

APOPKA CITY COUNCIL AGENDA
June 21, 2017 7:00 PM
APOPKA CITY HALL COUNCIL CHAMBERS
Agendas are subject to amendment through
5:00pm on the day prior to City Council Meetings

CALL TO ORDER

INVOCATION – Pastor John Fisher of the First United Methodist Church of Apopka

PLEDGE

AGENDA REVIEW

PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment Period:

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

CONSENT (Action Item)

1. Authorize the disposal of surplus equipment/property.

BUSINESS (Action Item)

1. Authorize the Renewal Agreement with American Traffic Solutions for the Intersection Safety Program. Randy Fernandez
2. 5th Street Parking Lot sale by the Downtown Parking Association to the Community Redevelopment Agency (CRA) James Hitt
3. Budget Items for FY 2017 in accordance with the CRA Redevelopment Plan 2017 ~ Update James Hitt
4. Final Development Plan – Lake Lucie Equestrian Trail Head – 43 Rainey Road Pamela Richmond

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2569 – Second Reading – Temporary Moratorium – Medical Cannabis Dispensing – Legislative David Moon
2. Ordinance No. 2570 – Second Reading – Annexation – 2255 & 2267 West Kelly Park Road - Legislative Kyle Wilkes
3. Ordinance No. 2571 – Second Reading – Annexation – 2309 West Kelly Park Road - Legislative Kyle Wilkes
4. Ordinance No. 2572 – Second Reading – Annexation – 2405 West Kelly Park Road - Legislative Kyle Wilkes
5. Ordinance No. 2573 – Second Reading – Annexation – 4650 Jason Dwelley Parkway - Legislative Kyle Wilkes
6. Ordinance No. 2574 – Second Reading – Annexation – 355 West Orange Blossom Trail - Legislative Kyle Wilkes
7. Ordinance No. 2575 – Second Reading – Annexation – 3606 Fudge Road - Legislative Kyle Wilkes
8. Ordinance No. 2576 – Second Reading – LDC Amend. - Kelly Park Interchange Mixed Use Zoning District Pat Tyjeski, S&ME
9. Ordinance No. 2577 – Second Reading – LDC Amend. - Kelly Park Crossing Form-Based Code Pat Tyjeski, S&ME
10. Resolution No. 2017-10 – Community Redevelopment Agency's CRA Redevelopment Plan 2017~Update James Hitt

CITY COUNCIL REPORTS

MAYOR'S REPORT

NOT REQUIRING ACTION

1. Thank you email from a resident to the Utility Billing Department.
2. Thank you email on the behalf of a resident to the Police & Fire Departments.
3. Thank you letter from GFWC Apopka Woman's Club for City's assistance with 56th Annual Apopka Art & Foliage Festival.

ADJOURNMENT

MEETINGS AND UPCOMING EVENTS

DATE	TIME	EVENT
July 4, 2017	-	Independence Day – City Offices Closed
July 4, 2017	5:00pm – 9:00pm	Fireworks at the Amphitheater – Northwest Recreation Complex
July 5, 2017	1:30pm –	Council Meeting
July 6, 2017	5:30pm – 9:00pm	Food Truck Round Up
July 10, 2017	3:00pm – 6:00pm	Budget Workshop
July 10, 2017	6:30pm –	CONA Meeting – UCF Apopka Business Incubator
July 11, 2017	5:30pm –	Planning Commission Meeting
July 12, 2017	3:00pm – 6:00pm	Budget Workshop
July 13, 2017	3:00pm – 6:00pm	Budget Workshop
July 17, 2017	10:00am – 11:00am	Lake Apopka Natural Gas District Board Meeting: Winter Garden
July 18, 2017	3:00pm – 6:00pm	Budget Workshop
July 19, 2017	7:00pm –	Council Meeting
July 20, 2017	3:00pm – 6:00pm	Budget Workshop

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

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

Backup material for agenda item:

1. Authorize the disposal of surplus equipment/property.



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: June 21, 2017
 FROM: Administration
 EXHIBITS: Surplus Forms

SUBJECT: SURPLUS PROPERTY

REQUEST: AUTHORIZE THE DISPOSAL OF SURPLUS EQUIPMENT/PROPERTY AND REMOVAL OF ASSET PROPERTY FROM THE CITY ASSET LIST.

SUMMARY:

Staff requests City Council approval to dispose of surplus capital equipment/property which has no useful benefit to the daily operation of the city. This request is per Administrative Policy 122.1.1.II: "The disposal of capital asset property which is obsolete, or for which the continued use would be uneconomical or inefficient, shall be in accordance with Florida Statue 274 and must be approved by the City Council". The asset property includes the disposal of items by auction, donation, or elimination. The attached form identifies vehicles which are no longer functional or has usefulness to the city.

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

Authorize the disposal of said equipment/property.

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

Department/Division: Public Services Name: Elizabeth Hyatt Title: Admin Assit to Dir

ITEM	ASSET TAG or SERIAL #	Condition Reason	Disposed Missing	Scrapped	Auctioned Sold	Donated	Description of Disposal [where items were placed]
2004 Ford Taurus	30-0972	Poor			X		George Gideon Auctioneers, Inc
1996 Toyota 4-Runner	10-0499	Poor			X		George Gideon Auctioneers, Inc
1999 Ford Explore	10-0650	Poor			X		George Gideon Auctioneers, Inc
1999 Ford Taurus	10-0677	Poor			X		George Gideon Auctioneers, Inc
2002 Crown Vic	10-0805	Poor			X		George Gideon Auctioneers, Inc
1998 Cat IT38 Loader	36-0865	Poor			X		George Gideon Auctioneers, Inc
1998 Case Backhoe	25-0630	Poor			X		George Gideon Auctioneers, Inc
2001 Ford F-450	19-0742	Poor			X		George Gideon Auctioneers, Inc
2003 Ford Ranger	18-0923	Poor			X		George Gideon Auctioneers, Inc

5

Department Director Approval: _____ *[Signature]* _____ *6/13/17*

City Administrator Approval: _____ Date: _____



Asset Management Surplus Form

Administrative Policy 122.1.1: Capital Assets of \$1,000 or more

Complete the form below if city owned equipment is sold, transferred, or disposed of. This form, once signed by the City Administrator and approved by City Council, grants approval to dispose of equipment and serves to update the fixed asset inventory database. Departments should obtain, and keep on file, a copy of this written approval authorizing the disposal of equipment.

Department/Division: Public Services Name: Elizabeth Hyatt Title: Admin Assit to Dir

ITEM	ASSET TAG or SERIAL #	Condition Reason	Disposed Missing	Scrapped	Auctioned Sold	Donated	Description of Disposal [where items were placed]
1994 Vac Con	30-0399	Poor			X		George Gideon Auctioneers, Inc
2001 Bore Machine	36-0757	Poor			X		George Gideon Auctioneers, Inc
1999 Ford Rabger	18-0648	Poor			X		George Gideon Auctioneers, Inc
1998 Ford Ranger	18-0605	Poor			X		George Gideon Auctioneers, Inc
2006 Ford Crown Vic	11-0848	Poor			X		George Gideon Auctioneers, Inc
1988 Ford F-800	20-0219	Poor			X		George Gideon Auctioneers, Inc
2005 Ford Taurus	30-1036	Poor			X		George Gideon Auctioneers, Inc
2007 Chevy Impala	30-1190	Poor			X		George Gideon Auctioneers, Inc
2006 Ford Taurus	30-0851	Poor			X		George Gideon Auctioneers, Inc
2007 Ford Explorer	30-1192	Poor					George Gideon Auctioneers, Inc

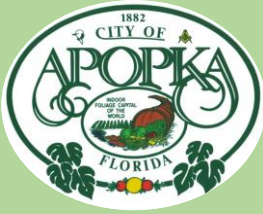
6

Department Director Approval: _____ *[Signature]* 6/13/17

City Administrator Approval: _____ Date: _____

Backup material for agenda item:

1. Authorize the Renewal Agreement with American Traffic Solutions for the Intersection Safety Program. Randall Fernandez



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: June 21, 2017
 FROM: Police Department
 EXHIBITS: Renewal

SUBJECT: RENEWAL OF AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS TO PROVIDE PROFESSIONAL SERVICES REGARDING THE DEPARTMENT’S ENFORCEMENT OF THE MARK WANDALL TRAFFIC SAFETY PROGRAM (RED LIGHT ENFORCEMENT CAMERA PROGRAM).

REQUEST: AUTHORIZE THE MAYOR OR DESIGNEE TO RENEW THE AGREEMENT.

SUMMARY:

In 2006, the City of Apopka, pursuant to Ordinance 1813, “Apopka Traffic Light Safety Program,” bid services for traffic light enforcement services. On February 7, 2007, at its regular City Council meeting, the Apopka City Council authorized a five year agreement with American Traffic Solutions (ATS). Since the execution of the original agreement, the agreement has been renewed and the city Ordinance updated to comply with current Florida law. The current agreement is set to expire this year (2017) unless renewed. Apopka Police staff have been in negotiations with ATS and have modified the language in the agreement to enhance the terms and conditions of the services in the best interest of Apopka. ATS has agreed to the new terms.

American Traffic Solutions is the largest provider of such intersection safety programs in the State and has provided services adequately and responsively to Apopka’s needs over the last ten years of the agreement. Additionally, the infrastructure for the enforcement services and programmatic business rules between Apopka and ATS are in place. The system is managed in accordance with State Statute and court rules.

Highlights of the renewal are:

- Intersection approach costs are reduced from \$4,750 to \$4,250 per approach
- The contract may be terminated by either party for convenience after December 1, 2018
- The contract may be terminated without penalty if the program is prohibited by state law
- ATS will upgrade each existing approach with new technology

FUNDING SOURCE:

N/A

RECOMMENDATION ACTION:

The police chief recommends City Council authorize the Mayor or designees to renew the agreement between the City and American Traffic Solutions.

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

**THIRD AMENDMENT
TO PROFESSIONAL SERVICES AGREEMENT**

This Third Amendment (the "Third Amendment") is entered into between American Traffic Solutions, Inc. ("ATS"), a Kansas corporation, and the City of Apopka ("Customer" or "City"), a municipal corporation of the state of Florida.

RECITALS

WHEREAS, on March 7, 2007, Customer and ATS entered into a Professional Services Agreement (the "Agreement"), which has been subject to the First Amendment, dated July 19, 2010, and the Second Amendment, effective July 13, 2013;

WHEREAS, Customer and ATS mutually desire to amend certain terms and conditions of the Agreement as set forth below:

TERMS AND CONDITIONS

NOW THEREFORE, Customer and ATS agree to the following:

1. **Recitals.** The Recitals set forth above are incorporated by reference as if set forth fully herein.
2. **Effective Date.** The Effective Date of this Third Amendment is the date of the last countersignature set forth below.
3. **Term Extension.** Section 4 of the Agreement is deleted and replaced, as follows:

The term of the Agreement is extended, beginning on the effective date and ending on December 31, 2022. The Agreement will automatically renew on an annual basis unless terminated by either party with no less than thirty (30) days' notice prior to the expiration date. This Agreement may be terminated by one of the following:

- a. Termination:
 - i. Termination by Mutual Agreement: Mutual written agreement of the parties;
 - ii. Termination for Cause: Either party may terminate for cause if: (a) the other party has breached its obligations under this Agreement; (b) applicable state or federal law is amended to prohibit or substantially restrict the cost neutral operation of automated traffic law enforcement systems, including the system offered by the Contractor; or (c) any court of competent jurisdiction rules that the system, or similar system, violates applicable state or federal law or cannot otherwise be used to enforce notices of violation or citations issued hereunder. The non-offending party must provide thirty (30) days advance written notice of a material breach to the breaching party. The breaching party has thirty (30) days to correct the breach after notification has been sent. A party providing notice of a material breach pursuant to the terms of this sub-section must state the details of the claimed breach with reasonable specificity. By mutual agreement of the parties, the program may be suspended until the breach is corrected or deemed uncorrectable.
 - iii. Termination by City for Convenience: After December 31, 2018, the City may terminate this Agreement at any time at its convenience upon thirty (30) days written notice to the Contractor without any penalty, fee, charge, liability or further compensation or payment to the Contractor of any kind. Applicable monthly Camera System Fees for equipment and services charged by the Contractor shall be pro-rated to the date of termination and reflected on Contractor's final invoice to the City. Except for the City's obligation to pay Contractor's applicable monthly Camera System Fee to the date of termination as set forth above, Contractor shall not be entitled to

any other payment or fee as a result of the City's election to terminate hereunder or to recover any other costs or charges Contractor previously incurred or may incur as a result of termination hereunder, including but not limited to engineering costs, installation costs, lost profits, equipment removal costs and restocking charges..

iii. Expiration of Term: Upon the expiration of the term stated above.

b. On the effective date of termination or expiration, image capture activities shall cease immediately; however, both the Contractor and the Customer accept that all photo-enforcement violations still in process or captured prior to the effective date of termination shall be concluded to their final state, in the same manner and under the same conditions of compensation.

c. Upon termination of this Agreement, the Contractor shall restore the surface of the City's property to substantially the same condition as such property was in prior to installation. Notwithstanding the foregoing, ATS will not remove any camera pole foundation, which shall be left approximately flush with grade with no exposed bolts or other hazards. Installed underground conduit and other equipment shall not be required to be removed. The Contractor shall use commercially reasonable efforts such that removal and restoration activities occur within forty-five (45) days after the Effective Date of Termination and do not unreasonably interfere with or adversely affect traffic flow.

4. **Monthly Service Fee/Current Camera Upgrade.** Section 1.0 of Schedule 1 to the First Amendment is deleted and replaced, as follows: Customer shall pay ATS a flat monthly service fee of \$4,250, per month, per camera. This flat fee pricing of \$4250 per month, per camera, will apply beginning on the first month immediately following the Effective Date of this Third Amendment.

In addition, ATS will provide the City a construction credit to cover any downtime due to upgrades or installation for the full flat service fee for the entire monthly invoice each January, beginning January 2018. The credit will be in the amount of the flat monthly service fees for each January throughout the entire term, and any extensions, remaining subsequent to the execution of this Third Amendment.

This flat service fee includes—the costs required and associated with camera system installation, on-going field and back-office operations, violation processing services, DMV records access, printing in color of Notice of Violations with mailing (and printing in black and white and delivery of Customer Letter described in Section 7 below) including return envelope, lockbox and epayment processing services, call center support for general program questions and public awareness program support, Uniformed Traffic Citations with mailing (and printing). Certified mailing of the UTC will be charged to Customer at \$4 per piece metered (no return receipt). Sections 2.0 and 3.0 of Schedule 1 of the Agreement, as amended, remain unchanged and the same.

No later than sixty (60) days after implementation of this Amendment, ATS and the City will determine the best upgrade path for each site that will include location, technology and timing, and ATS agrees to upgrade Customer's technology (which the parties acknowledge may be repurposed equipment upon agreement of the parties for each of Customer's cameras in operation in its traffic safety system as of the Effective Date of the Third Amendment). ATS agrees to perform the aforementioned upgrade at its own cost. Client understands that some technologies will require permits, approvals, tested and ordered. Prior to any upgrades, by mutual agreement, camera systems may be moved to new locations with upgraded equipment.

Section 2.3.14 is deleted from Exhibit A of the First Amendment.

The replacement language contained in the Second Amendment replacing Section 1.3.3 of Exhibit A from the First Amendment is hereby deleted. Additionally, paragraph 3 of the Second Amendment is hereby modified to only apply to any additional notices the City may

want printed and mailed in addition to those already provided to the City under its current program, unless required by law and mutually agreeable to both parties.

If any camera is inoperable for a period of seventy-two hours or more due to an equipment failure, or any FDOT construction or FDOT changes to the roadway which make the use of the camera not feasible, then the Customer will not be responsible for charges for such camera during the period of inoperability. The Customer will receive a pro-rated bill for the impacted intersections during these times.

5. **Option For Enhanced ATS Video Services.** Section 1.3.15 is added to Exhibit A to the First Amendment, as follows: No later than 90 days after the system upgrades have been completed, ATS agrees to make available to the Customer video system enhancements that permit Customer to perform remote video retrieval, live video viewing, and live video streaming for cameras to a device of the City's choosing (assuming such device supports the Axis Live product enhancement) or to be relayed to the city network as discussed in paragraph 6 of this Third Amendment upon written notice of its desire to implement such enhancements and permissible by law or regulations, and permits are granted.

In such event, ATS shall make the system enhancements available at ATS's expense, except that Customer shall be responsible for the following below, based upon the Video Fee Schedule enclosed as Exhibit A, which are not included in the flat monthly service fee set forth in Section 4 of this Third Amendment:

(i) Each month, ATS shall calculate the usage fees Customer owes for its use of ATS's enhanced video services based on the Video Fee Schedule, and shall provide an itemized listing of such usage fees on its monthly invoice. As more fully described in the Video Fee Schedule, such fees will cover Customer's usage costs for communication (bandwidth), data hosting, and video data retrieval, streaming, storage, and any other usage-based costs for Customer's use of ATS systems as a result of this system enhancement;

(ii) Customer agrees to pay the costs itemized on ATS's invoices;

(iii) Customer acknowledges that any data gathered as part of this system enhancement may be subject to mandatory minimum retentions under Florida's Public Records Act, or may be subject to other legal holds barring destruction for an indefinite period of time; and,

(iv) Customer agrees to pay ATS for the itemized costs included on monthly invoices as a result of this system enhancement for the longer of (a) the period in which Customer elects to continue using this enhanced video service, or, (b) the period in which ATS stores data associated with Customer's election to use ATS's enhanced video services until such data may legally be destroyed.

City agrees to assume responsibility to respond to, and if appropriate defend, at its sole expense, any requests for data or information obtained through any enhanced video service, whether by formal public records request or otherwise. Customer agrees that in the event production of video data gathered through any video enhanced service is to be produced to any third party, and some or all of that video should be redacted, the City shall pay ATS for the reasonable costs of performing such redaction. If no redactions are necessary and the video is available through the video enhanced service, ATS shall provide the City access to the video at no cost. Nothing in this Agreement shall be deemed a waiver of the City's Sovereign Immunity.

Notwithstanding anything else to the contrary in the Agreement, Customer agrees that ATS retains the sole and exclusive ownership rights to all meta-data, business intelligence, or other analytics obtained, gathered, or mined by ATS from the program data, including the video data created through the system enhancement set forth above, and that such information is deemed proprietary and confidential to ATS.

ATS will provide the ATS Live Cameras as a pilot project on the five non-FDOT approaches.

6. **City Access to Poles:** The parties agree that the City shall have the ability to place additional equipment onto any pole provided by ATS. Said equipment may interface with ATS equipment; however, the City shall not alter, delete or edit any data being collected by the traffic enforcement cameras. The City's equipment will also be permitted to gain electricity from the pole erected for ATS equipment at no cost to the City. ATS has sole discretion on approval of placing additional equipment on to any pole provided by ATS if there is a structural or program integrity, concern of safety, or not allowed by law. The City agrees to indemnify and hold ATS harmless should ATS suffer any loss as a result of the installation of the City equipment on the Camera System polls.
7. **Customer Letter Design and Delivery.** Section 2.2.8 is added to Exhibit A to the First Amendment, as follows: Customer shall deliver to ATS any form letters containing communications to violators that Customer is directing ATS to include with the transmittal of Notices of Violation or Uniform Traffic Citations. Customer acknowledges that it is exclusively responsible for the design and content of such communications and the decision to include such communications with the mailings referenced above. Customer further agrees that ATS has had no involvement in the decision to include such communications or the development of the content in them, and is instead simply following the directives of Customer concerning this matter. ATS agrees that the fee for the printing and mailing associated with the transmittal of two, 8.5 x 11 inch pages, with text only, printed in black and white, double-sided letter as contemplated in this Section is included in the flat monthly service fee set forth in Section 4 of the Third Amendment. Additionally, ATS agrees to mark envelopes with additional wording provided by the Customer indicating that the mailing is from the Police Department at no extra cost to the Customer. If, however, the Customer desires to include additional pages, multiple-page inserts, or pages with color, graphics or other media, Customer agrees to pay for the costs of same, which ATS shall charge to Customer as a pass-through cost. ATS agrees to follow all reasonable instructions of how the City wishes to proceed with mailings within ninety (90) days of the request.
8. **Limited Settlement and Release.** Contemporaneously with the execution of this Third Amendment, Customer and ATS shall execute the attached settlement agreement, assignment, and limited release of claims (enclosed as **Exhibit B**), addressing the rights, responsibilities, and resolution of the disputed claims concerning the allegations made in connection with certain damage caused to a gas drum as part of drilling efforts undertaken during the past performance of the Agreement. Customer represents that it is not aware of any claims, lawsuits, demands or threatened litigation at this time concerning the matter addressed in this Section.
9. **Limited Agency Clarification.** Section 19 of the Agreement is deleted and replaced, as follows:

At various times, red light violators in the state of Florida have alleged that ATS is engaged in the review and determination of violations based on the information captured by cameras used in red light traffic safety systems throughout the state. The parties hereby clarify that at no time has ATS engaged in efforts to review and determine violations of Florida law as part of its review of the information captured by cameras used in Customer's program. Instead, with respect to these efforts, ATS has been engaged as the direct agent of the Customer for the limited purpose of sorting camera information pursuant to the Customer's express written directives concerning such efforts. Customer, through its designated Traffic Infraction Enforcement Officer or other designated law enforcement officer, has at all times retained the unilateral power to decide which violators are cited for a violation of Florida law. ATS has had no say in such matters in the past and will not have a say in such matters going forward.

Except for the limited direct agency relationship set forth above, or as otherwise provided in the Agreement (such as the specific agency designation to pull data pursuant to the Driver Privacy Protection Act), ATS is an independent contractor providing services to the Customer and the employees, agents, and servants of ATS shall in no event be considered to be the employees, agents, or servants of the Customer. Moreover, except for the limited direct agency relationship set forth above, or as otherwise provided in the Agreement, the Agreement does not create an agency relationship between ATS and the Customer.

10. **Adherence to Law.**

ATS will comply with all rules and regulations from the Florida Department of Law Enforcement in its use of DSHMV records. ATS shall require each employee of ATS, or subcontractor of ATS, who has access to DSHMV records to undergo a background check prior to such access. Every employee who has access to DSHMV will be current in CJIS Online Security Awareness Training, as prescribed by FDLE, and follow all rules of FDLE to maintain compliance. The use of DSHMV records by employees of ATS, or designated subcontractor of ATS, will be strictly limited to law enforcement purposes. ATS will be liable for any fines resulting from any breach of FDLE rules perpetrated by employees of ATS or ATS designated subcontract. The City will not assume any liability for any such a breach.

The Florida Public Records Act, Chapter 119, of the Florida Statutes, may apply to records or documents pertaining to this Agreement, and ATS acknowledges that such laws may apply and agrees to comply with all such applicable law. These laws include, that ATS will keep and maintain public records required by the public agency to perform the photo enforcement service. Upon request from the City, provide the City with a copy of the requested records; will ensure that public records that are exempt or confidential will not be disclosed, and allow the decision to disclose to the City; and upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain those public records required to perform its public record duties. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (407)703-1771, police@apopka.net, or 112 East 6th Street, Apopka, Florida 32703) .

11. **ATS Scope of Work Clarification.** Section 1.3.2 of Exhibit A to the First Amendment is deleted and replaced, as follows:

ATS shall act as Customer's direct agent for the limited purpose of making an initial determination of whether, pursuant to the express written directives and control of Customer as set forth in the Business Rules Questionnaire or other similar document, camera information has been requested by Customer for review and determination of a violation by Customer's designated Traffic Infraction Enforcement Officer or other designated law enforcement officer. Unless otherwise changed by the Business Rules Questionnaire or other similar written document, pursuant to Customer's express written directive and control as set forth in the Business Rules Questionnaire or other similar document, Customer directs ATS to forward all captured camera information for further Customer review in categories which state whether the footage meets or does not meet the Customer's written directives as described above.

12. **Preventative Maintenance.** Section 1.2.9 of Exhibit A to the First Amendment is deleted and replaced, as follows: ATS agrees to perform daily remote preventative diagnostics and analytics on Customer's traffic safety system to evaluate system functionality and performance.

13. **Effect of Amendment on Agreement.** Except as expressly amended or modified by the terms of this Third Amendment, or any prior Amendments, all terms of the Agreement shall remain in full force and effect. In the event of a conflict between the terms of this Third Amendment and the Agreement or any prior amendment to the Agreement, the terms of this Third Amendment govern.
14. **Sovereign Immunity preserved.** The following sentence will be added to Section 12 of the Agreement: The parties acknowledge that nothing contained within this agreement shall be deemed a waiver of the City's sovereign immunity.
15. **State of Law to Apply.** The parties agree to add the following sentence to paragraph 13 of the Agreement: Any litigation arising out of this Agreement shall be had in the Courts of Orange County, Florida.
16. **Third Parties.** This Agreement is solely for the benefit of the signing parties. No right, remedy, cause of action or claim shall accrue to the benefit of any third party who is not one of the signing agencies executing this agreement.
17. **Entire Agreement.** The provisions of this Third Amendment, including the recitals, comprise all of the terms, conditions, agreements, and representations, of the parties with respect to the subject matter hereof. All representations and promises made by any party to another, whether in writing or orally, concerning the subject matter of this Third Amendment are merged into this Third Amendment.
18. **Counterpart Execution.** This Third Amendment may be executed in one or more counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same instrument. Each party represents and warrants that the representative signing this Third Amendment on its behalf has all right, authority, and power to bind and commit that party to the terms and conditions of this Third Amendment.
19. **Independent Counsel.** Each party has had the benefit of counsel and the opportunity to seek independent advice and counsel concerning the terms of this Third Amendment. Neither party is relying on the other to provide information concerning the terms of this Third Amendment or its effect on the Agreement. As such, ATS and Customer agree that this Third Amendment is the product of mutual effort and in the event of an ambiguity, it will not be construed more strictly against one party than the other.
20. **Governing Law.** This Third Amendment is governed by the law of Florida, irrespective of choice of law principles.
21. **Notices.** Section 22 of the Agreement is deleted and replaced, as follows: Any notices or demand which under the terms of this Agreement or under any law must or may be given or made by the parties shall be in writing and shall be given or made by Federal Express (or comparable national overnight courier) Overnight Delivery, with a PDF courtesy copy send via email to the following:

City of Apopka
 112 East 6th St.
 Apopka, FL 32776
 Attn: Chief of Police
 Email: police@apopka.net

American Traffic Solutions, Inc.
 1150 N. Alma School Rd.
 Mesa, AZ 85201
 Attn: General Counsel
 Email: Rebecca.Collins@atsol.com

IN WITNESS WHEREOF, the parties hereto have executed this Amendment.

Apopka

American Traffic Solutions, Inc.

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

Video Solution Usage Fee

Basic: This data plan includes 60 minutes per camera per month ¹	\$32 fee per camera system per month	5 non-FDOT camera systems	\$160 per month
Premium: This data plan includes up to 120 minutes per camera per month ¹	\$48 fee per camera system per month	5 non-FDOT camera systems	\$240 per month

¹Each camera system's allotted amount of minutes may be shared across all systems.

Additional blocks of 30 minutes each will be applied to cover overages at a rate of \$30 per month.

Backup material for agenda item:

2. 5th Street Parking Lot sale by the Downtown Parking Association to the Community Redevelopment Agency (CRA) James Hitt



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: CRA

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: 5th Street Parking Lot maps
 Contract to purchase

SUBJECT: SALE OF 5TH STREET PARKING LOT BY THE DOWNTOWN PARKING ASSOCIATION TO THE CRA.

REQUEST: APPROVE THE SALE OF THE 5TH STREET PARKING LOT BY THE DOWNTOWN PARKING ASSOCIATION TO THE CRA PER THE TERMS OF THE ATTACHED CONTRACT.

SUMMARY:

The 5th Street Parking Lot was part of the original CRA Community Redevelopment Plan from 1993. The Parking lot was part of the Parking Block Concept “In an effort to provide convenient and attractive parking for the commercial core.” Without this being completed, the primary redevelopment of the downtown and especially the core of the 633 acres CRA cannot occur. This parking lot is the heart of the redevelopment effort for investment.

In order for the CRA to invest in the redevelopment of this site and actually make it “attractive” for our commercial core, the CRA needs to own it. The Downtown Customers Parking Association, Inc. (DCPA) is the owner of the 0.992 acre site which is made up of 15 owner shares. The City of Apopka owns 5 of those shares.

The new CRA Redevelopment Plan 2017~update also recognizes that the 5th Street Parking Lot is the core to the downtown and the CRA, and is part of the redevelopment needs for the entire benefit of our downtown and the potential events and activities envisioned for the area, from the Station Street Project to the City Center, and the 6th Street Promenade in between.

