

APOPKA CITY COUNCIL AGENDA

November 02, 2016 1:30 PM APOPKA CITY HALL COUNCIL CHAMBERS

Agendas are subject to amendment through 5:00pm on the day prior to City Council Meetings

CALL TO ORDER INVOCATION - Pastor David Schorejs of the First Baptist Church of Apopka **PLEDGE**

APPROVAL OF MINUTES:

- City Council workshop meeting September 2, 2016.
- City Council workshop meeting October 4, 2016.
- City Council meeting October 19, 2016.

PUBLIC COMMENT: STAFF RECOGNITION AND ACKNOWLEDGEMENT

Employee Recognition:

- Ten Year Service Award Phillip Rippon Recreation/Athletics Recreation Leader I
- Fifteen Year Service Award Steven Page Fire/EMS Fire District Chief
- Twenty Year Service Award Jay Davoll Public Services/Public Services Director

Presentations:

1. Presentation regarding property and an Equestrian Youth Therapy Program.

Pamela Badzinski

Public Comment Period:

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

CONSENT (Action Item)

- Approve December 26, 2017, as the CY17 Floating Holiday.
- Approve appointment of John Sprinkle to the Planning Commission.
- Authorize staff to hang banners for the Fall Family Festival.
- Authorize the closure of roads for the annual Apopka Christmas Parade.
- Authorize the purchase of four portable light towers from Kelly Tractor Co.
- Authorize a contract with the Department of Corrections for an inmate work squad.
- Authorize the purchase of two Automated Side Loader Refuse Trucks via the Florida Sheriffs Association Contract.

BUSINESS (Action Item)

	,	
<u>1.</u>	Final Development Plan – Northwest Distribution Center Building "D" – Quasi-Judicial	Rogers Beckett
2.	Preliminary Development Plan – Tractor Supply – Quasi-Judicial	Rogers Beckett
3.	Plat Approval – Silver Oak Phases 1 and 2 Plats – Quasi-Judicial	David Moon

PU

10. Resolution 2016-33 - Handicap Accessibility Requirement Updates.

UBLIC	HEARINGS/ORDINANCES/RESOLUTION (Action Item)	
<u>1.</u>	Ordinance No. 2510 - Second Reading - Code of Ordinances, Chapter 74 "Business Tax Receipts" - Legislat	ive Postpone
<u>2.</u>	Ordinance No. 2511 – Second Reading – Code of Ordinances, Chapter 86 "Vehicles for Hire." – Legislative	Postpone
<u>3.</u>	Ordinance No. 2524 – First Reading – Small Scale Future Land Use Amendment - Legislative	Kyle Wilkes
	Ordinance No. 2525 – First Reading – Change of Zoning - Quasi-Judicial	Kyle Wilkes
<u>5.</u>	Ordinance No. 2526 - First Reading - Temporary Moratorium - Dispensing of Medical Cannabis - Legislative	David Moon
<u>6.</u>	Ordinance No. 2528 – First Reading – Annexation - Legislative	Rogers Beckett
<u>7.</u>	Ordinance No. 2529 – First Reading – Annexation - Legislative	Rogers Beckett
<u>8.</u>	Ordinance No. 2530 – First Reading – Annexation - Legislative	Rogers Beckett
<u>9.</u>	Ordinance No. 2531 – First Reading – Annexation - Legislative	Rogers Beckett

STAFF UPDATES/REPORTS (No Action Required)

- 1. Staff update on Vick Road and Martin Street Study Warrant. Jay Davoll
- 2. Staff update on Old Dixie Highway and Bradshaw Road alternative intersection traffic control analysis. Jay Davoll
- 3. Staff update on Construction design of Sixth Street from Christiana Street to US 441. Jay Davoll

CITY COUNCIL REPORTS

MAYOR'S REPORT

NOT REQUIRING ACTION

1. Thank you letter to the Public Services Department from Resident.

ADJOURNMENT

MEETINGS AND UPCOMING EVENTS

DATE	TIME	EVENT
November 3, 2016	5:30pm – 9:00pm	Food Truck Round Up
November 8, 2016	5:30pm – 6:00pm	Planning Commission Meeting
November 10, 2016	5:00pm – 10:00pm	Fall Festival – Edwards Field
November 11, 2016	5:00pm – 11:00pm	Fall Festival – Edwards Field
November 12, 2016	10:00am – 11:00pm	Fall Festival – Edwards Field
November 13, 2016	12:00pm – 8:00pm	Fall Festival – Edwards Field
November 16, 2016	7:00pm –	Council Meeting
November 18, 2016	7:00pm – 9:00pm	Movie in the Park – Angry Birds - Northwest Recreation Complex
November 24, 2016	-	Thanksgiving Holiday – City Offices Closed
November 25, 2016	-	Thanksgiving Holliday – City Offices Closed
November 28, 2016	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden
December 1, 2016	5:30pm – 9:00pm	Food Truck Round Up
December 1, 2016	5:30pm – 9:00pm	Winter Wonderland & Tree Lighting - Kit Land Nelson Park
December 10, 2016	10:00am -	Apopka Christmas Parade
December 7, 2016	1:30pm –	Council Meeting
December 13, 2016	5:30pm – 6:00pm	Planning Commission Meeting
December 21, 2016	7:00pm –	Council Meeting
December 23, 2016	-	Holiday – City Offices Closed
December 26, 2016	-	Holiday – City Offices Closed
December 26, 2016	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden

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

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

1. City Council workshop meeting September 2, 2016.

CITY OF APOPKA

Minutes of a Workshop teleconference held on September 2, 2016, 1:30 p.m. in the City of Apopka Council Chambers.

PRESENT: Commissioner Billie Dean

Commissioner Diane Velazquez Commissioner Kyle Becker Commissioner Doug Bankson

ABSENT: Mayor Joe Kilsheimer

PRESS PRESENT: John Peery – The Apopka Chief

Dale Fenwick - The Apopka Voice

KABOOM REPRESENTATIVES PARTICIPATED IN THE MEETING VIA TELECONFERENCE

CALL TO ORDER – Vice Mayor Dean called the Workshop to order at 1:30 p.m and led the Pledge of Allegiance.

DISCUSSION

Dr. Shakenya Harris-Jackson introduced Kaboom Representative, Laetitia Morrisson.

Laetitia Morrisson provided a brief overview of the program and explained how the process works. Laetitia then introduced Kaboom Representative, Joy Hathaway. Ms. Hathaway stated that at this point, Kaboom has already identified the need exists in our City and that they are currently seeking a large sponsor to fulfill the \$90,000 requirement for the grant. The City would be responsible for a contribution of \$8,500 which can come from donations or fundraising efforts. Ms. Hathaway advised that they are currently in the process of exploring partners in our area however to date they haven't received any responses. Ms. Morrisson stated that Kaboom is open to suggestions as to other partners as well.

Commissioner Bankson stated that the City has two Ministerial Alliances that would likely get behind the project and asked whether the scope of the funding was only for the playground or if could be used for other things. Ms. Hathaway stated that the funding can be used for picnic tables however it would not cover rest rooms or water parks.

Commissioner Velazquez asked if we need to reach out to the community for donations or do a fundraiser prior to receiving the Grant. Ms. Hathaway advised that the City's portion would come after the grant had been funded.

Commissioner Becker expressed his concerns as to why there wasn't any interest yet and asked whether the funding was per playground or total. Ms. Hathaway stated that it can take up to two years to find a partner and confirmed that the funding of \$90,000 was per playground. She also indicated that best case scenario may be early Spring or later in the Fall of 2017 before they secure a partner.

CITY OF APOPKA Minutes of a Workshop held on September 2, 2016 at 1:30 pm. Page 2 of 2

Dr. Harris-Jackson asked that Kaboom provide us with the Conceptual Plans & a cost break down and stated that the goal was to identify partners to potentially have a partner in place by the Spring of 2017.

Ms. Hathaway advised that they will prepare a preliminary design and present to the City for approval prior to finalizing. The City will have the final say in whether this fits our vision.

ADJOURNMENT – There being no further business the meeting adjourned at 2:17 p.m.

	/s/
	Billie Dean, Vice Mayor
ATTEST;	
Linda E. Coff. City Clark	
Linda F. Goff, City Clerk	

2. City Council workshop meeting October 4, 2016.

CITY OF APOPKA

Minutes of the City Council workshop held on October 4, 2016, at 3:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer

Commissioner Billie Dean Commissioner Diane Velazquez Commissioner Doug Bankson Commissioner Kyle Becker City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief

Reggie Connell, The Apopka Voice

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer led in the Pledge of Allegiance.

DISCUSSION

This workshop gives the opportunity for the City Council to review and discuss any questions or concerns on the finalized impact fee study report that has been submitted by PRMG.

Staff Report

Glenn Irby, City Administrator, reported the City has engaged PRMG to conduct several studies. The one before Council today is Fire and Police Impact Fees. He advised the City of Apopka has never had Fire, EMS, or Police impact fees before. He stated the City is looking at building two new fire stations and bringing on personnel. Impact fees will not pay for personnel, however, equipment required is expensive and impact fees can pay for the equipment.

<u>Public Resources Management Group Presentation / Fire Department, EMS & Police Department Impact Fee Study Report</u>

Henry Thomas, Vice President, said Public Resources Management Group is out of Maitland and they have been working with the City now for a number of years on the utility rates. He stated municipal impact fees is another area they specialize in. He reviewed a PowerPoint presentation sharing the results of their analysis. He said impact fees allow recovering a cost of capacity needed to serve new development and they help pay for this. He stated today they will be discussing Police Protection Services, Fire, and EMS impact fees. He affirmed that impact fees have been developed under Florida Statutes and Case Law. One of the requirements is that the City have a revenue producing ordinance and the fees are maintained in a separate account. A copy of the PowerPoint presentation is on file in the Clerk's office.

Mr. Thomas went over the recommendation for proposed impact fee levels. The recommended proposed Police full impact fee is \$747.00 per dwelling and the staff proposed impact fee is \$519.00 per dwelling. The recommendation for proposed Fire/EMS full impact fee is \$708.00 per dwelling and the staff proposed impact fee is \$516.00 per dwelling. He advised the fees can be incrementally phased-in to full level over time. PRMG recommends to consider adopting the impact fees based on a percentage of calculated fees, and include a dispute process in the ordinance. He recommended the level of impact fees be revisited every

CITY OF APOPKA Minutes of a City Council workshop held on October 4 2016, at 3:00 p.m. Page 2 $\,$

three to five years, particularly with the new growth. A copy of the study is on file in the Clerk's office.

Following discussion, it was the consensus of City Council to set the impact fees at 80% of the full impact fee.

ADJOURNMENT – There being no further business the meeting adjourned at 4:26 p.m.

ATTEST:	Joseph E. Kilsheimer, Mayor
Linda F. Goff, City Clerk	

3. City Council meeting October 19, 2016.

CITY OF APOPKA

Minutes of the regular City Council meeting held on October 19, 2016, at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer

Commissioner Billie Dean Commissioner Diane Velazquez Commissioner Doug Bankson Commissioner Kyle Becker City Attorney Andrew Hand City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief

Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Reverend Laura Viau of First Presbyterian Church of Apopka, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on October 22, 1968, members of the Apopka Historical Society appealed to the City Council for use of a room on the second floor of City Hall to establish a museum. The Council's vote was unanimous and the Apopka Historical Society quickly setup the museum in City Hall where it remained for nearly twenty years. In 1987, looking for more space for the growing number of exhibits, the museum relocated to the ground floor of the McBride building. The Museum of the Apopkans today is situated in a modern log cabin structure built in 2001. It hosts an impressive display of the rich heritage and history of Apopka and serves an important role in preserving artifacts and presenting the stories of the past. In the last week, the Apopka Historical Society unexpectedly lost its President, Jerry Weiss, who had recently organized a photo preservation event and was active in cataloging Apopka's history. He declared our thoughts and prayers are with the Weiss family and the Historical Society. He asked everyone to remember those men and women, who like Jerry Weiss, help to preserve Apopka's history for future generations as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

- 1. City Council workshop August 23, 2016.
- 2. City Council Budget Hearing September 14, 2016.
- 3. City Council Budget Hearing September 28, 2016.
- 4. City Council meeting October 5, 2016.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve the minutes of August 23, 2016, September 14 2016, September 28, 2016, and October 5, 2016. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT Presentations:

Apopka Fire Department, Firefighter Combat Challenge.
 Chief Carnesale recognized a group of Apopka Firefighters that competed last month in the

Firefighter Combat Challenge in Missouri. He said the Challenge annually attracts hundreds of United States and Canadian Fire Departments at more than twenty-five locations across the country. The Challenge encourages firefighter fitness and demonstrate the profession's rigors to the public. He showed a video of the firefighters competing. He introduced the firefighters that competed: Zeyn Alvarado, Dylan Spencer, Sean Knapp, Cody Minchey, Chris Lenahan, Justin Joseph, Earl Hines, Scott Harrell, Don Klouse, Renee Beasley, Thomas Garner, Jon McGuire, Antonio Batista, and Danny Criswell. District Chief Todd Bengston was coach and manager for this event. He stated Scott Harrell qualified for the world competition in the 40 and over age division. Apopka took home third place overall in the team division led by Justin Joseph, Danny Criswell, Earl Hines, and Scott Harrell. The Apopka Fire Department also took the top five of 26 newcomers to the competition led by Justin Joseph, Scott Harrell, Danny Criswell, Earl Hines, and Sean Knapp. Renee Beasley won first place overall in the women's division and qualified for the world competition with a time of four minutes and eighteen seconds. Engineer Don Klouse qualified for the world competition with a time of three minutes and thirty-five seconds and won first place in the male over 50 division.

Public Comment Period:

Max Kelly, President of the Apopka High School Drama Department and Matthew Zenon, Vice President of the Apopka High School Drama Department, both Apopka residents, spoke of the performances they produce every year, the most recent being *Fantastic Mr. Fox*, which they will be performing for multiple elementary schools. Max said their honors theatre class will also be performing for elementary schools, advising they did a bullying piece last year to teach how to overcome bullying. Matthew said they not only enrich the children of the community, but the high school students also gain a lot from this department. They are unfunded and fundraise as much as possible, as well as asking for donations from local businesses. They said the City has donated in the past and they would love for the City to consider donating again.

Pastor Hezekiah Bradford, Jr. said on behalf of the Apopka Christian Ministerial Alliance and the South Apopka Ministerial Alliance, said they would love to continue to work with the community in any way they possibly can. He stated when he returned from vacation he heard about the Gospel Fest the City was trying to do and had a chance to review the last Council meeting. He received a call from Commissioner Bryan Nelson and they had a meeting with the Ministerial Alliances. From that meeting they decided to have an Apopka Faith Family Food Festival and submitted an application today for the event to be held on January 7, 2017. He stated they employed Willy Carey as the event coordinator. He invited any other faith based initiatives to be part of this event.

Ray Shackelford said he called sanitation and waste management services last week and said he spoke with Marianne who was very patient and respectful. He asked if a friend of his came to speak after a vote or consensus of City Council, would they be allowed to speak. He spoke of the Apopka Begins and Ends with "A" program and the foundation running it. He made a public records request for a finance report of the \$20,000 spent and on the budget for \$30,000 and how it is planned to be spent. He applauded Commissioner Becker for keeping his campaign promise as related to the young people. He said he looked forward to the campaign promise of the Mayor related to term limits. He stated the General Finance Officers Association and Civic Federation state that the minimal fund balance should be roughly 17% for two months. He declared they also state some governments may require much larger reserves based on concerns of potential financial conditions.

He stated several cities in Central Florida are seeking or have a fund balance of at least 25%. He called upon the Council to support Commissioner Bankson's call to raise the fund balance in order to protect the fiscal integrity of the City of Apopka and bond rating.

CONSENT (Action Item)

- 1. Approve the Disbursement Report for the month of September, 2016.
- 2. Award a contract for a reclaim water service main extension on Ocoee-Apopka Road.
- 3. Award a construction contract to Rosenbauer America, LLC for a new Fire Engine.
- 4. Award a construction contract to Rosenbauer America, LLC for an Advanced Life Support Rescue vehicle.
- 5. Approve the ranking of firms and authorize the negotiation of a contract for a Construction Manager at Risk for Fire Station 5.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve the five items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Bankson and Becker voting aye.

Mayor Kilsheimer recognized newly elected Kamia Brown, District Representative for District 45, who will be sworn in after the November 8, 2016 election.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2519 – Second Reading – Master Plan/Preliminary Development Plan. The City Clerk read the title as follows:

ORDINANCE NO. 2519

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE NUMBER 2170. CHANGING THE ASSIGNMENT OF OWNERSHIP FOR TRACT "B" AND "F" AND AMENDING THE APPROVED ORCHID **ESTATES** MASTER PLAN\PRELIMINARY **PLAN DEVELOPMENT FOR CERTAIN REAL PROPERTY** GENERALLY LOCATED EAST OF JASON DWELLEY PARKWAY AND NORTH OF APPY LANE, AND OWNED BY JTD LAND AT ORCHID ESTATES, LLC., **PROVIDING FOR DIRECTIONS** TO **COMMUNITY DEVELOPMENT** DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

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

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to adopt Ordinance No. 2519. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. Ordinance No. 2520 – Second Reading – Small Scale Future Land Use Amendment. The City Clerk read the title as follows:

ORDINANCE NO. 2520

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY" RURAL (1 DU/ 10 AC) TO "CITY" MIXED USE, FOR CERTAIN REAL PROPERTY LOCATED AT 1850 S. BINION RD., COMPRISING 5.6 ACRES MORE OR LESS, AND OWNED BY EQUITY WATERS EDGE LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to adopt Ordinance No. 2520. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Ordinance No. 2521 – Second Reading – Change of Zoning. The City Clerk read the title as follows:

ORDINANCE NO. 2521

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" MIXED-EC FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1850 S. BINION RD., COMPRISING 5.6 ACRES MORE OR LESS, AND OWNED BY EQUITY WATERS EDGE LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Kilsheimer advised this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to adopt Ordinance No. 2521. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

4. Ordinance No. 2522 – Second Reading – Vacate – Right-of-Way. The City Clerk read the title as follows:

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF RIGHT-OF-WAY(ALLEYWAY); LOCATED SOUTH OF EAST 6TH STREET AND WEST OF SOUTH HIGHLAND AVENUE; IN SECTION 09, TOWNSHIP 21, RANGE 28 OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE

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

MOTION by Commissioner Dean, and seconded by Commissioner Bankson, to adopt Ordinance No. 2522. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

5. Ordinance No. 2523 – Second Reading – Vacate – Right-of-Way. The City Clerk read the title as follows:

ORDINANCE NO. 2523

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO VACATE A PORTION OF JOHNS ROAD RIGHT-OF-WAY; LOCATED EAST OF BINION ROAD AND SOUTH OF BEARDSLEY DRIVE; IN SECTION 07, TOWNSHIP 21, RANGE 28 OF ORANGE COUNTY, FLORIDA; PROVIDING DIRECTIONS TO THE CITY CLERK, FOR SEVERABILITY, FOR CONFLICTS, AND AN EFFECTIVE DATE

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

MOTION by Commissioner Becker, and seconded by Commissioner Dean, to adopt Ordinance No. 2523. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

6. Resolution 2016-32 – Accept a donation of right-of-way along Marden Road from the Central Florida Expressway. The City Clerk read the title as follows:

RESOLUTION NO. 2016-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ACCEPTING A QUIT CLAIM DEED FROM CENTRAL FLORIDA EXPRESSWAY AUTHORITY FOR REAL PROPERTY; DIRECTING THE CITY CLERK OR DESIGNEE TO RECORD THE EXECUTED DEED IN THE PUBLIC RECORDS OF ORANGE COUNTY, AND PAY ALL FEES NECESSARY TO EFFECTUATE SUCH RECORDATION, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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Glenn Irby, City Administrator, said this is in relation to the roundabouts on Marden Road connecting it to S.R. 414. He advised this was an assembly of different parcels of property along that round in order to construct the roundabouts. The City has accepted dedications of right-of-way from three entities to date and this is the fourth. He affirmed this resolution accepts that donation of right-of-way.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve Resolution No. 2016-32. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

MAYOR'S REPORT

Commissioner Dean commented on Pastor Bradford's presentation of a Gospel Fest and conveyed his gratitude to move forward in holding this event.

1. Appointment of Director James Hitt to the MetroPlan Orlando Technical Advisory Committee (TAC).

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez to appoint Community Development Director James Hitt to the MetroPlan Orlando Technical Advisory Committee. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

ADJOURNMENT – There being no further business the meeting adjourned at 7:43 p.m.

ATTEST;	Joseph E. Kilsheimer, Mayor
Linda F. Goff, City Clerk	

1. Approve December 26, 2017, as the CY17 Floating Holiday.



CITY OF APOPKA CITY COUNCIL

X CONSENT AGENDA	MEETING OF:	November 2, 2016
PUBLIC HEARING	FROM:	Human Resources
SPECIAL REPORTS	EXHIBITS:	Voting Results
OTHER:		

SUBJECT: CALENDAR YEAR 2017 FLOATING HOLIDAY

REQUEST: APPROVAL

SUMMARY:

December 26, 2017 was selected by employee vote to be the CY17 Floating Holiday.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Approve December 26, 2017, as the CY17 Floating Holiday.

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief

Floating Holiday Vote Count/Certification Sheet

Calendar	Year:		2017	
Dates vot	ted:	"Name" of Holiday	# of votes rec'd	
	02/20/17	Presidents Day	4	
	04/14/17	Good Friday	0	
	04/17/17	Day After Easter	1	
	10/09/17	Columbus Day	0	
	12/22/17	Friday before Christmas	24	
	12/26/17	Day After Christmas	119	
	12/29/17	Friday beofore New Years Day	0	
	03/17/17	St. Patrick's Day	1	
		Total # Votes: Void Ballots: Unable to read; copied ballots; etc.	7	
		Total # Ballots: Date Counted:	156	
		Date Counted:	10/19/16	
		Floating Holiday chosen:		12/26/17
		Certified:	Nancy Kulscar	nanny Kulsuer
			Susan Bone	hisa More

2. Approve appointment of John Sprinkle to Planning Commission for a three (3) year term.



CITY OF APOPKA CITY COUNCIL

XCONSENT AGENDAMEETING OF:November 2, 2016____ PUBLIC HEARINGFROM:Mayor Kilsheimer___ SPECIAL REPORTSEXHIBITS:Board Appointment

OTHER: Form

SUBJECT: APPOINTMENT OF JOHN SPRINKLE TO THE PLANNING COMMISSION.

REQUEST: APPROVE APPOINTMENT OF JOHN SPRINKLE TO THE PLANNING

COMMISSION FOR A THREE (3) YEAR TERM.

SUMMARY:

The three-year term of Planning Commission member Robert Ryan expired on October 20, 2016. The City of Apopka Land Development Code, §11.05.00 B.4., states in part, "Whenever possible, the Commission shall include at least one of each of the following: a. an architect or landscape architect; b. an engineer; c. a person engaged in real estate sales or development; d. a natural or environmental scientist." Accordingly, Mayor Kilsheimer has appointed John Sprinkle, Apopka resident and licensed building contractor, to the Planning Commission seat occupied by Mr. Ryan. Pursuant to §11.05.00 B.1., City of Apopka Code of Ordinances, this mayoral appointment requires approval by City Council, and Mr. Sprinkle's three year term will take effect immediately upon ratification.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Approve appointment of John Sprinkle to Planning Commission for the three-year term ending November 2, 2019.

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief



CITY OF APOPKA BOARD APPOINTMENT INFORMATION FORM

Please type if possible, or print clearly	Date: Octo	ber 20, 2016
Board(s) Desired: 1. City of Apopka, Planning Commission		
2		
3	_	
Name: John M. Sprinkle		
Address: (Home)		
(Bus.)		_
Phone: (Home) (Bus.)		
Employer: KTS Construction Consultants		_
Position: Vice President of Operations		
Education:	Years Comp.	Degree
High School _ Tell City High School, Tell City, Indiana	_4	Graduate
College _ Western Kentucky University	_7	BS Industrial Tech
1. Are you a City of Apopka resident? 2. Are you a registered voter? 3. Do you own property in Apopka? 4. Are you currently serving on a City Board? 5. Have you ever served on a City Board? 6. If yes, when and which Board? 7 Yes X No Yes X No Yes No X Yes No X		
6. How long have you lived in Central Florida? Years 33 7. References: Name Norm Jokinen Address	-	Phone
Kelly Stephens		
Dave Occhialini	(Conti	nued on other side)

	20 years on Major projects (\$250M to \$1.2 B) for Gilbane Bldg Co, Jacobs Engineering, lt Disney Imagineering, Westinghouse Power Generation. 13 years working for our own
	ntractor in the Residential, Commercial, Governmental and Industrial sectors.
	nent: Past board member of Muirfield Estates at Errol HOA, Past Board member and e Orange County Fire Code Appeals Board
Interests/Activities:	Master Craftsman in Woodworking, Casual Biking, Cooking, Family, Church
Why do you want to bits of knowlege and	serve on this/these Board(s)? I enjoy helping the community in positions that I have sor would enjoy serving in my home city on a board that can help it grow.
A resume or separate shee	et with additional information may be included.
	I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s). Signature
If you have questions	s, please call the Community Development Department at (407) 703-1712.
Return this form to:	Mayor's Office 120 E. Main St. P.O. Drawer 1229 Apopka, Florida 32704
******	********NOMINATING BOARD USE ONLY ****************
AIF Received	Info to Staff
AIF Acknowledged	Mayor's Letter
Forwarded to Mayor	Other
Council Action	

U:\COREL\OFFICE\WPWIN\WPDOCS\BOARDAPP.1

3. Authorize staff to hang banners for the Fall Family Festival.



CITY OF APOPKA CITY COUNCIL

X	CONSENT AGENDA	MEETING O	F: November 2, 2016
	PUBLIC HEARING	FROM:	Public Services
	SPECIAL REPORTS	EXHIBITS:	

___ OTHER:

SUBJECT: BANNERS FOR THE FALL FAMILY FESTIVAL

REQUEST: AUTHORIZE STAFF TO HANG BANNERS FOR THE FALL FAMILY FESTIVAL

SUMMARY:

Authorize staff to hang banners for the Fall Family Festival on the light poles in the downtown area. The Fall Family Festival is held at Kit Land Nelson Park on November 10-13, 2016 and is co-sponsored by the City with the Rotary Club.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Authorize staff to hang banners for the Fall Family Festival.

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief

4. Authorize the closure of roads for the annual Apopka Christmas Parade.



CITY OF APOPKA CITY COUNCIL

X CONSENT AGENDA MEETING OF: November 2, 2016

PUBLIC HEARING FROM: Recreation

SPECIAL REPORTS EXHIBITS: Application & Map

OTHER:

SUBJECT: FUMC OF APOPKA – APOPKA CHRISTMAS PARADE

REQUEST: AUTHORIZE THE CLOSURE OF ROADS

SUMMARY:

FUMC (First United Methodist Church) of Apopka is requesting the City Council approve road closures for the annual Apopka Christmas Parade being held on Saturday, December 10, 2016, beginning at 10:00am. The Parade is to begin at the intersection of 1st Street and Forest Avenue traveling south to 3rd Street, then west to South Park Avenue. The parade will proceed north to Votaw Road and end at Apopka Memorial Middle School. Street closures are requested as indicated on the attached application map for the following streets: 1st Street, 2nd Street, 3rd Street, Park Avenue, and S. Highland Ave. The Development Review Committee has reviewed the special events permit application and has found it to be consistent with the Land Development Code.

FUNDING SOURCE:

N/A

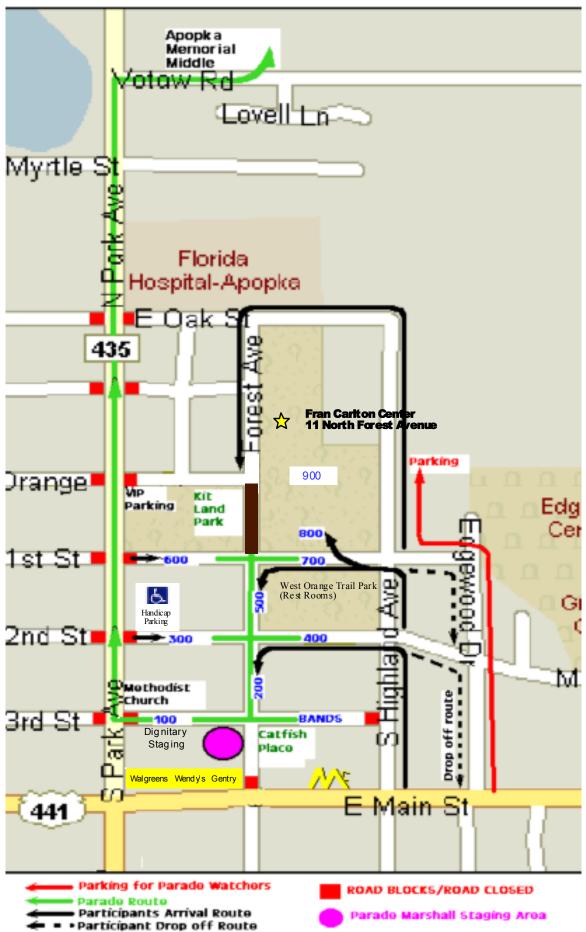
RECOMMENDATION ACTION:

Authorize the closure of roads associated with the FUMC of Apopka Christmas Parade on Saturday, December 10, 2016.

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity Clerk

Community Development Director Police Chief Fire Chief



5. Authorize the purchase of four portable light towers from Kelly Tractor Co.



CITY OF APOPKA CITY COUNCIL

PUBLIC	NT AGENDA HEARING L REPORTS ——————	MEETING OF: FROM: EXHIBITS:	Nov. 2, 2016 Fire Department Light Tower
SUBJECT: Request:	PURCHASE OF PORTABLE LIGHT TOWERS APPROVE THE PURCHASE OF LIGHT TOWE	ERS FROM KELLY	Y TRACTOR CO.

SUMMARY:

The Fire Department's approved budget includes four portable light tower generators. These light towers will be used primarily at the Department's training center for illumination during night-time training exercises. However, they can also be used for other night-time activities, such as emergency scenes where illumination is needed for an extended period of time. The portable light towers are more versatile and less expensive than permanent lighting fixtures.

Pricing for the portable light towers, with department specific options, was obtained by Kelly Tractor Co. from the Florida Sheriffs Association Contract #FSA 16-VEH14.0 specification #68. The price includes freight and delivery, as well as a two year warranty.

FUNDING SOURCE:

Fire Suppression Capital Equipment budget. The light towers were approved in the FY 2016/17 budget.

RECOMMENDATION ACTION:

The Fire Department requests City Council approval to purchase four portable light towers from Kelly Tractor Co, in the amount of \$42,320 (\$10,580 x 4 lights).

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief



6. Authorize a contract with the Department of Corrections for an inmate work squad.



CITY OF APOPKA CITY COUNCIL

X	CONSENT AGENDA	MEETING OF:	November 2, 2016
	PUBLIC HEARING	FROM:	Public Services
	SPECIAL REPORTS	EXHIBITS:	Contract
	OTHER		

SUBJECT: INMATE WORK SQUADS CONTRACT

REQUEST: AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WITH THE DEPARTMENT OF CORRECTIONS

SUMMARY:

On November 5, 2014, City Council approved an Inmate Work Squad Contract. The contract will expire February 21, 2017.

The Department of Corrections has established a new contract and has requested the City execute it. The contract will be effective for a one-year term, beginning February 22, 2017, and is subject to one (1) one-year extension, with the same terms and conditions. The cost is \$57,497.00 per year, the same as the prior years.

FUNDING SOURCE:

Funding is included in the Street Improvement Fund – Inmate Division FY17 Budget.

RECOMMENDATION ACTION:

Authorize the Mayor or his designee to sign a contract with the Department of Corrections for an inmate work squad.

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief

CONTRACT BETWEEN

THE FLORIDA DEPARTMENT OF CORRECTIONS

AND

CITY OF APOPKA

This Contract is between the Florida Department of Corrections ("Department") and the City of Apopka ("Agency"), which are the parties hereto.

WITNESSETH

WHEREAS, Section 944.10(7) and Section 946.40, Florida Statutes and Rules 33-601.201 and 33-601.202, Florida Administrative Code, provide for the use of inmate labor in work programs;

WHEREAS, inmate labor will be used for the purposes of providing services and performing work under the supervision of the Department's staff;

WHEREAS, the City of Apopka is a qualified and willing participant with the Department to contract for an inmate work squad(s); and

WHEREAS, the parties hereto find it to be in their best interests to enter into this Contract, and in recognition of the mutual benefits and considerations set forth, the parties hereto covenant and agree as follows:

I. CONTRACT TERM/RENEWAL

A. Contract Term

This Contract shall begin on February 22, 2017, or the last date of signature by all parties, whichever is later.

This Contract shall end at midnight one (1) year from the last date of signature by all parties or February 21, 2018, whichever is later. In the event this Contract is signed by the parties on different dates, the latter date shall control.

B. <u>Contract Renewal</u>

This Contract may be renewed for up to a one (1) year period, in whole or part, after the initial Contract period upon the same terms and conditions contained herein. The Contract renewal is at the Agency's initiative with the concurrence of the Department. The decision to exercise the option to renew should be made no later than sixty (60) days prior to the Contract expiration.

II. SCOPE OF CONTRACT

A. Administrative Functions

- 1. Each party shall cooperate with the other in any litigation or claims against the other party as a result of unlawful acts committed by an inmate(s) performing services under this Contract between the parties.
- 2. Each party will retain responsibility for its personnel, and its fiscal and general administrative services to support this Contract.
- 3. Through their designated representatives, the parties shall collaborate on the development of policies and operational procedures for the effective management and operation of this Contract.

B. <u>Description of Services</u>

1. Responsibilities of the Department

- a. Pursuant to Chapter 33-601.202(2)(a), Florida Administrative Code, supervision of the work squad(s) will be provided by the Department. The Department shall provide one (1) Correctional Work Squad Officer position(s) to supervise an inmate work squad(s). This Contract provides for one (1) work squad(s) of up to eight (8) inmates.
- b. The Department shall ensure the availability of the work squad(s) except: when weather conditions are such that to check the squad(s) out would breach good security practices; when the absence of the Correctional Work Squad Officer is necessary for reasons of required participation in training or approved use of leave; when the officer's presence is required at the institution to assist with an emergency situation; when the officer is ill; or when the Correctional Work Squad Officer position is vacant. In the event a position becomes vacant, the Department shall make every effort to fill the position(s) within five (5) working days.
- c. For security and other reasons, the Department shall keep physical custody of the vehicle furnished by the Agency. Unless otherwise specified, the Agency shall maintain physical custody of all Agency trailers and all tools, equipment, supplies, materials, and personal work items (gloves, boots, hard hats, etc.) furnished to the Department by the Agency. The Agency is responsible for the maintenance of all furnished equipment.
- d. In the event of damage to property as a result of an accident charged to a Department employee or blatant acts of vandalism by inmates, or loss of tools and equipment, the Agency may request that the Department replace or repair to previous condition the damaged or lost property.
- e. The Department shall be reimbursed by the Agency for the Department's costs associated with this Contract in accordance with **Addendum A**.

Once the Agency reimburses the Department for the costs reflected on **Addendum A.**, Section II., these items will be placed on the Department's property records, as appropriate, and upon the end or termination of this Contract such items will be transferred to the Agency.

- f. The Department shall, to the maximum extent possible, maintain stability in the inmate work force assigned to the work squad on a day-to-day basis in order to maximize the effectiveness of the work squad.
- g. The Department shall provide food and drinks for inmates' lunches.
- h. The Department shall be responsible for the apprehension of an escapee and handling of problem inmates. The Department shall provide transportation from the work site to the correctional facility for inmates who refuse to work, become unable to work, or cause a disruption in the work schedule.
- i. The Department shall be responsible for administering all disciplinary action taken against an inmate for infractions committed while performing work under this Contract.
- j. The Department shall provide for medical treatment of ill or injured inmates and transportation of such inmates.
- k. The Department shall provide inmates with all personal items of clothing appropriate for the season of the year.
- 1. The Department shall be responsible for driving the Correctional Work Squad Officer and the inmates to and from the work site.
- m. Both parties agree that the Department is making no representations as to the level of skills of the work squad.

2. Responsibilities of the Agency

- a. The Agency shall periodically provide the Department's Contract Manager with a schedule of work to be accomplished under the terms of this Contract. Deviation from the established schedule shall be reported to, and coordinated with, the Department.
- b. If required, the Agency shall obtain licenses or permits for the work to be performed. The Agency shall provide supervision and guidance for projects that require a permit or which require technical assistance to complete the project.
- c. The Agency shall ensure that all projects utilizing inmates are authorized projects of the municipality, city, county, governmental Agency, or non-profit organization and that private contractors employed by the Agency do not use inmates as any part of their labor force.

- d. The Agency shall retain ownership of any vehicles or equipment provided by the Agency for the work squad. The Agency shall maintain its own inventory of transportation, tools, and equipment belonging to the Agency.
- e. The Agency shall provide vehicles for transportation of the work squads and is responsible for the maintenance of said vehicle.

3. Communications Equipment

It is the intent of this Contract that the work squad maintains communication with the institution at all times. A method of communication (radios, cellular phone, etc.), shall be provided at no cost to the Department. The Agency shall provide a primary method of communication that shall be approved by the Contract Manager in writing prior to assignment of the work squad. Depending upon the method of communication provided, the Contract Manager may require a secondary or back-up method of communication.

All radio communication equipment owned or purchased by the Agency that is programmed to the Department's radio frequency and used by the work squad(s), whether purchased by the Department or the Agency, shall be IMMEDIATELY deprogrammed by the Department at no cost to the Agency upon the end or termination of this Contract. Under no circumstances shall the Agency accept the return of radio communications equipment provided to the Department under this Contract until such time as the radio communications equipment has been deprogrammed by the Department.

At the end or termination of this Contract, the Department's Contract Manager will contact the Department's Utility Systems/Communications Engineer in the Bureau of Security Operations, Central Office, to effect the deprogramming of radio communications equipment provided by the Agency.

a. Vehicle Mounted Radios:

Vehicles provided by the Agency, that are or that will be equipped with a mobile/vehicle mounted radio programmed to the Department's radio frequency(ies), will be retained by the Department to ensure security of the communication equipment except for short durations dictated by the need for vehicle and/or communications equipment maintenance and/or repair. The use of these vehicle(s) during the period covered by this Contract shall not be for any purpose other than as indicated in this Contract.

b. Hand Held Radios:

Hand held radios provided by the Agency, that are or that will be programmed to the Department's radio frequency(ies), will be retained by the Department to ensure security of the communication equipment except for short durations dictated by the need for maintenance and/or repair. The use of any hand held radio(s) provided by the Agency that is programmed to a Department radio frequency utilized by the Agency during the period covered by this Contract shall not be for any purpose other than as indicated in this Contract.

c. Cellular Phones:

Cellular phones may be utilized by the Correctional Work Squad Officer as either a primary or secondary means of communication as approved by the Contract Manager. The Contract Manager shall designate whether the usage of a cellular phone is required on **Addendum A**. The cellular phone will be retained by the Department and upon the end or termination of this Contract, returned to the Agency. The use of the cellular phone is not authorized for any purposes other than as indicated in this Contract.

4. Other Equipment

The Contract Manager shall determine if an enclosed trailer is required for the work squad to transport tools and equipment utilized in the performance of this Contract, and shall notify the Agency if a trailer is necessary. The Contract Manager shall designate whether the usage of an enclosed trailer is required on **Addendum A**.

If a trailer is required, it will be provided by the Agency at no cost to the Department. If the Department is to maintain control of the trailer when the squad is not working, the Agency shall provide an enclosed trailer that can be secured when not in use. All tools and equipment utilized by the work squad shall be secured in the trailer. The Department shall maintain an inventory of all property, expendable and non-expendable, which is in the custody and control of the Department. Upon the end or termination of this Contract, the trailer and any non-expendable items will be returned to the Agency.

III. COMPENSATION

A. Payment to the Department

- 1. **Total Operating Capital To Be Advanced By The Agency**, as delineated in Section IV., of **Addendum A**, shall be due and payable upon execution of the Contract. The Department will not proceed with the purchase until payment, in full, has been received and processed by the Department's Bureau of Finance and Accounting. Delays in receipt of these funds may result in start-up postponement or interruption of the services provided by the work squad.
- 2. **Total Costs To Be Billed To The Agency By Contract**, as delineated in Section VI., of **Addendum A**, will be made quarterly, in advance, with the first payment equaling one-fourth of the total amount, due within two (2) weeks after the effective date of the Contract. The second quarterly payment is due no later than the 20th day of the last month of the first Contract quarter. Payment for subsequent consecutive quarters shall be received no later than the 20th day of the last month of the preceding Contract quarter.
- 3. In the event the Correctional Work Squad Officer position becomes vacant and remains vacant for a period of more than five (5) working days, the next or subsequent billing will be adjusted by the Department for services not provided.
- 4. The Agency shall insure any vehicles owned by the Agency used under this Contract.

5. The rate of compensation shall remain in effect through the term of the Contract or subsequent to legislative change. In the event there is an increase/decrease in costs identified in **Addendum A**, this Contract shall be amended to adjust to such new rates.

B. <u>Official Payee</u>

The name and address of the Department's official payee to whom payment shall be made is as follows:

Department of Corrections
Bureau of Finance and Accounting
Attn: Professional Accountant Supervisor
Centerville Station
Call Box 13600
Tallahassee, Florida 32317-3600

C. Submission of Invoice(s)

The name, address, and phone number of the Agency's official representative to whom invoices shall be submitted to is as follows:

Dennis F. Carter City of Apopka 748 East Cleveland Street Apopka, Florida 32703 Telephone: (407) 703-1731 Fax: (407) 703-1748 Email: dcarter@apopka.net

IV. CONTRACT MANAGEMENT

The Department will be responsible for the project management of this Contract. The Department has assigned the following named individuals, address, and phone number as indicated, as Contract Manager and Contract Administrator for the Project.

A. <u>Department's Contract Manager</u>

The Warden of the Correctional Institution represented in this Contract is designated Contract Manager for the Department and is responsible for enforcing performance of the Contract terms and conditions and shall serve as a liaison with the Agency. The position, address, and telephone number of the Department's Contract Manager for this Contract is:

Warden Central Florida Reception Center 7000 H.C. Kelley Road Orlando, Florida 32831 Telephone: (407) 207-7700

B. <u>Department's Contract Administrator</u>

The Contract Administrator is responsible for maintaining a Contract file on this Contract service and will serve as a liaison with the Contract Manager for the Department.

The address and telephone number of the Department's Contract Administrator for this Contract is:

Operations Manager, Contract Administration Bureau of Procurement 501 South Calhoun Street Tallahassee, Florida 32399-2500 Telephone: (850) 717-3681

Fax: (850) 488-7189

C. Agency's Representative

The name, address, and telephone number of the representative of the Agency is:

Dennis F. Carter City of Apopka 748 East Cleveland Street Apopka, Florida 32703 Telephone: (407) 703-1731

D. Changes to Designees

In the event that different representatives are designated by either party after execution of this Contract, notice of the name and address of the new representatives will be rendered in writing to the other party and said notification attached to originals of this Contract.

V. CONTRACT MODIFICATIONS

Modifications to provisions of this Contract shall only be valid when they have been rendered in writing and duly signed by both parties. The parties agree to renegotiate this Contract if stated revisions of any applicable laws, regulations, or increases/decreases in allocations make changes to this Contract necessary.

VI. TERMINATION/CANCELLATION

Termination at Will

This Contract may be terminated by either party upon no less than thirty (30) calendar days notice, without cause, unless a lesser time is mutually agreed upon by both parties. Said notice shall be delivered by certified mail (return receipt requested), by other method of delivery whereby an original signature is obtained, or in-person with proof of delivery. In the event of termination, the Department will be paid for all costs incurred and hours worked up to the time of termination. The Department shall reimburse the Agency any advance payments, prorated as of last day worked.

VII. CONDITIONS

A. Records

The Agency agrees to allow the Department and the public access to any documents, papers, letters, or other materials subject to the provisions of Chapter 119 and Section 945.10, Florida Statutes, made or received by the Agency in conjunction with this Agreement. The Agency's refusal to comply with this provision shall constitute sufficient cause for termination of this contract.

B. Annual Appropriation

The Department's performance under this Contract is contingent upon an annual appropriation by the legislature. It is also contingent upon receipt of payments as outlined in **Addendum A** and in Section III., COMPENSATION.

C. <u>Disputes</u>

Any dispute concerning performance of the Contract shall be resolved informally by the Contract Manager. Any dispute that cannot be resolved informally shall be reduced to writing and delivered to the Director of Institutional Operations. The Director shall decide the dispute, reduce the decision to writing, and deliver a copy to the Agency with a copy to the Contract Administrator and Contract Manager.

D. Force Majeure

Neither party shall be liable for loss or damage suffered as a result of any delay or failure in performance under this Contract or interruption of performance resulting directly or indirectly from acts of God, fire, explosions, earthquakes, floods, water, wind, lightning, civil or military authority, acts of public enemy, war, riots, civil disturbances, insurrections, strikes, or labor disputes.

E. Severability

The invalidity or unenforceability of any particular provision of this Contract shall not affect the other provisions hereof and this Contract shall be construed in all respects as if such invalid or unenforceable provision was omitted.

F. Verbal Instructions

No negotiations, decisions, or actions shall be initiated or executed by the Agency as a result of any discussions with any Department employee. Only those communications which are in writing from the Department's administrative or project staff identified in Section IV., CONTRACT MANAGEMENT, of this Contract shall be considered as a duly authorized expression on behalf of the Department. Only communications from the Agency that are signed and in writing will be recognized by the Department as duly authorized expressions on behalf of the Agency.

G. No Third Party Beneficiaries

Except as otherwise expressly provided herein, neither this Contract, nor any amendment, addendum or exhibit attached hereto, nor term, provision or clause contained therein, shall be construed as being for the benefit of, or providing a benefit to, any party not a signatory hereto.

H. Prison Rape Elimination Act (PREA)

The Agency shall report any violations of the Prison Rape Elimination Act (PREA), Federal Rule 28 C.F.R. Part 115, to the Department of Corrections' Contract Manager.

I. <u>Cooperation with Inspector General</u>

In accordance with Section 20.055(5), Florida Statutes, the Agency understands and will comply with its duty to cooperate with the Inspector General in any investigation, audit, inspection, review, or hearing.

J. Sovereign Immunity

The Agency and the Department are state agencies or political subdivisions as defined in Section 768.28, Florida Statutes, and agree to be fully responsible for acts and omissions of their own agents or employees to the extent permitted by law. Nothing herein is intended to serve as a waiver of sovereign immunity by either party to which sovereign immunity may be applicable. Further, nothing herein shall be construed as consent by a state agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement.

REMAINDER OF SPACE INTENTIONALLY LEFT BLANK

Waiver of breach of any provision of this Contract shall not be deemed to be a waiver of any other breach and shall not be construed to be a modification of the terms of this Contract.

This Contract will be governed by and construed in accordance with the laws of the State of Florida. Any action hereon or in connection herewith shall be brought in Leon County, Florida.

This Contract and Addendum A contain all of the terms and conditions agreed upon by the parties.

AGENCY: CITY OF APOPKA

IN WITNESS THEREOF, the parties hereto have caused this Contract to be executed by their undersigned officials as duly authorized.

SIGNED BY:			
NAME:			
TITLE:			
DATE:		-	
FEID#:		-	
DEPARTM	ENT OF CORRECTIONS		Approved as to form and legality, subject to execution.
DEPARTM SIGNED BY:	ENT OF CORRECTIONS	SIGNED BY:	
SIGNED	ENT OF CORRECTIONS Kasey B. Faulk		
SIGNED BY:		BY:	subject to execution.

Addendum A

Inmate Work Squad Detail of City of Apopka

Interagency Contract Number W1085 Effective February 22, 2017

ENTER MULTIPLIERS IN SHADED BOXES ONLY IF TO BE INVOICED TO AGENCY	Per Officer	Total
	Annual Cost	Annual Cost
I. CORRECTIONAL WORK SQUAD OFFICER SALARIES AND POSITION RELATED-EXPENSES		
TO BE REIMBURSED BY THE AGENCY:		
Officers Salary # Officers Multiplier 1	_ \$ 54,194.00	** \$ 54,194.00
Salary Incentive Payment	\$ 1,128.00	\$ 1,128.00
Repair and Maintenance	\$ 121.00	\$ 121.00
State Personnel Assessment	\$ 354.00	\$ 354.00
Training/Criminal Justice Standards	\$ 200.00	\$ 200.00
Uniform Purchase	\$ 400.00	\$ 400.00
Uniform Maintenance	\$ 350.00	\$ 350.00
Training/Criminal Justice Standards *	\$ 2,225.00	
TOTAL - To Be Billed By Contract To Agency	\$ 58,972.00	\$ 56,747.00
** Annual cost does not include overtime pay. IA. The Overtime Hourly Rate of Compensation for this Contract is \$31.85, if a of Compensation shall include the average hourly rate of pay for a Correctional provided by the department, represented as time and one half for purposes of the contract includes the contract inc	Officer and the avera	•
n	Number	Total
	Squads	Annual Cost
II. ADMINISTRATIVE COSTS TO BE REIMBURSED BY THE AGENCY:		
Costs include but may not be limited to the following: Rain coats, staff high visibility safety vest, inmate high visibility safety vest, fire extinguisher, first aid kit, personal protection kit, flex cuffs, warning signs, handcuffs, Igloo coolers, portable toilets, insect repellants, masks, vaccinations, and other administrative expenses.	1	\$ 750.00
TOTAL - To Be Billed By Contract To Agency		\$ 750.00
III. ADDITIONAL AGENCY EXPENSES:		
Tools, equipment, materials and supplies not listed in Section II above are to be provided by the Agency.		
CELLULAR PHONE WITH SERVICE REQUIRED: YES NO DENCLOSED TRAILER REQUIRED: YES NO NO		

Addendum A Inmate Work Squad Detail of City of Apopka Interagency Contract Number W1085 Effective February 22, 2017

	D BE ADVANCED BY AGENCY:	Per Unit Cost	Number of Units	Total Cost	Bill To Agency	Provided Already By Agency Exists
Hand Held Radio Vehicle Mounted Radio	MACOM \$4969.00 MACOM \$5400.00 TOTAL Operating Capital To Be Advance	ed By Agency	1	\$ - \$ - \$ -		
V. TOTAL COSTS TO BE AD1. Operating Capital - from2. Grand Total - To Be Ad				Total Cost \$0.00 \$0.00		
 Correctional Officer Sala Other Related Expenses 	LLED TO AGENCY BY CONTRACT: aries and Position-Related Expenses - from Security Supplies - from Section II. Iled To Agency By Contract:	Section I.		Total Cost \$56,747.00 \$750.00 \$57,497.00		

\$57,497.00

VIII. OVERTIME COSTS:

(Total of Sections V. and VI.)

VII. TOTAL OF ALL COSTS ASSOCIATED WITH CONTRACT:

If the contracting Agency requests overtime for the work squad which is approved by the Department, the contracting Agency agrees to pay such costs and will be billed separately by the Department for the cost of overtime.

Addendum A - INSTRUCTIONS Inmate Work Squad Detail of City of Apopka Interagency Contract Number W1085 Effective February 22, 2017

Section I. Costs in this section are determined each fiscal year by the Budget and Management Evaluation Bureau and are fixed.

By entering the number of Officers required for this contract, the spreadsheet will automatically calculate the "Total Annual Cost"

column. If this Work Squad is beyond the first year of existence, enter a zero (0) in the "Total Annual Cost"

column for "Training/Criminal Justice Standards" after you have entered the "# Officers Multiplier".

Section II. Safety and environmental health procedures require safety measures such as the use of safety signs, vests, and clothing.

The Department's procedure for Outside Work Squads requires that all Work Squad Officers be responsible for ensuring their squad

is equipped with a first aid kit and a personal protection equipment (PPE) kit. Section II identifies such required equipment. A new squad must be sufficiently equipped and an on-going squad must be re-supplied when needed.

Type in the number of squads used for this contract and the spreadsheet will automatically calculate the fixed annual expense

of \$750.00 per squad and place the total in Section VI.

Section III. Check "Yes" or "No" to indicate whether a Cellular Phone with Service and/or an Enclosed Trailer is required by the Contract Manager.

Section IV. The Department's procedure for Outside Work Squads requires that they have at least one (1) primary means of direct

communication with the Institution's Control Room. Communication via radio and/or cellular phone is appropriate.

It is preferred that a backup, secondary means of communication also be available. It is the Agency's responsibility to provide them. If the Department purchases a radio(s), the Agency must fund the purchase at the time the Contract is signed. Check the box for the type of radio and fill in the Per Unit Cost for the type of radio, Number of Units, and Total Cost columns. Leave the Total Cost column blank if a radio(s) is not being purchased at this time. Check applicable boxes ("Bill to Agency", "Provided by Agency" and "Already Exists") for

each radio.

NOTE: All radio communication equipment owned or purchased by the Agency that is programmed to the Department's radio frequency and used by the work squad(s), whether purchased by the Department or the Agency, shall be IMMEDIATELY

deprogrammed by the Department at no cost to the Agency upon the end or termination of this Contract.

Section V. The total funds the Agency must provide at the time the contract is signed will be displayed here when the form is properly filled out.

Section VI. The total funds the Agency will owe contractually, and pay in equal quarterly payments, will be displayed here.

Section VII. The total funds associated with the Contract, to be paid by the Agency as indicated in Sections V. and VI., will be displayed here.

Section VIII. Any agreement in this area will be billed separately as charges are incurred.

Backup material for agenda item:

7.	Authorize the purchase of two	Automated Side Loader	Refuse Trucks via th	he Florida Sheriffs	Association Contract.
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CITY OF APOPKA CITY COUNCIL

X CONSENT AGENDA MEETING OF: November 2, 2016
PUBLIC HEARING FROM: Public Services
SPECIAL REPORTS EXHIBITS:

OTHER:

SUBJECT: MACK AUTOMATED SIDE LOADER REFUSE TRUCKS FOR SANITATION

REQUEST: AUTHORIZE THE PURCHASE OF TWO AUTOMATED SIDE LOADER REFUSE TRUCKS

SUMMARY:

The purchase of two (2) new Automated Side Loader Sanitation trucks will replace two (2) 2007 trucks. Pricing is made available through the Florida Sheriffs Association Contract. A single truck is priced at \$340,036.06.

FUNDING SOURCE:

Funding is included in the Sanitation Fund FY17 Budget.

RECOMMENDATION ACTION:

Authorize the purchase of two Automated Side Loader Refuse Trucks through the Florida Sheriffs Association Contract, in the total amount of \$680,072.12 (\$340,036.06 x 2 trucks).

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief

Backup material for agenda item:

 Final Development Plan – Northwest Distribution Center Building "D" – Quasi-Judicial Beckett Rogers



CITY OF APOPKA CITY COUNCIL

X PUBLIC HEARING

SPECIAL REPORTS

X OTHER: Final Development Plan

MEETING OF: November 2, 2016

FROM: Community Development EXHIBITS: Vicinity/Aerial Maps

Site/Landscape Plans Building Elevations

SUBJECT: FINAL DEVELOPMENT PLAN – NORTHWEST DISTRIBUTION CENTER

BUILDING "D"

REQUEST: APPROVE THE FINAL DEVELOPMENT PLAN FOR NORTHWEST

DISTRIBUTION CENTER BUILDING "D"; AND ISSUE THE FINAL

DEVELOPMENT ORDER

SUMMARY:

OWNER: Oakmont Apopka Road, LLC

APPLICANT: Oakmont Industrial Group c/o Jimmy Stainback

ENGINEER: Highland Engineering, Inc. c/o Jeffery W. Banker, PE

ARCHITECT: GMA Architects

LOCATION: Ocoee Apopka Road

(Between S.R. 451 and Ocoee-Apopka Road and east of Boy Scout Road)

PARCEL ID #: 17-21-28-5953-03-000 and 17-21-28-5953-04-000

LAND USE: Industrial

ZONING: I-1

EXISTING USE: Vacant Land

PROPOSED USE: Industrial Warehouse (167,270 S.F.) w/ Office Complex (13,730 S.F.)

TRACT SIZE: 16.43 +/- acres

OVERALL SITE: 45.09 +/- acres

BUILDING SIZE: 180,000 sq. ft.

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor KilsheimerFinance DirectorCommissionersHR DirectorCity AdministratorIT DirectorCommunity Development DirectorPolice Chief

Public Services Director Recreation Director City Clerk Fire Chief

RELATIONSHIP TO ADJACENT PROPERTIES:

Direction	Future Land Use	Zoning	Present Use
North (City)	Industrial	I-1	Northwest Distribution Center Bldgs. A and B
East (City)	Expressway	N/A	State Road 451
South (City)	Expressway	N/A	State Road 414
West (City)	Mixed Use	A-1(ZIP)	Vacant Property
West (County)	Rural	A-1	

ADDITIONAL COMMENTS: The Northwest Distribution Facility Building D - Final Development Plan proposes an 180,000 square feet industrial warehouse and office space.

<u>PARKING</u>: A total of 187 parking spaces are provided (330 required by code) of which 6 are reserved as a handicapped parking space. The applicant has requested to defer and waive 143 of the parking space requirement for the site. In accordance with 6.03.02.D, the applicant has provided a deferred parking plan providing a total of 333 parking space for the site. A parking study has been prepared by the applicant to demonstrate that the requested number of parking spaces meets the demand by to accommodate vehicles for employees and customers.

ACCESS: Access to the site is provided by a two (2) driveway cuts along Ocoee-Apopka Road.

EXTERIOR ELEVATIONS: The height of the proposed building is 40' (top of parapet wall). The City approved a variance on October 10, 2006 for the overall building height for this project not to exceed 50'. The proposed height 40' is well below the maximum that could be built. Staff has found the proposed building elevations to be in accordance with the City's Development Design Guidelines.

STORMWATER: Stormwater run-off and drainage will be accommodated by a master stormwater drainage system. The master stormwater management system is designed according to standards set forth in the Land Development Code.

BUFFER/TREE PROGRAM: A twenty-five foot landscape buffer is provided along Ocoee-Apopka Road and State Road 451. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

Total inches on-site:	3719
Total number of specimen trees:	0
Total inches removed	2308
Total inches retained:	1411
Total inches replaced:	528
Total inches post development:	1939
Site Clearing Acres	8.7

CITY COUNCIL – NOVEMBER 2, 2016 NORTHWEST DISTRIBUTION CENTER BUILDING "D" FINAL DEVELOPMENT PLAN PAGE 3

CONDITIONS OF APPROVAL:

1. A re-plat of lots 3 and 4 will be required prior to obtaining a certificate of occupancy.

PUBLIC HEARING SCHEDULE:

November 2, 2016 - City Council (1:30 pm)

RECOMMENDATION ACTION:

The **Development Review Committee** finds the Final Development Plan consistent with the approved Preliminary Development Plan, and recommends approval of the Northwest Distribution Facility Building D – Final Development Plan, subject to the findings of this staff report.

Recommended Motion: Approve the Northwest Distribution Facility Building D – Final Development Plan; and issue the Final Development Order.

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

CITY COUNCIL – NOVEMBER 2, 2016 NORTHWEST DISTRIBUTION CENTER BUILDING "D" FINAL DEVELOPMENT PLAN PAGE 4

Application: Final Development Plan

Owner: Oakmont Apopka Road Property, LLC

Applicant: Oakmont Industrial Group c/o Jimmy Stainback Engineer: Highland Engineering, Inc. c/o Jeffery W. Banker, PE

Parcel I.D. No: 17-21-28-5953-03-000; 17-21-28-5953-04-000

Location: Ocoee-Apopka Road

Acres: 16.43 +/-



VICINITY MAP



CITY COUNCIL – NOVEMBER 2, 2016 NORTHWEST DISTRIBUTION CENTER BUILDING "D" FINAL DEVELOPMENT PLAN PAGE 5

Application: Final Development Plan

Owner: Oakmont Apopka Road Property, LLC

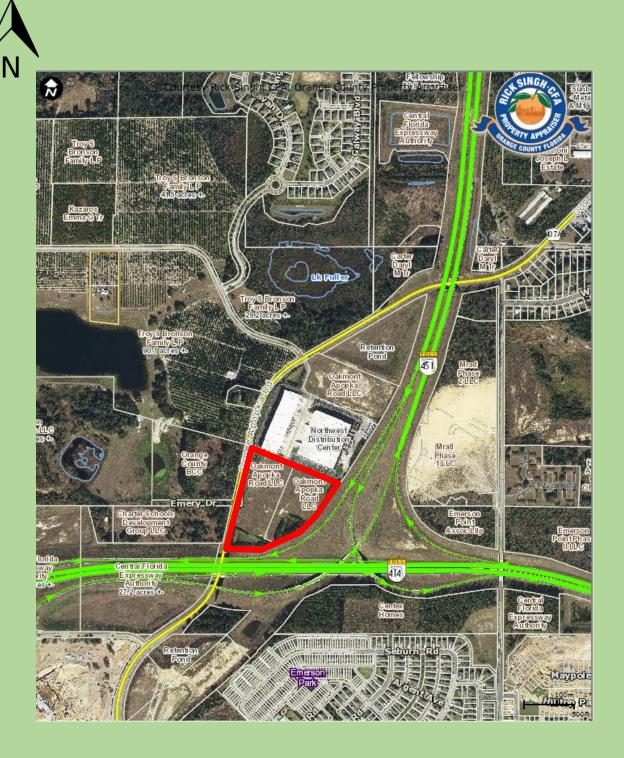
Applicant: Oakmont Industrial Group c/o Jimmy Stainback Engineer: Highland Engineering, Inc. c/o Jeffery W. Banker, PE

Parcel I.D. No: 17-21-28-5953-03-000; 17-21-28-5953-04-000

Location: Ocoee-Apopka Road

Acres: 16.43 +/-

AERIAL MAP



(MAJOR) FINAL SITE DEVELOPMENT PLAN NORTHWEST DISTRIBUTION FACILITY - BUILDING D

Site Data Summary and Notes

1. Parcel Identification No.: 17-21-28-5953-03-000, 17-21-28-5953-04-000

2. Total Property Area: 45.09 Acres (1,964,120 SF) 3. Project Area This Phase: 11.61 Acres (505,732 SF) 4: Zoning: I-1 Restricted Industrial

5. Future Land Use: Industrial

6. Proposed Uses:

BUILDING#	EMPLOYEES PROJECTED	HOURS OF OPERATION	OFFICE (SF)	WAREHOUSE (SF)	TOTAL (SF)
D	194	24 Hrs. (3 shifts)	13,730	167,270	180,000

NOTE: The proposed building will be construction type IIB and will be protected with an automatic fire suppression system

Total number of projected employees = 110 Maximum number of employees for largest shift = 75 "" Upon initial operations:

Upon 2 years of occupancy: Total number of project employees = 160
Maximum number of employees for largest shift = 90

7. Project Phasing: 0.60 Max, 0.10 provided this phase plus previous phases.

9. Site and Building Requirements: City of Apopka's Land Development Code and Development Design Guidelines

10. Maximum Building Height

a. Maximum: 50 Feet , A variance was approved by the City Land Development Review Board on October 10, 2006

11. Maximum Impenious Coverage: Impenious coverage shall not exceed 80 percent of the total net developable land area.

a. Maximum Allowable: 0.80 x 45.09 Acres = 36.07 Acres (80%) b. Impervious From Previous Phases: = 22,80 Acres c. Impervious This Phase: Buildings = 4.13 Acres

BUILDING #	REQUIRED PARKING	PROVIDED PARKING	REQ. HANDICAPPED PARKING	PROVIDED HANDICAP PARKING	TOTAL SPACES PROVIDED

25 feet

13. All loading and unloading of vehicles will be preformed within the limits of the truck courts.

14. Building Setbacks:

Font Yard, Ocoee Apopia Road (CR 437A): 25 feet from Right of Way

15. Buffer Yards:

Font Yard, Ocoee Apopka Road (CR 437A):

Rear Yard, Western Beltway (SR 429):

25 feet from Right of Way

Rear Yard, Western Beltway (SR 429): 25 feet from Right of Way

16. Allowable Vehicular Trips: A Traffic Study in accordance with Section 6.02.04 of the City of Apopka Land Development Code has been submitted in conjunction with the prior approved master development plan and was approved by the City of Apopka.

17. Stormwater Management: A master stormwater management facility has been provided onsite to accommodate water quality treatment and attenuation of peak discharge flows prior to discharge according to City of Apopka and Saint Johns River Water Management District criteria.

