that use low impact development techniques.
(3) Minimum of 15 ft. between structures, only applies to exterior units.

c) For the Commercial Parcels, at least one handicap parking space to be van accessible per LDC requirements.
d) Connectivity: The vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the site and adjacent parcels of land. The Director may waive or modify the requirement on determining that such cross-access is impractical due to site constraints, or is inappropriate due to traffic safety issues, or undesirable due to the proposed development's incompatibility with existing development on the adjacent parcel. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining parcels of land, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the appropriate land records.
e) Building Facades: Façades shall not exceed 20 horizontal feet and ten vertical feet without including at least one of the following elements:(canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly defined, highly visible, primary building entrances. Building facades along public streets shall maintain a pedestrian scale and integrate the public and private spaces using architectural elements.
f) Building Massing and Façade Articulation: Therefore, building facades shall not exceed 60 feet along a street frontage without providing a substantial volume break such as a volume recess, a tower or bay, or an architecturally prominent public entrance The recesses and projections shall have a minimum depth of three feet.
g) Flat Roof Design: When a flat roof is proposed, parapet walls with three-dimensional cornice treatments shall conceal the roof. The cornice shall include a perpendicular projection of a minimum of eight (8) inches from the parapet facade plane.
h) Building Orientation: Locate and configure outparcels and their buildings to define street edges, development entry points, and gathering spaces. The outparcels shall meet the build-to-line setbacks. Additional buildings may be on the same parcel and are permitted to be setback further from the road, if outparcels are framing the street and meet the building width minimum percentage requirement.
i) Building Entrances: All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or facade material, pilasters, awnings, canopies, porches, or other architectural elements. Where the facade of a principal building abuts or faces a street, at least one operable pedestrian entrance providing both ingress and egress shall be provided. If the facade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space. These required pedestrian entrances shall open directly to the street sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area located between the entrance and the street.
j) Transparency: Where the facade of a building abuts or faces a street or an adjoining public gathering space, a minimum of 25 percent the street-level facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians. Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and nonreflective, with a minimum of twenty-five (25%) percent transparency (windows) (See 4.2.3).
k) Parking: Along any street, all proposed new or additional surface vehicle parking shall be predominately located to the rear or side of the development's principal building(s) or in a parking structure. No more than two bays of parking may be located in the front of the building. Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped areas. All vehicle parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.
l) Bicycle Parking: New development shall provide at least one bicycle rack, locker, or other bicycle parking facility designed to accommodate parking spaces for at least four bicycles, plus additional or larger facilities designed to accommodate parking spaces for at least two additional bicycles for each 40 vehicle parking spaces over 80 parking spaces. Required bicycle parking facilities shall be located within 50 feet of the primary pedestrian entrance(s) to the development's principal building(s).
m) Parking Structure: Where the street-level facade of a parking structure abuts or faces a pedestrian street frontage, the facade shall be articulated through use of at least three of the following features: (1) windows or window-shaped openings; (2) masonry columns; (3) decorative wall insets or projections; (4) awnings; (5) changes in color or texture of exterior materials; (6) integrated vegetation (hanging or along trellises); or (7) other similar features approved by the Director.
n) Open Space: Each development shall provide outdoor gathering spaces such as courtyards, plazas, pocket parks, where appropriate for the area being served. At a minimum, provide pedestrian amenities such as plazas, seating areas or gathering spaces between buildings that are visible and accessible.

B. Architectural, Buildings, and Accessory Structures for Detached Units

1. Architectural design shall -be consistent with the approved elevations contained within the PD.
2. Each individual single-family home shall have a minimum of two (2) bedrooms.
3. All rear-loaded lots shall have a minimum of one (1) car garage.
4. Mail delivery for all lots within the project shall occur at cluster mailbox units. Approval from the Postmaster of the locations shall be submitted prior to approval of the Construction Site Plan.
5. AC condenser units, pool equipment, and other similar equipment shall be placed in the side and/or rear yard area. AC condenser units, pool equipment, and similar equipment shall be placed with a minimum setback of three (3) feet from the side property line. For corner lots, AC condenser units, pool equipment, and similar equipment shall be screened from side streets with landscaping or opaque fencing.
6. Storage sheds or similar storage facilities shall not be allowed.
7. Swimming pools shall not be allowed on rear-loaded lots or 55' front-loaded short lots.
8. Architectural Design Standards:
   a) Architectural styles must be consistent with the approved PD Master Plan. Modification or replacement of the exterior elevations must be approved by City Council except as contemplated herein.
   b) Front facade materials such as cultured stone veneer, stucco, wood plank, and fiber cement siding may be utilized to be consistent with the applicable Architectural Style.
   c) Minimum roof pitch over the main house and garage shall be 4/12. Roof pitch over porches shall be a minimum of 3/12.
   d) Thirty-year asphalt shingle shall be installed on all roofs. Three-tab shingles are prohibited. The shingle color shall compliment the color scheme of the house.
   e) Aluminum fascia or vinyl soffit shall be standard for all houses. Fascia and soffit color shall complement the color scheme of the house.
   f) Trim around windows and doors shall be painted a different color from the body of the house. Doors may be painted either the same as the trim or separate accent color.
   g) Concrete or pavers shall be installed in rear yard driveways, lead walks, porches, and porticos.
9. Front Building Entrance Elevation Design Standards:
   a) Primary residential entries shall be allowed to be recessed up to fourteen (14) feet from the face of the primary façade, provided that the primary residential entry shall not be recessed by more than 6 feet on both sides.
   b) Front porches and porticos may be at grade level or elevated.
   c) Should any home's front elevation excluding the garage area comprise less than the required 10% of windows, the front door shall be predominantly made of glass.
   d) Specific elevations style types shall have similar wall finishes, window grid patterns, window banding and trim, roof lines and slopes, etc. Applied to each lot width model plan type front elevations.
   e) Modification or replacement of the exterior elevations must be approved by City Council except as contemplated herein.
10. Individual Lot Front, Side, and Rear Yard Fencing Standards:
   a) The maximum height of a fence within a lot shall be six (6) feet above final grade or six (6) inches less than the community common wall height, whichever is less. No fence shall exceed the height of an abutting common area wall.
   b) Fencing at rear yards of rear-loaded lots shall be setback a minimum two (2) feet from the alley and driveway edges.
   c) Fencing in front yards and street corner side yards of lots shall adhere to LDC Section 5.5.
   d) Vinyl fencing shall be allowed.

C. Architectural, Buildings, and Accessory Structures for Attached Units (Townhomes)

1. Architectural design shall be consistent with the design of the PD Master Plan.
2. Each individual townhome shall have a minimum of two (2) bedrooms.
3. All rear-loaded lots shall have a minimum of one (1) car garage.
4. Mail delivery for all lots within the development shall occur at cluster mailbox units. Approval from the Postmaster of the locations shall be submitted prior to approval of the Construction Site Plan.
5. AC condenser units and similar equipment shall be placed in the rear yard area for interior lots and in the rear or side yard for exterior lots. For exterior lots when placed within the side yard, AC condenser units and similar equipment shall be placed with a minimum setback of three (3) feet from the side property line. For interior lots, AC condenser units and similar equipment shall be placed within the rear yard with no minimum setback from the side property line. For corner lots, AC condenser units and similar equipment shall be screened from side streets with landscaping or opaque fencing.
6. Storage sheds or similar storage facilities shall not be allowed.
7. Swimming pools shall not be allowed for individual townhome units.
8. Architectural Design Standards:
   a) Architectural styles must be consistent with the approved PD Master Plan. Modification or replacement of the exterior elevations must be approved by City Council except as contemplated herein.
   b) Front facade materials such as cultured stone veneer, stucco, wood plank, and fiber cement siding may be utilized to be consistent with the applicable Architectural Style.
   c) Minimum roof pitch over the main house and garage shall be 4/12. Roof pitch over porches shall be a minimum of 3/12.
   d) Thirty-year asphalt shingle shall be installed on all roofs. Three-tab shingles are prohibited. The shingle color shall compliment the color scheme of the house.
   e) Aluminum fascia or vinyl soffit shall be standard for all houses. Fascia and soffit color shall complement the color scheme of the house.
   f) Trim around windows and doors shall be painted a different color from the body of the house. Doors may be painted either the same as the trim or separate accent color.
   g) Concrete or pavers shall be installed in rear yard driveways, lead walks, porches, and porticos.
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   b) Front porches and porticos may be at grade level or elevated.
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   d) Specific elevations style types shall have similar wall finishes, window grid patterns, window banding and trim, roof lines and slopes, etc. Applied to each lot width model plan type front elevations.
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10. Individual Lot Front, Side, and Rear Yard Fencing Standards:
   a) The maximum height of a fence within a lot shall be six (6) feet above final grade or six (6) inches less than the community common wall height, whichever is less. No fence shall exceed the height of an abutting common area wall.
   b) Fencing at rear yards of rear-loaded lots shall be setback a minimum two (2) feet from the alley and driveway edges.
   c) Fencing in front yards and street corner side yards of lots shall adhere to LDC Section 5.5.
   d) Vinyl fencing shall be allowed.

D. Utilities and Infrastructure

1. Potable water service shall be provided by the City of Apopka. The water system shall be designed to City of Apopka standards.
2. Reclaimed water service shall be provided by the City of Apopka. The reclaimed water system shall be designed to City of Apopka standards.
3. Sanitary service shall be provided by the City of Apopka. The sanitary system shall be designed to City of Apopka standards.
4. If any utility extension or upsizing is requested or required by the City in excess of what is required to service the project, then the City and the Developer shall enter into a utility agreement, which shall provide for, among other items, the City to reimburse the Developer for any utility extension and upsizing in excess of what is required to service the project.
5. Stormwater management system shall be designed to comply with the design standards of the City of Apopka and the St. Johns River Water Management District.
6. A final drainage report and soils report will be submitted with the Construction Site Plan.
7. Utility easements shall be dedicated to the City of Apopka.
8. Drainage easements to be dedicated to a homeowners association ("HOA"), a property owners association ("POA") and/or community development district ("CDD") unless otherwise required by the City of Apopka.
9. All stormwater and utility pipes may be moved to save existing trees in the right-of-way. Any change in the location of these pipes will be shown on the Construction Site Plan.
10. On-site streets are to be constructed per City of Apopka standards.
11. Stabilized access roadways and fire protection, which can be provided via a temporary source (i.e., water tank), must be in place before building construction may begin.
12. Solid waste collection and public safety (police and fire) shall be provided by the City of Apopka.
13. The internal rights-of-way may either be dedicated to the Public or privately owned and maintained by the HOA and/or CDD, as shown on the Major Development Plan. The installation of access gates for any development phase(s) with private internal rights-of-way, as shown on the Major Development Plan, shall be permitted. Any access gates shall be owned and maintained by the HOA.
14. The internal alley rights-of-way are to be privately owned and maintained by the HOA and/or CDD.
15. Five-foot (5') sidewalks are to be constructed within internal Streets Type E rights-of-way throughout the entire project in compliance with the LDC. Sidewalk alignment may be adjusted at Construction Site Plan to preserve existing trees.
16. Garages shall be accessed from the adjacent Alley Street Type at the rear of the lot for all rear-loaded lots.
17. Power service within the project shall be underground. No overhead service will be allowed.
18. Vehicular, Pedestrian and Accent lighting shall substantially conform to the LDC.
19. Right-of-way dedication tracts along the project's frontage on W. Ponkan Road, as generally depicted on the PD Master Plan, shall be dedicated to Orange County via plat or separate instrument at the time of final plat of the applicable adjacent phase of development.
20. Right-of-way dedication tracts along the project's frontage on Vick Road, as generally depicted on the PD Master Plan, shall be dedicated to the public at final plat of the applicable adjacent phase of development.
21. An access easement, as shown on the PD Master Plan, for emergency access shall be granted by the City in connection with approval of the Construction Site Plan for the applicable phase of development served by such access easement.

E. Recreation and Open Space

1. Required open space for the planned development shall be a minimum of 50% of the overall PD acreage. The aggregate open space provided across all phases of development, as demonstrated in the Major Development Plan, must collectively satisfy this overall requirement. Notwithstanding the foregoing: (i) each separate residential phase of development shall provide a minimum of 30% of its acreage as open space, except for Pod 4, as identified on the PD Master Plan, which will have its open space aggregated with Pod 1A/B for purposes of satisfying the minimum 30% open space requirement; and (ii) each separate commercial phase of development shall provide a minimum of 20% of its acreage as open space.
2. All open space tracts identified on the PD Master Plan (including, without limitation, the City Park tract to be dedicated to the City, the stormwater tract to be dedicated to Orange County, and any other stormwater management facilities and ponds to be owned and maintained by the HOA, POA and/or CDD), regardless of whether such open space tract is to be dedicated to the City, Orange County or any other governmental authority, shall be included in the open space calculation for the overall 50% requirement and for the respective phase of development that such open space tract is located within.
3. The stormwater tract and any other stormwater management facilities and ponds identified on the PD Master Plan to be dedicated to Orange County shall be dedicated to Orange County via plat or separate instrument at the time of final plat of the applicable adjacent phase of development or at such other time as approved by Orange County.
4. Dedication of the City Park tract to the City is required within 24 months after the Construction Site Plan for the initial phase of development is approved. Dedicated of the City Park tract will be via plat or separate instrument.
5. In connection with the approval of the Major Development Plan for the phase of development that includes the City Park tract, the City and Developer shall enter into a park agreement, which shall provide for, among other items, the following: (i) the design, permitting, engineering and construction of improvements to the City Park tract as agreed upon by the City and Developer, including an interconnected stabilized trail, a right-in, right-out access to W. Ponkan Road and unpaved parking, all as generally shown on the PD Master Plan, and associated impact fee credits for all of the cost of the design, permitting, engineering and construction of such improvements and the timing for issuance of such reimbursement, and (ii) future access and parking for the City Park upon development of the Commercial Parcel located south of W. Ponkan Road. The location and extent of the trails, parking and access to the City Park as generally shown on the PD Master Plan are conceptual in nature and may be modified as needed.
6. For the Amenity Tracts, general amenity programming is detailed within the PD Master Plan and shall be provided with the Major Development Plan for each phase. Specific amenity programming for a development phase shall be provided with the Construction Site Plan for such phase. The Amenity Tracts will be dedicated to the HOA.
7. Ownership and maintenance of the open space shall be in the name of the HOA, CDD, POA and/or other entity acceptable to the Community Development Director or the Planning Director, or a designee, except with respect to the City Park tract and the stormwater tract to be dedicated to Orange County.
8. The open space tracts labeled as Conservation Area shall allow areas for trails, open gathering spaces and passive recreation.

F. Buffers and Landscaping

1. A ten-foot (10') buffer tract for entry wall/rail/fence and/or landscaping will be provided along all offsite existing public rights-of-way, as shown on the PD Master Plan, provided that no buffer tract shall be required when any open space tracts labeled as Conservation Area are adjacent to such rights-of-way. This tract shall be dedicated to and maintained by the HOA and/or CDD. The buffer tract requirement set forth in this section shall not apply to the Commercial Parcels.
2. A perimeter buffer with a minimum width of twenty-five (25) feet for landscaping purposes shall be provided along the project boundary, except as shown on the PD Master Plan including without limitation: (i) where adjacent to offsite existing public rights-of-way (see above requirement), (ii) where stormwater pond tracts are along the project boundary, (iii) where open space tracts labeled as Conservation Area are along the project boundary, and (iv) the Commercial Parcels. These perimeter buffer tracts shall be dedicated to and maintained by the HOA and/or CDD. For purposes of clarity, the perimeter buffer tract requirement set forth in this section shall not apply to the Commercial Parcels.
3. The future development Commercial Parcels shall provide buffering within the respective parcel when it is developed in accordance with the minimum requirements in the LDC.
4. The design of all buffer tracts shall follow the LDC.
5. Code-required preliminary landscaping and tree preservation plans shall be provided at Major Development Plan for each phase. Hardscape and irrigation plans shall be provided at Construction Site Plan for each phase.
6. Entrance feature and community sign details will be provided with the Construction Site Plan.
7. Tree Planting Conditions. Minimum of one (1) new tree shall be planted per front-loaded residential lot. The new tree shall be a minimum of three (3) inches DBH at the time of planting and shall count toward the overall number of required tree replacement inches, if any.
8. Tree Protection Plan. The Construction Site Plan shall include tree protection techniques to prevent harm to any trees designated to be preserved or encroachment into protected natural areas, including but not limited to tree barricades, silt fencing or other similar techniques accepted by the City Engineer.

G. Maintenance

1. The HOA, POA and/or CDD shall maintain common areas including all fences/walls and landscaping within said common areas.
2. The HOA and/or CDD shall be responsible for the maintenance of all private rights-of-way and stormwater collection systems within the private rights-of-way within the project.
3. The City of Apopka shall be responsible for the maintenance of all Publicly dedicated rights-of-way, on-street parallel parking spaces, street lighting, stormwater collection systems and utilities (potable water main, reclaimed water main, force main, etc.) within the public rights-of-way of the project. The maintenance of the street lighting will be funded using a municipal service taxing unit (MSTU) or by the CDD.
4. A maintenance agreement between the HOA and/or CDD and the City will be entered into for the maintenance of the natural vegetation, as and when necessary, that is located within the City's 20-foot platted right-of-way located between the southern boundary of Pod 6, as identified on the PD Master Plan, and the northern boundary of Wekiva Run concurrently with approval of the Construction Site Plan for Pod 6. The Developer and the City shall agree upon the form of maintenance agreement prior to the approval of the Construction Site Plan for Pod 6.

H. Wetlands and Environmental

1. Multiple wetlands are present within the property limits. An upland buffer with a minimum width of 25 feet shall be provided along all preserved wetlands.
2. According to the FEMA Flood Insurance Rate Map for Orange County, FL, Panel No. 12095-C-0110-H, dated September 24, 2021, portions of the proposed development site are located within unshaded Zone 'X' (areas determined to be outside the 500-year floodplain) and shaded Zones 'AE'

NOT FOR CONSTRUCTION

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2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

REV.	DATE	DESCRIPTION	BY
A	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
A	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	LMC

DEVELOPMENT STANDARDS

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: N.T.S.
PROJECT: PUL-051
SHEET: C1.11

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER
This item has been digitally signed and sealed by Luke M. Classon, PE on the date adjacent to the seal.
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P:_PROJECT DRAWINGS\PUL-051 Paulucci Assemblage\Drawings\CAD Civil3D\Layouts\03 Master Plan\Master Plan.dwg Modified:10/20/2025 By:afrancis Plotted By:andrew.francis

and 'A' (areas determined to be subject to flooding by the 100-year flood where the Base Flood Elevation has or has not, respectively, been determined).

3. An erosion control plan will be submitted with the Construction Site Plan.
4. Tree removal, tree replacement, and landscaping shall comply with the LDC.

I. Development Condition Continuity

These PD Development Standards shall be printed within the PD Master Plan and the Construction Site Plan.

J. Signage

Signage shall comply with the LDC.

K. Lighting

1. Lighting shall comply with the LDC.
2. All Alley Street Types shall have street lighting within the Alley.
3. Street and parking areas or pedestrian path light poles shall be decorative type. Details regarding the decorative type of light pole selected will be from the City of Apopka/Utility Company list of approved lighting (except for lighting along W. Ponkan Road) and will be selected and provided with the Construction Site Plan for the respective phase of development .

L. Garbage Pickup

1. Garbage of front-loaded single-family units shall be picked up at the adjacent Street Type along the front of the lots.
2. Garbage of rear-loaded single-family units shall be picked up at the adjacent Alley Street Type along the rear of the lots.

M. Building Permits & Model Homes

1. Building permits shall be issued and home construction shall be allowed for up to 50% of the homes within the project upon completion of stabilized access and fire protection, which can be provided via a temporary source (i.e., water tank), and prior to plat recording.
2. Each model home shall be allowed to be temporarily used for a sales office associated with the residential development. A townhome building may serve as one model home.
3. A Temporary Certificate of Acceptance (TCO) for each model home shall be allowed with temporary utilities (i.e., sewer holding tank and generator power).
4. Homes shall not receive a final Certificate of Acceptance (CO) until a final plat is recorded in the public records of Orange County, Florida.

N. Miscellaneous

5. Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies.
6. All acreages are subject to change with Major Development Plan (MDP), Construction Site Plan (CSP), and Final Plat review and approval. References in these PD Development Standards to

Construction Site Plan and final plat shall mean and refer to the Construction Site Plan and/or final plat for each respective and applicable phase of development.

7. Outdoor storage areas (boats, trailers, recreational vehicles, etc.) are not provided within the residential development and will be prohibited through the HOA documents.
8. All lots with rear alley access shall have uniform address numbers on the front and rear facades of the residence.
9. Retaining walls within the project shall be allowed to be a maximum of ten (10) feet in height. Structural plans and calculations for each proposed retaining wall signed and sealed by a licensed structural engineers shall be provided at Construction Site Plan.
10. The project will be developed and constructed in separate phases.
11. The architectural theme of the residential and non-residential development is "Florida Natural."
12. Minor Adjustments (as defined in the Development Agreement) to these PD Development Standards and the PD Master Plan will be processed in accordance with the Development Agreement for this project, as may be amended from time to time (the "Development Agreement"), notwithstanding any term or provision to the contrary.

O. Non-Residential Uses

1. Non-residential uses shall only be located within the Commercial Parcels.
2. The permitted uses for the Commercial Parcel located south of W. Ponkan Road shall be as follows:
   a. Child care facility
   b. Confectionery store, ice cream, candy
   c. Mobile food vendor
   d. Restaurant
   e. Grocery store and food market
   f. Coffee shops including those that have a drive-thru component
   g. Art, music, dance, or martial arts studio/school
   h. Consumer goods establishment
   i. Beauty salon or barber shop
   j. Pet beauty parlor
   k. Veterinary hospital or clinic
   l. Nail care establishment
   m. Personal or household goods repair establishment
   n. Bank or other financial institution
   o. Dry cleaning or laundry drop-off/pick-up establishment
   p. Drug store or pharmacy
   q. Health care clinic or office
   r. Office, professional or general business
3. The permitted uses for the Commercial Parcel located north of W. Ponkan Road shall be as follows:
   a. Child care facility
   b. Health care clinic or office
   c. Pet beauty parlor
   d. Veterinary hospital or clinic
   e. Brewpub or microbrewery
   f. Mobile food vendor
   g. Restaurant

   h. Office, professional or general business
   i. Art, music, dance, or martial arts studio/school
   j. Beauty salon or barber shop
   k. Confectionery store, ice cream, candy
   l. Dry cleaning or laundry drop-off/pick-up establishment
   m. Nail care establishment
   n. Personal or household goods repair establishment
   o. Bank or other financial institution
   p. Consumer goods establishment
   q. Drug store or pharmacy
   r. Grocery store and food market
   s. Hotel
   t. Coffee shops including those that have a drive-thru component
4. Multi-family apartment use is not permitted.

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2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

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A	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	LMC

DEVELOPMENT STANDARDS

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: N.T.S.
PROJECT: PUL-051
SHEET: C1.11a

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER
10/20/25

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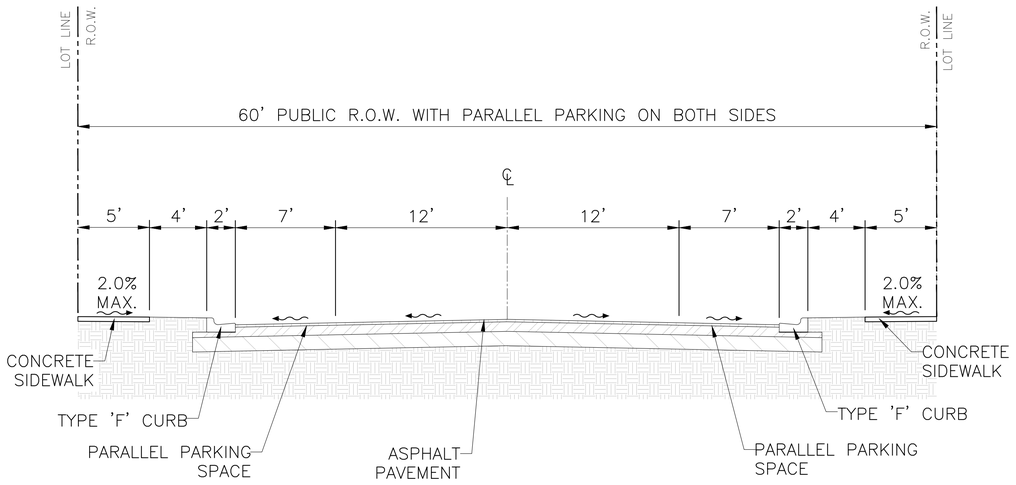
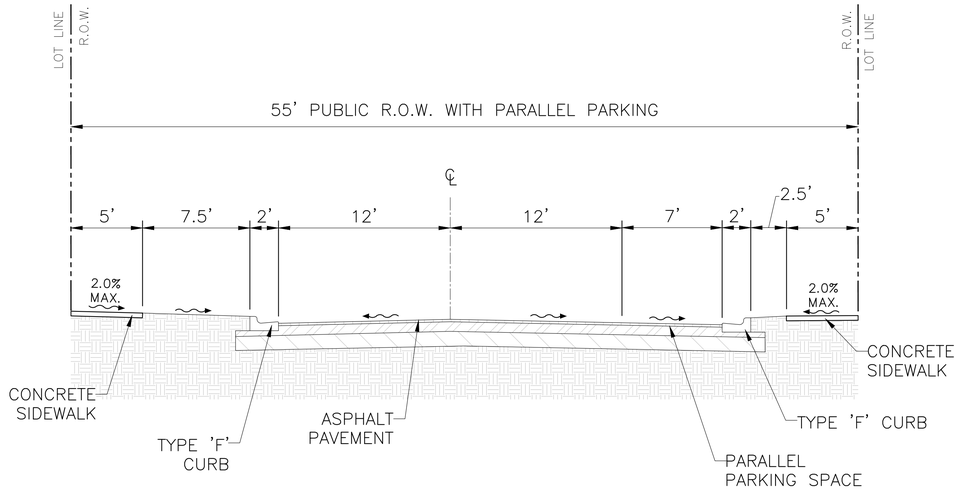
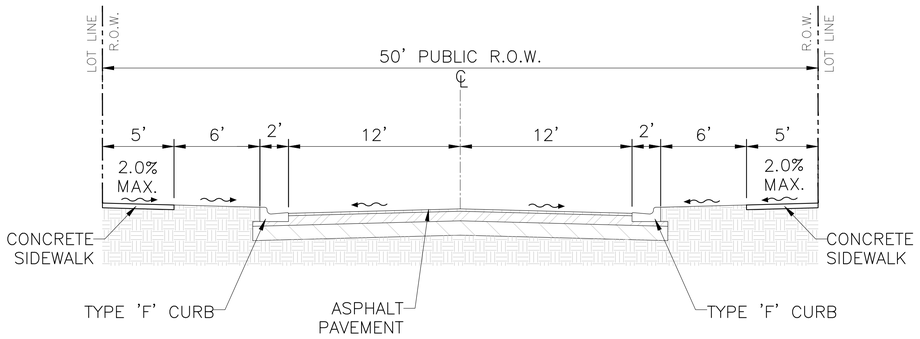
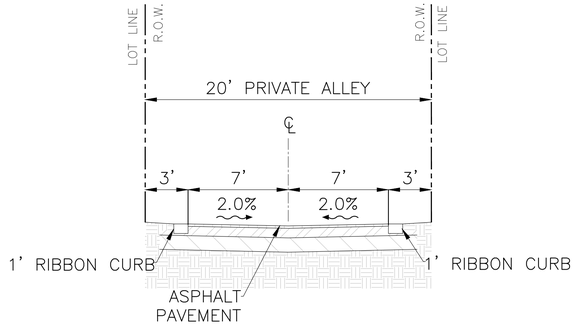
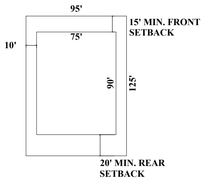








TYPICAL 95' LOT SIZE/PROPOSED BUILDING PAD



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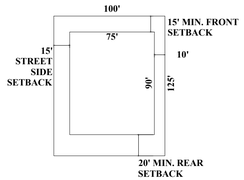

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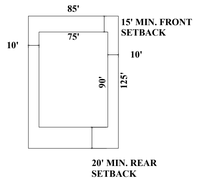

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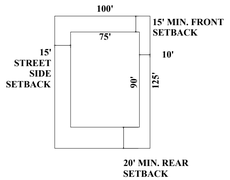

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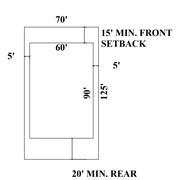

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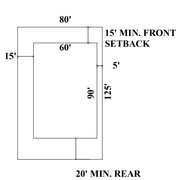

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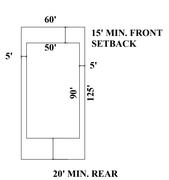

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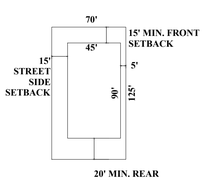

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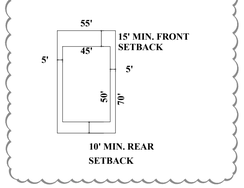

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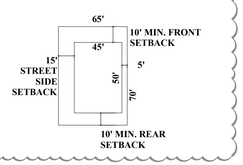

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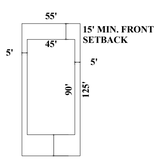

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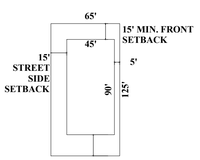

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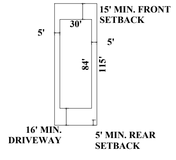

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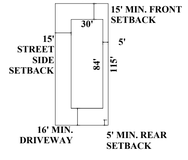

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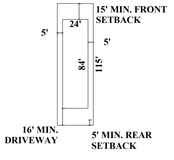

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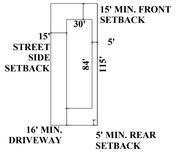
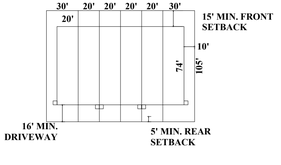
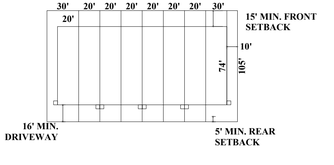


6-UNIT TOWNHOMES SIZE/PROPOSED BUILDING PAD



8-UNIT TOWNHOMES SIZE/PROPOSED BUILDING PAD



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1828 ENGINEERING
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228

TYPICAL LOT DETAILS AND ROAD CROSS SECTIONS

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: N.T.S.
PROJECT: PUL-051
SHEET: C1.12

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA 10/20/25 PROFESSIONAL ENGINEER

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POD 1A TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A1'	PUBLIC RIGHT OF WAY	14.37 AC	626,170 SF	CITY
TRACT 'B1'	30' RIGHT-OF-WAY DEDICATION	0.73 AC	31,816 SF	COUNTY
TRACT 'C1'	RIGHT-OF-WAY DEDICATION	0.14 AC	6,308 SF	CITY
TRACT 'D1'	RIGHT-OF-WAY DEDICATION	0.45 AC	19,414 SF	CITY
TRACT 'E1'	20' PRIVATE ALLEY	0.25 AC	10,888 SF	H.O.A./C.D.D.
TRACT 'F1'	20' PRIVATE ALLEY	0.25 AC	10,895 SF	H.O.A./C.D.D.
TRACT 'G1'	20' PRIVATE ALLEY	0.26 AC	11,286 SF	H.O.A./C.D.D.
TRACT 'H1'	20' PRIVATE ALLEY	0.20 AC	8,696 SF	H.O.A./C.D.D.
TRACT 'I1'	20' PRIVATE ALLEY	0.20 AC	8,686 SF	H.O.A./C.D.D.
TRACT 'J1'	25' LANDSCAPE BUFFER	1.31 AC	57,022 SF	H.O.A./C.D.D.
TRACT 'K1'	10' LANDSCAPE BUFFER	0.08 AC	3,518 SF	H.O.A./C.D.D.
TRACT 'L1'	LANDSCAPE MEDIAN	0.05 AC	2,390 SF	H.O.A./C.D.D.
TRACT 'M1'	LANDSCAPE MEDIAN	0.01 AC	605 SF	H.O.A./C.D.D.
TRACT 'N1'	AMENITY #1	1.23 AC	53,394 SF	H.O.A./C.D.D.
TRACT 'O1'	CONSERVATION AREA #1	15.73 AC	685,137 SF	H.O.A./C.D.D.
TRACT 'P1'	CONSERVATION AREA #2	8.80 AC	383,139 SF	H.O.A./C.D.D.
TRACT 'Q1'	CONSERVATION AREA #3/PUBLIC PARK DEDICATION	145.56 AC	6,340,696 SF	CITY
TRACT 'R1'	OPEN SPACE	4.06 AC	177,001 SF	H.O.A./C.D.D.
TRACT 'S1'	STORMWATER POND #1	16.00 AC	697,136 SF	H.O.A./C.D.D.
TRACT 'T1'	STORMWATER POND #2	21.21 AC	923,965 SF	H.O.A./C.D.D.
TRACT 'U1'	LIFT STATION #1	0.05 AC	1,975 SF	CITY
N/A	PORTION TO REMAIN IN OC, EXCL. FROM PD	0.37 AC	16,326 SF	COUNTY

POD 1B TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'V1'	PUBLIC RIGHT OF WAY	4.08 AC	177,686 SF	CITY
TRACT 'W1'	20' PRIVATE ALLEY	0.40 AC	17,386 SF	H.O.A./C.D.D.
TRACT 'X1'	25' LANDSCAPE BUFFER	1.26 AC	54,982 SF	H.O.A./C.D.D.
TRACT 'Y1'	OPEN SPACE	3.70 AC	161,341 SF	H.O.A./C.D.D.
TRACT 'Z1'	CONSERVATION AREA #4	1.50 AC	65,262 SF	H.O.A./C.D.D.

POD 2 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A2'	PUBLIC RIGHT-OF-WAY	2.66 AC	116,081 SF	CITY
TRACT 'B2'	30' RIGHT-OF-WAY DEDICATION	4.88 AC	212,613 SF	COUNTY
TRACT 'C2'	RIGHT-OF-WAY DEDICATION	0.41 AC	18,001 SF	CITY
TRACT 'D2'	10' LANDSCAPE BUFFER	0.43 AC	18,876 SF	H.O.A./C.D.D.
TRACT 'E2'	10' LANDSCAPE BUFFER	0.10 AC	4,209 SF	H.O.A./C.D.D.
TRACT 'F2'	10' LANDSCAPE BUFFER	0.14 AC	6,048 SF	H.O.A./C.D.D.
TRACT 'G2'	25' LANDSCAPE BUFFER	0.63 AC	27,268 SF	H.O.A./C.D.D.
TRACT 'H2'	LANDSCAPE MEDIAN	0.02 AC	909 SF	H.O.A./C.D.D.
TRACT 'I2'	OPEN SPACE	4.64 AC	202,316 SF	H.O.A./C.D.D.
TRACT 'J2'	OPEN SPACE/STORMWATER (OC DEDICATION)	3.71 AC	161,476 SF	COUNTY
TRACT 'K2'	STORMWATER POND #3	13.10 AC	570,715 SF	H.O.A./C.D.D.
TRACT 'L2'	LIFT STATION #2	0.06 AC	2,512 SF	CITY

POD 3 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A3'	PUBLIC RIGHT-OF-WAY	2.28 AC	99,435 SF	CITY
TRACT 'B3'	30' RIGHT-OF-WAY DEDICATION	2.15 AC	93,484 SF	COUNTY
TRACT 'C3'	RIGHT-OF-WAY DEDICATION	0.75 AC	32,867 SF	CITY
TRACT 'D3'	25' LANDSCAPE BUFFER	0.77 AC	33,559 SF	H.O.A./C.D.D.
TRACT 'E3'	10' LANDSCAPE BUFFER	0.08 AC	3,451 SF	H.O.A./C.D.D.
TRACT 'F3'	10' LANDSCAPE BUFFER	0.04 AC	1,732 SF	H.O.A./C.D.D.
TRACT 'G3'	10' LANDSCAPE BUFFER	0.57 AC	24,726 SF	H.O.A./C.D.D.
TRACT 'H3'	25' LANDSCAPE BUFFER	1.25 AC	54,514 SF	H.O.A./C.D.D.
TRACT 'I3'	STORMWATER POND #4	5.23 AC	227,868 SF	H.O.A./C.D.D.
TRACT 'J3'	STORMWATER POND #5	3.30 AC	143,946 SF	H.O.A./C.D.D.
TRACT 'K3'	STORMWATER POND #6	8.98 AC	391,187 SF	H.O.A./C.D.D.
TRACT 'L3'	LIFT STATION #3	0.05 AC	2,100 SF	CITY

POD 4 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A4'	PUBLIC RIGHT-OF-WAY	5.01 AC	218,159 SF	CITY
TRACT 'B4'	30' RIGHT-OF-WAY DEDICATION	2.15 AC	93,816 SF	COUNTY
TRACT 'C4'	10' LANDSCAPE BUFFER	0.05 AC	2,196 SF	H.O.A./C.D.D.
TRACT 'D4'	10' LANDSCAPE BUFFER	0.23 AC	10,050 SF	H.O.A./C.D.D.
TRACT 'E4'	10' LANDSCAPE BUFFER	0.52 AC	22,519 SF	H.O.A./C.D.D.
TRACT 'F4'	10' LANDSCAPE BUFFER	0.11 AC	4,985 SF	H.O.A./C.D.D.
TRACT 'G4'	LANDSCAPE MEDIAN	0.04 AC	1,682 SF	H.O.A./C.D.D.
TRACT 'H4'	LANDSCAPE MEDIAN	0.03 AC	1,359 SF	H.O.A./C.D.D.
TRACT 'I4'	CONSERVATION AREA #5	13.73 AC	598,030 SF	H.O.A./C.D.D.
TRACT 'J4'	OPEN SPACE	0.15 AC	6,743 SF	H.O.A./C.D.D.
TRACT 'K4'	STORMWATER POND #7	9.96 AC	433,829 SF	H.O.A./C.D.D.
TRACT 'L4'	STORMWATER POND #8	5.77 AC	251,168 SF	H.O.A./C.D.D.
TRACT 'M4'	STORMWATER POND #9	7.59 AC	330,818 SF	H.O.A./C.D.D.
TRACT 'N4'	LIFT STATION #4	0.04 AC	1,950 SF	CITY

POD 5 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A5'	PUBLIC RIGHT-OF-WAY	3.02 AC	131,588 SF	CITY
TRACT 'B5'	20' PRIVATE ALLEY	0.34 AC	14,897 SF	H.O.A./C.D.D.
TRACT 'C5'	20' PRIVATE ALLEY	0.34 AC	14,886 SF	H.O.A./C.D.D.
TRACT 'D5'	25' LANDCAPE BUFFER	0.88 AC	38,162 SF	H.O.A./C.D.D.
TRACT 'E5'	10' LANDSCAPE BUFFER	0.10 AC	4,300 SF	H.O.A./C.D.D.
TRACT 'F5'	OPEN SPACE	0.19 AC	8,066 SF	H.O.A./C.D.D.

POD 6 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A6'	PUBLIC RIGHT-OF-WAY	5.58 AC	242,965 SF	CITY
TRACT 'B6'	30' RIGHT-OF-WAY DEDICATION	0.16 AC	6,770 SF	COUNTY
TRACT 'C6'	25' LANDSCAPE BUFFER	2.47 AC	107,796 SF	H.O.A./C.D.D.
TRACT 'D6'	AMENITY #2	0.48 AC	20,741 SF	H.O.A./C.D.D.
TRACT 'E6'	OPEN SPACE	0.12 AC	5,395 SF	H.O.A./C.D.D.
TRACT 'F6'	OPEN SPACE	0.34 AC	14,930 SF	H.O.A./C.D.D.
TRACT 'G6'	OPEN SPACE	4.00 AC	174,342 SF	H.O.A./C.D.D.
TRACT 'H6'	STORMWATER POND #10	23.38 AC	1,018,498 SF	H.O.A./C.D.D.
TRACT 'I6'	LIFT STATION #5	0.05 AC	2,049 SF	CITY

POD 7 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A7'	PUBLIC RIGHT-OF-WAY	10.64 AC	463,552 SF	CITY
TRACT 'B7'	PRIVATE RIGHT-OF-WAY	1.39 AC	60,400 SF	H.O.A./C.D.D.
TRACT 'C7'	25' LANDSCAPE BUFFER	1.17 AC	50,805 SF	H.O.A./C.D.D.
TRACT 'D7'	10' LANDSCAPE BUFFER	0.16 AC	7,005 SF	H.O.A./C.D.D.
TRACT 'E7'	10' LANDSCAPE BUFFER	0.18 AC	7,989 SF	H.O.A./C.D.D.
TRACT 'F7'	LANDSCAPE BUFFER	0.14 AC	5,968 SF	H.O.A./C.D.D.
TRACT 'G7'	10' LANDSCAPE BUFFER	0.26 AC	11,380 SF	H.O.A./C.D.D.
TRACT 'H7'	10' LANDSCAPE BUFFER	0.03 AC	1,500 SF	H.O.A./C.D.D.
TRACT 'I7'	25' LANDSCAPE BUFFER	0.86 AC	37,491 SF	H.O.A./C.D.D.
TRACT 'J7'	AMENITY #3	0.87 AC	37,937 SF	H.O.A./C.D.D.
TRACT 'K7'	CONSERVATION AREA #6	14.68 AC	639,625 SF	H.O.A./C.D.D.
TRACT 'L7'	OPEN SPACE	0.07 AC	3,189 SF	H.O.A./C.D.D.
TRACT 'M7'	OPEN SPACE	0.07 AC	3,189 SF	H.O.A./C.D.D.
TRACT 'N7'	OPEN SPACE	0.07 AC	3,122 SF	H.O.A./C.D.D.
TRACT 'O7'	OPEN SPACE	0.06 AC	2,517 SF	H.O.A./C.D.D.
TRACT 'P7'	OPEN SPACE/STORMWATER	8.71 AC	379,546 SF	H.O.A./P.O.A./C.D.D.
TRACT 'Q7'	STORMWATER POND #11	11.04 AC	480,842 SF	H.O.A./C.D.D.
TRACT 'R7'	STORMWATER POND #12	10.74 AC	467,724 SF	H.O.A./C.D.D.
TRACT 'S7'	LIFT STATION #6	0.05 AC	1,969 SF	CITY
TRACT 'T7'	FUTURE MIXED-USE/COMMERCIAL TRACT 1	4.90 AC	213,403 SF	PROPERTY OWNER
TRACT 'U7'	FUTURE MIXED-USE/COMMERCIAL TRACT 2	5.92 AC	257,713 SF	PROPERTY OWNER

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
A	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
A	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	LMC

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

TRACT DATA TABLES

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: N.T.S.
PROJECT: PUL-051
SHEET: C1.13

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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Lot Count by Phase									
	20' Townhomes	34' Lots	40' Lots	55' Lots	60' Lots	70' Lots	85' Lots	95' Lots	Total
Pod 1A/1B	102	12	94	168	0	0	18	17	411
Pod 2	0	0	0	26	22	0	0	12	60
Pod 3	0	0	0	30	8	4	0	5	47
Pod 4	0	0	0	24	39	8	0	4	75
Pod 5	0	0	72	40	0	0	0	0	112
Pod 6	0	0	0	32	48	0	0	34	114
Pod 7	56	21	0	27	73	37	0	1	215
Total	**158**	**33**	**166**	**347**	**190**	**49**	**18**	**73**	**1034**

Roadway Length by Phase		
	Standard Road*	Private Alley
Pod 1A/1B	10,938 LF	2,794 LF
Pod 2	2,304 LF	0 LF
Pod 3	3,569 LF	0 LF
Pod 4	3,547 LF	0 LF
Pod 5	2,393 LF	1,596 LF
Pod 6	5,640 LF	0 LF
Pod 7	8,049 LF	2,033 LF
Total	**36,439 LF**	**6,423 LF**

N

W E

S

GRAPHIC SCALE

400 0 200 400 800

(IN FEET)
1 inch = 400 ft.

LEGEND

- PROPERTY BOUNDARY
- POD 1 A/B
- POD 1 C
- POD 2
- POD 3
- POD 4
- POD 5
- POD 6
- POD 7
- MIXED-USE/COMMERCIAL (BY OTHERS)
- PHASING LINE

*ROADWAYS WITHIN GATED PODS ARE TO BE PRIVATE, WHILE ALL OTHER PROPOSED ROADS ARE TO BE PUBLIC. DETERMINATION AS TO WHICH PODS WILL BE GATED WILL BE MADE DURING CSP PERMITTING.

JASON DWELLEY PARKWAY

POD 7
95'X125' UNITS: 1
70'X125' UNITS: 37
60'X125' UNITS: 73
55'X125' UNITS: 27
34'X115' UNITS: 21
TOWNHOME UNITS: 56
TOTAL: 213

MIXED-USE/COMMERCIAL TRACTS TO BE DEVELOPED BY OTHERS

STORMWATER TRACT TO BE DEDICATED TO ORANGE COUNTY

PARK TO BE DEDICATED TO THE CITY OF APOPKA (POD 1C)

POD 4
95'X132' UNITS: 4
70'X125' UNITS: 8
60'X125' UNITS: 39
55'X125' UNITS: 24
TOTAL: 77

POD 3
95'X132' UNITS: 5
70'X125' UNITS: 4
60'X125' UNITS: 8
55'X125' UNITS: 30
TOTAL: 47

W PONKAN ROAD

PODS 1A/B
95'X132' UNITS: 17
85'X125' UNITS: 18
55'X125' UNITS: 168
40'X115' UNITS: 94
34'X115' UNITS: 12
TOWNHOME UNITS: 102
TOTAL: 411

POD 6
95'X132' UNITS: 34
60'X125' UNITS: 48
55'X125' UNITS: 32
TOTAL: 114

POD 2
95'X132' UNITS: 12
60'X125' UNITS: 22
55'X125' UNITS: 26
TOTAL: 60

POD 1A

POD 1B

POD 5
55'X125' UNITS: 40
40'X115' UNITS: 72
TOTAL: 112

W KELLY ROAD

Proposed Cumulative Residential Open Space Table						
Pod	Open Space Area	Total Pod Area	Cumulative PD Open Space	Cumulative PD Area	Pod Open Space %	Cumulative Open Space %
Pod 1A	59.18 Ac.	120.49 Ac.	59.18 Ac.	120.49 Ac.	49.1%	49.12%
Pod 1B	6.46 Ac.	30.08 Ac.	65.65 Ac.	150.57 Ac.	21.5%	43.60%
Pod 1C	152.10 Ac.	154.28 Ac.	217.75 Ac.	304.84 Ac.	98.6%	71.43%
Pod 2	18.57 Ac.	34.06 Ac.	236.31 Ac.	338.90 Ac.	54.5%	69.73%
Pod 3	15.85 Ac.	34.70 Ac.	252.16 Ac.	373.60 Ac.	45.7%	67.49%
Pod 4	32.36 Ac.	56.63 Ac.	284.51 Ac.	430.23 Ac.	57.1%	66.13%
Pod 5	1.16 Ac.	19.68 Ac.	285.67 Ac.	449.91 Ac.	5.9%	63.50%
Pod 6	24.96 Ac.	61.28 Ac.	310.63 Ac.	511.19 Ac.	40.7%	60.77%
Pod 7	34.97 Ac.	82.58 Ac.	345.60 Ac.	593.76 Ac.	42.3%	58.20%
Future Commercial Tract 1	.98 Ac.*	4.90 Ac.	346.58 Ac.	598.66 Ac.	20.0%*	57.89%
Future Commercial Tract 2	1.18 Ac.*	5.92 Ac.	347.76 Ac.	604.58 Ac.	20.0%*	57.52%

*EACH COMMERCIAL PHASE OF THE DEVELOPMENT SHALL PROVIDE A MINIMUM OF 20% OF ITS ACREAGE AS OPEN SPACE ACCORDING TO LDC SECTIONS 5.4.4 AND 5.4.5

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
1	10/30/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

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(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

PHASING PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 400'
PROJECT: PUL-051
SHEET: C1.14

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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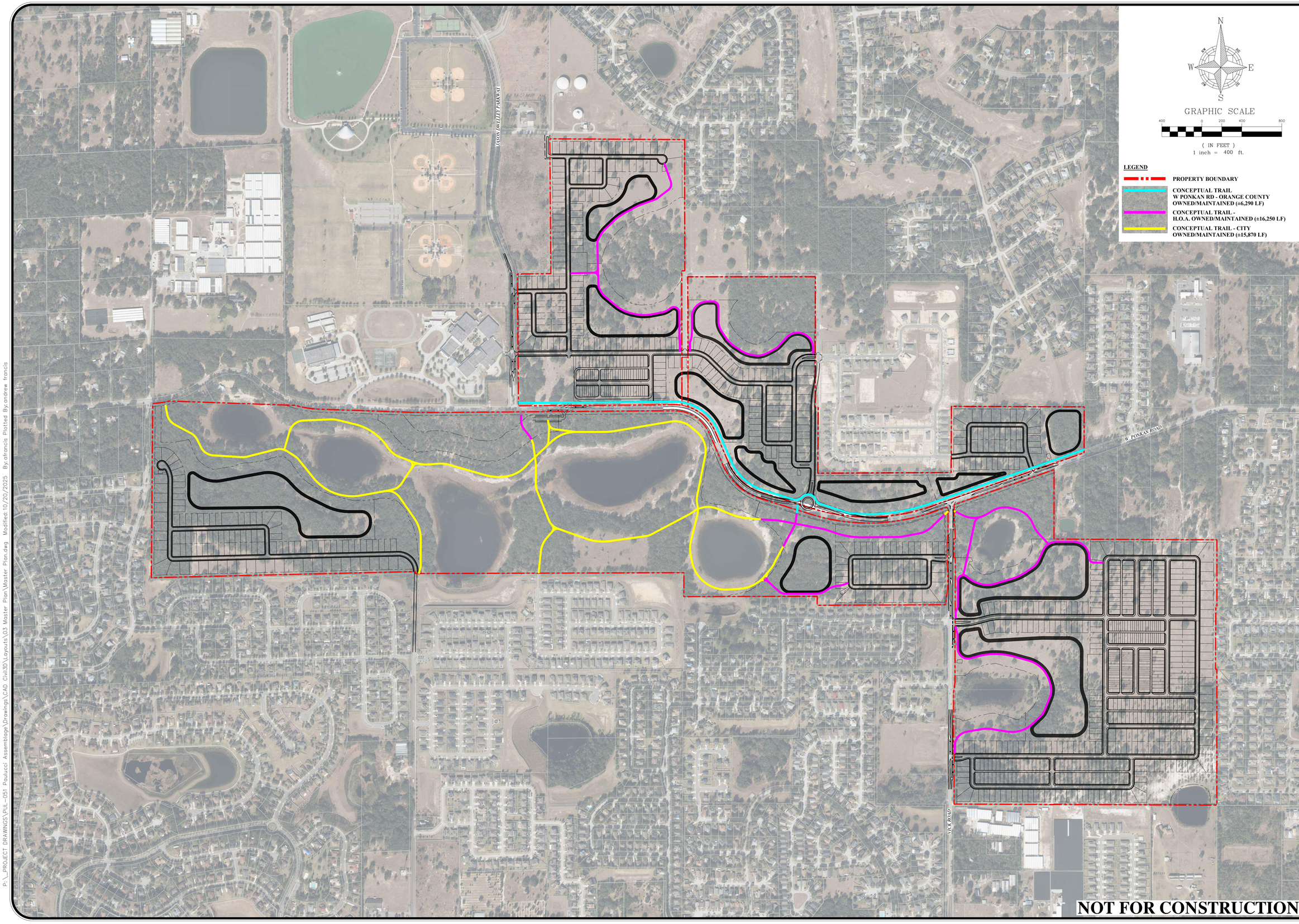

REV.	DATE	DESCRIPTION	BY
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2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	LMC

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CONCEPTUAL MULTI-PURPOSE TRAIL PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 400'
PROJECT: PUL-051
SHEET: C1.15

LAKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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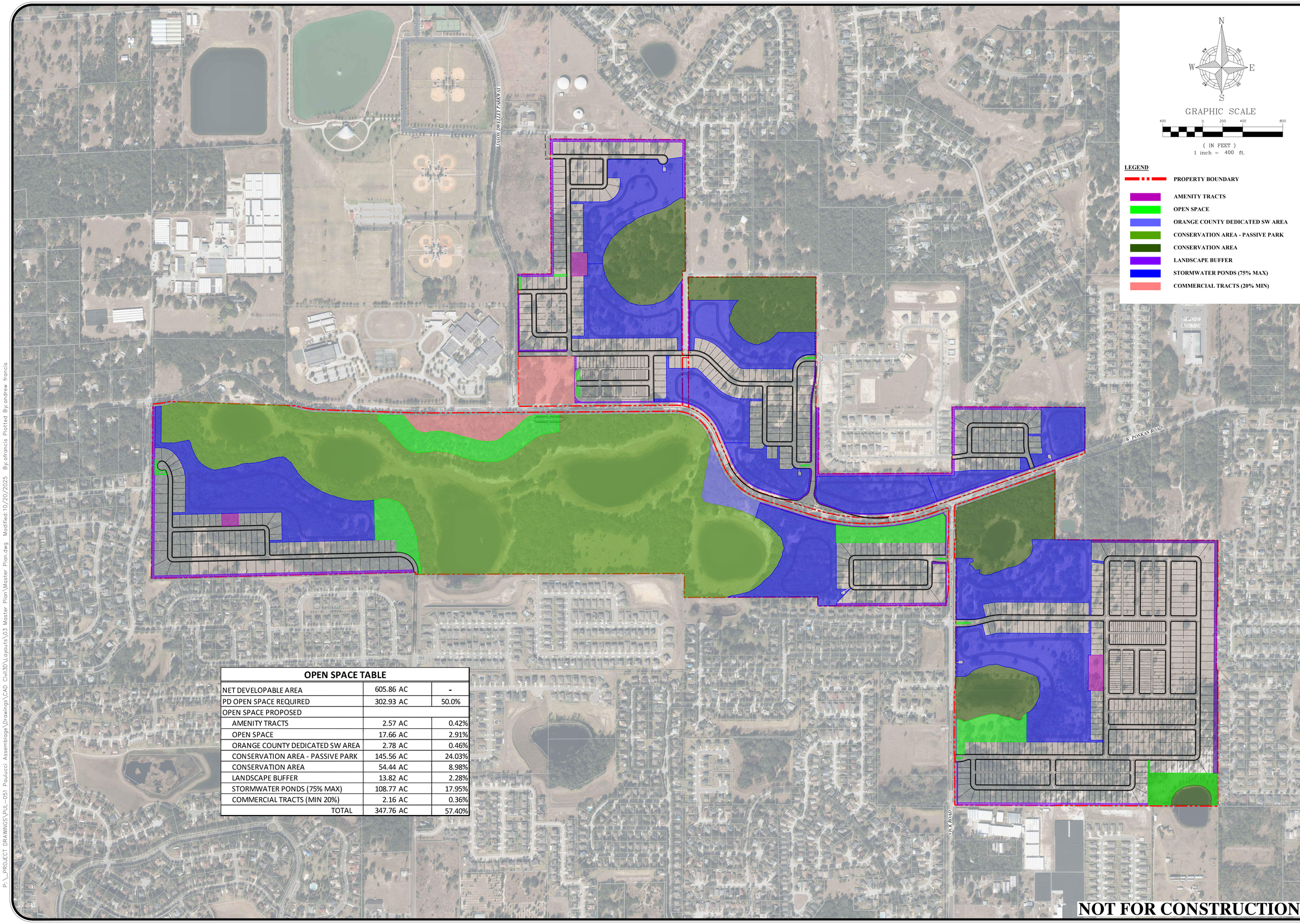

OPEN SPACE TABLE		
NET DEVELOPABLE AREA	605.86 AC	-
PD OPEN SPACE REQUIRED	302.93 AC	50.0%
OPEN SPACE PROPOSED		
AMENITY TRACTS	2.57 AC	0.42%
OPEN SPACE	17.66 AC	2.91%
ORANGE COUNTY DEDICATED SW AREA	2.78 AC	0.46%
CONSERVATION AREA - PASSIVE PARK	145.56 AC	24.03%
CONSERVATION AREA	54.44 AC	8.98%
LANDSCAPE BUFFER	13.82 AC	2.28%
STORMWATER PONDS (75% MAX)	108.77 AC	17.95%
COMMERCIAL TRACTS (MIN 20%)	2.16 AC	0.36%
TOTAL	347.76 AC	57.40%

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
A	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
A	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	BK

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(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

OPEN SPACE EXHIBIT

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025
SCALE: 1" = 400'
PROJECT: PUL-051
SHEET: C1.16

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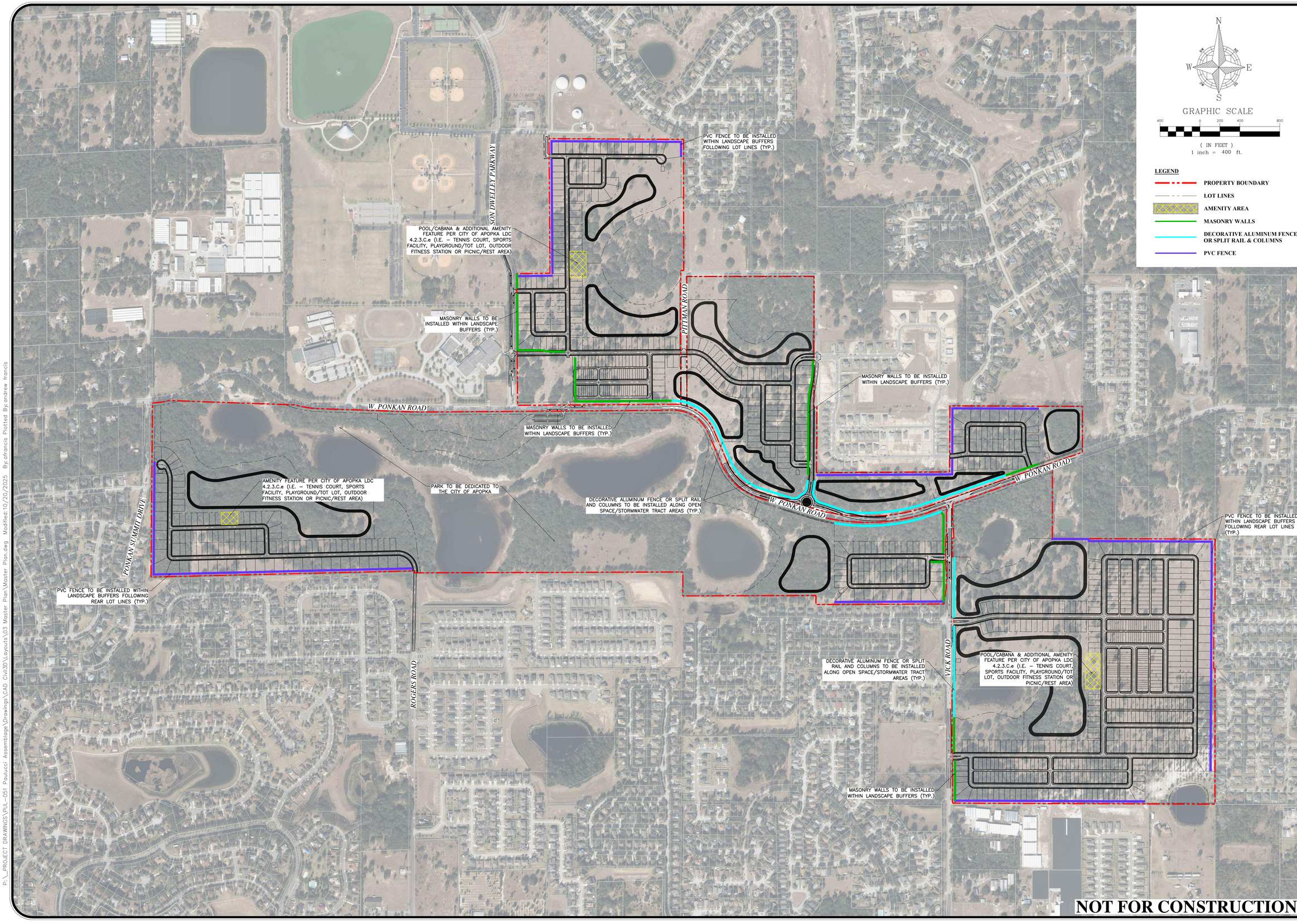

REV.	DATE	DESCRIPTION	BY
1	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

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(407) 558-2228
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AMENITY AND BUFFER TREATMENT EXHIBIT

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 400'
PROJECT: PUL-051
SHEET: C1.17

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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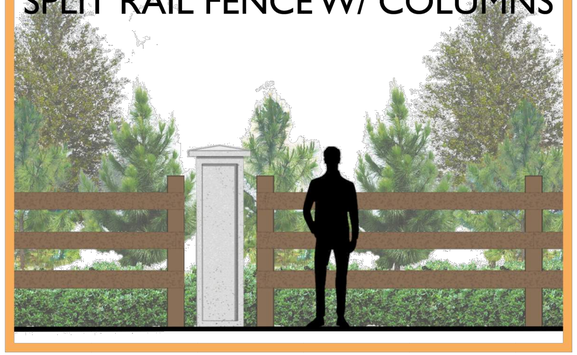
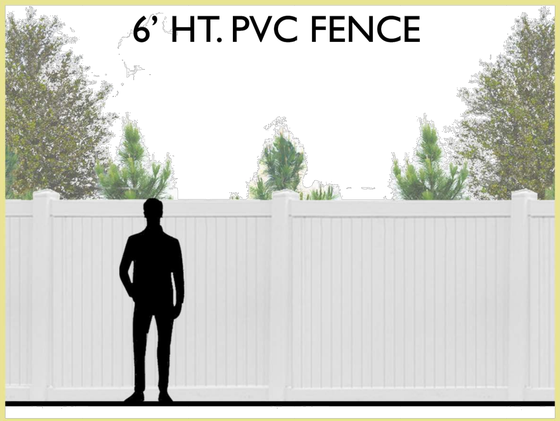
PAULUCCI ACRES
SITE WALLS AND FENCES

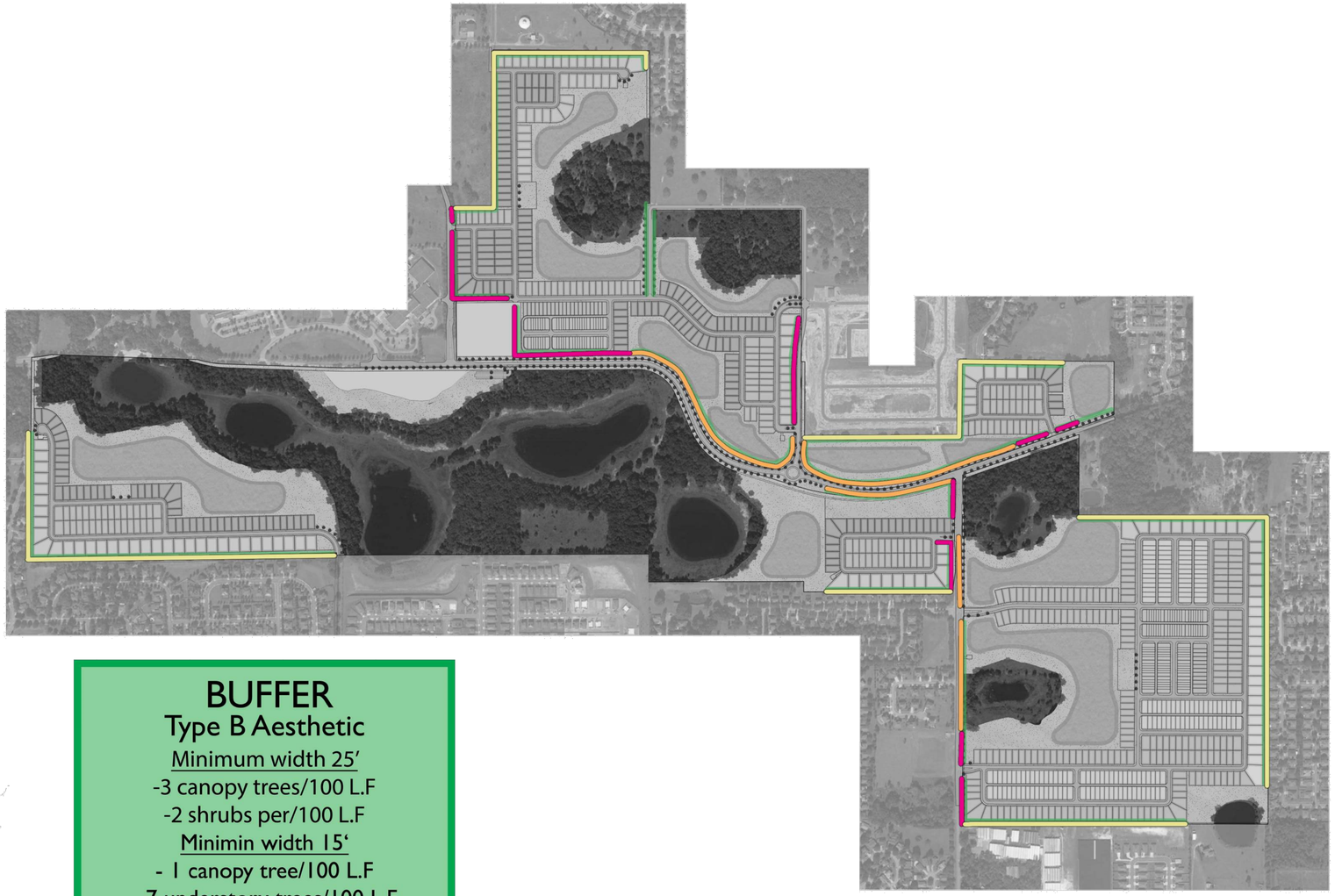
SPLIT RAIL FENCE W/ COLUMNS



6' HT. PVC FENCE



6' HT. PRECAST WALL



BUFFER
Type B Aesthetic

Minimum width 25'
-3 canopy trees/100 L.F
-2 shrubs per/100 L.F
Minimin width 15'
- 1 canopy tree/100 L.F
- 7 understory trees/100 L.F
- 5 shrubs/100 L.F
Minimum width 5'
-4' tall semi-opaque fence
or
- Wall and 10 evergreen shrubs per every 100 L.F

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
A	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
A	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	LMC

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2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

BUFFER TREATMENT DETAILS

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: N.T.S.
PROJECT: PUL-051
SHEET: C1.18

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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Townhome Product

Dahlia

1,683 A/C Sq. Ft. | 3 Bedrooms | 2.5 Baths | 2-Car Garage

Elevation FH2

Aurora

Elevation C02

Elevation MD2

Julep

1,770 A/C Sq. Ft. | 3 - 4 Bedrooms | 2.5 Baths | 2-Car Garage

Elevation FH2

Aurora

Elevation C02

Elevation MD2

Orchid

1,553 A/C Sq. Ft. | 3 Bedrooms | 2.5 Baths | 2-Car Garage

Elevation FH2

Aurora

Elevation C02

Elevation MD2

34' Rearload Product

Benton

1,628 A/C Sq. Ft. | 3 Bedrooms | 2.5 Baths | 2-Car Garage

Elevation FM1

Elevation CO1

Ember

Elevation FH1

Elevation MD1

Artist's Conception: These drawings are conceptual only and should not be relied upon as a representation, express or implied of the final detail. The developer expressly reserves the right to make modifications, revisions, and changes which it deems desirable in its sole and absolute discretion. Due to normal construction tolerances, square footage may vary. ©2023 Pulte Home Company, LLC. All Rights Reserved. CGC1516628 7-12-23

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Haddock

1,896 - 1,913 A/C Sq. Ft. | 3 Bedrooms | 2.5 Baths | 2-Car Garage

Elevation FM1

Elevation CO1

Ember

Elevation FH1

Elevation MD1

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40' Rearload Product

Dylan

1,715 A/C Sq. Ft. | 3 - 4 Bedrooms | 2 Baths | 2-Car Garage

Elevation FM1

Elevation CO1

Haven

Elevation FH1

Elevation MD1

Mabel

2,341 - 2,364 A/C Sq. Ft. | 4 Bedrooms | 3 Baths | 2-Car Garage

Elevation FM1

Elevation CO1

Haven

Elevation FH1

Elevation MD1

Artist's Conception: These drawings are conceptual only and should not be relied upon as a representation, express or implied of the final detail. The developer expressly reserves the right to make modifications, revisions, and changes which it deems desirable in its sole and absolute discretion. Due to normal construction tolerances, square footage may vary. ©2023 Pulte Home Company, LLC. All Rights Reserved. CGC1516628 7-12-23

Pulte.com

50'+ Front Load Product

Highgate

1,850 A/C Sq. Ft. | 4 Bedrooms | 2 Baths | 2-Car Garage

Elevation FM1

Forever

Elevation FM2

Elevation CO1

Elevation MD1

Elevation CO2

Elevation C1

Elevation C2

Whitestone

2,894 A/C Sq. Ft. | 4 - 5 Bedrooms | 2.5 - 4 Baths | 2-Car Garage

Elevation FH2

Elevation C1

Elevation C2

Elevation FM1

Elevation MD1

Classic Series

Elevation FM2

Elevation CO1

Elevation CO2

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Pulte.com

Elevation MD1

Elevation C2

Yorkshire

3,415 - 3,617 A/C Sq. Ft. | 5 Bedrooms | 3.5 - 4.5 Baths | 2 - 3 Car Tandem Garage

Elevation FM1

Elevation FM2

Classic Series

Elevation C1

Elevation CO1

Elevation CO2

Exterior color schemes will vary per community requirements.

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Pulte.com

60'+ Front Load Product

Easley

2,685 - 2,985 A/C Sq. Ft. | 3 - 4 Bedrooms | 2.5 - 4.5 Baths | 3-Car Tandem Garage

Elevation FM1

Elevation FM2

Estate Series

Elevation CO1

Elevation C1

Elevation MD1

Elevation C2

Elevation CO2

Easley Grand

4,194 - 4,494 A/C Sq. Ft. | 5 - 6 Bedrooms | 3.5 - 5.5 Baths | 3-Car Tandem Garage

Elevation FM1

Elevation C1

Estate Series

Elevation FM2

Elevation CO1

Elevation C2

Elevation CO2

Elevation MD1

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Pulte.com

Roseland

4,272 - 4,674 A/C Sq. Ft. | 4 - 6 Bedrooms | 3.5 - 6 Baths | 3-Car Garage

Elevation C1

Elevation C2

Elevation LH2

Elevation FM1

Elevation CO1

Legacy

Elevation MD1

Elevation FM2

Elevation CO2

Elevation MD2

Elevation FM2

Elevation FH2

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Pulte.com

Ashby

2,298 - 2,366 A/C Sq. Ft. | 3 - 4 Bedrooms | 2.5 - 4 Baths | 3-Car Garage

Elevation FM1

Elevation MD1

Estate Series

Elevation FM2

Elevation CO1

Elevation CO2

Elevation C2

Elevation C1

Ashby Grand

3,313 - 3,381 A/C Sq. Ft. | 4 -5 Bedrooms | 3.5 - 5 Baths | 3-Car Garage

Elevation MD1

Elevation C2

Elevation FM1

Elevation FM2

Estate Series

Elevation C1

Elevation CO1

Elevation CO2

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Pulte.com

This instrument prepared by
and after recording return to:

Shutts & Bowen LLP
Attn: Elesa R. Sowell, Esq.
300 S. Orange Ave., Suite 1600
Orlando, FL 32801

PLANNED DEVELOPMENT AGREEMENT
(Paulucci Acres)

THIS PLANNED DEVELOPMENT AGREEMENT (this "**Agreement**") is made and entered into as of the Effective Date (hereinafter defined) by and among the CITY OF APOPKA, FLORIDA, a Florida municipal corporation, ("**City**") whose address is 120 East Main Street, Apopka, Florida, 32703, PULTE HOME COMPANY, LLC, a Michigan limited liability company, ("**Developer**") whose address is 4901 Vineland Road, Suite 500, Orlando, Florida 32812, and PAULUCCI ACRES, LLC, a Florida limited liability company ("**Owner**"), whose address is 201 West 1st Street, Sanford, Florida 32771. Developer, Owner and City are sometimes together referred to herein as the "**Parties**", and separately as a "**Party**", as the context requires.

