



AGENDA

Orange County Government • Board of County Commissioners • 201 South Rosalind Avenue
County Commission Chambers • 1st Floor • County Administration Center
www.OrangeCountyFL.net

TUESDAY, SEPTEMBER 13, 2016

MEETING STARTS AT 9:00 a.m.

- Invocation – District 5
- Pledge of Allegiance
- Presentation of a proclamation designating Hispanic Heritage Month
- Presentation of a proclamation designating September as National Recovery Month
- Public Comment*

I. CONSENT AGENDA

A. COUNTY MAYOR

1. Confirmation of the following managerial appointments: Kris Shoemaker as the Deputy Director, Convention Center; Raymond Williams as the Manager, Engineering Division, Public Works Department; John Goodrich as the Manager, Fiscal & Operational Support, Health Services Department; Kelly Deutsch as the Manager, Mosquito Control, Health Services Department; O. Dianne Arnold as the Manager, Citizen Resource & Outreach Division, Family Services Department; and Angela Chestang as the Manager, Citizens Commission for Children, Family Services Department - effective September 25, 2016.
Page 18-34

B. COUNTY COMPTROLLER

1. Approval of the minutes of the June 28, July 12, July 18, July 19, and August 2, 2016 meetings of the Board of County Commissioners. **(Clerk's Office)**
Page 35-243
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. **(Finance/Accounting) Page 35**
3. Disposition of Tangible Personal Property as follows: **(Property Accounting)**
Page 35, 244
 - a. Dispose of asset totaled by our Third Party Administrator for its salvage value
 - b. Trade-in assets toward the purchase of new equipment
 - c. Cannibalize and scrap asset

CONTINUED

*Pursuant to Section 209 of the Orange County Charter, as amended on Nov. 4, 2008, the Board of County Commissioners must set aside at least 15 minutes at the beginning of each regular meeting for citizens to speak to the Board on any matter of public interest under the Board's authority and jurisdiction, regardless of whether the public issue is on the Board's agenda, but excluding matters that are not appropriate for public discussion, such as pending procurement or land use issues.

TUESDAY, SEPTEMBER 13, 2016

I. CONSENT AGENDA (Continued)

C. COUNTY ADMINISTRATOR

1. Approval of the Membership and Mission Review Board's recommendations for the following advisory board appointments and reappointments: **(Agenda Development Office) Page 245**
 - A. **Community Development Advisory Board:** Reappointment of Nathaniel Jenkins in the District 2 representative category; the appointment of Pastor Scott A. Brown to succeed Pablo Marquez in the District 4 representative category; and the appointment of Glenton Gilzean to succeed Roberta Walton in the District 6 representative category with terms expiring June 30, 2018. **Page 246-247**
 - B. **Orange County Research and Development Authority:** Reappointment of David L. Brewer and Eduardo Rubiera in the at large representative category with terms expiring August 24, 2020. **Page 248-249**
 - C. **Sustainability Advisory Board:** Reappointment of Dr. Bridget M. Williams in the education representative category, Melvin Pittman in the neighborhood improvement related organization or activities leadership representative category, Paul T. Boroughs in the urban planning or transportation planning representative category, Byron Knibbs in the environmental protection, natural resources management, or sustainability practices representative category, and John M. Martinez in the at large representative category with terms ending June 30, 2018. **Page 250-251**
2. Approval and execution of Interlocal Agreement between Orange County, Florida, Orange County Clerk of the Courts, and the Ninth Judicial Circuit Court regarding funding of Jury Services in the amount of \$356,220. **(Office of Management and Budget) Page 252-258**
3. Approval to pay the first quarter billing for the Orange County Property Appraiser in the amount of \$2,980,559.25. **(Office of Management and Budget) Page 259-260**
4. Approval to advance \$2,560,558 to the Orange County Tax Collector on October 1, 2016. This advance is necessary to maintain the financial operation of the office during the month of October 2016. **(Office of Management and Budget) Page 261**
5. Approval to make monthly draws to the Orange County Supervisor of Elections as follows: For October 2016, the amount of \$2,302,364; November 2016 through August 2017 in equal amounts of \$627,917; and September 2017, the amount of \$627,922. **(Office of Management and Budget) Page 262**

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

I. CONSENT AGENDA (Continued)

C. COUNTY ADMINISTRATOR (Continued)

6. Approval to make monthly draws to the Orange County Sheriff as follows: For October 2016, the amount of \$23,622,662; November and December 2016, equal amounts of \$17,562,662; January 2017, the amount of \$35,125,324; February 2017 through July 2017, equal amounts of \$17,562,662; August 2017, the amount of \$17,562,668. **(Office of Management and Budget) Page 263-264**
7. Approval to make quarterly payments to the Orange County Comptroller from the General Fund, Fire Rescue/911, Parks and Recreation, Public Service Tax, Building, Convention Center/Tourist Development Tax, Water Utilities, Solid Waste/Recycle, and Public Works funds for fees beginning October 2016 through July 2017. **(Office of Management and Budget) Page 265-266**
8. Approval to pay the Clerk of Courts \$140,000 for FY 2016-17 communication expenses. **(Office of Management and Budget) Page 267**
9. Approval and execution of Service Funding Agreements between Orange County, Florida and the Seniors First, Inc. (\$95,418), the Orange County Bar Association, Inc. Citizen Dispute Settlement Mediation Program (\$102,228), and the Legal Aid Society of the Orange County Bar Association, Inc. (\$767,017) Fiscal Year 2016-2017. **(Office of Management and Budget) Page 268-284**
10. Approval to reimburse expenditures throughout FY 2016-17 for the Orange Blossom Trail Safe Neighborhood Improvement District as approved in the FY 2016-17 budget. **(Office of Management and Budget) Page 285**
11. Approval to disburse \$150,000 to the Orange Blossom Trail Development Board by October 7, 2016, for administration in order to maintain normal operations for the first quarter of Fiscal Year 2016-17. **(Office of Management and Budget) Page 286**
12. Approval of budget amendments #16-53, #16-54, #16-55, and #16-56. **(Office of Management and Budget) Page 287-292**
13. Approval of budget transfers #16-000001368 and #16-000001384. **(Office of Management and Budget) Page 293-295**
14. Approval of Ratification of payment of Intergovernmental claims of July 28, 2016 and August 11, 2016 totaling \$626,304.13. **(Risk Management Division) Page 296**
15. Authorization to pay SunTrust Bank for Letters of Credit Commissions and Fees, in the approximate amounts of \$36,000 and \$27,000, respectively. **(Risk Management Division) Page 297**

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

I. CONSENT AGENDA (Continued)

D. COUNTY ATTORNEY

1. Approval and execution of Orange County, Florida and Florida Classic Consortium Corporation Florida Classic Football Game Grant Agreement. **Page 298-304**

E. ADMINISTRATIVE SERVICES DEPARTMENT

1. Approval to award Invitation for Bids Y16-630-PD, Disk Filters, to the low responsive and responsible bidder, Five Star Filtration, LLC. The total contract award amount is \$2,084,995. ([Utilities Department Engineering Division] **Procurement Division**) **Page 305-307**
2. Approval to award Invitation for Bids Y16-777-PH, Pump Stations 3025 Kriedt Drive, 3044 Deanna Drive and 3027 North Lane Improvements Project Package No. 3, to the low responsive and responsible bidder, Prime Construction Group, Inc. The total contract award amount is \$1,297,940. ([Utilities Department Engineering Division] **Procurement Division**) **Page 308-311**
3. Approval to award Invitation for Bids Y16-791-CC, Johns Lake Conservation Area Phase 2 – Picnic Pavilion and Trail Shelter, to the low responsive and responsible bidder, Café Construction & Development, Inc. The total contract award amount is \$175,000. ([Administrative Services Department Capital Projects Division] **Procurement Division**) **Page 312-315**
4. Approval to award Invitation for Bids Y16-7004-CC, Orange County Head Start Playground ADA Deficiency Corrections (East Orange, South Orlando, Taft), to the low responsive and responsible bidder, P.W. Hearn, Inc. The total contract award amount is \$179,370. ([Administrative Services Department Capital Projects Division] **Procurement Division**) **Page 316-319**
5. Approval to increase Purchase Order M75681, Metered Postage for FY 15-16, in the amount of \$53,288.94, for a revised Purchase Order amount of \$821,903.94 with the United States Postal Services/CMRS-PBP (Computerized Meter Resetting System). ([Administrative Services Department Facilities Management Division] **Procurement Division**) **Page 320**
6. Approval of Renewal of Annual Maintenance, Equipment and Technician Services for the E911 Positron Viper System, with AT&T, in the amount of \$2,371,524, for the period of October 1, 2016 through September 30, 2019. ([Office of Accountability Information Systems and Services Division] **Procurement Division**) **Page 321**
7. Approval of Contract Y17-2057-LC, Supportive Services for Permanent Supportive Housing, with the Homeless Services Network of Central Florida, Inc. (HSN), in the amount of \$500,000 for a 1-year period. ([Health Services Department Mental Health and Homeless Issues Division] **Procurement Division**) **Page 322**

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

I. CONSENT AGENDA (Continued)

E. ADMINISTRATIVE SERVICES DEPARTMENT (Continued)

8. Ratification of PO #M75567 and PO #M75358, Dump Truck Rental Services, with Ring Power Corporation, in the amount of \$776,420.95. ([Utilities Department Solid Waste Division] **Procurement Division**) **Page 323**
9. Approval and execution of Lease Agreement between Five Pak University Boulevard LLC and Orange County and delegation of authority to the Real Estate Management Division to exercise renewal options and execute Tenant Estoppel Certificates, if needed for Fire Marshal at UCC File #8006 7079 University Boulevard Winter Park, Florida. District 5. **(Real Estate Management Division) Page 324-325**
10. Approval and execution of Tenant Estoppel Certificate and delegation of authority to the Real Estate Management Division to execute future Tenant Estoppel Certificates, if needed for Hanging Moss Warehouse (EPD, HS, OCSO, PW) 6136 Hanging Moss Road, Suites 200-270 Orlando, Florida. District 5. **(Real Estate Management Division) Page 326-327**
11. Approval and execution of Partial Termination of Temporary Utility Easement by Orange County and authorization to record instrument for Ashton Station Roadways A, B & D – Utility File #66246. District 4. **(Real Estate Management Division) Page 328-329**
12. Approval of Purchase Agreement and Utility Easement between Heaven IV, LLC and Orange County, and Subordination of Encumbrances to Property Rights to Orange County from Valley National Bank and authorization to disburse funds to pay purchase price and recording fees and record instruments for Sand Lake and Presidents Drive Forcemain Easement. District 6. **(Real Estate Management Division) Page 330-331**
13. Approval of Transit Easement Between CRP/FP Axis West Owner, L.L.C. and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Branch Banking and Trust Company and authorization to record instruments for I-Drive Transit Easement (ILH Interchange – The Axis). District 1. **(Real Estate Management Division) Page 332-333**
14. Approval of Warranty Deed and Drainage Easement from Sant Commercial Building, Inc. to Orange County and authorization to perform all actions necessary and incidental to closing for Lakeside Neighborhood Reams Road. District 1. **(Real Estate Management Division) Page 334-335**

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

I. CONSENT AGENDA (Continued)

E. ADMINISTRATIVE SERVICES DEPARTMENT (Continued)

15. Approval of Warranty Deed, approval and execution of Assignment of Permanent Slope and Fill and Drainage Easement from Boggy Creek Improvement District to Orange County, approval of Temporary Slope Easement and Temporary Drainage Easement between Greenway Park DRI, LLC and Orange County and authorization to perform all actions necessary and incidental to closing for Boggy Creek Road – Lake Nona Boulevard (f/k/a Beacon Park Boulevard) Intersection Contribution and Interlocal Agreement. District 4. **(Real Estate Management Division) Page 336-337**

F. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 2, 3, 4, 5 and 6. **(Code Enforcement Division) Page 338-340**

LC 16-0691	LC 16-0699	LC 16-0791	LC 16-0709	LC 16-0752
LC 16-0692	LC 16-0700	LC 16-0612	LC 16-0724	LC 16-0762
LC 16-0710	LC 16-0799	LC 16-0625	LC 16-0737	LC 16-0763
LC 16-0769	LC 16-0871	LC 16-0627	LC 16-0738	LC 16-0781
LC 16-0770	LC 16-0790	LC 16-0662	LC 16-0741	LC 16-0782
LC 16-0773	LC 16-0807	LC 16-0666	LC 16-0744	LC 16-0783
LC 16-0779	LC 16-0866	LC 16-0667	LC 16-0745	LC 16-0798
LC 16-0698	LC 16-0867	LC 16-0670	LC 16-0747	LC 16-0804

2. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Claim of Special Assessment Lien Pursuant to Section 9-278 of the Orange County Code, Property Maintenance and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. District 6. **(Code Enforcement Division) Page 341-342**

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount*</u>
A 15-0345	6	WATSON CARLOS	\$10,562.23
A 15-0350	6	TAN SUAN YEN	\$10,562.24
A 15-0357	6	SANTIAGO GLORIA	\$12,331.06
A 15-0359	6	RODRIGUEZ JACK	\$12,331.06
A 15-0371	6	NAZARIO YVETTE	\$12,464.52

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

I. CONSENT AGENDA (Continued)

**F. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT
(Continued)**

3. **Note: This item will be pulled to be heard with Public Hearing I.16.**
Approval and execution of First Amendment to Springhill PD Adequate Public Facilities and Impact Fee Credit Agreement (Village H) by and among Lennar Homes, LLC, Columnar Partnership Holding I, LLC, Spring Grove, LLC, Avalon Properties, LTD, Spring Grove Properties, LLC and Orange County. District 1. **(Development Review Committee) Page 343-379**
4. Acceptance of the Recommendation of the Environmental Protection Commission to approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) for the Shoultz After-the-Fact Dock Construction Permit BD-15-03-025. District 1. **(Environmental Protection Division) Page 380-385**
5. Acceptance of Recommendation of the Environmental Protection Commission to approve the request for waiver to Section 15-342(b) (terminal platform size) and request for variance to Section 15-343(a) (side setback) for Day Dock Construction Permit BD-16-05-048, with the payment of \$1,305 to the Conservation Trust Fund within 60 days of the BCC decision date. District 1. **(Environmental Protection Division) Page 386-397**
6. Approval and execution of Amendment to Multi-Family Affordable Housing Developer's Agreement for Discounts of Impact Fees, Water Capital Charges and Wastewater Capital Charges by Valencia Trace of Orlando LTD. and Orange County, Florida to allow subordination of our Restrictive Covenants for the Valencia Trace Apartments. District 3. **(Housing and Community Development Division) Page 398-404**
7. Approval and execution of Proportionate Share Agreement for Econ Place II Medical Center Dean Road Improvements: from Curry Ford Road to Lake Underhill Road by and between Hark Associates, L.L.C. and Orange County for a proportionate share payment in the amount of \$173,824. District 3. **(Roadway Agreement Committee) Page 405-416**

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

I. CONSENT AGENDA (Continued)

G. FAMILY SERVICES DEPARTMENT

1. Approval and execution of Florida Department of Children and Families Application for a License to operate a Child Care Facility at Washington Shores Head Start at The Hope. This application is only executed by Orange County. **(Head Start Division) Page 417-421**
2. Approval and execution of Facility and Land Use Agreement between The School Board of Orange County, Florida and Orange County, Florida regarding Head Start Program 2016-2017. **(Head Start Division) Page 422-444**
3. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding the application of Ability Housing's Wayne Densch Center Project as a designated project of the Enterprise Zone Community Contribution Tax Credit Program. District 2. **(Neighborhood Preservation and Revitalization Division) Page 445-456**

H. FIRE RESCUE DEPARTMENT

1. Acceptance of the Staffing for Adequate Fire and Emergency Response Grant Agreement Number EMW-2015-FH-00755 between the U.S. Department of Homeland Security through the Federal Emergency Management Agency and Orange County in the amount of \$4,271,676 with no required match, resulting in an increase to the Orange County Fire Rescue staffing table by an additional 31 firefighters. **Page 457-478**

I. PUBLIC WORKS DEPARTMENT

1. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Supplemental Amendment Number 1 to the Locally Funded Agreement for the State Road 482/Sand Lake Road and County Road 423/John Young Parkway Overpass Project and approval and execution of FM# 407143-6-52-01 FM# 407143-6-52-02 State of Florida Department of Transportation Locally Funded Agreement between the State of Florida Department of Transportation and Orange County. District 6. **(Transportation Planning) Page 479-493**
2. Approval and execution of State of Florida Department of Transportation Amendment to the Traffic Signal Maintenance and Compensation Agreement Financial Project No. 413019-58801 by and between the State of Florida Department of Transportation and Orange County. All Districts. **(Traffic Engineering Division) Page 494-508**

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

I. CONSENT AGENDA (Continued)

I. PUBLIC WORKS DEPARTMENT (Continued)

3. Approval of Traffic Control Devices and "No Parking" sign installations in Lakeshore Preserve Phase 1. District 1. **(Traffic Engineering Division) Page 509-523**
4. Approval to construct speed humps on N. John Street. District 6. **(Traffic Engineering Division) Page 524-525**
5. Approval to construct speed humps on Brookgreen Avenue. District 6. **(Traffic Engineering Division) Page 526-527**
6. Approval to construct traffic calming islands in the Holden Shores Subdivision. District 3. **(Traffic Engineering Division) Page 528-529**
7. Approval of Traffic Control Devices and "No Parking" sign installations in Mabel Bridge Phase 6. District 1. **(Traffic Engineering Division) Page 530-533**

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. Receipt of the following items to file for the record: **(Clerk's Office)**
Page 534-535
 - a. Minutes of the June 23, 2016 Meeting in the Sunshine. Commissioners Bryan Nelson and Victoria P. Siplin met with County staff, property owners and community leaders of Pine Hills to discuss development of the Northeast corner of Pine Hills Road and Silver Star Road.
 - b. Jurisdictional Boundary Map Update in reference to Ordinance No. 2016-13, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located North of Butler Dr, East of S Orange Av, South of E Pineloch Av and West of Center St and Oak Pl and comprised of 10.678 acres of land, more or less; amending the City's Official Zoning Maps to designate the newly annexed land along with land already existing within the corporate limits of the city as the AC-2 Urban Activity Center District, in part, and the AC-2 Urban Activity Center District along with the Orange/Michigan Special Plan Overlay District, in part, such land comprised of 11.391 acres of land, more or less; providing for severability, correction of scrivener's errors and an effective date.
 - c. City of Orlando Voluntary Annexation Request: 1401 E. Michigan Street - ANX2016-00004. Notice of Proposed Enactment. On September 15, 2016, the Orlando City Council will consider proposed Ordinance #2016-63, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of E. Michigan Street, east of S. Brown Street, and south of E. Crystal Lake Avenue, addressed as 1401 E. Michigan Street, and comprised of 0.697 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Residential Low Intensity, in part, and Mixed Use Corridor Medium Intensity Village, in part, on the City's Official Future Land Use Maps; designating the property as the R-2A family district along with the Traditional City Overlay, in part and the MU-1 Medium Intensity Mixed Use Corridor district along with the Traditional City Overlay District, in part, on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, permit disclaimer, and an effective date. A public hearing on this Ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida.

****With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.**

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

II. INFORMATIONAL ITEMS (Continued)**

A. COUNTY COMPTROLLER (Continued)

1. Receipt of the following items to file for the record: (Continued) **(Clerk's Office)**
Page 534-535
 - d. The Ranger Drainage District notification of no changes to RDD Public Facility Report of February 22, 1995.
 - e. Minutes of the April 28 and May 26, 2016, Charter Review Commission.

****With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.**

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

III. DISCUSSION AGENDA

A. OFFICE OF REGIONAL MOBILITY

1. MetroPlan Orlando Board Meeting Briefing. **Page 536**

B. COUNTY MAYOR

1. Open discussion on issues of interest to the Board. **Page 537**

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

IV. WORK SESSION AGENDA

A. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. Board direction regarding establishment of criteria to allow single-family residential districts the ability to raise chickens on detached single-family residential home sites. All Districts. **(Zoning Division) Page 538**

RECESS

TUESDAY, SEPTEMBER 13, 2016

MEETING STARTS AT 2:00 p.m.

V. RECOMMENDATIONS

August 18, 2016 Planning and Zoning Commission Recommendations

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

VI. PUBLIC HEARINGS

Public hearings scheduled for 2:00 p.m.

A. Petition to Vacate

1. Applicant: Charlene Sperber, on behalf of Kings Hwy, LLC and Eric Papalini, on behalf of Cambridge Group, Inc., Petition to Vacate 15-03-007, two portions of unopened and unimproved right-of-way; District 6

B. Board of Zoning Adjustment Appeal

- 2.✓ Applicant: Vera Clark, Case # VA-16-07-078, July 7, 2016; District 3

C. Conservation Area Impact

- 3.✓ Applicant: Island Grove Tree Farm, LLC, permit, CAI-15-05-015; District 5

D. Boat Ramp

- 4.✓ Applicant: Island Grove Tree Farm, LLC, Lake Pickett, permit, BR-15-05-000; District 5

E. Shoreline Alteration/Dredge and Fill

- 5.✓ Applicant: Harrod Robert Wayne Trustee, Little Econlockhatchee River, permit; District 5

F. Planning and Zoning Commission Board-Called

- 6.✓ Applicant: Christopher Wrenn, DR Horton, Case # RZ-16-02-007, April 21, 2016; District 3 (Continued from August 2, 2016)

✓ The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

CONTINUED

TUESDAY, SEPTEMBER 13, 2016

VI. PUBLIC HEARINGS (Continued)

Public hearings scheduled for 2:00 p.m. (Continued)

G. Preliminary Subdivision Plan

- 7.✓ Applicant: Richard Wohlfarth, IBI Group (Florida) Inc., Goldenrod Reserve PD/Goldenrod Reserve Phases 1 & 2 Preliminary Subdivision Plan, Case # PSP-16-04-143; District 3
- 8.✓ Applicant: Lance Bennett, Poulos & Bennett, LLC, Meadow Woods PD/ Parcel 30.1 Preliminary Subdivision Plan, Case # PSP-16-04-120; District 4
- 9.✓ Applicant: Steve Mellich, Mellich Blenden Engineering, Inc., Landing Bay Subdivision Preliminary Subdivision Plan, Case # PSP-16-04-123; District 3

H. Rezoning

- 10.✓ Applicant: Christina Baxter, Poulos & Bennett, LLC, Econ Trails PD/LUP, Case # LUP-16-02-062; District 3

I. Substantial Change

- 11.✓ Applicant: Mark Clayton, Chickasaw Property, LLC, Expressway Center Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-03-099; District 3
- 12.✓ Applicant: Robert Grassman, Bowman Consulting, South Park Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-05-184, amend plan; District 6
- 13.✓ Applicant: Kurt Ardaman, Fishback Dominick, Chancellor at Windermere Planned Development/Land Use Plan (PD/LUP), Case # CDR-14-12-361, amend plan; District 1

✓ The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

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CONTINUED

TUESDAY, SEPTEMBER 13, 2016

VI. PUBLIC HEARINGS (Continued)

Public hearings scheduled for 2:00 p.m. (Continued)

I. Substantial Change (Continued)

- 14.✓ Applicant: Jim Hall, VHB, Inc., Eagle Creek Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-05-185, amend plan; District 4
- 15.✓ Applicant: Miranda Fitzgerald, Lowndes, Drosdick Doster Kantor & Reed, P.A., National Spa and Resort Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-04-117, amend plan; District 1
- 16.✓ Applicant: Eric Warren, Poulos & Bennett, LLC, Springhill Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-07-198, amend plan; District 1
- 17.✓ Applicant: Charles Whittall, Unicorp Companies, Orlando International Hotel Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-12-372, amend plan; District 6

J. Ordinance

- 18. Amending Orange County Code, Chapter 38, pertaining to General Amendments to Ch. 38 Zoning - 2nd hearing (1st hearing on August 23, 2016)

✓ The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

* * *

Any person wishing to appeal any decision made by the Board of County Commissioners at this meeting will need a record of the proceedings. For that purpose, such person 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.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5517.

Para mayor información en español, por favor llame al (407) 836-3111.

NOTE: Reports from the County Mayor, the County Commissioners, the County Administrator, and the County Attorney may be presented at unscheduled times throughout the day, depending on the length of time required for advertised public hearings.

Copies of Specific Project Expenditure Reports and Relationship Disclosure Forms are not included with agenda items unless there is a listed expenditure or disclosure. Copies of these completed reports and forms may be obtained by contacting the relevant Department/Division Office.



ORANGE COUNTY MAYOR


TERESA JACOBS

P.O. Box 1393, 201 SOUTH ROSALIND AVENUE, ORLANDO, FL 32802-1393
PHONE: 407-836-7370 • FAX: 407-836-7360 • Mayor@ocfl.net

I. CONSENT AGENDA
COUNTY MAYOR

1

August 31, 2016

TO: Board of County Commissioners
FROM: Mayor Teresa Jacobs 
SUBJECT: Management Appointments
Consent Agenda – September 13, 2016

I am pleased to present the following managerial appointments for confirmation. These individuals will be outstanding additions to our management staff and each brings unique skills and experiences to their new role.

Conventions Center

Mr. Kristopher Shoemaker for the Deputy Director, Convention Center

Mr. Shoemaker has worked for the Orange County Convention Center since 1985, and has assumed increasingly responsible positions during his career. He is currently the Acting Deputy Director, a role he assumed in February 2016. Previously, he served as the Manager, Fiscal and Operational Support Division where he was responsible for overseeing all aspects of financial administration, including budgeting, contract administration, lease administration and information technology functions.

Mr. Shoemaker graduated from the University of Central Florida with a Masters of Business Administration degree and a Bachelor of Science degree in Accounting. He also holds numerous certifications in accounting and technology. Mr. Shoemaker will begin his new role as the Deputy Director, Convention Center at annual starting salary of \$126,443.20. His resume is attached for your reference.

Public Works Department

Mr. Raymond Williams for the Manager, Engineering Division

Mr. Williams began his career with Orange County in 2005 as an Engineer II. He quickly progressed to Engineer III, Senior Engineer and Chief Engineer. He has been serving as the Acting Manager for the Public Works' Engineering Division since April 2016. In his current role, he has developed and implemented the Public Work's five year Capital Improvement Program, including the INVEST in our Home for Life program. Prior to joining Orange County, Mr. Williams held responsible engineering positions both in the United States and Jamaica, West Indies. Mr. Williams comes to the Manager's role with an extensive engineering background.

Mr. Williams holds a Bachelor's of Science degree in Civil Engineering from the University of the West Indies, Trinidad, West Indies and is a Registered Professional Engineer in the State of Florida. Mr. Williams will begin his new role as the Manager, Public Works Engineering at a starting annual salary of \$113,630.40. His resume is attached for your reference.

Health Services Department

Mr. John Goodrich for the Manager, Fiscal & Operational Support Division

Mr. Goodrich is currently the Assistant to the Director for the Health Services Department. In this role, he manages all fiscal operations and has taken direct responsibility for the Ryan White Part A funding program for indigent patients suffering from HIV. He began his career with Orange County in 2005 as a Fiscal Coordinator with the Health & Family Services Department. He quickly promoted to positions with greater financial responsibility such as Fiscal & Administrative Coordinator, Financial Advisor and Financial Administrator.

Mr. Goodrich holds a Masters of Business Administration degree from the Florida Gulf Coast University, Fort Myers and a Bachelor's degree in Finance from the University of Central Florida. Mr. Goodrich will begin his new role as the Manager, Fiscal & Operational Support, Health Services Department at an annual starting salary of \$92,248. His resume is attached for your reference.

Ms. Kelly Deutsch for the Manager, Mosquito Control

Ms. Deutsch is serving as the Mosquito Control Acting Manager since January 2016. Initially, she was hired by Orange County as the Mosquito Control Assistant Manager in 2015. She has done an exceptional job and has been instrumental in the County's response to the Zika virus. She has coordinated the response to over 450 suspect travel associated cases as well as 60 confirmed cases. Prior to joining Orange County, Ms. Deutsch was the Principle Environmental Scientist/Program Manager for Seminole County Mosquito Control and served with the Metropolitan Mosquito Control District, St. Paul, Minnesota.

Ms. Deutsch holds a Bachelor's degree in Natural Science from the College of St. Benedict, St. Joseph, Minnesota and holds multiple certifications in this field. Ms. Deutsch will begin her new role as the Manager, Mosquito Control at an annual starting salary of \$77,001.60. Her resume is attached for your reference.

Family Services Department

Ms. O. Dianne Arnold for the Manager, Citizen Resource & Outreach Division

Ms. Arnold has recently served as the Health & Family Services Administrator for the Citizen Resource & Outreach Office. Due to the size and scope of this operation, this office is becoming a Division.

This new Division will continue to specialize in programs that assist low income families in maintaining their life style during crisis and homeless prevention.

Ms. Arnold began her career with Orange County in 2005 as a Senior Program Manager supervising eight community centers and over 20 staff members. She has continued to handle increasingly responsible assignments. Ms. Arnold has over 20 years of experience in social services.

Ms. Arnold holds a Bachelor's degree in Business from the University of Central Florida. Ms. Arnold will begin her new role as the Manager, Citizen Resource & Outreach Division with an annual starting salary of \$87,984. Her resume is attached for your reference.

Ms. Angela Chestang for the Manager, Citizens Commission for Children Division

Ms. Chestang is serving as the Acting Manager for the Citizens Commission for Children since March 2016. In this role, she provides oversight and direction to division operations and two advisory boards. She works closely with community leaders and stakeholders to ensure the success of the programs. She has almost 20 years of county service. She began her career as a Planning Aide with the Planning Division. She was promoted to increasingly responsible positions as a Senior Planner, Research & Planning Specialist, Senior Monitoring & Evaluation Coordinator and Senior Program Manager.

Ms. Chestang holds a Master's degree in Public Administration from the University of Central Florida and a Bachelor's degree in Urban Planning from Alabama A & M University. Ms. Chestang will begin her new role as the Manager, Citizens Commission for Children at an annual starting salary of \$77,001.60. Her resume is attached for your reference.

ACTION REQUESTED: Confirmation of the following managerial appointments: Kris Shoemaker as the Deputy Director, Convention Center; Raymond Williams as the Manager, Engineering Division, Public Works Department; John Goodrich as the Manager, Fiscal & Operational Support, Health Services Department; Kelly Deutsch as the Manager, Mosquito Control, Health Services Department; O. Dianne Arnold as the Manager, Citizen Resource & Outreach Division, Family Services Department; and, Angela Chestang as the Manager, Citizens Commission for Children, Family Services Department - effective September 25, 2016.

Attachments

C: Ajit Lalchandani, County Administrator
Eric Gassman, Deputy County Administrator
J. Ricardo Day, Human Resources Director

Kristopher S. Shoemaker, CMA, CHAE, CHTP, CGFO, CPFIM

215 Dryden Circle, Cocoa, FL 32926

Work: 407.685.9827 Cell: 407.404.2310

E-Mail: Shoemaker_Kristopher@yahoo.com

Senior level financial and administrative management leader with capital markets; financial planning and analysis; government and hospitality accounting; and management experience with an accelerated career path. A proven track record of underwriting debt transactions, preparing budgets and forecasts and operational knowledge. A CMA and MBA with strengths in accounting; finance; information technologies; budgeting/forecasting and operations.

PROFESSIONAL EXPERIENCE:

April, 1985 – Present: Orange County Convention Center, Orlando, FL

Acting Deputy Director (February 2016 – Present):

- Member of Executive Management Team in making strategic and operational decisions.
- Oversee Facility Operations Division
- Oversee Capital Improvement Projects Division
- Oversee Financial Administration functions
- Prepare annual operating and non-operating revenue and expenditure budgets
- Liaison for Human Resources for approximately 1,000 employees
- Liaison for Risk Management
- Prepare 5 year revenue and expenditure forecasts
- Assist in securing debt to finance the acquisition and development of expansion projects.
- Ensure compliance with county policy and procedures

Manager, Fiscal & Operational Support (September 2012 – February 2016):

Assistant Manager, Operations - Financial (October 2000 – September 2012):

Other Financial titles (April 1985 – October 2000):

Responsibilities

- Prepare annual operating and non-operating revenue and expenditure budgets
- Oversee Financial Administration functions (Deposits, A/R, Billing, P-Cards, Travel, Etc)
- Oversee Contract Administration functions for services
- Oversee Parking Operations generating \$5m in revenue annually
- Oversee Lease Administration functions
- Oversee Information Technology functions and on-site telecommunication and internet service provider
- Liaison for Risk Management; Chair of OCCC Safety Committee; Member of County-wide Risk Management Committee 2011-13, Vice-Chair 2012, Chair 2013
- Oversee on-site Payroll functions \$26m for approximately 1,000 employees
- Prepare 5 year revenue and expenditure forecasts
- Assist in securing debt to finance the acquisition and development of expansion projects.
- Ensure compliance with county policy and procedures

OTHER PROFESSIONAL EXPERIENCE:

January, 2001 – Present University of Central Florida, Rosen College of Hospitality Management - Adjunct Professor.

Kristopher S. Shoemaker, CMA, CHAE, CHTP, CGFO, CPFIM

EDUCATION:

Masters of Business Administration, University of Central Florida

- Major in Business Administration and Minor in Information Systems

Bachelor of Science Business Administration in Accounting, University of Central Florida

- Major in Accounting and Minor in Computer Science

LAVM Venue Management School Graduate

CERTIFICATIONS:

- Certified Management Accountant (CMA) April 1984
- Certified Hospitality Accounting Executive (CHAE) October 1999
- Certified Hospitality Technology Professional (CHTP) October 1999
- Certified Governmental Financial Officer (CGFO) November 1999
- Certified Public Funds Investment Manager (CPFIM) December 2010

AFFILIATIONS:

- Mid-Florida Chapter of the Institute of Management Accountants (IMA) – Past CMA Review Instructor
- Hospitality Financial & Technology Professionals (HFTP) – Past Global Director & Certification Chair
- Florida Governmental Financial Officers Association (FGFOA)- Past Certification Chair
- International Association of Venue Managers (LAVM) – Benchmarking Committee

EDUCATION AND PROFESSIONAL LICENCE

1988	Diploma in Management Studies - University of the West Indies, Jamaica, W.I.
1980	B.Sc. Civil Engineering - University of the West Indies, Trinidad, W.I.
1993	Registered Professional Engineer - Jamaica, W.I. (Inactive)
2006	Registered Professional Engineer - Florida, USA

PROFESSIONAL EXPERIENCE

April 2016 – present	<u>Acting Manager - Public Works/Engineering Division, Orange County, FL, USA</u> Develop and implement Public Work's five year Capital Improvement Program including the Mayor's INVEST in our Home for Life program and present to the Board of County Commissioners. Manage engineering design through bidding of major roadways, intersections and sidewalks. Manage ADA transition plan, median tree landscape program, lighting program and recreational trail projects for Parks and water quality projects for EPD. Develop and manage transportation projects for International Drive Community Redevelopment Area Advisory Committee. Manage acquisition of right-of-way including eminent domain for CIP projects. Represent Engineering Division in Road Agreement Committee.
June 2009 – April 2016	<u>Chief Engineer – Public Works/Engineering Division, Orange County, FL, USA</u> Testified as expert witness in eminent domain jury trial. Testified as to reasonable necessity and public purpose in numerous order-of-taking court hearings for roadway CIP projects such as Valencia College Lane, Trail and Holden Ave. Represented Public Works in court ordered eminent domain mediations and inverse settlement negotiations such as Mitchell case on Kirby Smith Rd. Provide engineering support to Real Estate Management, County Attorney and other members of the right-of-way acquisition team throughout appraisal, negotiation and eminent domain processes. Managed budget, cash flow and project schedules for right-of-way acquisitions. Manage continuing contracts for right-of-way engineers. Reviewed and coordinated development of roadway construction plans, right-of-way maps and legal descriptions to ensure required parcels meet reasonable necessity criteria. Negotiated agreements such as \$13 M OOCEA agreement for Valencia College Lane with municipalities and other external entities.
June 2008 - June 2009	Acting Chief Engineer - Public Works/Engineering Division, Orange County, FL
Oct 2006 - June 2008	Senior Engineer - Public Works/Engineering Division, Orange County, FL
Dec 2005 - Oct 2006	Engineer III - Public Works/Engineering Division, Orange County, FL
Sept 2005 - Dec 2005	Engineer II - Public Works/Engineering Division, Orange County, FL
Nov.2002 - Sept.2005	<u>Senior Engineer - Antillian Engineering Associates, Orlando, Florida, USA</u> Conducted geotechnical engineering investigations to evaluate subsurface conditions for FDOT and other clients. Performed geotechnical engineering analyses of shallow and deep foundations. Performed stability analyses for mechanically-stabilized-earth (MSE) walls. Performed settlement analyses for foundations and slope stability analyses for fill embankments. Performed construction quality assurance for drilled shaft foundations, driven pile foundations, soil-bentonite slurry wall, fill embankments and concrete pile foundations.

RAYMOND L. A. WILLIAMS, P.E.

- Mar.2002 - Nov 2002 **Project Engineer - BND Engineers, Inc., Florida, USA.**
Assisted in engineering needs assessment study of Miami-Dade water and wastewater system along proposed "Business Corridors" in Miami - Dade County.
- Sept.2000 - Mar.2002 **Owner/Principal Engineer - RLAW Consultants Limited, Jamaica, W.I.**
Designed structural systems for various types of low-rise buildings. Designed water supply, wastewater, stormwater systems and roads for housing subdivision. Performed structural evaluations.
- Jan.2000 - Aug.2000 **Assistant Project Manager - Boyken/Mortimer International, Nevis, W.I.**
Assisted in managing stormwater mitigation, golf course restoration, landscaping restoration, and beach restoration subcontracts for the US\$50M fast-track, design-build reconstruction of the hurricane damaged 200-room Four Seasons Resort.
- Dec.1998 - Dec.1999 **Senior Engineer - Abacus Consulting Limited, Grand Cayman, W.I.**
Designed steel, reinforced masonry and reinforced concrete structural systems for low-rise buildings. Performed structural evaluations of low-rise reinforced masonry and reinforced concrete buildings. Inspected and provided construction quality assurance for piled foundation of 36 Megawatt electrical power generating plant.
- June 1996 - Nov.1998 **Owner/Principal Engineer - RLAW Consultants Limited, Jamaica, W.I.**
Designed structural systems for low-rise buildings. Designed structural system to reduce construction time and cost for Shell gas stations. Designed water supply, wastewater, stormwater systems and roads for housing subdivisions. Inspected and provided construction quality assurance for building construction and also for the civil engineering infrastructure of housing subdivision. Performed structural evaluations for mortgage financing institutions.
- Mar.1990 - May 1996 **Project Manager, NCB (Investments) Limited, Jamaica, W.I.**
Managed and coordinated the design and contract documentation of various, capital development projects including the US\$15M\$ refurbishing project for the 300-room, Wyndham Kingston Hotel. Managed the procurement of construction services and professional services. Prepared project budgets and schedules. Obtained building permits. Approved payments to contractors, suppliers and consultants. Evaluated and approved construction payments and change orders. Monitored project cost and progress and reported to Board of Directors.
- July 1988 - March 1990 **Owner/Principal Engineer - Total Engineering & Agricultural Consultants Limited, Jamaica, W.I.**
Designed structural systems and provided construction quality assurance for various types of low-rise buildings. Performed hurricane damage assessment and evaluated claims for insurance companies. Performed structural evaluations.
- May 1987 - May 1988 **Senior Engineer - Jentech Consultants Limited, Jamaica, W.I.**
Designed structural systems for low-rise buildings including four story steel factory building. Provided construction quality assurance for building construction projects.
- May 1984 - April 1987 **Chief Design Engineer - Jamaica Public Service Company, Jamaica, W.I.**
Managed and coordinated engineering design of 69/138kv wood-pole and steel tower electrical transmission lines. Prepared construction contract and procured construction services for World Bank financed contracts for electrical substations. Designed and provided construction quality assurance for civil engineering infrastructure of electrical substations. Designed and procured construction services, inspected and managed the construction of office building for Electrical Control Systems Department of Jamaica Public Service Company.

RAYMOND L. A. WILLIAMS, P.E.

July 1980 - April 1984

Engineer - Jentech Consultants Limited, Jamaica, W.I.

Designed structural systems for low-rise buildings. Performed construction quality assurance for buildings and civil engineering infrastructure of housing subdivisions. Designed water supply, wastewater, stormwater systems and roads for housing subdivision project. Administered construction contracts for housing subdivision infrastructure and other projects. Performed geotechnical engineering investigations for numerous projects including Alpart's 9 mile cable belt bauxite conveyor system.

EDUCATION:

Florida Gulf Coast University Fort Myers, FL

- Masters Business Administration, 2012

University of Central Florida Orlando, FL

- Bachelors of Science – Finance, 2005

EXPERIENCE:

Assistant to the Director

Health Services Dept. Orange County, FL

Orlando, FL

10/2012-Present

- Manages all financial functions in the Health Services Department, which has a \$102M budget. Divisions include: county indigent healthcare program (PCAN), Medical Examiner's Office, Drug Free Community, Corrections Health Services, Emergency Medical Services, Mental Health and Homeless Issues, Animal Services, Ryan White, and Mosquito Control Services.
- Assists the Department Director with managing the divisions in the department.
- Administers the \$10M Ryan White program that serves 4,000 clients over a four county area.
- Represents the department on countywide committees and advisory boards.
- Acts as liaison with Human Resources on employee and compensation matters.

Financial Administrator

Health Services Dept. – Orange County, FL

Orlando, FL

10/2010 – 10/2012

- Managed all financial and human resources functions in the Health Services Department, which has 307 employees and an \$80M budget. Divisions include: county indigent healthcare program (PCAN), Medical Examiner's Office, Corrections Health Services, Emergency Medical Services, and Mosquito Control Services.
- Oversaw and coordinated the preparation and review of the Health Services Department operational and capital budgets.
- Formulated revenue and expenditure projections. Analyze cash flow and expenditure estimates throughout the fiscal year to stay on track with budgeted funds. Oversee budget amendments, transfers, accounting, accounts payable, accounts receivable, and federal/state grants.
- Managed department accounts payable functions which include: ensuring payments are made in accordance with contracts, vendors maintain appropriate insurance, vendors are paid in a timely manner, and charges are recorded against appropriate expense unit, appropriation, and fiscal year.
- Administered County's Medicaid match program - \$30M billed annually. Instituted process improvements, which saved the county over \$24M in a single year.
- Assisted operating divisions in developing, reviewing, and compiling performance measures and statistics.
- Managed Department-wide contracts and procurement issues
- Managed HR issues related to the department including employee relations, recruitment, training and development.

Fiscal & Admin Coordinator/Financial Advisor

Health & Family Services Dept. Orange County, FL

Orlando, FL

5/2007 – 10/2010

- Supervised five employees which performed financial functions, including accounts payable, grants, budgeting, purchasing, and accounting for assigned divisions, whose combined budget was approximately \$90M.
- Formulated financial projections for anticipated expenditures and revenues.
- Member of the department quality assurance team, which completed financial and operational audits on divisions.
- Took the lead in the preparation of the department budget.
- Tracked and reported all revenue for the department as well as reviewed and analyzed expenditures.

Fiscal Coordinator/Sr. Fiscal Coordinator

Health & Family Services Dept. Orange County, FL

Orlando, FL

10/2005 – 5/2007

- Processed Receivers, Delivery Orders, and PO requests for assigned divisions.
- Assisted in the preparation of the department budget.

Kelly Deutsch

Experience

Feb 2016 – Present

Orange County Mosquito Control

Orlando, FL

Acting Manager

- Manager of the day-to-day operations of the Mosquito Control Division. Performs such supervisory duties as training, instructing, assigning, reviewing and planning work of others.
 - Development and implementation of an effective, efficient, economically sound and scientifically based mosquito control program using Integrated Mosquito Management principles.
 - Formulates goals and objectives for long and short term planning.
 - Prepares budget. Conducts research and analyzes data such as monthly reports, budget reports, etc.
 - Develops policies and procedures for division including response plans for dengue, chikungunya and Zika viruses.
 - Participates in media events and interviews.
 - Works with Federal, State and local partners to monitor and combat potential disease threats.
 - Directs the Division's safety efforts. Responsible for the development, revisions to and implementation of division Standard Operating Procedures and Directives for the safe and effective operations.
 - Serves as the point of contact for all matters related to the National Pollutant Discharge Elimination System Program (NPDES). Monitors all aspects of the Generic Permit for Pollutant Discharges to Surface Waters of the State to ensure compliance with the permit.
 - Ensures that the mosquito control program is in compliance with all applicable Federal and State laws, rules and regulations.
-

Feb 2015 – Jan 2016

Orange County Mosquito Control

Orlando, FL

Assistant Manager

- Assisted the Manager in the day-to-day operations of the Mosquito Control Division. Manages the division in absence of the Manager.
 - Assisted in development and implementation of an effective, efficient, economically sound and scientifically based mosquito control program using Integrated Mosquito Management principles.
 - Assisted in formulating goals and objectives for long and short term planning.
 - Assisted with budget preparation. Conducts research and analyzes data such as monthly reports, budget reports, etc.
 - Assisted with developing policies and procedures for division.
-

May 2014 – Nov 2014

ADAPCO, Inc

Sanford, FL

Technology Manager

- Analyzed and reported daily, monthly and annual business performance trends and develops and/or recommended strategic solutions to improve business performance and meet goals.
- Built a cohesive service team supporting all technology and equipment customers.
- Evaluated work load and scheduled service work in a way that best utilizes manpower and maximizes profits.
- Reviewed customer metric data and developed plans to improve satisfaction levels to ensure customer are retained.
- Acted with urgency to meet and resolve customers' needs and problems and developed associates' commitment to act with urgency.
- Responsibilities included interviewing, hiring, and training employees; planning, assigning, and directing work; addressing complaints and resolving problems.

Kelly Deutsch

January 2010 – May 2014

Seminole County Mosquito Control

Sanford, FL

Principal Environmental Scientist/Program Manager

- Trained, planned, coordinated and directed all staff operations including field inspection, larviciding, adulticiding, lab work and species identification, GIS, operation scheduling and safety and regulatory compliance.
- Planned, directed, and coordinated the overall National Pollutant Discharge Elimination System (NPDES).
- Prepared and maintained \$600K budget and handled fiscal matters and records. Prepared and approved specifications for bid.
- Prepared and maintained effective educational and public relations programs through the press and television. Gave talks before civic, educational, environmental and other groups.
- Investigated difficult public complaints.
- Kept current in requirements of federal, state, and local laws and regulations related to the pollution control operations.
- Maintained control of all property and material inventories and use.
- Daily use of ArcGIS and Sentinel GIS for data recording and planning.
- Provided long range planning in the development of improvements in operational techniques, facilities, equipment, and staff.

March 2007-June 2009

EMSL Analytical

Orlando, FL

Laboratory Manager/Analyst

- Responsible for the overall management of full service asbestos laboratory including client relations and administrative work like answering phones, scheduling appointments, data entry and filing reports.
- Provided supervision and training of all technical and non-technical laboratory staff.
- Performed analysis of samples for asbestos content using TEM, PLM and PCM.
- NELAC, NVLAP and AIHA accredited for asbestos analysis in air, bulk materials and drinking water.

April 2002-March 2007

Metropolitan Mosquito Control District

St. Paul, MN

Foreman

- Trained, planned, coordinated and directed seasonal staff operations including field inspection, larviciding, adulticiding, lab work and species identification, operation scheduling and safety and regulatory compliance.
- Scheduled, assigned, and established work standards and evaluated the work of assigned vector control employees. Ensured all safety training and practices were utilized at the District.
- Handled difficult or problem situations arising from field related operations and complaints.
- Developed instructional manuals for staff on standard procedures for vector control operations.
- Maintained a system of operating records and ensures that daily reports and records are accurately completed.
- Worked with Vector Ecologist to evaluate effectiveness of operations and control methods, assisted in studies, and developed modifications of operational techniques.
- Coordinated, screened, and approved equipment, supply, and repair.
- Worked with other public agencies and private organizations to ensure collaborative efforts are utilized and vector control activities are coordinated.
- Participated in public relations and community education programs; attended and addressed community meetings and prepared educational materials for distribution.
- Performed, participated in and recommended employee hiring, counseling, disciplinary and other activities concerning District employees as needed.
- Proficient in MapInfo, Word, Excel, PowerPoint, Explorer, and Outlook and able to create and produce reports, business correspondence and presentations.
- Involved in implementation of new technologies like AgNav (GPS aided helicopter treatments) and PDAs.

Kelly Deutsch

Education and Certifications

Aug 1996-May 2000

College of St. Benedict

St. Joseph, MN

Bachelor of Arts

- Natural Science
-

Jan-Aug 2012

Seminole State College

Sanford, FL

Classes

- Web Development I
 - Web Programs
-

March 2010

University of Florida/Florida Medical Entomology
Laboratory

Vero Beach, FL

Certificate

- Advanced Mosquito Identification
-

March 2010

Florida Department of Agriculture and Consumer
Services

Tallahassee, FL

Certificate

- DACS Director Examination (Pursuant to Chapter 5E-13.040)
-

Aug 2008 – Nov 2008

University of Florida/Orange County Extension

Orlando, FL

Certificate

- Master Gardener

O. DIANNE ARNOLD
7312 Branchtree Drive
Orlando, Florida 32835
Dianne_57@yahoo.com
Cell: (407) 399-2034

SUMMARY

Responsible, organized and dedicated professional with 16+ years' experience managing the delivery of social services to the citizens of the Central Florida area. Proven track record developing and implementing community programs, partnerships and services. Strong knowledge of community concerns to include issues related to veterans, seniors, disabled and low-income citizens.

EXPERIENCE

2011 – Present ORANGE COUNTY CITIZEN RESOURCE & OUTREACH Health & Family Services Administrator

- Administer seven social service programs that provide direct services to thousands of citizens annually. The program focus areas include veterans, the chronically homeless, those at risk of being homeless, those with physical and/or mental health issues, as well as the elderly and disabled.
- Create policies and procedures for each program based on the different focus areas for each of the programs while ensuring compliance with federal grant requirements.
- Supervise and administer discipline for over forty staff in the various programs who are located at multiple locations throughout Orange County.
- Prepare and manage budget for over seven programs with combined budgets in excess of \$5M dollars annually.
- Create and manage partnerships with outside agencies in order to increase resources available to clients through synergy without duplicating services.
- Represent the Family Services Department on multiple technology projects including converting existing Family Services webpage to a more user friendly webpage and creating a webpage that will act as a centralized intake to inform citizens about our services and their potential eligibility for those services.

May 2005-Oct. 2011 ORANGE COUNTY COMMUNITY ACTION Senior Program Manager

- Supervise the operation of eight community centers and over 20 staff throughout Orange County. Supervision of the community centers includes overseeing scheduling for the centers as well as programming provided at the centers for citizens.
- Responsible for monitoring, tracking and approving all financial income and expenditures. Prepare budgets for internal general revenue funds and external Federal grant funds.
- Ensure fiscal compliance with all grant requirements for state and federal grants including Community Services Block Grant (CSBG) and Summer Food Service Program (SFSP) respectively. Prepare reports including financial for internal use and external presentations to the Community Action Advisory Board (CAB).
- Work with various non-profit agencies and other government programs to provide needed services to clients at the various Community Centers. Some of the partners who provided services were Orange County Public Schools, City of Orlando Police Department, Boys & Girls Club and Seniors First.
- Acted as Interim Manager with responsibility for overseeing entire Division with over 50 staff for six months after the retirement of the former Division Manager.

May 2003-May 2005
Director of Finance

HEART OF FLORIDA UNITED WAY

- Prepare budgets, financial statements and analyses for various programs.
- Supervise processing of annual charitable contributions to Heart of Florida United Way as well as accounts payable and payroll. Perform fiscal and programmatic monitoring of service providers.
- Administer emergency funds program that provided crisis assistance funds to individuals through an Emergency Funds Network (EFN) of more than 15 local non-profit agencies throughout Orange, Osceola and Seminole Counties.
- Coordinate Orange, Osceola, and Seminole Emergency Food and Shelter Program (EFSP) local boards and the awarding of over \$2,000,000 in funds annually through the local boards. Track and monitor all funds awarded.
- Supervised the merger of The Emergency Funds Network into Heart of Florida United Way from Community Services Network, Inc. to ensure a seamless transition.
- Led the team that searched for, selected and implemented a new software system for tracking donor contributions and distributions to agencies.

Jan. 1999-March 2003

COMMUNITY SERVICES NETWORK, INC.

Director of Finance and Administration

- Manage all fiscal and human resource functions and assist the Executive Director in the management of all other programs.
- Coordinate Local Food and Shelter Emergency Coordinating Boards in order to distribute Federal emergency assistance funds in tri-county area.
- Prepare grant applications to numerous funders including local and federal government entities as well as nonprofits on an annual basis.
- Administer the "emergency funds" program that assisted clients in crisis with funds from various funders including United Way, Orange County, City of Orlando, Progress Energy, Orlando Utilities and federal funds through the Emergency Food and Shelter Program.
- Coordinate distribution of emergency funds through the "Emergency Funds Network" that consisted of over fifteen non-profit agencies throughout the tri-county area. Ensure compliance with all local and federal requirements for the emergency funds distributions. Coordinate annual external audit with outside auditors and federal EFSP entity.

Oct. 1995-Jan. 1999
Accountant

VALENTINE & COMPANY

- Prepare annual budgets for multiple business clients.
- Prepare monthly financial statements comparing income and expenses to budgeted amounts for multiple clients.
- Prepare payroll and all payroll returns for 15-20 clients.
- Install accounting software in client's offices and train end-users.
- Serve as liaison for clients with Internal Revenue Service and Florida Dept. of Revenue to research and resolve any discrepancies or issues encountered by clients.

EDUCATION

Bachelor's Degree in Business, 2000

University of Central Florida

AFFILIATIONS

Transportation Disadvantaged Local Coordinating Board (TDLCB)
National Association of ADA Coordinators, Associate
League of Women Voters
University of Central Florida, Alumni Association
Hands on Orlando, Volunteer

PROFESSIONAL SUMMARY

Meticulous strategist who undertakes complex assignments, meets tight deadlines and delivers superior performance. Highly disciplined and tactical leader with excellent communication and interpersonal skills. Energetic analytical thinker with strong multi-tasking skills. Experienced researcher with distinct attention to detail and a strong focus on effective use of available technology.

Core Qualifications

- Successful leader/supervisor with Orange County Citizens' Commission for Children
- Broad experience with government contract administration
- Excellent negotiating, interpersonal and contract management skills
- Exemplary research and writing skills
- Strong ability in developing agreements among stakeholders
- Extensive experience in Quality Assurance coordination
- Highly effective presenter; includes frequent presentations at local and national conferences
- Proven ability to excel with both team oriented and individual tasks
- Demonstrates independent judgment and initiative

CAREER HIGHLIGHTS AND COMMUNITY IMPACT

Orange County Citizens' Commission for Children

Orlando, FL

Senior Program Manager / Acting Division Manager

March 2015 - Present

Currently act as Division Manager for Citizens' Commission for Children in the absence of the manager. Provides oversight and direction of all day-to-day division operations to ensure adherence to applicable regulations and statutes. Assist with preparation, oversight and management of \$15M budget, directing and reviewing the work of 17 internal employees and 430 external staff.

Impact:

- Provides integral oversight with two Orange County Advisory Boards (Citizens' Commission for Children and Citizens' Review Panel)
- Interprets policies, procedures, rules and regulations and ensures staff compliance.
- Assists Division Manager in various personnel matters including hiring, discipline, training and development and the administration of staff performance reviews.
- Works closely with external community leaders and stakeholders to ensure program success and the execution of excellence in service to Orange County citizens.
- Participates in site planning for new facility acquisition / development for Neighborhood Centers for Families.
- Works closely with facilities management to ensure proper maintenance of existing service facilities supporting Orange County's Neighborhood Centers for Families.

Senior Monitoring & Evaluations Coordinator

July 2005 - March 2015

Administer and coordinate the strategic planning and evaluation of programs and services. Responsible for the development of models of service delivery and program practices through research, evaluation and analysis. Responsible for recommending the continuation/discontinuation of programs and services based on evaluation and review. Provide training, writing publications and annual reports. Produce periodic and ad hoc reports on human services needs and delivery

systems. Facilitate orientation and coordinate special projects, as assigned. Routinely provides budget analysis per contract engagement.

NOTE: *Possess rare quality assurance experience entailing work with all funding arms of the Citizens' Commission for Children including:*

Citizens' Review Panel (CRP)

- Provide supervision, contract management and oversight to ensure contract compliance. Responsible for recommending the continuation/discontinuation of programs and services based on evaluation and review.
- Provide support to the City/County Fund Distribution Process and technical assistance to funded agencies serving Orange County citizens
- CRP alternate to provide training to the CRP Advisory Board

After School Zone (ASZ)

- Provide supervision, contract management and oversight of Orange County's award winning middle school after school program located in the 10th largest school district in the nation by providing a mix of academic, recreational and cultural activities for youth after school, during holidays and in the summer is provided.
- Serve schools and communities by focusing on continuous quality improvement, data-driven and cost-effective decisions, strengthening skills to encourage improved academic outcomes, and positive impacts for middle school youth.

Neighborhood Centers for Families (NCF)

- Provide supervision, planning and research services for 13 Orange County Neighborhood Centers for Families. Ensure contractual compliance through developing and evaluating performance, fiscal policies and procedures, and provide recommendations for corrective action. Developed and maintained "How To" Manual for NCF training and created and maintained a tracking log.

Orange County Citizens' Commission for Children, Orlando, FL

Research and Planning Specialist

November 2000 - July 2005

Collected and analyzed demographic and needs assessment data related to human services delivery. Reviewed literature, conducted interviews, made site visits to identify successful programs and best practices. Conducted specific studies to analyze and develop recommendations for new programs and modifications to existing programs. Participated in the design, collection and analysis of program/services outcome and effectiveness evaluation. Trained and educated NCF staff on data collection and reporting methods. Performed other staff assignments as required.

Orange County Planning Division, Orlando, FL

Senior Planner, Physical Planning Section

November 1998 - November 2000

Assisted in the preparation of Comprehensive Policy Plan (CPP) amendments. Evaluated and updated the Housing and Community Facilities and Services Elements to the Orange County Comprehensive Policy Plan. Prepared and presented CPP updates to the Local Planning Agency. Coordinated and analyzed data and prepared special studies and projects such as the Holden Heights Land Use Study. Division liaison for affordable housing certification projects.

Planning Aide, Physical Planning Section

April 1997 - November 1998

Processed, generated recommendations and presented findings for Future Land Use amendment requests and the EAR to Orange County's Local Planning Agency (LPA). Reviewed amendment proposals and proposed enterprise zones documents for consistency with the Comprehensive

Policy Plan (CPP). Developed site-specific maps for CPP amendments by using MapInfo. Updated data and analysis section of the Community Facilities and Services CPP element for the State required Evaluation and Appraisal Report. Arranged and facilitated community meetings by coordinating with planners and developers. Created newspaper advertisements for the Physical Planning Section. As Project Planner, coordinated the 1998 first cycle of Future Land Use Map amendments to the Orange County CPP. Completed special projects including quality checking Future Land Use Maps and used various software applications to develop presentations and associated reports. Provided information to the general public regarding Orange County's CPP.

AWARDS

Beyond School Hours XVI, Advocacy Award, Various NACO Awards (Arts Academy, Young Entrepreneurs Program, Summer Reading Climb), Florida After School Alliance Award of Excellence

FEATURED PUBLICATIONS

Florida's Growing and Changing Faces of Poverty, USF Child and Family Studies, September 2011
Central Florida Lifestyle Magazine, After School Zone

SPECIAL PROJECTS

Orange County Sustainability Committee, Holden Heights Targeted Community Initiative, Holiday Brunch, Haitian Outreach Initiative, Children Must Count Awards, Community Funding Forum for Nonprofit Organizations, Neighborhood Center for Families Training Conference, Community Presentations, National Family Week, Citizens' Commission for Children Annual Reports, National Lights on After School, Workshops at Beyond School Hours National Conference

BOARD AND COMMUNITY AFFILIATIONS

Orange County Children's Cabinet, Girl Scouts of Central Florida (Assistant Troop Leader, Troop 369), National Society of Public Administrators, Alpha Kappa Alpha Sorority, Inc., Early Learning Coalition, YMCA of Central Florida Education Committee

EDUCATION & CREDENTIALS

University of Central Florida, Orlando, FL
Master of Public Administration

Alabama A & M University, Normal, AL
Bachelor of Science in Urban Planning

Orange County Supervisory Training Certification

TECHNOLOGY PROFICIENCIES

Microsoft Office (Word, Excel, Outlook, PowerPoint, Publisher); Proficient Researcher



OFFICE OF THE COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

MARTHA O. HAYNIE, CPA
County Comptroller
Department of Finance and Accounting
201 South Rosalind Avenue
Post Office Box 38
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COUNTY COMMISSION AGENDA
Tuesday, September 13, 2016

COUNTY COMPTROLLER

Items Requiring Consent Approval

1. Approval of the minutes of the June 28, July 12, July 18, July 19, and August 2, 2016 meetings of the Board of County Commissioners.
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Signature authorization and accompanying detail of most recently disbursed County funds are available in the Clerk's Office and on the Comptroller's web site.
3. Disposition of Tangible Personal Property

Approval is requested of the following:

- a. Dispose of asset totaled by our Third Party Administrator for its salvage value
- b. Trade-in assets toward the purchase of new equipment
- c. Cannibalize and scrap asset

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, June 28, 2016
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd,
Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards,
Victoria P. Siplin
Others Present: Chief Deputy Comptroller Margaret A. McGarrity, County
Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton,
Deputy Clerk Katie Smith, Minutes Coordinator Lakela Christian

- CALL TO ORDER, 9:12 a.m.
- INVOCATION – Rev. Dr. Gabriel Salguero, Iglesia El Calvario
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Proclamation designating June as Master Gardeners Month
- PRESENTATION
Proclamation designating June 28, 2016, as Thomas D. Hurlburt, Jr. Day
- OFFICIALS RECOGNIZED
 - Florida Senator Mel Martinez
 - Florida Congressman John Mica
 - Orange County Sheriff Jerry Demings
 - Florida's Ninth Judicial Circuit Court Chief Judge Belvin Perry, Jr.
 - City of Orlando Police Chief John Mina
 - Former City of Orlando Police Chief Paul Rooney
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Pam Dimarzio
- Alta Deevers
- Melissa Lasser
- Branor Dimarzio
- Al Moreno
- William Lutz
- Jimmy Hester
- Luiza Semrad

- Kelly Semrad
- Elizabeth Hester
- Jonathan Blount

The following materials were presented to the Board during public comment.

- Exhibit 1, from Alta Deevers
- Exhibit 2, from Melissa Lasser
- Exhibit 3, from Melissa Lasser

The following materials were received by the Clerk during public comment. The materials referenced by the speaker were not presented to the Board.

- Submittal 1, from William Lutz
- Submittal 2, from Jimmy Hester

- MEMBER EXITED: Commissioner Nelson

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Thompson

Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Mayor

- Deferred action on County Attorney Items 2 and 3 for consideration with public hearing B2 for Amending Orange County Code, Article IV, Chapter 25, Section 25-140, pertaining to Taxation in Orange County, Florida
- Deferred action on Community, Environmental and Development Services Department Item 3 for consideration with public hearing C4 for Rezoning LUPA-15-12-384

and further, the Board approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the May 10, 2016, meeting of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - June 10, 2016, to June 16, 2016; total of \$19,560,128.50
 - June 17, 2016, to June 23, 2016; total of \$41,001,042.64.

(Finance/Accounting)

3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. Sell assets through public auction.
- b. Offer to non-profit organizations.
- c. Scrap remaining assets.
- d. Scrap asset.
- e. Return equipment to Community Based Care of Central Florida.

County Administrator

1. Appointment of Steve White to the City of Apopka Community Redevelopment Agency Board.
2. Confirmation of Commissioner Nelson's appointment of Steve L. Mellich to the Lake Ola Advisory Board with a term expiring December 31, 2017. (Agenda Development Office)
3. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
4. Approval and execution of 2016-2017 Fiscal Year Funding Agreement by and between Orange County and the International Drive Master Transit and Improvement District. (Convention Center)
5. Approval of Change Order No. 2, Contract Y16-767 with Pillar Construction Group LLC in the amount of \$69,939.48, for a revised contract amount of \$216,939.48. (Convention Center Capital Planning Section)
6. Approval and execution of Resolution 2016-B-08 for the issuance of Multifamily Housing Mortgage Revenue Bonds, to finance the construction of Goldenrod Pointe Apartments, a proposed development in Unincorporated Orange County, Florida, District 5, in an amount not to exceed \$6,600,000. (Housing Finance Authority)
7. Approval and execution of Resolution 2016-M-21 of the Orange County Board of County Commissioners regarding Granite Telecommunications, LLC Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
8. Approval to pay the fourth quarter billing for the Orange County Property Appraiser in the amount of \$2,869,228.87. (Office of Management and Budget)

9. Approval of budget amendments #16-42 and #16-43. (Office of Management and Budget)
10. Approval of budget transfer #16-000001081. (Office of Management and Budget)
11. Approval of Ratification of payment of Intergovernmental claims of May 12, 2016, May 26, 2016, and June 9, 2016 totaling \$1,857,014.05. (Risk Management Division)

County Attorney

1. Approval of the proposed settlement in the case Central Florida Expressway Authority v. Orange County, Case No. 2014-CA-6798-O, Parcel 150; Project: S.R. 429 Wekiva Parkway, and authorization for the County Attorney's Office to execute the proposed Stipulated Final Judgment as to Parcel 150 on behalf of Orange County.
2. Approval and execution of Orange County, Florida and Florida Citrus Sports Events, Inc. National Football League (NFL) Pro Bowl Agreement.

(This item was deferred.)

3. Approval and execution of Fifth Addendum to 2007 Tourism Promotion Agreement between Orange County, Florida and Orlando/Orange County Convention & Visitors Bureau, Inc.

(This item was deferred.)

Administrative Services Department

1. Approval of Change Order No. 21, Contract No. Y13-765 with the Morganti Group, Inc. in the amount of \$16,102.98, for the revised lump sum contract amount of \$7,672,672.53 for Corrections-Kitchen, Laundry & Staff Dining Project. District 6. (Capital Projects Division)
2. Approval of Change Order No. 5, Contract No. Y15-719 with Jordan Brothers Construction LLC in the amount of \$3,072.38 for the Deputy Brandon Coates Community Park F/K/A John Young Community Park Project. The revised lump sum contract amount is \$3,575,409.85. District 1. (Capital Projects Division)
3. Approval to award Invitation for Bids Y16-1049-DG, Shuttle Bus Service with Driver – Orange County Convention Center, to the three low responsive and responsible bidders, Transtar Transportation Group, Inc., VIP's Jet Tours Corp. dba Pegasus and Escot Bus Lines, for the estimated contract amounts listed below, for 1-year term

contracts. Further, authorized the Procurement Division to renew the contracts for four additional 1-year terms.

Transtar Transportation Group, Inc.	\$247,100
VIP's Jet Tours Corp. dba Pegasus	\$307,500
Escot Bus Lines	\$349,800

([Convention Center Fiscal and Operations Support Division] Procurement Division)

4. Approval to award Invitation for Bids Y16-1051-TA, Sodding, Seeding, Mulching, Hydro-Seeding, and Hydro-Seeding with Bonded Fiber Matrix Services, to the low responsive and responsible bidder, Travis Resmondo Sod, Inc., in the estimated contract award amount of \$627,220 for a 1-year contract. Further, authorized the Procurement Division to renew the contract for four additional 1-year terms. ([Public Works Department Stormwater Management Division] Procurement Division)
5. Approval to award Invitation for Bids Y16-747-PH, Innovation Place Project (aka Storey Park Utilities) Part A, to the responsive and responsible bidder, Metro Equipment Service, Inc. for the estimated contract award amount of \$3,595,278. ([Utilities Department Engineering Division] Procurement Division)
6. Approval of Purchase Order M79250, Upgrades to the North Plant Effluent Pump Station at South Water Reclamation Facility, with Siemens Industry, Inc. in the amount of \$841,124. ([Utilities Department Engineering Division] Procurement Division)
7. Approval of Contract Y16-1028, Sitech Landfill GPS System, with Sitech North and Central Florida, LLC, in the amount of \$201,582, for the period of July 1, 2016 through July 31, 2019. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Utilities Department Solid Waste Division] Procurement Division)
8. Approval of Contract Y16-815, Design Services for the Orange County Fire Station #67 University Site - INVEST with C.T. Hsu & Associates, P. A. in the total contract award amount of \$198,620.67. ([Administrative Services Department Capital Projects Division] Procurement Division)
9. Approval of Contract Y16-1102, Basic Construction Education Program for Inmates with Valencia College for a 1-year term in the total contract award amount of \$200,800. ([Corrections Department Community Corrections Division] Procurement Division)
10. Approval and execution of Distribution Easement between Orange County and Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for Facilities Management East District. District 5. (Real Estate Management Division)

11. Approval and execution of Distribution Easement between Orange County and Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for Fire Rescue Headquarters Redundant Primary Electrical Loop. District 5. (Real Estate Management Division)
12. Approval and execution of Amendment of Encroachment Agreement between Florida Gas Transmission Company, LLC and Orange County and authorization to record instrument for East Service Area Potable Water and Reclaimed Water Storage and Re-Pumping Facilities. District 4. (Real Estate Management Division)
13. Approval and execution of Partial Termination of Easement Agreement and authorization to record instrument for Wetherbee Road – Phase II (Sawgrass Pointe Phase 2). District 4. (Real Estate Management Division)
14. Approval of Contract for Sale and Purchase and Warranty Deed from EastGroup Properties, L.P., successor by merger of EastGroup Acquisition Corp. II, successor by Merger of EastGroup Sunbelt, Inc. to Orange County and authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Pump Station No. 3138 (Major Realty). District 4. (Real Estate Management Division)
15. Approval of Donation Agreement and Warranty Deed between Bluerock Development, LLC and Orange County and authorization to perform all actions necessary and incidental to closing for Waterford Oaks PD. District 4. (Real Estate Management Division)
16. Approval of Utility Easement between Pulte Home Corporation and Orange County and authorization to record instrument for Lakeview Pointe at Horizon West Phase 2B OCU Permit: 14-S-117 OCU File #: 79585. District 1. (Real Estate Management Division)
17. Approval of Utility Easement between WDF-3 Wood Eastmar Owner, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Branch Banking and Trust Company and authorization to record instruments for Alta Eastmar Commons Sitework OCU Permit: B14903846 OCU File #: 80146. District 4. (Real Estate Management Division)
18. Approval of Utility Easement between Isla Goldenrod, LLC, I.G. Bones, L.L.C., Swann Holdings, L.L.C. and Orange County, Subordination of Encumbrances to Property Rights to Orange County from USAmeriBank, Subordination of Encumbrance to Property Rights to Orange County from Dollar Tree Stores, Inc. and authorization to record instruments for Dollar Tree Goldenrod OCU Permit: B15901321 OCU File #: 81906. District 3. (Real Estate Management Division)

19. Approval of Utility Easement between Innovating Minds, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Atlantic Coast Bank and authorization to record instruments for Creative World Schools OCU Permit: B14903772 OCU File #: 79568. District 4. (Real Estate Management Division)
20. Approval of Utility Easement between Judith S. Arnold and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Wawa Florida, LLC and authorization to record instruments for WAWA (PEP) – OBT & Pepper Mill/Site OCU Permit: B13903151 OCU File #: 75427. District 4. (Real Estate Management Division)
21. Approval of Memorandum of Understanding between Orange County Fire Rescue Department and Orange County Utilities Department and authorization to transfer funds for Fire Station 67 (Invest). District 5. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval and execution of the Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

LC 16-0512	LC 16-0487	LC 16-0472	LC 16-0378	LC 16-0466
LC 15-1622	LC 16-0542	LC 16-0486	LC 16-0398	LC 16-0468
LC 16-0118	LC 16-0297	LC 16-0330	LC 16-0412	LC 16-0475
LC 16-0195	LC 16-0497	LC 16-0349	LC 16-0423	LC 16-0476
LC 16-0384	LC 16-0498	LC 16-0350	LC 16-0429	LC 16-0505
LC 16-0420	LC 16-0499	LC 16-0351	LC 16-0446	LC 16-0506
LC 16-0478	LC 16-0518	LC 16-0352	LC 16-0462	LC 16-0507
LC 16-0482	LC 16-0519	LC 16-0363	LC 16-0465	LC 16-0509

2. Approval and execution of Resolution of Orange County Board of County Commissioners regarding Claim of Special Assessment Liens Pursuant to Section 9-278 of the Orange County Code, Property Maintenance, and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. District 6. (Code Enforcement Division)

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount</u>
A 15-0069	6	BALATI MAYILA	\$ 13,210.73
A 15-0246	6	DEOLDE WILLIAM	\$ 12,793.53

3. Approval and execution of First Amendment to Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC and Orange County. District 1. (Development Review Committee)

(This item was deferred.)

4. Approval and execution of Second Amendment to Development Order for International Corporate Park Development of Regional Impact. District 4. (Development Review Committee)
5. Acceptance of Recommendation of the Environmental Protection Commission to approve the request for waiver to Section 15-342(b) (terminal platform size) and denial of the request for waiver to Section 15-343(b) (side setback) for Magpuri Dock Construction Permit BD-16-02-022, with the payment of \$464 to the Conservation Trust Fund within 60 days of the BCC decision date. District 1. (Environmental Protection Division)
6. Approval and execution of Orange County, Florida and City of Orlando, Florida Interlocal Agreement for Watershed Atlas Project. All Districts. (Environmental Protection Division)
7. Approval of PHA 5-Year and Annual Plan U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226, and approval and execution of PHA Certifications of Compliance with PHA Plans and Related Regulations and Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan for the Housing Choice Voucher Program. All Districts. (Housing and Community Development Division)
8. Approval and execution of Amendment to Agreement to Extend the 180 Day Adoption Period for Orange County Comprehensive Plan Amendments 2015-2-P-FLUE-1 (Lake Pickett Future Land Use), and 2015-2-A-5-1 (Lake Pickett South) by and between Orange County, Florida, Dwight Saathoff, and Sean Froelich. District 5. (Planning Division)
9. Approval and execution of Hamlin West Road Network Agreement New Independence Parkway and C.R. 545/Avalon Road by and among Hamlin Retail Partners West, LLC, Carter-Orange 45 SR 429 Land Trust, and Orange County for the design, engineering, permitting and construction of road improvements for the four-laning of New Independence Parkway from S.R. 429 to Avalon Road/C.R. 545 and to conduct all or a portion of a Preliminary Design Study for the four-laning of Avalon Road/C.R. 545 from McKinney Road to Schofield Road in return for 2,315 vested trips and \$2,908,445.59 in road impact fee credits. District 1. (Roadway Agreement Committee)

Family Services Department

1. Approval of Orange County Head Start Program Application for Federal Assistance FY 2016-2017 and approval and execution of Certification of Filing and Payment of Federal Taxes and Employee Compensation Cap Compliance Assurance between Orange County and Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the estimated amount of \$12,734,338 for the continued operation of the Head Start Program. The total required non-federal match in the amount of \$3,183,585 is derived from parent volunteerism, donation of goods and services, lease agreements, and Orange County support. (Head Start Division)

Health Services Department

1. Approval and execution of the Paratransit Services License for Florida Global Transportation, Inc. to provide wheelchair/stretchers service. The term of this license is from July 1, 2016 through July 1, 2018. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval and execution of the Paratransit Services License for Kinsman Transportation Inc. to provide wheelchair/stretchers service. The term of this license is from July 1, 2016 through July 1, 2018. There is no cost to the County. (EMS Office of the Medical Director)
3. Approval and execution of the Paratransit Services License for Pinar Transportation Inc to provide wheelchair/stretchers service. The term of this license is from July 1, 2016 through July 1, 2018. There is no cost to the County. (EMS Office of the Medical Director)
4. Approval and execution of the renewal Paratransit Services License for Med Ex Transportation Inc. to provide wheelchair/stretchers service. The term of this License is from July 1, 2016 through July 1, 2018. There is no cost to the County. (EMS Office of the Medical Director)

Public Works Department

1. Approval and execution of Agreement for Traffic Law Enforcement on Private Roads located in the gated community of Vizcaya by and between Orange County, Florida, Vizcaya Master Homeowners' Association, Inc., and Vizcaya Heights Multicondominium Association, Inc. District 1.
2. Approval to reduce posted speed limit on Bancroft Boulevard from Nettleton Street to Paddock Street from 50 mph to 45 mph. District 5. (Traffic Engineering Division)

3. Approval to construct a raised crosswalk on Tanja King Boulevard. District 4. (Traffic Engineering Division)
4. Approval to increase the posted speed limit from 25 mph to 35 mph on Sawgrass Plantation Boulevard from Wetherbee Road to Plantation Pointe Drive. District 4. (Traffic Engineering Division)
5. Approval to prohibit specific FHWA Vehicle Classifications 6,7,8,9,10,11,12 and 13 from using Starry Road, Dallas Boulevard, Bancroft Boulevard, and Maxim Parkway and to post all appropriate signage. District 5. (Traffic Engineering Division)

- MEMBER RE-ENTERED: Commissioner Nelson

- INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Orlando Adopted Ordinance with Exhibit A (Legal Description), Exhibit B (Annexation Map), Orlando Sentinel Notice of Proposed Enactment and Fiscal Impact Statement, Ordinance No. 2016-44 entitled: An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located south of State Road 417, North of Tyson Road and East of Narcoossee Road, addressed as 10123 William Carey Drive and 12345 Narcoossee Road and comprised of 54.16 acres of land, more or less, providing for consent to the Municipal Services Taxing Unit for Lake Whippoorwill; providing for severability, correction of scrivener's errors, and an effective date.

*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

- COUNTY DISCUSSION AGENDA

County Mayor

1. Pulse Permanent Public Memorial.

The Board provided input on how the County could memorialize those impacted by the recent events at Orlando Pulse Nightclub. Board members expressed a desire for well-planned programs.

Board discussion ensued.

Action: None

County Administrator

1. Approval of proposed Cultural Facilities grants as recommend by the Arts and Cultural Affairs Advisory Council in the amount of \$1,235,072. (Arts and Cultural Affairs Office)

County staff presented the Fiscal Year 2016 Cultural Facilities grant award recommendations and addressed Fiscal Year 2017 TDT projected funding along with the proposed Fiscal Year 2016 budget allocations for the Arts and Cultural Affairs program.

The following person addressed the Board: Hal Kantor:

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board approved the proposed Cultural Facilities project grants as recommended by the Arts and Cultural Affairs Advisory Council in the amount of \$1,235,072, allocated as follows:

- Maitland Arts & History Museum	\$92,911
- Friends of Casa Feliz	\$85,000
- Holocaust Memorial Resource Center	\$500,000
- Orlando Repertory Theatre	\$332,161
- Town of Oakland	\$225,000

Administrative Services Department

1. Selection of eleven firms to provide Real Estate Appraisal Services under Request for Proposals Y16-164-MA Lot A, from the following firms listed alphabetically:
 - AECOM, Inc.
 - Bullard, Hall & Adams, Inc.
 - Callaway and Price, Inc.
 - Clayton, Roper & Marshall, Inc.
 - Diversified Property Specialist, Inc.
 - Eminent Valuations, PLLC
 - Florida Valuation Group, Inc.
 - Pinel & Carpenter, Inc.
 - RTD Group, LLC
 - The Spivey Group, Inc.
 - The Appraisal Group of Central Florida, Inc.

Selection of five firms and two ranked alternates to provide Real Estate Appraisal Reviews under Request for Proposals Y16-164-MA Lot B, from the following firms listed alphabetically:

- AECOM, Inc.
- Bullard, Hall & Adams, Inc.
- Clayton, Roper & Marshall, Inc.
- Derango, Best & Associates, Inc.
- Edwin R. Barfield, LLC
- Florida Valuation Group, Inc.
- G-A-I Consultants, Inc.
- RTD Group, LLC
- The Appraisal Group of Central Florida, Inc.

Request authority for the Procurement Division to negotiate and execute 3-year contracts with a total budget amount of \$2,260,000. Further request authority for the Procurement Division to renew the contracts for two additional 1-year terms. ([Administrative Services Department Real Estate Management Division] Procurement Division)

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board selected eleven firms under Lot A, The Spivey Group, Inc., The Appraisal Group of Central Florida, Inc., Pinel & Carpenter, Inc., Diversified Property Specialist, Inc., AECOM, Inc., Bullard, Hall & Adams, Inc., RTD Group, LLC, Callaway and Price, Inc., Clayton, Roper & Marshall, Inc., Eminent Valuations, PLLC, Florida Valuation Group, Inc. to provide Real Estate Appraisal Services; further, selected five firms under Lot B, The Appraisal Group of Central Florida, inc., AECOM, Inc., Bullard, Hall & Adams, Inc., Derango, Best & Associates, Inc., RTD Group, LLC, and two ranked alternates, Clayton, Roper & Marshall, Inc. and G-A-I Consultants to provide Real Estate Appraisal Reviews; further, authorized the Procurement Division to negotiate and execute 3-year contracts with a total budget amount of \$2,260,000; and further, authorized the Procurement Division to renew the contracts for two additional 1-year terms, Request for Proposals Y16-164-MA.

2. Selection of two firms to provide Labor Counsel Services under Request for Proposals Y16-1038-PD, from the following firms listed alphabetically:

- Allen, Norton & Blue, P.A.
- Fisher & Phillips, LLP
- Jones, Hurley & Hand, P.A.

Further authority for the Procurement Division to negotiate and execute 1-year contracts within a budget amount of \$200,000 each. Further request authorization of the Procurement Division to renew for four additional 1-year periods. ([Office of Accountability Human Resources Division] Procurement Division)

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board selected two firms, Allen, Norton & Blue, P.A. and Fisher & Phillips, LLP, to provide Labor Counsel Services; further, authorized the Procurement Division to negotiate and execute 1-year contracts within a budget amount of \$200,000 each; and further, authorized the Procurement Division to renew for four additional 1-year periods, Request for Proposals Y16-1038-PD.

3. Selection of six firms and two ranked alternates to provide Continuing Professional Engineering Design Services, Request for Proposals Y16-900-CH, from the following firms, listed alphabetically. Further recommend the Board authorize negotiation and execution of the final contracts by the Procurement Division to establish hourly rates for future requirements. The performance period for the contract will be for 3 years with two 1-year renewals.

- AVCON, Inc.
- Cribb Philbeck Weaver Group, Inc.
- DRMP, Inc.
- Florida Engineering Group, Inc.
- GTC Engineering Corporation
- Johnson, Mirmiran & Thompson, Inc.
- Metric Engineering, Inc.
- Pegasus Engineering, LLC
- TLP Engineering Consultants, Inc.
- Vanasse Hangen Brustlin, Inc.

([Public Works Department Engineering Division] Procurement Division)

Motion/Second: Commissioners Nelson/Boyd

AYE (voice vote): All Members

Action: The Board selected six firms, Pegasus Engineering, LLC, TLP Engineering Consultants, Inc., GTC Engineering Corporation, DRMP, Inc., AVCON, Inc., Florida Engineering Group, Inc., and two ranked alternates, Metric Engineering, Inc. and Vanasse Hangen Brustlin, Inc., to provide Continuing Professional Engineering Design Services; and further, authorized the Board authorize negotiation and execution of the final contracts by the Procurement Division to establish hourly rates for future requirements. The performance period for the contract will be for 3 years with two 1-year renewals, Request for Proposals Y16-900-CH.

4. Selection of two firms and an alternate to provide Continuing Professional Lake Management Services, Request for Proposals Y16-903-RM, from the following firms listed alphabetically. Further request the Board authorize execution of the final contracts by the Procurement Division to establish hourly rates for future requirements. The contract's performance period will be for one year with two 1-year renewals.

- AMEC Foster Wheeler Environment & Infrastructure, Inc.
- Cribb Philbeck Weaver Group, Inc.
- Environmental Research & Design, Inc.

([Community, Environmental and Development Services Department Environmental Protection Division] Procurement Division)

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board selected two firms, Environmental Research & Design, Inc. and AMEC Foster Wheeler Environment & Infrastructure, Inc., and one alternate, Cribb Philbeck Weaver Group, Inc., to provide Continuing Professional Lake Management Services; and further, authorized the execution of the final contracts by the Procurement Division to establish hourly rates for future requirements. The contract's performance period will be for one year with two 1-year renewals, Request for Proposals Y16-903-RM.

Fire Rescue Department

1. 2016 Hurricane Season Update. (Office of Emergency Management)

County staff presented an update on the 2016 hurricane season. The presentation included 2016 hurricane predictions, the County's Emergency Response Team Members and Emergency Support Organizations, emergency plans, emergency management tools, annual preparedness, community outreach and preparedness reminders.

Action: None

Utilities Department

1. Approval to establish the haulers compensation rates as listed and set the MSBU at \$200 for Program Year 2017 and authorization to include the Tentative Mandatory Refuse Collection Rate of \$200 on the 2016 Notice of Proposed Taxes. All Districts. (Solid Waste Division)

County staff presented to the Board an overview of the Mandatory Refuse and Recycling Program MSBU for calendar year 2017.

Motion/Second: Commissioners Edwards/Nelson

AYE (voice vote): All members

Action: The Board approved the Municipal Service Benefit Unit (MSBU) rate tentatively be set at \$200.00 per household for calendar year 2017; and further, the hauler compensation rates be set at:

Zone 1	\$119.37
Zone 2	\$152.13
Zone 3	\$130.09
Zone 4	\$109.79
Zone 5	\$111.94

County Mayor (Continued)

2. Open discussion on issues of interest to the Board.

Commissioner Boyd discussed with the Board concerns from the Windermere Country Club residence regarding the inner connected stormwater systems located on the Windermere Club property and in a privately gated community. Commissioner Boyd requested staff to research the maintenance status of the stormwater system and its infrastructure.

The following person addressed the Board: Truong Nguyen (phonetic).

Commissioner Clarke discussed with the Board concerns with Air BnB in residential areas. County Mayor Jacobs requested staff to monitor Air BnB for compliance with Orange County Zoning codes and Ordinances.

Board discussion ensued.

Action: None

- MEETING RECESSED, 12:24 p.m.
- MEETING RECONVENED, 2:08 p.m.

Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Pete Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin; Commissioner Bryan Nelson joined the meeting where indicated

Others Present: County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator Noelia Perez, Minutes Coordinator Lakela Christian

- NONAGENDA

County staff provided a brief update on the Orlando United Assistance Center. The update included before and after improvements of the center which will serve as a navigation point to evaluate the needs of individuals, provide information, and support those directly affected by the Orlando Pulse Nightclub tragedy. County Mayor Jacobs also expressed sincere appreciation to the individuals involved in the preparation of the new location for the Orlando United Assistance Center.

Action: None

- COUNTY DISCUSSION AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

1. National Pollutant Discharge Elimination System (NPDES) Permit. All Districts.
(Environmental Protection Division)

County staff present to the Board an overview on the National Pollutant Discharge Elimination System (NPDES) Permit. The presentation included the purpose for a NPDES permit, new regulatory requirements, budgetary impact, and benefits of the program.

- MEMBER JOINED: Commissioner Nelson

Action: None

- RECOMMENDATIONS

June 2, 2016 Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of June 2, 2016, subject to the usual right of appeal by any aggrieved party.

Clerk's Note: Appeals were filed on the following cases: Case # SE-16-06-069, Faith Center Ministries, Inc., and Case # 16-06-065, Iglesia El Shaddai Church, which will be heard as separate public hearings.

- PUBLIC HEARINGS

Preliminary Subdivision Plan

1. Khalid Hussein, Verona Subdivision PD / Verona Subdivision Preliminary Subdivision Plan (PSP), Case # PSP-14-11-324; District 4

Applicant: Khalid Hussein, Verona Subdivision Planned Development (PD) / Verona Subdivision Preliminary Subdivision Plan (PSP)

Consideration: Verona Subdivision Planned Development (PD) / Verona Subdivision Preliminary Subdivision Plan (PSP), Case # PSP-14-11-324, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is to subdivide 17.76 acres in order to construct 52 detached single-family residential dwelling units.

Location: District 4; property generally located East of South Dean Road / South of Lake Underhill Road; Orange County, Florida (legal property description on file in Planning Division-see map on reverse side)

The following person addressed the Board: Rick Baldocchi.

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Verona Subdivision Planned Development (PD) / Verona Subdivision Preliminary Subdivision Plan Case # PSP-14-11-324 on the described property, subject to the following conditions:

1. Development shall conform to the Verona Subdivision PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Verona Subdivision Preliminary Subdivision Plan dated "Received April 6, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received April 6, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or

otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
7. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
8. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of construction plans submittal.
9. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
10. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
11. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

12. Ten (10) feet of right-of-way for Dean Road shall be dedicated to Orange County at no cost and without any impact fee credits.
13. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
14. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
15. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
16. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least 30 days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.

Ordinance

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

2. Amending Orange County Code, Article IV, Chapter 25, Section 25-140, pertaining to Taxation in Orange County, Florida

Consideration: AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING ARTICLE IV OF CHAPTER 25 OF THE ORANGE COUNTY CODE SECTION 25-140, TOURIST DEVELOPMENT PLAN; UPDATING AN EXISTING PRIORITY OF THE PLAN AND EXTENDING FUNDING FOR STAGING THE FLORIDA CLASSIC FOOTBALL GAME; PROVIDING FUNDING FOR THE NATIONAL FOOTBALL LEAGUE PRO BOWL FOOTBALL GAME; PROVIDING FOR AN EFFECTIVE DATE.

and

• COUNTY CONSENT AGENDA (CONTINUED)

County Attorney (Deferred)

2. Approval and execution of Orange County, Florida and Florida Citrus Sports Events, Inc. National Football League (NFL) Pro Bowl Agreement.

and

County Attorney (Deferred)

3. Approval and execution of Fifth Addendum to 2007 Tourism Promotion Agreement between Orange County, Florida and Orlando/Orange County Convention & Visitors Bureau, Inc.

The following persons addressed the Board:

- Steve Hogan
- George Aguel

County staff recommended the following revisions to Section 25-140 of the proposed Ordinance as follows :

Line 30: Bethune Cookman College University

Line 69: Florida Citrus Sports Association Events, Inc.

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board adopted Ordinance 2016-12 of the Board of County Commissioners of Orange County, Florida, Pertaining to Taxation in Orange County, Florida; Amending Article IV of Chapter 25 of the Orange County Code Section 25-140, Tourist Development Plan; Updating An Existing Priority Of The Plan And Extending Funding For The Staging Of The Florida Classic Football Game; Providing Funding For The National Football League Pro Bowl Football Game; further, approved and executed the Orange County, Florida and Florida Citrus Sports Events, Inc. National Football League (NFL) Pro Bowl Agreement; and further, approved and executed the Fifth Addendum to 2007 Tourism Promotion Agreement between Orange County, Florida and Orlando/Orange County Convention & Visitors Bureau, Inc.; with the following changes to the ordinance:

Section 25-140 – Tourist Development Plan

- Line 30: Bethune Cookman College University

- Line 69: Florida Citrus Sports Association Events, Inc.

• RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Nelson.

3. Amending Orange County Code, Articles II and III, Chapter 11, Sections 11-28, 11-31, and 11-37, pertaining to Code Enforcement (Continued from June 14, 2016)

Consideration: AN ORDINANCE OF ORANGE COUNTY, FLORIDA, PERTAINING TO CODE ENFORCEMENT; AMENDING CHAPTER 11 OF THE ORANGE COUNTY CODE; AMENDING SECTION 11-28, DEFINITIONS, TO ADD MAGISTRATE AND HEARING OFFICER; AMENDING SECTION 11-31, ORGANIZATION, REGARDING EX PARTE COMMUNICATIONS; AMENDING SECTION 11-37 REGARDING ACCEPTANCE OF SETTLEMENT OFFERS AND TO ELIMINATE REPORT OF LIEN FORECLOSURES, DELEGATE AUTHORITY TO REDUCE LIENS TO THE MANAGER OF CODE ENFORCEMENT AND THE CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE; AMENDING EXHIBIT "A" TO ORDINANCE NO. 94-09 REGARDING THE CODE ENFORCEMENT CITATION PROGRAM, RENAMING IT SCHEDULE "A" AND INCORPORATING IT DIRECTLY INTO CHAPTER 11; AND PROVIDING AN EFFECTIVE DATE

County staff recommended the following revision to the proposed Ordinance as follows:

Section 11-67, ("Violation Classifications and Civil Penalties"), Page 20, Line 741: This ordinance shall become effective on 1, 2016 pursuant to general law.

• REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice-Mayor Nelson.

Board discussion ensued.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board adopted Ordinance 2016-13 of Orange County, Florida, Pertaining to Code Enforcement; Amending Chapter 11 of the Orange County Code; Amending Section 11-28, Definitions, to Add Magistrate and Hearing Officer; Amending Section 11-31, Organization, Regarding Ex Parte Communications; Amending Section 11-37 Regarding Acceptance of Settlement Offers and to Eliminate Report of Lien Foreclosures, Delegate Authority to Reduce Liens to the Manager of Code Enforcement and the Code Enforcement Board and Special Magistrate; Amending Exhibit "A" to Ordinance No. 94-09 Regarding the Code Enforcement Citation Program, Renaming it Schedule "A" and incorporating it Directly into Chapter 11: And Providing an Effective Date; with the following changes to the ordinance:

Section 11-67, ("Violation Classifications and Civil Penalties") Page 20, Line 741: This ordinance shall become effective on 1, 2016 pursuant to general law.

Ordinance/Comprehensive Plan

4. Amending Orange County Code, adopting 2016-1 Regular Cycle and Small-Scale Cycle Amendments to the 2010-2030 Comprehensive Plan (CP) and where applicable, concurrent rezoning or substantial change requests

County staff announced Privately-Initiated Future Land Use Element Map Amendment 2016-1-A-1-6 will be heard at a later date, and Privately-Initiated Future Land Use Element Map Amendment 2016-1-S-2-1 has been withdrawn.

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT
MAP AMENDMENT

Amendment: 2016-1-A-1-1

Applicant/Owner: Andre Anderson, Planning Design Group, for Tony and Charleen Benedict

Consideration: Horizon West, Lakeside Village Specific Area Plan (SAP) Wetland/Conservation (CONS) and Greenbelt (GB) to Horizon West, Lakeside Village Specific Area Plan (SAP) - Estate District (ED), Conservation (CONS), and Greenbelt (GB)

Location: 14124 Reams Rd. Generally described as located on the west side of Reams Road., east and south of Lake Hancock Rd.; Parcel ID #: 34-23-27-0000-00-026; 36.60 gross ac.

The following person addressed the Board: Andre Anderson.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the comprehensive plan (see Future Land Use Element Policies FLU1.4.2, FLU4.1.1, FLU4.1.5, FLU4.5.1, FLU4.5.4.1, FLU4.5.6, FLU8.2.1, FLU8.2.2, and FLU8.2.11); further, determined that the proposed amendment is in compliance; and further, adopted the Privately-Initiated Future Land Use Element Map Amendment 2016-1-A-1-1, Horizon West Lakeside Village Specific Area Plan (SAP) Conservation (CONS) and Greenbelt (GB) to Horizon West Lakeside Village Specific Area Plan (SAP) Estate District (ED), Conservation (CONS), and Greenbelt (GB).

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER:

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT
MAP AMENDMENT AND CONCURRENT REZONING REQUEST

Amendment: 2016-1-A-1-4

Applicant/Owner: James G. Willard, Esq., Shutts & Bowen, LLP for Hamlin Retail Partners West, LLC

Consideration: Horizon West, Town Center Specific Area Plan (SAP) - Urban Residential (UR-4) and Open Space (OS) to Horizon West, Town Center Specific Area Plan (SAP) - Retail/Wholesale (RW-4b)

Location: 17450 McKinney Road; Generally described as located on the southwest corner of McKinney Rd. and Avalon Rd; Parcel ID #: 19-23-27-0000-00-012 (portion of); 10.05 gross ac.

and

REZONING PUBLIC HEARING

Applicant: Dennis Seliga, Boyd Development Corporation, Beth A. Wincey, Hamlin West Planned Development / Unified Neighborhood Plan (PD / UNP) , Case # LUPA-15-12-384

Consideration: Request to rezone from A-1 (Citrus Rural District) to PD (Planned Development District)

Location: 17450 McKinney Rd.; Generally described as located on the southwest corner of McKinney Rd. and Avalon Rd; Parcel ID #: 19-23-27-0000-012 (portion of); 10.05 gross ac..

and

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

3. Approval and execution of First Amendment to Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC and Orange County. District 1. (Development Review Committee)

The following person addressed the Board: Jim Willard.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Objective OBJ4.7 and Policies FLU1.4.3, FLU4.7.1, FLU4.7.7.1, FLU4.7.9, and FLU8.2.1); further, determined that the proposed amendment is in compliance; and further, adopted the Privately-initiated Future Land Use Element Map Amendment 2016-1-A-1-4, Horizon West, Town Center Specific Area Plan (SAP) Urban Residential (UR-4) and Open Space (OS) to Horizon West, Town Center Specific Area Plan (SAP) Retail/Wholesale (RW-4b).

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board continued the consent item and Concurrent Rezoning public hearing Case # LUPA-15-12-384 until July 19, 2016, at 2 p.m.

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT AND CONCURRENT SUBSTANTIAL CHANGE

Amendment: 2016-1-A-1-5

Applicant/Owner: Jim Hall, VHB, Inc., for DFD One, LLC

Consideration: Activity Center Mixed Use (ACMU) and Activity Center Residential (ACR) to Planned Development-Low-Medium Density Residential (PD-LMDR)

Location: 7701 Palm Pkwy.; Generally described as located on the west side of Palm Pkwy., north of Lake St., south of Fenton St., and east of S. Apopka Vineland Rd.; Parcel ID #'s: 15-24-28-7774-00-001/010 and portions of 15-24-28-7774-00-002/020; - 159.40 gross ac.

and

SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Jim Hall, VHB, Inc., for DFD One, LLC, Ruby Lake Planned Development (PD)

Consideration: Substantial Change Request to the Ruby Lake PD to split existing PD Lot 3 into Lots 3A (Single-Family Residential) and 3B

(Townhomes) and by eliminating all non-residential uses within them; to retain the existing 244 single-family residential units (located within proposed PD Lot 3A); to apply the land use matrix by converting 607 multi-family units into 156 single-family attached (townhome) residential units (located within proposed Lot 3B); and to establish townhome development standards

Location: 7701 Palm Pkwy.; Generally described as located on the west side of Palm Pkwy., north of Lake St., south of Fenton St., and east of S. Apopka Vineland Rd.; Parcel ID #'s: 15-24-28-7774-00-001/010 and portions of 15-24-28-7774-00-002/020; - 159.40 gross ac.

County staff announced that the Concurrent Substantial Change public hearing, originally noticed in the Agenda with the Privately-Initiated Future Land Use Element Map Amendment, has been determined to be a non-substantial change.

The following person addressed the Board: Jim Hall.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Policies FLU1.4.1, FLU1.4.2, FLU2.2.1, FLU8.1.4, and International Drive Activity Center Element Goals 1 and 3 and Policy ID5.1.2); further, determined that the proposed amendment is in compliance; and further, adopted the Privately-Initiated Future Land Use Element Map Amendment 2016-1-A-1-5, Activity Center Mixed Use (ACMU) and Activity Center Residential (ACR) to Planned Development-Low-Medium Density Residential (PD-LMDR).

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2016-1-A-1-6

Applicant/Owner: Kathryn Hattaway, HCi Planning & Development, / Flamingo Crossings, LLC and Reedy Creek Improvement District

Consideration: East Portion: Reedy Creek Improvement District (RCID) - Mixed Use; West Portion: Reedy Creek Improvement District (RCID)-Mixed Use/Conservation to East Portion: Growth Center-Commercial/Medium Density Residential (GC-C/MDR); West Portion: Growth Center-Commercial/ Medium Density Residential/Conservation (GC-C/MDR/ CONS)

Location: 12831, 12840, and 13325 Flamingo Crossings Blvd; Generally described as located east and west of Flamingo Crossings Blvd, west of SR 429, south of Western Wy.; Parcel ID #'s: 21-24-27-0000-00-003 (portion of), 21-24-27-0000-00-005 (portion of), and 28-24-27-0000-00-001/021; 154.35 gross ac.

(This public hearing was cancelled.)

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT
MAP AMENDMENT

Amendment: 2016-1-A-1-8
Applicant/Owner: David Evans, Evans Engineering, Inc., and Hopping Green & Sams, P.A. for Hartzog Road Property, LLC
Consideration: Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR)
Location: Generally described as located on the east side of Avalon Rd., south of Hartzog Rd., north of Arrowhead Blvd., and west of Vista Del Lago Blvd; Parcel ID #'s: 31-24-27-0000-00-039/040/044; - 23.94 gross ac.

The following persons addressed the Board:

- David Evans
- Sandra MacDonnell-Karris (phonetic)

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Sandra MacDonnell-Karris
- Exhibit 2, from Sandra MacDonnell-Karris

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Housing Element Goal H1, Housing Element Objective H1.1, Future Land Use Element Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.f, FLU1.4.4, FLU7.4.4, FLU8.2.1, FLU8.2.2, and FLU8.2.10); further, determined that the proposed amendment is in compliance; and further, adopted the Privately-Initiated Future Land Use Element Map Amendment 2016-1-A-1-8, Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR).

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT
AMENDMENT

Amendment: 2016-1-B-FLUE-3

Consideration: Text amendments to Future Land Use Element Policy FLU4.7.9 related to the Horizon West Town Center, Neighborhood development programs

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, adopted the Staff-Initiated Comprehensive Text Amendment 2016-1-B-FLUE-3.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT
AMENDMENT

Amendment: 2016-1-B-FLUE-4

Consideration: Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, adopted the Staff-Initiated Comprehensive Text Amendment 2016-1-B-FLUE-4, consistent with today's actions.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT
ANDMAP AMENDMENT

Amendment: 2016-1-B-CP-1

Consideration: Text and map amendments to the International Drive Activity Center Element and Future Land Use Element, amending the Goals, Objectives, and Policies to incorporate the area identified by the I-Drive 2040 Strategic Vision and create appropriate policies to facilitate the implementation of the vision plan

County staff announced the following policy changes to the Amendment as follows:

ID1.4.2 I-Drive District and Sub-districts

8: Universal Studios/Theme Park: Anchored with theme park attractions, this sub-district provides resort style development to visitors with a range of entertainment and retail options as well as supporting uses.

ID1.4.3.1 Transects

Special Zone - Theme Park (SZ Theme Park): This zone consists of a ~~concentration of amusement rides~~ theme park or entertainment complexes, and their entertainment, hotel, resort and accessory uses, without open, public access.

- MEMBER EXITED: Commissioner Thompson

Motion/Second: Commissioners Siplin/Boyd

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, adopted the Staff-Initiated Comprehensive Plan Text and Map Amendment 2016-1-B-CP-1, subject to the following policy changes:

ID1.4.2 I-Drive District and Sub-districts

8: Universal Studios/Theme Park: Anchored with theme park attractions, this sub district provides resort style development to visitors with a range of entertainment and retail options as well as supporting uses.

ID1.4.3.1 Transects

Special Zone - Theme Park (SZ Theme Park): This zone consists of a ~~concentration of amusement rides~~ theme park or entertainment complexes, and their entertainment, hotel, resort and accessory uses, without open, public access.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT AND MAP AMENDMENT

Amendment: 2016-1-B-CIE-1

Consideration: Annual update to the Capital Improvements Element (CIE) of the CP, amending the text of Goals, Objectives, and Policies (GOPS) of the CIE, updating the Capital Improvements Schedule, and incorporating the Orange County 2015-2016 Capital Improvements Program and OCPS 10-Year Capital Outlay Plan into the CIE. Amendments to clarify relationship between OCPS 10-Year Capital Outlay Plan and OCPS land use approvals

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, adopted the Staff-Initiated Comprehensive Plan Text and Map Amendment 2016-1-B-CIE-1.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN MAP AMENDMENT

Amendment: 2016-1-B-CP-2

Consideration: Amendments to Map 1: Long Range Transportation Plan (LRTP) and to the list of constrained/backlogged facilities in Policies T2.2.3.1 and CIE1.8.4

Motion/Second: Commissioners Clarke/Boyd

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, adopted the Staff-Initiated Comprehensive Plan Map Amendment 2016-1-B-CP-2.

ORDINANCE REGULAR CYCLE STATE-COORDINATED
REVIEW/COMPREHENSIVE PLAN PUBLIC HEARING

Amending Orange County Code, adopting 2016-1 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184, F.S.

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE
~~PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE~~
ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY
KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS
AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO
SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2016
CALENDAR YEAR (FIRST CYCLE); AND PROVIDING
EFFECTIVE DATES.

- MEMBER RE-ENTERED: Commissioner Thompson

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the amendments are in compliance; further, adopted Ordinance 2016-14, consistent with today's actions; and further, approved the proposed Future Land Use Map and Text Amendments.

ORDINANCE REGULAR CYCLE STATE-EXPEDITED
REVIEW/COMPREHENSIVE PLAN PUBLIC HEARING

Amending Orange County Code, adopting 2016-1 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184, F.S.

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE
PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE
ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY
KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS
AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO
SECTION 163.3184(4), FLORIDA STATUTES, FOR THE 2016

CALENDAR YEAR (FIRST CYCLE); AND PROVIDING
EFFECTIVE DATES

Motion/Second: Commissioners Clarke/Siplin

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the amendments are in compliance; and further, adopted Ordinance 2016-15, consistent with today's actions; and further, approved the proposed Future Land Use Map and Text Amendments.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER:

SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE
ELEMENT MAP AMENDMENT AND CONCURRENT SUBSTANTIAL CHANGE

Amendment: 2016-1-S-1-1

Applicant/Owner: Miranda F. Fitzgerald, Esq.; Lowndes, Drosdick, Doster, Kantor & Reed, P.A., / DCS Real Estate Capital Investments IV, LLC

Consideration: Commercial (C) to High Density Residential (HDR)

Location: 9200 Turkey Lake Rd; Generally described as located on the west side of Turkey Lake Rd, south of Palmaria Blvd. and north of Sand Lake Commons Boulevard; Parcel ID #: 02-24-28-0000-00-005 (portion of); - 9.98 gross ac.

and

SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Miranda F. Fitzgerald, Esq.; Lowndes, Drosdick, Doster, Kantor & Reed, P.A., / DCS Real Estate Capital Investments IV, LLC, National Spa and Resort PD, Case # CDR-16-04-117

Consideration: Substantial Change Request to the National Spa and Resort PD to eliminate the 329 timeshare units to allow for the development of 286 multi-family units

Location: 9200 Turkey Lake Rd; Generally described as located on the west side of Turkey Lake Rd, south of Palmaria Blvd. and north of Sand Lake Commons Boulevard; Parcel ID #: 02-24-28-0000-00-005 (portion of); - 9.98 gross ac.

County staff noted the Substantial Change public hearing, Case # CDR-16-04-117, shown in the Agenda, was cancelled and will not be heard.

The following person addressed the Board: Miranda Fitzgerald.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1, FLU2.2, and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1); further, determined that the proposed amendment is in compliance; and further, adopted the Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2016-1-S-1-1, Commercial (C) to High Density Residential (HDR).

SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2016-1-S-1-2

Applicant/Owner: Bruce C. Myrick for GHAA LLC

Consideration: Office (O) and Low-Medium Density Residential (LMDR) to Office (O)

Location: 11225 S. Apopka Vineland Rd.; Generally described as on the northeast corner of S. Apopka Vineland Rd. and 1st St.; Parcel ID #: 15-24-28-6211-91-130; 1.78 gross ac.

The following person addressed the Board: Bruce Myrick.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objectives and Policies FLU1.1.4(A), FLU1.1.5, OBJ FLU2.1, FLU8.2.1, FLU8.2.10); further, determined that the proposed amendment is in compliance; and further, adopted the Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2016-1-S-1-2, Office (O) and Low-Medium Density Residential (LMDR) to Office (O).

SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2016-1-S-2-1

Applicant/Owner: Robert Ziegenfuss

Consideration: Industrial (IND) to Medium Density Residential (MDR)

Location: 2115 S. Orange Blossom Trl., Generally described as located east of N. Orange Blossom Trl., south of Oranole Wy., and west of Morrison Blvd.; Parcel ID #: 24-21-28-3508-13-000; 8.92 gross ac.

(Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2016-1-S-2-1 was withdrawn.)

SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE
ELEMENT MAP AMENDMENT

Amendment: 2016-1-S-2-2
Applicant/Owner: Mathew Thomas
Consideration: Low Density Residential (LDR) to Commercial (C)
Location: 4525 Clarcona Ocoee Rd.; Generally described as located north of
Clarcona Ocoee Rd., east of Journal Ave., south of National St.,
and west of Busby Ave.; Parcel ID #: 32-21-29-6080-00-190; 0.35
gross acr.

The following person addressed the Board: Mathew Thomas.

Motion/Second: Commissioners Nelson/Boyd

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see
~~Neighborhood Element Objective OBJ N1.1; and Future Land Use Policies FLU1.4.2;~~
FLU8.2.10, and FLU8.2.11); further, determined that the proposed amendment is in
compliance; and further, adopted the Small Scale Development Privately-Initiated
Future Land Use Element Map Amendment 2016-1-S-2-2, Low Density Residential
(LDR) to Commercial (C).

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER:

SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE
ELEMENT MAP AMENDMENT AND CONCURRENT REZONING REQUEST

Amendment: 2016-1-S-3-1
Applicant/Owner: Salim Valiani and Morris Dewayne Smith, Atlantic Gulf Property
Management, for Nuview IRA, Inc.
Consideration: Medium Density Residential (MDR) to Commercial (C)
Location: 597 S. Goldenrod Rd.; Generally described as located on the east
side of S. Goldenrod Rd., south of Lake Underhill Rd., and north of
Alachua St.; Parcel ID #: 35-22-30-6408-00-021; 0.34 gross ac.

and

REZONING PUBLIC HEARING

Applicant: Salim Valiani and Morris Dewayne Smith, Atlantic Gulf Property
Management, for Nuview IRA, Inc.; Case # RZ-16-05-002
Consideration: Request to rezone R-1A (Single-Family Dwelling District) to C-1
(Retail Commercial District)
Location: 597 S. Goldenrod Rd.; Generally described as located on the east
side of S. Goldenrod Rd., south of Lake Underhill Rd., and north of
Alachua St.; Parcel ID #: 35-22-30-6408-00-021; 0.34 gross ac.

The following person addressed the Board: Morris Dewayne Smith.

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objective FLU8.2; Policies FLU1.1.5, FLU1.4.4, FLU 8.2.1, and FLU8.2.10); further, determined that the proposed amendment is in compliance; further, adopted the Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2016-1-S-3-1, Medium Density Residential (MDR) to Commercial (C); further, made a finding of consistency with the Comprehensive Plan; and further, approved the request by Salim Valiani and Morris Dewayne Smith, Atlantic Gulf Property Management, for Nuview IRA, Inc.; Case # RZ-16-05-002, to rezone R-1A (Single-Family Dwelling District) to C-1 (Retail Commercial District), on the described property; subject to the following restrictions:

- New billboards and pole signs shall be prohibited;
- A Type "C" buffer, consisting of a completely opaque 6-foot high masonry wall, fence, berm, planted and/or existing vegetation (or any combination thereof), shall be provided along all property lines abutting residentially-zoned parcels;
- A cross-access easement to the adjacent north and south parcels shall be provided (if available); and
- The applicant/developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-1 uses.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER:

SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE
ELEMENT MAP AMENDMENT AND CONCURRENT SUBSTANTIAL CHANGE
REQUEST

Amendment: 2016-1-S-4-1
Applicant/Owner: Clarence Hoenstine for Richard and LauWanda Van Lanen
Consideration: Low-Medium Density Residential (LMDR) to Commercial (C)
Location: 9461 1st Ave.; Generally described as located on the east side of
1st Ave., south of 3rd St., north of 4th St., and west of 2nd Ave.;
Parcel ID #: 01-24-29-8516-30-803; 0.17 gross ac.

and

REZONING PUBLIC HEARING

Applicant/Owner: Clarence Hoenstine for Richard and LauWanda Van Lanen, Case # RZ-16-05-016
Consideration: Request to rezone R-1 (Single-Family Dwelling District) to C-1 (Retail Commercial District)
Location: 9461 1st Ave.; Generally described as located on the east side of 1st Ave., south of 3rd St., north of 4th St., and west of 2nd Ave.; Parcel ID #: 01-24-29-8516-30-803; 0.17 gross ac.

The following person addressed the Board: Former Commissioner Clarence Hoenstine.

Motion/Second: Commissioners Thompson/Boyd
AYE (voice vote): All members
Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU1.1 and FLU8.2, and Policies FLU1.1.5, FLU1.4.4, FLU1.4.6, FLU8.2.1, and FLU8.2.10); further, determined that the proposed amendment is in compliance; and further, adopted the Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2016-1-S-4-1, Low-Medium Density Residential (LMDR) to Commercial (C).

Motion/Second: Commissioners Thompson/Clarke
AYE (voice vote): All members
Action: The Board continued the Concurrent Rezoning public hearing Case # RZ-16-05-016 until July 19, 2016, at 2 p.m.

SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2016-1-S-5-1
Applicant/Owner: Edward Williams, Williams Development Services, Inc., for Joseph S. Donoho Insurance, Inc.
Consideration: Low-Medium Density Residential (LMDR) to Commercial (C)
Location: 719 Herman Ave.; Generally described as north of E. Colonial Dr., east of Herman Ave., west of Wingo Street; Parcel ID #: 21-22-30-3932-23-220; 0.15 gross ac.

The following person addressed the Board: Ed Williams.

Motion/Second: Commissioners Edwards/Clarke
AYE (voice vote): All members
Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objectives and Policies FLU1.4.21, OBJ FLU2.1, FLU2.2.13, FLU2.4.2, FLU2.4.3, OBJ FLU8.2, FLU8.2.1, FLU8.2.10); further, determined that the proposed amendment is in compliance; and further, adopt Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2016-1-S-5-1, Low-Medium Density Residential (LMDR) to Commercial (C).

SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE
ELEMENT MAP AMENDMENT

Amendment: 2016-1-S-6-1
Applicant/Owner: Ondria James, Many Mansions LLC
Consideration: Low Density Residential (LDR) to Office (O)
Location: 2529 Kingsland Ave.; Generally described as located on the
southeast corner of Silver Star Rd. and Kingsland Ave.; Parcel ID #:
18-22-29-2534-04-010; 0.21 gross ac.

Motion/Second: Commissioners Siplin/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see
Future Land Use Element Policies FLU1.1.4(A), FLU1.1.5, FLU1.4.6, FLU2.2.1, and
FLU8.2.1); further, determined that the proposed amendment is in compliance; and
further, adopted Small Scale Development Privately-Initiated Future Land Use Element
Map Amendment 2016-1-S-6-1, Low Density Residential (LDR) to Office (O).

ORDINANCE/COMPREHENSIVE PLAN PUBLIC HEARING

Amending Orange County Code, adopting 2016-1 Small Scale Development
Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments
pursuant to Section 163.3184, F.S.

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE
PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE
ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY
KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS
AMENDED, BY ADOPTING SMALL SCALE DEVELOPMENT
AMENDMENTS AND RELATED TEXT AMENDMENTS
PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND
PROVIDING EFFECTIVE DATES.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further,
determined that the amendments are in compliance; and further, adopted Ordinance
2016-16 consistent with today's actions; and further, approved the proposed Future
Land Use Map and Text Amendments.

5. Transmittal of the 2016-2 Out-of-Cycle Amendments to the 2010-2030
Comprehensive Plan (CP)

OUT-OF-CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP
AMENDMENT

Amendment: Amendment 2016-2-A-4-2
Applicant/Owner: James Zboril, President, Tavistock East Services, LLC
Consideration: Industrial (IND) and Rural (R) to Innovation Way (IW) and Urban Service Area (USA) Expansion
Location: Generally described as located east of S.R. 417, north and south of S.R. 528, and west of Turkey Creek; Parcel ID #'s: Multiple Parcels (a complete list of Parcel IDs can be obtained from the Orange County Planning Division); 4,787.00 gross ac.

The following persons addressed the Board:

- Richard Levey
- Bruce Johnson
- Suzanne Arnold
- Sharon Robbins
- Kurt Ardaman

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Bruce Johnson
- Exhibit 2, from Sharon Robbins

The following material was received by the Clerk prior to the close of the public hearing. The material referenced by the speaker was not presented to the Board.

- Submittal 1, from Suzanne Arnold
- Submittal 2, from Kurt Ardaman

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goals, Objectives, and Policies FLU1.4.2, GOAL FLU5, OBJ FLU5.1, FLU5.1.2, FLU5.1.5, FLU5.2.1, OBJ FLU5.5, OBJ FLU8.2, and FLU8.2.1); further, determined that the proposed amendment is in compliance; and further, transmitted Out-of-Cycle Privately-Initiated Future Land Use Element Map Amendment 2016-2-A-4-2, Industrial (IND) and Rural (R) to Innovation Way (IW).

OUT-OF-CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT
AMENDMENT

Amendment: Amendment 2016-2-B-FLUE-1
Consideration: Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA)

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, transmitted Out-of-Cycle Staff-Initiated Comprehensive Plan Text Amendment 2016-2-B-FLUE-1.

• COUNTY DISCUSSION AGENDA (CONTINUED)

Health Services Department (Deferred)

1. Orange County Heroin Task Force Update. (Office for a Drug Free Community)

County staff presented to the Board an update on Orange County Heroin Task Force. The presentation included heroin problems, review of Task Force Recommendations, Advisory Committee, Implementation of recommendations, Naloxone update, and next steps.

Board discussion ensued.

Action: None

• ADJOURNMENT, 4:44 p.m.

ATTEST:

County Mayor Teresa Jacobs

Date: _____

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Deputy Clerk

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, July 12, 2016
Location: Commission Chambers, Orange County Administration Center, First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: Commissioners S. Scott Boyd, Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin; County Mayor Teresa Jacobs joined the meeting where indicated.
Others Present: Chief Deputy Comptroller Margaret A. McGarrity, as Clerk, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk Katie Smith, Senior Minutes Coordinator Noelia Perez

- CALL TO ORDER, 9:04 a.m.
- INVOCATION – Eddie Ingram, Orange County Communications Division
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Proclamation designating July as Lakes Appreciation Action Month
- OFFICIAL RECOGNIZED: City of Oviedo Mayor Dominic Persampiere

The following material was received by the Clerk. Submittal 1, from the City of Oviedo Mayor Dominic Persampiere.

- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Christine Cabanero Lauria
- Jonathan Sebastain Blout
- Trini Quiroz

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke
Absent: County Mayor Jacobs
AYE (voice vote): All present members
Action: The Vice Mayor

- Deferred action on Community, Environmental and Development Services Department Item 2 for consideration with public hearing for The Grow Planned Development-Regulating Plan, Case LUP-16-01-002

- Deferred action on Community, Environmental and Development Services Department Item 4 for consideration with public hearing for Miranda Fitzgerald, Lake Austin Planned Development Land Use Plan, Case # LUP-16-01-027
- Deferred action on Community, Environmental and Development Services Department Item 5 for consideration with public hearing for James G. Willard, Wincey Groves Planned Development Unified Neighborhood Plans, Case # LUP-15-11-342
- Deferred action on Community, Environmental and Development Services Department Item 6 for consideration with public hearing for The Grow Planned Development-Regulating Plan, Case LUP-16-01-002

and further, the Board approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the May 24, 2016, meeting of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - June 24, 2016, to June 30, 2016; total of \$36,703,424.53.
 - July 1, 2016, to July 7, 2016; total of \$30,763,245.95

(Finance/Accounting)

County Sheriff

1. Approval and execution of A Resolution 2016-M-22 of the Board of County Commissioners of Orange County, Florida, approving the execution and delivery by the Orange County Sheriff's Office, on behalf of the County, as lessee, of a Master Lease Agreement with JPMorgan Chase Bank, N.A., as lessor; providing for certain other matters in connection therewith; and providing an effective date.

County Administrator

1. Confirmation of Commissioner Boyd's appointment of David A. Winslow to the Big Sand Lake Advisory Board with a term expiring December 31, 2016. (Agenda Development Office)
2. Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments: (Agenda Development Office)
 - A. Animal Services Advisory Board: Appointment of Dr. Nanette Parratto-Wagner to succeed Dr. John Wight in the veterinarian representative category and the

- appointment of Thomas E. Mortimer to succeed William F. Gouveia in the at large representative category with terms expiring December 31, 2017.
- B. Citizens' Review Panel for Human Services: Reappointment of Elizabeth Nelson in the at large representative category and the appointment of Jentri Casaberry to succeed Rev. Evers Robinson in the at large representative category with terms expiring December 31, 2018 and the appointment of Brent D. Hartman to succeed Laurie Stern in the youth advocate representative category with a term expiring December 31, 2017.
- C. International Drive CRA Advisory Committee: Appointment of Thomas D. Smith to succeed Terry W. Prather in the International Drive Chamber of Commerce representative category with a term expiring January 1, 2018.
- D. Parks and Recreation Advisory Board: Reappointment of Mark A. Arias in the District 3 representative category and the appointment of Kurt Saba to succeed Jacqueline A. Blake in the Mayor's at large representative category with terms expiring June 30, 2018.

3. Confirmation of the County Mayor's staff reappointments for the third quarter FY 2015-2016. (Human Resources Division)

James W. Becker, Manager, Solid Waste, Utilities
 Yolanda S. Brown, Manager, Fiscal and Operational Support, Family Services
 Deodat Budhu, Manager, Roads and Drainage, Public Works
 Mitchell L. Glasser, Manager, Housing and Community Development, Community, Environmental and Development Services
 Joseph C. Kunkel, Deputy Director, Public Works
 Dil D. Luther, Manager, Animal Services, Health Services
 Julie R. Naditz, Manager, Highway Construction, Public Works
 Renzo A. Nastasi, Manager, Transportation Planning, Community, Environmental and Development Services
 Kurt N. Petersen, Manager, Office of Management and Budget, Office of Accountability
 William R. Powell, Manager, Correctional Facility, Corrections
 Joel D. Prinsell, Deputy County Attorney, County Administration
 Teresa Remudo-Fries, Deputy Director, Utilities
 Anthony Rios, Division Chief, Fire Rescue
 Todd P. Swingle, Deputy Director, Utilities
 Jacqueline W. Torbert, Manager, Water Operations, Utilities

- 4. Approval for the Orange County Sheriff's Office to spend \$1,500 from the FY 2016 Law Enforcement Trust Fund to provide an eligible contribution to the Early Learning Coalition of Orange County (\$1,500). (Office of Management and Budget)
- 5. Approval of budget amendments #16-44, #16-45, #16-46, and #16-47. (Office of Management and Budget)
- 6. Approval of budget transfer #16-000001141. (Office of Management and Budget)

Administrative Services Department

1. Approval to award Invitation for Bids Y16-1066-DG, Class III Landfill for Disposal of Construction, Demolition & Vegetative Yard Waste Materials, to the low responsive and responsible bidder, Hubbard Construction Company, in the estimated contract award amount is \$809,600. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
2. Approval to award Invitation for Bids Y16-1075-LC, Fence Installation and Repair, to the low responsive and responsible bidder, All Rite Fence Services, Inc. for Lots A and B for a 1-year term contract. The total contract award amount for Lot A is \$1,428,120.00 and the total contract award amount for Lot B is \$427,912.50. Further authorized the Procurement Division to renew the contracts for two additional 1-year periods. (Procurement Division)
3. Approval to award Invitation for Bids Y16-1077-PD, Fill Dirt and Natural Sand, to the low responsive and responsible bidder, G. W. Trucking, Inc., in the estimated contract award amount of \$412,500 for a 1-year term. Further authorized the Procurement Division to exercise option years one and two. ([Public Works Department Stormwater Management Division] Procurement Division)
4. Approval to award Invitation for Bids Y16-1078-PD, Interior Painting Services, to the low responsive and responsible bidder, Silva's Painting & General Services, LLC, in the estimated contract award amount of \$446,200 for a 1-year term. Further authorized the Procurement Division to renew the contract for four additional one-year terms. ([Administrative Services Department Facilities Management Division] Procurement Division)
5. Approval to award Invitation for Bids Y16-764-PH, Vistana Water Supply Facility Improvements, to the low responsive and responsible bidder, Wharton-Smith, Inc., in the total contract award amount of \$2,566,000. ([Utilities Department Engineering Division] Procurement Division)
6. Approval of Purchase Order M79564, Upgrades to Utilities Customer Service Billing System, with First Data Government Solutions in the amount of \$135,184. ([Utilities Department Customer Service Division] Procurement Division)
7. Approval of Contract Y16-1104, Truck Scale Planned Maintenance and Repairs for Landfill, Porter and L.B. McLeod Transfer Stations, with Mettler-Toledo, LLC in the total contract award amount of \$134,907 for a 1-year term. Further, authorized the Procurement Division to renew the contract for four additional one-year terms.([Utilities Department Solid Waste Division] Procurement Division)

8. Approval of Contracts Y16-1094 with Hydra Service, Inc. for ABS Brand Submersible Pumps, Parts and Repairs in the estimated contract amount of \$1,400,000 for a 3-year term and Contract Y16-1095 with Xylem Water Solutions U.S.A., Inc. for Flygt Brand Submersible Pumps, Parts and Repairs in the estimated contract amount of \$3,000,000 for a 3-year term. Further, authorized the Procurement Division to renew the contracts for two additional 1-year terms. ([Utilities Department Field Services Division] Procurement Division)
9. Approval of Contract Y16-2066, On-Line Medical Control Agreement for EMS, with Orlando Health Central, Inc. in the annual contract award amount of \$189,000 for a 1-year period. Further, authorized the Procurement Division to renew the contract for four additional 1-year periods. ([Health Services Department] Procurement Division)
10. Selection of Public Safety Corporation, Request for Proposals Y16-107-MA to provide a False Alarm Billing System. Further, authorized the Procurement Division to negotiate and execute a 5-year contract within a budget amount of \$185,865. ([Fire Rescue Department Planning and Technical Services Division] Procurement Division)
11. Approval and execution of Resolution 2016-M-23 and County Deed from Orange County to the School Board of Orange County, Florida and authorization to record instrument for Summerlake PD – APF School Dedication Site #85-E-W-4. District 1. (Real Estate Management Division)
12. Approval and execution of Distribution Easement between Orange County and Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for Eastern Regional Water Supply Facility. District 4. (Real Estate Management Division)
13. Approval and execution of Utility Easement between the School Board of Orange County, Florida and Orange County and authorization to record instrument for Bay Lake ES (Site 117-E-SW-4) Permit No. 15-E-045. District 1. (Real Estate Management Division)
14. Approval and execution of Temporary License Agreement for Construction Access between Orange County and Taylor Morrison of Florida, Inc. and delegation of authority to the County Administrator to exercise extensions if necessary for Hidden Springs Repump Facility Property – Construction Access. District 1. (Real Estate Management Division)
15. Approval and execution of First Amendment to Conservation and Access Easement between Greenway Somerset Park, LLC, Greenway Park DRI, LLC and Orange County with Joinders and Consents of Association to First Amendment to Conservation and Access Easement from Greenway Park DRI Property Owners Association, Inc. and Somerset Park Homeowners' Association, Inc. and authorization to record instrument for Greenway Park DRI, LLC (CAIP #09-015).

District 4. (Real Estate Management Division)

16. Approval and execution of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Dominish Estates Tract A, Retention. District 2. (Real Estate Management Division)
17. Approval and execution of Amendment To Non-Exclusive Drainage Easement between Ancora International, LLC and Orange County, approval of Subordination of Encumbrances to Property Rights to Orange County from Wells Fargo Bank, N. A. and authorization to record instruments for Ancora Apartments (Permit #B15902294). District 1. (Real Estate Management Division)
18. Approval and execution of Non-Exclusive Underground Transmission Pipe Utility Easement Agreements between Orlando Utilities Commission, City of Orlando and Orange County and authorization to disburse funds to pay purchase price, attorney fees, recording fees and record instruments for Innovation Place Project (a.k.a. Storey Park Utilities). District 4. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 1,2,3,4,&6. (Code Enforcement Division)

LC 16-0492	LC 16-0563	LC 16-0607	LC 16-0514	LC 16-0548
LC 16-0480	LC 16-0565	LC 16-0430	LC 16-0530	LC 16-0550
LC 16-0483	LC 16-0567	LC 16-0517	LC 16-0531	LC 16-0551
LC 16-0533	LC 16-0572	LC 16-0411	LC 16-0534	LC 16-0552
LC 16-0535	LC 16-0495	LC 16-0447	LC 16-0544	LC 16-0553
LC 16-0560	LC 16-0555	LC 16-0449	LC 16-0545	LC 16-0558
LC 16-0561	LC 16-0559	LC 16-0454	LC 16-0546	LC 16-0580
LC 16-0562	LC 16-0581	LC 16-0511	LC 16-0547	LC 16-0594

2. Approval and execution of Adequate Public Facilities Agreement for The Grow PD (A/K/A) Lake Pickett South) by and among Banksville of Florida, Inc., Nivesa of Florida, Inc., New Ideas Incorporated, Margot H. Lopez, and Orange County. District 5. (Development Review Committee)

(This item was deferred.)

3. Acceptance of the Recommendation of the Environmental Protection Commission to approve the request for variances to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) and Section 15-342(g) (enclosed dock); and

approve the waiver to Section 15-343(b) (side setback) for the Kapadia Dock Construction Permit BD-16-01-009. District 1. (Environmental Protection Division)

4. Adoption and execution of Order Approving Rescission of Grand Palisades Resort Development of Regional Impact Corrected Development Order. District 1. (Planning Division)

(This item was deferred.)

5. Approval and execution of Adequate Public Facilities Agreement for Wincey Groves PD (New Independence Parkway Extension) by and between Hamlin Retail Partners West, LLC and Orange County, for the conveyance of 7.56 acres of APF Land providing \$170,100 in Transportation Impact Fee Credits and for the APF Surplus of 0.21 acres of APF Land. District 1. (Roadway Agreement Committee)

(This item was deferred.)

6. Approval and execution of Road Network and Mitigation Agreement (The Grow (a/k/a Lake Picket South) S.R. 50 (FDOT Project No. 239203-7) and Chuluota Road by and among American Land Investments of Orange County, LLC, Banksville of Florida, Inc., Nivesa of Florida, Inc., New Ideas Incorporated, and Margot H. Lopez, as Successor Trustee of the Chris-Anna Irrevocable Trust under Trust Agreement dated September 1, 1982, and Orange County to fund transportation improvements and provide for a road network to mitigate the traffic impacts for The GROW Development. District 5. (Roadway Agreement Committee)

(This item was deferred.)

7. Approval of Street Name Petition to rename Swaying Cypress Way to Los Feliz Drive and authorization for County staff to update associated records. District 1. (Zoning Division)

Family Services Department

1. Approval and execution of State of Florida Department of Economic Opportunity Agreement Number: 16WX-0G-06-58-08-025, Federally Funded Subgrant Agreement Weatherization Assistance Program for Low-Income Persons between the State of Florida, Department of Economic Opportunity and Orange County in the amount of \$488,355 and approval for the Mayor or designee to sign future modification agreements. The Agreement period will end on March 31, 2017. All Districts. (Community Action Division)
2. Approval of Orange County Family Services Head Start Division Standard Operating Procedures. (Head Start Division)

3. Approval of July 2016 Neighborhood Pride Landscaping Grant as recommended by the Neighborhood Grants Advisory Board for Lake Nally Woods HOA (\$2,500). District 1. (Neighborhood Preservation and Revitalization Division)
4. Approval of July 2016 Neighborhood Pride Nonprofit Housing Repair Grants as recommended by the Neighborhood Grants Advisory Board for The Morning After Center for Hope and Healing, Inc. (\$20,000) and Rebuilding Together Orlando (\$20,000). Districts 1 and 2. (Neighborhood Preservation and Revitalization Division)
5. Approval and execution of Resolution 2016-M-24 of the Orange County Board of County Commissioners regarding the Application of Rebuilding Together of Orlando as a Designated Project of the Enterprise Zone Community Contribution Tax Credit Program. Districts 2, 3, 5, and 6. (Neighborhood Preservation and Revitalization Division)
- ~~6. Approval of July 2016 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Magnolia Hills at Lake Gandy (\$5,000) and Silver Star Estates (\$5,000). Districts 2 and 6. (Neighborhood Preservation and Revitalization Division)~~
7. Approval of July 2016 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board for Lake Rose HOA (\$5,000); Lyme Bay Colony Condominium Association (\$5,000) and Silver Pines Pointe Phase 1 and 2 (\$5,000). Districts 3 and 6. (Neighborhood Preservation and Revitalization Division)
8. Approval of the July 2016 Sustainable Communities Grant as recommended by the Neighborhood Grants Advisory Board for Watermill Cove HOA (\$3,000). District 5. (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Approval and execution of the renewal Certificate of Public Convenience and Necessity for Winter Park Fire Rescue to provide Advanced Life Support Transport Service. The term of this certificate is from July 31, 2016 through July 31, 2018. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval and execution of the renewal Certificate of Public Convenience and Necessity for Orange County Fire Rescue, Operations to provide Advanced Life Support Transport Service. The term of this certificate is from July 31, 2016 through July 31, 2018. There is no cost to the County. (EMS Office of the Medical Director)
3. Approval and execution of the renewal Paratransit Services License for Mid-Florida Patient Transport, Inc., to provide wheelchair/stretchers service. The term of this

License is from July 31, 2016 through July 31, 2018. There is no cost to the County.
(EMS Office of the Medical Director)

Public Works Department

1. Approval to remove the "No Parking" zones in the Willowbrook Cove Subdivision. District 3. (Traffic Engineering Division)
2. Approval to construct speed humps on Marcia Drive. District 5. (Traffic Engineering Division)
3. Approval to construct speed humps on Abalone Boulevard. District 5. (Traffic Engineering Division)

Utilities Department

1. Approval and execution of Utility Construction Reimbursement Agreement for Dowden Road, Connector Road, and Innovation Way South (Part B) by and between Orange County and Lennar Homes, LLC, in the not-to-exceed amount of \$1,569,339. District 4. (Engineering Division)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Orange County, Florida Declaration of State of Local Emergency Executive Order No. 16-01 regarding a shooting at a commercial establishment known as "Pulse", dated June 12, 2016.
 - b. City of Orlando Voluntary Annexation Request: South Gate - ANX2015-00022. Notice of Proposed Enactment. On July 11, 2016, the Orlando City Council will consider proposed Ordinance #2016-13, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of Butler Dr., east of S. Orange Ave., south of E. Pineloch Ave., and west of Center St. and Oak Pl., and comprised of 10.678 acres of land, more or less; amending the City's Official Zoning Maps to designate the newly annexed land along with land already existing within the corporate limits of the city as the AC-2 Urban Activity Center District, in part, and the AC-2 Urban Activity Center District along with the Orange/Michigan Special Plan Overlay District, in part, such land comprised of 11.391 acres of land, more or less; providing for severability, correction of scrivener's errors, and an effective date. The public hearing and request for the second reading of this ordinance is scheduled for the City Council meeting on July 11, 2016 beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange

Ave., Orlando, Florida.. The first reading of this ordinance was approved on May 9, 2016.

- c. City of Orlando Economic Development Department Majorca Property Annexation Study Report with attachments and exhibits. The annexation study area comprises 11.263 acres consisting of 4 parcels (26-23-28-5411-00010, 26-23-28-5411-00-020, 26-23-28-5410-00-002 and 26-23-28-5410-00-001) and a portion of a fifth parcel (26-23-28-5411-00-030). Exhibit 1 - Majorca Study Area Map; Exhibit 2 - Majorca Study Area County Future Land Use Map (current and proposed); Exhibit 3 - Majorca Study Area County Zoning Map (current and proposed); Exhibit 4 - Statement certifying that the area to be annexed meets the criteria in S. 171.043, F.S.
- d. Jurisdictional Boundary Map Update in reference to Ordinance No. 2016-44, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located south of State Road 417; North of Tyson Road and East of Narcoossee Road, addressed as 10123 William Carey Drive and 12345 Narcoossee Road and comprised of 54.16 acres of land, more or less; providing for consent to the Municipal Services Taxing Unit for Lake Whippoorwill; providing for severability, correction of scrivener's errors, and an effective date.

*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

• COUNTY DISCUSSION AGENDA

Administrative Services Department

1. Selection of one firm and an alternate to provide Tennis Management Services at Lake Cane Tennis Center at Shadow Bay Park, Request for Proposals Y16-1053-JS, from the following firms, listed alphabetically:

- Central Florida Tennis Management Associates, LLC
- M.G. Tennis Shop, Inc.

Further request authority for Procurement to negotiate and execute a 3-year term contract, with two 1-year renewal terms, with revenue to be generated in the amount of \$162,000 during the initial 3-year term. ([Community, Environmental and Development Services Department Parks and Recreation Division] Procurement Division)

Motion/Second: Commissioners Edwards/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board selected one firm, M.G. Tennis Shop, Inc., and an alternate, Central Florida Tennis Management Associates, LLC, to provide Tennis Management Services at Lake Cane Tennis Center at Shadow Bay Park; and further, authorized negotiation and execution of a 3-year term contract, with two 1-year renewal terms, with revenue to be generated in the amount of \$162,000 during the initial 3-year term, Request for Proposals Y16-1053-JS.

Health Services Department

2. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding certain services fees charged by Orange County Health Department and authorizing revisions to the schedule of fees to take effect immediately. (Health Services Department)

Motion/Second: Commissioners Clarke/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved and executed Resolution 2016-M-25 of the Orange County Board of County Commissioners regarding certain fees charged by the Orange County Health Department; further, authorized revision to the schedule of fees; and further, requested staff bring back the second page of fee schedule for further discussion at a future Board meeting.

Office of Regional Mobility

1. MetroPlan Orlando Board Meeting Briefing.

County staff provided an overview of the Agenda for the upcoming MetroPlan Orlando Board meeting.

Board discussion ensued.

Action: None

County Mayor

1. Open discussion on issues of interest to the Board.

Commissioner Nelson discussed with the Board planting a Rainbow Eucalyptus Tree at one of the local parks as a memorial to the victims of the Pulse nightclub tragedy.

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Commissioner Bryan Nelson.

Action: None

- MEMBER ENTERED: Mayor Jacobs

Health Services Department

1. Approval to move forward with the design and construction of both the Animal Services Building 300 Ventilation Upgrade project and the adjacent Interaction Yard Shade and Turf project.

County staff presented to the Board a study regarding the results of an air conditioning assessment for the Animal Services Building. The study focused on the concerns and addressed potential solutions for ventilation and cooling systems within a portion of the facility.

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board approved to move forward with the design and construction of both the Animal Services Building 300 Ventilation Upgrade project and the adjacent Interaction Yard Shade & Turf project.

- MEETING RECESSED, 11:09 a.m.

- MEETING RECONVENED, 2:11 p.m.

Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin

Others Present: County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell, Deputy Clerk Katie Smith, Senior Minutes Coordinator Noelia Perez

- PUBLIC HEARINGS

Petition to Vacate

1. Chris Sousa, on behalf of Atlantic Civil Holdings, LLC, Petition to Vacate # 16-02-002, portion of an unopened and unimproved right-of-way; District 6

Applicant: Chris Sousa, on behalf of Atlantic Civil Holdings, LLC

Consideration: Resolution granting Petition to Vacate # 16-02-002, vacating a portion of an unopened and unimproved 60 ft wide right-of-way known as Ginger Avenue (fka Smith Avenue), containing approximately 0.376 acres.

Location: District 6; The parcel address is 402 Tremont Avenue; S30/T22/R29; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Siplin/Thompson

AYE (voice vote): All members

Action: The Board adopted a resolution granting Petition to Vacate # 16-02-002 vacating a portion of an unopened and unimproved 60 ft wide right-of-way known as Ginger Avenue (fka Smith Avenue), containing approximately 0.376 acres, on the described property.

2. Thomas V. Infantino, on behalf of RJ Realty, LLC, Petition to Vacate # 15-03-006, portion of an unopened and unimproved unnamed right-of-way; District 1

Applicant: Thomas V. Infantino, on behalf of RJ Realty, LLC

Consideration: Resolution granting Petition to Vacate # 15-03-006, vacating a portion of an unopened and unimproved 16 ft wide unnamed right-of-way containing approximately 0.073 acres.

Location: District 1; Three of the parcel addresses are 11305 S. Apopka Vineland Road, 11337 S. Apopka Vineland Road, and 8652 2nd Street. The remaining parcel is unaddressed; S15/T24/R28; Orange County, Florida (legal property description on file)

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board adopted a resolution granting Petition to Vacate # 15-03-006 vacating a portion of an unopened and unimproved 16 ft wide unnamed right-of-way containing approximately 0.073 acres, on the described property.

Board of Zoning Adjustment Appeal

3. Margaret Rogers, Case # VA-15-12-118, May 5, 2016; District 2

Applicant: Margaret Rogers

Consideration: Request for a variance to construct a 2nd floor addition to an existing single family home 2 ft. from the side (west) property line in lieu of 10 ft.

Location: District 2; property generally located South Side of Lake Ola Dr., approximately 125 ft. east of Lake St., and approximately .3 miles east of North OBT (legal property description on file in Zoning Division)

The following persons addressed the Board:

- Archibald Tanner Schofield III
- Nancy McDonald

Motion/Second: Commissioners Nelson/Thompson

AYE (voice vote): All members

Action: The Board continued the public hearing until September 20, 2016, at 2 p.m.

Development Plan

4. Heather Isaacs, Windermere Property Holdings, LLC, Isleworth - Four Corners PD/The Grove at Isleworth PSP/The Grove at Isleworth Parcel 4 Development Plan, Case # DP-15-08-224; District 1

Applicant: Heather Isaacs, Windermere Property Holdings, LLC, Isleworth – Four Corners PD / The Grove at Isleworth PSP / The Grove at Isleworth Parcel 4 Development Plan – Case # DP-15-08-224

Consideration: Isleworth – Four Corners PD / The Grove at Isleworth PSP / The Grove at Isleworth Parcel 4 Development Plan submitted in accordance with Article II of the Orange County Subdivision Regulations; Request to construct a two (2) story building with 15,000 square feet of commercial / retail / restaurant uses on the first floor and 16,500 square feet of professional office uses on the second floor. The cumulative proposed square footage is 31,500; pursuant to Orange County Code, Section 38-1344(3)d.

Location: District 1, property generally located on the Southwest corner of the intersection of Conroy Windermere Road and Apopka Vineland Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Chris Roper.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Isleworth – Four Corners PD / The Grove at Isleworth PSP / The Grove at Isleworth Parcel 4 Development Plan – Case # DP-15-08-224 on the described property, subject to the following conditions:

1. Development shall conform to the Isleworth - Four Corners Planned Development; Orange County Board of County Commissioners (BCC) approvals; The Grove at Isleworth Preliminary Subdivision Plan; BCC approvals; The Grove at Isleworth Parcel 4 Development Plan dated "Received May 5, 2016" and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this Development Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
7. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. Prior to commencement of any earthwork or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
10. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the DP, and that construction plans are consistent with an approved Master Utility Plan for the PD.
11. Outside sales, storage, and display shall be prohibited.
12. Signage shall comply with Orange County Code Chapter 31.5-192 Community Village Center.
13. The allowed uses on the second floor shall be restricted to Professional Office (P-O) uses.

Preliminary Subdivision Plan

5. Miranda F. Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Kerina Parkside PD/Parkside Tract 11 Preliminary Subdivision Plan, Case # PSP-15-07-220; District 1

Applicant: Miranda F. Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Kerina Parkside PD / Parkside Tract 11 Preliminary Subdivision Plan - Case # PSP-15-07-220

Consideration: Kerina Parkside PD / Parkside Tract 11 Preliminary Subdivision Plan, Case # PSP-15-07-220, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is to subdivide 79.79 acres in order to construct 229 single-family residential dwelling units.

Location: District 1, property generally located West of Apopka Vineland Road / North of Fenton Street; Orange County, Florida (legal property on file in Planning Division)

The following persons addressed the Board:

- Miranda Fitzgerald
- Alexis Paredes
- Ishalid Ahmed
- Maria Bolton-Joubert
- Juliet Ryneear
- Marjorie Holt

The following material was received by the Clerk prior to the close of the public hearing. The material referenced by the speaker was presented to the Board: Submittal 1, from Julie Ryneear.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Kerina Parkside PD / Parkside Tract 11 Preliminary Subdivision Plan - Case # PSP-15-07-220 on the described property, subject to the following conditions:

1. Development shall conform to the Kerina Parkside PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Tract II Preliminary Subdivision Plan dated "Received April 11, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received April 11, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation,

whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this Preliminary Subdivision Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/UNP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The stormwater management system shall be designed to retain the 100-year / 24-hour storm event onsite, unless documentation with supporting calculations is

submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year / 24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

7. A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
8. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
9. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan approval and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
11. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
12. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
13. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.

14. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
15. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
16. The site shall be stabilized following grubbing, clearing, earth work, or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans, a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
17. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
18. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
19. Additional required right-of-way for Fenton Street will be identified and conveyed prior to or concurrently with the county's approval of the plat.

Shoreline Alteration/Dredge and Fill

6. Jennifer Gohlke and Muhammed Khan, Pocket Lake, after-the-fact permit; District 1

Applicant: Jennifer Gohlke and Muhammed Khan
 Consideration: Request for an After-the-fact Shoreline Alteration/Dredge and Fill Permit to construct a seawall on the property, pursuant to Orange

County Code, Chapter 33, Article IV, Windermere Water and Navigation Control District; Section 33-129(d).
Location: District 1; on property located adjacent to Pocket Lake, located at 8866 Darlene Drive; Orange County, Florida (legal property description on file in Environmental Protection Division)

- MEMBER EXITED: Commissioner Edwards

County staff identified this permit as (SADF-15-10-014).

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board approved the request by Jennifer Cohlke and Muhammed Khan for an After-the-fact Shoreline Alteration/Dredge and Fill Permit (SADF-15-10-014) to construct a seawall on the property, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the Site Plans submitted by Specialty Marine Contractors, dated December 22, 2015, and January 13, 2016. The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within one year this permit is void.
3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. This permit does not authorize any dredging or filling except that which is necessary for the actual construction of the seawall.
5. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope along the entire length of the seawall.
6. The permittee is required to maintain turbidity and sedimentation barriers during seawall construction.

7. The permittee may maintain a clear access corridor below the Normal High Water Elevation (98.48' '88 NAVD), not to exceed thirty (30) feet in width, of sufficient length waterward from the shoreline, to allow access to open water.
8. A copy of this permit, along with EPD stamped and approved drawings, should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
9. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.

General Conditions:

10. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed; the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
11. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
12. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with

the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.

13. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
14. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
15. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
16. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
17. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
18. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
19. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
20. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
21. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

22. Pursuant to Section 125.022, Florida Statutes, issuance of this permit by the County Does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of this permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
23. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Rezoning

7. Allison Turnbull, Holland & Knight, Orlando Airport Park PD/LUP, Case # LUPA-16-03-088; District 4

Applicant: Allison Turnbull, Holland & Knight, Orlando Airport Park PD/LUP, Case # LUPA-16-03-088

Consideration: Request to aggregate and rezone 11.15 gross acres located within portions of three (3) adjacent parcels into the existing Orlando Airport Park Planned Development (PD). The subject property would be rezoned from I-1 / I-5 to PD. The request also includes a proposed modification to existing Condition of Approval #3 dated January 23, 2007, which addresses project setback and landscape requirements. No changes to the existing Orlando Airport Park PD development program are proposed; pursuant to Orange County Code, Chapter 30.

Location: District 4; property generally located north and south of Wetherbee Road, south of Airport Park Drive and Boggy Creek Road, east of Airport Park Drive, and west of Boggy Creek Road; Orange County, Florida (legal property description on file)

(This request was withdrawn.)

8. Constance Owens, Buena Vista Commons PD/LUP, Case # LUPA-15-08-240; District 1

Applicant: Constance Owens, Tri3 Civil Engineering Design Studio, Inc., Buena Vista Commons PD/LUP, Case # LUPA-15-08-240

Consideration: Request to rezone fourteen (14) adjacent parcels containing 2.59 gross acres from R-CE (Country Estate District) to PD (Planned Development), while aggregating them into the existing Buena Vista Commons PD in order to provide a parking lot and two dual-purpose residential / office buildings totaling 3,800 sq. ft., that are associated with an existing religious institution (temple). The request also includes an amendment to an existing Master Sign Plan (MSP), and the following three (3) parking-related waivers from Orange County

Code: 1) A waiver request from Section 38-1272(d) to permit sixty-six (66) grass (unimproved) parking spaces on Lot 3 for Religious Institutions and Religious Institution Ancillary uses; 2) A waiver request from Section 38-1477 to allow for shared parking between Lots 1, 2 and 3 of the PD, in lieu of the requirement that parking spaces for a land use be provided on the same lot or within 300 feet of the principal entrance as measured along the most direct pedestrian route; and 3) A waiver request from Section 38-1479(a) to permit sixty-six (66) grass (unimproved) parking spaces on Lot 3 for Religious Institutions and Religious Institution Ancillary uses; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located west of South Apopka Vineland Road between 2nd Street and 3rd Street; Orange County, Florida (legal property description on file)

• MEMBER RE-ENTERED: Commissioner Edwards

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board continued the public hearing until July 19, 2016, at 2 p.m.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

9. James G. Willard, Wincey Groves PD/UNP, Case # LUP-15-11-342; District 1

Applicant: James G. Willard, Shutts & Bowen, LLP, Wincey Groves PD/UNP, Case # LUP-15-11-342

Consideration: Request to rezone 53.60 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct up to 209 residential dwelling units (including 34 bonus units). No waivers from Orange County Code have been requested; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located south of McKinney Road and west of C.R. 545 (Avalon Road); Orange County, Florida (legal property description on file)

The following person addressed the Board: James Willard.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board continued the public hearing until July 19, 2016, at 2 p.m.

and

COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES (DEFERRED

5. Approval and execution of Adequate Public Facilities Agreement for Wincey Groves PD (New Independence Parkway Extension) by and between Hamlin Retail Partners West, LLC and Orange County, for the conveyance of 7.56 acres of APF Land providing \$170,100 in Transportation Impact Fee Credits and for the APF Surplus of 0.21 acres of APF Land. District 1. (Roadway Agreement Committee)

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board continued this item until July 19, 2016, at 2 p.m.

10. Jim Hall, Kurtyka PD/LUP, Case # LUP-14-03-069; District 3

Applicant: Jim Hall, VHB, Inc., Kurtyka PD/LUP, Case # LUP-14-03-069

Consideration: Request to rezone one (1) parcel containing 17.59 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) with a development program consisting of 43 conventional single-family detached residential dwelling units. No waivers from the Orange County Code have been requested; pursuant to Orange County Code, Chapter 30.

Location: District 3; property located at 2004 Gregory Road; or generally located on the west side of Gregory Road, approximately 1,300 feet south of Berry Dease Road; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board continued the public hearing until July 19, 2016, at 2 p.m.

Substantial Change

11. Chuck Whittall, Venetian Isles at Horizon West, LLC, North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP) - Substantial Change, Case # CDR-16-05-168, amend plan; District 1

Applicant: Chuck Whittall, Venetian Isles at Horizon West, LLC, North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP) – Substantial Change – Case # CDR-16-05-168

Consideration: Substantial change request to amend the September 15, 2015, BCC Condition of Approval #9 on the approved Westside Preliminary Subdivision Plan to allow vertical building permits prior to plat; pursuant to Sections 34-69 and 30-89, Orange County Code

Location: District 1; property generally located West side of Winter Garden Vineland Road (C.R. 535) / immediately north of Lakeside Village Lane; Orange County, Florida (legal property description on file in Planning Division)

(This request was withdrawn.)

12. Chuck Whittall, Venetian Isles at Horizon West, LLC, North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP) / Lots 1 & 2 - Westside Shoppes Development Plan (DP) - Substantial Change, Case # DP-15-11-344, amend plan; District 1

Applicant: Chuck Whittall, Venetian Isles at Horizon West, LLC, North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP) / Lots 1 & 2 – Westside Shoppes Development Plan (DP) – Substantial Change – Case # DP-15-11-344

Consideration: Substantial change request to amend the August 12, 2015, BCC Condition of Approval #4 on the approved Lots 1 & 2 Westside Shoppes DP to allow vertical building permits prior to plat, to eliminate Condition of Approval # 19, and add a 3,187 square foot fast food restaurant with a drive-thru and a 12,065 square foot retail building within Lot 1; pursuant to Sections 34-69 and 30-89, Orange County Code

Location: District 1; property generally located West side of Winter Garden Vineland Road (C.R. 535) / immediately north of Lakeside Village Lane; Orange County, Florida (legal property description on file in Planning Division)

(This request was cancelled.)

13. Matthew Gourlay, Grandeville at Avalon Park, LTD, Colonial Sunflower Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-151, amend plan; District 4

Applicant: Matthew Gourlay, Grandeville at Avalon Park, LTD, Colonial Sunflower Planned Development / Land Use Plan (PD / LUP), - Case # CDR-16-04-151

Consideration: Substantial change request to grant the following "after-the-fact" waiver from Orange County Code to recognize five (5) buildings that are inconsistent with the applicable building separation development standards: 1. A waiver from Section 38-1258(j), and applicable to PD Parcel B – Grandeville at Avalon Park DP, Buildings 13 through 17 only, to allow a minimum multi-family residential building separation of 25 feet for two-story buildings where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, window or other openings; in lieu of a minimum separation of 30 feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4, property located at 525 Loyola Circle; generally located on the west side of North Alafaya Trail, north of Avalon Reserve

Boulevard and south of East Colonial Drive; Orange County, Florida
(legal property description on file)

The following person addressed the Board: Terry Delahunty (phonetic).

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Matthew Gourlay, Grandeville at Avalon Park, LTD, Colonial Sunflower Planned Development / Land Use Plan (PD / LUP), - Case # CDR-16-04-151, to grant the following "after-the-fact" waiver from Orange County Code to recognize five (5) buildings that are inconsistent with the applicable building separation development standards:

1. A waiver from Section 38-1258(j), and applicable to PD Parcel B – Grandeville at Avalon Park DP, Buildings 13 through 17 only, to allow a minimum multi-family ~~residential building separation of 25 feet for two-story buildings where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, window or other openings; in lieu of a minimum separation of 30 feet;~~

which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Colonial Sunflower Planned Development / Land Use Plan (PD/LUP) dated "Received May 17, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received May 17, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or

representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as

determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. A waiver from Section 38-1258(j), applicable to PD Parcel B – Grandeville at Avalon Park DP, Buildings 13 through 17 only, is granted to allow a minimum multi-family residential building separation of 25 feet for two-story buildings where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows, or other openings; in lieu of a minimum separation of 30 feet.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 4, 2015, shall apply:
 - a. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - b. Short term rental for a period of less than 180 days is prohibited.
 - c. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
 - d. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - e. Prior to mass grading, clearing, grubbing, or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
 - f. The following waivers from Orange County Code, applicable to "PD Parcel J" only, are granted:
 - 1) A waiver from Section 38-79(20)(f) to allow a maximum of 50 percent of the buildings to be four (4) units, in lieu of a maximum of 25 percent of the buildings to be four (4) units; and

- 2) A waiver from Section 38-79(20)(j) to allow a minimum distance of 40 feet rear-to-rear between buildings, in lieu of a minimum distance of 60 feet rear-to-rear between buildings.
 - g. An updated Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
 - h. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
 - i. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 4, 2005, shall apply:
- a. The developer shall obtain water and wastewater services from Orange County Utilities.
 - b. The master stormwater management plan shall be modified to include this additional property.
 - c. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of September 23, 2003 (executed October 16, 2003), and is on file with the Orange County Planning Division.
 - 1) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Public Education Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 2 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Public Education Agreement. The developer and its successor or assign under the Public Education Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- 2) Developer, or its successor or assign under the Public Education Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.
 - 3) Orange County shall be held harmless by the developer and its assigns under the Public Education Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.
- d. The following modifications to the existing Colonial Sunflower PD shall also be granted:
- 1) Convert 40 mobile home units within the Colonial Sunflower PD West Village to 40 units of multi-family.
 - 2) Reduce approved commercial square footage from 196,000 square feet to 164,445 square feet.
 - 3) Change institutional zoning (Parcel 3 and 4) to commercial zoning without increasing overall commercial building square footage.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 5, 2001, shall apply:
- a. All multi-family development in Parcel E shall be restricted to single story within 100 feet of single-family construction.
 - b. A 25-foot buffer shall be maintained along the southern boundary line of Parcel E.
 - c. No access through the Deerwood Mobile Home Park shall be permitted without written approval.
10. Except as amended, modified, and / or superseded, the following BCC Condition of Approval, dated March 2, 1999, shall apply:
- a. The landscape berm shall be ten feet (10') wide by three feet (3') high and shall have a six foot (6') PVC solid fence on top.
11. Except as amended, modified, and / or superseded, the following BCC Condition of Approval, dated August 26, 1997, shall apply:
- a. A landscaped berm, ten feet (10') wide by eight feet (8') high, 80 percent opaque and irrigated, shall be placed along the southwest portion of the property.

12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 27, 1995, shall apply:

- a. In the event that this is not a certified affordable housing project, the minimum lot size in Villages G and H shall be ½ acre.
- b. Uses within the commercial tract shall be limited to C-1 uses only. Outside storage and/or display shall be prohibited.
- c. Building setbacks from Old Cheney Highway shall be a minimum of 55 feet from center line or 35 feet from the right-of-way line, whichever is greater.
- d. Building setbacks from State Road 50 shall be a minimum of 150 feet from the centerline or 50 feet from the right-of-way line, whichever is greater.
- e. The commercial Tract fronting on Colonial Drive shall be limited to 15 acres and a maximum of 100,000 square feet.
- f. Recreation facilities shall provide construction concurrent with each phase of development for the central park facility prior to the 600th unit.
- g. A minimum 25 foot setback shall be provided along the perimeter of the Planned Development unless a more restrictive setback would apply.

• MEMBER EXITED: Commissioner Thompson

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

14. Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Lake Austin Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-01-027, amend plan; District 1

Applicant: Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Lake Austin Planned Development / Land Use Plan (PD / LUP) - Case # CDR-16-01-027

Consideration: Substantial change request to incorporate the following changes to the Planned Development / Land Use Plan (PD/LUP), concurrent with a request to rescind the Grande Palisades Resort Development of Regional Impact / Development Order (DRI / DO): a) revise the use description from "Timeshare" to "Short Term Rental" and increase entitlements from 4,159 units to 4,831 units (consistent with DRI/DO); b) modify project phasing dates and amount of development per phase; c) revise traffic generation calculations; d) expand list of approved recreational facilities; e) identify previously dedicated road right-of-way; f) add two (2) parcel identification numbers not previously identified; g) modify and renumber existing

notes on the plan; h) add Notes 11-22, some of which transfer DRI / DO environmental and transportation conditions; and, i) to add a Master Sign Plan. In addition, the request includes the following three (3) waivers from Orange County Code, that primarily relate to signage: 1. A waiver from Section 31.5-67(f) to allow for three additional proposed signs, in lieu of the allowed two signs based on a right-of-way frontage in excess of four hundred (400) linear feet. 2. A waiver from Section 38-1287(1)(b) to allow for a minimum building setback of forty (40) feet from C.R. 545, in lieu of sixty (60) feet, for the primary sign structure. 3. A waiver from Section 38-1287(1)(c) to allow for a minimum building setback of thirty-five (35) feet from the south property line, in lieu of forty (40) feet, for the primary sign structure; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located West of C.R. 545 / Avalon Road, east of the Orange / Lake County line, and north of U.S. 192, Orange County, Florida (legal property description on file)

The following person addressed the Board: Miranda Fitzgerald.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Lake Austin Planned Development / Land Use Plan (PD / LUP) - Case # CDR-16-01-027, to incorporate the following changes to the Planned Development / Land Use Plan (PD/LUP), concurrent with a request to rescind the Grande Palisades Resort Development of Regional Impact / Development Order (DRI / DO):

- A) revise the use description from "Timeshare" to "Short Term Rental" and increase entitlements from 4,159 units to 4,831 units (consistent with DRI/DO);
- B) modify project phasing dates and amount of development per phase;
- C) revise traffic generation calculations;
- D) expand list of approved recreational facilities;
- E) identify previously dedicated road right-of-way;
- F) add two (2) parcel identification numbers not previously identified;
- G) modify and renumber existing notes on the plan;
- H) add Notes 11-22, some of which transfer DRI / DO environmental and transportation conditions; and,
- I) to add a Master Sign Plan;

the request includes the following three (3) waivers from Orange County Code, that primarily relate to signage:

1. A waiver from Section 31.5-67(f) to allow for three additional proposed signs, in lieu of the allowed two signs based on a right-of-way frontage in excess of four hundred (400) linear feet.
2. A waiver from Section 38-1287(1)(b) to allow for a minimum building setback of forty (40) feet from C.R. 545, in lieu of sixty (60) feet, for the primary sign structure.
3. A waiver from Section 38-1287(1)(c) to allow for a minimum building setback of thirty-five (35) feet from the south property line, in lieu of forty (40) feet, for the primary sign structure;

which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Lake Austin Planned Development / Land Use Plan (PD/LUP) dated "Received April 29, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received April 29, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this Land Use Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a

Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.
10. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
11. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
12. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code, unless otherwise waived.
13. Outside sales, storage, and display shall be prohibited.
14. Length of stay shall not exceed 180 days.
15. Permitting of any development on this site will be subject to review and approval under the capacity constraints of the county's Transportation Concurrency Management System and an approved capacity encumbrance letter will be required prior obtaining a building permit.
16. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 31.5-67(f) to allow for three additional proposed signs, in lieu of the allowed two signs based on a right-of-way frontage in excess of four hundred (400) linear feet.
 - b. A waiver from Section 38-1287(1)(b) to allow for a minimum building setback of forty (40) feet from C.R. 545, in lieu of sixty (60) feet, for the primary sign structure.

- c. A waiver from Section 38-1287(1)(c) to allow for a minimum building setback of thirty-five (35) feet from the south property line, in lieu of forty (40) feet, for the primary sign structure.
- 17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 26, 2010, shall apply:
 - a. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
 - b. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to certificate of occupancy. However, nothing in this condition and nothing in the decision to approve this development plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
 - c. No permanent school-aged children shall be generated as a result of this development.
 - d. A Tree Survey Mitigation Plan for the undeveloped property (phase two) will be required at PSP/DP submittals.
 - e. A minimum building setback of 25 feet from the PD perimeter shall be maintained.
 - f. Maximum impervious area shall be limited to 65 percent. The project shall have a minimum open space requirement of 35 percent.
- 18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 10, 2006, shall apply:
 - a. The development shall have minimum open space of 35 percent.
 - b. Phase II shall have a maximum building height of 7 stories (100 feet). Phase I shall have a maximum building height of 4 stories.
 - c. All previous conditions of approval shall apply.
- 19. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 2, 2004, shall apply:
 - a. Master stormwater management, water and wastewater plans including preliminary calculations, shall be required to be submitted for review and approval prior to submission of construction plans.

- b. The commercial component shall comply with the Commercial Design Standards Ordinance.
- c. At the development plan stage the applicant shall demonstrate compliance with the Future Land Use Element Policies 1.2.6 through 1.2.6.10.

and

COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT
(DEFERRED)

- 4. Adoption and execution of Order Approving Rescission of Grand Palisades Resort Development of Regional Impact Corrected Development Order. District 1. (Planning Division)

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board adopted and executed the Order Approving Rescission of Grand Palisades Resort Development of Regional Impact Corrected Development Order.

- 15. Monica Feldman, Tricon Real Estate, Inc., Shoppes at Lake Avenue Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-10-317, amend plan; District 1

Applicant: Monica Feldman, Tricon Real Estate, Inc., Shoppes at Lake Avenue Planned Development / Land Use Plan (PD / LUP) - Case # CDR-15-10-317

Consideration: Substantial change request to incorporate a Master Sign Plan (MSP) into the Land Use Plan in order to accommodate a monument sign with two (2) waivers from Orange County Code as follows: 1. A waiver from Section 31.5-195(1) to allow a monument ground sign as identified on the Master Sign Plan (MSP) to have a maximum copy area of one-hundred fifty (150) square feet; in lieu of a maximum copy area of ninety-six (96) square feet. 2. A waiver from Section 31.5-195(1) to allow monument ground signs as identified on the Master Sign Plan (MSP) to have a maximum height of fifteen (15) feet; in lieu of a maximum height of eight (8) feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located North of Lake Street / East of Apopka Vineland Road; Orange County, Florida (legal property description on file)

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Monica Feldman, Tricon Real Estate, Inc., Shoppes at Lake Avenue Planned Development / Land Use Plan (PD / LUP) - Case # CDR-15-10-317, to incorporate a Master Sign Plan (MSP) into the Land Use Plan in order to accommodate a monument sign with two (2) waivers from Orange County Code as follows:

1. A waiver from Section 31.5-195(1) to allow a monument ground sign as identified on the Master Sign Plan (MSP) to have a maximum copy area of one-hundred fifty (150) square feet; in lieu of a maximum copy area of ninety-six (96) square feet.
- ~~2. A waiver from Section 31.5-195(1) to allow monument ground signs as identified on the Master Sign Plan (MSP) to have a maximum height of fifteen (15) feet; in lieu of a maximum height of eight (8) feet;~~

which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Shoppes at Lake Avenue PD Land Use Plan dated "Received May 5, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this land use plan and the land use plan dated "Received May 5, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development,

could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. ~~Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.~~
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The following waivers are hereby granted from Orange County Code:
 - a. A waiver from Orange County Code Section 31.5-195 (1) to allow monument ground sign as identified on the Master Sign Plan to have a maximum copy area

of one-hundred fifty (150) square feet; in lieu of a maximum copy area of Ninety-Six (96) square feet.

- b. A waiver from Orange County Code Section 31.5-195 (1) to allow monument ground sign as identified on the Master Sign Plan to have a maximum height of fifteen (15) feet; in lieu of a maximum copy area of Eight (8) feet.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 6, 2000 shall apply:
 - a. Master water and wastewater plans including preliminary calculations shall be approved prior to approval of construction plans.
 - b. Billboards and pole signs shall be prohibited.
 - c. To the extent required to comply with the consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
 - 1) Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center.
 - 2) If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon either the development of residential units within the area designated Activity Center Residential on the Future Land Use map or the payment into the housing linkage fund.
 - 3) The development guidelines of Orange Center shall apply to the subject property if they are established prior to development plan submittal, including but not limited to lighting standards, sign regulations, open space requirements, trip reduction program, access management controls, transit access design standards, building orientation, and location of parking lots. If the foregoing guidelines are in conflict with the guidelines for the Shops of Lake Avenue as set forth herein, then the Shops of Lake Avenue guidelines shall apply.
 - 4) The property shall be required to participate in a property owners' association upon its creation.
 - 5) Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
 - 6) A ten-foot-wide (10') pedestrian/landscape/utility easement shall be provided along CR 435 and shall be included in the development plan.

- 7) The development plan shall provide for interconnection of existing adjacent commercial development by either cross access easement or public right-of-way.
- 8) Electrical distribution lines shall be underground.
- 9) Participation in a shuttle service connecting area attractions, major transportation centers and on site development shall be required.
- d. There shall be a 20-foot setback on Lake Ruby Road, a ten-foot (10') setback on 10th street, and a ten-foot (10') setback from the southeast corner.
- e. A master stormwater drainage system shall be submitted and approved prior to construction plan approval.
- f. ~~Prior to construction plan submittal, a developer's agreement addressing the ownership, maintenance, and landscaping of the retention system shall be approved.~~
- g. The following design standards shall be incorporated into this project:
 - 1) No visible flat roofs shall be permitted.
 - 2) No visible equipment on the roofs, i.e., duct work, antennas, machinery, or air conditioning units shall be permitted within 100 feet of a public right-of-way.
 - 3) Dumpsters shall be fully enclosed and hidden from view by block enclosures.
 - 4) All illumination shall be limited to nine-foot (9') candles at storefronts, gradually decreasing to two-foot (2') candles at the perimeter.
 - 5) All visible roofs shall be tile.
 - 6) Exterior lighting shall be directed away from street traffic lanes. No lights in excess of 25 feet shall be permitted.
 - 7) A comprehensive landscape plan shall be required open development plan submittal.
 - 8) Loading platforms shall be reasonably obstructed from view by landscaping.

- 9) No overnight parking of truck or motor vehicles defined as exceeding 24-hour period; no free-standing storage-type containers, and no free-standing concession stands or building structures of less than 750 square feet shall be permitted.
- 10) No portable blinking curbside signs shall be used anywhere on the development due to their potential hazard to traffic.
- 11) No cellular telephone towers, microwave towers, or other transmission towers shall be permitted within the Planned Development.
- 12) Notice of any proposed Comprehensive Plan amendment, Planned Development amendment, or development plan application shall be provided to the Dr. Phillips Preservation Association, Southwest Orange County Homeowners' Association, Emerald Forest Homeowners' Association, Diamond Cove Homeowners' Association, and Turtle Creek Homeowners' Association.
- 13) The following signage standards drawn from the Hilton Head, Longboat Key, and Sanibel Land Development Code Signage Design Standards shall be implemented:
 - a) The amount of information on signs shall be no more than necessary to provide reasonable identification of the business.
 - b) The signage design shall be included in the Planned Development. The signage design must ensure that signs are similar in shape and consistent in material.
 - c) Pole signs are prohibited. Ground signs must be monument style.
 - d) Signs on the building façade may be internally lighted. However, there shall be no external neon signs. The total area of façade sign shall occupy no more than 25 percent of the area façade. Façade signs must be contained within a single wall panel, window, door, or other architectural components upon which they are placed. No façade sign shall be on or over the roof of any building.
 - e) No part of any sign shall move or give the appearance of movement or emit any sounds, odors, or visible matter such as smoke or vapor.
 - f) There shall be no billboards, "community boards," or any other form of off-site advertising.
 - g) There shall be no inflatable sign or balloons of any type.

16. John Prowell, VHB, Inc., Waterleigh Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-03-089, amend plan; District 1

Applicant: John Prowell, VHB, Inc., Waterleigh Planned Development / Land Use Plan (PD / LUP), - Case # CDR-16-03-089

Consideration: Substantial change request to reconfigure the boundary between PD Parcels 10 and 11, revise and add access points, reduce the residential units within PD Parcel 11 from 508 to 504, and increase the residential units within PD Parcel 13 from 402 to 406. Additionally, the following five (5) waivers from Orange County Code are requested for Parcels 10 & 11: 1. A waiver from Section 38-1258(c) to allow a maximum height of five (5) stories and sixty-five (65) feet for multi-family residential buildings located within one hundred fifty (150) feet from single family zoned property, in lieu of a maximum height of three stories and forty (40) feet for multi-family residential buildings located within one-hundred fifty (150) feet of single-family zoned property. 2. A waiver from Section 38-1258(f) to eliminate the requirement of constructing a six (6) foot high masonry, brick, or block wall whenever a multi-family development is located adjacent to a single-family zoned property. 3. A waiver from Section 38-1258(g) to allow multi-family development to access any right-of-way serving single-family residential development. 4. A waiver from Section 38-1258(i) to eliminate the requirement of a multi-family development located adjacent to a right-of-way to be fenced whenever single-family zoned property is located across the right-of-way. 5. A waiver from Section 38-1258(j) to allow a minimum twenty (20) feet of building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet of separation for two-story buildings, and in lieu of forty (40) feet of separation for building three (3) stories or higher; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located south of Old YMCA Road and west of Avalon Road / County Road 545; Orange County, Florida (legal property description on file)

• MEMBER RE-ENTERED: Commissioner Thompson

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board continued the public hearing until July 19, 2016, at 2 p.m.

Ordinance/Comprehensive Plan

17. Amending Orange County Code, Adopting 2015-2 Regular Cycle State-Expedited Amendment to the 2010-2030 Comprehensive Plan (CP) (Continued from June 14, 2016)

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

STATE-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED TEXT
AMENDMENT (LAKE PICKETT STUDY AREA POLICIES) AND FUTURE LAND
USE MAP AMENDMENT

Amendment: 2015-2-P-FLUE-1
Applicants: Dwight Saathoff, Project Finance and Development, and Sean Froelich, Columnar Holdings, LLC
Owner: New Ideas, Inc.; Banksville of Florida, Inc.; Byrdley Realty Co., LP; Robert Lopez Trust; Nivesa of Florida and Rolling R. Ranch LTD; Mary R. Lamar; Eloise A. Rybolt Revocable Trust; and Lake Pickett North, LLC
Consideration: Text amendments to Future Land Use Element establishing FLU OBJ6.8, FLU OBJ6.9, and associated policies related to the Lake Pickett Study Area, and corresponding amendments to various Comprehensive Plan policies. Establishment of Map 22 of the Future Land Use Map Series depicting the Lake Pickett Study Area. Text amendment to intergovernmental Coordination Element establishing Policy ICE 1.18.5 related to the Lake Pickett Study Area that will also have countywide applicability

County staff indicated the newly proposed policies were modified as follows:

Revise Policy FLU6.8.2:

T4 Center: Consists of lands developed with a mix of residential (single-family attached, and vertically integrated uses) and non-residential uses, including commercial, office, service, and civic uses that serve a Lake Pickett community as well as the surrounding area. Residential density and non-residential intensity shall be calculated on the net developable acreage (gross acreage less natural waterbodies and wetlands). The average residential density within the overall T4 Center shall not exceed 6.0 units per acre, and the average non-residential intensity within the overall T4 Center shall not exceed a 0.15 Floor Area Ratio (FAR). Although density and intensity within specific T4 development tracts may exceed the maximum average of the overall T4 Center, higher concentrations of development ~~A minimum average density of is 5DU/residential tract acre and a maximum average density of 12 DU/acre shall be provided within all designated residential tracts. A maximum FAR of 1.0 shall be provided within all non-residential tracts. Higher density residential uses, as well as commercial, office, and service uses, shall be located in the most southerly portion of the Lake Pickett Study Area, adjacent to SR 50, at a maximum FAR of 1.0. Multi-family complexes shall be prohibited.~~

Revise Policy FLU6.9.2(B):

B. Development Program: The proposed community development program shall show unit counts and average densities and intensities by Transect Zone and their phasing, if applicable, and it shall be included and adopted as part of a Lake Pickett PD-RP and their totals incorporated into Policy FLU8.1.4. The development program shall be substantially consistent with the program submitted with a CRP and approved with a LP FLUM amendment, with revisions necessary to reflect any changes to the Transect Zones boundaries or as required for consistency with the provisions of the Regulating Plan and required Agreements. Any request to increase the development totals for a Lake Pickett PD-RP, as listed in FLU8.1.4, must be approved through an application to amend the Comprehensive Plan.

