



## **AGENDA**

### **APOPKA CITY COUNCIL MEETING @ 8:00 PM City Hall Council Chamber 120 East Main Street – Apopka, Florida 32703 May 21, 2014**

#### **INVOCATION**

Pastor Jason Henderson - Grace Pointe Church

#### **PLEDGE OF ALLEGIANCE**

If you wish to appear before the City Council, please submit a Notice of Intent to Speak card to the City Clerk.

#### **PRESENTATIONS**

1. Legislative Update - Senator Geraldine Thompson, Senator Alan Hays, Representative Bryan Nelson and Representative Randolph Bracy

#### **CONSENT AGENDA**

1. Approve the minutes from the regular City Council meeting of May 7, 2014, at 1:30 p.m.
2. Authorize the disposal of surplus equipment/property and removal of the surplus property from the fixed asset list.

#### **SPECIAL REPORTS AND PUBLIC HEARINGS**

#### **ORDINANCES AND RESOLUTIONS**

1. ORDINANCE NO. 2359 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Jeffrey B. Randazzo,

from “County” Rural (1 du/1 ac) to “City” Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078) [Ordinance No. 2359 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.]

2. ORDINANCE NO. 2360 – SECOND READING & ADOPTION - CHANGE OF ZONING – Jeffrey B. Randazzo, from “County” A-1 to “City” R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078) [Ordinance No. 2360 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.]
3. ORDINANCE NO. 2361 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Robert Roach, from “County” Rural (1 du/10 ac) to “City” Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114) [Ordinance No. 2361 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.]
4. ORDINANCE NO. 2362 – SECOND READING & ADOPTION - CHANGE OF ZONING – Robert Roach, from “County” A-1 to “City” R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114) [Ordinance No. 2362 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.]
5. ORDINANCE NO. 2363 – SECOND READING & ADOPTION - CHANGE OF ZONING – Debra L. Jones; Steven P. Gill; and Apopka Gilkey, LLC, c/o Jason Gilkey, from R-1AA (0-5 du/ac)(Residential) and Planning Unit Development (PUD/R-2) (0-5 du/ac)(Residential) to Planned Unit Development (PUD/R-2) (0-5 du/ac)(Residential), for properties located east of Plymouth Sorrento Road, south of Schopke Road. (Parcel ID #s 06-21-28-7172-15-090 & 06-21-28-7172-15-130) [Ordinance No. 2363 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.]
6. ORDINANCE NO. 2364 – FIRST READING - CHANGE OF ZONING – Country Crossings, LLC, c/o Mark Crone, from R-1AA (Residential) to Planned Unit Development (PUD/R-1AA) (Residential), for properties located north of West Lester Road, west of Vick Road. (Parcel ID # 29-20-28-0000-00-028)
7. RESOLUTION NO. 2014-05 - Amending Ordinance No. 2109, Chapter 82-38, addressing Industrial and Commercial Pretreatment Guidelines.

## **SITE APPROVALS**

- 1. REVISED FINAL DEVELOPMENT PLAN – Belmonte Reserve Subdivision, owned by K Hovnanian Belmonte Reserve, LLC, c/o Heather Himes, Esq., Akerman, LLP and the engineer is The Civil Design Group, Inc., c/o William C. Fogle; property located south of Lester Road and east of Stoneywood Way at North Fairway Drive. (Parcel ID No. 32-20-28-0000-00-006)
- 2. FINAL DEVELOPMENT PLAN – Taco Bell, owned by Special K Enterprises, LLC, c/o James P. Whelan; the engineer is Cornelison Engineering & Design, Inc., c/o Craig L. Cornelison, P.E., property located at 1154 Rock Springs Road (formerly Brusters Ice Cream). (Parcel ID # 33-20-28-0000-00-117)

**DEPARTMENT REPORTS AND BIDS**

- 1. Administrative Report - Richard D. Anderson - City Administrator

**MAYOR'S REPORT**

**OLD BUSINESS**

- 1. COUNCIL
- 2. PUBLIC

**NEW BUSINESS**

- 1. COUNCIL
- 2. PUBLIC

**ADJOURNMENT**

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All interested parties may appear and be heard with respect to this agenda. Please be advised that, under state law, if you decide to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes a testimony and evidence upon which the appeal is to be based. The City of Apopka does not provide a verbatim record.

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

**Backup material for agenda item:**

1. Approve the minutes from the regular City Council meeting of May 7, 2014, at 1:30 p.m.



## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on May 7, 2014, at 1:30 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Bill Arrowsmith  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Sam Ruth

**PRESS PRESENT:** Roger Ballas - The Apopka Chief  
John Peery - The Apopka Chief  
Steve Hudak – The Orlando Sentinel

**INVOCATION AND PLEDGE OF ALLEGIANCE** – The Invocation was given by Father Charlie Deeney of the St. Francis of Assisi Catholic Church. Mayor Kilsheimer led in the Pledge of Allegiance.

### **EMPLOYEE RECOGNITION**

- 1. Elizabeth “Brittany” B. Berthold - Police/Support Services - Five Year Service Award -** Mayor Kilsheimer said Brittany began working for the City of Apopka on April 6, 2009, as a Police Officer. On July 29, 2012, she had a title change to Property & Evidence Technician, which is her current position. The City Council joined Mayor Kilsheimer in congratulating Brittany on her years of service to the City.
- 2. Vincent “Vince” P. Indiveri - Fire/Suppression - Five Year Service Award -** Mayor Kilsheimer said Vince started working for the City on April 21, 2009, as a Fire Fighter First Class, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Vince on his years of service to the City.
- 3. Holly M. Roell - Police/Communications - Ten Year Service Award -** Mayor Kilsheimer said Holly began working for the City on April 20, 2004, as a Communication Technician. Holly was reclassified to Lead Communication Technician on July 14, 2010, which is her current position. The City Council joined Mayor Kilsheimer in congratulating Holly on her years of service to the City.
- 4. John R. Longmire - Fire/EMS - Fifteen Year Service Award -** Mayor Kilsheimer said John started working for the City on April 26, 1999, as a Fire Fighter First Class. He was promoted on September 30, 2002, to Fire Engineer. Then, on March 2, 2005, John was promoted to Fire Lieutenant, which is his current position. The City Council joined Mayor Kilsheimer in congratulating John on his years of service to the City.

**5. Scott D. Machovina - Fire/Suppression - Fifteen Year Service Award** - Mayor Kilsheimer said Scott was not present and would be presented his award at another time.

**6. Andrew “Andy” J. Strausburg - Fire/EMS - Fifteen Year Service Award** - Mayor Kilsheimer said Andy started working for the City on April 26, 1999, as a Fire Fighter First Class. On January 13, 2004, he was promoted to Fire Engineer, and on February 24, 2014, he was promoted to Fire Lieutenant, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Andy on his years of service to the City.

**7. Vincent “Vince” J. Tomljenovich - Fire/Suppression - Fifteen Year Service Award** - Mayor Kilsheimer said Vince began working for the City on April 26, 1999, as a Fire Fighter First Class, which is his current position. The City Council joined Mayor Kilsheimer in congratulating Vince on his years of service to the City.

**PRESENTATIONS** - There were no presentations.

### **CONSENT AGENDA**

1. Approve the minutes of the regular City Council Meeting held on April 16, 2014, at 1:30 p.m.
2. Approve the application, from Extreme Limousine Inc., for a Vehicle for Hire Permit to operate a luxury taxi service in the City of Apopka.
3. Authorize the execution of an agreement between the Apopka Police Department and Harbor House of Central Florida to work cooperatively in order to protect the victims of domestic violence and improve prosecution.
4. Authorize the expenditure, in the amount of \$19,587.00, from the Federal Law Enforcement Trust Fund to purchase a Use of Force Simulator.
5. Authorize the expenditure, in the amount of \$30,394.03, for a railroad pedestrian gate and the extension of the rubber and asphalt crossway on Lakeville Road.
6. Approve the Disbursement Report for the month of April 2014.

At the request of Commissioner Ruth, Item #6 was pulled from the Consent Agenda to be heard during Old Business.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve Items #1 - 5 of the Consent Agenda. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**SPECIAL REPORTS AND PUBLIC HEARINGS** - There were no special reports or public hearings.

### **ORDINANCES AND RESOLUTIONS**

Mayor Kilsheimer said Ordinance Nos. 2359 - 2363 do not meet the requirements for adoption, and will be held over for a Second Reading.

- 1. ORDINANCE NO. 2359 - FIRST READING - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Jeffrey B. Randazzo, from “County”**

**Rural (1 du/1 ac) to “City” Residential high (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078)**

The City Clerk read the title, as follows:

**ORDINANCE NO. 2359**

**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/1 AC) TO “CITY” RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES, MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Commissioner Velazquez inquired what was meant by 0-15 du/ac. City Administrator Anderson explained it means 0-15 dwelling units per acre.

**MOTION was made by Commissioner Dean, and seconded by Commissioner Velazquez, to accept the First Reading of Ordinance No. 2359, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

**2. ORDINANCE NO. 2360 - FIRST READING - CHANGE OF ZONING - Jeffrey B. Randazzo, from “County” A-1 to “City” R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078)**

The City Clerk read the title, as follows:

**ORDINANCE NO. 2360**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES, MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR DIRECTIONS TO THE COMMUNITY**

**DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

Commissioner Velazquez inquired if this Ordinance is the same property as was heard in Ordinance No. 2359. City Administrator Anderson pointed out the parcels addressed in the ordinances on the agenda are in succession for future development.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to accept the First Reading of Ordinance No. 2360, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 3. ORDINANCE NO. 2361 - FIRST READING - COMPREHENSIVE PLAN - SMALL SCALE - FUTURE LAND USE AMENDMENT - Robert Roach, from "County" Rural (1 du/10 ac) to "City" Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue (Parcel ID #: 22-21-28-0000-00-114)**

The City Clerk read the title, as follows:

**ORDINANCE NO. 2361**

**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" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES, MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to accept the First Reading of Ordinance No. 2361, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 4. ORDINANCE NO. 2362 - FIRST READING - CHANGE OF ZONING - Robert Roach, from "County" A-1 to "City" R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114)**

The City Clerk read the title, as follows:

**ORDINANCE NO. 2362**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES, MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to accept the First Reading of Ordinance No. 2362, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 5. ORDINANCE NO. 2363 - FIRST READING - CHANGE OF ZONING - Debra L. Jones; Steven P. Gill; and Apopka Gilkey, LLC, c/o Jason Gilkey, from R-1AA (0-5 du/ac) (Residential) and Planned Unit Development (PUD/R-2) (0-5 du/ac)(Residential) to Planned Unit Development (PUD/R-2) (0-5 du/ac)(Residential), for properties located east of Plymouth Sorrento Road, south of Schopke Road. (Parcel ID #s: 06-21-28-7172-15-090 & 06-21-28-7172-15-130)**

The City Clerk read the title, as follows:

**ORDINANCE NO. 2363**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, SOUTH OF SCHOPKE ROAD, COMPRISING 14.7 ACRES, MORE OR LESS, AND OWNED BY DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

Commissioner Velazquez requested clarification on the zoning change from R-1AA to PUD. City Administrator Anderson said the previous property was zoned to a PUD, which is a more flexible zoning to allow for additional requirements over straight zoning.

**MOTION was made by Commissioner Velazquez, and seconded by Commissioner Ruth, to accept the First Reading of Ordinance No. 2363, and hold it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 6. RESOLUTION NO. 2014-03 - Amending Resolution No. 2005-12 by modifying the designated officials who are authorized with Regions Bank to sign checks, notes, drafts, bills of exchange, monies, acceptance, orders and other items of any kind, to make endorsements, to borrow money, and setting the method of notice of change in officials.**

The City Clerk read the title as follows:

**RESOLUTION NO. 2014-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING RESOLUTION NO. 2005-12 BY MODIFYING THE DESIGNATED OFFICIALS WHO ARE AUTHORIZED WITH REGIONS BANK TO SIGN CHECKS, NOTES, DRAFTS, BILLS OF EXCHANGE, MONIES, ACCEPTANCE, ORDERS AND OTHER ITEMS OF ANY KIND; BY MODIFYING THE DESIGNATED OFFICIALS WHO ARE AUTHORIZED TO MAKE ENDORSEMENTS; BY MODIFYING THE DESIGNATED OFFICIALS AUTHORIZED TO BORROW MONEY; SETTING THE METHOD OF NOTICE OF CHANGE IN OFFICIALS; ESTABLISHING AN EFFECTIVE DATE.**

City Administrator Anderson responded to a request of Commissioner Velazquez for clarification of the resolution. He explained the various accounts and the need for multiple signers on the accounts.

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to adopt Resolution No. 2014-03. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

- 7. RESOLUTION NO. 2014-04 - Authorizing the reimbursement of certain costs relating to the acquisition of sanitation trucks and compressed natural gas (CNG) station capital improvements.**

The City Clerk read the title as follows:

## RESOLUTION NO. 2014-04

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, WITH RESPECT TO THE REIMBURSEMENT OF CERTAIN COSTS RELATING TO THE ACQUISITION OF SANITATION TRUCKS AND VARIOUS COMPRESSED NATURAL GAS (CNG) STATION CAPITAL IMPROVEMENTS.**

The City Administrator explained that the funds must be allocated by resolution.

**MOTION was made by Commissioner Velazquez, and seconded by Commissioner Arrowsmith, to adopt Resolution No. 2014-04. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.**

### **SITE APPROVALS**

- 1. FINAL DEVELOPMENT PLAN - Poe Reserve Subdivision, owned by Nancy Poe, c/o Floriday Properties, Inc.; the engineer is June Engineering Consultants, Inc., c/o Jeffrey A. Sedloff and Jimmy Dunn; and the property is located south of North Orange Blossom Trail, west of State Road 451. (Parcel ID Nos. 05-21-28-0000-00-030, 08-21-28-0000-00-026, 08-21-28-0000-00-027 & 08-21-28-0000-00-046)**

Jay Davoll, Community Development Director, gave an overview of the project including a waiver request to omit building a wall along State Road 429 (451). (The staff report is incorporated into, and made a part of these meeting minutes.)

There was considerable discussion concerning the impact of the development regarding traffic on Highway 441, Lake Doe Boulevard.

Mayor Kilsheimer opened the meeting for a public hearing.

Pat McGuffin, 289 Lake Doe Blvd, expressed concern over the amount of traffic already in the area with only 2 subdivisions, and the enormous traffic impact with the proposed total of 5 subdivisions on Lake Doe Boulevard.

Mayor Kilsheimer explained that with the complete build-out, 2 additional access roads to Binion Road and Marshal Lake Road will help to eliminate traffic issues.

Mr. Davoll said that, at a certain level of growth in development, traffic studies by a professional traffic engineer are required.

Mr. McGuffin further asked about the square footage of the homes to be built.

Mr. Davoll responded that the developer is proposing 2,100 square foot, which once approved, cannot be built smaller.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

**MOTION was made by Commissioner Ruth, and seconded by Commissioner Arrowsmith, to approve the Final Development Plan for the Poe Reserve Subdivision, as recommended. Motion carried unanimously, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.**

**DEPARTMENT REPORTS AND BIDS** - City Administrator Richard Anderson had nothing to report.

**MAYOR'S REPORT** - Mayor Kilsheimer said everyone has inquired about the Mayor's salary. He reported having asked City Administrator Anderson and City Attorney Kruppenbacher for a determination of his ethical ability to vote on the matter.

City Attorney Kruppenbacher said he has reviewed the Charter and Legal Opinions regarding the matter. He said the salary of the Mayor is set by the budget. He said, in his opinion, there is no conflict with Mayor Kilsheimer voting on the Mayor's salary; however, he is seeking an opinion from the Commission on Ethics for clarification.

Mayor Kilsheimer said they are awaiting the recommendation of the State prior to proceeding with the discussion.

In response to a question from Commissioner Dean, Mayor Kilsheimer stated he is seeking a salary that is "fair, reasonable and appropriate." He concluded that the matter will be held for a future meeting.

## **OLD BUSINESS**

### **1. COUNCIL -**

Commissioner Ruth expressed his concerns when attempting to obtain information from the City.

City Attorney told him he was not required to provide his request in writing. Staff, under the law, has a reasonable amount of time to provide that record.

When asked what he was looking for, Commissioner Ruth read his list into the record as follows:

Copies of follow up material for check #: 160466, 160462, 160587, 160298, 160299, 160386, 160618, 160306, 160539, 160300, 160647, and check #1296. He requested the purchase orders, the budget year it came from and the vendor contact information. He further requested a list of salaries for all department heads, what department heads are drawing from a pension plan, and if they are drawing from another (department) budget.



City Administrator Anderson told him the most appropriate place to request information is the Office of the City Administrator. He clarified that the Charter amendments approved by the electors in December are in place, and will be codified into the Charter.

Mayor Kilsheimer said with everything being new, everyone needs to work together.

**MOTION was made by Commissioner Ruth, and seconded by Commissioner Velazquez to move Line Item 6 to the next available Board meeting by the Council.**

There was further discussion concerning holding the approval of the Disbursement Report when the checks have already been issued.

Commissioner Arrowsmith called the question.

**VOTE: Motion failed 3-2, with Mayor Kilsheimer voting No, and Commissioners Arrowsmith and Dean voting No, and Commissioners Velazquez and Ruth voting Aye.**

**MOTION was made by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve the Disbursement Report from the Consent Agenda.**

Commissioner Ruth inquired if he will still be able to get the requested information, to which Mayor Kilsheimer responded affirmatively.

**VOTE: Motion carried 4-1, with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean and Velazquez voting Aye, and Commissioner Ruth voting No.**

**2. PUBLIC** - There was no old business from the public.

## **NEW BUSINESS**

**1. COUNCIL** - There was no new business from the Council.

**2. PUBLIC**

Larry Bornacelli, 2314 Sweetaire Court, representative for VGIL, Inc., a non-profit, said they were just granted a low power FM radio station. He said it is a community radio station for the City of Apopka, located on frequency 99.3. He expressed a desire for the City to work with him on some logistics he has been confronted in attempting to put an antennae on a tower, specifically the tower behind Florida Hospital. He asked to lease or purchase the property from the City. He said the radio station will be at the City's disposal for public service announcement, working with the emergency management teams, Mayor's message, etc. The FCC only granted 4,000 licenses across the entire country and Apopka was one of those granted. He added this should mean more jobs to the City, and offer opportunities for local businesses.

Mayor Kilsheimer said his email had been received and forwarded to City Administrator Anderson. He asked that the two speak following the meeting.

Barbara Zackzewski, 3674 Rochelle Lane, expressed appreciation for the City Council meeting packet being posted on the City's website.

Robert Webster, 237 W Ponkan Rd, commended the City Council on the openness of the meeting.

A. Earl Nurse, 3851 Rock Hill Loop, thanked the Recreation Department for putting the mile marker around the sports complex. He said it is 9/10 of a mile and to make up the difference for a mile, walkers are cutting across the grass. He expressed concern that the integrity of the grass will fail and asked that either a sidewalk be installed, or the area being blocked from foot traffic. He said he had heard there is to be an expansion of the sports complex, and requested that there be a feasibility study conducted on the impact on the economy of Apopka, specifically what the sports complex is bringing to the businesses in Apopka. He further thanked Capt. Randy Fernandez of the Apopka Police Department for looking into and resolving a personal matter for he and a citizen.

Christine Moore, 2145 Palm Crest Dr, representing the Orange County Public Schools, thanked the City for its support of the Jazz Festival. She gave an overview of the success of the festival. She thanked Chief Manley for the support of the Apopka Police Department at the event.

Ms. Moore said she understood that Mayor Land was working on a history project, and wanted to offer the use of the school's production studios for the project.

Commissioner Ruth reported the Apopka High School Girls Flag Football team will be playing in Tallahassee for State title. He also reported the Boys Baseball Team will be going to the regionals.

Ray Shackelford, 282 Carpathian Drive, followed up on an earlier recommendation of Commissioner Dean of an Apopka Hall of Fame, with the first 2 inductees being Mayor Land and Mrs. Land. He questioned the ability of the City Council to review the budget mid-term, and said any salary adjustments would best be done at that time. He also spoke on the decision of the electors in December regarding the responsibilities of the City Administrator, suggesting the matter be reviewed further.

City Attorney Kruppenbacher advised the City Council may look at the budget at any time, and amendments may be made; however, at the end of the fiscal year, there is limited time to amend the budget for the preceding fiscal year.

Diane Harrison, 380 North Lake Avenue, expressed concern at the lack of lighting on Park Avenue and Rock Springs Road, and inquired if it is the responsibility of the City or the County.

Mayor Kilsheimer said street lighting is not only an issue on Park Avenue and Rock Springs Road, but also in many neighborhoods throughout the City of Apopka. Going forward, he said, lighting will be an issue to be reviewed.

**ADD ON: CITY ATTORNEY REPORT** - City Attorney Kruppenbacher spoke of the Supreme Court ruling regarding prayer at public events/public meetings. He said the Court said that it is a tradition of this Country where a moment of prayer has been used to emphasize the solemn nature of the business and occasion, reversing the Appellate Court decision, and found that the City Council was in no way attempting to pick a particular religion, and it was open to any religious entity that was within the community. The public body is not obligated to go outside the City to bring in a specific religion. He said the City of Apopka can continue to be open to the people of the community in various faiths.

Suzanne Kidd, 1260 Lexington Parkway, congratulated everyone on the insightful meeting. She expressed appreciation for the meeting packet being on the website. She asked if she had a right to question an item on the Disbursement Report.

The right was granted by Mayor Kilsheimer.

Ms. Kidd asked City Attorney Kruppenbacher about the March 28, 2014 payment to him in the amount of \$25,000 listed on the Disbursement Report.

City Attorney Kruppenbacher explained he billed the City for well in excess of a year for litigation attended regarding constitutional challenges to the red light cameras, and met repeatedly with administrative judges, attended a number of hearings, drafted pleadings, etc. He said he had not billed the City concerning that litigation, and had actually rounded down the amount. He said it also included requests of Mayor Land, Charter meetings, and Charter review. He said it was work over and above the retainer fee.

Ms. Kidd also spoke in support of looking at the Mayor's salary.

**ADJOURNMENT** - There being no further business to discuss, the meeting adjourned at 3:03 p.m.

ATTEST:

\_\_\_\_\_  
Joe Kilsheimer, Mayor

\_\_\_\_\_  
Janice G. Goebel, City Clerk

**Backup material for agenda item:**

2. Authorize the disposal of surplus equipment/property and removal of the surplus property from the fixed asset list.



# CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA  
 PUBLIC HEARING  
 SPECIAL REPORTS  
 OTHER: \_\_\_\_\_

MEETING OF: May 21, 2014  
FROM: Administrative Services  
EXHIBITS: Attached

**SUBJECT: SURPLUS PROPERTY**

**Request: AUTHORIZE THE DISPOSAL OF SURPLUS EQUIPMENT/PROPERTY AND REMOVAL OF THE SURPLUS PROPERTY FROM THE FIXED ASSET LIST.**

**SUMMARY:**

Administrative Services, Community Development, Finance, Human Resources and Public Services request City Council approval to dispose of surplus property and equipment which is no longer useful. The items were purchased with City funds and have met or exceeded their required usefulness. Staff requests authorization to dispose of the items by auction, donation or elimination.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Authorize Administrative Services, Community Development, Finance, Human Resources and Public Services Departments to dispose of the surplus property and remove it from the fixed asset list.

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director (2)
Commissioners (4)	HR Director	Recreation Director
CAO Richard Anderson	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

ITEM	ASSET TAG/SERIAL #	CONDITION	LOCATION	DIVISION
<b>Public Services</b>				
NEC AccuSync LCD71V Monitor	3Y300037YA	Poor	PS Admin	PS Admin
HP Color LaserJet Printer	CP1518NI	good	PS Admin	PS Admin
Acer Monitor	AL1703SM	Poor	PS Admin	PS Admin
Acer LCD Monitor	AL2216W	Poor	PS Admin	PS Admin
Ford Crown Victoria 11-843 2006	2FAFP71WX6XX156631	Poor	Fleet	2220
Ford Ranger 18-0647 1999	1FTYR10V8XUB43758	Fair	Fleet	3141
Cobia (Boat) 38-509 1992	CBAFA122H892	Poor	Fleet	3210
Monitor TFT-LCD	CT1704MPKD03130283	Poor	PS Admin	
Monitor I-Inc	1K141ABB	Poor	PS Admin	
UBS Tripp-Lite		Poor	PS Admin	
<b>Community Development</b>				
Monitor	ETLBN0C023835DBE38400	Poor	Comm Dev	4020
Typewriter	US3052K5P285136	Good	Comm Dev	4020
Chair	N/A	Poor	Comm Dev	4020
Chair	N/A	Poor	Comm Dev	4020
Chair	N/A	Poor	Comm Dev	4020
<b>Finance</b>				
HP Laser Printer Laser Jet 8100DN	19101	Fair	City Hall Annex	3161
Monitor		Good	City Hall Annex	3161
Monitor shelf/stand		Fair	City Hall Annex	3161
Keyboards (5)		Good	City Hall Annex	3161
Metal binders (55)		Fair	City Hall Annex	3161
Receipt paper - 1-ply large roll (6)		New	City Hall Annex	3161
Receipt paper - 2-ply small roll (10)		New	City Hall Annex	3161
Bulletin board - large		Fair	City Hall Annex	3161
Bulletin board - small		Fair	City Hall Annex	3161
Paper cutter		Good	City Hall Annex	3161
Vinyl lettering kit		Good	City Hall Annex	3161
Monitor paper holder		Fair	City Hall Annex	3161
Letter opener - electric		Fair	City Hall Annex	3161
Office arm chairs (2)		Good	City Hall Annex	3161
File stands - plastic (4)		Good	City Hall Annex	3161
AutoRead accessories (belt hooks and wall brackets)		Fair	City Hall Annex	3161
Autogun belts for AutoRead equipment (5)		Good	City Hall Annex	3161
Cables miscellaneous		Fair	City Hall Annex	3161
Radio belt clip - plastic		Good	City Hall Annex	3161
Charger for cordless drill Milwaukee		Fair	City Hall Annex	3161



Plantronics headset		Poor	City Hall Annex	3161
Two hole punch		Poor	City Hall Annex	3161
Canon Copier with feeder	19219	Poor	City Hall Annex	1120
Tape Dispenser/post-it note organizer		Good	City Hall Annex	1120
Software Manuals (6)		Good	City Hall Annex	1120
Five hole punch		Good	City Hall Annex	1120
Rolex File		Good	City Hall Annex	1120
Stapler		Poor	City Hall Annex	1120
Mouse		Fair	City Hall Annex	1120
Kroy Dura Type Labeler		Poor	City Hall Annex	1120
<b>Administrative Services</b>				
Shred Master Shredder		Fair	City Hall	1020
<b>Human Resources</b>				
Fellows Shredder		Fair	City Hall	1170
Brother 9700 MFC Printer		Fair	City Hall	1170
Misc. Office Equipment (hanging file folders, organizers etc)		Good	City Hall	1170
Monitor, keyboard, mouse speakers		Poor	City Hall	1170




**Backup material for agenda item:**

1. ORDINANCE NO. 2359 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Jeffrey B. Randazzo, from “County” Rural (1 du/1 ac) to “City” Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078) [Ordinance No. 2359 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.]



# CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: May 21, 2014  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2359

**SUBJECT:** **ORDINANCE NO. 2359 – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE - FUTURE LAND USE – JEFFREY B. RANDAZZO - FROM “COUNTY” RURAL (1 DU/1 AC) TO “CITY” RESIDENTIAL HIGH (0-15 DU/AC)**

**Request:** **SECOND READING & ADOPTION OF ORDINANCE NO. 2359 – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE - FUTURE LAND USE – JEFFREY B. RANDAZZO - FROM “COUNTY” RURAL (1 DU/1 AC) TO “CITY” RESIDENTIAL HIGH (0-15 DU/AC); PARCEL ID NO. 22-21-28-0000-00-078.**

## **SUMMARY**

**OWNER:** Jeffrey B. Randazzo

**APPLICANT:** Tallman Development, c/o Ed Hampden

**LOCATION:** North of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Road and west of South Sheeler Avenue

**EXISTING USE:** Vacant Land

**CURRENT ZONING:** “County” A-1

**PROPOSED DEVELOPMENT:** Residential Development

**PROPOSED ZONING:** “City” R-3 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 to “City” R-3.)

**TRACT SIZE:** 3.5 +/- acres

**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING: 3 Units  
PROPOSED: 53 Units

## **DISTRIBUTION**

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir. (2)
Commissioners (4)	HR Director	City Clerk
CAO Richard Anderson	IT Director	Fire Chief
City Dev. Dir.	Police Chief	

**ADDITIONAL COMMENTS:**

The subject parcel was annexed into the City of Apopka on April 2, 2014, through the adoption of Ordinance No. 2352. The proposed Small-Scale Future Land Use Amendment is being requested by the applicant, Tallman Development. The applicant has the subject parcel under contract to purchase. Although under separate corporate names, the adjacent parcels are owned by entities that also own Tallman Development. Abutting to the north and to the east, respectively, are parcels approximately forty-five (45) acres in size. By pulling the Randazzo parcel into the larger parcel, Tallman Development will create a more compact development site at its southwestern corner of its proposed future residential development.

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 R-3 zoning category to the Property is being processed in conjunction with this future land use amendment request for a Residential High designation. The zoning application covers approximately 3.5 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).

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Residential High Future Land Use designation and the City’s proposed R-3 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:**

Staff has notified Orange County Public Schools (OCPS) of the proposed Future Land Use Map Amendment. The Future Land Use change to Residential High Density represents a higher impact on public school capacity than that created by the County Future Land Use assigned to the property. This Future Land Use amendment is subject to school capacity enhancement review; however, the applicant will address capacity enhancement with OCPS for the entire development project. School concurrency will apply at the time of a subdivision plan application.

**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 March 7, 2014.

**PUBLIC HEARING SCHEDULE:**

- April 8, 2014 – Planning Commission (5:01 pm)
- May 7, 2014 – City Council (1:30 pm) - 1<sup>st</sup> Reading
- May 21, 2014 – City Council (8:00 pm) - 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

- March 21, 2014 – Public Notice and Notification
- April 18, 2014 – Public Notice and Notification
- May 9, 2014 – Ordinance Heading Ad
- May 16, 2014 – ¼ Page w/map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Rural (1 du/1 ac) to “City” Residential High (0-15 du/ac) for the property owned by Jeffrey B. Randazzo.

The **Planning Commission**, at its meeting on April 8, 2014, recommended approval (7-0) of the change in Future Land Use from “County” Rural (1 du/1 ac) to “City” Residential High (0-15 du/ac) for the property owned by Jeffrey B. Randazzo.

The **City Council**, at its meeting on May 7, 2014, accepted the First Reading of Ordinance No. 2359 and held it over for Second Reading and Adoption on May 21, 2014.

Adopt Ordinance No. 2359.

**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.**

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
East (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
South (City)	Agricultural (1 du/10 ac)	AG	Nursery
West (City)	“County” Agricultural (1 du/5 ac)	“County” A-1	S.R. 414 (Apopka Expressway)

**II. LAND USE ANALYSIS**

The general character of the area surrounding the subject property is compatible with this development of high density residential. S.R. 414, a limited access toll road, abuts the property to its south, and an entrance and exit to S.R. 414 is directly south of the site. A Future Land Use Designation of High Density Residential presently is assigned to the parcels abutting to the north and east.

Wekiva River Protection Area: No  
 Area of Critical State Concern: No  
 DRI / FQD: No

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 the “Core Area” of the JPA. The proposed FLUM Amendment request a change from “County” Rural (1 du/1 ac) to “City” Residential High (0-15 du/ac) is consistent with the terms 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 Basing 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

Karst Features: 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 North Keene Road. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and is level.

The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.h High Density Residential Future Land Use designation, and the Joint Planning Agreement with Orange County.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on April 2, 2014. The proposed future land use designation for the Property is Residential High (0-15 du/ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

**CALCULATIONS:**

ADOPTED (County designation): 3 Unit(s) x 2.659 p/h = 8 persons  
PROPOSED (City designation): 53 Unit(s) x 2.659 p/h = 141 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: 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.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A 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: 196 GPD

3. Projected total demand under proposed designation: 10388 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 81 GPD/Capita

6. Projected LOS under proposed designation: 81 GPD/Capita

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: Private Well; N/A GPD/Capita; 177 GPD/Capita

If the site is not currently served, please indicate the designated service provider:

2. Projected total demand under existing designation: 454 GPD
3. Projected total demand under proposed designation: 24062 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:  
City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: 564 lbs./person/day
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: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes



Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

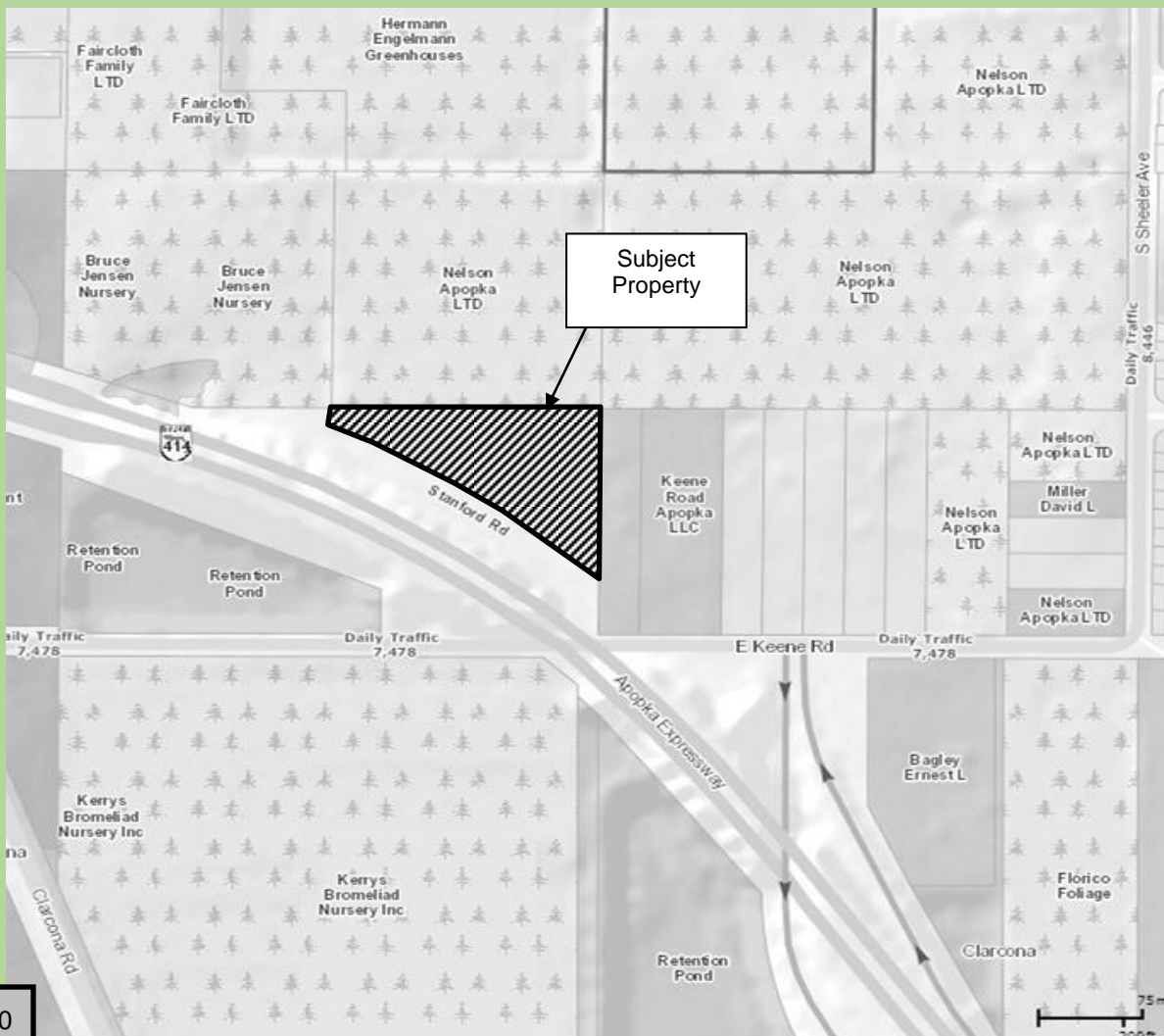
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.009 AC
3. Projected facility under proposed designation: 0.423 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:  
None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

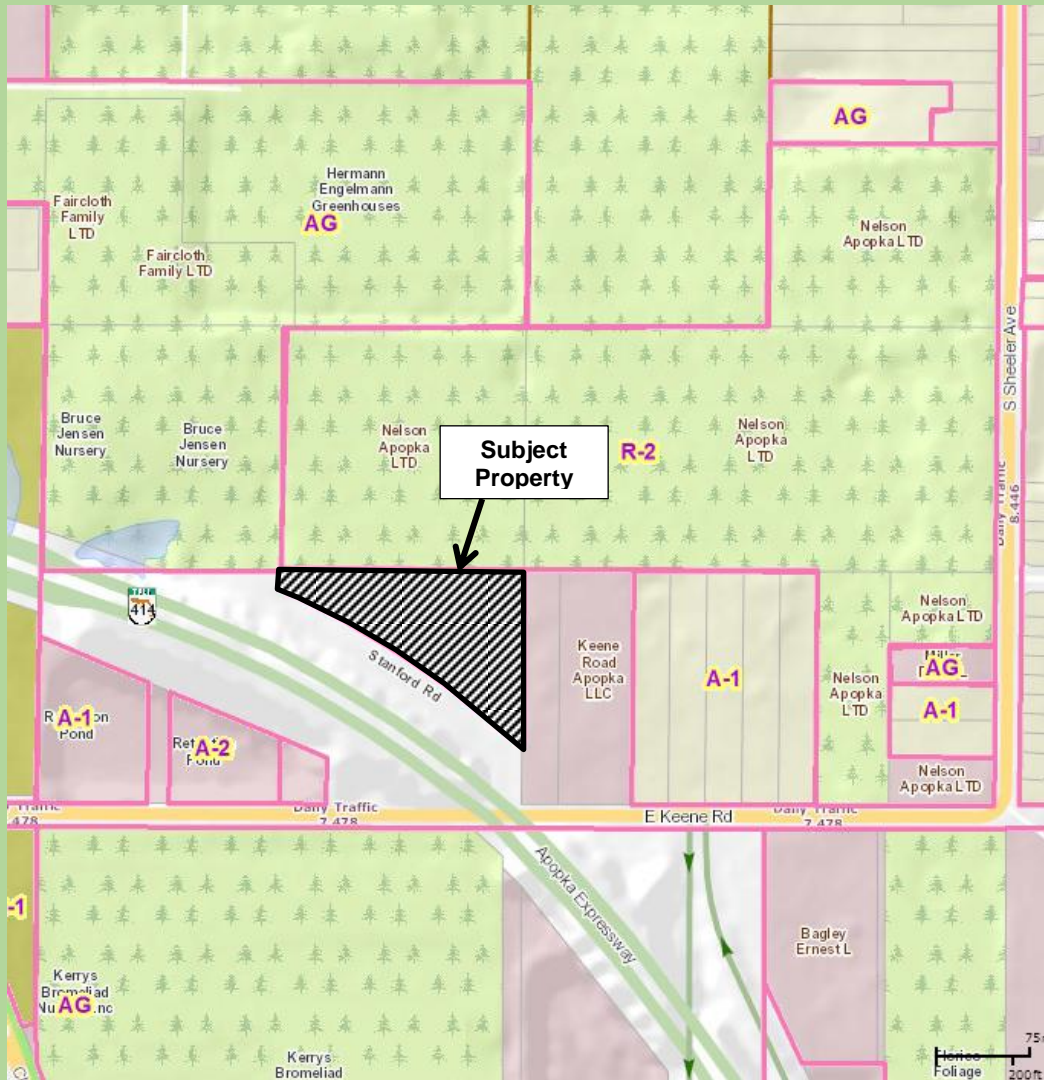
Jeffrey B. Randazzo  
3.5 +/- Acres  
Existing Maximum Allowable Development: 3 Units  
Proposed Maximum Allowable Development: 53 Units  
Proposed Future Land Use Change  
From: "County" Rural (1 du/1 ac)  
To: "City" Residential High (0-15 du/ac)  
Proposed Zoning Change  
From: "County" A-1  
To: "City" R-3  
Parcel ID #: 22-21-28-0000-00-078



### VICINITY MAP

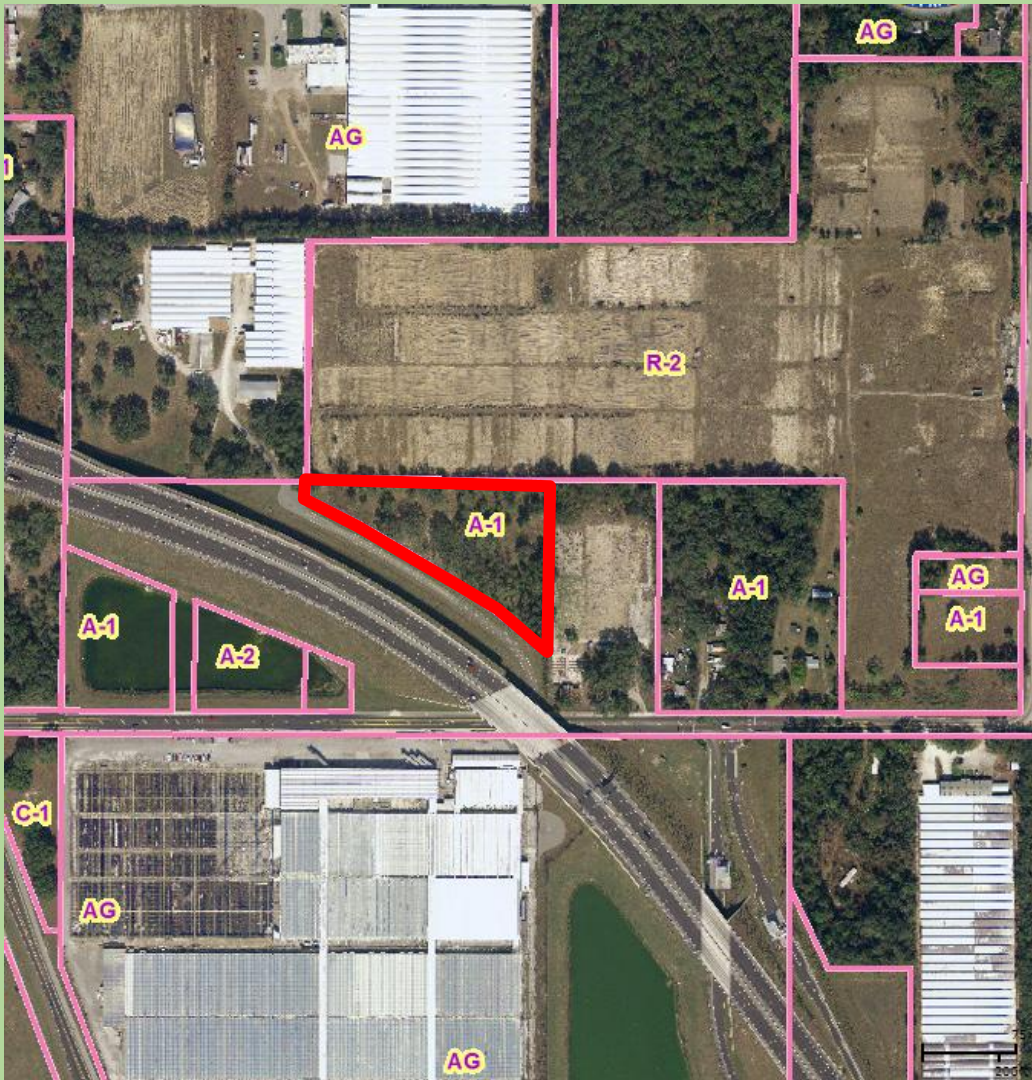


### ADJACENT ZONING





ADJACENT USES



## ORDINANCE NO. 2359

**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/1 AC) TO “CITY” RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; 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. 2356 on April 2, 2014; 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. 2356, is amended in its entirety to change the land use from “County” Rural (1 du/1 ac) to “City” Residential High Density (0-15 du/ac) for certain real property generally located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive, and west of South Sheeler Avenue, comprising 3.5 acres more or less (Parcel No.: 22-21-28-0000-00-078); 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.