RECITALS

A. Owner is the fee simple owner of those certain parcels of real property presently bearing Orange County Tax Parcel Identification Numbers 20-20-28-0000-00-006, 20-20-28-0000-00-003, 20-20-28-0000-00-004, 20-20-28-0000-00-005, 20-20-28-0000-00-014, 20-20-28-0000-00-008, 30-20-28-0000-00-018, 30-20-28-0000-00-018, 29-20-28-0000-00-002, 29-20-28-0000-00-001, 29-20-28-0000-00-043, 29-20-28-0000-00-020, 29-20-28-0000-00-019, 28-20-28-0000-00-009, 28-20-28-0000-00-012, 28-20-28-0000-00-089 (portion of), 28-20-28-0000-00-090 (portion of), 28-20-28-0000-00-008, and 28-20-28-0000-00-099 located in incorporated City of Apopka, Orange County, ("**County**") Florida, (collectively, the "**Property**") which are collectively approximately 617.65 total acres in size, and which are legally described in **Exhibit "A"** attached hereto and incorporated herein by this reference.

B. Developer is the contract purchaser of a portion the Property comprised of approximately _____ acres for residential development (the "**Residential Development**"). Owner intends to retain the balance of the Property comprised of approximately _____ acres for future non-residential development designated as "Mixed-Use/Commercial" tracts (the "**Commercial Tracts**") in the Master Plan (the "**Future Commercial Development**").

C. Developer is processing certain land use and zoning approvals with City, including: (i) an application to assign all of the Property the Planned Development (PD) zoning classification (the "**Zoning Application**"); and (ii) approval of a Planned Development Master Plan (the "**Master Plan**"), including the Development Standards (the foregoing being collectively referred to herein as the "**Approvals**").

D. The Property is proposed for up to 1,034 single family residential units, approximately 10 acres of non-residential uses on the Commercial Tracts, together with community gathering spaces, open spaces, and other amenities for internal community use, as well as a park for use and enjoyment by the public at large, all as more specifically set forth in the Master Plan, the Development Standards and this Agreement (collectively, the "**Project**").

E. Developer intends to develop the Project infrastructure including streets, open space, stormwater management system, utilities, buffers and entrance features for the construction of single family residential units on the various lots together with driveways, sidewalks, amenities, and installation of landscaping within the Residential Development. Owner intends to develop and/or assign to one or more developers the obligations under this Agreement that directly relate to development and construction of the non-residential uses together with parking, driveways, sidewalks, amenities, and installation of landscaping within the Future Commercial Development.

F. Developer desires to obtain the Approvals and to receive assurances from City, as set forth herein.

G. City desires that Developer and Owner develop the Property in accordance with the City's Comprehensive Plan, the City's Land Development Code (the "**Land Development Code**"), and the terms and conditions of this Agreement.

H. Developer and Owner desire to develop the Project upon the Property and to construct the Park Improvements (hereinafter defined) in accordance with and subject to the terms of this Agreement for the uses substantially as depicted in the Approvals, and to further install such other improvements as are required by the Approvals (the "**Development Improvements**").

I. The Master Plan, a reduced copy of which is contained in **Exhibit "B"** attached hereto and incorporated herein by this reference, is consistent with and meets the intent of the PD zoning classification and complies with all requirements of the Land Development Code.

J. City is authorized by home-rule powers to enter into agreements regarding the development and redevelopment of property.

K. The City Council of City approved a Master Plan for the Project through Ordinance No. _____ on _____, 2026.

L. The City Council of City scheduled, advertised, and held a public hearing on _____, 2026, to consider this Agreement, and heard all persons desiring to speak for or against this Agreement.

M. The City Council of City duly considered the remarks and comments offered regarding this Agreement made at said public hearing.

N. The Parties desire to enter into this Agreement to provide the citizens of the City a quality development in the form of the Project.

O. Developer and Owner hereby affirms and acknowledges that everything contracted for, negotiated, acknowledged, and affirmed herein by Developer and Owner is done freely and voluntarily.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Recitals**. The recitals set forth above are true and correct and are incorporated herein by this reference.

2. **References to Streets and Tracts**. All references to street names and tract numbers in this Agreement correlate with the street names and tract numbers as depicted in the Approvals.

3. **Objectives of Agreement**. The Parties' objectives, each of which is deemed material to the Parties' decision to enter into this Agreement, include but are not limited to the following:

(a) City Objectives:

(i) To ensure that construction of the Park Improvements and other Development Improvements are consistent with the terms of this Agreement;

(ii) To have the Park Improvements constructed by Developer in accordance with the terms set forth herein;

(iii) To have Developer, or a contractor for Developer, as applicable, at time of platting, post performance bond(s) and/or other financial assurance(s) acceptable to City to ensure completion of any Development Improvements not yet completed within such portion of the Project then being platted, as provided herein; and

(iv) To ensure that Developer creates at least one mandatory entity to govern the Project and maintain the infrastructure needed to support the Project, including the stormwater ponds within the Project.

(b) Developer/Owner Objectives:

(i) To obtain from City timely reviews and approvals for the Project;

(ii) To clarify Developer's and Owner's rights and obligations regarding the Project;

(iii) To develop the Project in accordance with the terms and conditions of this Agreement;

(iv) To obtain reimbursement or impact fee credits for dedication and construction of the Park Improvements incurred by Developer in connection with the design, engineering, permitting, and construction;

(v) To obtain reimbursement for the costs incurred by Developer and to oversize, upsize, or extend any utility improvements, at the request of City, to accommodate capacity for other developments in the City;

(vi) To document the modifications to the Land Development Code that have been approved by City as part of the Approvals;

(vii) To obtain certain assurances from City concerning Developer's ability to form a community development district for the Project in the future;

(viii) To provide certainty as to possible future expansions of the Project to include additional lands; and

(ix) To obtain assurances from City concerning City's future cooperation with Developer and Owner to implement this Agreement and develop the Project, including with respect to the treatment of minor or insignificant changes to the Project

4. **W. Ponkan Road Improvements**. The Parties acknowledge that W. Ponkan Road is an Orange County roadway. The Parties further acknowledge that the final construction/engineering plans for W. Ponkan Road adjacent to the Project will be processed through Orange County and that such plans will include certain improvements to W. Ponkan Road ("**Ponkan Road Improvements**"), which are anticipated to include the dedication of right-of-way adjacent to the Project ("**Ponkan ROW Dedication**"), and which are anticipated to include the closure of the existing intersection of W. Ponkan Road and Pittman Road, the extension of the eastern segment of Pittman Road to W. Ponkan Road ("**Pittman Road Extension**"), a new intersection of W. Ponkan Road and the Pittman Road Extension ("**New Pittman Road Intersection**"), a roundabout at the New Pittman Road Intersection (the "**Roundabout Improvements**"), a trail within the Ponkan ROW Dedication along the north boundary thereof, and turn lane improvements at the intersection of W. Ponkan Road and Vick Road. The anticipated Ponkan Road Improvements as shown on the Master Plan are conceptual in nature and may be modified as required to comply with the for W. Ponkan Road construction plans approved by Orange County. The Ponkan Road Improvements will be constructed in connection with the adjacent phase of development within the Project, subject to coordination with Orange County; provided, however, that Developer will begin construction of the Roundabout Improvements in connection with the first phase of Residential Development that is located north of W. Ponkan Road and has a full access connection to W. Ponkan Road. Developer and City may enter into a future transportation agreement for the Pittman Road Extension and the New Pittman Road Intersection prior to or in connection with the approval of the Major Development Plan for the phase of Residential Development that includes the Pittman Road Extension and the New Pittman Road Intersection.

5. **Partial Vacation of Pittman Road**. Developer, City and Owner acknowledge and agree that the existing intersection of W. Ponkan Road and Pittman Road creates significant safety

concerns. Developer, City and Owner further acknowledge and agree that the Ponkan Road Improvements, including without limitation the closure of the existing intersection of W. Ponkan Road and Pittman Road, the New Pittman Road Intersection and the Roundabout Improvements, will enhance traffic safety and that the proposed vacation is in the public interest. Developer acknowledges that any proposed partial vacation of a portion of the western segment of Pittman Road will require a separate vacation application to be submitted with the City for review and approval in accordance with the City Code.

6. **Utility Improvements**. The timing of any utility improvements shall occur no later than the issuance of a certificate of occupancy for the applicable phase of development that utilizes such utility improvements. Without limiting the foregoing, if the City requests Developer to design, engineer, permit and construct an extension of a 30-inch reclaimed water main to and from the current terminus of the existing 30-inch reclaimed water main on Rogers Road and the current terminus of the existing 30-inch reclaimed water main on Jason Dwelley Parkway (the "**Proposed Reclaimed Water Extension**"), then the City and Developer will enter into a future utility agreement to address reimbursement of all such costs incurred by Developer in connection therewith as such Proposed Reclaimed Water Extension is not required to serve the Project. Developer may elect to pursue and construct temporary wastewater facilities (a temporary package plant) to service the Residential Development and subsequently operate the same until such time that sufficient capacity is available.

7. **City Park**.

(a) The primary entrance to the Commercial Tract located south of W. Ponkan Road will be located at the existing traffic signal at Jason Dwelley Parkway and W. Ponkan Road, with signal modifications required no later than the issuance of a certificate of occupancy for the development of such Commercial Tract. Owner and City anticipate that upon issuance of a certificate of occupancy for the development of such Commercial Tract, access to the unpaved parking for the City Park will be through the entrance to the Commercial Tract located south of W. Ponkan Road at which time the City will close the temporary right-in, right-out access point off of W. Ponkan Road.

(b) The Park Improvements, such as an interconnected stabilized trail, a right-in, right-out access to W. Ponkan Road and unpaved parking, as generally shown on the Master Plan (the "**Park Improvements**"), will be agreed upon in a future park agreement between Developer and City. Dedication of the City Park tract, together with the Park Improvements, to the City is required within twenty-four (24) months after the Construction Site Plan for the initial phase of Residential Development is approved by the City. Dedication of the City Park tract may be via plat or separate instrument. Conveyance of the Park Improvements shall be via a bill of sale.

(c) If the Park Improvements have not been completed before the expiration of the twenty-four (24)-month timeframe set forth in Section 7(b) above, Developer, or a contractor for Developer, as applicable, shall post a performance bond or other financial assurance acceptable to City in an amount equal to 110% of the estimated cost to complete construction of the particular Park Improvements that have not been completed, in order to ensure completion of such improvements, and shall otherwise comply with the terms of Section 5.15 of the Land

Development Code. Thereafter, the amount of the bond or other financial assurance may be reduced from time to time as improvements are completed and accepted by City, in accordance with the procedures set forth in Section 5.15 of the Land Development Code. Such performance bond or other financial assurance may be combined with the performance bond(s) or other financial assurance(s) assuring the completion of other Development Improvements.

(d) The "Paulucci" family name shall be incorporated into the name of the City Park or the City Park's trail system.

8. **Architectural Theme**. The architectural theme for the Project is "Florida Natural."

9. **Maintenance Agreement**. A maintenance agreement between the Master HOA (or a Sub-association for Pod 6) and/or the CDD and the City will be entered into for the maintenance of the natural vegetation, as and when necessary, that is located within the City's 20-foot platted right-of-way located between the southern boundary of Pod 6, as identified on the Master Plan, and the northern boundary of Wekiva Run concurrently with approval of the Construction Site Plan for Pod 6. Developer and the City shall agree upon the form of maintenance agreement prior to the approval of the Construction Site Plan for Pod 6.

10. **Community Development District**. Developer may, but shall not be required to, in the future form a community development district pursuant to the provisions of Chapter 190, Florida Statutes (the "**CDD**") which shall not include the Commercial Tracts. Developer may, provided requisite approvals are obtained by any other owners of record, subject some or all of the Property (and/or Actual Expansion Parcels (hereinafter defined)) to such CDD to facilitate the financing, construction, and installation of certain infrastructure improvements for and/or serving the Project (potentially including, without limitation, the Development Improvements) and to provide for the ongoing operation and maintenance of such improvements constructed or to be constructed by or on behalf of Developer and/or the CDD. Notwithstanding the foregoing, except as otherwise expressly set forth in this Agreement, nothing in this Agreement shall be deemed or construed to require Developer to form a CDD, to subject all or any portion of the Property (and/or the Actual Expansion Parcels) to a CDD, to develop the Project with a CDD, and/or to have the CDD (if formed) finance, construct, own, operate, and/or maintain any particular improvement(s) and/or particular category(ies) or class(es) of improvements.

(a) In the event that Developer elects to form a CDD in connection with the Project, City agrees, as required by applicable provisions of Florida law and consistent with City's practices for the review and processing of requests to form CDDs filed with City by third parties, to review, process, and act on any and all applications, petitions, permits, approvals, and instruments associated with the CDD (including but not limited to the formation, financing, and/or operation thereof, and/or the expansion thereof to include some or all of the Actual Expansion Parcels) in good faith and in a prompt and diligent manner; provided, however, Developer agrees that any such CDD will be required to waive any right it would have to incorporate into a separate municipality under Florida law. Without limiting the generality of the foregoing, upon a petition for a CDD being submitted by Developer in accordance with Section 190.005, Florida Statutes, City will engage in the appropriate statutory review and analysis of the proposal. City's

representations set forth in this paragraph constitute a material inducement for Developer and Owner to enter into this Agreement.

(b) Notwithstanding the foregoing, nothing in this Agreement shall: (i) relieve Developer of complying with the provisions of Chapter 190, Florida Statutes, or any other applicable provisions of Florida law, governing the formation and/or operation of a CDD; (ii) require the City to approve any CDD that Developer seeks to form (if such denial is authorized by and otherwise consistent with applicable provisions of Florida law); or (iii) otherwise limit the City's exercise of its regulatory police power, or otherwise waive, divest, or diminish City's decision-making in the course of exercising its police power.

11. **Master Plan and Project Expansion**. After the Effective Date, some or all of the entities constituting Developer (and/or entities affiliated with some or all of the entities constituting Developer) may acquire and become the fee simple owner(s) of additional parcels of real property, which parcels abut or are in the immediate vicinity of the Property, ("**Acquired Expansion Parcels**") but which Acquired Expansion Parcels were not included in the Property or the Master Plan. Developer has disclosed to City, and City acknowledges, that in the future Developer may seek to amend the Master Plan, the CDD, and/or this Agreement (and/or other Approvals, as applicable) to include some or all of the Acquired Expansion Parcels within the Project and/or to include some or all or additional portions of the Acquired Expansion Parcels within the CDD; provided, however, that the Property, together with such portions of the Acquired Expansion Parcels that Developer seeks to add to the Project, the Master Plan, and/or the CDD (such portion(s) being the "**Actual Expansion Parcels**") shall, at all times, constitute one contiguous tract of land without any gaps, gores, hiatuses, or overlaps (the "**Expansion Intent**"). Further, Developer has disclosed to City that, as part of any addition of the Actual Expansion Parcels to the Project and the Master Plan, Developer shall have connectivity between the portions of the expanded Project located within the Property and the portions of the expanded Project located within the Actual Expansion Parcels, including without limitation potentially by road(s), sidewalk(s), trail(s), and/or other access facilities, (the "**Connectivity Intent**") and Developer may (or may not) seek to share certain facilities and/or infrastructure between the portions of the expanded Project located within the Property and the portions of the expanded Project located within the Actual Expansion Parcels, including without limitation potential recreation facilities, open spaces, other amenities, and stormwater ponds, facilities, and management systems, (the "**Shared Facilities Intent**") with the Connectivity Intent and the Shared Facilities Intent all being to the same extent as if the Actual Expansion Parcels had been included in and as part of the Project and the Master Plan as of the Effective Date.

12. **Construction of Improvements by CDD**. Notwithstanding anything in this Agreement to the contrary, in the event that any or all of the Development Improvements are constructed by the CDD (as opposed to by Developer), then performance bond(s) and/or other financial assurance(s) shall not be required, pursuant to Section 5.15 of the Land Development Code or otherwise, to ensure completion of such improvements that are being constructed by the CDD. Pursuant to Chapter 190, Florida Statutes, the CDD is (or will be) a local unit of special-purpose government, with the power to assess and impose ad valorem taxes upon lands within the CDD to fund the operations and obligations of the CDD. Such statutory taxing power is adequate

security, within the meaning of Section 5.15 of the Land Development Code, to ensure completion of such improvements that are being constructed by the CDD.

13. **Master HOA, Sub-associations and POA**. Prior to the issuance of a building permit for the construction of the first residential unit in the Project or the issuance of a certificate of completion for any common area improvement within the initial phase of Residential Development of the Property, Developer shall form a homeowners' association in accordance with the requirements of Chapter 720, Florida Statutes, including the adoption of articles of incorporation, bylaws, and a declaration of covenants, conditions, easements, and restrictions (a "**Master HOA**"). Developer shall cause each subsequent Residential Development phase of the Property to be part of the Master HOA. The Future Commercial Development portion of the Property shall not be part of the Master HOA and Owner can form a property owners association in accordance with Florida law, including the adoption of articles of incorporation, bylaws, and a declaration of covenants, conditions, easements, and restrictions (a "**POA**"). The governing documents of the Master HOA or POA, as applicable, (the "**Governing Documents**") shall be consistent with this Agreement. To the extent there is any conflict between the Governing Documents and this Agreement, this Agreement shall supersede the Governing Documents and control. Nothing shall prohibit Developer from creating a sub-association within the Project (a "**Sub-association**"); provided, however, that such Sub-association shall be junior and inferior to the Master HOA, POA, or CDD, as applicable, in all respects.

14. **Stormwater Ponds**.

(a) **Maintenance Obligations for Stormwater Ponds**. The Master HOA, POA, or CDD, as applicable, shall be responsible for the operation and maintenance of the stormwater ponds within the Project (except those serving only a portion of the Project which may, but shall not be required to, be operated and maintained by the Sub-association for such portion of the Project served) (as applicable, the "**Maintaining Entity**"). City shall have the right, but not the obligation, to perform maintenance on the stormwater ponds if the applicable Maintaining Entity fails to properly maintain the same.

(b) **Conveyance of Stormwater Ponds**. Each stormwater pond tract within the Project shall be conveyed to the applicable Maintaining Entity no later than at the time when the portion of the Project containing such stormwater pond tract is first platted. The conveyance of the stormwater pond tracts shall be free and clear of all liens and encumbrances, except for easements of record acceptable to the applicable Maintaining Entity and to City, if any, and shall grant City easement rights to access the stormwater ponds for such maintenance purposes.

(c) **Orange County Stormwater Pond**. Notwithstanding anything contained in this Agreement to the contrary, as of the date hereof, it is contemplated that Tract J2 (Open Space / Stormwater) is to be dedicated to Orange County. Tract J2 and any other stormwater management facilities and ponds identified on the Master Plan to be dedicated to Orange County shall be dedicated to Orange County via plat or separate instrument at the time of final plat of the applicable adjacent phase of development or at such other time as approved by Orange County.

15. **Tree Protection Plan**. Developer will submit a tree survey to City showing existing trees on the Property that are required to be surveyed prior to undertaking land clearing activities. The Construction Site Plan for each phase of development shall include tree protection techniques to prevent harm to any trees designated to be preserved or encroachment into protected natural areas, including but not limited to tree barricades, silt fencing or other similar techniques accepted by the City Engineer. Developer shall obtain an Arbor Permit from City in accordance with Section 5.3.3 of the Land Development Code.

16. **Construction of Development Improvements**. Developer shall commence construction of streets, perimeter walls, entrance features and associated landscaping associated with each portion of the Project in conjunction with the infrastructure for such portion of the Project and complete the same prior to the recording of a plat for such portion of the Project. If the Development Improvements within a portion of the Project have not been completed before a plat is recorded for such portion of the Project, Developer, or a contractor for Developer, as applicable, shall post a performance bond or other financial assurance acceptable to City in an amount equal to 110% of the estimated cost to complete construction of the particular Development Improvements within such portion of the Project that have not been completed as of the platting of such portion of the Project, in order to ensure completion of such improvements, and shall otherwise comply with the terms of Section 5.15 of the Land Development Code. Thereafter, the amount of the bond or other financial assurance may be reduced from time to time as improvements are completed and accepted by City, in accordance with the procedures set forth in Section 5.15 of the Land Development Code. Such performance bond or other financial assurance may be combined with the performance bond(s) or other financial assurance(s) assuring the completion of the Development Improvements.

17. **Internal Street Network**. The internal streets within the Project may either be dedicated to the public or privately owned and maintained by the Master HOA (a Sub-association) and/or CDD, as shown on the Major Development Plan. All internal streets within the Project shall be constructed in accordance with City's engineering and design specifications. All public internal streets within the Project will be dedicated to City at the time of platting. Access gates for any development phase(s) with private internal streets, as shown on the Major Development Plan, shall be permitted within the Project and shall be owned and maintained by the Master HOA (or a Sub-association). The internal alleys within the Project shall be privately owned and maintained by the Master HOA (or a Sub-association).

18. **Development Review for Subject Property**. Developer or Owner shall provide all information on the Property necessary for the required development reviews. City shall process the Developer's or Owner's applications, licenses, and permits so long as Developer or Owner has sufficiently complied with the application procedures for each process as set forth in the City Code and adopted procedures.

19. **Developer Obligations as to Development of Subject Property**.

(a) Except as otherwise set forth herein as the responsibility of City, Developer shall design, permit, and construct, at its own cost and expense, all Development Improvements related to the Project.

(b) The Development Improvements shall be constructed in accordance with the construction plans approved by City through its standard Construction Site Plan review process.

20. **Consistency with City's Comprehensive Plan**. City hereby finds that this Agreement is consistent with the City's Comprehensive Plan and other City governing documents, and is a legislative act of the City Council. City further finds that this Agreement promotes the public health, safety, and welfare, and is consistent with, and a proper exercise of, City's powers under the Municipal Home Rule Powers Act, as provided in Section 2(b), Article VIII of the Florida Constitution, Chapter 166.021, *Florida Statutes*, and City's police powers. For avoidance of doubt, this is a non-statutory development agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220-163.3243, Florida Statutes.

21. **Minor (aka "Insubstantial") Amendments and Adjustments**. The Parties agree that a project of this type requires ongoing day-to-day decisions that may result in minor or insignificant changes to the Project. Such "**Minor Adjustments**" are those which do not materially and adversely affect or modify the Project and are typical of developments of this type. The following shall be deemed Minor Adjustments:

(a) modifications to exterior elevations and architectural details, provided that the architectural design remains consistent with the "Florida Natural" theme established in the Master Plan and the overall character and quality of development depicted in the approved Master Plan;

(b) modifications to Project entry features, community signage, monuments, walls, landscaping, or other architectural or decorative components of the Project, provided such elements continue to reflect the "Florida Natural" architectural theme and maintain comparable quality and scale;

(c) adjustments to the phasing or sequencing of development, provided such changes do not alter the timing or provision of required infrastructure improvements;

(d) modifications to the internal site plan or layout of any development phase or pod, including, but not limited to, the relocation or adjustment of the Project access points or changes in connection with the proposed partial vacation of Pittman Road, provided such modifications remain in general conformity with the approved Master Plan;

(e) modifications to the Master Plan due to coordination with Orange County as to the Ponkan Road Improvements and/or Tract J2;

(f) modifications to the total number of lots within any individual development phase or pod, provided that such changes do not increase the overall maximum number of residential dwelling units authorized for the Project and do not result in density in excess of two units per acre north of Ponkan Road;

(g) modifications to the lot types or mix of lot sizes within any development phase or pod, provided that such modification results in an increase in lot size (e.g., a pod that has 100-40' lots and 100-55' lots can change to 70-40' lots and 130-55' lots); and

(h) minor adjustments or insignificant changes as necessary to address site-specific conditions, permitting or engineering requirements or considerations, or governmental comments.

The Parties acknowledge that the scale of the maps and illustrations in the Approvals are conceptual in nature using the best available information at this stage of the development, and that permitting and engineering considerations may necessitate one or more adjustments of the various elements of the Project. Minor Adjustments shall be reviewed for consistency with this Agreement, the Approvals, including the Master Plan, and the "Florida Natural" architectural theme. Changes that exceed the scope of a Minor Adjustment set forth in this Section 21 shall require City Council approval. Developer is authorized to make such Minor Adjustments as are necessary in its professional discretion and in the ordinary course of business with approval of City Administrator or his designee ("**City Designee**"), without the need for an amendment to the Approvals. If Developer is in doubt as to whether a matter is a Minor Adjustment, Developer may from time to time request the concurrence of City Designee that a particular matter involves a Minor Adjustment, which request for concurrence shall be in writing, and which concurrence shall also be in writing, shall not be unreasonably withheld, conditioned, or delayed, and shall be binding upon City and Developer.

22. **Obligation to Adhere to Requirements of Law**. Developer, Owner and City agree that they and their respective successors and assigns will be bound by the provisions of this Agreement, as well as all applicable Federal, State, and local laws, as the same may be amended or created from time to time. No clause or provision of this Agreement shall be construed or excuse the observance of any requirement of any law by Developer, Owner or City, except as otherwise expressly provided herein. Failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Developer, Owner or City of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

23. **Covenants and Terms**. The conditions and covenants set forth herein shall be construed as covenants running with title to the Property, and shall be binding upon Developer, Owner and City, and their assigns and successors in interest, and shall inure to the benefit of Developer, Owner and City, and their assigns and successors in interest, but shall not be deemed to extend private rights to any person or entity other than the Parties hereto and their successors and assigns. City hereby agrees that this Agreement may be assigned, in whole or in part, to future non-residential developers as to the Future Commercial Development and to homebuilders as to the Residential Development. Notwithstanding the foregoing, in the event that a project mortgagee (or its nominee) shall acquire title to the Property or a portion thereof through foreclosure or deed in lieu of foreclosure, such affiliate of Developer or Owner or project mortgagee (or its nominee) shall be deemed a permitted assignee under this Agreement, provided such assignee gives City prompt notice of the acquisition thereby of the Property or portion thereof, and such assignee agrees to assume and timely perform all of the covenants and obligations of Developer or Owner under this Agreement accruing from and after the date of such acquisition of title.

24. **Qualifying Residential Lot**. Upon and after the sale and conveyance of a Qualifying Residential Lot within the Property to a bona fide third-party purchaser, then, notwithstanding any term or provision of this Agreement to the contrary, this Agreement shall automatically be released from, and shall no longer run with or be a lien or encumbrance upon title

to, such Qualifying Residential Lot within the Property. Purchasers of Qualifying Residential Lots (and their successors) shall have no rights, privileges, benefits, duties, and/or obligations under this Agreement. As used in this Agreement, the term "**Qualifying Residential Lot**" shall mean and refer to a platted, legally subdivided lot upon which is situated one (1) completed single-family detached or attached residential structure, and for which residential structure a certificate of occupancy has been issued by City.

25. **Cooperation**. Developer, Owner and City shall reasonably cooperate and act in good faith with each other to achieve the terms, conditions, and intentions of this Agreement, particularly with regard to specific dates, if any, set forth herein. In connection with Developer's applications for City development licenses, permits, and approvals necessary to construct the Project and Development Improvements in accordance with the Construction Site Plan, City agrees to process and review any and all applications associated with Developer's licenses, permits (including building permits), and approvals in good faith and in a prompt and diligent manner. However, Developer recognizes and concedes that, in the exercise of its regulatory police power, City must review and act upon Developer's permit applications in substantially the same manner as in the case of applications for all other property owners, and City's decision-making in the course of exercising its police power cannot be waived, divested, or otherwise diminished by contract.

26. **Further Documentation**. Each Party agrees that at any time following a request therefor by another Party, each Party shall execute and deliver to the requesting Party such further documents and instruments reasonably necessary to confirm and/or effectuate the obligations of any Party hereunder and the consummation of the transactions contemplated hereby.

27. **Amendments**. This Agreement may not be amended, unless evidenced in writing, executed by all Parties hereto, and recorded in the Public Records of Orange County, Florida.

28. **Indemnification**. Developer shall indemnify and hold harmless City from and against any and all suits, claims, damages, losses, liabilities, and reasonable costs and expenses whatsoever (including attorneys' fees), which City may incur (or which may be claimed against City by any person whomsoever) by reasons of or in connection with the design or construction of the Development Improvements and public infrastructure. Nothing herein shall require Developer to indemnify City or its agents for their own negligence. This paragraph shall survive expiration or earlier termination of this Agreement.

29. **Default**. Failure by any Party to perform any of its obligations hereunder shall constitute a default, entitling any non-defaulting Party to pursue, subject to the limitations provided by Section 48, such remedies as may be available to it under Florida law or equity, including, without limitation, termination of the Agreement, an action for specific performance and/or injunctive relief. Prior to any Party filing or taking any action as a result of a default under this Agreement, a non-defaulting Party shall first provide the defaulting Party with written notice of said default. Upon receipt of said notice, the defaulting Party shall be provided a thirty (30) day opportunity in which to cure the default, except where otherwise provided herein; provided, however, that if thirty (30) days is not a reasonable period in which to cure the default, the cure period shall be extended for such period of time as is reasonably necessary to cure said default (not

to exceed 180 days). Notwithstanding the foregoing, if Developer determines, in Developer's sole discretion and prior to commencing development of the Project, that market conditions or other factors have made proceeding with the Project unadvisable, then, in that instance, Developer shall be free to terminate this Agreement without penalty or claim of damages by City against Developer or Owner by providing written notice of termination to City no less than thirty (30) days prior to the effective date of termination.

30. **Attorneys' Fees**. In the event of default, the prevailing Party shall have the right to recover all reasonable attorneys' fees and court costs incurred as a result thereof, in addition to all other remedies provided herein.

31. **Bankruptcy**. In the event (a) an order or decree is entered appointing a receiver for any Party constituting Developer or their assets or (b) a petition is filed by any Party constituting Developer for relief under federal bankruptcy laws or any other similar law or statute of the United States, which action is not dismissed, vacated, or discharged within sixty (60) days after the filing thereof, then City shall have the right to terminate immediately this Agreement.

32. **No Liability or Monetary Remedy**. Developer and Owner each hereby acknowledges and agrees that it is sophisticated and prudent in business transactions and proceeds at its own risk under advice of its own counsel and advisors and without reliance on City, and that City bears no liability for direct, indirect, or consequential damages. The only remedies available to Developer or Owner for any breach by City are actions for declaratory judgment and/or mandamus to require City's specific performance under the terms and conditions of this Agreement.

33. **Force Majeure**. Except as otherwise expressly provided in this Agreement, no Party shall be liable for any breach of this Agreement for any delay or failure of performance resulting from any cause beyond such Party's reasonable control, including but not limited to the weather, strikes or labor disputes, pandemics, adverse rulings in third-party lawsuits, casualty, war, terrorist acts, riots or civil disturbances, acts of civil or military authorities, or acts of God (individually, a "force majeure") provided the Party affected takes all reasonably necessary steps to resume full performance.

34. **Gender, Number and Titles**. As used in this Agreement, the plural includes the singular, and the singular includes the plural. Use of one gender includes all genders. Titles of sections or paragraphs used in this Agreement are for convenient reference only and shall not limit, define, or otherwise affect the substance or construction of provisions of this Agreement.

35. **Notice**. Any notice required or allowed to be delivered hereunder shall be in writing and shall be: (a) hand delivered to the official hereinafter designated, effective upon such delivery; (b) deposited in the United States mail, postage prepaid, certified or registered mail, return receipt requested, effective upon receipt of such notice; or (c) deposited with a nationally recognized overnight courier service (*e.g.*, Federal Express, United Parcel Service, Purolator, Airborne, Express Mail, etc.), effective one (1) business day after such deposit; addressed to a Party at the address specified below, or at such other address as from time to time may be provided by written notice:

City:	City Administrator 120 E. Main St. Apopka, FL 32703
with a copy to:	City Attorney 120 E. Main St. Apopka, FL 32703
Developer:	Pulte Home Company, LLC Attn: Aaron Struckmeyer, Director-Land Planning and Entitlements 4901 Vineland Road, Suite 500 Orlando, FL 32812
with a copy to:	Shutts & Bowen LLP Attn: Daniel T. O'Keefe, Esq. and Elesa Sowell, Esq. 300 S. Orange Ave., Suite 1600 Orlando, FL 32801
Owner:	Paulucci Acres, LLC Attn: Paul Mellini Paulucci Building 201 West 1st Street Sanford, Florida 32771
with a copy to:	Nelson Mullins Riley & Scarborough LLP Attn: Jo Thacker, Esq. 390 N. Orange Ave., Suite 1400 Orlando, FL 32801

36. **Severability**. Invalidation of any word, clause, sentence, or section contained herein due to illegality, unconstitutionality, or for any other reason and as determined by a court of competent jurisdiction shall not act to cause this entire Agreement to be found to be invalid, illegal, or unconstitutional, and this Agreement shall be read without such invalid, illegal, or unconstitutional word, clause, sentence, or section.

37. **Recording in Public Records**. This Agreement, executed by all Parties, shall be recorded in the Public Records of Orange County, Florida. The City Clerk of City shall insure that proper recording of this Agreement is accomplished promptly after the execution of this Agreement by the Parties.

38. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and all of which shall together constitute on and the same instrument.

39. **Entire Agreement**. This Agreement constitutes the entire agreement between the Parties with respect to the specific matters contained herein and supersedes all previous discussions, understandings, and agreements with respect thereto.

40. **Negotiation**. Each Party hereto hereby acknowledges that it was properly represented in the negotiation of this Agreement and this Agreement shall not be more strictly construed against one Party or another as a result of such Party's participation in the drafting of this Agreement.

41. **No Third-Party Beneficiaries**. The Agreement is solely for the benefit of the Parties signing hereto and their successors and assigns, and no right, nor any cause of action, shall accrue to or for the benefit of any third party.

42. **Relationship of the Parties**. This Agreement does not evidence the creation of, nor shall it be construed as creating, a partnership or joint venture between City, Owner and Developer. Developer and Owner cannot create any obligation or responsibility on behalf of City or bind City in any manner except as otherwise expressly set forth herein. Each Party is acting for its own account, and it has made its own independent decisions to enter into this Agreement and as to whether the same is appropriate or proper for it based upon its own judgment and upon advice from such advisers as it has deemed necessary. Each Party acknowledges that the other Parties hereto are not acting as a fiduciary for or an adviser to it in respect of this Agreement or any responsibility or obligation contemplated herein. Developer and Owner each further represents and acknowledges that no one was paid a fee, commission, gift, or other consideration by Developer or Owner as an inducement to entering into this Agreement.

43. **Controlling Law**. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida, and all duly adopted ordinances, regulations, and policies of City now in effect and those hereinafter adopted.

44. **Venue**. The location for settlement of any and all claims, controversies, or disputes, arising out of or relating to any part of this Agreement, or any breach hereof, shall be Orange County, Florida.

45. **Personal Liability**. No provision of this Agreement is intended, nor shall any be construed, as a covenant of any official (either elected or appointed), director, employee, or agent of City in an individual capacity and neither shall any such individuals be subject to personal liability by reason of any covenant or obligation of City hereunder.

46. **No General Obligation**. In no event shall any obligation of City under this Agreement be or constitute a general obligation or indebtedness of City or a pledge of the ad valorem taxing power of City, within the meaning of the Constitution of the State of Florida or any other applicable laws, but shall be payable solely from legally available revenues and funds. Neither Developer, Owner, nor any other party under or beneficiary of this Agreement shall ever have the right to compel the exercise of the ad valorem taxing power of City or any other governmental entity or taxation in any form on any real or personal property to pay City's obligations or undertakings hereunder.

47. **Agency**. Developer, Owner and City, and their agents, contractors, or subcontractors, shall perform all activities described in this Agreement as independent entities and not as agents of each other.

48. **Sovereign Immunity**. Nothing contained in this Agreement shall be construed as a waiver of City's right to sovereign immunity for tort claims under and subject to §768.28, *Florida Statutes*.

49. **City's Police Power and Regulatory Powers**. City hereby reserves all police and regulatory powers granted to City by law. Notwithstanding any other provision of this Agreement, nothing herein shall be construed as City's bargaining away, surrendering, or in any way diminishing its police or regulatory powers.

50. **Interpretation**. The Parties hereby acknowledge and agree that each has participated equally in the drafting of this Agreement, and neither Party shall be favored or disfavored regarding the interpretation of this Agreement in the event of a dispute between the Parties.

51. **References**. Whenever any reference is made in this Agreement to any article, section, paragraph, etc. of this Agreement (or of any other document or instrument), unless otherwise expressly provided, such reference shall be deemed to include all parts and portions of the article, section, paragraph, etc. to which such reference is made, including without limitation all subarticles, subsections, subparagraphs, sentences, and/or clauses thereof, if any.

52. **Time of the Essence**. Time is of the essence of this Agreement.

53. **Calculation of Time Periods**. Unless otherwise expressly specified in this Agreement: (i) in computing any period of time described in this Agreement, the day of the act or event after which the designated period of time begins to run is not to be included, and the last day of the period so computed is to be included, unless such last day is a Saturday, Sunday, or holiday, in which event the period shall run and extend until the next day which is neither a Saturday, Sunday, or holiday; (ii) if any specified/fixed date or deadline set forth in this Agreement falls on a Saturday, Sunday, or holiday, then such date or deadline shall roll and extend to next day which is neither a Saturday, Sunday, or holiday; and (iii) the last day of any time period described in this Agreement, and the time for performance on any other date or deadline set forth in this Agreement, shall be deemed to end/be at 6:00 p.m. local time in Orange County, Florida. As used in this Agreement, "**holiday**" shall mean federal holidays as defined in 5 U.S.C. 6103, and "**Business Days**" shall mean and refer to all days other than Saturdays, Sundays, and holidays.

54. **Compliance with Public Records Law**. Pursuant to Section 119.0701, *Florida Statutes,* when Developer or Owner provides services to City by constructing public infrastructure or improving City property under the terms of this Agreement, such Party shall comply with the public records laws set forth in Chapter 119, *Florida Statutes*, and any successor statute. Specifically, Developer and Owner shall:

(a) Keep and maintain public records that ordinarily and necessarily would be required by City in order to perform the service provided to City;

(b) Provide the public with access to public records on the same terms and conditions that City would provide the records and at a cost that does not exceed the cost provided in Chapter 119, *Florida Statutes*, or otherwise provided by law;

(c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;

(d) Meet all requirements for retaining public records and transfer, at no cost to City, all public records in possession of Developer or Owner upon completion, inspection, and issuance of a Certificate of Occupancy for the completed services on City property, and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to City in a format that is compatible with the information technology systems of City;

(e) Upon request of City, Developer or Owner shall promptly provide City with copies of public records which pertain to this Agreement; and

(f) In the event that Developer or Owner receives a request from any person or entity other than City for a document, computerized information, audio or videotape, CD, DVD, or any other record in such Party's possession pursuant to this Agreement, such Party shall notify City immediately and submit the request to City for direction on how to comply with Florida's Public Records Law. Developer and Owner shall allow City to inspect the requested record to advise such Party if any material therein is exempt or confidential and therefore subject to redaction.

55. **Condemnation**. If, prior to obtaining all necessary permits and approvals to construct the public infrastructure and/or Development Improvements, all or any part of the Property is subjected to a bona fide threat of condemnation by a body having the power of eminent domain or is taken by eminent domain or condemnation (or sale in lieu thereof), or if City, Owner and/or Developer has received written notice that any condemnation action or proceeding with respect to the Property is contemplated by a body having the power of eminent domain, each Party shall give the others immediate written notice of such threatened or contemplated condemnation or of such taking or sale, and each may, by written notice to the other, given within thirty (30) days after the receipt of such notice, elect to cancel this Agreement as it relates to the portion of the Property affected by such condemnation. Further, City agrees not to use its powers of eminent domain in any way which would modify or alter the Master Plan or any Major Development Plan or Construction Site Plan, provided that this paragraph shall not abrogate City's police powers.

56. **Effective Date**. The "**Effective Date**" of this Agreement is the date when this Agreement is duly recorded in the Public Records of Orange County, Florida.

57. **Jury Waiver**. EACH PARTY HERETO, AND ITS SUCCESSORS AND/OR ASSIGNS, HEREBY VOLUNTARILY, INTENTIONALLY, IRREVOCABLY, AND FOREVER WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY LITIGATION BASED HEREON OR ARISING OUT OF, UNDER, OR IN CONNECTION WITH THIS AGREEMENT AND/OR THE SUBJECT MATTER HEREOF.

[signature pages and exhibits follow]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the Effective Date.

"CITY"

CITY OF APOPKA, FLORIDA,
a Florida municipal corporation

By: _____
Bryan Nelson, Mayor

ATTEST:

_____
_____, City Clerk

Approved as to Form:

_____
_____, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me, by means of ___ physical presence or ___ online notarization, this ___ day of _____, 2026, by Bryan Nelson, as Mayor of CITY OF APOPKA, FLORIDA, a Florida municipal corporation, on behalf of the City of Apopka, Florida. He ___ is personally known to me OR ___ has produced _____ as identification.

[AFFIX NOTARY SEAL]

_____
Notary Public

_____
Print Name
My Commission Expires:_____

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the Effective Date.

"DEVELOPER"

Signed, sealed, and delivered in the presence of:

PULTE HOME COMPANY, LLC, a Michigan limited liability company

_____
Print Name:_____
Address:_____
_____

By:_____
Print Name: _____
Title: _____
Date:_____

_____
Print Name:_____
Address:_____
_____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ___ physical presence or ___ online notarization, this ___ day of _____, 2026, by _____, as ___ _____ of Pulte Home Company, LLC, a Michigan limited liability company, on behalf of the company. S/He ___ is personally known to me OR ___ has produced _____ as identification.

[AFFIX NOTARY SEAL]

_____
Notary Public

_____
Print Name
My Commission Expires:_____

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the Effective Date.

"OWNER"

Signed, sealed, and delivered
in the presence of:

PAULUCCI ACRES, LLC,
a Florida limited liability company

By: Paulucci Acres Management, LLC,
a Delaware limited liability company,
its Manager

_____
Print Name:_____
Address:_____
_____

By: _____

Print Name: _____

Title: _____

Date: _____

_____
Print Name:_____
Address:_____
_____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ___ physical presence or ___ online notarization, this ___ day of _____, 2026, by _____, as _____ of Paulucci Acres, LLC, a Florida limited liability company, as Manager of Paulucci Acres Management, LLC, a Delaware limited liability company, on behalf of the company. S/He ___ is personally known to me OR ___ has produced _____ as identification.

[AFFIX NOTARY SEAL]

_____
Notary Public

_____
Print Name
My Commission Expires:_____

EXHIBIT "A"

Legal Description of the Property

LEGAL DESCRIPTION:
(PAULUCCI ACRES PD - AS SURVEYED)

AREA 1

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 20, THE NORTHEAST QUARTER OF SECTION 28 AND THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, LYING NORTH OF WEST PONKAN ROAD, AS SHOWN HEREON AS "AREA 1" AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 28 EAST; THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28, SOUTH 00°06'23" WEST, 460.09 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEST PONKAN ROAD, AS RECORDED IN DEED BOOK 338, PAGE 565, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 70°41'00" WEST, 1629.15 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY; THENCE 1197.49 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,880.08 FEET, A CENTRAL ANGLE OF 36°29'38" AND A CHORD BEARING AND DISTANCE OF SOUTH 88°55'48" WEST, 1177.35 FEET; THENCE NORTH 72°49'23" WEST, 531.75 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY; THENCE 469.87 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 543.69 FEET, A CENTRAL ANGLE OF 49°31'00" AND A CHORD BEARING AND DISTANCE OF NORTH 48°03'53" WEST, 455.39 FEET; THENCE NORTH 23°18'23" WEST, 319.55 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY; THENCE 390.32 FEET ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 470.26 FEET, A CENTRAL ANGLE OF 47°33'23" AND A CHORD BEARING AND DISTANCE OF NORTH 47°05'04" WEST, 379.21 FEET TO INTERSECTION OF THE SAID NORTH RIGHT-OF-WAY LINE OF WEST PONKAN ROAD AND THE EAST RIGHT-OF-WAY LINE OF PITTMAN ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 1893, PAGE 869, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 00°04'01" WEST, 1310.37 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PITTMAN ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 1893, PAGE 869, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 89°34'47" EAST, 1276.41 FEET TO THE WEST RIGHT-OF-WAY LINE OF PITTMAN ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 1887, PAGE 99, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 00°01'57" WEST, 1315.49 FEET TO THE SOUTH LINE OF SAID SECTION 20; THENCE ALONG SAID SOUTH SECTION LINE, NORTH 89°37'43" EAST, 30.00 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST, SAID POINT ALSO BEING ON THE WEST LINE OF HAMRICK ESTATES, AS RECORDED IN PLAT BOOK 106, PAGE 144, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 29 AND THE WEST LINE OF SAID HAMRICK ESTATES, SOUTH 00°19'24" WEST (SOUTH 00°18'50" WEST PER PLAT), 661.12 FEET TO THE SOUTHWEST CORNER OF SAID HAMRICK ESTATES; THENCE ALONG THE SOUTH LINE OF SAID HAMRICK ESTATES, NORTH 89°41'44" EAST (NORTH 89°42'10" EAST PER PLAT), 1334.37 FEET (1334.30 FEET PER PLAT) TO THE SOUTHEAST CORNER OF SAID HAMRICK ESTATES, ALSO BEING ON THE EAST LINE OF SAID SECTION 29; THENCE ALONG SAID EAST LINE, NORTH 00°12'58" EAST (NORTH 00°11'42" EAST PER PLAT), 662.66 FEET TO THE NORTHWEST CORNER OF SAID SECTION 28; THENCE ALONG THE SOUTH LINE OF THE WEST ONE-EIGHTH OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 28 EAST, THE SOUTH LINE OF ROCK SPRINGS RIDGE PHASE II, AS RECORDED IN PLAT BOOK 42, PAGE 56, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA, AND THE NORTH LINE OF SAID SECTION 28, SOUTH 89°46'39" EAST (SOUTH 89°40'46" EAST PER PLAT OF HAMRICK

ESTATES AND SOUTH 89°45'49" EAST PER PLAT OF ROCK SPRINGS RIDGE PHASE II), 1329.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,989,240 SQ FT. OR 91.580 ACRES, MORE OR LESS.

AREA 2

A PORTION OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, LYING SOUTH OF WEST PONKAN ROAD, AS SHOWN HEREON AS "AREA 2" AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 28; THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28, SOUTH 00°06'23" WEST, 460.09 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEST PONKAN ROAD, AS RECORDED IN DEED BOOK 338, PAGE 565, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 70°41'00" WEST, 339.24 FEET; THENCE SOUTH 19°19'00" EAST, 60.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID WEST PONKAN ROAD AND THE POINT OF BEGINNING; THENCE SOUTH 00°06'23" WEST, 695.15 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER SECTION 28; THENCE ALONG SAID SOUTH LINE, SOUTH 89°44'59" EAST, 1631.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28, SAID POINT ALSO BEING ON THE WEST LINE OF PITMAN ESTATES, AS RECORDED IN PLAT BOOK 56, PAGE 100, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28 AND THE WEST LINE OF SAID PITTMAN ESTATES, SOUTH 00°01'22" WEST (SOUTH 00°00'00" EAST PER PLAT), 666.27 FEET TO THE NORTH LINE OF TRADITIONS AT WEKIVA, AS RECORDED IN PLAT BOOK 52, PAGE 60, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE, SOUTH 89°56’46” WEST (SOUTH 89°51'12" WEST PER PLAT), 14.12 FEET TO THE WEST LINE OF SAID TRADITIONS AT WEKIVA; THENCE ALONG SAID THE WEST LINE (LABELED THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 28 ON SAID PLAT), SOUTH 00°00'57" WEST (SOUTH 00°04'18" EAST PER PLAT), 632.92 FEET TO THE SOUTH LINE OF SAID TRADITIONS AT WEKIVA; THENCE ALONG SAID SOUTH LINE, NORTH 89°56’10” EAST (NORTH 89°50'36" EAST PER PLAT), 14.04 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 19893357372, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID EAST LINE, THE WEST LINE OF SAID CERTAIN PARCEL AND THE WEST LINE OF SAID ALEXANDRIA PLACE, AS RECORDED IN PLAT BOOK 55, PAGE 93, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA, SOUTH 00°01’22” WEST (SOUTH 00°07'21" EAST PER PLAT), 1349.05 FEET TO THE NORTH LINE OF A 10-FOOT WIDE BUFFER PARCEL; THENCE ALONG THE NORTH LINE OF SAID 10-FOOT WIDE BUFFER PARCEL, NORTH 89°43’51” WEST, 1636.00 FEET TO THE WEST LINE OF SAID 10-FOOT WIDE BUFFER PARCEL; THENCE ALONG SAID WEST LINE, SOUTH 00°01’22” WEST, 10.00 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE ALONG SAID SOUTH LINE, NORTH 89°43’51” WEST, 994.04 FEET TO THE EAST RIGHT OF WAY LINE OF VICK ROAD (PER ORANGE COUNTY RIGHT-OF-WAY MAP, PROJECT #92-2-11, SHEETS 1-9); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 00°00'59" WEST, 465.56 FEET; THENCE NORTH 02°53'05" WEST, 100.13 FEET; THENCE NORTH 00°01'03" WEST, 549.99 FEET; THENCE NORTH 07°57'55" EAST, 100.98 FEET; THENCE NORTH 00°10'35" EAST, 1251.27 FEET; THENCE NORTH 89°45'00" WEST, 14.22 FEET; THENCE NORTH 00°11'11" EAST, 190.50 FEET; THENCE SOUTH 89°44'59" EAST, 14.00 FEET; THENCE NORTH 03°39'04" WEST, 209.20 FEET; THENCE NORTH 00°11'11" EAST, 131.11 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEST PONKAN ROAD, AS RECORDED IN

DEED BOOK 338, PAGE 565, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 70°41'00" A DISTANCE OF 1060.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,472,649 SQ FT. OR 171.548 ACRES, MORE OR LESS.

AREA 3

A PORTION OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 29 AND THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, LYING SOUTH OF WEST PONKAN ROAD AND EAST OF PONKAN SUMMIT DRIVE, AS SHOWN HEREON AS "AREA 3" AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER SAID SECTION 30, TOWNSHIP 20 SOUTH, RANGE 28 EAST; ALSO BEING A POINT ON THE CENTERLINE OF WEST PONKAN ROAD AS RECORDED IN DEED BOOK 338, PAGE 565; THENCE SOUTH 00°27'58" WEST, 30.15 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID WEST PONKAN ROAD AND THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 84°35'42" EAST, 40.11 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY; THENCE 129.14 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 986.10 FEET, A CENTRAL ANGLE OF 07°30'13" AND A CHORD BEARING AND DISTANCE OF NORTH 80°49'38" EAST, 129.05 FEET TO THE NORTH LINE OF SAID SECTION 30; THENCE ALONG SAID NORTH LINE OF SECTION 30, SOUTH 88°00'44" EAST, A DISTANCE OF 1261.65 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID WEST PONKAN ROAD, ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY; THENCE 244.57 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1003.83 FEET, A CENTRAL ANGLE OF 13°57'33" AND A CHORD BEARING AND DISTANCE OF SOUTH 80°29'52" EAST, 243.96 FEET; THENCE SOUTH 88°03'14" EAST, 874.77 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO NORTHEASTERLY; THENCE 234.55 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5759.65 FEET, A CENTRAL ANGLE OF 02°20'00" AND A CHORD BEARING AND DISTANCE OF SOUTH 89°13'13" EAST, 234.54 FEET; THENCE NORTH 89°36'47" EAST, 2422.35 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO SOUTHWESTERLY; THENCE 480.32 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 410.26 FEET, A CENTRAL ANGLE OF 67°04'51" AND A CHORD BEARING AND DISTANCE OF SOUTH 56°50'48" EAST, 453.36 FEET; THENCE SOUTH 23°18'23" EAST, 319.55 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO NORTHEASTERLY; THENCE 521.73 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 603.69 FEET, A CENTRAL ANGLE OF 49°31'00" AND A CHORD BEARING AND DISTANCE OF SOUTH 48°03'53" EAST, 505.64 FEET; THENCE SOUTH 72°49'23" EAST, 531.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO NORTHWESTERLY; THENCE 1235.71 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1940.08 FEET, A CENTRAL ANGLE OF 36°29'38" AND A CHORD BEARING AND DISTANCE OF NORTH 88°55'48" EAST, 1214.93 FEET; THENCE NORTH 70°41'00" EAST, 165.31 FEET TO INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF VICK ROAD (PER ORANGE COUNTY ENGINEERING DEPARTMENT, RIGHT-OF-WAY MAP PROJECT #92-2-11, SHEETS 1-9) & THE SOUTH RIGHT-OF-WAY LINE OF SAID WEST PONKAN ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 00°11'11" WEST, A DISTANCE OF 260.87 FEET; THENCE SOUTH 04°45'37" WEST, 100.27 FEET; THENCE SOUTH 00°11'11" WEST, 200.00 FEET; THENCE SOUTH 04°23'15" EAST, 100.32 FEET; THENCE SOUTH 00°11'15" WEST, 149.70 FEET; THENCE SOUTH 07°45'56" WEST, 152.82 FEET; THENCE SOUTH 00° 05' 33" WEST, 19.12 FEET TO THE NORTH LINE OF OAK HILL RESERVE PHASE 1, AS RECORDED IN PLAT BOOK 60, PAGE 104, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA ; THENCE ALONG SAID NORTH LINE, SOUTH 89°47'59" WEST (NORTH 87°57'44" WEST PER PLAT), 1286.40 TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER SECTION 29, TOWNSHIP 20 SOUTH, RANGE 28 EAST; THENCE ALONG SAID WEST LINE AND SAID NORTH LINE OF OAK HILL RESERVE PHASE 1, NORTH 00°12'47" EAST (NORTH

02°28'54" EAST PER PLAT), 90.00 FEET; THENCE ALONG SAID NORTH LINE, SOUTH 89°50'19" WEST (NORTH 87°57'16" WEST PER PLAT), 1335.35 FEET (1336.25 FEET PER PLAT) TO THE NORTHWEST CORNER OF SAID OAK HILL RESERVE PHASE 1, SAID POINT ALSO BEING ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 29 AND THE EAST LINE OF VISTA RESERVE PHASE 2, AS RECORDED IN PLAT BOOK 101, PAGE 119 OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID EAST LINE NORTH 00°19'39" EAST (NORTH 00°22'32" EAST PER PLAT), 239.68 FEET TO THE NORTHEAST CORNER OF SAID VISTA RESERVE PHASE 2; THENCE ALONG THE NORTH LINE OF SAID VISTA RESERVE PHASE 2, SOUTH 89°49'04" WEST (SOUTH 89°48'58" WEST PER PLAT), 681.00 FEET (680.94 FEET PER PLAT); THENCE CONTINUE ALONG SAID NORTH LINE, SOUTH 89°48'53" WEST (SOUTH 89°48'58" WEST PER PLAT), 2008.62 FEET TO THE EAST LINE OF WEKIVA RUN PHASE III-B, AS RECORDED IN PLAT BOOK 77, PAGE 148, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA, ALSO BEING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE ALONG SAID EAST LINE, NORTH 01°10'58" EAST, 20.00; THENCE SOUTH 88°39'45" WEST, 2642.74 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 30; THENCE ALONG SAID WEST LINE, NORTH 00°27'59" EAST, 1745.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,467,923 SQ. FT. OR 263.267 ACRES, MORE OR LESS

AREA 4

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, LYING NORTH OF WEST PONKAN ROAD, AS SHOWN HEREON AS "AREA 4" AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 20 SOUTH, RANGE 28 EAST; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SOUTH 89°40'56 EAST, 1349.27 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SAID POINT ALSO BEING ON THE WEST LINE OF ROCK SPRINGS RIDGE PHASE IV-A, AS RECORDED IN PLAT BOOK 51, PAGE 37, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE, SOUTH 00°04'01" EAST (SOUTH 00°05'22" EAST PER PLAT), 1314.36 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PITTMAN ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY, SOUTH 89°34'47" WEST, 30.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF PITTMAN ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 1887, PAGE 99, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE, SOUTH 00°04'01" EAST 1353.47 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEST PONKAN ROAD, AS RECORDED IN DEED BOOK 338, PAGE 565, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY; THENCE 97.97 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 470.26 FEET, A CENTRAL ANGLE OF 11°56'09" AND A CHORD BEARING AND DISTANCE OF NORTH 84°25'09" WEST, 97.79 FEET; THENCE SOUTH 89°36'47" WEST, 1544.42 FEET TO THE EAST RIGHT-OF-WAY LINE OF JASON DWELLEY PARKWAY, ALSO KNOWN AS RECREATION WAY, AS RECORDED IN PLAT BOOK 53, PAGE 146, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 00°14'03" WEST, 1323.49 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE ALONG SAID NORTH LINE, NORTH 89°27'56" EAST, 335.15 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, NORTH 00°26'26" WEST, 1349.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,980,603 SQ FT. OR 91.382 ACRES, MORE OR LESS

COMBINED AREA OF AREAS 1, 2, 3 & 4 IS 26,910,415 SQ. FT. OR 617.778 ACRES, MORE OR LESS.

EXHIBIT "B"

Master Plan

PD MASTER PLAN

FOR

PAULUCCI ACRES

CITY OF APOPKA, FLORIDA

OCPA PARCEL ID#'S 20-20-28-0000-00-003, 20-20-28-0000-00-004, 20-20-28-0000-00-005, 20-20-28-0000-00-006, 20-20-28-0000-00-008, 20-20-28-0000-00-014, 28-20-28-0000-00-008, 28-20-28-0000-00-009, 28-20-28-0000-00-012, 28-20-28-0000-00-099, 28-20-28-0000-00-089, 28-20-28-0000-00-090, 29-20-28-0000-00-001, 29-20-28-0000-00-002, 29-20-28-0000-00-019, 29-20-28-0000-00-020, 29-20-28-0000-00-043, 30-20-28-0000-00-018

SHEET INDEX

C0.0	COVER SHEET
C1.0-C1.10	MASTER PLAN
C1.11-C1.11a	DEVELOPMENT STANDARDS
C1.12	TYPICAL LOT DETAILS AND ROAD CROSS SECTIONS
C1.13	TRACT DATA TABLES
C1.14	PHASING PLAN
C1.15	CONCEPTUAL MULTI-PURPOSE TRAIL PLAN
C1.16	OPEN SPACE EXHIBIT
C1.17	AMENITY AND BUFFER TREATMENT EXHIBIT
C1.18	BUFFER TREATMENT DETAILS

PROJECT TEAM:

OWNER
PAULUCCI ACRES, LLC.
MANAGER: REGINA RABAITAILLE
390 NORTH ORANGE AVENUE - SUITE 1400
ORLANDO, FL 32801

DEVELOPER
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SURVEYOR: RICHARD D. BROWN, P.S.M.
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GEOTECHNICAL ENGINEER
DEVO ENGINEERING, LLC.
ENGINEER: DEVO SEEREERAM, Ph.D., P.E.
5500 ALHAMBRA DRIVE
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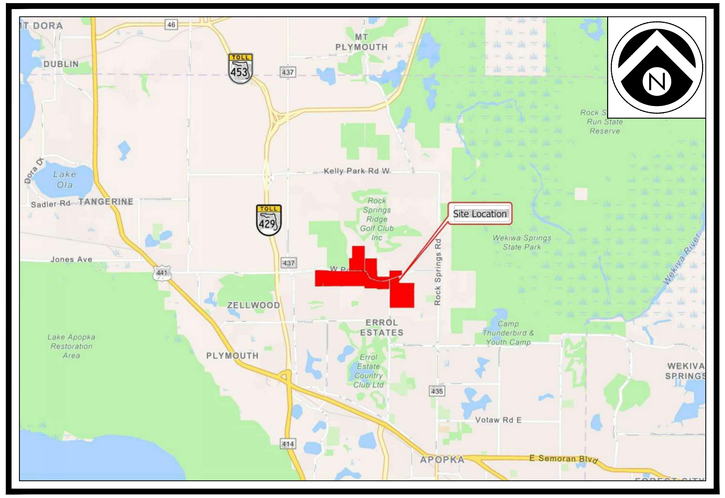
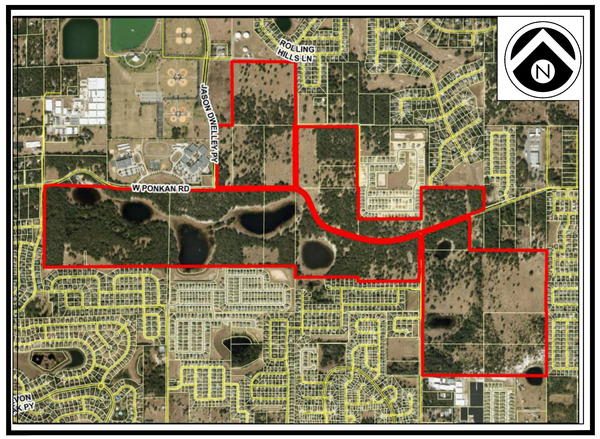
FAX: (407) 298-9011
EMAIL: DEVO@DEVOENG.COM



VICINITY MAP

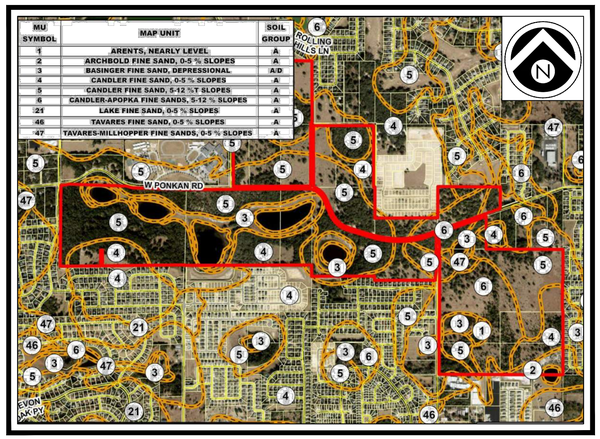
SCALE: 1" = 3000'



AERIAL MAP

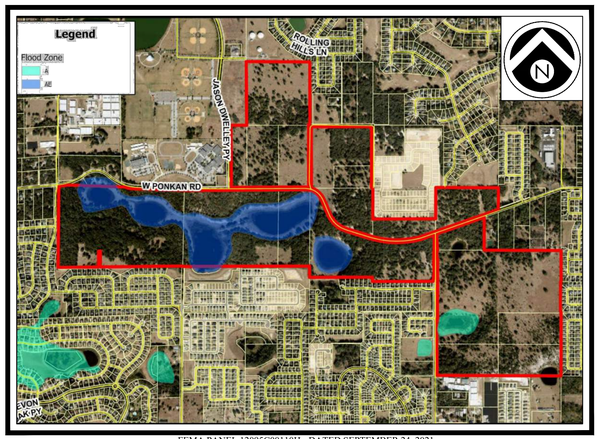
SCALE: 1" = 400'

MU SYMBOL	MAP UNIT	SOIL GROUP
1	ARENTS, NEARLY LEVEL	A
2	ARCHBOLD FINE SAND, 0-5 % SLOPES	A
3	BASINGER FINE SAND, DEPRESSIONAL	A/D
4	CANDLER FINE SAND, 0-5 % SLOPES	A
5	CANDLER FINE SAND, 5-12 %T SLOPES	A
6	CANDLER-APOPKA FINE SANDS, 5-12 % SLOPES	A
21	LAKE FINE SAND, 0-5 % SLOPES	A
46	TAVARES FINE SAND, 0-5 % SLOPES	A
47	TAVARES-MILLHOPPER FINE SANDS, 0-5 % SLOPES	A



SOILS MAP

SCALE: 1" = 400'



FEMA PANEL 12095C0011OH - DATED SEPTEMBER 24, 2021

FEMA FLOOD MAP

SCALE: 1" = 400'

UTILITY PROVIDERS

WATER/SEWER/RECLAIMED:
CITY OF APOPKA
748 E. CLEVELAND STREET
APOPKA, FLORIDA 32703
CONTACT: VLADIMIR SIMONOVSKI, P.E.
PHONE: (407) 703-1731

SOLID WASTE COLLECTION:
CITY OF APOPKA
748 EAST CLEVELAND STREET
APOPKA, FLORIDA 32703
PHONE: (407) 703-1731

CABLE:
CHARTER COMMUNICATIONS
(A.K.A. SPECTRUM)
3767 ALL AMERICAN BOULEVARD
ORLANDO, FLORIDA 32810
CONTACT: TRACEY DOMOSTOY
PHONE: (407) 532-8509

TELEPHONE/FIBER:
CENTURY LINK
33 NORTH MAIN STREET, ROOM 144
WINTER GARDEN, FLORIDA 34787
CONTACT: BILLY HAGER
PHONE: (407) 814-5329

GAS
LAKE APOPKA NATURAL GAS DISTRICT
1320 WINTER GARDEN VINELAND ROAD
WINTER GARDEN, FLORIDA 34787
CONTACT: MINGO COLON
PHONE: (407) 656-2734

POWER:
DUKE ENERGY
3250 BONNETT CREEK ROAD
PO BOX 10000
LAKE BUENA VISTA, FLORIDA 32830
CONTACT: JENNIFER NAZARIAN
PHONE: (407) 938-6611

NOT FOR CONSTRUCTION

1828 ENGINEERING

2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228

BOARD OF PROFESSIONAL
ENGINEERING REGISTRY
NO. 39060

PERMITS REQUIRED

AGENCY	PERMIT TYPE	DATE APPLIED	DATE APPROVED	APPROVAL NO.

REV.	DATE	DESCRIPTION
1	07/08/2025	CITY OF APOPKA COMMENTS - DATED 07/08/2025
2	10/20/2025	CITY OF APOPKA COMMENTS - DATED 09/29/2025

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

This item has been digitally signed and sealed by Luke M. Classon, PE on the date adjacent to the seal.
Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

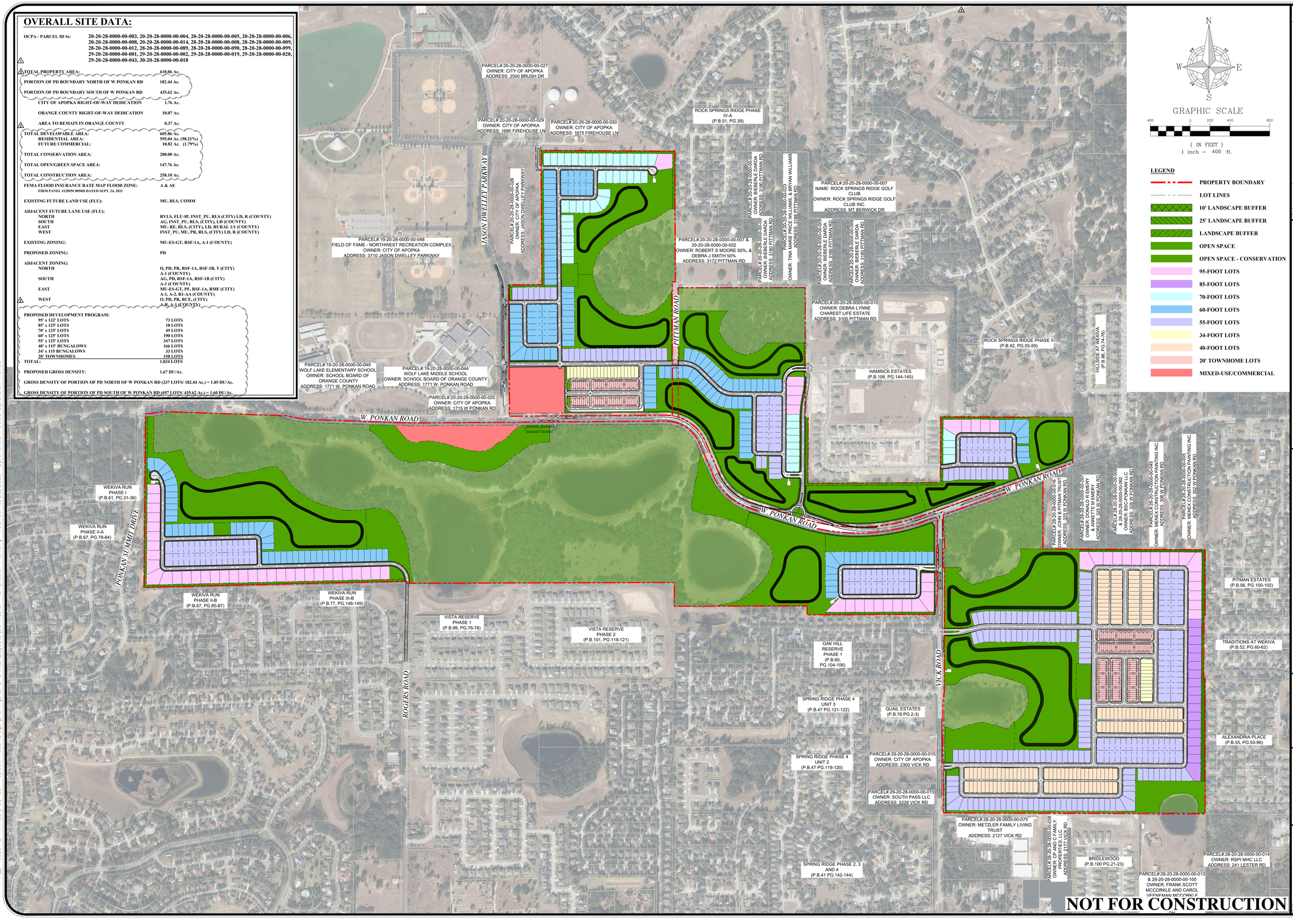
P:_PROJECT DRAWINGS\PUL-051 Paulucci Assemblage\Drawings\CAD Civil3D\Layouts\03 Master Plan\Cover Sheet.dwg Plotted:10/20/2025 By:dfrancis

OVERALL SITE DATA:

OCPA - PARCEL ID #s:	20-20-28-0000-00-003, 20-20-28-0000-00-004, 20-20-28-0000-00-005, 20-20-28-0000-00-006, 20-20-28-0000-00-008, 20-20-28-0000-00-014, 28-20-28-0000-00-008, 28-20-28-0000-00-009, 28-20-28-0000-00-012, 28-20-28-0000-00-089, 28-20-28-0000-00-090, 28-20-28-0000-00-099, 29-20-28-0000-00-001, 29-20-28-0000-00-002, 29-20-28-0000-00-019, 29-20-28-0000-00-020, 29-20-28-0000-00-043, 30-20-28-0000-00-018
TOTAL PROPERTY AREA:	618.06 Ac.
PORTION OF PD BOUNDARY NORTH OF W PONKAN RD	182.44 Ac.
PORTION OF PD BOUNDARY SOUTH OF W PONKAN RD	435.62 Ac.
CITY OF APOPKA RIGHT-OF-WAY DEDICATION	1.76 Ac.
ORANGE COUNTY RIGHT-OF-WAY DEDICATION	10.07 Ac.
AREA TO REMAIN IN ORANGE COUNTY	0.37 Ac.
TOTAL DEVELOPABLE AREA:	605.86 Ac.
RESIDENTIAL AREA:	595.04 Ac. (98.21%)
FUTURE COMMERCIAL:	10.82 Ac. (1.79%)
TOTAL CONSERVATION AREA:	200.00 Ac.
TOTAL OPEN/GREEN SPACE AREA:	147.76 Ac.
TOTAL CONSTRUCTION AREA:	258.10 Ac.
FEMA FLOOD INSURANCE RATE MAP FLOOD ZONE:	A & AE
FIRM PANEL #12095C0050H DATED SEPT. 24, 2021	
EXISTING FUTURE LAND USE (FLU):	MU, RLS, COMM
ADJACENT FUTURE LANE USE (FLU):	
NORTH	RVLS, FLU-IP, INST_PU, RLS (CITY) LD, R (COUNTY)
SOUTH	AG, INST_PU, RLS, (CITY), LD (COUNTY)
EAST	MU, RE, RLS, (CITY), LD, RURAL 1/1 (COUNTY)
WEST	INST_PU, MU, PR, RLS, (CITY) LD, R (COUNTY)
EXISTING ZONING:	MU-ES-GT, RSF-1A, A-1 (COUNTY)
PROPOSED ZONING:	PD
ADJACENT ZONING:	
NORTH	O, PD, PR, RSF-1A, RSF-1B, T (CITY) A-1 (COUNTY)
SOUTH	AG, PD, RSF-1A, RSF-1B (CITY) A-1 (COUNTY)
EAST	MU-ES-GT, PF, RSF-1A, RMF (CITY) A-1, A-2, RI-AA (COUNTY)
WEST	O, PD, PR, RCE, (CITY) AR, A-1 (COUNTY)
PROPOSED DEVELOPMENT PROGRAM:	
95' x 132' LOTS	73 LOTS
85' x 125' LOTS	18 LOTS
70' x 125' LOTS	49 LOTS
60' x 125' LOTS	190 LOTS
55' x 125' LOTS	347 LOTS
40' x 115' BUNGALOWS	166 LOTS
34' x 115 BUNGALOWS	33 LOTS
20' TOWNHOMES	158 LOTS
TOTAL:	1,034 LOTS
PROPOSED GROSS DENSITY:	1.67 DU/Ac.