New Policy FLU6.9.6:

In an effort to preserve the existing Chuluota Road buffer to the maximum extent possible, in the event the existing buffer is adversely impacted by County roadway expansion the County shall, in accordance with its usual policies and procedures, endeavor to provide a buffer between the expanded roadway and adjoining communities. In the event such buffer does not reasonably shield the roadway from view of adjoining communities, the County shall act to reasonably shield the expanded roadway from view. Such shielding shall, to the extent reasonably possible, be accomplished through the use of trees, enhanced landscaping, and/or other vegetation. For other roadway improvements in the Lake Pickett Overlay, the County will endeavor to maintain existing buffers and will consider similar compatibility measures on a case by case basis.

FLUM Series – Map 22 Changes:

The boundary of the study area map was adjusted to exclude the adjacent rural settlements and to allow it to follow recognizable roadway edges.

The following persons addressed the Board:

- Dwight Saathoff
- Sean Snaith
- Katie Pickett
- Jim Hall
- Larry Frankel
- Daisy Morales
- Eric Rollings
- Bobby Beagles
- Dave Ottersen
- Judy Chubb
- Bob Saunders
- Susan John
- Debra Pierre

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Nelson.

The following persons addressed the Board:

- Joe Roberts
- Diana Schmuck
- Justine Cowan
- Susan Eberle
- Deborah Schafer
- Frank Kujawa

- REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice-Mayor Nelson.

The following persons addressed the Board:

- David Siegel
- Nick Mesiano
- Robert Blood
- Tim McKinney
- Sara Isaac
- Shawn Bartelt
- Marty Sullivan
- Maria Bolton-Joubert
- Mark Bernhardt
- Tanin Teston
- Daniel Teston
- Marj Holt

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Nelson.

The following persons addressed the Board:

- Ed Misicka
- RJ Mueller
- Jay Zembower

- REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice-Mayor Nelson.

The following persons addressed the Board:

- Dan Washburn
- Nick Rodites

- Richard Nopelman
- Jerry Hardestin
- Bob Carrigan
- Alan Ashlock
- Orlando Emora
- Colin O'Malley
- Jerry Hardesty
- Marty Berman
- Andre Vidrine
- Donna DeGregory
- Kathy Glover
- Philip Arroyo
- Michael Parker
- Josephine Balzac
- Chuck O'Neal
- Emily Bonilla
- Katrina Shadix
- John Lina
- Ariel Horner
- John E. Fauth
- Steven Micciche
- Bill Lutz
- Larry Simmons
- Ronald Brooke

• RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Nelson.

The following persons addressed the Board:

- Robert Banks
- John Stanley

• REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice-Mayor Nelson.

The following persons addressed the Board:

- Maria Martinez
- Cecil Tucker
- William Pons
- Kelly Semrad
- Tom Narut
- Tom Glover
- Jimmy McKnight
- Jeanne McKnight

- Thomas Hawkins
- Kenneth Pinson
- Umut Kocaman
- Francheska Markus
- Robert Agrusa
- Eric Cress
- Michael Story
- Gary Capuano
- Paul Linder

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Dwight Saathoff
- Exhibit 2, from Jim Hall
- Exhibit 3, from Susan Eberle
- Exhibit 4, from Debrah Schiafer
- Exhibit 5, Nick Mesiano
- Exhibit 6, from Marjorie Holt
- Exhibit 7, from RJ Mueller
- Exhibit 8, from Jay Zembower
- Exhibit 9, Bob Kerrigan
- Exhibit 10, from Orlando Zamora
- Exhibit 11, from Josephine Balzac
- Exhibit 12, from Emily Bonilla
- Exhibit 13, from Katrina Shadix
- Exhibit 14, from John Lina
- Exhibit 15, from John Fauth
- Exhibit 16, from Ariel Horner
- Exhibit 17, from Bill Lutz
- Exhibit 18, from Ronald Brook
- Exhibit 19, from Robert Banks
- Exhibit 20, from John Stanley
- Exhibit 21, from Maria Martinez
- Exhibit 22, from Kelly Semrad
- Exhibit 23, from Tom Narut
- Exhibit 24, from Jimmy McKnight
- Exhibit 25, from Kenneth Pinson
- Exhibit 26, from Umut Kocaman
- Exhibit 27, from Paul Linder

The following materials were received by the Clerk prior to the close of the public hearing. The materials referenced by the speaker were not presented to the Board.

- Submittal 1, from David Saathoff
- Submittal 2, from Debra Pierre

- Submittal 3, Justine Cowan
- Submittal 4, Marjorie Holt
- Submittal 5, Emily Bonilla
- Submittal 6, John Lina
- Submittal 7, John Fauth
- Submittal 8, Steven Micciche
- Submittal 9, Jeanne McKnight

The following speakers referenced materials that were not received by the Clerk prior to the close of the public hearing.

- Bobby Beagles
- Robert Blood
- Mark Bernhardt
- Ariel Horner
- John Stanley

Motion/Second: Commissioners Edwards/Nelson

AYE (voice vote): Commissioners Boyd, Nelson, Edwards, Siplin

NO (voice vote): County Mayor Jacobs; Commissioners Clarke, Thompson

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and adopted Privately-Initiated Text Amendment 2015-2-P-FLUE-1.

and

STATE-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED TEXT
AMENDMENT AND FUTURE LAND USE MAP AMENDMENT AND
CONCURRENT REZONING REQUEST (THE GROW PD-RP)

Amendment: 2015-2-A-5-1 (fka 2015-1-A-5-1 & 2014-2-A-5-1)

Applicant/ Dwight Saathoff, Project Finance & Development for New Ideas, Inc.; Banksville of Florida, Inc.; Robert Lopez Trust; and Nivesa of Florida;

Consideration: Rural (R) to Lake Pickett (LP)

Location: Generally described as located south of Lake Pickett Rd., north of E. Colonial Dr., east of S. Tanner Rd., and west of Chuluota Rd; Parcel ID#'s 08-22-32-0000-00-005 (portion of); 17-22-32-0000-00-002; 18-22-32-0000-001/025; 19-22-32-0000-00-001; 20-22-32-0000-00-002; 1,187.50 gross ac.

County staff indicated the request is change the Future Land Use from Rural 1/10 (R) to Lake Pickett (LP).

Motion/Second: Commissioners Edwards/Nelson

AYE (voice vote): Commissioners Boyd, Nelson, Edwards, Siplin

NO (voice vote): County Mayor Jacobs; Commissioners Clarke, Thompson

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU6, OBJ FLU6.8, Policies FLU6.8.1 – 6.8.15, OBJ FLU 6.9, Policies 6.9.1 – 6.9.4, FLU1.4.2, FLU8.2.1 and FLU8.2.11); further, determined that the proposed amendment is in compliance; and further, adopted Privately-Initiated Future Land Use Map Amendment 2015-2-A-5-1, Rural 1/10 (R) to Lake Pickett (LP) (a proposed new Future Land Use Map designation).

and

ORDINANCE REGULAR CYCLE STATE-EXPEDITED/COMPREHENSIVE PLAN PUBLIC HEARING

Amending Orange County Code, adopting 2015-2 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to section 163.3184, F.S

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2015 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING EFFECTIVES DATES.

AYE (voice vote): Commissioners Boyd, Nelson, Edwards, Siplin

NO (voice vote): County Mayor Jacobs; Commissioners Clarke, Thompson

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the amendments are in compliance; and further, adopted the Regular Cycle Comprehensive Plan Amendment Ordinance 2016-17, consistent with today's actions, including a correction of Appendix A of the ordinance to reference Amendment 2015-2-A-5-1, and approving the proposed Future Land Use Map and Text Amendments.

and

REZONING PUBLIC HEARING

Applicant: Dwight Saathoff

Consideration: Request to rezone A-2 (Farmland Rural District), R-CE-5 (Rural Country Estate Residential District), and PD (Planned Development District) (Walker Cove PD) to The GROW PD-RP (Planned Development-Regulating Plan). The rezoning request is to allow for the consideration of a mix-use project consisting of up to 2,078 residential dwelling units and 172,000 non-residential square feet; and featuring an elementary school, community park, community gardens, working farm and equestrian facility.)

Location: Generally described as located south of Lake Pickett Rd., north of E. Colonial Dr., east of S. Tanner Rd., and west of Chuluota Rd; Parcel ID#'s 08-22-32-0000-00-005 (portion of); 17-22-32-0000-00-002; 18-22-32-0000-001/025; 19-22-32-0000-00-001; 20-22-32-0000-00-002; 1,187.50 gross ac. The acreage includes a 182.60-acre portion of parcel 08-22-32-0000-00-005 that is being removed from the existing Walker Cove PD and added to the proposed project

Motion/Second: Commissioners Edwards/Boyd
AYE (voice vote): Commissioners Boyd, Nelson, Edwards, Siplin
NO (voice vote): County Mayor Jacobs; Commissioners Clarke, Thompson
Action: The Board continued the public hearing until September 20, 2016, at 2 p.m.

and

PLANNING AND ZONING COMMISSION APPEAL

Appellant: Larry Frankel, Bryrdley Realty Co., LLC
Applicant: Dwight Saathoff, Project Finance & Development, The Grow Planned Development (PD)
Case: Planning and Zoning Commission Case # LUP-16-01-002; April 21, 2016
Consideration: This request is to consider an appeal of the April 21, 2016 Planning and Zoning Commission (PZC) Recommendation of Approval for Case # LUP-16-01-002 (The Grow PD), in the name of Dwight Saathoff, to rezone 1,187.5 gross acres from A-2 (Farmland Rural District), R-CE-5 (Rural Country Estate Residential District), and PD (Walker Cove - Planned Development District) to PD (The Grow - Planned Development District), in order to develop up to 2,078 residential units, 172,000 square feet of non-residential uses, various agricultural uses, recreational amenities; and adequate public facilities (school, community park, and utility tract).
Location: District 5; property generally located South of Lake Pickett Road, north of E. Colonial Drive, east of S. Tanner Road, and west of Chuluota Road; Orange County, Florida (legal property description on file at Planning Division)

County staff announced this public hearing is continued until September 20, 2016, at 2 p.m.

Comprehensive Plan

18. Amending Orange County Code, Transmittal 2016-1 Regular Cycle State-Expedited Amendment to the 2010-2030 Comprehensive Plan (CP) (Continued from June 14, 2016)

STATE-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE MAP AMENDMENT (SUSTANY, FKA LAKE PICKETT NORTH)

Amendment: 2016-1-A-5-1 (fka 2015-1-A-5-2 & 2014-2-A-5-2)
Applicant/Owner: Sean Froelich, Columnar Holdings, LLC, for various property owners
Consideration: Rural (R) to Lake Pickett (LP)
Location: Generally described as located north of Lake Pickett Rd., south of Orange County boundary line, east of N. Tanner Rd., and west of Chuluota Rd; Parcel ID#'s: 05-22-32-0000-00-001/002/006/007/011/012/013/014; 06-22-32-0000-00-002; 07-22-32-0000-00-001/020; 08-22-32-0000-00-001/018; 1,417.75 gross ac.

County staff indicated the request is change the Future Land Use from Rural 1/10 (R) to Lake Pickett (LP).

The following person addressed the Board: Dan O'Keefe.

• RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Nelson.

The following persons addressed the Board:

- John Nicholas
- Thomas Chapman
- Rebecca Hammock

• REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice-Mayor Nelson.

The following persons addressed the Board:

- Seminole County Commissioner Bob Dallari
- Debra Pierre
- Susan Eberle
- Deborah Schafer
- David Siegel
- Tanin Teston
- Dan Teston
- John Fauth
- Jay Zembower
- Karli Mair
- Nathan Wade
- Phillip Arroyo
- Josephine Balzac
- Emily Bonilla
- Chris Bischoff
- Maria Martinez
- Russell Shaw Jr.
- Marj Holt
- Carolyn Canada
- Ruth Behrle
- Patricia Tice
- Carson Good
- Ken Clayton
- Max Perlman
- Eugene Stoccardo

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Dan O'Keefe
- Exhibit 2, from Rebecca Hammock
- Exhibit 3, from Susan Eberle
- Exhibit 4, from John Fauth
- Exhibit 5, Jay Zembower
- Exhibit 6, Patricia Tice

The following materials were received by the Clerk prior to the close of the public hearing. The materials referenced by the speaker were not presented to the Board.

- Submittal 1, from Debra Pierre
- Submittal 2, from Susan Eberle
- Submittal 3, from Debra Schafer

Motion/Second: Commissioners Edwards/Nelson
AYE (voice vote): Commissioners Boyd, Nelson, Edwards, Siplin
NO (voice vote): County Mayor Jacobs; Commissioners Clarke, Thompson
Action: The Board Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU6, proposed Objective FLU6.8 and associated Policies FLU6.8.1 – 6.8.15, proposed Objective FLU6.9 and associated Policies FLU6.9.1 – 6.9.4, and Future Land Use Element Objective FLU8.2 and Policies FLU1.4.2, FLU8.2.1, and FLU8.2.11); further, determined that the proposed amendment is in compliance; and further, transmitted Privately-Initiated Future Land Use Map Amendment 2016-1-A-5-1, Rural 1/10 (R) to Lake Pickett (LP).

• ADJOURNMENT, 1:22 a.m.

ATTEST:

County Mayor Teresa Jacobs

Date: _____

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Deputy Clerk

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Monday, July 18, 2016
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd,
Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards,
Victoria P. Siplin
Others Present: County Comptroller Martha Haynie as Clerk, Deputy County
Comptroller Margaret A. McGarrity, County Administrator Ajit
Lalchandani, Deputy County Administrator Eric Gassman, Assistant
County Administrator Randy Singh, Office of Management and
Budget Manager Kurt Petersen, Deputy Clerk Katie Smith, Senior
Minutes Coordinator Craig Stopyra

CALL TO ORDER, 9:09 a.m.

- INVOCATION – Kewina Hibbert, Management & Budget Analyst, Office of Accountability
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following person addressed the Board for public comment: Jonathan Blount.

• BUDGET WORKSESSION

County Mayor Jacobs welcomed attendees to the budget work sessions and introduced County Administrator Lalchandani who presented an overview of the proposed budget.

• BUDGET INTRODUCTION / COUNTYWIDE BUDGET OVERVIEW

County Administrator Lalchandani presented an overview of the agenda for the worksessions; outlined the worksession's timelines; the departments' presentations; and other financial issues regarding the budget.

Board discussion ensued. County Comptroller Haynie contributed to the discussion.

Action: None

- ADMINISTRATIVE SERVICES DEPARTMENT

Anne Kulikowski, Director, Administrative Services Department, presented an update and budget report.

Action: None

- FAMILY SERVICES DEPARTMENT

Lonnie Bell, Director, Family Services Department, presented an update and budget report.

Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Action: None

- FIRE RESCUE DEPARTMENT

Otto Drozd III, Fire Chief, Fire Rescue Department, presented an update and budget report.

Board discussion ensued.

Action: None

- PUBLIC WORKS DEPARTMENT

Mark Massaro, Director, Public Works Department, presented an update and budget report.

Board discussion ensued.

Action: None

- CAPITAL IMPROVEMENT PROGRAM PUBLIC WORKS DEPARTMENT

Raymond Williams, Acting Engineering Manager, Public Works Department, presented an update and budget report.

Board discussion ensued.

Action: None

- UTILITIES DEPARTMENT

Ray Hanson, Director, Utilities Department, presented an update and budget report.

Board discussion ensued.

Action: None

- MEETING RECESSED, 12:00 p.m.

- MEETING RECONVENED, 1:38 p.m.

Date: Monday, July 18, 2016
Location: Commission Chambers, Orange County Administration Center, First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin
Others Present: County Comptroller Martha Haynie as Clerk, Deputy County Comptroller Margaret A. McGarrity, County Administrator Ajit Lalchandani, Deputy County Administrator Eric Gassman, Assistant County Administrator Randy Singh, Office of Management and Budget Manager Kurt Petersen, Senior Minutes Coordinator Noelia Perez, Senior Minutes Coordinator Craig Stopyra

- COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT DEFERRED

Jon Weiss, Director, Community, Environmental and Development Services Department, and Matt Suedmeyer, Manager, Parks and Recreation Division, presented department updates and budget reports.

Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Action: None

- CONVENTION CENTER / CIP (CAPITAL IMPROVEMENT PROGRAM)

Kathie Canning, Executive Director, Convention Center, presented an update and budget report. Marc Cannata, Manager, Capital Planning and Building Systems, contributed to the report.

Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Action: None

- CORRECTIONS DEPARTMENT

Bryan Holt, Deputy Chief, Corrections Department, presented an update and budget report.

Board discussion ensued.

Action: None

- HEALTH SERVICES DEPARTMENT & CORRECTIONS HEALTH

George Ralls, Deputy County Administrator, County Administration and Medical Director, Health Services Department, presented an update and budget report.

Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Action: None

- LYNX (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY)

Edward Johnson, Chief Executive Officer, LYNX (Central Florida Regional Transportation Authority), presented an update and budget report.

Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Action: None

- ORANGE COUNTY I-DRIVE CRA (COMMUNITY REDEVELOPMENT AGENCY)

By consensus, the Board adjourned as the Orange County Board of County Commissioners and convened as the Orange County I-Drive CRA (Community Redevelopment Agency) Governing Board.

Carla Bell Johnson, Strategic Planning and Development Manager, Orange County Convention Center, presented an update and budget report.

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board adopted Resolution 2016-M-26 to approve and adopt the Fiscal Year 2016-2017 budget for the International Drive CRA (Community Redevelopment Agency).

- ORANGE COUNTY CRA (COMMUNITY REDEVELOPMENT AGENCY)

By consensus, the Board adjourned as the Orange County I-Drive CRA (Community Redevelopment Agency) Governing Board and convened as the Orange County Community Redevelopment Agency.

Vanessa Pinkney, Executive Director, Orange Blossom Trail Development Board, presented an update and budget report.

Motion/Second: Commissioners Siplin/Edwards

AYE (voice vote): All members

Action: The Board adopted CRA Resolution 2016-M-27 to approve and adopt the proposed Fiscal Year 2016-2017 Budget for the Orange County CRA (Community Redevelopment Agency).

- MEETING ADJOURNED, 4:32 p.m.

There being no further business, the County Mayor adjourned the meeting.

ATTEST:

County Mayor Teresa Jacobs

Date: _____

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Deputy Clerk

July 18, 2016

page 5 of 5

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, July 19, 2016
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd,
Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards,
Victoria P. Siplin
Others Present: County Comptroller Martha Haynie as Clerk, Chief Deputy
Comptroller Margaret A. McGarrity, Assistant Comptroller Barry
Skinner, County Administrator Ajit Lalchandani, Deputy County
Administrator Eric Gassman, Assistant County Administrator Randy
Singh, Office of Management and Budget Manager Kurt Petersen,
Deputy Clerk Katie Smith, Senior Minutes Coordinator Craig
Stopyra

- CALL TO ORDER, 9:08 a.m.
- INVOCATION – Pastor Maria Cruz, Administrative Assistant, County Administration
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Andre Perez
- Jonathan Blount

- FOR THE RECORD

County Mayor Jacobs addressed concerns from a representative from Orange County Fire Fighters Association pertaining to the Municipal Service Taxing Unit mileage rate, employee attrition and salary increases for fire fighters. Board discussion ensued. County Administrator Lalchandani and Deputy County Administrator Gassman contributed to the discussion.

- OFFICIAL RECOGNIZED: Orange County Tax Collector Scott Randolph
- BUDGET WORKSESSION
- CONSTITUTIONAL OFFICERS

Ninth Judicial Circuit Court of Florida

Ninth Judicial Circuit Court Chief Judge Frederick Lauten addressed the Board.

Board discussion ensued.

Action: None

Orange County Tax Collector's Office

Orange County Tax Collector Scott Randolph addressed the Board.

Action: None

Public Defender of the Ninth Judicial Circuit

Public Defender of the Ninth Judicial Circuit Bob Wesley addressed the Board.

Board discussion ensued. County Administrator Lalchandani and Deputy County Administrator Gassman contributed to the discussion.

The following person addressed the Board: Orange County Comptroller Martha Haynie.

Action: None

Orange County Comptroller

Orange County Comptroller Martha Haynie addressed the Board.

Action: None

- ORANGE COUNTY SHERIFF'S OFFICE

Orange County Sheriff Jerry Demings presented an update and budget report.

Board discussion ensued.

Action: None

- BOARD BUDGET DISCUSSION

County Mayor Jacobs addressed the Board regarding any outstanding budget items the Board would like to address.

Action: None

- BUDGET WORK SESSION CONSENT AGENDA

Motion/Second: Commissioners Clarke/Nelson

AYE (voice vote): All members

Action: The Board approved the Budget Consent Agenda items as follows:

1. Approval of the 2017 medical plan design and premium structure; and approval of the employer engagement contribution to be paid from each department's personnel services budget.
2. Approval and execution of Resolution 2016-M-28 of the Orange County Board of County Commissioners regarding Certain Services Fees charged by the Environmental Protection Division of the Orange County Community, Environmental and Development Services Department, to take effect on October 1, 2016.
3. Approval of fee Resolution 2016-M-29 of the Orange County Board of County Commissioners regarding certain services fees charged by Orange County Fire Rescue Department to include updated certain fire fees to take effect on October 1, 2016.
4. Approval of *INVEST* District Projects.

- BUDGET WORK SESSION APPROVAL OF PROPOSED MILLAGES

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board approved the Tentative Millages for Fiscal Year 2016/2017 and Countywide Budget for Fiscal Year 2016/2017.

- ANNOUNCEMENT

County Mayor Jacobs announced the first public hearing to approve the tentative budget is scheduled for Thursday, September 8, and the final public hearing to approve the budget is on Thursday, September 22 and both public hearings will begin at 5:01 p.m. in the BCC Chambers.

- MEETING RECESSED, 11:24 a.m.

- MEETING RECONVENED, 2:06 p.m.

Members Present: Commissioners S. Scott Boyd, Bryan Nelson, Pete Clarke, Jennifer Thompson, Victoria P. Siplin; County Mayor Teresa Jacobs and Commissioner Ted Edwards joined the meeting where indicated.

Others Present: County Comptroller Martha Haynie as Clerk, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Assistant

County Attorney Roberta Alfonso, Deputy Clerk Katie Smith, Senior
Minutes Coordinator Craig Stopyra

- MEMBER JOINED: County Mayor Jacobs
- COUNTY CONSENT AGENDA
- REASSUMED CHAIR
County Mayor Jacobs reassumed the Chair from Vice-Mayor Nelson.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Mayor

- Deferred action on Community, Environmental and Development Services Department Item 2 for consideration with Rezoning public hearing D10 Dennis Seliga, Boyd Development Corporation for Beth A. Wincey, Case # LUPA-15-12-384
- Deferred action on Community, Environmental and Development Services Department Item 5 for consideration with Rezoning public hearing D8 Eric Warren, Poulos & Bennett, LLC, Spring Grove - Jaffers PD/LUP, Case # LUP-15-07-218
- Deferred action on Community, Environmental and Development Services Department Item 6 for consideration with Rezoning public hearing D7 Eric Warren, Poulos & Bennett, LLC, Spring Grove - Northeast PD/LUP, Case # LUP-15-03-065
- Deferred action on Community, Environmental and Development Services Department Item 7 for consideration with Rezoning public hearing D9 James G. Willard, Wincey Groves PD/UNP, Case # LUP-15-11-342

and further, the Board approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Period as follows: July 8, 2016, to July 14, 2016; total of \$30,246,996.32. (Finance/Accounting)

County Administrator

1. Confirmation of Commissioner Boyd's appointment to the Lake Rose Advisory Board of Thomas Moore, Valerie Deneen, and Ty R. Oppenlander with terms expiring December 31, 2017 and Rick Arnold and Paige Bertini with terms expiring December 31, 2018. (Agenda Development Office)

2. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
3. Authorization to pay the Florida Retirement System Invoice #220095 in the amount of \$31,451.49. (Human Resources Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y16-1040-CH, Supply and Installation of Traffic Signal Equipment, to the low responsive and responsible bidder, Chinchor Electric, Inc., in the estimated contract award amount of \$4,222,606.72 for a 1-year term. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Traffic Engineering Division] Procurement Division)
2. Approval to award Invitation for Bids Y16-1083-JS, Provision, Installation and Repair of Stormwater Inlet Baskets to the sole responsive and responsible bidder, Cathcart Construction Company-FL, LLC, in the estimated contract award amount of \$746,590 for a 1-year term. Further, authorized the Procurement Division to renew the contract for two 1-year terms. ([Community, Environmental and Development Services Department Environmental Protection Division] Procurement Division)
3. Approval to award Invitation for Bids Y16-768-MM, Orange County Convention Center West Building Concourse D Restroom Renovations, to the low responsive and responsible bidder, Axios Construction Services, LLC, for the lump sum contract award of \$1,747,667, inclusive of Additives 1, 2 and 3. ([Convention Center Capital Planning and Building Systems Division] Procurement Division)
4. Approval of Purchase Order M74350, Renewal of Software Support and Annual Maintenance for the Land Development and Management System (LDMS), with CSDC Systems, Inc., in the amount of \$250,672 for the period of July 31, 2016 through July 30, 2017. ([Community, Environmental and Development Services Department Fiscal and Operational Support Division] Procurement Division)
5. Approval of Purchase Order M79695, Purchase of six new Air Handler Units (AHUs) for the West Concourse D and Independent Distribution Facility (IDF) Rooms, from Trane U.S. Inc. in the total amount of \$294,232.77. ([Convention Center Capital Planning Division and Building Systems] Procurement Division)
6. Approval to award Invitation for Bids Y16-763-RM, Orange County Public Works Intersection Improvements at Lake Pickett Road & S.R. 50 (North Odyssey Lake Way), to the low responsive and responsible bidder, Atlantic Civil Constructors Corporation in the total contract award amount of \$458,601.70. ([Public Works Department Highway Construction Division] Procurement Division)

Community, Environmental and Development Services Department

1. Approval and execution of the Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 1, 2, 3, 5, and 6. (Code Enforcement Division)

LC 16-0647	LC 16-0608	LC 16-0481	LC 16-0575	LC 16-0596
LC 16-0556	LC 16-0610	LC 16-0508	LC 16-0584	LC 16-0597
LC 16-0564	LC 16-0379	LC 16-0513	LC 16-0585	LC 16-0599
LC 16-0566	LC 16-0576	LC 16-0515	LC 16-0586	LC 16-0600
LC 16-0605	LC 16-0583	LC 16-0532	LC 16-0587	LC 16-0601
LC 16-0646	LC 16-0403	LC 16-0538	LC 16-0588	LC 16-0602
LC 16-0557	LC 16-0464	LC 16-0549	LC 16-0591	LC 16-0632
LC 16-0582	LC 16-0477	LC 16-0569	LC 16-0593	LC 16-0643

2. Approval and execution of First Amendment to Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC and Orange County. District 1. (Development Review Committee)

(This item was deferred.)

3. Acceptance of Recommendation of the Environmental Protection Commission to deny the requests for waivers to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform) and Section 15-343(b) (side setback) for the Bower After-the-Fact Boat Dock Construction Permit BD-15-12-132. The dock must be returned to the pre-construction (grandfathered) dimensions within 90 days of the Board's Decision. District 2. (Environmental Protection Division)

4. Approval and execution of Grant Agreement State of Florida Department of Economic Opportunity Agreement #HL047 by and between the State of Florida, Department of Economic Opportunity and Orange County, Florida for the East Orange Regional Recreation Center in the amount of \$1,000,000 to construct a 5,000 square foot Recreation Center. District 5. (Parks and Recreation Division)

5. Approval and execution of Adequate Public Facilities Agreement for Horizon West – Village I– West Neighborhood Spring Grove – Jaffers PD by and between Spring Grove, LLC, and Orange County. District 1. (Development Review Committee)

(This item was deferred.)

6. Approval and execution of Adequate Public Facilities and Right of Way Agreement for Village I, Spring Grove-Northeast Planned Development (County Road 545) by and among Spring Grove, LLC, Columnar Partnership Holding I, LLC, and Orange

County for the conveyance of 2.76 acres of APF right-of-way, a 25-acre school site and a minimum 2.0-acre utility tract in return for corresponding impact fee credits. District 1. (Roadway Agreement Committee)

(This item was deferred.)

7. Approval and execution of Adequate Public Facilities Agreement for Wincey Groves PD (New Independence Parkway Extension) by and between Hamlin Retail Partners West, LLC and Orange County for the conveyance of 7.56 acres of APF Land providing \$170,100 in Transportation Impact Fee Credits and for the APF Surplus of 0.21 acres of APF Land. District 1. (Roadway Agreement Committee) Page 165-178

(This item was deferred.)

8. Approval of Streamlined Annual PHA Plan U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226, and approval and execution of Certifications of Compliance with PHA Plans and Related Regulations, Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan, and Civil Rights Certification for the Housing Choice Voucher Program. All Districts. (Housing and Community Development Division)

Family Services Department

1. Receipt and filing of Head Start Policy Council Program Information and Updates June 2016, Head Start Policy Council Meeting Minutes May 19, 2016 and Head Start Policy Council Special Call Meeting/Grant Review Minutes June 1, 2016 for the official county record. (Head Start Division)
2. Approval and execution of Meal Service Agreements between Orange County, Florida and School Board of Orange County, Florida regarding School Food Service for Ventura and Dover Shores Head Start. (Head Start Division)

Public Works Department

1. Approval and execution of Resolution 2016-M-30 of the Orange County Board of County Commissioners regarding the State of Florida Department of Transportation Supplemental Agreement #2 and approval and execution of State of Florida Department of Transportation Local Agency Program Supplemental Agreement FPN 428047-1-58/68-01 for the Pine Hills Trail Construction from Alhambra Drive to Silver Star Road between the State of Florida Department of Transportation and Orange County. District 6. (Transportation Planning)

- MEMBER JOINED: Commissioner Edwards

- PUBLIC HEARINGS

Agreement

1. Restated Joint Planning Area Agreement between Orange County and Town of Oakland; District 1

Consideration: Restated Joint Planning Area Agreement between Orange County and The Town of Oakland

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board approved the Restated Joint Planning Area Agreement between Orange County and the Town of Oakland.

Board discussion ensued.

Shoreline Alteration/Dredge

2. Michael Stopperich, 10424 Pocket Lane, Pocket Lake and Fish Lake, permit; District 1

Applicant: Michael Stopperich

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to modify the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake to Fish Lake; pursuant to Orange County Code, Chapter 33, Article IV. Windermere Water and Navigation Control District; Section 33-129(d).

Location: District 1, on a canal that connects Pocket Lake and Fish Lake, located at 10424 Pocket Lane; Orange County, Florida (legal property description on file at Environmental Protection Division)

County staff identified this permit as (SADF-15-06-006).

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board approved the request by Michael Stopperich (10424 Pocket Lane), for a Shoreline Alteration/Dredge and Fill Permit Modification (SADF-15-06-006), to the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake to Fish Lake, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the 'Construction Plan' submitted by Streamline Permitting, Inc., dated as received on May 17, 2016, by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. All dredged debris material shall be removed to an approved upland location.
5. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
6. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.
7. No filling is approved with this permit.
8. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

General Conditions:

9. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
11. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
12. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
13. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

14. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
15. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
16. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that was provided in the permit application that is later discovered to be inaccurate, or if the project may cause pollution to water bodies, cause an adverse impact to navigation, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the use and enjoyment of the waterbody by the public.
17. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
18. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
19. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
20. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
21. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
22. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

23. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Michael Stopperich, 10408 Pocket Lane, Pocket Lake and Fish Lake, permit; District 1

Applicant: Michael Stopperich

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to modify the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake to Fish Lake; pursuant to Orange County Code, Chapter 33, Article IV. Windermere Water and Navigation Control District; Section 33-129(d).

Location: District 1, on a canal that connects Pocket Lake and Fish Lake, located at 10408 Pocket Lane; Orange County, Florida (legal property description on file at Environmental Protection Division)

County staff identified this permit as (SADF-15-06-007).

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board approved the request by Michael Stopperich (10408 Pocket Lane), for a Shoreline Alteration/Dredge and Fill Permit Modification (SADF-15-06-007), to the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake to Fish Lake, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the 'Construction Plan' submitted by Streamline Permitting, Inc., dated as received on May 17, 2016, by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.

3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. All dredged debris material shall be removed to an approved upland location.
5. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
6. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.
7. No filling is approved with this permit.
8. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

General Conditions:

9. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
11. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days

from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

12. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
- ~~13.~~ The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
14. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
15. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
16. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that was provided in the permit application that is later discovered to be inaccurate, or if the project may cause pollution to water bodies, cause an adverse impact to navigation, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the use and enjoyment of the waterbody by the public.
17. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.

18. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
19. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
20. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
21. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
22. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
23. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Robert Renard, Fish Lake and Pocket Lake, permit; District 1

Applicant: Robert Renard

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to modify the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake and Fish Lake; pursuant to Orange County Code, Chapter 33, Article IV. Windermere Water and Navigation Control District; Section 33-129(d).

Location: District 1, on the canal between Fish Lake and Pocket Lake, located at 10416 Pocket Lane; Orange County, Florida (legal property description on file at Environmental Protection Division)

County staff identified this permit as (SADF-16-01-000).

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board approved the request by Robert Renard for a Shoreline Alteration/Dredge and Fill Permit Modification (SADF-16-01-000), to the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake and Fish Lake, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the 'Construction Plan' submitted by Streamline Permitting, Inc., dated as received on May 17, 2016, by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. All dredged debris material shall be removed to an approved upland location.
5. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
6. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.
7. No filling is approved with this permit.

General Conditions:

8. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions

and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

9. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
11. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
12. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
13. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary

authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

14. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
15. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
16. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that was provided in the permit application that is later discovered to be inaccurate, or if the project may cause pollution to water bodies, cause an adverse impact to navigation, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the use and enjoyment of the waterbody by the public.
17. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
18. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
19. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
20. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
21. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
22. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain

requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

23. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

5. Underwood Holdings, LLC, Lake Holden, permit, SADF #16-02-001; District 3

Applicant: Underwood Holdings, LLC.

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 16-02-001 to construct a seawall, pursuant to Orange County Code, Chapter 15, Article VI, Section 15-218(d)

Location: District 3; on property located adjacent to Lake Holden, located at 913 Springwood Drive, Orlando, FL 32839; Section 11, Township 23 South, Range 29, East; Orange County, Florida (legal property description on file at Environmental Protection Division)

County staff identified this permit as (SADF-16-02-001) and the request is to construct a new seawall.

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Clarke/Nelson

AYE (voice vote): All members

Action: The Board approved the request by Underwood Holdings, LLC. for a Shoreline Alteration/Dredge and Fill Permit (SADF-16-02-001) to construct a new seawall, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of the filing of the BCC determination with the Clerk of the Board, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the "Construction Plans" submitted by Streamline Permitting, Inc., dated as received on April 14, 2016, by EPD. The permitted work must be commenced within six (6) months and completed within one (1) year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void, unless a timely extension request has been received by EPD.

3. Any requests for permit extension must be received by EPD within one (1) year of permit issuance. Any permit extension for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. This permit does not authorize any dredging or filling, except for the actual construction of the seawall. This permit does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the seawall to the open water.
5. The permittee may maintain a clear access corridor below the Normal High Water Elevation (91.0 msl 1929 NGVD) of Lake Holden, not to exceed thirty (30) feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any structures, such as a boat dock, must be located within this corridor.
6. Native vegetation, including but not limited to, pickerelweed (*Pontederia cordata*) and duck potato (*Sagittaria lancifolia*), may not be removed from the shoreline outside of the specified access corridor, specific to the project.
7. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope as depicted on the "Construction Plans" submitted by Streamline Permitting, Inc., dated as received on April 14, 2016, by EPD.
8. All dredged debris material shall be removed to an upland location.

General Conditions:

9. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer (EPO). Notice of the revocation shall be provided to the permit holder promptly thereafter.
10. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
11. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.

12. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty (60) days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
13. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit, and any other permit or approval.
14. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
15. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
16. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
17. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.

18. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
19. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
20. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
21. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
22. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). ~~Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual,~~ shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
23. Pursuant to Section 125.022, Florida Statutes, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
24. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Preliminary Subdivision Plan

6. Selby Weeks, Klima Weeks Civil Engineering, Inc., Orlando Health Central Porter Road Medical Campus PD / Orlando Health Horizon West Phase 1 Preliminary Subdivision Plan / Development Plan, Case # PSP-16-02-047; District 1

Applicant: Selby Weeks, Klima Weeks Civil Engineering, Inc., Orlando Health Central Porter Road Medical Campus PD / Orlando Health Horizon West Phase 1 Preliminary Subdivision Plan / Development Plan

Consideration: Orlando Health Central Porter Road Medical Campus PD / Orlando Health Horizon West Phase 1 Preliminary Subdivision Plan / Development Plan, Case # PSP-16-02-047, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is

proposing to create one (1) commercial lot and construct an 81,000 square foot emergency department / medical office building and a 5,800 square foot central energy plant on 73.59 acres.

Location: District 1; property generally located South of Porter Road / East of County Road 545; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Jay Klima
- R.P. Mohnacky

Condition of Approval #16 was modified as follows:

A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, ~~but after approval of the site and concurrent with construction plans submittal.~~ The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Orlando Health Central Porter Road Medical Campus PD / Orlando Health Horizon West Phase 1 Preliminary Subdivision Plan / Development Plan, Case # PSP-16-02-047, on the described property, subject to the following conditions:

1. Development shall conform to the Orlando Health Central Porter Road Medical Campus PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Orlando Health Horizons West Phase I Preliminary Subdivision Plan/Development Plan dated "Received May 31, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received May 31, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon

by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan/development plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
7. The covenants, conditions, and restrictions (CC&Rs) shall contain notification to potential purchasers, builders or tenants of this development of the proximity of the West Orange & 545 solid waste disposal facilities that are located 0.2 miles to the southwest.
8. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division (EPD) of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
10. The site shall be stabilized following grubbing, clearing, earth work, or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans, a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
11. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the Orlando Health Central PD, and that construction plans are consistent with the approved Horizon West Town Center Master Utility Plan (MUP) or shall include an update to the Village MUP to incorporate any revisions. Any Town Center MUP updates must be submitted at least 30 days prior to construction plan submittal and must be approved prior to construction plan approval.
13. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
14. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of the construction plan initial submittal.
15. Prior to the issuance of any vertical building permits, the property shall be platted.
16. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal and concurrent with construction plan submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
17. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Town Center East Road Network Agreement recorded at O.R. Book 10306, Page 1364, Public Records of Orange County, Florida, as amended by that certain First Amendment to Town Center East Road Network Agreement recorded at O.R. Book 10411, Page 0542, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document concurrently with or prior to plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
18. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when

loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, the applicant shall coordinate with OCU to obtain information on the mounding produced by the RIBS, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.

19. Porter Road improvements shall be substantially complete with associated left turn lanes to the site prior to Certificate of Occupancy.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

Rezoning

7. Eric Warren, Poulos & Bennett, LLC, Spring Grove - Northeast PD/LUP, Case # LUP-15-03-065; District 1

Applicant: Eric Warren, Poulos & Bennett, LLC, Spring Grove - Northeast PD/LUP - Case # LUP-15-03-065

Consideration: Request to rezone two (2) parcels containing 103.05 acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 136 single-family detached residential dwelling units, 217 multi-family residential dwelling units, and a middle school. The request also includes a waiver from Orange County Code Section 38-1755 to allow a middle school site with a minimum net lot area of 23.74 acres, in lieu of a minimum net lot area of 25 acres; pursuant to Orange County Code, Chapter 30.

Location: District 1, property located at 11900 Avalon Road; or generally located on the east side of County Road 545 / Avalon Road, north of Flemings Road, south of Flamingo Crossings Boulevard, east of the Orange / Lake County line, and west of State Road 429 (Western Beltway); Orange County, Florida (legal property description on file)

and

• COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

6. Approval and execution of Adequate Public Facilities and Right of Way Agreement for Village I, Spring Grove-Northeast Planned Development (County Road 545) by and among Spring Grove, LLC, Columnar Partnership Holding I, LLC, and Orange County for the conveyance of 2.76 acres of APF right-of-way, a 25-acre school site and a minimum 2.0-acre utility tract in return for corresponding impact fee credits. District 1. (Roadway Agreement Committee)

The following person addressed the Board: Eric Warren.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by Eric Warren, Poulos & Bennett, LLC, Spring Grove – Northeast PD/LUP - Case # LUP-15-03-065 to rezone two (2) parcels containing 103.05 acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 136 single-family detached residential dwelling units, 217 multi-family residential dwelling units, and a middle school; further, included a waiver from Orange County Code Section 38-1755 to allow a middle school site with a minimum net lot area of 23.74 acres, in lieu of a minimum net lot area of 25 acres, on the described property; subject to the following conditions:

1. Development shall conform to the Spring Grove – Northeast Planned Development / Land Use Plan (PD/LUP) dated "Received August 31, 2015," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received August 31, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on

the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
5. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
6. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
7. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
8. This project is subject to, and shall comply with, the terms of an APF / Right-of-Way Conveyance road agreement addressing the conveyance of right-of-way needed for CR 545 / Avalon Road improvements and other APF facilities.
9. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 26, 2016.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 5 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the

County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
10. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
 11. Prior to approval of the first PSP in Village I, the developer shall submit a Village-wide MUP including water, wastewater and reclaimed water transmission main layouts, sizing, and supporting hydraulic calculations.
 12. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
 13. A two acre APF tract with a thirty foot (30') wide access to a county right-of-way for a water facility within Village I near Village I's southern boundary shall be identified prior to the approval of the first PSP within Village I and dedicated to the County prior to approval of the first construction plan set within Village I. The tract shall have a minimum width of 150 feet, have an elevation above the 100 year flood plain, be located outside of wetlands and no more than 1,000 feet from Avalon Road.
 14. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 15. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the

parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.

16. The lot grading plan for 32-foot wide single-family detached lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include: (a) A/C units on same side of homes so that A/C units are not located adjacent to each other; (b) A/C units on same side placed at the high elevation point of side yard so that drainage flows away from the A/C units to the front roadway and rear alley; (c) A/C units located behind the home when the garage is detached from the home with courtyard; and/or (d) other lot grading plan features approved by the County Engineer.
17. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
18. A waiver from Orange County Code Section 38-1755 is granted to allow a middle school site with a minimum net lot area of 23.74 acres, in lieu of a minimum net lot area of 25 acres.
19. On July 28, 2015, the Board of County Commissioners transmitted an amendment to Comprehensive Plan Policy FLU4.3.10 (the "Policy"). Such Policy, among other things, contemplated that any project that has submitted an application for a Planned Development prior to November 10, 2015, may proceed with development without entering into a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I; provided, however, that such development shall be required to obtain at least one development permit for vertical construction other than a model home within thirty (30) months from the date of approval of the Planned Development. It is currently anticipated that the Policy will be considered for adoption by the Board in November of 2015; this project shall be subject to the Policy, including any time limitations on permitting, as it is adopted by the board, whenever such adoption may occur.

and further, approved and executed the Adequate Public Facilities and Right of Way Agreement for Village I, Spring Grove-Northeast Planned Development (County Road 545) by and among Spring Grove, LLC, Columnar Partnership Holding I, LLC, and Orange County for the conveyance of 2.76 acres of APF right-of-way, a 25-acre school site and a minimum 2.0-acre utility tract in return for corresponding impact fee credits.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

8. Eric Warren, Poulos & Bennett, LLC, Spring Grove - Jaffers PD/LUP, Case # LUP-15-07-218; District 1

Applicant: Eric Warren, Poulos & Bennett, LLC, Spring Grove – Jaffers PD/LUP - Case # LUP-15-07-218

Consideration: Request to rezone one (1) parcel containing 133.39 acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to develop 264 single-family residential dwelling units; pursuant to Orange County Code, Chapter 30.

Location: District 1, property located at 17776 Flemings Road; or generally located on the south side of Flemings Road, east of the Orange / Lake County line, and west of County Road 545 (Avalon Road); Orange County, Florida (legal property description on file)

Clerk's Note: The Notice of Public Hearing advertisement indicated that the request was to rezone from A-2 (Farmland Rural District) to PD (Planned Development), however, the request considered during this public hearing was to rezone from A-1 (Citrus Rural District) and A-2 (Farmland Rural District) to PD (Planned Development).

and

• COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

5. Approval and execution of Adequate Public Facilities Agreement for Horizon West – Village I – West Neighborhood Spring Grove – Jaffers PD by and between Spring Grove, LLC, and Orange County. District 1. (Development Review Committee)

The following person addressed the Board: Eric Warren.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by Eric Warren, Poulos & Bennett, LLC, Spring Grove – Jaffers PD/LUP - Case # LUP-15-07-218, to rezone one (1) parcel containing 133.39 acres from A-1 (Citrus Rural District) and A-2 (Farmland Rural District) to PD (Planned Development District) in order to develop 264 single-family residential dwelling units, on the described property; subject to the following conditions:

1. Development shall conform to the Spring Grove - Jaffers Planned Development / Land Use Plan (PD/LUP) dated "Received October 22, 2015," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming

with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 22, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
5. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of April 26, 2016.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 3 residential units allowed under the zoning

existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- 6. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - 7. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 - 8. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
 - 9. Prior to approval of the first PSP in Village I, the developer shall submit a Village-wide MUP including water, wastewater and reclaimed water transmission main layouts, sizing, and supporting hydraulic calculations.
 - 10. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

11. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
12. A two-acre APF tract for a water facility within Village I near Village I's southern boundary shall be identified prior to the approval of the first PSP within Village I and dedicated to the County prior to approval of the first construction plan set within Village I. The tract shall have a minimum width of 150 feet, have an elevation above the 100 year flood plain, be located outside of wetlands and no more than 1,000 feet from Avalon Road with a 30-foot minimum utility access easement or tract connection to public right-of-way.
13. Tree removal / earthwork shall not occur unless and until construction plans for the ~~first Preliminary Subdivision Plan and/or Development Plan~~ with a tree removal and mitigation plan have been approved by Orange County.
14. The lot grading plan for 32-foot wide single-family detached lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include: (a) A/C units on same side of homes so that A/C units are not located adjacent to each other; (b) A/C units on same side placed at the high elevation point of side yard so that drainage flows away from the A/C units to the front roadway and rear alley; (c) A/C units located behind the home when the garage is detached from the home with courtyard; and/or (d) other lot grading plan features approved by the County Engineer.
15. This project is subject to, and shall comply with, the terms of an Adequate Public Facilities (APF) Agreement addressing the dedication of right-of-way needed for Fleming Road improvements and an APF deficit.
16. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

and further, approved and executed the Adequate Public Facilities Agreement for Horizon West – Village I – West Neighborhood Spring Grove – Jaffers PD by and between Spring Grove, LLC, and Orange County.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

9. James G. Willard, Wincey Groves PD/UNP, Case # LUP-15-11-342; District 1
(Continued from July 12, 2016)

Applicant: James G. Willard, Shutts & Bowen, LLP, Wincey Groves PD/UNP,
Case # LUP-15-11-342
Consideration: Request to rezone 53.60 acres from A-1 (Citrus Rural District) to PD
(Planned Development District) in order to construct up to 209
residential dwelling units (including 34 bonus units). No waivers from
Orange County Code have been requested; pursuant to Orange
County Code, Chapter 30.
Location: District 1; property generally located south of McKinney Road and
west of C.R. 545 (Avalon Road); Orange County, Florida (legal
property description on file)

and

• COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

7. Approval and execution of Adequate Public Facilities Agreement for Wincey
Groves PD (New Independence Parkway Extension) by and between Hamlin
Retail Partners West, LLC and Orange County for the conveyance of 7.56 acres of
APF Land providing \$170,100 in Transportation Impact Fee Credits and for the
APF Surplus of 0.21 acres of APF Land. District 1. (Roadway Agreement
Committee)

County staff stated the proposal is for 209 single family units both attached and
detached. Furthermore, the staff report also indicates the request is to rezone the
53.60-acre subject parcel from A-1 (Citrus Rural District) to PD (Planned Development
District) in order to construct one hundred seventy five (175) lots with single-family
detached and attached residential dwelling units, or up to two hundred nine (209)
residential dwelling units (using 34 bonus units).

The following persons addressed the Board:

- Jim Willard
- R.P. Mohnacky

00:32:33

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further,

approved the request by James G. Willard, Shutts & Bowen, LLP, Wincey Groves PD/UNP, Case # LUP-15-11-342 to rezone 53.60 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct one hundred seventy-five (175) lots with single-family detached and attached residential dwelling units, or up to two hundred nine (209) residential dwelling units (using 34 bonus units); No waivers from Orange County Code have been requested, on the described property, subject to the following conditions:

1. Development shall conform to the Wincey Groves Planned Development / Unified Neighborhood Plan (PD/UNP) dated "Received February 25, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and this Unified Neighborhood Plan dated "Received February 25, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to

obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this Unified Neighborhood Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Signage shall comply with Orange County Section 38-1389 (d)(5)(c).
7. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
8. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
9. The following Education Condition of Approval shall apply:

- a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 26, 2016.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 3 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - c. ~~Developer, and its successor(s) and/or assign(s) under the Capacity~~ Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- 10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
 - 11. The applicant must comply with the terms and conditions of the Wincey PD APF Agreement.
 - 12. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 - 13. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for this PD; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP

for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

14. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utility Plan.
15. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
16. The proposed development is adjacent to an existing and permitted City of Orlando / Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
17. The CC&Rs shall describe the presence of a regional reclaimed water storage and pumping facility adjacent to the northern and western boundaries of this PD, and shall list the specific lots potentially affected by proximity to this facility which utilizes large pumps and generators.

and further, approved and executed the Adequate Public Facilities Agreement for Wincey Groves PD (New Independence Parkway Extension) by and between Hamlin Retail Partners West, LLC and Orange County for the conveyance of 7.56 acres of APF Land providing \$170,100 in Transportation Impact Fee Credits and for the APF Surplus of 0.21 acres of APF Land.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

10. Dennis Seliga, Boyd Development Corporation, for Beth A. Wincey, Case # LUPA-15-12-384; District 1 (Continued from June 28, 2016)

Applicant:	Dennis Seliga, Boyd Development Corporation, Beth A. Wincey, Hamlin West Planned Development / Unified Neighborhood Plan (PD / UNP), Case # LUPA-15-12-384
Consideration:	Request to rezone from A-1 (Citrus Rural District) to PD (Planned Development District)

Location: 17450 McKinney Rd.; Generally described as located on the southwest corner of McKinney Rd. and Avalon Rd.; Parcel ID#: 19-23-27-0000-00-012 (portion of). - 10.05 gross ac.

Clerk's Note: The staff report indicates the request is to aggregate and rezone 9.36 acres located on the west side of County Road 545, into the existing Hamlin PD and reallocate 40,000 square feet of non-residential entitlements from PD Parcel CCM-10 into proposed PD Parcel RW-4b.

and

COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

2. Approval and execution of First Amendment to Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC and Orange County. District 1. (Development Review Committee)

The following person addressed the Board: Jim Willard.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by Dennis Seliga, Boyd Development Corporation for Beth A. Wincey, Case # LUPA-15-12-384, to aggregate and rezone, from A-1 (Citrus Rural District) to PD (Planned Development), 9.36 acres located on the west side of County Road 545 (Avalon Road) into the existing Hamlin West PD, while also reallocating 40,000 square feet of non-residential entitlements from PD Parcel CCM-10 into proposed PD Parcel RW-4b. The overall PD development entitlements are unchanged; on the described property; subject to the following conditions:

1. Development shall conform to the Hamlin West Planned Development / Unified Neighborhood Plan (PD/UNP) dated "Received February 2, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses,

densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the Unified Neighborhood Plan dated "Received February 2, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this Unified Neighborhood Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner /

Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/UNP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
- ~~7. Owners shall comply with the Hamlin West Road Network Agreement for the conveyance of right-of-way required for New Independence Parkway and for C.R. 545 (Avalon Road).~~
8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. Except as amended, modified, and/or superseded, the following previous BCC Conditions of Approval, dated September 15, 2015, shall apply:
 - a. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - b. Outside sales, storage, and display shall be prohibited.
 - c. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

- d. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- e. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- f. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
- g. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the buildout points of connection approved in the Master Utilities Plan (MUP).
- h. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
- i. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
- j. Interconnectivity to the property to the south shall be addressed during subsequent PSP/DP reviews.

and further, approved and executed the First Amendment to Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC and Orange County.

11. Clarence Hoenstine for Richard and LauWanda Van Lanen, Case # RZ-16-05-016; District 4 (Continued from June 28, 2016)

Applicant: Clarence Hoenstine for Richard and LauWanda Van Lanen, Case # RZ-16-05-016
Consideration: Request to rezone from R-1 (Single-Family Dwelling District) to C-1 (Retail Commercial District)
Location: 9461 1st Ave.; Generally described as located on the east side of 1st Avenue, south of 3rd Street, north of 4th Street, and west of 2nd Avenue; Parcel ID#: 01-24-29-8516-30-803; 0.17 gross ac.

The following person addressed the Board: Former Orange County Commissioner Clarence Hoenstine.

Based upon input from the District Commissioner and agreed upon by the applicant, the following new restriction was added:

5. Development of the subject property shall be restricted to C-1 uses, with Pawn Shops, Cash Checking Stores, Tattoo Parlors, and Liquor / Packaging Stores strictly prohibited.

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Clarence Hoenstine for Richard and LauWanda Van Lanen, Case # RZ-16-05-016, to rezone from R-1 (Single-Family Dwelling District) to C-1 (Retail Commercial District), on the described property; subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "C" buffer, consisting of a completely opaque 6-foot high masonry wall, fence, berm, planted and/or existing vegetation (or any combination thereof), shall be provided along all property lines abutting residentially-zoned parcels;
- 3) No property owner, tenant, occupant, or business shall use any public right-of-way for the purposes of parking or standing of vehicles; and
- 4) The applicant/developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-1 uses.
- 5) Development of the subject property shall be restricted to C-1 uses, with Pawn Shops, Cash Checking Stores, Tattoo Parlors, and Liquor / Packaging Stores strictly prohibited.

12. Constance Owens, Buena Vista Commons PD/LUP, Case # LUPA-15-08-240;
District 1 (Continued from July 12, 2016)

Applicant: Constance Owens, Tri3 Civil Engineering Design Studio, Inc., Buena Vista Commons PD/LUP, Case # LUPA-15-08-240

Consideration: Request to rezone fourteen (14) adjacent parcels containing 2.59 gross acres from R-CE (Country Estate District) to PD (Planned Development), while aggregating them into the existing Buena Vista Commons PD in order to provide a parking lot and two dual-purpose residential / office buildings totaling 3,800 sq. ft., that are associated with an existing religious institution (temple). The request also includes an amendment to an existing Master Sign Plan (MSP), and the following three (3) parking-related waivers from Orange County Code: 1) A waiver request from Section 38-1272(d) to permit sixty-six (66) grass (unimproved) parking spaces on Lot 3 for Religious Institutions and Religious Institution Ancillary uses; 2) A waiver request from Section 38-1477 to allow for shared parking between Lots 1, 2 and 3 of the PD, in lieu of the requirement that parking spaces for a land use be provided on the same lot or within 300 feet of the principal entrance as measured along the most direct pedestrian route; and 3) A waiver request from Section 38-1479(a) to permit sixty-six (66) grass (unimproved) parking spaces on Lot 3 for Religious Institutions and Religious Institution Ancillary uses; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located west of South Apopka Vineland Road between 2nd Street and 3rd Street; Orange County, Florida (legal property description on file)

The following person addressed the Board: Constance Owens.

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Constance Owens.

Board discussion ensued.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by Constance Owens, Tri3 Civil Engineering Design Studio, Inc., Buena Vista Commons PD/LUP, Case # LUPA-15-08-240 to rezone fourteen (14) adjacent parcels containing 2.59 gross acres from R-CE (Country Estate District) to PD (Planned Development), while aggregating them into the existing Buena Vista Commons PD in order to provide a parking lot and two dual-purpose residential / office buildings totaling 3,800 sq. ft., that are associated with an existing religious institution (temple); further, the request also includes an amendment to an existing Master Sign

Plan (MSP); and further, the following three (3) parking-related waivers from Orange County Code:

- 1) A waiver request from Section 38-1272(d) to permit sixty-six (66) grass (unimproved) parking spaces on Lot 3 for Religious Institutions and Religious Institution Ancillary uses;
- 2) A waiver request from Section 38-1477 to allow for shared parking between Lots 1, 2 and 3 of the PD, in lieu of the requirement that parking spaces for a land use be provided on the same lot or within 300 feet of the principal entrance as measured along the most direct pedestrian route; and
- 3) A waiver request from Section 38-1479(a) to permit sixty-six (66) grass (unimproved) parking spaces on Lot 3 for Religious Institutions and Religious Institution Ancillary uses;

on the described property, subject to the following conditions:

1. Development shall conform to the Buena Vista Commons Planned Development / Land Use Plan (PD/LUP) dated "March 14, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 14, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the

County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

~~Developer / Applicant~~ has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan approval and must apply for and obtain a Capacity Reservation Certificate (CRC)

prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

7. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1272(d) to permit sixty-six (66) grass (unimproved) parking spaces on PD Lot 3 for Religious Institutions and Religious Institution Ancillary uses; however, the drive isles shall be paved.
 - b. A waiver from Section 38-1477 to allow for shared parking between Lots 1, 2 and 3 of the PD, in lieu of the requirement that parking spaces for a land use be provided on the same lot or within 300 feet of the principal entrance as measured along the most direct pedestrian route.
 - c. A waiver from Section 38-1479(a) to permit sixty-six (66) grass (unimproved) parking spaces on PD Lot 3 for Religious Institutions and Religious Institution Ancillary uses; however, the drive isles shall be paved.
8. PD Lot 3 shall be used for ancillary religious uses and shared parking only.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 21, 2015, shall apply:
 - a. The following waivers from Buena Vista North District Standards found in Orange County Code Chapter 38, Division 9, Subdivision II (Site Development) and Subdivision V (Signage) are granted:
 - 1) A waiver from Orange County Code Section 38-1392.1 to allow a minimum zero (0) foot side setback (internal to the PD) from a thoroughfare roadway facility for existing building #1 only as identified on the Master Sign Plan; in lieu of the required ten (10) foot side setback and twenty (20) foot setback from a thoroughfare roadway facility;
 - 2) A waiver from Orange County Code Section 38-1395.2(1) to allow monument Ground Sign #1 as identified on the Master Sign Plan to have a maximum copy area of one-hundred fifty-two (152) square feet; in lieu of a maximum copy area of ninety-six (96) square feet;
 - 3) A waiver from Orange County Code Section 38-1385.2(2) to allow wall signage on both the eastern and western side of buildings #1 and #2 as identified on the Master Sign Plan, by considering both sides to be primary facades; in lieu of only allowing wall signage on the western side of the buildings, where the customer entrances are located.

b. The following waivers from Orange County Code Section 31.5-67(g) related to minimum ground sign right-of-way setbacks are granted:

- 1) A waiver to allow Ground Sign #1 as identified on the Master Sign Plan to have a minimum one (1) foot right-of-way setback from 3rd Street and a minimum eight (8) foot right-of-way setback from S. Apopka Vineland Road; in lieu of a minimum ten (10) foot right-of-way setback;
- 2) A waiver to allow the relocated temple sign as identified on the Master Sign Plan to have a minimum eight (8) foot right-of-way setback from S. Apopka Vineland Road; in lieu of a minimum ten (10) foot right-of-way setback; and
- 3) A waiver to allow Ground Sign #3 as identified on the Master Sign Plan to have a minimum five (5) foot right-of-way setback from 3rd Street, in lieu of a minimum ten (10) foot right-of-way setback.

~~4) A waiver from Orange County Code Section 31.5-67(i) is granted to allow multi-tenant Ground Sign #1 as identified on the Master Sign Plan to have a minimum of ten (10) square feet of copy area per tenant; in lieu a minimum of twelve (12) square feet of copy area per tenant.~~

c. Wall signage shall only be externally lit by goose neck type lighting fixtures on buildings 1 and 2 facing Apopka Vineland Road.

d. Wall signage on Apopka-Vineland Road shall be limited to eighteen (18) inch letter size.

e. All internal lit signs shall only be lit from dusk to 11:00 p.m.

f. There shall be no wall signage allowed on the west face of building 4 (side facing residential Hidden Valley).

g. Approval of this PD/LUP (lot reconfiguration) will constitute approval of a lot split.

h. No permits shall be issued for sign #1 until the property has been re-configured through Orange County Property Appraiser's office to match the lot split that adjusts the lot line for the existing temple building back from the right-of-way line and the existing Temple sign relocation.

i. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan, Buena Vista North and Chapter 31.5 Code unless waivers have been explicitly granted by the Board of County Commissioners.

j. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 14, 2014, shall apply:

- 1) The restaurant shall not be occupied before 6:00 a.m. and after 11:00 p.m. (7 days per week). The hours of operation for any child care facility shall be limited to 6:00 am - 8:00pm (7 days per week).
- 2) Development shall be limited to Professional Office (PO) uses and the following four (4) uses: Church, Restaurant (no drive-thru), Community Center, Fitness Center, Martial Arts and Miscellaneous Aerobic Type Instruction.
- 3) Pursuant to the approval of a non-substantial change to the PD by the Development Review Committee (DRC) on December 19, 2012, a total of 213 shared parking spaces may be provided.

7) A 6' PVC fence (on the berm) 10' from the west property line next to the Hidden Valley Mobile Home Park. The 10' buffer shall be planted with a hedge 30" in height at planting, and canopy trees (not oak trees) planted 40' on center. A 6' PVC fence shall be provided along the north property line next to the residential and planted with canopy trees planted 40' on center. A 6' PVC fence shall be provided along 5th Street. Landscaping shall be irrigated and maintained by the owner or Property Owners' Association of this center.

k. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 24, 2011, shall apply:

- 1) A Master Utility Plan (MUP) shall be submitted to Orange County Utilities prior to approval of the first (Preliminary Subdivision Plan/Development Plan) PSP/DP. The MUP must be approved prior to Construction Plan approval.
- 2) The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- 3) Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- 4) Outdoor sales, storage and display shall be prohibited.
- 5) Developer to provide a fifty (50) foot natural buffer to be maintained along the existing residence located to the northwest of the subject

property and south of 3rd Street, until the said residential is rezoned to a non-residential use.

- 6) Full access shall be maintained at 5th Street and Apopka-Vineland Road.
- 7) Developer shall work with the property owner to the west (on 3rd Street) to limit access issues.

13. Jim Hall, Kurtyka PD/LUP, Case # LUP-14-03-069; District 3 (Continued from July 12, 2016)

Applicant: Jim Hall, VHB, Inc., Kurtyka PD/LUP, Case # LUP-14-03-069

Consideration: Request to rezone one (1) parcel containing 17.59 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) with a development program consisting of 43 conventional single-family detached residential dwelling units. No waivers from the Orange County Code have been requested; pursuant to Orange County Code, Chapter 30.

Location: District 3; property located at 2004 Gregory Road; or generally located on the west side of Gregory Road, approximately 1,300 feet south of Berry Dease Road; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Jim Hall
- Randy Whiting
- Joyce Canty
- Ana Garcia
- Cynthia Heaney
- Maria Bolton-Joubert
- Nalini Heran
- Jacqueline Simmons
- Katwyn Liberti
- Lori Parks
- Barbara Browning
- Craig Parks

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Craig Parks
- Exhibit 2, from Jim Hall

The following material was received by the Clerk prior to the close of the public hearing. The material referenced by the speaker was not presented to the Board: Submittal 1, from Maria Bolton-Joubert.

Board discussion ensued.

Motion/Second: Commissioner Clarke/County Mayor Jacobs

AYE (voice vote): All members

Action: The Board continued the public hearing until November 15, 2016, at 2 p.m.

Substantial Change

14. Sarah M. Maier, Dewberry, West Lake Hancock Estates PD / West Lake Hancock Estates Preliminary Subdivision Plan / Development Plan – Substantial Change, Case # CDR-16-05-174, amend plan; District 1

Applicant: Sarah M. Maier, Dewberry, West Lake Hancock Estates PD / West Lake Hancock Estates Preliminary Subdivision Plan / Development Plan – Substantial Change – Case # CDR-16-05-174

Consideration: Substantial change request to add a dock and boat launch area on Tract JJ within Phase 2; pursuant to Sections 34-69 and 30-89, Orange County Code

Location: District 1; property generally located East of Porter Road along the Southwest side of Lake Hancock; Orange County, Florida (legal property description on file in Planning Division)

- MEMBER EXITED: Commissioner Thompson

The following person addressed the Board: Sarah Maier.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Sarah M. Maier, Dewberry, West Lake Hancock Estates PD / West Lake Hancock Estates Preliminary Subdivision Plan / Development Plan – Substantial Change – Case # CDR-16-05-174, to add a dock and boat launch area on Tract JJ within Phase 2; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the West Lake Hancock Estates Planned Development; Orange County Board of County Commissioners (BCC) approvals; West Lake Hancock Preliminary Subdivision Plan dated "Received May 26, 2016" and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any

applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received May 26, 2016" the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project ~~deviates from or otherwise conflicts with such promise or representation,~~ the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this Preliminary Subdivision Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
7. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 11, 2012 shall apply:
 - a. Roads and drainage system, including the retention ponds, will be owned and maintained by Orange County with an MSBU established for stormwater

system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.

- b. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
- c. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the streetlighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
- d. A left turn lane into the project off old Porter Road shall be required if the new road has not been constructed that has a left turn lane.
- e. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with approved Master Utility Plan for this PD.
- f. Development Plans shall be required for the recreational area tracts. The amenities shall be in place prior to Certificate of Completion of the PSP(s).
- g. At the time of approval of a plan for a single-family detached residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions, and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:

- 1) The same front facade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street, and shall be separated by at least 2 units with different facades.
- 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body of the house shall not exceed 40 feet in length, except for wings or "L"s which are setback from the facade. In no case shall more than 50 percent of the front facade of a house consist of an unobstructed block wall or garage door.
- 3) At least 50 percent of all single-family residential units 75' in width or less shall have a front porch. A front porch shall be a minimum of 7 feet in depth or 8 feet in width and cover a minimum 10 feet in width or 1/3 of the front facade, whichever is greater.
- 4) Flat roofs shall be prohibited.
- 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet, 6 inches, and be limited to decorative wrought iron or wood picket style. The provisions of the CC&Rs incorporating the above referenced requirements shall not be amended, removed, or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.

Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning property in the development have the right to enforce these requirements in the event they are violated.

Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

15. John Prowell, VHB, Inc., Waterleigh Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-03-089, amend plan; District 1 (Continued from July 12, 2016)

Applicant: John Prowell, VHB, Inc., Waterleigh Planned Development / Land Use Plan (PD / LUP), - Case # CDR-16-03-089

Consideration: Substantial change request to reconfigure the boundary between PD Parcels 10 and 11, revise and add access points, reduce the residential units within PD Parcel 11 from 508 to 504, and increase

the residential units within PD Parcel 13 from 402 to 406. Additionally, the following five (5) waivers from Orange County Code are requested for Parcels 10 & 11: 1. A waiver from Section 38-1258(c) to allow a maximum height of five (5) stories and sixty-five (65) feet for multi-family residential buildings located within one hundred fifty (150) feet from single family zoned property, in lieu of a maximum height of three stories and forty (40) feet for multi-family residential buildings located within one-hundred fifty (150) feet of single-family zoned property. 2. A waiver from Section 38-1258(f) to eliminate the requirement of constructing a six (6) foot high masonry, brick, or block wall whenever a multi-family development is located adjacent to a single-family zoned property. 3. A waiver from Section 38-1258(g) to allow multi-family development to access any right-of-way serving single-family residential development. 4. A waiver from Section 38-1258(i) to eliminate the requirement of a multi-family development located adjacent to a right-of-way to be fenced whenever single-family zoned property is located across the right-of-way. 5. A waiver from Section 38-1258(j) to allow a minimum twenty (20) feet of building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet of separation for two-story buildings, and in lieu of forty (40) feet of separation for building three (3) stories or higher; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located south of Old YMCA Road and west of Avalon Road / County Road 545; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- John Prowell
- Margo Napoli Bryant

- MEMBER RE-ENTERED: Commissioner Thompson

Board discussion ensued.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by John Prowell, VHB, Inc., Waterleigh Planned Development / Land Use Plan (PD / LUP), - Case # CDR-16-03-089, to reconfigure the boundary between PD Parcels 10 and 11, revise and add access points, reduce the residential units within PD Parcel 11 from 508 to 504, and increase the

residential units within PD Parcel 13 from 402 to 406; additionally, the following five (5) waivers from Orange County Code are requested for Parcels 10 & 11:

1. A waiver from Section 38-1258(c) to allow a maximum height of five (5) stories and sixty-five (65) feet for multi-family residential buildings located within one hundred fifty (150) feet from single family zoned property, in lieu of a maximum height of three stories and forty (40) feet for multi-family residential buildings located within one-hundred fifty (150) feet of single-family zoned property.
2. A waiver from Section 38-1258(f) to eliminate the requirement of constructing a six (6) foot high masonry, brick, or block wall whenever a multi-family development is located adjacent to a single-family zoned property.
3. A waiver from Section 38-1258(g) to allow multi-family development to access any right-of-way serving single-family residential development.
4. A waiver from Section 38-1258(i) to eliminate the requirement of a multi-family development located adjacent to a right-of-way to be fenced whenever single-family zoned property is located across the right-of-way.
5. A waiver from Section 38-1258(j) to allow a minimum twenty (20) feet of building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet of separation for two-story buildings, and in lieu of forty (40) feet of separation for building three (3) stories or higher;

which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Waterleigh Planned Development / Land Use Plan (PD/LUP) dated "Received April 5, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received April 5, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any

encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
7. The covenants, conditions and restriction (CC&Rs) shall contain notification of the proximity of solid waste management facilities within one-mile of development activity in this project area.
8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
10. The following waivers from Orange County Code are granted for PD Parcels 10 and 11 only:
 - a. A wavier from Orange County Code Section 38-1258(c) to allow a maximum height of five (5) stories and sixty-five (65) feet for multi-family residential buildings located within one hundred fifty (150) feet from single family zoned property, in lieu of a maximum height of three stories and forty (40) feet for multi-family residential buildings located within one-hundred fifty (150) feet of single-family zoned property.
 - b. A waiver from Orange County Code Section 38-1258(f) to eliminate the requirement of constructing a six (6) foot high masonry, brick, or block wall whenever a multi-family development is located adjacent to a single-family zoned property.
 - c. A waiver from Orange County Code Section 38-1258(g) to allow multi-family development to access any right-of-way serving single-family residential development.

- d. A waiver from Orange County Code Section 38-1258(i) to eliminate the requirement of a multi-family development located adjacent to a right-of-way to be fenced whenever single-family zoned property is located across the right-of-way.
 - e. A waiver from Orange County Code Section 38-1258(j) to allow a minimum twenty (20) feet of building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet of separation for two-story buildings, and in lieu of forty (40) feet of separation for building three (3) stories or higher.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 19, 2015, shall apply:
- a. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
 - b. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
 - c. Payment of 500 ERUs (wastewater) and 500 ERCs (water) are due prior to construction plan approval for the first construction plan set within Village H unless previously satisfied by another Village H parcel. Alternatively, property owners may elect to enter into an agreement with Orange County to construct, with the first set of construction plans, the utility improvements beyond what is required by the Village H Master Utility Plan.
 - d. The five-acre APF tract for a water facility identified in this PD shall be dedicated to the County in accordance with the Waterleigh PD APF Agreement approved by BCC, as may be amended.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated April 9, 2013 and February 12, 2013, shall apply:

- a. Prior to construction plan approval, a phased master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.
- b. Concurrent with the approval of this PD, a Road Network Agreement shall be approved by the BCC.
- c. Prior to the approval of the first PSP or DP for this PD, a driveway access spacing plan, consistent with the preliminary study included as part of the Road Network Agreement, for CR 545, Old YMCA Road, and the internal loop road shall be submitted to and approved by the County Engineer.
- d. The APF Agreement shall be approved by BCC concurrent with the PD Land Use Plan.
- ~~e. The developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of 08-16-2006, and amended on 04-29-2008 and 06-24-2008.~~
 - 1) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 199 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.\
 - 2) Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.\
 - 3) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

- f. A Master Utility Plan (MUP) consistent with Village H MUP shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
- g. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
- h. Prior to construction plan approval, all property owners within Village H, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
- i. Billboards and pole signs shall be prohibited. Signage within the Neighborhood Commercial and Village Center shall comply with Section 38-1389(d)(5). All other signage shall comply with Section 31.5.
- j. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- k. Outdoor sales, storage, and display shall be prohibited within any district that allows commercial / office uses.
- l. The following waivers are from Orange County Code Section 38-1258 (Multi-Family Development Compatibility):
 - 1) A waiver is granted from Section 38-1258(a) to allow multi-family buildings located within twenty-five (25) feet of single-family zoned property to be developed at a maximum height of five (5) stories and sixty-five (65) feet, in lieu of single-story maximum within one-hundred (100) feet of single-family zoned property.
 - 2) A waiver is granted from Section 38-1258(b) to allow multi-family buildings between twenty-five (25) feet to one-hundred and fifty (150) feet of single family zoned property to be developed at a maximum height of five (5) stories and sixty-five (65) feet in height for one-hundred (100) percent of the buildings, in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property varying in height with a maximum of fifty percent (50%) of the buildings being three (3) stories [not to exceed forty (40) feet] in height with the remaining buildings being one (1) story or two (2) stories in height.

- 3) A waiver is granted from Section 38-1258(e) to allow for ten (10) foot paving setbacks adjacent to single-family zoned property, in lieu of a twenty-five (25) foot minimum paving setback.
- m. A waiver is granted from Orange County Code Section 38-1384(f)(l) [General Residential Development Standards] to allow each block face with more than five (5) lots with or without alleys to contain one (1) distinct lot size (excluding end units), in lieu of at least two (2) distinct lot sizes (excluding end units).
- n. The following waivers are from the development guidelines under Orange County Code Sections 38-1385.8 (Garden Home Mixed Use District) and 38-1386 (Village Home District):
 - 1) A waiver is granted from Section 38-1385.8(b)(2) to decrease the minimum average lot size to three-thousand eight-hundred and forty (3,840) square feet for single-family lot sizes less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of six-thousand (6,000) square feet.
 - 2) A waiver is granted from Section 38-1385.8(b)(4) to allow for a minimum lot width of thirty-two (32) feet for single-family detached units, in lieu of forty (40) feet for single-family detached units.
 - 3) A waiver is granted from Section 38-1385.8(b)(9)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.
 - 4) A waiver is granted from Section 38-1385.8(b)(9)(b) to allow a minimum side yard setback of four (4) feet for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a five (5) foot side yard setback.
 - 5) A waiver is granted from Section 38-1386(b)(2) to decrease the minimum average lot size to three-thousand eight-hundred and forty (3,840) square feet for single-family lots sizes less than thirty-five (35) feet in width [and corner lots less than forty-five (45) feet in width], in lieu of four-thousand two-hundred (4,200) square feet.
 - 6) A waiver is granted from Section 38-1386(b)(4) to allow for a minimum lot width of thirty-two (32) feet for single-family detached units, in lieu of thirty-five (35) feet for single-family detached units.
 - 7) A waiver is granted from Section 38-1386(b)(10)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and

corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.

- 8) A waiver is granted from Section 38-1386(b)(10)(b) to allow a minimum side yard setback of four (4) feet for lots less than thirty-five (35) feet in width [and corner lots less than forty-five (45) feet in width], in lieu of a five (5) foot side yard setback.
- o. A waiver is granted from Orange County Code Sections 38-1387.2(a)(8)(c) [Apartment District] and 38-1387.3(b)(3)(h)(3) [Condominium District] to correct the referenced code section to reflect "garage setbacks per section 38-1384(g)", in lieu of "garage setbacks per section 38-1384(i)".
- p. A waiver is granted from Orange County Code Section 38-1388(e)(i) [Neighborhood Center District] to eliminate the maximum fifty (50) foot lot width.
- q. The Development Standards and Guidelines for this PD shall be consistent with Orange County Code Chapter 38 (New Village PD Code) unless expressly and explicitly waived by the Board of County Commissioners.
- r. Multi-use trails / bike paths shall be maintained by the HOA. Funding of this maintenance expense shall be the responsibility of the HOA unless the County approves a MSBU or other funding mechanism for this purpose.
- s. Prior to the first PSP/DP an agreement addressing development and maintenance of the APF Park land shall be entered into with the developer and the County.
- t. Waivers to any development standard of Chapter 38 of the Orange County Code may be granted by the Board of County Commissioners at a public hearing in conjunction with the approval of any PSP for a parcel(s) of land within the Waterleigh PD, except as may be provided to the contrary in Section 38-1207 regarding substantial changes to a PD Land Use Plan. A revised PD noting the requested waivers (applicable to the specific PSP) shall be submitted with the PSP application. Notification of waiver requests prior to the public hearing shall be the same as that required for a substantial change to a PD Land Use Plan, e.g., including notice to owners of property within 300 feet of the perimeter of the PD.

• NONAGENDA

County staff presented an update on low THC marijuana, which had been previously presented to the Board as a worksession. The Board during the worksession, instructed staff to wait on preparing an Ordinance until the legislature finished their session. After their session ended, the legislature included medical marijuana with the Right to Try Act. County staff's update included information regarding litigation associated with

issuance of permits from the Department of Health and the upcoming November ballot initiative pertaining to medical marijuana. County staff requested the Board consider directing staff to prepare and present an ordinance imposing a moratorium within unincorporated Orange County prohibiting any and all medical cannabis activities for nine months, or until the Board adopts an ordinance regulating such activities within unincorporated Orange County.

Board discussion ensued.

Motion/Second: County Mayor Jacobs/Commissioner Clarke

AYE (voice vote): All members

Action: The Board directed staff to prepare and present, as soon as practicable, a proposed ordinance imposing a moratorium within unincorporated Orange County prohibiting any and all medical cannabis activities for nine months, or until the Board adopts an ordinance regulating such activities within unincorporated Orange County.

ADJOURNMENT, 4:22 p.m.

ATTEST:

County Mayor Teresa Jacobs

Date: _____

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Deputy Clerk

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, August 2, 2016
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd,
Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards,
Victoria P. Siplin
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Assistant
Deputy Clerk Jessica Vaupel, Senior Minutes Coordinator Noelia
Perez, Senior Minutes Coordinator Craig Stopyra

- CALL TO ORDER, 9:09 a.m.

- INVOCATION - Reverend Laura Viau, First Presbyterian Church of Apopka

- PLEDGE OF ALLEGIANCE

- RECOGNITION

County Mayor Jacobs recognized students of the Law and Government Explorers Post 450, chartered by Orange County Bar Association.

- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Emily Bonilla
- Maria Bolton-Joubert
- Katrina Shadix
- Jonathan Blount

The following material was presented to the Board during public comment: Exhibit 1, from Katrina Shadix.

- COUNTY CONSENT AGENDA

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Nelson.

Motion/Second: Commissioners Clarke/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Mayor

- Deferred action on Administrative Services Department Items 9 and 10
- Deferred action on Community, Environmental and Development Services Department Item 3

and further, the Board approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the June 14, 2016, meeting of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:

- July 15, 2016, to July 21, 2016; total of \$28,421,351.79
 - July 22, 2016, to July 28, 2016; total of \$26,530,423.78.

(Finance/Accounting)

3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. Scrap Asset.
- b. Demolish Assets.

County Tax Collector

1. Acceptance of the Tax Collector's Recapitulation of the Tax Roll for Orange County, Florida, 2015 and acceptance and execution of Tax Collector's Certification of the Tax Roll.
2. Approval of the extension of the tax roll prior to the completion of the 2016 Value Adjustment Board hearings.

County Administrator

1. Approval and execution of Resolution 2016-B-09 for the Issuance of Multi Family Housing Mortgage Revenue Bonds, to finance the acquisition and rehabilitation of Lake Weston Point Apartments, a proposed development in Unincorporated Orange County, Florida, District 2, in an amount not to exceed \$13,000,000. (Housing Finance Authority)
2. Approval of Collective Bargaining Agreement between Florida State Lodge Fraternal Order of Police - Lieutenants and Orange County, Article 18 - Wages for

Fiscal Year 2015-2016 and wage increase to ID#106445 retroactive to October 11, 2015. (Human Resources Division)

3. Approval of budget amendments #16-48, #16-49, #16-50, and #16-51. (Office of Management and Budget)
4. Approval of Ratification of payment of Intergovernmental claims of June 23, 2016 and June 30, 2016 totaling \$569,112.05. (Risk Management Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y16-1061-JS, Title Services, to the sole responsive and responsible bidder, First American Title Insurance Company, in an estimated contract award amount of \$483,750 for the initial 3-year contract term. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Administrative Services Department Real Estate Management Division] Procurement Division)
2. Approval to award Invitation for Bids Y16-1071-LC, Plumbing Services, to the low responsive and responsible bidders Frank Gay Plumbing, Inc. as the primary contractor and Ellis Mechanical Corporation as secondary contractor for an overall total estimated annual contract award amount of \$1,000,000. Further, authorized the Procurement Division to renew the contracts for two additional 1-year periods. ([Administrative Services Department Facilities Management Division] Procurement Division)
3. Approval to award Invitation for Bids Y16-1085-PD, Landscape Maintenance Roads and Drainage Division, to the low responsive and responsible bidders, Begley's Cleaning Service, Inc. dba Millennium Grounds & Waters for Lot A in the estimated contract award amount of \$902,520 for a 1-year term contract and to Lawnwalker Services, Inc. for Lots B, C and D in the estimated contract award amount of \$1,973,283.50 for a 1-year term contract. Further, authorized the Procurement Division to exercise two 1-year options. ([Public Works Department Roads and Drainage Division] Procurement Division)
4. Approval to award Invitation for Bids Y16-769-PH, Rio Pinar Water and Wastewater System Improvements Package 5, to the low responsive and responsible bidder, Prime Construction Group, Inc. for the estimated contract award amount of \$6,249,999. ([Utilities Department Engineering Division] Procurement Division)
5. Approval of Amendment Number 4, Y15-152-ZM, BDM Pharmacy Application Licensing Support and Upgrades with BDM IT Solutions, in the amount of \$36,725, for a revised total contract amount of \$135,924. ([Health Services Department] Procurement Division)
6. Approval of Purchase Order M79937, Closed-Circuit Television (CCTV) Inspection

Vehicle to Elxsi Corp dba Cues, Inc., in the amount of \$374,400. ([Utilities Department Field Services Division] Procurement Division)

7. Approval and execution of Boat Dock Restriction Agreement between Waterford Pointe Homeowners' Association, Inc. and Orange County and authorization to record instrument for Semi-Private Boat Dock on Lake Roberts (Permit # BD-15-05-067). District 1. (Real Estate Management Division)
8. Approval and execution of Easement between Orange County and Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for 18925 Lansing Street, Orlando, FL 32833. District 5. (Real Estate Management Division)
9. Approval of Donation Agreement, Sidewalk Easement, and Right of Entry from LMC Properties, Inc., successor by merger with Orlando Central Park, Inc. and Orange County and authorization to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road). District 6. (Real Estate Management Division)

(This item was deferred.)

10. Approval of Donation Agreement, Sidewalk Easement, and Right of Entry from Lockheed Martin Corporation, f/k/a Martin Marietta Corporation, f/k/a The Martin Company, f/k/a The Glenn L. Martin Company and Orange County and authorization to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road). District 6. (Real Estate Management Division)

(This item was deferred.)

11. Approval of Warranty Deed from Ashton Orlando Residential, L.L.C. to Orange County and authorization to record instrument for Latham Park South OCU Permit: 13-S-059 OCU File #: 74605. District 1. (Real Estate Management Division)
12. Approval of Utility Easement between JY-TV Associates, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Wells Fargo Bank and authorization to record instruments for Promenade Grande Lakes Parcel 8C OCU Permit: B14903551 OCU File #: 80606. District 4. (Real Estate Management Division)
13. Approval of Utility Easement between Village Lake Retail LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from SunTrust Bank and authorization to record instruments for Retail at Village Lake Road NC OCU Permit: B15903715 OCU File #: 83846. District 1. (Real Estate Management Division)
14. Approval of Conservation and Access Easement between Country Run

Development, LLC and Orange County and authorization to record instrument for Terraces at Country Run Project #CAI-14-06-019. District 2. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval and execution of the Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

LC 16-0650	LC 16-0649	LC 16-0628	LC 16-0356	LC 16-0623
LC 16-0651	LC 16-0676	LC 16-0653	LC 16-0598	LC 16-0626
LC 16-0678	LC 16-0677	LC 16-0636	LC 16-0614	LC 16-0629
LC 16-0087	LC 16-0681	LC 16-0637	LC 16-0615	LC 16-0630
LC 16-0520	LC 16-0683	LC 16-0233	LC 16-0617	LC 16-0631
LC 16-0571	LC 16-0686	LC 16-0661	LC 16-0618	LC 16-0640
LC 16-0638	LC 16-0689	LC 16-0669	LC 16-0620	LC 16-0642
LC 16-0639	LC 16-0624	LC 16-0211	LC 16-0621	LC 16-0658

2. Acceptance of the Recommendation of the Environmental Protection Commission to approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the Thompson Boat Dock Construction Permit BD-16-02-016. District 1. (Environmental Protection Division)
3. Approval of Application for Impact Fee Grant for Qualified Non-Profit Organizations in the amount of \$4,512.40 to be used for the Law Enforcement, Fire Rescue and Road Impact Fees for the United Global Outreach Inc. – Model Center. District 5. (Fiscal and Operational Support Division)

(This item was deferred.)

Family Services Department

1. Approval of Orange County Family Services Head Start Division Standard Operating Procedures. (Head Start Division)
2. Approval and execution of Meal Service Agreements between Orange County, Florida and School Board of Orange County, Florida regarding School Food Service for Aloma, Dover Shores, Englewood, Grand Avenue, Maxey, Tangelo Park, Ventura and Washington Shores Early Learning Head Start Centers. (Head Start Division)
3. Approval of the August 2016 Neighborhood Pride Capital Improvement Grant as recommended by the Neighborhood Grants Advisory Board for Emerald Forest of

Orange County HOA (\$10,000). District 1. (Neighborhood Preservation and Revitalization Division)

4. Approval of the August 2016 Sustainable Communities Grants as recommended by the Neighborhood Grants Advisory Board for Braemar HOA (\$2,050); Summerport Park (\$1,725); Wekiva Springs Estates (\$2,150); Friends of Lake LaGrange (\$3,300) and South Hiawassee Village (\$2,000). Districts 1, 2, 3 and 6. (Neighborhood Preservation and Revitalization Division)
5. Approval of August 2016 Neighborhood Pride Landscaping Grants as recommended by the Neighborhood Grants Advisory Board for Lakeview Heights at Lake Rose Shores HOA (\$2,500); The Oaks at Brandy Lake HOA (\$2,500); Bent Oak HOA (\$2,500); and Park Green Community Association, Inc. (\$2,500). Districts 1, 2 and 5. (Neighborhood Preservation and Revitalization Division)
6. Approval of August 2016 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board for Mable Bridge HOA (\$5,000); Pembroke HOA (\$5,000); Southern Acres HOA (\$5,000); Turtle Creek HOA (\$5,000) and Royal Manor Villas HOA (\$5,000). Districts 1 and 3. (Neighborhood Preservation and Revitalization Division)
7. Approval of August 2016 Neighborhood Pride Nonprofit Housing Repair Grant as recommended by the Neighborhood Grant Advisory Board for Habitat for Humanity of Seminole County and Greater Apopka, Florida, Inc. (\$11,000). District 2. (Neighborhood Preservation and Revitalization Division)
8. Approval of August 2016 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Mt. Plymouth Lake Homes (\$5,000); Oakwood Estates Neighborhood (\$5,000) and Palm Grove Neighborhood (\$5,000). Districts 2 and 6. (Neighborhood Preservation and Revitalization Division)
9. Approval of the August 2016 Neighborhood Pride Mini-Grant as recommended by the Neighborhood Grants Advisory Board for Lake Sunset Luola Terrace (\$1,500). District 6. (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Approval and execution of the Paratransit Services License for G8D, LLC to provide wheelchair/stretchers service. The term of this license is from August 1, 2016 through August 1, 2018. There is no cost to the County. (EMS Office of the Medical Director)

Office of Regional Mobility

1. Approval and Execution of Orange County/MetroPlan Orlando (Urban Area Metropolitan Planning Organization) FY 2016-2017 Funding Agreement by and

between Orange County and MetroPlan Orlando and authorization to make payment in the amount of \$471,438 in two installments of \$235,719 to be paid in October 2016 and April 2017. All Districts.

Public Works Department

1. Approval to construct speed humps on Sloewood Drive. District 2. (Traffic Engineering)
2. Approval to install a "No Parking" zone on one side of Winding Woods Lane, Weatherford Way, and Dry Creek Lane. District 4. (Traffic Engineering)
3. Approval and execution of License Agreement For Office Trailers at 8694, 8696, 8698 Monument Parkway by and between The Lane Construction Corporation and Orange County, Florida. District 4. (Highway Construction)

INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Myrtle Creek Improvement District Proposed FY 2017 Operations & Maintenance Budget.
 - b. Orange County, Florida Comprehensive Annual Financial Report For The Year Ended September 30, 2015.
 - c. Orange County, Florida Bond Disclosure Supplement For The Year Ended September 30, 2015.
 - d. Minutes of the May 14, June 9, July 9, and August 13, 2015, Charter Review Commission.

*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

• COUNTY CONSENT AGENDA (CONTINUED)

Administrative Services Department (Deferred)

9. Approval of Donation Agreement, Sidewalk Easement, and Right of Entry from LMC Properties, Inc., successor by merger with Orlando Central Park, Inc. and Orange County and authorization to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road). District 6. (Real Estate Management Division)

and

Administrative Services Department (Deferred)

10. Approval of Donation Agreement, Sidewalk Easement, and Right of Entry from Lockheed Martin Corporation, f/k/a Martin Marietta Corporation, f/k/a The Martin Company, f/k/a The Glenn L. Martin Company and Orange County and authorization to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road). District 6. (Real Estate Management Division)

Commissioner Edwards announced a conflict a conflict of interest for the following reason, as stated in a Memorandum of Voting Conflict filed in the Clerk's Office: "A measure came or will come before my agency which inured to the special gain or loss of LMC Properties, Inc., which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Agenda item D9 and D10 pertain to the donation of sidewalks easements to Orange County by LMC Properties. My law firm has represented LMC Properties in the past."

00:28:00

Motion/Second: Commissioners Clarke/Thompson

Absent: County Mayor Jacobs

Abstain: Commissioner Edwards

AYE (voice vote): Commissioners Boyd, Nelson, Clarke, Thompson, Siplin

Action: The Board approved the Donation Agreement, Sidewalk Easement, and Right of Entry from LMC Properties, Inc., successor by merger with Orlando Central Park, Inc. and Orange County and authorized to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road); and further, approved the Donation Agreement, Sidewalk Easement, and Right of Entry from Lockheed Martin Corporation, f/k/a Martin Marietta Corporation, f/k/a The Martin Company, f/k/a The Glenn L. Martin Company and Orange County and authorized to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road).

00:28:20

Community, Environmental and Development Services Department (Deferred)

3. Approval of Application for Impact Fee Grant for Qualified Non-Profit Organizations in the amount of \$4,512.40 to be used for the Law Enforcement, Fire Rescue and Road Impact Fees for the United Global Outreach Inc. – Model Center. District 5. (Fiscal and Operational Support Division)

Commissioner Edwards discussed his concerns regarding an Application for Impact Fee Grant with United Global Outreach, Inc. in the amount of \$4,512.40 in order to build a

model tiny home. Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

- MEMBER RE-ENTERED: County Mayor Jacobs

Motion/Second: Commissioners Siplin/Boyd

AYE (voice vote): All members

Action: The Board continued Community, Environmental and Development Services Department Consent Item E3 until a future Board meeting.

- REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice-Mayor Nelson.

Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

• COUNTY DISCUSSION AGENDA

Commissioner's Report

1. Commissioner Boyd would like to discuss a BCC Resolution in support of Smart Irrigation.

Commissioner Boyd presented an update on Smart Irrigation Technologies and requested the Board consider adopting a resolution promoting Smart Irrigation Technologies. County staff distributed to Board members the study regarding the Smart Irrigation Controller Demonstration and Evaluation in Orange County, Florida.

County staff discussed the smart irrigation study, which considered various Smart Technologies to reduce water for the everyday citizen. The study revealed that between 18% and 43% of water was reduced with those homes that used Smart Technologies.

- MEMBER EXITED: Commissioner Edwards

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board adopted Resolution 2016-M-31 of the Orange County Board of County Commissioners regarding support for conserving our water resources through the use of industry proven Smart Irrigation Technologies; and to continue to work to advance the use of proven technologies.

Community, Environmental and Development Services Department

1. Approval and execution of 2016-2020 Orange County Consolidated Plan, Certifications, Specific CDBG Certifications, Specific HOME Certifications, ESG Certifications, and

Approval and execution of 2016-2017 One-Year Action Plan that includes Application for Federal Assistance SF-424, Certifications, Specific CDBG Certifications, Specific HOME Certifications, ESG Certifications; and

Approval and execution of 2016-2020 Analysis of Impediments to Fair Housing Choice and Certification to Affirmatively Further Fair Housing. All Districts. (Housing and Community Development Division)

County staff presented a report on Orange County's Consolidated Plans, which included Orange County's 2016-2020 Consolidated Plan, 2016-2017 One-Year Action Plan and the 2016-2020 Analysis of Impediments to Fair Housing Choice Plan. County staff provided an introduction of the plans, public participation through the process, specific goals and objectives selected in the consolidated plan, and a summary of the County's One-Year Action and Fair Housing Plans.

- MEMBER RE-ENTERED: Commissioner Edwards

Motion/Second: Commissioners Clarke/Nelson

AYE (voice vote): All members

Action: The Board approved and executed the 2016-2020 Orange County Consolidated Plan, Certifications, Specific CDBG Certifications, Specific HOME Certifications, ESG Certifications; further, approved and executed the 2016-2017 One-Year Action Plan that includes Application for Federal Assistance SF-424, Certifications, Specific CDBG Certifications, Specific HOME Certifications, ESG Certifications; and further, approved and executed the 2016-2020 Analysis of Impediments to Fair Housing Choice and Certification to Affirmatively Further Fair Housing.

County Administrator

1. Orange County United Way Campaign Update.

County staff presented an update on Orange County's successful 2015 fundraising campaign and outlined strategies and goals for the 2016 Orange County United Way Campaign.

The following person addressed the Board: County Comptroller Haynie.

Board discussion ensued.

Action: None

County Mayor

1. Open discussion on issues of interest to the Board.

Action: None

- MEETING RECESSED, 10:26 a.m.

- MEETING RECONVENED, 1:58 p.m.

Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Bryan Nelson, Jennifer Thompson, Ted Edwards, Victoria P. Siplin

Member Absent: Commissioner Pete Clarke

Others Present: County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator Noelia Perez, Senior Minutes Coordinator Craig Stopyra

- PRESENTATION

Employee Service Awards to Marie A. Eady (20), Community Corrections, Chiquita Camacho (20), Vanessa Miles (20), Security Operations, Terry L. Curtis (30), Inmate Administration, Corrections; Michael L. Crum (20), Youth and Family Services, Family Services; Rodney L. Estepp (20), Kenneth R. Henderson (30), Fire Operations, Christopher L. Dobson (30), Fire Communications, Fire Rescue; John W. Barry (20), Jason L. Stough (30), Roads & Drainage, Public Works; Linda Ayala-Serrano (20), John Galfo (25), Field Services, Utilities.

- ANNOUNCEMENT

County Mayor Jacobs thanked the San Bernardino County Board of Supervisors for a letter of condolences and to pass along a comfort quilt. The comfort quilt was created in 2001 by first grade students at St. Hillary School in Fairlawn, Ohio for the purpose of bringing comfort to the children at St. James School in Redbank, New Jersey who suffered great losses as a result of the September 11 attacks on the World Trade Center. The comfort quilt has traveled around the United States, from community to community, as a symbol of piece and healing and to bring comfort to those suffering. The quilt was received in light of the recent Pulse Nightclub tragedy.

- MEMBER EXITED: Commissioner Thompson

- RECOMMENDATIONS

July 7, 2016 Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Nelson/Boyd

Absent: Commissioners Clarke, Thompson

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of July 7, 2016, with the exception of and authorizing a public hearing be scheduled for Case #VA-16-07-078, Vera Clark (Appeal filed) on September 13, 2016; subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Municipal Service Benefit Unit

1. Royal Legacy Estates and Royal Legacy Estates Tract M Replat, amend for streetlighting; District 1

Applicant: Ann Troutman, Special Assessments, Orange County Comptroller

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting to decrease the streetlighting inventory and reduce the special assessment at Royal Legacy Estates and Royal Legacy Estates Tract M Replat

Location: District 1; Parcel ID (multiple parcels); Section 01, Township 24, Range 27; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioners Clarke, Thompson

AYE (voice vote): All present members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for streetlighting to decrease the streetlighting inventory and reduce the special assessment at Royal Legacy Estates and Royal Legacy Estates Tract M Replat, annual cost of \$79.00 for all 169 lots for streetlighting, operational expenses and administrative fees.

Pedestrian Safety Study

2. UCF/Alafaya Trail Pedestrian Safety Study, This study is an INVEST Program Project intended to evaluate challenges and opportunities to improve bicycle/pedestrian safety within the Study corridor; District 5

This public hearing was canceled.

Planning and Zoning Commission Board-Called

3. Christopher Wrenn, DR Horton, Case # RZ-16-02-007, April 21, 2016; District 3

Applicant: Christopher Wrenn, DR Horton
Case No.: Planning and Zoning Commission, Case # RZ-16-02-007; April 21, 2016
Consideration: Request to consider a rezoning of 7.73 gross acres located at 1302 S. Econlockhatchee Trail from R-1AA (Single Family Residential District) to R-1 (Single Family Residential District), along with the following restrictions:
(1) A minimum lot width of 85 feet shall be provided along the north property line;
(2) A minimum lot area of 5,250 square feet shall be provided along the south property line; and
(3) Preservation of key tree clusters shall be considered during subdivision plan review.
Location: District 3; property located at 1302 S. Econlockhatchee Trail; or generally located on the west side of S. Econlockhatchee Trail, approximately 650 feet north of Oriente Street; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: R.P. Mohnacky.

Motion/Second: Commissioners Boyd/Nelson
Absent: Commissioners Clarke, Thompson
AYE (voice vote): All present members
Action: The Board continued the public hearing until August 16, 2016, at 2 p.m.

Preliminary Subdivision Plan

4. Christina Baxter, Poulos & Bennett, LLC, Moss Park PD / Parcel C1 Preliminary Subdivision Plan, Case # PSP-15-12-369; District 4

Applicant: Christina Baxter, Poulos & Bennett, LLC, Moss Park PD / Parcel C1 Preliminary Subdivision Plan
Consideration: Moss Park PD / Parcel C1 Preliminary Subdivision Plan – Case # PSP-15-12-369, submitted in accordance with Section 34-69 Orange County Code (Subdivision Regulations); and Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 112 single family residential dwelling units on 24.4 gross acres. The following waiver from Section 34-209 of the Orange County Code is also requested: 1. A waiver from Orange County Code Section 34-209 is requested to allow a four (4) – six (6) foot high berm, split rail fence

and landscape buffer in lieu of a six (6) foot high masonry screen wall along Moss Park Road.

Location: District 4; property generally located North & South of John Wycliffe Boulevard / West of Moss Park Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Chuck Costar.

Preliminary Subdivision Plan Public Hearing D4, Moss Park PD / Parcel C1 Preliminary Subdivision Plan, was tabled.

Planning and Zoning Commission Board-Called (CONTINUED)

3. Christopher Wrenn, DR Horton, Case # RZ-16-02-007, April 21, 2016; District 3

Applicant: Christopher Wrenn, DR Horton

Case No.: Planning and Zoning Commission, Case # RZ-16-02-007; April 21, 2016

Consideration: Request to consider a rezoning of 7.73 gross acres located at 1302 S. Econlockhatchee Trail from R-1AA (Single Family Residential District) to R-1 (Single Family Residential District), along with the following restrictions:

- (1) A minimum lot width of 85 feet shall be provided along the north property line;
- (2) A minimum lot area of 5,250 square feet shall be provided along the south property line; and
- (3) Preservation of key tree clusters shall be considered during subdivision plan review.

Location: District 3; property located at 1302 S. Econlockhatchee Trail; or generally located on the west side of S. Econlockhatchee Trail, approximately 650 feet north of Oriente Street; Orange County, Florida (legal property description on file in Planning Division)

County staff indicated the District Commissioner requested Public Hearing C3, Christopher Wrenn, Case # RZ-16-02-007, be continued until September 13, 2016, at 2 p.m. and not August 16, 2016, as previously voted. Board discussion ensued.

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioners Clarke, Thompson

AYE (voice vote): All present members

Action: The Board reconsidered the vote for Planning and Zoning Commission Board-Called Public Hearing C3, Christopher Wrenn, Case # RZ-16-02-007.

Motion/Second: Commissioners Nelson/Boyd

Absent: Commissioners Clarke, Thompson

AYE (voice vote): All present members

Action: The Board continued the public hearing for Planning and Zoning Commission Board-Called Public Hearing C3, Christopher Wrenn, Case # RZ-16-02-007, until September 13, 2016, at 2 p.m.

Preliminary Subdivision Plan (TABLED)

4. Christina Baxter, Poulos & Bennett, LLC, Moss Park PD / Parcel C1 Preliminary Subdivision Plan, Case # PSP-15-12-369; District 4

Applicant: Christina Baxter, Poulos & Bennett, LLC, Moss Park PD / Parcel C1 Preliminary Subdivision Plan

Consideration: Moss Park PD / Parcel C1 Preliminary Subdivision Plan – Case # PSP-15-12-369, submitted in accordance with Section 34-69 Orange County Code (Subdivision Regulations); and Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 112 single family residential dwelling units on 24.4 gross acres. The following waiver from Section 34-209 of the Orange County Code is also requested: 1. A waiver from Orange County Code Section 34-209 is requested to allow a four (4) – six (6) foot high berm, split rail fence and landscape buffer in lieu of a six (6) foot high masonry screen wall along Moss Park Road.

Location: District 4; property generally located North & South of John Wycliffe Boulevard / West of Moss Park Road; Orange County, Florida (legal property description on file in Planning Division)

- MEMBER RE-ENTERED: Commissioner Thompson

Motion/Second: Commissioners Thompson/Boyd

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Moss Park PD / Parcel C1 Preliminary Subdivision Plan – Case # PSP-15-12-369 on the described property, subject to the following conditions:

1. Development shall conform to the Moss Park PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Parcel C1 Preliminary Subdivision Plan dated "Received May 31, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision

plan and the preliminary subdivision plan dated "Received May 31, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this Preliminary Subdivision Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including

any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. Length of stay shall be for 180 days or greater. Short term/transient rental shall be prohibited.
7. Signage shall comply with Chapter 31.5 of the Orange County Code.
8. Prior to commencement of any earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
9. The site shall be stabilized following grubbing, clearing, earth work, or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans, a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
10. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Moss Park PD, or shall include an update to the Moss Park PD MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
11. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise

vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

12. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
13. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
14. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any construction plan submittal.
15. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
16. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
17. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have

the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.

18. A waiver from Section 34-209 is granted to allow a 4'-6' high berm, split rail fence and landscape buffer in lieu of a 6' high masonry screen wall along Moss Park Road.
19. Prior to construction plan approval, documentation must be provided certifying that this project has legal right to tie into the master drainage system.

Shoreline Alteration/Dredge and Fill

5. Jose Vargas, Little Fish Lake, permit; District 1

Applicant: Jose Vargas

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to re-construct an existing seawall, pursuant to Orange County Code, Chapter 33, Article IV, Windermere Water and Navigation Control District; Section 33-129(d).

Location: District 1; on property located adjacent to Little Fish Lake Canal, located at 9206 Island Lake Court; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-16-03-002).

The following person addressed the Board: Jose Vargas.

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board approved the request by Jose Vargas for a Shoreline Alteration/Dredge and Fill Permit (SADF-16-03-002) to re-construct an existing seawall, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the Sheet 1 of 1 submitted by Structural Engineering Services, Inc., dated as received on June 22, 2016, by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six

(6) months or completed within a year this permit is void. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.

3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
5. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.
- ~~6. No filling is approved with this permit, except for backfilling that may be required landward of the replacement seawall.~~
7. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

General Conditions:

8. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
9. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
10. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a

court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

11. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
12. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
14. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
15. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that was provided in the permit application that is later discovered to be inaccurate, or if the project may cause pollution to water bodies, cause an adverse impact to navigation, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the use and enjoyment of the waterbody by the public.

16. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
17. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
18. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
19. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
20. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
21. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
22. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Substantial Change

6. Kathy Hattaway, HCI Planning & Land Development Consultants, Village F Master Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-12-381, amend plan; District 1

Applicant: Kathy Hattaway, HCI Planning & Land Development Consultants, Village F Master Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-12-381

Consideration: Substantial change request to the Village F Master PD by revising the Village Center Conceptual Block inset on the PD/LUP, expanding permitted Village Center District uses; and requesting the following

seven (7) waivers from Orange County Code, applicable to PD Parcels S-6 and N-35 only (Village Center District):

1. A waiver from Section 38-1389(b) to allow a grocery store and up to three (3) additional buildings south of the internal main street to face Seidel Road and/or Seton Creek Boulevard; in lieu of the requirement that primary building entries and façade face the internal streets of the Village Center.
2. A waiver from Section 38-1389(d)(3)(g) to allow for interior blocks, not including Seidel Road or Seton Creek Boulevard, to have a minimum of forty percent (40%) of the build-to-line of any block or parcel to be occupied by buildings and/or street-walls, and up to one-hundred percent (100%) of that requirement to be landscaped street-walls; in lieu of the requirement that a minimum of seventy percent (70%) of the build-to-line of any block or parcel be occupied by buildings and/or street-walls, and that landscaped street-walls not make up more than fifty percent (50%) of the required frontage.
3. A waiver from Section 38-1389(d)(4)(d) to allow parking adjacent to Seidel Road and Seton Creek Boulevard to span the length of the roadway frontage; in lieu of the maximum frontage for parking lots of sixty-five (65) feet along a Village Center circulator or a Village Center major local street.
4. A waiver from Section 38-1389(d)(4)(g) to allow parking lots to abut street intersections or civic use areas; in lieu of the requirement that parking lots and parking garages not abut street intersections or civic use areas.
5. A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of the grocery store and buildings south of the internal main street; in lieu of the requirement that off-street parking be located to the rear or side of buildings.
6. A waiver from Section 38-1389(d)(4)(i)(i) to allow parking in the front of the grocery store; in lieu of the requirement that parking be located at the rear or side of the grocery store front façade.
7. A waiver from Section 24-5(a)(3) to allow a buffer to be less than six (6) feet in height and less than fifteen (15) feet wide; in lieu of the requirement that a buffer be completely opaque from the ground up to a height of at least six (6) feet and a minimum of fifteen (15) feet wide; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located West of Seidel Road, approximately one-half (1/2) mile east of the Western Beltway; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Kathy Hattaway
- Christa Gill
- Christopher Gorda
- Christine McCarthy
- Paul McCarthy

Board discussion ensued.

The following persons addressed the Board:

- John Monrreal
- Mary Horvath
- Matthew Seibel
- Phil Woodard

Board discussion ensued.

01:25:11

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board continued the public hearing until October 18, 2016, at 2 p.m.

7. Christopher P. Roper, Ackerman, LLP, Isles of Lake Hancock Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-157, amend plan; District 1

Applicant: Christopher P. Roper, Akerman, LLP, Isles of Lake Hancock Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-157

Consideration: Substantial change request for two (2) waivers from the "Original" Horizon West Village PD Code:

1. A waiver from Section 38-1384(g)(3)(b) of the "Original" Horizon West Village PD Code to eliminate the requirement to provide front porches on at least fifty (50) percent of all single family residential units, applicable to lots 21-22, 24-34, 44-60, and 62-71 only, as shown on the Isles of Lake Hancock Phase III PSP.
2. A waiver from Section 38-1384(g)(3)(d) of the "Original" Horizon West Village PD Code to eliminate the requirement that first floor elevations be at least eighteen (18) inches above the finished grade of the sidewalk, applicable to lots 21-22, 24-34, 45-60, and 62-63 only, as shown on the Isles of Lake Hancock Phase III PSP; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located north of Porter Road and west of Fiquette Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Chris Roper.

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Christopher P. Roper, Akerman, LLP, Isles of Lake Hancock Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-157 for two (2) waivers from the "Original" Horizon West Village PD Code:

1. A waiver from Section 38-1384(g)(3)(b) of the "Original" Horizon West Village PD Code to eliminate the requirement to provide front porches on at least fifty (50) percent of all single family residential units, applicable to lots 21-22, 24-34, 44-60, and 62-71 only, as shown on the Isles of Lake Hancock Phase III PSP.
2. A waiver from Section 38-1384(g)(3)(d) of the "Original" Horizon West Village PD Code to eliminate the requirement that first floor elevations be at least eighteen (18) inches above the finished grade of the sidewalk, applicable to lots 21-22, 24-34, 45-60, and 62-63 only, as shown on the Isles of Lake Hancock Phase III PSP;

which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Isles of Lake Hancock Planned Development / Land Use Plan (PD/LUP) dated "Received July 11, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 11, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or

authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit ~~by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.~~ Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance.

As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. A waiver from Section 38-1384(g)(3)(b) of the "Original" Horizon West Village PD Code is granted to eliminate the requirement to provide front porches on at least fifty (50) percent of all single family residential units, applicable to lots 21–22, 24–34, 44–60, and 62–71 only, as shown on the Isles of Lake Hancock Phase III PSP.
7. A waiver from Section 38-1384(g)(3)(d) of the "Original" Horizon West Village PD Code is granted to eliminate the requirement that first floor elevations be at least eighteen (18) inches above the finished grade of the sidewalk, applicable to lots 21–22, 24–34, 45–60, and 62–63 only, as shown on the Isles of Lake Hancock Phase III PSP.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 22, 2008.
 - a. A waiver from Orange County Code Section 38-1385(b)(4) is granted to allow a 70-foot minimum lot width in lieu of the 85-foot requirement in the Estate District for lots within Tract 02.
 - b. All previous applicable Conditions of Approval dated August 1, 2006, shall apply.
 - 1) Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with approval of the Master Utility Plan for this Planned Development.
 - 2) A boat ramp is not part of this infrastructure and is not approved with this plan. A boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramps, and action by the BCC.
 - 3) Prior to platting, a Municipal Service Taxing Unit shall be established for the operation and maintenance of secondary and connector trails.
 - 4) Developer shall comply with the provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board.
 - Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 25 residential

units allowed under the zoning existing prior to the approval of the PD zoning.

The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor or assign under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- Developer, or its successor or assign under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.
 - Orange County shall be held harmless by the developer and its assigns under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. (AS MODIFIED NOVEMBER 13, 2007)
- 5) Lake Maintenance and Ownership: Prior to platting, the Isles of Lake Hancock Lake Maintenance Escrow Agreement (on the form as submitted to Assistant County Attorney Vivien Monaco on April 6, 2006) shall be recorded.
 - 6) Prior to issuance of certificates of occupancy, developer shall install a wrought-iron fence (or fence of a similar look) at least 5 feet tall on the developer-retained property along the rear of each lot located on the peninsula between the two man-made ski lakes. Such fence shall be maintained by the developer at its expense.
 - 7) All contracts for the sale of lots or homes located between the 2 two man-made ski lakes shall include a 1-page disclaimer to be initialed by each buyer at the time they enter into a contract, which disclaimer shall read, "Buyer acknowledges that this property does not have any right to use either of the man-made ski lakes located in the Isles of Lake Hancock subdivision without membership to the Lake Hancock Ski Club. Access to Lake Hancock will be available through the boat ramp and park to be owned by the Homeowners' Association."

- 8) This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

In addition to complying with those minimum requirements, the declaration of covenants, conditions and restrictions required to be recorded simultaneous with the recording of the plat shall include terms requiring the establishment and maintenance of a fifth HOA account for the cost of storm debris removal from the subdivision infrastructure, consistent with the terms relating to the other four HOA accounts set forth in Section 34-290(8)a-d; and with respect to such fifth HOA account, the declaration shall provide requirements, restrictions, terms, conditions, and limitations consistent with the terms relating to the other four HOA accounts set forth in Section 34-291. Furthermore, prior to turning over control of the infrastructure to the HOA, the developer shall pre-fund this fifth HOA account in an amount sufficient to cover the estimated cost of debris removal for a single hurricane, which amount shall be approved by the county engineer.

- 9) An Adequate Public Facilities Agreement, or documentation of compliance with adequate public facilities, shall be submitted and approved prior to the approval of any preliminary subdivision/development plans.
 - 10) The developer shall obtain water, wastewater, and reclaimed water from Orange County Utilities.
 - 11) Existing lots currently served by on-site sewage treatment and disposal systems can be permitted to continue to utilize systems and not be required to connect wastewater lines unless the on-site sewage treatment and disposal systems fail or unless quality problems occur in the area.
- c. This project is limited to and shall not exceed 61 units. Prior to Preliminary Subdivision Plan approval, the applicant shall address transfer of development rights consistent with the Orange County Transfer of Development Rights Ordinance.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 16, 1999.
 - a. The areas designated Future Development within the planned development shall only be developed with the Horizon West future land use designation.

- b. The right-of-way for Porter Road shall be dedicated to Orange County at a valuation of \$22,500 per acre. Prior to subdivision plan approval, a developer's agreement shall be executed addressing impact fee credits and adequate public facilities.
8. Phillip C. Hollis, PMJS, LLC, Lake Bryan Condos Planned Development / Land Use Plan (PD / LUP), Case # LUPA-16-02-046, amend plan; District 1

Applicant: Phillip C. Hollis, PMJS, LLC, Lake Bryan Condos Planned Development / Land Use Plan (PD / LUP), Case # LUPA-16-02-046

Consideration: A PD Substantial change request to aggregate the South County PD (one parcel) into the existing Lake Bryan Condos PD in order to allow a total of 1,186 hotel rooms. Additionally, the following waiver from Orange County Code is requested:

1. A waiver from Section 38-1300 to allow for a maximum height of 295 feet above the building finished floor elevation for a hotel and timeshare only, in lieu of a maximum height of 200 feet for a hotel or timeshare; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located East of SR 535, north of Vistana Drive; Orange County, Florida (legal property description on file)

The following person addressed the Board: Phillip Hollis.

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Phillip C. Hollis, PMJS, LLC, Lake Bryan Condos Planned Development / Land Use Plan (PD / LUP), Case # LUPA-16-02-046, to aggregate the South County PD (one parcel) into the existing Lake Bryan Condos PD in order to allow a total of 1,186 hotel rooms; and further, the following waiver from Orange County Code is requested:

1. A waiver from Section 38-1300 to allow for a maximum height of 295 feet above the building finished floor elevation for a hotel and timeshare only, in lieu of a maximum height of 200 feet for a hotel or timeshare;

which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Lake Bryan Condos Planned Development / Land Use Plan (PD/LUP) dated "Received June 22, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are

expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received June 22, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's

obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance.

As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
7. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
8. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed water, wastewater, and reclaimed water systems have been designed to support the PD.
9. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
10. Outside sales, storage, and display shall be prohibited.
11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
12. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan

approval and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

13. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown all plans and conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
14. A waiver from Orange County Code Section 38-1300 is granted to allow for a maximum height of 295 feet above the building finished floor elevation for a hotel and timeshare only, in lieu of a maximum height of 200 feet for a hotel or timeshare.
15. Except as amended, modified, and / or superseded, the following South County PD BCC Conditions of approval, dated November 28, 2000, shall apply:
 - a. A waiver is approved to reduce the westerly setback not fronting S.R. 535 to 30 feet.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 10, 1995, shall apply:
 - a. With the exception of the water ski school operated by Water Sports Management, Inc. (d/b/a Buena Vista Water Sports and Paradise Cove), which, pursuant to that certain agreement entered into on June 25, 2015, by and between Lake Bryan Development, LLC and Water Sports Management, Inc., has been operating on a portion of Lake Bryan not previously subject to the prohibition on motorized water craft, motorized water craft (i.e., power boats, jet skis, etc.) shall be prohibited on Lake Bryan.
 - b. Side-yard building setbacks shall be a minimum of 30 feet per Section 38-1287(2) of the PD district.
9. Robert Paymayesh, Terra Bona Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-03-083, amend plan; District 2

Applicant: Robert Paymayesh, Terra Bona Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-03-083

Consideration: Substantial change request to increase allowable single-family detached residential units from 75 to 104 (*a net increase of 29 units*); increase the minimum lot area from 14,520 square feet to 14,750 square feet; reduce the minimum lot width from 100 feet to 90 feet;

and increase open space from 10% to 50% by clustering residential lots; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 2; property generally located the west side of North Round Lake Road, approximately 3,600 feet northeast of North Orange Blossom Trail; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Robert Paymayesh
- Amy Frogley

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Amy Frogley
- Exhibit 2, from Robert Paymayesh

Board discussion ensued.

Motion/Second: Commissioners Nelson/Boyd

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Robert Paymayesh, Terra Bona Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-03-083, to increase allowable single-family detached residential units from 75 to 104 (*a net increase of 29 units*); further, increased the minimum lot area from 14,520 square feet to 14,750 square feet; further, reduced the minimum lot width from 100 feet to 90 feet; and further, increased open space from 10% to 50% by clustering residential lots; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Terra Bona Planned Development / Land Use Plan (PD/LUP) dated "Received April 15, 2016" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the

development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received April 15, 2016" the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project ~~deviates from or otherwise conflicts with such promise or representation~~, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.
10. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board on June 28, 2016.

- b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 15 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

- 11. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
- 12. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
- 13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 13, 2005, shall apply:
 - a. This development shall connect to central water. The need to connect to wastewater and reclaimed water shall be determined with PSP approval.

Comprehensive Plan

10. Transmittal of 2016-2 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2016-2-A-1-2 (fka 2016-1-A-1-3)
Applicant/Owner: Randy June, June Engineering Consultants / Orange Lake Country Club, Inc., et al
Consideration: Growth Center-Commercial (GC-C) to Growth Center-Commercial/Medium Density Residential (GC-C/MDR)
Location: Generally described as located on the north side of W. Irlo Bronson Memorial Hwy., and the Orange County/Osceola County Line, east and west of SR 429, and south of Hartzog Rd.; Parcel ID#s: 28-24-27-0000-00-006/007/011/013/014/016 and 29-24-27-0000-00-005/006 and 33-24-27-0000-00-001/019 and 33-24-27-6377-00-002/004/005/040/050/051/052/060 and 33-24-27-6378-00-001/010/030 and 33-24-27-6379-00-006/070; 1,443.79 gross ac.

The following person addressed the Board: Jeff McNeil.

Motion/Second: Commissioners Boyd/Edwards
Absent: Commissioner Clarke
AYE (voice vote): All present members
Action: The Board made a finding of consistency with the Comprehensive Plan (see Housing Element Objective H1.1, Future Land Use Element Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.F, FLU1.4.4, FLU1.4.7, FLU7.4.1, FLU7.4.4, FLU7.4.6, and FLU8.2.1); further, determined that the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Element Map Amendment 2016-2-A-1-2 (fka 2016-1-A-1-3), Growth Center-Commercial (GC-C) to Growth Center-Commercial/Medium Density Residential (GC-C/MDR).

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT TEXT AMENDMENT

Amendment: 2016-2-P-FLUE-2
Applicant/Owner: Jim Hall, VHB, Inc., for Eastmar Commons Partnership
Consideration: Text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity associated with the Eastmar Commons PD's adopted Planned Development-Commercial/Medium Density Residential (PD-C/MDR) Future Land Use Map designation

County staff indicated the applicant is seeking to revise Future Land Use Element Policy FLU8.1.4, which tracks the maximum densities and intensities for PD's. The change will revised part of the development program for the Eastmar Commons PD as follows:

Amendment Number	Maximum Density/Intensity
2016-2-P-FLUE-2	Multi-Family - 380 dwelling units on nineteen (19) acres
Eastmar Commons	Commercial - 45,000 sq. ft. The combined development program is limited by a maximum of 4,689 new daily trips/424 new p.m. peak hour trips, as established in the approved traffic study. Land uses shall be as established on the current PD Land Use Plan.

The following person addressed the Board: Jim Hall.

Motion/Second: Commissioners Thompson/Edwards

Absent: Commissioner Clarke

AYE (voice-vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1 and FLU8.2, and Policies FLU1.4.1(B), FLU1.1.5, FLU8.1.6, FLU8.2.1, and FLU8.8.1); further, determined that the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Element Text Amendment 2016-2-P-FLUE-2.

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2016-2-A-5-1 (fka 2016-1-S-5-4)

Applicant/Owner: Thomas Sullivan

Consideration: Office/Commercial/Low-Medium Density Residential (O/C/LMDR) to Planned Development-Commercial/High Density Residential (PD-C/HDR)

Location: 13645 E. Colonial Dr.; Generally described as located north of E. Colonial Dr., west of Lake Pickett Rd., and east of Bonneville Dr.; Parcel ID#s: 23-22-31-0000-00-008 (portion of), 14-22-31-6528-00-030/040/050/060/071; 11.45 gross ac.

The following persons addressed the Board:

- Tom Sullivan
- Tom Narut
- RJ Mueller

Board discussion ensued.

Motion/Second: Commissioners Edwards/Nelson

Absent: Commissioner Clarke

AYE (voice vote): Commissioners Boyd, Nelson, Edwards, Siplin

NO (voice vote): County Mayor Jacobs; Commissioner Thompson

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Objective OBJH1.1.7, Goal H1 and Policies FLU1.1.5, FLU1.4.1, FLU1.4.2, FLU2.2.15, FLU8.2, FLU8.2.1, FLU8.2.2, and FLU8.2.11); further, determined that the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Element Map Amendment 2016-2-A-5-1 Office (O), Commercial (C), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/High Density Residential (PD-C/HDR).

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2016-2-B-FLUE-2

Consideration: Text amendments to the Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County

Motion/Second: Commissioners Nelson/Boyd

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2016-2-B-FLUE-2, consistent with today's actions.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2016-2-B-CP-1

Consideration: Text amendments to the Future Land Use Element, amending selected objectives and policies of Goal FLU4, Horizon West, and amendment of Map 2, Horizon West Specific Area Plan, of the Future Land Use Map Series

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff Initiated Comprehensive Plan Map and Text Amendment 2016-2-B-CP-1.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT
AMENDMENT

Amendment: 2016-2-B-TRAN-1

Consideration: Text amendments to the Transportation Element to address pedestrian safety

Motion/Second: Commissioners Boyd/Thompson

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2016-2-B-TRAN-1.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN MAP AND TEXT
AMENDMENT

Amendment: 2016-2-B-TRAN-2

Consideration: Text and map amendments to the Transportation Element to update the Long Range Transportation Plan

Motion/Second: Commissioners Thompson/Edwards

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff Initiated Comprehensive Plan Map and Text Amendment 2016-2-B-TRAN-2.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT
AMENDMENT

Amendment: 2016-2-B-CP-2

Consideration: Text amendments to the Transportation Element and Future Land Use Element to address transportation and land use coordination for freight

Motion/Second: Commissioners Thompson/Boyd

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2016-2-B-CP-2.

Ordinance

11. Repealing Orange County Code, Article VII, Chapter 38, Division 4.5, pertaining to Convention Plaza District Overlay Zone and Enacting Orange County Code, Article VII, Chapter 38, Division 4.5 creating the I-Drive District Overlay Zone - 1st hearing (2nd hearing on August 16, 2016)

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; REPEALING THE CONVENTION PLAZA DISTRICT (CPD) OVERLAY ZONE, CODIFIED AT DIVISION 4.5 OF ARTICLE VII OF CHAPTER 38 OF THE ORANGE COUNTY CODE (SECTION 38-860 THROUGH SECTION 38-875); CREATING IN ITS PLACE AN I-DRIVE DISTRICT OVERLAY ZONE AT DIVISION 4.5 OF ARTICLE VII OF CHAPTER 38; AND PROVIDING FOR AN EFFECTIVE DATE.

This public hearing was canceled.

- ADJOURNMENT, 5:06 p.m.

ATTEST:

County Mayor Teresa Jacobs

Date: _____

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Deputy Clerk

Asset Number	Asset Description	Purchase Date	Original Cost	Depreciated Value	Department/Office last using equipment	Disposition Requested	Justification
005119	CAR,CHEVEROLET	5/28/2008	17,466.00	0.00	Corrections	Asset was totaled by a Third Party Administrator for its 3,204.00 salvage value	Asset received significant damage and was deemed a total loss
001280	SEWER CLEANING TRUCK,SOUTHERN SEWER EQUIPMENT	8/23/2002	214,267.00	0.00	Public Works	Trade-in asset for a \$20,000 allowance towards the purchase of new equipment	Assets have exceeded their life expectancy
008623	LOADER,JOHN DEERE	6/24/1997	99,309.70	0.00		Trade-in asset for a \$24,000 allowance towards the purchase of new equipment	
080032	EXCAVATOR,GRADALL	2/19/2003	209,252.30	0.00		Trade-in asset for a \$32,500 allowance towards the purchase of new equipment	
080086	RIDING FLOOR SWEEPER,LAYMORE	3/30/2006	18,890.21	0.00	↓	Trade-in asset for a \$4,500 allowance towards the purchase of new equipment	↓
738282	TREADMILL,PARAMOUNT	5/26/2010	4,375.00	1616.95	Parks & Recreation	Cannibalize and scrap asset	Asset is deemed unrepairable and stripped for parts





AGENDA DEVELOPMENT
201 South Rosalind Avenue • Repl
407-836-5426 • Fax: 407-836-2899

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
1

02-1393

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

THRU Cheryl J. Gillespie, Supervisor 
Agenda Development Office

FROM: Michelle Frank, Advisory Board Coordinator 
Agenda Development Office

SUBJECT: Membership and Mission Review Board Recommendations
CONSENT AGENDA ITEM SEPTEMBER 13, 2016.

1. At its August 19, 2016 meeting, the Membership and Mission Review Board approved recommending the following advisory board appointments and reappointments:
 - A. **Community Development Advisory Board:** Reappointment of Nathaniel Jenkins in the District 2 representative category; the appointment of Pastor Scott A. Brown to succeed Pablo Marquez in the District 4 representative category; and the appointment of Glenton Gilzean to succeed Roberta Walton in the District 6 representative category with terms expiring June 30, 2018.
 - B. **Orange County Research and Development Authority:** Reappointment of David L. Brewer and Eduardo Rubiera in the at large representative category with terms expiring August 24, 2020.
 - C. **Sustainability Advisory Board:** Reappointment of Dr. Bridget M. Williams in the education representative category, Melvin Pittman in the neighborhood improvement related organization or activities leadership representative category, Paul T. Boroughs in the urban planning or transportation planning representative category, Byron Knibbs in the environmental protection, natural resources management, or sustainability practices representative category, and John M. Martinez in the at large representative category with terms ending June 30, 2018.

ACTION REQUESTED: Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments.

Attachments

COMMUNITY DEVELOPMENT ADVISORY BOARD

MMRB Liaison: Brian K. Fenn, (407) 571-3038

MISSION

To conduct studies, hold hearings, and make recommendations to the Board of County Commissioners regarding the Federal Housing Community Development Act of 1974 and subsequent federal regulation.

STATUS OF VACANCIES

There are two vacancies on this seven-member board in the District 4 and 6 representative categories due to the final term expirations of Pablo Marques and Roberta Walton. The term of Nathaniel Jenkins has expired.

THE MMRB RECOMMENDS:

Consideration of the reappointment of Nathaniel Jenkins in the District 2 representative category; the appointment of Pastor Scott A. Brown to succeed Pablo Marquez in the District 4 representative category; and the appointment of Glenton Gilzean to succeed Roberta Walton in the District 6 representative category with terms expiring June 30, 2018.

<u>APPLICANT</u>	<u>OCCUPATION</u>	<u>RACE</u>	<u>ETHN</u>	<u>GEN</u>	<u>DIST</u>
Pastor Scott A. Brown	Pastor/First Baptist Church of Taft	W	NH	M	4
Glenton Gilzean	President & CEO/Central Florida Urban League	B	NH	M	6

SUMMARY OF QUALIFICATIONS:

Pastor Scott A. Brown: Pastor Brown serves as the pastor of the First Baptist Church of Taft. He received his bachelor's degree from Louisiana Baptist University and master's degrees in Ministry and Theology from Andersonville Seminary. He is active in the community through his efforts to establish a food pantry and community garden. Currently, he sits on the Taft Advisory Board and the Taft Water Board. He is a member of the American Association of Christian Counselors.

Glenton Gilzean: Mr. Gilzean is the president and CEO of the Central Florida Urban League. Prior to his current position, Mr. Gilzean served as a member of the Pinellas County School Board, a university trustee at Florida A&M University, and sat on the Board of Directors for the University of South Florida. He received his bachelor's degree in Biomedical Science and his master's degree in Business/Entrepreneurship from the University of South Florida. Recently, Mr. Gilzean was appointed by the Governor to serve on the Ninth Circuit Judicial Nominating Commission.

CURRENT BOARD

	<u>ORIGINAL APPOINTMENT</u>	<u>TERM EXPIRES</u>	<u>RACE</u>	<u>ETHN</u>	<u>GEN</u>	<u>DIST</u>
<u>District 1</u>						
Esther M. Whitehead	11/15/11	6/30/17	B	*	F	1
<u>District 2</u>						
Nathaniel Jenkins	7/14/15	6/30/16	B	*	M	2
<u>District 3</u>						
Edwin Martinez	7/16/13	6/30/17	*	H	M	3
<u>District 4</u>						
Pablo Marquez	7/16/12	6/30/16	*	H	M	4
<u>District 5</u>						
Mary M. Hurley	7/16/13	6/30/17	W	NH	F	5
<u>District 6</u>						
Robert Walton	4/8/14	6/30/16	B	NH	F	6
<u>Mayor</u>						
Tricia Dennis	11/5/13	6/30/17	W	*	F	6

*Not Listed

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

MMRB Liaison: Ronald Rogers, (321) 662-4431

MISSION

Assists in the development, operation, management, and financing of the University of Central Florida Research Park.

STATUS OF VACANCIES

There are no vacancies. The terms of David L. Brewer and Eduardo Rubiera have expired

THE MMRB RECOMMENDS:

Consideration of the reappointment of David L. Brewer and Eduardo Rubiera in the at large representative category with terms expiring August 24, 2020.

CURRENT BOARD

	<u>ORIGINAL APPOINTMENT</u>	<u>TERM EXPIRES</u>	<u>RACE</u>	<u>ETHN</u>	<u>GEN</u>	<u>DIST</u>
<u>At Large</u>						
Cristina Calvet-Harold	6/8/10	8/24/17	*	H	F	3
Ray D. Colado	3/10/15	8/24/18	W	NH	M	5
David L. Brewer	4/5/16	8/24/16	B	NH	M	6
Eduardo Rubiera	11/15/11	8/24/16	*	H	M	1
Jentri D. Casaberry	12/15/15	8/24/19	B	NH	M	6
<u>UCF President or designee, ex-officio, voting</u>						
Dan Holsenbeck, Ph.D.	2/8/88	8/24/17	*	*	*	*
<u>UCF representative appointed by the BCC</u>						
M.J. Soileau, Ph.D	8/14/01	8/24/17	*	*	*	*
<u>District 4 County Commissioner, ex-officio, non-voting advisor**</u>						
Commissioner Jennifer Thompson						
<u>District 5 Commissioner, ex-officio, non-voting advisor**</u>						
Commissioner Ted Edwards						

*Not Listed

SUSTAINABILITY ADVISORY BOARD

MMRB Liaison: Ronald Rogers, (321) 662-4431

MISSION

Review progress and provide recommendations to the Board on implementation of the Sustainability Plan and any adjustments to the Sustainability Plan.

STATUS OF VACANCIES

There is one vacancy on this nine-member board due to the removal of Jocelyn Jones for non-attendance. The terms of Dr. Bridget M. Williams, Byron Knibbs, Melvin Pittman, Paul T. Boroughs, and John M. Martinez have expired.

THE MMRB RECOMMENDS:

Consideration of the reappointment of Dr. Bridget M. Williams in the education representative category, Melvin Pittman in the neighborhood improvement related organization or activities leadership representative category, Paul T. Boroughs in the urban planning or transportation planning representative category, Byron Knibbs in the environmental protection, natural resources management, or sustainability practices representative category, and John M. Martinez in the at large representative category with terms ending June 30, 2018.

CURRENT BOARD

	<u>ORIGINAL APPOINTMENT</u>	<u>TERM EXPIRES</u>	<u>RACE</u>	<u>ETHN</u>	<u>GEN</u>	<u>DIST</u>
<u>Arts and Cultural Affairs</u>						
Hal H. Kantor	1/13/15	6/30/17	W	NH	M	5
<u>Economic Development or Business</u>						
Samuel B. Graham	1/13/15	6/30/17	B	NH	M	1
<u>Education</u>						
Dr. Bridget M. Williams	5/5/15	6/30/16	B	NH	F	6
<u>Environmental Protection, Natural Resources Management or Sustainability Practices</u>						
Byron Knibbs	4/5/16	6/30/16	B	NH	M	2
<u>Neighborhood Improvement Related Organization or Activities Leadership</u>						
Melvin Pittman	1/13/15	6/30/16	B	NH	M	1
<u>Social Services or Community Health</u>						
Jocelyn Jones	1/13/15	6/30/17	B	NH	F	5
REMOVED						
<u>Urban Planning or Transportation Planning</u>						
Paul T. Boroughs	1/13/15	6/30/16	W	NH	M	3
<u>At Large</u>						
Christopher Rizzolo	1/13/15	6/30/17	W	NH	M	5
John M. Martinez	1/13/15	6/30/16	O	H	M	5



Interoffice Memoranda

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
2

AGENDA ITEM

August 8, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners *K.N.P.*

FROM: Kurt N. Petersen, Manager, Office of Management & Budget

SUBJECT: Consent Agenda Item for September 13, 2016
Service Funding Agreement for Jury Services between Orange County, Florida, Orange County Clerk of Court, and the Ninth Judicial Circuit Court

Attached for approval is the FY 2016-17 Jury Services funding agreement between Orange County, Florida, Orange County Clerk of the Courts, and the Ninth Judicial Circuit Court in the amount of \$356,220. The associated budget for Jury Services was approved during the September 8, 2016, FY 2016-17 budget public hearing. As required by Article V of the State Constitution, the Clerk of Courts is responsible for funding this program. Orange County has agreed to continue to facilitate monthly payments for this program and the Clerk of the Court has agreed to monthly reimbursements of \$29,685 to Orange County from July 1, 2016 through June 30, 2017.

ACTION REQUESTED: Approval and execution of Interlocal Agreement between Orange County, Florida, Orange County Clerk of the Courts, and the Ninth Judicial Circuit Court regarding funding of Jury Services in the amount of \$356,220.

KP/KH/vh

c: Eric Gassman, Chief Accountability Officer
Randy Singh, Assistant Deputy Administrator



State of Florida
Ninth Judicial Circuit of Florida

RECEIVED

AUG 05 2016

Office of
Mgmt. & Budget

FREDERICK J. LAUTEN
CHIEF JUDGE

COUNTIES OF ORANGE AND OSCEOLA
ORANGE COUNTY COURTHOUSE
425 N. ORANGE AVENUE, SUITE 2010
ORLANDO, FLORIDA 32801
WWW.NINTHCIRCUIT.ORG

SHIRLEY WASHINGTON
JUDICIAL ASSISTANT
(407) 836-2009

August 5, 2016

The Honorable Teresa Jacobs
Orange County Mayor
201 South Rosalind Avenue
Orlando, Florida 32802

Re: Interlocal Agreement Between Orange County, Florida, Orange County Clerk
of the Courts and the Ninth Judicial Circuit Court for 2016 to 2017 for
Funding of Jury Services

Dear Mayor Jacobs:

Enclosed for your signature is the 2016/2017 Interlocal Agreement between Orange County, the Orange County Clerk, and the Ninth Judicial Circuit for jury services funding. Tiffany Moore Russell, the Orange County Clerk of Courts, and I have signed the Agreement. As you know, agreements such as this have been entered into for the past several years in order to have fully functioning jury services in Orange County. These agreements have worked well in the past and we look forward to the same high functioning system in the future.

Once signed, I request a scanned copy of the fully signed Agreement be emailed to Robin Berghorn, General Counsel, at ctfcrb1@ocnjcc.org. If you need any information, please do not hesitate to contact me and thank you for your consideration of this request.

Sincerely,

Frederick J. Lauten
Chief Judge

Enclosure

**INTERLOCAL AGREEMENT BETWEEN ORANGE COUNTY, FLORIDA,
ORANGE COUNTY CLERK OF THE COURTS, AND THE NINTH
JUDICIAL CIRCUIT COURT REGARDING FUNDING OF JURY SERVICES**

THIS AGREEMENT is made and effective as of July 1, 2016, by and between Orange County, Florida, a charter county and political subdivision of the State of Florida, (hereinafter referred to as "County"), the Orange County Clerk of the Courts, (hereinafter referred to as "Clerk"), and the Ninth Judicial Circuit Court (hereinafter referred to as "Court").

WITNESSETH:

WHEREAS, for many years, the County, the Clerk and the Court have performed valuable court-related functions for the citizens of Orange County; and

WHEREAS, such court-related functions have included services that have benefitted the court and the citizens of Orange County; and

WHEREAS, the County, the Clerk, and the Court desire to continue to provide these valuable court-related functions; and

WHEREAS, the parties of this Agreement are working to properly align funding responsibilities in accordance with the statutes and other practices around the state; and

WHEREAS, in accordance with section 40.001 of the Florida Statutes, the Court will manage and administer jury services during the period from July 1, 2016, through June 30, 2017, at the direction of the Chief Judge via Court Administration while the Clerk of Court will fund said services;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. RECITALS INCORPORATED:

The foregoing recitals are true, correct, and are incorporated herein.

2. PURPOSE AND INTENT OF AGREEMENT:

It is the intent of the parties to provide for certain court-related functions, which will be provided by the Court under the supervision and administration of the Chief Judge via Court Administration as specified in Paragraph 5 herein. The County shall act as the agent for said payments and shall receive monies from the Clerk in order to provide the services described

herein. Additionally, beginning at the end of May of 2017, the parties agree to negotiate in good faith to enter into a similar Interlocal Agreement for fiscal year 2017-2018. If a new agreement, however, is not finalized by June 30, 2017, then this Interlocal Agreement will remain in full force and effect until either a new agreement is entered into or either party gives notice that it will not enter into a new agreement. If the Clerk gives notice that it will not enter into a new agreement, the Court can either choose to continue providing services without Clerk funding or if the Court chooses not to do so, the parties agree to negotiate in good faith concerning a date when services will be transferred to the Clerk and the Clerk agrees to continue funding under the current Agreement until such agreed upon transfer date.

3. FUNDING MECHANICS:

For the performance of functions relating to jury services, the Clerk will make payments of \$29,685.00 per month to the County, which will then distribute the monies to the Court. If, the Clerk's funding from the state is decreased for any reason during the term of this Agreement, the Court and the Clerk agree to negotiate in good faith to determine whether the amount of the monthly payment will be reduced and if so, in what amount. As soon as the Clerk is provided with confirmation that any portion of its state funding is being decreased, the Clerk will immediately notify the Court. This Agreement does not preclude any party from seeking funding for any functions identified herein from other sources, nor does it require any party to seek funding from other sources. If the Clerk's funding from the state is reinstated to the same or a greater funding level as that level existing prior to any decrease, and the monthly payment was reduced by mutual agreement, the Clerk will reinstate the full monthly payment as listed in this Agreement to the County.

4. RECORDS, ACCOUNTING, AND PERFORMANCE MEASURES:

The parties acknowledge and agree to work cooperatively to achieve the goals as stated:

a. The Court will comply with all reasonable reporting, accounting and performance measures as established by the Clerk.

b. The Court shall cooperate with the Clerk in reporting, accounting and the implementation and maintenance of an evaluation system to monitor services. Such cooperation shall include, but not be limited to, quarterly submission of performance reports that comply with the reporting requirements as established by the Clerk.

c. Any problems, delays or adverse conditions which will materially affect the ability to meet time schedules, affect the ability to attain program goals or preclude the attainment of projected units of service, should be provided in writing to the Clerk immediately after any of these conditions becomes known. This disclosure shall be accomplished by a statement of action taken and any technical assistance needed to resolve the situation.

d. The Court shall establish and maintain documentation in a format acceptable to the Clerk, that demonstrates that the activities carried out with funds provided under this Agreement are utilized to provide the services described herein. The Court records shall be of sufficient detail to fully comply with the performance monitoring and reporting criteria as established by the Clerk in cooperation with the Court. In addition, the Court agrees to retain all client service records, financial records, support documents and any other documents (including electronic storage media) pertinent to this Agreement for a period of five (5) years after execution of this Agreement. Records will be made available for audit upon request.

5. PERFORMANCE OF FUNCTIONS:

The functions to be performed pursuant to this Agreement are jury services (including software) to be performed, managed and supervised by the Chief Judge through Court Administration.

In the event there is any administrative, legislative or judicial determination that any of the above named services cannot be funded by the Clerk while being performed by the Court, then the performance of those functions shall cease being provided under the terms of this Agreement, and both the payment and performance of said function shall be severed from this Agreement and this Agreement shall be deemed terminated. This Agreement does not preclude, nor does it require, any party from seeking funding for any functions identified herein from other sources.

6. TERMS AND TERMINATION:

This Agreement shall be effective as of July 1, 2016, and shall automatically expire on June 30, 2017. This Agreement shall not renew.

7. INDEMNIFICATION:

- a. As to any legal action brought by persons or entities who are not a party to this Agreement, to the extent permitted by law, the Court agrees to be liable for any and all damages, losses, and expenses incurred by the Clerk or the County, caused by the acts and/or omissions of the Court or any of its employees, agents, subcontractors, representatives, or the like arising out of or in any way connected with this Agreement or any future modifications hereof. For acts or omissions caused by the Court, the Court shall defend and hold the Clerk and the County harmless from any and all legal actions, claims, demands by any person, arising out of or in any way connected with this Agreement or any future modifications hereof.
- b. As to any legal action brought by persons or entities who are not a party to this Agreement, to the extent permitted by law, the Clerk agrees to be liable for any and all damages, losses, and expenses incurred by the Court or the County, caused by

the acts and/or omissions of the Clerk or any of the Clerk's employees, agents, subcontractors, representatives, or the like arising out of or in any way connected with this Agreement or any future modifications hereof. For acts or omissions caused by the Clerk, the Clerk shall defend and hold the Court and the County harmless from any and all legal actions, claims, demands by any person, arising out of or in any way connected with this Agreement or any future modifications hereof.

- c. As to any legal action brought by persons or entities who are not a party to this Agreement, to the extent permitted by law, the County agrees to be liable for any and all damages, losses, and expenses incurred by the Court or the Clerk, caused by the acts and/or omissions of the County or any of the County's employees, agents, subcontractors, representatives, or the like arising out of or in any way connected with this Agreement or any future modifications hereof. For acts or omissions caused by the County, the County shall defend and hold the Court and the Clerk harmless from any and all legal actions, claims, demands by any person, arising out of or in any way connected with this Agreement or any future modifications hereof.
- d. These provisions are in no way intended as a waiver of the parties' rights to sovereign immunity.

8. SOVEREIGN IMMUNITY:

The parties expressly retain all rights, benefits and immunities of sovereign immunity in accordance with Section 768.28, Florida Statutes. Notwithstanding anything set forth in any section of this Agreement to the contrary, nothing in this Agreement shall be deemed as a waiver of immunity or the limits of either party's liability beyond any statutory limited waiver of immunity or limits of liability which may have been or may be adopted by the Florida Legislature, and the liability of either party for damages, regardless of the number or the nature of any claims, whether arising in tort, equity, or contract, shall not exceed the dollar amount set by the legislature for tort. Nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against any of the parties, which claim would otherwise be barred under the Doctrine of Sovereign Immunity or by operation of law.

9. AMENDMENT:

Neither this Agreement nor any portion of it may be modified or waived orally. It may be amended only pursuant to the joint execution of an instrument in writing by all the parties hereto and shall be enforceable by, binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

10. GOVERNING LAW AND VENUE:

This Agreement shall be governed by the laws of the State of Florida. In the event it is necessary for any party to initiate legal action regarding this Agreement, venue shall lie in

Orange County, Florida. In the event any legal proceedings are filed in connection with this Agreement wherein the parties are the Court and the Clerk, the Chief Judge will request the Chief Justice of the Supreme Court of Florida to assign a judge from outside the Circuit to preside over the matter.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the day and year first written above.

ORANGE COUNTY, FLORIDA
Board of County Commissioners

ORANGE COUNTY CLERK OF
CIRCUIT AND COUNTY COURTS

By: _____
Teresa Jacobs, Orange County Mayor

By:  _____
Tiffany Nicole Russell
Clerk of Courts

Dated: _____

Dated: August 4, 2016

NINTH JUDICIAL CIRCUIT COURT

By:  _____
Frederick J. Lauten, Chief Judge

Dated: August 5, 2016



Interoffice Memorandum

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
3

AGENDA ITEM

August 10, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Payment of Property Appraiser's First Quarter Billing for
FY 2016-17

Florida Statutes Section 192.091(1)(b) provides for quarterly payments to the Property Appraiser for services rendered.

Board approval is requested to pay the Property Appraiser's first quarter billing in the amount of \$2,980,559.25.

ACTION REQUESTED: Approval to pay the first quarter billing for the Orange County Property Appraiser in the amount of \$2,980,559.25.

KP/JW/vh

c: Eric Gassman, Chief Accountability Officer
Randy Singh, Assistant County Administrator

First Quarter Billing for the Orange County Property Appraiser's Service
October 1, 2016 through September 30, 2017
Summary Sheet

<u>Taxing Authority</u>	<u>Accounting Line</u>	<u>Amount Billed</u>
County, School, and Municipalities	0001-023-0452-3143 ECD	\$ 2,750,128.86
County Fire and EMS	1009-034-0603-3143 FAP	224,060.34
Lake Jessamine	1061-068-2430-3143-HDA	165.43
Lake Holden	1062-068-2438-3143 HDF	246.42
Lake Pickett	1078-068-2430-3143 HEF	53.78
Big Sand Lake	1079-068-2437-3143 HEN	331.39
Lake Price	1080-068-2430-3143 HFQ	33.81
Lake Conway & Navigable Canal	1095-068-2430-3143 HHI	662.41
Windermere Navigable Canal	1096-068-2435-3143 HHU	2,219.32
Orange Blossom Trail Corridor	1169-001-0040-3143 SDL	610.61
Orange Blossom Trail Neighborhood	1170-001-0041-3143 SDM	593.24
Orlando Central Park MSTU	1172-001-0038-3143 SDP	<u>1,453.64</u>
	Total	<u>\$ 2,980,559.25</u>



Interoffice Memo

I. CONSENT AGENDA
COUNTY ADMINISTRATOR

4

AGENDA ITEM

August 10, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Orange County Tax Collector Funding Advance

Board approval is requested to authorize an advance budget draw to the Orange County Tax Collector for the month of October 2016 in accordance with Florida Statute 192.102.

ACTION REQUESTED: Approval to advance \$2,560,558 to the Orange County Tax Collector on October 1, 2016. This advance is necessary to maintain the financial operation of the office during the month of October 2016.

KP/RW/vh

c: Eric Gassman, Chief Accountability Officer
Randy Singh, Assistant County Administrator



Interoffice Memo

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
5

AGENDA ITEM

August 10, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Orange County Supervisor of Elections Office Draw Schedule

Board approval is requested to authorize payment to the Orange County Supervisor of Elections Office for FY 2016-17 budget draws.

ACTION REQUESTED: Approval to make monthly draws to the Orange County Supervisor of Elections as follows: For October 2016, the amount of \$2,302,364; November 2016 through August 2017 in equal amounts of \$627,917; and September 2017, the amount of \$627,922.

KP/RW/vh

c: Eric Gassman, Chief Accountability Officer
Randy Singh, Assistant County Administrator



Interoffice Memorandum

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
6

AGENDA ITEM

August 10, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Orange County Sheriff's Office Draw Schedule

Board approval is requested to authorize payment to the Orange County Sheriff's Office for FY 2016-17 budget draws. The distribution between Law Enforcement and Court Security is shown in Attachment A.

ACTION REQUESTED: Approval to make monthly draws to the Orange County Sheriff as follows: For October 2016, the amount of \$23,622,662; November and December 2016, equal amounts of \$17,562,662; January 2017, the amount of \$35,125,324; February 2017 through July 2017, equal amounts of \$17,562,662; August 2017, the amount of \$17,562,668.

KP/RW/vh

Attachment

c: Eric Gassman, Chief Accountability Officer
Randy Singh, Assistant County Administrator

**FY 2017 SHERIFF
BUDGET DRAWS**

MONTH			LAW ENFORCEMENT	COURT SECURITY	TOTAL
*	OCTOBER		16,409,125	1,153,537	17,562,662
	Capital Equipment	100%	6,050,000	10,000	6,060,000
					<u>23,622,662</u>
	NOVEMBER		16,409,125	1,153,537	17,562,662
	DECEMBER		16,409,125	1,153,537	17,562,662
*	JANUARY		32,818,250	2,307,074	35,125,324
	FEBRUARY		16,409,125	1,153,537	17,562,662
	MARCH		16,409,125	1,153,537	17,562,662
	APRIL		16,409,125	1,153,537	17,562,662
	MAY		16,409,125	1,153,537	17,562,662
	JUNE		16,409,125	1,153,537	17,562,662
	JULY		16,409,125	1,153,537	17,562,662
*	AUGUST		16,409,131	1,153,537	17,562,668
<hr/>					
TOTALS		12/12	202,959,506	13,852,444	216,811,950

* Note Different Amounts

Law Enforcement Accounting Line

0001-006-0126-3146 (ECB)

Court Security Accounting Line

0001-006-0125-3146 (ECA)



August 10, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Orange County Comptroller Draw Schedule

Board approval is requested to authorize payment to the Orange County Comptroller Office for FY 2016-17 quarterly budget draws. The fund sources and quarterly amounts are listed in Attachment A.

ACTION REQUESTED: Approval to make quarterly payments to the Orange County Comptroller from the General Fund, Fire Rescue/911, Parks and Recreation, Public Service Tax, Building, Convention Center/Tourist Development Tax, Water Utilities, Solid Waste/Recycle, and Public Works funds for fees beginning October 2016 through July 2017.

KP/RW/vh

Attachment

c: Eric Gassman, Chief Accountability Officer
Randy Singh, Assistant County Administrator

ATTACHMENT A

SCHEDULE OF QUARTERLY DRAWS

Source	QUARTER PERIOD BEGINNING				Total Draw	Charge to Account	Quarterly Amount
	October 2016	January 2017	April 2017	July 2017			
General Fund	\$ 1,104,520.25	\$ 1,104,520.25	\$ 1,104,520.25	\$ 1,104,520.25	\$ 4,418,081.00	0001-023-0450-3142	\$ 1,104,520.25 \$ 1,104,520.25
Fire Rescue/911	\$ 323,498.50	\$ 323,498.50	\$ 323,498.50	\$ 323,498.50	\$ 1,293,994.00	1009-034-0603-3142 1054-031-0677-3142	\$ 313,801.50 \$ 9,697.00 \$ 323,498.50
Parks & Recreation	\$ 163,298.75	\$ 163,298.75	\$ 163,298.75	\$ 163,298.75	\$ 653,195.00	1050-065-1801-3142	\$ 163,298.75 \$ 163,298.75
PST	\$ 62,883.00	\$ 62,883.00	\$ 62,883.00	\$ 62,883.00	\$ 251,532.00	2319-023-0450-3142	\$ 62,883.00 \$ 62,883.00
Building/Planning/Zoning	\$ 58,635.25	\$ 58,635.25	\$ 58,635.25	\$ 58,635.25	\$ 234,541.00	1011-068-2610-3142	\$ 58,635.25 \$ 58,635.25
Convention Center/TDT	\$ 342,096.75	\$ 342,096.75	\$ 342,096.75	\$ 342,096.75	\$ 1,368,387.00	4430-035-0911-3142 4430-035-0935-3148 Total	\$ 222,329.50 \$ 119,767.25 \$ 342,096.75
Water Utilities	\$ 431,557.25	\$ 431,557.25	\$ 431,557.25	\$ 431,557.25	\$ 1,726,229.00	4420-038-1308-3142	\$ 431,557.25 \$ 431,557.25
Solid Waste	\$ 59,739.75	\$ 59,739.75	\$ 59,739.75	\$ 59,739.75	\$ 238,959.00	4410-038-1010-3142 Total	\$ 59,739.75 \$ 59,739.75
Mandatory Garbage	\$ 11,029.75	\$ 11,029.75	\$ 11,029.75	\$ 11,029.75	\$ 44,119.00	1006-038-1250-3142	\$ 11,029.75 \$ 11,029.75
Public Works	\$ 275,216.25	\$ 275,216.25	\$ 275,216.25	\$ 275,216.25	\$ 1,100,865.00	1002-072-2701-3142 1003-072-2701-3142 1004-072-2701-3142 Total	\$ 238,289.25 \$ 22,369.25 \$ 14,557.75 \$ 275,216.25
						TOTAL DRAW	\$ 2,832,475.50



Interoffice Memoranda

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
8

AGENDA ITEM

August 10, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Payment for Clerk of Courts Communication Expenses

Board approval is requested to pay the Orange County Clerk of Courts \$140,000 that is included in the FY 2016-17 budget for costs of communication expenses required under Florida Statute 29.008(1)(f). Distribution of the communication expenses will be processed on a quarterly basis.

ACTION REQUESTED: Approval to pay the Clerk of Courts \$140,000 for FY 2016-17 communication expenses.

KP/KH

Attachment

c: Eric Gassman, Chief Accountability Officer
Randy Singh, Assistant County Administrator



Interoffice Memorandum

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
9

AGENDA ITEM

August 12, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Items for September 13, 2016
Service Funding Agreements

Attached for approval and execution are the following FY 2016-17 service funding agreements:

1. Orange County and Seniors First, Inc. (\$95,418).
2. Orange County and Orange County Bar Association, Inc. - Citizen Dispute Settlement Mediation Program (\$102,228).
3. Orange County and Legal Aid Society of the Orange County Bar Association, Inc. (\$767,017).

As required by Article V of the State Constitution, the Chief Judge has identified these programs as local requirements of the Ninth Judicial Circuit Court.

Seniors First, Inc., is a non-profit social services organization that serves the public interest needs of Orange County senior citizens with legal guardianship for elderly clients who have been legally declared unable to care for themselves.

The Orange County Bar Association, through its Citizen Dispute Settlement Mediation Program mediates disputes, which may involve but are not limited to landlord/tenant issues, recovery of money or property, neighborhood complaints, consumer disputes, and minor criminal issues.

Since 1961, the Legal Aid Society of the Orange County Bar Association, Inc., in partnership with local attorneys, has provided civil legal representation and access to the courts for low-income residents, the working poor, children, and other disadvantaged groups with special legal needs who reside in Orange County.

Mayor Teresa Jacobs
-AND-
Board of County Commissioners
Consent Agenda Item for September 13, 2016
August 12, 2016
Page 2

ACTION REQUESTED: Approval and execution of Service Funding Agreements between Orange County, Florida and the Seniors First, Inc. (\$95,418), the Orange County Bar Association, Inc. - Citizen Dispute Settlement Mediation Program (\$102,228), and the Legal Aid Society of the Orange County Bar Association, Inc. (\$767,017) for FY 2016–17.

KP/KH/vh

Attachments

c: Eric Gassman, Chief Accountability Officer
Randy Singh, Assistant County Administrator

SERVICE FUNDING AGREEMENT

between

ORANGE COUNTY, FLORIDA

and the

SENIORS FIRST, INC.

FISCAL YEAR 2016-2017

THIS AGREEMENT is made and entered into this ____ day of September 2016, by and between ORANGE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "the County," and SENIORS FIRST, INC, hereinafter referred to as "Seniors First."

WITNESSETH:

WHEREAS, Seniors First is a nonprofit social service organization dedicated to the needs of Orange County senior citizens and provides legal guardianship for elderly clients who have been legally declared unable to care for themselves; and

WHEREAS, the County has determined that there is a public interest for such activities/programs/services; and

WHEREAS, the Chief Judge has identified the Seniors First program as a local requirement of the Ninth Judicial Circuit; and

WHEREAS, the parties now desire to reference the section of the *Orange County Code* that provides for the use of court costs imposed on certain criminal violations to fund certain operations of Seniors First; and

WHEREAS, the County desires to enter into an agreement with Seniors First whereby Seniors First will receive and disburse said funds of the County for the purpose of providing activities/programs/services in accordance with the terms and conditions herein set forth; and

WHEREAS, Seniors First has available the necessary qualified and trained personnel, facilities, materials and supplies to perform such services and/or carry out such programs as set forth in this Agreement;

THEREFORE, in consideration of the premises and of the mutual covenants herein contained, the parties hereby agree as follows:

SECTION 1. RECITALS INCORPORATED: The foregoing recitals are true, correct, and are incorporated herein.

SECTION 2. SENIORS FIRST SHALL

a. Provide guardianship activities/programs/services that include, but are not limited to, the handling of legal and medical affairs, visitation, and monitoring of senior citizens who reside in Orange County and have been legally declared unable to care for themselves.

b. Procure or provide adequate space and equipment to provide said activities/programs/services.

c. Provide said activities/programs/services without regard to race, color, creed, sex, age, national origin, disability or marital status, and remain in compliance with Title VII of the 1964 Civil Rights Act as amended, and any and all other applicable federal, state or local laws, rules or regulations, whether presently existing or hereafter promulgated.

d. Employ the necessary professional, clerical staff, and volunteers to ensure efficient operations and the ability to offer the services outlined in Section 3a.

e. Submit periodic reports to Orange County's Office of Management and Budget according to the terms described in Exhibit "A." Failure to comply with the County's request for submission of such report shall constitute grounds for termination of this Agreement, and may result in the ineligibility of Seniors First to receive future contributions from the County. Completion of the prior year reporting requirement is a prerequisite to receipt of any payment under this Agreement.

f. Maintain its corporate, non-profit status in the State of Florida throughout the term of this Agreement. If Seniors First should, during the term of this Agreement, lose its corporate status, it shall immediately notify the County in writing and the County reserves the right to terminate this Agreement immediately and discontinue payments to Seniors First.

g. Utilize such accounting procedures and practices in maintenance of the records of receipts and disbursements of the funds contributed by the County as will be in accordance with generally accepted accounting principles. All such records shall be open to inspection by the County or by the County's designee during normal business hours for a period of three years from the effective date of this Agreement. Any cost incurred by Seniors First as a result of an Orange County audit shall be the sole responsibility of, and shall be borne by, Seniors First. In addition, should Seniors First provide any or all of the County's funds to sub-recipients, then and in that event, Seniors First shall include in written agreements with such sub-recipients a requirement that records of the sub-recipient be open to inspection and audit by the County or the County's designee.

h. Indemnify and hold harmless the County from and against any and all liability, claims, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions and cost of

actions, including attorneys' fees, and attorneys on appeal of any kind and nature arising or growing out of or in any way connected with the performance of this Agreement itself.

SECTION 3. FUNDING MECHANICS

a. The County agrees to appropriate ninety five thousand four hundred eighteen dollars (\$95,418) to Seniors First for fiscal year 2016-2017 for the provision of guardianship activities/programs/services.

b. The parties agree that quarterly invoices for an amount equal to one-fourth of the annual budgetary appropriation approved by the Board of County Commissioners ("BCC") for guardianship purposes will be provided to the County by Seniors First. The invoices shall be submitted to Orange County's Office of Management & Budget at the address specified in Exhibit "A." The first quarter invoice shall pertain to the period beginning October 1, 2016 and ending December 31, 2016. Quarterly invoices shall be submitted to the County within the first month of each quarter for payment.

c. Within thirty (30) days of receiving each quarterly invoice from Seniors First, the County will provide a portion of the sum generated for local requirements for guardianship purposes, by virtue of Chapter 14, Section 14-1(b)(1), *Orange County Code*, and contingent upon an annual budgetary appropriation by the BCC during the term of this agreement to Seniors First. The quarterly payments to Seniors First may not exceed the amount approved by the BCC. However, should revenues generated in the local requirements fund be less than the amount approved by the BCC, the County may elect to only make payments to Seniors First up to the actual amount collected and available.

d. The funding under this agreement is strictly for the uses and purpose outlined in Section 2 of this agreement. No funds paid under this Agreement shall be expended for any lobbyist, as such term is defined in section 2-351 of Orange County Code, to engage in any lobbying activities designed to influence decisions or other foreseeable actions of the Board of County Commissioners or the governing body of any other municipality located within Orange County. Furthermore, Seniors First, Inc. agrees that it shall not undertake, or cause to be undertaken, or participate in, any lobbying before the state legislature in order to advocate for or influence legislative decision making inconsistent with legislative priorities adopted by the Board of County Commissioners, without the prior written consent of such Board or the County Administrator.

SECTION 4. TERM AND TERMINATION

a. This agreement shall be effective as of the date of last execution hereof by the parties and shall terminate on September 30, 2017.

b. Either party may terminate this Agreement at any time, with or without cause, upon no less than fifteen (15) days notice in writing to the other party. Said notice shall be delivered by certified mail or in person to the business address of the party upon whom such notice is served.

c. Continued performance by either party hereto, pursuant to the terms of this Agreement, after a default of any of the terms, covenants or conditions herein shall not be deemed a waiver of any right to terminate this Agreement for any subsequent default, and no waiver of such default shall be construed or act as a waiver of any subsequent default.

SECTION 5. GOVERNING LAW

This Agreement shall be construed in accordance with the laws of the State of Florida. It is agreed by and between the parties that if any covenant, condition or provision contained in this Agreement is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other covenants, conditions or provisions herein contained.

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

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____

Teresa Jacobs
Orange County Mayor

Date: _____

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____

Deputy Clerk
Clerk/Deputy Clerk of the Board

Date: _____

* * * * *

SENIORS FIRST, INC.

By: Martha O. Haynie

Title: President/CEO

Date: 8/11/16

EXHIBIT A

The following reports should be submitted to the Office of Management and Budget:

Within ninety (90) days of its release, Seniors First shall provide the County with a copy of all performance measure reports, or any other official reports prepared during the term of this agreement.

Reports and communications to the COUNTY:

Orange County
Office of Management and Budget
Attn: Kurt Petersen, Manager
201 South Rosalind Avenue, 3rd Floor
Orlando, Florida 32802

Phone: 407-836-7390
Fax: 407-836-2880

Reports and communications to Seniors First:

Seniors First, Inc.
Attn: Marsha Lorenz, Chief Executive Officer
5395 L.B. McLeod Road
Orlando, Florida 32811

Phone: 407-292-0177
Fax: 407-292-2773

SERVICE FUNDING AGREEMENT
between
ORANGE COUNTY, FLORIDA
and the
ORANGE COUNTY BAR ASSOCIATION, INC.

FISCAL YEAR 2016-2017

THIS AGREEMENT is made and entered into this ____ day of September 2016, by and between ORANGE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "the County," and ORANGE COUNTY BAR ASSOCIATION, INC, hereinafter referred to as "the Bar Association."

WITNESSETH:

WHEREAS, the Bar Association provides the Citizen Dispute Settlement Mediation Program (CDS) to Orange County citizens; and

WHEREAS, the Chief Judge has identified the CDS program as a local requirement of the Ninth Judicial Circuit; and

WHEREAS, the County has determined that there is a public interest for such activities/programs/services; and

WHEREAS, the parties now desire to reference the section of the *Orange County Code* that provides for the use of court costs imposed on certain criminal violations to provide funding for the CDS; and

WHEREAS, the County desires to enter into an agreement with the Bar Association whereby the Bar Association will receive and disburse said funds of the County for the purpose of providing activities/programs/services in accordance with the terms and conditions herein set forth; and

WHEREAS, the Bar Association has available the necessary qualified and trained personnel, facilities, materials, and supplies to perform such services and/or carry out such programs as set forth in this Agreement;

THEREFORE, in consideration of the premises and of the mutual covenants herein contained, the parties hereby agree as follows:

SECTION 1. RECITALS INCORPORATED: The foregoing recitals are true, correct, and are incorporated herein.

SECTION 2. THE BAR ASSOCIATION SHALL

a. Provide Citizen Dispute Mediation services whereby citizens of the County may bring their disputes to the Bar Association for mediation. Disputes may involve but are not limited to landlord/tenant issues, recovery of money or property, neighborhood complaints, consumer disputes, and minor criminal issues.

b. Procure or provide adequate space and equipment to provide said activities/programs/services.

c. Provide said activities/programs/services without regard to race, color, creed, sex, age, national origin, disability or marital status, and remain in compliance with Title VII of the 1964 Civil Rights Act as amended, and any and all other applicable federal, state or local laws, rules or regulations, whether presently existing or hereafter promulgated.

d. Employ the necessary professional, clerical staff, and volunteers to ensure efficient operations and the ability to offer the services outlined in Section 3a.

e. Submit periodic reports to Orange County's Office of Management and Budget according to the terms described in Exhibit "A." Failure to comply with the County's request for submission of such report shall constitute grounds for termination of this Agreement and may result in the ineligibility of the Bar Association to receive future contributions from the County. Completion of the prior year reporting requirement is a prerequisite to receipt of any payment under this Agreement.

f. Maintain its corporate, non-profit status in the State of Florida throughout the term of this Agreement. If the Bar Association should, during the term of this Agreement, lose its corporate status, it shall immediately notify the County in writing and the County reserves the right to terminate this Agreement immediately and discontinue payments to the Bar Association.

g. Utilize such accounting procedures and practices in maintenance of the records of receipts and disbursements of the funds contributed by the County as will be in accordance with generally accepted accounting principles. All such records shall be open to inspection by the County or by the County's designee during normal business hours for a period of three years from the effective date of this Agreement. Any cost incurred by the Bar Association as a result of an Orange County audit shall be the sole responsibility of and shall be borne by the Bar Association. In addition, should the Bar Association provide any or all of the County's funds to sub-recipients, then and in that event, the Bar Association shall include in written agreements with such sub-recipients a requirement that records of the sub-recipient be open to inspection and audit by the County or the County's designee.

h. Indemnify and hold harmless the County from and against any and all liability, claims, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions and cost of

actions, including attorneys' fees, and attorneys on appeal of any kind and nature arising or growing out of or in any way connected with the performance of this Agreement itself.

SECTION 3. FUNDING MECHANICS

a. The County agrees to appropriate one hundred two thousand two hundred twenty eight dollars (\$102,228) to the Orange County Bar Association, Inc., for fiscal year 2016-2017 for the provision of citizens dispute mediation services.

b. The parties agree that quarterly invoices for an amount equal to one-fourth of the annual budgetary appropriation approved by the Board of County Commissioners ("BCC") for the CDS program will be provided to the County by the Bar Association. The invoices shall be submitted to Orange County's Office of Management & Budget at the address specified in Exhibit "A." The first invoice shall pertain to the period beginning October 1, 2016 and ending December 31, 2016. Quarterly invoices shall be submitted to the County within the first month of each quarter for payment.

c. Within thirty (30) days of receiving each quarterly invoice from the Bar Association, the County will provide a portion of the sum generated for local requirements for citizen dispute mediation purposes, by virtue of Chapter 14, Section 14-1(b)(1), *Orange County Code*, and contingent upon an annual budgetary appropriation by the BCC during the term of this agreement to the Bar Association. The quarterly payments to the Bar Association may not exceed the amount approved by the BCC. However, should revenues generated in the local requirements fund be less than the amount approved by the BCC, the County may elect to only make payments to the Bar Association up to the actual amount collected and available.

d. The funding under this agreement is strictly for the uses and purpose outlined in Section 2 of this agreement. No funds paid under this Agreement shall be expended for any lobbyist, as such term is defined in section 2-351 of Orange County Code, to engage in any lobbying activities designed to influence decisions or other foreseeable actions of the Board of County Commissioners or the governing body of any other municipality located within Orange County. Furthermore, Orange County Bar Association, Inc. agrees that it shall not undertake, or cause to be undertaken, or participate in, any lobbying before the state legislature in order to advocate for or influence legislative decision making inconsistent with legislative priorities adopted by the Board of County Commissioners, without the prior written consent of such Board or the County Administrator.

SECTION 4. TERM AND TERMINATION

a. This agreement shall be effective as of the date of last execution hereof by the parties and shall terminate on September 30, 2017.

b. Either party may terminate this Agreement at any time, with or without cause, upon no less than fifteen (15) days notice in writing to the other party. Said notice shall be delivered by certified mail or in person to the business address of the party upon whom such notice is served.

c. Continued performance by either party hereto, pursuant to the terms of this Agreement, after a default of any of the terms, covenants or conditions herein shall not be deemed a waiver of any right to terminate this Agreement for any subsequent default, and no waiver of such default shall be construed or act as a waiver of any subsequent default.

SECTION 5. GOVERNING LAW

This Agreement shall be construed in accordance with the laws of the State of Florida. It is agreed by and between the parties that if any covenant, condition or provision contained in this Agreement is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other covenants, conditions or provisions herein contained.

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

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By _____
Teresa Jacobs
Orange County Mayor

Date: _____

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk
Clerk/Deputy Clerk of the Board

Date: _____

* * * * *

ORANGE COUNTY BAR ASSOCIATION, INC.

By: _____

Title: Executive Director, OCB

Date: 7/28/16

EXHIBIT A.

The following reports should be submitted to the Office of Management and Budget:

Within ninety (90) days of its release, the Bar Association shall provide the County with a copy of all performance measure reports, or any other official reports prepared during the term of this agreement.

Reports and communications to the COUNTY:

Orange County
Office of Management and Budget
Attn: Kurt Petersen, Manager
201 South Rosalind Avenue, 3rd Floor
Orlando, Florida 32802

Phone: 407-836-7390
Fax: 407-836-2880

Reports and communications to the Bar Association:

Orange County Bar Association, Inc.
Attn: Kimberly Homer, Esq., Executive Director
880 North Orange Avenue
Post Office Box 530085
Orlando, Florida 32853-0085

Phone: 407-422-4551
Fax: 407-843-3470

SERVICE FUNDING AGREEMENT
between
ORANGE COUNTY, FLORIDA
and the
LEGAL AID SOCIETY OF THE ORANGE COUNTY BAR ASSOCIATION,
INC.

FISCAL YEAR 2016-2017

THIS AGREEMENT is made and entered into this ____ day of September 2016, by and between ORANGE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "the County," and the LEGAL AID SOCIETY OF THE ORANGE COUNTY BAR ASSOCIATION, INC, hereinafter referred to as "the Legal Aid Society."

WITNESSETH:

WHEREAS, since 1961, the Legal Aid Society, in partnership with local attorneys, has provided civil legal representation and access to the courts for low-income residents, the working poor, children, and other disadvantaged groups with special legal needs who reside in Orange County; and

WHEREAS, the County has determined that there is a public interest for such activities/programs/services and has supported the Legal Aid Society through a filing fee add-on for many years; and

WHEREAS, the parties now desire to reference the section of the *Orange County Code* that provides for the use of court costs imposed on certain criminal violations to fund the operations of the Legal Aid Society; and

WHEREAS, the County desires to enter into an agreement with the Legal Aid Society whereby the Legal Aid Society will receive and disburse said funds of the County for the purpose of providing activities/programs/services in accordance with the terms and conditions herein set forth; and

WHEREAS, the Legal Aid Society has available the necessary qualified and trained personnel, facilities, materials and supplies to perform such services and/or carry out such programs as set forth in this Agreement;

THEREFORE, in consideration of the premises and of the mutual covenants herein contained, the parties hereby agree as follows:

SECTION 1. RECITALS INCORPORATED: The foregoing recitals are true, correct, and are incorporated herein.

SECTION 2. THE LEGAL AID SOCIETY SHALL

a. Provide legal activities/programs/services that include but are not limited to advice and counsel, information and referral, and negotiation and litigation, to low-income residents, the working poor, children, and other disadvantaged groups with special legal needs who reside in Orange County.

b. Procure or provide adequate space and equipment to provide said activities/programs/services.

c. Provide said activities/programs/services without regard to race, color, creed, sex, age, national origin, disability or marital status, and remain in compliance with Title VII of the 1964 Civil Rights Act as amended, and any and all other applicable federal, state or local laws, rules or regulations, whether presently existing or hereafter promulgated.

d. Employ the necessary professional, clerical staff, and volunteers to ensure efficient operations and the ability to offer the services outlined in section 3a.

e. Submit periodic reports to the County's Office of Management and Budget according to the terms described in Exhibit "A." Failure to comply with the County's request for submission of such report shall constitute grounds for termination of this Agreement and may result in the ineligibility of the Legal Aid Society to receive future contributions from the County. Completion of the prior year reporting requirement is a prerequisite to receipt of any payment under this Agreement.

f. Maintain its corporate, non-profit status in the State of Florida throughout the term of this Agreement. If the Legal Aid Society should, during the term of this Agreement, lose its corporate status, it shall immediately notify the County in writing and the County reserves the right to terminate this Agreement immediately and discontinue payments to the Legal Aid Society.

g. Utilize such accounting procedures and practices in maintenance of the records of receipts and disbursements of the funds contributed by the County as will be in accordance with generally accepted accounting principles. All such records shall be open to inspection by the County or by the County's designee during normal business hours for a period of three years from the effective date of this Agreement. Any cost incurred by the Legal Aid Society as a result of a County audit shall be the sole responsibility of and shall be borne by the Legal Aid Society. In addition, should the Legal Aid Society provide any or all of the County's funds to sub-recipients, then and in that event the Legal Aid Society shall include in written agreements with such sub-recipients a requirement that records of the sub-recipient be open to inspection and audit by the County or the County's designee.

h. Indemnify and hold harmless the County from and against any and all liability, claims, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions and cost of actions, including attorneys' fees, and attorneys on appeal of any kind and nature arising or growing out of or in any way connected with the performance of this Agreement itself.

