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ORDINANCE NO. 2959

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF APOPKA BY AMENDING PART III – LAND DEVELOPMENT CODE, ARTICLE 1, GENERAL PROVISIONS, SECTION 1.2 AUTHORITY, BY CREATING SECTION 1.2.3. DEVELOPMENT FEES; BY REPEALING ORDINANCE 725 IN ITS ENTIRETY; BY REPEALING SECTION 2-96. – LAND DEVELOPMENT FEES IN ITS ENTIRETY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND SETTING AN EFFECTIVE DATE.

WHEREAS, Section 166.021(3), Florida Statutes, provides, in pertinent part, that “[t]he Legislature recognizes that pursuant to the grant of powers set forth in Section 2(b), Art. VIII of the State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state legislature may act” except for certain very limited matters;

WHEREAS, the City of Apopka Land Development Code requires amending periodically to include needed amendments to protect the health, safety, and welfare of all persons in the City;

WHEREAS, City of Apopka Code of Ordinances, Florida, Part III Land Development Code regulates the development and uses within the City of Apopka; and

WHEREAS, the City Council of the City of Apopka, Florida, has determined that the continued protection of the health, safety, and welfare of its citizens, and keeping the Land Development Code updated is for the benefit of the City, various Articles are being amended accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AS FOLLOWS:

(Words in ~~strike through~~ type are deletions; words in underscore type are additions)

SECTION I. AMENDMENT. Article 1, Section 1.2, Land Development Code, Part III, Code of Ordinances, City of Apopka, is hereby amended as follows.

SECTION 1.2. – AUTHORITY

1.2.1. – General

The Apopka City Council is authorized to adopt this LDC in accordance with Article VIII, Section 2(b) of the Florida Constitution, the charter of the City of Apopka (effective September 9, 1882, amended March 1919), Chapter 166 of the Florida Statutes (the Municipal Home Rules Powers Act, Section 163.3202, Fla. Stat., and all other relevant laws of the State of Florida.

1.2.2. - References to Florida Law

Whenever any provision of this LDC refers to or cites a section of the Florida Statutes (Fla. Stat.) or Florida Administrative Code (FAC), and that section is later amended or superseded, this LDC shall be

1 deemed amended to refer to the amended section or the section that most nearly corresponds to the
2 superseded section.

3
4 **1.2.3. - Fee Requirements**

5
6 Reasonable fees to offset the costs of administration of this LDC shall be set by Resolution of the
7 County Council. All fees must be paid at the time set out in said Resolution.

8
9 **SECTION II. AMENDMENT.** Section 2-96, Code of Ordinances, City of Apopka, is hereby
10 amended to read as follows:

11
12 **Sec. 2-96. - Land development fees-Reserved.**

13
14 (a) ~~The fees listed in this section shall be paid to the city for the following services:~~

15
16 (1) ~~Application for annexation of property into the city limits (land use and zoning included):~~
17 ~~.....\$700.00~~

18
19 (2) ~~If city initiates: No charge.~~

20
21 (3) ~~Application for annexation, planned unit development: . . . 850.00~~

22
23 (4) ~~Application for annexation, single lot owner: 300.00~~

24
25 (5) ~~Application for zoning change (except planned unit development): 500.00~~

26
27 (6) ~~Application for planned unit development zoning change: 750.00~~

28
29 (7) ~~Application for comprehensive plan change (land use): 700.00~~

30
31 (8) ~~Amendment to planned unit development: 400.00~~

32
33 (9) ~~Developer's agreement: 250.00~~

34
35 (10) ~~Amendment of conditions of approval of developer's agreement: 150.00~~

36
37 (11) ~~Planning commission application for special exception: 250.00~~

38
39 (12) ~~Zoning board of appeals application for variance:~~

40
41 a. ~~Single family residential lot: 150.00~~

42
43 b. ~~All others: 300.00~~

44
45 (13) ~~Application for appeal to city council: 150.00~~

46
47 (14) ~~Application for abandonment (plat, easement, public right of way, street, alley, etc.):~~
48 ~~200.00~~

49
50 (15) ~~Development plans:~~

51

1 a. ~~Concept plan: None.~~

2 b. ~~Preliminary development plan: 500.00~~

3 c. ~~Final development plan and final plat or re-plat: \$400.00; Plus, per lot: \$15.00.~~

4 d. ~~Revision to approved development plan:\$100.00~~

5 e. ~~Resubmittal of development plans: One half original fee per submittal after three~~
6 ~~submittals.~~

7 f. ~~Development plan, unplatted:~~

8 1. ~~Residential: 200.00~~

9 2. ~~Plus, per unit: 15.00~~

10 g. ~~Minor development plan (nonresidential less than 10,000 square feet): 250.00~~

11 h. ~~Major development plan (nonresidential 10,000 square feet or more): 400.00~~

12 i. ~~Redevelopment plan:~~

13 1. ~~Minor redevelopment plan (nonresidential less than 10,000 square feet):~~
14 ~~100.00~~