**Section V.** The Community Development Director is hereby authorized to amend the Future Land Use to comply with this ordinance and shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

**Section VI. Effective Date.**

This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this 21<sup>st</sup> day of May, 2014.

READ FIRST TIME: May 7, 2014

READ SECOND TIME  
AND ADOPTED: May 21, 2014

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Joseph E. Kilsheimer, Mayor

ATTEST:

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Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

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Frank Kruppenbacher, Esq., City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING:

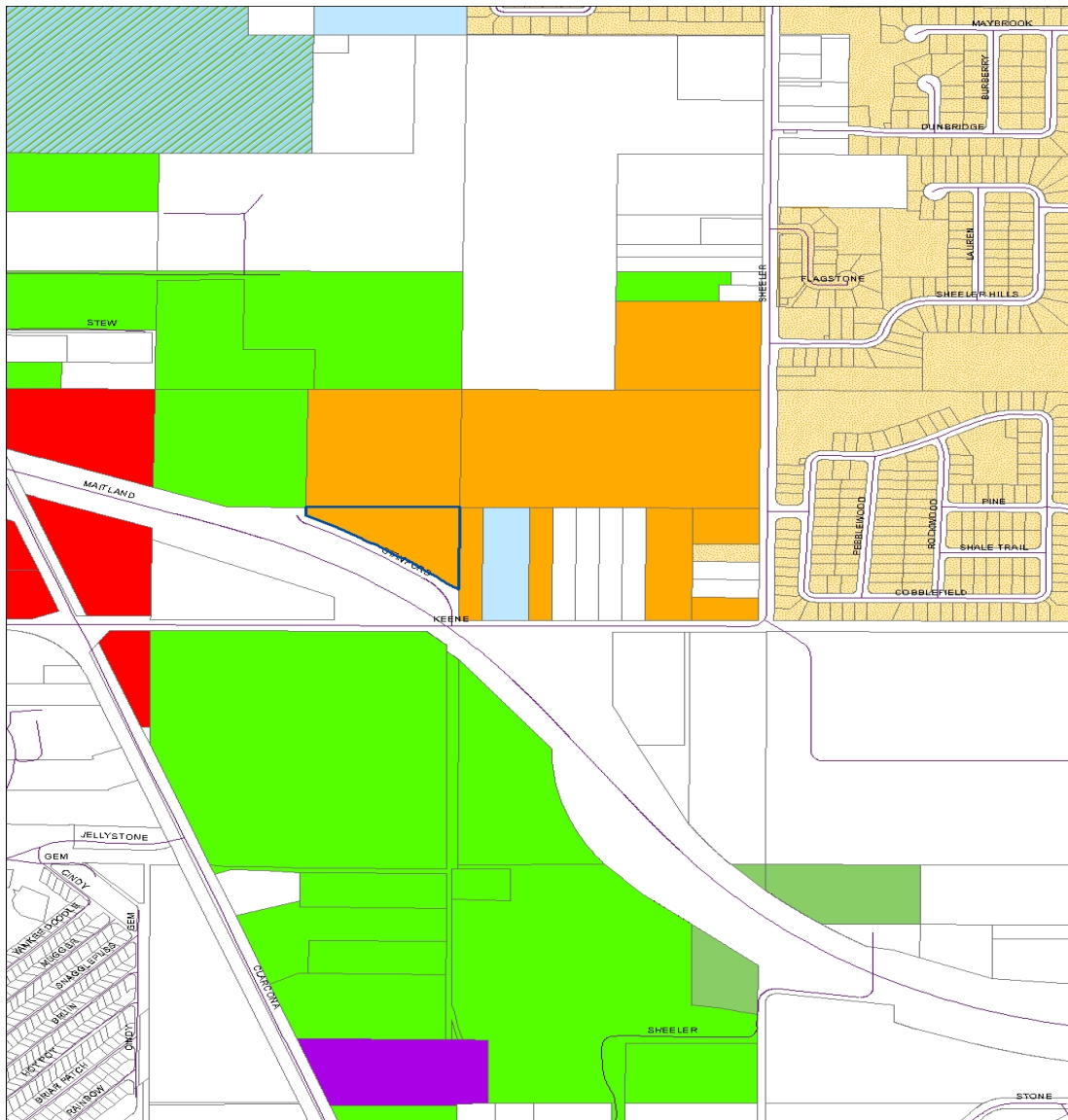
March 21, 2014  
April 18, 2014  
May 9, 2014  
May 16, 2014

# EXHIBIT "A"

## ORDINANCE NO. 2359

Jeffrey B. Randazzo  
3.5 +/- Acres

Existing Maximum Allowable Development: 3 Units  
Proposed Maximum Allowable Development: 53 Units  
Proposed Future Land Use Change  
From: "County" Rural (1 du/1 ac)  
To: "City" Residential High (0-15 du/ac)  
Parcel ID #: 22-21-28-0000-00-078



DATE APR. 2014

**Legend**

Apopka_Streets_031414	LAND_USE	AG-HOME	IND	PR	RLS
Apopka_Parcels_031414	ANNEX	AG-E	INST_PU	RE	RM
FLU_080712_EP2	COMM	AG-E	MU	RH	RML
call other values	CONSV	AG-E	OFF	RL	RS
				RVLS	

**DISCLAIMER**  
The data on this map cannot be guaranteed and is subject to change without notice.



Information  
Technology  
Department  
407-703-1722



FLU\_2014

**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

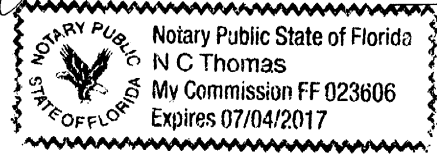
STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 9, 2014**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com)

Affiant further says that the said **APOPKA CHIEF** is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical\* class mail matter (\*second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.

*John E. Ricketson*  
Sworn and subscribed before me this  
**9th day of May, 2014**, by John E. Ricketson,  
who is personally known to me.

*N C Thomas*  
N. C. THOMAS  
Notary Public, State of Florida  
My Commission FF 023606  
Expires July 04, 2017



**Public Notice**

**CITY OF APOPKA  
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, May 21, 2014, at 8:00 p.m., or as soon thereafter as possible.

**ORDINANCE NO. 2359**

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/1 AC) TO "CITY" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 2360**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**ORDINANCE NO. 2361**

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" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD AND WEST OF SOUTH SHEELER AVENUE COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 2362**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**ORDINANCE NO. 2363**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA AND PLANNED UNIT DEVELOPMENT (PUD/R-2) TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, SOUTH OF SCHOPKE ROAD, COMPRISING 14.7 ACRES, MORE OR LESS AND OWNED BY DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection.

Please be advised that, under State Law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council  
Community Development Department

May 9, 2014  
Publish: The Apopka Chief



**Backup material for agenda item:**

2. ORDINANCE NO. 2360 – SECOND READING & ADOPTION - CHANGE OF ZONING – Jeffrey B. Randazzo, from “County” A-1 to “City” R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Drive and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-078) [Ordinance No. 2360 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.]



# CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: May 21, 2014  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2360

**SUBJECT: ORDINANCE NO. 2360 – CHANGE OF ZONING – JEFFREY B. RANDAZZO – FROM “COUNTY” A-1 TO “CITY” R-3**

**Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2360 – CHANGE OF ZONING – JEFFREY B. RANDAZZO; FROM “COUNTY: A-1 TO “CITY” R-3; PARCEL ID NO.: 22-21-28-0000-00-078.**

## **SUMMARY**

OWNER: Jeffrey B. Randazzo

APPLICANT: Tallman Development, c/o Ed Hampden

LOCATION: North of S.R. 414 (Apopka Expressway) and Keene Road, east of Stanford Road, and west of South Sheeler Avenue

EXISTING USE: Vacant Land

CURRENT ZONING: “County” A-1

PROPOSED DEVELOPMENT: Residential Development

PROPOSED ZONING: “City” R-3 Note: this Change in Zoning request is being processed along with a request to change the Future Land Use Map designation from “County” Rural (1 du/1 ac) To “City” Residential High (0-15 du/ac)

TRACT SIZE: 3.5 +/- acres

MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 3 Units  
PROPOSED: 53 Units

## **DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
CAO Richard Anderson  
Community Dev. Dir.

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir. (2)  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:**

The subject parcel was annexed into the City of Apopka on April 2, 2014, through the adoption of Ordinance No. 2352. The proposed Change of Zoning is being requested by the applicant, Tallman Development. The applicant has the subject parcel under contract to purchase. Although under separate corporate names, the adjacent parcels are owned by entities that also own Tallman Development. Abutting to the north and to the east, respectively, are parcels approximately forty-five (45) acres in size. By pulling the Randazzo parcel into the larger parcel, Tallman Development will create a more compact development site at its southwestern corner of its proposed future residential development.

A request to assign a “City” Residential High (0-15 du/ac) Future Land Use category to the Property is being processed in conjunction with this change of zoning for a R-3 designation. The zoning application covers approximately 3.5 acres. The property owner intends to use the site for a residential development.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this change of zoning (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed R-3 zoning designation is consistent with the proposed Residential High (0-15 du/ac) future land use designation and the existing use of the property. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:**

Staff has notified Orange County Public Schools (OCPS) of the proposed Change of Zoning. The Change of Zoning to R-3 represents a higher impact on public school capacity than that created by the current zoning designation assigned to the property; however, the applicant will address capacity enhancement with OCPS for the entire development project. This Change of Zoning is subject to school capacity enhancement review. School concurrency will apply at the time of a subdivision plan application.

**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 March 7, 2014.

**PUBLIC HEARING SCHEDULE:**

April 8, 2014 – Planning Commission (5:01 pm)  
May 7, 2014 – City Council (1:30 pm) - 1<sup>st</sup> Reading  
May 21, 2014 – City Council (8:00 pm) - 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

March 21, 2014 – Public Notice and Notification  
April 18, 2014 – Public Notice and Notification  
May 9, 2014 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in zoning from “County” A-1 to “City” R-3 for the property owned by Jeffrey B. Randazzo.

The **Planning Commission**, at its meeting on April 8, 2014, recommended approval (7-0) of the change in zoning from “County” A-1 to “City” R-3 for the property owned by Jeffrey B. Randazzo.

The **City Council**, at its meeting on May 7, 2014, accepted the First Reading of Ordinance No. 2360, and held it over for Second Reading and Adoption on May 21, 2014.

Adopt Ordinance No. 2360.

**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**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
East (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
South (City)	Agricultural (1 du/10 ac)	AG	Nursery
West (City)	“County” Rural (1 du/10 ac)	“County” A-1	S.R. 414 (Apopka Expressway)

**LAND USE &**

**TRAFFIC COMPATIBILITY:**

The Property has access to a Collector roadway (East Keene Road). Situated less than one hundred and fifty feet from the S.R. 414 toll way entrance. The Property allows easy access to a regional highway that leads to I-4, S.R. 429/S.R. 451, and U.S. 441. The proposed change of zoning is being requested by the applicant, Tallman Development. The applicant has the subject parcel under contract to purchase. Although under separate corporate names, the adjacent parcels are owned by the entities that own Tallman Development. Abutting to the north and to the east, approximately forty-five (45) acres are owned by corporations under the control of Tallman Development. By pulling the Randazzo parcel into the larger parcel, Tallman Development will create a more compact development site at its southwestern corner of its proposed future residential development.

**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed R-3 (Multi-Family Residential) zoning is consistent with the City’s Residential High Density Future Land Use Designation, which allows up to 15 units per acre. Development plans shall not exceed the density allowed under the adopted future land use designation.

**R-3 DISTRICT REQUIREMENTS:**

The R-3 zoning category allows single-family, duplex, and multi-family residential development. Development requirements specific to each of these three development options are established within the Land Development Code. The applicant has indicated an interest to pursue multi-family development based on the residential market. Minimum development standards for multi-family are listed for the R-3 zoning category:

- Minimum Living Sq. Ft.:
  - Apartments - 750 sq. ft.
  - Condo/Townhomes - 1,350 sq. ft.
- Minimum Site Area: one (1) acre.
- Minimum Lot Width: 120 ft.
- Setbacks:
  - Front: 50 ft. between buildings
  - Rear: 50 ft. between buildings
  - Side: 20 ft. between structures
  - Corner: 25 ft.

**BUFFER-YARD  
REQUIREMENTS:**

Areas adjacent to all road rights-of-way shall provide a minimum six- (6') foot high brick, stone or decorative finished block wall erected inside a minimum ten (10) foot wide landscaped buffer-yard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall.

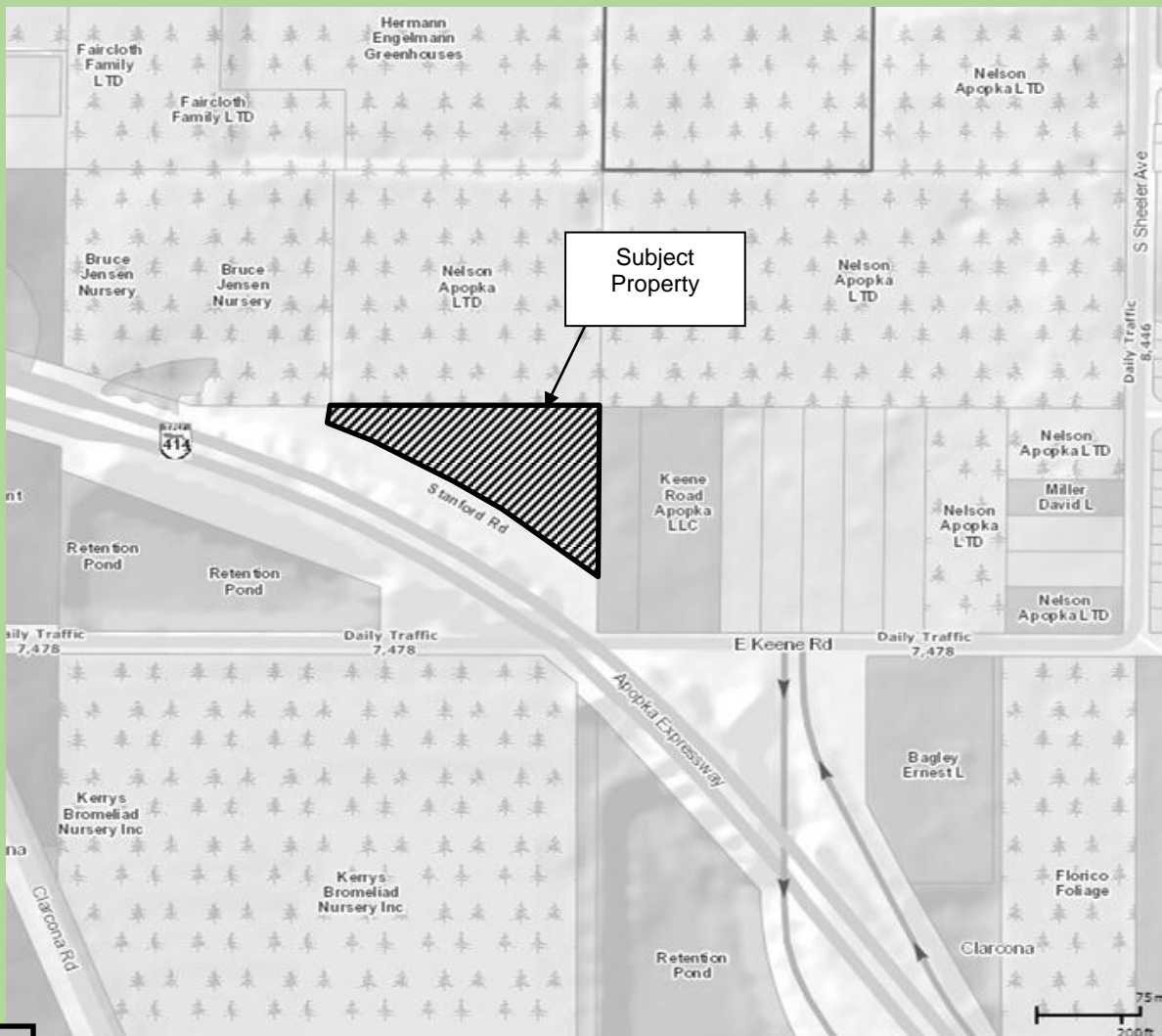
**ALLOWABLE USES:**

Multi-family development up to 15 units per acre, duplex, or single family residential subject to Section 2.02.07 of the Land Development Code.

Jeffrey B. Randazzo  
3.5 +/- Acres  
Existing Maximum Allowable Development: 3 Unit  
Proposed Maximum Allowable Development: 53 Units  
Proposed Future Land Use Change  
From: "County" Rural (1 du/1 ac)  
To: "City" Residential High (0-15 du/ac)  
Proposed Zoning Change  
From: "County" A-1  
To: "City" R-3  
Parcel ID #: 22-21-28-0000-00-078

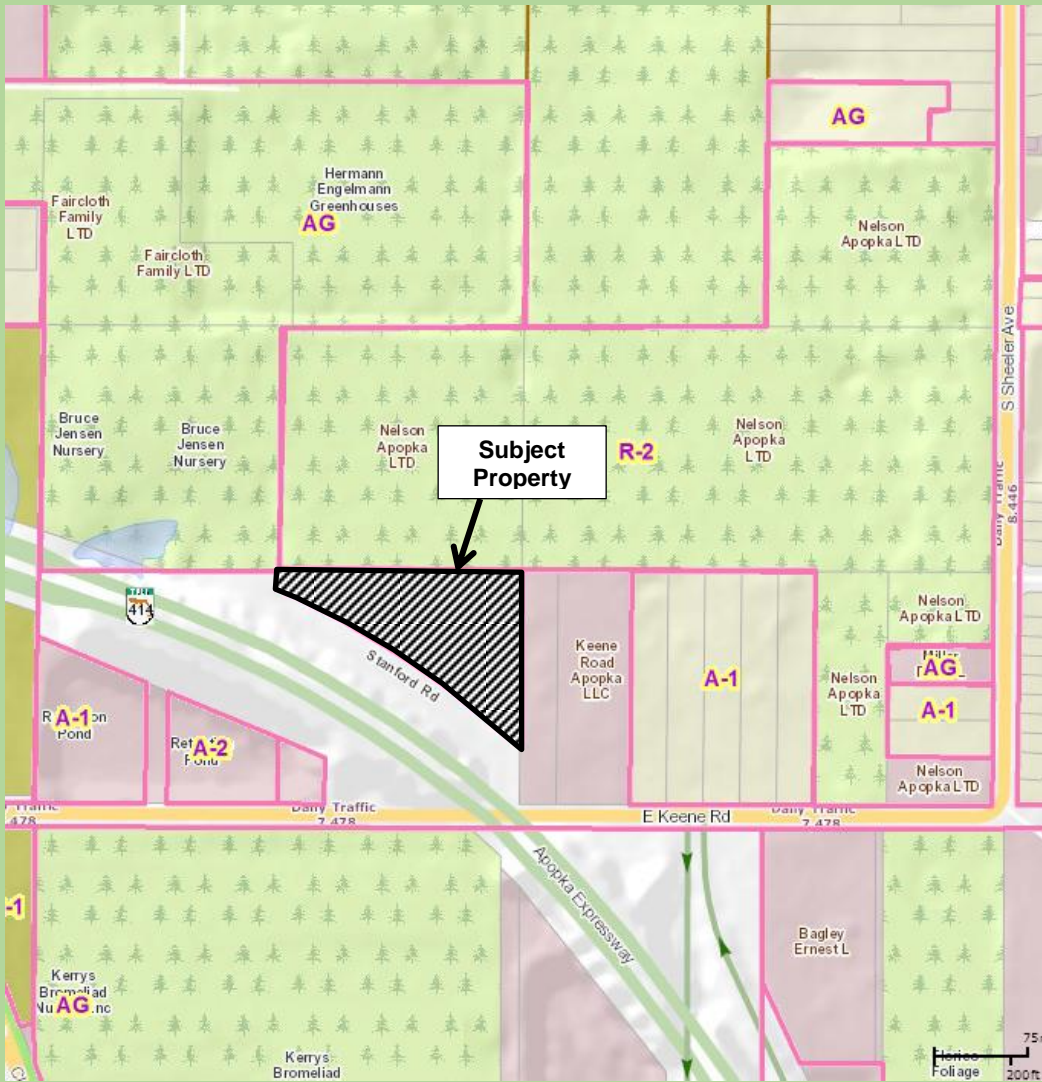


### VICINITY MAP

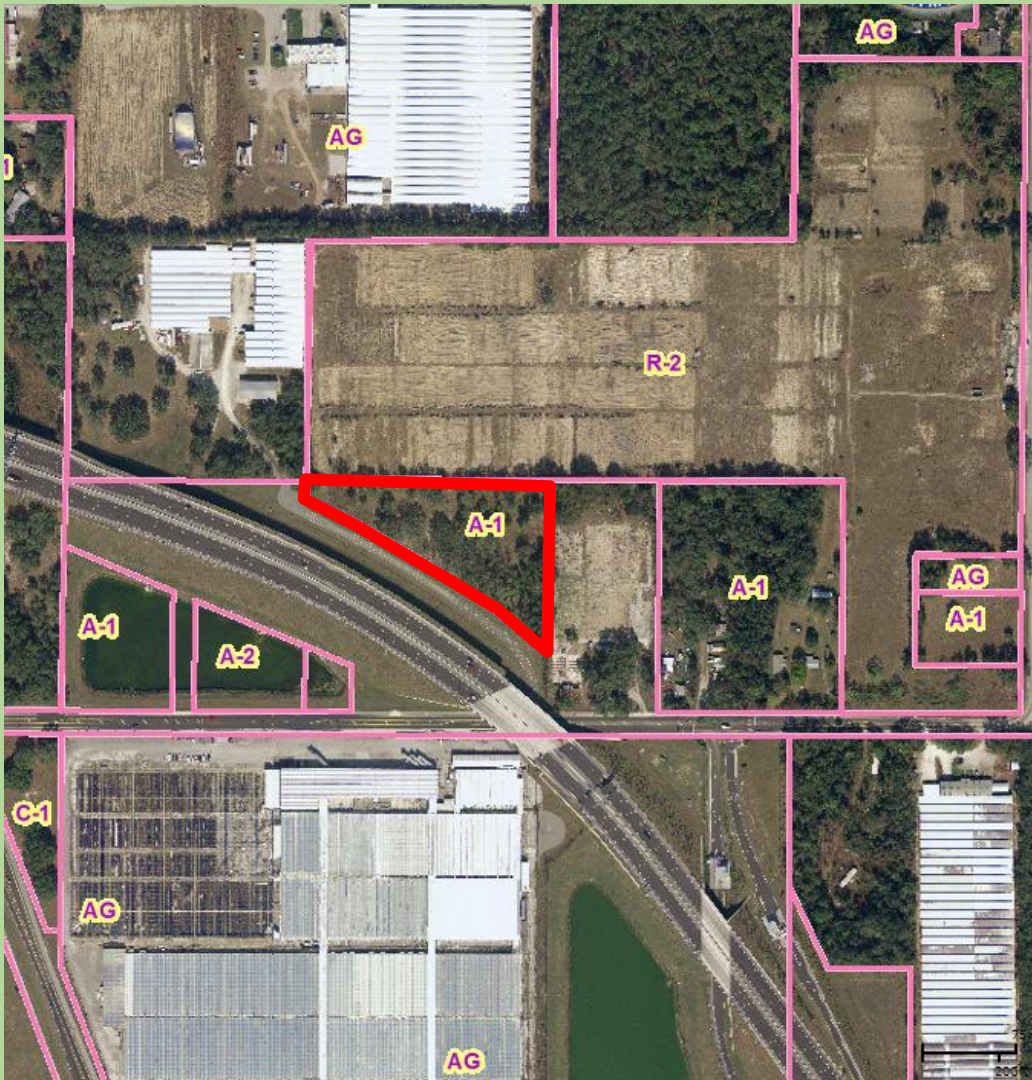




### ADJACENT ZONING



ADJACENT USES





**ORDINANCE NO. 2360**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; 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 R-3 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, being situated in the City of Apopka, Florida, is hereby R-3 As defined in the Apopka Land Development Code.

Legal Description:

The Southeast ¼ of the Southwest ¼ of the Southeast ¼ of Section 22, Township 21 South, Range 28 East, Orange County, Florida, LESS the road right-of-way on the South, LESS that portion taken by the Order of Taking recorded in Official Records Book 8997, page 1835, Public Records of Orange County, Florida.

Parcel I.D. # 22-21-28-0000-00-078  
3.5 +/- acres

**Section II.** That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

**Section III.** 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. The Community Development Director shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

**ORDINANCE NO. 2360**

**PAGE 2**

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

**Section V.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section VI.** That this Ordinance shall take effect upon the effective date of City of Apopka Ordinance No. 2359.

READ FIRST TIME: May 7, 2014

READ SECOND TIME  
AND ADOPTED: May 21, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

Frank Kruppenbacher, Esq., City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING:

March 21, 2014  
April 18, 2014  
May 9, 2014

**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

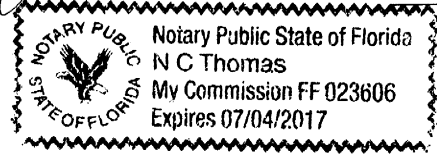
STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 9, 2014**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com)

Affiant further says that the said **APOPKA CHIEF** is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical\* class mail matter (\*second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.

*John E. Ricketson*  
Sworn and subscribed before me this  
**9th day of May, 2014**, by John E. Ricketson,  
who is personally known to me.

*N C Thomas*



N. C. THOMAS  
Notary Public, State of Florida  
My Commission FF 023606  
Expires July 04, 2017

**Public Notice**

**CITY OF APOPKA  
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, May 21, 2014, at 8:00 p.m., or as soon thereafter as possible.

**ORDINANCE NO. 2359**

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/1 AC) TO "CITY" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 2360**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**ORDINANCE NO. 2361**

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" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD AND WEST OF SOUTH SHEELER AVENUE COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 2362**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**ORDINANCE NO. 2363**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA AND PLANNED UNIT DEVELOPMENT (PUD/R-2) TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, SOUTH OF SCHOPKE ROAD, COMPRISING 14.7 ACRES, MORE OR LESS AND OWNED BY DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection.

Please be advised that, under State Law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council  
Community Development Department

May 9, 2014  
Publish: The Apopka Chief

**Backup material for agenda item:**

3. ORDINANCE NO. 2361 – SECOND READING & ADOPTION - COMPREHENSIVE PLAN – SMALL SCALE – FUTURE LAND USE AMENDMENT – Robert Roach, from “County” Rural (1 du/10 ac) to “City” Residential High (0-15 du/ac), for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114) [Ordinance No. 2361 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.]



# CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: May 21, 2014  
FROM: Community Development  
EXHIBITS: Land Use Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2361

**SUBJECT:** **ORDINANCE NO. 2361 – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE - FUTURE LAND USE – ROBERT ROACH - FROM “COUNTY” RURAL (1 DU/10 AC) TO “CITY” RESIDENTIAL HIGH (0-15 DU/AC)**

**Request:** **SECOND READING & ADOPTION OF ORDINANCE NO. 2361 – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE - FUTURE LAND USE – ROBERT ROACH - FROM “COUNTY” RURAL (1 DU/10 AC) TO “CITY” RESIDENTIAL HIGH (0-15 DU/AC); PARCEL ID NO. 22-21-28-0000-00-114.**

## **SUMMARY**

**OWNER:** Robert Roach

**APPLICANT:** Tallman Development, c/o Ed Hampden

**LOCATION:** North of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue

**EXISTING USE:** Single Family Residence/Open Shed

**CURRENT ZONING:** “County” A-1

**PROPOSED DEVELOPMENT:** Residential Development

**PROPOSED ZONING:** “City” R-3 (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 to “City” R-3.)

**TRACT SIZE:** 1.5 +/- acres

**MAXIMUM ALLOWABLE DEVELOPMENT:** EXISTING: 1 Unit  
PROPOSED: 22 Units

## **DISTRIBUTION**

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir. (2)
Commissioners (4)	HR Director	City Clerk
CAO Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

**ADDITIONAL COMMENTS:**

The subject parcel was annexed into the City of Apopka on April 2, 2014, through the adoption of Ordinance No. 2351. The proposed Small-Scale Future Land Use Amendment is being requested by the applicant, Tallman Development. The applicant has the subject parcel under contract to purchase. Although under separate corporate names, the adjacent parcels are owned by entities that also own Tallman Development. Abutting to the north and to the west, respectively, are parcels approximately forty-five (45) acres in size. By pulling the Roach parcel into the larger parcel, Tallman Development will create a more compact development site at its southwestern corner of its proposed future residential development.

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 R-3 zoning category to the Property is being processed in conjunction with this future land use amendment request for a Residential High designation. The zoning application covers approximately 1.5 acres. The property owner intends to use the site for a residential development.

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).

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Residential High Future Land Use designation and the City’s proposed R-3 Zoning designation. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:**

Staff has notified Orange County Public Schools (OCPS) of the proposed Future Land Use Map Amendment. The Future Land Use change to Residential High Density represents a higher impact on public school capacity than that created by the County Future Land Use assigned to the property. This Future Land Use amendment is subject to school capacity enhancement review; however, the applicant will address capacity enhancement with OCPS for the entire development project. School concurrency will apply at the time of a subdivision plan application.

**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 March 7, 2014.

**PUBLIC HEARING SCHEDULE:**

- April 8, 2014 – Planning Commission (5:01 pm)
- May 7, 2014 – City Council (1:30 pm) - 1<sup>st</sup> Reading
- May 21, 2014 – City Council (8:00 pm) - 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

- March 21, 2014 – Public Notice and Notification
- April 18, 2014 – Public Notice and Notification
- May 9, 2014 – Ordinance Heading Ad
- May 16, 2014 – ¼ Page w/map Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and recommends approval of the change in Future Land Use from “County” Rural (1 du/10 ac) to “City” Residential High (0-15 du/ac) for the property owned by Robert Roach.

The **Planning Commission**, at its meeting on April 8, 2014, recommended approval (7-0) of the change in Future Land Use from “County” Rural (1 du/10 ac) to “City” Residential High (0-15 du/ac) for the property owned by Robert Roach.

The **City Council**, at its meeting on May 7, 2014, accepted the First Reading of Ordinance No. 2361 and held it over for Second Reading and Adoption on May 21, 2014.

Adopt Ordinance No. 2361.

**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.**

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
East (County)	“County” Rural (1 du/1 ac)	“County” A-1	SFR (3)
South (City)	Agricultural (1 du/10 ac)	AG	S.R. 414 (Apopka Expressway)
West (City)	Residential High (0-15 du/ac)	R-3	Vacant Land

**II. LAND USE ANALYSIS**

The general character of the area surrounding the subject property is compatible with this development of high density residential. S.R. 414, a limited access toll road, abuts the property to its south, and an entrance and exit to S.R. 414 is directly south of the site. A Future Land Use Designation of High Density Residential presently is assigned to the parcels abutting to the north.

Wekiva River Protection Area: No  
 Area of Critical State Concern: No  
 DRI / FQD: No

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 the “Core Area” of the JPA. The proposed FLUM Amendment request a change from “County” Rural (1 du/10 ac) to “City” Residential High (0-15 du/ac) is consistent with the terms 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 Basing 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

Karst Features: 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 North Keene Road. The vegetative communities present are urban; the soils present are Candler fine sand; and no wetlands occur on the site, and the terrain is level.



The proposed amendment is consistent with the Comprehensive Plan, including Policy 3.1.h High Density Residential Future Land Use designation, and the Joint Planning Agreement with Orange County.

Analysis of the relationship of the amendment to the population projections: This property was annexed into the City on April 2, 2014. The proposed future land use designation for the Property is Residential High (0-15 du/ac). Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population.

**CALCULATIONS:**

ADOPTED (County designation): 1 Unit(s) x 2.659 p/h = 3 persons  
PROPOSED (City designation): 22 Unit(s) x 2.659 p/h = 58 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: 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.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; N/A 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: 196 GPD

3. Projected total demand under proposed designation: 4312 GPD

4. Capacity available: Yes

5. Projected LOS under existing designation: 81 GPD/Capita

6. Projected LOS under proposed designation: 81 GPD/Capita

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: Private Well; N/A GPD/Capita; 177 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: 454 GPD
3. Projected total demand under proposed designation: 9988 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 177 GPD/Capita
6. Projected LOS under proposed designation: 177 GPD/Capita
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None
8. Parcel located within the reclaimed water service area: No

Solid Waste

1. Facilities serving the site: City of Apopka
2. If the site is not currently served, please indicate the designated service provider:  
City of Apopka
3. Projected LOS under existing designation: 12 lbs./person/day
4. Projected LOS under proposed designation: 232 lbs./person/day
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: CUP No. 3217

Permitting agency: St. John's River Water Management District

Permitted capacity of the water treatment plant(s): 21,981 mil. GPD

Total design capacity of the water treatment plant(s): 33,696 mil. GPD

Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year - 24 hour design storm
3. Projected LOS under proposed designation: 100 year - 24 hour design storm
4. Improvement/expansion: On-site retention/detention pond

Recreation

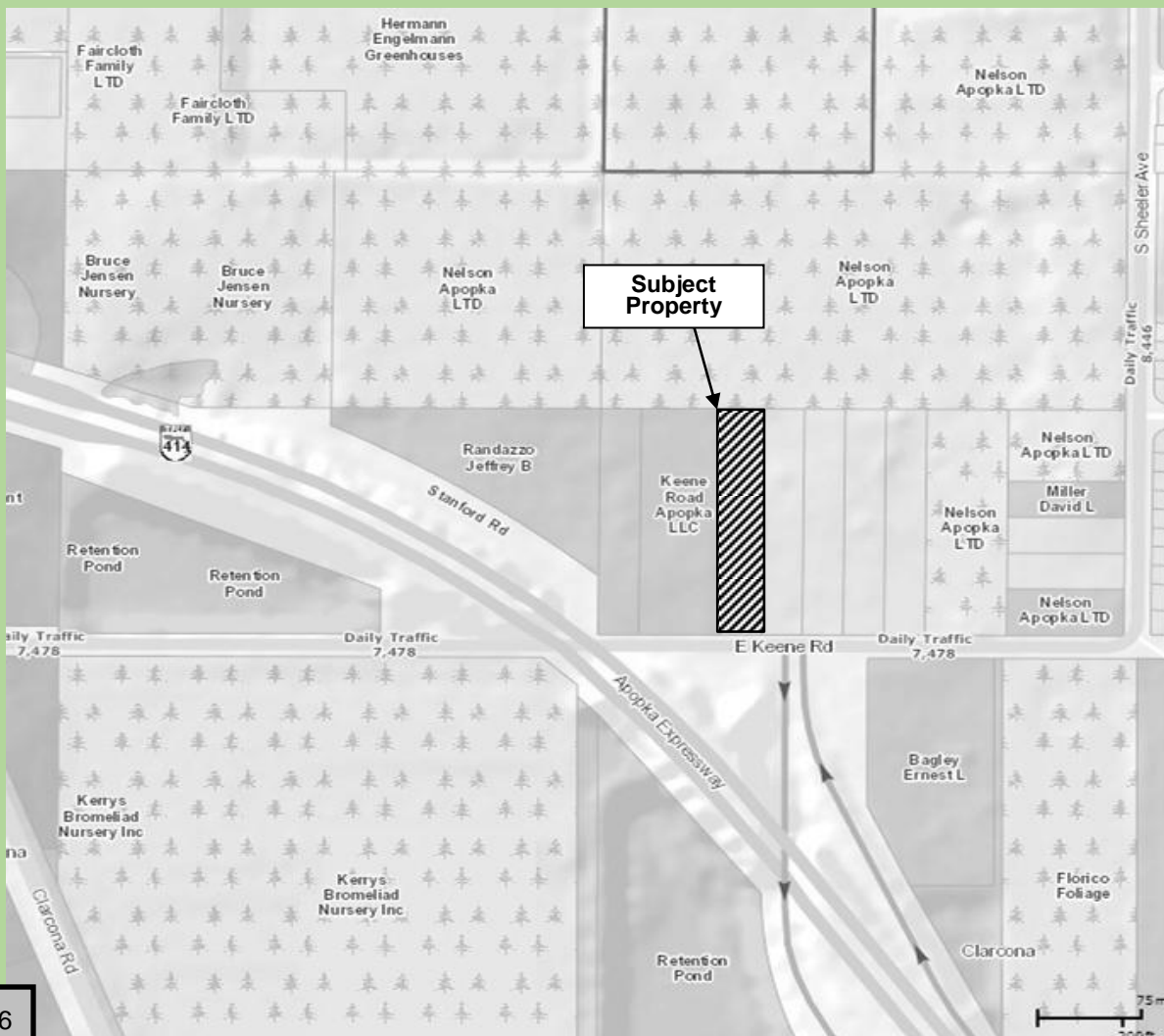
1. Facilities serving the site; LOS standard: City of Apopka Parks System; 3 AC/1000 capita
2. Projected facility under existing designation: 0.009 AC
3. Projected facility under proposed designation: 0.174 AC
4. Improvement/expansions already programmed or needed as a result of the proposed amendment:  
None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

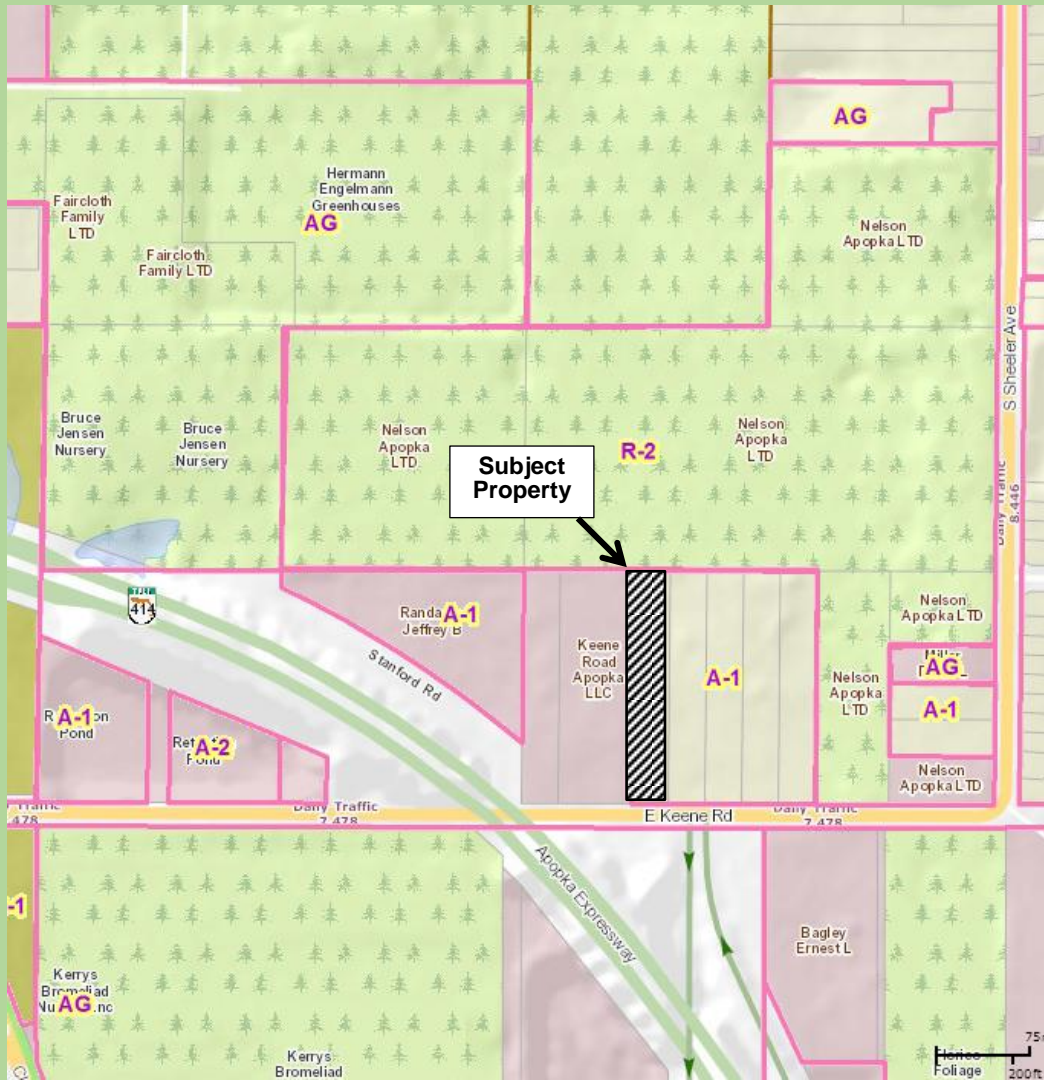
**Robert Roach**  
**1.5 +/- Acres**  
**Existing Maximum Allowable Development: 1 Unit**  
**Proposed Maximum Allowable Development: 22 Units**  
**Proposed Future Land Use Change**  
**From: "County" Rural (1 du/10 ac)**  
**To: "City" Residential High (0-15 du/ac)**  
**Proposed Zoning Change**  
**From: "County" A-1**  
**To: "City" R-3**  
**Parcel ID #: 22-21-28-0000-00-114**



### VICINITY MAP

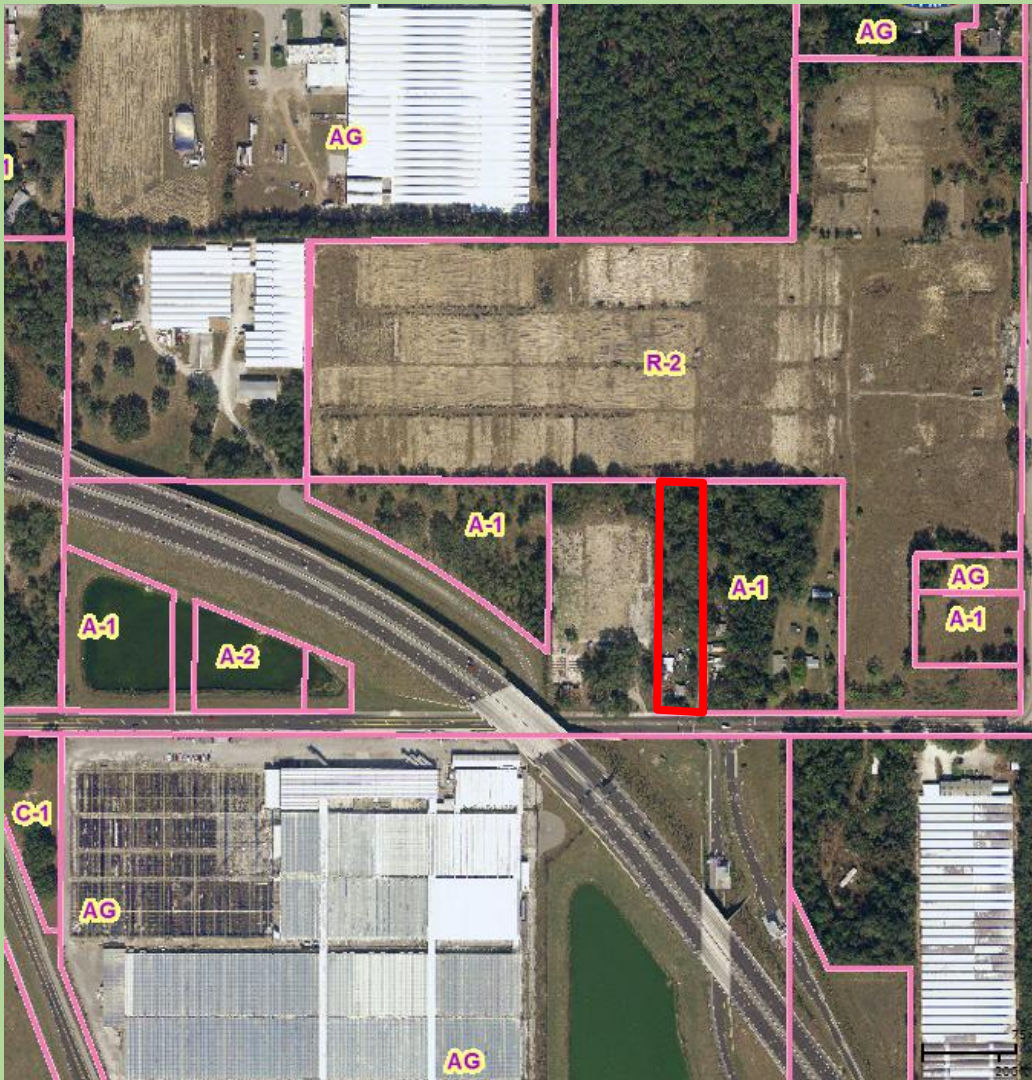


### ADJACENT ZONING





ADJACENT USES



## ORDINANCE NO. 2361

**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” RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD AND WEST OF SOUTH SHEELER AVENUE COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; 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. 2356 on April 2, 2014; 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. 2356, is amended in its entirety to change the land use from “County” Rural (1 du/10 ac) to “City” Residential High Density (0-15 du/ac) for certain real property generally located north of S.R. 414 (Apopka Expressway) and Keene Road; and west of South Sheeler Avenue, comprising 1.5 acres more or less (Parcel No.: 22-21-28-0000-00-114); 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.