SECTION 3. FUNDING MECHANICS

a. The County agrees to appropriate seven hundred fifty one thousand nine hundred seventy eight dollars (\$767,017) to the Legal Aid Society of the Orange County Bar Association, Inc., for fiscal year 2016-2017 for the provision of legal aid services according to Florida Statute 29.008. This amount includes \$63,199 for support of Guardian ad Litem.

b. The parties agree that quarterly invoices be submitted for an amount equal to one-fourth of the annual budgetary appropriation approved by the Board of County Commissioners ("BCC") for the Legal Aid Society. The invoices shall be submitted to Orange County's Office of Management & Budget at the address specified in Exhibit "A." The first quarter invoice shall pertain to the period beginning October 1, 2016 and ending December 31, 2016. Quarterly invoices shall be submitted to the County within the first month of each quarter for payment.

c. Within thirty (30) days of receiving each quarterly invoice from the Legal Aid Society the County will provide a portion of the sum generated for local requirements for legal aid purposes, by virtue of Chapter 14, Section 14-1(b)(1), *Orange County Code*, and contingent upon an annual budgetary appropriation by the BCC during the term of this agreement to the Legal Aid Society. The quarterly payments to the Legal Aid Society may not exceed the amount approved by the BCC.

d. The funding under this agreement is strictly for the uses and purpose outlined in Section 2 of this agreement. No funds paid under this Agreement shall be expended for any lobbyist, as such term is defined in section 2-351 of Orange County Code, to engage in any lobbying activities designed to influence decisions or other foreseeable actions of the Board of County Commissioners or the governing body of any other municipality located within Orange County. Furthermore, Legal Aid Society of the Orange County Bar Association, Inc. agrees that it shall not undertake, or cause to be undertaken, or participate in, any lobbying before the state legislature in order to advocate for or influence legislative decision making inconsistent with legislative priorities adopted by the Board of County Commissioners, without the prior written consent of such Board or the County Administrator.

SECTION 4. TERM AND TERMINATION

a. This agreement shall become effective as of the date of last execution hereof by the parties and shall terminate on September 30, 2017.

b. Either party may terminate this Agreement at any time, with or without cause, upon no less than fifteen (15) days notice in writing to the other party. Said notice shall be delivered by certified mail or in person to the business address of the party upon whom such notice is served.

c. Continued performance by either party hereto, pursuant to the terms of this Agreement, after a default of any of the terms, covenants or conditions herein shall not be deemed a waiver of any right to terminate this agreement for any subsequent default, and no waiver of such default shall be construed or act as a waiver of any subsequent default.

SECTION 5. GOVERNING LAW

This Agreement shall be construed in accordance with the laws of the State of Florida. It is agreed by and between the parties that if any covenant, condition or provision contained in this Agreement is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other covenants, conditions or provisions herein contained.

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

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

Date: _____

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk
Clerk/Deputy Clerk of the Board

Date: _____

* * * * *

LEGAL AID SOCIETY OF THE ORANGE
COUNTY BAR ASSOCIATION, INC.

By: Maureen Delehille

Title: Executive Director

Date: July 26, 2016

EXHIBIT A

The following reports should be submitted to the Office of Management and Budget:

Within ninety (90) days of its release, the Legal Aid Society shall provide the County with a copy of all comprehensive annual financial reports, external audit reports, or any other official reports prepared during the term of this agreement.

Reports and communications to the COUNTY:

Orange County
Office of Management and Budget
Attn: Kurt Petersen, Manager
201 S. Rosalind Ave. 3rd Floor
Orlando, Florida 32802

Phone: 407-836-7390
Fax: 407-836-2880

Reports and communications to the LEGAL AID SOCIETY:

Legal Aid Society of the Orange County Bar
Association, Inc.
Attn: Mary Anne De Petrillo, Executive Director
100 East Robinson Street
Orlando, Florida 32801

Phone: 407-841-8310
Fax: 407-648-9240



Interoffice Memorandum

August 24, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management and Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Orange Blossom Trail Safe Neighborhood Improvement District
Expenditure Reimbursement Authorization FY 2016-17

On January 13, 1999, Orange County created the Orange County Safe Neighborhood Crime Prevention Fund (Fund 1243) by ordinance #98-01. This fund generates revenue from the imposition of fines collected from area arrests. The designated Neighborhood Improvement Districts may use those funds for crime prevention programs. Section 7 of the ordinance allocates the first \$125,000 to the Orange Blossom Trail Local Government Neighborhood Improvement District, as well as any other unallocated revenues from the program.

The Safe Neighborhood Council is requesting approval for Orange County staff to reimburse expenditures throughout FY 2016-17 for the Orange Blossom Trail Safe Neighborhood Improvement District as approved in the FY 2016-17 budget.

ACTION REQUESTED: Approval to reimburse expenditures throughout FY 2016-17 for the Orange Blossom Trail Safe Neighborhood Improvement District as approved in the FY 2016-17 budget.

KP/AL/vh

c: County Administrator
Clerks/Board of County Commissioners
Grants
Finance
File



Interoffice Memorandum

AGENDA ITEM

August 24, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management and Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Disbursement of Administrative Funds to Orange Blossom
Trail Development Board from Orange County CRA

On July 18, 2016, the Board of County Commissioners approved the Orange County Community Redevelopment Agency (CRA), commonly referred to as the Orange Blossom Trail CRA, budget resolution and proposed FY 2016-17 budget. The Orange Blossom Trail Development Board requires an advance payment of \$150,000 for administrative expenses from the Orange County CRA for FY 2016-17 to continue its normal operations until the full incremental tax revenue is received by December 2016.

ACTION REQUESTED: Approval to disburse \$150,000 to the Orange Blossom Trail Development Board by October 7, 2016, for administration in order to maintain normal operations for the first quarter of FY 2016-17.

KP/AL/vh

c: County Administrator
Clerk of the Board of County Commissioners
Grants
Finance
File



Interoffice Memorandum

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
12

AGENDA ITEM

August 24, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Items for September 13, 2016
Budget Amendments #16-53, #16-54, #16-55, and #16-56

Provided for Board approval are copies of the budget amendments processed by the Office of Management and Budget.

ACTION REQUESTED: Approval of budget amendments #16-53, #16-54, #16-55, and #16-56.

KP/vh

Attachments



AGENDA ITEM

August 17, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management and Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Budget Amendment #16-53, Fund #8133
Contract# GC702 Task Assignment # 12
EPD Underground Storage Tank (UST) Compliance Program
Environmental Protection Division/Community, Environmental &
Development Services Department

On July 26, 2007, the Board of County Commissioners approved a 10-year task assignment contract from the Florida Department of Environmental Protection for the Underground Storage Tank (UST) Compliance Program. On September 15, 2015, the Board of County Commissioners approved an estimated budget of \$969,154 for Task Assignment #12; however, the Florida Department of Environmental Protection awarded \$774,527, which represents a decrease of \$194,627. Funding is utilized to conduct routine compliance inspections at 1,287 facilities identified in the storage tank system.

Therefore, in accordance with Section 129.06(2)(d), Florida Statutes, it is recommended that the following accounts be adjusted by the amounts shown.

Revenues:

Account Number	Classification	Amount
8133-068-7250-3331	FL Department of Environmental Protection	\$ (194,627)
	TOTAL REVENUES	<u>\$ (194,627)</u>

Mayor Teresa Jacobs
-AND-
Board of County Commissioners
Consent Agenda Item for September 13, 2016
August 176, 2016
Page 2

Expenditures:

Account Number	Classification	Amount
7PT-8133-068-7250-1120	Regular Salaries & Wages	\$ (42,018)
7PT-8133-068-7250-1130	Other Salaries & Wages	7,000
7PT-8133-068-7250-2110	FICA Taxes	(980)
7PT-8133-068-7250-2120	Retirement Contribution	(11,703)
7PT-8133-068-7250-2130	Life & Health Insurance	(12,200)
7PT-8133-068-7250-2140	Workers' Compensation	100
7PT-8133-068-7250-2150	Unemployment Compensation	100
7PU-8133-068-7250-3125	Indirect Costs	(136,767)
7PW-8133-068-7250-3825	Internal Fleet Management	
	Charges	1,238
7PW-8133-068-7250-4482	Self Insurance Charges (Property / Casualty)	603
7PX-8133-068-7250-6438	Computer Equipment > \$500	(100)
7PX-8133-068-7250-6440	Software	100
	TOTAL EXPENDITURES	\$ (194,627)

KP/PM/vh

c: County Administrator
Clerk of the Board of County Commissioners
Finance
File



August 16, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management and Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Budget Amendment #16-54, Fund #7617
Contract #95450415 Amendment No.4
Air Pollution Control – EPA 105
Environmental Protection Division/Community, Environmental &
Development Services Department

On April 21, 2015, the Board of County Commissioners approved an award from the U.S. Environmental Protection Agency in the amount of \$60,972, for the Orange County Air Pollution Control program. Since then, three consecutive amendments have been approved increasing the total award to \$402,817. A new amendment, No.4, was received to increase the award by \$81,389, for a total grant award of \$484,206. These funds will be used for work associated with prevention and control of air pollution.

Therefore, in accordance with Section 129.06(2)(d), Florida Statutes, it is recommended that the following accounts be adjusted by the amounts shown.

Revenues:

Account Number	Classification	Amount
7617-068-7209-3170	Environmental Protection Agency	\$ 81,389
	TOTAL REVENUES	\$ 81,389

Expenditures:

Account Number	Classification	Amount
6HX-7617-068-7209-1120	Regular Salaries & Wages	\$ 53,407
6HX-7617-068-7209-2110	FICA Taxes	4,086
6HX-7617-068-7209-2120	Retirement Contribution	3,936
6HX-7617-068-7209-2130	Life & Health Insurance	9,693
6HY-7617-068-7209-3125	Indirect Costs	3,783
6HW-7617-068-7209-6410	Equipment	6,484
	TOTAL EXPENDITURES	\$ 81,389

fn

KP/PM/vh

c: County Administrator
Clerk of the Board of County Commissioners
Finance
File



Interoffice Memorandum

AGENDA ITEM

August 23, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management and Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Budget Amendment #16-55, FY 2016, Fund #4430
Orange County Convention Center

A budget amendment is requested to recognize an increase in Convention Center operational revenues collected that have exceeded budget estimates. The expenditure budget is being adjusted as a part of this amendment to cover additional electric utilities and building maintenance cost.

Therefore, in accordance with Section 129.06(2)(e), Florida Statutes, it is recommended that the following accounts be adjusted by the amounts shown.

Revenues:

Account Number	Classification	Amount
4430-035-0900-4197	Internet Services – Convention Center	\$ 1,925,000
4430-035-0900-4810	Catering & Concessions	1,332,895
4430-035-0924-4860	Equipment Rental	600,000
4430-035-0900-4820	Utility Services	1,500,000
4430-035-0900-4807	Event Technical Service Labor	1,300,000
4430-035-0919-8810	5% Statutory Deduction	(332,895)
	TOTAL REVENUES	<u>\$ 6,325,000</u>

Expenditures:

Account Number	Classification	Amount
4430-035-0922-3745	Utilities - Electric	\$ 3,825,000
4430-035-0922-3810	Maintenance of Buildings, Improvements, and Grounds	2,500,000
	TOTAL EXPENDITURES	<u>\$ 6,325,000</u>

KP/KH/vh

c: County Administrator
Clerk of the Board of County Commissioners
Finance
File



Interoffice Memorandum

AGENDA ITEM

August 24, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management and Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Budget Amendment #16-56, Fund #8280
East Orange Recreational Center
Parks and Recreation Division/Community, Environmental and
Development Services Department

The Orange County Parks and Recreation Division received an award from the Florida Department of Economic Opportunity in the amount of \$1,000,000, for the construction of the East Orange Regional Recreation Center. Funding will be utilized to design and construct a 5,000 square foot Recreation Center within the East Orange District Park on S.R.50 in the Ft. Christmas Area.

Therefore, in accordance with Section 129.06(2)(d), Florida Statutes, it is recommended that the following accounts be adjusted by the amounts shown.

Revenues:

Account Number	Classification	Amount
8280-068-7539-3448	Florida Department of Economic Opportunity	\$ 1,000,000
	TOTAL REVENUE	<u>\$ 1,000,000</u>

Expenditures:

Account Number	Classification	Amount
7JX-8280-068-7539-3820	Maintenance of Equipment	\$ 1,000
7JX-8280-068-7539-4120	Software < \$1,000	1,000
7JX-8280-068-7539-4121	Computer Equipment < \$1,000	1,000
7JX-8280-068-7539-4123	Equipment < \$1,000	20,000
7JY-8280-068-7539-6210	Buildings	954,000
7JY-8280-068-7539-6310	Structures & Facilities other than Buildings	20,000
7JY-8280-068-7539-6410	Equipment	1,000
7JY-8280-068-7539-6438	Computer Equipment > \$500	1,000
7JY-8280-068-7539-6440	Software	1,000
	TOTAL EXPENDITURE	<u>\$ 1,000,000</u> <i>[Signature]</i>

KP/PM/vh

c: County Administrator
Clerk of the Board of County Commissioners
Finance
File



August 25, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for September 13, 2016
Budget Transfers #16-000001368 and #16-000001384

Provided for Board approval are copies of budget transfers processed by the Office of Management and Budget.

ACTION REQUESTED: Approval of budget transfers #16-000001368 and #16-000001384.

KP/vh

Attachments

BUDGET TRANSFER REQUEST

AGENDA ITEM

CONTROL NO 16-000001368

BCC

(To be assigned by OMB)

vh

FUND NO 1161

DEPARTMENT(S)

MSTU/MSBU Accounting

DATE: 09/13/16

Request the following transfer be made for the reason(s) stated:

pg 1 of 1

	AGENCY	ORGANIZATION	OBJECT	APPR	AMOUNT FROM	AMOUNT TO
NO.	023	0475	9510	SDW	\$221,000	
TITLE		Reserves	Reserve for Contingency			
NO.	001	0034	3173	SDF		\$221,000
TITLE		Plaza International	Contractual Service-MSTU			
TOTAL:					\$221,000	\$221,000

JUSTIFICATION (to be completed by OMB):

Plaza International has asked for this budget transfer to

switch to reclaimed water for their irrigation. The fund has sufficient reserves to pay for this project.

REQUESTED BY: Original on file
(Department Manager)

RECOMMENDED BY:


 Office of Management & Budget

(County Comptroller)

APPROVED / DISAPPROVED

Board of County Commissioners / County Administrator:

BUDGET TRANSFER REQUEST

AGENDA ITEM

CONTROL NO. 16-000001384

BCC

(To be assigned by OMB)

vh

FUND NO. 1143 DEPARTMENT(S) MSTU/MSBU Accounting DATE: 09/13/16

Request the following transfer be made for the reason(s) stated:

pg 1 of 1

	AGENCY	ORGANIZATION	OBJECT	APPR	AMOUNT FROM	AMOUNT TO
NO.	023	0475	9510	SFV	\$1,000	
TITLE		Reserves	Reserve for Contingency			
NO.	001	0028	3173	SCQ		\$1,000
TITLE		Grand Villas Retention Ponds	Contractual Service-MSTU			
TOTAL:					\$1,000	\$1,000

JUSTIFICATION (to be completed by OMB):

The Grande Villas MSBU requested this budget transfer to pay for unexpected expenses relating to a dry pond. The MSBU has sufficient funds in reserves to pay the expenses.

REQUESTED BY: Original on file
(Department Manager)

RECOMMENDED BY:

Kurt M. Peterson
Office of Management & Budget

(County Comptroller)

APPROVED / DISAPPROVED

Board of County Commissioners / County Administrator:



RISK MANAGEMENT I
JOHN PETRELLI, MAN
109 E. Church Street, Suite 200,
(407) 836-9640 • FAX (407) 836

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
14

MEMORANDUM

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: John Petrelli, CPCU, AIC, ARM *John Petrelli*

DATE: August 18, 2016

SUBJECT: Ratification of Intergovernmental Claims

The Intergovernmental Risk Management Committee at its meeting on
July 28, 2016 ratified payment of claims as follows for Fiscal Years
1977/1978 through 2015/2016:

WORKERS' COMPENSATION	\$ 266,721.87
PROPERTY DAMAGE/LOSS	
GENERAL, & AUTO LIABILITY	\$ 41,910.04
TOTAL	\$ 308,631.91

The Intergovernmental Risk Management Committee at its meeting on
August 11, 2016 ratified payment of claims as follows for Fiscal Years
1977/1978 through 2015/2016:

WORKERS' COMPENSATION	\$ 182,550.55
PROPERTY DAMAGE/LOSS	
GENERAL, & AUTO LIABILITY	\$ 135,121.67
TOTAL	\$ 317,672.22

Action Requested:

Approval of Ratification of payment of Intergovernmental claims of July 28,
2016 and August 11, 2016 totaling \$626,304.13.



DATE: August 18, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: John L. Petrelli, Director of Risk Management and Professional Standards

SUBJECT: Letter of Credit Commission and Fees Payment Approval

A handwritten signature in dark ink, appearing to read "J. Petrelli".

AGENDA ITEM

During the loss years of 10/1/1997 through 9/30/2003 the County purchased workers' compensation coverage via large-deductible commercial insurance policies. These policies were underwritten by two carriers, Reliance Insurance Company and United States Fidelity & Guarantee Company (Travelers). Since these policies provided coverage from dollar one of any claim the carriers required the County to post letters of credit for the self-insured portion of the deductible. The letter of credit amounts were based on the total outstanding claims and have been reduced as the outstanding liabilities have been reduced. The two letters of credit renew annually and are subject to periodic commissions and renewal fees. The current face amounts are as follows:

United States Fidelity & Guarantee Co. (Travelers).....	\$3,495,000
Reliance Insurance Co.	\$2,600,000

Both letters of credit have undergone a collateral review by the insurance carrier.

Action Requested:

Authorization to pay SunTrust Bank for Letters of Credit Commissions and Fees, in the approximate amounts of \$36,000 and \$27,000, respectively.

JLP/smm

c. Eric Gassman, Chief Accountability Officer



**COUNTY ATTORNEY
JEFFREY J. NEW**

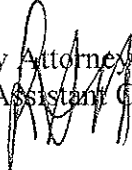
I. CONSENT AGENDA
COUNTY ATTORNEY
1

201 South Rosalind Avenue
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 • Fax 407-836-5888
<http://www.ocfl.net>

Consent Agenda Item

MEMORANDUM

TO: Mayor Teresa Jacobs
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney
Lila I. McHenry, Senior Assistant County Attorney
Contact: (407) 836-7320 

DATE: August 31, 2016

RE: **Consent Agenda Item for Board Meeting on September 13, 2016**
Approval of Florida Classic Football Game Grant Agreement between
Orange County, Florida and Florida Classic Consortium Corporation

I. EXPLANATION & SUMMARY:

On June 28, 2016, the Board approved an amendment to the Tourist Development Plan which provides funding for the Florida Classic for an additional five years (FY16/17 – FY20/21) in the annual amount of one hundred thirty-seven thousand five hundred dollars (\$137,500). This grant agreement implements the funding authorized on June 28.

II. ACTION REQUESTED: **Approval and execution of Orange County, Florida and Florida Classic Consortium Corporation Florida Classic Football Game Grant Agreement.**

LIM/ch

c: Ajit Lalchandani, County Administrator
Jeffrey J. Newton, County Attorney
Eric Gassman, Deputy County Administrator
Fred Winterkamp, Manager, Fiscal and Business Services Division

**ORANGE COUNTY, FLORIDA
AND
FLORIDA CLASSIC CONSORTIUM CORPORATION**

**FLORIDA CLASSIC FOOTBALL GAME
GRANT AGREEMENT**

THIS AGREEMENT, made and entered into as of the date of last execution by the parties below, by and between Orange County, a charter county and political subdivision existing under the laws and Constitution of the State of Florida, hereinafter referred to as the "County" and Florida Classic Consortium Corporation, a Florida non-profit corporation located in Tallahassee, Florida, hereinafter referred to as the "Consortium," whose members are Bethune-Cookman University, Inc., a Florida non-profit corporation (formerly known as Bethune-Cookman College) and Florida A & M University Board of Trustees, hereinafter collectively referred to as the "Schools".

PREMISES

1. The Consortium has applied to the County for a donation of Tourist Development Tax funds to be used to cover expenditures associated with the Florida Classic football game (hereinafter, the "Florida Classic") hosted by the Consortium. The Florida Classic is staged annually at the Camping World stadium, formerly known as the "Citrus Bowl". The revenues generated from the Florida Classic allow the Schools to provide scholarships to deserving students, many of whom reside in Orange County.
2. The County has determined that staging the Florida Classic promotes tourism, and, to that end, the County has, since 1999, allocated tourist development tax funds for such purpose; and
3. On June 28, 2016, the Orange County Board of County Commissioners approved an amendment to the Tourist Development Plan which provides funding for the Florida Classic for an additional five years (fiscal years 2016/17 through 2020/21); and
4. The County desires to enter into this agreement with the Consortium, , in order to provide funding for the Florida Classic.

THEREFORE, in consideration of the premises and mutual covenants herein contained, the parties agree as follows:

Section 1. Funding of the Florida Classic. Pursuant to the provisions of Orange County Ordinance 2016-12 approved by the Board of County Commissioners on June 28, 2016, the County will provide funding from available tourist development tax revenues in the annual amount of one hundred thirty-seven thousand five hundred dollars (\$137,500.00) for the promotion of tourism through the

staging of the 2016 Florida Classic in Fiscal Year 2016/17, the 2017 Florida Classic in Fiscal Year 2017/18, the 2018 Florida Classic in Fiscal Year 2018/19, the 2019 Florida Classic in Fiscal Year 2019/20 and the 2020 Florida Classic in Fiscal Year 2020/21.

Annual payments of \$137,500.00 shall be made in accordance with County Office of Management and Budget procedures. The recipient of such payments shall be the Consortium. Payments will be mailed to Florida Classic Consortium Corporation, c/o Florida Citrus Sports Association, 1 Citrus Bowl Place, Orlando, FL 32805, Attn: Joey Walters.

Section 2. Payment Subject to Availability and Annual Appropriation of Funds. This Agreement, and any payments provided for in this Agreement, is subject to and contingent upon:

a. the availability in each fiscal year of revenues derived from tourist development taxes levied under section 25-136 of the Orange County Code (hereafter “tourist development taxes”) to make the payments hereunder; and

b. appropriation by the Board of County Commissioners in each applicable fiscal year of tourist development tax revenues for the payments hereunder.

If the Board of County Commissioners does not appropriate tourist development tax revenues in any fiscal year during the term of this Agreement for the payments hereunder, the County shall not be obligated to pay the Consortium any sum from any revenue source for such fiscal year and the Consortium shall not have any obligations to the County under this Agreement for such fiscal year.

Section 3. Obligations of the County.

a. The County is obligated to make such payments only if and to the extent sufficient revenue from the tourist development tax are available, both legally and financially, for such payments in accordance with and after taking into account all pertinent provisions of (i) Florida law, (ii) the Orange County Code (including especially, the County’s Tourist Development Plan set forth in Section 25-140), (iii) that certain Second Amended and Restated Indenture of Trust between the County and Wachovia Bank, National Association, formerly known as First Union National Bank of Florida (and n/k/a “Wells Fargo Bank, N.A.”), as Trustee, as amended and supplemented from time to time, and (iv) any terms, conditions, covenants, restrictions obligation, or other contractual provisions existing now or entered into from time to time in the future by the County for the protection of the owners of bonds, notes or other obligations issued or to be issued from time to time in the future by the County, the payment of which is secured in whole or in part by a pledge of revenues derived from the Tax.

b. Nothing in this Agreement shall constitute or be deemed (i) a pledge of or lien upon tourist development taxes, any other source of County revenue, or any real or personal property of the County, (ii) an amendment to the County Tourist Development Plan, or (iii) a waiver of or contract to exercise the County’s sovereign governmental powers.

c. The County’s contribution will be made to the Consortium during the months of November or December of each year during the term of this Agreement, upon receipt of an invoice from the Consortium requesting payment. Invoices are to be mailed to:

Orange County Convention Center

Attention Business Manager
P.O. Box 691509
Orlando, FL 32869-1509

Section 4. Obligations of the Consortium and Schools.

a. The Consortium and Bethune-Cookman University shall maintain their corporate, non-profit status in the State of Florida throughout the term of this Agreement. If the Consortium or Bethune-Cookman should, during the term of this Agreement, lose their non-profit corporate status, the County shall immediately be notified in writing, and the County reserves the right to terminate this Agreement immediately and discontinue payments to the Consortium.

b. The Consortium shall stage and conduct its annual Florida Classic football game in Orange County, Florida and shall use its best efforts to advertise, promote and market each game in a manner that promotes and increases tourism within Orange County, Florida.

c. The Consortium agrees to provide said activities/programs without regard to race, color, creed, sex, age, national origin, disability or marital status, and remain in compliance with Title VII of the 1964 Civil Rights Act as amended, and any and all other applicable federal, state or local laws, rules or regulations, whether presently existing or hereafter promulgated.

d. The Consortium will maintain adequate bookkeeping records to account for the expenditure of the funds paid by the County hereunder and will utilize generally accepted accounting principles in the maintenance of the records of receipts and disbursements of the funds contributed by the County. All such records of the Consortium and the Schools relating to the expenditure of such funds shall be open to inspection by the County Comptroller during normal business hours during the term hereof, and for a period of five (5) years after the term of the Agreement. Any cost incurred by the Consortium or the Schools as a result of a County audit shall be the sole responsibility of and shall be borne by the Consortium or the Schools. In addition, should the Consortium or the Schools provide any or all of the County's funds to sub-recipients, then and in that event the Consortium or Schools, as the case may be, shall include in written agreements with such sub-recipients a requirement that records of the sub-recipient be open to inspection and audit by the County Comptroller for the term of the contract and for a period of three (3) years after the term of the contract. If any litigation, claim or audit is commenced prior to the expiration of the five (5) year period and extends beyond this period, the records shall be maintained until all litigation, claims or audit findings involving the records have been resolved.

e. As a condition of payment of TDT funds, the Consortium shall provide to the County Administrator, with copies to the County Comptroller and the Convention Center, in addition to all other information required by existing contracts with the County, program reports, to include at a minimum, the number of room nights, average daily rate, attendance and economic impact of the Florida Classic within 90 days following the Florida Classic. The Consortium shall provide such presentations to the Board of County Commissioners or Tourist Development Council ("TDC") regarding the Florida Classic football games as may be requested by the County or the TDC.

f. The Consortium agrees to indemnify and save harmless the County from and against any and all liability, claims, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions and cost of actions, including attorneys' fees, and attorneys on appeal of any kind and nature arising or growing out of or in any way connected with the performance of this Agreement and the staging of the Florida Classic.

g. The Consortium may not assign its rights hereunder, without the prior written consent of the County. Failure to comply with this section may result in immediate termination of this Agreement.

Section 5. Repayment. The Consortium shall be liable for repayment of any funds disbursed under the terms of this Agreement which may be deemed by the County Comptroller to have been disbursed in error.

Section 6. Termination.

a. In the event funds to finance all or part of this Agreement are not available to the County, then the obligations of each party hereunder may be terminated upon the twenty-four (24) hours written notice to the other party. The County shall be the sole authority as to the availability of funds.

b. This Agreement can be terminated by the County upon no less than thirty (30) days' notice in writing to the Consortium if: i) the Consortium or the Schools shall have failed to comply with any of their obligations herein provided it shall have notified the Consortium of a default in writing and such default has not been cured within ten (10) days or ii) the County Office of Management and Budget shall have determined that insufficient tourist development tax revenues are available to fulfill the County's obligations hereunder. Such notice shall be delivered by certified mail or in person to the business address of the party upon whom such notice is served at the addresses set forth in Section 7 below, or at such other place as such party may from time to time designate in writing.

Section 7. Notices. All notices, consents, approvals, waivers, and deletions which any party shall be required or shall desire to make or give under this Agreement shall be in writing and shall be sufficient only when mailed by certified mail, first class postage affixed, addressed as follows:

If to the County:

Orange County Office of Management and Budget
201 South Rosalind Avenue, 3rd Floor
Orlando, Florida 32801-4328
Attention: Manager, Office of Management and Budget

And a copy to:

Orange County Convention Center
P.O. Box 691509
Orlando, Florida 32869-1509
Attention: Business Manager

And a copy to:

Florida Citrus Sports Association
1 Citrus Bowl Place
Orlando, Florida 32805
Attn: Director of Florida Classic/FCSports Camp

If to the Consortium:

Florida Classic Consortium Corporation
c/o Florida A & M University
400 Lee Hall
Tallahassee, Florida 32307
Attention: Legal

And a copy to:

Orange County Office of Management and Budget
201 South Rosalind Avenue, 3rd Floor
Orlando, Florida 32801-4328
Attention: Manager, Office of Management and Budget

And a copy to:

Orange County Convention Center
P.O. Box 691509
Orlando, FL 32869-1509
Attention Business Manager

And a copy to:

Florida Citrus Sports Association
1 Citrus Bowl Place
Orlando, Florida 32805
Attn: Director of Florida Classic/FCSports Camp

Section 8. Controlling Laws. This Agreement shall be construed in accordance with the laws of the State of Florida. It is agreed by and between the parties that if any covenant, condition or provision contained in this Agreement is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other covenants, conditions or provisions herein contained. Any litigation occurring as a result of this Agreement shall be held in the courts of Orange County, Florida, and shall be governed by the laws of the State of Florida.

Section 9. No Third Party Beneficiaries. This Agreement is by and between the County, and the Consortium and does not create any rights in any third parties and no such rights shall be implied.

Section 10. Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof; any representations or statements heretofore made with respect to such subject matter, whether verbal or written, are merged herein. No other agreement whether verbal or written, with regard to the subject matter hereof shall be deemed to exist.

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

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

BY: _____

Teresa Jacobs

County Mayor

DATE: _____

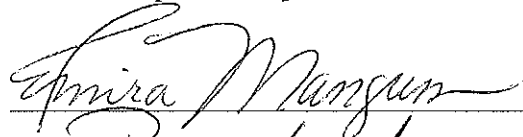
ATTEST: Martha O. Haynie, County Comptroller
As Clerk to the Board of County Commissioners

BY: _____

Deputy Clerk

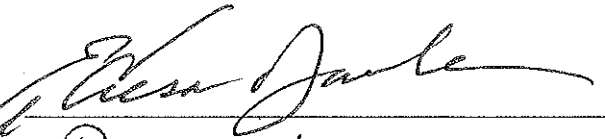
**FLORIDA CLASSIC CONSORTIUM
CORPORATION**

A Florida Non-profit Corporation

By: 

Title: President
Florida A & M University Board of Trustees

Date: 8/22/2016

By: 

Title: President
Bethune-Cookman University, Inc.

Date: 9/29/16



Interoffice Memorandum

I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT

1

August 24, 2016

To: Mayor Teresa Jacobs
and the Board of County Commissioners

From: Carrie Woodell, Manager, Procurement Division

Contact: Andres Salcedo, P.E., Assistant Director, Utilities Engineering
Department
407-254-9719

Subject: Award of Invitation for Bids Y16-630-PD, Disk Filters

ACTION REQUESTED:

Approval to award Invitation for Bids Y16-630-PD, Disk Filters, to the low responsive and responsible bidder, Five Star Filtration, LLC, in the total contract award amount of \$2,084,995.

PROCUREMENT:

To provide six disk filter units for the Northwest Water Reclamation Facility (NWRf) and five disk filter units for the Eastern Water Reclamation Facility (EWRf). This includes storage, maintenance, delivery, startup, training and testing services.

FUNDING:

Funding is available in account numbers 4420 038 1435 6310 and 4420 038 1538 6310.

APPROVALS:

The Utilities Engineering and Business Development Divisions concur with this recommendation.

REMARKS:

Three bids were received and evaluated for responsiveness, responsibility and price. Five Star Filtration, LLC is the low responsive, responsible bidder. The bid is considered reasonable based on the technical evaluation and recommendation of staff. The bid from Aqua-Aerobic Systems, Inc. was determined to be non responsive due to submitting conflicting terms and conditions with their bid.

Disk Filters from all three bidders have undergone and passed an evaluation study through a full scale, side-by-side pilot testing by the Utilities Department. This project will provide 30 MGD & 36 MGD of filtration capacity at the EWRF and NWRF, respectively. The disk filter improvements at the EWRF will enable rerating the EWRF from 19 MGD to 24 MGD, based upon an annual average daily flowrate. The disk filters are to be fabricated, stored and delivered to each site in preparation for installation under a separate contract.

Bid tabulation is as follows:

<u>Bidders</u>	<u>Price</u>
Five Star Filtration, LLC	\$2,084,995
Alfa Laval, Inc.	\$4,014,252
Aqua-Aerobic Systems, Inc.	Non Responsive




Interoffice Memorandum

BUSINESS DEVELOPMENT DIVISION

August 10, 2016

TO: Perry Davis, Senior Purchasing Agent
Procurement Division


FROM: Kesi Warren, Senior Contract Administrator 
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: IFB #Y16-630-PD, Disk Filters

The Business Development Division evaluated the **2 bids** submitted for this project and found that **none** of the bidders are Orange County Certified Minority Women Business Enterprises. Hence, the bid preference program in accordance with the County's M/WBE Ordinance, Section 17-324 can not be applied.

c: Sheena Ferguson, Manager, Business Development Division






Interoffice Memorandum

August 19, 2016

To: Mayor Teresa Jacobs
and the Board of County Commissioners

From:  Carrie Woodell, Manager, Procurement Division

Contact: Andres Salcedo P.E., Assistant Director, Utilities Department
407-254-9719

Subject: Award of Invitation for Bids Y16-777-PH, Pump Stations 3025 Kriedt Drive,
3044 Deanna Drive and 3027 North Lane Improvements Project Package
No. 3

ACTION REQUESTED:

Approval to award Invitation for Bids Y16-777-PH, Pump Stations 3025 Kriedt Drive, 3044 Deanna Drive and 3027 North Lane Improvements Project Package No. 3, to the low responsive and responsible bidder, Prime Construction Group, Inc., for the total contract award amount of \$1,297,940.

PROCUREMENT:

The project includes construction of two new duplex pump stations to replace the existing stations that will be demolished and improvements to one duplex pump station to include wet well liners, pumps, riser, discharge piping, electrical, site access, and security. This project is located in Districts 2 and 6.

FUNDING:

Funding is available in account number 4420-038-1503-6310

APPROVALS:

The Utilities Engineering Division and the Business Development Division concur with this recommendation.

REMARKS:

Three bids were received. Prime Construction Group, Inc. has a satisfactory performance record on similar projects. The bid of Prime Construction Group, Inc. is considered reasonable based on a technical evaluation by staff and the consultant, including an analysis of the engineer's estimate. Therefore, award is recommended to Prime Construction Group, Inc.

Page 2 of 2

Y16-777-PH, Pump Stations 3025 Kriedt Drive, 3044 Deanna Drive and 3027 North
Lane Improvements Project Package No. 3

BIDDERS:

BID AMOUNT

Prime Construction Group, Inc.

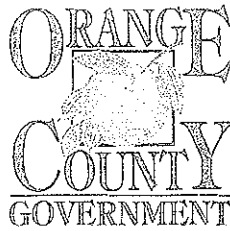
\$1,297,940

Pospiech Contracting, Inc

\$1,486,923

TLC Diversified, Inc.

\$1,958,777



BUSINESS DEVELOPMENT DIVISION

June 29, 2016

TO: Patty Hobbs, Senior Contract Administrator
Procurement Division

FROM: Dexter Watts, Senior Contract Administrator
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: Y16-777-PH / Pump Stations 3025 Kreidt Drive, 3044 Deanna Drive and 3027 North Lane Improvements Project Package No. 3

The Business Development Division evaluated the 3 bids submitted for this project and found that the apparent low bidder Prime Construction Group, Inc. did not achieve good faith effort documentation and reported 12.68% MWBE participation in their bid. Please note the following certified MWBE participation:

Mbe-afam	HZ Construction, Inc.	\$20,076
Wbe-wf	L P Video	\$450
Wbe-wf	Winter Garden Grassing, Inc	\$6,375
Mbe-hm	Central Florida Construction Walls, Inc.	\$121,962
Mbe-hm	EM Paving	\$15,652
Total MWBE Participation		\$164,515.00 (12.68%)

The second low bid submitted by Pospiech Contracting, Inc. did not achieve good faith effort documentation and reported 13.58% MWBE participation in their bid.

The third low bid submitted by TLC Diversified, Inc. did not achieve good faith effort documentation and reported 11.51% MWBE participation in their bid.

None of the bids were within the MWBE sliding scale range to be awarded this contract over the low bidder.

Our evaluation of these bids was based on the participation listed on the subcontractor/supplier page. If the low bidder is not chosen, please let us know so that we may obtain Letters of Intent to confirm the participation.

Attached is a spreadsheet reconciling the bidders' compliance with the IFB's M/WBE requirements, including the percentage breakdown for all bidders and a comparison of the relative bids versus participation percentages.

c: Sheena Ferguson, Manager, Business Development Division

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BID COMPARISON

IFB-Y16-777-PH / Pump Stations 3025 Kreidt Drive, 3044 Deanna Drive and 3027 North Lane Improvements Project
Package No. 3

Rank	Bidder	Bid Amount	M/WBE \$'s in Bid	% M/WBE (Goal 25%)	GFE	\$ Over Low Bid	% Difference From Low Bid (5%)	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO % M / W
Low Bid	Prime Construction Group, Inc.	\$1,297,940	\$164,515	12.68%	no					50/12
2nd Low	Pospiech Contracting, Inc.	\$1,486,923	\$201,860	13.58%	no	\$188,983	14.56%			48/13
3rd Low	TLC Diversified, Inc.	\$1,958,777	\$225,461	11.51%	no	\$660,837	50.91%	\$471,854	31.73%	23/7



Interoffice Memorandum

August 23, 2016

To: Mayor Teresa Jacobs
and the Board of County Commissioners

From: *[Signature]* Carrie Woodell, Manager, Procurement Division

Contact: Sara Flynn-Kramer, Manager, Capital Projects Division
(407) 836-0048

Subject: Award of Invitation for Bids Y16-791-CC, Johns Lake
Conservation Area Phase 2 – Picnic Pavilion and Trail Shelter

ACTION REQUESTED:

Approval to award Invitation for Bids Y16-791-CC, Johns Lake Conservation Area Phase 2 – Picnic Pavilion and Trail Shelter, to the low responsive and responsible bidder, Café Construction & Development, Inc., in the total contract award amount of \$175,000.

PROCUREMENT:

The work will include installing a paved sidewalk, constructing a new pavilion equipped with power, and the reconstruction of the existing parking lot to eliminate drainage issues.

FUNDING:

Funding is available in account number 1023 068 1978 6310.

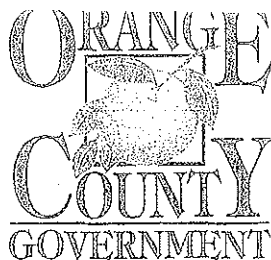
APPROVALS:

The Capital Projects Division and Business Development Division concur with this recommendation.

REMARKS:

Three bids were received. Café Construction & Development, Inc. has a satisfactory record of performance and has been determined to be responsible. Therefore, award is recommended to Café Construction & Development, Inc.

<u>Bids Received:</u>	<u>Bid Amount</u>
Café Construction & Development, Inc.	\$175,000
Grove Construction Corporation	\$183,300
CORE Engineering & Construction, Inc.	\$193,900



BUSINESS DEVELOPMENT DIVISION

July 29, 2016

TO: Corie Cummings, Senior Contract Administrator
Procurement Division

FROM: Dexter Watts, Senior Contract Administrator *DW*
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: Y16-791-CC / Johns Lake Conservation Area Phase 2 - Picnic Pavilion
and Trail Shelter

The Business Development Division evaluated the 3 bids submitted for this project and found that the apparent low bidder Orange County MWBE firm Café Construction & Development, Inc. did not achieve good faith effort documentation and reported 2.29% MWBE participation in their bid. Please note the following certified MWBE participation:

MBE-hm	M & M Electric of Central Florida	\$4,000
Total MWBE Participation		\$4,000.00 (2.29%)

The second low bid was submitted by Orange County MWBE firm Grove Construction Corporation. While they reported 100% MWBE participation in their bid, as self-performing, Grove Construction Corporation did not detail all of the specific scopes of services to be performed in-house. Thus, their total MWBE participation could not be determined.

The third low bid submitted by CORE Engineering & Construction, Inc. did not achieve good faith effort documentation and reported 9.54% MWBE participation in their bid.

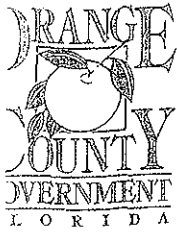
None of the bids met the the MWBE sliding scale range criteria to be awarded this contract over the low bidder.

Our evaluation of these bids was based on the participation listed on the subcontractor/supplier page. If the low bidder is not chosen, please let us know so that we may obtain Letters of Intent to confirm the participation.

BID COMPARISON

IFB-Y16-791-CC / Johns Lake Conservation Area Phase 2 - Picnic Pavilion and Trail Shelter

Rank	Bidder	Bid Amount	M/WBE \$'s in Bid	% M/WBE (Goal 25%)	GFE	\$ Over Low Bid	% Difference From Low Bid (7%)	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO % M / W
Low Bid	Café Construction & Development, Inc. [mbe-hm]	\$175,000	\$4,000	2.29%	no					40/0
2nd Low	Grove Construction Corporation [mwbe-af]	\$183,300	\$0	0.00%	na	\$8,300	4.74%			75/25
3rd Low	CORE Engineering & Construction, Inc.	\$193,900	\$18,505	9.54%	no	\$18,900	10.80%	\$10,600	5.78%	9/30



Interoffice Memorandum

August 16, 2016

To: Mayor Teresa Jacobs
and the Board of County Commissioners

From: Carrie Woodell, Manager, Procurement Division

Contact: Sara Flynn-Kramer, Manager, Capital Projects Division
(407) 836-0048

Subject: Award of Invitation for Bids Y16-7004-CC, Orange County Head Start Playground ADA Deficiency Corrections (East Orange, South Orlando, Taft)

ACTION REQUESTED:

Approval to award Invitation for Bids Y16-7004-CC, Orange County Head Start Playground ADA Deficiency Corrections (East Orange, South Orlando, Taft), to the low responsive and responsible bidder, P.W. Hearn, Inc., in the total contract award amount of \$179,370.

PROCUREMENT:

The contract is to perform noted and required accessibility corrections to the playground sites at three Head Start facilities (East Orange, South Orlando, and Taft). These corrections will include the replacement of existing playground equipment, rubber play surfaces, and concrete. This project is located in Districts 3 and 4.

FUNDING:

The project is federally funded through a United States Health and Human Services grant. Funding is available in account number 7006 062 7522 3810.

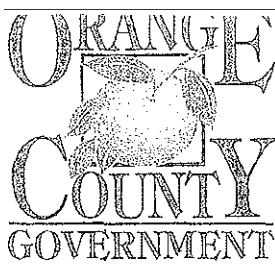
APPROVALS:

The Capital Projects Division and Business Development Division concur with this recommendation.

REMARKS:

Four bids were received. Although the bid from P.W. Hearn, Inc. is approximately 10.79% lower than the second bidder, staff evaluated the bids and determined that the low bid was reasonable. P.W. Hearn, Inc. has a satisfactory record of performance and has been determined responsible. Therefore, award is recommended to P.W. Hearn, Inc.

<u>Bids Received:</u>	<u>Bid Amount</u>
P.W. Hearn, Inc.	\$179,370
CORE Engineering & Construction, Inc.	\$198,732
MVB & Associates, Inc.	\$210,118
Grove Construction Corporation	\$214,130



BUSINESS DEVELOPMENT DIVISION

August 8, 2016

TO: Corie Cummings, Senior Contract Administrator
Procurement Division

FROM: Dexter Watts, Senior Contract Administrator *DW*
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: Y16-7004-CC / Orange County Head Start Playground ADA Deficiency
Corrections (East Orange, South Orlando, Taft)

The Business Development Division evaluated the 3 lowest bids of the 4 bids submitted for this project and found that the apparent low bidder P.W. Hearn, Inc. did not achieve good faith effort documentation and reported 0% MWBE participation in their bid.

The second low bid submitted by CORE Engineering & Construction, Inc. did not achieve good faith effort documentation and reported 0% MWBE participation in their bid.

The third low bid submitted by MVB & Associates, Inc. did not achieve good faith effort documentation and reported 0% MWBE participation in their bid.

None of the bids were within the MWBE sliding scale range to be awarded this contract over the low bidder.

Our evaluation of these bids was based on the participation listed on the subcontractor/supplier page. If the low bidder is not chosen, please let us know so that we may obtain Letters of Intent to confirm the participation.

Attached is a spreadsheet reconciling the bidders' compliance with the IFB's M/WBE requirements, including the percentage breakdown for all bidders and a comparison of the relative bids versus participation percentages.

c: Sheena Ferguson, Manager, Business Development Division

BID COMPARISON

IFB-Y16-7004-CC / Orange County Head Start Playground ADA Deficiency Corrections (East Orange, South Orlando, Taft)										
Rank	Bidder	Bid Amount	M/WBE \$'s in Bid	% M/WBE (Goal 25%)	GFE	\$ Over Low Bid	% Difference From Low Bid (7%)	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO % M / W
Low Bid	P.W. Hearn, Inc.	\$179,370	\$0	0.00%	no					0/33
2nd Low	CORE Engineering & Construction, Inc.	\$198,732	\$0	0.00%	no	\$19,362	10.79%			9/30
3rd Low	MVB & Associates, Inc.	\$210,118	\$0	0.00%	no	\$30,748	17.14%	\$11,386	5.73%	22/22
4th Low	Grove Construction Corporation [wbe-af]	\$214,130	\$34,130	15.94%	no	\$34,760	19.38%	\$15,398	7.75%	75/25



Interoffice Memorandum

August 22, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: *CW* Carrie Woodell, Manager, Procurement Division

CONTACT: Rich Steiger, Manger, Facilities Management Division
407-836-7473

SUBJECT: Approval to increase Purchase Order M75681, Metered Postage for FY 15-16

ACTION REQUESTED:

Approval to increase Purchase Order M75681, Metered Postage for FY 15-16, in the amount of \$53,288.94, for a revised Purchase Order amount of \$821,903.94 with the United States Postal Services/CMRS-PBP (Computerized Meter Resetting System).

PROCUREMENT:

To provide Facilities Management Division with postage for an electronic transfer service to electronically load and process metered mail through the mailrooms.

FUNDING:

Funding is available in accounts 001 021 0182 3510, 1011 068 2630 3510 and 001 068 3220 3510.

APPROVALS:

The Facilities Management Division concurs with this recommendation.

REMARKS:

Funds from Facilities Management are used to fund the post office reserve account; other accounts are billed based on usage to reimburse the General Fund. The Board approved the estimated annual amount of \$731,425 to be awarded to the United States Postal Services/CMRS-PBP (Computerized Meter Resetting System) on September 1, 2015. Increases in the amount of \$37,190 have been issued within the authority of the Procurement Division.



Interoffice Memorandum

August 24, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Carrie Woodell, Manager, Procurement Division

CONTACT: Rafael Mena, Chief Information Officer, Information Systems and Services
Division
407-836-5200

SUBJECT: Approval of Renewal of Annual Maintenance, Equipment and Technician
Services for the E911 Positron Viper System

ACTION REQUESTED:

Approval of Renewal of Annual Maintenance, Equipment and Technician Services for the E911 Positron Viper System, with AT&T, in the amount of \$2,371,524, for the period of October 1, 2016 through September 30, 2019.

PROCUREMENT:

To provide Orange County Public Safety Answering Points (PSAPs) with annual maintenance, equipment and technicians for the E911 Positron Viper System.

FUNDING:

Funding is available in account 1054 031 0377 3823.

APPROVALS:

The Information Systems and Services Division concurs with this recommendation.

REMARKS:

In April 2001, the Board of County Commissioners approved AT&T as the sole provider of 911 services for Orange County.

This renewal is for a 36-month period and will be added as an addendum to the existing Master Agreement # FL07-D530-05.

A comparison of prices for similar services in Seminole County and Brevard County were used to determine the reasonableness of the cost for this maintenance. While the systems at both of these agencies have some dissimilarities to the system at Orange County, price analysis indicated that the pricing for this service was consistent with the prices paid by these entities. Furthermore, the County received an additional discount for entering into a 36-month renewal period.



Interoffice Memorandum

August 29, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Carrie Woodell, Manager, Procurement Division

CONTACT: Donna Wyche, Manager, Mental Health and Homeless Issues
Division
407-836-7608

SUBJECT: Approval of Contract Y17-2057-LC, Supportive Services for
Permanent Supportive Housing

ACTION REQUESTED

Approval of Contract Y17-2057-LC, Supportive Services for Permanent Supportive Housing, with the Homeless Services Network of Central Florida, Inc. (HSN), in the amount of \$500,000 for a 1-year period. Further request authorization for the Procurement Division to renew the contract for three additional 1-year periods.

PROCUREMENT:

To provide supportive services for permanent supportive housing for chronically homeless individuals and families in Orange County.

FUNDING:

Funding is available in account number 0001-060-2504-8610.

APPROVALS:

The Health Services Department concurs with this recommendation.

REMARKS:

HSN will utilize the County's funding to maximize the housing funding for the chronically homeless population, by aligning it with the City of Orlando's supportive housing funding. The County's funding will provide the supportive services for permanent supportive housing for homeless individuals and families in Orange County. Without the supportive services, the permanent supportive housing funding cannot be utilized. HSN is the lead agency for HUD's Continuum of Care for local federal funding and is responsible to HUD for carrying out the work of ending homelessness in our region.

These general revenue dollars will serve as a match and leverage to the federal funding, improving the score on the federal notice of funding availability with HUD, and positioning our community to receive increased funding for housing and services. The County currently contracts with HSN to provide rapid rehousing for families.



Interoffice Memorandum

August 17, 2016

TO: Mayor Teresa Jacobs
And the Board of County Commissioners

FROM: Carrie Woodell, Manager, Procurement Division

CONTACT: James Becker, Manager, Solid Waste Division
407-254-9660

SUBJECT: Ratification of PO #M75567 and PO #M75358, Dump Truck
Rental Services

ACTION REQUESTED:

Ratification of PO #M75567 and PO #M75358, Dump Truck Rental Services,
with Ring Power Corporation, in the amount of \$776,420.95.

PROCUREMENT:

To provide the rental of dump truck rental services at the Solid Waste Landfill.

FUNDING:

Funding is available in account number 4410 038 1036 3610.

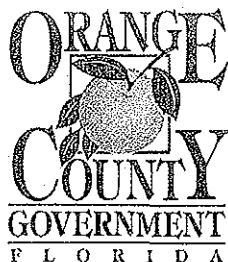
APPROVALS:

The Solid Waste Division concurs with this recommendation.

REMARKS:

In an effort to reduce landfill odors and comply with Florida Department of Environmental Protection regulations, 10 additional off-road dump trucks were rented to cover the entire landfill with a 2 to 3 foot layer of dirt. The odor issues and the additional landfill cover required an emergency purchase order to expedite the process of moving dirt from the eastern borrow pit to the top of the landfill. Dump truck rental services began in October 2015 and lasted for 10 months.

There are few vendors who provide articulated off-road dump truck rentals in Central Florida. Staff determined the price to be fair and reasonable based on previous rentals.



Interoffice N

REAL ESTATE MANAGEMENT ITEM 1

DATE: August 23, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager *AC*
Real Estate Management Division

FROM: Robin Giove, Lease Program Manager *RJ*
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF LEASE AGREEMENT BETWEEN FIVE PAK UNIVERSITY BOULEVARD LLC AND ORANGE COUNTY AND DELEGATION OF AUTHORITY TO THE REAL ESTATE MANAGEMENT DIVISION TO EXERCISE RENEWAL OPTIONS AND EXECUTE TENANT ESTOPPEL CERTIFICATES, IF NEEDED

PROJECT: Fire Marshal at UCC
File #8006
7079 University Boulevard
Winter Park, Florida

District 5

PURPOSE: To provide office space for the Fire Marshal.

ITEM: Lease Agreement
Cost: Year 1 - \$13,628.92 per month
Year 2 - \$13,970.66 per month
Year 3 - \$14,320.53 per month
Year 4 - \$14,678.55 per month
Year 5 - \$15,044.70 per month
Size: 9,764 square feet
Term: 5-years
Options: Two, 3-year renewals

BUDGET: Accounting No.: 0001-043-0201-3620

APPROVALS: Real Estate Management Division
County Attorney's Office
Fire Rescue Department
Risk Management Division

REMARKS: This lease provides for the relocation of the Fire Marshal to office space near Fire Rescue Headquarters located off of Forsyth Road in Winter Park. This new location provides increased parking and accessibility for the Fire Marshal and offers a more effective layout to accommodate its customers. The lease shall commence upon the later of one hundred twenty (120) days from lease execution or upon landlord's substantial completion of the tenant improvements.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.



Interoffice

REAL ESTATE MANAGEMENT ITEM 2

DATE: August 23, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager *AC*
Real Estate Management Division

FROM: Robin Giove, Lease Program Manager *RJ*
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF TENANT ESTOPPEL
CERTIFICATE AND DELEGATION OF AUTHORITY TO THE REAL
ESTATE MANAGEMENT DIVISION TO EXECUTE FUTURE
TENANT ESTOPPEL CERTIFICATES, IF NEEDED

PROJECT: Hanging Moss Warehouse
(EPD, HS, OCSO, PW)
6136 Hanging Moss Road, Suites 200-270
Orlando, Florida

District 5

PURPOSE: To acknowledge compliance of lease terms in connection with landlord's
potential sale or mortgage of property.

ITEM: Tenant Estoppel Certificate

APPROVALS: Real Estate Management Division
County Attorney's Office

REMARKS:

This Tenant Estoppel Certificate is associated with the Net Warehouse Lease Agreement, approved by the Board of County Commissioners June 2, 2015, as amended by the First Amendment to Net Warehouse Lease approved by the Board of County Commissioners August 4, 2015.

Estoppel Certificates are a standard condition of leases to be executed by tenant upon request by landlord to confirm the lease is unmodified and in full force and effect, rent is paid, and no defaults by landlord exist to tenant's knowledge.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.



Interoffice Memo

I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
11

REAL ESTATE MANAGEMENT ITEM 3

DATE: August 18, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager *AC*
Real Estate Management Division

FROM: Monica L. Hand, Senior Title Examiner *MH*
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF PARTIAL TERMINATION OF
TEMPORARY UTILITY EASEMENT BY ORANGE COUNTY AND
AUTHORIZATION TO RECORD INSTRUMENT

PROJECT: Ashton Station Roadways A, B & D – Utility File #66246

District 4

PURPOSE: To release a portion of a Temporary Utility Easement that is no longer
needed.

ITEM: Partial Termination of Temporary Utility Easement
Size: 775 square feet

APPROVALS: Real Estate Management Division
County Attorney's Office
Utilities Department

REMARKS:

On May 8, 2012, the Orange County Board of County Commissioners approved a Temporary Utility Easement which is now a part of an area known as Education Village. This Partial Termination of Temporary Utility Easement will release that portion of the easement area that the County no longer needs, since the portion being released is now located on a platted public road known as Andric Lane.

Developer to pay recording fees.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.




Interoffice M


I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
12

REAL ESTATE MANAGEMENT ITEM 4

DATE: August 25, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Russell L. Corriveau, Senior Acquisition Agent 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL OF PURCHASE AGREEMENT AND UTILITY
EASEMENT BETWEEN HEAVEN IV, LLC AND ORANGE COUNTY,
AND SUBORDINATION OF ENCUMBRANCES TO PROPERTY
RIGHTS TO ORANGE COUNTY FROM VALLEY NATIONAL BANK
AND AUTHORIZATION TO DISBURSE FUNDS TO PAY
PURCHASE PRICE AND RECORDING FEES AND RECORD
INSTRUMENTS

PROJECT: Sand Lake and Presidents Drive Forcemain Easement

District 6

PURPOSE: To provide for access, construction, operation, and maintenance of utility
facilities.

ITEMS: Purchase Agreement (Parcel 801A)

Utility Easement (Instrument 801A.1)
Cost: \$50,200
Size: 7,436 square feet

Subordination of Encumbrances to Property Rights to Orange County
(Instrument 801A.2)

BUDGET: Account No.: 4420-038-1500-08-6110

FUNDS: \$50,200.00 Payable to Heaven IV, LLC
(purchase price)

\$79.50 Payable to Orange County Comptroller
(recording fees)

APPROVALS: Real Estate Management Division
Utilities Department

REMARKS: Approval of this Utility Easement will provide for the replacement of an existing 30-inch force main along Presidents Drive that previously failed and was temporarily fixed during an emergency repair. In order to perform a permanent repair it is necessary to extend the existing force main and install bypass piping. The Utilities Engineering Division has agreed to provide the owner (Grantor) one sanitary sewer manhole with single stub-out to right-of-way line for future sewer connection of the property only if County's construction begins before Grantor's construction and development.

Grantor to pay documentary stamp tax.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.




Interoffice


I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
13

REAL ESTATE MANAGEMENT ITEM 5

DATE: August 18, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Elizabeth Price Jackson, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL OF TRANSIT EASEMENT BETWEEN CRP/FP AXIS WEST OWNER, L.L.C. AND ORANGE COUNTY, SUBORDINATION OF ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM BRANCH BANKING AND TRUST COMPANY AND AUTHORIZATION TO RECORD INSTRUMENTS

PROJECT: I-Drive Transit Easement (ILH Interchange – The Axis)

District 1

PURPOSE: To provide for access, construction, operation, and maintenance of road infrastructure improvements as a requirement of development.

ITEMS: Transit Easement (Instrument 8002.1)
Cost: Donation
Size: 4,338 square feet

Subordination of Encumbrances to Property Rights to Orange County (Instrument 8002.2)

APPROVALS: Real Estate Management Division
County Attorney's Office
Public Works Department
Transportation Planning Division

REMARKS:

This easement is being donated as a condition of development approval in connection with the International Drive Activity Center Element, Goals, Objectives and Policies of the Orange County Comprehensive Plan-Destination 2030.

Grantor to pay all recording fees.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.




Interoffice

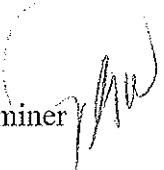
I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
14

REAL ESTATE MANAGEMENT ITEM 6

DATE: August 24, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Virginia G. Williams, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL OF WARRANTY DEED AND DRAINAGE EASEMENT
FROM SANT COMMERCIAL BUILDING, INC. TO ORANGE
COUNTY AND AUTHORIZATION TO PERFORM ALL ACTIONS
NECESSARY AND INCIDENTAL TO CLOSING

PROJECT: Lakeside Neighborhood Reams Road

District 1

PURPOSE: To provide for access, construction, operation, and maintenance of road
improvements as a requirement of development.

ITEMS: Warranty Deed
Cost: Donation
Size: 12,460.84 square feet

Drainage Easement
Cost: Donation
Size: 5,106.56 square feet

APPROVALS: Real Estate Management Division
County Attorney's Office
Public Works Department
Risk Management Division
Transportation Planning Division

REMARKS: Grantor to pay all closing costs and property taxes.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.




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I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
15

REAL ESTATE MANAGEMENT ITEM 7

DATE: August 24, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Jeffrey L. Sponenburg, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL OF WARRANTY DEED, APPROVAL AND EXECUTION OF ASSIGNMENT OF PERMANENT SLOPE AND FILL AND DRAINAGE EASEMENT FROM BOGGY CREEK IMPROVEMENT DISTRICT TO ORANGE COUNTY, APPROVAL OF TEMPORARY SLOPE EASEMENT AND TEMPORARY DRAINAGE EASEMENT BETWEEN GREENEWAY PARK DRI, LLC AND ORANGE COUNTY AND AUTHORIZATION TO PERFORM ALL ACTIONS NECESSARY AND INCIDENTAL TO CLOSING

PROJECT: Boggy Creek Road – Lake Nona Boulevard (f/k/a Beacon Park Boulevard)
Intersection Contribution and Interlocal Agreement

District 4

PURPOSE: To provide for access, construction, operation, and maintenance of new road improvements as a requirement of an intersection contribution and interlocal agreement.

ITEMS: Warranty Deed
Cost: Donation
Total size: 8,330 square feet

Assignment of Permanent Slope and Fill and Drainage Easement
Cost: Donation
Size: 2,773 square feet

Temporary Slope Easement
Cost: Donation
Size: 1,110 square feet
Term: Until no longer required for construction, repair and/or
maintenance for the adjacent county road

Temporary Drainage Easement
Cost: Donation
Size: 23,838 square feet
Term: Until final completion of Boggy Creek Road and replacement
facilities provided by Orange County

APPROVALS: Real Estate Management Division
County Attorney's Office
Public Works Department
Risk Management Division
Transportation Planning Division

REMARKS: These conveyances are a requirement of the Boggy Creek Road – Lake
Nona Boulevard (f/k/a Beacon Park Boulevard) Intersection Contribution
and Interlocal Agreement approved by the Board of County
Commissioners August 25, 2015.

Grantor to pay all closing costs.

**A file labeled "BCC Agenda Backup" containing a copy of this agenda
item and all supporting documentation is in the top drawer of the
BCC file cabinet in the supply room adjacent to Commissioner
Thompson's office.**

I. CONSENT AGENDA
COMMUNITY, ENVIRONMENTAL AND
DEVELOPMENT SERVICES
DEPARTMENT

1



Interoffice Memorandum

AGENDA ITEM

August 15, 2016

TO: Mayor Teresa Jacobs
– AND –
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: Bradley Campbell, Assistant Manager
Code Enforcement Division
(407) 836-4220

SUBJECT: September 13, 2016 – Consent Items
Resolutions for Special Assessment Lien(s) Lot Cleaning (40)

Pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, the County is authorized to have property cleaned through an independent contractor when not done voluntarily by the property owner, after sufficient notice. Further, the regulation allows the Board of County Commissioners by Resolution to place Special Assessment Liens on such properties to recoup the cost of cleaning. The following properties have been cleaned at the expense of the County with associated costs as indicated.

<u>Case No.</u>	<u>Dist.#</u>	<u>Property Owner</u>	<u>Amount*</u>
LC 16-0691	2	HOSKINS JOAN P	\$ 1,869.38
LC 16-0692	2	BANK OF AMERICA	\$ 1,095.12
LC 16-0710	2	TAJB LLC	\$ 1,347.12
LC 16-0769	2	SNIIC THREE LLC	\$ 243.12
LC 16-0770	2	SNIIC FOUR LLC	\$ 213.12
LC 16-0773	2	GARCIA NOEMI	\$ 522.12
LC 16-0779	2	PRO TAX FINANCIAL LLC; TAX LIEN SERVICE GROUP	\$ 582.12
LC 16-0698	3	GONZALEZ GLORIA	\$ 464.80
LC 16-0699	3	KING MICHAEL E	\$ 115.38
LC 16-0700	3	BARTLETT CATHERINE M	\$ 115.38
LC 16-0799	3	DRISKEL JULIA B; DRISKEL JAMES	\$ 343.92
LC 16-0871	3	DIGUISEPPI STEVEN ESTATE	\$ 268.17
LC 16-0790	4	BLAS GROUP LLC	\$ 209.05

Page Two
September 13, 2016 – Consent Items
Resolutions for Special Assessment Lien(s) Lot Cleaning (40)

<u>Case No.</u>		<u>Property Owner</u>	<u>Amount*</u>
LC 16-0807	4	FTTM INC	\$ 169.80
LC 16-0866	4	BENIEN JERRY	\$ 390.72
LC 16-0867	4	KEDER INVESTMENT CORP	\$ 269.57
LC 16-0791	5	MARTIN CLAUDE; GROS GERARD	\$ 521.45
LC 16-0612	6	ENG CHARLAINE MAYE TR	\$ 352.89
LC 16-0625	6	HAUPT RUTH E	\$ 402.56
LC 16-0627	6	HAUPT RUTH E	\$ 410.07
LC 16-0662	6	SULLIVAN DAVID A	\$ 383.83
LC 16-0666	6	LEWIS REAL ESTATE HOLDINGS LLC	\$ 183.72
LC 16-0667	6	JUVIA CONSULTING GROUP LLC	\$ 613.47
LC 16-0670	6	BROWN HORACE E	\$ 514.85
LC 16-0709	6	SHORTER HOPETON D	\$ 623.19
LC 16-0724	6	INVESTMENT GROUP R AND A	\$ 259.78
LC 16-0737	6	REM: ERICA KUESTER; PHILLIPS ARLENE SUE CAUDILL LIFE EST; REM: MARK KUESTER	\$ 184.84
LC 16-0738	6	REM: ERICA KUESTER; PHILLIPS ARLENE SUE CAUDILL LIFE EST; REM: MARK KUESTER	\$ 198.93
LC 16-0741	6	ACOSTA PEDRO PABLO ASTRAUSKAS; ASTRAUSKAS LUCIA INES	\$ 2,745.40
LC 16-0744	6	ST VRY VENETTE	\$ 218.67
LC 16-0745	6	1031 W MICHIGAN LLC	\$ 188.89
LC 16-0747	6	RIVERA ARIEL S	\$ 183.45
LC 16-0752	6	ELORRE KALVINCENT	\$ 201.74
LC 16-0762	6	WEINBERG RONALD	\$ 161.19
LC 16-0763	6	CADET JEAN-FELERT	\$ 219.99
LC 16-0781	6	COLEMAN LUCILLE	\$ 392.37
LC 16-0782	6	J P F D INVESTMENT CORP	\$ 410.89
LC 16-0783	6	ANDERSON SHARON; ANDERSON WILLIE E	\$ 730.12
LC 16-0798	6	MYRTHIL LUCIENNE	\$ 547.94
LC 16-0804	6	MORNING STAR PLAZA LLC	\$ 308.64

Copies of the Resolutions for the Special Assessment Liens are on file and available for review in the Code Enforcement Division.

* Administrative costs to process and collect on these cases have been added.

ACTION REQUESTED: Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 2, 3, 4, 5, & 6.

JVW/BC:th




Interoffice Memorandum

AGENDA ITEM

August 12, 2016

TO: Mayor Teresa Jacobs
- AND -
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: **Bradley Campbell, Assistant Manager**
Code Enforcement Division
407-836-4220

SUBJECT: September 13, 2016 - Consent Items
Resolution for Special Assessment Lien(s) - Demolition (5)

Pursuant to the Orange County Code, Chapter 9, Section 9-278, Property Maintenance Code, Assessment and Lien, authorizes Orange County, by order of the Code Enforcement Board and Special Magistrate, to have unsafe structures demolished through an independent contractor when not done voluntarily by the owner after sufficient notice. Further, the regulation allows the Board of County Commissioners by Resolution to place Special Assessment Liens on properties to recover the cost of demolition. The properties listed below had a structure that was demolished at the expense of the County with associated costs as indicated.

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount*</u>
A 15-0345	6	WATSON CARLOS	\$ 10,562.23
A 15-0350	6	TAN SUAN YEN	\$ 10,562.24
A 15-0357	6	SANTIAGO GLORIA	\$ 12,331.06
A 15-0359	6	RODRIGUEZ JACK	\$ 12,331.06
A 15-0371	6	NAZARIO YVETTE	\$ 12,464.52

Copies of the Resolutions for the Special Assessment Liens are on file and available for review in the Code Enforcement Division.

* Administrative costs to process and collect on these cases have been added.

ACTION REQUESTED: **Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Claim of Special Assessment Lien Pursuant to Section 9-278 of the Orange County Code, Property Maintenance, and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. District 6.**

JVW/BC:jr

Attachments

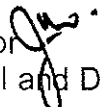


Interoffice I

AGENDA ITEM

August 22, 2016

TO: Mayor Teresa Jacobs
—AND—
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
407 836-5616

SUBJECT: September 13, 2016 – Consent Item
First Amendment to Springhill Planned Development
Adequate Public Facilities and Impact Fee Credit Agreement
(Related to Case # CDR-15-07-198)

The existing Springhill Planned Development (PD) contains 551.77 gross acres and is generally located east of Avalon Road, north of Lake Star Road, south of Flamingo Crossings Boulevard, and west of State Road 429. More specifically, the subject property is identified as PD Parcel 45 and is located within the Village H Specific Area Plan (SAP) of Horizon West. With the adoption of CP Amendment # 2015-2-A-1-2, the Village H Specific Area Plan (SAP) designation of the subject property was recently amended from Apartment District (APT) / Conservation (CON) to Village Home District (VHD) / Conservation (CON). Consistent with the amendment, a PD substantial change request (# CDR-15-07-198) is being processed for PD Parcel 45 to reflect a slight increase in net developable acres and a reduction in required residential dwelling units from 262 to 88.

Pursuant to Orange County Code Section 30-714, each property owner in a Horizon West PD is required to convey their proportionate share of Adequate Public Facilities (APF) lands, which are based on the ratio of required APF acres to net developable acres within the SAP. In the event that APF land requirements cannot be met within a particular PD, an owner may pay a fee to the County equal to the value of the ratio of required APF lands based upon the average fair market value of land as established by an independent appraiser. For the Village H SAP, the adopted ratio of APF acres to net developable acres is 1.0 to 7.6.

Because of a 0.35-acre increase to net developable lands within PD Parcel 45, the subject Springhill PD APF and Impact Fee Agreement is being amended to reflect a

Page Two
Springhill Planned Development
Adequate Public Facilities and Impact Fee Credit Agreement
(Related to Case # CDR-15-07-198)

proportionate 0.04-acre increase to required APF lands, and thus reducing the overall APF surplus within the PD from 5.54 acres to 5.50 acres.

The amended Agreement received a recommendation of approval from the Orange County Development Review Committee (DRC) on March 9, 2016, and has been placed on the September 13, 2016, Board of County Commissioners (BCC) consent agenda for concurrent consideration with the associated PD substantial change request.

Upon approval by the BCC, the Agreement will be recorded in the Public Records of Orange County, Florida.

ACTION REQUESTED: Approval and execution of First Amendment to Springhill PD Adequate Public Facilities and Impact Fee Credit Agreement (Village H) by and among Lennar Homes, LLC, Columnar Partnership Holding I, LLC, Spring Grove, LLC, Avalon Properties, LTD, Spring Grove Properties, LLC and Orange County. District 1

JVW/JS:rep

Attachments

Prepared by and after recording return to:
Heather M. Himes, Esq.
Akerman LLP
420 South Orange Avenue, Suite 1200
Orlando, Florida 32801
407-419-8566

Tax Parcel I.D. Nos.: 07-24-27-0000-00-008, 07-24-27-0000-00-009, 08-24-27-0000-00-005, 17-24-27-0000-00-008, 17-24-27-0000-00-009, 17-24-27-7170-00-010, 17-24-27-7170-00-020, 17-24-27-7170-00-030, 17-24-27-7170-00-040, 17-24-27-7170-00-050, 17-24-27-7170-00-060, 17-24-27-7170-00-070, 17-24-27-7170-00-080, 17-24-27-7170-00-090, 17-24-27-7170-00-100, 17-24-27-7170-00-110, 17-24-27-7170-00-120, 17-24-27-7170-00-130, 17-24-27-7170-00-140, 17-24-27-7170-00-150, 17-24-27-7170-00-160, 17-24-27-7170-00-170, 17-24-27-7170-00-180, 17-24-27-7170-00-190, 17-24-27-7170-00-200, 17-24-27-7170-00-210, 17-24-27-7170-00-220, 17-24-27-7170-00-230, 17-24-27-7170-00-240, 17-24-27-7170-00-250, 17-24-27-7170-00-260, 17-24-27-7170-00-270, 17-24-27-7170-00-280, 17-24-27-7170-00-290, 17-24-27-7170-00-300, 17-24-27-7170-00-310, 17-24-27-7170-00-320, 17-24-27-7170-00-330, 17-24-27-7170-00-340, 17-24-27-7171-00-350, 17-24-27-7171-00-360, 17-24-27-7171-00-370, 17-24-27-7171-00-380, 17-24-27-7171-00-390, 17-24-27-7171-00-400, 17-24-27-7171-00-410, 17-24-27-7171-00-420, 17-24-27-7171-00-430, 17-24-27-7171-00-440, 17-24-27-7171-00-450, 17-24-27-7171-00-460, 17-24-27-7170-01-001, 17-24-27-7170-01-002, 17-24-27-7170-04-001, 17-24-27-7170-04-002, 17-24-27-7170-12-001, 17-24-27-7170-15-001, 17-24-27-7171-15-002, 17-24-27-7170-16-001, 17-24-27-7170-16-021, 17-24-27-7170-16-022, 18-24-27-0000-00-006, 18-24-27-0000-00-007, 18-24-27-0000-00-008, a portion of 18-24-27-0000-00-009, 18-24-27-0000-00-010

**FIRST AMENDMENT TO
SPRINGHILL PD ADEQUATE PUBLIC FACILITIES AND
IMPACT FEE CREDIT AGREEMENT
(Village H)**

THIS FIRST AMENDMENT TO THE SPRINGHILL PD ADEQUATE PUBLIC FACILITIES AND IMPACT FEE CREDIT AGREEMENT (Village H) (the "First Amendment"), effective as of the latest day of execution ("Effective Date"), is made and entered into by and among **LENNAR HOMES, LLC**, a Florida limited liability company, whose mailing address is 8390 Champions Gate Boulevard, Suite 110, Champions Gate, Florida 33896 ("Lennar"); **COLUMNAR PARTNERSHIP HOLDING I, LLC**, an Indiana limited liability company, whose mailing address is 5956 Sherry Lane, Suite 1000, Dallas, TX 75225 ("Columnar"); **SPRING GROVE, LLC**, a Delaware limited liability company, whose mailing address is 5956 Sherry Lane, Suite 1000, Dallas, TX 75225 ("Spring Grove"); **AVALON PROPERTIES, LTD.**, a Florida limited partnership ("Avalon"), whose mailing address is 1411 Edgewater Drive, Suite 101, Orlando, Florida 32801; and **SPRING GROVE PROPERTIES, LLC**, a Florida limited liability company ("SGP"), whose mailing address is 1411 Edgewater

Drive, Suite 101, Orlando, Florida 32801, (collectively, the "Owners") and **ORANGE COUNTY**, a charter county and political subdivision of the State of Florida ("County"), whose mailing address is c/o Orange County Administrator, Post Office Box 1393, Orlando, Florida 32802-1393.

RECITALS:

A. WHEREAS, on or about on or about April 9, 2013, Avalon Properties, Ltd., Horizon West Properties, and HAP, Inc. (collectively, the "Assignees") and the County entered into that certain Springhill PD Adequate Public Facilities and Impact Fee Credit Agreement (the "Agreement") recorded May 30, 2013, in Book 10577, Page 2071, Public Records of Orange County, Florida;

B. WHEREAS, on or about December 16, 2013, Assignees conveyed a portion of the real property covered by the Agreement, as more particularly described on Exhibit A, attached hereto and incorporated herein by reference (the "Columnar Property"), to Columnar Partnership Holding I, LLC ("Columnar");

C. WHEREAS, simultaneously with the conveyance from Assignees to Columnar, Assignees also assigned all development rights related to the Columnar Property, including the rights under the Agreement, to Columnar, as evidenced by the Corrective Assignment of Development Rights ("Columnar Assignment"), as recorded among the Public Records of Orange County, Florida at Official Records Book 10782, Page 8792;

D. WHEREAS, on or about August 14, 2015, Columnar conveyed a portion of the Columnar Property to Spring Grove, which property is more particularly described as Parcel A on Exhibit B, attached hereto and incorporated herein by reference (the "Spring Grove Property"), and assigned the associated development rights to Spring Grove, as evidenced by the Corrective Partial Assignment of Development Rights ("Spring Grove Assignment"), as recorded among the Public Records of Orange County, Florida at Official Records Book 10971, Page 0589;

E. WHEREAS, on or about February 19, 2015, Columnar conveyed a portion of the Columnar Property to SGP, as more particularly described on Exhibit C, attached hereto and

incorporated herein by reference (the "SGP Property") and assigned the associated development rights to SGP, as evidenced by the Notice of Assignment of Transferable Development Rights and Declaration of Restrictive Covenants, recorded as recorded among the Public Records of Orange County, Florida at Official Records Book 10881, Page 6686;

F. WHEREAS, following the conveyance of the SGP Property and the Spring Grove Property, Columnar retained only a portion of the Columnar Property, contained in Parcel ID 18-24-27-0000-00-006 (the "Columnar Remainder Property") which has no associated development rights;

G. WHEREAS, collectively, the Columnar Remainder Property, the SGP Property, and the Spring Grove Property comprise one hundred percent (100%) of the Columnar Property;

H. WHEREAS, on or about December 16, 2013, December 16, 2014, and December 17, 2015, Avalon conveyed portions of the real property covered by the Agreement to Lennar, as more particularly described on Exhibit D, attached hereto and incorporated herein by reference (collectively, the "Lennar Property");

I. WHEREAS, simultaneously with the conveyances from Avalon to Lennar, Assignees also assigned all development rights related to the Lennar Property, including the rights under the Agreement, as evidenced by separate Assignment instruments executed simultaneously with the conveyances described above in Recital F (collectively, the "Lennar Assignment");

J. WHEREAS, a 4.11 acre portion of the APF Right-of-Way, also known as Water Spring Boulevard, contained in Parcel ID 17-24-27-0000-00-010 (the "County Property"), which was required to be dedicated to County under the Agreement, was conveyed to County on October 20, 2015 by virtue of a general warranty deed recorded among the Public Records of Orange County, Florida at Official Records Book 11029, Page 8245;

K. WHEREAS, collectively, the Columnar Property, the Lennar Property, the County Property, and those portions of the Property retained by the Assignees comprise the original Property under the Agreement; therefore, Columnar, Spring Grove, SGP, and Lennar are all legal successors in interest to the Assignees under the Agreement; and

L. WHEREAS, the County and Owners are desirous of amending certain provisions of the Agreement, as set forth below.

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

AGREEMENT

1. Recitals. The above recitals are true and correct and are hereby incorporated as material provisions of this Amendment by this reference.

2. Any capitalized terms not defined herein shall have the same definition as in the Agreement.

3. Recital G of the Agreement is hereby revised to read as follows (with additional language indicated as underlined and deleted language indicated as ~~struck through~~):

"The Village H SAP provides that the total acreage of APF Land required to be dedicated by each owner within Village H, unless otherwise exempt, is calculated in relation to the amount of each owner's "net developable land" (as such term is defined in the Village H SAP) at a ratio of one (1) acre of APF Land for every 7.6 acres of net developable land in the particular owner's PD (the "APF Ratio"). The Springhill PD contains ~~189.28~~ 189.63 net developable acres, and the Owners ~~is~~are required to dedicate ~~24.91~~ 24.95 acres of APF Land. "

4. Recital I of the Agreement is hereby revised to read as follows:

"As shown on the PD Land Use Plan for the Springhill PD, and as also described in this Agreement, the Owner will be dedicating to the County approximately ~~30.45~~ 9.89 acres of APF Land (approximately ~~9.89~~ acres for APF Right-of-Way, approximately ~~1.73~~ acres for Stormwater Areas, approximately ~~15.00~~ acres for School Sites, approximately .83 acres for APF Parks, approximately ~~1.00~~ acres for an APF Utility Tract, and approximately ~~2.00~~ acres for a Fire Station), thereby satisfying the APF Ratio requirements for the Springhill PD and creating approximately ~~5.54~~ 5.50 acres of surplus APF Land, which the County hereby acknowledges

as "APF Credits" that are available for sale or transfer to other owners within Village H."

5. Conveyance of APF Right-of-Way. The parties hereto agree that, consistent with the terms of the Agreement, Owners may elect to convey APF Right-of-Way to the County by plat or by deed.

6. Notice. Any notice delivered with respect to this First Amendment or the Agreement shall be in writing and shall be deemed to be delivered (whether or not actually received) (i) when hand delivered to the person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States mail, postage prepaid, certified mail, return-receipt requested, addressed to the person at the address set forth opposite the party's name below, or to such other address or to such other person as the party shall have specified by written notice to the other party delivered in accordance herewith.

As to Lennar:	Lennar Homes, LLC 6750 Forum Drive, Suite 310 Orlando, Florida 32821 Attention: Brock Nicholas, Orlando Division President Facsimile: (407) 877-6902
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With a copy to:	GrayRobinson, P.A. 301 East Pine Street, Suite 1400 Orlando, Florida 32801 Attention: Thomas R. Sullivan, Esq. Facsimile: (407) 244-5690
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As to Columnar & Spring Grove:	Columnar Partnership Holding I, LLC Spring Grove, LLC 5956 Sherry Lane, Suite 1000 Dallas, Texas, 75225 Attention: Daniel A. Traylor Facsimile: (214) 559-7101
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With a copy to: Akerman LLP
420 S. Orange Avenue, Suite 1200
Orlando, Florida 32801
Attention: Heather M. Himes, Esq.
Facsimile: (407) 254-3765

As to Avalon & SGP: Avalon Properties, LTD
Spring Grove Properties, LLC
1411 Edgewater Drive
Suite 101
Orlando, Florida 32804
Attention: Robert W. Hewitt
Facsimile: (407) 318-7370

With a copy to: Shutts & Bowen LLP
300 S. Orange Avenue, Suite 1000
Orlando, Florida 32801
Attention: Daniel T. O'Keefe, Esq.
Facsimile: (407) 425-8316

As to County: Orange County Administrator
P.O. Box 1393
201 S. Rosalind Ave
Orlando, FL 32802-1393
Facsimile: (407) 836-7399

With a copy to: Orange County Community, Environmental, and
Development Services Department
Manager, Transportation Planning Division
Orange County Public Works Complex
4200 S. John Young Parkway
Orlando, Florida 32839-9205
Facsimile: (407) 836-8079

7. Covenants Running with the Land. This First Amendment shall run with the PD Property and shall be binding upon and shall inure to the benefit and burden of the heirs, legal representatives, successors, and assigns of the parties and any person, firm, corporation, or other entity that may become the successor in interest to the Property.

8. Recordation. An executed original of this First Amendment shall be recorded, at Owner's expense, in the Public Records of Orange County, Florida within thirty (30) days of the Effective Date.

9. Applicable Law. This First Amendment and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida.

10. Time is of the Essence. Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this First Amendment and in the Agreement.

11. Further Documentation. The parties agree that at any time following a request therefor by the other party, each shall execute and deliver to the other party such further documents and instruments reasonably necessary to confirm and/or effectuate the obligations of either party hereunder and the consummation of the transactions contemplated hereby.

12. Effective Date. The Effective Date of this First Amendment shall be the date of the last party's execution hereof.

13. Limitation of Remedies. County and Owner expressly agree that the consideration, in part, for each of them entering into this First Amendment is the willingness of the other to limit the remedies for all actions arising out of or in connection with this First Amendment.

(a) *Limitations on County's remedies.* Upon any failure by Owner to perform its obligations under this First Amendment, County shall be limited strictly to only the following remedies:

(i) action for specific performance or injunction; and/or

- (ii) the withholding of development permits and other approvals and/or permits in connection with the PD Property.

In addition to the foregoing, nothing in this First Amendment prohibits or estops County from exercising its power of eminent domain with respect to the APF Right-of-Way or any other portion of the PD Property as County may lawfully elect.

(b) *Limitations on Owner's remedies.* Upon any failure by County to perform its obligations under this First Amendment, Owners shall be limited strictly to only the following remedies:

- (i) action for specific performance; or
- (ii) action for injunction; or
- (iii) action for declaratory judgment regarding the rights and obligations of Owner; or
- (iv) any combination of the foregoing.

Both parties expressly waive their respective rights to sue for damages of any type for breach of, or default under, this First Amendment by the other. Both parties expressly agree that each party shall bear the cost of its own attorney fees for any action arising out of or in connection with this Amendment. Venue for any actions initiated under or in connection with this First Amendment shall be in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

IN WITNESS WHEREOF, OWNERS and COUNTY have executed this First
Amendment in manner and form sufficient to bind them on the dates set forth below.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

Date: _____

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

Printed Name: _____

LENNAR HOMES, LLC, a Florida limited liability company

By: [Signature]
Brock Nicholas, Vice President

Date: 7/5/2016

WITNESSES:

[Signature]

Print Name: Daniel Shumpert

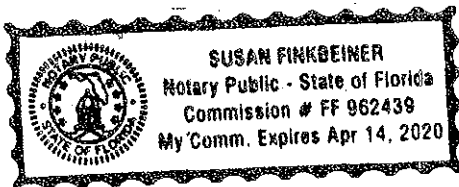
[Signature]

Print Name: Larry Shumpert

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by Brock Nicholas, Vice President of **LENNAR HOMES, LLC**, a Florida limited liability company, on behalf of the company, who is known by me to be the person described herein and who executed the foregoing, this 5th day of July, 2016. S/he is personally known to me or has produced n/a as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of July, 2016.



[Signature]
Notary Public

Print Name: Susan Finkbeiner

My Commission Expires: 4/14/2020

**COLUMNAR PARTNERSHIP HOLDING I,
LLC, an Indiana limited liability company**

By: [Signature]
Daniel A. Traylor, President

Date: 7/20/16

WITNESSES:

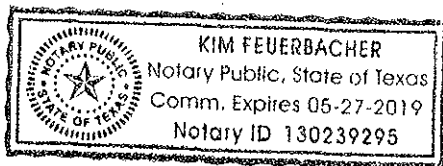
[Signature]
Print Name: Angela Smidow

[Signature]
Print Name: SUZAN S JAMES

STATE OF Texas
County OF Dallas

The foregoing instrument was acknowledged before me this 20 day of July, 2016, by Daniel A. Traylor, as President of **COLUMNAR PARTNERSHIP HOLDING I, LLC**, an Indiana limited liability company, on behalf of such company, who ☒ is personally known to me or ☐ has produced _____ as identification.

(Notary Stamp)



[Signature]
Signature of Notary Public
Print Name: Kim Feuerbacher
Notary Public, State of Texas
Commission Expires: May 27, 2019

SPRING GROVE, LLC, a Delaware limited liability company

By: [Signature]
Daniel A. Traylor, Manager

Date: 7/20/16

WITNESSES:

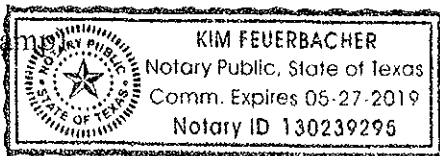
[Signature]
Print Name: Angela Snidow

[Signature]
Print Name: SUZAN SJAMES

STATE OF Texas
COUNTY OF Dallas

The foregoing instrument was acknowledged before me this 20 day of July, 2016, by Daniel A. Traylor, as Manager of SPRING GROVE, LLC, a Delaware limited liability company, on behalf of such company, who [☒] is personally known to me or [☐] has produced _____ as identification.

(Notary Stamp)



Commission Expires: May 27, 2019

[Signature]
Signature of Notary Public
Print Name: Kim Feuerbacher
Notary Public, State of Texas

AVALON PROPERTIES, LTD., a Florida limited partnership

By: C&R LAND DEVELOPMENT, INC.,
a Florida corporation, its General
Partner

By:

Printed Name

Charles Clayton

Title

manager member

Date:

6/23/16

WITNESSES:

Print Name: MONARCHA MARCET

Print Name:

Thomas W. Keith

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by Charles W. Clayton, II, as MANAGING MEMBER of C&R LAND DEVELOPMENT, INC., a Florida corporation, the General Partner of AVALON PROPERTIES, LTD., on the corporations behalf, who is known by me to be the person described herein and who executed the foregoing, this 23 day of June, 2016. S/he is personally known to me or has produced _____ as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 23 day of June, 2016.

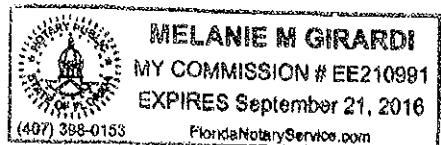
Notary Public

Print Name:

Melanie Girardi

My Commission Expires:

Page 13 of 35



AVALON PROPERTIES, LTD., a Florida limited partnership

By: HEWITT RESIDENTIAL, LLC, a Florida limited liability company, its General partner

By: [Signature]
Printed Name Thomas W. Hewitt
Title Managing Member

Date: 6/27/16

WITNESSES:

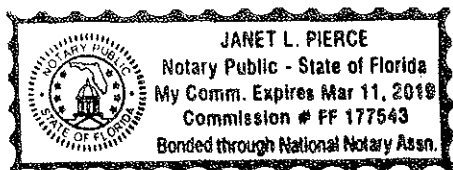
[Signature]
Print Name: Janet L. Pierce

[Signature]
Print Name: Robert M. Henn

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by Thomas W. Hewitt, as Managing Member of HEWITT RESIDENTIAL, LLC, a Florida limited liability company, the General Partner of AVALON PROPERTIES, LTD., on behalf of the company, who is known by me to be the person described herein and who executed the foregoing, this 27 day of June, 2016. S/he is personally known to me or has produced _____ as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 27 day of June, 2016



[Signature]
Notary Public

Print Name: Janet L. Pierce

My Commission Expires: 3-11-19

SPRING GROVE PROPERTIES, LLC, a Florida
limited liability company

By: [Signature]
Robert C. Hewitt, Managing Member

By: [Signature]
Thomas W. Hewitt, Managing Member

By: [Signature]
Caren J. Hewitt, Trustee, Managing Member

Date: 8/4/16

WITNESSES:

[Signature]

Print Name: Janet L. Pierce

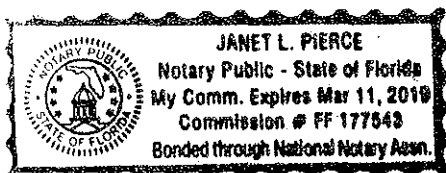
[Signature]

Print Name: Robert M. Hann

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by Robert C. Hewitt, Thomas W. Hewitt and Caren J. Hewitt, Trustee, as Managing Members of **SPRING GROVE PROPERTIES, LLC**, a Florida limited liability company, on behalf of the company, and who are each known by me to be the person described herein and who executed the foregoing, this 4 day of August, 2016 S/he are each personally known to me or have produced as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 4 day of August, 2016



[Signature]
Notary Public
Print Name: Janet L. Pierce
My Commission Expires: 3-11-19

Exhibit "A"
Legal Description of Columnar Property

Note: The following legal description is from the Corrective Special Warranty Deed filed 7/30/14 in OR 10782, Pg 8788 (corrects SWD filed 12/19/13 in OR 10679, Pg 915.)

PARCEL A: THE SOUTHWESTERLY $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ LYING EAST OF STATE ROAD 545, AND THE WEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$, ALL IN SECTION 17, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

PARCEL B: THE SOUTHEAST $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS ANY PART THEREOF IN ROAD RIGHT OF WAY.

PARCEL C: THAT PART OF THE NORTH $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ AND THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ AND THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$, OF SECTION 19, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS AND EXCEPT ROAD RIGHT OF WAY FOR LAKE STAR ROAD.

PARCEL D: NO. 1: THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 29, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

NO. 2: THAT PART OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ AND THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$, EAST OF STATE ROAD NO. 545 IN SECTION 20, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

NO. 3: THAT PART OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ LYING EAST OF STATE ROAD 545, AND THE WEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, AND THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$, LESS BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ RUN 250 FEET NORTH, THENCE SOUTHWESTERLY TO A POINT 457 FEET WEST OF THE SOUTHEAST CORNER OF SAID SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, THENCE EAST 457 FEET TO THE POINT OF BEGINNING, AND LESS AND EXCEPT ROAD RIGHT OF WAY FOR STATE ROAD 545, IN SECTION 17, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

PARCEL E: NO. 1: THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

NO. 2: THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$, LYING WEST OF ROAD AND THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

PARCEL F: THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

Exhibit "B"
Legal Description of Spring Grove Property

(See attached five (5) pages)

Note: The following legal description is attached to the Special Warranty Deed filed 9/17/15 in OR 10806, Pg 2637.

LEGAL DESCRIPTION:

PARCEL A: THE SOUTHWESTERLY 1/4 OF THE NORTHWEST 1/4 LYING EAST OF STATE ROAD 545, AND THE WEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, ALL IN SECTION 17, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

AND:

PARCEL D: NO. 2: THAT PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, EAST OF STATE ROAD NO. 545 IN SECTION 20, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

AND

PARCEL D. NO. 3A: THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 LYING EAST OF STATE ROAD 545, AND THE WEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, AND THE WEST 1/2 OF THE SOUTHWEST 1/4 LYING EAST OF STATE ROAD NO. 545, ALL IN SECTION 17, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

LESS AND EXCEPT:

THAT PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 20; THENCE RUN SOUTH 00°32'15" WEST, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 20, A DISTANCE OF 722.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°32'15" WEST, ALONG SAID EAST LINE, A DISTANCE OF 611.52 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 20; THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°58'44" WEST, ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 20, A DISTANCE OF 2068.83 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AVALON ROAD (STATE ROAD 545, A 66.00 FOOT WIDE RIGHT-OF-WAY PER ORANGE COUNTY PUBLIC WORKS RIGHT-OF-WAY MAP, CONTRACT NO. YA-903A BY PROFESSIONAL ENGINEERING CONSULTANTS, INC. UNDER PROJECT NO. 70109); THENCE RUN NORTH 43°33'32" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 843.54 FEET; THENCE RUN SOUTH 89°58'44" EAST, DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1493.28 FEET TO THE POINT OF BEGINNING.

SAID TOTAL LANDS CONTAINING 4,486,953 SQUARE FEET (103.01 ACRES) MORE OR LESS.


SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT, AND DERIVING A BEARING OF NORTH 11°23'15" WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF AVALON ROAD (STATE ROAD 545).

2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD.

3. THIS SKETCH MEETS THE APPLICABLE "MINIMUM TECHNICAL STANDARDS" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE.

4. THIS IS NOT A BOUNDARY SURVEY.


ARTHUR A. MASTRONICOLA SR.
FLORIDA LICENSED SURVEYOR &
MAPPER NO. LS 4166
DATE 9/10/14
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHEET 1 OF 5

(SEE SHEET 2 FOR SKETCH OF DESCRIPTION)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

--OF--

PARCEL 1

SECTIONS 17 & 20, TOWNSHIP 24 SOUTH, RANGE 27 EAST

ORANGE COUNTY

FLORIDA



Dewberry



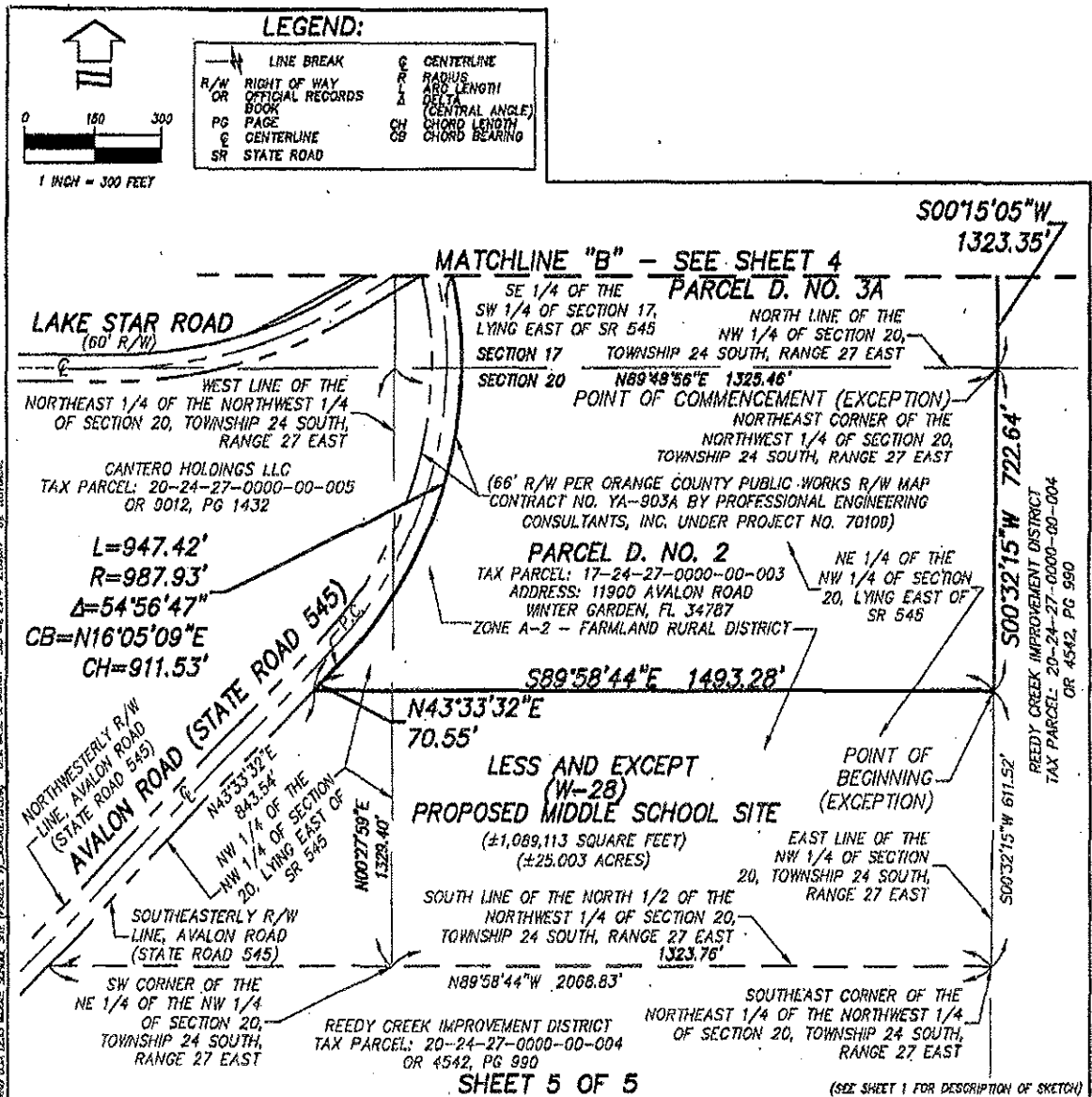
LAND DEVELOPMENT &
TRANSPORTATION ENGINEERING
PLANNING | SURVEYING & MAPPING
520 SOUTH MAGNOLIA AVENUE
ORLANDO, FLORIDA 32801
PHONE: 407.843.8120 FAX: 407.843.8104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION NO. LB 8011

PREPARED FOR:

SPRING GROVE, LLC.

DATE: 09/04/2014
REV DATE:
SCALE 1" = 300'

PROJ. 50080780
DRAWN BY: JCH
CHECKED BY: AAM



SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

-OF-
PARCEL 1

SECTIONS 17 & 20, TOWNSHIP 24 SOUTH, RANGE 27 EAST

ORANGE COUNTY

FLORIDA



Dewberry



LAND DEVELOPMENT &
TRANSPORTATION ENGINEERING
PLANNING | SURVEYING & MAPPING
628 SOUTH MAGNOLIA AVENUE
ORLANDO, FLORIDA 32801
PHONE: 407.643.8100 FAX: 407.649.8104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION NO. LB 8011

PREPARED FOR:

SPRING GROVE, LLC.

DATE: 09/04/2014
REV DATE:
SCALE: 1" = 300'

PROJ: S0600780
DRAWN BY: JON
CHECKED BY: AMM

Exhibit "C"
Legal Description of SGP Property

Note: The following legal description is identified as Parcel B on the Special Warranty Deed filed 2/27/15 in OR 10881, Page 6684.

The Southeast 1/4 of Section 18, Township 24 South, Range 27 East, Orange County, Florida,
LESS any part thereof in road right of way.

Also less and except:

The South 150 feet of the West 350 feet of the Southeast 1/4 of Section 18, Township 24 South,
Range 27 East, Orange County, Florida, described as follows:

Begin at the Southwest corner of the Southeast 1/4 of said Section 18; thence run N01°02'31"E,
along the West line of the Southeast 1/4 of said Section 18, a distance of 150.00 feet; thence run
N88°51'51"E, a distance of 350.00 feet; thence run S01°02'31"W, a distance of 150.00 feet to a
point on the South line of the Southeast 1/4 of said Section 18; thence S88°51'51"W, along said
South line, a distance of 350.00 feet to the Point of Beginning

Exhibit "D"
Legal Description of Lennar Property

Note: The following legal description is from the Special Warranty Deeds filed 12/16/2013 in OR 10677, Pg 5151, filed 12/16/2014 in OR 10848, Pg 9407, and filed 12/17/2015 in OR 11029, Pg 4607.

Legal Description - Phase 1

A portion of Sections 17 and 18, Township 24 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

BEGIN at the East quarter corner of Section 18, Township 24 South, Range 27 East, Orange County, Florida; thence run South 89°04'08" West, along the South line of the Northeast 1/4 of said Section 18, for a distance of 309.24 feet; thence departing said South line, run North 10°48'37" East for a distance of 208.07 feet to the point of curvature of a non-tangent curve, concave Northeasterly having a radius of 650.00 feet, with a chord bearing of North 63°49'02" West, and a chord distance of 344.62 feet, thence run Northwesterly along the arc of said curve through a central angle of 30°44'42" for an arc distance of 348.79 feet to a point of tangency; thence run North 48°26'41" West for a distance of 129.66 feet; thence run North 41°32'19" East for a distance of 52.00 feet to the point of curvature of a non-tangent curve, concave Westerly having a radius of 315.00 feet, with a chord bearing of North 19°36'11" East, and a chord distance of 198.83 feet, thence run Northerly through a central angle of 36°47'38" along the arc of said curve for an arc distance of 202.29 feet to a point of curvature of a non-tangent curve concave Easterly having a radius of 45.00 feet, with a chord bearing of North 25°10'35" West, and a chord distance of 36.36 feet, thence run Northerly along the arc of said curve through a central angle of 47°39'07" for an arc distance of 37.43 feet to a point of tangency; thence run North 01°21'02" West for a distance of 136.73 feet to the point of curvature of a curve, concave Westerly having a radius of 274.00 feet, with a chord bearing of North 05°35'58" West, and a chord distance of 40.60 feet, thence run Northerly along the arc of said curve through a central angle of 08°29'52" for an arc distance of 40.64 feet to a point of tangency; thence run North 09°50'54" West for a distance of 410.22 feet to the point of curvature of a curve, concave Westerly having a radius of 21.00 feet, with a chord bearing of North 24°49'21" West, and a chord distance of 10.85 feet, thence run Northerly along the arc of said curve through a central angle of 29°56'54" for an arc distance of 10.98 feet to a point on a non-tangent line; thence run South 81°47'29" West for a distance of 17.89 feet; thence run North 08°12'31" West for a distance of 52.00 feet; thence run South 81°47'29" West for a distance of 86.85 feet to the point of curvature of a curve, concave Northeasterly having a radius of 25.00 feet, with a chord bearing of North 54°46'15" West, and a chord distance of 34.38 feet, thence run Northwesterly through a central angle of 86°52'32" along the arc of said curve for an arc distance of 37.91 feet to a point of curvature of curve concave Westerly having a radius of 858.00 feet, with a chord bearing of North

21°55'29" West, and a chord distance of 315.42 feet, thence run Northerly through a central angle of 21°11'01" along the arc of said curve for an arc distance of 317.22 feet to a point of curvature of a curve concave Northerly having a radius of 94.00 feet, with a chord bearing of North 18°45'37" West, and a chord distance of 44.71 feet, thence run Northerly along the arc of said curve through a central angle of 27°30'45" for an arc distance of 45.14 feet to a point of tangency; thence run North 05°00'15" West for a distance of 43.74 feet to the point of curvature of a curve, concave Southeasterly having a radius of 18.00 feet, with a chord bearing of North 39°40'55" East, and a chord distance of 25.32 feet, thence run Northeasterly through a central angle of 89°22'19" along the arc of said curve for an arc distance of 28.08 feet to a point on a non-tangent curve concave Northerly having a radius of 1625.00 feet, with a chord bearing of South 85°58'46" West, and a chord distance of 91.38 feet, thence run Westerly along the arc of said curve through a central angle of 03°13'21" for an arc distance of 91.40 feet to a point of tangency; thence run South 87°35'26" West for a distance of 17.02 feet; thence run North 02°24'34" West for a distance of 70.00 feet; thence run North 87°35'26" East for a distance of 17.02 feet to the point of curvature of a curve, concave Northerly having a radius of 1555.00 feet, with a chord bearing of North 76°23'18" East, and a chord distance of 604.19 feet, thence run Easterly along the arc of said curve through a central angle of 22°24'16" for an arc distance of 608.06 feet to a point of tangency; thence run North 65°11'10" East for a distance of 344.98 feet; thence run North 63°02'20" East for a distance of 214.76 feet to the point of curvature of a curve, concave Southerly having a radius of 1315.00 feet, with a chord bearing of South 87°43'42" East, and a chord distance of 871.61 feet, thence run Easterly through a central angle of 38°42'31" along the arc of said curve for an arc distance of 888.41 feet to a point of curvature of a non-tangent curve concave Easterly having a radius of 2897.79 feet, with a chord bearing of South 05°44'02" West, and a chord distance of 1705.15 feet, said point also being on the Westerly right of way line of County Road 545, per Florida Department of Transportation Map Section 75110, thence run Southerly along the arc of said curve, and said Westerly right of way line, through a central angle of 34°13'15" for an arc distance of 1730.76 feet to a point of tangency; thence run South 11°22'36" East, along said Westerly right of way line, for a distance of 467.16 feet to a point on the South line of the Northwest quarter of Section 17, Township 24 South, Range 27 East, Orange County, Florida; thence run South 89°57'03" West, along said South line, a distance of 858.78 feet to the POINT OF BEGINNING.

Containing 69.63 acres, more or less.

LEGAL DESCRIPTION OF SPRING HILL PHASE 2:

A portion of Sections 7 and 18, Township 24 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

BEGINNING at the North ¼ corner of Section 18, Township 24 South, Range 27 East, Orange County, Florida; thence run North 00°26'30" East, along the West line of the Southeast ¼ of Section 7, Township 24 South, Range 27 East, Orange County, Florida, for a distance of 2299.05 feet to a point on the South line of the North 330 feet of the West ½ of the Southeast ¼ of said Section 7; thence departing said West line, run North 89°21'27" East, along the said South line of the North 330 feet, for a distance of 598.49 feet; thence departing said South line of the North 330 feet, run South 54°19'55" East for a distance of 16.47 feet; thence run South 32°18'27" East for a distance of 44.59 feet; thence run South 32°51'52" East for a distance of 36.03 feet; thence run South 34°52'52" East for a distance of 49.32 feet; thence run South 28°43'52" East for a distance of 45.07 feet; thence run South 01°04'29" East for a distance of 56.51 feet; thence run South 04°46'50" East for a distance of 43.84 feet; thence run South 27°33'54" East for a distance of 71.61 feet; thence run South 21°57'12" East for a distance of 92.38 feet; thence run South 36°38'16" East for a distance of 51.44 feet; thence run South 27°29'35" East for a distance of 59.11 feet; thence run South 59°45'04" West for a distance of 46.63 feet; thence run South 47°48'01" East for a distance of 52.70 feet; thence run South 09°14'50" East for a distance of 44.03 feet; thence run South 53°22'43" East for a distance of 66.35 feet; thence run South 86°11'01" East for a distance of 21.98 feet; thence run South 45°26'58" East for a distance of 62.44 feet; thence run South 56°58'09" East for a distance of 65.36 feet; thence run South 28°35'19" East for a distance of 33.66 feet; thence run South 77°26'39" East for a distance of 25.92 feet; thence run South 17°59'14" East for a distance of 15.25 feet; thence run South 57°24'46" West for a distance of 17.63 feet; thence run South 33°52'20" East for a distance of 48.50 feet; thence run South 42°59'27" East for a distance of 41.50 feet; thence run South 23°51'44" East for a distance of 40.03 feet; thence run South 35°01'16" East for a distance of 40.72 feet; thence run South 27°11'13" East for a distance of 40.36 feet; thence run South 16°23'54" East for a distance of 40.00 feet; thence run South 17°50'21" East for a distance of 62.26 feet; thence run South 14°25'13" East for a distance of 38.49 feet; thence run South 28°34'51" East for a distance of 57.74 feet; thence run South 13°09'54" East for a distance of 57.39 feet; thence run South 01°38'31" West for a distance of 55.33 feet; thence run South 82°21'37" East for a distance of 34.61 feet; thence run South 32°06'07" East for a distance of 40.20 feet; thence run North 65°37'41" East for a distance of 55.69 feet; thence run South 83°44'57" East for a distance of 40.22 feet; thence run South 76°37'21" East for a distance of 53.75 feet; thence run South 71°46'44" East for a distance of 25.55 feet; thence run North 80°06'24" East for a distance of 60.82 feet; thence run North 56°12'42" East for a distance of 54.82 feet; thence run North 82°41'58" East for a distance of 24.94 feet; thence run South 72°27'10" East for a distance of 35.25 feet; thence run South 02°14'23" East for a distance of 15.95 feet; thence run South 58°17'07" East for a distance of 36.30 feet; thence run South 09°22'23" East for a distance of 24.09 feet; thence run South 48°48'46" East for a distance of 15.92 feet; thence run South 36°52'07" East for a distance of 70.76 feet; thence run South 58°28'49" West for a distance of 1.24 feet; thence run South 31°31'11" East for a distance of 33.02 feet; thence run South 01°34'33" East for a distance of 524.17 feet; thence run South 73°56'04" West for a distance of 292.58 feet; thence run South 04°03'36" West for a distance of 15.12 feet; thence run

South $26^{\circ}33'54''$ West for a distance of 37.01 feet; thence run South $32^{\circ}34'43''$ East for a distance of 64.62 feet; thence run South $53^{\circ}37'29''$ East for a distance of 115.81 feet; thence run South $65^{\circ}58'46''$ East for a distance of 30.00 feet to the point of curvature of a curve, concave Southeasterly, having a radius of 300.00 feet, a chord bearing of North $24^{\circ}34'20''$ East, and a chord distance of 5.78 feet, thence run Northeasterly along the arc of said curve through a central angle of $01^{\circ}06'13''$ for an arc distance of 5.78 feet to the point compound curvature of curve, concave Southeasterly, having a radius of 220.00 feet, a chord bearing of North $49^{\circ}31'45''$ East, and a chord distance of 181.80 feet, thence run Northeasterly along the arc of said curve through a central angle of $48^{\circ}48'37''$ for an arc distance of 187.42 feet to a point of tangency; thence run North $73^{\circ}56'04''$ East for a distance of 69.43 feet to the point of curvature of a curve, concave Southerly, having a radius of 370.00 feet, a chord bearing of South $86^{\circ}38'24''$ East, and a chord distance of 246.11 feet, thence run Easterly along the arc of said curve through a central angle of $38^{\circ}51'05''$ for an arc distance of 250.89 feet to the point of tangency; thence run South $67^{\circ}12'51''$ East for a distance of 54.38 feet to the point of curvature of a curve, concave Southwesterly, having a radius of 242.74 feet, a chord bearing of South $48^{\circ}25'52''$ East, and a chord distance of 156.32 feet, thence run Southeasterly along the arc of said curve through a central angle of $37^{\circ}34'00''$ for a distance of 159.15 feet; thence departing said curve, run North $67^{\circ}27'06''$ East for a distance of 31.86 feet to the point of curvature of a curve, concave Southerly, having a radius of 30.00 feet, a chord bearing of South $71^{\circ}38'31''$ East, and a chord distance of 39.29 feet, thence run Easterly along the arc of said curve through a central angle of $81^{\circ}48'45''$ for an arc distance of 42.84 feet; thence departing said curve run North $77^{\circ}07'10''$ East for a distance of 29.22 feet to the point of curvature of a curve, concave Southerly, having a radius of 855.00 feet, a chord bearing of North $81^{\circ}32'38''$ East, and a chord distance of 131.92 feet, thence run Easterly along the arc of said curve through a central angle of $08^{\circ}50'56''$ for an arc distance of 132.05 feet; thence departing said curve run South $06^{\circ}02'32''$ East for a distance of 83.71 feet; thence run South $10^{\circ}01'36''$ West for a distance of 346.63 feet to the point of curvature of a curve, concave Easterly, having a radius of 415.32 feet, a chord bearing of South $05^{\circ}42'45''$ East, and a chord distance of 210.11 feet, thence run Southerly along the arc of said curve through a central angle of $29^{\circ}18'16''$ for a distance of 212.42 feet; thence departing said curve run South $24^{\circ}48'50''$ East for a distance of 55.00 feet; thence run South $65^{\circ}11'10''$ West for a distance of 275.02 feet to the point of curvature of a curve, concave Northerly, having a radius of 1555.00 feet, a chord bearing of South $76^{\circ}23'18''$ West, and a chord distance of 604.19 feet, thence run Westerly along the arc of said curve through a central angle of $22^{\circ}24'16''$ for an arc distance of 608.06 feet to a point of tangency; thence run South $87^{\circ}35'26''$ West for a distance of 17.02 feet; thence run South $02^{\circ}24'34''$ East for a distance of 70.00 feet; thence run North $87^{\circ}35'26''$ East for a distance of 17.02 feet to the point of curvature of a curve, concave Northerly, having a radius of 1625.00 feet, a chord bearing of North $85^{\circ}58'46''$ East, and a chord distance of 91.38 feet, thence run Easterly along the arc of said curve through a central angle of $03^{\circ}13'21''$ for an arc distance of 91.40 feet to a point on a curve, concave Southeasterly, having a radius of 18.00 feet, a chord bearing of South $39^{\circ}40'55''$ West, and a chord distance of 25.32 feet, thence run

Southwesterly along the arc of said curve through a central angle of $89^{\circ}22'19''$ for an arc distance of 28.08 feet to the point of tangency; thence run South $05^{\circ}00'15''$ East for a distance of 43.74 feet to the point of curvature of a curve, concave Westerly, having a radius of 94.00 feet, a chord bearing of South $18^{\circ}45'37''$ East, and a chord distance of 44.71 feet, thence run Southerly along the arc of said curve through a central angle of $27^{\circ}30'45''$ for an arc distance of 45.14 feet to a point of reverse curvature of a curve, concave Southwesterly, having a radius of 858.00 feet, a chord bearing of South $21^{\circ}55'29''$ East, and a chord distance of 315.42 feet, thence run Southerly along the arc of said curve through a central angle of $21^{\circ}11'01''$ for an arc distance of 317.22 feet to a point of reverse curvature of a curve, concave Northeasterly, having a radius of 25.00 feet, a chord bearing of South $54^{\circ}46'15''$ East, and a chord distance of 34.38 feet, thence run Southeasterly along the arc of said curve through a central angle of $86^{\circ}52'32''$ for an arc distance of 37.91 feet to the point of tangency; thence run North $81^{\circ}47'29''$ East for a distance of 86.85 feet; thence run South $08^{\circ}12'31''$ East for a distance of 52.00 feet; thence run North $81^{\circ}47'29''$ East for a distance of 17.89 feet to a point on a curve, concave Southwesterly, having a radius of 21.00 feet, a chord bearing of South $24^{\circ}49'21''$ East, and a chord distance of 10.85 feet, thence run Southerly along the arc of said curve through a central angle of $29^{\circ}56'54''$ for a distance of 10.98 feet to the point of tangency; thence run South $09^{\circ}50'54''$ East for a distance of 410.22 feet to the point of curvature of a curve, concave Westerly, having a radius of 274.00 feet, a chord bearing of South $05^{\circ}35'58''$ East, and a chord distance of 40.60 feet, thence run Southerly along the arc of said curve through a central angle of $08^{\circ}29'52''$ for an arc distance of 40.64 feet to the point of tangency; thence run South $01^{\circ}21'02''$ East for a distance of 136.73 feet to the point of curvature of a curve, concave Northeasterly, having a radius of 45.00 feet, a chord bearing of South $25^{\circ}10'35''$ East, and a chord distance of 36.36 feet, thence run Southerly along the arc of said curve through a central angle of $47^{\circ}39'07''$ for an arc distance of 37.43 feet to a point on a curve, concave Northwesterly, having a radius of 315.00 feet, a chord bearing of South $19^{\circ}36'11''$ West, and a chord distance of 198.83 feet, thence run Southerly along the arc of said curve through a central angle of $36^{\circ}47'38''$ for an arc distance of 202.29 feet to the point of tangency; thence run South $41^{\circ}32'19''$ West for a distance of 52.00 feet; thence run South $48^{\circ}26'41''$ East for a distance of 129.66 feet to the point of curvature of a curve, concave Northeasterly, having a radius of 650.00 feet, a chord bearing of South $63^{\circ}49'02''$ East, and a chord distance of 344.62 feet, thence run Southeasterly along the arc of said curve through a central angle of $30^{\circ}44'42''$ for an arc distance of 348.79 feet; thence departing said curve, run South $10^{\circ}48'37''$ West for a distance of 208.07 feet to a point on the South line of the Northeast $\frac{1}{4}$ of aforesaid Section 18; thence run South $89^{\circ}04'08''$ West, along said South line, for a distance of 1974.29 feet; thence departing said South line, run North $28^{\circ}29'04''$ East for a distance of 136.67 feet; thence run North $21^{\circ}14'32''$ East for a distance of 95.12 feet; thence run North $19^{\circ}17'11''$ East for a distance of 63.92 feet; thence run North $38^{\circ}10'49''$ East for a distance of 55.54 feet; thence run North $45^{\circ}43'39''$ East for a distance of 49.57 feet; thence run North $28^{\circ}13'27''$ East for a distance of 67.49 feet; thence run North $03^{\circ}28'04''$ East for a distance of 31.60 feet; thence run North $13^{\circ}49'46''$ West for a distance of 54.10 feet; thence

run North 11°47'13" East for a distance of 49.56 feet; thence run North 30°27'03" West for a distance of 15.88 feet; thence run North 36°05'30" East for a distance of 31.47 feet; thence run North 54°26'32" East for a distance of 51.32 feet; thence run North 43°12'42" East for a distance of 51.28 feet; thence run North 41°31'07" East for a distance of 42.44 feet; thence run North 57°47'05" East for a distance of 30.95 feet; thence run North 48°07'04" East for a distance of 34.13 feet; thence run North 29°58'29" East for a distance of 28.46 feet; thence run North 43°21'16" East for a distance of 34.83 feet; thence run North 47°44'19" East for a distance of 33.98 feet; thence run North 55°11'39" East for a distance of 29.28 feet; thence run North 44°20'07" East for a distance of 41.06 feet; thence run North 36°22'07" East for a distance of 40.79 feet; thence run North 01°26'53" West for a distance of 25.76 feet; thence run North 03°41'08" East for a distance of 42.59 feet; thence run North 44°15'33" West for a distance of 54.76 feet; thence run North 15°13'05" West for a distance of 46.13 feet; thence run North 15° 25' 02" West for a distance of 41.00 feet; thence run North 05°36'05" East for a distance of 59.27 feet; thence run North 13°25'20" East for a distance of 55.52 feet; thence run North 29°50'33" East for a distance of 62.42 feet; thence run North 39°46'39" East for a distance of 49.96 feet; thence run North 47°32'40" East for a distance of 51.40 feet; thence run North 60°32'33" East for a distance of 36.91 feet; thence run South 89°30'48" East for a distance of 13.10 feet; thence run North 55°18'31" East for a distance of 19.96 feet; thence run North 53°38'13" East for a distance of 12.32 feet; thence run North 36°21'47" West for a distance of 25.00 feet; thence run North 53°38'13" East for a distance of 35.06 feet; thence run North 87°13'29" East for a distance of 36.29 feet; thence run North 48°33'29" East for a distance of 15.38 feet; thence run North 02°04'09" East for a distance of 356.99 feet to a point on a curve, concave Northerly, having a radius of 845.00 feet, a chord bearing of North 64°20'29" West, and a chord distance of 444.51 feet, thence run Westerly along the arc of said curve through a central angle of 30°29'56" for an arc distance of 449.80 feet to the point of tangency; thence run North 49°05'31" West for a distance of 324.20 feet to the point of curvature of a curve, concave Southerly, having a radius of 750.00 feet, a chord bearing of North 68°16'59" West, and a chord distance of 493.08 feet, thence run Westerly along the arc of said curve through a central angle of 38°22'55" for an arc distance of 502.42 feet to a point on the West line of the Southeast ¼ of said Section 18; thence departing said curve, run North 00°39'40" East, along said West line for a distance of 321.30 feet to the **POINT OF BEGINNING**;

Containing 6958512.57 square feet, or 159.75 acres, more or less.

LEGAL DESCRIPTION OF FUTURE STOREY GREEN PHASE 3A

A portion of Sections 7, 8 and 17, Township 24 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 8, Township 24 South, Range 27 East, Orange County, Florida; thence run North $89^{\circ}52'04''$ East, along the North line of the said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ for a distance of 159.16 feet; thence departing said North line, run South $70^{\circ}19'05''$ East for a distance of 6.22 feet; thence run South $43^{\circ}03'43''$ East for a distance of 13.80 feet; thence run South $73^{\circ}49'32''$ East for a distance of 18.61 feet; thence run South $88^{\circ}19'59''$ East for a distance of 31.06 feet; thence run North $82^{\circ}33'45''$ East for a distance of 21.50 feet; thence run South $59^{\circ}29'06''$ East for a distance of 38.47 feet; thence run South $34^{\circ}00'14''$ East for a distance of 21.34 feet; thence run South $57^{\circ}31'59''$ East for a distance of 47.89 feet; thence run South $44^{\circ}51'11''$ East a distance of 29.59 feet; thence run South $23^{\circ}38'56''$ East for a distance of 38.32 feet; thence run South $32^{\circ}59'00''$ East for a distance of 25.09 feet; thence run South $36^{\circ}24'52''$ East for a distance of 56.59 feet; thence run South $37^{\circ}42'55''$ East for a distance of 35.04 feet; thence run South $16^{\circ}55'31''$ East for a distance of 33.96 feet; thence run South $02^{\circ}07'50''$ East for a distance of 44.16 feet; thence run South $05^{\circ}33'37''$ East for a distance of 65.54 feet; thence run South $09^{\circ}26'25''$ East for a distance of 30.18 feet; thence run South $11^{\circ}20'59''$ East for a distance of 58.81 feet; thence run South $34^{\circ}08'07''$ East for a distance of 177.71 feet; thence run North $89^{\circ}32'42''$ East for a distance of 60.00 feet; thence run South $00^{\circ}27'18''$ East for a distance of 175.59 feet to the point of curvature of a curve, concave Easterly, having a radius of 570.00 feet, a chord bearing of South $10^{\circ}53'29''$ East, and a chord distance of 206.50 feet; thence run Southerly along the arc of said curve through a central angle of $20^{\circ}52'21''$ for an arc distance of 207.65 feet to the point of tangency; thence run South $21^{\circ}19'39''$ East for a distance of 39.10 feet to the point of curvature of a curve, concave Northerly, having a radius of 25.00 feet, a chord bearing of South $66^{\circ}17'24''$ East, and a chord distance of 35.33 feet; thence run Easterly along the arc of said curve through a central angle of $89^{\circ}55'30''$ for an arc distance of 39.24 feet; thence departing said curve, run South $21^{\circ}15'09''$ East for a distance of 60.00 feet; thence run South $68^{\circ}44'51''$ West for a distance of 62.87 feet to the point of curvature of a curve, concave Southeasterly, having a radius of 440.00 feet, a chord bearing of South $56^{\circ}31'49''$ West, and a chord distance of 186.23 feet; thence run Southwesterly along the arc of said curve through a central angle of $24^{\circ}26'04''$ for an arc distance of 187.64 feet to a point of tangency; thence run South $44^{\circ}18'46''$ West for a distance of 161.08 feet to the point of curvature of a curve, concave Southeasterly, having a radius of 518.00 feet, a chord bearing of South $22^{\circ}05'20''$ West, and a chord distance of 391.85 feet; thence run Southwesterly along the arc of said curve through a central angle of $44^{\circ}26'53''$ for an arc distance of 401.85 feet to a point of compound curvature of a curve, concave Northeasterly, having a radius of 25.00 feet, a chord bearing of South $48^{\circ}38'10''$ East, and a chord distance of 37.45 feet; thence run Southeasterly along the arc of said curve through a central angle of $97^{\circ}00'07''$ for an arc distance of 42.33 feet to a point of reverse curvature of a curve, concave Southerly, having a radius of 1320.00 feet, a chord bearing of South $82^{\circ}44'46''$ East, and a chord distance of 656.14 feet; thence run Easterly along the arc of said curve through a central angle of $28^{\circ}46'55''$ for an arc distance of 663.09 feet to a point on the Westerly right of way line of County Road 545, said point being a point on a curve, concave Easterly, having a radius of 2897.79 feet, a chord bearing

of South 22°53'39" West, and a chord distance of 5.05 feet; thence run Southerly along the arc of said curve, and said Westerly right of way line, through a central angle of 00°05'59" for an arc distance of 5.05 feet to a point on a curve, concave Southerly, having a radius of 1315.00 feet, a chord bearing of North 87°43'42" West, and a chord distance of 871.61 feet; thence departing said Westerly right of way line, run Westerly along the arc of said curve through a central angle of 38°42'31" for an arc distance of 888.41 feet; thence departing said curve, run South 63°02'20" West for a distance of 214.76 feet; thence run South 65°11'10" West for a distance of 69.97 feet; thence run North 24°48'50" West for a distance of 55.00 feet a point on a non-tangent curve concave Easterly, having a radius of 415.32 feet, a chord bearing of North 05°42'45" West, and a chord distance of 210.11 feet; thence run Northerly along the arc of said curve through a central angle of 29°18'16" for an arc distance of 212.42 feet to the point of tangency; thence run North 10°01'36" East for a distance of 346.63 feet; thence run North 06°02'32" West for a distance of 83.71 feet to a point on a non-tangent curve concave Southerly, having a radius of 855.00 feet, a chord bearing of South 81°32'38" West, and a chord distance of 131.92 feet; thence run Westerly along the arc of said curve through a central angle of 08°50'56" for an arc distance of 132.05 feet to the point of tangency; thence run South 77°07'10" West for a distance of 29.22 feet to a point on a curve, concave Southerly, having a radius of 30.00 feet, a chord bearing of North 71°38'31" West, and a chord distance of 39.29 feet; thence run Westerly along the arc of said curve through a central angle of 81°48'45" for an arc distance of 42.84 feet to the point of tangency; thence run South 67°27'06" West for a distance of 31.86 feet to the a point on a non-tangent curve concave Southwesterly, having a radius of 242.74 feet, a chord bearing of North 48°25'52" West, and a chord distance of 156.32 feet; thence run Northwesterly along the arc of said curve through a central angle of 37°34'00" for an arc distance of 159.15 feet to a point of tangency; thence run North 67°12'51" West for a distance of 54.38 feet to the point of curvature of a curve, concave Southerly, having a radius of 370.00 feet, with a chord bearing of North 86°38'24" West, and a chord distance of 246.11 feet; thence run Westerly along the arc of said curve through a central angle of 38°51'05" for an arc distance of 250.89 feet to a point of tangency; thence run South 73°56'04" West for a distance of 69.43 feet to the point of curvature of a curve, concave Southeasterly, having a radius of 220.00 feet, a chord bearing of South 49°31'45" West, and a chord distance of 181.80 feet; thence run Southwesterly along the arc of said curve through a central angle of 48°48'37" for an arc distance of 187.42 feet to a point of compound curvature of a curve, concave Southeasterly, having a radius of 300.00 feet, a chord bearing of South 24°34'20" West, and a chord distance of 5.78 feet; thence run Southwesterly along the arc of said curve through a central angle of 01°06'13" for a distance of 5.78 feet; thence departing said curve, run North 65°58'46" West for a distance of 30.00 feet; thence run North 53°37'29" West for a distance of 115.81 feet; thence run North 32°34'43" West for a distance of 64.62 feet; thence run North 26°33'54" East for a distance of 37.01 feet; thence run North 04°03'36" East for a distance of 15.12 feet; thence run North 73°56'04" East for a distance of 292.58 feet; thence run North 01°34'33" West for a distance of 524.17 feet; thence run North 31°31'11" West for a distance of 33.02 feet; thence run North 58°28'49" East for a distance of 1.24 feet; thence

run North 36°52'07" West for a distance of 70.76 feet; thence run North 48°48'46" West for a distance of 15.92 feet; thence run North 09°22'23" West for a distance of 24.09 feet; thence run North 58°17'07" West for a distance of 36.30 feet; thence run North 02°14'23" West for a distance of 15.95 feet; thence run North 72°27'10" West for a distance of 35.25 feet; thence run South 82°41'58" West for a distance of 24.94 feet; thence run South 56°12'42" West for a distance of 54.82 feet; thence run South 80°06'24" West for a distance of 60.82 feet; thence run North 71°46'44" West for a distance of 25.55 feet; thence run North 76°37'21" West for a distance of 53.75 feet; thence run North 83°44'57" West for a distance of 40.22 feet; thence run South 65°37'41" West for a distance of 55.69 feet; thence run North 32°06'07" West for a distance of 40.20 feet; thence run North 82°21'37" West for a distance of 34.61 feet; thence run North 01°38'31" East for a distance of 55.33 feet; thence run North 13°09'54" West for a distance of 57.39 feet; thence run North 28°34'51" West for a distance of 57.74 feet; thence run North 14°25'13" West for a distance of 38.49 feet; thence run North 17°50'21" West for a distance of 62.26 feet; thence run North 16°23'54" West for a distance of 40.00 feet; thence run North 27°11'13" West for a distance of 40.36 feet; thence run North 35°01'16" West for a distance of 40.72 feet; thence run North 23°51'44" West for a distance of 40.03 feet; thence run North 42°59'27" West for a distance of 41.50 feet; thence run North 33°52'20" West for a distance of 48.50 feet; thence run North 57°24'46" East for a distance of 17.63 feet; thence run North 17°59'14" West for a distance of 15.25 feet; thence run North 77°26'39" West for a distance of 25.92 feet; thence run North 28°35'19" West for a distance of 33.66 feet; thence run North 56°58' 09" West for a distance of 65.36 feet; thence run North 45°26'58" West for a distance of 62.44 feet; thence run North 86°11'01" West for a distance of 21.98 feet; thence run North 53°22'43" West for a distance of 66.35 feet; thence run North 09°14'50" West for a distance of 44.03 feet; thence run North 47°48'01" West for a distance of 52.70 feet; thence run North 59°45'04" East for a distance of 46.63 feet; thence run North 27°29'35" West for a distance of 59.11 feet; thence run North 36°38'16" West for a distance of 51.44 feet; thence run North 21°57'12" West for a distance of 92.38 feet; thence run North 27°33'54" West for a distance of 71.61 feet; thence run North 04°46'50" West for a distance of 43.84 feet; thence run North 01°04'29" West for a distance of 56.51 feet; thence run North 28°43'52" West for a distance of 45.07 feet; thence run North 34° 52' 52" West for a distance of 49.32 feet; thence run North 32°51'52" West for a distance of 36.03 feet; thence run North 32°18'27" West for a distance of 44.59 feet; thence run North 54°19'55" West for a distance of 16.47 feet to a point on the South line of the North 330 feet of the West ½ of the Southeast ¼ of Section 7, Township 24 South, Range 27 East; thence run North 89°21'27" East, along said South line, for a distance of 721.20 feet to a point on the East line of the West ½ of the Said Southeast ¼ of Section 7; thence run South 00°35'49" West, along said East line, for a distance of 985.29 feet to a point on the North line of the Southeast ¼ of the Southeast ¼ of said Section 7; thence run North 89°23'21" East, along said North line, for a distance of 1317.09 feet to the POINT OF BEGINNING.

Containing 61.09 acres, more or less.

LEGAL DESCRIPTION OF: FUTURE STOREY GREEN PHASE 3B

A portion of the Northeast ¼ of Section 18, Township 24 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

BEGINNING at the Southwest corner of the Northeast ¼ of Section 18, Township 24 South, Range 27 East; thence run North 00°39'40" East, along the West line of the Northeast ¼ of said Section 18, for a distance of 1270.16 feet; thence departing said West line, run North 76°44'41" East for a distance of 521.11 feet to the point of curvature of a curve, concave Northwesterly, having a radius of 205.00 feet, a chord bearing of North 58°46'23" East, and a chord distance of 126.50 feet, thence run Northeasterly along the arc of said curve through a central angle of 35°56'34" for an arc distance of 128.60 feet; thence departing said curve, run South 49°11'54" East for a distance of 125.00 feet to a point on a curve, concave Westerly, having a radius of 330.00 feet, a chord bearing of North 26°16'05" East, and a chord distance of 165.63 feet; thence run Northerly along the arc of said curve through a central angle of 29°04'03" for an arc distance of 167.42 feet to the point of tangency; thence run North 11°44'03" East for a distance of 74.93 feet to the point of curvature of a curve, concave Easterly, having a radius of 800.00 feet, a chord bearing of North 18°30'46" East, and a chord distance of 188.85 feet; thence run Northerly along the arc of said curve through a central angle of 13°33'25" for an arc distance of 189.29 feet to the point of tangency; thence run North 25°17'28" East for a distance of 38.85 feet to the point of curvature of a curve, concave Westerly, having a radius of 25.02 feet, a chord bearing of North 18°25'23" West, and a chord distance of 34.57 feet; thence run Northerly along the arc of said curve through a central angle of 87°24'00" for an arc distance of 38.16 feet to a point on a curve, concave Northerly, having a radius of 842.87 feet, a chord bearing of South 64°41'39" East, and a chord distance of 97.45 feet; thence run Easterly along the arc of said curve through a central angle of 06°37'41" for a distance of 97.50 feet to a point on a curve, concave Southeasterly, having a radius of 25.00 feet, a chord bearing of South 68°38'38" West, and a chord distance of 34.32 feet; thence run Southwesterly along the arc of said curve through a central angle of 86°42'19" for an arc distance of 37.83 feet to a point of tangency; thence run South 25°17'28" West for a distance of 38.85 feet to the point of curvature of a curve, concave Easterly, having a radius of 750.00 feet, a chord bearing of South 18°30'46" West, and a chord distance of 177.05 feet; thence run Southerly along the arc of said curve through a central angle of 13°33'25" for an arc distance of 177.46 feet to a point of tangency; thence run South 11°44'03" West for a distance of 74.93 feet to the point of curvature of a curve, concave Westerly, having a radius of 380.00 feet, a chord bearing of South 16°42'39" West, and a chord distance of 65.93 feet; thence run Southerly along the arc of said curve through a central angle of 09°57'12" for a distance of 66.01 feet; thence departing said curve, run South 68°18'45" East for a distance of 230.19 feet; thence run South 36°21'47" East for a distance of 25.00 feet; thence run South 54°44'57" West for a distance of 32.26 feet; thence run North 89°30'48" West for a distance of 13.10 feet; thence run South 60°32'33" West for a distance of 36.91 feet; thence run South 47°32'40" West for a distance of 51.40 feet; thence run South

39°46'39" West for a distance of 49.96 feet; thence run South 29°50'33" West for a distance of 62.42 feet; thence run South 13°25'20" West for a distance of 55.52 feet; thence run South 05°36'05" West for a distance of 59.27 feet; thence run South 15°25'02" East for a distance of 41.00 feet; thence run South 15°13'05" East for a distance of 46.13 feet; thence run South 44°15'33" East for a distance of 54.76 feet; thence run South 03°41'08" West for a distance of 42.59 feet; thence run South 01°26'53" East for a distance of 25.76 feet; thence run South 36°22'07" West for a distance of 40.79 feet; thence run South 44°20'07" West for a distance of 41.06 feet; thence run South 55°11'39" West for a distance of 29.28 feet; thence run South 47°44'19" West for a distance of 33.98 feet; thence run South 43°21'16" West for a distance of 34.83 feet; thence run South 29°58'29" West for a distance of 28.46 feet; thence run South 48°07'04" West for a distance of 34.13 feet; thence run South 57°47'05" West for a distance of 30.95 feet; thence run South 41°31'07" West for a distance of 42.44 feet; thence run South 43°12'42" West for a distance of 51.28 feet; thence run South 54°26'32" West for a distance of 51.32 feet; thence run South 36°05'30" West for a distance of 31.47 feet; thence run South 30°27'03" East for a distance of 15.88 feet; thence run South 11°47'13" West for a distance of 49.56 feet; thence run South 13°49'46" East for a distance of 54.10 feet; thence run South 03°28'04" West for a distance of 31.60 feet; thence run South 28°13'27" West for a distance of 67.49 feet; thence run South 45°43'39" West for a distance of 49.57 feet; thence run South 38°10'49" West for a distance of 55.54 feet; thence run South 19°17'11" West for a distance of 63.92 feet; thence run South 21°14'32" West for a distance of 95.12 feet; thence run South 28°29'04" West for a distance of 136.67 feet to a point on the South line of the Northeast ¼ of said Section 18; thence run South 89°04'08" West, along said South line, a distance of 395.81 feet to the POINT OF BEGINNING.

Containing 23.03 acres, more or less.



Interoffice Memor

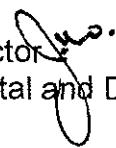
I. CONSENT AGENDA COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

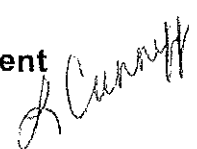
4

AGENDA ITEM

August 3, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: Lori Cuniff, CEP, CHMM, Deputy Director 
Community, Environmental and Development
Services Department
(407) 836-1405

SUBJECT: September 13, 2016—Consent Item
Environmental Protection Commission Recommendation for
an After-the-Fact Variance request for the Shoultz Dock
Construction Permit

On March 19, 2015, Orange County Environmental Protection Division (EPD) issued Dock Construction Permit BD-15-03-025 for property owned by Scott and Courtney Shoultz, located at 13864 Caywood Pond Drive, on Caywood Pond.

Specific Condition # 12 of the permit required that within 30 days of completion of dock construction, a final as-built survey be provided to EPD. Accordingly, on March 21, 2016, EPD received an as-built survey which indicated that the dock was constructed 6.9 feet from the projected property line rather than the approved 10 foot side setback.

After contacting the permittee and discussing the available options, on May 9, 2016, EPD received an application for an after-the-fact variance to Section 15-343(a) (side setback) in an attempt to allow the dock to remain in its current location. Notification for the variance request was sent to all shoreline property owners within 300 feet of the subject property by certified mail on May 23, 2016.

Section 15-343(a) states "On lots or parcels having a shoreline frontage of less than seventy-five (75) feet, docks shall have a minimum side setback of ten (10) feet from the projected property line." Therefore, since this property has less than 75 linear feet of shoreline at the NHWE, the dock was required to be located a minimum of ten (10) feet from the projected property line.

Pursuant to Section 15-350(a)(1), Variances, "the applicant shall describe (1) how strict compliance with the provisions from which a variance is sought would impose a unique and unnecessary hardship on the applicant – the hardship cannot be self-imposed; and (2) the effect of the proposed variance on abutting shoreline owners."

To address Section 15-350(a)(1)(1) the applicant stated that, “the property line takes a turn just past the shoreline and this turn was overlooked during construction”.

To address Section 15-350(a)(1)(2) the applicant stated “that the dock does not interfere with the view for the neighbor and should not have any impact”.

EPD has received no objections to the variance request.

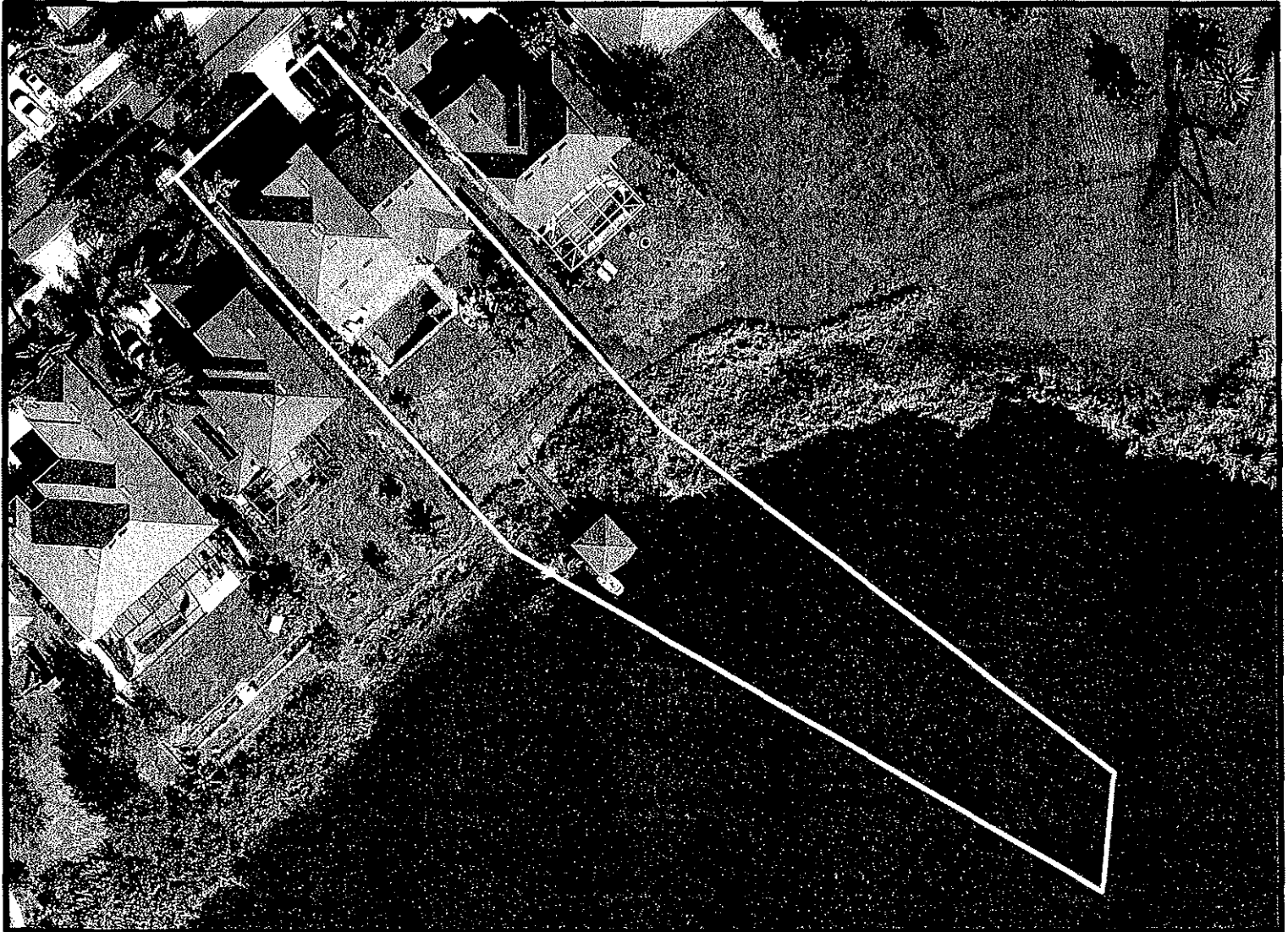
During the July 27, 2016 public hearing, the Environmental Protection Commission (EPC) voted to uphold the recommendation of the Environmental Protection Officer (EPO) and approve the request for variance to Section 15-343(a)(side setback).

ACTION REQUESTED: **Acceptance of the Recommendation of the Environmental Protection Commission to approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) for the Shoultz After-the-Fact Dock Construction Permit BD-15-03-025. District 1**

JVW/LC: mg

Attachments

After-the-Fact Variance Request



After-the-Fact Variance Request

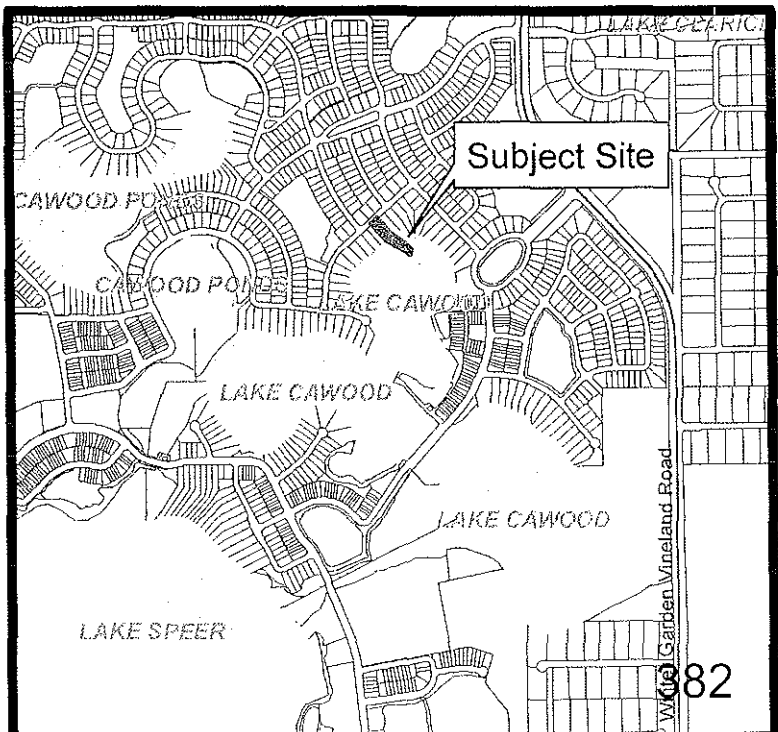
District #1

Applicants: Scott & Courtney Shoultz
Parcel ID: 10-23-27-8389-01-170

Project Site

Property Location 

382



382



ENVIRONMENTAL
PROTECTION
COMMISSION

David Ward
Chairman

Jonathan Huels
Vice Chairman

Sally Atwell

Alex Preisser

Glenn Dunkelberger

Mark Corbett

Mark Ausley

ENVIRONMENTAL PROTECTION DIVISION
Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development Services Department
3165 McCrory Place, Suite 200
Orlando, FL 32803-3727
407-836-1400 • Fax: 407-836-1499
www.ocfl.net

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
July 27, 2016

PROJECT NAME: Shoultz - 13864 Caywood Pond Drive

PERMIT APPLICATION NUMBER: BD-15-03-025

LOCATION/ADDRESS: 13864 Caywood Pond Dr., Windermere

RECOMMENDATION:

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(A), APPROVE THE REQUEST FOR AFTER THE FACT VARIANCE TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-343(A) FOR THE SHOULTZ DOCK CONSTRUCTION PERMIT # BD-15-03-025.

☒ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

☐ EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

Signature of EPC Chairman: _____

David R. Ward

DATE EPC RECOMMENDATION RENDERED: 7/27/2016



APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1))

Mail or Orange County Environmental Protection Division
Deliver To: 3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

****Enclose a check for \$409.00 payable to The Board of County Commissioners****

I R Scott Shultz on behalf of Myself (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343 a of the Orange County Dock Construction Ordinance.

1. Describe how strict compliance with the provisions from which a variance is sought would impose a unique and unnecessary hardship on the applicant (the hardship cannot be self-imposed):

the property line takes a turn toward the shore line & this was overlooked during construction. The error was unintentional

2. Describe the effect of the proposed variance on abutting shoreline owners:

the dock does not interfere w neighbors view at all & should not have any impact.

Notice to the Applicant:

The environmental protection officer, environmental protection commission and the Board of County Commissioners may require additional information necessary to carry out the purposes of this article.

A variance application may receive an approval or approval with conditions when such variance: (1) would not be contrary to the public interest; (2) where, owing to special conditions, compliance with the provisions herein would impose an unnecessary hardship on the permit applicant; (3) that the hardship is not self-imposed; and (4) the granting of the variance would not be contrary to the intent and purpose of this article.

By signing and submitting this application form, I am applying for a variance to the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true, complete, and accurate. I understand this is an application and not a permit, and that work conducted prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, or local permits prior to commencement of construction. I understand that knowingly making any false statements or representation in this application is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: R. Scott Shultz

Signature of Applicant/Agent

R Scott Shultz

Date:

5/6/16

Corporate Title (if applicable):

DOCK AS-BUILT SURVEY

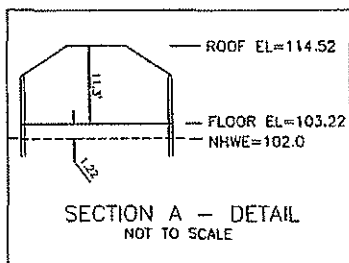
DESCRIPTION:

LOT 117, SUMMERPORT PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGES 1 THROUGH 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Received

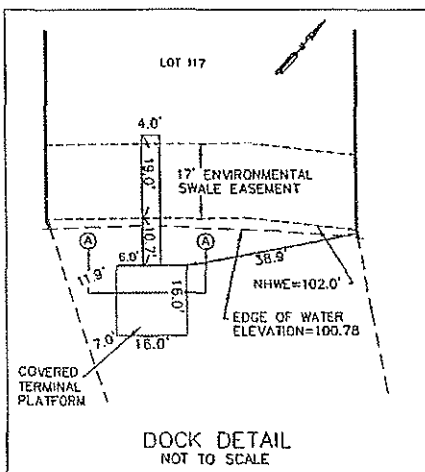
MAR 21 2016

**Orange County
Environmental Protection Division**



TERMINAL PLATFORM

SQUARE FEET=256
FLOOR EL=103.22
ROOF EL=114.52



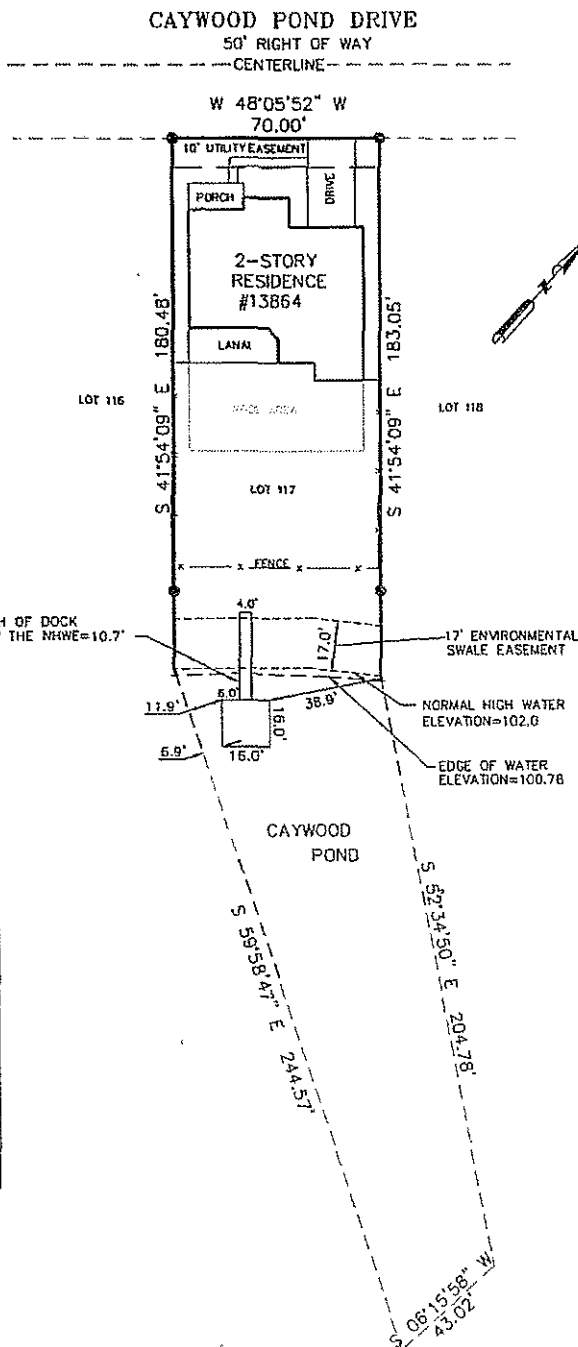
LEGEND:

EL=ELEVATION
NHWE=NORMAL HIGH WATER ELEVATION
● =FOUND 1/2" IRON ROD NO#

SURVEYOR'S NOTES:

- ELEVATIONS ARE BASED ON NGVD29 DATUM.
- BEARING SHOWN HEREON ARE BASED ON THE EASTERLY LINE OF CAYWOOD POND DRIVE AS BEING $54^{\circ}05'52''$ W PER PLAT.
- REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DATE: 6-20-15	SCALE: 1" = 50'	CAL. BY: SEB	DRAWN BY: SMO	JOB NO. 115060
Date	Revisions	<p>ATLANTIC SURVEYING 308 S. DILLARD STREET WINTER GARDEN, FLORIDA 34787 (407) 656-4993/FAX (407) 656-4437</p> <p>STEVEN E. BLANKENSHIP P.S.M. #5361 STATE OF FLORIDA</p>		





AGENDA ITEM

September 13, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: Lori Cuniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405

SUBJECT: September 13, 2016 - Consent Item
Environmental Protection Commission Recommendation for
Waiver and Variance Requests for a Dock for Bridget and
Michael Day

On May 28, 2016, the Environmental Protection Division (EPD) received an Application to Construct a Dock located at 14192 Bridgewater Crossings Boulevard within the Eden's Hammock Subdivision property. The Parcel ID for the site is 15-23-27-1540-00-920. The subject property is located on Lake Speer in Orange County Commission District 1.

Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff evaluated the proposed application and required documents. The Applicants are requesting to construct a private boat dock with a terminal platform that exceeds the maximum size allowable under Section 15-342(b) and a side setback less than the allowable under Section 15-343(a), and submitted applications for a waiver and variance, respectively, with their application package.

Notifications for the waiver and variance were sent to all shoreline property owners within 300 feet of the subject property by certified mail on June 7, 2016. EPD did not receive any objections to the proposed boat dock. A Letter of No Objection signed by the adjacent property owner at 14198 Bridgewater Crossings Boulevard was submitted by the applicants with their application.

Terminal Platform Size - Waiver

Section 15-342(b) states that the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of shoreline and five times the linear shoreline frontage for each foot in excess of 75 feet, not to exceed a maximum of 1,000 square feet.

The applicants have approximately 36 linear feet of shoreline; therefore, the allowed terminal platform size for the subject property is 362 square feet. The applicants are requesting a terminal platform size of 504 square feet.

Pursuant to Section 15-350(a)(2), "the applicant shall describe (1) how this waiver would not negatively impact the environment; and (2) the effect of the proposed waiver on abutting shoreline owners."

To address 15-350(a)(2)(1) the applicants have stated that "The terminal platform will be constructed over open water, so there will not be any impact to wetland vegetation. The proposed terminal platform is only 164 square feet over the allowed limit." EPD has not received any objections to the terminal platform size waiver request.

To address Section 15-350(a)(2)(2), the applicants have stated "The proposed structure will not adversely affect the adjacent property owner's view or navigability." Furthermore, the proposed dock was evaluated using the Uniform Mitigation Assessment Method (UMAM) and the applicant has agreed to offset the environmental impact associated with the larger terminal platform size with a payment of \$1,305 to the Conservation Trust Fund (CTF).

Side Setback – Variance

Section 15-343(a) states "On lots or parcels having a shoreline frontage of less than seventy-five (75) feet, docks shall have a minimum side setback of ten (10) feet from the projected property line." Therefore, since this property is approximately 36 linear feet at the Normal High Water Elevation, the required side setback distance for this dock from the projected property lines is ten (10) feet. The applicants are requesting a variance to Section 15-343(a) for the proposed structure be two (2) feet from the adjacent properties to the east and west.

Pursuant to Section 15-350(a)(1), "the applicant shall also describe (1) how strict compliance with the provisions from which a variance is sought would impose a unique and unnecessary hardship on the applicant – the hardship cannot be self-imposed; and (2) the effect of the proposed variance on abutting shoreline owners."

To address Section 15-350(a)(1)(1) the applicants have stated that "These parcels were platted with very narrow shorelines because this area is on a cove and they were trying to maximize the number of waterfront lots. This parcel is only 35 feet wide in the water. The proposed boathouse is quite a bit smaller than the average boathouse – only 22 feet wide. The possible setbacks are about 6.5 feet, but we are asking for 2 foot setbacks due to the extremely complicated task of building in a precise location 300 feet from land."

To address Section 15-350(a)(1)(2) the applicants have stated that "Due to the angled property lines and the similarity of all of the lots in this area, there is no navigational hazard or view obstruction."

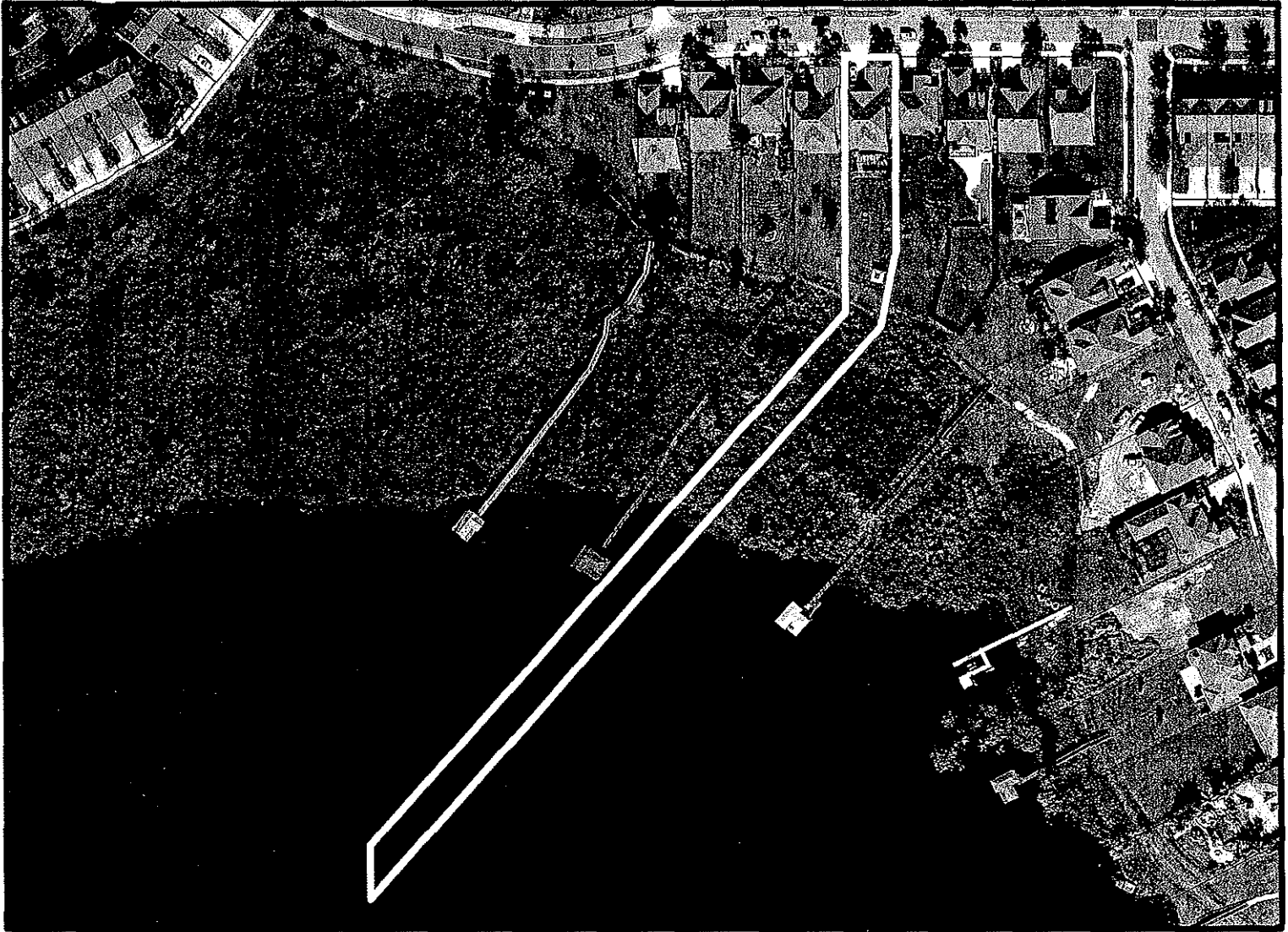
During the July 27, 2016 public hearing, the Environmental Protection Commission (EPC) voted to uphold the recommendation of the Environmental Protection Officer (EPO) and approve the request for waiver to Section 15-342(b) (terminal platform size), with the condition the Applicant pay \$1,305 to the CTF as mitigation for the additional shading impacts, and approve the request for variance to Section 15-343(a) (side setback).

ACTION REQUESTED: **Acceptance of Recommendation of the Environmental Protection Commission to approve the request for waiver to Section 15-342(b) (terminal platform size) and request for variance to Section 15-343(a) (side setback) for Day Dock Construction Permit BD-16-05-048, with the payment of \$1,305 to the Conservation Trust Fund within 60 days of the BCC decision date. District 1**

JWW/LC: mg

Attachments

Dock Construction Permit Waiver and Variance Request

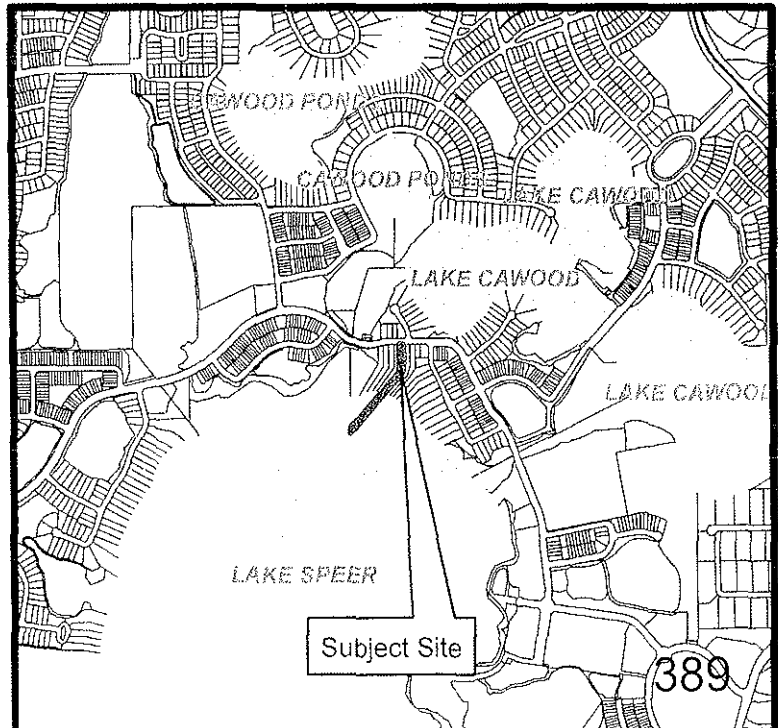


Dock Construction Permit Waiver and Variance Request District #1

Applicant: Bridget and Michael Day
Parcel IDs: 15-23-27-1540-00-920

Project Site

Property Location ●
389





ENVIRONMENTAL
PROTECTION
COMMISSION

David Ward
Chairman

Jonathan Huels
Vice Chairman

Sally Atwell

Max Preisser

Glean Dunkelberger

Mark Corbett

Mark Ausley

ENVIRONMENTAL PROTECTION DIVISION

Lori Cunniff, CEP, CHMM, Deputy Director

Community, Environmental and Development Services Department

3165 McCrosy Place, Suite 200

Orlando, FL 32803-3727

407-836-1400 • Fax: 407-836-1499

www.ocfl.net

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
July 27, 2016

PROJECT NAME: Bridget and Michael Day BD
PERMIT APPLICATION NUMBER: BD-16-05-048
LOCATION/ADDRESS: 14192 Bridgewater Crossings Boulevard

RECOMMENDATION:

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), APPROVE THE REQUEST FOR WAIVER TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(b) (TERMINAL PLATFORM SIZE) WITH THE CONDITION THAT THE APPLICANT PAY \$1,305.00 TO THE CONSERVATION TRUST FUND (CTF) AND APPROVE THE REQUEST FOR A VARIANCE TO SECTION 15-343(a) (SIDE SETBACK DISTANCE) FOR THE DAY BOAT DOCK CONSTRUCTION PERMIT BD-16-05-048.

☒ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

☐ EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

Signature of EPC Chairman: _____

David R. Ward

EPC RECOMMENDATION DATE: _____

7/27/2016



APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1))

Mail or
Deliver To: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808
(407) 836-1400, Fax (407) 836-1499

****Enclose a check for \$409.00 payable to The Board of County Commissioners****

I Sheila Cichra on behalf of Bridget Day (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343-(a) of the Orange County Dock Construction Ordinance.

1. Describe how strict compliance with the provisions from which a variance is sought would impose a unique and unnecessary hardship on the applicant (the hardship cannot be self-imposed):

These parcels were platted with very narrow shorelines, because this area is on a cove and they were trying to maximize the number of waterfront lots. This parcel is only 35' wide in the water. The proposed boathouse is quite a bit smaller than the average boathouse - only 22' wide. The possible setbacks are about 6.5', but we are asking for 2' setbacks due to the extremely complicated task of building in a precise location 300' from land.

2. Describe the effect of the proposed variance on abutting shoreline owners:

Due to the angled property lines and the similarity of all of the lots in this area, there is no navigational hazard or view obstruction.

Notice to the Applicant:

The environmental protection officer, environmental protection commission and the Board of County Commissioners may require additional information necessary to carry out the purposes of this article.

A variance application may receive an approval or approval with conditions when such variance: (1) would not be contrary to the public interest; (2) where, owing to special conditions, compliance with the provisions herein would impose an unnecessary hardship on the permit applicant; (3) that the hardship is not self-imposed; and (4) the granting of the variance would not be contrary to the intent and purpose of this article.

By signing and submitting this application form, I am applying for a variance to the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true, complete, and accurate. I understand this is an application and not a permit, and that work conducted prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, or local permits prior to commencement of construction. I understand that knowingly making any false statements or representation in this application is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: Sheila Cichra

Signature of Applicant/Agent [Signature]

Date: 05/27/2016

Corporate Title (if applicable): President, Streamline Permitting, Inc.



APPLICATION TO CONSTRUCT A BOAT DOCK APPLICATION FOR WAIVER

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

Mail or Orange County Environmental Protection Division
Deliver To: 800 Mercy Drive, Suite 4
Orlando, Florida 32808
(407) 836-1400, Fax (407) 836-1499

I Sheila Cichra on behalf of Bridget Day (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(2) am requesting a waiver to section (choose and circle from the following: 15-342(b), 15-343(b), 15-344(a) and 15-345(a)) of the Orange County Dock Construction Ordinance.

1. Describe how this waiver would not negatively impact the environment:

The terminal platform will be constructed over open water, so there will not be any impact to wetland vegetation. The proposed terminal platform is only 164 square feet over the allowed limit.

2. Describe the effect of the proposed waiver on abutting shoreline owners:

The proposed structure will not adversely affect the adjacent property owner's view or navigability.

The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

By signing and submitting this application form, I am applying for a waiver to the Section indicated of the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true, complete, and accurate. I understand this is an application and not a permit, and that work conducted prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, or local permits prior to commencement of construction. I understand that knowingly making any false statements or representation in this application is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: Sheila Cichra

Signature of Applicant/Agent *Sheila Cichra* Date: 05/27/2016

Corporate Title (if applicable): President, Streamline Permitting, Inc.



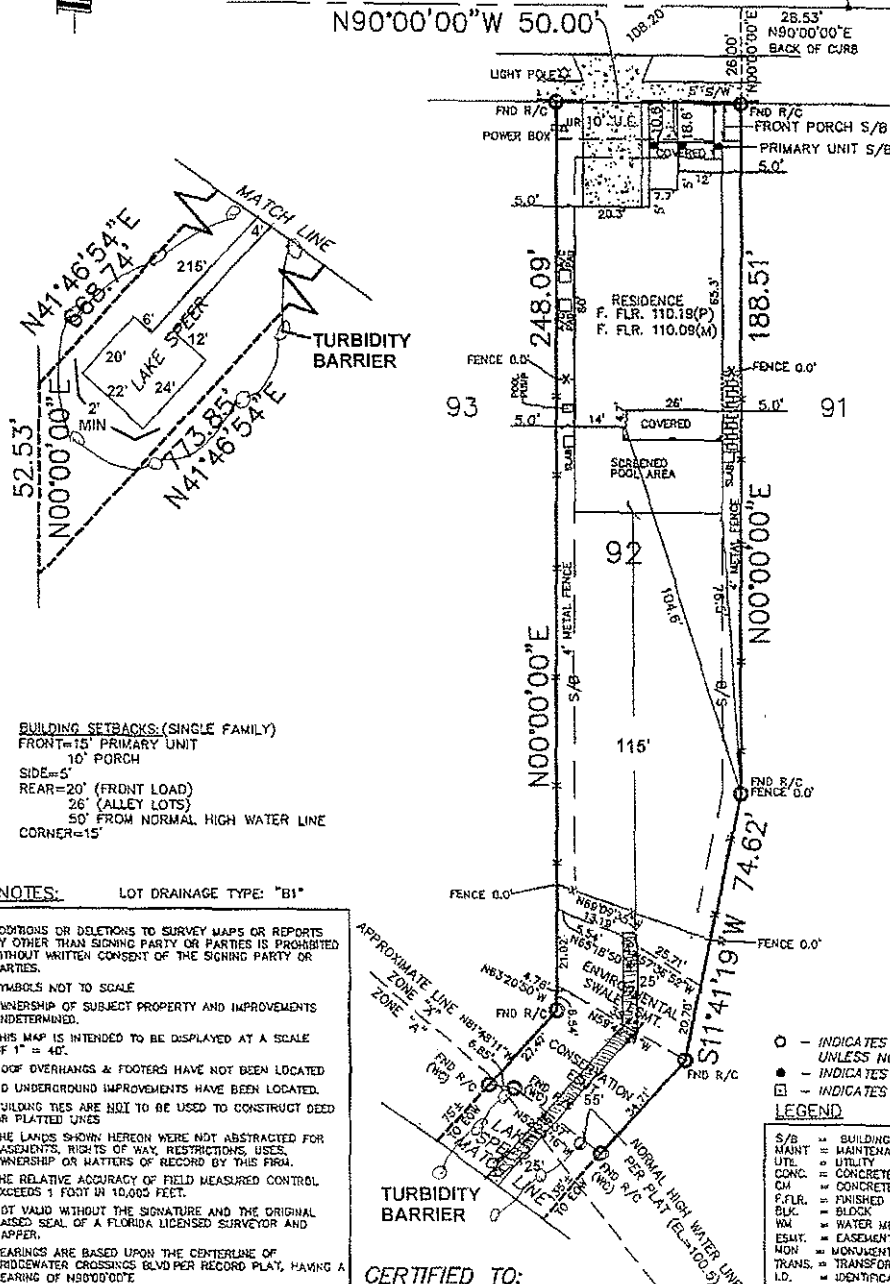


EDEN'S HAMMOCK

ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 52 ON
PAGES 134 THROUGH 143 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BRIDGEWATER CROSSINGS BOULEVARD

N90°00'00"W 50.00'



BUILDING SETBACKS (SINGLE FAMILY)
FRONT=15' PRIMARY UNIT
10' PORCH
SIDE=5'
REAR=20' (FRONT LOAD)
26' (ALLEY LOTS)
50' FROM NORMAL HIGH WATER LINE
CORNER=15'

NOTES: LOT DRAINAGE TYPE: "B1"

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

SYMBOLS NOT TO SCALE

OWNERSHIP OF SUBJECT PROPERTY AND IMPROVEMENTS UNDETERMINED.

THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 40'.

ROOF OVERHANGS & FOOTERS HAVE NOT BEEN LOCATED. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.

BUILDING TIES ARE NOT TO BE USED TO CONSTRUCT DEED OR PLATTED LINES.

THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, USES, OWNERSHIP OR MATTERS OF RECORD BY THIS FIRM.

THE RELATIVE ACCURACY OF FIELD MEASURED CONTROL EXCEEDS 1 FOOT IN 10,000 FEET.

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

BEARINGS ARE BASED UPON THE CENTERLINE OF BRIDGEWATER CROSSINGS BLVD PER RECORD PLAT, HAVING A BEARING OF N80°00'00"E.

BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED AND PER RECORDED PLAT UNLESS OTHERWISE NOTED.

THE PROPERTY SHOWN HEREON APPEARS TO BE IN ZONE "A/C" PER F.L.R.M. MAP PANEL NO. 12055033RDF, DATED SEPTEMBER 25, 2009. THE FLOOD INSURANCE RATE MAP IS NOT A SURVEY. FLOOD ZONE DETERMINATION IS AN OPINION ONLY.

POTENTIAL BOUNDARY INCONSISTENCIES OBSERVED: NONE

ELEVATIONS, IF SHOWN, ARE BASED ON BENCHMARK PROVIDED BY CLIENT (NGVD 29).

CERTIFIED TO:
MICHAEL S. DAY
BRIDGET B. DAY
RP FUNDING, INC.
THE CLOSING BOUTIQUE, LLC
STEWART TITLE GUARANTY COMPANY

12-8-2015: RECERTIFIED SURVEY

NOTE: OWNERSHIP BETWEEN WATERS OF THE STATE OF FLORIDA, IF ANY, AND PRIVATE LANDS ARE NOT DETERMINED FOR PURPOSES OF THIS SURVEY.