GROSS DENSITY OF PORTION OF PD NORTH OF W PONKAN RD (337 LOTS/ 182.44 Ac.) = 1.85 DU/Ac.

GROSS DENSITY OF PORTION OF PD SOUTH OF W PONKAN RD (697 LOTS/ 435.62 Ac.) = 1.60 DU/Ac.



N

W E

S

GRAPHIC SCALE

400 0 200 400 800

(IN FEET)
1 inch = 400 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

BY	DESCRIPTION	DATE	REV.
LMC	CITY OF APOPKA COMMENTS DATED 09/29/2025	10/20/25	4
LMC	CITY OF APOPKA COMMENTS DATED 07/08/2025	09/04/25	3

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN:	DESIGNED:	CHECKED:	DATE:
B. KILLELA	S. SANCHEZ	L. CLASSON	10/20/2025

SCALE:	PROJECT	SHEET
1" = 400'	PUL-051	C1.0

LAKE CLASSON LICENSED PROFESSIONAL ENGINEER No 77066 STATE OF FLORIDA 10/20/25

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VICK ROAD

TRACT 'L1'
LANDSCAPE MEDIAN
0.05 AC

TRACT 'U1'
LIFT STATION #1
0.05 AC

TRACT 'P1'
CONSERVATION AREA #2
8.80 AC

TRACT 'T1'
STORMWATER POND 2
21.21 AC

TRACT 'A1'
PUBLIC RIGHT-OF-WAY
14.37 AC

TRACT 'N1'
AMENITY TRACT #1
1.23 AC

TRACT 'R1'
OPEN SPACE
4.06 AC

TRACT 'K1'
10' LANDSCAPE BUFFER
0.08 AC

TRACT 'M1'
LANDSCAPE MEDIAN
0.01 AC

TRACT 'F5'
OPEN SPACE
0.19 AC

TRACT 'B5'
20' PRIVATE ALLEY
0.34 AC

TRACT 'C5'
20' PRIVATE ALL
0.34 AC

TRACT 'A5' PUBLIC
3.02 AC

TRACT 'E5'
10' LANDSCAPE BUFFER
0.10 AC

TRACT 'D1'
RIGHT-OF-WAY DEDICATION
0.45 AC

PARCEL#:28-20-28-0000-00-075
OWNER: METZLER FAMILY LIVING TRUST
ADDRESS: 2127 VICK RD

TRACT 'D5'
25' LANDSCAPE BUFFER
0.88 AC

PORTION OF PARCEL TO REMAIN IN ORANGE COUNTY AND EXCLUDED FROM PD
0.37 AC

TRACT 'G1'
20' PRIVATE ALLEY
0.26 AC

TRACT 'H1'
20' PRIVATE ALLEY
0.20 AC

TRACT 'I1'
20' PRIVATE ALLEY
0.20 AC

TRACT 'V1'
PUBLIC RIGHT-OF-WA
4.08 AC

TRACT 'W1'
20' PRIVATE ALLEY
0.40 AC

TRACT 'V1'
OPEN SPACE
3.70 AC

TRACT 'Z1'
CONSERVATION AREA #4
1.50 AC

TRACT 'X1'
25' LANDSCAPE BUFFER
1.26 AC

ALEXANDRIA PLACE
(P.B.55, PG.93-96)

KEY MAP

N
W E
S

GRAPHIC SCALE
100 0 50 100 200
(IN FEET)
1 inch = 100 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

REV.	DATE	DESCRIPTION	BY
1	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
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(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 100'
PROJECT: PUL-051
SHEET: C1.1

LUKE CLASSON
LICENSED
No 77066
STATE OF FLORIDA
PROFESSIONAL ENGINEER
10/20/25

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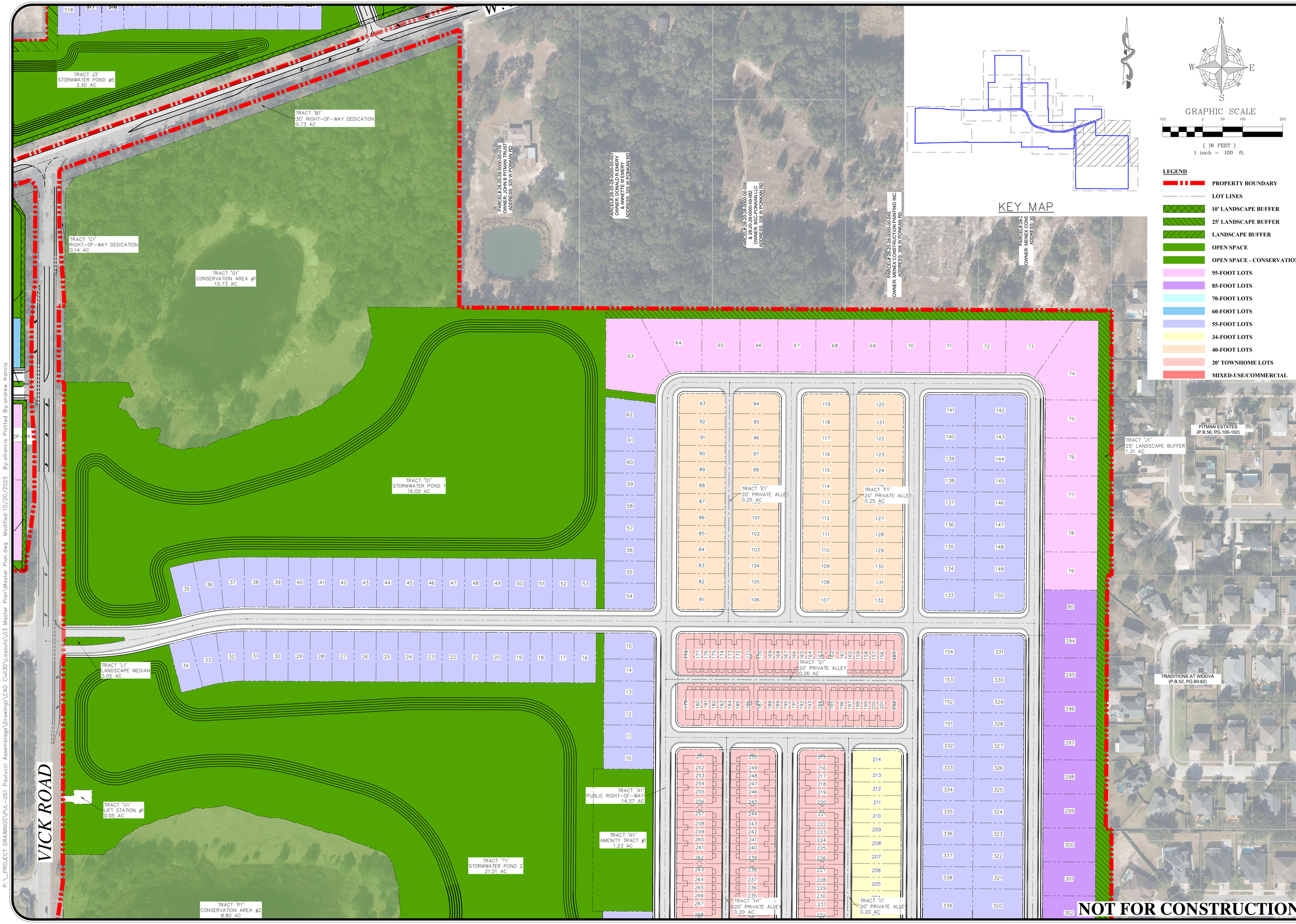

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REV.	DATE	DESCRIPTION	BY
1	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	07/08/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING

2400 MAITLAND CENTER PKWY, SUITE 107
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(407) 558-2228

BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE 1" = 100'
PROJECT PUL-051
SHEET C1.2

LUKE CLASSON
LICENSE No 77066
STATE OF FLORIDA
10/20/25
PROFESSIONAL ENGINEER

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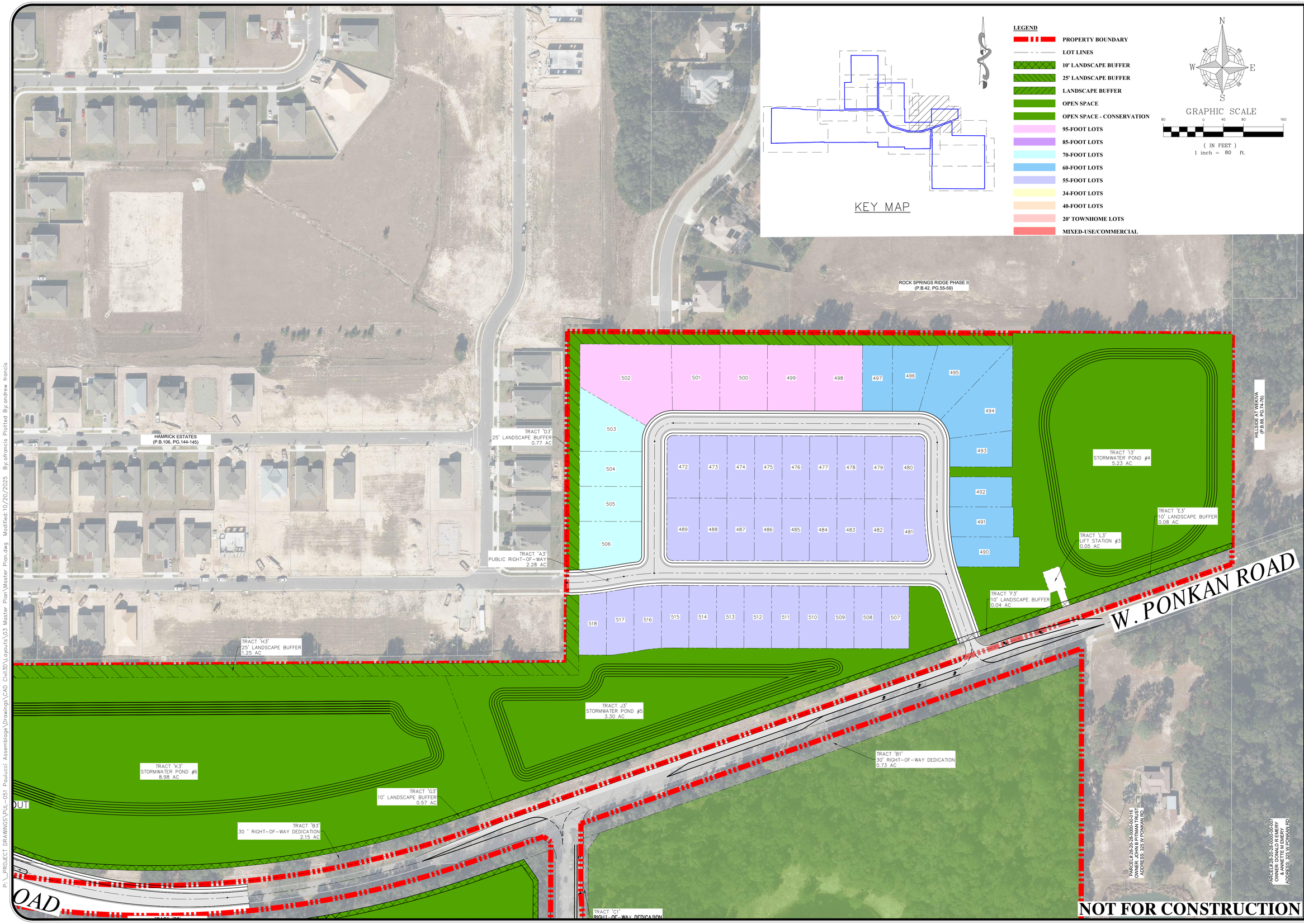

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

N W E S

GRAPHIC SCALE

80 0 40 80 160

(IN FEET)
1 inch = 80 ft.

BY	DESCRIPTION	DATE	REV.
LMC	CITY OF APOPKA COMMENTS DATED 09/29/2025	10/20/25	4
LMC	CITY OF APOPKA COMMENTS DATED 07/08/2025	09/04/25	3

1828 ENGINEERING
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MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.3

LUIS CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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PORTION OF PITTMAN ROAD RIGHT-OF-WAY TO BE VACATED

W. PONKAN RD

TRACT "B2"
30' RIGHT-OF-WAY DEDICATION
4.88 AC

TRACT "Q1"
CONSERVATION AREA #3/
PUBLIC PARK DEDICATION
145.56 AC

TRACT "K4"
STORMWATER POND #7
9.96 AC

TRACT "M4"
STORMWATER POND #9
7.59 AC

TRACT "C4"
10' LANDSCAPE BUFFER
0.05 AC

TRACT "J4" OPEN SPACE
0.15 AC

TRACT "G4"
LANDSCAPE MEDIAN
0.03 AC

TRACT "D4"
10' LANDSCAPE BUFFER
0.23 AC

TRACT "A4"
PUBLIC RIGHT-OF-WAY
5.02 AC

TRACT "E4"
10' LANDSCAPE BUFFER
0.52 AC

TRACT "B4"
30' RIGHT-OF-WAY DEDICATION
2.15 AC

TRACT "L4"
STORMWATER POND #8
5.77 AC

TRACT "N4"
LIFT STATION #4
0.04 AC

TRACT "J2"
OPEN SPACE/STORMWATER
(OC DEDICATION)
3.71 AC

TRACT "C3"
RIGHT-OF-WAY DEDICATION
0.75 AC

PROPOSED ROUNDABOUT

TRACT "K3"
STORMWATER POND #6
8.98 AC

TRACT "H4"
LANDSCAPE MEDIAN
0.03 AC

TRACT "D2"
10' LANDSCAPE BUFFER
0.43 AC

N
W E
S

GRAPHIC SCALE
80 0 40 80 160
(IN FEET)
1 inch = 80 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

KEY MAP

NOT FOR CONSTRUCTION

BY	DESCRIPTION	DATE	REV
LMC	CITY OF APOPKA COMMENTS DATED 09/29/2025	10/20/25	4
LMC	CITY OF APOPKA COMMENTS DATED 07/08/2025	09/04/25	3

1828 ENGINEERING
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.4

LUKE CLASSON LICENSED No 77066 STATE OF 10/20/25 PROFESSIONAL ENGINEER

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TRACT "K7"
CONSERVATION AREA #6
14.68 AC

PARCEL# 20-20-28-0000-00-009
OWNER: BIEBERLE DARDA
ADDRESS: 3180 PITTMAN RD

PARCEL# 20-20-28-0000-00-023
OWNER: TINA MARIE PRICE WILLIAMS, & BRYAN WILLIAMS
ADDRESS: 3186 PITTMAN RD

PARCEL# 20-20-28-0000-00-009
OWNER: BIEBERLE DARDA
ADDRESS: 3180 PITTMAN RD

PITTMAN RD

PARCEL# 20-20-28-0000-00-010
OWNER: DEBRA LYNNE
CHAREST LIFE ESTATE
ADDRESS: 3105 PITTMAN RD

TRACT "D7"
10' LANDSCAPE BUFFER
0.16 AC

TRACT "F4"
10' LANDSCAPE BUFFER
0.11 AC

TRACT "I4"
CONSERVATION AREA #5
13.73 AC

TRACT "C4"
10' LANDSCAPE BUFFER
0.05 AC

TRACT "K4"
STORMWATER POND #7
9.96 AC

TRACT "J4" OPEN SPACE
0.15 AC

TRACT "G4"
LANDSCAPE MEDIAN
0.03 AC

PORTION OF PITTMAN ROAD
RIGHT-OF-WAY TO BE VACATED

TRACT "M4"
STORMWATER POND #9
7.59 AC

TRACT "D4"
10' LANDSCAPE BUFFER
0.23 AC

GHT-OF-WAY

W. PONKAN RD

TRACT "B2"
30' RIGHT-OF-WAY DEDICATION
4.88 AC

HAMRICK ESTATES
(P.B.106, PG.144-145)

N
W E
S

GRAPHIC SCALE
80 0 40 80 160
(IN FEET)
1 inch = 80 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

KEY MAP

NOT FOR CONSTRUCTION

BY	DESCRIPTION	DATE	REV
LMC	CITY OF APOPKA COMMENTS DATED 09/29/2025	10/20/25	2
LMC	CITY OF APOPKA COMMENTS DATED 07/08/2025	09/04/25	1

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.5

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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TRACT "B6"
30' RIGHT-OF-WAY DEDICATION
0.16 AC

TRACT "E6"
OPEN SPACE
0.12 AC

TRACT "I6"
LIFT STATION #5
0.05 AC

WEKIVA RUN
PHASE I
(P.B.61, PG.31-36)

WEKIVA RUN
PHASE II-A
(P.B.67, PG.79-84)

PONKAN SUMMIT DRIVE

TRACT "H6"
STORMWATER POND #10
23.96 AC

TRACT "Q1"
CONSERVATION AREA #3/
PUBLIC PARK DEDICATION
145.56 AC

TRACT "D6"
AMENITY TRACT
0.48 AC

TRACT "A6"
PUBLIC RIGHT-OF-WAY
5.58 AC

TRACT "G6"
OPEN SPACE
4.00 AC

TRACT "F6"
OPEN SPACE
0.34 AC

TRACT "C6"
25' LANDSCAPE BUFFER
2.47 AC

WEKIVA RUN
PHASE II-B
(P.B.67, PG.85-87)

WEKIVA RUN
PHASE III-B
(P.B.77, PG.148-149)

KEY MAP

N
W E
S

GRAPHIC SCALE
100 0 50 100 200
(IN FEET)
1 inch = 100 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
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- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

REV.	DATE	DESCRIPTION	BY
A	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
A	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 100'
PROJECT: PUL-051
SHEET: C1.6

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER
10/20/25

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JASON DWELLEY PARKWAY

FIREHOUSE LANE

PARCEL# 20-20-28-0000-00-030
OWNER: CITY OF APOPKA
ADDRESS: 1675 FIREHOUSE LN

ACCESS EASEMENT

TRACT "C7"
25' LANDSCAPE BUFFER
1.17 AC

1007 1006 1005 1004 1003 1002 1001 1000 999 998 997 996 995 994 993 992 991

1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026

979 980 981 982 983 984 985 986 987 988 989 990

978 977 976 975 974 973 972 971 970 969 968 967

966 965 964 963 962 961 960 959 958 957 956

1034 1033 1032 1031 1030 1029 1028 1027

937 938 949

TRACT "S7" LIFT STATION #6
0.05 AC

TRACT "Q7"
STORMWATER POND #11
11.04 AC

TRACT "I7"
25' LANDSCAPE BUFFER
0.86 AC

PARCEL# 20-20-28-0000-00-028
OWNER: CITY OF APOPKA
ADDRESS: JASON DWELLEY PARKWAY

TRACT "H7"
10' LANDSCAPE BUFFER
0.03 AC

TRACT "N7"
OPEN SPACE
0.07 AC

TRACT "O7"
OPEN SPACE
0.06 AC

TRACT "A7"
PUBLIC RIGHT-OF-WAY
9.36 AC

TRACT "J7"
AMENITY #3
0.87 AC

TRACT "K7"
CONSERVATION AREA #6
14.68 AC

PARCEL# 20-20-28-0000-00-007 &
20-20-28-0000-00-032
OWNER: ROBERT S MOORE 50%, &
DEBRA J SMITH 50%
ADDRESS: 3172 PITTMAN RD

PITTMAN RD

NOT FOR CONSTRUCTION

N
W E
S

GRAPHIC SCALE

80 0 40 80 160

(IN FEET)
1 inch = 80 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
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- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

KEY MAP

REV.	DATE	DESCRIPTION	BY
1	10/30/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
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(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.7

LUKE CLASSON
LICENSED
No 77066
STATE OF FLORIDA
10/20/25
PROFESSIONAL ENGINEER

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PARCEL#:20-20-28-0000-00-028
OWNER: CITY OF APOPKA
ADDRESS: JASON DWELLEY PARKWAY

TRACT "H7"
10' LANDSCAPE BUFFER
0.03 AC

TRACT "N7"
OPEN SPACE
0.07 AC

TRACT "O7"
OPEN SPACE
0.06 AC

TRACT "J7"
AMENITY #3
0.87 AC

TRACT "K7"
CONSERVATION AREA #6
14.68 AC

TRACT "A7"
PUBLIC RIGHT-OF-WAY
9.36 AC

TRACT "G7"
10' LANDSCAPE BUFFER
0.26 AC

TRACT "R7"
STORMWATER POND #12
10.74 AC

TRACT "D7"
10' LANDSCAPE BUFFER
0.16 AC

TRACT "F4"
10' LANDSC
0.11 AC

TRACT "M7"
OPEN SPACE
0.07 AC

TRACT "U7"
MIXED-USE/COMMERCIAL TRACT 2
5.92 AC

TRACT "F7"
LANDSCAPE BUFFER
0.14 AC

TRACT "L7"
OPEN SPACE
0.07 AC

TRACT "E7"
10' LANDSCAPE BUFFER
0.18 AC

TRACT "B7"
PRIVATE RIGHT-OF-WAY
1.39 AC

TRACT "M4"
STORMWATER POND #9
7.59 AC

TRACT "B2"
30' RIGHT-OF-WAY DEDICATION
4.88 AC

PORTION OF PITTMAN ROAD
RIGHT-OF-WAY TO BE VACATED

RIGHT-IN/RIGHT-OUT ACCESS TO
MIXED-USE/COMMERCIAL TRACT
AND CITY PARK PARKING FIELD

JASON DWELLEY PARKWAY

W. PONKAN RD

PITTMAN R

N
W E
S

GRAPHIC SCALE
80 0 40 80 160
(IN FEET)
1 inch = 80 ft.

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
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- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

KEY MAP

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
1	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.8

LUKE CLASSON
LICENSE
No 77066
STATE OF FLORIDA
10/20/25
PROFESSIONAL ENGINEER

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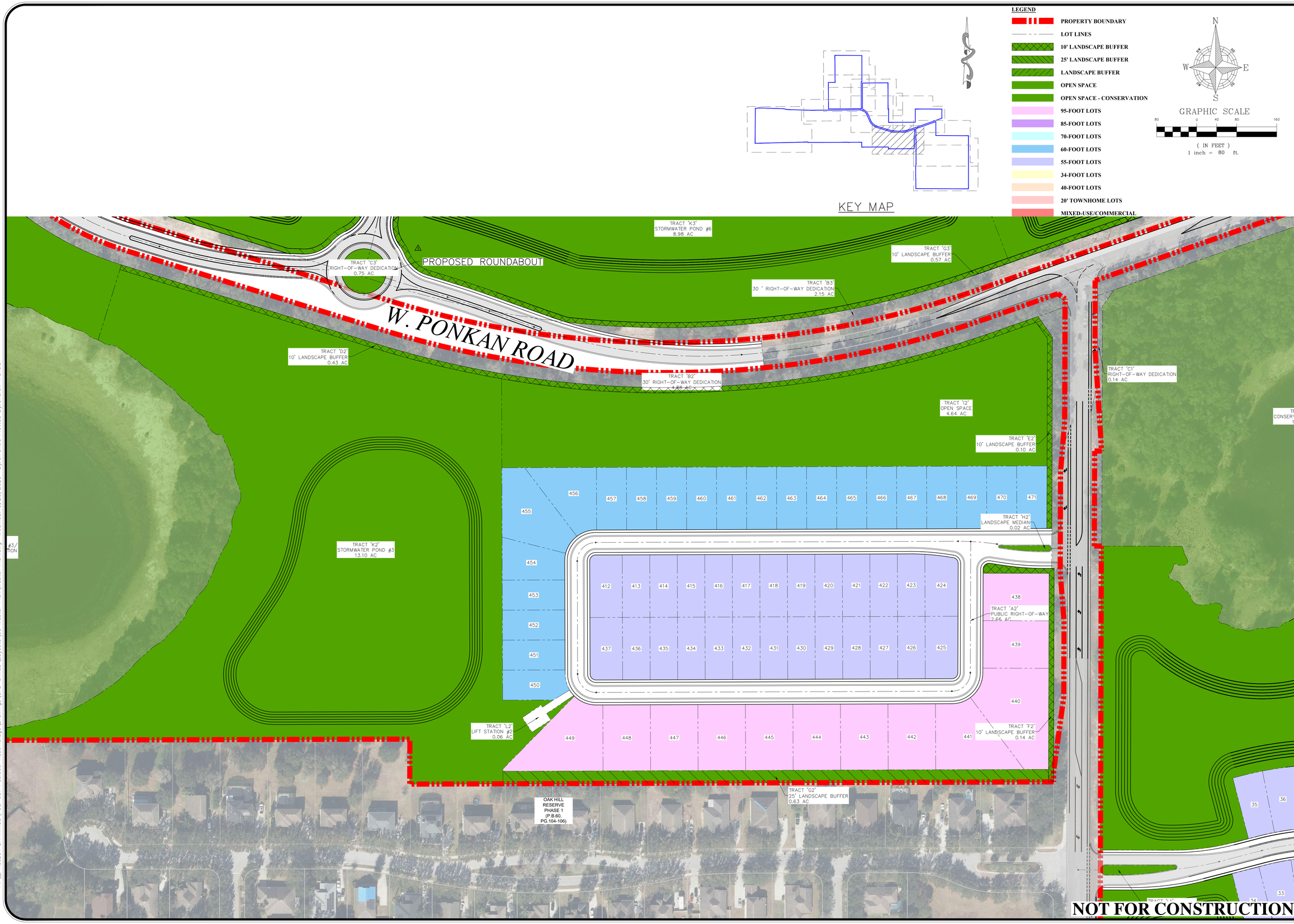
P:_PROJECT DRAWINGS\PUL-051 Paulucci Assemblage\Drawings\CAD Civil3D\Layouts\03 Master Plan\Master Plan.dwg Modified:10/20/2025 By:afrancis Plotted By:andrew.francis



NOT FOR CONSTRUCTION

BY	DESCRIPTION	DATE	REV
LMC	CITY OF APOPKA COMMENTS DATED 09/29/2025	10/20/25	4
LMC	CITY OF APOPKA COMMENTS DATED 07/08/2025	09/04/25	3

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

MASTER PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 80'
PROJECT: PUL-051
SHEET: C1.9

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/2025

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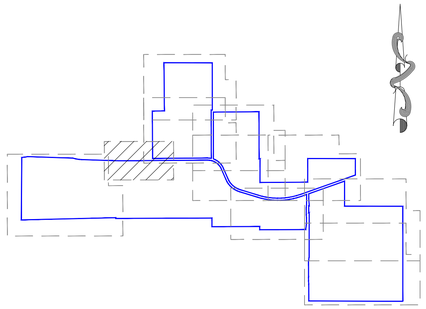

KEY MAP

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- 10' LANDSCAPE BUFFER
- 25' LANDSCAPE BUFFER
- LANDSCAPE BUFFER
- OPEN SPACE
- OPEN SPACE - CONSERVATION
- 95-FOOT LOTS
- 85-FOOT LOTS
- 70-FOOT LOTS
- 60-FOOT LOTS
- 55-FOOT LOTS
- 34-FOOT LOTS
- 40-FOOT LOTS
- 20' TOWNHOME LOTS
- MIXED-USE/COMMERCIAL

N W E S

GRAPHIC SCALE

80 0 40 80 160

(IN FEET)
1 inch = 80 ft.

PARCEL#:19-20-28-0000-00-044
WOLF LAKE MIDDLE SCHOOL
OWNER: SCHOOL BOARD OF ORANGE COUNTY
ADDRESS: 1771 W. PONKAN ROAD

PARCEL#:20-20-28-0000-00-02
OWNER: CITY OF APOPKA
ADDRESS: 1715 W PONKAN R

JASON DWELLEY PARKWAY

W. PONKAN ROAD

TRACT "B2"
30' RIGHT-OF-WAY DEDICATION
4.88 AC

TRACT "U7"
MIXED-USE/COMMERCIAL TRACT 2
5.92 AC

TRACT "M7"
OPEN SPACE
0.07 AC

TRACT "F7"
LANDSCAPE BUFFER
0.14 AC

TRACT "L7"
OPEN SPACE
0.07 AC

TRACT "T7"
MIXED-USE/COMMERCIAL TRACT 1
4.90 AC

TRACT "P7"
OPEN SPACE/STORMWATER
8.71 AC

TRACT "Q1"
CONSERVATION AREA #3/
PUBLIC PARK DEDICATION
145.56 AC

FUTURE CONNECTION
TO COMMERCIAL TRACT

RIGHT-IN/RIGHT-OUT ACCESS TO
MIXED-USE/COMMERCIAL TRACT
AND CITY PARK PARKING FIELD

UNPAVED PARKING FIELD

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
3	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	
1	10/20/25		

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LUKE CLASSON
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No 77066
STATE OF FLORIDA
10/20/25
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PAULUCCI ACRES MASTER PLAN DEVELOPMENT STANDARDS

A. Design Standards (1)

1. Residential Lot Criteria:

Description	Single-Family Detached 95' & 85' Lots (Front-Loaded)	Single-Family Detached 70' Lots (Front-Loaded)	Single-Family Detached 55' Lots (Front-Loaded)	Single-Family Detached 55' Short Lots (Front-Loaded)	Single-Family Detached 34' & 40' Lots (Rear-Loaded)	Single-Family Attached 20' Townhomes (Rear-Loaded)
Front Porch Setback	10' min.	10' min.	10' min.	10' min.	10' min.	10' min.
Front Building Setback	Minimum:15'	Minimum: 15'	Minimum: 15'	Minimum: 10'	Minimum: 15'	Minimum: 15'
Front Garage Setback (2)	Minimum: 25'	Minimum: 25'	Minimum: 25'	Minimum: 25'	N/A	N/A
Street Side Setback	Minimum: 15'	Minimum: 15'	Minimum: 15'	Minimum: 15'	Minimum: 15'	Minimum: 15'
Side Setback	10' min.	5' min.	5' min.	5' min.	5' min.	0' for interior units 10' minimum for exterior units
Rear Setback	20' min.	20' min.	20' min.	10' min.	5' min.	5' min.
Garage Rear Setback	N/A	N/A	N/A	N/A	With driveway: 20' min. Without driveway: 5' min.	With driveway: 20' min. Without driveway: 5' min.
Min. Lot Area	10,625 SF	8,750 SF	6,875 SF	3,850 SF	3,910 SF	2,100 SF
Min. Lot Width	85'	70'	55'	55'	34'	20'
Min. Lot Depth	125'	125'	125'	70'	115'	105'
Max. Lot Coverage	75%	75%	75%	75%	75%	90%
Max. Building Height	35'/2 Stories	35'/2 Stories	35'/2 Stories	35'/2 Stories	35'/2 Stories	35'/2 Stories
Min. Living Area	1,600 SF	1,600 SF	1,600 SF	1,500 SF	1,300 SF	1,200 SF

(1) See PD Master Plan for depiction of conceptual typical site details.
(2) Front Garage Setback applies to homes with a garage facing the street, the Front Garage Setback does not apply to side loaded garages where just the typical front building setback would apply.
(3) An accessory dwelling unit (ADU), as defined in the City of Apopka Land Development Code ("LDC"), shall be allowed on all lots except 55' short lots. The ADU shall have a maximum gross floor area of 1,000 square feet. The setback for an ADU shall be the same as the principal structure and shall meet the applicable front, side and rear yard setbacks set forth in the above table.

2. Non-Residential Development:
   a) The Commercial Parcels, as identified on the PD Master Plan, shall be subject to the standards set forth in this Section A.2.
   b) Non-Residential Parcel Criteria:

Description	Commercial Parcels
Min. Lot Area	Minimum: 7,500 SF
Min. Lot Width	Minimum:75'
Front Yard Setback(3)	Minimum: 15'
Maximum: 80'	
Min. Building width in build-to-zone (% of lot width) (2)	Minimum: 60%
Side Yard Setback(3)	10' min.
Corner Side Yard Setback	20' min.
Rear Yard Setback	10' min.
Max. Building Height	45' max.
FAR	Minimum: 0.25 Maximum: 1.0
Min. Lot Depth	125'
Max. Lot Coverage	75%

(1) The area between the minimum and maximum build-to-lines that extends the width of the lot constitutes the build-to-zone.
(2) The remaining build-to-zone width may be occupied by outdoor gathering spaces, outdoor dining areas, walkways, landscaped areas, stormwater management facilities that use low impact development techniques.
(3) Minimum of 15 ft. between structures, only applies to exterior units.

c) For the Commercial Parcels, at least one handicap parking space to be van accessible per LDC requirements.
d) Connectivity: The vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the site and adjacent parcels of land. The Director may waive or modify the requirement on determining that such cross-access is impractical due to site constraints, or is inappropriate due to traffic safety issues, or undesirable due to the proposed development's incompatibility with existing development on the adjacent parcel. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining parcels of land, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the appropriate land records.
e) Building Facades: Façades shall not exceed 20 horizontal feet and ten vertical feet without including at least one of the following elements:(canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly defined, highly visible, primary building entrances. Building facades along public streets shall maintain a pedestrian scale and integrate the public and private spaces using architectural elements.
f) Building Massing and Façade Articulation: Therefore, building facades shall not exceed 60 feet along a street frontage without providing a substantial volume break such as a volume recess, a tower or bay, or an architecturally prominent public entrance The recesses and projections shall have a minimum depth of three feet.
g) Flat Roof Design: When a flat roof is proposed, parapet walls with three-dimensional cornice treatments shall conceal the roof. The cornice shall include a perpendicular projection of a minimum of eight (8) inches from the parapet facade plane.
h) Building Orientation: Locate and configure outparcels and their buildings to define street edges, development entry points, and gathering spaces. The outparcels shall meet the build-to-line setbacks. Additional buildings may be on the same parcel and are permitted to be setback further from the road, if outparcels are framing the street and meet the building width minimum percentage requirement.
i) Building Entrances: All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or facade material, pilasters, awnings, canopies, porches, or other architectural elements. Where the facade of a principal building abuts or faces a street, at least one operable pedestrian entrance providing both ingress and egress shall be provided. If the facade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space. These required pedestrian entrances shall open directly to the street sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area located between the entrance and the street.
j) Transparency: Where the facade of a building abuts or faces a street or an adjoining public gathering space, a minimum of 25 percent the street-level facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians. Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and nonreflective, with a minimum of twenty-five (25%) percent transparency (windows) (See 4.2.3).
k) Parking: Along any street, all proposed new or additional surface vehicle parking shall be predominately located to the rear or side of the development's principal building(s) or in a parking structure. No more than two bays of parking may be located in the front of the building. Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped areas. All vehicle parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.
l) Bicycle Parking: New development shall provide at least one bicycle rack, locker, or other bicycle parking facility designed to accommodate parking spaces for at least four bicycles, plus additional or larger facilities designed to accommodate parking spaces for at least two additional bicycles for each 40 vehicle parking spaces over 80 parking spaces. Required bicycle parking facilities shall be located within 50 feet of the primary pedestrian entrance(s) to the development's principal building(s).
m) Parking Structure: Where the street-level facade of a parking structure abuts or faces a pedestrian street frontage, the facade shall be articulated through use of at least three of the following features: (1) windows or window-shaped openings; (2) masonry columns; (3) decorative wall insets or projections; (4) awnings; (5) changes in color or texture of exterior materials; (6) integrated vegetation (hanging or along trellises); or (7) other similar features approved by the Director.
n) Open Space: Each development shall provide outdoor gathering spaces such as courtyards, plazas, pocket parks, where appropriate for the area being served. At a minimum, provide pedestrian amenities such as plazas, seating areas or gathering spaces between buildings that are visible and accessible.

B. Architectural, Buildings, and Accessory Structures for Detached Units

1. Architectural design shall -be consistent with the approved elevations contained within the PD.
2. Each individual single-family home shall have a minimum of two (2) bedrooms.
3. All rear-loaded lots shall have a minimum of one (1) car garage.
4. Mail delivery for all lots within the project shall occur at cluster mailbox units. Approval from the Postmaster of the locations shall be submitted prior to approval of the Construction Site Plan.
5. AC condenser units, pool equipment, and other similar equipment shall be placed in the side and/or rear yard area. AC condenser units, pool equipment, and similar equipment shall be placed with a minimum setback of three (3) feet from the side property line. For corner lots, AC condenser units, pool equipment, and similar equipment shall be screened from side streets with landscaping or opaque fencing.
6. Storage sheds or similar storage facilities shall not be allowed.
7. Swimming pools shall not be allowed on rear-loaded lots or 55' front-loaded short lots.
8. Architectural Design Standards:
   a) Architectural styles must be consistent with the approved PD Master Plan. Modification or replacement of the exterior elevations must be approved by City Council except as contemplated herein.
   b) Front facade materials such as cultured stone veneer, stucco, wood plank, and fiber cement siding may be utilized to be consistent with the applicable Architectural Style.
   c) Minimum roof pitch over the main house and garage shall be 4/12. Roof pitch over porches shall be a minimum of 3/12.
   d) Thirty-year asphalt shingle shall be installed on all roofs. Three-tab shingles are prohibited. The shingle color shall compliment the color scheme of the house.
   e) Aluminum fascia or vinyl soffit shall be standard for all houses. Fascia and soffit color shall complement the color scheme of the house.
   f) Trim around windows and doors shall be painted a different color from the body of the house. Doors may be painted either the same as the trim or separate accent color.
   g) Concrete or pavers shall be installed in rear yard driveways, lead walks, porches, and porticos.
9. Front Building Entrance Elevation Design Standards:
   a) Primary residential entries shall be allowed to be recessed up to fourteen (14) feet from the face of the primary façade, provided that the primary residential entry shall not be recessed by more than 6 feet on both sides.
   b) Front porches and porticos may be at grade level or elevated.
   c) Should any home's front elevation excluding the garage area comprise less than the required 10% of windows, the front door shall be predominantly made of glass.
   d) Specific elevations style types shall have similar wall finishes, window grid patterns, window banding and trim, roof lines and slopes, etc. Applied to each lot width model plan type front elevations.
   e) Modification or replacement of the exterior elevations must be approved by City Council except as contemplated herein.
10. Individual Lot Front, Side, and Rear Yard Fencing Standards:
   a) The maximum height of a fence within a lot shall be six (6) feet above final grade or six (6) inches less than the community common wall height, whichever is less. No fence shall exceed the height of an abutting common area wall.
   b) Fencing at rear yards of rear-loaded lots shall be setback a minimum two (2) feet from the alley and driveway edges.
   c) Fencing in front yards and street corner side yards of lots shall adhere to LDC Section 5.5.
   d) Vinyl fencing shall be allowed.

C. Architectural, Buildings, and Accessory Structures for Attached Units (Townhomes)

1. Architectural design shall be consistent with the design of the PD Master Plan.
2. Each individual townhome shall have a minimum of two (2) bedrooms.
3. All rear-loaded lots shall have a minimum of one (1) car garage.
4. Mail delivery for all lots within the development shall occur at cluster mailbox units. Approval from the Postmaster of the locations shall be submitted prior to approval of the Construction Site Plan.

D. Utilities and Infrastructure

1. Potable water service shall be provided by the City of Apopka. The water system shall be designed to City of Apopka standards.
2. Reclaimed water service shall be provided by the City of Apopka. The reclaimed water system shall be designed to City of Apopka standards.
3. Sanitary service shall be provided by the City of Apopka. The sanitary system shall be designed to City of Apopka standards.
4. If any utility extension or upsizing is requested or required by the City in excess of what is required to service the project, then the City and the Developer shall enter into a utility agreement, which shall provide for, among other items, the City to reimburse the Developer for any utility extension and upsizing in excess of what is required to service the project.
5. Stormwater management system shall be designed to comply with the design standards of the City of Apopka and the St. Johns River Water Management District.
6. A final drainage report and soils report will be submitted with the Construction Site Plan.
7. Utility easements shall be dedicated to the City of Apopka.
8. Drainage easements to be dedicated to a homeowners association ("HOA"), a property owners association ("POA") and/or community development district ("CDD") unless otherwise required by the City of Apopka.
9. All stormwater and utility pipes may be moved to save existing trees in the right-of-way. Any change in the location of these pipes will be shown on the Construction Site Plan.
10. On-site streets are to be constructed per City of Apopka standards.
11. Stabilized access roadways and fire protection, which can be provided via a temporary source (i.e., water tank), must be in place before building construction may begin.
12. Solid waste collection and public safety (police and fire) shall be provided by the City of Apopka.
13. The internal rights-of-way may either be dedicated to the Public or privately owned and maintained by the HOA and/or CDD, as shown on the Major Development Plan. The installation of access gates for any development phase(s) with private internal rights-of-way, as shown on the Major Development Plan, shall be permitted. Any access gates shall be owned and maintained by the HOA.
14. The internal alley rights-of-way are to be privately owned and maintained by the HOA and/or CDD.
15. Five-foot (5') sidewalks are to be constructed within internal Streets Type E rights-of-way throughout the entire project in compliance with the LDC. Sidewalk alignment may be adjusted at Construction Site Plan to preserve existing trees.
16. Garages shall be accessed from the adjacent Alley Street Type at the rear of the lot for all rear-loaded lots.
17. Power service within the project shall be underground. No overhead service will be allowed.
18. Vehicular, Pedestrian and Accent lighting shall substantially conform to the LDC.
19. Right-of-way dedication tracts along the project's frontage on W. Ponkan Road, as generally depicted on the PD Master Plan, shall be dedicated to Orange County via plat or separate instrument at the time of final plat of the applicable adjacent phase of development.
20. Right-of-way dedication tracts along the project's frontage on Vick Road, as generally depicted on the PD Master Plan, shall be dedicated to the public at final plat of the applicable adjacent phase of development.
21. An access easement, as shown on the PD Master Plan, for emergency access shall be granted by the City in connection with approval of the Construction Site Plan for the applicable phase of development served by such access easement.

E. Recreation and Open Space

1. Required open space for the planned development shall be a minimum of 50% of the overall PD acreage. The aggregate open space provided across all phases of development, as demonstrated in the Major Development Plan, must collectively satisfy this overall requirement. Notwithstanding the foregoing: (i) each separate residential phase of development shall provide a minimum of 30% of its acreage as open space, except for Pod 4, as identified on the PD Master Plan, which will have its open space aggregated with Pod 1A/B for purposes of satisfying the minimum 30% open space requirement; and (ii) each separate commercial phase of development shall provide a minimum of 20% of its acreage as open space.
2. All open space tracts identified on the PD Master Plan (including, without limitation, the City Park tract to be dedicated to the City, the stormwater tract to be dedicated to Orange County, and any other stormwater management facilities and ponds to be owned and maintained by the HOA, POA and/or CDD), regardless of whether such open space tract is to be dedicated to the City, Orange County or any other governmental authority, shall be included in the open space calculation for the overall 50% requirement and for the respective phase of development that such open space tract is located within.
3. The stormwater tract and any other stormwater management facilities and ponds identified on the PD Master Plan to be dedicated to Orange County shall be dedicated to Orange County via plat or separate instrument at the time of final plat of the applicable adjacent phase of development or at such other time as approved by Orange County.
4. Dedication of the City Park tract to the City is required within 24 months after the Construction Site Plan for the initial phase of development is approved. Dedicated of the City Park tract will be via plat or separate instrument.
5. In connection with the approval of the Major Development Plan for the phase of development that includes the City Park tract, the City and Developer shall enter into a park agreement, which shall provide for, among other items, the following: (i) the design, permitting, engineering and construction of improvements to the City Park tract as agreed upon by the City and Developer, including an interconnected stabilized trail, a right-in, right-out access to W. Ponkan Road and unpaved parking, all as generally shown on the PD Master Plan, and associated impact fee credits for all of the cost of the design, permitting, engineering and construction of such improvements and the timing for issuance of such reimbursement, and (ii) future access and parking for the City Park upon development of the Commercial Parcel located south of W. Ponkan Road. The location and extent of the trails, parking and access to the City Park as generally shown on the PD Master Plan are conceptual in nature and may be modified as needed.
6. For the Amenity Tracts, general amenity programming is detailed within the PD Master Plan and shall be provided with the Major Development Plan for each phase. Specific amenity programming for a development phase shall be provided with the Construction Site Plan for such phase. The Amenity Tracts will be dedicated to the HOA.
7. Ownership and maintenance of the open space shall be in the name of the HOA, CDD, POA and/or other entity acceptable to the Community Development Director or the Planning Director, or a designee, except with respect to the City Park tract and the stormwater tract to be dedicated to Orange County.
8. The open space tracts labeled as Conservation Area shall allow areas for trails, open gathering spaces and passive recreation.

F. Buffers and Landscaping

1. A ten-foot (10') buffer tract for entry wall/rail/fence and/or landscaping will be provided along all offsite existing public rights-of-way, as shown on the PD Master Plan, provided that no buffer tract shall be required when any open space tracts labeled as Conservation Area are adjacent to such rights-of-way. This tract shall be dedicated to and maintained by the HOA and/or CDD. The buffer tract requirement set forth in this section shall not apply to the Commercial Parcels.
2. A perimeter buffer with a minimum width of twenty-five (25) feet for landscaping purposes shall be provided along the project boundary, except as shown on the PD Master Plan including without limitation: (i) where adjacent to offsite existing public rights-of-way (see above requirement), (ii) where stormwater pond tracts are along the project boundary, (iii) where open space tracts labeled as Conservation Area are along the project boundary, and (iv) the Commercial Parcels. These perimeter buffer tracts shall be dedicated to and maintained by the HOA and/or CDD. For purposes of clarity, the perimeter buffer tract requirement set forth in this section shall not apply to the Commercial Parcels.
3. The future development Commercial Parcels shall provide buffering within the respective parcel when it is developed in accordance with the minimum requirements in the LDC.
4. The design of all buffer tracts shall follow the LDC.
5. Code-required preliminary landscaping and tree preservation plans shall be provided at Major Development Plan for each phase. Hardscape and irrigation plans shall be provided at Construction Site Plan for each phase.
6. Entrance feature and community sign details will be provided with the Construction Site Plan.
7. Tree Planting Conditions. Minimum of one (1) new tree shall be planted per front-loaded residential lot. The new tree shall be a minimum of three (3) inches DBH at the time of planting and shall count toward the overall number of required tree replacement inches, if any.
8. Tree Protection Plan. The Construction Site Plan shall include tree protection techniques to prevent harm to any trees designated to be preserved or encroachment into protected natural areas, including but not limited to tree barricades, silt fencing or other similar techniques accepted by the City Engineer.

G. Maintenance

1. The HOA, POA and/or CDD shall maintain common areas including all fences/walls and landscaping within said common areas.
2. The HOA and/or CDD shall be responsible for the maintenance of all private rights-of-way and stormwater collection systems within the private rights-of-way within the project.
3. The City of Apopka shall be responsible for the maintenance of all Publicly dedicated rights-of-way, on-street parallel parking spaces, street lighting, stormwater collection systems and utilities (potable water main, reclaimed water main, force main, etc.) within the public rights-of-way of the project. The maintenance of the street lighting will be funded using a municipal service taxing unit (MSTU) or by the CDD.
4. A maintenance agreement between the HOA and/or CDD and the City will be entered into for the maintenance of the natural vegetation, as and when necessary, that is located within the City's 20-foot platted right-of-way located between the southern boundary of Pod 6, as identified on the PD Master Plan, and the northern boundary of Wekiva Run concurrently with approval of the Construction Site Plan for Pod 6. The Developer and the City shall agree upon the form of maintenance agreement prior to the approval of the Construction Site Plan for Pod 6.

H. Wetlands and Environmental

1. Multiple wetlands are present within the property limits. An upland buffer with a minimum width of 25 feet shall be provided along all preserved wetlands.
2. According to the FEMA Flood Insurance Rate Map for Orange County, FL, Panel No. 12095-C-0110-H, dated September 24, 2021, portions of the proposed development site are located within unshaded Zone 'X' (areas determined to be outside the 500-year floodplain) and shaded Zones 'AE'

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A	10/20/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	LMC

DEVELOPMENT STANDARDS

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CITY OF APOPKA, FLORIDA

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DESIGNED: S. SANCHEZ
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10/20/25

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NOT FOR CONSTRUCTION

and 'A' (areas determined to be subject to flooding by the 100-year flood where the Base Flood Elevation has or has not, respectively, been determined).

3. An erosion control plan will be submitted with the Construction Site Plan.
4. Tree removal, tree replacement, and landscaping shall comply with the LDC.

I. Development Condition Continuity

These PD Development Standards shall be printed within the PD Master Plan and the Construction Site Plan.

J. Signage

Signage shall comply with the LDC.

K. Lighting

1. Lighting shall comply with the LDC.
2. All Alley Street Types shall have street lighting within the Alley.
3. Street and parking areas or pedestrian path light poles shall be decorative type. Details regarding the decorative type of light pole selected will be from the City of Apopka/Utility Company list of approved lighting (except for lighting along W. Ponkan Road) and will be selected and provided with the Construction Site Plan for the respective phase of development .

L. Garbage Pickup

1. Garbage of front-loaded single-family units shall be picked up at the adjacent Street Type along the front of the lots.
2. Garbage of rear-loaded single-family units shall be picked up at the adjacent Alley Street Type along the rear of the lots.

M. Building Permits & Model Homes

1. Building permits shall be issued and home construction shall be allowed for up to 50% of the homes within the project upon completion of stabilized access and fire protection, which can be provided via a temporary source (i.e., water tank), and prior to plat recording.
2. Each model home shall be allowed to be temporarily used for a sales office associated with the residential development. A townhome building may serve as one model home.
3. A Temporary Certificate of Acceptance (TCO) for each model home shall be allowed with temporary utilities (i.e., sewer holding tank and generator power).
4. Homes shall not receive a final Certificate of Acceptance (CO) until a final plat is recorded in the public records of Orange County, Florida.

N. Miscellaneous

5. Any existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies.
6. All acreages are subject to change with Major Development Plan (MDP), Construction Site Plan (CSP), and Final Plat review and approval. References in these PD Development Standards to

Construction Site Plan and final plat shall mean and refer to the Construction Site Plan and/or final plat for each respective and applicable phase of development.

7. Outdoor storage areas (boats, trailers, recreational vehicles, etc.) are not provided within the residential development and will be prohibited through the HOA documents.
8. All lots with rear alley access shall have uniform address numbers on the front and rear facades of the residence.
9. Retaining walls within the project shall be allowed to be a maximum of ten (10) feet in height. Structural plans and calculations for each proposed retaining wall signed and sealed by a licensed structural engineers shall be provided at Construction Site Plan.
10. The project will be developed and constructed in separate phases.
11. The architectural theme of the residential and non-residential development is "Florida Natural."
12. Minor Adjustments (as defined in the Development Agreement) to these PD Development Standards and the PD Master Plan will be processed in accordance with the Development Agreement for this project, as may be amended from time to time (the "Development Agreement"), notwithstanding any term or provision to the contrary.

O. Non-Residential Uses

1. Non-residential uses shall only be located within the Commercial Parcels.
2. The permitted uses for the Commercial Parcel located south of W. Ponkan Road shall be as follows:
   a. Child care facility
   b. Confectionery store, ice cream, candy
   c. Mobile food vendor
   d. Restaurant
   e. Grocery store and food market
   f. Coffee shops including those that have a drive-thru component
   g. Art, music, dance, or martial arts studio/school
   h. Consumer goods establishment
   i. Beauty salon or barber shop
   j. Pet beauty parlor
   k. Veterinary hospital or clinic
   l. Nail care establishment
   m. Personal or household goods repair establishment
   n. Bank or other financial institution
   o. Dry cleaning or laundry drop-off/pick-up establishment
   p. Drug store or pharmacy
   q. Health care clinic or office
   r. Office, professional or general business
3. The permitted uses for the Commercial Parcel located north of W. Ponkan Road shall be as follows:
   a. Child care facility
   b. Health care clinic or office
   c. Pet beauty parlor
   d. Veterinary hospital or clinic
   e. Brewpub or microbrewery
   f. Mobile food vendor
   g. Restaurant

   h. Office, professional or general business
   i. Art, music, dance, or martial arts studio/school
   j. Beauty salon or barber shop
   k. Confectionery store, ice cream, candy
   l. Dry cleaning or laundry drop-off/pick-up establishment
   m. Nail care establishment
   n. Personal or household goods repair establishment
   o. Bank or other financial institution
   p. Consumer goods establishment
   q. Drug store or pharmacy
   r. Grocery store and food market
   s. Hotel
   t. Coffee shops including those that have a drive-thru component
4. Multi-family apartment use is not permitted.

P:_PROJECT DRAWINGS\PUL-051 Paulucci Assemblage\Drawings\CAD Civil3D\Layouts\03 Master Plan\Master Plan.dwg Modified:10/20/2025 By:afrancis Plotted By:andrew.francis

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
A	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
A	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	BY:

1828 ENGINEERING
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

DEVELOPMENT STANDARDS

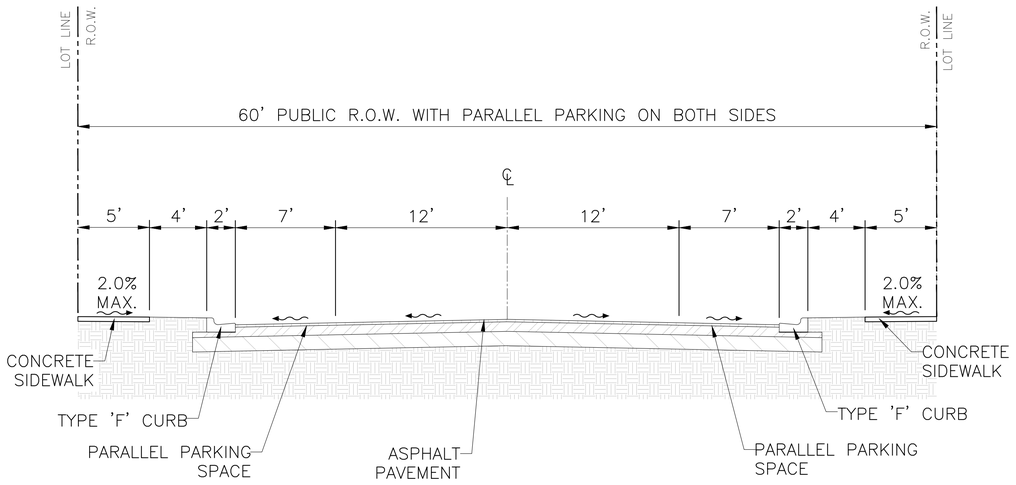
PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

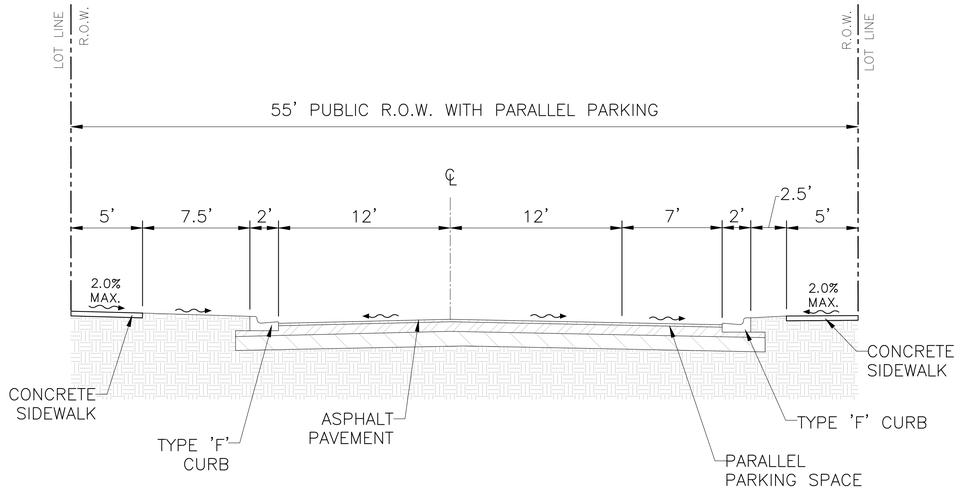
DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

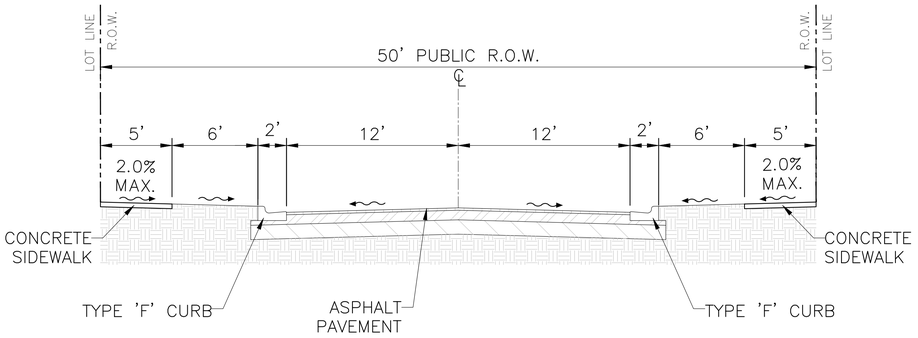
SCALE: N.T.S.
PROJECT: PUL-051
SHEET: C1.11a

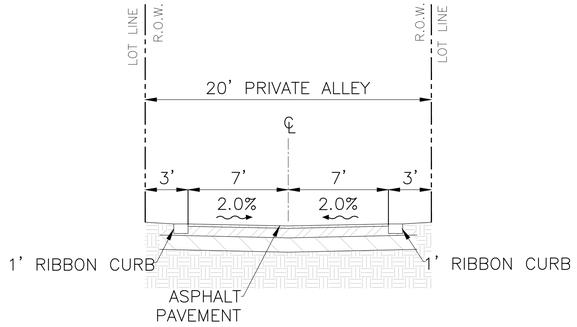
LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

This item has been digitally signed and sealed by Luke M. Classon, PE on the date adjacent to the seal.
Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

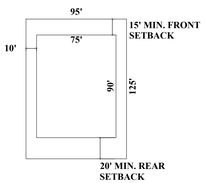








TYPICAL 95' LOT SIZE/PROPOSED BUILDING PAD



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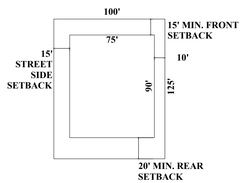

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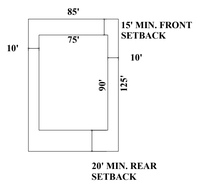

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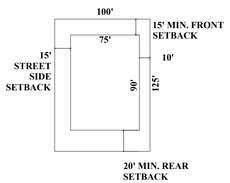

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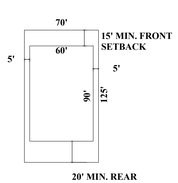

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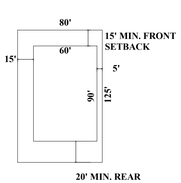

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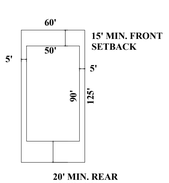

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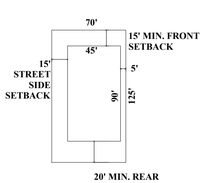

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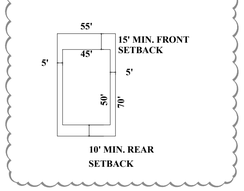

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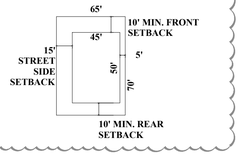

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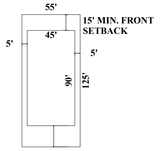

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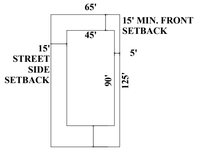

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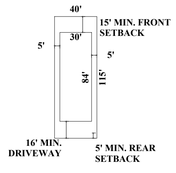

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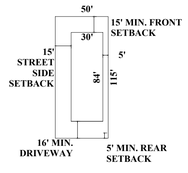

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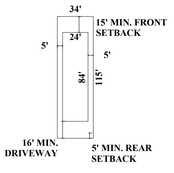

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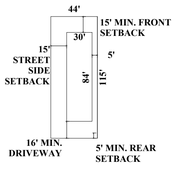
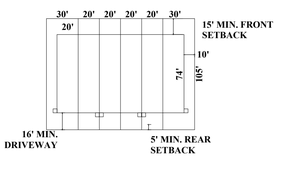
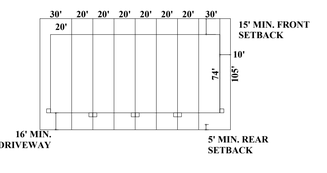


6-UNIT TOWNHOMES SIZE/PROPOSED BUILDING PAD



8-UNIT TOWNHOMES SIZE/PROPOSED BUILDING PAD



NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
1	10/20/25	CITY OF APOPKA COMMENTS DATED 09/29/2025	LMC
2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

1828 ENGINEERING
BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060
2400 MAITLAND CENTER PKWY, SUITE 107
MAITLAND, FLORIDA 32751
(407) 558-2228

TYPICAL LOT DETAILS AND ROAD CROSS SECTIONS

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: N.T.S.
PROJECT: PUL-051
SHEET: C1.12

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA 10/20/25 PROFESSIONAL ENGINEER

This item has been digitally signed and sealed by Luke A. Classon, PE on the date adjacent to the seal.
Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

P:_PROJECT DRAWINGS\PUL-051 Paulucci Assemblage\Drawings\CAD Civil3D\Layouts\03 Master Plan\Master Plan.dwg Modified:10/20/2025 By:afrancis Plotted By:andrew francis

POD 1A TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A1'	PUBLIC RIGHT OF WAY	14.37 AC	626,170 SF	CITY
TRACT 'B1'	30' RIGHT-OF-WAY DEDICATION	0.73 AC	31,816 SF	COUNTY
TRACT 'C1'	RIGHT-OF-WAY DEDICATION	0.14 AC	6,308 SF	CITY
TRACT 'D1'	RIGHT-OF-WAY DEDICATION	0.45 AC	19,414 SF	CITY
TRACT 'E1'	20' PRIVATE ALLEY	0.25 AC	10,888 SF	H.O.A./C.D.D.
TRACT 'F1'	20' PRIVATE ALLEY	0.25 AC	10,895 SF	H.O.A./C.D.D.
TRACT 'G1'	20' PRIVATE ALLEY	0.26 AC	11,286 SF	H.O.A./C.D.D.
TRACT 'H1'	20' PRIVATE ALLEY	0.20 AC	8,696 SF	H.O.A./C.D.D.
TRACT 'I1'	20' PRIVATE ALLEY	0.20 AC	8,686 SF	H.O.A./C.D.D.
TRACT 'J1'	25' LANDSCAPE BUFFER	1.31 AC	57,022 SF	H.O.A./C.D.D.
TRACT 'K1'	10' LANDSCAPE BUFFER	0.08 AC	3,518 SF	H.O.A./C.D.D.
TRACT 'L1'	LANDSCAPE MEDIAN	0.05 AC	2,390 SF	H.O.A./C.D.D.
TRACT 'M1'	LANDSCAPE MEDIAN	0.01 AC	605 SF	H.O.A./C.D.D.
TRACT 'N1'	AMENITY #1	1.23 AC	53,394 SF	H.O.A./C.D.D.
TRACT 'O1'	CONSERVATION AREA #1	15.73 AC	685,137 SF	H.O.A./C.D.D.
TRACT 'P1'	CONSERVATION AREA #2	8.80 AC	383,139 SF	H.O.A./C.D.D.
TRACT 'Q1'	CONSERVATION AREA #3/PUBLIC PARK DEDICATION	145.56 AC	6,340,696 SF	CITY
TRACT 'R1'	OPEN SPACE	4.06 AC	177,001 SF	H.O.A./C.D.D.
TRACT 'S1'	STORMWATER POND #1	16.00 AC	697,136 SF	H.O.A./C.D.D.
TRACT 'T1'	STORMWATER POND #2	21.21 AC	923,965 SF	H.O.A./C.D.D.
TRACT 'U1'	LIFT STATION #1	0.05 AC	1,975 SF	CITY
N/A	PORTION TO REMAIN IN OC, EXCL. FROM PD	0.37 AC	16,326 SF	COUNTY

POD 1B TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'V1'	PUBLIC RIGHT OF WAY	4.08 AC	177,686 SF	CITY
TRACT 'W1'	20' PRIVATE ALLEY	0.40 AC	17,386 SF	H.O.A./C.D.D.
TRACT 'X1'	25' LANDSCAPE BUFFER	1.26 AC	54,982 SF	H.O.A./C.D.D.
TRACT 'Y1'	OPEN SPACE	3.70 AC	161,341 SF	H.O.A./C.D.D.
TRACT 'Z1'	CONSERVATION AREA #4	1.50 AC	65,262 SF	H.O.A./C.D.D.

POD 2 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A2'	PUBLIC RIGHT-OF-WAY	2.66 AC	116,081 SF	CITY
TRACT 'B2'	30' RIGHT-OF-WAY DEDICATION	4.88 AC	212,613 SF	COUNTY
TRACT 'C2'	RIGHT-OF-WAY DEDICATION	0.41 AC	18,001 SF	CITY
TRACT 'D2'	10' LANDSCAPE BUFFER	0.43 AC	18,876 SF	H.O.A./C.D.D.
TRACT 'E2'	10' LANDSCAPE BUFFER	0.10 AC	4,209 SF	H.O.A./C.D.D.
TRACT 'F2'	10' LANDSCAPE BUFFER	0.14 AC	6,048 SF	H.O.A./C.D.D.
TRACT 'G2'	25' LANDSCAPE BUFFER	0.63 AC	27,268 SF	H.O.A./C.D.D.
TRACT 'H2'	LANDSCAPE MEDIAN	0.02 AC	909 SF	H.O.A./C.D.D.
TRACT 'I2'	OPEN SPACE	4.64 AC	202,316 SF	H.O.A./C.D.D.
TRACT 'J2'	OPEN SPACE/STORMWATER (OC DEDICATION)	3.71 AC	161,476 SF	COUNTY
TRACT 'K2'	STORMWATER POND #3	13.10 AC	570,715 SF	H.O.A./C.D.D.
TRACT 'L2'	LIFT STATION #2	0.06 AC	2,512 SF	CITY

POD 3 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A3'	PUBLIC RIGHT-OF-WAY	2.28 AC	99,435 SF	CITY
TRACT 'B3'	30' RIGHT-OF-WAY DEDICATION	2.15 AC	93,484 SF	COUNTY
TRACT 'C3'	RIGHT-OF-WAY DEDICATION	0.75 AC	32,867 SF	CITY
TRACT 'D3'	25' LANDSCAPE BUFFER	0.77 AC	33,559 SF	H.O.A./C.D.D.
TRACT 'E3'	10' LANDSCAPE BUFFER	0.08 AC	3,451 SF	H.O.A./C.D.D.
TRACT 'F3'	10' LANDSCAPE BUFFER	0.04 AC	1,732 SF	H.O.A./C.D.D.
TRACT 'G3'	10' LANDSCAPE BUFFER	0.57 AC	24,726 SF	H.O.A./C.D.D.
TRACT 'H3'	25' LANDSCAPE BUFFER	1.25 AC	54,514 SF	H.O.A./C.D.D.
TRACT 'I3'	STORMWATER POND #4	5.23 AC	227,868 SF	H.O.A./C.D.D.
TRACT 'J3'	STORMWATER POND #5	3.30 AC	143,946 SF	H.O.A./C.D.D.
TRACT 'K3'	STORMWATER POND #6	8.98 AC	391,187 SF	H.O.A./C.D.D.
TRACT 'L3'	LIFT STATION #3	0.05 AC	2,100 SF	CITY

POD 4 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A4'	PUBLIC RIGHT-OF-WAY	5.01 AC	218,159 SF	CITY
TRACT 'B4'	30' RIGHT-OF-WAY DEDICATION	2.15 AC	93,816 SF	COUNTY
TRACT 'C4'	10' LANDSCAPE BUFFER	0.05 AC	2,196 SF	H.O.A./C.D.D.
TRACT 'D4'	10' LANDSCAPE BUFFER	0.23 AC	10,050 SF	H.O.A./C.D.D.
TRACT 'E4'	10' LANDSCAPE BUFFER	0.52 AC	22,519 SF	H.O.A./C.D.D.
TRACT 'F4'	10' LANDSCAPE BUFFER	0.11 AC	4,985 SF	H.O.A./C.D.D.
TRACT 'G4'	LANDSCAPE MEDIAN	0.04 AC	1,682 SF	H.O.A./C.D.D.
TRACT 'H4'	LANDSCAPE MEDIAN	0.03 AC	1,359 SF	H.O.A./C.D.D.
TRACT 'I4'	CONSERVATION AREA #5	13.73 AC	598,030 SF	H.O.A./C.D.D.
TRACT 'J4'	OPEN SPACE	0.15 AC	6,743 SF	H.O.A./C.D.D.
TRACT 'K4'	STORMWATER POND #7	9.96 AC	433,829 SF	H.O.A./C.D.D.
TRACT 'L4'	STORMWATER POND #8	5.77 AC	251,168 SF	H.O.A./C.D.D.
TRACT 'M4'	STORMWATER POND #9	7.59 AC	330,818 SF	H.O.A./C.D.D.
TRACT 'N4'	LIFT STATION #4	0.04 AC	1,950 SF	CITY

POD 5 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A5'	PUBLIC RIGHT-OF-WAY	3.02 AC	131,588 SF	CITY
TRACT 'B5'	20' PRIVATE ALLEY	0.34 AC	14,897 SF	H.O.A./C.D.D.
TRACT 'C5'	20' PRIVATE ALLEY	0.34 AC	14,886 SF	H.O.A./C.D.D.
TRACT 'D5'	25' LANDCAPE BUFFER	0.88 AC	38,162 SF	H.O.A./C.D.D.
TRACT 'E5'	10' LANDSCAPE BUFFER	0.10 AC	4,300 SF	H.O.A./C.D.D.
TRACT 'F5'	OPEN SPACE	0.19 AC	8,066 SF	H.O.A./C.D.D.