An appraisal was completed in December 2016 that showed the property being valued at \$260,000. City staff had contacted the agents for DCPA about purchasing the lot. In order to complete the transaction, City Council approval is needed (due to its status as a shareholder in DCPA) to sell the 5th Street Parking Lot to the CRA per the terms of the attached contract.

The CRA will pay for the purchase and the closing for the transaction. Per Section 22 of the contract, the City of Apopka will surrender to DCPA all of its shares in DCPA as a condition precedent to closing, thereby waiving any right to receive a pro rata share of the sale price.

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

FUNDING SOURCE:

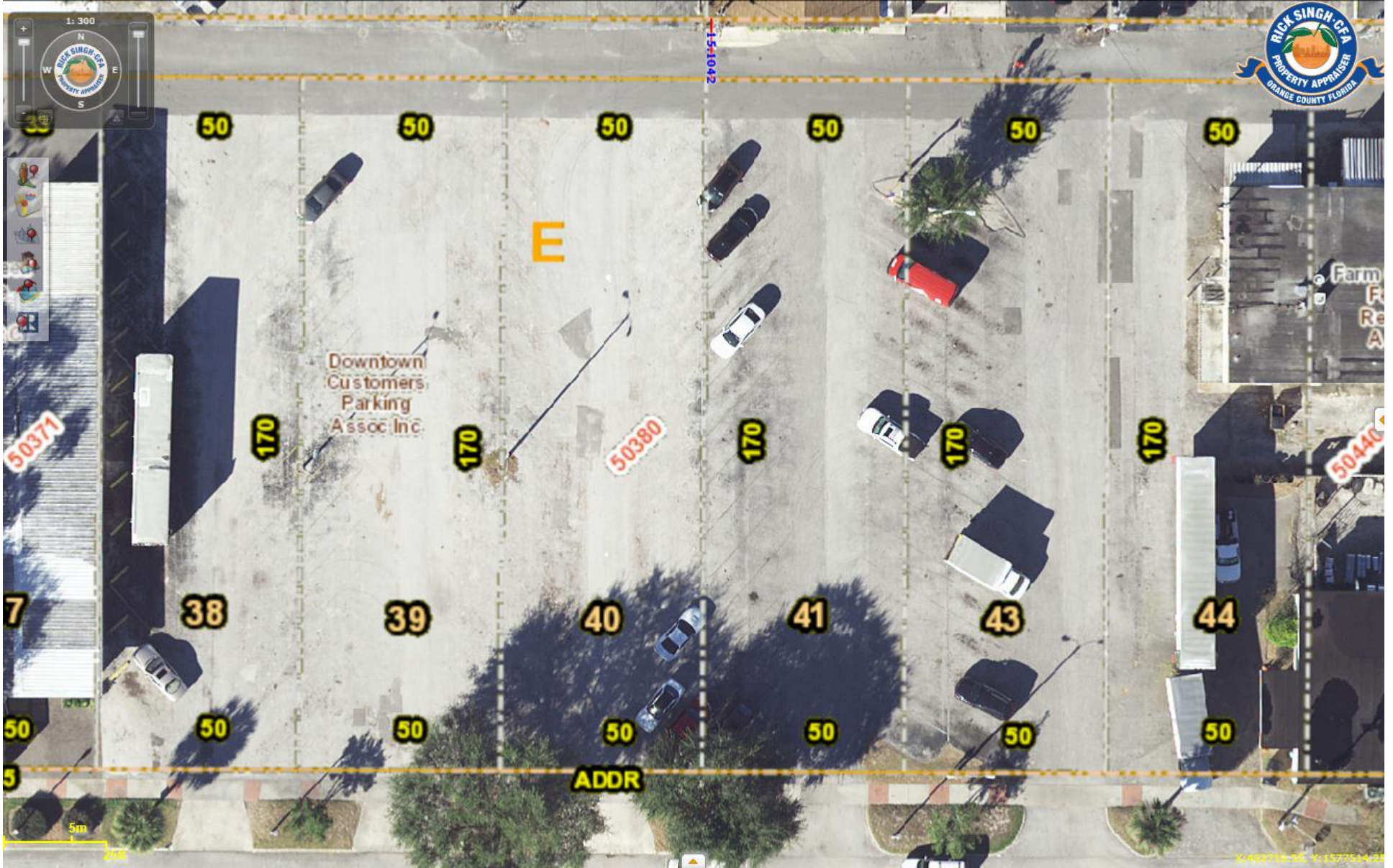
The CRA Redevelopment Trust Fund, established by Ordinance No. 783 on June 16, 1993 utilizing Tax Increment Funding (TIF).

RECOMMENDATION ACTION:

Approve the sale of the 5th Street Parking Lot per the terms of the attached contract, authorize the City Administrator to vote in favor of the sale on the City's behalf at the DCPA Shareholder's meeting scheduled for June 22, 2017, authorize the City Administrator to take appropriate action to surrender the City's shares in DCPA to DCPA prior to closing.

Fifth Street Parking Lot







\\apk-fs1\users\$\jhitt\Documents\CRA\5th St Parking Lot\Fifth Street Parking Lot -maps2.docx

McLEOD
LAW FIRM
Attorneys and Counselors at Law
Post Office Drawer 950
Apopka, Florida 32704-0950
www.mcleodlawfirm.com

Johnie A. McLeod
(1921 - 2003)

Raymond A. McLeod *
William J. McLeod *

June 5, 2017

* Circuit Mediator

Lou Haubner Realty, Inc.
140 East First Street
Apopka, Florida 32703

Attention: Louis R. Haubner, Jr. - President

Bank of America
33 East Main Street
Apopka, Florida 32703

City of Apopka
Post Office Box 1229
Apopka, Florida 32704-1229

Attention: Glenn Irby - City Manager

H & R Block
32 East Main
Apopka, Florida 32703

Attention: Robert G. Canfield - President

Jayantilal S. Nayee
400 Magnolia Lake Drive
Longwood, Florida 32779

Hall's Feed Store, Inc.
15 East Fifth Street
Apopka, Florida 32703

Attention: Robert C. Hall - President

48 East Main Street (32703)
Telephone: (407) 886-3300
Facsimile: (407) 886-0087
ramcleod@mcleodlawfirm.com
wjm@mcleodlawfirm.com

Letter to Shareholders
Re: Proposed sale to Apopka
June 5, 2017
Page Two

Milton Rannushit
439 South Central Avenue
Apopka, Florida 32703

Park Avenue Gold and Pawn, Inc.
72 East Main Street
Apopka, Florida 32703

Attention: Harry B. Oshman - President

Myrtle Blackwelder Trust
5 West Orange Street
Apopka, Florida 32703

Attention: Wayne Blackwelder

Re: Proposed sale of parking lot to City of Apopka

Dear Shareholders:

The Apopka Community Redevelopment Agency of the City of Apopka has submitted a formal Commercial Contract to purchase the customer parking lot / real property owned by Downtown Customers Parking Association, Inc. (the "Corporation") for the purchase price of \$260,000.00 (Two hundred sixty thousand and no/100 Dollars). Please review Section 22. Additional Terms as the City of Apopka, as owner of five (5) shares of the Corporation, offers to surrender / transfer its shares back to the Corporation waiving any right to receive a pro rata share of the sale price. Accordingly, as there are only been fifteen (15) shares issued by the Corporation, net proceeds will distributed between the ten (10) remaining shares.

Assuming the Commercial Contract is approved by a majority vote of the Corporation's shareholders, net proceeds would not be distributed to shareholders at closing as there are several corporate matters to addressed and resolve before distribution. Specifically, actions will be required to: (a) dissolve the Corporation with the State of Florida – Division of Corporations; (b) a final IRS tax return may be required to be filed; (c) my law firm is owed monies for advancing annual filing fees to the State of Florida – Division of Corporations; and, (d) Lou Haubner Realty, Inc. may be owed monies it advanced for Orange County real estate taxes.

Letter to Shareholders

Re: Proposed sale to Apopka

June 5, 2017

Page Three

The purpose of this letter is to advise all shareholders of the proposed Commercial Contract made to purchase as Apopka has agreed to improve the customer parking lot which will clearly benefit the Apopka community as a whole.

Finally attached is a formal Notice of Special Shareholder's Meeting of the Corporation scheduling a meeting for Thursday, June 22, 2017 at 4:00 p.m. at the McLeod Law Firm, 48 East Main Street, Apopka, Florida 32703, to discuss the proposed Commercial Contract and related matters. A written Proxy is also attached in the event you cannot attend the meeting.

Feel free to contact me to discuss any issues you may have and I remain,

Sincerely,

Downtown Customers Parking Association,
Inc.

/s/ WILLIAM J. McLEOD

By: William J. McLeod
Its: President

NOTICE OF SPECIAL MEETING OF SHAREHOLDERS
OF
DOWNTOWN CUSTOMERS PARKING ASSOCIATION, INC.

TO: All Shareholders

A special meeting of the Shareholders of DOWNTOWN CUSTOMERS PARKING ASSOCIATION, INC., a Florida corporation, will be held at the McLeod Law Firm, 48 East Main Street, Apopka, Florida 32703, on Thursday, June 22, 2017 at 4:00 p.m. to consider and vote on the following matters:

1. Proposed Commercial Contract submitted by Apopka Community Redevelopment Agency to the Corporation to sell the sole asset of the Corporation.
2. Reimbursement of advanced expenses for the Corporation.
3. Winding down of Corporation.
4. The transaction of such other business in connection with such proposals as may properly come before the meeting.

If you do not plan to or cannot attend, please complete, sign, date, and return the Proxy promptly so that your shares will be represented at the meeting.

/s/ WILLIAM J. McLEOD

By: William J. McLeod
Its: President

Dated: June 5, 2017

PROXY
for
DOWNTOWN CUSTOMERS PARKING ASSOCIATION, INC.

KNOW ALL PERSONS BY THESE PRESENTS that I, _____,
in my official capacity as a Shareholder of DOWNTOWN CUSTOMERS PARKING
ASSOCIATION, INC. a Florida corporation (“the Corporation”) do hereby appoint
_____ in his/her individual capacity as true and lawful attorney
with full power of substitution, for the undersigned and in his/her name, place and stead to vote and
act as a Shareholder of the Corporation for which the undersigned would be otherwise entitled to
vote at the Special Meeting of Shareholders of the Corporation scheduled to be held on Thursday,
June 22, 2017 at 4:00 p.m.

This Proxy will remain in effect until the conclusion of the Special Meeting of Shareholders
of the Corporation or any extension of that meeting, or if this Proxy is otherwise revoked by the
undersigned person.

Dated: June _____, 2017.

Shareholder

Print name of Shareholder

William McLeod

From: Andrew Hand [ahand@shepardfirm.com]
Sent: Thursday, June 1, 2017 12:06 PM
To: William McLeod
Cc: Raymond McLeod; Glenn Irby; James Hitt; Clifford Shepard
Subject: Apopka CRA/DCPA contract for purchase of parking lot area
Attachments: ApopkaCRA-DCPA RE Contract w Exhibit June 1 2017.pdf; Exhibit A - Legal Description.docx; Topographic Survey-5th St Parking Lot (003).pdf; Warranty Deeds.pdf

Bill,

Attached please find the contract for the CRA's purchase of the parking area from DCPA. Please let me know if you are comfortable executing and/or have any questions.

Prior deeds and survey are attached for informational purchases.

Best Regards,



ANDREW J. HAND
ATTORNEY AT LAW
BOARD CERTIFIED CITY, COUNTY
& LOCAL GOVERNMENT LAW
AHand@ShepardFirm.com
toll free 866.247.3008
office 407.622.1772
cell 407.463.7025
fax 407.622.1884
2300 MAITLAND CENTER PKWY, STE. 100
MAITLAND, FL 32751
SHEPARDFIRM.COM

DISCLAIMER:

The information transmitted is intended only for the person or entity to which it is addressed and contains confidential and/or privileged materials protected under the Attorney-Client Privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

1* 1. PARTIES AND PROPERTY: Apopka Community Redevelopment Agency ("Buyer")
2* agrees to buy and Downtown Customers Parking Association, Inc. ("Seller")
3* agrees to sell the property as: Street Address: 5th Street Parking Lot, Apopka, Florida 32703
4* _____
5* Legal Description: Legal Description is attached hereto as Exhibit "A"
6* _____
7* and the following Personal Property: _____
8* _____
9 (all collectively referred to as the "Property") on the terms and conditions set forth below.

10* 2. PURCHASE PRICE: \$ 260,000.00
11* (a) Deposit held in escrow by Clifford B. Shepard, Shepard & Smith, P.A. \$ 10,000.00
12 ("Escrow Agent") (checks are subject to actual and final collection)
13* Escrow Agent's address: 2300 Maitland Ctr. Pkwy., Suite 100, Maitland Phone: 407-622-1772
14* (b) Additional deposit to be made to Escrow Agent within _____ days after Effective Date \$ _____
15* (c) Additional deposit to be made to Escrow Agent within _____ days after Effective Date \$ _____
16* (d) Total financing (see Paragraph 5) \$ _____
17* (e) Other _____ \$ _____
18 (f) All deposits will be credited to the purchase price at closing. Balance to close, subject
19* to adjustments and prorations, to be paid with locally drawn cashier's or official bank \$ 250,000.00
20 check(s) or wire transfer.

21 3. TIME FOR ACCEPTANCE; EFFECTIVE DATE; COMPUTATION OF TIME: Unless this offer is signed by Seller
22 and Buyer and an executed copy delivered to all parties on or before June 22, 2017, this offer will be
23 withdrawn and the Buyer's deposit, if any, will be returned. The time for acceptance of any counter offer will be 3
24 days from the date the counter offer is delivered. The "Effective Date" of this Contract is the date on which the
25 last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter offer.
26 Calendar days will be used when computing time periods, except time periods of 5 days or less. Time periods of 5
27 days or less will be computed without including Saturday, Sunday, or national legal holidays. Any time period ending
28 on a Saturday, Sunday, or national legal holiday will extend until 5:00 p.m. of the next business day. Time is of the
29 essence in this Contract.

30 4. CLOSING DATE AND LOCATION:
31* (a) Closing Date: This transaction will be closed on September 7, 2017 (Closing Date), unless specifically
32 extended by other provisions of this Contract. The Closing Date will prevail over all other time periods including, but
33 not limited to, Financing and Due Diligence periods. In the event insurance underwriting is suspended on Closing
34 Date and Buyer is unable to obtain property insurance, Buyer may postpone closing up to 5 days after the
35 insurance underwriting suspension is lifted.

36* Buyer () () and Seller () () acknowledge receipt of a copy of this page, which is Page 1 of 8 Pages.

37* (b) Location: Closing will take place in 2300 Maitland Ctr. Pkwy, #100, Maitland, FL County, Florida. (If left blank, closing
38 will take place in the county where the property is located.) Closing may be conducted by mail or electronic means.

39 **5. THIRD PARTY FINANCING:**

40* BUYER'S OBLIGATION: Within _____ days (5 days if left blank) after Effective Date, Buyer will apply for third party
41* financing in an amount not to exceed _____ % of the purchase price or \$ _____, with a fixed interest rate
42* not to exceed _____ % per year with an initial variable interest rate not to exceed _____ %, with points or commitment
43* or loan fees not to exceed _____ % of the principal amount, for a term of _____ years, and amortized over _____
44 years, with additional terms as follows:

45* _____
46 Buyer will timely provide any and all credit, employment, financial and other information reasonably required by any
47* lender. Buyer will use good faith and reasonable diligence to (i) obtain Loan Approval within _____ days (45 days if
48 left blank) from Effective Date (Loan Approval Date), (ii) satisfy terms and conditions of the Loan Approval, and
49 (iii) close the loan. Buyer will keep Seller and Broker fully informed about loan application status and authorizes the
50 mortgage broker and lender to disclose all such information to Seller and Broker. Buyer will notify Seller immediately
51 upon obtaining financing or being rejected by a lender. CANCELLATION: If Buyer, after using good faith and
52* reasonable diligence, fails to obtain Loan Approval by Loan Approval Date, Buyer may within _____ days (3 days if left
53 blank) deliver written notice to Seller stating Buyer either waives this financing contingency or cancels this Contract.
54 If Buyer does neither, then Seller may cancel this Contract by delivering written notice to Buyer at any time
55 thereafter. Unless this financing contingency has been waived, this Contract shall remain subject to the
56 satisfaction, by closing, of those conditions of Loan Approval related to the Property. DEPOSIT(S) (for purposes
57 of Paragraph 5 only): If Buyer has used good faith and reasonable diligence but does not obtain Loan
58 Approval by Loan Approval Date and thereafter either party elects to cancel this Contract as set forth above or the
59 lender fails or refuses to close on or before the Closing Date without fault on Buyer's part, the Deposit(s) shall be
60 returned to Buyer, whereupon both parties will be released from all further obligations under this Contract, except for
61 obligations stated herein as surviving the termination of this Contract. If neither party elects to terminate this Contract
62 as set forth above or Buyer fails to use good faith or reasonable diligence as set forth above, Seller will be entitled to
63 retain the Deposit(s) if the transaction does not close.

64* 6. TITLE: Seller has the legal capacity to and will convey marketable title to the Property by statutory warranty
65* deed other _____, free of liens, easements and encumbrances of record or
66 known to Seller, but subject to property taxes for the year of closing; covenants, restrictions and public utility
67 easements of record; existing zoning and governmental regulations; and (list any other matters to which title will be
68* subject) _____

69* _____
70 provided there exists at closing no violation of the foregoing and none of them prevents Buyer's intended use of the
71* Property as a parking lot or structure

72 (a) Evidence of Title: The party who pays the premium for the title insurance policy will select the closing agent
73* and pay for the title search and closing services. Seller will, at (check one) Seller's Buyer's expense and
74* within 15 days after Effective Date or at least _____ days before Closing Date deliver to Buyer (check one)
75* (i.) a title insurance commitment by a Florida licensed title insurer setting forth those matters to be
76 discharged by Seller at or before Closing and, upon Buyer recording the deed, an owner's policy in the amount
77 of the purchase price for fee simple title subject only to exceptions stated above. If Buyer is paying for the
78 evidence of title and Seller has an owner's policy, Seller will deliver a copy to Buyer within 15 days after
79 Effective Date.
80* (ii.) an abstract of title, prepared or brought current by an existing abstract firm or certified as correct by an
81 existing firm. However, if such an abstract is not available to Seller, then a prior owner's title policy acceptable
82 to the proposed insurer as a base for reissuance of coverage may be used. The prior policy will include copies
83 of all policy exceptions and an update in a format acceptable to Buyer from the policy effective date and
84 certified to Buyer or Buyer's closing agent together with copies of all documents recited in the prior policy and
85 in the update. If such an abstract or prior policy is not available to Seller then (i.) above will be the evidence of
86 title.

87 (b) Title Examination: Buyer will, within 15 days from receipt of the evidence of title deliver written notice to Seller
88 of title defects. Title will be deemed acceptable to Buyer if (1) Buyer fails to deliver proper notice of defects or

89* Buyer () () and Seller () () acknowledge receipt of a copy of this page, which is Page 2 of 8 Pages.

90* (2) Buyer delivers proper written notice and Seller cures the defects within 30 days from receipt of the notice
91 ("Curative Period"). ~~If the defects are cured within the Curative Period, closing will occur within 10 days from receipt~~
92 ~~by Buyer of notice of such curing.~~ Seller may elect not to cure defects if Seller reasonably believes any defect
93 cannot be cured within the Curative Period. If the defects are not cured within the Curative Period, Buyer will have
94 10 days from receipt of notice of Seller's inability to cure the defects to elect whether to terminate this Contract or
95 accept title subject to existing defects and close the transaction without reduction in purchase price.

96 (c) Survey: (check applicable provisions below)

97* (i.) Seller will, within 60 days from Effective Date, deliver to Buyer copies of prior surveys, plans,
98 specifications, and engineering documents, if any, and the following documents relevant to this transaction:

99* _____
100 prepared for Seller or in Seller's possession, which show all currently existing structures. In the event this
101 transaction does not close, all documents provided by Seller will be returned to Seller within 10 days from the
102 date this Contract is terminated.

103* Buyer will, at Seller's Buyer's expense and within the time period allowed to deliver and examine title
104 evidence, obtain a current certified survey of the Property from a registered surveyor. If the survey reveals
105* encroachments on the Property or that the improvements encroach on the lands of another, Buyer will
106** accept the Property with existing encroachments such encroachments will constitute a title defect to be
107 cured within the Curative Period.

108 (d) Ingress and Egress: Seller warrants that the Property presently has ingress and egress.

109 7. PROPERTY CONDITION: Seller will deliver the Property to Buyer at the time agreed in its present "as is"
110 condition, ordinary wear and tear excepted, and will maintain the landscaping and grounds in a comparable condition.
111 Seller makes no warranties other than marketability of title. In the event that the condition of the Property has
112 materially changed since the expiration of the Due Diligence Period, Buyer may elect to terminate the Contract and
113 receive a refund of any and all deposits paid, plus interest, if applicable. By accepting the Property "as is", Buyer
114 waives all claims against Seller for any defects in the Property. (Check (a) or (b))

115* (a) As Is: Buyer has inspected the Property or waives any right to inspect and accepts the Property in its "as is"
116 condition.

117* (b) Due Diligence Period: Buyer will, at Buyer's expense and within 60 days from Effective Date ("Due
118 Diligence Period"), determine whether the Property is suitable, in Buyer's sole and absolute discretion, for Buyer's
119 intended use and development of the Property as specified in Paragraph 6. During the Due Diligence Period,
120 Buyer may conduct any tests, analyses, surveys and investigations ("Inspections") which Buyer deems necessary
121 to determine to Buyer's satisfaction the Property's engineering, architectural, environmental properties; zoning and
122 zoning restrictions; flood zone designation and restrictions; subdivision regulations; soil and grade; availability of
123 access to public roads, water, and other utilities; consistency with local, state and regional growth management and
124 comprehensive land use plans; availability of permits, government approvals and licenses; compliance with
125 American with Disabilities Act; absence of asbestos, soil and ground water contamination; and other inspections
126 that Buyer deems appropriate to determine the suitability of the Property for Buyer's intended use and
127 development. Buyer will deliver written notice to Seller prior to the expiration of the Due Diligence Period of
128 Buyer's determination of whether or not the Property is acceptable. Buyer's failure to comply with this notice
129 requirement will constitute acceptance of the Property in its present "as is" condition. Seller grants to Buyer, its
130 agents, contractors and assigns, the right to enter the Property at any time during the Due Diligence Period for the
131 purpose of conducting Inspections; provided, however, that Buyer, its agents, contractors and assigns enter the
132 Property and conduct Inspections at their own risk. Buyer will indemnify and hold Seller harmless from losses,
133 damages, costs, claims and expenses of any nature, including attorneys' fees at all levels, and from liability to any
134 person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage
135 in any activity that could result in a mechanic's lien being filed against the Property without Seller's prior written
136 consent. In the event this transaction does not close, (1) Buyer will repair all damages to the Property resulting
137 from the Inspections and return the Property to the condition it was in prior to conduct of the Inspections, and
138 (2) Buyer will, at Buyer's expense release to Seller all reports and other work generated as a result of the
139 Inspections. Should Buyer deliver timely notice that the Property is not acceptable, Seller agrees that Buyer's
140 deposit will be immediately returned to Buyer and the Contract terminated.

141 (c) Walk-through Inspection: Buyer may, on the day prior to closing or any other time mutually agreeable to the

142* Buyer () () and Seller () () acknowledge receipt of a copy of this page, which is Page 3 of 8 Pages.

143 parties, conduct a final "walk-through" inspection of the Property to determine compliance with this paragraph and
144 to ensure that all Property is on the premises.

145 **8. OPERATION OF PROPERTY DURING CONTRACT PERIOD:** Seller will continue to operate the Property and any
146 business conducted on the Property in the manner operated prior to Contract and will take no action that would
147 adversely impact the Property, tenants, lenders or business, if any. Any changes, such as renting vacant space, that
148 materially affect the Property or Buyer's intended use of the Property will be permitted only with Buyer's consent
149 without Buyer's consent.

150 **9. CLOSING PROCEDURE:** Unless otherwise agreed or stated herein, closing procedure shall be in accordance with
151 the norms where the Property is located.

152 (a) **Possession and Occupancy:** Seller will deliver possession and occupancy of the Property to Buyer at
153 closing. Seller will provide keys, remote controls, and any security/access codes necessary to operate all locks,
154 mailboxes, and security systems.

155 (b) **Costs:** Buyer will pay Buyer's attorneys' fees, taxes and recording fees on notes, mortgages and financing
156 statements and recording fees for the deed. Seller will pay Seller's attorneys' fees, taxes on the deed and
157 recording fees for documents needed to cure title defects. If Seller is obligated to discharge any encumbrance at or
158 prior to closing and fails to do so, Buyer may use purchase proceeds to satisfy the encumbrances.

159 (c) **Documents:** Seller will provide the deed; bill of sale; mechanic's lien affidavit; originals of those assignable
160 service and maintenance contracts that will be assumed by Buyer after the Closing Date and letters to each
161 service contractor from Seller advising each of them of the sale of the Property and, if applicable, the transfer of its
162 contract, and any assignable warranties or guarantees received or held by Seller from any manufacturer,
163 contractor, subcontractor, or material supplier in connection with the Property; current copies of the condominium
164 documents, if applicable; assignments of leases, updated rent roll; tenant and lender estoppels letters; tenant
165 subordination, non-disturbance and attornment agreements (SNDAs) required by the Buyer or Buyer's lender;
166 assignments of permits and licenses; corrective instruments; and letters notifying tenants of the change in
167 ownership/rental agent. If any tenant refuses to execute an estoppels letter, Seller will certify that information
168 regarding the tenant's lease is correct. If Seller is an entity, Seller will deliver a resolution of its Board of Directors
169 authorizing the sale and delivery of the deed and certification by the appropriate party certifying the resolution and
170 setting forth facts showing the conveyance conforms to the requirements of local law. Seller will transfer security
171 deposits to Buyer. Buyer will provide the closing statement, mortgages and notes, security agreements, and
172 financing statements.

173 (d) **Taxes and Prorations:** Real estate taxes, personal property taxes on any tangible personal property, bond
174 payments assumed by Buyer, interest, rents (based on actual collected rents), association dues, insurance
175 premiums acceptable to Buyer, and operating expenses will be prorated through the day before closing. If the
176 amount of taxes for the current year cannot be ascertained, rates for the previous year will be used with due
177 allowance being made for improvements and exemptions. Any tax proration based on an estimate will, at request
178 of either party, be readjusted upon receipt of current year's tax bill; this provision will survive closing.

179 (e) **Special Assessment Liens:** Certified, confirmed, and ratified special assessment liens as of the Closing Date
180 will be paid by Seller. If a certified, confirmed, and ratified special assessment is payable in installments, Seller will
181 pay all installments due and payable on or before the Closing Date, with any installment for any period extending
182 beyond the Closing Date prorated, and Buyer will assume all installments that become due and payable after the
183 Closing Date. Buyer will be responsible for all assessments of any kind which become due and owing after Closing
184 Date, unless an improvement is substantially completed as of Closing Date. If an improvement is substantially
185 completed as of the Closing Date but has not resulted in a lien before closing, Seller will pay the amount of the last
186 estimate of the assessment. This subsection applies to special assessment liens imposed by a public body and
187 does not apply to condominium association special assessments.

188 (f) **Foreign Investment in Real Property Tax Act (FIRPTA):** If Seller is a "foreign person" as defined by FIRPTA,
189 Seller and Buyer agree to comply with Section 1445 of the Internal Revenue Code. Seller and Buyer will
190 complete, execute, and deliver as directed any instrument, affidavit, or statement reasonably necessary to comply
191 with the FIRPTA requirements, including delivery of their respective federal taxpayer identification numbers or

192* Buyer () () and Seller () () acknowledge receipt of a copy of this page, which is Page 4 of 8 Pages.

193 Social Security Numbers to the closing agent. If Buyer does not pay sufficient cash at closing to meet the
194 withholding requirement, Seller will deliver to Buyer at closing the additional cash necessary to satisfy the
195 requirement.

196 **10. ESCROW AGENT:** Seller and Buyer authorize Escrow Agent or Closing Agent (collectively "Agent") to
197 receive, deposit, and hold funds and other property in escrow and, subject to collection, disburse them in accordance
198 with the terms of this Contract. The parties agree that Agent will not be liable to any person for misdelivery of
199 escrowed items to Seller or Buyer, unless the misdelivery is due to Agent's willful breach of this Contract or gross
200 negligence. If Agent has doubt as to Agent's duties or obligations under this Contract, Agent may, at Agent's option,
201 (a) hold the escrowed items until the parties mutually agree to its disbursement or until a court of competent
202 jurisdiction or arbitrator determines the rights of the parties or (b) deposit the escrowed items with the clerk of
203 the court having jurisdiction over the matter and file an action in interpleader. Upon notifying the parties of such action,
204 Agent will be released from all liability except for the duty to account for items previously delivered out of escrow. If
205 Agent is a licensed real estate broker, Agent will comply with Chapter 475, Florida Statutes. In any suit in which Agent
206 interpleads the escrowed items or is made a party because of acting as Agent hereunder, Agent will recover
207 reasonable attorney's fees and costs incurred, with these amounts to be paid from and out of the escrowed items and
208 charged and awarded as court costs in favor of the prevailing party.