○ - INDICATES 18" - 5/8" REBAR & CAP (LB 6767) UNLESS NOTED OTHERWISE
● - INDICATES PERMANENT CONTROL POINT
□ - INDICATES CONC. MON. / PRM

LEGEND

S/B = BUILDING SETBACK	LP = IRON PIPE
MAINT = MAINTENANCE	R/C = ROD AND CAP
UTL = UTILITY	I.R. = IRON ROD
CONC. = CONCRETE	N/D = NAIL & DISK
CH = CONCRETE MONUMENT	FND. = FOUND
F.F.L. = FINISHED FLOOR	P.E. = PEDESTRIAN EASEMENT
BLK. = BLOCK	R/W = RIGHT OF WAY
WM = WATER METER	R. = RADIAL
ESMT. = EASEMENT	N.R. = NON-RADIAL
MON. = MONUMENT	CL. = CENTERLINE
TRANS. = TRANSFORMER	PC = POINT OF CURVATURE
I.D. = IDENTIFICATION	PT = POINT OF TANGENCY
SQ.FT. = SQUARE FEET	PI = POINT OF INTERSECTION
TYP. = TYPICAL	A = ARC
PB. = PLAT BOOK	L = LENGTH
PG. = PAGE	CB = CHORD BEARING
P = PLAT/PLAN	S.E. = SIDEWALK EASEMENT
M = MEASURED	L.E. = LANDSCAPE EASEMENT
C = CALCULATED	D.E. = DRAINAGE EASEMENT
U.R. = UTILITY RISER	U.E. = UTILITY EASEMENT
P.O.L. = POINT ON LINE	S/W = SIDEWALK
A/C = AIR CONDITIONER	EDW = EDGE OF WATER
NGVD = NATIONAL GEODESIC VERTICAL DATUM	WC = WITNESS CORNER
P.A.E. = PRIVATE ALLEY EASEMENT	
PCP = PERMANENT CONTROL POINT	
PRM = PERMANENT REFERENCE MONUMENT	
PCC = POINT OF COMPOUND CURVATURE	
CATV = UNDERGROUND CABLE RISER	

I CERTIFY THAT THIS MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 33-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

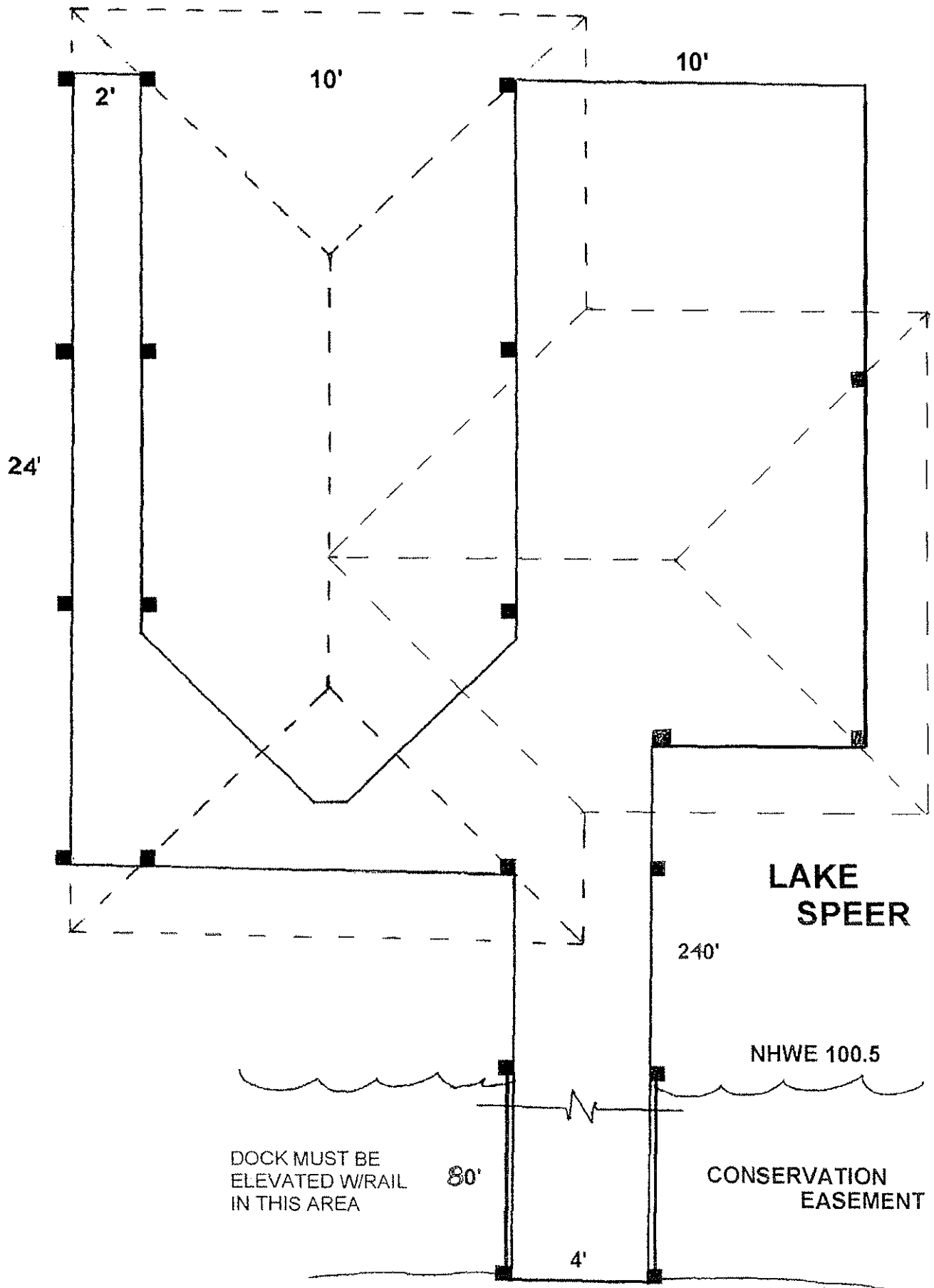
CERTIFIED FOR: ASSOCIATED LAND SURVEYING & MAPPING, INC.

DAVID M. McDERMOTT, CERTIFICATE NO. 4779
JACK D. REED JR., CERTIFICATE NO. 5737
FLORIDA REGISTERED SURVEYOR AND MAPPER

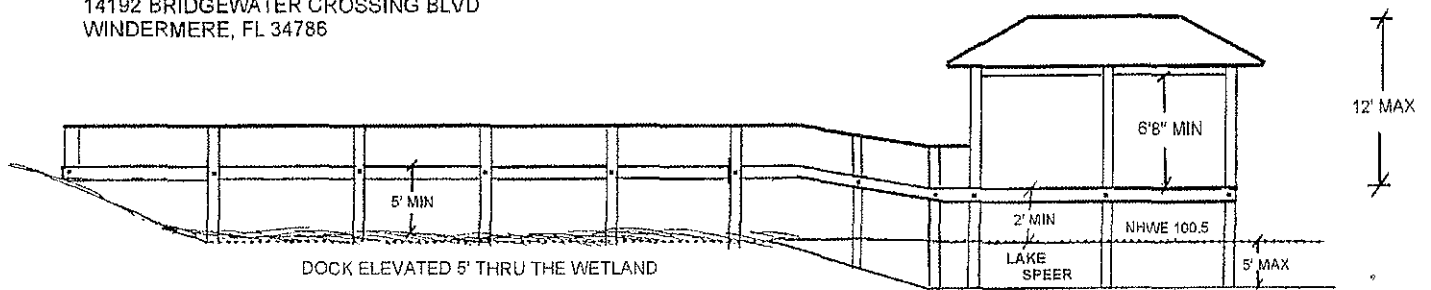
PREPARED FOR
Ryland Homes

PREPARED BY
Associated Land Surveying & Mapping, Inc.
101 WYMORE ROAD, SUITE 110
ALTAMONTE SPRINGS, FLORIDA 32714
PHONE: (407) 869-5002-FAX: (407) 869-8393
Certificate of Authorization Number: LB 6767 EMAIL: als@aism.net

BOUNDARY SURVEY	5-22-2007
FORWARD LOCATION	6-4-2007
FOUNDATION	6-18-2007
FINAL BOUNDARY SURVEY	8-27-2007
SCALE: 1" = 40'	JOB NO. 05035



DAY ELEVATION
14192 BRIDGEWATER CROSSING BLVD
WINDERMERE, FL 34786





Interoffice |

AGENDA ITEM

August 22, 2016

TO: Mayor Teresa Jacobs
—AND—
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director *JVW*
Community, Environmental and Development
Services Department

CONTACT PERSON: Mitchell Glasser, Manager
Housing and Community Development Division
407-836-5190

SUBJECT: September 13, 2016 – Consent Item
Amendment to Multi-Family Affordable Housing
Developer's Agreement

Valencia Trace of Orlando, LTD. is the owner of Valencia Trace Apartments, an affordable housing rental community located at 101 Grande Valencia Drive, Orlando, Florida, 32825. Valencia Trace of Orlando, LTD. is in the process of refinancing the project. The lender is requesting that Orange County subordinate its agreement to the new loan documents, which shall have a priority over the Restrictive Covenants contained in the Agreement, dated April 16, 2002.

The refinance of the existing mortgage will not alter the affordable housing restrictions originally placed on the property, which are in effect until July 2018. The County Attorney's Office and the Housing and Community Development Division have reviewed the subordination agreement and recommend approval.

ACTION REQUESTED: Approval and execution of Amendment to Multi-Family Affordable Housing Developer's Agreement for Discounts of Impact Fees, Water Capital Charges and Wastewater Capital Charges by Valencia Trace of Orlando LTD. and Orange County, Florida to allow subordination of our Restrictive Covenants for the Valencia Trace Apartments. District 3

JVW/MG:er
Attachments

**AMENDMENT TO MULTI-FAMILY AFFORDABLE HOUSING
DEVELOPER'S AGREEMENT FOR DISCOUNTS OF IMPACT FEES, WATER
CAPITAL CHARGES AND WASTEWATER CAPITAL CHARGES**

This AMENDMENT TO MULTI-FAMILY AFFORDABLE HOUSING DEVELOPER'S AGREEMENT FOR DISCOUNTS OF IMPACT FEES, WATER CAPITAL CHARGES AND WASTEWATER CAPITAL CHARGES ("Amendment"), is made as of the first day of July, 2016, by Valencia Trace of Orlando LTD., a Florida limited partnership ("Borrower") and Orange County, Florida, a political subdivision of the State of Florida (the "County").

WHEREAS, Borrower has obtained financing from Greystone Funding Corporation, a Virginia corporation ("Lender") for the benefit of the project known as Valencia Trace Apartments ("Project"), which loan is secured by a Multifamily Mortgage, Assignment of Leases and Rents and Security Agreement ("Security Instrument") dated as of _____, 2016 and to be recorded on even date herewith in the Official Records of Orange County, Florida (the "Records"), and is insured by the United States Department of Housing and Urban Development ("HUD");

WHEREAS, Borrower has received a discount from the County on impact fees, water capital charges and wastewater capital charges to facilitate the development of affordable housing, which County has required certain restrictions be recorded against the Project; and

WHEREAS, Borrower entered into that certain MULTI-FAMILY AFFORDABLE HOUSING DEVELOPER'S AGREEMENT FOR DISCOUNTS OF IMPACT FEES, WATER CAPITAL CHARGES AND WASTEWATER CAPITAL CHARGES ("Restrictive Covenants") with respect to the Project, as more particularly described in Exhibit A attached hereto, recorded on May 30, 2002, in the Records in Official Book 6534, page 6847; and

WHEREAS, HUD requires as a condition of its insuring Lender's financing for the Project, that the lien and covenants of the Restrictive Covenants be subordinated to the lien, covenants, and enforcement of the Security Instrument; and

WHEREAS, the County has agreed to subordinate the Restrictive Covenants to the lien of the Mortgage Loan, as defined herein, in accordance with the terms of this Amendment.

NOW, THEREFORE, in consideration of the foregoing and for other consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

(a) **In the event of any conflict between any provision contained elsewhere in the Restrictive Covenants and any provision contained in this Amendment, the provision contained in this Amendment shall govern and be controlling in all respects as set forth more fully herein.**

(b) The following terms shall have the following definitions:

"Code" means the Internal Revenue Code of 1986, as amended.

"HUD" means the United States Department of Housing and Urban Development.

"HUD Regulatory Agreement" means the Regulatory Agreement between Borrower and HUD with respect to the Project, as the same may be supplemented, amended or modified from time to time.

"Lender" means Greystone Funding Corporation, a Virginia corporation, its successors and assigns.

"Mortgage Loan" means the mortgage loan made by Lender to the Borrower pursuant to the Mortgage Loan Documents with respect to the Project.

"Mortgage Loan Documents" means the Security Instrument, the HUD Regulatory Agreement and all other documents required by HUD or Lender in connection with the Mortgage Loan.

"National Housing Act" means the National Housing Act of 1934, as amended.

"Program Obligations" has the meaning set forth in the Security Instrument.

"Residual Receipts" has the meaning specified in the HUD Regulatory Agreement.

"Security Instrument" means the mortgage or deed of trust from Borrower in favor of Lender, as the same may be supplemented, amended or modified.

"Surplus Cash" has the meaning specified in the HUD Regulatory Agreement.

(c) Notwithstanding anything in the Restrictive Covenants to the contrary, the provisions hereof are expressly made subordinate to (i) the Mortgage Loan Documents, including without limitation, the Security Instrument, and (ii) Program Obligations (the Mortgage Loan Documents and Program Obligations are collectively referred to herein as the "HUD Requirements"). Borrower covenants that it will not take or permit any action that would result in a violation of the Code, HUD Requirements or Restrictive Covenants. In the event of any conflict between the provisions of the Restrictive Covenants and the provisions of the HUD Requirements, HUD shall be and remains entitled to enforce the HUD Requirements. Notwithstanding the foregoing, nothing herein limits the County's ability to enforce the terms of the Restrictive Covenants, provided such terms do not conflict with statutory provisions of the National Housing Act or the regulations related thereto. The Borrower represents and warrants that to the best of Borrower's knowledge the Restrictive Covenants impose no terms or requirements that conflict with the National Housing Act and related regulations.

(d) RESERVED.

(e) Borrower and the County acknowledge that Borrower's failure to comply with the covenants provided in the Restrictive Covenants does not and shall not serve as a basis for default under the HUD Requirements, unless a default also arises under the HUD Requirements.

(f) Except for the County's reporting requirement, in enforcing the Restrictive Covenants the County will not file any claim against the Project, the Mortgage Loan proceeds,

any reserve or deposit required by HUD in connection with the Security Instrument or HUD Regulatory Agreement, or the rents or other income from the property other than a claim against:

- i. Available surplus cash, if the Borrower is a for-profit entity;
- ii. Available distributions of surplus cash and residual receipts authorized for release by HUD, if the Borrower is a limited distribution entity; or
- iii. Available residual receipts authorized by HUD, if the Borrower is a non-profit entity.

(g) For so long as the Mortgage Loan is outstanding, Borrower and County shall not further amend the Restrictive Covenants, with the exception of clerical errors or administrative correction of non-substantive matters, without HUD's prior written consent.

(h) Subject to the HUD Regulatory Agreement, the County may require the Borrower to indemnify and hold the County harmless from all loss, cost, damage and expense arising from any claim or proceeding instituted against County relating to the subordination and covenants set forth in the Restrictive Covenants, provided, however, that Borrower's obligation to indemnify and hold the County harmless shall be limited to available surplus cash and/or residual receipts of the Borrower.

(i) RESERVED.

IN WITNESS WHEREOF, this Amendment has been fully executed on behalf of the parties hereto by their duly authorized representatives, as of the date first above written.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

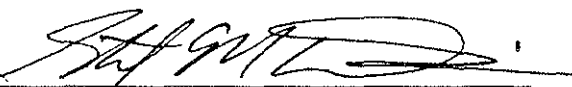
IN WITNESS WHEREOF, Borrower has signed and delivered this Amendment or has caused this Amendment to be signed and delivered by its duly authorized representative, as a sealed instrument.

BORROWER

Valencia Trace of Orlando LTD.,
a Florida limited partnership,

By: Davis Heritage LTD., a Florida limited partnership
its managing general partner

By: EarthArt, Incorporated, a Florida corporation
its sole general partner

By: 
Stefan M. Davis, Vice President

STATE OF FLORIDA
COUNTY OF Alachua

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Stefan M. Davis, as Vice President of EarthArt, Incorporated, a Florida limited partnership, the sole general partner of Davis Heritage LTD., a Florida limited partnership, the managing general partner of Valencia Trace of Orlando LTD., a Florida limited partnership. He is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 4th day of August, 2016.

(Signatures continue on following page)

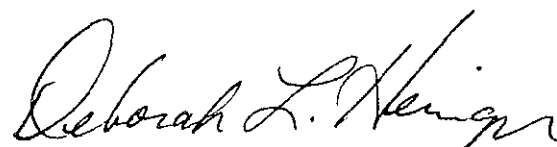
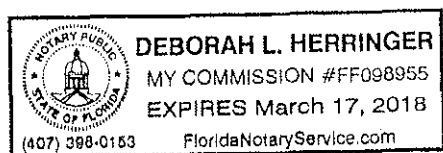



Exhibit "A"
Valencia Trace – Legal Description

Parcel 1:

That part of the South 1/2 of the Southeast 1/4 of the Northwest 1/4, Section 30, Township 22 South, Range 31 East, Orange County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the South 1/2 of the Southeast 1/4 of the Northwest 1/4, Section 30, Township 22 South, Range 31 East, Orange County, Florida; thence run North 88 deg. 50 min. 12 sec. East along the South line of said South 1/2 for a distance of 1229.88 feet to the Point of Beginning; thence run North 02 deg. 31 min. 01 sec. West for a distance of 146.97 feet; thence run South 89 deg. 42 min. 19 sec. West for a distance of 209.21 feet; thence run South 77 deg. 18 min. 39 sec. West for a distance of 238.63 feet; thence run South 58 deg. 18 min. 23 sec. West for a distance of 96.38 feet; thence run South 35 deg. 48 min. 11 sec. West for a distance of 66.91 feet to the South line of the aforementioned South 1/2; thence run North 88 deg. 50 min. 12 sec. East along said South line for a distance of 569.72 feet to the Point of Beginning.

Parcel 2:

That part of the East 1/2 of the Southwest 1/4 of Section 30, Township 22 South, Range 31 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the East 1/2 of the Southwest 1/4 of Section 30, Township 22 South, Range 31 East, Orange County, Florida; thence run N 88 deg. 50 min. 12 sec. E along the North line of said East 1/2 for a distance of 634.28 feet to the Point of Beginning; thence run S 35 deg. 48 min. 11 sec. W for a distance of 127.54 feet; thence run S 18 deg. 28 min. 54 sec. W for a distance of 78.62 feet; thence run S 00 deg. 50 min. 49 sec. E for a distance of 196.98 feet; thence run S 23 deg. 50 min. 04 sec. E for a distance of 199.06 feet; thence run S 43 deg. 19 min. 50 sec. E for a distance of 457.69 feet to the beginning of a tangent curve concave to the Southwest and having a radius of 3969.72 feet; thence run Southeasterly along the arc of said curve for a distance of 563.62 feet through a central angle of 08 deg. 08 min. 05 sec. to the North line of the East 1/2 of the Southeast 1/4 of aforesaid Southwest 1/4 of Section 30; thence run N 89 deg. 08 min. 55 sec. E along said North line of the East 1/2 of the Southeast 1/4 of the said Southwest 1/4 of Section 30 for a distance of 11.12 feet to the west right of way line of Econlockhatchee Trail; thence run N 00 deg. 28 min. 24 sec. W along said West right of way line for a distance of 414.64 feet; thence run N 45 deg. 28 min. 24 sec. W for a distance of 70.71 feet; thence run N 01 deg. 54 min. 20 sec. W for a distance of 200.06 feet; thence run N 03 deg. 20 min. 09 sec. W for a distance of 400.50 feet; thence run N 02 deg. 31 min. 01 sec. W for a distance of 273.67 feet to aforementioned North line of the East 1/2; thence run S 88 deg. 50 min. 12 sec. W along said North line 569.72 feet to the Point of Beginning.

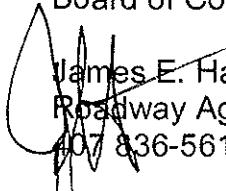


Interoffice Memorandum

AGENDA ITEM

August 22, 2016

TO: Mayor Teresa Jacobs
—AND—
Board of County Commissioners

FROM:  James E. Harrison, Esq., P.E., Chairman
Roadway Agreement Committee
407 836-5610

SUBJECT: September 13, 2016 – Consent Item
Proportionate Share Agreement
Econ Place II Medical Center Dean Road Improvements: From Curry
Ford Road to Lake Underhill Road

The Roadway Agreement Committee has reviewed a Proportionate Share Agreement for Hark Associates, L.L.C. for Dean Road Improvements: From Curry Ford Road to Lake Underhill Road ("Agreement") by and between Hark Associates, L.L.C. and Orange County for a proportionate share payment in the amount of \$173,824. Pursuant to Section 163.3180(5)(h), Florida Statutes, an applicant may mitigate capacity deficiencies by entering into a Proportionate Share Agreement and contributing a proportionate share payment. The Proportionate Share Payment is due within 30 days of the effective date of this Agreement. The Agreement follows the recommendations of the Roadway Agreement Committee providing for the mitigation of road impacts on Dean Road for eight deficient trips on the road segment from Curry Ford Road to Lake Underhill Road in an amount of \$21,728 per trip.

The Roadway Agreement Committee approved the Proportionate Share Agreement on June 1, 2016. The Specific Project Expenditure Report and Relationship Disclosure Forms are on file with the Transportation Planning Division.

ACTION REQUESTED: Approval and execution of Proportionate Share Agreement for Econ Place II Medical Center Dean Road Improvements: From Curry Ford Road to Lake Underhill Road by and between Hark Associates, L.L.C. and Orange County for a proportionate share payment in the amount of \$173,824. District 3

JEH/HEGB:rep
Attachment

This instrument prepared by
and after recording return to:
Mohammed Abdallah, PE
Traffic & Mobility Consultants, LLC
3101 Maguire Boulevard, Suite 265
Orlando, Florida 32803

Parcel ID Number(s):
30-22-31-0000-00-044,
30-22-31-0000-00-028,
And a portion of
30-22-31-2378-01-000

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

**PROPORTIONATE SHARE AGREEMENT FOR
ECON PLACE II MEDICAL CENTER
Dean Road Improvements: From Curry Ford Road to Lake Underhill Road**

This Proportionate Share Agreement (the "Agreement") effective as of the latest date of execution (the "**Effective Date**") is made and entered into by and between Hark Associates, L.L.C, a Florida limited liability company ("**Owner**"), whose mailing address is 2642 Fawnlake Trail, Orlando, Florida 32828, and ORANGE COUNTY, a charter county and political subdivision of the State of Florida ("**County**"), whose mailing address is P.O. Box 1393, Orlando, FL 32802-1393.

WHEREAS, Owner is the owner of fee simple title to certain real property, as more particularly described on Exhibit "A," attached hereto and incorporated herein by this reference (the "**Property**"); and

WHEREAS, the Property is located in County Commission District 3, within the County's Urban Service Area, and the proceeds of the PS Payment, as defined herein, will be allocated to Dean Road Improvements, including but not limited to Dean Road/Lake Underhill Road intersection; and

WHEREAS, Owner intends to develop the Property as 38,656 square feet medical office use (the "**Project**"); and

WHEREAS, Owner received a letter from County dated May 4, 2016 stating that Owner's Capacity Encumbrance Letter ("**CEL**") application #16-04-027 for the Project was denied; and

WHEREAS, the Project will generate 8 deficient PM Peak Hour trips (the “**Excess Trips**”) for the deficient roadway segment on Dean Road from Curry Ford Road to Lake Underhill Road (the “**Deficient Segment**”), and 0 PM Peak Hour trips were available on the Deficient Segment on the date the CEL was denied as further described in Exhibit “B” hereto; and

WHEREAS, the Excess Trips will cause the Deficient Segment to operate below adopted Level of Service standards and, therefore, pursuant to Section 163.3180(5)(h), Florida Statutes, as amended, the Owner shall provide the County with proportionate share mitigation for the Excess Trips; and

WHEREAS, Owner and County have agreed that the proportionate share payment necessary to mitigate the impact of the Excess Trips on the Deficient Segment through the current anticipated Project buildout is One Hundred Seventy Three Thousand Eight Hundred Twenty Four and --/100 Dollars (\$173,824.00) (the “**PS Payment**”); and

WHEREAS, County and Owner desire to set forth certain terms, conditions, and agreements between them as to the development of the Property into the Project.

NOW, THEREFORE, in consideration of the premises contained herein and other good and valuable consideration exchanged by and between Owner and County, the receipt and sufficiency of which are hereby acknowledged, the parties hereto stipulate and agree as follows:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Issuance of Capacity Encumbrance Letter.

(a) *Calculation of PS Payment.* The amount of the PS Payment for the Deficient Segment described in Exhibit “B,” attached hereto and incorporated herein by reference, totals One Hundred Seventy Three Thousand Eight Hundred Twenty Four and -/100 Dollars (\$173,824.00). This PS Payment was calculated in accordance with the methodology outlined in Section 163.3180, Florida Statutes. Owner and County agree that the Excess Trips constitute the Project’s impact on the aforementioned Deficient Segment based upon (i) Owner’s Traffic Study titled “Econ Place Medical Center” prepared by Traffic & Mobility Consultants, LLC on April 7, 2016 for Hark Associates, L.L.C. (the “Traffic Study”), and incorporated herein by this reference, and (ii) upon calculations described in Exhibit “B.” The Traffic Study was accepted by the Orange County Transportation Planning Division on April 26, 2016, and is on file and available for inspection with that Division (CMS #16-04-027). Owner and County further acknowledge and agree that the PS Payment as set forth above shall be the final and binding calculation of the amount the Owner is required to pay through the buildout of the Project as proportionate share mitigation for impacts of the Project upon roadways impacted by the Project within Orange County’s jurisdiction, notwithstanding any subsequent variance in the actual cost of improvement to the Deficient Segment or actual traffic impacts created by the Project; provided, however, that if Owner subsequently increases the number of units and/or square footage, as applicable, of the Project, the Project may then be subject to an additional concurrency evaluation and proportionate share agreement as set forth in

Section 2(d) below. Owner and County further acknowledge and agree that the calculation of and agreement regarding the amount of the PS Payment constitute material inducements for the parties to enter into this Agreement.

(b) *Timing of PS Payment.* Within thirty (30) days following the Effective Date, Owner shall deliver a check to County in the amount of One Hundred Seventy Three Thousand Eight Hundred Twenty Four and --/100 Dollars (\$173,824.00) as the PS Payment. The check shall be made payable to "Orange County Board of County Commissioners" and shall be delivered to the Fiscal and Operational Support Division of the Community, Environmental, and Development Services Department. Within twenty-one (21) days following its receipt of the PS Payment, County shall issue a CEL sufficient to encumber traffic capacity for the Project, irrespective of any actual traffic deficiency on the Deficient Segment. Within the time frame provided in the CEL, the Owner must reserve the encumbered trips by obtaining a Capacity Reservation Certificate as provided in Section 30-591 of the Orange County Code, as may be amended. An amount equal to the PS Payment shall be applied toward the amount of the initial reservation payment (and any subsequent reservation payment(s), if the initial reservation payment does not exceed the amount of the PS Payment) as further set forth in Section 3 below. In the event Owner has not paid the PS Payment within thirty (30) days of the Effective Date, this Agreement shall become null and void.

(c) *Project Development.* Recordation of a subdivision plat or approval of a commercial site plan for the Project shall not be permitted prior to the issuance of a Capacity Reservation Certificate as contemplated in subparagraph 2(b) above.

(d) *Increase in Project Trips.* Any change to the Project which increases the unit count and/or square footage, as applicable, may result in an increase in trips on the Deficient Segment or other segments within the transportation impact area, as defined by County. Owner understands and agrees that any such additional trips are neither vested nor otherwise permitted under this Agreement, and that Owner is precluded from asserting any such vesting. In addition, Owner understands and agrees that any such changes resulting in an increase in trips may cause this Agreement to become null and void, and/or may require application for and execution of an additional Proportionate Share Agreement, along with any other required documentation, for the number of increased trips.

(e) *Satisfaction of Transportation Improvement Requirements.* County hereby acknowledges and agrees that, based upon Owner's commitment to pay the PS Payment as required herein and absent any change in the Project increasing the number of trips as set forth in subparagraph 2(d) above, Owner shall be deemed to have satisfied all requirements for the mitigation of the traffic impacts of the Project on all roads affected by the Project within County's jurisdiction through buildout of the Project. Owner shall be entitled to fully and completely develop the Project, without regard to whether the improvements to the Deficient Segment are actually constructed. Provided, however, Owner shall be required to obtain a Capacity Reservation Certificate prior to the expiration of Owner's Capacity Encumbrance Letter and shall be required to maintain the validity of the Capacity Reservation Certificate in accordance with its terms. Nothing herein shall be construed to

exempt Owner from meeting the requirements of all other applicable laws, regulations, or Orange County Code provisions or from making the required payment of transportation impact fees applicable to the Project, subject to credits as set forth in Section 3 below.

Section 3. Transportation Impact Fee Credits. County and Owner agree that Owner shall be entitled to receive transportation impact fee credits on a dollar for dollar basis in an amount up to but not exceeding the PS Payment in accordance with Section 163.3180, Florida Statutes, and as more particularly described in Exhibit "B" attached hereto. County further agrees that such credits may be applied on a dollar for dollar basis against capacity reservation fees at such time as capacity reservation fees may be required to be paid by Owner in connection with the issuance of a Capacity Reservation Certificate as contemplated in Section 2 above. In no event shall Owner receive credits in excess of the PS Payment and in the event the PS Payment exceeds either the applicable transportation impact fees or capacity reservation fees, as the case may be, Owner shall not be entitled to a refund for the amount of the PS Payment in excess of such transportation impact fees or capacity reservation fees.

Section 4. No Refund. The PS Payment (including any reservation fees paid with the PS Payment) is non-refundable.

Section 5. Notice. With the exception of the timing of the PS Payment as set forth in Section 2(b) hereof, the parties acknowledge and agree that no party shall be considered in default for failure to perform under this Agreement until such party has received written notice specifying the nature of such default or failure to perform and said party fails to cure said default or fails to perform within thirty (30) days of receipt of written notice. Any notice delivered with respect to this Agreement shall be in writing and be deemed to be delivered (whether or not actually received) (i) when hand delivered to the person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the person at the address set forth opposite the party's name below, or to such other address or other person as the party shall have specified by written notice to the other party delivered in accordance herewith:

As to Owner: Hark Associates, L.L.C.
2642 Fawnlake Trail
Orlando, Florida 32828
ATTN: Dr. Srinivas Seela

With copy to: Traffic & Mobility Consultants, LLC
3101 Maguire Boulevard, Suite 265
Orlando, Florida 32803
ATTN: Mr. Mohammed Abdallah, PE

As to County: Orange County Administrator
P. O. Box 1393
Orlando, Florida 32802-1393

With copy to: Orange County Community, Environmental, and Development
Services Department
Manager, Fiscal and Operational Support Division
201 South Rosalind Avenue, 2nd Floor
Orlando, Florida 32801

Orange County Community, Environmental, and Development
Services Department
Manager, Transportation Planning Division
4200 South John Young Parkway
Orlando, Florida 32839

Orange County Community, Environmental, and Development
Services Department
Manager, Planning Division
201 South Rosalind Avenue, 2nd Floor
Orlando, Florida 32801

Section 6. Covenants Running with the Property. This Agreement shall be binding and shall inure to the benefit and burden of the heirs, legal representatives, successors, and assigns of the parties, and shall be a covenant running with the Property and be binding upon the successors and assigns of the Owner and upon any person, firm, corporation, or entity who may become the successor in interest to the Property.

Section 7. Recordation of Agreement. The parties hereto agree that this Agreement shall be recorded in the Public Records of Orange County, Florida, at Owner's expense, within ten (10) business days after the Effective Date.

Section 8. Applicable Law. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida and in accordance with the Orange County Code.

Section 9. Specific Performance. County and Owner shall each have the right to enforce the terms and conditions of this Agreement only by an action for specific performance. Venue for any action(s) initiated under or in connection with this Agreement shall lie in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida.

Section 10. Attorney Fees. In the event either party hereto brings an action or proceeding including any counterclaim, cross-claim, or third party claim, against the other party arising out of this Agreement, each party in such action or proceeding, including appeals therefrom, shall be responsible for its own attorney and legal fees.

Section 11. Construction of Agreement; Severability. Captions of the Sections and Subsections of this Agreement are for convenience and reference only; any words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Agreement. If any provision of this Agreement, the deletion

of which would not adversely affect the receipt of any material benefits by any party hereunder or substantially increase the burden of any party hereunder, shall be held to be invalid or unenforceable to any extent by a court of competent jurisdiction, the same shall not affect in any respect whatsoever the validity or enforceability of the remainder of this Agreement.

Section 12. Amendments. No amendment, modification, or other change(s) to this Agreement shall be binding upon the parties unless in writing executed by all of the parties.

Section 13. Counterparts. This Agreement may be executed in up to three (3) counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

[Signatures appear on following pages]

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed by their respective duly authorized representatives on the dates set forth below.

"COUNTY"

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____

Teresa Jacobs

Orange County Mayor

Date: _____

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____

Deputy Clerk

Print Name: _____

"ECON PLACE II MEDICAL CENTER"

WITNESSES:

Mantza Cay

Print Name: Mantza Cay

Angelin Haynes

Print Name: Angelin Haynes

"OWNER"

Hark Associates, L.L.C., a Florida limited liability company

By: Dr. Srinivas Seela

Print Name: [Signature]

Title: MGRM

Date: 08/08/16

**STATE OF FLORIDA
COUNTY OF ORANGE**

SWORN to and subscribed freely and voluntarily for the purposes therein expressed before me by Dr. Srinivas Seela, as Manager of Hark Associates, L.L.C., a Florida limited liability company, who is known by me to be the person described herein and who executed the foregoing, this 8th day of August, 2016. He/she is personally known to me or has produced _____ (type of identification) as identification and did (circle one) take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 8th day of August, 2016.

Margaret A. Hughes
NOTARY PUBLIC

Print Name: MARGARETA. Hughes

My Commission Expires: Dec 8, 2017

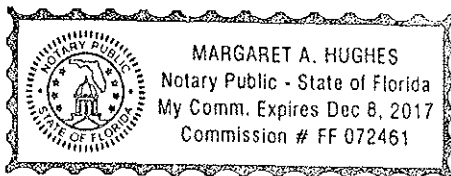


Exhibit "A"

"ECON PLACE II MEDICAL CENTER"

Parcel ID: 30-22-31-0000-00-044, 30-22-31-0000-00-028, and a portion of
30-22-31-2378-01-000

Legal Description:

The South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30, Township 22 South, Range 31 East Orange County, Florida, Less and except road right of way on the East; and

The North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30, Township 22 South, Range 31 East, LESS road right-of-way on East, said lands lying and being in Orange County, Florida; and

A portion of Lot 1, ECON PLACE, according to the map or plat thereof as recorded in Plat Book 75, Pages 1 and 2, Public Records of Orange County, Florida (and being more particularly described on the following page)

Exhibit "B"

"ECON PLACE II MEDICAL CENTER"

Log of Project Contributions: Dean Road from Curry Ford Road to Lake Underhill Road

Roadway Improvement Project Information										
Planned Improvement Roadway(s)	Limits of Improvement (From - To)		Segment Length	Adopted LOS	Existing Generalized Capacity	Type of Improvement	Improved Generalized Capacity	Capacity Increase	Total Project Cost	Cost / Trip
Dean Road	Curry Ford Rd	Lake Underhill Rd	2.11	E	880	Widen from 2 to 4 lanes	2000	1120	\$24,395,060	\$21,720

County Share of Improvement									
Planned Improvement Roadway(s)	Limits of Improvement (From - To)		Segment Length	Adopted LOS	Existing Generalized Capacity	Backlogged Trips	Improved Generalized Capacity	Capacity Increase	County (Backlog) Responsibility
Dean Road	Curry Ford Rd	Lake Underhill Rd	2.11	E	880	217	2000	1120	\$4,714,976

Developer Share of Improvement											
Planned Improvement Roadway(s)	Limits of Improvement (From - To)		Segment Length	Adopted LOS	Existing Generalized Capacity	Improved Generalized Capacity	Capacity Increase	Backlogged Trips	Capacity Increase for New Development	Remaining Project Cost	Cost / Trip
Dean Road	Curry Ford Rd	Lake Underhill Rd	2.11	E	880	2000	1120	217	003	\$19,620,142	\$21,720

Log of Project Contributions				
	Date	Project	Project Trips	Prop Share
Existing	Mar-16	Existing plus Committed	217	\$4,714,976
		Backlogged Totals:	217	\$4,714,976
Proposed		Wawa	7	\$152,096
				\$0
				\$0
				\$0
				\$0
				\$0
		Totals:	224	\$4,867,072

Interoffice Memorandum



AGENDA ITEM

July 16, 2016

TO: Mayor Teresa Jacobs
and
Board of County Commissioners

THRU: Lonnie C. Bell, Jr., Director *Lonnie C. Bell*
Family Services Department

FROM: Sonya L. Hill, Manager *Sonya L. Hill*
Family Services Department
Head Start Division
Contact: Khadija Pirzadeh, (407) 836-8912
Sonya Hill, (407) 836-7409

SUBJECT: Florida Department of Children and Families
Application for a License to Operate a Child Care Facility
BCC Meeting 9/13/16 Consent Agenda/District 6

The Head Start Division requests Board approval of a renewal license application between the Florida Department of Children and Families and Orange County. This license will allow the County to provide comprehensive early childhood development for preschool children and support to their families at Washington Shores Head Start at The Hope. The term of this license is from November 20, 2016 through November 20, 2017. The license fee of \$100 will be paid with Head Start funds. Childcare facility licensing is a requirement of state laws and Head Start performance standards.

This is a standard application for a license that is required by Florida Department of Children and Families for all licensed childcare facilities. The County Attorney's Office and Risk Management Division have reviewed this application in the past for Head Start Centers currently in operation.

ACTION REQUESTED: Approval and execution of Florida Department of Children and Families Application for a License to operate a Child Care Facility at Washington Shores Head Start at The Hope. This application is only executed by Orange County. (Head Start Division)

SH/kp

C: George A. Ralls, M.D., Deputy County Administrator
Wanzo Galloway, Assistant County Attorney, County Attorney's Office
John Petrelli, Director, Risk Management and Professional Standards
Yolanda S. Brown, Manager, Fiscal Division, Family Services Department
Jamilie Clemens, Grants Supervisor, Finance Division
Patria Morales, Grants Coordinator, Office of Management & Budget



APPLICATION FOR A LICENSE TO OPERATE A CHILD CARE FACILITY

PLEASE TYPE OR PRINT LEGIBLY
USING BLUE OR BLACK INK

Instructions: All information on this application must be truthful and correct. Complete this application in its entirety, as appropriate. Not all sections apply. Incomplete applications will not be accepted. Please contact the licensing agency if there are any questions relating to this application.

***FOR LICENSE RENEWALS ONLY:** Renewal of this license is contingent upon the payment of any fines previously imposed as a sanction against this license that was not contested, or that was affirmed at an administrative hearing. If, at the time of this license renewal application, there is a pending administrative hearing resulting from a proposed fine, it shall not affect the renewal of this license.

SECTION 1: PROGRAM INFORMATION (THIS SECTION MUST BE COMPLETED IN ITS ENTIRETY)							
Application Type (Choose One): <input type="checkbox"/> Initial <input checked="" type="checkbox"/> *Renewal Year <u>2016</u> <input type="checkbox"/> Change of Ownership <input type="checkbox"/> Revision of Existing License							
Name of Facility as it is to appear on license: <u>Washington Shores Head Start at The Hope</u>						Telephone Number (including area code): (<u>407</u>) <u>254-9461</u>	
						Alternate Telephone Number: ()	
Street Address of Facility (physical address): <u>1001 S. Goldwyn Avenue</u>				City: <u>Orlando</u>		County: <u>Orange</u>	Zip Code: <u>32805</u>
Mailing Address of Facility, if different (include city and zip code): <u>2100 E. Michigan Street</u>				<u>Orlando</u>		<u>32806</u>	
E-Mail Address: <u>Tonya.Johnson@ocfl.net</u>				E-Mail: <input type="checkbox"/> Do Not Have E-Mail <input type="checkbox"/> Do Not Wish to Provide		Fax Number (including area code): (<u>407</u>) <u>296-5115</u>	
Is this facility located in or adjacent to the home of the owner/operator? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				If yes, all household members must be identified and background screening completed. Please attach a list of family members with their names and dates of birth.			Maximum Capacity: <u>167</u>
Days and Hours of Operation -- please check AM or PM as applicable:							
	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>	<u>Saturday</u>	<u>Sunday</u>
<input type="checkbox"/> 24 hour care	<input checked="" type="checkbox"/> AM	<input checked="" type="checkbox"/> AM	<input checked="" type="checkbox"/> AM	<input checked="" type="checkbox"/> AM	<input checked="" type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM
Opening Time:	<u>7:00</u> <input type="checkbox"/> PM	<u>7:00</u> <input type="checkbox"/> PM	<u>7:00</u> <input type="checkbox"/> PM	<u>7:00</u> <input type="checkbox"/> PM	<u>7:00</u> <input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM
	<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM
Closing Time:	<u>5:30</u> <input checked="" type="checkbox"/> PM	<u>5:30</u> <input checked="" type="checkbox"/> PM	<u>5:30</u> <input checked="" type="checkbox"/> PM	<u>5:30</u> <input checked="" type="checkbox"/> PM	<u>5:30</u> <input checked="" type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM
Months of Operation: <input type="checkbox"/> School Year Only <input type="checkbox"/> 12 months <input type="checkbox"/> Other							
Check all service options that apply:						Program operated as a: (Check Only One)	
Full Day <input checked="" type="checkbox"/>		Half Day <input type="checkbox"/>	Drop-In <input type="checkbox"/>	Night Care <input type="checkbox"/>	Before School <input type="checkbox"/>	<input checked="" type="checkbox"/> Child Care Facility	
After School <input type="checkbox"/>		Weekend <input type="checkbox"/>	Infant Care (0-1) <input type="checkbox"/>	Food Served: <input checked="" type="checkbox"/>	Transportation <input type="checkbox"/>	OR <input type="checkbox"/> School-Age Child Care Program	

SECTION 2: OWNERSHIP TYPE (CHECK ONE)		
<input type="checkbox"/> Individual Ownership - Not incorporated	Individual Owner	Complete Sections A and E
<input type="checkbox"/> Corporation	Corporation Documentation required	Complete Sections B and E
<input type="checkbox"/> Partnership - Not Incorporated	Partnership Documentation required	Complete Sections C and E
<input checked="" type="checkbox"/> Other Entity - Not Incorporated	e.g. School Board, Local Government Before & After School programs, Parks and Recreation, Faith Based	Complete Sections D and E
<u>Local Government</u>		

SECTION A: INDIVIDUAL OWNERSHIP - NOT INCORPORATED (Special Instructions: One owner)			
Name (First Middle and or Maiden Last):			
Date of Birth:		Social Security Number*:	
Home Address:		City:	State: Zip Code:
Telephone Number (including area code): ()			

SECTION B: CORPORATION (Special Instructions: Upon initial application for child care licensure, attach Articles of Incorporation, which must include the names, the title/office, address, and telephone number for each member of the Board of Directors. Also attach the name and telephone number of the corporation's registered agent. Failure to continuously maintain a registered office and/or registered agent in Florida is grounds for revocation of this license. For **RENEWAL** applications for child care licensure attach a current copy of Certificate of Status/Certificate of Authorization from the Department of State (available through SunBiz.org).)

Name of Corporation:			Corporate And FEIN #:		
Address of Corporation:			Incorporated in which State?		
			If out of state, is the corporation registered in the State of Florida? Yes <input type="checkbox"/> No <input type="checkbox"/> If no, please register prior to submitting an application.		
City:	State:	Zip Code:	Telephone Number (including area code): ()		
Designated Corporate Representative:			Date of Birth:		Social Security Number*:
Home Address:			City:	State:	Zip Code:

SECTION C: PARTNERSHIP – NOT INCORPORATED (Special Instructions: Attach a copy of the Partnership Agreement annually. Attach additional sheets as applicable if more than two partners.)

Partner #1 (First Middle (Maiden) Last):			
Date of Birth:		Social Security Number*:	
Home Address (street address):		City:	State: Zip Code:
Telephone Number (including area code): ()			
Partner #2 (First Middle (Maiden) Last):			
Date of Birth:		Social Security Number*:	
Home Address (street address):		City:	State: Zip Code:
Telephone Number (including area code): ()			

SECTION D: OTHER ENTITY – NOT INCORPORATED (Special Instructions: These are programs operated by School Boards, before and after school programs, faith based programs and other non-incorporated entities.)

Name of Entity: Orange County, Florida			
Entity's Designated Representative (First Middle and or Maiden Last):			
Address of Entity (Street Address): 201 S. Rosalind Avenue		City: Orlando	State: Zip Code: FL 32801
Telephone Number (including area code): (407) 836-6590			

SECTION E: ON-SITE DIRECTOR INFORMATION - To be completed by all applicants (Special Instructions: An On-site Director holds a Director Credential and is responsible for the day-to-day operation of the facility and is required to be on-site the majority of operating hours. A Multisite Director holds a Director Credential and supervises multiple before-school and after-school programs for a single organization as follows: (a) Three sites regardless of the number of children enrolled or (b) More than three sites if the combined number of children does not exceed 350.)

Name: (First Middle and or Maiden Last)			
Date of Birth:		Social Security Number*:	
Home Address:		City:	State: Zip Code:
Telephone Number (including area code): ()		If Applicable, Name of Multi-Site Programs and enrollment:	

SECTION 3: ATTESTATION (To be completed by all applicants)

Has the owner, applicant, or director ever had a license denied, revoked, or suspended in any state or jurisdiction, been the subject of a disciplinary action, or been fined while employed in a child care facility?
☐ Yes ☒ No If yes, please explain: (attach additional sheet(s) if necessary)

I hereby attest that the information contained in this section is truthful and correct under penalty of perjury. _____
Initial

Have you or anyone identified as a party to ownership ever held a license (child care, foster care, cosmetology, etc.) with any state agency in any capacity other than a driver's license?
☒ Yes ☐ No If yes, where, what type of license, license number, and under what name? Child Care Facility
Certificate No. C090R0888, Washington Shores Head Start at The Hope

Pursuant to section 402.3054, F.S., child enrichment service providers shall be of good moral character based upon screening, using level 2 standards in Chapter 435, F.S. If this facility utilizes a child enrichment service provider, it is the responsibility of the director to ensure that the child enrichment service provider is screened accordingly and parents/guardians provide written consent before a child may participate in activities conducted by the child enrichment service provider.

The Health Insurance Portability and Accountability Act (HIPAA) requires that personally identifiable health information must be protected from disclosure and maintained in a manner to prevent inadvertent disclosure to the public and to otherwise assure the privacy of such information. Your signature on this application indicates that you agree to comply with the requirements of HIPAA by protecting the confidentiality of employee and children's health records in your possession.

Pursuant to section 435.05(3), F.S., each employer must attest via signed affidavit compliance the provisions of Chapter 435.04, F.S. By signing below, I Teresa Jacobs, Applicant of Washington Shores Head Start Child Care Facility, do hereby affirm that all child care personnel meet the statutory requirements for background screening.

Falsification of application information is grounds for denial or revocation of the license to operate a child care facility. Your signature on this application indicates your understanding and compliance with this law.

Signature of Owner or Organization's Designated Representative

Date

Teresa Jacobs, Orange County Mayor

Person completing application if other than Owner or Organization's Designated Representative.

Name: (Please Print)	Orange County
Khadija Pirzadeh, Contract Administrator, Head Start Division	
Telephone number including area code:	
(407) 836-8912	

Sworn to and subscribed before me this _____ day of _____, 20____.

SIGNATURE OF NOTARY PUBLIC, STATE OF FLORIDA

(Print, Type, or Stamp Commissioned Name of Notary Public)

(Check one)

☐ Affiant personally known to notary

OR

☐ Affiant produced identification

Type of identification produced: _____

Do Not Write Below this Line – Official Use Only

Date Fee Received	Amount	Check Number	Received By Signature/Initials	Date Fee Forwarded to Fiscal Office
Sexual Offender Address Cross Reference (http://offender.fdc.state.fl.us)		Date of Search	Conducted By Signature/Initials	Exact Address Match <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Interoffice Memorandum

I. CONSENT AGENDA
FAMILY SERVICES
DEPARTMENT

2



AGENDA ITEM

August 16, 2016

TO: Mayor Teresa Jacobs
and
Board of County Commissioners

THRU: Lonnie C. Bell, Jr., Director *Lonnie C. Bell Jr.*
Family Services Department

FROM: Sonya L. Hill, Manager *Sonya L. Hill*
Family Services Department
Head Start Division
Contact: Khadija Pirzadeh, (407) 836-8912
Sonya Hill, (407) 836-7409

SUBJECT: Facility and Land Use Agreement between The
School Board of Orange County, Florida and Orange County, Florida
regarding Head Start Program 2016-17
BCC Meeting 9/13/16 Consent Agenda/All Districts

The Head Start Division requests Board approval of the Facility and Land Use Agreement between the School Board and Orange County. The agreement will allow the County to lease land space for operation of the Head Start Program at public schools. Head Start provides comprehensive early childhood development for preschool children and support to their families at the following schools: Aloma, Engelwood, Grand Avenue, Maxey, Tangelo Park and Ventura. In addition, the program will lease space for permanent classrooms at Dover Shores Elementary, Evans High School, Orlando Tech, and Washington Shores Early Learning Center.

The lease costs include \$31,222.65 for utilities per year; \$48,301.98 for janitorial and maintenance services per year; \$19,250 for administrative support per year; \$74,652 for rental payments and \$16 for land space per year. The total compensation for the Facility and Land Use Agreement shall not exceed \$173,442.63 per year. Head Start grant funds will be used to cover expenses.

The County Attorney's Office and Risk Management Division have reviewed this agreement in accordance with legal and County policy guidelines.

ACTION REQUESTED: Approval and execution of Facility and Land Use Agreement between The School Board of Orange County, Florida and Orange County, Florida regarding Head Start Program 2016-2017.

SH/kp
Attachments

C: George A. Ralls, M.D., Deputy County Administrator
Wanzo Galloway, Assistant County Attorney, County Attorney's Office
John Petrelli, Manager, Risk Management Division
Yolanda Brown, Manager, Fiscal Division, Family Services Department
Jamilie Clemens, Grants Supervisor, Finance Division
Patria Morales, Grants Coordinator, Office of Management & Budget

FACILITY AND LAND USE AGREEMENT

**Between
The School Board of Orange County, Florida
and
Orange County, Florida
regarding**

**Head Start Program
2016 - 2017**

THIS FACILITY AND LAND USE AGREEMENT ("Agreement"), is entered into by and between **THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA**, a public body corporate existing under the Constitution and laws of the State of Florida (hereinafter referred to as the "SCHOOL BOARD"), and **ORANGE COUNTY, FLORIDA**, a charter county and political subdivision of the State of Florida (hereinafter referred to as the "COUNTY").

RECITALS

WHEREAS, the COUNTY desires to use certain space located within certain Orange County public school sites for the purpose of operating the Head Start Program, in accordance with conditions prescribed in the funding grant of the United States Department of Health and Human Services, Administration for Children and Families Office of Head Start (hereinafter "Program"); and

WHEREAS, the SCHOOL BOARD desires to provide the necessary facilities and land on the grounds of designated elementary school sites (collectively referred to as "Schools") to provide comprehensive early childhood development services for pre-kindergarten children residing in Orange County (collectively hereinafter referred to as "Services"); and

WHEREAS, the parties have determined the provision of those Services contemplated under this Agreement to be a valid public purpose.

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions hereinafter set forth, the parties agree as follows:

1. PREMISES.

- a. The SCHOOL BOARD does hereby grant unto the COUNTY, and the COUNTY does hereby receive from the SCHOOL BOARD, a lease to occupy and use, subject to the terms and conditions contained herein, certain real property for the locating of portables or certain facilities, as further described herein below, for use as classrooms, offices, bathrooms, space for storage and playground space, excluding parking, as available (collectively hereinafter referred to as "Portable Classrooms"). The Portable Classrooms shall be located on School sites, as more

specifically described herein (collectively referred to as the "Premises"). The Portable Classroom locations shall include the following five (5) Schools:

1. Aloma Elementary School: three (3) Portable Classrooms;
2. Englewood Elementary School: four (4) Portable Classrooms;
3. Grand Avenue Primary Learning Center: two (2) Portable Classrooms;
4. Maxey Elementary School: three (3) Portable Classrooms;
5. Tangelo Park Elementary School: three (3) Portable Classrooms; and
6. Ventura Elementary School: one (1) Portable Classroom.

In addition, the following four (4) Schools shall have permanent classrooms ("Permanent Classrooms") for COUNTY use to operate the Head Start Program:

1. Orlando Tech Center: one (1) classroom;
2. Evans High School: one (1) classroom;
3. Washington Shores Early Learning Center: seven (7) classrooms; and
4. Dover Shores Elementary School: two (2) classrooms and one (1) office.

The location of the Portable and Permanent Classrooms, as well as the approximate square footage of each Portable and Permanent Classroom, shall be as further described in Exhibit "A" attached to and incorporated herein by this reference.

The Head Start hours of operation shall be from 7:15 A.M. to 5:45 P.M., Monday through Friday. The specific hours of operation for each School are as further described in Exhibit "B", attached to and incorporated herein by this reference. The COUNTY will operate a Full Day/Full Year Summer Program at pre-determined School sites, if mutually agreed upon by the Parties prior to the end of the then current school year.

- b. The COUNTY, its employees, visitors, invitees, and agents shall have the right to use, in common with others entitled thereto, parking areas, service roads, service areas, loading facilities, sidewalks, and public hallways and such other services as are designed for common use, subject to the terms and conditions of this Agreement and to reasonable rules and regulations for the use thereof, as prescribed from time to time by the SCHOOL BOARD.
- c. The SCHOOL BOARD shall provide electric service, water, sewage and solid waste removal for each Portable and Permanent Classroom resulting from the use of utilities on the Premises by its employees, guests or agents (collectively the "Utilities"). The COUNTY shall reimburse the SCHOOL BOARD for the costs of providing the Utilities, as further described in paragraph 4 herein below.
- d. The SCHOOL BOARD shall provide telephone service, electronic intercom services and access for connection to the internet for each Portable and Permanent Classroom (collectively the "Communication Services"). The COUNTY shall reimburse the SCHOOL BOARD for the costs of providing the Communication Services, as further described in paragraph 4 herein below.

- e. The SCHOOL BOARD shall provide both security and fire alarm monitoring of the Premises.
- f. The SCHOOL BOARD shall provide both janitorial and maintenance services, which will include custodial, playground maintenance, water, lawn care, pest control, bathroom supplies (collectively hereinafter referred to as "Maintenance Services"). The COUNTY shall reimburse the SCHOOL BOARD for the costs of providing the Maintenance Services, as further described in paragraph 4 herein below.
- g. The SCHOOL BOARD shall provide administrative support, which shall include clerical support and principal oversight, where applicable.
- h. The COUNTY shall have access to the School's facilities such as the library, lounge, media center, where applicable, office space for parent meetings and conferences, and cafeteria. The School cafeteria shall include tables and eating area designed for family-style service of lunch for children and Head Start staff.
- i. The COUNTY shall also have access to the playground areas, if any, on the Premises. Usage of such playground areas shall be coordinated with the principal of the respective School twice a year.
- j. The COUNTY's Head Start employees shall notify the principal of the respective School, as soon as practicable, if such employee will be absent and if a substitute employee or agent will be in attendance at the School in place of the assigned employee.
- k. All parents, visitors, invitees, and guests of the COUNTY shall check in at the School's front office and obtain a visitor's pass prior to entering into the assigned Head Start classroom for that School.
- l. The COUNTY, its employees, visitors, invitees, and agents shall be subject to the SCHOOL BOARD's Policy of Civil Conduct, a copy of which is attached hereto and incorporated herein as Exhibit "C". The COUNTY, its employees, visitors, invitees, and agents shall also comply with SCHOOL BOARD policies and procedures including, but not limited to, emergency procedures, playground rules, and lunchroom rules. In addition, Head Start staff and student participants shall be encouraged to attend school events and celebrations. Head Start staff shall be invited to participate in School based professional development opportunities.
- m. The COUNTY shall report any and all maintenance or repair issues needed on the Premises to the principal of the affected School within twenty-four (24) hours of discovery. The COUNTY may, at its sole cost and expense, perform additional maintenance and repair to the Premises including, but not limited to, existing playgrounds on the Premises; provided, however, prior written consent from the

SCHOOL BOARD must be obtained. In the event the COUNTY elects to perform additional maintenance and repairs to the Premises, any and all vendors, employees, etc. performing such work shall complete all necessary background screenings, in accordance with Florida Statutes, and such work shall not interfere with the operations of the School.

2. USE OF LEASED PREMISES.

- a. COUNTY shall use the Premises to operate the Head Start Program in accordance with conditions prescribed in the funding grant of the United States Department of Health and Human Services, Administration for Children and Families ("Grant").
- b. The COUNTY shall use the Premises only for lawful purpose.
- c. The COUNTY shall not use the Premises for any purpose other than those specifically set forth herein, without prior written consent of the SCHOOL BOARD.
- d. The COUNTY may, at its own cost and expense, install certain playground equipment on the Premises; provided, however, the SCHOOL BOARD must provide prior written consent prior to any such installation. In the event the COUNTY elects to install playground equipment on the premises, it shall comply with all applicable laws, ordinances, regulations, and SCHOOL BOARD policies including, but not limited to, complying with all building code regulations applicable to school facilities and permitting requirements from the SCHOOL BOARD's Building Code Compliance Office. Such playground equipment shall become the property of the SCHOOL BOARD upon installation. In addition, in the event the COUNTY elects to install playground equipment on the Premises, any and all vendors, employees, etc. performing such work shall complete all necessary background screenings, in accordance with Florida Statutes, and any such work shall not interfere with the operations of the School.
- e. The COUNTY may, at its own cost and expense, add mulch to existing playgrounds on the Premises; provided, however, the SCHOOL BOARD must provide prior written consent to such addition. Such additional mulch shall become the property of the SCHOOL BOARD upon addition to the playground.

3. TERM.

- a. The term of this Agreement shall be for one (1) year commencing on August 1, 2016 and terminating on July 31, 2017, unless otherwise terminated or renewed as provided herein.

- b. Upon mutual written consent by the legally authorized representatives, the Parties may extend this Agreement for up to four (4) additional one (1) year periods. The term of this Agreement shall not exceed five (5) consecutive years.

4. PAYMENTS.

- a. The COUNTY agrees to pay the SCHOOL BOARD the sum of ONE AND NO/DOLLARS (\$1.00) per Portable Classroom for the use of land space for sixteen (16) Portable Classrooms, located at the designated Schools throughout Orange County.
- b. The SCHOOL BOARD shall furnish all Utilities, as further described in section 1 above, and the COUNTY agrees to reimburse the SCHOOL BOARD a sum of \$1.08 per square foot of space for each Portable and Permanent Classroom for a period of twelve (12) months, with a total cost not to exceed THIRTY-ONE THOUSAND TWO HUNDRED TWENTY-TWO AND SIXTY-FIVE CENTS (\$31,222.65) per year.
- c. The SCHOOL BOARD agrees to provide Maintenance Services, as more specifically further described in section 1 above. Notwithstanding the foregoing, the janitorial services shall include cleaning paper supplies such as toilet paper, hand towels, hand soap and trash bags. The maintenance services shall include playground maintenance, water, lawn care, and pest control. The COUNTY shall pay the SCHOOL BOARD the sum of \$1.68 per square foot for each Portable Classroom and Permanent Classroom, for monthly Maintenance Services, with the total costs not to exceed FORTY-EIGHT THOUSAND THREE HUNDRED ONE AND NINETY-EIGHT CENTS (\$48,301.98) per year.

The SCHOOL BOARD shall provide administrative support to the Program. The COUNTY shall pay the SCHOOL BOARD rental fees in the amount of FIVE HUNDRED FIFTY AND NO/DOLLARS (\$550.00) per Portable Classroom and Permanent Classroom, which shall include media center access, where applicable, clerical support and principal oversight. The total overall administrative costs shall not exceed NINETEEN THOUSAND TWO HUNDRED FIFTY AND NO/DOLLARS (\$19,250.00) per year.

- d. The COUNTY shall reimburse the SCHOOL BOARD for rental payments on eleven (11) Portable Classrooms which shall be located as follows: three (3) at Aloma Elementary School; two (2) at Englewood Elementary School; two (2) at Grand Avenue Primary Learning Center; three (3) at Tangelo Park Elementary School and one (1) at Ventura Elementary School. The monthly reimbursement amounts shall be as follows: THREE HUNDRED SIXTY-ONE AND NO/DOLLARS (\$361.00) per month per Portable Classroom located at Aloma Elementary School; FOUR HUNDRED NINETY-FOUR AND NO/DOLLARS per month for the first Portable Classroom and THREE HUNDRED EIGHTY AND NO/DOLLARS (\$380.00) per month for the second Portable Classroom located at

Englewood Elementary School; THREE HUNDRED THIRTY NINE AND NO/DOLLARS (\$339.00) per month for the first Portable Classroom and SEVEN HUNDRED TWENTY-NINE AND NO/DOLLARS (\$729.00) per month for the second Portable Classroom located at Grand Avenue Primary Learning Center; and SEVEN HUNDRED NINETY-NINE AND NO/DOLLARS (\$799.00) per month per Portable Classroom located at Tangelo Park Elementary School and Ventura Elementary School. The total combined rent reimbursement cost shall not exceed SEVENTY FOUR THOUSAND SIX HUNDRED FIFTY-TWO AND NO/DOLLARS (\$74,652.00) per year.

- e. The COUNTY shall pay the SCHOOL BOARD the cumulative amount of all the above-referenced fees in two (2) payments for the term of this Agreement. The first payment of EIGHTY SIX THOUSAND SEVEN HUNDRED TWENTY-ONE AND THIRTY-ONE CENTS (\$86,721.31) will be made on or before December 1, 2016 and the remaining payment of EIGHTY SIX THOUSAND SEVEN HUNDRED TWENTY-ONE AND THIRTY-TWO CENTS (\$86,721.32) will be made on or before June 1, 2017. The total compensation paid by the COUNTY to the SCHOOL BOARD shall not exceed ONE HUNDRED SEVENTY THREE THOUSAND FOUR HUNDRED FORTY-TWO AND SIXTY THREE CENTS (\$173,442.63) per year.

The above-referenced fees are further described by location and square footage in Exhibit "A", attached to and incorporated herein.

The Parties hereby acknowledge that the Parties entered into a certain Facility and Land Use Agreement for the 2015-2016 school year (the "2015/2016 Agreement"). This Agreement is intended to supersede and replace the 2015/2016 Agreement.

The Parties hereby acknowledge that all payments have been received that were due and payable pursuant to the 2015/2016 Agreement and that no other fees or costs are due that have not been included herein.

5. FEDERAL FUNDING.

The Parties understand that payments for Utilities, Maintenance Services and administrative services made under this Agreement shall come from federal grant monies received by the COUNTY. If federal funding becomes unavailable, COUNTY shall have right to terminate this Agreement without any required prior notice to SCHOOL BOARD. The determination as to whether or not federal funds are available shall be in the sole discretion of the COUNTY. In the event federal funds become unavailable, the COUNTY shall not be liable for any damages based upon the termination of this Agreement.

6. MAINTENANCE AND IMPROVEMENTS.

- a. The SCHOOL BOARD, at its own expense, shall be responsible for maintaining

the Premises in good repair, in conformance with its customary practice of other schools.

- b. Upon either the expiration or termination of this Agreement, the COUNTY shall, at its expense:
 - 1. Remove all personal property and improvements from the Premises.
 - 2. Repair all injury done by or in connection with installation or removal of County-owned property and improvements on the Premises.
 - 3. Surrender the Premises to the SCHOOL BOARD in a condition reasonably equal to that existing at the time of commencement of this Agreement, less ordinary wear and tear.
 - 4. All authorized improvements made to the Premises by the COUNTY that cannot be removed without resulting in material damage to the Premises, shall become the property of the SCHOOL BOARD.
 - 5. The SCHOOL BOARD shall take all reasonable precautions for, and shall be responsible for maintaining the safety of all persons and property affected by, or involved in, the performance of its obligations and responsibilities under this Agreement.
- c. The SCHOOL BOARD and COUNTY will not improperly or unlawfully store, handle, release, or dispose of any refuse, trash or Hazardous Substances (as defined below) in the Leased Premises or in or around the building of which the Leased Premises form a part. The SCHOOL BOARD and COUNTY shall immediately notify the other, and appropriate government agencies and authorities having jurisdiction, if a release or such materials occurs, and shall take and complete corrective action to clean and remove the material and restore the Premises in compliance with procedures established by such authorities, and shall provide appropriate evidence of compliance to the other party.
- d. The SCHOOL BOARD and COUNTY shall not cause or permit any Hazardous Substance (as hereinafter defined) on the Lease Premises. As used herein, "Hazardous Substance" means any hazardous or toxic substance, material, or waste which is or becomes regulated by any local governmental authority, the State of Florida or the United States Government, including without limitation; (i) any substance, chemical, or waste that is or shall be listed or defined as hazardous, toxic or dangerous under applicable environmental laws; (ii) any other federal, state, or local governmental authority pursuant to any environmental, health and safety or similar law, code, ordinance, rule, regulation, order or decree and pursuant to any environmental, health and safety of the occupants or users of the Leased Premises or any part thereof, any adjoining property or cause damage to the environment; (iii) any petroleum products; (iv) PCBs; (v) leaded paint; and (vi) asbestos.

7. ASSIGNMENT.

The COUNTY shall not assign this Agreement or any interest therein without the prior written consent of the SCHOOL BOARD, which shall not be unreasonably withheld. An Assignee shall execute and deliver to the SCHOOL BOARD an agreement whereby the Assignee covenants to perform all obligations of the COUNTY contained herein. The

assignment shall relieve the COUNTY of its obligations contained herein. The COUNTY agrees to submit to the SCHOOL BOARD, at least thirty (30) days prior to the contemplated effective date of said assignment the name of said prospective assignee and a copy of the proposed assignment agreement containing the requirements of this section.

8. OWNERS ACCESS TO OCCUPIED PREMISES.

The SCHOOL BOARD should have the right to enter the Premises at all reasonable times, after prior notice to COUNTY, for the purpose of inspecting the same or for the purpose of making repairs or alterations to the Premises or for any other purposes contemplated under this Agreement. In exercising this right, the SCHOOL BOARD shall not interfere with COUNTY's use of the Premises.

9. DAMAGE TO OCCUPIED PREMISES.

- a. If the Premises shall be damaged by fire or other causes, without the fault or neglect of the SCHOOL BOARD, its employees, agents, visitor or licensees, and such Premises are reasonable reusable for the purposes of which they are leased under this Agreement, the COUNTY shall return the Premises to the same reasonable condition that existed at the commencement of this Agreement. The COUNTY shall complete such repair and restoration within ninety (90) days from the date of such event, unless otherwise agreed to by both parties in writing. If the Premises is not repaired and restored to a condition reasonable equal to that which existed at the commencement of this Agreement, the SCHOOL BOARD may terminate the Agreement.
- b. If the Premises are damaged and to the extent that the Premises shall not be reasonably usable for the purpose of which they are leased under this Agreement, then the SCHOOL BOARD may, no later than thirty (30) days following the date of damage, give the COUNTY a notice of election to terminate this Agreement.
- c. In the event the Agreement is terminated as provided in Section 9(a) and/or (b), above, and Section 10 the effective date of termination shall be set forth in the notice and COUNTY shall remove County-owned property and surrender possession of the Premises within a reasonable time thereafter.

10. TERMINATION.

- a. This Agreement may be terminated, with cause, at any time by mutual written consent of the parties.
- b. Either party may terminate this Agreement without cause upon giving thirty (30) days prior written notice to the other party.

11. INSURANCE.

- a. The COUNTY, its subcontractors, agents or assigns shall maintain the following insurance, at its sole cost and expense:
 - i. Commercial General Liability for all operations, including, but not limited to, contractual liability, products and completed operations and personal liability for a minimum of \$1,000,000 each occurrence and \$2,000,000 in the aggregate, unless such party is subject to sovereign immunity. The COUNTY may elect to maintain a self-insurance program for compliance with this insurance requirement to the limits allowed by Section 768.28, Florida Statutes.
 - ii. Workers Compensation insurance for its employees as the Premises in statutory limits as required by Florida law. The COUNTY may elect to maintain a self-insurance program for compliance with this insurance requirement.
 - iii. Professional Liability for any wrongful or negligent act of its employees while occupying the Premises.
- b. The COUNTY shall furnish proof of all such insurance required under this paragraph 11, to the SCHOOL BOARD within ten (10) days after the Effective Date of this Agreement and thereafter, no later than August 1 of each year during the term of this Agreement by delivery of a certificate of insurance to the attention of the Director for Elementary Curriculum and Instruction, Orange County Public Schools, 445 West Amelia Street, Orlando, FL 32801, with a copy to the principal of each school being utilized by the COUNTY under the terms of this Agreement. Failure to have adequate proof of current insurance meeting the requirements of this section or to file such proof with the SCHOOL BOARD'S Risk Management Department shall entitle the SCHOOL BOARD to provide the County with notice and opportunity to cure before suspending the privilege of the COUNTY to use the Premises or until such proof is furnished that may warrant breach of this Agreement.
- c. Notwithstanding anything to the contrary contained herein, it is expressly acknowledged by the parties that nothing herein shall be construed or interpreted as a waiver of sovereign immunity of the State of Florida or either Party beyond the waiver provided in Section 768.28, Florida Statutes.

12. LIABILITY.

- a. To the extent permitted by law, the Parties agree to defend, indemnify and hold harmless each other from any claims, damages, losses and expenses including attorney's fees arising out of or resulting from their employee, agents or officers performance under this Agreement. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.

- b. The COUNTY shall not be liable for claims, damages, losses and expenses, including reasonable attorney's fees arising out of, resulting from or in any way connected with SCHOOL BOARD's performance of or failure to perform its obligations or responsibilities under this Agreement.
- c. The SCHOOL BOARD shall not be liable for any claims, damages, losses or expenses, including reasonable attorney's fees, arising out of, resulting from or in any way connected with the COUNTY's performance of or failure to perform its obligations or responsibilities under this Agreement.
- d. The SCHOOL BOARD and COUNTY, respectively, will take all reasonable precautions for, and will be responsible for maintaining, the safety of all persons and property affected by, or involved in, the performance of their respective obligations and responsibilities under this Agreement.
- e. The SCHOOL BOARD and COUNTY agree to defend themselves for any claims, damages, losses, and expenses, including attorneys' fees, and shall give reasonable notice of tender to the negligent party for such claim the other party is requiring to be indemnified.

13. DEFAULT.

- a. It is mutually agreed that in the event the COUNTY shall default in any of the payments set forth herein and fails to cure such default within thirty (30) days after written notice therefor from SCHOOL BOARD, or if COUNTY shall be in default in performing any of the terms or provisions of this Agreement, other than the provision pertaining to the payments set forth herein, and fails to cure such default within thirty (30) days after written notice thereof from SCHOOL BOARD, SCHOOL BOARD may terminate this Agreement immediately. The SCHOOL BOARD may at any time thereafter resume possession of the Premises by lawful means.
- b. If the SCHOOL BOARD shall default in the performance of its obligations herein and fails to cure such default within thirty (30) days after written notice thereof from COUNTY, COUNTY may terminate this lease as provided in the notice. Upon such termination, COUNTY shall within a reasonable period surrender possession of the Premises to SCHOOL BOARD, after written notice is provided to the COUNTY, and remove all of COUNTY's effects therefrom. The payment for utilities, janitorial and administrative services shall be apportioned as of the date of surrender and any such payment made for any period beyond such date and shall be repaid to the COUNTY. The SCHOOL BOARD may at any time thereafter resume possession of the Premises by lawful means.
- c. If the COUNTY abandons or vacates the Premises, or fails to make the payments set forth herein, the SCHOOL BOARD may enter and resume possession of the Premises by lawful means without being liable for any prosecution or damage.

- d. The SCHOOL BOARD, upon lawfully resuming possession of the Premises as provided herein, may relet the Premises and receives payment.

14. WAIVER OF BREACH.

Waiver of the breach of any covenant, term or condition of this Agreement shall not be deemed to be a waiver of breach of any other covenant, term or condition of this Agreement, or of a subsequent breach of the waived covenant(s), term(s) or condition(s).

15. NOTICES.

- a. All notices of either Party shall be given by certified mail, return receipt requested, telegram or in person with proof of delivery.

- b. Notices to the COUNTY shall be submitted to each of the following:

Orange County Florida
Attn: County Administrator
P.O. Box 1393
Orlando, FL 32802

And

Manager
Orange County Head Start Division
2100 East Michigan Street
Orlando, FL 32806

- c. Notices to the SCHOOL BOARD shall be submitted to both:

School Board of Orange County, Florida
445 West Amelia Street, 9th Floor
Orlando, FL 32801
Attention: Superintendent of Schools

And

School Board of Orange County, Florida
445 West Amelia Street, 7th Floor
Orlando, FL 32801
Attention: Director for Elementary Curriculum and Instruction

16. QUIET ENJOYMENT.

The COUNTY shall and may peaceably and quietly have, hold and enjoy the Premises for the aforesaid term free from disturbance by the SCHOOL BOARD or anyone claiming through, by or under the SCHOOL BOARD.

17. ENTIRE AGREEMENT.

The entire Agreement between the Parties, with respect to the subject matter herein, is contained in this Agreement. No other agreement, oral or written, regarding the subject matter herein shall be deemed to exist or to bind the parties hereto. No amendments, changes or modification to or waivers of this Agreement shall be valid or otherwise enforceable unless in writing, signed by both Parties. Any such amendment, modification, change or waiver shall be effective only upon prior execution by both Parties.

18. VALIDITY.

The validity, interpretation, construction and effect of this Agreement shall be in accordance with and be governed by the laws of the State of Florida, to the extent not preempted by or in conflict with applicable laws of the United State of America. In the event any provision hereof shall be finally determined to be unenforceable or invalid, such unenforceability or invalidity shall not affect the remaining provisions of this Agreement, which shall remain in full force and effect.

19. JESSICA LUNSFORD ACT.

The COUNTY agrees that COUNTY staff, employees, guests, invitees, etc. who will be present on any SCHOOL BOARD property with SCHOOL BOARD students present, may be required to complete a background screening pursuant to the Jessica Lunsford Act (Section 1012.465, Florida Statutes). Such screening shall be conducted at the COUNTY'S expense.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[Signatures on Following Pages]

IN WITNESS WHEREOF, the Parties hereto have signed and executed this Agreement on the dates indicated below.

**THE SCHOOL BOARD OF ORANGE
COUNTY, FLORIDA,**

a corporate body organized and
existing under the Constitution and
laws of the State of Florida

By: _____

Name: William E. Sublette

Title: Chairman

Date: _____

Attest _____

Barbara M. Jenkins, as its Secretary and
Superintendent

{Corporate Seal}

Approved as to form and legality by the
Office of the General Counsel for The
School Board of Orange County, Florida
this 23rd day of August, 2016

Eileen D. Fernandez
Associate General Counsel

O R A N G E C O U N T Y, F L O R I D A
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

Date: _____

ATTEST: Martha O. Haynie, Orange County
Comptroller
As Clerk of the Board of County
Commissioners

By: _____
Deputy Clerk

Date: _____

EXHIBIT "A"

Location of Portable and Permanent Classrooms and Square Footage of Each

Head Start Agrmt 2016-2017 - EXHIBIT A

School / Site	Building Type	Bldg. / Rm. #	Bldg. / Rm. Size (Sq. Ft.)	Building Owned / Leased	Portable Serial #	Portable DCA Insignia	Portable Owner	OCPs Monthly Lease (\$)	Comments	Item 4 - LAND SPACE	Item 4 - UTILITIES	Item 4 - MAINTENANCE	Item 4 - ADMIN SUPPOR	Item 4 - RENTAL	Total
Aloma ES	Portable	HS-1	864	Leased	13581 AB	IVE 004361	Mobile Modular	361.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	4,332.00	7,267.00
Aloma ES	Portable	HS-2	864	Leased	13972 AB	IVE 004653	Mobile Modular	361.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	4,332.00	7,267.00
Aloma ES	Portable	HS-3	864	Leased	11254 AB	E 014409	Mobile Modular	361.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	4,332.00	7,267.00
Dover Shores ES	Permanent	300-001	1,000	Owned	N/A	N/A	N/A	0.00	Classroom	N/A	1,083.33	1,675.93	550.00	0.00	3,309.26
Dover Shores ES	Permanent	300-002	1,000	Owned	N/A	N/A	N/A	0.00	Classroom	N/A	1,083.33	1,675.93	550.00	0.00	3,309.26
Dover Shores ES	Permanent	300-004	1,000	Owned	N/A	N/A	N/A	0.00	Classroom/Office	N/A	1,083.33	1,675.93	550.00	0.00	3,309.26
Engelwood ES	Portable	P-001	1,056	Owned	RL 153-99	E 006489	OCPs	0.00		1.00	1,144.00	1,769.78	550.00	0.00	3,464.78
Engelwood ES	Portable	P-117	864	Leased	CC-7805-06	1004180	Williams Scotsman	494.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	5,928.00	8,863.00
Engelwood ES	Portable	P-003	864	Leased	810763-64		GE	380.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	4,560.00	7,495.00
Engelwood ES	Portable	P-002	1,056	Owned	RL 154-99	E 006788	OCPs	0.00		1.00	1,144.00	1,769.78	550.00	0.00	3,464.76
Evans HS	Permanent	03-122	1,946	Owned	N/A	N/A	N/A	0.00		N/A	2,108.16	3,261.36	550.00	0.00	5,919.52
Evans HS	Permanent	03-122A	358	Owned	N/A	N/A	N/A	0.00		N/A	420.33	650.26	550.00	0.00	1,620.59
Evans HS	Permanent	03-122B	701	Owned	N/A	N/A	N/A	0.00		N/A	759.41	1,174.83	550.00	0.00	2,484.24
Grand Ave PLC	Portable	P-12	864	Leased	CMB-12616-17		Williams Scotsman	339.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	4,068.00	7,003.00
Grand Ave PLC	Portable	P-14	864	Leased	0797 AB	IVE 005964	Mobile Modular	729.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	8,748.00	11,683.00
Maxey ES	Portable	P-14	864	Owned	964	MB 029360	OCPs	0.00		1.00	936.00	1,448.00	550.00	0.00	2,935.00
Maxey ES	Portable	P-13	864	Owned	965	MB 029361	OCPs	0.00		1.00	936.00	1,448.00	550.00	0.00	2,935.00
Maxey ES	Portable	P-12	864	Owned	963	MB 029359	OCPs	0.00		1.00	936.00	1,448.00	550.00	0.00	2,935.00
Orlando Tech	Permanent	282	1,188	Owned	N/A	N/A	N/A	0.00		N/A	1,287.00	1,991.00	550.00	0.00	3,828.00
Orlando Tech	Permanent	256	52	Owned	N/A	N/A	N/A	0.00		N/A	55.33	87.15	550.00	0.00	693.48
Orlando Tech	Permanent	257	63	Owned	N/A	N/A	N/A	0.00		N/A	68.25	105.58	550.00	0.00	723.83
Orlando Tech	Permanent	258	135	Owned	N/A	N/A	N/A	0.00		N/A	146.25	226.25	550.00	0.00	922.50
Orlando Tech	Permanent	259	38	Owned	N/A	N/A	N/A	0.00		N/A	41.17	63.69	550.00	0.00	654.85
Orlando Tech	Permanent	261	68	Owned	N/A	N/A	N/A	0.00		N/A	95.33	147.48	550.00	0.00	792.81
Tangelo Park ES	Portable	P-01	864	Leased	13688 AB	1093960	Mobile Modular	799.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	9,588.00	12,523.00
Tangelo Park ES	Portable	P-02	864	Leased	13982 AB	1093965	Mobile Modular	799.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	9,588.00	12,523.00
Tangelo Park ES	Portable	P-03	864	Leased	14248 AB	1093969	Mobile Modular	799.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	9,588.00	12,523.00
Venkura ES	Portable	P-312	864	Leased	11355 AB	1067715	Mobile Modular	799.00	OCPs to be reimbursed for Lease Costs by Headstart	1.00	936.00	1,448.00	550.00	9,588.00	12,523.00
Washington Shores ELC	Permanent	04-19, 04-20	1670	Owned	N/A	N/A	N/A	0.00	Office space	N/A	1,809.16	2,798.80	550.00	0.00	5,157.96
Washington Shores ELC	Permanent	08-25 (inclusive of 8-25A, 8-25B, 8-25C, 8-25D, 8-25E)	1186	Owned	N/A	N/A	N/A	0.00	Office space	N/A	1,284.83	1,987.65	550.00	0.00	3,822.48
Washington Shores ELC	Permanent	08-33 (inclusive of 8-33A, 8-33B, 8-33C, 8-33D, 8-33E)	1186	Owned	N/A	N/A	N/A	0.00	Classroom	N/A	1,284.83	1,987.65	550.00	0.00	3,822.48
Washington Shores ELC	Permanent	08-34 (inclusive of 8-34A, 8-34B, 8-34D, 8-34E)	1054	Owned	N/A	N/A	N/A	0.00	Classroom	N/A	1,141.83	1,766.43	550.00	0.00	3,458.26
Washington Shores ELC	Permanent	08-35 (inclusive of 08-35A)	929	Owned	N/A	N/A	N/A	0.00	Classroom	N/A	1,006.41	1,556.94	550.00	0.00	3,113.35
Washington Shores ELC	Permanent	08-36 (inclusive of 08-36A)	929	Owned	N/A	N/A	N/A	0.00	Classroom	N/A	1,006.41	1,556.94	550.00	0.00	3,113.35
Washington Shores ELC	Permanent	08-500	60	Owned	N/A	N/A	N/A	0.00	Desk Area only	N/A	65.00	100.56	550.00	0.00	715.56
			28,821					6,221.00		16.00	31,222.66	48,301.98	19,250.00	74,652.00	173,442.63

EXHIBIT "B"

Orange County Public Schools	Start Time	End Time	Before Care <input type="checkbox"/>	After Care <input type="checkbox"/>	Current # of Portables on Site
1. Aloma Elementary	7:30am	5:30pm	<input type="checkbox"/>	<input type="checkbox"/>	3
2. Evans Community School	8:00am	2:00pm			N/A
3. Engelwood Elementary	7:30am	5:30pm	<input type="checkbox"/>	<input type="checkbox"/>	4
4. Grand Avenue Primary Learning Center	8:00am	2:00pm			2
5. Maxey Elementary	7:30am	5:30pm	<input type="checkbox"/>	<input type="checkbox"/>	3
6. Orlando Tech	7:30am	4:00pm	<input type="checkbox"/>	<input type="checkbox"/>	N/A
7. Dover Shores	7:30am	5:00pm	<input type="checkbox"/>	<input type="checkbox"/>	N/A
8. Tangelo Park Elementary	7:30am	5:30pm	<input type="checkbox"/>	<input type="checkbox"/>	3
9. Ventura Elementary School	7:30am	5:30pm	<input type="checkbox"/>	<input type="checkbox"/>	1
10. Washington Shores Early Learning Center	7:30am	5:30pm	<input type="checkbox"/>	<input type="checkbox"/>	N/A

EXHIBIT "C"

Policy of Civil Conduct

**ORANGE COUNTY PUBLIC SCHOOLS
ORLANDO, FLORIDA**

**MANAGEMENT DIRECTIVE B-12
POLICY OF CIVIL CONDUCT**

Code of Civility

The education of a child happens only through partnership and among partners must be the child, the school faculty and staff, the parent(s) or guardian(s), the community and district office employees. Partnership is an active state that includes sharing responsibilities, meaningful communication and welcomed participation.

When people who are working together agree, the partnership runs smoothly. But no two people will always agree and that can make partnership difficult. The partnership is most powerful – as children are educated to reach their potential – when we agree on how to disagree. We must be civil in our discourse.

Civility is often described by its absence. We hear of harmful actions such as road rage, physical confrontation, ethnic stereotypes and slurs. But civility is not just an absence of harm. It is the affirmation of what is best about each of us individually and collectively. It is more than saying “please” and “thank you.” It is reflecting our respect for others in our behavior, regardless of whether we know or like them. It also is not simply being politically correct and is not to be used to stifle criticism or comment. It is being truthful and kind and is each of us taking responsibility for our own actions rather than blaming others.

As we communicate with each other, we need to remember that we are working together to benefit the children of this community.

Therefore, the Orange County School Board requires that as we communicate; students, OCPS faculty and staff, parents, guardians and all other members of the community shall:

1. Treat each other with courtesy and respect at all times

This means that:

- We listen carefully and respectfully as others express opinions that may be different from ours
- We share our opinions and concerns without loud or offensive language, gestures or profanity

2. Treat each other with kindness

This means that:

- We treat each other as we would like to be treated
- We do not threaten or cause physical or bodily harm to another

- We do not threaten or cause damage to the property of another
- We do not bully, belittle or tease another and we do not allow others to do so in our presence
- We do not demean and are not abusive or obscene in any of our communications

3. Take responsibility for our own actions

This means that:

- We share information honestly
- We refrain from displays of temper
- We do not disrupt or attempt to interfere with the operation of a classroom or any other work or public area of a school or school facility

4. Cooperate with each other

This means that:

- We obey school rules for access and visitation
- We respect the legitimate obligations and time constraints we each face
- We notify each other when we have information that might help reach our common goal. This includes information about
 - safety issues
 - academic progress, changes that might impact a student's work
 - events in the community that might impact the school
- We respond when asked for assistance
- We understand that we do not always get our way

Authority and Enforcement of the Code of Civility

Authority and enforcement of a code for civil conduct ultimately depends on the individual and collective will of those involved – students, OPCS faculty and staff, parents, guardians and all other members of the community. However, individuals need to know how to respond to uncivil behavior and how such behavior will be responded to. Therefore:

1. A student who believes that he or she has not been treated in a manner reflective of the Code of Civility should report such behavior to the appropriate school administrator.
2. A parent, guardian or community member who believes that he or she has not been treated in a manner reflective of the Code of Civility should report such behavior to the staff member's immediate supervisor.
3. An employee who believes that he or she has not been treated in a manner reflective of the Code of Civility should use the following guidelines:

- If personal harm is threatened, the employee may contact law enforcement.
- Anyone on school district property without authorization may be directed to leave the premises by an administrator or security officer. Anyone who threatens or attempts to disrupt school or school district operations, physically harm someone, intentionally cause damage, uses loud or offensive language, gestures, profanity or shows a display of temper may be directed to leave the premises by an administrator or security officer. If such person does not immediately and willingly leave, law enforcement shall be called.
- If a telephone call recorded by an answering machine, email, voice mail message or any type of written communication is demeaning, abusive, threatening or obscene the employee is not obligated to respond.
 - If personal harm is threatened, the employee may contact law enforcement
 - The employee shall save the message and contact his or her immediate supervisor or school district security.
- If any member of the public uses obscenities or speaks in a demeaning, loud or insulting manner, the employee to whom the remarks are directed shall take the following actions:
 - Calmly and politely ask the speaker to communicate civilly.
 - If the verbal abuse continues, give appropriate notice to the speaker and terminate the meeting, conference or telephone conversation.
 - If the meeting or conference is on school district premises, request that an administrator or authorized person direct the speaker promptly to leave the premises.
 - If the speaker does not immediately leave the premises, an administrator or other authorized person shall notify law enforcement to take any action deemed necessary.



Superintendent

February 20, 2009

Date



Interoffice Memorandum

I. CONSENT AGENDA
FAMILY SERVICES
DEPARTMENT
3

AGENDA ITEM

August 31, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

THRU: Lonnie C. Bell, Jr., Director *DC for LCB*
Family Services Department

FROM: Lavon B. Williams, Manager, Esq., AICP
Neighborhood Preservation and Revitalization Division

SUBJECT: Consent Agenda Item – September 13, 2016
Resolution for the Community Contribution Tax Credit Program

The Neighborhood Preservation and Revitalization Division administers the Enterprise Zone Program, which offers state tax refunds and credits to businesses that invest in areas in need of economic revitalization. The Enterprise Zone Program's Community Contribution Tax Credit Program provides a financial incentive (up to 50% tax credit or sales tax refund) to encourage businesses to make donations toward community development and housing projects for low-income persons. Businesses may take the credit on Florida corporate income tax, insurance premium tax, or as a refund against sales tax.

Ability Housing, Incorporated submitted a proposal to renovate the Wayne Densch Center, an apartment complex being used for emergency and transitional housing.

The staff recommends approval of the resolution for Ability Housing, Incorporated.

Action Requested: Approval and execution of resolution of the Orange County Board of County Commissioners regarding the application of Ability Housing's Wayne Densch Center Project as a designated project of the Enterprise Zone Community Contribution Tax Credit Program. District 2.

c: Jason Reynolds, AICP, Neighborhood Preservation and Revitalization Division

RESOLUTION

of the

Orange County Board of County Commissioners

regarding

THE APPLICATION OF ABILITY HOUSING'S WAYNE DENSCH CENTER PROJECT AS A DESIGNATED PROJECT OF THE ENTERPRISE ZONE COMMUNITY CONTRIBUTION TAX CREDIT PROGRAM

Resolution No. _____

WHEREAS, section 220.183, Florida Statutes, provides for a Community Contribution Credit Program ("CCTC Program") to encourage donations to community development programs in low-income communities by providing contributors with a 50% credit against any state tax due for a taxable year; and

WHEREAS, any project for which a business seeks a tax credit must be undertaken by an "eligible sponsor" which includes nonprofit, community-based organizations whose mission is the provision of housing for low-income or very low income households; and

WHEREAS, all projects must first be approved by application to the State of Florida Department of Economic Opportunity; and

WHEREAS, the application for any project must include a resolution from the local government where the proposed project is to be located, certifying that the project is consistent with local plans and regulations; and

WHEREAS, Ability Housing, Inc., ("Ability Housing") is a non-profit community-based development organization whose mission is the provision of housing for low-income or very low-income households or increasing entrepreneurial and job development opportunities for low income persons; and

WHEREAS, Ability Housing's Wayne Densch Center Project ("Project") is located in the Eatonville community located in Orange County Florida; and

WHEREAS, the Project involves the rehabilitation of 64, two-bedroom, two-bathroom condominium units in eight identical buildings situated on 4,268 acres of land; and

WHEREAS, the scope of the rehabilitation will encompass: (1) replacing roofs, mechanical, electrical and plumbing systems, windows, doors, appliances; (2) making repairs to the exterior and interior of the buildings; (3) converting 15 two-bedroom units into 30 one-bedroom unit; and

WHEREAS, the rehabilitation will achieve energy saving in heating and cooling, hot water, lighting, insulation and appliance efficiencies which improve resident comfort, reduce operating costs and reduce greenhouse gas emissions ; and

WHEREAS, post-rehabilitation, the Project will provide permanent supportive housing for formerly homeless individuals and families, with a focus on households that have experienced chronic homelessness; and

WHEREAS, the Orange County Housing and Community Development Division certified that the proposed Project is consistent with the local plans and regulations; and

WHEREAS, in order for the Project to become a sponsored project under the CCTC Program, the Orange County Board of County Commissioners must adopt a resolution certifying that the Project is consistent with local plans and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1: Declaration of Support. Orange County supports the Ability Housing Wayne Densch Center Project which provides rehabilitation of condominium units for the use of low income residents in the municipality of Eatonville.

Section 2: Finding of Consistency. The Project is consistent with the provisions of the Orange County Comprehensive Policy Plan and all local plans and regulations.

Section 3: Directions to the Clerk. The Orange County Clerk to the Board of County Commissioners is hereby authorized and directed to file this resolution with the

State of Florida, Office of Tourism Trade and Economic Development of the Executive
Office of the Governor, The Capital, Suite 2001, Tallahassee, Florida, 32399-0001.

Section 4: Effective Date. This resolution shall take effect upon the date of its
adoption.

ADOPTED THIS _____ DAY OF _____, 2016.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

S:\SMohiuddin\SMohiuddin\ORDRES\Wayne Densch Center Resolution\Densch Center Draft Resolution 7_28_16.doc

COMMUNITY CONTRIBUTION TAX CREDIT PROGRAM

SPONSOR PROJECT APPLICATION

NAME OF ORGANIZATION	ABILITY HOUSING, INC.
MAILING ADDRESS	75 S. IVANHOE BLVD. ORLANDO, FL 32804
FEDERAL EMPLOYER IDENTIFICATION NUMBER	59-3087085
FLORIDA SOLICITATION OF CONTRIBUTIONS ACT REGISTRATION NUMBER (DEPARTMENT OF AGRICULTURE)	CH1710
CONTACT PERSON	KIMBERLEE RILEY
TITLE	CENTRAL FLORIDA REGIONAL DIRECTOR
PHONE	407-488-2860
FAX	
E-MAIL ADDRESS	KRILEY@ABILITYHOUSING.ORG
ORGANIZATION'S WEB SITE ADDRESS	WWW.ABILITYHOUSING.ORG
NAME OF PROPOSED PROJECT	WAYNE DENSCH CENTER
PROJECT LOCATION ADDRESS (IF DIFFERENT)	100 KINGSTON COURT ORLANDO, FL 32810

PLEASE INDICATE YOUR ELIGIBLE ORGANIZATIONAL TYPE	
	A community action program
X	A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons
	A neighborhood housing services corporation
	A local housing authority, created pursuant to chapter 421
	A community redevelopment agency, created pursuant to s. <u>163.356</u>
	A historic preservation district agency or organization
	A regional career source board
	A direct-support organization as provided in s. <u>1009.983</u>
	An enterprise zone development agency created pursuant to s. <u>290.0056</u>
	A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation
	Unit of local government
	Unit of state government

PLEASE INDICATE TYPE YOUR ELIGIBLE PROJECT TYPE	
X	Provide, construct, improve or substantially rehabilitate housing for low-income persons
	Provide, construct, improve or substantially rehabilitate homeownership opportunities for low-income persons
X	Provide, construct, improve or substantially rehabilitate housing for persons with special needs
	Provide commercial resources and facilities in an enterprise zone or a Front Porch Florida Community
	Provide industrial resources and facilities in an enterprise zone or a Front Porch Florida Community
	Provide Public resources and facilities in an enterprise zone or a Front Porch Florida Community
	Improve entrepreneurial opportunities for low-income persons in an enterprise zone or a Front Porch Florida Community
	Improve job development opportunities for low-income persons in an enterprise zone or a Front Porch Florida Community
	Increase access to high-speed broadband capability in rural communities with an enterprise zone

SPONSOR ELIGIBILITY DOCUMENTATION	
PLEASE INDICATE DOCUMENTS THAT ARE ATTACHED	
X	Copy of the organization's Articles of Incorporation
X	Copy of the organization's By-Laws
X	Copy of the Florida Division of Corporation's Registration Certificate
X	Copy of the Internal Revenue Service eligibility letter
	Other documentation of sponsor eligibility

PROJECT NARRATIVE	
The sponsor must submit a project narrative that briefly and clearly describes the following aspects (please label each aspect accordingly):	
A	Describes the eligible project
B	Lists the types of donations sought
C	Identifies the uses for donations
D	Estimates the total project cost
E	Estimates the number of jobs (if applicable)
F	Estimates the completion date of the project (if applicable)

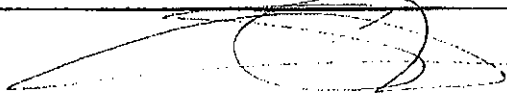
DOCUMENTATION OF AREA ELIGIBILITY			
The sponsor of a "community development" project must submit documentation that the proposed project is located within a state designated Enterprise Zone or Front Porch Florida Community. Please indicate name of EZ or Brownfield and attachment			
Enterprise Zone Name:		Letter	Map
Front Porch Community		Letter	Map
Please note: Projects designed to provide housing for low-income persons are not required to be located within an Enterprise Zone.			

LOCAL GOVERNMENT RESOLUTION

The sponsor must submit a certified copy of a resolution from a local government (where the project is located) stating that the proposed project is "consistent with local plans and regulations (including comprehensive plans)".

Name of City or County Council or Commission:			
Resolution Number:		Resolution Date:	

The undersigned person hereby affirms that he or she has been duly authorized and empowered to verify, execute and deliver this Application, that he or she has read this Application (including all attachments hereto) and he or she has knowledge of all of the facts stated herein, and that this Application, and all information submitted in connection herewith, is complete and accurate and contains no misstatements, misrepresentations, or omissions of material facts, to the best of his or her knowledge and belief.

<u>Signature</u>	
<u>Name</u>	Shannon Nazworth
<u>Title</u>	Executive Director
<u>Organization</u>	Ability Housing
<u>Date</u>	6-20-16

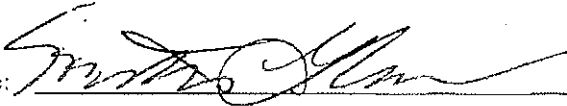
Please mail this application and attachments to:

Burt Von Hoff
Florida Department of Economic Opportunity
Division of Strategic Business Development
107 East Madison Street; MSC 80
Tallahassee, Florida 32399
Phone: 850/717-8974; FAX: 850/410-4770
E-MAIL: burt.vonhoff@deo.myflorida.com
WEB: www.florida.jobs.org

**Certification of Consistency
with the Consolidated Plan****U.S. Department of Housing
and Urban Development**

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: Ability HousingProject Name: Wayne Densch Center projectLocation of the Project: 100 Kingston Court, Orlando, FL 32810Name of the Federal
Program to which the
applicant is applying: Community Contribution Tax Credit ProgramName of
Certifying Jurisdiction: Orange CountyCertifying Official
of the Jurisdiction
Name: Mitchell GlasserTitle: Housing and Community Development DivisionSignature: Date: 4/29/16

COMMUNITY CONTRIBUTION TAX CREDIT PROGRAM

SPONSOR PROJECT APPLICATION

PROJECT NARRATIVE

A. Describe the eligible project

The project is located on West Kennedy Boulevard, just east of Lake Weston, in the municipality of Eatonville. It was developed as the Kingston Court Condominiums in 1983 and consists of 64 two-bedroom, two-bathroom condominium units in eight identical buildings situated on 4.268 acres.

Each unit is approximately 900 square feet; and each of the two-story residential buildings is constructed of concrete block with poured concrete floors, and a flat roof deck with barrel tile mansard slopes. There is also a one-story concrete block laundry building (1,600 sqft), a wood maintenance shed (256 sqft), and there was once an in-ground pool that has since been filled in. Several of the residential units are currently off-line – either due to maintenance issues or because they are being used for offices, community space, and/or storage.

The Wayne Densch Center purchased the site in 1998 and has been operating the project as emergency and transitional housing since that time. In 2015, they approached Florida Hospital about donating the project to them. Florida Hospital then contacted Ability Housing about leasing the project and operating it as permanent supportive housing. On January 1, 2016, Florida Hospital Foundation took ownership of the project and entered into a 20-year lease agreement with Ability Housing.

The scope of rehabilitation will encompass: (1) replacing roofs, mechanical, electrical and plumbing (MEP) systems, windows, doors, appliances; (2) making repairs to the exterior (balconies, railings, stucco, sidewalks) and interior (drywall, painting, flooring, blinds); (3) as well as converting 15 two-bedroom units into 30 one-bedroom units – bringing the total number of units to 79 (49 2bd/2ba and 30 1bd/1ba). The rehabilitation will achieve energy savings in heating and cooling, hot water, lighting, insulation, and appliance efficiencies, which improve resident comfort, reduce operating costs and reduce greenhouse gas emissions. Post-rehabilitation, the project will provide permanent supportive housing for formerly homeless individuals and families, with a focus on households that have experienced chronic homelessness.

Based on a property needs assessment and anticipated rehabilitation, we anticipate 120-150 days for design and permitting and 210 days for construction. Ability Housing's general contractor selection process will be open to all qualified small, minority-owned and women-owned contractors in the community. During the bid process, the general contractors will be encouraged to solicit participation from small, minority-owned and women-owned subcontractors and vendors. In addition, in partnership with its general contractor, Ability Housing will hold a workforce outreach event at the site to provide another opportunity for community residents to access construction jobs related to the project.

**COMMUNITY CONTRIBUTION TAX CREDIT PROGRAM
SPONSOR PROJECT APPLICATION**

B. List the types of donations sought

Construction supplies, materials and equipment related to capital improvements

C. Identify the uses for donations

All the donations sought will be used for the substantial rehabilitation of the project.

D. Estimate the total project cost

\$5,800,000

E. Estimate the number of jobs (if applicable)


Not applicable

F. Estimate the completion date of the project (if applicable)

December 2017

**Certification of Consistency
with the Consolidated Plan****U.S. Department of Housing
and Urban Development**

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.
(Type or clearly print the following information:)

Applicant Name: Ability HousingProject Name: Wayne Densch Center projectLocation of the Project: 100 Kingston Court, Orlando, FL 32810Name of the Federal
Program to which the
applicant is applying: Community Contribution Tax Credit ProgramName of
Certifying Jurisdiction: Orange CountyCertifying Official
of the Jurisdiction
Name: Mitchell GlasserTitle: Housing and Community Development DivisionSignature: Date: 4/29/16



FIRE RESCUE DEPARTMENT

OTTO DROZD, III

Fire Chief, EFO, CFO

P.O. Box 5879

Winter Park, Florida 32793

407-836-9112 • FAX 407-836-9106

Otto.Drozdz@ocfl.net

I. CONSENT AGENDA

FIRE RESCUE
DEPARTMENT

1

August 23, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Otto Drozd III, Fire Chief

CONTACT: Otto Drozd III, Fire Chief
Fire Rescue
407-836-9112

SUBJECT: September 13, 2016 – Consent Agenda
Federally Funded Grant Agreement
Federal Emergency Management Agency
FY2015 Staffing for Adequate Fire and Emergency Response Grant

The Department of Homeland Security through the Federal Emergency Management Agency (FEMA) awarded Agreement Number EMW-2015-FH-00755 to the Orange County Fire Rescue Department (OCFRD) in the amount of \$4,271,676. These funds will be used to hire 31 additional firefighters to restore 4-person staffing on 10 engine companies and will increase compliance with National Fire Protection Association standard NFPA 1710. The total grant award is for \$4,271,676 in federal funds with no required matching funds from OCFRD.

Action Requested: Acceptance of the Staffing for Adequate Fire and Emergency Response Grant Agreement Number EMW-2015-FH-00755 between the U.S. Department of Homeland Security through the Federal Emergency Management Agency and Orange County in the amount of \$4,271,676 with no required match, resulting in an increase to the Orange County Fire Rescue staffing table by an additional 31 firefighters.

Attachment

c: Dr. George Ralls, Deputy County Administrator

Award Package

U.S. Department of Homeland Security
Washington, D.C. 20472



FEMA

Mr. James Fitzgerald
Orange County Fire Rescue Department
Orange County Fire Rescue
Winter Park, Florida 32793-5879

Re: Grant No. EMW-2015-FH-00755

Dear Mr. Fitzgerald:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2015 Staffing for Adequate Fire and Emergency Response (SAFER) Grant has been approved in the amount of \$4,271,676.00. As a condition of this award, you are required to contribute a cost match in the amount of \$0.00 of non-Federal funds, or 0 percent of the Federal contribution of \$4,271,676.00.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the Assistance to Firefighters Grant Programs' e-grant system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo
- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2015 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Notice of Funding Opportunity.

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Prior to requesting Federal funds, all recipients are required to register in the System for Award Management (SAM.gov). As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please go to <https://portal.fema.gov> to accept or decline your award. This will take you to the Assistance to Firefighters eGrants system. Enter your User Name and Password as requested on the login screen. Your User Name and Password are the same as those used to complete the application on-line.

Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see a column entitled Action. In this column, please select the View Award Package from the drop down menu. Click Go to view your award package and indicate your acceptance or declination of award. PLEASE NOTE: your period of performance has begun. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

Step 2: If you accept your award, you will see a link on the left side of the screen that says "Update 1199A" in the Action column. Click this link. This link will take you to the SF-1199A, Direct Deposit Sign-up Form. Please

complete the SF-1199A on-line if you have not done so already. When you have finished, you must submit the form electronically. Then, using the Print 1199A Button, print a copy and take it to your bank to have the bottom portion completed. Make sure your application number is on the form. After your bank has filled out their portion of the form, you must fax a copy of the form to FEMA's SF-1199 Processing Staff at 301-998-8699. You should keep the original form in your grant files. After the faxed version of your SF 1199A has been reviewed you will receive an email indicating the form is approved. Once approved you will be able to request payments online. If you have any questions or concerns regarding your 1199A, or the process to request your funds, please call (866) 274-0960.

Sincerely,



Brian E. Kamoie
Assistant Administrator
Grant Programs Directorate

Summary Award Memo

**SUMMARY OF ASSISTANCE ACTION
STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS
Application**

INSTRUMENT: GRANT
AGREEMENT NUMBER: EMW-2015-FH-00755
GRANTEE: Orange County Fire Rescue Department
DUNS NUMBER: 064797251
AMOUNT: \$4,271,676.00, Hiring

Project Description

The purpose of the Staffing for Adequate Fire and Emergency Response Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Staffing for Adequate Fire and Emergency Response Grant program's purpose and worthy of award. The projects approved for funding are indicated by the budget or negotiation comments below. The recipient shall perform the work described in the grant application for the recipient's approved project or projects as itemized in the request details section of the application and further described in the grant application narrative. The content of the approved portions of the application - along with any documents submitted with the recipient's application - are incorporated by reference into the terms of the recipient's award. The recipient may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval, via amendment request, from FEMA.

Period of Performance

05-FEB-17 to 04-FEB-19

Amount Awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this grant (including Federal share plus recipient match):

Personnel:	\$2,806,120.00
Fringe Benefits	\$1,465,556.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
Total	\$4,271,676.00

NEGOTIATION COMMENTS IF APPLICABLE (max 8000 characters)

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist: Shari Hales at Shari.Hales@dhs.gov.

FEMA Officials

Program Officer: The Program Specialist is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant, please call the AFG Help Desk at 866-274-0960 to be directed to a program specialist.

Grants Assistance Officer: The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. The Officer conducts the final business review of all grant awards and permits the obligation of federal funds. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a Grants Management Specialist.

Grants Operations POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this grant award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

ADDITIONAL REQUIREMENTS (IF APPLICABLE) (max 8000 characters)

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist: Shari Hales at Shari.Hales@dhs.gov.

Agreement Articles


FEMA

U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES
STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) Grants
GRANTEE: Orange County Fire Rescue Department

PROGRAM: Staffing for Adequate Fire and Emergency Response (SAFER) - Hiring

AGREEMENT NUMBER: EMW-2015-FH-00755

AMENDMENT NUMBER:
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Article VIII	Civil Right Act of 1968
Article IX	Copyright
Article X	Debarment and Suspension
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Article XXVII	Trafficking Victims Protection Act of 2000
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Article XL	Disposition of Equipment Acquired Under the Federal Award

I. **Assurances, Administrative Requirements and Cost Principles**

Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances - Non-Construction Programs. Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

The administrative requirements and cost principles that apply to DHS award recipients originate from:

2 C.F.R. Part 200, Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards, as adopted by DHS at 2 C.F.R. Part 3002.

II. **Acknowledgement of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

III. **Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

IV. **Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

V. **Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101-12213).

VI. **Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) respectively.

VII. **Title VI of the Civil Rights Act of 1964**

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at [6 C.F.R. Part 21](#) and [44 C.F.R. Part 7](#).

VIII. **Civil Rights Act of 1968**

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 *et seq.*), as implemented by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features (see [24 C.F.R. § 100.201](#)).

IX. **Copyright**

All recipients must affix the applicable copyright notices of [17 U.S.C. §§ 401 or 402](#) and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government

(e.g., classified information or other information subject to national security or export control laws or regulations).

X. **Debarment and Suspension**

All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

XI. **Drug-Free Workplace Regulations**

All recipients must comply with the *Drug-Free Workplace Act of 1988* (41 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at 2 C.F.R. Part 3001.

XII. **Duplication of Benefits**

Any cost allocable to a particular Federal award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

XIII. **Energy Policy and Conservation Act**

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

XIV. **Reporting Subawards and Executive Compensation**

a. **Reporting of first-tier subawards.**

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For

example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if-

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received-

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <https://www.sam.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if-

i. in the subrecipient's preceding fiscal year, the subrecipient received-

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards,

and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. *Entity* means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus.*
- ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical

reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

XV. **False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of 31 U.S.C. §3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

XVI. **Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.

XVII. **Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

XVIII. **Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. §2225.

XIX. **Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients

are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

XX. Lobbying Prohibitions

All recipients must comply with 31 U.S.C. §1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

XXI. Non-supplanting Requirement

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

XXII. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.

XXIII. Procurement of Recovered Materials

All recipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the

item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

XXIV. Contract Provisions for Non-federal Entity Contracts under Federal Awards

a. Contracts for more than the simplified acquisition threshold set at \$150,000.

All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. §1908, must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

b. Contracts in excess of \$10,000.

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

XXV. SAFECOM

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

XXVI. Terrorist Financing E.O. 13224

All recipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

XXVII. Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity

receiving Federal financial assistance. Implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19

XXVIII. Trafficking Victims Protection Act of 2000

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. § 7104). This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. Full text of the award term is located at 2 CFR § 175.15.

XXIX. Rehabilitation Act of 1973

All recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

XXX. USA Patriot Act of 2001

All recipients must comply with requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

XXXI. Use of DHS Seal, Logo and Flags

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

XXXII. Whistleblower Protection Act

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

XXXIII. DHS Specific Acknowledgements and Assurances

All recipients must acknowledge and agree-and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree-to comply with applicable provisions

governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

XXXIV. System of Award Management and Universal Identifier Requirements

A. Requirement for System of Award Management

Unless exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

If authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

C. Definitions

For purposes of this award term:

1. *System of Award Management(SAM)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
2. *Unique entity identifier* means the identifier required for SAM registration to uniquely identify business entities.
3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. *Subaward*:
 - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
 - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. *Subrecipient* means an entity that:

- a. Receives a subaward from you under this award;
and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

XXXV. Animal Welfare Act of 1966

All recipients of financial assistance will comply with the requirements of the Animal Welfare Act, as amended (7 U.S.C. §2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.

XXXVI. Protection of Human Subjects

All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

XXXVII. Incorporation by Reference of Notice of Funding Opportunity

The Notice of Funding Opportunity for this program is hereby incorporated into your award agreement by reference. By accepting this award, the recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained in the Notice of Funding Opportunity.

XXXVIII. Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. If you have questions about these

procedures, please contact the AFG Help Desk at 1-866-274-0960, or send an email to firegrants@dhs.gov.

XXXIX. Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. For awards with an approved budget greater than \$150,000, you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

XL. Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

**FEDERAL EMERGENCY MANAGEMENT AGENCY
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

1. AGREEMENT NO. EMW-2015-FH-00755	2. AMENDMENT NO. 0	3. RECIPIENT NO. 59-6000773	4. TYPE OF ACTION AWARD	5. CONTROL NO. WX02376N2016T
6. RECIPIENT NAME AND ADDRESS Orange County Fire Rescue Department Orange County Fire Rescue Winter Park Florida, 32792-7426	7. ISSUING OFFICE AND ADDRESS Grant Programs Directorate 500 C Street, S.W. Washington DC, 20472 POC: Jacqueline Lee 202-786-9538	8. PAYMENT OFFICE AND ADDRESS FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472		
9. NAME OF RECIPIENT PROJECT OFFICER James Fitzgerald	PHONE NO. 4078369015	10. NAME OF PROJECT COORDINATOR Catherine Patterson	PHONE NO. 1-866-274-0960	
11. EFFECTIVE DATE OF THIS ACTION 05-FEB-17	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:05-FEB-17 To:04-FEB-19 Budget Period From:30-MAR-16 To:01-OCT-16	

15. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
SAFER	97.083	2016-F5-C211-P4310000-4101-D	\$0.00	\$4,271,676.00	\$4,271,676.00	\$0.00
TOTALS			\$0.00	\$4,271,676.00	\$4,271,676.00	\$0.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.
N/A

16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

SAFER recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.


17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)
N/ADATE
N/A18. FEMA SIGNATORY OFFICIAL (Name and Title)
Rosalie VegaDATE
20-JUL-16



Interoffice Memorandum

August 23, 2016

TO: Mayor Teresa Jacobs
and the County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department 

CONTACT PERSON: Renzo Nastasi, AICP, Manager
Transportation Planning Division

PHONE NUMBER: (407) 836-8072

SUBJ: Resolution and Supplemental Amendment Number 1 to the Locally
Funded Agreement Between the State of Florida Department of
Transportation and Orange County (Re-State Road 482/Sand Lake
Road and County Road 423/John Young Parkway Overpass Project)

The purpose of Supplemental Agreement Number 1 is to revise the lump sum cost estimate of the original agreement (attached) due to the bids for the improvement coming in lower than anticipated. The original County share for the improvement had been \$11,602,451. Given the low bid, both the Florida Department of Transportation (FDOT) and the County have agreed to reduce the County's share for the interchange improvement to \$4,021,926. Accordingly, the County's excess contribution will be refunded by the FDOT in a manner acceptable to both parties.

The County Attorney's Office and the Transportation Planning Division have reviewed both the Resolution and the LFA and find them acceptable.

Action Requested: Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Supplemental Amendment Number 1 to the Locally Funded Agreement for the State Road 482/Sand Lake Road and County Road 423/John Young Parkway Overpass Project and approval and execution of FM# 407143-6-52-01 FM# 407143-6-52-02 Locally Funded Agreement Between the State of Florida Department of Transportation and Orange County. District 6.

RESOLUTION

of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding

**SUPPLEMENTAL AMENDMENT NUMBER 1
TO THE LOCALLY FUNDED AGREEMENT
FOR THE STATE ROAD 482/SAND LAKE ROAD AND
COUNTY ROAD 423/JOHN YOUNG PARKWAY
OVERPASS PROJECT**

Resolution No. 2016-_____

WHEREAS, today, the Board of County Commissioners is approving a Supplemental Agreement #1 to the Locally Funded Agreement (LFA) with the State of Florida Department of Transportation for the above referenced Project, FM # 407143-6-52-01 and FM #407143-6-52-02;

WHEREAS, previously, on Jan. 5, 2016, the Board approved the original LFA, and the FDOT approved it on Jan. 19, 2016; and

WHEREAS, the FDOT requires that Orange County adopt a Resolution authorizing its officials to execute this Supplemental Agreement #1 on Orange County's behalf.

**NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTY
BOARD OF COUNTY COMMISSIONERS:**

*Section 1. Authorization for County Mayor to Execute
Supplemental Agreement #1 (FM # 407143-6-52-01 and FM #407143-6-52-
02).* The County Mayor is hereby authorized to execute the above referenced Supplemental Agreement #1 with the FDOT on behalf of the Board of County Commissioners and the County.

Section 2. Effective date. This Resolution shall take effect on the date of its adoption.

ADOPTED this ____ day of _____, 2016.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs, County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

Print Name: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCALLY FUNDED AGREEMENT
SUPPLEMENTAL AMENDMENT NUMBER 1

EXECUTION DATE: _____

Agency: Orange County Vendor No: F596000773011	Fund: LF Contract Amount: \$4,021,926.00	Financial Management No.: 407143-6-52-01 407143-6-52-02
-----------------------------------------------------------------	-----------------------------------------------------------	------------------------------------------------------------------------------------

The terms of the Locally Funded Agreement between Orange County and the State of Florida, Department of Transportation for "Construction of State Road 482/ Sand Lake Road and County Road 423/ John Young Parkway Overpass", executed on January 19, 2016, are hereby amended as follows:

The purpose of this Supplemental Amendment Number 1 is to revise the Lump Sum Cost Estimate of the original Agreement due to the bids coming in lower than anticipated. The updated costs for the Additional Construction Improvements for this Project is **\$24,803,410.00 (Twenty Four Million Eight Hundred Three Thousand Four Hundred Ten Dollars and No/100.)** The DEPARTMENT has received the original deposit from the LOCAL GOVERNMENT in the amount of \$11,602,451.00 (Eleven Million Six Hundred Two Thousand Four Hundred Fifty One Dollars and No/100). The PARTIES agree to reduce the Local Funds deposit to **\$4,021,926.00 (Four Million Twenty One Thousand Nine Hundred Twenty Six Dollars and No/100)**. Accordingly, the excess of the LOCAL GOVERNMENT's contribution will be refunded by the DEPARTMENT in a manner acceptable to the LOCAL GOVERNMENT and the DEPARTMENT.

Except as hereby modified, amended or changed, all of the terms and conditions of said original Agreement thereto will remain in full force and effect.

IN WITNESS WHEREOF, the LOCAL GOVERNMENT has executed this Agreement this _____ day of _____, 2016, and the DEPARTMENT has executed this Agreement this _____ day of _____, 2016.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____

Teresa Jacobs,
Orange County Mayor

By: _____

Name: Frank J. O'Dea, P.E.
Title: Director of Transportation Development

Date: _____

Attest: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

Attest:

By: _____
Deputy Clerk

Executive Secretary

Legal Review

Legal Review:

County Attorney

Financial Provisions Approval by
Department of Comptroller on:

Resolution
FM# 407143-6-52-01 & 407143-6-52-02

JAN 05 2018 SLK/LC

Agency: Orange County	Fund: LFP	Financial Management No.:
Vendor No: F 596000773-011	Contract Amount: \$11,602,451.00	407143-6-52-01
		407143-6-52-02

**LOCALLY FUNDED AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
ORANGE COUNTY**

This **AGREEMENT**, made and entered into this 19 day of January, 2018, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as the "DEPARTMENT") and ORANGE COUNTY, a Charter County and a political subdivision of the State of Florida (hereinafter referred to as the "LOCAL GOVERNMENT"),

WITNESSETH:

WHEREAS, the Parties have been granted specific legislative authority to enter into this Agreement pursuant to Section 339.12, Florida Statutes; and

WHEREAS, the LOCAL GOVERNMENT, by Resolution, a copy of which is attached hereto as Exhibit "C", and made a part hereof, has authorized its officers to execute this Agreement on its behalf; and

WHEREAS, the DEPARTMENT is prepared, in accordance with its Adopted Five Year Work Program, to undertake the project described as: "Construction of State Road 482/Sand Lake Road and County Road 423/John Young Parkway Overpass", said project being known as Financial Management (FM) Numbers 407143-6-52-01 & 407143-6-52-02, hereinafter referred to as the "Project"; and

WHEREAS, the Project is not revenue producing and is contained in the Adopted Work Program; and

WHEREAS, the implementation of the Project is in the interests of both the DEPARTMENT and the LOCAL GOVERNMENT and it would be most practical, expeditious, and economical for the LOCAL GOVERNMENT to provide the funds for: Upgrade of that segment of John Young Parkway/County Road 423 between the Turnpike Bridge and the terminus of the southern ramp to a grade separated interchange, in Fiscal Year 2015/2016, said Project being known as FM# 407143-6-52-01 & 407143-6-52-02, and said improvements shall hereinafter be referred to as the "Additional Construction Improvements"; and

WHEREAS, in order to maintain uniformity throughout the Project and to provide for the Additional Construction Improvements in a cost effective manner, the LOCAL GOVERNMENT desires to have said Additional Construction Improvements made a part of the Project and to provide funding to the DEPARTMENT to be used for the Additional Construction Improvements as described in "Exhibit A";

NOW, THEREFORE, in consideration of the mutual benefits to be derived from the joint participation of this Agreement, the parties agree as follows:

1. The term of this Agreement shall begin upon the date of signature of the last party to sign and shall remain in full force and effect through completion of all services required of the LOCAL GOVERNMENT. The DEPARTMENT may, at any time and at any stage, amend or terminate the Project in whole or in part if the DEPARTMENT determines that such action is in the best interests of the public.

2. The DEPARTMENT shall cause the Additional Construction Improvements described in Exhibit "A" to be incorporated into the DEPARTMENT'S plans for the Construction of State Road 482/Sand Lake Road and County Road 423/John Young Parkway and to be constructed as a part of said Project.

3. The DEPARTMENT shall perform the construction, provide all necessary engineering supervision, and otherwise perform all other necessary work, all as may be applicable for the Project as previously defined. The Project as previously defined may include some or all of the foregoing activities. Nothing herein shall be construed as requiring the DEPARTMENT to perform any activity which is outside the scope of the Project as previously defined. Except as specifically stated otherwise in this Agreement, all such activities shall be performed by such entities, at such times, in such manner, under such conditions, and pursuant to such standards as the DEPARTMENT, in its sole discretion, deems appropriate. The LOCAL GOVERNMENT shall not have any jurisdiction or control over the DEPARTMENT'S activities, except as specifically stated in this Agreement. The LOCAL GOVERNMENT shall be entitled to be advised of the progress of the Project at reasonable intervals upon request.

4. After construction of the Additional Construction Improvements are complete, the DEPARTMENT agrees to inspect, maintain, and repair the concrete pavement on County Road 423/John Young Parkway, as more specifically described in Exhibit "A", Scope of Services. All other maintenance responsibility for County Road 423/John Young Parkway shall be the responsibility of the LOCAL GOVERNMENT.

5. Contribution by the LOCAL GOVERNMENT of the funds for the Additional Construction Improvements as a part of the construction phase of the Project shall be made as follows:

(A) The DEPARTMENT'S current estimate of cost for the Additional Construction Improvements is **\$27,807,501.00 (Twenty Seven Million Eight Hundred Seven Thousand Five Hundred One and No/100)** as specified in Exhibit "B", Cost Estimate, attached hereto. The DEPARTMENT and the LOCAL GOVERNMENT shall both be responsible for 50% of the additional improvements costs at **\$13,903,750.00 (Thirteen Million Nine Hundred Three Thousand Seven Hundred Fifty Dollars and No/100)**. Additionally, the DEPARTMENT has agreed to upgrade the pavement to concrete and procure Utility Work by Highway Contractor at its own expense at a cost of **\$2,301,300.00 (Two Million Three Hundred One Thousand Three Hundred and No/100)**. The DEPARTMENT'S performance and obligation to construct the Project is contingent upon an annual appropriation by the Florida Legislature. The parties agree that in the event funds are not appropriated to the DEPARTMENT for the Project, this Agreement may be terminated, which shall be effective upon the DEPARTMENT giving written notice to the LOCAL GOVERNMENT to that effect.

(B) The LOCAL GOVERNMENT agrees that it will, on or before February 16, 2016, furnish the DEPARTMENT a lump sum contribution in the amount of **\$11,602,451.00 (Eleven Million Six Hundred Two Thousand Four Hundred Fifty One Dollars and No/100)** for full payment of the estimated cost of the Additional Construction Improvements. The lump sum contribution shall be the total estimated cost for the Additional Construction Improvements. The DEPARTMENT may utilize this deposit for payment of the cost of the Project.

(C) If the actual costs of the Additional Construction Improvements exceeds the funds provided, the LOCAL GOVERNMENT will not be responsible for change orders or any additional costs. If the actual cost of the Additional Construction Improvements is less than the funds provided the excess will be applied to other phases on the project.

(D) Both parties further agree that in the event the Additional Construction Improvements are not constructed or this Agreement is terminated prior to commencement of construction of the Project, the funds provided by the LOCAL

GOVERNMENT for construction of the Additional Construction Improvements will be returned to the LOCAL GOVERNMENT.

(E) The payment of funds under this Locally Funded Agreement will be made directly to the DEPARTMENT for deposit.

(F) The DEPARTMENT and the LOCAL GOVERNMENT agree that the lump sum contribution shall be an asset of the DEPARTMENT and that it constitutes a full and final payment for the cost of the work, without any requirement for a subsequent accounting for the use of the contribution.

(G) Contact Persons:

Florida Department of Transportation

Dianne Peek	Todd Alexander
Program Coordinator/MS 4-520	Project Manager/MS 2-542
719 South Woodland Boulevard	719 South Woodland Boulevard
DeLand, Florida 32720-6834	DeLand, Florida 32720-6834
PH: (386) 943-5400	PH: (386) 943-5420
dianne.peek@dot.state.fl.us	todd.alexander@dot.state.fl.us

Local Government

Cathy Evangelo, P.E.
Senior Engineer
Orange County Public Works Department
4200 South John Young Parkway
Orlando, Florida 32839
Ph. 407-836-8034
Cathy.evangelolo@ocfl.net

6. All tracings, plans, specifications, maps, models, reports, or other work product prepared or obtained under this Agreement shall be considered works made for hire for the DEPARTMENT and shall at all times be and remain the property of the DEPARTMENT without restriction or limitation on their use. The LOCAL GOVERNMENT may, however, inspect those materials upon providing reasonable advance notice to the DEPARTMENT.

7. In the event this Agreement is in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) or has a term for a period of more than one (1) year, the provisions of Chapter 339.135(6)(a), Florida Statutes, are hereby incorporated as follows:

“The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of the Department that funds are

available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of \$25,000.00 and which have a term for a period of more than one (1) year.”

8. The DEPARTMENT may unilaterally cancel this Agreement for refusal by the LOCAL GOVERNMENT to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by such party in conjunction with this Agreement.

9. This Agreement constitutes the complete and final expression of the parties with respect to the subject matter hereof, and incorporates and includes all proper negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein. The parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written.

10. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Florida. Any provision herein determined by a court of competent jurisdiction, or any other legally constituted body having jurisdiction, to be invalid or unenforceable shall be severable and the remainder of this Agreement shall remain in full force and effect, provided that the invalidated or unenforceable provision is not material to the intended operation of this Agreement.

11. The DEPARTMENT and the LOCAL GOVERNMENT acknowledge and agree to the following:

(A) The LOCAL GOVERNMENT shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the LOCAL GOVERNMENT during the term of the contract; and

(B) The LOCAL GOVERNMENT shall expressly require any contractors and subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the contractor/subcontractor during the contract term.

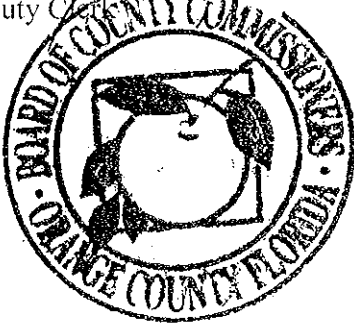
IN WITNESS WHEREOF, the LOCAL GOVERNMENT has executed this Agreement
this _____ day of JAN 05 2016, 2015, and the DEPARTMENT has executed
this Agreement this 19 day of January, 2016

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs,
TJ Orange County Mayor
Date: 1.5.16

Attest: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Martha O. Haynie*
Deputy Clerk



STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: *Frank J. O'Dea*
Name: Frank J. O'Dea, P.E.
Title: Director of Transportation Development

Attest: *William J. Regier*
Executive Secretary

Legal Review: *[Signature]*

Financial Provisions Approval by
Department of Comptroller on:
December 15, 2015

Exhibit "A"

SCOPE OF SERVICES

FM#: 407143-6-52-01 & 407143-6-52-02

The Department's project consists of constructing improvements to State Road 482/ Sand Lake Road and the construction of the Additional Construction Improvements consisting of a grade separation of County Road 423/John Young Parkway over SR 482/Sand Lake Road. Design of the grade separation of County Road 423/John Young Parkway will be completed by Orange County and will be constructed by the Florida Department of Transportation. The limits of the project along John Young Parkway are from Commodity Circle/South Park Circle to the Florida Turnpike and along State Road 482/ Sand Lake Road from just east of Shingle Creek Bridges to the Florida Turnpike. This project will include widening and resurfacing State Road 482/Sand Lake Road from just east of Shingle Creek Bridges to the Florida Turnpike.

More specifically, the Additional Construction Improvements to County Road 423/John Young Parkway will be in accordance with "**Construction Plans for CR 423 – John Young Parkway Interchange with SR 482 – Sand Lake Road, Orange County**". Said plans are being prepared by Dewberry/Bowyer-Singleton (Daniel F. Christie, P.E.) for Orange County Public Works Engineering Division.

The Additional Construction Improvements funded by this Agreement includes the upgrade of the pavement for that segment of John Young Parkway/County Road 423 lying between the Turnpike Bridge and the terminus of the southern ramp of the grade separated interchange. The upgrade of the pavement is from asphalt to concrete.

The Department agrees to inspect, maintain, resurface and rehabilitate only the concrete road pavement, including the edgedrain facilities, within the Project limits for a period of 20 years. Maintenance by the Department will not include anything other than the concrete road pavement and shall not include any other aspect of the roadway such as, without limitation, pavement markings, signage, signals, lighting, drainage, structures, or any other such maintenance.

Exhibit "B"

Estimate

FM# 407143-6-52-01 & 407143-6-52-02

John Young Parkway and Sand Lake Road Grade Separation

Roadway Subtotal	\$19,961,900.00
Structures Subtotal	\$4,487,521.00
Signing and Pavement Marking Subtotal	\$474,786.00
Signalization Subtotal	\$355,339.00
Contingency (10%)	\$2,527,955.00
Total Estimated Project Costs	\$27,807,501.00

Department's Project Share

50% Split of Total Estimated Project Costs $\$27,807,501.00 / 2 = \$13,903,750.00$

Cost of Concrete Upgrade +\$2,290,500.00

Utility Work by Highway Contractor + 10,800.00

Department's Total Estimated Project Costs \$16,205,050.00

Local Government's Project Share

50% Split of Total Estimated Project Costs $\$27,807,501.00 / 2 = \$13,903,751.00$

Less Cost of Concrete Upgrade -\$2,290,500.00

Utility Work by Highway Contractor -\$ 10,800.00

Local Government's Total Project Contribution \$11,602,451.00

Exhibit "C"

Resolution

FM# 407143-6-52-01 & 407143-6-52-02



Interoffice Memorandum

I. CONSENT AGENDA
PUBLIC WORKS
DEPARTMENT
2

August 3, 2016

TO: Mayor Teresa Jacobs
and Board of County Commissioners

FROM: Mark V. Massaro, P. E., Director, Public Works Department

CONTACT PERSON: Ruby Dempsey Rozier, Manager
Traffic Engineering Division

PHONE NUMBER: (407) 836-7890

SUBJ: Approval and Execution of Agreement between State of Florida Department of Transportation and Orange County to Amend the Traffic Signal Maintenance and Compensation Agreement, Financial Project No. 413019-58801

The Public Works Traffic Engineering Division, the County Attorney's Office, and Risk Management Division have completed the review of the attached State of Florida Department of Transportation (FDOT) Amendment to the Traffic Signal Maintenance and Compensation Agreement which allows the County to accept FDOT's compensation for maintenance of traffic signals at intersections with state-owned facilities.

This amendment is in response to concerns raised by some maintaining agencies that were struggling to meet the requirement of the agreement executed by our Board on June 2, 2015 and by the State on June 18, 2015. Therefore, the State has agreed to modify the terms and conditions in favor of the maintaining agencies including the following:

- Simplified language for penalties and retainage.
- Changed responsibility for pursuing 3rd party damage insurance from Maintaining Agency to FDOT.
- Added Force Majeure clause to remove liability from both the Maintaining Agency and the FDOT in the event of an Act of God, etc.
- Changed responsibility for periodic mast arm maintenance from Maintaining Agency to FDOT.
- Increased time to repair critical detectors to 90 days (previous agreement was 60 days).
- Decreased inspections to 50% of signals every year (previous agreement was 100% per year).
- Added new Exhibit C with form for reimbursement for 3rd party damage.

Action Requested: Approval and execution of State of Florida Department of Transportation Amendment to the Traffic Signal Maintenance and Compensation Agreement Financial Project No. 413019-58801, by and between the State of Florida Department of Transportation and Orange County. All Districts.

MVM/RDR/HE/nad

Attachments

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT TO THE TRAFFIC SIGNAL MAINTENANCE
AND COMPENSATION AGREEMENT**

CONTRACT NO.	<u>ARX38</u>
FINANCIAL PROJECT NO.	<u>413019-58801</u>
F.E.I.D. NO.	<u>F596000773125</u>
AMENDMENT NO.	<u>1</u>

THIS AMENDMENT TO THE TRAFFIC SIGNAL AND MAINTENANCE AGREEMENT ("Amendment") is made and entered into on this _____ day of _____, 2016, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION ("Department"), an agency of the State of Florida, and the **ORANGE COUNTY**, ("Maintaining Agency").

RECITALS

WHEREAS, the Department and the Maintaining Agency on **JUNE 18, 2015** entered into a Traffic Signal Maintenance and Compensation Agreement ("Agreement").

WHEREAS, the Parties have agreed to modify the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants in this Amendment, the Agreement is amended as follows:

All the terms and conditions of the Agreement are superseded and replaced in their entirety by the terms and conditions contained in Attachment "1", Revised Terms and Conditions for the Traffic Signal Maintenance and Compensation Agreement, attached to and incorporated into this Amendment.

IN WITNESS WHEREOF, the undersigned parties have executed this Amendment on the day, month and year set forth above.

ORANGE COUNTY

_____, Florida
(Maintaining Agency)

By _____
(Authorized Signature)

Print/Type Name: _____

Title: _____

Attorney: _____ Date: _____

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By _____
(Authorized Signature)

Print/Type Name: Alan E. Hyman, P.E.

Title: Director of Transportation Operations

Legal Review: _____

ATTACHMENT 1
REVISED TERMS AND CONDITIONS FOR THE
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

CONTRACT NO. ARX38
 FINANCIAL PROJECT NO. 413019-58801
 F.E.I.D. NO. F596000773125

The following terms and conditions replace and supersede all the existing terms and conditions contained within the Traffic Signal and Maintenance Agreement:

- A. The Department is authorized under Section 335.055, Florida Statutes, to enter into this Agreement.
- B. The Maintaining Agency is authorized under **The Orange County Board of County Commissioners** to enter into this Agreement and has authorized its undersigned representative to enter into and execute this Agreement on behalf of the Maintaining Agency.

NOW, THEREFORE, in consideration of the mutual covenants contained in the Agreement, the sufficiency of which is acknowledged, the parties mutually agree and covenant as follows:

1. The term "Traffic Signals and Devices" is defined as follows: all traffic signals, interconnected and monitored traffic signals ("IMTS") (defined as signals that are interconnected with telecommunications and are monitored at a central location), traffic signal systems (defined as central computer, cameras, message signs, communications devices, interconnect / network, vehicle, bicycle & pedestrian detection devices, traffic signal hardware and software, preemption devices, and uninterruptible power supplies ("UPS")), control devices (defined as intersection control beacons, traffic warning beacons, illuminated street name signs, pedestrian flashing beacons (i.e., school zone flashing beacons, pedestrian crossing beacons, and Rectangular Rapid Flashing Beacons)), blank-out signs, travel time detectors, emergency/fire department signals, speed activated warning displays, and other types of traffic signals and devices specifically identified within Exhibit A, which are located on the State Highway System within the jurisdictional boundaries of the Maintaining Agency.

The Maintaining Agency shall be responsible for the maintenance and continuous operation of Traffic Signals and Devices ("Project"). The Maintaining Agency shall be responsible for the payment of electricity and electrical charges incurred in connection with operation of Traffic Signals and Devices upon completion of installation of each of the Traffic Signals and Devices.

2. The Department agrees to pay the Maintaining Agency an annual compensation amount based on the Department's fiscal year. The compensation amount consists of the cost of the maintenance and continuous operation of the Traffic Signals and Devices as identified in Exhibit A, which is attached and incorporated into this Agreement. Compensation will also be made for costs incurred for the repair and/or replacement of damaged Traffic Signals and Devices as identified in Exhibit C, attached and incorporated into this Agreement. Payments by the Department will be made in accordance with Exhibit B. In the case of construction contracts, the Maintaining Agency shall be responsible for the payment of electricity and electrical charges incurred in connection with the operation of the Traffic Signals and Devices, and shall undertake the maintenance and continuous operation of these Traffic Signals and Devices upon final acceptance of the installation by the Department. Prior to any final acceptance of the installation by the Department, the Maintaining Agency will have the opportunity to inspect and request modifications or corrections to the installation(s) and the Department agrees to undertake those modifications or corrections prior to final acceptance so long as the modifications or corrections comply with the Agreement, signal plans, and specifications previously approved by both the Department and Maintaining Agency. Repair or replacement and other responsibilities of the installation contractor and the Department, during construction, are contained in the Department's Standard Specifications for Road and Bridge Construction.
3. If Traffic Signals and Devices are damaged and the Maintaining Agency did not cause the damages, then the Department shall reimburse the Maintaining Agency for the actual costs incurred by the Maintaining Agency for repairs and/or replacement of Traffic Signals and Devices, once the following occurs:
 - a. The Department has approved a properly completed invoice for reimbursement that was provided to the Department outlining the details of the requested reimbursements; and
 - b. Evidence of the costs incurred were included as an attachment to the invoice.

Exhibit C sets forth additional conditions that apply when the Maintaining Agency seeks to obtain reimbursement for costs incurred for repair and/or replacement of damaged Traffic Signals and Devices. Exhibit C also serves as a form invoice that can be used by the Maintaining Agency. The Maintaining Agency shall obtain written approval from the Department regarding the appropriate method of repair and/or replacement of damaged Traffic Signals and Devices prior to performing repair and/or replacement work. If there is an immediate risk to public safety due to damaged Traffic Signals and Devices and the Maintaining Agency is unable to immediately obtain the Department's written approval regarding the method of repair and/or replacement, then the Maintaining Agency shall immediately repair and/or replace the Traffic Signals and Devices. The Maintaining Agency shall notify the Department within thirty (30) calendar days of becoming aware of any damage to Traffic Signals and Devices caused by third parties. The Department shall be responsible for pursuing reimbursement from individuals and/or the third parties

ATTACHMENT 1

REVISED TERMS AND CONDITIONS FOR THE
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

who cause damages and are liable for replacement and/or repair costs to Traffic Signals and Devices. If the Maintaining Agency causes damages to the Traffic Signals and Devices, then the Maintaining Agency shall repair and/or replace the Traffic Signals and Devices, and the Maintaining Agency shall be fully responsible for the cost of repair and/or replacement to the extent the damages were caused by the Maintaining Agency.

4. The Maintaining Agency shall maintain and operate the Traffic Signals and Devices in a manner that will ensure safe and efficient movement of highway traffic and that is consistent with maintenance practices prescribed by the International Municipal Signal Association (IMSA) and operational requirements of the Manual on Uniform Traffic Control Devices (MUTCD), as amended.
5. The Maintaining Agency's maintenance responsibilities include, but are not limited to, locates, preventive maintenance (periodic inspection, service, and routine repairs), restoration of services, and emergency maintenance (troubleshooting in the event of equipment malfunction, failure, or damage). Restoration of services may include temporary poles and/or signals, stop signs or other methods to maintain traffic. The Maintaining Agency shall record its maintenance activities in a traffic signal maintenance log, as they occur, and include this as part of the annual report, highlighting the time it took to restore the normal service and number of times such events occurred.
6. Neither the Maintaining Agency nor the Department shall be liable to the other for any failure to perform under this Agreement to the extent such performance is prevented by a Force Majeure Event and provided that the party claiming the excuse from performance has (a) promptly notified the other party of the occurrence and its estimated duration, (b) promptly remedied or mitigated the effect of the occurrence to the extent possible, and (c) resumed performance as soon as possible.

A "Force Majeure Event" means the occurrence of:

- (a) an act of war, hostilities, invasion, act of foreign enemies, riot, terrorism or civil disorder;
- (b) act of God (such as, but not limited to, fires, explosions, earthquakes, drought, hurricanes, storms, lightning, tornados, tidal waves, floods, extreme weather or environmental conditions, and other natural calamities);
- (c) or another event beyond the control of the non-performing party and which could not have been avoided or overcome by the exercise of due diligence.

7. The Department intends to conduct a structural inspection of the mast arm structures every sixty (60) months. The inspection report will serve as ninety (90) days notification to the Maintaining Agency that deficiencies exist that require preventive maintenance. Preventive maintenance of the mast arm structures includes, but is not limited to, spot painting, cleaning, all wiring repair and replacement, graffiti removal, all signal related issues (including lighting, signs and connections), tightening of nuts, replacing missing or deficient bolts, replacement of missing cap covers or equivalent, replacement of missing or deficient access hole cover plates, repairing improper grounding, and repainting any painted mast arms installed after April 30, 2015. If the preventive maintenance is not carried out after the expiration of the 90-day notice given to the Maintaining Agency, the Department shall withhold 8.33% up to a maximum of 25% of the total annual compensation amount under this Agreement for the affected signal locations each month.
8. Any and all work performed by the Maintaining Agency must conform to the current Department Standard Specifications for Road and Bridge Construction as applicable. Mast arms that the Department determines to be at the end of their useful life cycle will be replaced by the Department so long as documented preventive maintenance was satisfactorily performed by the Maintaining Agency. In the case of a total paint failure, as determined by the Department, on a mast arm installed prior to April 30, 2015, the Department may repaint or replace with a galvanized mast arm. The aforementioned requirement does not apply to any mast arm that was installed under a separate mast arm paint finish agreement; in such case, the terms of that agreement shall govern.
9. The Maintaining Agency may remove any component of the installed equipment for repair or testing; however, it shall only make permanent modifications or equipment replacements and only if the equipment provided is capable of performing at minimum the same functions as the equipment being replaced. The Department shall not make any modifications or equipment replacements without prior written notice to and consultation with the Maintaining Agency.
10. The Maintaining Agency shall implement and maintain the timing and phasing of the traffic signals in accordance with the Department's timing and phasing plans, specifications, special provisions, Department re-timing projects, and the Department's Traffic Engineering Manual. The Maintaining Agency shall obtain prior written approval from the Department for any modification in phasing of signals and flash times (where applicable). Signal Systems timings (cycle length, split, offsets) are considered operational changes and may be changed by the Maintaining Agency to accommodate changing needs of traffic. The Maintaining Agency may make changes in the signal timing provided these changes are made under the direction of a qualified Professional Engineer registered in the State of Florida. The Maintaining Agency shall make available a copy of the timings to the Department upon request. The Department reserves the right to examine equipment, timing and phasing at any time and, after consultation with the Maintaining Agency, may specify modifications. If the Department specifies modification in timing or phasing, implementation of such modifications will be coordinated with, or made by, the Maintaining Agency. All signal timing and phasing records shall be retained by the Maintaining Agency for at least three (3) years, and will be made available to the Department upon request.

ATTACHMENT 1**REVISED TERMS AND CONDITIONS FOR THE
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT**

11. The Maintaining Agency shall note in the maintenance log any changes in timings and phasings, and keep a copy of the timings and phasings, and any approval documentation in a file. A copy of the log shall be provided to the Department upon request. Maintaining Agencies may provide this information electronically.
12. The Maintaining Agency and the Department shall update Exhibit A on an annual basis through an amendment of this Agreement. The Maintaining Agency designates _____ as its authorized representative(s), who is delegated the authority to execute any and all amendments to Exhibit A of this Agreement on behalf of the Maintaining Agency. Exhibit A contains a list of Traffic Signals and Devices that identifies their location and type. No changes or modifications may be made to Exhibit A during the Department's fiscal year for compensation. Traffic Signals and Devices added by the Department during its fiscal year must be maintained and operated by the Maintaining Agency upon the Department's final acceptance of installation of the new Traffic Signals and Devices. The Maintaining Agency and the Department shall amend Exhibit A prior to the start of each new fiscal year of the Department to reflect the addition or removal of Traffic Signals and Devices. The Maintaining Agency will begin receiving compensation for new Traffic Signals and Devices that were added to Exhibit A by amendment of this Agreement in the Department's fiscal year occurring after the Traffic Signals and Devices are installed and final acceptance of such installation is given by the Department. In the event that no change has been made to the previous year's Exhibit A, a certification from the Maintaining Agency shall be provided to the Department certifying that no change has been made to Exhibit A in the Department's previous fiscal year. The annual compensation will be a lump sum payment (*minus any retainage or forfeiture*) as set forth in Exhibit B. Future payments will be based on the information provided in Exhibit A, in accordance with the provisions as set forth in Exhibit B, attached to and incorporated in this Agreement. Some of the Traffic Signals and Devices may not be listed in Exhibit A because the cost of operating and maintaining such devices is relatively small. The Department has factored in these costs and the compensation provided through this Agreement also covers the cost of operation and maintenance for Traffic Signals and Devices that are not listed in Exhibit A.
13. Payment will be made in accordance with Section 215.422, Florida Statutes.
14. There shall be no reimbursement for travel expenses under this Agreement.
15. Bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof.
16. The Maintaining Agency should be aware of the following time frames. Inspection and approval of goods or services shall take no longer than twenty (20) working days. The Department has twenty (20) days to deliver a request for payment (voucher) to the Department of Financial Services. The twenty (20) days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved.
17. If a payment is not available within forty (40) days, a separate interest penalty at a rate as established pursuant to Section 55.03(1), Florida Statutes, will be due and payable, in addition to the invoice amount, to the Maintaining Agency. Interest penalties of less than one (1) dollar will not be enforced unless the Maintaining Agency requests payment. Invoices returned to a Maintaining Agency because of Maintaining Agency preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.
18. A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for contractors or vendors who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516.
19. Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request to the Department at all times during the period of this Agreement and for five (5) years after final payment is made. Copies of these documents and records shall be furnished to the Department upon request. Records of costs incurred include the Maintaining Agency's general accounting records and the Project records, together with supporting documents and records, of the contractor and all subcontractors performing work on the Project, and all other records of the Contractor and subcontractors considered necessary by the Department for a proper audit of costs.
20. If, after Project completion, any claim is made by the Department resulting from an audit or for work or services performed pursuant to this Agreement, the Department may offset such amount from payments due for work or services done under any agreement which it has with the Maintaining Agency owing such amount if, upon demand, payment of the amount is not made within 60 days to the Department. Offsetting any amount pursuant to this paragraph shall not be considered a breach of contract by the Department.
21. The Maintaining Agency must submit the final invoice on the Project to the Department within 120 days after termination of the Agreement. Invoices submitted after the 120-day time period may not be paid.
22. In the event this contract is for services in excess of \$25,000.00 and a term for a period of more than one (1) year, the provisions of Section 339.135(6)(a), F.S., are hereby incorporated:

ATTACHMENT 1**REVISED TERMS AND CONDITIONS FOR THE
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT**

"The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the Comptroller of the Department that such funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of \$25,000.00 and which have a term for a period of more than 1 year."

23. The Department's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. If the Department's funding for this Project is in multiple fiscal years, funds approval from the Department's Comptroller must be received each fiscal year prior to costs being incurred. See Exhibit B for funding levels by fiscal year. Project costs utilizing these fiscal year funds are not eligible for reimbursement if incurred prior to funds approval being received. The Department will notify the Maintaining Agency, in writing, when funds are available.
24. In accordance with Section 287.134, Florida Statutes, an entity or affiliate who has been placed on the Discriminatory Vendor List may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.
25. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.
26. An entity or affiliate who has had its Certificate of Qualification suspended, revoked, denied or have further been determined by the Department to be a non-responsible contractor may not submit a bid or perform work for the construction or repair of a public building or public work on a contract with the Maintaining Agency.
27. The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the Immigration and Nationality Act. If the contractor knowingly employs unauthorized aliens, such violation will be cause for unilateral cancellation of this Agreement.
28. No funds received pursuant to this Agreement may be expended for lobbying the Legislature, the judicial branch or a state agency.
29. The Maintaining Agency shall comply and require its contractors and subcontractors to comply with all terms and conditions of this Agreement and all federal, state, and local laws and regulations applicable to this Project.
30. The Maintaining Agency may be subject to inspections of Traffic Signals and Devices by the Department. Such findings will be shared with the Maintaining Agency and will be the basis of all decisions regarding payment reduction, reworking, Agreement termination, or renewal. If at any time the Maintaining Agency has not performed the maintenance responsibility on the locations specified in the Exhibit A, the Department has the option of (a) notifying the Maintaining Agency of the deficiency with a requirement that it be corrected within a specified time, otherwise the Department shall deduct payment, suspend funds, or terminate funds for any deficient maintenance of Traffic Signals and Devices that has not been corrected at the end of such time, or (b) take whatever action is deemed appropriate by the Department. Any deduction in payment, suspension of funds, or termination of funds does not relieve any obligation of the Maintaining Agency under the terms and conditions of this Agreement.
31. The Department shall monitor the performance of the Maintaining Agency in the fulfillment of its responsibilities under the Agreement. The Maintaining Agency shall submit an annual Report prior to June 30 of each year detailing the following:
 - a. Critical Detection device malfunctions: Critical Detection devices include the detectors on side-streets and in left turn lanes on the main streets, and all pedestrian/bicycle detectors. Repairs to the side-street and main street left turn detectors shall be made within ninety (90) days and pedestrian detectors within seventy-two (72) hours of discovery. The Maintaining Agency shall ensure that 90% of all Critical Detection devices system wide are operating at all times. At any time the level drops below 90%, the Maintaining Agency shall notify the Department and correct the situation within a time frame determined in the sole discretion of the Department. Discovery and correction dates for Critical

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Detection device malfunction shall be logged into the annual report. If the repairs cannot be performed within stipulated times, the agency shall document the reason(s) why in the annual report. When the 90% Critical Detection device requirement is (are) not met, a 10% retainage of the total annual compensation amount (as shown in Exhibit B) for the affected Critical Detection device location(s) each month will be withheld after the 90-day period.

- b. Traffic signal preventive maintenance inspections: Traffic signals shall receive a comprehensive preventive maintenance inspection on at least 50% of all traffic signals annually, alternating the remaining 50% the following year. Preventive maintenance inspection shall include verification that all detection is working, the traffic signal is cycling properly, the ventilation system is functioning and filters are clean. Basic traffic cabinet maintenance shall also verify power feed voltages, verify that the vehicle and pedestrian indications are functioning properly, test the effective functioning of pedestrian push buttons, and check hinges and door locks. At least one (1) conflict monitor test shall be performed on 50% of traffic signals annually, alternating the remaining 50% the following year. Each test is to be documented and included in the annual report to the Department. The inspection report shall note the location, date of inspection, and any items noted. If 50% of the traffic signals do not receive at least one (1) comprehensive preventive maintenance inspection during a twelve (12) month period, there shall be a 20% retainage of the annual compensation amount for the affected traffic signal locations until the preventive maintenance inspection is made. If not performed within the state's fiscal year, the 20% retainage of the annual compensation amount for the affected traffic signal locations will be forfeited.
 - c. For any traffic signals that are interconnected with telecommunications and their real-time operation is electronically monitored via software by personnel at a central location and are therefore receiving the higher compensation amount as described in Exhibit B, the name(s) and title(s) of those monitoring those intersections, and the location of the central monitoring facility(ies), are to be documented and contained in the annual report submitted to the Department.
32. The Maintaining Agency may enter into agreements with other parties pertaining to Traffic Signals and Devices including, but not limited to, agreements relating to costs and expenses incurred in connection with the operation of Traffic Signals and Devices on the State Highway System, provided that such Agreements are consistent with the mutual covenants contained in this Agreement. The Maintaining Agency shall furnish a copy of such agreements to the Department.
 33. This Agreement may not be assigned or transferred by the Maintaining Agency in whole or in part without prior written consent of the Department.
 34. The Maintaining Agency shall allow public access to all documents, papers, letters, or other material subject to provisions of Chapter 119, Florida Statutes, and made or received by the Maintaining Agency in conjunction with this Agreement. Failure by the Maintaining Agency to grant such public access will be grounds for immediate unilateral cancellation of this Agreement.
 35. At no additional cost to the Department, the Maintaining Agency shall provide the Department access to all traffic signal data available from the firmware of the traffic signal controllers and other devices covered under this Agreement. The Maintaining Agency shall include the Department as a party to all traffic signal firmware/software related agreements that the Maintaining Agency enters into with other parties.
 36. This Agreement is governed by and construed in accordance with the laws of the State of Florida. The invalidity or unenforceability of any portion of this Agreement does not affect the remaining provisions and portions hereof. Any failure to enforce or election on the part of the Department to not enforce any provision of this Agreement does not constitute a waiver of any rights of the Department to enforce its remedies hereunder or at law or in equity.
 37. In no event shall the making by the Department of any payment to the Maintaining Agency constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the Maintaining Agency and the making of such payment by the Department, while any such breach or default shall exist, shall in no way impair or prejudice any right or remedy available to the Department with respect to such breach or default.
 38. The term of this Agreement is twenty (20) years from the date of execution of the Agreement; provided that either party may cancel this Agreement prior to the expiration of the term of this Agreement. A minimum notice period of two (2) years plus the remaining months of the Department's fiscal year shall be provided to the other party in writing. Should the Maintaining Agency provide its written notice of cancellation to the Department, the notice shall be endorsed by the elected body (County Commission, City Council, or local agency governing body) under which the Agency operates.
 39. Any Project funds made available by the Department which are determined by the Department to have been expended in violation of this Agreement or any other applicable law or regulation shall be promptly refunded in full to the Department. Acceptance by the Department of any documentation or certifications, mandatory or otherwise permitted, that the Maintaining Agency files shall not constitute a waiver of the Department's rights and Department has the right to verify all information at a

ATTACHMENT 1
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later date by audit or investigation. Within thirty (30) days of the termination of this Agreement, the Maintaining Agency shall refund to the Department any balance of unobligated funds which were advanced or paid to the Maintaining Agency. In the event the Maintaining Agency fails to perform or honor the requirements and provisions this Agreement, the Maintaining Agency shall return funds in accordance with this paragraph within thirty (30) days of termination of the Agreement.

40. Upon execution, this Agreement cancels and supersedes any and all prior Traffic Signal Maintenance Agreement(s) between the parties, except any specific separate Agreements covering painted mast arm maintenance or any other aspect related to the painting of mast arms.
41. The Department reserves the right to remove select critical corridors or critical intersections from the Maintaining Agency's obligation under this Agreement. The remaining intersections and corridors would continue to be covered under this Agreement. The Department will provide a minimum of one year notice prior to take-over of maintenance of critical corridors or critical intersections.
42. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute the same Agreement. A facsimile or electronic transmission of this Agreement with a signature on behalf of a party will be legal and binding on such party.
43. The Department agrees that the Maintaining Agency must comply with State law regarding appropriations and budgets. This Agreement shall not be interpreted to conflict with State law applicable to the Maintaining Agency.
44. The Maintaining Agency shall:
 - a. utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Maintaining Agency during the term of the Agreement; and
 - b. expressly require any contractors and subcontractors performing work or providing services pursuant to the Agreement to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the Agreement term.
45. Unless authorized by law and agreed to in writing by the Department, the Department will not be liable to pay attorney fees, interest, or cost of collection.
46. The Parties agree to comply with s.20.055(5), Florida Statutes, and to incorporate in all subcontracts the obligation to comply with s.20.055(5), Florida Statutes.
47. Exhibits A, B, and C are attached and incorporated into this Agreement.
48. This Agreement contains all the terms and conditions agreed upon by the parties.

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EXHIBIT A

Compensation for Maintaining Traffic Signals and all other Devices for FY 16/17

Effective Date: July 1, 2016 To: June 30, 2017

Maintaining Agency: Orange County

Section	MP	SR No.	Intersection	Agency	Conf.	FY16/17
75002	0.014	482	I-4 (WB off-ramp)	Orange County	IMTS	\$4,500.00
75002	0.186	482	I-4 (EB off-ramp)	Orange County	IMTS	\$4,500.00
75002	0.351	482	International Dr.	Orange County	IMTS	\$4,500.00
75002	0.665	482	Universal Blvd.	Orlando	IMTS	\$4,500.00
75002	1.856	482	Mandarin Dr.	Orange County	IMTS	\$4,500.00
75002	2.190	482	Fire Station 52 (emergency signal)	Orange County	FDS	\$1,096.00
75002	2.270	482	Kingspointe Parkway	Orange County	IMTS	\$4,500.00
75002	2.981	482	SR 423 (John Young Pkwy)	Orange County	IMTS	\$4,500.00
75002	3.663	482	Presidents Dr.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75002	3.942	482	Chancellor Dr.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75002	4.409	482	Lilwill Avenue	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75002	4.792	482	Skyview Dr.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75002	5.045	482	Golden Sky Ln.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75002	5.391	482	Voltaire Dr.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75002	5.636	482	Winegard Rd.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75002	6.304	482	Sunport Dr./Lake Gloria Blvd.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75002	6.874	482	SR 527 (Orange Ave.)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75002	7.152	482	Gondola Drive	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75002	7.450	482/528	Lindos Drive (McCoy Federal Credit Union)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75002	7.616	482/528	McCoy Road	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75002	7.900	482/528	McCoy Rd./Jetport Rd./Boggy Creek Rd.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75003	7.061	436	Oleander Dr.	Orange County	IMTS	\$4,500.00
75003	7.324	436	SR 50 (Colonial Dr.)	Orange County	IMTS	\$4,500.00
					BOS	\$313.00
75003	7.484	436	Lk. Barton Fire Station (emergency signal)	Orange County	FDS	\$1,096.00
75003	7.611	436	Old Cheney Hwy.	Orange County	IMTS	\$4,500.00
75003	8.542	436	Baldwin Park Connector/Auvers Blvd.	Orange County	IMTS	\$4,500.00
75003	8.827	436	Hanging Moss Rd.	Orange County	IMTS	\$4,500.00
75003	9.608	436	Banchory Rd.	Orange County	IMTS	\$4,500.00
75003	10.107	436	University Blvd./Scarlet Rd.	Orange County	IMTS	\$4,500.00

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75003	10.606	436	SR 426 (Aloma Ave.)	Orange County	UPS	\$100.00
					IMTS	\$4,500.00
					BOS	\$313.00
75006.001	0.280	426	Adanson St.	Orange County	IMTS	\$4,500.00
75006.001	0.795	426	Wymore Rd.	Orange County	IMTS	\$4,500.00
					BOS	\$313.00
75010	0.970	500/600	Hunters Creek Blvd.	Orange County	IMTS	\$4,500.00
75010	1.369	500/600	Town Center Blvd.	Orange County	IMTS	\$4,500.00
75010	1.692	500/600	SR 417 (NB off-ramp)	Orange County	IMTS	\$4,500.00
75010	1.892	500/600	SR 417 (SB off-ramp)	Orange County	IMTS	\$4,500.00
75010	2.123	500/600	Deerfield Blvd.	Orange County	IMTS	\$4,500.00
75010	2.427	500/600	Stable Drive	Orange County	IMTS	\$4,500.00
75010	2.704	500/600	Gingermill Blvd.	Orange County	IMTS	\$4,500.00
75010	2.942	500/600	Peppermill Rd.	Orange County	IMTS	\$4,500.00
75010	3.418	500/600	Whisper Lake Blvd.	Orange County	IMTS	\$4,500.00
75010	3.793	500/600	Waterbridge Blvd.	Orange County	IMTS	\$4,500.00
75010	4.095	500/600	Central Florida Pkwy.	Orange County	IMTS	\$4,500.00
75010	5.057	500/600	Taft Vineland Rd.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75010	5.522	500/600	Consulate Dr.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75010	5.843	500/600	SR 91 Exit Ramp	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75010	6.065	500/600	CR 528A (Landstreet Rd.)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75010	6.383	500/600	La Quinta Dr.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75010	6.577	500/600	Sunlife Path/Morning Dr.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75010	6.875	500/600	August Ln./Florida Mall Ent.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75010	7.062	500/600	SR 482 (Sand Lake Rd.)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75010	7.466	500/600	Skyview Dr./Southland Blvd.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75010	7.982	500/600	Chancery Ln./Orlando Central Pkwy.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75010	8.134	500/600	Lancaster Rd.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75010	8.343	500/600	St. John Vianney (Ped Signal)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75010	8.638	500/600	CR 506 (Oak Ridge Rd.)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75010	8.894	500/600	Wakulla Way	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75010	9.440	500/600	Americana Blvd.	Orange County	IMTS	\$4,500.00
75010	10.145	500/600	Holden Ave.	Orange County	IMTS	\$4,500.00
75010	10.783	500/600	39th St.	Orange County	IMTS	\$4,500.00
75010	11.401	500/600	29th St.	Orange County	IMTS	\$4,500.00

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75010	11.529	500/600	Michigan St.	Orange County	IMTS	\$4,500.00
75010	11.911	500/600	Kaley Ave.	Orange County	IMTS	\$4,500.00
75012	2.639	552	SR 551 (Goldenrod Rd.)	Orange County	IMTS	\$4,500.00
75020	4.835	500	Clarcona Ocoee Rd.	Orange County	IMTS	\$4,500.00
					BOS	\$313.00
75020	5.629	500	Rose Ave.	Orange County	TS	\$3,131.00
75020	6.750	500	SR 414 EB Off Ramp	Orange County	IMTS	\$4,500.00
75020	6.810	500	SR 414 WB Off Ramp	Orange County	IMTS	\$4,500.00
75020	9.724	500	Roger Williams Rd.	Orange County	TS	\$3,131.00
75020	13.993	500	Boy Scout Blvd.	Orange County	TS	\$3,131.00
75020	14.627	500	CR 437 (Plymouth Sorrento Rd.)	Orange County	IMTS	\$4,500.00
75020	14.763	500	CR 437 (Orange Ave./T.L. Smith Rd.)	Orange County	IMTS	\$4,500.00
75020	15.052	500	SR 429 Connector Rd	Orange County	IMTS	\$4,500.00
75020	16.856	500	Spillman Dr. (Zellwood Station)	Orange County	TS	\$3,131.00
75020	18.687	500	Jones Ave.	Orange County	TS	\$3,131.00
75020	20.241	500	Saddler Ave.	Orange County	TS	\$3,131.00
75020	22.547	500	Stoneybrook Hills Parkway	Orange County	TS	\$3,131.00
75035	0.126	535	I-4 (WB off-ramp)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75035.001	0.247	535	LBV Factory Stores (Buena Vista Pkwy.)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75035.001	0.895	535	SR 536/World Center Dr.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75035.001	1.903	535	Vining Way/Meadow Creek Dr.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75035.001	2.145	535	I-4 (EB off-ramp/Vineland Ave.)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75037	0.000	434	SR 50	Orange County	IMTS	\$4,500.00
75037	0.447	434	Challenger Pkwy.	Orange County	IMTS	\$4,500.00
					BOS	\$313.00
75037	1.128	434	Science Dr./Lokanotosa Tr.	Orange County	IMTS	\$4,500.00
75037	1.448	434	Research Pkwy.	Orange County	IMTS	\$4,500.00
75037	1.934	434	Central Fl. Blvd.	Orange County	IMTS	\$4,500.00
75037	2.152	434	University Blvd.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75037	2.336	434	Strategy Boulevard	Orange County	IMTS	\$4,500.00
75037	2.468	434	Centaurus Dr./Westinghouse Dr.	Orange County	IMTS	\$4,500.00
75037	2.828	434	Gemini Blvd./Corporate Blvd.	Orange County	IMTS	\$4,500.00
75037	3.108	434	McCulloch Rd.	Orange County	IMTS	\$4,500.00
75039	1.552	536	World Center Dr.	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
					TTD	\$100.00
75040	7.937	527	Office Court	Orange County	ICB	\$783.00
75040	8.424	527	Nela Ave./Glen Rose Ave.	Orange County	IMTS	\$4,500.00
75040	8.682	527 NB	Lancaster Rd.	Orange County	IMTS	\$4,500.00
75040	9.344	527	Hoffner Ave.	Orange County	IMTS	\$4,500.00
75040	11.363	527	Drennen Rd.	Orange County	TS	\$3,131.00
75040.101	0.643	527 SB	Hoffner Ave. (one way pair)	Orange County	IMTS	\$4,500.00
75040.101	0.811	527 SB	Oak Ridge Rd.	Orange County	IMTS	\$4,500.00
75050	0.331	50	Deer Island Rd.	Orange County	IMTS	\$4,500.00
75050	1.200	50	FL Turnpike (SB off-ramp)	Orange County	IMTS	\$4,500.00
75050	1.485	50	FL Turnpike (NB off-ramp)	Orange County	IMTS	\$4,500.00
75050	5.957	50	SR 429 SB Ramps	Orange County	IMTS	\$4,500.00
75050	6.129	50	SR 429 NB Ramps	Orange County	IMTS	\$4,500.00

State of Florida Department of Transportation
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

Section	MP	SR No.	Intersection	Agency	Conf.	fy16/17
75050	9.098	50	Vizcaya Lake Road	Orange County	IMTS	\$4,500.00
75050	9.338	50	Good Homes Rd.	Orange County	IMTS	\$4,500.00
75050	10.267	50	Apopka Vineland / CR 435	Orange County	IMTS	\$4,500.00
75050	10.599	50	Dorcher Road	Orange County	IMTS	\$4,500.00
75050	10.779	50	Highland Lakes Shopping Center	Orange County	IMTS	\$4,500.00
75050	11.101	50	CR 435 (Hiawassee Rd.)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75050	11.606	50	Powers Dr.	Orange County	IMTS	\$4,500.00
75050	11.789	50	Paul St.	Orange County	IMTS	\$4,500.00
75050	12.103	50	Hastings St.	Orange County	IMTS	\$4,500.00
75050	12.277	50	SR 435 (Kirkman Rd.)	Orange County	IMTS	\$4,500.00
75050	12.587	50	Westside Crossing Shopping Ct.	Orange County	IMTS	\$4,500.00
75050	12.825	50	CR 431 (Pine Hills Rd.)	Orange County	IMTS	\$4,500.00
75060	6.431	50	Forsyth Rd.	Orange County	IMTS	\$4,500.00
75060	6.944	50	SR 551 (Goldenrod Rd.)	Orange County	IMTS	\$4,500.00
					UPS	\$100.00
75060	7.445	50	Chickasaw Trail	Orange County	IMTS	\$4,500.00
75060	8.042	50	SR 417 (SB off-ramp)	Orange County	IMTS	\$4,500.00
75060	8.265	50	SR 417 (NB off-ramp)	Orange County	IMTS	\$4,500.00
75060	8.452	50	Constantine St.	Orange County	IMTS	\$4,500.00
75060	8.943	50	Econlockhatchee Trail	Orange County	IMTS	\$4,500.00
75060	9.455	50	CR 425 (Dean Rd.)	Orange County	IMTS	\$4,500.00
75060	10.223	50	Murdock Blvd.	Orange County	IMTS	\$4,500.00
75060	10.740	50	Rouse Rd.	Orange County	IMTS	\$4,500.00
75060	11.169	50	Rouse Lake Road / Walmart	Orange County	IMTS	\$4,500.00
75060	11.997	50	Sophie Blvd./Newport Ave.	Orange County	IMTS	\$4,500.00
75060	12.239	50	Cricket Club Circle / Publix Shopping Center	Orange County	IMTS	\$4,500.00
75060	12.522	50	Woodbury Rd.	Orange County	IMTS	\$4,500.00
75060	12.787	50	SR 408 (EB off-ramp)	Orange County	IMTS	\$4,500.00
75060	12.993	50	Bonneville Dr.	Orange County	IMTS	\$4,500.00
75060	13.282	50	Lake Pickett Rd.	Orange County	IMTS	\$4,500.00
75060	13.800	50	Pebble Beach Rd.	Orange County	IMTS	\$4,500.00
75060	14.293	50	Avalon Park Blvd./Pilgrim St.	Orange County	IMTS	\$4,500.00
75060	16.538	50	CR 419 (Chuluota Rd.)/East River Falcons Way	Orange County	TS	\$3,131.00
					BOS	\$313.00
75060	16.538	50	Corner Lake MS (Chuluota Rd.)	Orange County	TWB	\$313.00
75060	18.046	50	CR 13	Orange County	TS	\$3,131.00
75080	9.974	15	Old Goldenrod	Orange County	IMTS	\$4,500.00
75080	12.829	15	Hoffner Ave.	Orange County	IMTS	\$4,500.00
75080	13.077	15	Shennandoah Elem.	Orange County	IMTS	\$4,500.00
75080	13.841	15	Gatlin Ave.	Orange County	IMTS	\$4,500.00
75080	14.140	15	Fire Station #72 (Parkside Dr)	Orange County	FDS	\$1,096.00
75080	14.346	15	Anderson Rd.	Orange County	IMTS	\$4,500.00
75080	14.595	15	Lk. Margaret Dr.	Orange County	IMTS	\$4,500.00
75090	2.302	426	Balfour Dr.	Orange County	IMTS	\$4,500.00
75090	2.691	426	Ranger Blvd.	Orange County	IMTS	\$4,500.00
75090	3.419	426	Eastbrook Blvd./Forsythe Rd.	Orange County	IMTS	\$4,500.00
75090	4.125	426	SR 551/Palmetto Ave.	Orange County	IMTS	\$4,500.00
					BOS	\$313.00
75120	0.202	436	Sheeler Rd.	Orange County	IMTS	\$4,500.00
75120	0.454	436	Thompson Rd.	Orange County	IMTS	\$4,500.00
75120	1.706	436	Piedmont Wekiva Springs Rd.	Orange County	IMTS	\$4,500.00
75140	2.218	520	Maxim Pkwy	Orange County	TS	\$3,131.00
75190	7.170	423	SR 424 (Edgewater Dr.)	Orange County	IMTS	\$4,500.00
75190	7.693	423	Kingswood Dr.	Orange County	IMTS	\$4,500.00
75190	8.108	423	Adanson St.	Orange County	IMTS	\$4,500.00
					BOS	\$313.00
75190	8.399	423	Diplomat Circle	Orange County	IMTS	\$4,500.00

State of Florida Department of Transportation
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

Section	MP	SR No.	Intersection	Agency	Conf.	fy16/17
75190	8.540	423	I-4 (WB off-ramp)	Orange County	IMTS	\$4,500.00
					BOS	\$313.00
75190	8.612	423	I-4 (EB off-ramp)	Orange County	IMTS	\$4,500.00
75190.001	39.217	423	SR 408 (EB off-ramp)	Orange County	IMTS	\$4,500.00
75190.001	39.318	423	SR 408 (WB off-ramp)	Orange County	IMTS	\$4,500.00
75190.001	39.514	423	CR 526 (Old Winter Garden Rd.)	Orange County	IMTS	\$4,500.00
75200	0.350	551	Desoto Ave	Orange County	TWB	\$313.00
75200	0.790	551	Charlin Parkway	Orange County	IMTS	\$4,500.00
75200	1.075	551	Sun Vista Way	Orange County	IMTS	\$4,500.00
75200	1.521	551	Pershing Ave.	Orange County	IMTS	\$4,500.00
75200	1.925	551	Pinar Elem (Govern Blvd)	Orange County	PFB	\$626.00
75200	3.571	551	Nolton Way	Orange County	IMTS	\$4,500.00
75200	4.434	551	Lk. Underhill Rd.	Orange County	IMTS	\$4,500.00
75200	4.499	551	SR 408 (EB off-ramp)	Orange County	IMTS	\$4,500.00
75200	4.574	551	SR 408 (WB off-ramp)	Orange County	IMTS	\$4,500.00
75200	5.437	551	Valencia College Ln.	Orange County	IMTS	\$4,500.00
75200	6.928	551	Liverpool Blvd	Orange County	IMTS	\$4,500.00
75200	7.293	551	Fire Station #63	Orange County	FDS	\$1,096.00
75200	7.440	551	Bates Rd.	Orange County	TWB	\$313.00
75200	7.440	551	Bates Rd.	Orange County	IMTS	\$4,500.00
75200	8.435	551	University Blvd.	Orange County	IMTS	\$4,500.00
75220	0.541	530	CR 545 (Avalon Rd.)	Orange County	IMTS	\$4,500.00
75220	1.125	530	Linfields Blvd	Orange County	IMTS	\$4,500.00
75220	1.459	530	Vista Del Lago Blvd.	Orange County	IMTS	\$4,500.00
75220	1.678	530	Secret Lake Drive	Orange County	IMTS	\$4,500.00
75250	3.551	438	Lk Stanley CR 435 (Apopka Vineland Rd.)	Orange County	IMTS	\$4,500.00
75250	3.903	438	CR 435 (Apopka Vineland Rd) (NEW)	Orange County	IMTS	\$4,500.00
75250	4.205	438	Silver Ridge Dr./Summer Glen Dr.	Orange County	IMTS	\$4,500.00
75250	4.812	438	Hiawassee Rd.	Orange County	IMTS	\$4,500.00
75250	5.314	438	Powers Dr.	Orange County	IMTS	\$4,500.00
75250	5.788	438	Hastings Rd./Sheringham Rd.	Orange County	IMTS	\$4,500.00
75250	6.117	438	Fire Station Ent.	Orange County	FDS	\$1,096.00
75250	6.304	438	CR 431 (Pine Hills Rd.)	Orange County	IMTS	\$4,500.00
75250	6.526	438	Evans HS (Kingsland Ave.)	Orange County	TWB	\$313.00
75250	6.526	438	Kingsland Ave.	Orange County	IMTS	\$4,500.00
75250	6.688	438	Ashland Blvd./Willow Bend Blvd.	Orange County	IMTS	\$4,500.00
75250	7.083	438	Dardanelle Dr.	Orange County	IMTS	\$4,500.00
75250	7.273	416	Princeton St. @ SR 416 (Silver Star Rd.)	Orange County	IMTS	\$4,500.00
75250	7.567	416	Mercy Dr.	Orange County	IMTS	\$4,500.00
75260	2.750	424	Bishop Moore High School	Orange County	IMTS	\$4,500.00
75260	2.750	424	Bishop Moore High School	Orange County	TWB	\$313.00
75260	3.451	424	SR 426 (Fairbanks Ave.)	Orange County	IMTS	\$4,500.00
75260	4.854	434	Edgewater Dr. @ SR 434 (Forest City Rd.)	Orange County	IMTS	\$4,500.00
75260	5.431	434	All American Blvd./Kennedy Blvd.	Orange County	IMTS	\$4,500.00
75260	5.925	434	Riverside Park Rd.	Orange County	IMTS	\$4,500.00
75260	6.451	434	Pembroke Dr.	Orange County	IMTS	\$4,500.00
75260	6.765	435	Calumet Dr.	Orange County	IMTS	\$4,500.00
75270	6.103	435	CR 526 (Old Winter Garden Rd.)	Orange County	IMTS	\$4,500.00
75270	6.455	435	Orlovista Elem (Washington St.)	Orange County	TWB	\$313.00
75270	6.455	435	Washington St.	Orange County	IMTS	\$4,500.00
					BOS	\$313.00
75270	6.817	435	SR 408 (EB off-ramp)	Orange County	IMTS	\$4,500.00
75270	6.913	435	SR 408 (WB off-ramp)	Orange County	IMTS	\$4,500.00
75470	255	91	SB off to Consulate / US 17/92/441	Orange County	TS	\$3,131.00
75471	0.850	528	International Drive North Side	Orange County	IMTS	\$4,500.00
75471	0.850	528	International Dr. Ramp/Westwood Drive	Orange County	IMTS	\$4,500.00
75471	2.000	528	Orangewood Blvd (EB off-ramp)	Orange County	IMTS	\$4,500.00
75471	2.000	528	Universal Blvd. (WB off-ramp)	Orange County	IMTS	\$4,500.00

State of Florida Department of Transportation
TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT

Section	MP	SR No.	Intersection	Agency	Conf.	fy16/17
75471	3.000	528	John Young Pkwy (EB off-ramp)	Orange County	IMTS	\$4,500.00
75471	3.000	528	John Young Pkwy (WB off-ramp)	Orange County	IMTS	\$4,500.00
77020	0.187	US 441	Overland Rd	Orange County	IMTS	\$4,500.00
92090	0.288	530	Orange Lake Country Club	Orange County	IMTS	\$4,500.00
92090	0.690	530	SR 429 SB Ramps	Orange County	IMTS	\$4,500.00
92090	0.812	530	SR 429 NB Ramps	Orange County	IMTS	\$4,500.00
92090	0.965	530	East Orange Lake	Orange County	IMTS	\$4,500.00

* Amount paid shall be the Total Lump Sum (*minus any retainage or forfeiture*).