**Section V.** The Community Development Director is hereby authorized to amend the Future Land Use to comply with this ordinance and shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

**Section VI. Effective Date.**

This Ordinance shall become effective upon adoption.

**ADOPTED** at a regular meeting of the City Council of the City of Apopka, Florida, this 21<sup>st</sup> day of May, 2014.

READ FIRST TIME: May 7, 2014

READ SECOND TIME  
AND ADOPTED: May 21, 2014

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank Kruppenbacher, Esq., City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING:

March 21, 2014  
April 18, 2014  
May 9, 2014  
May 16, 2014

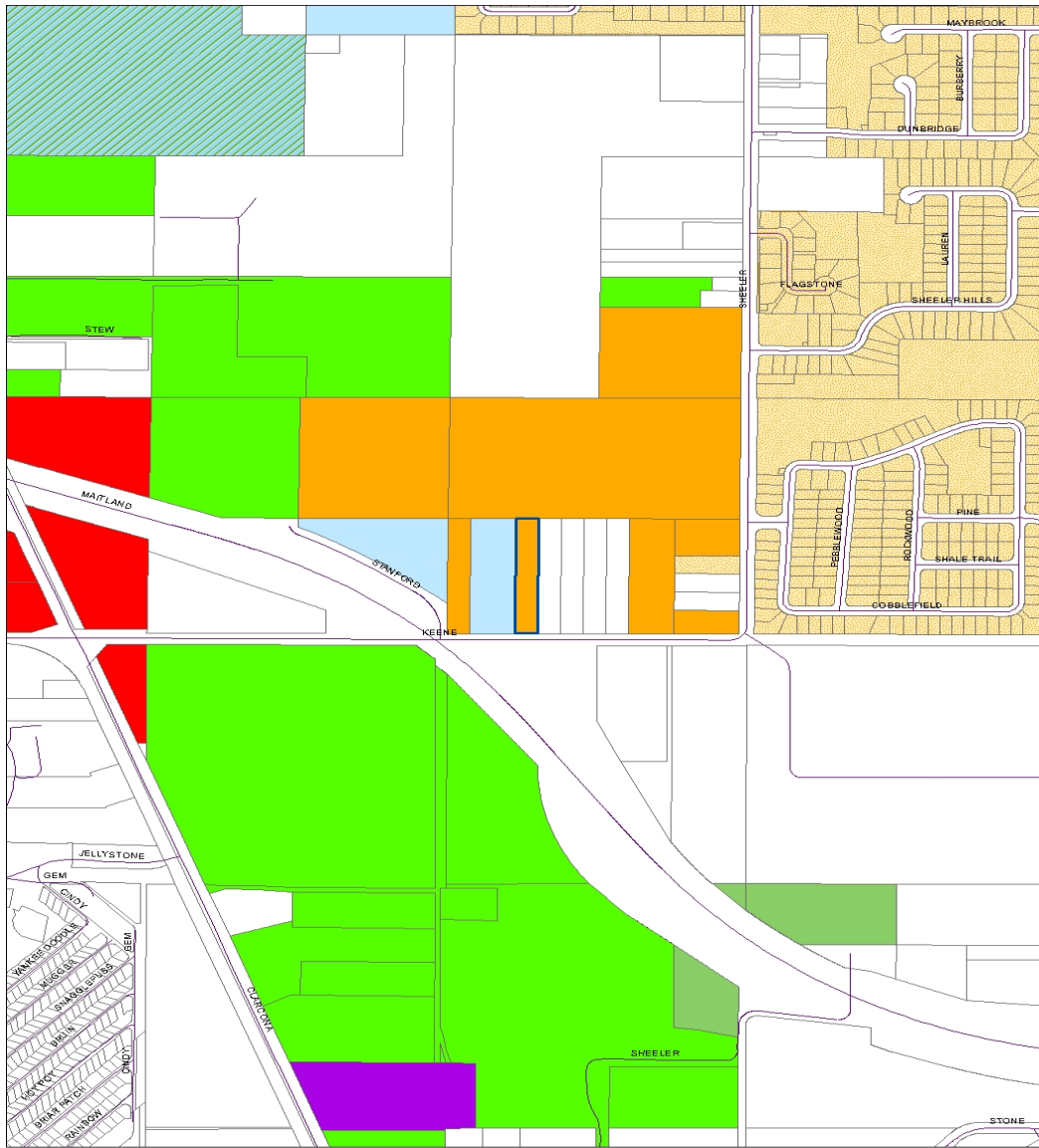


# EXHIBIT "A"

## ORDINANCE NO. 2361

Robert Roach  
1.5 +/- Acres

Existing Maximum Allowable Development: 1 Unit  
Proposed Maximum Allowable Development: 22 Units  
Proposed Future Land Use Change  
From: "County" Rural (1 du/10 ac)  
To: "City" Residential High (0-15 du/ac)  
Parcel ID #: 22-21-28-0000-00-114



DATE APR. 2014

**Legend**

Apopka_Streets_031414	LAND_USE	AG-HOME	IND	PR	RLS
Apopka_Parcel_031414	AG	ANNEX	INST_PU	RE	RM
FLU_080712_EP2	AG-E	COMM	MU	RH	RMAL
(call other values)	AG-E	CO NSV	OFF	RL	RS
					RVLS

**DISCLAIMER**  
The data on this map cannot be guaranteed and is subject to change without notice.



Information  
Technology  
Department  
407-703-1722



FLU\_2014

**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

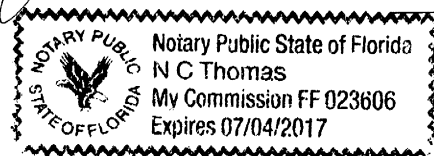
STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 9, 2014**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com)

Affiant further says that the said **APOPKA CHIEF** is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical\* class mail matter (\*second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.

*John E. Ricketson*  
Sworn and subscribed before me this  
**9th day of May, 2014**, by John E. Ricketson,  
who is personally known to me.

*N C Thomas*  
N. C. THOMAS  
Notary Public, State of Florida  
My Commission FF 023606  
Expires July 04, 2017



**Public Notice**

**CITY OF APOPKA  
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, May 21, 2014, at 8:00 p.m., or as soon thereafter as possible.

**ORDINANCE NO. 2359**

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/1 AC) TO "CITY" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 2360**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**ORDINANCE NO. 2361**

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" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD AND WEST OF SOUTH SHEELER AVENUE COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 2362**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**ORDINANCE NO. 2363**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA AND PLANNED UNIT DEVELOPMENT (PUD/R-2) TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, SOUTH OF SCHOPKE ROAD, COMPRISING 14.7 ACRES, MORE OR LESS AND OWNED BY DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection.

Please be advised that, under State Law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council  
Community Development Department

May 9, 2014  
Publish: The Apopka Chief

**Backup material for agenda item:**

4. ORDINANCE NO. 2362 – SECOND READING & ADOPTION - CHANGE OF ZONING – Robert Roach, from “County” A-1 to “City” R-3, for property located north of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue. (Parcel ID #: 22-21-28-0000-00-114) [Ordinance No. 2362 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.]



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: May 21, 2014  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2362

**SUBJECT: ORDINANCE NO. 2362 – CHANGE OF ZONING – ROBERT ROACH – FROM “COUNTY” A-1 TO “CITY” R-3**

**Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2362 – CHANGE OF ZONING – ROBERT ROACH; FROM “COUNTY: A-1 TO “CITY” R-3; PARCELID NO.: 22-21-28-0000-00-114.**

**SUMMARY**

OWNER: Robert Roach  
APPLICANT: Tallman Development, c/o Ed Hampden  
LOCATION: North of S.R. 414 (Apopka Expressway) and Keene Road, and west of South Sheeler Avenue  
EXISTING USE: Single Family Residence/Open Shed  
CURRENT ZONING: “County” A-1  
PROPOSED DEVELOPMENT: Residential Development  
PROPOSED ZONING: “City” R-3 Note: this Change in Zoning request is being processed along with a request to change the Future Land Use Map designation from “County” Rural (1 du/10 ac) to “City” Residential High (0-15 du/ac)  
TRACT SIZE: 1.5 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING: 1 Unit  
PROPOSED: 22 Units

**DISTRIBUTION**

Mayor Kilsheimer  
Commissioners (4)  
CAO Richard Anderson  
Community Dev. Dir.

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir. (2)  
City Clerk  
Fire Chief

**ADDITIONAL COMMENTS:**

The subject parcel was annexed into the City of Apopka on April 2, 2014, through the adoption of Ordinance No. 2351. The proposed Change of Zoning is being requested by the applicant, Tallman Development. The applicant has the subject parcel under contract to purchase. Although under separate corporate names, the adjacent parcels to the north and east are owned by entities that also own Tallman Development. The abutting parcels controlled by Tallman Development comprise approximately forty-five (45) acres in size. By pulling the Roach parcel into the larger parcel, Tallman Development will create a more compact development site at its southwestern corner of its proposed future residential development.

A request to assign a Residential High (0-15 du/ac) Future Land Use category to the Property is being processed in conjunction with this change of zoning for a R-3 designation. The zoning application covers approximately 1.5 acres. The property owner intends to use the site for a residential development.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this change of zoning (see attached Zoning Report).

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed R-3 zoning designation is consistent with the proposed Residential High (0-15 du/ac) future land use designation and the existing use of the property. Site development cannot exceed the intensity allowed by the Future Land Use policies.

**SCHOOL CAPACITY REPORT:**

Staff has notified Orange County Public Schools (OCPS) of the proposed Change of Zoning. The Change of Zoning to R-3 represents a higher impact on public school capacity than that created by the current zoning designation assigned to the property; however, the applicant will address capacity enhancement with OCPS for the entire development project. This Change of Zoning is subject to school capacity enhancement review. School concurrency will apply at the time of a subdivision plan application.

**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 March 7, 2014.

**PUBLIC HEARING SCHEDULE:**

April 8, 2014 – Planning Commission (5:01 pm)  
May 7, 2014 – City Council (1:30 pm) - 1<sup>st</sup> Reading  
May 21, 2014 – City Council (8:00 pm) - 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

March 21, 2014 – Public Notice and Notification  
April 18, 2014 – Public Notice and Notification  
May 9, 2014 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Change of Zoning and recommends approval of the change in Future Land Use from “County” A-1 to “City” R-3 for the property owned by Robert Roach.

The **Planning Commission**, at its meeting on April 8, 2014, recommended approval (7-0) of the change in Future Land Use from “County” A-1 to “City” R-3 for the property owned by Robert Roach.

The **City Council**, at its meeting on May 7, 2014, accepted the First Reading of Ordinance No. 2362, and held it over for Second Reading and Adoption on May 21, 2014.

Adopt Ordinance No. 2362.

**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**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential High (0-15 du/ac)	R-3	Vacant Land
East (County)	“County” Rural (1 du/1 ac)	“County” A-1	SFR (3)
South (City)	Agricultural (1 du/10 ac)	AG	S.R. 414 (Apopka Expressway)
West (City)	Residential High (0-15 du/ac)	R-3	Vacant Land

**LAND USE & TRAFFIC COMPATIBILITY:**

The Property has access to a Collector roadway (East Keene Road). Situated less than one hundred and fifty feet from the S.R. 414 toll way entrance. The Property allows easy access to a regional highway that leads to I-4, S.R. 429/S.R. 451, and U.S. 441. Areas north and west of the Property, lands are predominantly used for horticultural nursery businesses or are vacant lands assigned an agriculture zoning. To the east of Sheeler Road are two single family home residential neighborhoods -- Cobblefield and Sheeler Hills. Stonewood Reserve, an unplatted residential community, is situated to the northeast of the Property. Located to the southeast is Orange County’s western regional water supply facility. South of the Property the area is predominantly used for horticultural nursery businesses and the S.R. 414 toll way interchange at Keene Road

**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed R-3 (Multi-Family Residential) zoning is consistent with the City’s Residential High Density Future Land Use Designation, which allows up to 15 units per acre. Development plans shall not exceed the density allowed under the adopted future land use designation.

**R-3 DISTRICT REQUIREMENTS:**

The R-3 zoning category allows single-family, duplex, and multi-family residential development. Development requirements specific to each of these three development options are established within the Land Development Code. The applicant has indicated an interest to pursue multi-family development based on the residential market. Minimum development standards for multi-family are listed for the R-3 zoning category:

- Minimum Living Sq. Ft.:
  - Apartments - 750 sq. ft.
  - Condo/Townhomes - 1,350 sq. ft.
- Minimum Site Area: one (1) acre.
- Minimum Lot Width: 120 ft.
- Setbacks:
  - Front: 50 ft. between buildings
  - Rear: 50 ft. between buildings
  - Side: 20 ft. between structures
  - Corner: 25 ft.

**BUFFER-YARD  
REQUIREMENTS:**

Areas adjacent to all road rights-of-way shall provide a minimum six- (6') foot high brick, stone or decorative finished block wall erected inside a minimum ten (10) foot wide landscaped buffer-yard. Landscape materials shall be placed adjacent to the right-of-way, on the exterior of the buffer wall.

**ALLOWABLE USES:**

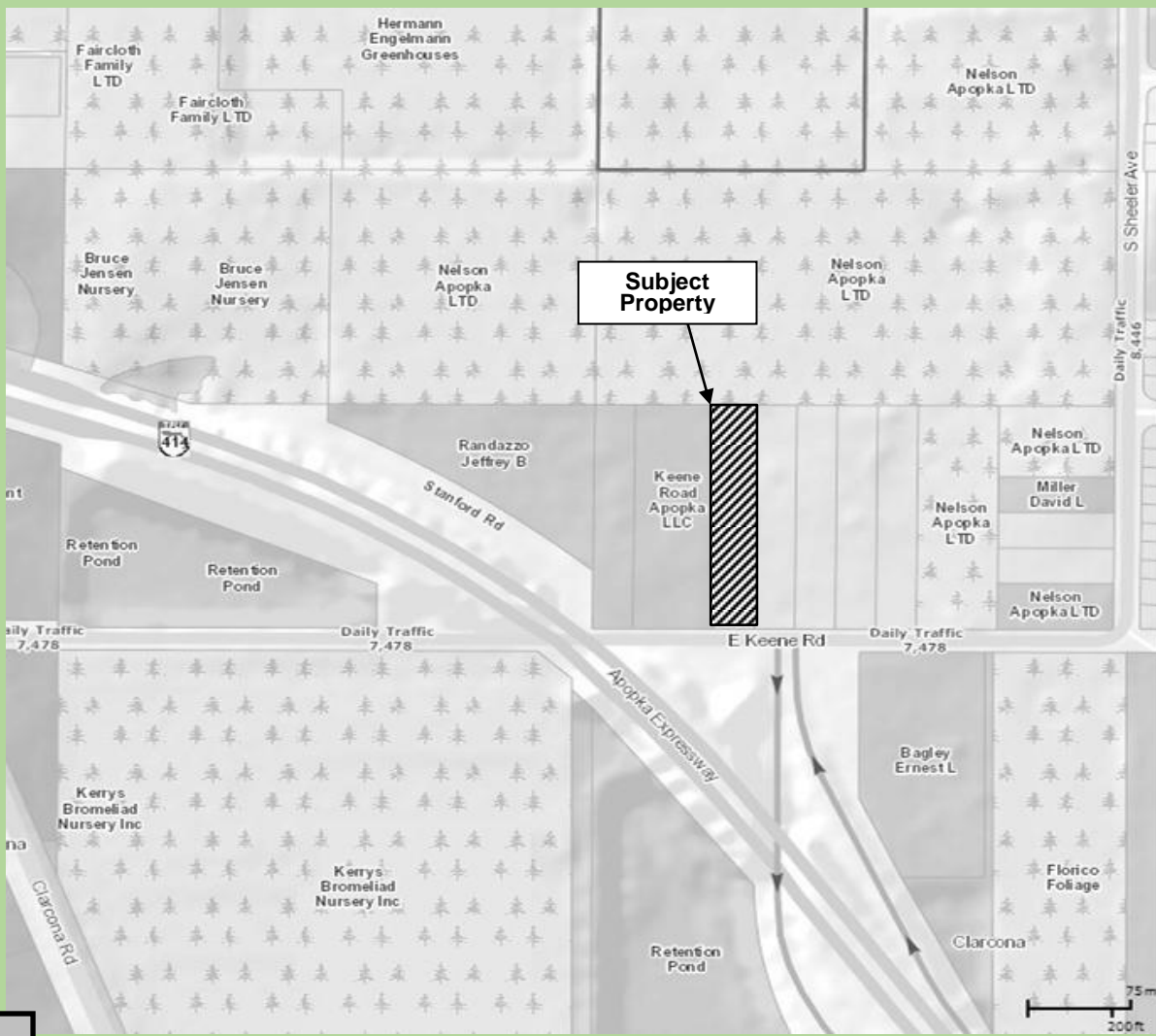
Multi-family development up to 15 units per acre, duplex, or single family residential subject to Section 2.02.07 of the Land Development Code.



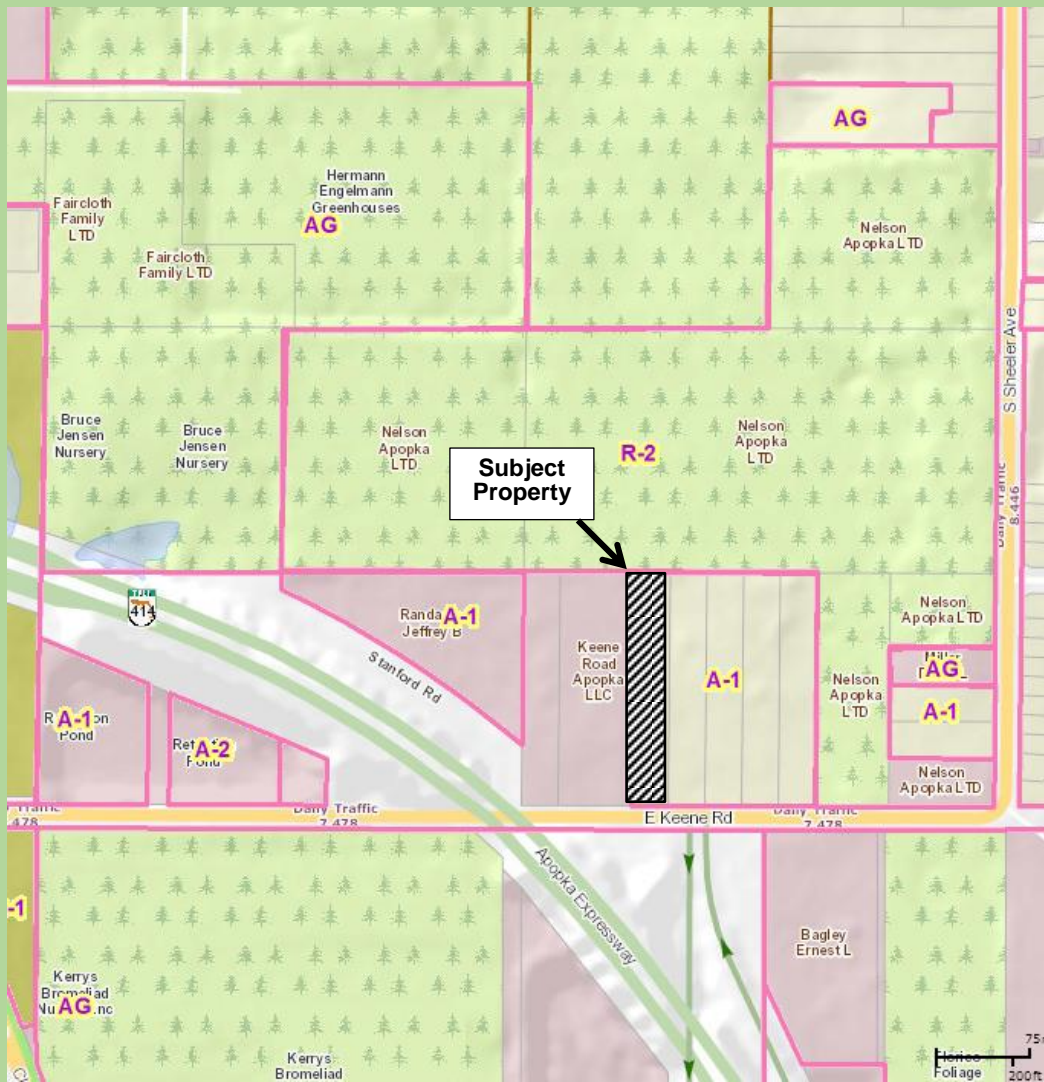
**Robert Roach**  
**1.5 +/- Acres**  
**Existing Maximum Allowable Development: 1 Unit**  
**Proposed Maximum Allowable Development: 22 Units**  
**Proposed Future Land Use Change**  
**From: "County" Agricultural (1 du/5 ac)**  
**To: "City" Residential High (0-15 du/ac)**  
**Proposed Zoning Change**  
**From: "County" A-1**  
**To: "City" R-3**  
**Parcel ID #: 22-21-28-0000-00-114**



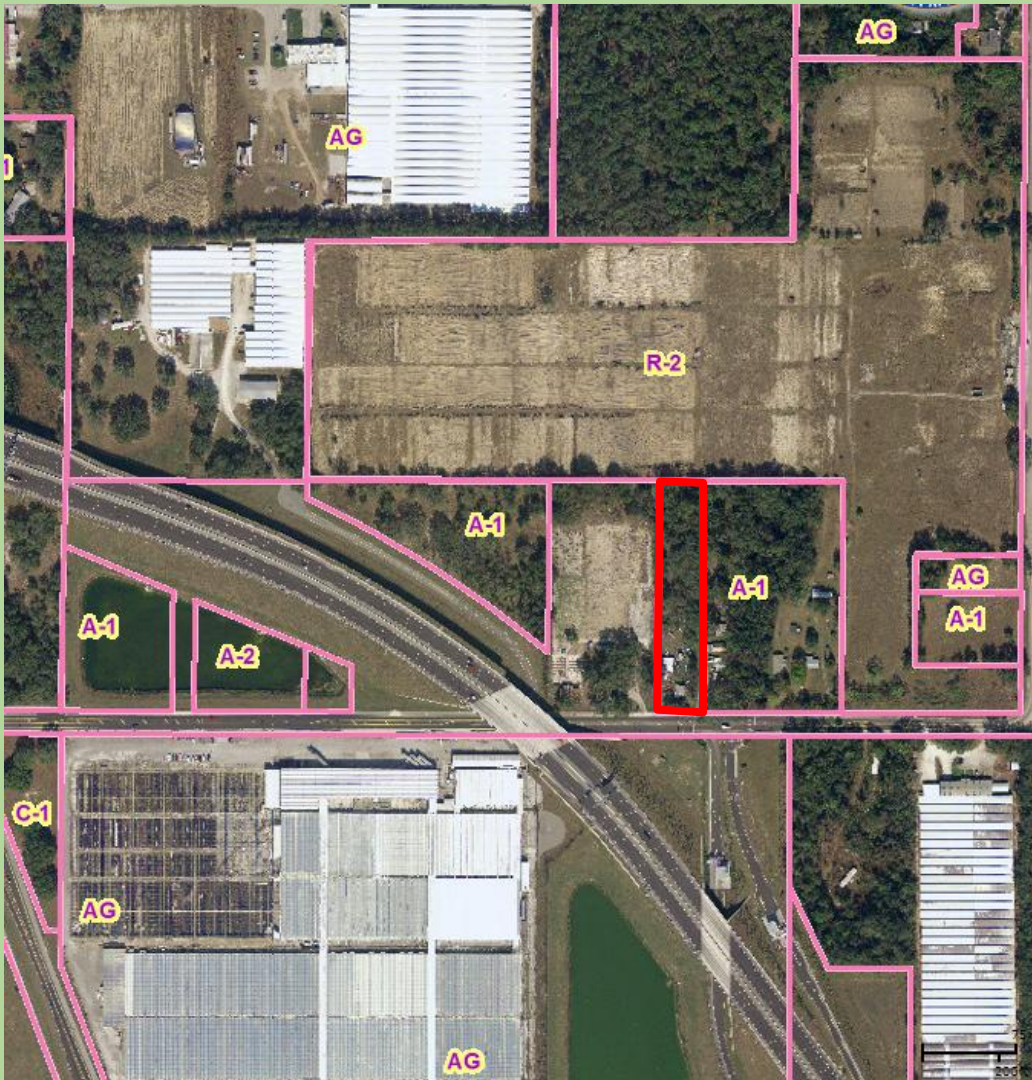
### VICINITY MAP



### ADJACENT ZONING



ADJACENT USES





**ORDINANCE NO. 2362**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; 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 R-3 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, being situated in the City of Apopka, Florida, is hereby R-3 As defined in the Apopka Land Development Code.

Legal Description:

The West 100 feet of the East 1020 feet of the South ½ of the Southeast ¼ of the Southeast ¼ (LESS the South 30 feet for road), of Section 22, Township 21 South, Range 28 East, recorded in Book 2760, Page 1323 and Book 4266, Page 3188 of the Public Records of Orange County, Florida.

Parcel I.D. # 22-21-28-0000-00-114

1.5 +/- acres

**Section II.** That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

**Section III.** 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. The Community Development Director shall not accept an application for a development plan until such time the property owner addresses school capacity enhancement review with Orange County Public Schools.

**Section IV.** 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.

**ORDINANCE NO. 2362**

**PAGE 2**

**Section V.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section VI.** That this Ordinance shall take effect upon the effective date of City of Apopka Ordinance No. 2361.

READ FIRST TIME: May 7, 2014

READ SECOND TIME  
AND ADOPTED: May 21, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

Frank Kruppenbacher, Esq., City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING:      March 21, 2014  
April 18, 2014  
May 9, 2014

**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

STATE OF FLORIDA  
COUNTY OF ORANGE

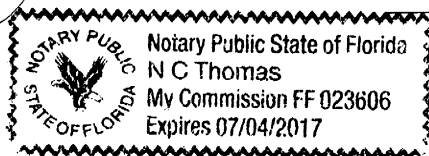
Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 9, 2014**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com)

Affiant further says that the said **APOPKA CHIEF** is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical\* class mail matter (\*second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.

*John E. Ricketson*  
Sworn and subscribed before me this

9th day of May, 2014, by John E. Ricketson,  
who is personally known to me.

*N C Thomas*



N. C. THOMAS  
Notary Public, State of Florida  
My Commission FF 023606  
Expires July 04, 2017

**Public Notice**

**CITY OF APOPKA  
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, May 21, 2014, at 8:00 p.m., or as soon thereafter as possible.

**ORDINANCE NO. 2359**

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/1 AC) TO "CITY" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 2360**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**ORDINANCE NO. 2361**

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" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD AND WEST OF SOUTH SHEELER AVENUE COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 2362**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

**ORDINANCE NO. 2363**

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA AND PLANNED UNIT DEVELOPMENT (PUD/R-2) TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, SOUTH OF SCHOPKE ROAD, COMPRISING 14.7 ACRES, MORE OR LESS AND OWNED BY DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection.

Please be advised that, under State Law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council  
Community Development Department

May 9, 2014  
Publish: The Apopka Chief

**Backup material for agenda item:**

5. ORDINANCE NO. 2363 – SECOND READING & ADOPTION - CHANGE OF ZONING – Debra L. Jones; Steven P. Gill; and Apopka Gilkey, LLC, c/o Jason Gilkey, from R-1AA (0-5 du/ac)(Residential) and Planning Unit Development (PUD/R-2) (0-5 du/ac)(Residential) to Planned Unit Development (PUD/R-2) (0-5 du/ac)(Residential), for properties located east of Plymouth Sorrento Road, south of Schopke Road. (Parcel ID #s 06-21-28-7172-15-090 & 06-21-28-7172-15-130) [Ordinance No. 2363 meets the requirements for adoption, having been duly advertised in The Apopka Chief on May 9, 2014.]



**CITY OF APOPKA  
CITY COUNCIL**

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER: Ordinance

DATE: May 21, 2014  
FROM: Community Development  
EXHIBITS: Zoning Report  
Vicinity Map  
Adjacent Zoning Map  
Adjacent Uses Map  
Ordinance No. 2363

**SUBJECT: ORDINANCE NO. 2363 – CHANGE OF ZONING - DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; FROM R-1AA (0-5 DU/AC) AND PLANNED UNIT DEVELOPMENT (PUD/R-2) (0-5 DU/AC – RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (PUD/R-2) (0-5 DU/AC - RESIDENTIAL)**

**Request: SECOND READING & ADOPTION OF ORDINANCE NO. 2363 – CHANGE OF ZONING - DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; FROM R-1AA (0-5 DU/AC) AND PLANNED UNIT DEVELOPMENT (PUD/R-2) (0-5 DU/AC – RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (PUD/R-2) (0-5 DU/AC - RESIDENTIAL); PARCEL ID NOS.: 06-21-28-7172-15-090 & 06-21-28-7172-15-130.**

**SUMMARY**

OWNERS: Debra L. Jones; Steven P. Gill; and Apopka Gilkey, LLC, c/o Jason Gilkey  
APPLICANT: Gilkey Realty, Inc., c/o Jason Gilkey  
LOCATION: East of Plymouth Sorrento Road, south of Schopke Road  
EXISTING USE: Single Family Residence, 1 shed, and planted pine  
FUTURE LAND USE: Residential Low (up to 5 un\ac)  
ZONING: R-1AA (Residential) (Min. 12,500 sq. ft. lot) and Planned Unit Development (Min. 8,625 Sq. Ft. Lot; and 8,400 sq. ft. Lots abutting Plymouth Sorrento Road)  
PROPOSED DEVELOPMENT: Single Family Subdivision  
PROPOSED ZONING: PUD (Residential -- Min. 8,625 Sq. Ft. Lot; 8,400 Sq. Ft. abutting Plymouth Sorrento Road)  
TRACT SIZE: 14.7 +/- acres  
MAXIMUM ALLOWABLE DEVELOPMENT: EXISTING ZONING: 56 Residential Units  
PROPOSED ZONING: 62 Residential Units (max. 47 units per PUD conditions)

**DISTRIBUTION**

Mayor Kilsheimer Finance Dir. Public Ser. Dir. (2)  
Commissioners (4) HR Director City Clerk  
CAO Richard Anderson IT Director Fire Chief  
Community Dev. Dir. Police Chief



**ADDITIONAL COMMENTS:**

The subject property was annexed into the City of Apopka on September 3, 1997, through the adoption of Ordinance No. 1104 (Parcel ID # 06-21-28-7172-15-090); and on December 16, 1998, through the adoption of Ordinance No. 1195 (Parcel ID # 06-21-28-7172-15-130). The proposed zoning change is compatible with the character of the surrounding area.

A change of zoning application for the Apopka Gilkey LLC parcel from R-1AA to PUD/R-2 was approved by the City on November 6, 2013 through the adoption of Ordinance No. 2335. Since the adoption of that rezoning ordinance, new information has emerged that Orange County will need thirty feet (30') of additional right-of-way on each side of Plymouth Sorrento Road to construct a four-lane divided road within the next ten years. In addition, Apopka Gilkey LLC proposes to acquire the 3.5 acre parcel that abuts to the south owned by Debra L. Jones and Steven P. Gill.

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).

**PUD RECOMMENDATIONS:**

The recommendations are that the zoning classification of the aforementioned properties be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions be subject to the following provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-2 zoning category except where otherwise addressed in this ordinance.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Preliminary Development Plan submitted in association with the PUD district.
- C. If a preliminary Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
  - 1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
  - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
  - 3. Rezone the property to a more appropriate zoning classification.
- D. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:

1. The maximum number of single family homes allowed in this PUD is forty-seven (47). Duplexes will not be allowed.
2. Minimum lot area for a single family home shall be 8,625 sq. ft. Lots with a rear-yard facing Plymouth Sorrento Road are allowed a minimum lot size of 8,400 square feet.
3. Wrought-iron style fences shall not be allowed within subdivision buffer tracts placed along Plymouth Sorrento Road or Schopke Road. A brick or masonry wall will not be required where the subject property abuts lands used for agriculture purposes or assigned an agriculture zoning category; but in lieu thereof the City may require a six-foot high vinyl or wood screen fence.
4. Minimum livable area for a single family dwelling unit is 1,500 sq. ft.
5. Unless otherwise addressed within the PUD development standards, the R-2 zoning standards will apply to the subject property.
6. Unless otherwise approved by City Council, road access to any residential development occurring within the subject property shall not occur from Plymouth Sorrento Road.
7. A thirty-foot wide tract along the western property line shall be reserved for future right-of-way (ROW) for Plymouth Sorrento Road. In the event the ROW reservation is not dedicated to the City of Apopka, the ROW shall be valued according to the zoning in effect prior to the effective date of the zoning ordinance (i.e., R-1AAA for 10.82 acres and R-1AA for the remaining 3.88 +/-acres).
8. A ten-foot wide landscape buffer with a six-foot high masonry wall shall be placed eastward of the land reserved for future right-of-way.
9. Common open space shall be provided at a minimum of twenty percent (20%) of the subject property, as set forth in and according to Section 2.02.18.D of the Land Development Code (2014). Any lot area exceeding 7,500 sq. ft. will qualify toward meeting the minimum open space requirement, as will the buffers and park areas. Land reserved for future road right-of-way for Plymouth-Sorrento Road will not be counted as towards meeting the open space requirement.
10. Planted pine currently existing on the northern parcel may be harvested for silviculture purposes. If harvested for timber product, planted pine shall not be subject to the City's arbor mitigation standards.
11. If a school capacity enhancement determination has not been approved by Orange County Public Schools within six months of the effective date of this ordinance, the Master Plan provisions shall expire. An application for a preliminary development plan or master site plan shall not be processed by the City until school capacity enhancement determination or mitigation agreement has been obtained from Orange County Public Schools.
12. At the time both parcels are under the same ownership, the owner shall consolidate the two parcels into one parcel by filing a parcel combination application through the Orange County Property Appraiser's Office.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed PUD rezoning is consistent with the Future Land Use Designation of Residential Low Density (up to five units per acre) that is assigned to the property. Site development cannot exceed the densities allowed by the Future Land Use policies. Development standards for the proposed PUD zoning category establish a minimum lot area standard of 8,625 sq. ft. except for lots with a rear yard abutting Plymouth Sorrento Road are allowed a minimum lot area standard of 8,400 sq. ft..

**SCHOOL CAPACITY REPORT:** The proposed zoning may potentially allow the development of more lots than can be generated by the zoning currently assigned to the subject property. Based on the master site plan, when it is prepared, the proposed new units could have a minor, or deminimus, impact on school capacity. Therefore, no further development applications shall be processed for approval until OCPS has made a determination on school capacity enhancement.

**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 February 7, 2014.

**PUBLIC HEARING SCHEDULE:**

April 8, 2014 – Planning Commission (5:01 pm)  
May 7, 2014 - City Council (1:30 pm) - 1<sup>st</sup> Reading  
May 21, 2014 – City Council (8:00 pm) - 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

March 21, 2014 – Public Notice and Notification  
April 18, 2014 – Public Notice and Notification  
May 9, 2014 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the change in Zoning from R-1AA (0-5 du/ac - Residential) and Planned Unit Development (PUD/R-2) (0-5 du/ac - Residential) to Planned Unit Development (PUD/R-2) (0-5 du/ac - Residential) for the property owned by Debra L. Jones, Steven P. Gill, and Apopka Gilkey, LLC, c/o Jason Gilkey.

The **Planning Commission**, at its meeting on April 8, 2014, recommended approval (7-0) of the change in Zoning from R-1AA (0-5 du/ac - Residential) and Planned Unit Development (PUD/R-2) (0-5 du/ac - Residential) to Planned Unit Development (PUD/R-2) (0-5 du/ac - Residential) for the property owned by Debra L. Jones, Steven P. Gill, and Apopka Gilkey, LLC, c/o Jason Gilkey.

The **City Council**, at its meeting on May 7, 2014, accepted the First Reading of Ordinance No. 2363, and held it over for Second Reading and Adoption on May 21, 2014.

Adopt Ordinance No. 2363.

**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**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Residential Low (0-5 du/ac)	R-2	Planted Pine
East (County)	Agricultural (1 du/10 ac)	A-1	Tree Nursery/Grazing
South (City)	Agricultural (1 du/10 ac)	A-1	Tree Nursery/Grazing
West (City)	Residential Low Suburban (0-2 du/ac)	R-1AA	Nursery

**LAND USE & TRAFFIC COMPATIBILITY:**

The subject property fronts a major collector roadway (Plymouth Sorrento Road) to the west and is bordered to the north by a local street – Schopke Road. A survey of the residential lot dimensions and lot area found in nearby residential communities is listed below:

<b>Subdivision</b>	<b>Lot Width</b>	<b>Lot Depth</b>	<b>Lot Area</b>
Arbor Ridge Phase 1	95'	135'	13,100 sq. ft.
Palmetto Ridge	75'	134'	10,050 sq. ft.
Fisher Plantation	75'	115'	8,625 sq. ft.
Plymouth Landing	60'	110'	6,600 sq. ft.

The area along Schopke Road, east of Plymouth Sorrento Road, and west of Schopke Lester Road experiences a transition from horticultural nurseries and large residential parcels to residential subdivisions ranging in lot sizes from 6,600 sq. ft. to 13,100 sq. ft. Lot size tends decrease moving southward from Lester Road to U.S. 441 within this area. While a mix of unincorporated and city parcels south of Schopke Road, the future land use maps for the County and the City plan for residential subdivisions with a density up to four to five units per acre. For the City of Apopka, Residential Low Density future land use designation is common in this area, while the County’s map assigns a similar future land use designation of Low Density Residential to unincorporated parcels.

**COMPREHENSIVE PLAN COMPLIANCE:**

The proposed PUD zoning is consistent with the City’s Residential Low (0-5 du/ac) Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use Designation.

**R-2 DISTRICT REQUIREMENTS:**

Below standards only apply if not otherwise addressed in the PUD development conditions.

- Minimum Living Area: 1,350 sq. ft. – SFR/Duplex
- Minimum Site Area: 7,500 sq. ft. – SFR / 15,000 sq. ft. - Duplex
- Minimum Lot Width: 70 ft. – SFR / 140 ft. - Duplex
- Setbacks- Front: 25 ft.
- Rear: 20 ft.
- Side: 7.5 ft. – SFR/10 ft. - Duplex
- Corner: 25 ft.

**PROPOSED PUD  
REQUIREMENTS:**

Minimum Living Area:	1,500 sq. ft. – SFR/
Minimum Site Area:	8,625 sq. ft. – SFR
	8,400 Sq. ft. – SFR along PS Road
Minimum Lot Width:	70 ft. – SFR
Setbacks- Front:	25 ft.
Rear:	20 ft.
Side:	7.5 ft. – SFR
Corner:	25 ft.
Front-entry garage:	30 ft.

**PUD BUFFERYARD  
REQUIREMENTS:**

Development within this PUD shall comply with the R-2 category buffer requirements except as otherwise described in the PUD development standards. R-2 buffer standards are: a six-foot high brick, stone or decorative block finished wall adjacent to all external roadways, erected inside a minimum ten-foot landscaped bufferyard. Landscape materials shall be placed adjacent to the right-of-way on the exterior of the buffer wall. The city may allow the developer the option to provide up to 50 percent of the buffer wall length in a six-foot wrought iron fence between solid columns. The columns shall be a minimum of 32 feet off-set and shall have a stone, brick or decorative block finish. Where wrought iron is used, additional landscape materials and irrigation may be required. This will be determined by the city on a case-by-case basis; Areas adjacent to agricultural districts or uses shall provide a minimum five-foot bufferyard and a six-foot high brick, stone or decorative block finished wall unless acceptable alternatives are submitted for approval; and Duplex developments which are adjacent to single-family detached housing developments shall provide a minimum six-foot high brick, stone or decorative block finished wall erected inside a five-foot bufferyard.

**ALLOWABLE  
USES:**

One-family dwelling structures, including customary accessory structures and Uses in accordance with R-2 zoning category described with article VII of the city code.