19. There are no 100 year flood prone areas located on the subject property.

21. Sewer Service Provider: Apopka Utilities

23. Building and site signage shall comply with the City of Apopka's Land Development Code and Development Design Guidelines

24. Site lighting shall comply with City of Apopka's Land Development Code and Development Design Guidelines.

25. Buildings shall comply with the City of Apopka's Land Development Code and Development Design Guidelines

26. Variance or Waivers Required:



PREPARED FOR **OAKMONT** INDUSTRIAL GROUP

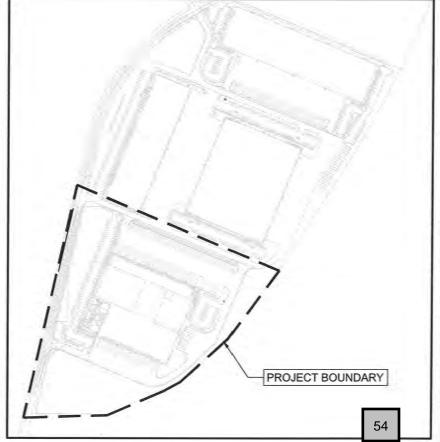
3520 Piedmont Rd., Suite 100 Atlanta, Georgia 30305 Ph: 404-869-9990 Direct: 404-869-9952 Fax: 404-869-9996 Contact: Jimmy Stainback

OWNER OF RECORD

OAKMONT APOPKA ROAD LLC Atlanta, Georgia 30305

SHEET INDEX				
C100	COVER SHEET			
C101	GENERAL NOTES			
C102	DEMOLITION & EROSION CONTROL PLAN			
C200	OVERALL SITE PLAN			
C201 - C204	SITE, GEOMETRY, STRIPING, & SIGNAGE PLAN			
C300 - C303	PAVING, GRADING, & DRAINAGE PLAN			
C400 - C403	UTILITY PLAN			
C500 - C501	GENERAL DETAILS			
C502	BUILDING AND DIRECTIONAL SIGN PLAN			
C600 - C601	OCOEE APOPKA ROAD IMPROVEMENTS PLAN			
C602	OCOEE APOPKA ROAD IMPROVEMENT MOT PLAN			
L-1 THRU L-9	LANDSCAPE & IRRIGATION PLAN			
S1+S5	SURVEY			
A5.1	BUILDING ELEVATION PLAN			
FP01 - FP02	PHOTOMETRIC PLAN			

OVERALL SITE LAYOUT PLAN SEC. 17, TSP 21S, R 28E. APOPKA, FLORIDA





SOILS MAP

BUILDING

SHEET

FINAL SITE DEVELOPMENT PLAN NORTHWEST DISTRIBUTION CENTER -

HIGHLAND ENGINEERING, INC

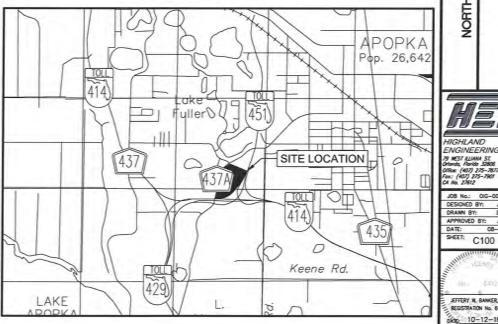
DESIGNED BY: JB APPROVED BY: DATE: SHEET: C100

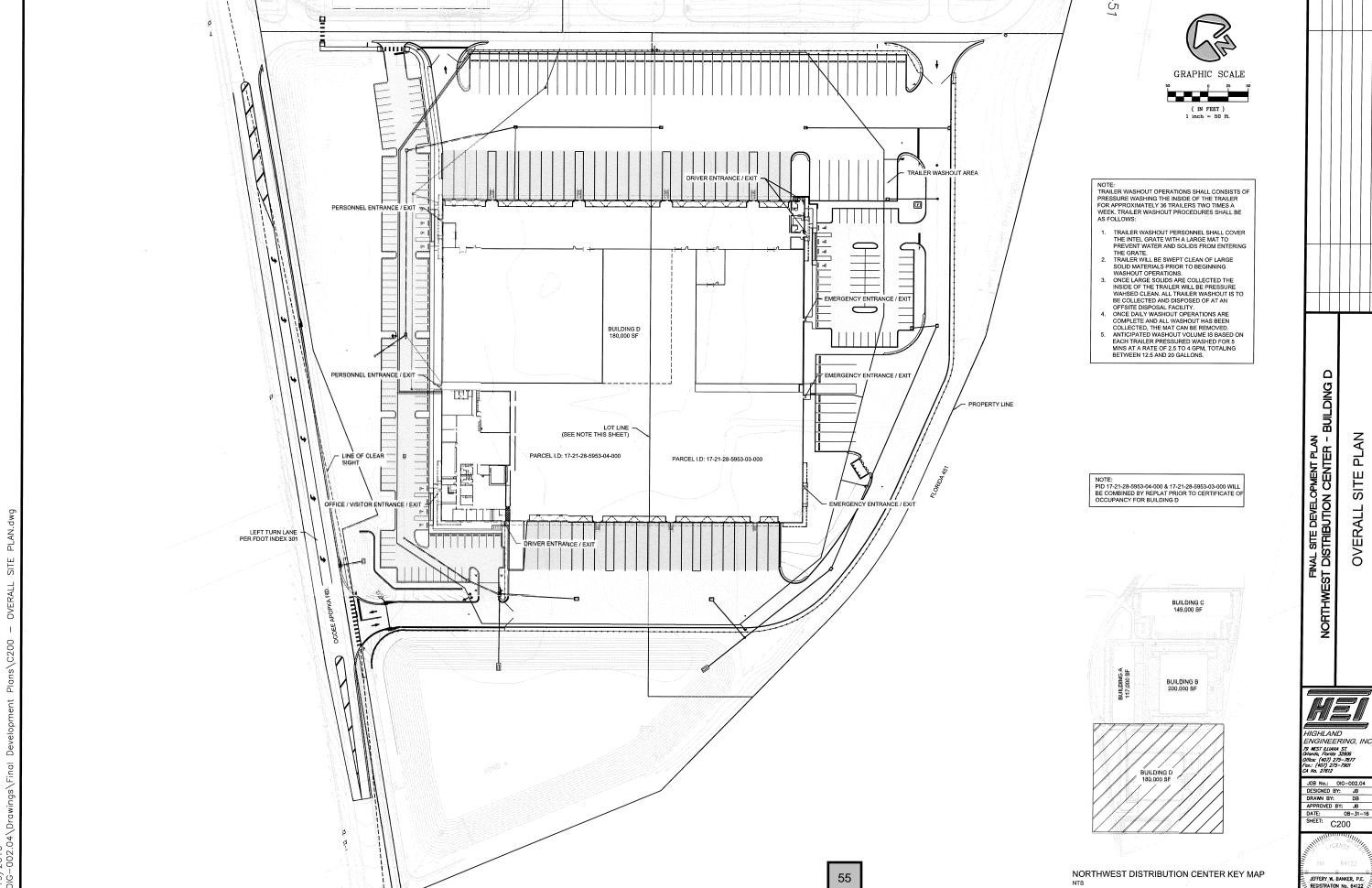
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CANDLER: THE CANDLER SERIES CONSISTS OF EXCESSIVELY DRAINED, VERY RAPIDLY PERMEABLE SOILS. THE SLOPES RANGE FROM 0 TO 12 PERCENT. HYDROLOGIC GROUP: A WATER TABLE: >6.0

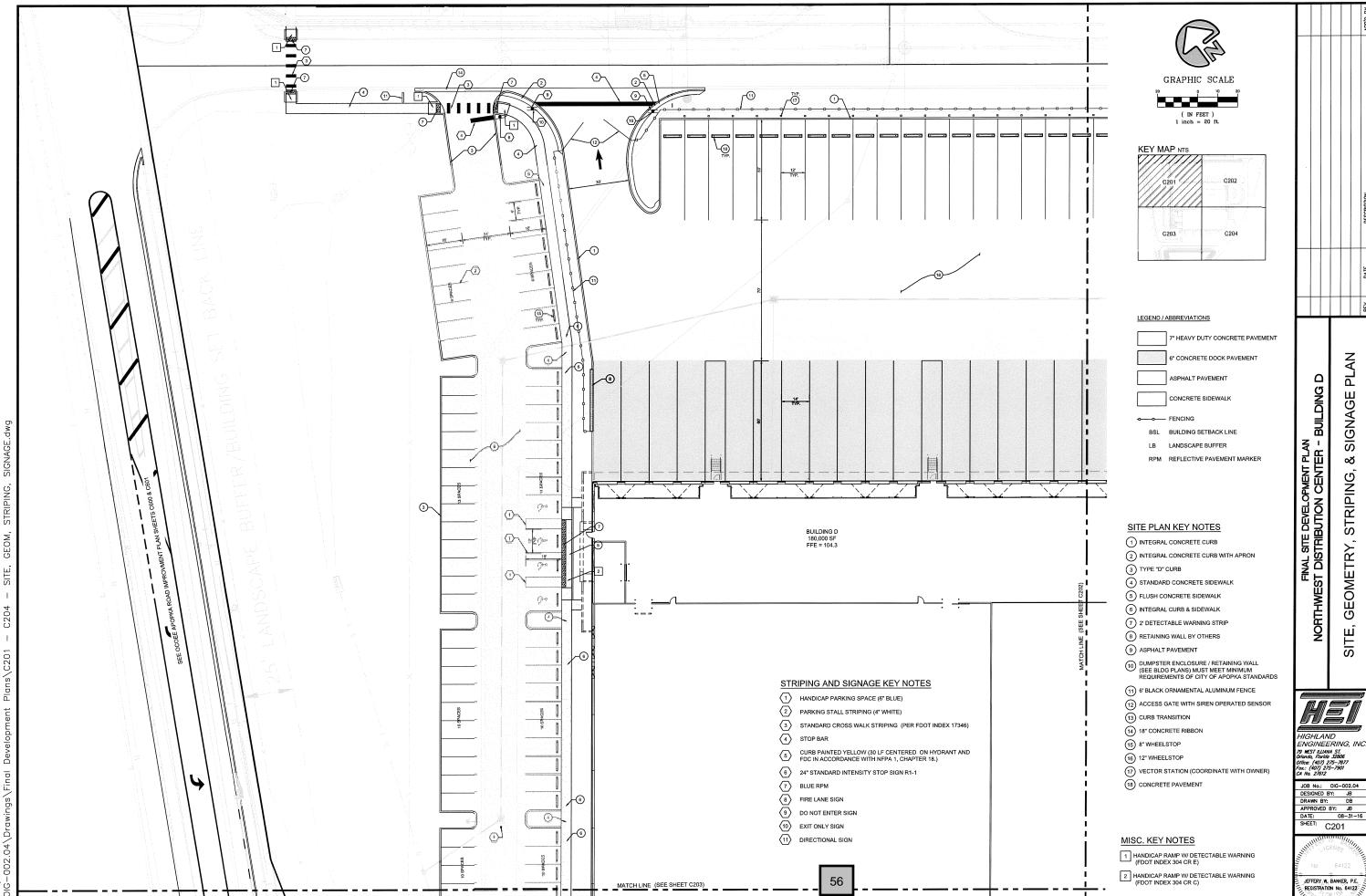
LOCATION MAP



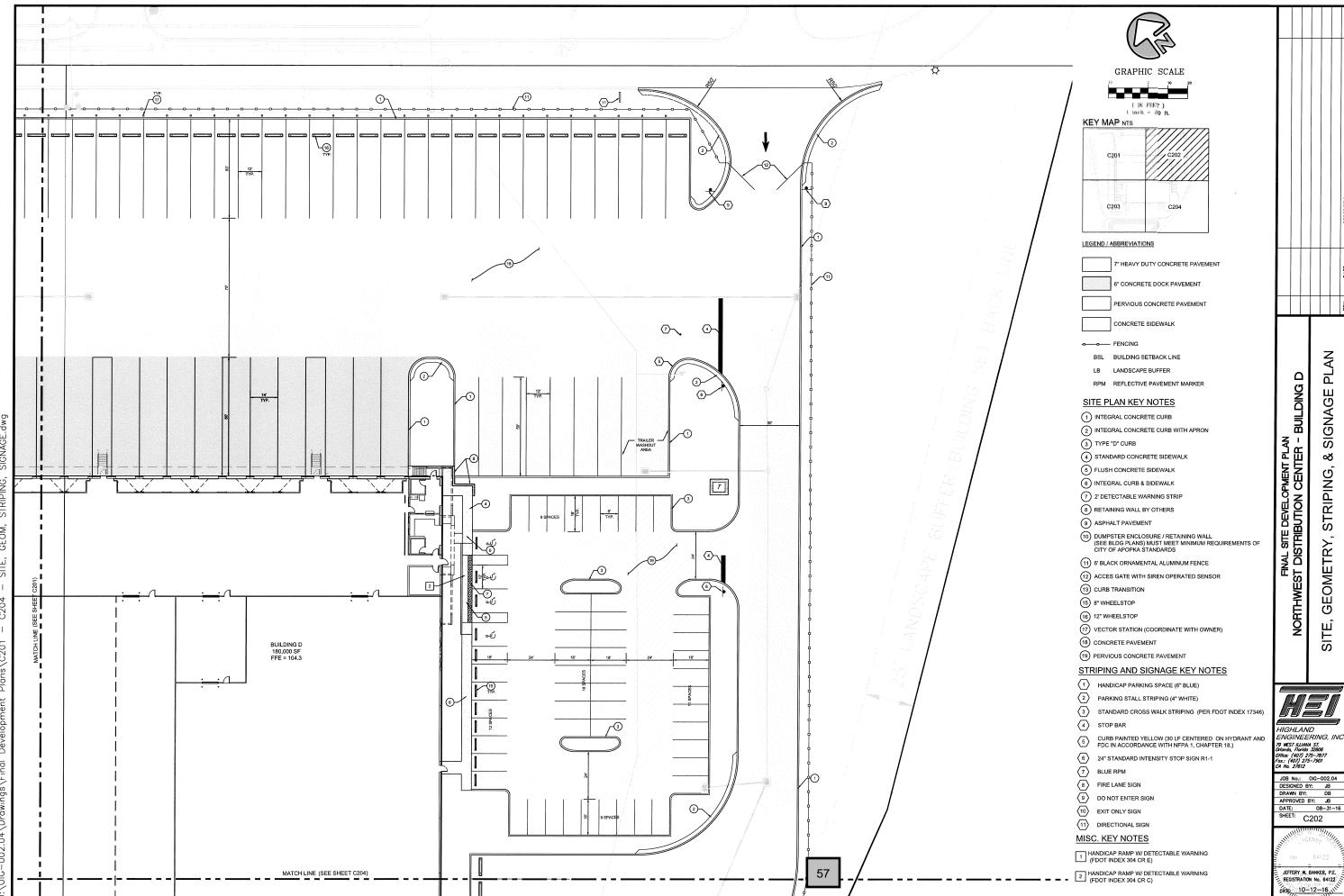


JEFFERY W. BANKER, P.E. REGISTRATION No. 64122

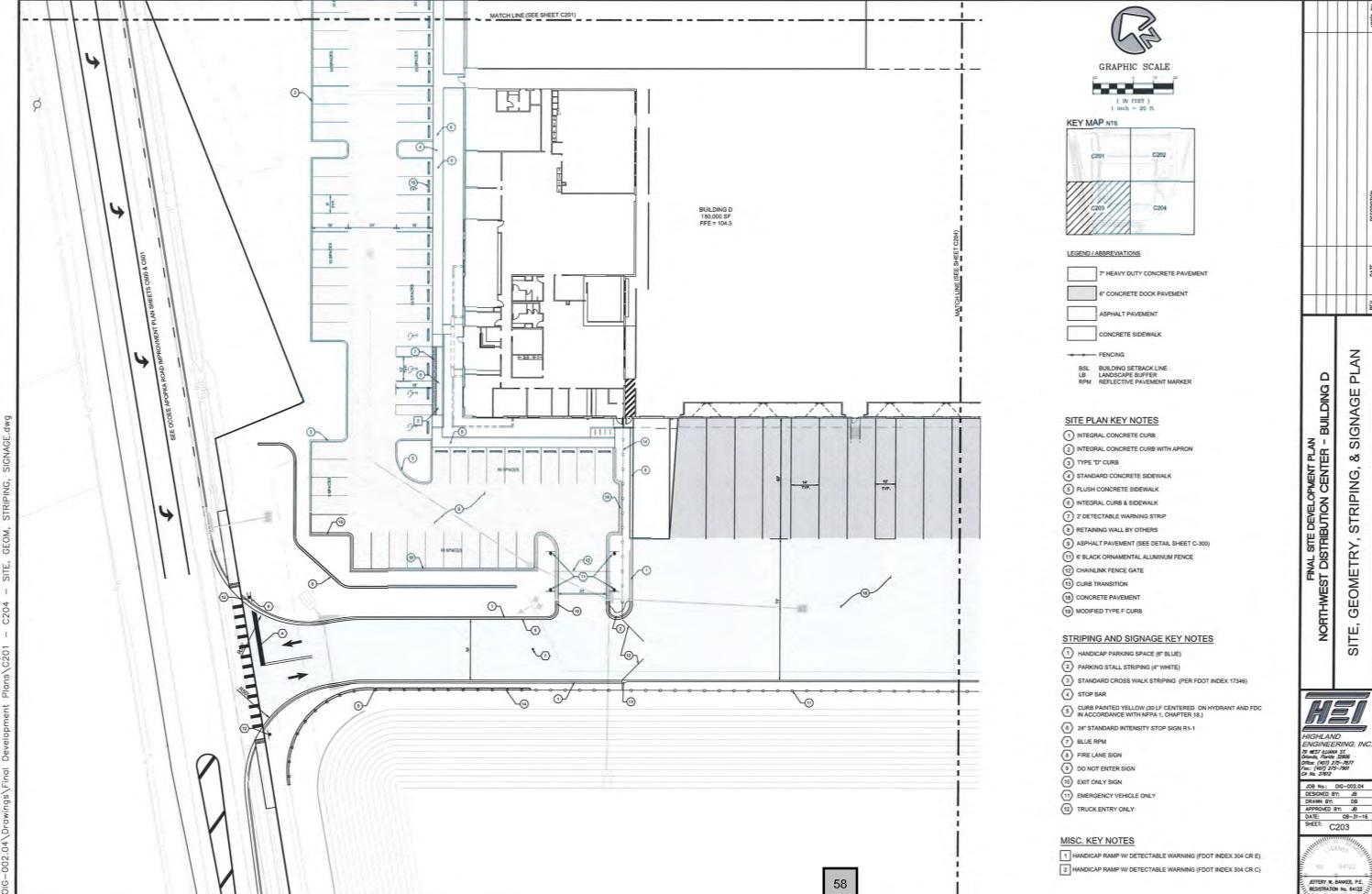
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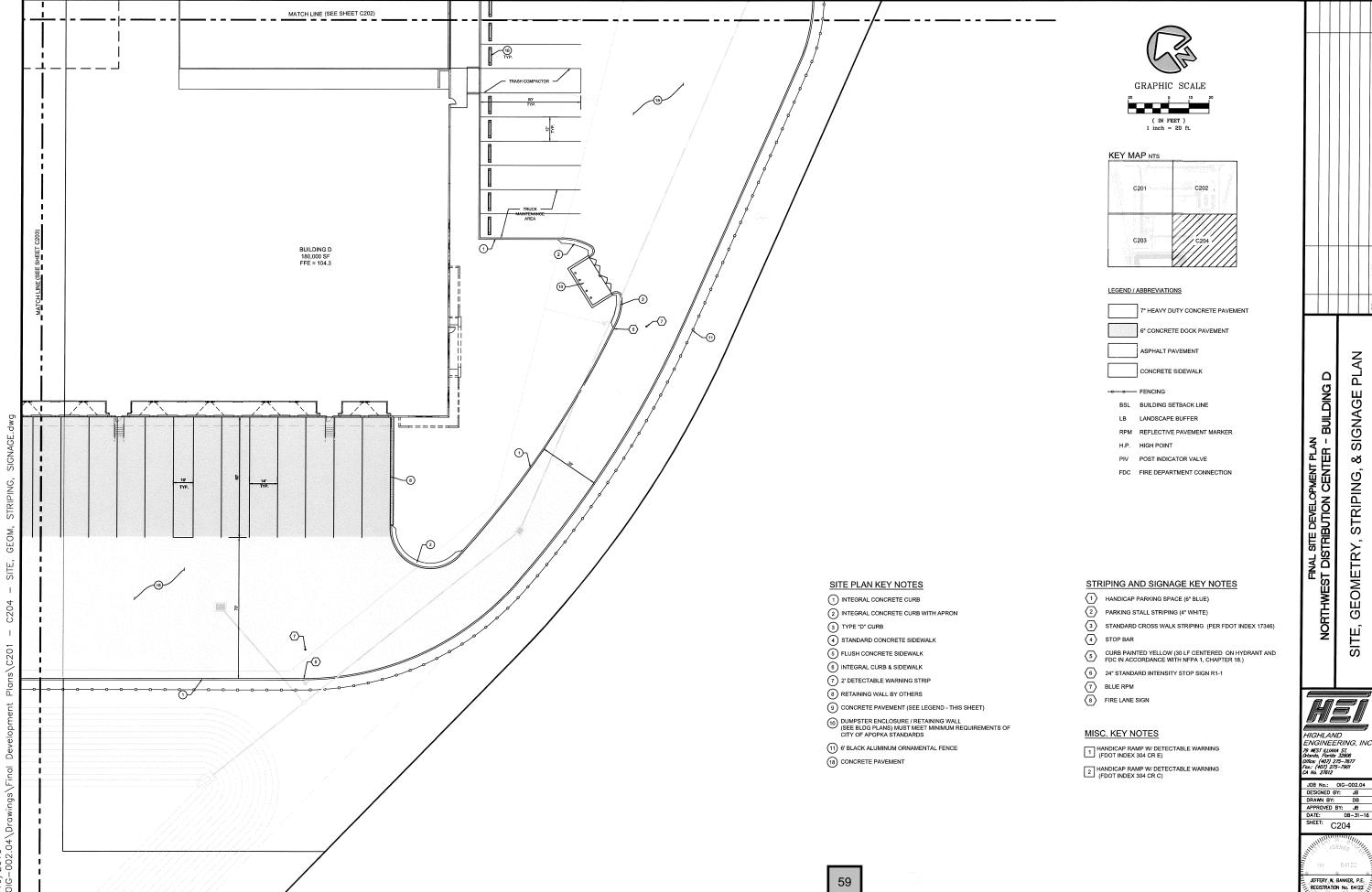


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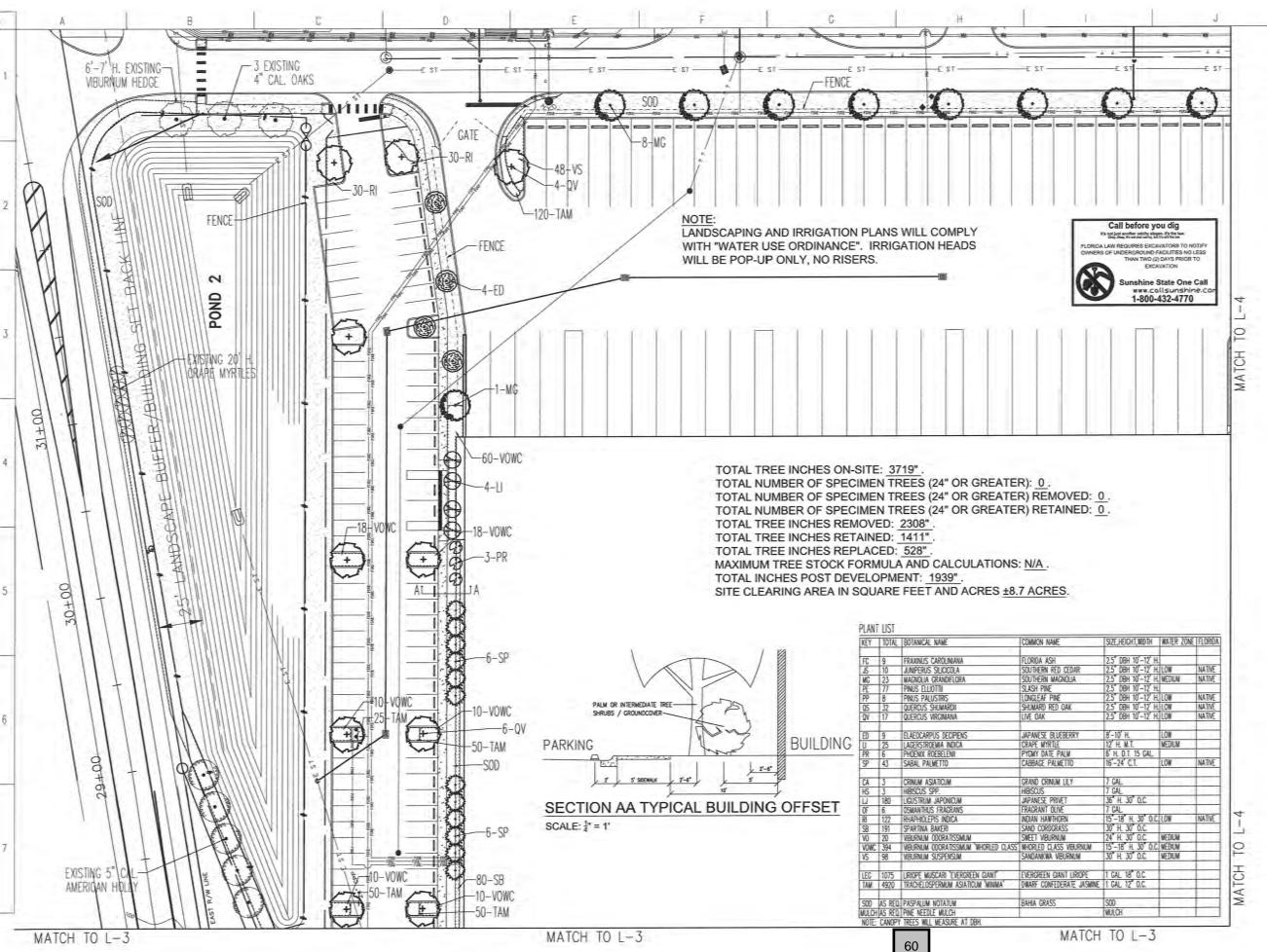


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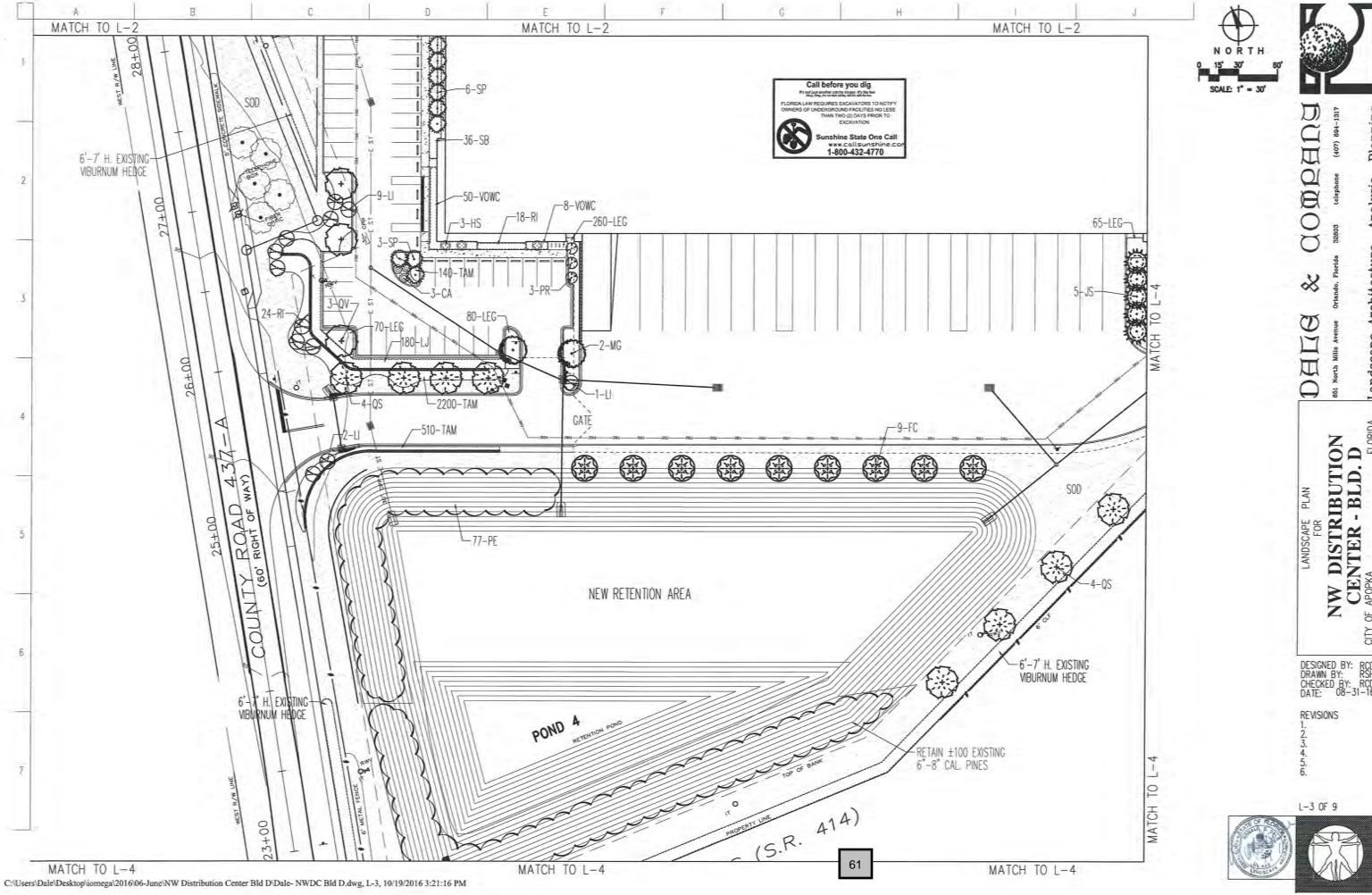
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REVISIONS

L-2 OF 9



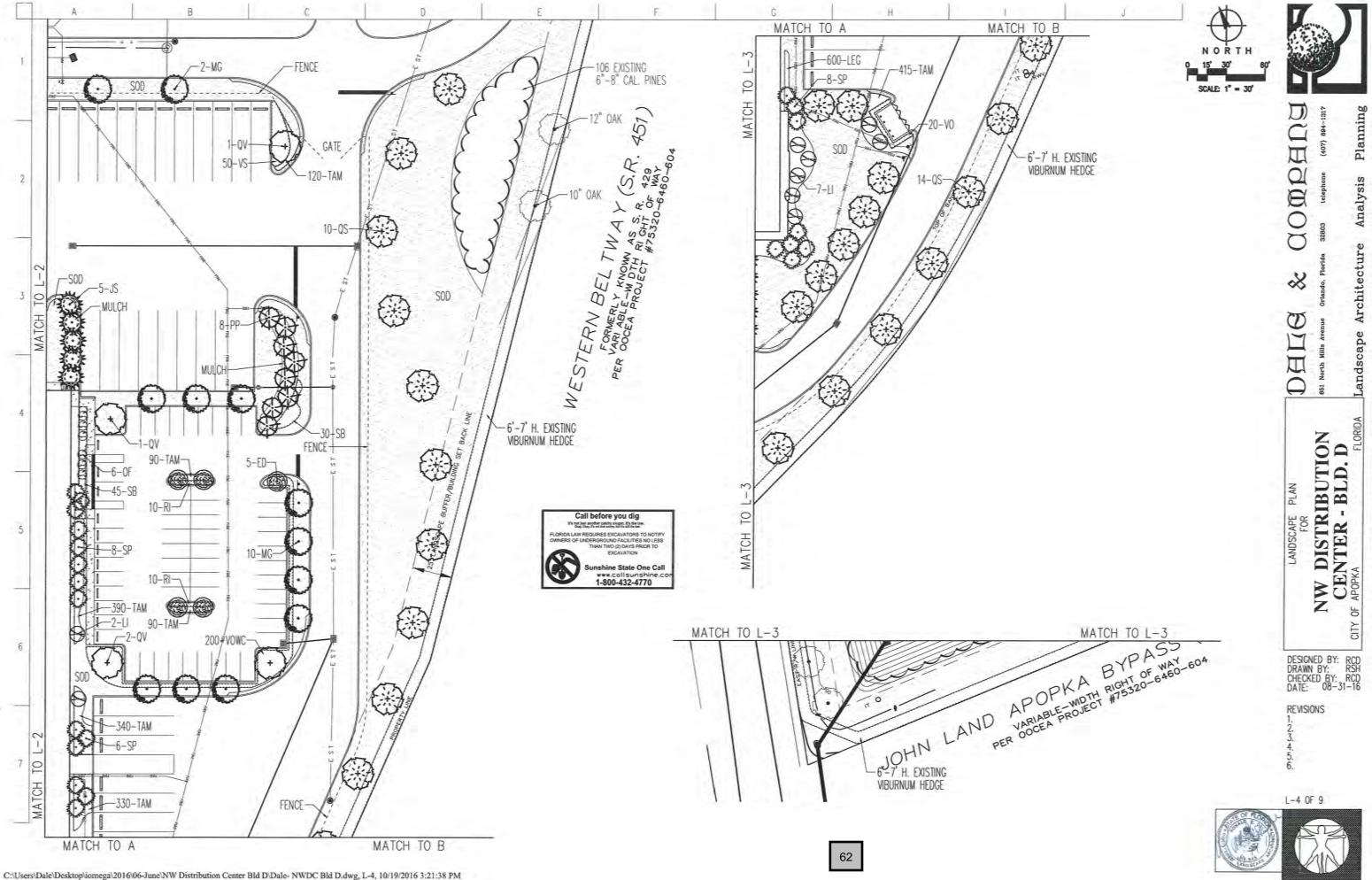




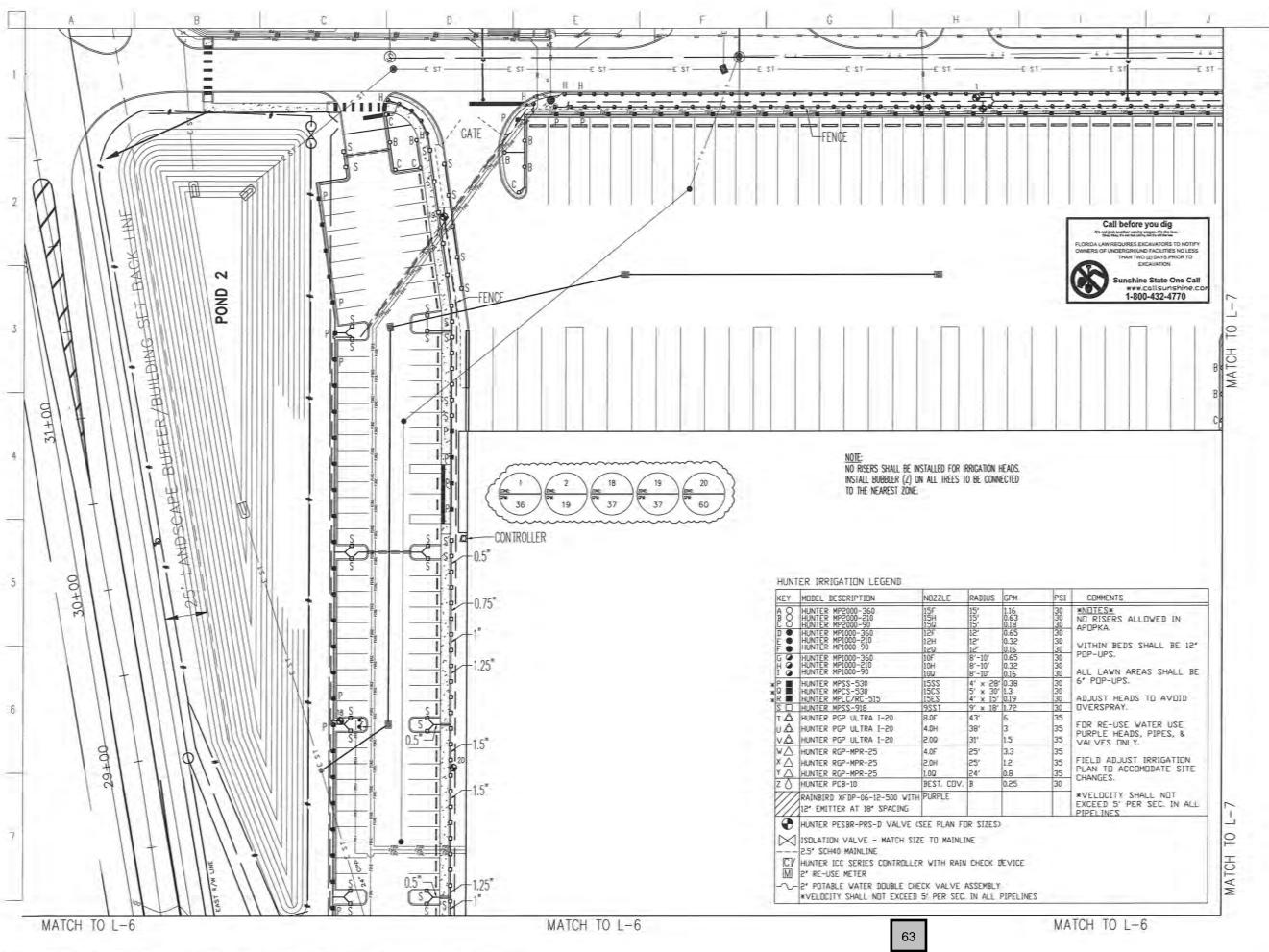
Architecture

DESIGNED BY: RCD DRAWN BY: RSH CHECKED BY: RCD DATE: 08-31-16













Analysis

Architecture

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NW DISTRIBUTION CENTER - BLD. D PLAN

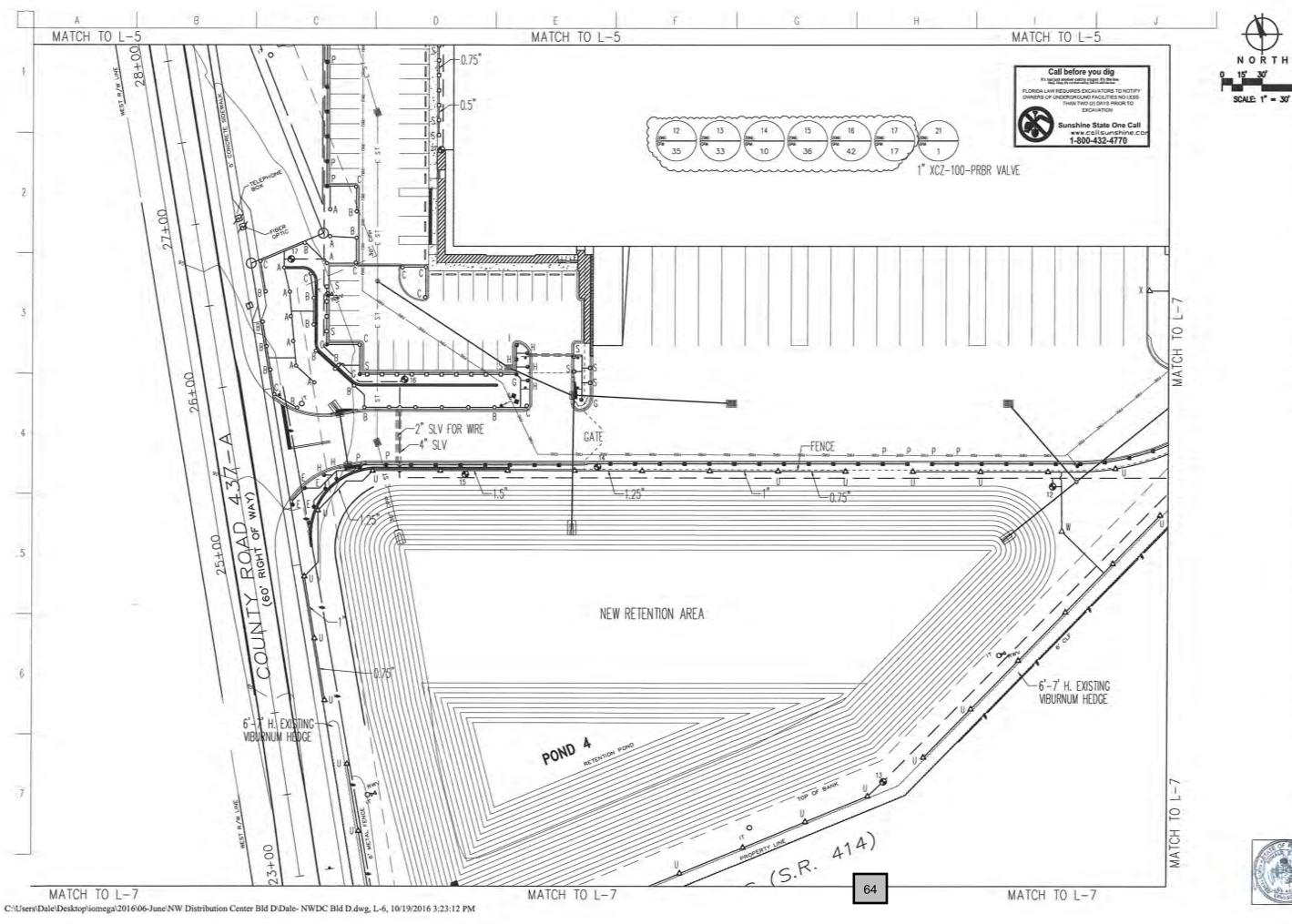
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L-5 OF 9









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NW DISTRIBUTION CENTER - BLD. D

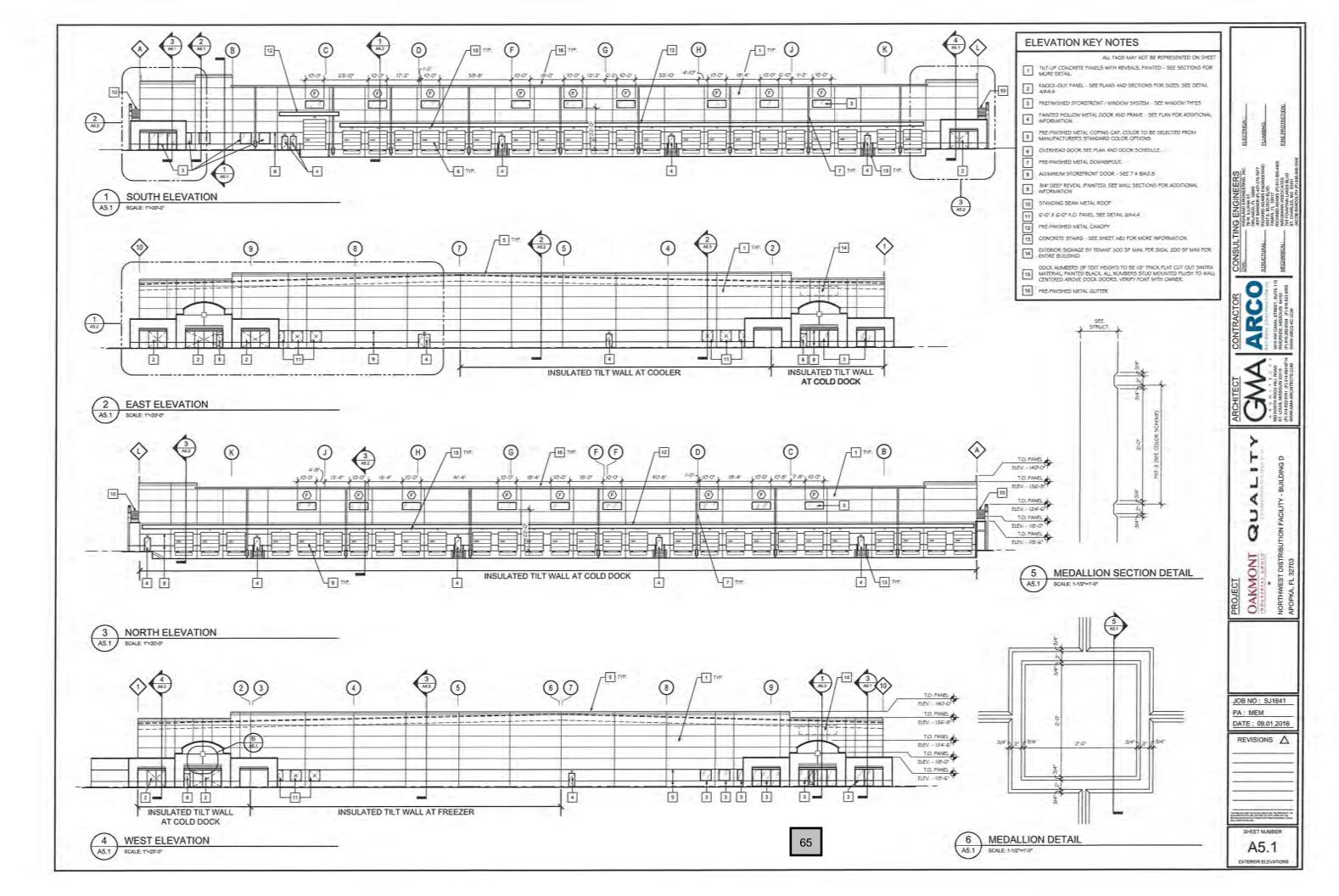
PLAN

DESIGNED BY: RCD DRAWN BY: RSH CHECKED BY: RCD DATE: 08-31-16

REVISIONS 1.10-19-16

L-6 OF 9





Backup material for agenda item:

2. Preliminary Development Plan – Tractor Supply – Quasi-Judicial Beckett

Rogers



CITY OF APOPKA CITY COUNCIL

___ CONSENT AGENDA

X PUBLIC HEARING SPECIAL REPORTS

X OTHER: Preliminary Development Plan

MEETING OF: November 2, 2016

FROM: Community Development EXHIBITS: Vicinity/Aerial Maps

Site/Landscape Plans Color Rendering Building Elevations Parking Study

Photometric Plan

SUBJECT: TRACTOR SUPPLY APOPKA – PRELIMINARY DEVELOPMENT

PLAN AND WAIVER REQUEST

REQUEST: APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN FOR

TRACTOR SUPPLY APOPKA AND PARKING WAIVER; AND

ISSUANCE OF THE PRELIMINARY DEVELOPMENT ORDER.

SUMMARY:

OWNER: Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP.

ENGINEER: Hanlex Civil, LLC, c/o Nathan Bullard, MBA P.E.

ARCHITECT: Rabits and Romano Architecture

LOCATION: 180 West 1st Street (South of 1st Street and East of Washington Avenue)

PARCEL ID #: 09-21-28-0196-10-040, 09-21-28-0196-10-064 and 09-21-28-0196-10-122

LAND USE: Commercial

ZONING: C-2

EXISTING USE: Horticultural Nursery

PROPOSED USE: Retail Center

TRACT SIZE: 3.09 + - Acres (S.F.)

BUILDING SIZE: 19,027 S.F. and 18,000 S.F. Outdoor Display Area

BUILDING HEIGHT: 30 Feet

FLOOR AREA RATIO: 0.14

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor KilsheimerFinancCommissionersHR DirCity AdministratorIT DireCommunity Development DirectorPolice

Finance Director HR Director IT Director Police Chief Public Services Director Recreation Director City Clerk Fire Chief

RELATIONSHIP TO ADJACENT PROPERTIES:

Direction	Future Land Use	Zoning	Present Use
North (City)	Commercial	PO/I	Office Building and Residential Duplex
East (City)	Office	PO/I	SFR (4)
South (City)	Commercial	C-2	Gas Station and Automotive Repair
West (City)	Commercial	C-2	Retail and Warehouse Buildings

ADDITIONAL COMMENTS: The Tractor Supply- Apopka - Preliminary Development Plan proposes 19,027 square feet of commercial retail space with and 18,000 square feet outdoor display area. The 3.9 acres site is located south of West 1st Street and East of Washington Ave.

PARKING: A total of 89 parking spaces are being proposed (113 required by code) of which four (4) are reserved as handicapped parking spaces. In accordance with LDC 6.03.02, the number of proposed parking spaces are 24 less the required amount. The applicant is requesting a waiver to adjust the parking requirements in accordance with LDC 6.03.01.H. Traffic & Mobility Consultants (TMC), the applicant's transportation consultant, has prepared a parking analysis in response to the applicant's parking waiver request.

EXTERIOR ELEVATIONS: The design of the building exterior meets the intent of the City's Development Design Guidelines.

STORMWATER: Stormwater run-off and drainage will be accommodated by an on-site retention pond. The on-site stormwater management system shall be designed to meet standards set forth in the Land Development Code prior to Final Development Plan approval.

BUFFER/TREE PROGRAM: A minimum ten foot landscape buffer is provided along 1st, Washington Ave and 2nd Street. The applicant has provided a detailed landscape and irrigation plan for the property. The planting materials and irrigation system design are consistent with the water-efficient landscape standards set forth in Ordinance No. 2069.

The following is a summary of the tree replacement program for this project:

Total inches on-site:	606
Total number of specimen trees:	8
Total specimen removed:	5
Total specimen inches retained:	130
Total specimen inches removed:	150
Total non-specimen inches removed:	274
Total non-specimen inches retained:	52
Total inches replaced:	243.5
Total inches post development:	485.5

TREE PROGRAM: The City's Land Development Code and Tree Bank policy permit the applicant to make a contribution to the City's Tree Bank to mitigate the remaining deficient tree inches at \$10.00 per inch. The total amount required to be paid into the Tree Bank will be (\$1700) dollars.

<u>SIGNS:</u> The applicant has submitted a variance application requesting to install a monument sign at the southwest corner of the site and to increase the height. The variance requests are handled through a separate application and will be reviewed separate from the Preliminary Development Plan. Planning Commission has the authority to have final decision on variance requests, and only appear before City Council if the applicant appeals a decision of the Planning Commission. Should the variance fails to be approved, the applicant must modify the Preliminary Development Plan to comply with the Land Development Code. The proposed sign locations shown on the site plan are subject to Planning Commission approval.

CONDITIONS OF APPROVAL:

1. Applicant will need to provide to the Public Service Department an on-site stormwater management plan consistent with the Land Development Code prior to Final Development Plan approval by City Council.

PUBLIC HEARING SCHEDULE:

October 11, 2016 - Planning Commission (5:30 pm) November 2, 2016 - City Council (1:30 pm)

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the – Tractor Supply-Apopka Preliminary Development Plan and waiver, subject to the findings of this staff report and conditions of approval.

The **Planning Commission**, at its meeting on October 11, 2016, unanimously recommended approval of the Tractor Supply-Apopka Preliminary Development Plan and parking waiver, subject to the findings of this staff report and conditions of approval.

Approve the Tractor Supply-Apopka Preliminary Development Plan and parking waiver, subject to the findings of this staff report and conditions of approval.

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

Application: Preliminary Development Plan

Owner: Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP.

Applicant: Hanlex First Street, LLC

Engineer: Hanlex Civil, LLC. c/o Nathan Bullard, MBA P.E.

Architect: Rabits and Romano Architecture

Parcel I.D. No's: 09-21-28-0196-10-040, 09-21-28-0196-10-064 and 09-21-28-0196-10-122

Location: 180 East 1st Street Total Acres: 3.90 +/- Acres



VICINITY MAP



CITY COUNCIL – NOVEMBER 2, 2016 TRACTOR SUPPLY APOPKA – PRELIMINARY DEVELOPMENT PLAN PAGE 5

Application: Preliminary Development Plan

Owner: Michael L. Hart, Margie A. Hart and Apopka Regional Properties, LLP.

Applicant: Hanlex First Street, LLC

Engineer: Hanlex Civil, LLC. c/o Nathan Bullard, MBA P.E.

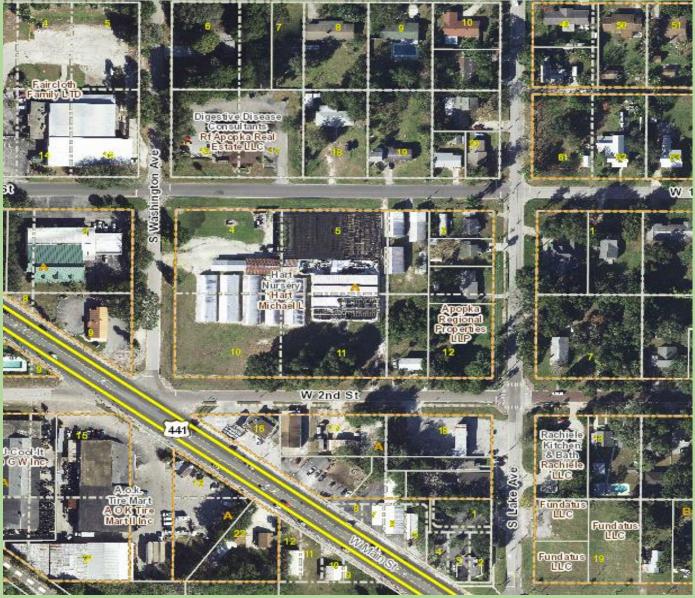
Architect: Rabits and Romano Architecture

Parcel I.D. No's: 09-21-28-0196-10-040, 09-21-28-0196-10-064 and 09-21-28-0196-10-122

Location: 180 East 1st Street Total Acres: 3.90 +/- Acres



AERIAL MAP



PROJECT DIRECTORY

1000 COLOR PLACE APOPKA, FL 32703 PHONE: (407) 889-9400

FAX: (407) 889-8328

CIVIL ENGINEER:

HANLEX CIVIL, LLC 1000 COLOR PLACE APOPKA, FL 32703 PHONE: (407) 889-9400 FAX: (407) 889-8328

PROFESSIONAL SERVICE INDUSTRIES, INC. 1748 3380 STREET

ORLANDO, FL 32839 PHONE: (407) 304-5560 FAX: [407] 304-5561

405 LAKE HOWELL ROAD SUITE 1001

MAITLAND, FLORIDA, 32751 PHONE: (407) 681-6541

ARCHITECT:

RABITS & ROMANO ARCHITECTURE 5127 S. CRANGE AVENUE SUITE 10 ORLANDO. FLORIDA 32809



UTILITY PROVIDERS

POWER:

DUKE EMERGY WINTER GARDEN, FL 33787 CONTACT: SHARON DEAR P: (407) 905-3321

MATER:

748 E CLEVELAND STREET APOPKA, FL 32703 CONTACT: BRIAN BISHOP P: (407) 703-1685

SEWER:

CITY OF APOPKA 748 E CLEVELAND STREET APOPKA, FL 32703 CONTACT: BRIAN BISHOP

P: (407) 703-1685

TELEPHONE:

CENTURY LINK 33 N. MAIN STREET ROOM 144 WINTER GARDEN, FL 34787

CABLE TELEVISION:

BRIGHT HOUSE NETWORKS 3767 ALL AMERICAN BLVD ORLANDO, FL 32B10 CONTACT: MARVIN USRY P: (407) 532-8509

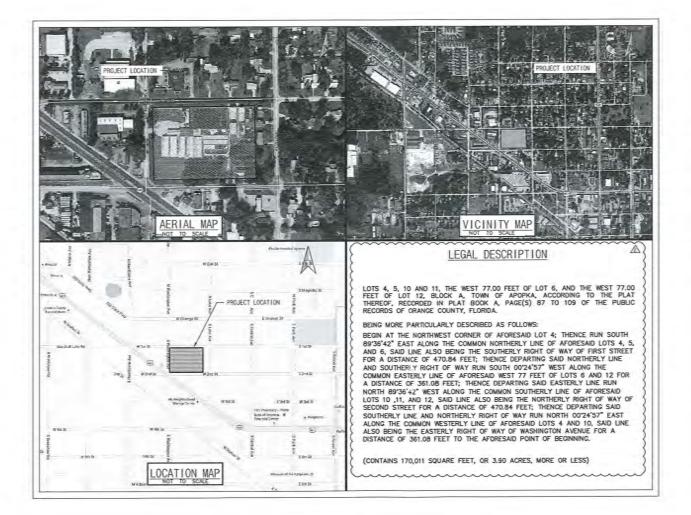
GAS:

LAKE APOPKA NATURAL GAS DISTRIC 1320 MINTER GARDEN - VINELAND RD WINTER GARDEN. FL 34778. P: (407) 656-2734

PRELIMINARY DEVELOPMENT PLAN

TRACTOR SUPPLY COMPANY AT APOPKA 180 W. 1st STREET APOPKA, FL 32703

PARCEL # 09-21-28-0196-10-040, 09-21-28-0196-10-064, & 09-21-28-0196-10-122



	VARIANCE (V) /	WAIVER (W) TABL	E
CODE #	CODE REQUIREMENT	(V/V)	REQUEST	JUSTIFICATION
8.08.03	50" SIGN SETBACK	Y.	ALLOWING SIGN WITHIN THE 50" SIGN SETBACK	SIGHT VISIBILITY FROM ROW
8.64.02.0	SIX FEET WAXIMUM SIGN HEAGHT	. y	TEN FOOT SIGN HEIGHT FOR SIGN AT CORNER	SIGHT WISHBILLITY FROM ROW
6,03,02	NUMBER OF PARKING STALLS		REDUCTION IN FARKING STALLS	ENCEEDS REQUIRED STALLS FOR TRACTOR SUPPLY TSEE SUBMITTED TRAFFIC STUDY

PLAN SHEET INDEX

COVER SHEET

ARCHITECTURAL ELEVATIONS

ARCHITECTURAL FLOOR PLAN

DRAINAGE PLAN A

C1.0

C1.1 TRUCK MOVEMENT

C2.0

UTILITY PLAN C3.0

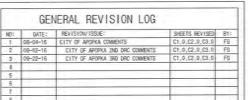
PHOTOMETRIC PLAN A CP1.0

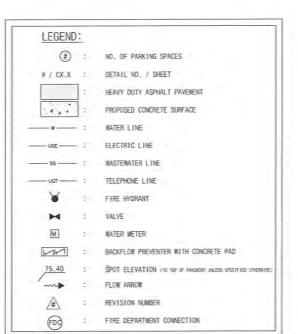
11.0 LANDSCAPE PLAN

12.0 IRRIGATION PLAN

L3.0 TREE DEMONITION PLAN

GENERAL REVISION LOG







HANLEX DEVELOPMENT 光



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215.016

JASON D. BULLARD, P.E. P.E. LICENSE NO. 73800

CO.0 NTS

COVER SHEET

ZONING, PARKING REQUIREMENTS, & BUILDING SETBACK INFORMATION

THE SUBJECT PROPERTY IS ZONED, APOPKA C-2, GENERAL COMMERCIAL DISTRICT

SITE AREA REQUIREMENTS: MINIMUM SITE AREA SHALL BE 10,000 SQUARE FEET.

YARD REQUIREMENTS:

FRONT YARD. THERE SHALL BE A MINIMUM SETBACK OF 50 FEET FROM THE CENTERLINE OF THE STREET RIGHT-OF-WAY OR MINIMUM TEN FROM THE PROPERTY LINE, WHICHEVER IS GREATER.

SIDE YARD. THERE SHALL BE A MINIMUM OF TEN FEET FROM PROPERTY LINE EXCEPT WHERE SIDE LOTS ABUT A RESIDENTIAL DISTRICT OR USE, THEN ALL STRUCTURES SHALL BE SETBACK A MINIMUM OF 30 FEET. ALL YARDS ADJACENT TO ROAD RIGHT-OF-WAYS SHALL BE A MINIMUM OF 15 FEET.

OPEN STORAGE AREAS SHALL BE SET BACK A MINIMUM OF 15 FEET EXCEPT WHEN ADJACENT TO RESIDENTIAL USES OR DISTRICTS, THEN THEY SHALL BE SET BACK A MINIMUM OF 50 FEET.

FLOOD ZONE NOTE

THE SUBJECT PROPERTY LIES IN FLOOD ZONE "X", AREA DETERMINED TO BE OUTSIDE THE ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, PANEL 120 OF 750, MAP NUMBER 12095C0120F, LAST REVISED ON SEPTEMBER 25, 2009.

LEGAL DESCRIPTION - TRACTOR SUPPLY COMPANY BOUNDARY

LOTS 4, 5, 10 AND 11, THE WEST 77.00 FEET OF LOT 6, AND THE WEST 77.00 FEET OF LOT 12, BLOCK A, TOWN OF APOPKA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK A, PAGE(S) B7 TO 109 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF AFORESAID LOT 4; THENCE RUN SOUTH 89'36'42" EAST ALONG THE COMMON NORTHERLY LINE
OF AFORESAID LOTS 4, 5, AND 6, SAID LINE ALSO BEING THE SOUTHERLY RIGHT OF WAY OF FIRST STREET FOR A DISTANCE OF
470.84 FEET; THENCE DEPARTING SAID NORTHERLY LINE AND SQUITHERLY RIGHT OF WAY RUN SOUTH 00'24'55" WEST ALONG THE
COMMON EASTERLY LINE OF AFORESAID WEST 77 FEET OF LOTS 6 AND 12 FOR A DISTANCE OF 351.08 FEET; THENCE DEPARTING
SAID EASTERLY LINE RUN NORTH 89'36'42" WEST ALONG THE COMMON SOUTHERLY LINE OF AFORESAID LOTS 10, 11, ADD 12, SAID
LINE ALSO BEING THE NORTHERLY RIGHT OF WAY OF SECOND STREET FOR A DISTANCE OF 470.84 FEET; THENCE DEPARTING SAID
SOUTHERLY LINE AND NORTHERLY RIGHT OF WAY OF SECOND STREET FOR A DISTANCE OF 470.84 FEET; THENCE DEPARTING SAID
SOUTHERLY LINE AND NORTHERLY RIGHT OF WAY OF SECOND STREET FOR A DISTANCE OF 170.84 FEET; THENCE DEPARTING SAID
LOTS 4 AND 10, SAID LINE ALSO BEING THE EASTERLY RIGHT OF WAY OF WASHINGTON AVENUE FOR A DISTANCE OF 361.08 FEET TO
THE AFORESAID POINT OF BEGINNING.

(CONTAINS 170.011 SQUARE FEET, OR 3.90 ACRES, MORE OR LESS)

TITLE & SCHEDULE BII EXCEPTIONS - PERTAINING TO PART 1

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT BY FIDEUTY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NUMBER 68857-55, EFFCTIVE JUNE 12, 2015 AT 8:00 AM. EASEMENTS AND RESTRECTIONS LISTED IN SCHEDULE BI (EXCEPTIONS) ARE AS FOLLOWS:



RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF TOWN OF APOPKA AS RECORDED IN PLAT BOOK A, PACE(S) 87 TO 109, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DESCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C). (SHOWN HEREON) ONDITIONS OR RESINCULINA VIOLATE 42 USC 3004(U.) (SHOWN TERCEVI)

DECLARATION OR RESTINCTIVE CONSENSITÉ RECORDED IN BOOM 9959, PAGE 2599, BUT

DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE,

LIMITATION OF DISCRIMMATION ABSED ON RACE, COLOR, RELIGION, SEX, HANDICAP,

FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR

RESTRICTIONS VIOLATE 42 USC 3004(C). (SHOWN HEREON)

TITLE & SCHEDULE BII EXCEPTIONS - PERTAINING TO PART 2

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NUMBER 6757-9, EFFECTIVE JULY 18, 2016 AT 5:00 P.M. EASEMENTS AND RESTRICTIONS LISTED IN SCHEDULE BII (EXCEPTIONS) ARE AS FOLLOWS:

MATTERS SET FORTH ON THE PLAT OF THE TOWN OF APOPKA RECORDED IN PLAT BOOK A, PAGE 109, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (SHOWN HEREON)

SURVEYOR'S NOTES

1. THIS SURVEY REPRESENTS A BOUNDARY AND TOPOGRAPHIC SURVEY AS DESCRIBED BY MINIMUM TECHNICAL STANDARDS FOR SURVEYING AND MAPPING, CHAPTER 5J-17, FLORIDA

2. ADMINISTRATIVE CODES. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

3. BEARINGS SHOWN HEREON ARE BASED ON RTK GPS OBSERVATIONS, DERIVING A BEARING OF S89'36'42"E ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FIRST STREET.

ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVDBB) AS ESTABLISHED FROM ORANGE COUNTY, FLORIDA BENCHMARK DESIGNATED AS "L 651 025" SENDS A 2" BRASS DISK AND HAVING A PUBLISHED ELEVATION OF 148-09 FEET.

5. THE INFORMATION DEPICTED ON THIS SURVEY REPRESENTS THE RESULTS OF A FIELD SURVEY ON THE DATE INDICATED AND CAN ONLY BE CONSIDERED AS A REPRESENTATION OF THE GENERAL CONDITIONS ESTISTING AT THAT TIME.

6. THIS SURVEY MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=30"OR SMALLER.

7. THE SYMBOLS REFLECTED IN THE LEGEND AND ON THIS SURVEY MAY HAVE BEEN ENLARGED FOR CLARITY. THE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.

8. FENCES AND WALL DIMENSIONS ARE APPROXIMATE. THE SURVEYOR DID NOT DETERMINE OWNERSHIP OF WALLS AND FENCES.

9. THIS FIRM IDENTIFED VARIOUS TYPES OF TREES LOCATED ON THIS SITE BASED ON COMMON KNOWLEDGE OF TREE SPECIES. A QUALIFIED LANDSCAPE ARCHITECT SHOULD BE EMPLOYED FOR POSITIVE IDENTIFICATION OF TREE SPECIES. TREE DIAMETERS ARE APPROXIMATE AND WERE MEASURED AT BREAST HEIGHT. ONLY TREES 3 CALIFER INCHES OR LARGER WERE LOCATED AND SHOWN ON THE SURVEY. HEDGES AND GROUND COVER WERE NOT LOCATED AND ARE NOT SHOWN.

10. THIS SURVEY IS LIMITED TO THE LOCATION OF ABOVE GROUND IMPROVEMENTS AND SUBSURFACE UTILITIES SHOWN HEREON. FOUNDATIONS, ENGROACHWENTS AND ANY ADDITIONAL SUBSURFACE UTILITIES WERE NOT LOCATED AND ARE NOT SHOWN HEREON. THIS SITE COULD HAVE ADDITIONAL UNDERGROUND INSTALLATIONS THAT ARE NOT SHOWN HEREON. BEFORE DESIGN, CONSTRUCTION EXCAVATIONS, CONTACT BILLOOM (811) AND THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION OF UTILITIES.

11. NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

12. NO OBSERVABLE EVIDENCE OF CHANGES IN STREET RIGHT OF WAY LINES COMPLETED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION AND NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEMALK CONSTRUCTION OR REPAIRS.

13. NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

14. THE INFORMATION CONTAINED IN THIS DOCUMENT WAS PREPARED BY L & S DIVERSIFIED, LLC (L&S). L&S HAS TAKEN ALL REASONABLE STEPS TO ENSURE THE ACCURACY OF THIS DOCUMENT. WE CANNOT CULRANTEE THAT ALTERATIONS AND/OR MODIFICATIONS WILL NOT BE MADE BY OTHERS AFTER IT LEAVES OUR POSSESSION. THIS DOCUMENT MUST BE COMPARED TO HE GRIGINAL HARD CODY (WHICH BEARS THE RISED SURVEYORS CERTIFICATION SEAL IF APPLICABLE) TO ENSURE THE ACCURACY OF THE INFORMATION CONTAINED HEREON AND TO CHITCHER ENSURE THAT ALTERATIONS AND/OR MODIFICATIONS HAVE NOT BEEN MADE. L&S MAKES NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACCURACY OF THE NFORMATION CONTAINED IN THIS OR ANY DOCUMENT TRANSMITTED OR REVIEWED BY COMPUTER OR OTHER ELECTRONIC MEANS. CONTACT L&S DIRECTLY FOR VERIFICATION OF ACCURACY.

15. THIS SURVEY CANNOT BE RELIED UPON BY PERSONS OR ENTITIES OTHER THAN THE PERSONS OR ENTITIES CERTIFIED TO HEREON.

16. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

SURVEYOR'S CERTIFICATION

HANLEX FIRST STREET, LLC TRACTOR SUPPLY COMPANY, A DELAWARE CORPORATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND THILE SURVEYS, COINTLY ESTABLISHED AND ADOPTED BY ALTA AND SNAPS, AND INCLIDES ITEMS 1, 2, 3, 4, 5, 6(b), 8, 9, 10, 11(c), 11(b), 13, 14, 16, 17 AND 18 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON OCTOBER 22, 2015 AND JULY 12, 2016

SHERRY LEE MANOR, PSM #6961 DATE OF PLAT OR MAP: AUGUST 8, 2016

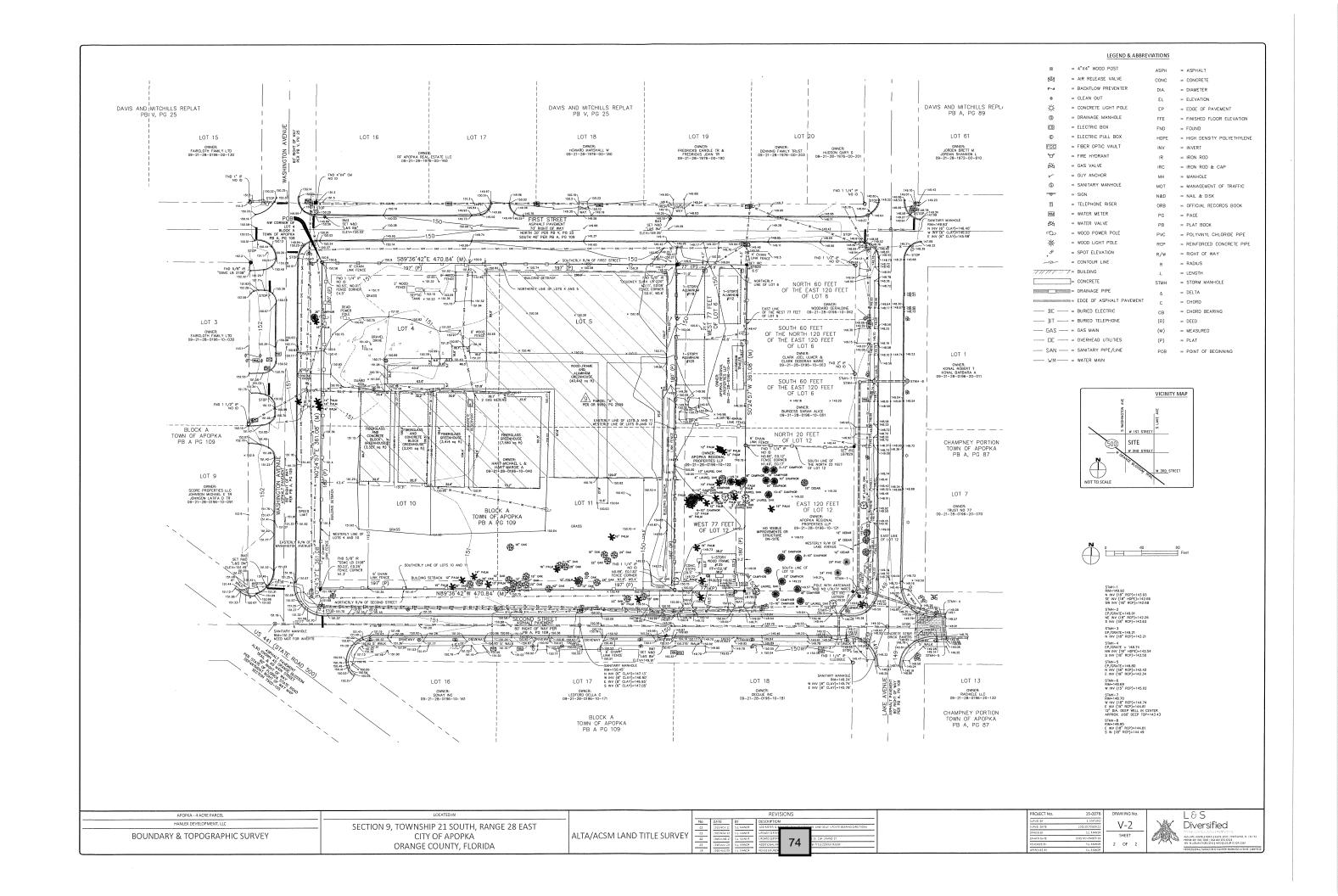
APOPKA - 4 ACRE PARCE SECTION 9, TOWNSHIP 21 SOUTH, RANGE 28 EAST **BOUNDARY & TOPOGRAPHIC SURVEY** CITY OF APOPKA ORANGE COUNTY, FLORIDA

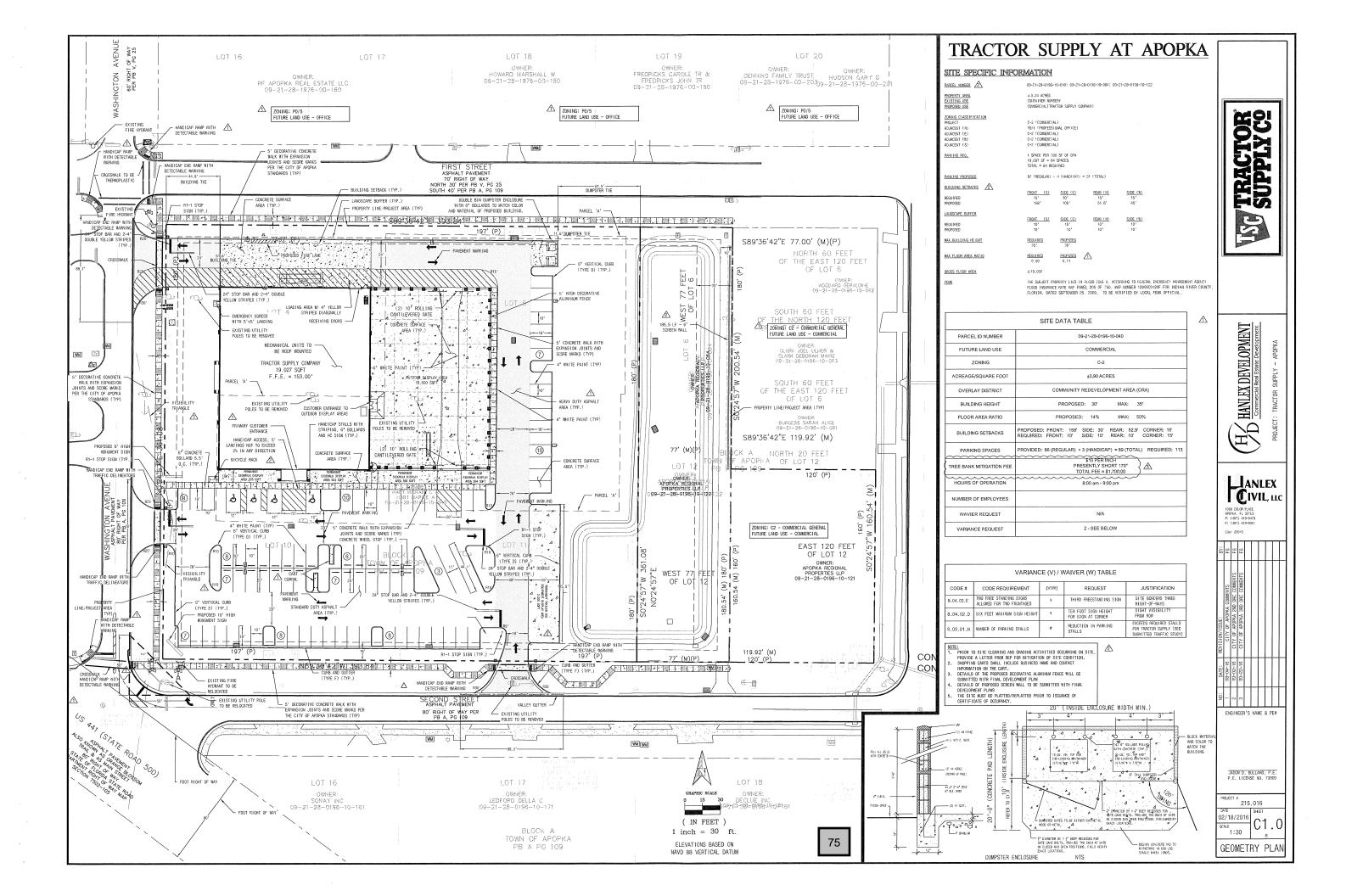
ALTA/ACSM LAND TITLE SURVEY

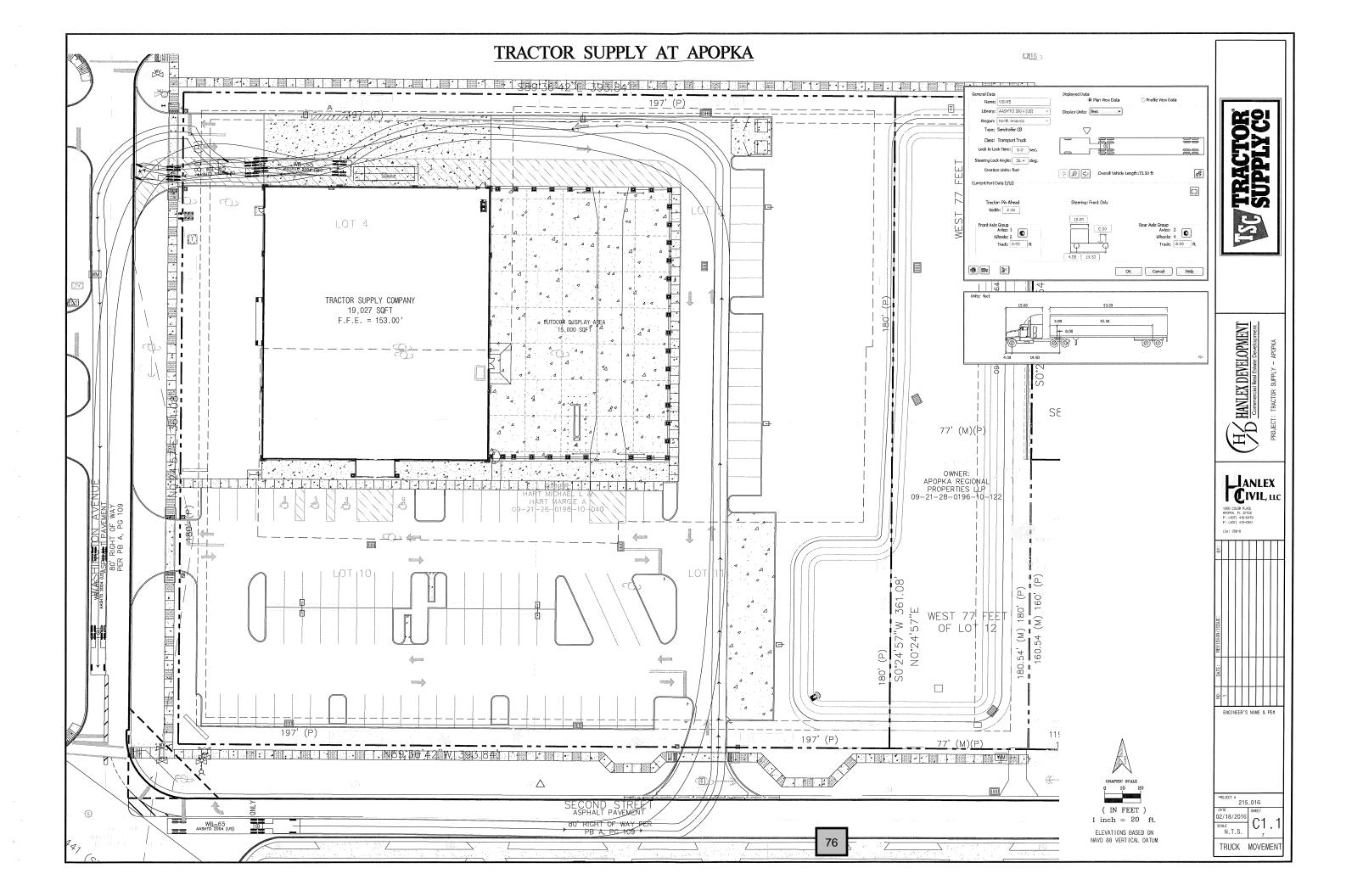
REVISIONS

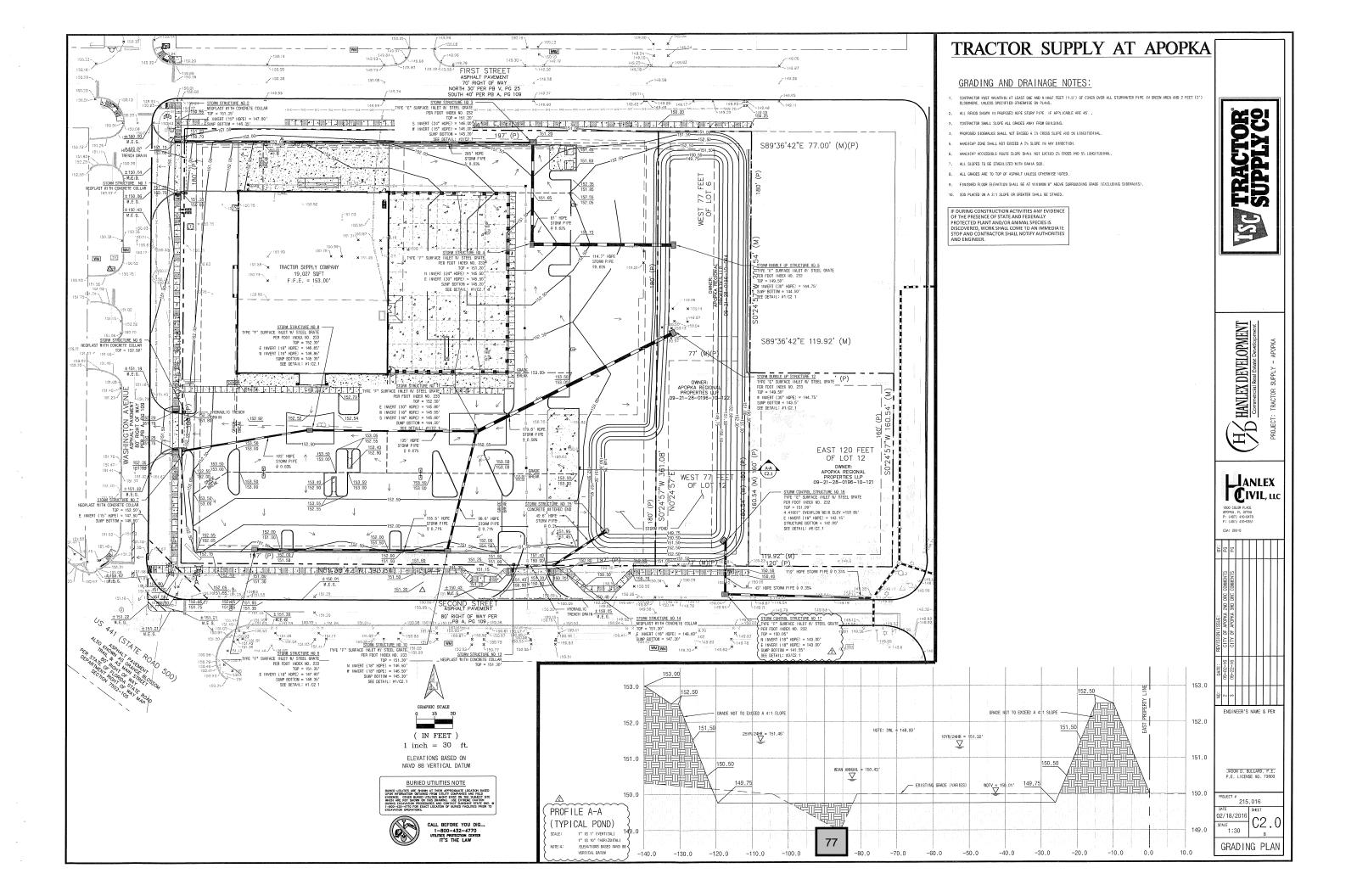
V-1 SHEET

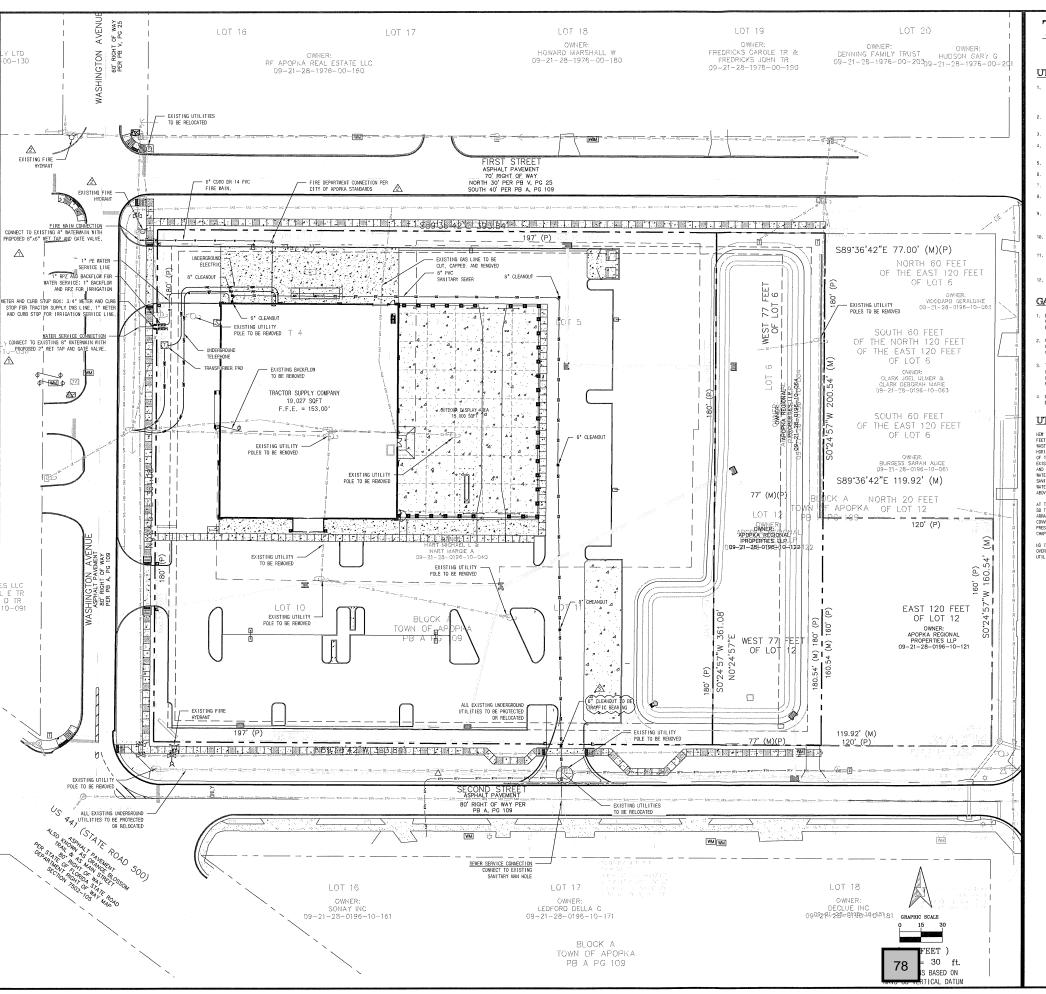












TRACTOR SUPPLY COMPANY AT APOPKA

UTILITY NOTES:

- . ALL UTILITIES IN RIGHT-OF-MAY MUST BE LOCATED PRIOR TO BESINALING CONSTRUCTION OF MORK WITHIN PURILIC RIGHT-OF-MAY, CONTRACTOR
 MUST PERFORM MORK WITHIN RIGHT-OF-MAY MOREN THE SPERMISSION OF THE APPROPRIATE INSPECTIONS. IT IS THE CONTRACTORS
 RESPONSIBILITY TO CALL 1-800-422-4770, AND FIELD VERLEY THAT NO UTILITY CONFLICTS EXIST PRIOR TO CONSTRUCTION. CONTRACTOR TO
 COMPONENT WITHIN THE RIGHTERS OF RECORD AND THE MESCASSARY UTILITY PROVIDERS IN A COMPLICT IS FOUND.
- THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING FACILITIES, ABOVE OR BELOW GROUND, THAT MAY OCCUR AS A RESULT OF THE NORK PERFORMED, BY THE CONTRACTOR OR SUBCONTRACTORS, AS CALLED FOR IN THESE CONTRACT DOCUMENTS.
- RIGHT-OF-WAY HITH LZATION AND/OR HINDERGROUND HITH ITY PERMIT(S) REDHIRED SHALL BE OBTAINED PRIOR TO WORK
- ALL BENDS/ANGLES (NOT CURVES) HI UTILITY PIPES DEPICTED ABOVE ARE 45' UNLESS SPECIFIED OTHERWISE. CONTRACTOR SHALL UTILIZE NECHANICAL RESTRAINTS AT ALL BENDS AND EIDS OF PIPES OVER 3" IN DIANETER.
- . CONTRACTOR SHALL FIX LOCATING WIRE TO TOP CENTERLINE OF ALL UTILITY PIPE AS SHOWN ON CETAIL DETAIL: C3.1

- CONTRACTOR SHALL ADHERE TO THE WAINTENANCE OF TRAFFIC PLANS FOR ALL MORK PROPOSED WITHIN AND ADJACENT TO THE RIGHT-OF-MAY.