Total Lump Sum*: \$937,469.00

I certify that the above Traffic Signals and Devices will be maintained and operated in accordance with the requirements of the Traffic Signal Maintenance and Compensation Agreement. For satisfactory completion of all services detailed in this Agreement for this time period, the Department will pay the Maintaining Agency a Total Lump Sum (minus any retainage or forfeiture) of:

\$937,469.00

Maintaining Agency _____


Date _____

District Traffic Operations Engineer _____

Date _____

July 15, 2016

TO: Mayor Teresa Jacobs
and Board of County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department 

CONTACT PERSON: Ruby Dempsey Rozier, Manager

Traffic Engineering 

PHONE NUMBER: (407) 836-7890

SUBJ: Installation of Traffic Control Devices and "No Parking" signs in Lakeshore Preserve Phase 1

Our staff recommends that the following traffic control devices be installed in Lakeshore Preserve Phase 1:

Install "STOP" signs on:

- Panther Lake Drive at Shorebird Lane
- Sylvester Palm Drive at Lakeshore Pointe Drive
- Shorebird Lane (EB) at Lakeshore Pointe Drive
- Shorebird Lane at Topsail Place
- Shorebird Lane (WB) at Lakeshore Pointe Drive
- Lakeshore Pointe Drive at Panther Lake Drive
- Bismarck Palm Drive at Shorebird Lane
- Bismarck Palm Drive at Lakeshore Pointe Drive
- Lakeshore Pointe Drive at Seidel Road
- Sylvester Palm Drive at Bismarck Palm Drive

The Fire Marshal recommends that the following "No Parking" signs be installed in Lakeshore Preserve Phase 1:

Install "NO PARKING" signs on:

- Panther Lake Drive
- Lakeshore Pointe Drive
- Shorebird Lane
- Sylvester Palm Drive
- Bismarck Palm Drive

Action Requested: Approval of Traffic Control Devices and "No Parking" sign installations in Lakeshore Preserve Phase 1. District 1.

MVM/RDR/AHW

Attachments

Lakeshore Preserve Phase 1
A PORTION OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST,
ORANGE COUNTY, FLORIDA
DISTRICT # 1

STOP/STREET

<u>(1)</u>	(Ft W)	on Panther Lake Drive at Shorebird Lane	15400 8100
<u>(2)</u>	(Ft E)	on Sylvester Palm Drive at Lakeshore Pointe Drive	15700 8800
<u>(3)</u>	(Ft W)	on Shorebird Lane (EB) at Lakeshore Pointe Drive	15700 8800
<u>(3A)</u>	(Ft E)	on Shorebird Lane at Topsail Place	15800 8000
<u>(4)</u>	(Ft E)	on Shorebird Lane (WB) at Lakeshore Pointe Drive	15700 8800
<u>(5)</u>	(Ft S)	on Lakeshore Pointe Drive at Panther Lake Drive	8700 15500
<u>(6)</u>	(Ft S)	on Bismarck Palm Drive at Shorebird Lane	8000 15600
<u>(7)</u>	(Ft E)	on Bismarck Palm Drive at Lakeshore Pointe Drive	9000 9000
<u>(8)</u>	(Ft N)	on Lakeshore Pointe Drive (9 inch) at Seidel Road (9 inch)	9000 10500
<u>(9)</u>	(Ft W)	on Sylvester Palm Drive at Bismarck Palm Drive	15600 8800

STOP/ALLEYWAYS

<u>(10)</u>	(Ft N)	on Fountain Palm Alley at Bismarck Palm Drive
<u>(11)</u>	(Ft S)	on Fountain Palm Alley at Sylvester Palm Drive
<u>(12)</u>	(Ft N)	on European Fan Palm Alley at Bismarck Palm Drive

(13) **(Ft S)** **on European Fan Palm Alley
at Sylvester Palm Drive**

SPEED LIMIT 25 MPH

(14) **(Ft N)** **on Lakeshore Pointe Drive
at Seidel Road**

KEEP RIGHT

(15) **(Ft S)** **on Lakeshore Pointe Drive
at Bismarck Palm Drive**

(16) **(Ft N)** **on Lakeshore Pointe Drive
at Bismarck Palm Drive**

(17) **(Ft W)** **on Sylvester Palm Drive
at Bismarck Palm Drive**

(18) **(Ft W)** **on Sylvester Palm Drive
at Bismarck Palm Drive**

ONE WAY (R6-1R)

(19) **(Ft W)** **on Sylvester Palm Drive
at Bismarck Palm Drive**

(20) **(Ft N)** **on Lakeshore Pointe Drive
at Seidel Road**

RIGHT TURN (R3-5R)

(21) **(Ft N)** **on Bismarck Palm Drive
at Lakeshore Pointe Drive**

END OF ROAD TREATMENT

(22) **(Ft N)** **on Shorebird Lane
at Panther Lake Drive**

(23) **(Ft S)** **on Shorebird Lane
at Panther Lake Drive**

(24) **(Ft S)** **on Shorebird Lane
at Bismarck Palm Drive**

NO PARKING with arrows

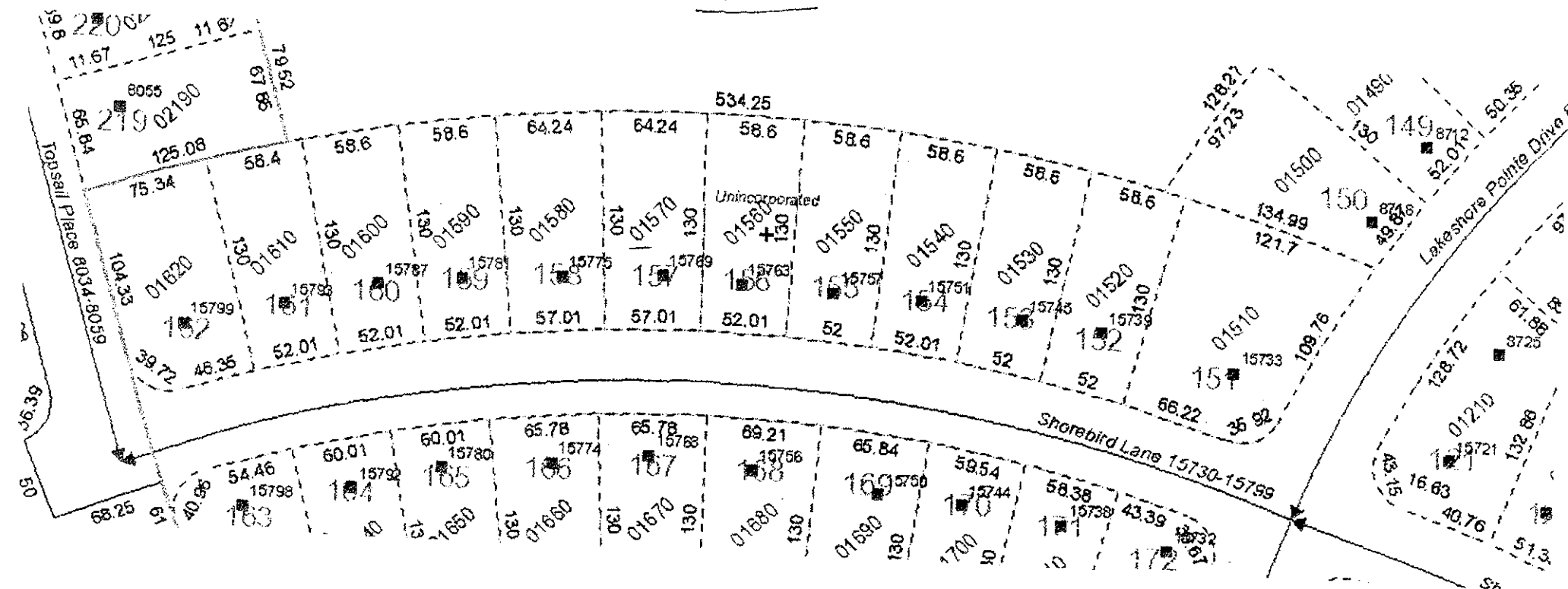
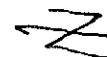
- (25)** on Panther Lake Drive from Shorebird Lane extending west to Lakeshore Pointe Drive on the south side and from Lakeshore Pointe Drive extending north 360ft on the west side
- (26)** on Lakeshore Pointe Drive from Shorebird Lane extending south 475ft on the east side and then extending south only in the southbound lane on the east (along the island) and west sides to Seidel Road
- (27)** on Shorebird Lane from Topsail Place extending east 1550ft on the south side
- (28)** on Sylvester Palm Drive from Lakeshore Pointe Drive extending east to Bismarck Palm Drive on the south side and along the the island on the south side (eastbound Sylvester Palm Drive)
- (29)** on Bismarck Palm Drive from Shorebird Lane extending south and west to Lakeshore Pointe Drive on the east and south sides

ahw/

7/15/2016

Shorebird Ln @ Topsail Pt

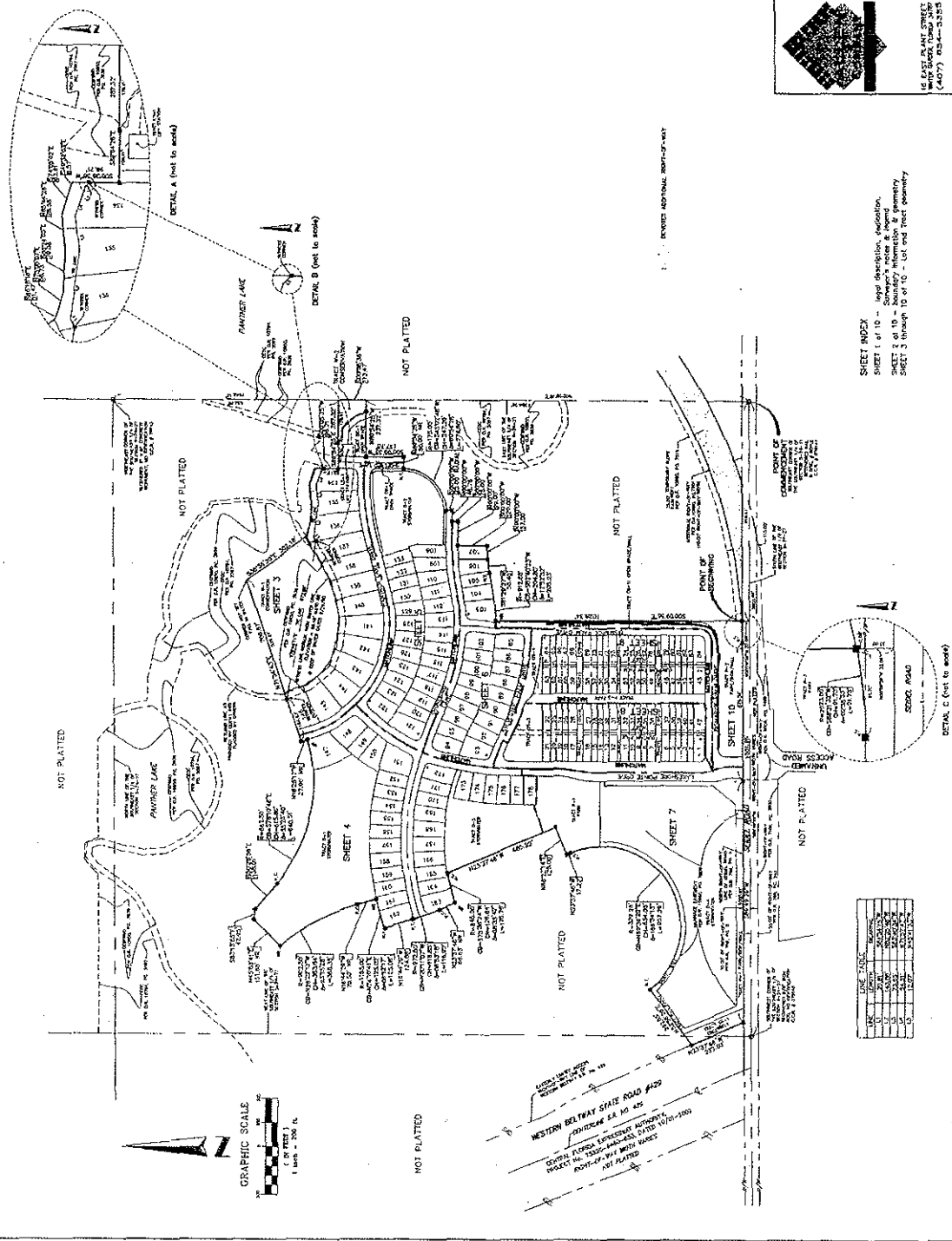
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LakeShore Preserve Ph 1

LAKESHORE PRESERVE PHASE 1
A PORTION OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST,
GRANGE COUNTY, FLORIDA

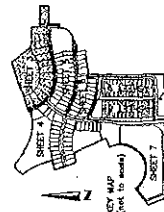
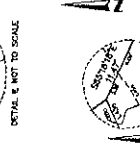
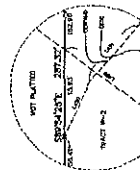
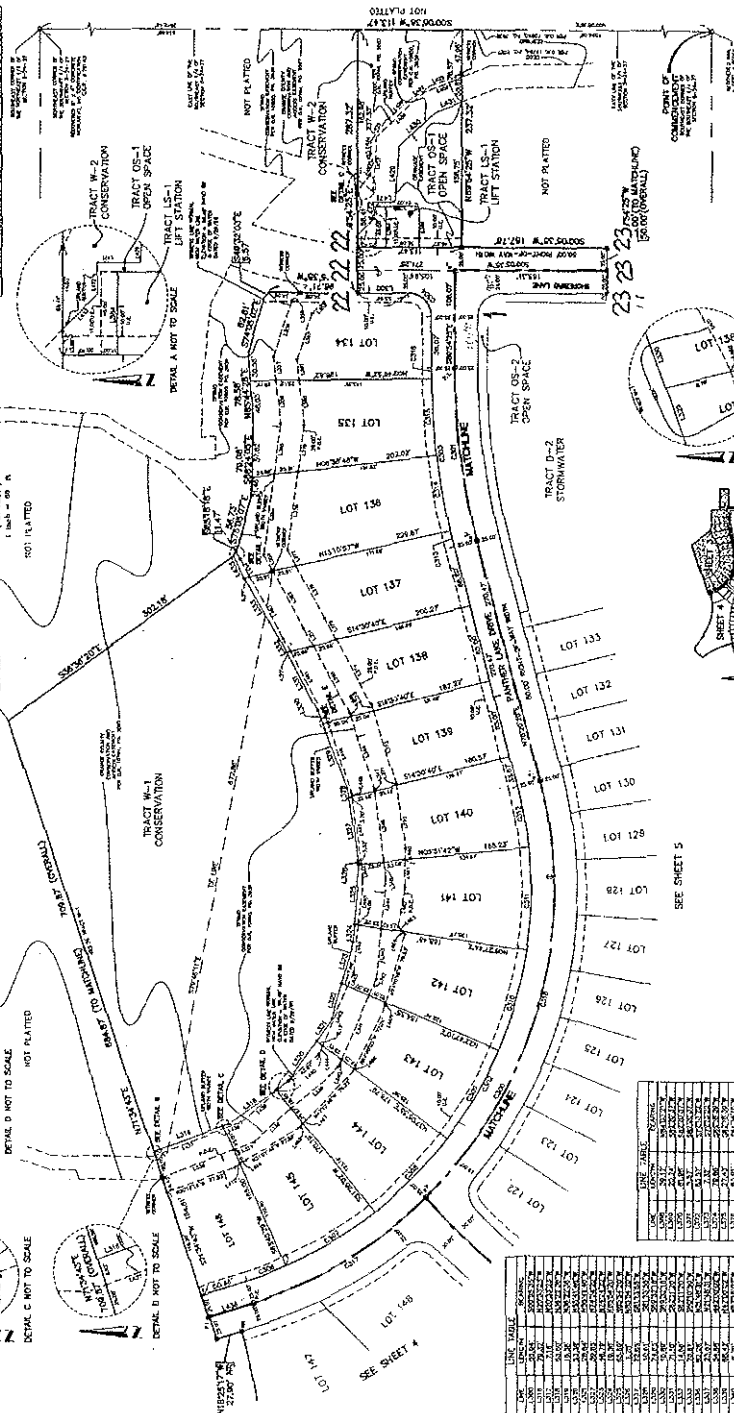
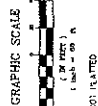


LAKESHORE PRESERVE PHASE 1
A PORTION OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST,
ORANGE COUNTY, FLORIDA

PLAT BOOK **87** PAGE **48**

SHEET 3 OF 10

LAKESHORE PRESERVE PHASE 1
A PORTION OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST,
ORANGE COUNTY, FLORIDA

[illegible]

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DETAIL C NOT TO SCALE

LOT 136
DETAIL F NOT TO SCALE

SHEET INDEX
SHEET 2 of 10 - legal description, dedication,
Surveyor's notes & legend

1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388</
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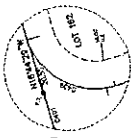
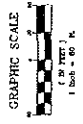
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1402	77.21	65.33	1.04
1403	15.47	65.33	1.04
1404	31.37	65.33	1.04

1478	38.82	596.1307
1480	24.01	64.57179
1481	50.07	67.56267
1487	28.27	64.57137
1488	38.07	64.56483

[illegible]

LAKESHORE PRESERVE PHASE 1

A PORTION OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST,
ORANGE COUNTY, FLORIDA



CURVE TABLE			
CHORD	ARC	ANGLE	AREA
100.00	100.00	180.00	7853.98
100.00	100.00	170.00	7244.44
100.00	100.00	160.00	6634.90
100.00	100.00	150.00	6025.36
100.00	100.00	140.00	5415.82
100.00	100.00	130.00	4806.28
100.00	100.00	120.00	4196.74
100.00	100.00	110.00	3587.20
100.00	100.00	100.00	2977.66
100.00	100.00	90.00	2368.12
100.00	100.00	80.00	1758.58
100.00	100.00	70.00	1149.04
100.00	100.00	60.00	539.50
100.00	100.00	50.00	129.96
100.00	100.00	40.00	10.42
100.00	100.00	30.00	0.88
100.00	100.00	20.00	0.34
100.00	100.00	10.00	0.08

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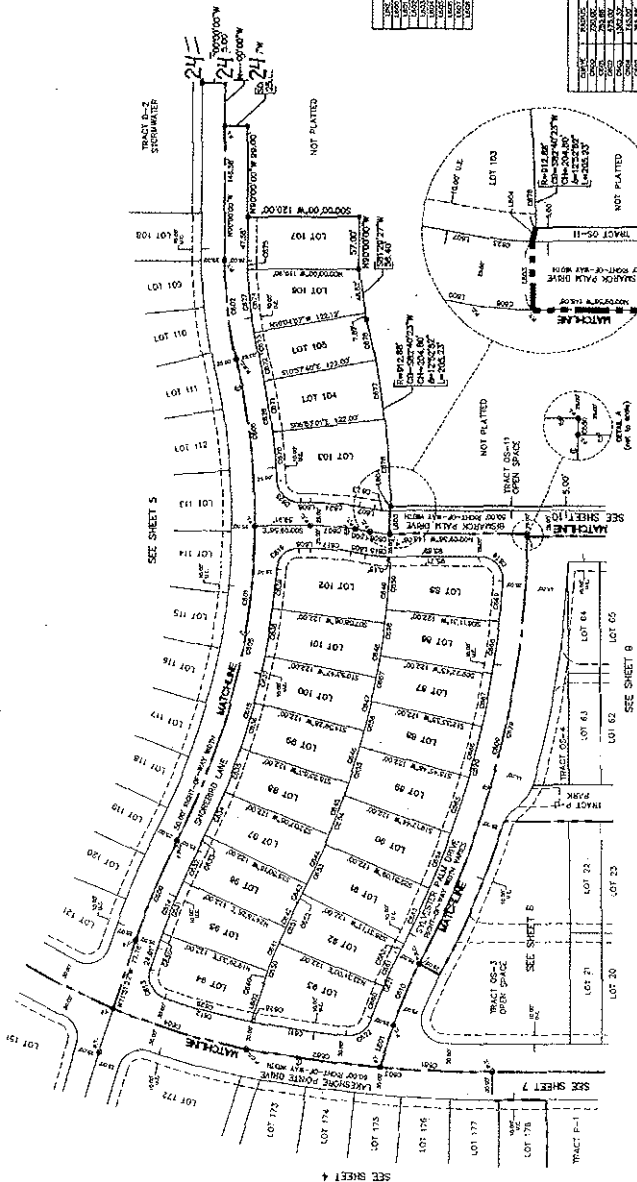
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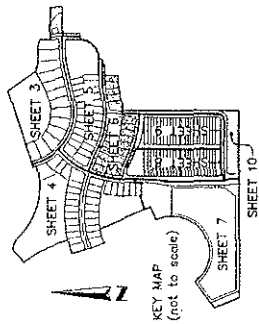
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		DATE TIME	
LINE	QTY	UNIT	PRICE
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1003	1.00	EA	10.00
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Year	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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[illegible]

SHEET INDEX

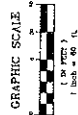
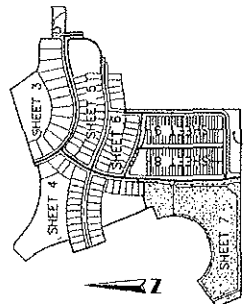
SHEET 1 of 10	~ legal description, dedication.
	Surveyor's notes & legend
SHEET 2 of 10	~ boundary information & geometry
SHEET 3 through 10 of 10	~ Lot & Tract geometry



18 EAST PLANT STREET
WATER LAKE, LOS AN GELES
(407) 634-2255

LAKESHORE PRESERVE PHASE 1

A PORTION OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST,
ORANGE COUNTY, FLORIDA

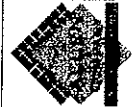


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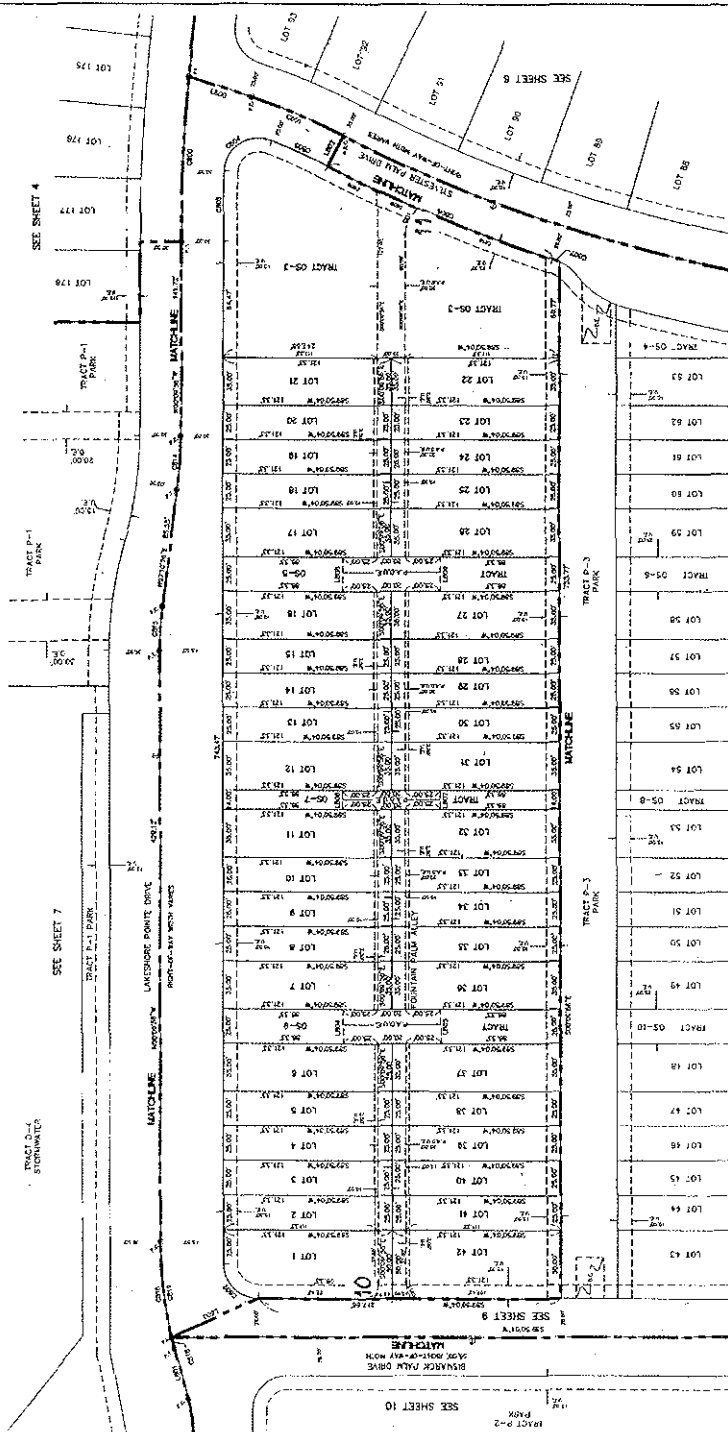
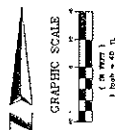
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98	1.00	100.00	1.00	100.00
99	1.00	100.00	1.00	100.00
100	1.00	100.00	1.00	100.00

KEY MAP (not to scale)

SHEET INDEX
SHEET 1 of 10 - Lake Shore Preserve, Subdivision,
Surrender's name & project
SHEET 2 of 10 - Boundary information & property
SHEET 3 through 10 of 10 - Lot & Tract priority

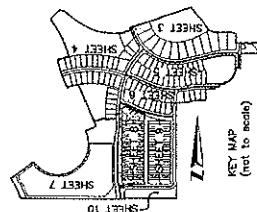


18 EAST ANANT STREET
ORANGE, FLORIDA 32668
(407) 654-2325

[illegible]

LINE TABLE		
LINE	LYRONS	REASON
L001	41.9%	WILLINGNESS
L002	37.4%	WILLINGNESS
L003	29.9%	WILLINGNESS
L004	58.2%	WILLINGNESS
L005	23.0%	WILLINGNESS
L006	23.0%	WILLINGNESS
L007	11.9%	WILLINGNESS
L008	14.9%	WILLINGNESS
L009	25.9%	WILLINGNESS

SHEET INDEX
 SHEET 1 of 10 -- legal description, dedication,
 Surveyor's notes & legend
 SHEET 2 of 10 -- boundary information & geometry
 SHEET 3 through 10 of 10 -- Lot & Tract geometry



KEY MAP
(not to scale)



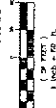
55 EAST PLANT STREET
MAYR GARDEN, FLORIDA 34707
(407) 884-5355

LAKESHORE PRESERVE PHASE 1

A PORTION OF SECTION 5, TOWNSHIP 24 SOUTH, RANGE 27 EAST,
ORANGE COUNTY, FLORIDA

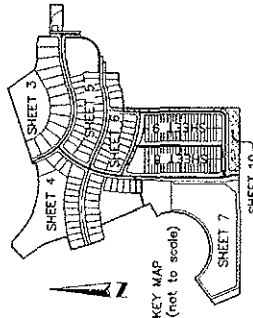


GRAPHIC SCALE



LINE	TYPE	LENGTH	AREA
1	100' WIDE	100.00	100.00
2	100' WIDE	100.00	100.00
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KEY MAP
(not to scale)

SHEET INDEX
SHEET 1 OF 10 - Total Development Dedication
SHEET 2 OF 10 - Boundary Information & Easements
SHEET 3 THROUGH 10 OF 10 - LOT & TRACT SPECIFIC

NOTES
1. SEE ADDITIONAL RIGHT-OF-WAY



10. LAKESHORE PRESERVE
PHASE 1, LOT 10, TRACT 10
(C477) 884-3335

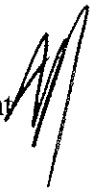


Interoffice Memorandum

I. CONSENT AGENDA
PUBLIC WORKS
DEPARTMENT
4

August 9, 2016

TO: Mayor Teresa Jacobs
and Board of County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department 

CONTACT PERSON: Ruby Dempsey Rozier, Manager 
Traffic Engineering Division

PHONE NUMBER: (407) 836-7890

SUBJ: Construction of Speed Humps on N. John Street

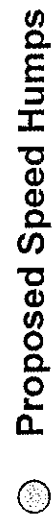
At the request of the residents on N. John Street, a speed hump survey was mailed to the property owners. This was to determine if the property owners supported the installation of speed humps on N. John Street. If two-thirds of the returned ballots from the property owners were in favor of the speed humps, the County would install the speed humps.

The result of the survey was that 85% of the returned ballots from property owners supported the installation of speed humps. The current plan is to install four speed humps on N. John Street. The project is being funded by Orlo Vista Safe Neighborhoods and Public Works.

**Action Requested: Approval to construct speed humps on N. John Street.
District 6.**

MVM/RDR/FCY/nad

Attachments



District 6: Commissioner Victoria P. Siplin

August 9, 2016

TO: Mayor Teresa Jacobs
and Board of County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department

CONTACT PERSON: Ruby Dempsey Rozier, Manager
Traffic Engineering Division

PHONE NUMBER: (407) 836-7890

SUBJ: Construction of Speed Humps on Brookgreen Avenue

At the request of the residents on Brookgreen Avenue, a speed hump survey was mailed to the property owners. This was to determine if the property owners supported the installation of speed humps on Brookgreen Avenue. If two-thirds of the returned ballots from the property owners were in favor of the speed humps, the County would install the speed humps.

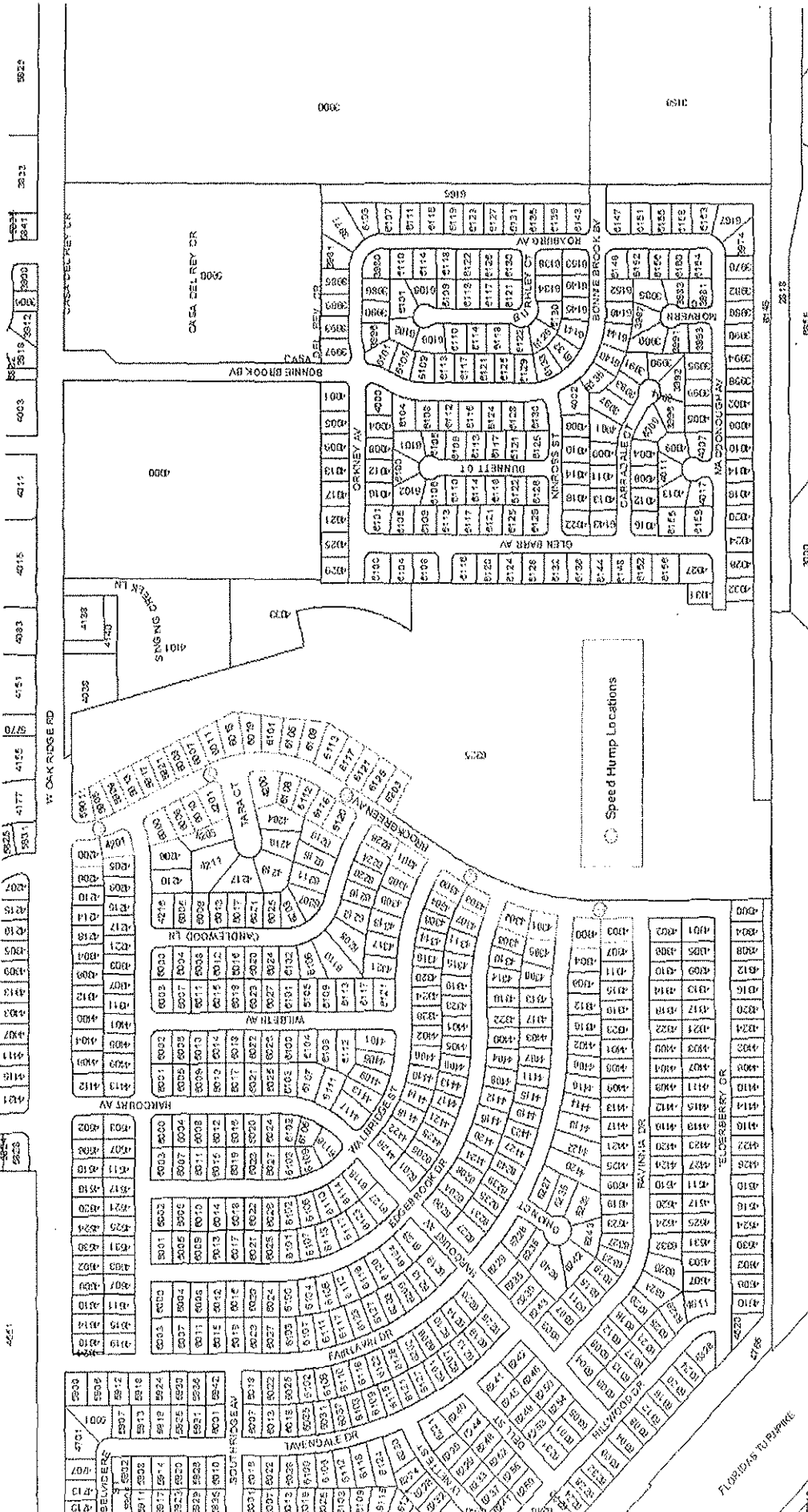
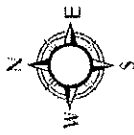
The result of the survey was that 93% of the returned ballots from property owners supported the installation of speed humps. The current plan is to install five speed humps on Brookgreen Avenue. The project is being funded by Commission District 6 and Public Works.

**Action Requested: Approval to construct speed humps on Brookgreen Avenue.
District 6.**

MVM/RDR/FCY/nad

Attachments

Brookgreen Avenue Consent Agenda Location Map



Proposed Speed Humps

District 6: Commissioner Victoria P. Siplin

August 10, 2016

TO: Mayor Teresa Jacobs
and Board of County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department

CONTACT PERSON: Ruby Dempsey Rozier, Manager
Traffic Engineering Division

PHONE NUMBER: (407) 836-7890

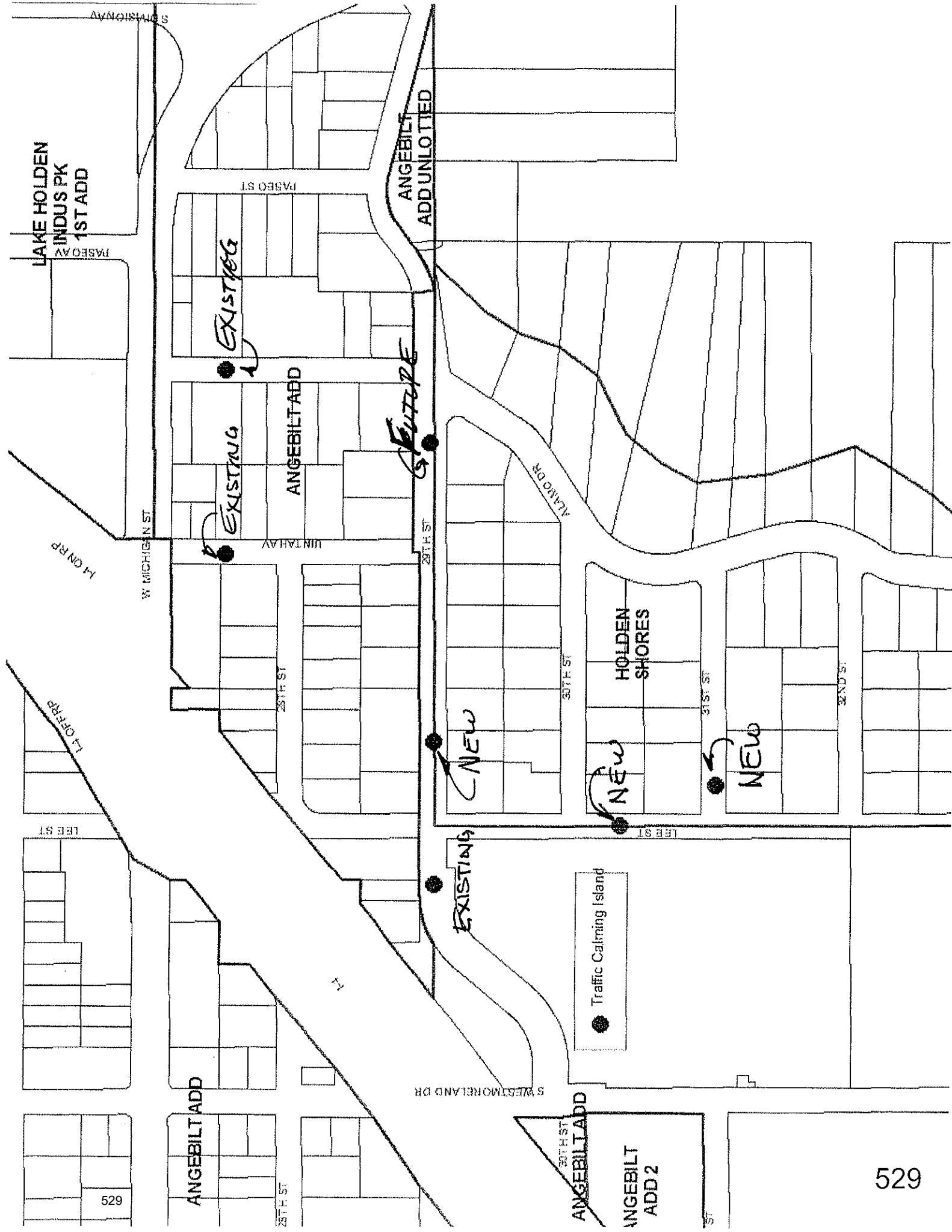
SUBJ: Construction of Traffic Calming Islands in Holden Shores Subdivision

Orange County Traffic Engineering has been working with the Holden Shores subdivision to develop a traffic calming plan for the neighborhood. The traffic calming plan includes the installation of traffic calming islands on streets within the neighborhood. In 2014, three (3) traffic calming islands were constructed and funded in part with a crime prevention grant. The islands were installed on 29th Street, Uintah Avenue, and Alamo Ave.

The current plan is to construct three (3) additional traffic calming islands. The traffic calming islands will be installed on 29th Street, Lee Street, and 31st Street. The neighborhood has been maintaining the landscaping in the existing islands and will also maintain the landscaping in the additional traffic calming islands. The project is being funded by Commission District 3 and Public Works.

Action Requested: Approval to construct traffic calming islands in the Holden Shores Subdivision. District 3.

MVM/RDR/FCY/nad





Interoffice Memorandum

July 25, 2016

TO: Mayor Teresa Jacobs
and Board of County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department

CONTACT PERSON: Ruby Dempsey Rozier, Manager
Traffic Engineering

PHONE NUMBER: (407) 836-7890

SUBJ: Installation of Traffic Control Devices and "No Parking" signs in
Mabel Bridge Phase 6

Our staff recommends that the following traffic control devices be installed in Mabel Bridge Phase 6:

Install "STOP" signs on:
Iron Cove Court at Wakeworth Street

The Fire Marshal recommends that the following "No Parking" signs be installed in Mabel Bridge Phase 6:

Install "NO PARKING" signs on:
Iron Cove Court

Action Requested: Approval of Traffic Control Devices and "No Parking" sign
installations in Mabel Bridge Phase 6. District 1.

MVM/RDR/AHW

Attachments

MABEL BRIDGE PHASE 6
LYING IN SECTION 6, TOWNSHIP 24 SOUTH, RANGE 28 EAST,
ORANGE COUNTY, FLORIDA
DISTRICT # 1

STOP/STREET

<u>(1)</u>	(Ft E)	on Iron Cove Court	00
		at Wakeworth Street	00

NO PARKING with arrows

<u>(2)</u>	on Iron Cove Court from Wakeworth Street extending east and south on the north and east sides
-------------------	----------------------------------------------------------------------------------------------------------

ahw/

7/25/2016

532





OFFICE OF THE COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

MARTHA O. HAYNIE, CPA
County Comptroller
Department of Finance and Accounting
201 South Rosalind Avenue
Post Office Box 38
Orlando, FL 32802-0038
Telephone: 407-836-5715
Fax: 407-836-5753

COUNTY COMMISSION AGENDA
Tuesday, September 13, 2016

COUNTY COMPTROLLER

Informational only – No Board action required

Receipt of the following items to file for the record:

- a. Minutes of the June 23, 2016, Meeting in the Sunshine. Commissioners Bryan Nelson and Victoria P. Siplin met with County staff, property owners and community leaders of Pine Hills to discuss development of the Northeast corner of Pine Hills Road and Silver Star Road.
- b. Jurisdictional Boundary Map Update in reference to Ordinance No. 2016-13, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located North of Butler Dr, East of S Orange Av, South of E Pineloch Av and West of Center St and Oak Pl and comprised of 10.678 acres of land, more or less; amending the City's Official Zoning Maps to designate the newly annexed land along with land already existing within the corporate limits of the city as the AC-2 Urban Activity Center District, in part, and the AC-2 Urban Activity Center District along with the Orange/Michigan Special Plan Overlay District, in part, such land comprised of 11.391 acres of land, more or less; providing for severability, correction of scrivener's errors and an effective date.
- c. City of Orlando Voluntary Annexation Request: 1401 E. Michigan Street - ANX2016-00004. Notice of Proposed Enactment. On September 15, 2016, the Orlando City Council will consider proposed Ordinance #2016-63, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of E. Michigan Street, east of S. Brown Street, and south of E. Crystal Lake Avenue, addressed as 1401 E. Michigan Street, and comprised of 0.697 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Residential Low Intensity, in part, and Mixed Use Corridor Medium Intensity Village, in part, on the City's Official Future Land Use Maps; designating the property as the R-2A family district along with the Traditional City Overlay, in part and the MU-1 Medium Intensity Mixed Use Corridor district along with the Traditional City Overlay District, in part, on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, permit disclaimer, and an effective date. A public hearing on this Ordinance will be held during Council's regular meeting beginning

at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida.

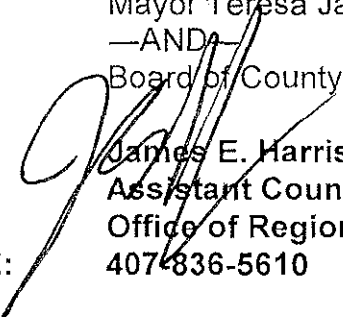
- d. The Ranger Drainage District notification of no changes to RDD Public Facility Report of February 22, 1995.
- e. Minutes of the April 28 and May 26, 2016, Charter Review Commission.

Items filed for the record can be accessed at www.occompt.com. Then navigate to Clerk of the BCC.



September 2, 2016

TO: Mayor Teresa Jacobs
—AND—
Board of County Commissioners

FROM:  James E. Harrison, Esq., P.E.
Assistant County Administrator
Office of Regional Mobility

PHONE: 407-836-5610

SUBJECT: September 13, 2016— Discussion Item
MetroPlan Orlando Board Meeting Briefing

The next scheduled meeting of the MetroPlan Orlando Board is September 14, 2016. Staff will provide an overview of the agenda for this meeting and seek discussion of any issues that may affect Orange County. This item is for informational purposes only. No action is requested of the Board.

JEH/lab



Agenda

September 13, 2016 Open Discussion
Board of County Commissioners Chambers
201 S. Rosalind Ave., Orlando, FL 32801

Commissioner Boyd, District 1, would like to discuss Four Corners Board Participation.

Commissioner Boyd, District 1, CFHLA Proposed Amendment to Orange County Alcohol Ordinance.

COMMISSIONER BRYAN NELSON, DISTRICT 2

201 South Rosalind Avenue, 5th Floor • Reply To: Post Office Box 1393 • Orlando, Florida 32802-1393
407-836-7350 • Fax 407-836-5976




Interoffice Memorandum

AGENDA ITEM

August 25, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: Carol L. Knox, Manager, Zoning Division
PHONE NUMBER: 407 836-5585

SUBJECT: September 13, 2016 – Work Session Item
Chickens in Urban Residential Areas

On September 13, 2016, the Board of County Commissioners (BCC) will hold a work session to discuss allowing chickens in certain single-family residential areas of unincorporated Orange County.

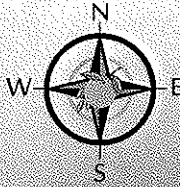
A recent nationwide movement has brought this topic to Central Florida communities. In the last few years, several cities and counties have approved chickens as an accessory use to mostly single-family households.

On August 6, 2013, the BCC reviewed a draft ordinance, which would have allowed up to three chickens on single-family and mobile home sites with appropriate standards. Ultimately, the BCC decided not to move forward with the ordinance.

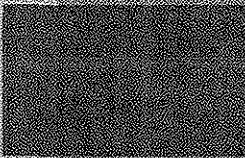
In June 2016, the BCC revived this topic and requested a work session. Staff will provide an overview of the 2013 draft ordinance, a summary of how other local jurisdictions are allowing the use and any potential issues. Staff is seeking Board direction regarding a potential ordinance or provisions of a pilot program, such as, number of participating households, number of chickens per household and a sunset date, if applicable.

ACTION REQUESTED: Board direction regarding establishment of criteria to allow single-family residential districts the ability to raise chickens on detached single-family residential home sites. All Districts

JVW/CK:ai



Orange County
Community,
Environmental
&
Development
Services
Department,
Planning Division

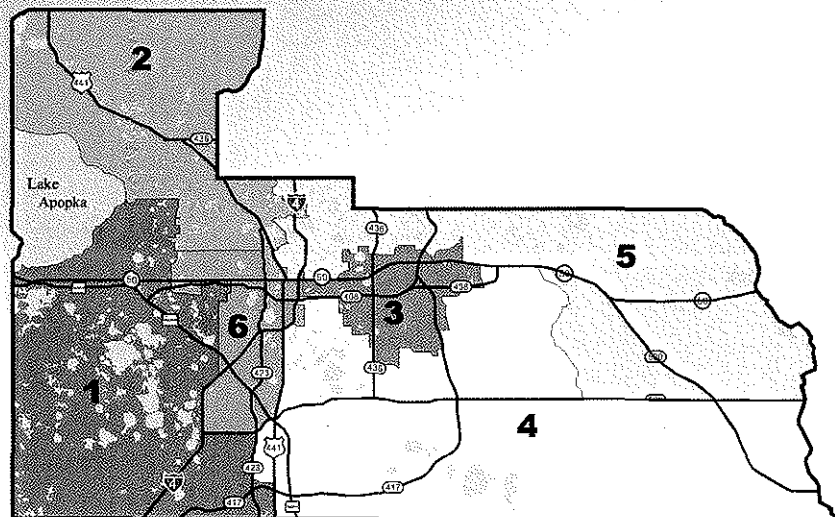


Comprehensive
Planning
Development
Review
Research and
Intergovernmental
Coordination
Community Planning
& Placemaking



Orange County, Florida

Planning and Zoning Commission/ Local Planning Agency



Recommendations

AUGUST 18, 2016

Prepared by
Orange County Community, Environmental &
Development Services Department,
Planning Division, Development Review Section

Planning and Zoning Commission / Local Planning Agency (PZC / LPA)



Jimmy Dunn	District #1
Marvin Barrett	District #2
Tina Demostene	District #3
Pat DiVecchio	District #4
Rick V. Baldocchi	District #5
JaJa J. Wade Vice - Chairman	District #6
Paul Wean	At Large
Yog Melwani	At Large
Jose Cantero Chairman	At Large

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Planning and Zoning Commission
August 18, 2016

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CONVENTIONAL REZONING PUBLIC HEARINGS

RZ-16-08-027 District 2	1
RZ-16-08-028 District 4	10
RZ-16-08-030 District 4	20

TABLE OF HEARINGS

Planning and Zoning Commission

August 18, 2016

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. CONVENTIONAL REZONING PUBLIC HEARINGS					
RZ-16-08-027 Martha McCray	<i>R-1 to R-T-1</i>	2	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-16-08-028 Larry Poliner	<i>I-1 / I-5 to I-1 / I-5</i>	4	Approval with three (3) restrictions	Approval with three (3) restrictions	No
RZ-16-08-030 Ryan Hoover	<i>R-2 to R-2</i>	4	Approval with three (3) restrictions	Approval with three (3) restrictions	No

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) †††	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	21,780 (½ acre)	850	100	35	50	10	35	*
A-2	21,780 (½ acre)	850	100	35	50	10	35	*
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	*
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	*
R-CE-2	2 acres	1,200	250	45	50	30	35	*
R-CE-5	5 acres	1,200	185	50	50	45	35	*
R-1AAAA	21,780 (½ acre)	1,500	110	30	35	10	35	*
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	*
R-1AA	10,000	1,200	85	25†	30†	7.5	35	*
R-1A	7,500	1,200	75	20†	25†	7.5	35	*
R-1	5,000	1,000	50	20†	20†	5†	35	*
R-2	One-family dwelling, 4,500	1,000	45*****	20†	20†	5†	35	*
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90*****	20†	20†	5†	35	*
	Three DUs, 11,250	500 per DU	85†	20†	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20†	30	10****	35**, ***	*
	One-family dwelling, 4,500	1,000	45*****	20†	20†	5	35	*
R-3	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90*****	20†	20†	5†	35	*
	Three dwelling units, 11,250	500 per DU	85†	20†	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20†	30	10****	35**, ***	*
	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35***	*
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	N/A	*
R-T-1								
SFR	4,500*****	45*****	1,000	25/20 ††	25/20 ††	5	35	*
Mobile home	4,500*****	45*****	Min. mobile home size 8 ft. x 35 ft.	25/20 ††	25/20 ††	5	35	*
R-T-2	6,000	60	SFR 500	25	25	6	N/A	*
(prior to 1/29/73)			Min. mobile home size 8 ft. x 35 ft.					
(after 1/29/73)	21,780 ½ acre	100	SFR 600	35	50	10	N/A	*
			Min. mobile home size 8 ft. x 35 ft.					

<i>District</i>	<i>Min. lot area (sq. ft.) †††</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>*Min. front yard (ft.)</i>	<i>*Min. rear yard (ft.)</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
NR	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80/90*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories ††	*
NAC	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	
	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet ††	*
	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80*****	20	20	5	35/3 stories ††	*
NC	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail ††	*
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	*
	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet ††	*
	One-family dwelling, 4,500	1,000	45*****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail ††	*
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	*
	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35** ***	*
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets#; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	*

District	Min. lot area (sq. ft.) ***	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ##	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	*
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ###	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	*

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts
I-4	35	10	25	50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

* Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.

** Buildings in excess of 35 feet in height may be permitted as a special exception.

*** Buildings in excess of 1 story in height within 100 feet of the property line of any single-family residential district may be permitted as a special exception.

**** Side setback is 30 feet where adjacent to single-family district.

***** For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.

***** For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:

(i) are either platted or lots of record existing prior to 3/3/97, and

(ii) are 75 feet in width or greater, but are less than 90 feet, and

(iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.

Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.

Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.

Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.

‡ For lots platted on or after 3/3/97, or un-platted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.

† Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.

- †† Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- ††† Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

(a) *Buffer classifications:*

- (1) **Type A, opaque buffer:** This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) **Type B, opaque buffer:** This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) **Type C, opaque buffer.** This buffer classification shall be used to separate neighborhood retail commercial (C-1), industrial-restricted (I-1A) and multi-family uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) **Type D, opaque buffer:** This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) **Type F, residential subdivision buffer:** See subdivision regulations (Chapter 34, Orange County Code).

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

CASE # RZ-16-08-027

Commission District: # 2

GENERAL INFORMATION

APPLICANT	Martha Dowdell McCray
OWNERS	Martha A. Dowdell, Lafayette N. Dowell, and Anthony D. Williams
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1 (Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District)
LOCATION	632 E 13th Street; or generally located on the south side of E. 13th Street, approximately 1,500 feet west of Sheeler Avenue.
PARCEL ID NUMBER	15-21-28-0000-00-149
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 600 feet [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Fifty-one (51) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	2.02 gross acres
PROPOSED USE	To split the parcel into two (2) lots for an existing single single-family dwelling unit and a proposed mobile home.

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning, subject to the following restriction:

1. Each existing or proposed lot shall include a separate minimum 20-foot fee-simple access to a dedicated public paved street.

IMPACT ANALYSIS

Land Use Compatibility

The R-T-1 (Mobile Home Subdivision District) zoning would allow for development that is consistent with the character and development style of the surrounding area, and would not adversely impact adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR). The R-T-1 (Mobile Home Subdivision District) zoning is consistent with the LMDR FLUM designation and the following Comprehensive Plan provisions:

FLU1.1.5 states that Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area.

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU2.1 states that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Single-Family Dwelling
Adjacent Zoning	N: R-1 (Single-Family Dwelling District) (1957)
	E: R-1 (Single-Family Dwelling District) (1957)
	W: R-1 (Single-Family Dwelling District) (1957)

S: I-1 (Industrial District) (*City of Apopka*)

Adjacent Land Uses

N: Undeveloped Residential

E: Single-Family Residential, Undeveloped Residential

W: Single-Family Residential

S: Warehousing

R-T-1 (Mobile Home Subdivision District) Development Standards

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft. (<i>single-family dwelling</i>) 8 ft x 35 ft structure (<i>mobile home</i>)
Building Setbacks:	
<i>Front:</i>	25 ft.
<i>Rear:</i>	25 ft.
<i>Side:</i>	5 ft.

* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

Permitted Uses

The intent and purpose of the R-T-1 mobile home subdivision district is to provide certain lands where it is desirable to attain a low-medium density residential area consisting of mobile homes and single-family dwellings on single lots under individual ownership.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Subject Property Analysis

The subject 2.02-gross acre property is currently developed with one (1) single-family detached dwelling unit and is located at 632 E 13th Street; or generally on the south side of E. 13th Street, approximately 1,500 feet west of Sheeler Avenue. The purpose of the rezoning is to allow for a single lot split and the placement of a mobile home on a newly created parcel. Any existing or proposed lot will also be required to have a separate minimum 20-foot fee-simple access to a dedicated public paved street.

The surrounding area primarily consists of scattered single-family detached units and mobile homes, with scattered industrial properties along E. 13th Street and Sheeler Avenue. The existing residential lots in the area are generally a ¼-acre or larger in size.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Low-Medium Density Residential (LMDR) Future Land Use Map (FLUM) designation.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is located within the Apopka JPA and is adjacent to the City of Apopka on the south. Required notice of the proposed rezoning was sent to the City for their review, but to date, no comments or objections have been received.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva.

Prior to demolition or construction activities associated with existing structures, provide Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida

Department of Environmental Protection (FDEP) by the developer.

Transportation / Access

The proposed request would generate one (1) PM peak hour trip and will not negatively impact the area roadways. Based on the Concurrency Management System database dated July 18, 2016, capacity is available to be encumbered for this project. This information is dated and is subject to change. Any existing or proposed lot will also be required to have a separate minimum 20-foot fee-simple access to a dedicated public paved street.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	City of Apopka
Wastewater:	City of Apopka
Reclaim Water:	City of Apopka

Schools

Orange County Public Schools (OCPS) considers the impact to affected public schools to be "de minimus"; therefore a Capacity Enhancement Agreement (CEA) is not required.

Parks and Recreation

Orange County Parks and Recreation did not provide any objections to the rezoning request.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (August 18, 2016)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Subdivision District) zoning, subject to the following restriction:

1. Each existing or proposed lot shall include a separate minimum 20-foot fee-simple access to a dedicated public paved street.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-T-1 (Mobile Home Subdivision District) zoning, subject to one (1) restriction.

Staff indicated that fifty-one (51) notices were mailed to surrounding property owners within a buffer extending beyond 600 feet from the subject property, with no responses in favor or opposition received. The City of Apopka was also notified of the request but did not provide any objections or concerns. The applicant was present and agreed with the staff recommendation.

Following brief discussion by the PZC regarding property access, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the R-T-1 (Mobile Home Subdivision District) zoning, subject to the one (1) restriction. Commissioner Wean seconded the motion, which was then carried on a 7-1 vote, with Commissioner Barrett voting in opposition.

Motion / Second

Pat DiVecchio / Paul Wean

Voting in Favor

Pat DiVecchio, Paul Wean, Tina Demostene, Rick Baldocchi, Jimmy Dunn, Jose Cantero, and Yog Melwani

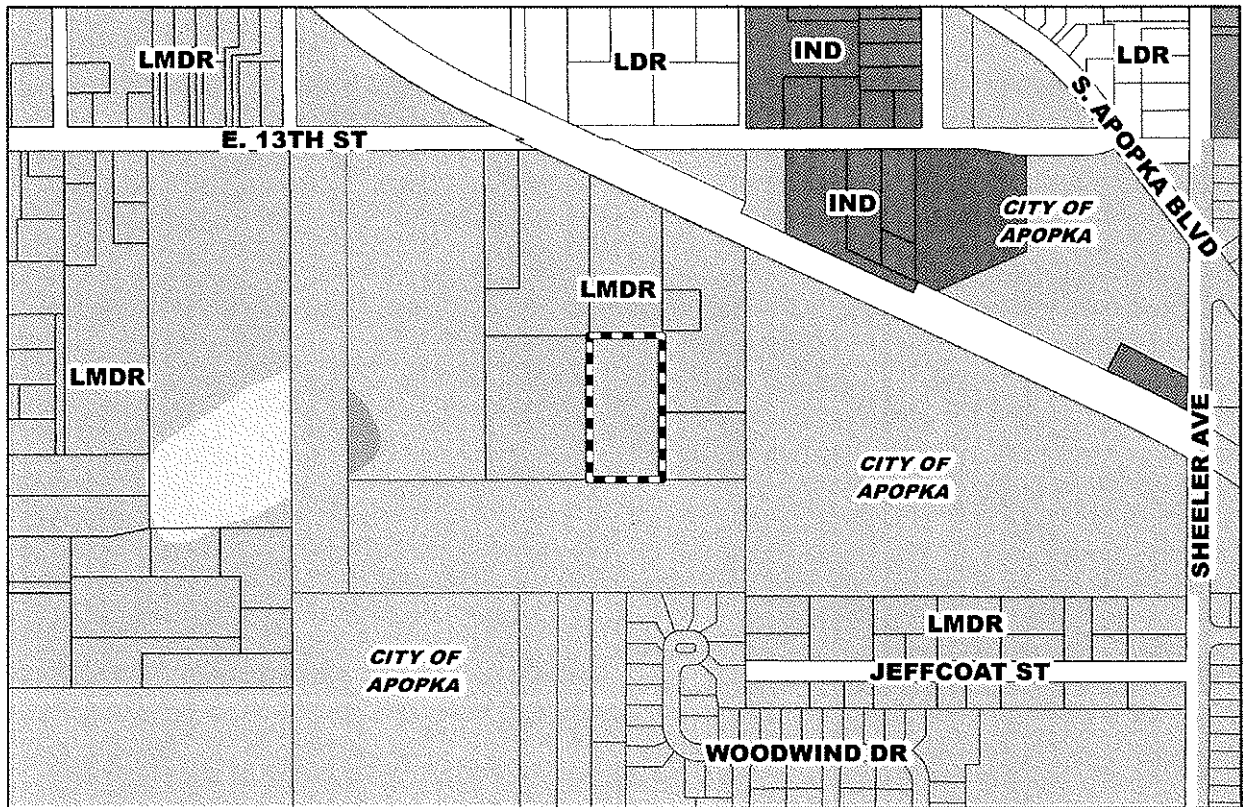
Voting in Opposition

Marvin Barrett

Absent

JaJa Wade

RZ-16-08-027



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Martha Dowdell McCray

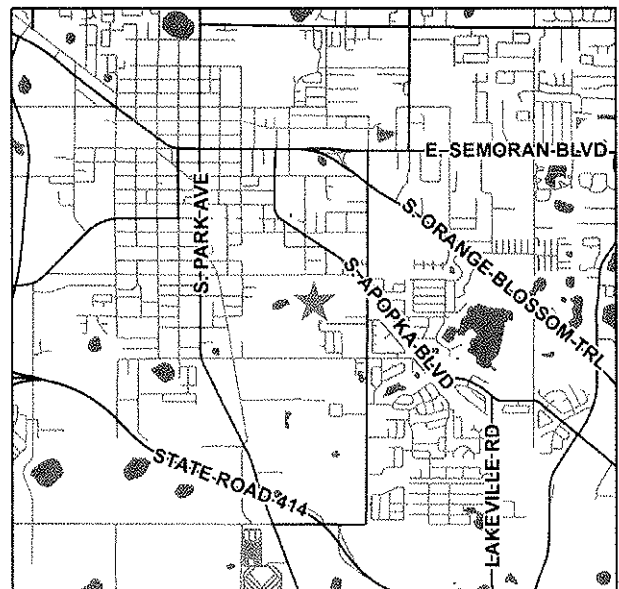
LOCATION: 632 E 13th Street; or generally located on the south side of E. 13th Street, approximately 1,500 feet west of Sheeler Avenue

TRACT SIZE: 2.02 gross acres

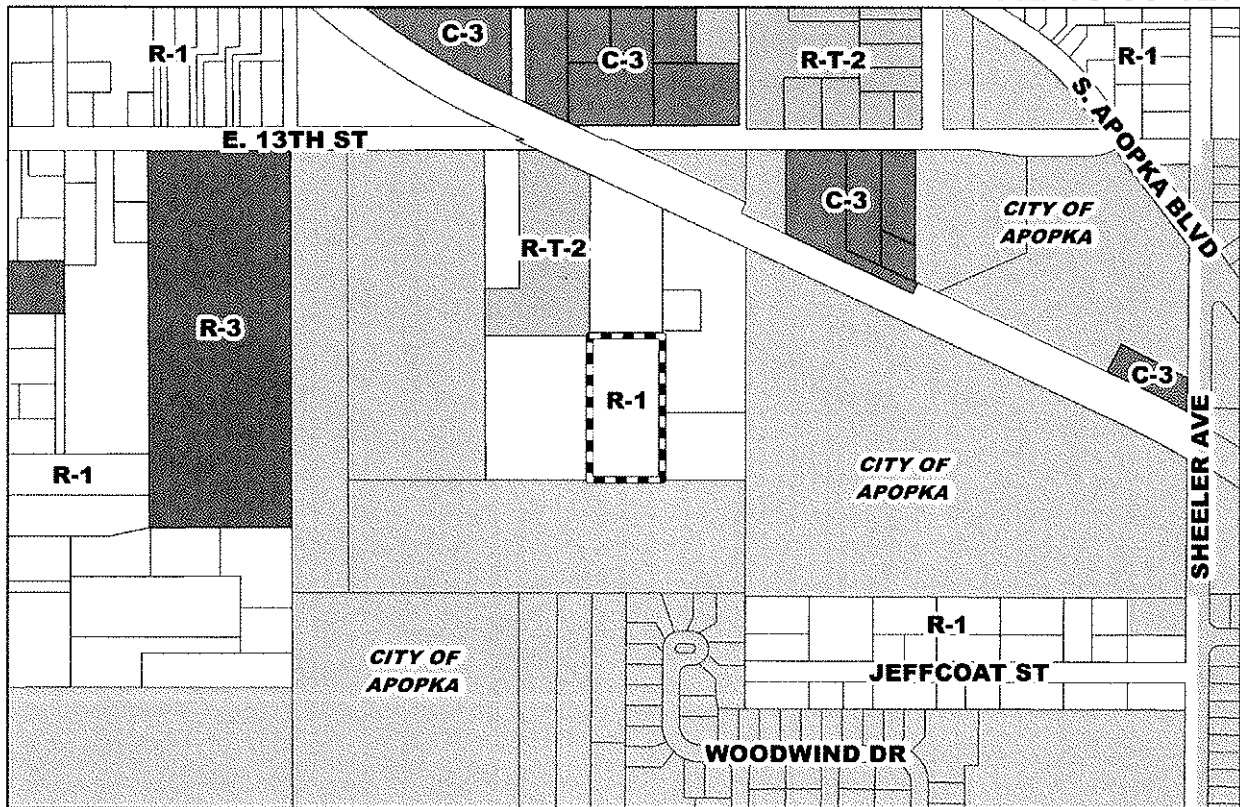
DISTRICT: # 2

S/T/R: 15/21/28

1 inch = 458 feet



RZ-16-08-027



 Subject Property



★ Subject Property

Zoning Map

ZONING: R-1 (Single-Family Dwelling District) to
 R-T-1 (Mobile Home Subdivision District)

APPLICANT: Martha Dowdell McCray

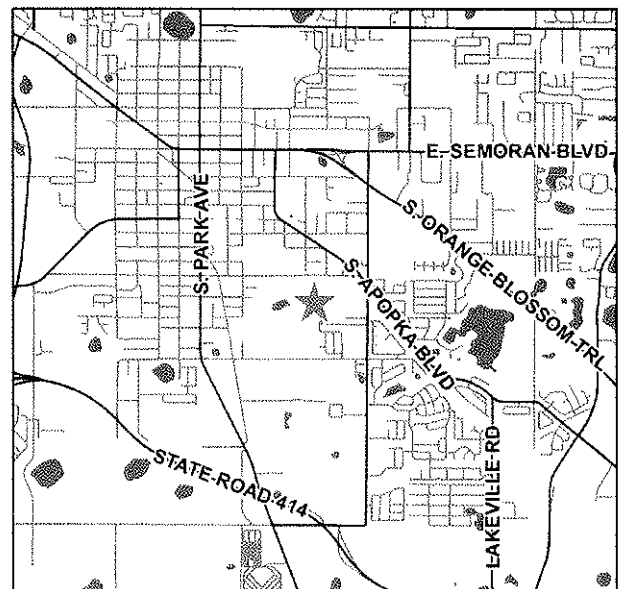
LOCATION: 632 E 13th Street; or generally located on
 the south side of E. 13th Street,
 approximately 1,500 feet west of Sheeler
 Avenue

TRACT SIZE: 2.02 gross acres

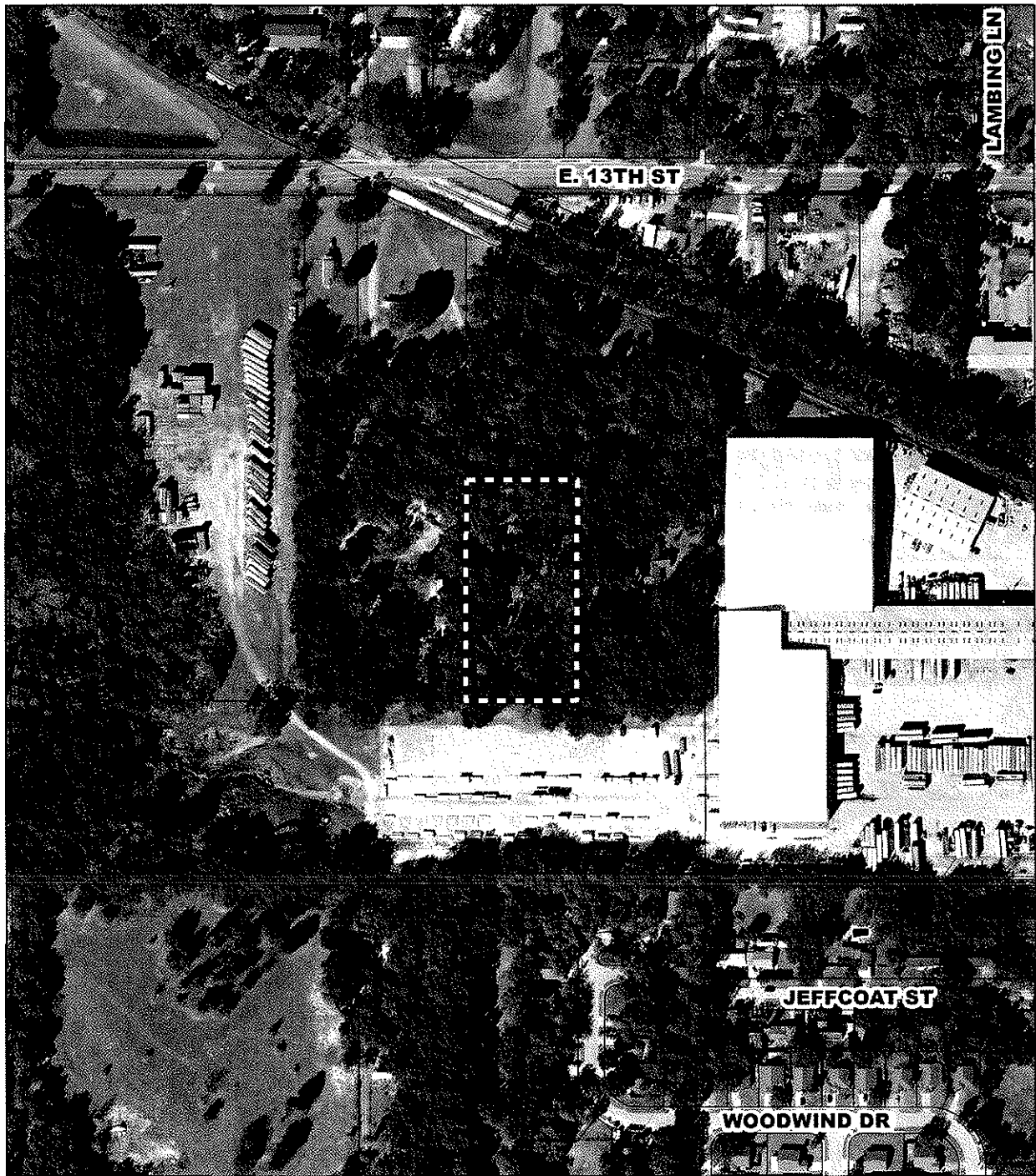
DISTRICT: # 2

S/T/R: 15/21/28

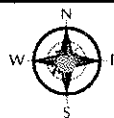
1 inch = 458 feet



RZ-16-08-027



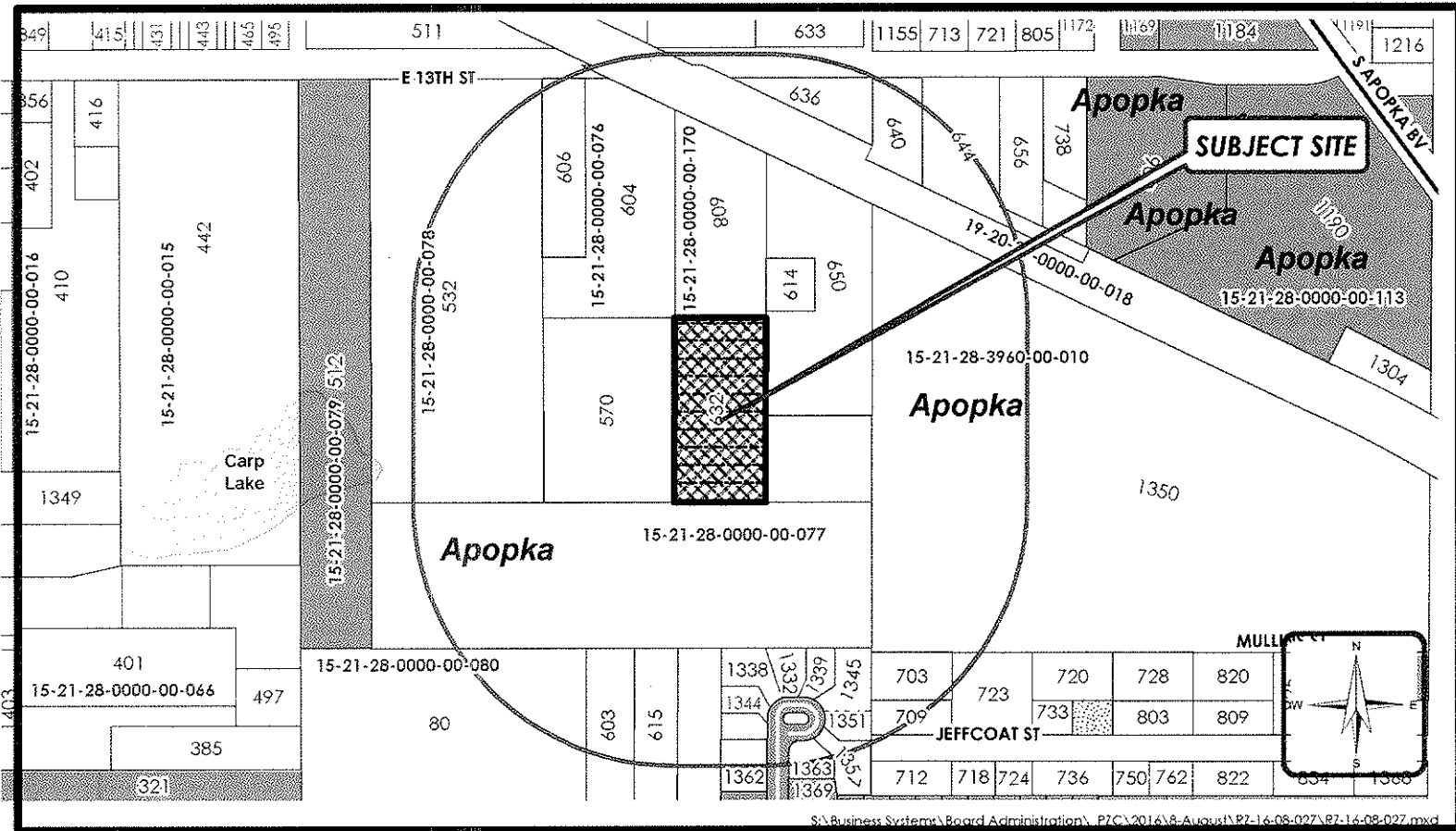
Subject Property



1 inch = 250 feet

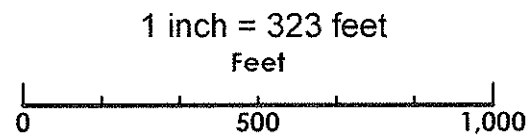
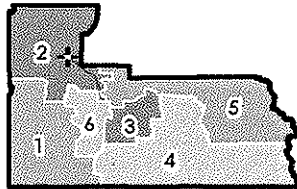


Public Notification Map
RZ-16-08-027
600 FT BUFFER, 51 NOTICES



MAP LEGEND

	SUBJECT		NOTIFIED_PARCELS
	600 FT BUFFER		PARCELS
	HYDROLOGY		



Notification Map

Case # RZ-16-08-027
Orange County Planning Division
PZC Hearing Date: August 18, 2016

CASE # RZ-16-08-028

Commission District: # 4

GENERAL INFORMATION

APPLICANT	Larry Poliner, RCE Consultants, LLC
OWNER	Group 108, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	I-1 / I-5 (Industrial District) <i>to</i> I-1 / I-5 (Industrial District)
LOCATION	5225 Young Pine Road; or generally located on the east side of Young Pine Road, approximately 1.6 miles south of Curry Ford Road.
PARCEL ID NUMBER	17-23-31-0000-00-003
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Thirty-eight (38) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	2.33 gross acres
PROPOSED USE	Revise existing zoning restrictions limiting development to I-1A zoning uses in order to allow for an indoor / outdoor storage facility (an I-1 / I-5 use).

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1 / I-5 (Industrial District) zoning, subject to the following restrictions:

1. New billboards and pole signs shall be prohibited;
2. A Type "B" buffer shall be used to separate commercial (C-2 and C-3) and industrial (I-1 / I-5) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and
3. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the

expansion of any existing structures or new site improvements to accommodate I-1 / I-5 uses.

IMPACT ANALYSIS

Land Use Compatibility

The I-1 / I-5 (Industrial District) zoning would allow for development that is consistent with the character of the surrounding area and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (IND). The I-1 / I-5 (Industrial District) zoning is consistent with the IND FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.16 states the Future Land Use Map shall reflect appropriate locations for industrial use. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development.

FLU1.4.18 states that the Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses, and provide a variety of locations with different transportation accessibility opportunities.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Landscaping Office
Adjacent Zoning	N: R-CE (Country Estate District) (1975) E: I-1 / I-5 (Industrial District) (2006) W: A-2 (Farmland Rural District) (1957) S: I-1 / I-5 (Industrial District) (2006)
Adjacent Land Uses	N: Undeveloped Residential E: Manufactured Home W: Manufactured Home S: Manufactured Home

I-1 / I-5 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS*

Max. Height:	50 ft. (35 ft. within 100 ft. of all residential districts, 100 ft. when 500 ft. or more from residential districts)
Max. Floor Area Ratio:	0.50
Building Setbacks:	
<i>Front:</i>	35 ft.
<i>Rear:</i>	25 ft. (50 ft. if abutting a residential district)
<i>Side:</i>	25 ft. (50 ft. if abutting a residential district)

**These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Permitted Uses

The I-1 / I-5 (Industrial District) zoning district is composed of lands and structures used primarily for the operation of general industrial uses.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code. Permitted uses include, but are not limited to, religious institutions, warehouses, offices, contractors storage and offices, food processing and packaging; woodchipping, mulching, and composting; textile manufacturing; garment manufacturing; manufacturing of furniture and fixtures; manufacturing of medicinal chemicals and botanical products; manufacturing of commercial and industrial machinery; motor vehicle assembly; boat manufacturing; aluminum recycling collection drop-off sites; community correction centers; juvenile correction homes; etc.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located at 5225 Young Pine Road; or generally located on the east side of Young Pine Road, approximately 1.6 miles south of Curry Ford Road, and is currently developed with a landscaping office. Through this request, the applicant is seeking to modify the existing restrictions to allow for the development of an indoor and outdoor storage facility (which is currently not permitted). The existing I-1 / I-5 restrictions, approved in 2006 (RZ-06-02-028) are as follows:

- 1. The subject property shall be limited to Restricted Industrial District (I-1A) uses and a towing business and vehicle storage. Vehicles being stored on the subject property shall not exceed 90 days.*
- 2. A 6-foot chain link fence with PVC (vinyl) slates shall be constructed along the northern, southern, and eastern property lines.*
- 3. Except for office and customer parking, all vehicle storage including tow vehicles, shall be limited to the rear of the existing structure (single-family dwelling) and/or 350 feet measured along the northern property line, from the western property line that abuts Young Pine Road.*

The subject parcel is located along a segment of Young Pine Road that abuts either large undeveloped agriculturally zoned parcels with manufactured homes or industrial parcels. This segment of Young Pine Road also serves as transitional area between more densely developed single-family projects to the north and industrial areas to the south, including the Orange County landfill at the terminus of Young Pine Road. The industrial development trend is expected to continue with the completion of a roadway connection to Lee Vista Road and the Beltway Commerce Center in the City of Orlando.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Industrial (IND) Future Land Use Map (FLUM) designation.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is located within Airport Noise Zone "E". As a non-residential use, the development would not be subject to the land use restrictions stated in Orange County Code Article XV – "Airport Noise Impact Areas".

Environmental

This site is located within the boundaries of the Pinecastle Jeep Range, a former World War II demonstration range. The applicant should use caution in the event any unexploded ordinance or chemical residue is discovered during site studies, surveying or construction. As a general safety precaution, all site workers should be trained if any suspicious items are located. The workers should utilize the recommended three Rs: Recognize (the item may be dangerous), Retreat (and do not touch it), and Report (the location to the local Sheriff's office immediately).

Prior to demolition or construction activities associated with existing structures, provide Orange County EPD with a Notice of Asbestos Renovation or Demolition form.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection (FDEP) by the developer.

All development is required to treat runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Transportation / Access

Based on the Concurrency Management System database dated July 18, 2016, capacity is available to be encumbered within a one-mile radius of this project. This property is vested from transportation concurrency under vested rights certificate #93-027. A copy of this certificate is required along with the application for a building permit.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orange County Utilities	A 16 inch main is located in the Young Pine Road right of way abutting this site.
Wastewater:	Orange County Utilities	A 4 inch force main is located in Young Pine Road, approximately 2,400 feet north of this site.
Reclaim Water:	Orange County Utilities	There are no reclaimed water mains in the vicinity of this property

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation did not comment on this case, as it does not involve an increase in residential units or density.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (August 18, 2016)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1 / I-5 (Industrial District) zoning, subject to the following restrictions:

1. New billboards and pole signs shall be prohibited;
2. A Type "B" buffer shall be used to separate commercial (C-2 and C-3) and industrial (I-1 / I-5) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and
3. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate I-1 / I-5 uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

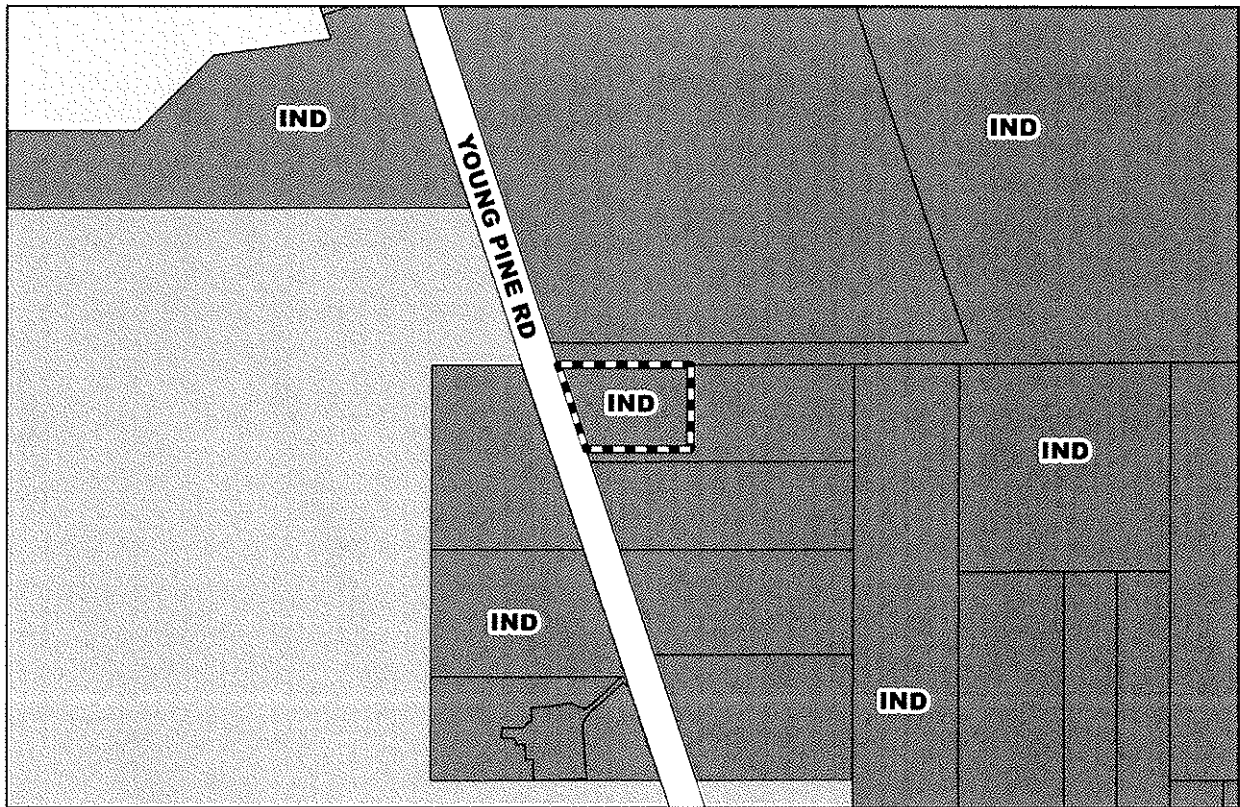
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested I-1 / I-5 (Industrial District) zoning, subject to three (3) restrictions.

Staff indicated that thirty-eight (38) notices were mailed to surrounding property owners within a buffer extending beyond 1,300 feet from the subject property, with two (2) responses received in favor of this request. The applicant was present and agreed with the staff recommendation.

Following brief discussion by the PZC, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the I-1 / I-5 (Industrial District) zoning, subject to the three (3) restrictions listed in the staff report. Commissioner Demostene seconded the motion, which was then carried on an 8-0 vote.

Motion / Second	<i>Pat DiVecchio / Tina Demostene</i>
Voting in Favor	<i>Pat DiVecchio, Tina Demostene, Rick Baldocchi, Jimmy Dunn, Paul Wean, Jose Cantero, Marvin Barrett, and Yog Melwani</i>
Voting in Opposition	<i>None</i>
Absent	<i>JaJa Wade</i>

RZ-16-08-028



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Industrial (IND)

APPLICANT: Larry Poliner, RCE Consultants, LLC

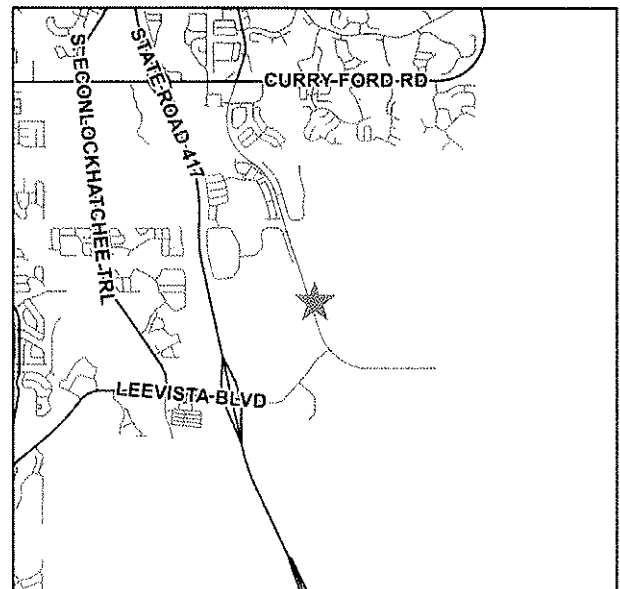
LOCATION: 5225 Young Pine Road; or generally located on the east side of Young Pine Road, approximately 1.6 miles south of Curry Ford Road

TRACT SIZE: 2.33 gross acres

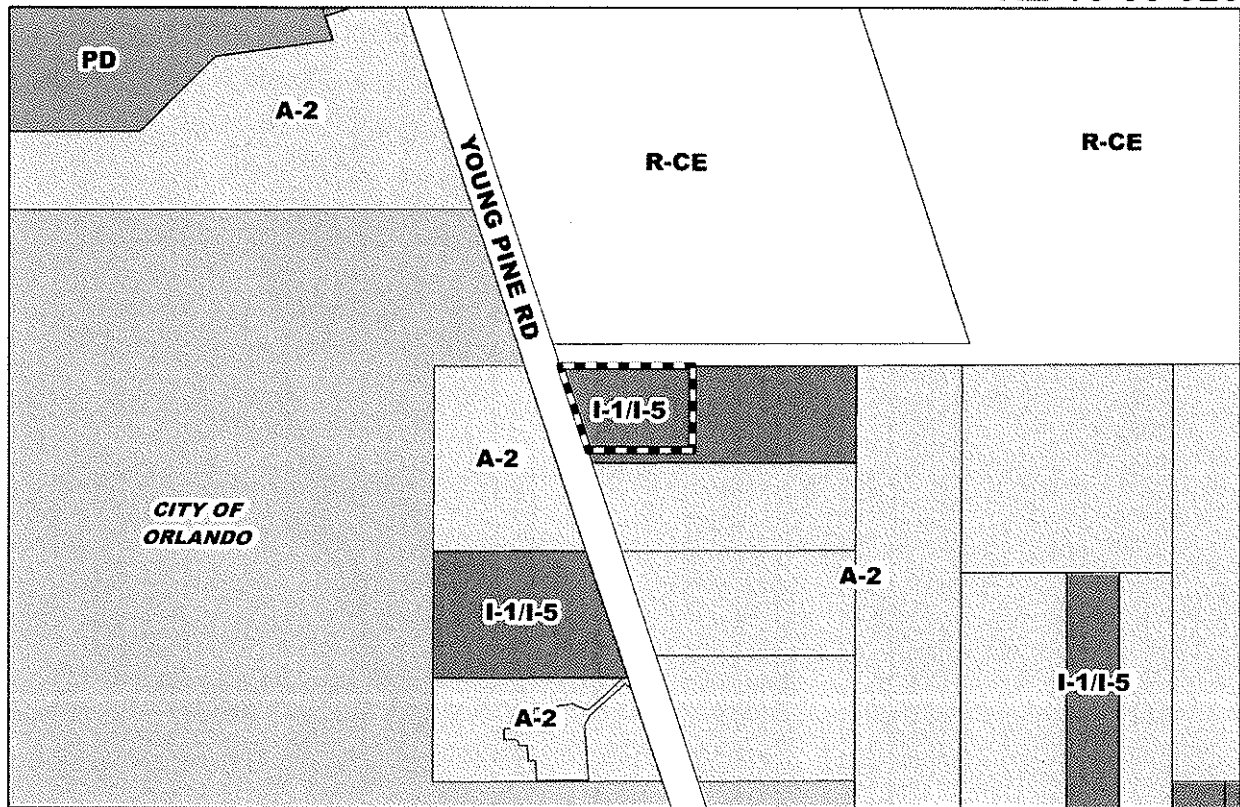
DISTRICT: # 4

S/T/R: 17/23/31

1 inch = 500 feet



RZ-16-08-028



Subject Property



Subject Property

Zoning Map

ZONING: I-1/I-5 (Industrial District) to
 I-1/I-5 (Industrial District)

APPLICANT: Larry Poliner, RCE Consultants, LLC

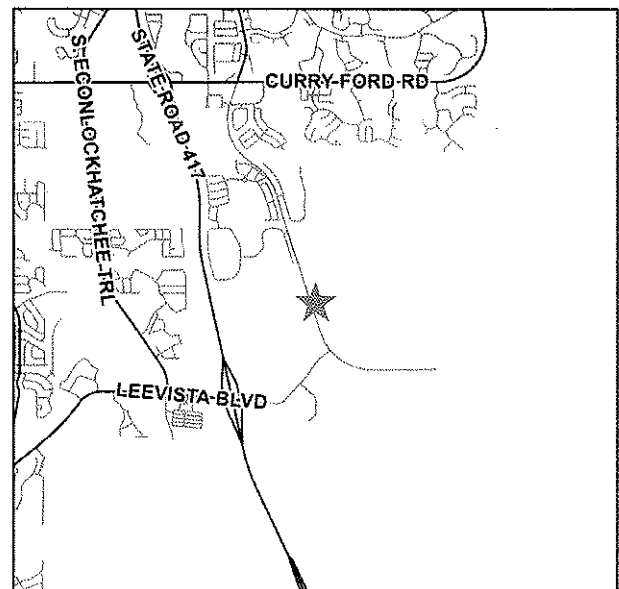
LOCATION: 5225 Young Pine Road; or generally
 located on the east side of Young Pine
 Road, approximately 1.6 miles south of
 Curry Ford Road

TRACT SIZE: 2.33 gross acres

DISTRICT: # 4

S/T/R: 17/23/31

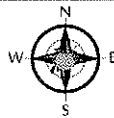
1 inch = 500 feet



RZ-16-08-028



 Subject Property



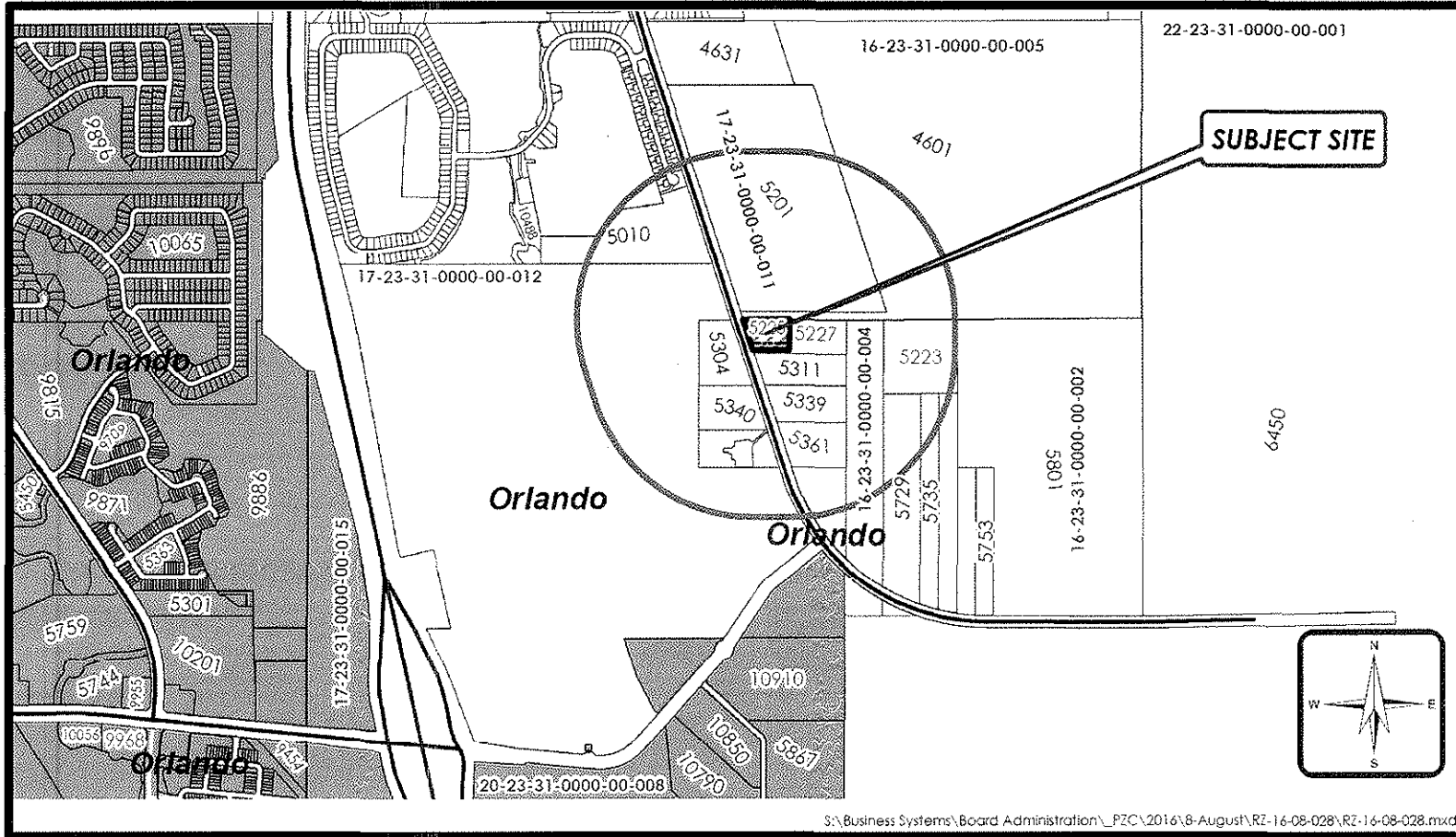
1 inch = 333 feet



Public Notification Map

RZ-16-08-028

1500 FT BUFFER, 38 NOTICES

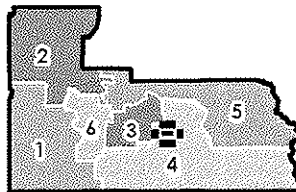


Notification Map

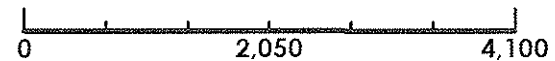
Case # RZ-16-08-028
Orange County Planning Division
PZC Hearing Date: August 18, 2016

MAP LEGEND

- SUBJECT
- PARCELS
- 1500FT BUFFER
- NOTIFIED PARCELS



1 inch = 1,285 feet
Feet



CASE # RZ-16-08-030

Commission District: # 4

GENERAL INFORMATION

APPLICANT	Ryan Hoover, TVC Development, Inc.
OWNERS	William Bolivar and Lucy Montero
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-2 (Residential District) to R-2 (Residential District)
LOCATION	1389 Woodbury Road; or generally located on the east side of Woodbury Road, approximately 3,000 feet south of E. Colonial Drive
PARCEL ID NUMBER	23-22-31-0000-00-034
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Seventy-five (75) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	4.83 gross acres
PROPOSED USE	Forty-eight (48) age-restricted multi-family residential dwelling units

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning, subject to the following restrictions:

1. New billboards and pole signs shall be prohibited;
2. No permanent residency by school-aged children shall be generated as a result of any development within the subject parcel, and any proposed future conversion of the age-restricted housing to unrestricted housing or any proposal to add permanent residency by school-aged children shall constitute a rezoning approved by Orange County at a public hearing. If a rezoning is approved, school impact fees in effect at the time shall be paid and project shall comply with any school capacity and school concurrency regulations in effect at that time; and

3. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate R-2 uses.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Medium Density Residential (MDR). The R-2 (Residential District) zoning is consistent with the Medium Density Residential FLUM designation and the following Comprehensive Plan provisions:

FLU1.1.5 states that Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area.

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU2.1 states that Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped Residential
Adjacent Zoning	N: R-3 (Multiple-Family Dwelling District) (2012) E: R-2 (Residential District) (1998) W: PD (Planned Development District) (2009) S: PD (Planned Development District) (2007)
Adjacent Land Uses	N: Undeveloped Institutional E: Wetlands / Conservation W: Multi-Family Apartment Complex S: Church

R-2 (Residential District) Development Standards

One-Family Dwelling

Min. Lot Area: 4,500 sq. ft.
Min. Lot Width: 45 ft.

Max. Height: 35 ft.
Min. Living Area: 1,000 sq. ft.
Building Setbacks:
 Front: 20 ft.
 Rear: 20 ft.
 Side: 5 ft.
 Side Street: 15 ft.

Two Dwelling Units

Min. Lot Area: 8,000 sq. ft. / 9,000 sq. ft.
Min. Lot Width: 80 ft. / 90 ft.

Max. Height: 35 ft.
Min. Living Area: 500 sq. ft. / 1,000 sq. ft.
Building Setbacks:
 Front: 20 ft.
 Rear: 20 ft.
 Side: 5 ft.
 Side Street: 15 ft.

Three Dwelling Units

Min. Lot Area: 11,250 sq. ft.
Min. Lot Width: 85 ft. (attached units only)

Max. Height:	35 ft. (Greater than 35 ft. by Special Exception)
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
Front:	20 ft.
Rear:	30 ft.
Side:	10 ft.
Side Street:	15 ft.

Four or More Dwelling Units

Min. Lot Area:	15,000 sq. ft.
Min. Lot Width:	85 ft.

Max. Height:	35 ft. (Greater than 35 ft. by Special Exception)
Min. Living Area:	500 sq. ft. per dwelling unit
Building Setbacks:	
Front:	20 ft.
Rear:	30 ft.
Side:	10 ft. (30 ft. where adjacent to single-family)
Side Street:	15 ft.

* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

Permitted Uses

The R-2 (Residential District) zoning district is composed of lands and structures used primarily for the construction of detached and attached single-family dwelling units, containing a maximum of four (4) units per building and associated residential uses.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Subject Property Analysis

The subject property is located 1389 Woodbury Road; or generally located on the east side of Woodbury Road, approximately 3,000 feet south of E. Colonial Drive, and is currently undeveloped. Through this request, the applicant is seeking to modify an existing R-2 (Residential District) restriction to allow for the development of 48 affordable, age-restricted multi-family dwelling units. The existing R-2 restriction, approved in 2006 (RZ-06-02-026) is as follows:

1. *The subject property shall be limited to 9 single-family lots*

This segment of Woodbury Road is mostly developed today with a mixture of both detached single-family dwelling units and multi-family residential projects. The subject parcel is also located near the Waterford Lakes commercial center and the E. Colonial Drive commercial corridor.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Medium Density Residential (MDR) Future Land Use

Map (FLUM) designation.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA; however, City of Orlando Planning Division staff was notified of the request, and provided no comments or objections.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

A Class II wetland of 4.26 acres is located on site. Orange County Conservation Area Determination CAD-16-05-052 was completed for this property with a certified survey of the conservation area boundary approved on June 16, 2016. This determination is binding for a period of five years.

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Reference Orange County Code Chapter 15, Article XI, Section 15-442. The basin-wide requirements include, but are not limited to, wetland preservation, upland buffers (50 feet average, 25 feet minimum width), wildlife habitat, stormwater runoff, and landscaping with native plant species.

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area without first obtaining permission from the Environmental Protection Division (EPD), consistent with Orange County Code Chapter 15, Article X, Section 15-376. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers. Impacts to Class I or Class II wetlands within the Econlockhatchee ordinance area require approval from the Board of County Commissioners (BCC).

Until wetland permitting is complete, the developable acreage is the gross acreage less wetlands and surface waters, in this case 0.57 acres. Any plan showing development in a wetland area without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (August 18, 2016)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-2 (Residential District) zoning, subject to the following restrictions:

1. New billboards and pole signs shall be prohibited;
2. No permanent residency by school-aged children shall be generated as a result of any development within the subject parcel, and any proposed future conversion of the age-restricted housing to unrestricted housing or any proposal to add permanent residency by school-aged children shall constitute a rezoning approved by Orange County at a public hearing. If a rezoning is approved, school impact fees in effect at the time shall be paid and project shall comply with any school capacity and school concurrency regulations in effect at that time; and
3. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate R-2 uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested R-2 (Residential District) zoning, subject to three (3) restrictions.

Staff indicated that seventy-five (75) notices were mailed to surrounding property owners within a buffer extending beyond 600 feet from the subject property, with no responses in favor or in opposition received. The applicant was present and agreed with the staff recommendation.

Following brief discussion by the PZC, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the R-2 (Residential District) zoning, subject to the three (3) restrictions listed in the staff report. Commissioner Barrett seconded the motion, which was then carried on an 8-0 vote.

Motion / Second

Pat DiVecchio / Marvin Barrett

Voting in Favor

Pat DiVecchio, Marvin Barrett, Tina Demostene, Rick Baldocchi, Jimmy Dunn, Paul Wean, Jose Cantero, and Yog Melwani

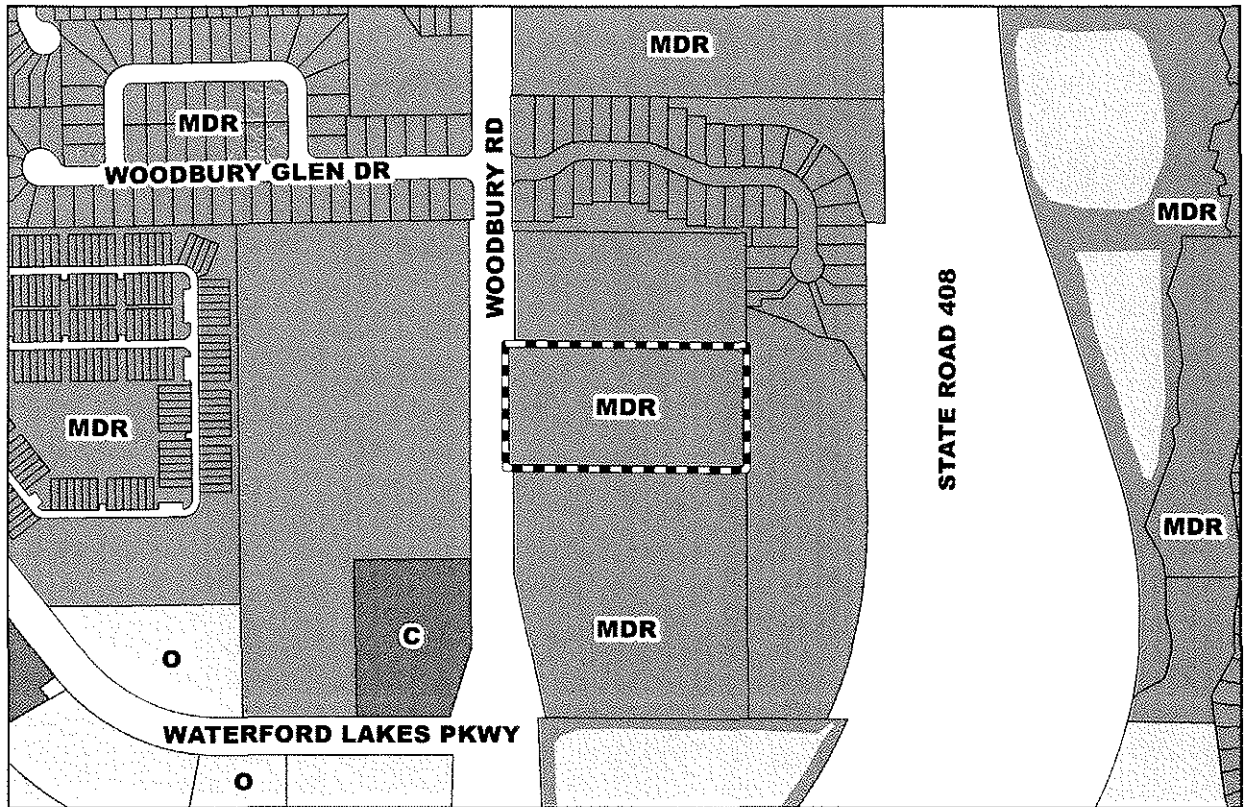
Voting in Opposition

None

Absent

JaJa Wade

RZ-16-08-030



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Medium Density Residential (MDR)

APPLICANT: Ryan Hoover, TVC Development, Inc.

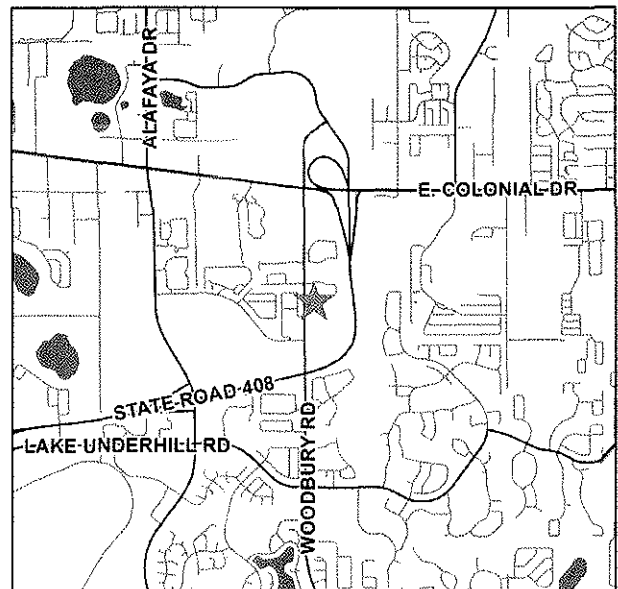
LOCATION: 1389 Woodbury Road; or generally located on the east side of Woodbury Road, approximately 3,000 feet south of E. Colonial Drive

TRACT SIZE: 4.83 gross acres

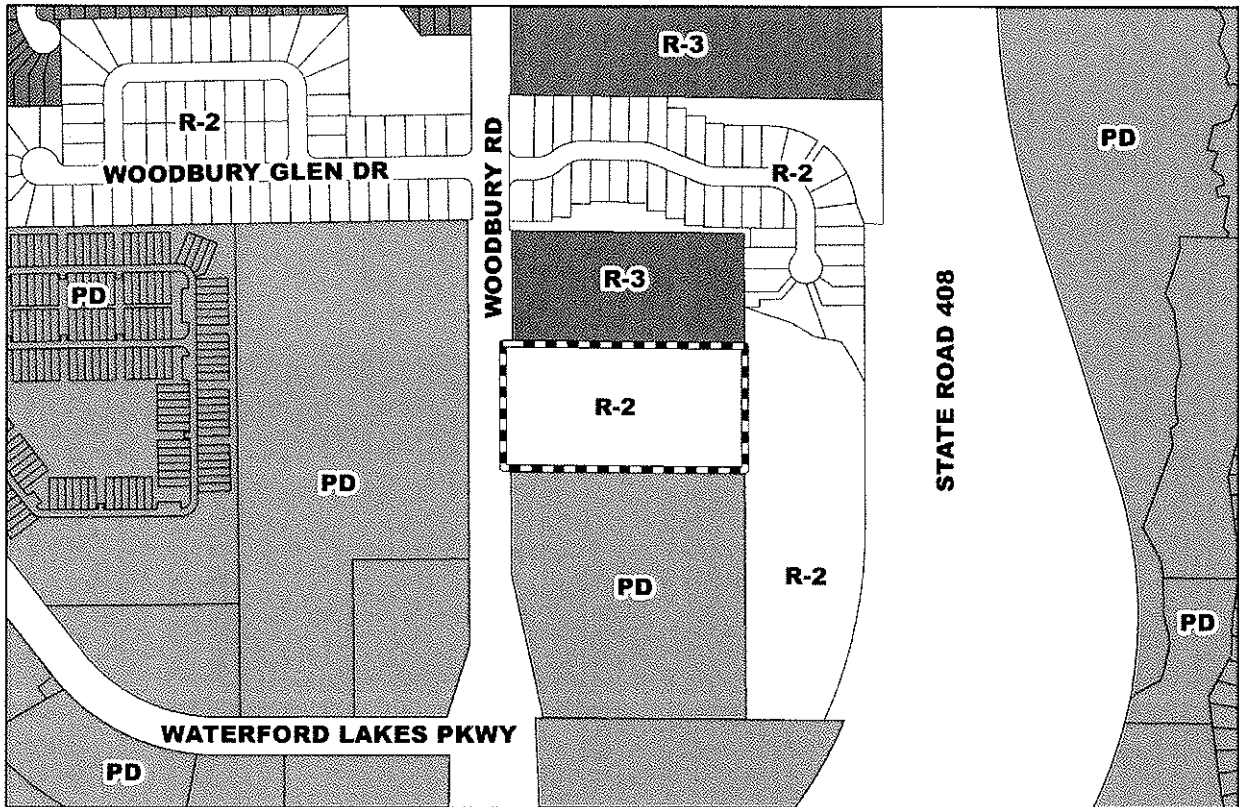
DISTRICT: # 4

S/T/R: 23/22/31

1 inch = 417 feet



RZ-16-08-030



 Subject Property



★ Subject Property

Zoning Map

ZONING: R-2 (Residential District) to
 R-2 (Residential District)

APPLICANT: Ryan Hoover, TVC Development, Inc.

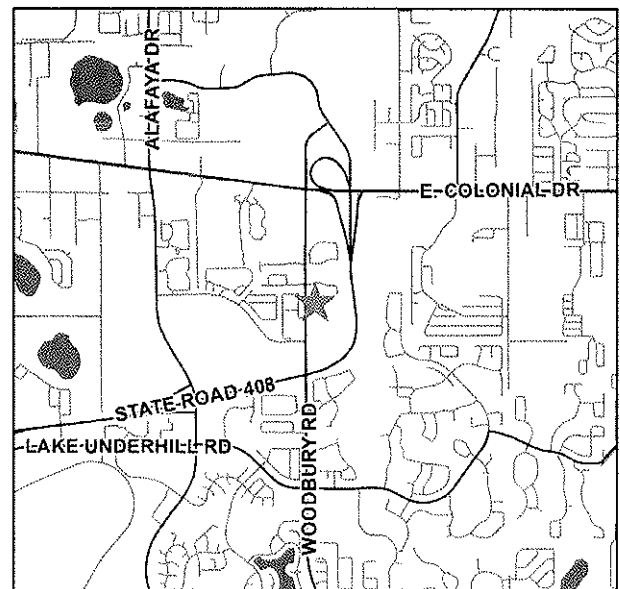
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TRACT SIZE: 4.83 gross acres

DISTRICT: # 4

S/T/R: 23/22/31

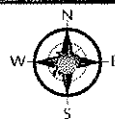
1 inch = 417 feet



RZ-16-08-030



 Subject Property



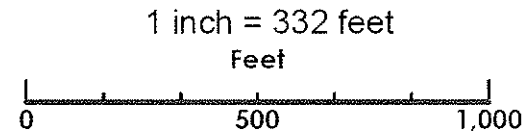
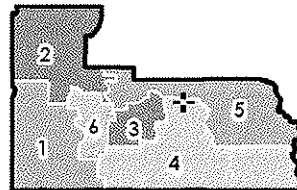
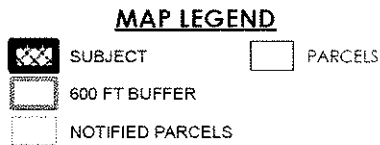
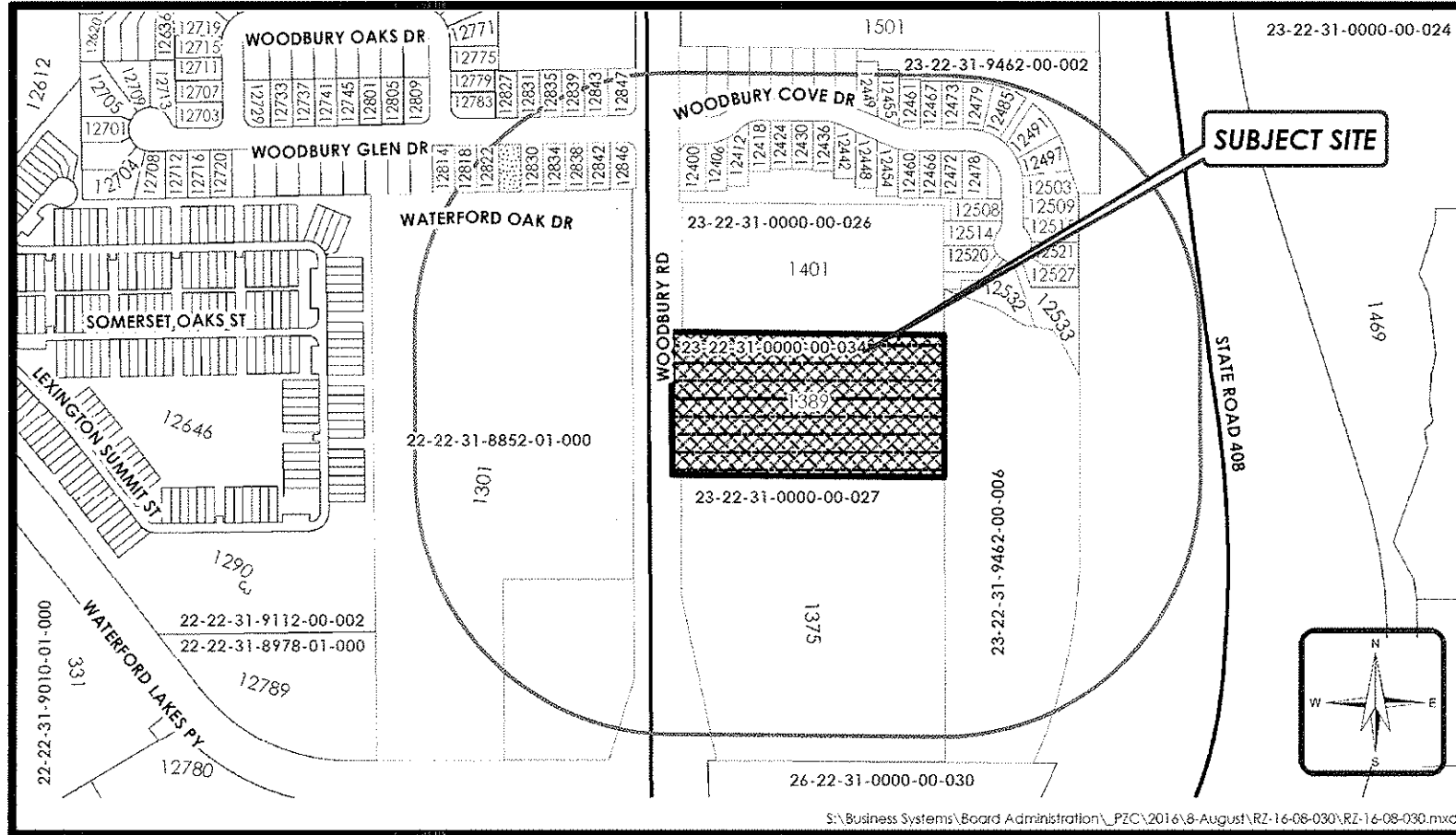
1 inch = 417 feet



Public Notification Map

RZ-16-08-030

600 FT BUFFER, 75 NOTICES



Notification Map

Case # RZ-16-08-030
Orange County Planning Division
PZC Hearing Date: August 18, 2016




Interoffice Memorandum

DATE: September 13, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners (BCC)

FROM: Joseph C. Kunkel, P.E., Deputy Director, Public Works Department


For Joseph C. Kunkel

SUBJECT: **PETITION TO VACATE PTV-15-03-007 – Charlene Sperber, on behalf of Kings Hwy, LLC and Eric Papalini, on behalf of Cambridge Group, Inc.**

Reason For Vacation

The petitioners request that Orange County vacate two portions of a 60 ft wide unopened and unimproved right-of-way known as Goodland Street, containing approximately 0.413 acres and 0.317 acres respectively, and a 30 ft wide unopened and unimproved portion of a 60 ft wide right-of-way known as W Livingston Street containing approximately 0.176 acres, for a total of approximately 0.906 acres. The petitioners wish to vacate in order to allow for future development.

Location of Property/Legal Description

The properties lie east of N Pine Hills Road and south of State Road 408. Public interest was created per the plat of Fleming Heights, as recorded in Plat Book 'O', Page 74, and per the plat of Fleming Heights Extended, as recorded in Plat Book 'P', Page 26, of the Public Records of Orange County, Florida. The parcel addresses are 320 Mission Road, 402 Mission Road, 348 Goodland Street and 410 Goodland Street and they lie in District 6.

Statement of No Objection

The Real Estate Management, Engineering, Transportation Planning and Environmental Protection Divisions have consented to the request. The Roads and Drainage Division has consented to the request subject to the petitioner granting a 25 ft wide Drainage and Access Easement along the south property line of parcel ID number 30-22-29-2746-01-100 for the maintenance of the secondary canal located on the north 30 ft of W Livingston Street. The easement has been executed by the petitioner and will be recorded subsequent to the vacation approval. All utility providers have also consented. The Relationship Disclosure and Specific Expenditure forms have been submitted.

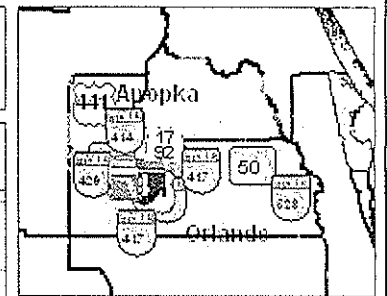
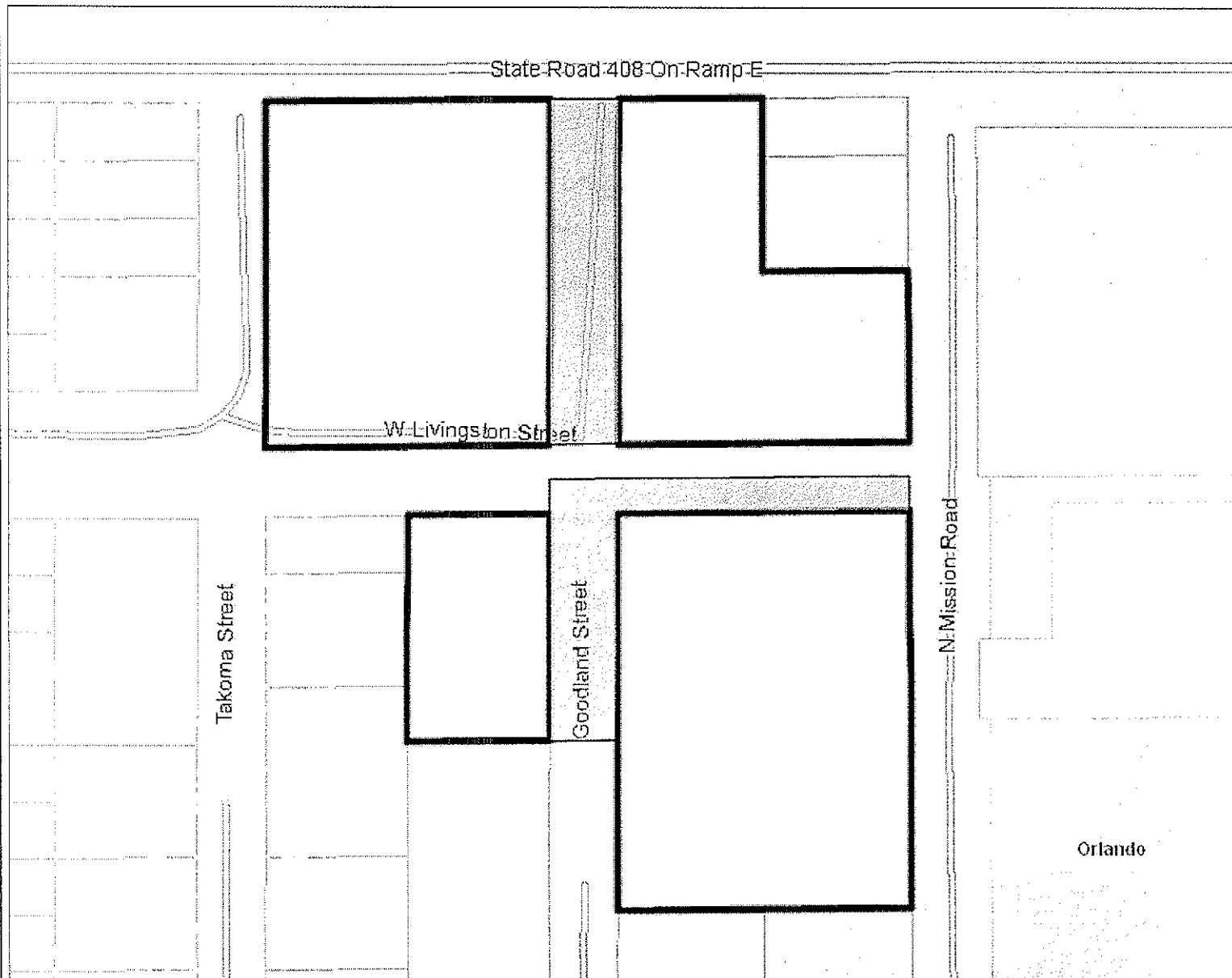
Staff Findings

The south 30 ft wide portion of W Livingston Street east of Goodland Street is currently fenced and is being used as access to 320 N Mission Road. There appears to be no additional visible improvements within the rights of way requested for vacation.



Staff Recommendations

Approval of this request will have no adverse effect on Orange County. Staff has no objection to this request.

ACTION REQUESTED: APPROVAL OF PTV-15-03-007 – DISTRICT 6



Legend

-  Petitioner's property
-  Portion of right-of-way to be vacated

1:1,558



0.0 0 0.02 0.0 Miles

Notes



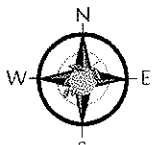
PTV # 15-03-007

Charlene Sperber, on behalf of Kings Hwy, LLC and
Eric Papalini, on behalf of Cambridge Group, Inc.

Portion of Right-of-Way to be Vacated



Subject Property



0 50 100
Feet
1 in = 100 ft



Interoffice Memorandum

DATE August 25, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development Services Department

CONTACT PERSON: Carol Knox, Manager, Zoning Division
407-836-5585

SUBJECT: September 13, 2016 – BCC Appeal Public Hearing
Applicant/Appellant: Vera Clark
BZA Case #VA-16-07-078, July 7, 2016; District #3

Case #VA-16-07-078, located at 7506 Cielo Ct. in District #3, is a BCC appeal public hearing to be heard on September 13, 2016. Ms. Vera Clark (applicant/appellant) is requesting a variance from the maximum 500 sq. ft. to allow an existing detached garage 640 sq. ft. in area to remain.

The subject property is located at 7230 Lake Ola Drive on the west end of Cielo Ct., approximately 200 ft. west of Rio Pinar Lakes Blvd.

This case is a result of code enforcement action. During the July 7, 2016 BZA public hearing, the assigned code enforcement officer testified that after receiving an anonymous complaint on April 15, 2016, he inspected the property and observed a partially constructed garage built without permits. The officer issued a citation notice on May 7, 2016. On June 6, 2016 the officer inspected the property again and noticed that the garage was completed. Ms. Clark informed the BZA that she was unaware that the citation meant to stop work. Ms. Clark indicated she would obtain all necessary permits if this request is approved. The BZA denied the request due to a lack of information by the applicant to demonstrate a hardship. The vote was unanimous (5-0; 2 absent).

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Carol Knox at 6-5585 or Rocco Relvini at 6-5386.

ACTION REQUESTED: Uphold the July 7, 2016 BZA's recommendation of denial.
District #3.

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES
DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
September 13, 2016**

The following is a public hearing on an appeal before the Board of County Commissioners on September 13, 2016 at 2:00 p.m.

APPELLANT/APPLICANT: VERA CLARK

REQUEST: Variance in the R-2 zoning district to allow existing garage with 640 sq. ft. to remain in lieu of 500 sq. ft.

(Note: This is a result of code enforcement action).

LOCATION: West end of Cielo Ct., approximately 200 ft. west of Rio Pinar Lakes Blvd.

TRACT SIZE: 70 ft. x 115 ft. (AVG)

ZONING: R-2

DISTRICT: #3

PROPERTIES NOTIFIED: 63

BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:

Staff gave a brief presentation on the case, and showed photographs and the location of the garage.

The BZA confirmed that construction continued after the Code Enforcement Citation, and that there was no response from the adjacent neighbor.

The applicant stated they did not understand that they were supposed to stop construction, and thought the Code Enforcement Citation was for the interior of the house, and not the garage. The applicant stated that their contractor did not tell them permits were required and, since then, has fired that contractor and are pulling permits themselves.

Code Enforcement staff confirmed that they received an anonymous complaint on April 15, 2016, and the upcoming Code Enforcement Board hearing will be cancelled if the BZA approves the variance.

Staff received six (6) commentaries in favor of the application and none in opposition.

There was no opposition at the hearing.

The BZA felt the percentage of variance was acceptable, but the criteria for a variance was not met. The BZA denied the variance.

BZA HEARING DECISION:

A motion was made by Deborah Moskowitz, seconded by Chuck Norman and unanimously carried to deny the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (unanimous; 5-0, 2 absent).

VERA CLARK
VA-16-07-078

REQUEST: **Variance** in the R-2 zoning district to allow existing garage with 640 sq. ft. to remain in lieu of 500 sq. ft.
(Note: This is a result of code enforcement action).

ADDRESS: 7506 Cielo Court, Orlando FL 32822

LOCATION: West end of Cielo Ct., approximately 200 ft. west of Rio Pinar Lakes Blvd.

S-T-R: 02-23-30

TRACT SIZE: 70 ft. x 115 ft. (AVG)

DISTRICT#: 3

LEGAL: RIO PINAR LAKES UNIT 1 9/55 LOT 23 BLK E

PARCEL ID: 02-23-30-7446-05-230

NO. OF NOTICES: 63

DECISION: **DENIED** the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (unanimous; 5-0, 2 absent).

SYNOPSIS: Staff gave a brief presentation on the case, and showed photographs and the location of the garage.

The BZA confirmed that construction continued after the Code Enforcement Citation, and that there was no response from the adjacent neighbor.

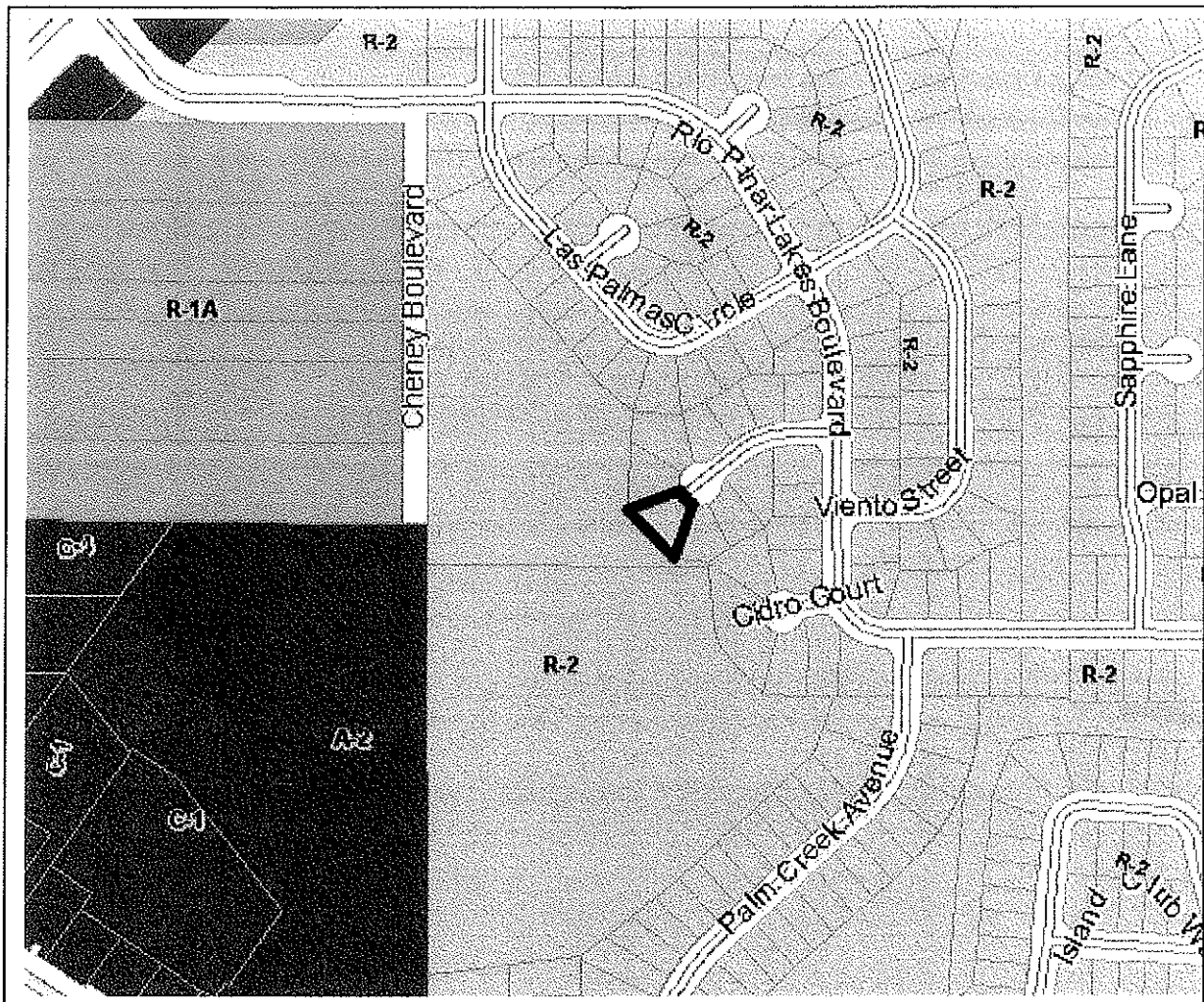
The applicant stated they did not understand that they were supposed to stop construction, and thought the Code Enforcement Citation was for the interior of the house, and not the garage. The applicant stated that their contractor did not tell them permits were required and, since then, has fired that contractor and are pulling permits themselves.

Code Enforcement staff confirmed that they received an anonymous complaint on April 15, 2016, and the upcoming Code Enforcement Board hearing will be cancelled if the BZA approves the variance.

Staff received six (6) commentaries in favor of the application and none in opposition.

There was no opposition at the public hearing.

The BZA felt the percentage of variance was acceptable, but the criteria for a variance was not met. The BZA denied the variance.



Applicant: Vera Clark

BZA Number: VA-16-07-078

BZA Date: 07/07/2016

District: 3

Sec/Twn/Rge: 02-23-30-NE-A,02-23-30-SE-D

Tract Size: 70 ft. x 115 ft. (AVG)

Address: 7506 Cielo Court, Orlando FL 32822

Location: West end of Cielo Ct., approximately 200 ft. west of Rio Pinar Lakes Blvd.

May 25, 2016

Board of Zoning Adjustment
201 South Rosalind Avenue PO Box 2687
Orlando, FL 32802-2687

To whom it may concern:


I am asking the Board of Zoning Adjustment for a variance for a detached garage I built on my property. It is of wood frame construction and measures 20 feet wide by 32 feet long by 12 feet high. It has 8 foot walls and a 4 over 12 pitch roof finished with architectural shingles and a white soffit to match the surrounding homes. It is clad with composite siding and will be painted to match the home. The garage door was originally on the main residence, and was reused to maintain a consistent appearance. It has one steel entry door and one 36" aluminum window, also salvaged from the original garage.

Our reason for building the detached garage was that the existing garage needed to be enclosed to make more living space inside the main residence. My husband is a disabled veteran and we raised the floor of the garage in the main residence to the level of the rest of the floors so that he could access the entire home. This left us without a garage, so we build the detached structure. It serves two main purposes:

- 1) A part of the garage is dedicated to storing my seasonal decorations, party supplies, etc.
- 2) The main area of the garage will be my son's workshop. He builds and fixes all manner of things, maintains our family's cars, and is restoring a 1953 Studebaker Champion Starlight Coupe. This has been his dream for many years and I am delighted to help him make it a reality.

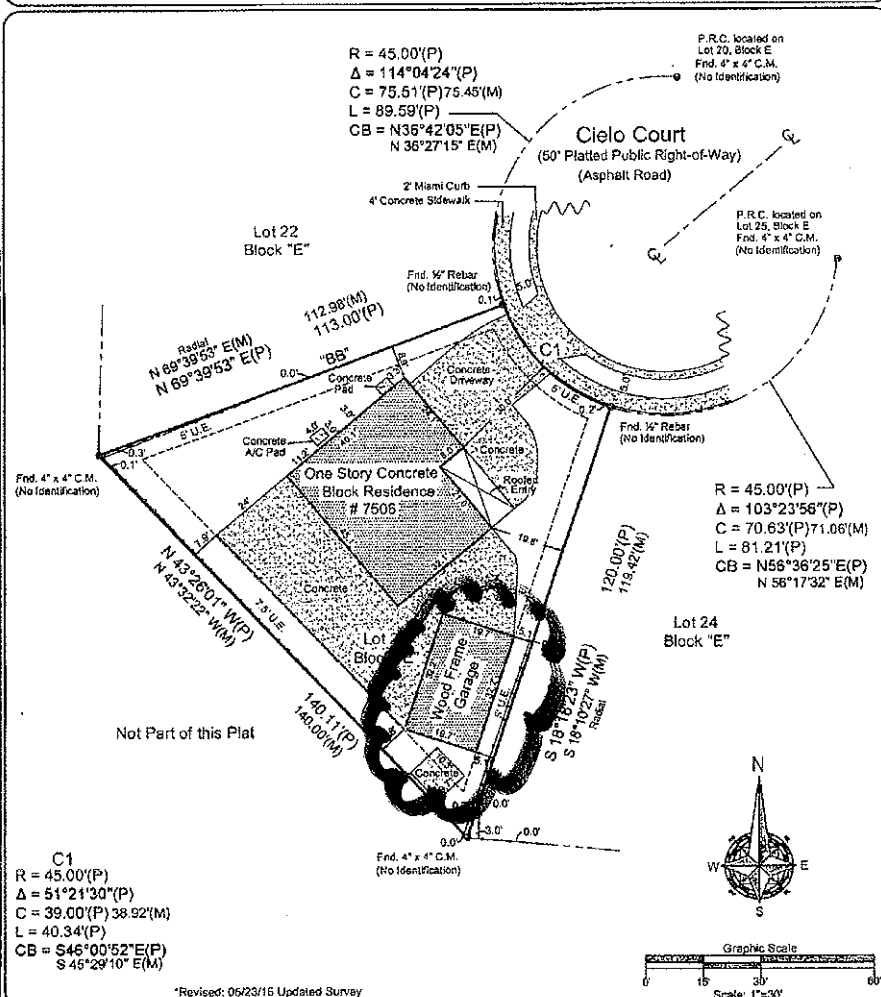
We have complied with all setbacks and utility easements (5' on the side and 7.5' on the back), while positioning the garage as far back on the lot as possible so that it would be minimally intrusive. While every effort was made to build the garage "to code," we were initially misinformed by a contractor as to the requirement of permitting but are working diligently to obtain all required documentation. We were also misinformed by a contractor about the allowable size of the garage, which is why we are seeking permission for this 640 sq. ft. structure which is slightly over the 500 sq. ft. limit for our area. It is our hope that you will see the garage for what it is; a well built, consistently styled addition to our property which will bring us much utility and joy, even if it is just a little big.

Sincerely,


Vera J. Clark and Richard H. Clark, Homeowners

RECEIVED
MAY 16 2016
Zoning Division

RECEIVED
MAY 1 1964
Zoning Division



RECEIVED
MAY 16 2016
Zoning Division

[illegible]



STAFF REPORT
CASE #VA-16-07-078
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
07/07/2016
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Vera Clark

REQUEST: Variance in the R-2 zoning district to allow existing garage with 640 sq. ft. to remain in lieu of 500 sq. ft.

(Note: This is a result of code enforcement action).

LOCATION: West end of Cielo Ct., approximately 200 ft. west of Rio Pinar Lakes Blvd.

PROPERTY ADDRESS: 7506 Cielo Court

PARCEL ID: 02-23-30-7446-05-230

TRACT SIZE: 70 ft. x 115 ft. (AVG)

DISTRICT #: 3

ZONING: R-2

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a size variance for an existing garage.
2. The garage was constructed without permits.
3. Code Enforcement observed a concrete pour, and the beginning stages of garage construction at the property on May 2, 2016, and cited the property owner. Subsequent site visits confirmed that the construction continued and the garage was finished without permits.
4. The garage is located in the rear of the property and meets all setback requirements.
5. Staff has no objections provided the adjacent neighbor to the southeast does not object.

STAFF RECOMMENDATION:

If the BZA approves the request, the following conditions should be imposed:

1. Development in accordance with site plan date stamped "Received May 16, 2016", and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The applicant shall obtain a permit within 180 days, or this approval becomes null and void.

cc: Vera Clark (Applicant)
7506 Cielo Court
Orlando, FL 32837



Interoffice Memorandum

August 24, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director *JVW*
Community, Environmental and Development
Services Department

CONTACT PERSON: **Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405** *D Weatherford for*

SUBJECT: September 13, 2016 – Public Hearing
Island Grove Tree Farm, LLC, Conservation Area Impact
Permit Application No. CAI-15-05-015

The applicant, Island Grove Tree Farm, LLC, is requesting a Conservation Area Impact Permit (CAI) for 0.015 acre of direct impacts to Class I surface waters (Lake Pickett) and adjacent Class I wetlands in association with construction of a new private boat ramp facility. The project also includes 0.160 acre of secondary impacts to Class I wetlands. The CAI is being reviewed concurrently with a companion private boat ramp facility permit application (BR-15-05-000).

The project site is located on Chuluota Road in Chuluota, Florida, in Section 04, Township 22 South, Range 32 East. The Parcel ID No. is 04-22-32-0000-00-025. A location map is provided in the supporting documentation. The subject property is located in Orange County Commission District 5.

The project site is located on a large peninsula along the northern shoreline of Lake Pickett. Most of the property is comprised of wetlands; however there is an active tree nursery operation in uplands in the center of the peninsula. To minimize impacts, the proposed ramp will be located on an existing primitive boat launch. The proposed concrete ramp will be 15 feet wide and extend approximately forty five (45) feet waterward from the shoreline. Thick emergent and wetland vegetation exists immediately waterward, and to either side of the existing boat launch. The wetland impacts are necessary to install and utilize the proposed boat ramp.

Notification of the public hearing was sent via electronic correspondence on June 20, 2016, to the applicant's agent. Notification of the adjacent property owners is not required.

Pursuant to Orange County Code, Chapter 15, Article X, the Environmental Protection Division (EPD) staff has evaluated the proposed Conservation Area Impact permit application and required documents.

The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The applicant has demonstrated that the proposed site plan allows for reasonable use of the land and that there are no other feasible or practical alternatives available to further minimize the impacts to Class I wetlands.

As mitigation for the impacts, the applicant proposes to purchase UMAM credits at the TM-Econ Mitigation Bank. To offset the proposed impacts, 0.02 credits are required. The applicant proposes to purchase 0.05 credits. The mitigation, as proposed, offsets the impacts. Finally, the mitigation plan provides for the protection, preservation and continuing viability of Class I conservation areas.

There has been no enforcement action taken by EPD on the subject property.

Staff Recommendation

Approval of the Conservation Area Impact permit subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar-day period following the date of rendition of the Board of County Commissioners' (BCC) decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the BCC decision.
2. Wetland and upland buffer impacts shall be completed in accordance with the "Wetland Impact Plan" submitted by Bio-Tech Consulting, Inc., dated as received on June 10, 2016, by EPD.
3. Prior to initiating any construction within the wetlands to be impacted, EPD shall receive a Certificate of Credit purchase from the TM-Econ Mitigation Bank stating that the transaction regarding the mitigation purchase of 0.05 credits has been completed.
4. In the event that the permittee does not successfully complete the mitigation transaction, the permittee shall obtain a permit modification from the Environmental Protection Officer (EPO) to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.

5. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of Lake Pickett (56.8 feet mean sea level) of sufficient length waterward to navigate to open water. The ramp and companion dock must be located within this corridor.
6. This permit does not authorize any fill in wetlands or in areas below the NHWE of Lake Pickett other than as depicted in the approved "Construction Plans."
7. Construction shall be completed within five (5) years from the date of issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date. Operational conditions, post construction, remain in effect, in perpetuity.
8. Any permit extensions or minor modifications (as determined by the EPO) for the activities authorized herein may be approved by way of Consent Agenda.
9. The permittee shall restore any unauthorized wetland and/or littoral zone impacts within thirty (30) days of completion of the project. The restoration will be done to the satisfaction of EPD.

General Conditions:

10. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of any required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the EPO. Notice of the revocation shall be provided to the permit holder promptly thereafter.
11. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
12. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
13. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to conduct any project permitted herein and any such

project is conducted at the sole risk of the permittee. In the event that any part of the project permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within (sixty) 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

14. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
15. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
16. For one (1) acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD NPDES Administrator prior to start of construction.
17. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
18. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.

19. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that may cause pollution to water bodies, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the traditional use and enjoyment of the waterbody by the public.
20. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
21. The permittee shall notify EPD, in writing, within thirty (30) days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
22. All excess lumber, scrap wood, trash, garbage, and similar materials, shall be removed from the project area and/or surface waters immediately.
23. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
24. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
25. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
26. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 FAC. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
27. Pursuant to Section 125.022, Florida Statutes, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Page Six

September 13, 2016—Public Hearing

Island Grove Tree Farm, LLC, Conservation Area Impact Permit Application No. CAI-15-05-015

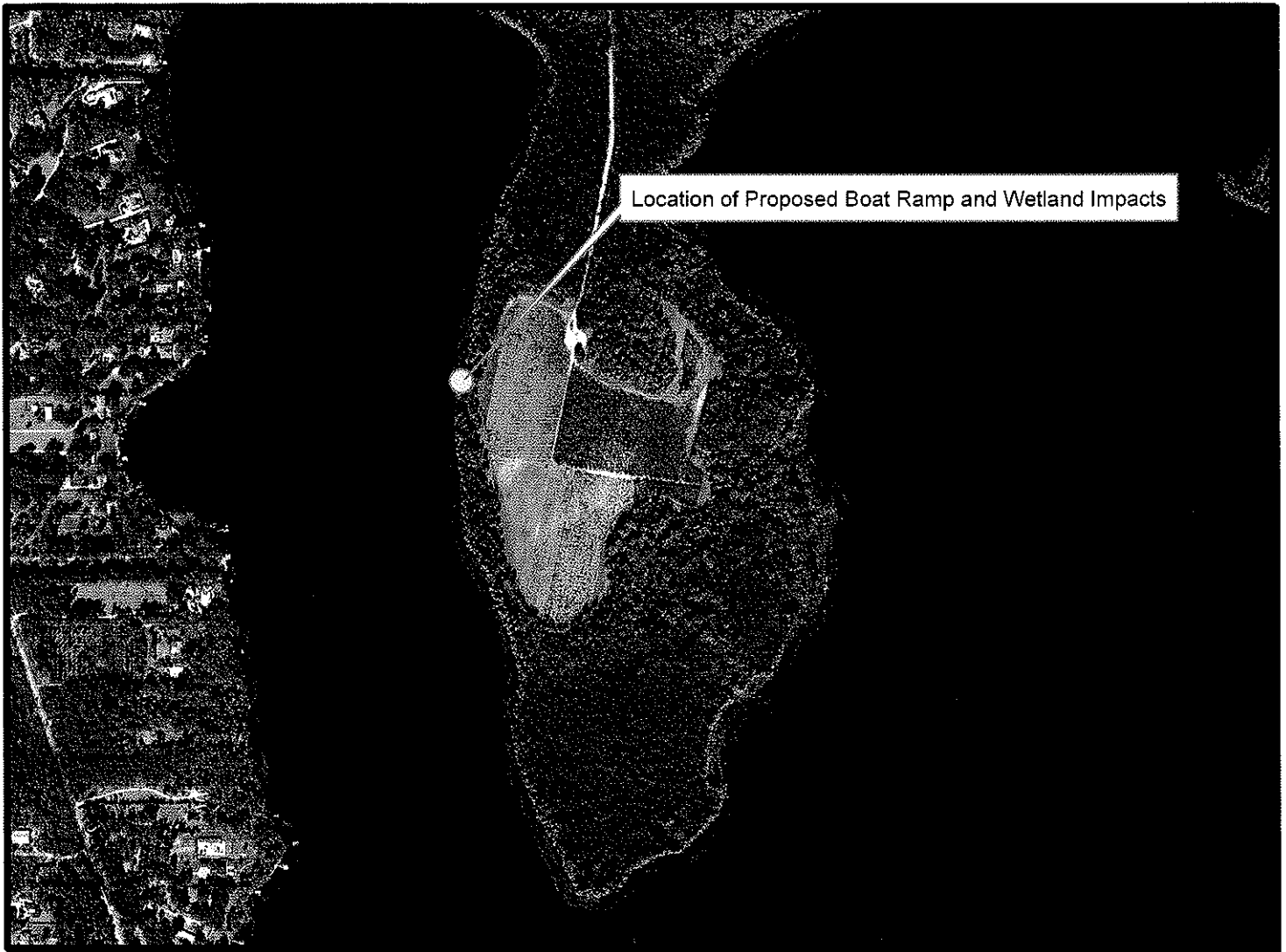
28. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before initiation of the project.

ACTION REQUESTED: Approval of Conservation Area Impact Permit (CAI-15-05-015) for Island Grove Tree Farm, LLC, subject to the conditions listed in the staff report. District 5

JVW/LC: mg

Attachments

Conservation Area Impact Permit Request



Conservation Area Impact Permit Request

District No. 5

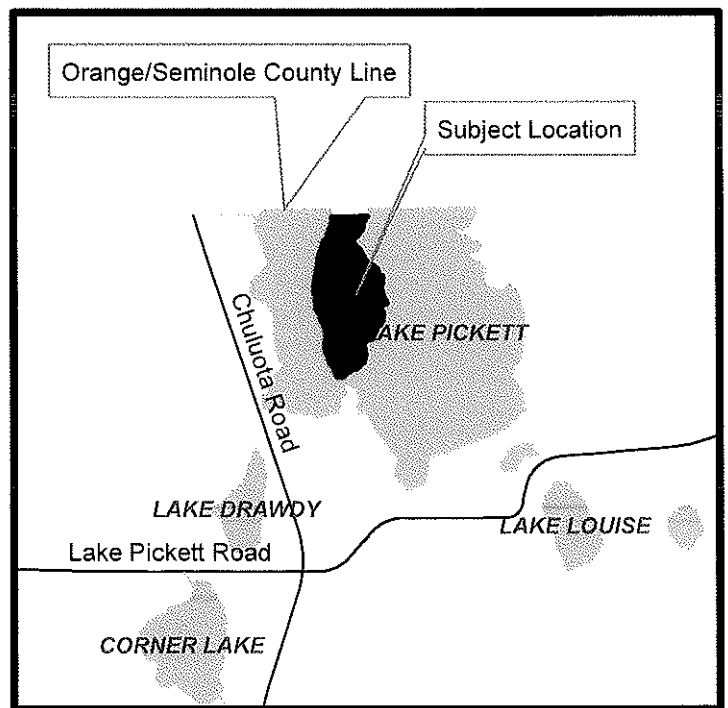
Applicant: Island Grove Tree Farm LLC

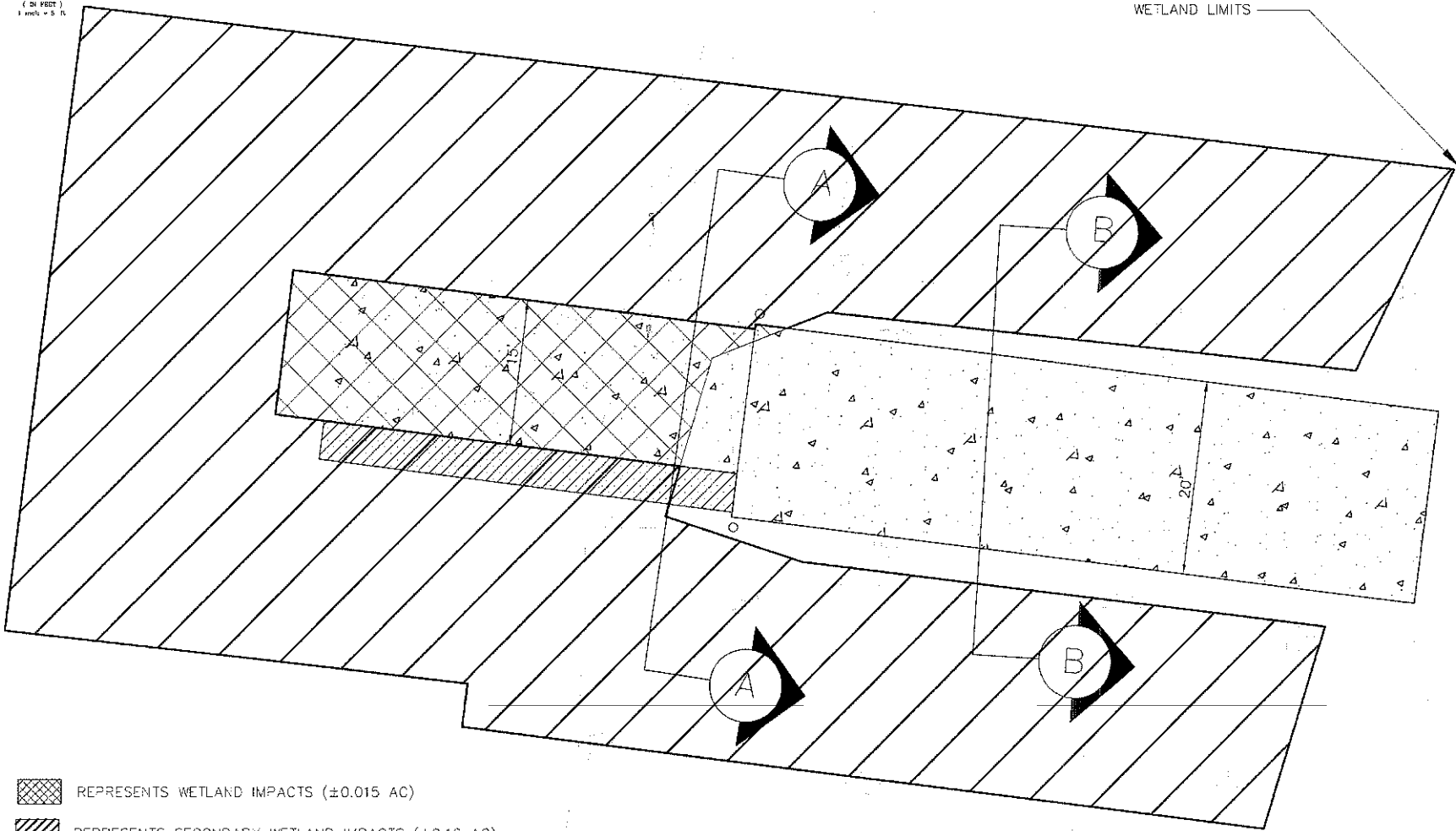
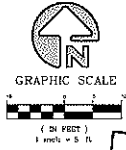
Parcel ID: 04-22-32-0000-00-025

Permit No.: CAI-15-05-015

Project Site ○

Property Location ■





ISLAND GROVE BOAT RAMP
WETLAND IMPACT PLAN

B/C-Tech
CONSULTING, INC.
2002 East Robinson Street
Orlando, Florida 32803
Phone: 407-928-3400
Fax: 407-928-3470

2002 H-11 050-01
DESIGNED BY: SEB
DRAWN BY: SEB
APPROVED BY:
DATE: 5/12/2016
SHEET

NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED

DATE: 5-12-2016

August 24, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: Lori Cuniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405

SUBJECT: September 13, 2016-- Public Hearing
Island Grove Tree Farm, LLC, Application to Construct a
Private Boat Ramp Facility (BR-15-05-000)

The applicant, Island Grove Tree Farm, LLC, requests a permit to construct a new private boat ramp facility on Lake Pickett. This private boat ramp facility permit application (BR-15-05-000) is being reviewed concurrently with a companion Conservation Area Impact Permit (CAI) application (CAI-15-05-015).

The project site is located on Chuluota Road in Chuluota, Florida, in Section 04, Township 22 South, Range 32 East. The Parcel ID No. is 04-22-32-0000-00-025. A location map is provided in the supporting documentation. The subject property is located in Orange County Commission District 5.

The project site is located on a large peninsula along the northern shoreline of Lake Pickett. Most of the property is comprised of wetlands; however there is an active tree nursery operation located in the uplands located in the center of the peninsula.

To minimize wetland impacts, the proposed ramp will be located on an existing primitive boat launch. The proposed concrete ramp will be 15 feet wide and extend approximately forty five (45) feet waterward from the shoreline. Wetland vegetation exists immediately waterward, and to either side of the existing boat launch. The wetland impacts required to create the boat ramp are being requested in the companion CAI permit. The ramp will be used solely by the landowner and their usual and customary guests.

In accordance with the noticing requirements set forth in Article XV, Section 15-605(d)(2), a notice has been published in a newspaper of general circulation in Orange County at least two (2) weeks prior to the public hearing. The applicant posted a notice of public hearing on the subject parcel on August 12, 2016. The applicant mailed notices of the public hearing to all upland owners within 500 feet of the property on August 9, 2016.

Pursuant to Orange County Code, Chapter 15, Article XV, Environmental Protection Division (EPD) staff has evaluated the proposed Private Boat Ramp Facility Permit application and required documents.

There is no current enforcement action on the subject property.

Staff Recommendation

Approval of the private boat ramp facility subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the ten (10) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the "Construction Plans" submitted by Highland Engineering, Inc., dated as received on February 24, 2016, by the Environmental Protection Division (EPD). The construction of the permitted activity shall be completed five (5) years from the date of issuance of this permit. Requests for permit extension must be submitted to EPD prior to the expiration date. Operational conditions, post construction, remain in effect, in perpetuity.
3. If the land use of the property changes, such that the boat ramp will serve the residents of a subdivision, the boat ramp facility must meet the requirements of Chapter 15, Article XV for a semi-private ramp. A permit modification and public hearing will be required.
4. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of Lake Pickett (56.8 feet mean sea level) of sufficient length waterward to navigate to open water. The ramp and companion dock must be located within this corridor.
5. No wake within a 100-foot radius of the boat ramp facility shall be allowed. No wake zone signage shall be installed at the end of the boat ramp, as depicted on the "Construction Plans", submitted by Highland Engineering, Inc., dated as received on February 24, 2016, prior to the final inspection or issuance of Certificate of Completion.
6. The launching of motorized vessels shall be prohibited and access to the ramp shall be blocked off when water level drops below 54.0 feet mean sea level (NGVD). Signage shall be installed informing boaters of this restriction as depicted on the "Construction Plans", submitted by Highland Engineering, Inc., dated as received on February 24, 2016.

7. A permanent staff gauge shall be properly installed and maintained in a usable condition at the end of the companion dock of the boat ramp as depicted on the "Construction Plans", submitted by Highland Engineering, Inc., dated as received on February 24, 2016. The accuracy of the staff gauge will be confirmed by a professional surveyor annually and at such times as the accuracy may be compromised by accident, vandalism or other occurrence. A letter shall be submitted to EPD with the survey information prior to final inspection or issuance of Certificate of Completion and following any other survey event.
8. Electrical outlets shall be prohibited within one-hundred (100) feet of the boat ramp facility.
9. No fueling is allowed at the ramp, boats with antifouling paint may not use the ramp, power loading or unloading shall be prohibited, no washing of watercraft shall be permitted at the ramp and shoreline mooring shall be prohibited.
10. The permittee shall restore any unauthorized wetland and/or littoral zone impacts within thirty (30) days of completion of the project. The restoration will be done to the satisfaction of EPD.
11. This permit does not authorize any fill in wetlands or below the NHWE of Lake Pickett necessary to construct the boat ramp facility or maintain or create navigable access from the boat ramp to the lake, other than as depicted in the approved "Construction Plans."
12. Any permit extensions or minor modifications [as determined by the Environmental Protection Officer (EPO)] for the construction of the boat ramp facility may be approved by way of Consent Agenda.
13. The ramp shall only be used by the landowner and their usual and customary guests.

General Conditions:

14. A copy of this permit, along with EPD stamped and approved drawings, should be taken to the OC Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
15. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.

16. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of any required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the EPO. Notice of the revocation shall be provided to the permit holder promptly thereafter.
17. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
18. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
19. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within (sixty) 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
20. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.

21. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereign lands or other state-owned lands.
22. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
23. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
24. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that may cause pollution to water bodies, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the traditional use and enjoyment of the waterbody by the public.
25. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
26. The permittee shall notify EPD, in writing, within thirty (30) days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
27. All excess lumber, scrap wood, trash, garbage, and similar materials shall be removed from the project area and/or surface waters immediately.
28. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
29. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
30. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.

31. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 FAC. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
32. Pursuant to Section 125.022, Florida Statutes, issuance of this construction permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
33. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of construction.
34. Within thirty (30) days of completion of the activities authorized herein, the permittee must provide an as-built drawing on a final survey, signed and sealed by an appropriate professional licensed by the State of Florida, with the notice of completion. The signed and sealed as-built survey shall include, but is not limited to; aerial view of the project site with the location of any conservation easements, tracts, or conservation areas, the NHWE for Pickett, topographic elevations and cross sections with elevation data in the exact same area as the cross sections on the approved "Construction Plans", and complete dimensions of the companion dock and boat ramp.

ACTION REQUESTED: Approval of Private Boat Ramp Facility Permit (BR-15-05-000) for the Island Grove Tree Farm, LLC, subject to the conditions listed in the staff report. District 5

JVW/LC: mg

Attachments

Private Boat Ramp Facility Permit Request



Private Boat Ramp Facility Permit Request

District No. 5

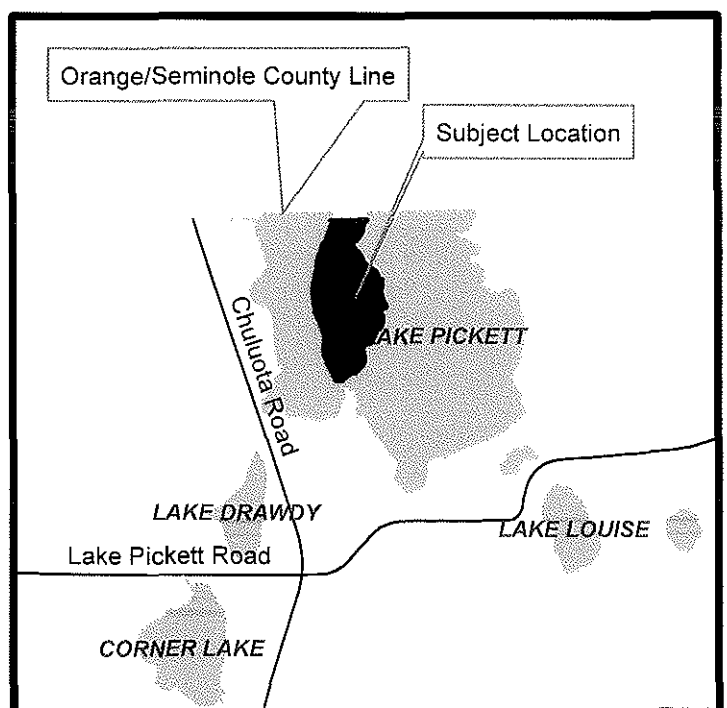
Applicant: Island Grove Tree Farm LLC

Parcel ID: 04-22-32-0000-00-025

Permit No.: BR-15-05-000

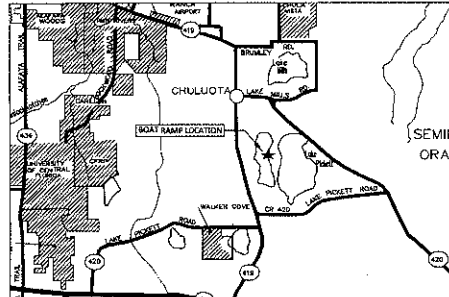
Project Site ○

Property Location ■



SITE CIVIL CONSTRUCTION PLANS FOR ISLAND GROVE BOAT RAMP CHULUOTA, FL

PREPARED FOR:
ALAN ASHLOCK
2727 LAKE PICKETT PLACE
CHULUOTA, FL 32766



SITE CIVIL SHEET INDEX

C100 ————— COVER SHEET
C101 ————— BOAT RAMP PLAN

RELATED PLANS BY OTHERS

S100 ————— TOPOGRAPHIC & TREE SURVEY

PROJECT TEAM

OWNER/DEVELOPER

LAKE PICKETT RESERVE, LLC
2727 LAKE PICKETT PLACE
CHULUOTA, FL 32766
PH: (407) 277-5000

CIVIL ENGINEER

HIGHLAND ENGINEERING, INC.
79 W. ALHAMBRA ST.
ORLANDO, FL 32806
PH: (407) 275-7877

ISLAND GROVE BOAT RAMP

COVER SHEET



JOB NO. C100-001
DESIGNED BY: [Signature]
DRAWN BY: [Signature]
APPROVED BY: [Signature]
DATE: 6/20/2015
SHEET: C100
NOT FOR CONSTRUCTION
UNLESS SIGNED AND SEALED
[Signature]
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 94122
DATE: 11/14/16



607



**Interoffice Memorandum
Community, Environmental and Development Services**

August 22, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E. Director
Community, Environmental and Development
Services Department

CONTACT PERSON: Lori Cuniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405

SUBJECT: September 13, 2016 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
Harrod Robert Wayne Trustee (SADF-15-10-013)

The applicant, Harrod Robert Wayne Trustee, requests a Shoreline Alteration/Dredge and Fill (SADF) Permit to install riprap along the bank of the Little Econlockhatchee River on the subject property. The property is located at 4202 Rouse Road, in Orange County Commission District 5. The Parcel ID for the site is 04-22-31-0000-00-013.

Notification of the public hearing was sent to property owners within five-hundred (500) feet of the project site on August 15, 2016.

On October 13, 2015, the applicant submitted an SADF permit application to install riprap along the bank of the Little Econlockhatchee River. Pursuant to Orange County Code, Chapter 15, Article VI, Environmental Protection Division (EPD) staff evaluated the proposed SADF permit application and required documents.

The applicant proposes to install riprap, comprised of natural stone, along a portion of riverbank subject to significant erosion. The applicant states that the repair is needed to stabilize the shoreline and preserve the amount of upland acreage on the property. EPD staff conducted a site visit on October 15, 2015, and visually confirmed that a significant portion of the riverbank has eroded away and been transported downstream.

SADF permit (No. 04-006) was previously issued to the applicant on April 17, 2006, for a similar scope of work on his adjacent parcel to the south, located just upstream. Staff reviewed this area during the site visit and observed that the riprap installed under the previous permit appears to have stabilized the riverbank on that parcel.

There has been no enforcement action taken by EPD on the subject property.

Staff Recommendation

Approval of the Shoreline Alteration/Dredge and Fill Permit, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of the filing of the Board of County Commissioners (BCC) determination with the Clerk of the BCC, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the "River Bank Erosion Repair Plans" submitted by American Civil Engineering Co., dated as received on June 30, 2016, by EPD. The permitted work must be commenced within six (6) months and completed within one (1) year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void, unless a timely extension request has been received by EPD.
3. Any requests for permit extension must be received by EPD within one (1) year of permit issuance. Any permit extension for the approved construction may be approved by way of Consent Agenda if there are no changes to the authorized activity.
4. This permit does not authorize any dredging or filling, except for the actual installation of the riprap. This permit does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the riprap to the open water.
5. The permittee must install riprap at a 0.5 (Horizontal): 1 (Vertical) slope (maximum) as depicted on the "River Bank Erosion Repair Plans" submitted by American Civil Engineering Co., dated as received on June 30, 2016, by EPD.
6. The riprap shall be comprised of natural stone a minimum of 18 inches in diameter. No riprap may be installed outside the 150 linear feet of the project area, or above the 'Prior to Erosion Line', as depicted on the plans. Woven, geotextile fabric must be installed beneath the riprap.
7. No vegetation may be removed from the riverbank without prior authorization from EPD.
8. Prior to initiating the permitted activity, the applicant must provide written notification of the date of commencement. The applicant shall also notify EPD when the project is completed.

General Conditions:

9. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer (EPO). Notice of the revocation shall be provided to the permit holder promptly thereafter.
10. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
11. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
12. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty (60) days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
13. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the

permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit, and any other permit or approval.

14. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
15. Should any other regulatory agency require changes to the property, permitted activities, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
16. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
17. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
18. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
19. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
20. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
21. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.

22. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
23. Pursuant to Section 125.022, Florida Statutes, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
24. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of the activities authorized herein.

ACTION REQUESTED: Approval of Harrod Robert Wayne Trustee Shoreline Alteration/Dredge and Fill Permit (SADF-15-10-013) subject to the conditions listed in the staff report. District 5

JVW/LC: mg

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



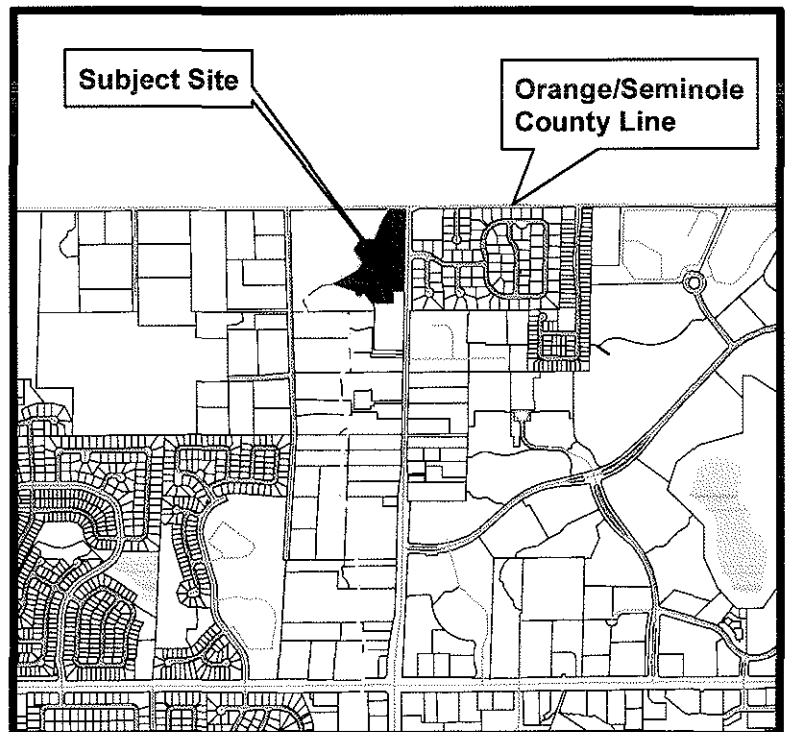
**Shoreline Alteration/Dredge and Fill
Permit Request
District #5**

**Applicant: Harrod Robert Wayne Trustee
Parcel ID: 04-22-31-0000-00-013**

**Shoreline Alteration/Dredge and Fill
Permit No.: SADF-15-10-013**

Project Site

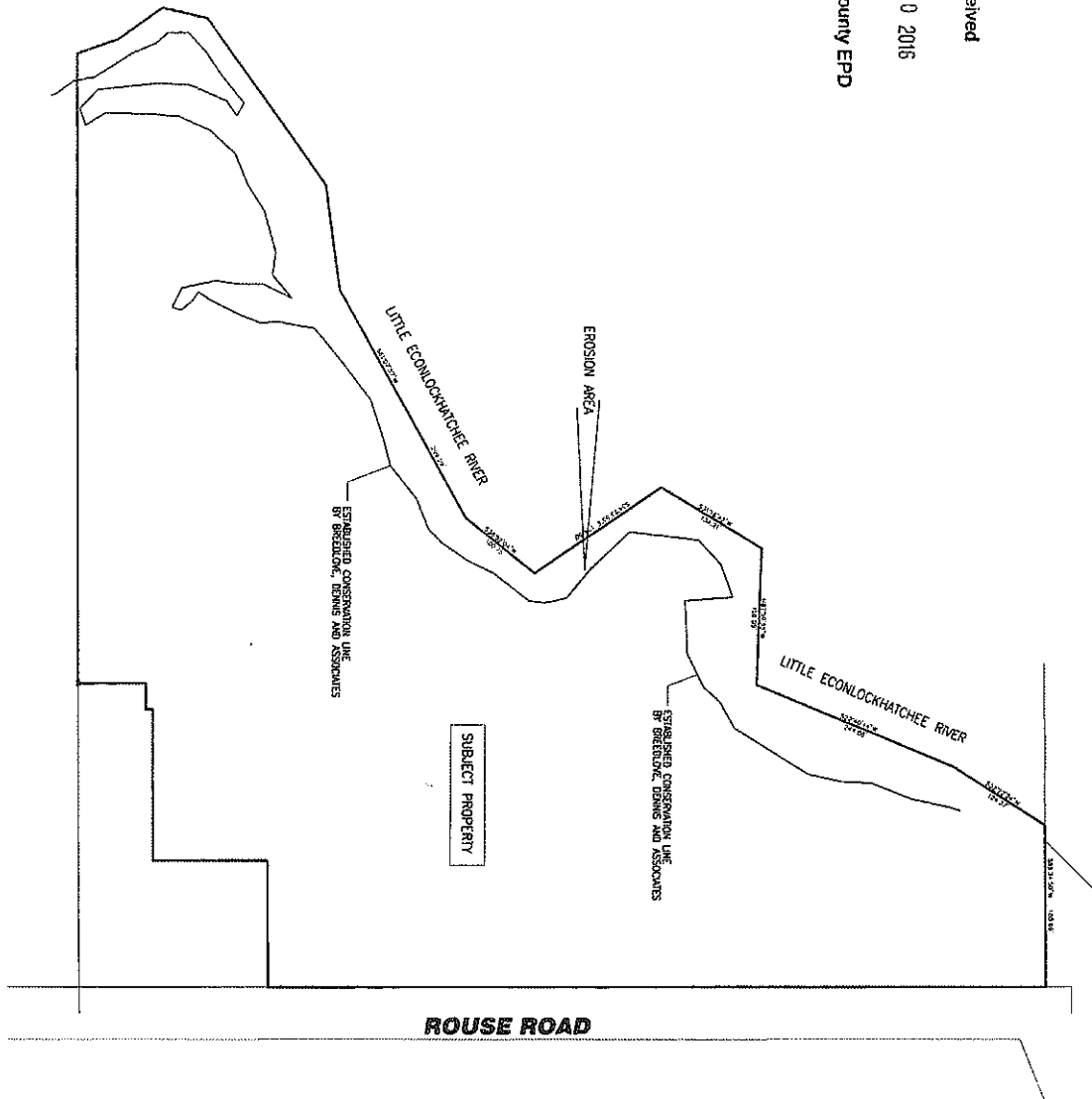
Property Location



Received

JUN 30 2016

Orange County EPP



ROUSE ROAD



SEC. A. GENERAL CONSTRUCTION NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA BUILDING CODE AND THE FLORIDA ELECTRICAL CODE.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA BUILDING CODE AND THE FLORIDA ELECTRICAL CODE.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA BUILDING CODE AND THE FLORIDA ELECTRICAL CODE.
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15. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA BUILDING CODE AND THE FLORIDA ELECTRICAL CODE.