**Debra L. Jones and Steven P. Gill (3.88 +/- acres), and  
Gilkey Apopka, LLC. (10.82 +/- acres)  
14.7 Total +/- Acres**  
**Existing Maximum Allowable Development: 56 Units**  
**Proposed Maximum Allowable Development: 62 Units**  
**Proposed Zoning Change:**  
**From: R-1AA (Residential) and PUD/R-2 (Residential)**  
**To: PUD/R-2 (Residential)**  
**Parcel ID #s: 06-21-28-7172-15-130; 06-21-28-7172-15-090**

## VICINITY MAP





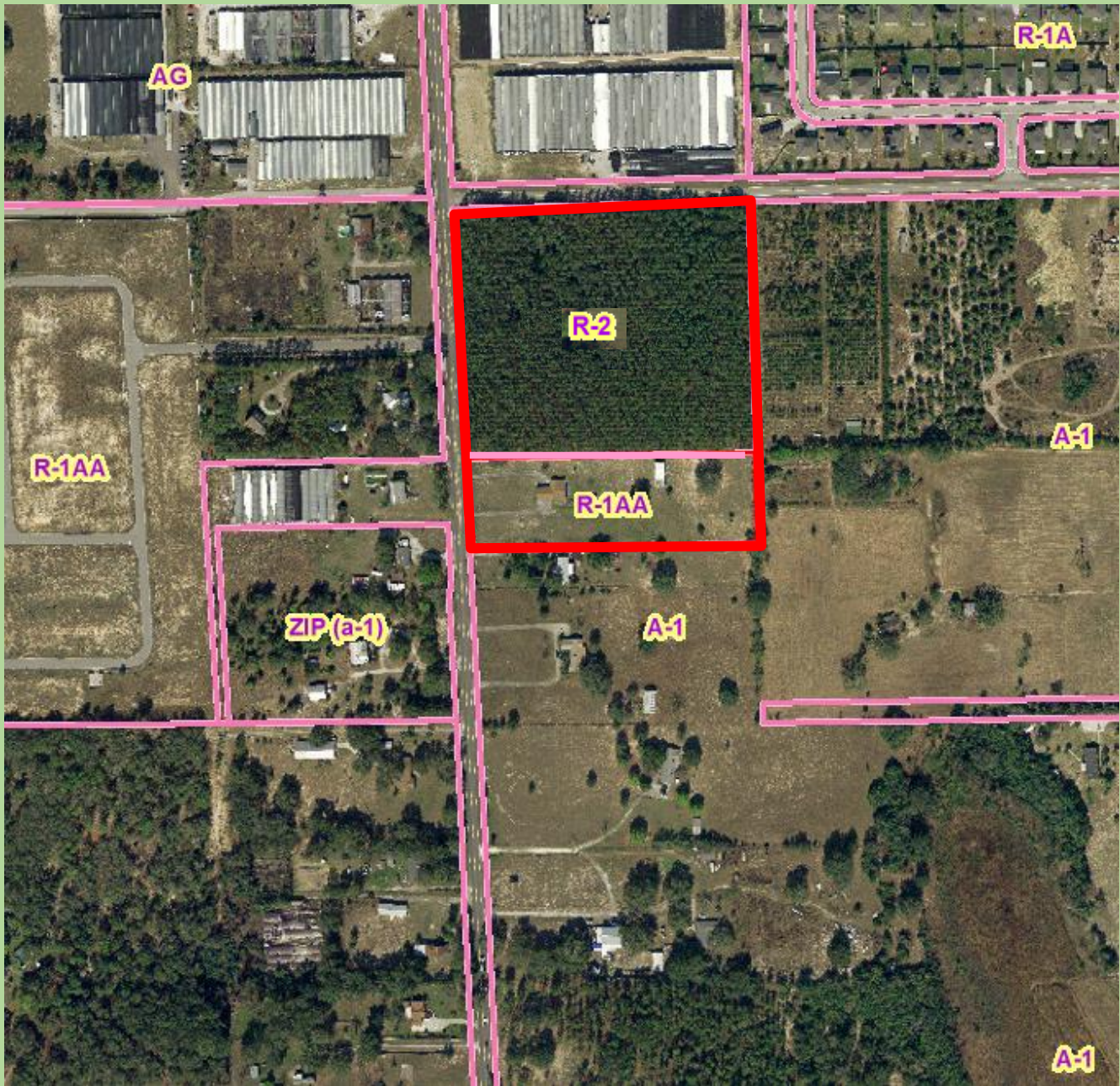


### ADJACENT ZONING





### ADJACENT USES





**ORDINANCE NO. 2363**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA AND PLANNED UNIT DEVELOPMENT (PUD/R-2) TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, SOUTH OF SCHOPKE ROAD, COMPRISING 14.7 ACRES, MORE OR LESS AND OWNED BY DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; 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/R-2) 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 properties be designated as Planned Unit Development (PUD/R-2), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-2 zoning category except where otherwise addressed in this ordinance.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Preliminary Development Plan submitted in association with the PUD district.
- C. If a preliminary Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
  - 1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
  - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
  - 3. Rezone the property to a more appropriate zoning classification.

- D. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:
1. The maximum number of single family homes allowed in this PUD is forty-seven (47). Duplexes will not be allowed.
  2. Minimum lot area for a single family home shall be 8,625 sq. ft. Lots with a rear-yard facing Plymouth Sorrento Road are allowed a minimum lot size of 8,400 square feet.
  3. Wrought-iron style fences shall not be allowed within subdivision buffer tracts placed along Plymouth Sorrento Road or Schopke Road. A brick or masonry wall will not be required where the subject property abuts lands used for agriculture purposes or assigned an agriculture zoning category; but in lieu thereof the City may require a six-foot high vinyl or wood screen fence.
  4. Minimum livable area for a single family dwelling unit is 1,500 sq. ft.
  5. Unless otherwise addressed within the PUD development standards, the R-2 zoning standards will apply to the subject property.
  6. Unless otherwise approved by City Council, road access to any residential development occurring within the subject property shall not occur from Plymouth Sorrento Road.
  7. A thirty-foot wide tract along the western property line shall be reserved for future right-of-way (ROW) for Plymouth Sorrento Road. In the event the ROW reservation is not dedicated to the City of Apopka, the ROW shall be valued at the zoning in effect prior to the effective date of the zoning ordinance (i.e., R-1AA (3.88 +/- acres) and R-1AAA (10.88 +/- acres)).
  8. A ten-foot wide landscape buffer with a six-foot high masonry wall shall be placed eastward of the land reserved for future right-of-way.
  9. Common open space shall be provided at a minimum of twenty percent (20%) of the subject property, as set forth in and according to Section 2.02.18.D of the Land Development Code (2014). Any lot area exceeding 7,500 sq. ft. will qualify toward meeting the minimum open space requirement, as will the buffers and park areas. Land reserved for future road right-of-way for Plymouth-Sorrento Road will not be counted as towards meeting the open space requirement.
  10. Planted pine currently existing on the northern parcel may be harvested for silviculture purposes. If harvested for timber product, planted pine shall not be subject to the City's arbor mitigation standards.

11. If a school capacity enhancement determination has not been approved by Orange County Public Schools within six months of the effective date of this ordinance, the Master Plan provisions shall expire. An application for a preliminary development plan or master site plan shall not be processed by the City until school capacity enhancement determination or mitigation agreement has been obtained from Orange County Public Schools.
12. At the time both parcels are under the same ownership, the owner shall consolidate the two parcels into one parcel by filing a parcel combination application through the Orange County Property Appraiser's Office.

**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/R-2) as defined in the Apopka Land Development Code.

Legal Description:

Lot 13, (less south 100 feet) Block O, Town of Plymouth, as the same appears in Plat Book B, Pages 17 and 18, public records of Orange County, Florida.  
Parcel ID No. 06-21-28-7172-15-130  
3.88 +/- Acres

And

Map of Plymouth, Plat Book B, Page 17, Lots 9 & 12, Block O, Lying in Section 31, Township 20 South, Range 28 East, Northwest ¼, Orange County, Florida, according to the Public Records of Orange County, Florida.  
Parcel ID No.: 06-21-28-7172-15-090  
10.82 +/- Acres

Combined Total Acreage: 14.70 +/- Acres

**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 the date of adoption.

READ FIRST TIME: May 7, 2014

READ SECOND TIME  
AND ADOPTED: May 21, 2014

\_\_\_\_\_  
Joseph E. Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank Kruppenbacher, Esq., City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING:      March 21, 2014  
   April 18, 2014  
   May 9, 2014

**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

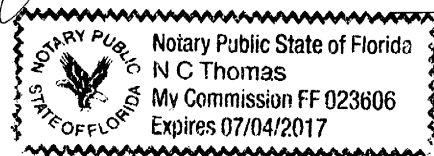
STATE OF FLORIDA  
COUNTY OF ORANGE

Before the undersigned, personally appeared JOHN E. RICKETSON who is personally known to me and who on oath says he is PUBLISHER of **THE APOPKA CHIEF**, a weekly newspaper published at Apopka, in Orange County, Florida, that the attached copy of advertisement was published in said newspaper in the issues of: **May 9, 2014**, as well as being posted online at [www.theapokkachief.com](http://www.theapokkachief.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com)

Affiant further says that the said **APOPKA CHIEF** is a newspaper published in said Orange County, Florida, and that said newspaper has heretofore been continuously published in said Orange County, Florida, each week and has been entered as periodical\* class mail matter (\*second class as renamed by USPS 7/1/96) at the post office in Apopka, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any discount, rebate commission or refund for the purpose of securing this advertisement for publication in said newspaper.

*John E. Ricketson*  
Sworn and subscribed before me this  
**9th day of May, 2014**, by John E. Ricketson,  
who is personally known to me.

*N C Thomas*  
N. C. THOMAS  
Notary Public, State of Florida  
My Commission FF 023606  
Expires July 04, 2017



**Public Notice**

**CITY OF APOPKA  
PUBLIC HEARING NOTICE**

The following ordinances will be read and considered for adoption at the City Council meeting in the Apopka City Hall Council Chambers on Wednesday, May 21, 2014, at 8:00 p.m., or as soon thereafter as possible.

**ORDINANCE NO. 2359**

**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/1 AC) TO "CITY" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE AND WEST OF SOUTH SHEELER AVENUE COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**ORDINANCE NO. 2360**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, EAST OF STANFORD DRIVE, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 3.5 ACRES MORE OR LESS, AND OWNED BY JEFFREY B. RANDAZZO; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2361**

**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" RESIDENTIAL HIGH DENSITY (0-15 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD AND WEST OF SOUTH SHEELER AVENUE COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**ORDINANCE NO. 2362**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM "COUNTY" A-1 TO "CITY" R-3 FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF S.R. 414 (APOPKA EXPRESSWAY) AND KEENE ROAD, AND WEST OF SOUTH SHEELER AVENUE, COMPRISING 1.5 ACRES MORE OR LESS, AND OWNED BY ROBERT ROACH; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**ORDINANCE NO. 2363**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA AND PLANNED UNIT DEVELOPMENT (PUD/R-2) TO PLANNED UNIT DEVELOPMENT (PUD/R-2) FOR CERTAIN REAL PROPERTIES GENERALLY LOCATED EAST OF PLYMOUTH SORRENTO ROAD, SOUTH OF SCHOPKE ROAD, COMPRISING 14.7 ACRES, MORE OR LESS AND OWNED BY DEBRA L. JONES, STEVEN P. GILL, AND APOPKA GILKEY, LLC, C/O JASON GILKEY; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Interested parties may appear at this meeting and be heard with respect to the proposed ordinances. The proposed ordinances are available in the City Clerk's office or the Community Development Department for inspection.

Please be advised that, under State Law, if you decide to appeal a decision made with respect to this matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 120 East Main Street, Apopka FL 32703, Telephone: 407-703-1704, no less than 48 hours prior to the proceeding.

City of Apopka City Council  
Community Development Department

May 9, 2014  
Publish: The Apopka Chief

**Backup material for agenda item:**

6. ORDINANCE NO. 2364 – FIRST READING - CHANGE OF ZONING – Country Crossings, LLC, c/o Mark Crone, from R-1AA (Residential) to Planned Unit Development (PUD/R-1AA) (Residential), for properties located north of West Lester Road, west of Vick Road. (Parcel ID # 29-20-28-0000-00-028)



**ADDITIONAL COMMENTS:**

The subject parcel was annexed into the City of Apopka on April 7, 2004, through the adoption of Ordinance No. 1636. The proposed Change of Zoning is being requested by the owner/applicant.

The applicant intends to develop the subject property single family residential subdivision. The proposed zoning map amendment does not authorize or imply approval of the subdivision of the subject property. Any proposed subdivision of the property will require review and approval of a development plan in accordance with the City of Apopka's Land Development Code and Development Design Guidelines.

On March 7, 2007, the City Council approved a final development plan for this property that proposed a total of nineteen (19) single family lots with a typical minimum lot area of 12,500 sq. ft. and a minimum livable house area of 1,800 square feet. (The minimum livable area for R-1AA zoning district is 1,700 sq. ft.). The final development plan expired and is no longer valid. As only 19 lots were proposed in the previous subdivision plan, a park was not required per the Land Development Code. If more than 19 residential lots are proposed within the master site plan or preliminary development Plan, a park must be included within the subdivision plan, as set forth within the Land Development Code. The previously approved Country Crossing Estates final development plan expired on September 7, 2008.

Only one road access point is feasible through a connection from Mt. Logan Drive, which is located within the Springs Ridge residential community.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this change of zoning (see attached Zoning Report).

**PUD RECOMMENDATIONS:**

The recommendations are that the zoning classification of the aforementioned properties be designated as Planned Unit Development (PUD/R-1AA), as defined in the Apopka Land Development Code, and with the following Master Plan provisions are subject to the following provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1AA zoning category except where otherwise addressed in this ordinance.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Preliminary Development Plan submitted in association with the PUD district.
- C. If a preliminary Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
  - 1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
  - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or



D. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:

1. The maximum number of single family homes allowed in this PUD is twenty-five (25).
2. Any lot abutting an existing platted lot that has a width of eighty-five (85) feet or greater, shall have a minimum lot width standard of eighty-five (85) feet and a minimum lot area standard of 10,200 square feet.
3. Any lot abutting an existing platted lot with a width less than eighty-five (feet), and for all interior lots within the PUD, the minimum lot width standard is seventy-five (75) feet and the minimum lot area standard is 8,250 square feet. An interior lot for purposes of this PUD is one that does not abut the western or northern boundary of the PUD.
4. Pertaining to paragraph 2 and 3, any portion of a proposed lot that has fifty (50) percent or more of its rear lot line abutting an existing platted lot with a width of eight-five (85) feet or greater, the minimum lot width shall be no less than eighty-five (85) feet.
5. The minimum livable area for a house shall be 1,700 square feet.
6. Unless otherwise addressed within the PUD development standards, the R-1AA zoning standards will apply to the subject property.
7. The long narrow tract extending eastward from the northeast corner of the PUD shall be owned and maintained by the property owner association.
8. If the PUD property is incorporated into the Spring Ridge property owners association, the park requirement will be waived. Otherwise, a compact park area not less than 8,250 square feet shall be included within the master site plan.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed Change of Zoning designation is consistent with the City's proposed Future Land Use designation. Site development cannot exceed the intensity allowed by the Future Land Use policies or as set forth in the PUD ordinance.

**SCHOOL CAPACITY REPORT:**

Staff has notified Orange County Public Schools (OCPS) of the proposed Zoning Map Amendment. The development will not be subject to School Capacity Enhancement because the change in zoning will not generate a more than nine residential units above what could be generated from the current zoning category assigned to the property. School concurrency evaluation will apply to the site at the time of a preliminary development plan application for a subdivision.

**ORANGE COUNTY NOTIFICATION:**

The property is surrounded by properties that are within the City limits of Apopka; therefore the notice requirements in the JPA do not apply.

**PUBLIC HEARING SCHEDULE:**

May 13, 2014 – Planning Commission (5:01 pm)  
May 21, 2014 – City Council (8:00 pm) - 1<sup>st</sup> Reading  
June 4, 2014 – City Council (1:30 pm) - 2<sup>nd</sup> Reading

**DULY ADVERTISED:**

April 25, 2014 – Public Notice and Notification  
May 23, 2014 – Ordinance Heading Ad

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the Change in Zoning from R-1AA (Residential) to Planned Unit Development (PUD/Residential for the property owned by Country Crossings, LLC, subject to the PUD development standards recommended in the staff report.

The **Planning Commission**, at its meeting on May 13, 2014, recommended approval (6-0) of the Change in Zoning from R-1AA (Residential) to Planned Unit Development (PUD/R-1AA) (Residential) for the property owned by Country Crossings, LLC, subject to the PUD development standards recommended in the staff report.

Accept the First Reading of Ordinance No. 2364 and Hold it Over for Second Reading and Adoption on June 4, 2014.

**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**

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Res. Low Suburban (0 -3.5 du/ac)	PUD	Oak Hill Reserve
East (City)	Res. Low Suburban (0 -3.5 du/ac)	PUD	Spring Ridge
South (City)	Res. Low Suburban (0 -3.5 du/ac)	PUD	Spring Ridge
West (City)	Res. Low Suburban (0 -3.5 du/ac)	PUD	Oak Hill Reserve

**LAND USE &**

**TRAFFIC COMPATIBILITY:**

The property is located north of West Lester Road and west of Vick Road. Lester Road will be reconstructed and extended from Vick Road to Rock Springs Road during the next year. The Lester Road extension is anticipated to be completed by June 2014. Access to the PUD can only occur from Mt. Logan Drive.

The proposed PUD zoning and residential density is consistent with the Residential Low Suburban (0-3.5 du/ac) Future Land Use category. Development Plans shall not exceed the density allowed in the adopted Future Land Use designation. Development standards recommended for the PUD limit development to a maximum of 25 lots. After application of the Land Development Code and proposed PUD development standards, actual lot yield will likely be less.

Most lots within the Oak Hill Reserve community that abut the PUD have a lot typical lot width of 95 feet. Among these lots, the lot size typically runs from 12,600 to 14,500 square feet. A few pie shaped lots abutting the northern PUD boundary are larger. Three lots in Oak Hill Reserve that abut the southwestern edge of the PUD have a lot width of 75 feet and a lot size of 8,200 to 9,500 square feet. Within the Spring Ridge community to the south of the PUD, the typical lot width and lot size area 8,200 to 9,300 square feet.

**PROPOSED PUD DISTRICT REQUIREMENTS:**

- Minimum Site Area: 10,200 sq. ft. at north and west perimeter: 8,250 sq. ft. at southwest perimeter and site interior
- Minimum Lot Width: 85 ft. – north and west perimeter  
75 ft. – southwest perimeter and site interior
- Front Setback: 25 ft.
- Side Setback: 10 ft.
- Rear Setback: 20 ft.
- Corner Setback: 25 ft.
- Minimum Living Area: 1,700 sq. ft.

**BUFFERYARD  
REQUIREMENTS:**

As the proposed development is not adjacent to arterial and collector roads, a buffer wall is not required. Nor is a landscape buffer required at the perimeter of the PUD where it abuts single family residential zoning.

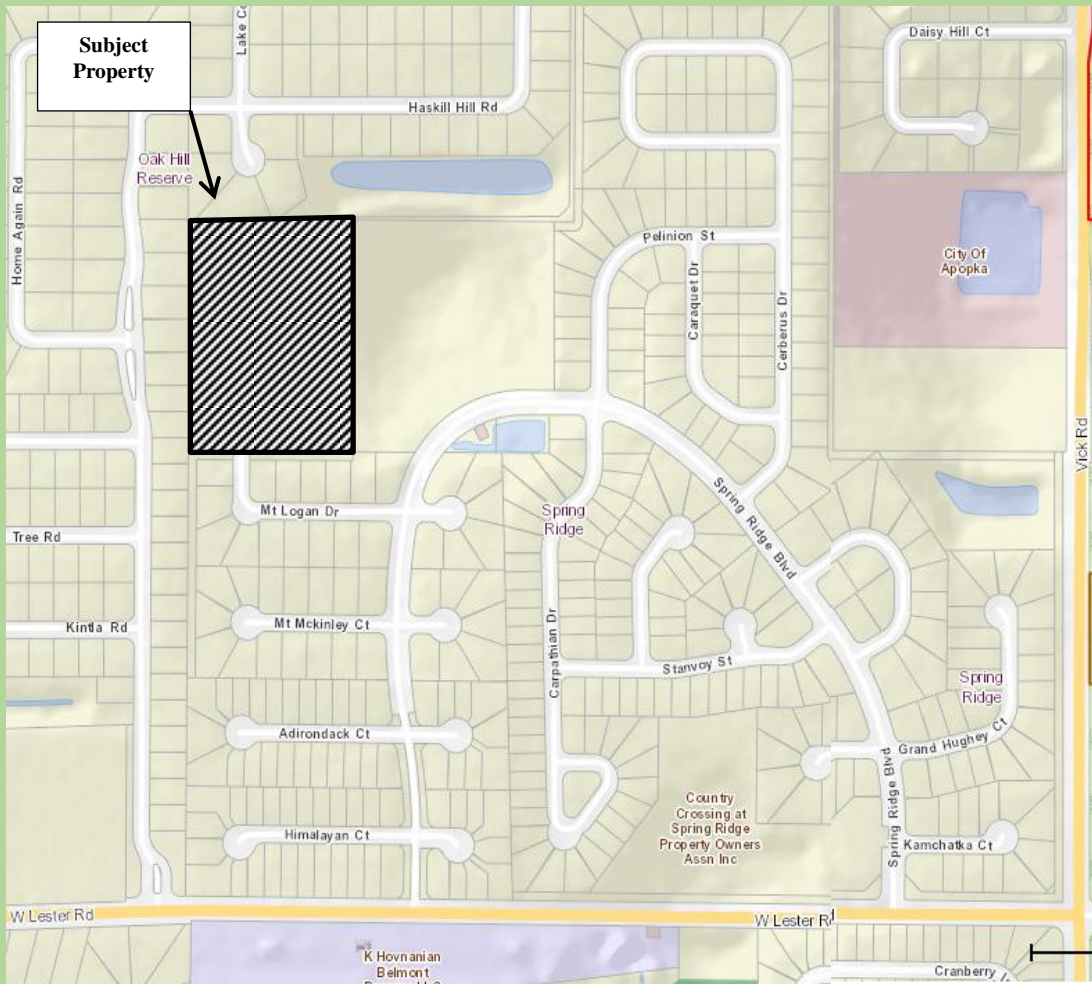
**ALLOWABLE USES:**

Single-family residential homes, including customary accessory structures and uses.

**Country Crossings, LLC**  
**8.16 +/- Acres**  
**Existing Maximum Allowable Development: 29 Dwelling Units**  
**Proposed Maximum Allowable Development: 25 Dwelling Units**  
**Proposed Zoning Change**  
**From: R-1AA**  
**To: Planned Unit Development (PUD/Residential)**  
**Parcel ID #: 29-20-28-0000-00-028**

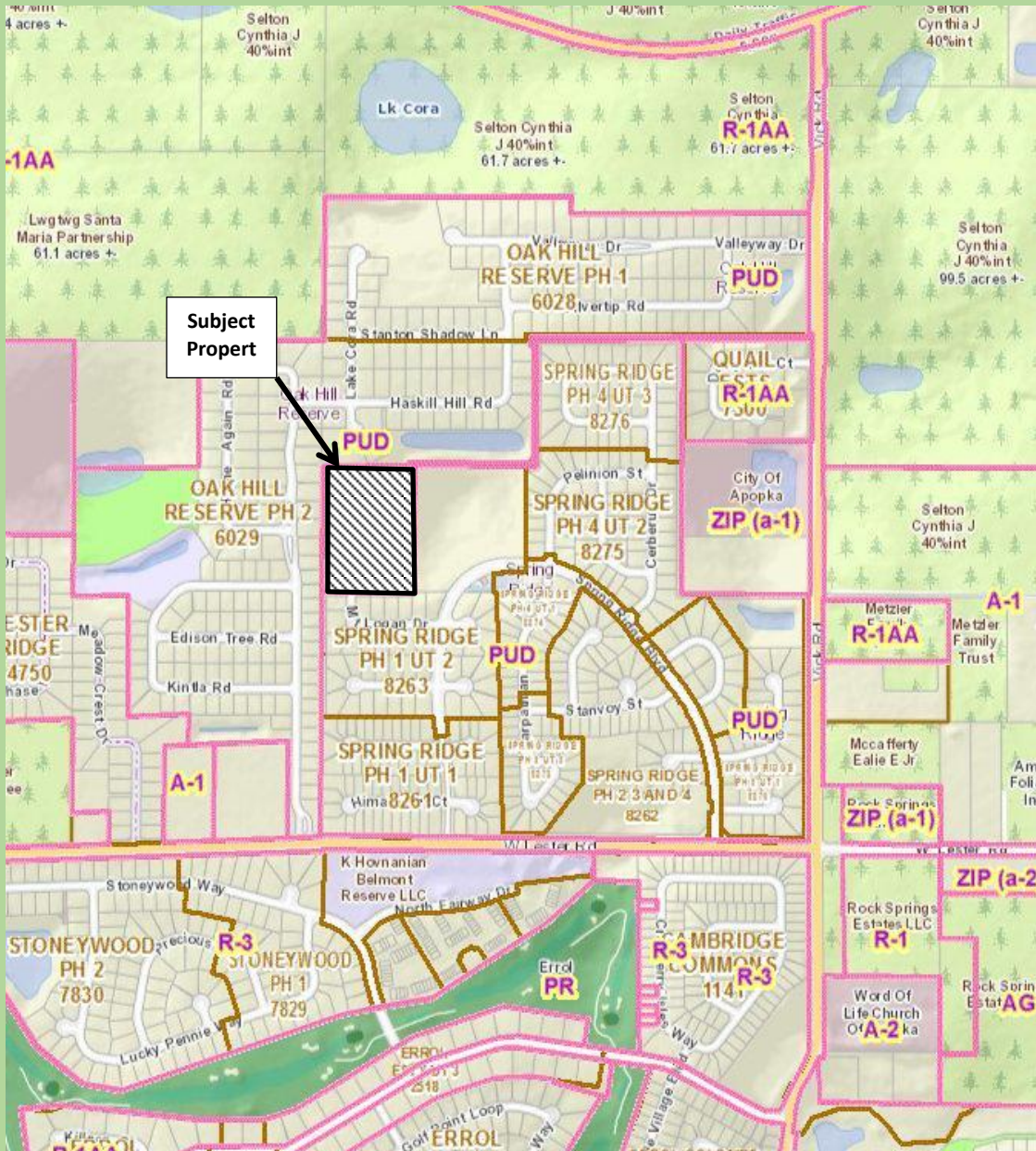


**VICINITY MAP**



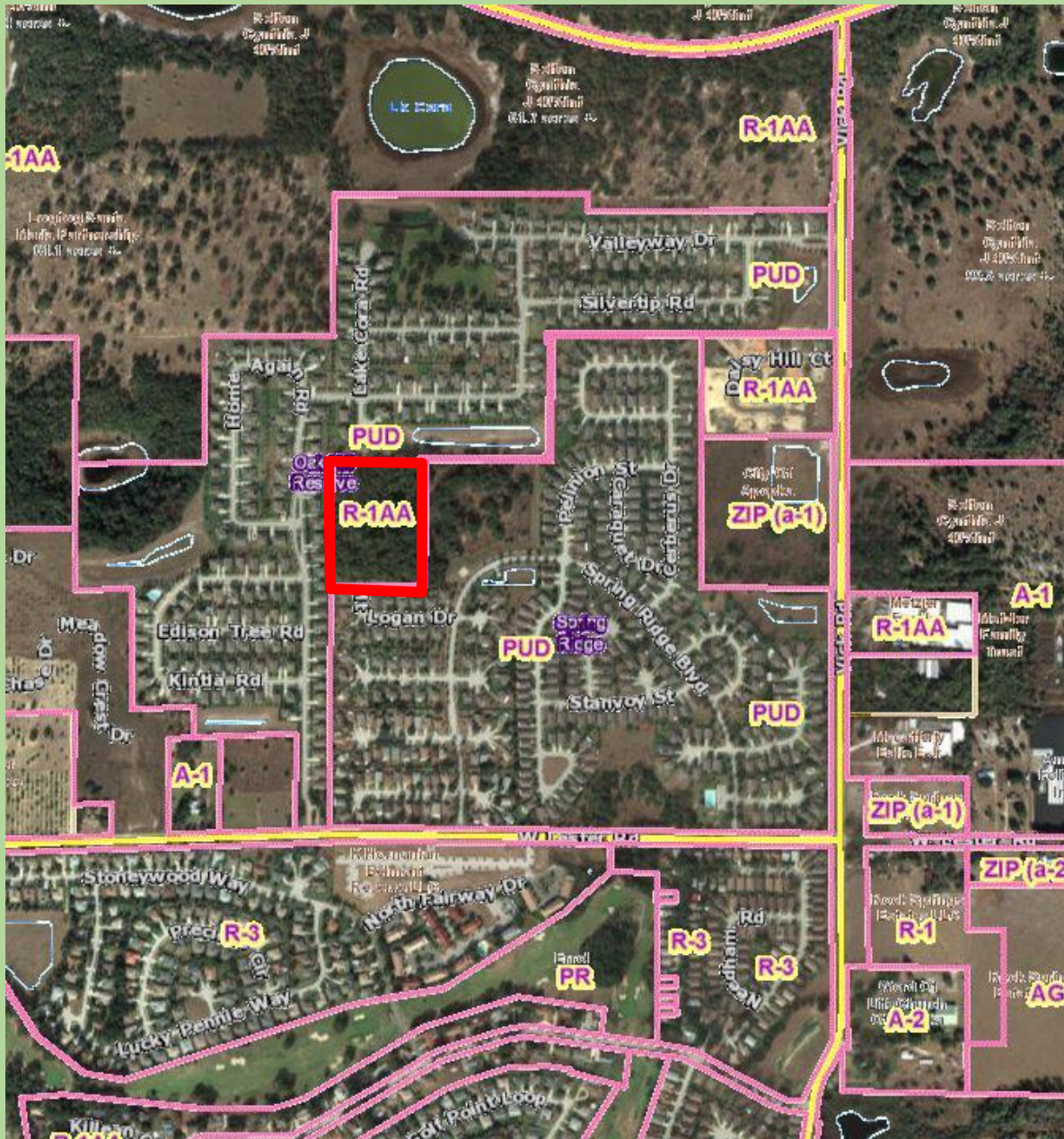


ADJACENT ZONING





ADJACENT USES





**ORDINANCE NO. 2364**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM R-1AA TO PLANNED UNIT DEVELOPMENT (PUD/R-1AA) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WEST LESTER ROAD, WEST OF VICK ROAD, COMPRISING 8.16 ACRES, MORE OR LESS AND OWNED BY COUNTRY CROSSING, LLC; 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/R-1AA) 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 properties be designated as Planned Unit Development (PUD/R-1AA), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district shall be: single family homes and associated accessory uses or structures consistent with land use and development standards established for the R-1AA zoning category except where otherwise addressed in this ordinance.
- B. Master Plan requirements, as enumerated in Section 2.02.18 K. of the Apopka Land Development Code, not addressed herein are hereby deferred until the submittal and review of the Preliminary Development Plan submitted in association with the PUD district.
- C. If a preliminary Development Plan associated with the PUD district has not been approved by the City within two years after approval of these Master Plan provisions, the approval of the Master Plan provisions will expire. At such time, the City Council may:
  - 1. Permit a single six-month extension for submittal of the required Preliminary Development Plan;
  - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Plan provisions and any conditions of approval; or
  - 3. Rezone the property to a more appropriate zoning classification.
- D. Unless otherwise approved by City Council through an alternative development guideline for the master site plan, the following PUD development standards shall apply to the development of the subject property:
  - 1. The maximum number of single family homes allowed in this PUD is twenty-five (25).
  - 2. Any lot abutting an existing platted lot that has a width of eighty-five (85) feet or greater, shall have a minimum lot width standard of eighty-five (85) feet and a minimum lot area standard of 10,200 square feet.

3. Any lot abutting an existing platted lot with a width less than eighty-five (feet), and for all interior lots within the PUD, the minimum lot width standard is seventy-five (75) feet and the minimum lot area standard is 8,250 square feet. An interior lot for purposes of this PUD is one that does not abut the western or northern boundary of the PUD.
4. Pertaining to paragraph 2 and 3, any portion of a proposed lot that has fifty (50) percent or more of its rear lot line abutting an existing platted lot with a width of eight-five (85) feet or greater, the minimum lot width shall be no less than eighty-five (85) feet.
5. The minimum livable area for a house shall be 1,700 square feet.
6. Unless otherwise addressed within the PUD development standards, the R-1AA zoning standards will apply to the subject property.
7. The long narrow tract extending eastward from the northeast corner of the PUD shall be owned and maintained by the property owner association.
8. If the PUD property is incorporated into the Spring Ridge property owners association, the park requirement will be waived. Otherwise, a compact park area not less than 8,250 square feet shall be included within the master site 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/R-1AA) As defined in the Apopka Land Development Code.

Legal Description:

Commencing at the Southeast corner of the Northeast ¼ of Section 29, Township 20 South, Range 28 East, run north 87°52'56" west along the south line of said Northeast 1/4, a distance of 720.00 feet for a point of beginning; thence continue north 87°52'56" west 799.96 feet to the east line of the west 1155 feet of the North ½ of the Northwest ¼ of the Southeast ¼ of said Section 29; thence run south 02°34'57" west, along said east line, a distance of 660.00 feet; thence run north 87°52'56" west 660.00 feet to the east line of the west 495 feet of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 29; thence run south 02°34'54" west along said east line, a distance of 657.34 feet to the south line of said Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 29; thence run north 87°28'16" west along said south line, a distance of 495.00 feet to the southwest corner of said Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 29; thence run north 02°34'54" east along the west line of said Southeast ¼, a distance of 653.79 feet; thence run south 87°52'56" east 465.03 feet; thence run north 02°34'57" east, 15 feet; thence south 87°52'56" east, 645.04 feet; thence north 47°21'01" east, 42.60 feet; thence north 02°34'57" east, 585.00 feet; thence north 87°52'56" west, 15.00 feet; thence north 02°34'57" east, 45.00 feet; thence south 87°52'56" east, 829.91 feet; run south 02°23'28" west, a distance of 15.00 feet to the point of beginning. All lying and being situate in Orange County, Florida.

Parcel No. 29-20-28-0000-00-028  
Containing 8.16 +/- Acres

**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 the date of adoption.

READ FIRST TIME: May 21, 2014

READ SECOND TIME  
AND ADOPTED: June 4, 2014

Joseph E. Kilsheimer, Mayor

ATTEST:

Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

Frank Kruppenbacher, Esq., City Attorney

DULY ADVERTISED FOR TRANSMITTAL HEARING: April 25, 2014  
May 23, 2014

**Backup material for agenda item:**

7. RESOLUTION NO. 2014-05 - Amending Ordinance No. 2109, Chapter 82-38, addressing Industrial and Commercial Pretreatment Guidelines.



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL HEARING
- OTHER: RESOLUTION NO. 2014-05

MEETING OF: May 21, 2014  
FROM: Public Services  
EXHIBITS:

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**SUBJECT: RESOLUTION NO. 2014-05 AMENDING ORDINANCE NO. 2109 OF THE INDUSTRIAL AND COMMERCIAL PRETREATMENT GUIDELINES**

**Request: ADOPT RESOLUTION NO. 2014-05 AMENDING CHAPTER 82-38, ADDRESSING INDUSTRIAL AND COMMERCIAL PRETREATMENT GUIDELINES "EXHIBIT A".**

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**SUMMARY:**

Changes to Ordinance No. 2109, Article II, Division I, Chapter 82-38, entitled, "Industrial and Commercial Pretreatment Guidelines"; providing for amendment and implementation of Section 38.03, General Sewer Use Requirements, Paragraph 5(B), Local Pollutant Limits, Table 3-1, lowering the Maximum Uniform Concentration for Chloride, Total Nitrogen and pH; and Section 38.07, Reporting Requirements, Paragraph 4(C), Periodic Compliance Reports, Table 7-1, amending the Maximum Allowable Headworks Loading for Chloride and Total Nitrogen, by adopting the new guidelines as attached in "Exhibit A", replacing any and all previously adopted guidelines.

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**FUNDING SOURCE:**

N/A

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**RECOMMENDATION ACTION:**

Adopt Resolution No. 2014-05 as required by Florida Department of Environmental Protection.

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**DISTRIBUTION:**

Mayor Kilsheimer  
Commissioners (4)  
CAO Richard Anderson  
Community Dev. Dir.

Finance Dir.  
HR Director  
IT Director  
Police Chief

Public Ser. Dir. (2)  
City Clerk (4)  
Fire Chief (1)

**RESOLUTION NO. 2014-05**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE NO. 2109, ARTICLE II, DIVISION I, CHAPTER 82, COMMERCIAL AND INDUSTRIAL PRETREATMENT GUIDELINES, SECTION 38.03, GENERAL SEWER USE REQUIREMENTS, PARAGRAPH 5(B), LOCAL POLLUTANT LIMITS, TABLE 3-1, LOWERING THE MAXIMUM UNIFORM CONCENTRATION FOR CHLORIDE, TOTAL NITROGEN, AND pH; AND SECTION 38.07, REPORTING REQUIREMENTS, PARAGRAPH 4(C), PERIODIC COMPLIANCE REPORTS, TABLE 7-1, AMENDING THE MAXIMUM ALLOWABLE HEADWORKS LOADING FOR CHLORIDE AND TOTAL NITROGEN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance No. 2109 establishes industrial and commercial pretreatment guidelines of the City of Apopka; and

**WHEREAS**, Section 82-38(b) authorizes Amendment to said policy by resolution; and

**WHEREAS**, since adoption of said policy, there have been updates required by the Florida Department of Environmental Protection; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA**, that the amendments be made to Ordinance No. 2109, Article II, Division I, Chapter 82, Section 38.03, General Sewer Use Requirements, Paragraph 5(B), Local Pollutant Limits, Table 3-1, lowering the Maximum Uniform Concentration for Chloride, Total Nitrogen and pH; and Section 38.07, Reporting Requirements, Paragraph 4(C), Periodic Compliance Reports, Table 7-1, amending the Maximum Allowable Headworks Loading for Chloride and Total Nitrogen, by adopting the new guidelines as attached in "Exhibit A", replacing any and all previously adopted guidelines.

That this resolution shall become effective upon adoption.

**APPROVED AND ADOPTED** by the City Council of the City of Apopka, Florida, this 21st day of May 2014.

CITY OF APOPKA, FLORIDA

\_\_\_\_\_  
Joe Kilsheimer, Mayor

ATTEST:

\_\_\_\_\_  
Janice Goebel, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank C. Kruppenbacher, City Attorney



**RESOLUTION NO. 2014-05**

**CITY OF APOPKA**

**SEWER USE ORDINANCE NO. 2109**

**COMMERCIAL/INDUSTRIAL PRETREATMENT  
PROGRAM GUIDELINES**



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## **SECTION 38 – SEWER USE ORDINANCE INDUSTRIAL PRETREATMENT GUIDELINES**

### **SECTION 38.01 - GENERAL PROVISIONS**

#### **1. *Purpose and Policy***

This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of Apopka and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 *Code of Federal Regulations* [CFR] Part 403) and Chapter 62-625 of the Florida Administrative Code [F.A.C.]. The objectives of this Ordinance include:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and biosolids from the Publicly Owned Treatment Works;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (f) To enable the City to comply with conditions in its National Pollutant Discharge Elimination System and State Domestic Wastewater Facility permits; biosolids use and disposal requirements; and any other Federal or State laws to which the Publicly Owned Treatment Works are subject.

This Ordinance shall apply to all Users of the Publicly Owned Treatment Works. The Ordinance authorizes the issuance of Industrial User Discharge Permits, Individual Wastewater Discharge Permits and General Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

#### **2. *Administration***

- (a) Except as otherwise provided herein, the Public Services Director, or his/her designee, shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon them may be delegated by them to other City personnel.
- (b) No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to special payment therefore, by the industrial concern; provided, however, that at no time will the City be asked to accept such

discharges that, in the City's sole judgment, would violate any Federal, State, or local pretreatment standard.

- (c) Any provision or section of this Ordinance to the contrary notwithstanding, the City reserves the absolute right, to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial Users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES or FDEP permit(s).

3. **Abbreviations**

- (a) The following abbreviations, when used in this Ordinance, shall have the following designated meanings:
  - 1) BMP - Best Management Practice
  - 2) BMPP - Best Management Practices Plan
  - 3) BMR - Baseline Monitoring Report
  - 4) BOD5 – Biochemical Oxygen Demand
  - 5) CBOD5 - Carbonaceous Biochemical Oxygen Demand
  - 6) °C - Degrees Celsius
  - 7) CFR - Code of Federal Regulations
  - 8) CIU – Categorical Industrial User
  - 9) COD - Chemical Oxygen Demand
  - 10) DO - Dissolved Oxygen
  - 11) EPA - U.S. Environmental Protection Agency
  - 12) ERC - Equivalent Residential Connection
  - 13) °F - Degrees Fahrenheit
  - 14) F.A.C. - Florida Administrative Code
  - 15) FDEP - Florida Department of Environmental Protection
  - 16) F.S. - Florida Statutes
  - 17) gpd - gallons per day
  - 18) IU – Industrial User
  - 19) LEL - Lower Explosive Limit
  - 20) mg/l - milligrams per liter

- 21) MGD - million gallons per day
- 22) MSDS - Material Safety Data Sheet
- 23) NOV - Notice of Violation
- 24) NPDES - National Pollutant Discharge Elimination System
- 25) NSCIU – Non-Significant Categorical Industrial User
- 26) OGMP - Oil and Grease Management Program
- 27) POTW - Publicly Owned Treatment Works
- 28) RCRA - Resource Conservation and Recovery Act
- 29) SIC - Standard Industrial Classification
- 30) SIU - Significant Industrial User
- 31) SNC - Significant Noncompliance
- 32) SWDA - Solid Waste Disposal Act
- 33) TRPH - Total Recoverable Petroleum Hydrocarbons
- 34) TSS - Total Suspended Solids
- 35) TTO - Total Toxic Organics
- 36) USC - United States Code
- 37) WRF - Water Reclamation Facility

- (b) Abbreviations not otherwise defined in (a) above shall be adopted by reference or described in the latest edition of the Code of Federal Regulations, the Florida Administrative Code, Standard Methods, EPA/FDEP Guidance Manuals or by the Water Environment Federation, American Society of Civil Engineers (ASCE) and the American Society of Testing Materials (ASTM).

4. **Definitions**

- (a) Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings as designated below:
- 1) **Abnormally High Strength Compatible Waste.** Wastes containing a CBOD5 above three hundred (300) mg/l or total suspended solids above three hundred (300) mg/l.
  - 2) **Abnormally Low Strength Compatible Waste.** Wastes containing a CBOD5 below fifty (50) mg/l and total suspended solids below fifty (50) mg/l.
  - 3) **Act or "the Act."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq., or as amended in the future.
  - 4) **Administrative Action.** An enforcement action authorized by the Control Authority's legal

authority, which is taken without the involvement of a court.