209 **11. CURE PERIOD:** Prior to any claim for default being made, a party will have an opportunity to cure any alleged
210 default. If a party fails to comply with any provision of this Contract, the other party will deliver written notice to the non-
211 complying party specifying the non-compliance. The non-complying party will have ___ days (5 days if left blank) after
212 delivery of such notice to cure the non-compliance. Notice and cure shall not apply to failure to close.

213 **12. RETURN OF DEPOSIT:** Unless otherwise specified in the Contract, in the event any condition of this Contract is
214 not met and Buyer has timely given any required notice regarding the condition having not been met, Buyer's deposit
215 will be returned in accordance with applicable Florida Laws and regulations.

216 **13. DEFAULT:**

217 (a) In the event the sale is not closed due to any default or failure on the part of Seller other than failure to make
218 the title marketable after diligent effort, Buyer may either (1) receive a refund of Buyer's deposit(s) or (2) seek
219 specific performance. If Buyer elects a deposit refund, Seller will be liable to Broker for the full amount of the
220 brokerage fee.

221 (b) In the event the sale is not closed due to any default or failure on the part of Buyer, Seller may either (1) retain
222 all deposit(s) paid or agreed to be paid by Buyer as agreed upon liquidated damages, consideration for the
223 execution of this Contract, and in full settlement of any claims, upon which this Contract will terminate or (2) seek
224 specific performance. If Seller retains the deposit, Seller will pay the Brokers named in Paragraph 20 fifty percent
225 of all forfeited deposits retained by Seller (to be split equally among the Brokers) up to the full amount of the
226 brokerage fee. If Buyer fails to timely place a deposit as required by this Contract, Seller may either (1) terminate
227 the Contract and seek the remedy outlined in this subparagraph or (2) proceed with the Contract without waiving
228 any remedy for Buyer's default.

229 **14. ATTORNEY'S FEES AND COSTS:** In any claim or controversy arising out of or relating to this Contract, the
230 prevailing party, which for purposes of this provision will include Buyer, Seller and Broker, will be awarded reasonable
231 attorneys' fees, costs, and expenses.

232 **15. NOTICES:** All notices will be in writing and may be delivered by mail, overnight courier, personal delivery, or
233 electronic means. Parties agree to send all notices to addresses specified on the signature page(s). Any notice,
234 document, or item given by or delivered to an attorney or real estate licensee (including a transaction broker)
235 representing a party will be as effective as if given by or delivered to that party.

236 **16. DISCLOSURES:**

237 (a) **Commercial Real Estate Sales Commission Lien Act:** The Florida Commercial Real Estate Sales
238 Commission Lien Act provides that a broker has a lien upon the owner's net proceeds from the sale of commercial
239 real estate for any commission earned by the broker under a brokerage agreement. The lien upon the owner's net

240* Buyer () () and Seller () () acknowledge receipt of a copy of this page, which is Page 5 of 8 Pages.

241 proceeds is a lien upon personal property which attaches to the owner's net proceeds and does not attach to any
242 interest in real property. This lien right cannot be waived before the commission is earned.

243 (b) **Special Assessment Liens Imposed by Public Body:** The Property may be subject to unpaid special
244 assessment lien(s) imposed by a public body. (A public body includes a Community Development District.) Such
245 liens, if any, shall be paid as set forth in Paragraph 9(e).

246 (c) **Radon Gas:** Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in
247 sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that
248 exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon
249 and radon testing may be obtained from your county public health unit.

250 (d) **Energy-Efficiency Rating Information:** Buyer acknowledges receipt of the information brochure required by
251 Section 553.996, Florida Statutes.

252 **17. RISK OF LOSS:**

253 (a) If, after the Effective Date and before closing, the Property is damaged by fire or other casualty, Seller will bear
254 the risk of loss and Buyer may cancel this Contract without liability and the deposit(s) will be returned to Buyer.
255 Alternatively, Buyer will have the option of purchasing the Property at the agreed upon purchase price and Seller
256 will credit the deductible, if any and transfer to Buyer at closing any insurance proceeds, or Seller's claim to any
257 insurance proceeds payable for the damage. Seller will cooperate with and assist Buyer in collecting any such
258 proceeds. Seller shall not settle any insurance claim for damage caused by casualty without the consent of the
259 Buyer.

260 (b) If, after the Effective Date and before closing, any part of the Property is taken in condemnation or under the
261 right of eminent domain, or proceedings for such taking will be pending or threatened, Buyer may cancel this
262 Contract without liability and the deposit(s) will be returned to Buyer. Alternatively, Buyer will have the option of
263 purchasing what is left of the Property at the agreed upon purchase price and Seller will transfer to the Buyer at
264 closing the proceeds of any award, or Seller's claim to any award payable for the taking. Seller will cooperate with
265 and assist Buyer in collecting any such award.

266* **18. ASSIGNABILITY; PERSONS BOUND:** This Contract may be assigned to a related entity, and otherwise is
267 not assignable is assignable. If this Contract may be assigned, Buyer shall deliver a copy of the assignment
268 agreement to the Seller at least 5 days prior to Closing. The terms "Buyer," "Seller" and "Broker" may be singular or
269 plural. This Contract is binding upon Buyer, Seller and their heirs, personal representatives, successors and assigns
270 (if assignment is permitted).

271 **19. MISCELLANEOUS:** The terms of this Contract constitute the entire agreement between Buyer and Seller.
272 Modifications of this Contract will not be binding unless in writing, signed and delivered by the party to be bound.
273 Signatures, initials, documents referenced in this Contract, counterparts and written modifications communicated
274 electronically or on paper will be acceptable for all purposes, including delivery, and will be binding. Handwritten or
275 typewritten terms inserted in or attached to this Contract prevail over preprinted terms. If any provision of this Contract
276 is or becomes invalid or unenforceable, all remaining provisions will continue to be fully effective. This Contract will be
277 construed under Florida law and will not be recorded in any public records.

278 **20. BROKERS:** Neither Seller nor Buyer has used the services of, or for any other reason owes compensation to,
279 a licensed real estate Broker other than:

280* (a) **Seller's Broker:** N/A _____
281 (Company Name) (Licensee)

282* _____
283 (Address, Telephone, Fax, E-mail)

284* who is a single agent is a transaction broker has no brokerage relationship and who will be compensated
285* by Seller Buyer both parties pursuant to a listing agreement other (specify) _____
286* _____

287* Buyer () () and Seller () () acknowledge receipt of a copy of this page, which is Page 6 of 8 Pages.

288* (b) Buyer's Broker: N/A
289 (Company Name) (Licensee)

290* _____
291 (Address, Telephone, Fax, E-mail)

292* who is a single agent is a transaction broker has no brokerage relationship and who will be compensated
293* by Seller's Broker Seller Buyer both parties pursuant to an MLS offer of compensation other (specify)

294* _____
295 (collectively referred to as "Broker") in connection with any act relating to the Property, including but not limited to
296 inquiries, introductions, consultations, and negotiations resulting in this transaction. Seller and Buyer agree to
297 indemnify and hold Broker harmless from and against losses, damages, costs and expenses of any kind, including
298 reasonable attorneys' fees at all levels, and from liability to any person, arising from (1) compensation claimed which is
299 inconsistent with the representation in this Paragraph, (2) enforcement action to collect a brokerage fee pursuant to
300 Paragraph 10, (3) any duty accepted by Broker at the request of Seller or Buyer, which is beyond the scope of
301 services regulated by Chapter 475, Florida Statutes, as amended, or (4) recommendations of or services provided and
302 expenses incurred by any third party whom Broker refers, recommends, or retains for or on behalf of Seller or Buyer.

303 21. OPTIONAL CLAUSES: (Check if any of the following clauses are applicable and are attached as an addendum to
304 this Contract):

- | | | |
|--|--|---|
| 305* <input type="checkbox"/> Arbitration | <input type="checkbox"/> Seller Warranty | <input type="checkbox"/> Existing Mortgage |
| 306* <input type="checkbox"/> Section 1031 Exchange | <input type="checkbox"/> Coastal Construction Control Line | <input type="checkbox"/> Buyer's Attorney Approval |
| 307* <input type="checkbox"/> Property Inspection and Repair | <input type="checkbox"/> Flood Area Hazard Zone | <input type="checkbox"/> Seller's Attorney Approval |
| 308* <input type="checkbox"/> Seller Representations | <input type="checkbox"/> Seller Financing | <input checked="" type="checkbox"/> Other <u>Commercial Other Terms Rider</u> |

309 22. ADDITIONAL TERMS:

310* The City of Apopka (City) will surrender to Downtown Customers Parking Association, Inc. (DCPA) all of its
311* shares in DCPA as a condition precedent to the closing contemplated by this Contract.

312* _____
313* Coterminous with closing, DCPA will cancel all of City's surrendered shares. Upon cancellation, the City shall
314* have no responsibility for any past, present, and/or future debts or bills incurred by DCPA. Further, the City
315* shall have no liability of any kind whatsoever for any actions taken by DCPA following cancellation.

316* _____
317* It is the intention of the Parties that after closing DCPA will wind up its affairs and apply to the Florida
318* Department of State, Division for Corporations for dissolution.

321 THIS IS INTENDED TO BE A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, SEEK THE
322 ADVICE OF AN ATTORNEY PRIOR TO SIGNING. BROKER ADVISES BUYER AND SELLER TO VERIFY ALL
323 FACTS AND REPRESENTATIONS THAT ARE IMPORTANT TO THEM AND TO CONSULT AN APPROPRIATE
324 PROFESSIONAL FOR LEGAL ADVICE (FOR EXAMPLE, INTERPRETING CONTRACTS, DETERMINING THE
325 EFFECT OF LAWS ON THE PROPERTY AND TRANSACTION, STATUS OF TITLE, FOREIGN INVESTOR
326 REPORTING REQUIREMENTS, ETC.) AND FOR TAX, PROPERTY CONDITION, ENVIRONMENTAL AND OTHER
327 ADVICE. BUYER ACKNOWLEDGES THAT BROKER DOES NOT OCCUPY THE PROPERTY AND THAT ALL
328 REPRESENTATIONS (ORAL, WRITTEN OR OTHERWISE) BY BROKER ARE BASED ON SELLER
329 REPRESENTATIONS OR PUBLIC RECORDS UNLESS BROKER INDICATES PERSONAL VERIFICATION OF
330 THE REPRESENTATION. BUYER AGREES TO RELY SOLELY ON SELLER, PROFESSIONAL INSPECTORS
331 AND GOVERNMENTAL AGENCIES FOR VERIFICATION OF THE PROPERTY CONDITION, SQUARE FOOTAGE
332 AND FACTS THAT MATERIALLY AFFECT PROPERTY VALUE.

333* Buyer () () and Seller () () acknowledge receipt of a copy of this page, which is Page 7 of 8 Pages.

334 Each person signing this Contract on behalf of a party that is a business entity represents and warrants to the other
335 party that such signatory has full power and authority to enter into and perform this Contract in accordance with its
336 terms and each person executing this Contract and other documents on behalf of such party has been duly authorized
337 to do so.

Apopka Community Redevelopment Agency

338* _____
339 (Signature of Buyer)

Date: _____

340* *Joe Kilsheimer*
341 (Typed or Printed Name of Buyer)

Tax ID No: _____

342* Title: *Chairman*

Telephone: *407-703-1700*

343* _____
344 (Signature of Buyer)

Date: _____

345* _____
346 (Typed or Printed Name of Buyer)

Tax ID No: _____

347* Title: _____

Telephone: _____

348* Buyer's Address for purpose of notice: *120 E Main Street, Apopka, Florida 32703*

349* Facsimile: _____

Email: _____

Downtown Customers Parking Association, Inc.

350* _____
351 (Signature of Seller)

Date: _____

352* *William J. McLeod*
353 (Typed or Printed Name of Seller)

Tax ID No: _____

354* Title: *President*

Telephone: *407-886-3300*

355* _____
356 (Signature of Seller)

Date: _____

357* _____
358 (Typed or Printed Name of Seller)

Tax ID No: _____

359* Title: _____

Telephone: _____

360* Seller's Address for purpose of notice: *48 E Main Street, Apopka, Florida 32703*

361* Facsimile: _____

Email: _____

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362* Buyer () () and Seller () () acknowledge receipt of a copy of this page, which is Page 8 of 8 Pages.

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EXHIBIT "A"

LEGAL DESCRIPTION:

Lots 38, 39, and 40 (Less North 3 ft.) of Block "E" Town of Apopka, according to plat thereof, as recorded in Plat Book "A", Page 109, Public Records of Orange County, Florida.

All of Lots 41 and 43, less the North 3 feet thereof, Block E, of Apopka, according to the Plat thereof recorded in Plat Book A, page 109, Public Records of Orange County, Florida.

440722 RECORDED

AUG 24 3 10 PM '71

F.O.R. 2107 PG 151

409
pa

WARRANTY DEED
(FROM CORPORATION)

RAMCO FORM 33

This Warranty Deed Made and executed the 11th day of May A. D. 1971 by
THE STATE BANK OF APOPKA, a banking corporation 18,439.55

55.50
20.35

a corporation existing under the laws of FLORIDA and having its principal place of
business at APOPKA, FLORIDA
hereinafter called the grantor, to

DOWNTOWN CUSTOMERS PARKING ASSOCIATION, INC.

whose postoffice address is APOPKA, FLORIDA

hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and
their heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other
valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell,
alien, remise, release, convey and confirm unto the grantee, ~~THE STATE BANK OF APOPKA~~ ~~and~~ ~~its~~ ~~successors~~ ~~and~~ ~~assigns~~ ~~of~~ ~~individuals~~ ~~and~~ ~~the~~ ~~successors~~ ~~and~~ ~~assigns~~ ~~of~~ ~~corporations~~
County, Florida, viz:

ORANGE COUNTY
0 4 8 0 1 4
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
AUG 24 '71
P.B. 10333
55.50

Lots 38; 39, and 40 (Less North 3 ft.) of Block "E"
Town of Apopka, according to plat thereof, as recorded
in Plat Book "A", Page 109, Public Records of Orange
County, Florida.

"If, within the ten year period from date of sale, the said property is
closed as a parking lot, the Grantor is to have the opportunity to
repurchase the property at \$18,439.55, plus 6% interest per annum,
or consent to proposed use of property".

JOHNIE A. McLEOD
Attorney at Law
Drawer 950
Apopka, Florida

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any
wise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee
simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully war-
rants the title to said land and will defend the same against the lawful claims of all persons whomsoever;
and that said land is free of all encumbrances

ORANGE COUNTY
0 4 8 0 1 4
FLORIDA
DEPT. OF REVENUE
AUG 24 '71
P.B. 10333
DOCUMENTARY SUR TAX
20.35

In Witness Whereof the grantor has caused these presents to
be executed in its name, and its corporate seal to be hereunto affixed, by its
proper officers, thereunto duly authorized, the day and year first above written.

(CORPORATE SEAL)

ATTEST: Sarah O. White
Cashier

THE STATE BANK OF APOPKA

Signed, sealed and delivered in the presence of:

Lincoln L. Jeter
Carlwood Lundberg

By Edwin W. Fly
President

RECORDED & RECORD VERIFIED

Ann... Clerk of
Circuit Court, Orange Co., Fla.

STATE OF FLORIDA
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid, to take acknowledgments,
personally appeared Edwin W. Fly and Sarah O. White

well known to me to be the President and Cashier respectively of the corporation named as grantor.
In the foregoing deed, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily
under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 10th day of June A. D. 1971

This instrument prepared by:

Address THIS INSTRUMENT WAS PREPARED BY:
JOHNIE A. McLEOD, Attorney at Law
P. O. DRAWER 950 APOPKA, FLORIDA 32034

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES DEC. 6, 1974
GENERAL INSURANCE UNDERWRITERS, INC.

WARRANTY DEED 359970 RECORDED SEP 3 10 55 AM '70

This Indenture, Made this 14th day of August, A. D. 1970.

Between ARTHUR F. JONES and CAROLYN C. JONES, his wife, of Daytona Beach, Volusia County, Florida, and CAROL FLOYD and NANNIE S. FLOYD, his wife of Umatilla, of the County of Lake and State of Florida
part ies of the first part, and DOWNTOWN CUSTOMERS PARKING ASSOCIATION, INC., ~~whose mailing address is~~ a Florida Corporation, whose mailing address is 64 East Main Street, Apopka, of the County of Orange and State of Florida

45
165

Witnesseth, that the said part ies of the first part, for and in consideration of the sum of TEN (\$10.00) - - - - - Dollars, and other good and valuable considerations to them in hand paid, the receipt whereof is hereby acknowledged, ha ve granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said part y of the second part and its successors and assigns forever, all that certain parcel of land lying and being in the County of Orange and State of Florida , more particularly described as follows:

All of Lots 41 and 43, less the North 3 feet thereof, Block E, of Apopka, according to the Plat thereof recorded in Plat Book A, page 109, Public Records of Orange County, Florida.

This instrument was prepared by FRANK W. STEBBINS of Stebbins & Stebbins Attorneys at Law, P. O. Box 344, Apopka, Florida 32706. E-05645-617-12726

ORANGE COUNTY 047034
STATE OF FLORIDA DOCUMENTARY STAMP TAX
DEPT OF REVENUE
SEP-370 \$45.00

ORANGE COUNTY 029717
FLORIDA DOCUMENTARY SUR TAX
\$16.50
SEP-370

Together with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining: To Have and to Hold the same in fee simple forever.

And the said part ies of the first part do covenant with the said part y of the second part that they are lawfully seized of, the said premises, that they are free from all encumbrances except Taxes for 1970, and that they have good right and lawful authority to sell the same; and the said part ies of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said part ies of the first part ha ve hereunto set their hand s and seal s the day and year above written.

Signed, sealed and delivered in our presence:

J. R. Hall
As to Arthur F. Jones and wife
Frank W. Stebbins
As to Carol Floyd and wife

Arthur F. Jones
Arthur F. Jones
Carolyn C. Jones
Carolyn C. Jones
Carol Floyd
Carol Floyd
Nannie S. Floyd
Nannie S. Floyd

40/1

Satisfaction of Mortgage

Know All Men By These Presents: That We
(I, We)

Century Bank of Orange County FKA The State Bank of Apopka
the owner and holder of a certain mortgage deed executed by
Downtown Customers Parking Association, Inc., Apopka, Florida
to The State Bank of Apopka

A Florida Banking Corporation

bearing date the 11th. day of May, A.D. 1971, recorded in Official Records
Book 2107, page 152, in the office of the Clerk of the Circuit Court of Orange County,
State of Florida, securing a certain note in the principal sum of
Sixteen Thousand Five Hundred Ninety Five and 59/100
Dollars, and certain promises and obligations set forth in said mortgage deed, upon the property situate in said
State and County described as follows, to-wit:

Lots 38, 39, and 40 (Less North 3 ft.) of Block "E" Town of
Apopka, according to plat thereof, as recorded in Plat Book
"A", Page 109, Public Records of Orange County, Fla.

hereby acknowledge full payment and satisfaction of said note and mortgage deed, and surrender the
same as cancelled, and hereby direct the Clerk of the said Circuit Court to cancel the same of record.

Witness Our hands and seal s this 27th. day of February

Signed, Sealed and Delivered in Presence of:

Kenneth C. Dean
Margaret A. Partin

Century Bank of Orange County, FKA
The State Bank of Apopka

R. J. McKenna Vice Pres.
Sandra S. Partin Loan Officer



STATE OF FLORIDA,
COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, an

officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared

R. J. McKenna and Sandra S. Partin, Vice President & Loan Officer, respectively

to me known to be the person s described in and who executed the foregoing instrument and they acknowledged
before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 27th day of
February A.D. 19 81

RECORDED & RECORD VERIFIED

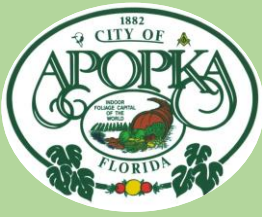
Thomas H. Baker
County Comptroller, Orange Co., Fla.
This instrument prepared by:
Address

This instrument Prepared by:
Kenneth C. Dean
Century Bank of Orange County
Drawer 1108
Apopka, Florida 32703

Margaret A. Partin
Notary Public, State of Florida at Large
My Commission Expires April 15, 1983

Backup material for agenda item:

3. Budget Items for FY 2017 in accordance with the CRA Redevelopment Plan 2017 ~ Update James Hitt



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: BUDGET ITEMS

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: 5th Street Parking Lot map
 Station Street concept map
 3 Assistance Programs

SUBJECT: BUDGET ITEMS FOR FY 2017 IN ACCORDANCE WITH THE CRA REDEVELOPMENT PLAN 2017 ~ UPDATE

REQUEST: APPROVE THE BUDGET ITEMS FOR THE REMAINDER OF THE FY 2017 AND CARRY OVER AS NEEDED TO FY 2018

SUMMARY: With the approval of the new CRA Redevelopment Plan 2017~update, staff is requesting approval of the budget items listed below to help jump-start the redevelopment in the CRA District.

Project	Description	Amount \$	CRA Account Number
5 th Street Parking lot	Purchase – cost based on appraisal and closing costs. \$200,000 already budgeted \$280,000 total	80,000	610-9950-515-6200
	Design and site estimates for renovation. (\$50,000 remaining) \$75,000 total	25,000	610-9950-515-3100
Station Street Project (DAT)	Site design, planning, engineering and pre-construction in preparation for a Request for Proposal	200,000	610-9950-515-3400
CRA ~ Assistance Programs	Residential Fee Assistance Program (RFAP) (Pays impact fees for new single-family homes, up to \$20,500 each)	61,500	610-9950-515-4900
	Façade Renovation Assistance Program (FRAP) (Pays for exterior commercial renovations, i.e. paint, windows, doors, stone work, awning, ADA access, etc.) \$5,000 max with a 25% match	25,000	610-9950-515-4900
	Building Code Assistance Program (BCAP) (Pays for interior commercial renovations, i.e. air conditioning, wiring, plumbing, ADA access, etc.) \$5,000 max with a 25% match	25,000	610-9950-515-4900

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

FUNDING SOURCE:

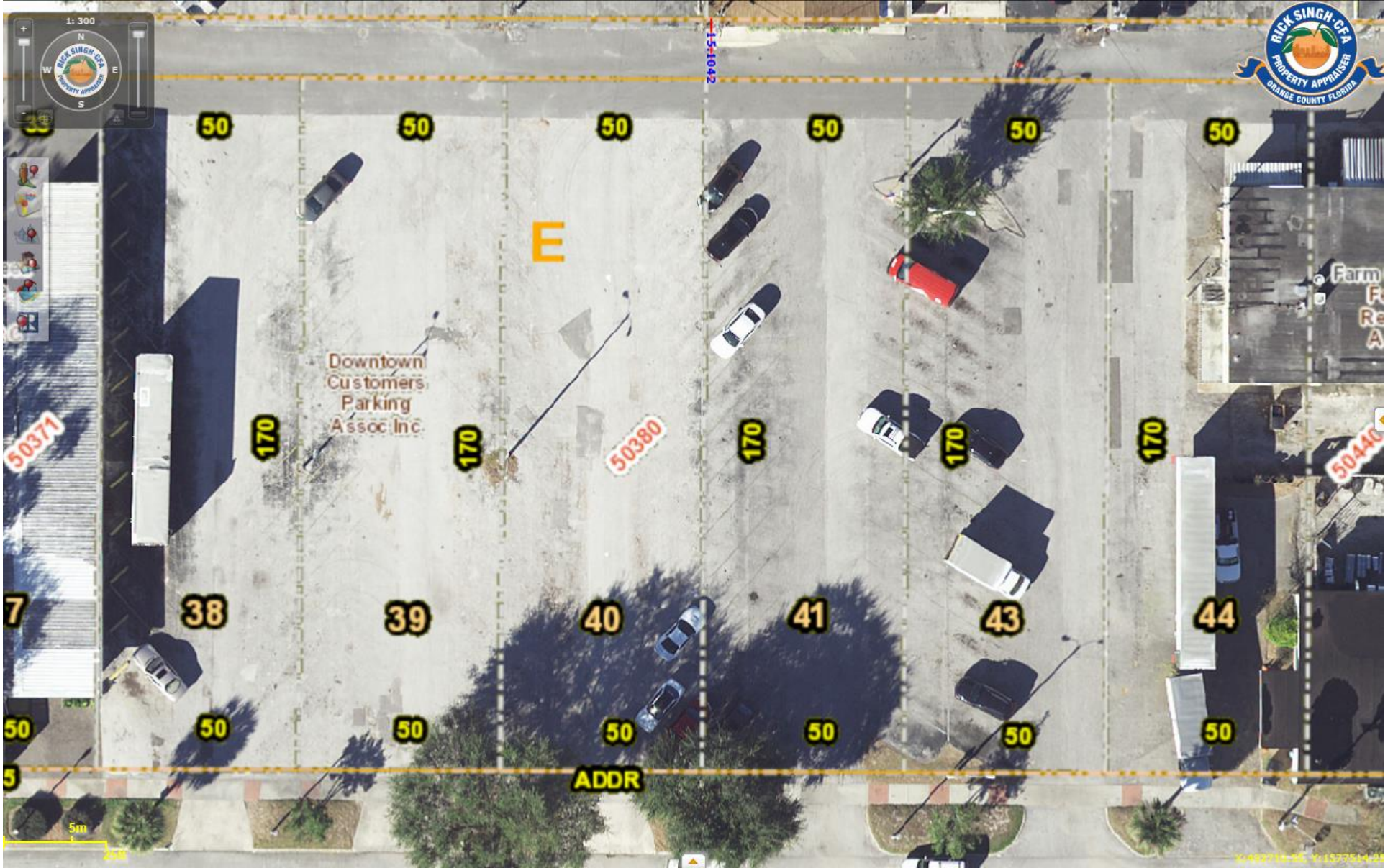
The CRA Redevelopment Trust Fund, established by Ordinance No. 783 on June 16, 1993 utilizing Tax Increment Funding (TIF).

RECOMMENDATION ACTION:

Approve additional funding for existing (\$250,000) and new budget (\$415,500) items from the CRA Redevelopment Trust Fund, totaling \$666,500 and provide for carry-over of funds in FY 2018 as needed.

Fifth Street Parking Lot







\\apk-fs1\users\$\jhitt\Documents\CRA\5th St Parking Lot\Fifth Street Parking Lot -maps2.docx



City of Apopka – CRA
FAÇADE RENOVATION ASSISTANCE PROGRAM
Application



This application, along with all required information should be submitted to:
James Hitt, Community Development Director
City of Apopka, Community Development Department
120 E. Main Street, 2nd floor
Apopka, Florida 32703

Office Use
Application No. _____

This Program is for non-residential structures only. The Apopka CRA review and approval will be conducted by City staff and the applicant will be notified of the next step for approval. No work should be done until final approval is completed and a Notice to Proceed is issued. This application and all attachments to it constitute public records. Call 407-703-1712 if you have any questions about the Façade Renovation Assistance Program.

I. APPLICANT

Name: _____

Address: _____

Telephone: _____ Fax: _____

E-Mail: _____

II. PROPERTY OWNER (If same as applicant, go to Section III)

Name: _____

Address: _____

Telephone: _____ Fax: _____

E-Mail: _____

III. PROPOSED PROJECT

Project/Business Name: _____

Address: _____

A. Is the project within the CRA project area of the City of Apopka? Yes _____ No _____

B. Project General Description. Please provide the following:

1. Color photographs clearly showing existing condition of the facade, neighboring buildings, and rear entrances. Historic photos if available.
2. Paint color samples for all colors planned. (if applicable)
3. Awning fabric and color sample. (If applicable)
4. Attach site plan and/or sketch plans and specifications detailing the scope of work.
5. Licensed Contractors – Three (3) written quotes to be used for projects up to \$25,000. Similar quotes for like items is required.

C. Cost of Required Structural/Code Improvements, if any (attach itemized list and cost estimates).

D. Total cost of Exterior Improvements (attach itemized list and cost estimates).

E. Dollar amount requested: \$ _____

F. Applicant cost (minimum 25% of Dollar amount requested): \$ _____

G. Percent of total financial commitment by applicant (Applicant cost ÷ Total cost) for planned improvements. _____%

IV. SATISFACTION OF GRANT CRITERIA

Explain in written detail on a separate sheet: how your proposal meets each one of the listed criteria set forth in the Façade Renovation Assistance Program criteria. By filing this application, the Applicant agrees and understands that this grant is given at the sole discretion of the Apopka CRA and these criteria are used solely to evaluate Applicant's project and do not create an entitlement to funding.