SEC. B. EROSION CONTROL:

1. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS TO PREVENT SOIL EROSION AND SEDIMENTATION.
2. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS TO PREVENT SOIL EROSION AND SEDIMENTATION.
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SEC. C. SPECIAL:

1. SPECIAL CONSTRUCTION NOTES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS TO PREVENT SOIL EROSION AND SEDIMENTATION.
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2 of 5

OVERALL PROPERTY SITE PLAN
RIVER ISLE EAST
ORANGE CO., FLORIDA

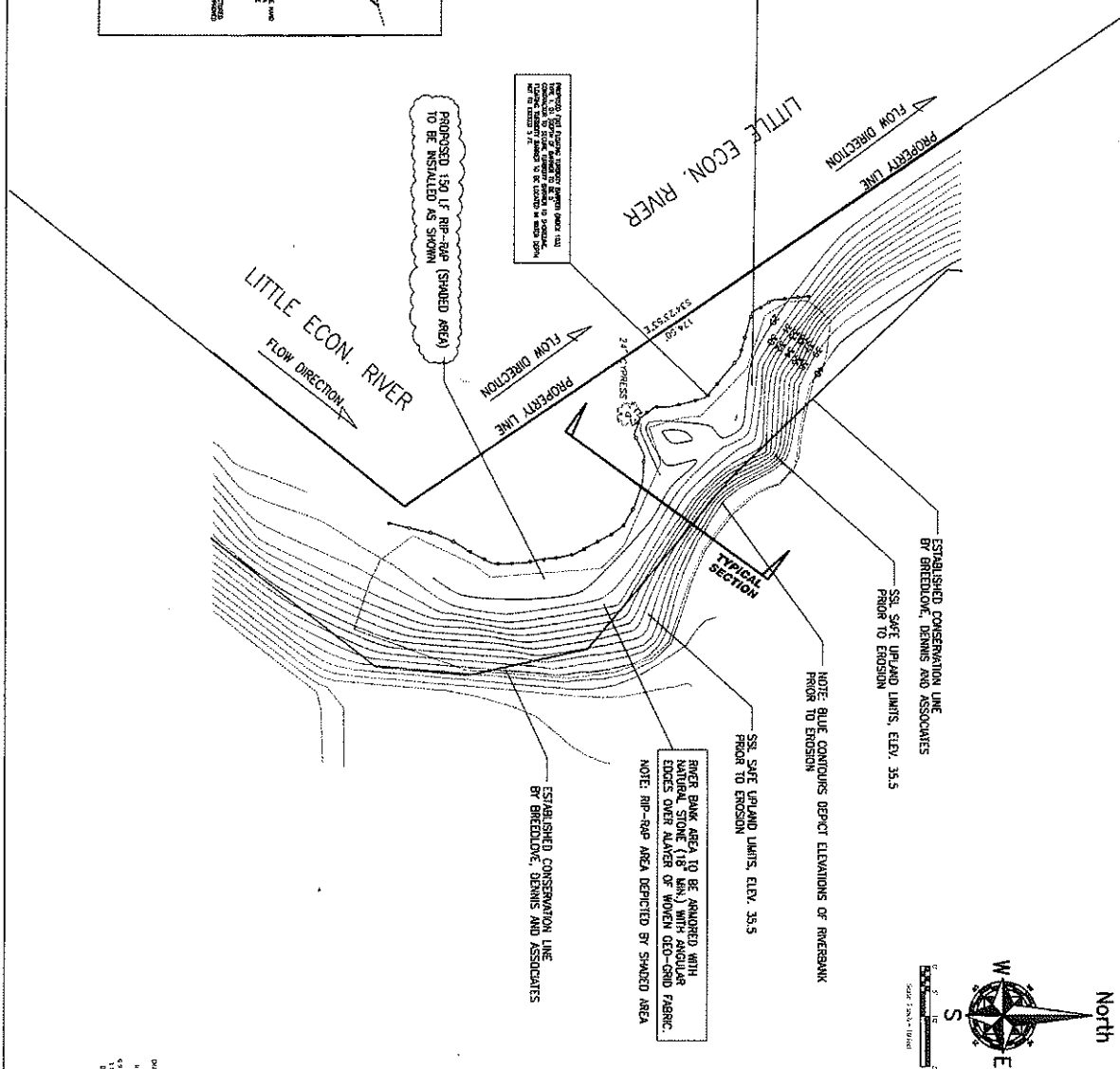
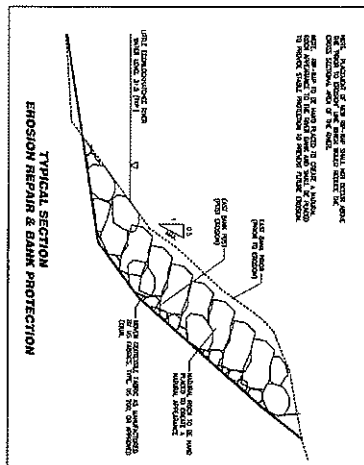
AMERICAN CIVIL ENGINEERING CO.
207 N. MAIN ST., SUITE 201, ORANGE, FL 32667
(407) 227-7700 FAX (407) 227-7727


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PROJECT NO.	15-001
DATE	05/11/2015
DESIGNED BY	JOHN HENSON, P.E.
CHECKED BY	JOHN HENSON, P.E.
APPROVED BY	JOHN HENSON, P.E.

JUN 30 2016

Orange County EPD

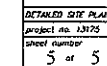


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Orange County EPD



Orange County EPD





Interoffice Memorandum

September 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smoger, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 - Public Hearing
Christopher Wrenn, DR Horton
Conventional Rezoning Case # RZ-16-02-007
(Pulled from the April 21, 2016 PZC Recommendations Book)

This request is to rezone a 7.73-acre parcel located at 1302 S. Econlockhatchee Trail, from R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District), in order to subdivide and develop twenty-eight (28) lots with one (1) conventional single-family detached dwelling unit per lot.

On April 21, 2016, the Planning and Zoning Commission (PZC) made a finding of consistency with the Comprehensive Plan, and recommended approval of the request, subject to three (3) restrictions. As summarized in the staff report, two (2) community meetings were also held for this request at Deerwood Elementary School on February 2, 2016 and April 21, 2016. At both community meetings, residents expressed significant opposition to the request. On August 2, 2016, the Board of County Commissioners continued this request to September 13, 2016.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form have been completed in accordance with the requirements of Ordinance 2008-14. Copies of these forms may be obtained in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and APPROVE the requested R-1 (Single-Family Dwelling District) zoning, subject to the restrictions listed under the PZC Recommendation in the Staff Report. District 3

Attachment

GENERAL INFORMATION

APPLICANT	Christopher Wrenn, AICP, D.R. Horton, Inc.
OWNER	Primera Construction Corp.
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	1302 S. Econlockhatchee Trail; or generally located on the west side of S. Econlockhatchee Trail, approximately 650 feet north of Oriente Street
PARCEL ID NUMBERS	31-22-31-0000-00-108 and 31-22-31-0000-00-036
PUBLIC NOTIFICATION	<p>The notification area for this public hearing extended beyond 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Five hundred and four (504) notices were mailed to those property owners in the mailing area.</p> <p>Two community meetings were also held for this application on February 3, 2016 and June 7, 2016 at Deerwood Elementary School (<i>refer to meeting summary on page 2</i>).</p>
TRACT SIZE	7.73 gross acres
PROPOSED USE	Up to twenty-eight (28) lots with one (1) conventional single-family detached dwelling unit per lot.

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested R-1 (Single-Family Dwelling District) zoning.

IMPACT ANALYSIS

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is inconsistent with the character of surrounding neighborhoods, which primarily consist of R-1AA and R-1A zoned properties. Although the applicant has offered to restrict lots located along the northern property line to a minimum width of eight-five (85) feet (*consistent with adjacent development*), the minimum 50-foot lot width allowed within the remaining areas of the proposed R-1 zoning district is unprecedented along the S.

Econlockhatchee Trail corridor. For this reason, staff has found the request to be incompatible with the surrounding area.

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The R-1 (Single-Family Dwelling District) zoning is consistent with the LDR FLUM designation, but is inconsistent with the following applicable CP provisions:

FLU1.4.2 states Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

Community Meeting Summary

A community meeting was held on February 3, 2016 at Deerwood Elementary School. Excluding the applicant and various Orange County staff, 47 residents were in attendance. Community residents were strongly opposed to the request to change the zoning and general development of the subject property. Issues raised included the perception of incompatibility; increased traffic; proximity to Deerwood Elementary School; impacts to existing wildlife and trees; stormwater runoff; and possible flooding.

Subsequent to the April 21, 2016 Planning and Zoning Commission (PZC) public hearing, an additional community meeting was held on June 7, 2016 at Deerwood Elementary School. Excluding the applicant and Orange County staff, 53 residents were in attendance. Community residents maintained their strong opposition to the request.

SITE DATA

Existing Use	Undeveloped Residential
Adjacent Zoning	N: R-1AA (Single-Family Dwelling District) (1979)
	E: R-CE (Country Estate District) (1968)

W: R-1AA (Single-Family Dwelling District) (1972)
S: R-1AA (Single-Family Dwelling District) (1979)

Adjacent Land Uses

N: Detached Single-Family Residential
E: Undeveloped Residential
W: Retention Pond
S: Deerwood Elementary School

R-1 (SINGLE-FAMILY DWELLING DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.
<i>Side Street:</i>	15 ft.

* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

Permitted Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Subject Property Analysis

The subject 7.73-acre property is generally located on the west side of S. Econlockhatchee Trail, approximately 650 feet north of Oriente Street and is currently undeveloped. Through this request, the applicant is seeking to rezone the two parcels from R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) with the intent to develop twenty-eight (28) lots with one (1) conventional single-family detached dwelling unit per lot. To ensure compatibility with an adjacent single-family subdivision, the applicant has offered to restrict lots along the northern site perimeter to minimum width of eighty-five (85) feet. However, the request would otherwise permit a minimum lot width of 50 feet, and reduce the current R-1AA minimum lot area from 10,000 square feet to 5,000 square feet.

The surrounding area is residential in nature, and is primarily developed with suburban

subdivisions, with Deerwood Elementary School located immediately south of the subject property. Located further east of the S. Econlockhatchee Trail corridor and across State Road 417, the area exhibits larger agriculturally zoned residential properties.

Comprehensive Plan (CP) Amendment

A CP amendment is not required for this application, as the requested R-1 zoning is consistent with the underlying Low Density Residential (LDR) Future Land Use Map (FLUM) designation.

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is located within Airport Noise Zone "E". The proposed use is subject to minor land use restrictions, as stated in Orange County Code Article XV – "Airport Noise Impact Areas".

Environmental

Wetlands are located on this property. Prior to any Orange County permits or development approval, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), and if encroachments are proposed, a Conservation Area Impact (CAI) Permit, consistent with Chapter 15, Article X Wetland Conservation Areas. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant

Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection (FDEP) by the developer.

Transportation / Access

Based on the 9th Edition of the Institute Trip Generation manual, 28 single family dwelling units will generate approximately 33 trips during the PM peak period. Trips from the proposed development will impact segments of Dean Road and Lake Underhill Road, which are currently operating below adopted Levels of Service. This information is dated and is subject to change.

A traffic study will be required prior to obtaining an approved Capacity Encumbrance Letter (CEL) and building permit.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>	
Water:	Orange County Utilities	A 36-inch and 16-inch main are located in the S. Econlockhatchee Trail right-of-way adjacent to this property.
Wastewater:	Orange County Utilities	A 20-inch main is located in the S. Econlockhatchee trail right-of-way adjacent to this property.
Reclaim Water:	Orange County Utilities	There are no reclaimed water mains in the vicinity of the site.

Schools

Orange County Public Schools (OCPS) has indicated there is school capacity for the proposed development (School Capacity Determination Application OC-16-002).

Parks and Recreation

Orange County Parks and Recreation did not provide any objections to the rezoning request.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

PZC Recommendation – (April 21, 2016)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning, subject to the following restrictions:

- 1) A minimum lot width of 85 feet shall be provided along the north property line;
- 2) A minimum lot area of 5,250 square feet shall be provided along the south property line; and
- 3) Preservation of key tree clusters shall be considered during subdivision plan review.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

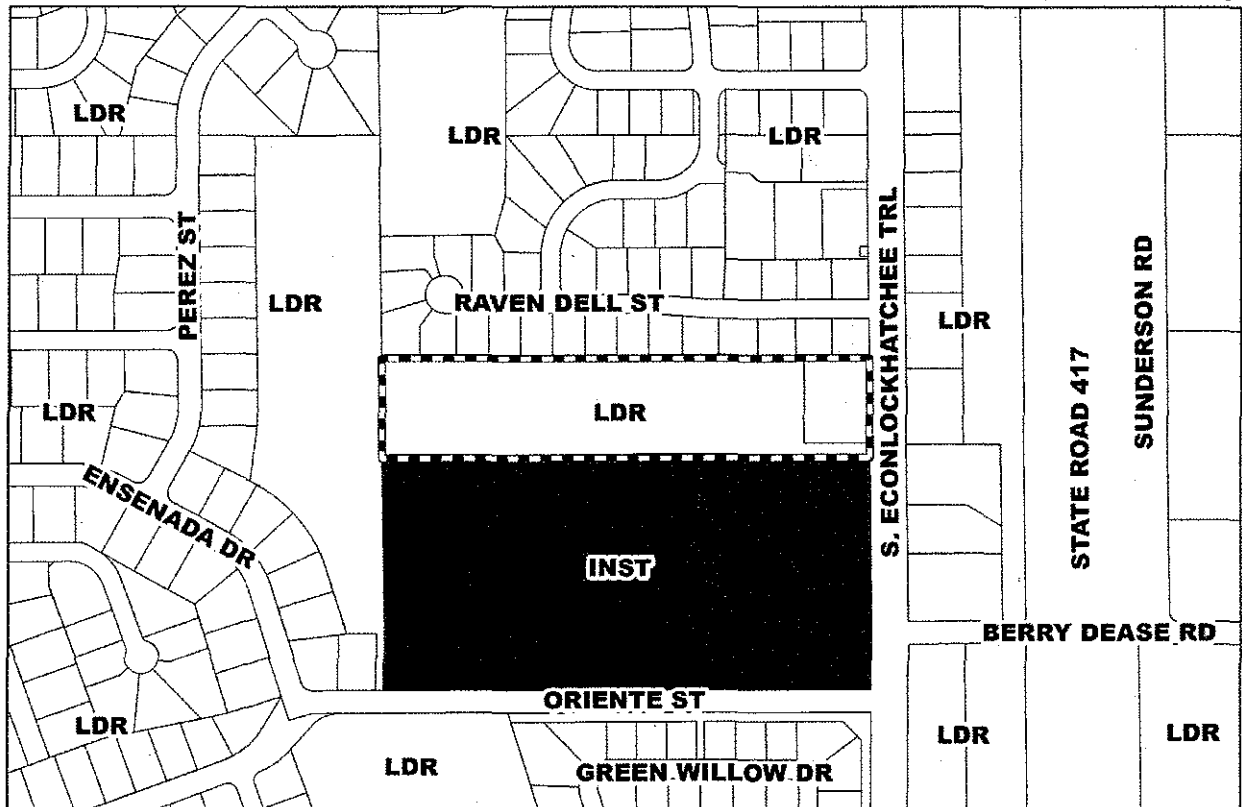
The staff report was presented to the PZC with the recommendation that they make a finding of inconsistency with the Comprehensive Plan and recommend denial of the requested R-1 (Single-Family Dwelling District) zoning.

Staff indicated that five-hundred four (504) notices were mailed to surrounding property owners within a buffer extending beyond 500 feet from the subject property, with twenty-four (24) responses in opposition to the request received. The applicant was present and disagreed with the staff recommendation, stating that their willingness to restrict lots located along the northern property line to a minimum width of eight-five (85) feet (*consistent with adjacent development*), would ensure compatibility. There were seven (7) members of the surrounding community present to express opposition to the request.

Following PZC discussion regarding compatibility of the proposed zoning district, Commissioner Demostene made a motion to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the R-1 (Single-Family Dwelling District) zoning, subject to three (3) restrictions. Commissioner Dunn seconded the motion, which was then carried on a five (5) to four (4) vote.

Motion / Second	<i>Tina Demostene / James Dunn</i>
Voting in Favor	<i>Tina Demostene, James Dunn, Yog Melwani, Jose Cantero, and Rick Baldocchi</i>
Voting in Opposition	<i>Paul Wean, Marvin Barrett, JaJa Wade, and Pat DiVechhio</i>

RZ-16-02-007



Subject Property



Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Christopher Wrenn, DR Horton, Inc.

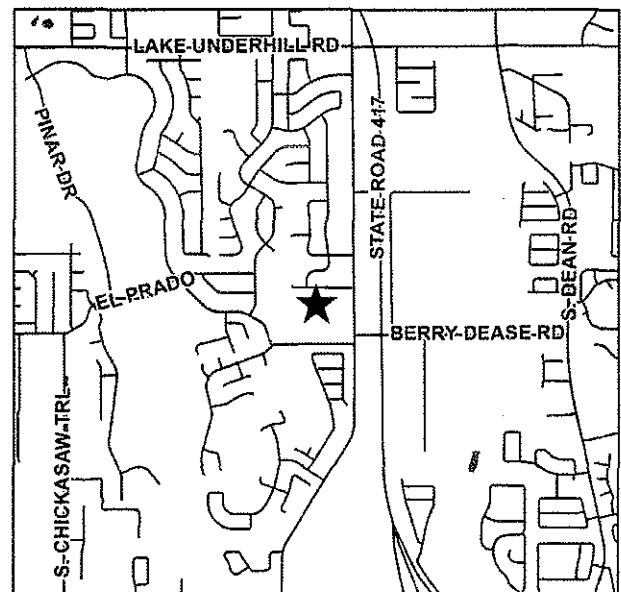
LOCATION: 1302 S. Econlockhatchee Trail; or generally located on the west side of S. Econlockhatchee Trail, approximately 650 feet north of Oriente Street

TRACT SIZE: 7.73 gross acres

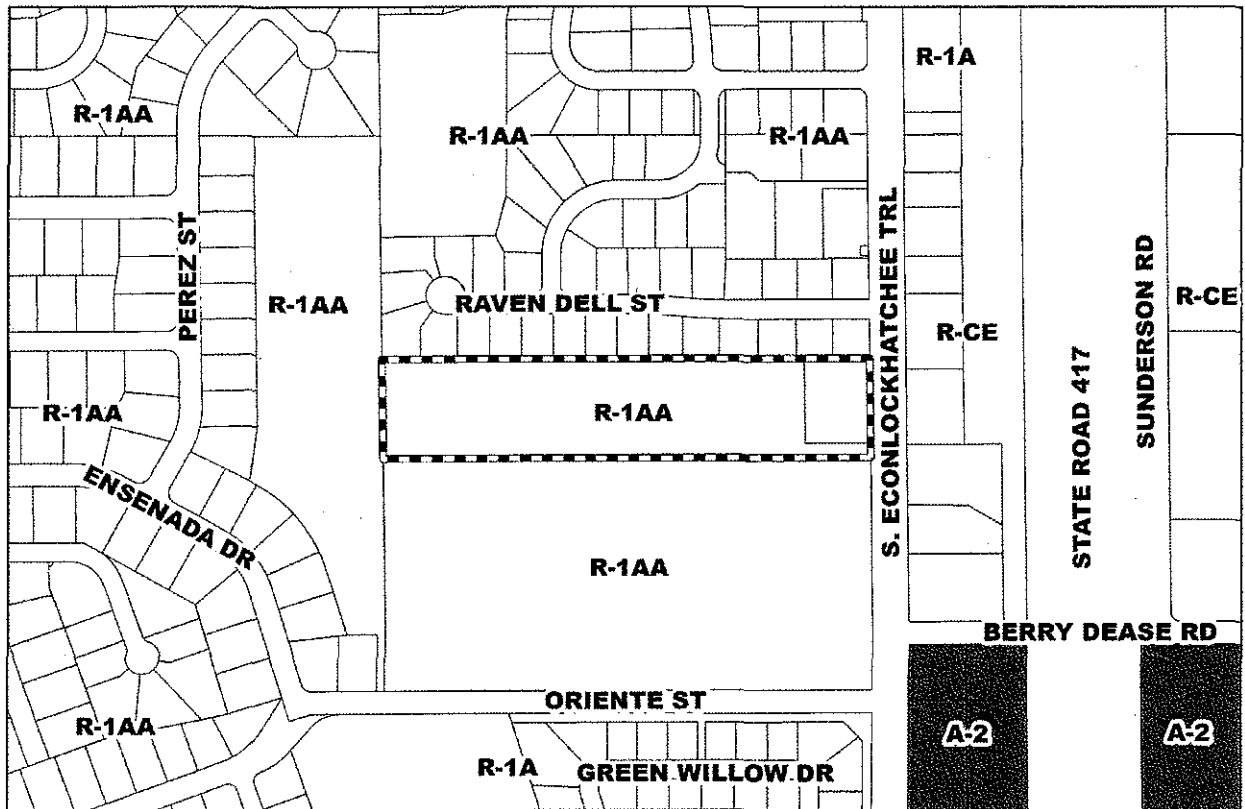
DISTRICT: # 3

S/T/R: 31/22/31

1 inch = 417 feet



RZ-16-02-007



Subject Property



★ Subject Property

Zoning Map

ZONING: R-1AA (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

APPLICANT: Christopher Wrenn, DR Horton, Inc.

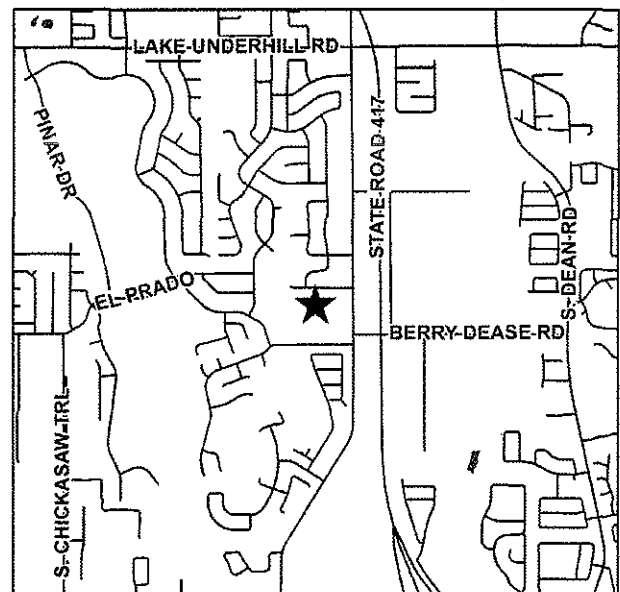
LOCATION: 1302 S. Econlockhatchee Trail; or generally located on the west side of S. Econlockhatchee Trail, approximately 650 feet north of Oriente Street

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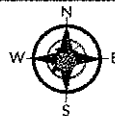
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RZ-16-02-007



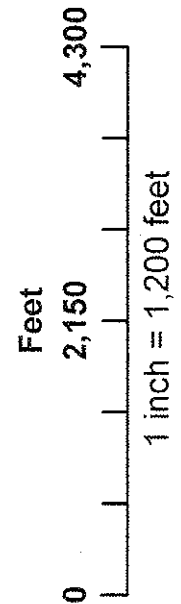
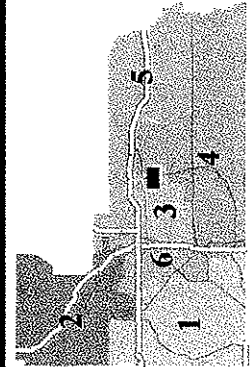
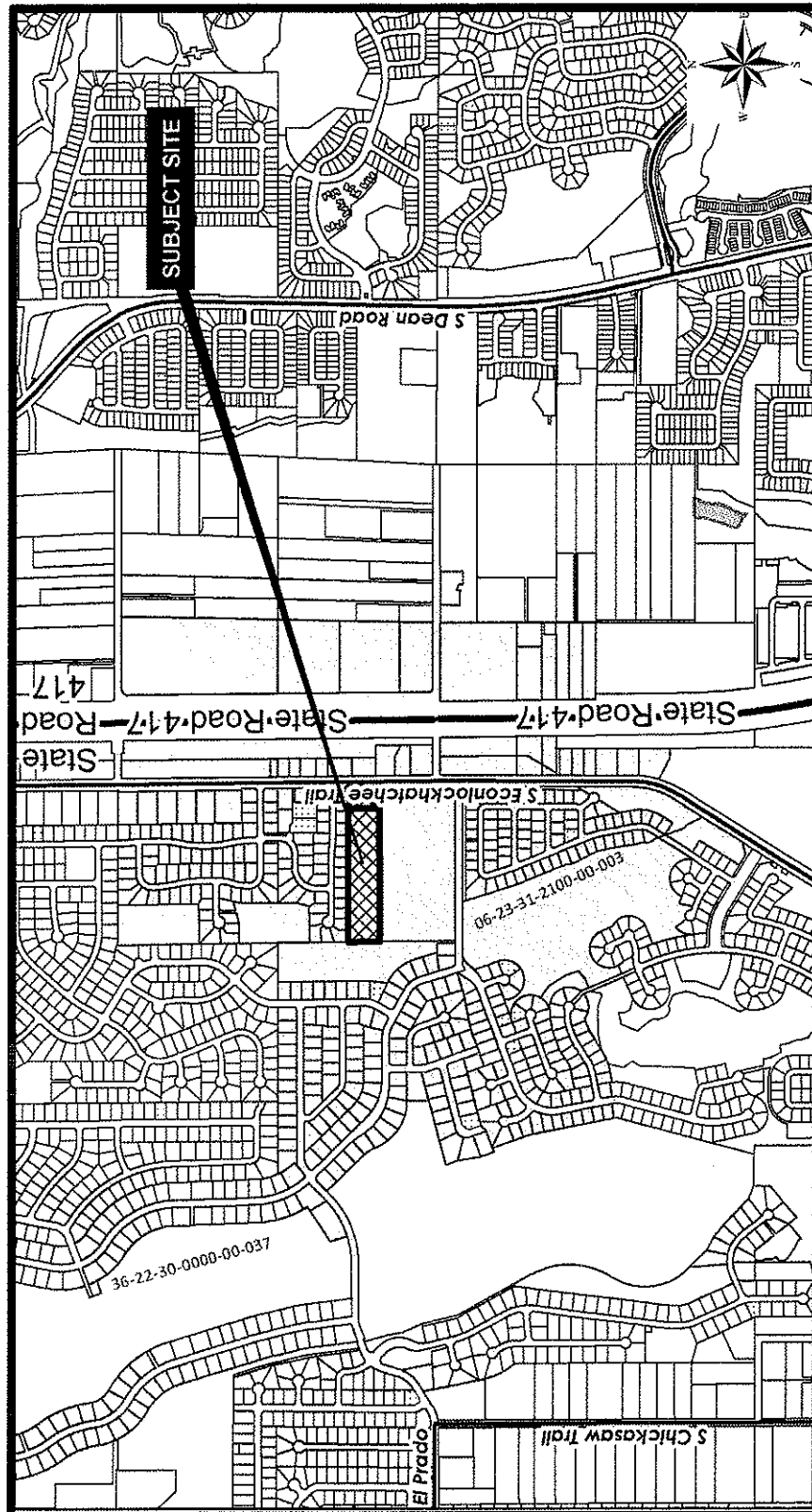
 Subject Property



1 inch = 417 feet

Notification Map

RZ-16-02-007
504 NOTICES



Legend

- SUBJECT
- PARCELS
- HYDROLOGY
- SELECTED PARCELS
- Toiled Facility

S:\Business Systems\Board Administration_PZC\011602-February\RZ-16-02-007\MapZ-16-02-007.mxd



Interoffice Memorandum

August 23, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smoger, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 – Public Hearing
Applicant: Richard C. Wohlfarth, IBI Group (Florida), Inc.
Goldenrod Reserve PD / Goldenrod Reserve Phases 1 & 2
Preliminary Subdivision Plan –
Case # PSP-16-04-143

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 27, 2016, to approve the Goldenrod Reserve PD / Goldenrod Reserve Phases 1 & 2 Preliminary Subdivision Plan to subdivide 40.07 acres in order to construct 156 single-family attached residential dwelling units.

This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy will be available upon request in the DRC Office.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation, including an 11" x 17" plan, is in the top drawer of the BCC file cabinet in the supply room adjacent to District 4 Commissioner's office.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Goldenrod Reserve PD / Goldenrod Reserve Phases 1 & 2 Preliminary Subdivision Plan dated "Received July 18, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 3

JVW/JS/lme
Attachments

CASE # PSP-16-04-143

Commission District # 3

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 27, 2016, to approve the Goldenrod Reserve PD / Goldenrod Reserve Phases 1 & 2 Preliminary Subdivision Plan to subdivide 40.07 acres in order to construct 156 single-family attached residential dwelling units.

This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

2. PROJECT ANALYSIS

- A. Location: West of South Goldenrod Road / North of Hoffner Avenue
- B. Parcel ID: 14-23-30-5240-17-052
- C. Total Acres: 40.07 (gross)
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Three Points ES - Capacity: 758 / Enrollment: 617
Liberty MS - Capacity: 1,498 / Enrollment: 1,035
Colonial HS - Capacity: 3,733 / Enrollment: 3,580
- G. School Population: 67
- H. Parks: Turnbull Park – 2.2 Miles
- I. Proposed Use: 156 Single-Family Attached Residential Dwelling Units
- J. Lot Dimension: Maximum Building Height: 35' (2-stories)
Minimum Living Area: 1,200 Square Feet
Building Setbacks:
 - 30' Goldenrod Road
 - 20' Front
 - 20' Rear
 - 15' Side Street
 - 20' Wetlands
 - 25' PD Boundary
- K. Fire Station: 71 – 4405 St. Florian Way

- L. Transportation: Based on the concurrency management system database dated May 5, 2016, there is one failing roadway segment within a one mile radius of this property. A traffic study may be required prior to obtaining an approved capacity encumbrance letter. This concurrency data is dated and is subject to change.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Medium Density Residential (LMDR). The request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Goldenrod Reserve PD)

5. REQUESTED ACTION:

Approval subject to the following conditions:

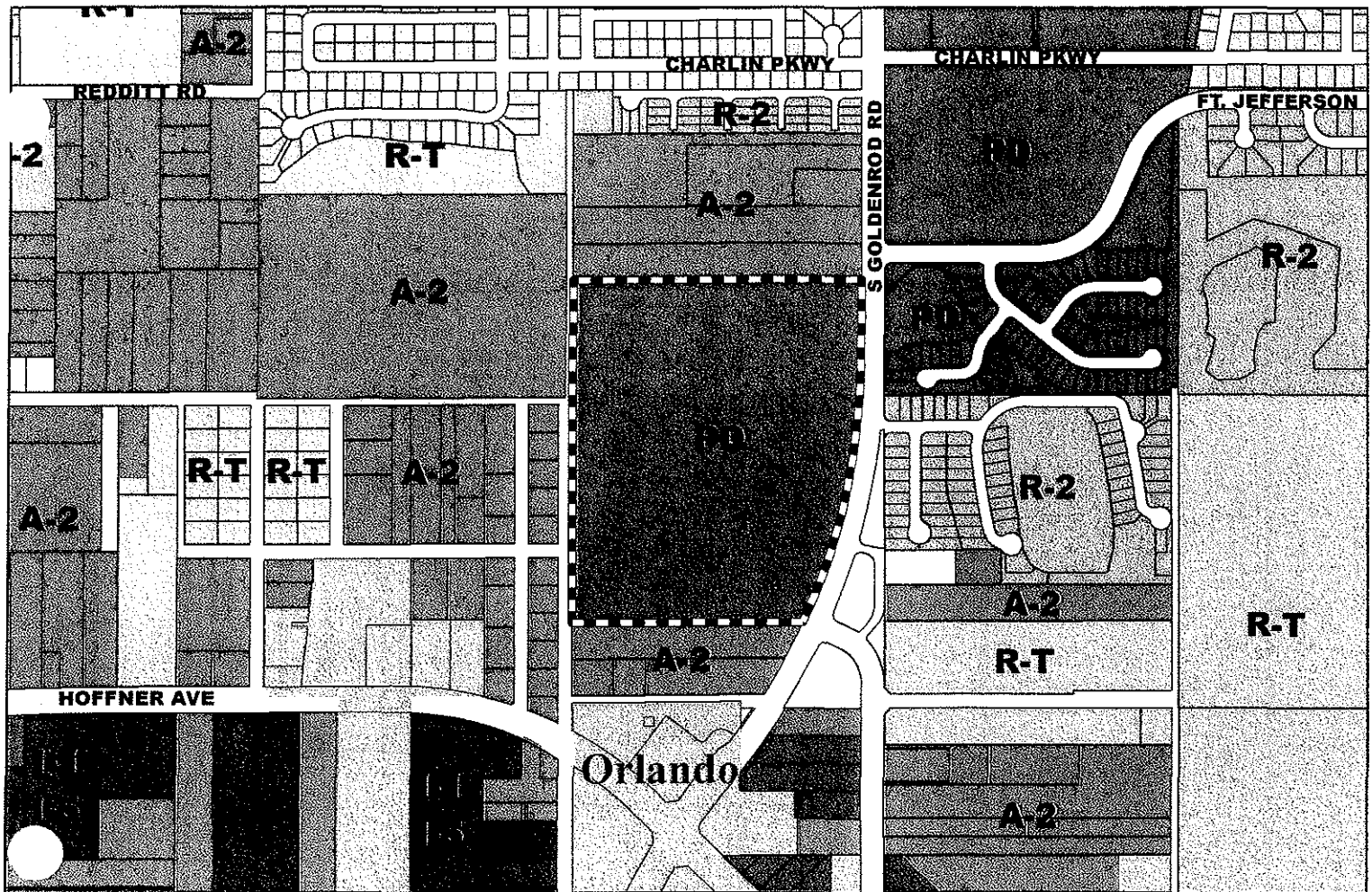
1. Development shall conform to the Goldenrod Reserve PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Goldenrod Reserve Preliminary Subdivision Plan dated "Received July 18, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received July 18, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and

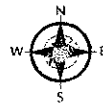
relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
7. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
8. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
9. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
10. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

12. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
13. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
14. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
15. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plans approval.
16. Length of stay shall be for 180 days or greater. Short term/transient rental shall be prohibited.
17. Signage shall comply with Ch. 31.5.
18. Public utility easements shall be dedicated to the county over private roads for the water distribution system and the wastewater collection system.
19. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and / or tracts anticipated to be dedicated to the County and / or to the perpetual use of the public.



Subject Property



Subject Property

Zoning

ZONING: PD (Planned Development District)
(Goldenrod Reserve PD)

APPLICANT: Richard Wohlfarth,
IBI Group (Florida), Inc.

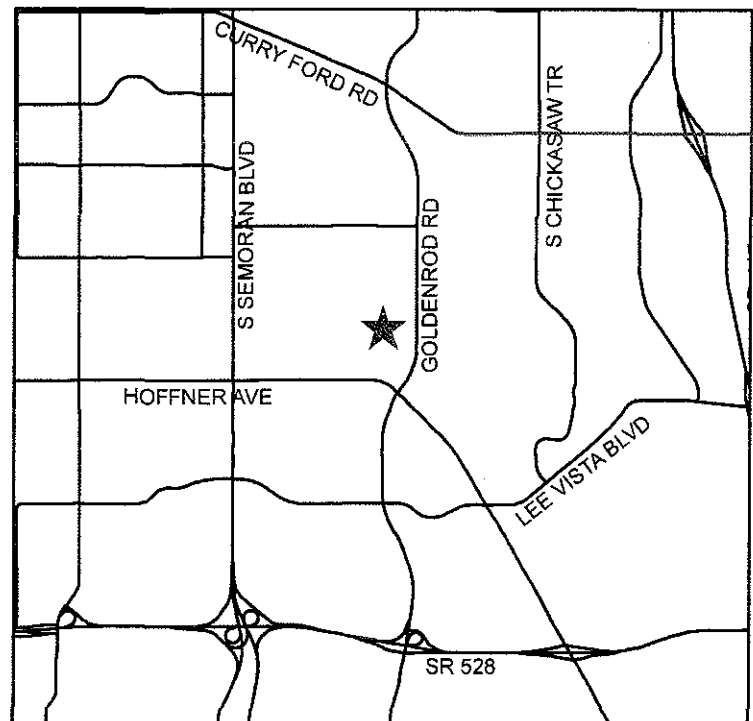
LOCATION: West of S. Goldenrod Road /
North of Hoffner Avenue

TRACT SIZE: 40.07 acres

DISTRICT: #3

S/T/R: 14/23/30

1 inch = 750 feet



PRELIMINARY SUBDIVISION PLAN

for

GOLDENROD RESERVE

PHASES 1 & 2

ORANGE COUNTY CASE #: PSP-16-04-143

APRIL 2016

PROJECT ADDRESS: 4190 S GOLDENROD ROAD
ORANGE COUNTY, FLORIDA
SECTION 14, TOWNSHIP 23 SOUTH, RANGE 30 EAST

TAX I.D. PARCEL NUMBERS:
14-23-30-5240-17-052

LEGAL DESCRIPTION:

THE SOUTH 1/4 OF LOTS FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8) IN BLOCK SEVENTEEN (17), ALL OF LOTS ONE (1), TWO (2), THREE (3) AND FOUR (4) AND THE NORTH 1/4 OF LOTS FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8) IN BLOCK EIGHTEEN (18), OF LOT TERRACES, ACCORDING TO PLAT BOOK "T", PAGE 87, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LESS AND EXCEPT THEREFROM:

THAT PART OF LOT ONE (1) AND THE NORTH 1/4 OF LOT EIGHT (8), BLOCK EIGHTEEN (18) OF LOT TERRACES, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE NORTH 1/4 OF SAID LOT 8, BLOCK 18, RUN NORTH 89°15'33" EAST 161.00 FEET ALONG THE SOUTH BOUNDARY OF SAID NORTH 1/4 OF LOT 4 FOR THE POINT OF BEGINNING, THENCE RUN NORTH 11°01'30" WEST 874.67 FEET TO A POINT ON THE WEST BOUNDARY OF SAID LOT 8, BLOCK 18, THENCE SOUTH 00°24'55" WEST 88.36 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE NORTH 89°16'06" EAST 170.68 FEET ALONG THE NORTH BOUNDARY OF SAID LOT 1, THENCE SOUTH 17°07'30" EAST 284.26 FEET TO THE SOUTH BOUNDARY OF SAID NORTH 1/4 OF LOT 8, THENCE SOUTH 89°15'03" WEST 137.19 FEET TO THE POINT OF BEGINNING.

AND ALSO, THAT PART OF THE SOUTH 1/4 OF LOT EIGHT (8), BLOCK SEVENTEEN (17) OF SAID LOT TERRACES, DESCRIBED AS FOLLOWS, TO WIT:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 8, BLOCK 17, AND RUN NORTH 00°24'55" WEST 174.60 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/4 OF SAID LOT 8, THENCE NORTH 89°20'34" EAST 20.64 FEET ALONG THE NORTH BOUNDARY OF SAID SOUTH 1/4 OF LOT 8, THENCE SOUTH 11°07'30" EAST 482.39 FEET TO THE SOUTH BOUNDARY OF SAID LOT 8, THENCE SOUTH 89°16'06" WEST 109.45 FEET TO THE POINT OF BEGINNING.

ALL TOGETHER CONTAINING 40.07 ACRES, MORE OR LESS

PSP PLAN NOTES:

1. THE PROPOSED PROJECT WILL BE DESIGNED AND CONSTRUCTED AS A MULTI-PHASE DEVELOPMENT.
2. POTABLE WATER WILL BE PROVIDED BY ORANGE COUNTY.
3. WASTEWATER SERVICE WILL BE PROVIDED BY ORANGE COUNTY.
4. THE STORM WATER MANAGEMENT SYSTEM WILL BE DESIGNED TO MEET ORANGE COUNTY CODE AND THE REQUIREMENTS OF THE LOCAL WATER MANAGEMENT DISTRICT.
5. RECREATION SHALL COMPLY WITH SECTION 24.11(10)(b) OF THE ORANGE COUNTY CODE.
6. NEITHER POTABLE NOR IRRIGATION WELLS WILL BE ALLOWED ON SITE FOR THE CANNON AREA OR CANNON LOTS.
7. AN ORANGE COUNTY CONSERVATION AREA IMPACT PERMIT CALL IS 1144 HAS BEEN SUBMITTED.
8. IN ACCORDANCE WITH SECTION 24.11(1), ANY VARIATIONS FROM COUNTY CODE MINIMUM STANDARDS REPRESENTED ON THIS PLAN THAT HAVE NOT BEEN EXPRESSLY APPROVED BY THE SCC ARE ENVIABLE.

PROJECT TEAM:

OWNER

LARRY L. JONES, TRUSTEE
114 MAPLEWOOD ESTATES
SCOTT DEPOT, WV 25560
PHONE: (407) 422-3144

APPLICANT/DEVELOPER

GOLDENROD II, LLC
CONTACT: RICHARD C. WOHLFARTH, P.E.
2300 MAILLAND CENTER PARKWAY, SUITE 101
MAILLAND, FL 32751-7410
PHONE: (407) 660-2120
CELL: (407) 350-9090
EMAIL: RWOHLFARTH@IBIGROUP.COM

CIVIL ENGINEER / PLANNER

IBI GROUP (FLORIDA), INC.
CONTACT: RICHARD C. WOHLFARTH, P.E.
2300 MAILLAND CENTER PARKWAY, SUITE 101
MAILLAND, FL 32751-7410
PHONE: (407) 660-2120
CELL: (407) 350-9090
EMAIL: RWOHLFARTH@IBIGROUP.COM

SURVEYOR

ALLEN AND COMPANY INC.
SURVEYOR: JAMES L. RICKMAN, PSM
16 EAST PLANT STREET
WINTER GARDEN, FL 34787
PHONE: (407) 654-5355
EMAIL: JIM@ALLEN-COMPANY.COM

ENVIRONMENTAL CONSULTANT:

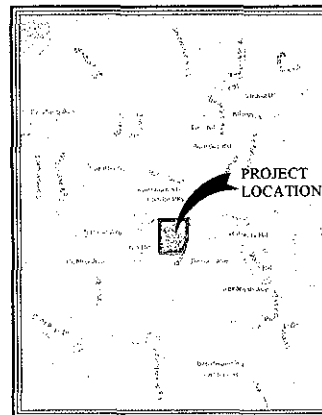
BIO-TECH CONSULTING, INC.
CONTACT: JOHN MIKLOS, PRESIDENT
DANNY GOUGH, PROJECT MANAGER
2002 EAST ROBINSON STREET
ORLANDO, FL 32803
PHONE: (407) 894-5969
FAX: (407) 894-5970
CELL: (407) 963-2751
EMAIL: DANNY@BTC-INC.COM

TRAFFIC ENGINEER

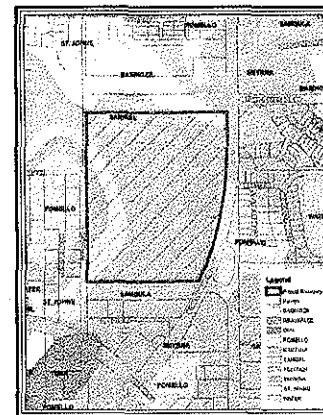
TRAFFIC PLANNING AND DESIGN
CONTACT: TURGUT DERYISH, P.E., PRESIDENT
535 VERSAILLES DRIVE - SUITE 200
MAILLAND, FL 32751
PHONE: (407) 638-9995
EMAIL: TURGUT@TRDTTRAFFIC.COM

GEOTECHNICAL ENGINEER

G.E.O. ENGINEERING & SCIENCES, INC.
CONTACT: GABI STEPHAN, VICE PRESIDENT
250 S. RONALD REAGAN BOULEVARD - SUITE 114
LONGWOOD, FL 32750
PHONE: 407-379-9510
CELL: (407) 402-1819
EMAIL: GSTEPHAN@GEOENGINEERING.COM



VICINITY MAP
SCALE: N/T



SOILS MAP
SCALE: 1" = 300'

Sheet Number	Sheet Title
C1.0	COVER SHEET
C2.0	SITE PLAN
C3.0	SITE PLAN
C4.0	GEOMETRY SITE PLAN
C5.0	GEOMETRY SITE PLAN
C6.0	PGD PLAN
C7.0	PGD PLAN
C8.0	UTILITY PLAN
C9.0	UTILITY PLAN
C10.0	PERIMETER TREATMENT DETAILS
C11.0	AERIAL SITE PLAN
C12.0	BUILDING ELEVATIONS
L1.1	LANDSCAPE PLAN
L1.2	LANDSCAPE PLAN
L1.3	TREE TABLES
L1.4	LANDSCAPE SPECS & DETAILS

RECREATION AREA CALCULATIONS:

TOTAL MULTIFAMILY UNITS	156
POPULATION CALCULATION	484 (156 X 3.1)
REQUIRED RECREATION AREA	1.21 AC
RECREATION AREA PROVIDED (BY CATEGORY)	PROPOSED OWNERSHIP
PASSIVE RECREATION (TRACT A, R.F. & TRACT D)	0.66 AC HOA
ACTIVE RECREATION (TRACT C)	0.61 AC HOA
TOTAL	1.28 AC

SITE DATA:

PARCEL IDENTIFICATION NUMBER:	14-23-30-5240-17-052 (OCTA)
PARCEL GROSS AREA:	16.87 AC
BUILDABLE AREA:	16.56 AC
EXISTING COUNTY FUTURE LAND USE (P.14):	LOW MEDIUM DENSITY RESIDENTIAL
EXISTING COUNTY PARCEL ZONING:	PD
ADJACENT EXISTING ZONING:	NORTH: A-3 EAST: R-2, P.D SOUTH: A-3 WEST: A-3
PROPOSED LOT DIMENSIONS:	MIN. LOT SIZE: 3,000 SQ. FT. MIN. LOT WIDTH: 20 FT. MIN. LOT DEPTH: 110 FT.
TOTAL NUMBER OF LOTS:	156
MINIMUM LIVING AREA (ORDER HEAT AND A/C):	1,800 SQ. FT.
MAXIMUM BUILDING HEIGHT:	35 FT. (2 STORIES)
DENSITY:	NO. OF UNITS: 156 UNITS/ACRE: 10.50 UNITS/AC
MINIMUM SETBACKS:	GOLDENROD ROAD: 30 FT. (Per existing on the LUT) NEIGHBORHOOD HWY: 25 FT. PROPERTY BOUNDARY: 25 FT. WETLANDS: 25 FT. FRONT: 20', REAR: 20', SIDE STREET: 15' BUILDING SEPARATION: 20' SIDE TO SIDE
BUILDING SETBACKS:	
PROJECTED SCHOOL AGE POPULATION:	47 STUDENTS (USE ENTER 5.6.03)
CALCULATED TRIP GENERATION RATE:	956 DAILY TRIPS PM PEAK = 81 TRIPS

OPEN SPACE CALCULATIONS:

TOTAL SITE:	16.87 AC
% OPEN SPACE REQUIRED:	10%
OPEN SPACE REQUIRED:	1.69 AC
OPEN SPACE PROVIDED (BY CATEGORY)	PROPOSED OWNERSHIP
CATEGORY 'A' (TRACT A) OPEN SPACE:	0.98 AC HOA
TRACT 'B' (OPEN SPACE):	0.98 AC HOA
TRACT 'C' (OPEN SPACE):	0.98 AC HOA
TRACT 'D' (OPEN SPACE):	0.98 AC HOA
TRACT 'E' (OPEN SPACE):	0.98 AC HOA
TRACT 'F' (OPEN SPACE):	0.98 AC HOA
TRACT 'G' (OPEN SPACE):	0.98 AC HOA
TRACT 'H' (OPEN SPACE):	0.98 AC HOA
TRACT 'I' (OPEN SPACE):	0.98 AC HOA
TOTAL FOR CATEGORY 'A' OPEN SPACE PROVIDED:	1.74 AC
*CATEGORY 'B' (TRACT B) (ROUND TRACT):	1.45 AC HOA
TOTAL FOR CATEGORY 'B' OPEN SPACE PROVIDED:	1.45 AC
TOTAL OPEN SPACE PROVIDED:	3.19 AC
% OF OPEN SPACE PROVIDED:	21.1%

- THE PROPOSED WEST-BOTTOM POND WILL BE CONSTRUCTED IN ACCORDANCE WITH SEC. 26.12(1) REGULATIONS FOR CATEGORY B OPEN SPACE AS IDENTIFIED BELOW
1. MINIMUM OF 1.0 ACRE
 2. 4:1 SIDE SLOPES
 3. SLOTTED OR AN EQUIVALENT GROUND COVER
 4. FENCED
 5. CURVILINEAR IN SHAPE RATHER THAN ANGULAR
 6. ONE HUNDRED (100) FEET AVERAGE WIDTH

RECEIVED

By the County of Orange, Florida, Clerk of the Board of County Commissioners, on this 14th day of April, 2016.

48 HOURS BEFORE DOING
CALL
811 or 1-800-432-0770
NARRATIVE STATE ONE CALL CENTER

ENGINEER'S PROJECT # 10022
COUNTY LUP-15-12-361
COUNTY POP-16-04-143

IBI GROUP
LANDSCAPE ARCHITECTS
2300 Mailland Center Parkway, Suite 101
Mailland, Florida 32751
(407) 660-2120
ORLANDO

IBI GROUP (FLORIDA) INC.
ENGINEERS • SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL CONSULTANTS
2300 Mailland Center Parkway, Suite 101
Mailland, Florida 32751
(407) 660-2120
ORLANDO

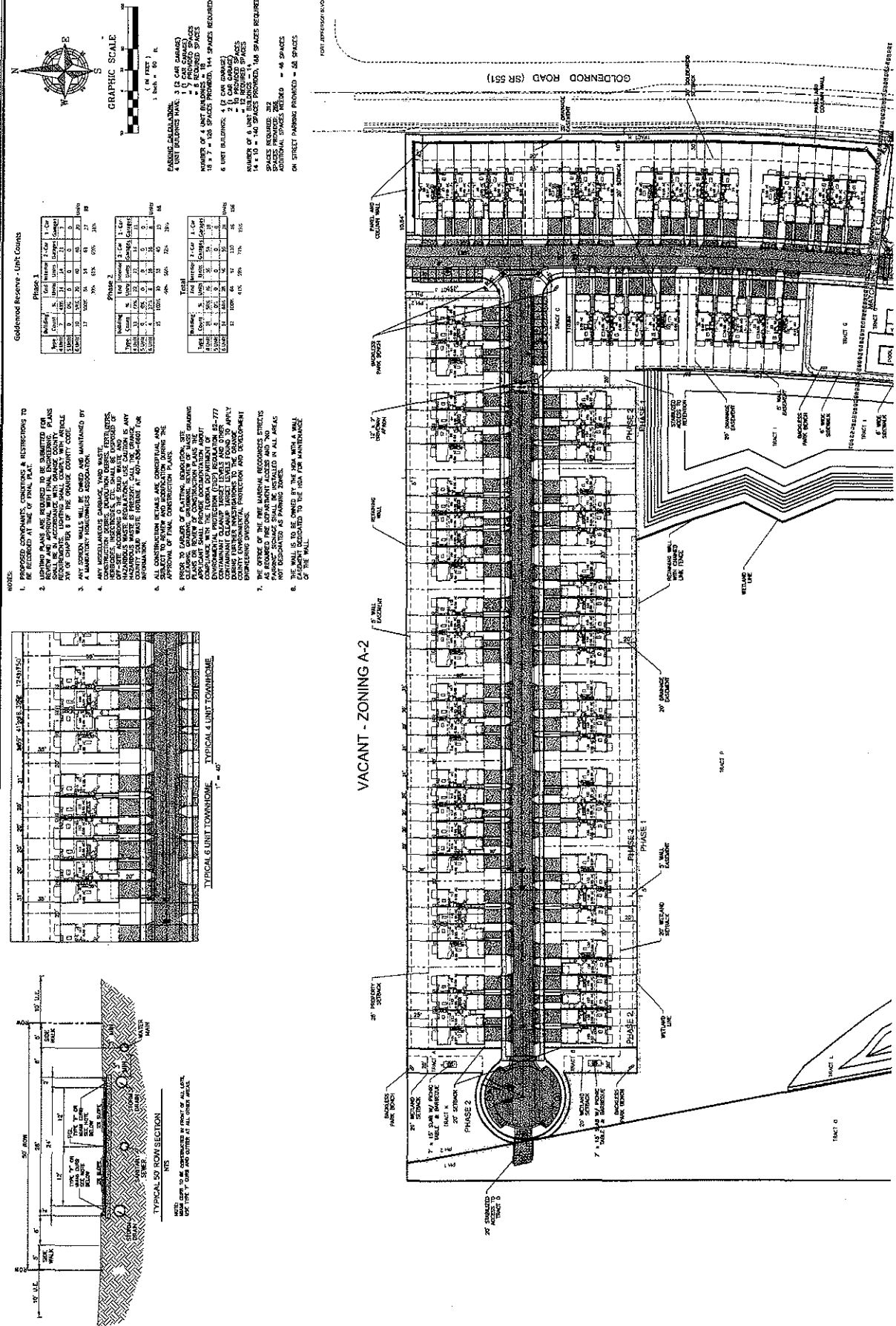
2200 Park Central Blvd., N., Suite 100,
Pompano Beach, Florida 33064
(954) 974-2200
POMPAÑO BEACH

PERMITS REQUIRED

AGENCY	PERMIT TYPE	DATE APPLIED	DATE APPROVED	APPROVAL NO.
ORANGE COUNTY	SITE PERMIT			
S.A.S.W.N.O.	ERP			
F.O.E.P.	WATER			
F.O.E.P.	WASTEWATER			
F.O.E.P.	NPDES			

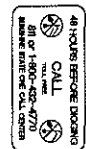
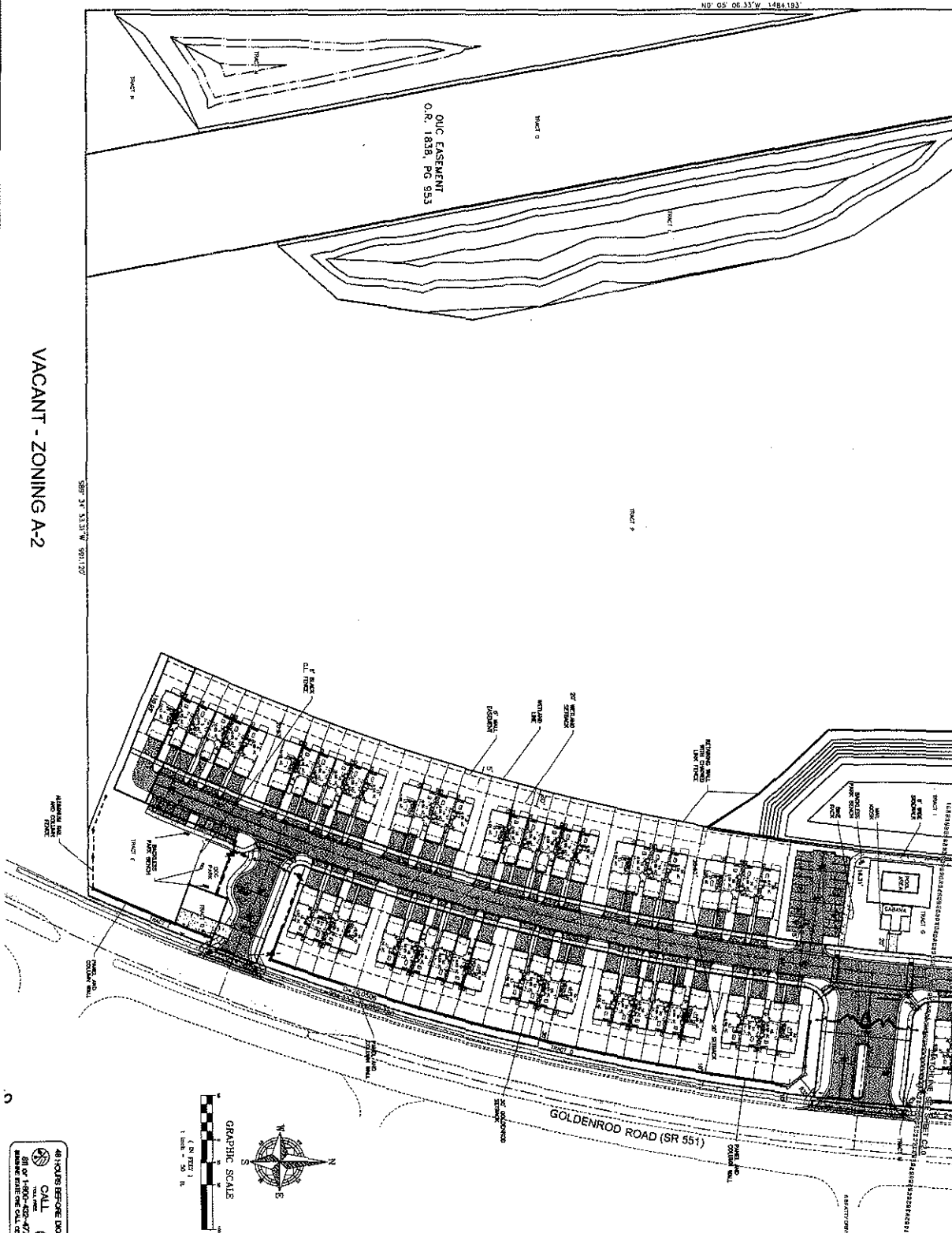
REV	DATE	DESCRIPTION	BY
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4	05-05-16	COUNTY COMMENTS	
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RECEIVED
COUNTY OF ORANGE
P.E. NO. 20044
NAME

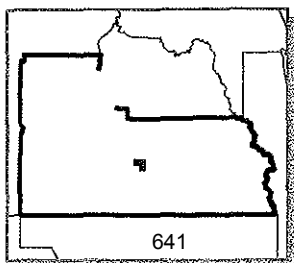


SINGLE FAMILY - ZONING A-2

VACANT - ZONING A-2

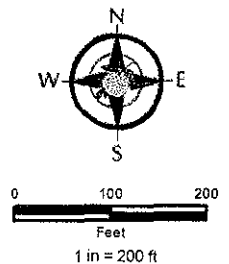


<p>640</p>	<p>IBI GROUP</p>	<p>SCALE: 1" = 50' PROJECT: 100212 SHEET: C3.0</p>	<p>PRELIMINARY SUBDIVISION PLAN SITE PLAN GOLDENROD RESERVE ORANGE COUNTY, FLORIDA</p>	<p>IBI GROUP (FLORIDA) INC. ENGINEERS LANDSCAPE ARCHITECTS 2500 WINDWARD PASSAGE, SUITE 100 WINDWARD PASSAGE, FLORIDA 32751 (407) 850-7100</p>	<p>SUPERVISORS PLANNERS ENVIRONMENTAL CONSULTANTS 2500 WINDWARD PASSAGE, SUITE 100 WINDWARD PASSAGE, FLORIDA 32751 (407) 850-7100</p>
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Goldenrod Reserve PD Goldenrod Reserve Phases 1 & 2 PSP

Parcels	Jurisdiction
Subject Property	Hydrology

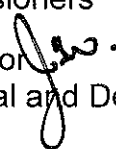




Interoffice Memorandum

August 23, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: **John Smogor, Chairman**
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 – Public Hearing
Applicant: Lance Bennett
Poulos & Bennett, LLC
Meadow Woods PD / Parcel 30.1 Preliminary Subdivision Plan
– Case # PSP-16-04-120

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 27, 2016, to approve the Meadow Woods PD / Parcel 30.1 Preliminary Subdivision Plan to subdivide 36.79 acres in order to construct 206 single-family attached and detached residential dwelling units.

This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy will be available upon request in the DRC Office.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation, including an 11" x 17" plan, is in the top drawer of the BCC file cabinet in the supply room adjacent to District 4 Commissioner's office.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Meadow Woods PD / Parcel 30.1 Preliminary Subdivision Plan dated "Received June 30, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report. District
4

JVW/JS/lo
Attachments

CASE # PSP-16-04-120

Commission District # 4

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of July 27, 2016, to approve the Meadow Woods PD / Parcel 30.1 Preliminary Subdivision Plan to subdivide 36.79 gross acres in order to construct 206 Single-Family Attached and Detached Residential Dwelling Units.

This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

Additionally, the applicant has requested deviations from the Medium Density Residential standards found in Table 3-3 of the 1988 Meadow Woods PD application booklet. These deviations are as follows:

- Minimum Lot Width – Request a minimum lot width of 24' in lieu of 25'.
- Maximum Lot Coverage – Request a maximum lot coverage of 60% in lieu of 30%.

2. PROJECT ANALYSIS

- | | |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. Location: | East of Landstar Boulevard / North of Rhode Island Woods Circle |
| B. Parcel IDs: | 25-24-29-5567-01-000 |
| C. Total Acres: | 36.79 |
| D. Water Supply: | Orange County Utilities |
| E. Sewer System: | Orange County Utilities |
| F. Schools: | Wyndham Lakes ES Capacity: 828 / Enrollment: 918
South Creek MS Capacity: 1,125 / Enrollment: 1,005
Cypress Creek HS Capacity: 2,771 / Enrollment: 3,167 |
| G. School Population: | 89 |
| H. Parks: | Meadow Woods Park - 1.7 Miles |
| I. Proposed Uses: | 206 Single-Family Attached and Detached Residential Dwelling Units |

J. Site Data: **Detached:**
Maximum Building Height: 35' (2-stories)
Minimum Living Area: 1,500 Square Feet
Minimum Lot Width: 34'
Maximum Lot Coverage: 60% (deviation from 30%)
Building Setbacks:
 20' Front
 15' Side Street
 5' Interior Side
 35' Arbor Woods Boulevard
 20' Rear

Attached:
Maximum Building Height: 35' (2-stories)
Minimum Living Area: 1,000 Square Feet
Minimum Lot Width: 24' (deviation from 25')
Maximum Lot Coverage: 60% (deviation from 30%)
Building Setbacks:
 20' Front
 15' Side Street
 0' / 10' Interior Side
 35' Arbor Woods Boulevard
 20' Rear

K. Fire Station: 55 – 801 Greenway Professional Court

L. Transportation: This property is vested from meeting transportation concurrency under vested rights certificate #92-056. A copy of this certificate must be provided prior to obtaining a building permit.

3. COMPREHENSIVE PLAN

The subject property is designated on the Future Land Use Map (FLUM) as Commercial (C). Per Comprehensive Plan policy FLU8.1.5, the location of Planned Developments (PDs) within the Urban Service Area that have been approved as of the date of adoption of the 1991 Comprehensive Policy Plan shall be considered consistent with the Comprehensive Plan and included as part of the adopted Future Land Use Map. The Meadow Woods PD was originally approved in 1981. On April 5, 2016, the BCC approved an amendment to the Meadow Woods PD Land Use Plan (CDR-15-09-278) to add the permitted use of Medium Density Residential (in addition to Community Commercial) to Parcel 30.1 and convert 66,883 square feet of commercial use into 206 dwelling units. As such, the request is consistent with the Comprehensive Plan.

4. ZONING

PD (Planned Development District) (Meadow Woods PD)

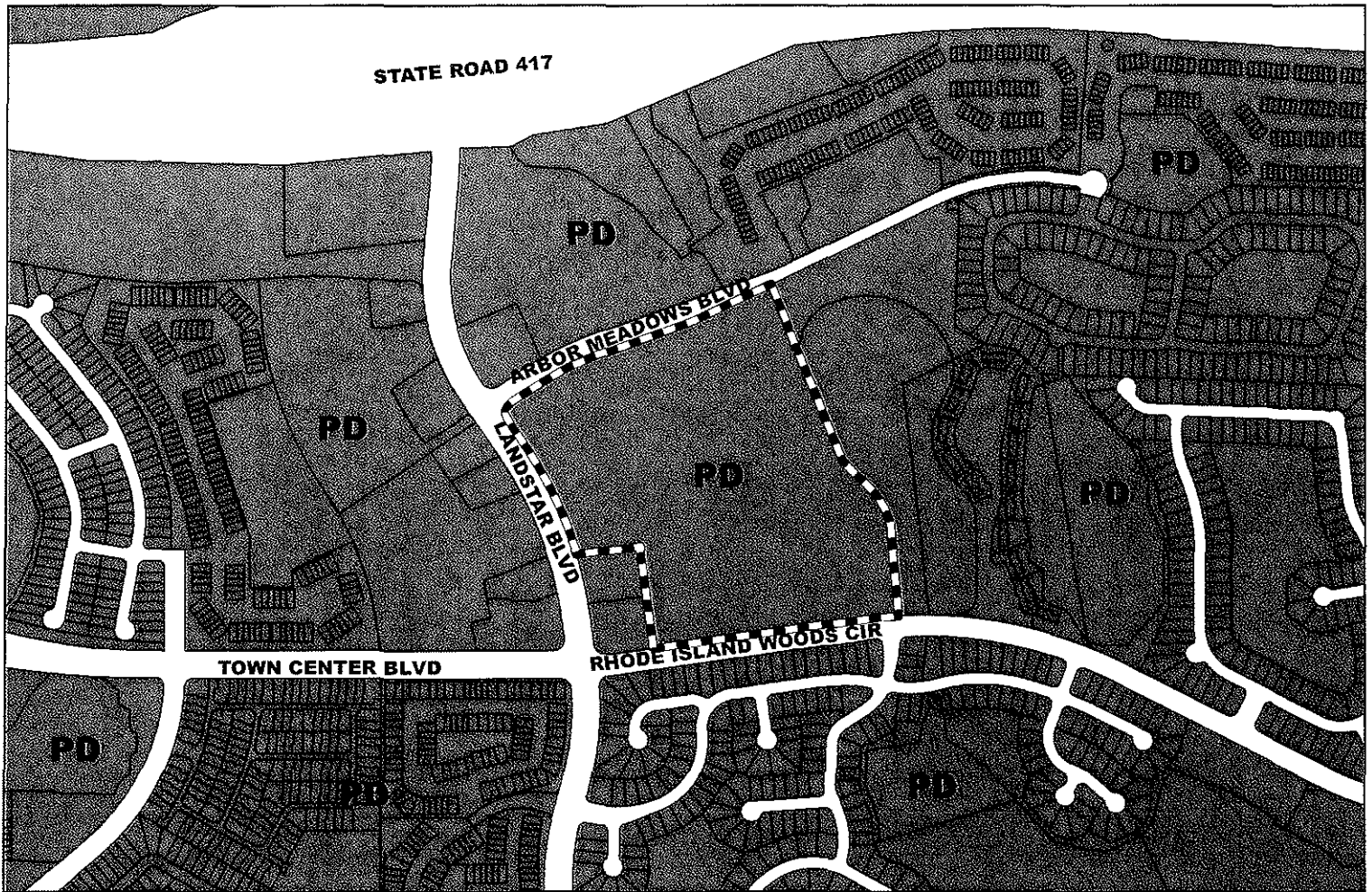
5. REQUESTED ACTION:

Approval subject to the following conditions:

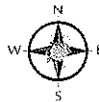
1. Development shall conform to the Meadow Woods PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Parcel 30.1 Preliminary Subdivision Plan dated "Received June 30, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received June 30, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
7. The site shall be stabilized following grubbing, clearing, earth work, or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans, a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

8. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
9. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
10. Prior to the issuance of any vertical building permits, the property shall be re-platted or as otherwise allowed by Orange County Code.
11. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
12. A mandatory pre-application / sufficiency review meeting for the re-plat shall be required prior to re-plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the re-plat to the County.
13. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
14. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
15. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
16. If public wastewater main will be located outside public right of way on property owned by an entity other than the developer, a public utility easement shall be granted to OCU and recorded prior to construction plan approval.
17. Short term rental shall be prohibited. Length of stay shall be for 180 days or greater.



Subject Property



Subject Property

Zoning

ZONING: PD (Planned Development District)
(Meadow Woods PD)

APPLICANT: Lance Bennett, Poulos & Bennett, LLC

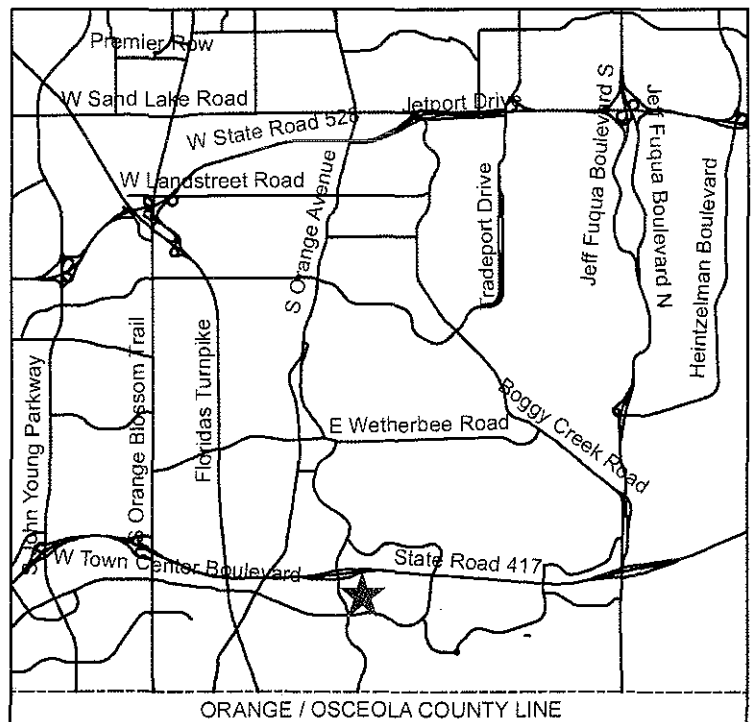
LOCATION: East of Landstar Boulevard /
North of Rhode Island Woods Circle

TRACT SIZE: 36.79 acres

DISTRICT: #4

S/T/R: 25/24/29

1 inch = 750 feet





Key Map

SCALE IN FEET

2004年10月

[illegible]MEADOW
WOODS P.D.
PARCEL 30.1

Submitted To
ORANGE COUNTY, FL

Sheet Title
**MASTER SITE &
PHASE PLAN**

Dr. Wang

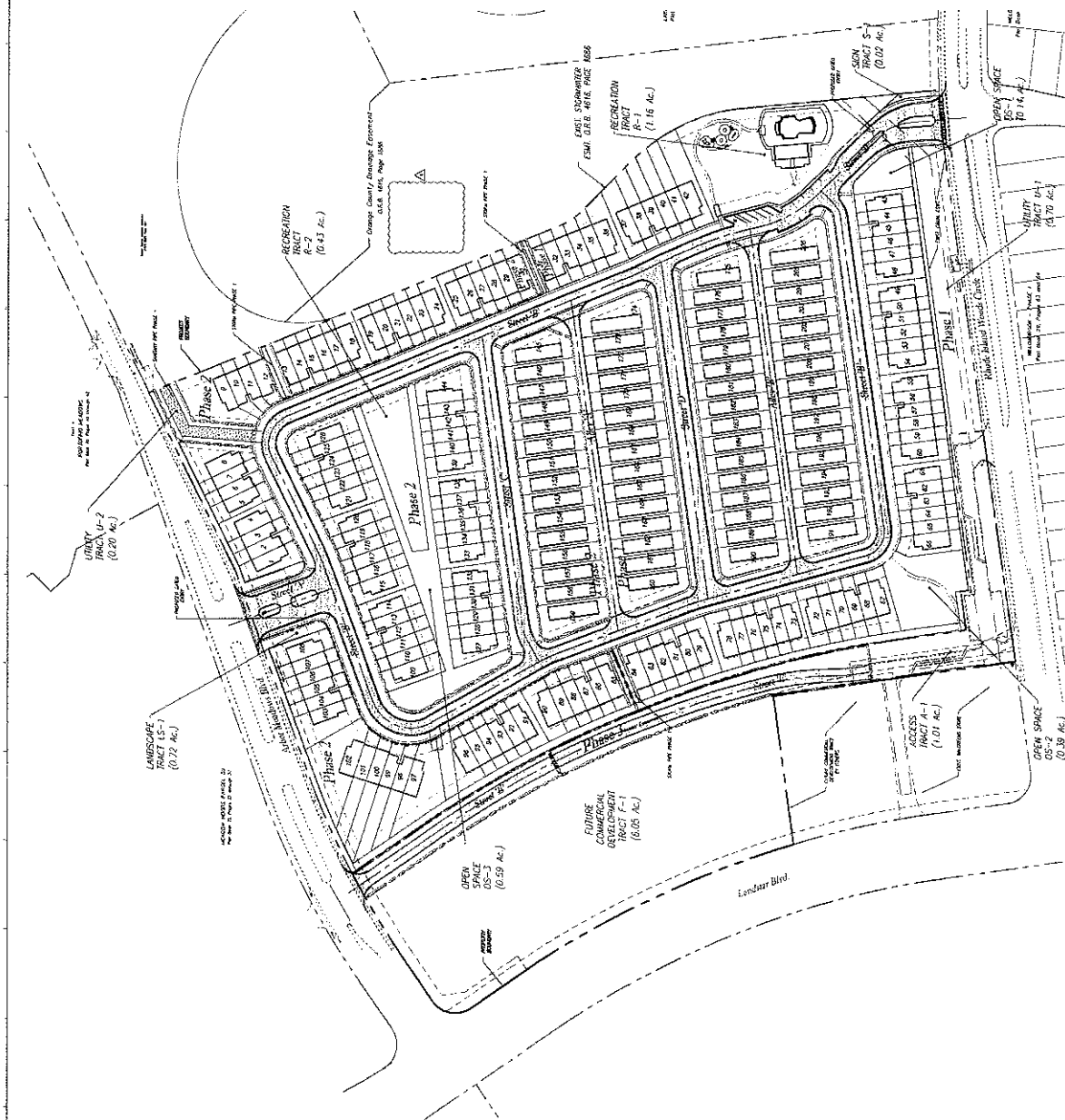
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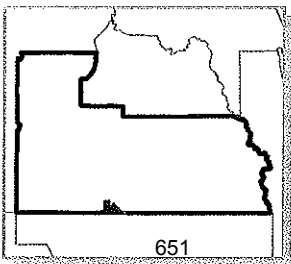
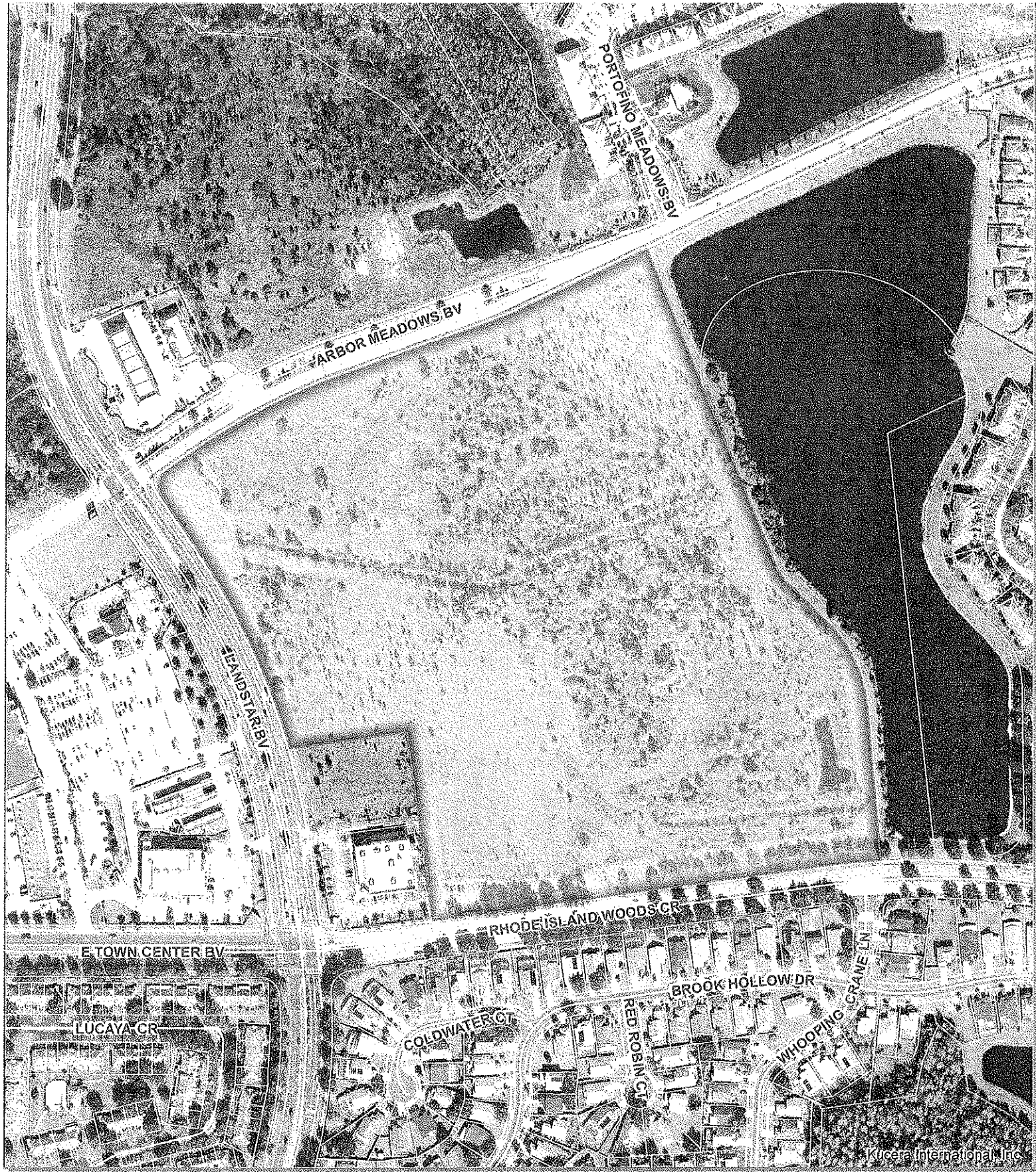
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POULOS & BENNETT

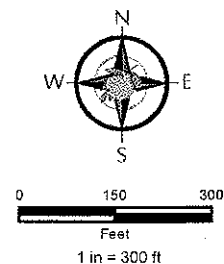
Poulos & Bennett, LLC
3242 N. Livingston St., Orlando, FL 32803
Tel: 407-483-2794 www.poulosbennettllc.com
P.O. Box No. 28853





Meadow Woods PD Parcel 30.1 PSP

Parcels	Jurisdiction
Subject Property	Hydrology

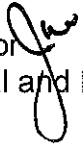




Interoffice Memorandum

August 23, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: **John Smogor, Chairman**
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 – Public Hearing
Applicant: Mr. Steve Mellich
Mellich Blenden Engineering, Inc.
Landing Bay Subdivision Preliminary Subdivision Plan –
Case # PSP-16-04-123

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 10, 2016, to approve the Landing Bay Subdivision Preliminary Subdivision Plan to subdivide 4.60 acres in order to construct 17 single-family residential dwelling units.

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy will be available upon request in the DRC Office.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation, including an 11" x 17" plan, is in the top drawer of the BCC file cabinet in the supply room adjacent to District 4 Commissioner's office.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Landing Bay Subdivision Preliminary Subdivision Plan dated "Received July 26, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 3

JVW/JS/lo
Attachments

CASE # PSP-16-04-123

Commission District # 3

1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of August 10, 2016, to approve the Landing Bay Subdivision Preliminary Subdivision Plan to subdivide 4.60 gross acres in order to construct 17 single-family residential dwelling units.

2. PROJECT ANALYSIS

- A. Location: North of Hoffner Avenue / East of Redditt Road
- B. Parcel ID: 15-23-30-0000-00-004
- C. Total Acres: 4.60
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Three Points ES - Capacity: 758 / Enrollment: 617
Liberty MS - Capacity: 1,498 / Enrollment: 1,035
Colonial HS - Capacity: 3,733 / Enrollment: 3,580
- G. School Population: 8
- H. Parks: Turnbull Park - 1.7 Miles
- I. Proposed Use: 17 Single-Family Residential Dwelling Units
- J. Lot Dimension: Maximum Building Height: 35'
Minimum Living Area: 1,800 Square Feet
Building Setbacks:
20' Front
20' Rear
5' Side
15' Side Street
- K. Fire Station: Station 71 - 4405 St. Florian Way
- L. Transportation: Based on the concurrency management system database dated May 4, 2016, there are no failing roadway segments within a one mile radius of this property. This information is dated and subject to change. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to

construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in the decision to approve this preliminary subdivision plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Medium Density Residential (LMDR). The proposed use is consistent with the Comprehensive Plan.

4. ZONING

R-2 (Residential District)

5. REQUESTED ACTION:

Approval subject to the following conditions:

1. Development shall conform to the Landing Bay Subdivision Preliminary Subdivision Plan dated "Received July 26, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received July 26, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the

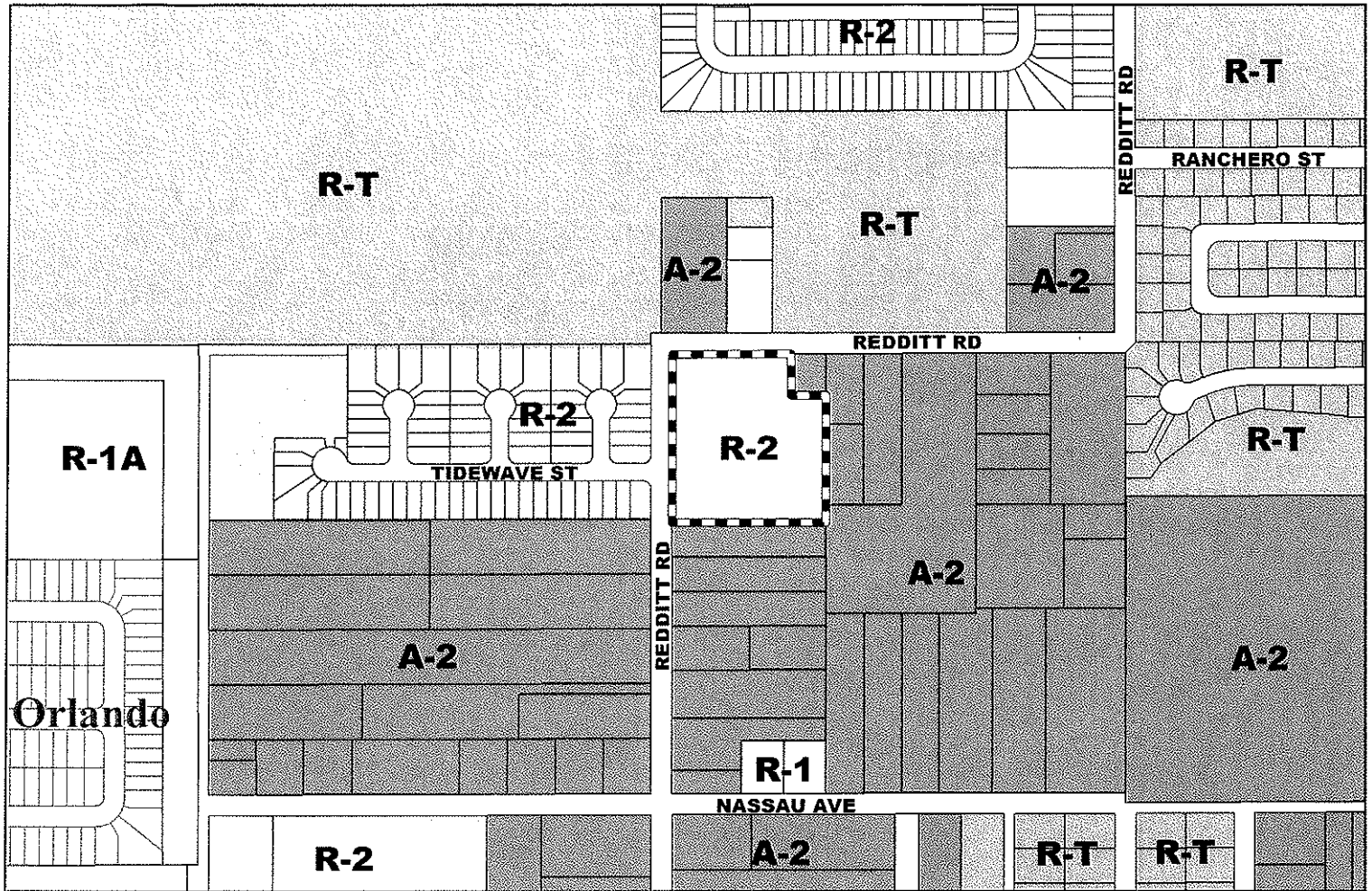
applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

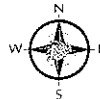
7. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
8. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
9. The developer shall obtain water and wastewater from Orange County Utilities.
10. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
11. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
12. Tract C as identified on the plan shall be dedicated by plat to Orange County as roadway right-of-way.
13. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, if not provided by the Homeowner's Association, shall be the responsibility of the County.
14. Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior

to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

15. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
17. Short term/transient rental is prohibited. Length of stay shall be for 180 days or greater.
18. Tree mitigation shall be due prior to plat approval.



Subject Property



Subject Property

Zoning

ZONING: R-2 (Residential District)

APPLICANT: Steve Mellich, Mellich Blenden Engineering, Inc.

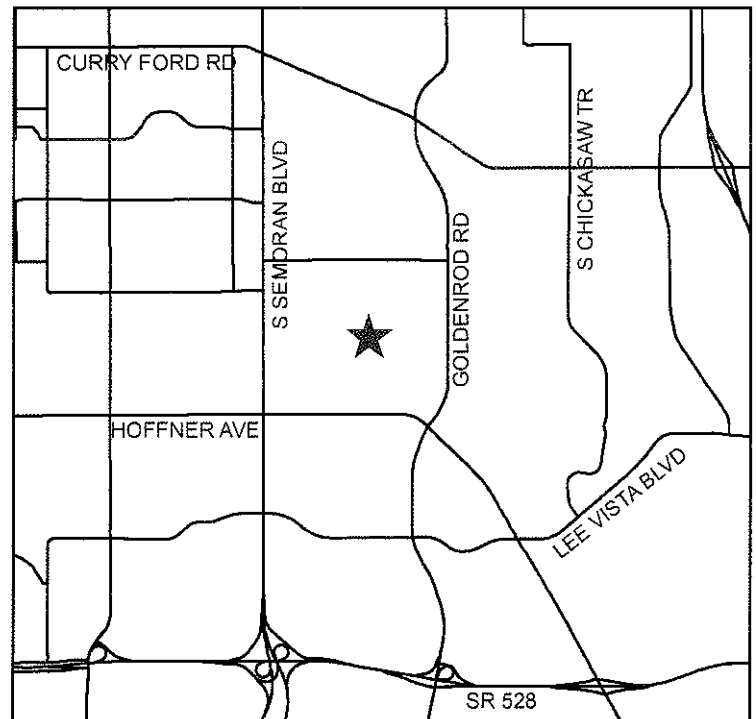
LOCATION: North of Hoffner Avenue / East of Redditt Road

TRACT SIZE: 4.6 acres

DISTRICT: #3

S/T/R: 15/23/30

1 inch = 500 feet



SITE DATA

GENERAL

CURRENT USE:	RESIDENTIAL
LAND USE:	LOW MEDIUM DENSITY RESIDENTIAL (LMOR)
CURRENT ZONING:	R-2
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL
GROSS LAND AREA:	4.60 AC
WETLANDS:	0.00 AC
NET DEVELOPABLE AREA:	4.60 ACRES

RESIDENTIAL DATA:

PROPOSED RESIDENTIAL UNITS:	17
PROPOSED DENSITY:	17/6.4 = 2.66 DU/AC
MINIMUM LOT WIDTH:	45'
MINIMUM LOT SIZE:	5,000 S.F.
MINIMUM LOT DEPTH:	95'
TYPICAL LOT SIZE:	50' x 105'
MAXIMUM BUILDING HEIGHT:	35' (2 STORY)
MINIMUM LIVING AREA:	1,800 S.F. (HEATED AND COOLED ONLY)
PROJECT SCHOOL AGE POPULATION:	8 STUDENTS
PROJECTED TRAFFIC IMPACT:	170 A.D.T.
PROJECTED WATER DEMAND:	5,950 G.P.D.
PROJECTED SEWER DEMAND:	5,100 G.P.D.
PHASING:	1 PHASE

SETBACKS:

FRONT: 20 FEET
REAR: 20 FEET
SIDE: 5 FEET
STREET SIDE: 15 FEET

PRELIMINARY STORMWATER CALCULATIONS

THIS SITE IS PART OF AN OPEN BASIN. THEREFORE THE POST DEVELOPED RUNOFF FROM A 25 YEAR 24 HOUR STORM WILL BE ATTENUATED TO PRE DEVELOPED DISCHARGE RATES.

SERVICE PROVIDERS

WATER AND WASTEWATER:	ORANGE COUNTY
SOLID WASTE:	ORANGE COUNTY
ELECTRIC SERVICE:	PROGRESS ENERGY
STREET LIGHTING:	M.S.T.U.
FIRE:	ORANGE COUNTY
POLICE:	ORANGE COUNTY SHERIFF DEPT.

NOTES

1. EXISTING STRUCTURES AND DRIVEWAY CUTS SHALL BE REMOVED PRIOR TO CONSTRUCTION
2. THE ROADS AND TRACT A THE STORMWATER POND TRACT SHALL BE OWNED AND MAINTAINED BY ORANGE COUNTY.
3. STORMWATER MANAGEMENT FACILITIES WILL BE PROVIDED ACCORDING TO ORANGE COUNTY AND ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT CRITERIA.
4. THIS PROJECT WILL COMPLY WITH THE CURRENT ORANGE COUNTY ARBOR ORDINANCE.
5. THIS PROJECT IS A SINGLE PHASE PROJECT.
6. SIGNAGE WILL COMPLY WITH THE ORANGE COUNTY SECTION 31.5-73.
7. IT IS ANTICIPATED THAT FINISH FLOOR ELEVATIONS OF SOME PERIMETER LOTS WILL VARY MORE THAN ONE FOOT ABOVE EXISTING GRADE. TYPICALLY THIS WILL BE 1 TO 2 FEET
8. THE PORTION OF REDDITT ROAD RIGHT OF WAY WITHIN THIS PROJECT AREA SHALL BE DEDICATED TO ORANGE COUNTY UPON PLATTING OF THIS SUBDIVISION.
9. ALL CONSTRUCTION DETAILS ARE CONCEPTUAL AND SUBJECT TO REVIEW AND MODIFICATION DURING THE APPROVAL OF FINAL CONSTRUCTION PLANS.
10. THE 5 FOOT WALL & LANDSCAPE EASEMENT SHALL BE MAINTAINED BY THE HOA.
11. NEED FIRE FLOW FOR SINGLE FAMILY DWELLINGS SHALL BE AS FOLLOWS: HOMES 5,000 SQUARE FEET OR LESS 1,000 GPM; HOMES EXCEEDING 5,000 SQUARE FEET SHALL PROVIDE FIRE FLOW IN ACCORDANCE WITH TABLE 18.4.5.1.2 OF NFPA 1 (FFPC 5TH ED.). REDUCTION OF FIRE FLOW MAY BE PERMITTED IF DWELLING IS EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM OR SEPARATED FROM OTHER STRUCTURES BY 30 FEET BUT IN NO CASE SHALL THE FLOW BE LESS THAN 500 GPM PER 18.4.5 NFPA 1, 2012 EDITION (FFPC 5TH EDITION)

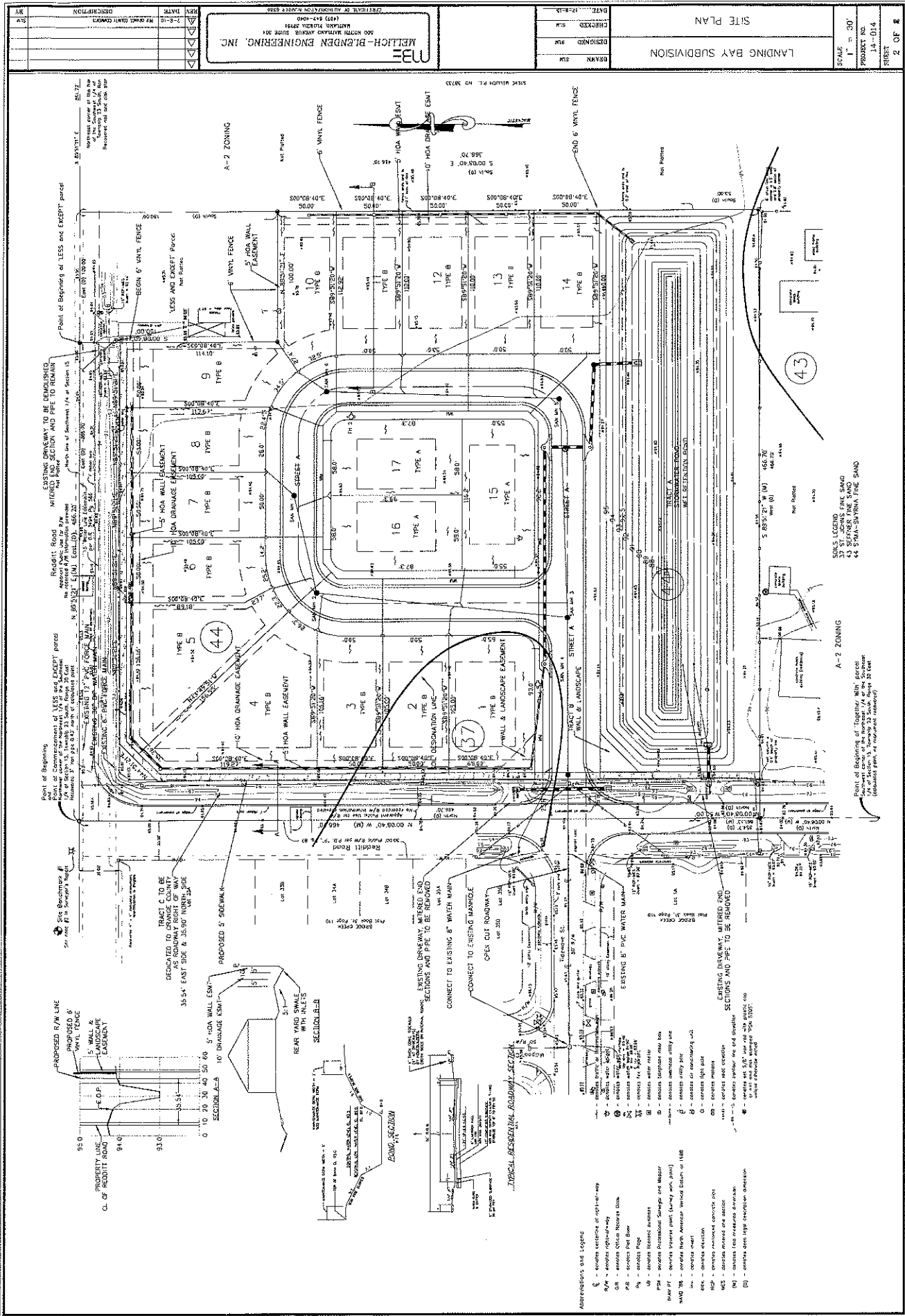
TRACT OWNERSHIP/MAINTENANCE

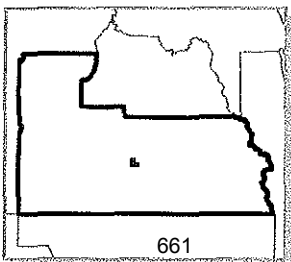
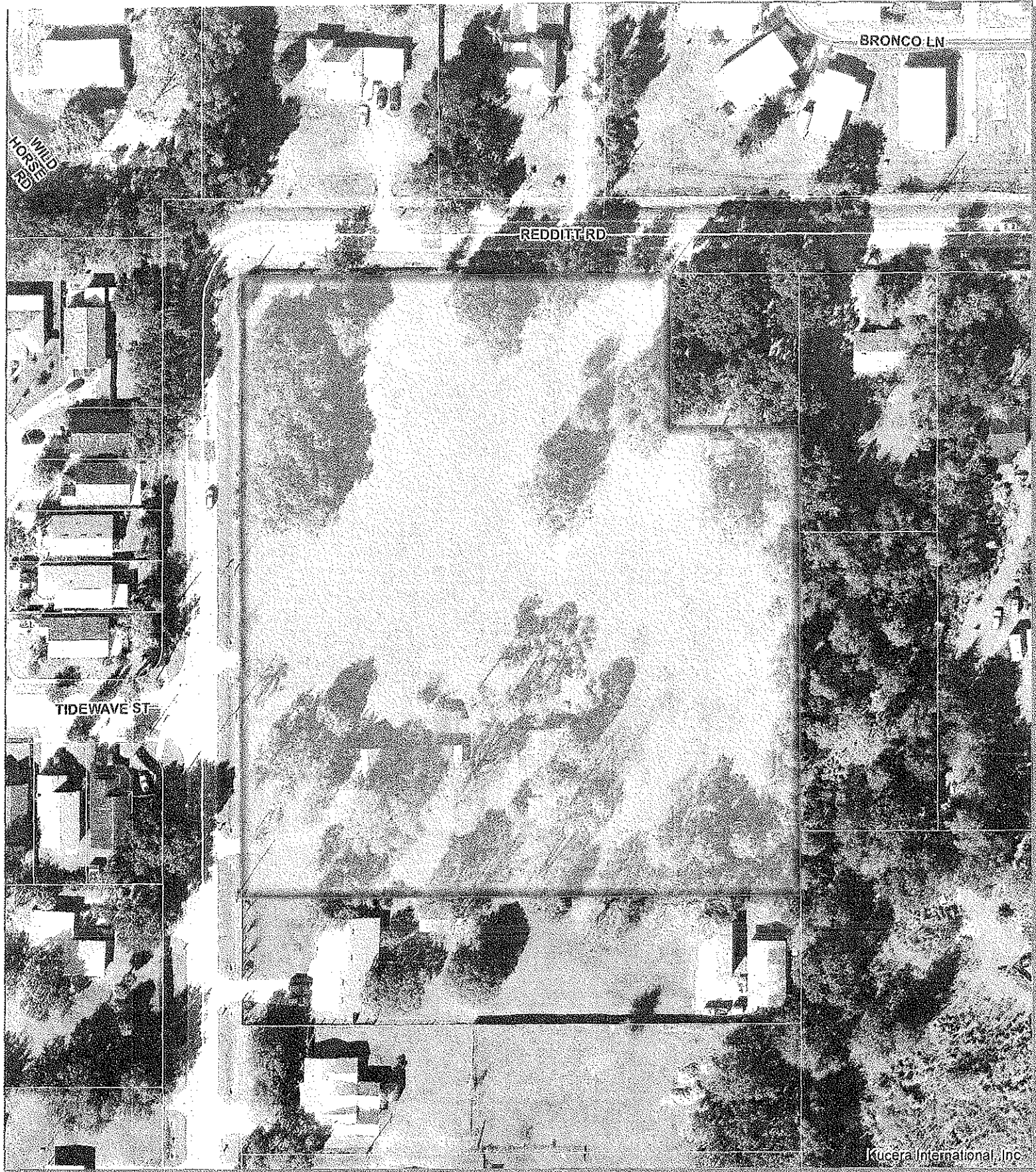
TRACT	DESCRIPTION	OWNERSHIP	MAINTENANCE
A	RETENTION POND	ORANGE COUNTY	ORANGE COUNTY
B	WALL & LANDSCAPE	H.O.A.	H.O.A.
C	EXTERNAL RIGHT OF WAY (REDDITT ROAD)	ORANGE COUNTY	ORANGE COUNTY
D	INTERNAL RIGHT OF WAY	ORANGE COUNTY	ORANGE COUNTY

THE FENCE ALONG THE REAR OF LOTS 9-14 TO BE OWNED AND MAINTAINED BY THE HOA WITHIN A 5 FOOT WALL/FENCE EASEMENT DEDICATED TO THE HOA


THE REAR YARD DRAINAGE FACILITIES WILL BE OWNED AND MAINTAINED BY THE HOA WITHIN A MINIMUM 10 FOOT DRAINAGE EASEMENT DEDICATED TO THE HOA

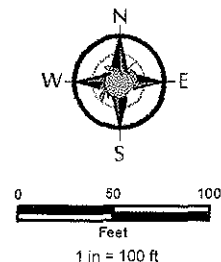
THE 5 FOOT WALL/FENCE/LANDSCAPE EASEMENT PROPOSED ALONG LOTS 1-9 WILL BE DEDICATED TO THE HOA FOR MAINTENANCE RIGHTS





Landing Bay Subdivision PSP

Parcels	Jurisdiction
 Subject Property	Hydrology

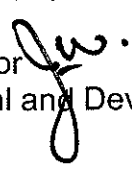




Interoffice Memorandum

September 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department 

CONTACT PERSON: **John Smogor, Chairman**
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 – Public Hearing
Christina Baxter, Poulos & Bennett, LLC
Econ Trails Planned Development (PD)
Case # LUP-16-02-062 / District 3

The proposed Econ Trails PD contains 24.33 gross acres, and is located at 109, 197 and 211 N. Econlockhatchee Trail, or described as the east side of N. Econlockhatchee Trail, approximately 1,000 feet south of S.R. 408.

Through this request, the applicant is seeking to rezone the subject property from R-CE (Country Estate District) to PD (Planned Development District) in order to develop up to 184 single-family lots with attached dwelling units (townhomes). In addition, the applicant has requested three (3) waivers from Orange County Code to reduce minimum townhouse structure distance separation, rear-yard setbacks; and minimum townhouse dwelling unit widths.

The Econ Trails PD received recommendations of approval from the Development Review Committee (DRC) and Planning and Zoning Commission (PZC) on October 7, 2015 and November 19, 2015, respectively. A community meeting was not required.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Ordinance 2008-14, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan (CP) and approve the Econ Trails Planned Development / Land Use Plan (PD/LUP) dated “Received May 31, 2016”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 3**

Attachments

GENERAL INFORMATION

APPLICANT Christina Baxter, Poulos & Bennett, LLC

OWNER Dale R. Nichols

PROJECT NAME Econ Trails Planned Development (PD)

HEARING TYPE Planned Development / Land Use Plan (PD / LUP)

REQUEST **R-CE** (Country Estate District) **to**
PD (Planned Development District)

A request to rezone three (3) parcels containing 24.33 gross acres from R-CE to PD, in order to develop up to 184 single-family lots with attached dwelling units (townhomes).

In addition, the following waivers from Orange County Code have been requested:

- 1. A waiver from Section 38-79(20)(j) to allow for a front-to-front or rear-to-rear minimum distance townhouse building separation of forty (40) feet, and a rear-to-rear minimum distance patio structure separation for townhomes of twenty (20) feet; in lieu of sixty (60) feet.*
- 2. A waiver from Section 38-79(20)(l) to allow for a minimum townhouse dwelling unit width of sixteen (16) feet, in lieu of twenty (20) feet.*
- 3. A waiver from Section 38-79(20)(p) to allow for a minimum rear yard building setback of ten (10) feet for townhouse patio structures only, in lieu of twenty (20) feet.*

LOCATION 109, 197 and 211 N. Econlockhatchee Trail; or generally located on the east side of N. Econlockhatchee Trail, approximately 1,000 feet south of S.R. 408.

PARCEL ID NUMBERS 30-22-31-0000-00-042; 30-22-31-0000-00-043; and 30-22-31-0000-00-049

TRACT SIZE 24.33 gross acres

PUBLIC NOTIFICATION

The notification area for this public hearing extended beyond 1,300 feet [*Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet*]. One hundred thirty-five (135) notices were mailed to those property owners in the mailing area. A community meeting was not required.

PROPOSED USE

One hundred eighty-four (184) single-family lots with attached residential dwelling units (townhomes).

STAFF RECOMMENDATION

Development Review Committee (DRC) – May 25, 2016

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Econ Trails Planned Development / Land Use Plan (PD/LUP), dated "Received May 31, 2016", subject to the following conditions:

1. Development shall conform to the Econ Trails Planned Development / Land Use Plan (PD/LUP) dated "Received May 31, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received May 31, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have

been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Right-of-way for Econlockhatchee Trail shall be dedicated at no cost to Orange County prior to or concurrently with the county's approval of the plat.
7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

8. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
9. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
10. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
11. The Developer shall obtain water and wastewater service from Orange County Utilities.
12. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
13. Ground and fascia signs shall comply with Chapter 31.5-73 of the Orange County Code.
14. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of May 5, 2016.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 9 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits
 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.

- d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
15. The following waivers from Orange County Code are granted:
- a. A waiver from Section 38-79(20)(i) to allow for a front-to-front or rear-to-rear minimum distance townhouse building separation of forty (40) feet, and a rear-to-rear minimum distance patio structure separation for townhomes of twenty (20) feet; in lieu of sixty (60) feet;
 - b. A waiver from Section 38-79(20)(l) to allow for a minimum townhouse dwelling unit width of sixteen (16) feet, in lieu of twenty (20) feet; and
 - c. A waiver from Section 38-79(20)(p) to allow for a minimum rear yard building setback of ten (10) feet for townhouse patio structures only, in lieu of twenty (20) feet.
16. Where appropriate, the project shall interconnect to adjacent properties at the time of Preliminary Subdivision Plan (PSP) review.

IMPACT ANALYSIS

Land Use Compatibility

The proposed development program would allow for land uses that are compatible with the existing area developments, and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR). The proposed use is consistent with this designation and applicable CP provisions, which include – but are not limited to - the following goals, objectives and policies:

Housing Element Goal H1 states that Orange County shall promote and assist in the provision of an ample housing supply, within a broad range of types and price levels.

Housing Element Objective H1.1 states that the County will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

FLU1.1.1 states that urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

FLU1.1.5 states that the Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Growth Centers may include specific provisions for maximum and minimum densities.

FLU1.4.2 states that Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

Future Land Use Element Goal FLU2 states that the County will encourage urban strategies such as infill development which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

Future Land Use Element Objective FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes be compatible with existing development and development trend in the area.

FLU8.2.2 states that continuous stretches of similar housing types and density of uses shall be avoided. A diverse mix of uses and housing types shall be promoted.

Community Meeting Summary

A community meeting was not required for this application.

SITE DATA

Existing Use	Two (2) Single-Family Detached Residential Dwelling Units / Undeveloped Land
Adjacent Zoning	N: R-CE (Country Estate District) (1968) E: PD (Planned Development District – Econ Place PD) (2009) PD (Planned Development District – Econ Place II PD) (2015) A-2 (Farmland Rural District) (1968) No Zoning (Central Florida Expressway Authority) W: R-3 (Multiple-Family Dwelling District) (1993) S: R-CE (Country Estate District) (1968)
Adjacent Land Uses	N: Single-Family Residential / Undeveloped Land

- E: Single-Family Residential / Professional Office /
Undeveloped Land / Wetlands
- W: Multi-Family Residential / N. Econlockhatchee Trail &
Central Florida Expressway Authority Right-of-Way
- S: Single-Family Residential / Undeveloped Land

APPLICABLE PD DEVELOPMENT STANDARDS

Minimum Lot Width:	16 feet (<i>proposed</i>)
Maximum Building Height:	35 feet
Minimum Living Area:	1,100 square feet
Open Space:	10% of net developable area

Minimum Building Setbacks

Front:	20 feet
Rear:	20 feet
Rear-to-Rear Building Separation:	40 feet (<i>proposed</i>)
Side Street / Corner:	15 feet
Rear Covered Patio:	10 feet (<i>proposed</i>)
PD Perimeter:	25 feet
S. Econlockhatchee Trail:	35 feet

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject parcel from R-CE (Country Estate District) to PD (Planned Development District) in order to develop up to 184 single-family lots with attached dwelling units (townhomes).

In addition, the applicant has requested three (3) waivers from Orange County Code to reduce minimum townhouse structure distance separation, rear-yard setbacks; and minimum townhouse dwelling unit widths.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Low-Medium Density Residential (LMDR). The proposed use is consistent with this designation and applicable comprehensive plan provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

There are wetlands and surface waters located on site. Orange County Conservation Area Determination CAD-15-03-027 was submitted for this project. The CAD needs to be completed with a certified survey of the conservation area boundary approved by EPD prior to submitting a PSP or DP.

The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners (BCC).

The applicant will be responsible for addressing any adverse impacts, including secondary impacts, to surface waters, wetlands, or conservation areas that may occur as a result of development of the site.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant will also be responsible for determining the presence of listed species and for obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

Transportation / Concurrency

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Based on the Concurrency Management System database dated 03-02-16, there are multiple failing roadway segments within the project impact area. This information is dated and is subject to change. A traffic study will be required prior to obtaining an approved CEL.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	N/A

Schools

Capacity Enhancement Agreement (CEA) #OC-15-044 applies to this project. The CEA has been fully executed.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the request, but did not identify any issues or concerns.

Code Enforcement

No code enforcement, special magistrate or lot cleaning issues on the subject property have been identified.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (July 21, 2016)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Econ Trails Planned Development / Land Use Plan (PD/LUP), dated "Received May 31, 2016", subject to the following conditions:

1. Development shall conform to the Econ Trails Planned Development / Land Use Plan (PD/LUP) dated "Received May 31, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received May 31, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise

influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Right-of-way for Econlockhatchee Trail shall be dedicated at no cost to Orange County prior to or concurrently with the county's approval of the plat.
7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

8. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
9. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
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13. Ground and fascia signs shall comply with Chapter 31.5-73 of the Orange County Code.
14. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of May 5, 2016.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 9 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits
 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute

between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

- e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

15. The following waivers from Orange County Code are granted:

- a. A waiver from Section 38-79(20)(j) to allow for a front-to-front or rear-to-rear minimum distance townhouse building separation of forty (40) feet, and a rear-to-rear minimum distance patio structure separation for townhomes of twenty (20) feet; in lieu of sixty (60) feet;
- b. A waiver from Section 38-79(20)(l) to allow for a minimum townhouse dwelling unit width of sixteen (16) feet, in lieu of twenty (20) feet; and
- c. A waiver from Section 38-79(20)(p) to allow for a minimum rear yard building setback of ten (10) feet for townhouse patio structures only, in lieu of twenty (20) feet.

16. Where appropriate, the project shall interconnect to adjacent properties at the time of Preliminary Subdivision Plan (PSP) review.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

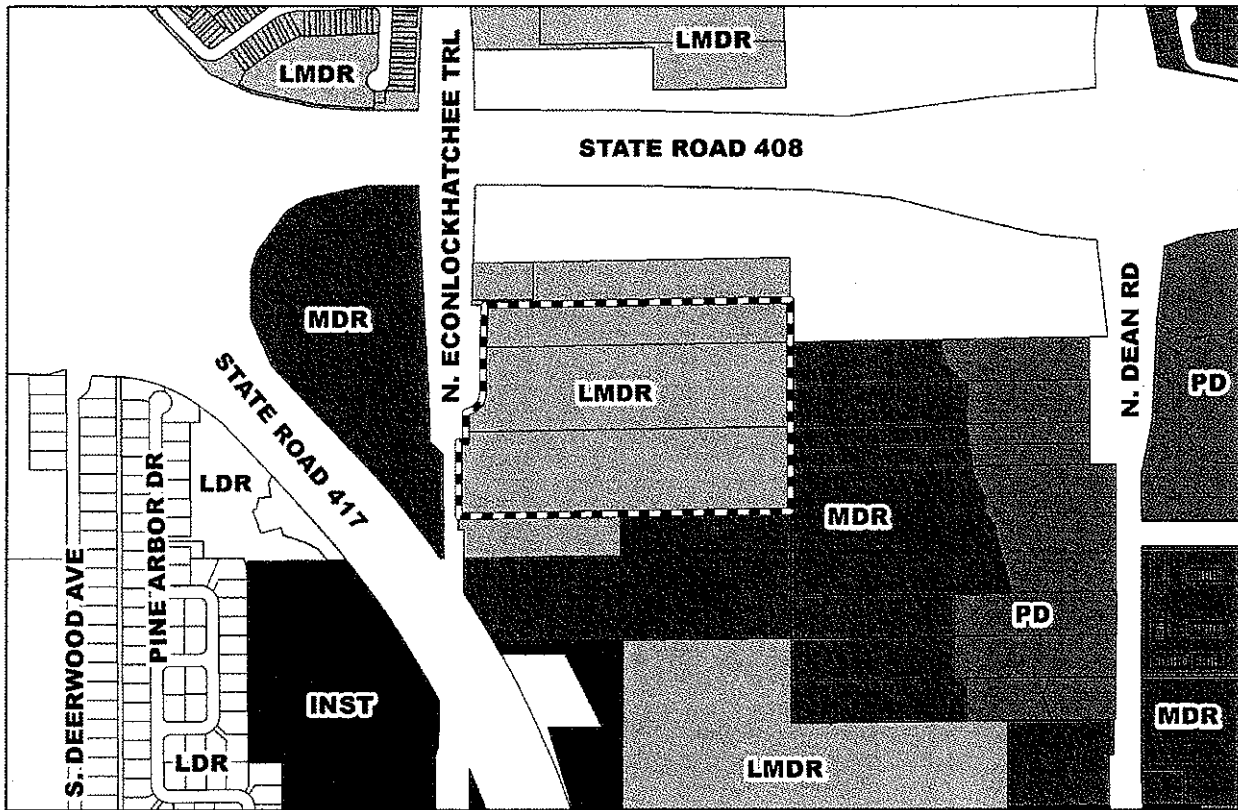
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested PD (Planned Development District) zoning, subject to sixteen (16) conditions.

Staff indicated that one hundred thirty-five (135) notices were mailed to surrounding property owners within a buffer extending beyond 1,300 feet from the subject property, with two (2) responses received in opposition due to general concerns with traffic and environmental impacts. Staff also stated that two (2) other adjacent property owners to the east had expressed their desire for Econlockhatchee Trail access to their parcels via the subject property.

Sam Sebaali, Florida Engineering Group, was present to speak to the concerns of the two (2) adjacent property owners to the east. Mr. Sabaali, expressed the importance of proving access to the western portion of his clients' parcels due to location of the Little Econ River that separated the rear portion of their property from the front portion of their property which had access from Dean Road. Mr. Sabaali also argued that without access from Econlockhatchee Trail, the western portion of his clients' property would be "landlocked."

In response to Mr. Sebaali's comments, staff indicated that the Development Review Committee (DRC) added recommendation #16, which states that "where appropriate, the project shall interconnect to adjacent properties at the time of Preliminary Subdivision Plan (PSP) review."

LUP-16-02-062



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Christina Baxter, Poulos & Bennett, LLC

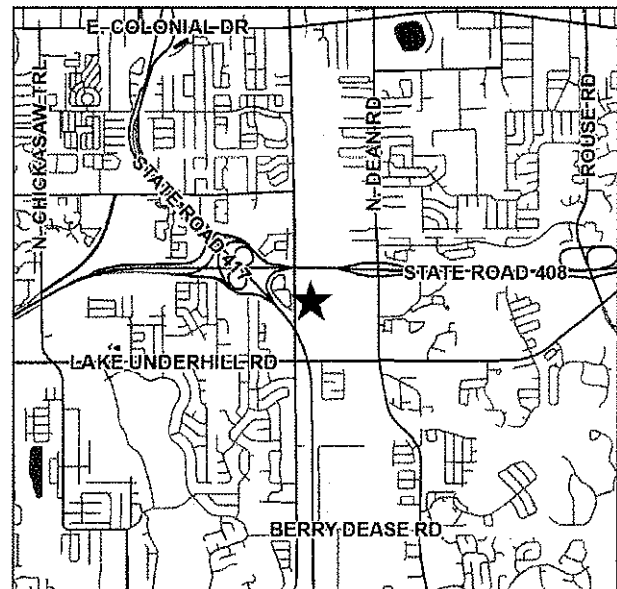
LOCATION: 109, 197 and 211 N. Econlockhatchee Trail;
or generally located on the east side of N.
Econlockhatchee Trail, approximately
1,000 feet south of S.R. 408.

TRACT SIZE: 24.33 gross acres

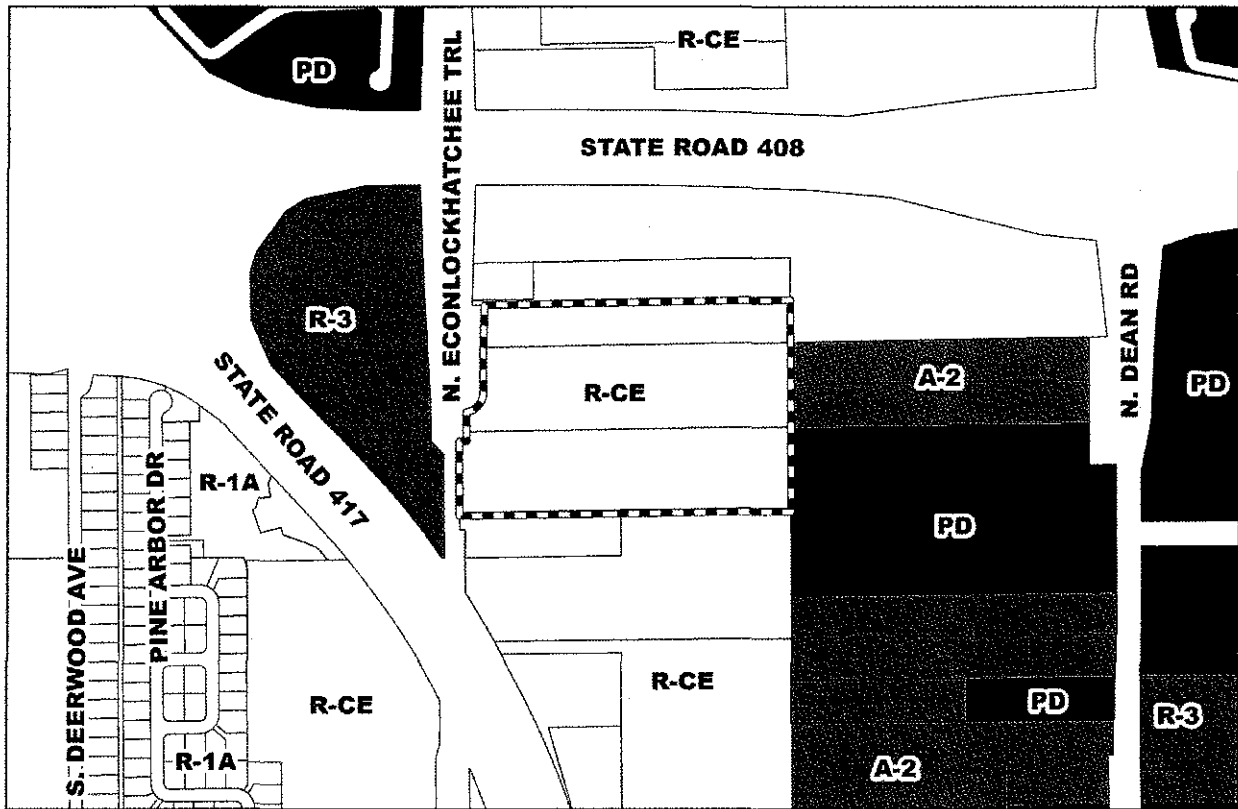
DISTRICT: # 3

S/T/R: 30/22/31

1 inch = 625 feet



LUP-16-02-062



 Subject Property



★ Subject Property

Zoning Map

ZONING: R-CE (Country Estate District) to
PD (Planned Development District)

APPLICANT: Christina Baxter, Poulos & Bennett, LLC

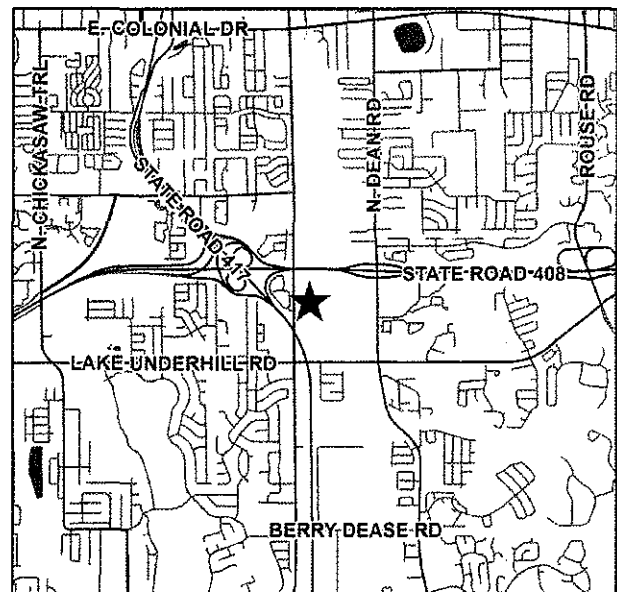
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DISTRICT: # 3

S/T/R: 30/22/31

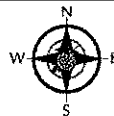
1 inch = 625 feet



LUP-16-02-062



Subject Property



1 inch = 583 feet

Econ Trails PD / LUP (Cover Sheet)

Planned Development/
Land Use Plan
for

Econ Trails

LUP-16-02-062
Orange County, FL

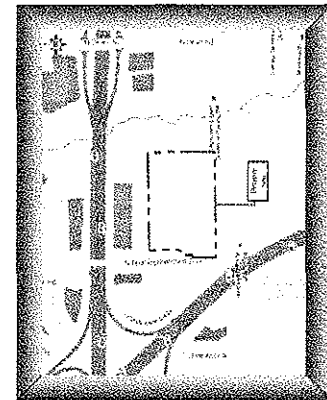
Parcel Id No.:

30-22-31-0000-00-049
30-22-31-0000-00-042
30-22-31-0000-00-045

Applicant:

CAL ATLANTIC
444 W. New England Ave., Suite 230
Winter Park, FL 32789
(407) 258-3500

Owner:

Dale E. Nichols
1212 Riverside Dr.
Tomball, FL 33780-4225

Vicinity Map

Engineered by
Bio-Tech Consulting, Inc.
2002 East Robinson Street
Orlando, FL 32803
(407) 644-4700

GIS Engineer
Poulos & Bennett, LLC
2002 East Robinson Street
Orlando, FL 32803
(407) 644-4700

Surveyor
Associated Land Surveying
101 W. Morse Road, Suite 111
Orlando, FL 32803
(407) 644-4700

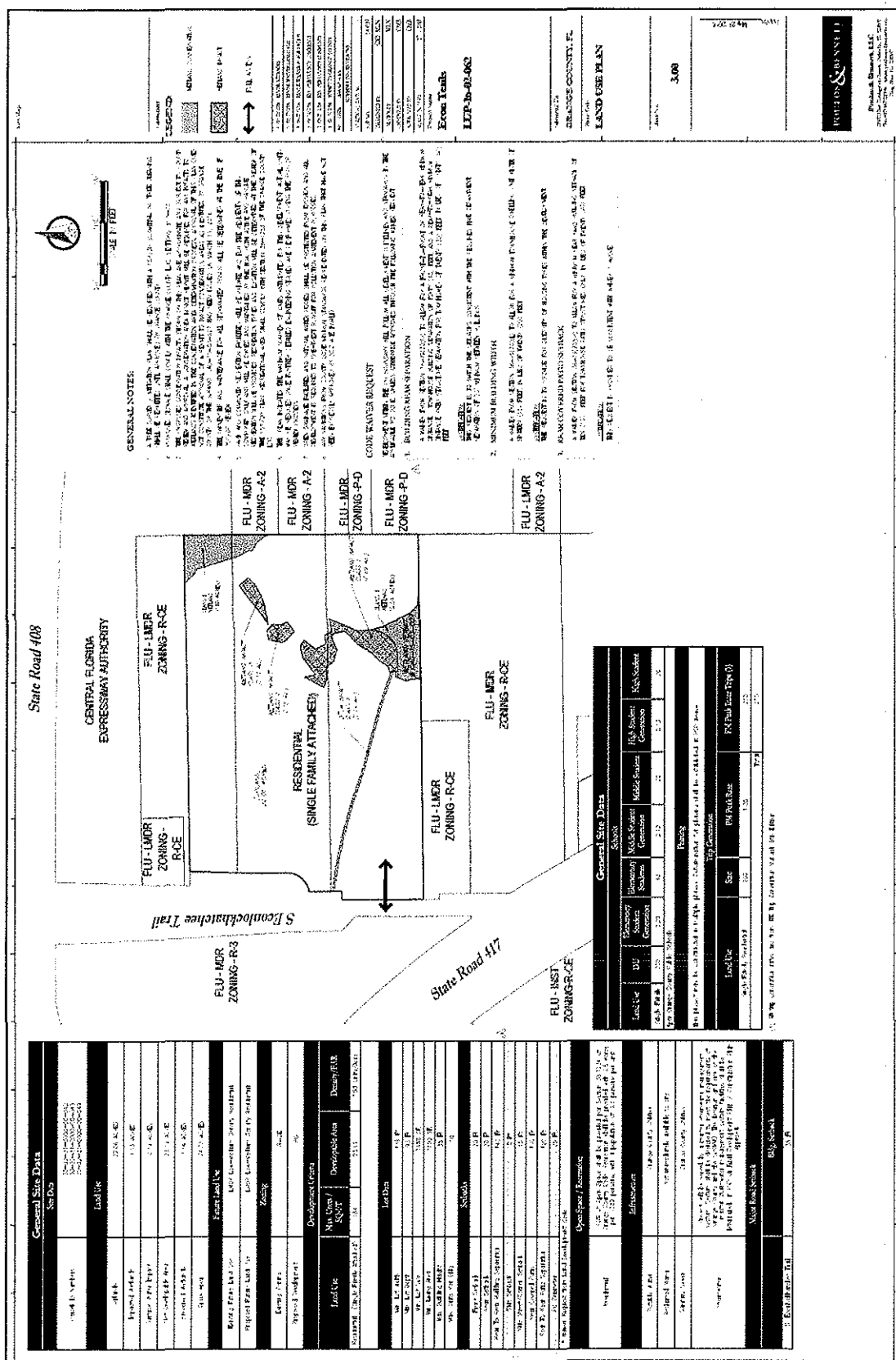
Sheet Id.	Sheet Index	Sheet Title	Sheet Date
1.00	Existing Conditions		
2.00	Land Use District Map		
3.00			

Date	Description
2/17/2016	Submit To Orange County
3/21/2016	Rev. Per County Commission
4/14/2016	Rev. Per County Commission
4/29/2016	Revised Map at Per-Plan
5/17/2016	Revised Map at Per-Plan
5/24/2016	Revised Map at Per-Plan

RECEIVED

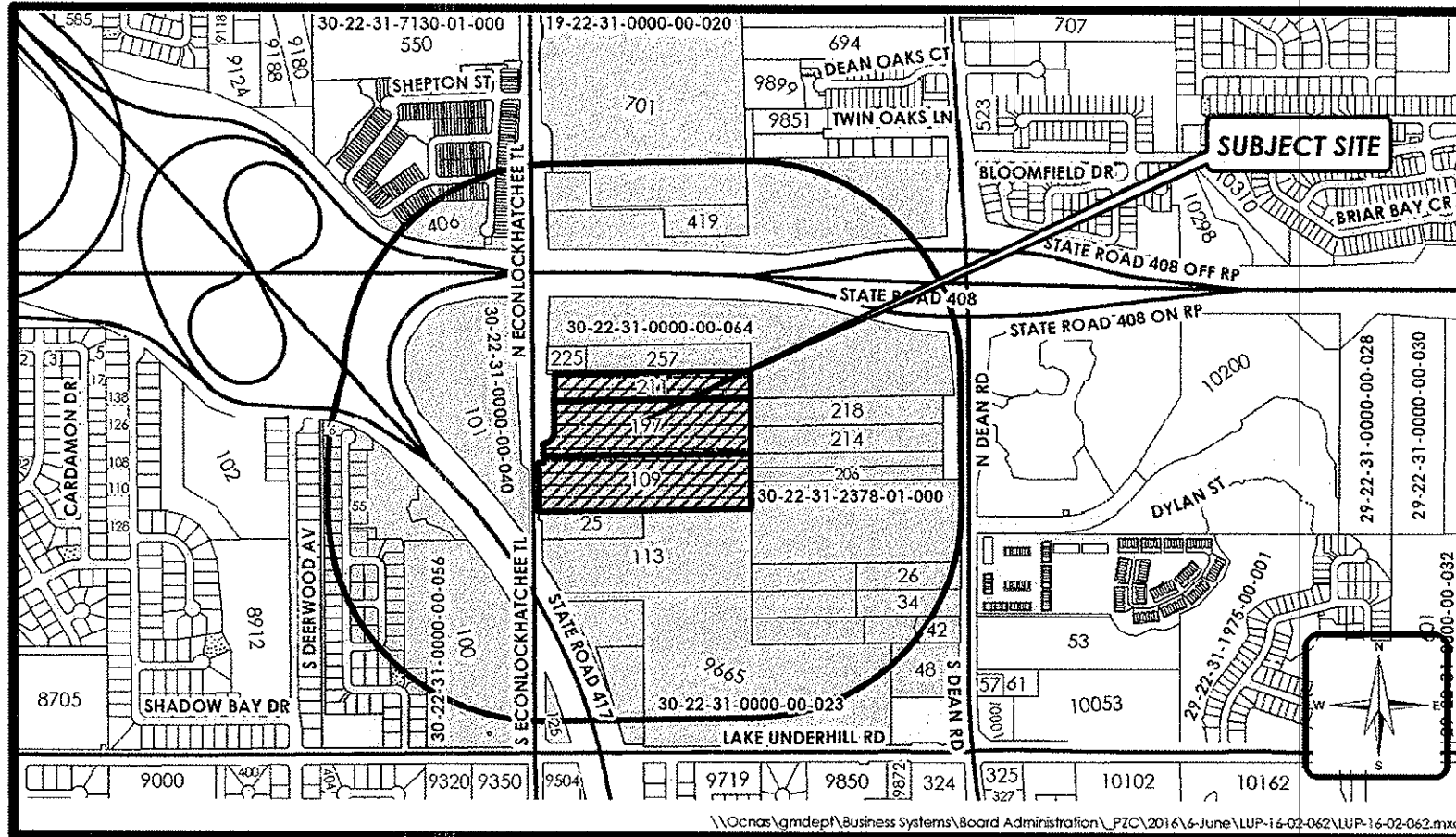
By The Development Review Committee (DRC) Office at 1:40 pm, May 27, 2016

POULOS & BENNETT
2002 East Robinson Street, Suite 111
Orlando, FL 32803
Tel: 407.644.4700 www.poulosandbennett.com
P.O. Box No. 2000
P.O. Box No. 2000

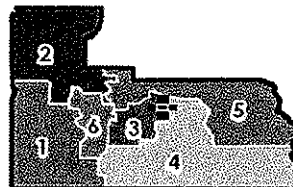




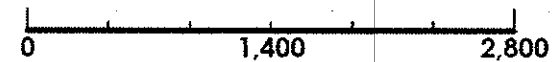
Public Notification Map LUP-16-02-062 1300 FT BUFFER, 135 NOTICES



MAP LEGEND	
	SUBJECT
	1300 FT BUFFER
	NOTIFIED PARCELS
	ADDITIONAL SELECTION
	PARCELS



1 inch = 879 feet
Feet



Notification Map

Rezoning Staff Report
Case # LUP-16-02-062
BCC Hearing Date: September 13, 2016



Interoffice Memorandum

September 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 - Public Hearing
Mark Clayton, Chickasaw Property, LLC
Expressway Center Planned Development (PD)
Substantial Change – Case # CDR-16-03-099 / District 3

The Expressway Center Planned Development (PD) was originally approved in 1972 and was designated "Business Park" on the PD/LUP. However, on April 22, 1999, the Development Review Committee (DRC) approved a non-substantial change to further clarify that adult congregate facilities (including assisted living facilities and nursing homes), church, schools, mini-warehouse, office showrooms with no outdoor storage, and mixed office/commercial (C-1) uses not to exceed 190,000 total square feet (95,000 square feet of each) could be considered through subsequent Change Determination Requests (CDR), and consistent with the trip equivalency matrix. Despite the variety of uses permitted within the PD, the applicant has based existing entitlements on a provision that allows business park uses at a ratio of 12,000 square feet per acre, which results in 222,480 square feet.

Therefore, through this request the applicant is seeking to add multi-family as a permitted use; and by using a revised trip equivalency matrix, amending the existing development program by converting 78,778 square feet of business park uses into 238 multi-family residential dwelling units, and converting 143,702 square feet of business park uses into 68,414 square feet of commercial uses.

On July 13, 2016, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. As summarized in the attached staff report, a community meeting was also held on June 22, 2016.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form have been completed in accordance with the requirements of Ordinance 2008-14. Copies of these forms may be obtained in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Expressway Center Planned Development / Land Use Plan (PD/LUP) dated "Received April 29, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 3

Attachment

CASE # CDR-16-03-099

Commission District: # 3

GENERAL INFORMATION

APPLICANT Mark Clayton, Chickasaw Property, LLC

OWNER Chickasaw Property, LLC

PROJECT NAME Expressway Center Planned Development / Land Use Plan (PD/LUP)

PARCEL ID NUMBER 25-22-30-0000-00-059

TRACT SIZE 18.54 gross acres (affected parcel only)

LOCATION 401 North Chickasaw Trail; generally located north of State Road 408 and east of North Chickasaw Trail.

REQUEST A substantial change request to the Expressway Center Planned Development / Land Use Plan (PD/LUP) to add multi-family as a permitted use; and to amend the existing development program by using a trip equivalency matrix to convert 78,778 square feet of Business Park uses into 238 multi-family residential dwelling units, and to convert 143,702 square feet of Business Park uses into 68,414 square feet of commercial uses, as reflected in the following table:

Development Program Comparison Table

Use	Current	Proposed
Business Park	222,480 sq. ft.	0 sq. ft.
Multi-Family	0 units	238 MF units
Commercial	0 sq. ft.	68,414 sq. ft.

PUBLIC NOTIFICATION A notification area extending beyond seven hundred (700) feet was used for this application [*Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet*]. Five hundred fifty-three (553) notices were mailed to those property owners in the notification buffer area. A community meeting was also held on June 22, 2015 (*refer to Community Meeting Summary below*).

IMPACT ANALYSIS

Special Information

The Expressway Center Planned Development (PD) was originally approved in 1972 and was designated "Business Park" on the PD/LUP. However, on April 22, 1999, the Development Review Committee (DRC) approved a non-substantial change to further clarify that adult congregate facilities (including assisted living facilities and nursing homes), church, schools, mini-warehouse, office showrooms with no outdoor storage,

and mixed office/commercial (C-1) uses not to exceed 190,000 total square feet (95,000 square feet of each) could be considered through subsequent Change Determination Requests (CDR), and consistent with the trip equivalency matrix. Despite the variety of uses permitted within the PD, the applicant has based existing entitlements on a provision that allows business park uses at a ratio of 12,000 square feet per acre, which results in 222,480 square feet.

Therefore, through this request the applicant is seeking to add multi-family as a permitted use; and by using a revised trip equivalency matrix, amending the existing development program by converting 78,778 square feet of business park uses into 238 multi-family residential dwelling units, and converting 143,702 square feet of business park uses into 68,414 square feet of commercial uses.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Office (O). The PD was originally approved in 1972, and per Policy FLU8.1.5, PDs approved prior to the 1991 CP adoption are considered to be consistent with CP.

Community Meeting Summary

A community meeting was held on Wednesday, June 22, 2016, at Little River Elementary School, with approximately seventeen (17) residents in attendance. Residents expressed opposition to multi-family residential development, citing traffic, the potential for accidents (in front of the Moss Pointe subdivision across Chickasaw Trail from the subject property to the west), and concern with decreased property values. Residents also noted the amount of vacant commercial in the area, and asked about the status of area transportation improvements. In general, residents expressed a preference for commercial uses over multi-family residential. Lastly, residents also indicated that a previous request to add multifamily residential in 1999 was ultimately was withdrawn by an applicant.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

The subject parcel was included in Conservation Area Determination CAD 95-095, CAD 08-066 and Impact Permit CAI 09-020, valid through April 14, 2020. This plan shall comply with all related permit conditions of approval.

Transportation / Concurrency

A time of Development Plan (DP), the applicant / developer must provide pedestrian and bicycle access from multi-family uses to the public right-of-way sidewalk (per Policy T3.2.2).

This project is also located within an Alternative Mobility Area (AMA) and is therefore exempt from concurrency. However, prior to obtaining building permits, subsequent Development Plans (DP) are subject to mobility review and approval through the County's Concurrency Management Office. Lastly, a mobility analysis will be required in accordance with Objective T.2.3 and associated policies of the Comprehensive Plan.

Schools

Orange County Public Schools (OCPS) has determined that capacity is available for this project. However, this determination expires on September 14, 2016. In the event this project does not obtain zoning approval by the expiration date, the applicant must resubmit the application and application fee for reevaluation by OCPS.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the substantial change request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (July 13, 2016)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Expressway Center Planned Development / Land Use Plan (PD/LUP) dated "Received April 29, 2016", subject to the following conditions:

1. Development shall conform to the Expressway Center Planned Development / Land Use Plan (PD/LUP) dated "Received April 29, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or

inconsistency between a condition of approval and the land use plan dated "Received April 29, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

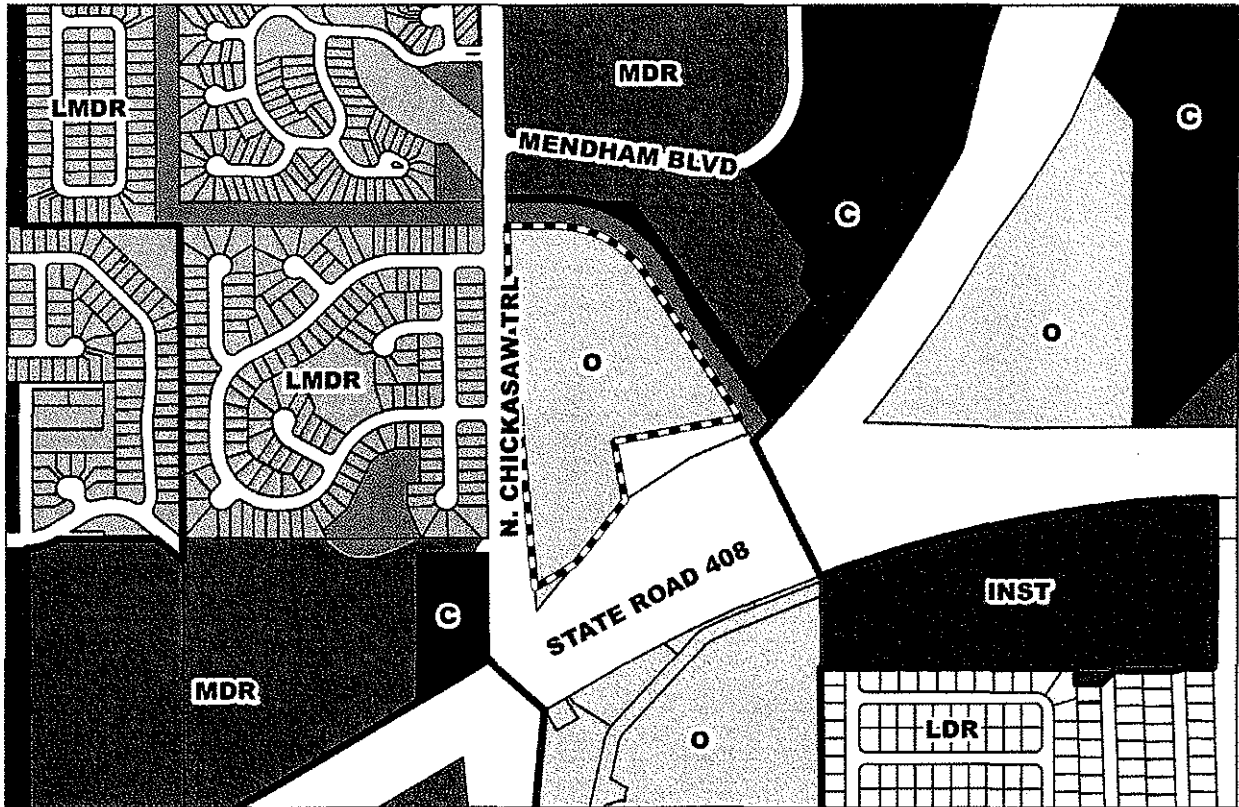
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners (Board) at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan

- approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The necessity for a left turn lane off Chickasaw Trail into the project will be evaluated with the review of the DP for this project.
 7. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
 8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 9. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (June 14, 2005)

Upon a motion by Commissioner Fernandez, seconded by Commissioner Hartage, and carried with all present members voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Chris Reider; Canin Associates, Inc.; Expressway Center Planned Development / Land Use Plan (PD/LUP); to amend the LUP to allow for a 120-foot-tall monopole cell tower to be constructed (designed as a flag pole), subject to conditions.

CDR-16-03-099



Subject Property
 PD Boundary



★ Subject Property

Future Land Use Map

FLUM: Office (O)

APPLICANT: Mark Clayton, Chickasaw Property, LLC

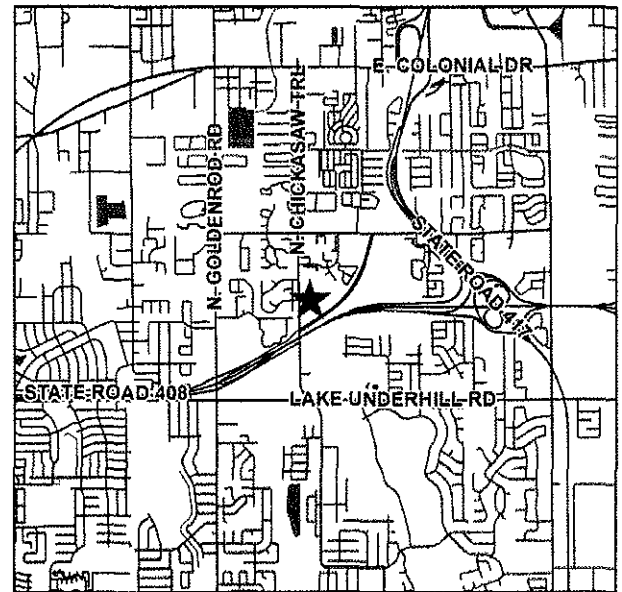
LOCATION: 401 North Chickasaw Trail; generally located north of State Road 408 and east of North Chickasaw Trail

TRACT SIZE: 18.54 gross acres (affected parcel)

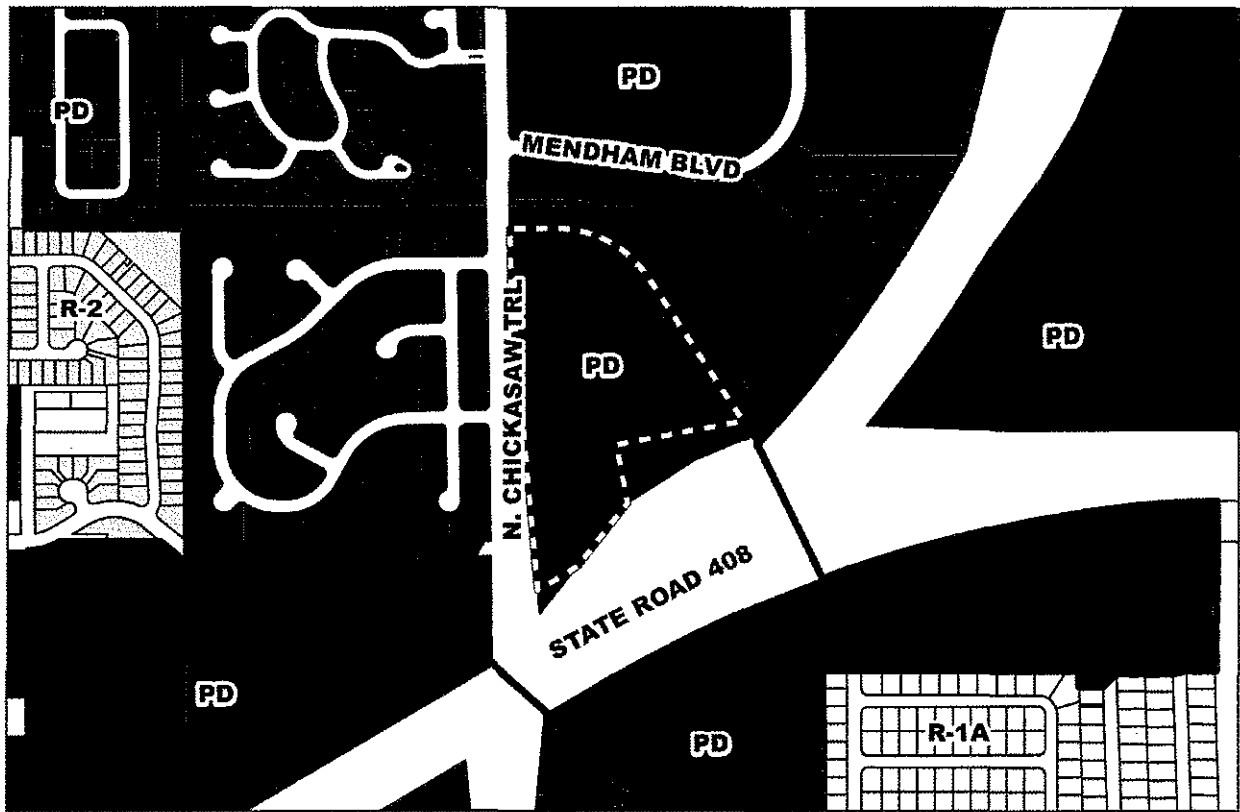
DISTRICT: # 3

S/T/R: 25/22/30

1 inch = 667 feet



CDR-16-03-099



Subject Property
 PD Boundary

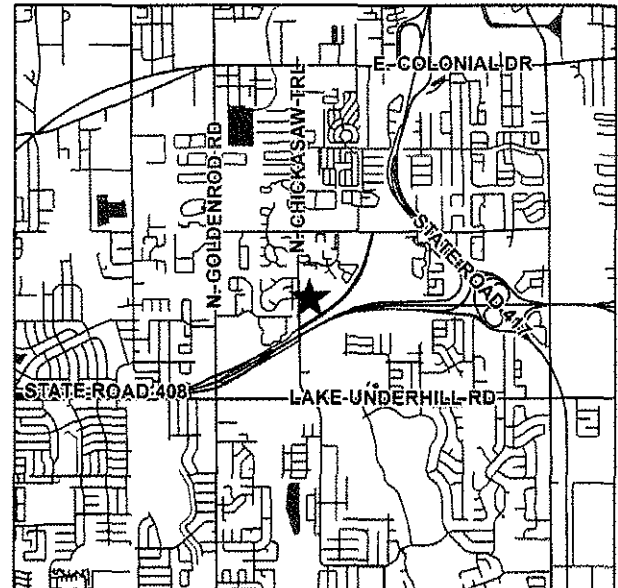


★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)
APPLICANT: Mark Clayton, Chickasaw Property, LLC
LOCATION: 401 North Chickasaw Trail; generally located north of State Road 408 and east of North Chickasaw Trail
TRACT SIZE: 18.54 gross acres (affected parcel)
DISTRICT: # 3
S/T/R: 25/22/30

1 inch = 667 feet



CASE #: 'CDR-16-03-099'
SECTION 25 TOWNSHIP 22 SOUTH, RANGE 30 EAST
ORANGE COUNTY, FLORIDA
PARCEL ID# 25-22-30-0000-00-059

MARCH 11, 2016

REVISÉ: APRIL 27, 2016

APPLICATION BY:

CHICKASAW PROPERTY, LLC
5405 DIPLOMAT CIRCLE, SUITE 100
ORLANDO, FLORIDA, 32810
PH (407) 644-6200

SIDE

WINEYARD
 ALL: 100% VINO
 100% VINO
 100% VINO
 100% VINO

DISCUSSION
 WHEN THE U.S. ...
 ... THE ...
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MADDEN
MOORHEAD & GLUNT, INC.
CIVIL ENGINEERS

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

RECEIVED

By The Development Review Committee (DRC) Office at 9:57 am, Apr 28, 2016

N.T.S.

Expressway Center PD / LUP (Cover Sheet)

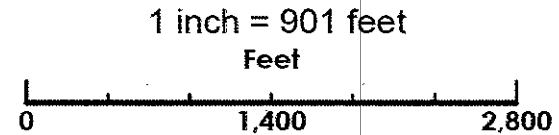
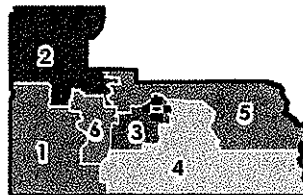
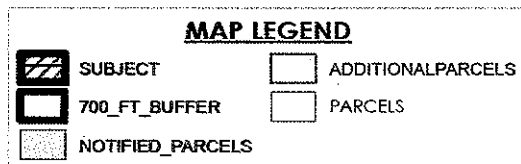
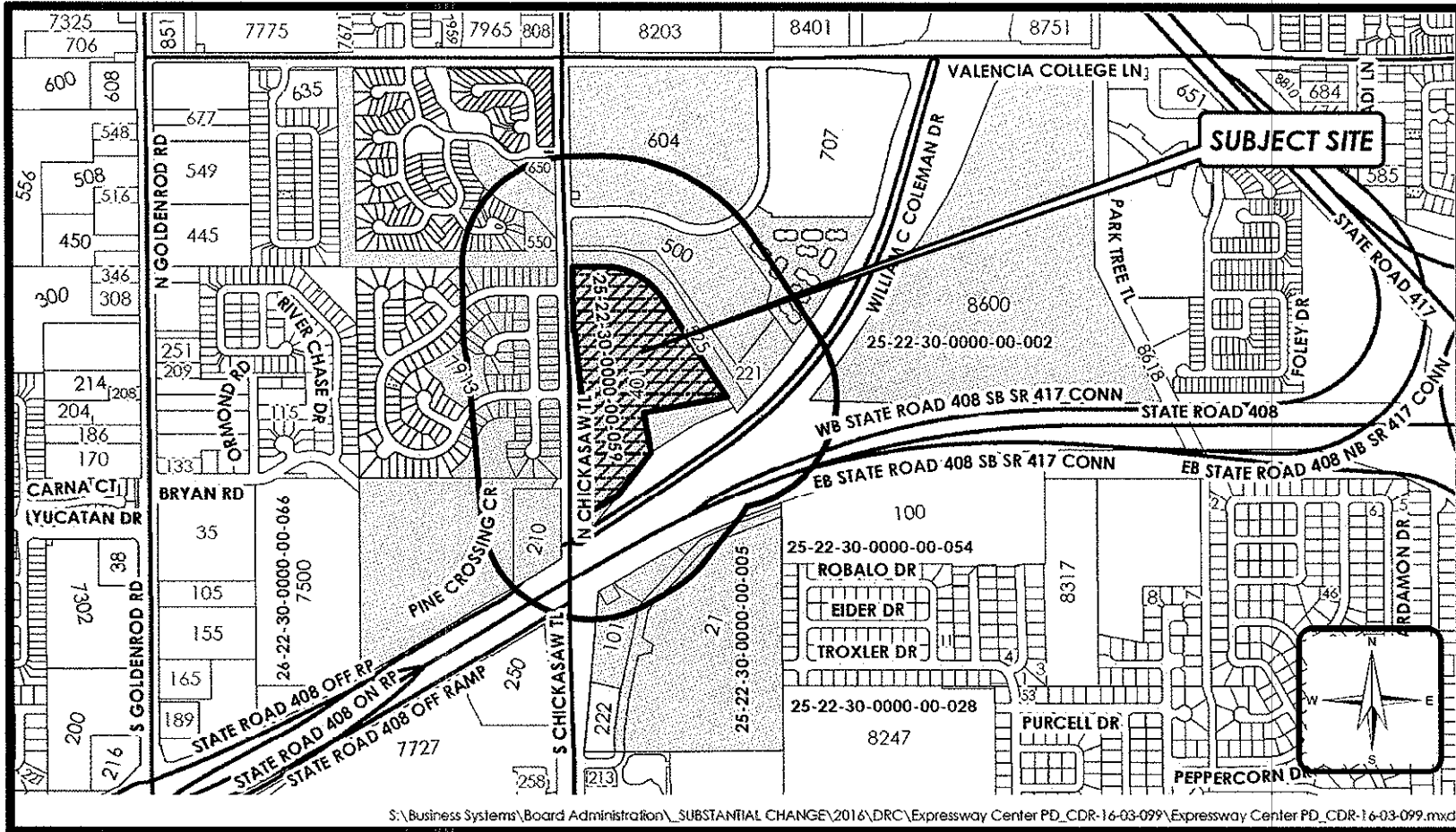
DRC Staff Report
Orange County Planning Division
BCC Hearing Date: September 13, 2016



Public Notification Map

Expressway Center PD_CDR-16-03-099

700 FT BUFFER, 552 NOTICES



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: September 13, 2016



Interoffice Memorandum

September 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 - Public Hearing
Robert Grassman, Bowman Consulting
South Park Planned Development (PD)
Substantial Change – Case # CDR-16-05-184 / District 6

The South Park Planned Development (PD) was originally approved on February 21, 1995, and currently includes development entitlements for up to 672,236 square feet of commercial land uses. Through this PD substantial change, the applicant is seeking to increase commercial entitlements to 674,436 square feet (*an increase of 2,200 square feet*). No waivers from Orange County Code have been requested.

On July 27, 2016, the Development Review Committee (DRC) recommended approval of the request, subject to conditions.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form have been completed in accordance with the requirements of Ordinance 2008-14. Copies of these forms may be obtained in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the South Park Planned Development / Land Use Plan (PD/LUP) dated "Received August 4, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report.
District 6

Attachment

CASE # CDR-16-05-184

Commission District: # 6

GENERAL INFORMATION

APPLICANT	Robert Grassman, Bowman Consulting
OWNER	E. Capital Partners, LLC
PROJECT NAME	South Park Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBER	33-23-29-7457-04-001 (<i>affected parcel</i>)
TRACT SIZE	82.18 gross acres (<i>overall PD</i>) 4.18 gross acres (<i>affected parcel</i>)
LOCATION	8421 S. John Young Parkway; or generally east of John Young Parkway and west of South Park Circle
REQUEST	A PD substantial change to increase commercial entitlements from 672,236 to 674,436 square feet (<i>an increase of 2,200 square feet</i>).
PUBLIC NOTIFICATION	A notification area extending beyond eight hundred (800) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Two hundred sixty-four (264) notices were mailed to those property owners in the notification buffer area. A community meeting was not required.

IMPACT ANALYSIS

Special Information

The South Park Planned Development was originally approved on February 21, 1995, and currently includes development entitlements for up to 672,236 square feet of commercial land uses.

Through this PD substantial change, the applicant is seeking to increase commercial entitlements to 674,436 square feet (*an increase of 2,200 square feet*). No waivers from Orange County Code have been requested.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The affected property has an underlying Future Land Use Map (FLUM) designation of Industrial (IND). This project was initially approved as a part of the Orlando Central Park PD, which was issued a state "Binding Letter of Interpretation" that recognized commercial as a permitted use. Therefore, the request is consistent with the Comprehensive Plan.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Environmental Protection Division reviewed the plan, but did not identify any issues or concerns.

Transportation / Concurrency

Due to failing roadway conditions, a traffic study will be required prior to obtaining a building permit. However, unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to issuance of the initial certificate of occupancy. Nothing in the decision to approve this plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Schools

This request would not result in any Orange County Public School impacts.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the substantial change request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (July 27, 2016)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the South Park Planned Development / Land Use Plan (PD/LUP) dated "Received August 4, 2016", subject to the following conditions:

1. Development shall conform to the South Park Planned Development / Land Use Plan (PD / LUP) dated "Received August 4, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such

Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received August 4, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

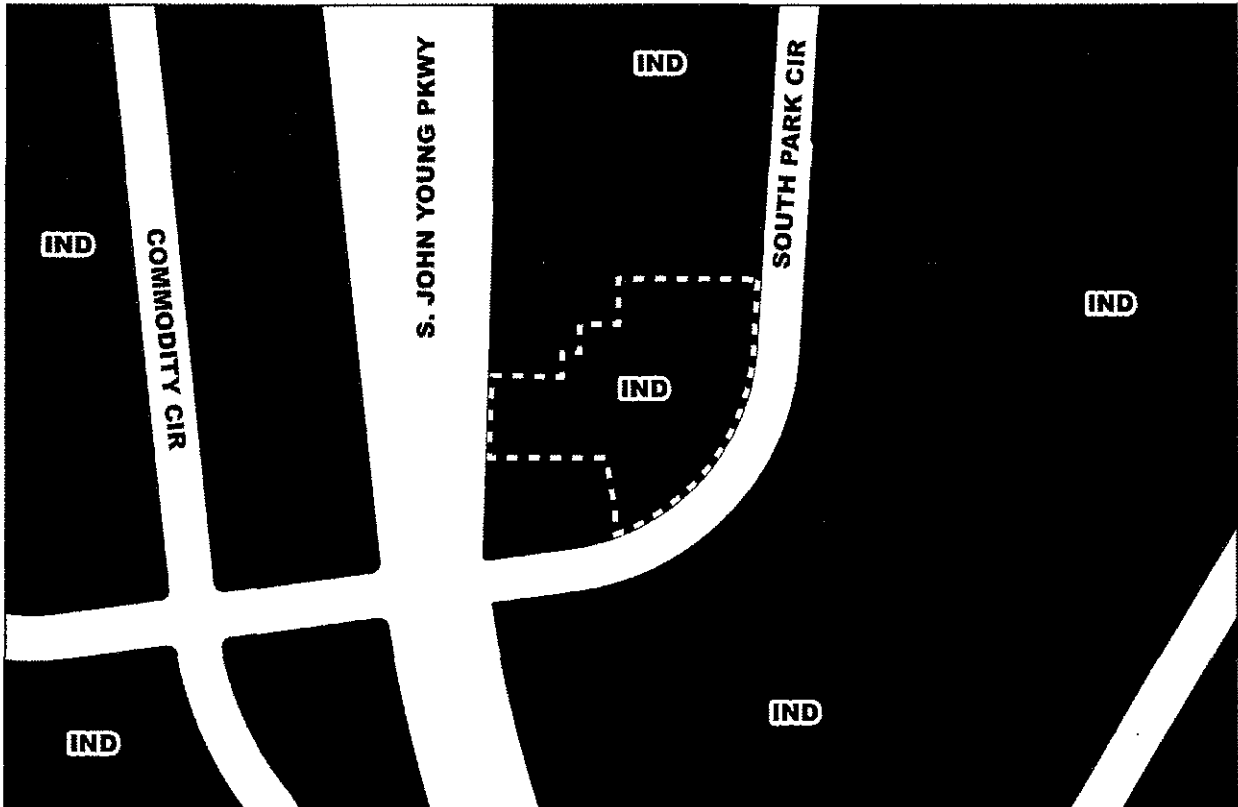
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 6, 2015, shall apply:
 - a. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
 - b. A waiver from Orange County Code Section 38-1476 is granted to allow four (4) parking spaces for each 1,000 square feet of commercial shopping centers with over 50,000 square feet, in lieu of the requirement for 5 spaces for each 1,000 square feet of commercial for shopping centers with over 50,000 square feet.
 - c. The Developer shall obtain wastewater service from Orange County Utilities.
 - d. New pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
 - e. Outside sales, storage, and display shall be prohibited.
 - f. A liquor license is not authorized with this approval; applicant must meet applicable requirements.



PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (January 6, 2015)

Upon a motion by Commissioner Siplin, seconded by Commissioner Nelson, and carried with all present members voting AYE by voice vote (Mayor Jacobs was absent), the Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Jennifer Stickler, Kimley-Horn and Associates, South Park Planned Development / Land Use Plan (PD/LUP) Case # CDR-14-09-271, to amend the South Park Planned Development /

Land Use Plan (PD/LUP) by increasing commercial development entitlements from 621,665 square feet to 672,236 square feet (and increase of 50,57 square feet); and further included a waiver from Orange County Code Section 38-1476 to allow four (4) parking spaces for 1,000 square feet of commercial shopping centers with over 50,000 square feet, in lieu of the requirement for 5 spaces for each 1,000 square feet of commercial for shopping centers with over 50,000 square feet; which constitutes a substantial change to the development on the described property; subject to conditions.

CDR-16-05-184



 Subject Property
 PD Boundary



★ Subject Property

Future Land Use Map

FLUM: Industrial (IND)

APPLICANT: Robert Grassman, Bowman Consulting

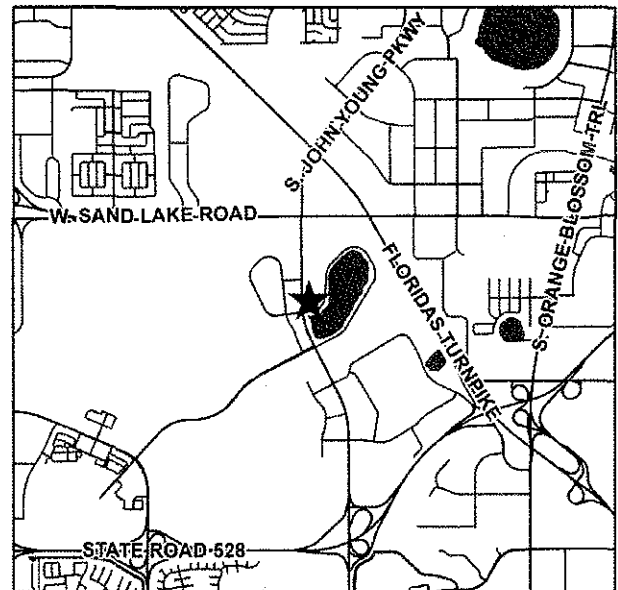
LOCATION: 821 S. John Young Parkway, or generally
 east of John Young Parkway and west of
 South Park Circle

TRACT SIZE: 82.18 gross acres (overall PD)
 4.18 gross acres (affected parcel)

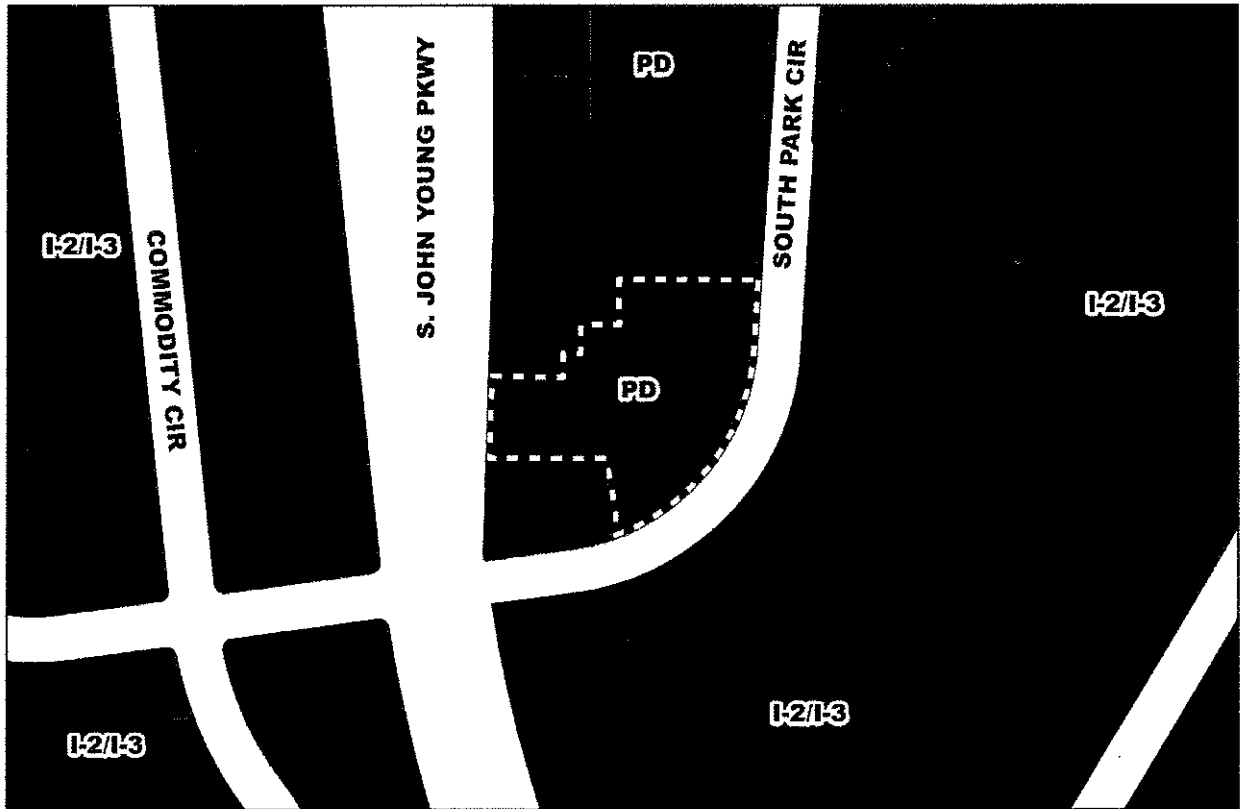
DISTRICT: # 6

S/T/R: 33/23/29

1 inch = 333 feet



CDR-16-05-184



 Subject Property
 PD Boundary



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Robert Grassman, Bowman Consulting

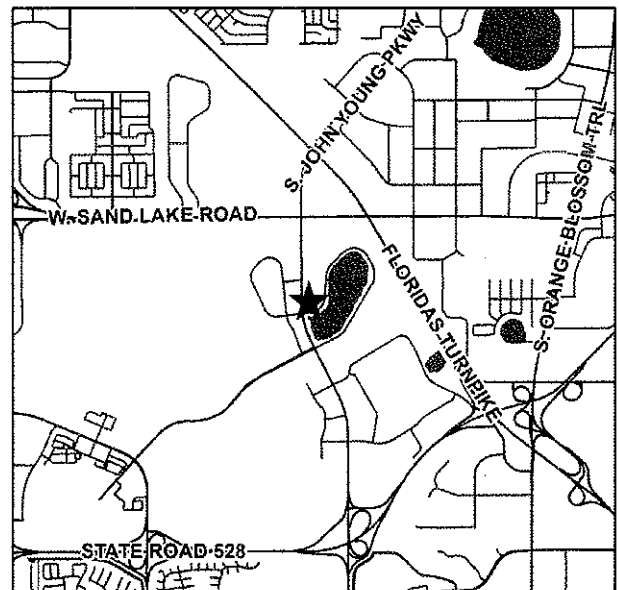
LOCATION: 821 S. John Young Parkway, or generally east of John Young Parkway and west of South Park Circle

TRACT SIZE: 82.18 gross acres (overall PD)
 4.18 gross acres (affected parcel)

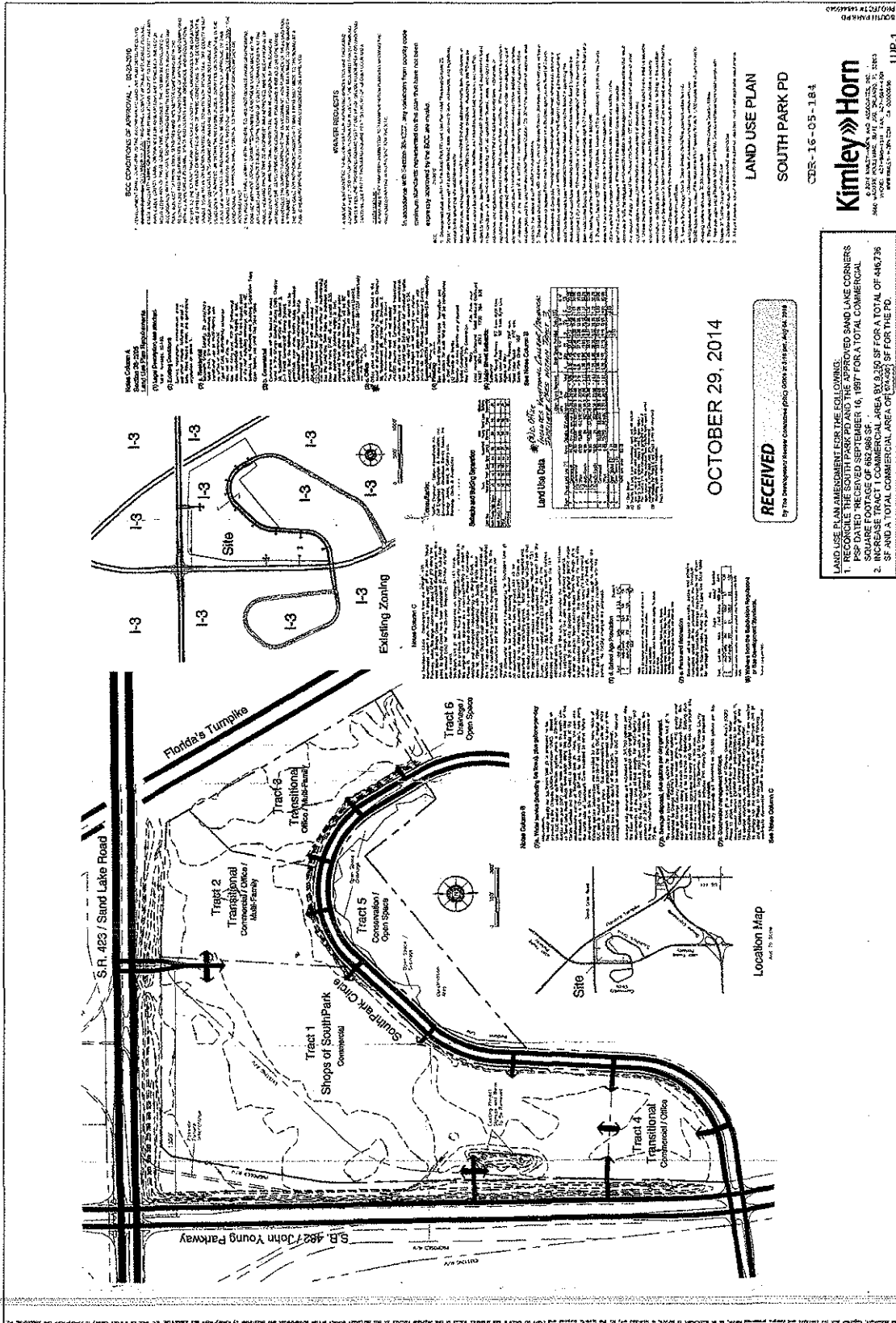
DISTRICT: # 6

S/T/R: 33/23/29

1 inch = 333 feet



South Park PD / LUP

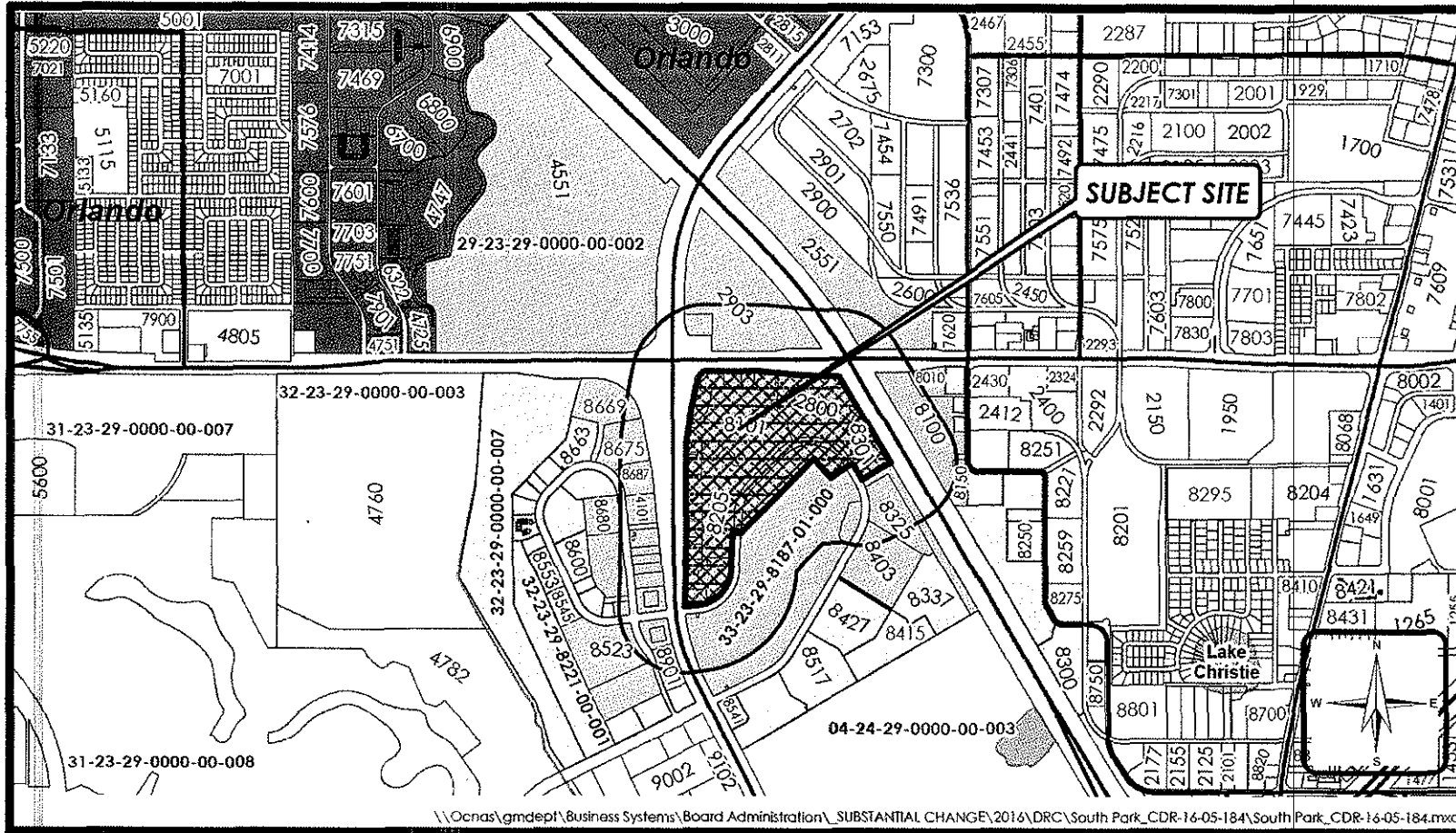




Public Notification Map

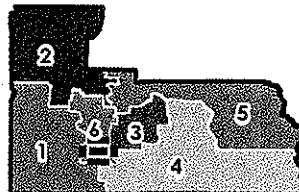
South Park_CDR-16-05-184

800 FT BUFFER, 264 NOTICES

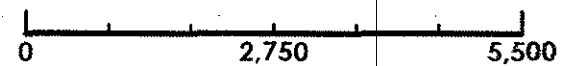


MAP LEGEND

	SUBJECT		HYDROLOGY
	800 FT BUFFER		PARCELS
	NOTIFIED PARCELS		
	COURTESY SELECTION		



1 inch = 1,731 feet
Feet



Notification Map

BCC Hearing Date: September 13, 2016

Orange County Planning Division
DRC Staff Report



Interoffice Memorandum

September 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 - Public Hearing
Kurt Ardaman, Fishback Dominick
Chancellor at Windermere Planned Development (PD)
Substantial Change – Case # CDR-14-12-361 / District 1

The Chancellor at Windermere Planned Development (PD) was originally approved on December 6, 2011, and has current development entitlements for up to 40,000 square feet of commercial and 9,999 square feet of office uses. The PD was also approved with stringent design, architectural, and signage standards that far exceed minimum Code criteria.

Through this PD substantial change, and as a result of extensive community outreach, the applicant is seeking to modify approved design, architectural, and signage standards in order to provide for more specific development opportunities and end users. While maintaining existing development entitlements for 49,999 square feet of retail / office, this request would permit restaurants without a drive through or walk-up window as an Office use; establish a definition for a "Farmers Market"; modify a previously approved conceptual site layout; refine building and signage elevations / dimensions; and provide for limited outdoor storage and display of retail merchandise (a C-2 use). As a result of these changes, modifications to various previously approved conditions of approval and/or waivers addressing outdoor storage and display, drive-throughs, maximum building square footage, parking, building height, building separation are also required.