- 5) **Administrative Fine.** A punitive monetary charge unrelated to actual treatment costs, which is assessed by the Control Authority rather than a court.
- 6) **Administrative Order.** A document which orders the User (violator) to perform a specific act or refrain from an act. The order may require Users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.
- 7) **Aliquot.** Portion of a sample.
- 8) **Applicant.** An owner or agent of the owner, of any land negotiating for Municipal Sewer Service.
- 9) **Approval Authority.** The Florida Department of Environmental Protection (FDEP).
- 10) **Approved.** Document accepted by the Public Services Director as meeting or complying with applicable requirements, standards or specifications as set forth in this Ordinance; or suitable for the proposed use or application.
- 11) **Assessment.** A municipal improvement lien against property for benefits received from construction of such improvements.
- 12) **Authorized City Personnel.** Individuals or designees that have been authorized or approved by the City to perform specific tasks or to execute certain job descriptions or scope of services.
- 13) **Authorized or Responsible Representative of the User.**
  - a) If the User is a corporation:
    - i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - ii. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate policies and procedures.
  - b) If the User is a partnership or sole proprietorship, the authorized representative shall be a general partner or proprietor, respectively.
  - c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- d) The individuals described in paragraphs (a) through (c), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Public Services Director, or his/her designee.
- 14) **Baseline Monitoring Report (BMR).** A report submitted by categorical industrial Users within one hundred eighty (180) days after the effective date of a categorical standard which indicates the compliance status of the User with the applicable categorical standards as set forth in 40 CFR 403.12 (b) and adopted by reference in Ordinance 62-625, F.A.C.
- 15) **Best Management Practice Plan (BMPP).** A plan prepared by a User describing the operational methodology to minimize the amount of wastes from production and to handle the resultant wastes in an environmentally sound and efficient manner.
- 16) **Best Management Practice (BMP).** Schedules of activities, prohibitions or practices, maintenance procedures, and other management practices to prevent or reduce pollution discharges and implement the prohibitions listed in Section 38.03.(2)(A) and (B) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, biosolids or waste disposal, or drainage from raw material storage.
- 17) **Biochemical Oxygen Demand (BOD5).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°C, usually expressed as a concentration, such as mg/L
- 18) **Biosolids.** Primarily organic solids that are produced by wastewater treatment processes and can be beneficially recycled. Refer to residuals or sludge.
- 19) **Biohazardous Waste.** Wastes from a biological source that may be hazardous to living organisms. Wastes can be physical, biological or chemical in nature.
- 20) **Building Drain.** That part of the lowest horizontal piping of the internal plumbing system which receives the wastewater discharge from other plumbing inside the walls of the building and conveys it to a point five (5) feet outside the outer face of the building wall to the building sewer.
- 21) **Bypass.** The intentional diversion of wastewater streams from any portion of a User's pretreatment facility.
- 22) **Carbonaceous Biochemical Oxygen Demand (CBOD5).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°C, usually expressed as a concentration, such as mg/L.
- 23) **Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 24) **Categorical Industrial User.** An Industrial User subject to a categorical Pretreatment

Standard or categorical standard.

- 25) ***Cease and Desist Order.*** An administrative order directing a User to immediately halt illegal or unauthorized discharges.
- 26) ***Chain of Custody.*** Written record of sample possession for all persons who handle (collect, transport, analyze and dispose of) a sample, including the names, dates, times, and procedures followed.
- 27) ***Chemical Oxygen Demand (COD).*** A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- 28) ***Chronic Violations.*** Violations in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the local pollutant limit for the same pollutant parameter by any amount.
- 29) ***City.*** The City of Apopka, Florida, a municipal corporation, or where appropriate, the term may also be used as a designation for any duly authorized official or employee of the City.
- 30) ***City Council (Council).*** The City Council of the City of Apopka, Florida.
- 31) ***Compatible Constituent or Pollutant.*** Carbonaceous biochemical oxygen demand, chemical oxygen demand, oil and grease, suspended solids, pH, ammonia, nitrite/nitrate, total Kjeldahl nitrogen, total phosphorous and fecal coliform bacteria, plus any additional pollutants identified in the City's NPDES or FDEP permit(s), where the POTW is capable of treating such pollutants, does treat such pollutants, and in fact, does treat such pollutants to the degree required by the aforementioned permits.
- 32) ***Compliance Order.*** An administrative order directing a noncompliant User to achieve or to restore compliance by a date specified in the order.
- 33) ***Compliance Schedule.*** A schedule of required remedial activities (also called milestones) necessary for an industrial User to achieve compliance with all pretreatment program requirements. Compliance schedule may be set forth in the industrial User discharge permit, consent order or other enforcement documents.
- 34) ***Composite Sample.*** A mixture of discrete grab samples or aliquots taken at the same location, but at different times; and which will reflect average water quality at that monitoring location for the given sample interval. Composite samples can be collected on a flow proportional or time proportional basis.
- 35) ***Concentration Limit.*** A limit based on the mass of pollutant per unit volume, usually expressed in milligrams per liter (mg/l).
- 36) ***Consent Agreement.*** An administrative order embodying a legally enforceable agreement between the Control Authority and the noncompliant industrial User designed to restore the User to compliance status.
- 37) ***Consistent Removal.*** The average of the lowest fifty percent (50%) of the removal efficiencies that is determined for a User or pretreatment facility in accordance with Chapter 62-625.420(2), F.A.C.



- 38) **Contaminant.** The introduction of any physical, chemical, or radiological substance, microorganisms, wastes or wastewater into a flow of water in a concentration that renders the water unsuitable for its intended use. Refer to Pollutant.
- 39) **Continuous Discharge.** A discharge which occurs without interruption throughout the operating hours of the industrial facility, except for infrequent shutdowns for maintenance, process changes or other similar activities.
- 40) **Control Authority.** The City of Apopka and its designees, which administer the pretreatment program as approved by the Approval Authority pursuant to the provisions of 40 CFR 403.12(a) and Chapter 62-625.510, F.A.C.
- 41) **Customer.** Any person, firm or corporation, or government that is the actual User of the City sewer/wastewater system.
- 42) **Daily Maximum.** The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- 43) **Daily Maximum Limit.** The maximum allowable discharge of a pollutant during a calendar day. Where the Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- 44) **Developed Property.** Any parcel of land that has been, or is about to be, improved to the extent that municipal water and sewer service are necessary prior to its utilization.
- 45) **Developer.** An owner or agent of the owner, in the process of the commercial utilization of any land, including subdivisions, who shall have the legal right to negotiate for municipal water and sewer service.
- 46) **Development.** A parcel of land, including subdivisions, being commercially improved to the extent that municipal water and sewer service are necessary prior to its utilization.
- 47) **Direct Discharge.** The introduction of pollutants directly into the waters of the State.
- 48) **Discharge.** The introduction of pollutants into the POTW by any nondomestic source that is subject to the regulations of Chapter 403, F.S.
- 49) **Discharge Monitoring Report.** The form for reporting the results of self-monitoring activities with an industrial User discharge permit.
- 50) **Dissolved Solids.** The total amount of dissolved material, organic and inorganic, contained in water or wastes.
- 51) **Domestic Wastewater.** The wastes produced from non-commercial or non-industrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in households.
- 52) **Duplicate Sample.** Two samples or aliquots collected at the same time from the same location.

- 53) ***Effluent.*** A discharge of pollutants into the environment, partially or completely treated or in its natural state.
- 54) ***Environmental Protection Agency (EPA).*** The U.S. Environmental Protection Agency or, where appropriate, the EPA Region IV Water Management Division Director, or other duly authorized official of said agency.
- 55) ***Equalization.*** A pretreatment process consisting of detention of a wastewater flow in a large tank, sump, or headbox to smooth out surges.
- 56) ***Existing Source.*** Any source of discharge that is not a “New Source.”
- 57) ***Florida Administrative Code (F.A.C.).*** Codification of administrative rules to implement legislation approved by the legislature and the resultant Florida Statutes.
- 58) ***Florida Department of Environmental Protection (FDEP).*** The agency that administers the regulations pertaining to the environment in the State of Florida. The Approval Authority for pretreatment programs in the State.
- 59) ***Flow Proportional Composite Sample.*** A sampling method, which combines discrete sample aliquots collected over time that are based upon the flow of the wastestream being sampled. There are two methods used to collect this type of sample. One method collects a constant sample volume at time intervals that vary based on the flow, i.e. a 200 milliliters (ml) sample is collected for every 5,000 gallons of flow (discharge). The other method collects aliquots of varying volume that is based on the flow with a constant time interval.
- 60) ***Flow Weighted Average Formula.*** A procedure to calculate alternative limits where wastestreams that are regulated by a categorical pretreatment standard and non-regulated wastestreams are combined after treatment but prior to the monitoring location.
- 61) ***Food Service Establishment (FSE).*** Any establishment which prepares (cuts, cooks, bakes) or serves food to the general public, and which disposes of food related wastewater.
- 62) ***Force Main.*** A pressure pipe connected to the pump discharge at a wastewater pumping station.
- 63) ***Garbage.*** Animal and vegetable wastes resulting from the domestic and commercial preparation, cooking, dispensing, and consumption of food, and from the handling, storage and sale of produce.
- 64) ***Garbage Grinder or Disposal.*** An electric device which shreds solid or semi-solid waste materials, generally food related, into smaller portions for discharge into the City's wastewater system.
- 65) ***Generator.*** A User, by site or facility, who produces wastes from the said User's process operation. The generator is responsible for disposal of the produced wastes in accordance with applicable Federal, State, and local regulations.
- 66) ***Grab Sample.*** A sample which is collected from a wastestream at a particular time and location. That is, a sample is taken on a one-time basis without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

- 67) **Hauled Wastes.** Any Wastes that are delivered to the WRF by truck or rail car.
- 68) **Hauler.** Refer to transporter.
- 69) **Hazardous Waste.** A solid or liquid waste, or combination of solid or liquid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics:
- a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
  - b) pose a substantial present or potential hazard to human health or the environmental when improperly treated, stored, transported, or disposed or, or otherwise managed; or
  - c) meets one of the following four conditions:
    - I. Exhibit a characteristic of a hazardous waste as defined in 40 CFR, Section 261.20 through Section 262.24; or
    - II. Listed as a hazardous substance in 40 CRF, Section 261.31 through 261.33; or
    - III. A mixture containing a listed hazardous waste and a nonhazardous solid waste, unless the mixture is specifically excluded or no longer exhibits any of the characteristics of hazardous waste; or
    - IV. Not excluded from regulation as a hazardous waste.
- 71) **Holding Tank Waste.** Any waste from holding tanks such as, but not limited to vessels, aircraft, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 72) **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from a nondomestic source.
- 73) **Infiltration.** The water unintentionally entering the public sewer system, including water from sanitary building drains and laterals, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, Inflow.
- 74) **Infiltration/Inflow.** The total quantity of water from both infiltration and inflow, without distinguishing the source.
- 75) **Inflow.** The water discharged into a sanitary sewer system, including building drains and sewer laterals, from such sources as, but not limited to, roof leader, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers or combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, Infiltration.
- 76) **Influent.** Water, wastewater, or other liquid flowing into a tank, basin, treatment process, or treatment facility.
- 77) **Instantaneous Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, as determined from the analysis of any discrete or composite sample, independent

of the industrial flow rate and the duration of the sampling event.

- 78) **Interference.** A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its biosolids processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES or FDEP permit(s) or of the prevention of wastewater biosolids use or disposal in compliance with any of the statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection Research and Sanctuaries Act.
- 79) **Industrial User.** Any User of Publicly Owned Treatment Works identified in the Standard Industrial Classification Manual, current edition, United States Office of Management and Budget, that is a source of indirect discharge of industrial wastewater which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (Title 33 USC, Section 1342).
- 80) **Industrial User Discharge Permit.** A permit issued to an industrial User by the City that authorizes the discharge of industrial wastewater to the public wastewater collection system. This permit may set certain conditions and/or restrictions to this discharge.
- 81) **Industrial Wastes.** The liquid and solid wastes discharged into wastewater system from industrial manufacturing processes, trade or business as distinct from domestic wastewater.
- 82) **Lateral.** The service line from the public sewer, or other place of disposal, to a point five (5) feet outside the building wall.
- 83) **Local Pollutant.** A pollutant, as identified in Section 38.03(3) of this Ordinance, which may be subject to regulation and restrictions for discharge to the public sewerage system.
- 84) **Local Pollutant Limit or Local Limit.** Specific discharge limits developed and enforced by the City upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- 85) **Maximum Allowable Concentration.** The maximum permitted amount of a specified pollutant in a volume of water or wastewater, expressed in units of mass per unit of volume, such as milligrams per liter (mg/l).
- 86) **Medical Wastes.** Any solid wastes or liquids which may present a threat of infection to humans. This includes, but is not limited to, human tissue, isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- 87) **Monthly Average.** The sum of all daily discharges measured during a calendar month divided by the number of daily discharges during that month.
- 88) **Monthly Average Limit.** The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month

divided by the number of daily discharges measured during that month.

- 89) ***National Categorical Pretreatment Standard.*** Refer to Categorical Pretreatment Standard.
- 90) ***National Prohibited Discharge Standard or Prohibited Discharge Standard.*** Any regulation developed under the authority of Section 387 (b) of the Act, 40 CFR 403.5 and Chapter 62-625.400, F.A.C.
- 91) ***New Source.***
- 1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of the proposed pretreatment standards under Section 387 (c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
    - a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - c) The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
  - 2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
  - 3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
    - a) Begun, or caused to begin, as part of a continuous onsite construction program;
      - i. Any placement, assembly, or installation of facilities or equipment; or
      - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
    - b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- 92) ***Ninety (90) Day Compliance Report.*** A report submitted by a categorical industrial applicable categorical standards; or in the case of a new source, after commencement of the discharge to the POTW; that documents and certifies the User, within ninety (90) days following the date for final compliance with compliance status of the User in accordance with 40 CFR 403.12 (d) and Chapter 62-625.600, F.A.C.
- 93) ***Noncontact Cooling Water.*** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 94) ***Notice of Violation (NOV).*** A Control Authority document notifying an industrial User that it has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the Control Authority expects the violation to be corrected within a short period of time.
- 95) ***Oil and Grease.*** Materials, either liquid or solid, that are composed primarily of fatty matter from animal or vegetable sources or petroleum-based hydrocarbons.
- 96) ***Oil and Grease Interceptor.*** A City approved device that is designed for flows in excess of fifty (50) gpm, constructed to separate, trap and hold oil and grease substances from animal or vegetable sources that are present in the discharge from Users of the City wastewater system, and installed outside of the building. The purpose of the interceptor shall be to prevent oil and grease from entering the City wastewater system.
- 97) ***Oil and Water Separator.*** A City approved device designed and constructed to separate, trap and retain oil and grease substances derived from petroleum-based hydrocarbons that are found in the discharge from Users of the City wastewater system. The purpose of the separator is to prevent petroleum-based hydrocarbons from entering the City wastewater system and to improve the safety of said system for both City personnel and the general public.
- 98) ***Pass Through.*** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES or FDEP permit(s), including an increase in the magnitude or duration of a violation, or a violation of any agreement, resolution made or standard for reuse.
- 99) ***Periodic Compliance Report or Self-Monitoring Report.*** A report on compliance status submitted by categorical industrial Users to the Control Authority at least semiannually pursuant to 40 CFR 403.12 (e) and Chapter 62-625.600(4) and (7), F.A.C. or as amended.
- 100) ***Permit.*** A document issued to the City's WRFs by Federal and State regulatory authorities which sets out provisions or requirements for the disposal or reuse of effluent or biosolids, or discharges from the facility.
- 101) ***Person.*** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- 102) ***pH.*** A measure of the acidity or alkalinity of a solution, expressed in standard units.

- 103) **Pollutant.** Constituent(s) or foreign substance(s), including pathogens, that degrade the quality of the water so as to impair or adversely affect the usefulness or function of the water or pose a hazard to public health or the environment. Constituent(s) or foreign substance(s) that are present in water as a result of discharging into said water or waters with the following wastes, but is not limited to: dredged spoil, solid waste, incinerator residue, filter backwash, wastewater, garbage, wastewater biosolids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes. Examples of pollutants include, but are not limited to, pH, temperature, TSS, turbidity, color, BOD, CBOD, COD, toxicity, odors, metals and organics. Refer to Contaminant.
- 104) **Pollution.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- 105) **Pollution Control Facility.** Refer to Water Reclamation Facility.
- 106) **Pollution Prevention.** The use of materials, processes or operation and maintenance practices to reduce or eliminate the generation or creation of pollutants at the source before the constituents can enter the wastestream. Pollution prevention includes, but is not limited to, equipment modifications, process or operating alterations, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, personnel training or inventory control.
- 107) **Pollution Prevention Plan.** A plan prepared by the User to minimize the likelihood of introducing pollutants in the process wastewater or other types of discharges from their facility.
- 108) **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard (Chapter 62-625.410(6), F.A.C.). Appropriate pretreatment technology includes control equipment, such as equalization tanks of facilities, for protection against surges or slug loading that might interfere with or otherwise be incompatible with the POTW.
- 109) **Pretreatment Facilities.** Equipment, structures and processes that are configured together for the treatment of discharges from Users to the POTW.
- 110) **Pretreatment Program.** The program administered by the Control Authority that fulfills the criteria set forth in Chapter 62-625.500, F.A.C.
- 111) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on a User.
- 112) **Pretreatment Standards or Standards.** Any regulation containing pollutant discharge limits, as established pursuant to Chapter 403, F.S., which applies to Users. Pretreatment standards include prohibited discharge standards, categorical pretreatment standards, and local limits.
- 113) **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances which appear in Section 38.03(2) of this Ordinance, to

protect the POTW.

- 114) **Public Services Director.** The City administrative official in charge of the Department of Public Services, including all of its Divisions, or his/her designee, authorized deputy, agent, or representative.
- 115) **Publicly Owned Treatment Works (POTW).** A "treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of wastewater or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- 116) **Regulated Wastestream.** An industrial process wastestream regulated by a national categorical pretreatment standard.
- 117) **Removal.** A reduction in the amount of a pollutant in the WRF's effluent or alteration of the nature of a pollutant during treatment at the WRF. The reduction or alteration can be achieved by physical, chemical, or biological means and may be the result of specifically designed capabilities at the WRF or may be incidental to the operation of the treatment system. Dilution shall not be considered removal.
- 118) **Representative Sample.** A sample from a wastestream that is as nearly identical in composition as possible to the larger volume of flow stream that is being discharged during a normal operating day.
- 119) **Residuals.** The solid, semisolid or liquid residues that are generated during the treatment of wastes or wastewater in a pretreatment or treatment facility. Typically does not include grit, screenings or incinerator ash. Refer to biosolids or sludge.
- 120) **Self-monitoring.** Sampling and analyses performed by the User to ensure compliance with the permit or other regulatory requirements as set forth in 40 CFR 403.12 (b) and (g), and Chapter 62-625.600, F.A.C.
- 121) **Septic Tank Waste.** Any wastewater from holding tanks or individual on-site wastewater treatment systems, such as vessels, campers, trailers, septic tanks, and cesspools.
- 122) **Sewage.** Human excrement and gray water (household showers, dishwashing operations, etc.)
- 123) **Significant Commercial User.** Any nonresidential User of the City wastewater system which has:
  - 1) A discharge flow of ten thousand (10,000) gallons or more per day during any day of any calendar year;
  - 2) A discharge containing one (1) or more abnormally high strength compatible pollutants; or
  - 3) A discharge which has been found by the Public Services Director or FDEP to potentially have a significant impact, either singly or in combination with other contributing Users, on the City's wastewater system.



- 124) **Significant Industrial User (SIU).** Any nonresidential User of the City wastewater system which meets one or more the following criteria:
- 1) An Industrial User subject to categorical pretreatment standards pursuant to 40 CFR, Subchapter N, Parts 405-471, and as adopted by reference in Chapter 62-660, F.A.C.; or
  - 2) An Industrial User that:
    - a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW, excluding sanitary wastewater, noncontact cooling water and boiler blowdown;
    - b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant; or
    - c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement in accordance with Chapter 62-625.500(2)(e), F.A.C.
  - 3) The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in Chapter 62-625.500(2)(e), F.A.C. and the following conditions are met:
    - a) The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
    - b) The Industrial User annually submits the certification statement required in Section 38.07(14)(B) [see 40CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
    - c) The Industrial User never discharges any untreated concentrated wastewater.
  - 4) Upon a finding that a User meeting the criteria of Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.
- 124) **Significant Noncompliance (SNC).** A nonresidential User is in significant noncompliance if the violation meets one or more of the following criteria as defined in 40 CFR 403.8(f)(2)(viii)(A and B) and Chapter 62-625.500(2):
- 1) Chronic violations of wastewater discharge limits;
  - 2) Technical Review Criteria (TRC) violations;

- 3) Any other violation of a pretreatment effluent limit that the Public Services Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
  - 4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Public Services Director exercising emergency authority to halt or prevent such a discharge;
  - 5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Industrial User Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
  - 6) Failure to provide within thirty (38) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - 7) Failure to accurately report noncompliance; or
  - 8) Any other violation(s), which the Public Services Director determines, will adversely affect the operation or implementation of the local pretreatment program.
- a) **Significant Violation.** A violation of this Ordinance which, in the opinion of the City, remains uncorrected thirty (30) days after notification of noncompliance; or, which is part of a pattern of noncompliance; or, which involves failure to accurately report noncompliance; or, which resulted or results in the City exercising its emergency authority under this or any related Ordinance of the City Code.
  - b) **Slug Discharge or Slug Load.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 38.03(2) of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to and accidental spill or non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit Conditions.
  - c) **Slug (Accidental) Discharge Control Plan.** Detailed plans, on file at the Public Services Department, showing facilities and operating procedures to provide the control of slug discharges. Significant Industrial Users shall complete construction of facilities and provide operating procedures to the City within the time frame specified by the Public Services Director, however, absolutely within one (1) year of notification. Review and approval of the Plan shall not relieve the Significant Industrial User from the responsibility to modify its facility, as necessary, to meet each and every requirement of this Ordinance.
  - d) **Spill Containment Plan (SCP).** A detailed plan, prepared by the User, showing facilities and operating procedures to prevent and to provide protection from spills.
  - e) **Spill Prevention (Accidental Discharge) and Control Plan.** A plan prepared by a User to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.
  - f) **Split Sample.** A portion of a collected sample given to the industry or to another agency for

the purpose of verifying or comparing laboratory results.

- g) **Standard Industrial Classification (SIC) Code.** A classification system to identify various types of industries that is based upon the type of manufacturing or commercial activity at a facility pursuant to the Standard Industrial Classification Manual, current edition, United States Office of Management and Budget.
- h) **Standard Methods for the Examination of Water and Wastewater (Standard Methods), current edition.** Reference of analytical protocols and sample collection procedures as published jointly by the American Public Health Association, Water Environment Federation, and American Water Works Association.
- i) **Stormwater.** Any flow occurring during or following any form of natural precipitation, and resulting therefrom.
- j) **Surcharge.** A charge to a User for the discharge of abnormally high strength compatible pollutants to the POTW, that is, above the standards or criteria set forth in this Ordinance. The charge is based on the loading of a particular pollutant in pounds from a significant commercial User; and is levied in addition to the regular sewer service charges or fees.
- k) **Surface Waters.** Any watercourse, stream, river, lake, lagoon, or other geological feature that contains water on the surface of the earth whether contained in bounds created naturally, artificially or diffused.
- l) **Total Suspended Solids or Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with EPA protocols or Standard Methods, latest edition.
- m) **Total Kjeldahl Nitrogen (TKN).** The analytical quantity of organic nitrogen and ammonia that is determined together and is equal to the sum of the concentration of ammonia and organically bound nitrogen in the tri-negative oxidation state.
- n) **Total Metals (TM).** The sum of the concentrations of copper, nickel, total chromium and zinc. If the concentration of a pollutant is below the detection limit, then one-half (1/2) of that value shall be used in this determination.
- o) **Total Nitrogen (TN).** The sum of the concentrations of the various forms of nitrogen which, in general, include TKN, nitrite and nitrate.
- p) **Total Phosphorus (TP).** The sum of the concentrations of the various phosphate functions, which, in general, includes orthophosphate, condensed phosphates and organic phosphorus.
- q) **Total Recoverable Petroleum Hydrocarbons (TRPH).** The quantity of those substances as determined by the EPA Method 418.1; that is, organic compounds containing less than twenty (20) carbon atoms and is extractable into an organic liquid.
- r) **Total Toxic Organics (TTO).** The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) of specific toxic organics, as listed in 40 CFR 413.02 (i), present in the User's process discharge.
- s) **Toxic Pollutant.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA Administrator under the provision of Section 387 (a) (1) or 405 (d)

of the Act or other laws, or by FDEP pursuant to Florida Statutes. In general, a pollutant or combination of pollutants which, following discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause illness, disease, death, mutations, deformities or other maladies into said organisms or their offspring.

- t) **Toxicant.** A substance that kills or injures an organism through its chemical or physical action or by alteration of its environment. Examples include cyanides, phenols, pesticides and heavy metals.
- u) **Transporter or Hauler.** A User who conveys wastes from the site of generation to an approved facility or location for treatment, disposal or reuse (recycling). The transporter is responsible for complying with applicable Federal, State and local regulations regarding transportation of the produced wastes.
- v) **Turbidity.** A condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays. Also, a measure of fine suspended matter in liquids; usually reported in Nephelometric Turbidity Units (NTU) as determined by measurements of light diffraction.
- w) **Under-the-Sink Oil and Grease Trap.** A City approved device that is designed for a flow of less than fifty (50) gpm and installed inside the building beneath or in close proximity to the sink or other facilities likely to discharge oil and grease substances from animal or vegetable sources in an attempt to separate, trap or store their fat-soluble substances and prevent their entry into the collection system.
- x) **Upset.** An exceptional incident in which there is unintentional and temporary non-compliance with applicable categorical pretreatment standards because of factors beyond the reasonable control of the industrial User. An upset does not include temporary noncompliance to the extent caused by, but not limited to, force majeure, operational error, lack of preventive maintenance, careless or improper operation, and improperly designed or inadequate treatment facilities as described in 40 CFR 403.16 (a) and Chapter 62-625.840, F.A.C.
- y) **User or Industrial User.** A discharger to the POTW.
- z) **Wastewater.** Liquid and water-carried industrial wastes and wastewater from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- aa) **Wastewater Constituents and Characteristics.** The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.
- bb) **Wastewater Treatment Plant or Water Reclamation Facility.** That portion of the POTW which is designed to provide treatment of municipal wastewater and industrial waste.
- cc) **Water Management Division Director.** The Director of the Water Management Division within the EPA, Region IV office in Atlanta, or that person's delegated representative.
- dd) **Waters of the State.** As defined in Section 403.031 (13), F.S. or Chapter 62-382, F.A.C. or

elsewhere in Chapter 62, F.A.C.

- b) Terms not otherwise defined herein shall be adopted by reference as defined in the latest edition of Title 40 of the Code of Federal Regulations, Chapter 62 of the Florida Administrative Code, Standards Methods, as published by the American Public Health Association, the American Water Works Association and the Water Environment Federation; the Manual of Practices as researched and published by the Water Environment Federation, American Society of Civil Engineers (ASCE) and the American Society of Testing Materials (ASTM); applicable building and plumbing codes; and the Guidance Manuals and protocols that are prepared and published by the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP).

## **SECTION 38.02 - RESERVED**

## **SECTION 38.03 - GENERAL SEWER USE REQUIREMENTS**

### **1. *Use Of Sewers Required***

- a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.
- b) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic systems, cesspool or other facility intended or used for the treatment or disposal of wastewater.

### **2. *Prohibited Discharge Standards***

#### **A. *General Prohibitions.***

- 1) No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.
- 2) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any public sewer unless previously approved by the Public Services Director or his/her designee.
- 3) Stormwater, other unpolluted drainage, industrial cooling water or unpolluted process waters may be discharged with written approval of the Public Services Director or his/her designee, to a specifically designated stormwater system or natural outlet.

B. *Specific Prohibitions.*

- 1) No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- 2) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21, or as amended;
- 3) Wastewater having a pH less than 5.0, or more than 11.5, or otherwise causing corrosive structural damage to the POTW or equipment; 40 CFR 261.22 established that wastes discharged with a pH over 12.5 are considered corrosive hazardous wastes and therefore, the POTW would need to comply with applicable requirements under the Resource Conservation and Recovery Act (RCRA) and implementing regulations for Treatment, Storage, and Disposal Facilities if such wastes are delivered to the POTW by truck, rail, or dedicated pipe.
- 4) Solids or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, but in no case shall solids be greater than 0.4921 inch(es) or 1.25 centimeters (cm) in any dimension;
- 5) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- 6) Wastewater having a temperature greater than 104° F (40° C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C);
- 7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- 8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- 9) Trucked or hauled pollutants, except at discharge points designated by the Public Services Director or his/her designee, in accordance with Section 38.04(4) of this ordinance;
- 10) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- 11) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- 12) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State and Federal regulations;
- 13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Public Services Director;

- 14) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- 15) Medical, biological, or biohazardous wastes, except as specifically authorized by the Public Services Director in an individual wastewater discharge permit [or a general permit];
- 16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity tests;
- 17) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
- 18) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L for petroleum hydrocarbon oils and greases; and 400 mg/L for animal and vegetable oils and greases;
- 19) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five (5) percent or any single reading over ten (10) percent of the Lower Explosive Limit of the meter.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Industrial Users shall notify and obtain approval from the Public Services Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge to the POTW of a substance which, if otherwise disposed of, would be a hazardous waste. Such notification shall comply with 40 CFR 403.12 and Chapter 62-625.600(15), F.A.C., or as amended.

### **3. *National Categorical Pretreatment Standards***

Users must comply with the Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471, and Chapter 62-625 F.A.C.

(a) Certain industrial Users now or hereafter shall become subject to National Categorical Standards promulgated by the Environmental Protection Agency (EPA) as currently in effect or any other Federally-approved limits which may come into effect. The National Categorical Standards specify quantities or concentrations of pollutants or pollutant properties, which may be discharged into the POTW. All industrial Users subject to a National Pretreatment Standard shall comply with all requirements of such standard, which includes any monitoring or reporting requirements, and shall also comply, with any additional or more stringent limitations contained in this Ordinance. Compliance with National Pretreatment Standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standard or required by the City. Compliance with National Pretreatment Standards for new sources shall be required upon promulgation of the standard.

(b) The Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, or as amended, and which have been incorporated by reference in Chapter 62-660, F.A.C., or as amended, are hereby incorporated herein.

(c) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Public Services Director may convert the limits to equivalent limitations expressed



either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. [Note: See 40 CFR 403.6(c) (2)].

(d) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Public Services Director shall impose an alternate limit using the combined wastestream formula as defined in 40 CFR 403.6(e) and Chapter 62-410(6), F.A.C., or as amended.

(e) A CIU may obtain a variance from a categorical pretreatment standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 and Chapter 62-625.700, F.A.C., or as amended, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(f) A CIU may obtain a net/gross adjustment to a categorical standard in accordance with the following paragraphs of this Section and 40 CFR 403.15 and Chapter 62-625.700, F.A.C., or as amended:

(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e. adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

(2) Criteria.

- a. Either (i) The applicable Categorical Pretreatment Standards contained in 40 CFR Subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
- b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- c. Credit shall be granted only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with the Standard(s) adjusted under this Section.
- d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.

(g) When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Public Services Director. The City may establish equivalent mass limits only if the Industrial User meets all of the conditions set forth in Section 38.03(3)(g)(1)(a) through 38.03(3)(g)(1)(e) below.

- 1) To be eligible for equivalent mass limits, the Industrial User must:
  - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
  - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - c. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
  - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
  - e. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
  
- 2) An Industrial User subject to equivalent mass limits must:
  - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates and notify the Public Services Director, or his/her designee, whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in Section 38.03(3)(h). Upon notification of a revised production rate, the Public Services Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to 38.03(3) (g) (1) (a) of this Section as long as it discharges under an equivalent mass limit.
  
- 3) When developing equivalent mass limits, the Public Services Director:
  - a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a

result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 38.03(7). The Industrial User must also be in compliance with Section 38.14(3) regarding the prohibition of bypass.

- (h) The Public Services Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Public Services Director. **[Note: When converting such limits to concentration limits, the Public Services Director will use the concentrations in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 38.03(7) of this ordinance (see 40 CFR 403.6 (d)). In addition, the Public Services Director will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).]**
- (i) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section, in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived. **[Note: See 40 CFR 403.6(c) (7)].**
- (j) Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. **[Note: See 40 CFR 403.6(c) (8)].**
- (k) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Public Services Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Public Services Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. **[Note: See 40 CFR 403.6(c) (9)].**

**4. State Pretreatment Standards**

Users must comply with State Pretreatment Standards codified at Chapter 62-625, F.A.C.

**5. Local Pollutant Limits**

- A. The Public Services Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following local pollutant limits are established to protect the City's wastewater system against pass through and interference and to prevent noncompliance with requirements in applicable permits or violations in agreements for reuse of the reclaimed water and residuals.

**Table 3-1**

Pollutant	Maximum Uniform Concentration Limit (mg/L)
Arsenic	0.28

Cadmium	0.16
Biochemical Oxygen Demand (BOD)	6,300
Chloride	<del>4,300</del> <b><u>3,800</u></b>
Chromium, Total	4.9
Copper	4.6
Cyanide	1.9
Lead	1.1
Mercury	0.091
Molybdenum	0.72
Nickel	2.6
Nitrogen, Total	<del>1,100</del> <b><u>60</u></b>
pH	<del>5.5 to 11.5</del> <b><u>5.5 to 9.5</u></b>
Selenium	0.51
Silver	4.9
Sodium	2,100
Zinc	2.7
Suspended Solids, Total (TSS)	5,275
Oil and Grease (Petroleum Hydrocarbon)	100
Oil and Grease (Vegetable and Animal)	400

The above limits apply at the point where wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Public Services Director may impose mass limitations in addition to the concentration-based limitations above.

- C. The local pollutant limits above may be adjusted and additional local pollutant limits may be added from time to time based on treatment plant monitoring, water quality requirements, field investigation of industrial Users, and/or any other factors which the Public Services Director deems of significance with respect to the proper and safe operation of the City's POTW. These limits can represent an average of four (4) composite samples if so specified in the Industrial User Discharge Permit.

#### 6. *City's Right of Revision*

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits [or in general permits], more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

#### 7. *Dilution*

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Public Services Director may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

## **SECTION 38.04 – PRETREATMENT OF WASTEWATER**

### **1. *Pretreatment Facilities***

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 38.03(2) of this ordinance within the time limitations specified by EPA, the State, or the Public Services Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Public Services Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

### **2. *Additional Pretreatment Measures***

- A. Whenever deemed necessary, the Public Services Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- B. The Public Services Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to insure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Services Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of a type and capacity approved by the Public Services Director, shall comply with the City's Oil and Grease Management Program contained in this ordinance, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the City's Oil and Grease Management Program by the User at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### **3. *Accidental Discharge/Slug Discharge Control Plans***

The Public Services Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Public Services Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Public Services Director may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;

- C. Procedures for immediately notifying the Public Services Director of any accidental or Slug Discharge, as required by Section 38.07(6) of this ordinance; and
- D. Procedures to prevent adverse impact from an accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- E. Industrial Users are required to notify the POTW immediately of changes that occur at the facility affecting the potential for a slug discharge, thereby allowing the POTW to re-evaluate the need for a slug discharge control plan or other actions to prevent such discharges.

#### 4. *Hauled Wastewater*

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Public Services Director, and at such times as are established by the Public Services Director. Such waste shall not violate Section 38.03 of this ordinance or any other requirements established by the City. The Public Services Director may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.
- B. The Public Services Director may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The Public Services Director may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The Public Service Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- C. Industrial waste haulers may discharge loads only at locations designated by the Public Services Director. No load may be discharged without prior consent of the Public Services Director. The Public Services Director may collect samples of each hauled load to insure compliance with applicable Standards. The Public Services Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

### **SECTION 38.05 – INDIVIDUAL WASTEWATER DISCHARGE PERMITS AND GENERAL PERMITS**

#### 1. *Wastewater Analysis*

When requested by the Public Services Director, a User must submit information on the nature and characteristics of its wastewater within forty five (45) days of the request. The Public Services Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.

#### 2. *Individual Wastewater Discharge Permit and General Permit Requirements*

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or general permit from the Public Services Department, except that a Significant Industrial User that has filed a timely application pursuant to Section 38.05(3) of this ordinance may continue to discharge for the time period specified therein.
- B. The Public Services Director may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of an individual wastewater discharge or general permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 38.11 through 38.13 of this ordinance. Obtaining an individual wastewater discharge permit or general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, or local law.

**3. *Individual Wastewater Discharge and General Permitting: Existing Connections***

Any User required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Public Services Department for an individual wastewater discharge permit or a general permit in accordance with Section 38.05(5) of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit or a general permit issued by the Public Services Department.

**4. *Individual Wastewater Discharge and General Permitting: New Connections***

Any User required to obtain an individual wastewater discharge permit or a general permit who proposed to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge or general permit, in accordance with Section 38.05(5) of this ordinance, must be filed at least forty five (45) days prior to the date upon which any discharge will begin or recommence.

**5. *Individual Wastewater Discharge and General Permit Application Contents***

- A. All Users required to obtain an individual wastewater discharge or general permit must submit a permit application. Users that are eligible may request a general permit under Section 38.05(6). The Public Services Director may require Users to submit all or some of the following information as part of a permit application:
  - 1) Identifying Information.
    - a) The name and address of the facility, including the name of the operator and owner.
    - b) Contact information, description of activities, facilities, and plant production processes on the premises;
  - 2) Environmental permits. A list of any environmental control permits held by or for the facility.
  - 3) Description of Operations.



- a) A brief description of the nature, average rate of production (including each product by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - d) Type and amount of raw materials processed (average and maximum per day); and
  - e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- 4) Time and duration of discharges.
  - 5) The location for monitoring all wastes covered by the permit.
  - 6) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Section 38.03(3)(d) (40 CFR 403.6(e)).
  - 7) Measurement of pollutants.
    - a) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
    - b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Public Services Director, or regulated pollutants in the discharge from each regulated process.
    - c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
    - d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 38.07(10) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Public Services Director or the applicable Standards to determine compliance with the Standard.
    - e) Sampling must be performed in accordance with procedures set out in Section 38.07(11) of this ordinance.
  - 8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver)

for a pollutant neither present nor expected to be present in the discharge based on Section 38.07(4)(B) [40 CFR 403.12(e)(2)].

- 9) Any request to be covered by a general permit based on Section 4.6.
- 10) Any other information as may be deemed necessary by the Public Services Director to evaluate the permit application.

B. Incomplete applications will not be processed and will be returned to the User for revision.

#### 6. *Wastewater Discharge Permitting: General Permits*

A. At the discretion of the Public Services Director, general permits may be used to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- 1) Involve the same or substantially similar types of operations;
- 2) Discharge the same types of wastes;
- 3) Require the same effluent limitations;
- 4) Require the same or similar monitoring; and
- 5) In the opinion of the Public Services Director, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 38.07(4)(B) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Public Services Director has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 38.07(4)(B).

C. The Public Services Director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 38.05(1) to (5) and applicable State regulations, and a copy of the User's written request for coverage for three years after the expiration of the general permit. [Note: See 40 CFR 403.8(f) (1) (iii) (A) (1) through (5)].

D. The Public Services Director may not control an SIU through a general permit where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass pollutant discharged per day or for IUs whose limits are based on the Combined Waste Stream Formula (Section 38.03(3)(d)) or Net/Gross calculations (Section 38.03(3)(f)). [Note: See 40 CFR 403.6(e) and 40 CFR 403.15].

#### 7. *Application Signatories and Certifications*

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14A.

- B. If the designation of the Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Public Services Director prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the Public Services Director pursuant to Section 38.01(4)(124) must annually submit the signed certification statement in Section 38.07(14)(B). [Note: See 40 CFR 403.3(v) (2)].

#### 8. *Individual Wastewater Discharge and General Permit Decisions*

The Public Services Director will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Public Services Director will determine whether to issue an individual wastewater discharge permit or a general permit. The Public Services Director may deny any application for an individual wastewater discharge permit or a general permit.

### **SECTION 38.06 – INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE**

#### 1. *Individual Wastewater Discharge and General Permit Duration*

An individual wastewater discharge or general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge or general permit may be issued for a period of less than five (5) years, at the discretion of the Public Services Director. Each individual wastewater discharge or general permit will indicate a specific date upon which it will expire.

#### 2. *Individual Wastewater Discharge and General Permit Contents*

An individual wastewater discharge or general permit shall include such conditions as are deemed reasonably necessary by the Public Services Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

##### A. Individual wastewater discharge and general permits must contain:

- 1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- 2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 38.06(5) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- 3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- 4) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These

requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

- 5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 38.07(14)(B). **[Note: See 40 CFR 403.12(e) (2)].**
  - 6) A statement of applicable civil or criminal penalties for a violation of Pretreatment Standards or Requirements, and any applicable compliance schedule(s). Such schedule(s) may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  - 7) Requirements to control Slug Discharge, if determined by the Public Services Director to be necessary.
  - 8) Any grant of the monitoring waiver by the Public Services Director (Section 38.07(14)(B)) must be included as a condition in the User's permit [or other control mechanism].
- B. Individual wastewater discharge or general permits may contain, but need not be limited to, the following conditions:
- 1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - 2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
  - 3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  - 4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - 5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  - 6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - 7) A statement that compliance with the individual wastewater discharge or general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge or general permit; and
  - 8) Other conditions as deemed appropriate by the Public Services Director to insure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### 3. *Permit Issuance Process*

- A. **Public Notification.** The Public Services Director will publish in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page, a notice to issue a pretreatment permit, at least ten (10) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
- B. **Permit Appeals.** The Public Services Director shall provide public notice of the issuance of an individual wastewater discharge or general permit. Any person, including the User, may petition the Public Services Director to reconsider the terms of an individual wastewater discharge or general permit within ten (10) days of notice of its issuance.
- 1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
  - 2) In its petition, the appealing party must indicate the individual wastewater discharge or general permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge or general permit.
  - 3) The effectiveness of the individual wastewater or general permit shall not be stayed pending the appeal.
  - 4) If the Public Services Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge or general permit, not to issue an individual wastewater discharge or general permit, or not to modify an individual wastewater discharge or general permit shall be considered final administrative actions for purposes of judicial review.
  - 5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge or general permit decision must do so by filing a complaint with the Orange County Circuit Courts for the City of Apopka within thirty (30) days.

#### 4. ***Permit Modification***

- A. The Public Services Director may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- 1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
  - 2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
  - 3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - 4) Information indicating that the permitted discharge poses a threat to the POTW, City personnel, the receiving waters, or the City's beneficial sludge use;
  - 5) Violation of any terms or conditions of the individual wastewater discharge permit;
  - 6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge

permit application or in any required reporting;

- 7) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- 8) To correct typographical or other errors in the individual wastewater discharge permit; or
- 9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in Section 38.06(5).

B. The Public Services Director may modify a general permit for good cause, including, but not limited to, the following reasons:

- 1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or requirements;
- 2) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- 3) To correct typographical or other errors in the individual wastewater discharge permit; or
- 4) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 38.06(5).

#### **5. *Individual Wastewater Discharge or General Permit Transfer***

Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Public Services Director and the Public Services Director approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to the Public Services Director must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge or general permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or the coverage under the general permit void as of the date of facility transfer.

#### **6. *Individual Wastewater Discharge and General Permit Revocation***

The Public Services Director may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Public Services Director of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Public Services Director of changed conditions pursuant to Section 38.07(5) of this ordinance;

- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Public Services Director timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge or general permit or this ordinance.

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge or general permits issued to a User are void upon the issuance of a new individual wastewater discharge or general permit to that User.

**7. *Individual Wastewater Discharge and General Permit Reissuance***

A User with an expiring individual wastewater discharge or general permit shall apply for individual wastewater discharge or general permit reissuance by submitting a complete permit application, in accordance with Section 38.05(5) of this ordinance, a minimum of sixty (60) days prior to the expiration of the User's existing individual wastewater discharge or general permit.

**8. *Regulation of Waste Received from Other Jurisdictions***

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Public Services Director shall enter into an inter-municipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Public Services Director shall request the following information from the contributing municipality:
  - 1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - 2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - 3) Such other information as the Public Services Director may deem necessary.
- C. An inter-municipal agreement, as required by paragraph A, above, shall contain the following

conditions:

- 1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 38.03(5) of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;
- 2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- 3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge or general permit issuance, inspection and sampling, and enforcement, will be conducted by the Public Services Director; and which of these activities will be conducted jointly by the contributing municipality and the Public Services Director;
- 4) A requirement for the contributing municipality to provide the Public Services Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- 5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- 6) Requirements for monitoring the contributing municipality's discharge;
- 7) A provision insuring the Public Services Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Public Services Director,
- 8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement; and
- 9) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the inter-municipal agreement shall specify that the City of Apopka has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

## **SECTION 38.07 – REPORTING REQUIREMENTS**

### **1. *Baseline Monitoring Reports***

Users that become subject to new or revised Categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated as a Non-Significant Categorical Industrial User.