POD 6 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A6'	PUBLIC RIGHT-OF-WAY	5.58 AC	242,965 SF	CITY
TRACT 'B6'	30' RIGHT-OF-WAY DEDICATION	0.16 AC	6,770 SF	COUNTY
TRACT 'C6'	25' LANDSCAPE BUFFER	2.47 AC	107,796 SF	H.O.A./C.D.D.
TRACT 'D6'	AMENITY #2	0.48 AC	20,741 SF	H.O.A./C.D.D.
TRACT 'E6'	OPEN SPACE	0.12 AC	5,395 SF	H.O.A./C.D.D.
TRACT 'F6'	OPEN SPACE	0.34 AC	14,930 SF	H.O.A./C.D.D.
TRACT 'G6'	OPEN SPACE	4.00 AC	174,342 SF	H.O.A./C.D.D.
TRACT 'H6'	STORMWATER POND #10	23.38 AC	1,018,498 SF	H.O.A./C.D.D.
TRACT 'I6'	LIFT STATION #5	0.05 AC	2,049 SF	CITY

POD 7 TRACT DATA

TRACT	DESCRIPTION	AREA (AC)	AREA (SF)	OWNER
TRACT 'A7'	PUBLIC RIGHT-OF-WAY	10.64 AC	463,552 SF	CITY
TRACT 'B7'	PRIVATE RIGHT-OF-WAY	1.39 AC	60,400 SF	H.O.A./C.D.D.
TRACT 'C7'	25' LANDSCAPE BUFFER	1.17 AC	50,805 SF	H.O.A./C.D.D.
TRACT 'D7'	10' LANDSCAPE BUFFER	0.16 AC	7,005 SF	H.O.A./C.D.D.
TRACT 'E7'	10' LANDSCAPE BUFFER	0.18 AC	7,989 SF	H.O.A./C.D.D.
TRACT 'F7'	LANDSCAPE BUFFER	0.14 AC	5,968 SF	H.O.A./C.D.D.
TRACT 'G7'	10' LANDSCAPE BUFFER	0.26 AC	11,380 SF	H.O.A./C.D.D.
TRACT 'H7'	10' LANDSCAPE BUFFER	0.03 AC	1,500 SF	H.O.A./C.D.D.
TRACT 'I7'	25' LANDSCAPE BUFFER	0.86 AC	37,491 SF	H.O.A./C.D.D.
TRACT 'J7'	AMENITY #3	0.87 AC	37,937 SF	H.O.A./C.D.D.
TRACT 'K7'	CONSERVATION AREA #6	14.68 AC	639,625 SF	H.O.A./C.D.D.
TRACT 'L7'	OPEN SPACE	0.07 AC	3,189 SF	H.O.A./C.D.D.
TRACT 'M7'	OPEN SPACE	0.07 AC	3,189 SF	H.O.A./C.D.D.
TRACT 'N7'	OPEN SPACE	0.07 AC	3,122 SF	H.O.A./C.D.D.
TRACT 'O7'	OPEN SPACE	0.06 AC	2,517 SF	H.O.A./C.D.D.
TRACT 'P7'	OPEN SPACE/STORMWATER	8.71 AC	379,546 SF	H.O.A./P.O.A./C.D.D.
TRACT 'Q7'	STORMWATER POND #11	11.04 AC	480,842 SF	H.O.A./C.D.D.
TRACT 'R7'	STORMWATER POND #12	10.74 AC	467,724 SF	H.O.A./C.D.D.
TRACT 'S7'	LIFT STATION #6	0.05 AC	1,969 SF	CITY
TRACT 'T7'	FUTURE MIXED-USE/COMMERCIAL TRACT 1	4.90 AC	213,403 SF	PROPERTY OWNER
TRACT 'U7'	FUTURE MIXED-USE/COMMERCIAL TRACT 2	5.92 AC	257,713 SF	PROPERTY OWNER

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY
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A	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	LMC

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TRACT DATA TABLES

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: N.T.S.
PROJECT: PUL-051
SHEET: C1.13

LUKE CLASSON LICENSED No 77066 STATE OF FLORIDA 10/20/25 PROFESSIONAL ENGINEER

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Lot Count by Phase									
	20' Townhomes	34' Lots	40' Lots	55' Lots	60' Lots	70' Lots	85' Lots	95' Lots	Total
Pod 1A/1B	102	12	94	168	0	0	18	17	411
Pod 2	0	0	0	26	22	0	0	12	60
Pod 3	0	0	0	30	8	4	0	5	47
Pod 4	0	0	0	24	39	8	0	4	75
Pod 5	0	0	72	40	0	0	0	0	112
Pod 6	0	0	0	32	48	0	0	34	114
Pod 7	56	21	0	27	73	37	0	1	215
Total	**158**	**33**	**166**	**347**	**190**	**49**	**18**	**73**	**1034**

Roadway Length by Phase		
	Standard Road*	Private Alley
Pod 1A/1B	10,938 LF	2,794 LF
Pod 2	2,304 LF	0 LF
Pod 3	3,569 LF	0 LF
Pod 4	3,547 LF	0 LF
Pod 5	2,393 LF	1,596 LF
Pod 6	5,640 LF	0 LF
Pod 7	8,049 LF	2,033 LF
Total	**36,439 LF**	**6,423 LF**

N

W E

S

GRAPHIC SCALE

400 0 200 400 800

(IN FEET)
1 inch = 400 ft.

LEGEND

- PROPERTY BOUNDARY
- POD 1 A/B
- POD 1 C
- POD 2
- POD 3
- POD 4
- POD 5
- POD 6
- POD 7
- MIXED-USE/COMMERCIAL (BY OTHERS)
- PHASING LINE

*ROADWAYS WITHIN GATED PODS ARE TO BE PRIVATE, WHILE ALL OTHER PROPOSED ROADS ARE TO BE PUBLIC. DETERMINATION AS TO WHICH PODS WILL BE GATED WILL BE MADE DURING CSP PERMITTING.

JASON DWELLEY PARKWAY

POD 7
95'X125' UNITS: 1
70'X125' UNITS: 37
60'X125' UNITS: 73
55'X125' UNITS: 27
34'X115' UNITS: 21
TOWNHOME UNITS: 56
TOTAL: 213

MIXED-USE/COMMERCIAL TRACTS TO BE DEVELOPED BY OTHERS

STORMWATER TRACT TO BE DEDICATED TO ORANGE COUNTY

PARK TO BE DEDICATED TO THE CITY OF APOPKA (POD 1C)

POD 4
95'X132' UNITS: 4
70'X125' UNITS: 8
60'X125' UNITS: 39
55'X125' UNITS: 24
TOTAL: 77

POD 3
95'X132' UNITS: 5
70'X125' UNITS: 4
60'X125' UNITS: 8
55'X125' UNITS: 30
TOTAL: 47

W PONKAN ROAD

PODS 1A/B
95'X132' UNITS: 17
85'X125' UNITS: 18
55'X125' UNITS: 168
40'X115' UNITS: 94
34'X115' UNITS: 12
TOWNHOME UNITS: 102
TOTAL: 411

POD 6
95'X132' UNITS: 34
60'X125' UNITS: 48
55'X125' UNITS: 32
TOTAL: 114

POD 2
95'X132' UNITS: 12
60'X125' UNITS: 22
55'X125' UNITS: 26
TOTAL: 60

POD 1A

POD 1B

POD 5
55'X125' UNITS: 40
40'X115' UNITS: 72
TOTAL: 112

W KELLY ROAD

Proposed Cumulative Residential Open Space Table						
Pod	Open Space Area	Total Pod Area	Cumulative PD Open Space	Cumulative PD Area	Pod Open Space %	Cumulative Open Space %
Pod 1A	59.18 Ac.	120.49 Ac.	59.18 Ac.	120.49 Ac.	49.1%	49.12%
Pod 1B	6.46 Ac.	30.08 Ac.	65.65 Ac.	150.57 Ac.	21.5%	43.60%
Pod 1C	152.10 Ac.	154.28 Ac.	217.75 Ac.	304.84 Ac.	98.6%	71.43%
Pod 2	18.57 Ac.	34.06 Ac.	236.31 Ac.	338.90 Ac.	54.5%	69.73%
Pod 3	15.85 Ac.	34.70 Ac.	252.16 Ac.	373.60 Ac.	45.7%	67.49%
Pod 4	32.36 Ac.	56.63 Ac.	284.51 Ac.	430.23 Ac.	57.1%	66.13%
Pod 5	1.16 Ac.	19.68 Ac.	285.67 Ac.	449.91 Ac.	5.9%	63.50%
Pod 6	24.96 Ac.	61.28 Ac.	310.63 Ac.	511.19 Ac.	40.7%	60.77%
Pod 7	34.97 Ac.	82.58 Ac.	345.60 Ac.	593.76 Ac.	42.3%	58.20%
Future Commercial Tract 1	.98 Ac.*	4.90 Ac.	346.58 Ac.	598.66 Ac.	20.0%*	57.89%
Future Commercial Tract 2	1.18 Ac.*	5.92 Ac.	347.76 Ac.	604.58 Ac.	20.0%*	57.52%

*EACH COMMERCIAL PHASE OF THE DEVELOPMENT SHALL PROVIDE A MINIMUM OF 20% OF ITS ACREAGE AS OPEN SPACE ACCORDING TO LDC SECTIONS 5.4.4 AND 5.4.5

NOT FOR CONSTRUCTION

REV.	DATE	DESCRIPTION	BY:
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2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

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PHASING PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 400'
PROJECT: PUL-051
SHEET: C1.14

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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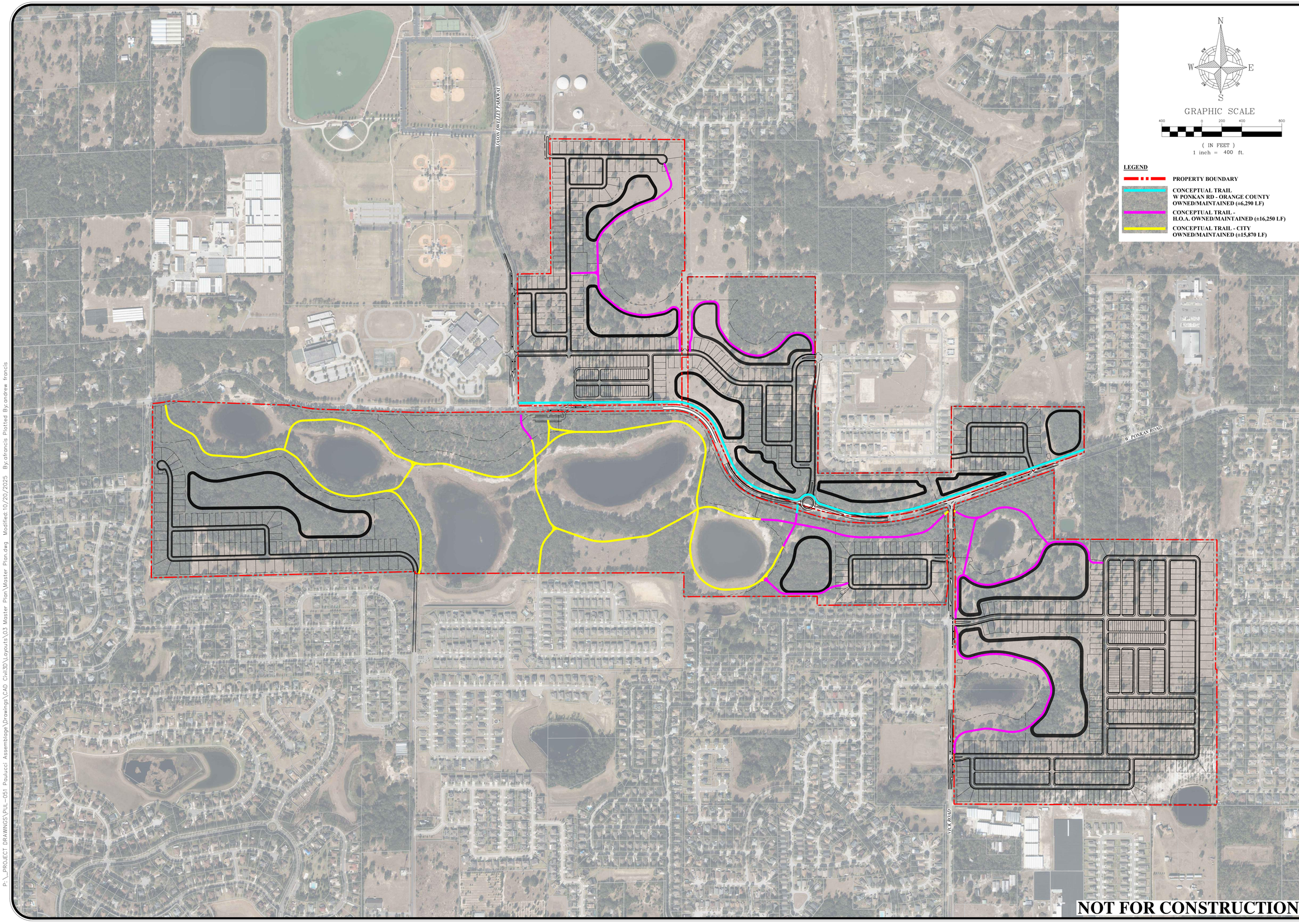

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2	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

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CONCEPTUAL MULTI-PURPOSE TRAIL PLAN

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 400'
PROJECT: PUL-051
SHEET: C1.15

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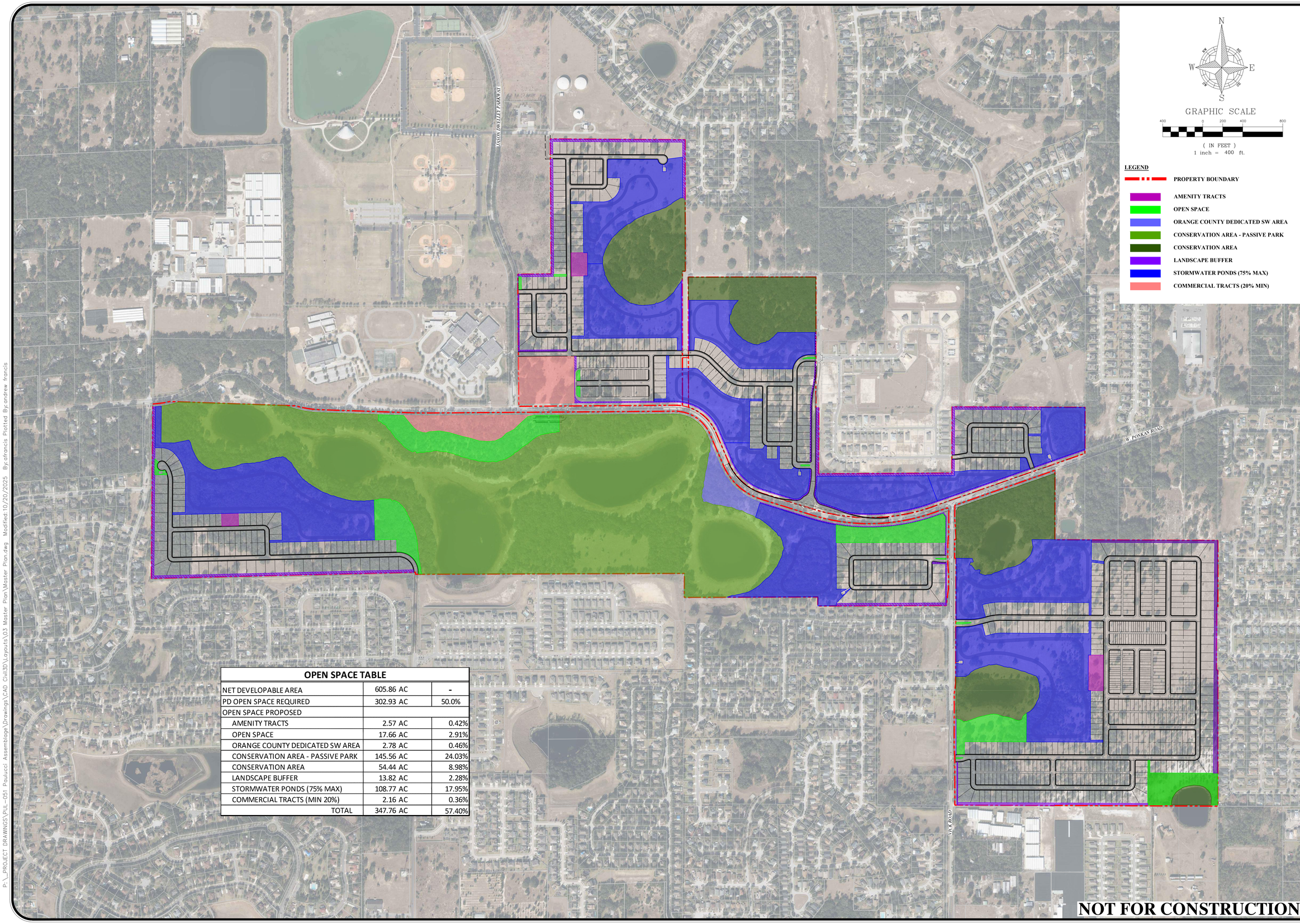

OPEN SPACE TABLE		
NET DEVELOPABLE AREA	605.86 AC	-
PD OPEN SPACE REQUIRED	302.93 AC	50.0%
OPEN SPACE PROPOSED		
AMENITY TRACTS	2.57 AC	0.42%
OPEN SPACE	17.66 AC	2.91%
ORANGE COUNTY DEDICATED SW AREA	2.78 AC	0.46%
CONSERVATION AREA - PASSIVE PARK	145.56 AC	24.03%
CONSERVATION AREA	54.44 AC	8.98%
LANDSCAPE BUFFER	13.82 AC	2.28%
STORMWATER PONDS (75% MAX)	108.77 AC	17.95%
COMMERCIAL TRACTS (MIN 20%)	2.16 AC	0.36%
TOTAL	347.76 AC	57.40%

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A	09/04/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	BK

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OPEN SPACE EXHIBIT

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025
SCALE: 1" = 400'
PROJECT: PUL-051
SHEET: C1.16

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA PROFESSIONAL ENGINEER 10/20/25

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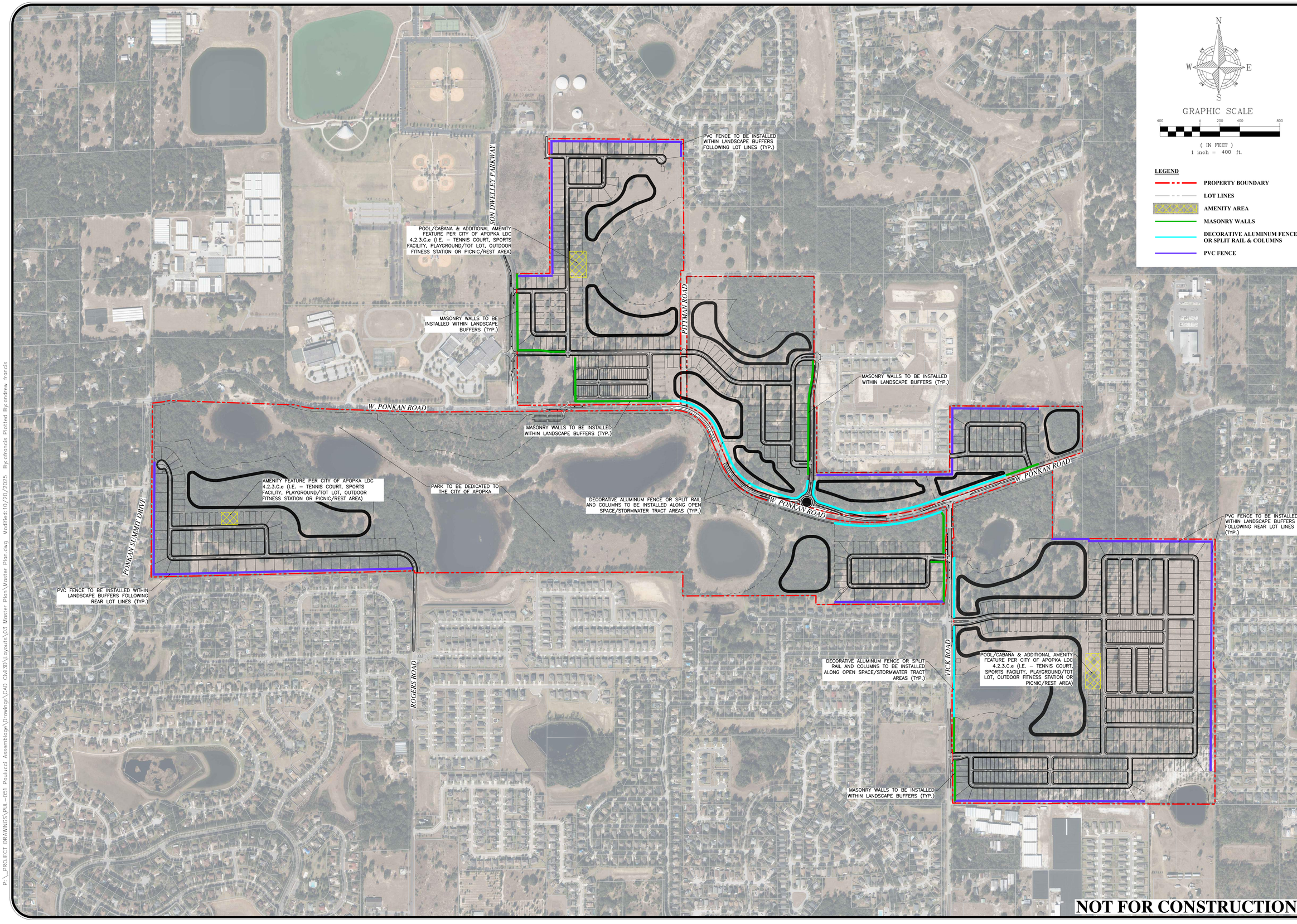

REV.	DATE	DESCRIPTION	BY
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1	07/08/25	CITY OF APOPKA COMMENTS DATED 07/08/2025	

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AMENITY AND BUFFER TREATMENT EXHIBIT

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: 1" = 400'
PROJECT: PUL-051
SHEET: C1.17

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA 10/20/25 PROFESSIONAL ENGINEER

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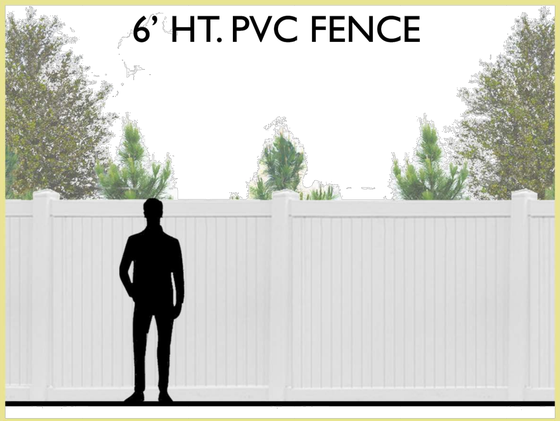
PAULUCCI ACRES
SITE WALLS AND FENCES

SPLIT RAIL FENCE W/ COLUMNS

6' HT. PVC FENCE



6' HT. PRECAST WALL

BUFFER
Type B Aesthetic

Minimum width 25'
-3 canopy trees/100 L.F
-2 shrubs per/100 L.F
Minimin width 15'
- 1 canopy tree/100 L.F
- 7 understory trees/100 L.F
- 5 shrubs/100 L.F
Minimum width 5'
-4' tall semi-opaque fence
or
- Wall and 10 evergreen shrubs per every 100 L.F

NOT FOR CONSTRUCTION

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BOARD OF PROFESSIONAL ENGINEERING REGISTRY NO. 39060

BUFFER TREATMENT DETAILS

PAULUCCI ACRES
CITY OF APOPKA, FLORIDA

DRAWN: B. KILLELA
DESIGNED: S. SANCHEZ
CHECKED: L. CLASSON
DATE: 10/20/2025

SCALE: N.T.S.
PROJECT: PUL-051
SHEET: C1.18

LUKE CLASSON LICENSE No 77066 STATE OF FLORIDA 10/20/25 PROFESSIONAL ENGINEER

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Townhome Product

Dahlia

1,683 A/C Sq. Ft. | 3 Bedrooms | 2.5 Baths | 2-Car Garage

Elevation FH2

Aurora

Elevation C02

Elevation MD2

Julep

1,770 A/C Sq. Ft. | 3 - 4 Bedrooms | 2.5 Baths | 2-Car Garage

Elevation FH2

Aurora

Elevation C02

Elevation MD2

Orchid

1,553 A/C Sq. Ft. | 3 Bedrooms | 2.5 Baths | 2-Car Garage

Elevation FH2

Aurora

Elevation C02

Elevation MD2

34' Rearload Product

Benton

1,628 A/C Sq. Ft. | 3 Bedrooms | 2.5 Baths | 2-Car Garage

Elevation FM1

Elevation CO1

Ember

Elevation FH1

Elevation MD1

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Pulte.com

Haddock

1,896 - 1,913 A/C Sq. Ft. | 3 Bedrooms | 2.5 Baths | 2-Car Garage

Elevation FM1

Elevation CO1

Ember

Elevation FH1

Elevation MD1

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Pulte.com

40' Rearload Product

Dylan

1,715 A/C Sq. Ft. | 3 - 4 Bedrooms | 2 Baths | 2-Car Garage

Elevation FM1

Elevation CO1

Haven

Elevation FH1

Elevation MD1

Mabel

2,341 - 2,364 A/C Sq. Ft. | 4 Bedrooms | 3 Baths | 2-Car Garage

Elevation FM1

Elevation CO1

Haven

Elevation FH1

Elevation MD1

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Pulte.com

50'+ Front Load Product

Highgate

1,850 A/C Sq. Ft. | 4 Bedrooms | 2 Baths | 2-Car Garage

Elevation FM1

Forever

Elevation FM2

Elevation CO1

Elevation MD1

Elevation CO2

Elevation C1

Elevation C2

Whitestone

2,894 A/C Sq. Ft. | 4 - 5 Bedrooms | 2.5 - 4 Baths | 2-Car Garage

Elevation FH2

Elevation C1

Elevation C2

Elevation FM1

Elevation MD1

Classic Series

Elevation FM2

Elevation CO1

Elevation CO2

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Pulte.com

Elevation MD1

Elevation C2

Yorkshire

3,415 - 3,617 A/C Sq. Ft. | 5 Bedrooms | 3.5 - 4.5 Baths | 2 - 3 Car Tandem Garage

Elevation FM1

Elevation FM2

Classic Series

Elevation C1

Elevation CO1

Elevation CO2

Exterior color schemes will vary per community requirements.

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Pulte.com

60'+ Front Load Product

Easley

2,685 - 2,985 A/C Sq. Ft. | 3 - 4 Bedrooms | 2.5 - 4.5 Baths | 3-Car Tandem Garage

Elevation FM1

Elevation FM2

Estate Series

Elevation CO1

Elevation C1

Elevation MD1

Elevation C2

Elevation CO2

Easley Grand

4,194 - 4,494 A/C Sq. Ft. | 5 - 6 Bedrooms | 3.5 - 5.5 Baths | 3-Car Tandem Garage

Elevation FM1

Elevation C1

Estate Series

Elevation FM2

Elevation CO1

Elevation MD1

Elevation C2

Elevation CO2

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Pulte.com

Roseland

4,272 - 4,674 A/C Sq. Ft. | 4 - 6 Bedrooms | 3.5 - 6 Baths | 3-Car Garage

Elevation C1

Elevation C2

Elevation LH2

Elevation FM1

Elevation CO1

Legacy

Elevation MD1

Elevation FM2

Elevation CO2

Elevation MD2

Elevation FM2

Elevation FH2

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Pulte.com

Ashby

2,298 - 2,366 A/C Sq. Ft. | 3 - 4 Bedrooms | 2.5 - 4 Baths | 3-Car Garage

Elevation FM1

Elevation MD1

Estate Series

Elevation FM2

Elevation CO1

Elevation CO2

Elevation C2

Elevation C1

Ashby Grand

3,313 - 3,381 A/C Sq. Ft. | 4 -5 Bedrooms | 3.5 - 5 Baths | 3-Car Garage

Elevation MD1

Elevation C2

Elevation FM1

Elevation FM2

Estate Series

Elevation C1

Elevation CO1

Elevation CO2

Artist's Conception: These drawings are conceptual only and should not be relied upon as a representation, express or implied of the final detail. The developer expressly reserves the right to make modifications, revisions, and changes which it deems desirable in its sole and absolute discretion. Due to normal construction tolerances, square footage may vary. ©2024 Pulte Home Company, LLC. All Rights Reserved. CGC1516628 10-23-24

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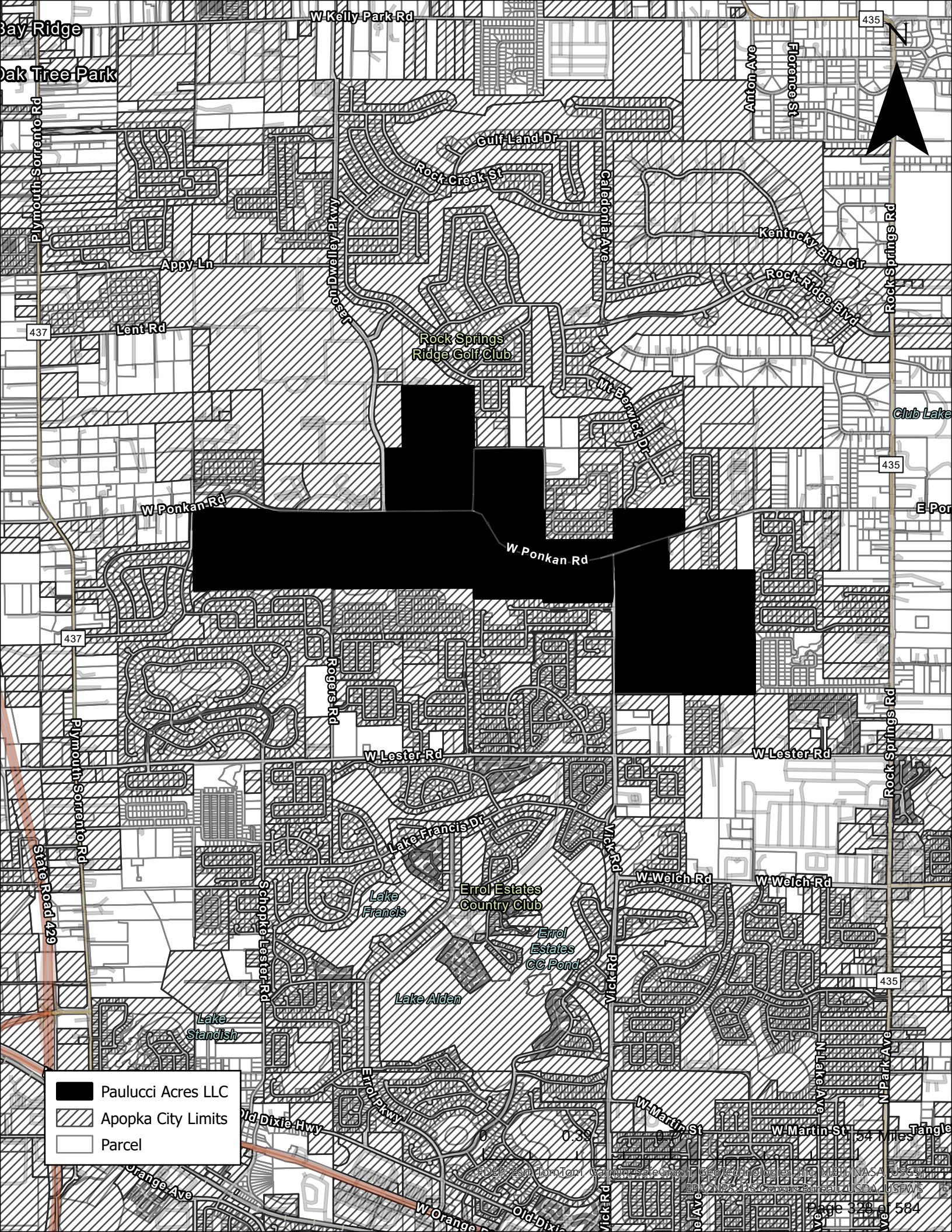
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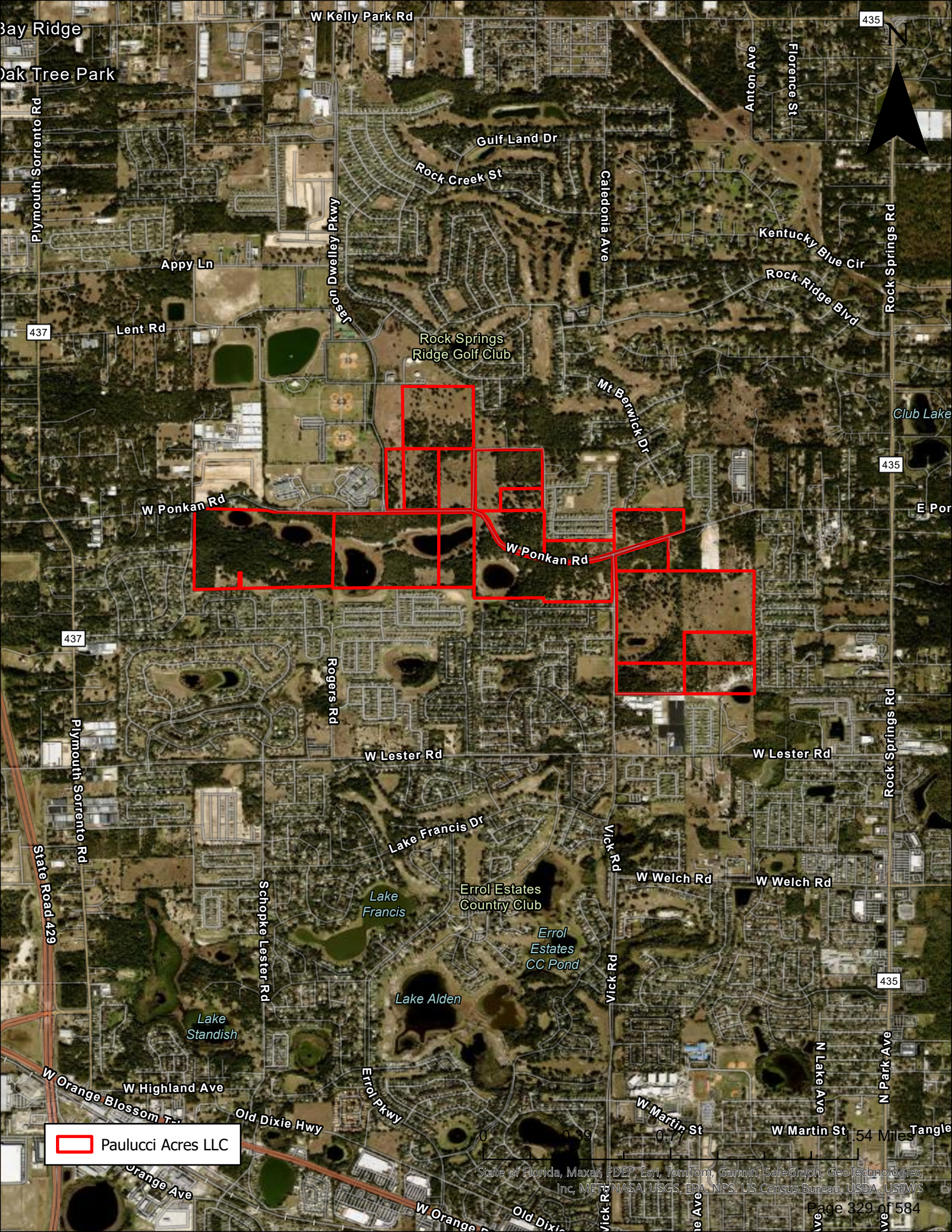
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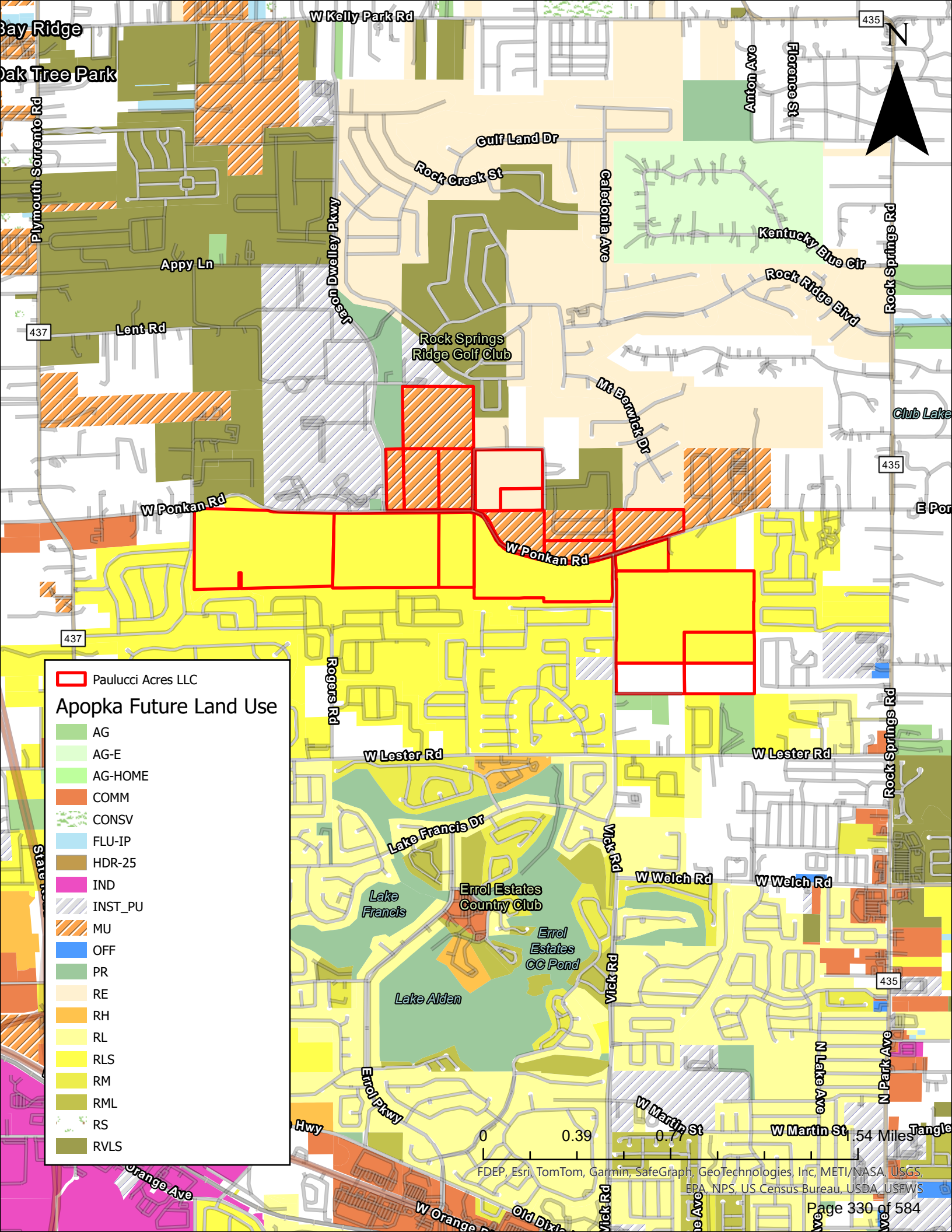
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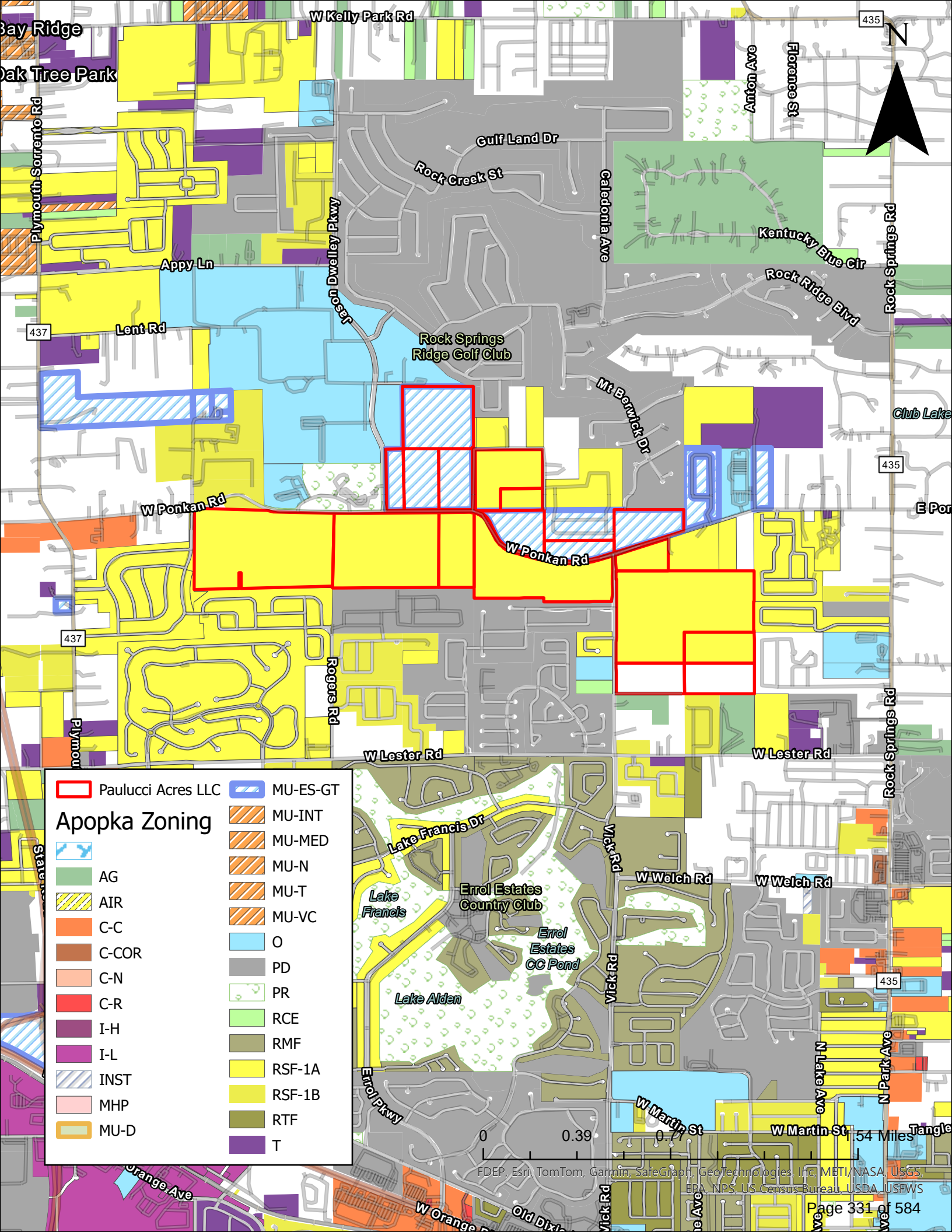
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Elesa R. Sowell

Subject: RE: PUL 051 Letter/Email from Orange County confirming 30' ROW dedication request for W Ponkan Road
Attachments: EXHIBIT 0 - OVERALL PAULUCCI ACRES EXISTING ROW EXHIBIT.pdf; EXHIBIT 1 - OVERALL PAULUCCI ACRES PROPOSED ROW EXHIBIT.pdf

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From: Sanders, Brian (Transportation Planning) <Brian.Sanders@ocfl.net>
Sent: Wednesday, August 6, 2025 4:38 PM
To: Luke Classon <lclasson@1828eng.com>
Cc: Sofia Sanchez <ssanchez@1828eng.com>; Ussach, Susan <Susan.Ussach@ocfl.net>; Trujillo Villa, Adriana L <Adriana.TrujilloVilla@ocfl.net>
Subject: RE: PUL 051 Letter/Email from Orange County confirming 30' ROW dedication request for W Ponkan Road

Luke,
Orange County agrees with the graphic representation of 30’ donation of future mainline road right-of-way along the north and south sides of Ponkan Road adjacent to the proposed development. I presume that right-of-way donations will occur with the platting of each development POD. The proposed roundabout location includes right-of-way donations that exceed the 30’ proposal to accommodate a single lane roundabout. The roundabout sketch appears to have an inscribed circle that is 115’ in diameter and there was an understanding from the last meeting the proposed multi-purpose path would be located outside the proposed right-of-way. This would provide more flexibility with the roundabout design to accommodate the most appropriate design vehicle. As design of the roundabout progresses, we will look closer at the proposed right-of-way to also accommodate the future four-laning. We also discussed future stormwater needs for the future four-laning but that was not indicated on these exhibits. We can discuss that further.
Please let me know if you need additional information.

Brian R. Sanders
Manager, Transportation Planning Division
Orange County Public Works Department
4200 South John Young Parkway
Orlando, Florida 32839
407-836-8022

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Paulucci Acres Planned Development Narrative

PREPARED FOR PULTE HOME COMPANY, LLC

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Summary and Location

Paulucci Acres is a 618.36± acre site situated north and south of W. Ponkan Road, with approximately 580 acres located in the City Apopka, Florida (the "City") and approximately 40 acres located in unincorporated Orange County, with such unincorporated area proposed to be annexed into the City. The site consists of 18 undeveloped parcels of varying sizes (the "Paulucci Parcels") identified by the following Orange County Property Appraiser Parcel Identification Numbers:

20-20-28-0000-00-003, 20-20-28-0000-00-004, 20-20-28-0000-00-005,
20-20-28-0000-00-006, 20-20-28-0000-00-008, 20-20-28-0000-00-014,
28-20-28-0000-00-008, 28-20-28-0000-00-009, 28-20-28-0000-00-012,
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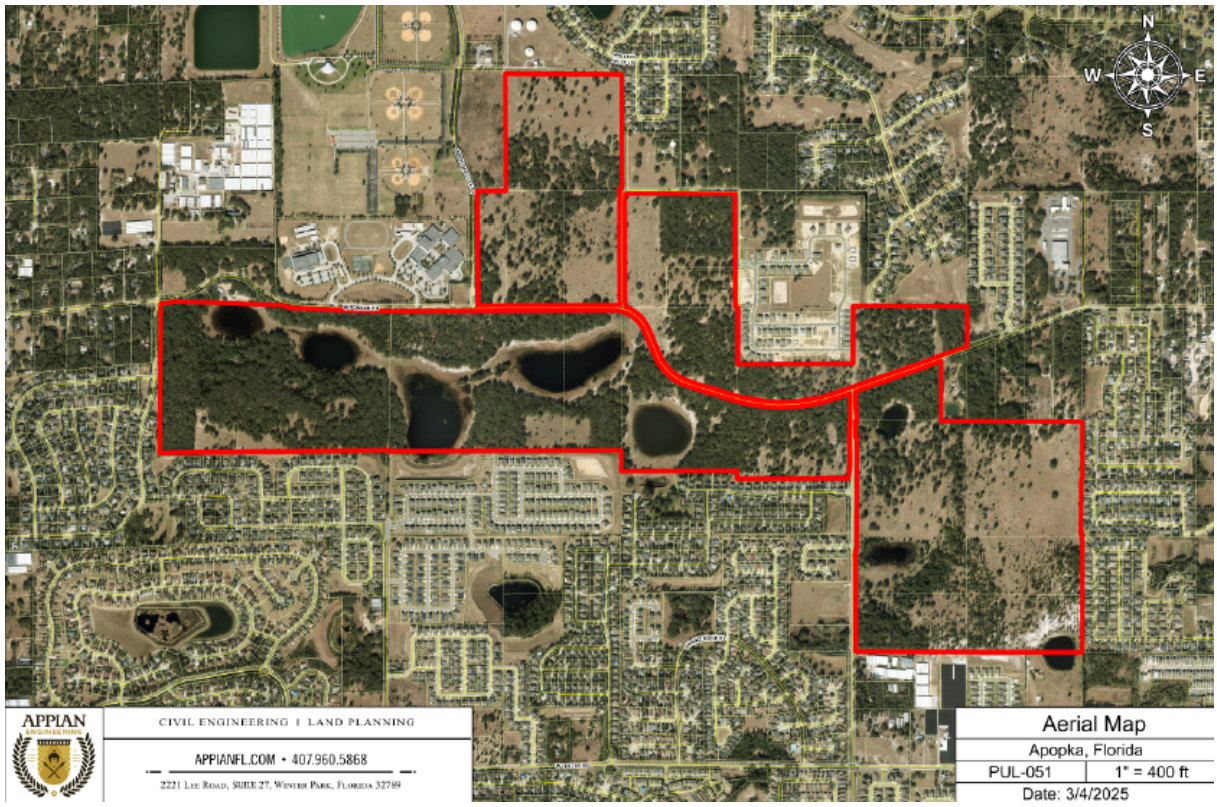
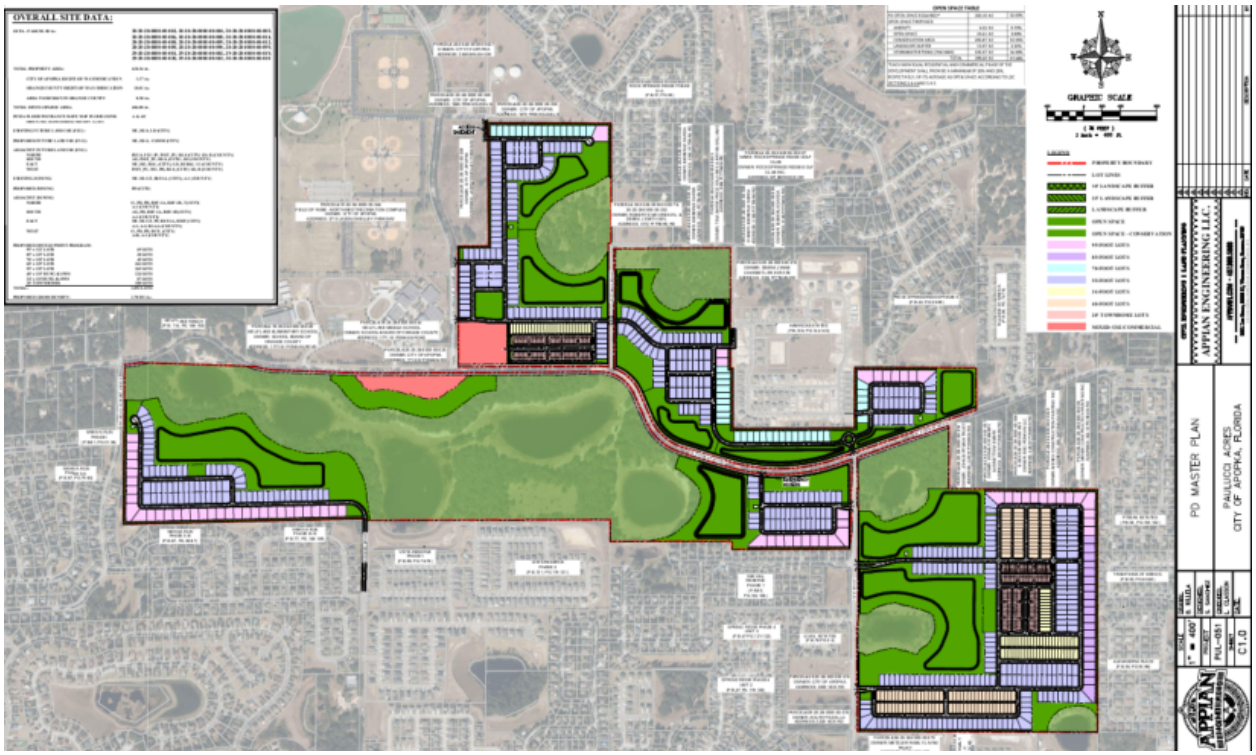


The proposed development currently referred to as "Paulucci Acres" (the "Proposed Development") will consist of a master planned residential community of 1,052 single-family lots with varying lot widths ranging from 95-foot single-family detached lots to 20-foot townhomes, together with an emphasis on open space, lakes and community amenities to ensure a high quality of life for all residents, and two commercial parcels for future development. The commercial parcels are contemplated to be located at the intersection of W. Ponkan Road and Jason Dwelley Parkway, with one commercial parcel approximately 5 acres in size to be located on the northern

boundary of W. Ponkan Road (the “Commercial Parcel-North”), and the other commercial parcel approximately 5 acres in size to be located on the southern boundary of W. Ponkan Road, (the “Commercial Parcel-South”). Paulucci Acres is proposed to be developed in seven (7) phases.



Application Request

The Paulucci Parcels have a future land use designation of Residential Low Suburban (“RLS”), Residential Estate (“RE”), Mixed Use (“MU”) (City), and Low Density Residential (“LD”) (County) and are zoned RSF-1A and MU-ES-GT (City) and A-1 (County).

Prior to the date hereof, Applicant submitted an Annexation Application (AN-25-3) for the approximately 40 acres located in unincorporated Orange County (the “Residential Parcels”). Simultaneously with the Annexation Application, Applicant submitted a Small-Scale Comprehensive Plan Future Land Use Map Amendment Application (FLU-25-5) to request a future land use designation of RLS for the Residential Parcels in order to achieve consistency with the City’s Future Land Use Element of the adopted Comprehensive Plan. Also included in the Future Land Use Amendment Application was a request to amend the future land use designation for the approximately 5-acre Commercial Parcel-South from RLS to Commercial (“COMM”).

This Master Plan and Planned Development Application (this “Application”) requests to rezone the Paulucci Parcels to Planned Development (“PD”) zoning district. Provided with this Application is a PD Master Plan and PD Development Standards.

Review Criteria

A. Land Development Code Section 2.5.1.D.3 requires the Council to weigh the relevance of and consider whether and the extent to which the proposed amendment:

a. Is consistent with and furthers the goals, objectives and policies of the comprehensive plan and other adopted City plans.

RESPONSE: The requested action to rezone the Paulucci Parcels to a Planned Development ("PD") zoning designation is consistent with and furthers the goals, objectives, and policies of the City's Comprehensive Plan. Specifically, the requested PD rezoning aligns Goal 1, Objective 3, Policy 3.1 of the City's Comprehensive Plan, which states that PD zoning is designed to provide the following eight goals, and the proposed rezoning serves all of the following enumerated goals with responses to each goal set forth below in italics:

1. provide an alternate method of land development not available within the framework of other zoning districts to special projects which merit such treatment;
   RESPONSE: The proposed PD would provide a framework for development suitable to a property of this size and scale and allow for thoughtful growth management in an area of the City experiencing significant growth and offering regional recreational and entertainment facilities. The varied zoning and densities of the property and surrounding lands would not result in cohesive and compatible development without a PD.
2. allow the development of sites that would normally be difficult to develop due to topography, soils, or other site-specific features;
   RESPONSE: The proposed PD enables clustering and provides restrictions and limitations on the permitted development of the subject property to protect natural features and provide abundant amenities designed to benefit the City as well as the Proposed Development. Specifically, the proposed PD allows for development which protects the site's existing lakes in a cohesive manner.
3. promote the most compatible, beneficial use to adjoining neighborhoods;
   RESPONSE: The proposed PD promotes the most compatible and beneficial uses with adjoining neighborhoods and enables the preservation of significant open space by clustering residential development near existing residential development and clustering commercial development near the intersection of W. Ponkan Road and Jason Dwelley Parkway—while reducing the densities and intensities from what is currently allowed by existing zoning. The Proposed Development will result in a lower density project, at a gross density of 1.7 dwelling units per acre, than adjacent neighborhoods. The permitted uses under the existing zoning include industrial, "big box" commercial and apartment uses whereas the proposed PD only permits single-family residential and neighborhood friendly commercial uses that are the most compatible and beneficial with the surrounding uses, including

the existing subdivisions, ball fields and amphitheater. Further, the proposed PD requires significant perimeter buffers and the same or greater lot widths as adjoining lots along the perimeter of the Proposed Development, whereas the existing zoning does not require buffers nor the matching of lot widths of adjacent lots.

4. preserve significant environmental, topographical or natural features;
   RESPONSE: The proposed PD preserves significant environmental, topographical and natural features of the subject property by providing restrictions and limitations on the permitted development of the subject property to protect natural features, including lakes, and provide abundant amenities designed to benefit the City as well as the Proposed Development.
5. allow a variety of housing types;
   RESPONSE: The proposed PD allows for a variety of single-family housing types, ensuring the Proposed Development offers a range of housing products that accommodate different household sizes, income levels, and life stages. Specifically, the project will include single-family detached homes on varying lot sizes and townhomes, which together provide opportunities for first-time homebuyers, growing families, and those seeking to downsize. By incorporating this mix of housing types, the Proposed Development will contribute to a more resilient housing supply and align with the City's long-term vision for balanced growth.
6. accommodate mixed uses;
   RESPONSE: The proposed PD accommodates a mix of residential and neighborhood-friendly commercial uses in a manner that is appropriate and compatible with the surrounding uses.
7. offer a maximum amount of open space and recreational amenities;
   RESPONSE: The proposed PD offers a minimum of 50% open space and will accommodate active and passive recreational use and enjoyment of same, which is more than double the amount of open space required under the existing zoning (e.g., 10% for residential uses under MU-ES-GT and 20% for RSF-1A).
8. prevent urban sprawl through the use of infill development and maximum use of existing public facilities currently in place.
   RESPONSE: The Proposed Development aligns with the City's smart growth policies by providing for infill development of land that is already surrounded by improved lands.

Further, consistent with Policy 3.1 of the City's Comprehensive Plan, the Applicant is not pursuing PD zoning as a means to circumvent traditional zoning requirements because development under the existing zoning would result in more dense and significantly more intense development which would be inconsistent with the surrounding uses. Rather, the proposed PD enables clustering and provides restrictions and limitations on the permitted development of the subject property to ensure compatibility with surrounding uses, provide significant landscape

buffering, protect natural features and provide abundant amenities designed to benefit the City as well as the Proposed Development.

Pursuant to Future Land Use Goal 1, the City shall ensure that the character and location of new development maximizes the economic benefit to the land, complements the environmental and historic resources, and meets the housing needs of the current and projected population. The proposed PD is consistent with Future Land Use Goal 1 because it would provide complimentary commercial services to the new residential development in the area, compliments the environmental resources by ensuring the protection of the lakes, and meets the housing needs of the current and projected population—thus maximizing the economic benefit to the land.

The proposed PD is also consistent with Future Land Use Goal 1, Objective 3, Policy 3.1.i, because the proposed commercial parcels would be primarily used "for business, commerce, and convenience shopping which may be neighborhood or community oriented." The main uses of commercial land are businesses, shops, and commerce which would confer an economic benefit to the surrounding area and further support the City's Northwest Recreation Complex.

Policy 3.1.d. establishes that the RLS future land use designation can accommodate up to 3.5 du/ac and shall be comprised primarily of residential dwelling units. Policy 3.1.b. establishes that the RE future land use designation can accommodate up to 1 du/ac and shall be comprised primarily of single-family dwelling units. Policy 3.1.r., together with Section 3.6.7.C of the City's Land Development Code, establishes that the MU future land use designation for the subject property can accommodate up to 2 du/ac and 2.0 FAR. Based on the approximately 618-acre subject site and a proposed future land use designations of RLS 3.5 du/ac, RE 1 du/ac and MU 2 du/ac and 2.0 FAR, the subject property allows for 1,855 units and 6,284,619 sf. The PD Master Plan provided with this Application proposes 1,052 units, or a proposed gross density of 1.7 du/ac, which is below the maximum allowance.

Approval of the rezoning to PD is not only consistent with the future land use designations and the Comprehensive Plan, but will also ensure a future land use pattern that provides sustainable growth and development within the City.

b. Is in conflict with any provisions of the LDC.

RESPONSE: No, the requested action is not in conflict with any provision of the City's Land Development Code and provides consistent zoning with the surrounding lands. An Annexation Application for the Residential Parcels and the FLU Amendment Application for the Residential Parcels and the Commercial Parcel-South have been submitted to the City.

c. Addresses a demonstrated community need.

RESPONSE: The proposed PD zoning addresses a demonstrated community need, as the City of Apopka has experienced considerable economic growth consistent with anticipated changes in the Joint Planning Agreement between Orange County and the City of Apopka. The proposed PD zoning would provide more residential housing, and the complimentary commercial services to support that housing and the surrounding non-residential uses—meeting the demonstrated need outlined in the Future Land Use Housing Element Goals, Objectives and

Policies Objective 1—while also allowing for greater control and thoughtful planning to ensure development aligns with the community needs.

d. Is required by changed conditions.

RESPONSE: Yes, there are changed conditions that necessitate the rezoning. The site is currently vacant, undeveloped land that is entitled for more dense and intense development that the Proposed Development and is surrounded by residential development and community amenities. The surrounding uses and development—including the City's Northwest Recreation Complex—have created a need for neighborhood-friendly commercial logically placed at or near the intersection of Ponkan Road and Jason Dwelley Parkway, which is in contrast to the current entitlements that allow for industrial and big box commercial uses north of Ponkan Road. The proposed PD will allow for the development of a residential community to address population trends while ensuring that the existing development pattern is not disrupted by commercial and industrial development.

e. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land.

RESPONSE: Yes, the requested PD rezoning is compatible with the existing and proposed uses surrounding the subject property. Specifically, the surrounding zoning designations include:

	FLU	***Zoning***
North	*RVLS, FLU-IP, INST_PU, RE, RLS (City)* *LDR (County)*	*O, PD, PR, RSF-1A, RSF-1B, T (City)* *A-1 (County)*
South	*AG, INST_PU, RLS (City)* *LD (County)*	*AG, PD, RSF-1A, RSF-1B (City)* *A-1 (County)*
East	*MU, RE, RLS, (City)* *LDR (County)*	*MU-ES-GT, PD, RSF-1A (City)* *A-1, A-2, R1-AA (County)*
West	*INST_PU, MU, PR, COMM, RLS (City)* *LDR (County)*	*O, PD, PR, MU-ES-GT, CC, RSF 1-A (City)* *A-R, A-1 (County)*

The planned uses within the PD are residential and commercial. The proposed residential uses within the PD are adjacent to existing single-family residential development. The proposed commercial uses within the PD are at or near the intersection of W. Ponkan Road and Jason Dwelley Parkway and the existing surrounding uses include the ball fields and amphitheater at the City's Northwest Recreational Complex—which draw large groups of people for tournaments

and performances on the weekends. These surrounding zoning designations and uses make the proposed PD compatible and appropriate. Further, the proposed PD results in development that is more compatible with existing surrounding uses than what is currently permitted under the existing zoning of MU-ES-GT.

f. Would result in a logical and orderly development pattern.

RESPONSE: Yes, the development pattern on the subject site is logical and orderly as there are existing residential subdivisions surrounding the residential portions of the Proposed Development. Further, the proposed PD contemplates compatible commercial uses in a logical and orderly manner by confining such uses to a limited area located at or near the intersection of Ponkan Road and Jason Dwelley Parkway.

g. Would not result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

RESPONSE: The proposed PD will not result in significant adverse impacts on the natural environment. The Applicant proposes to maintain the lakes and a significant portion of the surrounding natural environment by identifying these areas as conservation areas set forth in the PD Master Plan included with this Application, in addition to other open space including buffers, stormwater management and active and passive recreational areas. The conservation areas will be owned and maintained by the HOA, POA, CDD and/or other approved entity, but are not intended to be owned and maintained by the City. The conservation areas will allow for trails, gathering spaces, and other passive recreation designed to benefit the City as well as the Proposed Development. Further, the proposed PD offers a minimum of 50% open space, which is more than double the amount of open space required under the existing zoning (e.g., 10% for residential uses under MU-ES-GT and 20% for RSF-1A). The proposed PD rezoning will serve to allow improvements to the subject property which reduce the overall effect on the natural environment through improved infrastructure, stormwater management internal to the project, and increased landscaping. The preservation of the lakes and the surrounding habitats and the commitment to a 50% open space minimizes environmental impacts, including, but not limited to, water, air, noises, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment while enabling improvements to the site that are consistent with the development and uses that surround the site on all sides. Furthermore, the project is designed to comply with all county, state, and federal environmental requirements.

h. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).

RESPONSE: Adequate public facilities are existing to support the proposed PD rezoning of the subject property and the Proposed Development. The data and analysis included in this Application supports the conclusion that adequate transportation, utilities, drainage and other public facilities either exist or will be provided for or mitigated as required in accordance with City's Comprehensive Plan, the Land Development Code and Florida Statutes. The Applicant will

comply with all capacity and concurrency requirements for public facilities under the City's Comprehensive Plan, the Land Development Code, and Florida Statutes and with all local and state laws, regulations and requirements to ensure adequate public facilities are available to support both existing and future residents.

The Proposed Development will provide for on-site and off-site roadway improvements and traffic mitigation to enhance local infrastructure and improve traffic flow and overall safety. All on-site streets will be constructed to City standards and internal rights-of-way will either be dedicated to the public or privately owned and maintained by the future HOA. The internal alleyways will be privately owned and maintained by the future HOA. The off-site transportation improvements, as set forth in the Traffic Impact Analysis included with this Application, include the improvement of the intersection of Vick Road and Ponkan Road, including southbound access connection and additional turn lanes. The developer of the Proposed Development has proposed to construct both a southbound left-turn lane and a right-turn lane at the intersection of Ponkan Road and Pittman Road. Additionally, although not required by Orange County, in an effort to improve overall safety on Ponkan Road, the proposed PD offers to dedicate 30 feet of right-of-way on both sides of Ponkan Road within the site, which will double the public right-of-way of Ponkan Road from 60 feet to 120 feet. The Proposed Development also contemplates dedicating to the City the necessary right-of-way to facilitate roadway enhancements along Vick Road. The Traffic Impact Analysis included with this Application concludes that the transportation network is not projected to become adversely impacted due to the Proposed Development. All required road improvements will be determined through the transportation concurrency process.

The City has a 12-inch water main, a 12-inch wastewater force main and a 12-inch reclaim main along Ponkan Road public right-of-way. The water main ends at the northeast corner of Jason Dwelley Parkway and Ponkan Road, but continues as a 16-inch DIP at the northwest corner of Pittman Road and Ponkan Road. The utilities located along Vick Road are a 16-inch DIP water main, an 18-inch DIP wastewater force main and a 20-inch DIP reclaim main. Potable water, wastewater and reclaim mains are also located along Rogers Road. The City has confirmed that there is capacity in potable water, wastewater and reclaim from the City to serve the proposed full build out of the project.

The Proposed Development has been designed to collect all of the stormwater runoff from the Proposed Development and treat it and then release it at the same or lower discharge rate than pre-development in accordance with local and state stormwater rules and regulations.

The Proposed Development will undergo a school capacity determination in coordination with Orange County Public Schools and will comply with all school concurrency requirements, which will include financial contributions to mitigate any impacts on school capacity.

B. Land Development Code Section 2.5.1.F.4 requires the review of and decision on an application for a Planned Development District to be based on compliance with the purpose and standards in Section 3.7 of the Land Development Code, including Section 3.7.2.A and Section 3.7.2.F:

RESPONSE: This Application for the proposed PD is consistent with the City's Land Development Code ("LDC") and meets the purposes and requirements contained therein,

including LDC Section 3.7.2.A and 3.7.2.F.1. The proposed PD highlights integrated, innovative and efficient land planning and physical design concepts that allow for high quality and environmentally sensitive development with adequate public facilities and services. The proposed PD includes provisions for a mix of varied residential and commercial uses thoughtfully clustered to allow for smaller networks of streets, provide for open space above the minimum LDC requirements, and preserve natural environmental features. The proposed PD further includes engineering and design elements which offer solutions to improve overall transportation safety for the Proposed Development and the larger community and allow for efficient allocation of available utilities and the funding of same through impact fees. The proposed PD seeks to significantly limit the intensity and breath of commercial uses and prohibit industrial and multi-family apartment uses otherwise currently allowed by right. These reductions in entitlements ensure the Proposed Development aligns more closely with the character of the existing development surrounding the Proposed Development.

The PD Development Standards included with this Application identifies specific principal, accessory, and temporary uses to be permitted in the Proposed Development and such uses are consistent with the Principal Use Table shown in Article 4 of the LDC. The PD Master Plan contains the proposed gross density, approximate acreage, type and mix of land uses, number of residential units. The Application establishes the density, intensity, and dimensional standards for the Proposed Development and the same are consistent with the proposed uses.

The number of lots in the Proposed Development with widths under 50' feet is well below the allowable threshold (37% actual versus 75% allowable). The percentage of remaining lots which are under 65' feet is justifiable based on the preservation of the site's natural features for the benefit of the public and the residents of the Proposed Development, the provision of a minimum of 50% open space, landscape buffers around the perimeter of the site, and required "like-to-like" lot widths with adjoining lots along the perimeter of the Proposed Development. The development standards and requirements around the perimeter of the Proposed Development are consistent with the surrounding character of adjacent development. The Application contemplates almost exclusively residential development along the site boundaries, which is consistent with the residential character of the surrounding community, and sequesters the limited commercial uses along Ponkan Road away from the surrounding residential uses and near the more intensive non-residential uses in the surrounding area.

The Application identifies the location and type of open spaces in the Proposed Development and includes the proposed use of same (passive recreation) in the PD Master Plan and is designed to maintain and protect the natural features of the land. The Application identifies environmental features and designs these areas as conservation areas that allow for trails, gathering spaces, and other passive recreation designed to benefit the City as well as the residents of the Proposed Development.

Conclusion

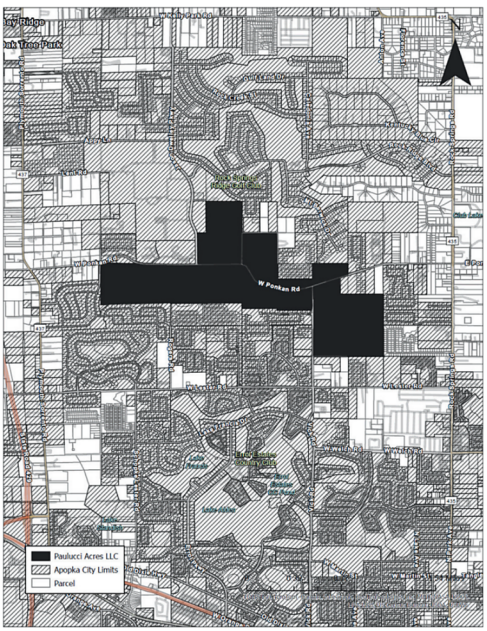
The requested rezoning is compatible with the surrounding development and uses. The Applicant respectfully requests your consideration of this Application for rezoning the Proposed Development to PD. Should you have any questions regarding this Application, please contact Dan O'Keefe or Elesa Sowell with Shutts & Bowen LLP.

CITY OF APOPKA
PUBLIC HEARING NOTICE
CHANGE OF ZONING

NOTICE is hereby given pursuant to Secs. 163.3184 and 166.041(3)(a), Florida Statutes and the Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.4.7.B, that **Daniel O'Keefe, Shutts & Bowen, LLP** has made application relating to the following described property.

ORDINANCE NO. 3147

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM T (TRANSITIONAL), RSF-1A (RESIDENTIAL SINGLE-FAMILY ESTATE), AND MU-ES-GT (MIXED USE EAST SHORE GATEWAY) TO PD (PLANNED DEVELOPMENT DISTRICT), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF VICK ROAD, EAST OF JASON DWELLEY PARKWAY, NORTH AND SOUTH OF PONKAN ROAD, SOUTH AND EAST OF PITTMAN ROAD, AND EAST OF PONKAN SUMMITT DRIVE; OWNED BY PAULUCCI ACRES, LLC., COMPRISING 618.36 ACRES, MORE OR LESS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.



Parcel Identification Number(s): 20-20-28-0000-00-006, 20-20-28-0000-00-003, 20-20-28-0000-00-004, 20-20-28-0000-00-005, 20-20-28-0000-00-014, 20-20-28-0000-00-008, 30-20-28-0000-00-018, 29-20-28-0000-00-002, 29-20-28-0000-00-001, 29-20-28-0000-00-043, 29-20-28-0000-00-020, 29-20-28-0000-00-019, 28-20-28-0000-00-009, 28-20-28-0000-00-089, 28-20-28-0000-00-012, 28-20-28-0000-00-090, 28-20-28-0000-00-008, 28-20-28-0000-00-099
Contains: 618.36 +/- acres

NOTICE is given that a public hearing for Ordinance Number 3147 will be held by the **City of Apopka Planning Commission** at its regularly scheduled meeting in the City Council Chambers of the Apopka City Hall, 120 E. Main Street, Apopka, Florida on **Tuesday, December 9, 2025 beginning at 5:30 P.M.,** or as soon thereafter as possible.

FURTHER NOTICE is given that a public hearing for Ordinance Number 3147 will be held by the **City of Apopka City Council** at its regularly scheduled meeting in the City Council Chambers of the Apopka City Hall, 120 E. Main Street, Apopka, Florida on **Wednesday, December 17, 2025 beginning at 7:00 P.M. and Wednesday, January 7, 2026 at 1:30 P.M.**

Affected parties and the public may appear at the above listed hearings to speak. The proposed Rezoning Application can be inspected at the Apopka Community Development Department located at Apopka City Hall on weekdays between the hours of 8:00 A.M. and 4:30 P.M. City Hall address shown below. Please be advised that, under State law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

Apopka City Council
Apopka Planning Commission
Community Development Department

November 21, 2025

PRE-APPLICATION COMMUNITY MEETING SUMMARY

TO: City of Apopka
Planning Division
120 E. Main Street
Apopka, FL 32703
FROM: Shutts & Bowen, LLP
DATE: February 20, 2025
RE: Paulucci Acres

On Monday, January 13, 2025, a community meeting was held from 6:00 p.m. to 8:00 p.m. at Rock Springs Elementary School located at 2400 Rock Springs Road, Apopka, FL 32712 to discuss the proposed development known as Paulucci Acres.

The proposed development is contemplated to be a mixed-use project with a single-family residential community consisting of approximately 1,053 single family attached and detached homes and two commercial parcels consisting of approximately ten acres total. The overall project is approximately 617 total acres. Pulte Home Company, LLC is the contract purchaser of approximately 607 acres and intends to develop the single-family residential community. The property owner will retain approximately ten acres for future commercial development. The commercial parcels are contemplated to be located at the intersection of W. Ponkan Road and Jason Dwelley Parkway, with one commercial parcel to be located on the northern boundary of Ponkan Road (the "Commercial Parcel-North") and the other commercial parcel to be located on the southern boundary of Ponkan Road (the "Commercial Parcel-South").