Finally, the applicant has also requested one (1) new waiver to allow a merchandise display area (garden center) to be fenced with a rural-style picket fence or split rail fence, and one (1) variance to allow restaurants located within one-thousand (1,000) feet an established school to serve alcoholic beverages for on-premises consumption only.

Excluding the requested variance, which requires a Board of Zoning Adjustment (BZA) recommendation, the Development Review Committee (DRC) recommended approval of the request on July 27, 2016, subject to conditions.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form have been completed in accordance with the requirements of Ordinance 2008-14. Copies of these forms may be obtained in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Chancellor at Windermere Planned Development / Land Use Plan (PD/LUP) dated "Received August 12, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachment

CASE # CDR-14-12-361

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Kurt Ardaman, Fishback Dominick
OWNER	Salim Premji, Chancellor Investments, LLC
PROJECT NAME	Chancellor at Windermere Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBER	14-23-27-0000-00-011
TRACT SIZE	27.4 gross acres
LOCATION	5799 Winter Garden Vineland Road; or generally located at the northeast intersection of Winter Garden Vineland Road (CR 535) and Fiquette Road.
REQUEST	<p>A PD substantial change request to modify existing design, architectural, and signage standards in order to provide for more specific development opportunities and end users, while maintaining existing development entitlements for 40,000 square feet of retail and 9,999 square feet of office use. The request would also permit restaurants without a drive through or walk-up window as an "Office" use; establish a definition for a "Farmers Market"; modify a previously approved conceptual site layout; refine building and signage elevations / dimensions; and provide for limited outdoor storage and display of retail merchandise (a C-2 use).</p>

Additionally, the applicant has requested the following waiver and variance from Orange County Code:

- 1) *A waiver from Section 24-4(i) to allow a merchandise display area (garden center) to be fenced with a rural-style picket fence or split rail fence, in lieu of a vinyl coated chain-link or other decorative metal fencing; and*
- 2) *A variance from Section 38-1415 to allow restaurants of the quality desired by the community, and located within one-thousand (1,000) feet an established school, to serve alcoholic beverages for on-premises consumption only.**

**The DRC Recommendation of approval excludes the requested variance.*

PUBLIC NOTIFICATION A notification area extending beyond fifteen hundred (1,500) feet was used for this application [*Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet*]. Four hundred ninety-three (493) notices were mailed to those property owners in the notification buffer area.

IMPACT ANALYSIS

Special Information

The Chancellor at Windermere Planned Development (PD) was originally approved on December 6, 2011, and has current development entitlements for up to 40,000 square feet of commercial and 9,999 square feet of office uses. The PD was also approved with stringent design, architectural, and signage standards that far exceed minimum Code criteria.

Through this PD substantial change, and as a result of extensive community outreach, the applicant is seeking to modify approved design, architectural, and signage standards in order to provide for more specific development opportunities and end users. While maintaining existing development entitlements for 40,000 square feet of retail and 9,999 square feet of office use, this request would permit restaurants without a drive through or walk-up window as an Office use; establish a definition for a "Farmers Market"; modify a previously approved conceptual site layout; refine building and signage elevations / dimensions; and provide for limited outdoor storage and display of retail merchandise (a C-2 use). As a result of these changes, modifications to various previously approved conditions of approval and/or waivers addressing outdoor storage and display, drive-throughs, maximum building square footage, parking, building height, building separation are also required.

Finally, the applicant has also requested one (1) new waiver to allow a merchandise display area (garden center) to be fenced with a rural-style picket fence or split rail fence, and one (1) variance to allow restaurants located within one-thousand (1,000) feet an established school to serve alcoholic beverages for on-premises consumption only.

Excluding the requested variance, which requires Board of Zoning Adjustment (BZA) recommendation, the Development Review Committee (DRC) recommended approval of the request on July 27, 2016.

Land Use Compatibility

Aside from the requested variance, the proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development – Commercial / Office (PD-C/O). The PD substantial change is consistent with the underlying FLUM designation and all applicable CP provisions; however, future development will be subject to the Wekiva Study Area provisions which require 35% dedicated open space.

Community Meeting Summaries

Two community meetings were held for this request. The first meeting was held on Tuesday, March 3, 2015, at Windermere Elementary School, with approximately 23 residents in attendance. A majority of residents were supportive of the request, with a few concerns expressed with potential traffic and proposed ingress/egress. A follow-up meeting was then held on Thursday, March 31, 2016, at Windermere Elementary School, where overwhelming support for the project was received from approximately 25 attendees. Residents specially commended the applicant for their efforts to proactively seek public input and for their wiliness to incorporate suggested design features.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is located within the West Windermere Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Environmental Protection Division reviewed the plan, but did not identify any issues or concerns.

Transportation / Concurrency

Based on the 9th Edition of the ITE trip generation manual, the proposed development program will generate 206 net pm peak hour trips. Based on the Concurrency Management System database dated 07-19-16, there are two failing roadway segments within a one mile radius of this project. Ficquette Road from Lake Hancock Road/Reams Road to Winter Garden-Vineland Road and Winter Garden-Vineland Road from Ficquette Road to Tilden Road are currently operating at Level of Service "F" and the applicant will be required to submit a traffic study prior to obtaining a building permit.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Schools

This request would not result in any Orange County Public School impacts.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the substantial change request but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (July 27, 2016)

Excluding the requested variance, make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Chancellor at Windermere Planned Development / Land Use Plan (PD/LUP) dated "Received August 12, 2016", subject to the following conditions:

1. Development shall conform to the Chancellor at Windermere Planned Development / Land Use Plan (PD / LUP) dated "Received August 12, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received August 12, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
7. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
8. Prior to the issuance of any vertical building permits, the property shall be platted.
9. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant

shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.

10. A current Level One (1) Environmental Site Assessment (ESA) shall be submitted to the County for review and approval, as part of the Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) initial submittal.
11. The project shall be limited to one (1) drive-through that is not associated with a restaurant.
12. Outdoor storage and display of merchandise (a C-2 use) shall be permitted during standard business hours of operation, provided that pedestrian walkways are unblocked, and provided that it lies within 20 feet of the front wall of the building in which the principal use occurs.
13. A waiver from Orange County Code Section 24-4(i) is granted to allow a merchandise display area (garden center) to be fenced with a rural-style picket fence or split rail fence, in lieu of a vinyl coated chain-link or other decorative metal fencing.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 6, 2011, shall apply:
 - a. Community meetings shall be required in the event any substantial or non-substantial change is proposed for the Land Use Plan or the Development Plan(s).
 - b. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5, with the exception of a waiver from Section 31.5-67 to allow for three (3) ground signs, six (6) feet in height in lieu of twelve (12) feet, with a maximum of eighty (80) square feet per sign face in lieu of one hundred twenty (120) square feet. The ground signs shall only designate the shopping center and not individual stores / businesses within the PD

Sidewalk signs shall consist of freestanding, double-sided temporary signs placed at the entrance to a business in a primarily pedestrian environment.
 - 1) Sidewalk signs shall be permitted only during business hours.
 - 2) One (1) sidewalk sign shall be permitted for each business.
 - 3) Sidewalk signs shall not exceed 42 inches in height or 26 inches in width.
 - 4) Sidewalk signs shall be moved inside during high winds or other weather conditions that might pose a hazard to public safety.
 - c. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 - d. Special events shall be limited to a maximum of twelve (12) per year.

- e. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- f. Commercial shall be limited to a maximum of 40,000 gross square feet. Office uses within the site shall be limited to a maximum of 9,999 gross square feet.
- g. In the event that a school is constructed on the adjacent parcel, no vehicular access shall be permitted through this site to Winter Garden Vineland Road.
- h. A waiver from Orange County Code Section 38-1603 and Section 38-1272(3)(b) is granted to reduce the street setback along Winter Garden Vineland Road to twenty (20) feet in lieu of forty (40) feet.
- i. The text of the Land Use Plan controls in the event of a conflict with the graphics.
- j. Two (2) checkered rows of at least three (3) inch caliper Laurel Oak trees shall be planted no more than thirty (3) feet on center adjacent to the eastern border with the Oxford Moor subdivision. A westerly third row of either Laurel Oaks or Cypress trees along this buffer is required.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (December 6, 2011)

Upon a motion by Commissioner Boyd, seconded by Commissioner Damiani, and carried with all present members voting AYE by voice vote (Commissioner Brummer was absent), the Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Momtaz Barq for Chancellor at Windermere (PD-Planned Development) to rezone the 9.57-acre subject property from R-CE (Country Estate District) to PD (Planned Development District) for the described property; subject to the following conditions:

1. Development shall conform to the Chancellor at Windermere PD Land Use Plan dated "Received November 16, 2011," and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the land use plan dated "Received November 16, 2011," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this

development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

3. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this Land Use Plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
4. Community meetings shall be required in the event any substantial or non- substantial change is proposed for the Land Use Plan or the Development Plan(s).
5. A Master Sign Plan is approved as part of this PD/LUP. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5, with the exception of a waiver from Section 31.5-67 to allow for three (3) ground signs, six (6) feet in height in lieu of twelve (12) feet, with a maximum of eighty (80) square feet per sign face in lieu of one hundred twenty (120) square feet. The ground signs shall only designate the shopping center and not individual stores / businesses within the PD.

Sidewalk Signs shall consist of freestanding, double-sided temporary signs placed at the entrance to a business in a primarily pedestrian environment.

- a. Sidewalk Signs shall be permitted only during business hours.
 - b. One (1) Sidewalk Sign shall be permitted for each business.
 - c. Sidewalk Signs shall not exceed 42 inches in height or 26 inches in width.
 - d. Sidewalk Signs shall be moved inside during high winds or other weather conditions that might pose a hazard to public safety.
6. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 7. Outdoor storage and display shall be prohibited. Special events shall be limited to a maximum of twelve (12) per year.
 8. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.

9. Commercial shall be limited to a maximum of 40,000 gross square feet. Office uses within the easternmost portion of the site shall be limited to a maximum of 9,999 gross square feet.
10. Drive-thru's shall not be permitted. Pharmacies / Drug Stores / Apothecaries shall not exceed 10,000 gross square feet in size. No individual building shall exceed 13,000 gross square feet.
11. In the event that a school is constructed on the adjacent parcel, no vehicular access shall be permitted through this site to Winter Garden Vineland Road.
12. A waiver from Section 38-1476 is granted to allow for reduced parking at the rate of 3.5 spaces per 1,000 square feet for office and 4 spaces per 1,000 square feet for commercial, in lieu of 1space per 200 square feet and 5.5 spaces per 1,000 square feet, respectively.
13. A waiver from Section 38-1603 and Section 38-1272(3)b is granted to reduce the street setback along Winter Garden Vineland Road to twenty (20) feet in lieu of forty (40) feet.
14. A waiver from Section 38-1272(a)(5) is requested to allow for a two (2) story / fifty (50) foot-high building to be located within eighty (80) feet of single-family residential, along the northern boundary line only, in lieu of a thirty-five (35) foot building within one hundred (100) feet of single-family residential.
15. A waiver from Section 38-1258(j) is granted to allow for a ten (10) foot building separation in lieu of twenty (20) feet.
16. The text of the Land Use Plan controls in the event of a conflict with the graphics.
17. Two (2) checkered rows of at least three (3) inch caliper Laurel Oak trees shall be planted no more than thirty (3) feet on center adjacent to the eastern border with the Oxford Moor subdivision. A westerly third row of either Laurel Oaks or Cypress trees along this buffer is required.
18. At least four (4) building sections shall have metal roofs to give the appearance of multiple smaller buildings.

CDR-14-12-361



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Planned Development - Commercial / Office (PD-C/O)

APPLICANT: Kurt Ardaman, Fishback Dominick

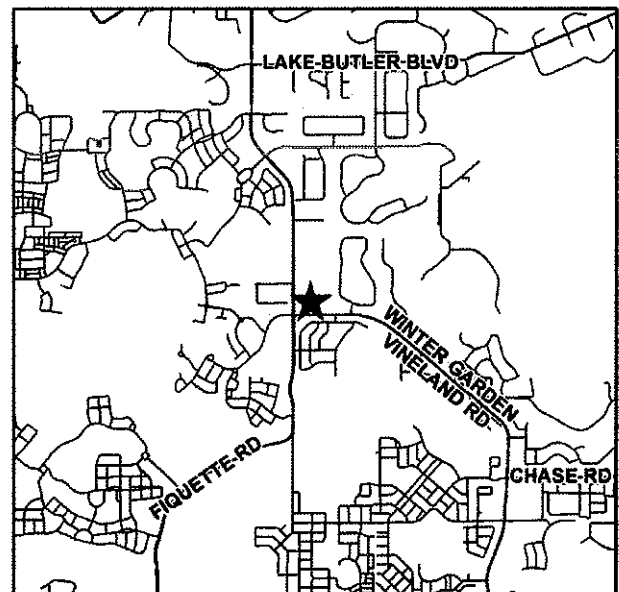
LOCATION: 5799 Winter Garden Vineland Road; or generally located at the northeast intersection of Winter Garden Vineland Road (CR 535) and Fiquette Road

TRACT SIZE: 27.40 gross acres

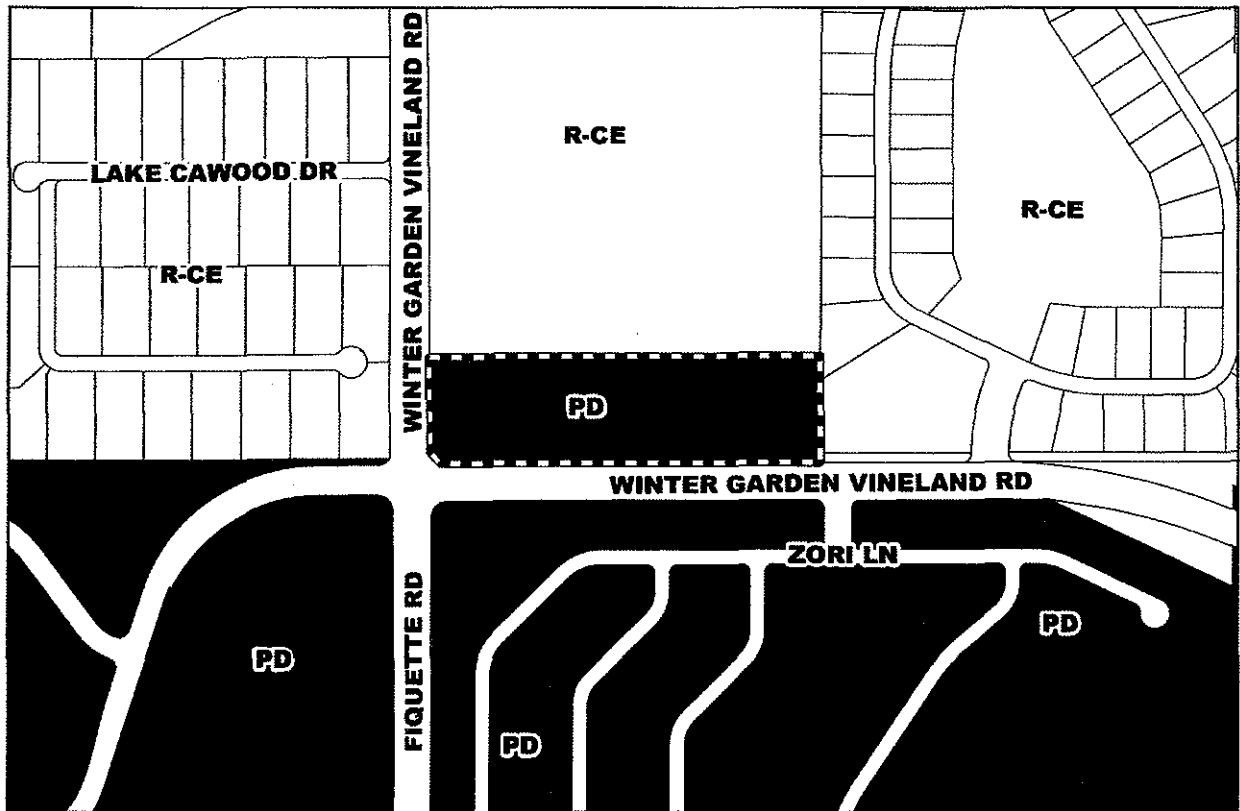
DISTRICT: # 1

S/T/R: 14/23/27

1 inch = 500 feet



CDR-14-12-361



Subject Property



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Kurt Ardaman, Fishback Dominick

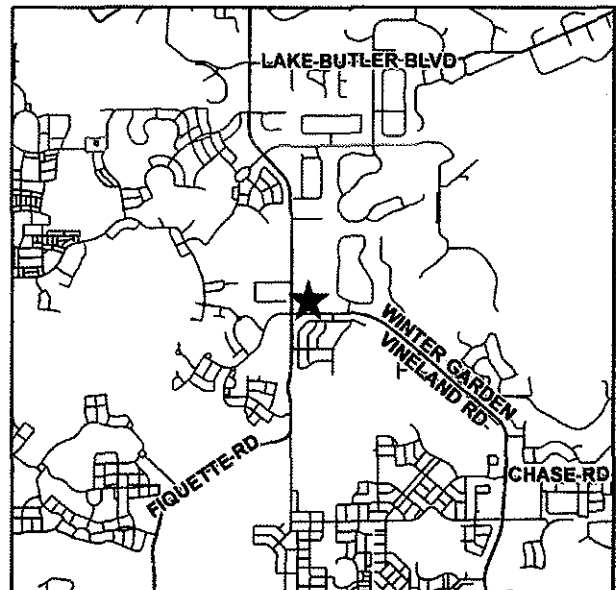
LOCATION: 5799 Winter Garden Vineland Road; or generally located at the northeast intersection of Winter Garden Vineland Road (CR 535) and Fiquette Road

TRACT SIZE: 27.40 gross acres

DISTRICT: # 1

S/T/R: 14/23/27

1 inch = 500 feet



Chancellor at Windermere PD / LUP (Cover Sheet)

CHANCELLOR AT WINDERMERE PD
WINDERMERE, FLORIDA

JUNE 2016

PARCEL ID: 14-23-27-0000-00-011

CASE No.: CDR-14-12-361

SHEET INDEX

LUP-0	COVER SHEET
LUP-1	CONDITIONS OF APPROVAL
LUP-2	LAND USE PLAN
LUP-3	LAND USE PLAN
LUP-4	LAND USE PLAN

COVER SHEET

5799 WINTER GARDEN VINELAND ROAD
 ORLANDO, FL

CHANCELLOR AT WINDERMERE PD

KLIMA Weeks

200 S. Orange Avenue, Suite 200
 Orlando, FL 32801
 Phone: 407.251.1234
 Fax: 407.251.1235
 Email: info@klima.com

RECEIVED

ACCESS POINT MAP
 SCALE: 1" = 200'

VIENNA & EXISTING ZONING MAP
 SCALE: 1" = 200'

SITE

Chancellor at Windermere PD / LUP (Sheet 2)

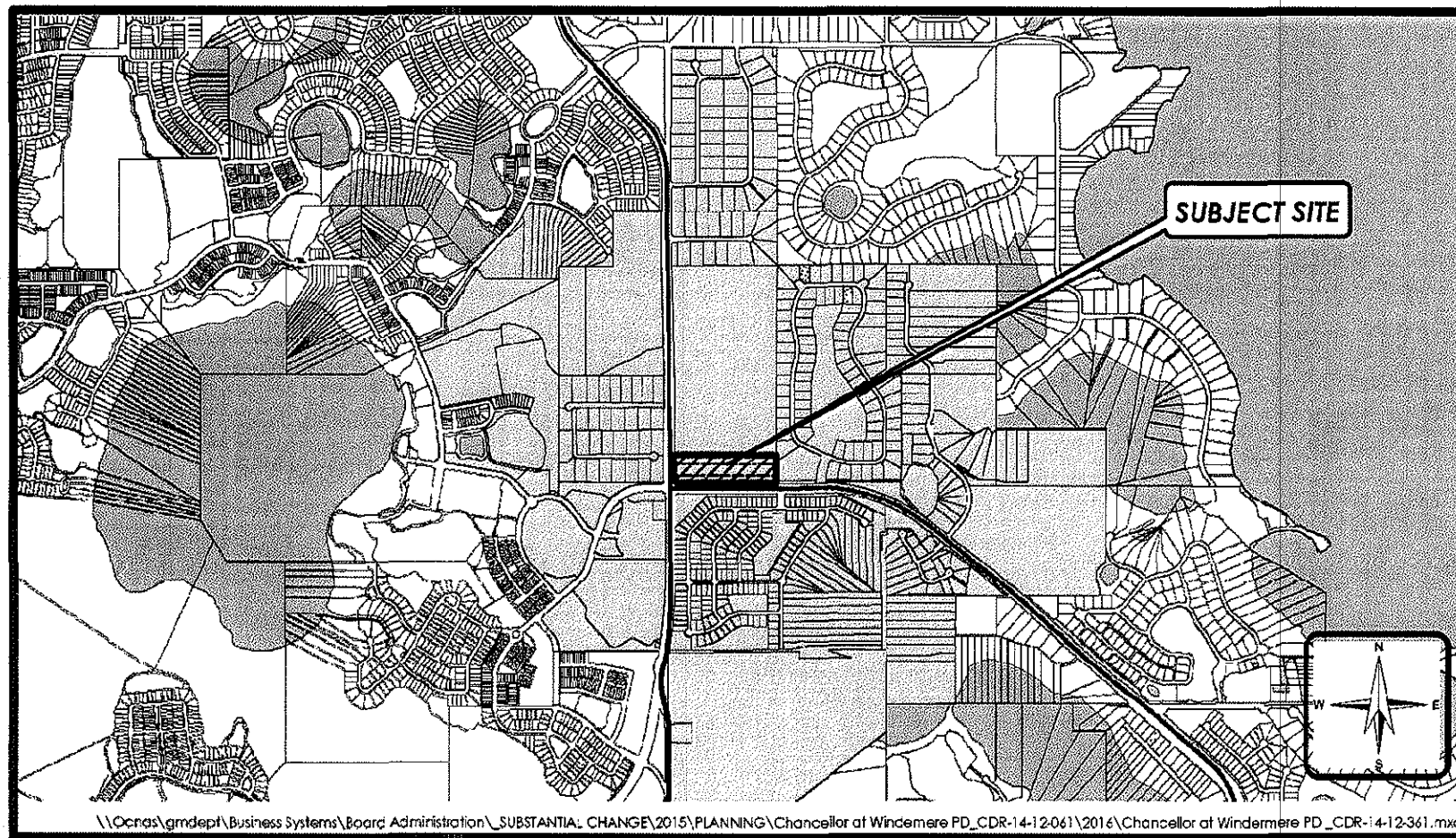
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Public Notification Map

Chancellor at Windermere PD_CDR-14-12-361

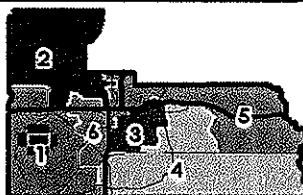
493 Notices



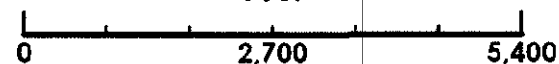
\\\\Ocra\\gmddept\\Business Systems\\Board Administration\\SUBSTANTIAL CHANGE\\2015\\PLANNING\\Chancellor at Windermere PD_CDR-14-12-061\\2016\\Chancellor at Windermere PD_CDR-14-12-361.mxd

MAP LEGEND

- | | | | |
|--|------------------|--|---------|
| | SUBJECT | | PARCELS |
| | NOTIFIED PARCELS | | |
| | HYDROLOGY | | |



1 inch = 1,720 feet
Feet



Notification Map

BCC Hearing Date: September 13, 2016

DRC Staff Report
Orange County Planning Division



Interoffice Memorandum

September 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 - Public Hearing
Jim Hall, VHB, Inc.
Eagle Creek Planned Development (PD)
Substantial Change – Case # CDR-16-05-185 / District 4

The Eagle Creek PD contains approximately 1,236 gross acres, was originally approved on December 11, 2001, and is generally located on the east side of Narcoossee Road, south of Tyson Road, west of Kirby Smith Road, and north of Clapp Simms Duda Road. The PD has existing development entitlements for 2,618 single-family residential units, 550 multi-family residential units, 150,000 square feet of retail commercial uses, 50,000 square feet of office uses, and 150 hotel rooms.

Through this substantial change request, the applicant is seeking to redesignate one existing commercial tract on the PD/LUP as a residential sales center, while further limiting the types of commercial uses permitted within a separate commercial tract to uses that are "complimentary to an adjacent school" (i.e. day care, learning center, etc.). No changes to existing development entitlements are proposed.

On July 27, 2016, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form have been completed in accordance with the requirements of Ordinance 2008-14. Copies of these forms may be obtained in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Eagle Creek Planned Development / Land Use Plan (PD/LUP) dated "Received July 14, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report.
District 4

Attachment

CASE # CDR-16-05-185

Commission District: # 4

GENERAL INFORMATION

APPLICANT	Jim Hall, VHB, Inc.
OWNER	Eagle Creek Development Corporation
PROJECT NAME	Eagle Creek Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBER	29-24-31-0000-00-002 (<i>affected parcel only</i>)
TRACT SIZE	1,236 gross acres (<i>overall PD</i>)
LOCATION	Generally located on the east side of Narcoossee Road, south of Tyson Road, west of Kirby Smith Road, and north of Clapp Simms Duda Road.
REQUEST	A PD substantial change to redesignate one existing commercial tract on the PD/LUP as a residential sales center, while further limiting the types of commercial uses permitted within a separate commercial tract to uses that are "complimentary to an adjacent school" (i.e. day care, learning center, etc.). No changes to existing development entitlements are proposed.
PUBLIC NOTIFICATION	A notification area extending beyond six thousand (6,000) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Fifteen hundred forty-one (1,541) notices were mailed to those property owners in the notification buffer area. A community meeting was not required.

IMPACT ANALYSIS

Special Information

The Eagle Creek PD contains approximately 1,236 gross acres, was originally approved on December 11, 2001, and is generally located on the east side of Narcoossee Road, south of Tyson Road, west of Kirby Smith Road, and north of Clapp Simms Duda Road. The PD has existing development entitlements for 2,618 single-family residential units, 550 multi-family residential units, 150,000 square feet of retail commercial uses, 50,000 square feet of office uses, and 150 hotel rooms.

Through this substantial change request, the applicant is seeking to redesignate one existing commercial tract on the PD/LUP as a residential sales center, while further limiting the types of commercial uses permitted within a separate commercial tract to uses that are "complimentary to an adjacent school" (i.e. day care, learning center, etc.). No changes to existing development entitlements are proposed.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The Eagle Creek PD has an underlying Future Land Use Map (FLUM) designation of Planned Development - Low Density Residential / Low-Medium Density Residential / Medium Density Residential / Commercial / Institutional / Parks and Recreation Space / Conservation (PD - LDR / LMDR / MDR / C / INST / PR-OS / CON).

The proposed substantial change request is consistent with the FLUM designation and other applicable CP provisions.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Environmental Protection Division (EPD) staff reviewed the request but did not identify any issues or concerns.

Transportation / Concurrency

Transportation Planning Division staff reviewed the request but did not identify any issues or concerns. This project is vested from concurrency under TCA #196. The applicant will however be required to obtain an approved Capacity Encumbrance Letter (CEL) prior to obtaining a building for any proposed development.

Schools

This request would not result in any Orange County Public School impacts.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the substantial change request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (July 27, 2016)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Eagle Creek Planned Development / Land Use Plan (PD/LUP) dated "Received July 29, 2016", subject to the following conditions:

1. Development shall conform to the Eagle Creek Planned Development / Land Use Plan (PD / LUP) dated "Received July 14, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 14, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022,

the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Use of the sales trailer shall be temporary and shall expire two years from the date of BCC approval.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 26, 2016, shall apply:
 - a. A waiver from Orange County Code Section 38-79(20)(k) is granted to allow single-family attached structures to have a 5-foot side setback between structures, in lieu of a 10-foot side setback (with a 20-foot building separation); and a four (4) foot side setback, in lieu of a ten (10) foot side setback for Village L Phase 3 only.
 - b. A waiver from Orange County Code Section 38-1254(2) is granted to allow a 5-foot street front setback and a 10-foot street side setback for single-family attached lots and a 10-foot street front and street side setback for multi-family units, in lieu of the required 20 feet; and a seven (7) foot street side setback for single-family attached lots, in lieu of the twenty (20) foot rights-of-way setback for Village L Phase 3 only.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 25, 2015, shall apply.

- a. A copy of the vested rights certificate for this project shall be presented prior to construction plan submittal.
- b. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
- c. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
- d. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- e. Outside sales, storage, and display shall be prohibited.
- f. Prior to approval of any PSP related to the Eagle Creek Southern Master Plan Area, the portion(s) of the underlying land of the north/south equestrian trail corridor, owned by Eagle Creek and GCB Associates, shall be conveyed (fee simple) to Orange County, in accordance with the Orange County Administrative Regulations. Orange County further reserves the right to refuse acceptance of either parcel at any time, for any reason. The conveyance of the land must comply with County Administrative Regulations and be at no cost to the County. A donation agreement shall accompany the property donation to ensure the rights and responsibilities of all parties, in perpetuity.
- g. The plant material to be used in the landscape program of common areas shall be comprised of native and Florida Friendly drought tolerant selections. Plant materials shall be selected and maintained using the SFWMD Xeriscape Plant Guide, or other similar resource, to the maximum extent practicable to document this compliance.
- h. Where surface runoff from the developed lots or the golf course is expected to be received directly to the lands of the upland/wetland corridor, an environmental berm and swale will be provided upland of the conservation/wetland buffer area. The conservation area impact permit for that area will document the specifications as required for standard stormwater design. Some design considerations for exceptions are detailed in the conservation area impact permit. The berm and swale will be included on the plat as a pollution abatement easement distinct from the conservation easement/tract.

- i. The Tindall Road multi-use buffer area is adjacent to the southern right-of-way of Tindall Road and includes the areas east and west of that right-of-way that serves as the boundary to the Rural Settlement Area of this modification and shall be preserved as detailed in the Conservation Area Impact permit and the ELSP.

This multi-use buffer shall: accommodate a portion of the equestrian trail, preserve habitat for the Florida sandhill crane nesting and foraging and inclusion of the Sherman's Fox Squirrel habitat and the oak hammock adjacent to wetland #3, preserve separation through landscape/visual buffering from the Rural Settlement Area (RSA), allow passive recreation only, and provide drainage. The buffer area will continue this design along the areas east and west of the Tindall Road right-of-way but serving to separate Eagle Creek from the RSA and achieve the environmental goals of the original Development Order and the ELSP.

- j. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- k. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- l. The applicant shall comply with Orange County Code Chapter 15, "Environmental Control," Article XVIII, "Environmental Land Stewardship," known as the Environmental Land Stewardship Program (ELSP). The current request is a substantial change to the PD-LUP and is therefore subject to this article (see Section 15-824, "Applicability and exemptions") and shall follow Section 15-825, "Processing of development applications."
- m. In order to minimize impacts to the roadway network, parcels within the project shall, subject to environmental constraints, be interconnected to the maximum extent feasible as determined by Orange County. The project will generally be connected to existing neighborhoods and will tie into local streets, where feasible and as deemed appropriate by Orange County. The Developer shall cooperate with any city or county supported efforts to continue roadways from or through the project with other roadway facilities that are hereafter endorsed by Orange County or Osceola County.
- n. The Developer shall provide park and ride spaces on site or, alternatively, it may purchase and construct off site spaces for use as a rideshare lot to lessen the overall impacts on regional roadways. Spaces for at least 100 vehicles shall be provided and may be shared with parking for commercial land uses. The park and ride spaces shall be proximate to the bus transit stops when established. Park and ride spaces shall be aggregated into groupings of not less than twenty

- (20) spaces per designated park and ride area, which shall be indicated with appropriate signage. The Developer shall coordinate with Orange County, the Florida Department of Transportation (FDOT), and LYNX to accomplish these requirements at the time of site development.
- o. Eagle Creek Development Corporation shall allow Orange County Public Schools to install the necessary crosswalk, signage, and striping with the completion of the Eagle Creek Elementary School.
 - p. A waiver from Orange County Code Section 38-1258(a) is granted to allow a maximum multi-family building height of 3 stories / 50 feet for all buildings within twenty-five (25) feet to one-hundred (100) feet of single family zoned property, in lieu of maximum multi-family building height of one (1) story when within one-hundred (100) feet of single-family zoned property, for areas designated as Future Residential only.
 - q. A waiver from Orange County Code Section 38-1258(b) is granted to allow a maximum multi-family building height of 3 stories / 50 feet for all buildings within one-hundred (100) to one-hundred fifty (150) feet of single family zoned property, in lieu of the requirement that multi-family buildings located within one-hundred (100) and one-hundred fifty (150) feet of single family zoned property vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories [not to exceed forty (40) feet] in height with the remaining buildings being one (1) story or two (2) stories in height, for areas designated as Future Residential only.
 - r. A waiver from Orange County Code Section 38-1258(d) is granted to allow a maximum multi-family building height (including all architectural features) of 3 stories / 50 feet when the multi-family is located above commercial buildings only, in lieu of a maximum multi-family building height of three (3) stories or forty (40) feet, for areas designated as Future Residential only.
 - s. A waiver from Section 38-1501 is granted to allow a minimum lot width of thirty-two (32) feet, in lieu of forty-five (45) feet; and a minimum side yard setback of four (4) feet, in lieu of five (5) feet for the thirty-two (32) foot wide lots only, for areas designated as Future Residential only. Air conditioning units shall not be allowed within the 4' side yard setback.
 - t. The following waivers from certain provisions of Orange County Code Section 31.5-67 (Ground Signs) are granted:
 - 1) Waivers from Sections 31.5-67(e) and (f) to allow a maximum number of two (2) ground signs on a "tract" with a "private right-of-way" frontage in excess of four hundred (400) linear feet within Lots 2B and 3B only, in lieu of the requirement for a maximum number of one (1) ground sign per parcel, and two (2) ground signs on a "parcel" with a right-of-way frontage in excess of four hundred (400) linear feet; and

- 2) A waiver from Section 31.5-67(j) to allow multi-tenant ground signs to be erected within a median along Parcel N only, in lieu the requirement that a ground sign shall not be erected on unimproved property.
 - u. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
 - v. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 8, 2013, December 3, 2002, and December 11, 2001, shall apply:
- a. The additional access driveway into the PD at Village M shall be aligned with the existing median opening and existing left turn lane at Narcoossee Road. The PSP or DP for Village M shall verify this alignment.
 - b. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
 - c. Prior to the platting of Village L PSP, an agreement shall be executed providing for an adequate outfall from Eagle Creek to Lake Hart.
 - d. A waiver from Orange County Code Section 38-1254(1) is granted to allow a minimum twenty (20) foot setback from all boundaries of the PD for one-story and two-story residential units within PD Parcel "M" only, in lieu of a minimum twenty-five (25) foot setback.
 - e. A waiver from Orange County Code Section 38-1254(2) is granted to allow a minimum twenty (20) foot setback from an arterial street (Narcoossee Road) within PD Parcel "M" only, in lieu of a minimum fifty (50) foot setback.
 - f. A waiver from Orange County Code Section 38-1258(b) is granted to allow a maximum building height, including all architectural features, of three (3) stories and fifty (50) feet for buildings located between one-hundred (100) feet and one-hundred fifty (150) feet from single family zoned property within PD Parcel "M" only, in lieu of requiring that the buildings vary in height with a maximum of fifty percent (50%) of the buildings being three (3) stories, not exceeding forty (40) feet in height and the remaining buildings being one (1) story and two (2) stories in height.
 - g. A waiver from Orange County Code Section 38-1258(c) is granted to allow a maximum building height, including architectural features, of three (3) stories and

fifty (50) feet for buildings located one-hundred (100) feet or greater from single-family zoned property within PD Parcel "M" only, in lieu of three (3) stories or forty (40) feet in height for buildings located within one-hundred and fifty (150) feet of single family zoned property.

- h. A waiver from Orange County Code Section 38-1258(d) is granted to allow a maximum building height, including architectural features, of three (3) stories and fifty (50) feet within PD Parcel "M" only, in lieu of three (3) stories and thirty-five feet.
 - i. A waiver from Orange County Code Section 38-1272(3) is granted to allow a twenty (20) foot setback along the perimeter of a PD that is adjacent to an arterial road for office buildings within PD Parcel "M" only, in lieu of a minimum setback for general commercial development of forty (40) feet along the perimeter of a PD that is adjacent to an arterial road.
 - j. A waiver from Section 38-79(20)(j) is granted to allow a minimum distance between buildings (rear-to-rear) of forty (40) feet with PD Parcel "L" only, in lieu of sixty (60) feet.
10. All previous applicable BCC Conditions of Approval, dated November 23, 2010, shall apply:
- a. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
 - b. A waiver from Orange County Code Section 38-1254(l) is granted to allow single-family height of 35 feet and 3 stories in lieu of 35 feet and 2 stories.
 - c. A waiver from Orange County Code Section 38-1258(a) & (b) is granted to allow multi-family buildings of 3 stories and 40 feet within 25 feet of single-family in lieu of the required 100-foot / 150-foot building setback requirement.
 - d. A waiver from Orange County Code Section 38-1258(d) is granted to allow multi-family buildings in Parcel M to be 45 feet in height (and to allow architectural features up to 65 feet in height) in lieu of 40 feet when the residential uses are located on top of commercial uses.
 - e. A waiver from Orange County Code Section 38-1258(e) is granted to allow parking and other paved areas 5 feet from single-family zoned property in lieu of the required 25 feet.
 - f. A waiver from Orange County Code Section 38-1258(f) is granted to eliminate the 6-foot wall requirement between single-family and multi-family development.

- g. A waiver from Orange County Code Section 38-1258(i) is granted to eliminate the fence requirement along the right-of-way when single-family is located across a right-of-way.
 - h. A waiver from Orange County Code Section 38-1258(j) is granted to allow a 20-foot building separation between 3-story height multi-family buildings in lieu of the required 40 feet.
 - i. A waiver from Orange County Code Section 38-1272(a)(3) is granted to allow commercial / office and mixed use buildings to have a 15-foot setback from non-major right-of-ways in lieu of the required 30 feet.
 - j. A waiver from Orange County Code Section 38-1272(a)(5) is granted to allow architectural features, such as corner towers, on commercial buildings to extend to a maximum height of 65 feet (3-stories) in order to achieve design flexibility in the mixed use Village Center area.
 - k. A waiver from Orange County Code Section 38-1501 is granted to allow a front porch setback of 15 feet for detached single-family and zero (0) feet for attached single-family in lieu of the required 20 feet.
 - l. A waiver from Orange County Code Section 38-1501 is granted to allow front building setbacks for attached single-family to be 5 feet in lieu of 20 feet.
 - m. A waiver from Orange County Code Section 38-1501 is granted to allow townhouses to have a second story porch balcony setback of zero (0) feet in lieu of 20 feet.
 - n. No development is permitted that will cause the cumulative external peak hour trips to exceed 1,805 until the mitigation required for Phase 2A is complete or agreed by binding agreement.
 - o. No development is permitted that will cause the cumulative external peak hour trips to exceed 2,166 until the mitigation required for Phase 2B is complete or agreed by binding agreement and until the M&M Study required for Phase 3 is completed.
11. All applicable previously-approved Conditions of Approval, including those dated December 16, 2008, shall apply:
- a. Architectural Review Committee. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing Covenants, Conditions, and Restrictions (CC&Rs) for the property being platted. Orange County Attorney's Office shall review and approve the proposed CC&Rs. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision for an Architectural Review Committee and incorporating the design requirements found on the LUP and the Eagle Creek Design Guidelines Booklet and all its appendices as amended and incorporated into the revised Land Use Plan.

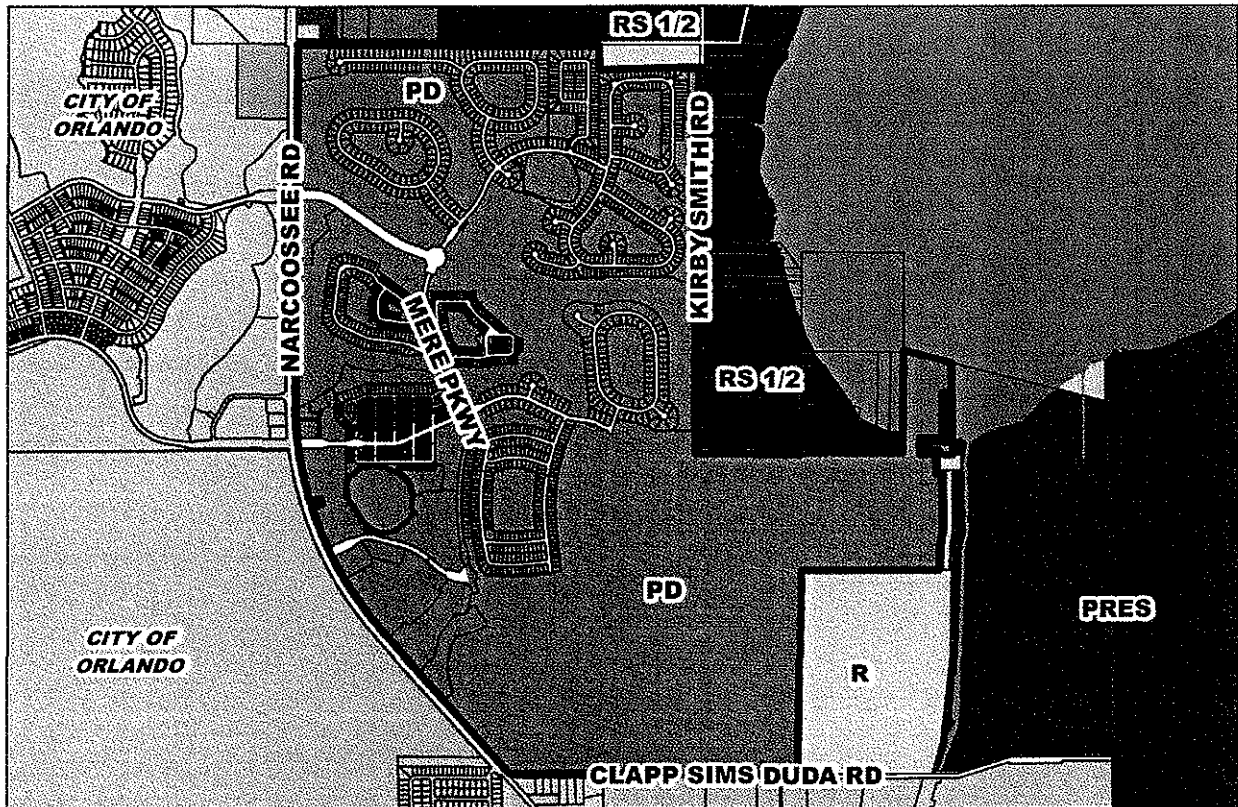
- The provision of the CC&Rs incorporating the above-referenced requirements shall not be amended, removed, or superseded without the prior approval of the BCC, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.
 - Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development have the right to enforce these requirements in the event they are violated.
 - Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
- b. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time. In addition to complying with those minimum requirements, the declaration of covenants, conditions and restrictions required to be recorded simultaneous with the recording of the plat shall include terms requiring the establishment and maintenance of a fifth HOA account for the cost of storm debris removal from the subdivision infrastructure, consistent with the terms relating to the other four HOA accounts set forth in Section 34-290(8)a-d; and with respect to such fifth HOA account, the declaration shall provide requirements, restrictions, terms, conditions, and limitations consistent with the terms relating to the other four HOA accounts set forth in Section 34-291. Furthermore, prior to turning over control of the infrastructure to the HOA, the developer shall pre-fund this fifth HOA account in an amount sufficient to cover the estimated cost of debris removal for a single hurricane, which amount shall be approved by the County Engineer.
- c. Prior to construction plan approval, master water, stormwater, reclaimed water, and wastewater plans, including preliminary calculations, shall be approved.
- d. The "Compatibility Plan," dated "Received December 4, 2002," and the clarifications introduced at the December 11, 2001, public hearing is approved by the BCC. (Note: The Compatibility Plan has been updated and integrated into the Land Use Plan dated "Received October 22, 2012.")
12. All applicable previously-approved Conditions of Approval, including those dated December 3, 2002, shall apply:
- a. No residential development may occur until:
 - 1) Eagle Creek Development Corporation shall comply with all the provisions of the Memorandum of Agreement (MOA) and the Comprehensive Agreement by the School Board of Orange County, Florida, and the Eagle Creek Development Corporation.

- 2) Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the Eagle Creek Development Corporation is in default or breach of the MOA and/or the Comprehensive Agreement, the County shall immediately cease issuing building permits for any residential development in Eagle Creek DRI/PD. The County shall again begin issuing building permits upon OCPS written notice to the County that Eagle Creek Development Corporation is no longer in breach or default of the MOA and/or the Comprehensive Agreement. The Eagle Creek developer, or its successors or assigns under the MOA, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the actions of ceasing the County's issuance of residential building permits.
 - 3) Eagle Creek Development Corporation, or its successors or assign under the MOA and the Comprehensive Agreement, agrees that it shall not and is estopped from claiming in any future litigation that the County's enforcement of any of these conditions of approval to the Eagle Creek Planned Development are illegal, improper, unconstitutional, or a violation of Eagle Creek Development Corporation's property rights.
 - 4) The Eagle Creek developer shall not apply for more than 104 residential building permits until the Eagle Creek developer posts the capital contribution security with Orange County Public Schools in accordance with the MOA.
 - 5) Orange County shall be held harmless by the Eagle Creek developer or its successors or assign under the MOA and the Comprehensive Agreement, and the OCPS in any dispute between Eagle Creek developer and OCPS over any interpretation or provision of the MOA.
13. All applicable previously-approved Conditions of Approval, including those dated December 11, 2001, shall apply:
- a. Approval and execution of the right-of-way agreement between Eagle Creek Development Corporation and Orange, County, Florida.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (April 26, 2016)

Upon a motion by Commissioner Thompson, seconded by Commissioner Boyd, and carried with all present members voting AYE by voice vote (Mayor Jacobs was absent), the Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Jim Hall, VHB, Inc. Eagle Creek Planned Development / Land Use Plan (PD/LUP) – Case # CDR-16-01-014, for two (2) waivers from Orange County Code and applicable to Village “L” Phase 3 only, which constitutes a substantial change to the development of the described property; subject to conditions.

CDR-16-05-185



 Subject Property
 PD Boundary



★ Subject Property

Future Land Use Map

FLUM: Planned Development (PD)

APPLICANT: Jim Hall, VHB, Inc.

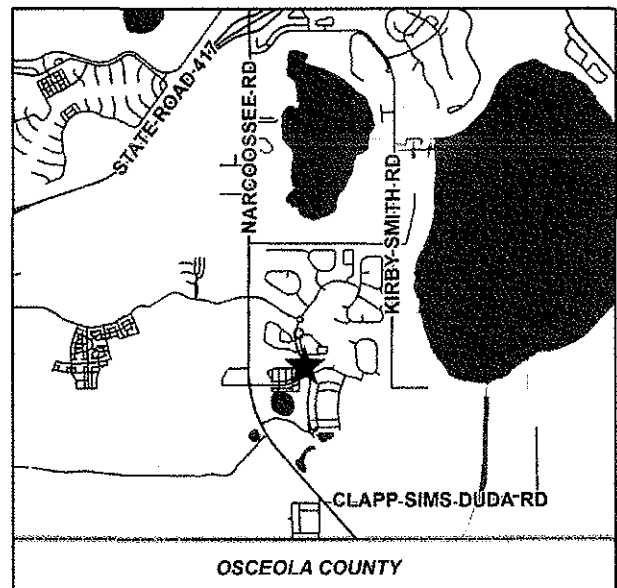
LOCATION: Generally located on the east side of Narcoossee Road, south of Tyson Road, west of Kirby Smith Road, and north of Clapp Simms Duda Road

TRACT SIZE: 1,236 gross acres (overall PD)

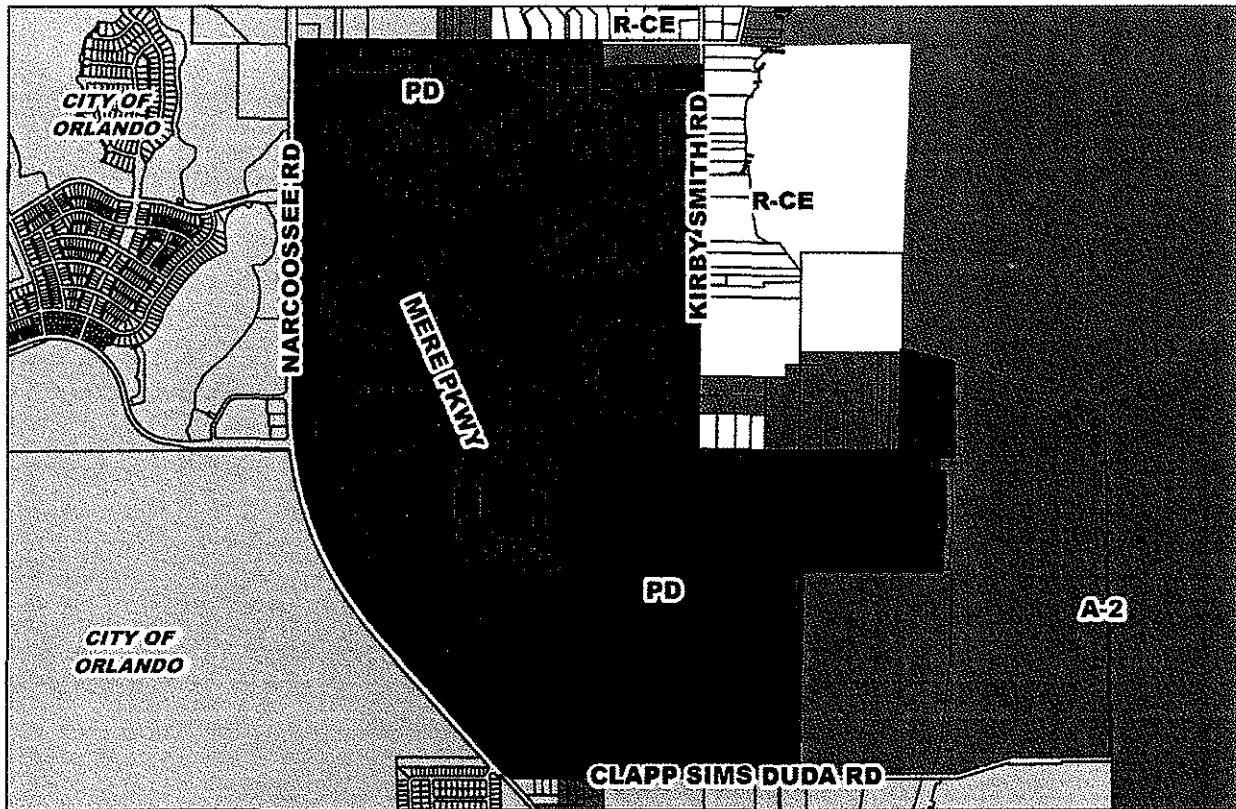
DISTRICT: # 4



S/T/R: 29/24/31

1 inch = 2,055 feet



CDR-16-05-185



 Subject Property
 PD Boundary



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Jim Hall, VHB, Inc.

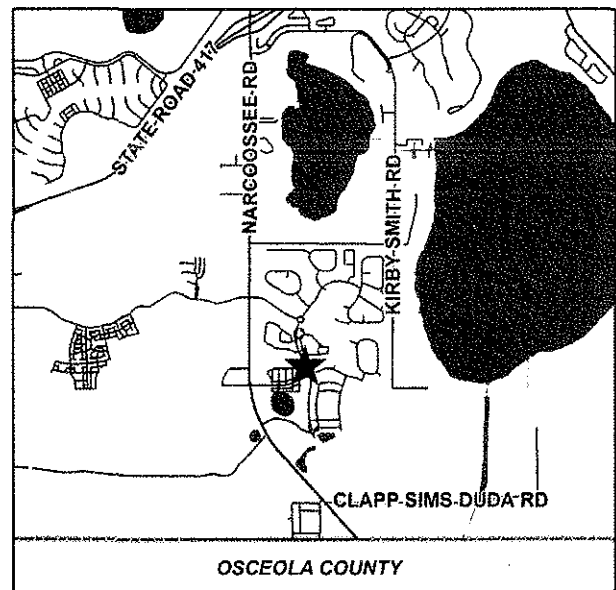
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TRACT SIZE: 1,236 gross acres (overall PD)

DISTRICT: # 4

S/T/R: 29/24/31

1 inch = 2,055 feet





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Suite 300
Orlando, FL 32801
(407) 839-4006
(407) 839-4007
Cert. Public in Professional Surveying FL #19152

Project Surveyor:
Southeastern Surveying & Mapping Corp.
6500 All American Boulevard
Orlando, FL 32819-4350
(407) 292-8580

Land Use Attorney:
Lowmides, Overdick, Kanter & Reed, P.A.
315 North Esola Drive
Orlando, FL 32801
(407) 419-6940

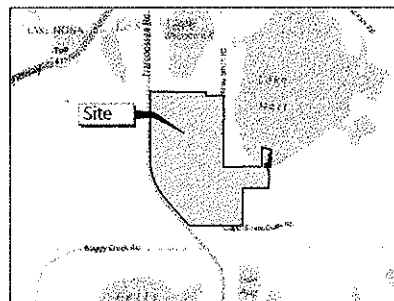
Eagle Creek PD

CDR-16-05-185
Orange County, Florida

Property Owners

Owner/Developer
Eagle Creek Development Corporation
370 Center Point Circle, Suite 1136
Altamonte Springs, FL 32701
(407) 332-4460 / (407) 634-4023

Applicant
VHB
225 E. Robinson Street, Suite 300
Orlando, FL 32801
(407) 839-4006 / (407) 839-4008



Site Location Map

REQUEST:

1. Modify Commercial parcels within the land use plan area to limit the commercial uses.
2. Request 2-year extension to temporary sales trailer.

Land Use Plan

Issued for PD Zoning Approval

Date Issued January 12, 2016

Latest Issue June 7, 2016

Parcel IDs: 29-24-31-2244-00-160
29-24-31-2244-00-161
29-24-31-2244-00-170
29-24-31-2250-00-004
29-24-31-0000-00-002

Sheet Index

Number	Drawing Title	Latest Issue
C-1	Existing Conditions	1/12/2016
C-2	Proposed F.L.U. Amendment Areas	1/12/2016
C-3	Amended Land Use Plan	6/7/2016
C-4	ALUP Development Standards	1/12/2016
C-5	Notes & Waivers	1/12/2016
C-6	Buffer Cross-Sections	1/21/2016
C-7	Previously Approved LUP	1/12/2016
C8-C9	Prior BCC Conditions of Approval	1/12/2016
C-10	Commercial Master Sign Plan	1/12/2016

Reference Drawings

Number	Drawing Title	Latest Issue
SV-1	Sketch & Description	1/1/2008

NOTE: In accordance with Section 38-1227, any variations from County Code Minimum Standards represented on this plan that have not been expressly approved by the BCC are invalid.

RECEIVED

By The Development Review Committee (DRC) Office at 9:50 am, Jul 23, 2016

VHB Project No. 61882-14
Issued for: Orange County

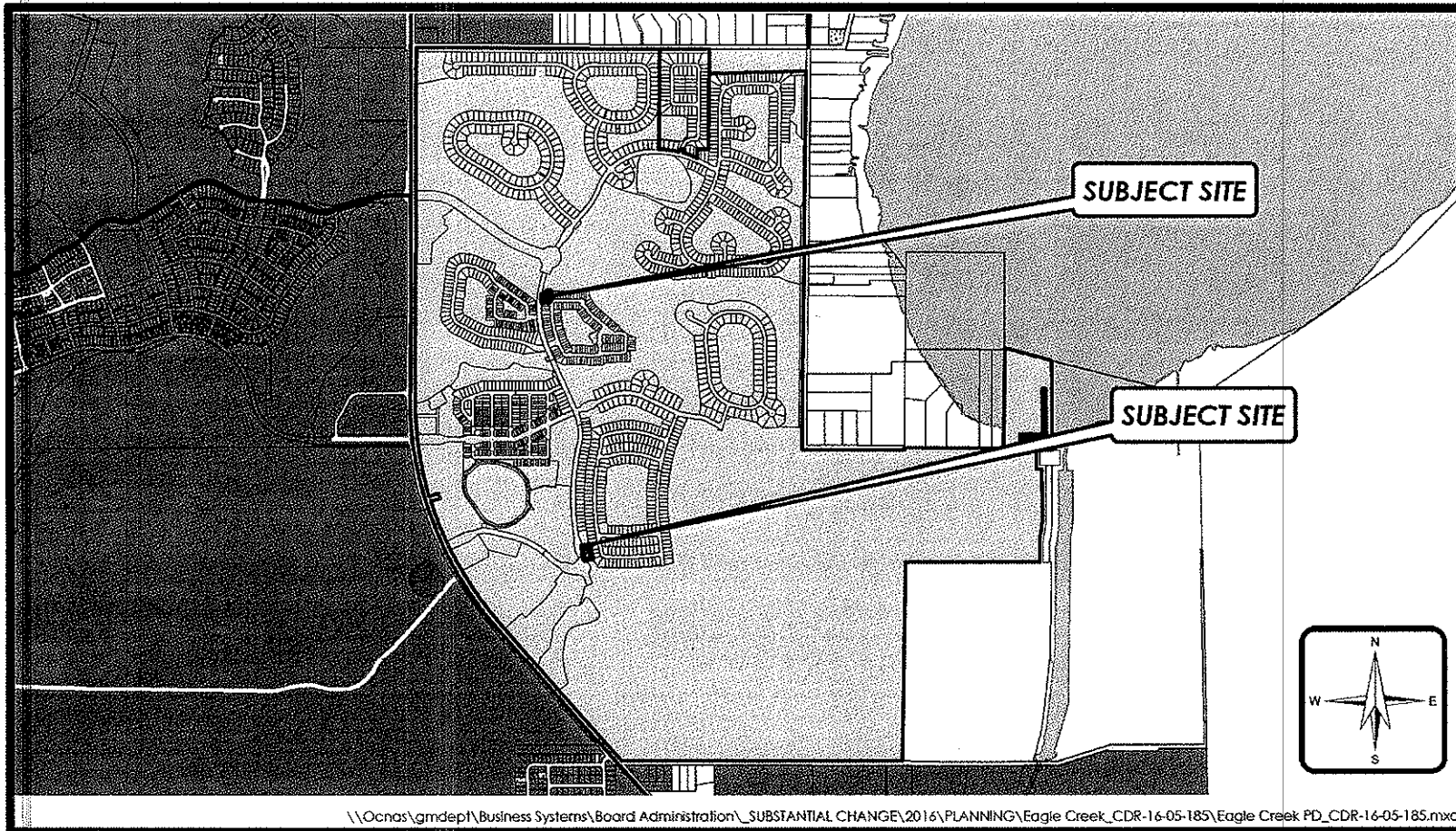
Eagle Creek PD / LUP (Cover Sheet)

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: September 13, 2016



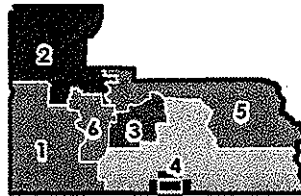
Public Notification Map

Eagle Creek PD_CDR-16-05-185
1541 NOTICES



MAP LEGEND

- | | | | |
|--|------------------|--|---------|
| | SUBJECT | | PARCELS |
| | BUFFER | | |
| | NOTIFIED PARCELS | | |
| | HYDROLOGY | | |



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: September 13, 2016



Interoffice Memorandum

September 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 - Public Hearing
Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A.
National Spa and Resort Planned Development (PD)
Substantial Change – Case # CDR-16-04-117 / District 1

The National Spa and Resort Planned Development (PD) was originally approved in 1977 as the Yogi Bear Campground, and has an existing development program consisting of 148,600 square feet of commercial, 120 hotel rooms, 60,000 square feet of spa and recreation, and 329 timeshare residential units.

Through this request, the applicant is seeking to add multi-family as a permitted use; add multi-family residential development standards; add multi-family residential and personal self-storage uses to the land use conversion table; and to amend the existing development program by using the land use conversion table to convert 329 timeshare units into 286 multi-family residential dwelling units. The applicant has also requested a waiver from Orange County Code to allow for a maximum multi-family residential building height of six (6) stories / eighty-five (85) feet.

On July 27, 2016, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. As summarized in the attached staff report, a community meeting was also held in conjunction with a recently adopted Future Land Use Map (FLUM) amendment on Wednesday, April 6, 2016, at Dr. Phillips High School.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form have been completed in accordance with the requirements of Ordinance 2008-14. Copies of these forms may be obtained in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the National Spa and Resort Planned Development / Land Use Plan (PD/LUP) dated "Received July 28, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachment

CASE # CDR-16-04-117

Commission District: # 1

GENERAL INFORMATION

APPLICANT Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A.

OWNER DCS Real Estate Capital Investments IV, LLC

PROJECT NAME National Spa and Resort Planned Development / Land Use Plan (PD/LUP)

PARCEL ID NUMBER 02-24-28-0000-00-005; 02-24-28-0000-00-030; and 02-24-28-0000-00-031

TRACT SIZE 66.28 gross acres (*overall PD*)

LOCATION 9200 Turkey Lake Road; generally located west of Turkey Lake Road and south of Sand Lake Road

REQUEST A PD substantial change request to add multi-family residential as a permitted use; add multi-family residential development standards; add multi-family residential and personal self-storage uses to the land use conversion table; and amend the existing development program by using the land use conversion table to convert 329 timeshare units into 286 multi-family residential dwelling units.

In addition, the following waiver from Orange County Code has been requested:

1. *A waiver from Section 38-1258(d) to allow for a maximum multi-family residential building height of six (6) stories / eighty-seven (87) feet, in lieu of a maximum multi-family building height of three (3) stories / forty (40) feet.*

PUBLIC NOTIFICATION A notification area extending beyond five hundred (500) feet was used for this application [*Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet*]. Three-hundred seven (307) notices were mailed to those property owners in the notification buffer area. A community meeting was also held for the related Comprehensive Plan Amendment (Case #2016-1-S-1-1) on April 6, 2016, at Dr. Phillips High School (*refer to Community Meeting Summary below*).

IMPACT ANALYSIS

Special Information

The National Spa and Resort Planned Development (PD) was originally approved in 1977 as the Yogi Bear Campground, and has an existing development program consisting of 148,600 square feet of commercial, 120 hotel rooms, 60,000 square feet of spa and recreation, and 329 timeshare residential units.

Through this request, the applicant is seeking to add multi-family as a permitted use; add multi-family residential development standards; add multi-family residential and personal self-storage uses to the land use conversion table; and to amend the existing development program by using the land use conversion table to convert 329 timeshare units into 286 multi-family residential dwelling units; as reflected in the following table.

Development Program Comparison Table

Land Use	Current	Proposed
Commercial	148,600 sq. ft.	148,600 sq. ft.
Hotel	120 rooms	120 rooms
Spa & Recreation	60,000 sq. ft.	60,000 sq. ft.
Timeshare Res.	329 units	0 units
Multi-Family Res.	0 units	286 units

A waiver from Orange County Code to allow for a maximum multi-family residential building height of six (6) stories / eighty-five (85) feet has also been requested.

Land Use Compatibility

The proposed substantial change request would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Commercial (C), High Density Residential (HDR) and Water Body (WB). The Board of County Commissioners (BCC) adopted CP Amendment #2016-1-S-1-1 on June 28, 2016, which changed the previous FLUM designation to HDR, thus allowing consideration of multi-family residential uses. As a result, the proposed use is consistent with CP.

Community Meeting Summary

A community meeting for this request was held in conjunction with the recently adopted Future Land Use Map (FLUM) amendment on Wednesday, April 6, 2016, at Dr. Phillips High School. Eight (8) residents attended the meeting, and voiced concerns about traffic and compatibility with surrounding residential areas.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Development of the subject property shall comply with all state and federal regulations pertaining to wildlife or plants regarding endangered, threatened, or species of special concern of the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

This project site is located within the state delineated area of ethylene dibromide (EDB) groundwater contamination. Any new potable water wells will require special permitting per Florida Administrative Code FAC 62-524.

Transportation / Concurrency

At the time of Development Plan (DP), the developer must provide pedestrian/bicycle access from the project and residential land uses to the public right-of-way/sidewalk (per CP Policy T3.2.2).

A Developer's Agreement between a group of Developers and Orange County was approved by the BCC on May 2, 2006 and recorded at OR Book/Page 8701/2599 to provide construction of intersection improvements at the intersection of Turkey Lake Road and Sand Lake Road in exchange for vested rights for a specific number of trips. Right-of-Way was also conveyed under the terms of this agreement. Developers deposited \$2,685,000 into escrow within 30 days of the effective date to fund design, permitting and construction of the intersection improvements. 611 vested trips were provided to the Developers under this agreement. The design and construction of the intersection improvements was completed on 5/19/2009. A First Amendment was approved by the BCC on August 4, 2009 and recorded at OR Book/Page 9915/2492. The First Amendment extended the timeframe for the conveyance of Right-of-Way to 120 days following the Effective Date of the First Amendment. All conveyances were completed on August 11, 2009.

Finally, there is a vested rights certificate (CVR #02-62) on file for this property for 312 pm peak hour trips. The proposed use of 286 multi-family dwelling units will generate 175 pm peak hour trips. A copy of the vested rights certificate is required along with application for building permit.

Schools

Capacity Enhancement Agreement (CEA) #OC-15-054 applies to this project. The CEA has been fully executed.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the substantial change request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (July 27, 2016)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the National Spa and Resort Planned Development / Land Use Plan (PD/LUP) dated "Received July 28, 2016", subject to the following conditions:

1. Development shall conform to the National Spa and Resort Planned Development / Land Use Plan (PD / LUP) dated "Received July 28, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 28, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Pole signs and new billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
7. Short term rental shall be prohibited within the multi-family portion of the PD. Residential length of stay shall be for 180 days or greater.
8. Outside sales, storage, and display shall be prohibited.
9. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of June 28, 2016.

- b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 0 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
10. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
11. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
12. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.
13. A waiver from Orange County Code Section 38-1258(d) is granted to allow for a maximum multi-family residential building height of six (6) stories / eighty-seven (87) feet, in lieu of a maximum multi-family building height of three (3) stories / forty (40) feet.

14. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and / or tracts anticipated to be dedicated to the County and / or to the perpetual use of the public.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 14, 2014, shall apply:
 - a. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed waste water and reclaimed water systems have been designed to support the PD.
 - b. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
 - c. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
 - d. A waiver from Orange County Section 38-1501 is granted to allow for a zero (0) foot building setback from the normal high water elevation contour of "Boo Boo Lake" in lieu of a required minimum fifty (50) foot building setback from the normal high water elevation.
 - e. A twenty (20) foot wide transit easement shall be required for Turkey Lake Road.
 - f. Project shall fully comply with the Orange County "Big Box" Ordinance, #2007-01.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 19, 1997, shall apply:
 - a. Use of motorized craft (i.e., power boats, jet skis, etc.) shall be prohibited on Big Sand Lake. Motorized vessels shall not be launched from the property.
 - b. An access at the southern boundary is approved; however, the details of this access will be reviewed at the development plan submittal.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (October 14, 2014)

Upon a motion by Commissioner Boyd, seconded by Commissioner Edwards, and carried with all present members voting AYE by voice vote (Mayor Jacobs and Commissioner Thompson were absent), the Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Jay Jackson, Kimley-Horn and Associates, Inc.

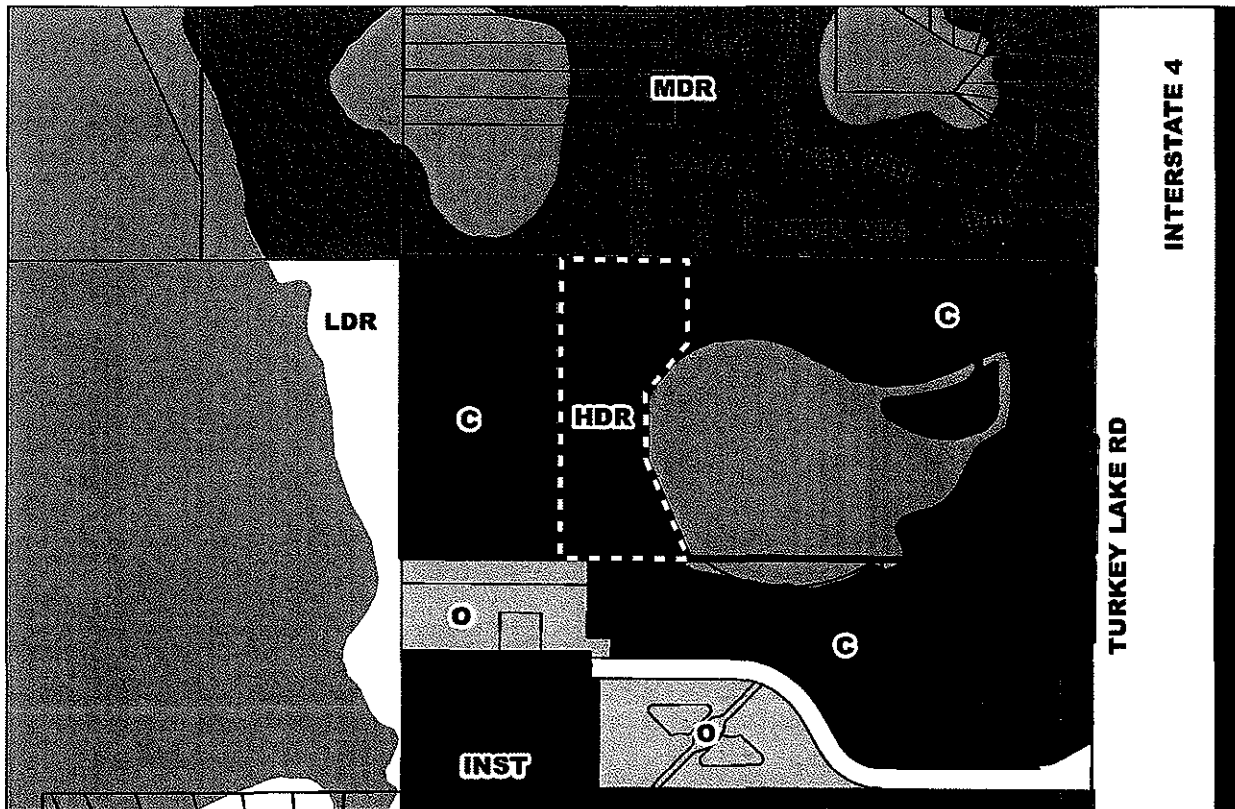
National Spa and Resort Planned Development / Land Use Plan (PD/LUP) – Case # CDR-14-01-020; to amend the National Spa and Resort Land Use Plan in order to allow the following:

- (1) Convert 15.14 acres and 1,001 timeshare units into 82,917 square feet of commercial uses;*
- (2) Introduce "big-box" commercial as a permitted use; and*
- (3) Amend the PD / LUP by reflecting the modified development program, and adding / updating building setbacks, "big-box" commercial standards, and other related project notes;*

and further, approved the following waiver from Orange County Code, subject to conditions:

- (1) A waiver from Orange County Code Section 38-1501 to allow for a zero (0) foot building setback from the normal high water elevation contour of "Boo Boo Lake", in lieu of a required minimum fifty (50) foot building setback from the normal high water elevation; which constitutes a substantial change to the development on the described property.*

CDR-16-04-117



Subject Property
 PD Boundary



★ Subject Property

Future Land Use Map

FLUM: High Density Residential (HDR)

APPLICANT: Miranda Fitzgerald, Lowndes Drosdick
 Doster Kantor & Reed, P.A.

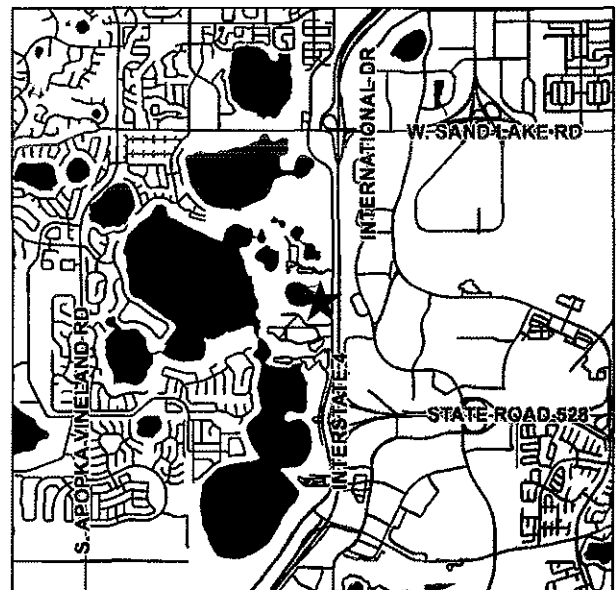
LOCATION: 9200 Turkey Lake Road; generally located
 west of Turkey Lake Road and south of
 Sand Lake Road

TRACT SIZE: 66.28 gross acres (overall PD)

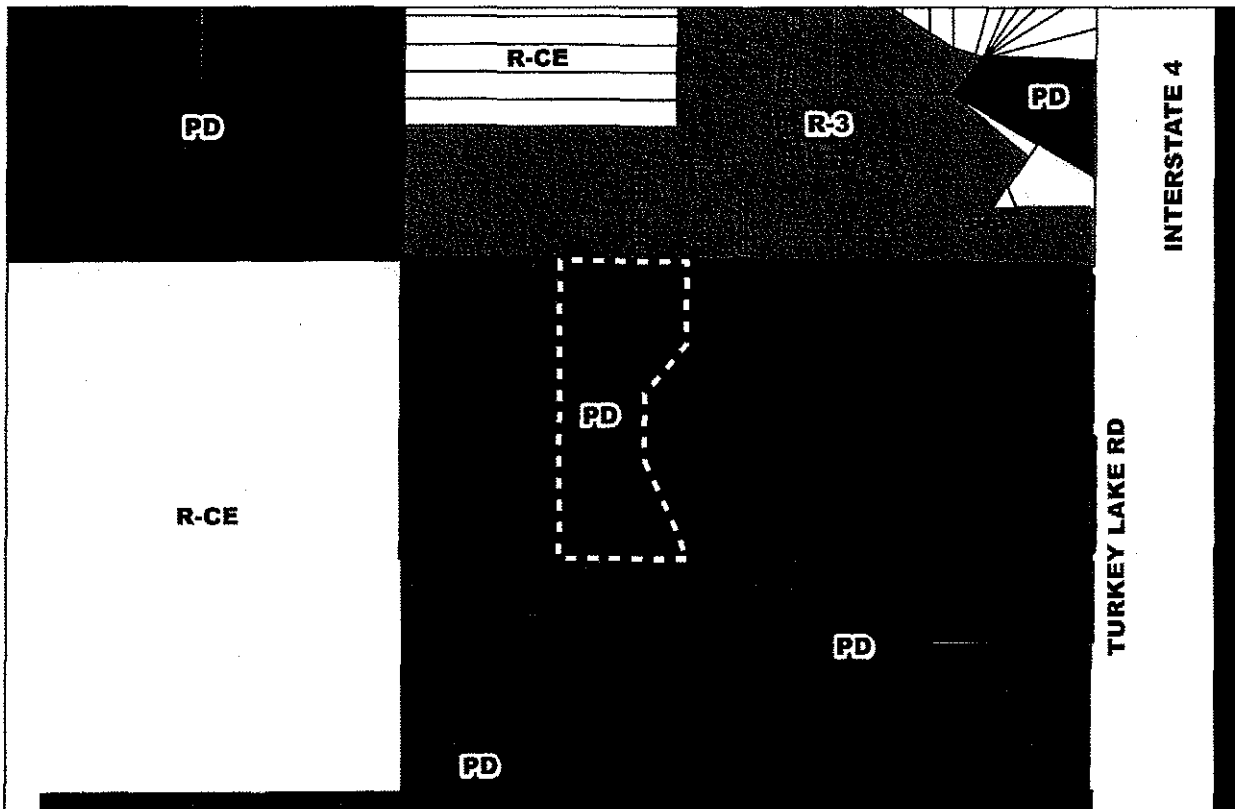
DISTRICT: # 1

S/T/R: 02/24/28

1 inch = 583 feet



CDR-16-04-117



Subject Property
 PD Boundary



★ Subject Property

Zoning Map

ZONING: Planned Development District (PD)

APPLICANT: Miranda Fitzgerald, Lowndes Drosdick
 Doster Kantor & Reed, P.A.

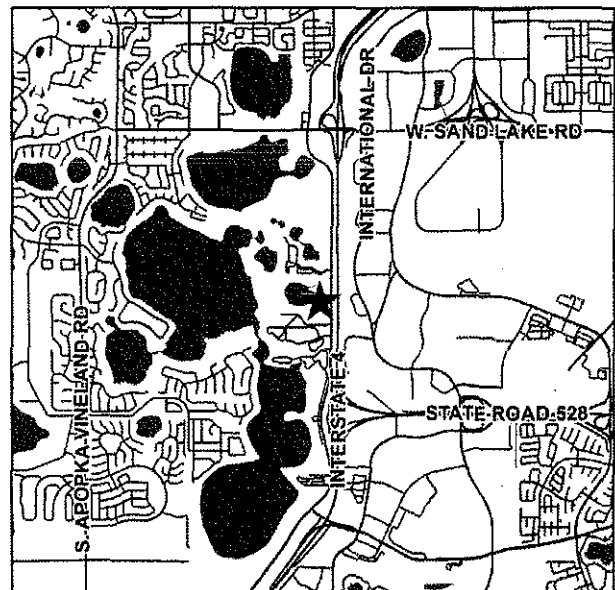
LOCATION: 9200 Turkey Lake Road; generally located
 west of Turkey Lake Road and south of
 Sand Lake Road

TRACT SIZE: 66.28 gross acres (overall PD)

DISTRICT: # 1

S/T/R: 02/24/28

1 inch = 583 feet

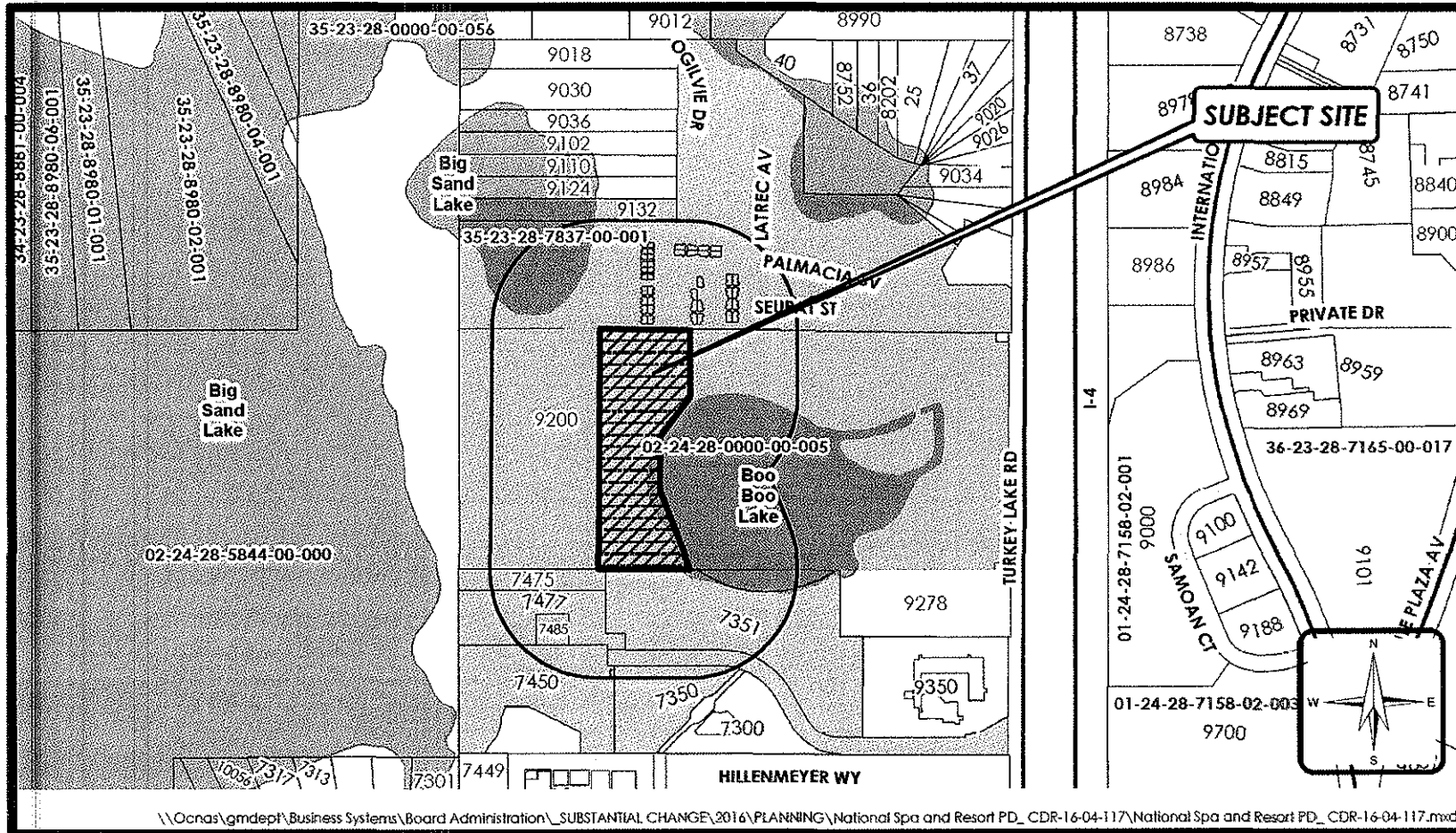




Public Notification Map

National Spa and Resort PD_ CDR-16-04-117

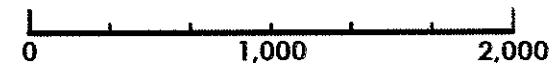
500FT BUFFER, 307 NOTICES



MAP LEGEND

	SUBJECT		NOTIFIED_PARCELS
	500FT_BUFFER		1MILE
	HYDROLOGY		PARCELS

1 inch = 657 feet
Feet



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: September 13, 2016



Interoffice Memorandum

September 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 - Public Hearing
Eric Warren, Poulos & Bennett, LLC
Springhill Planned Development (PD)
Substantial Change – Case # CDR-15-07-198 / District 1

The Springhill PD was originally approved on April 9, 2013 and is located within the Village H Specific Area Plan (SAP) boundary of Horizon West in southwest Orange County. Consistent with the underlying Village H SAP land use map, the overall PD includes areas designated Village Center District, Neighborhood Center District, Apartment District, Townhome District, Village Home District, Estate District, and Garden Home District. The existing PD development program also provides for 1,335 residential dwelling units, 141,091 square feet of non-residential activity, one Adequate Public Facility (APF) elementary school, neighborhood park, fire station, utility tract, and various rights-of-way and multi-purpose paths.

Through this substantial change, and consistent with the adoption of CP Amendment #2015-2-A-1-2, the applicant is requesting to amend the Apartment District (APT) designation of PD Parcel 45 to Village Home District (VHD). In addition, the gross PD acreage is being increased from 550.03 to 551.77, due to a revised property and wetland determination. As a result of these changes, the required number of dwelling units within PD Parcel 45 is being reduced from 262 to 88 and within the PD from 1,335 to 1,161 units (*an overall reduction of 174 dwelling units*).

As summarized in the attached staff report, this request received a recommendation of approval by the Development Review Committee (DRC) on September 9, 2015, subject to conditions.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form have been completed in accordance with the requirements of Ordinance 2008-14. Copies of these forms may be obtained in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Springhill Planned Development / Land Use Plan (PD/LUP) dated "Received August 24, 2015", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachment

CASE # CDR-15-07-198

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Eric Warren, Poulos & Bennett, LLC
OWNER	Spring Grove, LLC
PROJECT NAME	Springhill Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBER	17-24-27-0000-00-008 (<i>affected PD Parcel 45 only</i>)
TRACT SIZE	551.77 gross acres (<i>overall PD</i>) 24.96 gross acres (<i>affected PD Parcel 45 only</i>)
LOCATION	Generally located east of Avalon Road, north of Lake Star Road, south of Flamingo Crossings Boulevard, and west of State Road 429.
REQUEST	A substantial change request to the Springhill PD/LUP amending the land use designation of PD Parcel 45 from Apartment District (APT) to Village Home District (VHD) and updating related site datum tables. This amendment reduces the required residential yield within PD Parcel 45 from 262 to 88 dwelling units (<i>a reduction of 174 dwelling units</i>).
PUBLIC NOTIFICATION	A notification area extending beyond fifteen hundred (1,500) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Seven (7) notices were mailed to those property owners in the notification buffer area.
COMMUNITY MEETING	A community meeting was not required for this case.

IMPACT ANALYSIS

Special Information

The Springhill PD was originally approved on April 9, 2013 and is located within the Village H Specific Area Plan (SAP) boundary of Horizon West in southwest Orange County. Consistent with the underlying Village H SAP land use map, the overall PD includes areas designated Village Center District, Neighborhood Center District, Apartment District, Townhome District, Village Home District, Estate District, and Garden Home District. The existing PD development program also provides for 1,335 residential dwelling units, 141,091 square feet of non-residential activity, one Adequate Public Facility (APF) elementary school, neighborhood park, fire station, utility tract, and various rights-of-way and multi-purpose paths.

Through this substantial change, and consistent with the adoption of CP Amendment #2015-2-A-1-2, the applicant is requesting to amend the Apartment District (APT) designation of PD Parcel 45 to Village Home District (VHD). In addition, the gross PD acreage is being increased from 550.03 to 551.77, due to a revised property and wetland determination. As a result of these changes, the required number of dwelling units within PD Parcel 45 is being reduced from 262 to 88 and within the PD from 1,335 to 1,161 units (an overall reduction of 174 dwelling units).

Land Use Compatibility

The proposed substantial change request would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The underlying Future Land Use Map (FLUM) designation of the subject property is Village (V), and through the adoption of CP Amendment #2015-2-A-1-2, the property's Village H Specific Area Plan (SAP) designation was recently amended from Apartment District (APT) / Conservation (CON) to Village Home District (VHD) / Conservation (CON). The requested PD substantial change is consistent with the property's amended SAP designation.

Adequate Public Facilities (APF)

In order to satisfy the requirements of Chapter 30, Article XIV of Orange County Code ("APF/TDR Ordinance"), the existing Springhill PD APF and Impact Fee Agreement is being amended to reflect a 0.35-acre increase to net developable lands within PD Parcel 45, a proportionate 0.04-acre increase to required APF lands, and a reduction of APF surplus lands from 5.54 acres to 5.50 acres. This Agreement has been placed on the BCC consent agenda for their concurrent consideration with this substantial change request. If approved, the Agreement will be recorded in the Public Records of Orange County, Florida.

Rural Settlement

The subject parcel is not located within a Rural Settlement.

Overlay District Ordinance

The subject parcel is not located within any Overlay Districts.

Joint Planning Area (JPA)

The subject parcel is not located within a JPA.

Airport Noise Zone

The subject parcel is not located within an Airport Noise Zone.

Schools

A Capacity Encumbrance Agreement (CEA #05-030 T2) is on file for the Springhill PD and permits up to 459 students generated by the PD.

Parks and Recreation

Parks, squares and recreation areas shall be owned and maintained by the Home Owners Association (HOA) or Property Owners Association (POA).

Environmental

Orange County Conservation Area Determination CAD-15-10-134 was completed on December 31, 2015 for the Springhill PD Parcel 45 (PID 17-24-27-0000-00-008). One Class I wetland of 8.2 acres is located on site that extends offsite.

The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners.

Transportation / Concurrency

As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.

At time of Preliminary Subdivision Plan (PSP), the applicant must provide bike/pedestrian connectivity within and from development to the public right-of-way and proposed arterial trail

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (September 9, 2015)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Springhill Planned Development / Land Use Plan (PD/LUP) dated "Received August 24, 2015", subject to the following conditions:

1. Development shall conform to the Springhill Planned Development / Land Use Plan (PD/LUP) dated "Received August 24, 2015" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions.

If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this land use plan and the land use plan dated "Received August 24, 2015" the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan / Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
5. The applicant is required to coordinate with the Road Agreement Committee regarding ROW for the widening of Avalon Road.
6. All home designs and types proposed with any subsequent Preliminary Subdivision Plan (PSP) shall be submitted to the County for setback and architectural review a minimum of 90 days prior to model home requests and/or permitting.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 14, 2014:
 - a. A waiver from Orange County Code Section 38-1385.8(b)(9)(a) is granted to allow for a minimum front porch setback of seven (7) feet in the Garden Home Mixed Use District, in lieu of the required minimum front porch setback ten (10) feet.

- b. A waiver from Orange County Code Section 38-1387.1(a)(7) is granted to allow the minimum 30% open space of each townhouse development to be distributed throughout the respective Preliminary Subdivision Plan (PSP), in lieu of having to provide the 30% open space within the townhouse development only. In no case, shall a deficit of required park and open space acreage occur collectively within the PSP land use districts.
- c. All previous applicable BCC Conditions of Approval, dated April 9, 2013, shall apply:
 - 1) All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit.
 - 2) A Master Utility Plan (MUP) consistent with Village H MUP shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
 - 3) The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 - 4) The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PO and to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connection to the build-out points of connection approved in the Village H Master Utilities Plan (MUP).
 - 5) Prior to construction plan approval, all property owners within Village H, excluding public entities, shall be required to sign an agreement between the parties, addressing their proportionate share of funds for the costs of the offsite and onsite master utilities, sized to Village H requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement, provided master utilities sized for Village requirements are constructed.
 - 6) A five acre APF for a water facility and a one acre APF for a wastewater facility within Village H shall be identified prior to the approval of the first PSP within Village H and dedicated to the County prior to approval of the first construction plan set within Village H.
 - 7) Payment of 500 ERUs (wastewater) and 500 ERCs (water) are due prior to construction plan approval for the first construction plan set within Village H unless previously satisfied by another Village H Parcel. Alternatively, property owners may elect to enter into an agreement with Orange County to construct, with the first set of construction plans, the utility improvements beyond what is required by the Village H Master Utility Plan.
 - 8) Waivers from Orange County Code:

- a) A waiver is granted from Section 38-1253(c) to allow for on-street parking for recreational areas in lieu of off-street parking.
 - b) A waiver is granted from Section 38-1384(f)(1) to eliminate the requirement of each block face having at least two (2) distinct lot sizes excluding the end units.
 - c) A waiver is granted from Section 38-1385.7(b)(2) within the Garden Home Mixed Use District to allow an average lot size of three thousand eight hundred and forty (3,840) feet in lieu of six thousand (6,000) feet.
 - d) A waiver is granted from Section 38-1385.7(b)(4) within the Garden Home Mixed Use District to allow a minimum lot width of thirty-two (32) feet in lieu of forty (40) feet.
 - e) A waiver is granted from Section 38-1385.7(b)(9)(b) within the Garden Home Mixed Use District to allow a four (4) foot side yard setback in lieu of five (5) feet.
 - f) A waiver is granted from Section 38-1386(b)(2) within the Village Home District to allow an average lot size of three thousand eight hundred and forty (3,840) feet in lieu of four thousand two hundred (4,200) feet.
 - g) A waiver is granted from Section 38-1386(b)(4) within the Village Home District to allow a minimum lot width of thirty-two (32) feet in lieu of thirty-five (35) feet.
 - h) A waiver is granted from Section 38-1386(b)(10)(a) within the Village Home District to allow a seven (7) foot front porch setback in lieu of ten (10) feet.
 - i) A waiver is granted from Section 38-1386(b)(10)(b) within the Village Home District to allow a four (4) foot side yard setback in lieu of five (5) feet.
 - j) A waiver is granted from Section 38-1387.1(9)(a) within the Townhouse District to allow a seven (7) foot front porch setback in lieu of ten (10) feet.
- 9) At the time of approval of a plan for a single-family detached residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions, and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
- a) The same front facade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street, and shall be separated by at least 2 units with different facades.
 - b) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body

of the house shall not exceed 40 feet in length, except for wings of "L"s which are setback from the front facade. In no case shall more than 50 percent of the front facade of a house consist of an unobstructed block wall or garage door.

- c) At least 50 percent of all single-family residential units 75' in width or less shall have a front porch. A front porch shall be a minimum of 7 feet in depth; 8 feet in width and cover a minimum 10 feet in width or 1/3 of the front facade, whichever is greater.
 - d) Flat roofs shall be prohibited.
 - e) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet, 6 inches, and be limited to decorative wrought iron or wood picket style. The provisions of the CC&Rs incorporating the above referenced requirements shall not be amended, removed, or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect. Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning property in the development have the right to enforce these requirements in the event they are violated. Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
- 10) Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- 11) The applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to platting. Nothing in this condition, and nothing in the decision to approve this plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
- 12) The following public education-related Conditions of Approval shall apply:
- a) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of 08/16/06, and amended on 4/29/08 and 06/24/08, and all future amendments.
 - b) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 199 residential

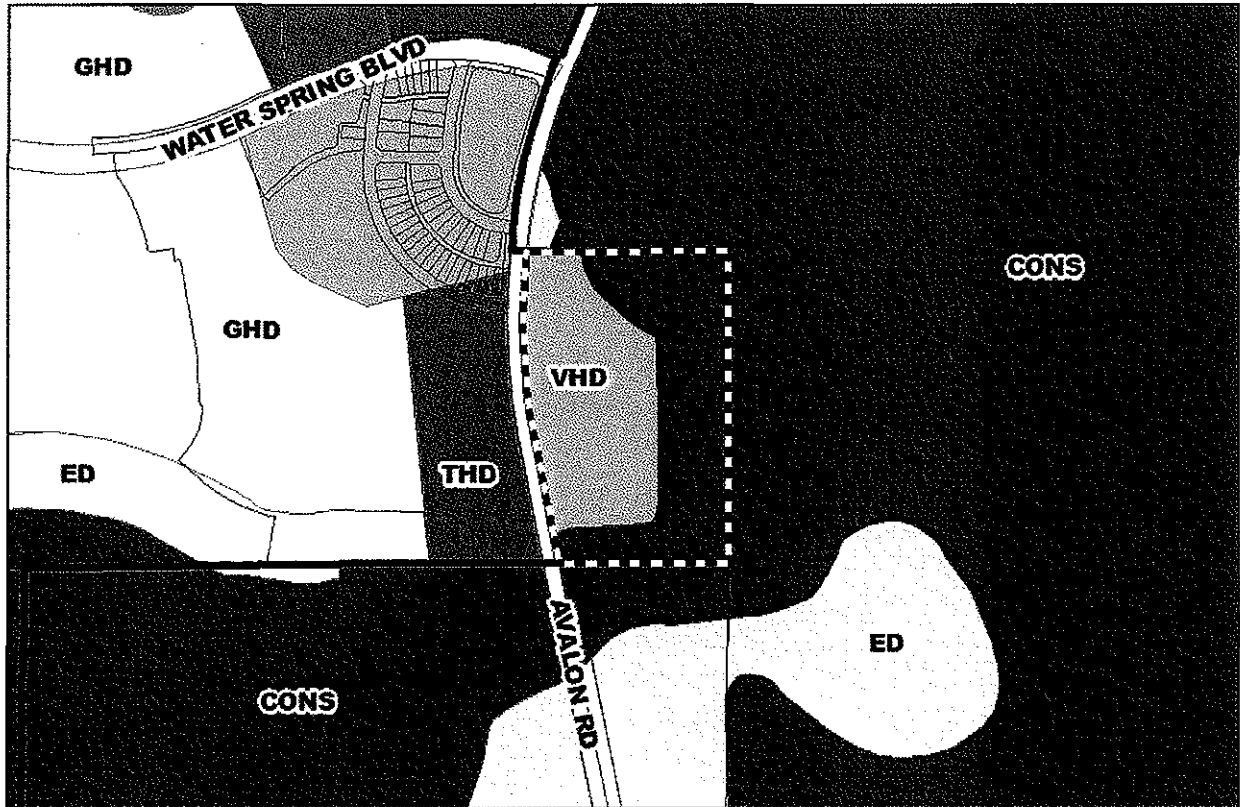
units allowed under the zoning existing prior to the approval of the PO zoning. The County shall begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c) Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
- e) At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- f) An APF agreement shall be scheduled simultaneously with this Land Use Plan.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (January 14, 2014)

Upon a motion by Commissioner Boyd, seconded by Commissioner Clarke, and carried with all present members voting AYE, the Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Lance R. Bennett, Poulos & Bennett, LLC, Springhill PD / LUP – Case # CDR-13-07-195, to increase the number of residential units within the overall project from 1,324 to 1,335 and two (2) waivers from Orange County Code, subject to conditions.

CDR-15-07-198



 Subject Property
 PD Boundary



★ Subject Property

Future Land Use Map

FLUM: Village (V) - Village H Specific Area Plan
 (SAP) - Village Home District (VHD)

APPLICANT: Eric Warren, Poulos & Bennett, LLC

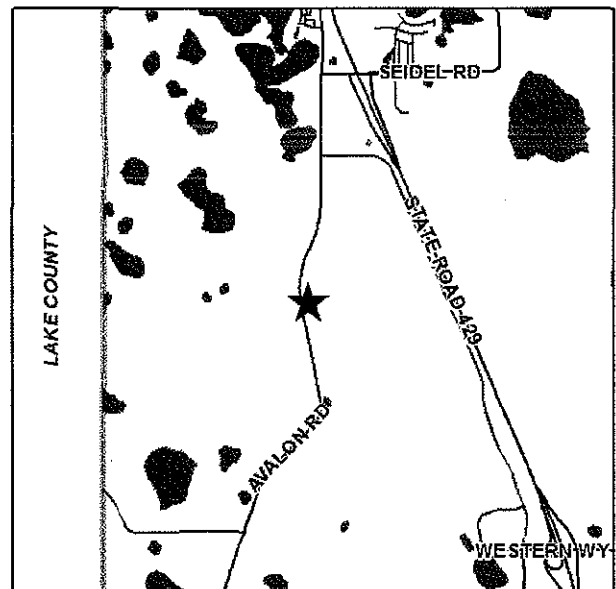
LOCATION: Generally located east of Avalon Road,
 north of Lake Star Road, south of Flamingo
 Crossings Boulevard, and west of State
 Road 429

TRACT SIZE: 551.77 gross acres (overall PD)
 24.85 gross acres (affected parcel only)

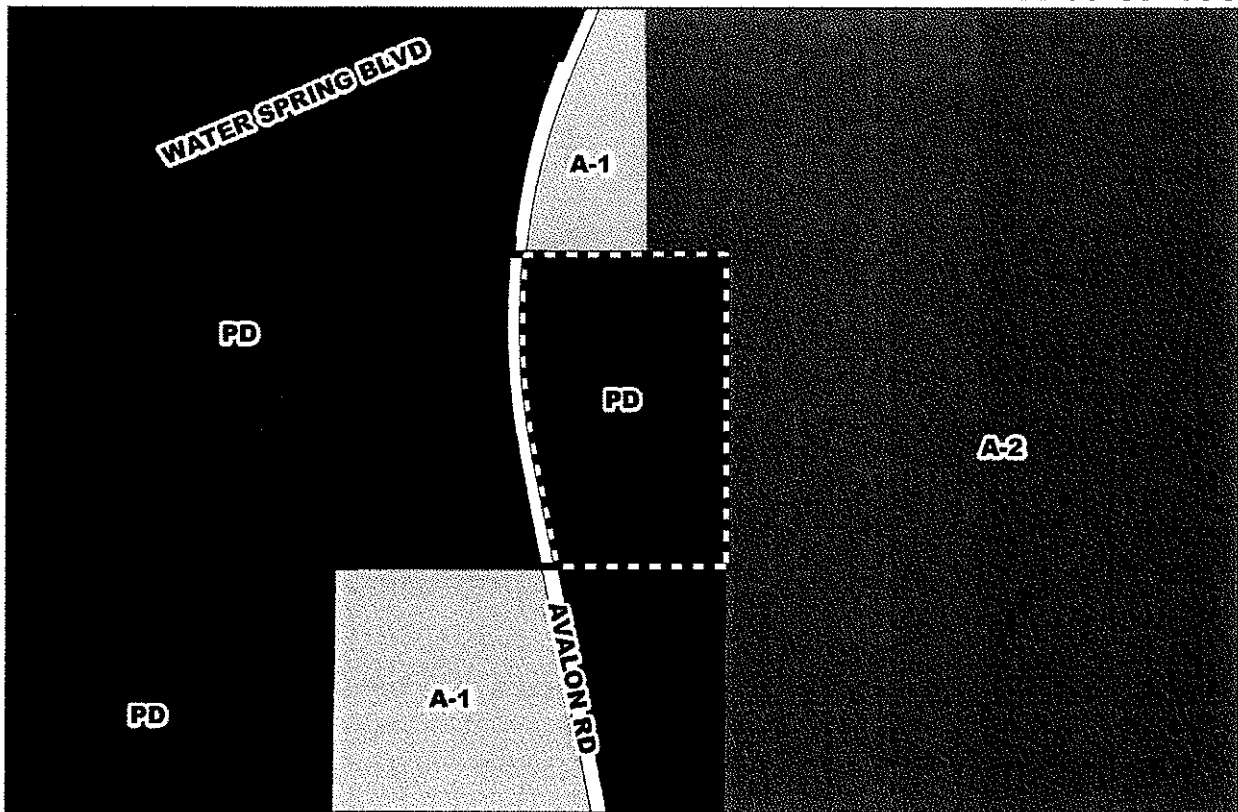
DISTRICT: # 1

S/T/R: 17/24/27

1 inch = 667 feet



CDR-15-07-198



Subject Property
 PD Boundary



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Eric Warren, Poulos & Bennett, LLC

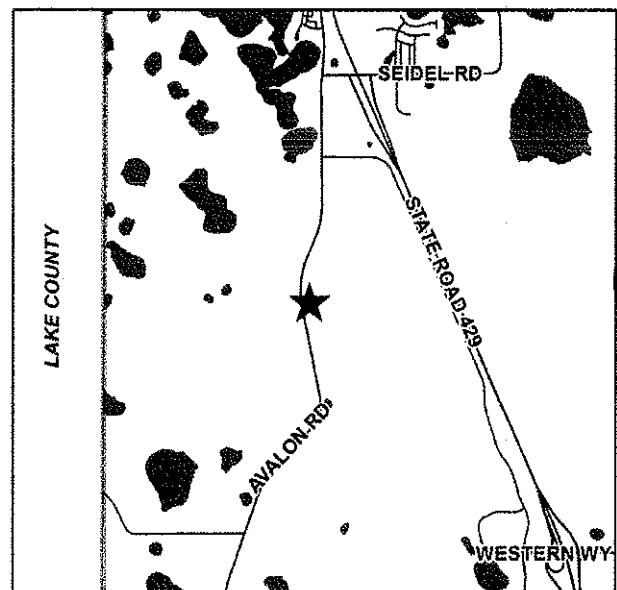
LOCATION: Generally located east of Avalon Road, north of Lake Star Road, south of Flamingo Crossings Boulevard, and west of State Road 429

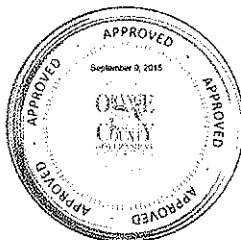
TRACT SIZE: 551.77 gross acres (overall PD)
 24.85 gross acres (affected parcel only)

DISTRICT: # 1

S/T/R: 17/24/27

1 inch = 667 feet





SPRINGHILL

P.D. LANDUSE PLAN

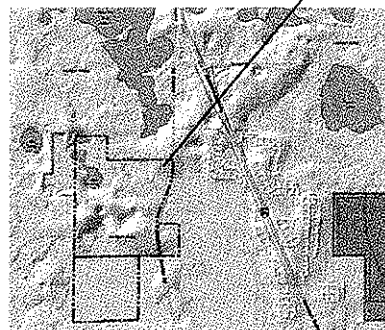
CASE NO. CDR-15-07-198
ORANGE COUNTY, FLORIDA
(VILLAGE H, HORIZON WEST)

REVISED: JULY 2015

PARCEL ID. NO. 07-24-27-0000-00-008;
08-24-27-0000-00-005; 17-24-27-0000-00-008;
17-24-27-0000-00-009; 18-24-27-0000-00-006;
18-24-27-0000-00-007; 18-24-27-0000-00-008;
A PORTION OF 18-24-27-0000-00-009

OWNER/DEVELOPER
SPRING GROVE, LLC
5956 SHERRY LANE
SUITE 1000
DALLAS, TX 75225
TEL: 407.852.4324

PROJECT SITE



LOCATION MAP

SCALE: 1" = 2500'

NORTH



1. TITLE SHEET	
2. EXISTING LAND USE	
3. EXISTING ZONING	
4. EXISTING UTILITIES	
5. EXISTING ROADWAYS	
6. EXISTING BUILDINGS	
7. EXISTING VEGETATION	
8. EXISTING TOPOGRAPHY	
9. EXISTING PUBLIC FACILITIES	
10. EXISTING ENVIRONMENTAL SENSITIVE AREAS	
11. EXISTING LANDSCAPE	
12. EXISTING HISTORIC RESOURCES	
13. EXISTING CULTURAL RESOURCES	
14. EXISTING ARCHITECTURAL RESOURCES	
15. EXISTING PREHISTORIC RESOURCES	
16. EXISTING PALEONTOLOGICAL RESOURCES	
17. EXISTING AESTHETIC RESOURCES	
18. EXISTING SOILS	
19. EXISTING WATERSHEDS	
20. EXISTING WETLANDS	
21. EXISTING FLOOD PLAINS	
22. EXISTING AIR QUALITY	
23. EXISTING CLIMATE	
24. EXISTING SEISMICITY	
25. EXISTING NOISE	
26. EXISTING TRANSPORTATION	
27. EXISTING UTILITIES	
28. EXISTING ROADWAYS	
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96. EXISTING UTILITIES	
97. EXISTING ROADWAYS	
98. EXISTING BUILDINGS	
99. EXISTING VEGETATION	
100. EXISTING TOPOGRAPHY	

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3	LAND USE PLANS
4	EXISTING TOPOGRAPHY AND WETLANDS
5	ADJACENT PUBLIC FACILITIES
6	TRANSFER OF DEVELOPMENT RIGHTS
7	GRADING & RETAINING WALLS
8	SOIL DATA, PER ORANGE STANDARDS & PROJECT DATA
9	PHYSICAL SURVEY
10	PREVIOUS APPROVALS

RECEIVED

By The Development Review Committee (DRC) Office at 4:26 pm, Aug 24, 2015

Dewberry

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ORLANDO, FL 32801
PHONE: 407.852.4324
FAX: 407.852.4325

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ORLANDO, FLORIDA 32801
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TEL: 407.852.4324

ENVIRONMENTAL

BIO TECH CONSULTING INC.
200 EAST HARRISON STREET
ORLANDO, FLORIDA 32803
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SURVEYOR

ROCKETT & ASSOCIATES
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WINTER PARK, FLORIDA 32789
TEL: 407.852.4324
FAX: 407.852.4325

LEGAL COUNSEL

ANDERSON LLP
400 SOUTH ORANGE AVENUE
SUITE 1200
ORLANDO, FLORIDA 32801
TEL: 407.852.4324

Springhill PD / LUP (Cover Sheet)

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: September 13, 2016

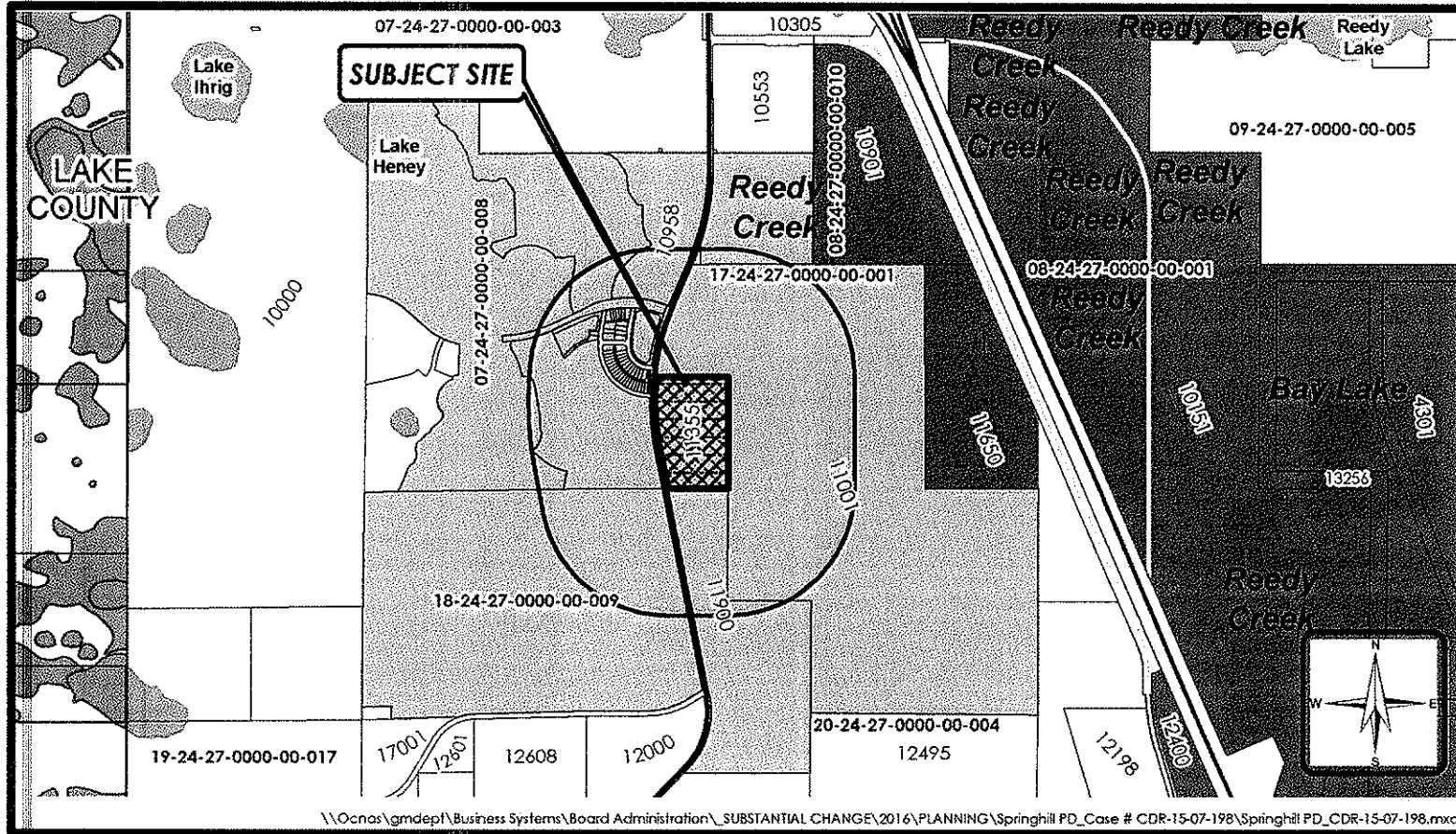




Public Notification Map

Springhill PD_CDR-15-07-198

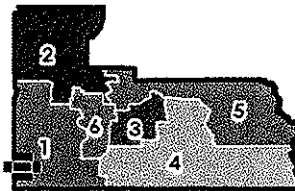
1500 FT BUFFER, 7 NOTICES



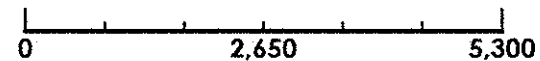
\\Ocnas\gmdepl\Business Systems\Board Administration\SUBSTANTIAL CHANGE\2016\PLANNING\Springhill PD_Case # CDR-15-07-198\Springhill PD_CDR-15-07-198.mxd

MAP LEGEND

- SUBJECT
- 1500 FT BUFFER
- NOTIFIED PARCELS
- HYDROLOGY
- PARCELS



1 inch = 1,685 feet
Feet



Notification Map

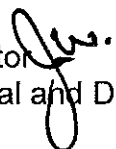
DRC Staff Report
 Orange County Planning Division
 BCC Hearing Date: September 13, 2016



Interoffice Memorandum

September 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: September 13, 2016 - Public Hearing
Charles Whittall, Unicorp Companies
Orlando International Hotel Planned Development (PD)
Substantial Change – Case # CDR-15-12-372 / District 6

The Orlando International Hotel Planned Development (PD) contains approximately 18.8 gross acres, generally located east of International Drive, west of Universal Boulevard and north of Via Mercado. The PD was originally approved on July 19, 2006 and has existing land use entitlements for 450,000 square feet of retail commercial (including an observation recreation facility) and 2,159 hotel rooms.

Through this PD substantial change request, the applicant is seeking to add a helitour facility (*to be operated from atop an existing parking garage*) as a permitted use, and to modify the existing PD Master Sign Plan (MSP). The proposed helipad atop the existing parking garage was constructed without the necessary permits, and is subject to a pending Code Enforcement violation. The applicant is also seeking a waiver from Orange County Code Section 31.5 to allow a "helicopter" Architectural Feature for tourist photo purposes only, and without any advertising copy or logos.

As summarized in the attached staff report, two community meetings were held for this request on February 23, 2016 and April 18, 2016. Then on July 27, 2016, the Development Review Committee (DRC) made a recommendation to deny the request, due to issues of compatibility, and inconsistency with the Comprehensive Plan.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form have been completed in accordance with the requirements of Ordinance 2008-14. Copies of these forms may be obtained in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of inconsistency with the Comprehensive Plan (CP) and DENY the substantial change request to the Orlando International Hotel Planned Development (PD), due to incompatibility with the surrounding area. District 6

ALTERNATIVE ACTION: Should the Board make a finding of consistency with the Comprehensive Plan (CP) and APPROVE the substantial change to the Orlando International Hotel Planned Development / Land Use Plan (PD/LUP) dated "Received May 12, 2016", conditions of approval have been provided in the attached staff report. District 6

Attachment

CASE # CDR-15-12-372

Commission District: # 6

GENERAL INFORMATION

APPLICANT	Charles Whittall, Unicorp Companies
OWNER	IDL Master Tenant, LLC
PROJECT NAME	Orlando International Hotel Planned Development / Land Use Plan (PD/LUP) and Master Sign Plan (MSP)
PARCEL ID NUMBER	36-23-28-7168-01-000
TRACT SIZE	18.80 gross acres
LOCATION	8351 International Drive; or generally located east of International Drive, west of Universal Boulevard, and north of Via Mercado.
REQUEST	<p>A PD substantial change to add a helitour facility (<i>to be operated from atop an existing parking garage</i>) as a permitted use, and to modify the existing PD Master Sign Plan (MSP). The applicant has also requested the following waiver from Orange County Code:</p> <p>1. A wavier from Section 31.5 to allow a "helicopter" architectural feature (<i>tourist photo opportunity</i>) without advertising copy or logo graphics.</p>
PUBLIC NOTIFICATION	<p>A notification area extending beyond three-thousand (3,000) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Eight hundred forty (840) notices were mailed to those property owners in the notification buffer area. Two community meetings were also held on February 23, 2016 and April 18, 2016 (refer to community meeting summaries below).</p>

IMPACT ANALYSIS

Special Information

The Orlando International Hotel Planned Development (PD) contains approximately 18.8 gross acres, generally located east of International Drive, west of Universal Boulevard and north of Via Mercado. The PD has existing land use entitlements for 450,000 square feet of retail commercial (including an observation recreation facility) and 2,159 hotel rooms.

Through this PD substantial change request, the applicant is seeking to add a helitour facility (*to be operated from atop an existing parking garage*) as a permitted use, and to

modify the existing PD Master Sign Plan (MSP). The proposed helipad atop the existing parking garage was constructed without the necessary permits, and is subject to a pending Code Enforcement violation. The applicant is also seeking a waiver from Orange County Code Section 31.5 to allow a "helicopter" Architectural Feature for tourist photo purposes only, and without any advertising copy or logos.

Land Use Compatibility

The operation of a helicopter between two (2) multi-story entertainment attractions (the Orlando Eye and the StarFlyer) presents a significant safety concern. Therefore, staff has determined that the proposed PD substantial change could adversely impact adjacent properties and has deemed it to be incompatible.

Comprehensive Plan (CP) Consistency

The Orlando International Hotel PD has an underlying Future Land Use Map (FLUM) designation of Commercial (C). Although the request is consistent with the underlying FLUM designation, it is inconsistent with the compatibility provisions outlined in the CP.

Community Meeting Summaries

Two (2) community meetings have been held for this request. The 1st meeting was on February 23, 2016, at Tangelo Park Elementary School with approximately 14 attendees. Residents expressed concern that the helicopter would deviate from the proposed flight path by flying over existing residential neighborhoods (Tangelo Park, Williamsburg, Lake Willis) and result in increased noise. If approved, residents requested that measures be established for identifying and reporting flight path infractions. Concerns were also raised about the safety of operating a helicopter near the Orlando Eye and StarFlyer attractions.

The 2nd community meeting was held on April 18, 2016, at Tangelo Park Elementary School with approximately 25 people in attendance. Attendees again expressed concern with an additional helicopter operating in the area. The applicant committed to not flying over the Williamsburg neighborhood, and offered to identify the helicopter with the I-Drive 360 logo, to use GPS tracking, and to pay a \$1,000 to the Home Owners Association (HOA) for any violations. Members of the existing helicopter operator industry also requested that the County establish formal regulations and policing mechanisms for all operators.

Overlay District Ordinance

The subject property is located within the Tourist Commercial and Plaza Partners International Overlay Districts. The PD is subject to the Convention Plaza District performance standards.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Fuel storage tanks and on-site fuel handling activities that could result in spills shall comply with all applicable state code. These activities shall include but are not limited to

protection from fuel transfer spills caused by either delivery trucks, fuel transfer activities or other fuel system malfunctions. If any new storage tanks are planned for this location, then the site shall comply with the Florida Department of Environmental Protection (FDEP) regulations: Chapter 62-761, F.A.C. Petroleum Storage Systems (USTs), Chapter 62-762, F.A.C. Petroleum Storage Systems (ASTs), Chapter 62-780, F.A.C. Petroleum Contamination Site Cleanup Criteria, and Chapter 62-777, F.A.C. Contaminant Cleanup Target Levels. Comply with all notification requirements as specified through contact with the Orange County Environmental Protection Division (EPD).

Transportation / Concurrency

This project is vested from transportation concurrency under vested rights certificate #92-186. A copy of this certificate must be submitted prior to obtaining a building permit.

Schools

This request would not result in any Orange County Public School impacts.

Parks and Recreation

This request would not result in any Orange County Park impacts.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (July 27, 2016)

Make a finding of inconsistency with the Comprehensive Plan (CP) and DENY the substantial change request to the Orlando International Hotel Planned Development (PD), due to incompatibility with the surrounding area.

However, should the Board make a finding of consistency with the Comprehensive Plan (CP) and APPROVE the substantial change to the Orlando International Hotel Planned Development / Land Use Plan (PD/LUP) dated "Received May 12, 2016", the following conditions of approval are provided:

1. Development shall conform to the Orlando International Hotel Planned Development / Land Use Plan (PD/LUP) dated "Received May 12, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any

obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received May 12, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner

/ Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. A waiver from Orange County Code Section 31.5 is granted to allow a "helicopter" architectural feature (tourist photo opportunity) without advertising copy or logo graphics.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 23, 2014, shall apply:
 - a. The developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
8. Except as amended, modified, and / or superseded, the following previous BCC Conditions of Approval, dated September 11, 2012, shall apply:
 - a. Prior to the issuance of a building permit for the observation wheel, a restrictive covenant addressing the maintenance and security of the structure in the event that operation is ceased, in a form acceptable to the County, shall be recorded in the public records of Orange County, Florida at the applicant's expense.
 - b. The following waivers from Orange County Code Section 31.5 are granted in order to accommodate the proposed wall signs reflected in the Master Signage Program:
 - 1) From Section 31.5-163(a) to modify the square footage for the following murals (with each at least 7 feet above the finished grade):
 - a) Murals facing Universal Boulevard:
 - The Sea Life mural will be 5,394 square feet, and
 - The Madame Tussauds mural will be 3,362 square feet
 - b) Mural facing Via Mercado:
 - The Sea Life mural will be 4,048 square feet
 - 2) From Section 31.5-168(b) to allow more than one (1) wall sign per tenant; and
 - 3) From Section 31.5-168(f) to allow two (2) blade wall signs that extend no greater than seventy (70) inches from the wall on which they are erected, in lieu of twelve (12) inches.

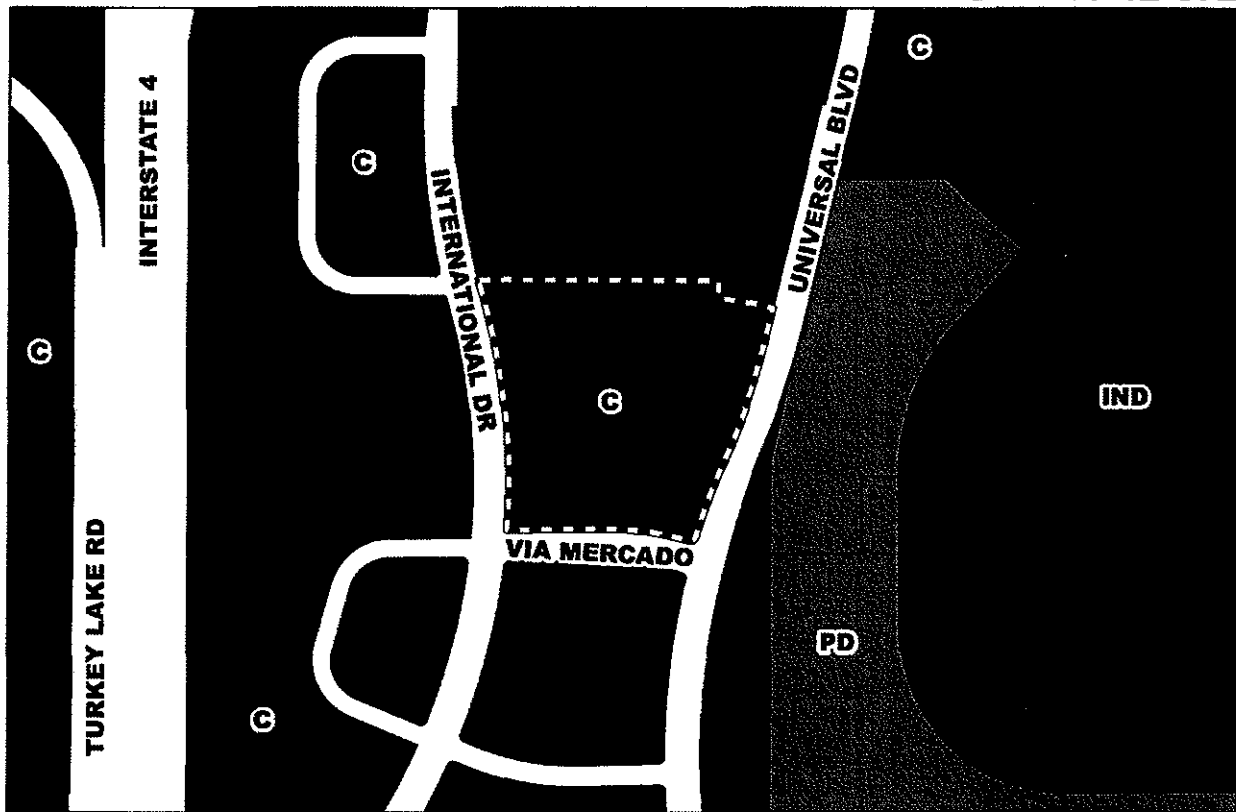
- c. The following waiver from Orange County Code Section 31.5 is granted in order to accommodate the proposed ground signs reflected in the Master Signage Program:
 - 1) From Section 31.5-166(a), (b) and (d) to allow a maximum of four (4) ground signs with the copy area and heights as outlined below, in lieu of a maximum of two (2) ground signs with a maximum copy area of sixty (60) square feet and a maximum height of eight (8) feet:
 - a) One (1) sign with seventy (70) square feet (one side) of copy area and a height of thirteen (13) feet;
 - b) One (1) sign with fifty-three (53) square feet of copy area and a height of eight and one-quarter (8.25) feet; and
 - c) Two (2) signs with thirty-six and one-half (36.5) square feet (one side) of copy area and a height of eight (8) feet.
 - d. A waiver from Orange County Code Section 31.5-172(a) is granted to allow two (2) double-sided blade wall signs with a combined copy area of one hundred twenty-six (126) square feet per side, in lieu of six (6) square feet.
 - e. Lighting on the wheel and the support structure shall be one synchronized color and integrated with the structure. Only the outer circumference of the wheel and the support structure may have lights. The lights may only change color(s) at a minimum of once every eight (8) seconds. Special Event lighting that consists of more than one color shall be subject to Zoning Manager approval.
 - f. Search lights are prohibited.
 - g. A digital display ground sign shall be static copy and the copy area may only change once per month or as allowed by Code. The ground sign may only advertise tenants within the project that have a fully functional 3,500 square foot or greater retail establishment open to the public.
 - h. All other signage, except those waivers expressly granted by the BCC (Board of County Commissioners) illustrated in the Master Sign Plan, shall adhere to the Tourist Commercial Sign Code. The Master Sign Plan and any approved waivers are only applicable to the I-Drive Live Development Plan. In the event that another Development other than the I-Drive Live Development Plan is built in the future; signage shall revert to the original PD signage condition that stated, "Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the tourist commercial code."
9. Except as amended, modified, and / or superseded, the following previous BCC Conditions of Approval, dated July 19, 2006, shall apply:
- a. Outside storage and display shall be prohibited.

- b. This project shall comply with the Convention Plaza District performance standards.
- c. This project shall enter into the Convention Center Hotel Agreement

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (September 23, 2014)

Upon a motion by Commissioner Moore Russell, seconded by Commissioner Thompson, and carried with all members voting AYE by voice vote, the Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by George Sorich, Antunovich Associates, Inc., Orlando International Hotel Planned Development / Land Use Plan (PD/LUP) – Master Sign Plan (MSP); Case # CDR-13-10-255, to amend the Orlando International Hotel Planned Development / Land Use Plan (PD/LUP) to incorporate modifications to the previously approved Master Sign Plan (MSP), and further approve the request (including waivers from Orange County Code Sect 31.5), which constitutes a substantial change to the development on the described property; subject to conditions.

CDR-15-12-372



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Charles Whittall, Unicorp Companies

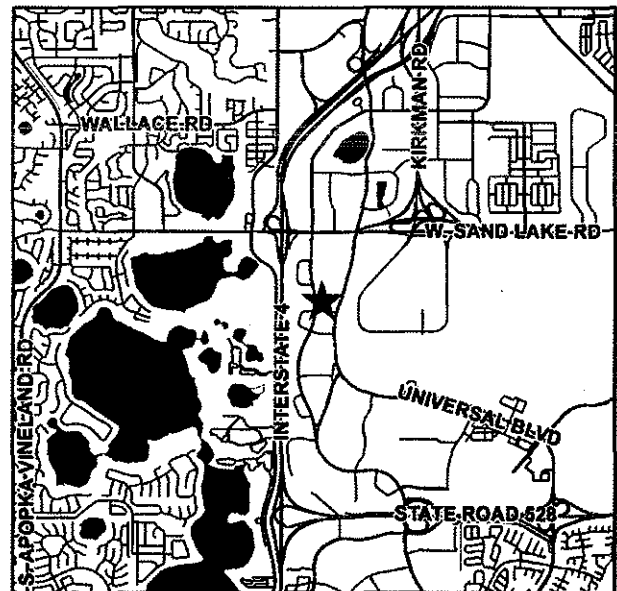
LOCATION: 8351 International Drive; or generally located east of International Drive, west of Universal Boulevard, and north of Via Mercado

TRACT SIZE: 18.80 gross acres

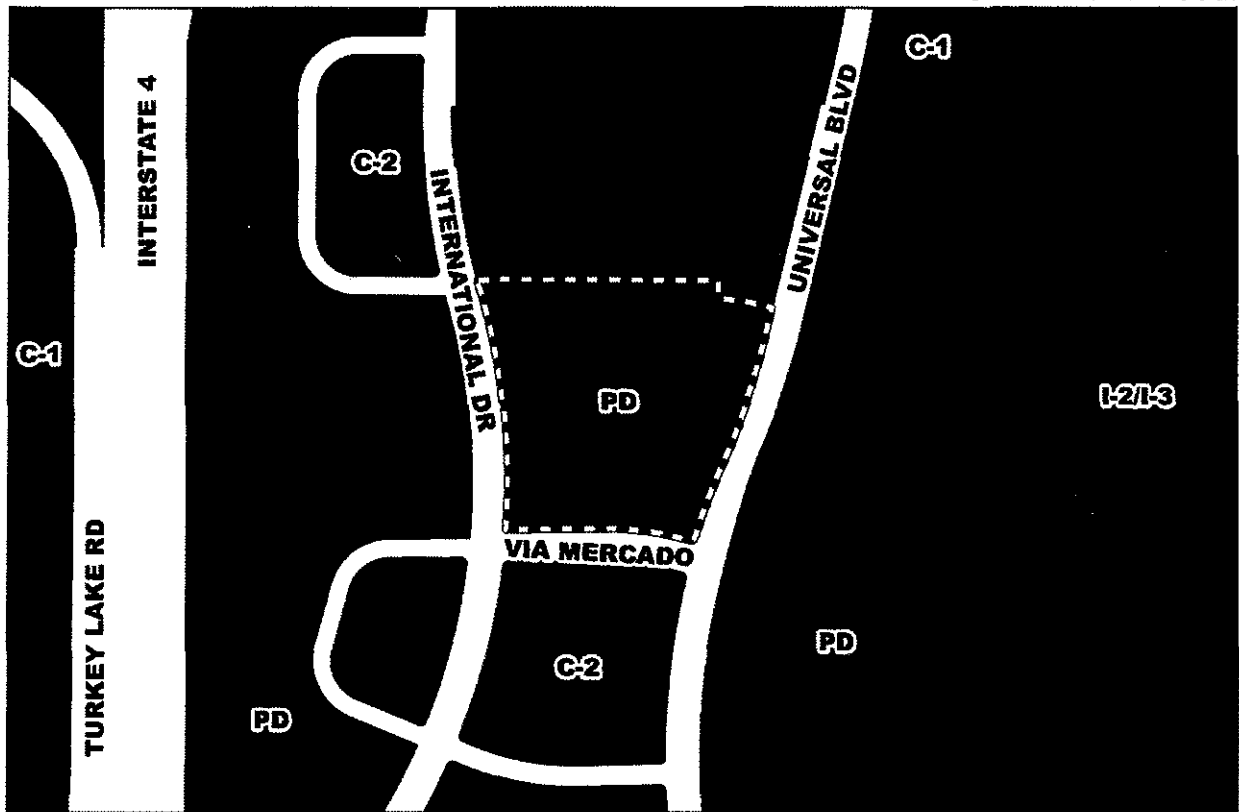
DISTRICT: # 6

S/T/R: 36/23/28

1 inch = 583 feet



CDR-15-12-372



 Subject Property



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Charles Whittall, Unicorp Companies

LOCATION: 8351 International Drive; or generally located east of International Drive, west of Universal Boulevard, and north of Via Mercado

TRACT SIZE: 18.80 gross acres

DISTRICT: # 6

S/T/R: 36/23/28

1 inch = 583 feet



**ORLANDO INTERNATIONAL HOTEL PD
LAND USE PLAN
ORANGE COUTNY, FLORIDA
CASE NO. CDR-15-12-372**

PARCEL I.D.

36-23-28-7168-01-000

PROJECT TEAM

[illegible]

1734

[illegible][illegible]

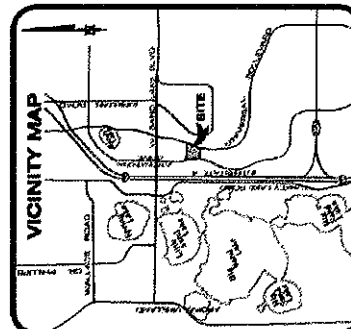
RECEIVED

By The Development Review Committee (DRC) Officers at 8:46 am, May 12, 2016

SHEET INDEX

LUP1 COVER SHEET
LUP2 LAND USE PLAN
LUP3 SOILS
LUP4 ROAD CONDITIONS

**LAND USE PLAN AMENDMENT
TO ADD A HELI TOUR FACILITY**

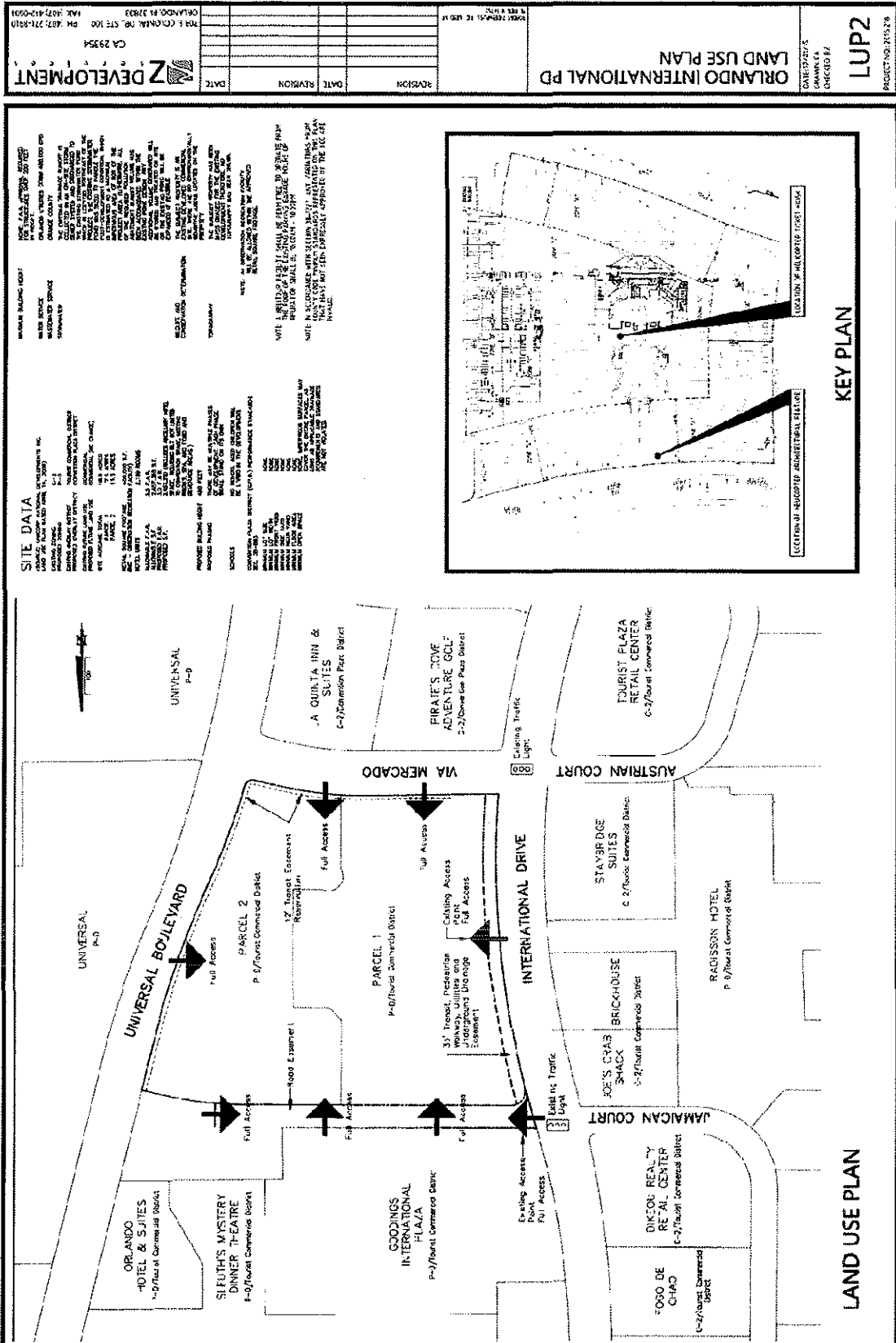


SECTION 36: TOWNSHIP 23 SOUTH
RANGE 28 EAST
ORANGE COUNTY, FLORIDA

LUP1

8-2562-0N 127092

Orlando International Hotel PD / LUP





Orlando, Florida
July 1, 2014

MASTER SIGNAGE PROGRAM

Developers
Unicorp National Developments, Inc
Circle Entertainment

Architects, Planners
Antunovich Associates

Design Architects
Kay Elliott

Entertainment Client
Merlin Entertainment Group

RECEIVED

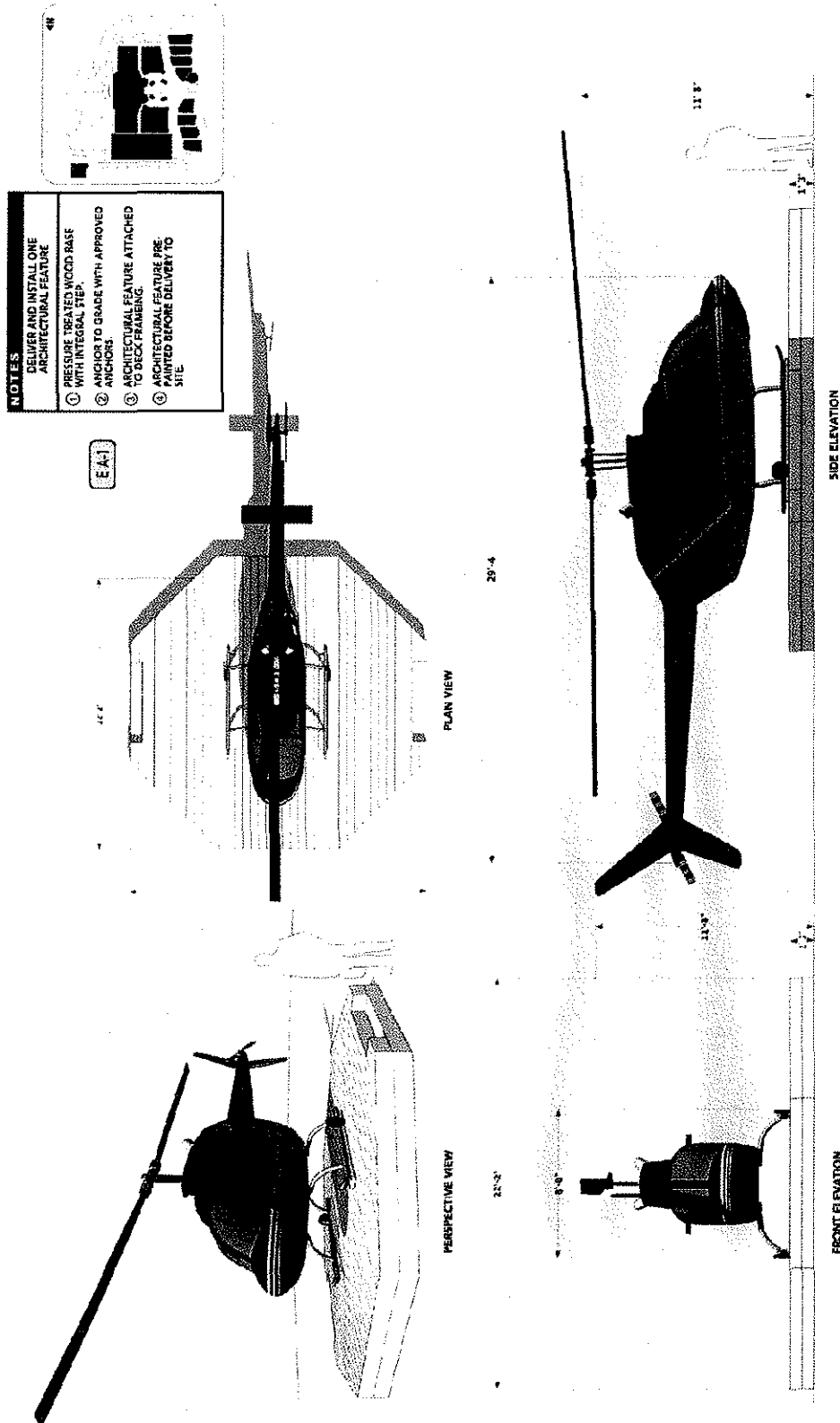
By The Development Review Committee (DRC) Office at 8:47 a.m. May 12, 2016

Master Sign Plan (Cover Sheet)

Orange County Planning Division
BCC Hearing Date: September 13, 2016

DRC Staff Report

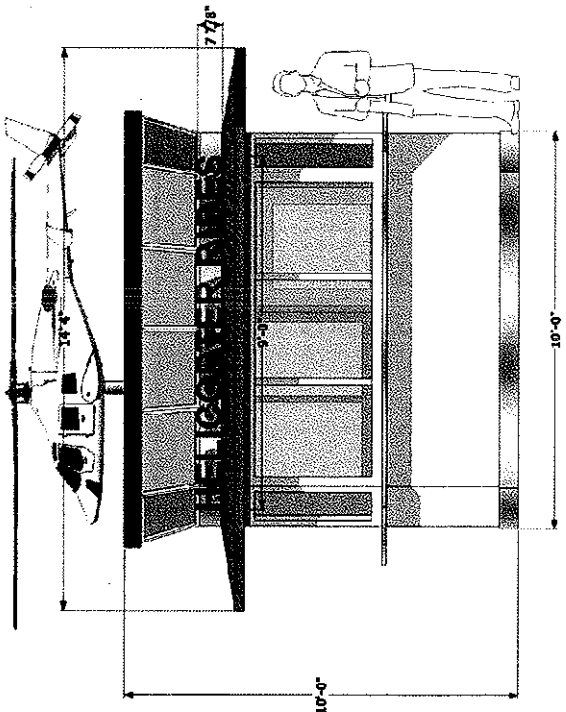
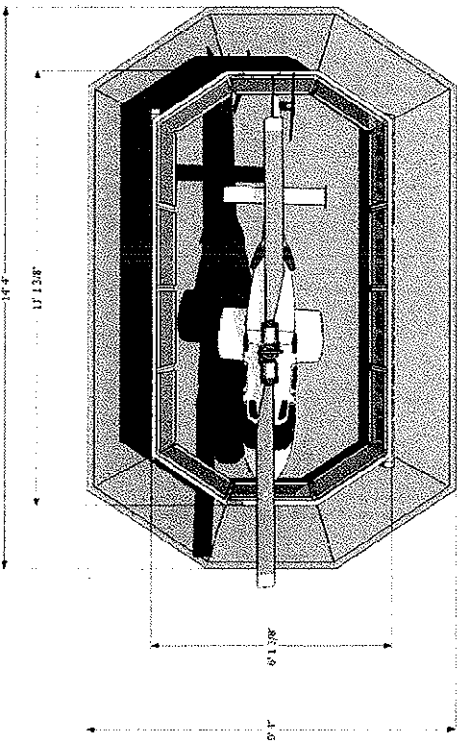
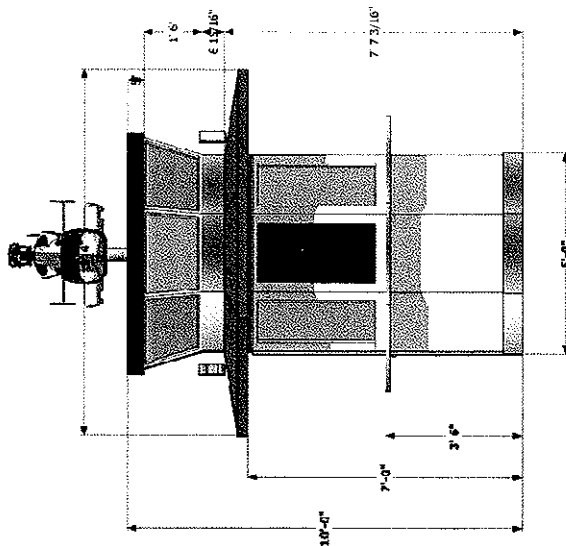
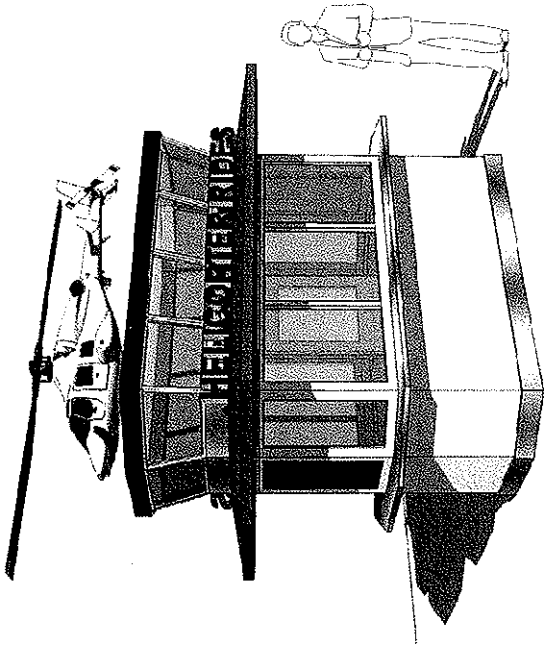
Master Sign Plan (Proposed Helicopter Signage)



Architectural Feature 14
 David R. Davis | April 1, 2016

Master Signage Program
 Halsey National Development, Inc. | Developers | Grant Entertainment | Developer | Automotive Signage | Architects | Parsons & Co.

Orlando International Hotel PD / LUP (*Event Ticket Kiosk*)

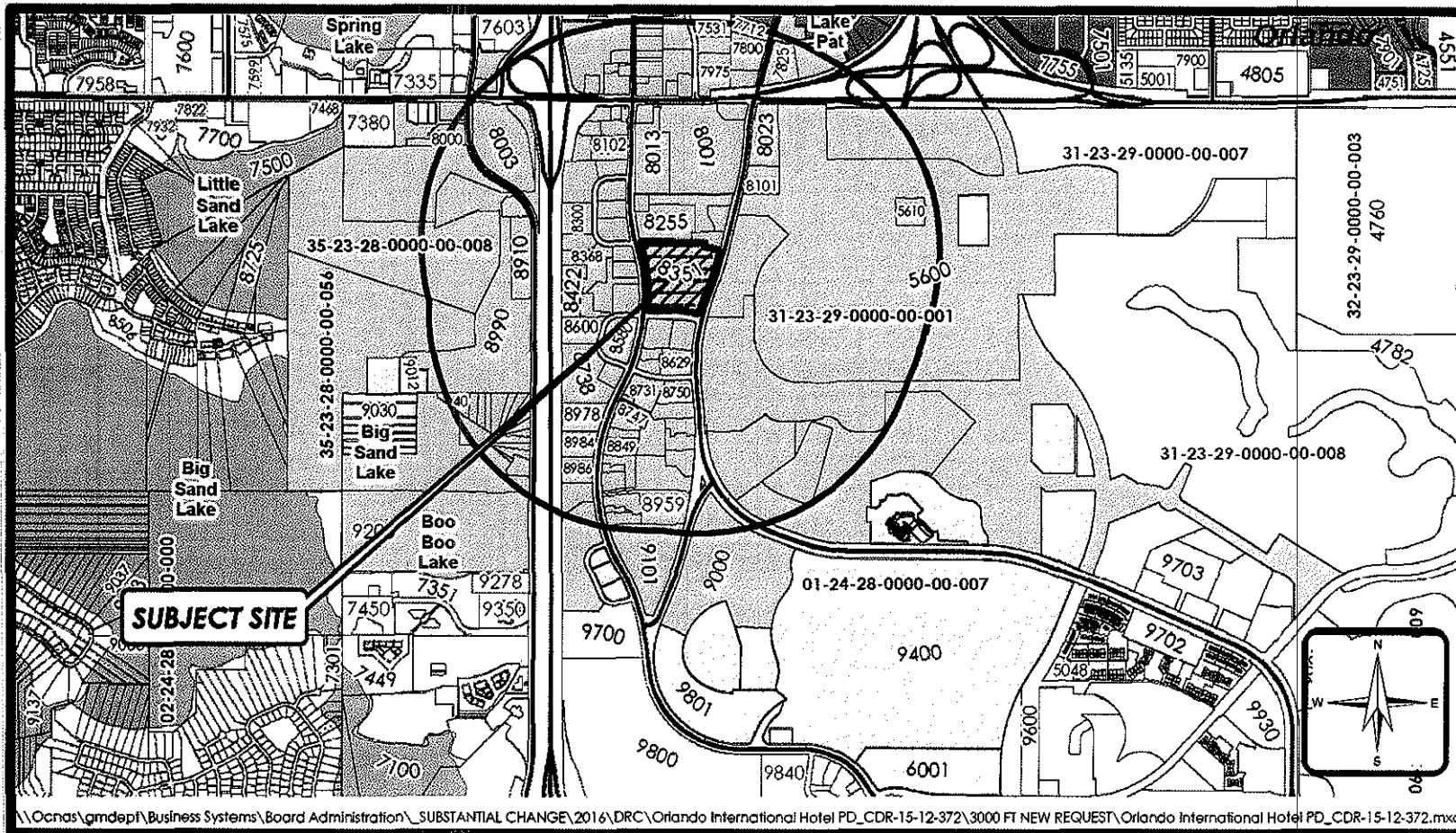




Public Notification Map

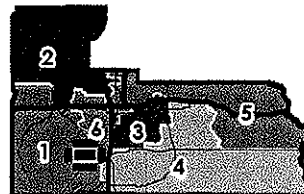
Orlando International Hotel PD_CDR-15-12-372

840 Notices



MAP LEGEND

	SUBJECT		ADDITIONAL_SELECTION
	3000_FT_BUFFER		HYDROLOGY
	NOTIFIED_PARCELS		PARCELS



1 inch = 1,943 feet

0 3,100 6,200

Notification Map

BCC Hearing Date: September 13, 2016

Orange County Planning Division

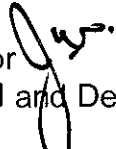
DRC Staff Report



Interoffice Memorandum

August 31, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

**CONTACT PERSON: Carol L. Knox, Manager, Zoning Division
407-836-5896**

SUBJECT: September 13, 2016 – Final Public Hearing
Ordinance Amending Chapter 38 (“Zoning”)

On September 13, 2016, the Board of County Commissioners (Board) will hold the final public hearing to amend Chapter 38 of the Orange County Code, the County’s zoning regulations. The Zoning Division is requesting that the Board consider updating the County’s zoning regulations. The proposed amendments address various subjects and issues, including archaic wording, inconsistent standards, and regulations in need of clarification and revisions.

In general, the Chapter 38 proposed amendments will affect the following areas:

- Definitions
- Use Table
- Conditions for Uses
- Special Zoning and Overlay Districts
- General Zoning District Standards

On May 19, 2016, the Planning and Zoning Commission/Local Planning Agency (PZC/LPA) held a public hearing and found the proposed ordinance consistent with the Comprehensive Plan, subject to a few minor revisions and clarifications. Attached is a draft ordinance dated August 5, 2016, which includes changes from the PZC/LPA and staff. All proposed changes to the draft made after the PZC/LPA meeting have been highlighted in yellow in the August 5, 2016 draft.

Page Two
September 13, 2016 – Final Public Hearing
Ordinance Amending Chapter 38 (“Zoning”)

Based on the discussion by the Board on August 23, 2016, staff will present changes to the August 5, 2016 draft ordinance as part of staff’s presentation.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and Approval of an ordinance affecting the use of land in Orange County, Florida by amending Chapter 38 (Zoning) and providing for an effective date. All Districts

CLK:Al:ai

Attachments: Draft ordinance, dated August 5, 2016, including Appendix “A,” amendments to Section 38-77 (*Use Table*), dated August 5, 2016, and Exhibit “A” (2016).

NOTE: Revisions and corrections to the May 11, 2016, draft reviewed by the P&ZC are shaded in yellow in this draft, with editorial explanations within brackets when necessary, and are found at pages 2-6, 9, 18-20, 25-26, 29-30, 32, 37, 41-43, 47, 50, 52, 82-83, 85-86, 89-92 and 115.

DRAFT
08/05/16

ORDINANCE NO. 2016-____

**AN ORDINANCE AFFECTING THE USE OF LAND IN
ORANGE COUNTY, FLORIDA, BY AMENDING
CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY
CODE; AND PROVIDING AN EFFECTIVE DATE**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY, FLORIDA:

Section 1. Amendments; In General. Chapter 38 of the Orange County Code is amended as set forth in Section 2 through Section 48. New language shall be indicated by underlines, and deleted language shall be shown by strike-throughs.

Section 2. Amendments to Section 38-1 ("Definitions"). Section 38-1 is amended to read as follows:

Sec. 38-1. Definitions.

* * *

Assisted living facility shall mean any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, excluding a "nursing home" as defined in this section, or other residential facility, whether operated for profit or not, which is licensed by the State of Florida and undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

* * *

~~Aviculture (commercial) shall mean the raising, breeding and/or selling of exotic birds, excluding poultry, for commercial purposes. Any one (1) or more of the following shall be used to determine whether a commercial operation exists:~~

- ~~(1) The operation exists with the intent and for the purpose of financial gain.~~
- ~~(2) Statements of income or deductions relating to the operation are included with routine income tax reporting to the Internal Revenue Service;~~
- ~~(3) A state sales tax identification number is used to obtain feed, supplies or birds;~~
- ~~(4) An occupational license has been obtained for the operation;~~
- ~~(5) Sales are conducted at the subject location;~~
- ~~(6) The operation involves birds or supplies which were purchased or traded for the purposes of resale;~~
- ~~(7) The operation involves a flea market or commercial auction, excluding auctions conducted by not for profit private clubs;~~
- ~~(8) The operation or activities related thereto are advertised, including, but not limited to, newspaper advertisements or signs, or~~
- ~~(9) The operation has directly or indirectly created traffic.~~

* * *

Boardinghouse, lodging house or rooming house shall mean a dwelling used for the purpose of providing meals or lodging or both to five (5) or more persons other than members of the family occupying such dwelling, or any unit designed, constructed and marketed where the individual bedrooms are leased separately and have shared common facilities. This definition shall not include a nursing home or community residential home. (For four (4) or less persons, see "family" definition in this section.)

* * *

Community residential home shall mean a dwelling unit licensed to serve clients of the sState of Florida pursuant to

Chapter 419, Florida Statutes, ~~department of health and rehabilitative services~~, which provides a living environment ~~to~~ for 7 to 14 unrelated "residents" who operate as the functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the physical, emotional, and social needs of the "residents." The term "resident" as used in relation to community residential homes shall have the same meaning as stated in section 419.001(1)(~~de~~), F. S., as may be amended or replaced.

* * *

~~Day care home, family (also known as "family day care home") shall mean a residence in which child care is regularly provided for no more than ten (10) children. This shall include a maximum number of five (5) preschool children plus the elementary school siblings of the preschool children including the caregiver's own.~~

* * *

~~Dormitory shall mean a room, apartment or building containing sleeping accommodations in closely associated rooms for persons not members of the same family that which is operated for the use of students enrolled in an educational institution, as in a college dormitory.~~

* * *

~~Dwelling, four-family (quadraplex), shall mean a building with four (4) dwelling units which has four (4) kitchens and is designed for or occupied exclusively by four (4) families. Each unit of a quadraplex must be connected by a common wall.~~

~~Dwelling, multiple, shall mean a building located on a single lot or parcel designed for or occupied exclusively by three (3) or more families.~~

~~Dwelling, single-family, shall mean a detached dwelling containing one (1) kitchen and complete housekeeping facilities for one (1) family only, designed for or occupied exclusively by one (1) family for usual domestic purposes, and having no enclosed space or cooking or sanitary facilities in common with any other dwelling. All rooms shall connect to a common area within the dwelling and there shall be one main front door entry.~~

* * *

Dwelling, three-family (triplex), shall mean a building with three (3) dwelling units which has three (3) kitchens and is designed for or occupied exclusively by three (3) families. Each unit of a triplex must be connected by a common wall.

Dwelling, two-family (duplex), shall mean a building with two (2) dwelling units which has two (2) kitchens and is designed for or occupied exclusively by two (2) families. Each unit of a duplex must be connected by a common wall.

* * *

Family shall mean an individual; or two (2) or more persons related by blood, marriage or adoption, exclusive of household servants, occupying a dwelling and living as a single ~~nonprofit~~ housekeeping unit; or four (4) or fewer persons, not related by blood, marriage or adoption, exclusive of household servants, occupying a dwelling and living as a single ~~nonprofit~~ housekeeping unit, in either case as distinguished from persons occupying a boardinghouse, lodging house, rooming house, nursing home, community residential home, or hotel, as herein defined.

* * *

Family day care home shall mean as defined in F.S. § 402.302(5), as it may be amended from time to time.

* * *

Fence shall mean a structure that functions as a boundary or barrier for the purpose of safety, to prevent entrance, to confine, or to mark a boundary.

* * *

Home occupation shall mean any use conducted entirely within a dwelling or accessory building and carried on by a resident ~~an occupant or residents thereof, which that~~ is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, subject to Section 38-79(101), provide that all of the following conditions are met:

178 ~~Only such commodities as are made on the premises may~~
180 ~~be sold on the premises. However, all such sales of home~~
 ~~occupation work or products shall be conducted within a building~~
182 ~~and there shall be no outdoor display of merchandise or products,~~
 ~~nor shall there be any display visible from the outside of the~~
 ~~building. No person shall be engaged in any such home~~
184 ~~occupation other than two (2) members of the immediate family~~
 ~~residing on the premises. No mechanical equipment shall be used~~
186 ~~or stored on the premises in connection with the home occupation,~~
 ~~except such that is normally used for purely domestic or household~~
188 ~~purposes. Not over twenty five (25) percent of the floor area of~~
 ~~any one (1) story shall be used for home occupation purposes.~~
190 ~~Fabrication of articles such as commonly classified under the terms~~
 ~~"arts and handicrafts" may be deemed a home occupation, subject~~
192 ~~to the other terms and conditions of this definition. Also, a~~
 ~~"retail establishment" as defined and regulated by Chapter 500,~~
194 ~~Florida Statutes, shall be deemed a home occupation. Home~~
 ~~occupation shall not be construed to include uses such as barber~~
196 ~~shops, beauty parlors, plant nurseries, tearooms, food processing~~
 ~~(with the exception of a cottage food occupation), restaurants, sale~~
198 ~~of antiques, commercial kennels, real estate offices, insurance~~
 ~~offices, or pain management clinics.~~

200 * * *

202 *Living area* shall mean the total air conditioned or heated
204 floor area of all dwelling units measured to the interior surfaces of
206 exterior walls, but excluding exterior halls and stairways.

208 * * *

210 Mobile home shall mean a structure transportable in one (1)
212 or more sections, which structure is eight (8) feet or more in width
214 and over thirty-five (35) feet in length, and which structure is built
216 on an integral chassis and designed to be used as a dwelling when
 connected to required utilities, and includes the plumbing, heating,
 air conditioning, and electrical systems contained therein. A
 mobile home shall be constructed to United States Department of
 Housing and Urban Development standards.

218 * * *

220 *Poultry* shall mean domestic fowl, including chickens,
222 roosters, turkeys, ducks, geese, pigeons, etc., but excluding wild
 or non-domestic birds regulated by the Fish and Wildlife
 Conservation Commission. [Previously, "... including chickens,

roosters, turkeys, ducks, geese, pigeons, etc. quails, pheasants and squabs, but excluding large birds such as ostriches and emus."]

* * *

Recreational vehicle shall mean as defined at Section 38-1527.

* * *

Recreational vehicle park shall mean as defined at Section 38-1527.

* * *

Structure shall mean and include all permanent or temporary, fixed or movable construction, ~~comprising including~~ buildings, stands, poles, signs and billboards, erected independently or affixed to exterior walls or roofs; provided, however, that utility owned poles and lines and ~~poles~~ shall not be considered a structures for the purposes of this chapter.

Student housing shall mean any multi-family development or portion thereof where the dwelling units are designed and constructed as three (3) or more bedrooms with three (3) or more bathrooms which is marketed and/or rented to students attending a local college, university, ~~or~~ community college, or private school, or any multi-family development or portion thereof comprised of dwelling units consisting of three (3) or more bedrooms and less than three (3) bathrooms where the bedrooms are leased separately.

* * *

Temporary portable storage container shall mean a structure temporarily used for storage that is not attached to a dwelling and does not have any water or electrical fixtures.

* * *

Yard, front, shall mean a yard extending across the front of a lot between the side lot lines, and being a minimum horizontal distance between the street line and the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or uncovered porches. ~~On corner lots, the~~

front yard shall be considered as abutting the street upon which the lot has its least dimension.

* * *

In all other respects, Section 38-1 shall remain unchanged.

Section 3. Amendments to Section 38-3 (“General restrictions on land use”).

Section 38-3 is amended to read as follows:

Sec. 38-3. General restrictions on land use.

(a) *Land use and/or building permits.* No building or structure shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used or designed to be used for any purpose or in any manner other than a use designated in this chapter, or amendment thereto, as permitted in the district in which such land, building, structure or premises is located, without obtaining the necessary land use and/or building permits.

(b) *Height limitation.* No structure or building shall be erected, nor shall any existing building be moved, reconditioned or structurally altered so as to exceed in height the limit established in this chapter; or amendments thereto, for the district in which such building or structure is located.

(c) *Site and building requirements.* No building or structure shall be erected, nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, in size or area, except in conformity with the site and building requirements, established by this chapter, or amendments thereto, for the district in which such building or structure is located.

(d) *Density limitation.* No building, structure, or premises shall be erected, occupied or used so as to provide a greater density of population than is allowed under the terms of this chapter for the district in which such building, structure or premises is located.

(e) *Open space limitation.* No yard or other open space provided about any building or structure for the purpose of complying with the regulations of this chapter, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure.

312 (f) *Lot and occupancy requirements.* Every building or
314 structure hereafter erected shall be located on a lot or tract as
316 defined herein, and in no case shall there be more than one (1)
principal building or use on one (1) lot except as hereinafter
provided.

318 (g) *Minimum lot size and setback requirements.* Any
320 single-family dwelling, regardless of the form of ownership of land
(whether designated as a unit, parcel, lot, tract or other similar
322 term) upon which the single-family dwelling is to be located, shall
not be permitted unless the net lot area of the lot upon which it is
324 to be located can comply with the minimum lot size required by
the applicable zoning district and such dwelling can comply with
326 setback requirements of the applicable zoning district. The
applicable zoning district shall be the one in which the lot and the
328 dwelling area are located. Reference to a deed, plat book,
condominium plat or other similar document shall constitute the
330 division of land from which the county shall discern the lot
dimensions for determining minimum lot size and setback
332 requirements. Any interest such lot may have in common areas
shall not be counted towards meeting the minimum lot size.

334 ~~(h) *Leasing of bedrooms.* In a single-family dwelling,~~
336 ~~the leasing of bedrooms is prohibited unless the single-family~~
~~dwelling is owner occupied.~~

338 (ih) *Parking space requirements.* No building or
340 structure shall be erected, nor shall any existing building or
structure be moved, reconditioned or structurally altered so as to
342 encroach upon or reduce in any manner, in size or area, the parking
space requirements, established by this chapter, or amendments
344 thereto, for the district in which such building or structure is
located.

346 (ji) *Distance requirements.* No structure or building
348 shall be erected, nor shall any existing building be moved,
reconditioned or structurally altered so as to infringe upon any
350 applicable distance requirements. An applicant seeking a permit
shall be responsible for ensuring that all applicable distance
352 requirements are met. Approval of a land use and/or building
permit does not constitute, or in any way imply, a waiver of the
354 applicant's obligations to meet all applicable distance
requirements.

356 (kj) *Applicable law and ordinances.* Nothing in this
chapter shall be construed to exempt any person from having to

comply with all other applicable federal, state, or county laws or regulations.

(k) Site plan. A fully dimensionalized site plan shall be required for any proposed (i) building, structure, sign or mobile home, (ii) accessory building or structure, or (iii) fence, boat dock, or boat ramp. The site plan shall show:

(1) all property lines;

(2) all road rights-of-way;

(3) all easements;

(4) the location of any existing and proposed building, structure, mobile home, accessory building or structure, or fence, boat dock, or boat ramp, including all dimensions to property lines and existing structures;

(5) the location of the Normal High Water Elevation (NHWE) contour of all adjacent natural surface water bodies;

(6) the lot grading plan; and

(7) the location of any septic tank and drain field.

The above-mentioned items shall be depicted on the site plan so that Orange County may determine whether the proposed improvements comply with zoning and land development regulations.

(l) Site plan; special requirements.

(1) A site plan for (A) a proposed building, structure and sign, (B) a mobile home (new or relocated), (C) a moved structure, (D) an addition to an existing building or structure, or (E) an accessory building or structure, shall be prepared by an architect, engineer, or surveyor or by a general building, or residential contractor registered or certified with the State of Florida. Such plan shall comply with the requirements set forth in (k)1. through 7. above. Additionally, should such plan not be prepared by a surveyor registered with the State of Florida, the

plan shall contain a clear statement that it does not constitute a survey and the preparer shall sign and date the plan.

(2) Notwithstanding subsection (1)(1) above, a site plan for a proposed addition to an existing building, structure, or mobile home may be prepared by the property owner, with the following conditions: (A) the plan must comply with the requirements set forth in the above (1) through (7); (B) the plan must be superimposed on a copy of a survey previously prepared by a registered surveyor that shows all existing improvements; and (C) the plan must contain a clear statement that it does not constitute a survey and the preparer shall sign and date the plan.

(3) Notwithstanding subsection (1)(1) above, a site plan for a proposed (A) fence, boat ramp, or boat dock; (B) accessory building; (C) structure no larger than one hundred twenty (100) square feet; or (D) structure required to be removed within a certain time, may be prepared by the property owner and the plan must be superimposed on a copy of a survey previously prepared by a registered surveyor that shows all existing improvements; and (C) the plan must contain a clear statement that it does not constitute a survey and the preparer shall sign and date the plan.

Section 4. Repeal of Section 38-56 ("U-R, UR-1, and UR-3 zoned lands"). Section 38-56 is repealed, and reserved for future use. (Sections 38-501, 38-502, 38-503, 38-504, and 38-505 relating to the UR-3 University Residential District shall remain in effect.)

Sec. 38-56. ~~U-R, UR-1, and UR-3 zoned lands.~~ Reserved.

~~(a) Permitted uses, special exceptions, and performance standards of the U-R and UR-1 zoning districts shall be the same as those specified in the R-2 zoning district.~~

~~(b) Permitted uses, special exceptions, and performance standards of the UR-3 zoning district shall be the same as those specified in the R-3 zoning district.~~

Section 5. Amendments to Section 38-74 ("Permitted uses, special exceptions and prohibited uses"). Section 38-74(b) is amended to read as follows:

Sec. 38-74. Permitted uses, special exceptions and prohibited uses.

* * *

(b) *Use table.*

(1) The permitted uses and special exceptions allowed in the zoning districts identified in the use table set forth in section 38-77 are respectively indicated by the letters "P" and "S" in the cells of the use table. No primary use shall be permitted in a district unless the letter "P" or the letter "S" appears for that use in the appropriate cell.

(2) When a use is a permitted use in a particular zoning district, it is permitted in that district subject to:

a. Compliance with all applicable requirements of chapter 38 and elsewhere in the Orange County Code; and

b. Compliance with all requirements specified in the conditions for permitted uses and special exceptions" set forth in section 38-79 which correlate with the number which may appear within the cell of the use table for that permitted use.

c. A use variance from section 38-77 (Use table) and section 38-79 (Conditions for permitted uses and special exceptions) shall be prohibited.

(3) When a use is permitted as a special exception in a particular zoning district, it is permitted in that zoning district subject to:

a. Obtaining the special exception;

b. Compliance with all applicable requirements of chapter 38 and elsewhere in the Orange County Code; and

c. Compliance with all requirements specified in the special exception criteria set forth in section 38-78 and the conditions for permitted uses and special exceptions set forth in section 38-79 which correlate with the number which may appear within the cell of the use table for that special exception.

(4) Land uses on properties zoned P-D (Planned Development) shall be subject to the requirements of the P-D district as outlined in Chapter 38, Article VIII of the Orange County Code.

* * *

In all other respects, Section 38-74 shall remain unchanged.

Section 6. Amendments to Section 38-75 (“Vested Uses”). Section 38-75 is amended to read as follows:

Sec. 38-75. Vested uses.

* * *

(b) (1) Any vested use may expand on a lot or parcel in a manner consistent with the applicable performance standards.

(2) Furthermore, any vested use may expand onto an adjacent lot or parcel, provided that use is consistent with the future land use map (and the remainder of the Comprehensive ~~policy-plan~~ plan) for that adjacent lot or parcel, and the adjacent lot or parcel has the appropriate commercial or industrial zoning designation as of July 20, 1995.

* * *

In all other respects, Section 38-75 shall remain unchanged.

Section 7. Amendments to Section 38-77 (“Use Table”). Section 38-77, the Use Table, is amended to read as shown on **Appendix “A,”** attached hereto and incorporated herein by this reference, including revising the vertical “Cluster” column to read “RCE Cluster” throughout. Except as specifically stated here and as shown in the attached Use Table, Section 38-77 shall remain unchanged.

Section 8. Amendments to Section 38-78 (“Special exception criteria”). Section 38-78 is amended to read as follows:

522 Sec. 38-78. Special exception criteria.

524 Subject to section 38-43 and section 30-43 of this Code, in
526 reviewing any request for a special exception, the following
 criteria shall be met:

528 (1) The use shall be consistent with the
530 eComprehensive ~~policy~~ Plan.

532 (2) The use shall be similar and compatible with the
 surrounding area and shall be consistent with the pattern of
534 surrounding development.

536 (3) The use shall not act as a detrimental intrusion into
 a surrounding area.

538 (4) The use shall meet the performance standards of the
540 district in which the use is permitted.

542 (5) The use shall be similar in noise, vibration, dust,
 odor, glare, heat producing and other characteristics that are
544 associated with the majority of uses currently permitted in the
 zoning district.

546 (6) Landscape buffer yards shall be in accordance with
548 section 24-5 of the Orange County Code. Buffer yard types shall
 track the district in which the use is permitted.

550 In addition to demonstrating compliance with the above
552 criteria, any applicable conditions set forth in section 38-79 shall
 be met. Furthermore, the board of zoning adjustment ("BZA")
554 shall prescribe a time limit, subject to the approval of the board of
 county commissioners ("BCC"), within which the action for which
556 the special exception is required shall be begun or completed, or
 both. Failure to start or complete such action within the time limits
558 shall void the special exception. An automatic ~~one~~two-year time
 limit to obtain a building permit shall apply if the BZA fails to
560 prescribe a time limit. A request to extend the time limit shall be
 made in writing to the zoning manager. The zoning manager may
562 extend the time limit if the applicant provides proper justification
 for such an extension. Examples of proper justification include, but
564 are not limited to: the project is proceeding in good faith; there is a
 delay in contract negotiations not attributable to the applicant; and
566 unexpected financial hardships which were not known and could
 not have been reasonably foreseen by the applicant when the
 special exception was granted. The zoning manager's

determination on a request for an extension of time may be appealed to the BZA and then the BCC.

Special exception approvals shall be in accordance with the applicant's site plan dated "Received [date]," and all other applicable statutes, ordinances, laws, regulations, and rules. Any proposed deviation, change or modification to the site plan or question of interpretation about the site plan is subject, at the outset, to the zoning manager's review. The zoning manager shall do one of the following after reviewing the matter: (a) give his/her prior written approval regarding any non-substantial or insignificant proposed deviation or make a determination concerning any minor question of interpretation; or (b) refer the proposed deviation or question of interpretation to the BZA for a discussion between the zoning manager and the BZA as to the BZA's original intent or position; or (c) require the applicant to apply for a special exception request and schedule and advertise a public hearing before the BZA in accordance with sections 30-42 through 30-44 of this Code.

The zoning manager shall have the authority and discretion to require an application for a special exception or a variance to be reviewed by the development review committee prior to review by the BZA to properly assess and address its impacts and to make a recommendation and recommend conditions (if any). In making such a determination, the zoning manager shall consider relevant factors, including the size of the project, land use intensity, land use density, traffic impacts, and school impacts.

Section 9. Amendments to Section 38-79 ("Conditions for permitted uses and special exceptions"). Section 38-79 is amended to read as follows:

Sec. 38-79. Conditions for permitted uses and special exceptions.

The following numbered conditions shall correlate with the numbers listed in the use table set forth in section 38-77:

(1) A modular home shall be permitted, provided it is licensed by the ~~department of community affairs~~ State of Florida. No parcel shall have more than one (1) single-family unit or modular unit unless otherwise permitted by Chapter 38.

* * *

(4) a. ~~[Mobile home/recreation vehicle provisions in A-1, A-2, and A-R]~~ Mobile homes and recreational vehicles may be permitted on individual lots in agricultural A-1, A-2, and A-R districts, subject to the following:

1. A mobile home may be used for residential purposes provided that the property contains a minimum of two (2) acres in the A-2 and A-2 districts. Minimum lot width and setbacks shall be per article XII. Minimum lot size in the A-R district shall be two and one-half (2½) acres. Other site and building requirements shall be per article XIII. Such mobile home use shall require, before the mobile home is located on the property in question, a permit which shall be issued to the recorded property owner by the zoning department division.

2. Setbacks from lot lines shall be not less than is required for a site-built dwelling in the district in which it is located.

3. Building height shall be limited to thirty-five (35) feet.

(5)

* * *

b. ~~Temporary structures, including mobile homes and travel trailers, may be used as sales offices for a subdivision in a residential district~~ A single-family home or building may be used as a model home or sales center for an overall development (such as residential sales within a Planned Development) or a specified subdivision; or ~~Temporary structures, including mobile homes and travel trailers, may be used as sales offices for a subdivision in a residential district,~~ subject to the following criteria:

1. Such a sales offices shall not include sales of real estate outside the subdivision or overall development.

2. Approval shall be for a period of two (2) years or when ninety (90) percent of the subdivision or development is complete, whichever comes first. Extension of these time frames will require approval from the Zoning Division Manager.