- THE DISCHARGE OF GROUNDRATER PRODUCED THROUGH DEMATERING, TO SURFACE MATERS, OR TO ANY PORTION OF THE SEPARATE FERMITTING FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP). PERMIT(S) SHALL BE DECOMENSEMENT OF DEMATERIAS.

GAS, ELECTRICAL, TELEPHONE, AND CABLE TV UTILITIES:

UTILITY SEPARATION REQUIREMENTS:

NET OR RELOCATED, UNDERBROUND MATER WAINS SHALL BE LAID TO PROVIDE A MOREZONTAL DISTANCE OF AT LEAST SIX FEET. AND PREFERRALY TENFEET, BETWEEN THE DISTANCE OF THE WATER WAIN AND THE OUTSIDE OF ANY EXISTING OR PROPOSED GRAVITY- OR PRESSIBLE-THE SUBJECT OF THE WATER WAIN AND PREVENTED AND THE CONTENT RECEIVED AND THE WAIN AND PREVENTED AND THE WAIN AND PREVENTED AND THE WAIN AND SHAVITY-THE SANITARY SERIES SMALL SE REDUCED TO THREE FEET WERE THE BOTTOM OF THE MATER WAIN IS LAID AT LESST SIX INCHES AND HE TO PROVIDE SERIES, BAND, LESS REDUCED TO THREE FEET WERE THE BOTTOM PROPOSED ORAVITY- OR VACUUM-THE SANITARY SERIES SMALL BE REDUCED TO THREE FEET WERE THE BOTTOM PROPOSED ORAVITY- OR VACUUM-THE SANITARY SERIES SMALL BE REDUCED TO THREE FEET WHEN IS AT LEAST SIX INCHES, AND PREPENSELY IT ROMES, ADDRESS AND A LEAST SIX INCHES, AND PREPENSELY IT ROMES, ADDRESS OR A LEAST SIX INCHES, AND PREPENSELY IT ROMES, ADDRESS OR A LEAST SIX INCHES, SOUTH AND THE WAIN ADDRESS OF THE OUTSIDE OF THE WAIN ADDRESS OF THE OUTSIDE OF THE OUTSIDE OF THE WAIN ADDRESS OF THE OUTSIDE OF THE OUTSIDE OF THE WAIN ADDRESS OF THE OUTSIDE OUTSIDE TO THE WAIN ADDRESS OF THE OUTSIDE OUTSIDE TO THE WAIN ADDRESS OF THE O

AT THE UTILITY CROSSINGS DESCRIED AGOVE, ONE FULL LENGTH OF MATER MAIN PIPE SMALL BE CENTERED ABOVE OR BELOW THE OTHER PIPELINGS. THE MATER MAIN JOINTS MILL BE AS FAR AS POSSINGE FROM THE OTHER PIPELINE. A LITERATIVELY. AT SOLIC CROSSINGS, THE PIPES SMALL BE ARRANGED SO THAT ALL MATER MAIN JOINTS ARE ALLEST THEER FEET FORM ALL JOINTS ON WOODLANT-PER SCHAFTS STREEKS, OR PIPELINES CONVEYING RECLAURED MATER REGULATED URGER PART III OF CHAPTER 8CS-510, F.A.C., AND AT LESST SIX FEET FROM ALL JOINTS IN CONVEYING RECLAURED MATER ACTOR ALL JOINTS IN CONVEYING RECLAURED WATER FORD ALL JOINTS IN CONVEYING RECLAURED WATER ACTOR ALL JOINTS AND ALL J

HORIZONT	AL & VERTICAL SEPARATIO	ON FROM OTHER UTILITIES	5
OTHER PIPE	(a) GRANTY OR PRESSURE SANITARY SEWER (b) SANITARY SEWER FORCE MAIN (c) RECLAIMED WATER (4)	(e) STORM SEWER, (b) STORMWATER FORCE MAIN, (c) RECLAIMED WATER (2)	ON-SITE SEWAGE TREATMENT & DISPOSAL SYSTEM
HORIZONTAL SEPARATION	WATER MAIN 10' PREFERRED 6' MINIMUM (3) OTHER PIPE	WATER MAIN S J MN OTHER PIPE	10° MIN.
CROSSINGS (1)	HATER MAIN 12° IS THE MINIMUM EXCEPT FOR GRANTY SEMBY, RIEN O'LS THE MINIMUM AND 12° IS PREPERRED. OTHER PIPE	WATER MAIN 12" IS THE MINIMUM EXCEPT FOR STORM SCHEM, HEND O'N'S THE MEMORY AND 12" IS PREPERRED. OTHER PIPE	_
JOINT SPACING AT CROSSINGS (FULL JOINT CONTERED)	ALTERNATE 6 FT MINIMUM MATER MAIN WATER MAIN	ALTERNATE 3 FT MINIMUM WATER MAIN WATER MAIN	_

- (1) WATER MAIN SHOULD CROSS ABOVE OTHER PIPE, WHEN WATER MAIN MUST BE BELOW OTHER PIPE, THE WINNIUM SEPARATION IS 12 INDEED, PART III OF CHAPTER 62-610, F.A.C.
 (3) 3 FF FOR GRANDT SANITARY SEWER WEEKE THE BOTTOM OF THE WATER MAIN IS LAID AT LEAST BE BOCKED AND ONCE THE TOP OF THE GRANDT SANITARY SEWER.

 (4) RECLAIMED WATER NOT REGULATED UNDER PART III OF CHAPTER 62-610, F.A.C.



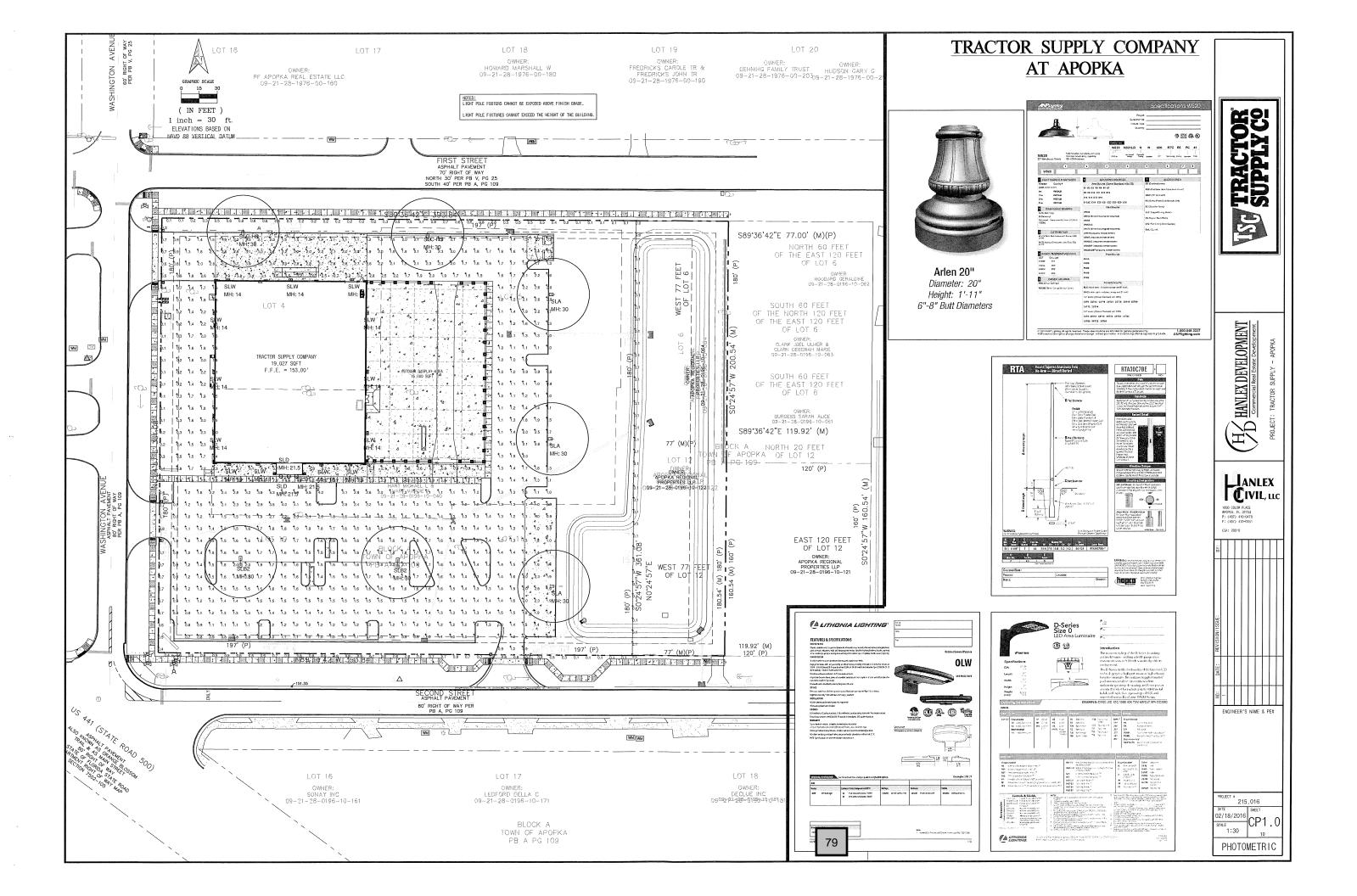
HANLEX DEVELOPMENT (H/SI

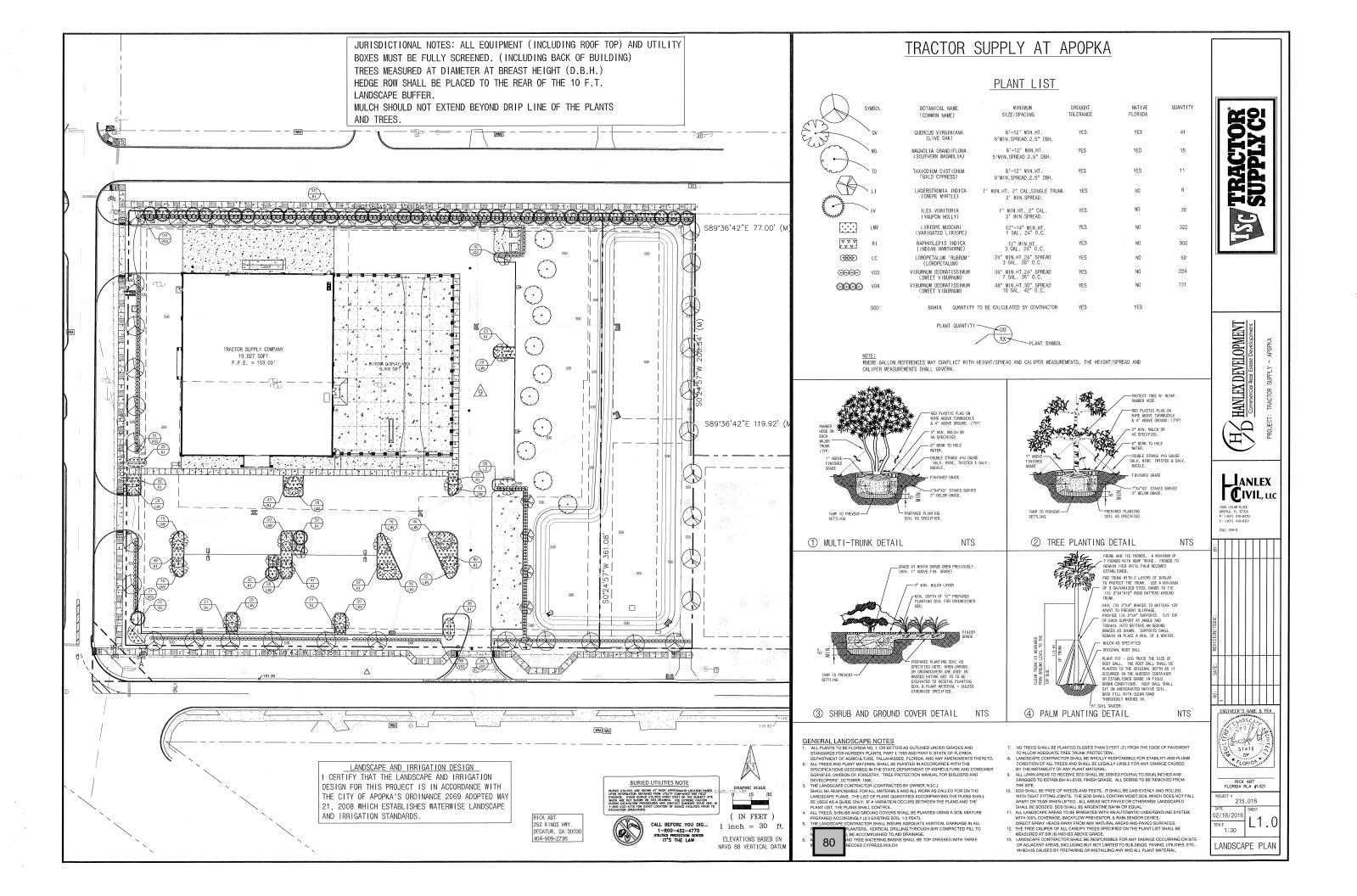


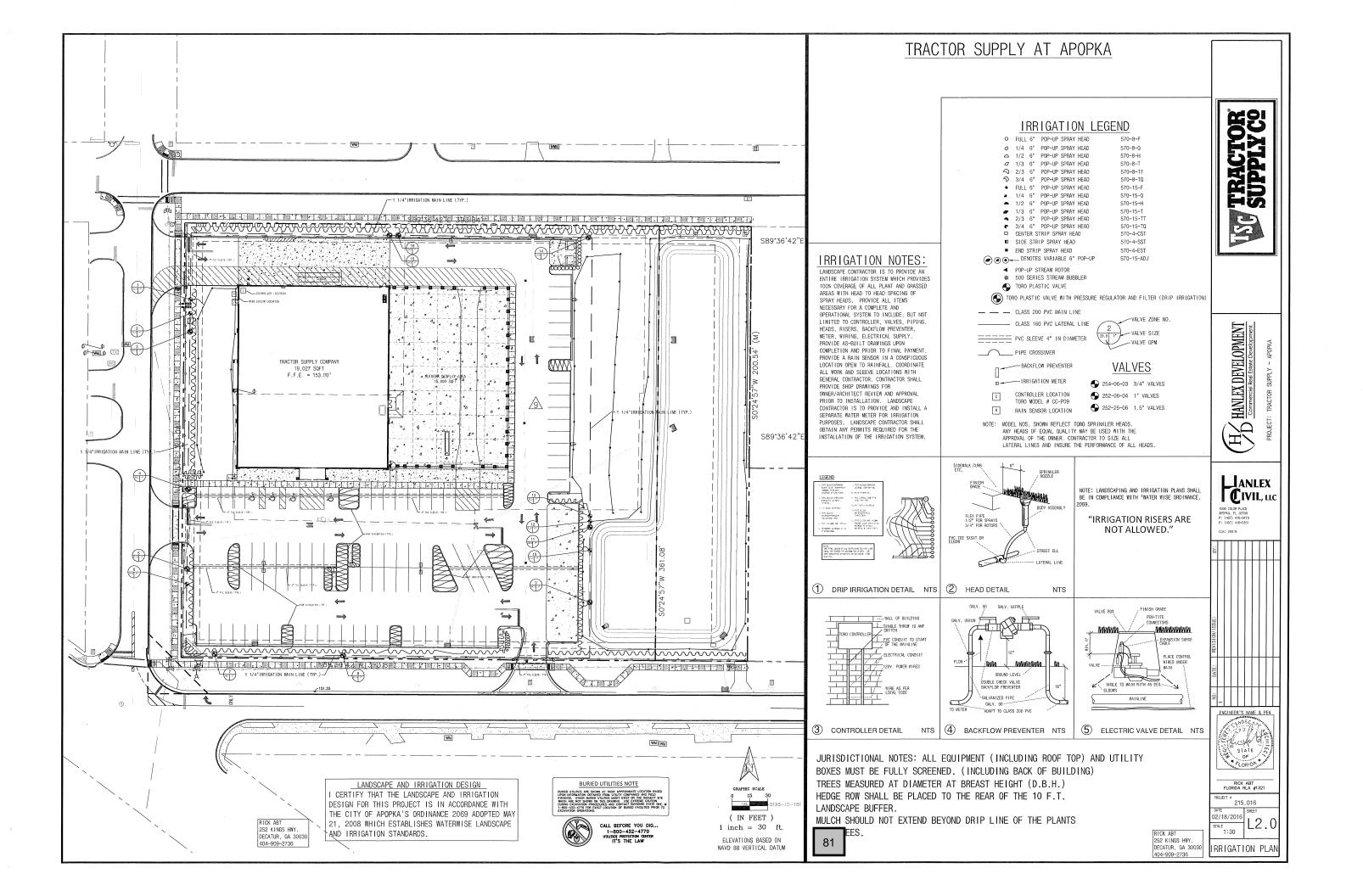
ENGINEER'S NAME & PE#

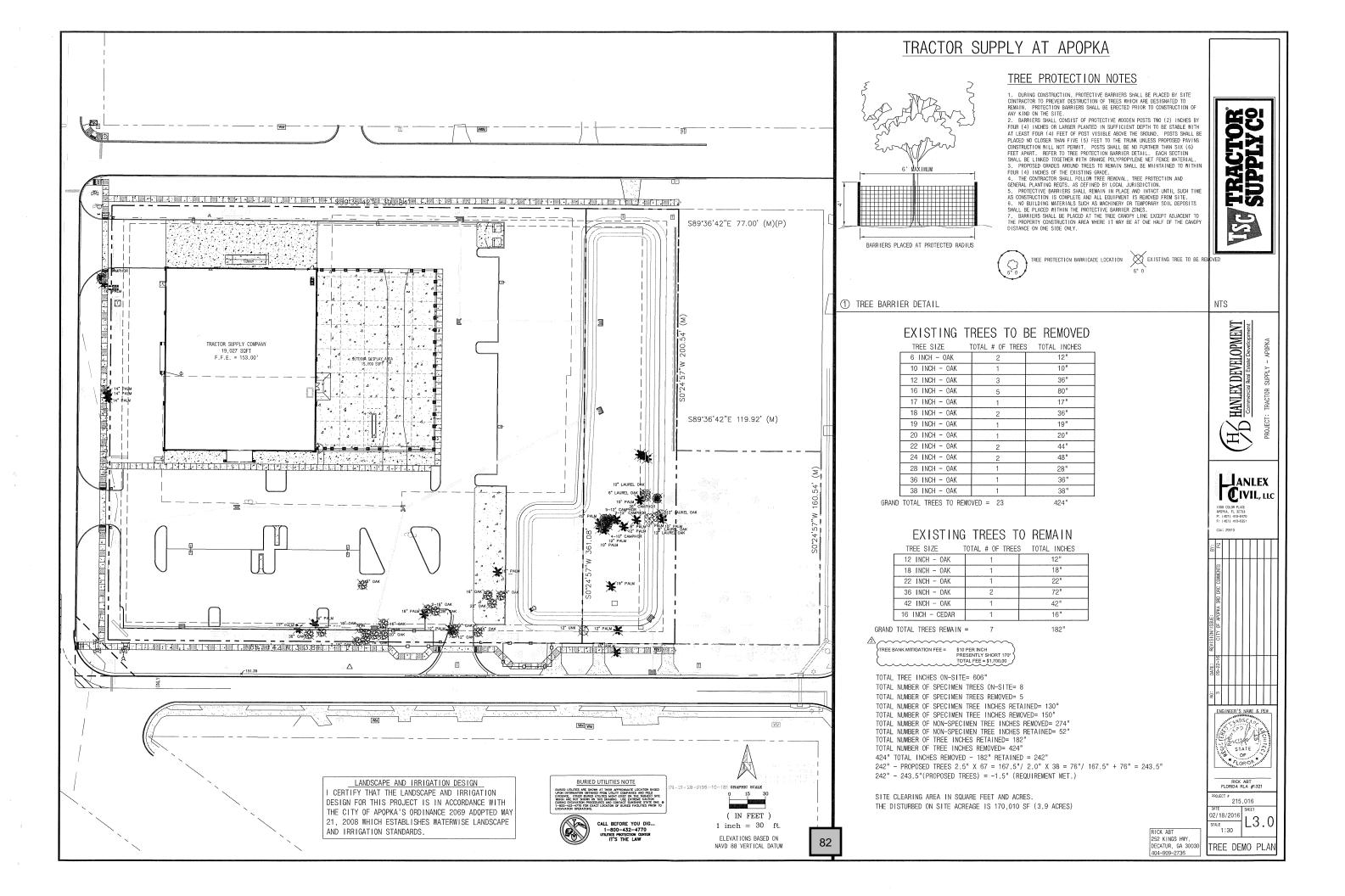
PROJECT # 215.016 02/18/2016 C3.0

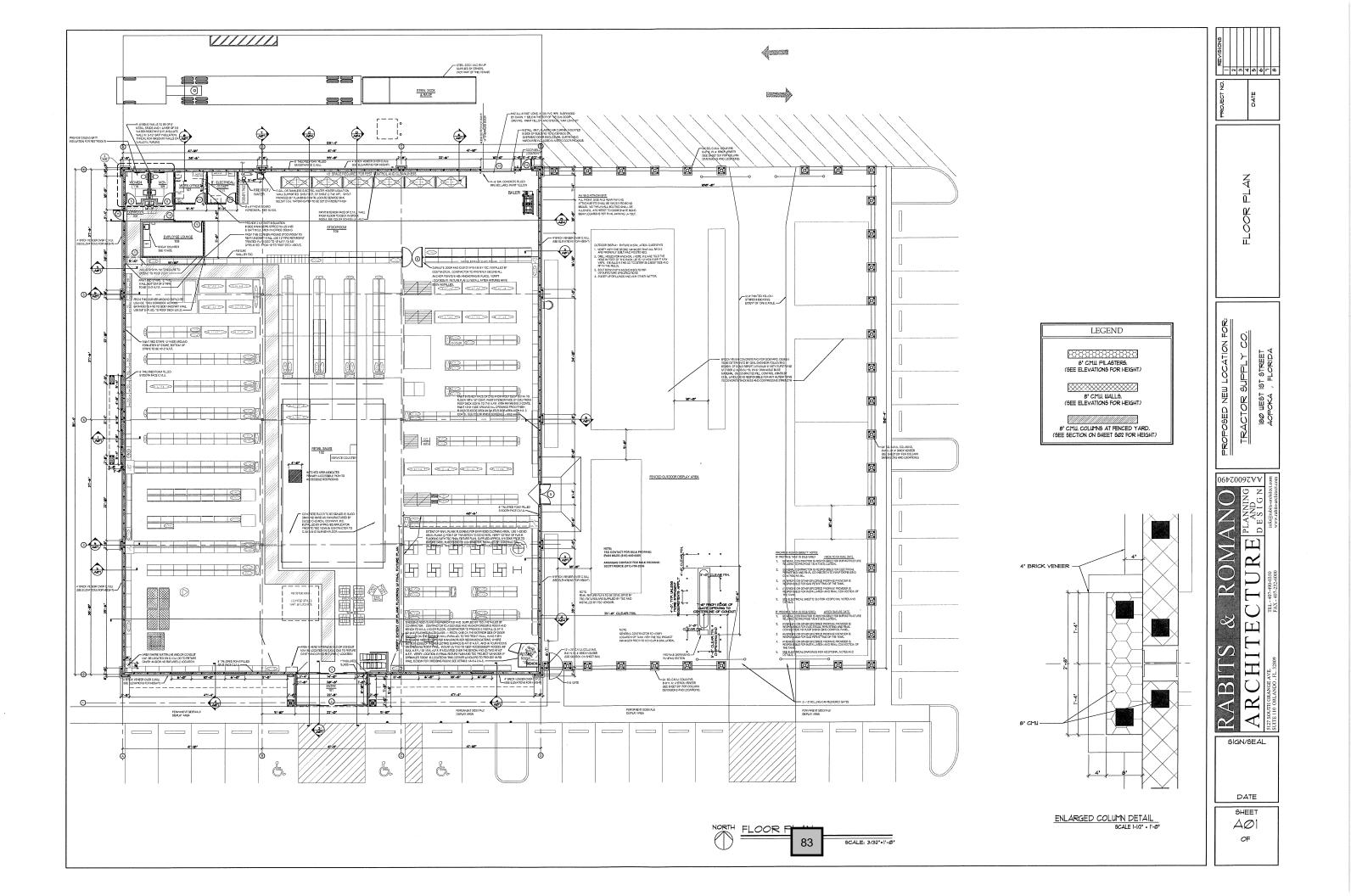
UTILITY PLAN

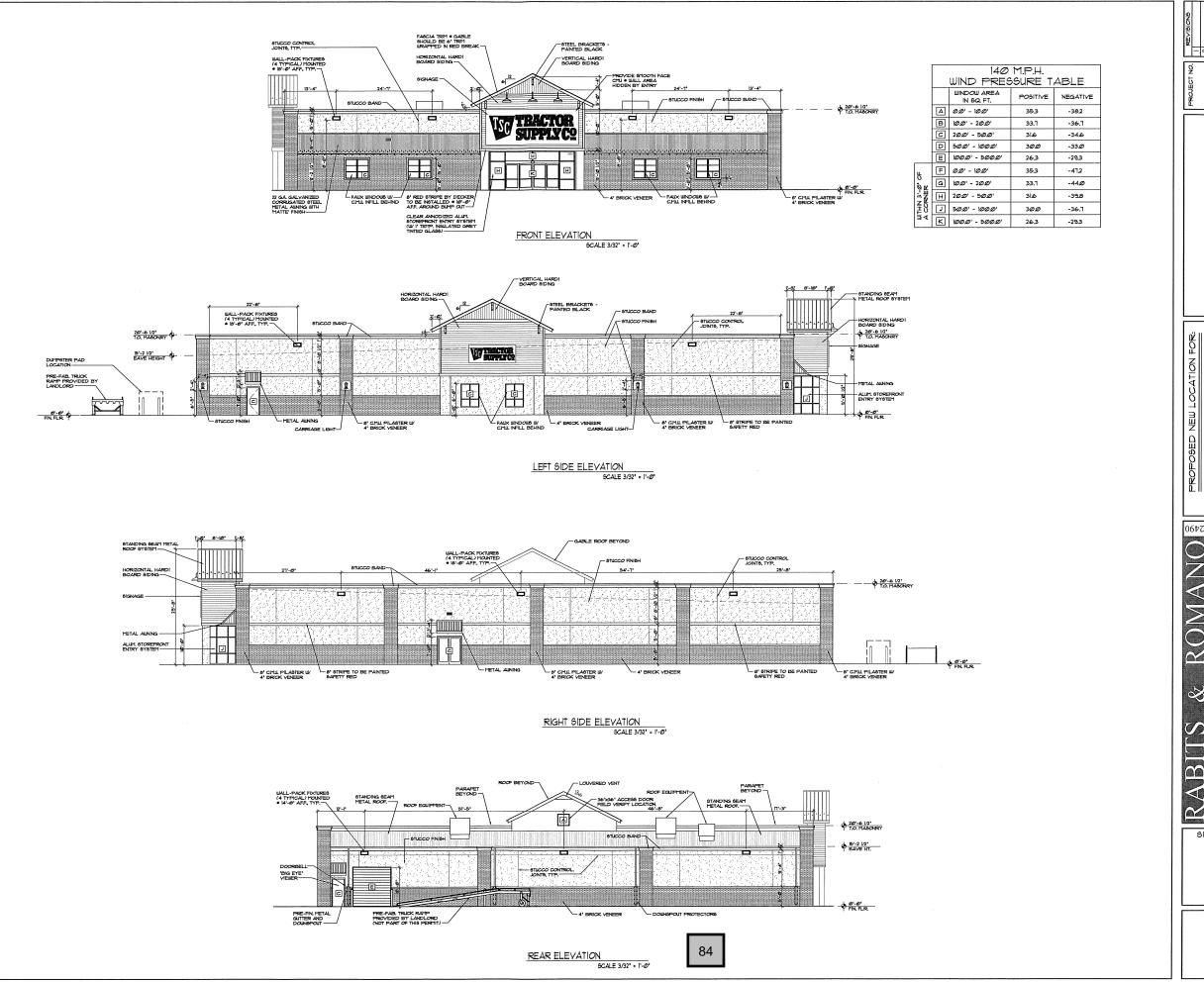












EXTERIOR ELEVATIONS

TRACTOR SUPPLY CO.

180 WEST 18T STREET

AOPOKA , FLORIDA

AA26002490 ROMANO

CTURE

 \Box

HIT

RABITS AR

SIGN/SEAL

DATE

SHEET AØ2 OF

PROJECT DIRECTORY

DEVELOPES:

HANLEX FIRST STREET, I 1000 COLOR PLACE APOPKA, FL 32703 PHONE: (407) 869-9400 FAX: (407) 889-8328

CIVIL ENGINEER:

HANLEX CIVIL, LLC 1000 COLOR PLACE APOPKA, FL 32703 PHONE: (407) 889-9400 FAX: (407) 889-8328

GEOTECH ENGINEER:

PROFESSIONAL SERVICE INDUSTRIES, INC 1748 33RD STREET 08LANDO, FL 32839 PHONE: (407) 304-5560 FAX: (407) 304-5561

CHOUTVOO

L & S DIVERSIFIED 405 LAKE HOWELL ROAD SUITE 1001 MAITLAND, FLORIDA, 32751 PHONE: (407) 681-6541

ARCHITECT:

RABITS & ROMANO ARCHITECTURE 5127 S. ORANGE AVENUE SUITE 10 ORLANDO, FLORIDA 32809 PHONE: (407) 490-0350 FAX: (407) 232-8000



UTILITY PROVIDERS

POWER:

DUKE ENERGY 452 E CROIN POINTE ROAD MINTER GARDEN, FL 33787 CONTACT: SHARON DEAR P: (407) 905-3321

WATER:

CITY OF APOPKA
748 E CLEVELAND STREET
APOPKA, FL 32703
CONTACT: BRIAN BISHOP
P: (407) 703-1685

SEWER:

748 E CLEVELAND STREET APOPKA, FL 32703 CONTACT: BRIAN BISHOP P: (407) 703-1685

TELEPHONE:

CENTURY LINK 33 N. MAIN STREET ROOM 144 WINTER GARDEN, FL 34787 P: (407) 814-5293

CABLE TELEVISION:

BRIGHT HOUSE METWORKS 3767 ALL AMERICAN BLVD ORLANDO, FL 32810 CONTACT: MARVIN USRY P: (407) 532-8509

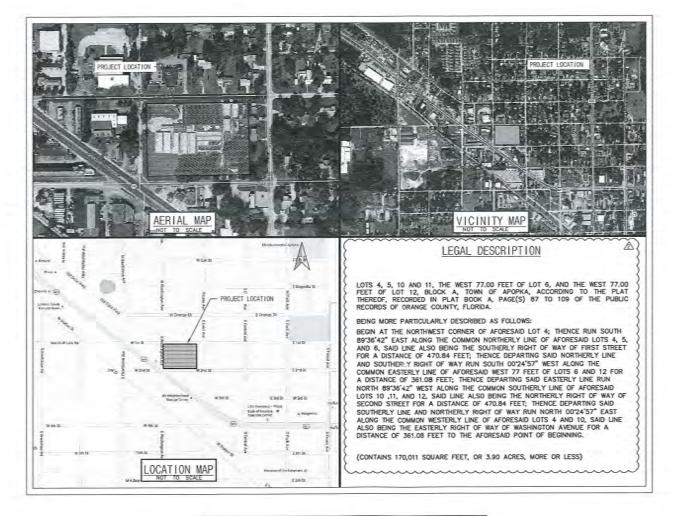
GAS:

LAKE APOPKA NATURAL GAS DISTRIC 1320 MINTER GARDEN - VINELAND RD MINTER GARDEN, FL 34778 CONTACT: ALEX WOSGIEN P: (407) 656-2734

PRELIMINARY DEVELOPMENT PLAN

TRACTOR SUPPLY COMPANY AT APOPKA 180 W. 1st STREET APOPKA, FL 32703

PARCEL # 09-21-28-0196-10-040, 09-21-28-0196-10-064, & 09-21-28-0196-10-122



VARIANCE (V) / WAIVER (W) TABLE					
CDDE #	CODE REQUOREMENT	(V/V)	REQUEST	JUSTIFICATION	
8.08.03	50" SIGN SETBACK	y.	ALLOWING SIGN BITHIN THE 50' SIGN SETBACK	SIGHT VISIBILITY FROM ROM	
8.04,02,0	SIX FEET MAXIMUM SIGN HENGHT	Y .	TEN FOUT SIGN HEIGHT FOR SIGN AT DORNER	SIGHT VISIBILITY FROM ROW	
6,03,02	NUMBER OF PARKING STALLS		REDUCTION IN PARKING STALLS	EXCEEDS REQUIRED STALLS FOR TRACTOR SUPPLY (SEE SUBMITTED TRAFFIC STUDY	

PLAN SHEET INDEX

CO.O COVER SHEET

SUR

C1.0

ARCHITECTURAL ELEVATIONS

GEOMETRY PLAN

ARCHITECTURAL FLOOR PLAN

C1.1 TRUCK MOVEMENT

C2.0 DRAINAGE PLAN A

C3.0 UTILITY PLAN

CP1.0 PHOTOMETRIC PLAN A

L1.0 LANDSCAPE PLAN

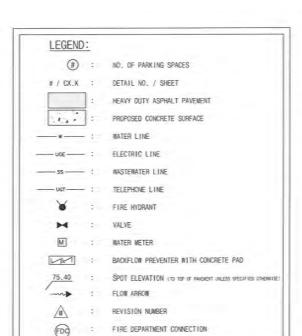
L2.0 IRRIGATION PLAN

L3.0 TREE DEMOLITION PLAN

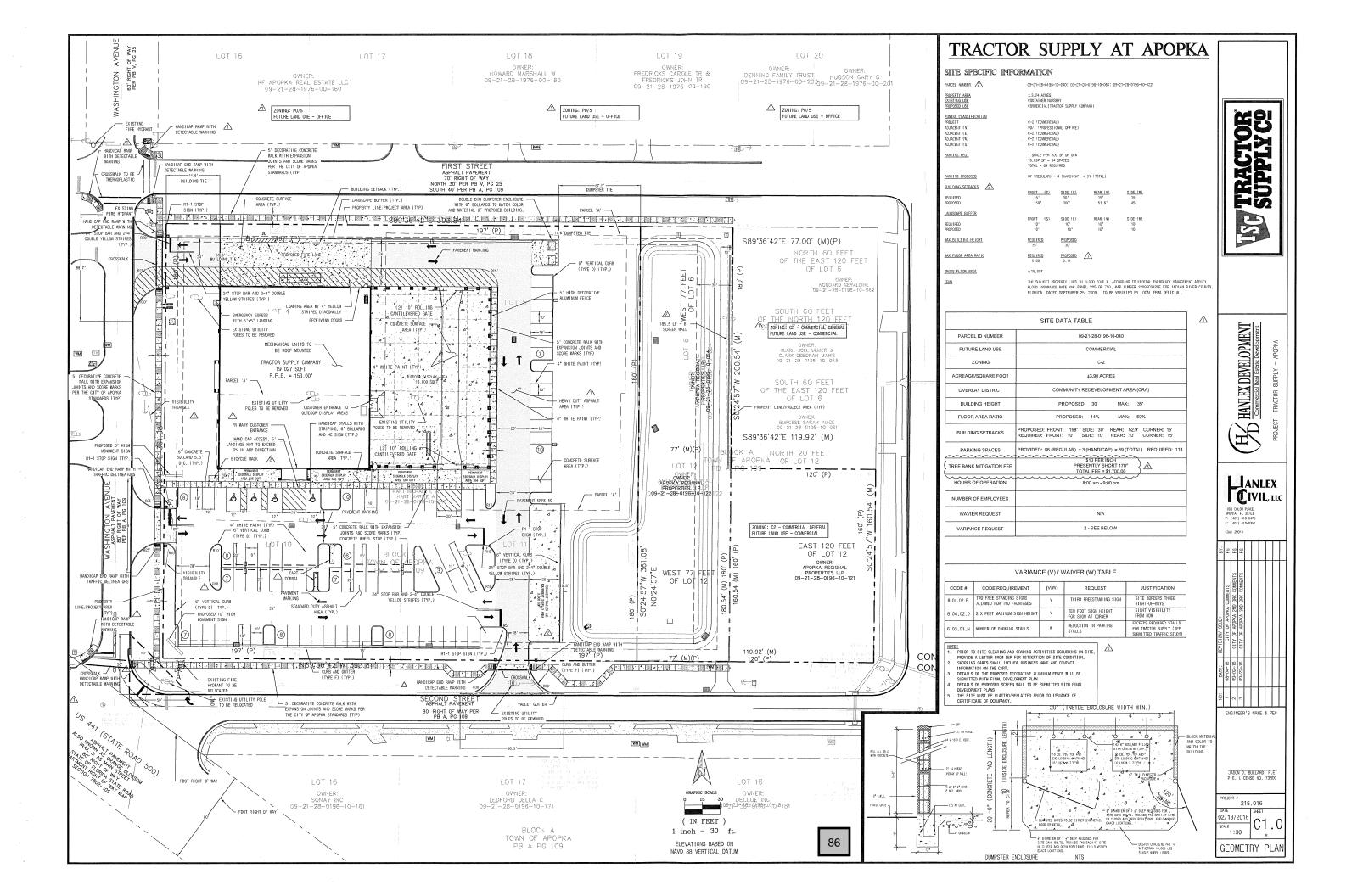
TRACTOR SUPPLY CO

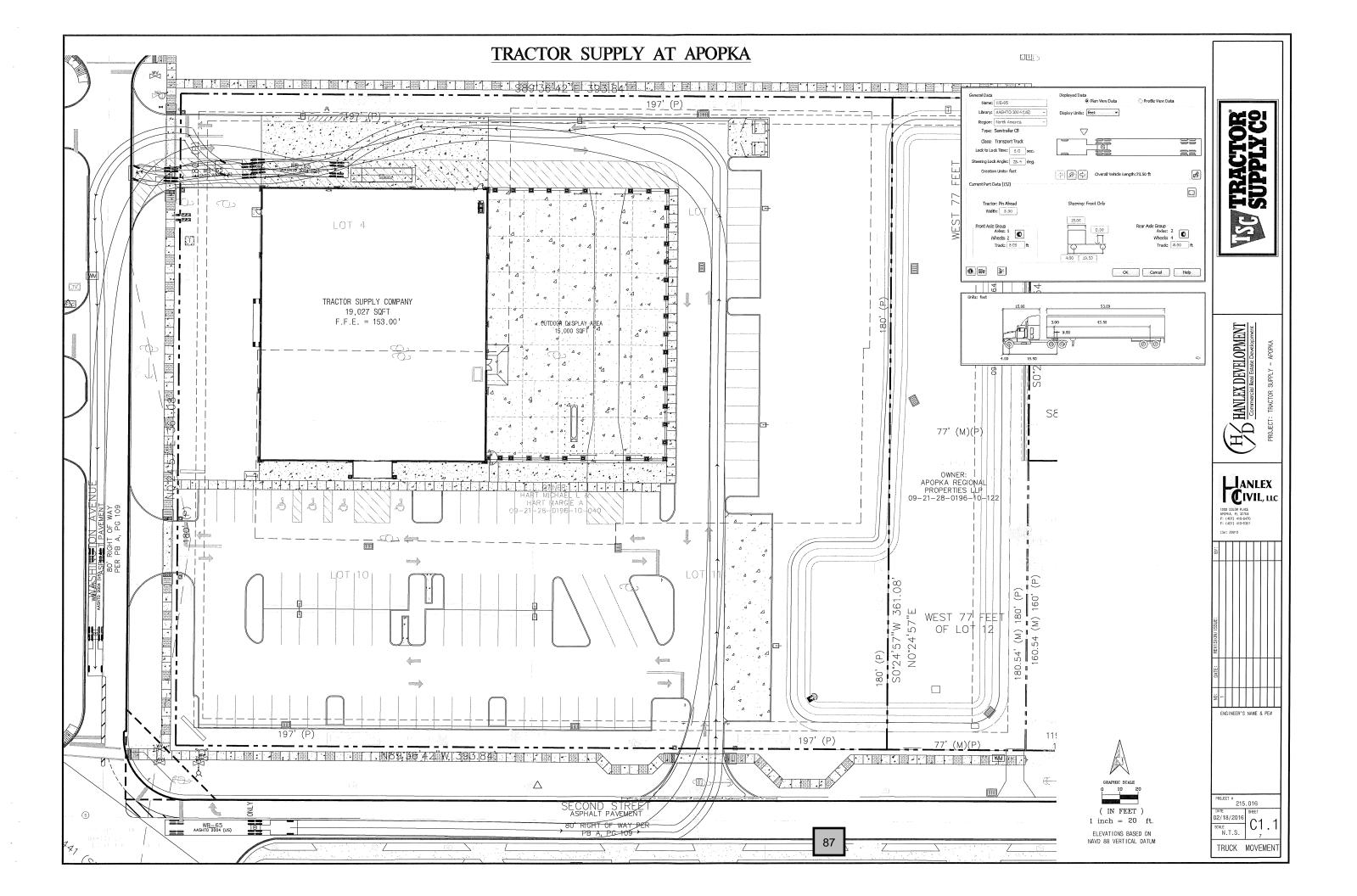
	GENERAL REVISION LOG				
10°C	DATE:	REVISION/ISSUE:	SHEETS REVISED	81:	
3	08-04-15	CITY OF APOPKA COMMENTS	C1.9.C2.0,C3.0	FS	
2	09-02-16	CITY OF APOPKA 2ND DRC COMMENTS	C1.0,C2.0,C3.0	FG	
3	09-22-16	CITY OF APOPKA 3RD DAC COMMENTS	C1.0.C2.0.C3.0	FG	
4					
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-6-					

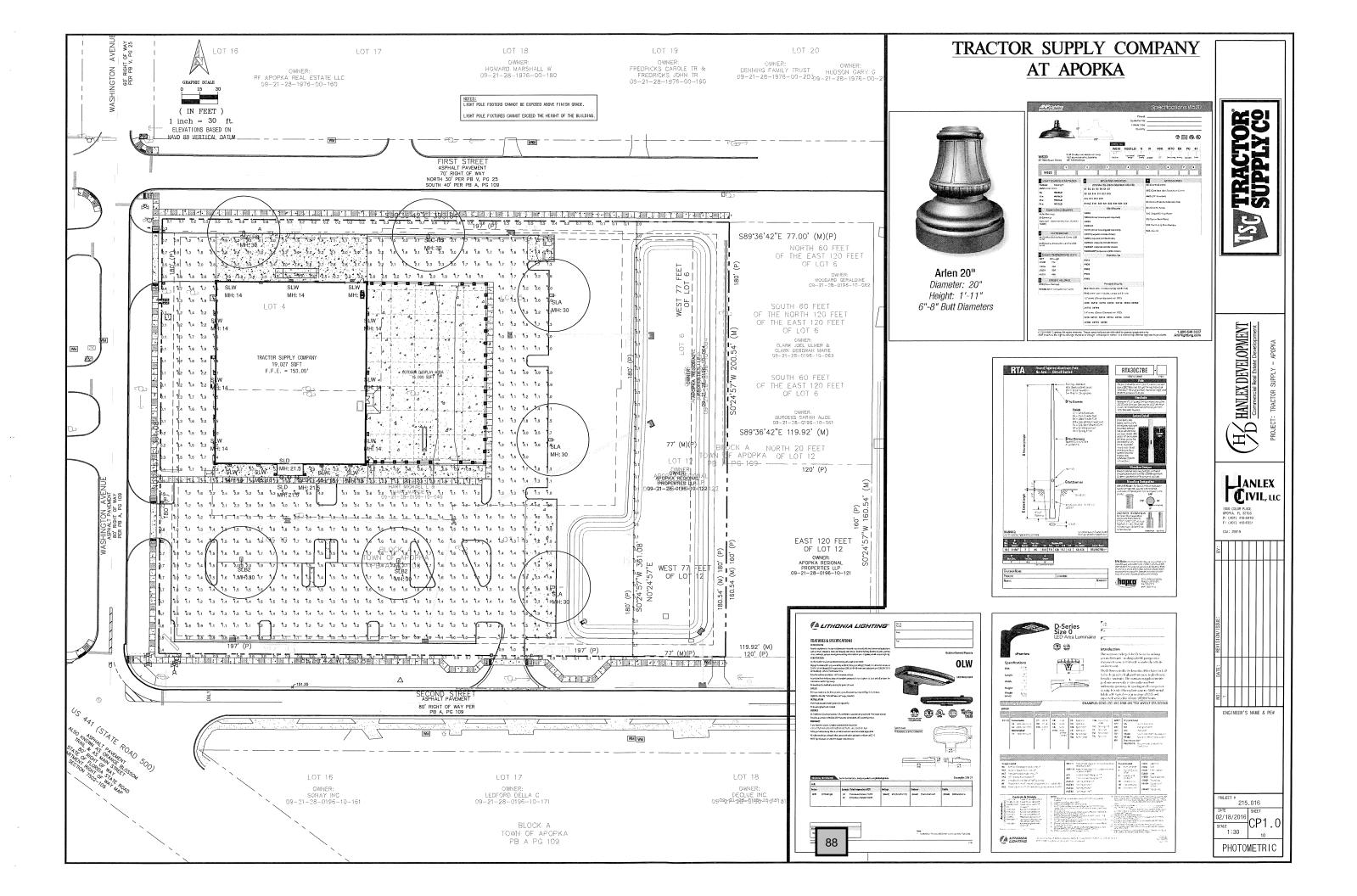


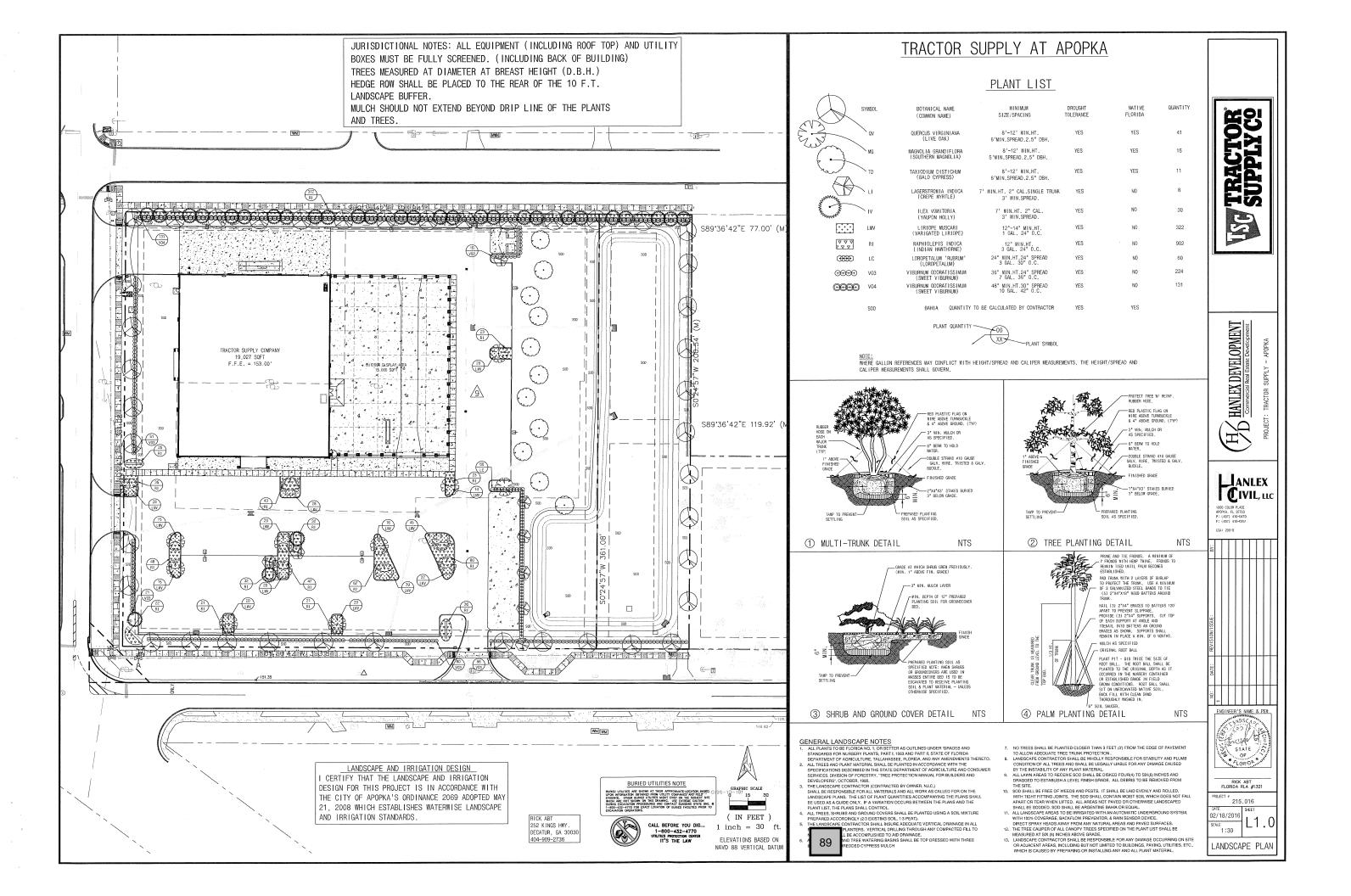




















MEMORANDUM

September 7, 2016

Re: Tractor Supply Company

Parking Supply Review Project № 16-004.1

Introduction

The following Parking Supply Review was conducted for the proposed Tractor Supply Company store located at the northwest corner of the intersection US 441 and 2nd Street in the City of Apopka, as illustrated in **Figure 1** below. The review consists of an inventory of existing similar stores and the parking ratios provided at those locations as compared with the proposed parking supply at the subject Apopka location.



Figure 1 - Site Location

Tractor Supply Company Parking Supply Review Project №16-004.1 September 7, 2016 Page 2 of 4

Proposed Development

The proposed project is a 19,027 square foot building with an outdoor display area of 15,000 square feet, as illustrated in Figure 2. The site provides a total of 91 parking spaces located south and west of the building. At typical Tractor Supply Company stores, the primary display area is within the building structure, while large items and outdoor goods are displayed in the outdoor display area.

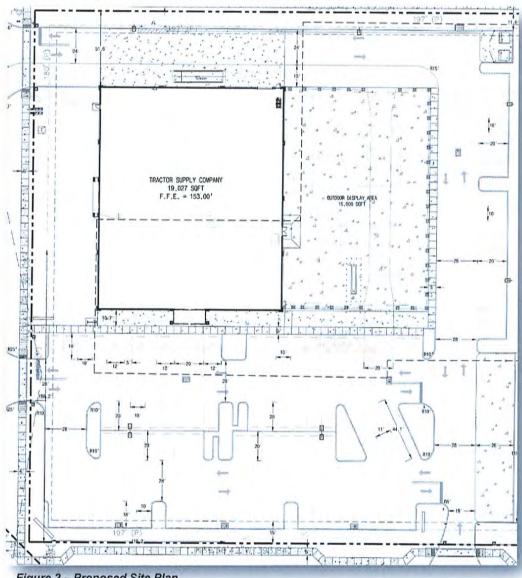


Figure 2 - Proposed Site Plan

Tractor Supply Company Parking Supply Review Project №16-004.1 September 7, 2016 Page 3 of 4

Parking Requirements (City Code)

In accordance with City Code, the required off-street parking supply for the store is calculated using the general business category provided in Section 6.03.02 of the City Code. General business establishments are required to provide parking at a ratio of 1 space / 300 square feet of gross floor area. Gross floor area is defined as the "gross horizontal area of all floors of a building". Using this ratio, the parking requirement for the Tractor Supply Company store is 63 parking spaces, calculated as follows:

Gross Floor Area = 19,027 SF
Parking Ratio = 1 space / 300 SF
Required Parking = 19,027 SF / 300 SF = 63.4 spaces, or 63 parking spaces

As note previously, the site provides 91 parking spaces, which exceeds the minimum required parking in accordance with City Code.

Outdoor Display Area

The outdoor display area is not addressed by the City Code in terms of parking requirements. Outdoor areas do not generate parking demand at the typically measured ratios and are therefore not included in the parking requirement calculation. However, City staff has expressed concern over the effect of this area and the overall floor area (internal and external) on parking supply. In order to address those concerns, a review of similar sites was conducted to determine if the proposed parking supply is consistent with the parking demand generated by the proposed Tractor Supply Company store.

Typical Parking Supply

Three similar Tractor Supply Company stores were reviewed for comparative purposes. The stores presented in **Table 1** below are existing or approved locations in Florida. They all include a standalone building, an outdoor display area, and a dedicated parking field. The table provides the building and outdoor area for each site and calculates a parking ratio for each area based on the parking supply provided at the site. This allows the reviewer to compare the parking supply as required calculated on the building size only, and as required based on the total display area (including outdoor area).

Tractor Supply Company Parking Supply Review Project №16-004.1 September 7, 2016 Page 4 of 4

Table 1
Comparative Parking Supply

	Size (sq ft)		Parking	Parking Supply Ratio	
Store Location	Building	Outdoor	Supply	Building	Total
Crawfordville	19,097	15,000	71	1 sp/269 sf	1 sp/480 sf
Palm Coast	18,800	18,000	88	1 sp/214 sf	1 sp/418 sf
Lake City	21,901	17,500	89	1 sp/246 sf	1 sp/443 sf
Average Parking Ratios				1 sp / 243 sf	1 sp / 447 sf
Apopka (Proposed)	19,027	15,000	91	1 sp/209 sf	1 sp/374 sf

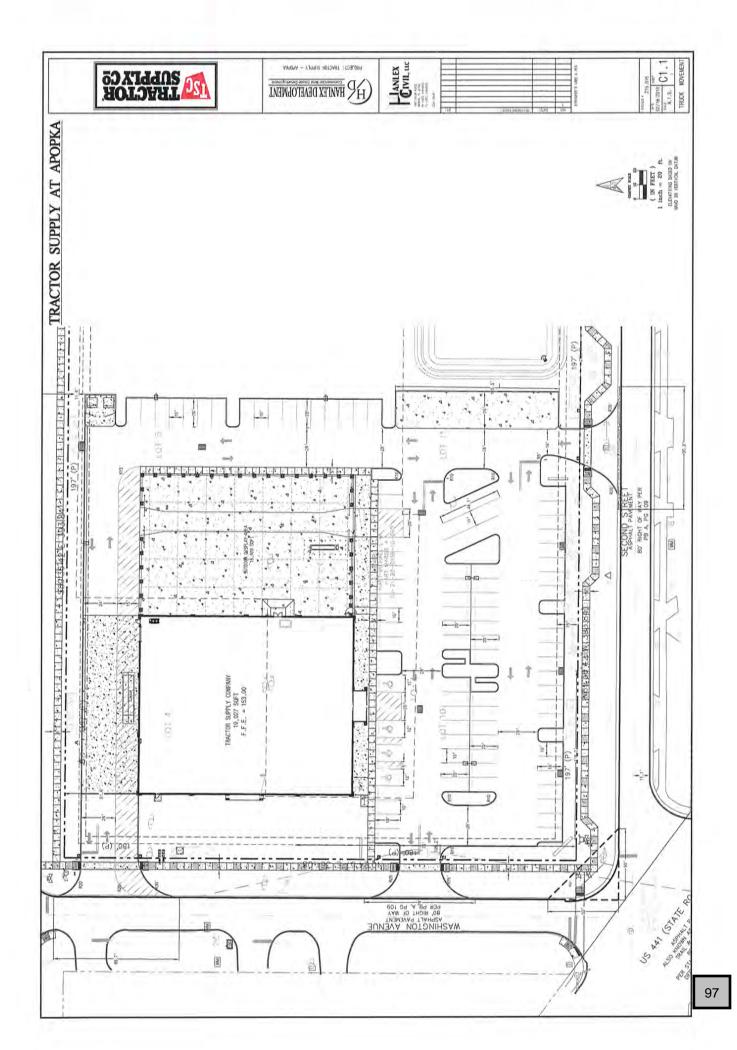
It is evident from this review that the typical parking supply at the Tractor Supply Company stores is 1 space / 243 square feet of building area. When calculated based on the total area, including the outdoor display area, the parking supply ratio is 1 space / 447 square feet. The proposed store in Apopka provides a higher parking ratio than those observed, with 1 space / 209 square feet of building area and 1 space / 374 square feet of total area.

Based on this review and the typical operations of the Tractor Supply Company stores, it is determined that the parking supply of 91 parking spaces at the proposed Apopka site exceeds the requirements of Section 6.03.02 of the City Code and is sufficient and adequate to accommodate the parking demand generated by the site. Therefore, it is respectfully requested that the parking supply as presented in the proposed site plan is approved for the Tractor Supply Company store in the City of Apopka.

Mohammed Abdallah, PE FL PE № 56169

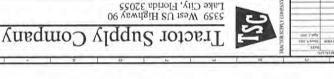
September 7, 2016

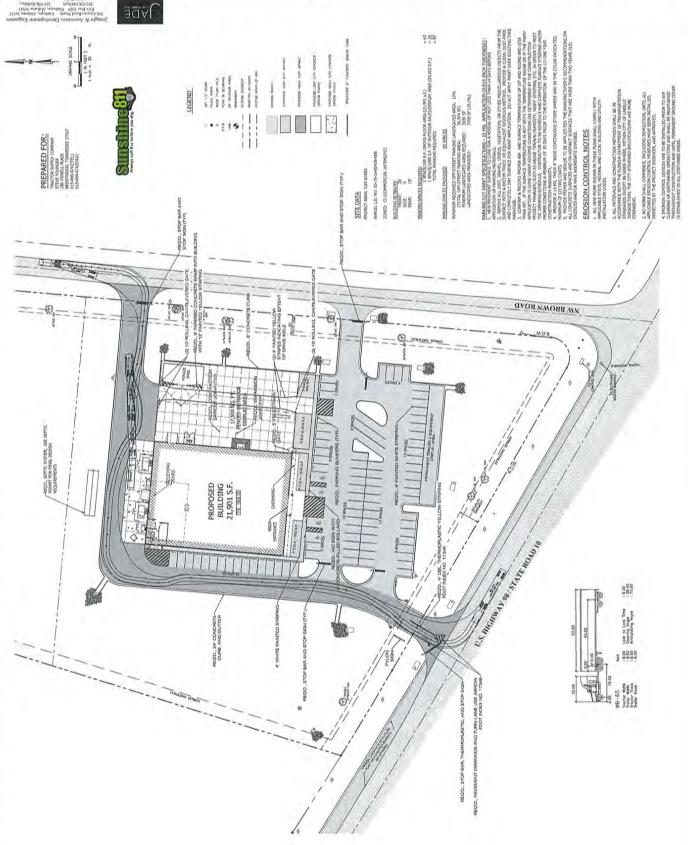
ATTACHMENTS





5359 West US Highway 90 Lake City, Florida 32055





ADAMS STEWART
ARCHITECTS, LLC
Architecture, Planning

Backup material for agenda item:

3. Plat Approval – Silver Oak Phases 1 and 2 Plats – Quasi-Judicial Moon

David



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA

Y
PUBLIC HEARING

SPECIAL REPORTS

X OTHER: Plats

MEETING OF: November 2, 2016

FROM: Community Development

EXHIBITS: Vicinity Map

Aerial Map

Phases 1 and 2 Plats

SUBJECT: SILVER OAK SUBDIVISION – PHASES 1 AND 2 PLATS

REQUEST: APPROVAL OF THE SILVER OAK SUBDIVISION PHASES 1 AND

2 PLATS

SUMMARY:

OWNER: Development Solutions SH, LLC. c/o Christian Swann

ENGINEER: Poulos & Bennet, LLC c/o Mark Stehli, P.E.

LOCATION: North of East Keene Road and west of Sheeler Avenue

PARCEL ID NUMBERS: 22-21-28-0000-00-078; -079, -081, -082, -105, -108, -109, -114, -117, -122

FUTURE LAND USE: Residential High (0 - 15 du/ac)

ZONING: R-3 (Residential)

OVERLAY: Small Lot Overlay

PROPOSED

DEVELOPMENT: Phase 1 Plat (116 Lots) Phase 2 Plat (66 Lots) 182 Lots

TRACT SIZE: 50.83 +/- acres

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity Clerk

City Administrator IT Director City Clerk
Community Development Director Police Chief Fire Chief

CITY COUNCIL – NOVEMBER 2, 2016 SILVER OAK SUBDIVISION – PHASES 1 AND 2 PLATS PAGE 2

<u>ADDITIONAL COMMENTS</u>: The Silver Oaks Subdivision proposes a total 182 single family residential units separated into phases. Phase 1 plat will consist of 88 residential lots and 94 residential lots in phase 2. The developer has placed a blanket easement across all residential lots to allow HOA access for lawn maintenance. All residential lawns will be maintained by the HOA. The Phase 1 and 2 plats are consistent with the Final Development Plan and the Preliminary Development Plan.

<u>Access</u>: Ingress/egress for the development will occur from internal public roads connecting at two locations -- Sheeler Avenue and East Keene Road. All subdivision roads are publicly owned and maintained. All alleyways are owned and maintained by the homeowners association.

Stormwater: The stormwater management system includes on-site retention areas designed to meet the City's Land Development Code requirements.

School Capacity Report: The applicant has coordinated with Orange County Public Schools and addressed school concurrency review requirements to support the development of 182 single family residential units. A school concurrency mitigation agreement has been approved by the Orange County School Board, and a copy of this executed agreement has been submitted to the Community Development Department. The applicant has satisfied is school concurrency requirements to allow for recording of the two plats.

<u>Orange County Notification</u>: Notification to Orange County occurred through the Development Review Committee agenda, which is sent to County staff.

PUBLIC HEARING SCHEDULE:

Planning Commission – October 11, 2016, 5:30 p.m. City Council – November 2, 2016, 1:30 p.m.

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the Silver Oak Subdivision - Phase 1 and 2 Plats, subject to the finding of this staff report and conditions.

The **Planning Commission**, at its meeting on October 11, 2016, unanimously recommended approval of the Silver Oak Subdivision - Phase 1 and 2 Plats, subject to the finding of this staff report and conditions. The applicant modified the Phase 1 plat and provided a copy of the school capacity mitigation agreement; thus, addressing the conditions connected with the Planning Commission's recommendation.

Approve the Silver Oak Subdivision - Phase 1 and 2 Plats, subject to the findings of this staff report.