The applications contemplated to be submitted for the proposed development consist of: a Comprehensive Plan Future Land Use Amendment, which will pertain only to the Commercial Parcel-South and two (2) of the southernmost parcels within the project that are currently located within unincorporated Orange County, an Annexation Application, which will pertain to the two (2) parcels currently located within unincorporated Orange County, a Right of Way Vacation Application, and a Rezoning Amendment, which will pertain to the overall project.

The January 13, 2025 community meeting was formatted as (6) different stations based on subject matter, which were environmental, planning, existing future land use, engineering, transportation/traffic and a general questions station, with a representative of the developer and/or consultant at each station. Consultants from Bio-Tech Consulting, Appian Engineering, Traffic & Mobility Consultants and Shutts & Bowen were present at the meeting and attended the respective station(s). Residents were encouraged to attend each station and engage in Q+A on the specific

subject matter for the respective station. All comments, questions and concerns were answered.

Enclosed are copies of the sign-in sheet for the community meeting and the mailing list for the community meeting notice in accordance with the City's guidelines.

Below provides a summary of the comments, questions and concerns raised in connection with the community meeting:

- Residents were inquisitive regarding the commercial development and the uses that were contemplated and specifically raised objections to any fast-food, automotive shops, and dollar stores.
- Residents raised concerns about apartments being proposed for the development.
- Residents were inquisitive about improvements to W. Ponkan Road. Some residents asked about traffic improvements, and some noted how the road is currently very dangerous (one person mentioned the intersection with Pittman Road being especially dangerous and having been the location of multiple accidents and more noticeably two rollovers recently).
- Some residents were inquisitive about the current zoning of the property, specifically the property being zoned agricultural "per the Orange County Property Appraiser." Applicant makes note that only reference to agricultural is the property use listed on the property record card for the parcels. The zoning layer on the GIS map of the Property Appraiser's website shows RSF-1A and MU-ES-GT for the City parcels and A-1 for the two Orange County parcels that are proposed to be annexed into the City.
- Residents were inquisitive about stormwater and how their property would be affected by the project.
- A number of residents asked about "easements" (landscape buffers) adjacent to their property and/or what they would see from their property if the project is built.
- One resident inquired if the project will be pumping into the existing pump station in the area, which he mentioned has an odor control issue. Applicant makes note that it is designing its own system and not pumping into another station, but to the force main that goes to the treatment plant.
- A few residents inquired about the existing natural lakes north of Vista Reserve and whether they would be filled in and developed.
- Residents brought up concerns as it relates to traffic, especially along W. Ponkan Road and if there was planned roadway expansion.
- One resident expressed concerns about extending Rogers Road and proposed to have the new entrance to the community on W. Ponkan Road.
- One resident proposed that the Applicant build out certain privacy measures, such as fences and brick walls, that ensure safety and minimize any hazards from the adjacent public roads.
- Many residents would like to see buffering and fencing among common lot lines.
- Some residents raised objections to allowing a full connection from Rogers Road through the proposed development.

- Some residents do not want the project to be able to use Rogers Road.
- Some residents were concerned about Rogers Road connecting from W. Ponkan Road to Lester Road.
- Some residents expressed concerns that traffic would make it more difficult for the students who live in Wekiva Run to cross W. Ponkan Road to get to the Wolf Lake schools.
- Some residents from Oak Hill Reserve said they are concerned about more traffic on Vick Road because of the site distance issues related to the road elevations.
- Many residents who made comments about Rogers Road believe it is substandard and not safe.
- A couple of the residents of Hammerick Estates do not want the connection to W. Ponkan Road, nor do they want the stub outs in their development to be used for any connection.
- On the west end, south side of the Ponkan Road, some residents said that the trees need to be trimmed back on the east side of Ponkan Summit Drive because it is hard to see the cars coming from the east when they are trying to exit Wekiva Run.
- Some residents were concerned that there is not enough reclaim water capacity to serve the project.
- Some residents were concerned about school capacity.
- Some residents were inquisitive about the size and price of the proposed homes.
- A few residents were inquisitive about the development timeline.
- A few residents were inquisitive about low-income or affordable housing units.
- Some residents commented that the format of the meeting was not what they were expecting and that they wanted a presentation with Q&A.

Below provides a summary of the responses to the comments, questions and concerns raised in connection with the community meeting:

- Applicant is proposing to develop only single-family homes and townhomes, with the two commercial parcels to be retained by the existing property owner. The two commercial parcels would be the only location for apartments, and the residents' concerns regarding apartments has been conveyed to the property owner.
- Applicant has conveyed the concerns raised regarding certain commercial uses to the property owner and is working with the property owner to address these concerns.
- Applicant is committed to working with the City on reclaim capacity needs for the project and will comply with the requirements as set forth in the City's Comprehensive Plan and Land Development Code.
- Applicant will collect all of the stormwater runoff from the proposed development and treat it and then release it at the same or lower discharge rate than pre-development per state/water management district regulations.
- Applicant is proposing landscape buffers that will meet or exceed the City's requirements for PD zoning.
- Applicant does not intend to fill in the existing natural lakes north of Vista Reserve.

- Applicant is proposing a significant amount of open space (approximately 50%) for the project, which is greater than would otherwise be required under the City's Land Development Code.
- Applicant is committed to working with the City and Orange County regarding transportation, including any required right-of-way dedication for the widening of W. Ponkan Road adjacent to the proposed development and access connection points, and will comply with all transportation concurrency requirements.
- Applicant does not anticipate a full connection from W. Ponkan Road to Lester Road through an extension of Rogers Road north to W. Ponkan Road.
- Applicant does not contemplate low income or affordable housing units for the project.
- Applicant is required to go through a school capacity determination as part of the approvals process and is committed to working with the City of Apopka and Orange County Public Schools to comply with all school concurrency requirements for the project.
- With respect to the development timeline, as of today, land development would be anticipated to start late 2026 at the earliest and would continue in phases through the early 2030s. For home construction, the first sale would be anticipated by mid-2027, with the first closing anticipated for late 2027 and the last home closing anticipated in early 2035.
- Applicant has not completed all of its market studies to determine house prices yet for the proposed development. As a rough ballpark, base prices for townhomes could begin in the mid $300,000s with large single-family homes in the $600,000s, with options and lot premiums potentially pushing prices into the high $300,000s to $800,000+ for the average home of that type. These are estimates for the average home based on today's prices as of the date of this summary and are subject to change based on market conditions at the time of development.

If the City has any questions, please do not hesitate to contact our office via phone at (407) 835-6947 or via email at esowell@shutts.com.

- not on mailing list

Pulte Home Company, Paulucci Acres
Community Meeting (January 13, 2024) Sign-In Sheet

	Name	Address	Phone Number	E-mail Address
1	RAE & JACQUI DANIEL	2647 SHEILA DRIVE	302 362 2929	Jacqui862gmail.com
2	Faiza Steiner	716 Brookfield	407-461-9674	
3	Aktemose Thon/Judy	2561 Woodside Ridge Dr. Apopka	407.310.8466	jsmith7478@hotmail.com
4	Steve Julie Shea	826 Rominger Loop Apopka	774-283-2891	jashea412@gmail.com
5	Naveen Raji	1441 Valley Pine Cr	514 814 4214	naveenraji2000@yahoo.com
6	DAVID TAYLOR & TAMI	524 Alexandria Place Dr APK	407 565 0571	dwtaylor66@gmail.com
7	Natalie Gozar	2586 Pankan Meadow	407-340-7721	negozar@juno.com
8	Kamoy Napier	751 Valleyway		
9	Dimitri Ioannidis	1045 Valleyway Dr.	(407)928-4145	Dikomas1@yahoo.com
10	Karen & Mike	719 Rominger Loop	407-255-2525	Kcaviarc[illegible]@gmail
11	Chris Connolly	667 Izzy Place	484-645-7527	cconno5571@aol.com
12	STEVE MOORE	3172 PITTMAN RD,	407-505-9850	MOORER386@yahoo.com
13	Allyson Bolick	2442 Knoll Drive Apopka, 32712	321-277-9862	allysonbolick@gmail.com
14	Nicole Jones	323 W. Lester Rd. Apopka		nicole.arc4raptors@gmail.com
15	Emma Clark	832 Rominger Loop Apopka	8504915928	clark.emmaa@gmail.com
16	Norman & LeRhea Edwards	561 Rominger Loop 32712	407-970-3858	mrnorm06@gmail.com
17	Beth Stoetloff	639 N. Donnelly St. Mt. Dora 32757	352-455-2778	beth@watsonrealtycorp.com
18	Meagan Dull	2603 Woodside Rd.	561.312.5773	meagandull@yahoo.com
19	Greg Russell	803 Rominger Loop 32712	336-413-1888	grussell67@gmail.com
20	Cmsl. Christine Moore	201 S Rosalind Ave	407-664-6583	District2+octl.net
21	Jamie L Smith	874 Rominger Loop 32712	407-453-8696	cajungator26@gmail.com
22	Nadine James	1119 Suncrest Dr 32703	407-318-9279	trixie867@gmail
23	THERESA + ERIC LEMONS	796 ROMINGER LOOP 32712	412 780 2675	THLEMONS@YAHOO.COM
24	BRIAN SANDERS	3650 ROLLING HILLS LANE		BRSANDERS32712@GMAIL.COM
25	Luis Reyes	506 Rominger Loop		luisreyes4@live.com
26	JUDY SCHNITZER	3642 ROLLING HILLS LANE		JUDITH.ANN0106@GMAIL.COM
27	Renée + Tom Jessen	933 Valleyway Drive,	407-435-7346	renee.e.derouin@gmail.com

Pulte Home Company, Paulucci Acres
Community Meeting (January 13, 2024) Sign-In Sheet

	Name	Address	Phone Number	E-mail Address
28	Jose & Jacqueline	2671 Hilltop Loop		j.c.hernandez@1000.org
29	Tom Best	2954 Raxton Dr.		tbest32begmail.com
30	Ruben & Elly Martinez	3367 Players Point Loop		rubenandelly@gmail.com
31	STARISA PSICH AR	1556 Goldrich Village Blvd		
32	Traci Scott	4625		
33	Megan VanTreet	2685 Tree Meadow Loop		
34	Kelsey Henderson	5585 Valley Run DR.		Kthenders@starsquare.com
35	VIVIAN VALDIVIA	2853 Pontain Meadow Dr		VIVIAN.VALDIVIA@US.mcd.com
36	Mr Max Perez	1013 Valleyview Dr		homehealthbizat hotmail.com
37	Ben Masterson	2113 Misty Glen Dr		NOTBostrom@c.mail
38	Edwin Luciano	3358 Platyos Point Loop		
39	Teresa Rodriguez	821 Ramrod Loop		R.leyster.agnes.comcast.net
40	Jody Moore	3172 Pittman Rd		flyfly1108@yahoo.com
41	Amanda Lubin	or 2557 Auburn Ridge Dr.		amandancastro@yahoo.com
42	Peter Garr	2449 Knoll Drive		pgarr731@gmail.com
43	Chirag Patel	2850 Hilltop Loop		cp.patelching@gmail.com
44	Melissa Hunelson	2804 Westhill Harvest		mhehuie@hotmail.com
45	David Haire	874 Rominger Loop	407-729-2997	horizonspools@gmail.com
46	Noreen Kruse	325 Speyside Ln		noreen@gygon.net
47	Brian Kruse	325 Speyside Ln		brian@gygon.net
48	David Birch	2829 Jackson Blvd 32818	407 921 2415	david@gasphones.com

Pulte Home Company, Paulucci Acres
Community Meeting (January 13, 2024) Sign-In Sheet

	Name	Address	Phone Number	E-mail Address
49	Wendy and Jon Hy	869 Valleymary Dr	321-277-0631	jonwendyhy@gmail.com
50	Milci Bryant	563 Halter Dr		Mendom3@yahoo.com
51	Dezirée Elliott	2101 Misty Glen Dr		FL92739@gmail.com
52	Bob Curry	2663 Lake Cora Rd	3212283383	dwaincurry@earthlink.net
53	Michael Lay	1467 Citrus Overlook Sr	631-678-1241	Mikelay05@gmail.com
54	Elsy & Dale Burnham	512 Alexandra Place Dr.	407-492-3927	dhburnhamsls@gmail.com.
55	Wayne + Lisa Gordon	754 Silvertip Rd	407-929-0670	waglisaj@gmail.com
56	Debby + Dennis Felty	2408 Punkan Summit Dr	407-884-8381	middlesis411@cfl.rr.com
57	Muhammad + Monica	639 Rominger Loop	832-361-2826	Muhammad.khilji@outlook.com
58	JOE KRYSZIOFORSKI	3340 WOLF LAKE Ave	410-960-9814	JKRYSZIOFORSKI@CHEFBYRON.com
59	FRAN BERNI	3342 Wolf Lake Ave	410-960-6781	BERNIF@CHEFBYRON.com
60	Michael Bayliss	790 Rominger Loop	863-333-5349	mtbayliss@outlook.com
61	James Sosinski	408 Alexandra Place Dr.	407-782-	jimsos@sbcglobal.net
62	Sarah Marshall	2924 Cedar Crest Dr.	863-528-5029	bellsouthxo@hotmail.com
63	John Campofano	706 Rominger Loop	407-756-7825	J.campofano@yahoo.com
64	Nishith Modi	2596 Woodside Ridge	732-586-5162	nmodi3205@aol.com
65	Clifford Ellis	725 Rominger Loop	407-902-5351	clifford.c.ellis@gmail.com
66	Kevin Lopez	535 Rominger Loop	973-270-5557	lopez.kevin1207@gmail.com
67	Paula Ashford	2586 Woodside Ridge Dr	586-291-2279	PaulaAshfordrdh@yahoo.com
68	Durrand Ashford	2586 Woodside Ridge Dr	586 291 2279	DurrandAshford@yahoo.com
69	Linda Von	73 W Orange Sr	407 575 7185	lvoll@embarqmail.com
70	Michael Bowden	3383 Players Point Loop	407-462-1607	bowdenmike17@gmail.com

Pulte Home Company, Paulucci Acres
Community Meeting (January 13, 2024) Sign-In Sheet

	Name	Address	Phone Number	E-mail Address
71	Katie Tees	2810 Sheila	407-739-5257	szivike1@yahoo.com
72	Anthony Payne		407-702-0600	
73	Marys Sangiovanni		786.402.4717	marysgalimdo@hotmail.com
74	Jared Herndon	602 Rominger Loop	407-489-2258	jth489@yahoo.com
75	Joe Rizkallah	2683 Hilltop Loop	407-782-6235	Rizkallahj@gmail.com
76	VINOD THAKRAR	1412 KINTLA	407-697-5066	vinthakrar@hotmail.
77	Joe/Eva Linartas	5734 Holstein Rd Apk	407-923-2232	jlinartas@yahoo.com
78	Zaida Ortiz	1030 Valleyway Dr	704-308-0813	stailess308@gmail
79	KENNETH Burton			
80	TEDDIE SMITH	632 IZZY PLACE	302-3778802	WSMITH2503@COMCAST.NET
81	ANTHONY SCHRADER	554 ROMINGER LOOP	870-866-1668	awschrader@gmail.com
82	Brett Worack	718 Rominger Loop	954-422-2908	BLworack1@gmail.com
83	Emily Pitman	Box 833 Apopka	407-353-1180	
84	Ben Pitman	" "	" "	
85	Cheryl Caballero	530 Alexandria Place		chercab27@gm.
86	Lavy Pierce	37 Cove Ln, Ste 7	352.267.7621	
87	Jimmy Singh	657 Rominger Loop	352.425.4569	JSingh3319 0@yahoo.com
88	Joe Kilsheimer	2377 Home Again Rd	407-719-6686	joe.kilsheimer@gmail.com
89	Matt Stainkrans	5399 Pinyer Point Loop		
90	Maggie Ramia	738 Silvertip Rd.	734-536-1199	

Pulte Home Company, Paulucci Acres
Community Meeting (January 13, 2024) Sign-In Sheet

	Name	Address	Phone Number	E-mail Address
91	Tom Busch	26662 SHEILA DR APK	321.223.3442	TOM.BUSCH@HOTMAIL.COM
92	Jessica Busch	26662 Sheila Dr Apk	407-937-8720	
93	J&D McKee	4133 Rocklin loop Alc	—	—
94	Ruth Gabard	1029 valleyway Dr.	407-545-9457	ruthgabard@yahoo.com
95	Allan Calarde	524 Rominger Loop		—
96	Mark Bennett	2258 Glen Laurel Drive		
97	DAVID CABANEY	950 VALLEYWAY DR.	407 466 8141	
98	Ilene McCall	524 Rominger Loop	(407)782-7734	ilene9579@yahoo.com
99	ALISSA STAMPEY	146 WEKIVA POINTE CR		ASAMPEY@MSN.COM
100	Gilbert Rogers	150 wekiva Pointe cir	407-739-6787	islandman89@gmail.com
101	Rebekah + Paul Nantais	2425 Knoll PR	321-439-7071	rebekah.nantais@gmail.com
102	Don + Annette Emery	344 W. Pontkan Rd. Apopka	4077656542	PKBIC61@comail.com
103	Bryan & Tina Williams	Pittman Rd		
104	Michelle Dodson	2116 Parkside Meadow Dr	407 620 9851	twcetyblues333@yahoo.com
105	Keri Rodriguez	3905 Long Branch Lane		herileigh007@gmail.com

Pulte Home Company, Paulucci Acres
Community Meeting (January 13, 2024) Sign-In Sheet

	Name	Address	Phone Number	E-mail Address
106	Michelle Garr	2449 Knoll Drive	305-527-6641	Mgarr75@yahoo.com
107	Michael Morese	2485 KNOLL Drive	954 892 0555	
108	Crystal Lancaster	523 Rominger Loop	407.415.4646	cglancaster05@yahoo.com
109	Gary D. Brown	779 Daisy Hill Ct	407-252-7685	hajj300@gmail.com
110	Francina Boykin	1484 Elderton Dr. Apk 32703	407 928 5135	fronboykin123@gmail.com
111	Teresa League	551 Halter Dr Apk 32712	4074685072	sandh@cft.rr.com
112	KRISTIN HERMAN-DRUCK	997 Valleyway DR. Apk 32712	305-609-5809	khdOHRHOA@yahoo.com
113	BRETT + MELYNDA SMITH	1125 MT. RAINIER CT APK, 32712	407-466-4327	BBSMKBS@YAHOO.COM
114	Laura + Arnaldo Gonzalez	206 Watkins Pointe Circle		~~CLOCC4justice@gmail.com~~
115	Cindy Ciocci	3150 Phils Lane	407-889-0859	CLOCC4justice@gmail.com

TO: City of Apopka
Planning Division
120 E. Main Street
Apopka, FL 32703

FROM: Shutts & Bowen LLP

RE: Second Community Meeting Summary for Paulucci Acres

On Wednesday, March 5, 2025, a community meeting was held from 6:00 p.m. to 8:00 p.m. at the Apopka Community Center located at 519 S. Central Ave. Apopka, FL 32703 to discuss the proposed development known as Paulucci Acres.

The proposed development is contemplated to be a mixed-use project with a single-family residential community consisting of approximately 1,052 single family attached and detached homes and two commercial parcels consisting of approximately ten acres total. The overall project is approximately 617 total acres. Pulte Home Company, LLC is the contract purchaser of approximately 607 acres and intends to develop the single-family residential community. The property owner will retain approximately ten acres for future commercial development. The commercial parcels are contemplated to be located at the intersection of W. Ponkan Road and Jason Dwelley Parkway, with one commercial parcel to be located on the northern boundary of Ponkan Road (the "Commercial Parcel-North") and the other commercial parcel to be located on the southern boundary of Ponkan Road (the "Commercial Parcel-South").

The applications submitted for the proposed development consist of: a Comprehensive Plan Future Land Use Amendment, which will pertain only to the Commercial Parcel-South and two (2) of the southernmost parcels within the project that are currently located within unincorporated Orange County, an Annexation Application, which will pertain to the two (2) parcels currently located within unincorporated Orange County, and a Right of Way Vacation Application. A Rezoning Amendment application is in progress and will pertain to the overall project.

The March 5, 2025 community meeting was formatted as a presentation with respect to the overall project followed by a Q+A discussion. Topics that were discussed in the presentation include matters related to environmental, planning, existing future land use, engineering, and transportation/traffic. Signage with exhibits pertaining to the overall concept plan, open-space, and future land use were displayed at the meeting with a representative of the Applicant and/or consultant at each exhibit to answer any questions prior to and after the presentation. Consultants

from Bio-Tech Consulting, Appian Engineering, Traffic & Mobility Consultants and Shutts & Bowen presented at the meeting and answered all comments, questions and concerns.

Enclosed with this summary are copies of the sign-in sheets for the community meeting.

Below provides a summary of the comments, questions and concerns raised in connection with the community meeting:

- Residents were concerned about apartments being constructed on the property.
- Residents were concerned about the number of homes proposed for the property.
- Some residents asked how close their homes would be to the residential development.
- Some residents raised concerns about preserving privacy for existing homeowners (buffer zones, fences, green space).
- Residents were inquisitive about the proposed open-space and the impact on the lakes south of Ponkan Road.
- Residents raised concerns regarding traffic, especially about increased traffic on W. Ponkan Road with some residents commenting that the existing condition of the road is not safe.
- Residents raised concerns about the existing flooding on Ponkan Road.
- Some residents asked whether the project contemplated a connection from Rogers Road through the proposed development to Ponkan Road.
- One resident was inquisitive about the dedication of an additional right-of-way to help fund certain safety improvements.
- One resident was inquisitive about whether road improvements were funded through taxation or through the developer.
- Some residents said they are concerned about traffic and safety on Vick Road because of the site distance issues related to the road elevations.
- Residents raised concerns about existing reclaim water infrastructure and that the reclaim pressures are too low.
- One resident asked whether the proposed development is one community or multiple communities.
- Residents inquired about school capacity for the project.
- Residents were concerned about whether Applicant has done any environmental studies regarding animals to be protected.
- Residents asked about the sizes and prices of the proposed homes.
- One resident asked whether the homes are build-to-rent.
- One resident asked about the location of the townhomes.
- Residents voiced objections to certain commercial uses such as car dealerships, automotive shops, dollar stores, apartments, and gas stations.
- One resident about potential anchor tenants for the commercial parcels.
- Residents asked about the development timeline.

Below is a summary of the responses to the comments, questions and concerns that were raised in connection with the community meeting:

- Applicant is proposing a master-planned community gathered under one planned development (PD). There will be multiple sub-developments within the overall residential project.
- The commercial parcels will be retained by the property owner for future commercial development.
- The residents' concerns and comments regarding certain commercial uses that were raised during the first community meeting have been conveyed to the property owner and the concerns raised during this community meeting will be brought to the property owner's attention with the goal of working with the property owner to restrict certain commercial uses.
- At this time, specific businesses or anchor tenants have not been identified, but will comply with the City zoning and land-use approvals.
- No apartments will be permitted within any portion of the proposed development.
- Applicant is proposing significantly less density (by approximately 700 units) and intensity (by more than 6,000,000 square feet) than current entitlements.
- Pulte understands the importance of privacy for existing homeowners and has incorporated significant green space and buffers into the proposed development. The conceptual plan provides for dedicated buffer areas of 25 feet between all existing homes and the proposed homes.
- If this project were developed based on existing zoning, no buffers would be required.
- Applicant is proposing at least 50% open space within the project, which is more than double the 20% open space required by the existing RSF-1A zoning.
- Applicant is continuing to work with the City and Orange County to help facilitate a solution to the concerns the residents have raised regarding the safety of W. Ponkan Road, including potential right-of-way dedications to enable the widening of W. Ponkan Road adjacent to the proposed development.
- Transportation impact fees will be paid by the developer, which are estimated to be approximately $10,00,000 for the residential development based on current rates, which will help fund City road improvements. Any proposed right-of-way dedications and intersection and turn lane improvements (as determined based on the traffic impact analysis) will be done by the developer in connection with the construction of the respective portion of the project. At this early stage, the extent of road expansions and improvements are still in the process of being identified.
- Vick Road is a City road and the City has budgeted to the design of the proposed widening of Vick Road for 2025/2026. This project's proposed right of way dedications along Vick Road will help facilitate and expedite the widening of Vick Road.
- Applicant does not anticipate the City requiring a full connection from W. Ponkan Road to Lester Road via an extension of Rogers Road through the proposed development.

- Applicant is continuing to work with the City on reclaim capacity needs for the project and will comply with the requirements as set forth in the City's Comprehensive Plan and Land Development Code.
- Applicant has completed environmental studies and the only listed species present is the gopher tortoise, which will be relocated according to City and State standards.
- Applicant is required to go through a school capacity determination as part of the approvals process and is committed to working with the City of Apopka and Orange County Public Schools to comply with all school concurrency requirements for the project.
- With respect to the development timeline, as of today, land development would be anticipated to start late 2026 at the earliest and would continue in phases through the early 2030s. For home construction, the first sale would be anticipated by mid-2027, with the first closing anticipated for late 2027 and the last home closing anticipated in early 2035.
- Location of townhomes will be in the middle of the development and surrounded by larger lots and/or near the commercial parcels. The lots that are adjacent to existing homes will match lot sizes, with no existing homes being located adjacent to a townhome.
- The project is being designed as a market-rate residential community.
- Applicant has not completed all of its market studies to determine house prices yet for the proposed development. As a rough ballpark, base prices for townhomes could begin in the mid $300,000s with large single-family homes in the $600,000s, with options and lot premiums potentially pushing prices into the high $300,000s to $800,000+ for the average home of that type. These are estimates for the average home based on today's prices as of the date of this summary and are subject to change based on market conditions at the time of development.

If the City has any questions, please do not hesitate to contact our office via phone at (407) 835-6947 or via email at esowell@shutts.com.

Pulte Home Company, Paulucci Acres
Community Meeting (March 5, 2025) Sign-In Sheet

	Name	Address	Subdivision	Phone Number	E-mail Address
1	Jeanette Heideman	2022 Misty Glen Dr	Wekiva Run	618.910.3924	jmheideman2@gmail.com
2	Juliette Norwood	770 Silvertip Rd	Oak Hill	240-423-8739	JMNorwood@yahoo.com
3	Christine Moore	County Cmsl.			
4	Joe Kilsheimer		Oak Hill		
5	Ed Velazquez	FSR			
6	Jacqueline & Herman Johnson	3375 Players Pt Loop	Rock Springs Rdg	321-356-1806	rickjacq2@gmail.com
7	Leroy Bell	2308 Bloomerdale Ct		321-356-1806	
8	John Pitman	352 Pankan Rd		407-342-9275	
9	Terrell Hendrix	32 W Orange St	Oak Hill Rs	321-277-3706	DJRV44@yahoo
10	Ricky Vazquez	949 Valley Way			
11	Sarah Marshall	2924 Cedar Crest	Wekiva Run	863-528-5029	bellsouthxo@hotmail.com
12	Greg Meyer				
13	Kiffle	2536 W Pankan		407 325 4080	
14	Pete Davao	3244 Roseville	Wolf Lake	401 742 4834	
15	Renee & Tom Jessen	933 Valley Way Dr.	Oak Hill Reserve	407-435-7346	renee.e.derouin@gmail
16	Adam Shaw	2421 Hashill Hill Rd	Oak Hill Reserve	407-712-3868	AdamAndAngela@gmail.com
17	Chad Sandusky	3416 Kilmarnock Dr	Rock Sprs Rdg	321-331-4777	Chad.sandusky@gmail
18	Gary Verkuilen	2400 Home Again RD	Oak Hill	8155207154	gverkuilen@yahoo.com
19	Merry Lovern	519 Birch Ct	Wekiva Spr. Res.	407 448 4508	merrylovern@gmail.com
20	Ben Matteson	2113 Misty Glen Dr	WR	407 906 1227	NOTBOSTROM@gmail
21	Wendy + Jon Hu	869 Valleyway Dr	Oak Hill Rsv	321-277-0631	

Pulte Home Company, Paulucci Acres
Community Meeting (March 5, 2025) Sign-In Sheet

	Name	Address	Subdivision	Phone Number	E-mail Address
22	THERESA + ERIC LEMONS	796 ROMINGER LOOP	HAMRICK		
23	Andrew + Clover Murdock	809 Rominger Loop	Hamrick		a.murdock1@verizon.net
24	JERRY MILLER	2035 Misty Glen Dr	Wekiva Run	321.438.3912	tmiller@jddent.com
25	Emma Clark	832 Rominger Loop	Hamrick	8504915928	
26	Zuroing Cai	330 Alexandria Pl Dr	Alexandria Pl		
27	Hector Fernandez	550 Mount Argyll Ct	RSR	9548211359	aladanfernandez@aol.com
28	Meagan Dull	2603 Woodside Ridge	Wekiva Run	561-312-5773	[illegible]meagandull@yahoo.
29	Ali Gonzalez	822 Valleyway Dr	Oak Bell	973-462-8200	gonzalali16@gmail.com
30	Sylvester Hall	3091 Rolling Hills Lane	RSR	407-680-4215	shall622@cfl.rr.com

Pulte Home Company, Paulucci Acres
Community Meeting (March 5, 2025) Sign-In Sheet

	Name	Address	Subdivision	Phone Number	E-mail Address
31	Teresa & Jose Rodriguez	821 Ramonga Loop	Hamrick Estates		Rileysreign@gmail.net
32	Bryan Williams	Pittman Rd			
33	Sangiovanni	948 Ramonga Loop	Hamrick Estates		
34	Tom & Kathleen Penner	2017 Misty Glen Dr	Wekiva Run		thpnne@cfl.rr.com
35	Debby Felty	2409 Pontan Summit	Wekiva Run		middlesis411@cfl.rr.com
36	[illegible]	[illegible]	[illegible]		
37	Nadine James	1119 Suncrest Dr	Northcrest		trixie867@gmail
38	Cheryl Nowels	2107 Misty Glen Dr.	Wekiva Run		
39	[illegible]	2597 Woodside Ridge	Wekiva Run		
40	Michelle Dodson	2116 Parkside Meadow Pr	Wekiva Run		tweetyblues333@yahoo.com
41	Robert Everts	2664 Haskill Hill Rd	Oak Hill Reserve		
42	Robert Josephson	2409 Home Again Rd	Oak Hill Reserve		pamrobj@aol.com
43	Teichey Woodard Jr	530 Ramonga Loop	Hamrick Estates		twoodardjr2k@yahoo.com

Pulte Home Company, Paulucci Acres
Community Meeting (March 5, 2025) Sign-In Sheet

	Name	Address	Subdivision	Phone Number	E-mail Address
44	Carol Richards	2016 Misty Glen Dr	Wekiva Run	443-528-3465	richardsfam65@hotmail.com
45	Cheryl Kilsheimer	2377 Home Again	OAK Hill	407-782-8640	
46	Chris Connolly	667 Izzy Place	Hamerick	484-645-7527	cconno5571@aol.com
47	[illegible]	146 Wekiva Point Cr	Traditions	407-341-4870	
48	Rod Olsen	3156 Rolling Hills Ln	Rock Springs	336-391-0836	rrolsen8@gmail.com
49	Robert S. Moore	3172 Pittman Rd.	Apopka	407-505-9850	Moorer386@yahoo.com
50	Bo Lin	833 Rominger Loop	Apopka	32712	
51	Giannina Duran	535 Rominger Loop	Apopka/Hamerick	407-692-7914	gigiduran12@outlook.com
52	NICK NESTA			407 619 6344	
53	Thomas Altemose	2561 Woodside Ridge Dr	Apopka	407-310-8466	Thomkat8466@hotmail.com
54	Tova Havlykke	2678 Lake Cove Rd.	Apopka	407-739-7841	thavlykke@gmail.com
55	Natalie Gozar	2586 Pankan Meadow Dr	Wekiva Run	407-340-7721	negozar@juno.com
56	Anthony Payne + Sara	719 Valleyway Dr.	Apopka	407-702-0600	aepayne@att.net
57	Gary Schick	722 Silver Tip Rd	Apopka	904-699 2622	GSCHICK@DAP.COM
58	Malena Schick	"	"	"	"
59	DR. Jim Moyer	1811 Southern Red Oak Ct.	Ocoee	754 367 4174	jimmoyer1956@gmail.com

Pulte Home Company, Paulucci Acres
Community Meeting (March 5, 2025) Sign-In Sheet

	Name	Address	Subdivision	Phone Number	E-mail Address
60	JEAN GABAUD	1029 VALLEY WAY DR	Oak Hill R	704 868 6453	JR770804@Gmail
61	SAEED SARRAF	2153 HOME AGAIN RD.	OAK HILL R	321-356-2940	SAEEDSARRAF@HOTMAIL.COM
62	Sharon Myron Murphree	2406 Missty Glen Dr	Wekiva Run	407-903-2023	MBSWMurphree@yahoo
63	F. Thom				flashch[illegible]
64	JEREMY MARTIN	797 ROMINGER LOOP	HAMRICK EST.	561 818 3211	jmartin2K4@yahoo.com
65	Sharon LUSK	1514 Royal Oaks Dr	Royal Oak	407-310-3468	slusk@rollins.edu
66	Wayne Gordon	754 Silver Tip Rd	Oak Hill	4077189301	
67	Ettyn-Ruben Martinez	3367 Players Point Loop	Rocks Springs Ridge		rubenandetty@gmail
68	Dimitri Ioannidis	1045 Valleyway Drive	Oak Hill Reserve	(407)928-4145	Dikomas1@Yahoo.com
69	NELSON GONZALEZ	822 VALLEWAY DR.	" " "	923-960-8627	NELSO ALI AT [illegible]

Pulte Home Company, Paulucci Acres
Community Meeting (March 5, 2025) Sign-In Sheet

	Name	Address	Subdivision	Phone Number	E-mail Address
70	Jody Moore	3172 Pittman Rd	———	407 505 9849	Ryley1108@yahoo.com
71	Kerri Holt	2647 Lake Cora	Oak Hill	4074534633	natorzmom@cfl.rr.com
72	Brett Womack	718 Rominger Loop	Hamrick Estates	954 422-2908	Brett.womack@premiersr.com
73	TJ DeCerbo	653 Chariot Ct.	Rock Springs Ridge	407-252-5792	tjdecerboe hotmail.com
74	Matthew Turner	2714 Bickley Dr.	Pitman Estates	407 595 6599	
75	BRIAN SANDERS	3650 ROLLING HILLS LN	RSR	407-886-7999	
76	Gyasi Story	2419 Ponkan Summit Dr	Wekiva Run	407-595-9536	gyasi.story@gmail.com

TO: City of Apopka
Planning Division
120 E. Main Street
Apopka, FL 32703

FROM: Shutts & Bowen LLP

RE: Third Community Meeting Summary for Paulucci Acres

On Monday, August 4, 2025, a community meeting was held from 6:00 p.m. to 8:00 p.m. at the Apopka Community Center located at 519 S. Central Ave. Apopka, FL 32703 to provide updates regarding the proposed development known as Paulucci Acres since the second community meeting held on March 5, 2025

The proposed development is contemplated to be a mixed-use project with a single-family residential community consisting of approximately 1,052 single family attached and detached homes and two commercial parcels consisting of approximately ten acres total. The overall project is approximately 616 total acres. Pulte Home Company, LLC is the contract purchaser of approximately 606 acres and intends to develop the single-family residential community. The property owner will retain approximately ten acres for future commercial development. The commercial parcels are contemplated to be located at the intersection of W. Ponkan Road and Jason Dwelley Parkway, with one commercial parcel to be located on the northern boundary of Ponkan Road (the "Commercial Parcel-North") and the other commercial parcel to be located on the southern boundary of Ponkan Road (the "Commercial Parcel-South").

The land use applications submitted to the City for the proposed development consist of: (1) an Annexation Application, which pertains to the two parcels located within unincorporated Orange County, (2) a Comprehensive Plan Future Land Use Amendment, which pertains to the two of the parcels located within unincorporated Orange County, (3) a Comprehensive Plan Future Land Use Amendment, which pertains to the Commercial Parcel-South, and (4) a Planned Development (PD) Rezone / Master Plan Application, which pertains to the overall development.

The August 4, 2025 community meeting was formatted as a presentation of the proposed development, including updates to the proposed transportation improvements, followed by a Q+A discussion. Topics that were discussed in the presentation include matters related to transportation/traffic, existing entitlements, environmental, planning, and engineering. Consultants from 1828 Engineering, Traffic & Mobility Consultants, and Shutts & Bowen

presented at the meeting and answered all comments, questions and concerns.

Enclosed with this summary are copies of the sign-in sheet for the community meeting.

Below provides a summary of the comments, questions and concerns raised in connection with the community meeting:

- Most of the questions and comments received from the attendees of the third community meeting were about transportation (specifically road improvements to W. Ponkan Road) and the proposed dedication of the City Park.
- Residents inquired about the dedication of approximately 145 acres for a city park, including the location of the proposed City Park area and whether a parking area would be provided.
- A few people asked if residents from adjacent communities would have pedestrian access to and from the City Park.
- One resident who lives adjacent to the proposed City Park asked whether there would be fencing around the park, as he wanted to be sure he had access to the City Park.
- Residents asked about the proposed trail system within the City Park and the type of material to be used for the trail system within the City Park.
- Residents raised existing safety concerns regarding W. Ponkan Road and the negative impact that this project would have on the current condition of the road.
- Residents asked about the proposed improvements to W. Ponkan Road that the developer has been coordinating with the City of Apopka and Orange County on, including the round-a-bout on Ponkan Road.
- Residents were inquisitive about how the proposed round-a-bout on W. Ponkan Road would be funded.
- One resident asked about road improvements to Pittman Road.
- One resident asked about changes to access to Hamerick Estates.
- One resident asked about the emergency access for the southwest pod.
- Residents of Oak Hill Reserve voiced concerns about the existing access to/from Oak Hill Reserve off of Vick Road because of the site distance issues related to the road elevations. These residents wanted to know what the impact of the proposed development would be on their access issues.
- Residents were inquisitive about use-restrictions in the PD Rezoning submittal for the commercial parcels.
- One resident was inquisitive about school capacity and the process.
- One resident asked about gopher tortoises on the property.
- Residents asked about the prices of the proposed homes.
- One resident asked about the location of the townhomes.
- Residents were inquisitive about whether the townhomes will be advertised as “built-to-rent”.
- One resident was inquisitive about whether there will be a homeowners association.

- One resident asked about new firehouses and whether there would be a new firehouse within the proposed development.
- Residents asked about the development timeline.

Below provides a summary of the responses to the comments, questions and concerns raised in connection with the community meeting:

- Applicant contemplates that the City Park will be a passive park that will primarily remain in its natural state with proposed crushed shell or other natural material used for the trail system within the City Park and meandering the trail system around existing trees and other vegetation. Applicant does not anticipate fencing to be installed around the City Park.
- Further details regarding the City Park, including pedestrian access from adjacent communities, will be discussed with City Staff as this project moves forward.
- Applicant is working with the City and the property owner to provide an unpaved parking area near the trailhead within the City Park.
- Applicant is proposing 25-foot buffers adjacent to all existing neighborhoods.
- All lots that back up to an existing lot will be the same lot size in addition to a 25-foot buffer.
- Applicant is proposing 50% open space for the project, which is more than double the 20% open space required by the existing RSF-1A zoning.
- Applicant is proposing significantly less density (by approximately 700 units) and intensity (by more than 6,000,000 square feet) than current entitlements.
- Applicant has completed environmental studies and the only listed species present is the gopher tortoise, which will be relocated according to City and State standards.
- Applicant is continuing to work with the City and Orange County to help provide solutions to the existing concerns regarding W. Ponkan Road, including proposed right-of-way dedications for the widening of W. Ponkan Road adjacent to the proposed development, installation of a round-a-bout and a new, safer connection between Pittman Road and Ponkan Road, all of which is subject to County review, processing and approval.
- Vick Road is a City road and the City has budgeted to the design of the proposed widening of Vick Road for 2025/2026. This project's proposed right of way dedications along Vick Road will help facilitate and expedite the widening of Vick Road.
- Proposed improvements to Vick Road that the City may implement to address the safety concerns regarding the Oak Hill Reserve access were discussed with the traffic consultant, including mechanisms such as softening/leveling curves, improving site lines and using a divided median to provide a two-stage turn, ensuring that drivers have more control stepping into the roadway when making a left turn.
- The proposed right of way dedication along Vick Road from the project would be consistent with the City's approved design of the Vick Road expansion/widening.
- With respect to use-restrictions for the commercial parcels proposed in the PD Rezone submittal, the property owner has agreed to significantly limit the commercial uses that would be permitted for future commercial development. Applicant took into consideration

the residents' concerns regarding the types of commercial retailers that they wanted and did not want within the proposed development.

- The property owner has agreed to prohibit apartments within the project.
- With respect to school capacity, the project is vested for school capacity. School concurrency will be addressed later in the process after approval of the PD Rezoning application.
- Location of townhomes will be clustered together in the middle of a development pod and surrounded by larger lots and/or near the commercial parcels.
- The proposed development will not be marketed as a "built-to-rent" community.
- With respect to the homeowners association, there will be a master homeowners association and certain pods (or phases of development) may have a sub-association with specific governing regulations that pertain specifically to that pod.
- With respect to new firehouses, the Applicant is not aware of the need for a new firehouse site in this vicinity but the project will generate a significant amount of fire impact fees, which impact fee rates are anticipated to be increased by the City.
- Applicant has not completed all of its market studies to determine house prices yet for the proposed development. As a rough ballpark, base prices for townhomes could begin in the mid $300,000s with large single-family homes in the $600,000s, with options and lot premiums potentially pushing prices into the high $300,000s to $800,000+ for the average home of that type. These are estimates for the average home based on today's prices as of the date of this summary and are subject to change based on market conditions at the time of development.
- With respect to the development timeline, as of today, land development would be anticipated to start late 2026 at the earliest and would continue in phases through the early 2030s. For home construction, the first sale would be anticipated by mid-2027, with the first closing anticipated for late 2027 and the last home closing anticipated in early 2035.

If the City has any questions, please do not hesitate to contact our office via phone at (407) 835-6947 or via email at esowell@shutts.com.

Pulte Home Company, Paulucci Acres
Community Meeting (August 4, 2025) Sign-In Sheet

Name	Address	Subdivision	Phone Number	E-mail Address
Dave Wood				
[illegible]	3517 Misty Cove	Wekiva Run	2014156109	
Myron Murphree	2106 Misty Glen Dr	Wekiva Run	407-203-2023	
Scott Hall	2154 Kingscrest Cir	Emerald Cove	4073099019	
Noreen Kruse	325 Speyside Ln	Rock Springs Ridge	9543984828	
Brian Kruse	325 Speyside Ln	Rock Springs Ridge	5617030726	
Tom Harper	3246 Wolf Lake Ave	Wolf Lake Ranch	407-353-7205	tomharper@mpinet.net
Aaron Batia	3374 Players Point	RSR	407-267-7899	
Nadia Anderson		City of Apopka	407-625-5646	

Pulte Home Company, Paulucci Acres
Community Meeting (August 4, 2025) Sign-In Sheet

Name	Address	Subdivision	Phone Number	E-mail Address
Nishith Modi	2596 Woodside Ridge Dr	Wekiva Run		nmodi3205@aol.com
Gerardo Almaraz	1501 Kintla Rd.	Oak Hill Rsve		hanesjobs@aol.com.
BEN PITMAN	352 W. PONKAN Rd			
Frank Smith	2815 W. Ponkan Rd			
Randa N. Smith II	3457 Rolling Hills Ln	Rock Spring Ridge		smith18125@yahoo.com
Steve + Carol Richards	2016 Misty Glen Dr.	Wekiva Run		richardsfam65@hotmail.com
Chris Connolly	667 Izzy Place	Hamrick		cconno5571@aol.com
Rod Olsen	apopka	RSR		rrolsen8@gmail.com
Keri Rodriguez	3905 Long Branch Lane	RSR		Kerikigh007@gmail.com
Tova Havlykke	2678 Lake Cora Rd.	Oak Hill		thavlykke@gmail.com
Brya	PITTMAN RD			
Tim Ondrey	4053 Rock Hill Loop	Rock Springs Ridge		timothy.ondrey1@gmail.com
Hanic Punn	Mount Stirling Rd	RSR		HanicPunn111@gmail.com
Leola Hanks	3457 Rolling Hills Ln	Rock Springs		Hankslee50@gmail.com
Marsha Summersill	425 Morning Creek Cir	Wekiva		
Norman Perron	1013 Valleyway Dr.	Apopka		homehealthbiz@hotmail.com
Jennifer Barta	3374 Players Point Loop	Apopka		
Teresa Rodriguez	~~802~~ 821 Rominger Loop	Hemrick		
Jose Rodriguez	821 Rominger Loop	Hemrick		

Pulte Home Company, Paulucci Acres
Community Meeting (August 4, 2025) Sign-In Sheet

Name	Address	Subdivision	Phone Number	E-mail Address
Julian Barich	199 Smugglers Way		321 441 0144	julian.barich@gmail.com
Juliette Norwood	770 Silvertip	Oak Hill	(240)423-8739	Jmack921@yahoo.com
Jon + Wereley	869 Valleyview Dr	Oak Hill	321-277-0631	
[illegible]	205 NPC	TRADITIONS		
NICK NESTA		City of Apopka		
[illegible]	[illegible]	[illegible]		[illegible]
Ruben & Elley Martinez	33107 Players Point Loop	Rocksprings Ridge		cubanruben@hotmail.com

Pulte Home Company, Paulucci Acres
Community Meeting (August 4, 2025) Sign-In Sheet

Name	Address	Subdivision	Phone Number	E-mail Address
Nancy Cash Knight	2656 Woodside Road	Wekiva Run	585 739 5658	NCKnight27@gmail
Ayman Saidi	3101 Magnin		407-730-1473	ayman.saidi@[illegible]
Michelle Dodson	2116 Parkside Meadow Dr	Wekiva Run	407-620-9851	tweetyblues333@yahoo.com
Jean/Ruth Gabaud	1029 Valleyway Dr	Oak Hill Reserve	407-595-9457	ruthgabaud@yahoo.com

Pulte Home Company, Paulucci Acres
Community Meeting (August 4, 2025) Sign-In Sheet

Name	Address	Subdivision	Phone Number	E-mail Address
Teicher Woodard	530 Rominger Loop	Hamlik Estates	407 572 5143	twoodard jr2@yahoo.com
Conor Mare	201 S Rosalind		407. 836-5850	
GLENDED STOKES		OAK Hill	(407) 822-4328	Georgieboytucus@gmail.com
Traci Boyd	3457 Rolling Hills Ln.	Rock Springs	(305) 479 9084	SMITH1825@YAHOO.COM

Pulte Home Company, Paulucci Acres
Community Meeting (August 4, 2025) Sign-In Sheet

Name	Address	Subdivision	Phone Number	E-mail Address
Chris Godwin	988 Woodcock Rd, Orlando FL			christopherg@traffictechnologies.com

TO: **City of Apopka**
Planning Division
120 E. Main Street
Apopka, FL 32703

FROM: **Shutts & Bowen LLP**

RE: **Fourth Community Meeting Summary for Paulucci Acres Rezoning**

On Tuesday, December 2, 2025, a community meeting was held in-person from 6:00 p.m. to 8:00 p.m. at the Apopka Community Center located at 519 S. Central Ave., Apopka, FL 32703, to provide updates regarding the proposed development known as Paulucci Acres since the Third Community Meeting held on August 4, 2025.

The proposed development is contemplated to be a mixed-use project with a single-family residential community consisting of up to 1,034 single-family attached and detached homes and two commercial parcels totaling approximately ten acres. The overall project is approximately 618 acres. Pulte Home Company, LLC is the contract purchaser of approximately 608 acres and intends to develop a single-family residential community. The property owner will retain approximately ten acres for future commercial development. The commercial parcels are contemplated to be located at the intersection of W. Ponkan Road and Jason Dwelley Parkway (the "Commercial Parcel-North") and on the southern boundary of Ponkan Road (the "Commercial Parcel-South").

The City of Apopka City Council has previously approved each of the following land use applications for the proposed development:

(1) An Annexation Application for two parcels located within unincorporated Orange County on August 6, 2025;
(2) A Comprehensive Plan Future Land Use Amendment for those two parcels on September 17, 2025; and
(3) A Comprehensive Plan Future Land Use Amendment for the Commercial Parcel-South on September 17, 2025.

The land use application before the City is a Planned Development (PD) Rezone/Master Plan Application for the overall development.

December 2, 2025 Presentation Overview

Approximately 25 residents or less attended the fourth Community Meeting. Please see enclosed sign-in sheets.

At the fourth Community Meeting, the development team presented updated information on existing entitlements, the proposed down-zoning, transportation improvements, community benefits including the commitment for dedication of a City Park, open space planning, reclaimed water infrastructure, phasing and development timelines. Consultants from 1828 Engineering and Traffic & Mobility Consultants and Shutts & Bowen presented the updated information and responded to all questions during the Q&A and afterwards. Key points presented at the meeting included:

1. Existing Entitlements vs. Proposed Plan
    - Existing entitlements allow up to 1,829 lots and 6,340,485 square feet of mixed-use/commercial development.
    - The proposed plan reduces residential units to up to 1,034 homes, a reduction of nearly 800 homes.
    - The proposed plan reduces commercial development by approximately 95%.
2. Permitted Uses for Commercial Parcels
    - No apartments.
    - No gas stations, no light industrial, and no big-box retailers.
3. Open Space and City Park Planning
    - Overall open space would be 50% or greater.
    - A 25-foot landscape buffer is proposed adjacent to existing neighborhoods.
    - Approximately 145 acres would be dedicated for a City Park.
    - City Park is anticipated to include over 3 miles of natural, stabilized trails.
4. Roadway Improvements and ROW Dedications
    - ROW dedications along Ponkan Road and Vick Road (~15 acres).
    - Ponkan Road (County Road):
        - ROW dedication would double the width of Ponkan Road along project.
        - Realignment and improvements coordinated with Orange County.
        - Installation of street lighting along Ponkan Road.
        - Improved sightline visibility along Ponkan Road.
    - Ponkan & Pittman Intersection:
        - Construction of a new intersection and round-a-bout to improve safety, reduce speeding, and create a safer connection between Pittman Road and Ponkan Road.
    - Vick Road (City Road):
        - ROW dedications will facilitate the City's planned widening (programmed as a four-lane roadway).
5. Reclaimed Water Infrastructure

- Construction by developer of an extension of the City's reclaimed main line, connecting the southern reclaim system to the northern system, which is anticipated to help with the reclaim flows and capacity, and is not required to serve the project.

Summary of Questions, Comments, and Concerns Raised

- General discussion regarding existing entitlements.
- General discussion regarding the rezoning process.
- Questions and general discussion regarding the City Park, including existing trees, natural trails, parking and the timing for dedication of the City Park, with the City Park being required to be dedicated to the City within 24 months after approval of the first construction plan for Phase 1.
- Identification of access points for the City Park and where residents would be able to access the City Park trails.
- Whether fencing would be installed around the City Park.
- Discussion regarding overall project phasing, with Phase 1 site development anticipated to begin late 2026 or early 2027 and approximately 10 years for full residential build-out.
- Discussion of timing of development in conjunction with public improvements to be performed by the developer, including the dedication of the City Park.
- Clarification regarding existing Pittman Road intersection and proposed partial vacation of Pittman Road and the timing of such proposed partial vacation not occurring until the eastern leg of Pittman Road was extended to the new intersection enabling full public access to Ponkan Road.
- Questions regarding proposed access points to Hamrick Estates.
- Discussion regarding the roadway improvements on Ponkan Road and confirmation that the City will not be paying for such Ponkan Road improvements.
- Question regarding Rogers Road improvement.
- Discussion regarding Vick Road and City's design for the planned widening of Vick Road.
- Comments and discussion regarding transportation impact fees generated by the project and the timing for the payment of impact fees to the City.
- Discussion regarding the analysis that went into the selection of the location of the round-a-bout on Ponkan Road.
- Clarification on concept plan as to open space areas that are proposed to remain primarily in their natural state.

The meeting was informational in nature with residents' questions and discussion focused on information gathering, obtaining clarification on items pertaining to what is planned, and providing input, with no strong objections to the projects raised, which is consistent with the third community meeting outcome.

Pulte Home Company, Paulucci Acres
Community Meeting (December 2, 2025) Sign-In Sheet

Name	Address	Subdivision	Phone Number	E-mail Address
NICK NESSIA				NNESSIA@APOPKA.NET
Emma Clark		HAMRICK EST.		clark.emmaa@gmail.com
Teresa Rodriguez		Hamrick Est		Rileysreign@comcast.net
WILLIAMS		PITTMAN		
CLIFFORD ELLIS		HAMRICK ESTATES		clifford.c.ellis@gmail.com
Geoff. Clark		Vista Reserve		geoffrey Clark884@yahoo.com
Cyprus Scarpinati		HAMRICK EST		C Scarpinati@Gmail.com
Norman Perron		OAK HILL RES		homehealthbb.2@hotmail.com
CJ Abel		Vista Res.		
Marys Sangiovanni		Hamrick EST		dennysangiovanni@gmail.com
Denny Sangiovanni		Hamrick EST		
Dimitri Ioannidis		Oak Hill Reserve		Dikonas1@yahoo.com
Christine Moore		downtown		Christine.M@prodoctf.net
Thomas Altemose	2561 Woodside Ridge Dr	Wekiva Run		Thomkat8466@hotmail
Judy Altemose	"	"		"

Pulte Home Company, Paulucci Acres
Community Meeting (December 2, 2025) Sign-In Sheet

Name	Address	Subdivision	Phone Number	E-mail Address
S. Curley	Wolf Lake Ave	Wolf Lake Ranch		curleys@email.com

From: Vitale, Stefani
To: Bobby Howell
Cc: Jean Sanchez
Subject: APK-25-014 Paulucci Acres
Date: Monday, August 4, 2025 10:31:12 AM
Attachments: AGENT AUTHORIZATION FORM.pdf

Good Morning Bobby,

We won't need to run an analysis for the attached project since all the units are vested.

Thank you,

Stefani Vitale
Senior Specialist, Real Estate Management and Land Planning
Orange County Public Schools
Tel: 407-317-3700 ext. 2023974
planning.ocps.net

*__District Office Summer Hours__ from June 5 – July 30 will be Monday – Thursday 7:00 AM – 5:30 PM __CLOSED on Fridays__

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City of Apopka
CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)
Item #: 6.
Meeting Date: January 7, 2026
Department: Administration

SUBJECT:
Ordinance No. 3151 - First Reading - Amendment to the City of Apopka General Employees' Retirement System

ACTION ITEM INFORMATION:

REQUEST:
Approve Ordinance No. 3151 at First Reading regarding the Amendment to the City of Apopka General Employees' Retirement System and hold over for Second Reading and adoption.

SUMMARY:
The proposed Ordinance No. 3151 amends provisions of the City of Apopka General Employees' Retirement System to implement a benefit enhancement selected by the plan members. Pursuant to direction from the Board of Trustees of the General Employees' Retirement System, eligible members were provided the opportunity, by majority vote, to select between two proposed benefit enhancement options.

The membership voted in favor of an increase to the benefit multiplier, which determines the calculation of retirement benefits. This enhancement will be funded in part through an increased member contribution rate, as outlined in the accompanying Business Impact Estimate. The complete Business Impact Estimate is available on the City's website.

This ordinance codifies the approved changes to the retirement plan and ensures continued compliance with applicable state laws and actuarial soundness requirements.

FUNDING SOURCE:
Funding will come from Members of the Plan as well as the City.

RECOMMENDED MOTION:
Approve Ordinance No. 3151 regarding the Amendment to the City of Apopka General Employees' Retirement System at First Reading and hold over for Second Reading and adoption.

ATTACHMENTS:
1. Ordinance No. 3151- First Reading - Amendment to the City of Apopka General Employees' Retirement System
2. Business Impact Estimate - General Employees' Pension Plan Amendment - Updating the Multiplier
3. Legal Advertisement - Ordinance No. 3151 - General Employees Pension Plan Amendment (002)

ORDINANCE NO. 3151

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 54 "RETIREMENT SYSTEMS," ARTICLE II, "GENERAL EMPLOYEES' RETIREMENT SYSTEM," BY AMENDING SECTION 54-23, "CONTRIBUTIONS" TO PROVIDE FOR AN INCREASE IN THE MEMBER CONTRIBUTION RATE; AMENDING SECTION 54-24 "BENEFIT AMOUNTS AND ELIGIBILITY" TO PROVIDE FOR AN INCREASE IN THE RETIREMENT BENEFIT MULTIPLIER; AMENDING SECTION 54-32 "MINIMUM DISTRIBUTION OF BENEFITS" TO ADJUST THE REQUIRED MINIMUM DISTRIBUTION AGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND SETTING AN EFFECTIVE DATE.

WHEREAS, The City of Apopka, Florida has established the City of Apopka General Employees' Retirement System for the benefit of its employees and their beneficiaries; and

WHEREAS, members of the General Employees' Retirement System were provided the opportunity, by majority vote, to choose between two benefit enhancement options, and the members have chosen an increase in the benefit multiplier, to be funded in part by an increased member contribution rate; and

WHEREAS, certain changes to the City's retirement systems are required to maintain compliance with applicable federal law; and

WHEREAS, in order to implement such changes, amendment of the City of Apopka General Employees' Retirement System is required.

NOW, THEREFORE, be it ordained by the City Council of the City of Apopka, Florida, as follows:

[Words with strike through indicate deletions; words with underscore indicate additions; asterisks (* * *) indicate an omission from the existing text which is intended to remain unchanged.]*

SECTION I. The foregoing recitals are hereby adopted as the legislative findings of the City Council of the City of Apopka, Florida.

SECTION II. CHAPTER 54, RETIREMENT SYSTEMS, ARTICLE II, SECTION 54-23 CONTRIBUTIONS shall be amended as follows:

Sec. 54-23. Contributions.

(a) *Member contributions.*

(1) *Amount.* Members of the system shall be required to make regular contributions to the fund in the amount of ~~4.9~~ 5.5 percent of their salary. Member contributions withheld by the city on behalf of the member shall be deposited with the board at least monthly. The contributions made by each member to the fund shall be designated as employer contributions pursuant to

section 414(h) of the Internal Revenue Code. Such designation is contingent upon the contributions being excluded from the member's gross income for federal income tax purposes. For all other purposes of the system, such contributions shall be considered to be member contributions.

(2) *Method.* Such contributions shall be made by payroll deduction.

* * * *

SECTION III. CHAPTER 54, RETIREMENT SYSTEMS, ARTICLE II, SECTION 54-24 BENEFIT AMOUNTS AND ELIGIBILITY shall be amended as follows:

Sec. 54-24. Benefit amounts and eligibility.

(a) *Normal retirement date.* A member's normal retirement date shall be the first day of the month coincident with or the next following the attainment of age 57 years and the completion of five years of credited service. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become 100 percent vested in his accrued benefit on the member's normal retirement date. Normal retirement under the system is retirement from employment with the city on or after the normal retirement date.

(b) *Normal retirement benefit.* A member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his retirement and be continued thereafter during the member's lifetime, ceasing upon death. The monthly retirement benefit <u>for members who separate from service with the City prior to [*EFFECTIVE DATE*]</u> shall equal 2.75 percent of ~~the~~ average final compensation for each year of credited service. <u>The monthly retirement benefit for members who separate from service with the City on or after [*EFFECTIVE DATE*], shall equal 3.0 percent of average final compensation for each year of credited service.</u>

* * * *

SECTION IV. CHAPTER 54, RETIREMENT SYSTEMS, ARTICLE II, SECTION 54-32 MINIMUM DISTRIBUTION OF BENEFITS shall be amended as follows:

Sec. 54-32. Minimum distribution of benefits

* * * *

(b) *Time and manner of distribution.*

(1) *Required beginning date.* The member's entire interest will be distributed, or begin to be distributed, to the member no later than the member's required beginning date, which shall not be later than April 1 of the calendar year following the later of the calendar year in which the member attains age ~~70½~~ <u>73</u> years or the calendar year in which the member retires, unless otherwise provided for in the plan or required by law.

(2) *Death of member before distributions begin.* If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed, no later than as follows:

a. If the member's surviving spouse is the member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by December 31 of the calendar year in which the member would have attained age ~~70½~~ 73 years, if later. Effective for calendar years beginning after December 31, 2023, a member's surviving spouse may elect to be treated as the deceased member, solely for purposes of the required minimum distribution rules under this section; provided however, that such election must be in writing and shall be irrevocable.

* * * *

SECTION V. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Apopka as additions or amendments thereto.

SECTION VI. All ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict.

SECTION VII. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION VIII. *EFFECTIVE DATE*: This Ordinance shall take effect immediately upon its passage and adoption.

PASSED UPON the first reading of the City Council, this ____ day of _____ 2025.

PASSED UPON the second and final reading of the City Council, this ____ day of _____ 2025.

_____
Bryan Nelson, Mayor

ATTEST:

_____
Susan M. Bone, CMC, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: _____, 2025

_____, 2025

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

01198233-1

4914-9660-1461, v. 1

_____
Clifford B. Shepard, City Attorney

ORDINANCE BUSINESS IMPACT ESTIMATE

Florida Statutes, Section 166.041(4)

ORDINANCE NUMBER: 3151

ORDINANCE: **General Employees' Pension Plan Amendment - Updating the Multiplier.**

DEPARTMENT: **Human Resources**

MEETING DATE: **January 7, 2026**

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Apopka's website by the time notice of the proposed ordinance is published.

ORDINANCE NO. 3151

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 54 "RETIREMENT SYSTEMS," ARTICLE II, "GENERAL EMPLOYEES' RETIREMENT SYSTEM," BY AMENDING SECTION 54-23, "CONTRIBUTIONS" TO PROVIDE FOR AN INCREASE IN THE MEMBER CONTRIBUTION RATE; AMENDING SECTION 54-24 "BENEFIT AMOUNTS AND ELIGIBILITY" TO PROVIDE FOR AN INCREASE IN THE RETIREMENT BENEFIT MULTIPLIER; AMENDING SECTION 54-32 "MINIMUM DISTRIBUTION OF BENEFITS" TO ADJUST THE REQUIRED MINIMUM DISTRIBUTION AGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND SETTING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
☐ The proposed ordinance relates to the issuance or refinancing of debt;
☒ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

[1] See Section 166.041(4)(c), Florida Statutes.

☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;

☐ The proposed ordinance is an emergency ordinance;

☐ The ordinance relates to procurement; or

☐ The proposed ordinance is enacted to implement the following:

a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City of Apopka;
c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

This Ordinance contains a proposed increase to the retirement benefit for general City employees, in an effort to maintain a highly qualified workforce to provide vital city services to the community. General city employees provide support services for public health and safety, and provide community leisure and entertainment to citizens and visitors.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

No direct impact to compliance costs for existing general businesses.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

No new charges or fees for existing general businesses.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

No additional regulatory costs, staff administration only.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Undeterminable.

4. Additional information the governing body deems useful (if any):

CITY OF APOPKA
MUNICIPAL GENERAL EMPLOYEES' RETIREMENT TRUST FUND

ACTUARIAL IMPACT STATEMENT
November 25, 2025
(Page 3)

This statement outlines the projected impact on the Total Required Contribution (per Chapter 112, Florida Statutes) and the Required City Contribution resulting from the following proposed amendments to the Code of Ordinances, Chapter 54, Sections 23, 24, and 32.

1) Sec. 54-23 - Contributions
   a. The proposed amendment to the plan will increase members contributions from 4.9% of their salary to 5.5% of their salary.

2) Sec. 54-24 - Benefit amounts and eligibility
   a. The proposed amendment to the plan will change the monthly retirement benefit from 2.75% of the average final compensation for each year of credited service to 3.00% of the average final compensation for each year of credited service.

The combined plan changes under Sections 54-23 and 54-24 will have the following impact on the plan's projected Total Required Contribution:

	(Annual Impact)		
	Prior	**Proposed**	**Change**
Total Required Contribution:	$3,500,000	$3,930,000	$430,000
Estimated Employee Contribution:	$850,000	$960,000	$110,000
Estimated Employer Contribution:	$2,650,000	$2,970,000	$320,000

For the first year, the prorated impact is:

	Change
Total Required Contribution:	$322,500

Estimated Employee Contribution: $82,500
Estimated Employer Contribution: $240,000

* *Please also note that all assumptions and methods used in the Impact Statement are the same as those reflected in the 10/1/2024 Actuarial Valuation Report.*

3) Sec. 54-32 – Minimum Distribution of Benefits
   a. The proposed amendment to the plan to extend the Required Minimum Distribution (RMD) age from age 70 ½ to age 73, pursuant to the Secure 2.0 Act, will have no impact on the plan's projected Total Required Contribution.

The changes presented are in compliance with Part VII, Chapter 112, Florida Statues and Section 14, Article X of the State Constitution.

David V. Pappalardo, FSA, EA, FCA, MAAA
Enrolled Actuary #23-5283

STATEMENT OF PLAN ADMINISTRATOR

The prepared information presented reflects the cost of the benefit improvement.

Chairman, Board of Trustees

CITY OF APOPKA
PUBLIC HEARING NOTICE

The following ordinance will be read on **Wednesday, January 7, 2026 at 1:30 p.m.** and will be held over for a second reading where it will be considered for adoption at the City Council meeting on **Wednesday, January 21, 2026 at 7:00 p.m.**, in the Apopka City Hall Council Chambers or as soon thereafter as possible.

ORDINANCE NO. 3151

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 54 "RETIREMENT SYSTEMS," ARTICLE II, "GENERAL EMPLOYEES' RETIREMENT SYSTEM," BY AMENDING SECTION 54-23, "CONTRIBUTIONS" TO PROVIDE FOR AN INCREASE IN THE MEMBER CONTRIBUTION RATE; AMENDING SECTION 54-24 "BENEFIT AMOUNTS AND ELIGIBILITY" TO PROVIDE FOR AN INCREASE IN THE RETIREMENT BENEFIT MULTIPLIER; AMENDING SECTION 54-32 "MINIMUM DISTRIBUTION OF BENEFITS" TO ADJUST THE REQUIRED MINIMUM DISTRIBUTION AGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND SETTING AN EFFECTIVE DATE.

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

Published dates: December 26, 2025; and January 2, 2026

Dated this 22nd day of December, 2025
Susan M. Bone, City Clerk
City of Apopka, Florida

City of Apopka
CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)
Item #: 7.
Meeting Date: January 7, 2026
Department: Public Works

SUBJECT:
Ordinance No. 3152 - First Reading - Revising Ordinance No. 2933 - Chapter 78, Utilities, Article II, Water & Sewer Systems by Creating Division 1.5 Industrial & Commercial Pretreatment.

ACTION ITEM INFORMATION:

REQUEST:
City staff requests approval from Council to proceed with the first reading of the updated Sewer Use Ordinance (SUO). Per the FDEP process issued on October 20, 2025, a draft SUO must be submitted and preliminarily approved before City ratification. The City submitted the draft to FDEP, and the Department has completed its review and provided preliminary approval for the City to begin the ratification process.

SUMMARY:
The City of Apopka's Pretreatment Program was audited by the Florida Department of Environmental Protection (FDEP) on September 10, 2025. During this audit, FDEP identified that the City's Sewer Use Ordinance (SUO) did not include several required components outlined in the EPA's Model Pretreatment Ordinance. Specifically, FDEP noted missing definitions and missing enforcement authorities that are necessary for full program compliance.
Items Identified by FDEP as Missing from the SUO:
Required Definitions:
- Categorical Industrial User
- Control Authority

Required Enforcement Authorities:
- Injunctive Relief
- Civil Penalties
- Criminal Prosecution
- Nonexclusive Remedies

On October 20, 2025, FDEP provided the City with the required steps for updating and adopting the revised SUO. The City submitted the updated draft SUO to FDEP for review, and FDEP has issued preliminary approval authorizing the City to begin the ratification process. Adoption of the revised SUO is considered a substantial program modification and requires Council approval followed by public notice and final FDEP approval.

FUNDING SOURCE:
Not applicable.

RECOMMENDED MOTION:
City staff requests that the Council approve the first reading of Ordinance Number 2933 and hold it over for a second reading and adoption.

ATTACHMENTS:
1. Amended SUO Ord No. 3152

2. Pretreatment Program Compliance Evaluation - September 30, 2025
3. 2025 Apopka SUO Preliminary Approval - November 4, 2025
4. EPA Model Pretreatment Ordinance - January 2007

ORDINANCE NO. 3152

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 78 – UTILITIES OF THE APOPKA CODE OF ORDINANCES BY REPEALING SECTION 78-23. - INDUSTRIAL AND COMMERCIAL PRETREATMENT GUIDELINES AND CREATING DIVISION 1.5 - INDUSTRIAL AND COMMERCIAL PRETREATMENT GUIDELINES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND SCRIVENER'S ERRORS; AND SETTING AN EFFECTIVE DATE.

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

WHEREAS, the City of Apopka operates and maintains an Industrial Pretreatment Program as required by the U.S. Environmental Protection Agency; and,

WHEREAS, the City desires to update and codify the City's sewer use rules and regulations to maintain compliance with current Federal and State requirements for users of the wastewater collection system within its jurisdiction; and

WHEREAS, the City Council finds that these amendments serve the public health, safety, and welfare of the citizens of the City of Apopka, Florida.

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

SECTION 1. Recitals. The foregoing recitals are hereby adopted as the legislative findings of the City Council of the City of Apopka, Florida.

SECTION 2. Amendment. Section 78-23 of the Apopka Code of Ordinances is hereby repealed in its entirety and replaced with the following:

DIVISION 1.5. – INDUSTRIAL AND COMMERCIAL PRETREATMENT GUIDELINES

Sec. 78-23. – General provisions.

(a) *Purpose and policy.* This division sets forth uniform requirements for users of the Publicly Owned Treatment Works ("POTW"), as defined hereunder, for the City of Apopka ("City") and enables the City to comply with all applicable federal and state laws, including the Clean Water Act (33 U.S.C. § 1251 *et seq.*), the General Pretreatment Regulations (40 C.F.R., Part 403), and Chapter 62-625, F.A.C. The objectives of this division include:

(1) To prevent the introduction of pollutants into the POTW that will interfere with its operation;

(2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

(3) To protect both POTW personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;

(4) To promote reuse and recycling of wastewater and biosolids from the POTW;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

(6) To enable the City to comply with conditions in its National Pollutant Discharge Elimination System and State Domestic Wastewater Facility permits; biosolids use and disposal requirements; and any other federal or state laws to which the POTW are subject.

This division shall apply to all users of the POTW. This division authorizes the issuance of Industrial User Discharge Permits, Industrial Wastewater Discharge Permits, and general permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(b) *Administration.*

(1) Except as otherwise provided herein, the Public Services Director, or the Director's designee, shall administer, implement, and enforce the provisions of this division. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel.

(2) No statement contained in this division shall be construed as preventing any special agreement or arrangement between the City and any industry of concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to special payment therefore, by the industry of concern; provided, however, at no time will the City be asked to accept such discharges that, in the City's sole judgment, would violate any federal, state, or local pretreatment standard.

(3) Any provision or section of this division to the contrary notwithstanding, the City reserves the absolute right, to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES or Florida Department of Environmental Protection ("FDEP") permit(s).

(4) The Director, or other duly authorized personnel or staff of the City bearing proper credentials and identification, shall have the right to enter the premises of any user without prior notice for the purposes of inspection, observation, measurement, sampling, and testing in full accordance with the provisions of this division. This inspection, observation, measurement, sampling, and test by the Director or duly authorized representative is

hereby made a condition to the issuance of all industrial wastewater permits granted hereunder.

(5) Duly authorized personnel or staff of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement, or which property holds an Industrial Wastewater Discharge Permit, general permit, or to which the City provides wastewater treatment services for the purposes of, but not limited to, inspection, observation, gauging, measurement, sampling, repair, or maintenance of any portion of the sewage works lying within the easement. Any subsequent work, if any, within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(6) Information and data on a user obtained from reports, surveys, Industrial Wastewater Discharge Permit applications, general discharge permit applications, industrial wastewater permits, general wastewater permits, and monitoring programs, information from the Director's inspection and sampling activities, and waste disposal manifests, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, process, or methods of production entitled to protection as exempt pursuant to Fla. Stat. Ch. 119. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public for a reasonable period of time, during which time the user may seek a judicial determination that any such information is exempt from disclosure pursuant to Fla. Stat. Ch. 119. Notwithstanding the foregoing, any such information shall be made available immediately upon request to government agencies for uses related to this article, the count NPDES program, the City pretreatment program, City oil and grease management program, City surcharge program, or in enforcement proceedings and judicial review involving the person furnishing the report. Wastewater constituents and characteristics, and other "effluent data" as defined by 40 CFR § 2.302, Chapter I, Subchapter A, shall not be recognized as confidential information and will be made available to the public without restriction.