ANY COST FOR WORK PREVIOUSLY COMPLETED PRIOR TO AN APPROVED APPLICATION CANNOT BE REIMBURSED UNDER ANY CIRCUMSTANCE. DO NOT START ANY PHYSICAL RENOVATIONS UNTIL AFTER FINAL APPROVAL BY THE CITY/CRA, COMPLETION OF THE CONTRACT WITH THE CITY & NOTICE TO PROCEED HAS BEEN ISSUED.

In addition, any grant funding award is on a first come, first served basis. Application funding shall be in accordance with the established FRAP Criteria, City *Land Development Codes* and the approved *Development Design Guidelines* for the City.

V. CERTIFICATION

Applicant hereby certifies under penalty of perjury, that all information provided is complete, current, accurate and truthful.

Signature

Date

Print

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____
By _____ who is personally known to me or has produced
_____ as identification and who did (did not) take an oath.

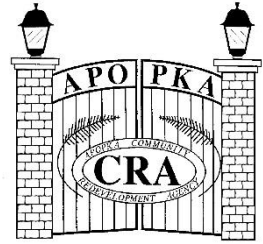
Notary *Signature*

Notary Public
My Commission expires:

Print



City of Apopka – CRA
FAÇADE RENOVATION ASSISTANCE PROGRAM
Criteria



Façade (fuh-sahd, fa-): 1. Architecture. a. the front of a building, especially an imposing or decorative one. b. any side of a building facing a public way or space and finished accordingly.

Renovation (re-nə-'vā-shən): 1. to make fresh and sound again, as though new; clean up, replace worn and broken parts in, repair, etc. 2. To refresh; revive.

Assistance (uh-sis-tuh ns): the act of assisting; help; aid; support.

Program (prō- , gram, -grəm): 1. a plan of action to accomplish a specified end. 2. a plan or schedule of activities, procedures, etc., to be followed.

I. Intent

It is the intent of the Apopka Community Redevelopment Agency (the "CRA"), under Part III Community Redevelopment Act, Chapter 163, Florida Statutes, to provide assistance to owners or tenants of property located within the Community Redevelopment Area in order to further the purposes of the Downtown Redevelopment Plan by improving the visual and aesthetic appearance of structures located in that area. Such assistance for external aesthetic improvements will be in the form of a financial reimbursement program to qualified owners or tenants who apply to the City/CRA for such assistance. The purpose of these guidelines is to establish the policies and procedures to be followed by the City in considering applications.

II. Program Description

The CRA's Façade Renovation Assistance Program provides a financial reimbursement grant to pay eligible costs incurred by a qualified owner or tenant in making exterior facade improvements. Such exterior improvements may include structural, sign, facade visual treatments (paint, stucco, windows, etc.), awnings, building code and especially historical theme improvements which reflect Apopka history. Grants will be awarded only in the CRA's redevelopment area.

III. Eligibility

Program applications will be considered only if they meet all of the following eligibility criteria.

1. Location and Apopka CRA Redevelopment Plan

The project must be located within the Apopka CRA's Redevelopment Area, as presented in the adopted *CRA Redevelopment Plan 2017~update*, adopted June 21, 2017. The requested rehabilitation must also further the Apopka CRA Redevelopment Plan, inclusive of any subsequent amendments.

2. Applicants

Owners or tenants of real property within the Apopka CRA Redevelopment Area as described in the new 2017 Redevelopment Plan. Property must be considered non-residential (e.g. commercial, retail or office) unless it is a mixed use (residential being a clear secondary use) according to the Apopka Comprehensive Plan and Zoning. Applicants for this program must be able to demonstrate financial capability to complete the project and long term commitment to maintain the property in the condition to which it will be renovated.

Nonprofit and/or religious entities may be eligible. Please see #4, D.

3. Consistency with Governmental Regulations: Apopka Code Enforcement Compliance; Apopka Comprehensive Plan; Zoning & Apopka Land Development Code; Architectural Standards for the City of Apopka; CRA Redevelopment Plan, and; Florida Building Code.

Eligible projects must demonstrate consistency with the City of Apopka's Comprehensive Plan, Land Development Code, applicable zoning, and is consistent with the CRA Redevelopment Plan, as evidenced by a review from the City's Community Development Department. The renovation must meet all requirements of Apopka's building and safety code requirements, Code Enforcement, Comprehensive Plan, Zoning & Land Development Code, the City of Apopka Development Design Guidelines, and the Florida Building Code – all upon completion of the project. Any project must have a Business tax Receipt, be a permitted use, or have a Special Exception to operate.

4. Eligible Projects and Costs

A) It is the intent of this grant program to refund a portion of the applicant's cost for exterior cosmetic, non-structural improvements to a structure that will increase aesthetic appeal. Exterior improvements to existing property within the CRA project area must improve the appearance of the exterior of the non-residential building. All new construction not substantially contributing to the aesthetic improvement will be excluded from this program. Any other grants from other City/City programs may not be combined for the same materials or work. Handicap access must be available.

The following are examples of eligible improvements:

- i) Refurbishing of an exterior wall, including repainting, repairs, re-siding or similar cosmetic improvements;
- ii) Exterior windows and/or doors, including:
 - (a) Installation of new or replacement windows and/or doors;
 - (b) Repair or refurbishing of existing windows and/or doors; or
 - (c) Similar cosmetic improvements;
- iii) Signs, including the removal of old signs and the design production and installation of new signs. One monument sign or building sign may be eligible but at least half the Program funding must be used for the façade itself.
- iv) Demolition of exterior cosmetic features necessary to install new exterior cosmetic improvements;
- v) Awnings or canopies over windows or walkways and other decorative improvements, including shutters; and
- vi) Re-shingling or re-surfacing of the roof or mansard, provided that the re-shingling or re-surfacing contributes to the aesthetics of the façade.

- vii) A building on a corner or having a rear facade facing a major street, and containing a single business, may be considered to have two facades, and may combine funding over all, not to exceed \$10,000 (\$5,000 each side). Each façade must be separated for grant funding, and funds and receipts cannot be combined.
 - viii) Buildings with multiple units under one roof may combine grant funds provided that units have separate entrances, and have been previously subdivided or partitioned such that:
 1. There are separate primary entrances for each business.
 2. Each of the businesses has separate and distinct business tax receipts and sales tax licenses.
 3. Permanent interior walls must have been in place to be considered as multiple facades, under one roof.
- B) Specifically exempted from the grant monies are the following:
- i) Parking lot paving or resurfacing;
 - ii) Landscaping and/or irrigation;
 - iii) Off building signage (i.e. any signs not attached to the building, mansard or canvas type awnings);
 - iv) All structural improvements not substantially contributing to the aesthetic improvement of the property, including load-bearing walls or other similar structural components; and
 - v) Other improvements required for the re-occupation of the property by the City's adopted Standard Building Code.
 - vi) Any internal improvements
 - vii) Building permits.
- C) The applicant must contribute at least 25% over and above the cost of the requested funding amount.
- The grant amount shall in no event exceed \$5,000.00 per facade or storefront (see A.vii above), and shall not exceed the total cost of all improvements. The applicant must pay for any additional costs over and above the maximum grant amount, and any applicant estimated costs, in order to complete any desired Final bills submitted to the City for reimbursement. In the event actual project costs designated to be paid for by the FIGP come in lower than the estimated contract costs, the grant shall meet, not exceed those actual costs, no matter any additional applicant costs. All bills (marked paid in full), or release of lean must be submitted for reimbursement to the city as proof of payment by the applicant.
- D) Any building owned by a nonprofit and/or religious entity for services or meetings that do not pay property taxes shall only be eligible for Facade Renovation Assistance Program funding up to \$5,000. The applicant must contribute at least 50% over and above the cost of the requested grant amount.
- E) Any applicant not meeting the FRAP criteria may request further consideration for an exception from by the CRA, depending on the intent of the renovation.

5. Documentation

The grant application must be completed and submitted to the City with the following additional items:

- a. Photographs of the existing building and the proposed project area.
- b. Schematic drawings illustrating all proposed work, or pictures with project description outlined. Include a description of materials and methods to be used, depending on the proposed project (i.e. sign replacement, new awnings, stucco, signage, new brick, brick re-pointing, etc.)
- c. Material samples or color swatches should be provided for approval.
- d. Cost estimates for each aspect of the project.

Example:

Awnings:	\$3,590.00
Paint:	900.00
Sign(s):	<u>2,230.00</u>
TOTAL:	\$6,720.00

6. Application and Grant Availability

The applicant is advised that this grant is given at the sole discretion of the City of Apopka and CRA, and these criteria are used as a base to evaluate the Applicant's project, and does not create entitlement to funding. The application shall be reviewed by the Apopka Planning & Zoning Department for completeness and eligibility prior to any approvals.

- All grant funds are subject to availability as authorized by, and at the sole discretion of the CRA. A maximum of two applications within a three (3) year (City fiscal year), provided the two applications do not exceed the \$5,000 per front for both requests, and that the grants would not be available for the same item.
- CRA Assistance Program funds are NOT available for repeat or replacement of the same work that was previously funded as part of a CRA Assistance Program.

Please note: All projects must be completed within 120 days (4 months) or by the contracted date after receiving approval from the City of Apopka and CRA staff and any required City building permits. All work must be completed by the completion date assigned according to the contract. Incomplete projects may require reimbursement to the CRA, according to contract requirements.

7. Disbursement of Funds

The City of Apopka must approve in concept, proposed improvements. Applications for improvements will be reviewed for completeness and if they are eligible, the applicant will be notified. At the time the grant is awarded, funds will be dispersed as follows:

- a. Applicant may receive monthly payments based on submittal of paid receipts. Maximum payout is 75% of the Program amount until final CO or approval is completed. Building permits may be required for work to be done, and the applicant must check with the Building Official to determine permit needs.
- b. In the event building permits are not required for such assistance Program approved renovations, approval may be granted by the City or it's representative to proceed; and/or

- c. Applicant will be eligible for the remaining portion of the grant at the time of approved final inspection by, or issuance of final approval from the City of Apopka and the CRA for the completed project. Verification of payments being made to a vendor or contractor must be presented, (canceled checks, paid invoice from vendors, i.e. the awning contractor, etc.) prior to issuing final grant payment.
- d. All grant requirements must meet all requirements and City of Apopka codes.
- e. Applicant will be notified in writing as to approval or denial.
- f. Final bills submitted to the City for reimbursement. In the event actual project costs designated to be paid for by the FRAP come in lower than the estimated contract costs, the grant shall meet, not exceed those actual costs, no matter any additional applicant costs. All bills (marked paid in full), or release of lean must be submitted for reimbursement to the City as proof of payment by the applicant.

ANY COST FOR WORK PREVIOUSLY COMPLETED PRIOR TO AN APPROVED APPLICATION CANNOT BE REIMBURSED UNDER ANY CIRCUMSTANCE. DO NOT START ANY PHYSICAL RENOVATIONS UNTIL AFTER FINAL APPROVAL BY THE CITY, COMPLETION OF THE CONTRACT WITH THE CITY & NOTICE TO PROCEED HAS BEEN ISSUED. BUILDING PERMITS MAY BE REQUIRED.

* For more information about the Apopka Facade Renovation Assistance Program, please contact:

James Hitt, RA-FRA, Community Development Dir.
City of Apopka
120 E. Main Street, 2nd floor
Apopka, Florida 32703
407-703-1712
jhitt@apopka.net
www.apopka.net

REDEVELOPMENT DEFINITIONS

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

Applicant. Owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire necessary permits under this Land Development Code, or the agent(s) of such persons.

Awning. A roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

Community Redevelopment Agency (CRA). The public body created to designate redevelopment project areas, supervise and coordinate planning for a project area and implement the Community Redevelopment Plan, (City Council or appointed by) according to Florida Statutes, Chapter 163, Part III.

Redevelopment Plan. Plan for revitalizing and redevelopment of land within the project area in order to eliminate blight.

CRA District. That area designated by the Redevelopment Plan of the Community Redevelopment Agency which is considered in need of redevelopment.

Design. Includes the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments of grades thereof; location and size of all required easements and rights-of-ways; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; building and other such specific physical requirements.

Architectural Standards. Criteria developed by the City to identify design concerns, and to help property owners ensure that new construction and rehabilitation respect the character of designated buildings or districts.

Design Review. The process of ascertaining whether modifications to structures, sites, or districts meet the standards of appropriateness established by the CRA.

Facade. The face or elevation(s) of a building.

Infill Development. Development that occurs on up to 4 contiguous lots scattered within areas that are already largely developed or urbanized. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building located on the site was demolished or because there were other, more desirable site for development.

Preservation. The identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.

Reconstruction. The authentic reproduction of a building or site that once existed, but disappeared or was demolished.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

Renovation. Modernization of an old or historic building that may produce inappropriate alterations or elimination of important features or details.

Restoration. The creation of an authentic reproduction beginning with existing parts of an original object or building, and to return the appearance to an earlier condition.

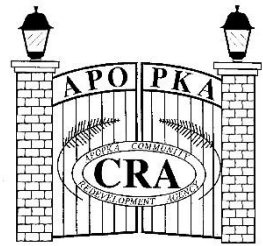
Review Authority. The person, committee, commission, board or council responsible for the review and/or final action or approval on a land use entitlement.

Revitalization. The imparting of new economic and community life in an existing neighborhood, area, or business district while at the same time preserving the original building stock and historic character.

Streetscape. The distinguishing and pictorial character of a particular street as created by its width, degree of curvature and paving materials, design of the street furniture, landscape materials, lighting features, general view, and forms of surrounding buildings.



City of Apopka – CRA
BUILDING CODE ASSISTANCE PROGRAM
Application



This application, along with all required information should be submitted to:
James Hitt, Community Development Director
City of Apopka, Community Development Department
120 E. Main Street, 2nd floor
Apopka, Florida 32703

Office Use
Application No. _____

The BCAP is for non-residential structures only. The Apopka CRA review and approval will be conducted by City staff and the applicant will be notified of the next step for approval. This application and all attachments to it constitute public records.

I. APPLICANT

Name: _____

Address: _____

Telephone: _____ Fax: _____

E-Mail: _____

II. PROPERTY OWNER (If same as applicant, go to Section III)

Name: _____

Address: _____

Telephone: _____ Fax: _____

E-Mail: _____

III. PROPOSED PROJECT

Project/Business Name: _____

Address: _____

A. Is the project within the CRA project area of the City of Apopka? Yes _____ No _____

B. Project General Description. Please provide the following:

1. Exact description of the work required for building code compliance or upgrades to the structure or unit is needed.
2. Attach site plan and/or sketch plans and specifications detailing the scope of work.
3. Licensed Contractors – Three (3) written quotes to be used for projects up to \$25,000. Similar quotes for like items is required.

C. Cost of Required Structural/Code Improvements, if any (attach itemized list and cost estimates).

D. Total cost of Exterior Improvements (attach itemized list and cost estimates).

E. Dollar amount requested: \$ _____

F. Applicant cost (minimum 25% of Dollar amount requested): \$ _____

G. Percent of total financial commitment by applicant (Applicant cost ÷ Total cost) for planned improvements. _____ %

IV. SATISFACTION OF GRANT CRITERIA

Explain in written detail on a separate sheet: how your proposal meets each one of the listed criteria set forth in the Building Code Assistance Program criteria. By filing this application, the Applicant agrees and understands that this grant is given at the sole discretion of the Apopka CRA and these criteria are used solely to evaluate Applicant's project and do not create an entitlement to funding.

ANY COST FOR WORK PREVIOUSLY COMPLETED PRIOR TO AN APPROVED APPLICATION CANNOT BE REIMBURSED UNDER ANY CIRCUMSTANCE. DO NOT START ANY PHYSICAL RENOVATIONS UNTIL AFTER FINAL APPROVAL BY THE CITY/CRA, COMPLETION OF THE CONTRACT WITH THE CITY & NOTICE TO PROCEED HAS BEEN ISSUED.

In addition, any grant funding award is on a first come, first served basis. Application funding shall be in accordance with the established BCAP Criteria, City *Land Development Codes* and the approved *Development Design Guidelines* for the City.

V. CERTIFICATION

Applicant hereby certifies under penalty of perjury, that all information provided is complete, current, accurate and truthful.

Signature

Date

Print

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on this _____ day of _____, 20__

By _____ who is personally known to me or has produced _____ as identification and who did (did not) take an oath.

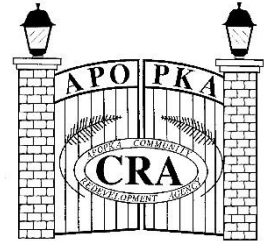
Notary *Signature*

Notary Public
My Commission expires:

Print



City of Apopka – CRA
BUILDING CODE ASSISTANCE PROGRAM
Criteria



I. Intent

It is the intent of the Apopka Community Redevelopment Agency (the "CRA"), under Part III Community Redevelopment Act, Chapter 163, Florida Statutes, to provide assistance to owners or tenants of property located within the Community Redevelopment Area in order to further the purposes of the CRA Redevelopment Plan by improving the visual and aesthetic appearance of structures located in that area. Such assistance for external aesthetic improvements will be in the form of a financial reimbursement program to qualified owners or tenants who apply to the City/CRA for such assistance. The purpose of these guidelines is to establish the policies and procedures to be followed by the City in considering applications.

II. Program Description

The CRA's Building Code Assistance Program (BCAP) provides a financial grant or reimbursement to help pay eligible costs incurred by a qualified owner or tenant in making improvements that are required due to building code requirements. Code requirements may be from building, fire or City codes that could have prevented a new business from starting. Such improvements may include: fire alarms; air system handlers (heating/air conditioning units); fire walls (needed for various uses); handicap access, including bathroom facilities (ADA requirements); front doors; grease traps (restaurants); electrical; or other similar items. Grants will be awarded only in the CRA's redevelopment area. This program is for building code issues/items and is not utilized for simple replacement.

III. Eligibility

Program applications will be considered only if they meet all of the following eligibility criteria.

1. Location and Apopka CRA Redevelopment Plan

The project must be located within the Apopka CRA's Redevelopment Area, as presented in the adopted *CRA Redevelopment Plan 2017~update*, adopted June 21, 2017. The requested rehabilitation must also further the Apopka CRA Redevelopment Plan, inclusive of any subsequent amendments.

2. Applicants

Owners or tenants of real property within the Apopka CRA Redevelopment Area as described in the new 2017 Redevelopment Plan. Property must be considered non-residential (e.g. commercial, retail or office) unless it is a mixed use (residential being a clear secondary use) according to the Apopka Comprehensive Plan and Zoning. Applicants for this program must be able to demonstrate financial capability to complete the project and long term commitment to maintain the property in the condition to which it will be renovated.

Nonprofit and/or religious entities may be eligible. Please see #4, D.

3. **Consistency with Governmental Regulations:** Apopka Code Enforcement Compliance; Apopka Comprehensive Plan; Zoning & Apopka Land Development Code; Architectural Standards for the City of Apopka; CRA Redevelopment Plan, and; Florida Building Code.

Eligible projects must demonstrate consistency with the City of Apopka's Comprehensive Plan, Land Development Code, applicable zoning, and is consistent with the CRA Redevelopment Plan, as evidenced by a review from the City's Community Development Department. The renovation must meet all requirements of Apopka's building and safety code requirements, Code Enforcement, Comprehensive Plan, Zoning & Land Development Code, the City of Apopka Development Design Guidelines, and the Florida Building Code – all upon completion of the project. Any project must have a Business tax Receipt, be a permitted use, or have a Special Exception to operate.

4. **Eligible Projects and Costs**

- A) It is the intent of the Building Code Assistance Program to refund a portion of the applicant's cost for interior, exterior or structural improvements for non-residential structures that will enable an existing business or a new business to operate/open within the CRA district. Exterior code required improvements and interior code required improvements to existing property within the CRA project area would be eligible for non-residential building. All new construction not substantially contributing to building code improvements will be excluded from this program. Any other grants from other City/City programs may not be combined for the same materials or work. Handicap access must be available.

The following are examples of eligible improvements:

- i) Fire alarm systems required for the safe operation of businesses.
- ii) Fire walls as required by the Fire Marshall for particular types of businesses.
- iii) Air system handlers – heating and air conditioning systems.
- iv) Handicap access for front or back doors, bathrooms or internal movement renovations such as door widening,
- v) Electrical – can include rewiring, replacement, and electrical portions of signage.
- vi) Other improvements required for the re-occupation of the property by the Florida Building Code.
- vii) Other code items as may be presented and subsequently approved by the City for inclusion into the program.

- B) Specifically exempted from the grant monies are the following:

- i) Off building signage (i.e. any signs not attached to the building, mansard or canvas type awnings).
- ii) All structural improvements not substantially contributing to the improvement of the property, including load-bearing walls or other similar structural components; and
- iii) Building permits.

- C) The applicant must contribute at least 25% over and above the cost of the requested funding amount.

The grant amount shall in no event exceed \$5,000.00 per unit or building, and shall not exceed the total cost of all improvements. The applicant must pay for any additional costs over and above the maximum grant amount, and any applicant estimated costs, in order to complete any desired Final bills submitted to the City for reimbursement. In the event actual project costs designated to be paid for by the BCAP come in lower than the estimated contract costs, the grant shall meet, not exceed those actual costs, no matter any additional applicant costs. All bills (marked paid in full), or release of lean must be submitted for reimbursement to the city as proof of payment by the applicant.

Buildings that exceed 4,000 square feet may be eligible for an additional \$5,000.00 for code updates to the interior of the building. The additional funds can be applied for with the initial application for a total of \$10,000.00 and is still required to have a minimum 25% match by the applicant. Please contact the CRA Incentive coordinator.

- D) Any building owned by a nonprofit and/or religious entity for services or meetings that do not pay property taxes shall only be eligible for Building Code Assistance Program funding up to \$5,000. The applicant must contribute at least 50% over and above the cost of the requested grant amount.

5. Documentation

The grant application must be completed and submitted to the City with the following additional items:

- a. Photographs of the existing building and the proposed project area.
- b. Schematic drawings illustrating all proposed work, or pictures with project description outlined. Include a description of materials and methods to be used, depending on the proposed project (see 4. A.).
- c. Cost estimates for each aspect of the project.

Example:	Air/heat Handler:	\$3,590.00
	Front door:	900.00
	Grease trap:	<u>2,230.00</u>
	TOTAL:	\$6,720.00

6. Application and Grant Availability

The applicant is advised that this grant is given at the sole discretion of the City of Apopka and CRA, and these criteria are used as a base to evaluate the Applicant's project, and does not create entitlement to funding. The application shall be reviewed by the Apopka Community Development Department for completeness and eligibility prior to any approvals.

- All grant funds are subject to availability as authorized by, and at the sole discretion of the CRA. A maximum of two applications within a three (3) year (City fiscal year), provided the two applications do not exceed the \$5,000 per front for both requests, and that the grants would not be available for the same item.
- CRA Assistance Program funds are NOT available for repeat or replacement of the same work that was previously funded as part of a CRA Assistance Program.

Please note: All projects must be completed within 120 days (4 months) or by the contracted date after receiving approval from the City of Apopka and CRA staff and any required City building permits. All work must be completed by the completion date assigned according to the contract, unless prior approval for additional time is approved by the City. Incomplete projects may require reimbursement to the CRA, according to contract requirements.

7. Disbursement of Funds

The City of Apopka must approve in concept, proposed improvements. Applications for improvements will be reviewed for completeness and if they are eligible, the applicant will be notified. At the time the grant is awarded, funds will be dispersed as follows:

- a. Applicant may receive monthly payments based on submittal of paid receipts. Maximum payout is 75% of the Program amount until final CO or approval is completed. Building permits may be required for work to be done, and the applicant must check with the Building Official to determine permit needs.
- b. In the event building permits are not required for such assistance Program approved renovations, approval may be granted by the City or its representative to proceed; and/or
- c. Applicant will be eligible for the remaining portion of the grant at the time of approved final inspection by, or issuance of final approval from the City of Apopka and the CRA for the completed project. Verification of payments being made to a vendor or contractor must be presented, (canceled checks, paid invoice from vendors, i.e. the awning contractor, etc.) prior to issuing final grant payment.
- d. All grant requirements must meet all requirements and City of Apopka codes.
- e. Applicant will be notified in writing as to approval or denial.
- f. Final bills submitted to the City for reimbursement. In the event actual project costs designated to be paid for by the BCAP come in lower than the estimated contract costs, the grant shall meet, not exceed those actual costs, no matter any additional applicant costs. All bills (marked paid in full), or release of lean must be submitted for reimbursement to the City as proof of payment by the applicant.

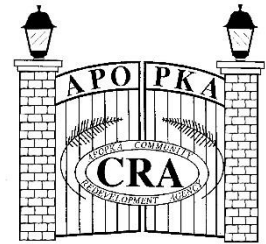
ANY COST FOR WORK PREVIOUSLY COMPLETED PRIOR TO AN APPROVED APPLICATION CANNOT BE REIMBURSED UNDER ANY CIRCUMSTANCE. DO NOT START ANY PHYSICAL RENOVATIONS UNTIL AFTER FINAL APPROVAL BY THE CITY, COMPLETION OF THE CONTRACT WITH THE CITY & NOTICE TO PROCEED HAS BEEN ISSUED. BUILDING PERMITS MAY BE REQUIRED.

* For more information about the Apopka Building Code Assistance Program, please contact:

James Hitt, RA-FRA, Community Development Dir. City of Apopka 120 E. Main Street, 2 nd floor Apopka, Florida 32703 407-703-1712 jhitt@apopka.net www.apopka.net
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City of Apopka – CRA
RESIDENTIAL FEE ASSISTANCE PROGRAM
Application



This application, along with all required information should be submitted to:
James Hitt, Community Development Director
City of Apopka, Community Development Department
120 E. Main Street, 2nd floor
Apopka, Florida 32703

Office Use
Application No. _____

This Program is for Single-Family residential homes only, and must be owner occupied (not a rental). The Apopka CRA review and approval will be conducted by City staff and the applicant will be notified of the next step for approval. No work should be done until final approval is completed and a Notice to Proceed is issued.

This application and all attachments to it constitute public records. Call 407-703-1712 if you have any questions about the Residential Fee Assistance Program.

I. APPLICANT

Name: _____

Address: _____

Telephone: _____ Fax: _____

E-Mail: _____

II. PROPERTY OWNER (If same as applicant, go to Section III)

Name: _____

Address: _____

Telephone: _____ Fax: _____

E-Mail: _____

III. PROPOSED PROJECT

A. Is the project within the CRA project area of the City of Apopka? Yes _____ No _____

B. Project General Description – Please provide the following:

1. Exact description of the work required for Impact Fees to be paid for by the CRA. Specify the following:

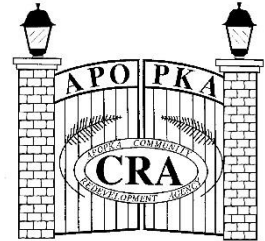
a. Location/address: _____

b. Square Feet: _____

c. Owner occupied (cannot be a rental): Yes _____ No _____



City of Apopka – CRA
RESIDENTIAL FEE ASSISTANCE PROGRAM
Criteria



I. Intent

It is the intent of the Apopka Community Redevelopment Agency (the "CRA"), under Part III Community Redevelopment Act, Chapter 163, Florida Statutes, to provide assistance to new single-family residential homeowners of property located within the Community Redevelopment Area that may require impact fee payments. This program would eliminate or reduce the impact fees in the CRA Area to help attract new single-family residential homes that are owner occupied. Building permit fees or meter hook-ups are still required.

II. Program Description

The CRA's Residential Fee Assistance Program provides a financial payment by the CRA for those primary Impact Fees incurred for new single-family home development by a qualified owner, builder or developer. Such new homes must be owner occupied once final Certificate of Occupancy is granted, and may not be rental units. Program funding will be awarded only in the CRA's redevelopment area.

III. Eligibility

Program applications will be considered only if they meet all of the following eligibility criteria.

1. Location and Apopka CRA Redevelopment Plan

The project must be located within the Apopka CRA's Redevelopment Area, as presented in the adopted *CRA Redevelopment Plan 2017~update*, adopted June 21, 2017. The requested Impact Fee payments must also further the Apopka CRA Redevelopment Plan, inclusive of any subsequent amendments.

2. Applicants

Owners, builders or developers of real property within the Apopka CRA Redevelopment Area as described in the new 2017 Redevelopment Plan. Property must be considered residential according to the Apopka Comprehensive Plan and Zoning. Applicants for this program must be able to demonstrate financial capability to complete the project and long term commitment to maintain the property in the condition to which it will be developed.