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

CITY COUNCIL – NOVEMBER 2, 2016 SILVER OAK SUBDIVISION – PHASES 1 AND 2 PLATS PAGE 3

Silver Oak Subdivision 50.83 +/- Acres Proposed: 182 units

Parcel ID #s: 22-21-28-0000-00-078, 22-21-28-0000-00-079, 22-21-28-0000-00-081,

22-21-28-0000-00-082, 22-21-28-0000-00-105, 22-21-28-0000-00-108,

22-21-28-0000-00-109, 22-21-28-0000-00-114, 22-21-28-0000-00-117

and 22-21-28-0000-00-122



VICINITY MAP



AERIAL MAP



SILVER OAK PHASE 1

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA

GENERAL NOTES:

- BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 28 EAST, AS BEING S89'49'53"E.
- 2. ALL CURVILINEAR LINES ARE RADIAL UNLESS OTHERWISE NOTED.
- 3. UNLESS OTHERWISE INDICATED, A UTILITY EASEMENT BEING 10.00 FEET WIDE AT THE FRONT OF ALL LOTS AND TRACTS ABUTTING ROAD RICHTS-OF-WAY (PUBLIC OR PRIVATE) IS HEREBY DEDICATED TO THE CITY OF APOPKA, PUBLIC UTILITY SERVICE PROVIDERS AND THE SILVER OAK HOMEOWNERS ASSOCIATION, INC. THE CITY OF APOPKA AND PUBLIC UTILITY SERVICE PROVIDERS ARE RESPONSIBLE ONLY FOR THE MAINTENANCE OF THEIR RESPECTIVE UTILITIES PLACED MITHIN THE UTILITY EASEMENTS. THE FEE SIMPLE OWNER OF SAID LOTS AND/OR TRACTS SHALL BE RESPONSIBLE FOR THE GRASS AND LANDSCAPING WITHIN ALL UTILITY EASEMENTS LOCATED UPON INDIVIDUAL LOTS AND/OR TRACTS.
- UNLESS OTHERWISE INDICATED A UTILITY AND DRAINAGE EASEMENT BEING 5 FEET WIDE ADJACENT TO ALL SIDE LOT LINES AND A 7.5 FEET WIDE ADJACENT TO ALL REAR LOT LINES IS HEREBY DEDICATED TO THE CITY OF APPORA. LOTS AND TRACTS ABUTTING ROAD RIGHTS—OF—WAY, A 10.00 FEET UTILITY EASEMENT IS HEREBY DEDICATED TO THE CITY OF APPORA, PUBLIC UTILITY SERVICE PROVIDERS AND THE SILVEY ORA HOMEOWHERS ASSOCIATION, INC. THE CITY OF APPORA AND PUBLIC UTILITY SERVICE PROVIDERS ARE RESPONSIBLE ONLY FOR THE MAINTENANCE OF THEIR RESPECTIVE UTILITIES PLACED WITHIN THE UTILITY EASEMENTS. THE FEE SIMPLE OWNER OF SAID LOTS AND/OR TRACTS SHALL BE RESPONSIBLE FOR THE GRASS AND LANDSCAPING WITHIN ALL UTILITY EASEMENTS LOCATED UPON INDIVIDUAL LOTS AND/OR TRACTS.
- 5. PURSUANT TO SECTION 177.091 (28), FLORIDA STATUTES, AS AMENDED: ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE MITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FIGURAL SERVICE COMMISSION. THE FLORIDA PUBLIC SERVICE COMMISSION
- 6. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN DECLARATION OF CODE, COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SILVER DAK AND ALL EXHIBITS THERETO SHALL BE APPROVED BY THE CITY OF APOPA, ORANGE COUNTY, FLORIDA, WHICH IS RECORDED IN OFFICIAL RECORDS BOOK______, PAGE______, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
- 7. TRACTS A-1, A-2 AND A-3 (ALLEY TRACTS) ARE HEREBY DEDICATED TO AND SHALL BE MAINTAINED SILVER OAK HOMEOWNERS ASSOCIATION AND SUBJECT TO A DRAINAGE AND UTILITY EASEMENT IN FA
- 8. TRACTS B-1, B-2 AND B-3 (LANDSCAPE, WALL BUFFER TRACT); TRACTS OS-1, OS-2, OS-3 AND OS-4 (OPEN SPACE TRACTS); TRACTS PR-1, PR-2, PR-3 AND PR-4 (PARK/RECREATION TRACTS) ARE HEREBY DEDICATED TO AND SHALL BE MAINTAINED BY THE SILVER OAK POMEOMERS ASSOCIATION.
- 9. TRACT M-1 (LANDSCAPE MEDIAN TRACT) ARE HEREBY DEDICATED TO AND SHALL BE MAINTAINED BY THE SILVER OAK HOMEOWHERS ASSOCIATION AND SUBJECT TO A BLANKET DRAINAGE AND UTILITY EASEMENT IN FAVOR OF THE CITY OF APOPKA.
- 10. TRACTS D-1 AND D-2 (DRAIMAGE TRACTS) ARE HEREBY DEDICATED TO AND SHALL BE MAINTAINED BY THE SILVER OAK HOMEOWNERS ASSOCIATION AND SUBJECT TO A BLANKET TYPE DRAIMAGE EASEMENT TO THE CITY OF APOPKA FOR MAINTENANCE OF INFRASTRUCTURE ONLY.
- 11. TRACT LS-1 (LIFT STATION TRACT) AND THE 5.00 FOOT WIDE UTILITY EASEMENT (U.E.) ADJACENT TO TRACT LS-1 IS HEREBY DEDICATED TO THE CITY OF APOPKA. TRACT LS-1 SHALL BE MAINTAINED BY THE CITY OF APOPKA. THE 5.00 U.E. SHALL BE MAINTAINED BY THE SILVER OAK HOMEOWNERS ASSOCIATION, INC.
- 12. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH AND SUBJECT TO THE CITY OF APOPKA LAND DEVELOPMENT CODE, AS AMENDED FROM TIME TO TIME, AND ALL FEDERAL, STATE, COUNTY AND CITY RULES, REGULATIONS, ORDINANCES, PROVISIONS AND APPROVALS. NOTHING THEREIN SHALL BE CONSTRUED TO WAIVE ANY PROVISION OF THE APOPKA LAND DEVELOPMENT CODE.
- 13. THE SIDEWALK EASEMENT SHOWN HEREON IS HEREBY DEDICATED TO AND MAINTAINED BY THE CITY OF APOPKA.
- 14. THE 35.00 FOOT WIDE DRAINAGE EASEMENT SHOWN ON TRACT PR-3 AND ADJACENT TO LOTS 110-116 IS HERBY GRANTED TO THE CITY OF APOPKA AND MAINTAINED BY THE SILVER OAK HOMEOWNERS ASSOCIATION, INC.
- 15. SUBJECT PROPERTY CONTAINS: 116 RESIDENTIAL LOTS
- 16. THE LANDSCAPE EASEMENT (L.E.) SHOWN HEREON IS HEREBY DEDICATED TO AND MAINTAINED BY THE SILVER
- 17. THE 5.00 FOOT WIDE UTILITY EASEMENT (U.E.) SHOWN ON LOTS 38—50 AND LOTS 89—116 IS TO BE DEDICATED TO THE CITY OF APOPKA AND MAINTAINED BY THE INDIVIDUAL LOT OWNER.
- 18. HOMEOWNERS ASSOCIATION WILL MAINTAIN ALL COMMON AREAS, ALLEY TRACTS, FENCES/WALLS AND LANDSCAPING WITHIN THE FRONT AND CORNER YARDS OF ALL LOTS, AS FURTHER DEFINED IN THE DECLARATION.

LEGEND AND ABBREVIATIONS:

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LAWISSOARE FASEMENT

MAINTENANCE EASEMENT

MAIL & DISK

KUMBER

KUMBER

KON-RADIAL PCM PCP PG(S) PI PLS PRC PRM PSM PT L L.E. LB M.E. N/D NO. (NR) OOCEA ORB (P) P.B. PC

POURED CONCRETE MONUMENT PERMANENT CONTROL POINT PAGE/PAGES POINT OF INTERSECTION POINT OF INTERSECTION PROPERTY POINT SINCE MESTS COUNTY TORK PROFESSIONAL SURVEYOR MAPPER POINT OF TANGENCY RADIUS RADIAL
RIGHT OF WAY
REINFORCED CONCRETE PIPE SECTION
UTILITY EASEMENT
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POPURAL ANGLE
BREAK LINE
SET 4"4" CM (AS NOTED)
SET NOT (B BOTT)
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FOLIND IRON (ROD (AS NOTED)
FOLIND RAIL ROAD SPIKE (AS NOTED)
FOLIND RAIL ROAD SPIKE (AS NOTED)

Dewberry

CERTIFICATE OF AUTHORIZATION No. LB 8011

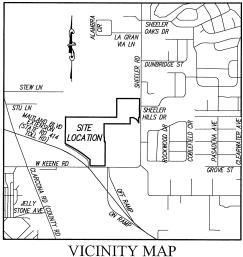
DESCRIPTION:

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE RUN NB949's "W ALONG THE SOUTH LINE OF THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE RUN NB949's "W ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE RUN NB949's "W ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SOUTH LINE RUN NO025'09" A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF KEENE ROAD PER DEED BOOK 347, PAGE 367, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BECRINNING, THENCE NB949'S "S" ALONG SAID NORTH NIGHT OF WAY LINE, A DISTANCE OF 401.50 FEET TO A POINT ON THE POSIT OF THE SOUTHEAST 1/4 OF THE SOUTHEAS FLURIUM; THENCE KIN SOBJ 21 & ALLONG SAUN NORTH LINE, A DISTANCE OF 594.01 FEET TO A POINT ON THE WEST KIGHT OF WAY LINE OF SHEELER ROAD PER OFFICIAL RECORDS BOOK 5464, PAGE 880, PUBLIC RECORDS OF GRANGE COUNTY, FLORIDA; THENCE SOUZ'SO" WA ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 495.01 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 22. THENCE ROBS'51'2" WA ALONG SAID NORTH LINE A DISTANCE OF 15.00 FEET; THENCE DEPARTING SAID NORTH LINE RUN SOUGY'30'W, A DISTANCE OF 143.37 FEET; THENCE NOS'03'W, A DISTANCE OF 100.93 FEET; THENCE NOS'03'W, A DISTANCE OF 100.93 FEET; THENCE NOS'03'W, A DISTANCE OF 100.93 FEET; THENCE NOS'03'W, A DISTANCE OF 50.00 FEET; THENCE SOUGY'23'W, A DISTANCE OF 50.00 FEET; THENCE SOUGH'23'W, A DISTANCE OF 50.00 FEET; 24.00 FEET TO A POINT 5.00 FEET NORTH OF THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 22, SAID POINT BEING ON THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 920.00 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF

CONTAINING: 1.506 218.39 SQUARE FEET OR 34.578 ACRES



(NOT TO SCALE)

106

CERTIFICATE OF REVIEW BY CITY SURVEYOR

SHEET INDEX

SHEET 1: COVER SHEET/DESCRIPTION/NOTES/LEGEND SHEET 2: KEY SHEET/PLAT BOUNDARY/TRACT TABLE

NOTICE

THIS PLAT. AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE

THERE WAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC
RECORDS OF THIS COUNTY.

PLAT BOOK:

SILVER OAK PHASE 1

DEDICATION

PAGE:

DEDICATION

KNOW MEN BY ALL THESE PRESENTS, THAT DEVELOPMENT SOLUTIONS
SH LLC, A DELAWARE LIMITED LIABILITY COMPANY, BEING THE OWNER
IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE FORECOING CAPTION
TO THIS PLAT, HEREBY DEDICATE SAID LANDS AND PLAT FOR THE
USES AND PURPOSES THEREIN EXPRESSED AND DEDICATE THE
STREETS, UTILITY EASEMENTS, DRAINAGE EASEMENTS (UNLESS
OTHERMSE NOTED), SHOWN HEREON (TO THE EXTENT SUCH
EASEMENTS ARE NOT SHOWN HEREON AS PRIVATE EASEMENTS) TO THE
PERPETUAL USE OF THE PUBLIC, TRACT LS—1 (LIFT STATION TRACT)
AND THE 5.00 FOOT WIDE UTILITY EASEMENT (U.E.) ADJACENT TO
TRACT LS—1 IS HEREBY DEDICATED TO AND SHALL BE MAINTAINED BY
THE CITY OF APOPKA.

IN WITNESS WHEREOF, THE OWNER HAS CAUSED THESE PRESENTS TO BE SIGNED BY THE OFFICER NAMED BELOW ITS CORPORATE SEAL TO BE AFFIXED HERETO ON _________, A.D. 2016. BY: DEVELOPMENT SOLUTIONS SH LLC, A DELAWARE LIMITED LIABILITY

COMPANY	
NAME:	
SIGNED:	

SIGNED. SEALED AND DELIVERED IN THE PRESENCE OF:

WITNESS (SIGNATURE)	WITNESS (PRINTED)		
WITNESS (SIGNATURE)	WITNESS (PRINTED)		

STATE OF_FLORIDA, C	OUNTY OF _			
THIS IS TO CERTIFY, 1	HAT ON			,2016
BEFORE ME AN	OFFICER	DULY	AUTHORIZED	TO TAKE
ACKNOW EDGENERITS	IN THE	STATE	AND COUNTY	AFORESAID

ACKNOWLEDGEMENTS IN THE STATE AND COUNTY AFURESAND PERSONALLY APPEARED

AS

OF DEVELOPMENT SOLUTIONS SH LLC, A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF THE COMPANY, HE/SHE IS PERSONALLY KNOWN TO ME OR PRODUCED

AS IDENTIFICATION AND DID/DID NOT TAKE AN OATH.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE ABOVE DATE.

SIGNATURE OF NOTARY

NOTARY PRINTED NAME

MY COMMISSION EXPIRES MY COMMISSION NO.

OUALIFICATION STATEMENT

OF SURVEYOR AND MAPPER KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED BEING , PROFESSIONAL SURVEYOR AND MAPPER HAS PREPARED THE FOREOGNO PLAT AND IT WAS MAPPER HAS PREPARED THE FOREOGNO PLAT AND IT WAS MAPE UNDER MY DIRECTION AND SUPERWISION AND ITHAT THIS PLAT COMPUES WITH ALL OF THE SURVEY REQUIREMENTS AS REQUIRED BY CHAPTER 177, FLORIDA STATUTES, AND THAT SAID LAND IS LOCATED IN ORANGE COUNTY,

WILLIAM D. DONLEY DATE FLORIDA REGISTRATION NUMBER: 5.381 DEMBERRY 131 WEST KALEY STREET ORLANDO, FLORIDA 32806 CERTIFICATE OF AUTHORIZATION NUMBER LB 8011

CERTIFICATE OF APPROVAL BY CITY ENGINEER

DATE

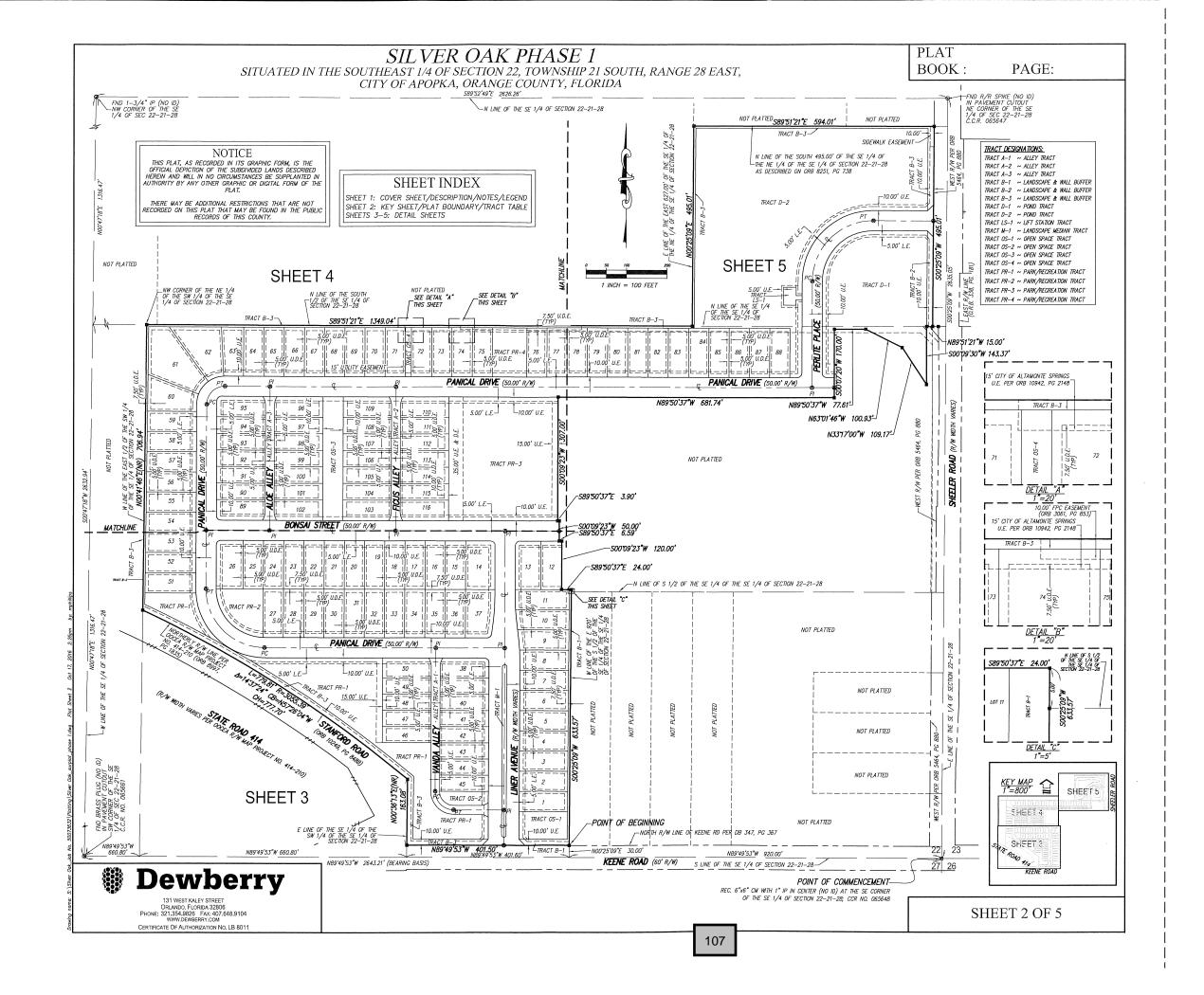
CERTIFICATE OF APPROVAL HIS PLAT HAS BEEN REVIEWED FOR CONFORMITY WITH CHAPTER 177, BY APOPKA PLANNING COMMISSION EXAMINED AND APPROVED

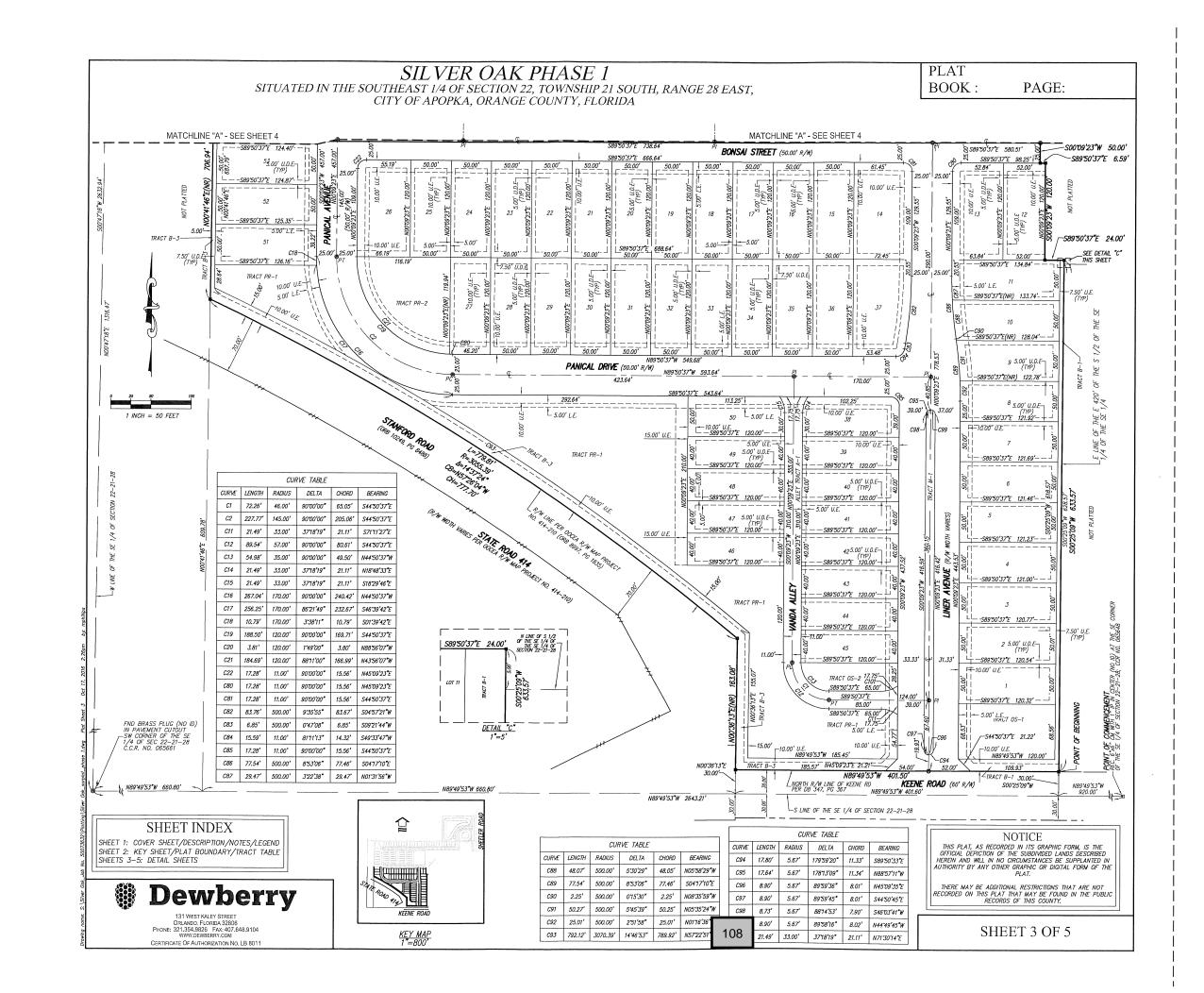
CITY SURVEYOR'S FLORIDA REGISTRATION NUMBER:__ DIRECTOR OF PLANNING COMMISSION CERTIFICATE OF COUNTY COMPTROLLER CERTIFICATE OF APPROVAL HEREBY CERTIFY THAT THE FOREGOING PLAT WAS RECORDED IN TH DRANGE COUNTY OFFICIAL RECORDS ON______, 2016, A BY MUNICIPALITY

EXAMINED AND APPROVED

COUNTY COMPTROLLER IN AND FOR ORANGE COUNTY, FLORIDA

SHEET 1 OF 5





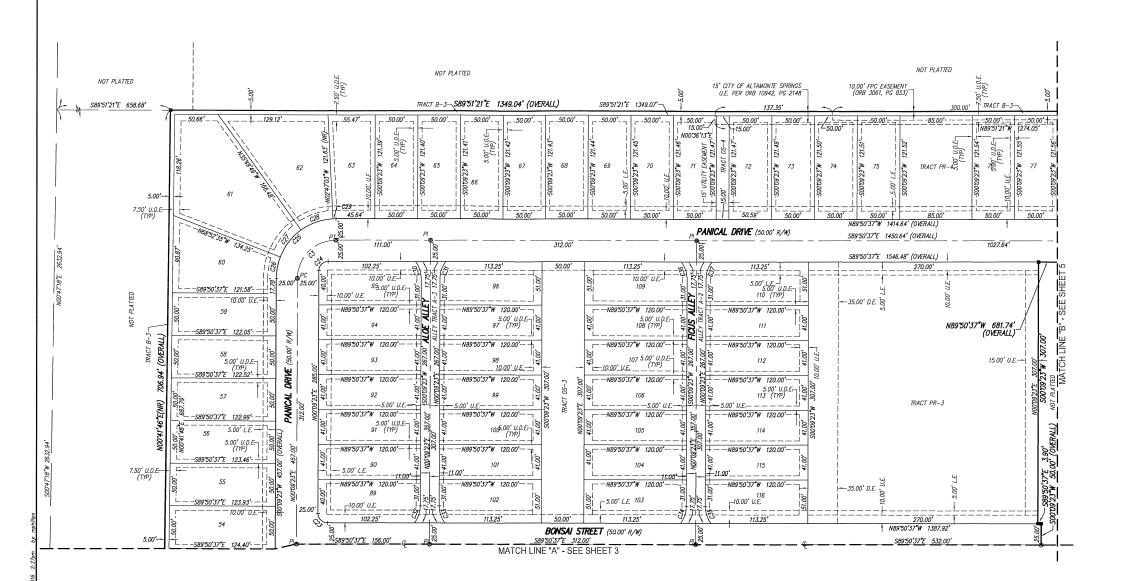
SILVER OAK PHASE 1

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA

PLAT

BOOK:

PAGE:



SHEET INDEX

SHEET 1: COVER SHEET/DESCRIPTION/NOTES/LEGEND SHEET 2: KEY SHEET/PLAT BOUNDARY/TRACT TABLE SHEETS 3-5: DETAIL SHEETS



CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
СЗ	70.69'	45.00'	90'00'00"	63.64'	S45'09'23"W
C23	17.28'	11.00'	90'00'00"	15.56'	N44'50'37"W
C24	17.28'	11.00'	90'00'00"	15.56'	N45'09'23"E
C25	109.96'	70.00'	90'00'00"	98.99'	N45'09'23"E
C26	25.62'	70.00'	20'58'02"	25.47'	S10*38'24"W
C27	40.37'	70.00'	33'02'46"	39.82'	S37'38'48"W
C28	40.37'	70.00'	33'02'46"	39.82'	S70'41'34"W
C29	3.59'	70.00'	2'56'26"	3.59'	S88*41'10"W
C30	21.49'	33.00'	3778'19"	21.11'	S18"29"46"E
C31	21.49'	33.00'	3778'19"	21.11'	N18 48 33 E
C32	21.49'	33.00'	3778'19"	21.11'	S18*48'33"W
CJJ	21.49'	33.00'	3778'19"	21.11'	N18'29'46"W
C34	21.49'	33.00'	3778'19"	21.11'	S18*48'33"W
C35	21.49'	33.00'	3778'19"	21.11'	N18'29'46"W
C36	21.49'	33.00'	3778'19"	21.11'	S18"29"46"E
C37	21.49'	33.00'	3778'19"	21.11"	N18 48 33 E

CURVE TABLE



NOTICE
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THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

ORLANDO, FLORIDA 32806 PHONE: 321.354.9826 FAX: 407.648.9104 WWW,DEWBERRY,COM
CERTIFICATE OF AUTHORIZATION No. LB 8011

SHEET 4 OF 5

SILVER OAK PHASE 1 **PLAT** BOOK: PAGE: SITUATED IN THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA NOT PLATTED NOT PLATTED S89'51'21"E 594.01' N89"51'21"W 574.01' SIDEWALK EASEMENT-S00'25'09"W 50.00'-S89 51 21 E 10.00 S45'25'09"W 21.21'-TRACT D-2 133.36° N89°34'51"W 133.36° 1 INCH = 50 FEET N89 34'51"W 148.36 S89°34'51"E 133.36' 133.36' N44*34'51"W 21.21" NOT PLATTED 15.00'-N89'50'37"W 15.00' \ N89'50'37"W 31.34'-\ TRACT D-1 N00 09'23"E 13.52" 589'50'37"E 31.34" -S89'50'37"E 15.00' → 5.00' L.E. → N89'51'21"W 15.00' 15' CITY OF ALTAMONTE SPRINGS U.E. PER ORB 10942, PG 2148 S89°51'21"E 1349.04' (OVERALL) 10.00' U.E. S89'51'21"E 569.82' S89'51'21"E 236.18'— N8950'37"W 77.61"-N6370736" -50.00⁻¹ S89*51'21"E 118.43' 15.00' CITY OF APOP PER ORB 5437, PG 4 **SHEELER ROAD** (F NOT PLATTED PANICAL DRIVE (50.00' R/W) S89'50'37"E 1450.64' (OVERALL) S89'50'37"E 1546.48' (OVERALL) N89'50'37"W 681.74' (OVERALL) NOT PLATTED CURVE TABLE CURVE LENGTH RADIUS DELTA CHORD BEARING C4 236.31' 150.00' 9075'46" 212.62' \$4577'16"W C74 17.28' 11.00' 90'00'00" 15.56' S44'50'37"E SHEET INDEX C75 17.28' 11.00' 90°00'00" 15.56' \$45°09'23"W SHEET 1: COVER SHEET/DESCRIPTION/NOTES/LEGEND C78 275.69' 175.00' 9075'46" 248.05' S4577'16"W SHEET 2: KEY SHEET/PLAT BOUNDARY/TRACT TABLE SHEETS 3-5: DETAIL SHEETS NOTICE C79 196.92' 125.00' 9075'46" 177.18' N4577'16"E THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIMDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. KEENE ROAD THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. ORLANDO, FLORIDA 32806 PHONE: 321.354.9826 FAX: 407.648.9104 WWW.DEWBERRY.COM SHEET 5 OF 5 110

CERTIFICATE OF AUTHORIZATION No. LB 8011

SILVER OAK PHASE 2

SITUATED IN SECTION 22, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA

DESCRIPTION:

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 28 EAST, GRANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

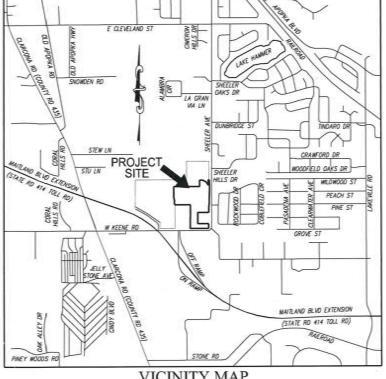
AS FOLLOWS:

OMNEHOE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE RUN MOD25'09" E ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22, A DISTANCE OF 30.00 FEET. THENCE DEPARTING SAID EAST LINE RUN MB8'49'53" W. A DISTANCE OF 30.00 FEET TO THE POINT OF BECOMINGS, SAID POINT ALSO BEING ON THE MORTH RIGHT OF MAY LINE OF KEEPE ROAD PER BEDD 30'K 3A, PAGE 367, PUBLIC RECORDS OF GRANGE COUNTY, FLORIDA. THENCE RUN MB8'49'53" W. ALONG SAID MORTH RIGHT OF MAY LINE, A DISTANCE OF 490.00 FEET TO THE WEST LINE OF THE EAST 520.00 FEET OF SAID SOUTHEAST 1/4. THENCE DEPARTING SAID MORTH RIGHT OF MAY LINE, A DISTANCE OF 490.00 MEST LINE AS DESCRIBED IN GFFICIAL RECORDS BOOK 4230, PAGE 737, PUBLIC RECORDS OF GRANGE COUNTY, FLORIDA, A DISTANCE OF 628.65 FEET TO A POINT ON THE MORTH LINE OF THE FELLE FOR SOUTHERS 1/4 OF THE SOUTHERS AND HUMIT MIDNET OF MAIL CHAIN BLOCK SEA SHEET TO A POINT ON THE MORTH LINE OF THE SOUTH 1/2 OF THE SOUTHERS 1/4 OF SAID SECTION 22. THENCE RIN M995/37" W. A DISTANCE OF SAID SECTION 22. THENCE M995/37" W. A DISTANCE OF SAID SECTION 22. THENCE M995/37" W. A DISTANCE OF SAID SECTION 23. THENCE M995/37" W. A DISTANCE OF SAID SECTION 22. THENCE M995/37" W. A DISTANCE OF SAID SECTION 23. THENCE M995/37" W. A DISTANCE OF SAID SECTION 24. A DISTANCE OF SAID SECTION 25. THENCE M995/37" W. A DISTANCE OF SAID SECTION 25. THENCE M995/37" W. A DISTANCE OF SAID SECTION 25. THENCE M995/37" W. A DISTANCE OF SAID SECTION 25. THENCE M995/37" W. A DISTANCE OF SAID SECTION 25. THENCE M995/37" W. A DISTANCE OF SAID SECTION 25. THENCE M995/37" W. A DISTANCE OF SAID SECTION 25. THENCE M995/37" W. A DISTANCE OF SAID SECTION 25. THENCE M995/37" W. A DISTANCE OF SAID SECTION 25. THENCE M995/37" W. A DISTANCE OF SAID SECTION 25. THENCE M995/37" W. A DISTANCE OF SAID SECTION 25. THENCE SOID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35" W. A DISTANCE OF SAID SECTION 25. THENCE M995/35"

CONTAINING: 707,928.20 SQUARE FEET OR 16.252 ACRES MORE OR LESS.

GENERAL NOTES:

- 1. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 28 EAST, AS BEING S89'49'53"E.
- 2. ALL CURVLINEAR LINES ARE RADIAL UNLESS OTHERWISE NOTED.
- 3. UNLESS OTHERWISE INDICATED, A UTILITY EASEMENT BEING 10.00 FEET WIDE AT THE FRONT OF ALL LOTS AND TRACTS ABUITING ROAD RICHTS-OF-WAY (PUBLIC OR PRIVATE) IS HEREBY DEDICATED TO THE CITY OF APPORA, PUBLIC UTILITY SERVICE PROVIDERS AND THE SLIVER DOAR HOMEOMNERS ASSOCIATION, INC. THE CITY OF APPORA AND PUBLIC UTILITY SERVICE PROVIDERS ARE RESPONSIBLE ONLY FOR THE MAINTENANCE OF THEIR RESPECTIVE UTILITIES PLACED WITHIN THE UTILITY EASEMENTS. THE FEE SIMPLE OWNER OF SAID LOTS AND/OR TRACTS SHALL BE RESPONSIBLE FOR THE GRASS AND LANDSCAPING WITHIN ALL UTILITY EASEMENTS LOCATED UPON INDIVIDUAL LOTS AND/OR TRACTS.
- 4. UNLESS OTHERWISE INDICATED A UTILITY AND DRAINAGE EASEMENT BEING 5 FEET WIDE ADJACENT TO ALL SIDE LOT LINES AND A 7.5 FEET WIDE ADJACENT TO ALL REAR LOT LINES IS HEREBY DEDICATED TO THE CITY OF APOPKA, LOTS AND TRACTS ABUTTING ROAD RIGHTS—OF—WAY, A 10.00 FEET UTILITY EASEMENT IS HEREBY DEDICATED TO THE CITY OF APOPKA, PUBLIC UTILITY SERVICE PROVIDERS AND THE SULKE DAK HOMEDIMIESS ASSOCIATION, INC. THE CITY OF APOPKA AND PUBLIC UTILITY SERVICE PROVIDERS ARE RESPONSIBLE ONLY FOR THE MAINTENANCE OF THEIR RESPECTIVE UTILITIES PLACED MITHIN THE UTILITY EASEMENTS. THE FEE SIMPLE OWNER OF SAID LOTS AND/OR TRACTS SHALL BE RESPONSIBLE FOR THE GRASS AND LANDSCAPING WITHIN ALL UTILITY EASEMENTS LOCATED UPON INDIVIDUAL LOTS AND/OR TRACTS.
- PURSUANT TO SECTION 177 091 (28) FLORIDA STATUTES AS AMENDED. ALL PLATTED LITLLITY EASEMENTS SHALL PROVIDE THA PURSUANT TO SECTION 177.091 (28), FLORIDA STATUTES, AS AMENDED; ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ASO, BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES: PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY, IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES, THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY, SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE MATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- 6. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN DECLARATION OF CODE, COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SLIVER GAK AND ALL EXHIBITS THERETO SHALL BE APPROVED BY THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA, WHICH IS RECORDED IN OFFICIAL RECORDS BOOK_____, PAGE______, OF THE PUBLIC RECORDS OF GRANGE COUNTY, FLORIDA.
- TRACTS A-4, A-5 AND A-6 (ALLEY TRACTS) ARE HEREBY DEDICATED TO AND SHALL BE MAINTAINED BY THE SILVER DAK HOMEOWNERS ASSOCIATION AND SUBJECT TO A DRAINAGE AND UTILITY EASEMENT IN FAVOR OF THE CITY OF APOPKA.
- 8. TRACTS B-4 (LANDSCAPE, WALL BUFFER TRACT); TRACTS OS-5, OS-6 AND OS-7 (OPEN SPACE TRACTS); TRACTS PR-5 AND PR-6 (PARK/RECREATION TRACTS) ARE HEREBY DEDICATED TO AND SHALL BE MAINTAINED BY THE SILVER DAK HOMEOWNERS
- ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH AND SUBJECT TO THE CITY OF APOPKA LAND DEVELOPMENT CODE, AS AMENDED FROM TIME TO TIME, AND ALL FEDERAL, STATE, COUNTY AND CITY RULES, REGULATIONS, ORDINANCES, PROVISIONS AND APPROVALS. MOTHING THEREIN SHALL BE CONSTRUED TO WAIVE ANY PROVISION OF THE APOPKA LAND DEVELOPMENT CODE.
- 10. THE 15.00 FOOT WIDE UTILITY EASEMENT SHOWN ON TRACT OS-7 (OPEN SPACE) AND THE 10.00 FOOT WIDE UTILITY EASEMENT SHOWN ON LOTS 162-175 IS HEREBY GRANTED TO THE CITY OF APOPKA AND MAINTAINED BY THE SILVER OAK HOWEDWIRES ASSOCIATION, INC. OWNERS OF LOTS 162-175 ARE HEREBY GRANTED ACCESS TO TRACT OS-7 (OPEN SPACE) FOR MAINTENANCE OF UTILITIES AS SET FORTH IN THE DECLARATION.
- 11. THE 15.00 FOOT WIDE UTILITY EASEMENT SHOWN ON TRACT PR-6 (PARK/RECREATION) AND THE 10.00 FOOT WIDE UTILITY EASEMENT SHOWN ON LOTS 176-182 IS HEREBY GRANTED TO THE CITY OF APOPKA AND MAINTAINED BY THE SLIVER OAK HOMEOMERS ASSOCIATION, INC. DINNERS OF LOTS 176-182 ARE HEREBY GRANTED ACCESS TO PR-6 (PARK/RECREATION) FOR MAINTENANCE OF UTILITIES AS SET FORTH IN THE DECLARATION.
- 12. SUBJECT PROPERTY CONTAINS: 66 RESIDENTIAL LOTS
- 13. THE LANDSCAPE EASEMENT (LE.) SHOWN HEREON IS HEREBY DEDICATED TO AND MAINTAINED BY THE SILVER CAK HOMEOWNERS
- 14. THE 5.00 FOOT WIDE UTILITY EASEMENT (U.E.) SHOWN ON LOTS 155-182 IS TO BE MAINTAINED BY THE CITY OF APOPKA.
- 15. THE 5.00 FOOT WIDE MAINTENANCE EASEMENT (M.E.) SHOWN ON LOTS 131-146 IS TO BE MAINTAINED BY THE CITY OF APOPKA
- HOMEOWNERS ASSOCIATION WILL MAINTAIN ALL COMMON AREAS, ALLEY TRACTS, FENCES/WALLS AND LANDSCAPING WITHIN THE FRONT AND CORNER YARDS OF ALL LOTS, AS FURTHER DEFINED IN THE DECLARATION.



VICINITY MAP (NOT TO SCALE)

LEGEND AND ABBREVIATIONS:

IND AND ABBREVIA

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CHORD DISTANCE
CONTER LINE
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IRON PA LICENSED BUSINESS
MAINTENANCE EASEMENT
MAIL & DISK
MUMBER
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OFFICIAL RECORDS BOOK
PLAT
PLAT BOOK
POINT OF CURVATURE

POURED CONCRETE MONUMENT PERMANENT CONTROL POINT PAGE /PAGES POINT OF INTERSECTION PROFESSIONAL LAND SURVEYOR POINT OF REVERSE CLEVATURE PERMANENT REFERENCE MONUME PROFESSIONAL SURVEYOR MAPPER POINT OF TANGENCY RADIAL RIGHT OF WAY REINFORCED CONCRETE PIPE REMINDANCED CONCRETE PIPE
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FOUND 6"1" OF (18 8011)

CERTIFICATE OF REVIEW

BY CITY SURVEYOR HIS PLAT HAS BEEN REVIEWED FOR CONFORMITY WITH CHAPTER 177.

CERTIFICATE OF APPROVAL BY MUNICIPALITY THIS IS TO CERTIFY, THAT ON 2016
THE FOREGOING PLAT WAS APPROVED BY THE BOARD OF COUNT COMMISSIONERS OF THE CITY OF APOPKA, FLORIDA.

PLAT

BOOK: PAGE:

SILVER OAK PHASE 2 DEDICATION

KNOW MEN BY ALL THESE PRESENTS, THAT SURREY HOMES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE FOREGOING CAPTION TO THIS PLAT, HEREBY DEDICATE SAID LANDS AND PLAT FOR THE USES AND PURPOSES THEREIN EXPRESSED AND DEDICATE THE STREETS, UTILITY EASEMENTS, DRAIMAGE EASEMENTS (UNILESS OTHERIMSE MOTED), AND TRACTS RW-1 (R/W) AND RW-2 (R/W) SHOWN HEREON (TO THE EXTENT SUCH EASEMENTS ARE NOT SHOWN HEREON AS PRIVATE EASEMENTS) TO THE PERPETUAL USE OF THE PUBLIC.

BY: SURF	REY HOMES, LLC
NAME:	
SIGNED:	nne
SIGNED,	SEALED AND DELIVERED IN THE PRESENCE OF:

WITNESS (SIGNATURE)

WITNESS (PRINTED)

WITNESS (PRINTED) WITNESS (SIGNATURE) STATE OF FLORIDA, COUNTY OF

THIS IS TO CERTIFY, THAT ON

2016 BEFORE ME AN OFFICER DULY AUTHORIZED TO TAKE
ACKNOWLEDGEWENTS IN THE STATE AND COUNTY AFORESAID
OF SURREY HOMES, LLC, A FLORIDA LIMITED
LIABILITY COMPANY, ON BEHALF OF THE COMPANY. HE IS
PERSONALLY KNOWN TO ME OR PRODUCED
AS IDENTIFICATION AND DID/DID NOT TAKE AN OATH.

IN MITNESS MHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE ABOVE DATE.

SIGNATURE OF NOTARY

NOTARY PRINTED NAME

MY COMMISSION EXPIRES MY COMMISSION NO.

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED BEING A PROFESSIONAL SURVEYOR AND MAPPER HAS PREPARED THE FORECOME PLAT AND IT WAS MADE UNDER MY DISCITION AND SUPERVISION: AND THAT THIS PLAT COMPUES WITH ALL OF THE SURVEY REQUIREMENTS AS REQUIRED BY CHAPTER 177, FLORIDA STATUTES; AND THAT SAID LAND IS LOCATED IN ORANGE COUNTY,

FLORIDA. William D. DONLEY FLORIDA REGISTRATION NUMBER: 5361

DEMBERRY 131 WEST KALEY STREET ORLANDO, FLORIDA 32806 CERTIFICATE OF AUTHORIZATION NUMBER LB 8011 (SEAL)

CERTIFICATE OF APPROVAL BY CITY ENGINEER

09/22/2016

DATE

EXAMINED AND APPROVED:

CITY ENGINEER

CERTIFICATE OF APPROVAL BY APOPKA PLANNING COMMISSION EXAMINED AND APPROVED:

DIRECTOR OF PLANNING COMMISSION

CERTIFICATE OF COUNTY COMPTROLLER

COUNTY COMPTROLLER IN AND FOR ORANGE COUNTY, FLORIDA

SHEET 1 OF 4



PHONE: 321,354,9826 FAX: 407,648,9104 CERTIFICATE OF AUTHORIZATION No. LB 8011 SHEET INDEX

COVER SHEET/DESCRIPTION/NOTES/LEGEND SHEET 2: KEY SHEET/PLAT BOUNDARY/TRACT TABLE SHEETS 3-4: DETAIL SHEETS

NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT

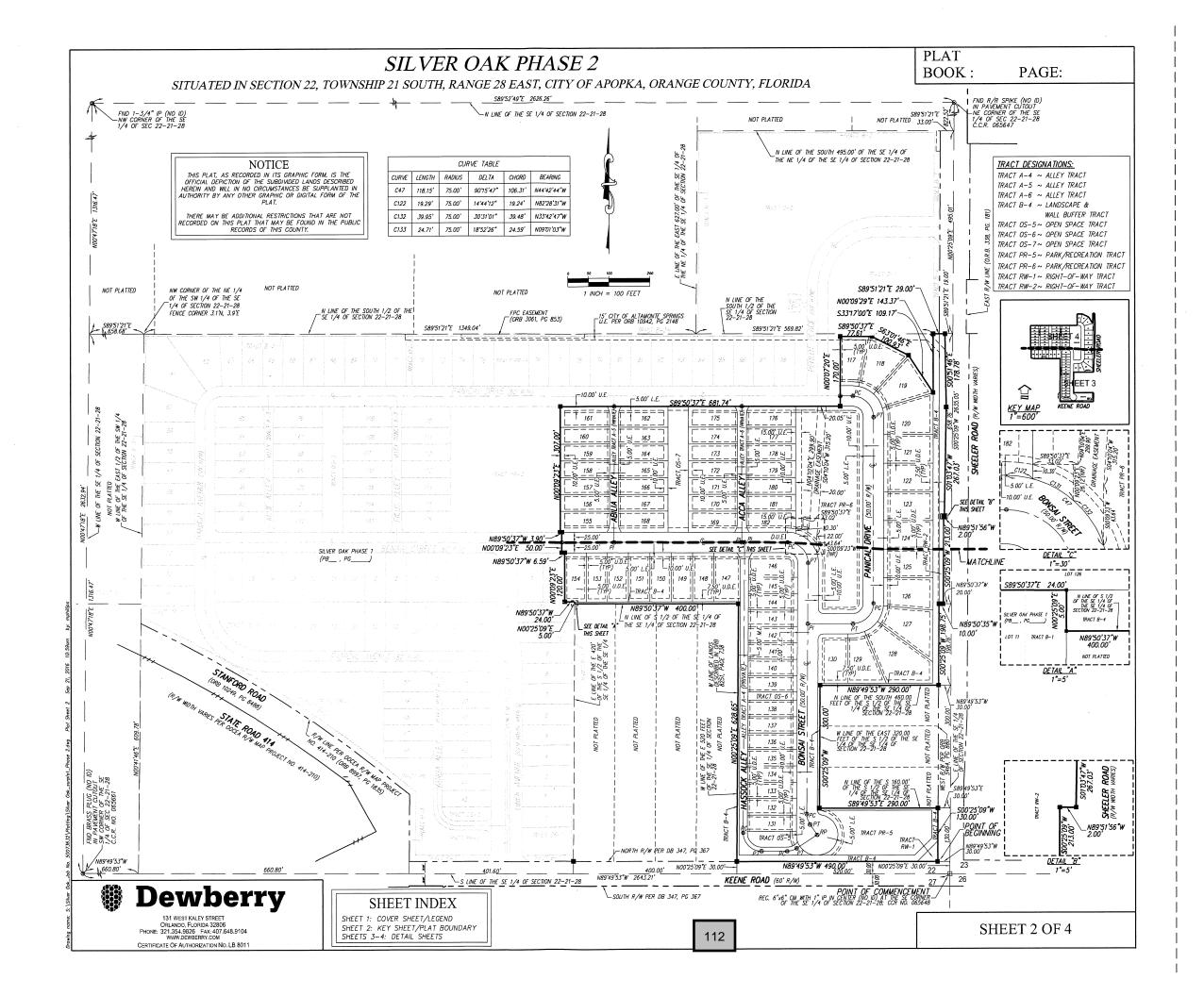
RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

111

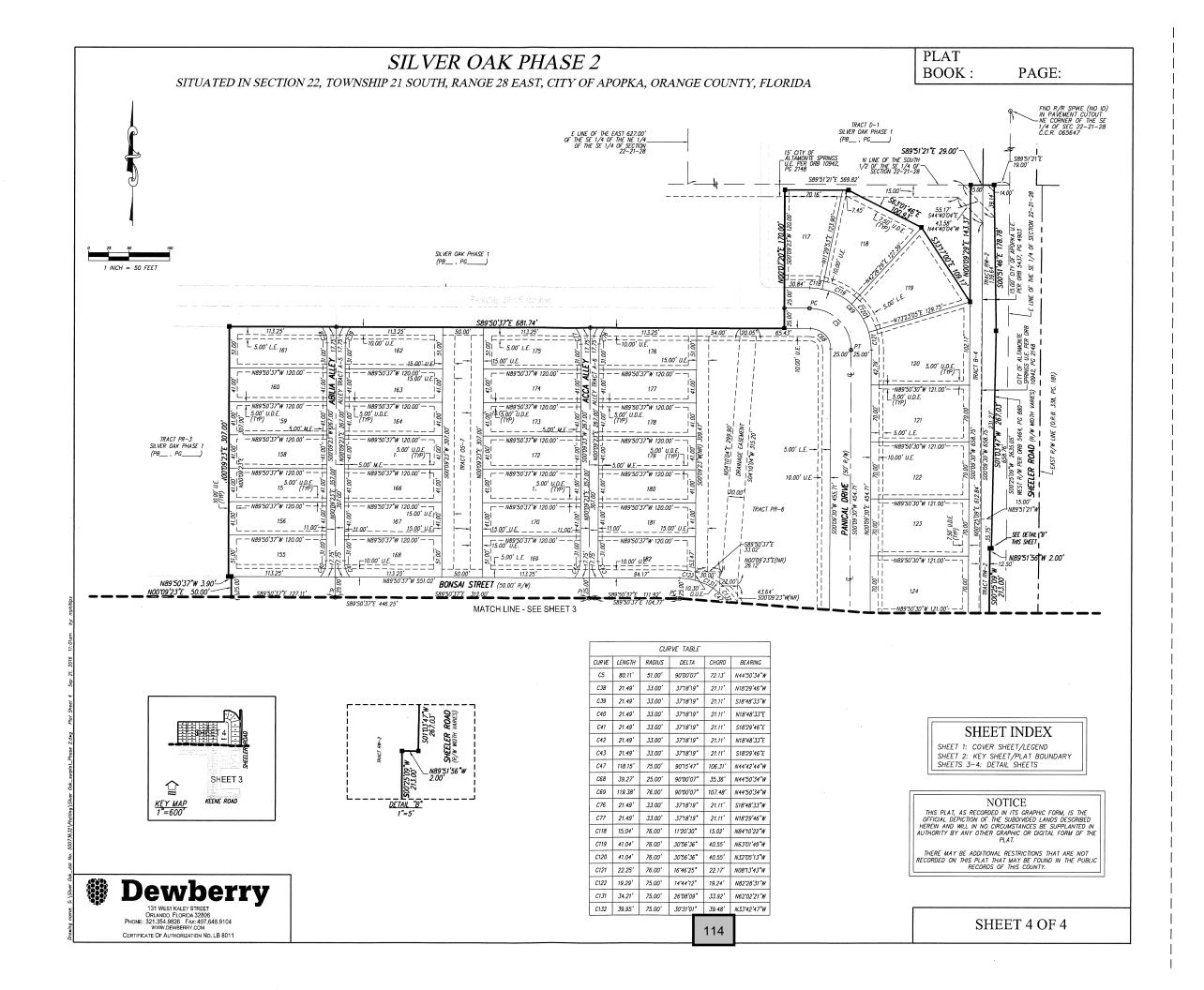
MAYOR

CITY SURVEYOR'S SIGNATURE

LORIDA REGISTRATION NUMBER:



PLAT SILVER OAK PHASE 2 BOOK: PAGE: SITUATED IN SECTION 22, TOWNSHIP 21 SOUTH, RANGE 28 EAST, CITY OF APOPKA, ORANGE COUNTY, FLORIDA WITH USE - SEE SHEET 4 -DRAINAGE EASEMENT BONSAI STREET (50.00' R/W) N00'09'23"E 50.00'-3 7"E 544.44" N89°50'37"W 6.59'--- 5.00' L.E. TRACT PR-6 5.00' M.E._ 10.00' U.E.-153 152 50 148 04K — — N89°34°51"W 120.00° --N89°50'30"W 121.00'-5.00' U.D.E. (TYP) 10.00' U.E. - N89'34'51"W 120.00' — ↓ 1.5.00' U.D.E. (TYP) 15.43'-N89*50'37"W 10.00' U.E. -S84'57'59"E 121.64'--N89'50'37"W| 410.00' SEE DETAIL "A" 8 N89'34'51"W 120.00' N89'50'35"W 10.00" LN LINE OF S 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 22-21-28 N89*49'53"W 73.06' 5.00' U.D.E. (TYP) 43 - N89'34'51"W 120.00' -NOT PLATTED - N89'34'51"W 120.00' - 5.00' L.F. 1 INCH = 50 FEET S89'50'37"E 24.00 128 - N89'34'51"W 120.00 CURVE TABLE TRACT B-4 10.00' U.E \$89'49'53"E 280.00' TRACT B-4 (TYP) - 94.09" - + -N89'34'51"W 120.00' U.E. CURVE LENGTH RADIUS DELTA CHORD BEARING L|- 71.87--N89°50'37"W 400.00' C6 78.55' 50.00' 90°00'37" 70.72' N45'09'48"E 139 N89'49'53"W 290.00' N LINE OF THE S 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 22-21-28 NOT PLATTED C7 78.77' 50.00' 90'15'46" 70.87' N44'42'44"W N89'34'51"W 120.00' 1 8 € TRACT OS-6 5.00' L.E. 1 8 € 8 DETAIL "A" 1"=5' C8 27.38' 46.00' 34'06'32" 26.98' S16*38'07"E V89'49'53' 30.00 C9 24.23' 41.00' 33'51'29" 23.88' N73'14'22"E NOT PLATTED C10 70.88' 45.00' 90"15"02" 63.78' \$44"42"22"E - 5.00' M.E.____ WILINE OF THE FAST 320 00' OF THE S 1/2 OF C44 24.07' 31.00' 44 29 38" 23.47' S21 49 40 E - N89°34'51"W 120.00' — □ C45 24.32' 31.00' 44'56'48" 23.70' N22'53'33"E C46 39.38' 25.00' 90'15'46" 35.44' S44'42'44"E - N89'34'51"W 120.00' C47 | 118.15' | 75.00' | 90'15'47" | 106.31' | N44'42'44"W SHEET 4 C52 17.33' 11.00' 90'15'02" 15.59' N44*42'22"W NOT PLATTED C53 17.23' 11.00' 89'44'58" 15.52' N4517'38"E - N89:34'51"W 120 00' -C54 15.28' 11.00' 79'36'40" 14.08' S39"23'11"E W LINE OF THE E 520 FEET SE 1/4 OF SECTION 22-21-1.35 HEET 3 C55 | 226.55' | 50.00' | 259'36'40" 76.82' N50'36'49"E - N89:34'51"W 120 00' -C61 55.13' 35.00' 90'15'02" 49.61' N44'42'22"W 134 5.00' U.D.E. (TYP) <u>KEY MAP</u> 1"=600' C62 39.27' 25.00' 90'00'37" 35.36' S45'09'48"W C63 117.82' 75.00' 90'00'37" 106.08' S45'09'48"W - - N89'34'51"W 120.00' -NOT PLATTED \$89.49'53"E 30.00' __5.00' U.D.E. __(TYP) 133 6.38' 75.00' 4"52"32" 6.38' NO2'35'46"E ______10.00' U.E. + C108 40.94' 75.00' 31'16'31" 40.43' N20'40'17"E N89°34'51"W 120.00' -SE 1/4 OF THE SE 1/4 OF SECTION 22-21-28 C110 40.94' 75.00' 3176'31" 40.43' N51"56'48"E 132^{10.00'} U.E. S89°49'53"E 290.00' C113 29.56' 75.00' 22'35'03" 29.37' N78'52'35"E N89'49'53"W 280.00 C114 147.79' 50.00' 169'21'38" 99.57' N05'29'18"E N89*34'51"W 120.00' -C115 48.99' 50.00' 56'08'31" 47.06' S61'45'38"E SHEET INDEX 5.00 C116 | 12.04' | 50.00' | 13'48'01" | 12.01' | \$26'47'22"E - 5.00' M.E. SHEET 1: COVER SHEET/LEGEND N89"34"51"W 120.00" TRACT PR-5 C117 | 17.72' | 50.00' | 2078'30" | 17.63' | S09'44'06"E S TRACT OS-5 7.92 SHEET 2: KEY SHEET/PLAT BOUNDARY SHEETS 3-4: DETAIL SHEETS C132 39.95' 75.00' 30'31'01" 39.48' N33'42'47"W 62.88' C60 N89'49'53"W C133 24.71' 75.00' 18'52'26" 24.59' N09'01'03"W POINT OF FND BRASS PLUG (NO ID) IN PAVEMENT CUTOUT BEGINNING N89'49'53"W 428.75' TRACT B-4 N89'49'53"W 490.00 30.00'— N00"25'09"E /22⁸/23 N89'49'53"W 2643.21' KEENE ROAD (60' R/W) S LINE OF THE SE 1/4 OF SECTION 22-21-28 POINT OF COMMENCEMENT REC. 6"x6" CM WITH 1" IP IN CENTER (NO ID) AT THE SE CORNER— OF THE SE 1/4 OF SECTION 22-21-28; CCR NO. 065648 NOTICE THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. Dewberry THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. SHEET 3 OF 4 113 CERTIFICATE OF AUTHORIZATION No. LB 8011



Backup material for agenda item:

1. Ordinance No. 2510 – Second Reading – Code of Ordinances, Chapter 74 "Business Tax Receipts" – Legislative Postpone



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA MEETING OF: November 2, 2016

XPUBLIC HEARINGFROM:Community DevelopmentSPECIAL REPORTSEXHIBIT(S):Ordinance No. 2510XOTHER: OrdinanceLyft Comments

SUBJECT: ORDINANCE NO. 2510 - AMENDING THE CODE OF ORDINANCES.

REQUEST: SECOND READING OF ORDINANCE NO. 2510 - TO ALLOW

ADMINISTRATIVEE APPROVAL OF VEHICLE FOR HIRE

PERMITS.

SUMMARY:

Currently, the process to review a Vehicle for Hire Permit application requires a public hearing before the City Council to make a determination of approval, approval with conditions, or denial. Review by City Council has produced little or no public benefit for having the extended review process. These processes are costly and time consuming for the City as well as permit applicants. Staff is requesting that Chapter 74, Article IV, Section 74-104 pertaining To "Vehicles for Hire" be amended by removing language indicating that City Council approval is required for Vehicle for Hire permits.

PUBLIC HEARING SCHEDULE:

September 7, 2016 - City Council 1st Reading (1:30 pm)

September 21, 2016 - City Council 2nd Reading (7:00 pm) - Postponed until October 5, 2016

October 5, 2016 - City Council 2nd Reading (1:30 pm) - Postponed until November 2, 2016

November 2, 2016 - City Council 2nd Reading (1:30 pm)

DULY ADVERTISED:

August 19, 2016 – Public Hearing Notice September 9, 2016 – Ordinance Heading

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the amendment to the City of Apopka, Code of Ordinances, amending Chapter 74, Article IV, Section 74-104, pertaining To "Vehicles for Hire" by removing language indicating that City Council approval is required for drivers.

The **City Council**, at its meeting on September 7, 2016, accepted the First Reading of Ordinance No. 2510 and held it over for Second Reading and Adoption on September 21, 2016.

The **City Council**, at its meeting on September 21, 2016, postponed the Second Reading of Ordinance No. 2510, to allow staff time to review the revisions to the ordinance suggested by the transportation network company, Lyft; and held it over for Second Reading and Adoption on October 5, 2016.

The **City Council**, at its meeting on October 5, 2016, postponed the Second Reading of Ordinance No. 2510; and held it over for Second Reading and Adoption on November 2, 2016 to allow the new Community Development Director time to acquaint himself with the amendment.

Adopt Ordinance No. 2510

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

ORDINANCE NO. 2510

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 74, ARTICLE IV, SECTION 74-104 OF THE CITY OF APOPKA CODE OF ORDINANCES PERTAINING TO "VEHICLES FOR HIRE" BY REMOVING **INDICATING** THAT **CITY** LANGUAGE COUNCIL APPROVAL REQUIRED IS **FOR DRIVERS**; **PROVIDING FOR** CODIFICATION. SEVERABILITY. CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka believes that it is necessary and in the best interest of the City to remove requirements for City Council approval of drivers for "vehicles for hire."

LESIGLATIVE UNDERSCORING: <u>Underlined words</u> constitute additions to the City of Apopka Code of Ordinances, <u>strikethrough</u> constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

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

SECTION 1. Section 74-104 of the City of Apopka Code of Ordinances is hereby amended as follows:

Sec. 74-104. - Schedule.

There is hereby assessed, levied and imposed upon every business, trade, occupation and profession carried on within the city an annual business tax in the following amounts:

Vehicle for hire. (with driver) Must comply with requirements of City Code Chapter 86.

(City council approval required)

- (1) 1 to 6 passengers, first vehicle61.00
- (2) 7+ passengers, first vehicle61.00
- (3) Each additional vehicle24.00

ORDINANGE NO. 2510 PAGE 2

SECTION 2. CODIFICATION. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter ", "section ", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 3. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

or in fair force and effect immediately upon its pussage and adoption.						
	READ FIRST TIME:	September 7, 2016				
	READ SECOND TIME AND ADOPTED:	November 2, 2016				
	Joseph E. Kilsheimer, Mayor					
ATTEST:						
Linda G. Goff, City Clerk						
APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.						
Cliff B. Shepard, City Attorney						

DULY ADVERTISED FOR PUBLIC HEARING: August 19, 2016 September 9, 2016



September 21, 2016

Mayor Joe Kilsheimer Commissioner Billie Dean Commissioner Diane Velazquez Commissioner Doug Bankson Commissioner Kyle Becker 120 East Main Street, First Floor Apopka, FL 32703

RE: LYFT TESTIMONY AND PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511

Dear Mayor Kilsheimer and Commissioners,

Thank you for the opportunity to provide testimony on Proposed Ordinance 2511 for consideration by the full Council. We at Lyft believe in working collaboratively towards developing an appropriate regulatory framework to allow for the successful continuing operation of Lyft, other ridesharing platforms, and existing industry.

While Lyft supports many of the changes made to the City's Vehicle for Hire Code in Proposed Ordinance 2511, Lyft believes that there are still ways in which the Proposed Ordinance should be improved. As such, we respectfully request the Council to consider delaying any action on Proposed Ordinance until the next full Council meeting.

While we appreciate the Council's work in updating the City's Vehicle for Hire Code, Lyft respectfully suggests that some areas of the Proposed Ordinance be reconsidered, and that the Council considers eliminating some of the burdens placed on individual drivers.

Please find attached our suggested amendments to Proposed Ordinance 2511, which we hope will be given fair consideration with an opportunity for both public and City Council input.

Thank you for your consideration.

Sincerely,

Timothy Alborg Public Policy Manager

ORDINANCE NO. 2511

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, VACATING AND DELETING THE PROVISIONS OF CHAPTER 86 OF THE CITY CODE OF ORDINANCES AS CURRENTLY WRITTEN, ADOPTING NEW PROVISIONS IN SAID CHAPTER AMENDING THE PERMITTING AND REGULATION OF TAXICABS AND CREATING REGULATIONS FOR TRANSPORTATION SERVICES AND TRANSPORTATION NETWORK APPLICATION COMPANIES AND OPERATORS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka believes that it is necessary and in the best interest of the City to update its regulations for vehicles for hire in recognition of changes and advances in modern business models of private automobile transportation.

LESIGLATIVE UNDERSCORING: <u>Underlined words</u> constitute additions to the City of Apopka Code of Ordinances, <u>strikethrough</u> constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

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

SECTION 1. The provisions of CHAPTER 86, VEHICLES FOR HIRE, shall be vacated and deleted in its entirety, and the following shall be adopted in their place. The provisions to be vacated and deleted are attached as Exhibit "A."

Chapter 86 - VEHICLES FOR HIRE

ARTICLE I. - IN GENERAL

Sec. 86-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Company means any person, association, corporation or other organization which operates or intends to engage in the business of operating vehicles for hire or operate as a TNC.

Conviction means the conviction by a court including an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

Digital platform means any online or smartphone enabled application that allows passengers to request transportation network vehicle services.

Digital credential means the permission or access given to a driver to operate on a company's digital platform.

Driver means an individual permitted to drive a vehicle for hire.

Fees mean nonrefundable payments required in this chapter.

Limousine means a specialized vehicle not equipped with a taximeter and for hire only by prearrangement at a rate charged per hour, or fixed in advance, and provided also that each such vehicle for hire is: (1) chauffeured, (2) a luxury class passenger vehicle built or modified for the purpose of a limousine as defined and recognized by the limousine industry; and (3) operated on a reserved, hourly

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basis for a continuous period. A vehicle which is held out to be a limousine or which has an appearance deceptively similar to a limousine is a limousine for the purposes of this chapter.

Narcotic drugs, barbituric acid derivatives and central nervous system stimulants. The term "narcotic drugs" as used in this chapter shall mean coca leaves, opium, cannabis, marijuana, isonipecaine and every synthetic substance known to have narcotic action. The term "barbituric acid derivative" means each of the salts and derivatives of barbituric acid, also known as malonyl urea, and derivatives, compounds, mixtures or preparations thereof. "Barbiturate" or "barbiturates" shall include all hypnotic or somnifacient drugs, whether or not derivatives of barbituric acids. The term "central nervous system stimulants" means amphetamine and desocyephedrine, and any derivative, compounds, mixture or preparation thereof.

Permit means the authority granted to companies to operate, or persons who qualify to drive, vehicles for hire.

Revocation means the rescinding of a permit. A person or entity whose permit is revoked shall not be entitled to reinstatement or an opportunity to reapply for such permit for a period of two years except as provided in subsection 86-61(5).

Shuttle bus means a vehicle with a capacity of at least eight persons, including the driver, that is operated on a fixed route, or owner and operated directly by a motel or hotel and limited to registered guests thereof.

Suspension means the temporary rescinding of a permit or license. The suspension may be for a time certain or indefinite pending compliance with the terms of this chapter.

Taxicab means a vehicle for hire with a capacity of not more than eight persons, including the driver, equipped with a taximeter operated under a company and vehicle permit required by this article, which is routed under the direction of the person hiring the vehicle.

Taximeter means an instrument or device attached to a vehicle and designed to measure mechanically or electronically the distance traveled by such vehicle, to record the times such vehicle travels or is in waiting, and to indicate the fare to be obtained.

Transportation service means a vehicle for hire with a capacity of not more than eight persons, including the driver, which is not equipped with a taximeter, which charges passengers a fare generally based on a flat fee, and does not operate over a fixed or defined route but routed under the direction of the person hiring the vehicle.

Transportation network application company ("TNC company") means any company operating in the city that uses a digital network or software application to connect a passenger to transportation network services provided by a transportation network operator.

Transportation network operator means any driver or operator who operates a personal vehicle that utilizes any digital platform to arrange transportation of a passenger between points chosen by the passenger and that is in connection with a digital platform controlled by a TNC company.

Transportation network service means the provision of transportation by a transportation network operator to a rider, beginning when the transportation network operator accepts a ride requested through a digital platform controlled by a TNC company, continuing while the transportation network operator transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle.

Use of narcotic drugs. The word "use" as employed in this chapter in relation to the drugs described in this chapter shall apply to any person who uses one or more of the narcotic drugs or barbituric acid derivatives or central nervous system stimulants as defined this section to any extent, with or without medical need or authority or prescription.

Vehicle for hire means any vehicle, whether owned by the driver or company, that is operated by a taxicab driver, transportation service driver, transportation network operator, any other motor vehicle

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with driver transporting passengers for a fare, fee, or other charge in the city. The term vehicle for hire, by definition, excludes:

- (1) School, church, college or university buses;
- (2) Sightseeing cars and buses;
- (3) Ambulances:
- (4) Funeral home vehicles;
- (5) Interstate buses;
- (6) Limousines;
- (7) Shuttle buses.

Vehicle for hire administrator means the City Administrator or his/her designee.

ARTICLE II. - COMPANY PERMIT

Sec. 86-31. - Application; contents.

- (a) No taxicab company, transportation service, or TNC company shall operate or engage in the business of operating vehicles for hire or operating a TNC within the city without having first obtained a company permit from the vehicle for hire administrator or designee. An application shall be submitted on forms furnished by the vehicles for hire administrator or designee containing appropriate information which is reasonably related to the business of operating vehicles for hire.
- (b) In order to secure or renew a company permit, the company applicant shall file an application with the vehicles for hire administrator or designee, and such application shall be verified under oath and shall furnish the following information:
 - (1) The name and address of the company. If the company is a corporation or partnership, the name and address of all officers, shareholders, partners or any principals or owners with an interest greater than <u>five-twenty</u> percent of the company must be listed.
 - (2) The color scheme and insignia to be used to designate the vehicles of any taxicab company.
 - (3) No company permit shall be granted to a taxicab company operating less than five vehicles. The vehicles must be currently operating, licensed, and inspected as required by this chapter. Each vehicle must conform to the United States Department of Transportation (USDOT) maximum passenger standards allowed for the vehicle to operate.
 - (4) Proof of proper amount of insurance coverage as provided in section 86-93, with the insurance coverage being filed with vehicle for hire administrator and approved by the City.
 - (5) Such other information as the vehicle for hire administrator may require.
- (c) Payment of an annual company permit fee of \$250.00.

Sec. 86-32. - Maintaining a company permit.

- (a) In order to maintain a company permit to operate or engage in the business of operating vehicles for hire or operating a TNC, the company must:
 - Obtain and hold a current business tax receipt from the city as required by chapter 74, if applicable.
 - (2) Maintain a telephone number that is monitored 24 hours a day for emergency contact by the vehicle for hire administrator or designee or law enforcement, and an e-mail address for citizen complaints or concerns.

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- (3) Maintain the name, home address, and telephone number of each driver affiliated with the company.
- (4) Maintain a log listing the year, make, model, license plate number , and vehicle identification number (serial number) and ownership status of all vehicles in the company's fleet or that operate on a company's platform.
- (5) Maintain proper amount of insurance as provided in section 86-93.
- (6) Maintain records available for inspection, upon request by the vehicle for hire administrator or designee, pursuant to a complaint received or if the vehicle for hire administrator has a reasonable basis to suspect that a company or driver is violating the requirements of this chapter. The records shall include, but not be limited to, records pertaining to permitted/certified drivers, vehicle inspection records, daily logs, and that the maximum rate charged in compliance with section 86-95. Unless otherwise agreed to by the company and the vehicle for hire administrator, such records shall be made available for inspection to the vehicle for hire administrator at a permit holder's place of business or a mutually agreed location in the city.
- (7) Each company shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to all drivers, and provide notice of the policy to all company drivers and to the public through its website, if applicable. In addition, the company shall provide notice to the public on the procedure for reporting a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride. The company shall cooperate with the vehicle for hire administrator or designee during the pendency of the investigation pursuant to subsection 86-63(b)(3).
- (8) The vehicle for hire administrator or police chief is authorized to conduct annual audits of any company authorized to operate under this chapter. The company shall provide to the vehicle for hire administrator, on request, up to 250 unique identification numbers, each of which has been assigned to an individual driver affiliated with the company. The vehicle for hire administrator may send to the company a list of up to ten driver identification numbers and request copies of records held by the company for those ten drivers. Within five business days of receiving a request seeking records, the company shall make available to the vehicle for hire administrator at a company's place of business or a mutually agreed setting in the city, records to verify that the company has properly screened drivers in accordance with section 86-61; provided, that the company may redact any records it provides access to in order to protect the privacy and identifying information of the driver.

Sec. 86-33. - Revocation or suspension of a company permit; grounds; right of appeal.

- (a) Revocation or suspension of company permit; grounds. Upon a finding of due cause, as defined in subsection (b) of this section, the vehicle for hire administrator or designee shall have the authority to revoke or suspend any company permit which has been granted or which may hereinafter be granted by the city. Prior to suspension or revocation, the company shall be served notice by certified mail or hand delivery of the proposed action to be taken and shall have an opportunity to present to the vehicle for hire administrator or designee evidence as to why the company permit should not be revoked or suspended.
- (b) Causes for revocation or suspension. Due cause for revocation or suspension of a company permit shall include but shall not be limited to the following:
 - (1) The failure of the company to maintain any of the general qualifications applicable to the initial granting of the company permit as set forth in section 86-31 or maintaining a company permit as set forth in section 86-32.
 - Obtaining a company permit by providing false information.

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- (3) Conviction by a court of competent jurisdiction of any shareholder, officer, partner, member, principal or owner of any corporation, partnership, firm or association holding a five percent interest or more in the entity, of any of the following: criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants if such violation or violations are related to operation of the company, or violation of any ordinance of the city governing the conduct of a company.
- (4) Allowing any person to operate a company's designated vehicle for hire, or operate on the company's digital platform, without an active driver permit or credential, or when said person's permit or credential has been suspended or revoked because of a positive drug test pursuant to section 86-63.
- (c) Right of appeal. Any company whose permit is revoked or suspended by the vehicle for hire administrator or designee may appeal such decision to the City Council. Such appeal shall be taken by filing written notice thereof, in duplicate, with the city administrator's office within five days after the decision of the vehicles for hire administrator or designee. The notice of the appeal shall contain the grounds for the appeal and shall contain information that either the finding is contrary to the law or is not supported by competent substantial evidence. The vehicle for hire administrator or designee shall forthwith transmit copies of the appeal to the City Council along with all papers constituting the record upon which the action appealed from is based. The filing of a notice of appeal will not delay the effectiveness of any suspension or revocation.

ARTICLE III. - VEHICLE FOR HIRE DRIVERS

Sec. 86-60. - Prohibition against unauthorized operation.