(7) While performing necessary work on private properties duly authorized City personnel shall observe all safety rule applicable to the premises as established by the person in charge thereof and, if the property is unattended, shall leave the property as secure as when the City personnel arrived to perform the necessary work.

(8) The City Council is authorized to establish reasonable fees for the reimbursement of costs by users of the City POTW for the implementation of programs established herein. The applicable charges or fees may be adopted by resolution of the City Council. These charges and fees include, but are not limited to:

i. Fees for reimbursement of costs for implementation and enforcement of the City's pretreatment program, surcharge program, oil and grease management program, and best management programs by designated users;

ii. Fees for compliance monitoring, facility inspections, responding to accidental or slug discharges and surveillance activities;

iii. Fees for reviewing best management practice plans, pollution prevention plans, slug (accidental) discharge control plans, spill prevention and control plans, waste minimization plans or facility construction plans;

iv. Fees for permit issuance, including reviews;

v. Fees for filing appeals;

vi. Fees for sample collection and laboratory analyses;

vii. Fees or surcharges for treatment of abnormally high strength compatible wastes;

viii. Fees for acceptance and treatment of hauled wastes;

ix. Fees for consistent removal by the City of pollutants otherwise subject to federal pretreatment standards; and

x. Other fees as the City may deem necessary to carry out the requirements contained in this division.

The fees above related solely to the matters covered by this division and are separate from all other fees, fines, and penalties chargeable by the City.

Sec. 78-24. – Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this division, shall have the meanings as designated below:

Abnormally high strength compatible waste shall mean waste containing a BOD/CBOD5 above three hundred (300) mg/l or total suspended solids above three hundred (300) mg/l.

Abnormally low strength compatible waste shall mean waste containing a BOD/CBOD5 below fifty (50) mg/l and total suspended solids below fifty (50) mg/l.

Act or *the Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*, or as amended in the future. The Act provides statutory authority for both NPDES and pretreatment programs.

Administrative action shall mean an enforcement action authorized by FDEP as the approval authority, which is taken without the involvement of a court.

Administrative fine shall mean a punitive monetary charge unrelated to actual treatment costs, which is assessed by FDEP as the approval authority rather than a court.

Administrative order shall mean a document which orders the user to perform a specific act or refrain from an act. The order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.

Aliquot shall mean a portion of a sample.

Amalgam separator shall mean a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

Amalgam waste shall mean and include non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

ANSI/ADA Standard No. 108 shall mean the American National Standards Institute and American Dentistry Association (ADA) standard for amalgam separators.

Applicant shall mean an owner or agent of the owner of any land negotiating for City sewer services.

Approval Authority shall mean FDEP.

Authorized representative or *duly authorized representative* of the user shall mean the following:

(a) If the user is a corporation:

(1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary systems are established or actions taken to gather complete and accurate information for Industrial Wastewater Discharge Permit [or general permit] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate policies and procedures.

(b) If the user is a partnership or sole proprietorship, the authorized representative shall be a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs (a) through (c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Public Services Director, or their designee.

Baseline monitoring report or *BMR* shall mean a report submitted by industrial users within one hundred eighty (180) days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standards as set forth in 40 CFR § 403.12(b) and adopted by reference in Chapter 62-625, F.A.C. 51.

Batch discharge shall mean the controlled discharge of discrete, intermittent, and contained volume of discharge.

Best management practice plan or *BMPP* shall mean a plan prepared by a user describing the operational methodology to minimize the amount of waste from production and to handle the resultant wastes in an environmentally sound and efficient manner.

Best management practice or *BMP* shall mean schedules of activities, prohibitions, or practices, maintenance procedures, and other management practices to prevent or reduce pollution discharges. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, biosolids and/or waste disposal, and/or drainage from raw material storage.

Best professional judgement shall mean the highest quality technical opinion of a permit writer, after consideration of all reasonably available and pertinent data or information, forming the basis for the terms and conditions of a permit.

Biochemical oxygen demand or *BOD5* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20oC, usually expressed as a concentration, such as mg/L.

Biosolids shall mean primarily organic solids that are produced by wastewater treatment processes and can be beneficially recycled. Refer to Residuals or Sludge.

Biohazardous waste shall mean wastes from a biological source that may be hazardous to living organisms. Wastes can be physical, biological or chemical in nature.

Blowdown shall mean the discharge from boiler or cooling towers that contain high concentrations of accumulated dissolved solids or chemical additives such as biocides and corrosion inhibitors.

Building drain shall mean that part of the lowest horizontal piping of the internal plumbing system which receives the wastewater discharge from other plumbing inside the walls of the building and conveys it to a point five feet (5') outside the outer face of the building wall to the building sewer.

Bypass shall mean the intentional diversion of wastewater streams from any portion of a user's pretreatment facility.

Carbonaceous biochemical oxygen demand or CBOD5 shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter while eliminating nitrification of the oxygen under standard laboratory procedures for five days at 20°C, usually expressed as a concentration, such as mg/L.

Categorical pretreatment standard or *categorical standard* shall mean any regulation containing pollutant discharge limits or quantities of pollutants which are discharged to the POTW. These standards apply to a specific category of users, as established by the EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that also appear in appropriate subparts of 40 CFR Chapter I, Subchapter N, Parts 405-471, and adopted by reference in Chapter 62-625, F.A.C.

Categorical industrial user shall mean an industrial user subject to a categorical pretreatment standard or categorical standard.

Chemical oxygen demand or *COD* shall mean the laboratory determination of the oxygen equivalent expressed in mg/L of that portion of the organic matter that is susceptible to oxidation by the standard dichromate reflux method. The COD shall be determined in accordance with procedure set forth in the latest edition of Standard methods or the EPA's Methods for the Chemical Analysis of Water and Wastes.

Control authority shall mean the City of Apopka.

Color shall mean the color of the water from which turbidity has been removed, and which results from substances in solution.

Combined waste stream formula shall mean the equation used for the calculation of alternative discharge limits for industrial facilities where regulating waste streams from a categorical user is combined with other waste streams prior to treatment set forth in 40 CFR § 403.6, Chapter I, Subchapter N, and Rule 62-625.410(6), F.A.C.

Common oil and grease interceptor shall mean an interceptor that receives oil and grease from more than one facility, with different owners (operators) or types of activities.

Compatible constituent or *Pollutant* shall mean carbonaceous biochemical oxygen demand, chemical oxygen demand, oil and grease, suspended solids, pH, ammonia, nitrite/nitrate, total Kjeldahl nitrogen, total phosphorous and fecal coliform bacteria, plus any additional pollutants identified in the City's NPDES or FDEP permit(s), where the POTW is capable of treating such pollutants, does treat such pollutants, and in fact, does treat such pollutants to the degree required by the aforementioned permits.

Composite sample shall mean a mixture of discrete grab samples or aliquots taken at the same location, but at different times; and which will reflect average water quality at that monitoring location for the given sample time interval. Composite samples can be collected on a flow proportional or time proportional basis.

Concentration limit shall mean a limit based on the mass of pollutant per unit volume, usually expressed in milligrams per liter (mg/l).

Consistent removal shall mean the average of the lowest fifty percent (50%) of the removal efficiencies that is determined for a user or pretreatment facility in accordance with Rule 62-625.420(2), F.A.C.

Contaminant shall mean the introduction of any physical, chemical, or radiological substance, microorganisms, wastes or wastewater into a flow of water in a concentration that renders the water unsuitable for its intended use. Refer to *pollutant*.

Continuous discharge shall mean a discharge which occurs without interruption throughout the operating hours of the industrial facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Control manhole shall mean a manhole installed by the user at their expense to facilitate observation, sampling, and testing of the process wastewater.

Daily maximum limit shall mean the maximum allowable discharge of a pollutant during a 24-hour period, expressed in units of mass or as the arithmetic average measurement of concentration for all measurements within the 24-hour period.

Developed property shall mean any parcel of land that has been, or is about to be, improved to the extent that municipal water and sewer service are necessary prior to its utilization.

Dilute waste stream shall mean for purposes of the combined waste stream formula, the average daily flow (at least a 30-day average) from: (a) boiler blowdown streams, non-contact cooling streams, storm water streams, and demineralized backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an industrial user's regulated process waste stream(s) will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated; or (b) sanitary waste streams where such streams are not regulated by a categorical pretreatment standard; or (c) from any process waste streams which were, or could have been, entirely exempted from categorical pretreatment standards pursuant to paragraph 8 of the NRDC v. Costle Consent Decree (12 ERC 1833) for one or more of the following reasons (see Appendix D of 40 CRF Part 403):

(1) The pollutants of concern are not detectable in the effluent from the industrial user;

(2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;

(3) The pollutants of concern are present in amounts too small to be effectively deduced by technologies known to the EPA Administrator or approval authority; or

(4) The waste stream contains only pollutants which are compatible with the POTW.

Direct discharge shall mean the introduction of pollutants directly into the waters of the State.

Director shall mean the Director of the City's Public Services Division, who is the City's administrative official responsible for administering the City's wastewater system, or their authorized deputy, agent, or representative.

Discharge shall mean the introduction of pollutants into the POTW by any nondomestic source that is subject to the regulations of Fla. Stat. Chapter 403.

Discharge monitoring report shall mean the form for reporting the results of self-monitoring activities with an Industrial User Discharge Permit.

Dissolved solids shall mean the total amount of dissolved material, organic and inorganic, contained in water or waste.

Domestic wastewater shall mean the waste produced from non-commercial or non-industrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in households.

Effluent shall mean a discharge of pollutants into the environment, partially or completely treated or in its natural state.

Enforcement Response Plan shall mean the FDEP approved enforcement procedures followed by the control authority to identify, document, and respond to any violations of this division, as prepared in accordance with Rule 62-625.500, F.A.C.

Environmental Protection Agency or *EPA* shall mean the U.S. Environmental Protection Agency or, where appropriate, the EPA Region IV Water Management Division Director, or other duly authorized official of said agency.

Equalization shall mean a pretreatment process consisting of detention of a wastewater flow in a large tank, sump, or headbox to smooth out surges.

Existing source shall mean any source of discharge where the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which shall be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

FDEP shall mean the Florida Department of Environmental Protection.

Flow proportional composite sample shall mean a sampling method, which combines discrete sample aliquots collected over time that are based upon the flow of the waste stream being sampled. This method collects a constant sample volume at time intervals that vary based on the flow, *i.e.* a 200 milliliters (ml) sample is collected for every 5,000 gallons of flow (discharge).

Flow weighted average formula shall mean a procedure to calculate alternative limits where waste streams that are regulated by a categorical pretreatment standard and non-regulated waste streams are combined after treatment but prior to the monitoring location.

Food service establishment or *FSE* shall mean any establishment which prepares (cuts, cooks, bakes) or serves food to the general public and which disposes of food related wastewater.

Garbage shall mean animal and vegetable waste resulting from the domestic and commercial preparation, cooking, dispensing, and consumption of food, and from the handling, storage, and sale of produce.

Generator shall mean a user, by site or facility, who produces waste from the said user's process operation. The generator is responsible for disposal of the produced waste in accordance with applicable Federal, State, and local regulations.

Grab sample shall mean a sample which is collected from a waste stream at a particular time and location. That is, a sample is taken on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Hazardous waste shall mean a solid or liquid waste, or combination of solid or liquid waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics:

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or incapacitating reversible illness; or

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; or

(c) Meets one of the following four conditions:

(1) Exhibit a characteristic of a hazardous waste as defined in 40 CFR §§ 261.20-262.24; or

(2) Listed as a hazardous substance in 40 CFR §§ 261.31-261.33; or

(3) A mixture containing a listed hazardous waste and a nonhazardous solid waste, unless the mixture is specifically excluded or no longer exhibits any of the characteristics of hazardous waste; or

(4) Not excluded from regulation as a hazardous waste.

Hazardous waste pharmaceutical shall mean a pharmaceutical that is a *solid waste*, as defined in 40 CFR § 261.2, and exhibits one or more characteristics identified in 40 CFR part 261, subpart C; or is listed in 40 CFR part 261, subpart D.

Healthcare facility shall mean any person that is lawfully authorized to:

(a) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

(b) Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

(c) Healthcare facility does not include pharmaceutical manufacturers.

High strength wastewater surcharge shall mean the additional charge made in excess of the sewer service charge assessed against commercial or industrial users of the POTW, or commercial or industrial users outside the City system who are by contract or agreement with the City users of the POTW and whose wastewater characteristics exceed established limits for designated compatible pollutants.

Holding tank waste shall mean any waste from holding tanks such as, but not limited to, vessels, aircraft, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Incompatible Pollutant shall mean all pollutants other than *Compatible Pollutants* as defined previously. More specifically, it shall mean any pollutant other than CBOD, suspended solids, pH, fecal coliform bacteria, or additional pollutants identified in the POTW NPDES or FDEP permits to discharge, which the wastewater treatment facility was not designed to treat or do not remove to an acceptable degree.

Indirect discharge or *discharge* shall mean the introduction of a discharge or pollutants into the POTW from any nondomestic source regulated under Sections 307(b), (c), or (d) of the Act, including holding tank waste discharged into the system.

Industrial user shall mean any user of POTW identified in the Standard Industrial Classification Manual, current edition, United States Office of Management and Budget, that is a source of indirect discharge of industrial wastewater which does not constitute a discharge of pollutants under regulations issued pursuant to 33 U.S.C. § 1342.

Industrial User Discharge Permit shall mean a permit issued to an industrial user by the City that authorizes the discharge of industrial wastewater to the public wastewater collection system. This permit may set certain conditions and/or restrictions for this discharge.

Industrial wastes shall mean the liquid and solid wastes discharged into wastewater system from industrial manufacturing processes, trade, or business, as distinct from domestic wastewater.

Infiltration shall mean the water unintentionally entering the public sewer system, including water from sanitary building drains and laterals from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from *inflow*.

Inflow shall mean the water discharged into a sanitary sewer system, including building drains and sewer laterals, from such sources as, but not limited to, roof leader, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas,

manhole covers, cross-connections from storm sewers or combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include and is distinguished from *infiltration*.

Influent shall mean water, wastewater, or other liquid flowing into a tank, basin, treatment process, or treatment facility.

Instantaneous limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, as determined from the analysis of any discrete or composite sample, independent of the industrial flow rate and the duration of the sampling event.

Integrated sample shall mean a mixture of discrete grab samples taken from different locations at the same time or within a specified time interval. Typically, integrated samples are used to evaluate the average composition or total loading for combined waste streams; or to represent various points in a waste stream cross-section which are mixed proportional to their relative flow rates or volumes.

Interference shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its biosolids processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES or FDEP permit(s); or of the prevention of wastewater biosolids use or disposal in compliance with any of the statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act; any State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection Research and Sanctuaries Act.

ISO 11143 shall mean the International Organization for Standardization's standard for amalgam separators.

Local pollutant limit or *local limit* shall mean specific discharge limits developed and enforced by the City upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR § 403.5(a)(1) and (b).

Lower explosive limit shall mean the minimum concentration of combustible gas or vapor present in air necessary for ignition; that is, the lowest percentage by volume of a mixture that will propagate a flame at twenty-five degrees centigrade and atmospheric pressure.

Mass emission rate shall mean the weight of material discharged to the POTW during a given time interval, in pounds per day for the constituent or combination of constituents in question.

Mass limit shall mean a limit based on the weight of a pollutant per unit of time, usually expressed as pounds per day of the particular constituent.

Maximum allowable concentration shall mean the maximum permitted amount of a specified pollutant in a volume of water or wastewater, expressed in units of mass per unit of volume, such as milligrams per liter (mg/l).

Medical waste shall mean any solid waste or liquids which may present a threat of infection to humans. This includes, but is not limited to, human tissue, isolation waste, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly average shall mean the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Monthly average limit shall mean the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

NPDES shall mean the National Pollutant Discharge Elimination System.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

New source shall mean any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of the proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site which no other source is located; or

(b) The building, structure, facility, or installation is totally replacing the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(d) Construction on a site at which an existing source is located, results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (a), (b) or (c) above, but otherwise alters, replaces, or adds to existing process or production equipment.

(e) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous onsite construction program;

(2) Any placement, assembly, or installation of facilities or equipment; or

(3) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(4) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Pass through shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES or FDEP permit(s), including an increase in the magnitude or duration of a violation, or a violation of any agreement, resolution made, or standard for reuse.

Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pharmaceutical shall mean any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by 21 CFR, part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. *Pharmaceutical* does not include dental amalgam or sharps.

Pollutant shall mean constituents or foreign substances, including pathogens, that degrade the quality of the water so as to impair or adversely affect the usefulness or function of the water or pose a hazard to public health or the environment. Constituents or foreign substances that are present in water as a result of discharging into said water or waters with the following wastes, but is not limited to: dredged spoil, solid waste, incinerator residue, filter backwash, wastewater, garbage, wastewater biosolids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes. Examples of pollutants include, but are not limited to, pH, temperature, TSS, turbidity, color, BOD, CBOD, COD, toxicity, odors, metals and organics. Refer to Contaminant.

Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard (Rule 62-625.410(6), F.A.C.). Appropriate pretreatment technology includes control equipment, such as equalization tanks of facilities, for protection against surges or slug loading that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in a equalization facility with unregulated wastewater or flows from another regulated process, the discharge from the equalization facility must meet an adjusted pretreatment limit using the combined waste stream formula.

Pretreatment facilities shall mean equipment, structures and processes that are configured together for the treatment of discharges from users to the POTW.

Pretreatment program shall mean the program administered by the control authority that fulfills the criteria set forth in Rule 62-625.500, F.A.C.

Pretreatment requirements shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on a user.

Pretreatment standards or *standards* shall mean any regulation containing pollutant discharge limits, as established pursuant to Fla. Stat. Chapter 403, which applies to users. *Pretreatment standards* include prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or *prohibited discharges* shall mean absolute prohibitions against the discharge of certain substances which appear in Section 78-25 to protect the POTW.

Properly shredded garbage shall mean the wastes from the preparation, cooking, dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow condition normally prevailing in public sewers, with no particle greater than one-half inch (1.25cm) in any dimension.

Public Services Director or *Director* shall mean the Director of the City of Apopka's Public Services Department or the Director's designee. The title of Public Services Director is synonymous with the title of Public Works Director.

Public sewer shall mean a sanitary sewer, other than a building sewer, that is owned or controlled by the City.

Publicly owned treatment works or *POTW* shall mean a "treatment works," as defined by 33 U.S.C. § 1292, which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of wastewater or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

RCRA shall mean the Federal Resource Conservation and Recovery Act.

Receiving waters shall mean a body of water or watercourse (canal, ditch, lake, river, stream, or wetland) that receives discharge from the POTW or formed by the waters from such discharge.

Reclaimed water shall mean water or treated wastewater complying with the standards defined by FDEP which, as a result of treatment of wastes, is suitable for direct beneficial uses or controlled use by the public, agricultural, commercial, resident, industrial, or institutional projects or development that would not occur otherwise.

Reverse distributor shall mean any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

Sanitary sewer shall mean a pipe, which carries wastewater and to which storm, surface, and ground waters are typically not intentionally admitted.

Septic tank waste or *septage* shall mean any wastewater from holding tanks or individual on-site wastewater treatment systems, such as vessels, campers, trailers, septic tanks, and cesspools.

Severe property damage shall mean substantial physical damage to property, the user's treatment facilities so as to render them inoperable or substantial and permeant loss of natural resources which can reasonably be expected to occur in the absence of bypass. *Severe property damage* shall not mean economic loss due to delays in production.

Sewage shall mean the combination of water carried waste from residences, business buildings, institutions, and industrial establishments.

Sewer shall mean the pipe or conduit for conveying sewage or wastewater.

Sewerage system shall mean any devices and systems used in the collection, transmission, storage, treatment, recycling, and reclamation of domestic wastewater or industrial wastes of a liquid nature including interceptor sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; element essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined stormwater and sanitary sewer system.

Significant commercial user shall mean any nonresidential user of the City wastewater system which has:

(a) A discharged flow of ten thousand (10,000) gallons or more per day during any day of any calendar year;

(b) A discharge containing one or more abnormally high strength compatible pollutants; or

(c) A discharge which has been found by the Public Services Director or FDEP to potentially have a significant impact, either singly or in combination with other contributing users, on the City's wastewater system.

Significant industrial user or SIU shall mean any nonresidential user of the City wastewater system which meets one or more the following criteria:

(a) An industrial user subject to categorical pretreatment standards pursuant to 40 CFR, Subchapter N, Parts 405-471, and as adopted by reference in Rule 62-660, F.A.C.; or

(b) An industrial user that:

(1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW, excluding sanitary wastewater, noncontact cooling water and boiler blowdown;

(2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant; or

(3) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement in accordance with Rule 62-625.500(2)(e), F.A.C.

(c) Upon a finding that a user meeting the criteria of (b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR § 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant noncompliance or *SNC* shall mean a nonresidential user is in significant noncompliance if the violation meets one or more of the following criteria as defined in 40 CFR §§ 403.8(f)(4)(2)(viii)(A) and (B) and Rule 62-625.500(8), F.A.C.:

(a) Chronic violations of wastewater discharge limits;

(b) Technical Review Criteria (TRC) violations;

(c) Any other violation of a pretreatment effluent limit that the Public Services Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Public Services Director exercising emergency authority to halt or prevent such a discharge;

(e) Failure to meet within ninety (90) days the scheduled date a compliance schedule milestone contained in an Industrial User Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days of the due date any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s) which the Public Services Director determines will adversely affect the operation or implementation of the local pretreatment program.

Significant violation shall mean a violation of this division which remains uncorrected thirty (30) days after notification of noncompliance; or which is part of a pattern of noncompliance; or which involves failure to accurately report noncompliance; or, which resulted or results in the City exercising its emergency authority under this division or this Code of Ordinances.

Slug discharge or *slug load* shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this division. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to and accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits, or permit conditions.

Standard Industrial Classification (SIC) Code shall mean a classification system to identify various types of industries that is based upon the type of manufacturing or commercial activity at a facility pursuant to the Standard Industrial Classification Manual, current edition, United States Office of Management and Budget.

Standard Methods refers to "Standard Methods for the Examination of Water and Wastewater," current edition. Reference of analytical protocols and sample collection procedures as published jointly by the American Public Health Association, Water Environment Federation, and American Water Works Association.

Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with EPA protocols or Standard Methods, latest edition.

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA Administrator under the provision of Sections 307(a)(1) or 405(d) of the Act, or other laws, or by FDEP pursuant to Florida Statutes. In general, a pollutant or combination of pollutants which, following discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause illness, disease, death, mutations, deformities or other maladies into said organisms or their offspring.

Upset shall mean an exceptional incident in which there is unintentional and temporary non-compliance with applicable categorical pretreatment standards because of factors beyond the

reasonable control of the industrial user. An upset does not include temporary noncompliance to the extent caused by, but not limited to, force majeure, operational error, lack of preventive maintenance, careless or improper operation, and improperly designed or inadequate treatment facilities as described in 40 CFR § 403.16(a) and Rule 62-625.840, F.A.C.

User shall mean a source of indirect discharge to the POTW; that is, a person who contributes, causes, or permits the contribution of sewage or wastewater to the POTW.

Wastewater shall mean the spent or used water containing dissolved and suspended structures, such as, but not limited to, industrial and domestic wastes from residential dwellings, commercial buildings, industrial manufacturing facilities, and institutions, whether treated or untreated, which are contributing to the POTW.

Wastewater treatment plant or *water reclamation facility* shall mean that portion of the POTW which is designed to provide treatment of municipal wastewater and industrial waste.

Watercourse shall mean an artificially created or naturally occurring geological feature that contains surface water on either a continuous or intermittent basis.

Sec. 78-25. – General sewer use requirements.

(a) *Use of sewers required*.

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this division.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic systems, cesspool, or other facility intended or used for the treatment or disposal of wastewater.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any easement, street, alley, or right-of-way in which there is now located or in the future may be located a public sanitary sewer of the City, is hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities with the public sewer in accordance with the provisions of this division, Florida Statutes, and the rules and regulations of the Florida Department of Health.

(5) The owner of a house, building, or property who is directed to or elects to connect property that is served by a septic system to the public sewer or is required to connect to the public sewer because of a failure of or proposed expansion to the septic system, shall connect to the POTW at their own expense.

(6) In isolated hardship instances, the Director, pursuant to Florida Statutes, may exempt owners of property from the mandatory sewer connection provision, upon finding that the connection to the public sewer is not feasible. The determination of unfeasibility may be based upon financial considerations or physical obstructions, which restrict connection to the sewer system. All requests from owners of property for an exemption from the mandatory sewer connection shall be submitted in writing to the Director and shall contain the name of the property owner, the address and legal description of the property, the present use of the property, and any proposed change in use of the property, and the justification for the requested exemption. The Director shall review the request and shall grant or deny the request in writing, citing the specific reasons for the denial thereof, within thirty (30) days following the receipt of the completed application for exemption. Failure of the Director to decide within the said thirty (30) day period shall be deemed to constitute a denial of the request for an exemption. All denials of request for exemption are subject to judicial administrative review by the City Council.

(b) *Private wastewater disposal*.

(1) Where a public sanitary sewer is not available, the lateral shall be connected to a private wastewater disposal system or septic system complying with the provisions of this division.

(2) Before commencement of construction, reconstruction, enlargement, modification, or improvement of a private wastewater disposal system, the property owner shall first obtain a written permit signed by the Director. Before commencement of construction, reconstruction, enlargement, modification, or improvement of a septic system, the property owner shall obtain a permit through the State or county agency; no City permit for septic system construction or modification will be required. All other systems will be subject to a City permit.

(3) A permit for a private wastewater disposal system shall not become effective until the installation is completed and has been inspected and approved by the City. A city representative shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before the underground portions are covered.

(4) The types, capacities, location, and layout of private wastewater disposal systems and septic systems shall comply with all applicable requirements of the Orange County Health Department. No septic system or cesspool shall be permitted to discharge to a natural outlet.

(5) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, or as required by the Director, a direct connection shall be made to the public sewer in compliance with this division, and any private wastewater disposal systems shall be abandoned and rendered unusable with the exception of components of the system that are necessary for the conveyance of sewage to the public sewer.

(6) If otherwise approved by the Florida Department of Health, property served by an adequately functioning septic system shall not be required to connect to the public sewer until such time as the septic tank or drain field needs replacement, the system is condemned by regulatory health authorities, or the system requires expansion or relocation as a result of proposed improvements to or on the property. In cases where the septic system has failed and needs replacement, the property shall connect to the public sewer system within thirty (30) days of the determination that the septic system is no longer functioning adequately and presents a possible health hazard to the property owner or the community.

(7) The property owner shall construct the private wastewater disposal or septic system at no cost to the City. The property owner shall operate and maintain the system in a sanitary and effective manner at all times, at no expense to the City.

(8) No statement contained in this section shall be construed to interfere with additional or more stringent requirements that may be imposed by health officers or other regulatory agencies.

(c) *Prohibited discharge standards*.

(1) *General prohibitions*.

a. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.

b. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any public sewer unless previously approved by the Director or their designee.

c. Stormwater, other unpolluted drainage, industrial cooling water or unpolluted process waters may be discharged with written approval of the Director or their designee, to a specifically designated stormwater system or natural outlet.

(2) *Specific prohibitions.*

a. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the testing methods specified in 40 CFR § 261.21, as amended;

2. Wastewater having a pH less than 5.5, or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment, or creating safety or

health hazards to City personnel or the general public; 40 CFR § 261.22 established that wastes discharged with a pH over 12.5 are considered corrosive hazardous waste and therefore, the POTW would need to comply with applicable requirements under the RCRA and implementing regulations for Treatment, Storage, and Disposal Facilities if such wastes are delivered to the POTW by truck, rail, or dedicated pipe;

3. Solids or viscous substances in amounts or of such size that are capable of causing obstruction of the flow in sewers, or other interference with the proper operation of the treatment works such as, but not limited to, grease, ashes, cinders, grass clippings, sand, mud, grit, gravel, stone or marble dust, screening, straw, shavings, metal, glass, rags, wastepaper, feathers, tar, asphalt residues, plastic, wood, unground garbage, spent lime, spent grains, spent hops, ground paper products, residues from refining or processing of fuel, lubricating oil, car wash recirculation sludge, glass grindings, polishing wastes, whole blood, paunch manure, hair and fleshing's, bones, entrails, or paper or plastic dishes, cups, milk containers, either whole or ground by garbage grinders, but in no case shall solids be greater than 0.4921" or 1.25cm in any dimension be accepted;

4. Wastes or compatible pollutants, including oxygen-demanding pollutants (BOD, COD, TKN, TP, TSS, chlorine demanding compounds, *etc.*), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

5. Any wastewater having a temperature which will inhibit biological activity at the POTW or interfere with the treatment process as defined in this division shall not be discharged in such quantities to raise the temperature of the influent headworks above 100°F (37.8°C). No user shall discharge into any public sanitary sewer wastes with a temperature in excess of 140°F (60°C), unless a higher temperature is allowed in their Industrial Wastewater Discharge Permit;

6. Petroleum oil fuels, lubricants, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

7. Any sewage or wastewater containing toxic pollutants in sufficient quantity, either singly or in combination with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in receiving waters of the City's wastewater system or reclaimed water system, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act, as amended;

8. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, biosolids, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance be discharged to the POTW which causes the POTW to be in noncompliance with biosolids use or disposal criteria, guidelines, or regulations developed under Section 405 of the

Act; and criteria, guidelines, or regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the biosolids management method being used;

9. Any substance which will cause the POTW to violate its NPDES, FDEP, or other applicable permits, the receiving water quality standards, reuse water quality requirements, or violate an agreement for receipt of and reuse of reclaimed water;

10. Trucked or hauled pollutants, except at discharge points designated by the Director or designee;

11. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

12. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;

13. Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable State and Federal regulations;

14. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, treated hazardous wastes, and unpolluted wastewater, unless specifically authorized by the Director;

15. Biosolids, sludges, screenings, or other residues including, but not limited to, car wash sludge catch basin residual, lint trap solids, and other similar waste from the pretreatment or other industrial waste facilities;

16. Medical, biological, or biohazardous wastes, except as specifically authorized by the Director in an Industrial Wastewater Discharge Permit or a general permit;

17. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity tests;

18. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;

19. Any waters or wastes containing fats, waxes, oils, or greases of animal or vegetable origin, products of mineral oil origin, petroleum hydrocarbon oils and greases, whether emulsified or not, in excess of the total oil and grease local limit or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred (100°) degrees Fahrenheit. Exceedances of the total oil and grease local limit shall be considered as a

violation, and the user may be subject to enforcement action and high strength surcharges;

20. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to review and approval by the Director;

21. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not;

22. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations that after treatment of the composite sewage, exceed limits which may be established by the Director, as necessary, to meet the requirements of federal, state, or other public agencies of jurisdiction for such discharge to receiving waters;

23. Wastewater causing any single reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%). The meter shall be calibrated using propane to show a value of one hundred percent (100%);

24. Any enzyme degreasers, chemical degreasers, emulsifiers, or unauthorized biological microbial degreasers; or

25. Any hazardous waste pharmaceuticals from healthcare facilities and reverse distributors.

b. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

c. Industrial users shall notify and obtain approval from the Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities (in writing) of any discharge to the POTW of a substance which, if otherwise disposed of, would be a hazardous waste. Such notification shall comply with 40 CFR § 403.12 and Rule 62-625.600(15), F.A.C., as amended from time to time.

(d) *National categorical pretreatment standards.* Non-commercial users may be subject to the national categorical pretreatment standards or a pretreatment permit, general use permit, or the City's Oil and Grease Management Program. Users must comply with the categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471, and Rule 62-625.410 F.A.C.

(1) Certain industrial users now or hereafter shall become subject to national categorical standards promulgated by the Environmental Protection Agency as currently in effect or any other federally approved limits which may come into effect. The national categorical standards specify quantities or concentrations of pollutants or pollutant properties which may be discharged into POTW. All industrial users subject to a national pretreatment standard shall comply with all requirements of such standard, which includes any

monitoring or reporting requirements, and shall also comply with any additional or more stringent limitations contained in this division. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard or required by the City. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard.

(2) The categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as amended, and which have been incorporated by reference in Rule 62-660, F.A.C., as amended, are hereby incorporated herein.

(3) When the limits in a categorical pretreatment standard are expressed only in terms of either mass or the concentration of pollutant in wastewater, the Director may impose equivalent concentration or mass limit in accordance with 40 CFR § 403.6(c) and Rule 62-625.410(4)(b), F.A.C., as amended.

(4) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined waste stream formula as defined in 40 CFR § 403.6(e) and Rule 62-625.410(6), F.A.C, as amended.

(5) A user may obtain a variance from a categorical pretreatment standard if the user can prove that, pursuant to the procedural and substantive provisions in 40 CFR § 403.13 and Rule 62-625.700, F.A.C., as amended, factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(6) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. The City may establish equivalent mass limits only if the industrial user meets all of the conditions set forth below for at least six months prior to the request. These mass limits will be re-evaluated annually based on these conditions. If the industry fails to continually meet the requirements set forth in this section, then the City will revert the limits back to pollutant concentrations.

a. To be eligible for equivalent mass limits, the industrial user must:

1. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its Industrial Wastewater Discharge Permit;

2. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

3. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

4. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

5. Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

b. An industrial user subject to equivalent mass limits must:

1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

3. Continue to record the facility's production rates and notify the Director, or designee, whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in this section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to this section as long as it discharges under an equivalent mass limit.

c. When developing equivalent mass limits, the Director:

1. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated processes of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

2. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

3. May retain the same equivalent mass limit in subsequent Industrial Wastewater Discharge Permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original

calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to this section. The industrial user must also be compliant with this section regarding the prohibition of bypass.

(7) The Director may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455, to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the Director. When converting such limits to concentration limits, the Director will use the concentrations in the applicable subparts of 40 CFR parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by this section (See 40 CFR § 403.6(d)). In addition, the Director will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (See 40 CFR § 403.6(c)(7)).

(8) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section, in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(9) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(10) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Director within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Public Services Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

(e) *State pretreatment standards*. Users must comply with state pretreatment standards of Rule 62-625, F.A.C.

(f) *Local pollutant limits.*

(1) The Director is authorized to establish local limits consistent with 40 CFR § 403.5(c).

(2) The following local pollutant limits are established to protect the City's wastewater system against pass through and interference and to prevent noncompliance with requirements in applicable permits or violations in agreements for reuse of the reclaimed water and residuals.

(3) No person shall discharge wastewater containing pollutants in excess of pretreatment standards and requirements or the following instantaneous maximum uniform concentration limits unless the Industrial User Discharge Permit of the user provide as a special permit condition a higher interim concentration level in conjunction with a

requirement the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table below:

Table 78.25-1

Pollutant	Maximum Uniform Concentration Limit (mg/L)
Arsenic	0.28
Cadmium	0.16
Biochemical Oxygen Demand (BOD)	6,300
Chloride	3,800
Chromium, Total	4.9
Copper	4.6
Cyanide	1.9
Lead	1.1
Mercury	0.091
Molybdenum	0.502
Nickel	2.6
Nitrogen, Total	60
pH	5.5 to 10.0
Selenium	0.51
Silver	4.9
Sodium	2,100
Zinc	2.7
Suspended Solids, Total (TSS)	5,275
Oil and Grease (Petroleum Hydrocarbon)	100
Oil and Grease (Vegetable and Animal)	400

**The above limits apply at the point where wastewater is discharged to the POTW. All concentrations for metallic substances are for total recoverable metal, unless indicated otherwise. The Director may impose mass limitations in addition to the concentration-based limitations above.*

(4) The local pollutant limits above may be adjusted, and additional local pollutant limits may be added from time to time based on treatment plant monitoring, water quality requirements, field investigation of industrial users, or any other factors which the Director deems of significance with respect to the proper and safe operation of the City's POTW. These limits can represent an average of four composite samples if so specified in the Industrial User Discharge Permit.

(5) At the discretion of the Director, any nonresidential user may be required to develop and fully implement a BMP for specific constituents, and to participate in the related City best management practices program. All industrial users shall develop and fully implement a BMP plan, if required, to comply with applicable general pretreatment standards in 40 CFR part 403, categorical pretreatment standards, City local limits, and state law. This requirement may be in addition to the limits set forth in this section. industrial users shall comply with the local limits set for in this section, with exception when the Director specifically requires a user to develop, implement, and comply with a BMP plan as a condition of the industrial permit.

(6) For the purposes of pH monitoring, an exceedance shall be defined as an excursion outside of the local limit range for pH for more than fifteen (15) consecutive minutes in a calendar day. However, if only one grab sample is collected for pH monitoring within a fifteen-minute consecutive period, then the one grab sample will be deemed representative for the entire fifteen-minute consecutive period. If multiple samples are collected for pH monitoring within the fifteen-minute consecutive period, all sample results must exceed the local limit range for the samples to be defined as one exceedance for the period.

(7) Technically defensible local limits, such as those established by resolution, may be added or amended from time to time based on the results of treatment plant monitoring, water quality requirements, field investigation of industrial users, or other factors which the Director deems of significance with respect to the proper and safe operation of the POTW and necessary for compliance with applicable permits and effluent disposal or reclaimed water standards or agreements.

(g) *City's right of revision*. The City reserves the right to establish, by ordinance or in permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this division.

(h) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the national categorical pretreatment standards, local pollutant limits, other pretreatment standards, discharge limitations, or requirements, including, but not limited to, more stringent local pollutant limits developed in accordance with 40 CFR § 403.5(c) and Rules 62-625.400(3) and (4), F.A.C., as may be amended from time to time, unless expressly authorized by an applicable pretreatment standard or requirement.

Sec. 78-26. – Pretreatment of wastewater.

(a) *Pretreatment facilities.*

(1) Users shall provide, in accordance with Rule 62-625.500(2)(a)3.a., F.A.C., wastewater treatment as necessary to comply with this division and shall achieve compliance with all federal categorical pretreatment standards, local limit, and the prohibitions set out in this section within the time limitations specified by EPA, FDEP, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense.

(2) If pretreatment is required through the issuance of an Industrial User Discharge Permit users of the POTW shall design, construct, operate, and maintain such wastewater pretreatment facilities whenever necessary to reduce, modify, or eliminate the user's wastewater discharge to achieve compliance with the limitations in wastewater strength set forth in Section 78-25 above, to meet applicable national pretreatment standards, or to meet any other wastewater condition or limitation contained in the user's permit at their own expense. Detailed plans, specifications, and operating procedures for such wastewater pretreatment facilities shall be prepared by a professional engineer(s) that is registered in the State of Florida and shall be submitted to the Director for review before such facilities are constructed. After review and acceptance of the plans, but prior to beginning construction, the user shall submit a set of final construction plans and specifications to the Director. Prior to beginning construction, the user shall also secure such building, plumbing, or other permits that may be required by city or county ordinance. The user shall construct said pretreatment facility within the time provided in the Industrial User Discharge Permit. Following completion of construction, the user shall provide the Director with "as built" drawings.

(3) Neither the issuance of permits, nor the filing of construction documents (plans, specifications, or data) shall be construed to indicate the City or the Director in any way vouches for or warrants the performance capabilities of any facilities that are constructed pursuant to such plans, specifications, or data. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this division. Unless authorized by the Director in writing, subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without thirty (30) days' prior notice to the Director.

(b) *Additional pretreatment measures*. If any waters or wastes are discharged, or are proposed to be discharged to the POTW, which waters contain substances or possess the characteristics enumerated in Section 78-25, and which may have a deleterious effect on the POTW, treatment process, equipment, receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may take one or more of the following actions:

(1) Reject wastes;

(2) Require pretreatment of the wastes to an acceptable condition for discharge to the City POTW;

(3) Require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this division;

(4) Require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to insure equalization of flow. An Industrial Wastewater Discharge Permit or a general permit may be issued solely for flow equalization;

(5) Require grease, oil, and sand interceptors if they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users, unless they are determined to be a nuisance. All interceptor units shall be of a type and capacity approved by the Director, shall comply with the City's oil and grease management program contained in this division, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, in accordance with the City's oil and grease management program by the user at their expense;

(6) Require users with the potential to discharge flammable substance; wastes containing TRPH's; or petroleum-based oils and grease to install and maintain, at their sole expense, an approved interceptor, and combustible gas detection meter;

(7) Require payment pursuant to the provisions of this division, to cover the added cost of handling and treating the wastes not covered by existing fees or sewer charges.

(c) *Accidental discharge/slug discharge control plans.* The Public Director shall, at least every two years, evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Director may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges, at the user's own expense. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including nonroutine batch discharges;

(2) Inventory and description of stored chemicals, products, or materials stored on site;

(3) Procedures for immediately notifying the Director of any accidental or slug discharge, with a list of contact persons, emails, and telephone numbers

(4) Procedures to prevent adverse impact from an accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, or measures and equipment for emergency response; and

(5) Description of employee training programs to prevent accidental or slug discharges and how to handle such episodic occurrences.

Industrial users are required to notify the POTW immediately of changes that occur at the facility affecting the potential for a slug discharge, thereby allowing the POTW to reevaluate the need for a slug discharge control plan or other actions to prevent such discharges.

(d) *Best management practice plans (BMPP) and pollution prevention plans*.

(1) The Director may require a user to develop and submit for review a BMPP to control discharges to the City's wastewater system. The user shall implement the provisions of the BMPP on a timely basis and shall exercise due diligence in pursuit thereof. The BMPP shall contain, at a minimum, the following elements:

a. Purpose and objective(s) of the plan;

b. A description of the strategies to minimize/prevent the introduction of pollutants into the user's discharge and to minimize waste generation;

c. A description of best management practices (options) available to the user to control accidental spillage, leaks, and drainage;

d. A description of best available or practical control technologies available for this specific application;

e. A description of the overall facility, including a site plan;

f. A description of waste handling, treatment, and discharge disposal facilities, including flow diagrams and process schematics;

g. A description of operating and maintenance procedures;

h. Inventory of raw materials and a list of waste sources;

i. A description of employee training programs, continuing education programs and participation;

j. A description of documentation, including recordkeeping and forms;

k. A description of monitoring activities;

l. Information log of facility personnel, organizational chart, emergency phone numbers, contact persons, and maintenance or service representatives.

(2) The Director may require a user to develop and submit a pollution prevention plan including an implementation timetable for review. The user shall implement the pollution prevention plan on a timely basis once each plan has been approved. The plan shall be developed in accordance with EPA and FDEP guidelines, and shall contain the following elements:

a. A description of strategies to minimize or prevent the introduction of pollutants into the user's discharge, and housekeeping of oil storage areas;

b. A description of routine preventive maintenance and schedule of activities;

c. A description of spill prevention techniques and response procedures;

d. A description of employee training programs and participation in pollution prevention measures, preventive maintenance, response procedures, and documentation;

e. A description of recordkeeping and reporting protocols, including forms;

f. A description of the overall facility, including a site plan, process schematics, and pluming diagrams;

g. A description of waste handling, treatment, and discharge facilities including flow diagrams and process schematics;

h. A list of sources of wastes and locations for their introduction into the discharge;

i. Inventory of raw materials, chemicals, intermediate products, and final products on-site;

j. Information log of facility personnel, organization chart, emergency phone numbers, contact persons, and continuing education requirements;

k. Compilation of applicable permits;

l. Timetable for implementation of any necessary changes or additions to the user's procedures or facilities.

(e) *Spill containment and response plan*.

(1) The Director may require a user to develop, submit for review, and implement a spill containment plan. Users that have the potential to cause interference within the POTW or passthrough to the WRF shall be required to develop such a plan.

(2) The plan shall contain, at a minimum, those elements that were listed above for the accidental discharge/slug discharge control plan, the BMPP, and the pollution prevention plan.

(3) The user shall develop and implement the spill containment plan, including construction for any needed facilities for the plan, within six months of notification from the Director.

(f) *Hauled wastewater*.

(1) At this time the POTW is not designed to have a pumping or receptacle station capable of accepting hauled wastewater.

(2) No person shall discharge any trucked, or hauled wastes, pollutants or substances into the POTW at any location. In the future, this waste may be accepted, only if locations are constructed for dumping, metering, and monitoring of the waste concentrations, and at times established by the Director. Review and approval of a spill containment plan, for the

hauler, by the Director shall not relieve any user of the responsibility to comply with any provisions of this division or any other provisions in this Code of Ordinances.

(3) Under no circumstances shall hazardous wastes, as defined in 40 CFR part 261 or 10 CFR § 25-4.261, as amended, be hauled to the City wastewater facility for disposal. Nor shall any waste hauled to the City for disposal violate Section 78-25 any other requirements established by the City.

(4) The Director may require septic tank or other waste haulers to obtain Industrial Wastewater Discharge Permits or general permits.

(5) Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior written consent of the Director. The Director will require the hauler to collect and analyze samples of each hauled load to ensure compliance with applicable standards. The Director will require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(6) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(7) The Director may rescind the authorization for a hauler to discharge hauled wastes for violations of the provisions of this division or other provisions of the Apopka Code of Ordinances; failure to obey an order of an authorized City employee or agent; or for the failure to pay any assessed fees, surcharges, or fines.

Sec. 78-27. – Industrial wastewater discharge permits and general permits.

(a) *Wastewater analysis*. The City hereby establishes Industrial Wastewater Discharge Permitting. The City may include such provisions, terms, and conditions in the Industrial Wastewater Discharge Permits as it may determine reasonable and necessary pursuant to this division and applicable to local, state, and federal wastewater standards. No such permit shall be issued until all fees, including, but not limited to, wastewater capital charges, sewer connection fees, and application fees are paid to the City in accordance with City rate resolutions and ordinances. When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within twenty-one (21) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information. Sample collection and waste analysis shall be done in accordance with this division and Rule 62-625-600, F.A.C., as may be amended.

(b) *Industrial wastewater discharge permit and general permit requirements.*

(1) No significant industrial user shall discharge wastewater into the POTW without first obtaining an Industrial Wastewater Discharge Permit or general permit, except that a significant industrial user that has filed a timely application may continue to discharge for the time period specified therein.

(2) The Director may require other users to obtain Industrial Wastewater Discharge Permits or general permits as necessary to carry out the purposes of this division.

(3) Any violation of the terms and conditions of an Industrial Wastewater Discharge Permit or general permit shall be deemed a violation of this division and subjects the industrial wastewater discharge permittee to the enforcement response and remedies set out in Sections 78-33 through 78-35 of this division. Obtaining an Industrial Wastewater Discharge Permit or general permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, or local law.

(c) *Industrial wastewater discharge and general permitting: existing connections*. Any user required to obtain an Industrial Wastewater Discharge Permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this division and who wishes to continue such discharges in the future shall within ninety (90) days after said date apply for an Industrial Wastewater Discharge Permit or a general permit in accordance with Section 78-27(e) below, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this division except in accordance with an Industrial Wastewater Discharge Permit or a general permit issued by the City.

(d) *Industrial wastewater discharge and general permitting: new connections*. Any user required to obtain an Industrial Wastewater Discharge Permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Industrial Wastewater Discharge Permit or general permit, in accordance with Section 78-27(e) below, must be filed at least one hundred eighty (180) days and approved at least forty-five (45) days prior to the date upon which any discharge will begin or recommence.

(e) *Industrial wastewater discharge and general permitting: compliance.* No permit holder shall discharge industrial sewage or wastewater in excess of the quantity, rate of discharge, or quality specified in the industrial wastewater discharger's permit or general permit. Any user desiring to modify the conditions in their Industrial Wastewater Discharge Permit or general permit, or changes the nature of their discharge to the City, including changes that affect required BMPP's, required best management program compliance, or affect the potential for a slug discharge, shall apply of an amendment or modification to said permit that includes the need for a slug control plan or BMPP, modification to existing slug control plans or BMPP's, or other actions to prevent slug discharges, pursuant to 40 CFR § 403.8(f)(2)(vi), Rule 62-625, F.A.C., and the applicable rules of the state administrative code.

(f) *Industrial wastewater discharge and general permit application contents*.

(1) All users required to obtain an Industrial Wastewater Discharge Permit or general permit must submit a permit application. The Director requires users to submit all of the following information as part of a permit application:

a. Identifying Information.

1. The name, address, telephone number, and facility location.

2. Contact information, description of activities, facilities, and plant production processes on the premises;

b. Environmental permits. A list and copy of any environmental control permits held by or for the facility;

c. North American Industry Classification System ("NAICS") code(s) for all facility processes and activities, in accordance with the latest edition of the NAICS manual;

d. Information, monitoring data and analysis on the nature and characteristics of the wastes and wastewater that the user proposes to discharge, or currently discharges to the City. Sample collection and analysis shall be done in accordance with 40 CFR part 136, and Rule 62-625-.600(1)(e)(b), F.A.C., as amended. Analysis shall be performed by a FDOH-certified laboratory;

e. Schedule of all industrial process waste flows produced before and after pretreatment, if any, at such premises, including the daily volume, and wastewater constituents and characteristics as determined by representative samples and analyses;

f. Estimated time and duration of the discharges with a twenty percent (20%) tolerance;

g. Site plans, floor plans, mechanical and plumbing plans, and details to show how all non-irrigation water lines and mains, water meter locations, building drains and waste lines, building sewers, sewer connections, and appurtenances by size, location, and elevation;

h. Each product by type, amount, process or processes and rate of production;

i. Type and amount of raw materials stored on site and processed (average and maximum amounts per day);

j. Number and type of employees, and current hours of operation for the facility;

k. Information on the pretreatment facility, if any, including, but not limited to, type of facility, design criteria, typical performance data, general operation and maintenance procedures, and proposed actual hours of operation of the pretreatment system;

l. Description of activities, facilities, production processes on premises, and a list of all raw materials and chemicals stored on site or used at the facility which are, or could accidentally or intentionally be discharged to the City wastewater system;

m. All the information required by Section 78-29(a)(2) below;

n. An accidental discharge/slug control plan for a facility that meet the requirements specified in Section 78-26(c) above;

o. The BMPP required to be performed by the SIU to comply with required categorical pretreatment standards, local limits, and state or local law; and

p. Any other information as may be deemed necessary by the Director to evaluate the permit application.

(2) Incomplete applications will not be processed and will be returned to the user for revision

(g) *Wastewater discharge permitting: general permits*.

(1) At the discretion of the Director, general permits may be used to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

a. Involve the same or substantially similar types of operations;

b. Discharge the same types of wastes;

c. Require the same effluent limitations;

d. Require the same or similar monitoring; and

e. In the opinion of the Director, are more appropriately controlled under a general permit than under Industrial Wastewater Discharge Permits.

(2) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 78-29(d)(2) below for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Director has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 78-29(d)(2) below.

(3) The Director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in this section and applicable State regulations, and a copy of the user's written request for coverage for three years after the expiration of the general permit.

(4) The Director may not control any SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass pollutant discharged per day or for SIUs whose limits are based on the combined waste stream formula or net/gross calculations.

(h) *Application signatories and certifications*.

(1) All wastewater discharge permit applications, user reports, and certification statements must be signed by an authorized representative of the user and contain the certification statement in Section 78-29(o) below.

(2) If the designation of the authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports to be signed by an authorized representative.

(3) A facility determined to be a non-significant industrial user by the Director pursuant to this division must annually submit the signed certification statement in Section 78-29(o)(2) below.

(i) *Industrial wastewater discharge and general permit denials*.

(1) The Director may deny any application for an Industrial Wastewater Discharge Permit or general permit for failure to meet or comply with the terms and conditions of this division. Reasons for denial may include, but are not limited to, one or more of the following:

a. Incomplete application;

b. Failure to respond to a request for additional information in a timely manner;

c. Submittal of false or inaccurate information or data;

d. Pretreatment facilities that are inadequate to protect the City's wastewater system and all the user's discharge to meet the standards set forth in this division;

e. Construction of facilities, installation of equipment or systems, or the startup of operations and discharge of wastes to the City wastewater system without a permit;

f. In the opinion of the control authority, the wastes would be harmful and detrimental to the City wastewater system, employees, or the public;

g. The accidental discharge/slug control plan submitted for the facility does not meet the requirements specified in this division; or

h. The BMPP submitted by the facility will not ensure the SIU's compliance with required categorical pretreatment standards, local limits, and state or local law, or does not meet the requirements of this division.

(2) Denial by the Director to issue an Industrial Wastewater Discharge Permit or general permit does not relieve the user of the responsibility to comply with the City's Code and obtain the necessary permits prior to the commencement of operations. The user retains the right to reapply for an Industrial Wastewater Discharge Permit and appeal the decision of the Director in accordance with this division using the procedure as set out in Section 78-28(c) below.

Sec. 78-28. – Industrial wastewater discharge permit and general permit issuance.

(a) *Industrial wastewater discharge and general permit duration*. An Industrial Wastewater Discharge Permit or general permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. An Industrial Wastewater Discharge Permit or general permit may be issued for a period of less than five years, at the discretion of the Director. Each Industrial Wastewater Discharge Permit or general permit will indicate a specific date upon which it will expire. If an Industrial Wastewater Discharge Permit or general permit is issued for less than five years it may be extended at the discretion of the Director provided the five-year term is not exceeded. A specific expiration date shall be stated in each Industrial Wastewater Discharge Permit or general permit.

(b) *Industrial wastewater discharge and general permit contents.* An Industrial Wastewater Discharge Permit or general permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, maintain the suitability of the reclaimed water for beneficial reuse, protect the general public and City employees health and safety, facilitate biosolids management, reuse, and disposal, and protect against or prevent damage to the POTW.

(1) Industrial wastewater discharge permit and general permits must contain:

a. A statement that indicates the wastewater discharge permit issuance date, effective date and expiration date, which shall not exceed five years;

b. A statement that the wastewater discharge permit is nontransferable without prior written notification to the City in accordance with Section 78-28(e) below, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limits, including best management practices, based on applicable pretreatment standards;

d. Self-monitoring, sampling, resampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, sample type based on federal, state, and local law, and the dictation that all sampling is performed in a manner representative of the discharge conditions of the reporting period;

e. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 78-29(d)(2) below and 40 CFR § 403.12(e)(2);

f. A statement of applicable civil or criminal penalties for a violation of pretreatment standards or requirements, and any applicable compliance schedules. Such schedules

may not extend the time for compliance beyond that required by applicable federal, state, or local law;

g. The site-specific accidental discharge/slug control plan that includes spill prevention, spill notification (to include requirements for SIU notification of both the control authority and the City POTW), and spill handling and spill containment procedures for all user waste streams to minimize/prevent the introduction of pollutants into the user's discharge to the City's POTW from accidental, unanticipated, or non-routine discharges;

h. Requirements for the maintenance of BMPP records, and those records that demonstrate compliance with the BMPP requirements for all records described in for the duration of the specified pursuant to 40 CFR § 403.12(o) and Rule 62-625, F.A.C.;

i. Requirements for the notification to the City for any new introduction of wastewater constituents or any substantial change in the volume or characteristic of the wastewater being introduced into the City POTW;

j. A statement that the compliance with the Industrial Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards or permits, including those which become effective during the term of the Industrial Wastewater Discharge Permit; and

k. Any grant of the monitoring waiver by the Director must be included as a condition in the user's permit (or other control mechanism).

(2) Industrial wastewater discharge or general permits may contain, but need not be limited to, the following conditions:

a. Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization;

b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

c. Requirements for the development and implementation of spill control plans or other special conditions, including best management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

g. Specifications for monitoring programs which may include: sampling locations, installation of a control manhole, installation of flow monitoring equipment, frequency and method of sampling flow, location and frequency of pH recording and recording device, number and types of sample analysis, and reporting schedule;

h. Prohibition of discharge of certain wastewater constituents or wastes;

i. Requirements for closure activities following cessation of operations by the user at the facility, including the notification of the Director, proper closure or removal of pretreatment facilities, authorized City personnel preforming final facility inspection, and completion of applicable forms;

j. A statement that compliance with the Industrial Wastewater Discharge Permit or general permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the Industrial Wastewater Discharge Permit or general permit; and

k. Other conditions as deemed appropriate by the Director to insure compliance with this division, and federal and state laws, rules, and regulations.

(c) *Permit issuance; appeals.* The user may petition the Director, in writing, to reconsider the denial of, or to modify the terms of, the Industrial Wastewater Discharge Permit, within ten (10) days of the receipt of notice of denial or permit issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the reasons for its objection to the permit denial or the Industrial Wastewater Discharge Permit provisions objected to, the reasons for this objection, and alternative conditions, if any, it seeks to place in the Industrial Wastewater Discharge Permit.

(3) The effectiveness of the Industrial Wastewater Discharge Permit or general permit shall not be stayed pending the appeal.

(4) If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider or not to issue an Industrial Wastewater Discharge Permit or general permit, or not to modify an Industrial Wastewater Discharge Permit or general permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties may appeal the determination of the final administrative action regarding the Industrial Wastewater Discharge Permit or general permit decision to the

circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the determination. Failure to file the appeal timely waives the user's right to do so.

(d) *Permit modification*. The Director may modify and change the terms and conditions of any Industrial Wastewater Discharge Permit during its duration, and notifying the user inwriting thereof, for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the Industrial Wastewater Discharge Permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the POTW, City personnel, the general public, the receiving waters, the reclaimed water system, or the City's beneficial sludge use;

(5) Violation of any terms or conditions of the Industrial Wastewater Discharge Permit;

(6) Violation of terms or conditions of the City's facility permits that are attributable to the user's discharge;

(7) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(8) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR § 403.13;

(9) To correct typographical or other errors in the Industrial Wastewater Discharge Permit;

(10) To reflect a transfer of the facility ownership or operation to a new owner or operator;

(11) To add new or modify existing site-specific accidental discharge/slug control plan requirements for all user waste streams to minimize/prevent the introducing pollutants into the user's discharge to the City POTW, or as required compliance with required categorical pretreatment standard, local limit, and state or local law; or

(12) To add a new or modify the existing BMPP for the handling of the user's waste streams and minimization/prevention of introducing pollutants into the user's discharge to the POTW, or as required compliance with required categorical pretreatment standard, local limit, and state or local law.

Users shall be informed of any proposed changes to their respective permits at least thirty (30) days prior to the effective date of change and shall be allowed a comment period

relating to any proposed changes in their permits within the first ten (10) days after issuance of such proposed change by the City. The City shall allow the discharger a reasonable period of time to comply with any changes in the permit required by the City, unless otherwise required by emergency or governmental regulations. Nothing in these regulations is intended to preclude the City from taking immediate action to temporarily modify a permit where there is imminent risk of damage to the POTW, the environment, or injury to the health and welfare of the public, or City employees. The permit holder may petition the City for modification of permit based on changed conditions. The Director shall review such petitions with supporting data, as deemed necessary, and take appropriate action.

(e) *Industrial wastewater discharge or general permit transfer.* Industrial wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advanced written notice to the Director and the Director approves the Industrial Wastewater Discharge Permit or the general permit coverage transfer. The notice to the Director must include a written certification by the new owner or operator which:

(1) States that the new owner or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur;

(3) Acknowledges full responsibility for complying with the existing Industrial Wastewater Discharge Permit or general permit; and

(4) Includes the signature of the authorized representative of the new property owner (user) and the signed certification statement.

(5) Failure to provide advance notice of a transfer renders the Industrial Wastewater Discharge Permit or the coverage under the general permit void as of the date of facility transfer.

(f) *Industrial wastewater discharge and general permit revocation.* The Director may revoke, and the permittee will be notified in writing thereof, an Industrial Wastewater Discharge Permit or coverage under a general permit as issued pursuant to the provisions of this article, for good cause as defined by, including, but not limited to, one or more of the following reasons:

(1) The discharge of industrial wastewater which causes or contributes to any violation of the provisions of this division;

(2) Failure to accurately report the wastewater constituents and characteristics of the discharge, or the status of the required BMPP or BMPP compliance status (where applicable);

(3) Failure to provide written notification of significant changes in operations, wastewater flow volume, or constituents and characteristics prior to discharge to the POTW, or

changes ate the facility that affect the potential for a slug discharge by the facility to the POTW;

(4) Failure to provide prior notification to the Director of changed conditions pursuant to Section 78-29(e);

(5) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(6) Falsifying self-monitoring reports and certification statements;

(7) Tampering with monitoring equipment or compliance samples;

(8) Refusing timely access to the facility premises and records by the Public Services Director or their appointees;

(9) Failure to meet effluent limitations;

(10) Failure to pay fines;

(11) Failure to pay sewer charges;

(12) Failure to meet compliance schedules or comply with consent orders;

(13) Failure to complete a wastewater survey or the wastewater discharge permit application;

(14) Failure to provide advance notice of the transfer of business ownership of a permitted facility;

(15) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge or general permit or this division;

(16) Any change or condition that requires either the temporary or permanent reduction or elimination of the permitted discharge;

(17) Failure to provide proper notification to the Director and the POTW for slug, accidental discharges, or bypass flows during emergency situations;

(18) Issuance of a new Industrial Wastewater Discharge Permit;

(19) A discharge which in the opinion of the Public Services Director may interfere with the operation or maintenance of the POTW, causes violation of the condition of the POTW's permits, or threatens human health or safety;

(20) Industrial wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge or general permits issued to a user are void upon the issuance of a new Industrial Wastewater Discharge Permit or general permit to that user; or

(21) Ceasing flow for a period of six months with or without notification of doing so.

(g) *Industrial wastewater discharge and general permit reissuance.*

(1) A user with an expiring Industrial Wastewater Discharge Permit or general permit shall apply for Industrial Wastewater Discharge Permit or general permit reissuance by submitting a complete permit application, in accordance with Section 78-27(e), a minimum of sixty (60) days prior to the expiration of the user's existing Industrial Wastewater Discharge Permit or general permit. Reissuance constitutes a new permit and is therefore subject to all new permit rules and regulations.

(2) A request for extending (changing) the expiration date of the Industrial Wastewater Discharge Permit, if issued initially with a duration of less than five years, shall be submitted to the Public Services Director thirty (30) days prior to the current expiration date, and may be granted at the Director's discretion as long as the full five-year permit duration is not exceeded.

(h) *Jurisdictional agreements and special arrangements.*

(1) If another local government, or user located within another local government, contributes wastewater to the POTW, the Public Services Director shall enter into an interlocal agreement pursuant to Fla. Stat. § 163.01, as amended, with the contributing local government.

(2) Prior to entering into an interlocal agreement required above, the Public Services Director shall request the following information from the contributing local government:

a. A description of the characteristics and volume of wastewater discharged to the POTW by the contributing local government;

b. An inventory of all users located within the contributing local government that are discharging to the POTW; and

c. Such other information as the Public Services Director may deem necessary.

(3) An interlocal agreement, as required above, shall contain the following conditions:

a. A requirement for the contributing local government to adopt a sewer use ordinance which is at least as stringent as this division, and local limits, including required baseline monitoring reports which are at least as stringent as those set out in this division. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to this division or local limits;

b. A requirement for the contributing local government to submit a revised user inventory on at least an annual basis;

c. A provision specifying which pretreatment implementation activities, including Industrial Wastewater Discharge Permit or general permit issuance, inspection and sampling, and enforcement, shall be conducted by the contributing government; including which of these activities shall be conducted by the Public Services Director and which of these activities shall be conducted jointly;

d. A requirement for the contributing local government to provide the Public Services Director with access to all information that the contributing local government obtains as part of its pretreatment activities;

e. Limits on the nature, quality, and volume of the contributing local government's wastewater at the point where it discharges to the POTW;

f. Requirements for monitoring the contributing local government's discharge;

g. A provision ensuring the Public Services Director access to the facilities of users located within the contributing local government's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director;

h. A provision specifying remedies available for breach of the terms of the interlocal agreement; and

i. Where the contributing local government has primary responsibility for permitting, compliance monitoring, or enforcement, the interlocal agreement shall specify that the City has the right to take action to enforce the terms of the contributing local government's ordinance or to impose and enforce pretreatment standards and requirements directly against dischargers in the event the contributing local government is unable or unwilling to take such action.

(4) No statement contained in this division shall be constructed as preventing any special agreement or arrangement by and between the City, any other jurisdiction or any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City, subject to payment therefor by the industrial concern, and provided that acceptance of such wastes do not violate any federal or state regulations, or laws, or permits.

Sec. 78-29. – Reporting requirements.

(a) *Baseline monitoring reports.*

(1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR § 403.6(a)(4), whichever is later, existing categorical industrial users and SIU's currently discharging to or scheduled to discharge to the POTW, shall submit to the Public Services Director a report which contains the information listed in paragraph (2) below. At least ninety (90) days prior to commencement of their discharge, all new sources, and sources that become categorical industrial users subsequent to the

promulgation of an applicable categorical standard, shall submit to the Public Services Director a report which contains the information listed in paragraph (2) below. A new SIU shall report the method of pretreatment it intends to use to meet the City's local limits. A new categorical source shall report the method of pretreatment it intends to use to meet applicable categorical standards. All sources shall provide an estimate of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

a. *Identifying information.* The names and titles of authorized representatives and contact persons, physical and mailing (if different) addresses for the facility, including the name of the facility operator and owner, telephone numbers and e-mail address.

b. *Environmental permits.* A list and copy of any federal, state, and local environmental control permits held by the facility.

c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classification codes of the operations carried out by the user. This description should include a site plan and a schematic process diagram which indicates the points of discharge to the POTW from regulated processes.

d. *Flow measurement.* Information showing the measures average and maximum daily flows, in gallons per day, to the POTW from regulate process streams and other waste streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR § 403.6 and Rule 62-625 F.A.C.

e. *Measurement of pollutants.*

- The user shall provide the information required by the categorical pretreatment standards applicable to each regulated process.

- The results of all sampling and analysis identifying the nature, characteristics, concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process (where applicable) and unregulated process shall be reported by SIUs. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required shall be reported. The sample must be representative of daily operations and shall be analyzed in accordance with procedures set out in this chapter, 40 CFR § 403.12, and Rule 62-625.600, F.A.C. Additionally, all categorical industrial users (CIUs) shall collect samples in compliance with categorical pretreatment standards and requirements.

f. *Sample collection.* Sampling shall be performed in accordance with the procedures set out in Section 78-29(j), 40 CFR § 403.12, and Rule 62-625.600 F.A.C.

g. *Certification Statement.* A statement, reviewed by the user's authorized representative found in Section 78-29(o) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) or additional pretreatment is required to meet the pretreatment standards and requirements.

h. *Compliance Schedule.* If additional pretreatment, BMPs, BMPPs, or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment, BMPs, BMPPs, or O&M necessary to bring the facility into compliance with the pretreatment requirements and this division. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule shall meet the following requirements:

- The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

- No increment referred to above shall exceed nine months;

- The user shall submit a progress report to the Public Services Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

- In no event shall more than nine months elapse between such progress reports to the Public Services Director.

i. *Signature and Report Certification.* All baseline monitoring reports and BMPP compliance status reports (where applicable) must be certified in accordance with Section 78-29(k)(1).

(b) *Reports on compliance with categorical pretreatment standard deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the discharge into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Public Services Director a report containing the information described in Section 78-29(a)(2). For user's subject to equivalent mass or concentration limits established in accordance with the procedures 40 CFR § 403.6(c) and Rule 62-625.410(4), F.A.C., as may be amended, this report shall contain a reasonable measure of the user's long-term production rate. For all other user's subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the

user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 78-29(k)(1). All sampling will be done in conformance with Section 78-29(j).

(c) *Periodic compliance reports.* All other significant industrial users shall submit a periodic compliance report to the control authority to demonstrate compliance with the pretreatment standards and other requirements set forth in this division.

(1) All significant industrial users shall, at a frequency determined by the Public Services Director, submit no less than twice per year (June and December) reports indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where required, the BMPP compliance status that includes the reporting on compliance with BMP-based categorical pretreatment standards or City local limits must also be reported. All periodic compliance reports must be signed and certified in accordance with this division.

(2) The City may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the significant industrial users has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the significant industrial users pursuant to 40 CFR s403.12(e)(2). This authorization is subject to the following conditions:

a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

b. The monitoring waiver is valid only for the duration of the effective period of the Industrial Wastewater Discharge Permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent Industrial Wastewater Discharge Permit.

c. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

d. The request for a monitoring waiver must be signed by the authorized representative of the user and include the required certification statement in Section 78-29(k)(1).

e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

f. Any grant of the monitoring waiver by the Public Services Director must be included as a condition in the user's permit. The reasons supporting the waiver and any

information submitted by the user in its request for the waiver must be maintained by the City for three years after expiration of the waiver.

g. Upon approval of the monitoring waiver and revision of the user's permit by the Public Services Director, the significant industrial users must certify on each report with the statement in Section 78-29(h)(3), that there has been no increase in the pollutant in its waste stream due to activities of the significant industrial users.

h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of their permit, or other more frequent monitoring requirements imposed by the Director and notify the Director.

i. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(3) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Public Services Director, using the procedures prescribed in Section 78-29(j), the results of this monitoring shall be included in the report.

(d) *Reports of changed conditions.* Each user must notify the Public Services Director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(1) The Public Services Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Industrial Wastewater Discharge Permit application.

(2) The Public Services Director may issue an Industrial Wastewater Discharge Permit or a general permit under Section 78-28(g) or modify an existing Industrial Wastewater Discharge Permit or a general permit under Section 78-28(d) in response to changed conditions or anticipated changed conditions.

(3) For purposes of the above requirement, significant changes include, but are not limited to the following;

a. Changes to the sampling outfalls;

b. Increase of twenty percent (20%) or more of the monthly average daily flow;

c. Increase of ten percent (10%) or more of the annual average daily flow;

d. Discharge of previously unreported pollutants;

e. Changes to the BMP or BMPP as needed to comply with a pretreatment standard, City local limits or pretreatment requirements; or

f. Changes at the facility affecting the potential for a slug discharge.

(e) *Reports of Potential Problems.*

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Public Services Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five days following such discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, the environment, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this division.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees to call in the event of a discharge described above. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the Public Services Director immediately of any changes at its facility affecting the potential for a slug discharge.

(f) *Reports from unpermitted users.* All users not required to obtain an Industrial Wastewater Discharge Permit or general permit shall provide appropriate reports to the Public Services Director as may be required.

(g) *Notice of violation; repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the Public Services Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Public Services Director within thirty (30) days after becoming aware of the violation. Re-sampling by the industrial user is not required if the City performs sampling at the user's facility at least once a month, or if the City performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the City receives results of this sampling. If the City performed the sampling and analysis in lieu of the industrial user, the City will perform the repeat sampling

and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(h) *Notification of the discharge of hazardous waste.*

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, the FDEP pretreatment authorities, and the State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which if otherwise disposed of would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge, the identification of the hazardous constituents in the waste stream being discharged, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. Notification shall be provided by the twenty-eighth of the following calendar month of such discharges. Any notification pursuant to this paragraph shall be submitted at least once for each hazardous waste discharged. Notification of changed conditions shall be submitted in accordance with this division. The notification requirement in this section does not apply to those pollutants already reported by users subject to federal categorical pretreatment standards under the self-monitoring requirements of this division.

(2) Dischargers are exempt from the requirements of paragraph (1) above, during a calendar month in which they discharge no more than fifteen (15kg) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e). Discharge of more than fifteen (15kg) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e), requires notification.

(3) In the case of any new regulations under Section 3001, RCRA, identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must provide written notification to the Public Services Director, the EPA Regional Waste Management Division Director, the FDEP pretreatment authorities, and the State hazardous waste authorities of the discharge of such substance within thirty (30) days of the effective date of such regulations.

(4) In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically feasible. Furthermore, the Public Services Director may require the user to develop and implement a pollution prevention plan, an accidental slug discharge and spill containment plan, or a BMP.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this division, a permit issued thereunder, or any applicable federal or state law.

(i) *Analytical Requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless

otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Public Services Director or other parties approved by the EPA.