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment



Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW, shall submit to the Public Services Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Public Services Director a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet the applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- B. Users described above shall submit the information set forth below.
- 1) All information required in Section 38.05(5)(A)(1)(a), Section 38.05(A)(2), Section 38.05(A)(3)(a) and Section 38.05(5)(A)(6). [Note: See 40 CFR 403.12(b) (1)-(7)].
  - 2) Measurement of pollutants.
    - a) The User shall provide the information required in Section 38.05(5)(A)(7) (a) through (d).
    - b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
    - c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Control Authority;
    - d) Sampling and analysis shall be performed in accordance with Section 38.07(1).
    - e) The Public Services Director may allow the submission of a baseline report which utilizes historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
    - f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
  - 3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 38.01(4)(13) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

- 4) **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set forth in Section 38.07(2) of this ordinance.
- 5) **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with Section 38.07(14)(A) of this ordinance and signed by an Authorized Representative as defined in Section 38.01(4)(13).

## **2. *Compliance Schedule Progress Reports***

The following conditions shall apply to the compliance schedule required by Section 38.07(1)(B) (4) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring and engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Public Services Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Public Services Director.

## **3. *Reports on Compliance with Categorical Pretreatment Standard Deadline***

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Public Services Director a report containing the information described in Section 38.05(5)(A) (6) and (7) and 38.07(1)(B) (2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 38.03(3) [Note: See 40 CFR 403.6(c)], this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 38.07(14)(A) of this ordinance. All sampling will be done in conformance with Section 38.07(11).

## **4. *Periodic Compliance Reports***

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 38.07(4)(C).

- A. Except as specified in 38.07(4)(C), all Significant Industrial Users must, at a frequency determined by

the Public Services Director submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Public Services Director or the Pretreatment Standard necessary to determine the compliance status of the User.

- B. The City may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [Note: See 40 CFR 403.12(e) (2)]. This authorization is subject to the following conditions:
- 1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.
  - 2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 38.05(A)(8).
  - 3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  - 4) The request for a monitoring waiver must be signed in accordance with Section 38.01(13), and include the certification statement in 38.07(14)(A) (40 CFR 403.6(a) (2) (ii)).
  - 5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  - 6) Any grant of the monitoring waiver by the Public Services Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Public Services Department for three (3) years after expiration of the waiver.
  - 7) Upon approval of the monitoring waiver and revision of the User's permit by the Public Services Director, the Industrial User must certify on each report with the statement in Section 38.07(14)(C) below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.
  - 8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 38.07(4)(A), or other more frequent monitoring requirements imposed by the Public Services Director, and notify the Public Services Director.

- 9) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

C. The City may reduce the requirement for periodic compliance reports [see Section 6.4A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA or State, where the Industrial User's total Categorical wastewater flow does not exceed any of the following:

- 1) 0.01 percent of the POTW's dry-weather hydraulic treatment capacity (four hundred fifty (450) gallons per day), or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;
- 2) 0.01 percent of the POTW's dry-weather organic treatment capacity. Total Suspended Solids – 0.02 mg/L or 0.88 pounds per day and CBOD<sub>5</sub> – 0.02 mg/L or 0.77 pounds per day; and
- 3) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable Categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 38.03(5) of this ordinance.

**Table 7-1**

Pollutant	POTW Maximum Allowable Headworks Loading, lbs/day	0.01 Percent of the POTW Maximum Allowable Headworks Loading, lbs/day
Arsenic	11	0.001
Cadmium	6	0.001
CBOD <sub>5</sub>	236,439	23.644
Chlorides	<del>9,383</del> <b>142,614</b>	<del>0.94</del> <b>14.261</b>
Chromium, Total	184	0.018
Copper	173	0.017
Cyanide	71	0.007
Lead	41	0.004
Mercury	3	0.0003
Molybdenum	27	0.003

Nickel	98	0.010
Nitrogen, Total	<del>41,283</del> <b><u>2,252</u></b>	<del>4.128</del> <b><u>0.2252</u></b>
Selenium	19	0.002
Silver	184	0.018
Sodium	78,813	7.881
Suspended Solids, Total	197,971	19.797
Zinc	101	0.010
Oil (Petroleum Hydrocarbon)	3,753	0.375
Oil (Vegetable)	15,012	1.501

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 38.10 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Public Services Director, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- D. All periodic compliance reports must be signed and certified in accordance with Section 38.07(14)(A) of this ordinance.
- E. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Public Services Director, using the procedures prescribed in Section 38.07(11) of this ordinance, the results of this monitoring shall be included in the report. [Note: See 40 CFR 403.12(g) (6)].

**5. Reports of Changed Conditions**

Each User must notify the Public Services Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- A. The Public Services Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 38.05 of this ordinance.
- B. The Public Services Director may issue an individual wastewater discharge or a general permit under Section 38.06(7) of this ordinance or modify an existing individual wastewater discharge or a general permit under Section 38.06(4) of this ordinance in response to changed conditions or anticipated changed conditions.

**6. Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Public Services Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Public Services Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall insure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Public Services Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

**7. Reports from Unpermitted Users**

All Users not required to obtain an individual wastewater discharge or general permit shall provide appropriate reports to the Public Services Director as may be required.

**8. Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the Public Services Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Public Services Director within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis. [Note: See 40 CFR 403.12(g) (2)].

**9. Notification of the Discharge of Hazardous Waste**

- A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, the Florida Department of Environmental Protection Pretreatment authorities and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the

notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 38.07(5) of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 38.07(1), (3) and (4) of this ordinance.

- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional information.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Public Services Director, the EPA Regional Waste Management Division Director, the Florida Department of Environmental Protection Pretreatment authorities and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically feasible.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

#### 10. *Analytical Requirements*

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Public Services Director or other parties approved by the EPA.

#### 11. *Sample Collection*

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. **[Note: The Public Services Director will indicate the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements.]**

- A. Except as indicated in Sections B and C below, the User must collect wastewater samples using 24-hour

flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Public Services Director. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols, including appropriate preservation, specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. **[Note: See 40 CFR 403.12(g) (3)].**

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 38.07(1) and 38.07(3) [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Public Services Director may authorize a lower minimum. For the reports required by paragraphs Section 38.07(4) [40 CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements. **[Note: See 40 CFR 403.12(g) (4)].**

## 12. *Date of Receipt of Reports*

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

## 13. *Recordkeeping*

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 38.03(5). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Public Services Director.

## 14. *Certification Statements*

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver – The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 38.05(7); Users submitting baseline monitoring reports under Section 38.07(1)(B)(5) **[Note: See 40 CFR 403.12(i)]**; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 38.07(3) **[Note: See 40 CFR 403.12(d)]**; Users submitting periodic compliance reports required by Section 38.07(4)(A) through (D) **[Note: See 40 CFR 403.12(e) and (h)]**, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 38.07(4)(B) **[Note: See 40 CFR 403.12(e)(2)(iii)]**. The following certification statement must



be signed by an Authorized Representative as defined in Section 38.01(4)(C):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

B. Annual Certification for Non-Significant Categorical Industrial Users – A facility determined to be a Non-Significant Categorical Industrial User by the Public Services Director pursuant to Sections 38.01(124)(3) and 38.05(7) [Note: See 40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements in Section 38.01(13) [Note: See 40 CFR 403.12(1)]. This certification must accompany an alternative report required by the Public Services Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

- a) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 38.01(124)(3); [Note: See 40 CFR 403.3(v)(2)]
- b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

\_\_\_\_\_  
\_\_\_\_\_

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 38.07(4)(B) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User. [Note: See 40 CFR 403.12(e) (2) (v)]

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ in the wastewaters due to the activities at the facility since the filing of the last periodic report under Section 38.07(4)(B).

**SECTION 38.08 – COMPLIANCE MONITORING**

**1. *Right of Entry: Inspection and Sampling***

The Public Services Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge or general permit or order issued hereunder. Users shall allow the Public Services Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into the premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Public Services Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Public Services Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The Public Services Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated in accordance with the manufacturer's recommended schedule to insure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Public Services Director and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing the Public Services Director access to the User's premises shall be a violation of this ordinance.
- F. The Public Services Director shall determine the location of the monitoring facility, if it is constructed in the public right-of-way or easement. The monitoring facility shall be located in an unobstructed location. The monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling, preparation of samples and analysis, and whether constructed on public or private property, the monitoring facility should be provided in accordance with the Public Services Director's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the Public Services Director to perform independent monitoring activities.

**2. *Search Warrants***

If the Public Services Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Public Services Director may seek issuance of a search warrant from the Orange County Circuit Court of the State of Florida.

### **SECTION 38.09 – CONFIDENTIAL INFORMATION**

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge or general permits and monitoring programs, and from the Public Services Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Public Services Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined in 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

### **SECTION 38.10 – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The Public Services Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D), or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge permits, defined here as those in which sixty-six percent (66%) or more of all measurements taken from the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 38.03; [Note: See 40 CFR 403.3(l)]
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 38.03 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); [Note: See 40 CFR 403.3(l)]
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 38.03 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Public Services Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of the POTW personnel or the general public; [Note: See 40 CFR 403.3(l)]
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Public Services Director's exercise of its emergency authority to halt or prevent such discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge or general permit or enforcement order for

starting construction, completing construction, or attaining final compliance;

- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Public Services Director determines will adversely affect the operation or implementation of the local pretreatment program.

## **SECTION 38.11 – ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **1. *Notice of Violation***

When the Public Services Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Public Services Director may serve upon that User a written Notice of Violation. Within five (5) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Public Services Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Public Services Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **2. *Consent Orders***

The Public Services Director may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 38.11(4) and 38.11(5) of this ordinance and shall be judicially enforceable.

### **3. *Show Cause Hearing***

The Public Services Director may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Public Services Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 38.01(13) and required by Section 38.05(7). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### **4. *Compliance Orders***

When the Public Services Director finds that a User has violated, or continues to violate, any provision of this

ordinance, an individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Public Services Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or prerequisite for, taking any other action against the User.

#### 5. *Cease and Desist Orders*

When the Public Services Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Public Services Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### 6. *Administrative Fines*

- A. When the Public Services Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Public Services Director may fine such User in an amount not to exceed \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements. [Note: See Chapter 62-625.500(2) (a) (5) (a) F.A.C.]. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty-one (31) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Public Services Director to reconsider the fine, along with full payment of the fine amount, within ten (10) days of being notified of the fine. Where a request has merit, the Public Services Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment together with any interest accruing thereto shall be returned to the User. The Public Services Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### 7. *Emergency Suspensions*

The Public Services Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Public Services Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Public Services Director may take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Public Services Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Public Services Director that the period of endangerment has passed, unless the termination proceedings in Section 38.11(8) of this ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Services Director prior to the date of any show cause or termination hearing under Sections 38.11(3) or 38.11(8) of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

## 8. *Termination of Discharge*

In addition to the provisions of Section 38.06(6) of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge or general permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 38.03 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 38.11(3) of this ordinance why the proposed action should not be taken. Exercise of this option by the Public Services Director shall not be a bar, or a prerequisite for, taking any other action against the User.

## **SECTION 38.12 – JUDICIAL ENFORCEMENT REMEDIES**

### 1. *Injunctive Relief*

When the Public Services Director finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Public Services Director may petition the Orange County Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge or general permit, order, or other requirement imposed by this ordinance on activities of the User. The Public Services Director may also seek other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for the injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

## 2. *Civil Penalties*

- A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of one thousand dollars (\$1,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation(s), the magnitude and duration of the violation(s), any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

## 3. *Criminal Prosecution*

- A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of one thousand dollars (\$1,000) per violation, per day, and the maximum imprisonment provided for by law.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of one thousand dollars (\$1,000), or be subject to the maximum imprisonment provided for by law, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge or general permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) per violation, per day, or the maximum imprisonment provided for by law, or both.
- D. In the event of a second conviction, a User shall be punished by a fine of not more than one thousand

dollars (\$1,000) per violation, per day, or the maximum imprisonment provided for by law.

4. ***Remedies Nonexclusive***

The remedies provided for in this ordinance are not exclusive. The Public Services Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Public Services Director may take other action against any User when the circumstances warrant. Further, the Public Services Director is empowered to take more than one enforcement action against any noncompliant User.

**SECTION 38.13 – SUPPLEMENTAL ENFORCEMENT ACTION**

1. ***Penalties for Late Reports***

All reports with specific due dates shall be considered past due eleven calendar days following the actual due date (i.e. Annual Report is due on December 31, 2012. This report will be considered late on January 10, 2013). Reports not received prior to the past due date will initiate an enforcement response of a Notice of Violation. The Enforcement Response Plan which is incorporated in this ordinance provides for escalating enforcement of violations. The Public Services Director may impose additional penalties for late reporting violations.

2. ***Performance Bonds***

The Public Services Director may decline to issue or reissue an individual wastewater discharge or general permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Public Services Director to be necessary to achieve consistent compliance.

3. ***Liability Insurance***

The Public Services Director may decline to issue or reissue an individual wastewater discharge or general permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

4. ***Payment of Outstanding Fees and Penalties***

The Public Services Director may decline to issue or reissue an individual wastewater discharge or general permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge or general permit or order issued hereunder.

5. ***Water Supply Severance***

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

6. ***Public Nuisances***



A violation of any provision of this ordinance, an individual wastewater discharge or general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Public Services Director. Any person(s) creating a public nuisance shall be subject to the provisions of the City code governing nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

## **SECTION 38.14 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **1. *Upset***

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1) An upset occurred and the User can identify the cause(s) of the upset;
  - 2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - 3) The User has submitted the following information to the Public Services Director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days.
    - a) A description of the indirect discharge and cause of noncompliance;
    - b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, or fails.

## 2. *Prohibited Discharge Standards*

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the with the general prohibitions in Section 38.03(2)(A) of this ordinance or the specific prohibitions in Section 38.03(2)(B)(5) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.
- C. The references in Section 38.14(2) refer only to specific prohibitions actually listed in the ordinance. Pursuant to 40 CFR 403.5(a) (2), the affirmative defense outlined in Section 38.14(2) cannot apply to the specific prohibitions in Sections 38.03(2), (3), and (10).

## 3. *Bypass*

- A. For the purposes of this Section,
  - 1) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
  - 2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs © and (D) of this Section.
- C. Bypass Notifications
  - 1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Public Services Director, at least ten (10) days before the date of the bypass, if possible.
  - 2) A User shall submit oral notice to the Public Services Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Public Services Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass

- 1) Bypass is prohibited, and the Public Services Director may take an enforcement action against a User for a bypass, unless
  - a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c) The User submitted notices as required under paragraph (C) of this Section.
- 2) The Public Services Director may approve an anticipated bypass, after considering its adverse effects, if the Public Services Director determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

## **SECTION 38.15 – MISCELLANEOUS PROVISIONS**

### **1. *Pretreatment Programs and Fees***

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 38.15.1B) associated with the enforcement activity taken by the Public Services Director to address Industrial User noncompliance; and
- F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by the ordinance and are separate from all other fees, fines, and penalties chargeable by the City.
- G. Wastewater Discharge or General Permit applications, including the costs of processing such applications: \$100.00.
- H. Wastewater Discharge or General Permit renewal fee: \$100.00

- I. Annual Pretreatment Inspection Fee: \$100.00
- J. Re-Inspection Fee for the purpose of noncompliance: \$100.00

2. *Severability*

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**SECTION. 38.16 – OIL AND GREASE MANAGEMENT AND SURCHARGE PROGRAMS**

1. *Purpose and Intent*

The purpose of this section is to provide for the implementation of the Oil & Grease Management Program and the Surcharge Program. The objective of the Oil & Grease Management Program is to minimize the introduction of fat-soluble wastes to the collection system. The objective of the Surcharge Program is to recover the costs from Users for receiving and treating abnormally high strength compatible wastes, such as CBOD and TSS.

2. *Oil & Grease Prevention Program*

A. *General Criteria.*

- 1) The discharge by a User to the POTW of certain liquids or wastes may be prohibited or limited by the provisions of this Ordinance.
- 2) Wastes, which contain oil and grease, may be discharged to the POTW in accordance with the conditions set forth in this Ordinance.
- 3) Wastes containing oil and grease, including materials processed through garbage grinders, shall be directed to the grease interceptor or trap.
- 4) Wastes containing residual (trace amounts) petroleum based oil and grease shall be directed to the oil/water separator.
- 5) Sanitary facilities and other similar fixtures shall not be connected or discharged to the oil and grease interceptor or the oil/water separator.
- 6) Liquid wastes shall be discharged to the oil and grease interceptor or oil/water separator through the inlet pipe only and in accordance with the design/operating specifications of the device.
- 7) Oil and grease interceptors and oil/water separators shall be installed in a location that provides easy access at all times for inspections, cleaning and proper maintenance, including pumping. Oil and grease interceptors shall not be located in or near any part of a structure where food handling is done. The Public Services Director shall approve the location of the oil and grease interceptor or oil/water separator prior to installation.
- 8) Nonresidential establishments (Users) that prepare, process or serve food or food products shall have an approved oil and grease interceptor. Nonresidential establishments that have the potential to discharge wastes containing residual petroleum based oil and grease, such as

commercial laundries, car washes and automotive related facilities, shall have an approved oil/water separator. Other Users may be required by the Public Services Director to install an approved oil and grease interceptor or an oil/water separator, as appropriate, for the proper handling of wastes containing oil and grease exceeding one hundred (100) mg/l by weight.

- 9) Other types of food manufacturing or food preparation enterprises, such as, but not limited to, commissaries, commercial kitchens and caterers shall install an oil and grease interceptor. Oil and grease interceptors shall be sized on an individual case by case basis. A control manhole or inspection box for monitoring purposes shall be required and installed at the owner/operator's sole expense, as approved by the Public Services Director.
- 10) Automotive related enterprises, commercial laundries and laundromats and other Users, which contribute wastes containing petroleum (hydrocarbon) based oils and greases shall install an oil/water separator. Oil/water separators shall be sized on an individual case by case basis using established design guidelines for the proposed facility. A control manhole or inspection box shall be installed downstream.
- 11) Oil and grease interceptors and oil/water separators shall be installed solely at the User's expense. Proper operation, maintenance and repair shall be done solely at the User's expense.
- 12) Minimum removal efficiency for oil and grease interceptors for animal fats and vegetable oils shall be eighty (80%) percent. Minimum removal efficiency for oil/water separators for trace petroleum based wastes shall be ninety (90%) percent.
- 13) The Public Services Director may request that the non-residential User provide documentation on the design and performance of the oil and grease interceptor or oil/water separator. Information to be submitted includes, but may not be limited to, catalog cuts, performance data, materials of construction, installation instructions and operation and maintenance manual.
- 14) The Public Services Director may request that the non-residential User provide documentation on the design and performance of the oil and grease interceptor or oil/water separator. Information to be submitted includes, but may not be limited to, catalog cuts, performance data, materials of construction, installation instructions and operation and maintenance manual.

B. *Design.*

- 1) Oil and grease interceptors and oil/water separators shall be designed and constructed in accordance with this Ordinance, the City's Construction Standards Manual, latest edition, and other applicable State and local regulations. Design and construction shall be approved by the Public Services Director.
- 2) The design of oil/water separators shall be based on peak flow and where applicable, capable of treating and removing emulsions. Oil/water separators shall be sized to allow efficient removal (retention) of the petroleum-based oils and grease from the User's discharge to the POTW.
- 3) Alternative oil and grease removal devices or technologies shall be subject to written approval by the Public Services Director and shall be based on demonstrated (proven) removal efficiencies. Under-the-sink oil and grease interceptors are prohibited for new

facilities.

- 4) An adequate number of inspection and monitoring points, such as a control manhole or inspection box, shall be provided.

*C. Capacity*

The capacity of the approved oil and grease interceptor and oil/water separator shall be in accordance with the requirements set forth in the latest edition of the Construction Standards Manual. The Public Services Director may modify the requirements on a case by case basis.

*D. Installation.*

1) *New Facilities.*

On or after the effective date of this Ordinance, facilities likely to discharge oil and grease, which are newly proposed or constructed, or existing facilities which shall be expanded or renovated to include a food service facility where such facilities did not previously exist, shall be required to install an approved, properly operated and maintained oil and grease interceptor or oil/water separator. Sizing calculations shall be in accordance to the formulas listed in the Florida Plumbing Code, Plumbing Section – Interceptors and Separators, and the City's Construction Standards Manual, latest edition. Oil and grease interceptors or oil/water separators shall be installed prior to the opening or reopening of said facilities.

2) *Existing Facilities.*

- a) On or after the effective date of this Ordinance, existing food service or automotive related facilities shall be required to install an approved, properly operated and maintained oil and grease interceptor or oil/water separator when any of the following conditions exist:
  - i. The facilities are found by the Public Services Director to be contributing oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the collection system.
  - ii. Remodeling of the food preparation or kitchen waste plumbing facilities that are subject to a permit that is issued by the City's Building Division.
  - iii. Remodeling of an automotive related enterprise, commercial laundry or other Users that potentially may contribute wastes with petroleum based oils and greases.
- b) The compliance date under this Subsection shall be determined by the Public Services Director.

*E. Extensions*

Any requests for extensions to the required installation dates must be made in writing to the Public Services Director, at least fifteen (15) days in advance of the compliance date. The written request shall include the reasons for the User's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays.

F. *Maintenance.*

- 1) Cleaning and maintenance shall be performed by the User. Cleaning shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids.
- 2) Decanting, backflushing or discharging of removed wastes back into the oil and grease interceptor or oil/water separator from which the waste was removed or any other oil and grease interceptor or oil/water separator, for the purpose of reducing the volume to be hauled and disposed is prohibited.
- 3) Oil and grease interceptors and oil/water separators shall be pumped out completely at a minimum frequency of once every ninety (90) days, or more frequently as needed to prevent carry-over of oil and grease into the collection system. Under-the-sink oil and grease traps shall be cleaned at a minimum frequency of once per week, or more often as necessary to prevent pass through of grease and other food solids to the collection system. Cleaning and maintenance shall include removal of materials from the tank walls, baffles, cross pipes, inlets and outlets.
- 4) Pumping frequency shall be determined by the Public Services Director based on flows, quantity of oil and grease in the discharge, volume of business, hours of operations and seasonal variations. In no case shall the pumping frequency exceed 90 days. The User shall be responsible for maintaining the oil and grease interceptor or oil/water separator in such a condition for efficient operation. An interceptor shall be considered to be out of compliance if the grease layer on top exceeds six (6) inches and the solids layer on the bottom exceeds twelve (12) inches or if removal efficiencies as determined through sampling and analysis indicate less than eighty (80%) percent.
- 5) Wastes removed from each oil and grease interceptor or oil/water separator shall be disposed of at a permitted facility to receive such wastes, in accordance with the provisions of this Ordinance. In no way shall the pumpage be returned to any private or public portion of the collection system or the treatment plant, without prior written approval from the Public Services Director.
- 6) Additives placed into the oil and grease interceptor, oil/water separator or building discharge line system on a constant, regular or scheduled basis shall be reported to the Public Services Director in writing at least five (5) days prior to use. Such additives shall include, but not be limited to, emulsifiers, enzymes, commercially available bacteria or other additives designed to absorb, purge, consume, treat or otherwise eliminate grease and oils. Any use of additives shall be approved in writing by the Public Services Director prior to introduction into the waste stream, interceptor, or separator. The use of additives in no way shall be considered as a substitution to the maintenance procedures required herein.
- 7) Flushing the oil and grease interceptor or oil/water separator with water having a temperature in excess of 140°F shall be strictly prohibited.
- 8) All maintenance of oil and grease management devices, including proper disposal, shall be performed by the User at the User's sole expense.

G. *User Identification.*

- 1) It is unlawful for any facility producing oil and grease waste to discharge into the City's collection system without authorization from the Public Services Director. Authorization shall be given in the form of an oil and grease discharge certificate. Application for a certificate shall be made to the Public Services Director. If, after examining the information contained in the oil and grease registration certificate application, it is determined by the Public Services Director that the proposed facility does not conflict with the provisions of the Ordinance, a certificate shall be issued allowing the discharge of such wastes into the collection system. Each oil and grease registration certificate shall be issued for a time not longer than five years from the date of the certificate. The User shall apply for certificate reissuance a minimum of sixty (60) days prior to the expiration of the User's existing certificate. The terms and conditions of the certificate may be subject to modification by the City during the term of the certificate as limitations or requirements as identified in this Ordinance are modified or other just causes exist. The User shall be informed of any proposed changes in the issued certificate at least sixty (60) days prior to the effective date of the change(s). Any changes or new conditions in the certificate shall include a reasonable schedule for compliance.
- 2) As a condition precedent to the granting of an oil and grease registration certificate, the recipient under this section shall agree to hold harmless the City and the City's employees from any liabilities arising from the User's operations under this certificate.
- 3) Fees for issuance and renewal of the oil and grease registration certificates shall be set by the City. The fees shall be established to insure full cost recovery, and shall include, but shall not be limited to, the cost of field, administrative, engineering and clerical expenses involved. The fees for the registration certificate shall be applied to the User's monthly water and sewer service bill and shall be paid in accordance to the terms and schedule set forth in the billing document.

H. *Administrative Procedures.*

- 1) Pumpage from oil and grease interceptors and oil/water separators shall be tracked by a manifest that confirms pumping, hauling and disposal of waste. This manifest shall contain the following information:

Generator Information:

Name

Contact Person

Address

Telephone Number

Volume Pumped

Date and Time of pumping

Name and Signature of generator verifying

Generator information

Transporter information:



Company Name

Address

Telephone Number

Volume Pumped

Date and Time of pumping

Driver Name and Signature of transporter verifying transporter information and service

Destination Information Disposal Site or Facility:

Company Name / Permit Number(s)

Contact Person(s)

Address

Telephone Number

Location of Disposal Site/Facility

Volume Treated

Date and Time of Delivery

Driver Name, Signature and Vehicle No.

Name and Signature of operator verifying disposal site/facility information

- 2) A log of pumping activities shall be maintained by the User for the previous twelve (12) months. The log of pumping activities shall be posted in a conspicuous location for immediate access by City personnel. The log shall include the date, time, volume pumped, hauler's name and license number and hauler's signature. The User shall report pumping activities within forty-eight (48) hours to the Public Services Director on the form so designated by the City for such purposes.
- 3) The User shall maintain a file on site of the records and other documents pertaining to the facility's oil and grease interceptor or oil/water separator. The file contents shall include, but is not limited to, the record (as-built) drawings, record of inspections, log of pumping activities and receipts, log of maintenance activities, hauler information, disposal information and monitoring data. The file shall be available at all times for inspection and review by the Public Services Director. Documents in the file shall be retained and preserved in accordance with Section 38.07(12) of this Ordinance.
- 4) The Public Services Director may require the User to provide, operate and maintain, at the User's expense, appropriate monitoring facilities, such as a control manhole, that are safe and accessible at all times, for observation, inspection, sample collection and flow measurement of the User's discharge to the POTW. The Public Services Director may impose additional limitations and monitoring requirements for the discharge to the POTW in accordance with the provisions set forth in this Ordinance.

I. *Enforcement.*

- 1) A Notice of Violation shall be issued to a User for failure to:

- a) Report pumping activities,
  - b) Properly maintain (clean-out or pump) the interceptor or separator in accordance with the provisions of the oil and grease discharge certificate,
  - c) Maintain and post the log of pumping activities,
  - d) Maintain a file of records on site at all times,
  - e) Provide logs, files, records or access for inspection or monitoring activities,
  - f) Obtain or renew the oil and grease discharge certificate registration, or
  - g) Pay program fees.
- 2) The Public Services Director may serve any User a written notice stating the nature of violation. The User shall have seventy-two (72) hours to complete corrective action and submit evidence of compliance to the Public Services Director.
- 3) If a User violates or continues to violate the provisions set forth in this section or fails to initiate/complete corrective action within the specified time period in response to a Notice of Violation, then the Public Services Director may pursue one or more of the following options:
- a) pump the oil and grease interceptor or oil/water separator and place the appropriate charge on the User's monthly sewer bill;
  - b) collect a sample and assess the appropriate surcharge(s) for compatible wastes in accordance with the provisions of this Ordinance;
  - c) impose an administrative penalty;
  - d) assess a reasonable fee for additional inspection, sample collection and laboratory analyses;
  - e) revoke the City occupational license;
  - f) terminate water and sewer service; or
  - g) any combination of the above enforcement actions.
- 4) Progressive enforcement action shall be pursued against Users with multiple violations of the provisions of this section including, but not limited to, termination of water service.
- 5) The User shall pay all outstanding fees, penalties and other utility charges prior to reinstatement of water and sewer service.
- 6) Any User in the Oil and Grease Management Program found in violation of the provisions in this section, and any orders, rules, regulations and permits that are issued pursuant to the Ordinance, shall be served by the City with written notice by personal delivery by an authorized City employee or by registered or certified mail that states the nature of the violation and providing a reasonable time limit for satisfactory correction of the violation. The affected User shall permanently cease all violations within the time period specified in

the notice. The enforcement remedies available to the City to achieve compliance with the requirements of the OGMP shall include those in Sections 38.11 and 38.12

J. *Permits and Fees.*

- 1) The Public Services Director shall issue a Certificate of Registration to the Users in the OGMP. The Public Services Director may require Users to complete an information questionnaire and facility visit prior to issuance of the registration certificate.
- 2) Users in the OGMP shall be assessed a program fee which shall be invoiced on the monthly City's utility billing statement. Other reasonable fees may be adopted by the City to implement and enforce the provisions of the OGMP.

3. ***Surcharge Program***

A. *General Criteria.*

- 1) Significant commercial Users, as defined in this Ordinance, shall be subject to a surcharge on discharges to the POTW.
- 2) A surcharge may be assessed for any discharge of abnormally high strength compatible wastes from any parcel or developed property. Abnormally high strength compatible wastes shall be defined as those wastes with a CBOD<sub>5</sub> or TSS concentration above three hundred (300) mg/L, an animal and vegetable based oil and grease concentration above four hundred (400) mg/L, or a petroleum hydrocarbon based oil and grease concentration above one hundred (100) mg/L. The Public Services Director may evaluate the discharge from any parcel or developed property at least once per year, or more frequently at the Public Services Director's discretion, for determination of abnormally high strength compatible wastes.
- 3) The surcharge in dollars shall be computed by multiplying the difference in the concentration in milligrams per liter (mg/l) above the defined limits for each applicable constituent times the metered potable water consumption or metered sewer flow during the billing period in millions of gallons (MG) times the respective treatment surcharge factor in dollars (\$) per pound.
- 4) The surcharge factor shall be derived each year using the following formula and shall be set forth in the schedule of fees:

Surcharge Factor = Total Annual Cost of Treatment (\$) / Total Annual Loadings Removed (lbs.)

Where:

*Total annual cost of treatment* is the total operational costs, including prorated administrative costs, for the POTW during the preceding fiscal year.

8.34 is a fixed conversion factor, in pounds per gallon (lbs/gal) used to convert the mg/L concentration to pounds (lbs). One milligram per liter is equal to one pound per one million pounds.

*A total annual loading removed* is the amount of CBOD<sub>5</sub> and TSS removed annually from the total wastewater flow for the POTW.

*Surcharge factor* is expressed in dollars per pound.

- 5) The surcharge shall be in addition to any applicable sewer charges and shall be assessed for each billing period. The surcharge shall be billed on the monthly utility billing statement to the User and shall be collected in the same manner as the other utility charges. Nonpayment or delinquency shall subject the User to the same penalties, including termination of service, as set forth for other utility services.

*B. Flow Determination*

The flow volume for determination of the surcharge shall be based on one of the following:

- 1) Metered water consumption as shown in the records of meter readings made by the Utility Billing Division;
- 2) Flow monitoring devices which measure the actual volume of wastewater discharged to the POTW and as approved by the Public Services Director;
- 3) Flow monitoring devices for other water supplies processed from other sources besides the City's potable water distribution system; or
- 4) Flow monitoring devices other than those for the City shall be provided, installed, calibrated and maintained at the User's expense and in accordance with the plans that were approved by the Public Services Director. Flow monitoring devices shall be calibrated at least annually.

*C. Constituent Concentration*

The concentration of constituents in the User's discharge to the POTW shall be determined by samples collected and analyzed by authorized City personnel. Samples shall be collected in accordance with EPA protocols or Standard Methods and in such a manner to be representative of the actual discharge to the City's collection system. Samples shall be analyzed in accordance with procedures set forth in 40 CFR 136 and Chapter 62-160, F.A.C., as may be amended from time to time. The surcharge shall be based on the determination of the constituent concentrations by the Public Services Director.

*D. Monitoring*

- 1) Samples shall be collected routinely, at least once per year, by authorized City personnel.
- 2) Samples shall be collected routinely of discharges from Users that are known to be or suspected of containing abnormal high strength compatible wastes.
- 3) Samples may be collected manually or using automatic sampling equipment. Grab samples may be taken manually. Composite samples may be retrieved with automatic sampling equipment or performed manually with aliquots of grab samples.
- 4) To the extent possible, samples will be collected to obtain a representative characterization of the User's discharge. Samples may be flow or time proportional.
- 5) Significant commercial Users shall install and maintain a monitoring facility, as approved by the Public Services Director; including, but not limited to, a control manhole and suitable automatic sampling equipment. Monitoring sites and facilities shall be accessible to

authorized City personnel at all times.

- 6) Sample analyses shall be done routinely at the City's wastewater laboratories. The Public Services Director may send the samples to a certified commercial laboratory currently under contract to the City.
- 7) The costs of sample analyses performed by the certified commercial laboratory shall be assessed directly to the User.
- 8) The User may request that the sample analyses be performed by an independent, certified commercial laboratory. The costs for such analyses shall be borne solely by the User.
- 9) The costs for sample collection and analysis (laboratory work) shall be those rates as described in the schedule of costs (fees) for the certified commercial laboratory currently under contract to the City.
- 10) Significant commercial Users may be assessed the costs for sample collection and laboratory analyses, but shall not exceed the costs for one monitoring activity per month.

*E. Permits*

The Public Services Director may require Users in the Surcharge Program to apply for an industrial User discharge permit. Users that meet the criteria for significant industrial User shall obtain an Industrial User Discharge Permit.

**SECTION 38.17 - RIGHT OF REVISION**

The City reserves the right to establish, by Ordinance or in the Industrial User Discharge Permits, more stringent standards or requirements on discharges to the POTW.

**SECTION 38.18 – EFFECTIVE DATE**

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

**Backup material for agenda item:**

1. REVISED FINAL DEVELOPMENT PLAN – Belmonte Reserve Subdivision, owned by K Hovnanian Belmonte Reserve, LLC, c/o Heather Himes, Esq., Akerman, LLP and the engineer is The Civil Design Group, Inc., c/o William C. Fogle; property located south of Lester Road and east of Stoneywood Way at North Fairway Drive. (Parcel ID No. 32-20-28-0000-00-006)



**CITY OF APOPKA  
CITY COUNCIL**

<input type="checkbox"/>	CONSENT AGENDA	MEETING OF:	May 21, 2014
<input checked="" type="checkbox"/>	PUBLIC HEARING	FROM:	Community Development
<input type="checkbox"/>	SPECIAL REPORTS	EXHIBITS:	Vicinity Map
<input type="checkbox"/>	OTHER:		Revised Final Development Plan
			Landscape Plan
			Building Elevations

**SUBJECT: BELMONTE RESERVE REVISED FINAL DEVELOPMENT PLAN**

**Request: APPROVAL OF THE BELMONTE RESERVE REVISED FINAL DEVELOPMENT PLAN; AND ISSUANCE OF THE FINAL DEVELOPMENT ORDER**

**SUMMARY:**

**OWNER:** K Hovnanian Belmont Reserve, LLC  
c/o Heather Himes, Esq., Akerman, LLP

**ENGINEER:** The Civil Design Group, Inc., c/o William C. Fogle

**LOCATION:** South of Lester Road and Northeast of Stoneywood Way and North Fairway Drive

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

**ZONING:** R-3

**EXISTING USE:** Vacant land

**PROPOSED USE:** Attached multi-family town-home development: 14 buildings/78 fee-simple ownership lots

**TRACT SIZE:** 8.27 total site acres

**DENSITY:** 9.33 du/ac

**RELATIONSHIP TO ADJACENT PROPERTIES:**

DIRECTION	LAND USE	ZONING	PRESENT USE
North (City)	Residential Low Suburban (0-3.5 du/ac)	PUD	SFR – Spring Ridge
East (City)	Residential High (0-15 du/ac)	R-3	Retention – Cambridge Commons
South (City)	Residential High (0-15 du/ac)	R-3	Townhomes
West (City)	Residential High (0-15 du/ac)	R-3	SFR – Stoneywood Subdivision

**DISTRIBUTION**

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir (2)
Commissioners (4)	HR Director	City Clerk
CAO Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

**ADDITIONAL COMMENTS:**

The Final Development Plan for BELMONTE RESERVE, which consisted of 78 townhomes units, was approved by City Council on October 4, 2006. A pre-construction meeting was convened on February 5, 2007, at which time construction began on the site. A final walk through was conducted on January 28, 2009, to review the construction activity and created a small list of items that needed to be completed in order to accept the project. This list of items was never completed and a Certificate of Acceptance was not issued. Until recently, the site remained in the same condition as noted in the January 28, 2009, final walkthrough punch list letter.

The applicant has submitted the BELMONTE RESERVE Revised Final Development Plan with the following changes: name of owner; addition of hardship criteria table and variance requests; revised parking and open space calculations; lot sizes; and changes to building footprint.

The BELMONTE RESERVE proposes to continue the development of 78 attached townhome units/lots. Each unit/lot will be sold as “fee-simple,” i.e., title goes to the resident for the lot and building unit, but the overall community (internal roads, club house, retention, etc.) is owned and governed by the Homeowner’s Association. The project is to be developed in a single phase. This proposed development will have no affiliation or involvement with the existing Greenbrook Villas town homes to the south.

**The Project Site Details Include:**

- Proposed minimum living area of 1,670 square feet (1,350 square feet required by code)
- Maximum 2-story building height.
- Of the proposed town home buildings, 4 will be designed with 4-units, the remaining buildings will contain 6-units.
- No outside storage of RV, boats, trailers, etc. will be allowed.
- A community pool and club house will be provided for the residents.

Each unit will provide 2 parking spaces for resident/guest parking. The parking for the units will be via a single car garage and one driveway space. A total of 281 parking spaces have been proposed (156 required by code). Individual golf carts will not be allowed, a condition that is self-imposed by the developer.

The project is planned as a gated community with access off Lester Road and North Fairway Drive. The entrance gates will be equipped with OPTICON devices for emergency vehicle access.

A six-foot high brick wall with columns and landscaping is already in place along Lester Road and Stonewood Way. A six-foot high ornamental metal fence with brick columns is North Fairway Drive.

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

Total inches on-site:	99
Total inches removed:	56
Total inches replaced:	446



**LANDSCAPE PLANS:** The applicant will revise the landscape plan to add cathedral oak along the interior side of the Lester Road brick wall and Stoneywood subdivision, to achieve a spacing of a canopy tree every 35 linear feet.

**SCHOOL CAPACITY REPORT:** The property is exempt from school concurrency as the infrastructure has already been substantially completed within a previously approved project.

**ORANGE COUNTY NOTIFICATION:** The County was notified at the time of the land use amendment and rezoning application for this property, and coordination occurred with County planning staff regarding impact on adjacent parcels.

**VARIANCE REQUEST:** The applicant has proposed the following variance request:

1. LDC Section 2.02.07.G.a) – Five-foot encroachment into 25 Setback. Multifamily dwelling units for front, side, corner, and rear yards shall all be a minimum of 25 feet from the property line. The applicant requests a variance for all perimeter lots to allow the encroachment of covered porches and second (2nd) floor building extensions into the 25’ setback. Buildings will meet the 25 foot setback. The City previously approved the Belmont Reserve final development plan with the buildings lot lines set back 20 feet the property line. The five foot variance previously approved by the City is being documented within the final development plan. The applicant has agreed to prohibit metal or vinyl covered patios, and to require any covered patios facing Lester Road to be constructed of materials and colors compatible with those used for the building. **Staff does not object to this variance.**
2. LDC Section 2.02.07 G(3)(a). Lot 68 was previously approved with a seven foot encroachment into the 25 foot building set back. The proposed plan revisions recognize the variance that was previously approved with the original final development plan. **Staff does not object to this variance.**
3. LDC 2.02.07G(3)(a). The pool location was previously approved at current location. The plan revisions documents the variance needed to accommodate the approved pool location. **Staff does not object to this variance.**
4. LDC 2.02.07.H.(5). The proposed dumpster enclosure is located within the required ten (10) feet wide landscape buffer yard. The applicant is requesting a variance of nine (9) feet to place the dumpster enclosure within one (1) foot of the western property line abutting Stoneywood subdivision. **Staff does not object to this variance request.**

**PUBLIC HEARING SCHEDULE:**

May 13, 2014 - Planning Commission, 5:01 p.m.

May 21, 2014 - City Council, 8:00 p.m.

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**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the BELMONTE RESERVE REVISED FINAL DEVELOPMENT PLAN, subject to approval of the four variances requests.

The **Planning Commission**, at its meeting on May 13, 2014, recommended approval (5-1) of the (1) BELMONTE RESERVE REVISED FINAL DEVELOPMENT PLAN; (2) to allow the following variance requests: (a.) Land Development Code (LDC), Section 2.02.07.G.(a) to allow a five-foot encroachment into 25 Setback for all perimeter lots to allow covered porches and second floor building extensions into the 25’ setback; (b.) LDC Section 2.02.07.G(3)(a) to allow the previously approved seven foot encroachment into the 25 foot building setback for Lot 68; and (c.) LDC 2.02.07G(3)(a) to allow the previously approved location of the pool; (3) LDC 2.02.07.H.(5) to allow the proposed dumpster enclosure to be located within the required ten (10) feet wide landscape buffer yard; and (4) the findings in the staff report.