- (a) It shall be unlawful for any person to drive or operate on behalf of a taxicab company, transportation service, or other vehicle for hire for the transportation of passengers within the city, or on a TNC's digital platform, or to cause or permit any other person to drive or operate a vehicle for hire:
 - (1) Without first obtaining a written permit for the operation of a motor vehicle for hire from the vehicle for hire administrator or designee;
 - (2) Without having been certified to operate a motor vehicle for hire on behalf of a company or on the company's digital platform; or
 - (3) When the company permit has previously been revoked pursuant to section 86-33.
- (b) Any person found to have violated this section shall be punished by the following:
 - (1) A fine \$150.00 for the first citation;
 - (2) A fine of \$250.00 for the second citation; and
 - (3) A fine of \$500.00 for the third or subsequent citation.

Sec. 86-61. - Application for driver's permit.

- (a) In order to secure a driver permit or to obtain certification from a company, an applicant must:
 - (1) Be at least 18 years of age;
 - (2) Possess a valid state driver's license;
 - (3) For a period of three years prior to the date of application not have been convicted of:
 - a. Driving under the influence of intoxicating beverages or drugs; or

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- Violation of any ordinance or law, other than minor traffic offenses, in connection with the operation of a motor vehicle.
- (4) For a period of three years prior to the date of application not have more than three moving violations:
- (5) Not have been convicted within the seven years previous to the date of application for the violation of any of the following criminal offenses of the state or any other state or of the United States: aggravated battery, burglary, aggravated assault, kidnapping, robbery, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the offenses listed in this subsection, or been convicted within the last seven years of any felony in the commission of which a motor vehicle was used, perjury or false swearing in making any statement under oath in connection with application for a driver's permit, any felony involving theft, or possession, sale or distribution of narcotic drugs, barbituric acid derivative and/or central nervous system stimulants. Applicants who have been convicted or served any time, probation, or parole for a criminal offense of homicide, rape, sexual battery, or child molestation must have their complete criminal history reviewed and approved by the vehicle for hire administrator;
- (0) Be able to communicate in the English language.
- (e)(b) An applicant may apply for a permit or credential by completing a form provided by the vehicle for hire administrator establishing that the applicant meets the requirements of subsection.
- (d)(c) Upon approval by the vehicle for hire administrator or designee, or certification by the taxicab company, transportation service, or TNC company, the driver shall be issued:
 - (1) A permit from the vehicle for hire administrator or designee; or
 - (2) Credentials from the taxicab company, transportation service, or TNC company, which may be digital credentials, indicating that the driver was certified by the company, and the credential shall include the following information:
 - a. The name or logo of the company;
 - The name of the driver;
 - The license plate number associated with the vehicle that the driver has been authorized to use.
 - (3) The driver shall display the permit or credential in a manner that it is visible to the passengers of the vehicle while the vehicle is operating, or make available at a minimum the driver's first name, photograph, and make, model, and license plate number to the passenger through the company's digital platform. The driver shall present the permit or credential upon request to a law enforcement officer, the vehicle for hire administrator or designee, or designated airport personnel upon request. If the driver maintains a digital credential, upon a traffic stop, a driver shall provide law enforcement with access to a device containing the information required to be maintained as part of the driver's digital credential and an electronic record sufficient to establish that the trip in question was prearranged through a digital platform.

An applicant must pay an annual driver application fee of \$100.00.

Sec. 86-62. - Maintaining driver's permit.

In order to maintain a valid permit or credential to drive a taxicab, transportation service, or other vehicle for hire, a driver must:

- (4) Wear proper dress while operating a vehicle for hire.
- (5) Maintain a neat appearance.

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- (6) Not smoke while carrying passengers.
- (7) Maintain a log upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. Such logs must be maintained by the company or the vehicle owner, if not maintained by the driver, and shall be made available to the vehicle for hire administrator or designee for a compliance inquiry if the administrator has a reasonable basis to suspect that a company or driver is violating the requirements of this chapter.
- (8) Renew his driver's permit or credential during the month of the driver's permit or credential expiration date.
- (9) Wear a seatbelt at all times while operating a vehicle for hire or providing transportation network services.

Sec. 86-63. - Revocation or suspension of driver's permits; grounds; right of appeal.

- (a) Revocation or suspension of driver's permits or credential. Upon a finding of due cause, as defined in subsection (b) of this section, the vehicle for hire administrator or designee shall have the authority to revoke or suspend any driver's permit or credential which has been issued or which may hereinafter be issued by the city. Before a driver's permit or credential shall be denied, suspended or revoked, notice of intention thereof shall be served upon the driver either by registered mail or personal service; however, such notice shall not be necessary for a denial of an original permit or credential. However, any such applicant or driver shall be given an opportunity to be heard by the vehicle for hire administrator or designee.
- (b) Causes for revocation or suspension. Due cause for revocation or suspension of a driver's permit or credential shall include but shall not be limited to the following:
 - (1) The failure of the driver to maintain any and all of the general qualifications as applicable to the initial issuance of a permit as set forth in section 86-61;
 - (2) Obtaining a permit or credential by providing false information;
 - (3) Violation by a driver of any of the following offenses:
 - a. Driving under the influence of intoxicating beverages or drugs. A driver shall be required to submit to a drug and/or alcohol test at the request of the vehicle for hire administrator or designee, upon receipt of a passenger complaint, ÷
 - b.a. Where reasonable suspicion exists that a driver is suspected of abusing alcohol or misusing prescription drugs or controlled substances; or.
 - Where a driver has been involved in a crash with serious injury or serious property damage while operating a vehicle for hire or providing transportation network services. "Serious injury" is defined as a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. "Serious property damage" is defined as one or more of the motor vehicles involved in the crash is "totaled", or one or more of the vehicles sustains significant disabling damage to public and/or private property which equals or exceeds an apparent damage of \$5,000.00 or more as estimated by the law enforcement officer who conducts the investigation at the scene of the traffic crash; or
 - d.b. Refusing or failing to submit to a drug test at the request of the vehicle for hire administrator or designee shall be due cause for revocation of the driver's permit or credential with no reapplication for one year. Failing a drug or alcohol test shall be due cause for revocation of the driver's permit or credential with no reapplication for one year.
 - ec. Criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault,

kidnapping, robbery, child molestation, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants, violation of any ordinance of the city governing the conduct of drivers of a vehicle for hire.

- (4) Charging a fare contrary to any fares established and approved by the city commission pursuant to section 86-95:
- (5) Violation of any ordinances or law, other than minor traffic offenses, in connection with the operation of a taxicab, transportation service, TNC company, or other vehicle for hire;

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- (6) Whenever it shall appear Upon receipt of a passenger complaint alleging that a driver has disorders characterized by lapses of consciousness or other mental or physical disabilities affecting his or her ability to drive safely;
- (7) Accumulating nine or more points within a six-month period as outlined in F.S. § 322.27(3)d.
- (8) Violating the requirements of section 86-96.

Sec. 86-64. - Duration of driver permit.

Each driver permit or credential issued pursuant to section 86-61 above shall be valid for one year from the date of issuance.

ARTICLE IV. - VEHICLES FOR HIRE

Sec. 86-91. - Identifying signs, monograms and insignias.

(a) Taxicabs.

Each taxicab shall be readily identifiable as a taxicab and shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the franchise is issued. Each such taxicab shall also be numbered consecutively, with such numbers being placed conspicuously on each vehicle, with such numerals being not less than four and one-half inches nor more than six inches in height.

- (b) Transportation services.
 - (1) Each vehicle operated by a transportation service shall be readily identifiable as a transportation service and shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the vehicle is owned or operated by.
 - (2) No transportation service shall have any insignia or sign that identifies itself as a "taxi" or "cab" or otherwise gives the impression that it is a taxicab.
- (c) Transportation network application (TNC) company/transportation network operator.
 - (1) Each vehicle operated by a TNC company or transportation network operator shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the vehicle is owned or operated by, or any symbol or insignia approved by the vehicle for hire administrated isplay a consistent signage or emblem on the transportation network operator's personal vehicle at all times while the transportation network operator is active on the TNC company's network. The signage or emblem shall be sufficiently large or color-contrasted to be readable during daylight hours from a distance of 50 feet, reflective, illuminated, or otherwise visible in darkness, and capable of sufficiently identifying a personal vehicle as being associated with the TNC company.

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- (2) No transportation network operator vehicle shall have any insignia or sign that identifies itself as a "taxi" or "cab" or otherwise gives the impression that it is a taxicab, or otherwise give the impression that the operator is available to solicit passengers other than through the digital platform.
- (3) No transportation network operator vehicle shall place any type or form of light device or other device on the roof, commonly known as a top light or top hat, whether or not permanently or temporarily affixed to the vehicle, or have within the interior of the vehicle.

Sec. 86-92. - Taximeter.

a. All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in a manner so that the face thereof shall be visible and readable to passengers at all times both

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day and night. The face of the taximeter shall be set so that it will register and compute on a mileage basis while such taxicab is moving and on a time basis while such taxicab is standing and while the service is being rendered the fare to be charged. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism.

a. No vehicle for hire other than a taxicab is authorized to install or be equipped with a taximeter.

Sec. 86-93. - Liability insurance required.

No vehicle for hire shall be placed in service unless such vehicle is in compliance with Florida law for liability insurance purposes. Proof of such insurance coverage, which may be provided on a blanket basis, shall be filed annually with and approved by the vehicle for hire administrator or designee for the carriage of passengers.

Sec. 86-94. - Seat belts required.

All vehicles for hire covered by this chapter shall be equipped with operational seat belts for each passenger.

Sec. 86-95. - Authority of city commission to establish rates and charges; displaying rate cards.

- (a) Taxicabs.
 - (1) The city commission may by ordinance establish maximum rates and charges for the transportation of persons and their baggage within the corporate limits of the city and suburban territory adjacent thereto. Any ordinance establishing rates as provided by this section shall become effective 24 hours after its adoption.
 - (2) Every taxicab operating under this chapter shall have posted in a conspicuous place therein a schedule of rates for the transportation of person within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.
 - (3) There is hereby established a schedule of the maximum rates which can be charged by all taxicab drivers operating taxicabs within the city. A taximeter may be set so that it will register and compute on a mileage or other basis at less than the maximum rates set forth in this section.
- (b) Transportation service.
 - (1) All fares as agreed to between any transportation service operator and any passenger must be agreed upon prior to leaving the point of origin. No transportation service operator may increase the agreed upon fare after leaving the point of origin.
 - (2) No transportation service shall be authorized to charge for wait time, or to charge any other

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rates or fees except for mileage.

- (3) Every transportation service vehicle shall have cards displayed visibly from the outside of the vehicle on the passenger side and on the inside of the right rear window at the eye level of a seated passenger that state the following: "RATE OF TRANSPORT IS BY FLAT FEE ONLY".
- (c) Transportation network application (TNC) company or transportation network operator.
 - (1) All TNC companies shall disclose the fare calculation method, the applicable rates being charged, and the option for an estimated fare to a passenger before the passenger arranges or books a trip with the transportation network application company or transportation network operator.

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(2) Upon completion of the trip, a TNC company shall transmit an electronic receipt to the passenger's e-mail or mobile application that lists the: origin and destination of the trip; the total time and distance of the trip; and a breakdown of the total fare paid, if any.

Sec. 86-96. - Miscellaneous regulations and other penalties.

- (a) It shall be unlawful for any driver or operator of a vehicle for hire to drive or operate or be on duty or on call for the operation of a vehicle for hire for more than 12 hours within any 24-hour period.
- (b) A driver shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.
- (c) No driver shall refuse to accept a passenger unless the passenger is obviously disorderly, dangerous, or otherwise a threat to the safety or welfare of the driver.
- (d) It shall be unlawful for the driver operating in the city to permit any person to accompany or use such vehicle for hire for the purpose of prostitution, or to direct, take or transport any other person with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution.
- (e) No vehicle for hire shall be permitted to carry nonpaying passengers while transporting a paying passenger or passengers except for the purpose of driver training.
- (f) No vehicle for hire shall solicit or carry a paying passenger while in the process of carrying another paying passenger except when requested to do so by the latter passenger.
- (g) Transportation network operators shall exclusively accept passengers booked through a transportation network company's digital platform, and shall not solicit or accept street-hails.
- (h) No TNC company may provide personal information about a passenger to a transportation network operator, including a passenger's full name, e-mail address, or telephone number.

Sec. 86-97. - Enforcement.

The city police department and the vehicles for hire administrator shall be authorized to enforce the regulations contained in this chapter, including the promulgation of rules consistent with this chapter and the setting of fees.

SECTION 2. CODIFICATION. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter", "section ", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 3. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

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SECTION 5. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

	READ FIRST TIME:	September 7, 2016
	READ SECOND TIME AND ADOPTED:	<u>September 21, 2016</u>
ATTEST:	Joseph E. Kilsheimer, Ma	nyor
Linda G. Goff, City Clerk		
APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.		
Clifford B. Shepard, City Attorney		
DULY ADVERTISED FOR PUBLIC HE	EARING: August 19, 2016	

September 9, 2016

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EXHIBIT "A"

Sec. 86-39. Liability insurance.

- (a) It shall be unlawful for the owner, operator, driver or chauffeur of any taxicab to drive or operate the taxicab or to permit the taxicab to be driven or operated upon the public streets, unless such owner, operator, driver or chauffeur shall have first procured and filed with the city clerk a liability insurance policy issued by a good and responsible surety company, which insurance company or surety company must have authority to do business as such in the state and must be acceptable to and approved by the city council. The amount of liability insurance or surety bond for each taxicab shall be the minimum required by the state for liability insurance, or, if liability insurance is not required by state law, the minimum financial responsibility requirements of the Financial Responsibility Law, F.S. ch. 324.
- (b) Such policy of insurance or surety bond may be in the form of a separate policy or separate surety bond for each taxicab, or may be in the form of a fleet policy covering all taxicabs operated by such owner, operator, driver or chauffeur, in which latter event such policy of insurance or surety bond shall provide the same liability for each taxicab operated in service as specified in subsection (a) of this section. Every taxicab hired in service shall have conspicuously displayed therein or thereon some sign evidencing the fact that the provisions of this section have been complied with, with the form thereof to be prescribed by the chief of police.
- (e) No policy of insurance or surety bond as provided for in this section shall be cancelled until the expiration of five days after notice of intended cancellation thereof has been given in writing to the city clerk by registered mail or personal delivery of such notice, and a provision therefor shall be embodied in the policy or surety bond.

Sec. 86-40. - Use of streets for transacting business.

Except as provided in this article, no taxicab shall occupy space on the streets for the transaction of business other than the picking up of passengers. All places of business of taxicabs shall be maintained off the streets.

Sec. 86-41. - Use of improper vehicles.

It shall be unlawful for any person to operate or drive, as a taxicab, in or upon any street, any motor-driven vehicle, unless the vehicle is a taxicab as defined in this article.

Sec. 86 42. Name of owner or operator to be displayed on vehicle.

It shall be unlawful for any taxicab to be driven upon the streets unless the name of the person either owning or operating such taxicab, or the trade name under which such taxicab is operated, is conspicuously painted on such taxicab in letters not less than two inches in height.

Sec. 86 43. Meters.

(a) All taxicabs shall be equipped with mechanical devices, commonly called taxicab meters, for registering the fare to be charged.

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- (b) Every meter in use shall be placed in such taxicabs at a location that will be plainly visible at all times to the occupants of such taxicabs. Between the hours of sunset and sunrise, the dial of the meter shall be illuminated whenever it is in use.
- (e) Whenever a taxicab is not in service, the meter shall show no fare and the flag shall be in the upright position. When a taxicab is in service, the flag or indicator on the meter shall be lowered and the meter shall be in the calculating position.
- (d) Upon the completion of service by a taxicab, the flag or indicator on the meter shall be raised and the meter shall be returned to the noncalculating position and its dials cleared.
- (e) It shall be unlawful for the operator or driver of any taxicab to operate the taxicab on the streets of the city with any occupant in such taxicab other than the driver when the flag or indicator on the taxicab meter is upright and in the noncalculating position, except when operating on an hourly or trip rate.
- (f) When the hourly rate or the special trip rate is used, an appropriate sign indicating that the cab is on a trip or hourly rate shall be exhibited.
- (g) It shall be the duty of the person owning and operating taxicabs to have the meter in good working condition and operating accurately as to the registration of mileage and fare. Such meters shall be sealed in a manner that will prevent any person from tampering with or changing the adjustment of the meter. It shall be unlawful for any person to tamper with or change the adjustment of a meter, except the owner operating the taxicab to which such meter is affixed, or a person duly designated by the owner, or a meter mechanic.
- (h) It shall be unlawful for any person owning and operating taxicabs with meters affixed thereto to permit the taxicabs to be operated on the streets of the city when such meters do not accurately register the mileage and the rate as set forth by the ordinances of the city. All meters shall be subject to inspection and test by any police officer at all times when cabs are not carrying passengers.

Sec. 86-44. - Rates and charges.

- (a) Posting. Each taxicab shall have posted in a conspicuous place therein a schedule of rates for the transportation of persons within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.
- (b) Determination. All rate charges or fees for the use of taxicabs using meters shall be determined by a meter rate, hourly rate or special trip rate and by no other method. All charges are for the exclusive use of the taxicab, and shall apply regardless of the number of passengers transported.

Sec. 86-45. - Fare receipts; right to demand payment of fare in advance.

If demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the taxicab, at the time of such payment, a receipt therefor in legible writing, containing the name of the owner and the city license or permit number, showing upon such receipt all items for which a charge is made, the total amount paid and the date of payment. Every driver of any such taxicab shall have the right to demand payment of the legal fare in advance, and may refuse employment unless so prepaid.

Sec. 86-46. Soliciting passengers near intersection.

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It shall be unlawful for any person owning or operating one or more vehicles for hire in the city to operate such motor vehicles over and upon the streets of the city for the purpose of soliciting patronage, picking up passengers or delivering passengers at any point within 100 feet of any intersecting street corner along such street. It is the purpose and intent of this section to prohibit such practice within 100 feet in all directions from such intersections. Such distance in all cases shall be measured from the center of the intersection. Nothing in this subsection shall be construed as prohibiting the driver of any taxicab or vehicle operated for hire from responding to any specific request for passage from any person seeking the services offered by such taxi or motor vehicle or from stopping at any point within the city for the purpose of delivering a passenger who has been picked up at any part of the city in a manner not prohibited by law. This section shall not apply to any buses or motor vehicles owned or operated by any bus or transit company under an exclusive franchise from the city.

Sec. 86-47. - Soliciting passengers by preceding or following scheduled bus.

It shall be unlawful for any person operating motor vehicles for hire in the city to operate such motor vehicle over and upon the streets of the city for the purpose of soliciting the patronage of passengers by immediately preceding or following any duly scheduled bus or motor vehicle operated for such purpose by any bus or transit company under an exclusive franchise from the city along the streets of the city. Nothing contained in this section shall be construed as prohibiting the driver of any duly licensed taxi from responding to any specific request for passage from any patron seeking the services offered by such duly licensed taxi.

Sec. 86 48. Smoking by driver.

It shall be unlawful for any driver, operator or chauffeur of any taxicab to smoke while the taxicab is occupied by a passenger.

Sec. 86-49. - Use for immoral purposes.

It shall be unlawful for the driver of a taxicab to permit any person to accompany or use such taxicab for the purpose of prostitution, lewdness or assignation, or to direct, take or transport, or to offer or agree to direct, take or transport, any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution, lewdness or assignation.

Sec. 86-50. - Display of political advertisements.

It shall be unlawful for any person licensed by the city to operate or drive a taxicab upon any street within the city with a political ad displayed for anyone seeking public office at any time.

DIVISION 2. BUSINESS PERMIT

Sec. 86-66. - Required.

It shall be unlawful to operate or cause to be operated any taxicab business unless a permit for the operation thereof shall have been first issued by the city council in the manner provided in this division.

Sec. 86-67. Application and investigation.

(a) An application for the permit required by this division shall be made in writing to the city council. Such application shall set forth the name, residence address, and address of place of business of the

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applicant and the kind, make and model of the vehicle to be used in the business. If the applicant is a copartnership, the application shall give the nmes and residence addresses of the copartners. If the application is a corporation, the application shall set forth the name of the corporation and the residence address of its officers and board of directors. The application shall set forth the trade name, if any, under which the applicant does or proposes to do business.

(b) Upon the filing of an application, the city clerk shall make an investigation, including any hearing deemed necessary, as to each application for a permit for the operation of taxicabs. In determining whether a permit shall be issued, the city council shall investigate the fitness of the applicant to engage in the business of operating taxicabs and the fitness of the equipment to be used, and shall also consider and determine whether the demands of public convenience, necessity and safety justify the issuance of such permit.

Sec. 86 68. Issuance or denial.

If the city council finds favorably to the applicant and decides to grant a permit for the operation of taxicabs, a permit as provided in this division shall be issued to the applicant. If the city council finds against the applicant and decides that the public convenience, necessity and safety do not justify the issuance of such permit or that the applicant is not fit to conduct the taxicab business or the equipment is not fit for such business, then no permit shall be issued, and notice of the action of the city council shall be given to the applicant, setting forth the reason for the refusal of such permit.

Sec. 86-69. - Occupational license required.

Prior to the issuance of a permit for the operation of taxicabs, the applicant shall obtain an occupational license.

Sec. 86 70. Transfer.

A permit for the operation of taxicabs shall not be transferable, except upon application to and consent of the city council.

Sec. 86-71. - Suspension or revocation.

Whenever any person engaged in the taxicab business is found to be in violation of the provisions of this article or the traffic ordinances of the city or of any of the laws of the state, the city council may, upon complaint or upon its own motion, issue an order to such person to appear at a fixed time and place for investigation. If the city council is satisfied, after such hearing, that such person is guilty of the violations charged, it may, in its discretion, suspend for a fixed period or revoke entirely the permit issued to such person.

DIVISION 3. DRIVER'S PERMIT

Sec. 86-91. - Required.

No person shall operate or drive a taxicab upon any street unless he has obtained a permit pursuant to the provisions of this division.

Sec. 86-92. - Application and investigation.

Any person having resided continuously in the state for not less than six months immediately preceding the making of application for a permit to operate a taxicab and being 18 years of age or over may make application to the city clerk for a permit to operate a taxicab. A verbal or written examination,

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or both, may be given by the chief of police to each applicant to determine knowledge of city streets, locations and environs.

Sec. 86-93. - Issuance; contents.

It shall be the duty of the chief of police, if the applicant for a permit under this division is knowledgeable of the provisions of this article and of the traffic ordinance of the city, and the applicant pays the required fee and otherwise complies with this division for the initial year, to issue such person a written permit, which permit shall be signed by the city clerk and sealed with the corporate seal of the city, and shall bear the name, address, sex, age, signature, photograph and fingerprints of the applicant. The chief of police shall procure the fingerprints and a photograph of the applicant and shall keep the fingerprints and photograph on permanent file in his office. The fingerprints and photograph shall be voluntarily furnished by the applicant at the time of filing his application.

Sec. 86-94. - State commercial license required.

No person shall be issued a taxicab driver's permit unless he holds a commercial license issued by the state. Sec. 86-95. - Alteration or destruction prohibited.

It shall be unlawful for any person holding a taxicab driver's permit to wilfully alter, deface, obliterate or destroy the permit, or to cause the permit to be defaced, obliterated or destroyed.

Sec. 86-96. - Display.

Every driver or operator of any taxicab operated shall have his driver's permit displayed in such taxicab in a conspicuous place so as to be easily observed by any person occupying such taxicab.

Sec. 86 97. Suspension or revocation.

Whenever any operator or driver of a taxicab is found to be violating the provisions of this article, or the traffic ordinances of the city, or any of the laws of the state, the city council may, upon complaint or upon its own motion, issue an order to such operator or driver to appear at a fixed time and place for investigation. If the city council shall be satisfied after such hearing of the violation as charged, it may, in its discretion, suspend for a fixed period, or revoke entirely, the driver's permit issued.

Sec. 86 98. Appeals.

Any person whose taxicab driver's permit is refused, suspended or revoked by the chief of police may appeal, by filing notice thereof with the city clerk within 30 days from the time of such refusal, revocation or suspension. Such appeal as filed shall not act as a supersedeas until such time as the city council shall take final action on such appeal.

Backup material for agenda item:

2. Ordinance No. 2511 – Second Reading – Code of Ordinances, Chapter 86 "Vehicles for Hire." – Legislative Postpone



OTHER: Ordinance

CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA MEETING OF: November 2, 2016

X PUBLIC HEARING FROM: Community Development SPECIAL REPORTS EXHIBIT(S): Ordinance No. 2511

Lyft Comments

SUBJECT: ORDINANCE NO. 2511 - AMENDING THE CODE OF ORDINANCES.

REQUEST: SECOND READING OF ORDINANCE NO. 2511 – UPDATING THE VEHICLE FOR

HIRE REQUIREMENS.

SUMMARY:

The current process for review and approval of a Vehicle for Hire Permit (VHP) is to have an applicant submit the appropriate application and back up documentation, submit for a criminal background check, schedule to have the application reviewed by the Development Review Committee (DRC) and finally scheduled for review by the City Council. This process has caused difficulties and angst among the applicants which is inevitably directed toward administrative staff. This has increased with the popularity of Transportation Network Application companies such as Uber and Lyft. A review of the VHP process revealed that there were greater efficiencies that could be achieved if the process were administratively based. This would allow transportation service providers to receive their permits in approximately one week versus the current process which can take 1-2 months dependent upon the timing of the application submittal as it relates to DRC and City Council schedules.

Initially it was determined that a simple ordinance revision would be required to remove the DRC and City Council from the process. However as staff and the City Attorney reviewed the Chapter 86 of the Code of Ordinances it became evident that the code was so outdated that a complete revision was necessary. This is primarily based upon the fact that when the code was written, the only option available to hire a vehicle was through a taxi company. This has changed drastically based upon the advent of digitally based companies. The City Attorney conducted a preliminary review of the current requirements to identify possible amendments to address the emerging technologies and practices in the provision of passenger transportation services. Based on this preliminary review, it was determined that the current chapter be repealed and replaced it in its entirety.

Many of the vehicle for hire permitting requirements relate directly to ensuring public safety, including a satisfactory criminal background check, and proof of insurance. Such requirements are important for any type of vehicle for hire service, whether it is a traditional taxicab company or a network of independent contractors providing transportation services through a transportation network company.

The proposed ordinance is based upon models in Orlando and Tallahassee which have proven successful.

PUBLIC HEARING SCHEDULE:

September 7, 2016 - City Council 1st Reading (1:30 pm) September 21, 2016 - City Council 2nd Reading (7:00 pm)

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief

CITY COUNCIL – NOVEMBER 2, 2016 CHAPTER 86 – VEHICLE FOR HIRE PAGE 2

DULY ADVERTISED:

August 19, 2016 – Public Hearing Notice September 9, 2016 – Ordinance Heading

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the amendment to the City of Apopka, Code of Ordinances, amending the City of Apopka, Code of Ordinances, Chapter 86 – Vehicle for Hire - vacating and deleting the provisions of chapter 86 of the city code as currently written, adopting new provisions in said chapter amending the permitting and regulation of taxicabs and creating regulations for transportation services and transportation network application companies and operators.

The **City Council**, at its meeting on September 7, 2016, accepted the First Reading of Ordinance No. 2511 and held it over for Second Reading and Adoption on September 21, 2016.

The **City Council**, at its meeting on September 21, 2016, postponed the Second Reading of Ordinance No. 2511 due to concerns expressed by the transportation network company, Lyft, and held it over for Second Reading and Adoption on October 5, 2016.

The **City Council**, at its meeting on October 5, 2016, postponed the Second Reading of Ordinance No. 2511; and held it over for Second Reading and Adoption on November 2, 2016 to allow the new Community Development Director time to acquaint himself with the amendment.

Adopt Ordinance No. 2511.

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

ORDINANCE NO. 2511

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, VACATING AND DELETING THE PROVISIONS OF CHAPTER 86 OF THE CITY CODE OF ORDINANCES AS CURRENTLY WRITTEN, ADOPTING NEW PROVISIONS IN SAID CHAPTER AMENDING THE PERMITTING AND REGULATION OF **TAXICABS AND CREATING** REGULATIONS TRANSPORTATION SERVICES **TRANSPORTATION** AND NETWORK APPLICATION COMPANIES AND OPERATORS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka believes that it is necessary and in the best interest of the City to update its regulations for vehicles for hire in recognition of changes and advances in modern business models of private automobile transportation.

LESIGLATIVE UNDERSCORING: <u>Underlined words</u> constitute additions to the City of Apopka Code of Ordinances, <u>strikethrough</u> constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

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

SECTION 1. The provisions of CHAPTER 86, VEHICLES FOR HIRE, shall be vacated and deleted in its entirety, and the following shall be adopted in their place. The provisions to be vacated and deleted are attached as Exhibit "A."

Chapter 86 - VEHICLES FOR HIRE

ARTICLE I. - IN GENERAL

Sec. 86-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Company means any person, association, corporation or other organization which operates or intends to engage in the business of operating vehicles for hire or operate as a TNC.

Conviction means the conviction by a court including an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

Digital platform means any online or smartphone enabled application that allows passengers to request transportation network vehicle services.

Digital credential means the permission or access given to a driver to operate on a company's digital platform.

Driver means an individual permitted to drive a vehicle for hire.

Fees mean nonrefundable payments required in this chapter.

Limousine means a specialized vehicle not equipped with a taximeter and for hire only by prearrangement at a rate charged per hour, or fixed in advance, and provided also that each such vehicle for hire is: (1) chauffeured, (2) a luxury class passenger vehicle built or modified for the purpose of a limousine as defined and recognized by the limousine industry; and (3) operated on a reserved, hourly

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basis for a continuous period. A vehicle which is held out to be a limousine or which has an appearance deceptively similar to a limousine is a limousine for the purposes of this chapter.

Narcotic drugs, barbituric acid derivatives and central nervous system stimulants. The term "narcotic drugs" as used in this chapter shall mean coca leaves, opium, cannabis, marijuana, isonipecaine and every synthetic substance known to have narcotic action. The term "barbituric acid derivative" means each of the salts and derivatives of barbituric acid, also known as malonyl urea, and derivatives, compounds, mixtures or preparations thereof. "Barbiturate" or "barbiturates" shall include all hypnotic or somnifacient drugs, whether or not derivatives of barbituric acids. The term "central nervous system stimulants" means amphetamine and desocyephedrine, and any derivative, compounds, mixture or preparation thereof.

Permit means the authority granted to companies to operate, or persons who qualify to drive, vehicles for hire.

Revocation means the rescinding of a permit. A person or entity whose permit is revoked shall not be entitled to reinstatement or an opportunity to reapply for such permit for a period of two years except as provided in subsection 86-61(5).

Shuttle bus means a vehicle with a capacity of at least eight persons, including the driver, that is operated on a fixed route, or owner and operated directly by a motel or hotel and limited to registered guests thereof.

Suspension means the temporary rescinding of a permit or license. The suspension may be for a time certain or indefinite pending compliance with the terms of this chapter.

Taxicab means a vehicle for hire with a capacity of not more than eight persons, including the driver, equipped with a taximeter operated under a company and vehicle permit required by this article, which is routed under the direction of the person hiring the vehicle.

Taximeter means an instrument or device attached to a vehicle and designed to measure mechanically or electronically the distance traveled by such vehicle, to record the times such vehicle travels or is in waiting, and to indicate the fare to be obtained.

Transportation service means a vehicle for hire with a capacity of not more than eight persons, including the driver, which is not equipped with a taximeter, which charges passengers a fare generally based on a flat fee, and does not operate over a fixed or defined route but routed under the direction of the person hiring the vehicle.

Transportation network application company ("TNC company") means any company operating in the city that uses a digital network or software application to connect a passenger to transportation network services provided by a transportation network operator.

Transportation network operator means any driver or operator who operates a personal vehicle that utilizes any digital platform to arrange transportation of a passenger between points chosen by the passenger and that is in connection with a digital platform controlled by a TNC company.

Transportation network service means the provision of transportation by a transportation network operator to a rider, beginning when the transportation network operator accepts a ride requested through a digital platform controlled by a TNC company, continuing while the transportation network operator transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle.

Use of narcotic drugs. The word "use" as employed in this chapter in relation to the drugs described in this chapter shall apply to any person who uses one or more of the narcotic drugs or barbituric acid derivatives or central nervous system stimulants as defined this section to any extent, with or without medical need or authority or prescription.

Vehicle for hire means any vehicle, whether owned by the driver or company, that is operated by a taxicab driver, transportation service driver, transportation network operator, any other motor vehicle

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with driver transporting passengers for a fare, fee, or other charge in the city. The term vehicle for hire, by definition, excludes:

- (1) School, church, college or university buses;
- (2) Sightseeing cars and buses;
- (3) Ambulances;
- (4) Funeral home vehicles;
- (5) Interstate buses;
- (6) Limousines;
- (7) Shuttle buses.

Vehicle for hire administrator means the City Administrator or his/her designee.

ARTICLE II. - COMPANY PERMIT

Sec. 86-31. - Application; contents.

- (a) No taxicab company, transportation service, or TNC company shall operate or engage in the business of operating vehicles for hire or operating a TNC within the city without having first obtained a company permit from the vehicle for hire administrator or designee. An application shall be submitted on forms furnished by the vehicles for hire administrator or designee containing appropriate information which is reasonably related to the business of operating vehicles for hire.
- (b) In order to secure or renew a company permit, the company applicant shall file an application with the vehicles for hire administrator or designee, and such application shall be verified under oath and shall furnish the following information:
 - (1) The name and address of the company. If the company is a corporation or partnership, the name and address of all officers, shareholders, partners or any principals or owners with an interest greater than five percent of the company must be listed.
 - (2) The color scheme and insignia to be used to designate the vehicles of any taxicab company.
 - (3) No company permit shall be granted to a taxicab company operating less than five vehicles. The vehicles must be currently operating, licensed, and inspected as required by this chapter. Each vehicle must conform to the United States Department of Transportation (USDOT) maximum passenger standards allowed for the vehicle to operate.
 - (4) Proof of proper amount of insurance coverage as provided in section 86-93, with the insurance coverage being filed with vehicle for hire administrator and approved by the City.
 - (5) Such other information as the vehicle for hire administrator may require.
- (c) Payment of an annual company permit fee of \$250.00.

Sec. 86-32. - Maintaining a company permit.

- (a) In order to maintain a company permit to operate or engage in the business of operating vehicles for hire or operating a TNC, the company must:
 - (1) Obtain and hold a current business tax receipt from the city as required by chapter 74, if applicable.
 - (2) Maintain a telephone number that is monitored 24 hours a day for emergency contact by the vehicle for hire administrator or designee or law enforcement, and an e-mail address for citizen complaints or concerns.

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- (3) Maintain the name, home address, and telephone number of each driver affiliated with the company.
- (4) Maintain a log listing the year, make, model, license plate number, and vehicle identification number (serial number) and ownership status of all vehicles in the company's fleet or that operate on a company's platform.
- (5) Maintain proper amount of insurance as provided in section 86-93.
- (6) Maintain records available for inspection, upon request by the vehicle for hire administrator or designee, pursuant to a complaint received or if the vehicle for hire administrator has a reasonable basis to suspect that a company or driver is violating the requirements of this chapter. The records shall include, but not be limited to, records pertaining to permitted/certified drivers, vehicle inspection records, daily logs, and that the maximum rate charged in compliance with section 86-95. Unless otherwise agreed to by the company and the vehicle for hire administrator, such records shall be made available for inspection to the vehicle for hire administrator at a permit holder's place of business or a mutually agreed location in the city.
- (7) Each company shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to all drivers, and provide notice of the policy to all company drivers and to the public through its website, if applicable. In addition, the company shall provide notice to the public on the procedure for reporting a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride. The company shall cooperate with the vehicle for hire administrator or designee during the pendency of the investigation pursuant to subsection 86-63(b)(3).
- (8) The vehicle for hire administrator or police chief is authorized to conduct annual audits of any company authorized to operate under this chapter. The company shall provide to the vehicle for hire administrator, on request, up to 250 unique identification numbers, each of which has been assigned to an individual driver affiliated with the company. The vehicle for hire administrator may send to the company a list of up to ten driver identification numbers and request copies of records held by the company for those ten drivers. Within five business days of receiving a request seeking records, the company shall make available to the vehicle for hire administrator at a company's place of business or a mutually agreed setting in the city, records to verify that the company has properly screened drivers in accordance with section 86-61; provided, that the company may redact any records it provides access to in order to protect the privacy and identifying information of the driver.

Sec. 86-33. - Revocation or suspension of a company permit; grounds; right of appeal.

- (a) Revocation or suspension of company permit; grounds. Upon a finding of due cause, as defined in subsection (b) of this section, the vehicle for hire administrator or designee shall have the authority to revoke or suspend any company permit which has been granted or which may hereinafter be granted by the city. Prior to suspension or revocation, the company shall be served notice by certified mail or hand delivery of the proposed action to be taken and shall have an opportunity to present to the vehicle for hire administrator or designee evidence as to why the company permit should not be revoked or suspended.
- (b) Causes for revocation or suspension. Due cause for revocation or suspension of a company permit shall include but shall not be limited to the following:
 - (1) The failure of the company to maintain any of the general qualifications applicable to the initial granting of the company permit as set forth in section 86-31 or maintaining a company permit as set forth in section 86-32.
 - (2) Obtaining a company permit by providing false information.

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- (3) Conviction by a court of competent jurisdiction of any shareholder, officer, partner, member, principal or owner of any corporation, partnership, firm or association holding a five percent interest or more in the entity, of any of the following: criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants if such violation or violations are related to operation of the company, or violation of any ordinance of the city governing the conduct of a company.
- (4) Allowing any person to operate a company's designated vehicle for hire, or operate on the company's digital platform, without an active driver permit or credential, or when said person's permit or credential has been suspended or revoked because of a positive drug test pursuant to section 86-63.
- (c) *Right of appeal*. Any company whose permit is revoked or suspended by the vehicle for hire administrator or designee may appeal such decision to the City Council. Such appeal shall be taken by filing written notice thereof, in duplicate, with the city administrator's office within five days after the decision of the vehicles for hire administrator or designee. The notice of the appeal shall contain the grounds for the appeal and shall contain information that either the finding is contrary to the law or is not supported by competent substantial evidence. The vehicle for hire administrator or designee shall forthwith transmit copies of the appeal to the City Council along with all papers constituting the record upon which the action appealed from is based. The filing of a notice of appeal will not delay the effectiveness of any suspension or revocation.

ARTICLE III. - VEHICLE FOR HIRE DRIVERS

Sec. 86-60. - Prohibition against unauthorized operation.

- (a) It shall be unlawful for any person to drive or operate on behalf of a taxicab company, transportation service, or other vehicle for hire for the transportation of passengers within the city, or on a TNC's digital platform, or to cause or permit any other person to drive or operate a vehicle for hire:
 - (1) Without first obtaining a written permit for the operation of a motor vehicle for hire from the vehicle for hire administrator or designee;
 - (2) Without having been certified to operate a motor vehicle for hire on behalf of a company or on the company's digital platform; or
 - (3) When the company permit has previously been revoked pursuant to section 86-33.
- (b) Any person found to have violated this section shall be punished by the following:
 - (1) A fine \$150.00 for the first citation;
 - (2) A fine of \$250.00 for the second citation; and
 - (3) A fine of \$500.00 for the third or subsequent citation.

Sec. 86-61. - Application for driver's permit.

- (a) In order to secure a driver permit or to obtain certification from a company, an applicant must:
 - (1) Be at least 18 years of age;
 - (2) Possess a valid state driver's license;
 - (3) For a period of three years prior to the date of application not have been convicted of:
 - a. Driving under the influence of intoxicating beverages or drugs; or

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- b. Violation of any ordinance or law, other than minor traffic offenses, in connection with the operation of a motor vehicle.
- (4) For a period of three years prior to the date of application not have more than three moving violations;
- (5) Not have been convicted within the seven years previous to the date of application for the violation of any of the following criminal offenses of the state or any other state or of the United States: aggravated battery, burglary, aggravated assault, kidnapping, robbery, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the offenses listed in this subsection, or been convicted within the last seven years of any felony in the commission of which a motor vehicle was used, perjury or false swearing in making any statement under oath in connection with application for a driver's permit, any felony involving theft, or possession, sale or distribution of narcotic drugs, barbituric acid derivative and/or central nervous system stimulants. Applicants who have been convicted or served any time, probation, or parole for a criminal offense of homicide, rape, sexual battery, or child molestation must have their complete criminal history reviewed and approved by the vehicle for hire administrator;
- (6) Be able to communicate in the English language.
- (b) An applicant may apply for a permit or credential by completing a form provided by the vehicle for hire administrator establishing that the applicant meets the requirements of subsection.
- (c) Upon approval by the vehicle for hire administrator or designee, or certification by the taxicab company, transportation service, or TNC company, the driver shall be issued:
 - (1) A permit from the vehicle for hire administrator or designee; or
 - (2) Credentials from the taxicab company, transportation service, or TNC company, which may be digital credentials, indicating that the driver was certified by the company, and the credential shall include the following information:
 - a. The name or logo of the company;
 - b. The name of the driver;
 - c. The license plate number associated with the vehicle that the driver has been authorized to use.
 - (3) The driver shall display the permit or credential in a manner that it is visible to the passengers of the vehicle while the vehicle is operating, or make available at a minimum the driver's first name, photograph, and make, model, and license plate number to the passenger through the company's digital platform. The driver shall present the permit or credential upon request to a law enforcement officer, the vehicle for hire administrator or designee, or designated airport personnel upon request. If the driver maintains a digital credential, upon a traffic stop, a driver shall provide law enforcement with access to a device containing the information required to be maintained as part of the driver's digital credential and an electronic record sufficient to establish that the trip in question was prearranged through a digital platform.
- (d) An applicant must pay an annual driver application fee of \$100.00.

Sec. 86-62. - Maintaining driver's permit.

In order to maintain a valid permit or credential to drive a taxicab, transportation service, or other vehicle for hire, a driver must:

- (1) Wear proper dress while operating a vehicle for hire.
- (2) Maintain a neat appearance.

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- (3) Not smoke while carrying passengers.
- (4) Maintain a log upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. Such logs must be maintained by the company or the vehicle owner, if not maintained by the driver, and shall be made available to the vehicle for hire administrator or designee for a compliance inquiry if the administrator has a reasonable basis to suspect that a company or driver is violating the requirements of this chapter.
- (5) Renew his driver's permit or credential during the month of the driver's permit or credential expiration date.
- (6) Wear a seatbelt at all times while operating a vehicle for hire or providing transportation network services.

Sec. 86-63. - Revocation or suspension of driver's permits; grounds; right of appeal.

- (a) Revocation or suspension of driver's permits or credential. Upon a finding of due cause, as defined in subsection (b) of this section, the vehicle for hire administrator or designee shall have the authority to revoke or suspend any driver's permit or credential which has been issued or which may hereinafter be issued by the city. Before a driver's permit or credential shall be denied, suspended or revoked, notice of intention thereof shall be served upon the driver either by registered mail or personal service; however, such notice shall not be necessary for a denial of an original permit or credential. However, any such applicant or driver shall be given an opportunity to be heard by the vehicle for hire administrator or designee.
- (b) Causes for revocation or suspension. Due cause for revocation or suspension of a driver's permit or credential shall include but shall not be limited to the following:
 - (1) The failure of the driver to maintain any and all of the general qualifications as applicable to the initial issuance of a permit as set forth in section 86-61;
 - (2) Obtaining a permit or credential by providing false information;
 - (3) Violation by a driver of any of the following offenses:
 - a. Driving under the influence of intoxicating beverages or drugs. A driver shall be required to submit to a drug and/or alcohol test at the request of the vehicle for hire administrator or designee:
 - 1. Where reasonable suspicion exists that a driver is abusing alcohol or misusing prescription drugs or controlled substances; or
 - 2. Where a driver has been involved in a crash with serious injury or serious property damage while operating a vehicle for hire or providing transportation network services. "Serious injury" is defined as a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. "Serious property damage" is defined as one or more of the motor vehicles involved in the crash is "totaled", or one or more of the vehicles sustains significant disabling damage to public and/or private property which equals or exceeds an apparent damage of \$5,000.00 or more as estimated by the law enforcement officer who conducts the investigation at the scene of the traffic crash; or
 - b. Refusing or failing to submit to a drug test at the request of the vehicle for hire administrator or designee shall be due cause for revocation of the driver's permit or credential with no reapplication for one year. Failing a drug or alcohol test shall be due cause for revocation of the driver's permit or credential with no reapplication for one year.
 - c. Criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, lewd and lascivious acts, armed trespassing.

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carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants, violation of any ordinance of the city governing the conduct of drivers of a vehicle for hire.

- (4) Charging a fare contrary to any fares established and approved by the city commission pursuant to section 86-95;
- (5) Violation of any ordinances or law, other than minor traffic offenses, in connection with the operation of a taxicab, transportation service, TNC company, or other vehicle for hire;
- (6) Whenever it shall appear that a driver has disorders characterized by lapses of consciousness or other mental or physical disabilities affecting his or her ability to drive safely;
- (7) Accumulating nine or more points within a six-month period as outlined in F.S. § 322.27(3)d.
- (8) Violating the requirements of section 86-96.

Sec. 86-64. - Duration of driver permit.

Each driver permit or credential issued pursuant to section 86-61 above shall be valid for one year from the date of issuance.

ARTICLE IV. - VEHICLES FOR HIRE

Sec. 86-91. - Identifying signs, monograms and insignias.

(a) Taxicabs.

Each taxicab shall be readily identifiable as a taxicab and shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the franchise is issued. Each such taxicab shall also be numbered consecutively, with such numbers being placed conspicuously on each vehicle, with such numerals being not less than four and one-half inches nor more than six inches in height.

- (b) Transportation services.
 - (1) Each vehicle operated by a transportation service shall be readily identifiable as a transportation service and shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the vehicle is owned or operated by.
 - (2) No transportation service shall have any insignia or sign that identifies itself as a "taxi" or "cab" or otherwise gives the impression that it is a taxicab.
- (c) Transportation network application (TNC) company/transportation network operator.
 - (1) Each vehicle operated by a TNC company or transportation network operator shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the vehicle is owned or operated by, or any symbol or insignia approved by the vehicle for hire administrator.
 - (2) No transportation network operator vehicle shall have any insignia or sign that identifies itself as a "taxi" or "cab" or otherwise gives the impression that it is a taxicab, or otherwise give the impression that the operator is available to solicit passengers other than through the digital platform.
 - (3) No transportation network operator vehicle shall place any type or form of light device or other device on the roof, commonly known as a top light or top hat, whether or not permanently or temporarily affixed to the vehicle, or have within the interior of the vehicle.

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Sec. 86-92. - Taximeter.

- (a) All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in a manner so that the face thereof shall be visible and readable to passengers at all times both day and night. The face of the taximeter shall be set so that it will register and compute on a mileage basis while such taxicab is moving and on a time basis while such taxicab is standing and while the service is being rendered the fare to be charged. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism.
- (b) No vehicle for hire other than a taxicab is authorized to install or be equipped with a taximeter.

Sec. 86-93. - Liability insurance required.

No vehicle for hire shall be placed in service unless such vehicle is in compliance with Florida law for liability insurance purposes. Proof of such insurance coverage, which may be provided on a blanket basis, shall be filed annually with and approved by the vehicle for hire administrator or designee for the carriage of passengers.

Sec. 86-94. - Seat belts required.

All vehicles for hire covered by this chapter shall be equipped with operational seat belts for each passenger.

Sec. 86-95. - Authority of city commission to establish rates and charges; displaying rate cards.

- (a) Taxicabs.
 - (1) The city commission may by ordinance establish maximum rates and charges for the transportation of persons and their baggage within the corporate limits of the city and suburban territory adjacent thereto. Any ordinance establishing rates as provided by this section shall become effective 24 hours after its adoption.
 - (2) Every taxicab operating under this chapter shall have posted in a conspicuous place therein a schedule of rates for the transportation of person within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.
 - (3) There is hereby established a schedule of the maximum rates which can be charged by all taxicab drivers operating taxicabs within the city. A taximeter may be set so that it will register and compute on a mileage or other basis at less than the maximum rates set forth in this section.
- (b) Transportation service.
 - (1) All fares as agreed to between any transportation service operator and any passenger must be agreed upon prior to leaving the point of origin. No transportation service operator may increase the agreed upon fare after leaving the point of origin.
 - (2) No transportation service shall be authorized to charge for wait time, or to charge any other rates or fees except for mileage.
 - (3) Every transportation service vehicle shall have cards displayed visibly from the outside of the vehicle on the passenger side and on the inside of the right rear window at the eye level of a seated passenger that state the following: "RATE OF TRANSPORT IS BY FLAT FEE ONLY".
- (c) Transportation network application (TNC) company or transportation network operator.
 - (1) All TNC companies shall disclose the fare calculation method, the applicable rates being charged, and the option for an estimated fare to a passenger before the passenger arranges or books a trip with the transportation network application company or transportation network operator.

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(2) Upon completion of the trip, a TNC company shall transmit an electronic receipt to the passenger's e-mail or mobile application that lists the: origin and destination of the trip; the total time and distance of the trip; and a breakdown of the total fare paid, if any.

Sec. 86-96. - Miscellaneous regulations and other penalties.

- (a) It shall be unlawful for any driver or operator of a vehicle for hire to drive or operate or be on duty or on call for the operation of a vehicle for hire for more than 12 hours within any 24-hour period.
- (b) A driver shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.
- (c) No driver shall refuse to accept a passenger unless the passenger is obviously disorderly, dangerous, or otherwise a threat to the safety or welfare of the driver.
- (d) It shall be unlawful for the driver operating in the city to permit any person to accompany or use such vehicle for hire for the purpose of prostitution, or to direct, take or transport any other person with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution.
- (e) No vehicle for hire shall be permitted to carry nonpaying passengers while transporting a paying passenger or passengers except for the purpose of driver training.
- (f) No vehicle for hire shall solicit or carry a paying passenger while in the process of carrying another paying passenger except when requested to do so by the latter passenger.
- (g) Transportation network operators shall exclusively accept passengers booked through a transportation network company's digital platform, and shall not solicit or accept street-hails.
- (h) No TNC company may provide personal information about a passenger to a transportation network operator, including a passenger's full name, e-mail address, or telephone number.

Sec. 86-97. - Enforcement.

The city police department and the vehicles for hire administrator shall be authorized to enforce the regulations contained in this chapter, including the promulgation of rules consistent with this chapter and the setting of fees.

SECTION 2. CODIFICATION. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter ", "section ", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 3. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

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SECTION 5. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

	READ FIRST TIME:	September 7, 2016
	READ SECOND TIME AND ADOPTED:	November 2, 2016
ATTEST:	Joseph E. Kilsheimer, Mayor	
Linda G. Goff, City Clerk		
APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.		
Clifford B. Shepard, City Attorney		
DULY ADVERTISED FOR PUBLIC HE	ARING: August 19, 2016	

September 9, 2016

EXHIBIT "A"

Sec. 86-39. - Liability insurance.

- (a) It shall be unlawful for the owner, operator, driver or chauffeur of any taxicab to drive or operate the taxicab or to permit the taxicab to be driven or operated upon the public streets, unless such owner, operator, driver or chauffeur shall have first procured and filed with the city clerk a liability insurance policy issued by a good and responsible surety company, which insurance company or surety company must have authority to do business as such in the state and must be acceptable to and approved by the city council. The amount of liability insurance or surety bond for each taxicab shall be the minimum required by the state for liability insurance, or, if liability insurance is not required by state law, the minimum financial responsibility requirements of the Financial Responsibility Law, F.S. ch. 324.
- (b) Such policy of insurance or surety bond may be in the form of a separate policy or separate surety bond for each taxicab, or may be in the form of a fleet policy covering all taxicabs operated by such owner, operator, driver or chauffeur, in which latter event such policy of insurance or surety bond shall provide the same liability for each taxicab operated in service as specified in subsection (a) of this section. Every taxicab hired in service shall have conspicuously displayed therein or thereon some sign evidencing the fact that the provisions of this section have been complied with, with the form thereof to be prescribed by the chief of police.
- (c) No policy of insurance or surety bond as provided for in this section shall be cancelled until the expiration of five days after notice of intended cancellation thereof has been given in writing to the city clerk by registered mail or personal delivery of such notice, and a provision therefor shall be embodied in the policy or surety bond.

Sec. 86-40. - Use of streets for transacting business.

Except as provided in this article, no taxicab shall occupy space on the streets for the transaction of business other than the picking up of passengers. All places of business of taxicabs shall be maintained off the streets.

Sec. 86-41. Use of improper vehicles.

It shall be unlawful for any person to operate or drive, as a taxicab, in or upon any street, any motor-driven vehicle, unless the vehicle is a taxicab as defined in this article.

Sec. 86-42. Name of owner or operator to be displayed on vehicle.

It shall be unlawful for any taxicab to be driven upon the streets unless the name of the person either owning or operating such taxicab, or the trade name under which such taxicab is operated, is conspicuously painted on such taxicab in letters not less than two inches in height.

Sec. 86-43. - Meters.

(a) All taxicabs shall be equipped with mechanical devices, commonly called taxicab meters, for registering the fare to be charged.

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- (b) Every meter in use shall be placed in such taxicabs at a location that will be plainly visible at all times to the occupants of such taxicabs. Between the hours of sunset and sunrise, the dial of the meter shall be illuminated whenever it is in use.
- (c) Whenever a taxicab is not in service, the meter shall show no fare and the flag shall be in the upright position. When a taxicab is in service, the flag or indicator on the meter shall be lowered and the meter shall be in the calculating position.
- (d) Upon the completion of service by a taxicab, the flag or indicator on the meter shall be raised and the meter shall be returned to the noncalculating position and its dials cleared.
- (e) It shall be unlawful for the operator or driver of any taxicab to operate the taxicab on the streets of the city with any occupant in such taxicab other than the driver when the flag or indicator on the taxicab meter is upright and in the noncalculating position, except when operating on an hourly or trip rate.
- (f) When the hourly rate or the special trip rate is used, an appropriate sign indicating that the cab is on a trip or hourly rate shall be exhibited.
- (g) It shall be the duty of the person owning and operating taxicabs to have the meter in good working condition and operating accurately as to the registration of mileage and fare. Such meters shall be sealed in a manner that will prevent any person from tampering with or changing the adjustment of the meter. It shall be unlawful for any person to tamper with or change the adjustment of a meter, except the owner operating the taxicab to which such meter is affixed, or a person duly designated by the owner, or a meter mechanic.
- (h) It shall be unlawful for any person owning and operating taxicabs with meters affixed thereto to permit the taxicabs to be operated on the streets of the city when such meters do not accurately register the mileage and the rate as set forth by the ordinances of the city. All meters shall be subject to inspection and test by any police officer at all times when cabs are not carrying passengers.

Sec. 86-44. - Rates and charges.

- (a) Posting. Each taxicab shall have posted in a conspicuous place therein a schedule of rates for the transportation of persons within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.
- (b) Determination. All rate charges or fees for the use of taxicabs using meters shall be determined by a meter rate, hourly rate or special trip rate and by no other method. All charges are for the exclusive use of the taxicab, and shall apply regardless of the number of passengers transported.
- Sec. 86-45. Fare receipts; right to demand payment of fare in advance.

If demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the taxicab, at the time of such payment, a receipt therefor in legible writing, containing the name of the owner and the city license or permit number, showing upon such receipt all items for which a charge is made, the total amount paid and the date of payment. Every driver of any such taxicab shall have the right to demand payment of the legal fare in advance, and may refuse employment unless so prepaid.

Sec. 86-46. Soliciting passengers near intersection.

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It shall be unlawful for any person owning or operating one or more vehicles for hire in the city to operate such motor vehicles over and upon the streets of the city for the purpose of soliciting patronage, picking up passengers or delivering passengers at any point within 100 feet of any intersecting street corner along such street. It is the purpose and intent of this section to prohibit such practice within 100 feet in all directions from such intersections. Such distance in all cases shall be measured from the center of the intersection. Nothing in this subsection shall be construed as prohibiting the driver of any taxicab or vehicle operated for hire from responding to any specific request for passage from any person seeking the services offered by such taxi or motor vehicle or from stopping at any point within the city for the purpose of delivering a passenger who has been picked up at any part of the city in a manner not prohibited by law. This section shall not apply to any buses or motor vehicles owned or operated by any bus or transit company under an exclusive franchise from the city.

Sec. 86-47. Soliciting passengers by preceding or following scheduled bus.

It shall be unlawful for any person operating motor vehicles for hire in the city to operate such motor vehicle over and upon the streets of the city for the purpose of soliciting the patronage of passengers by immediately preceding or following any duly scheduled bus or motor vehicle operated for such purpose by any bus or transit company under an exclusive franchise from the city along the streets of the city. Nothing contained in this section shall be construed as prohibiting the driver of any duly licensed taxi from responding to any specific request for passage from any patron seeking the services offered by such duly licensed taxi.

Sec. 86-48. - Smoking by driver.

It shall be unlawful for any driver, operator or chauffeur of any taxicab to smoke while the taxicab is occupied by a passenger.

Sec. 86-49. - Use for immoral purposes.

It shall be unlawful for the driver of a taxicab to permit any person to accompany or use such taxicab for the purpose of prostitution, lewdness or assignation, or to direct, take or transport, or to offer or agree to direct, take or transport, any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution, lewdness or assignation.

Sec. 86-50. Display of political advertisements.

It shall be unlawful for any person licensed by the city to operate or drive a taxicab upon any street within the city with a political ad displayed for anyone seeking public office at any time.

DIVISION 2. BUSINESS PERMIT

Sec. 86-66. - Required.

It shall be unlawful to operate or cause to be operated any taxicab business unless a permit for the operation thereof shall have been first issued by the city council in the manner provided in this division.

Sec. 86-67. - Application and investigation.

(a) An application for the permit required by this division shall be made in writing to the city council. Such application shall set forth the name, residence address, and address of place of business of the applicant and the kind, make and model of the vehicle to be used in the business. If the applicant is

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a copartnership, the application shall give the nmes and residence addresses of the copartners. If the application is a corporation, the application shall set forth the name of the corporation and the residence address of its officers and board of directors. The application shall set forth the trade name, if any, under which the applicant does or proposes to do business.

(b) Upon the filing of an application, the city clerk shall make an investigation, including any hearing deemed necessary, as to each application for a permit for the operation of taxicabs. In determining whether a permit shall be issued, the city council shall investigate the fitness of the applicant to engage in the business of operating taxicabs and the fitness of the equipment to be used, and shall also consider and determine whether the demands of public convenience, necessity and safety justify the issuance of such permit.

Sec. 86-68. - Issuance or denial.

If the city council finds favorably to the applicant and decides to grant a permit for the operation of taxicabs, a permit as provided in this division shall be issued to the applicant. If the city council finds against the applicant and decides that the public convenience, necessity and safety do not justify the issuance of such permit or that the applicant is not fit to conduct the taxicab business or the equipment is not fit for such business, then no permit shall be issued, and notice of the action of the city council shall be given to the applicant, setting forth the reason for the refusal of such permit.

Sec. 86-69. Occupational license required.

Prior to the issuance of a permit for the operation of taxicabs, the applicant shall obtain an occupational license.

Sec. 86-70. - Transfer.

A permit for the operation of taxicabs shall not be transferable, except upon application to and consent of the city council.

Sec. 86-71. Suspension or revocation.

Whenever any person engaged in the taxicab business is found to be in violation of the provisions of this article or the traffic ordinances of the city or of any of the laws of the state, the city council may, upon complaint or upon its own motion, issue an order to such person to appear at a fixed time and place for investigation. If the city council is satisfied, after such hearing, that such person is guilty of the violations charged, it may, in its discretion, suspend for a fixed period or revoke entirely the permit issued to such person.

DIVISION 3. - DRIVER'S PERMIT

Sec. 86-91. Required.

No person shall operate or drive a taxicab upon any street unless he has obtained a permit pursuant to the provisions of this division.

Sec. 86-92. - Application and investigation.

Any person having resided continuously in the state for not less than six months immediately preceding the making of application for a permit to operate a taxicab and being 18 years of age or over may make application to the city clerk for a permit to operate a taxicab. A verbal or written examination,

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or both, may be given by the chief of police to each applicant to determine knowledge of city streets, locations and environs.

Sec. 86-93. - Issuance: contents.

It shall be the duty of the chief of police, if the applicant for a permit under this division is knowledgeable of the provisions of this article and of the traffic ordinance of the city, and the applicant pays the required fee and otherwise complies with this division for the initial year, to issue such person a written permit, which permit shall be signed by the city clerk and sealed with the corporate seal of the city, and shall bear the name, address, sex, age, signature, photograph and fingerprints of the applicant. The chief of police shall procure the fingerprints and a photograph of the applicant and shall keep the fingerprints and photograph on permanent file in his office. The fingerprints and photograph shall be voluntarily furnished by the applicant at the time of filing his application.

Sec. 86-94. State commercial license required.

No person shall be issued a taxicab driver's permit unless he holds a commercial license issued by the state.

Sec. 86-95. Alteration or destruction prohibited.

It shall be unlawful for any person holding a taxicab driver's permit to wilfully alter, deface, obliterate or destroy the permit, or to cause the permit to be defaced, obliterated or destroyed.

Sec. 86-96. - Display.

Every driver or operator of any taxicab operated shall have his driver's permit displayed in such taxicab in a conspicuous place so as to be easily observed by any person occupying such taxicab.

Sec. 86-97. - Suspension or revocation.

Whenever any operator or driver of a taxicab is found to be violating the provisions of this article, or the traffic ordinances of the city, or any of the laws of the state, the city council may, upon complaint or upon its own motion, issue an order to such operator or driver to appear at a fixed time and place for investigation. If the city council shall be satisfied after such hearing of the violation as charged, it may, in its discretion, suspend for a fixed period, or revoke entirely, the driver's permit issued.

Sec. 86-98. Appeals.

Any person whose taxicab driver's permit is refused, suspended or revoked by the chief of police may appeal, by filing notice thereof with the city clerk within 30 days from the time of such refusal, revocation or suspension. Such appeal as filed shall not act as a supersedeas until such time as the city council shall take final action on such appeal.



September 21, 2016

Mayor Joe Kilsheimer Commissioner Billie Dean Commissioner Diane Velazquez Commissioner Doug Bankson Commissioner Kyle Becker 120 East Main Street, First Floor Apopka, FL 32703

RE: LYFT TESTIMONY AND PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2511

Dear Mayor Kilsheimer and Commissioners,

Thank you for the opportunity to provide testimony on Proposed Ordinance 2511 for consideration by the full Council. We at Lyft believe in working collaboratively towards developing an appropriate regulatory framework to allow for the successful continuing operation of Lyft, other ridesharing platforms, and existing industry.

While Lyft supports many of the changes made to the City's Vehicle for Hire Code in Proposed Ordinance 2511, Lyft believes that there are still ways in which the Proposed Ordinance should be improved. As such, we respectfully request the Council to consider delaying any action on Proposed Ordinance until the next full Council meeting.

While we appreciate the Council's work in updating the City's Vehicle for Hire Code, Lyft respectfully suggests that some areas of the Proposed Ordinance be reconsidered, and that the Council considers eliminating some of the burdens placed on individual drivers.

Please find attached our suggested amendments to Proposed Ordinance 2511, which we hope will be given fair consideration with an opportunity for both public and City Council input.

Thank you for your consideration.

Sincerely,

Timothy Alborg Public Policy Manager

ORDINANCE NO. 2511

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, VACATING AND DELETING THE PROVISIONS OF CHAPTER 86 OF THE CITY CODE OF ORDINANCES AS CURRENTLY WRITTEN, ADOPTING NEW PROVISIONS IN SAID CHAPTER AMENDING THE PERMITTING AND REGULATION OF TAXICABS AND CREATING REGULATIONS FOR TRANSPORTATION SERVICES AND TRANSPORTATION NETWORK APPLICATION COMPANIES AND OPERATORS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka believes that it is necessary and in the best interest of the City to update its regulations for vehicles for hire in recognition of changes and advances in modern business models of private automobile transportation.

LESIGLATIVE UNDERSCORING: <u>Underlined words</u> constitute additions to the City of Apopka Code of Ordinances, <u>strikethrough</u>-constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

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

SECTION 1. The provisions of CHAPTER 86, VEHICLES FOR HIRE, shall be vacated and deleted in its entirety, and the following shall be adopted in their place. The provisions to be vacated and deleted are attached as Exhibit "A."

Chapter 86 - VEHICLES FOR HIRE

ARTICLE I. - IN GENERAL

Sec. 86-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Company means any person, association, corporation or other organization which operates or intends to engage in the business of operating vehicles for hire or operate as a TNC.

Conviction means the conviction by a court including an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

Digital platform means any online or smartphone enabled application that allows passengers to request transportation network vehicle services.

Digital credential means the permission or access given to a driver to operate on a company's digital platform.

Driver means an individual permitted to drive a vehicle for hire.

Fees mean nonrefundable payments required in this chapter.

Limousine means a specialized vehicle not equipped with a taximeter and for hire only by prearrangement at a rate charged per hour, or fixed in advance, and provided also that each such vehicle for hire is: (1) chauffeured, (2) a luxury class passenger vehicle built or modified for the purpose of a limousine as defined and recognized by the limousine industry; and (3) operated on a reserved, hourly

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basis for a continuous period. A vehicle which is held out to be a limousine or which has an appearance deceptively similar to a limousine is a limousine for the purposes of this chapter.

Narcotic drugs, barbituric acid derivatives and central nervous system stimulants. The term "narcotic drugs" as used in this chapter shall mean coca leaves, opium, cannabis, marijuana, isonipecaine and every synthetic substance known to have narcotic action. The term "barbituric acid derivative" means each of the salts and derivatives of barbituric acid, also known as malonyl urea, and derivatives, compounds, mixtures or preparations thereof. "Barbiturate" or "barbiturates" shall include all hypnotic or somnifacient drugs, whether or not derivatives of barbituric acids. The term "central nervous system stimulants" means amphetamine and desocyephedrine, and any derivative, compounds, mixture or preparation thereof.

Permit means the authority granted to companies to operate, or persons who qualify to drive, vehicles for hire.

Revocation means the rescinding of a permit. A person or entity whose permit is revoked shall not be entitled to reinstatement or an opportunity to reapply for such permit for a period of two years except as provided in subsection 86-61(5).

Shuttle bus means a vehicle with a capacity of at least eight persons, including the driver, that is operated on a fixed route, or owner and operated directly by a motel or hotel and limited to registered guests thereof.

Suspension means the temporary rescinding of a permit or license. The suspension may be for a time certain or indefinite pending compliance with the terms of this chapter.

Taxicab means a vehicle for hire with a capacity of not more than eight persons, including the driver, equipped with a taximeter operated under a company and vehicle permit required by this article, which is routed under the direction of the person hiring the vehicle.

Taximeter means an instrument or device attached to a vehicle and designed to measure mechanically or electronically the distance traveled by such vehicle, to record the times such vehicle travels or is in waiting, and to indicate the fare to be obtained.

Transportation service means a vehicle for hire with a capacity of not more than eight persons, including the driver, which is not equipped with a taximeter, which charges passengers a fare generally based on a flat fee, and does not operate over a fixed or defined route but routed under the direction of the person hiring the vehicle.

Transportation network application company ("TNC company") means any company operating in the city that uses a digital network or software application to connect a passenger to transportation network services provided by a transportation network operator.

Transportation network operator means any driver or operator who operates a personal vehicle that utilizes any digital platform to arrange transportation of a passenger between points chosen by the passenger and that is in connection with a digital platform controlled by a TNC company.

Transportation network service means the provision of transportation by a transportation network operator to a rider, beginning when the transportation network operator accepts a ride requested through a digital platform controlled by a TNC company, continuing while the transportation network operator transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle.

Use of narcotic drugs. The word "use" as employed in this chapter in relation to the drugs described in this chapter shall apply to any person who uses one or more of the narcotic drugs or barbituric acid derivatives or central nervous system stimulants as defined this section to any extent, with or without medical need or authority or prescription.

Vehicle for hire means any vehicle, whether owned by the driver or company, that is operated by a taxicab driver, transportation service driver, transportation network operator, any other motor vehicle

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with driver transporting passengers for a fare, fee, or other charge in the city. The term vehicle for hire, by definition, excludes:

- (1) School, church, college or university buses;
- (2) Sightseeing cars and buses;
- (3) Ambulances:
- (4) Funeral home vehicles;
- (5) Interstate buses;
- (6) Limousines:
- (7) Shuttle buses.

Vehicle for hire administrator means the City Administrator or his/her designee.

ARTICLE II. - COMPANY PERMIT

Sec. 86-31. - Application; contents.

- (a) No taxicab company, transportation service, or TNC company shall operate or engage in the business of operating vehicles for hire or operating a TNC within the city without having first obtained a company permit from the vehicle for hire administrator or designee. An application shall be submitted on forms furnished by the vehicles for hire administrator or designee containing appropriate information which is reasonably related to the business of operating vehicles for hire.
- (b) In order to secure or renew a company permit, the company applicant shall file an application with the vehicles for hire administrator or designee, and such application shall be verified under oath and shall furnish the following information:
 - (1) The name and address of the company. If the company is a corporation or partnership, the name and address of all officers, shareholders, partners or any principals or owners with an interest greater than five-twenty percent of the company must be listed.
 - (2) The color scheme and insignia to be used to designate the vehicles of any taxicab company.
 - (3) No company permit shall be granted to a taxicab company operating less than five vehicles. The vehicles must be currently operating, licensed, and inspected as required by this chapter. Each vehicle must conform to the United States Department of Transportation (USDOT) maximum passenger standards allowed for the vehicle to operate.
 - (4) Proof of proper amount of insurance coverage as provided in section 86-93, with the insurance coverage being filed with vehicle for hire administrator and approved by the City.
 - (5) Such other information as the vehicle for hire administrator may require.
- (c) Payment of an annual company permit fee of \$250.00.

Sec. 86-32. - Maintaining a company permit.

- (a) In order to maintain a company permit to operate or engage in the business of operating vehicles for hire or operating a TNC, the company must:
 - Obtain and hold a current business tax receipt from the city as required by chapter 74, if applicable.
 - (2) Maintain a telephone number that is monitored 24 hours a day for emergency contact by the vehicle for hire administrator or designee or law enforcement, and an e-mail address for citizen complaints or concerns.

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- (3) Maintain the name, home address, and telephone number of each driver affiliated with the company.
- (4) Maintain a log listing the year, make, model, license plate number, and vehicle identification number (serial number) and ownership status of all vehicles in the company's fleet or that operate on a company's platform.
- (5) Maintain proper amount of insurance as provided in section 86-93.
- (6) Maintain records available for inspection, upon request by the vehicle for hire administrator or designee, pursuant to a complaint received or if the vehicle for hire administrator has a reasonable basis to suspect that a company or driver is violating the requirements of this chapter. The records shall include, but not be limited to, records pertaining to permitted/certified drivers, vehicle inspection records, daily logs, and that the maximum rate charged in compliance with section 86-95. Unless otherwise agreed to by the company and the vehicle for hire administrator, such records shall be made available for inspection to the vehicle for hire administrator at a permit holder's place of business or a mutually agreed location in the city.
- (7) Each company shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to all drivers, and provide notice of the policy to all company drivers and to the public through its website, if applicable. In addition, the company shall provide notice to the public on the procedure for reporting a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride. The company shall cooperate with the vehicle for hire administrator or designee during the pendency of the investigation pursuant to subsection 86-63(b)(3).
- (8) The vehicle for hire administrator or police chief is authorized to conduct annual audits of any company authorized to operate under this chapter. The company shall provide to the vehicle for hire administrator, on request, up to 250 unique identification numbers, each of which has been assigned to an individual driver affiliated with the company. The vehicle for hire administrator may send to the company a list of up to ten driver identification numbers and request copies of records held by the company for those ten drivers. Within five business days of receiving a request seeking records, the company shall make available to the vehicle for hire administrator at a company's place of business or a mutually agreed setting in the city, records to verify that the company has properly screened drivers in accordance with section 86-61; provided, that the company may redact any records it provides access to in order to protect the privacy and identifying information of the driver.

Sec. 86-33. - Revocation or suspension of a company permit; grounds; right of appeal.

- (a) Revocation or suspension of company permit; grounds. Upon a finding of due cause, as defined in subsection (b) of this section, the vehicle for hire administrator or designee shall have the authority to revoke or suspend any company permit which has been granted or which may hereinafter be granted by the city. Prior to suspension or revocation, the company shall be served notice by certified mail or hand delivery of the proposed action to be taken and shall have an opportunity to present to the vehicle for hire administrator or designee evidence as to why the company permit should not be revoked or suspended.
- (b) Causes for revocation or suspension. Due cause for revocation or suspension of a company permit shall include but shall not be limited to the following:
 - (1) The failure of the company to maintain any of the general qualifications applicable to the initial granting of the company permit as set forth in section 86-31 or maintaining a company permit as set forth in section 86-32.
 - (2) Obtaining a company permit by providing false information.