(j) *Sample Collection.* Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(1) Except as indicated in subsections (2) and (3) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Public Services Director or required by a specific parameter. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols, including appropriate preservation, specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows:

a. For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field.

b. For volatile organics and oil and grease, the samples may be composited in the laboratory, these conditions create a pseudo composite.

c. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate.

d. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 78-29(a), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Public Services Director may authorize a lower minimum number of samplings. For the reports required by Section 78-29(c), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(4) Measurements, tests, and analysis of the characteristics and quality of waters and wastes to which reference is made in this division shall be performed in accordance with 40 CFR

part 136, Rule 62-160, F.A.C., and Rule 62-625.600(1)(e)(6), F.A.C., as may be amended, and shall be determined at the control manhole or site provided, or upon suitable samples taken at the control manhole. In the event that no control manhole or site is available, the control manhole shall be considered to be the nearest downstream manhole in the collection system to the point at which the building sewer is connected and shall be designated as the control manhole. Sampling shall be carried out to reflect the effect of constituents upon the POTW and to determine the existence of hazards to health, safety, and welfare.

(k) *Fees.* Annual costs for activities required under this section shall be recovered, at the City's option, through fees charged to the respective non-residential users. The City Council is authorized to adopt a fee schedule by Resolution. Fees may be assessed for each scheduled, unscheduled, or demand monitoring visit. Direct costs that are incurred by the City (or its authorized agents) for sampling, inspecting, and laboratory analysis, adjusted to reflect administrative, legal, and other indirect costs, necessary for implementation and enforcement of provisions of this division will be billed to the respective user. All self-monitoring costs incurred by the user, including, but not limited to, the cost of sampling, laboratory analysis, and reporting, shall be borne by the user. Costs for additional sample collection and laboratory analyses may be assessed on a daily basis as long as the results show that the user is discharging wastes to the POTW that are not in compliance with standards for limits set by this division or their permit.

(l) *Electronic Reporting.* The Public Services Director may allow or require reports, including monitoring information, to be submitted on electronic media or electronically using the Internet. In such cases, the user shall acquire the necessary software as approved by the City, at their own expense. The Director may require an original report, signed and certified, using conventional methods in addition to the electronic format.

(m) *Date of Receipt of Reports.* Written reports will be deemed to have been submitted on the date postmarked by the carrier. For reports, which are received electronically, the date submitted shall be the date the report is received via email to the pretreatment email address, or uploaded to shared electronic storage site, if used.

(n) *Recordkeeping.*

(1) Users subject to the reporting requirements herein, shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this division, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

(2) Records shall be retained and preserved at the user's facility for a period of at least three years. This period shall automatically be extended for the duration of any unresolved litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Public Services Director.

(3) All records pertaining to matters which are subject of any enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to appeals have expired.

(4) The Public Services Director shall have the right to inspect records and related documents. The records shall be made available by the user, subject to the provisions of this division, for inspection by the Director.

(o) *Certification Statements.*

(1) *Certification of Permit Applications, User Reports, and Initial Monitoring Waiver.* The following certification statement is required to be signed and submitted by users submitting permit applications, baseline monitoring reports, reports on compliance with the categorical pretreatment standard deadlines, periodic compliance reports, and an initial request to forego sampling of a pollutant on the basis of Section 78-29(d)(2). The following certification statement must be signed by an authorized representative:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and/or imprisonment for not reporting known violations. Furthermore, I understand that applicable civil and criminal penalties may apply for any violations of pretreatment standards, requirements, and/or compliance schedules.

(2) *Annual Certification for Non-Significant Categorical Industrial Users.* A facility determined to be a Non-Significant Categorical Industrial User by the Director must annually submit the following certification statement signed in accordance with the signatory requirements of this article. This certification must accompany an alternative report required by the Director:

> Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____, [*months, days, year*]:
>
> - The facility described as _____ [*facility name*] met the definition of a Non-Significant Categorical Industrial User as described in Rule 62-255.200, F.A.C.

- The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

- The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information: _____.

(3) *Certification of Pollutants Not Present.* Users that have an approved monitoring waiver based on Section 78-29(d)(2) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the user:

> Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR _____, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ in the wastewaters due to the activities at the facility since the filing of the last periodic report under Section 78-29(d)(2), and 40 CFR § 403.12(e)(1).

Sec. 78-30. – Compliance monitoring.

(a) *Right of Entry*: *Inspection and Sampling.* The Public Services Director or their designee shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this division and any Industrial Wastewater Discharge Permit or general permit or order issued hereunder. Users shall allow the Public Services Director or designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Public Services Director or their designee shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The Public Services Director or their designee shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The Public Services Director or their designee may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated in accordance with the manufacturer's recommendation, but not to exceed one year, to ensure their accuracy. Calibration records need to be held for three years.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or sampled shall be promptly removed by the user at the written or verbal request of the Public Services Director or their designee and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing the Public Services Director or their designee access to the user's premises shall be a violation of this division. The Public Services Director or their designee shall have the right to remove obstructions and recovery the costs from the user if emergency conditions are deemed by the City to exist.

(5) While performing the necessary work on private properties referred to in this section or other sections of this division, the Public Services Director or their designee shall observe all safety rules applicable to the premises established by the company. The company, to the extent allowed by law, shall be held harmless for injury or death to the City employee(s), for intentional or negligent acts solely caused by the City employee(s), and the City shall indemnify the company against loss or damage to its property be City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, for intentional or negligent acts solely caused by the City employee(s).

(6) The Public Services Director shall determine the location of the monitoring facility, if it is constructed in the public right-of-way or easement. The monitoring facility shall be located in an unobstructed location. The monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling, preparation of samples and analysis, and whether constructed on public or private property, the monitoring facility should be provided in accordance with the Public Services Director's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the Director to perform independent monitoring activities.

(b) *Inspection Warrants.* If the Public Services Director or their designee has been refused access to a building, structure, the property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Public Services Director may seek issuance of an administrative inspection warrant pursuant to Fla. Stat. §§ 933.20 - 933.30.

Sec. 78-31. – Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, Industrial Wastewater Discharge Permits, general permits, and monitoring programs and from the Public Services Director's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Services Director that the release of such information would divulge confidential information, processes, or methods of production entitled to protection as trade secrets under Fla. Stat. Chapter 119. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential the portions of the report which might disclose trade secrets or secret processes

shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this division, the NPDES program, the pretreatment program, the oil and grease management program, the surcharge program, or in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined in 40 CFR § 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

Sec. 78-32. – Publication of users in significant noncompliance.

The Public Services Director shall publish annually in a local newspaper of general circulation a list of all non-residential users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements specified in this division. The term significant noncompliance shall be applicable to all users and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all measurements taken from the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 78-25;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Section 78-25 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by Section 78-25 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Public Services Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Public Services Director's exercise of its emergency authority to halt or prevent such discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Industrial Wastewater Discharge Permit or general permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of best management practices, which the Public Services Director determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 78-33. – Administrative enforcement remedies.

(a) *Notice of violation.* When the Public Services Director finds that a user has violated or continues to violate, any provision of this division, an Industrial Wastewater Discharge Permit, or general permit, or order issued hereunder, or any other pretreatment standard or requirement, the Public Services Director may serve upon that user a written notice of violation, which may be served personally or via registered/certified mail. Such notice may be served on any authorized representative of the user. Within ten (10) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions, shall be submitted by the user to the Public Services Director. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing herein shall limit the authority of the Public Services Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) *Consent orders.* The Public Services Director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to this division and shall be judicially enforceable.

(c) *Show-cause hearing.* The Public Services Director may order a user who has violated, or continues to violate, any provision of this division, an Industrial Wastewater Discharge Permit, or general permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Public Services Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered/certified mail at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show-cause hearing shall not preclude, or prerequisite for, taking any other action against the user.

(d) *Compliance orders.* When the Public Services Director finds that a user has violated, or continues to violate, any provision of this division, an Industrial Wastewater Discharge Permit, or general permit, or order issued hereunder, or any other pretreatment standard or requirement, the Public Services Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established by a pretreatment standard or requirement, nor does a compliance

order relieve the user of liability for any violation, including any continuing violations. Issuance of a compliance order shall not be a bar against, or prerequisite for, taking any other action against the user.

(e) *Cease and desist orders.* When the Public Services Director finds that a user has violated, or continues to violate, any provision of this division, an Industrial Wastewater Discharge Permit, or general permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Public Services Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address continuing or threatened violation, including halting operations or terminating the discharge.

(3) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) *Administrative fines.*

(1) Any person, including any industrial user, found in administrative enforcement action to have violated any of the provisions of this division or permit or order issued hereunder shall be liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, to include reasonable attorneys' fees, whether or not litigation is necessary.

(2) Notwithstanding any other section of this division, any person who is found to have violated any provision of this division or permits and orders issued hereunder, shall be liable for administrative fines at a One Thousand ($1,000.00) Dollars per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such fines will be added to the person's next scheduled sewer service charge and the City shall have such collection remedies as necessary to collect such fines. Unpaid charges, fines, and penalties shall, after thirty-one (31) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.

(g) *Emergency suspensions.* The Public Services Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Public Services Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the

suspension order, the Public Services Director may take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Public Services Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Public Services Director that the period of endangerment has passed, unless the termination proceedings pursuant to Section 78-33(h) are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Services Director prior to the date of any show cause or termination hearing under Sections 78-33(d) or 78-33(9).

(3) Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

(4) Nothing herein, as a whole, is intended to preclude the City from taking immediate action to temporarily modify a permit or sever service of an industry completely when there is imminent risk of injury the public sewage system or to the health and welfare of human life or to the environment.

(h) *Termination of discharge.*

(1) In addition to the provisions of Section 78-28(f), any user who violates the following conditions is subject to discharge termination:

a. Violation of Industrial Wastewater Discharge Permit or general permit conditions;

b. Failure to accurately report the wastewater constituents and characteristics of its discharge;

c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

e. Violation of the pretreatment standards in Section 78-25.

(2) In situations that do not constitute and immediate danger, then such a user shall be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 78-33(c) why the proposed action should not be taken. Exercise of this option by the Public Services Director shall not be a bar, or a prerequisite for, taking any other action against the user.

(3) The City reserves the right, at the discretion of the Public Services Director, to either plug the sewer lateral to terminate the discharge or sever water service to prevent discharges. The other appropriate regulatory agencies may be notified of this action.

(i) *Supplemental enforcement actions.*

(1) *Penalties for late reports.* All reports with specific due dates shall be considered past due thirty (30) calendar days following the actual due date. Reports not received prior to the past due date will initiate an enforcement response of a notice of violation. The Enforcement Response Plan which is incorporated in this division provides for escalating enforcement of violations. The Public Services Director may impose additional penalties for late reporting violations.

(2) *Performance bonds.* The Public Services Director may decline to issue or reissue an Industrial Wastewater Discharge Permit or general permit to any user who has failed to comply with any provision of this division, a previous Industrial Wastewater Discharge Permit, general permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Public Services Director to be necessary to achieve consistent compliance.

(3) *Liability insurance*. The Public Services Director may decline to issue or reissue an Industrial Wastewater Discharge Permit or general permit to any user who has failed to comply with any provision of this division, a previous Industrial Wastewater Discharge Permit or general permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(4) *Payment of outstanding fees and penalties.* The Public Services Director may decline to issue or reissue an Industrial Wastewater Discharge Permit or general permit to any user who has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this division, a previous Industrial Wastewater Discharge Permit, general permit, or order issued hereunder.

(5) *Water supply severance.* Whenever a user has violated or continues to violate any provision of this division, an Industrial Wastewater Discharge Permit, general permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence at the user's expense only after the user has satisfactorily demonstrated its ability to comply and has paid in full the penalties assessed for the violation(s) and any outstanding invoice for wastewater services. The control authority shall not be responsible for any damage incurred by a user caused by or related to the water supply being severed.

(6) *Public nuisances.* A violation of any provision of this division, an Industrial Wastewater Discharge Permit, general permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Public Services Director. Any person(s) creating a public nuisance shall be subject to the provisions of the City code governing nuisances, including

reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

Sec. 78-34. – Judicial remedies.

(a) If any person violates the provisions of this division or any order or permit issued hereunder, the City may commence an action for appropriate legal or equitable relief in the Circuit Court for Orange County.

(b) Any person, including an industrial user, that complies with the notification and remediation provisions of this division or order rendered hereunder in a timely manner shall have an affirmative defense to any enforcement action brought by the Public Services Director for any noncompliance with this division, or an order or permit issued hereunder by the user, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

(c) Any person, including industrial user, who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility as at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

(3) The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five days:

a. A description of the indirect discharge and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

c. Steps being taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the person or industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) The person or industrial user shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) Persons and industrial users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method

of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(d) *Affirmative defenses.*

(1) *Upset.*

a. For the purposes of this subsection, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user.

b. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An upset shall constitute an affirmative defense to an action brought for Noncompliance with categorical pretreatment standards if the requirements of paragraph c, below, are met.

c. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the user can identify the cause(s) of the upset;

2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The user has submitted the following information to the Public Services Director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days. Information shall include, but may not be limited to:

i. A description of the indirect discharge and cause of noncompliance;

ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

iii. Steps being taken or planned to reduce, eliminate, and prevent recurrence of noncompliance.

d. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

e. Users shall have the opportunity for judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

f. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced or fails.

(2) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the with the general prohibitions in Section 78-25(c)(1) or the specific prohibitions in Section 78-25(c)(2) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

a. A local limit exists for each pollutant discharged and the user was compliant with each limit directly prior to and during, the pass through or interference; or

b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was compliant with applicable sludge use or disposal requirements.

c. The references herein refer only to specific prohibitions actually listed in the division. Pursuant to 40 CFR § 403.5(a)(2), the affirmative defense outlined herein cannot apply to the specific prohibitions in Sections 78-25(a), (b), (d), and (e).

(3) *Bypass.* For the purposes of this subsection, "bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

a. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of paragraph c. of this subsection.

b. If a user knows in advance of the need for a bypass, it shall submit written prior notice to the Public Services Director, at least ten (10) days before the date of the bypass. In the case of emergencies or unscheduled events, written notice shall be provided to the Public Services Director as early as possible. A user shall submit oral notice to the Public Services Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time they become aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and

prevent reoccurrence of the bypass. The Public Services Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

c. Bypass is prohibited and the Public Services Director may take an enforcement action against a user for a bypass. The Public Services Director may approve an anticipated bypass after considering its adverse effects if the Public Services Director determines that the industry will meet the following conditions:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The user submitted notices as required herein.

(4) *Injunctive Relief.* To the extend authorized under applicable law, when the Public Services Director finds that a user has violated or continues to violate any provision of this division, an individual wastewater discharge permit, an order issued hereunder, or any other Pretreatment Standard or Requirement, the Public Services Director, through the City attorney, may petition a court of appropriate jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this division on activities of the user. The Public Services Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(5) *Civil penalties.*

a. A user who has violated or continues to violate any provision of this division, an individual wastewater discharge permit, an order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City of Apopka for a maximum civil penalty authorized under applicable law per violation per day or $1,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

b. The Public Services Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Apopka.

c. In determining the amount of civil liability, all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice may require shall be considered.

d. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(6) *Criminal prosecution.*

a. To the extent authorized under applicable law, a user who willfully or negligently violates any provision of this division, an individual wastewater discharge permit, an order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a second-degree misdemeanor.

b. To the extent authorized under applicable law, a user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a second-degree misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

c. To the extent authorized under applicable law, a user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this division, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be guilty of a second-degree misdemeanor.

(7) *Remedies nonexclusive.* The remedies provided for in this division are not exclusive. The Public Services Director may take any of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with City of Apopka Enforcement Response Plan. However, the Public Services Director may take other action authorized under applicable law against any user when the circumstances warrant.

Sec. 78-35. – Permit miscellaneous provisions.

(a) The City may adopt by Resolution reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program.

Sec. 78-36. – Oil and grease management and surcharge programs.

(a) *Purpose and intent.* The purpose of this section is to provide for the implementation of the oil & grease management program ("OGMP") and the surcharge program ("SP"). The objective of the OGMP is to minimize the introduction of fat-soluble wastes to the collection system. The objective of the SP is to recover the costs from users for receiving and treating abnormally

high strength compatible wastes, such as BOD and TSS. Pursuant to the City's resolution establishing of the City's local limits, the City has established a local limit for total oil and grease, including dispersed petroleum-based hydrocarbons for all nonresidential users discharging to the POTW, users in the City's OGMP, the City's SP, as well as the City's pretreatment program.

(b) *Oil & grease management program.*

(1) *General criteria.*

a. The discharge by a user to the POTW of certain liquids or wastes may be prohibited or limited by the provisions of this division.

b. Wastes, which contain oil and grease, may be discharged to the POTW in accordance with the conditions set forth in this division.

c. Wastes containing oil and grease, inert solids or solids originating from foods or beverages, including materials processed through garbage grinders, shall be directed to the grease interceptor or trap.

d. Wastes containing residual (trace amounts) petroleum-based oil and grease shall be directed to the oil/water separator.

e. Sanitary facilities and other similar fixtures shall not be connected or discharged to the oil and grease interceptor or the oil/water separator.

f. Liquid wastes shall be discharged to the oil and grease interceptor or oil/water separator through the inlet pipe only and in accordance with the design/operating specifications of the device.

g. Oil and grease interceptors and oil/water separators shall be installed in a location that provides easy access at all times for inspections, cleaning and proper maintenance, including pumping. Oil and grease interceptors shall not be located in or near any part of a structure where food handling is done. The Public Services Director shall approve the location of the oil and grease interceptor or oil/water separator prior to installation.

h. Nonresidential establishments (users) that prepare, process or serve food or food products shall have an approved oil and grease interceptor. Nonresidential establishments that have the potential to discharge wastes containing residual petroleum-based oil and grease, such as commercial laundries, car washes and automotive related facilities, shall have an approved oil/water separator. Other users may be required by the Public Services Director to install an approved oil and grease interceptor or an oil/water separator, as appropriate, for the proper handling of wastes containing oil and grease exceeding one hundred (100) mg/l by weight.

i. Other types of food manufacturing or food preparation enterprises, such as, but not limited to, commissaries, commercial kitchens and caterers shall install an oil and

grease interceptor. Oil and grease interceptors shall be sized on an individual case by case basis. A control manhole or inspection box for monitoring purposes shall be required and installed at the owner/operator's sole expense, as approved by the Public Services Director.

j. Multifamily dwellings; such as triplexes, quadplexes, townhouses, condominiums, apartment buildings, apartment complexes or areas of intensified dwelling which are found by the Public Services Director to be contributing oil and grease in quantities sufficient to cause main line stoppages, lift station malfunctions, or necessitate increased maintenance on the collection system, said user(s) shall be directed to cease discharging oil and grease to the POTW or shall be required to install a grease and oil interceptor. The capacity of the oil and grease interceptor shall be evaluated on a case-by-case basis. A control manhole on inspection box for monitoring purposes shall be required and installed as the owner/operator's sole expense, as approved by the Public Services Director.

k. Dischargers with private pump stations that discharge oil and grease to the POTW, which are found by the Director to be contributing oil and grease in quantities sufficient to cause main line stoppage, pump station malfunctions, or necessitate increased maintenance on the collection system, may be directed to cease discharging oil and grease in excess of the limit herein to the City POTW and shall be required to participate in the City's OGMP, pay city OMPG fees and be required to provide for the proper maintenance and emergency notification signage of all pump stations privately maintained as follows:

1. Remove all floatable and settleable solids from private pump stations wet wells, clean the wet well walls and all associated equipment (floats, *etc.*), and properly complete a waste disposal manifest and dispose of the wastes removed at least every ninety (90) days, or more frequently as needed to prevent the discharge of grease into the POTW.

2. The owner of the private pump station shall operate and maintain the private pump stations in proper working order (including the control panel and all other electrical and mechanical components) and properly secure the private pump station. The owner of a private pump station shall provide the Director verification of the experienced staff directly employed by the owner experienced in the operations, maintenance, and repairs of the pump station for review, or a copy of the contract with a reputable person or firm experienced in the operations, maintenance, and repairs of pump stations for review prior to committing to contract for service. The owner shall provide proof to the Director that the owner's designated pump station maintenance staff or contractor possesses a minimum of two years of experience in pump station operations and maintenance to include pump and electrical maintenance experience. The pump station owner shall provide the designated facility private pump station staff or contractor with sufficient access to all necessary equipment to pull and service pump station pumps and other related equipment and components, as well as access needed for pumping and removing pump station waste. The designated facility private pump station staff or contractor must be able to respond to and provide contracted pump

station services twenty-four (24) hours a day, seven days a week and respond to the site within two hours after notification of pump station-related spill or overflow.

3. Provide the user's 24-hour emergency contact telephone numbers to the Director, enabling the City to notify the property owner and contractor of reported emergencies.

4. Provide the Public Services Director seventy-two (72) hours advanced notice upon the expiration or change of status of the ownership, management, designated facility private pump station staff or contractor.

5. Provide for a sign, posted on adjacent to the pump station site (preferably on the control panel). The sign size should be approximately twelve (12") inches by eighteen (18") inches, white background with black letters. The letters should be legible. The sign shall state the following information:

   i. "Private Security Sewer Pump Station"

   ii. "In Case of Emergency contact the following numbers: _____"

   iii. "Facility owned by: _____, Phone Number: _____"

   iv. "Facility Maintained by: _____, Phone Number: _____, Station Number: _____."

6. The name and number referenced above must be the maintenance contractor company's name, or the contracted individual's name, or private pump station owners name, depending on whom is providing the private pump station maintenance, and the 24-hour response phone number for said maintenance provider.

7. The station number listed above shall be assigned by the City.

8. The City shall have the right to inspect all private pump stations and appurtenances, and to discontinue sewer service if the private pump station and appurtenances are not maintained in a sanitary and effective operating condition or if the City POTW may be harmed thereby.

l. Automotive related enterprises, commercial laundries, and laundromats and other users, which contribute wastes containing petroleum (hydrocarbon) based oils and greases shall install an oil/water separator. Oil/water separators shall be sized on an individual case by case basis using established design guidelines for the proposed facility. A control manhole or inspection box shall be installed.

m. Oil and grease interceptors and oil/water separators shall be installed solely at the user's expense. Proper operation, maintenance and repair shall be done solely at the

user's expense. For multifamily dwellings, the Director may require the management company to be responsible for the proper maintenance of the individual grease traps.

n. Minimum removal efficiency for oil and grease interceptors for animal fats and vegetable oils shall be eighty percent (80%). Minimum removal efficiency for oil/water separators for trace petroleum-based wastes shall be ninety percent (90%).

o. The Public Services Director may request that the non-residential user provide documentation on the design and performance of the oil and grease interceptor or oil/water separator. Information to be submitted includes, but may not be limited to, catalog cuts, performance data, materials of construction, installation instructions and operation and maintenance manual.

(2) *Design.*

a. Oil and grease interceptors and oil/water separators shall be designed and constructed in accordance with this division, the City's Construction Standards Manual, the Florida Building Code, and other applicable state and local regulations. The minimum oil and grease interceptor size shall be seven hundred fifty (750g) gallons, and the maximum oil and grease interceptor size shall be one thousand two hundred fifty (1,250g) gallons. At no time shall an oil and grease interceptor/trap or an oil and water separator be sized smaller or larger than the minimum and maximum sizes specified in the Florida Building Code. Design and construction shall be approved by the Public Services Director.

b. Oil and grease interceptors/traps and oil/water separators shall have a minimum of two compartments and shall be capable of separation and retention of oil and grease and storage of settleable solids.

c. The design of oil/water separators shall be based on peak flow and where applicable, capable of treating and removing emulsions. Oil/water separators shall be sized to allow efficient removal (retention) of the petroleum-based oils and grease from the user's discharge to the POTW.

d. Alternative oil and grease removal devices or technologies shall be subject to written approval by the Public Services Director and shall be based on demonstrated removal efficiency.

e. Under-the-sink oil and grease interceptors are prohibited for new facilities. Some facilities that discharge less than fifty (50gpm) gallons per minute of nondomestic wastewater from sink fixtures and do not grill foods, fry food, or cook foods containing oil and grease may qualify for a variance from the prohibition of use of under-the-sink traps. This variance would allow for an above ground interceptor but not a traditional under the sink and must be approved by the Public Services Director based on the following conditions. The design, construction, and installation of the grease traps shall be in accordance with this division, City approved plans and specifications, City design standards, the Florida Building Code, and applicable other state and local regulations. All commercial sinks, hand sinks, mop sinks, and floor

drains shall be equipped with a flow control device (provided at the inlet piping location) and a vent (to be provided at the discharge outlet piping location). The size of these interceptors will be no less than 50 gallons of capacity. These interceptors will require more frequent documented cleaning as determined by the City.

f. An adequate number of inspection and monitoring points, such as a control manhole or inspection box, shall be provided. Covers shall have a gas tight fit. Where additional weight loads may exist, the oil and grease interceptor and oil/water separator shall be designed, constructed, and installed for adequate load-bearing capacity.

g. Where possible or needed, multiple oil and grease interceptors and oil/water separators shall be placed in series instead of a single large unit.

(3) *Capacity.* The capacity of the approved oil and grease interceptor and oil/water separator shall be in accordance with the requirements set forth in the latest edition of the Construction Standards Manual. The Public Services Director may modify the requirements on a case-by-case basis.

(4) *Installation.*

a. *New facilities.* Facilities likely to discharge oil and grease, which are newly proposed or constructed, or existing facilities which shall be expanded or renovated to include a food service facility where such facilities did not previously exist, shall be required to install an approved, properly operated and maintained oil and grease interceptor or oil/water separator. Sizing calculations shall be in accordance with the formulas listed in the Florida Plumbing Code, Plumbing Section - Interceptors and Separators, and the City's Construction Standards Manual, latest edition. Oil and grease interceptors or oil/water separators shall be installed prior to the opening or reopening of said facilities.

b. *Existing facilities.*

1. Existing food service or automotive-related facilities shall be required to install an approved properly operated and maintained oil and grease interceptor or oil/water separator when any of the following conditions exist:

i. The facilities are found by the Public Services Director to be contributing oils and grease in quantities sufficient to cause line stoppages, sewer system overflows, or necessitate increased maintenance on the collection system.

ii. Remodeling of the food preparation or kitchen waste plumbing facilities that are subject to a building permit.

iii. Expansion of food service operations or facilities that requires a building permit.

iv. Remodeling of an automotive related enterprise, commercial laundry, or other users that potentially may contribute wastes with petroleum-based oils and greases.

v. The facility is either discharging or has the potential to discharge fats, oils, grease, solids, or petroleum oils to the City's sanitary system.

2. The compliance date under this subsection shall be determined by the Public Services Director.

(5) *Extensions.* Any requests for extensions to the required installation dates must be made in writing to the Public Services Director, at least fifteen (15) days in advance of the compliance date. The written request shall include the reasons for the user's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. Extensions of time shall not exceed sixty (60) days and shall only be valid if granted in writing by the Director or their designee.

(6) *Maintenance.*

a. Cleaning and maintenance shall be performed by a professional hauling company at the user's sole expense. Cleaning shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. Cleaning shall also include removal of materials from the tank walls, baffles, cross pipes, inlets, outlets, and vents.

b. Decanting, back flushing, or discharging of removed wastes back into the oil and grease interceptor or oil/water separator from which the waste was removed or any other oil and grease interceptor or oil/water separator, for the purpose of reducing the volume to be hauled and disposed is prohibited. Furthermore, vehicles are prohibited from discharging liquid, semis solids, or solids into an oil and grease trap/interceptor and/or oil and water separator after servicing. Vehicles capable of separating water from oil and grease shall not discharge separated water into the oil and grease trap/interceptor, the oil and water separator, or into the POTW, storm sewer, storm drain, or natural stream. All discharges shall be at a state-approved facility permitted to accept this type of wastewater. Top skimming of floating materials, solids, or liquids of oil and grease interceptors, or oil/water separators is strictly prohibited.

c. Oil and grease interceptors, under-the-sink oil and grease traps, and oil/water separators shall be pumped out completely at a minimum frequency of once every ninety (90) days, or more frequently as needed to prevent carry-over of oil and grease into the collection system. These pump outs will be logged using the disposal manifests from the oil and grease haulers. Existing traditional under-the-sink oil and grease traps shall be cleaned at a minimum frequency of once per week (all contents completely removed into a drum or the user's trash), or more often as necessary to prevent pass through of grease and other food solids to the collection system. Cleaning and maintenance shall include removal of materials from the tank walls,

baffles, cross pipes, inlets and outlets. A maintenance log of these weekly cleanings shall be maintained on site.

d. Pumping frequency shall be determined by the Public Services Director based on flows, quantity of oil and grease in the discharge, volume of business, hours of operations, and seasonal variations. In no case shall the pumping frequency exceed ninety (90) days. The user shall be responsible for maintaining the oil and grease interceptor or oil/water separator in such a condition for efficient operation. An in-ground interceptor shall be considered to be out of compliance if the grease layer on top exceeds six inches (6") or the solids layer on the bottom exceeds twelve inches (12") or if removal efficiencies as determined through sampling and analysis indicate less than eighty percent (80%). An above-ground interceptor shall be considered to be out of compliance if the grease layer on top exceeds two inches (2") or the solids layer on the bottom exceeds five inches (5") or if removal efficiencies as determined through sampling and analysis indicate less than eighty percent (80%).

e. Wastes removed from each oil and grease interceptor or oil/water separator shall be properly manifested or documented (for under-the-sink trap wastes disposed of in drums or in the user's trash) and disposed of at a permitted facility to receive such wastes, in accordance with the provisions of this division. In no way shall the hauled materials be returned to any private or public portion of the collection system or the treatment plant, without prior written approval from the Public Services Director.

f. Additives placed into the oil and grease interceptor, oil/water separator, or building discharge line system on a constant, regular, or scheduled basis shall be approved by the Public Services Director in writing at least five days prior to first use and must be completely evaluated for safety and negative impact on the POTW prior to product approval by the Public Services Director, at the expense of the user. Such additives shall include, but not be limited to, emulsifiers, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate grease and oils. Any use of additives shall be approved in writing by the Public Services Director prior to introduction into the waste stream, interceptor, or separator. Product approval may also be rescinded by the Director if the City finds that the product is adversely impacting the POTW or causing pollutant passthrough in the POTW. The use of additives in no way shall be considered as a substitution to the maintenance procedures required herein. No solvents shall be introduced into the waste stream at any time.

g. Flushing the oil and grease interceptor or oil/water separator with water having a temperature in excess of 140°F is strictly prohibited.

h. All maintenance of oil and grease management devices, including proper disposal, shall be performed by the user at the user's sole expense.

(7) *User identification.*

a. It is unlawful for any facility producing oil and grease waste to discharge into the City's collection system without authorization from the Public Services Director.

Authorization shall be given in the form of an oil and grease discharge certificate. Application for a certificate shall be made to the Public Services Director. If, after examining the information contained in the oil and grease registration certificate application, it is determined by the Public Services Director that the proposed facility does not conflict with the provisions of the division, a certificate shall be issued allowing the discharge of such wastes into the collection system. Each oil and grease registration certificate shall be issued for a time not longer than five years from the date of the certificate. The user shall apply for certificate reissuance a minimum of sixty (60) days prior to the expiration of the user's existing certificate. The terms and conditions of the certificate may be subject to modification by the City during the term of the certificate as limitations or requirements as identified in this division are modified or other just causes exist. The user shall be informed of any proposed changes in the issued certificate at least sixty (60) days prior to the effective date of the change(s). Any changes or new conditions in the certificate shall include a reasonable schedule for compliance.

b. The Public Services Director shall issue an oil and grease registration/discharge certificate to the users on the OGMP. The Public Services Director shall require users to complete an information application and have City personnel conduct a facility visit prior to issuance of the oil and grease registration/discharge certificate.

c. As a condition precedent to the granting of an oil and grease registration certificate, the recipient under this section shall agree to hold harmless the City and the City's employees from any liabilities arising from the user's operations under this certificate.

d. Fees for issuance and renewal of the oil and grease registration certificates shall be set by Resolution of the City Council. The fees shall be established to ensure full cost recovery, and shall include, but shall not be limited to, the cost of field work, administrative, engineering, and clerical expenses involved. The fees for the registration certificate shall be applied to the user's monthly water and sewer service bill and shall be paid in accordance with the terms and schedule set forth in the billing document.

e. Failure to secure a discharge registration certificate or comply with the provisions of this division shall constitute a violation of this division.

(8) *Administrative procedures.*

a. Haulage from oil and grease interceptors and oil/water separators shall be tracked by a manifest that confirms pumping, hauling, and disposal of waste. Such manifest shall contain, at a minimum, the following information:

1. Generator information:
   i. Name;
   ii. Contact;
   iii. Person;
   iv. Address;

v. Telephone number;
vi. Volume pumped;
vii. Date and time of pumping; and
viii. Name and signature of generator verifying generator information.

2. Transporter information:
i. Company name;
ii. Address;
iii. Telephone number;
iv. Volume pumped; and
v. Date and time of pumping.

3. Driver name and signature of transporter verifying transporter information and service.

4. Destination information disposal site or facility:
i. Company name/permit number(s);
ii. Contact person(s);
iii. Address;
iv. Telephone number;
v. Location of disposal site/facility;
vi. Volume treated;
vii. Date and time of delivery;
viii. Driver name, signature and vehicle no.; and
ix. Name and signature of operator verifying disposal site/facility information.

b. A log of pumping activities shall be maintained by the user for the previous three years. The log of pumping activities shall be posted in a conspicuous location for immediate access by City personnel. The log shall include the date, time, volume pumped, hauler's name and license number, and hauler's signature. The user shall report pumping activities within forty-eight (48) hours to the Public Services Director on the form designated by the City for such purposes. A copy of the complete waste disposal manifest containing all required signatures must be forwarded to the City within five business days of the waste removal date.

c. The user shall maintain a file on site of the records and other documents pertaining to the facility's oil and grease interceptor or oil/water separator. The file contents shall include, but is not limited to, the record (as-built) drawings, record of inspections, log of pumping activities and receipts, log of maintenance activities, hauler information, disposal information, and monitoring data. The file shall be available at all times for inspection and review by the Public Services Director. Documents in the file shall be retained and preserved in accordance with Section 78-29(m).

d. The Public Services Director may require the user to provide, operate, and maintain at the user's expense appropriate monitoring facilities, such as a control manhole, that are safe and accessible at all times, for observation, inspection, sample collection, and flow measurement of the user's discharge to the POTW. The Public

Services Director may impose additional limitations and monitoring requirements for the discharge to the POTW in accordance with the provisions set forth in this division.

(9) *Enforcement.*

a. A notice of violation shall be issued to a user for failure to:

1. Submit the required user application in fifteen (15) business days of receiving it;

2. Report pumping activities;

3. Properly maintain (clean-out or pump) the interceptor or separator in accordance with the provisions of the oil and grease discharge certificate;

4. Maintain and post the log of pumping activities;

5. Maintain a file of records on site at all times;

6. Provide logs, files, records, or access for inspection or monitoring activities;

7. Properly complete and sign logs, waste disposal manifest, or records required by this division;

8. Obtain or renew the oil and grease discharge certificate registration; or

9. Pay program fees.

b. A notice of violation shall also be issued for the following:

1. Any discharge of wastewater containing fats, oils, or grease which causes or contributes to any violation of any section of the City code;

2. Violation of any terms or conditions of the City's OGMP registration certificate (issued by the City);

3. Obtaining a City OGMP registration certificate or oil and grease interceptor/trap or oil and water separator variance from the City by misrepresentation or failure to disclose fully all relevant facts;

4. Refusal of immediate access to the user's premises;

5. A discharge, which in the opinion of the Public Services Director, may cause interference with the operation or maintenance of the POTW or threaten human health or safety;

6. Failure to provide advanced notice of the transfer of business ownership of a facility registered in the City's OGMP;

7. Failure to pay fines;

8. Failure to pay sewage charges, surcharges, or administrative fees;

9. Failure to meet compliance schedules;

10. Falsifying under-the-sink oil and grease trap or oil and grease interceptor or pump station or oil and water separator maintenance reports, waste disposal manifests, laboratory reports, or data;

11. Tampering with monitoring equipment or oil and grease removal devices (including under-the-sink oil and grease traps, oil and grease interceptors, oil and water separators, and pump stations); or

12. Failure to obtain approval by the Director before applying bacteria or other chemical additives.

c. The Public Services Director may serve any user a written notice stating the nature of violation. The user shall complete corrective actions within the specified time period and submit evidence of compliance to the Public Services Director.

d. If a user violates or continues to violate the provisions set forth in this section or fails to initiate or complete corrective action within the specified time period in response to a notice of violation, then the Public Services Director may pursue one or more of the following options:

1. Pump the oil and grease interceptor or oil/water separator and place the appropriate charge on the user's monthly sewer bill;

2. Collect a sample and assess the appropriate surcharge(s) for compatible wastes in accordance with the provisions of this division at the user’s expense;

3. Impose an administrative penalty;

4. Assess a reasonable fee for additional inspection, sample collection, and laboratory analyses;

5. Assign the user to the surcharge program;

6. Terminate water and sewer service; or

7. Any combination of the above enforcement actions.

e. Progressive enforcement action shall be pursued against users with multiple violations of the provisions of this section including, but not limited to, termination of water service.

f. The user shall pay all outstanding fees, penalties, and other utility charges prior to reinstatement of water and sewer service.

g. Any user in the OGMP found in violation of the provisions in this section, and/or any orders, rules, regulations, and permits that are issued pursuant to this division, shall be served by the City with written notice by personal delivery by an authorized City employee or by registered certified mail that states the nature of the violation and providing a reasonable time limit for satisfactory correction of the violation. The affected user shall permanently cease all violations within the time period specified in the notice. The enforcement remedies available to the City to achieve compliance with the requirements of the OGMP shall include those in Sections 78-33 and 78-34 above.

(10) *Permits and fees.* The City shall establish reasonable fees for the implementation and enforcement of the OGMP by Resolution of the City Council. Fees for the OGMP shall be set to insure the full and equitable cost recovery for implementation and enforcement of said program. The Public Services Director shall issue a Certificate of Registration to the users in the OGMP. The Public Services Director will require users to complete an information questionnaire and facility visit prior to issuance of the registration certificate. Users in the OGMP shall be assessed a program fee which shall be invoiced on the monthly City's utility billing statement.

(c) *Surcharge program.*

(1) *Purpose and intent.* The purpose of this subsection is to provide for implementation of the Surcharge Program (SP). The objective of the SP is the equitable recovery of costs for receiving and treating abnormally high strength wastes, such as BOD, TSS, total nitrogen, total phosphorus and total oil and grease, from nonresidential users. A surcharge shall be assessed for wastes in excess of the limits specified in this division for BOD, TSS, TKN, total phosphorus, and total oil and grease.

(2) *General criteria.*

a. Significant commercial users, as defined in this division, or those not complying with the OGMP, shall be subject to a surcharge on discharges to the POTW.

b. A surcharge may be assessed for any discharge of abnormally high strength compatible wastes from any parcel or developed property. Abnormally high strength compatible wastes shall be defined as those wastes with a BOD or TSS concentration above three hundred (300) mg/l, or a total oil and grease concentration above two hundred (200) mg/L. The Public Services Director may evaluate the discharge from any parcel or developed property on a monthly basis for determination of abnormally high strength compatible wastes.

c. The surcharge in dollars shall be computed by multiplying the difference in the concentration in milligrams per liter (mg/l) above the defined limits for each applicable constituent times the metered potable water consumption or metered

sewer flow during the billing period in millions of gallons (MG) times the respective treatment surcharge factor in dollars per pound.

d. The surcharge factor shall be derived each year using the following formula and shall be set forth in the schedule of fees established by Resolution of the City Council.

Surcharge Factor = Total Annual Cost of Treatment ($) / Total Annual Loadings Removed (lbs.)

Total Annual Cost of Treatment shall mean the total operational costs, including prorated administrative costs, for the POTW during the preceding fiscal year.

8.34 shall be a fixed conversion factor, in pounds per gallon (lbs/gal) used to convert the mg/L concentration to pounds. One milligram per liter is equal to one pound per one million pounds.

Total Annual Loadings Removed shall mean the amount of BOD5 and TSS removed annually from the total wastewater flow for the POTW.

Surcharge Factor shall be expressed in dollars per pound.

e. The surcharge shall be in addition to any applicable sewer charges and shall be assessed for each billing period. The surcharge shall be billed on the monthly utility billing statement to the user and shall be collected in the same manner as the other utility charges. Nonpayment or delinquency shall subject the user to the same penalties, including termination of service, as set forth for other utility services.

f. All commercial users on the Surcharge Program will also be charged at least double the fee of being on the OGMP at the Public Services Director's discretion, and the cost of all sampling involved to make the Surcharge Factor determinations.

(3) *Flow determination.*

a. Metered water consumption as shown in the records of meter readings made by the Utility Billing Division;

b. Flow monitoring devices which measure the actual volume of wastewater discharged to the POTW and as approved by the Public Services Director;

c. Flow monitoring devices for other water supplies processed from other sources besides the City's potable water distribution system; or

d. Flow monitoring devices other than those for the City shall be provided, installed, calibrated and maintained at the user's expense and in accordance with the plans that were approved by the Public Services Director. Flow monitoring devices shall be calibrated at least annually.

(4) *Constituent concentration.* The concentration of constituents in the user's discharge to the POTW shall be determined by samples collected by the City and analyzed by a state certified laboratory at the user's expense. Samples shall be collected in accordance with EPA protocols or standard methods and in such a manner to be representative of the actual discharge to the City's collection system. Samples shall be analyzed in accordance with procedures set forth in 40 CFR part 136 and Rule 62-160, F.A.C., as may be amended from time to time. The surcharge shall be based on the determination of the constituent concentrations by the Public Services Director.

(5) *Monitoring.*

a. Samples shall be collected on a monthly basis by the City.

b. Samples shall be collected routinely of discharges from users that are known to be or suspected of containing abnormal high strength compatible wastes.

c. Samples may be collected manually or using automatic sampling equipment. Grab samples may be taken manually. Composite samples may be retrieved with automatic sampling equipment or performed manually with aliquots of grab samples.

d. To the extent possible, samples will be collected to obtain a representative characterization of the user's discharge. Samples may be flow or time proportional.

e. Significant commercial users shall install and maintain a monitoring facility, as approved by the Public Services Director; including, but not limited to, a control manhole and suitable automatic sampling equipment. Monitoring sites and facilities shall be accessible to authorized City personnel at all times.

f. Sample analyses shall be done routinely at the City's laboratory services certified commercial provider.

g. The costs of sample analyses performed by the certified commercial laboratory shall be assessed directly to the user.

h. The costs for sample collection and analysis (laboratory work) shall be those rates as described in the schedule of costs (fees) for the certified commercial laboratory currently under contract to the City.

(6) *Permits.* The Public Services Director may require users in the Surcharge Program to apply for an Industrial Wastewater Discharge Permit. Users that meet the criteria for significant industrial user shall obtain an Industrial Wastewater Discharge Permit.

Sec. 78-37. – Groundwater remediation discharges.

(a) *Purpose.* The purpose of this section is to provide for the discharge of treated groundwater from remediation sites by users of the collection system without causing passthrough, upset, or interference at the water reclamation facility.

(b) *General criteria.*

(1) The discharge by a user to the POTW of certain liquids or wastes may be prohibited or limited by the provisions of this division or by the Public Services Director.

(2) A groundwater remediation facility that discharges to the City's collection system shall be classified as significant industrial user.

(3) Groundwater from remediation sites shall be pretreated prior to discharge to the POTW.

(4) An Industrial Wastewater Discharge Permit application shall be submitted to the Public Services Director by the user or owner of the remediation facility prior to use of such facility. The Public Services Director may require a complete characterization of the groundwater prior to and following treatment (remediation) before issuance of the Industrial Wastewater Discharge Permit. The permit application shall be completed pursuant to the requirements in Section 78-27.

(5) The Public Services Director may impose limitations and monitoring requirements for the treated discharge to the POTW in accordance with the provisions of this division, the City's local limits, and the standards set forth in Rules 62-550 and 62-777, F.A.C., as amended from time to time.

(6) The user shall not discharge untreated or treated ground water to the City's POTW without prior written approval of the Director or obtaining an Industrial Wastewater Discharge Permit.

(7) A flow measuring device shall be installed on the discharge line in accordance with the plans approved by the Public Services Director and the manufacturer's recommendations. The flow measuring device shall be provided, installed, calibrated, and maintained at the user's sole expense. The flow measuring device shall be calibrated at least quarterly. Calibration records shall be retained by the user for inspection and review by the Public Services Director.

(8) The user shall provide a monitoring point at their expense for the collection of samples and field data (parameters).

(9) Groundwater treatment systems shall be designed and operated in accordance with best available technology and as approved by the Public Services Director.

(10) Pursuant to the provisions of the Industrial Wastewater Discharge Permit, the Public Services Director shall require the discharge to the POTW be monitored on a regular basis for the determination of compliance with standard and limits set forth in this division.

(c) *Discharge limits.* Discharges from groundwater remediation facilities to the POTW shall comply with the standards for organic compounds as set forth in 40 CFR § 414.101, 40 CFR § 414.111, or the standards established by FDEP for low yield/poor quality groundwater or natural attenuation of default sources concentrations as set forth in Rule 62-777, F.A.C.

Section 78-38. – Miscellaneous types of discharges.

(a) *Purpose.* The purpose of this section is to provide for the discharge of other types of discharges to the City's POTW, including, but not limited to, medical wastes, uncontaminated groundwater, roof drainage, cooling water, unpolluted process waste, and miscellaneous discharge waste.

(b) *General criteria.*

(1) The user shall notify the Public Services Director in writing prior to the discharge of miscellaneous types of flows, explaining the necessity of these flows, and receive written authorization prior to commencement of any discharge.

(2) The user may be required to submit an Industrial Wastewater Discharge Permit application to the Director as a pre-condition to any such discharge.

(3) The Public Services Director may impose restrictions, prohibitions, or other conditions on the discharge in accordance with the provisions of this division.

(4) The Public Services Director may limit the volume and duration of the discharge to the POTW. The user shall be responsible for measurement of the flow to the POTW at the user's sole expense. The flow monitoring device shall be provided, installed, and maintained in accordance with the guidelines set forth by this division and the Public Services Director.

(5) The user shall not discharge these types of flows without prior written notice from the Public Services Director or the issuance of an Industrial Wastewater Discharge Permit.

(c) *Medical wastes.*

(1) Hospitals, clinics, medical/dental practitioner offices, convalescent and nursing homes, medical/ dental laboratories, and funeral homes shall dispose of medical waste, pathological wastes, laboratory wastes, contaminated medical waste, and wastes from expired humans (corpses) in accordance with the most recent edition of the guidelines as published by the EPA, the Centers for Disease Control ("CDC"), the Florida Health Department, or other appropriate federal or state agencies.

(2) Toxic, biological, pharmaceutical, or contaminated wastes which are not addressed by the aforementioned guidelines shall not be discharged to the POTW without prior written permission from the Public Services Director.

(3) Hospitals, clinics, medical/dental practitioners offices, convalescent and nursing homes, medical/dental laboratories, and funeral homes shall prepare and maintain a biomedical waste plan in accordance with the requirements set forth in the latest edition of Rule 64E-16, F.A.C. The biomedical waste plan shall be available for review by the Public Services Director.

(4) The biomedical waste plan and other pertinent records shall be retained and preserved by the facility in accordance with this division. Records shall be available for review and inspection by the Public Services Director.

(5) Medical waste generally shall not be disposed in the POTW. If authorized, the Director, at their discretion, may require an Industrial Wastewater Discharge Permit for the discharge of medical waste to the POTW.

(6) *Dental Amalgam Rule:*

a. All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:

1. For existing sources (any facility subject to this section whose first discharge to the sewer collection system occurred on or before July 14, 2017), the One-Time Compliance Report is due no later than October 12, 2020, or no later than ninety (90) days after transfer of ownership.

2. For new sources (any facility subject to this Section whose first discharge to the sewer system occurs after July 14, 2017), the One-Time Compliance Report is due within ninety (90) days of the start of discharge to the sewer collection system.

3. No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment into a sink or other connection to the sanitary sewer.

4. Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the Public Services Director or designee during normal business hours.

5. Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

6. Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.

7. The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

b. All owners and operators of dental vacuum suction systems, except as set forth in subsections c. and d. below, shall comply with the following:

1. An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this division shall include an

installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of ninety-five percent (95%) of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

2. Proof of certification and installation records shall be submitted to the Public Services Director within thirty (30) days of installation.

3. Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request by the Public Services Director or designee during normal business hours. Records shall be maintained for a minimum of three years.

c. Facilities with vacuum suction systems that meet all the following conditions may apply to the Public Services Director for an exemption to the requirements of subsection b. of this section:

1. The system is a dry vacuum pump system with an air-water separator.

2. The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.

3. Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the Public Services Director during normal business hours.

4. The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

Any owner or operator whose facility meets conditions 1. through 4. above, may apply for this exemption by written letter to the Public Services Director, who will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this section shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection b. of this section before commencing further operation.

d. Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this rule: orthodontics; periodontics; oral and

maxillofacial surgery; radiology; oral pathology or oral medicine; endodontistry and prosthodontistry.

e. Dental practices that do not place dental amalgam and do not remove amalgam except in limited emergency or unplanned or unanticipated circumstances are exempt from the requirements of this part, provided the dental practice:

1. Submits the following statement to the City, signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in this division:

> This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of Fla. Stat. § 403.12(l) of the above named dental facility, and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations;

2. Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances; and

3. The dental practice notifies the City of any changes affecting the applicability of this certification.

f. Disposal of all hauled wastewater is currently prohibited by the City due to lack of appropriate disposal facilities.

g. Dental dischargers that fail to comply with this section will be considered significant industrial users, and will be subject to the requirements herein, including the compliance monitoring, reporting requirements, and enforcement remedies identified in this division.

h. Disposal of hauled wastewater from dental facilities to the sanitary sewer must be in accordance with this division and may be subject to industrial pretreatment requirements.

(7) Enforcement action shall proceed in accordance with the provisions set forth in this division.

(d) *Cooling water.* Cooling water shall be considered a process waste stream if chemical additives, such as corrosion inhibitors, sealants, or biocides, are used for treatment of the cooling water. Unless the manufacture's specifications for operation and maintenance of the cooling tower or system states otherwise, the discharge limit for molybdenum in the cooling tower blow-down or cooling system discharges shall be in accordance with the local limit.

Sec. 78-39. – Sand, grit, and debris interceptors.

The purpose of this section is to minimize the introduction of sand, grit, and debris, such as lint, into the City's collection system.

(a) The discharge by a user to the POTW of liquid wastes containing certain constituents may be prohibited or limited pursuant to the provisions of this division.

(b) Wastes containing excessive amounts of sand and grit shall be directed to an interceptor for removal. Wastes containing excessive amounts of floatable or other debris that could cause clogs in the collection system, such as, but not limited to, rags, strings, feathers, entrails, glass, or other objects larger than one (1") inch in size, shall direct flow to an interceptor with a screening device that would prevent passage of these said solids into the collection system.

(c) Sand and grit interceptors and screening devices shall be provided at the user's sole expense. The interceptor shall be installed, operated, and maintained in accordance with plans approved by the Public Services Director and the manufacture's recommendations.

(d) Sand and grit interceptors and screening devices shall be designed and installed to accommodate the anticipated range of flows.

(e) Sand and grit interceptors and screening devices shall be installed for easy access for cleaning and inspection. Sand and grit interceptors and screening devices shall be serviced and emptied of their contents on a regularly scheduled basis to maintain efficient operation at all times. Operation and maintenance of the sand and grit interceptors and screening devices shall be performed at the user's sole expense.

(f) Wastes removed from the sand and grit interceptors and screening devices shall not be discharged into the POTW.

(g) The user shall maintain a log of cleaning activities and a file on site of records and documents related to the sand and grit interceptor. Records and documents retained in the file should include, but not be limited to, as-built drawings, manufacturer's instructions, log of cleaning activities, receipts, hauler information, site inspection reports, and monitoring data. The user shall make this file available for inspection and review by the Public Services Director. Files shall be retained in accordance with the provisions of this division.

(h) Failure to comply with the provisions set forth herein can result in the implementation of enforcement procedures set forth in this division.

Sec. 78-40. – Other miscellaneous provisions.

(a) *Compliance by Industrial Users.* Notwithstanding anything contrary contained in this division, no industrial user shall discharge to the City POTW any toxic pollutants as set forth in Appendix B, 40 CFR part 403, or any pollutant that may interfere, pass through, or otherwise be incompatible with the City wastewater system.

(b) *Applicable regulations and limitations.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division. The City reserves the right to establish by ordinance or through permit conditions more stringent limitations, requirements, or time periods on discharges to the POTW if deemed necessary to comply with the objectives stated at the beginning of this division. The revisions to discharge limitations in this division or in individual Industrial Wastewater Discharge Permits shall be initiated by the Public Services Director whenever necessary. All affected parties are assumed to know and comply with all state and federal rules, requirements, and guidelines, including, but not limited to, the development, promulgation, and application of local limits; the appropriate use, or applicability, of combined waste stream formulas; and all industrial user and POTW monitoring and reporting requirement.

* * * *

SECTION 3. Codification. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Apopka as additions or amendments thereto.

SECTION 4. Conflicts. All ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict

SECTION 5. Severability. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION 6. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected without further action of the City Council.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

[INTENTIONALLY LEFT BLANK]

PASSED UPON the first reading of the City Council, this _____ day of _____ 2025.

PASSED UPON the second and final reading of the City Council, this _____ day of _____ 2025.

_____
Bryan Nelson, Mayor

ATTEST:

_____
Susan M. Bone, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: _____, 2025.

_____, 2025.

FLORIDA DEPARTMENT OF
Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexis A. Lambert
Secretary

September 30, 2025

Majorie Watson
Environmental Supervisor
City of Apopka
748 E. Cleveland Street
Apopka, Florida 32703
MWatson@Apopka.net

RE: Compliance Assistance Offer
Pretreatment Program Compliance Evaluation
Apopka Wastewater Reclamation Facility (WRF) - Project Arrow
Permit No: FLA010818
Orange County

Dear Majorie Watson:

The Florida Department of Environmental Protection (Department) conducted a Pretreatment Program Audit (PPA) of the above Industrial Pretreatment Program (IPP) on September 10, 2025. The purpose of this letter is to offer compliance assistance as a means of resolving these matters.

Specifically, potential non-compliance with the requirements of Chapter 62-625, Florida Administrative Code (F.A.C.), were observed.

1. During the file review of Micross Components Inc., (Micross), it was noted that the 40 CFR categories differ on the Industrial User (IU) permit, the 2024 annual report, and inspection forms that are completed by the Control Authority (CA). The permit states that Micross is categorized under 40 CFR 433.16 Metal Finishing - New Source Performance Standards (NSPS); however, the annual report and inspection form both categorize Micross under 40 CFR 469 electrical and electronic components.

   Provide the Department with the CA's determination on which 40 CFR category and corresponding subcategory is most applicable to this IU. If the determination is different than what is contained in the current IU permit, provide a draft permit with the updated 40 CFR category. Please note that more than one 40 CFR category may apply to one IU.

2. During the file review of the IU permit for Micross, it was found that the permit duration is January 27, 2024, to January 27, 2029, which is five years and a day apart.

Per Rule 62-625.500(2)(a)2.a., F.A.C., *"2. Control through permit, order, or similar means the contribution to the WWF by each industrial user to ensure compliance with applicable pretreatment standards and requirements...*
Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
a. Statement of duration (in no case more than 5 years)"

Provide the Department a draft IU permit for Micross that is effective for 5 years or less.

3. During the file review of the IU permit for Nixon Uniform Service, Inc., (Nixon), it was noted that both local and 40 CFR 433.16 categorical limits are being applied to this user. However, in the 2024 annual report submission, and during the interview conducted on September 10, 2025, the CA indicated that Nixon was classified as a Significant Industrial User (SIU). Since SIUs are wastewater dischargers that have no on-site categorical processes, as defined under 40 CFR, categorical limits are not applicable to them.

   Provide the department with a draft IU permit for Nixon containing only the applicable limits in Table 1.

4. During the interview portion of the PPA, the CA stated that Coca-Cola Refreshments is the only IU required to have a Slug Discharge Control Plan (SDCP); however, upon visiting Micross during the site-visit portion of the PPA, it was noted that this user has a SDCP. It was also noted in the 2023-24 Pretreatment Compliance Inspection (PCI) interview that the CA had required all SIUs to have a SDCP.

   Per subparagraph 62-625.500(2)(b)6., F.A.C., *"Evaluate, at least once every two years, whether each significant industrial user needs a plan to control slug discharges. New significant industrial users must be evaluated within 1 year of being designated a significant industrial user. The results of such evaluations shall be made available to the Department upon request. Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge. If the control authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:*
   a. Description of discharge practices, including nonroutine batch discharges;
   b. Description of stored chemicals and containment areas;
   c. Procedures for immediately notifying the control authority and the WWF of slug discharges, including any discharge that would violate a prohibition under subsection 62-625.400(2), F.A.C., with procedures for follow-up written notification within five days; and,
   d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response;"

The Department requests an updated list of all SIUs that are required by the CA to implement a SDCP. Please note that any SIUs with a SDCP are required per Rule 62-625.500(2)(a)2.g., F.A.C., to have the aforementioned conditions in the IU permit.

5. During the file review of the IU permits for Micross and Nixon in Table 1 an effluent limit of 32.0 mg/L for fluoride was noted. However, fluoride is not a categorical limit contained in 40 CFR 433.16 nor a Department-approved local limit; therefore, fluoride is not enforceable by the Department.

   The Department requests the CA update both IU permits to indicate that fluoride is not a local or categorical limit if the CA wishes to maintain the fluoride limit.

6. During the review of the Enforcement Response Plan (ERP) received by the Department on August 26, 2025, it was noted that not all the required information was included. Specifically, the following information was not included:

   a. Discharge violations:
      a. Reported slug load (no harm)
      b. Reported slug load (harm)
   b. Non-discharge violations:
      a. Improper sampling procedures

   As the Department's model ERP, which can be found in Chapter 9 Appendix A of the Florida Guidance Manual, is built off the EPA's information, the Department requests the CA review the model and incorporate all the above information into the ERP; then submit a draft ERP to the Department for review.

7. During the file review of Nixon's self-sampling results, it was noted that the results for pH were not included.

   Provide the Department with a plan for how the CA will ensure all pollutant results are included when having samples analyzed going forward.

8. During the file review of the annual IU inspection forms completed by the CA for Nixon and Micross that were completed in February 2025, it was noted that some items were left unanswered. Specifically, the section regarding SDCPs was left unanswered for the inspection of Micross and partially answered for the inspection of Nixon.

   Per subparagraph 62-625.500(2)(b)6., F.A.C., *"Evaluate, at least once every two years, whether each significant industrial user needs a plan to control slug discharges. New significant industrial users must be evaluated within 1 year of being designated a significant industrial user. The results of such evaluations shall be made available to the Department upon request. Significant industrial users are required to notify the control*

authority immediately of any changes at its facility affecting the potential for a slug discharge"

Provide the Department with a plan for how the CA will ensure that the need for a SDCP is evaluated at least every 2 years for each IU.

9. During the interview portion of the PPA, it was noted that the CA is not documenting Significant Noncompliance (SNC) tracking.

   Provide the Department with a plan for how the CA intends to document SNC tracking going forward.

10. During the review of the Sewer Use Ordinance (SUO) received by the Department on August 26, 2025, it was noted that definitions for some of the pretreatment language that is used were not included. Specifically, definitions for the following were not included:

    a. Categorical Industrial User
    b. Control Authority

    Additionally, the SUO should grant the CA the power to seek the following.

    a. Injunctive Relief
    b. Civil Penalties
    c. Criminal Prosecution
    d. Remedies nonexclusive

    Examples of these items can be found in the EPA's model SUO.

    Provide the Department with a draft SUO that includes the above items for review. Please note, this will be a substantial program modification.

11. During the review of the SUO received by the Department on August 26, 2025, it was noted the CA has a local limit for oil and grease (petroleum hydrocarbon) of 100 mg/L and oil and grease (vegetable and animal) of 400 mg/L. Additionally, during the review of the IU permit for Micross, it was noted that the 40 CFR 433.16 oil and grease limit of 52 mg/L is the more stringent limit for oil and grease that is applied to the IU. However, Table 1 of the IU permit reads, "Total Oil (Petroleum Hydrocarbon + Vegetable/Animal)." As the categorical limit is what is applied to the IU, the limit should contain the same pollutant name as described in 40 CFR 433.16. The CA may include a footnote indicating that the local limits for oil and grease (petroleum hydrocarbon) and oil and grease (vegetable and animal) are replaced by the stricter and more generalized 40 CFR 433.16 oil and grease limit.

    Provide the Department a draft IU permit for Micross that contains the corrected names of all the applicable categorical pollutants.

12. During the review of the SUO received by the Department on August 26, 2025, it was noted the CA has a local limit for oil and grease (petroleum hydrocarbon) of 100 mg/L and oil and grease (vegetable and animal) of 400 mg/L. However, the IU permit for Nixon does not accurately reflect that the limits are for oil and grease. All local limits implemented in the IU permits should mirror the Department approved local limits.

    Provide the Department a draft IU permit for Nixon that contains the corrected names of all the local limit pollutants.

We request you review the items of concern noted and respond in writing within 30 days of receipt of this Compliance Assistance Offer. Your written response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a schedule describing how/when the issue will be addressed.
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid.

It is the Department's desire that you are able to adequately address the aforementioned issues so that this matter can be resolved. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Laurel Keys, by phone at 850-245-8593, or via email at laurel.keys@floridadep.gov.

We look forward to your cooperation with this matter.

Sincerely,

Brianna Cesaroni

Brianna Cesaroni
Senior Program Analyst
Wastewater Management Program
Division of Water Resource Management

BC/LK/SD

cc: Victoria Ryan, City of Apopka, vryan@apopka.net
Nathanael Dominguez, City of Apopka, ndominguez@apopka.net
Glenn Brooks, City of Apopka, gbrooks@Apopka.net
Lauren Gottfreid, DEP Tallahassee, lauren.gottfreid@floridadep.gov
Brianna Cesaroni, DEP Tallahassee, brianna.cesaroni@floridadep.gov
Samantha Davis, DEP Tallahassee, samantha.davis@floridadep.gov

GENERAL INSTRUCTIONS

1. The control authority representative (CA) should become familiar with the program information included on the Interview Questionnaire and the Pretreatment Program Profile.

2. The CA should be prepared to answer any related question and provide supporting documentation necessary to demonstrate compliance with Chapter 62-625, F.A.C. and the facility permit during scheduled pretreatment Inspection (PCI) or Audit (PPA). Information may be requested by the DEP representative for review prior to the inspection.

3. The DEP representative will be reviewing two of the CAs industrial user files, or 10%, whichever is greater. The CA will should have all industrial user (IU) documentation ready for review (e.g. industrial user permits and permit applications, lab reports, any plans or certifications required by the IU permit, compliance tracking data, enforcement actions etc).

4. If the CA submitted a pretreatment discharge monitoring report (DMR) with your last annual report, all data that was used to complete the pretreatment DMRs should be available for review. The MDLs, PQLs, and supporting lab data for all analyses will be reviewed to determine if the DMR was filled out properly. This information should be included in the laboratory reports.

5. The CA should have a copies of supporting documentation ready for review, including local limits, sewer use ordinance (SUO), enforcement response plan (ERP) , IU permits, inspection forms, dental amalgam self reporting forms, and any multijurisdictional agreements (MJAs).

6. For PPAs, the control authority should be prepared to conduct an inspection of selected industrial users during the audit. The DEP Representative will be evaluating the CAs inspection techniques.

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FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCE MANAGEMENT
COMPLIANCE INSPECTION (PCI) / PRETREATMENT PROGRAM AUDIT (PPA)

(To be completed by DEP Representative)

Control Authority (CA) name and mailing address	Date(s) of Audit / Inspection	
City of Apopka 748 E. Cleveland Street Apopka, Florida 32703	Begin Date:	09/10/2025
	End Date:	09/10/2025

CA physical address (if same as mailing address write "SAME")
333 Snowden Rd Apopka, FL 32703-8028

Treatment Plant Name	Permit Number	Effective Date	Expiration Date
Control Facility			
Apopka WRF - Project Arrow	FLA010818	07/18/2022	07/17/2027
Covered Facilities			
	FL		
	FL		
	FL		
	FL		
	FL		
	FL		
	FL		

FDEP REPRESENTATIVE(S)

Name	✓	Title/Affiliation	Telephone Number	Email Address
Laurel Keys	☑	Environmental Specialist III	850-245-8593	Laurel.Keys@FloridaDEP.gov
Samantha Davis	☑	Engineering Specialist II	850-245-8656	Samantha.Davis@FloridaDEP.gov
	☐			
	☐			

CA REPRESENTATIVE(S)

Name	✓	Title/Affiliation	Telephone Number	Email Address
Majorie Watson	☑	Environmental Program Supervisor	407-703-1688	MWatson@Apopka.net
Glen Brooks	☑	Water Resource Manager	407-703-1617	gbrooks@apopka.net
Victoria Ryan	☑	Environmental Specialist		VRyan@apopka.net
Nathanael Dominguez	☑			NDominguez@apopka.net
	☐			

✓ Check if present at the inspection.

Please include individuals that should be copied on correspondences, even if not present at the inspection.

ACRONYM AND ABBREVIATION LIST

Acronym / Abbreviation	Term	Acronym / Abbreviation	Term
BMP	Best management practices	N/A	Not applicable
BMR	Baseline Monitoring Report	ND	Not determined
CA	Control Authority	NOV	Notice of Violation
CERCLA	Comprehensive Environmental Remediation, Compensation and Liability Act	NPDES	National Pollutant Discharge Elimination System
CFR	*Code of Federal Regulations*	NSCIU	Non-significant Categorical Industrial User
CIU	Categorical Industrial User	O&G	Oil and grease
CWF	Combined Wastestream Formula	PPA	Pretreatment Program Audit
FDEP	Florida Department of Environmental Protection	PCI	Pretreatment Compliance Inspection
DMR	Discharge Monitoring Report	QA/QC	Quality assurance/quality control
EPA	U.S. Environmental Protection Agency	RCRA	Resource Conservation and Recovery Act
ERP	Enforcement Response Plan	RNC	Reportable Noncompliance
F.A.C.	Florida Administrative Code	SIU	Significant Industrial User
F.S.	Florida Statutes	SNC	Significant Noncompliance
FTE	Full-time equivalent	SUO	Sewer Use Ordinance
FWA	Flow-Weighted Average	TCLP	Toxicity Characteristic Leachate Procedure
gpd	Gallons per day	TMDL	Total maximum daily load
ICIS	Integrated Compliance Information System	TOMP	Toxic Organic Management Plan
IU	Industrial User	TRC	Technical Review Criteria
IWS	Industrial Waste Survey	TTO	Total toxic organics
mgd	Million gallons per day	WWF	Wastewater Facility
MSW	Municipal solid waste	Y/N	Yes or no

SECTION II: INTERVIEW FORM (To be completed by DEP Representative)

INSTRUCTIONS: Complete this section on the basis of CA activities to implement its pretreatment program. Answers to these questions could be obtained from a combination of sources including discussions with CA personnel, review of general and specific IU files, IU site visits, review of CA treatment plants, among others. Attach documentation where appropriate. Specific data might be required in some cases.

- Use N/A (Not Applicable) where appropriate.

A. CA PRETREATMENT PROGRAM MODIFICATION [62-625.540, F.A.C.]; [40 CFR 403.18]

	Yes	No
1. a. Has the CA made any substantial changes to the pretreatment program that were not reported to the Approval Authority (e.g., legal authority, less stringent limits, multijurisdictional situation)? [62-625.540(3)]	☐	☑

If yes, discuss.

NA

	Yes	No
b. Is the CA in the process of making any substantial modifications to any pretreatment program component (including legal authority, less stringent local limits, and required pretreatment provisions from the May 10, 2010 revisions to Chapter 62-625, F.A.C., multijurisdictional situation, and others)?	☐	☑

If yes, describe.

In 2026 POS for 2027 permit renewal. May just be a abbreviated evaluation.

	Yes	No
c. Has the CA made any nonsubstantial changes to the pretreatment program (i.e., pH limit modification, reallocation of the maximum allowable headworks loading, etc…)?	☐	☑

If yes, describe.

NA

SECTION II: INTERVIEW FORM (CONTINUED)

A. CA PRETREATMENT PROGRAM MODIFICATION (continued) [62-625.540, F.A.C.]; [40 CFR 403.18]

1. d. Has the CA amended its pretreatment program to include the following components required under the May 10, 2010 revisions to Chapter 62-625, F.A.C.:

	Yes	No
• Slug control requirements in control mechanisms. [62-625.500(2)(a)2.g, F.A.C.]; [40 CFR 403.8(f)(1)(iii)(B)(6)]	☑	☐
• Notification requirements to include changes that might affect the potential for a slug discharge. [62-625.500(2)(b)6, F.A.C.]; [40 CFR 403.8(f)(2)(vi)]	☑	☐
• Revised SNC definition. [62-625.500(2)(b)8., F.A.C.]; [40 CFR 403.8(f)(2)(viii)]	☑	☐
• Clarification that SIU reports must include any applicable BMP compliance information. [62-625.600(1)(e)2, (4)(a), (7)(a), F.A.C.]; [40 CFR 40.12(b), (e), (h)]	☑	☐
• SIU control mechanisms must contain any BMPs required by a Pretreatment Standard, local limits, state, or local law. [62-625.500(2)(a)2.c, F.A.C.]; [40 CFR 403.8(f)(1)(iii)(B)(3)]	☑	☐
• Record-keeping requirements for BMPs. [62-625.600(14)(a), F.A.C.]; [40 CFR 403.12(o)]	☑	☐
• Clarification that CAs that perform sampling for SIUs must perform any required repeat sampling and analysis within 30 days of becoming aware of a violation. [62-625.600(6)(b), F.A.C.]; [40 CFR 403.12(g)(2)]	☑	☐
• Modifications to the sampling frequency and number of grab requirements for all SIUs. [62-625.600(6)(c) and (g), F.A.C.]; [40 CFR 403.12(g)]	☑	☐
• Requirement to report all monitoring results. [62-625.600(6)(h), F.A.C.]; [40 CFR 403.12(g)]	☑	☐

If not, when? [ ]

	Yes	No
e. Has the CA adopted, or does the CA plan to adopt, any of the optional measures provided by the May 10, 2010 revisions to Chapter 62-625, F.A.C.?	☑	☐

If yes, check which ones.

n/a	☐	Issuance of monitoring waivers for pollutants that are neither present nor expected to be present. [62-625.500(2)(b)5.a and 600(4)(b)-(c), F.A.C.]; [40 CFR 403.8(f)(2)(v) and 403.12(e)(2)]
n/a	☐	Issuance of general control mechanisms to regulate groups of Significant Industrial Users that are substantially similar. [62-625.500(2)(a)7 and 8, F.A.C.]; [40 CFR 403.8(f)(1)(iii)(A)]
n/a	☐	Use of BMPs as an alternative to numeric local limits [62-625.200(2), 400(3)(d), 500(2)(a)2.c, 500(2)(b)5.h, 600(4)(a), and 600(7)(a), F.A.C.]; [40 CFR 403.3(e), 403.5(c)(4), 403.8(f), 403.12(b), (e), and (h)]
	☑	Authority to implement alternative sampling, reporting, and inspection frequencies for NSCIUs [62.625.200(14), 200(25), 500(2)(b)5.b, 600(17), F.A.C.]; [40 CFR 403.3(v)(2), 403.8(f)(2)(v)(B), 403.8(f)(6), 403.12(e)(1), 403.12(g), (i), and (q)]
n/a	☐	Authority to implement alternative sampling, reporting, and inspection frequencies for reduced reporting CIUs [62-625.500(2)(b)5.c, 600(4)(d), 600(14),F.A.C]; [40 CFR 403.8(f)(2)(v)(C), 403.12(e)(3), and 403.12(i)]
	☑	Authority to implement equivalent concentration limits for production or flow-based standards [62-625.410(b)-(d) and (i), F.A.C]; [40 CFR 403.6(c)(2)-(4) and (6)]
n/a	☐	Authority to implement equivalent mass limits in lieu of concentration-based standards [62-625.410(e), F.A.C]; [40 CFR 403.6(c)(5)]

SECTION II: INTERVIEW FORM (CONTINUED)

A. CA PRETREATMENT PROGRAM MODIFICATION (continued) [62-625.540, F.A.C.]; [40 CFR 403.18]

2. a. Are there any planned changes to the CA's treatment plant(s)?	Yes	No
	☐	☑

If yes, describe. NA

	b. Are these changes to the treatment plant(s) due to pretreatment issues?	Yes	No
n/a		☐	☑

If yes, what were the issues? NA

B. LEGAL AUTHORITY [62-625.500(2)(a), F.A.C]; [40 CFR 403.8(f)(1)]

1. a. Are there contributing jurisdictions discharging wastewater to any of the CA's WWFs?	Yes	No
If yes, complete questions b–e.	☐	☑

n/a b. List the contributing jurisdictions. Altamonte springs, Sanlando aka sunshine, orange county. Not for industrial pretreatment, just for reclaimed water.

n/a	c. Does the CA have an agreement in place that addresses pretreatment program responsibilities?	Yes	No
		☐	☐

n/a d. Is the CA or the contributing jurisdiction responsible for the following:

	CA Responsibility	Contributing Jurisdiction Responsibility
Updating the IWS	☐	☐
Notifying IUs of requirements	☐	☐
Issuance of control mechanisms	☐	☐
Receiving and reviewing IU reports	☐	☐
Conducting inspections	☐	☐
Conducting compliance monitoring	☐	☐
Enforcement of Pretreatment Standards and Requirements	☐	☐

SECTION II: INTERVIEW FORM (CONTINUED)

B. LEGAL AUTHORITY (continued) [62-625.500(2)(a), F.A.C]; [40 CFR 403.8(f)(1)]

n/a e. Has the CA had any problems with implementation of its pretreatment program within the contributing jurisdictions?