15 2. ~~Major redevelopment plan (nonresidential 10,000 square feet or more):~~
16 ~~200.00~~

17 j. ~~Resubmittal of redevelopment plans: One half original fee per submittal after three~~
18 ~~submittals.~~

19 (16) ~~City engineer review of utility plans for county subdivision or site plans:~~

20 a. ~~Residential, per unit:\$ 10.00~~

21 b. ~~Commercial, per unit: 100.00~~

22 (17) ~~City engineer review and consultation on specific projects, other than subdivision and site~~
23 ~~plan review, will be charged to the developer on an hourly basis after the first hour. Costs~~
24 ~~incurred will be calculated utilizing personnel costs times a multiplier of 2.2 (contact city~~
25 ~~engineer).~~

26 (18) ~~Engineering inspection fees:~~

27 a. ~~Engineering inspection fees will be based on the following percentage of the~~
28 ~~construction costs of public improvements for each subdivision project:~~

29 1. ~~\$0.00 to \$300,000.00: One percent.~~

30 2. ~~\$300,001.00 and over: 0.8 percent.~~

b. ~~The fee for any and all other projects, including commercial, shall be one percent of construction costs of the work inspected.~~

c. ~~Any required oversizing amounts will be subtracted before the calculation pursuant to this subsection is made.~~

(19) ~~Residential driveway inspection:\$ 20.00~~

(20) ~~Residential sidewalk inspection: 25.00~~

(21) ~~Right of way permit fee: A permit fee in the amount of \$100.00 shall accompany the permit application. A check made payable to the city shall be the means by which the fee is paid.~~

(22) ~~Arbor permit:~~

a. ~~Specimen or historic tree removal, per tree:\$ 5.00~~

b. ~~Protected tree removal other than specimen or historic tree, per tree: 0.00~~

c. ~~Specimen or historic tree trimming, per tree: 1.00~~

d. ~~Land clearing:~~

1. ~~Single family residence: 5.00~~

2. ~~All other land clearing: 20.00~~

~~Plus \$5.00 per acre, or fraction thereof, up to a maximum of \$250.00.~~

e. ~~Shoreline clearing: \$15.00 per 500 linear feet, or increment thereof, measured at the normal water height, up to a maximum of \$250.00.~~

(23) ~~Concurrency management fees:~~

a. ~~Concurrency verification letter (certification of de minimis statutes):\$ 25.00~~

b. ~~Concurrency encumbrance letter: 250.00~~

c. ~~Capacity reservation certificate: Percentage of impact fee.~~

d. ~~Concurrency resolution fee:\$250.00~~

e. ~~Capacity waiting list application fee: 150.00~~

f. ~~Appeal of concurrency management opinion (CMO) determination: 150.00~~

(24) ~~Vested rights determination fee: \$50.00; Plus attorney fees.~~

(25) ~~Excavation permit fee:\$ 10.00~~

1 ~~(26) Garage sale permit fee: 1.00~~

2
3 ~~(b) The following shall apply with respect to the fees imposed by this section:~~

4
5 ~~(1) Costs incurred in addition to established fees for advertising, city attorney, postage or~~
6 ~~consultant expenses must be paid to the city.~~

7
8 ~~(2) Cancellation of a public hearing by the applicant will necessitate the applicant paying all re-~~
9 ~~advertising costs.~~

10
11 ~~(3) Plans which require resubmittal and which are not submitted within 60 days of the review~~
12 ~~date will be considered expired.~~

13
14 ~~(4) There will be no refund of any fees once the application has been submitted to the city for~~
15 ~~processing.~~

16
17 **SECTION III. AMENDMENT.** Ordinance No. 725 is hereby repealed in its entirety.

18
19 **SECTION IV. AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance shall
20 be included and incorporated into the Code of Ordinances of the City of Apopka, as additions or
21 amendments thereto

22
23 **SECTION V. SEVERABILITY.** Should any word, phrase, sentence, subsection or section be held
24 by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word,
25 phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases,
26 sentences, subsections, or sections shall remain in full force and effect.


27
28 **SECTION VI. CONFLICTING ORDINANCES.** All ordinances or part thereof, in conflict
29 herewith are, to the extent of such conflict, repealed.

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31 **SECTION VII. EFFECTIVE DATE.** That this ordinance and the rules, regulations, provisions,
32 requirements, orders and matters established and adopted hereby shall take effect and be in full force and
33 effect immediately upon its passage and adoption.

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40 **[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]**
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1 PASSED UPON at the first reading of the City Council, this 9/7, 2022.

2
3 PASSED UPON at the second and final reading of the City Council, this 9/21, 2022

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8 
9 **BRYAN NELSON**
Mayor

10 ATTEST:

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12 
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14 **SUSAN M. BONE**
15 City Clerk

16
17 DULY ADVERTISED FOR PUBLIC
18 HEARING:
19

20
21 APPROVED as to legal sufficiency and form:

22
23 
24
25 **MICHAEL A. RODRÍGUEZ**
26 City Attorney