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- (3) Conviction by a court of competent jurisdiction of any shareholder, officer, partner, member, principal or owner of any corporation, partnership, firm or association holding a five percent interest or more in the entity, of any of the following: criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault, kidnapping, robbery, child molestation, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants if such violation or violations are related to operation of the company, or violation of any ordinance of the city governing the conduct of a company.
- (4) Allowing any person to operate a company's designated vehicle for hire, or operate on the company's digital platform, without an active driver permit or credential, or when said person's permit or credential has been suspended or revoked because of a positive drug test pursuant to section 86-63.
- (c) Right of appeal. Any company whose permit is revoked or suspended by the vehicle for hire administrator or designee may appeal such decision to the City Council. Such appeal shall be taken by filing written notice thereof, in duplicate, with the city administrator's office within five days after the decision of the vehicles for hire administrator or designee. The notice of the appeal shall contain the grounds for the appeal and shall contain information that either the finding is contrary to the law or is not supported by competent substantial evidence. The vehicle for hire administrator or designee shall forthwith transmit copies of the appeal to the City Council along with all papers constituting the record upon which the action appealed from is based. The filing of a notice of appeal will not delay the effectiveness of any suspension or revocation.

ARTICLE III. - VEHICLE FOR HIRE DRIVERS

Sec. 86-60. - Prohibition against unauthorized operation.

- (a) It shall be unlawful for any person to drive or operate on behalf of a taxicab company, transportation service, or other vehicle for hire for the transportation of passengers within the city, or on a TNC's digital platform, or to cause or permit any other person to drive or operate a vehicle for hire:
 - (1) Without first obtaining a written permit for the operation of a motor vehicle for hire from the vehicle for hire administrator or designee;
 - (2) Without having been certified to operate a motor vehicle for hire on behalf of a company or on the company's digital platform; or
 - (3) When the company permit has previously been revoked pursuant to section 86-33.
- (b) Any person found to have violated this section shall be punished by the following:
 - (1) A fine \$150.00 for the first citation;
 - (2) A fine of \$250.00 for the second citation; and
 - (3) A fine of \$500.00 for the third or subsequent citation.

Sec. 86-61. - Application for driver's permit.

- (a) In order to secure a driver permit or to obtain certification from a company, an applicant must:
 - (1) Be at least 18 years of age;
 - (2) Possess a valid state driver's license;
 - (3) For a period of three years prior to the date of application not have been convicted of:
 - a. Driving under the influence of intoxicating beverages or drugs; or

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- Violation of any ordinance or law, other than minor traffic offenses, in connection with the operation of a motor vehicle.
- (4) For a period of three years prior to the date of application not have more than three moving violations:
- (5) Not have been convicted within the seven years previous to the date of application for the violation of any of the following criminal offenses of the state or any other state or of the United States: aggravated battery, burglary, aggravated assault, kidnapping, robbery, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the offenses listed in this subsection, or been convicted within the last seven years of any felony in the commission of which a motor vehicle was used, perjury or false swearing in making any statement under oath in connection with application for a driver's permit, any felony involving theft, or possession, sale or distribution of narcotic drugs, barbituric acid derivative and/or central nervous system stimulants. Applicants who have been convicted or served any time, probation, or parole for a criminal offense of homicide, rape, sexual battery, or child molestation must have their complete criminal history reviewed and approved by the vehicle for hire administrator;
- (0) Be able to communicate in the English language.
- (e)(b) An applicant may apply for a permit or credential by completing a form provided by the vehicle for hire administrator establishing that the applicant meets the requirements of subsection.
- (d)(c) Upon approval by the vehicle for hire administrator or designee, or certification by the taxicab company, transportation service, or TNC company, the driver shall be issued:
 - (1) A permit from the vehicle for hire administrator or designee; or
 - (2) Credentials from the taxicab company, transportation service, or TNC company, which may be digital credentials, indicating that the driver was certified by the company, and the credential shall include the following information:
 - a. The name or logo of the company;
 - The name of the driver;
 - The license plate number associated with the vehicle that the driver has been authorized to use.
 - (3) The driver shall display the permit or credential in a manner that it is visible to the passengers of the vehicle while the vehicle is operating, or make available at a minimum the driver's first name, photograph, and make, model, and license plate number to the passenger through the company's digital platform. The driver shall present the permit or credential upon request to a law enforcement officer, the vehicle for hire administrator or designee, or designated airport personnel upon request. If the driver maintains a digital credential, upon a traffic stop, a driver shall provide law enforcement with access to a device containing the information required to be maintained as part of the driver's digital credential and an electronic record sufficient to establish that the trip in question was prearranged through a digital platform.

An applicant must pay an annual driver application fee of \$100.00.

Sec. 86-62. - Maintaining driver's permit.

In order to maintain a valid permit or credential to drive a taxicab, transportation service, or other vehicle for hire, a driver must:

- (4) Wear proper dress while operating a vehicle for hire.
- (5) Maintain a neat appearance.

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- (6) Not smoke while carrying passengers.
- (7) Maintain a log upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. Such logs must be maintained by the company or the vehicle owner, if not maintained by the driver, and shall be made available to the vehicle for hire administrator or designee for a compliance inquiry if the administrator has a reasonable basis to suspect that a company or driver is violating the requirements of this chapter.
- (8) Renew his driver's permit or credential during the month of the driver's permit or credential expiration date.
- (9) Wear a seatbelt at all times while operating a vehicle for hire or providing transportation network services.

Sec. 86-63. - Revocation or suspension of driver's permits; grounds; right of appeal.

- (a) Revocation or suspension of driver's permits or credential. Upon a finding of due cause, as defined in subsection (b) of this section, the vehicle for hire administrator or designee shall have the authority to revoke or suspend any driver's permit or credential which has been issued or which may hereinafter be issued by the city. Before a driver's permit or credential shall be denied, suspended or revoked, notice of intention thereof shall be served upon the driver either by registered mail or personal service; however, such notice shall not be necessary for a denial of an original permit or credential. However, any such applicant or driver shall be given an opportunity to be heard by the vehicle for hire administrator or designee.
- (b) Causes for revocation or suspension. Due cause for revocation or suspension of a driver's permit or credential shall include but shall not be limited to the following:
 - (1) The failure of the driver to maintain any and all of the general qualifications as applicable to the initial issuance of a permit as set forth in section 86-61;
 - (2) Obtaining a permit or credential by providing false information;
 - (3) Violation by a driver of any of the following offenses:
 - a. Driving under the influence of intoxicating beverages or drugs. A driver shall be required to submit to a drug and/or alcohol test at the request of the vehicle for hire administrator or designee, upon receipt of a passenger complaint, ÷
 - b.a. Where reasonable suspicion exists that a driver is suspected of abusing alcohol or misusing prescription drugs or controlled substances; or.
 - Where a driver has been involved in a crash with serious injury or serious property damage while operating a vehicle for hire or providing transportation network services. "Serious injury" is defined as a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. "Serious property damage" is defined as one or more of the motor vehicles involved in the crash is "totaled", or one or more of the vehicles sustains significant disabling damage to public and/or private property which equals or exceeds an apparent damage of \$5,000.00 or more as estimated by the law enforcement officer who conducts the investigation at the scene of the traffic crash; or
 - d.b. Refusing or failing to submit to a drug test at the request of the vehicle for hire administrator or designee shall be due cause for revocation of the driver's permit or credential with no reapplication for one year. Failing a drug or alcohol test shall be due cause for revocation of the driver's permit or credential with no reapplication for one year.
 - ec. Criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault,

kidnapping, robbery, child molestation, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants, violation of any ordinance of the city governing the conduct of drivers of a vehicle for hire.

- (4) Charging a fare contrary to any fares established and approved by the city commission pursuant to section 86-95:
- (5) Violation of any ordinances or law, other than minor traffic offenses, in connection with the operation of a taxicab, transportation service, TNC company, or other vehicle for hire;

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- (6) Whenever it shall appear Upon receipt of a passenger complaint alleging that a driver has disorders characterized by lapses of consciousness or other mental or physical disabilities affecting his or her ability to drive safely;
- (7) Accumulating nine or more points within a six-month period as outlined in F.S. § 322.27(3)d.
- (8) Violating the requirements of section 86-96.

Sec. 86-64. - Duration of driver permit.

Each driver permit or credential issued pursuant to section 86-61 above shall be valid for one year from the date of issuance.

ARTICLE IV. - VEHICLES FOR HIRE

Sec. 86-91. - Identifying signs, monograms and insignias.

(a) Taxicabs.

Each taxicab shall be readily identifiable as a taxicab and shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the franchise is issued. Each such taxicab shall also be numbered consecutively, with such numbers being placed conspicuously on each vehicle, with such numerals being not less than four and one-half inches nor more than six inches in height.

- (b) Transportation services.
 - (1) Each vehicle operated by a transportation service shall be readily identifiable as a transportation service and shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the vehicle is owned or operated by.
 - (2) No transportation service shall have any insignia or sign that identifies itself as a "taxi" or "cab" or otherwise gives the impression that it is a taxicab.
- (c) Transportation network application (TNC) company/transportation network operator.
 - (1) Each vehicle operated by a TNC company or transportation network operator shall bear on the outside of each rear or front door, in letters not less than two inches in height, the name of the person or corporation to whom the vehicle is owned or operated by, or any symbol or insignia approved by the vehicle for hire administrated isplay a consistent signage or emblem on the transportation network operator's personal vehicle at all times while the transportation network operator is active on the TNC company's network. The signage or emblem shall be sufficiently large or color-contrasted to be readable during daylight hours from a distance of 50 feet, reflective, illuminated, or otherwise visible in darkness, and capable of sufficiently identifying a personal vehicle as being associated with the TNC company.

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- (2) No transportation network operator vehicle shall have any insignia or sign that identifies itself as a "taxi" or "cab" or otherwise gives the impression that it is a taxicab, or otherwise give the impression that the operator is available to solicit passengers other than through the digital platform.
- (3) No transportation network operator vehicle shall place any type or form of light device or other device on the roof, commonly known as a top light or top hat, whether or not permanently or temporarily affixed to the vehicle, or have within the interior of the vehicle.

Sec. 86-92. - Taximeter.

a. All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in a manner so that the face thereof shall be visible and readable to passengers at all times both

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day and night. The face of the taximeter shall be set so that it will register and compute on a mileage basis while such taxicab is moving and on a time basis while such taxicab is standing and while the service is being rendered the fare to be charged. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism.

a. No vehicle for hire other than a taxicab is authorized to install or be equipped with a taximeter.

Sec. 86-93. - Liability insurance required.

No vehicle for hire shall be placed in service unless such vehicle is in compliance with Florida law for liability insurance purposes. Proof of such insurance coverage, which may be provided on a blanket basis, shall be filed annually with and approved by the vehicle for hire administrator or designee for the carriage of passengers.

Sec. 86-94. - Seat belts required.

All vehicles for hire covered by this chapter shall be equipped with operational seat belts for each passenger.

Sec. 86-95. - Authority of city commission to establish rates and charges; displaying rate cards.

- (a) Taxicabs.
 - (1) The city commission may by ordinance establish maximum rates and charges for the transportation of persons and their baggage within the corporate limits of the city and suburban territory adjacent thereto. Any ordinance establishing rates as provided by this section shall become effective 24 hours after its adoption.
 - (2) Every taxicab operating under this chapter shall have posted in a conspicuous place therein a schedule of rates for the transportation of person within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.
 - (3) There is hereby established a schedule of the maximum rates which can be charged by all taxicab drivers operating taxicabs within the city. A taximeter may be set so that it will register and compute on a mileage or other basis at less than the maximum rates set forth in this section.
- (b) Transportation service.
 - (1) All fares as agreed to between any transportation service operator and any passenger must be agreed upon prior to leaving the point of origin. No transportation service operator may increase the agreed upon fare after leaving the point of origin.
 - (2) No transportation service shall be authorized to charge for wait time, or to charge any other

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rates or fees except for mileage.

- (3) Every transportation service vehicle shall have cards displayed visibly from the outside of the vehicle on the passenger side and on the inside of the right rear window at the eye level of a seated passenger that state the following: "RATE OF TRANSPORT IS BY FLAT FEE ONLY".
- (c) Transportation network application (TNC) company or transportation network operator.
 - All TNC companies shall disclose the fare calculation method, the applicable rates being charged, and the option for an estimated fare to a passenger before the passenger arranges or books a trip with the transportation network application company or transportation network operator.

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(2) Upon completion of the trip, a TNC company shall transmit an electronic receipt to the passenger's e-mail or mobile application that lists the: origin and destination of the trip; the total time and distance of the trip; and a breakdown of the total fare paid, if any.

Sec. 86-96. - Miscellaneous regulations and other penalties.

- (a) It shall be unlawful for any driver or operator of a vehicle for hire to drive or operate or be on duty or on call for the operation of a vehicle for hire for more than 12 hours within any 24-hour period.
- (b) A driver shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.
- (c) No driver shall refuse to accept a passenger unless the passenger is obviously disorderly, dangerous, or otherwise a threat to the safety or welfare of the driver.
- (d) It shall be unlawful for the driver operating in the city to permit any person to accompany or use such vehicle for hire for the purpose of prostitution, or to direct, take or transport any other person with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution.
- (e) No vehicle for hire shall be permitted to carry nonpaying passengers while transporting a paying passenger or passengers except for the purpose of driver training.
- (f) No vehicle for hire shall solicit or carry a paying passenger while in the process of carrying another paying passenger except when requested to do so by the latter passenger.
- (g) Transportation network operators shall exclusively accept passengers booked through a transportation network company's digital platform, and shall not solicit or accept street-hails.
- (h) No TNC company may provide personal information about a passenger to a transportation network operator, including a passenger's full name, e-mail address, or telephone number.

Sec. 86-97. - Enforcement.

The city police department and the vehicles for hire administrator shall be authorized to enforce the regulations contained in this chapter, including the promulgation of rules consistent with this chapter and the setting of fees.

SECTION 2. CODIFICATION. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word "ordinance" may be changed to "chapter", "section ", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 3. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

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SECTION 5. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

	READ FIRST TIME:	September 7, 2016		
	READ SECOND TIME AND ADOPTED:	<u>September 21, 2016</u>		
ATTEST:	Joseph E. Kilsheimer, Ma	yor		
Linda G. Goff, City Clerk				
APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.				
Clifford B. Shepard, City Attorney				
DULY ADVERTISED FOR PUBLIC HEARING: August 19, 2016				

September 9, 2016

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EXHIBIT "A"

Sec. 86-39. Liability insurance.

- (a) It shall be unlawful for the owner, operator, driver or chauffeur of any taxicab to drive or operate the taxicab or to permit the taxicab to be driven or operated upon the public streets, unless such owner, operator, driver or chauffeur shall have first procured and filed with the city clerk a liability insurance policy issued by a good and responsible surety company, which insurance company or surety company must have authority to do business as such in the state and must be acceptable to and approved by the city council. The amount of liability insurance or surety bond for each taxicab shall be the minimum required by the state for liability insurance, or, if liability insurance is not required by state law, the minimum financial responsibility requirements of the Financial Responsibility Law, F.S. ch. 324.
- (b) Such policy of insurance or surety bond may be in the form of a separate policy or separate surety bond for each taxicab, or may be in the form of a fleet policy covering all taxicabs operated by such owner, operator, driver or chauffeur, in which latter event such policy of insurance or surety bond shall provide the same liability for each taxicab operated in service as specified in subsection (a) of this section. Every taxicab hired in service shall have conspicuously displayed therein or thereon some sign evidencing the fact that the provisions of this section have been complied with, with the form thereof to be prescribed by the chief of police.
- (e) No policy of insurance or surety bond as provided for in this section shall be cancelled until the expiration of five days after notice of intended cancellation thereof has been given in writing to the city clerk by registered mail or personal delivery of such notice, and a provision therefor shall be embodied in the policy or surety bond.

Sec. 86-40. - Use of streets for transacting business.

Except as provided in this article, no taxicab shall occupy space on the streets for the transaction of business other than the picking up of passengers. All places of business of taxicabs shall be maintained off the streets.

Sec. 86-41. - Use of improper vehicles.

It shall be unlawful for any person to operate or drive, as a taxicab, in or upon any street, any motor-driven vehicle, unless the vehicle is a taxicab as defined in this article.

Sec. 86 42. Name of owner or operator to be displayed on vehicle.

It shall be unlawful for any taxicab to be driven upon the streets unless the name of the person either owning or operating such taxicab, or the trade name under which such taxicab is operated, is conspicuously painted on such taxicab in letters not less than two inches in height.

Sec. 86 43. Meters.

(a) All taxicabs shall be equipped with mechanical devices, commonly called taxicab meters, for registering the fare to be charged.

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- (b) Every meter in use shall be placed in such taxicabs at a location that will be plainly visible at all times to the occupants of such taxicabs. Between the hours of sunset and sunrise, the dial of the meter shall be illuminated whenever it is in use.
- (e) Whenever a taxicab is not in service, the meter shall show no fare and the flag shall be in the upright position. When a taxicab is in service, the flag or indicator on the meter shall be lowered and the meter shall be in the calculating position.
- (d) Upon the completion of service by a taxicab, the flag or indicator on the meter shall be raised and the meter shall be returned to the noncalculating position and its dials cleared.
- (e) It shall be unlawful for the operator or driver of any taxicab to operate the taxicab on the streets of the city with any occupant in such taxicab other than the driver when the flag or indicator on the taxicab meter is upright and in the noncalculating position, except when operating on an hourly or trip rate.
- (f) When the hourly rate or the special trip rate is used, an appropriate sign indicating that the cab is on a trip or hourly rate shall be exhibited.
- (g) It shall be the duty of the person owning and operating taxicabs to have the meter in good working condition and operating accurately as to the registration of mileage and fare. Such meters shall be sealed in a manner that will prevent any person from tampering with or changing the adjustment of the meter. It shall be unlawful for any person to tamper with or change the adjustment of a meter, except the owner operating the taxicab to which such meter is affixed, or a person duly designated by the owner, or a meter mechanic.
- (h) It shall be unlawful for any person owning and operating taxicabs with meters affixed thereto to permit the taxicabs to be operated on the streets of the city when such meters do not accurately register the mileage and the rate as set forth by the ordinances of the city. All meters shall be subject to inspection and test by any police officer at all times when cabs are not carrying passengers.

Sec. 86-44. - Rates and charges.

- (a) Posting. Each taxicab shall have posted in a conspicuous place therein a schedule of rates for the transportation of persons within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.
- (b) Determination. All rate charges or fees for the use of taxicabs using meters shall be determined by a meter rate, hourly rate or special trip rate and by no other method. All charges are for the exclusive use of the taxicab, and shall apply regardless of the number of passengers transported.

Sec. 86-45. - Fare receipts; right to demand payment of fare in advance.

If demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the taxicab, at the time of such payment, a receipt therefor in legible writing, containing the name of the owner and the city license or permit number, showing upon such receipt all items for which a charge is made, the total amount paid and the date of payment. Every driver of any such taxicab shall have the right to demand payment of the legal fare in advance, and may refuse employment unless so prepaid.

Sec. 86-46. Soliciting passengers near intersection.

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It shall be unlawful for any person owning or operating one or more vehicles for hire in the city to operate such motor vehicles over and upon the streets of the city for the purpose of soliciting patronage, picking up passengers or delivering passengers at any point within 100 feet of any intersecting street corner along such street. It is the purpose and intent of this section to prohibit such practice within 100 feet in all directions from such intersections. Such distance in all cases shall be measured from the center of the intersection. Nothing in this subsection shall be construed as prohibiting the driver of any taxicab or vehicle operated for hire from responding to any specific request for passage from any person seeking the services offered by such taxi or motor vehicle or from stopping at any point within the city for the purpose of delivering a passenger who has been picked up at any part of the city in a manner not prohibited by law. This section shall not apply to any buses or motor vehicles owned or operated by any bus or transit company under an exclusive franchise from the city.

Sec. 86-47. - Soliciting passengers by preceding or following scheduled bus.

It shall be unlawful for any person operating motor vehicles for hire in the city to operate such motor vehicle over and upon the streets of the city for the purpose of soliciting the patronage of passengers by immediately preceding or following any duly scheduled bus or motor vehicle operated for such purpose by any bus or transit company under an exclusive franchise from the city along the streets of the city. Nothing contained in this section shall be construed as prohibiting the driver of any duly licensed taxi from responding to any specific request for passage from any patron seeking the services offered by such duly licensed taxi.

Sec. 86 48. Smoking by driver.

It shall be unlawful for any driver, operator or chauffeur of any taxicab to smoke while the taxicab is occupied by a passenger.

Sec. 86-49. - Use for immoral purposes.

It shall be unlawful for the driver of a taxicab to permit any person to accompany or use such taxicab for the purpose of prostitution, lewdness or assignation, or to direct, take or transport, or to offer or agree to direct, take or transport, any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution, lewdness or assignation.

Sec. 86-50. - Display of political advertisements.

It shall be unlawful for any person licensed by the city to operate or drive a taxicab upon any street within the city with a political ad displayed for anyone seeking public office at any time.

DIVISION 2. BUSINESS PERMIT

Sec. 86-66. - Required.

It shall be unlawful to operate or cause to be operated any taxicab business unless a permit for the operation thereof shall have been first issued by the city council in the manner provided in this division.

Sec. 86-67. Application and investigation.

(a) An application for the permit required by this division shall be made in writing to the city council. Such application shall set forth the name, residence address, and address of place of business of the

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applicant and the kind, make and model of the vehicle to be used in the business. If the applicant is a copartnership, the application shall give the nmes and residence addresses of the copartners. If the application is a corporation, the application shall set forth the name of the corporation and the residence address of its officers and board of directors. The application shall set forth the trade name, if any, under which the applicant does or proposes to do business.

(b) Upon the filing of an application, the city clerk shall make an investigation, including any hearing deemed necessary, as to each application for a permit for the operation of taxicabs. In determining whether a permit shall be issued, the city council shall investigate the fitness of the applicant to engage in the business of operating taxicabs and the fitness of the equipment to be used, and shall also consider and determine whether the demands of public convenience, necessity and safety justify the issuance of such permit.

Sec. 86 68. Issuance or denial.

If the city council finds favorably to the applicant and decides to grant a permit for the operation of taxicabs, a permit as provided in this division shall be issued to the applicant. If the city council finds against the applicant and decides that the public convenience, necessity and safety do not justify the issuance of such permit or that the applicant is not fit to conduct the taxicab business or the equipment is not fit for such business, then no permit shall be issued, and notice of the action of the city council shall be given to the applicant, setting forth the reason for the refusal of such permit.

Sec. 86-69. - Occupational license required.

Prior to the issuance of a permit for the operation of taxicabs, the applicant shall obtain an occupational license.

Sec. 86 70. Transfer.

A permit for the operation of taxicabs shall not be transferable, except upon application to and consent of the city council.

Sec. 86-71. - Suspension or revocation.

Whenever any person engaged in the taxicab business is found to be in violation of the provisions of this article or the traffic ordinances of the city or of any of the laws of the state, the city council may, upon complaint or upon its own motion, issue an order to such person to appear at a fixed time and place for investigation. If the city council is satisfied, after such hearing, that such person is guilty of the violations charged, it may, in its discretion, suspend for a fixed period or revoke entirely the permit issued to such person.

DIVISION 3. DRIVER'S PERMIT

Sec. 86-91. - Required.

No person shall operate or drive a taxicab upon any street unless he has obtained a permit pursuant to the provisions of this division.

Sec. 86-92. - Application and investigation.

Any person having resided continuously in the state for not less than six months immediately preceding the making of application for a permit to operate a taxicab and being 18 years of age or over may make application to the city clerk for a permit to operate a taxicab. A verbal or written examination,

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or both, may be given by the chief of police to each applicant to determine knowledge of city streets, locations and environs.

Sec. 86-93. - Issuance; contents.

It shall be the duty of the chief of police, if the applicant for a permit under this division is knowledgeable of the provisions of this article and of the traffic ordinance of the city, and the applicant pays the required fee and otherwise complies with this division for the initial year, to issue such person a written permit, which permit shall be signed by the city clerk and sealed with the corporate seal of the city, and shall bear the name, address, sex, age, signature, photograph and fingerprints of the applicant. The chief of police shall procure the fingerprints and a photograph of the applicant and shall keep the fingerprints and photograph on permanent file in his office. The fingerprints and photograph shall be voluntarily furnished by the applicant at the time of filing his application.

Sec. 86-94. - State commercial license required.

No person shall be issued a taxicab driver's permit unless he holds a commercial license issued by the state. Sec. 86-95. - Alteration or destruction prohibited.

It shall be unlawful for any person holding a taxicab driver's permit to wilfully alter, deface, obliterate or destroy the permit, or to cause the permit to be defaced, obliterated or destroyed.

Sec. 86-96. - Display.

Every driver or operator of any taxicab operated shall have his driver's permit displayed in such taxicab in a conspicuous place so as to be easily observed by any person occupying such taxicab.

Sec. 86 97. Suspension or revocation.

Whenever any operator or driver of a taxicab is found to be violating the provisions of this article, or the traffic ordinances of the city, or any of the laws of the state, the city council may, upon complaint or upon its own motion, issue an order to such operator or driver to appear at a fixed time and place for investigation. If the city council shall be satisfied after such hearing of the violation as charged, it may, in its discretion, suspend for a fixed period, or revoke entirely, the driver's permit issued.

Sec. 86 98. Appeals.

Any person whose taxicab driver's permit is refused, suspended or revoked by the chief of police may appeal, by filing notice thereof with the city clerk within 30 days from the time of such refusal, revocation or suspension. Such appeal as filed shall not act as a supersedeas until such time as the city council shall take final action on such appeal.

Backup material for agenda item:

 Ordinance No. 2524 – First Reading – Small Scale Future Land Use Amendment - Legislative Wilkes Kyle



CITY OF APOPKA **CITY COUNCIL**

CONSENT AGENDA X PUBLIC HEARING SPECIAL REPORTS

OTHER: Ordinance

MEETING OF: November 2, 2016

FROM: Community Development

EXHIBITS: Land Use Report

Vicinity Map

Adjacent Zoning Map Adjacent Uses Map **Existing Uses**

Ordinance No. 2524

SUBJECT: ORDINANCE NO. 2524 - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE

LAND USE AMENDMENT – APOPKA HOLDINGS, LLC

FIRST READING OF ORDINANCE NO. 2524 – SMALL SCALE – FUTURE LAND **REQUEST:**

> USE AMENDMENT - APOPKA HOLDINGS, LLC - FROM "COUNTY" LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO "CITY" OFFICE (MAX. 0.3 FAR) (PARCEL ID NOS. 09-21-28-0197-10-211; 09-21-28-0197-10-213); AND HOLD

OVER FOR SECOND READING AND ADOPTION.

SUMMARY:

OWNER/APPLICANT: Apopka Holdings LLC

LOCATION: 1120 Clarcona Road & 1124 S Park Avenue

EXISTING USE: Vacant Boarding House and Single-Family Residence

CURRENT ZONING: "County" R-3 (ZIP)

PROPOSED DEVELOPMENT: Mental health and rehabilitation clinic, including inpatient residential

treatment

PROPOSED ZONING: "City" PUD-PO/I-Residential (Professional Office/Institutional

> Residential) (Note: this Future Land Use Map amendment request is being processed along with a request to change the Zoning Map designation from "County" A-1 (ZIP) to "City" PUD/PO/I/Residential.)

TRACT SIZE: 0.52 +/- acres

MAXIMUM ALLOWABLE

DEVELOPMENT UNDER EXISTING: 29 bed boarding house and a single family house

ZONING DISTRICT: PROPOSED: 1,933 sq. ft. medical office facility and 6,896 sq. ft.

inpatient rehabilitation and residential facility for up to

Fire Chief

40 patients.

FUNDING SOURCE: N/A

DISTRIBUTION

Finance Director Public Services Director Mayor Kilsheimer Commissioners **HR** Director **Recreation Director** City Administrator

Community Development Director

IT Director Police Chief City Clerk

CITY COUNCIL – NOVEMBER 2, 2016 APOPKA HOLDINGS LLC - FUTURE LAND USE AMENDMENT PAGE 2

ADDITIONAL COMMENTS: Presently, the subject property has not yet been assigned a "City" Future Land Use Designation or a "City" zoning category. Applicant is requesting the City to assign a future land use designation of Office (max FAR of 0.3) to the property.

The subject properties were annexed into the City of Apopka on February 17, 2016, through the adoption of Ordinance No. 2387. The proposed Small-Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties containing less than ten acres are eligible to be processed as a small-scale amendment. Such process does not require review by State planning agencies.

A request to assign a Future Land Use Designation of Office is compatible with the designations assigned to abutting properties. The FLUM application covers approximately 0.52 acres.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report). Based on the findings of the Zoning report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

<u>COMPREHENSIVE PLAN COMPLIANCE</u>: The existing and proposed use of the property is consistent with the Office (max FAR 0.3) Future Land Use designation and the City's proposed PUD/PO/I/Residential Zoning so long as existing building floor area is not expanded above on the existing land area comprising the subject site.

SCHOOL CAPACITY REPORT: Because this Change of Zoning represents a change to a non-residential underlying zoning classification and any residential is ancillary to medical treatment, notification of Orange County Public Schools is not required.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on January 8, 2016.

PUBLIC HEARING SCHEDULE:

October 11, 2016 - Planning Commission (5:30 pm) November 2, 2016 - City Council (1:30 pm) - 1st Reading November 16, 2016 - City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

September 30, 2016 – Public Notice and Notification November 4, 2016 – ¼ Page w/Map Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the change in Future Land Use from "County" Low Density Residential (0-4 du/ac) to "City" Office (max FAR 0.3) for the property owned by Apopka Holdings LLC and located at 1120 Clarcona Road & 1124 S Park Avenue.

The **Planning Commission**, at its meeting on October 11, 2016, recommended approval (5-1) of the change in Future Land Use from "County" Low Density Residential (0-4 du/ac) to "City" Office (max FAR 0.3) for the property owned by Apopka Holdings LLC and located at 1120 Clarcona Road & 1124 S Park Avenue, subject to the findings in the staff report.

Accept the First Reading of Ordinance No. 2524 and Hold it Over for Second Reading and Adoption on November 16, 2016.

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

LAND USE REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

Direction	Future Land Use	Zoning	Present Use
North (City)	Residential Low (0-5 du/ac)	R-3	Church
East (County)	Low Density Residential (0-4 du/ac)	R-3	Single-family residential & vacant residential
South (County)	Low Density Residential (0-4 du/ac)	R-3	Single family residence
West (County)	Low Density Residential (0-4 du/ac)	R-3	Church and single family residential

II. LAND USE ANALYSIS

The applicant intends to redevelop the property for use as a mental health and substance abuse treatment facility, including inpatient residential care. The proposed future land use of Office and use for the property is compatible with the general character of the surrounding neighborhood. Predominant land uses in the abutting and surrounding area are single family residential and religious facilities. Commercial and industrial uses occur in the general vicinity to the north and south along Park Avenue\Clarcona Avenue.

North: Abutting the subject property to the north and along Park Avenue are: a private park owned by the St. Paul AME Church, the St. Paul Church, and then parcels zoned C-1 commercial and I-1 industrial. Industrial-zoned property is located 250 feet to the north along Park Avenue, on the east side of Park Avenue. This industrial-zoned property is currently vacant along Park Avenue. Parcels abutting to the north are used for a church – the St. Paul African Methodist Episcopal Church. The commercial-zoned properties are occupied by vacant single family homes, Bethel Baptist Church, or occupied single family residential.

West: Lighthouse Tabernacle church abuts part of the western (rear) property line, and single family residential abuts the northern half of the subject site's western property lines. Northwest of the site is New Hope Baptist Church.

South: Single family homes abut the subject property directly to the south. While the areas to the south are predominantly single family residential, commercial-zoned nodes do occur approximately 600 feet away.

East: Apopka Holdings LLC, the applicant, recently purchased the two parcel directly to the northeast, on the other side of Clarcona Avenune\Park Avenue. Single family homes are located on the parcels to the southeast.

The proposed future land use designation of "City" Office serves as a transitional land use between the residential uses to the east, south and west, and to the institutional, commercial and industrial zoning and uses to the north and northeast of the subject properties.

Other Information:

Wekiva River Protection Area: No Area of Critical State Concern: No

DRI / FQD: No

CITY COUNCIL – NOVEMBER 2, 2016 APOPKA HOLDINGS LLC - FUTURE LAND USE AMENDMENT PAGE 5

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

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basin Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:

- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

<u>Karst Features:</u> The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there are no karst features on this property.

Analysis of the character of the Property: The property fronts Clarcona Rd\Park Avenue. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain has a 0-5 percent slope.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.j Office Future Land Use designation.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the Property is Office (max FAR 0.3). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

CALCULATIONS:

ADOPTED (County designation): 2 Unit(s) x 2.659 p/h = 5 persons

PROPOSED (City designation): N/A

<u>Housing Needs</u>: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

<u>Habitat for species listed as endangered, threatened or of special concern</u>: Per policy 4.1 of the Conservation Element, a habitat study is required for developments greater than ten (10) acres in size. This site is less than ten acres. A habitat study will not be required at the time of a development plan application.

<u>Transportation</u>: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

<u>Potable Water, Reclaimed Water & Sanitary Sewer Analysis:</u> The subject property is located within the Orange County Utilities service area for potable water, reclaimed water and sanitary service. The property owner will need to provide a letter from Orange County Utilities demonstrating available capacity prior to submittal of any development plan.

Sanitary Sewer Analysis

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

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

- 2. Projected total demand under existing designation: 392 GPD
- 3. Projected total demand under proposed designation: <u>1921 GPD</u>
- 4. Capacity available: <u>Yes</u>
- 5. Projected LOS under existing designation: <u>81 GPD/Capita</u>
- 6. Projected LOS under proposed designation: <u>81 GPD/Capita</u>
- 7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: <u>City of Apopka</u>; <u>177</u> GPD/Capita; <u>177</u> GPD/Capita

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

- 2. Projected total demand under existing designation: 908 GPD
- 3. Projected total demand under proposed designation: 2561 GPD
- 4. Capacity available: Yes
- 5. Projected LOS under existing designation: 177 GPD/Capita
- 6. Projected LOS under proposed designation: <u>177 GPD/Capita</u>
- 7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
- 8. Parcel located within the reclaimed water service area: Yes

Solid Waste

- 1. Facilities serving the site: City of Apopka
- 2. If the site is not currently served, please indicate the designated service provider: <u>City of Apopka</u>
- 3. Projected LOS under existing designation: <u>20 lbs./person/day</u>
- 4. Projected LOS under proposed designation: <u>25 lbs./day/1000 sf</u>
- 5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

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

Infrastructure Information

Water treatment plant permit number: <u>CUP No. 3217</u>

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

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

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

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: No

Drainage Analysis

1. Facilities serving the site: None

2. Projected LOS under existing designation: 100 year - 25 hour design storm

3. Projected LOS under proposed designation: 100 year - 25 hour design storm

4. Improvement/expansion: On-site retention/detention pond

Recreation

- 1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
- 2. Projected facility under existing designation: <u>0.015</u> AC
- 3. Projected facility under proposed designation: N/A AC
- 4. Improvement/expansions already programmed or needed as a result of the proposed amendment: None

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



Apopka Holdings LLC 1120 & 1124 Clarcona Road 0.52 +/- Acres

Existing Maximum Allowable Development: 2 dwelling units Proposed Maximum Allowable Development: 8,829 sq. ft. Proposed Small Scale Future Land Use Change From: "County" Low Density Residential (0-4 du/ac)

To: "City" Office (max FAR 0.3)
Proposed Zoning Change
From: "County" R-3 (ZIP)

To: "City" PUD/PO/I/Residential Parcel ID #: 09-21-28-0197-10-211 & 09-21-28-0197-10-213

VICINITY MAP





FUTURE LAND USE MAP





ADJACENT ZONING





ADJACENT USES





EXISTING USES



ORDINANCE NO. 2524

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY" LOW DENSITY RESIDENTIAL (0-4 DU/AC) TO "CITY" OFFICE (MAX. FAR 0.30), FOR CERTAIN REAL PROPERTY GENERALLY LOCATED GENERALLY LOCATED WEST OF SOUTH PARK AVENUE, EAST OF SOUTH CENTRAL AVENUE, SOUTH OF E G H WASHINGTON STREET, NORTH OF EAST 12TH STREET, COMPRISING 0.52 ACRES MORE OR LESS, AND OWNED BY <u>APOPKA HOLDINGS, LLC</u>; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka adopted the Apopka Comprehensive Plan by Ordinance No. 653 on October 2, 1991, pursuant to Section 163.3184, Florida Statutes and most recently amended it by Ordinance No. 2520 on October 19, 2016; and

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

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

Section I. Purpose and Intent.

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

Section II. Future Land Use Element.

Page 1-15 (Map 1-3) of the Future Land Use Element of the City of Apopka Comprehensive Plan, as most recently amended by Ordinance No. 2520, is amended in its entirety to change the land use from "County" Low Density Residential (0-4 du/ac) To "City" Office (Max. FAR 0.30), for certain real property generally located west of South Park Avenue, east of South Central Avenue, south of E G H Washington Street, north pf East 12th Street, comprising 0.52 acres more or less, and owned by Apopka Holdings, LLC; as further described in Exhibit "A" attached hereto.

Section III. Applicability and Effect.

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

Section IV. Severability.

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

ORDINANCE NO. 2524 PAGE 2

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

Future Land Use to comply with this ordina	nce.	
Section VI. Effective Date.		
This Ordinance shall become effective	ve upon adoption.	
ADOPTED at a regular meeting of the day of, 2016,	the City Council of the City of	of Apopka, Florida, this
	READ FIRST TIME:	November 2, 2016
	READ SECOND TIME AND ADOPTED:	November 16, 2016
	Joseph E. Kilsheime	er, Mayor
ATTEST:		
Linda Goff, City Clerk		
DULY ADVERTISED FOR HEARING:	September 30, 2016 November 4, 2016	

ORDINANCE NO. 2524

Apopka Holdings LLC 1120 & 1124 Clarcona Road 0.52 +/- Acres

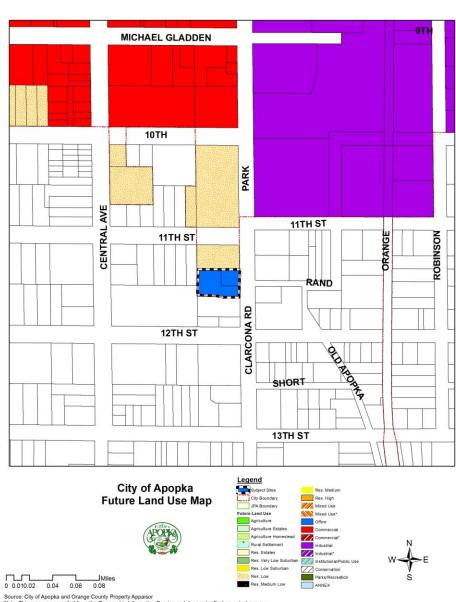
Existing Maximum Allowable Development: 2 dwelling units Proposed Maximum Allowable Development: 8,829 sq. ft.
Proposed Small Scale Future Land Use Change

From: "County" Low Density Residential (0-4 du/ac)

To: "City" Office (max FAR 0.3) Proposed Zoning Change From: "County" R-3 (ZIP)

To: "City" PUD/PO/I/Residential

Parcel ID #: 09-21-28-0197-10-211 & 09-21-28-0197-10-213





Backup material for agenda item:

4. Ordinance No. 2525 – First Reading – Change of Zoning - Quasi-Judicial Kyle Wilkes



CITY OF APOPKA CITY COUNCIL

X PUBLIC HEARING
SPECIAL REPORTS
X OTHER: Ordinance

MEETING OF: November 2, 2016 FROM: Community Development

EXHIBITS: Zoning Report

Vicinity Map

Adjacent Zoning Map Adjacent Uses Map Existing Use Map Ordinance No. 2525 Exhibit "A" - Site Plan

<u>SUBJECT</u>: CHANGE OF ZONING – APOPKA HOLDINGS, LLC

REQUEST: FIRST READING OF ORDINANCE NO. 2525 – CHANGE OF ZONING

- APOPKA LAND HOLDINGS, LLC FROM "COUNTY" R-3 (RESIDENTIAL) TO "CITY" PLANNED UNIT DEVELOMPENT (PUD-PO/I-RESIDENTIAL) (MAX. 0.30 FAR). (PARCEL ID #S: 09-21-28-0197-10-211; 09-21-28-0197-10-213); AND HOLD OVER FOR

SECOND READING AND ADOPTION.

SUMMARY:

OWNER/APPLICANT: Apopka Holdings, LLC

LOCATION: 1120 Clarcona Rd & 1124 S Park Ave

EXISTING USE: Vacant rooming house (29 beds) and vacant single-family residential (per

Orange County Property Appraiser's records.)

FLUM DESIGNATION: "County" Low Density Residential (0 – 4 du/ac)

CURRENT ZONING: "County" R-3 (ZIP)

PROPOSED DEVELOPMENT: Mental health and substance abuse rehabilitation clinic, includes inpatient

residential treatment

PROPOSED ZONING: Planned Unit Development (PUD-PO/I-Residential) (Note: this Change of

Zoning request is being processed along with the request to change the

Future Land Use Map designation to "City" Office)

TRACT SIZE: $0.52 \pm -$ acres

MAXIMUM ALLOWABLE

DEVELOPMENT UNDER EXISTING: 29 bed boarding house and a single family house

ZONING DISTRICT: PROPOSED: 1,933 sq. ft. medical office facility and 6,896 sq. ft. inpatient

rehabilitation facility for up to 40 residential patients. (The current floor area ratio of existing buildings is 0.389, while the max. floor area ratio for the zoning district is 0.30 or

6,795 sq. ft.)

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer Finance Director Public Services Director Commissioners HR Director Recreation Director City Administrator IT Director City Clerk Fire Chief

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<u>ADDITIONAL COMMENTS</u>: The subject properties are currently in the process of being annexed into the City of Apopka. If approved by City Council, the annexations will occur on February 17, 2016, through the adoption of Ordinance No. 2387. The proposed change of zoning is being requested by the owner.

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

The applicant proposes to redevelop the property for use as a mental health and substance abuse rehabilitation center with inpatient care. An existing 1,933 sq. ft. single-family house will be converted to office and rehabilitation services, and the existing rooming house (29 bed capacity; 6,896 sq. ft.) will be converted to a residential facility for up to 40 resident patients. In addition, a community bathroom facilities, kitchen, and dining facilities will be provided inside an enclosed building. With a maximum floor area ratio standard of 0.30, a maximum of 6,795 sq. ft. of building floor area is allowed on the .52 acre site. The combined floor area of the two existing buildings is 8,829 sq. ft. or 2,033 square feet above the maximum allowed for acreage on this property. The current floor area ratio of existing buildings is 0.389, while the maximum floor area ratio for the zoning district is 0.30. Existing buildings cannot be expanded or additional buildings constructed until additional land is added to the subject site to meet the 0.30 FAR.

Small parcel size and use of existing buildings prevents sufficient space to accommodate the necessary parking spaces to meet anticipated demand. Temporary off-site parking is proposed at the New Hope Baptist Church on

<u>PUD RECOMMENDATIONS</u>: That the zoning classification of the following described property shall be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions affecting the use of the Property:

- A. The uses permitted within the PUD district shall be: all such uses permitted within the PO\I (Professional Office/Institutional PO\I (zoning category) except for following PO\I uses shall be prohibited:
 - 1. Hospitals, museums, libraries or cultural institutions;
 - 2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
 - 3. Boarding or rooming house(s);
 - 4. The use of medical marijuana for treatment purposes unless authorized by State law or a medical marijuana ordinance approved by City Council;
 - 5. All other uses listed as prohibited within the Professional Office/Institutional zoning district;
 - 6. All uses permitted through a special exception within the Professional Office/Institutional zoning district.
- B. Over-night inpatient rooming facilities shall be permitted as an ancillary use if the site is used for medical care; all other residential uses shall be prohibited. Permitted residential shall be limited as follows:
 - 1. Full-time residential shall be permitted for an on-site caretaker or property manager.
 - 2. Residents at the site shall only be patients served by the on-site medical services.

CITY COUNCIL – NOVEMBER 2, 2016 APOPKA HOLDINGS, LLC – CHANGE OF ZONING PAGE 3

- 3. Residents typically will not have automobiles parked at the residential facilities. All on-site parking or satellite parking shall be identified at the Master Plan/Final Development Plan.
- C. If the Master Plan/Final Development Plan associated with the PUD district has not been issued a certificate of completion by the City within two years from the effective date of this ordinance, the approval of the Final Development Plan will expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for Master Plan/Final Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Final Development provisions and any conditions of approval; or
 - 3. Rezone the property to a more appropriate zoning classification.
- D. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health, safety and welfare, the following zoning and development standards shall apply to the development of the Property and for the master site plan:
 - 1. If the substance abuse/mental health treatment facility vacates the site for more than 180 days, the permitted uses shall revert to those allowed within the "City" R-3 zoning district. In such case, a rooming house\boarding house is not allowed.
 - 2. Any new structures shall meet the architectural design standards set forth in the Apopka Development Design Guidelines dated May 2000, or as amended by the Apopka City Council. Any building, whether residential or non-residential, shall be designed with a residential architecture style and shall have a pitched roof.
 - 3. The existing two buildings may be used for medical treatment and residential facilities but the gross building floor area shall not be expanded. Buildings may be used for medical office (drug, alcohol and mental health medical treatment and associated residential care uses only. No new buildings or expansion of existing buildings shall occur unless the total floor area of all buildings complies with the floor area ratio for the PO\I zoning district (i.e., 0.30 FAR).
 - 4. The site shall provide, at minimum, a six-foot brick/masonry wall along the western and southern portions of the subject properties adjacent to residential uses.
 - 5. The subject properties shall meet all other buffer yard and landscaping requirements, as defined in the Apopka Land Development Code, to the greatest extent practical.
 - 6. All services occurring at the site, including dining and cooking facilities, shall occur inside an enclosed building.
 - 7. At the Master Plan/Final Development Plan, if the subject site cannot accommodate the required number of parking spaces, applicant must either obtain long-term contracts with abutting churches to use their parking spaces to meet the parking requirement, or the Master Plan/Final Development Plan shall not be approved. Medical patients residing at the residential facility shall not be allowed to park at the site unless a Final Development Plan demonstrates sufficient parking is available.
 - 8. Existing floor area of buildings cannot be expanded square feet of the existing buildings can be used for the medical treatment and residential facility to comply with the .30 FAR policy requirements set forth in Policy 3.1.j. No more than 40 patients or the maximum num occupants allowed by building code, whichever is lower, shall reside at the residential facilities.

 Only patients and employees of the medical provider may reside at approved residential facilities.

- 9. Connection to City central water and sewer service is required prior to issuance of a certificate of occupancy.
- 10. Any off-site parking at the New Hope Missionary Church, located at 927 South Central Avenue, must have a parking agreement approved by the City Council in a form approved by the city attorney, assuring the continue availability of the off-site parking facilities to support parking space needs demanded by the Recovery Center. The parking agreement shall be recorded with the records of the County Comptroller prior to any issuance of a certificate of occupancy. The Community Development Director with consultation from the city engineer shall determine if the off-site parking at New Hope Missionary Church must be paved or constructed with a material acceptable to the city engineer. Any improvements to off-site parking shall be reviewed and approved by the Development Review Committee through a master plan/final development plan. Any other off-site parking location shall require the approval of City Council.
- 11. No site construction activity shall commence until the Development Review Committee has accepted in final changes to the Final Development Plan. Further, landscape and irrigation plans for the Recovery Center site shall be consistent with City code and shall be submitted to and approved by the Development Review Committee prior to any pre-construction meeting for the site improvements.
- 12. Unless otherwise provided herein, the modification to the design of the site through an amended Master Plan/Final Development Plan shall occur consistent with development standards for the PO/I zoning district. Any modifications to the Master Plan/Final Development Plan after the effective date of this ordinance shall occur consistent with the procedures and requirements set forth in Article 12 of the Land Development Code and shall not require an amendment to this ordinance. Such amendment to the Master Plan/Final Development Plan shall be treated through the same procedure for an amendment to a Final Development Plan.

<u>COMPREHENSIVE PLAN COMPLIANCE</u>: The existing and proposed use of the property is consistent with the Office Future Land Use designation and the City's proposed Planned Unit Development (PUD/PO/I) Zoning classifications. Site development cannot exceed the intensity allowed by the Future Land Use policies.

<u>SCHOOL CAPACITY REPORT</u>: Because this Change of Zoning represents a change to a non-residential underlying zoning classification and any residential is ancillary to medical treatment, notification of Orange County Public Schools is not required.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on January 8, 2016.

PUBLIC HEARING SCHEDULE:

October 11, 2016 - Planning Commission (5:30 pm) November 2, 2016 - City Council (1:30 pm) - 1st Reading November16, 2016 - City Council (7:00 pm) - 2nd Reading

DULY ADVERTISED:

September 30, 2016 – Public Notice and Notification November 4, 2016 – ¼ Page w/Map Ordinance Heading Ad

RECOMMENDATION ACTION:

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from R-3 (ZIP) to Planned Unit Development (PUD/PO/I/Residential) subject to the PUD zoning and developments standards for the property owned by Apopka Holdings, LLC,.

The **Planning Commission**, at its meeting on October 11, 2016, recommended approval (5-1) of the Change in Zoning from "County" R-3 Residential to "City" Planning Unit Development – Professional Office\Institutional and Residential Uses for the property owned by Apopka Holdings, LLC.

Accept the First Reading of Ordinance No. 2525 and Hold it Over for Second Reading and Adoption on November 16, 2016.

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

ZONING REPORT

I. RELATIONSHIP TO ADJACENT PROPERTIES:

Direction	Future Land Use	Zoning	Present Use
North (City)	Residential Low (0-5 du/ac)	R-3	Church\recreation facilities
East (County)	Low Density Residential (0-4 du/ac)	R-3	Single-family residential & vacant residential
South (County)	Low Density Residential (0-4 du/ac)	R-3	Single family residence
West (County)	Low Density Residential (0-4 du/ac)	R-3	Church and single family homes

LAND USE COMPATIBILITY:

The proposed zoning and use is compatible with adjacent zoning districts and the general character of the surrounding area. Predominant land uses in the abutting and surrounding area are single family residential and religious facilities. Industrial zoned property is within 250 from the property and commercial zoning is within 450 feet to the south and 600 feet to the north. Parcels abutting to the north are used for a church – the St. Paul African Methodist Episcopal Church, and Lighthouse Tabernacle church abuts part of the western (rear) property line, which are both institutional uses. In addition, the area contains other non-residential land uses, including industrial to the northeast and commercial to the south of the subject sites. Furthermore, the applicant – Apopka Holdings LLC – has recently purchased properties east of the sites, across Park Avenue, to incorporate into the proposed medical treatment facility at a later date.

The underlying PO/I and Residential zoning serves as a transitional zoning between the residential uses to the east, south and west, and to the institutional, commercial and industrial zoning and uses to the north and northeast of the subject properties.

The Land Use Compatibility supporting information from the Future Land Use amendment is incorporated into the findings of the Zoning Report.

TRAFFIC COMPATIBILITY:

The property has access to a Minor Arterial roadway (Clarcona Road). A medical office/clinic is a permissible use within the PO/I zoning category. Future land use designations and zoning categories assigned to properties to the north, south, east, and west is predominantly residential, industrial and commercial.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed PUD/PO/I/Residential zoning is compatible with policies set forth in the Comprehensive Plan.

CITY COUNCIL – NOVEMBER 2, 2016 APOPKA HOLDINGS, LLC – CHANGE OF ZONING PAGE 7

PO/I DISTRICT REQUIREMENTS:

FAR: 0.30 (max.) Open Space: 30 percent

Minimum Site Area: 10,000 sq. ft.

Minimum Lot Width: 85 ft. Setbacks: Front: 25 ft.

Side: 10 ft. Corner: 25 ft. Rear: 10 ft.

Adjacent to Residential: 25 ft.

BUFFERYARD REQUIREMENTS:

Areas adjacent to all road rights-of-way shall provide a minimum ten (10) foot landscaped bufferyard. Areas adjacent residential use shall provide a minimum six (6) foot masonry wall within a ten (10) foot

landscaped bufferyard.

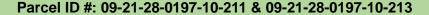
ALLOWABLE USES:

Professional offices, medical or dental clinics and offices, establishments for the retail sale of pharmaceutical, medical and dental supplies, hospitals, museums, libraries, churches and educational facilities.

Apopka Holdings LLC 1120 Clarcona Road & 1124 S Park Avenue 0.52 +/- Acres

Existing Maximum Allowable Development: 2 dwelling units Proposed Maximum Allowable Development: 8,829 sq. ft.
Proposed Small Scale Future Land Use Change From: "County" Low Density Residential (0-4 du/ac)
To: "City" Office (max FAR 0.3)

Proposed Zoning Change From: "County" R-3 (ZIP) To: "City" PUD/PO/I/Residential



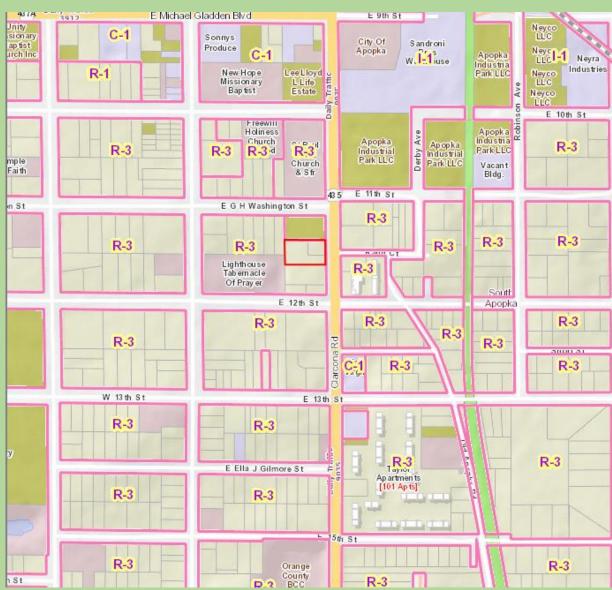
VICINITY MAP





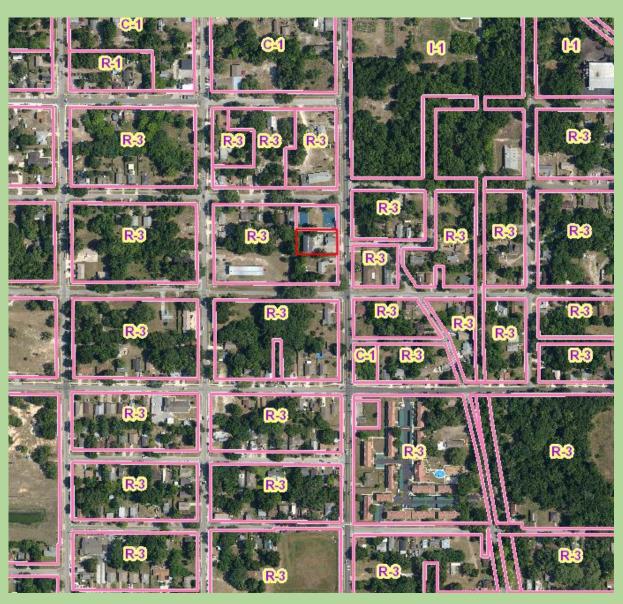


ADJACENT ZONING





ADJACENT USES





EXISTING USES



FINAL SITE DEVELOPMENT PLANS FOR CENTRAL FLORIDA RECOVERY

APOPKA, FL (ORANGE COUNTY) PARCEL NO. 09-21-28-0197-10-211 PARCEL NO. 09-21-28-0197-10-213

AERIAL MAP RINTS



LEGAL DESCRIPTION

PART OF LOT 21, BLOCK J, TOWN OF APOPKA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK A, PAGE 109, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF LOT 21, RUN WESTERLY ALONG THE SOUTH LINE OF SAID LOT 21 85.73 FEET, NORTH 70 FEET, EAST 85.73 FEET, SOUTH 70 FEET TO THE POINT OF

CORNER OF LOT 21, RUN WEST 85.73 FEET, NORTH 70 FEET, EAST 85.73 FEET, SOUTH 70 FEET TO THE POINT OF BEGINNING) & THE NORTH 1/4 OF LOT 27, ALL IN BLOCK J, TOWN OF APOPKA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK A, PAGE 109, PUBLIC RECORDS OF ORANGE COUNTY,

1.	TAX PARCEL ID NUMBER:		-0197-10-211 -0197-10-213
2.	LOT SIZE:	0.52 ACF	RES
3.	EXISTING USE:	LOW DE	NSITY RESIDENTIAL
4.	EXISTING ZONING:	R-3	
5.	EXISTING BUILDING: 5.1. RESIDENCE #1124 5.2. RESIDENCE #1120	6,896 SF 1,933 SF	
6.	PROPOSED USE:	OFFICE	
7.	PROPOSED ZONING:	PUD / PC) / I / RESIDENTIAL
8.	PROPOSED BUILDINGS:	EXISTING	G BLDGS TO REMAIN
9.	BUILDING HEIGHT	TWO ST	ORY
10.	FAR:	MAX 0.30	PROVIDED 0.39 *
	11.3. SIDE YARD (SOUTH LOT LINE) 11.4. REAR YARD (WEST LOT LINE)	10 FT 10 FT	10 FT 34 FT
12.	LANDSCAPE BUFFERS: 12.1. FRONT YARD (S. PARK AVE.) 12.2. SIDE YARD (NORTH LOT LINE) 12.3. SIDE YARD (SOUTH LOT LINE)	10 FT 10 FT 10 FT	2 FT *
	12.4. REAR YARD (WEST LOT LINE)	10 FT	29 FT
13.	OFF-STREET PARKING: 13.4. REQUIRED PARKING (8829 SF / 250 SF): 13.5. NEW STANDARD PARKING SPACES PROVIDED: TOTAL PROVIDED:	/IDED:	35 SPACES 16 SPACES 1 SPACES 17 SPACES *
14.	IMPERVIOUS AREA (MAX ALLOWED = 80%): 14.1. EXISTING IMPERVIOUS AREA: 14.2. DEMOLISHED IMPERVIOUS AREA: 14.3. NEW IMPERVIOUS AREA: 14.4. TOTAL NET IMPERVIOUS AREA:	0.35 AC. 0.03 AC. 0.02 AC. 0.34 AC.	
	IMPERVIOUS/PERVIOUS AREA: 15.1. IMPERVIOUS AREA:	0.34 AC	(65.38%)

PLANS ARE FOR REFERENCE PURPOSES ONLY AND EACH SHALL REQUIRE A

THAT ARE INDEPENDENT FROM ANY BUILDING STRUCTURE, FENCES, GATES,

MONUMENT SIGNS, DUMPSTER ENCLOSURES, AND DECORATIVE

RETAINING WALLS THAT EXCEED THREE (3) FEET IN HEIGHT.

* WAIVER REQUIRED (SEE TABLE BELOW)

SITE DATA

SHEET INDEX						
SHEET	DESCRIPTION					
C0.0	COVER SHEET					
C1.0	GENERAL NOTES & DETAILS					
C1.1	DEMOLITION & EROSION CONTROL PLAN					
C2.0	SITE PLAN & DETAILS					
C3.0	UTILITY PLAN & DETAILS					
C4.0	LIFT STATION PLAN & DETAILS					

	PLANS BY OTHERS
SHEET	DESCRIPTION
S1	TOPOGRAPHIC AND BOUNDARY SURVEY
FP1	FIRE PROTECTION SITE PLAN

PROJECT TEAM

$\bigcap M M$	ER/A	PPI I(CAN

CIVIL ENGINEER

APOPKA HOLDINGS, LLC. 9846 CAMBERLY CIR. ORLANDO, FL 32836

HIGHLAND ENGINEERING, INC. 79 W. ILLIANA ST. ORLANDO, FL 32806 (407) 275-7877

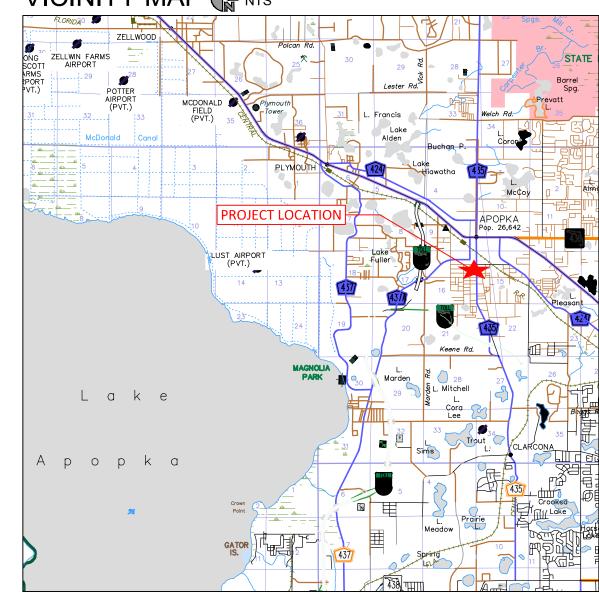
FIRE PROTECTION **ENGINEER**

SURVEYOR

SHANNON SURVEYING, INC. 499 NORTH SR 434. SUITE 2155 ALTAMONTE SPRINGS, FL 32714 (407) 774 - 8372

LIFELINE FIRE PROTECTION. 1128 CALLOWAY CIRCLE CLEMONT, FLORIDA 34711 (351) 243-7774

VICINITY MAP 🖓 NTS



SOILS MAP NTS



WAF ONLI LEGEND		
MAP UNIT SYMBOL	SOIL TYPE	PERCENT OF PROPERTY

CANDLER-URBAN LAND COMPLEX 0 - 5 % SLOPES

100% (0.52 AC.)

Code#	Code Requirement	V/W	Request	Justification
6.03.02 A	1 space per 250 square feet of gross floor area = 35 spaces	W	17 spaces	The amount of available/provided parking, has been maximized based on the configuration of the existing buildings. In addition, the residents will not be driving to the facility and the parking spaces will only be used by staff. The applicant has entered into a purchase agreement with the owner of 1109 S. Park Avenue and the owner has allowed the use of the property for parking until the property sale is complete.
2.02.01 A	Font Setback: 25 ft.	W	Front Setback 7.0 ft	The requirement for 25 feet front yard building setback cannot be met, because the existing building is located only 7.6 feet from the property line.
2.02.10.G	Areas adjacent to all road right-of-way shall provide a minimum of 10' landscape buffer.	W	Provide landscaping in open areas along front of property	The location of the existing building and pavement areas limit the amount of landscaping that can be provided along the right of way. The property owner will provide landscaping in accordance with section 5.01.08 in areas along the property frontage that are not restricted by existing building or pavement. See site plan for locations.
2.02.10.G	Areas adjacent to residential use shall provide a mimimum 6' masonry wall within a 10' landscape buffer.	W		A 6 foot tall opaque PVC fence is requested in lieu of the required 6' masonry wall as it would be cost prohibitive to build a 6 foot masonry wall adjacent to residential uses. The landscape buffer is also requested to be waived and the fence placed adjacent to the property.
2.02.01 A	Maximum FAR of 30%	W	Allow FAR based on existing building areas and limit expansion of the buildings	The existing buildings result in a FAR = 0.389 which exceeds the required maximum FAR = 0.30, therefore, the buildings cannot be expanded and additional buildings cannot be constructed until additional land is added to the property area.
Florida Building Code 11-4.1.3 (5)	Vertical accessibility shall be provided to all levels above and below the occupiable grade level.	W	Applicant request to apply Exception 1 noted in FBC 11-4.1.3 (5)	Exception I :Elevators not required in facilities that are less than three stories or that have less than 3,000 square feet per story unless the building is shopping center, a shopping or the professional office of a health care provider, or another type of facility as determined by the U.S. Attorney General. 'The elevator exemption set forth in this paragraph does not obviate or limit any way the obligation to comply with the other accessibility requirements established in Section 11-4.1.3, For example, floors above or below the accessible ground floor meet the requirements of this section except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then a toilet or bathing facility must be provided on the accessible ground floor.

SHE

No 64122 JEFFERY W. BANKER, P.E REGISTRATION No. 64122 DATE SO JONAL EN

NOT FOR CONSTRUCTION UNICESS SIGNED AND SEALED

- 2. IT WILL BE THE RESPONSABILITY OF THE CONTRACTOR TO ACQUIRE THE NECESSARY RIGHT-OF-WAY PERMIT(S) AND PROVIDE FOR THE SAFETY
- 3. IT WILL BE THE RESPONSABILITY OF THE CONTRACTOR TO INSURE THAT ALL REQUIRED PERMITS ARE OBTAINED AND IN-HAND BEFORE BEGINNING ANY CONSTRUCTION.

AND CONTROL OF TRAFFIC DURING CONSTRUCTION.

- 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND VERIFYING (HORIZONTALLY AND VERTICALLY) ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND FOR NOTIFYING VARIOUS UTILITY COMPANIES TO MAKE THE NECESSARY ARRANGEMENTS FOR ANY RELOCATION, TEMPORARY DISTRIBUTION SERVICE, OR CLARIFICATION OF ACTIVITY REGARDING SAID UTILITY. THE CONTRACTOR SHALL EXERCISE CAUTION WHEN CROSSING AN UNDERGROUND UTILITY, WHETHER SHOWN ON THESE PLANS OR FIELD LOCATED. ALL UTILITIES WHICH INTERFERE WITH THE PROPOSED CONSTRUCTION SHALL BE RELOCATED BY THE RESPECTIVE UTILITY COMPANIES AND THE CONTRACTOR SHALL COOPERATE WITH THEM DURING RELOCATION OPERATIONS. ANY DELAY OR INCONVENIENCE OF THE VARIOUS UTILITIES SHALL BE INCIDENTAL TO THE CONTRACT AND NO EXTRA COMPENSATION WILL BE ALLOWED.
- 5. THE LOCATION OF ALL EXISTING UTILITIES, STORM DRAINAGE SYSTEMS AND TOPOGRAPHIC FEATURES SHOWN ON THE PLANS HAVE BEEN DETERMINED FROM THE BEST AVAILABLE INFORMATION AND ARE PROVIDED FOR THE CONVENIENCE OF THE CONTRACTOR, THE ENGINEER ASSUMES NO RESPONSABILITY FOR THEIR INACCURACY. SHOULD A DISCREPANCY ARISE BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS, WHICH WOULD APPRECIABLY AFFECT THE EXECUTION OF THESE PLANS. THE CONTRACTOR WILL HALT CONSTRUCTION AND NOTIFY THE ENGINEER IMMIDIATELY.
- 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE CITY WITHIN 48 HOURS BEFORE ANY INSPECTIONS. ALSO, THE CONTRACTOR SHALL BE RESPONSIBLE FOR MEETING ALL INSPECTION CRITERIA, SCHEDULES AND SIGNING SAID INSPECTIONS.
- 7. ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED UNLESS OTHERWISE NOTED.
- 8. THE CONTRACTOR SHALL NOT EXCAVATE, REMOVE OR OTHERWISE DISTURB ANY MATERIAL, STRUCTURE OR PART OF A STRUCTURE WHICH IS LOCATED OUTSIDE THE LINES, GRADES OR GRADING SECTION, ESTABLISHED FOR THIS PROJECT, EXCEPT WHERE SUCH EXCAVATIONS OR REMOVAL IS PROVIDED OR IN THE CONTRACT, PLANS, OR SPECIFICATIONS.
- 9. ALL WORK AND ALL MATERIALS FURNISHED SHALL BE IN CONFORMITY WITH THE LINES, GRADES, GRADING SECTIONS, CROSS SECTIONS, DIMENSIONS, MATERIAL REQUIREMENTS, AND TESTING REQUIREMENTS THAT ARE SPECIFIED IN THE CONTRACT, PLANS OR SPECIFICATIONS.
- 10. PROVIDE A MINIMUM OF 3 FT. COVER FOR ALL UTILITIES UNLESS OTHERWISE NOTED.
- 11. COMPACT ALL UTILITIES TRENCHES WITHIN ROADWAYS TO 98% OF THE PROCTOR MAXIMUM DENSITY.
- 12. THE SPECIFICATIONS, NOTES AND PLANS CALL ATTENTION TO CERTAIN REQUIRED FEATURES OF THE CONSTRUCTION BUT DO NOT PURPORT TO COVER ALL DETAILS OF DESIGN AND CONSTRUCTION, HOWEVER, THE CONTRACTOR SHALL FURNISH AND INSTALL THE WORKS IN ALL DETAILS
- 13. ALL EQUIPMENT SHALL BE HANDLED, STORED, INSTALLED, TESTED AND OPERATED IN STRICT ACCORDANCE WITH THE APPLICABLE MANUFACTURERS WRITTEN INSTRUCTIONS.
- 14. CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK COMPETENTLY AND EFFICIENTLY, DEVOTING SUCH ATTENTION THERETO AND APPLYING SUCH SKILLS AND 14. EXPERTISE AS MAY BE NECESSARY TO PERFORM THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- 15. ALL WORK SHALL BE ACCOMPLISHED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL CODES ORDINANCES REGULATIONS.
- 16. APPARENT ERRORS, DISCREPANCIES OR OMISSIONS ON THE DRAWINGS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION BEFORE BIDDING.
- 17. AFTER COMPLETION OF CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE TO THE CITY, A COMPLETED AS-BUILT PLAN ONE WEEK BEFORE FINAL INSPECTION BEFORE THE FINAL ACCEPTANCE IT SHALL BE THE CONTRACTOR'S RESPONSABILITY TO PERFORM A SITE CLEANUP FOR THE REMOVAL OF TRASH, DEBRIS. EXCESS MATERIALS AND EQUIPMENT TO PRESENT THE PROJECT SITE CLEAN AND IN GOOD ORDER.
- 18. NO EXTRA PAYMENTS SHALL BE ALLOWED FOR ANY WORK REQUIRED DUE TO MISUNDERSTANDING OF JOB OR SITE CONDITIONS AFFECTING THE WORK AS DESCRIBED IN THE SPECIFICATIONS OR SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL NOT TAKE ADVANTAGE OF ANY APPARENT ERROR OR OMISSION IN THE DRAWINGS OR SPECIFICATIONS, AND THE ENGINEER SHALL BE PERMITTED TO MAKE CORRECTIONS AND INTERPRETATION AS MAY BE DEEMED NECESSARY FOR THE FULFILLMENT OF THE INTENT OF THE CONTRACTS DOCUMENTS. THE TENDERING OF A PROPOSAL WILL ACKNOWLEDGE ACCEPTANCE OF THESE CONDITIONS BY THE BIDDER.
- 19. THE CONTRACTOR SHALL SUBMIT FOUR (4) SETS OF DETAILED SHOP DRAWINGS OF ALL MAJOR ITEMS PROPOSED FOR THIS PROJECT TO THE ENGINEER PRIOR TO ORDERING ANY OF THE EQUIPMENT. TWO (2) COPIES OF THE SHOP DRAWINGS WILL BE RETURNED TO THE CONTRACTOR. UPON THE CONTRACTOR'S RECEIPT OF APPROVED SHOP DRAWINGS FROM THE ENGINEER, THE CONTRACTOR MAY PROCEED WITH THE WORK.
- 20. INSTALL VALVE BOXES WITH ALL VALVES. VALVE BOXES UNDER THE PAVEMENTS SHALL HAVE TRAFFIC BEARING COVERS.
- 21. SEPARATION OF WATER MAINS, SANITARY SEWERS AND STORM SEWERS SHALL BE AS PER THE RECOMMENDATION OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (F.D.E.P.), LATEST REQUIREMENTS.
- VERTICAL UTILITY SEPARATION AND VERTICAL CLEARANCE NEW OR RELOCATED, UNDERGROUND WATERMAINS SHALL BE LAID TO PROVIDE A HORIZONTAL A. DISTANCE AT LEAST 6 FEET, AND PREFERABLY 10 FEET, BETWEEN THE OUTSIDE OF ANY EXISTING OR PROPOSED GRAVITY - OR PRESSURE - TYPE SANITARY SEWER, WASTEWATER FORCEMAIN, OR PIPELINE CONVEYING RECLAIMED WATER NOT REGULATED UNDER PART III OF CHAPTER 62-610, F.A.C. THE MINIMUM HORIZONTAL SEPARATION DISTANCE BETWEEN WATERMAINS AND GRAVITY - TYPE SANITARY SEWERS SHALL BE REDUCED TO 3 FEET WHERE THE BOTTOM OF THE WATERMAIN IS LAID AT LEAST 6-INCHES ABOVE THE TOP OF THE SEWER. NEW OR RELOCATED, UNDERGROUND WATERMAINS CROSSING ANY EXISTING OR PROPOSED GRAVITY - OR VACUUM - TYPE SANITARY

SEWER SHALL BE LAID SO THE OUTSIDE OF THE WATERMAIN IS AT

- LEAST 6-INCHES, AND PREFERABLY 12-INCHES ABOVE, OR AT LEAST 12-INCHES BELOW THE OUTSIDE OF THE OTHER PIPELINE. HOWEVER, IT IS PREFERABLE TO LAY THE WATERMAIN ABOVE THE OTHER PIPELINE.
- AT THE UTILITY CROSSINGS DESCRIBED ABOVE, ONE FULL LENGTH OF WATERMAIN PIPE SHALL BE CENTERED ABOVE OR BELOW THE OTHER PIPELINE SO THE WATERMAIN JOINTS WILL BE AS FAR AS POSSIBLE FROM THE OTHER PIPELINE. ALTERNATIVELY, AT SUCH CROSSINGS, THE PIPES SHALL BE ARRANGED SO THAT ALL WATERMAIN JOINTS ARE AT LEAST 3 FEET FROM ALL JOINTS IN VACCUM-TYPE SANITARY SEWERS, OR PIPELINES CONVEYING RECLAIMED WATER REGULATED UNDER PART III OF CHAPTER 62-610, F.A.C., AND AT LEAST 6-FEET FROM ALL JOINTS IN GRAVITY OR PRESSURE - TYPE SANITARY SEWERS, WASTEWATER FORCEMAINS, OR PIPELINES CONVEYING RECLAIMED WATER NOT REGULATED UNDER PART III OF CHAPTER 62-610, F.A.C.
- B. FORCEMAINS: SEPARATION BETWEEN FORCEMAIN AND WATERMAINS MUST BE MAINTAINED UNLESS APPROVED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (F.D.E.P.)
- C. SEWER MANHOLES: NO WATER PIPES SHALL PASS THROUGH, OR COME IN CONTACT WITH ANY PART OF A SEWER MANHOLE.