3. Consistency with Governmental Regulations:

No outstanding Apopka Code Enforcement Compliance issues can exist on the site. Eligible projects must demonstrate consistency with the City of Apopka's Comprehensive Plan, Land Development Code, applicable zoning, and is consistent with the CRA Redevelopment Plan, as evidenced by a review from the City's Community Development Department. The renovation must meet all requirements of Apopka's building and safety code requirements, Code Enforcement, Comprehensive Plan, Zoning & Land Development Code, the City of Apopka Development Design Guidelines, and the Florida Building Code – all upon completion of the project.

4. Eligible Projects and Costs

Unless otherwise approved by the CRA, the following Single-Family Residential Impact fees are applicable to this program:

- Transportation Impact Fee
- Orange County School Impact Fee
- Recreation Impact Fee
- Fire Impact Fee
- Police Impact Fee
- Potable Water Impact Fee (no reclaim)
- Sewer Impact Fee

ANY COST FOR WORK PREVIOUSLY COMPLETED PRIOR TO AN APPROVED APPLICATION CANNOT BE REIMBURSED UNDER ANY CIRCUMSTANCE. DO NOT START ANY PHYSICAL CONSTRUCTION UNTIL AFTER FINAL APPROVAL BY THE CITY/CRA, AND ATTAINING THE PROPER BUILDING PERMITS, AND COMPLETION OF THE CONTRACT WITH THE CITY & NOTICE TO PROCEED HAS BEEN ISSUED.

* For more information about the Apopka Residential Fee Assistance Program, please contact:

James Hitt, RA-FRA, Community Development Dir.
City of Apopka
120 E. Main Street, 2nd floor
Apopka, Florida 32703
407-703-1712
jhitt@apopka.net
www.apopka.net

REDEVELOPMENT DEFINITIONS

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

Applicant. Owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire necessary permits under this Land Development Code, or the agent(s) of such persons.

Awning. A roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

Community Redevelopment Agency (CRA). The public body created to designate redevelopment project areas, supervise and coordinate planning for a project area and implement the Community Redevelopment Plan, (City Council or appointed by) according to Florida Statutes, Chapter 163, Part III.

Redevelopment Plan. Plan for revitalizing and redevelopment of land within the project area in order to eliminate blight.

CRA District. That area designated by the Redevelopment Plan of the Community Redevelopment Agency which is considered in need of redevelopment.

Design. Includes the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments of grades thereof; location and size of all required easements and rights-of-ways; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; building and other such specific physical requirements.

Architectural Standards. Criteria developed by the City to identify design concerns, and to help property owners ensure that new construction and rehabilitation respect the character of designated buildings or districts.

Design Review. The process of ascertaining whether modifications to structures, sites, or districts meet the standards of appropriateness established by the CRA.

Facade. The face or elevation(s) of a building.

Infill Development. Development that occurs on up to 4 contiguous lots scattered within areas that are already largely developed or urbanized. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building located on the site was demolished or because there were other, more desirable site for development.

Preservation. The identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.

Reconstruction. The authentic reproduction of a building or site that once existed, but disappeared or was demolished.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

Renovation. Modernization of an old or historic building that may produce inappropriate alterations or elimination of important features or details.

Restoration. The creation of an authentic reproduction beginning with existing parts of an original object or building, and to return the appearance to an earlier condition.

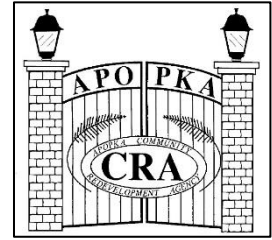
Review Authority. The person, committee, commission, board or council responsible for the review and/or final action or approval on a land use entitlement.

Revitalization. The imparting of new economic and community life in an existing neighborhood, area, or business district while at the same time preserving the original building stock and historic character.

Streetscape. The distinguishing and pictorial character of a particular street as created by its width, degree of curvature and paving materials, design of the street furniture, landscape materials, lighting features, general view, and forms of surrounding buildings.

CRA ~ Residential Fee Assistance Program (RFAP)

The cost of building a new home or renovating an existing home in the CRA area sometimes incur costs that end up discouraging new construction in this historical part of Apopka. These costs can include utility fees and various impact fees. In order to help promote new residential single-family construction, some of these typical fees for a single-family home could be mitigated with the RFAP program.



Impact Fee	\$ Cost	\$ Total Cost / Fee
<i>Transportation Impact Fee</i>	3,101.00/unit	<i>3,101.00</i>
<i>Potable Water Impact Fee</i> (without reclaimed)	1,276.00/unit	<i>1,276.00</i>
Potable Water Impact Fee (with reclaimed)	957.00/unit	957.00
Reclaimed Water Impact Fee	2,958.00/unit	2,958.00
<i>Sewer Impact Fee</i>	4,775.00/unit	<i>4,775.00</i>
<i>Orange County School Impact Fee (1-1-17)</i>	8,784.00/unit	<i>8,784.00</i>
<i>Recreation Impact Fee</i>	1,060.00/unit	<i>1,060.00</i>
<i>Fire/EMS Impact Fee</i>	708.00/unit	<i>708.00</i>
<i>Police Impact Fee</i>	747.00/unit	<i>747.00</i>
Miscellaneous Fees:		
<u>Deposits:</u> Residential		
Water	50.00	50.00
Reclaimed Water	50.00	50.00
Sewer	90.00	90.00
<u>Potable Water</u>		
¾" Single Service Meter (typical for SF)	350.00	<i>350.00</i>
1" " " "	412.00	412.00
Short Service Tap		
¾" & 1"	275.00	<i>275.00</i>
Long Service Tap		
¾" & 1"	836.00	836.00
<u>Reclaimed Water</u>		
¾" Single Service Meter (typical for SF)	350.00	350.00
Short Service Tap		
¾" & 1"	275.00	275.00
Long Service Tap		
¾" & 1"	836.00	836.00
<u>Backflow Fee</u>		
¾" Meter	220.00	<i>220.00</i>
1" Meter	260.00	260.00
<u>Sewer Tap Fee</u>		
Up to 25 feet	745.00	<i>745.00</i>
Over 25 feet, Per Foot	12.00/ft.	12.00/ft.

The "typical" single-family impact fees are shown as *italicized*. These fees use the ¾' meters & lines, and do not include reclaimed water or deposits.

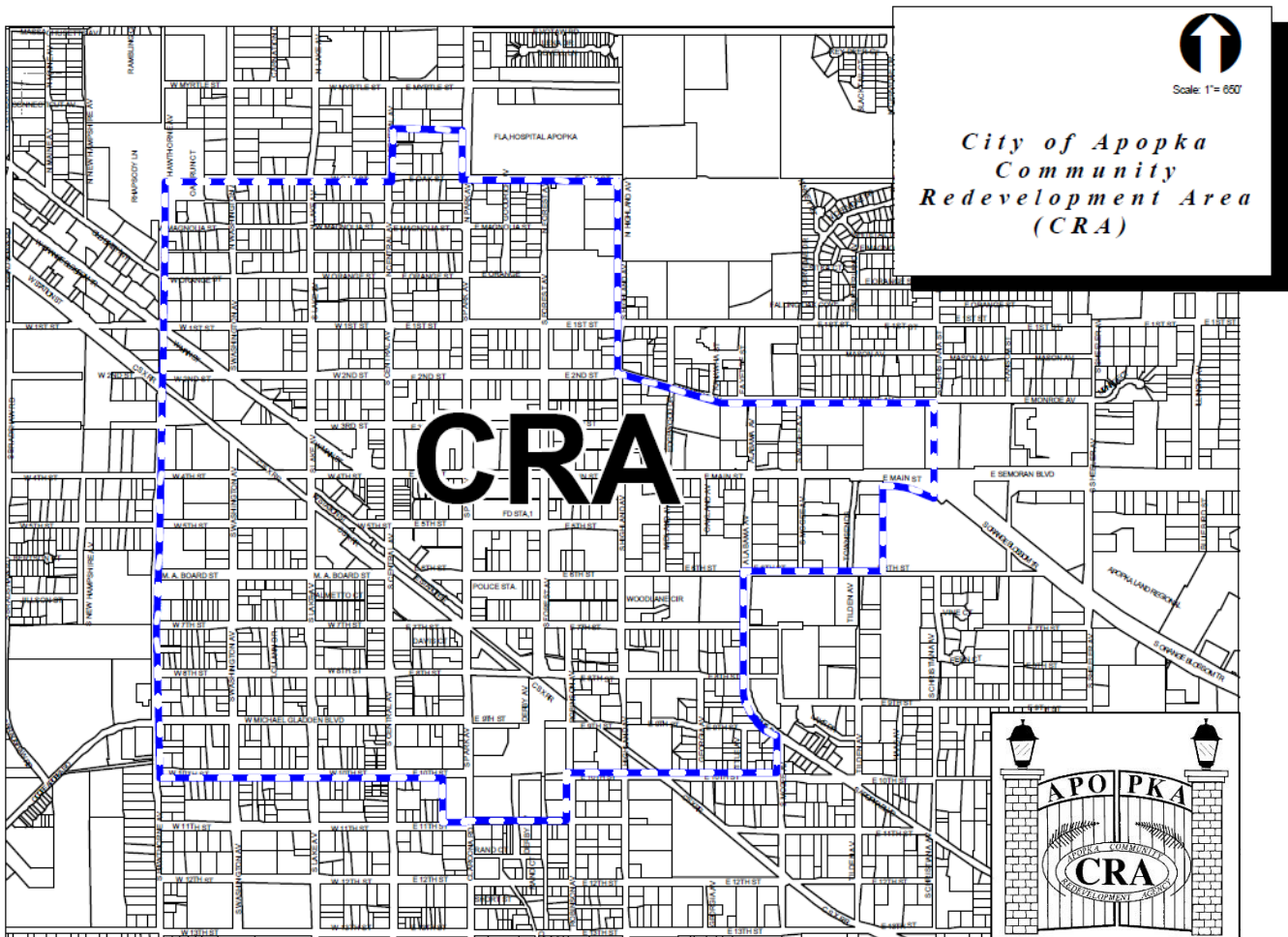
Total fees for a single-family home are: \$20,451.00

Proposed CRA funding would grant only those fees for a single-family residence (or less) as shown in the Impact Fee & Cost table. All other fees must be paid for by the applicant, owner, builder, developer or contractor as applicable. Larger meters, tap or reclaimed water fees would be incurred by those applying for the RFAP Program.

The CRA budget: \$103,000.00

This would cover about five (5) new homes per year, and the Program could be renewed in subsequent years as needed. Total estimated cost: \$102,255.00

CRA Map – vacant lots in this area designated for single-family residential homes would be eligible for the RFAP Program.



Contact:
James Hitt
Community Development Director
City of Apopka
120 E. Main Street
Apopka, FL 32703
jhitt@Apopka.net
407-703-1712

Backup material for agenda item:

4. Final Development Plan – Lake Lucie Equestrian Trail Head – 43 Rainey Road Pamela Richmond



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Final Development Plan

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: Vicinity Map
 Aerial Map
 Final Development Plan

SUBJECT: FINAL DEVELOPMENT PLAN – LAKE LUCIE EQUESTRIAN TRAILHEAD

REQUEST: APPROVE THE FINAL DEVELOPMENT PLAN FOR LAKE LUCIE EQUESTRIAN TRAILHEAD

SUMMARY:

OWNER/APPLICANT: Orange County Board of County Commissioners

LANDSCAPE ARCHITECT: BORRELLI + PARTNERS, Christopher Rice, LA

LOCATION: South of the Orange County/Lake County line, west of Rainey Road, east of Plymouth Sorrento Road, street address 43 Rainey Road

PARCEL ID #: 05-20-28-0000-00-003

FLUM: Conservation

ZONING: PR - Parks & Recreation

EXISTING USE: Vacant Land/Equestrian Trail

PROPOSED USE: Equestrian Trailhead

TRACT SIZE: 166 +/- acres

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RELATIONSHIP TO ADJACENT PROPERTIES:

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North	Mt Plymouth – Sorrento Neighborhood (Lake County)	RA (Lake County)	Vacant
East	Rural (Orange Co.)	A-1	Agricultural Grazing
South	Rural Settlement	A-1	Agricultural Grazing
West	Rural (Orange Co.)	A-2	Agricultural Grazing

ADDITIONAL COMMENTS: The proposed Lake Lucie Equestrian Trailhead project is located on a 166 acre parcel used exclusively for equestrian riding. The Trailhead facility will utilize approximately 50,000 square feet of the total parcel. This project is owned by Orange County Government and will be operated and maintained by Orange County Government. The Trailhead site was designed with the goal of maintaining the natural setting and great care was given to preserving as many trees as possible. Crushed concrete will be used as the surface for the parking lot and driveways to the Trailhead’s two access points to Rainey Road. Handicap parking will be paved according to requirements of Florida Statutes. Parking and access are designed to accommodate horse trailers. Amenities, in addition to the trail, include hitching posts, a hand pump well and an animal-proof trash receptacle.

PUBLIC HEARING SCHEDULE:

June 12, 2017 - Planning Commission (5:30 pm)
 June 21, 2017 - City Council (7:00 pm)

RECOMMENDATION ACTION:

The **Development Review Committee** found the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and recommended approval of the Lake Lucie Equestrian Trailhead Final Development Plan, subject to the findings of this staff report.

The **Planning Commission**, at its meeting on June 12, 2017, found the Final Development Plan consistent with the Comprehensive Plan and Land Development Code and unanimously recommended approval of the Lake Lucie Equestrian Trailhead Final Development Plan, subject to the findings of the staff report.

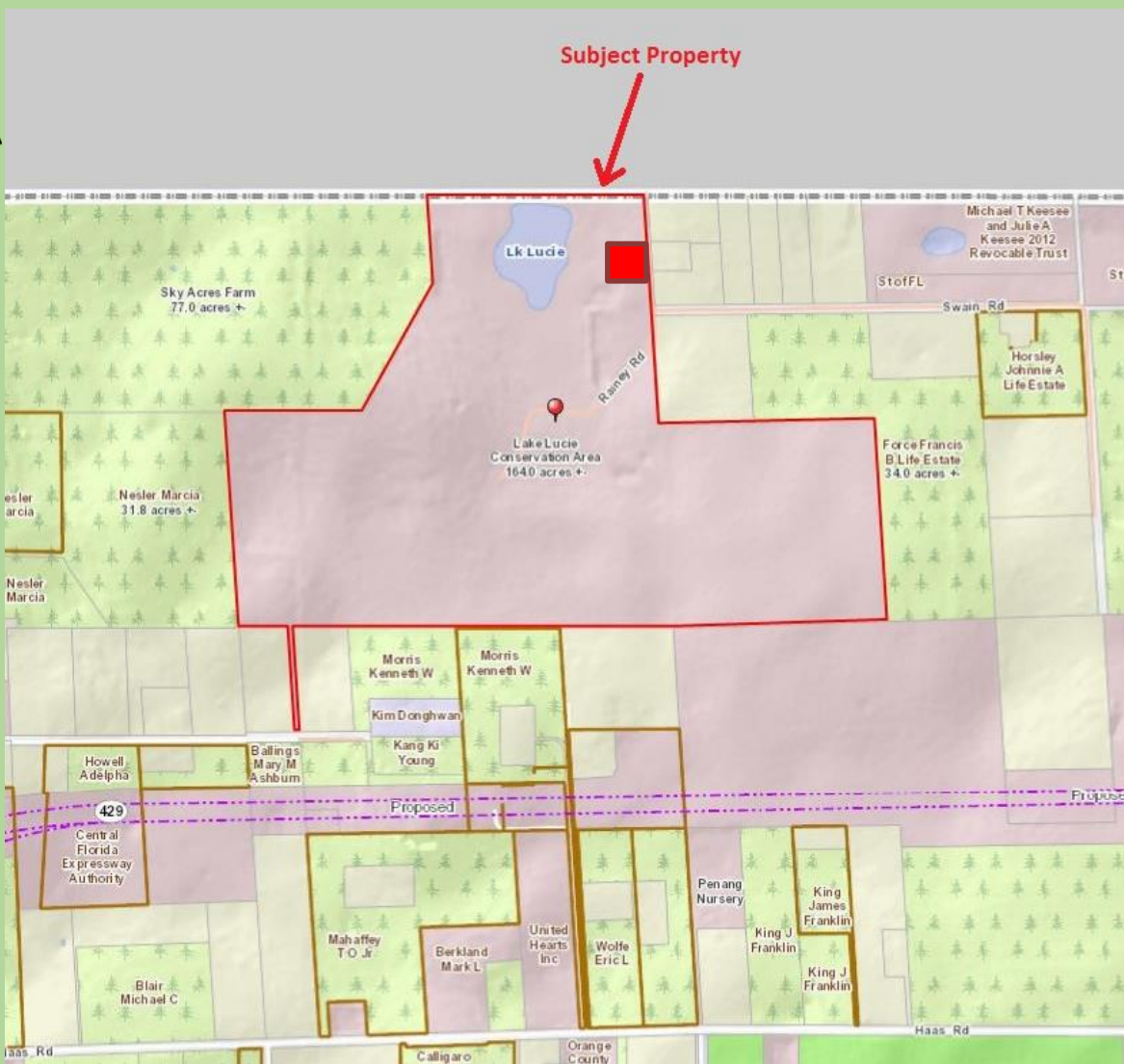
City Council: Approve the Lake Lucie Equestrian Trailhead, subject to the findings of the staff report.

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

**CITY COUNCIL – JUNE 21, 2017
LAKE LUCIE EQUESTRIAN TRAILHEAD FINAL DEVELOPMENT PLAN
PAGE 3**

Application: Lake Lucie Equestrian Trailhead Final Development Plan
Owner: Orange County Government
Parcel I.D. No's: 05-20-28-0000-00-003
Location: East of Plymouth Sorrento Road, South of Orange County/Lake County Line
Total Acres: +/- 166 Acres

VICINITY MAP



Application: Lake Lucie Equestrian Trailhead Final Development Plan
Owner: Orange County BCC
Parcel I.D. No's: 05-20-28-0000-00-003
Location: East of Plymouth Sorrento Road, South of Adair Avenue
Total Acres: +/- 166 Acres

AERIAL MAP



LAKE LUCIE EQUESTRIAN TRAILHEAD - FINAL DEVELOPMENT PLAN



BORRELLI + PARTNERS
ARCHITECTURE PLANNING LANDSCAPE INTERIOR
ACC. 000711

720 VASSAR STREET
ORLANDO, FL. 32804 (407) 418-1338

16-131

ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION
3165 MCCRORY PLACE, SUITE 200, ORLANDO, FLORIDA 32803

100% CONSTRUCTION DOCUMENTS

03/06/17

CONSULTANTS:

CIVIL ENGINEERS

SK CONSORTIUM, INC

1053 N. ORLANDO AVENUE, SUITE 3
MAITLAND, FLORIDA 32751

SURVEYOR

AMEC FOSTER WHEELER ENVIRONMENT
& INFRASTRUCTURE, INC,

75 EAST AMELIA STREET, SUITE 200
ORLANDO, FLORIDA 32801 U.S.A.

DRAWING INDEX

BID/PERMIT DOCUMENTS

GENERAL

G-100 COVER SHEET & INDEX OF DRAWINGS

CIVIL

C001 DEMOLITION AND EROSION CONTROL PLAN
C101 SITE DEVELOPMENT PLAN
C201 GRADING AND DRAINAGE PLAN
C401 SITE DETAILS

LANDSCAPE ARCHITECTURAL

L-100 TREE MITIGATION PLAN
L-101 HARDSCAPE PLAN / DETAILS
L-102 LANDSCAPE PLAN / DETAILS
AND TRAIL MAP

SITE DATA TABLE	
PARCEL ID NUMBER	05-20-28-0000-00-009
FUTURE LAND USE	Conservation Area
ZONING	FR
ADJACENT LAND USE	North: East: South: West:
ADJACENT ZONING	North: A-1 East: A-1-R South: A-1, A-2 West: A-1, A-2
ACREAGE/SQUARE	Acres: 164.0 S.F. 7,143,840
FOOTAGE	
BUILDING HEIGHT	Proposed: NA Max: NA
DENSITY	Proposed: NA Max: NA
BUILDING SETBACKS	Proposed: Front: NA Side: NA Rear: NA Corner: NA Required: Front: NA Side: NA Rear: NA Corner: NA
OPEN SPACE	Proposed: S.F. Acres Required: S.F. Acres
TREE BANK	NA
MITIGATION FEE	
WAVIER REQUEST	Yes: No: X
VARIANCE REQUEST	Yes: No: X

VARIANCE OR WAIVER REQUEST TABLE				
Table 2				
Variance (V)/Waiver (W) Table				
Code #	Code Requirement	(V/W)	Request	Justification

BOARD OF COUNTY COMMISSIONERS

TERESA JACOBS
COUNTY MAYOR

BETSY VANDERLEY
DISTRICT 1

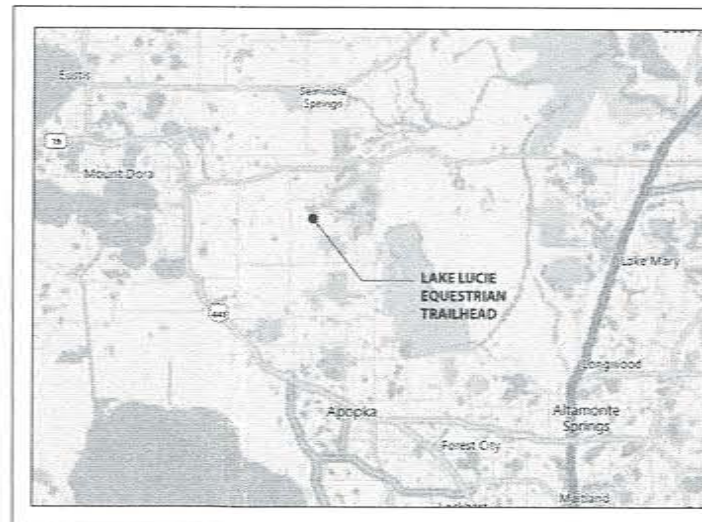
JENNIFER THOMPSON
DISTRICT 4

BRYAN NELSON
DISTRICT 2

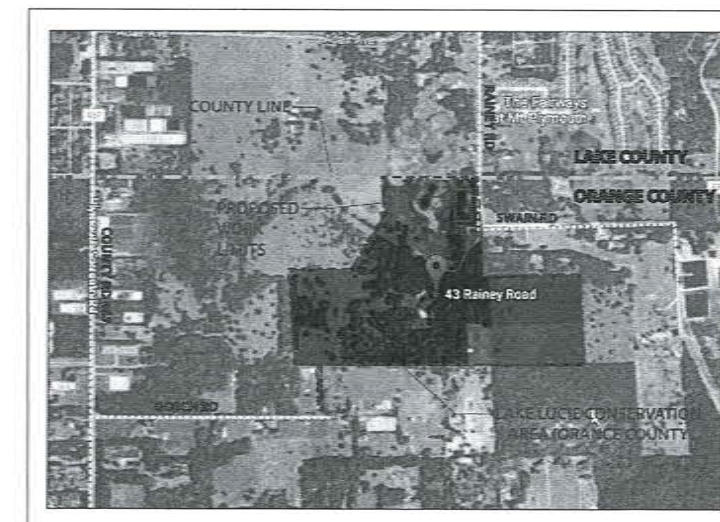
EMILY BONILLA
DISTRICT 5

PETE CLARKE
DISTRICT 3

VICTORIA P. SIPLIN
DISTRICT 6



VICINITY MAP (N.T.S.)



LOCATION MAP (N.T.S.)

LEGAL DESCRIPTION

THE SW1/4 OF NW1/4 OF SEC 05-20-28 & NE1/4 OF 06-20-28 (LESS BEG NW COR OF SEC 06-20-28 RUN E 1330 FT M/L RUN S 03 DEG E 581.77 S 29 DEG W 886.31 FT N 88 DEG W 843.24 TH NLY TO POB) & BEG NE COR OF W1/2 OF NW1/4 OF NW1/4 OF SE1/4 OF SEC 06-20-28 RUN S 03 DEG E 637.21 FT W 30.05 FT N 03 DEG W 637.45 FT E 30.06 FT TO POB

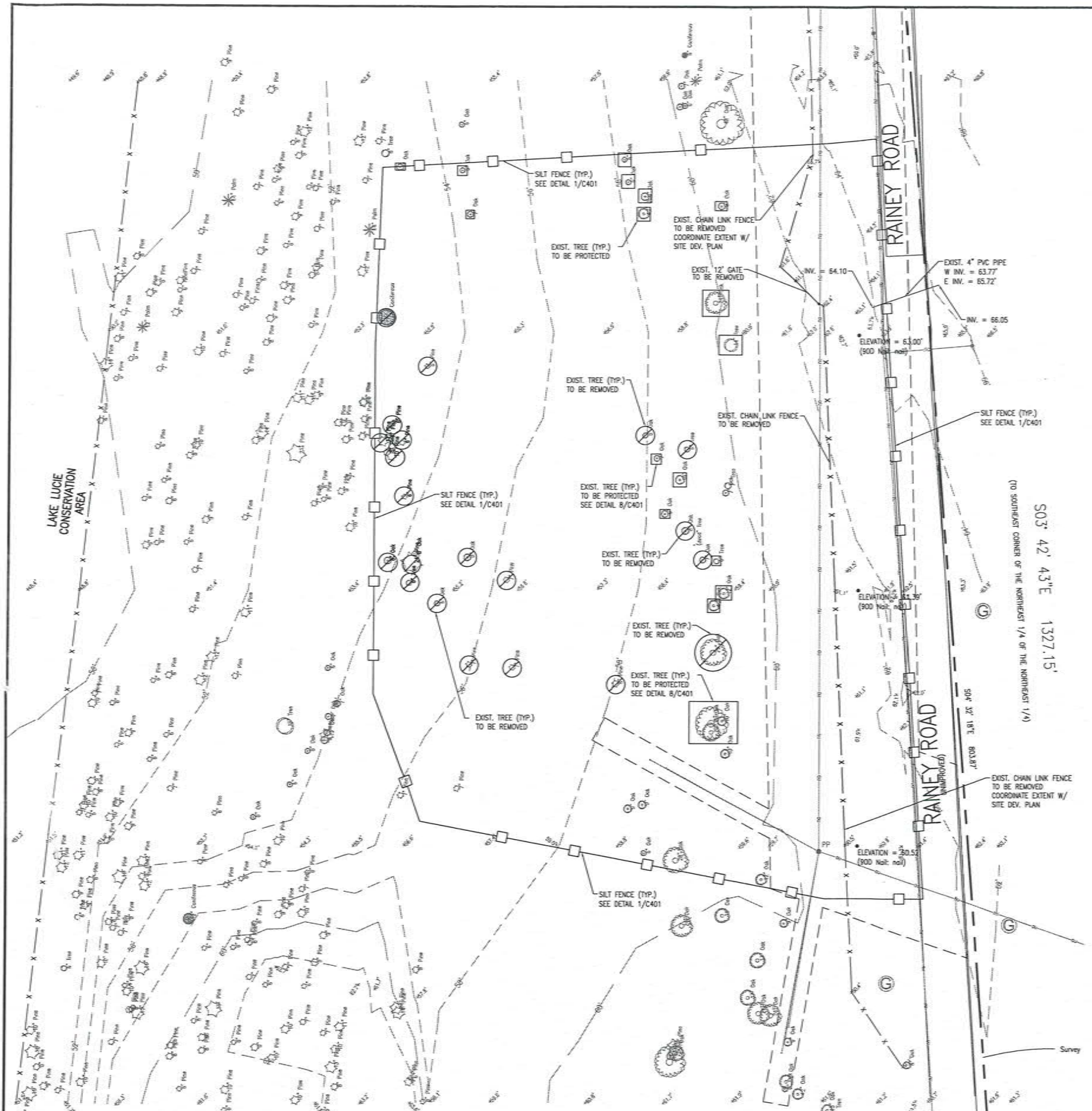
LAKE LUCIE EQUESTRIAN TRAILHEAD

BORRELLI + PARTNERS
ARCHITECTURE PLANNING LANDSCAPE INTERIOR
720 VASSAR STREET
ORLANDO, FL. 32804 (407) 418-1338
SIGNATURE AND DATED SEAL
CHRISTOPHER D. REE L1642712

CONSULTANTS
100% CONSTRUCTION DOCUMENTS
COVER SHEET

PROJECT NO.	PHASE	SCALE	NO.	DATE
	100% CONSTRUCTION DOCUMENTS	15'-1/4"=1'	15	03/06/17

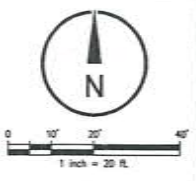




SURVEYOR'S REPORT:

1) BEARINGS, COORDINATES AND DISTANCES ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE (901), NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT AND ELEVATIONS ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) BASED ON GLOBAL POSITIONING SYSTEM (GPS) MEASUREMENTS TO NATIONAL GEODETIC SURVEY (NGS) CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) NETWORK.