Yes	No
☐	☐

If yes, explain.

NA

	Yes	No
2. a. Has the CA updated its legal authority to reflect the May 10, 2010 revisions to Chapter 62-625, F.A.C.?	☑	☐
n/a b. Did all contributing jurisdictions update their SUOs to be as stringent as the CA's?	☐	☐
n/a c. Did the CA update its procedures and ERP to implement the changes in its SUO?	☐	☐

n/a If no, please explain.

NA

3. Has the CA experienced difficulty in implementing its legal authority [i.e., SUO, multijurisdictional agreement (e.g., permit challenged, entry refused, penalty appealed)]?	Yes	No
	☐	☑

If yes, explain.

NA

SECTION II: INTERVIEW FORM (CONTINUED)

C. IU CHARACTERIZATION [62-625.500(2)(b)1 and 2, F.A.C.]; [40 CFR 403.8(f)(2)(i)&(ii)]

	Yes	No
1. a. Is the CA's definition of SIU different from the definition at 62-625.200(25), F.A.C.? If yes, please attach a copy.	☐	☑

	Yes	No
n/a b. Are all contributing jurisdictions definitions of SIU the same as the CA's? If no, please attach a copy.	☐	☐

	Yes	No
n/a c. If the CA has implemented the reduced reporting CIU provisions, are the CA's requirements the same as found in paragraph 62-625.600(4)(d), F.A.C.*?* If no, please attach a copy.	☐	☐

	Yes	No
d. If the CA has implemented the NSCIU provisions, is the CA's definition of *NSCIU* different from the definition at 62-625.200(14), F.A.C.? If yes, please attach a copy.	☐	☑

2. a. How and when does the CA update its IWS to identify new IUs and changes in wastewater discharges at existing IUs (including those in contributing jurisdictions)?

The CA looks while in the field and the building dept. will notify the wastewater program of any new users. The CA asks possible users to fill out applications. They will inspect possible users as well. Business tax receipts help ensure no possible IUs are missed.

b. How are SIU determinations made (including those in contributing jurisdictions)?

If the IU has an applicable 40 CFR category then the CA categorizes them as a CIU, otherwise all other IUs are seen as an SIU.

c. Discuss any problems.

None.

C. IU CHARACTERIZATION (continued) [62-625.500(2)(b)1 and 2, F.A.C.]; [40 CFR 403.8(f)(2)(i)&(ii)]

4. How many IUs are identified by the CA in each of the following groups?

a.	5		SIUs (as defined by the CA)
		2	CIUs, excluding reduced reporting CIUs and NSCIUs
		0	Reduced reporting CIUs** (specify below)
		3	Noncategorical SIUs
b.	2		Other regulated nonsignificant IUs (specify)
		2	Noncategorical nonsignificant IUs
		0	NSCIUs**, excluding zero-discharging CIUs [as defined by 62-625.200(14), F.A.C.] (specify below)
		0	Zero-discharging CIUs** (specify below)
c.	7		TOTAL

d. List any new CIUs or SIUs:

**** The following section is to be completed only if the CA has adopted reduced reporting permitting, general control mechanisms, or NSCIUs. In addition the CA's program must be revised and approved for these classifications before they can be used.**

e. List of NSCIUs and zero-discharging CIUs:

The CA has two zero-discharging MIUs.

f. List of Reduced reporting CIUs:

N/A

g. If reduced reporting CIU classification is used, what is 0.01% of the WWF's dry-weather capacity? _____

SECTION II: INTERVIEW FORM (CONTINUED)

D. CONTROL MECHANISM EVALUATION [62-625.500(2)(a)2., F.A.C.]; [40 CFR 403.8(f)(1)(iii)]

1. a. How many and what percent of the total SIUs are not covered by an existing unexpired permit, or other individual control mechanism? | 1 | 0.00 %

	Yes	No
b. Has the CA implemented any general control mechanisms?	☐	☑

n/a

c. If yes, how many SIUs (as defined by the CA) are covered by a general control mechanism? 0

List the types of SIUs covered under a general control mechanism:

NA

d. How many control mechanisms either failed to be renewed within 180 days of the expiration date of the previous control mechanism or were extended beyond five (5) years? 1

If any, explain. Micross had a permit lapse from Oct. 2024 to Jan 2025.

	Yes	No
2. a. Do any UST, CERCLA, RCRA corrective action sites and/or other contaminated groundwater sites discharge wastewater to the CA?	☐	☑

b. How are control mechanisms (specifically limits) developed for these facilities?

Discuss: NA

	Yes	No
3. a. Does the CA accept any waste by truck, rail, or dedicated pipe (including septage)?	☐	☑
b. Is any of the waste hazardous as defined by RCRA?	☐	☑
c. Do any SIUs discharge via truck, rail, or dedicated pipe?	☐	☑

d. Describe the CA's program to control hauled wastes including a designated discharge point (e.g., number of points, control/security procedures). [62-625.400(2)(h), F.A.C.]; [40 CFR 403.5(b)(8)]

NA

SECTION II: INTERVIEW FORM (CONTINUED)

E. APPLICATION OF PRETREATMENT STANDARDS AND REQUIREMENTS

1. What limits (categorical, local, other) does the CA apply to wastes that are hauled to the WWF (directly to the treatment plant or within the collection system, including contributing jurisdictions)? [62-625.110(1)(a), F.A.C.]; [40 CFR 403.1(b)(1)]

NA

2. How does the CA stay current with Industrial Pretreatment regulations to ensure proper implementation of standards? [62-625.500(2)(b)3, F.A.C.]; [40 CFR 403.8(f)(2)(iii)]

FDEP communication, FIPA, look at FDEP Website and any other resources like the EPA Websites. The Ca attends any available meetings.

3. Local limits evaluation: [62-625.500(2)(c), F.A.C.]; [40 CFR 403.8(f)(4), 122.21(j)(2)(ii)]

a. For what pollutants have local limits been set (please attach a copy)?

b. Which allocation method(s) were used?

i.	Uniform concentration method based on total industrial flow	☐
ii.	Concentration limit method based on industrial contributory flow	☑
iii.	Mass Proportion Method	☐
iv.	Selected Industrial Reduction Method	☐
v.	Other: (specify below)	☐

c. When was the CA's last local limits evaluation? What was the approval date?

Ran the study in 2020 and it was approved on August 11, 2022.

	Yes	No
d. Has the CA or FDEP District office identified any pollutants of concern beyond those in its local limits?	☐	☑

If yes, how has this been addressed?

NA

SECTION II: INTERVIEW FORM (CONTINUED)

F. COMPLIANCE MONITORING

1. a. How often does the CA conduct IU inspections and monitoring? Inspect -1 Sample -2

b. Does the CA perform any IU monitoring in lieu of requiring the IU to conduct self-monitoring? If yes, list IUs. And if the practice of the CA is to perform all IU monitoring, please indicate this below and list any exceptions where the IU monitors.

The CA does all of the monitoring for List Industries because they are a very small facility that isn't very good at making sure that it will be collected and analyzed properly.

2. During the last monitoring period (for the most recent pretreatment Annual Report), how many, and what percentage of the SIUs:

a. were neither sampled nor inspected?	0	%
b. were inspected but not sampled at least once?	0	%
c. were sampled but not inspected at least once (for all parameters)?	0	%

(Define this monitoring period from: 01/01/2024 to: 12/31/2024.)

3. a. Indicate the number and percent of SIUs that were identified as being in SNC* with the following since the last monitoring period (specified above):

SNC Evaluation Periods: Use excel to monitor for a 90 day period

0	0 %	Applicable Pretreatment Standards
0	0 %	Reporting requirements
0	0 %	Self-monitoring requirements
0	0 %	Pretreatment compliance schedule(s)

*SNC defined by:

CA	☑
FDEP	☑

b. Are any of the SIUs that were listed as being in SNC in the last monitoring period still in SNC status? If yes, list SIUs and reason for SNC.

NA

c. Does the CA have a program for recognizing outstanding SIUs that have been in 100% compliance with all Pretreatment Standards and Requirements? If yes, please list SIUs that have been recognized since the last inspection.

NA

SECTION II: INTERVIEW FORM (CONTINUED)

F. COMPLIANCE MONITORING (continued)

4. Please check the inspection areas you routinely cover during an IU inspection:

a. Process areas	☑
b. Pretreatment facilities	☑
c. Chemical and hazardous waste storage areas	☑
d. Chemical spill prevention areas (containment structures)	☑
e. Sampling procedures	☑
f. Monitoring records	☑
g. Laboratory procedures (if IU uses an on site lab)	☐
h. Hazardous waste handling procedures	☑
i. Slug control plan evaluation	☑
j. Other:	☐

Please provide a copy of the CA's inspection form, if applicable.

5. Who performs the CA's compliance monitoring analysis?

	Laboratory Name	DOH Certification #
a. Metals/Cyanide	Advanced Environmental Lab	E53076
b. Organics	Advanced Environmental Lab	E53076
c. Other (specify)		

6. What QA/QC techniques does the CA use for sampling and analysis (e.g., splits, blanks, spikes), including verification of contract laboratory procedures and appropriate analytical methods? [62-625.500(2)(b)7, F.A.C.]; [403.8(f)(2)(vii)]

Check all that are applicable.

QA/QC for Sampling	✓	QA/QC for Analysis	✓
Gloves	✔	Sample Splits	
Chain-of-custody forms	✔	Sample Blanks	✔
New Sampling Tubes		Sample Spikes	✔
Field Blanks		Other:	
Other: Decontamination Processes	✔		

Note, please maintain current approved analyte list from contracted laboratories in pretreatment files. Provide documentation that the CA's laboratory is in compliance with the DEP's requirements for field sampling (FDEP SOPs 01/001 and subsequent revisions). Example documentation includes, but is not limited to, field data records, calibration logs, field quality assurance program, duplicate and split samples, etc.

7. Discuss any problems encountered in identification of sample location, collection, and analysis.

NA

SECTION II: INTERVIEW FORM (CONTINUED)

F. COMPLIANCE MONITORING (continued)

8. Hazardous Waste Notification: [62-625.600(15), F.A.C.]

	Yes	No
a. Did any IUs notify the CA of a hazardous waste discharge since the last PCI or PPA?	☐	☑

If yes, summarize.

NA

b. How does the CA notify its users of the hazardous-waste reporting requirement? When was the last time the CA notified its IUs?

In permit, anything new will be sent to them.

9. a. How and when does the CA evaluate/reevaluate SIUs for the need for a slug discharge control plan? [62-625.500(2)(b)6, F.A.C.]

During the annual inspections.

List SIUs required to have a slug discharge control plan. If it is the practice of the CA to require this from all IUs, please indicate this below and list any exceptions:

coca-cola, possibly more SIUs.

	Yes	No
b. Have all new significant industrial users been evaluated to determine the need for a slug discharge control plan within 1 year of being designated a significant industrial user?	☑	☐

If not, which SIUs have not been evaluated?

NA

G. ENFORCEMENT

	Yes	No
1. Is the CA's definition of SNC the same as Rule 62-625.500(2)(b)8a-h, F.A.C. ?	☑	☐

If not, please attach a copy of the CA's definition.

2. ERP implementation: [62-625.500(2)(d), F.A.C.]

a. When was the ERP approved by FDEP?	09/17/1997

SECTION II: INTERVIEW FORM (CONTINUED)

G. ENFORCEMENT (continued)

2. ERP implementation: (continued) [62-625.500(2)(d), F.A.C.]	Yes	No
b. Does the ERP describe how the CA will investigate instances of noncompliance?	☑	☐
c. Does the ERP describe types of escalating enforcement responses and the time frames for each response?	☑	☐
d. Does the ERP identify the title of official(s) responsible for implementing each type of enforcement response?	☑	☐
e. Does the ERP reflect the CA's responsibility to enforce all applicable Pretreatment Standards and Requirements?	☑	☐
f. Does the CA escalate enforcement in accordance with the approved ERP?	☑	☐
g. Is the ERP effective, and does it lead to timely compliance? Provide examples if any are available.	☑	☐

	Yes	No
3. a. Does the CA use compliance schedules? [403.8(f)(1)(iv)(A)]	☑	☐
n/a b. If yes, are they effective? Provide a list of SIUs on compliance schedules.	☐	☐

Have not been needed.

	Yes	No
4. Did the CA publish at least annual public notification, of industrial users which were in significant noncompliance with applicable pretreatment requirements at any time during the previous 12 months, in a newspaper(s) of general circulation within the jurisdiction served by the WWF that meets the requirements of Sections 50.011 and 50.031, F.S.?	☐	☑

If no, explain. NA

5. a. How many SIUs are in SNC with self-monitoring requirements and were not inspected (in the four most recent full quarters)?	0
b. How many SIUs are in SNC with self-monitoring requirements and were not sampled (in the four most recent full quarters)?	0

	Yes	No
c. Is the CA conducting quarterly SNC evaluations using rolling quarters for the previous six months?	☑	☐

SECTION II: INTERVIEW FORM (CONTINUED)

G. ENFORCEMENT (continued)

6. a. Did the CA experience any of the following caused by industrial discharges?

	Yes	No	Cause
• Interference	☐	☑	
• Pass through	☐	☑	
• Fire or explosions (flashpoint, and such)	☐	☑	
• Corrosive structural damage	☐	☑	
• Flow obstruction	☐	☑	
• Excessive flow rates	☐	☑	
• Excessive pollutant concentrations	☐	☑	
• Heat problems	☐	☑	
• Interference due to fats, oils, and grease (FOG)	☐	☑	
• Toxic fumes	☐	☑	
• Illicit dumping of hauled wastes	☐	☑	
• Worker health and safety	☐	☑	
• Other (specify)	☐	☐	

n/a

b. If yes, did the CA take enforcement action against the IUs causing or contributing to pass through or interference?

Yes	No
☐	☐

Please Explain. NA

7. a. Did the WWF have any sanitary sewer overflows since the last PCI or PPA?

Yes	No
☑	☐

b. If yes, how many were due to nondomestic waste issues (*non-residential blockages)*?

Please Explain. Not IU related.

SECTION II: INTERVIEW FORM (CONTINUED)

H. DATA MANAGEMENT/PUBLIC PARTICIPATION

1. Does the CA handle confidential information in accordance with 62-625.800, F.A.C.?	Yes	No
	☑	☐

2. How are requests by the public to review files handled?

Public records request through the city. It will get routed to the CA if they can provide the info.

3. a. Does the CA accept electronic reporting?	Yes	No
b. If yes, has the CA adopted EPA standards for electronic reporting (CROMERR)?	☐	☑
c. If no, does it plan to do so?	☐	☑
	☐	☑

4. Is the CA's data management system effective in supporting pretreatment implementation and enforcement activities?	Yes	No
	☑	☐

If no, please explain.

NA

5. How does the CA ensure public participation during revisions to the SUO and/or local limits? [62-625.400(3)(c), F.A.C.]; [40 CFR 403.5(c)(3)]

Submit to FDEP, FDEP public comment period. Goes through city council where the public is invited to participate.

6. Explain any public or community issues affecting the CA's pretreatment program.

NA

7. How long are records maintained? [62-625.600(14), F.A.C.]; [403.12(o)]

5 years or more.

SECTION II: INTERVIEW FORM (CONTINUED)

I. RESOURCES [62-625.500(3) , F.A.C.]; [40 CFR 403.8(f)(3)]

1. Estimate the number of personnel (in FTEs) available for implementing the program.

	Yes	No
a. Has there been any change in the staffing levels since the last inspection?	☑	☐

If yes, explain. Majorie hired as the environmental program supervisor, and Tori was hired as the environmental specialist for the FOG program

Activity	FTEs	Activity	FTEs
Legal Assistance	0.00	Sample Analysis	0.00
Permitting	0.25	Data Analysis: Review and Response	0.25
Inspections	0.50	Enforcement	0.25
Sample Collection	0.50	Administration	0.25
		Total Number of FTEs	2

	Yes	No
2. Does the CA have adequate access to monitoring equipment? (Consider: sampling, flow measurement, safety, transportation, and analytical equipment.)	☑	☐

If not, explain. NA

3. a. Estimate the annual operating budget for the CA's program. $ 13,000

b. Is funding expected to stay the same, increase, decrease (note time frame; e.g., following year, next 3 years)?

Discuss any changes in funding. Stay the same.

4. Discuss any problems in program implementation that appear to be related to inadequate resources.

NA

5. a. How does the CA ensure that personnel are qualified and up-to-date with current program requirements?

It is a requirement to attend FIPA every year. They do in house trainings. They also scan applicable websites.

	Yes	No
b. Does the CA have adequate reference material to implement its program?	☑	☐

SECTION II: INTERVIEW FORM (CONTINUED)

J. ENVIRONMENTAL EFFECTIVENESS/POLLUTION PREVENTION

1. a. How many times was the WWF monitored in the past year?

	Influent	Effluent	Sludge
• Metals	1	1	4
• Priority pollutants	1	1	0
• Toxicity Characteristic Leachate Procedure (TCLP)	0	0	0
• Whole Effluent Toxicity (WET) test	0	0	0
• Other (specify)			

Less	Equal	More
☐	☑	☐

b. Is this frequency less than, equal to, or more than that required by the WWF permit?

Explain any differences.

NA

Yes	No
☑	☐

c. Is the CA reporting these results to the Approval Authority?

If yes, at what frequency?

Annually in DMRs.

2. a. Has the CA evaluated historical and current data to determine the effectiveness of pretreatment controls on the following:

	Yes	No
• Improvements in WWF operations	☑	☐
• Loadings to and from the WWF	☑	☐
• WWF permit compliance	☑	☐
• Sludge quality	☑	☐
• Sludge disposal options	☑	☐
b. Has the CA documented these findings	☐	☑

(Please have a copy of the lab reports from the most recent priority pollutant scan available for review.)

SECTION II: INTERVIEW FORM (CONTINUED)

J. ENVIRONMENTAL EFFECTIVENESS/POLLUTION PREVENTION

3. If the CA has historical data concerning influent, effluent, and sludge sampling for the WWF, what trends have been seen? (Increases in pollutant loadings over the years? Decreases? No change?)

Increase in flow due to residential increase.

4. Has the CA investigated the sources contributing to current pollutant loadings to the WWF (i.e., the relative contributions of toxics from industrial, commercial, and domestic sources)?	Yes	No
	☐	☑

If yes, what was found? NA

	Yes	No
5. a. Has the CA implemented any kind of public education program?	☑	☐
b. Are there any plans to initiate such a program to educate users about pollution prevention?	☑	☐

Explain. Set up booths at festivals to educate about FOG, water conservation, and storm water. They put out door hangers in residential areas.

6. What efforts have been taken to incorporate pollution prevention into the CA's pretreatment program (e.g., waste minimization at IUs, household hazardous waste programs)?

FOG education, pass out material to restaurants, monitor blockages and give out door hangers as necessary. The CA made a more stringent FOG inspection form.

7. Does the CA have any documentation concerning successful pollution-prevention programs being implemented by IUs (e.g., case studies, sampling data demonstrating pollutant reductions)?	Yes	No
	☐	☑

Explain. NA

	Yes	No
8. Does the CA have a Fats, Oil, and Grease program?	☑	☐

SECTION II: INTERVIEW FORM (CONTINUED)

K. ADDITIONAL EVALUATIONS/INFORMATION/DEP COMMENTS

How is the CA handling the new Dental Amalgam requirement.

The CA has dentists fill out the one time compliance form. They need to notify if there are any changes. The requirements are implemented in the CA's SUO.

Compliance Determination and Suggested Actions:

CAO

DEP Representative Signature:	Laurel Keys	DATE:	9/10/2025
DEP Representative TITLE:	Environmental Specialist III	TELEPHONE:	(850) 245-8593
DEP Reviewer Signature:		DATE:	

PRETREATMENT PROGRAM PROFILE

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PRETREATMENT PROGRAM PROFILE

INSTRUCTIONS: This attachment is intended to serve as a summary of program information. The DEP representative will obtain the needed information from the approved pretreatment program submission, approved program modifications, DMRs and the WWF permit. Any changes will be discussed during the interview portion of the inspection.

A. CA INFORMATION

1. CA name: City of Apopka

2. Original pretreatment program approval date: 02/06/1998

3. Required reporting to Approval Authority

   a. CA annual report due date: February 1, 2026

   b. Reporting period start date: January 1, 2025

   c. Reporting period end date: December 31, 2025

4. Specify the following CA information

Treatment Plant Name	WWF Permit Number	Effective Date	Expiration Date
Project Arrow	FLA010818	07/18/2022	07/17/2027
	FL		
	FL		
	FL		
	FL		
	FL		
	FL		
	FL		

5. Effluent and sludge quality
   List the WWF Permit effluent and sludge limits violated and the suspected cause(s).

Parameters Violated	Cause(s)
NTU (Turbidity)	all domestic related
Fecal	all domestic related

	Yes	No
6. Do any treatment plants discharge to a 303(d) impaired waterbody? If yes, list the pollutants of concern.	☐	☑
7. Do any treatment plant discharge to a waterbody that has a TMDL that has been developed or is being developed? If yes, attach the information on the TMDL (i.e., pollutants of concern, limits, effective date).	☐	☑

PRETREATMENT PROGRAM PROFILE (Continued)

8. Does the CA hold a sludge permit or has the WWF permit been modified to include sludge use and disposal requirements? If yes, provide the following information.	Yes	No
	☐	☑

WWF Name	Issuing Authority	Issuance Date	Expiration Date	Regulated Pollutants
Project Arrow				

9. Have any of the treatment plants sludge violated TCLP tests?	Yes	No
	☐	☑

If yes please list plants and pollutants

B. PRETREATMENT PROGRAM MODIFICATIONS

1. When was the CA's WWF permit first modified to require pretreatment implementation?	02/06/1998

2. Identify any substantial modifications the CA made in its pretreatment program since the approved pretreatment program submission. [403.18]

Date Approved	Name of Modification	Date Incorporated
09/26/1997	Local Limits/SUO	10/25/1997
08/27/2014	Local Limits/SUO	09/26/2014
07/25/1997	ERP	10/25/1997
09/20/2018	Local Limits	10/19/2018
08/11/2022	Local Limits/SUO	09/2/2022

C. APPLICATION OF STANDARDS

If there is more than one treatment plant, were local limits established specifically for each plant?	N/A	Yes	No
	☑	☐	☐

PRETREATMENT PROGRAM PROFILE (Continued)

D. TREATMENT PLANT INFORMATION

INSTRUCTIONS: Complete this section for each treatment plant operated under an WWF permit issued to the CA.

1. Treatment plant name and permit number	2. Location address
Project Arrow FLA010818	748 E. Cleveland Street, Apopka, FL 32703

4. Treatment plant wastewater flows:	Design	8.00	mgd	Actual	3.80	mgd

5. Effluent outfalls	a. Surface water	0.00	mgd	b. Part III reuse	3.80	mgd	c. Underground injection		mgd

6. a. Industrial contribution (mgd)	b. Number of SIUs discharging to plant	c. Percent industrial flow to plant
	5	

7. Level of treatment		Type of Process(es)
a. Primary	☑	carousel aeration Bay
b. Secondary	☑	secondary clarifiers
c. Tertiary	☑	sand filtration and chlorination

8. Indicate methods of sludge disposal.

	Quantity of sludge			Quantity of sludge	
a. Land application		dry tons/year	e. Public distribution		dry tons/year
b. Incineration		dry tons/year	f. Lagoon storage		dry tons/year
c. Monofill		dry tons/year	g. Other (specify)	530.60	dry tons/year
d. MSW landfill		dry tons/year			

D. TREATMENT PLANT INFORMATION (Additional Plant)

1. Treatment plant name and permit number	2. Location address
FL	

4. Treatment plant wastewater flows:	Design		mgd	Actual		mgd

5. Effluent outfalls	a. Surface water		mgd	b. Part III reuse		mgd	c. Underground injection		mgd

6. a. Industrial contribution (mgd)	b. Number of SIUs discharging to plant	c. Percent industrial flow to plant

7. Level of treatment		Type of Process(es)
a. Primary	☐	
b. Secondary	☐	
c. Tertiary	☐	

8. Indicate methods of sludge disposal.

	Quantity of sludge			Quantity of sludge	
a. Land application		dry tons/year	e. Public distribution		dry tons/year
b. Incineration		dry tons/year	f. Lagoon storage		dry tons/year
c. Monofill		dry tons/year	g. Other (specify)		dry tons/year
d. MSW landfill		dry tons/year			

E. ADDITIONAL INFORMATION / COMMENTS

Representative:		DATE: ___/___/_____	
TITLE:		TELEPHONE: (____) ____-_____	
DEP Representative Signature:		DATE:	___/___/_____

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FLORIDA DEPARTMENT OF
Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexis A. Lambert
Secretary

November 4, 2025

Majorie Watson
Environmental Supervisor
City of Apopka
748 E. Cleveland Street
Apopka, Florida 32703
MWatson@Apopka.net

RE: Sewer Use Ordinance (SUO) Completeness Review
Apopka Wastewater Reclamation Facility (WRF) - Project Arrow
Permit No: FLA010818
Orange County

Dear Majorie Watson:

The Florida Department of Environmental Protection (Department) has completed a review of Control Authority's Draft SUO submitted on October 31, 2025. Based on the Department's review, it was determined that the Draft SUO satisfies the requirements of Chapter 62-625, Florida Administrative Code (F.A.C.).

The Control Authority should schedule the Draft SUO for formal ratification by the appropriate local government as soon as possible. Following final local government ratification of the ordinance, the ratified SUO must be submitted to the Department as a substantial program modification in accordance with Rule 62-625.510, F.A.C. The SUO shall become effective upon final Department approval of the program modification.

Provide the Department with the anticipated schedule of ratification within 30 days of receipt of this letter. If you have any questions or comments, please contact Brianna Valek (Cesaroni) by phone at (850)-245-8695, or via email at Brianna.Valek@FloridaDEP.gov.

Sincerely,

Lauren Gottfreid

Lauren Gottfreid
Program Administrator
Wastewater Management Program
Division of Water Resource Management

cc: Victoria Ryan, City of Apopka, vryan@apopka.net
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Laurel Keys, DEP Tallahassee, Laurel.Keys@FloridaDEP.gov

EPA MODEL
PRETREATMENT ORDINANCE

Office of Wastewater Management/
Permits Division

January 2007

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

EPA 833-B-06-002

Ordinance Key

Required Pretreatment Streamlining Rule changes are designated as a ***Required Streamlining Rule Change*** in 10 point font bold italics.

[Informational notes are in brackets in 10 point bold font]

Optional requirements (not-required by 40 CFR Part 403) are labeled: "**{optional}**" in 10 point bold font.

EPA MODEL PRETREATMENT ORDINANCE

INTRODUCTION

The United States Environmental Protection Agency (EPA), Office of Wastewater Management, Water Permits Division has prepared this Model Pretreatment Ordinance. It is for use by municipalities operating Publicly Owned Treatment Works (POTWs) that are required to develop pretreatment programs to regulate industrial discharges to their systems. The model ordinance should also be useful for communities with POTWs that are not *required* to implement a pretreatment program in drafting local ordinances to control nondomestic dischargers within their jurisdictions.

A municipality should not adopt the model ordinance verbatim. Instead, the model ordinance should be used as a guide for adopting new or revised provisions of local law to implement and enforce a pretreatment program that fulfills requirements set out in the *Code of Federal Regulations* (CFR). The municipality must consider conditions at its POTW and consult State law to determine what adjustments might need to be made to the model ordinance and what provisions are authorized under State law. Many provisions in the model ordinance contain blanks or brackets; these indicate that the provision must be adapted to the POTW's circumstances. Also, bracketed notes in bold, 10 point print are provided for certain provisions, explaining issues the municipality must consider when crafting local provisions.

Some provisions in the model ordinance are not strictly required by the General Pretreatment Regulations (40 CFR Part 403); however, they have been included because they may be useful in ensuring that the municipality has adequate legal authority to effectively implement its local pretreatment program. In addition, the model ordinance includes additional, other provisions that, while included in the "Pretreatment Streamlining Rule (October 14, 2005, 70 FR 60134) are not required elements of a local pretreatment program. These provisions are designated as optional, and are indicated as such in the ordinance by "**{optional}**". Furthermore, POTWs considering adopting the non-required provisions of the *Pretreatment Streamlining Rule* should verify with their Approval Authority to determine whether these optional items are available for implementation. Where a municipality either must adopt a provision similar to the one in the model ordinance or develop its own means of accomplishing that section's objective, the section is preceded by a bracketed note explaining the municipality's options. Other provisions, such as the model ordinance's statement of purpose and effective date, are necessary only to the extent that they are typical of any local ordinance.

POTWs should be aware that any change to their pretreatment ordinance is considered a modification to their approved pretreatment program. All modifications to a POTW's approved pretreatment program must be submitted to the Approval Authority in accordance with 40 CFR 403.18. It is EPA's expectation that States will review POTW ordinances to ensure that the ordinances are consistent with State law. POTWs should request this review from their States.

EPA Regions and representatives of various States and municipalities provided valuable comments in helping to prepare this document.

This EPA Model Pretreatment Ordinance also is available on EPA's Web site at http://www.epa.gov/npdes/pretreatment in Microsoft WORD7® format.

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EPA MODEL PRETREATMENT ORDINANCE

ORDINANCE NO. [ ]

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the [City of] and enables [the City] to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. **{Optional}** To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable [the City] to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits [or general permit **{optional}**]; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; [and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. **{Optional} [Note: Not all programs distribute the cost of the program through fees (some come out of the general budget) so Section 15 may not be applicable to your municipality and indicates that it is optional to have pretreatment charges and fees.]**

1.2 Administration

Except as otherwise provided herein, [the Superintendent] shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon [the Superintendent] may be delegated by [the Superintendent] to a duly authorized [City] employee.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

[Note: Each of the terms and phrases defined below are used at least once in the ordinance. When the municipality adopts its final version of the ordinance, it should delete from this Section all terms not used.]

A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

B. Approval Authority. **[Note: Designate the State as the Approval Authority if the State has an EPA-approved pretreatment program. Alternatively, designate the appropriate Regional Administrator of EPA as the Approval Authority in a nonapproved State.]**

C. Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to [the City].

D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

E. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. **[Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]**

F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

H. [City]. [The City of] or [the City Council of].

I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. Control Authority. The [City]

K. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

L. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

M. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

K. Existing Source. Any source of discharge that is not a "New Source."

L. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

M. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

N. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event. **[Note: If the POTW would like the flexibility to measure compliance with either a single grab sample or sample representative of the discharge day, the POTW should establish both Daily Maximum and Instantaneous Limits.]**

O. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of [the

City's] NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

P. Local Limit. Specific discharge limits developed and enforced by [the City] upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Q. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

R. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

S. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

T. New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new

building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or
(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

U. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

V. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of [the City's] NPDES permit, including an increase in the magnitude or duration of a violation.

W. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

X. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Y. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Z. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means,

except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

AA. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

BB. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

CC. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

DD. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by [the City]. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

EE. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

FF. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

GG. Significant Industrial User (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

(1) An Industrial User subject to categorical Pretreatment Standards; or

(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
(c) Is designated as such by [the City] on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

{Optional} [Note: The following provision may be included in the local ordinances only if authorized under State law. Criteria for reduced reporting must also include any criteria defined in applicable State requirements.]

(3) The [City] may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to [City's] finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
(b) The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and
(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, [the City] may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

HH. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

II. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

JJ. [Superintendent]. The person designated by [the City] to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance**.** The term also means a Duly Authorized Representative of the [Superintendent].

KK. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

LL. User or Industrial User. A source of indirect discharge.

MM. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

NN. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 5.0 [or more than ____], or otherwise causing corrosive structural damage to the POTW or equipment;

[Note: The municipality should be aware that the General Pretreatment Regulations at 40 CFR 403.5(b) do not set an upper pH limit, although many municipalities find such a limit necessary or useful. If the municipality wishes to set an upper pH limit, it should insert one in this Section. 40 CFR 261.22 established that wastes discharged with a pH over 12.5 are considered corrosive hazardous wastes and therefore, the POTW would need to comply with applicable requirements under the Resource Conservation and Recovery Act and implementing regulations for Treatment, Storage, and Disposal facilities if such wastes are delivered to the POTW by truck, rail, or dedicated pipe. Accordingly, if the POTW chooses to prohibit discharge of characteristic hazardous wastes, the upper pH limit must be no greater than 12.5.]

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference [but in no case solids greater than_____ inch(es) (____") or _____ centimeter(s) (____ cm) in any dimension];

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

(5) Wastewater having a temperature greater than [____degrees F (____degrees C)], or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by [the Superintendent] in accordance with Section 3.4 of this ordinance;

{Note: Discharge prohibitions B.(1) through B.(8) are mandatory National Pretreatment Standards and must be included in the ordinance; discharge prohibitions B.(9) through B.(18) below are optional.}

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair; **{optional}**

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating [the City's] NPDES permit; **{optional}**

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations; **{optional}**

(12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by [the Superintendent]; **{optional}**

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes; **{optional}**

(14) Medical Wastes, except as specifically authorized by [the Superintendent] in an individual wastewater discharge permit [or a general permit **{optional}**]; **{optional}**

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test; **{optional}**

(16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW; **{optional}**

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than [( ) mg/l]; **[Note: Numeric limits for these pollutants may be placed in Section 2.4] {optional}**

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than [_____ percent (____%)] or any single reading over [_____ percent (____%)] of the Lower Explosive Limit of the meter. **{optional}**

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

[Note: State procedures for incorporation by reference must be followed. EPA regulations at 40 CFR 403.13 authorize a CIU to obtain a variance from a categorical Pretreatment Standard if the CIU can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical Pretreatment Standard. The POTW might need to include a provision authorizing it to incorporate or recognize revised Standards if the User has obtained an FDF variance from EPA on the basis of 40 CFR 403.13. That CIU's Standards would be replaced by the revised FDF variance Standard.]

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, [the Superintendent] may impose equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F. **{Optional} [Note: See 40 CFR 403.6(c)]**

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the [Superintendent] may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. **{Optional} [Note: See 40 CFR 403.6(c)(2)]**

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, [the Superintendent] shall impose an alternate limit in accordance with 40 CFR 403.6(e).

{Optional}[Note: The following provision may be included in the local ordinance at the municipality's discretion.]

D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. **[Note: See 40 CFR 403.15]**

(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the [City]. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for

pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

(2) Criteria.

a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The [City] may waive this requirement if it finds that no environmental degradation will result.

{Optional} [Note: The following optional provision may be included in the local ordinances only if authorized under State law.]

E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that [the City] convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the [Superintendent]. [The City] may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)(a) through 2.2E(1)(e) below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
c. Continue to record the facility's production rates and notify the [Superintendent] whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the [Superintendent] will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2E(1)(a) of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the [Superintendent]:

a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.]

{Optional} [Note: The following optional provisions (F–I) may be included in the local ordinances only if authorized under State law.]

F. [The Superintendent] may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the [Superintendent].

[Note: When converting such limits to concentration limits, the [Superintendent] will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 2.6 of this ordinance (see 40 CFR 403.6(d)). In addition, the [Superintendent] will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).]

G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. **[Note: See 40 CFR 403.6(c)(7)]**

H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. **[Note: See 40 CFR 403.6(c)(8)]**

I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the [Superintendent] within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the [Superintendent] of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. **[Note: See 40 CFR 403.6(c)(9)]**

2.3 State Pretreatment Standards

Users must comply with [State Pretreatment Standards] codified at [insert appropriate cite to State statute or law].

2.4 Local Limits

[Note: Municipalities need to establish limits for some or all of the pollutants listed below, and might need to set limits for pollutants not listed below. The municipality may also establish Best Management Practices (BMPs) to control certain pollutants. The municipality will provide public notice and an opportunity to respond to interested parties (40 CFR 403.5(c)(3)). This requirement applies whether Local Limits are set by ordinance or on a case-by-case basis.]

A. The [Superintendent] is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

[Note: The municipality may set limits as instantaneous maximums or for other durations (e.g., Daily Maximum or Monthly Average Limits). The municipality should define these durations in the definition Section.]

B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following [insert the duration, for example Daily Maximum Limit].

[Note: The approach of charging only for the "excess" loading presumes the standard sewer charges already provide appropriate payment for concentrations up to domestic strength. Many POTWs establish surcharges for conventional pollutants amenable to treatment, such as BOD_5 and TSS. Ordinances should clearly distinguish between surcharges and Local Limits. Surcharges are additional charges to recover the cost to treat wastewater that are typically assessed when discharge concentrations are above defined values, typically above domestic wastewater. Enforceable Local Limits for conventional pollutants are established where there is potential for these pollutants to be discharged to the POTW in quantities or concentrations that could exceed the POTW's plant capacity. When IUs discharge in excess of a Local Limit, they are subject to enforcement actions.]

[ ] mg/l ammonia
[ ] mg/l arsenic
[ ] mg/l BOD_5
[ ] mg/l cadmium
[ ] mg/l chromium
[ ] mg/l copper
[ ] mg/l cyanide
[ ] mg/l lead
[ ] mg/l mercury
[ ] mg/l molybdenum
[ ] mg/l nitrogen (total)
[ ] mg/l nickel
[ ] mg/l oil and/or grease **[Note: Oil and/or grease limits should be defined as a polar, nonpolar, or total oil and grease limits.]**
[ ] mg/l selenium
[ ] mg/l silver
[ ] mg/l total phenols
[ ] mg/l total suspended solids
[ ] mg/l zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. [The Superintendent] may impose mass limitations in addition to the concentration-based limitations above.

[Note: For additional information on Local Limits, refer to Local Limits Development Guidance, EPA Office of Wastewater Management, July 2004, EPA (833-R-04-002A). Available via the Web at http://www.epa.gov/npdes/pubs/final_local_limits_guidance.pdf and http://www.epa.gov/npdes/pubs/final_local_limits_appendices.pdf]

{Optional} [Note: The following optional provision may be included in the local ordinances only if authorized under State law.]

C. [The Superintendent] may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits [or general permits **{optional}**], to implement Local Limits and the requirements of Section 2.1.

2.5 [City's] Right of Revision

The [City] reserves the right to establish, by ordinance or in individual wastewater discharge permits [or in general permits **{optional}**], more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.6 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. [The Superintendent] may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or [the Superintendent], whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to [the Superintendent] for review, and shall be acceptable to [the Superintendent] before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to [the City] under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

{Optional}[Note: The following provisions are optional. The municipality may include provisions authorizing it to do the following.]

A. Whenever deemed necessary, [the Superintendent] may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

B. [The Superintendent] may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit [or a general permit **{optional}**] may be issued solely for flow equalization.

[Note: The City should modify this Section to conform to design, maintenance, inspection and BMP requirements for oil and grease control.]

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of [the Superintendent], they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by [the Superintendent], [shall comply with [the City's Oil and Grease Management ordinance (if applicable, cite), and] shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired [in accordance with [the City's Oil and Grease Management ordinance (if applicable, cite)] by the User at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Discharge Control Plans

[The Superintendent] shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. [The Superintendent] may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, [the Superintendent] may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying [the Superintendent] of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and

D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

[Note: The municipality will ensure that hauled industrial waste is adequately regulated and should take measures to ensure that haulers of septic tank waste are not introducing industrial waste to the POTW. The following is one possible means of regulating hauled waste.]

A. Septic tank waste may be introduced into the POTW only at locations designated by [the Superintendent], and at such times as are established by [the Superintendent]. Such

waste shall not violate Section 2 of this ordinance or any other requirements established by [the City]. [The Superintendent] may require septic tank waste haulers to obtain individual wastewater discharge permits [or general permits **{optional}**].

B. [The Superintendent] may require haulers of industrial waste to obtain individual wastewater discharge permits [or general permits **{optional}**]. [The Superintendent] may require generators of hauled industrial waste to obtain individual wastewater discharge permits [or general permits **{optional}**]. [The Superintendent] also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

C. Industrial waste haulers may discharge loads only at locations designated by [the Superintendent]. No load may be discharged without prior consent of [the Superintendent]. [The Superintendent] may collect samples of each hauled load to ensure compliance with applicable Standards. [The Superintendent] may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS [and GENERAL PERMITS **{optional}**]

[Note: The municipality must control SIUs through individual wastewater discharge [or general {optional}] permits. Where provided by State law, the Control Authority may establish the authority to use a general permit where certain conditions listed in Section 4.6 (40 CFR 403.8(f)(1)(iii)) are met.]

4.1 Wastewater Analysis

When requested by [the Superintendent], a User must submit information on the nature and characteristics of its wastewater within [( )] days of the request. [The Superintendent] is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.2 Individual Wastewater Discharge Permit [and General Permit **{optional}**] Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit [or a general permit **{optional}**] from [the Superintendent], except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.

B. [The Superintendent] may require other Users to obtain individual wastewater discharge permits [or general permits **{optional}**] as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit [or a general permit **{optional}**] shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining an individual wastewater discharge permit [or a general permit **{optional}**] does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.3 Individual Wastewater Discharge [and General **{optional}**] Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit [or a general permit **{optional}**] who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within [_____ (____)] days after said date, apply to [the Superintendent] for an individual wastewater discharge permit [or a general permit **{optional}**] in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after [_____ (____)] days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit [or a general permit **{optional}**] issued by [the Superintendent].

4.4 Individual Wastewater Discharge [and General {optional}] Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit [or a general permit **{optional}**] who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit [or general permit **{optional}**], in accordance with Section 4.5 of this ordinance, must be filed at least [_____ (____)] days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge [and General **{optional}**] Permit Application Contents

[Note: This Section lists the information IUs must provide in their application for an individual wastewater discharge permit or general permit (control mechanism). Permits may be individual wastewater discharge permits or general permits (See Section 4.6) if allowed by the POTW (Control Authority). POTWs might want to modify the type of information required in permit applications on the basis of the size and type of IU and the type of permit (individual wastewater discharge permit vs. general permit.) The list of information to be submitted in a permit application has been expanded in this version of the model ordinance to include the new general permit application requirements (40 CFR 403.8(f)(1)(iii)(A)(2)) and to capture the baseline monitoring report (BMR) information which was previously in Section 6.1B (40 CFR 403.12(b)(1)-(7)). The BMR Section (6.1B) currently refers back to this (Section 4.5) regarding information that must be submitted in the BMR.]

A. All Users required to obtain an individual wastewater discharge permit [or a general permit **{optional}**] must submit a permit application. Users that are eligible may request a

general permit under Section 4.6. [The Superintendent] may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.
a. The name and address of the facility, including the name of the operator and owner.
b. Contact information, description of activities, facilities, and plant production processes on the premises;

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.
a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
d. Type and amount of raw materials processed (average and maximum per day);
e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).

(7) Measurement of Pollutants.
a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by [the Superintendent], of regulated pollutants in the discharge from each regulated process.
c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the [Superintendent] or the applicable Standards to determine compliance with the Standard.
e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B [40 CFR 403.12(e)(2)]. **{Optional} [Note: This provision is required only if the municipality has incorporated Section 6.4B into its ordinance.]**

(9) Any request to be covered by a general permit based on Section 4.6. **{Optional} [Note: This provision is only required if the municipality has incorporated Section 4.6 into its ordinance.]**

(10) Any other information as may be deemed necessary by [the Superintendent] to evaluate the permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.6 Wastewater Discharge Permitting: General Permits **{Optional}**

[Note: The option to issue general permits in lieu of individual permits is available only if authorized under State law. In such cases, State law may include additional general permit requirements. See 40 CFR 403.8(f)(1)(iii)(A)]

A. At the discretion of the [Superintendent], the [Superintendent] may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(1) Involve the same or substantially similar types of operations;
(2) Discharge the same types of wastes;
(3) Require the same effluent limitations;
(4) Require the same or similar monitoring; and
(5) In the opinion of the [Superintendent], are more appropriately controlled under a general permit than under individual wastewater discharge permits.

B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 6.4 B for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the

[Superintendent] has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 6.4B.

C. The [Superintendent] will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 4.6A(1) to (5) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit. **[Note: See 40 CFR 403.8(f)(1)(iii)(A)(1) through (5).]**

D. The [Superintendent] may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula (Section 2.2C) or Net/Gross calculations (Section 2.2 D). **[Note: See 40 CFR 403.6(e) and 40 CFR 403.15]**

4.7 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14 A. **[Note: Definition of Authorized Representative has been revised, see definition at Section 1.4 C]**

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to [the Superintendent] prior to or together with any reports to be signed by an Authorized Representative.

{Optional} [Note: The following optional provision is required if the municipality has incorporated Section 1.4GG(3) into its ordinance].

C. A facility determined to be a Non-Significant Categorical Industrial User by [the Superintendent] pursuant to 1.4 GG(3) must annually submit the signed certification statement in Section 6.14 B. **[Note: See 40 CFR 403.3(v)(2)]**

4.8 Individual Wastewater Discharge [and General **{optional}**] Permit Decisions

[The Superintendent] will evaluate the data furnished by the User and may require additional information. Within [_____ (____)] days of receipt of a complete permit application, [the Superintendent] will determine whether to issue an individual wastewater discharge permit [or a general permit **{optional}**]. [The Superintendent] may deny any application for an individual wastewater discharge permit [or a general permit **{optional}**].

SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE [AND GENERAL **{optional}**] PERMIT ISSUANCE

5.1 Individual Wastewater Discharge [and General **{optional}**] Permit Duration

An individual wastewater discharge permit [or a general permit **{optional}**] shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit [or a general permit **{optional}**] may be issued for a period less than five (5) years, at the discretion of [the Superintendent]. Each individual wastewater discharge permit [or a general permit **{optional}**] will indicate a specific date upon which it will expire.

5.2 Individual Wastewater Discharge Permit [and General Permit **{optional}**] Contents

An individual wastewater discharge permit [or a general permit **{optional}**] shall include such conditions as are deemed reasonably necessary by [the Superintendent] to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits [and general permits **{optional}**]) must contain:

(1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date; **[Note: See Section 5.1.]**

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to [the City] in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards; ***[Note: Required Streamlining Rule Change]***

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B. **{Optional} [Note: This provision is required only if the municipality has incorporated Section 6.4B into its ordinance. Section 4.5A (8) includes an instruction to the permittees to include requests for a new (or renewal of an existing) monitoring waiver for a pollutant neither present nor expected to be present in the discharge. See 40CFR 403.12(e)(2).]**

(6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(7) Requirements to control Slug Discharge, if determined by the [Superintendent] to be necessary.***[Note: Required Streamlining Rule Change]***

(8) Any grant of the monitoring waiver by the [Superintendent] (Section 6.4 B) must be included as a condition in the User's permit [or other control mechanism]. **{Optional} [Note: This provision is required only if the municipality has incorporated Section 6.4B into its ordinance.]**

B. Individual wastewater discharge permits [or general permits **{optional}**] may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit [or the general permit **{optional}**] does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit [or the general permit **{optional}**]; and

(8) Other conditions as deemed appropriate by [the Superintendent] to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Permit Issuance Process {optional}

A. Public Notification. The [Superintendent] will publish [in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page], a notice to issue a pretreatment permit, at least [_____ (____) fill in number] days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

B. Permit Appeals. [The Superintendent] shall provide public notice of the issuance of an individual wastewater discharge permit [or a general permit **{optional}**]. Any person, including the User, may petition [the Superintendent] to reconsider the terms of an individual wastewater discharge permit [or a general permit **{optional}**] within [_____ (____) fill in number] days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the individual wastewater discharge permit [or a general permit **{optional}**] provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit [or a general permit **{optional}**].

(3) The effectiveness of the individual wastewater discharge permit [or a general permit **{optional}**] shall not be stayed pending the appeal.

(4) If [the Superintendent] fails to act within [_____ (____)] days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit [or a general permit **{optional}**], not to issue an individual wastewater discharge permit [or a general permit **{optional}**], or not to modify an individual wastewater discharge permit [or a general permit **{optional}**] shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit [or general permit **{optional}**] decision must do so by filing a complaint with the [insert name of appropriate Court] for [proper jurisdiction] within [insert appropriate State Statute of Limitations].

5.4 Permit Modification

A. [The Superintendent] may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to [the City's] POTW, [City] personnel, or the receiving waters; **[Note: The Control Authority should consider threats to the POTW's beneficial sludge use.]**

(5) Violation of any terms or conditions of the individual wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the individual wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

{Optional}[Note: The following provision is optional. The municipality may include a provision authorizing it to do the following.]

B. [The Superintendent] may modify a general permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(3) To correct typographical or other errors in the individual wastewater discharge permit; or

(4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

5.5 Individual Wastewater Discharge Permit [and General Permit {optional}] Transfer

Individual wastewater discharge permits [or coverage under general permits **{optional}**] may be transferred to a new owner or operator only if the permittee gives at least [_____ (____)] days advance notice to [the Superintendent] and [the Superintendent] approves the individual wastewater discharge permit [or the general permit coverage **{optional}**] transfer. The notice to [the Superintendent] must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit [or general permit **{optional}**].

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit [or coverage under the general permit **{optional}**] void as of the date of facility transfer.

5.6 Individual Wastewater Discharge Permit [and General Permit **{optional}**] Revocation

[The Superintendent] may revoke an individual wastewater discharge permit [or coverage under a general permit **{optional}**] for good cause, including, but not limited to, the following reasons:

A. Failure to notify [the Superintendent] of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to [the Superintendent] of changed conditions pursuant to Section 6.5 of this ordinance;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports and certification statements;

E. Tampering with monitoring equipment;

F. Refusing to allow [the Superintendent] timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit [or the general permit **{optional}**] or this ordinance.

Individual wastewater discharge permits [or coverage under general permits **{optional}**] shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits [or general permits **{optional}**] issued to a User are void upon the issuance of a new individual wastewater discharge permit [or a general permit **{optional}**] to that User.

5.7 Individual Wastewater Discharge Permit [and General Permit **{optional}**] Reissuance

A User with an expiring individual wastewater discharge permit [or general permit **{optional}**] shall apply for individual wastewater discharge permit [or general permit **{optional}**] reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of [_____ (____)] days prior to the expiration of the User's existing individual wastewater discharge permit [or general permit **{optional}**].

5.8 Regulation of Waste Received from Other Jurisdictions

[Note: The municipality must ensure that discharges received from entities outside its jurisdictional boundaries are regulated to the same extent as are discharges from within its jurisdictional boundaries. How a municipality regulates such discharges largely will be determined by what is allowed under its State law. The municipality must determine the extent of its authority under State law to regulate Users located outside its jurisdictional boundaries. If the municipality does not have the legal authority to issue enforceable permits directly to extrajurisdictional dischargers and cannot obtain this authority under State law, it should strongly consider entering into an agreement with the municipality in which the dischargers are located. The agreement would require that the contributing municipality either regulate the dischargers within its jurisdiction directly or allow the municipality (in which the POTW is located) to regulate such dischargers. Following is one possible means of regulating dischargers located outside the municipality's jurisdictional boundaries.]

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, [the Superintendent] shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, [the Superintendent] shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as [the Superintendent] may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to [the City's] ordinance or Local Limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit [or general permit **{optional}**] issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by [the Superintendent]; and which of these activities will be conducted jointly by the contributing municipality and [the Superintendent];

(4) A requirement for the contributing municipality to provide [the Superintendent] with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring [the Superintendent] access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by [the Superintendent]; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

[Note: Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement should specify that the municipality (in which the

POTW is located) has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.]

SECTION 6—REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

[Note: Users that become subject to new or revised categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated as Non-Significant Categorical Industrial Users]

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to [the Superintendent] a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to [the Superintendent] a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6). **[Note: See 40 CFR 403.12(b)(1)-(7)]**

(2) Measurement of pollutants.

a. The User shall provide the information required in Section 4.5 A (7) (a) through (d).
b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
d. Sampling and analysis shall be performed in accordance with Section 6.10;

e. The [Superintendent] may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to [the Superintendent] no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to [the Superintendent].

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to [the Superintendent] a report containing the information described in Section 4.5A(6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2 **[Note: See 40 CFR 403.6(c)]**, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.11.

6.4 Periodic Compliance Reports

[Note: All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 6.4 C.]

A. Except as specified in Section 6.4.C, all [Significant Industrial] Users must, at a frequency determined by [the Superintendent] submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by [the Superintendent] or the Pretreatment Standard necessary to determine the compliance status of the User ***[Note: Required Streamlining Rule Change]***.

{Optional} [Note: The following optional provision may be included in the local ordinances only if authorized under State law. Criteria for monitoring waivers must also include any criteria defined in applicable State law requirements.]

B. The [City] may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.5A(8).

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with Section 1.4C, and include the certification statement in 6.14 A (40 CFR 403.6(a)(2)(ii)).

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the [Superintendent] must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the [Superintendent] for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the [Superintendent], the Industrial User must certify on each report with the statement in Section 6.14 C below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6.4 A, or other more frequent monitoring requirements imposed by the [Superintendent], and notify the [Superintendent].

(9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

[{Optional} Note: The following optional provision may be included in the local ordinances only if authorized under State law. Criteria for reduced reporting must also include any criteria defined in applicable State law.]

C. The [City] may reduce the requirement for periodic compliance reports [see Section 6.4 A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the [EPA/State], where the Industrial User's total categorical wastewater flow does not exceed any of the following:

(1) [insert POTW's value for 0.01 percent of the POTW's design dry-weather *hydraulic capacity* of the POTW], or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches]

(2) [insert POTW's value for 0.01 percent of the design dry-weather *organic treatment capacity* of the POTW]; and

(3) [Insert POTW's value for 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 2.4 of this ordinance.] **[Note: For example, if the POTW's maximum allowable headworks loading for copper is 5 pounds, then 0.01 percent would be 0.0005 pounds; the POTW would need to do this calculation for each pollutant for which it has approved Local Limits.]**

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the [Superintendent], decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance.

E. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. ***[Note: This paragraph supports the Required Streamlining Rule Changes.]***

F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by [the Superintendent], using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report. **[Note: See 40 CFR 403.12(g)(6)]**

{Optional} [Note: The following optional provision may be included in the local ordinances only where the POTW has been authorized by EPA to accept electronic reports from its IUs and State law authorizes it.]

G. Users that send electronic (digital) documents to [the City] to satisfy the requirements of this Section must: [specify POTW requirements for IU submittal of electronic reports here. **[Note: POTWs that choose to receive electronic documents must satisfy the requirements of 40 CFR Part 3—(Electronic reporting)]**

6.5 Reports of Changed Conditions

Each User must notify [the Superintendent] of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least [_____ (____)] days before the change.

A. [The Superintendent] may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.

B. [The Superintendent] may issue an individual wastewater discharge permit [or a general permit **{optional}**] under Section 5.7 of this ordinance or modify an existing wastewater discharge permit [or a general permit **{optional}**] under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify [the Superintendent] of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within five (5) days following such discharge, the User shall, unless waived by [the Superintendent], submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance**.** **{Optional} [Note: This report is not required under the General Pretreatment Regulations and, therefore, is optional.]**

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the [Superintendent] immediately of any changes at its facility affecting the potential for a Slug Discharge. ***[Note: Required Streamlining Rule Change]***

6.7 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit [or general permit **{optional}**] shall provide appropriate reports to [the Superintendent] as [the Superintendent] may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify [the Superintendent] within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to [the Superintendent] within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if [the City] performs sampling at the User's facility at least once a month, or if [the City] performs sampling at the User between the time when the initial sampling was conducted and the time when the User or [the City] receives the results of this sampling, or if [the City] has performed the sampling and analysis in lieu of the Industrial User.

[Note: *Required Streamlining Rule Change needed if POTW performs sampling in lieu of the Industrial Users.* If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis. See 40 CFR 403.12(g) (2).]

6.9 Notification of the Discharge of Hazardous Waste

[Note: The municipality may choose to prohibit the discharge of hazardous wastes.]

A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this Section does not apply

to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.

B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify [the Superintendent], the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the [Superintendent] or other parties approved by EPA.

6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. **[Note: The Control Authority is require to indicate the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.]**

[Note: In the Streamlining Rule changes, Paragraphs A and B below have been deleted from 40 CFR 403.12(b)(5) and added to 403.12(g)(3). The original paragraphs relate to Categorical Industrial User monitoring reports only while the relocated paragraphs apply to <u>all</u> SIU monitoring.]

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by [the Superintendent]. Where time-proportional composite sampling or grab sampling is authorized by [the City], the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by [the City], as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. ***[Note: Required Streamlining Rule Change.*** **See 40 CFR 403.12(g)(3)]**

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, [the Superintendent] may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements. ***[Note: Required Streamlining Rule Change,*** **see 40 CFR 403.12(g)(4).]**

6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the

person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or [the City], or where the User has been specifically notified of a longer retention period by [the Superintendent]. ***[Note: The recordkeeping requirements for BMPs are a Required Streamlining Rule Change.]***

6.14 Certification Statements

[Note: This Section has been modified to consolidate the certification statements previously listed elsewhere. Section 4.7A&C—Certification of all wastewater discharge permit applications, and User reports and annual certification of NSCIUs, Section 6.4B(4)—"initial" certification for pollutants not present, Section 6.4B (7)—Certification of periodic reports of pollutants not present, Section 6.4D—Certification of all periodic compliance reports.]

[Note: 40 CFR 403.12 (l) requires that the certification which follows be provided for IU Baseline Monitoring Reports (BMRs) (403.12(b), IU Reports on Compliance with Categorical Pretreatment Standards Deadline (90-day compliance report) (403.12(d), CIU Periodic Reports on Continued Compliance (403.12(e)) and the initial request from CIUs to forego Monitoring for Pollutants Not Present. In addition to CIUs, the model ordinance requires this certification statement for all wastewater discharge permit applications and User reports. Furthermore, the POTW should require this certification statement for all noncategorical SIU compliance reports.]

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1 B (5) **[Note: See 40 CFR 403.12 (l)]**; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3 **[Note: See 40 CFR 403.12(d)]**; Users submitting periodic compliance reports required by Section 6.4 A–D **[Note: See 40 CFR 403.12(e) and (h)]**, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4B(4)**[Note: See 40 CFR 403.12(e)(2)(iii)].** The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

{Optional} [Note: The following optional provision is required if the municipality has incorporated Section 1.4 GG(3) into its ordinance].

B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by [the Superintendent]

pursuant to 1.4 GG(3) and 4.7 C **[Note: See 40 CFR 403.3(v)(2)]** must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C **[Note: See 40 CFR 403.120(l)]**. This certification must accompany an alternative report required by [the Superintendent]:

> Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:
>
> (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 GG (3); **[Note: See 40 CFR 403.3(v)(2)]**
>
> (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.
>
> This compliance certification is based on the following information.
>
> _____
>
> _____

{Optional} [Note: The following optional provision is required if the municipality has incorporated Section 6.4 B into its ordinance].

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User. **[Note: See 40 CFR 403.12(e)(2)(v)]**

> Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.

SECTION 7—COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

[The Superintendent] shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit [or general permit **{optional}**] or order issued hereunder. Users shall allow [the Superintendent] ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, [the Superintendent] shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. [The Superintendent] shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. [The Superintendent] may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated [insert desired frequency] to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of [the Superintendent] and shall not be replaced. The costs of clearing such access shall be born by the User.

E. Unreasonable delays in allowing [the Superintendent] access to the User's premises shall be a violation of this ordinance.

[Note: POTWs should consider situations when the monitoring facility is constructed in the public right-of-way or easement, in an unobstructed location. The ordinance should indicate that the location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the [Supervisor's] requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the [Supervisor] to perform independent monitoring activities.]

7.2 Search Warrants

[Note: The specific process by which search warrants may be issued will vary from City to City. The procedure will likely be a matter of State law. This provision will need to be adjusted based on the particular procedure followed in that State and City.]

If [the Superintendent] has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of [the City] designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, [the Superintendent] may seek issuance of a search warrant from the [insert name of appropriate Court] of [the City or State].

SECTION 8—CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, [general permits, **{optional}**] and monitoring programs, and from [the Superintendent's] inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of [the Superintendent], that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

[Note: Unless the optional (underlined) revisions to the SNC provisions have been made by the State, the POTW must retain the previous requirements. The optional revisions include the public notice in a newspaper of general circulation that provides meaningful public notice within the jurisdiction, publishing SIUs and other IUs that have adversely affected the POTW, and that IU reports submitted more than 45 days late constitutes SNC. See 40 CFR 403.8(f) (2)(viii)(A-C).]

[The Superintendent] shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by [the POTW], a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2; ***[Note: Required Streamlining Rule Change,* see 40 CFR 403.3(l)]**

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); ***[Note: Required Streamlining Rule Change,* see 40 CFR 403.3(l)]**

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that [the Superintendent] determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public; ***[Required Streamlining Rule Change,* see 40 CFR 403.3(l)]**

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in [the Superintendent's] exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit [or a general permit **{optional}**] or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which [the Superintendent] determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

[Note: The municipality must refer to State law to see if the remedies listed in Sections 10, 11, and 12 are allowable. The municipality must have the authority to seek injunctive relief for noncompliance and to seek or assess penalties of at least $1,000 a day for each violation of Pretreatment Standards or Requirements by Industrial Users.]

10.1 Notification of Violation

When [the Superintendent] finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement, [the Superintendent] may serve upon that User a written Notice of Violation. Within [( )] days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to [the Superintendent]. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of [the Superintendent] to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

[The Superintendent] may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

[The Superintendent] may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before [the Superintendent] and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least [_____ (____)] days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When [the Superintendent] finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement, [the Superintendent] may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring

and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When [the Superintendent] finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, [the Superintendent] may issue an order to the User directing it to cease and desist all such violations and directing the User to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

[Note: The municipality should consult State law to determine whether it has the legal authority to impose administrative penalties.]

A. When [the Superintendent] finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement, [the Superintendent] may fine such User in an amount not to exceed [insert maximum fine allowed under State Law]. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after [_____ (____)] calendar days, be assessed an additional penalty of [_____ percent (____%)] of the unpaid balance, and interest shall accrue thereafter at a rate of [_____ percent (____%)] per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for [the Superintendent] to reconsider the fine along with full payment of the fine amount within [_____ (____)] days of being notified of the fine. Where a request has merit, [the Superintendent] may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. [The Superintendent] may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

[The Superintendent] may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. [The Superintendent] may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, [the Superintendent] may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. [The Superintendent] may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of [the Superintendent] that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to [the Superintendent] prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any User who violates the following conditions is subject to discharge termination:

A. Violation of individual wastewater discharge permit [or general permit **{optional}**] conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by [the Superintendent] shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When [the Superintendent] finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement, [the Superintendent] may petition the [insert name of appropriate Court] through [the City's] Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, [the general permit, **{optional}**] order, or other requirement imposed by this ordinance on activities of the User. [The Superintendent] may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

[Note: The municipality must have the minimum authority to seek civil or criminal penalties in the amount of at least $1,000 per day per violation.]

A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, [or a general permit **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to [the City] for a maximum civil penalty of [insert maximum allowed under State law but not less than $1,000] per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. [The Superintendent] may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by [the City].

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

[Note: To the extent State law authorizes a municipality to prosecute violations of local ordinances as a crime under State law, the municipality should include the following provision in its local ordinance.]

A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, [or a general permit **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than [insert maximum fine allowed under State law] per violation, per day, or imprisonment for not more than [_____ (____)] years, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a [misdemeanor] and be subject to a penalty of at least [insert maximum fine allowable under State law], or be subject to imprisonment for not more than [_____ (____)] years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, [or general permit **{optional}**]or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [_____ (____)] years, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than [_____ (____)] years, or both.

11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. [The Superintendent] may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with [the City's] enforcement response plan. However, [the Superintendent] may take other action against any User when the circumstances warrant. Further, [the Superintendent] is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Penalties for Late Reports **{Optional}**

A penalty of $[xx] shall be assessed to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late, beginning five days after the date the report is due [higher penalties may also be assessed where reports are more than 30-45 days late]. Actions taken by [the Superintendent] to collect late reporting penalties shall not limit [the Superintendent's] authority to initiate other enforcement actions that may include penalties for late reporting violations.

12.2 Performance Bonds **{Optional}**

[The Superintendent] may decline to issue or reissue an individual wastewater discharge permit [or a general permit **{optional}**] to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to [the City], in a sum not to exceed a value determined by [the Superintendent] to be necessary to achieve consistent compliance.

12.3 Liability Insurance **{Optional}**

[The Superintendent] may decline to issue or reissue an individual wastewater discharge [or a general permit **{optional}**] to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.4 Payment of Outstanding Fees and Penalties **{Optional}**

[The Superintendent] may decline to issue or reissue an individual wastewater discharge permit [or a general permit **{optional}**] to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, [or a previous general permit **{optional}**] or order issued hereunder.

12.5 Water Supply Severance **{Optional}**

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, [a general permit, **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

12.6 Public Nuisances **{Optional}**

A violation of any provision of this ordinance, an individual wastewater discharge permit, [a general permit, **{optional}**] or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by [the Superintendent]. Any person(s) creating a public nuisance shall be subject to the provisions of [the City Code] [insert proper citation] governing such nuisances, including reimbursing [the City] for any costs incurred in removing, abating, or remedying said nuisance.

12.7 Informant Rewards **{Optional}**

[The Superintendent] may pay up to [_____ dollars ($____)] for information leading to the discovery of noncompliance by a User. In the event that the information provided results in a civil penalty [or an administrative fine] levied against the User, [the Superintendent] may disperse up to [_____ percent (____%)] of the collected fine or penalty to the informant. However, a single reward payment may not exceed [_____ dollars ($____)].

12.8 Contractor Listing **{Optional}**

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to [the City]. Existing contracts for the sale of goods or services to [the City] held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of [the Superintendent].

SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

[Note: Although Federal law allows the affirmative defenses set out in this Section, some Approved States do not allow for one or more of the affirmative defenses listed below.]

13.1 Upset

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The User has submitted the following information to [the Superintendent] within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(B)(3) through [(__)] of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when [the City] was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

[Note: The references in Section 13.2 should refer only to specific prohibitions actually listed in the ordinance. Also note that, pursuant to 40 CFR 403.5(a)(2), the affirmative defense outlined in Section 13.2 cannot apply to the specific prohibitions in Sections 2.1B(1) and (2), and (8).]

13.3 Bypass

A. For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to [the Superintendent], at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to [the Superintendent] of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. [The Superintendent] may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

(1) Bypass is prohibited, and [the Superintendent] may take an enforcement action against a User for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(c) The User submitted notices as required under paragraph (C) of this section.

(2) [The Superintendent] may approve an anticipated bypass, after considering its adverse effects, if [the Superintendent] determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

SECTION 14—WASTEWATER TREATMENT RATES - [RESERVED]

SECTION 15—MISCELLANEOUS PROVISIONS **{Optional}**

15.1 Pretreatment Charges and Fees **{Optional}**

[The City] may adopt reasonable fees for reimbursement of costs of setting up and operating [the City's] Pretreatment Program, which may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
C. Fees for reviewing and responding to accidental discharge procedures and construction;
D. Fees for filing appeals;
E. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the [Superintendent] to address IU noncompliance; and

F. Other fees as [the City] may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by [the City].

15.2 Severability **{Optional}**

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 16—EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

City of Apopka
CITY COUNCIL STAFF REPORT

Section: PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)
Item #: 8.
Meeting Date: January 7, 2026
Department: Finance Department

SUBJECT:
Resolution No. 2025-45 Establishing Meter Tampering Fines

ACTION ITEM INFORMATION:

REQUEST:
Adopt Resolution Number 2025–45 Establishing the Meter Tamping Fines for the Water, Wastewater, and Reclaimed Water Department.

SUMMARY:
The City Council established rates and fees for Water, Wastewater and Reclaimed Water Services by the Meter Tampering Fines by City Ordinance 3127. After passage, at the current Council meeting, the following proposed fees and fines will be adopted by resolution:

Meter Tampering Fines

Violations	Description	Fine
First Offense	*Fine of two hundred and fifty dollars*	$250.00
Second Offense	*Fine of five hundred dollars*	$500.00
Third Offense	*Cut off of Services*	

The proposed fees and fines, with an effective date of January 1, 2026, will be implemented to support the Adopted FY2025-2026 Utility Operating Fund Services.

Attached is Resolution 2025-45 with the proposed fines submitted for adoption by the City Council. In accordance with Florida Statute 180.136, the City's Finance staff noticed all customers through the Utility Billing Process.

FUNDING SOURCE:
FY2025-2026 Adopted Budget

RECOMMENDED MOTION:
Adopt Resolution Number 2025–45 Establishing the Meter Tamping Fines for the Water, Wastewater, and Reclaimed Water Department.

ATTACHMENTS:
1. Resolution 2025-45 Establishing Meter Tampering Fines

RESOLUTION NO. 2025-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING UTILITY SYSTEM TAMPERING FINES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 78 of the City's Code of Ordinance prohibits tampering with the City's Utility System, including meters; and

WHEREAS, Sec. 78-21 of the City's Code of Ordinances, entitled "Tampering with Lines or Facilities" states as follows:

> It shall be unlawful for any person to willfully or fraudulently, without the consent and authority of the city council:
>
> (1) Tap, make or cause to be made any connection with;
>
> (2) Injure, tamper or meddle with;
>
> (3) Plug or in any way hinder or interfere with; or
>
> (4) Make use of
>
> any lines, mains, pipes, connections, appliances and appurtenances used for or in connection with the municipal water and sewer systems.; and

WHEREAS, Ordinance Number 3127, adopted October 15, 2025, amended Sec. 78-182(e) of the City's Code of Ordinances by authorizing the establishment of a tampering fine by resolution in the event of such unauthorized tampering; and

WHEREAS, Sec. 78-182(e) of the City's Code of Ordinances as amended by Ordinance Number 3127 now states as follows:

> *Tampering.* No person, unless expressly authorized by the public services director or his designee, shall tamper with, work on, or in any way alter or damage any city potable or reclaimed water facility, including meters. No unauthorized person shall open or close valves, cut into, or make any connection to the system. The offending person shall be liable for the actual cost plus ten percent of all charges attributable to the correction of such tampering, as outlined in F.S. § 180.13, including legal expenses, and a tampering fine established by resolution of city council. The offender may also be subject to code enforcement proceedings consistent with this Code and with F.S. ch. 162. Payment for, or the correcting of, damages shall in no way relieve the offending person from civil or criminal penalties a court or other judicial or quasi-judicial body may impose for damage to public property or violation of a city ordinance. The remedies provided herein shall be in addition and supplemental to any other available remedies provided by city code or the laws of the State of Florida.; and

WHEREAS, the City Council has determined that adopting the tampering fines as set forth herein serve a municipal and public purpose.

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

SECTION I. The City Council hereby adopts the City of Apopka Utility System Tampering Fines as set forth in Schedule "A," attached hereto and by this reference incorporated herein.

SECTION II. This Resolution shall become effective January 1, 2026.

ATTEST:

CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA

_____
Susan M. Bone
City Clerk

_____
Bryan Nelson
Mayor

APPROVED as to form and legal sufficiency:

_____
Clifford B. Shepard
City Attorney

SCHEDULE A

CITY OF APOPKA
UTILITY SYSTEM TAMPERING FINES (INCLUDING METERS)

First Offense	A fine of two hundred and fifty dollars ($250)
Second Offense	A fine of five hundred dollars ($500)
Third Offense	Cut off of Services