22. SANITARY PIPE MATERIALS

- A. PVC GRAVITY SEWER PIPE: PVC GRAVITY SEWER PIPE (4"-15"), ASTM D3034, SDR 35. UNIFORM MINIMUM "PIPE STIFFNESS" AT FIVE (5) PERCENT DEFLECTION SHALL BE 46 PSI. THE JOINTS SHALL BE INTEGRAL BELL ELASTOMETRIC GASKET JOINTS MANUFACTURED IN ACCORDANCE WITH ASTM D3212 AND ASTM F477. APPLICABLE UNI-BELL PLASTIC PIPE ASSOCIATION STANDARD IS UNI-B-4. ALL PVC PIPE SHALL BEAR THE NSF-DW SEAL. THE MINIMUM STANDARD LENGTH OF THE PIPE SHALL BE THIRTEEN (13) FEET.
- B. DIP GRAVITY SEWER PIPE (NOT TO BE USED WITHOUT CITY APPROVAL): DUCTILE IRON PIPE SHALL CONFORM TO ANSI/AWWA A21.51/C151, CLASS THICKNESS DESIGNED PER ANSI/AWWA A21.51/C151, WITHMECHANICAL OR PUSH ON JOINTS, AN INTERIOR PROTECTIVE LINING OF COAL TAR EPOXY SHALL BE PROVIDED WITH A MINIMUM DRY THICKNESS OF 30 MILS DUCTILE IRON GRAVITY SEWERS, WHERE CALLED FOR BY THE CITY SHALL BE WRAPPED WITH POLYETHYLENE FILM, AWWA C105. THE MINIMUM STANDARD STANDARD LENGTH OF PIPE SHALL BE EIGHTEEN (18) FEET. (DUCTILE IRON SHALL NOT BE USED FOR SANITARY SEWER UNLESS APPROVED BY THE DIRECTOR).
- C. PIPE MARKINGS: ALL PIPES SHALL HAVE A HOMING MARK ON THE SPIGOT PROVIDED BY THE MANUFACTURER. ON FIELD CUT PIPE. CONTRACTOR SHALL PROVIDE HOMING MARKNON THE SPIGOT IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

- A. PIPING: HDPE PIPE: MATERIALS USED FOR THE MANUFACTURE OF HIGH-DENSITY POLYETHYLENE PIPE AND FITTINGS SHALL COMPLY WITH ALL REQUIREMENTS OF ASTM D1248 AND PLASTIC PIPE INSTITUTE DESIGNATION PE3408. MANUFACTURER SHALL BE A MEMBER IN GOOD STANDING OF THE PLASTIC PIPE INSTITUTE. HDPE PIPE AND FITTINGS SHALL COMPLY OR EXCEED AWWASTANDARDS C901/C906, ASTM D2513, ASTM D3035 AND ASTM F714. THE MANUFACTURER SHALL SUPPLY A LETTER OF CERTIFICATION STATING COMPLIANCE TO ALL THE ABOVE STANDARDS PRIOR TO SHIPPING ANY MATERIAL TO PROJECT SITE. THE HDPE MATERIAL SHALL HAVE REQUIRED ULTRAVIOLET INHIBITORS TO RESIS' DEGRADATION BY DIRECT AND PROLONG SUNLIGHT. THE DESIGN OF HDPE MATERIALS SHALL BE BASED ON THE HYDROSTATIC DESIGN BASIS (HDB) OF 1,600 PSI AT 73.4 DEGREES FAHRENHEIT. PIPE SHALL BE DESIGNED AND PRODUCED TO DUCTILE IRON DIAMETERS AND TO A MAXIMUM DIMENSION RATIO OF 11.
- B. FITTINGS: ALL FITTINGS SHALL BE HDPE MOLDED AND SHALL BE MADE, AT A MINIMUM, TO THE SAME PRESSURE RATING AS THE PIPE. ALL FABRICATED HDPE FITTINGS SHALL BE MANUFACTURED TO A MINIMUM THICKNESS OF DR 13.5. DUCTILE IRON PIPE FITTINGS, WITH MECHANICAL JOINT ADAPTERS. MAY BY USED WHEN REQUIRED FOR SPECIAL CONNECTIONS BUT MUST BY SUPPLIED BY A PRE-APPROVED MANUFACTURER. MANUFACTURERS OF THE ELECTROFUSION COUPLING AND FITTINGS SHALL BE AN ISO 9001 CERTIFIED COMPANY WITH PRODUCT HAVING CANADA STANDARDS ASSOCIATION (CSA) CERTIFICATION.
- C. MARKING FOR FORCEMAIN: ALL NON-METALLIC FORCEMAINS SHALL BE INSTALLED WITH A CONTINUOUS, INSULATED SINGLE STRAND 10 GAUGE COPPER WIRE RATED 600V DIRECT BURY, INSTALLED DIRECTLY ON TOP OF THE PIPE FOR LOCATION PURPOSES. IN ADDITION ALL PVC FORCEMAINS SHALL BE EITHER A SOLID GREEN COLOR OR WHITE WITH GREEN LETTERING. ALL LETTERING SHALL APPEAR LEGIBLY ON PIPE AND SHALL RUN THE ENTIRE LENGTH OF THE PIPE. LETTERING SHALL READ AS IS ACCEPTABLE FOR THE INTENDED USE. ALL DUCTILE IRON FORCEMAINS SHALL BE MARKED WITH A CONTINUOUS STRIPE LOCATED WITHIN THE TOP 90 DEGREES OF THE PIPE. SAID STRIPE SHALL BE A MINIMUM 2 INCHES IN WIDTH AND SHALL BE GREEN IN COLOR. BACKFILL SHALL NOT BE PLACED FOR 30 MINUTES FOLLOWING PAINT APPLICATION.
- 24. THE CONTRACTOR SHALL COMPLY WITH THE LEGAL LOAD RESTRICTIONS IN HAULING OF MATERIALS IN PUBLIC ROADS BEYOND THE LIMITS OF WORK. A SPECIAL PERMIT WILL NOT RELIEVE THE CONTRACTOR OF LIABILITY FOR DAMAGE WHICH MAY RESULT FROM THE MOVING OF MATERIAL AND EQUIPMENT.
- 25. DURING CONSTRUCTION, NO DIRECT DISCHARGE OF WATER TO DOWNSTREAM RECEIVING WATERS WILL BE ALLOWED. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING WATER QUALITY, AND ROUTE DISCHARGE WATER IN SUCH A MANNER AS TO ADEQUATELY REMOVE SILT PRIOR TO RUNOFF FROM THE SITE.

26. VALVES

- A. VALVES 2-INCH AND SMALLER: VALVES SHALL BE BRONZE, WEDGE, DISC, NON-RISING STEM TYPE, 150 PSI MINIMUM WORKING PRESSURE, EQUIPPED WITH WROUGHT STEEL, ALUMINUM OR CAST IRON OPERATING HAND WEEL. VALVES SHALL MEET FEDERAL SPECIFICATIONS WWV54D, TYPE 1, CLASS A. VALVES SHALL BE FIGURE 3FG AS MANUFACTURED BY AMERICAN VALVE COMPANY OR APPROVED EQUAL.
- VALVE BOXES: UNITS SHALL BE SCREW TYPE, CAST IRON. MINIMUM DIAMETER OF 5-INCHES WITH COVER CAST WITH THE APPLICABLE INSCRIPTION IN LEGIBLE LETTERING ON THE TOP "WATER". BOXES SHALL BE SUITABLE FOR THE APPLICABLE SURFACE LOADING AND VALVE SIZE DOMESTIC ONLY AND SHALL BE MANUFACTURED BY TYLER COMPANY OR APPROVED EQUAL.
- C. WASTEWATER AIR / VACUUM-RELEASE VALVE: THE VALVE BODY SHALL BE OF CAST IRON ASTM A126-B; THE FLOAT, FLOOD GUIDE AND STEM SHALL BE OF STAINLESS STEEL TYPE 304. THE RESILIENT

- SEAT SHALL BE OF BUNA-N. THE VALVE SHALL BE SUITABLE FOR 150 PSIg WORKING PRESSURE. VALVE SHALL BE STANDARD TWO (2)-INCH NPT INLET AND OUTLET PORTS.
- D. BUTTERFLY VALVES: VALVES SHALL BE CAST OR DUSTILE IRON BODY ALLOY, CAST IRON OR DUSTILE IRON DISC. VALVE SEAT SHALL BE 18-8 TYPE 304 STAINLESS STEEL MADE INTEGRAL WITH THE VALVE BODY, SHAFT SIZE AND OTHER SPECIAL REQUIREMENTS SELECTED IN ACCORDANCE WITH THE SPECIFIC DESIGN AND SHALL COMPLY WITH PROVISIONS OF AWWA C504 RUBBER-SEATED BUTTERFLY VALVES. VALVE OPERATIONS SHALL BE APPROVED GEAR ACTUATORS, WITH SEALED ENCLOSURES FOR BURIED OR SUBMERGED SERVICE. UNITS SHALL BE EQUIPPED WITH ACTUATING NUTS, CAST IRON HANDWHEELS OR CHIN OPERATORS WITH GALVANIZED STEEL CHAINS, AS APPROPRIATE FOR THE INSTALLATION. VALVES SHALL BE MODEL 450 AS MANUFACTURED BY M&H VALVE COMPANY OR APPROVED EQUAL.
- E. PLUG VALVES: PLUG VALVES SHALL HAVE A SEMI-STEEL BODY NON-LUBRICATED, ECCENTRIC TYPE, 100%%% PORT OPENING, WITH RESILIENT FACED PLUGS CAPABLE OF DRIP-TIGHT BI-DIRECTIONAL SHUT-OFF AT THE FULL RATED PRESSURE. VALVES SHALL BE LINED WITH A CERAMIC EPOXY MATERIAL SUCH AS PROTECTO 401 OR PERMITE 9043. EXPOSED VALVES SHALL HAVE FLANGED CONNECTIONS. BURIED VALVES SHALL HAVE MECHANICAL JOINT CONNECTIONS. BURIED VALVES SHALL HAVE STEM EXTENSIONS WHICH SHALL BRING THE OPERATING NUT WITHIN TWO FEET OF FINISHED GRADE. STEM EXTENSION SHALL BE CONTAINED WITHIN AN APPROPRIATELY SIZED VALVE BOX. GEAR ACTUATORS FOR VALVES 8 INCHES OR LARGER SHALL BE PROVIDED. VALVES AND APPURTENANCES SHALL BE SERIES 100 AS MANUFACTURED BY DEZURIK CORP., MILLIKE OR APPROVED EQUAL.
- 27. CONNECTION TO EXISTING LINES TO WHICH PIPING OF THIS CONTRACT MUST CONNECT, THE FOLLOWING WORK SHALL BE PERFORMED.
 - A. EXPOSE BURIED LINES TO CONFIRM OR DETERMINE END CONNECTION, PIPE MATERIAL AND DIAMETER.
 - B. FURNISHING AND INSTALLING PIPING AND MAKING PROPER CONNECTIONS.

28. THRUST BLOCKS

- A. LONGITUDINAL THRUST ALONG PRESSURIZED PIPE LINES AT BENDS, TEES, REDUCERS, AND CAPS OR PLUGS SHALL BE COUNTERACTED BY ENOUGH WEIGHT OF CONCRETE TO COUNTER BALANCE THE VERTICAL AND HORIZONTAL THRUST FORCE. WHERE UNDISTURBED TRENCH WALLS ARE NOT AVAILABLE FOR THRUST BLOCKING, THE CONTRACTOR SHALL FURNISH AND INSTALL SUITABLE PIPE HARNESSES OR TIES DESIGNED AND MANUFACTURED SPECIFICALLY FOR THIS PURPOSE. HARNESSES AND / OR TIES SHALL BE APPROVED BY THE ENGINEER.
- B. JOINTS SHALL BE PROTECTED BY FELT ROOFING PAPER PRIOR TO PLACING CONCRETE THRUST BLOCK.
- C. BEARING AREA OF THRUST BLOCKS SHALL BE ADEQUATE TO PREVENT ANY MOVEMENT OF THE FITTING AND SHALL BE OF THE SIZE AND DIMENSIONS AS SHOWN ON THE DRAWINGS.
- D. CONCRETE FOR THRUST BLOCK SHALL BE CLASS C. CONCRETE SHALL BE PLACED AGAINST UNDISTURBED MATERIAL, AND SHALL NOT COVER JOINTS, BOLTS OR NUTS, OR INTERFERE D. WITH THE REMOVAL OF ANY JOINT. WOODEN SIDE FORMS SHALL BE PROVIDED FOR THRUST BLOCKS. IN LIEU OF THRUST BLOCKING AND WITH THE APPROVAL OF THE ENGINEER, PIPE HARNESSES AND/OR TIES, OR RESTRAINED PUSH-ON, OR RESTRAINED MECHANICAL JOINTS MAY BE USED.
- E. RESTRAINED JOINTS SHALL BE USED WHERE SHOWN ON THE DRAWINGS.

29. RESTRAINED JOINTS

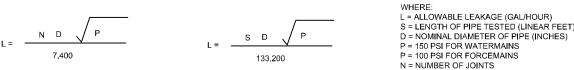
- A. SECTIONS OF PIPING DESIGNATED ON THE DRAWINGS AS HAVING RESTRAINED JOINTS OR THOSE REQUIRING RESTRAINED JOINTS SHALL BE CONSTRUCTED USING PIPE AND FITTINGS WITH A. RESTRAINED "LOCKED-TYPE" JOINTS AND THE JOINTS SHALL BE CAPABLE OF HOLDING AGAINST WITHDRAWAL FOR LINE PRESSURES 50% ABOVE THE NORMAL WORKING PRESSURE, BUT NOT LESS THAN 150 PSI. THE PIPE AND FITTINGS SHALL BE SHOWN FOR RESTRAINED PUSH-ON JOINTS OR RESTRAINED MECHANICAL JOINTS ON PAGE 416 IN SECTION VI. IN THE HANDBOOK OF CAST IRON PIPE, 4TH EDITION. MECHANICAL JOINT DUCTILE IRON PIPE RETAINER GLANDS WILL BE PERMITTED ONLY WHEN RESTRAINED JOINTS ARE NOT READILY AVAILABLE.
- B. RESTRAINED PIPE JOINTS THAT ACHIEVE RESTRAINT BY INCORPORATING CUT OUT SECTIONS IN THE WALL OF THE PIPE SHALL HAVE A MINIMUM WALL THICKNESS AT THE POINT OF CUT B. OUT THAT CORRESPONDS WITH THE MINIMUM SPECIFIED THICKNESS FOR THE REST OF THE PIPE.
- C. THE MINIMUM NUMBER OF RESTRAINED JOINTS REQUIRED FOR RESISTING FORCES AT FITTINGS AND CHANGES IN DIRECTION OF PIPE SHALL BE DETERMINED FROM THE LENGTH OF THE C. RESTRAINED PIPE ON EACH SIDE OF FITTINGS AND CHANGES IN DIRECTION NECESSARY TO DEVELOP RESISTING FRICTION WITH THE SOIL. THE FORMULA AND PARAMETERS GIVEN BELOW SHALL BE USED TO DETERMINE THE MINIMUM REQUIREMENTS.
- D. BOLTS AND NUTS FOR RESTRAINED JOINTS SHALL BE CORTEN, LOW ALLOW, HIGH STRENGTH STEEL.
- E. THE CONTRACTOR SHALL ALSO PROVIDE RESTRAINED JOINTS IN ACCORDANCE WITH THE ABOVE CRITERIA WHENEVER THRUST BLOCKS ARE NOT USED IN CONNECTION WITH BELOW E. GROUND FITTINGS ON LINES 6-INCHES IN DIAMETER OR LESS, AND AS APPROVED BY THE ENGINEER.

30. PRESSURE AND LEAKAGE TEST OF UNDERGROUND PRESSURE PIPING

- A. HYDROSTATIC PRESSURE AND LEAKAGE TEST SHALL CONFORM WITH SECTION 7.3 OF AWWA C605 (PVC) AND SECTION 5.2 OF AWWA C600 (DIP) SPECIFICATION WITH THE EXCEPTION THAT THE CONTRACTOR SHALL FURNISH ALL GAUGES, METERS, PRESSURE PUMPS AND OTHER EQUIPMENT NEEDED TO TEST THE LINE.
- THE PRESSURE REQUIRED FOR THE FIELD HYDROSTATIC PRESSURE TEST SHALL BE 50% ABOVE THE NORMAL WORKING PRESSURE BUT NOT LESS THAN 150 PSI. THE CONTRACTOR B. SHALL PROVIDE TEMPORARY PLUGS AND BLOCKING NECESSARY TO MAINTAIN THE REQUIRED TEST PRESSURE. CORPORATION COCKS AT LEAST 3/4-INCH IN DIAMETER, PIPE RISER AND ANGLE GLOBE VALVES SHALL BE PROVIDED AT EACH PIPE DEAD-END IN ORDER TO BLEED AIR FROM THE LINE. DURATION OF PRESSURE TEST SHALL BE AT LEAST TWO (2) HOURS WITH NO DROP IN TEST PRESSURE. THE COST OF THESE ITEMS SHALL BE PAID BY THE CONTRACTOR.

- C. THE LEAKAGE TEST SHALL BE CONDUCTED FOLLOWING THE PRESSURE TEST AND SHALL BE OF NOT LESS THAN 2 HOURS DURATION. ALL LEAKS EVIDENT AT THE SURFACE SHALL BE REPAIRED AND LEAKAGE ELIMINATED REGARDLESS OF TOTAL LEAKAGE AS SHOWN BY TEST. LINES WHICH FAIL TO MEET TESTS SHALL BE REPAIRED AND RETESTED AS NECESSARY UNTIL TEST REQUIREMENTS ARE COMPILED WITH. DEFECTIVE MATERIALS, PIPES VALVES AND ACCESSORIES SHALL BE REMOVED AND REPLACED. THE PIPE LINES SHALL BE TESTED IN SUCH SECTIONS AS MAY BE DIRECTED BY THE ENGINEER BY SHUTTING VALVES OR INSTALLING TEMPORARY PLUGS AS AS REQUIRED. THE LINES SHALL BE FILLED WITH WATER ALL AIR REMOVED AND THE TEST PRESSURE SHALL BE MAINTAINED IN THE PIPE FOR THE ENTIRE TEST PERIOD BY MEANS OF A FORCE PUMP TO BE FURNISHED BY THE CONTRACTOR. ACCURATE MEANS SHALL BE PROVIDED FOR MEASURING THE WATER REQUIRED TO MAINTAIN THIS PRESSURE. THE AMOUNT OF WATER REQUIRED IS A MEASURE OF THE LEAKAGE.
- D. THE AMOUNT OF LEAKAGE WHICH WILL BE PERMITTED SHALL BE IN ACCORDANCE WITH AWWA C600 STANDARDS FOR ALL PRESSURE. NO PIPE INSTALLATION D. SHALL BE ACCEPTED IF THE LEAKAGE IS GREATER THAN THE FOLLOWING FORMULA:

THIS FORMULA SHALL BE USED FOR "PVC" PIPE THIS FORMULA SHALL BE USED FOR "DIP" PIPI



E. THE CONTRACTOR MUST SUBMIT HIS PLAN FOR TESTING TO THE ENGINEER FOR REVIEW AT LEAST TEN (10) DAYS BEFORE STARTING THE TEST. THE CONTRACTOR SHALL REMOVE AND ADEQUATELY DISPOSE ALL BLOCKING MATERIAL AND EQUIPMENT AFTER COMPLETION AND ACCEPTANCE OF THE FIELD HYDROSTATIC TEST. UNLESS OTHERWISE DIRECTED BY THE ENGINEER. ANY DAMAGE TO THE PIPE COATING SHALL BE REPAIRED BY THE CONTRACTOR. LINES SHALL BE TOTALLY FREE AND CLEAN PRIOR TO FINAL ACCEPTANCE.

31. LEAKAGE TEST FOR GRAVITY SANITARY SEWERS

- A. LEAKAGE TEST SHALL BE THE LOW PRESSURE AIR TEST OR LEAKAGE / INFILTRATION, IN GENERAL, LEAKAGE / INFILTRATION TEST MAY BE REQUIRED IN AREA WITH GROUNDWATER. MAXIMUM INFILTRATION IS 0.2 GALLONS PER HOUR, PER INCH DIAMETER, PER 100 FEET. MANHOLE MAY BE TESTED SIMULTANEOUSLY WITH HYDROSTATIC TEST. BY FILLING MANHOLE WITH WATER TO AN ELEVATION 1 FOOT BELOW THE START OF THE CONE SECTION WITH A MINIMUM DEPTH OF 20 FEET WHERE THE MANHOLES ARE TESTED WITH THE SEWER LINE NO ADDITIONAL LEAKAGE WILL BE ALLOWED ABOVE THAT FOR THE MAINLINE SEWER. THE MAXIMUM ALLOWABLE DROP IN THE WATER SURFACE SHALL BE 1/2 INCH FOR EACH 15 MINUTES PERIOD OF TESTING.
- B. THE AIR LEAKAGE TEST SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROCEDURE FOR "RECOMMENDED PRACTICE FOR LOW PRESSURE AIR TESTING OF INSTALLED SEWER PIPE". AS ESTABLISHED BY THE UNI-BELL PVC PIPE ASSN. PASSING THIS TEST, SHALL BE PRESUMED TO ESTABLISH LEAKAGE TEST LIMITS OF 50 GALLONS PER DAY PER INCH DIAMETER PER MILE SEWER.
- C. INTERNAL VIDEO INSPECTION FOR THE GRAVITY SEWER SHALL BE PERFORMED BY THE CONTRACTOR TO CHECK FOR ALIGNMENT AND DEFLECTION. THE TELEVISION INSPECTION SHALL ALSO BE USED TO CHECK FOR CRACKED, BROKEN OR OTHERWISE DEFECTIVE PIPE, AND OVERALL PIPE INTEGRITY.
- D. THE CONTRACTOR SHALL SUBMIT CONTRACTOR TO OBTAIN PRIOR WRITTEN APPROVAL FROM THE CITY AS TO WHICH TYPE OF TEST IS TO BE D. PERFORMED. 40. STANDARDS ALL PROFESSIONAL STANDARDS LISTED WITHIN THESE NOTES SHALL REFER TO THE MOST CURRENT EDITION.

32. STANDARDS

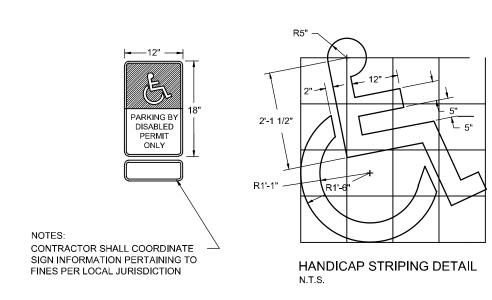
ALL PROFESSIONAL STANDARDS LISTED WITHIN THESE NOTES SHALL REFER TO THE MOST CURRENT EDITION

STRIPING AND SIGNAGE NOTES

- 1. UNLESS OTHERWISE NOTED, ALL PAVEMENT STRIPING SHALL BE PAINT. PAINTING SHALL COMPLY WITH FDOT SPECIFICATION SECTION 710 AND 971.
- 2. SIGNS AND PAVEMENT MARKINGS ARE TO BE PLACED IN ACCORDANCE WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" AND THE TRAFFIC DESIGN STANDARDS.
- PARKING LOT STRIPING ROWS SHALL BE DISTRIBUTED EVENLY BETWEEN LANDSCAPE ISLAND CURBS TO ACHIEVE THE NUMBER OF SPACES INDICATED ON THE STRIPING PLAN.
- 4. SIGNAGE SHALL HAVE A MINIMUM BOTTOM OF SIGN TO FINISH GRADE OF 7
- REFLECTIVE PAVEMENT MARKERS SHALL CONFORM TO FDOT STANDARD SPECIFICATION SECTION 706.
- THERMOPLASTIC STRIPING SHALL BE IN ACCORDANCE WITH THE FDOT STANDARD SPECIFICATION SECTION 711. ONLY ALKYD BASED MATERIALS SHALL BE USED.

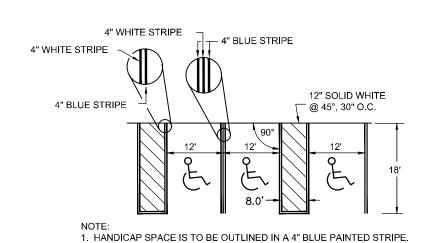
GENERAL NOTES

- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER, PRIOR TO CONSTRUCTION. OF ANY DISCREPANCIES FOUND BETWEEN THESE PLANS, THE ARCHITECTURAL PLANS AND/OR FIELD CONDITIONS.
- 2. PRIOR TO START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE VARIOUS UTILITIES TO FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES WHICH MAY INTERFERE WITH THE PROPOSED WORK. RELOCATION OR EXTENSION OF EXISTING UTILITIES SHALL BE COORDINATED BY THE CONTRACTOR.
- 3. ALL MATERIALS, CONSTRUCTION METHODS, CONSTRUCTION INSPECTIONS AND TESTING FOR THE PROJECT IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AND CITY OF APOPKA DEVELOPMENT REGULATIONS, MOST RECENT EDITIONS.
- 4. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY REQUIRED ORANGE COUNTY AND CITY OF APOPKA UNDERGROUND UTILITY RIGHT-OF-WAY PERMITS.
- 5. AS-BUILT DRAWINGS SHALL BE PREPARED BY AND CERTIFIED BY A REGISTERED SURVEYOR, AND SHALL BE PROVIDED TO THE PROJECT ENGINEER UPON COMPLETION OF THE PROJECT SITE IMPROVEMENTS. AS-BUILT DRAWINGS SHALL REFLECT ANY CHANGES TO THE IMPROVEMENTS MADE DURING CONSTRUCTION. BOTH THE ORIGINAL DESIGN AND REVISED AS-BUILT DATA, AS APPLICABLE, MUST BE CLEARLY SHOWN. THE AS-BUILT DRAWINGS MUST BE CLEARLY LABELED AS AS-BUILT OR RECORD DRAWING. THE FOLLOWING INFORMATION, AT A MINIMUM, SHALL BE CERTIFIED ON THE AS-BUILT DRAWINGS:
 - A. WASTEWATER COLLECTION/TRANSMISSION SYSTEM: LOCATION, DIMENSION, AND INVERT ELEVATIONS OF PIPES, MANHOLES (INCLUDING RIM ELEVATION), AND OTHER ASSOCIATED FACILITIES.
- 6. ALL PRIVATE AND PUBLIC PROPERTY DAMAGED BY CONSTRUCTION ACTIVITIES SHALL BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN EXISTING.
- 7. CONTRACTOR SHALL PROVIDE ALL NECESSARY TRAFFIC CONTROL DEVICES TO PROTECT AND FACILITATE TRAFFIC MOVEMENT DURING CONSTRUCTION.
- 8. THE CONTRACTOR SHALL OBTAIN FROM THE OWNER, REVIEW AND MAINTAIN A COPY OF ALL REQUIRED PERMITS FOR THE PROJECT, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND PERMIT MODIFICATIONS IN GOOD CONDITION ON THE CONSTRUCTION SITE.
- 9. THE CONTRACTOR SHALL NOT INITIATE ANY ASPECT OF THE WORK DEPICTED ON THESE DRAWINGS UNTIL HE HAS RECEIVED WRITTEN ACKNOWLEDGMENT FROM THE OWNER OR ENGINEER THAT ALL APPLICABLE PERMITS HAVE BEEN OBTAINED. THE CONTRACTOR SHALL REVIEW, FAMILIARIZE HIMSELF WITH, AND MAINTAIN COPIES OF APPLICABLE PERMITS AT THE CONSTRUCTION SITE, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS AND MODIFICATIONS.
- 10. PRIOR TO COMMENCING WORK, THE CONTRACTOR SHALL FURNISH ERECT AND MAINTAIN ALL BARRICADES, WARNING SIGNS, MARKINGS, ETC. FOR HAZARDS AND THE CONTROL OF TRAFFIC, IN CONFORMITY WITH FDOT STANDARDS, THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, OR AS DIRECTED BY FDOT OR CITY OF APOPKA; WHERE THE WORK CAUSES OBSTRUCTION TO THE NORMAL TRAFFIC OR CONSTITUTES IN ANY WAY A HAZARD TO THE PUBLIC

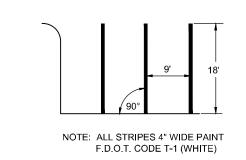


- 1. ALL LETTERS ARE 1" SERIES "C", PER MUTCD.
- 2. TOP PORTION OF SIGN SHALL HAVE REFLECTORIZED (ENGINEERING GRADE) BLUE BACKGROUND WITH WHITE REFLECTORIZED LEGEND AND BORDER.
- 3. BOTTOM PORTION OF SIGN SHALL HAVE A REFLECTORIZED (ENGINEERING GRADE)
- WHITE BACKGROUND WITH BLACK OPAQUE LEGEND AND BORDER. 4. ONE (1) SIGN IS REQUIRED FOR EACH PARKING SPACE.
- 5. HEIGHT OF SIGN SHALL 7'-6" FROM FINISHED GROUND TO BOTTOM OF SIGN

HANDICAP PARKING SIGN DETAIL



TYPICAL HANDICAP PARKING SECTION



TYPICAL STRIPING DETAIL

05.02.16

JEFFERY, W. BANKER, P.

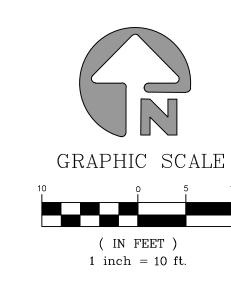
REGISTRATION No. 64122

~ LORIDA

APPROVED BY: JB

DATE:

SHEET:



LEGEND



LIMITS OF SURFACE DEMOLITION

● SILT FENCE

KEY NOTES

- 1) REMOVE ASPHALT PAVEMENT
- (2) REMOVE CONCRETE PAVEMENT
- (3) SILT FENCE (SEE DETAIL THIS SHEET)
- (4) REMOVE CHAINLINK FENCE
- (5) REMOVE EXISTING DOSING TANK AND ASSOCIATED PIPING. CAP EXISTING SEWER PIPING TO ACCOMMODATE MODIFIED SEWER PIPE ROUTING. SEE UTILITY PLAN FOR COORDINATION.

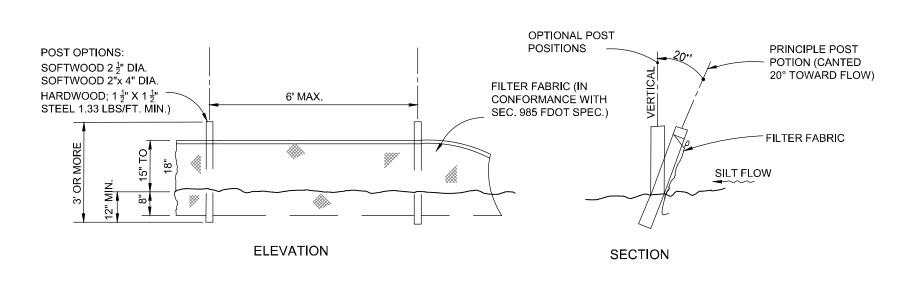
DEMOLITION NOTES

- 1. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER PRIOR TO CONSTRUCTION OF ANY DISCREPANCIES FOUND BETWEEN THESE PLANS AND EXISTING FIELD CONDITIONS.
- 2. EXISTING PAVEMENT AREAS TO REMAIN UNDISTURBED SHALL BE PROTECTED FROM DAMAGE DURING CONSTRUCTION ACTIVITIES.
- 3. CONTRACTOR SHALL COORDINATE WITH THE OWNER REGARDING LOCATION TO STOCKPILE ANY REUSABLE STRUCTURES, PAVEMENT BASE MATERIAL, FIXTURES, ETC.
- 4. CONTRACTOR SHALL COORDINATE WITH ALL THE UTILITY COMPANIES FOR ALL UTILITIES THAT REQUIRE REMOVAL OR RELOCATION.
- 5. DEMOLITION MATERIALS, FACILITIES, ETC., AS DEPICTED AND/OR NOTED BY THESE DRAWINGS, SHALL BE REMOVED FROM FROM OWNERS PROPERTY SHALL BE LEGALLY DISPOSED IN CONFORMANCE WITH APPLICABLE REGULATIONS.

EROSION CONTROL NOTES

- TO SOIL DISTURBANCE OR AS THE FIRST STEP IN CONSTRUCTION. THESE MEASURES MUST REMAIN IN PLACE AND MAINTAINED IN GOOD CONDITION UNTIL CONSTRUCTION IS COMPLETE, SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED.
- 2. EROSION CONTROL IS PERFORMANCE BASED, SO MEASURES NEEDED TO REQUIRED TO PREVENT OFF-SITE IMPACTS.
- 3. PERIMETER CONTROL. PROPERLY TRENCHED SILT FENCE OR OTHER APPROVED PERIMETER CONTROLS SHALL BE PLACED ALONG ALL PERIMETERS OF THE PROJECT SITE, WHICH IS DOWN GRADIENT OF ANY DISTURBED SOIL.
- 4. THE CONTRACTOR SHALL PROMPTLY REMOVE ALL MUD, DIRT, OR 9. EROSION/TURBIDITY BARRIERS MUST BE INSTALLED AT ALL LOCATIONS OTHER MATERIALS TRACKED OR SPILLED ONTO EXISTING PUBLIC ROADS AND FACILITIES, DUE TO CONSTRUCTION.
- 5. DEWATERING ACTIVITES WILL NOT RESULT IN ANY DISCHARGE OF TURBID WATER FROM THE PROJECT SITE.
- 6. ALL TEMPORARY PROTECTION SHALL BE MAINTAINED UNTIL PERMANENT MEASURES ARE IN PLACE AND ESTABLISHED

- 1. EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE PLACED PRIOR 7. STABILIZATION MEASURES SHALL BE INITIATED FOR EROSION AND SEDIMENT CONTROL ON DISTURBED AREAS AS SOON AS PRACTICAL IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.
- ADDITIONAL TO WHAT IS INDICATED ON THE APPROVED PLANS MAY BE 8. THE LOCATION AND TYPE OF THE EROSION CONTROL MEASURES SHOWN ON THIS DRAWING ARE PROVIDED FOR GENERAL GUIDANCE TO THE CONTRACTOR. THE METHODS AND SEQUENCING OF CONSTRUCTION EMPLOYED BY THE CONTRACTOR MAY REQUIRE MORE OR LESS EROSION CONTROL MEASURES THAN THAT DEPICTED TO MAINTAIN ADEQUATE EROSION AND SEDIMENT CONTROL FOR THE CONSTRUCTION ACTIVITIES.
 - WHERE THE POSSIBILITY OF TRANSFERRING SEDIMENT OR SUSPENDED SOLIDS TO ADJACENT PROPERTIES, JURISDICTIONAL WETLANDS AND/OR RECEIVING WATERBODIES EXISTS DUE TO THE PROPOSED WORK. TURBIDITY BARRIERS MUST REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. THEREAFTER THE CONTRACTOR WILL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE CONTRACTOR SHALL MAINTAIN THE EROSION/TURBIDITY CONTROL BARRIERS DAILY. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING
- THE NECESSARY EROSION/TURBIDITY CONTROL FOR THIS PROJECT. THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY PENALTIES IMPOSED BY THE PERMITTING AGENCY FOR ANY EROSION, SHOALING, OR WATER QUALITY PROBLEMS RESULTANT TO CONSTRUCTION ACTIVITIES.
- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL USE APPROPRIATE BEST MANAGEMENT PRACTICES FOR EROSION AND SEDIMENT CONTROL AS DESCRIBED IN THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT AND/OR ACCORDING TO F.D.O.T. ROADWAY AND TRAFFIC DESIGN STANDARDS FOR EROSION CONTROL APPLICATIONS.
- 11. MEASURES SHALL BE TAKEN BY THE CONTRACTOR TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATERBODIES. THE CONTRACTOR MUST IMPLEMENT AND MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES REQUIRED TO RETAIN SEDIMENT ON-SITE AND TO PREVENT VIOLATIONS OF THE WATER QUALITY CRITERIA AND STANDARDS IN CHAPTERS 17-4, 17-302. F.A.C. ALL EROSION/SEDIMENT CONTROL PRACTICES MUST BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS IN SECTION 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL: A GUIDE TO SOUND LAND AND WATER MANAGEMENT (FLORIDA DEPARTMENT OF
- ENVIRONMENTAL REGULATION 1988), UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED BY THE WATER MANAGEMENT DISTRICT IN WHICH CASE THE PRACTICES MUST BE IN ACCORDANCE WITH THE PLAN. IF SITE SPECIFIC CONDITIONS REQUIRE ADDITIONAL MEASURES DURING ANY PHASE OF CONSTRUCTION OR OPERATION TO PREVENT EROSION OR CONTROL SEDIMENT, THE CONTRACTOR MUST IMPLEMENT THE NECESSARY ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES.
- 12. TEMPORARY SEEDING AREAS OPENED BY CONSTRUCTION OPERATIONS THAT ARE NOT ANTICIPATED TO BE DRESSED OR RECEIVE FINAL GRASSING TREATMENT WITHIN THIRTY DAYS SHALL BE SEEDED WITH A QUICK GROWING GRASS SPECIES WHICH WILL PROVIDE AN EARLY COVER, DURING THE SEASON IN WHICH IT IS PLANTED. TEMPORARY SEEDING SHALL BE CONTROLLED SO AS TO NOT ALTER OR COMPETE WITH PERMANENT GRASSING. THE RATE OF SEEDING SHALL BE 30 POUNDS PER ACRE.
- 13. TEMPORARY GRASSING THE SEEDED OR SEEDED AND MULCHED AREA(S) SHALL BE ROLLED AND WATERED AS REQUIRED TO ASSURE OPTIMUM GROWING CONDITIONS FOR THE ESTABLISHMENT OF A GOOD GRASS COVER. TEMPORARY REGRASSING IF, AFTER 14 DAYS, THE TEMPORARY GRASSED AREAS HAVE NOT ATTAINED A MINIMUM OF 75% GOOD GRASS COVER, THE AREA WILL BE REWORKED AND ADDITIONAL SEED APPLIED TO ESTABLISH THE DESIRED VEGETATION COVER.



SILT FENCE DETAIL



ECOVERY

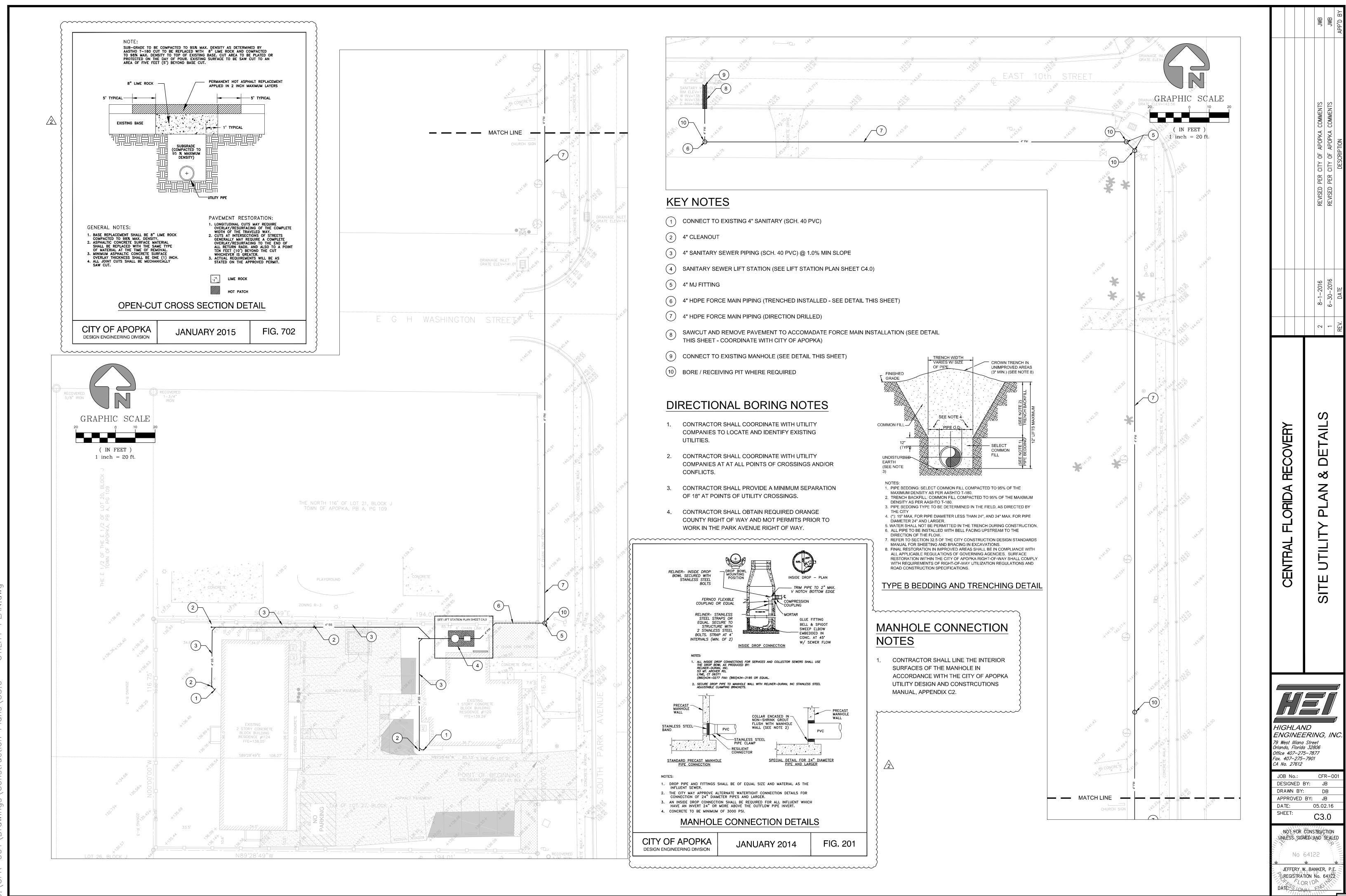
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MOLITION

CA No. 27612 JOB No.: CFR-001 DESIGNED BY: JB DRAWN BY: DB APPROVED BY: JB DATE: 05.02.16 SHEET:

NO EFOR CONSTRUCTION UNKESS SIGNED AND SEALED No 64122 JEFFERY W. BANKER, P.E REGISTRATION No. 64122 CLORIDA DATE SO JONAL ENG



CITY OF APOPKA PERMIT #: XX-XXXXX

LIFT STATION PLAN

	PUMP DATA CHART			ELEVATION CHART	
9	PRIMARY PUMP CAPACITY	105	A	TOP OF WETWELL	139.00
2	PRIMARY TDH	24	\bigcirc	TOP OF VALVE BOX	139.00
3	SECONDARY PUMP CAPACITY	105	B	INLET INVERT	132.00
4	SECONDARY TDH	24	0	HIGH LEVEL ALARM	130.74
5	PEAK INFLUENT FLOW RATE	15	Θ	2nd PUMP ON	130.24
6	PUMP CYCLE TIME	15	(H)	1st PUMP ON	129.74
7	PUMP SYSTEM MANUFACTURER	LSM	(L)	PUMPS OFF	126.08
8	PUMP MODEL NO.	BARNES	ြ	BOTTOM OF WETWELL	124.58
9	R.P.M.	3450			
10	HORSE POWER	3			
11)	ELECTRICAL VOLTS/PHASE	240/3			

100 Flow (gpm) Pump Curve System Head Curve

(2- 2" SIZE) FIELD

FOR ELECTRICAL

CONDUITS

FI A

 \bigcirc B

<u>14.42'</u>

4 "INLET—

FIELD INSTALLED

INSTALLED KNOCKOUTS

r 2 PVC VENT

W/SCREEN

SS CABLE

HOLDER

SS LIFTING

CONTRACTOR NSTALL GROUT

CONCRETE BASE SLAB AS PER

SPECIFICATIONS W/# 4 REBAR 18 O.C.

LIFT STATION SECTION

5 1 SLOPE

PUMP CURVE INFORMATION

LIFT STATION PLAN

SCALE: 1" = 2'

ORANGE COUNTY UTILITIES STANDARDS AND CONSTRUCTION SPECIFICATIONS MANUAL PRIVATE PUMP STATION SIGN **PRIVATE SANITARY SEWER** PUMP STATION In case of emergency contact the following numbers: Facility Owned by: Facility Maintained by: Station Number: 4OTES: 1. MINIMUM SIZE OF SIGN: 12"X18". 2. SIGN INSTALLATION IS A REQUIREMENT OF CHAPTER 37, ARTICLE XX, SECTION 37-754 OF THE ORANGE COUNTY CODE.

F.L.A. PER PUMP

F.L.A. TOTAL

PUMP STATION SIGN DETAIL

3. OBTAIN STATION NUMBER FROM ORANGE COUNTY UTILITIES.
4. SIGN SHALL BE 0.04 GAUGE ALUMINUM.

LIFT STATION PLAN KEY NOTES

- 1) FIBERGLASS WET WELL
- 2 VALVE BOX

12 FULL LOAD

13 PUMP DISCHARGE

14 | IMPELLER DIA.

- (3) CONTROL PANEL
- (4) CRUSHED CONCRETE ROAD BASE (6" THICK)
- (5) PRIVATE PUMP STATION SIGN TO BE MOUNTED TO NORTH FACE OF CONTROL PANEL (SEE PUMP STATION SIGN DETAIL - THIS SHEET)

FIBERGLASS VALVE BOX

4.0" SCH 80 PVC

└2" PVC DRAIN

└ ("P-TRAP")

2' MIN.

2" SCH 80 PVC

EL 135.0

3/4 SLIDE RAILS (SCH 40 AISI 304SS PIPE)

BY LSM

- BASIN ANTI-FLOTATION FLANGE

<u>40</u> " X <u>30</u> " X <u>24</u> " D)

EMERGENCY PUMP OUT

L CAST IRON FLANGED

"T" PLUG VALVE

CAST IRON FLANGED

FILL BOX AS NEEDED WITH

CONCRETE TO PROVIDE PROPER

CHECK VALVE

DRAINAGE & BALLAST

- PUMP DISCHARGE W/ SEALING FLANGE

POUR WITH BOTTOM SLAB 4.5 YD3

CONCRETE GROUT AS REQ'D BY ENGINEER TO PREVENT

FLOTATION MAKE MONOLITHIC

FURNISHED AND INSTALLED

CAST IRON

PLUG VALVE

TO SANITARY SEWER

NOTE: SEE ELEVATION CHART FOR (A) THRU (G)

LEVEL CONTROL DIAGRAM

FIN GRADE 138.0±

4 DISCHARGE LINE

LSM Grinder/Pac.

GRINDER PUMP SPECIFICATION

PART 1 - GENERAL

1.01. Furnish and install two grinder pumps to deliver 105 GPM against a total head of 24 feet Total Dynamic Head (TDH). Pumps shall be capable of handling domestic sewage with The motor shall be 3 HP,3450RPM, minimal maintenance.240VOLT/ 3PHASE/ 60 HERTZ. The motor shall be an integral part of the pumping unit. Pump discharge size shall be 2 inch. Pump, control system, and FRP (fiberglass reinforced polyester) wetwell shall be LSM Grinder/Pac. Provided and manufactured by Lift Station Manufacturing Corporation of Oviedo, Florida, 32765 Ph# (407) 977-8600

Contract award shall be on the basis of the base bid LSM/Grinder Pac system Alternative deductive systems shall be considered only after contract award. Alternative deductive system must be specified at bid time. The contractor shall reimburse the engineer for additional expenses to review alternative system. Any savings shall be shared with the owner.

Due to the superior corrosion resistance and leak proof design of fiberglass, a concrete wetwell will NOT be permitted.

The entire lift station system shall be supplied by the pump supplier and certification of supply will be required.

Any Deviation in the Specified Bid Procedure will result in automatic rejection of alternative systems and will require base bid system to be supplied.

PART 2 - PRODUCTS

2.01 GRINDER PUMP - Pump shall be of the centrifugal BARNES type SGV3032L Model with an integrally built grinder unit and submersible type motor. The pump shall be mounted in the FRP basin by a dual slide rail system in such a way that solids are fed in an up-flow direction to the grinder impeller with no feet or other obstruction below the grinder inlet.

> The grinder unit shall be capable of macerating all material in normal domestic and commercial sewage including reasonable amounts of foreign objects such as wood, plastic, glass, rubber, sanitary napkins, disposable diapers and the like to a fine slurry that will pass freely through the pump and the discharge pipe.

The pump motor shall be of the submersible type. Single phase motors shall be of the capacitor start, capacitor run type for high starting torque.

Stator windings shall be of the open type with Class F insulation for operating in air or clean dielectric oil that lubricates bearings and seals and cools the windings. Motor stator shall be pressed into housing for best alignment and maximum heat transfer.

A heat sensor thermostat shall be attached to the top end of the motor winding and shall be connected in series with the magnetic contactor coil in control box to stop motor if motor winding temperature reaches 200 degrees F. Thermostat to automatically reset when motor cools. Two heat sensors are to be used on 3 phase

The common motor pump and grinder shaft shall be of AISI 416 SS threaded to take pump impeller and grinder impeller.

2.02 DUPLEX PUMP CONTROL PANEL -

a. Shall be designed and installed per manufacturer's recommendations b. Watts - 8b vacuum breaker installed on hose bib

c. Jump control shall be located 3 feet from wet well perimeter, optionally at "A", "B" or

2.03 FASTENER and APPURTENANCES- All fasteners, lifting cables, float cable bracket and appurtenances shall be made of AISI 304SS or other material inert to the highly corrosive atmosphere of a sewage lift station. Hinges for the wet well and valve box shall be AISI 304SS minimum.

An aluminum slide/latch assembly shall be provided for holding the doors open on both the wet well and the valve box. Slide rails shall be SCH 40 AISI 304SS pipe.

Pump lifting devices shall be made of AISI 304SS (min.) cable (1/4"min) or 304SS chain of sufficient size, with safety factor to AISI 304SS (min.) pump lifting handle safely the specific pumps. . bails shall be provided

2.04 FRP PRODUCTS - The pump wetwell shall be manufactured of fiber 2.04 glass reinforced polyester (FRP) of diameter and depth as shown on the lift station elevation detail. The basin/wetwell wall thickness shall be adequate for the depth of the tank to maintain structural integrity in the following condition: 1. Soil modulus of 700 psi.

2. Soil density of 120 lbs/ft 3. Luschers safety factor of 2.0.

Material for the FRP shall be as follows: Resin: The resins used shall be a commercial grade unsaturated "Isotholic" polyester resin. Orthotholic resins are not acceptable.

Reinforcing Materials: The reinforcing material shall be commercial grade "E" type glass in the form of mat, chopped or roving fabric, having a coupling agent that will provide a suitable bond between the glass reinforcement and the resin.

Fillers and Additives: Fillers of any type shall not be utilized. Additives, such as thixotropic agents, catalysts, promoters, etc., may be added as required by the specific manufacturing process to be used to meet the requirements of this specification.

PART 3 - EXECUTION.

3.01 INSTALLATION - shall be in strict accordance with the manufacturer's instructions and recommendations in the locations shown on the drawing.

3.02 INSPECTION AND TESTING - A factory representative shall be 3.02 provided for one (1) day and shall have complete knowledge of proper operation and maintenance to inspect the final installation and supervise the test run of the equipment. Megger the motor. The pump motors shall be megged out prior to startup to ensure the insulation of the pump motor/cable system is intact. The pump controls and pumps shall be checked for mechanical reliability and proper operation.

NOTE: Alarm Signals if Controls Fail

STATION

HIGHLAND

79 West Illiana Street Orlando, Florida 32806

Office 407-275-7877

Fax. 407-275-7901 CA No. 27612

DESIGNED BY:

APPROVED BY: JB

NOT FOR CONSTRUCTION UNKESS SIGNED AND SEALED

No 64122

JEFFERY W. BANKER, P.E REGISTRATION No. 64122 CORIDA DATE'S ONAL ENG

DRAWN BY:

JOB No.:

DATE:

SHEET:

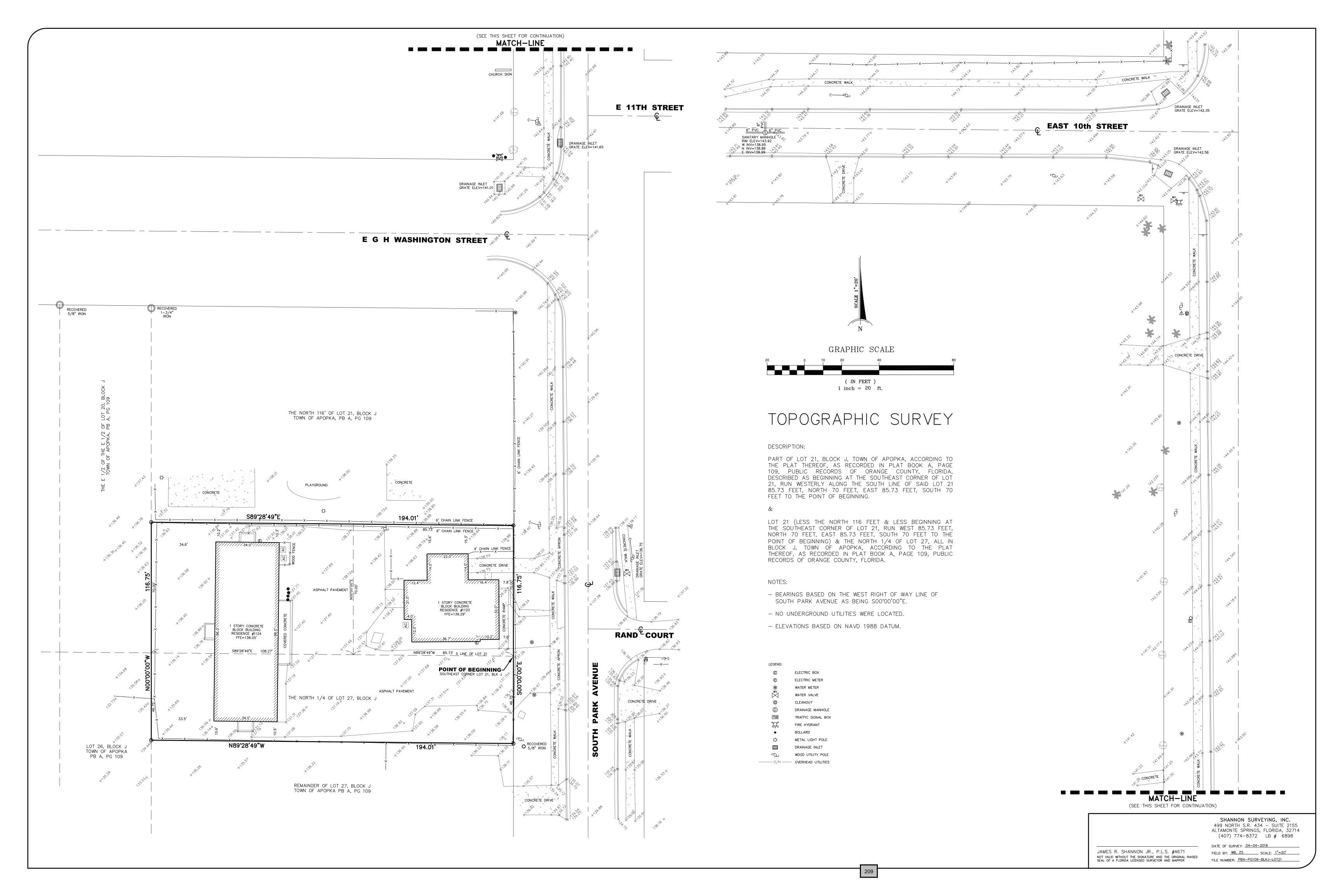
ENGINEERING, INC

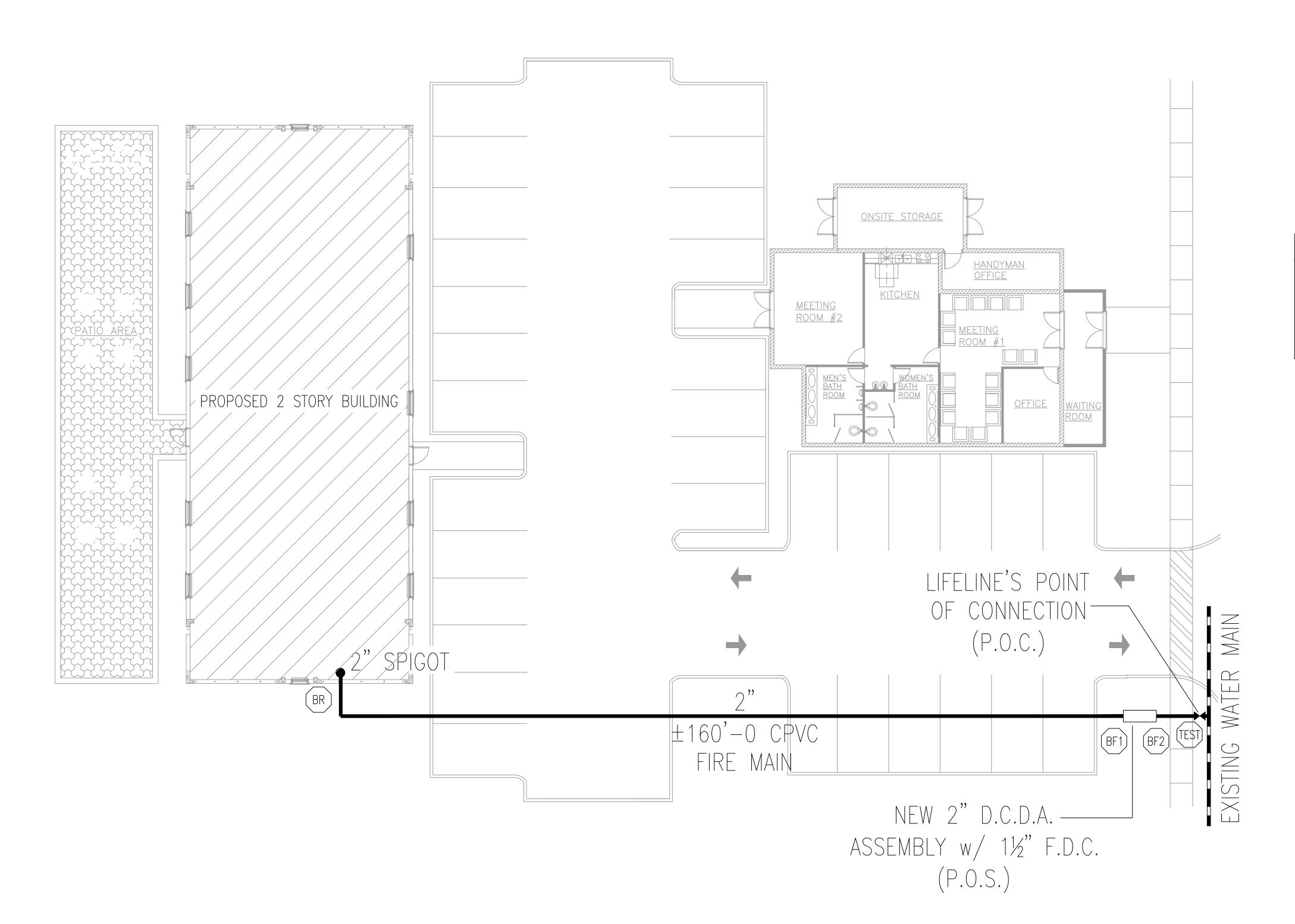
CFR-001

JB

05.02.16

C4.0





Fire Sprinkler Site Plan 10 0 5 10 20 1 Inch = 10 Ft

UNDERGROUND FIRE MAIN NOTES:

1. ALL MATERIAL AND INSTALLATION TO BE IN ACCORDANCE WITH NFPA 24, 2010 EDITION, AND THE LOCAL AUTHORITY.

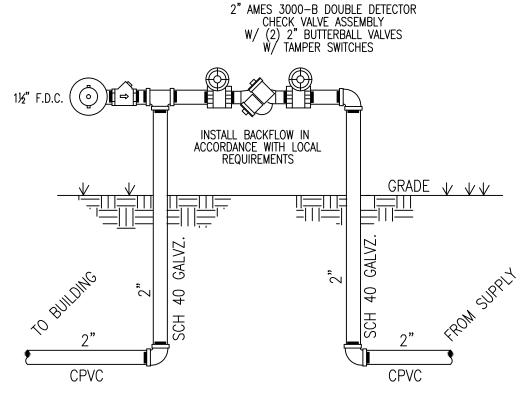
2. ALL JOINTS TO BE RESTRAINED USING BELL RESTRAINTS AND MEGALUGS IN ACCORDANCE WITH NFPA 24, 2007 EDITION AND THE LOCAL AUTHORITY.

3. ALL PIPING TO HAVE A 36" MINIMUM DEPTH OF BURY FROM TOP OF PIPE TO FINISHED GRADE.

4. ALL PIPING TO BE FLUSHED AND HYDROSTATICALLY TESTED IN ACCORDANCE WITH NFPA 24, 2010 EDITION, AND THE LOCAL AUTHORITY.

5. ALL MATERIAL SUBJECT TO CORROSION TO BE CLEANED AND COATED WITH BITUMINOUS TAR.

	FLOW	TEST	DATA	
STATIC:	60 PSI			
RESIDUAL:	50 PS	ΣI		
FL0W:	1,000 GPM			
DATE:	6-12-16			
TIME: 9	:00 AM			
LOCATION:	HYDRAN1	NEAR	SITE	
BY: LIF	ELINE FI	RE PRI	OTECTION	



Backflow Preventer Detail

No Scale

DATE: 6-13-16
TOTAL HEADS: 90
SCALE: AS NOTED

FP-1

SHEET 1 OF 2

PROTECTION Larm systems

210

ORDINANCE NO. 2525

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" R-3 (RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (PUD-PO/I-RESIDENTIAL); FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF SOUTH PARK AVENUE, EAST OF SOUTH CENTRAL AVENUE, SOUTH OF EAST G. H. WASHINGTON STREET, NORTH OF EAST 12TH STREET, COMPRISING 0.52 ACRES MORE OR LESS, AND OWNED BY <u>APOPKA HOLDINGS, LLC</u>; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the proposed Planned Unit Development (PUD-PO/I-Residential) zoning has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

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

Section I. That the zoning classification of the following described property be designated as Planned Unit Development (PUD-PO/I-Residential), as defined in the Apopka Land Development Code, and with the following Master Plan provisions, as established in Exhibit "A", subject to the following zoning provisions:

<u>PUD RECOMMENDATIONS</u>: That the zoning classification of the following described property shall be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions affecting the use of the Property:

- A. The uses permitted within the PUD district shall be: all such uses permitted within the PO\I (Professional Office/Institutional PO\I (zoning category) except for following PO\I uses shall be prohibited:
 - 1. Hospitals, museums, libraries or cultural institutions;
 - 2. Retail establishments, including those for the sale of pharmaceutical, medical and dental supplies or other hospital-related items;
 - 3. Boarding or rooming house(s);
 - 4. The use of medical marijuana for treatment purposes unless authorized by State law or a medical marijuana ordinance approved by City Council;
 - 5. All other uses listed as prohibited within the Professional Office/Institutional zoning district;
 - 6. All uses permitted through a special exception within the Professional Office/Institutional zoning district.

ORDINANCE NO. 2525 PAGE 2

- B. Over-night inpatient rooming facilities shall be permitted as an ancillary use if the site is used for medical care; all other residential uses shall be prohibited. Permitted residential shall be limited as follows:
 - 1. Full-time residential shall be permitted for an on-site caretaker or property manager.
 - 2. Residents at the site shall only be patients served by the on-site medical services.
 - 3. Residents typically will not have automobiles parked at the residential facilities. All on-site parking or satellite parking shall be identified at the Master Plan/Final Development Plan.
- C. If the Master Plan/Final Development Plan associated with the PUD district has not been issued a certificate of completion by the City within two years from the effective date of this ordinance, the approval of the Final Development Plan will expire. At such time, the City Council may:
 - 1. Permit a single six-month extension for Master Plan/Final Development Plan;
 - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Final Development provisions and any conditions of approval; or
 - 3. Rezone the property to a more appropriate zoning classification.
- D. Unless otherwise approved by City Council through an alternative development guideline that is adequate to protect the public health, safety and welfare, the following zoning and development standards shall apply to the development of the Property and for the master site plan:
 - 1. If the substance abuse/mental health treatment facility vacates the site for more than 180 days, the permitted uses shall revert to those allowed within the "City" R-3 zoning district. In such case, a rooming house boarding house is not allowed.
 - 2. Any new structures shall meet the architectural design standards set forth in the Apopka Development Design Guidelines dated May 2000, or as amended by the Apopka City Council. Any building, whether residential or non-residential, shall be designed with a residential architecture style and shall have a pitched roof.
 - 3. The existing two buildings may be used for medical treatment and residential facilities but the gross building floor area shall not be expanded. Buildings may be used for medical office (drug, alcohol and mental health medical treatment and associated residential care uses only. No new buildings or expansion of existing buildings shall occur unless the total floor area of all buildings complies with the floor area ratio for the PO\I zoning district (i.e., 0.30 FAR).
 - 4. The site shall provide, at minimum, a six-foot brick/masonry wall along the western and southern portions of the subject properties adjacent to residential uses.
 - 5. The subject properties shall meet all other buffer yard and landscaping requirements, as defined in the Apopka Land Development Code, to the greatest extent practical.
 - 6. All services occurring at the site, including dining and cooking facilities, shall occur inside an enclosed building.
 - 7. At the Master Plan/Final Development Plan, if the subject site cannot accommodate the required number of parking spaces, applicant must either obtain long-term contracts with

abutting churches to use their parking spaces to meet the parking requirement, or the Master Plan/Final Development Plan shall not be approved. Medical patients residing at the residential facility shall not be allowed to park at the site unless a Final Development Plan demonstrates sufficient parking is available.

- 8. Existing floor area of buildings cannot be expanded square feet of the existing buildings can be used for the medical treatment and residential facility to comply with the .30 FAR policy requirements set forth in Policy 3.1.j. No more than 40 patients or the maximum number of occupants allowed by building code, whichever is lower, shall reside at the residential facilities. Only patients and employees of the medical provider may reside at approved residential facilities.
- 9. Connection to City central water and sewer service is required prior to issuance of a certificate of occupancy.
- 10. Any off-site parking at the New Hope Missionary Church, located at 927 South Central Avenue, must have a parking agreement approved by the City Council in a form approved by the city attorney, assuring the continue availability of the off-site parking facilities to support parking space needs demanded by the Recovery Center. The parking agreement shall be recorded with the records of the County Comptroller prior to any issuance of a certificate of occupancy. The Community Development Director with consultation from the city engineer shall determine if the off-site parking at New Hope Missionary Church must be paved or constructed with a material acceptable to the city engineer. Any improvements to off-site parking shall be reviewed and approved by the Development Review Committee through a master plan/final development plan. Any other off-site parking location shall require the approval of City Council.
- 11. No site construction activity shall commence until the Development Review Committee has accepted in final changes to the Final Development Plan. Further, landscape and irrigation plans for the Recovery Center site shall be consistent with City code and shall be submitted to and approved by the Development Review Committee prior to any pre-construction meeting for the site improvements.
- 12. Unless otherwise provided herein, the modification to the design of the site through an amended Master Plan/Final Development Plan shall occur consistent with development standards for the PO/I zoning district. Any modifications to the Master Plan/Final Development Plan after the effective date of this ordinance shall occur consistent with the procedures and requirements set forth in Article 12 of the Land Development Code and shall not require an amendment to this ordinance. Such amendment to the Master Plan/Final Development Plan shall be treated through the same procedure for an amendment to a Final Development Plan.

Section II. That the zoning classification of the following described Property, being situated in the City of Apopka, Florida, is hereby Planned Unit Development (PUD-PO/I-Residential), as defined in the Apopka Land Development Code.

Legal Description:

Lot 21 (less the North 116 feet) and the North ¼ of Lot 27, Block J, Town of Apopka, as recorded in Plat Book A, Page 109, Public Records of Orange County, Florida. Parcel I.D. No. 09-21-28-0197-10-211 (0.136 +/- acres)

ORDINANCE NO. 2525 PAGE 4

Begin at the Southeast corner of Lot 21, Block J, Town of Apopka, as recorded in Plat Book A, Page 109, Public Records of Orange County, Florida; run thence Westerly along the South line of said Lot 21 for a Distance of 85.73 feet; run thence North parallel with the East line of Lot 21 for a distance of 70.00 feet; run Thence Easterly parallel with the South line of Lot 21 for a distance of 85.73 feet to the East line of Lot 21; run Thence South along said line for a distance of 70.00 feet to the Point of Beginning. Parcel I.D. No. 09-21-28-0197-10-213 (0.383 +/- acres)

Combined acreage: 0.52 +/- acre

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

Section IV. That the Community Development Director, or the Director's designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

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

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

Section VII. That this Ordinance shall take effect upon adoption of Ordinance No. 2524.

		READ FIRST TIME:	November 2, 2016
		READ SECOND TIME AND ADOPTED:	November 16, 2016
		Joseph E. Kilsheimer, M	ovor
ATTEST:		Joseph E. Khsheimer, M	ayoi
Linda Goff, City Clerk			
DULY ADVERTISED:	September 30, 2016		

November 4, 2016

Backup material for agenda item:

5.	Ordinance No. 2526 - First Reading - Temporary Moratorium - Dispensing of Medical Cannabis - Legislative
	Moon

David



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA MEETING OF: November 2, 2016

PUBLIC HEARING FROM: Community Development

SPECIAL REPORTS **EXHIBITS**: Ordinance No. 2526 OTHER: Ordinance

Ordinance No. 2388

ORDINANCE NO. 2526 – ESTABLISHIN A TEMPORARY MORATORIUM **SUBJECT:**

ON THE DISPENSING OF MEDICAL CANNIBIS WITHIN THE CITY OF

APOPKA

FIRST READING OF ORDINANCE NO. 2526 - ESTABLISHING A **REQUEST:**

> TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNIBIS WITHIN THE CITY OF APOPKA; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNIBIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN THE CITY OF APOPKA; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITION; AND

PROVIDING AN EFFECTIVE DATE.

SUMMARY:

On May 6, 2015 City Council adopted a medical marijuana ordinance that establishes regulations for the cultivation of cannabis and the processing, and dispensing of medical marijuana within the City of Apopka through Ordinance No. 2388. City Council's adoption of the current medical marijuana ordinance occurred in reaction to Florida government enacting the Compassionate Medical Cannabis Act of 2014, which became effective on January 1, 2015. On November 8 Florida voters will decides whether Florida medical marijuana laws and administrative rules should be change to expand applications for medical use of marijuana. The proposed 2016 constitutional amendment addresses has three components: (1) Physician certification, (2) Patient and caregiver identification cards, and (3) Medical Marijuana Treatment Center registration and regulation.