2) THE PARTIAL BOUNDARY OF THE LAKE LUCIE CONSERVATION AREA DEPICTED HEREON IS BASED ON PREDECESSOR FIRM MACTED ENGINEERING AND CONSULTING, INC. BOUNDARY SURVEY, PROJECT NO. 6374050137, DRAWING DATE 4-12-2005.



SOIL EROSION AND SEDIMENTATION CONTROL NOTES

1. ALL EROSION AND SEDIMENT CONTROL WORK SHALL CONFORM TO ORANGE COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SRWMD).
2. EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE PLACED PRIOR TO, OR AS THE FIRST STEP IN, CONSTRUCTION.
3. SOIL MATERIALS, SHALL BE CONTAINED, AND NOT ALLOWED TO COLLECT ON ANY OFF-PERIMETER AREAS OR IN WATERWAYS. THESE INCLUDE BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM DRAINS, LAKES AND POND.
4. DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE THE EFFECTIVENESS OF THESE EFFORTS. ANY NECESSARY REMEDIES SHALL BE PERFORMED WITHOUT DELAY.
5. ALL MUD, DIRT OR OTHER MATERIALS TRACKED OR SPILLED ONTO EXISTING STATE-COUNTY-CITY OR PRIVATE ROADS AND FACILITIES FROM THIS SITE, DUE TO CONSTRUCTION SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR/BUILDER.
6. PERMANENT SOIL EROSION CONTROL MEASURES FOR ALL SLOPES, CHANNELS, DITCHES OR ANY DISTURBED LAND AREAS SHALL BE COMPLETED WITHIN (15) FIFTEEN CALENDAR DAYS AFTER FINAL GRADING. WHEN IT IS NOT POSSIBLE TO PERMANENTLY PROTECT A DISTURBED AREA IMMEDIATELY AFTER GRADING OPERATIONS, TEMPORARY EROSION CONTROL MEASURES SHALL BE INSTALLED. ALL TEMPORARY PROTECTION SHALL BE MAINTAINED UNTIL PERMANENT MEASURES ARE IN PLACE AND ESTABLISHED. A CERTIFICATE OF COMPLIANCE WILL NOT BE ISSUED UNTIL THE ABOVE REQUIREMENTS HAVE BEEN MET.
7. EXISTING DRAINAGE SYSTEM AND INLETS SHALL BE PROTECTED BY USING FILTER FABRIC PLACED AROUND INLETS AND BENEATH GRATES.

SITE DEMOLITION NOTES

1. ALL DEMOLITION AND CONSTRUCTION ACTIVITY WILL BE ACCOMPLISHED IN APPROPRIATE PHASES IN ORDER TO KEEP EXISTING FACILITY OPERATIONAL.
2. DISPOSAL OF ALL MATERIAL LEAVING THE SITE WILL BE ON HAUL ROUTES, AND BY METHODS AS APPROVED BY OWNER.
3. COORDINATE LOCATION OF CONTRACTOR STAGING AREA WITH OWNER CONSTRUCTION REPRESENTATIVE.
4. ALL PROPERTY AFFECTED BY THIS WORK SHALL BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN EXISTED UNLESS SPECIFICALLY EXEMPTED BY THE PLANS. THE COST FOR SUCH RESTORATION SHALL BE INCIDENTAL TO OTHER CONSTRUCTION AND NO EXTRA COMPENSATION WILL BE ALLOWED.
5. ALL SURVEY DATA USED AND CONDITIONS ASSUMED TO BE PRESENT IN PREPARATION OF THESE PLANS WAS PROVIDED BY AMAC SURVEYING & MAPPING, INC.
6. CONTRACTOR SHALL CLEAN THE CONSTRUCTION AREA OF ALL DEBRIS, AGGREGATES, ETC. ALL WASTE MATERIAL SHALL BE REMOVED FROM SITE AND DISPOSED OF IN A LEGAL MANNER.

PROJECT SCOPE

PLACEMENT OF CRUSHED CONCRETE PAVING FOR PATRON PARKING TO ACCESS LAKE LUCIE EQUESTRIAN TRAILHEAD

LEGEND

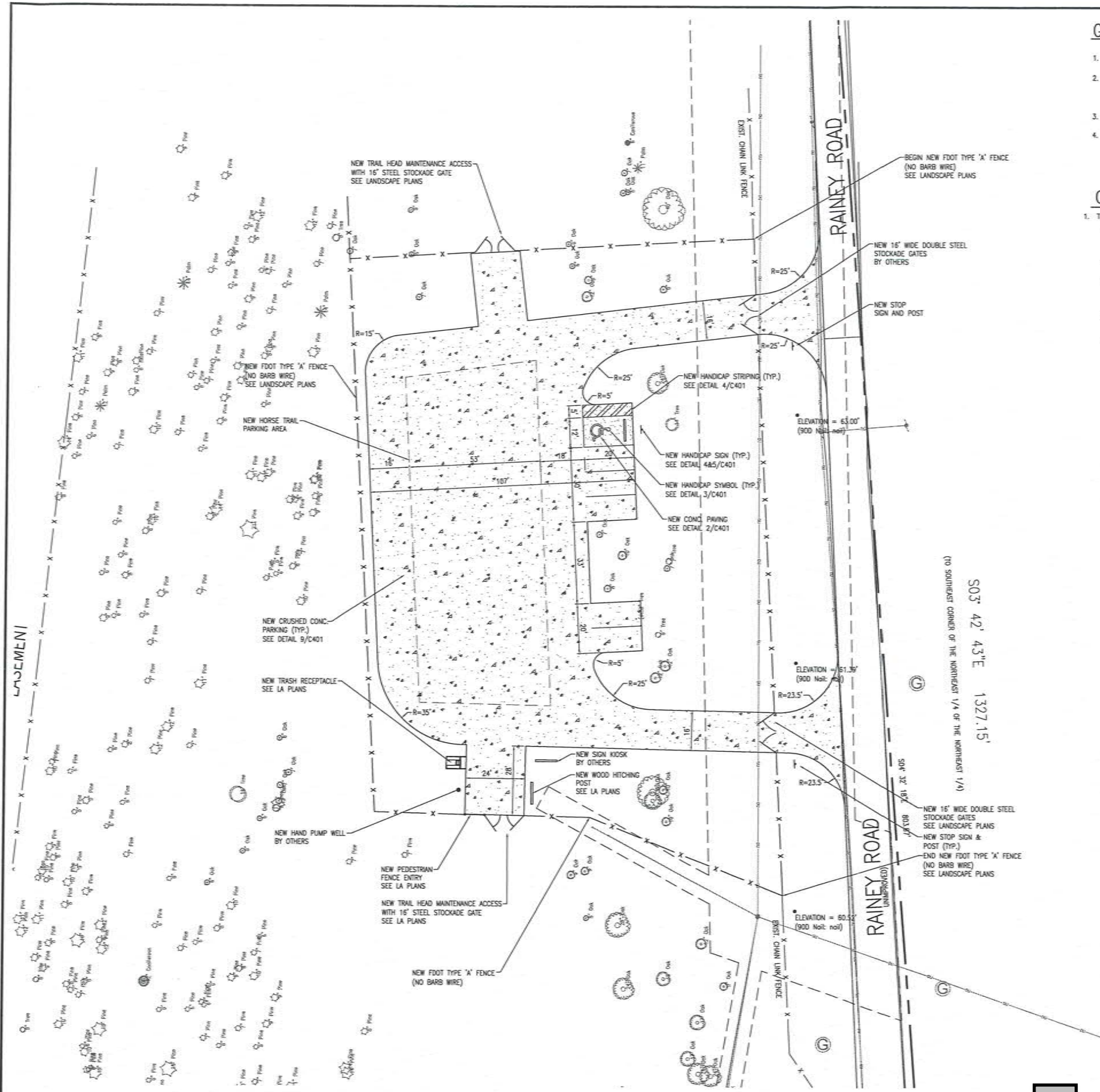
	EXIST.	TO BE REMOVED
ASPHALT PAVEMENT		
ASPHALT PAVEMENT (MILLING AREA)		
CONCRETE CURB		
CONCRETE WALK		
FENCE		
POWER POLE		
LIGHT POLE		
FIRE HYDRANT		
TREE		
FINISH GRADE		
STORM DRAIN LINE		
STORM DRAIN INLET		
STORM M.H.		
SAN. SEWER LINE		
SAN. SEWER MH		

DEMOLITION AND EROSION CONTROL PLAN
SCALE: 1" = 20'

URBAN DESIGN PLANNING ENGINEERING
SK Consortium, Inc.
1053 N. ORLANDO AVE. SUITE 3 • MAITLAND • FLORIDA 32751
TELEPHONE 407-629-4288 • FACSIMILE 407-629-1656 • E# 7080

BORRELLI PARTNERS
ARCHITECTURE PLANNING ENGINEERING INTERIORS
370 VASA STREET
ORLANDO, FL 32804 (407) 418-1138
CONTRACT NO. 14-1111
PROJECT NO. 14-1111
DRAWING TITLE: **LAKE LUCIE EQUESTRIAN TRAILHEAD**
DRAWING ADDRESS: **DEMOLITION AND EROSION CONTROL PLAN**
DATE: 08/04/17
SCALE: AS SHOWN
FILE NAME: 14-1111-08-04-17
DRAWN BY: D. HARTSHORN
CHECKED BY: M. KILGUS
DATE: 08/04/17





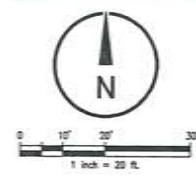
SITE DEVELOPMENT PLAN
SCALE: 1" = 20'

GEOMETRY NOTES

- ALL SURVEY DATA USED AND CONDITIONS ASSUMED TO BE PRESENT IN PREPARATION OF THESE PLANS WAS PROVIDED BY AMAC SURVEYING & MAPPING.
- THE CONTRACTOR SHALL VERIFY AND LOCATE ALL VERTICAL AND HORIZONTAL CONTROL POINTS PRIOR TO CONSTRUCTION. IF ANY DISCREPANCIES SHOULD BE FOUND, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND SURVEYOR OF THE CONDITION IN WRITING PRIOR TO COMMENCING HIS CONSTRUCTION ACTIVITIES.
- ALL PAVEMENT OFFSETS, RADI AND DIMENSIONS SHOWN ARE TO PROPOSED EDGE OF PAVEMENT, UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL STAKE ALL IMPROVEMENTS USING THE GEOMETRIC DATA PROVIDED. IT IS THE CONTRACTORS SOLE RESPONSIBILITY TO COMPLETELY STAKE AND CHECK ALL IMPROVEMENTS TO ENSURE ADEQUATE POSITIONING, BOTH HORIZONTAL AND VERTICAL, PRIOR TO THE INSTALLATION OF ANY IMPROVEMENTS.

GENERAL NOTES

- TRAFFIC MARKINGS NOTES:
 - ALL DRIVEWAYS EXITING ONTO ANY PUBLIC OR PRIVATE STREET MUST HAVE A TRAFFIC CONTROL DEVICE (30" STOP SIGN MOUNTED 7' ABOVE THE PEDESTRIAN VEHICLE TRAVEL WAY (MEASURED FROM BOTTOM OF SIGN) AND THROUGHOUT THE SITE AS NECESSARY FOR SAFETY.
 - ALL SIGN INSTALLATIONS SHALL COMPLY WITH SIZE, LOCATION AND HEIGHT (7') AS OUTLINED IN THE "MUTCD."
 - PAVEMENT MARKINGS - GENERAL PRINCIPLES (SECTION 3A-5):
 - PARKING LOT PAVEMENT MARKINGS SHALL BE WHITE PAINTED (DIRECTIONAL ARROWS, STOP BARS, LINES DESIGNATING PARKING SPACES AND HANDICAPPED PARKING SYMBOLS).
 - ALL HANDICAPPED PARKING SPACES MUST BE LEGALLY SIGNED WITH ONE REGULATION HANDICAP SIGN AND ONE WHITE PAVEMENT MARKING SYMBOL PER SPACE.
 - A 24" STOP BAR SHALL BE PROVIDED AT ALL POINTS OF EGRESS IN CONFORMANCE WITH FDOT #17346, DRAWING #3 OF B.



LAKE LUCIE EQUESTRIAN TRAILHEAD

BORRELLI + PARTNERS
ARCHITECTURE PLANNING LANDSCAPE ARCHITECTURE
700 VASSAR STREET
ORLANDO, FL 32804 (407) 418-1338

10/4
M. ALABRICH



SITE DEVELOPMENT PLAN

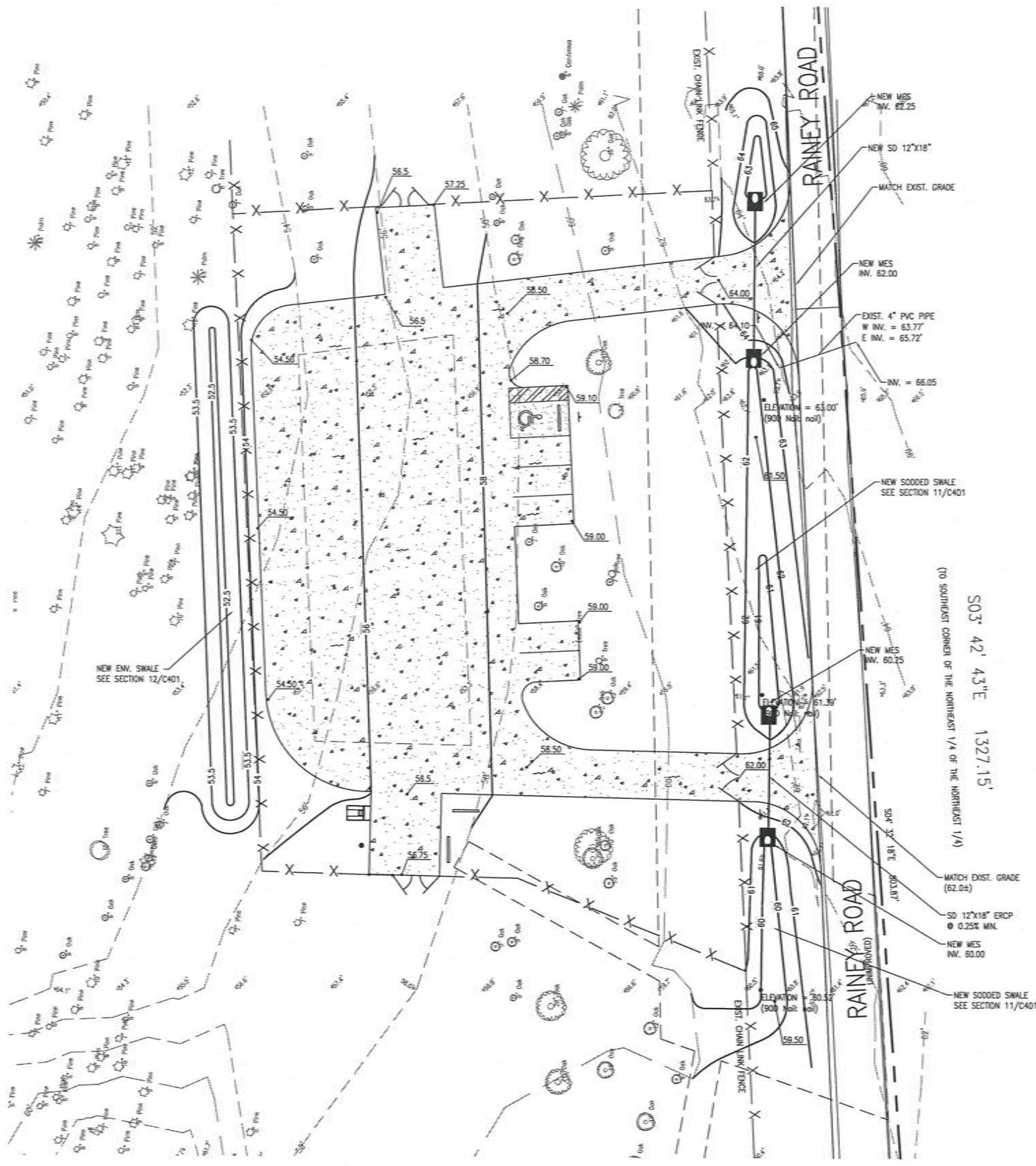
OWNER NAME AND ADDRESS
ORANGE COUNTY ENVIRONMENTAL
PROTECTION DIVISION

PROJECT NO.	DESCRIPTION	DATE
16-031	10% CONTRACTOR DOCUMENTS	
SCALE		
FILE NAME		
DRAWN BY	J. GIBBY	
CHECKED BY	M. ALABRICH	
DATE	03-04-17	



GENERAL NOTES:

1. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL VERIFY LOCATION AND INVERTS OF EXISTING UTILITIES AT PROPOSED CROSSING AND POINTS OF CONNECTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF ANY UTILITY CONFLICTS.
2. COMPLY WITH FLORIDA DEPT. OF TRANSPORTATION ROADWAY & TRAFFIC DESIGN STANDARDS ON THE FOLLOWING:
 - 2.A. MITERED END SECTION INDEX 272-273
3. REFER TO SHEET C001 FOR EROSION & SEDIMENTATION CONTROL DURING CONSTRUCTION.
4. ALL DISTURBED AREAS SHALL BE SOODED. SEE LANDSCAPE PLANS FOR MINIMUM EXTENT OF SOODING ON-SITE.



LEGEND

		EXIST.		NEW
FINISH GRADE				
FLOW PATTERN				
CONTOUR				
STORM DRAIN INLET				
STORM DRAIN LINE				
STORM MANHOLE				

GRADING + DRAINAGE PLAN
SCALE: 1" = 20'

URBAN DESIGN PLANNING ENGINEERING
SK Consortium, Inc.
 1053 N. ORLANDO AVE. SUITE 3 • MAITLAND • FLORIDA 32751
 TELEPHONE 407-629-4288 • FACSIMILE 407-629-1656 • EB# 7080

LAKE LUCIE EQUESTRIAN TRAILHEAD

GRADING + DRAINAGE PLAN

PROJECT NO.	DATE	DESCRIPTION	REV.
16-111			
100% CONSTRUCTION DOCUMENTS			
SCALE			
FILE NAME			
DRAWN BY	D. FORSTH		
CHECKED BY	M. ALAUGHICH		
DATE	03-04-17		



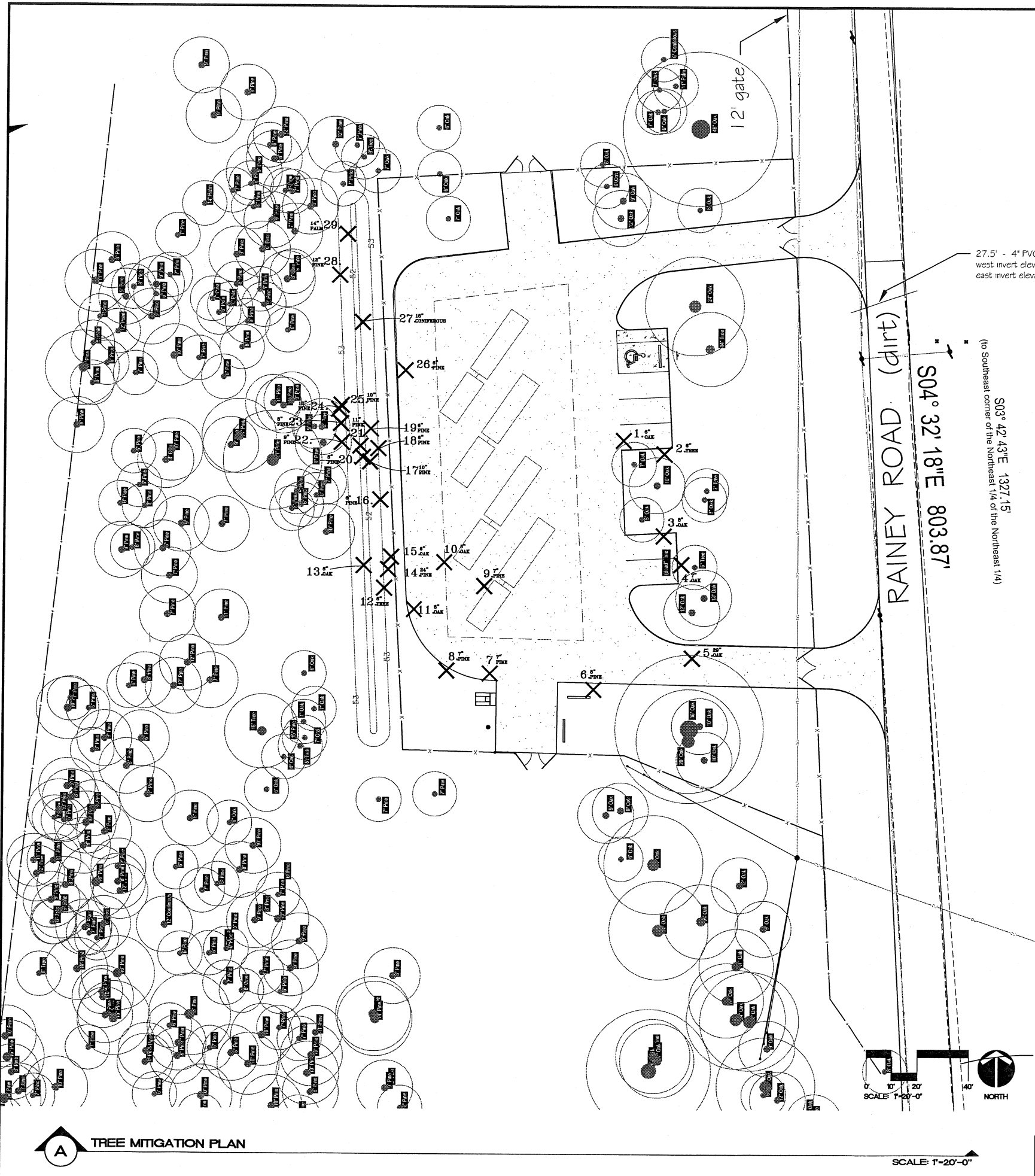
BORRELLI + PARTNERS
 ARCHITECTURE PLANNING LANDSCAPE INTERIOR
 730 VASSAR STREET
 ORLANDO, FL 32804 (407) 418-1338
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SIGNATURE AND DATED SEAL
 CONSULTANTS

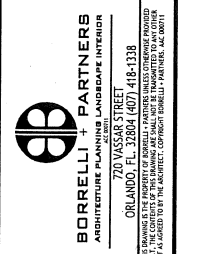
TREE MITIGATION CHART

#	TREE TYPE (SCIENTIFIC NAME)	TREE TYPE (COMMON NAME)	TRUNK SIZE (DBH)	REMOVED INCHES	SAVED INCHES
1	QUERCUS SPP.	OAK	6"	6"	
2	UNKNOWN	UNKNOWN	6"	6"	
3	QUERCUS SPP.	OAK	8"	8"	
4	QUERCUS SPP.	OAK	7"	7"	
5	QUERCUS SPP.	OAK	*29"	29"	
6	PINUS SPP.	PINE	8"	8"	
7	PINUS SPP.	PINE	7"	7"	
8	PINUS SPP.	PINE	7"	7"	
9	PINUS SPP.	PINE	7"	7"	
10	QUERCUS SPP.	OAK	8"	8"	
11	QUERCUS SPP.	OAK	6"	6"	
12	UNKNOWN	UNKNOWN	6"	6"	
13	QUERCUS SPP.	OAK	8"	8"	
14	PINUS SPP.	PINE	*24"	24"	
15	QUERCUS SPP.	OAK	6"	6"	
16	PINUS SPP.	PINE	6"	6"	
17	PINUS SPP.	PINE	10"	10"	
18	PINUS SPP.	PINE	6"	6"	
19	PINUS SPP.	PINE	6"	6"	
20	PINUS SPP.	PINE	8"	8"	
21	PINUS SPP.	PINE	11"	11"	
22	PINUS SPP.	PINE	9"	9"	
23	PINUS SPP.	PINE	8"	8"	
24	PINUS SPP.	PINE	10"	10"	
25	PINUS SPP.	PINE	10"	10"	
26	PINUS SPP.	PINE	6"	6"	
27	UNKNOWN	CONIFEROUS	18"	18"	
28	PINUS SPP.	PINE	12"	12"	
29	SABAL PALMETTO	PALM	14"	14"	
**	VARIES	VARIES	2,346"	277"	2,346"
			TOTAL INCHES 2,623"	TOTAL REMOVED 277"	TOTAL SAVED 2,346"

* DENOTES SPECIMEN TREE (+24") TO BE REMOVED.
 ** DENOTES REMAINING TREES WITHIN SURVEY AREA TO REMAIN.
 SEE CIVIL ENGINEER DRAWINGS FOR TREE PROTECTION AREAS AND DETAIL



A TREE MITIGATION PLAN



SIGNATURE AND DATED SEAL

CHRISTOPHER D. RICE LAC667122

LAKE LUCIE EQUESTRIAN TRAILHEAD

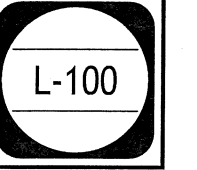
CONSULTANTS

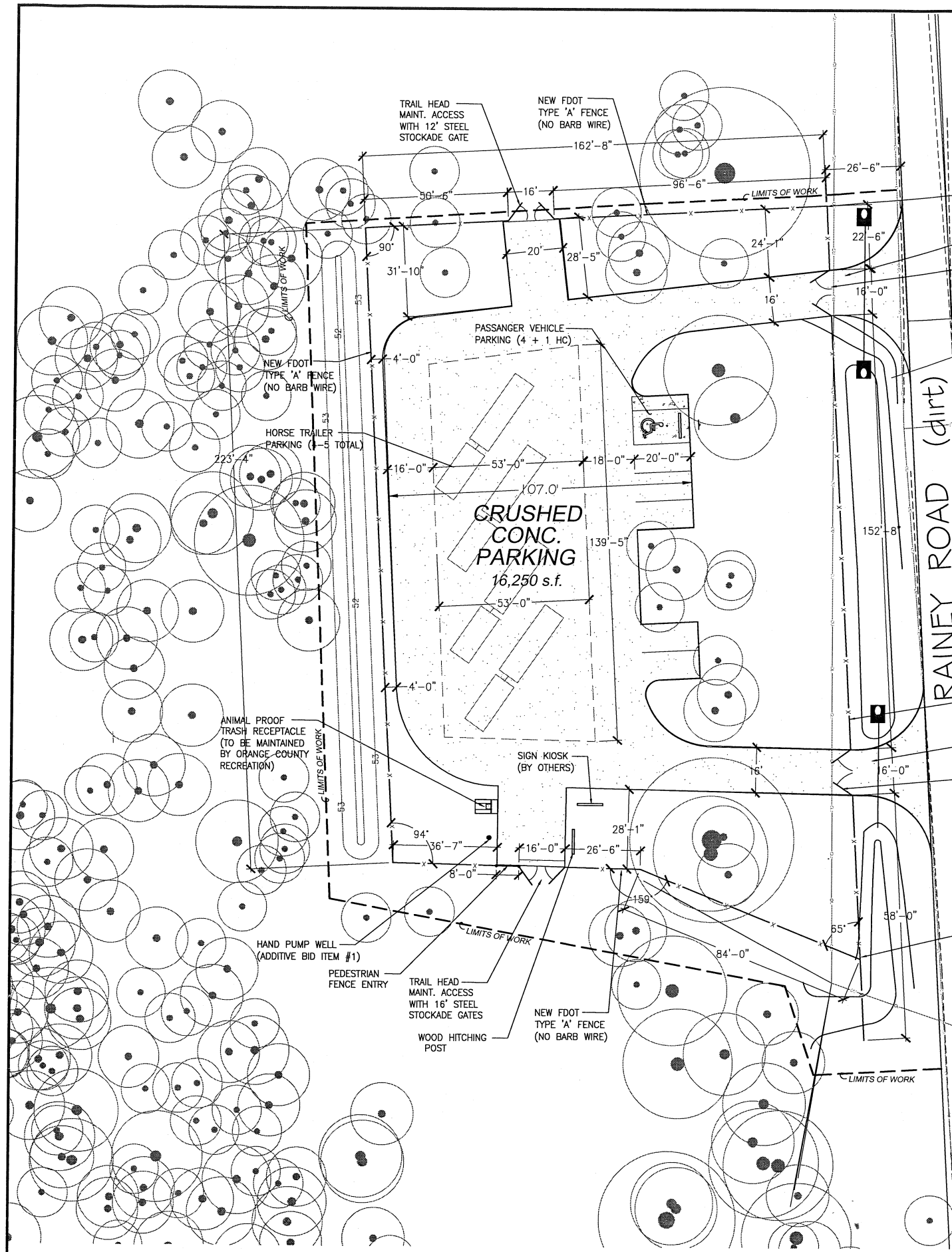
TREE MITIGATION PLAN

PROJECT NO. 14-111
 PHASE 100% CONSTRUCTION REQUIREMENTS
 SCALE 1"=20'-0"
 FILE NAME 14-111
 DRAWN BY CDR
 CHECKED BY CDR
 DATE 01/06/17

PROJECT ADDRESS

OWNER NAME AND ADDRESS
 ORANGE COUNTY ENVIRONMENTAL
 PROTECTION DIVISION





BEGIN NEW FDOT TYPE 'A' FENCE (NO BARB WIRE)

ANGLED ENTRY DRIVE

NEW 16' WIDE DOUBLE STEEL STOCKADE GATES

RAINNEY ROAD (dirt)

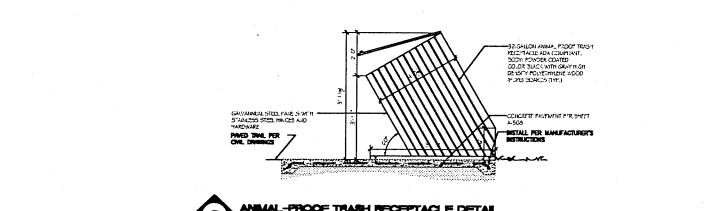
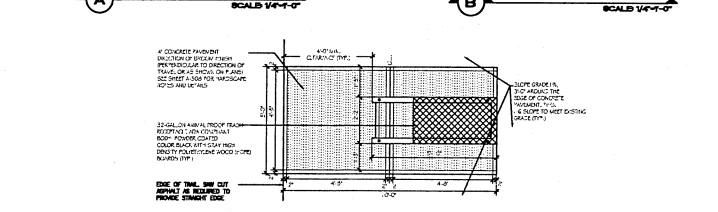
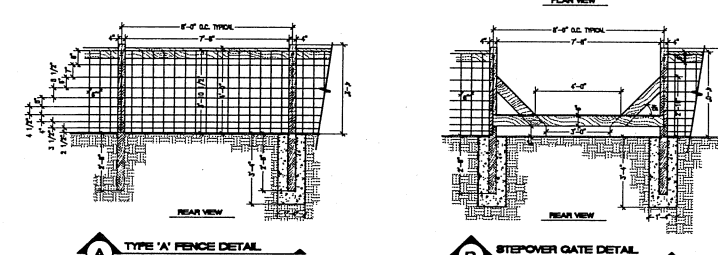
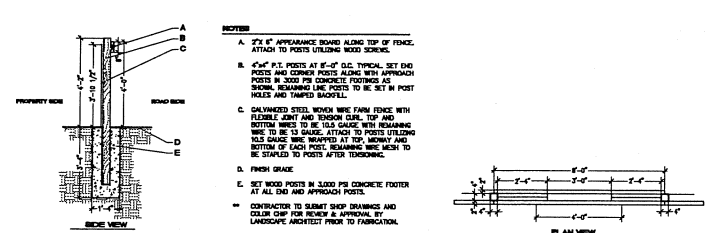
S04° 32' 18"E 803.87'

NEW FDOT TYPE 'A' FENCE (NO BARB WIRE)

ANGLED ENTRY DRIVE

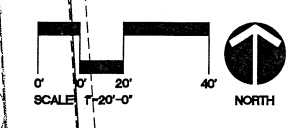
NEW 16' WIDE DOUBLE STEEL STOCKADE GATES

END NEW FDOT TYPE 'A' FENCE ALONG R.O.W. AND MATCH EXISTING FENCE.