Approve the BELMONTE RESERVE REVISED FINAL DEVELOPMENT PLAN; and to allow the following variance requests: (a.) Land Development Code (LDC), Section 2.02.07.G.(a) to allow a five-foot encroachment into 25 Setback for all perimeter lots to allow covered porches and second floor building extensions into the 25’ setback; (b.) LDC Section 2.02.07.G(3)(a) to allow the previously approved seven foot encroachment into the 25 foot building setback for Lot 68; and (c.) LDC 2.02.07G(3)(a) to allow the previously approved location of the pool; LDC 2.02.07.H.(5) to allow the proposed dumpster enclosure to be located within the required ten (10) feet wide landscape buffer yard; and issuance of 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.**

**K Hovnanian Belmont Reserve, LLC, c/o Heather Himes, Esq., Akerman, LLP**  
**The Civil Design Group, Inc., c/o William C. Fogle**  
**BELMONTE RESERVE**  
**8.27 +/- Acres**  
**14 buildings/78 fee-simple ownership lots**  
**Parcel ID #s: 32-20-28-0000-00-006**



## VICINITY MAP





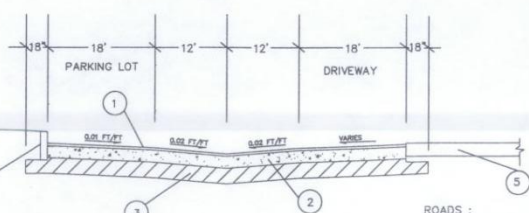
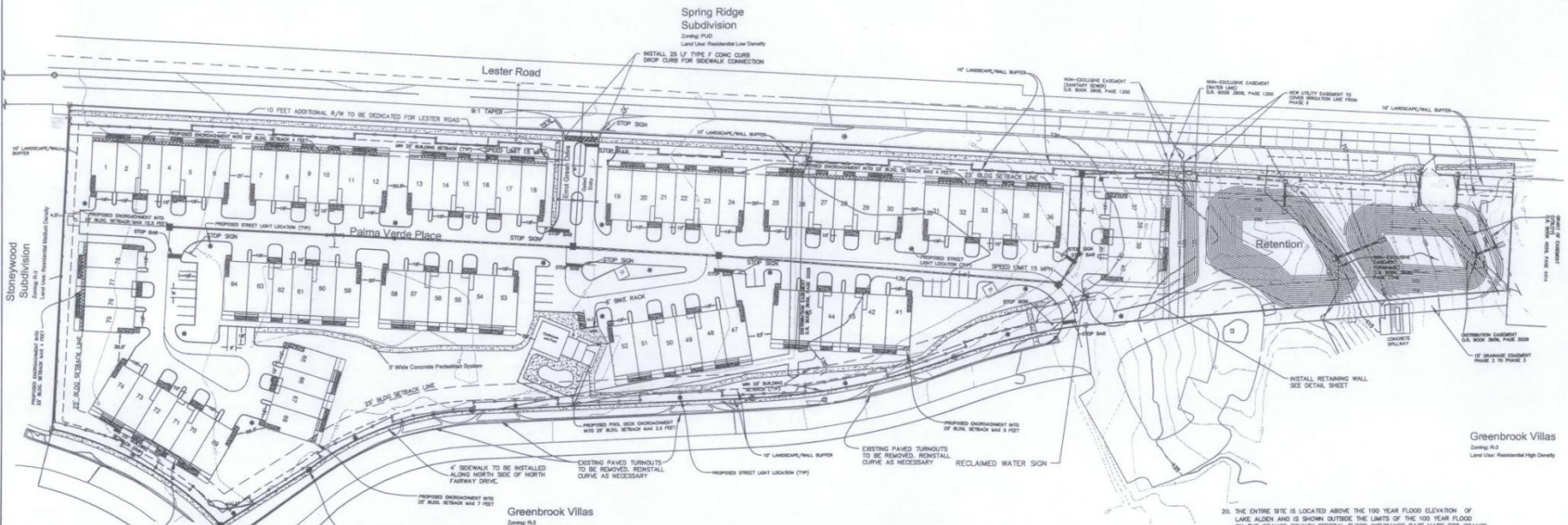
**PROPOSED DEED RESTRICTIONS:**

- HOMESOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR OPERATIONS AND MAINTENANCE OF COMMON AREAS, INTERNAL STREETS, DRAINAGE SYSTEMS, EXTERIOR WALL LIGHTING AND LANDSCAPING, AND RECLAIMED WATER IRRIGATION SYSTEMS. HOMESOWNERS ASSOCIATION WILL ASSASS EACH PROPERTY OWNER TO COVER OPERATIONS AND MAINTENANCE COSTS. HOME OWNERS ASSOCIATION WILL HAVE THE AUTHORITY TO USE PROPERTY TO COLLECT OPERATIONAL AND MAINTENANCE FEES. ALL COMMON AREAS TO BE OWNED BY HOMESOWNERS ASSOCIATION.
- NO RV'S BOATS OR TRAILERS WILL BE PERMITTED TO BE STORED ONSITE.
- NO GOLF CARTS WILL BE ALLOWED TO BE STORED ONSITE.
- ALL LOT OWNERSHIP WILL BE FEE SIMPLE FOR EACH UNIT WITH ACCESS TO THE COMMON AREAS GRANTED TO EACH UNIT.
- NO ADDITIONAL FENCES, POOLS, SPAS, SHEDS OR OTHER ACCESSORY STRUCTURES WILL BE PERMITTED WITHOUT FIRST RECEIVING APPROVAL BY THE HOMESOWNERS ASSOCIATION.
- ALL EQUIPMENT (INCLUDING ROOF TOP) AND UTILITY BOXES TO BE FULLY SCREENED
- DETAILED INFORMATION ON EXISTING CONTROL STRUCTURE AND PROJECT OUTFALLS BE INCLUDED WITH FINAL ENGINEERING PLANS.
- SEWER & POTABLE WATER SYSTEMS TO BE OWNED BY THE CITY OF APOPKA UTILITIES DEPARTMENT. UTILITY EASEMENTS ARE TO BE DEDICATED TO THE CITY OF APOPKA TO COVER ALL SEWER & POTABLE WATER SYSTEM INSTALLATIONS ON THIS SITE.

**GENERAL NOTES:**

- ALL EQUIPMENT (INCLUDING ROOF TOP) WATER MAINS, BACKFLOW PREVENTERS, AND UTILITY BOXES MUST BE FULLY SCREENED (INCLUDING BACK OF BUILDINGS)

A metal screen room or metal covered porch shall not be affixed to any dwelling. A screened room or roof of a covered porch shall have materials and colors compatible with the architecture of the dwelling.



**TYPICAL PAVEMENT SECTION**  
SCALE: 1" = 12"

- ROADS:**
- RESIDENTIAL PAVEMENT SECTION
  - ① 1" A.C.S.C. TYPE S-II (F.D.O.T.)
  - ② 1/2" LIMEROCK BASE COURSE
  - ③ 12" COMPACTED SUBGRADE TO 80% PROCTOR ASSHTD T-180.
  - ④ 6x16" CONCRETE CURB
  - ⑤ 4" GARAGE FLOOR

**SITE DATA:**

- TOTAL ACRES: 8.36 AC - PARCEL # 32-20-28-0000-00-006
- EXISTING ZONING: R-3 - FUTURE LAND USE: RESIDENTIAL HIGH DENSITY 15 DU/ACRE
- OPEN SPACE: FOR R-3 ZONING MINIMUM OPENSPACE REQUIRED IS 30%  
OPENSPACE REQUIRED = 3.31 ACRES  
OPENSPACE PROVIDED = 4.30 ACRES
- DENSITY: 9.33 DWELLING UNITS/ACRE
- INTENDED USE: TOWNHOUSE DEVELOPMENT - FEE SIMPLE OWNERSHIP
- MINIMUM LOT AREA: 1,000 S.F.
- SETBACKS:
  - FRONTIER: 25 FEET
  - BLDG. FRONT TO FRONT: 50 FEET
  - BLDG. REAR TO REAR: 50 FEET
  - BLDG. SIDE TO SIDE: 20 FEET
- MINIMUM LIVING AREA WILL BE 1670 SQUARE FEET
- MAXIMUM BUILDING HEIGHT: TWO (2) STORIES (26 FEET)
- PROJECTED SCHOOL POPULATION: 19
- POTABLE WATER AND RECLAIMED WATER TO BE PROVIDED BY CITY OF APOPKA
- SANITARY SEWER SERVICE TO BE PROVIDED BY CITY OF APOPKA
- TELEPHONE SERVICE TO BE PROVIDED BY CENTURY LINK
- ELECTRIC SERVICE TO BE PROVIDED BY DUKE ENERGY
- DETENTION POND OWNERSHIP & MAINTENANCE TO BE BY HOMESOWNERS ASSOCIATION WITH EASEMENTS DEDICATED TO THE CITY OF APOPKA.
- ON SITE VEGETATION: SITE MOSTLY CLEARED WITH PATCHES OF OAKS, PALMS, AND CHERRY TREES. SEE SURVEY FOR LOCATION OF TREES 8" AND LARGER.
- ON SITE SOILS:
  - 78 UNITS \* 5.2 TRIPS/UNIT = 406 TRIPS
  - 5 CANTLEIR FINE SAND - 0 TO 5% SLOPES
  - 5 CANTLEIR FINE SAND - 5 TO 12% SLOPES
- AVERAGE DAILY TRAFFIC:

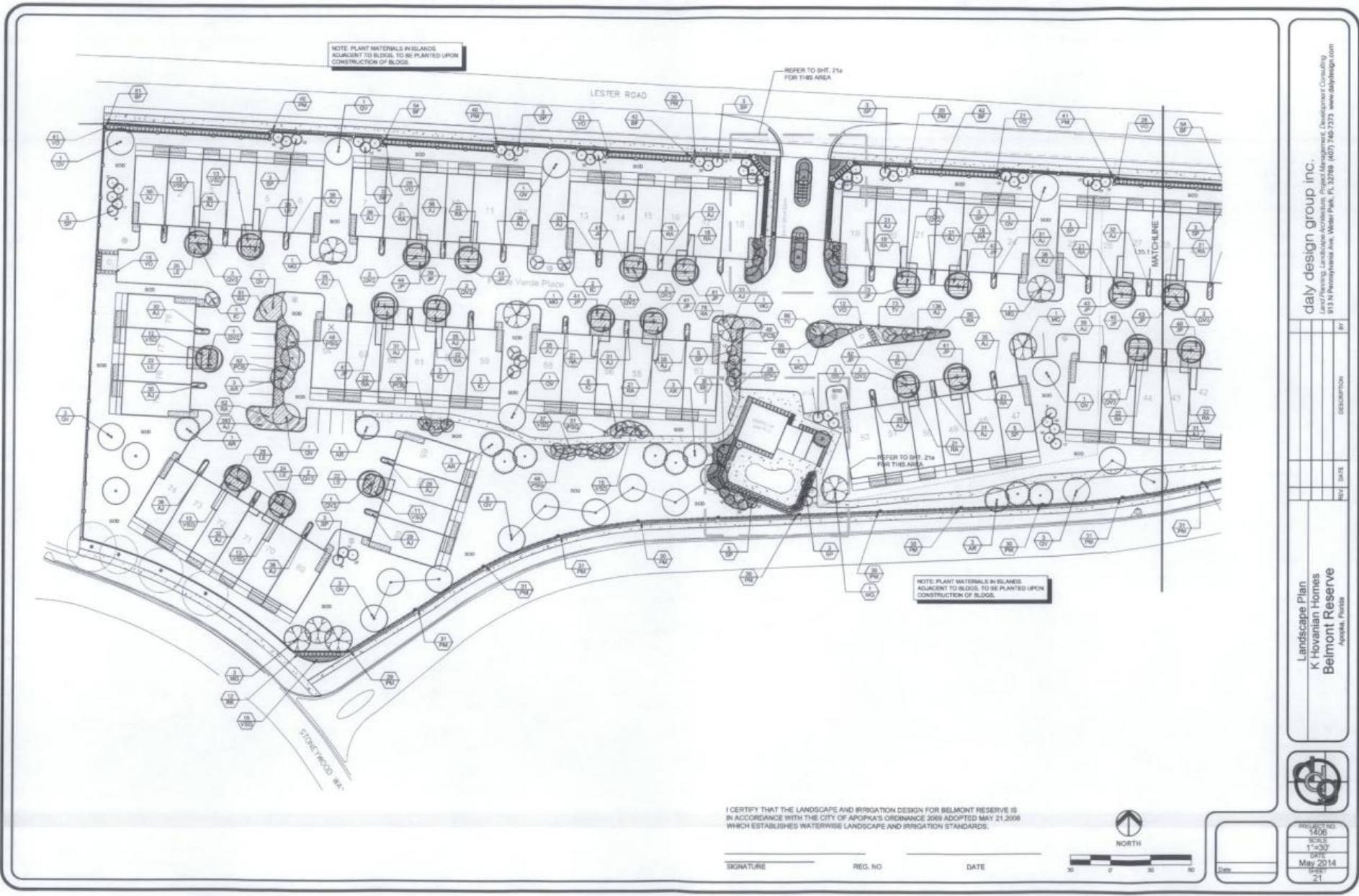
- THE ENTIRE SITE IS LOCATED ABOVE THE 100 YEAR FLOOD ELEVATION OF LAKE ALLEN AND IS SHOWN OUTSIDE THE LIMITS OF THE 100 YEAR FLOOD ON THE ORANGE COUNTY FEDERAL FLOOD INSURANCE RATE MAPS FOR ORANGE COUNTY.
- PARKING CALCULATIONS:
  - A) PARKING REQUIRED = 78 UNITS \* 2 SPACES/UNIT = 156 SPACES
  - B) TOTAL REGULAR SIZE PARKING PROVIDED = 288
  - HANDICAP SPACES PROVIDED = 1 SPACES
  - TOTAL SPACES PROVIDED = 289 SPACES
- SITE LIGHTING IS PROPOSED TO BE DESIGNED AND INSTALLED BY ENERGY EFFICIENCY.
- FIRE FLOW DETERMINATION
  - COMBUSTIBLE CONTENTS CLASSIFICATION: COMBUSTIBLE
  - SBC BUILDING TYPE: VI
  - UNDEVELOPED AREA: 600 SQ-FT
  - FIRE FLOW REQUIRED (TAKEN FROM NFPA CALCULATION TABLE) = 600 GPM
  - FIRE HYDRANT PLACEMENT AND ALLOWABLE FIRE FLOW CALCULATIONS
  - 3 HYDRANTS WITHIN 300 LF (AT 1000 GPM/HYDRANT) = 0 GPM
  - 3 HYDRANTS WITHIN 301-600 LF (AT 870 GPM/HYDRANT) = 1340 GPM
  - 0 HYDRANTS WITHIN 601-1000 LF (AT 250 GPM/HYDRANT) = 0 GPM
  - TOTAL FIRE FLOW PROVIDED = 1340 GPM EXCEEDS FIRE FLOW REQUIRED OF 600 GPM
- SEE SURVEY FOR LOCATION OF ALL TREES GREATER THAN 8" DIAMETER.
- IMPERVIOUS AREA CALCULATIONS FOR PROJECT
  - EXISTING % IMPERVIOUS = 0.0 ACRES/8.36 ACRES = 0.0 % IMPERVIOUS
  - PROPOSED % IMPERVIOUS = 3.85 ACRES/8.36 ACRES = 46 % IMPERVIOUS
- FOR LANDSCAPE AND PERIMETER WALL DESIGN SEE LANDSCAPE.
- ALL UNITS WILL BE SOLD FEE SIMPLE FOR PRIVATE OWNERSHIP WITH ACCESS GRANTED TO EACH LOT OVER COMMON AREAS.
- PARKING AND STREET LIGHTING WILL BE DESIGNED AND INSTALLED BY PROGRESS ENERGY CORP. THE DECORATIVE FUTURE (STYLE A) AND DECORATIVE POLE (1/2" SMOOTH BLACK CONCRETE POST) HAVE BEEN SELECTED TO BE USED FOR THIS PROJECT. LIGHTS ARE ALSO TO BE INSTALLED ALONG THE NORTH SIDE OF NORTH FAIRWAY DRIVE. PROPOSED STREET LIGHT LOCATIONS ARE SHOWN ON THIS SHEET.
- A 6 FOOT HIGH ALUMINUM SECURITY FENCE TO BE INSTALLED AROUND RETENTION PONDS.
- ALL ROADWAY ENTRANCE GATES TO BE EQUIPPED WITH OPT COM ACCESS FOR EMERGENCY ACCESS.

**CIVIL DESIGN GROUP**  
 ENGINEERS SURVEYORS PLANNERS  
 8889 Charles E. Lincolnton Road  
 ORLANDO, FLORIDA  
 Phone (407) 876-3988 Fax (407) 876-4276  
 www.cdg.com

**SITE PLAN**  
**BELMONTE RESERVE**  
 Florida  
 City of Apopka

DATE: 11/23/18  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO: 18-0000-00-006  
 SHEET NO: 3 OF 19



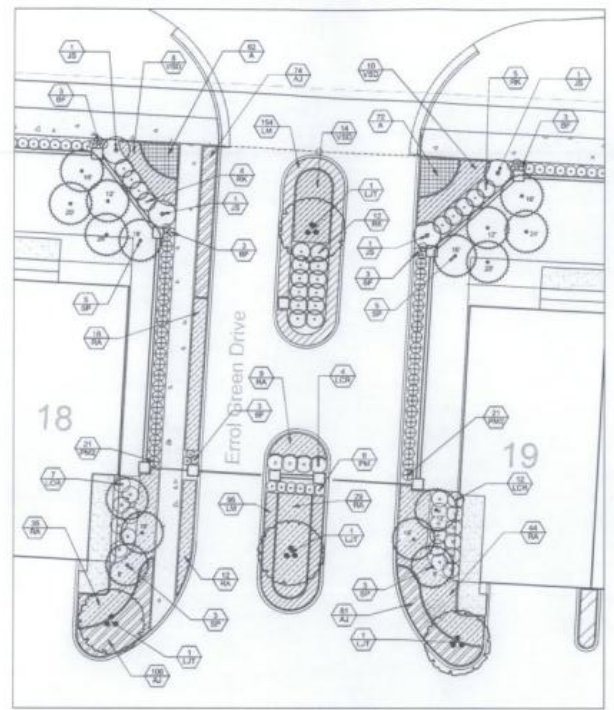
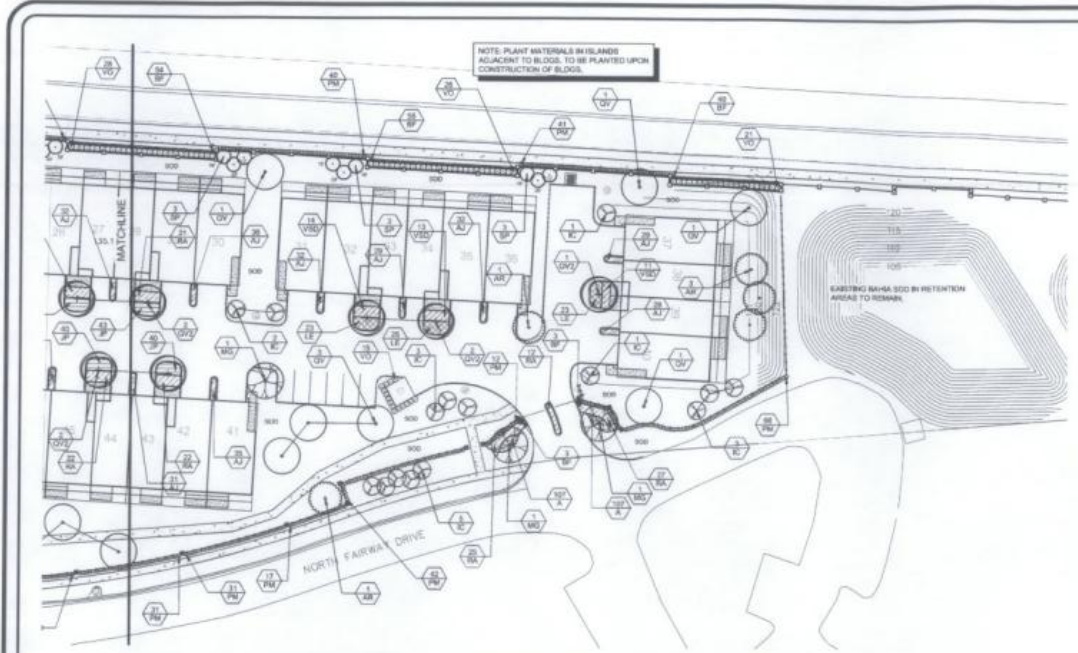


daly design group inc.  
Landscape Architecture, Project Management, Development Consulting  
813 N Pennsylvania Ave., Weller Park, FL 32789 (407) 740-7373 www.dalydesign.com

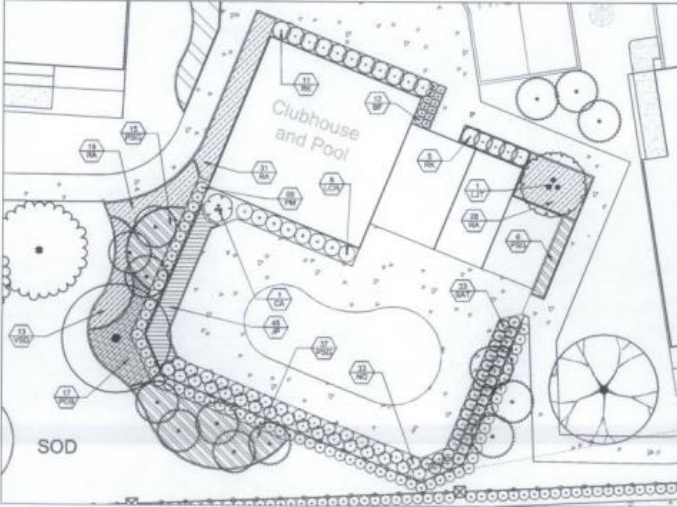
REV	DATE	DESCRIPTION	BY

Landscape Plan  
K. Hovanian Homes  
Belmont Reserve  
Apopka, Florida





ENTRY LANDSCAPE  
SCALE 1"=10'



CLUBHOUSE/POOL LANDSCAPE  
SCALE 1"=10'

I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR BELMONT RESERVE IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2008 ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ REG. NO. \_\_\_\_\_ DATE \_\_\_\_\_



daly design group inc.  
Landscape Architecture, Project Management, Development Consulting  
913 N Pennsylvania Ave., Winter Park, FL 32789 (407) 740-7212 www.dalydesign.com

REV.	DATE	DESCRIPTION	BY

Landscape Plan  
K Hovnanian Homes  
Belmont Reserve  
Apopka, Florida



PROJECT NO. 1408  
SCALE 1"=30'  
DATE May 2014  
SHEET 21b





UNIT-B                      UNIT-A                      UNIT-C                      UNIT-C                      UNIT-A                      UNIT-B

FRONT ELEVATION



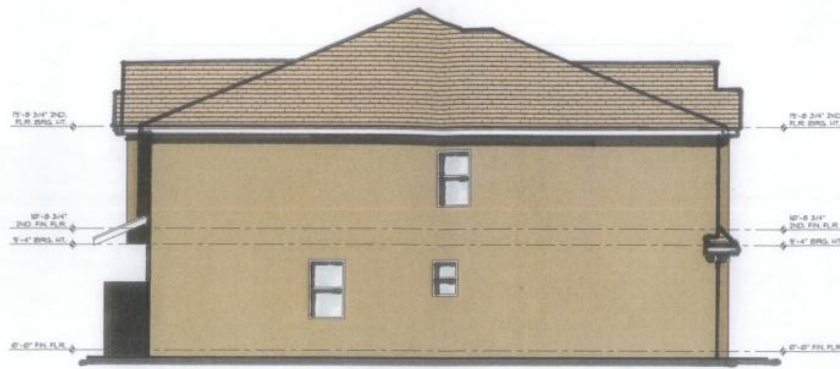
UNIT-B                      UNIT-A                      UNIT-C                      UNIT-C                      UNIT-A                      UNIT-B

REAR ELEVATION

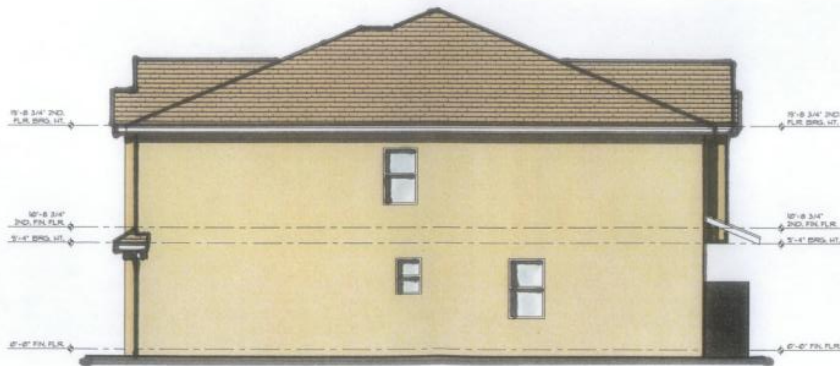
**Belmont Reserve: Multi-Family Model**

Corporate Product Development 02/28/14





LEFT ELEVATION



RIGHT ELEVATION



**Backup material for agenda item:**

2. FINAL DEVELOPMENT PLAN – Taco Bell, owned by Special K Enterprises, LLC, c/o James P. Whelan; the engineer is Cornelison Engineering & Design, Inc., c/o Craig L. Cornelison, P.E., property located at 1154 Rock Springs Road (formerly Brusters Ice Cream). (Parcel ID # 33-20-28-0000-00-117)



# CITY OF APOPKA CITY COUNCIL

PUBLIC HEARING  
 ANNEXATION  
 PLAT APPROVAL  
 OTHER:

MEETING OF: May 21, 2014  
FROM: Community Development  
EXHIBITS: Vicinity Map  
Site/Landscape Plans  
Window/Speaker Exhibit  
Building Elevations

**PROJECT: TACO BELL – 1154 ROCK SPRINGS ROAD**

**REQUEST: APPROVAL OF THE TACO BELL – 1154 ROCK SPRINGS ROAD - FINAL DEVELOPMENT PLAN AND ISSUANCE OF THE FINAL DEVELOPMENT ORDER.**

**SUMMARY:**

OWNER/APPLICANT: Special K Enterprises, LLC, c/o James P. Whelan  
ENGINEER: Cornelison Engineering & Design, Inc., c/o Craig L. Cornelison, P.E.  
LOCATION: 1154 Rock Springs Road  
(West of Rock Springs Road, north of Nancy Lee Lane)  
PARCEL ID #: 33-20-28-0000-00-117  
LAND USE: Commercial  
ZONING: C-1  
EXISTING USE: Vacant ice cream shop (formerly Bruster’s Ice Cream Shop)  
PROPOSED USE: Drive-Thru Restaurant  
TRACT SIZE: 0.76 +/- acre (33,158 sq. ft.)  
BUILDING SIZE: 2,153 sq. ft.

**DISTRIBUTION**

Mayor Kilsheimer	Finance Dir.	Public Ser. Dir (2)
Commissioners (4)	HR Director	City Clerk
CAO Richard Anderson	IT Director	Fire Chief
Community Dev. Dir.	Police Chief	

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Commercial	C-1	Warehouse
East (City)	Res. Very Low Suburban (0-2 du/ac)	R-1AAA	Vacant Land
South (City)	Commercial	C-1	Shopping Center/Bank
West (City)	Res. Low-Medium (0-10 du/ac)	A-1 (ZIP)	Single Family Residence

**ADDITIONAL COMMENTS:**

The TACO BELL – 1154 ROCK SPRINGS ROAD Final Development Plan proposes a 2,153 square foot restaurant with a drive-thru. To accommodate the new restaurant, the existing 1,366 square foot building will be demolished. Access to the site will use the same driveway access to Rock Springs Road that was used for the former Bruster’s Ice Cream.

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

**BUFFER/TREE PROGRAM:** A ten foot landscape buffer is provided along Rock Springs Road, and the landscape buffers along the north and south parcel lines follow the previous buffers approved for the Bruster’s Ice Cream store.

**PARKING AND ACCESS:** A total of 23 parking space are provided, of which two are handicapped parking space. A single driveway to Rock Springs Road uses the same access created for the former Bruster’s Ice Cream store.

**EXTERIOR ELEVATIONS:** Design of the building exterior meets the intent of the City’s Development Design Guidelines.

**SIGNAGE:** The monument sign proposed near the driveway entrance meets the City’s sign code but must be moved to three to four feet towards the interior of the parcel to accommodate the necessary line-of-sight at the driveway cross bar at Rock Springs Road. Prior to commencing site construction, the applicant’s engineer shall certify that the monument sign location meets an acceptable line-of-site distance and sight triangle.

Menu board signs shall not exceed six feet in height nor 30 square feet of sign area. The menu board signs shall be supported from the grade to the bottom of the sign having or appearing to have a solid base similar to and complementary to the development's monument sign. The design, materials, and finish of a menu board sign shall match those of the buildings on the same lot. One menu board sign is permitted per drive-thru lane or drive-in station. No other commercial or promotional signs, including snipe-type signs, shall be located along the drive-thru lanes. The Taco Bell Logo’s shown on the post supporting the clearance bar and drive –thru canopy will need to be removed. Applicant must resubmit menu board plans that are consistent with the City code.

WAIVER REQUEST: The Brewster’s Ice Cream Store was approved with the condition that operating hours were limited to 6:30 a.m. to 1:30 a.m. The drive-through service was previously not allowed to operate after 12:00 am (midnight) and open at 6:30 am. All customer service for the Brewster’s Ice Cream Store occurs through exterior service windows and did not include interior seating. As the Taco Bell proposes all interior customer seating, conditions no longer warrant a limitation on the hours of operation. Staff supports removal of the operating hour limitation. Further, a residential home existing adjacent to the subject parcel, but has been converted to an office use.

- **Staff does not object to this waiver request.**

VARIANCE REQUEST: The Brewster’s Ice Cream Store received a variance to allow a drive-through service area less than 200 feet from a residential area. Since the construction of the Brewster’s store, a residential home to the west of the subject parcel was converted to an office use. Property on the east side of Rock Springs Road is assigned a residential future land use and zoning, but is undeveloped. This residentially zoned, undeveloped property is within 200 feet of the Taco Bell site, measured property line to property line. The City previously approved the variance for the Brewster’s store. Moving the drive-through further to the west will impact the applicant’s ability to provide adequate driveway width and buffer width to the rear of the property.

- **Staff does not object to this variance request as it was previously approved for the Brewster’s Ice Cream Store.**

**PUBLIC HEARING SCHEDULE:**

May 13, 2014 - Planning Commission (5:01 pm)

May 21, 2014 - City Council (8:00 pm)

---

---

**RECOMMENDED ACTION:**

The **Development Review Committee** recommends approval of the TACO BELL – 1154 ROCK SPRINGS ROAD Final Development Plan, the waiver request for hours of operation and the variance for the drive-through distance to a residentially zoned property, subject to the findings of this staff report.

The **Planning Commission**, at its meeting on May 13, 2014, recommended approval (6-0) of the TACO BELL – 1154 ROCK SPRINGS ROAD Final Development Plan, the waiver request for hours of operation and the variance for the drive-through distance to a residentially zoned property, subject to the findings of this staff report.

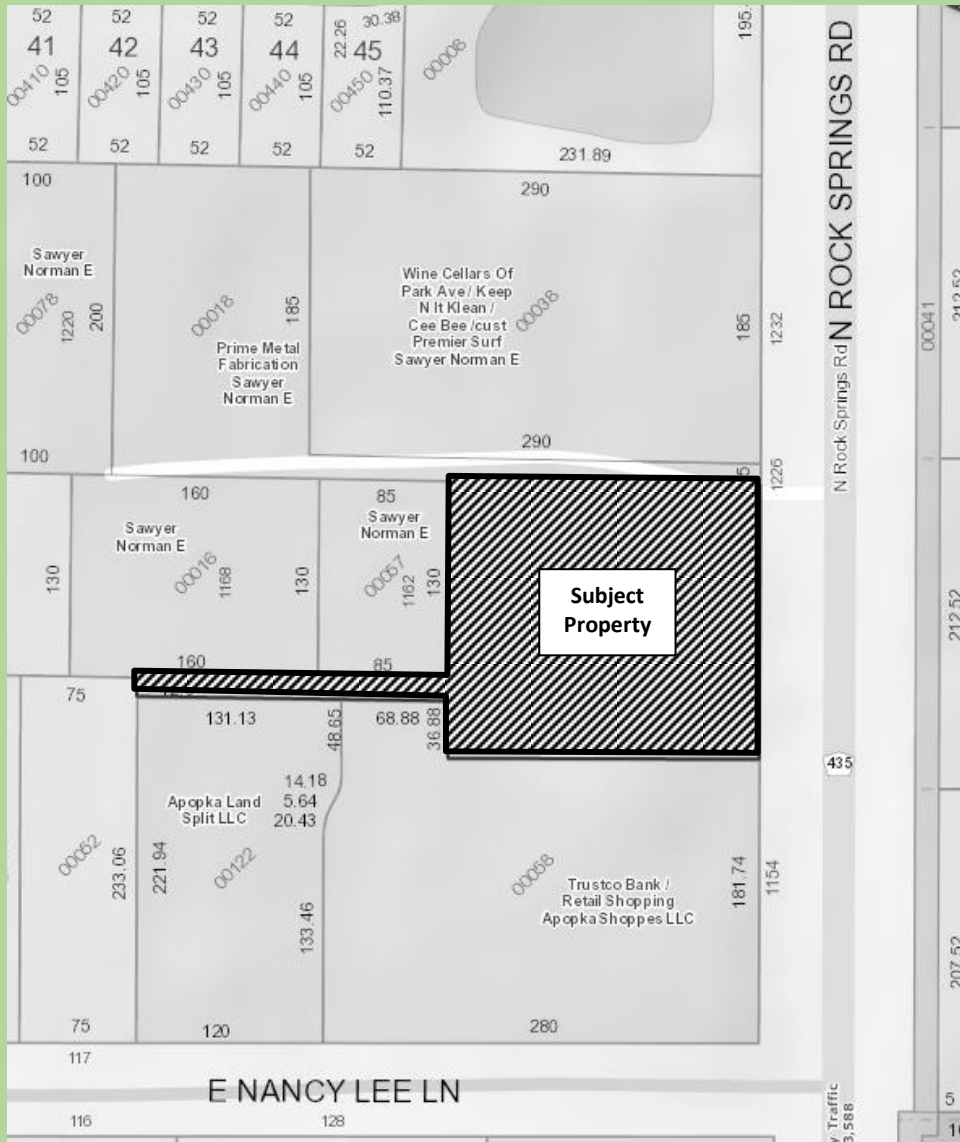
Approve the the TACO BELL – 1154 ROCK SPRINGS ROAD Final Development Plan, the waiver request for hours of operation and the variance for the drive-through distance to a residentially zoned property, subject to the findings of this staff report.

**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.**

**Application:** Final Development Plan  
**Owner:** Special K Enterprises, LLC, c/o James P. Whelan  
**Engineer:** Cornelison Engineering & Design, Inc., c/o Craig L. Cornelison, P.E.  
**Parcel I.D. No:** 33-20-28-0000-00-117  
**Location:** 1154 Rock Springs Road  
**Total Acres:** 0.87 +/- Acre



**VICINITY MAP**





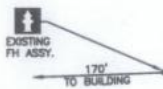
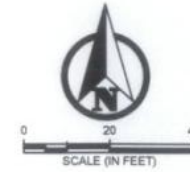
SAWYER NORMAN E  
1232 ROCK SPRINGS RD  
33-20-28-0000-00-038  
PROPERTY USE: 4800 - WAREHOUSING  
ZONING: C-3

APOKA SHOPPES LLC  
1134 ROCK SPRINGS RD  
33-20-28-0000-00-057  
PROPERTY USE: 1800 - COMMUNITY SHOPPING  
ZONING: C-1

ROCK SPRINGS ROAD  
COUNTY ROAD 435

KWUN KYUNG MIN TR  
1233 ROCK SPRINGS RD  
34-20-28-9550-00-070  
PROPERTY USE: 0001 - VACANT RESIDENTIAL  
ZONING: R-1AA

POINT OF BEGINNING  
\*ALL OF THE ABOVE ALSO BEING DESCRIBED AS FOLLOWS\*



**SITE DATA**

SITE AREA: 33,158 SF (0.76 AC)  
PARCEL I.D. NUMBER: 33-20-28-0000-00-117  
EXISTING ZONING: C1 (COMMERCIAL RETAIL)  
FUTURE LAND USE DESIGNATION: COMMERCIAL  
EXISTING USE: BRUSTERS ICE CREAM (FAST FOOD WITH DRIVE THRU)  
PROPOSED USE: FAST FOOD RESTAURANT WITH DRIVE THRU  
TOTAL BUILDING AREA: 2,153 SF (0.049 AC) - EXTERIOR FOOTPRINT INCL. COLUMNS  
MAXIMUM ALLOWED FAR: 0.25  
PROPOSED FAR: 0.065  
MAXIMUM ALLOWED BUILDING HEIGHT: 30'  
PROPOSED BUILDING HEIGHT: 23'-7-1/2" (1 STORY)  
FLOOD ZONE: X - DOES NOT LIE WITHIN A DESIGNATED FLOOD ZONE (PANEL 120950D1107) SEPT. 25, 2009)  
PROJECTED NUMBER OF EMPLOYEES: 40, 8 EMPLOYEES ON LARGEST SHIFT  
ANTICIPATED HOURS OF OPERATION: 6:30AM 1:30AM SUNDAY THROUGH THURSDAY  
6:30AM TO 4:00AM FRIDAY AND SATURDAY

PERVIOUS AREAS:  
BUILDING AREA: 2,153 SF 6.5%  
PERVIOUS AREA: 12,877 SF 38.8%  
IMPERVIOUS AREA (EXCLUDES BLDG.): 18,128 SF 54.7%  
TOTAL ACREAGE: 33,158 SF 100%

IMPERVIOUS AREA CALCULATIONS:  
EXISTING IMPERVIOUS AREA = 20,300 SF (61.2%)  
PROPOSED IMPERVIOUS AREA = 20,281 SF (61.2%)  
NET REDUCTION IN IMPERVIOUS AREA = 19 SF

REQUIRED PARKING:  
1 SPACE PER 4 SEATS + 1/75 SF OF PATRON AREA (NOT USED FOR PATRON SEATING)  
PROPOSED SEATS = 40  
PROPOSED PATRON AREA NOT USED FOR PATRON SEATING = 360 SF  
PARKING REQUIRED = 40 SEATS / 4 + 360 SF / 75 = 15  
PARKING REQUIRED = 15 SPACES

PROVIDED PARKING:  
STANDARD SPACES PROVIDED: 21 SPACES  
ACCESSIBLE SPACES PROVIDED: 2 SPACE  
TOTAL SPACES PROVIDED: 23 SPACES

REQUIRED BUILDING SETBACKS:  
FRONT: 50' FROM CENTERLINE OR 10' FROM PROPERTY LINE  
SIDE: 10'  
REAR: 10' OR 30' FROM RESIDENTIAL

REQUIRED LANDSCAPE BUFFERS:  
FRONT: 10' FROM PROPERTY LINE  
SIDE: 5' FROM PROPERTY LINE  
REAR: 10' FROM PROPERTY LINE

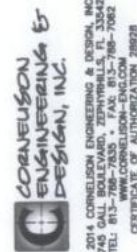
**NOTES:**

- A REGISTERED LAND SURVEYOR SHALL REPLACE SURVEY MONUMENTS OR BENCHMARKS, WHICH HAVE TO BE DISTURBED BY THIS WORK, UPON COMPLETION OF WORK.
- HANDICAP PARKING SPACES SHALL BE MARKED BY THE INTERNATIONAL HANDICAP SYMBOL AND EACH SPACE SHALL BE PROVIDED WITH A SIGN STATING "PARKING BY DISABLED PERMIT ONLY." ALL HANDICAP ACCESS POINTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE HANDICAP CODES.
- ALL CONSTRUCTION SHALL CONFORM TO THE SPECIFICATIONS AND STANDARDS OF THE CITY OF APOKA AND THE FLORIDA DEPARTMENT OF TRANSPORTATION.
- PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION OF ANY ITEM SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED ALL PLANS AND ANY OTHER DOCUMENTATION FROM ALL OF THE PERMITTING AND ANY OTHER REGULATORY AUTHORITIES.
- CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SETBACKS AND/OR EASEMENTS BEFORE BEGINNING CONSTRUCTION.
- UNLESS OTHERWISE INDICATED ON PLANS, ALL PARKING LOT DIMENSIONS ARE TO THE FACE OF THE CURB AND/OR CENTER OF STRIPING.
- ALL BUILDING DIMENSIONS ARE TO THE EXTERIOR FACE OF CMU WALL.
- EXISTING LIGHT POLES SHALL REMAIN AND BE RE-USED.
- MAINTENANCE OF TRAFFIC (MOT) SET UP MUST BE SUPERVISED BY A CERTIFIED MOT PERSON.
- AS-BUILT PLANS CERTIFIED BY A LICENSED SURVEYOR ARE REQUIRED BY CONTRACTOR AT TIME OF COMPLETION. GRADING, UTILITY, AND STORMWATER AS-BUILTS ARE REQUIRED TO THE ENGINEER IN BOTH SIGNED AND SEALED PAPER FORMAT AS WELL AS ELECTRONIC AUTOCAD FORMAT. AT A MINIMUM, THE GRADING AS-BUILTS ARE TO INCLUDE ALL CENTERLINE HIGH POINTS AND LOW POINTS, CHANGES IN GRADE, INTERSECTIONS, PAVEMENT AND SIDEWALK GRADES AT H.C. RAMP, HANDICAP PARKING SPACES AND ACCESS ASILES, HANDICAP PATHS OF TRAVEL, AND ALL GRADES AS INDICATED ON THE PLANS. GRADING AND STORMWATER AS-BUILTS SHALL INCLUDE LOCATIONS (HORIZONTAL AND VERTICAL) OF ALL APPURTENANCES, INCLUDING, BUT NOT LIMITED TO PIPES, MANHOLES, VALVES, ETC.
- ALL PROPOSED SIDEWALKS & HANDICAP RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE HANDICAP CODE. CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER OF ANY DEVIATIONS.
- SIGNAGE SHALL BE SUBMITTED AND PERMITTED SEPARATELY.
- NO OBSTRUCTION SHALL BE PLACED WITHIN ANY SIGHT DISTANCE TRIANGLE.
- FOR ALL ONSITE RAMPS (OUTSIDE FOOT RIGHT OF WAY) REFERENCED PER FOOT INDEX 304, DETECTABLE WARNING (TRUNCATED DOMES) ARE NOT REQUIRED PER ADA GUIDELINES AND THE FLORIDA ACCESSIBILITY CODE.
- ALL DISTURBED AREAS IN FOOT RIGHT-OF-WAY SHALL BE SOODED.