Although the 2014 State Constitutional Amendment and the 2016 Amendment are both designed to legalize medical marijuana, there are some differences between the two proposals. In general, the 2016 measure clarifies requirements for parental consent for the use of medical marijuana by minors and also further defines what is meant by "debilitating" illnesses that would qualify for marijuana as a treatment option.

If the 2016 referendum is passed at the November 8 elections, the Florida Department of Health (DOH) has approximately six months to adopt new rules for the cultivation, processing and dispensing of cannabis\medical marijuana. The DOH must promulgate rules by June 2017 to implement the program regulation outlined in the Constitutional Amendment.

As the new DOH rules may not be known until as late as June 2017, staff has concerns about how the new regulations may regulate the dispensing of medical marijuana within our community. These regulations could allow dispensing at locations that could place potential detrimental impacts on nearby residential neighborhoods, schools, religious facilities, and the community in general based on observations from practices within other States. Also, the new rules for dispensing may affect the ability of Apopka law enforcement to adequately respond to any associated problems generated from medical businesses dispensing medical marijuana. 216

CITY COUNCIL – NOVEMBER 2, 2016 TEMPORARY MORATORIUM – DISPENSING MEDICAL CANNIBIS PAGE 2

Staff's believes that the City's current medical marijuana ordinance adequately protects the City regarding the cultivation and processing of marijuana for medical purposes. Current City regulations limit cultivation and processing to two Designated Grow Areas, and limits dispensing to these two Grow Areas with the exception that hospitals and pharmacies -- licensed by the State - are exempt from the dispensing regulations.

Until the new DOH rules are established and implemented, staff believes it is in the best interest of the City to place a temporary moratorium on the dispensing of medical marijuana. Staff will monitor the development of the new DOH rules and recommend amendments to the City's current medical marijuana ordinance based on the effect that these new rules may have on the interests and goals City Council diesires for the Apopka community.

The moratorium is temporary and will terminate on May 31, 2017. If the constitutional amendment fails on November 8, staff may change its recommendation regarding the adoption of Ordinance 2526.

DULY ADVERTISED: October 21, 2016 – Public Hearing Notice

November 4, 2015 – Ordinance Heading

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

The **Planning Commission** will hold a public hearing on Monday, November 14, 2016 at 5:30 pm, or shortly thereafter, to review and make recommendation on the proposed temporary moratorium. Its recommendation will be provided to City Council at its November 16 meeting.

Recommended Motion: Accept Ordinance No. 2526 at First Reading and hold over for a second hearing to be held on November 16, 2016.

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief

ORDINANCE NO. 2526

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNABIS WITHIN THE CITY OF APOPKA; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNABIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN THE CITY OF APOPKA; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2014, the Florida Legislature passed the Compassionate Medical Cannabis Act, Florida Statute 381.986, which legalized the cultivation, processing, and dispensing of certain "Low-THC Cannabis" to "qualified patients" as defined by the Act.

WHEREAS, in 2015, the City of Apopka adopted Ordinance 2388 to address zoning and distribution of medical cannabis based on the 2014 legislation.

WHEREAS, the State of Florida amended Florida Statute 381.986 by modifying the definition of a "qualified patient" and added multiple new regulations to the Statute.

WHEREAS, in November 2016, the citizens of Florida will vote on whether to adopt a Constitutional Amendment which broadens access to Medical Cannabis.

WHEREAS, if the ballot initiative is adopted in November 2016, the Department of Health will have six (6) months to establish regulations for the growing and distribution of this newly expanded Cannabis Amendment.

WHEREAS, the Orange County Government and other municipalities within Orange County are establishing a temporary moratorium on Medical Cannabis Activities until recommendations can be made for appropriate zoning rules to be established.

WHEREAS, the City of Apopka finds that due to the subsequent revision of Florida State Statute in 2016 and the possible enactment of a Constitutional Amendment to allow for Medical Cannabis, the City should put in place a temporary moratorium on dispensing medical cannabis until May 31, 2017 to analyze whether changes to the zoning code or municipal regulations should be amended to ensure compliance with State Law and the Department of Health regulations. Additionally, the City shall reanalyze the impact on newly annexed property and its proximity to previously designated zones for permitted cannabis distribution.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA.

SECTION 1: FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2: DEFINITIONS

(a) Medical Cannabis – Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.

Linda G. Goff, City Clerk

SECTION 3: STUDY AND REVIEW PROCESS.

- (a) During the temporary moratorium period designated in Section 4 of this ordinance, the City staff, including the Zoning Department, is hereby directed to study the new legislation regarding Medical Cannabis and, if passed, the Constitutional Amendment for Medical Cannabis to determine the impact any changes have on the health, safety, and welfare of the residents and businesses of the City of Apopka. Additionally, City staff shall monitor the regulations adopted by the Department of Health, as it relates to medical cannabis, to ensure consistency with the Apopka Code of Ordinances. Finally, the City staff shall analyze all new development and annexation since the adoption of Ordinance 2388 to identify whether any permissible zones should be amended.
- (b) The ultimate purpose of such a review and study by the staff is to propose amendments to the Apopka Ordinances.
- **SECTION 4: TEMPORARY MORATORIUM PERIOD.** Until the effective date of an ordinance establishing a new or amended land development regulations concerning dispensing Medical Cannabis, or until May 31, 2017, whichever date is earlier, no permits shall be issued to allow the dispensing of Medical Cannabis. Furthermore, the review of any applications for the dispensing of Medical Cannabis Activities that may be pending, shall be abated, and no new applications for such permits shall be accepted or processed during the moratorium period.

SECTION 5: CODIFICATION. This ordinance shall be temporarily codified, being entitled "Moratorium regarding the Dispensing of Medical Cannabis within the City of Apopka."

SECTION 6: CONFLICTS. Any ordinance, resolution, or part thereof, in conflict with this ordinance, or any part hereof is repealed to the extent of such conflict.

SECTION 7: SEVERABILITY. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 8: EFFECTIVE DATE. This ordinance shall be effective immediately upon adoption.

READ FIRST TIME: November 2, 2016

READ SECOND TIME AND ADOPTED: November 16, 2016

Joseph E. Kilsheimer, Mayor

ATTEST:

ORDINANCE NO. 2526 PAGE 3 OF 3

APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.

Erin DeYoung, Apopka Police Department Attorney

DULY ADVERTISED FOR PUBLIC HEARING: October 21, 2016

ORDINANCE NO. 2388

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

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

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

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

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

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

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

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

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

SECTION 1. DEFINITIONS:

- a. Agriculture: means the science and art of production of plant(s) and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, including hay or grass harvesting and bailing operation. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.
- b. Cannabis: Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.
- c. Cannabis Cultivation: the planting, tending, improving, farming, drying or harvesting of cannabis plants from seed, juvenile stock, or grafting.
- d. Cannabis Processing: the preparation of the cannabis plant intended for use as medicine or medical purposes as prescribed by a licensed Florida physician.
- e. Designated Grow Area (DGA) Overlay District. The following areas are defined as a "Designated Grow Area" Overlay District:
 - 1) Keene\Clarcona DGA: All Agriculture or Industrial zoned property in the general area west of the S.R. 414 bridge at E. Keene Road, east of McQueen Road, and south of S.R. 414, as depicted in Map A: Keene\Clarcona Road DGA as delineated in Map A: Keene\Clarcona DGA.
 - 2) Hermit Smith\Hogshead DGA: All Agriculture or Industrial zoned property within the area west of S.R. 429, south of U.S. 441, and north of Lust Road, as delineated in Map B: Hermit Smith\Hogshead DGA.
- f. Fully enclosed and secure structure: A space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.
- g. Horticulture Nursery: an agriculture operation limited to the cultivation of fruits, vegetables, nuts, seeds, herbs, sprouts, mushrooms, algae, flowers, seaweeds and non-food crops such as grass and ornamental trees and plants.
- h. Legacy Grow Site: Property actively operated as a registered nursery within a Designated Grow Area for at least five continuous years preceding and measured from the effective date of this ordinance.
- i. Marijuana Dispensary: A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plant(s) are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local and state laws.

- j. Marijuana Treatment Center: A medical marijuana dispensary where qualifying patients are administered medical marijuana by medical professional licensed by the State of Florida to patients in accordance with all local and state laws.
- k. Medical Use: The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment, as identified by a physician licensed by the State of Florida.
- 1. Non-Medical Marijuana Sales. The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plant(s) when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under state law.

SECTION 2. CANNABIS CULTIVATION AND PROCESSIONG PROHIBITED. Cultivation or processing of cannabis for non-medical marijuana purposes is prohibited within the City of Apopka. Excepting the Designated Grow Areas described in Sec. 3a., cultivation or processing of cannabis for medical use is prohibited in all other areas of the City of Apopka. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the City of Apopka to cause or allow such parcel to be used for the cultivation or processing of cannabis plants within a fully enclosed and secure structure on the parcel, except as outlined below in Section 3.

SECTION 3. CANNABIS CULTIVATION AND PROCESSING.

- a. <u>Cultivation or processing</u> of cannabis for medical marijuana is allowed as a Special Exception use approved by the Planning Commission within an Agriculture or Industrial I-1 district located within a DGA or Legacy Grow Site located within a DGA as delineated in Maps "A" and "B". If a parcel, lot, or legal lot-of-record straddles the DGA boundary, no cultivation or processing can occur outside the DGA boundary.
- b. <u>Horticulture Nursery Special Exception Prohibition</u>. Cultivation or processing of cannabis for medical or non-medical use is prohibited as a special exception use for horticulture nursery operations. Any Special Exception approved by the City prior to the effective date of this ordinance is not allowed to cultivate or process cannabis.
- c. <u>Enclosed Cultivation</u>. Any cultivation of cannabis shall occur within a fully enclosed and secure structure. Outdoor cultivation is prohibited
- d. <u>Enclosed Processing</u>. All cannabis processing, laboratories, research activities and associated equipment occur within a fully enclosed and secured building that has been issued a building permit by the City of Apopka or Orange County.
- e. <u>License</u>. A valid license must be obtained from the State of Florida and remain in effect during the operation of the cannabis business. All cultivation and processing activities shall cease if a license has expired. At least seventy-two (72) hours before a cannabis cultivation or processing business terminates operation, the owner must notify the Police Chief of the City of Apopka.
- f. Additional Special Exception Criteria:
 - 1). Street Access. All cannabis cultivation and processing sites within the Keene\Clarcona DGA must directly access Keene Road or Clarcona Road. All cannabis cultivation and

processing sites within the Hermit Smith\Hogshead DGA must directly access Hermit Smith Road, Hogshead Road, Peterson Street, or Binion Road.

A stabilized surface acceptable to the city engineer shall be provided from the public street to any onsite processing buildings.

- 2) <u>Utilities.</u> All cannabis processing sites shall connect to a central water and sewer system unless otherwise temporarily waived by the City Administrator until a development agreement addresses a schedule for connecting the site to such services. Onsite wells and septic tanks may be allowed on a temporary basis through a development agreement that ensures connection to a central water and sewer systems within five years.
- 3) Employee Parking. All employee vehicle parking areas shall occur within a paved, lighted parking lot.
- 4) <u>Distance Separation</u>. Cultivation or processing buildings or structures shall be separated from other uses according to the following separation minimum standard:

	Affected Property (feet)					
Location of Cultivation or Processing Buildings or Structure	Vacant Parcel Assigned a Residential Zoning District	Church or Place of Worship, School, Hospital, County or Municipal Park, Day Care (F.S. 402.302)	Platted Residential Subdivision; Residential Parcel less than 5 acres	Occupied Residential Parcel Greater than 5 acres		
Designated Grow Area	100	500	250	200		

Distances shall be measured by drawing a straight line between the closest point of the cannabis cultivation or processing building or nursery structure to the closest property line or edge of leased space (whichever is closer) of the affected property.

- 5) Minimum Parcel Size. A minimum parcel size necessary for cultivation, processing, or combined operations within a DGA is two (2) compact and contiguous acres.
- 6) Parcel. Cannabis cultivation or processing shall occur on a separate parcel, lot, or legal lot-of-record than that on which a medical marijuana dispensaries/medical marijuana treatment centers is located.
- 7) Signage. No business identification sign (i.e., wall, monument, pole, directional) shall include the words "marijuana", "cannabis", or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs for any business cultivation, processing or dispensing business. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed.

8) Security and Safety Plan. A security and safety plan will be reviewed and approved by the chief of police or designee. The security and safety plan shall at minimum address but not be limited to, locking options, alarm systems, and video surveillance, and as otherwise determined necessary by the Police Chief. Any such documents or information for review shall be transmitted directly to the police chief's office for review and not attached to the permit as may be required by the Community Development Department. The police chief or designee will respond to the development review committee approval or denial of said plan. Any information, records, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems or other sensitive information gathered will be exempt from public records in accordance with FSS 119.071, "General exemptions from inspection or copying of public records."

<u>SECTION 4.</u> MARIJUANA DISPENSARIES/MEDICAL MARIJUANA TREATMENT CENTERS.

- a. Applicable Zoning District. Marijuana dispensaries/medical marijuana treatment centers for marijuana medical use are allowed as a Special Exception within a Commercial C-1, Industrial I-1 or Agriculture District located within a Designated Grow Area subject to compliance with the standards set forth below. No more than five (5) medical marijuana dispensary/medical marijuana treatment center establishments shall locate within each of the Designated Grow Areas.
- b. *Prohibited Locations*. Non-medical marijuana dispensaries/medical treatment centers or sales are prohibited within the jurisdictional area of the City of Apopka. Medical Marijuana dispensaries/medical marijuana treatment centers are prohibited in the City of Apopka except as allowed in Section 4.a. Zoning Districts where medical marijuana dispensaries/medical marijuana treatment centers are prohibited also include: the Downtown Development Overlay District, Community Redevelopment Area (CRA), Planned Unit Development, Mixed-EC, and Mixed-CC zoning categories.
- c. No other business shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located. This requirement does not apply to licensed nursery businesses that were operating prior to the effective date of this ordinance.
- d. Any parking demand created by marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations.
- e. Controlled Substances. The onsite sale, provision, or dispensing of marijuana is prohibited except as specifically authorized by state law.
- f. Loitering. A marijuana dispensary/medical marijuana treatment center shall provide adequate seating for its patients and business invitees. The marijuana dispensary/medical marijuana treatment center shall not direct or encourage any patient or business to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary/center operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business and depart. The marijuana dispensary/medical marijuana treatment center shall post conspicuous signs on at least three (3) sides of the building stating that no loitering is allowed on the property.

- g. Queuing of Vehicles. The marijuana dispensary/medical marijuana treatment center shall ensure that there is no queuing of vehicles in the rights-of-way. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- h. No Drive-Through Service. No marijuana dispensary/medical marijuana treatment center shall have a drive-through or drive-in service aisle. All onsite dispensing, payment for and receipt of said marijuana shall occur from within or inside the marijuana dispensary/medical marijuana treatment center.
- i. On-Site Consumption of Marijuana and/or Alcoholic Beverages. No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way except for medical marijuana treatment centers. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- j. Signage. No business identification sign (i.e., wall, monument, pole, directional, human) shall include the words "marijuana", "cannabis", or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs or on any building or structure used a marijuana dispensing\marijuana treatment center. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed
- k. Hours of Operation. Marijuana dispensaries/medical marijuana treatment centers shall only dispense or treat patrons between 7:00 A.M. and 8:00 P.M.
- 1. Customer Waiting Area. All customer waiting areas shall occur within in an enclosed building. No customer waiting areas shall occur outdoors or within a porch area, whether covered or not.
- m. Building Orientation and Design. All customer building entrances shall be oriented to and visible from a public street. Color of any wall or roof of any marijuana dispensaries/medical marijuana treatment centers shall comply with the City's Development Design Guidelines.
- n. Distance Separation. No marijuana dispensary/medical marijuana treatment center shall be located within five hundred (500) feet of any school or church, or within two hundred (200) feet of any residentially zoned property, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the marijuana dispensary/medical marijuana treatment center structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer) of the school, church or residentially zoned property.
- o. Compliance with Other Laws. All marijuana dispensaries/medical marijuana treatment centers shall at all times be in compliance with all state regulations and the Apopka City Code of Ordinances and Land Development Code, as may be applicable and amended from time to time.
- p. Security and Safety Plan. Compliance with Section 3.f.8. of this ordinance is required.
- q. Special Exception Standards. When considering an application for marijuana dispensaries/ medical marijuana treatment centers, the Planning Commission must consider the special exception criteria listed in paragraph d below, in addition to that criteria listed in subsection 2.02.B.5. The Planning Commission may deny the request, approve the request, or approve the request with conditions, based upon a review of these considerations. The Planning Commission may assign additional conditions and safeguards as deemed necessary:

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

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

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

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

in or upon any private property or in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys.

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

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

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

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

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

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

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

Passed on the first reading on the 6^{th} day of May, 2015.

FIRST READING:

April 1, 2015

SECOND READING:

April 15, 2015

THIRD READING AND ADOPTION:

May 6, 2015

Joseph E. Kilsheimer, Mayo

Attorney signature recommended for this ordinance.

ATTEST:

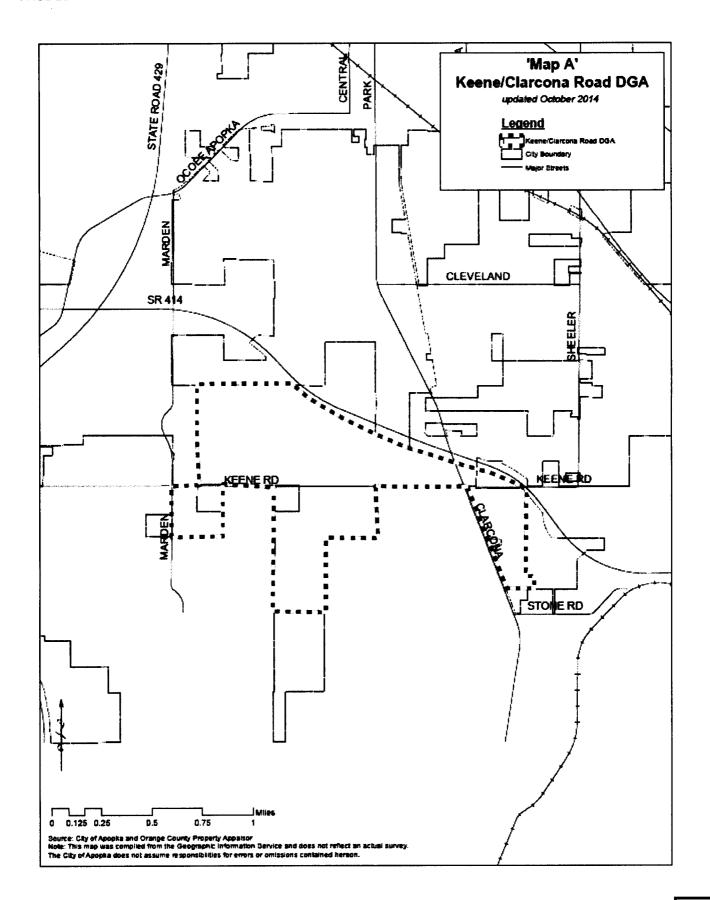
Linda Goff, City Clerk

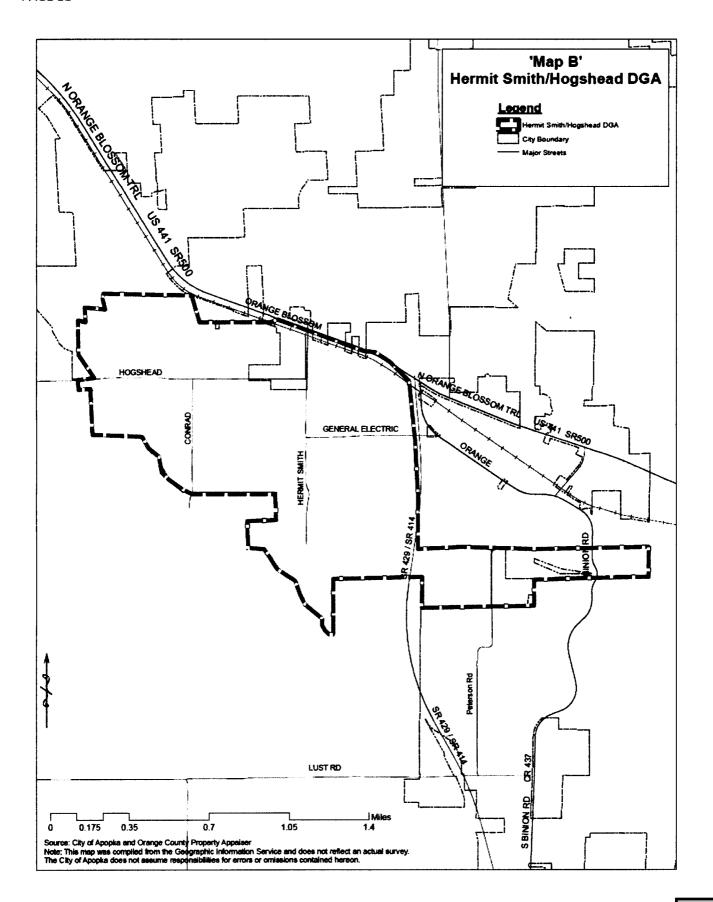
APPROVED AS TO FORM:

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: March 13, 2015

April 3, 2015 April 24, 2015





Backup material for agenda item:

6. Ordinance No. 2528 – First Reading – Annexation - Legislative Rogers Beckett



X OTHER: Ordinance

CITY OF APOPKA CITY COUNCIL

__ CONSENT AGENDA MEETING OF: November 2, 2016

X PUBLIC HEARING FROM: Community Development SPECIAL REPORTS EXHIBITS: Exhibit "A" – Summary

Ordinance No. 2528

Vicinity Map

SUBJECT: 2016 ANNEXATION – CYCLE NO. 4

REQUEST: FIRST READING OF ORDINANCE NO. 2528 – ANNEXATION – ADAMS

BROTHERS CONSTRUCTION COMPANY, INC.; AND HOLD OVER FOR

SECOND READING & ADOPTION.

SUMMARY:

OWNER: Adams Brothers Construction Company, Inc.

LOCATION: 644, 656 and 738 East 13TH Street

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 2.94 +/- acre

<u>ADDITIONAL COMMENTS</u>: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on October 14, 2016.

DULY ADVERTISED:

October 21, 2016 - 1/4 Page Public Hearing Advertisement October 28, 2016 - 1/4 Page Public Hearing Advertisement November 4, 2016 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

November 2, 2016 (1:30 pm) - City Council 1st Reading November 16, 2016 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer Finance Director Public Services Director
Commissioners HR Director Recreation Director
City Administrator IT Director City Clerk
Community Development Director Police Chief Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the 2016 Annexation – Cycle No. 4

Accept the First Reading of Ordinance No. 2528, and Hold it Over for Second Reading and Adoption on November 16, 2016.

EXHIBIT "A" CITY OF APOPKA 2016 ANNEXATION CYCLE # 4

TOTAL ACRES: 53.67 +/-

ANNEXATION ORDINANCE NO.: 2528-2531

Adopted this 16th day of November, 2016

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2528	1	ADAMS BROTHERS CONSTRUCTION COMPANY, INC	644 EAST 13 TH STREET 656 EAST 13 TH STREET 738 EAST 13 TH STREET	15-21-28-0000-00-044 15-21-28-0000-00-210 15-21-28-0000-00-142 15-21-28-0000-00-073	0.25 1.37 0.73 <u>0.59</u> 2.94	VACANT LAND SFR (1)	INDUSTRIAL
2529	2	SHIRLEY L. LITTLE LIFE ESTATE	17 W. OAK STREET	04-21-28-4836-00-680	0.58	SFR	LOW DENSITY REIDENTIAL MAX. 4DU/AC
2530	3	JERRY OWENS LINDA S. OWENS	2604 MARDEN ROAD	29-21-28-0000-00-030	10.67	SFR MANF. HOME	RURAL SETTLEMENT 1DU/5 ACRES
2531	4	WON CHUL LEE MYONG SEA LEE BONG JIN CHOE CHONG SOON CHOE	2309 West Kelly Park Road 2405 West Kelly Park Road	07-20-28-0000-00-048 07-20-28-0000-00-011	9.82 <u>29.66</u> 39.48	VACANT LAND	RURAL 1DU/10 ACRES AGRICULTURAL

g:\Shared\4020\PLANNING_ZONING\Annexations\2016 Cycle 4 Spreadsheet

ORDINANCE NO. 2528

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY ADAMS BROTHERS CONSTRUCTION COMPANY, INC. LOCATED WEST OF SHEELER AVENUE AND SOUTH OF EAST 13TH STREET; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Adams Brothers Construction Company, Inc., owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located west of Sheeler Avenue and south of East 13th Street; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

Beg 115 Ft E Of Nw Cor Of Ne1/4 Of Se1/4 Cont E 177.50 Ft S 299.54 Ft S 64 Deg E 228.14 Ft S 25 Deg W 35 Ft To Csx R/R R/W N 64 Deg W 406.57 Ft N 278.31 Ft To Pob (Less N 30 Ft Rd R/W) In Sec 15-21-28. Containing: 1.37 Acres; and

Beg 292.5 Ft E Of Nw Cor Of Ne1/4 Of Se1/4 Run E 100 Ft S To Nly R/W Of Scl Rr R/W Nwly Along Said Rr R/W To A Pt S Of Pob Th N To Pob (Less N 30 Ft For R/W) In Sec 15-21-28. Containing 0.73 +/- Acre; and

Beg 492.5 Ft E & 310.51 Ft S of Nw Cor Of Ne1/4 Of Se1/4 Run S 108 Ft To Sal Rr R/W Nwly Along Said Rr 110.65 N 108 Ft Sely To Pob In Sec 15-21-28. Containing: 0.25 Acre; and

From Nw Cor Of Ne1/4 Of Se1/4 Run E 392.5 Ft For Pob Th E 100 Ft S To Sal Rr Nwly Along Rr R/W 110.6 Ft N To Pob (Less N 30 Ft For R/W)&(Less Beg 492.5 Ft E & 310.51 Ft S Of Nw Cor Of Ne1/4 Of Se1/4 S 108 Ft To Sal Rr R/W Nwly Along Rr 110.6 Ft N 108 Ft Sely To Pob) Sec 15-21-28. Containing 0.59 Acres

ORDINANCE NO. 2528 PAGE 2

<u>SECTION II</u>: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

<u>SECTION III</u>: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

<u>SECTION IV</u>: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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

<u>SECTION VI</u>: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

<u>SECTION VII</u>: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

	READ FIRST TIME:	November 2, 2016
	READ SECOND TIME AND ADOPTED:	November 16, 2016
	Joseph E. Kilsheimer, Ma	ayor
ATTEST:		
Linda Goff, City Clerk		
DULY ADVERTISED FOR PUBLIC	HEARING: October 21, 2	2016

October 28, 2016 November 4, 2016

ANNEXATION ADAMS BROTHERS CONSTRUCTION COMPANY, INC.



Exhibit "A" Ord. # 2528

Parcel ID: 15-21-28-0000-00-044

15-21-28-0000-00-210 15-21-28-0000-00-142 15-21-28-0000-00-073

Total Acres: 2.94 +/-

VICINITY MAP



Backup material for agenda item:

7. Ordinance No. 2529 – First Reading – Annexation - Legislative Rogers Beckett



X OTHER: Ordinance

CITY OF APOPKA CITY COUNCIL

__ CONSENT AGENDA MEETING OF: November 2, 2016

X PUBLIC HEARING FROM: Community Development SPECIAL REPORTS EXHIBITS: Exhibit "A" – Summary

Ordinance No. 2529

Vicinity Map

SUBJECT: 2016 ANNEXATION – CYCLE NO. 4

REQUEST: FIRST READING OF ORDINANCE NO. 2529 – ANNEXATION – SHIRLEY

L. LITTLE LIFE ESTATE; AND HOLD OVER FOR SECOND READING &

ADOPTION.

SUMMARY:

OWNER: Shirley L. Little Life Estate

LOCATION: 17 West Oak Street

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 0.58 +/- acre

<u>ADDITIONAL COMMENTS</u>: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on October 14, 2016.

DULY ADVERTISED:

October 21, 2016 - 1/4 Page Public Hearing Advertisement October 28, 2016 - 1/4 Page Public Hearing Advertisement November 4, 2016 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

November 2, 2016 (1:30 pm) - City Council 1st Reading November 16, 2016 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer Finance Director Public Services Director
Commissioners HR Director Recreation Director
City Administrator IT Director City Clerk
Community Development Director Police Chief Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the 2016 Annexation – Cycle No. 4

Accept the First Reading of Ordinance No. 2529, and Hold it Over for Second Reading and Adoption on November 16, 2016.

EXHIBIT "A" CITY OF APOPKA 2016 ANNEXATION CYCLE # 4

TOTAL ACRES: 53.67 +/-

ANNEXATION ORDINANCE NO.: 2528-2531

Adopted this 16th day of November, 2016

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2528	1	ADAMS BROTHERS CONSTRUCTION COMPANY, INC	644 EAST 13 TH STREET 656 EAST 13 TH STREET 738 EAST 13 TH STREET	15-21-28-0000-00-044 15-21-28-0000-00-210 15-21-28-0000-00-142 15-21-28-0000-00-073	0.25 1.37 0.73 <u>0.59</u> 2.94	VACANT LAND SFR (1)	INDUSTRIAL
2529	2	SHIRLEY L. LITTLE LIFE ESTATE	17 W. OAK STREET	04-21-28-4836-00-680	0.58	SFR	LOW DENSITY REIDENTIAL MAX. 4DU/AC
2530	3	JERRY OWENS LINDA S. OWENS	2604 MARDEN ROAD	29-21-28-0000-00-030	10.67	SFR MANF. HOME	RURAL SETTLEMENT 1DU/5 ACRES
2531	4	WON CHUL LEE MYONG SEA LEE BONG JIN CHOE CHONG SOON CHOE	2309 West Kelly Park Road 2405 West Kelly Park Road	07-20-28-0000-00-048 07-20-28-0000-00-011	9.82 <u>29.66</u> 39.48	VACANT LAND	RURAL 1DU/10 ACRES AGRICULTURAL

g:\Shared\4020\PLANNING_ZONING\Annexations\2016 Cycle 4 Spreadsheet

ORDINANCE NO. 2529

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY SHIRLEY L. LITTLE LIFE ESTATE LOCATED WEST OF CENTRAL AVENUE AND NORTH OF OAK STREET; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Shirley L. Little Life Estate, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located west of Central Avenue and north of Oak Street; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

<u>SECTION I</u>: That the following described properties, being situated in Orange County, Florida, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

<u>Legal Descriptions</u>:

LAKESIDE HOMES B/69 THE E 86.4 FT OF LOT 68 & W 39 FT OF LOT 69 IN SEC 9-21-28 NE1/4 Containing 0.58 Acre

<u>SECTION II</u>: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

<u>SECTION III</u>: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

<u>SECTION IV</u>: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

ORDINANCE NO. 2529 PAGE 2

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

<u>SECTION VI</u>: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

<u>SECTION VII</u>: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

	READ FIRST	TIME:	November 2, 2016
	READ SECON		November 16, 2016
	Joseph E. Kils	hoimor Mox	vor
	Joseph E. Khs	memmer, may	yO1
ATTEST:			
Linda Coff City Clark			
Linda Goff, City Clerk			
DULY ADVERTISED FOR PUBLIC I		October 21, 20 October 28, 20	

November 4, 2016

ANNEXATION SHIRLEY L. LITTLE LIFE ESTATE



Total Acres: 0.58 +/-

Exhibit "A" Ord. # 2529

Parcel ID: 04-21-28-4836-00-680

VICINITY MAP



Backup material for agenda item:

8. Ordinance No. 2530 – First Reading – Annexation - Legislative Rogers Beckett



X OTHER: Ordinance

CITY OF APOPKA CITY COUNCIL

__ CONSENT AGENDA MEETING OF: November 2, 2016

X PUBLIC HEARING FROM: Community Development SPECIAL REPORTS EXHIBITS: Exhibit "A" – Summary

Ordinance No. 2530

Vicinity Map

SUBJECT: 2016 ANNEXATION – CYCLE NO. 4

REQUEST: FIRST READING OF ORDINANCE NO. 2530 – ANNEXATION – JERRY

OWENS AND LINDA S. OWENS; AND HOLD OVER FOR SECOND

READING & ADOPTION.

SUMMARY:

OWNER: Jerry Owens and Linda S. Owens

LOCATION: 2604 Marden Road

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 10.67 +/- acres

<u>ADDITIONAL COMMENTS</u>: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on October 14, 2016.

DULY ADVERTISED:

October 21, 2016 - 1/4 Page Public Hearing Advertisement October 28, 2016 - 1/4 Page Public Hearing Advertisement November 4, 2016 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

November 2, 2016 (1:30 pm) - City Council 1st Reading November 16, 2016 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer Finance Director Public Services Director Commissioners HR Director Recreation Director City Administrator IT Director City Clerk Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the 2016 Annexation – Cycle No. 4

Accept the First Reading of Ordinance No. 2530, and Hold it Over for Second Reading and Adoption on November 16, 2016.

EXHIBIT "A" CITY OF APOPKA 2016 ANNEXATION CYCLE # 4

TOTAL ACRES: 53.67 +/-

ANNEXATION ORDINANCE NO.: 2528-2531

Adopted this 16th day of November, 2016

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2528	1	ADAMS BROTHERS CONSTRUCTION COMPANY, INC	644 EAST 13 TH STREET 656 EAST 13 TH STREET 738 EAST 13 TH STREET	15-21-28-0000-00-044 15-21-28-0000-00-210 15-21-28-0000-00-142 15-21-28-0000-00-073	0.25 1.37 0.73 <u>0.59</u> 2.94	VACANT LAND SFR (1)	INDUSTRIAL
2529	2	SHIRLEY L. LITTLE LIFE ESTATE	17 W. OAK STREET	04-21-28-4836-00-680	0.58	SFR	LOW DENSITY REIDENTIAL MAX. 4DU/AC
2530	3	JERRY OWENS LINDA S. OWENS	2604 MARDEN ROAD	29-21-28-0000-00-030	10.67	SFR MANF. HOME	RURAL SETTLEMENT 1DU/5 ACRES
2531	4	WON CHUL LEE MYONG SEA LEE BONG JIN CHOE CHONG SOON CHOE	2309 West Kelly Park Road 2405 West Kelly Park Road	07-20-28-0000-00-048 07-20-28-0000-00-011	9.82 29.66 39.48	VACANT LAND	RURAL 1DU/10 ACRES AGRICULTURAL

g:\Shared\4020\PLANNING_ZONING\Annexations\2016 Cycle 4 Spreadsheet

ORDINANCE NO. 2530

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY JERRY OWENS AND LINDA S. OWENS LOCATED WEST OF MARDEN ROAD AND SOUTH OF KEENE ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Jerry Owens and Linda S. Owens, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located west of Marden Road and south of Keene Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

<u>SECTION I</u>: That the following described properties, being situated in Orange County, Florida, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

<u>Legal Descriptions</u>:

SW1/4 OF NE1/4 OF NE1/4 & N 60 FT OF SE1/4 OF NE1/4 OF NE1/4 SEC 29-21-28

Containing 10.67 Acres

<u>SECTION II</u>: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

<u>SECTION III</u>: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

<u>SECTION IV</u>: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

ORDINANCE NO. 2530 PAGE 2

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

<u>SECTION VI</u>: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

<u>SECTION VII</u>: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

	READ FIRST	TIME:	November 2, 2016
	READ SECON		November 16, 2016
	Joseph E. Kils	hoimor Mox	vor
	Joseph E. Khs	memmer, may	yO1
ATTEST:			
Linda Coff City Clark			
Linda Goff, City Clerk			
DULY ADVERTISED FOR PUBLIC I		October 21, 20 October 28, 20	

November 4, 2016

<u>ANNEXATION</u> JERRY OWENS AND LINDA S. OWENS



Total Acres: 10.67 +/-

Exhibit "A" Ord. # 2530

Parcel ID: 29-21-28-0000-00-030

VICINITY MAP



Backup material for agenda item:

9. Ordinance No. 2531 – First Reading – Annexation - Legislative Rogers Beckett



X OTHER: Ordinance

CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA MEETING OF: November 2, 2016

X PUBLIC HEARING FROM: Community Development SPECIAL REPORTS EXHIBITS: Exhibit "A" – Summary

Ordinance No. 2531

Vicinity Map

SUBJECT: 2016 ANNEXATION – CYCLE NO. 4

REQUEST: FIRST READING OF ORDINANCE NO. 2531 – ANNEXATION – WON CHUL

LEE, MYONG SEA LEE, BONG JIN CHOE AND CHONG SOON CHOE; AND

HOLD OVER FOR SECOND READING & ADOPTION.

SUMMARY:

OWNERS: Won Chul Lee, Myong Sea Lee, Bong Jin Choe and Chong Soon Choe

LOCATION: 2309 and 2405 West Kelly Park Road

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 39.48 +/- acres

<u>ADDITIONAL COMMENTS</u>: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on October 14, 2016.

DULY ADVERTISED:

October 21, 2016 - 1/4 Page Public Hearing Advertisement October 28, 2016 - 1/4 Page Public Hearing Advertisement November 4, 2016 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

November 2, 2016 (1:30 pm) - City Council 1st Reading November 16, 2016 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer Finance Director Public Services Director Commissioners HR Director Recreation Director City Administrator IT Director City Clerk Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the 2016 Annexation – Cycle No. 4

Accept the First Reading of Ordinance No. 2531, and Hold it Over for Second Reading and Adoption on November 16, 2016.

EXHIBIT "A" CITY OF APOPKA 2016 ANNEXATION CYCLE # 4

TOTAL ACRES: 53.67 +/-

ANNEXATION ORDINANCE NO.: 2528-2531

Adopted this 16th day of November, 2016

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2528	1	ADAMS BROTHERS CONSTRUCTION COMPANY, INC	644 EAST 13 TH STREET 656 EAST 13 TH STREET 738 EAST 13 TH STREET	15-21-28-0000-00-044 15-21-28-0000-00-210 15-21-28-0000-00-142 15-21-28-0000-00-073	0.25 1.37 0.73 <u>0.59</u> 2.94	VACANT LAND SFR (1)	INDUSTRIAL
2529	2	SHIRLEY L. LITTLE LIFE ESTATE	17 W. OAK STREET	04-21-28-4836-00-680	0.58	SFR	LOW DENSITY REIDENTIAL MAX. 4DU/AC
2530	3	JERRY OWENS LINDA S. OWENS	2604 MARDEN ROAD	29-21-28-0000-00-030	10.67	SFR MANF. HOME	RURAL SETTLEMENT 1DU/5 ACRES
2531	4	WON CHUL LEE MYONG SEA LEE BONG JIN CHOE CHONG SOON CHOE	2309 West Kelly Park Road 2405 West Kelly Park Road	07-20-28-0000-00-048 07-20-28-0000-00-011	9.82 <u>29.66</u> 39.48	VACANT LAND	RURAL 1DU/10 ACRES AGRICULTURAL

g:\Shared\4020\PLANNING_ZONING\Annexations\2016 Cycle 4 Spreadsheet

ORDINANCE NO. 2531

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY WON CHUL LEE, MYONG SEA LEE, BONG JIN CHOE AND CHONG SOON CHOE LOCATED EAST OF PLYMOUTH SORRENTO ROAD AND NORTH OF KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Won Chul Lee, Myong Sea Lee, Bong Jin Choe And Chong Soon Choe, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located east of Plymouth Sorrento Road and north of Kelly Park Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

<u>SECTION I</u>: That the following described properties, being situated in Orange County, Florida, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

E1/3 OF W3/4 OF SW1/4 OF SE1/4 OF SEC 07-20-28 Containing 10.67 Acres; and THE NW1/4 OF SE1/4 & THE W1/2 OF SW1/4 OF SE1/4 (LESS W 503.05 FT THEREOF) OF SEC 07-20-28 Containing: 29.66 Acres

Total Acres: 39.48

<u>SECTION II</u>: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

<u>SECTION III</u>: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

<u>SECTION IV</u>: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

ORDINANCE NO. 2530 PAGE 2

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

<u>SECTION VI</u>: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

<u>SECTION VII</u>: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

	READ FIRST	TIME:	November 2, 2016
	READ SECOL AND ADOPT		November 16, 2016
	Joseph E. Kils	hoimor Mox	vor
	Joseph E. Khs	memmer, may	yO1
ATTEST:			
Linda Coff City Clark			
Linda Goff, City Clerk			
DULY ADVERTISED FOR PUBLIC I		October 21, 20 October 28, 20	

November 4, 2016

ANNEXATION WON CHUL LEE & MYONG SEA LEE BONG JIN CHOE & CHONG SOON CHOE



Total Acres: 39.48 +/-

Exhibit "A" Ord. # 2531

Parcel ID: 07-20-28-0000-00-048 07-20-28-0000-00-011

VICINITY MAP



Backup material for agenda item:

10. Resolution 2016-33 - Handicap Accessibility Requirement Updates.

Jeff Plaugher



CITY OF APOPKA CITY COUNCIL

___ CONSENT AGENDA MEETING OF: November 2, 2016
___ PUBLIC HEARING FROM: Administration
__ SPECIAL REPORTS EXHIBITS: Resolution 2016-33
__X OTHER: Transition Plan, Grievance Procedure
Self-Evaluation Plan

SUBJECT: CITY OF APOPKA 504 PLAN

REQUEST: CITY COUNCIL TO ADOPT RESOLUTION TO ADOPT THE 504 PLAN, 504

GRIEVANCE PROCEDURE, AND SELF EVALUATION PLAN.

SUMMARY:

The resolution will update the City of Apopka's compliance with section 504 of the Rehabilitation Act of 1973, adopting handicap accessibility self-evaluation plan, adopting a transition plan for handicap accessibility and adopting a section 504 grievance procedure.

The City of Apopka will comply with the Section 504 Handicap Accessibility requirements of the Community Development Block Grant (CDBG) and all City owned facilities will be made handicap accessible.

The Complaint and Grievance Procedure details the modifications/corrective actions needed to allow handicap accessibility relative to the City's public buildings and facilities. The Self Evaluation Guide and Transition Plan will be on file in the Facilities Administrator office in Public Services.

Year 1 -

Public Works Office 1. Install ADA compliant bathroom signs with

braille

Museum of Apopkans 1. Install knee guards on exposed plumbing under

wall hung sinks

2. Install ADA compliant bathroom signs with

braille

Municipal Justice Building 1. Install ADA compliant bathroom signs with

braille

Fire Admin Building 1. Install ADA compliant bathroom signs with

braille

Northwest Sports Complex 1. Install ADA compliant bathroom signs with

braille to men's restroom

Year 2 –

City Hall 1. Install lever style knobs to interior doors Public Works Office 1. Install lever style knobs to interior doors Museum of Apopkans 1. Install handicap ADA compliant parking signs on poles at existing designated spaces 1. Install handicap ADA compliant parking signs City Annex on poles at existing designated spaces 2. Install lever style knobs to interior doors Fire Admin Building 1. Install lever style knobs to interior doors Alonzo Williams Center 1. Install lever style knobs to interior doors Fran Carlton Center 1. Install lever style knobs to interior doors Year 3 -1. Install ADA compliant audible floor indicator City Hall to elevator 2. Install ADA compliant ramp to City Council dais Fire Admin Building 1. Install ADA compliant bathrooms to include proper width entrance doors, lever knobs, commodes and turn radius Alonzo Williams Center 1. Install ADA compliant hard surfaced parking to include signage and striping 2. Install hard surface access route from parking to concrete walkway

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

City Council approve the proposed resolution.

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief

RESOLUTION NO. 2016-33

A RESOLUTION OF THE CITY OF APOPKA FLORIDA UPDATING COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, ADOPTING A HANDICAP ACCESSIBILITY SELF EVALUATION PLAN, ADOPTING A TRANSITION PLAN FOR HANDICAP ACCESSIBILITY AND ADOPTING A SECTION 504 GRIEVANCE PROCEDURE

WHEREAS, The City of Apopka desires to comply with the Section 504 Handicap Accessibility Requirements of the Community Development Block Grant programs and have all publicly accessible City owned facilities made handicap accessible; and

WHEREAS, The City of Apopka has completed a review of City-owned facilities accessible to the public for ADA handicap compliance; and

WHEREAS, The City of Apopka desires to make all City-owned public facilities accessible to Handicap individuals, and

WHEREAS, The City of Apopka is establishing a Complaint and Grievance Procedure to process any complaints including those relating to handicap accessibility, the treatment of handicapped individuals and to elimination discrimination against any person who: has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, and is regarded as having such an impairment.

NOW THEREFORE, BE IT RESOLVED by The City of Apopka as follows:

- 1. That the City of Apopka hereby adopts the following 24 CFR Part 8 Self Evaluation Plan, and
- 2. That the City of Apopka hereby adopts the following 24 CFR Part 8 Transition Plan, and
- 3. That the City of Apopka hereby adopts the following Section 504 Compliance and Grievance Procedure, and
- 4. That the City of Apopka affirms the Facilities Administrator as the person responsible for implementation of the Plan.

THIS RESOLUTION ADOPTED THIS	, DAY OF, 2016
	Ion Kilshaimar Mayar
ATTEST: Linda F. Goff, City Clerk	Joe Kilsheimer, Mayor

24 CFR PART 8 TRANSITION PLAN LOCALITY NAME: CITY OF APOPKA

A. List structures (facilities) in which programs and activities are conducted. (Particularly where public meetings are held)B. Determine if there are physical barriers to program participation? YES or NO.

STRUCTURES	1. Access Route	2. Outside walks	3. Parking	4. Curb cuts	5. Ramps	6. Ext. doors	7. Int. doors	8. Elev.	9. Lifts	10. Toilets	11. Fountains	12. Warn- signal	13. Assemareas	14. Tele- phones	NEEDED CHANGES
City Hall	No	No	No	No	No	No	Yes	Yes	N/A	No	No	No	Yes	N/A	 Need lever door knobs throughout interior Elevator needs audio floor indicator Need ADA compliant ramp to City Council dais.
Public Works Complex Office	No	No	No	No	NA	No	Yes	N/A	N/A	No	No	Yes	No	N/A	 Need lever door knobs throughout interior Need ADA compliant braille bathroom signs
Museum of Apopkans	No	No	Yes	No	N/A	No	No	N/A	N/A	Yes	Yes	Yes	No	N/A	 Need ADA compliant parking signs on poles at proper height on handicap spaces Need knee guards over exposed plumbing under bathroom sinks and water fountain Need ADA compliant braille bathroom signs

24 CFR PART 8 TRANSITION PLAN LOCALITY NAME: CITY OF APOPKA

Page #2

A. List structures (facilities) in which programs and activities are conducted. (Particularly where public meetings are held)
B. Determine if there are physical barriers to program participation? YES or NO.

STRUCTURES	1. Access Route	2. Outside walks	3. Parking	4. Curb cuts	5. Ramps	6. Ext. doors	7. Int. doors	8. Elev.	9. Lifts	10. Toilets	11. Fountains	12. Warn- signal	13. Assemareas	14. Tele- phones	NEEDED CHANGES
City Annex	No	No	Yes	N/A	N/A	No	Yes	N/A	N/A	No	No	No	No	N/A	Need ADA compliant parking signs on poles at proper height on handicap spaces Need lever door knobs throughout interior
Municipal Justice Building	No	No	No	No	No	No	No	N/A	N/A	No	No	Yes	No	N/A	Need ADA compliant braille bathroom signs
Chambers of Commerce	No	No	No	No	N/A	No	No	N/A	N/A	No	N/A	No	No	N/A	No Changes Needed

24 CFR PART 8 TRANSITION PLAN

LOCALITY NAME: CITY OF APOPKA

Page #3

A. List structures (facilities) in which programs and activities are conducted. (Particularly where public meetings are held)
B. Determine if there are physical barriers to program participation?

YES or NO.

STRUCTURES	1. Access Route	2. Outside walks	3. Parking	4. Curb cuts	5. Ramps	6. Ext. doors	7. Int. doors	8. Elev.	9. Lifts	10. Toilets	11. Fountains	12. Warn- signal	13. Assemareas	14. Tele- phones	NEEDED CHANGES
Fire Administration Building	No	No	No	No	No	No	Yes	N/A	N/A	Yes	N/A	Yes	No	N/A	 Need ADA compliant bathrooms to include proper door widths and commodes Need lever door knobs throughout interior Need ADA compliant braille bathroom signs
Apopka Community Center	No	No	No	No	No	No	No	N/A	N/A	No	No	No	No	N/A	No Changes Needed
Alonzo Williams Community Center and Park	Yes	No	Yes	N/A	No	No	Yes	N/A	N/A	No	No	No	No	N/A	 Need ADA compliant hard surfaced parking to include striping and signage Need hard surface access route from parking to concrete walkway Need lever door knobs throughout interior

24 CFR PART 8 TRANSITION PLAN

LOCALITY NAME: CITY OF APOPKA

Page #4

A. List structures (facilities) in which programs and activities are conducted. (Particularly where public meetings are held)
B. Determine if there are physical barriers to program participation? YES or NO.

STRUCTURES	1. Access Route	2. Outside walks	3. Parking	4. Curb cuts	5. Ramps	6. Ext. doors	7. Int. doors	8. Elev.	9. Lifts	10. Toilets	11. Fountains	12. Warn- signal	13. Assem- areas	14. Tele- phones	NEEDED CHANGES
Fran Carlton Community Center	No	No	No	No	No	No	Yes	N/A	N/A	No	No	No	No	N/A	Need lever door knobs on event hall doors
Northwest Sports Complex	No	No	No	No	No	No	No	N/A	N/A	No	No	Yes	No	N/A	1. Need ADA compliant braille bathroom sign men's restrooms
Amphitheater	No	No	No	No	No	No	No	N/A	N/A	No	No	No	No	N/A	No Changes Needed
Northwest Operations Office	No	No	No	No	No	No	No	N/A	N/A	No	No	No	No	N/A	No Changes Needed

24 CFR PART SELF-EVALUATION - TRANSITION PLAN LOCALITY NAME: CITY OF APOPKA Page #5

C. The schedule for taking steps necessary to make needed changes:

Year 1 –

Public Works Office	1.	Install ADA con	pliant	bathroom	signs	with	braille

Museum of Apopkans 1. Install knee guards on exposed plumbing under wall hung sinks

2. Install ADA compliant bathroom signs with braille

Municipal Justice Building 1. Install ADA compliant bathroom signs with braille

Fire Admin Building 1. Install ADA compliant bathroom signs with braille

Northwest Sports Complex 1. Install ADA compliant bathroom signs with braille to men's restroom

24 CFR PART 8 SELF-EVALUATION - TRANSITION PLAN LOCALITY NAME: CITY OF APOPKA Page #6

C. The schedule for taking steps necessary to make needed changes (cont.):

Year 2 –

Public Works Office 1. Install lever style knobs to interior doors

Museum of Apopkans 1. Install handicap ADA compliant parking signs on poles at existing designated spaces

City Annex 1. Install handicap ADA compliant parking signs on poles at existing designated spaces

2. Install lever style knobs to interior doors

Fire Admin Building

1. Install lever style knobs to interior doors

Alonzo Williams Center 1. Install lever style knobs to interior doors

Fran Carlton Center 1. Install lever style knobs to interior doors

24 CFR PART 8 SELF-EVALUATION - TRANSITION PLAN LOCALITY NAME: CITY OF APOPKA Page #7

C. The schedule for taking steps necessary to make needed changes (cont.):

Year 3 –

City Hall 1. Install ADA compliant audible floor indicator to elevator

2. Install ADA compliant ramp to City Council dais

Fire Admin Building 1. Install ADA compliant bathrooms to include proper width entrance doors, lever knobs, commodes and turn radius

Alonzo Williams Center 1. Install ADA compliant hard surfaced parking to include signage and striping

2. Install hard surface access route from parking to concrete walkway

- D. The official responsible for implementation is: Facilities Administrator
- E. The person(s) or groups with whose assistance the plan was developed: Fred Fox Enterprises, Inc.
- F. This Transition Plan for complying with 24 CFR part 8 was made public by:
 - 1. Posting on bulletin board.
 - 2. Making the public aware of its availability.

Approved by Resolution #: 2016-33 on ______, 2016

CITY OF APOPKA, FLORIDA

SECTION 504 GRIEVANCE PROCEDURE

Section 504 of the Rehabilitation Act of 1973 provides that no qualified disabled person shall, solely on the basis of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with Federal financial assistance. The City of Apopka, Florida has completed its Section 504 Self Evaluation Guide and its Transition Plan which details the modifications/corrective actions needed to allow handicap accessibility relative to the City's public buildings and facilities. The Self Evaluation Guide and Transition Plan, are available upon request for public review and inspection at the Facilities Administrator's office and City Hall.

- 1. The City of Apopka. Florida has completed its Section 504 Self Evaluation Guide and has determined to what extent its public facilities, employment practices, communications system, programs, and services are accessible to handicapped individuals.
- 2. The City of Apopka, Florida has appointed its Facilities Administrator as its Section 504 Coordinator. The Section 504 Coordinator shall be responsible for the City's overall compliance with Section 504 of the Rehabilitation Act of 1973 and further shall coordinate the implementation of the Transition Plan with the respective City Departments.
- 3. It is the Policy of the City of Apopka to eliminate discrimination against any person who: has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, and is regarded as having such an impairment.
- 4. Any handicapped person or groups representing handicapped persons that feel that a grievance is warranted relative to accessibility to handicapped persons in public facilities, employment practices, communication systems, programs, services, etc. under the direct control of the City of Apopka shall submit said grievance in writing to the Facilities Administrator Office
- 5. The Facilities Administrator shall issue the City's response within thirty (30) days of receipt of said grievance. If the person/group feels that his/her complaint has not been sufficiently addressed by the Facilities Administrator, an appeal may be made to the City of Apopka, Council. The City Council shall render its decision relative to the grievance within thirty (30) days of hearing the complaint. At any point, the aggrieved may register a complaint with the Department of Economic Opportunity, 107 East Madison Street-MSC 400, Tallahassee, Florida 32399-2100 the CDBG overseeing agency in place at the time of the complaint.
- 6. All complaints registered at the local level shall have a response from the City Council or Facilities Administrator within sixty (60) days of the lodging of the complaint and/or appeal. In the event the aggrieved has exhausted all appeals without a decision satisfactory to himself/herself, he/she may pursue other legal channels in an attempt to achieve satisfaction.

7.	7. A file of all "written" grievances and/or complaints and the grievance/complaint shall be maintained and available for public insp	•
DULY	LY ADOPTED by the City of Apopka Council, City of Apopka, Florida this	day of, 2016.
	CITY COL CITY OF APOL	UNCIL PKA, FLORIDA
	BY: Joseph E. Kilsheim	
ATTES	TEST:Linda F. Goff, City Clerk	

CITY OF APOPKA 24 CFR PART 8 SELF-EVALUATION PLAN

PURPOSE

A) Program and Activities Conducted:

PROGRAMS

CDBG	To assess existing City facil	ities and identify needed improvements
B) The Policies and Practice	ctices that govern the above program	s and activities:
2) Complaint Pr	d Admission Criteria Policy ommodations	
C) Person responsible for	or Evaluation: Facilities Administrate	Dr .
D) Do written policies of	or practices limit the participation of i	-
7) Interpreters/F 8) Use of Contr 9) Audio-Visua	rocedures blicy Policy on communications (TDD's) Readers actors I Preservations ectronic Equipment	Needed Changes Y
Plan. City staff who i	ersons and other interested persons has familiar with all the City owned builteds participated in the Self Evaluation	
	by fifteen (15) or more employees muther public upon request. File must be	

The City of Apopka employs more than fifteen (15) employees and will make this information available to the public upon request.

CITY OF APOPKA TRANSITION PLAN SCHEDULE OF IMPROVEMENTS

CHANGES TO BE MADE ACCORDING TO FISCAL YEAR BUDGET

Year 1 –	
Public Works Office	1. Install ADA compliant bathroom signs with Braille
Museum of Apopkans	1. Install knee guards on exposed plumbing under wall hung sinks
	2. Install ADA compliant bathroom signs with Braille
Municipal Justice Building	1. Install ADA compliant bathroom signs with Braille
Fire Admin Building	1. Install ADA compliant bathroom signs with Braille
Northwest Sports Complex	1. Install ADA compliant bathroom signs with Braille to men's restroom
Year 2 –	
Year 2 – City Hall	Install lever style knobs to interior doors
	 Install lever style knobs to interior doors Install lever style knobs to interior doors
City Hall	·
City Hall Public Works Office	 Install lever style knobs to interior doors Install handicap ADA compliant parking signs
City Hall Public Works Office Museum of Apopkans	 Install lever style knobs to interior doors Install handicap ADA compliant parking signs on poles at existing designated spaces Install handicap ADA compliant parking signs
City Hall Public Works Office Museum of Apopkans	 Install lever style knobs to interior doors Install handicap ADA compliant parking signs on poles at existing designated spaces Install handicap ADA compliant parking signs on poles at existing designated spaces
City Hall Public Works Office Museum of Apopkans City Annex	 Install lever style knobs to interior doors Install handicap ADA compliant parking signs on poles at existing designated spaces Install handicap ADA compliant parking signs on poles at existing designated spaces Install lever style knobs to interior doors

Resolution #: 2016-33 Date Approved_____

CITY OF APOPKA TRANSITION PLAN SCHEDULE OF IMPROVEMENTS

CHANGES TO BE MADE ACCORDING TO FISCAL YEAR BUDGET

Year 3 –	
City Hall	Install ADA compliant audible floor indicator to elevator
	2. Install ADA compliant ramp to City Council dais
Fire Admin Building	 Install ADA compliant bathrooms to include proper width entrance doors, lever knobs, commodes and turn radius
Alonzo Williams Center	Install ADA compliant hard surfaced parking to include signage and striping
	2. Install hard surface access route from parking to concrete walkway

Resolution #: 2016-33 Date Approved_____

Backup material for agenda item:

1. Staff update on Vick Road and Martin Street Study Warrant. Jay Davoll



CITY OF APOPKA CITY COUNCIL

	CONSENT AGENDA	MEETING OF	F: November 2, 201
	PUBLIC HEARING	FROM:	Public Services
	SPECIAL REPORTS	EXHIBITS:	Study Warrant
X	OTHER: Staff Updates/Reports		

SUBJECT: VICK ROAD AND MARTIN STREET TRAFFIC SIGNAL WARRANT

SUMMARY:

The City's traffic consultant, Luke Transportation Engineering Consultants (LTEC) analized the intersection of Vick Road and Martin Street for the need of a traffic signal. The analysis was conducted using the guidelines established in the Manuel on Uniform Traffic Control Devices (MUTCD) and the Florida Department of Transportation (FDOT) Manual of Uniform Traffic Studies (MUTS). The results of the study recommend that a traffic signal be installed at the intersection.

FUNDING SOURCE:

Traffic Impact Fees FY 16/17 \$250,000

RECOMMENDATION ACTION:

N/A

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief

6

EXECUTIVE SUMMARY

A traffic signal warrant study was completed for the intersection of Vick Road and Martin Street. The existing intersection has a three-leg configuration. The analysis was based on existing May 17, 2016 conditions utilizing the Federal Highway Administration *Manual on Uniform Traffic Control Devices (MUTCD)* and the Florida Department of Transportation (FDOT) *Manual on Uniform Traffic Studies (MUTS)* guidelines.

A data collection effort included ten-hour turning movement counts and a minor street A.M./P.M. peak hour delay study. Five (5) years of crash data were also evaluated. Three warrants were utilized in this analysis, Warrant 1 - Eight Hour Vehicular Volume, Warrant 2 - Four Hour Vehicular Volume and Warrant 7 - Crash Experience.

The intersection was evaluated using three analysis procedures, a single lane (southbound left turn lane) approach for the major street, a single lane (westbound left turn volumes) approach for the minor street, and a single lane (westbound left and right turn volumes) approach for the minor street.

The minor street delay is 38.09/seconds per vehicle (spv) for the westbound movements. Maximum observed queues during the delay study were 14 westbound vehicles. The largest concentration of heavy vehicle traffic was observed to occur during the A.M. peak period (6:45-7:45) and represented 1.5% of the total traffic. Two (2) of the seven (7) accidents documented in the five years of accident reports occurred within a 12-month period (1/1/2013-12/31/2013) and are susceptible to correction with installation of a traffic signal.

Based on the results of this analysis and the field observations, the minor street one lane analysis meets Warrant 1B - Interruption of Continuous Traffic and Warrant 2 - Four Hour Vehicular Volume. Therefore, based on meeting Warrant 1B and Warrant 2, it is recommended that a traffic signal be installed at this intersection.



TABLE 1 isting Traffic Volumes

Time East of Vick Road South of Marrin Street North of Marrin S					Exis	Existing Traffic Volumes	ic Volum	8			
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Moet East of Vick Road South of Martin Street North				Martin St				1	k Rd		
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1 9 10 19 59 20 79 58 20 3 4 2 6 26 14 40 22 12 4 3 4 2 6 13 99 37 11 17 4 3 4 7 8 29 37 10 22 12 5 5 10 15 11 62 73 8 53 11 17 <th>From:</th> <th>Ŧo:</th> <th>EB</th> <th>WB</th> <th>Total</th> <th>NB</th> <th>SB</th> <th>Total</th> <th>NB</th> <th>SB</th> <th>Total</th>	From:	Ŧo:	EB	WB	Total	NB	SB	Total	NB	SB	Total
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1,900 2,350 3,820 6,280 6,400 12,950 6,070 5,880	Lot	[E]	2,490	2,504	4,994	9/9/9	6,807	13,483	6,323	6,260	12,583
	AAD	T (1)	1,900	2,350	3,820	6,280	6,400	12,950	6,070	5.880	12,080

1 - FDOT Orange County 2015 Weekly Peak Hour Factor - 1.0 a 2015 Weekly Axel Factor 0.94 (Urban). Luke Transportation Engineering Consultants, 2016 TABLE 6
Signal Justification

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			One Lane Analysis (4)	pproach	49	×	×	×	X			×	×	×	Х	60	99	Yes
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		Tuesday	5/17/2016	Time	From:	9	۲.	80	2/	177	13	14	15	16	17			

Warrant 1.A - Bight-Hour Mainnum Vehicular Volume, Warrant 1B - Eight-Hour Interruption of Consinuous Traffic. (1) Roadway speed posted 45 mph, therefore minimum volumes are 70% of the standard regnirements.

Worrum evaluation based on Major Street Southbound left turn volumes and Major Street Northbound traffic notumes. Warrant 2 - Four Hour Vehicular Volume (Plotted Point) ভ

As a conservative analysis, the One Lane Analysis Loft Turn Lane Volume utilizes only the westhound left term volumes for the minor street. (4) For the Total Approach Analysis Scenario, the Total minor street volumes were utilized. 3

Luke Transportation Engineering Consultants, 2016

Backup material for agenda item:

2.	Staff update on Old Dixie Highw	y and Bradshaw Roa	d alternative intersection	traffic control analysis. Jay Davo	Ш
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CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA

PUBLIC HEARING

SPECIAL REPORTS

X OTHER: Staff Updates/Reports

MEETING OF: November 2, 2016
FROM: Public Services
EXHIBITS: Study Analysis

SUBJECT: OLD DIXIE HIGHWAY AND BRADSHAW ROAD ALTERNATIVE INTERSECTION TRAFFIC CONTROL ANALYSIS

SUMMARY:

The City's traffic consultant, Luke Transportation Engineering Consultants (LTEC) conducted and alternative intersection analysis for the intersection of Old Dixie Highway and Bradshaw Road. The analysis was conducted using the guidelines established in the Manuel on Uniform Traffic Control Devices (MUTCD), the Florida Department of Transportation (FDOT) Manual of Uniform Traffic Studies (MUTS), and the FDOT Florida Roundabout Guide. The results of the study recommended that a mini-roundabout be installed at the intersection.

FUNDING SOURCE:

Traffic Impact Fees FY 16/17 \$350,000

RECOMMENDATION ACTION:

N/A

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief

EXECUTIVE SUMMARY

An alternative intersection traffic control was completed for the intersection of Old Dixie Highway and Bradshaw Road. The existing intersection has a three-leg configuration with the major street free flow movement being east/west. The northbound approach is under Stop control. The analysis was based on existing May 18, 2016 conditions utilizing the Federal Highway Administration *Manual on Uniform Traffic Control Devices (MUTCD)*, the Florida Department of Transportation (FDOT) *Manual on Uniform Traffic Studies (MUTS)* guidelines and the FDOT *Florida Roundabout Guide*.

A data collection effort included 24-hour approach counts, 24-hour approach speed counts, eleven-hour turning movement counts and a minor street P.M. peak hour delay study. Six (6) years of crash data were also evaluated. Various MUTCD warrants were utilized in this analysis; Multi-way Stop control, Traffic Signal Warrant 1 - Eight Hour Vehicular Volume, Traffic Signal Warrant 2 - Four Hour Vehicular Volume and Traffic Signal Warrant 7 - Crash Experience.

The intersection was evaluated using three analysis procedures, a single lane (westbound left turn lane) approach for the major street, a single lane (northbound left turn volumes) approach for the minor street, and a two-lane (northbound left and right turn volumes) approach for the minor street.

The average documented speeds on Old Dixic Highway are 36.85 mph (eastbound) and on Bradshaw Road are 21.96mph. The 85th percentile speed for these same roadways are 44.56 and 29.54.

The minor street average delay is 10.04/seconds per vehicle (spv) for the northbound movements. Maximum observed queues during the delay study were three (3) northbound vehicles.

The largest concentration of heavy vehicle traffic (20) was observed to occur during the A.M. peak period (7:00-8:00) and represented 2.2% of the entering traffic (925).

Only three (3) of the five (5) accidents documented in the six years of accident reports occurred within a 12-month plus eight-day period (11/13/2012-11/21/2013) and arc susceptible to correction with installation of a traffic signal.

Based on the results of this analysis, a mini-roundabout is recommended for the study intersection. This finding is based on two findings; first the intersection approach volumes meet the 10,000 volume criteria and secondly, under the traffic calming justification category (85th percentile speed exceeds the posted 35 mph speed limit

INTRODUCTION

The purpose of this study is to provide the results of a data collection effort and traffic analysis to determine the best intersection traffic control alternative for the intersection of Old Dixie Highway and Bradshaw Road in Apopka, Florida. Figure 1 shows the study intersection location and the adjacent roadway network. Old Dixie Highway, a predominantly east-west roadway is the major free flow movement. Bradshaw Road (the south leg of the intersection) is under STOP control. This report will serve to provide the necessary traffic data and analysis consistent with the procedures set forth in the Manual on Uniform Traffic Control Devices (MUTCD), the Manual on Uniform Traffic Studies (MUTS) guidelines and the FDOT Roundabout Justification Study. The study included the following components:

- Data Collection (May 2016)
- Analysis of Intersection Operations
- Multi-Way (All-Way) Stop Control Analysis
- · Signal Warrant Analysis
- Roundabout Justification Analysis

LOCATION

The intersection of Old Dixie Highway and Bradshaw Road is located in north central Apopka, as shown in **Figure 1**. Old Dixie Highway is classified as minor collector and Bradshaw Road is classified as a local roadway by the City. This intersection is located north of US 441 which is the nearest adjacent signalized intersection (approximately 390 feet south). The nearest adjacent signalized intersection to the northwest is 0.36 miles away at Vick Road.

EXISTING CONDITIONS

Old Dixie Highway is a two-lane minor collector with a northwest-southeast orientation at its intersection with Bradshaw Road. Old Dixie Highway serves as a parallel route alternative with US 441, extending from Hawthorne Avenue, on the east where it changes name to Orange Street, northwest to its terminus at Highland Avenue.

In 2015, Old Dixie Highway carried an average daily traffic volume of 7,707 vehicles west of Bradshaw Road and 3,964 vehicles east of Bradshaw Road. Old Dixie Highway has a posted speed limit of 35 miles per hour (mph) at its intersection with Bradshaw Road.

¹ City of Apopka 2015 Roadway Count Station # 674A

² City of Apopka 2015 Roadway Count Station # 518A

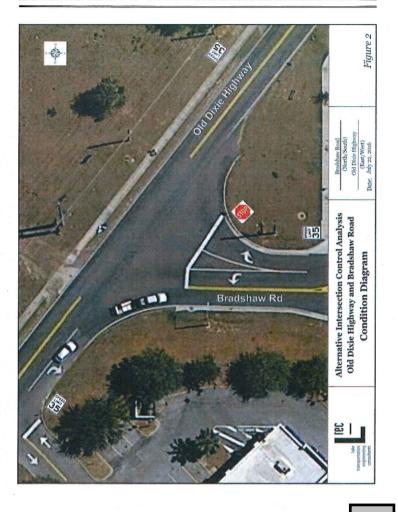


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- rivol orange county 2015 weekly reak frour ractor - 1.0 2015 Weekly Axel Factor 0.98 (Trban). Luke Transportation Engineering Consultants, 2016

TABLE 12

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3 WB	Old Dixie Highway	1		4,000	35	Free Flow	2,895	4	
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⁽¹⁾ Florida Statistical Abstract 2015 Population Estimate

⁽²⁾ Percent change from 2010 census total of 41,542

⁽³⁾ Distract from apetroam signal

⁽⁴⁾ Distance from 4 way Stop control intersection (Orange Street and Lake Avenue).

Luke Transportation Engineering Consultants, 2016

Backup material for agenda item:

3. Staff update on Construction design of Sixth Street from Christiana Street to US 441. Jay Davoll



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA	MEETING OF	: November 2, 2016
 PUBLIC HEARING	FROM:	Public Services
SPECIAL REPORTS	EXHIBITS:	Design

X OTHER: Staff Updates/Reports

SUBJECT: SIXTH STREET CONSTRUCTION FROM CHRISTIANA STREET TO US 441.

SUMMARY:

The City's Design Engineering Team has completed the design of Sixth Street from Christiana Street to US 441.

FUNDING SOURCE:

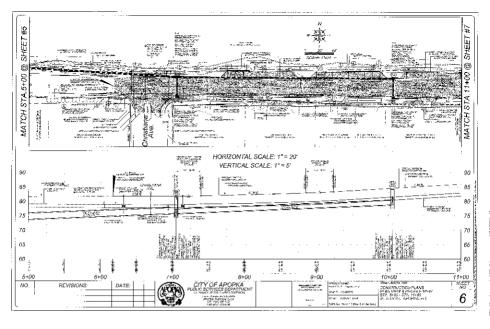
Traffic Impact Fees FY 15/16 \$500,000

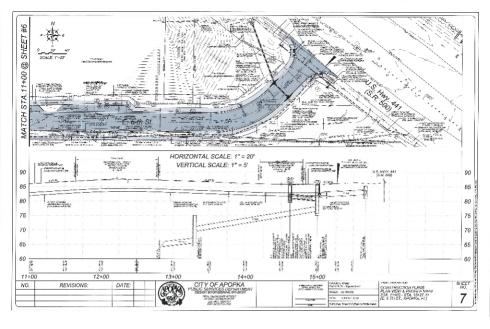
RECOMMENDATION ACTION:

N/A

DISTRIBUTION

Mayor KilsheimerFinance DirectorPublic Services DirectorCommissionersHR DirectorRecreation DirectorCity AdministratorIT DirectorCity ClerkCommunity Development DirectorPolice ChiefFire Chief





Backup material for agenda item:

1. Thank you letter to the Public Services Department from Resident.

From:

Sent: Wednesday, October 26, 2016 2:05 PM

To: Jay Davoll **Cc:** Josh Robinson

Subject: Great job by Gerald Munoz

Good afternoon Mr. Davoll

Our names are John and Patricia Cloran and we are writing to compliment one of your workers Mr. Gerald Munoz (Gerry) who was working the city claw truck today.

We had a large tree go down during Matthew and moved it to the front and had it cut up in sections. We waited to see if the city would pick it up as they picked some of the branches up but left the bigger pile where it was in the front yard. One time I asked the guy on the claw truck and he it was to big. So I was going to call one of my former students to come to get it for me after they pasted it again yesterday.

Then today my wife text me to say that the city was there with the claw truck and loading all the tree into the truck. She said she went out to talk to the driver who was Mr. Gerald Munoz. He said he was sorry they had not taken it earlier and he was here to correct that error. He took all of it and left the area completely clear of any tree branches and leaves.

We wanted his boss to know what a great asset he is to the citizens of Apopka. He went way above the call on this tree material and found out that he also helped to get the tree material from around the house on 321 Tanglewilde Street that I had called about for the senior citizens there.

So thank you Mr. Gerald Munoz .

Sincerely

John and Patricia Cloran

Apopka, Florida 32712