- NOTES**
- 2x4 APPEARANCE BOARD ALONG TOP OF FENCE. ATTACH TO POSTS USING WOOD SCREWS.
 - 4x4 POSTS AT 8'-0" O.C. TYPICAL. SET END POSTS AND CORNER POSTS ALONG WITH APPROACH POSTS IN SLOOP FOR CONCRETE FOOTING. BE SURE REMAINING LINE POSTS TO BE SET IN POST HOLES AND TYPED BRACKETS.
 - CALUMINATED STEEL WHEN WIRE FENCE WITH PLIABLE JOINT AND TENSION CLAMP. TOP AND BOTTOM NEED TO BE TIGHT AGAINST THE REMAINING WIRE TO BE 1/2" GAPS. ATTACH TO POSTS USING 1/2" GALV. WIRE. REMOVE AT END, MOVE AND BOTTOM OF GALV. WIRE. REMAINING WIRE WHICH TO BE SCREWED TO POSTS AFTER TIGHTENING.
 - FINISH GRADE.
 - SET WOOD POSTS IN SLOOP FOR CONCRETE FOOTER AT ALL END AND APPROACH POSTS.
 - CONTRACTOR TO SUBMIT SHOP DRAWINGS AND CLEAR UP FOR REVIEW & APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO FABRICATION.

- NOTES**
- STANDARD FENCE POST BEHIND ONE DETAIL 'B' FOR FENCE DETAILS.
 - 4x4 POSTS AT 17'-0" O.C. SET GATE POSTS IN SLOOP FOR CONCRETE FOOTINGS AS SHOWN.
 - 2" x 4" LONG 1" DIAMETER GALVANIZED STEEL FARM GATES. ATTACH TO GATE POSTS WITH HEAVY-DUTY J-BOLT BRACES AS SHOWN.
 - FINISH GRADE.
 - SET WOOD POSTS IN SLOOP FOR CONCRETE FOOTER AT ALL END AND APPROACH POSTS.
 - NATURAL SUBGRADE.
 - CHAIN LOCK CHAIN. ANGLE BRACE WELDED TO GATE IN MANUFACTURING.
 - CONTRACTOR TO SUBMIT SHOP DRAWINGS AND CLEAR UP FOR REVIEW & APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO FABRICATION.



A HARDSCAPE PLAN

SCALE: 1"=20'-0"

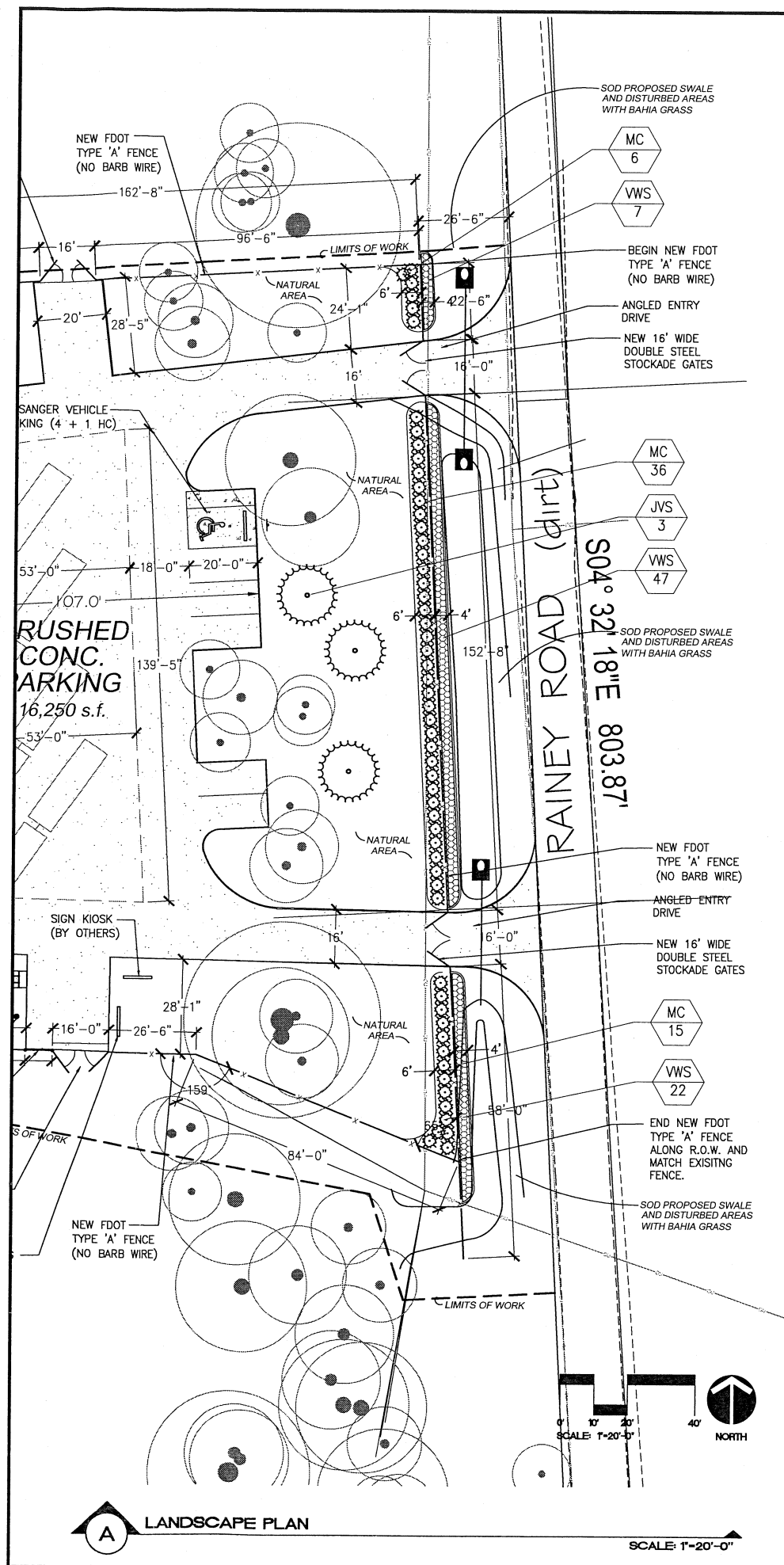
SIGNATURE AND DATED SEAL

 CHRISTOPHER D. RICE LAA66712

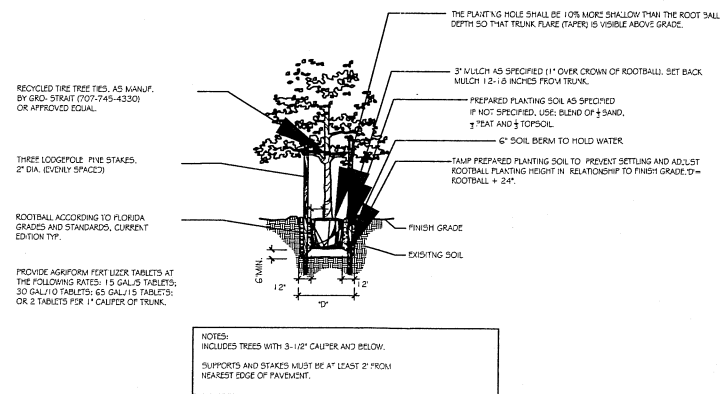
LAKE LUCIE EQUESTRIAN TRAILHEAD
 CONSULTANTS

HARDSCAPE PLAN AND DETAILS

PROJECT NO.	14-131	DATE	
PHASE	100% CONSTRUCTION DOCUMENTS	PROJECT ADDRESS	
SCALE	1"=20'-0"	OWNER NAME AND ADDRESS	
FILE NAME	14-131	ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION	
DRAWN BY	CRB		
CHECKED BY	CRB		
DATE	03/06/17		



B TRAIL MAP
SCALE: NOT TO SCALE



LAKE LUCIE PLANT LIST

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	DESCRIPTION	REMARKS
TREES					
JVS	3	JUNIPERUS VIRGINIANA 'SILICOCLA'	SOUTHERN RED CEDAR	10'-12" HT X 4'-5" SPDB. / FULL TO GROUND / 45 GAL.	SPACE AS SHOWN
GROUNDCOVERS					
MC	57	MUHLENBERGIA CAPILLARIS	PINK MUHLY GRASS	30" GA. / FULL / 3 GAL.	48" O.C.
VWS	76	YBURNUM OBOVATUM 'MRS SHILLERS DELIGHT'	DWARF WALTER'S YBURNUM	18" HT. X 18" SPDB. / FULL / 3 GAL.	36" O.C.
SOD	SEE FLARE	PASPALLUM NOTATUM 'ARGENTINE'	ARGENTINE BAHIA GRASS	FREE OF PESTS AND DEBRIS	FIELD VERIFY QTY DISTURBED AREAS
MULCH					
SEE "LANS"		PINE BARK MINI-MUGGETS	MULCH	FREE OF DIRT AND DEBRIS	FIELD VERIFY QTY

D PLANT LIST
SCALE: NTS

LAKE LUCIE EQUESTRIAN TRAILHEAD

SIGNATURE AND DATED SEAL

CONSULTANTS

LANDSCAPE PLAN, DETAILS AND TRAIL MAP

PROJECT ADDRESS

DATE

REV.

DESCRIPTION

DATE

PROJECT NO.

16-131

PHASE

100% CONSTRUCTION DOCUMENTS

SCALE

1"=20'-0"

FILE NAME

16-131

DRAWN BY

CR

CHECKED BY

CR

DATE

03/04/17

OWNER NAME AND ADDRESS

ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION

PROJECT TITLE

LAKE LUCIE EQUESTRIAN TRAILHEAD

CONSULTANTS

BORRELLI PARTNERS

ARCHITECTURE PLANNING LANDSCAPE INTERIOR

700 VASSAR STREET

ORLANDO, FL 32804 (407) 418-1338

REGISTERED PROFESSIONAL ARCHITECT AND LANDSCAPE ARCHITECT

STATE OF FLORIDA

PROFESSIONAL SEAL

CHRISTOPHER D. RICE

LS4647172

SCALE: NTS

85

L-102

Backup material for agenda item:

1. Ordinance No. 2569 – Second Reading – Temporary Moratorium – Medical Cannabis Dispensing – Legislative Moon

David



**CITY OF APOPKA
CITY COUNCIL**

- CONSENT AGENDA
- X PUBLIC HEARING
- SPECIAL REPORTS
- X OTHER: Ordinance

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: Ordinance No. 2569
 Ordinance No. 2526
 Ordinance No. 2388

SUBJECT: ORDINANCE NO. 2569 - EXTENSION OF A TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNIBIS WITHIN THE CITY OF APOPKA

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2569 – AN ORDINANCE ESTABLISHING AN EXTENSION OF THE TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNIBIS WITHIN THE CITY OF APOPKA UNTIL AUGUST 30, 2017; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNIBIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN THE CITY OF APOPKA; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY:

On May 6, 2015 City Council adopted a medical marijuana ordinance (Ord. No. 2388) that establishes regulations for the cultivation and processing of cannabis, and dispensing of medical marijuana within the City of Apopka through Ordinance No. 2388. On November 16, 2016 City Council adopted a moratorium until May 31, 2017 on the dispensing of medical marijuana. The moratorium does not affect the cultivation or process of cannabis. Ordinance 2569 proposes to extend the moratorium on the dispensing of medical marijuana.

City Council’s adoption of the current medical marijuana ordinance (Ord. No. 2388) occurred in reaction to Florida government enacting the Compassionate Medical Cannabis Act of 2014, which became effective on January 1, 2015. On November 8, 2016, Florida voters will decide whether Florida medical marijuana laws and administrative rules should be change to expand applications for medical use of marijuana. The proposed 2016 constitutional amendment addresses three components: (1) Physician certification, (2) Patient and caregiver identification cards, and (3) Medical Marijuana Treatment Center registration and regulation.

The moratorium (Ord. No. 2526) was needed because staff believes it is in the best interest of the City to place a temporary moratorium on the dispensing of medical marijuana. Staff will monitor the development of the new DOH rules and recommend amendments to the City’s current medical marijuana ordinance based on the effect that these new rules may have on the interests and goals City Council desires for the Apopka community.

As the State Department of Health has not yet finalized and adopted rules as of May 1, 2017, staff has not had adequate time to evaluate the impact of the State’s medical marijuana rules will have on the City’s medical marijuana ordinance. Therefore, staff is requesting an extension of the current moratorium on medical marijuana dispensing until August 30, 2017.

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

CITY COUNCIL – JUNE 21, 2017
TEMPORARY MORATORIUM – DISPENSING MEDICAL CANNIBIS
PAGE 2

HEARING SCHEDULE: Planning Commission – May 23, 2017, 5:30 pm
City Council First Reading – June 7, 2017, 1:30 pm
City Council Second Reading – June 21, 2017, 7:00 pm

DULY ADVERTISED: May 12, 2017 – Public Hearing Notice
June 9, 2017 – Ordinance Heading

RECOMMENDATION ACTION:

The **Planning Commission**, at an additional meeting held on May 23, 2017, unanimously recommended approval of Ordinance No. 2569.

The **City Council**, at its meeting on June 7, 2017, accepted the First Reading of Ordinance No. 2569 and held it over for Second Reading and Adoption on June 21, 2017.

Adopt Ordinance No. 2569.

ORDINANCE NO. 2569

AN ORDINANCE ESTABLISHING AN EXTENSION OF THE TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNABIS WITHIN THE CITY OF APOPKA UNTIL AUGUST 30, 2017; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNABIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN THE CITY OF APOPKA; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2014, the Florida Legislature passed the Compassionate Medical Cannabis Act, Florida Statute 381.986, which legalized the cultivation, processing, and dispensing of certain “Low-THC Cannabis” to “qualified patients” as defined by the Act.

WHEREAS, in 2015, the City of Apopka adopted Ordinance 2388 to address zoning and distribution of medical cannabis based on the 2014 legislation.

WHEREAS, the State of Florida amended Florida Statute 381.986 by modifying the definition of a “qualified patient” and added multiple new regulations to the Statute.

WHEREAS, on November 2016, the citizens of Florida voted to adopt a Constitutional Amendment which broadens access to Medical Cannabis.

WHEREAS, the Orange County Government and other municipalities within Orange County established a temporary moratorium on Medical Cannabis Activities until recommendations can be made for appropriate zoning rules to be established.

WHEREAS, the City of Apopka found that due to the subsequent revision of Florida State Statute in 2016 and the enactment of a Constitutional Amendment to allow for Medical Cannabis, the City put in place a temporary moratorium on dispensing medical cannabis until May 31, 2017 to analyze whether changes to the zoning code or municipal regulations should be amended to ensure compliance with State Law and the Department of Health regulations.

WHEREAS, the Florida Legislature is in the process of a substantial rewrite of Florida State Statute in reference to Medical Cannabis, and the Department of Health is in the process of drafting new regulations which may impact what the City of Apopka can regulate. As of May 3, 2017, the Florida Legislature has not passed its legislative changes.

WHEREAS, city staff is not able to propose changes to the City Ordinance to be in compliance with State Statute and Department of Health regulations until the changes of State Statute and Department of Health regulations are published. Additionally, the City of Apopka must sufficiently notice the citizens of Apopka and allow comment regarding those proposed changes before adoption.

WHEREAS, the City staff will not be able to make recommendations to amend the ordinance with sufficient time to meet the May 31, 2017 conclusion of the moratorium. Therefore, the City will adopt an extension of the moratorium to ensure compliance with State Statute and Department of Health regulations until an amended ordinance has been adopted or until August 30, 2017, whichever date is earlier.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA.

SECTION 1: FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2: DEFINITIONS

- (a) Medical Cannabis – Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.

SECTION 3: STUDY AND REVIEW PROCESS.

- (a) During the extension of the temporary moratorium period designated in Section 4 of this ordinance, the City staff, including the Zoning Department, is hereby directed to study the new legislation regarding Medical Cannabis and, the Constitutional Amendment for Medical Cannabis to determine the impact any changes have on the health, safety, and welfare of the residents and businesses of the City of Apopka. Additionally, City staff shall monitor the regulations adopted by the Department of Health, as it relates to medical cannabis, to ensure consistency with the Apopka Code of Ordinances. Finally, the City staff shall analyze all new development and annexation since the adoption of Ordinance 2388 to identify whether any permissible zones should be amended.
- (b) The ultimate purpose of such a review and study by the staff is to propose amendments to the Apopka Ordinances.

SECTION 4: TEMPORARY MORATORIUM PERIOD EXTENDED. Until the effective date of an ordinance establishing a new or amended land development regulations concerning dispensing Medical Cannabis, or until August 30, 2017, whichever date is earlier, no permits shall be issued to allow the dispensing of Medical Cannabis. Furthermore, the review of any applications for the dispensing of Medical Cannabis Activities that may be pending, shall be abated, and no new applications for such permits shall be accepted or processed during the moratorium period.

SECTION 5: CODIFICATION. This ordinance shall be temporarily codified, being entitled “Extension of Moratorium regarding the Dispensing of Medical Cannabis within the City of Apopka.”

SECTION 6: CONFLICTS. Any ordinance, resolution, or part thereof, in conflict with this ordinance, or any part hereof is repealed to the extent of such conflict.

SECTION 7: SEVERABILITY. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance, such holding shall not affect its applicability to any other person, property or circumstances.

ORDINANCE NO. 2569

PAGE 3

SECTION 8: EFFECTIVE DATE. This ordinance shall be effective immediately upon adoption.

READ FIRST TIME: _____

READ SECOND TIME
AND ADOPTED: _____

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda G. Goff, City Clerk

APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.

Erin DeYoung, Apopka Police Department Attorney

DULY ADVERTISED FOR PUBLIC HEARING: May 12, 2017
June 9, 2017

ORDINANCE NO. 2526

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNABIS WITHIN THE CITY OF APOPKA; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNABIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY WITHIN THE CITY OF APOPKA; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2014, the Florida Legislature passed the Compassionate Medical Cannabis Act, Florida Statute 381.986, which legalized the cultivation, processing, and dispensing of certain “Low-THC Cannabis” to “qualified patients” as defined by the Act.

WHEREAS, in 2015, the City of Apopka adopted Ordinance 2388 to address zoning and distribution of medical cannabis based on the 2014 legislation.

WHEREAS, the State of Florida amended Florida Statute 381.986 by modifying the definition of a “qualified patient” and added multiple new regulations to the Statute.

WHEREAS, in November 2016, the citizens of Florida will vote on whether to adopt a Constitutional Amendment which broadens access to Medical Cannabis.

WHEREAS, if the ballot initiative is adopted in November 2016, the Department of Health will have six (6) months to establish regulations for the growing and distribution of this newly expanded Cannabis Amendment.

WHEREAS, the Orange County Government and other municipalities within Orange County are establishing a temporary moratorium on Medical Cannabis Activities until recommendations can be made for appropriate zoning rules to be established.

WHEREAS, the City of Apopka finds that due to the subsequent revision of Florida State Statute in 2016 and the possible enactment of a Constitutional Amendment to allow for Medical Cannabis, the City should put in place a temporary moratorium on dispensing medical cannabis until May 31, 2017 to analyze whether changes to the zoning code or municipal regulations should be amended to ensure compliance with State Law and the Department of Health regulations. Additionally, the City shall reanalyze the impact on newly annexed property and its proximity to previously designated zones for permitted cannabis distribution.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA.

SECTION 1: FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2: DEFINITIONS

- (a) Medical Cannabis – Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.

SECTION 3: STUDY AND REVIEW PROCESS.

(a) During the temporary moratorium period designated in Section 4 of this ordinance, the City staff, including the Zoning Department, is hereby directed to study the new legislation regarding Medical Cannabis and, if passed, the Constitutional Amendment for Medical Cannabis to determine the impact any changes have on the health, safety, and welfare of the residents and businesses of the City of Apopka. Additionally, City staff shall monitor the regulations adopted by the Department of Health, as it relates to medical cannabis, to ensure consistency with the Apopka Code of Ordinances. Finally, the City staff shall analyze all new development and annexation since the adoption of Ordinance 2388 to identify whether any permissible zones should be amended.

(b) The ultimate purpose of such a review and study by the staff is to propose amendments to the Apopka Ordinances.

SECTION 4: TEMPORARY MORATORIUM PERIOD. Until the effective date of an ordinance establishing a new or amended land development regulations concerning dispensing Medical Cannabis, or until May 31, 2017, whichever date is earlier, no permits shall be issued to allow the dispensing of Medical Cannabis. Furthermore, the review of any applications for the dispensing of Medical Cannabis Activities that may be pending, shall be abated, and no new applications for such permits shall be accepted or processed during the moratorium period.

SECTION 5: CODIFICATION. This ordinance shall be temporarily codified, being entitled "Moratorium regarding the Dispensing of Medical Cannabis within the City of Apopka."

SECTION 6: CONFLICTS. Any ordinance, resolution, or part thereof, in conflict with this ordinance, or any part hereof is repealed to the extent of such conflict.

SECTION 7: SEVERABILITY. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 8: EFFECTIVE DATE. This ordinance shall be effective immediately upon adoption.

READ FIRST TIME: November 2, 2016

READ SECOND TIME
AND ADOPTED: November 16, 2016



Joseph E. Kilsheimer, Mayor

ATTEST:



Linda G. Goff, City Clerk

APPROVED as to form and legality for
use and reliance by the City of Apopka,
Florida.



Erin DeYoung, Apopka Police Department Attorney

DULY ADVERTISED FOR PUBLIC HEARING: October 21, 2016

ORDINANCE NO. 2388

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AFFECTING THE USE OF LAND IN THE CITY OF APOPKA, AMENDING ARTICLE III OF THE LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 3.05 TITLED “DESIGNATED GROW AREA OVERLAY DISTRICT”, PROVIDING THAT CANNABIS CULTIVATION AND PROCESSING AND MARIJUANA DISPENSARIES/MEDICAL TREATMENT CENTERS ARE SPECIAL EXCEPTION USES WITHIN A “DESIGNATED GROW AREA OVERLAY DISTRICT” AND PROHIBITING SUCH USES WITHIN ANY OTHER ZONING DISTRICTS OR LOCATIONS WITHIN THE JURISDICTION OF APOPKA; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATION FOR APPROVAL OF A SPECIAL EXCEPTION FOR CANNABIS CULTIVATION OR PROCESSING OR MARIJUANA DISPENSARY/MEDICAL MARIJUANA TREATMENT CENTER; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONDITIONS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the State of Florida is considering legalizing the cultivation and processing of cannabis and the dispensing of marijuana; and

WHEREAS, the purpose and intent of this Ordinance is to regulate the cultivation and processing of cannabis and the dispensing of non-medical\medical marijuana in order to promote the health, safety, and general welfare of the residents and businesses within the City.

WHEREAS, the City Council has determined that it is in the best interest of the citizenry and general public to regulate the location of cannabis cultivation and processing and marijuana dispensaries/medical marijuana treatment centers in the event the State of Florida legalizes said dispensaries, whether for medical use or non-medical use; and

WHEREAS, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

WHEREAS, the City Council has determined that given the potential impact on the surrounding area, cannabis cultivation and processing and marijuana dispensaries/medical marijuana treatment centers should only be permitted within a limited areas of the municipal limits, and non-medical marijuana sales should be prohibited within the municipal limits;

WHEREAS, the City Council has determined that it is advisable and in the public interest to set certain distance and other siting standards in regard to the location and operation of cannabis cultivation or processing or marijuana dispensaries/medical marijuana treatment centers; and

WHEREAS, the City Council of the City of Apopka finds that this ordinance promotes the general welfare and is consistent with the Comprehensive Plan.

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

SECTION 1. DEFINITIONS:

- a. **Agriculture:** means the science and art of production of plant(s) and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, including hay or grass harvesting and bailing operation. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.
- b. **Cannabis:** Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.
- c. **Cannabis Cultivation:** the planting, tending, improving, farming, drying or harvesting of cannabis plants from seed, juvenile stock, or grafting.
- d. **Cannabis Processing:** the preparation of the cannabis plant intended for use as medicine or medical purposes as prescribed by a licensed Florida physician.
- e. **Designated Grow Area (DGA) Overlay District.** The following areas are defined as a "Designated Grow Area" Overlay District:
 - 1) **Keene\Clarcona DGA:** All Agriculture or Industrial zoned property in the general area west of the S.R. 414 bridge at E. Keene Road, east of McQueen Road, and south of S.R. 414, as depicted in Map A: Keene\Clarcona Road DGA as delineated in Map A: Keene\Clarcona DGA.
 - 2) **Hermit Smith\Hogshead DGA:** All Agriculture or Industrial zoned property within the area west of S.R. 429, south of U.S. 441, and north of Lust Road, as delineated in Map B: Hermit Smith\Hogshead DGA.
- f. **Fully enclosed and secure structure:** A space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.
- g. **Horticulture Nursery:** an agriculture operation limited to the cultivation of fruits, vegetables, nuts, seeds, herbs, sprouts, mushrooms, algae, flowers, seaweeds and non-food crops such as grass and ornamental trees and plants.
- h. **Legacy Grow Site:** Property actively operated as a registered nursery within a Designated Grow Area for at least five continuous years preceding and measured from the effective date of this ordinance.
- i. **Marijuana Dispensary:** A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plant(s) are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local and state laws.