**LEGEND**

- LANDSCAPE BUFFER
- BUILDING SETBACK
- PROPERTY LINE
- LOT LINE
- SCREEN WALL
- CONCRETE
- PROPOSED ASPHALT
- 1" ASPHALT OVERLAY
- ASPHALT OVERLAY - DEPTH VARIES
- INDICATES DIRECTION OF TRAFFIC FLOW (FOR INFORMATION ONLY)
- INDICATES NUMBER OF PARKING SPACES IN ROW

REVISED D/T LANE, PARKING, AND DUMPSTER



12144.120

3/27/14	PER CITY COMMENTS
4/14/14	PER CITY COMMENTS

CONTRACT DATE:	01.30.2014
BUILDING TYPE:	MED-40 18-cmu
PLAN VERSION:	DEC 13-A
SITE NUMBER:	310105
ENTITY NUMBER:	423662

TACO BELL  
1134 ROCK SPRINGS ROAD  
APOKA, FLORIDA 32712

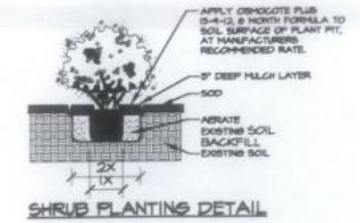
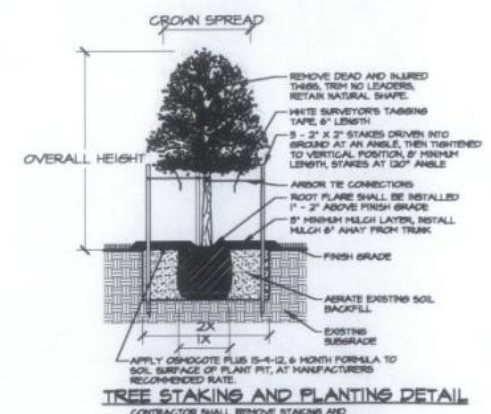
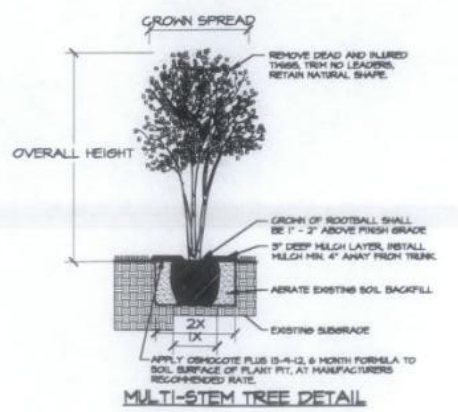
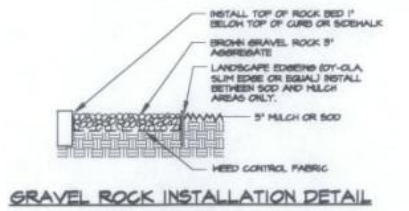
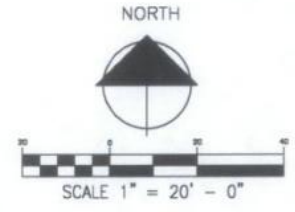
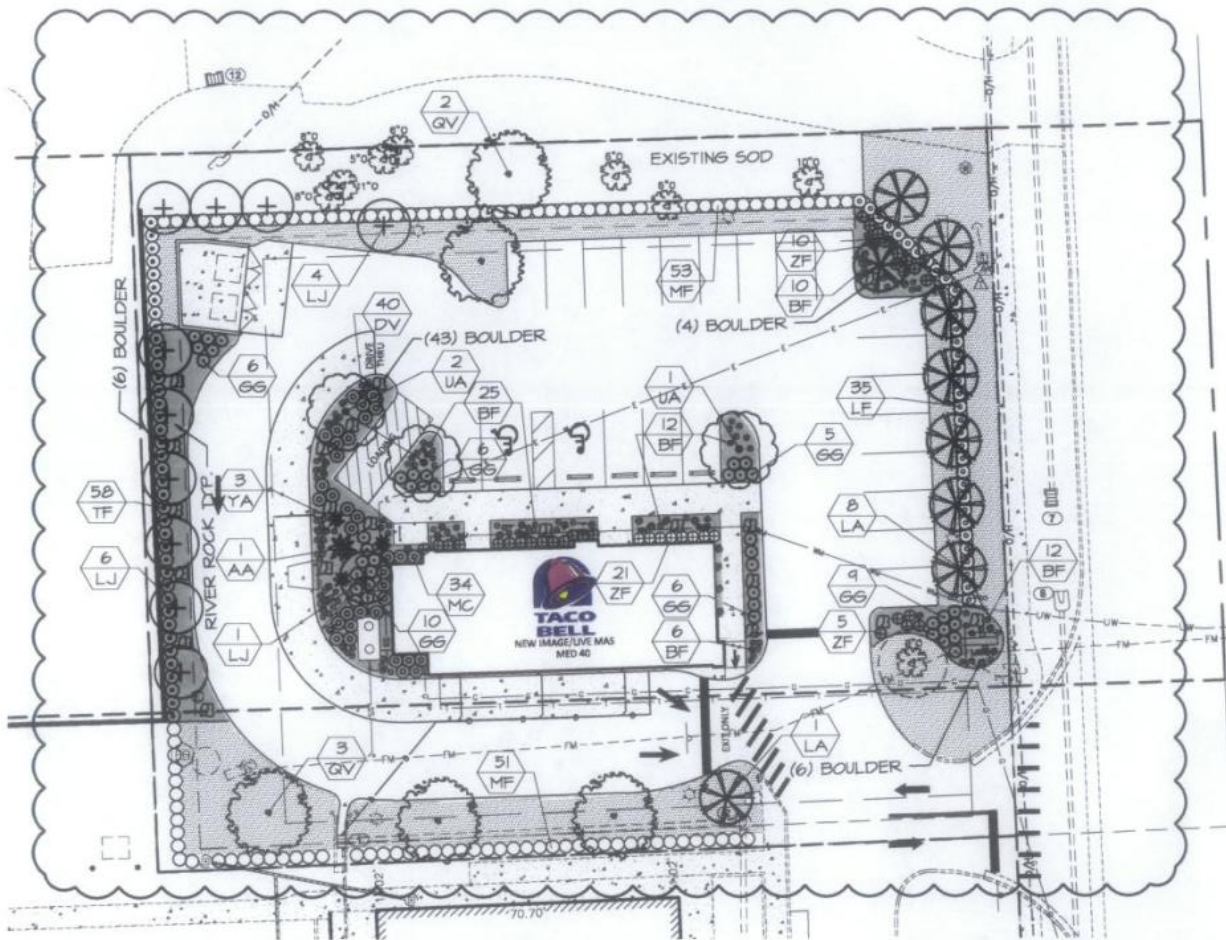


SITE PLAN

C04  
OF 10

PLOT DATE: 4-17-14





**PLANT MATERIAL LIST**

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	SPACINGS
QV	5	QUERCUS VIRGINIANA 'SOLN PP1205'	CATHEDRAL LIVE OAK	16' HT X 7' SPD, 4" DBH, RPS	AS SHOWN
UA	3	ULMUS ALATA	WINGED ELM	14' HT X 7' SPD, 3" DBH, RPS	AS SHOWN
LA	4	LAGERSTROEMIA INDICA	GRAPE MYRTLE 'YUKOSKEE'	10' HT X 5' SPD, MULTI-TRUNK, 3 STEMS @ 1" GALIPER EACH STEM, 45 GALLON	AS SHOWN
LJ	11	LIGUSTRUM JAPONICA	TREE-FORM LIGUSTRUM	10' HT X 5' SPD, MULTI-TRUNK, 3 STEMS @ 1" GALIPER EACH STEM, 45 GALLON	AS SHOWN
AA	1	AGAVE AMERICANA 'MARGINATA'	VAR. CENTURY PLANT	36" HT X 36" SPD, 7 GALLON	AS SHOWN
YA	3	YUCCA ALOIFOLIA	SPANISH BAYONET	36" HT X 36" SPD, 7 GALLON	AS SHOWN
GG	42	GALPHIMIA BRACILIS	THYRALLIS	36" HT X 30" SPD, 7 GALLON	AS SHOWN
ZF	36	ZAMIA FLORIDANUM	COONTIE	18" HT X 18" SPD, 7 GALLON	AS SHOWN
LF	35	LEUCOPHYLLUM FRUTESCENS	TEXAS SAGE	36" HT X 36" SPD, 7 GALLON	36" OC
MC	34	MAHLENBERGIA CAPILLARIS	MANLY GRASS	24" HT X 24" SPD, 3 GALLON	36" OC
TF	50	TRIPSACUM DACTYLOIDES	FAKANHATCHEE GRASS	24" HT X 24" SPD, 3 GALLON	36" OC
MF	104	MYRCIANTHES FRAGRANS	SIMPSON'S STOPPER	24" HT X 24" SPD, 3 GALLON	36" OC
BF	65	BULBINE FRUTESCENS	DESERT CANDLES	8" HT X 8" SPD, 1 GALLON	AS SHOWN
DV	40	DIETES VEGETA	WHITE AFRICAN IRIS	10" HT X 10" SPD, 1 GALLON	AS SHOWN
	54	RED GRANITE BOULDER		DESERT SAND COLOR, 12" - 36"	AS SHOWN
	3,000 SF	BROWN RIVER ROCK		3" AGGREGATE GRAVEL	AS SHOWN

NOTE: ALL PROPOSED TREES ARE MEASURED AT 54" ABOVE THE SOIL.

**LANDSCAPE INSTALLATION NOTES**

- 1) ALL PLANT MATERIALS SHALL BE FLORIDA #1 OR BETTER AS GIVEN IN GRADES AND STANDARDS FOR NURSERY PLANTS, FEBRUARY 1998 EDITION, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
- 2) LOCATION OF PLANTS ON THE PLAN ARE DIAGRAMMATIC- SEE THE LANDSCAPE ARCHITECT FOR QUESTIONS ON EXACT LOCATIONS. THE PLANT MATERIALS LIST IS PROVIDED FOR THE CONVENIENCE OF THE LANDSCAPE CONTRACTOR. SHOULD THERE BE ANY DISCREPANCY BETWEEN THE PLANT LIST AND THE PLAN, THE PLAN SHALL PREVAIL.
- 3) IT IS THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT ALL PLANT BED AREAS HAVE PROPER DRAINAGE FOR OPTIMUM GROWTH OF LANDSCAPE MATERIAL BEFORE INSTALLATION BEGINS.
- 4) THE CONTRACTOR SHALL INSURE THAT ALL PLANTING ISLANDS AND OTHER AREAS SHALL BE CLEAN OF TRASH, CONSTRUCTION DEBRIS, OR OTHER WASTE MATERIALS TO A DEPTH OF 24" PRIOR TO LANDSCAPE INSTALLATION.
- 5) ALL PLANT BEDS AND TREE RINGS SHALL BE TREATED WITH A PRE-EMERGENT HERBICIDE AND THEN TOP-DRESSED WITH 3" DEEP FLORI MULCH OR BROWN RIVER ROCK AS SHOWN. ALL NEW TREES SHALL HAVE A TREE RING WITH A MINIMUM OF 24' RADIUS, ALL NEW TREES AND SHALL BE STAKED.
- 6) NEW SOD SHALL BE ARGENTINE BAHIA SOD : 6,000 SF IN THE LOCATIONS SHOWN ON THE PLAN. CONTRACTOR SHALL DETERMINE EXACT QUANTITIES IN THE FIELD. SOD AREAS SHALL BE MAINTAINED BY THE CONTRACTOR FROM THE TIME OF INSTALLATION TO THE TIME OF FINAL ACCEPTANCE.
- 7) TREES SHRUBS, AND GROUND COVER SHALL BE INSTALLED USING THE FOLLOWING PROCEDURE: PLANT PITS SHALL BE EXCAVATED TO TWICE THE DIAMETER OF THE PLANT ROOT BALL. AERATE EXISTING SOIL BEFORE BACKFILLING PIT. ADD AGRIFORM FERTILIZER TABLETS TO EACH PLANT PIT, AS PER THE SPECIFICATIONS.
- 8) TREE INSTALLATION: ALL REQUIRED TREES SHALL BE INSTALLED 1" - 2" ABOVE FINISH GRADE. TREES INSTALLED OR BURIED TOO DEEP SHALL BE RESET TO THIS STANDARD. REMOVE THE TOP 1/3 OF THE WIRE BASKETS ON ALL B & B STOCK.

**LANDSCAPE REQUIREMENTS**

**MINIMUM TREE REQUIREMENT**  
 1 TREES PER 8,000 SF OF SITE  
 33,143 / 8,000 = 4 TREES

**FOUNDATION REQUIREMENT**  
 850 SF PROVIDED

**INTERIOR REQUIREMENT**  
 1 TREE PER 10 PARKING SPACES  
 5 - 1 EXISTING TREES = 4 TREES REQUIRED  
 4 TREES PROVIDED

**PERIMETER REQUIREMENTS**  
 WEST - CONTINUOUS HEDGE 36" OC, 24" HT.  
 140 LF/30 = 5 TREES  
 6 TREES PROVIDED

**NORTH - CONTINUOUS HEDGE 36" OC, 24" HT.**  
 160 LF/30 = 5 TREES - 0 EXISTING = 0 TREES

**EAST - CONTINUOUS HEDGE 36" OC, 24" HT.**  
 122 LF/30 = 4 TREES  
 1 TREES PROVIDED

**SOUTH - CONTINUOUS HEDGE 36" OC, 24" HT.**  
 120 LF/30 = 4 TREES  
 4 TREES PROVIDED

**TOTAL TREES REQUIRED = 17 @ 3" GALIPER = 51 INCHES**

**PROPOSED TREES**

5 LIVE OAK, 4" DBH = 20"  
 3 WINGED ELM, 3" DBH = 9"  
 9 GRAPE MYRTLE, 3" GALIPER = 27"  
 11 LIGUSTRUM, 3" GALIPER = 33"  
 28 TREES, 84 INCHES PROVIDED  
 84" - 51" = 36" TOWARD TREE REPLACEMENT INCHES.

**TREE MITIGATION**

**REPLACEMENT TREES**  
 8" OAK + 8" OAK + 6" OAK + 6" OAK + 6" OAK =  
 34 REPLACEMENT INCHES REQUIRED.  
 36 INCHES PROVIDED

**SYMBOL LEGEND**



**LANDSCAPE AND IRRIGATION DESIGN**

I CERTIFY THAT THE LANDSCAPE AND IRRIGATION DESIGN FOR THIS PROJECT IS IN ACCORDANCE WITH THE CITY OF APOPKA'S ORDINANCE 2069A ADOPTED MAY 21, 2008 WHICH ESTABLISHES WATERWISE LANDSCAPE AND IRRIGATION STANDARDS.

SIGNATURE \_\_\_\_\_ REG. NO. \_\_\_\_\_ DATE \_\_\_\_\_



**ANDERSON LESNIAK LIMITED, INC.**  
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 4921 S. WESTSHORE BOULEVARD  
 TAMPA, FLORIDA 33611  
 (813) 831-9900 FAX (813) 831-5485  
 www.andersonlesniak.com  
 anderson@andersonlesniak.com

△	PER CITY COMMENTS 3/28/14
△	PER CITY COMMENTS 4/07/14
△	PER CITY COMMENTS 4/14/14
△	
△	
△	
△	
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△	
△	

CONTRACT DATE: 01.30.2014  
 BUILDING TYPE: MED-40 Ni cnu  
 PLAN VERSION: DEC 13-A  
 SITE NUMBER: 310105  
 ENTITY NUMBER: 423662

**TACO BELL**  
 1154 ROCK SPRINGS ROAD  
 APOPKA, FLORIDA 32712

**LANDSCAPE PLAN**

L. ALYSON LUTTER  
 PLA

NO. LA 0001183

PLAT DATE: 4-14-14







RECEIVED  
MAR 28 2014  
By



**RIGHT SIDE ELEVATION** 1/4" = 1'-0" **A**

QTY	ITEM DESCRIPTION	ELEC
1	TACO BELL DRIVE THRU CANOPY	X
1	SLAT WALL AND ALUMINUM VALANCE	

**E.I.F.S. THICKNESS** N.T.S. **B**

QTY	ITEM DESCRIPTION	ELEC
3	TACO BELL LETTERS 12" HIGH WHITE FLAT FACED	X
1	TACO BELL SIGN 4'-10 1/2" W x 4'-4 1/4" H	X
	LED LAMPING	

**SIGN SCHEDULE** N.T.S. **C**

- 11 GAS SERVICE.
- 12 WALL SHALL BE FINISHED PRIOR TO INSTALLATION OF SWITCHGEAR.
- 13 SCUPPER, COLLECTOR AND VERTICAL DOWNPOLIT IF N/A. PAINT TO MATCH ADJACENT WALL.
- 14 OVERFLOW SCUPPER.
- 15 RTU BEYOND; PAINT TO MATCH MAIN BUILDING COLOR.
- 16 BREAK METAL COVER OVER WOOD STUDS TO MATCH STOREFRONT. SEE 3 & 7/16.1.
- 17 HIGH IMPACT E.I.F.S. WHERE SHOWN ON ELEVATIONS. SEE 2/2.2.
- 18 ALUMINUM SLAT WALL BY VENDOR.
- 19 BOLLARD.
- 20 DUROLAST SINGLE MEMBRANE ROOFING OR EQUAL.
- 21 IF THE DURLO LAST PARAPET CAP TRIM IS USED IT SHALL NOT BE PAINTED. RETURN ALUMINUM LOUVERS BACK TO FACE OF BUILDING.
- 22
- 23
- 24
- 25
- 26

12144.120

CONTRACT DATE: 03.20.13  
BUILDING TYPE: LIVE MAS MED 40  
PLAN VERSION: March 2013  
SITE NUMBER: 310108  
PROJECT NUMBER: 425982

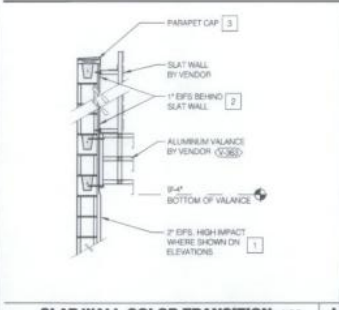
TACO BELL  
1104 ROCK SPRING RD.  
APOKA, FL



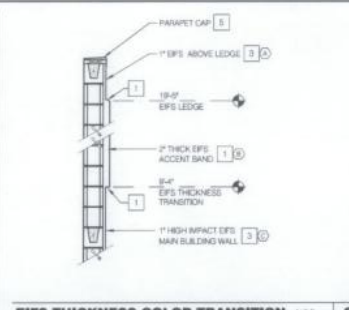
**EXTERIOR ELEVATIONS**

**A4.0**

PLOT DATE:



**SLAT WALL COLOR TRANSITION** N.T.S. **I**



**EIFS THICKNESS COLOR TRANSITION** N.T.S. **G**

**MISCELLANEOUS**  
A. SEE SHY AT 1 WINDOW TYPES FOR WINDOW ELEVATIONS.  
B. SEE SCOPE OF WORK FOR RESPONSIBILITIES.  
C. HIGH IMPACT MESH SHALL BE USED WHERE NOTED.  
D. THE PAINT COLORS SHOWN ARE COLOR REFERENCES FOR THE E.I.F.S. SUPPLIER.  
E. E.I.F.S. TEXTURE SHALL BE FINE.

**SEALERS: REFER TO SPEC:**  
A. SEALANT AT ALL WALL AND ROOF PENETRATIONS.  
B. SEALANT AT ALL WINDOW AND DOOR FRAMES AT HEAD AND JAMB. DO NOT SEAL SILL & WINDOW.  
C. APPLY NEOPRENE GASKET (JOINT) BETWEEN BUILDING & CANOPY/TRELIS.

**LEGEND:**  
A. VENDOR SCOPE INCLUDES SUPPLY AND INSTALLATION OF AWARDS, CANOPIES, AND SIGNAGE.  
B. DENOTES 2" THICK EIFS.

**VERTICAL DIMENSIONS:**  
A. REQUEST CLEAR OPENING WIDTH TO ENSURE COORDINATION WITH STANDARD SIGNAGE/ BUILDING ELEMENTS DIMENSIONS.

**GENERAL NOTES** **F**

**CANOPY AND BLDG. ACCENT SCHED.** N.T.S. **E**

QTY	ITEM DESCRIPTION	ELEC
1	TACO BELL DRIVE THRU CANOPY	X
1	SLAT WALL AND ALUMINUM VALANCE	

\* REQUIRES ELECTRICAL CONNECTION. SEE ELECTRICAL PLANS.

**CANOPY AND BLDG. ACCENT SCHED.** N.T.S. **E**

SYMBOL	AREA	MANUFACTURER	COLOR	ALTERNATE MFR.	ALTERNATE COLOR	CONTACT INFORMATION
1	MAIN BUILDING COLOR	SHERWIN WILLIAMS	SW 6122 "CAMEL BACK"	LOTUSAN	NABK-0011	SHERWIN WILLIAMS: BRAD HARRINGTON, 215-341-5558 (PHONE), BRAD.HARRINGTON@SHERWIN.COM
2	WALL COLOR BEHIND SCREEN WALL	SHERWIN WILLIAMS	SW 4831 "CLIMATE"			
3	ACCENT COLOR	SHERWIN WILLIAMS	SW 2652 "ROCKWOOD CLAY"	LOTUSAN	NABK-0015	EIFS CONTACT: STED CORP; TIM SAUERHO, 800-626-2758 (PHONE), 321-476-0247 (FAX), TJSAUERHO@STEDCORP.COM. OWNER REPRESENTATIVE WILL IDENTIFY IF LOTUSAN PAINT WILL BE USED.
4	SLAT WALL AND VALANCE COLOR	VENDOR	SW 7534 "STATUS BRONZE" (EQUAL)			
5	PARAPET CAP COLOR	DUROLAST	MEDIUM BRONZE (FACTORY FINISH)	SHERWIN WILLIAMS	SW 7096 "IRON GRE"	DURLOAST: LEE COBB, 800-434-3876 (PHONE)
6	STONE WALL	BORAL - VERSA STONE	"DUST CUT - PLUM CREEK"	OWENS CORNING	VERNETTA STONE WALL: GENE GUEZDOR, 262-915-4373 (PHONE)	ALTERNATE: OWENS CORNING, KATHY MANNON, 888-315-5881 (PHONE), KATHY.MANNON@OWENSCORNING.COM
7	STOREFRONT WINDOWS	TBD	"DARK BRONZE"			
8	PIPE BOLLARDS	STREET SMART	"YELLOW - 1/2\"/>			
9	PARAPET BACK ROOFING	DUROLAST	"THE COLOR SHALL BE FACTORY COLORED TRIM" EQUAL ALTERNATE ALLOWED.			DURLOAST: LEE COBB, 800-434-3876 (PHONE)

**EXTERIOR FINISH SCHEDULE** **H**

**KEY NOTES** **D**



RIGHT SIDE ELEVATION 1/4" = 1'-0" A



FRONT ELEVATION 1/4" = 1'-0" C



REAR ELEVATION 1/4" = 1'-0" B



12144.120

CONTRACT DATE: 06.06.09  
 BUILDING TYPE: LIVE MAS MED #0  
 PLAN VERSION: March 2013  
 SITE NUMBER: 310106  
 STORE NUMBER: 429667

TACO BELL  
 115A ROCK SPRINGS RD.  
 APOPKA, FL



EXTERIOR ELEVATIONS

A4.1

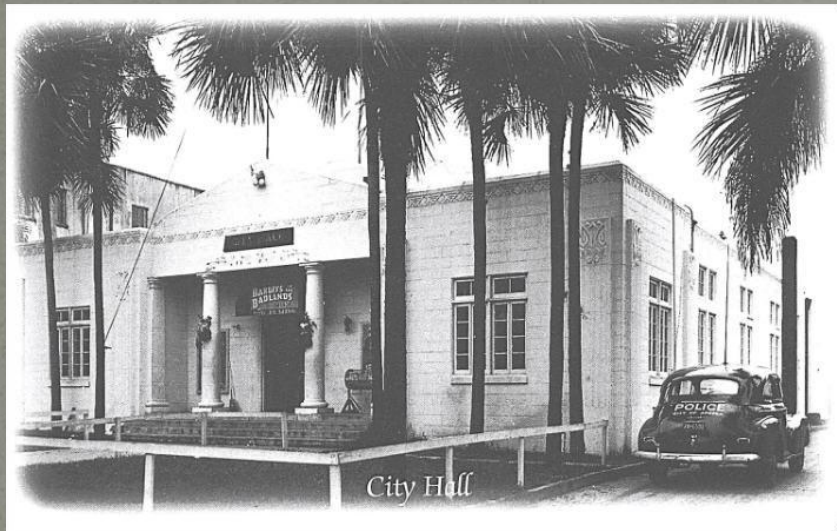
PLOT DATE:

**Backup material for agenda item:**

1. Administrative Report - Richard D. Anderson - City Administrator

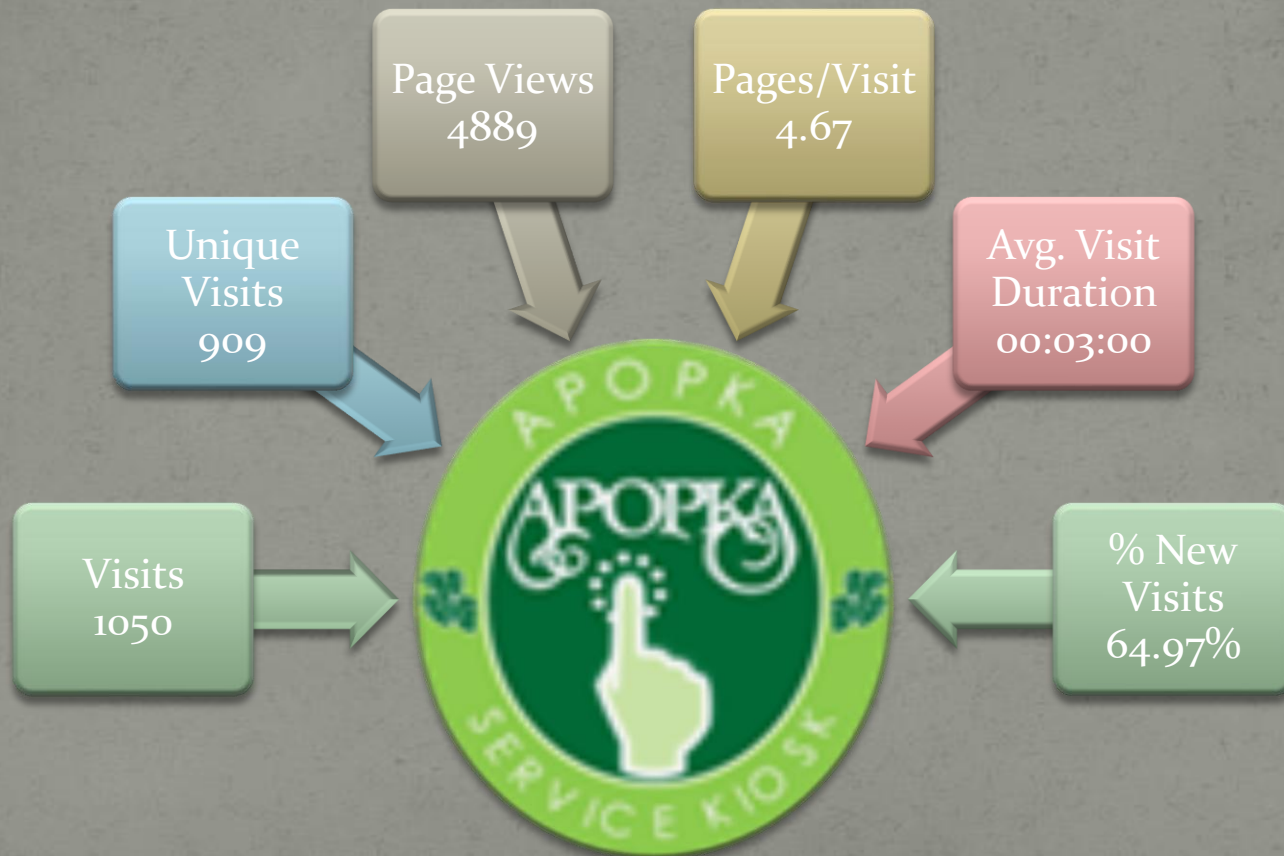


# Administrative Report



Presented To: Mayor and City Council  
Presented By: Richard Anderson, City Administrator  
May 21, 2014

# A.S.K. Apopka Service Kiosk November 2013 – April 2014





# Information Technology

January - April

## Homepage Visits



## Building Webpage Visits



# Finance

## January - April

### Sewer Impact



### Water Impact



### Transportation Impact



### School Impact





# Finance

## January - April

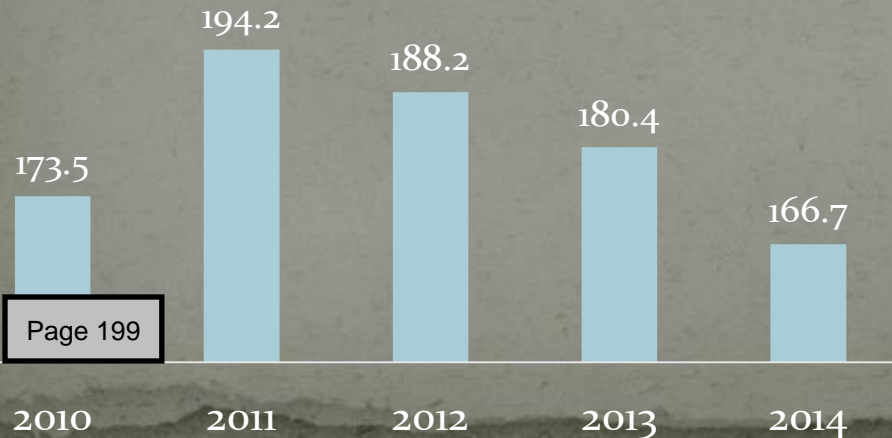
### Reuse Impact



### Recreation Impact



### Average Potable Water Billed



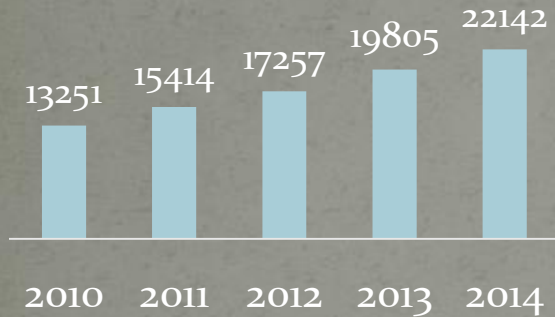
### New Potable Meters Set



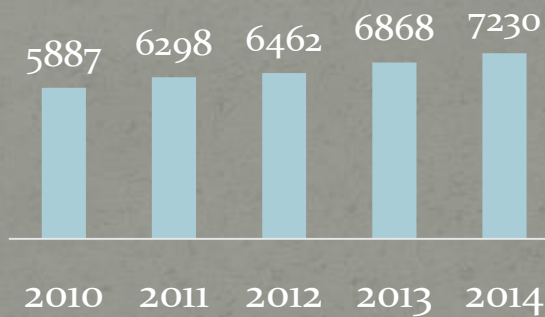
# Finance - Utility Billing

## January - April

### Web



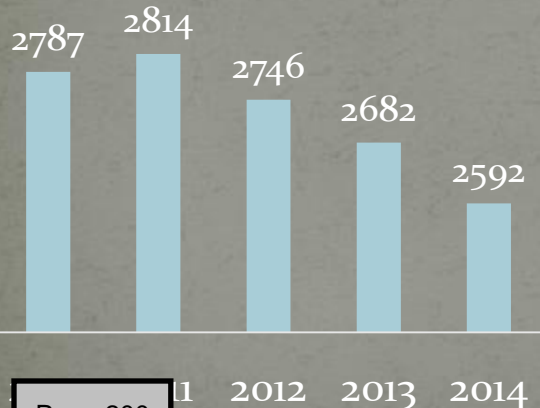
### Office Window



### Mailed



### Drop Box



### ACH



### Drive-Up Window



# Community Development

January - April

## Arbor Permits



## Arbor Revenues



## Tree Bank Revenues

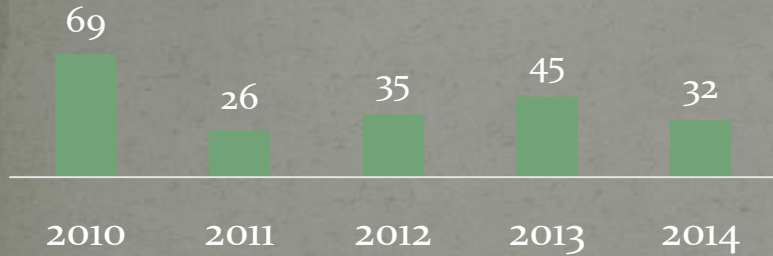




# Community Development - Building

## January - April

### Automated Phone System Requests



### Internet Inspection Requests



### Office Inspection Requests



# Community Development - Building

## January - April

### Permits Issued



### Value of Construction



### Certificates of Occupancy Issued



### Inspections Performed



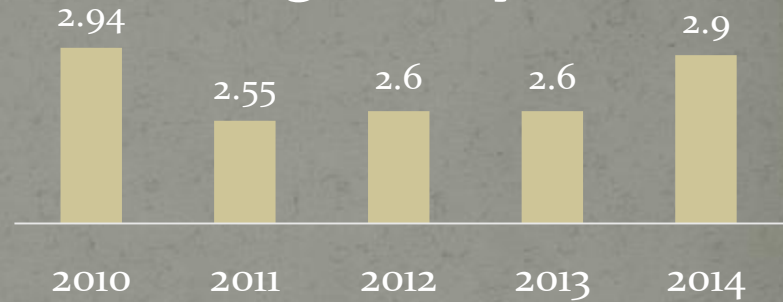
# Public Services – Water Plants

January - April

## Water Plant – Average Daily Flow



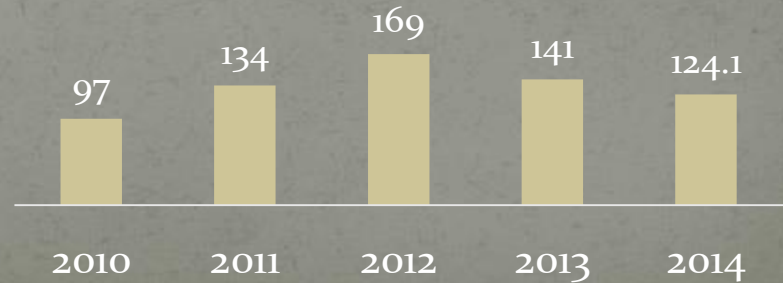
## Wastewater Plant Average Daily Flow



## Reclaimed Gallons Produced



## Reclaimed Gallons Used





# Public Services - Sanitation

January - April

## Residential Customers

## Commercial Customers



## Recycling Customers

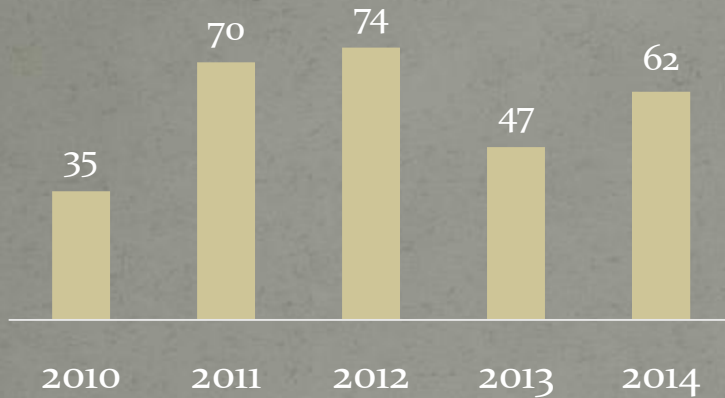




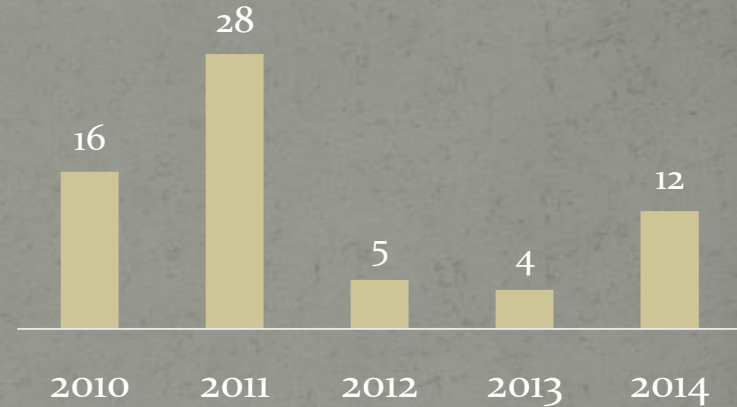
# Public Services - Water Conservation

January - April

## System Evaluations



## Rain Sensors Issued



## Program Rebates



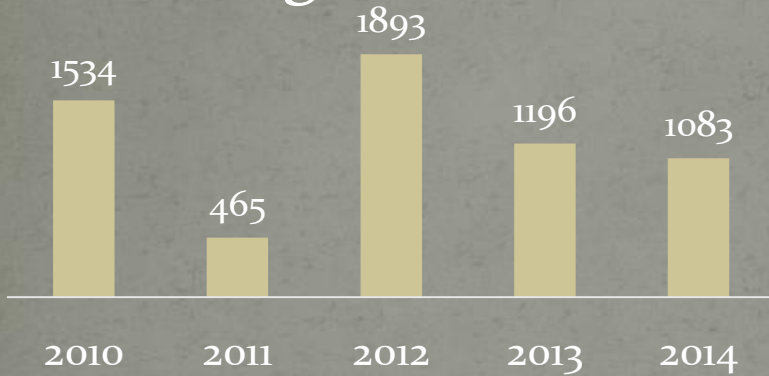
## Rebate Value



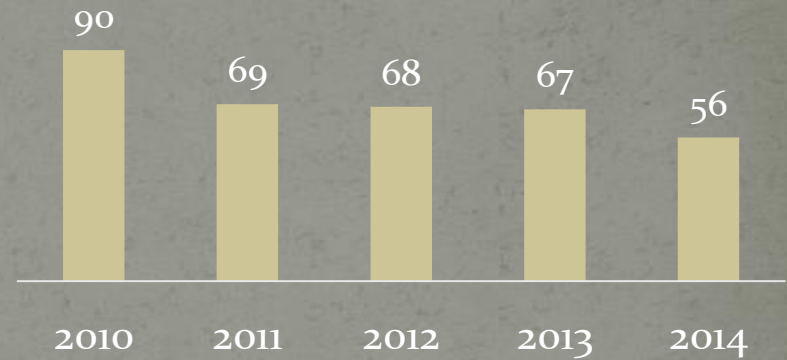
# Public Services - Recreation

January - April

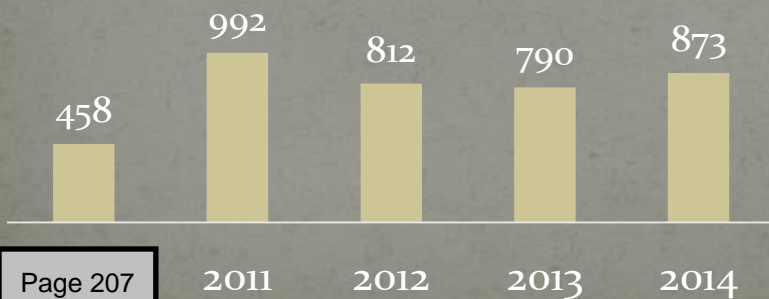
## League Events



## Senior Events



## Facility Events



## Special Events Attendees



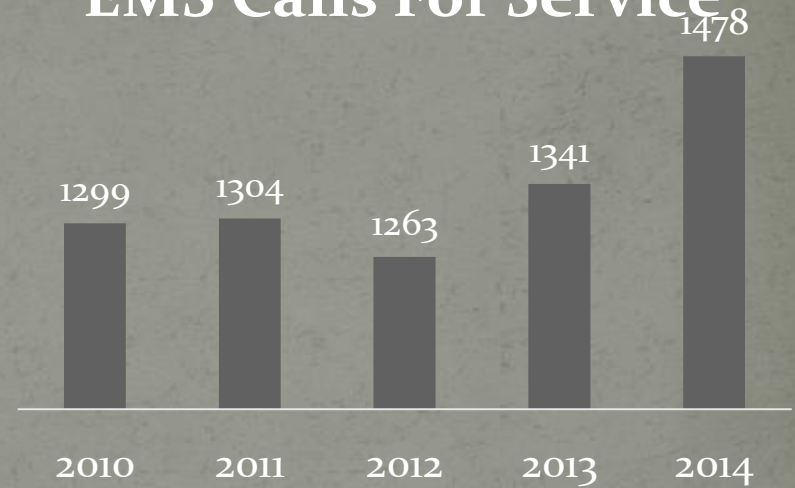
# Fire

January - April

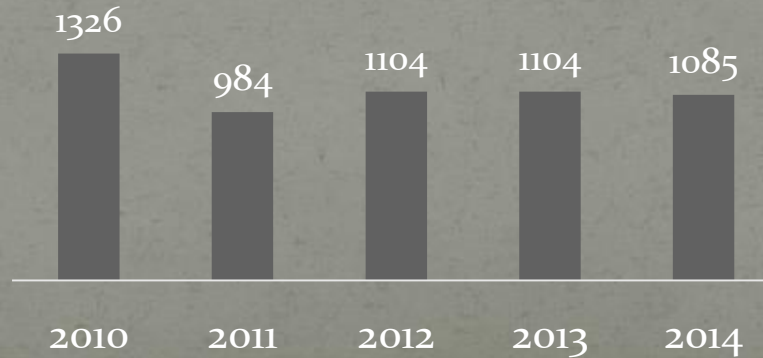
## NFIRS Calls For Service



## EMS Calls For Service



## Annual Inspections

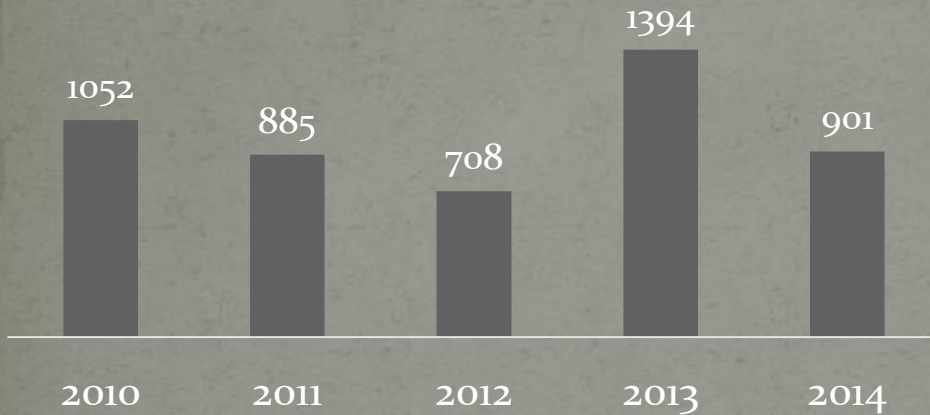




# Police

January - April

## Uniform Traffic Citations



## DUI Arrests



## Warning Citations



## Parking Citations



# Police - Code Enforcement

## January - April

### Unkempt Cases



### Disabled Vehicle Cases



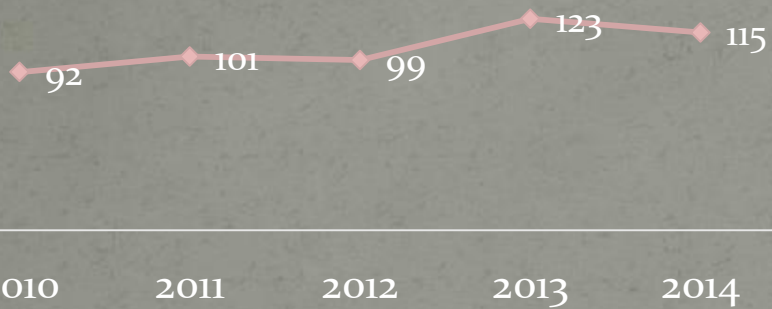
### Total Code Enforcement Cases



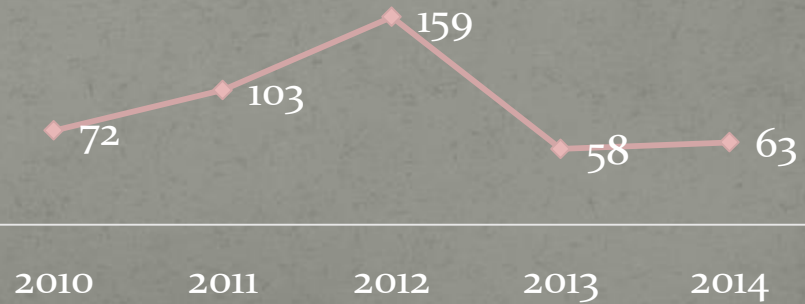
# Administrative Services

January - April

## New Business Tax



## Business Tax Renewals







*The Palms Hotel*



*U.S. 441*



*Street Scene*