3. Mulch parking shall be allowed.

658 4. The subdivision plat must be
660 recorded before the sales trailer permit is issued or before a
certificate of occupancy is issued for the model home or sales
center.

662 5. Resale of existing residential units
664 only, within the specified subdivision or overall development, will
be permitted during the time frame specified in condition 2.

666 6. A model home or sales center shall
668 be subject to the provisions outlined in Section 30-83 and Section
38-79(125).

670 c. Temporary structures, including mobile
672 homes and travel trailers, may be used as construction office
674 trailers for road improvement and/or utility development projects
in any zoning district subject to the following:

676 1. The use of limited to the placement
of construction/office trailers only.

678 2. No accessory or storage buildings
680 shall be permitted.

682 3. Only the parking of passenger
vehicles/trucks shall be permitted.

684 4. Any outdoor staging areas and
686 storage of products and equipment shall require written
authorization which may be issued by the zoning manager as part
688 of the temporary structure permit, with or without conditions.

690 5. All temporary structures shall be
692 removed no later than one hundred eighty (180) days from the date
the permit is issued or within ten (10) days after completion of the
project, whichever comes first.

694 6. Permits for temporary structures
696 shall be obtained from the zoning manager. The zoning manager
may require a notarized statement of no objection from abutting
698 property owners. When such permits expire, they may be renewed
by the zoning manager for a period not to exceed an additional
700 ninety (90) days.

d. Mobile homes used as offices shall be permitted as a permanent use when accessory to a mobile home sales lot.

e. A mobile home or recreational vehicle may be used as quarters for a night watchman or on-site security on property zoned commercial, or industrial, ~~subject to obtaining a special exception approval. Special exception approval is also required for the same use in planned level permits approval for commercial and/or industrial uses (unless previously approved by the P-D) and in agricultural districts when used in conjunction with another use approved by a special exception or in conjunction with a nonresidential use.~~ Night watchman quarters shall not be allowed on properties where a tenant dwelling exists.

f. Subject to prior approval by the zoning manager, who may impose appropriate conditions (such as a time period not to exceed eighteen (18) months), a recreational vehicle may be occupied as a temporary shelter where a single-family residence is located on-site but is uninhabitable and undergoing repairs. For purposes of this provision, the term "uninhabitable" means the on-site single-family residence cannot be occupied because it has been damaged as a result of a natural disaster or accident, such as a hurricane, storm or fire, not that it cannot be occupied for some other reason, including because it is being renovated or enlarged.

g. Mobile homes and recreational vehicles may be located, for an indefinite period of time, at a hunting camp of one hundred (100) acres or more; subject to obtaining all appropriate permits and licenses.

h. Recreational vehicles may be parked in residential and agricultural districts as provided in subsection 38-79(45).

i. Mobile homes and recreational vehicles may be permitted on individual lots in commercial or industrial districts, subject to the following: A mobile home or recreational vehicle may be temporarily parked and occupied on a specified tract of land in commercial or industrial districts, to be used for offices, storage or security purposes, during the construction of permanent building on the tract of land. The mobile home or recreational vehicle shall be removed after the certificate of occupancy is issued.

748 (6) Outdoor display of operative agricultural equipment
is permitted, subject to the following conditions.

750 a. The equipment may be stored outdoors on
752 parcels adjacent to the parcels containing the agricultural uses
provided they are commonly owned or leased;

754 b. The owner or lessee of the equipment and
756 the owner or lessee of the site must be one and the same; and

758 c. The equipment must be used in conjunction
with active agricultural operations/uses on-site.

760 d. Landscaping/lawn service business and
762 storage of equipment associated with such use shall be subject to
SIC 0782.

764 (7) Chimneys, water and fire towers, church spires,
766 cupolas, stage towers and scenery lofts, cooling towers, elevator
bulkheads, smokestacks flagpoles, parapet walls, and similar
768 structures and their necessary mechanical appurtenances shall be
permitted, subject to Chapter 38-1506 of the Orange County Code.

770 * * *

772 (9) ~~Such a use shall not commence without a land use~~
774 ~~permit.~~ Such a use shall meet the following standards:

776 a. A land use permit shall be obtained;

778 b. A comprehensive groundwater monitoring
780 program, as determined by the Environmental Protection Division
782 Manager, shall be required, and such program shall entail a
784 minimum of two (2) wells dug to the confining layer, to be tested
786 and sampled at least every six (6) months, except that the property
owner may be exempted from this groundwater monitoring
requirement if the owner establishes that no potable water supply
wells are located within five hundred (500) foot of the boundary of
the junkyard site and the EPD Manager determines that no other
environmental problems are associated with the junkyard;

788 c. By January 1, 1996, all junkyards that are
790 not otherwise presently subject to screening requirements shall be
792 required to have an eight-foot (8') high masonry wall, eight-foot
(8') high maintained fence, or other screening acceptable to the
Zoning Manager; and

* * *

(11) Reserved. Subject to federal, state and local licensing and permitting requirements.

(12) A home of six or fewer residents which otherwise meets the definition of a community residential home with six (6) or fewer clients shall be deemed a single-family unit and a noncommercial, residential use. Such a home shall be allowed in single-family or multifamily zoning without approval by the County, provided that such a home in a single-family residential district shall not be located within a radius of one thousand (1,000) feet of another existing such home with six or fewer residents or within a radius of one thousand two hundred (1,200) feet of another existing community residential home. Distance requirements shall be documented by the applicant and submitted to the Zoning Division with the application. All distance requirements pertaining to such a home with six or fewer residents in a community residential district shall be measured from the nearest point of the existing such home with six or fewer residents or existing community residential home or area of single-family zoning to the nearest point of the proposed home. (Notwithstanding the foregoing provisions, any application for a community residential home which has been submitted to the Zoning Division for distance separation review on or prior to June 18, 1991, shall be deemed consistent with this section, provided such application could have met the distance separation requirements in effect upon the date of submission of such application.

* * *

(14) A community residential home with more than six (6) clients shall not be located within a radius of one thousand two hundred (1,200) feet of another existing community residential home and shall not be located within five hundred (500) feet of any single-family residential district. Distance requirements shall be documented by the applicant and submitted to the Zoning Division with the application. All distance requirements pertaining to community residential homes shall be measured from the nearest point of the existing community residential home or area of single-family zoning to the nearest point of the proposed home. (Notwithstanding the foregoing provisions, any application for a community residential home which has been submitted to the Zoning Division for distance separation review on or prior to June 18, 1991, shall be deemed consistent with this section, provided

such application could have met the distance separation requirements in effect upon the date of submission of such application.)

(15) A bed and breakfast homestay, bed and breakfast inn, or country inn ~~may be permitted, subject to~~ shall be subject to the requirements outlined in section 38-1425.

(16) A permanent emergency generator for emergency use only shall be permitted as an ancillary use during an emergency period in all zoning districts, subject to the noise control ordinance and the following requirements:

a. Except as provided in subsection g., below, the generator shall be located in the rear yard or the rear one-half of the lot or parcel;

b. Maximum height—5 feet;

c. Rear setback—5 feet;

d. Side street setback—15 feet;

e. There are no spacing requirements between the principal building and the generator;

f. In residentially zoned districts, the generator shall be screened from view by a wall, fence or hedge. In non-residentially zoned districts, the generator shall meet commercial site plan requirements; and

g. A generator may be installed in the side yard of a lot, subject to the following:

1. Minimum five (5) foot setback when the generator is located in the rear yard of a residential lot;

2. Minimum ~~thirty (30)~~ ten (10) foot setback when the generator is located along the side of the principal residence on a residential lot; or

3. Side yard setback shall comply with the applicable zoning district requirements when the generator is located on a nonresidential zoned lot.

* * *

(18) A screen room shall be permitted with the following limitations: with respect to a Planned Developments, a screen room may extend up to fifty percent (50%) into the required rear yard; ~~provided that the rear yard is at least twenty (20) feet and the applicant provides a notarized statement from the abutting property owner indicating that he/she does not object to the encroachment.~~ and Wwith respect to property outside of a Planned Developments, a screen room may extend up to thirteen (13) feet into the required rear yard. Notwithstanding the foregoing, where an alley is present, the screen room shall not be located closer than five (5) feet to the edge of the alley, and shall not be located within any easement.

* * *

(20) A townhouse project or a triplex project or a quadraplex project which is designed, arranged and constructed so that each dwelling unit may be owned by a separate and different owner, shall be a permitted use, subject to the following requirements:

* * *

e. Off-street parking shall be provided at the rate of two (2) spaces per unit. Parking lots, driveways, and streets within the project shall be designed to discourage through traffic. ~~Driveways shall be located at least ten (10) feet from the buildings.~~

* * *

(26) a. An adult or child day care home shall comply with the following requirements:

1. *Hours of operation.* A day care home may operate twenty-four (24) hours per day.

2. *Fence.* A fence at least four (4) feet in height shall be placed around all outdoor recreation/play areas or outdoor use areas.

3. *Parking spaces.* At least three (3) paved parking spaces shall be provided.

4. *Recreation.* Indoor and Outdoor recreation/play areas or outdoor use areas shall be provided as required by the State of Florida.

930 5. *Separation.* A day care home located
932 in a residential zoning district shall not be located within seven
hundred (700) feet of another day care home or one thousand two
934 hundred (1,200) feet of a day care center located in a residential
zoning district. Distance requirements shall be documented by the
936 applicant and submitted to the Zoning Division with the
application. Distance shall be measured by following the shortest
938 route of ordinary pedestrian travel along the public thoroughfare
from the closest property boundary of a day care home to the
closest property boundary of another day care home or shelter.

940 6. A Type D opaque buffer shall be
942 provided where outdoor recreation areas are adjacent to single-
family zoning districts or single-family uses.
944

946 b. An adult or child day care center shall
comply with the following requirements:

948 1. *Hours of operation.* A day care
center may operate twenty-four (24) hours per day in
950 nonresidential and R-3 zoning districts. In all other residential
zoning districts, a day care center shall open no earlier than 6:00
952 a.m., and close no later than 7:00 p.m.

954 2. *Location.* A day care center shall be
a permitted use in the R-3, U-V (town center), and any
956 professional office, commercial or industrial zoned district, and
shall be a special exception in all other districts except R-T, R-T-1,
958 and-R-T 2.

960 3. *Parking spaces.* Permanent parking
shall be provided in accordance with article XI of Chapter 38,
962 except for centers where there is no pick-up or drop-off area
available on the property. In these types of centers, one (1) off-
964 street parking space for each five (5) children shall be required.

966 4. *Recreation.* Indoor and Outdoor
recreation/play areas or outdoor use areas shall be provided as
968 required by the State of Florida.

970 5. *Fence.* A fence at least four (4) feet
in height shall be placed around all outdoor recreation/play areas or
972 outdoor use areas.

974 6. *Buffer.* A ten (10) foot wide buffer
976 shall be provided to separate this use from any adjoining
residential zoned district. This buffer shall consist of intermittently
978 placed screening at least three (3) feet in height that constitutes
thirty (30) percent of the buffer length. The buffer shall consist
elsewhere of berms, planted and/or existing vegetation.

980 7. *Ancillary use.* A day care center may
982 be permitted as a special exception in conjunction with and as an
ancillary use to institutional uses which are permitted uses or are
984 allowed as a special exception, such as, but not limited to, religious
institutions, schools, and nonprofit institutional uses.

986 * * *

988 (31) Mechanical garage shall mean buildings and
990 premises where the functions and services rendered relate to the
maintenance, service, and repair of automobiles, buses, taxi cabs
992 and trucks. However, a mechanical garage does not include
buildings and premises where the functions and services rendered
994 are:

996 a. ~~Bodywork;~~

998 b. ~~Painting of automobiles or other vehicles;~~

1000 ea. Storage of vehicles for the purpose of using
parts of such vehicles for sale or repair; or

1002 bd. Any condition which may be classified as a
junkyard.

1004 (32) A special exception is required for agriculturally
1006 and residentially zoned lands located in a Rural Settlement (RS)
designated on the CPP Future Land Use Element Map.

1008 * * *

1010 (36) Except as set forth in subsections 38-79(36)h. and i.
1012 below, the raising or keeping of poultry shall comply with the
following requirements:

1014 a. no commercial on-site slaughtering in
1016 agricultural and residential zoned districts;

1018 b. an agriculturally zoned parcel up to five (5)
acres shall be limited to not more than thirty (30) poultry; an

amount of poultry in excess of this limit shall require a special exception;

c. an agriculturally zoned parcel more than five (5) acres and less than ten (10) acres shall be limited to not more than one hundred (100) poultry; an amount of poultry in excess of this limit shall require a special exception;

d. an agriculturally zoned parcel ten (10) acres or greater shall have no limit on the number of poultry;

e. the following requirements shall apply in the RCE, RCE-2 and RCE-5 zoning districts:

1. roosters shall be prohibited;

2. all poultry shall be for domestic use only;

3. not more than twelve (12) poultry; an amount of poultry in excess of this limit shall require a special exception;

f. any cage, pen, covered enclosure, barn, or other holding area shall be setback at least thirty feet (30) feet from all property lines and at least thirty (30) feet from the normal high water elevation of any lakes or natural water bodies;

g. excrement and waste shall not be piled or stored within one hundred (100) feet of any residentially zoned district;

h. A bona fide agricultural business or use that is exempt from local government zoning regulations under the Florida Statutes shall not be subject to the requirements of this subsection 38-79(36);

i. The keeping of poultry for an approved 4H or Future Farmers of America (FFA) educational program shall be exempt from the requirements of this subsection 38-79(36), provided the number of poultry does not exceed twelve (12) and the duration of the program does not exceed six (6) months.

~~Poultry raising or keeping shall be a permitted use, provided that it is limited to no less than (100) birds or less, and the lot is located a minimum of one hundred (100) feet from all~~

residential-zoned districts. All pens, enclosures, or waste disposal activities shall not be located any closer than fifty (50) feet from the property line or one hundred (100) feet from a residential dwelling unit and shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body. ("Poultry" shall mean domestic fowl such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants, and squabs.)

(37) Reserved. ~~The raising or keeping of poultry for domestic purposes shall be a permitted use, provided that it is limited to thirty (30) birds or less, and the lot is located at minimum of one hundred (100) feet from all residential-zoned districts. All pens, enclosures, or waste disposal activities shall not be located any closer than fifty (50) feet from the property line or one hundred (100) feet from a residential dwelling unit and shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body. ("Poultry" shall mean domestic fowl, such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs.)~~

* * *

(40) Reserved. ~~The raising or keeping of poultry shall be a permitted use, provided that: It is limited to twelve (12) birds or less, and the lot is located a minimum of one hundred (100) feet from all residential-zoned districts, except R-CE-5, R-CE-2, and R-CE-zoned districts. All pens, enclosures and waste disposal activities shall be located not closer than fifty (50) feet from the rear or side property line, shall not be located in front of the front setback line, shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body, and it shall be located a minimum of one hundred (100) feet from a residential-zoned district. ("Poultry" shall mean domestic fowl such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs.)~~

(41) Except as set forth in subsections 38-79(41)i. and j. below, the raising or keeping of horses, ponies, donkeys and mules shall comply with the following requirements:

a. no on-site slaughtering, commercial or otherwise;

b. in A-1, A-2, A-R, RCE, RCE-2 and RCE-5 zoning districts [previously at P&ZC on 5/19/16, "... zoned

lands"] not more than one animal per acre for grazing purposes only [previously, "... one animal per acre if grazing only"] (not kept in holding areas too); more than one animal per acre for grazing only requires a special exception;

c. in A-1, A-2, A-R, RCE, RCE-2 and RCE-5 zoning districts [previously, "... zoned lands"] not more than one animal per acre for grazing purposes [previously, "... one animal per acre if grazing only"]; if animals are permanently kept in holding areas such as a barn, paddock, stall, or corral, [previously, "if animals are kept in barns, paddocks, stalls, corrals or other holding areas,"] no more than four (4) animals per conforming lot or parcel, and if more than four (4) animals are kept in holding areas, a special exception shall be required; the requirements for property where animals only graze and where animals are kept in holding areas shall be mutually exclusive;

d. any barn, paddock, stall, or corral [previously, "any barn, paddock, stall, corral or other holding area"] shall be setback at least fifteen (15) feet from all property lines and at least thirty (30) feet from the normal high water elevation of any lakes or natural water bodies;

e. manure and compost shall not be piled or stored within thirty (30) feet of any property line;

f. boarding of animals for commercial purposes in agricultural and residential zoned districts requires a special exception, and is subject to the requirements in subsections 38-79(41)b. through e.;

g. boarding of animals for commercial purposes in commercial and industrial zoned districts is permitted, subject to the requirements in subsections 38-79(41)e. and f.;

i. a bona fide agricultural business or use that is exempt from local government zoning regulations under the Florida Statutes shall not be subject to the requirements of this subsection 38-79(41);

j. the keeping of animals for an approved 4H or FFA educational program shall be exempt from the requirements of this subsection 38-79(41), provided that the number of animals does not exceed six (6) and the duration of the program does not exceed six (6) months.

~~The raising or keeping of cows, horses, goats and/or ponies for domestic purposes shall be a permitted use, provided that the total number of animals shall not exceed one (1) animal per acre. The raising of more animals than permitted herein shall require special exception approval. All stables, pens, or corrals shall be no closer than thirty (30) feet from the rear or side property line, shall not be located in front of the front setback line and shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body.~~

* * *

(45) Except as provided in subsections (45)a. through f. for boats and subsections (45)g. through j. for recreational vehicles, no boat, regardless of its length, and no recreational vehicle, may be parked, stored, or otherwise kept on a lot or parcel. For purposes of this subsection (45), a "boat" shall not include a canoe sixteen (16) feet or less in length, a sailboat sixteen (16) feet (16') or less in length with the mast down, a jon boat sixteen (16) feet or less in length, or a personal watercraft (e.g., a jet ski). Also for purposes of this subsection, the length of a boat shall be measured from the front of the bow to the back of the stern, excluding the motor or propeller.

a. The maximum number of boats permitted to be parked, stored or kept on the lot or parcel shall be calculated as follows depending on the size of the lot or parcel:

1. For a lot or parcel less than or equal to one-quarter acre, the maximum total number is two (2) boats, with a maximum number of one (1) boat in the front yard;

2. For a lot or parcel greater than one-quarter acre and less than or equal to one-half acre, the maximum total number is three (3) boats, with maximum number of one (1) boat in the front yard; and

3. For a lot or parcel greater than one-half acre, the maximum total number is four (4) boats, with a maximum number of one (1) boat in the front yard.

b. The registered owner of the boat(s) and/or boat trailer(s) shall be the owner or ~~lessee-occupant~~ of the principal structure at the lot or parcel.

c. No boat or boat trailer may be parked, stored, or kept wholly or partially within the public or private right-of-way, including the sidewalk.

d. No boat may be occupied or used for storage purposes.

e. A boat less than or equal to twenty-four (24) feet in length may be parked, stored, or kept inside a garage, under a carport, in the driveway, in the front yard on an approved surface, in the side yard, or in the rear half of the lot or parcel. An approved surface situated in the front half of the lot or parcel shall be placed immediately contiguous to the driveway, and not anywhere else in the front yard or side yard. Such a boat on the rear half of the lot or parcel shall be screened from view from the right of way when it is parked or stored behind the principal structure, and shall be at least ten (10) feet from the side lot lines and at least five (5) feet from the rear lot line. Setbacks may be reduced to zero (0) feet if a six-foot high fence, wall, or vegetative buffer, exists along the lot line. (For purposes of this subsection (45), an "approved surface" shall mean a surface consisting of asphalt, gravel, pavers, or concrete.)

f. A boat greater than twenty-four (24) feet in length may be parked, stored or kept inside a garage, under a carport, or in the rear half of the lot or parcel, but not in the driveway or in the front yard. Such a boat on the rear half of the lot or parcel shall be screened from view from the right of way when it is parked or stored behind the principal structure, and shall be at least ten (10) feet from the side lot lines and at least five (5) feet from the rear lot line. Setbacks may be reduced to zero (0) if a six-foot high fence, wall, or vegetative buffer, exists along the lot line. Furthermore, the owner of such a boat shall obtain a permit from the zoning division in order to park, store or keep the boat at the lot or parcel.

g. Not more than one (1) recreational vehicle may be parked, stored or kept on the lot or parcel.

h. The owner of the recreational vehicle shall be the owner or ~~lessee~~ occupant of the principal structure at the lot or parcel.

i. No recreational vehicle may be occupied while it is parked, stored or kept on the parcel.

j. A recreational vehicle may be parked, stored or kept only on an approved surface in the front half of the lot or parcel (behind the front yard setback) or on an unimproved surface in the rear half of the lot or parcel. The recreational vehicle shall not obscure the view of the principal structure from the right-of-way adjoining the front of the subject property, and shall be at least ten (10) feet from the side lot lines and at least five (5) feet from the rear lot line. Setbacks may be reduced to zero (0) feet if a six-foot high fence, wall, or vegetative buffer, exists along the lot line. Furthermore, the owner of such a recreational vehicle shall obtain a permit from the zoning division in order to park, store or keep the recreational vehicle at the lot or parcel.

* * *

(48) ~~Reserved. Commercial aviculture or any aviary shall be as defined in section 38-1 of this chapter and may be permitted as a special exception subject to the following requirements. Each application shall include a site plan and corresponding narrative which shall contain the following information:~~

~~a. A dimensionalized site plan (drawn to scale) indicating the location, height and intended use of all existing and proposed structures.~~

~~b. The location, nature and height of proposed security fences, berms, landscaping and other security and noise alleviation structures.~~

~~c. A description of the facility outlining the intended method of operation, including the number, types and characteristics of the birds.~~

(49) Except as set forth in subsections 38-79(49)e. and f. below, the raising or keeping of goats, sheep, lambs, and pigs shall comply with the following requirements:

a. no commercial on-site slaughtering in agricultural and residential zoned districts;

b. not more than eight (8) animals per acre; more than that amount requires a special exception;

c. any barn, paddock, stall, pen, or corral [previously, "any barn, paddock, stall, pen, corral, exercise

area, or other holding area”] shall be setback at least fifteen (15) feet from all property lines and at least thirty (30) feet from the normal high water elevation of any lakes or natural water bodies;

d. manure and compost shall not be piled or stored within thirty (30) feet of any property line;

e. a bona fide agricultural business or use that is exempt from local government zoning regulations under the Florida Statutes shall not be subject to the requirements of this subsection 38-79(49);

f. the keeping of animals for an approved 4H or FFA educational program shall be exempt from the requirements of this subsection 38-79(49), provided the number of animals does not exceed six (6) and the duration of the program does not exceed six (6) months.

~~The raising or keeping of six (6) or less farm animals such as swine or goats for domestic purposes only shall be a permitted use.~~

(50) To the extent not inconsistent or in conflict with any applicable federal or state law, including Section 163.04, Florida Statutes, solar panels, wind turbines, and other energy devices based on renewable resources may be permitted, provided they comply with the following requirements:

a. Solar panels, wind turbines and other energy devices shall be located at least two hundred (200) feet from any residential use or district or P-D with residential land use approval;

b. Solar panels, wind turbines and other energy devices shall comply with all other applicable laws and regulations.

~~Poultry raising or keeping in excess of one hundred (100) birds, and/or keeping or raising in excess of six (6) swine may be permitted as a special exception, subject to complying with the following additional requirements:~~

~~a. All pens, birds, swine, manure and waste disposal activities shall be located at least one thousand (1,000) feet from any residential zoned lands.~~

b. ~~The minimum lot size for poultry and swine operations shall be nine (9) acres.~~

e. ~~All pens, birds, swine, manure and waste disposal activities shall be located at least one hundred fifty (150) feet from abutting property and shall be located at least two hundred (200) feet from a public street.~~

d. ~~Dead birds and swine shall be disposed of in accordance with applicable health regulations.~~

e. ~~Manure and other wastes shall be disposed of in accordance with applicable health regulations.~~

f. ~~Flies and insects shall be controlled in accordance with applicable health department regulations.~~

g. ~~Poultry shall mean domestic fowl such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs.~~

* * *

(51) a. In an A-1, A-2, I-2/I-3, or I-4 zoned district, the location depicted on the approved commercial site plan for this type of use or operation that will have equipment or machines, including a crusher, stockpiles, or loading/unloading activity, but excluding a truck or other motor vehicle or an internal access road, shall be at least one thousand (1,000) feet from the nearest property line of any residential zoned district, residential use, or school.

b. Effective January 30, 2015, this type of use or operation shall be prohibited in the I-1/I-5 zoning district, except as follows:

1. Any application for such use that was submitted but not approved prior to September 26, 2014, may be resubmitted by not later than December 31, 2015, and permitted, provided the parcel or tract that was the subject of the pre-September 26, 2014, application is adjacent to an I-1/I-5 parcel or tract permitted for such use prior to September 26, 2014, and is no closer to the nearest residential zoned district or residential use; or

2. Any application submitted between January 30, 2015, and December 31, 2015, may be permitted,

provided the parcel or tract that is the subject of such an application was under common ownership as of September 26, 2014, with the parcel or tract that was permitted for such use prior to September 26, 2014, and is adjacent to the previously permitted parcel or tract, and such non-permitted parcel or tract is no closer to the nearest residential zoned district or residential use.

If an applicant under subsection 38-79(~~7751~~)b. is unable to meet the 1,000 foot distance separation requirement described in subsection 38-79(~~7751~~)a., a site specific noise study may be required indicating that a reduced setback, including any operational and/or engineering controls, will enable the use or operation to comply with the County's noise control ordinance at the closest residential or noise sensitive area property line. Such noise study shall be signed by a licensed professional engineer with experience in sound abatement. If the application is approved, a confirmation study shall be conducted by the owner during the initial two weeks of full operations at the site. Measurements shall be taken at the nearest residential and noise sensitive area property lines and a report shall be submitted to the County within forty-five (45) days after initiation of the sampling. If the report shows that the measurements exceed permissible limits, the use or operation shall be deemed in violation of subsection 38-79(~~7751~~).

c. The type of use or operation allowed under subsection 38-79(~~7751~~)a. shall meet the following location, design and operational criteria:

1. The use or operation shall be subject to an approved commercial site plan, and shall comply with all applicable laws, ordinances, rules, and regulations, including the air quality rules codified at Article III, Chapter 15, Orange County Code, the noise control ordinance codified at Article V, Chapter 15, Orange County Code, and the vibration requirements in Section 38-1454, Orange County Code.

2. Unconfined or uncontrolled emissions of particulate matter from any crushing activity, screening activity, conveying activity, stockpiling, loading/unloading activity, or vehicular traffic shall be controlled using water suppression systems, dust suppressants, or other engineering controls acceptable to the County.

3. Buffer requirements at any abutting residential or institutional use property line shall be Type A opaque

with landscaping, consistent with the landscaping and buffering ordinance codified at Article I, Chapter 24, Orange County Code.

4. Stockpile heights shall not exceed thirty five feet (35') above the finished grade elevation in A-1 and A-2 zoned districts, and shall not exceed fifty feet (50') above the finished grade elevation in I-2/I-3 and I-4 zoned districts.

5. Building heights shall not exceed fifty (50) feet, or thirty-five (35) feet when located within one hundred (100) feet of a residential zoning district or residential designation on the future land use map, or one hundred (100) feet when located more than five hundred (500) feet of a residential zoning district or residential designation on the future land use map, whichever is applicable.

6. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday at a plant or facility in an A-1, A-2, I-2/I-3, or I-4 zoned district. No such plant or facility may operate on Sunday.

d. The type of use or operation allowed under subsection 38-79(~~7751~~)b. shall meet the criteria described in subsection 38-79(~~7751~~)c.1, 2 and 5, and the following additional criteria:

1. Any portion of the combined parcels or tracts that abuts residential or institutional use property line shall have the following buffer: an eight foot (8') high precast concrete wall with stucco finish, with *Textilis Gracilis* (slender weaver) or multiplex Silverstripe clumping bamboo planted every four feet (4') along the length of the wall, within three feet (3') of the wall face. Such planted bamboo shall be from seven (7) to ten (10) gallon pots, and the bamboo plants shall be at least ten feet (10') in height at the time of planting.

2. Stockpile heights shall not exceed thirty five feet (35') above the finished grade elevation.

3. Hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday. No such plant or facility may operate on Sunday. No such plant or facility may operate a concrete crusher

on Saturday. However, the sale of aggregate materials shall be permitted on Saturday.

4. The equipment or machines, including a crusher but excluding a truck or other motor vehicle or an internal access road, shall be located on the parcel or tract that is furthest away from the nearest residential zoned district or residential use, and such equipment shall be located as far away from the nearest residential zoned district or residential use as practical or feasible.

5. No more than one concrete crusher shall be permitted at the plant or facility.

6. The concrete crusher shall incorporate sound attenuation devices as depicted in the approved commercial site plan. The sound attenuation devices shall consist of buffering walls or engineered structures/components along three (3) sides of the crusher, including sides that face residential and institutional property lines. The fourth side may remain open for access to operate the crusher equipment and accompanying processes. The sound attenuation walls shall be at least three feet (3') higher than the top of the crusher equipment, excluding the conveyors.

e. Notwithstanding anything that may or seem to be contrary in Section 38-77 or this subsection 38-79(7751), excavation pits shall be a permitted use in the I-1/I-5, I-2/I-3, I-4, A-1, and A-2 zoned districts, subject to complying with all applicable laws, ordinances, rules, and regulations, including the excavation and fill ordinance codified at Chapter 16, Orange County Code. Any crushing activity or crushing equipment at an excavation pit shall comply with the 1,000 foot distance separation requirement described in subsection 38-79(7751)a.

* * *

(55) Temporary portable storage containers (TPSC) are permitted in a manner that is safe and compatible with adjacent surrounding uses and activities and in compliance with this subsection. A TPSC to be placed on property for less than one hundred eighty (180) days requires a zoning permit. A TPSC to be placed on property for one hundred eighty (180) days or more requires a zoning permit and a building permit. Once a TPSC is removed from property, it may not be replaced for a period of at least one hundred eighty (180) days.

a. *Duration.* A TPSC may be placed on residential property for the following periods of time, but the Zoning Manager may authorize a time extension of the applicable duration period if the property owner demonstrates that extenuating circumstances exist to justify the extension. Upon completion of the work permitted, the PTSC shall be removed within seven (7) days.

1. A TPSC placed in conjunction with moving activities may be permitted for a maximum of fourteen (14) days.

2. A TPSC placed for reconstruction and/or remodeling may be permitted for a maximum of thirty (30) days.

3. A TPSC placed for new construction may be permitted for a maximum of 180 days.

4. Once a permit for a TPSC has expired, or has utilized its maximum duration, or has been removed from the site, no additional permits for a TPSC may be issued until after a period of 180 days has transpired.

b. *Location and size.*

1. A TPSC shall be located a minimum of five (5) feet from any property line. The TPSC shall be placed on an improved area only, not on grassed or landscaped areas.

2. The maximum allowable size for a TPSC on a residential lot is an aggregate sum of one hundred sixty (160) square feet.

3. A TPSC shall not be located in a manner that impairs a motor vehicle operator's view of other vehicles, bicycles or pedestrians utilizing, entering or exiting a right-of-way; or in a manner that obstructs the flow of pedestrian or vehicular traffic.

4. A TPSC shall not be placed within a required landscape or buffer area or areas that are considered environmentally sensitive.

* * *

(59) ~~Reserved. Riding stables, may be permitted as a special exception, provided that no structure, barn, pen or corral housing animals shall be located closer than fifty (50) feet from any property line, and provided that the density shall not exceed one (1) animal per acre of lot area. This restriction shall not apply to grazing areas.~~

* * *

(61) ~~Public and private utilities. Structures, buildings, or uses required for public or private utilities, including but not limited to gas substations, electric substations, telephone dial exchange buildings, and radio and television substations and towers shall be permitted in industrial districts. Such structures may be permitted in any other district only as a special exception. Security fences, minimum of six (6) feet in height, shall be required around any gas or electric substation. (Electric substations, also known as distribution electric substations, are addressed under subsection 38-79(81).)~~

* * *

(63) ~~Such use is subject to the requirements set forth in Ordinance No. 94-26. With respect to animal slaughtering, and the confinement of animals for finishing and preparation for slaughter, all storage and processing activities shall be enclosed within a wall or structure constructed and maintained in a manner such that storage, slaughtering, or processing activity is not visible from any public or private street or any point on abutting property lines.~~

* * *

(68) An automobile service station shall be a permitted use, subject to the following standards:

a. All pump islands shall be set back at least fifteen (15) feet from the right-of-way line, or, where a major street setback distance has been established under article XV of chapter 38, pump islands shall not encroach into the setback distance more than fifteen (15) feet.

b. The overhang of a pump island canopy not attached to the service station structure shall be set back at least five (5) feet from the right-of-way line, or, where a major street setback distance has been established, such overhang shall not encroach into the setback distance more than twenty-five (25) feet.

c. The overhang of a pump island canopy attached to the service station structure shall be deemed part of the structure and subject to building setback requirements.

d. When the service station abuts a residential district, ~~it shall be separated therefrom by a concrete block or solid masonry wall at least six (6) feet in height~~ buffers shall comply with the requirements in Section 24-5 of the Orange County Code.

e. Automobile towing may be permitted as an accessory use. However, towed vehicles shall not be stored on site.

(69) ~~in transient rental, single-family dwelling shall be a permitted use.~~ The keeping of animals for an approved 4H or FFA educational program shall be exempt from the requirements of this subsection 38-79(69), provided the number of animals does not exceed six (6) and the duration of the program does not exceed six (6) months.

(70) Pump islands for dispensation of motor fuel shall be a permitted ancillary use in conjunction with convenience stores. All pump islands shall comply with the requirements of subsection 38-79(68).

* * *

(77) ~~Valet parking service shall be a permitted use, provided that a parking lot associated therewith shall not be permitted.~~ Reserved.

* * *

(81) Distribution electric substations, as that term is defined in Section 163.3208(2), Florida Statutes, shall be permitted in all zoning districts, except in those areas designated as preservation, conservation, or historic preservation on the future land use map or duly adopted ordinance. Security fencing, a minimum of six (6) feet in height, shall be required around the substation. In addition, applicants for such uses shall be required to implement reasonable setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility standards. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of fourteen (14) feet. Unless and until the County adopts reasonable standards for substation siting in accordance with Section 163.3208(3), the standards set forth in Section 163.3208(4), shall apply. Prior to submitting an application for the

location of a new distribution electric substation in a residential area, the utility shall consult with the County regarding the selection of the site, and both the utility and the County shall comply with Section 163.3208(6). If the County adopts standards for the siting of new distribution electric substations, the County shall be subject to the timeframes set forth in Section 163.3208(8) for granting or denying a properly completed application for a permit and for notifying the permit applicant as to whether the application is, for administrative purposes only, properly completed and has been properly submitted. ~~A parking lot or parking garage which is accessible to an adjacent office, industrial or commercial use may be permitted as a special exception, provided that such parking facility does not materially interfere with nearby residential uses.~~

* * *

(83) ~~Reserved.~~ To the extent this subsection, or any portion thereof, may not be consistent with or may conflict with an applicable federal or state law, including Section 163.04, Florida Statutes, the applicable federal or state law shall control. Solar panels, wind turbines, and other energy devices based on renewable resources may be permitted as an accessory structure or use. Solar panels that are not free-standing or ground-mounted shall be located on the roof or top of a building or structure, provided they do not exceed the maximum building height requirement. Wind turbines may be only free-standing or ground-mounted. Free-standing and ground-mounted wind turbines and solar panels shall comply with the following additional requirements:

a. The maximum height of wind turbines shall be fifteen (15) feet, and the maximum height of solar panels shall be eight (8) feet;

b. Maximum of one wind turbine per parcel;

c. Free-standing or ground-mounted solar panels shall be shielded by an opaque fence or wall between six (6) feet and eight (8) feet in height;

d. Minimum building setback shall be five (5) feet from side and rear property lines;

e. In a residential area, the square footage of solar panels shall not exceed twenty-five percent (25%) of the

1706 living area of the principal structure, and such square footage shall
1707 not count towards the allowed square footage for other accessory
1708 structures.

1709 f. Wind turbines and solar panels shall be
1710 located only in a side or rear yard; and

1711 g. Wind turbines, solar panels and other energy
1712 devices shall comply with all other applicable laws and
1713 regulations.

1714 * * *

1715 (86) ~~Reserved.~~ Outdoor seating is permitted subject to
1716 the following conditions:

1717 a. All lighting at outdoor seating areas shall be
1718 directed away from all residential uses or residential zoning
1719 districts;

1720 a.b. Activity at outdoor seating areas shall
1721 comply with Chapter 15, Article V (Noise Pollution Control)
1722 Orange County Code; and

1723 c. All outdoor seating shall be depicted on site
1724 plans.

1725 (87) A single portable food vendor, including a food
1726 truck or vehicle, shall be a permitted use on a parcel or lot, subject
1727 to the ~~standards-requirements~~ in subsections a. through f.i., or it
1728 may be permitted as a special exception in a C-1 zoned district
1729 pursuant to subsection j.g., subject to the ~~standards-requirements~~ in
1730 subsections ~~g. and~~ a. through e.h. and j.:

1731 a. ~~No overnight stay;~~

1732 a. Hours of operation shall be limited to
1733 between 7:00 a.m. and 12:00 a.m.;

1734 b. Outdoor seating shall be prohibited;

1735 c. Audio equipment and video equipment shall
1736 be prohibited;

1737 d. Overnight stay shall be prohibited unless the
1738 use is located in a zoning district that permits outdoor storage, in
1739 which case the vehicle, truck and any other equipment stored

overnight shall be placed in an area that is not visible from a public right-of-way.

b.e. The operation shall not be located within a public right-of-way, and if it abuts a public right-of-way the operator shall first obtain a right-of-way utilization permit for construction of a driveway to provide access to the site, as required by Section 21-239 of the Orange County Code, and the operation shall be setback a minimum of ten (10) feet from any such public right-of-way;

ef. Pursuant to Section 31.5-144(a), No signage is prohibited.

dg. The operation shall not be located within any driveway, driving aisle or on any parking spaces required pursuant to Article XI of Chapter 38 of the Orange County Code;

eh. The operation shall not be permitted on any property not containing a licensed and approved business or on any vacant property or vacant building;

i. The vendor shall provide the County with a notarized affidavit from the property owner approving a food vending operation.

fj. In the C-1 zoning district, the operation shall be located under the canopy of the principal building on-site, except as may be permitted as a special exception under subsection gi;

gk. In the C-1 zoned district, an operation may be permitted as a special exception in an area that is not located under the canopy of the principal building on-site, provided the length and width of the mobile trailer are equal to or greater than seven (7) feet by fourteen (14) feet, such an operation satisfies the standards in subsections a. through e.i., and such an operation is situated at least 1,000 feet from any other such operation (the distance being measured from property line to property line).

If more than one portable food vendor is proposed on a lot or parcel, it shall be deemed an open air market, and may be allowed only if approved by special exception.

* * *

1796 (95) ~~Reserved.~~ Docks shall be permitted, subject to the
1798 following standards:

1800 a. Dock construction shall comply with Article
IX, Chapter 15, Orange County Code;

1802 b. Any part of the dock that is landward of the
1804 normal high water elevation shall have a minimum side yard
setback of five feet (5');:

1806 c. The dock shall be located on the parcel with
1808 the dock owner's residence or it may be located on an abutting
parcel that is aggregated with the parcel with the dock owner's
1810 residence; [previously at PZC, " . . . may be located on a
different parcel, provided it is located within three hundred
1812 (300) feet of the dock owner's residence."]

1814 d. An uncovered boardwalk may connect the
dock to a principal or accessory structure on the parcel;

1816 e. Any accessory structure attached to an
1818 uncovered boardwalk shall meet the required setback from the
normal high water elevation; and

1820 f. A covered boardwalk shall constitute an
1822 accessory structure that is subject to all applicable laws and
regulations, including height and setback requirements.

1824 (96) Wood chipping, wood mulching and composting for
1826 commercial purposes shall require special exception approval in
the A-1 or A-2 zoning districts. However, when not operated for
1828 commercial purposes, wood chipping, wood mulching and
1830 composting is permitted provided that no machinery is operated
1832 within a one hundred-foot setback from all property lines and
1834 within a two hundred-foot setback from any residentially-zoned
1836 property. Within all required setbacks, landscaping shall be
1838 provided consistent with subsection 24-31(2), as it may be
1840 amended from time to time, notwithstanding any references to
paved areas. Furthermore, the site shall meet the requirements of
chapter 30, article VIII (pertaining to site plans), as it may be
amended from time to time, and the performance standards
regarding smoke and particulate matter, odor, vibration, glare and
heat, and industrial sewage and water as found in article X of this
chapter, and the requirements set forth in chapter 15, article V
(pertaining to noise), as it may be amended from time to time.

1842 The following minimum yard requirements shall apply for
1844 buildings, structures, and materials stored outdoors.

1846 a. Front yards: Fifty (50) feet (except as
required by article XV).

1848 b. Side yards: Fifty (50) feet.

1850 c. Rear yards: Fifty (50) feet.

1852 d. Maximum building height: Fifty (50) feet.

1854 * * *

1856 (97) ~~Reserved. Beekeeping shall be a permitted use,~~
1858 ~~provided that beehives are located not less than one hundred (100)~~
~~feet from any property line.~~

1860 * * *

1862 (101) Home occupation shall be a permitted use, subject
1864 to the following conditions, restrictions, and prohibitions:

1866 a. Only the residents of the home may
engage in the home occupation. No employees shall be
1868 allowed.

1870 b. The home occupation shall be an
incidental use, and shall be limited to twenty-five percent
1872 (25%) of the home, but not exceed eight hundred (800)
square feet.

1874 c. Customers [previously, "Clients and
1876 customers . . ."] shall not be allowed at the home.

1878 d. No signage shall be allowed.

1880 e. The use of commercial vehicles for
the home occupation shall be prohibited. Also, no auxiliary
1882 trailers or other equipment shall be kept on site unless
enclosed in the home or garage.

1884 f. Equipment that is not typically found
or used for domestic household use shall be prohibited. No
1886 equipment, material, or process shall be used for a home
occupation that produces or emits any noise or vibration

1888 felt outside the home, lighting or glare visible outside the
1890 home, smoke, dust, or other particulate matter; excessive
1892 heat or humidity; blight or unsightliness; gas, fumes, or
1894 odor, electrical interference; or any nuisance, hazard, or
1896 other objectionable conditions detectable at the boundary of
1898 the lot, if the home occupation is conducted in the principal
1900 or accessory dwelling unit, or outside the dwelling unit.
Explosives, highly flammable materials, and toxic or
hazardous wastes shall be prohibited. Typical residential
utility usages, including trash and recycle quantities, shall
not be materially exceeded. The home occupation shall not
adversely impact any neighbor's enjoyment of his or her
residence.

1902 g. Fabrication of articles or products,
1904 such as commonly classified under the term "arts and
1906 handicrafts," may be deemed a home occupation, subject to
the definition of "home occupation."

1908 h. A cottage food operation, as defined
1910 and regulated by Chapter 500, Florida Statutes, shall be
deemed a home occupation.

1912 i. Home occupation shall not be
1914 construed to include uses such as barber shops, beauty
1916 parlors, plant nurseries, tearooms, food processing (with the
1918 exception of a cottage food operation, as defined and
1920 regulated by Chapter 500, Florida Statutes), restaurants,
1922 sale of antiques, commercial kennels, real estate offices,
insurance offices, pain management clinics, massage
businesses, retail sales, labor pools, employment agencies,
dispatch facilities, warehousing, manufacturing, wineries,
micro-breweries, commercial retail sale of animals, or any
other use not consistent with the home occupation
definition, as determined by the Zoning Manager.

1924 * * *

1926 (114) Location and size requirements of accessory
buildings and uses in residential and agricultural areas:

1928 a. When an accessory building is used solely
1930 as living space (i.e., dens, bedrooms, family rooms, studies) it may
1932 be attached to a principal structure by a ~~fully enclosed~~ passageway,
provided the accessory building and the passageway comply with
the following standards:

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h. A detached accessory building or structure shall be limited to one (1) story with a maximum overall height of fifteen (15) feet above grade. However, an accessory building or structure with a roof slope greater than 2:12 shall not exceed twenty (20) feet of overall height.

k. Decorative water fountains and flag poles less than thirty-five (35) feet in height shall be permitted in all zoning districts, provided they are located a minimum of five (5) feet from all property lines.

l. A detached structure used for unenclosed covered parking in an office, commercial, or industrial project shall be located a minimum of ten (10) feet from rear property lines and five (5) feet from side property lines. Also, setbacks shall be subject to landscape requirements.

(118) Only a convenience or grocery store (not a ~~supermarket~~shopping center) shall be a permitted used.

(120) A solid waste management facility, including a landfill, shall comply with chapter 32 of the Orange County Code. In accordance with section 32-216(a)(10) of the Orange County Code, permits shall not be issued for solid waste disposal facilities after July 7, 1992, within the I-2/I-3 industrial districts. A solid waste management facility, including a landfill, transfer station, or incinerator, may be permitted only by special exception. An applicant seeking a special exception for a solid waste management facility shall receive a recommendation for issuance of a solid waste management permit by the environmental protection officer and the development review committee ("DRC") prior to consideration of the special exception by the board of zoning adjustment ("BZA"). Furthermore, an applicant seeking a special exception for a solid waste management facility, must receive a solid waste management permit approval by the board of county commissioners ("BCC") prior to or at the same public hearing at which the special exception is considered.

1980 However, yard trash processing activities that are
1982 associated with onsite permitted land clearing, or with onsite
1984 normal farming operations that meet the permit exemption
1986 requirements in subsection 32-214(c)(9)ii., are exempt from the
1988 requirements of this section 38-79(120). Yard trash processing
 facilities that store no more than twelve thousand (12,000) cubic
 yards of a total combined volume of yard trash and yard trash
 derived materials, shall be subject to all of the following alternate
 requirements:

1990 a. General requirements:

1992 i. The site shall meet the permit
1994 exemption requirements in subsection 32-214(c)(9)iii. or iv.

1996 ii. The site shall meet the requirements
1998 of chapter 30, article VIII, the Orange County Site Development
 Ordinance (pertaining to site plans);

2000 iii. Landscaping, including, screening of
2002 open storage areas of yard trash and yard trash derived materials,
 shall be installed in accordance with chapter 24, Orange County
 Code.

2004 iv. Machinery, when used for yard trash
2006 processing related activities, shall not be operated within any
2008 required yard, open storage setbacks, or within a two hundred
2010 (200) foot setback from any residence or residentially-zoned
 property. In addition, processing equipment shall be set back from
 property boundaries a sufficient distance to prevent potential
 thrown/falling objects from leaving the site.

2012 v. Meet the noise and sound
2014 requirements of chapter 15, article V, the Noise Pollution Control
 Ordinance of Orange County, Florida.

2016 vi. Pile height shall not exceed twenty-
2018 five (25) feet in overall height from natural grade.

2020 vii. Burning is prohibited.

2022 viii. Firewood sales and storage as an
2024 ancillary use to a yard trash processing facility shall be subject to
 the requirements of 38-79(120) and not section 38-79(43)
 (conditions for permitted uses and special exceptions).

ix. Wood chipping, wood mulching, and wood composting operations that store no more than two hundred (200) cubic yards of a total combined volume of yard trash or yard trash derived materials are subject to the requirements set forth in section 38-79(96) and not the requirements set forth in section 38-79(120).

b. In A-1 and A-2 zoned districts:

i. A special exception is required for the processing and open storage of yard trash and yard trash derived materials. The processing and open storage of yard trash and yard trash derived materials is subject to a setback of one hundred fifty (150) feet of any property boundary line. ~~The applicant may request a variance, as provided in section 30-43, to reduce this setback, but in no case shall be less than one hundred (100) feet from any property boundary line;~~

iiii. Commercial parking, for yard trash processing related activities, shall not be located within twenty-five (25) feet of any property boundary line; and

iviii. The hours of operation for yard trash processing related activities shall be limited to between 7:00 a.m. and 7:00 p.m.;

xiv. In addition to any other landscaping requirements, outer perimeter buffering shall be Type C, opaque buffer, as outlined in section 24-5, Orange County Code;

c. For yard trash processing related activities located on sites within I-1/I-5, I-2/I-3, and I-4 zoned districts, with all abutting property being located within I-1/I-5, I-2/I-3, I-4, or C-3 zoned districts, the use shall be permitted. The processing and open storage of yard trash and yard trash derived materials is allowed, but not within fifty (50) feet of any property boundary line.

d. For yard trash processing related activities located on sites within I-1/I-5, I-2/I-3, and I-4 zoned districts, with any abutting property not being located within I-1/I-5, I-2/I-3, I-4, or C-3 zoned districts, a special exception is required. The processing and open storage of yard trash and yard trash derived materials is allowed, but not within fifty (50) feet of any property boundary line of an abutting property within the I-1/I-5, I-2/I-3, I-

2072 4, or C-3 zoned districts, nor within one hundred fifty (150) feet of
all other property boundary lines.

2074 (121) A single-family dwelling unit in conjunction with a
commercial use which is accessory ~~and attached~~ to a principal
2076 building shall only be occupied by the owner, operator, or
employee of the business.

2078 * * *

2080 (123) With regard to retention/detention ponds (SIC
2082 Group #1629), this use pertains to stormwater ponds on R-2 and R-
2084 3 and agricultural-zoned property to be used in conjunction with
adjacent ~~commercial-nonresidential~~ developments. Retention
2086 ponds are permitted in all other zoning districts in conjunction with
on-site development.

2088 * * *

2090 (125) Model homes may be permitted, subject to the
2092 requirements of Section 30-83, including the following: model
homes may be permitted on not more than twenty percent (20%) of
2094 the lots in a single family residential development with an
approved preliminary subdivision plan, or phase thereof, but in no
2096 event may the number of model homes exceed five (5) in the
subdivision, or phase thereof; model homes shall be situated on
2098 contiguous lots or clustered within a readily identified area; and,
subject to the requirements of subsection 38-79(5), not more than
2100 one model home may be used as a sales offices/center. Model
homes shall be permitted in accordance with Resolution No. 95-M-
2102 20 and shall only be in conjunction with an approved preliminary
subdivision plan.

2104 * * *

2106 (132) A ~~P~~arks and recreation areas owned ~~and or~~
operated by a nonprofit organizations, may be permitted only by
2108 special exception, except for parks and recreations areas (i)
approved in conjunction with a preliminary subdivision plan
2110 (Chapter 34, Orange County Code), or (ii) located inside a platted
residential subdivision and notarized letters of no objection are
2112 submitted by the President of the Homeowner's Association (if
applicable) and all abutting property owners.

2114 * * *

(140) Permitted by right or by special exception pursuant to Future Land Use Element Policies 3.2.21-1FLU8.7.5 and 3.2.21-1FLU8.7.6 and as identified in chapter 38, article XVII, public school siting regulations.

(141) Future Land Use Element Policy 3.2.21-2FLU8.7.7 ~~prohibits~~ restricts public schools in an area designated rural/agricultural on the Future Land Use Map.

* * *

(145) a. The site development standards for a UR-3 district shall be the same as those for the R-3 residential district, except for student housing developments.

b. The student housing development shall satisfy the following site development standards:

* * *

3. For purposes of density calculation to determine consistency with the Comprehensive Policy Plan, four ~~one~~ bedrooms shall count as one ~~one-half~~ dwelling unit (4 ~~1~~ bedrooms = 1 ½ dwelling unit).

* * *

(176) A car rental agency shall be a permitted use in conjunction with hotels, motels, and time shares only, provided that parking spaces required for the principal use shall not be used by the car rental agency, the number of parking spaces used by the car rental agency shall not exceed ten percent (10%) of the required number for the principal use, and the rental vehicles shall not be parked in the front of the property or in front of the principal structure.

In all other respects, Section 38-79 shall remain unchanged.

Section 10. Amendments to Section 38-160 (“Site and building requirements [for the A-R District”). Section 38-160 is amended to read as follows:

Sec. 38-160. Site and building requirements.

(a) The following are the minimum site and building requirements for the A-R district:

(1) Minimum lot area: Two and one-half (2½) acres or one hundred and eight thousand, nine hundred (108,900) square feet.

(2) Dwelling floor area:

a. Conventional dwelling: Nine hundred fifty (950) square feet minimum living area.

b. ~~Tenant dwelling: Minimum of five hundred (500) square feet of living area.~~

c. Mobile home: See the definition of “mobile home” at Section 38-1, article VI, division 13.

Section 11. Repeal of Section 38-576 (“Definitions [for Mobile Home Districts]”).

Section 38-576 is repealed, and reserved for future use:

Sec. 38-576. Definitions, Reserved.

~~—The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~—Mobile home shall mean a structure transportation in one (1) or more sections, which structure is eight (8) body feet or more in width and over thirty five (35) feet in length, and which structure is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A mobile home shall be constructed to the United States Department of Housing and Urban Development standards.~~

~~—Recreational vehicles, see article XIII.~~

Section 12. Amendments to Section 38-601 (“Intent and Purposes of [R-L-D Residential Low-Density] District”). Section 38-601 is amended to read as follows:

Sec. 38-601. Intent and purpose of district.

The intent and purpose of the R-L-D residential low-density district are as follows:

* * *

(3) To implement policies in the housing element of the
Comprehensive policy Plan which include provisions for
innovative housing designs and a mixture of dwelling types to
provide the consumer with alternative housing opportunities.

* * *

In all other respects, Section 38-601 shall remain unchanged.

**Section 13. Amendments to Section 38-806 ("P-O Professional Office District] Site
Development Standards").** Section 38-806 is amended to read as follows:

Sec. 38-806. Site development standards.

Site development standards are hereby established in order
to insure adequate levels of light, air, coverage and density; to
maintain and enhance locally recognized values of community
appearance and design particularly through the combination of
smaller parcels into functional sites; to promote functional
compatibility of uses; to promote the safe and efficient circulation
of pedestrian and vehicular traffic; and to otherwise provide for
orderly site development and protect the public health, safety, and
general welfare:

* * *

(12) ~~Refuse or solid waste disposal areas shall be
provided and shall not be located in any required front yard or in
any required side yard adjacent to a district wherein residential
uses are permitted. Such storage areas shall be shielded by a
landscaped screen or fencing at least six (6) feet in height which
shall be at least fifty (50) percent opaque when viewed from any
point in the district. Any~~ shall comply with the following:

a. Shall not be located within any front yard;

b. Shall not be located within any landscape
buffer;

c. Shall be located at least five (5) feet from
any side or rear property line;

d. Shall be located at least fifteen (15) feet
from any side street; and

2244 e. Disposal areas shall be screened in
2246 accordance with and otherwise comply with Sections 9-560 and
24-4(f), Orange County Code.

2248 * * *

2250 In all other respects, Section 38-806 shall remain unchanged.

Section 14. Amendments to Section 38-826 ("Intent and Purpose [of C-1 Retail
2252 *Commercial District]").* Section 38-826 is amended to read as follows:

2254 **Sec. 38-826. Intent and purpose.**

2256 The intent and purpose of this C-1 retail commercial
2258 district are as follows: this district is composed of lands and
structures used primarily for the furnishing of selected
commodities and services at retail. This district will be
encouraged:

2260 * * *

2262 (3) Where adequate public facilities and services are
2264 available, as defined in the Ceomprehensive policy Pplan;

2266 * * *

2268 (5) To a limited extent in rural settlements throughout the county to
2270 meet the needs of an identified community, or in growth centers as defined in the
Ceomprehensive policy Pplan.

2272 In all other respects, Section 38-826 shall remain unchanged.

Section 15. Amendments to Section 38-830 ("Performance Standards [for C-1 Retail
2274 *Commercial District]").* Section 38-830 is amended to read as follows:

2276 **Sec. 38-830. Performance standards.**

2278 Performance standards are hereby established in order to
2280 assure adequate levels of light, air, building space, lot coverage,
and density; to maintain and enhance locally recognized values of
community appearance and design; to encourage the combination
2282 of smaller parcels into functional sites; to accommodate multiple
ownership of land and improvements within the development; to
provide for collective ownership of common areas; to promote

functional compatibility of uses; to provide the safe and efficient circulation of pedestrian and vehicular traffic; and to otherwise provide for orderly site development standards in order to protect the public health, safety and general welfare.

* * *

(10) Maximum building height: Fifty (50) feet, except thirty-five (35) feet within one hundred (100) feet of any all residential use or districts.

* * *

(12) Refuse or solid waste disposal areas shall ~~not be located within any front yard setback and shall be located at least (5) feet from the side or rear property line. A six foot high masonry wall shall be provided around any refuse or solid waste areas located in any required yard adjacent to any residential districts.~~ comply with the following:

a. Shall not be located within any front yard;

b. Shall not be located within any landscape buffer;

c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with Sections 9-560 and 24-4(f), Orange County Code.

* * *

In all other respects, Section 38-830 shall remain unchanged.

Section 16. Amendments to Section 38-855 ("Performance Standards [for C-2 General Commercial District]"). Section 38-855 is amended to read as follows:

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Section 17. Amendments to Section 38-880 ("Performance standards [for C-3

Wholesale Commercial District]"). Section 38-880 is amended to read as follows:

Sec. 38-880. Performance standards.

Performance standards are hereby established in order to assure adequate levels of light, air, building space, lot coverage, and density; to maintain and enhance locally recognized values of community appearance and design; to encourage the combination of smaller parcels into functional sites; to accommodate multiple ownership of land and improvements within the development; to provide for collective ownership of common areas; to promote functional compatibility of uses; to provide the safe and efficient circulation of pedestrian and vehicular traffic.

* * *

(9) Maximum building height: Seventy-five (75) feet, except thirty-five (35) feet within one hundred (100) feet of any ~~all~~ residential use or districts.

(10) ~~Refuse and solid waste areas shall not be located within any front yard setback and shall be located at least five (5) feet from the side or rear property line, ten (10) feet from adjacent residential district.~~ Refuse and solid waste areas shall comply with the following:

a. Shall not be located within any front yard;

b. Shall not be located within any landscape buffer;

c. Shall be located at least five (5) feet from any side or rear property line;

d. Shall be located at least fifteen (15) feet from any side street; and

e. Disposal areas shall be screened in accordance with and otherwise comply with Sections 9-560 and 24-4(f), Orange County Code.

* * *

In all other respects, Section 38-880 shall remain unchanged.

2412 *Section 18. Repeal of Sections 38-904, 38-929, 38-979, and 38-1005 regarding*
2414 *Support Free-Standing Retail Uses in I-1A, I-1/I-5, I-2/I-3, and I-4 Zoned Districts. Sections*

38-904, 38-929, 38-979, and 38-1005 are repealed, and reserved for future use:

Sec. 38-904. ~~Support free-standing retail uses.~~ Reserved.

~~—The following uses shall be permitted as free-standing structures or within structures to provide support retail services to the employees and/or customers of the I-1A district. Performance standards for these uses shall be in accordance with sections 38-1007 and 38-1008.~~

- ~~(1) — Convenience stores.~~
- ~~(2) — Gas stations.~~
- ~~(3) — Hotels/motels.~~
- ~~(4) — Restaurants, including drive thru restaurants.~~

* * *

Sec. 38-929. ~~Support free-standing retail uses.~~ Reserved.

~~The following uses shall be permitted as free-standing structures or within structures to provide support retail services to the employees and/or customers of the I-1/I-5 district. Performance standards for these uses shall be in accordance with sections 38-931 and 38-932.~~

- ~~(1) — Convenience stores.~~
- ~~(2) — Gas stations.~~
- ~~(3) — Hotel/motels.~~
- ~~(4) — Restaurants, including drive thru restaurants.~~

* * *

Sec. 38-979. ~~Support free-standing retail uses.~~ Reserved.

~~The following uses shall be permitted as free-standing structures or within structures to provide support retail services to the employees and/or customers of the I-2/I-3 district. Performance standards for these uses shall be in accordance with sections 38-1007 and 38-1008.~~

- ~~(1) — Convenience stores.~~
- ~~(2) — Gas stations.~~

(3) ~~Hotels/motels.~~

(4) ~~Restaurants, including drive-thru restaurants.~~

* * *

Sec. 38-1005. ~~Support free-standing retail uses.~~ Reserved.

~~The following uses shall be permitted as free-standing structures or within structures to provide support retail services to the employees and/or customers of the I-1 district. Performance standards for these uses shall be in accordance with sections 38-1007 and 38-1008.~~

(1) ~~Convenience stores.~~

(2) ~~Gas stations.~~

(3) ~~Hotels/motels.~~

(4) ~~Restaurants, including drive-thru restaurants.~~

Section 19. Amendments to Sections 38-907, 38-932, 38-981, and 38-1008 regarding

Performance Standards in I-1A, I-1/I-5, I-2/I-3, and I-4 Zoned Districts. Sections 38-907, 38-932, 38-981, and 38-1008 are amended to respectively read as follows:

Sec. 38-907. Performance standards.

(a) Within each I-1A industrial district, the ~~minimum~~ ~~yard~~ requirements for each lot are established as follows:

(1) Floor area ratio (FAR) shall not exceed ~~0.50~~ 0.75.

* * *

(7) Maximum building height: Fifty (50) feet, ~~except but~~ except thirty-five (35) feet when within one hundred (100) feet of any residential use or zoning district, ~~or residential designation on the future land use map, and one hundred (100) feet when five hundred (500) feet or more from a residential zoning district or residential designation on the future land use map~~

* * *

Sec. 38-932. Performance standards.

(a) Within each I-1/I-5 industrial district, the ~~minimum~~ ~~yard~~ requirements for each lot are established as follows:

(1) Floor area ratio (FAR) shall not exceed
~~0.500~~.75.

* * *

(6) Maximum building height: Fifty (50) feet;
~~except but~~ thirty-five (35) feet ~~when within one hundred (100) feet~~
~~of any residential use or zoning district, or residential designation~~
~~on the future land use map, and one hundred (100) feet when five~~
~~hundred (500) feet or more from a residential zoning district or~~
~~residential designation on the future land use map.~~

* * *

Sec. 38-981. Performance standards.

Within each I-2/I-3 industrial district, the ~~minimum~~ yard
requirements for each lot are established as follows:

(1) Floor area ratio (FAR) shall not exceed
~~0.500~~.75.

* * *

(7) Maximum building height: Fifty (50) feet;
~~except but~~ thirty-five (35) feet ~~when within one hundred (100) feet~~
~~of any residential use or zoning district, or residential designation~~
~~on the future land use map, and one hundred (100) feet when five~~
~~hundred (500) feet or more from a residential zoning district or~~
~~residential designation on the future land use map.~~

* * *

Sec. 38-1008. Performance standards.

(a) Within each I-4 industrial district, the ~~minimum~~
~~yard~~ requirements for each lot/parcel are established as follows:

(1) Floor area ratio (FAR) shall not exceed
~~0.500~~.75.

* * *

(6) Maximum building height: Fifty (50) feet;
~~except but~~ thirty-five (35) feet ~~when within one hundred (100) feet~~

2540 of any residential use or zoning district, or residential designation
2542 on the future land use map, and one hundred (100) feet when five
2544 hundred (500) feet or more from a residential zoning district or
residential designation on the future land use map.

* * *

2546 **Section 20. Amendments to Section 38-1026 (“In General [West State Road 50
2548 Corridor Overlay District]”).** Section 38-1026 is amended to read as follows:

2550 **Sec. 38-1026. In general.**

2552 (a) *Intent and purpose.* This division provides specific
2554 design standards for the West State Road 50 Corridor Overlay
District with the purpose of promoting and facilitating
intergovernmental coordination along west State Road 50.

2556 * * *

2558 (6) The overlay district created by this division
2560 is consistent with the economic element of the county
2562 Comprehensive Policy Plan, which is designed to accommodate
and promote economic growth, and which specifically calls for the
use of such special zoning districts.

2564 * * *

2566 In all other respects, Section 38-1026 shall remain unchanged.

**Section 21. Amendments to Section 38-1051 (“Intent and Purpose [of South Orange
2568 Avenue Corridor Overlay District]”).** Section 38-1051 is amended to read as follows:

2570 **Sec. 38-1051. Intent and purpose.**

2572 This division creates a zoning overlay district to be known
2574 as the “South Orange Avenue Corridor Overlay District” for the
purpose of promoting and facilitating an enhanced corridor along
2576 designated segments of South Orange Avenue and Hanzel Avenue
with certain zoning prohibitions and restrictions to ensure
2578 compatibility of land uses within and outside the district, especially
as between areas within and outside of municipal boundaries.

2580 * * *

2582 (4) The overlay district created by this division
2583 is consistent with the Orange County Comprehensive Policy Plan,
2584 including but not limited to its economic element, which is
2585 designated to accommodate and promote economic growth, and
2586 which specifically calls for the use of such special zoning districts,
2587 and its intergovernmental coordination element, which require or
2588 encourage the coordination of land uses between the county and
municipalities.

2590 * * *

2592 In all other respects, Section 38-1051 shall remain unchanged.

Section 22. Amendments to Sections 38-1059, 38-1060 and 38-1061 regarding the
2594 *Conway Road/Hoffner Avenue Corridor Overlay District.* Sections 38-1059, 38-1060 and 38-
1061 are amended to respectively read as follows:

2596 **Sec. 38-1059. Intent and purpose.**

2598 This division creates a zoning overlay district to be known
2599 as the "Conway Road/Hoffner Avenue Corridor Overlay District"
2600 for the purpose of promoting and facilitating an enhanced corridor
2601 along designated segments with certain zoning prohibitions and
2602 restrictions to ensure compatibility of land uses within and outside
2603 the district, especially as between areas within and outside of
2604 municipal boundaries.

2606 * * *

2608 (4) The overlay district created by this division
2609 is consistent with the Orange County Comprehensive Policy Plan,
2610 including but not limited to its economic element, which is
2611 designed to accommodate and promote economic growth, and
2612 which specifically calls for the use of such special zoning districts,
2613 and its intergovernmental coordination element, which require or
2614 encourage the coordination of land uses between the county and
2615 municipalities.

2616 * * *

2618 **Sec. 38-1060. Location and area.**

2620 A special land-use overlay district is hereby established, to
be known as the Conway Road/Hoffner Avenue Corridor Overlay

District (the “district”). The district shall be comprised of all unincorporated parcels or lots lying in whole or in part within five hundred (500) feet of either edge of the right-of-way for Conway Road, all between the northern boundary of the intersection of Conway Road and Curry Ford Road on the north and the northern boundary of the intersection of Conway Road and S.R. 528 (the Beeline Expressway) on the south; and all unincorporated parcels or lots lying in whole or in part within five hundred (500) feet of either edge of the right-of-way of Hoffner Avenue, all between the eastern boundary of the intersection of Hoffner Avenue and Conway Road on the west and the western boundary of the intersection of Hoffner Avenue and Semoran Boulevard on the east. A map depicting the boundaries of the district is attached as **Exhibit “A”** to Ordinance No. ~~2015-19~~ **2016-[insert ordinance number]**, and shall be available for inspection in the office of the clerk to the board of county commissioners.

Sec. 38-1061. Applicability; conflicts; responsibility of applicant.

* * *

(d) *Responsibility of applicant for development permit.* Everyone who applies for a development permit to construct, reconstruct, renovate, alter, or enlarge a land use, building or structure shall print on the front page of the application or plans the following in capital letters that are at least two inches high: “THIS APPLICATION [OR THESE PLANS] RELATE TO THE CONWAY ROAD/HOFFNER AVENUE CORRIDOR OVERLAY DISTRICT, WHICH IS CODIFIED AT SECTION 38-1059 THROUGH SECTION 38-1065 OF THE ORANGE COUNTY CODE. ~~WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2003-20, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN DECEMBER, 2003, AS AMENDED BY ORDINANCE NO. 2015-19, ADOPTED BY THE BOARD ON OCTOBER 20, 2015.~~”

Section 23. Amendments to Section 38-1080 (“Intent and Purpose [of State Road

436/State Road 50 Corridor Overlay District]”). Section 38-1080 is amended to read as follows:

Sec. 38-1080. Intent and purpose.

This division creates a zoning overlay district to be known as the “State Road 436/State Road 50 Corridor Overlay District”

for the purpose of promoting and facilitating an enhanced corridor along designated segments with certain zoning prohibitions and restrictions to ensure compatibility of land uses within and outside the district, especially as between areas within and outside of municipal boundaries.

* * *

(d) The overlay district created by this division is consistent with the Orange County Comprehensive ~~Policy~~ Plan, including, but not limited to its economic element, which is designed to accommodate and promote economic growth, and which specifically calls for the use of such special zoning districts, and its intergovernmental coordination element, which require or encourage the coordination of land uses between the county and municipalities.

* * *

In all other respects, Section 38-1080 shall remain unchanged.

Section 24. Amendments to Section 38-1085 ("Intent, purpose, area, standards, and consistency [of Transit Oriented Development (TOD) Overlay Zone]"). Section 38-1085 is amended to read as follows:

Sec. 38-1085. Intent, purpose, area, standards, and consistency.

(1) *Intent and purpose.* The transit oriented development (TOD) overlay zone is hereby established with the purpose of establishing an area located within one-half (½) mile of commuter rail stations in unincorporated Orange County within which mixed-use, pedestrian-friendly development is encouraged. The intent of the TOD overlay zone is to reduce reliance on the automobile and to promote lively, pedestrian-friendly development that will serve as an attractive place to live, work, shop and recreate. These TOD overlay zone regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate county department or division.

* * *

In all other respects, Section 38-1085 shall remain unchanged.

2706 *Section 25. Amendments to Sections 38-1091, 38-1093 and 38-1097 regarding the*
2707 *Lake Avalon Rural Settlement Commercial Design Overlay District. Sections 38-1091, 38-*

2708 1093 and 38-1097 are amended to respectively read as follows:

2710 **Sec. 38-1091. Purpose and intent.**

2711 This division provides specific development standards for
2712 the LARS Overlay District. These development standards are
2713 consistent with the Orange County Comprehensive Policy-Plan. As
2714 directed by Future Land Use Element Policy ~~2.4.7~~FLU6.3.7, these
2715 development standards are meant to supplement the criteria
2716 established in Policy ~~2.1.7~~FLU6.2.4 which ensure that new
2717 development within the Lake Avalon Rural Settlement ("LARS")
2718 reinforces that community's rural character. These LARS Overlay
2719 District regulations shall be administered by the county zoning
2720 division except that any non-zoning aspects of these regulations
2721 shall be administered by the appropriate department or division.

2722 * * *

2724 **Sec. 38-1093. Acceptable commercial uses.**

2726 The intent of the Lake Avalon Rural Settlement
2727 Commercial Design Overlay District is to preserve the unique rural
2728 quality of life the residents presently enjoy. Therefore, only small
2729 offices and commercial development consistent with policies
2730 contained within the future land use element of the Orange County
2731 Comprehensive Policy-Plan relating to commercial development
2732 within a rural settlement, shall be permitted, except as may be
2733 prohibited by section 38-1094.

2736 * * *

2738 **Sec. 38-1097. Development within the LARS district;**
2739 **allowable intensities; planned development**
2740 **(PD) required.**

2741 (a) *Development intensity.* Allowable intensities within
2742 the LARS Overlay District shall be consistent with the Future Land
2743 Use Element Policy ~~2.4.5~~FLU6.3.5. Any new commercial/office
2744 development shall have a maximum 0.15 ~~0.14~~ floor area ratio
2745 (FAR) per parcel, consistent with FLU6.2.9.

2746 * * *

2748 **Section 26. Amendments to Section 38-1227 (“Variances [P-D Planned**
2750 **Development District]”).** Section 38-1227 is amended to read as follows:

Sec. 38-1227. ~~Variances.~~ Waivers.

2752 (a) ~~Variances~~ For good cause shown, waivers from the minimum
2754 standards set forth in this section may be granted by the board of
2756 county commissioners. However, such ~~variances-waivers~~ must be
specified in conjunction with the land use plan, otherwise all standards
shall apply. ~~Variance~~ Waiver requests shall be identified in the public
hearing notice.

2758 (b) ~~Variances~~ Waivers requested after approval of the land use plan must
2760 be approved by the board of county commissioners at a public hearing,
2762 after notification of abutting property owners.

Section 27. Amendments to Section 38-1236 (“Communication towers in planned
2764 **developments”).** Section 38-1236 is amended to read as follows:

Sec. 38-1236. Communication towers in planned developments.

2766 * * *

2768 (d) A communications tower located within a planned
development shall be processed pursuant to the PD approval
2770 process and as described in subsections (a), (b) and (c) above. If
any standard of subsection 38-1427(d)(2)d or (d)(3) cannot be met,
2772 the applicant must request a waiver. The DRC shall review the
waiver request and make a recommendation to the Board of
County Commissioners.

2774 **Section 28. Amendments to Sections 38-1340 and 38-1344 regarding Community**
2776 **Village Centers, in General.** Sections 38-1340 and 38-1344 are amended to respectively read as
follows:

2778 **Sec. 38-1340. Intent and purpose.**

 The intent and purpose of this division are as follows:

2780 (1) To implement the community village center policies
of the future land use element of the county eComprehensive

2782 ~~policy p~~Plan by authorizing the board of county commissioners to
2784 designate an area or areas from time to time as "community village
centers" and to apply thereto the procedures, guidelines and
standards set forth in this division.

2786 (2) To provide for an integrated, unified pattern of
2788 development that takes into account the unique qualities and
characteristics of the designated area.

2790 (3) To ensure that development occurs in the
designated area according to the use, design, density, coverage and
phasing as stipulated on an approved development plan.

2792 (4) To preserve natural amenities and environmental
assets in the designated area.

2794 (5) To encourage an increase in the amount and use of
2796 open space areas in the designated area by permitting a more
economical and concentrated use of building areas than would be
possible through conventional zoning districts.

2798 (6) To provide maximum opportunity in the designated
2800 area for application of innovative concepts of site planning in the
creation of aesthetic living, shopping and working environments
2802 and civic facilities on properties of adequate size, shape and
location.

2804 (7) To establish development guidelines, design
2806 guidelines and site development standards for the designated area
which promote the physical and functional integration of a mixture
of land uses as required by the community village center policies
of the ~~e~~Comprehensive ~~policy p~~Plan.

2808 (8) To provide that these community village center
2810 regulations shall be administered by the county zoning division,
except that any non-zoning aspects of these regulations shall be
2812 administered by the appropriate department or division.

Sec. 38-1344. Approval procedure.

2814 Except to the extent a developer has complied with the procedure
2816 set forth below, the procedure for obtaining approval of a CVC planned
development shall be as follows:

2818 * * *

(3) *Development plan.*

a. After payment of an application fee to the zoning department, the applicant shall submit to the engineering division fourteen (14) copies of a development plan and support data and information, all of which is consistent with section 38-1347. The development plan may cover all or a portion of the approved land use plan. If the applicant proposes to create a subdivision, a preliminary subdivision plan shall be processed concurrently with the development plan. The engineering division shall review the development plan to determine whether all necessary and appropriate data and information has been provided.

b. The applicant shall then submit fourteen (14) copies of the development plan to the engineering department. The development shall then be scheduled for review by the DRC.

c. The DRC shall review the development plan to determine whether:

1. It is consistent with the approved land use plan;
2. It is consistent with applicable laws, ordinances, rules and regulations;
3. The development, and any phase thereof, can exist as a stable independent unit; and
4. Existing or proposed utility services and transportation systems are adequate for the uses proposed.
5. It is consistent with CVC provisions requiring a single, unified and integrated development plan.

~~d. After review by the DRC, the development plan shall be scheduled for a public hearing before the BCC. The BCC shall approve the development plan, approve it subject to conditions, or disapprove it.~~

Section 29. Amendments to Section 38-1370 (“Intent and purpose [of Four Corners Community Village Center guidelines and Standards]”). Section 38-1370 is amended to read as follows:

Sec. 38-1370. Intent and purpose.

2866

The intent and purpose of these guidelines are as follows:

2868

(1) To implement the "Four Corners Community Village Center" special area study, ~~consistent with future land use element policy 3.1.42 of the comprehensive policy plan.~~

2870

2872

(2) To supplement and complement the CVC guidelines and standards set forth in division 6, article VIII, of this chapter.

2874

(3) To ensure that the Four Corners CVC, which was located within the Windermere Rural Settlement with a residential density of only one (1) unit per acre prior to the adoption of the community village center objectives and policies, is developed with nonresidential and residential uses in a responsible and careful manner.

2876

2878

2880

(4) To preserve the major visual amenity in the area of the Four Corners CVC, Lake Down.

2882

(5) To protect the environmental integrity of Lake Down, an Outstanding Florida Water.

2884

(6) To create a pedestrian-friendly, mixed-use, village center.

2886

(7) To ensure that each development in the village center reflects an architectural character that is harmonious with development in the Four Corners CVC area.

2888

(8) To create a village with a pedestrian scale and sense of place.

2890

(9) To create a pedestrian-friendly village center through the use of sidewalks, shade trees, mini-parks, and careful design of vehicular parking areas.

2892

2894

(10) To design streetscapes that are pedestrian in scale, safe, secure, and offer protection from climatic elements.

2896

(11) To develop an effective, design-criteria framework to guide, develop, and control signage lighting and architectural character.

2898

(12) To provide open space as a social gathering place for residents, visitors, and workers.

2900

(13) To create a distinct streetscape with a defined edge along the major roads.

2902 (14) To maintain a pedestrian scale in terms of building
2903 height.

2904 (15) To provide that these four corners (CVC)
2905 regulations shall be administered by the county zoning division,
2906 except that any non-zoning aspects of these regulations shall be
2907 administered by the appropriate department or division.

2908 ***Section 30. Amendments to Sections 38-1380, 38-1381, 38-1382, 38-1383, 38-1388***

2909 ***and 38-1389 regarding the Village Planned Development Code.*** Sections 38-1380, 38-1381, 38-
2910 1382, 38-1383, 38-1388 and 38-1389 are amended to respectively read as follows:

2911 **Sec. 38-1380. Intent and purpose.**

The intent and purpose of this division are as follows:

2914 (1) To implement the goals, objectives and policies of
2915 the village land use classification of the Orange County
2916 Comprehensive Plan, future land use element;

2918 (2) To ensure development in accordance with the
adopted specific area plan (SAP) for any particular village;

2920 (3) To promote the development of neighborhoods,
villages and community centers that reflect the characteristics of a
2921 traditional southern town; where streets are convenient and
2922 pedestrian-friendly, and where parks, open space and civic
facilities are a focus for public activity;

2924 (4) To provide for development that has a variety of
land uses and housing types in a compact integrated community
2925 pattern which creates opportunities for pedestrian, bike and transit
use;

2928 (5) To promote development that utilizes a
neighborhood focus as a building block to provide a sense of place
2929 and community;

2932 (6) To provide a system of fully connected streets and
paths which provide interesting routes and encourage pedestrian
2933 and bicycle use by being spatially defined by buildings, trees, and
2934 lighting;

2936 (7) To provide a system of public open space in the
form of accessible squares, greens and parks whose frequent use is
encouraged through placement and design;

(8) To enhance the character of the neighborhoods through the use of building massing, building placement, materials and architectural features which create interesting spaces and pedestrian scaled street frontages.

(9) To provide that these Village PD Code regulations shall be administered by the zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Sec. 38-1381. Applicability.

* * *

(b) This village development code shall complement all applicable laws, ordinances, rules and regulations, including the guidelines and standards for planned developments. In case of conflict with this village development code and article II, chapter 18 (the Fire Prevention Code), the fire prevention code shall govern and control. However, to the extent this village development code may conflict with or may not be consistent with other applicable laws, ordinances, rules or regulations, including the guidelines and standards for planned developments, this village development code shall govern and control (and waivers from chapter 38, articles VII and VIII shall not be required for those provisions in conflict with the village P-D code). For the purposes of this village development code, the words "shall" or "must" are mandatory; the word "should" is directive but not necessarily mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances and circumstances of like kind or character. For purposes of SAP and Village Code consistency, the Planning Manager or his/her designee shall review architectural and/or project design content and guidelines.

* * *

Sec. 38-1382. General development guidelines and standards.

(a) *Consistency with the village specific area plan (SAP).* The adopted SAP for any particular village established the land uses for all property within the village. The SAP shall also establish the public facilities lands required by each neighborhood and the village center. Development within any specific neighborhood may be initiated only when the adequate public facilities requirements in accordance with chapter 30, article XIV,

division 2, have been met. Any proposed amendments to the land uses as established by the SAP are subject to the following conditions:

(1) Any amendment to the village planned development land use plan shall be subject to approval by the board of county commissioners in accordance with this division and Future Land Use Element Policy ~~6.1.6~~VI 4.1.7. Waivers from the general development guidelines and standards within this Division may also be considered and approved at a public hearing before the board of county commissioners at the time of Preliminary Subdivision Plan or development Plan, and processed as a nonsubstantial change to the planned development land use plan

* * *

(5) Public school sites must be consistent with the size and locations designated on the approved village SAP. School site locations and configurations, other than those indicated on the village SAP, may be considered provided they are consistent with the provisions of Future Land Use Element Policy FLU4.1.5.16.1.4 of the ~~Orange County Comprehensive Plan, future land use element.~~

* * *

(c) *Village upland greenbelt.* In accordance with the adopted SAP for any particular village, a village upland greenbelt area has been provided consistent with requirements of the village land use classification of the Comprehensive Plan, future land use element. Transfer of development rights may be applied to property designated as the village upland greenbelt in accordance with chapter 30, article XIV, division 3, of this Code. Development within the upland greenbelt area shall be limited to a density of one (1) residential dwelling unit per ten (10) acres and may include road crossings, parks, golf courses, stormwater management areas and passive recreational uses such as bike/pedestrian and equestrian trails. In order to accomplish the purpose of the upland greenbelt, development may be clustered at an overall gross density of one (1) unit per ten (10) acres on lots no smaller than one-fourth (1/4) acre, subject to the requirements of chapter 37, article XVII, of this Code regarding individual on-site sewage disposal. Such clustering shall only be permitted on upland areas within the upland greenbelt subject to dedication of development rights for the balance of the property and rezoning to

planned development. Development rights shall be dedicated to Orange County at the time of platting. Dedication of the development rights will limit the use of the property to agriculture as permitted in the county A-1 zoning district. A twenty-five-foot setback at the village perimeter is required for any PD located along the perimeter of a village except where the boundary of the PD is adjacent to a village greenbelt in which case no setback shall be required.

* * *

(h) *Streets.* Standards for the streets within any particular village shall be consistent with the intent as set forth in the transportation section of an adopted SAP. Variations to these standards may be considered, on a case-by-case basis, by the development review committee (DRC) as part of the land use plan or preliminary subdivision plan/development plan approval.

* * *

(2) All streets, alleys, and pedestrian pathways shall connect to other streets within the village and to existing or planned streets outside the village in accordance with the approved village SAP. Cul-de-sacs, T-turnarounds, or dead end streets are not permitted unless otherwise approved by the county or where their use is in connection with preserving wetlands, specimen trees, or ecologically significant vegetative communities. To encourage the development of connected and integrated communities within each neighborhood and village center, the twenty-five-foot setback on the perimeter of the PD is not required for those PDs that are internal to a neighborhood or village center. The twenty-five-foot setback is required for only that portion of the perimeter of the PD that is located on a perimeter of a neighborhood or village center.

* * *

Sec. 38-1383. Aquifer recharge.

* * *

(1) *Water quality.* In accordance with ~~f~~Future ~~H~~Land ~~u~~Use ~~e~~Element ~~p~~Policy FLU4.2.1 6-1-7, and subsection 38-1382(d) of this division, all village planned developments shall be required to hookup to central sewer service. In addition, the village classification limits high risk land uses, such as heavy industrial and those uses which store chemicals requiring technical

containment, except those uses otherwise allowed in the neighborhood center or village center.

* * *

Sec. 38-1388. Neighborhood center district.

* * *

(e) *Development standards.* The following standards shall apply to all development within the neighborhood center district. General design standards shall be submitted as part of the PD land use plan for all development within the neighborhood center. Specific design standards and architectural details shall be submitted with the preliminary subdivision plan/development plan for development within the neighborhood center. The design standards shall include site-specific requirements for all building facades including maintenance, ancillary structures, and out-parcel structures. The standards shall outline architectural requirement for pedestrian-scaled trim and detailing, exterior wall materials, building entry prominence, articulation of facades, fenestration, bays, roof styles (no flat roofs), roof materials, and massing. Architectural elements, including colonnades, pergolas, columns, awnings, gables, dormers, porches, balconies, balustrades, and wall plane projections, shall be addressed. Prominent, formalized, and shaded pedestrian connections between adjacent commercial uses shall be emphasized as well as pedestrian scaled and uninterrupted visual interest along the street face.

Modifications to these ~~guidelines—standards~~ may be permitted where alternative development practices will reinforce the planning and urban design principles established by the goals, objectives and policies of the village land use classification, the adopted SAP and this village development code. Any such modifications to these ~~guidelines—standards~~ shall be identified separately in bold on the village PD land use plan, PSP or development plan for approval by the board of county commissioners at a public hearing.

* * *

(14) *Distance separation from religious institutions and schools for alcoholic beverages in neighborhood centers.* Notwithstanding the provisions of section 38-1415(a), in order to promote a mixed use in neighborhood centers, the distance separation requirements for establishments selling alcoholic beverages for on-site consumption only, as specified in section 38-

1415(s), shall be reduced to one-hundred (100) feet for restaurants
with on-premises consumption only for those establishments
possessing a 1COP, or 2COP, or 4COP SRX state liquor license,
and pursuant to F.S. § 562.45, are licensed as restaurants, and
derive at least fifty one (51) percent of their gross revenues from
the sale of food and ~~nonale~~ alcoholic beverages pursuant to F.S. ch.
509. Such establishments may sell only beer, and/or wine and
liquor and only for consumption in the restaurant only after the
hour of 4:00 p.m. on days school is in session. The method of
measurement shall be as provided in section 38-1415(bc). A
proposed religious use or school church ~~proposing to locate in or~~
~~around the neighborhood center~~ may voluntarily waive the distance
separation requirement for establishments selling alcoholic
beverages for on-site consumption (that otherwise meet the
requirements of this subsection) by executing a waiver. Such
waiver must be acceptable to the county in form and substance and
shall be kept on file in the Zoning Division. All other provisions
under section 38-1415 shall apply. The county may place other
restrictions related to signage, outdoor seating, and outdoor
amplification as part of the PD approval process to ensure
compatibility with schools.

(15) *Subsequent establishment of a religious*
institution church or school. Whenever a vendor ~~or alcoholic~~
~~beverage has procured a license permitting the sale of~~ alcoholic
beverages has procured a license permitting the sale of alcoholic
beverages and, thereafter, a ~~church~~ religious institution or school is
~~shall be~~ established within one hundred (100) feet of the vendor of
alcoholic beverages located within a neighborhood center, the
establishment of such ~~church~~ religious institution or school shall
not cause the previously licensed site to discontinue use as a
vendor of alcoholic beverages.

Sec. 38-1389. Village center district.

* * *

(c) *Development standards.* The following
development standards shall apply to all development within the
village center district.

* * *

(2) *Permitted uses:*

* * *

a. The following criteria shall be used in determining whether to approve or deny a substantial change:

1. The change shall be consistent with the ~~e~~Comprehensive ~~policy~~ ~~p~~Plan and/or specific area plan.

2. The change shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

3. The change shall not act as a detrimental intrusion into the surrounding area.

4. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

* * *

Section 31. Amendments to Sections 38-1390.18, 38-1390.28 and 38-1390.29 regarding the Horizon West Town Center Planned Development Code. Sections 38-1390.18, 38-1390.28 and 38-1390.29 are amended to respectively read as follows:

Sec. 38-1390.18. Preliminary Subdivision Plan Review.

Except for mass grading, Ppreliminary Subdivision Plan (PSP) review shall be required only for single family residential and other developments lands within the Town Center where the PD/UNP elements described in Section 38-1390.15 have been deferred. Procedural requirements and specifications for PSPs shall be as set forth in chapter 34, articles III and IV, and modified through the provisions and additional requirements identified below. The Development Review Committee (DRC) shall review all PSPs for consistency with the approved PD/UNP, Town Center PD Code and other applicable County Code requirements not otherwise contained herein.

* * *

Sec. 38-1390.28. Bonus for unified neighborhood plan.

Within each Neighborhood Planning Area, the maximum number of residential dwelling units permitted by the Town Center SAP and Comprehensive Plan may not be exceeded, except as may be permitted through PD/UNP review and the provision of density and intensity bonuses as specified herein. Density and intensity bonuses may be acquired in accordance to the conditions prescribed below. A density bonus program is hereby establish, which will allow district development programs to exceed thresholds established through the Comprehensive Plan. A “bonus bank” was established with the adoption of the Town Center SAP, which includes a total of one thousand five hundred forty (1,540) dwelling units. This bonus may be earned by completing the PD/UNP review and approval process.

(a) *Bonus for PD/UNP Review and Approval.* An applicant may request an increase to the PD/UNP development program by a pro rata share of the number of dwelling units reserved in the bonus bank. The share shall be determined by the ratio of the percentage of net developable land area included in the applicable PD/UNP, to the net developable area included in the Town Center SAP. This ratio is applied to the total number of units reserved in the “bank” to determine the number of bonus units that may be awarded. The approval of the PD/UNP with the bonus units shall confirm the bonus. In addition, the bonus units may be assigned to any district included in the PD/UNP, and may be converted to nonresidential floor area created through a conversion/equivalency table. However, nonresidential floor area created through a conversion of bonus units shall not be assigned to any Urban Residential district in which nonresidential uses are not permitted.

(b) *Density-Intensity Equivalency Rates.* Earned bonuses may be used to increase development entitlements based on land use equivalency rates determined from the 8th-most current edition of ~~Edition-the~~ Institute of Transportation Engineers (ITE) Manual.

Sec. 38-1390.29. Transfer criteria.

(a) As part of the approval of an PD/UNP, subsequent substantial amendment to the PD/UNP, or PSP approval, development units and the required seven (7) percent open space may be transferred from any district within the UNP to another

land use district within the same PD/UNP under the following conditions:

(1) The use is allowable in the receiving district;

(2) The transfer is consistent with the Principles and Goals, Objectives and Policies of the Town Center and Comprehensive Plan;

(3) The transfer will contribute to fulfilling the desired characteristics of the applicable NPA; and

(4) The transfer does not exceed the adopted PD/UNP Development Program Element.

(b) Transfer of development units or the open space requirements from one (1) approved PD/UNP to another PD/UNP is allowed under the following conditions:

(1) The transfer occurs as part of a simultaneous approval (or amendment) of both affected PD/UNPs; and

(2) The transfer represents a simultaneous decrease and increase in the development programs of the respective PD/UNPs, such that the PD/UNPs pro-rata share of the overall development program for the Town Center SAP is not increased or decreased.

(c) Simultaneous increases and decreases may allow for the exchange of residential uses for an equivalency of office and/or retail use based upon ~~the an equivalency rates set forth herein matrix as approved on the approved PD/UNP.~~

(d) To facilitate the creation of an interconnected open space network throughout the Town Center comprised of linear parks, trails, wildlife corridors, etc., open space transfers shall be permitted as a non-substantial change. Non-substantial changes are limited to: no more than twenty (20) percent of the seven (7) percent open space set aside in each district; and, the transfer must be to another district within the same PD/UNP. Proposed open space transfers that exceed twenty (20) percent of the standard set aside or that would effect a transfer to a site external to the PD/UNP are classified as a substantial change request requiring approval of the Board of County Commissioners. Such transfers are not justification for an increase in the number of dwelling units

3294 or nonresidential uses on sending parcels. Receiving parcels are
3296 not required to be located adjacent to sending parcels.

3298 (e) Transfer credits for upland greenbelts and wetlands
internal to the Town Center are available at the following rates:

3300 • One (1) acre of upland greenbelt:

Residential - 5.8 dwelling units.

3302 Nonresidential - 8,700 square feet.

• One (1) acre of wetland:

3304 Residential - 0.3 dwelling units.

Nonresidential - Not applicable.

3306 ***Section 32. Amendments to Sections 38-1391, 38-1391.1 and 38-1391.2 regarding***
the Buena Vista North District Standards. Sections 38-1391, 38-1391.1 and 38-1391.2 are
3308 amended to respectively read as follows:

Sec. 38-1391. In general; purpose and intent.

3310 (a) *BVN district established.* A special design overlay
3312 district is hereby established to be known as the Buena Vista North
District ("BVN district"). Generally speaking, the BVN district is
3314 located in southwest Orange County in the area situated east of
Apopka-Vineland Road and Amy Road, north of Lake Street,
3316 south of Fenton Street, and west of Interstate 4, inclusive of those
rights-of-way (except for I-4). The BVN district's boundaries are
3318 identified on the map, which is incorporated herein by reference as
Appendix A [available for inspection in the office of the county
clerk].

3320 (b) *Purpose and intent.* This Division 9 is intended to
3322 provide specific design standards for the BVN district with the
purpose of promoting a diverse mixed-use community that applies
3324 imagination, innovation, and variety, by focusing on unique design
principles and encouraging creative solutions that accomplish the
following:

3326 (1) Foster higher quality developments through
unique design elements, including building materials, signs, and

3328 landscaping, etc.

3330 (2) Guide future developments as a transition
3332 area between higher intensity non-residential development and the
 lower density single-family residential homes north of the BVN
 district.

3334 (3) Encourage unified developments where
3336 small individual parcels of land can be collectively planned for
 infrastructure improvements, coherent land use mix and unified
 physical appearance.

3338 (4) Minimize incompatible surroundings and
 visual clutter, which prevent orderly community development and
 reduce community property values.

3340 (5) Sustain the comfort, health, tranquility, and
 contentment of residents with a desirable environment.

3342 (6) Balance the man-made system with the
3344 natural environment, through mitigation and enhancement of
 impacted natural resources.

3346 (7) To provide that these BVN district
3348 regulations shall be administered by the zoning division, except
 that any non-zoning aspects of these regulations shall be
 administered by the appropriate department or division.

3350 **Sec. 38-1391.1. Development within BVN District.**

3352 (a) *Planned development required.* In order to ensure
3354 quality development and maintain the desired characteristics of the
3356 BVN district, all new development and redevelopment within the
3358 BVN district shall be designated as planned development (PD),
 except as noted in subsection (b) below. The PD development
 plans shall follow the criteria and procedures set forth in divisions
 1 through 5, article VIII, chapter 38, unless otherwise specified
 herein.

3360 In addition, all projects occurring in the BVN district, but
3362 outside of an activity center land use classification, shall establish
3364 a building architectural design concept or set of design guidelines
3366 as part of the planned development process. Architectural design
 concept (for a single building) or design guidelines (for a multiple
 building complex) shall address, at a minimum, the following
3368 mass, facades (primary and secondary as defined by the Orange
 County Commercial Building Architectural Standards and
 Guidelines for Commercial Buildings and Projects), finish

material, colors, roof forms, and signs. The Planning Manager or his/her designee shall review for architectural and/or project design content and guidelines.

* * *

Sec. 38-1391.2. Development density and intensity; conversion.

(a) *Compliance with future land use map designation.* Permitted land uses and allowable densities/intensities within the BVN district shall be consistent with the future land use map designation in the ~~e~~Comprehensive policy pPlan. Any proposed changes to the future land use map designation shall follow the comprehensive plan amendment procedures for application, review and approval.

* * *

Section 33. Amendments to Section 38-1400 (“Intent and purpose [of Lake Willis Neighborhood Buffering and Design Guidelines]”). Section 38-1400 is amended to read as follows:

Sec. 38-1400. Intent and purpose.

The Lake Willis Neighborhood Buffering and Design Guidelines are intended to protect and shield the Lake Willis single-family residential enclave from the impacts of approved residential and non-residential developments within the international drive activity center. These buffering and designs guidelines are in accordance with International Drive Activity Center Element pPolicy ID5.1.3 of the ~~international drive activity center element of the 2000-2020-2010-2030 e~~Comprehensive policy pPlan. These Lake Willis regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Section 34. Amendments to Section 38-1408 (“Fences and walls”). Section 38-1408 is amended to read as follows:

Sec. 38-1408. Fences and walls.

(a) A fence shall be uniform in construction, design, material, color and pattern, and the fence material shall be a standard material conventionally used by the fence industry. No fence or wall shall be erected so as to encroach into the fifteen (15)-foot for residentially and agriculturally zoned property, or twenty-five (25) foot for commercially and industrially zoned property corner triangle at a street intersection unless otherwise approved by the county engineer.

(b) A fence of any style or material shall maintain a clear view triangle from the right-of-way line for visibility from driveways on the lot or on an adjacent lot. The clear view triangle area for a driveway is formed on each side of a driveway by measuring a distance of fifteen (15) feet along the right-of-way and fifteen (15) feet along the edge of the driveway.

(bc) Pillars, columns, and posts may extend up to twenty-four (24) inches above the height limitations provided such pillars and posts are no less than ten (10) feet apart.

(ed) No barbed wire, razor wire or electrically charged fence shall be erected in any location on any building site in residential or office districts except for security of public utilities, provided such use is limited to three (3) strands and eighteen (18) inches, a minimum of six (6) feet above the ground. In addition, walls and fences erected in any office or residential district shall not contain any substance such as broken glass, spikes, nails, barbs, or similar materials designed to inflict pain or injury to any person or animal.

(de) (1) Barbed wire or razor wire may be incorporated into or as an extension of the height of permitted walls and fences in commercial and industrial districts provided such use is limited to three (3) strands and eighteen (18) inches, a minimum of six (6) feet above the ground. The maximum height of the wall or fence with the barbed wire or razor wire shall be ten (10) feet.

(2) Barbed wire may be permitted by special exception in residential and office districts as an extension of the height of permitted walls and fences along the property line separating the residential or office district from a commercial or industrial district where it is documented by substantial competent evidence that such an additional security measure is warranted or

appropriate. The barbed wire fencing shall be subject to the criteria and dimensions set forth in subsection (d)(1).

(3) Barbed wire and similar field fencing shall be allowed on agriculturally zoned properties only when used for agricultural purposes; i.e., groves, grazing and boarding of animals.

(ef) In no event shall barbed wire or razor wire be placed so as to project outward over any sidewalk, street or other public way, or over property or an adjacent owner.

(fg) Except in R-CE, R-CE-2, and R-CE-5, fences and walls in residential and office districts may be created as follows:

(1) Limited to a maximum height of four (4) feet in the front yard setback. However, fences or walls located on arterial and collector roadways are limited to a maximum height of six (6) feet in the front yard setback.

(2) Limited to a maximum height of eight (8) feet in the side and rear yards.

(3) May be increased in height when the property is contiguous to a commercially or industrially zoned property along the common property lines pursuant to the height regulations for commercial and industrial districts.

(4) May be permitted on vacant property, subject to less than fifty-percent (50%) opacity.

(gh) Fences and walls in agricultural, R-CE, R-CE-2, and R-CE-5 districts may be erected as follows:

(1) Limited to a maximum height of six (6) feet within the front yard setback. However, for chain link type fences on agricultural zoned properties, the maximum height is ten (10) feet;

(2) Limited to a maximum height of eight (8) feet in the side and rear yards. However, on agriculturally zoned properties, the maximum height is ten (10) feet;

(3) In agricultural districts, these regulations shall not apply to agricultural property used for bona fide agricultural purposes.

(hi) Fences and walls in commercial and industrial districts may be erected as follows:

(1) Limited to a maximum height of ~~six (6)~~eight (8) feet within the front yard setback.

(2) Limited to a maximum height of eight (8) feet in the side and rear yards.

(3) When a lot or parcel abuts two (2) intersecting streets and the rear property line of the lot or parcel abuts the side property line of another lot or parcel, no fence or wall in excess of four (4) feet high along the rear property line shall be allowed within twenty-five (25) feet abutting the street right-of-way line unless the adjacent property owner sharing the common lot line submits a notarized letter stating that he has no objection and there are no site distance visibility concerns.

~~(ij) On any reversed corner lot (corner lot where the rear yard abuts the side of another lot) abutting the side of another lot, no part of any fence greater than four (4) feet in height shall be located within the required front yard setback of the adjacent lot as measured from the common corner of each lot. twenty-five (25) feet of the common lot line shall be nearer the side street lot line than the required front yard of such abutting lot unless the adjacent property owner sharing the common lot line submits a notarized letter stating that he has no objection and there are no site visibility concerns. A maximum eight (8) foot high fence may be permitted along the hypotenuse of the triangle formed from the common corner. Fencing greater than four (4) feet in height but less than eight (8) feet in height within the visual triangle may be installed, provided there is no adjacent driveway.~~

~~(jk) On a lakefront lot, a fence or wall within the rear yard lake setback area shall be limited to a maximum height of four (4) feet, unless notarized letters from adjacent property owners are submitted stating that they have no objections to an increased fence height. However, the increased fence height is still subject to other applicable fence height limitations in the Orange County Code.~~

(l) Where grade elevations along adjoining properties differ, fence/wall height shall be measured from the finished ground floor elevation of the property having the higher ground floor elevation.

3548 (m) In all zoning districts, a fence may be permitted on
3550 a vacant parcel, provided the fence has less than fifty percent
 (50%) opacity (except for a construction fence).

3552 *Section 35. Amendments to Section 38-1414 ("Prohibited areas for sale of alcoholic*
beverages—Generally"). Section 38-1414 is amended to read as follows:

3554 **Sec. 38-1414. Prohibited areas for sale of alcoholic**
3556 **beverages—Generally.**

3558 (a) *Definition.* In this section, unless the context
3560 requires otherwise, "package sale vendor" means a person licensed
3562 pursuant to The Beverage Law [F.S. chs. 561-568] to sell alcoholic
3564 beverages regardless of alcoholic content; however, a package sale
3566 vendor does not include: (i) a business operation, in regards to beer
 and malt beverages (as defined by F.S. § 563.01) and wine (as
 defined by F.S. § 564.01) for consumption off premises; or (ii) any
 bona fide hotel, motel or motor court in possession of a special
 license issued in accordance with F.S § 561.20(2)(a)1.

3568 (b) *County package sale vendor distance requirements*
3570 *established.* For all of those certain areas of land in the county not
3572 part of any municipality which lie within one thousand (1,000) five
3574 thousand (5,000)-feet of a package sale vendor's place of business
3576 as established, located and licensed, regardless of whether such
 established place of business is located within or outside of any
 municipality, no other new or relocated package sale vendor shall
 be permitted to open and/or start the business of package sales
 within that distance.

3578 (c) *Package sales within distance requirements*
3580 *restricted.* The purpose of creating the distance requirements
3582 mentioned in subsection (b) of this section is to provide and
3584 require that no package sale vendor which is located or proposes to
3586 locate in the unincorporated portion of the county outside of any
3588 municipality shall be permitted to operate at a new location within
 a distance of one thousand (1,000) five thousand (5,000)-feet of the
 location of any package sale vendor which is both preexisting at
 the time of the package sale vendor's application to operate at the
 new location and is located in any area of the county either
 unincorporated or within a municipality in the county.

3590 (d) *Criteria.* The following criteria shall be met in
 order for a package sale vendor to obtain county zoning approval
 or commence package sales at a new location:

3592 The County shall be satisfied that the new location is not
3594 within one thousand (1,000) [previously, "5,000"] feet of any
3596 establishment located and/or licensed package sale vendor's place
3598 of business. However, if all established located and/or licensed
3600 package sale vendors within one thousand (1,000) [previously,
3602 "5,000"] feet of the new location relinquish or commit to
3604 relinquish, in writing with a notarized statement, the right to carry
3606 out package sales at the respective location, the County may issue
3608 zoning approval contingent upon such other location(s) ceasing
3610 package sales prior to the commencement of package sales at the
 new location. The land use and zoning of the proposed location
 shall allow package sales. Once County zoning approval to allow
 package sales at the new location is issued, failure to commence
 the package sales business shall not be a basis for the County to
 terminate or revoke zoning approval for package sales, provided
 the applicant undertakes and continue to make good-faith efforts
 necessary to construct and/or open the applicant's new location for
 package sales.

3612 ~~(de)~~ *Distance requirements not applied to renewal,*
3614 *change in name or ownership, or change in certain licenses. The*
3616 *distance requirements set forth above in subsections (b) and (c)*
 shall not be applied to the location of an existing package sale
 vendor when there is:

- 3618 (i) (1) A renewal of an existing license;
- 3620 (ii) (2) A transfer in ownership of an existing
3622 license;
- 3624 (iii) (3) A change in business name; or
- 3626 (iv) (4) A change in a state issued 4COP license
3628 for an existing package and lounge business, which did not choose
3630 to forego package sales, to a 3PS license, and any decrease in the
3632 numerical designation of a state issued license which is of the same
3634 series (type); provided the physical location of the package sale
 vendor establishment does not change. No increase in the
 numerical designation of a series (type) of state issued license
 which is of the same series (type) shall be permitted at or for a
 location (new or existing) except in compliance with the provision
 of sections 38-1414 and 38-1415.

3636 ~~(ef)~~ *Measurement of distances. The distances provided*
 in this section shall be measured by following the shortest route of

ordinary pedestrian travel along the public thoroughfare from the proposed main entrance of a package sale vendor who proposes to operate his place of business and is licensed under The Beverage Law [F.S. chs. 561-568] to the main entrance of any other package sale vendor who is operating such a business.

(g) Exemption for on-premises consumption only.

(1) In those situations in which the holder of an alcoholic beverage license pursuant to the Beverage Law [F.S., Chapters 561-568] has the ability to use such license for both on-premises and off-premises consumption sales, such licensee may choose to forego off-premises consumption sales for the location of business requested; such licensee would not be deemed a package sale vendor under this section for such a location and would not be subject to the distance requirements cited in subsections (b) and (c) above. To ensure that the public, safety and welfare are preserved, any licensee choosing to forego package sales for off-premises consumption, and thereupon not be deemed a package sale vendor, shall agree in writing with a notarized statement, as a condition of obtaining zoning approval, to prominently display at all times within the establishment in the vicinity of the main cash register a sign with letters no smaller than three (3) inches and printed in a legible style, stating "No Package Sales."

(2) Upon any relocation of such licensee's business in which the distance requirements of subsection (b) above are met, such licensee may resume package sales for off-premises consumption and would not be required to display the aforementioned sign.

Section 36. Amendments to Section 38-1415 ("Same—Distance from churches, schools and/or adult entertainment establishments). Section 38-1415 is amended to read as follows:

Sec. 38-1415. Same—Distances from religious institutions, churches, schools and/or adult entertainment establishments.

(a) Places of business for the sale of alcoholic beverages containing more than three and two-tenths (3.2) percent of alcohol by weight for consumption on or off the premises may be located in the unincorporated areas of the county in accordance

with and subject to this chapter and specifically those zoning regulations regulating the location of places of business selling alcoholic beverages containing fourteen (14) percent or more alcohol by weight. No such place of business shall be established within one thousand (1,000) feet of an established ~~church-religious institution~~ or school; except as follows:

(1) such a place of business that is licensed as a restaurant and derives at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages, pursuant to Chapter 509, Florida Statutes, and the sale of alcoholic beverages is for on-premises consumption only, may be established no closer than five hundred (500) feet of the school, except that such a place of business that is located on property designated as Activity Center Mixed Use in the County's comprehensive plan may be established no closer than three hundred (300) feet of the school; or

(2) such a place of business that is located on property designated as Activity Center Mixed Use, does not derive at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages, and is licensed for the sale of alcoholic beverages for on-premises consumption only, may be established no closer than five hundred (500) feet from the school, except that such a place of business may be established no closer than three hundred (300) feet from the school, provided that the County, pursuant to Section 562.45(2)(a), Florida Statutes, approves the location as promoting the public health, safety, and general welfare of the community under proceedings as provided in Section 125.66(4), Florida Statutes.

~~These distance separations provided this prohibition~~ shall not apply to vendors of beer and wine containing alcohol of more than one (1) percent by weight for consumption off the premises only.

~~(b) No commercial establishment~~ (b) No place of business that in any manner sells or dispenses alcohol for on-premises consumption shall be established within two hundred (200) feet of an adult entertainment establishment, as defined in section 38-1.

~~(bc) Distance from~~ (bc) Distance from such a place of business to a religious institution, church or school, or adult entertainment establishment shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the main entrance door of the religious institution, church, and, in the case of a the main entrance door of the school (except as may be otherwise provided

by applicable state law), [previously, “. . . the main entrance gate of the school”], ~~to the nearest point of the school grounds in use as part of the school facilities,~~ or the main entrance door of the adult entertainment establishment.

(ed) The location of all existing places of business subject to this section shall not in any manner be impaired by this section, and the distance limitation provided in this section shall not impair any existing licensed location heretofore issued to and held by any such vendor nor shall such vendor's right of renewal be impaired by this section; provided, however, that the location of any such existing license shall not be transferred to a new location in violation of this section.

~~(de)~~ *Distance requirements not applied to renewal, change in name or ownership, or change in certain licenses.* The distance requirements set forth above in subsections (a) and (b) shall not be applied to the location of an existing vendor when there is:

- (i) (1) A renewal of an existing license;
- (ii) (2) A transfer in ownership of an existing license;
- (iii) (3) A change in business name; or
- (iv) (4) A change in a state issued 4COP license for an existing package and lounge business that did not choose to forego package sales, to a 3PS license, and any decrease in the numerical designation of a state issued license which is of the same series (type);

provided that the physical location of the vendor establishment does not change. No increase in the series (type) of state issued license shall be permitted at or for a location (new or existing) except in compliance with the provisions of sections 38-1414 and 38-1415.

(ef) *Subsequent establishment of ~~church~~ religious institution or school.* Whenever a vendor of alcoholic beverages has procured a license ~~certificate~~ permitting the sale of alcoholic beverages and, thereafter, a ~~church~~ religious institution or school is established within the applicable distance separation requirement set forth in subsection (a) ~~one thousand (1,000) feet of the vendor of alcoholic beverages,~~ the establishment of such ~~church~~ religious

3774 institution or school shall not be cause for the discontinuance or
3775 classification as a nonconforming use of the business as a vendor
3776 of alcoholic beverages. Furthermore, in such a situation, an
3777 existing vendor licensed for on-site consumption may only
3778 increase a 1 COP license (on-site beer consumption) to a 2 COP
3779 (on-site beer and wine consumption). Also, in the event a vendor
3780 for on-site consumption only ceases to operate at the location after
3781 the religious institution or school is established within the
3782 applicable distance separation requirement set forth in subsection
3783 (a), a new vendor with an equal or lesser series license for on-site
3784 consumption only may be established at the same location within
3785 five years of the date when the previous vendor ceased to operate
3786 at the location. The burden of proving that the requirements for
3787 opening a new establishment have been met rests with the new
3788 vendor for on-site consumption.

3789 (g) Proposed location prior to building
3790 permit/construction. When a location for an alcoholic beverage
3791 license is submitted to the Zoning Division for review and there is
3792 no building permit for the use at the location, the applicant shall
3793 stake the location of the main entrance and submit a certified
3794 survey demonstrating the distances to all established religious
3795 institutions, schools and adult entertainment establishments. A
3796 construction sign as defined in Chapter 31.5 which includes
3797 reference to the sale and consumption of alcoholic beverages shall
3798 be erected on the site within thirty (30) days of zoning approval
3799 and shall not be removed until permanent on site signage is
3800 erected.

3802 ***Section 37. Repeal of Section 38-1416 ("Permits for paving of parking lots").***

Section 38-1416 is repealed and reserved:

3804 ***Sec. 38-1416. ~~Permits for paving of parking lots.~~ Reserved.***

3806 ~~Permits shall be required for paving of parking lots of~~
3807 ~~fifteen hundred (1500) square feet or over in size, in any~~
3808 ~~commercial or industrial district.~~

3810 ***Section 38. Amendments to Section 38-1425 ("Bed and breakfast homestays, bed***
and breakfast inns and country inns"). Section 38-1425 is amended to read as follows:

3814 **Sec. 38-1425. Bed and breakfast homestays, bed and**
3816 **breakfast inns and country inns.**

3818 Bed and breakfast homestays, bed and breakfast inns and
country inns may be allowed to operate in the unincorporated area
3820 of the county as permitted uses and/or as special exceptions in the
zoning districts specified below, provided that they comply with
3822 the performance standards and conditions specified in this section.
(Any structure designated as a local historic landmark by the
3824 Orange County Historical Museum, under present or any future
criteria established by the county for such purpose, or as listed on
3826 the National Register of Historic Places, shall be given special
consideration to operate as a bed and breakfast homestay or inn as
a permitted use and/or a special exception.) In addition, no bed
3828 and breakfast homestay, bed and breakfast inn, or country inn shall
be located in any platted residentially zoned subdivision unless the
3830 subject site is designated commercial or industrial on the Future
Land Use Map of the County's Comprehensive Policy Plan or if
3832 approved as part of a Planned Development (P-D) Land Use Plan.

3834 * * *

3836 In all other respects, Section 38-1425 shall remain unchanged.

Section 39. Amendments to Section 38-1426 ("Accessory dwelling units"). Section

3838 38-1426 is amended to read as follows:

Sec. 38-1426. Accessory dwelling units.

3840 (a) The intent and purpose of this section is to allow
3842 accessory dwelling units (ADUs) to encourage infill development
 and to facilitate affordable housing. The intent and purpose of this
3844 section is to allow a relative who wishes to reside in close
 proximity to his or her family an opportunity to do so by providing
 authorization to seek and obtain a special exception for an
3846 accessory dwelling unit, while maintaining the single-family
 character of the primary single-family dwelling unit and the
3848 neighborhood.

3850 (b) An accessory dwelling unit may be allowed on a lot
or parcel as a special exception in any residential or agricultural
3852 zoning district (including a residential lot or parcel on an existing
planned development). The accessory dwelling unit shall be an
3854 accessory use to the primary single-family dwelling unit. Only one
(1) accessory dwelling unit may be permitted per lot or parcel.

The accessory dwelling unit shall not be constructed prior to the construction and occupation of the primary dwelling unit.

~~(c) (1) An accessory dwelling unit shall be occupied initially only by a relative. For purposes of this section, the term "relative" shall mean a sister, brother, lineal ascendant or lineal descendant of the owner of the lot or parcel on which the primary single family dwelling unit is located (or the owner's spouse).~~

~~(2) Subject to subsection C(3), an accessory dwelling unit may be occupied by a nonrelative, provided:~~

~~a. The accessory dwelling unit was occupied initially only by a relative and at least three (3) years have passed since the issuance of the certificate of occupancy for the accessory dwelling unit; or~~

~~b. The accessory dwelling unit was occupied initially only by a relative, and the relative has died.~~

~~(c) (3) The BZA/BCC may impose a conditions prohibiting the accessory dwelling unit from being leased, rented or otherwise used or occupied by a nonrelative. to address compatibility.~~

(d) In addition to what is normally required for an application for a special exception, an application for a special exception for an accessory dwelling unit shall contain or be accompanied by the following information and documentation:

~~(1) An affidavit attesting that the owner of the lot or parcel understands and agrees that the provisions of this section shall be complied with, that he shall be responsible to the county for ensuring that the provisions are complied with, and that he shall be responsible for any failure to comply with the provisions;~~

~~(2) Documentation evidencing that the person who is to inhabit the accessory dwelling unit is a relative;~~

~~(31) A site plan prepared in compliance with Section 106.1.2 of the Florida Building Code, as amended by Section 9-33 of the Orange County Code;~~

~~(42) An exterior elevation drawing of the proposed accessory dwelling unit, regardless of whether it is proposed to be attached or detached; and~~

3902 (53) A photograph ~~and~~ or exterior elevation
3904 drawing of the primary single-family dwelling unit, ~~and~~

3906 (e) In order to approve a special exception for an
3908 accessory dwelling unit, the county shall determine that the
3910 proposed accessory dwelling unit is designed to be similar and
3912 compatible with the primary single-family dwelling unit and that it
3914 will be compatible with the character of the neighborhood. A
manufactured home constructed pursuant to United States
Department of Housing and Urban Development standards or a
mobile home may not be used as an accessory dwelling unit in any
single family residential zoned district.

3916 (f) After an application for a special exception for an
3918 accessory dwelling unit is approved, the accessory dwelling unit
shall be subject to the following performance standards and
requirements:

3920 (1) *Ownership.* The primary single-family
3922 dwelling unit and the accessory dwelling unit shall be under single
ownership at all times. ~~Also, either the primary dwelling unit or the~~
3924 ~~accessory dwelling unit shall be occupied by the owner at all times.~~
Approval of an accessory dwelling unit shall not and does not
3926 constitute approval for separate ownership or the division of the lot
or parcel. Any request to divide the lot or parcel shall comply with
3928 and be subject to applicable laws, ordinances and regulations,
including zoning regulations and access requirements.

3930 ~~(2) *Change in occupancy.* The owner shall~~
3932 ~~notify the zoning department in writing whenever there is a change~~
~~in occupancy of the accessory dwelling unit and inform the zoning~~
3934 ~~department whether the new occupant is a relative or a non~~
~~relative.~~

3936 (32) *Living area.* The minimum living area of an
3938 accessory dwelling unit shall be ~~four hundred (400)~~ five hundred
(500) square feet. However, the maximum living area of an
3940 accessory dwelling unit shall not exceed forty-five (45) percent of
the living area of the primary dwelling unit or one thousand
3942 (1,000) square feet, whichever is less, and shall not contain more
than two (2) bedrooms. For lots/parcels equal to or greater than
3944 two (2) acres, the maximum living area shall be one thousand five
hundred (1,500) square feet.

3946 (43) *Lot or parcel size.* The size of the lot or
parcel shall be equal to or greater than the minimum lot area

required for a single-family dwelling unit in the zoning district. An attached accessory dwelling unit may only be constructed on a lot or parcel whose area is equal to or greater than the minimum lot area required in the zoning district. A detached accessory dwelling unit may only be constructed on a lot or parcel whose area is at least one and one half (1½) times the minimum lot area required in the zoning district.

(54) *Open space.* An accessory dwelling unit shall be treated as part of the impervious surface area of a lot or parcel. The open space requirements for a single-family lot or parcel shall be met notwithstanding the construction of an accessory dwelling unit.

(65) *Setbacks.* The setbacks for an attached accessory dwelling unit shall be the same as those required for the primary dwelling unit. In addition, a detached accessory dwelling unit shall be located only to the side or rear of the primary dwelling unit and shall be separated from the primary dwelling unit by at least ten (10) feet, and the distance separation shall not be less than the distance required under Section 610 ("Buildings Located on the Same Lot") and Table 600 of the 1991 edition of the Standard Building Code, as it may be amended from time to time. Moreover, a one-story detached accessory dwelling unit shall be setback a minimum of ten (10) feet from the rear property line and shall meet the minimum side setbacks for a primary structure in the zoning district. A two-story detached accessory dwelling unit located above a detached garage shall ~~meet the setbacks for the primary structure in the zoning district.~~ have ten (10) foot side and ten (10) foot rear setbacks.

(76) *Entrance.* An attached accessory dwelling unit may either share a common entrance with the primary dwelling unit or use a separate entrance. However, a separate entrance shall be located only ~~to on~~ on the side or rear of the structure.

(87) *Parking.* One (1) additional off-street parking space shall be required for an accessory dwelling unit. The additional space requirement may be met by using the garage, carport or driveway of the primary dwelling unit.

(98) *Water and sewer.* Adequate water and wastewater capacity shall exist for an accessory dwelling unit. Approval of a special exception for an accessory dwelling unit shall not constitute approval for use of a septic system and/or a well. If a septic system and/or a well must be utilized, applicable

laws, ordinances and regulations shall control. ~~The owner of a~~An attached accessory dwelling unit may~~shall not~~ apply for and obtain a separate water meter, ~~subject to the unit owner's intent to connect to the County's water system.~~

(409) *Electrical.* ~~The owner of an~~A detached accessory dwelling unit may apply for and obtain a separate power meter, subject to the approval of the utility company and complying with all applicable laws, ordinances and regulations. An attached accessory dwelling unit shall not have or obtain a separate power meter.

(4110) *Impact fees and capital fees.* The impact fees for an accessory dwelling unit shall be assessed at the multi-family rate. Water and wastewater capital fees for the accessory dwelling unit shall be assessed at the multi-family rate.

(4211) *Other laws, ordinances, and regulations.* All other applicable laws, ordinances and regulations shall apply to the primary dwelling unit and the accessory dwelling unit.

(g) After [insert the effective date of this ordinance], accessory dwelling units may be permitted in a Planned Development without the need for a special exception, subject to the following requirements:

(1) Unless the PD Land Use Plan (LUP) and/or PSP identifies ADUs as a permitted use, a change determination or an amendment to the PD/PSP shall be required, or if the property is platted as separate lot or parcel, a special exception shall be required [previously at PZC, "(1) The PD Land Use Plan (LUP) shall identify ADUs as a permitted use."];

(2) The ADUs shall meet the performance standards in Section 38-1426(f)(1) through (11), except for the need for a special exception (unless it is platted as a separate lot or parcel); and

(3) The property shall be platted with covenants and restrictions for all the lots in the plat identifying that ADUs are a permitted use.

Section 40. Amendments to Section 38-1427 ("Communication towers"). Section

38-1427 is amended to read as follows:

4038 Sec. 38-1427. Communication towers.

4040 * * *

4042 (c) *Variances.* Except as provided otherwise for
communication towers in planned developments (see Section 38-
1236), a deviation ~~Any request to deviate~~ from any of the
4044 requirements of this section shall require variance review and
approval by the board of zoning adjustment and the board of
4046 county commissioners.

4048 * * *

4050 (n) *Standards and criteria for review of special*
exception requests on communication tower facilities.

4052 * * *

4054 (6) *Separation distance reduction for*
camouflaged facilities. In the event the BZA, or the BCC if the
4056 property is zoned PD, using the standards set forth in subsection
(n)(5) above, determines the camouflaging agent is compatible
4058 with the surrounding area, then the distance separation
requirements set forth in subsections 38-1427(d)(2)d and (d)(3) for
4060 the proposed communication tower as a camouflaged facility shall
be reduced by one half (1/2) of the applicable monopole height
4062 requirement. The reduction should only be applicable to the
placement of the camouflaged tower and the measurement of
4064 distance separation from other towers to the camouflaged tower
shall not be reduced.

4066 * * *

4068 (o) *Utilization of existing pole-type structures.* A
communication antenna which is attached to an existing pole-type
4070 structure or the existing pole-type structure is replaced with a
monopole tower to accommodate both its prior function and a
4072 communication antenna shall be a permitted ancillary use provided
each of the following criteria are met:
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4076 (1) The communication antenna attached to the
existing pole-type structure or replacement monopole shall not
4078 extend above the highest point of the pole-type structure or
replacement monopole more than twenty (20) feet, as measured
4080 from the height of the pre-existing pole-type structure.

4082 (2) a. If the resulting structure/tower adds
additional height over the pre-existing pole-type structure, the

4084 closest residential structure shall be away from the base of the
4086 pole-type structure or replacement tower a distance of at least one
hundred ten (110) percent the height of the entire structure/tower.

4088 b. If no additional height over the
4090 height of the pre-existing pole-type structure is added by either (i)
4092 the attachment of the communication antenna to the existing pole-
4094 type structure, or (ii) the replacement tower including the
communication antenna, then the structure/tower is permitted with
no additional distance separation to residential structures over that
which was provided by the pre-existing pole-type structure.

4096 (3) The communication antenna and support
4098 structure comply with all applicable FCC and FAA regulations.

4100 (4) The communication antenna, pole-type
4102 structure, and/or replacement monopole tower comply with all
applicable building codes.

4104 (5) Pole-type structure ~~(i) within public road~~
~~rights-of-way, or (ii) (i) within side yard or rear yard residential~~
subdivision easements, or ~~(iii)(ii)~~ if used for power distribution of
4106 fourteen (14) kilovolt service or less, shall not be eligible for use
under this subsection (o). ~~Notwithstanding the foregoing~~
4108 ~~sentence,~~ However, other pole-type structures within public road
4110 rights-of-way and within limited access road system rights-of-way
are eligible for use under this subsection (o), provided the antenna
4112 shall be canister-type.

4114 (6) The utilization of an existing pole-type
4116 structure for placement of a communication antenna in compliance
with the requirements of this subsection (o) shall supersede the
separation requirements contained in subsections (d)(2)d. and
4118 (d)(3)a.

4120 (7) In the event that the utility pole or structure
4122 is abandoned for its initial/primary use as a utility pole, the
secondary use as a communication tower shall also cease to
operate and the structure and communication antenna removed.

4124 In all other respects, Section 38-1427 shall remain unchanged.

Section 41. Amendments to Sections 38-1476 and 38-1479 regarding Off-Street

4126 **Parking.** Sections 38-1476 and 38-1479 are amended to respectively read as follows:

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<i>General business establishments, such as hardware, furniture, appliance, jewelry, apparel stores,—etc.and all other general retail establishments of fifteen thousand (15,000) square feet gross floor area or less</i>	1 spaces for each 300 square feet of gross floor area; provided, however, that no use shall have less than 3 spaces.
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* * *

<i>Restaurants, grills, bars, lounges, similar dining and/or drinking establishments</i>	1 space for each 4 fixed —seats provided for patron use, plus 1 space for each 75 square feet of floor area provided for patron use which does not contain fixed —seats; provided that no use shall have less than 4 spaces
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* * *

<i>Schools, public and private, including elementary, middle, high schools and academies (not including colleges, universities, or similar institutions)</i>	1 space for each 4 seats in assembly hall; or, if no assembly hall , 4 spaces per each instructional room, plus 1 space for each 3 high school students; <u>whichever is higher.</u>
--------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<i>Shopping centers up to <u>between fifteen thousand and one (15,001) and fifty thousand (50,000) square feet gross floor area, food stores, supermarkets, and drugstores</u></i>	5½ spaces for each 1,000 square feet of gross floor area; provided, however, no use shall have less than 5 spaces.
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------

<i>Student housing</i>	4.25 <u>1</u> spaces per bedroom.
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* * *

Sec. 38-1479 Off-street parking lot requirements.

(a) All parking areas shall have durable all-weather surfaces for vehicle use areas, shall be properly drained and shall be designed with regard to pedestrian safety. For purposes of this article, a durable, all-weather surface shall consist of an improved surface, including concrete, asphalt, stone and other permanent

surfaces, but not including gravel, wood chips, mulch or other materials subject to decay. Residential conversions to professional office use, churches, bed and breakfast homestays, bed and breakfast inns and overflow parking on unimproved property used in conjunction with special events and/or holiday parking demands may be exempt from this condition subject to approval by the zoning manager or when approved by the board of zoning adjustment ("BZA") and the board of county commissioners ("BCC").

(b) Regular parking space sizes shall be a minimum of 180 square feet (either 9' x 20' or 10' x 18'). Off-street parallel parking stalls shall be 8' x 22'. Spaces within parking garages may be a minimum of 8 1/2' x 18'. Off-street turning and maneuvering space shall be provided for each lot so that no vehicle shall be required to back onto or from any public street. Suggested parking lot design standards are contained in Exhibit I on file and available for reference in the office of the county engineer.

Section 42. Amendments to Sections 38-1501, 38-1502 and 38-1506 regarding Site

and Building Requirements. Sections 38-1501, 38-1502 and 38-1506 are amended to respectively read as follows:

Sec. 38-1501. Basic requirements.

The basic site and building requirements for each agricultural, residential and commercial zoning districts are established as follows (and industrial site and building requirements are set forth elsewhere in this chapter:

TABLE INSERT:

District	Min. lot area (sq. ft.) ^{##m}	Min. living area (sq. ft.)	Min. lot width (ft.)	* _a Min. front yard (ft.)	* _a Min. rear yard (ft.)	_a Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR 21,780 (½ acre)	850	100	35	50	10	35	* _a
	Mobile home 2 acres	850	100	35	50	10	35	a
A-2	SFR 21,780 (½ acre)	850	100	35	50	10	35	* _a
	Mobile home 2 acres	850	100	35	50	10	35	a
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	* _a

<i>District</i>	<i>Min. lot area (sq. ft.)^{+++m}</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>*_a Min. front yard (ft.)</i>	<i>*_a Min. rear yard (ft.)</i>	<i>_a Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake seiback (ft.)</i>
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	* _a
R-CE-2	2 acres	1,200	250	45	50	30	35	* _a
R-CE-5	5 acres	1,200	185	50	50	45	35	* _a
R-IAAAA	21,780 (½ acre)	1,500	110	30	35	10	35	* _a
R-IAAA	14,520(1/3 acre)	1,500	95	30	35	10	35	* _a
R-IAA	10,000	1,200	85	25 ^{±h}	30 ^{±h}	7.5	35	* _a
R-IA	7,500	1,200	75	20 ^{±h}	25 ^{±h}	7.5	35	* _a
R-I	5,000	1,000	50	20 ^{±h}	20 ^{±h}	5 ^{±h}	35	* _a
R-2	One-family dwelling, 4,500	1,000	45***** _c	20 ^{±h}	20 ^{±h}	5 ^{±h}	35	* _a
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit	80/90***** _d	20 ^{±h}	30	5 ^{±h}	35	* _a
	Three dwelling units, 11,250	500 per dwelling unit	85 ^{±j}	20 ^{±h}	30	10	35** ***	* _a
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^{±j}	20 ^{±h}	30	10***** _b	35** ***	* _a
R-3	One-family dwelling, 4,500	1,000	45***** _c	20 ^{±h}	20 ^{±h}	5	35	* _a
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit	80/90***** _d	20 ^{±h}	20 ^{±h}	5 ^{±h}	35	* _a
	Three dwelling units, 11,250	500 per dwelling unit	85 ^{±j}	20 ^{±h}	30	10	35** ***	* _a
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^{±j}	20 ^{±h}	30	10**** _b	35** ***	* _a

District	Min. lot area (sq. ft.) ^{††m}	Min. living area (sq. ft.)	Min. lot width (ft.)	* <u>g</u> Min. front yard (ft.)	* <u>g</u> Min. rear yard (ft.)	<u>g</u> Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35 ^{***}	* <u>a</u>
R-T	7 spaces per gross acre	<u>Park size min. 5 acres Min. mobile-home size 8 ft. x 35 ft.</u>	<u>Min. mobile home size 8 ft. x 35 ft. Park size min. 5 acres</u>	7.5	7.5	7.5	N/A ³⁵	* <u>a</u>
R-T-1 SFR	4,500 ^{*****c}	45 ^{*****1,000}	1000 <u>45</u>	25/20 ^{††k}	25/20 ^{††k}	5	35	* <u>a</u>
Mobile Home	4,500 ^{*****c}	45 ^{*****Min. mobile home size 8 ft. x 35 ft.}	<u>Min. mobile home size 8 ft. x 35 ft. 45</u>	25/20 ^{††k}	25/20 ^{††k}	5	35	* <u>a</u>
R-T-2 (prior to 1/29/73)	6,000	60SFR 500 <u>Min. mobile home size 8 ft. x 35 ft.</u>	60SFR 500 <u>Min. mobile home size 8 ft. x 35 ft.</u>	25	25	6	N/A ³⁵	* <u>a</u>
(after 1/29/73)	21,780 1/2 acre	100SFR 600 <u>Min. mobile home size 8 ft. x 35 ft.</u>	100SFR 600 <u>Min. mobile home size 8 ft. x 35 ft.</u>	35	50	10	N/A ³⁵	* <u>a</u>
NR	One family dwelling, 4,500	1,000	45 ^{*****c}	20	20	5	35/3 stories ^{††k}	* <u>a</u>
	Two dwelling units, 8,000	500 per dwelling unit	80/90 ^{*****d}	20	20	5	35/3 stories ^{††k}	* <u>a</u>
	Three dwelling units, 11,250	500 per dwelling unit	85	20	20	10	35/3 stories ^{††k}	* <u>a</u>
	Four or more dwelling units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	50/4 stories ^{††k}	* <u>a</u>
	Townhouse, 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ^{††k}	* <u>a</u>
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to maximum setback	15, 20 adjacent to single- family zoning district	10, 0 if buildings are adjoining	50 feet ^{††k}	* <u>a</u>
	One-family dwelling, 4,500	1,000	45 ^{*****c}	20	20	5	35/3 stories ^{††k}	* <u>a</u>
	Two dwelling units, 11,250	500 per dwelling unit	80 ^{*****d}	20	20	5	35/3 stories ^{††k}	* <u>a</u>
	Three dwelling units, 11,250	500 per dwelling unit	85	20	20	10	35/3 stories ^{††k}	* <u>a</u>

<i>District</i>	<i>Min. lot area (sq. ft.)^{***m}</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>*a Min. front yard (ft.)</i>	<i>*a Min. rear yard (ft.)</i>	<i>a Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
	Four or more dwelling units, 1,000 plus 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail ^{††k}	^{*a}
	Townhouse, 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end unit	40/3 stories ^{††k}	^{*a}
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to maximum setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet ^{††k}	^{*a}
	One-family dwelling, 4,500	1,000	45 ^{*****c}	20	20	5	35/3 stories ^{††k}	^{*a}
	Two dwelling units, 8,000	500 per dwelling unit	80 ^{*****d}	20	20	5	35/3 stories ^{††k}	^{*a}
	Three dwelling units, 11,250	500 per dwelling unit	85	20	20	10	35/3 stories ^{††k}	^{*a}
	Four or more dwelling units, 1,000 plus 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	65 feet, 80 feet with ground floor retail ^{††k}	^{*a}
	Townhouse	750 per dwelling unit	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ^{††k}	^{*a}
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 feet for each add. story	35 ^{**} ^{***}	^{*a}
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets-#e; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft of all residential districts	^{*a}
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ##f	25, except on major streets as provided in Art. XV	15; or 20-25 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^{*a}
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ###g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential	5; or 25 when abutting residential	75; or 35 within 100 feet of all residential districts	^{*a}

District	Min. lot area (sq. ft.) ^{##m}	Min. living area (sq. ft.)	Min. lot width (ft.)	*a Min. front yard (ft.)	*a Min. rear yard (ft.)	a Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
					district	district; 15 for any side street		
*a		Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.						
**		with a minimum of 25 feet from the normal high water elevation contour						
***		with a minimum of 25 feet from the normal high water elevation contour						
****b		Side setback is 30 feet where adjacent to single-family district.						
*****c		For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.						
*****d		For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that: (i) are either platted or lots of record existing prior to 3/3/97, and (ii) are 75 feet in width or greater, but are less than 90 feet, and (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.						
#e		Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.						
##f		Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.						
###g		Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.						
§h		For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet front, 35 feet rear; R-1A, 25 feet front, 30 feet rear; R-1, 25 feet front, 25 feet rear, 6 feet side; R-2, 25 feet front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet front, 25 feet rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.						
†j		Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.						
††k		Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.						
†††m		Based on gross square feet.						

[Editorial note: Throughout the Table Insert above, symbols are being deleted (shown by strike-throughs that may appear in certain places as underlines) and replaced with the following lower case letters (shown by underlines): a, b, c, d, e, f, g, h, j, k and m. (The lower case letters i and l are not being used.)]

Sec. 38-1502. Location of dwellings in residential districts.

* * *

(b) No dwelling shall be erected on a lot which does not abut on a street for a distance of at least fifteen (15) feet. Any divisions or splits of land, lots or parcels shall have a minimum of twenty (20) feet of fee simple access to a roadway, except to the extent that requirement is inconsistent or conflicts with the requirements of the subdivision regulations.

(c) On any corner lot abutting the side of another lot, no part of any structure, excluding fences (see subsection 38-

1408(i)), shall be located within the twenty-five (25) feet foot
corner visibility triangle along of the common lot line; and no
structure shall be nearer the side street lot line than the required
front yard of such abutting lot.

* * *

Sec. 38-1506. Height extensions for appurtenances.

The zoning manager may grant height extensions not to
exceed ten (10) feet above the maximum height limits established
under section 38-1501, site and building requirements, and planned
developments, for appurtenances and architectural features only.
Examples of such features include, but are not limited to,
chimneys, cupolas, church spires, and air conditioning equipment.
Portions of the roof are not considered an appurtenance. The top
of all roof-lines shall comply with the maximum height limit of the
underlying zoning district. This provision is only applicable to
properties platted after December 15, 1998, and unplatted lands.

Section 43. Amendments to Sections 38-1602 and 38-1603 regarding Major Street

Setbacks. Sections 38-1602 and 38-1603 are amended to respectively read as follows:

Sec. 38-1602. Definitions.

For the purposes of this article, the following definitions
shall apply:

Arterial road shall mean a signalized roadway that
primarily services through traffic with an average signalized
intersection spacing of 2.0 miles or less. As used here, signalized
intersections refer to all fixed causes of interruption to the traffic
stream and may occasionally include STOP signs or other types of
traffic control. Class I arterials have a posted speed of 40 miles per
hour or greater. Class II arterials have a posted speed of 35 miles
per hour or less.~~route providing service which is relatively~~
~~continuous and of relatively high traffic volume, long average trip~~
~~length, high operating speed, and high mobility importance. In~~
~~addition, every United States numbered highway is an arterial~~
~~road. For purposes of this article, the term "arterial" includes~~
~~"principal arterial," "minor arterial," an "extension" of a principal~~
~~arterial or minor arterial, and an "intra urban arterial." (This article~~
~~contains separate definitions for the terms "principal arterial" and~~
~~"minor arterial" due to the different setback distances for each.)~~

Collector road shall mean a roadway providing land access and traffic circulation within residential, commercial, and industrial areas and that route providing service which is of relatively moderate average volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs. For purposes of this article, the term "collector" includes "major urban collector," "minor urban collector," and any "extension" of a major or minor urban collector, and an "intra-urban collector."

Functional classification shall mean the assignment of roads into systems according to the standards provided in the Highway Classification Manual and the Florida Department of Transportation Quality/Level of Service Handbook. ~~character of service they provide in relation to the total highway network. Basic functional classifications include arterial roads, collector roads, and local roads. These basic classifications may be divided into principal, major, or minor subclassifications. These subclassifications may be additionally divided into rural and urban categories.~~

Major street shall mean a road functionally classified according to the standards provided in the Highway classification Manual and the Florida Department of Transportation Quality/Level of Service Handbook as determined by the County Engineer and listed as a major street in section 38-1603 of this article.

Minor arterial shall mean a route which generally interconnects with and augments principal arterial routes and provides service to trips of shorter length and a lower level of travel mobility. Such a route includes any arterial not classified as a "principal arterial" and contains facilities that place more emphasis on land access than the higher system.

Principal arterial shall mean a route which generally serves the major centers of activity of an area, the highest traffic volume corridors, and the longest trip purpose and carries a high proportion of the total area travel on a minimum of mileage.

Rural functionality-classified roads shall mean roadways within the rural area not designated as urbanized, urban, or transitioning by the Florida Department of Transportation, the Federal Highway Administration, and MetroPlan Orlando based on U.S. Census data, as updated from time to time.

Setback distance shall mean a horizontal distance which correlates with the functional classification of the major street described in section 38-1603. The distance is measured by a straight line extending perpendicular from the centerline of the major street.

Transitioning area shall mean an area designated by the Florida Department of Transportation and MetroPlan Orlando (without Federal Highway Administration involvement), based on U.S. Census data, as updated from time to time. Transitioning areas are fringe areas exhibiting characteristics between rural and urbanized/urban. Transitioning areas are intended to include areas that, based on their growth characteristics, are anticipated to become urbanized or urban in the next 20 years and where designated, associated roadways shall use urbanized area setbacks.

Urban functionally-classified roads shall mean roadways within the urban/urbanized area designated by the Florida Department of Transportation, the Federal Highway Administration, and MetroPlan Orlando based on U.S. Census data, as updated from time to time.

Sec. 38-1603. Functional classification and setback distances.

Buildings, structures (except signs and billboards), and parking areas adjacent to major streets shall be set back in all zoning districts according to the respective setback distances set forth in the following table. In the event of a conflict between the setback distances set forth in the following table and the requirements for setbacks as established through yard requirements in any zoning district, the greater of the setback distances shall prevail. This section shall not apply within Horizon West.

* * *

Functional Classification of Major Street	Setback Distance from Centerline for Buildings and Structures (feet)	Setback Distance from Centerline for Parking Areas (feet)
Principal arterial, urban <u>(Class I)</u>	70	65
Principal arterial, urban <u>(Class II)</u>	<u>60</u>	<u>55</u>
Principal arterial, rural	150	100

Minor arterial, urban	60	55
Minor arterial, rural	120	70
Collector, <u>major and minor</u> urban	55	50
Collector, rural	100	50

Section 44. Amendments to Sections 38-1725 and 38-1727 regarding Neighborhood Districts, in General. Sections 38-1725 and 38-1727 are amended to respectively read as follows:

Sec. 38-1725. Intent and purpose of districts.

This article provides specific zoning standards to implement the future land use map designations of neighborhood center, neighborhood activity corridor, and neighborhood residential.

(1) These zoning standards are intended to facilitate the redevelopment of historic and/or established communities in Orange County with housing types and homeownership opportunities, as well as neighborhood-serving commercial and other residential support services, including office uses, civic uses, parks, and recreation.

(2) These zoning standards promote a mix of land uses using a development pattern with various densities and intensities within a parcel, block, and/or district to recognize the urban nature of these areas and to preserve and enhance their unique character and sense of place.

(3) Orange County has made investments in public services and infrastructure that will be protected by these zoning standards. These zoning standards address public health, safety, and welfare in the districts and enhance the function and appearance of development.

(4) These zoning standards are consistent with the Economic Element of the Orange County Comprehensive Policy Plan, which has been adopted by the county to accommodate and promote economic growth and which specifies that zoning may be used to achieve these ends.

4368 (5) The Constitution and laws of the State of Florida
4370 grant authority to the board of county commissioners to adopt and
enforce land development regulations within the unincorporated
area of Orange County.

4372 (6) These neighborhood districts regulations shall be
4374 administered by the county zoning division, except that any non-
zoning aspects of these regulations shall be administered by the
4376 appropriate department or division.

4378 * * *

4380 **Sec. 38-1727. Nonconforming uses.**

4382 Except as provided in this section, uses and structures made
nonconforming as a result of a rezoning of property to NC, NAC
4384 or NR are subject to the provisions of article III of Chapter 38.

4386 ~~(1) Building or development sites which do not meet~~
~~the minimum residential density requirements of the district in~~
4388 ~~which they are located shall be deemed to be conforming but~~
~~underdeveloped. Any expansion or enlargement which increases~~
4390 ~~the density on the building or development site, but is less than the~~
~~amount needed to meet minimum density requirements shall be~~
4392 ~~permitted and considered to be consistent with the intent and~~
~~purpose of the minimum density requirements of the district.~~

4394 (2) Destruction of nonconforming signs and the ability
4396 to rebuild such signs shall be subject to the nonconforming use
provisions of section 38-53 (b). Nonconforming signage, excluding
4398 billboards, on properties that are vacant for one hundred eighty
(180) days or more, as determined by a vacant structure on the
4400 property and sign face copy that is blank or does not advertise
current business activity for that period, shall lose its
4402 nonconforming status. A vacant building shall be the primary
factor for determining the expiration of nonconforming status of a
4404 sign. This subsection shall apply to single tenant structures and to
multi-tenant structures where the entire multi-tenant structure is
4406 vacant. Upon occupancy of the structure by a business, signage
that has lost its nonconforming status must come into compliance
4408 with this article. Any new signage on the property must be
consistent with the signage requirements of this article.

4410 **Section 45. Amendments to Sections 38-1730, 38-1731 and 38-1734 regarding the**
4412 **NC Neighborhood Center District.** Sections 38-1730, 38-1731 and 38-1734 are amended to
4416 respectively read as follows:

4414 **Sec. 38-1730. Intent and purpose of district.**

4414 The NC neighborhood center district is intended to provide
4416 a neighborhood-serving, mixed-use, and pedestrian-scale
4418 environment where residents of urban communities in need of
4420 redevelopment can comfortably shop for their daily needs. A
4422 mixture of retail shops, restaurants, offices, civic uses, and
4424 residential units will characterize the NC district, complemented
4426 by an active and pleasant streetscape, tree-shaded sidewalks, and
4428 other pedestrian amenities. This intent and purpose are consistent
4430 with Future Land Use Element Policy FLU8.3.13.4.4 of the
4432 Orange County ~~2000-2020~~2010-2030 Comprehensive Policy Plan.
4434 These NC neighborhood district regulations shall be administered
4436 by the county zoning division, except that any non-zoning aspects
4438 of these regulations shall be administered by the appropriate
4440 department or division.

4430 **Sec. 38-1731. Permitted uses.**

4432 A use shall be permitted in the NC district if the use is
4434 identified by the letter "P" in the use table set forth in section 38-
4436 77. For master-planned redevelopment areas, defined as areas
4438 where lot assembly has taken place and a single site plan has been
4440 submitted for an area no less than five acres, in the NC district,
4442 permitted uses shall be consistent with ~~minimum and maximum~~
4444 ~~land area specified in~~ Future Land Use Element Policy FLU
4446 1.1.4C3.4.7 of the Orange County ~~2000-2020~~ Comprehensive
4448 Policy Plan.

4440 * * *

4442 **Sec. 38-1734. Site development standards.**

4444 Except as otherwise provided in this section, the site and
4446 building requirements shown in article XII of this chapter shall
4448 apply to all development within the NC district.

4448 * * *

4450 (2) *Density and intensity standards.* The following
4452 density and intensity standards shall apply to all development
within the NC district.

4454 a. Floor area ratio shall not exceed 2.0.

4456 b. The maximum residential density shall not
4458 exceed forty (40) units per acre.

4460 ~~c. The minimum residential density shall be no
less than four (4) units per acre.~~

4462 ~~d. Densities less than four (4) units per acre
shall be allowed for the protection of natural resources.~~

4464 * * *

4466 **Section 46. Amendments to Sections 38-1737, 38-1738 and 38-1741 regarding the**
4468 **NAC Neighborhood Center District.** Sections 38-1737, 38-1738 and 38-1741 are amended to
respectively read as follows:

4470 **Sec. 38-1737. Intent and purpose of district.**

4472 The intent of the NAC neighborhood activity corridor
4474 district is to provide a mixture of land uses along the main
roadways serving an urban community in need of redevelopment.
4476 The NAC district is intended as a vital, pedestrian-oriented district
that can support a variety of residential and support uses at an
4478 intensity greater than the surrounding neighborhoods, but less
intense than the NC district. The NAC district should contain a
variety of multi-family units, including townhouses, apartments
4480 above offices and retail, and loft options, complemented by offices,
commercial and residential support services, residential, and
4482 limited retail space. This intent and purpose are consistent with
Future Land Use Element Policy FLU8.3.13-4.4 of the Orange
4484 County ~~2000-2020~~2010-2030 Comprehensive Policy Plan. These
4486 NAC neighborhood activity corridor district regulations shall be
administered by the county zoning division, except that any non-
4488 zoning aspects of these regulations shall be administered by the
appropriate department or division.

Sec. 38-1738. Permitted uses.

A use shall be permitted in the NAC district if the use is identified by the letter "P" in the use table set forth in section 38-77. For master-planned redevelopment areas, defined as areas where lot assembly has taken place and a single site plan has been submitted for an area no less than five acres, in the NAC district, permitted uses shall be consistent with ~~minimum and maximum land area specified in~~ Future Land Use Element Policy FLU 1.1.4C3.4.7 of the Orange County ~~2000-2020~~ Comprehensive Policy Plan.

* * *

Sec. 38-1741. Site development standards.

Except as otherwise provided in this section, the site and building requirements shown in article XII of this chapter shall apply to all development within the NAC district.

* * *

(2) *Density and intensity standards.* The following density and intensity standards shall apply to all development within the NAC district.

a. Floor area ratio shall not exceed 1.0.

b. The maximum residential density shall not exceed twenty-five (25) units per acre.

~~a. The minimum residential density shall be no less than four (4) units per acre. Densities less than four (4) units per acre shall be allowed for the protection of natural resources.~~

* * *

Section 47. Amendments to Sections 38-1744, 38-1745 and 38-1748 regarding the

NR Neighborhood Residential District. Sections 38-1744, 38-1745 and 38-1748 are amended to respectively read as follows:

4536 **Sec. 38-1744. Intent and purpose of district.**

4538 The purpose of the NR neighborhood residential district is
4540 to provide a transition from mixed-use areas to lower-density
4542 residential areas to promote the redevelopment of urban
4544 communities. The NR district will provide a diversity of housing
4546 types at densities higher than surrounding neighborhoods,
4548 complemented by parks, recreation areas and civic uses essential to
4550 community gathering. The district will be pedestrian in nature,
4552 with sidewalk-lined, tree-shaded streets naturally claimed by on-
4554 street parking and an active environment. This intent and purpose
4556 are consistent with Future Land Use Element Policy FLU8.3.13.4.4
4558 of the Orange County ~~2000-2020~~ Comprehensive Policy Plan.
4560 These NR neighborhood residential district regulations shall be
4562 administered by the county zoning division, except that any non-
4564 zoning aspects of these regulations shall be administered by the
4566 appropriate department or division.

4554 **Sec. 38-1745. Permitted uses.**

4556 A use shall be permitted in the NR district if the use is
4558 identified by the letter "P" in the use table set forth in section 38-
4560 77. For master-planned redevelopment areas, defined as areas
4562 where lot assembly has taken place and a single site plan has been
4564 submitted for an area no less than five acres, in the NR district,
4566 permitted uses shall be consistent with ~~minimum and maximum~~
4568 ~~land area specified in~~ Future Land Use Element Policy FLU 1.1.4C
4570 ~~3-4.7~~ of the Orange County ~~2000-2020~~ Comprehensive Policy
4572 Plan.

4566 * * *

4568 **Sec. 38-1748. Site development standards.**

4570 Except as otherwise provided in this section, the site and
4572 building requirements shown in article XII of this chapter shall
4574 apply to all development within the NR district.

4574 * * *

4576 (2) *Density and intensity standards.* The following
4578 density and intensity standards shall apply to all development
4580 within the NR district.

- 4580 a. Floor area ratio shall not exceed .40.

b. The maximum residential density shall not exceed twenty (20) units per acre.

~~c. The minimum residential density shall be no less than four (4) units per acre. Densities less than four (4) units per acre shall be allowed for the protection of natural resources.~~

* * *

Section 48. Amendments to Article XVIII regarding Donation Bins. Article XVIII

of Chapter 38 is amended to read as follows:

ARTICLE XVIII. DONATION COLLECTION BINS

Sec. 38-1765. Intent.

The intent of this Article is to regulate the placement of donation collection bins within the unincorporated area of Orange County to promote the health, safety, and general welfare of citizens of the County.

Sec. 38-1766. Definitions.

As used in this Article, the following words or phrases shall have the meaning ascribed to them below unless the context clearly indicates otherwise:

(a) Donation Collection bin shall mean any stationary or free-standing container, receptacle or similar device that is located outdoors on any property within the County and is used for the ~~solicitation and~~ collection of donated items, such as clothing, books, shoes or other non-perishable personal property. This term does not include any of the following: (1) a bin used for the ~~solicitation and~~ collection of donated items associated with a special event, provided the bin is removed when the special event ends, but in no event later than forty-eight (48) hours after being placed at the special event site; (2) a mobile trailer used for the ~~solicitation and~~ collection of donated items, provided it complies with all applicable ordinances and regulations, including those relating to special events; and (3) a container bin, for the collection of recyclable materials associated with the Orange County Solid Waste Division.

(b) Permit shall mean a permit issued by the zoning manager or designee to operate a donation collection bin pursuant

to this Article.

(c) *Permittee* shall mean the person or entity that owns the donation collection bin and in whose name a permit to operate a donation collection bin has been issued under the terms and provisions of this Article.

(d) *Property owner* shall mean the owner of fee simple title of record or the owner's authorized agent.

~~(e) *Solicitation* shall mean as defined by Section 496.404, Florida Statutes, as may be amended.~~

Sec. 38-1767. Permit required.

No person shall place, use or operate a donation collection bin in the unincorporated area without obtaining a permit pursuant to this Article. The operator of a donation collection bin in existence as of June 24, 2014, the date of adoption of this ordinance, shall have until September 1, 2014, to either apply for and obtain a permit under this Article or remove the donation collection bin.

Sec. 38-1768. Permit application.

(a) An application for a permit shall be made to the zoning manager or designee on a form prescribed by the zoning manager. The applicant shall pay an application fee, established by the Board of County Commissioners and found in the fee schedule. Such application shall include, ~~at a minimum,~~ all of the following information:

(1) A map or sketch showing the location where the donation collection bin will be situated.

(2) A drawing or manufacturer's specification of the donation collection bin and information regarding the size and color of the donation collection bin.

(3) The name, address and telephone number of the applicant.

~~(4) A copy of the Florida Department of Environmental Protection (FDEP) permit as a Certified Recovered Materials Dealer, issued pursuant to Section~~

4672 ~~403.7046, Florida Statutes, unless the applicant shows that an~~
~~FDEP rule exempts it from Section 403.7046.~~

4674 (54) Written consent from the property owner to
4676 place the ~~donation~~ collection bin on the property.

4678 (65) Written authorization from a non-profit
organization to display affiliation with the non-profit
organization.

4680 (6) Evidence of any business permits or
4682 registrations required pursuant to State and/or local law, such as a
Florida Department of Environmental Protection (FDEP) permit
4684 as a Certified Recovered Materials Dealers, issued pursuant to
Section 403.7046, Florida Statutes, unless the applicant is exempt
from Section 403.7046.

4686 (b) Within fourteen (14) days of receipt of a
4688 completed application, the zoning manager or designee shall issue
a letter to the applicant approving or denying the permit
4690 application, with or without conditions, or denying the
application.

4692 (c) Upon approval of a permit application, the zoning
manager, or his authorized designee, shall issue the permittee a
4694 tag which shall include the permit number and expiration date. A
separate tag shall be issued for each collection bin which shall be
displayed in accordance with section 38-1770 of this Article.

4696 (d) In the event the original tag is damaged or
4698 otherwise inadvertently removed from the collection bin, the
permittee may request a replacement tag from the zoning manager
4700 for a nominal fee. This shall not apply to any collection bin
wherein the original tag has been removed due to expiration or
other violation of this Ordinance.

4702 **Sec. 38-1769. Standards and criteria.**

4704 (a) A ~~donation~~ collection bin shall be limited to a
maximum floor area of twenty-five (25) square feet and a
4706 maximum of seven feet (7') in height.

4708 (b) A ~~donation~~ collection bin shall be limited to one
bin per parcel or lot, except that one additional ~~donation~~
4710 collection bin may be permitted if the parcel or lot has more than
three hundred feet (300') of road frontage.
4712

4714 (c) A donation collection bin shall be maintained in
good condition and appearance with no structural damage, holes,
4716 or visible rust, and shall be ~~free of graffiti~~ repaired or repainted in
the event it is damaged or vandalized.

4718 (d) In addition to the information that is required to be
4720 posted pursuant to Section 38-1770, Ssignage shall be required
permitted on at least not more than two sides of a donation
4722 collection bin, provided that at least one sign shall be located on
the front or depositing side of the receptacle, and the total copy
4724 area of all signage does not exceed thirty-two (32) square feet.
Signage shall only advertise the donation collection bin's: (1)
4726 permittee, and (2) —if applicable, benefitting foundation or
organization. A donation collection bin operated by a person or
4728 entity other than a non-profit permittee shall include the following
statement on the depositing side of the bin, ~~not less than two~~
4730 ~~inches (2") below the bin chute, in conspicuous and clear lettering~~
~~at least two inches (2") high:~~ "[Permittee name] is not a charitable
4732 organization. The materials deposited in this bin are recycled and
sold for profit, and are not tax deductible contributions." The sign
4734 shall be located not less than two inches (2") below the bin chute
with the conspicuous and clear lettering that is not less than three
4736 inches (3") high and one-half inches (1/2") in width with an ink
color that contrasts with the color of the collection bin. A
4738 permittee's donation collection bin operated by a person or entity
other than a non-profit permittee with a benefitting foundation or
4740 organization may also state: "A portion of the proceeds of the sale
of the materials deposited in this bin benefits [name of benefitting
4742 foundation or organization]."

4744 (e) A donation collection bin shall not be located on
an unimproved parcel or lot.

4746 (f) The permittee shall maintain or cause to be
maintained the area surrounding a donation collection bin free of
4748 junk, garbage, trash, debris or other refuse material. In addition, a
donation collection bin shall be emptied at least every seventy-
4750 two (72) hours.

4752 (g) A donation collection bin shall have a security or
safety chute and tamper proof lock to prevent or deter intrusion
4754 and vandalism.

4756 (h) The permittee and property owner shall be
individually and jointly responsible for abating and removing all
4758 junk, garbage, trash, debris and other refuse material in the area

surrounding a ~~donation~~ collection bin within seventy-two (72) hours of written or verbal notice from the County.

(i) The permittee and property owner shall be individually and severally responsible for all costs related to abating and removing any junk, garbage, trash, debris and other refuse materials from the area surrounding a ~~donation~~ collection bin.

(j) A ~~donation~~ collection bin shall be located on an improved impervious surface and shall be anchored to such surface.

(k) A ~~donation~~ collection bin shall only be allowed as an accessory use in the ~~C~~commercial and ~~I~~industrial zoning districts, and in a multi-family zoning district where the multi-family development has at least one hundred (100) units.
[Delete?]

(l) A ~~donation~~ collection bin shall not be located in any of the following areas:

(1) Required parking spaces;

(2) Public or private right-of-way;

(3) Drive aisles;

(4) Required landscaped areas;

(5) Sight triangle;

(6) Pedestrian circulation areas;

(7) Within one hundred feet (100') from a single-family residentially zoned district; or

(8) Within the setback of the applicable zoning district.

(m) A collection bin shall not be placed on the site in a manner that impedes vehicular or pedestrian traffic flow.

Sec. 38-1770. Display of permit.

The following information shall be clearly and prominently displayed on the exterior of the ~~donation~~ collection bin:

(1a) The approved permit tag, which shall be placed on the front or depositing side of the receptacle; and

(2b) On each side of the receptacle. ~~The~~ name of the permittee, ~~and the permittee's~~, logo, trademark or service mark, local physical address, telephone number, e-mail address (if any), and for-profit or non-profit status.

Sec. 38-1771. Issuance; forms and conditions of permit.

(a) The permit shall be issued on a form prescribed by the zoning manager. The permit shall identify the exact location of the ~~donation~~ collection bin on the property.

(b) The permit shall not be transferable.

(c) The permit shall be effective for one (1) year; from the date of issuance and be subject to annual renewal.

(d) The permittee shall advise the zoning manager of any material changes in the information or documentation submitted with the original permit application.

Sec. 38-1772. Permit fee.

The permittee shall pay an annual permit fee, established by the Board of County Commissioners and found in the fee schedule. No prorations may be allowed for permits less than one (1) year in duration or for permits suspended or revoked pursuant to this Article.

Sec. 38-1773. Revocation or suspension of permit.

The zoning manager shall have the authority to suspend or revoke a ~~donation~~ collection bin permit for the following reasons:

(a) A necessary business permit or state registration has been suspended, revoked or cancelled.

4850 (b) Failure to correct a violation of this Article ~~or any~~
4852 ~~condition of the permit~~ within three (3) days of receipt of a code
enforcement notice of violation.

4854 (c) The permittee provided false or misleading
4856 information on the application which was material to the approval
of the permit.

4858 The zoning manager or designee shall notify the permittee
4860 in writing whether the permit is being suspended or revoked, and
the reason therefore. If the action of the zoning manager is based
4862 on subsection (a) or (c), the action shall be effective upon
permittee's receipt of the notice. If the action is based on
4864 subsection (b), the action shall become effective ten (10) days
following permittee's receipt of the notice, unless such action is
4866 appealed to the Board of Zoning Adjustment pursuant to this
Article.

4868 Nothing in this section shall be construed to otherwise
4870 limit the County's police powers.

4872 **Sec. 38-1774. Appeals.**

4874 (a) The zoning manager's decision to deny a permit
application or to suspend or revoke a donation bin permit may be
4876 appealed to the Board of Zoning Adjustment. The permittee shall
submit a written notice of appeal to the zoning manager within ten
4878 (10) days of receipt of the zoning manager's decision. The
Zoning Division shall schedule a hearing before the Board of
Zoning Adjustment within thirty (30) days of receiving the notice.

4880 (b) The Board of Zoning Adjustment shall conduct a
4882 hearing on the appeal within sixty (60) days after the filing of the
notice of appeal, or as soon thereafter as its calendar reasonably
4884 permits. The recommendation of the Board of Zoning
Adjustment shall be forwarded to the Board of County
4886 Commissioners for a final decision.

4888 (c) The filing of a notice of appeal by a permittee shall
not stay an order of the zoning manager to remove the ~~donation~~
4890 collection bin. The ~~donation~~ collection bin shall be removed as
4892 required by the zoning manager pending disposition of the appeal
and final decision of the Board of County Commissioners.

4896 **Sec. 38-1775. Penalties.**

4898 Any person who operates or causes to be operated a
4900 ~~denation~~ collection bin without a valid permit or any person or
4902 permittee who violates any provision of this Article, regardless of
 whether the ~~denation~~ collection bin is permitted under this
 Article, shall be subject to any one or more of the following
 penalties and/or remedies:

4904 (a) A violation of any provision of this Article may be
4906 enforced through the code enforcement process as described in
4908 Chapter 11 of the Orange County Code and Chapter 162 of the
 Florida Statutes;

4910 (b) Orange County may bring a lawsuit in a court of
4912 competent jurisdiction to pursue temporary or permanent
 injunctive relief or any other legal or equitable remedy authorized
4914 by law to cure, remove, prevent, or end a violation of any
 provision of this Article, and furthermore, in the event Orange
4916 County removes a ~~denation~~ collection bin from the public right-
 of-way, the owner of the ~~denation~~ collection bin shall be
4918 responsible for the cost of removal; and

 (c) A violation of any provision of this Article may be
4920 punished as provided in Section 1-9 of the Orange County Code.

4922 **Sec. 38-1776. Responsibility and liability of owner of**
4924 **donation bin, permittee, and property owner.**

 The owner of the donation bin, the permittee, and the
4926 owner of any private property upon which a violation of this
4928 Article occurs may be held individually and severally responsible
 and liable for such violation.

4930 **Secs. 38-1777 – 38-1779. Reserved.**

4936 *Section 49. Effective date.* This ordinance shall become effective pursuant to general
law.

4938 ADOPTED THIS ____ DAY OF _____, 2016.

4940

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

4942

4944

By: _____
Teresa Jacobs,
Orange County Mayor

4946

4948

4950 ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

4952

By: _____
Deputy Clerk

4954

4956 s:\jprinsell\ordres\zoning - chapter 38 amendments - 08-05-16.rtf

August 5, 2016 – Draft

[NOTE: Revisions and corrections to the May 11, 2016, draft of the Use Table reviewed by the P&ZC are shaded in yellow.]

REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
Sec. 38-77. Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-1	RCE-2	RCE	R-1A44A	R-1A44A	R-1A4	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	ULV (see 29)	R-1-D	UR-3	NC	NAC	NR	Conditions																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
Single-family and modular homes with customary accessory uses		RESIDENTIAL Single-family and modular homes with customary accessory uses	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P	1 P		1 P	1 P	4 P										142 P	142 P	142 P	*																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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August 5, 2016 -- DRAFT
 REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
 Sec. 38-77. Use Table

	SIC Group	Land Use	A-1	A-2	A-R	RCE-1	RCE-2	RCE	R-1A4A	R-1A4	R-1A	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	L-1A	L-1, L-3	L-2, L-3	L-4	ULV (see 19)	R-L-D	UR-3	NC	MAC	NR	Conditions	
Uses Per Zoning Code																																			
Community Residential Homes (greater than 14 persons)		Community residential homes (greater than 14 persons)													P					P	P	P	P		P	P	P		S	P	P	P	14 S		
Transient rental and Single-family transient rental		Single-family Transient rental													60 P																				
Adult/child day care centers		Adult/child day care centers	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 S	26 P	26 S				26 P	26 P	26 P	26 P	107 26 PS	26 P	26 P	26 P	13 26 S 26 27 P	26 S		26 P	26 P	26 S	*	
Docks		Docks	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P	95 P		
02 AGRICULTURAL PRODUCTION (livestock)			P	P																															
Commercial kennels		Commercial kennels	48 S	48 S																		78 P	78 P		78 P	78 P	78 P							*	
Boarding of horses and ponies and riding stables for commercial purposes; raising of horses and ponies for commercial purposes		Boarding of horses and ponies and riding stables for commercial purposes; raising of horses and ponies for commercial purposes	50 S	50 S																		P	P		P	P	P								
Animal-Cattle stock grazing, stock yards	0211	Beef cattle (grazing)	P	P																															
Dairy farms	0241	Dairy Farms	P	P																															
Poultry-raising or-keeping	025	Poultry-S-Egg	50 S 36 P	50 S 36 P	37 P	40 P	40 P	40 P																											

August 5, 2016 – DRAFT
 REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
 Sec. 38-77. Use Table

Use or Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-3	RCE-2	RCE	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	T-1A	T-1, T-2	T-2, T-3	T-4	U-V (see 29)	R-1-D	UR-3	NC	NAC	NR	Conditions
		Raising or keeping of poultry	36 SP	36 SP	36 SP	36 SP	36 SP	36 SP																									
	0272	Raising or keeping of swine, horses, ponies, etc. for domestic purposes, boarding of horses, ponies, etc. Horses & ponies, etc.	41 SP	41 SP	41 SP	41 SP	41 SP	41 SP												41 P	41 P			41 P	41 P								
	0279	Commercial agriculture, livestock	48 S	48 S	48 S																41 P	41 P											
		Bees-keeping																															
		Raising or keeping of ruminants, sheep, lambs, pigs, or swine	49 SP	49 SP	49 SP	49 SP	49 SP	49 SP																									
		Breeding, keeping and raising of farm animals (excludes swine, pot-bellied pigs, etc.) for profit (not for domestic purposes)	50 S	50 S																													
		Breeding, keeping and raising of farm animals (excludes swine, pot-bellied pigs, etc.) for domestic purposes only	49 P	49 P	49 P	49 P	49 P	49 P																									
		Breeding, keeping and raising of swine, pot-bellied pigs, etc.	44 P	44 P																													

August 5, 2016 – DRAFT
REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
Sec. 38-77. Use Table

Uses Per Zoning Code	STC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1A4A4	R-1A4A	R-1A4	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions	
	07	AGRICULTURAL SERVICES	P	P																															
Veterinary service with no outdoor runs or compound	0742	Veterinary services	S	S															S4 P	S4 H2 P	S4 H2 P	S4 H2 P		P	P	P	S4 P							*	
			* * *																																
	1629	CONSTRUCTION																		P	P	P	P	P	P	P	P							*	
Retention, detention, drainage ponds (in conjunction with commercial nonresidential development)		Retention/detention	123 S	123 S										123 S	123 S																			*	
			* * *																																
Trade shops, and contractors shops with outdoor storage on site	17	SPECIAL TRADE CONTRACTORS																				S8 P	S8 P	107 S8 P	S8 P	S8 P	S8 P							*	
Trade shops, contractor shops with outdoor storage	17																					S8 P	S8 P	107 S8 P	S8 P	S8 P	S8 P							*	
Contractors storage, equipment yards, and offices with outdoor storage																																			
			* * *																																
		MANUFACTURING																																	
Meat storage, cutting & distribution, animal slaughtering	2011	Meat Packing plants/Animal slaughtering	63 S	63 S																						63 P	63 P	63 P							
			* * *																																
		STONE, CLAY, GLASS PRODUCTS																																	
Concrete block and brick manufacturing	3271	Concrete bBlock & Brick																								51 P	51 P	51 P							

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REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
Sec. 38-77. Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-1	RCE-2	RCE	R-1A44A	R-1A44A	R-1A4	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-3	I-2, I-3	I-4	ULY (see 29)	RL-D	UR-3	NC	MAC	NR	Conditions						
			* * *																																					
Concrete manufacturing, paving & mixing, temporary asphalt plants	353	INDUSTRIAL & COMMERCIAL MACHINERY Mining machinery, construction																								51 P	51 P	51 P												
			* * *																																					
Limousine service, home-based	4119	LOCAL & INTERURBAN PASSENGER TRANSIT	32 146 P S	32 146 P S	32 146 P S	32 146 P S	32 146 P S	32 146 P S	146 P S	146 P S	146 P S	146 P S	146 P S	146 P S	146 P S	32 146 P S	146 P S	146 P S	146 P S										146 P S			146 P S	146 P S							
			* * *																																					
Truck terminals, truck stop, bus, cab, truck repair, storage and terminals, parking and/or storage of trucks	4231	Trucking Terminal Facilities																								82 P	82 P	82 P												
			* * *																																					
Lattice (Ord. No. 95-25, §2, 8-29-95)	48	COMMUNICATIONS	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S 134 S	S S	S S	S S	S S	S S	S S	S S	S S	S 135 P/S	P 135 P/S	P 135 P/S	107 P S 107 135 135 142 P/S	P 135 142 P/S	P 135 142 P/S	P 135 142 P/S	S S	S S	133 S 134 S	133 S 134 S	133 S S	* 133 *			
Guyed (Ord. No. 95-25, §2, 8-29-95)			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	135 P/S	135 P/S	135 P/S	107 P S 107 135 142 P/S	135 P/S	135 P/S	135 P/S	S	S	S	S	S	133 *		
Monopole (Ord. No. 95-25, §2, 8-29-95)			32 143 P/S	32 143 P/S	32 143 P/S	32 143 P/S	32 143 P/S	32 143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	32 143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	135 P/S	135 P/S	135 P/S	107 P S 107 135 142 P/S	135 P/S	135 P/S	135 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	143 P/S	*
			* * *																																					

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REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
Sec. 38-77. Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-1	RCE-2	RCE	R-1A1A1A	R-1A1A	R-1A1A	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	L-1A	L-1, L-5	L-2, L-3	L-4	U-V (see 29)	R-L-D	UR-J	NC	NAC	NR	Conditions		
	49	ELECTRIC, GAS, SANITARY SERVICES	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	107	S	S	S	S		S	S	S	S	*		
Commercial solar farms	42	Commercial solar farms	50 P	50 P																					50 P	50 P	50 P									
Substations, telephone switching stations, gas substations, TV substations, radio substations, telephone substations		Substations, telephone switching stations, gas substations, TV substations, radio substations, telephone substations	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 S	61 P	61 P	61 P	61 S	61 S		61 S	61 S	61 S	*		
Distribution electric substation	49	Distribution electric substation	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	81 P	*		
Alternative energy devices as an accessory structure or use (wind turbines, solar panels, etc.)			83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	83 P	*		
Donation/Collection bins		Donation/Collection bins														115 P	115 P								115 P	115 P	115 P	115 P	115 P	115 P						
Wholesale bakeries	50	WHOLESALE TRADE Wholesale distribution of durable and nondurable goods																					P	P		P	P	P							*	
Wholesale bakeries	50, 51	Groceries and related products																					P	P		P	P	P							*	

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 REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
 Sec. 38-77. Use Table

	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1A4A4	R-1A4A	R-1A4	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	F-1A	F-1, F-3	F-2, F-3	I-4	ULP (see 29)	R-L-D	UR-J	NC	NAC	NR	Conditions	
Uses Per Zoning Code																																			
Junk, salvage or wrecking yards, sales and storage of wrecked or inoperable vehicles	5093	Junk yards (scrap and waste)																								9 63 P								*	
Wholesale florists	5193	Flowers, nursery stock and florist supplies																				P	P			P	P	P							
		RETAIL TRADE																																	
Storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease or not). For storage of wrecked or inoperable vehicles, see SIC Group 5093.		Storage yards for operable automobiles, trucks, boats, and commercial vehicles (regardless if for sale, lease or not). For storage of wrecked or inoperable vehicles, see SIC Group 5093.																					130 P S		130 P	130 P	130 P								
	52	BUILDING MATERIALS & GARDEN SUPPLIES																				P	P	P					56 P						
Lumber and other building materials, building materials storage and sales	521	Lumber and other building materials																				64 P	99 P	99 P		99 P	99 P	99 P			64 P	64 P			*
Hardware stores	5251	Hardware stores																				64 P	P	P				56 P			64 P	64 P			
	54	FOOD STORES																				P	P	P					56 P						
Retail bakery shops	5461	Retail bakeries																				66 P	66 P	66 P				66 P			66 P	66 P			*

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 REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
 Sec. 38-77. Use Table

	SIC Group	Land Use	A-1	A-2	A-R	RCE-1	RCE-2	RCE	R-1A4A4	R-1A4A	R-1A4	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-3	I-2, I-3	I-4	U-1, U (see 20)	R-L-D	UR-3	NC	M/C	NR	Conditions
Use Per Zoning Code																																		

August 5, 2016 -- DRAFT
 REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
 Sec. 38-77. Use Table

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-1	RCE-2	RCE	R-1A6A	R-1A6A	R-1A4	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	ULP (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions			
			* * *																																		
Automobile towing service (does not include the storage, sales or dismantling of wrecked/in-operative vehicles); window tinting	7549	Towing services																					130 S		130 P	130 P	130 P										
			* * *																																		
Window tinting	7549	Window tinting																					P	P		P	P	P									
			* * *																																		
			HEALTH SERVICES																																		
Assisted living facility	805															S						P	P	P		P	P	P									
			* * *																																		
			EDUCATIONAL SERVICES																																		
Private kindergarten, elementary, junior high, middle and high schools, including those with dormitories or boarding facilities	8211	Elementary & middle schools	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	S	S		S	S	S	*		
Schools (public) kindergarten (see conditions #139, 140 and 141)	8211	Elementary (see condition #139)																																			
Schools (public) (see conditions #139, 140 and 141)	8211	Middle schools (see condition #139)																																			
Schools (public) (see conditions #139, 140 and 141)	8211	High schools (see condition #139)																																			
Colleges & universities	8221	College, universities & high schools																			S	S	P S	P S	107 P	P	P	P	S		S	S	S				
			* * *																																		
Seminaries	8221	Seminaries																				P	P	P	P	P	P	P	P			P	P				
			* * *																																		

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 REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"
 Sec. 38-77. Use Table

Uses Per Zoning Code	SIC Group	Land Use	Conditions																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
			A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-3	I-2, I-3	I-4	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
Juvenile justice rehabilitation schools or facilities	83	SOCIAL SERVICES																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
	8311	Job training & related services																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
Uses of national defense	971	National security	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94	94

* Springfield use table 38-77, appendix a - 08-05-16.doc

Conway Road/Hoffner Avenue Corridor Overlay District

Exhibit "A"