- j. **Marijuana Treatment Center:** A medical marijuana dispensary where qualifying patients are administered medical marijuana by medical professional licensed by the State of Florida to patients in accordance with all local and state laws.
- k. **Medical Use:** The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment, as identified by a physician licensed by the State of Florida.
- l. **Non-Medical Marijuana Sales.** The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plant(s) when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under state law.

SECTION 2. CANNABIS CULTIVATION AND PROCESSING PROHIBITED.

Cultivation or processing of cannabis for non-medical marijuana purposes is prohibited within the City of Apopka. Excepting the Designated Grow Areas described in Sec. 3a., cultivation or processing of cannabis for medical use is prohibited in all other areas of the City of Apopka. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the City of Apopka to cause or allow such parcel to be used for the cultivation or processing of cannabis plants within a fully enclosed and secure structure on the parcel, except as outlined below in Section 3.

SECTION 3. CANNABIS CULTIVATION AND PROCESSING.

- a. Cultivation or processing of cannabis for medical marijuana is allowed as a Special Exception use approved by the Planning Commission within an Agriculture or Industrial I-1 district located within a DGA or Legacy Grow Site located within a DGA as delineated in Maps "A" and "B". If a parcel, lot, or legal lot-of-record straddles the DGA boundary, no cultivation or processing can occur outside the DGA boundary.
- b. Horticulture Nursery Special Exception Prohibition. Cultivation or processing of cannabis for medical or non-medical use is prohibited as a special exception use for horticulture nursery operations. Any Special Exception approved by the City prior to the effective date of this ordinance is not allowed to cultivate or process cannabis.
- c. Enclosed Cultivation. Any cultivation of cannabis shall occur within a fully enclosed and secure structure. Outdoor cultivation is prohibited
- d. Enclosed Processing. All cannabis processing, laboratories, research activities and associated equipment occur within a fully enclosed and secured building that has been issued a building permit by the City of Apopka or Orange County.
- e. License. A valid license must be obtained from the State of Florida and remain in effect during the operation of the cannabis business. All cultivation and processing activities shall cease if a license has expired. At least seventy-two (72) hours before a cannabis cultivation or processing business terminates operation, the owner must notify the Police Chief of the City of Apopka.
- f. **Additional Special Exception Criteria:**
 - 1). Street Access. All cannabis cultivation and processing sites within the Keene\Clarcona DGA must directly access Keene Road or Clarcona Road. All cannabis cultivation and

processing sites within the Hermit Smith\Hogshead DGA must directly access Hermit Smith Road, Hogshead Road, Peterson Street, or Binion Road.

A stabilized surface acceptable to the city engineer shall be provided from the public street to any onsite processing buildings.

- 2) Utilities. All cannabis processing sites shall connect to a central water and sewer system unless otherwise temporarily waived by the City Administrator until a development agreement addresses a schedule for connecting the site to such services. Onsite wells and septic tanks may be allowed on a temporary basis through a development agreement that ensures connection to a central water and sewer systems within five years.
- 3) Employee Parking. All employee vehicle parking areas shall occur within a paved, lighted parking lot.
- 4) Distance Separation. Cultivation or processing buildings or structures shall be separated from other uses according to the following separation minimum standard:

	Affected Property (feet)			
Location of Cultivation or Processing Buildings or Structure	Vacant Parcel Assigned a Residential Zoning District	Church or Place of Worship, School, Hospital, County or Municipal Park, Day Care (F.S. 402.302)	Platted Residential Subdivision; Residential Parcel less than 5 acres	Occupied Residential Parcel Greater than 5 acres
Designated Grow Area	100	500	250	200

Distances shall be measured by drawing a straight line between the closest point of the cannabis cultivation or processing building or nursery structure to the closest property line or edge of leased space (whichever is closer) of the affected property.

- 5) Minimum Parcel Size. A minimum parcel size necessary for cultivation, processing, or combined operations within a DGA is two (2) compact and contiguous acres.
- 6) Parcel. Cannabis cultivation or processing shall occur on a separate parcel, lot, or legal lot-of-record than that on which a medical marijuana dispensaries/medical marijuana treatment centers is located.
- 7) Signage. No business identification sign (i.e., wall, monument, pole, directional) shall include the words “marijuana”, “cannabis”, or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs for any business cultivation, processing or dispensing business. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed.

- 8) Security and Safety Plan. A security and safety plan will be reviewed and approved by the chief of police or designee. The security and safety plan shall at minimum address but not be limited to, locking options, alarm systems, and video surveillance, and as otherwise determined necessary by the Police Chief. Any such documents or information for review shall be transmitted directly to the police chief's office for review and not attached to the permit as may be required by the Community Development Department. The police chief or designee will respond to the development review committee approval or denial of said plan. Any information, records, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems or other sensitive information gathered will be exempt from public records in accordance with FSS 119.071, "General exemptions from inspection or copying of public records."

SECTION 4. MARIJUANA DISPENSARIES/MEDICAL MARIJUANA TREATMENT CENTERS.

- a. *Applicable Zoning District*. Marijuana dispensaries/medical marijuana treatment centers for marijuana medical use are allowed as a Special Exception within a Commercial C-1, Industrial I-1 or Agriculture District located within a Designated Grow Area subject to compliance with the standards set forth below. No more than five (5) medical marijuana dispensary/medical marijuana treatment center establishments shall locate within each of the Designated Grow Areas.
- b. *Prohibited Locations*. Non-medical marijuana dispensaries/medical treatment centers or sales are prohibited within the jurisdictional area of the City of Apopka. Medical Marijuana dispensaries/medical marijuana treatment centers are prohibited in the City of Apopka except as allowed in Section 4.a. Zoning Districts where medical marijuana dispensaries/medical marijuana treatment centers are prohibited also include: the Downtown Development Overlay District, Community Redevelopment Area (CRA), Planned Unit Development, Mixed-EC, and Mixed-CC zoning categories.
- c. No other business shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located. This requirement does not apply to licensed nursery businesses that were operating prior to the effective date of this ordinance.
- d. Any parking demand created by marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations.
- e. *Controlled Substances*. The onsite sale, provision, or dispensing of marijuana is prohibited except as specifically authorized by state law.
- f. *Loitering*. A marijuana dispensary/medical marijuana treatment center shall provide adequate seating for its patients and business invitees. The marijuana dispensary/medical marijuana treatment center shall not direct or encourage any patient or business to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary/center operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business and depart. The marijuana dispensary/medical marijuana treatment center shall post conspicuous signs on at least three (3) sides of the building stating that no loitering is allowed on the property.

- g. *Queuing of Vehicles.* The marijuana dispensary/medical marijuana treatment center shall ensure that there is no queuing of vehicles in the rights-of-way. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- h. *No Drive-Through Service.* No marijuana dispensary/medical marijuana treatment center shall have a drive-through or drive-in service aisle. All onsite dispensing, payment for and receipt of said marijuana shall occur from within or inside the marijuana dispensary/medical marijuana treatment center.
- i. *On-Site Consumption of Marijuana and/or Alcoholic Beverages.* No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way except for medical marijuana treatment centers. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this paragraph.
- j. *Signage.* No business identification sign (i.e., wall, monument, pole, directional, human) shall include the words "marijuana", "cannabis", or any similar related word, nor shall any graphic or illustration associated with such words appear in such signs or on any building or structure used a marijuana dispensing/marijuana treatment center. An electronic reader board or changeable copy sign is not allowed on any property where cannabis is cultivated, processed, sold, or dispensed
- k. *Hours of Operation.* Marijuana dispensaries/medical marijuana treatment centers shall only dispense or treat patrons between 7:00 A.M. and 8:00 P.M.
- l. *Customer Waiting Area.* All customer waiting areas shall occur within in an enclosed building. No customer waiting areas shall occur outdoors or within a porch area, whether covered or not.
- m. *Building Orientation and Design.* All customer building entrances shall be oriented to and visible from a public street. Color of any wall or roof of any marijuana dispensaries/medical marijuana treatment centers shall comply with the City's Development Design Guidelines.
- n. *Distance Separation.* No marijuana dispensary/medical marijuana treatment center shall be located within five hundred (500) feet of any school or church, or within two hundred (200) feet of any residentially zoned property, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the marijuana dispensary/medical marijuana treatment center structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer) of the school, church or residentially zoned property.
- o. *Compliance with Other Laws.* All marijuana dispensaries/medical marijuana treatment centers shall at all times be in compliance with all state regulations and the Apopka City Code of Ordinances and Land Development Code, as may be applicable and amended from time to time.
- p. *Security and Safety Plan.* Compliance with Section 3.f.8. of this ordinance is required.
- q. *Special Exception Standards.* When considering an application for marijuana dispensaries/medical marijuana treatment centers, the Planning Commission must consider the special exception criteria listed in paragraph d below, in addition to that criteria listed in subsection 2.02.B.5. The Planning Commission may deny the request, approve the request, or approve the request with conditions, based upon a review of these considerations. The Planning Commission may assign additional conditions and safeguards as deemed necessary:

- 1) Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
 - 2) No other business, aside or separate from the dispensing of marijuana shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located.
 - 3) The parcel, lot, or lot-of-record shall access a collector or arterial road.
 - 4) Additional Hours of Operation Restrictions. Hours of operation can be further restricted based on proximity of residential development or to protect the character and environment of developed surrounding areas.
- r. Exemptions. Hospitals and pharmacies licensed by the State of Florida are exempt from Section 4.

SECTION 5. GENERAL USE. PROHIBITION ON STREETS, SIDEWALKS, ALLEYS, ETC.

- 1) Regulations applicable to the consumption of medical marijuana. No person shall smoke, ingest, or otherwise consume medical marijuana in the City of Apopka unless such smoking, ingesting or consumption occurs entirely within a private residence, or within a clinic, health care facility, residential care facility, or residential hospice licensed pursuant to applicable provisions of Florida Statutes.
- 2) It is unlawful for any person to purchase, use, smoke, ingest, offer for sale, possess, consume, or carry any non-medical\medical marijuana in any public park or governmental property or on the public right -of -way, inclusive of streets, sidewalks or alleys, within the Municipal Corporate Limits of the City of Apopka Florida.
- 3) It is unlawful for any person to purchase, use, smoke, ingest, offer for sale, possess, consume or carry non-medical\medical marijuana or carry in or upon any parking area open to public use or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property.
- 4) It is unlawful for any person to smoke, ingest, or otherwise consume or carry or use non-medical\medical marijuana while such person is in or on any vehicle which is located in or upon any parking area open to public use, or in or upon any private property without consent of the owner or in any public park or governmental property or on the public right -of -way, inclusive of streets, sidewalks or alley.
- 5) It is unlawful for any person to smoke, ingest or otherwise consume or use any non-medical\medical marijuana on the streets, sidewalks or alleys within the city, while such person is an operator or passenger in or on any vehicle, whether moving or stopped, and such consumption is open to public view.

SECTION 6. Notwithstanding any other provision, it is unlawful for any person to utilize medical marijuana in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys, within the city; in or upon any parking area open to public use, or in or upon any private property without the consent of the owner, tenant or other person lawfully in possession of said property; or when such person is in or on any vehicle which is located in or upon any parking area open to public use, or

in or upon any private property or in any public park or governmental property or on the public right-of-way, inclusive of streets, sidewalks or alleys.

SECTION 7. It is unlawful for any vendor, or for any agent, servant or employee of such vendor, to permit the use of medical marijuana in or upon any parking or other area outside of the vendor's building or room if such parking or other area is adjacent to the building or premises in which the business licensed is operated, when such parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such licensed vendor or any agent, servant or employee of such licensed vendor. A licensed vendor may post and maintain a legible painted or printed sign in at least two separate prominent places on such parking or other area, with sufficient light directed thereon to be visible during the hours of darkness while such place of business is open, in letters not less than three inches in height, stating the following: "WARNING: Utilization of medical marijuana on this Lot Prohibited—\$500.00 Fine and/or 60 days in Jail—City Ordinance." Posting of such signs shall constitute prima facie evidence that such vendor is not operating in violation of subsection (a) of this section. If any licensed vendor mentioned in this section is a corporation, then the officers of such corporation shall be regarded as the owners thereof for the purposes of enforcement of this section.

SECTION 8. PENALTIES. Any person violating any of the provisions of this article shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. § 162.22, (1997). Each incident or separate occurrence of any act that violates this article shall be deemed a separate offense. In addition to the penalties provided under this section, violators of this article shall be subject to any other appropriate civil or criminal action provided by law in a court of competent jurisdiction, including, but not limited to, injunctive relief.

SECTION 9. CONFLICTS. Any ordinance, resolution, or part thereof, in conflict with this Ordinance, or any part hereof, is hereby repealed to the extent of such conflict.

SECTION 10. SEVERABILITY. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage and adoption by the City Council as to the acceptable siting locations for marijuana dispensaries/medical marijuana treatment centers, however the designation of a marijuana dispensary/medical marijuana treatment center and the selling of marijuana products as defined by the Florida Constitution or Florida Law shall occur only upon and after the official date in which the sale and distribution of marijuana has been deemed legal by the State of Florida.

SECTION 12. REPEALER. Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Land Development Code, Chapter III, Article 3, Section 3-11, Subsection E, Paragraph 15 titles "Pain Management Clinics.

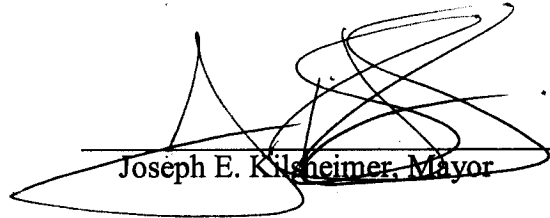
SECTION 13. INCLUSION INTO THE LAND DEVELOPMENT CODE. It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Apopka Land Development Code, re-arranged to meet existing codification, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Passed on the first reading on the 6th day of May, 2015.

FIRST READING: April 1, 2015

SECOND READING: April 15, 2015

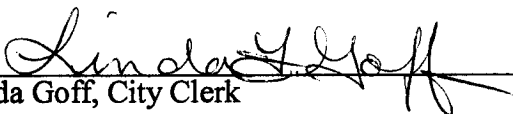
THIRD READING
AND ADOPTION: May 6, 2015



Joseph E. Kilsheimer, Mayor

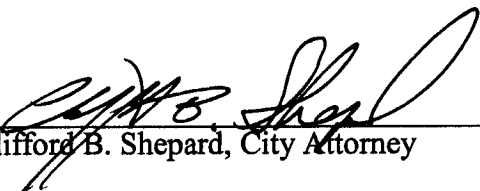
Attorney signature recommended for this ordinance.

ATTEST:



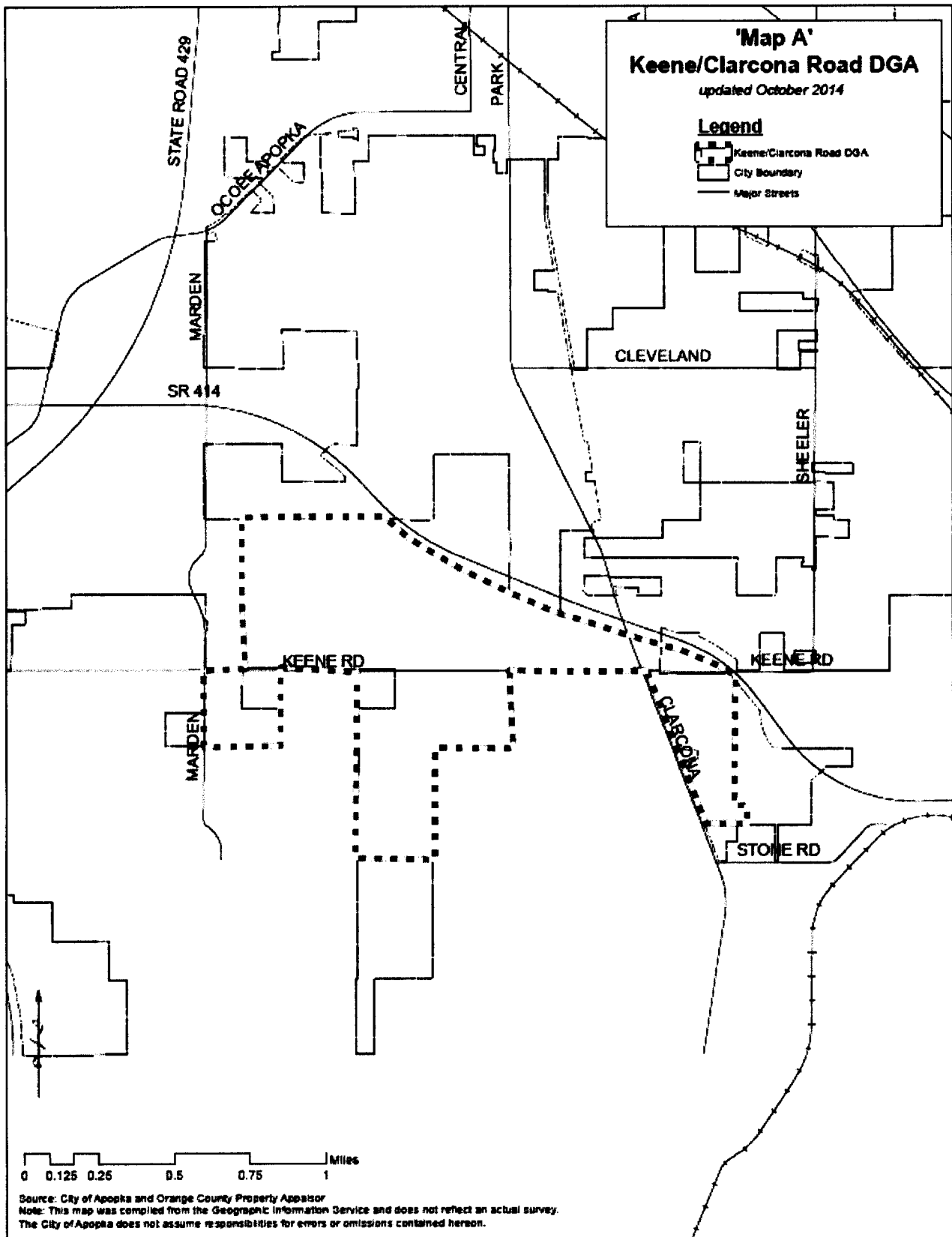
Linda Goff, City Clerk

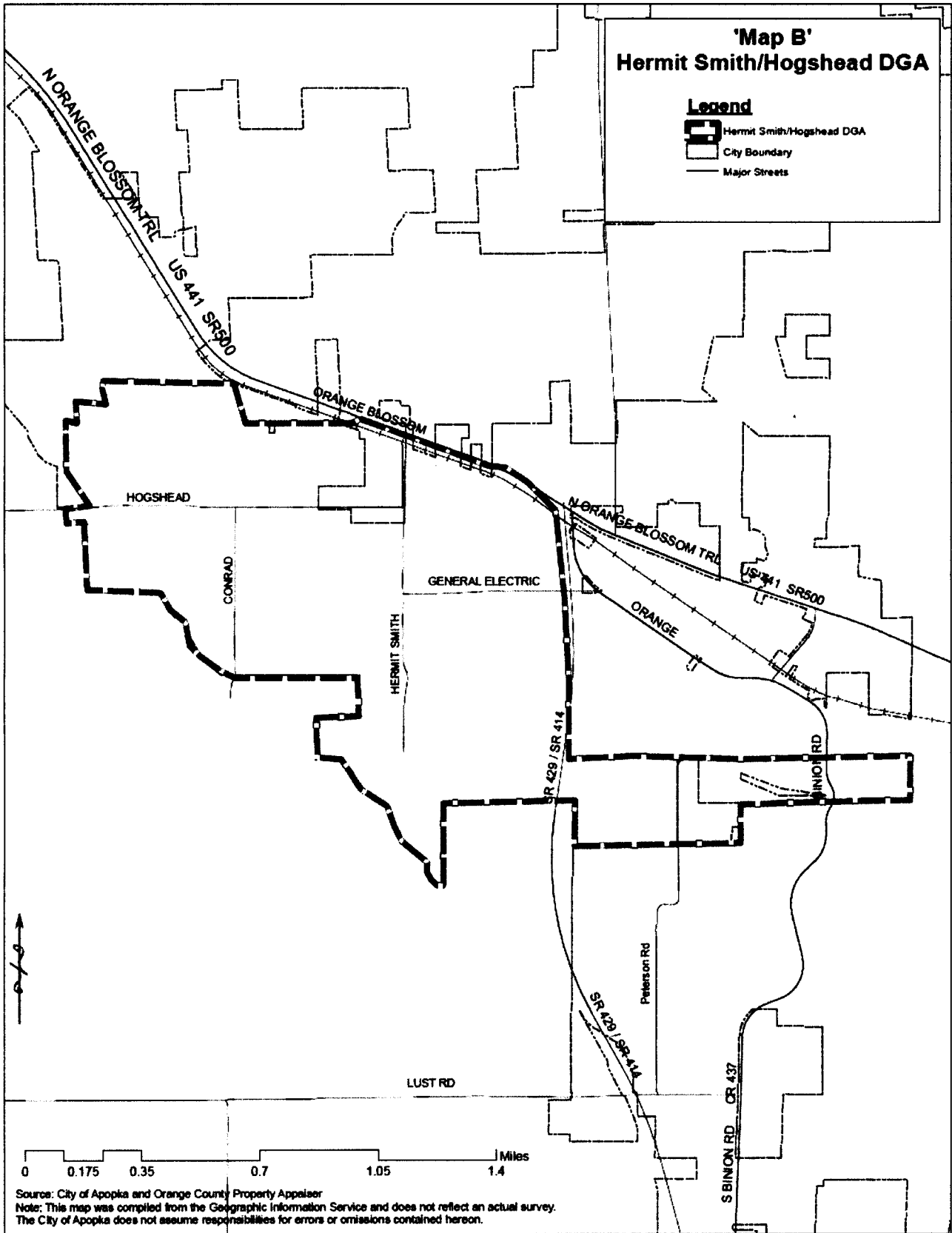
APPROVED AS TO FORM:



Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: March 13, 2015
April 3, 2015
April 24, 2015





Backup material for agenda item:

2. Ordinance No. 2570 – Second Reading – Annexation – 2255 & 2267 West Kelly Park Road - Legislative Wilkes

Kyle



CITY OF APOPKA CITY COUNCIL

 CONSENT AGENDA
 X PUBLIC HEARING
 SPECIAL REPORTS
 X OTHER: Ordinance

MEETING OF: June 21, 2017
FROM: Community Development
EXHIBITS: Exhibit "A" – Summary
Ordinance No. 2570
Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 2

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2570 – MYUNG SOO HAN & KATHERINE HAN.

SUMMARY:

OWNER: Myung Soo Han & Katherine Han
LOCATION: 2255 & 2267 West Kelly Park Road
LAND USE: Refer to Exhibit "A"
EXISTING USE: Refer to Exhibit "A"
TRACT SIZE: 9.82 +/- acre

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on December May 8, 2017.

DULY ADVERTISED:
May 26, 2017 - 1/4 Page Public Hearing Advertisement
June 2, 2017 - 1/4 Page Public Hearing Advertisement
June 30, 2017 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:
June 7, 2017 (1:30 pm) - City Council 1st Reading
June 21, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
Commissioners

Finance Director
HR Director

Public Services Director
Recreation Director

City Administrator
Community Development Director

IT Director
Police Chief

City Clerk
Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by Myung Soo Han & Katherine Han.

The **City Council**, at its meeting on June 7, 2017, accepted the First Reading of Ordinance No. 2570, and held it over for Second Reading and Adoption on June 21, 2017.

Adopt Ordinance No. 2570.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 2

TOTAL ACRES: 56.23 +/-
ANNEXATION ORDINANCE NOs.: 2570 – 2575

Adopted this 21st day of June, 2017

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2570	1	Myung Soo Han Katherine Han	2255 & 2267 West Kelly Park Road	07-20-28-0000-00-031 07-20-28-0000-00-043	9.82	Nursery	RURAL 1DU/10 ACRES AGRICULTURAL
2571	2	Choe Bong Jin Chong Soon	2309 West Kelly Park Road	07-20-28-0000-00-048	9.82	Vacant	RURAL 1DU/10 ACRES
2572	3	Lee Won Chul Muong Sea	2405 West Kelly Park Road	07-20-28-0000-00-011	29.66	Single-family home	RURAL 1DU/10 ACRES
2573	4	George W. Thum, Jr.	4650 Jason Dwelley Parkway	18-20-28-0000-00-054	5.06	Single-family home	RURAL 1DU/10 ACRES
2574	5	Bibuboo, LLC	355 W Orange Blossom Trail	09-21-28-7544-01-010	1.65	Warehouse	COMMERCIAL MAX 1.0 FAR
2575	6	Charles Brown Betty Brown	3606 Fudge Road	01-21-27-0000-00-042	0.22	Vacant	RURAL 1 DU/10 ACRES

G:\CommDev\PLANNING ZONING\ANNEXATIONS\2017\Cycle 2

ORDINANCE NO. 2570

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY MYUNG SOO HAN & KATHERINE HAN LOCATED AT 2255 & 2267 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Myung Soo Han & Katherine Han, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the properties located at 2255 and 2267 West Kelly Park Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **9.82 +/- acre**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

E1/8 OF SW1/4 OF SE1/4 (LESS R/W ON S) OF SEC 07-20-28
Containing 4.91+/- acres; AND

W1/2 OF E1/4 OF SW1/4 OF SE1/4 OF SEC 07-20-28 (LESS R/W ON S)
Containing 4.91+/- acres.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

ORDINANCE NO. 2570
PAGE 2

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 a 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 passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: June 7, 2017

READ SECOND TIME
AND ADOPTED: June 21, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: May 26, 2017; June 2, 2017 and June 30, 2017

ANNEXATION

**Myung Soo Han & Katherine Han
2255 & 2267 West Kelly Park Road**



Exhibit "A"

Ord. # 2570

**Parcel ID: 07-20-28-0000-00-031
07-20-28-0000-00-043**

Total Acres: 9.82 +/-

VICINITY MAP



Backup material for agenda item:

3. Ordinance No. 2571 – Second Reading – Annexation – 2309 West Kelly Park Road - Legislative Wilkes

Kyle



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Ordinance

MEETING OF: June 21, 2017
FROM: Community Development
EXHIBITS: Exhibit "A" – Summary
Ordinance No. 2571
Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 2

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2571 – CHOE BONG JIN & CHONG SOON.

SUMMARY:

OWNER: Choe Bong Jin & Chong Soon
LOCATION: 2309 West Kelly Park Road
LAND USE: Refer to Exhibit "A"
EXISTING USE: Refer to Exhibit "A"
TRACT SIZE: 9.82 +/- acre

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on December May 8, 2017.

DULY ADVERTISED:

May 26, 2017 - 1/4 Page Public Hearing Advertisement
June 2, 2017 - 1/4 Page Public Hearing Advertisement
June 30, 2017 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

June 7, 2017 (1:30 pm) - City Council 1st Reading
June 21, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
Commissioners
City Administrator
Community Development Director

Finance Director
HR Director
IT Director
Police Chief

Public Services Director
Recreation Director
City Clerk
Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by Choe Bong Jin & Chong Soon.

The **City Council**, at its meeting on June 7, 2017, accepted the First Reading of Ordinance No. 2571, and held it over for Second Reading and Adoption on June 21, 2017.

Adopt Ordinance No. 2571.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 2

TOTAL ACRES: 56.23 +/-
ANNEXATION ORDINANCE NOs.: 2570 – 2575

Adopted this 21st day of June, 2017

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
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2571	2	Choe Bong Jin Chong Soon	2309 West Kelly Park Road	07-20-28-0000-00-048	9.82	Vacant	RURAL 1DU/10 ACRES
2572	3	Lee Won Chul Muong Sea	2405 West Kelly Park Road	07-20-28-0000-00-011	29.66	Single-family home	RURAL 1DU/10 ACRES
2573	4	George W. Thum, Jr.	4650 Jason Dwelley Parkway	18-20-28-0000-00-054	5.06	Single-family home	RURAL 1DU/10 ACRES
2574	5	Bibuboo, LLC	355 W Orange Blossom Trail	09-21-28-7544-01-010	1.65	Warehouse	COMMERCIAL MAX 1.0 FAR
2575	6	Charles Brown Betty Brown	3606 Fudge Road	01-21-27-0000-00-042	0.22	Vacant	RURAL 1 DU/10 ACRES

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ORDINANCE NO. 2571

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY MYUNG CHOE BONG JIN AND CHONG SOON LOCATED AT 2309 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Choe Bong Jin and Chong Soon, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the property located at 2309 West Kelly Park Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **9.82 +/- acres**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Descriptions:

E1/3 OF W3/4 OF SW1/4 OF SE1/4 OF SEC 07-20-28
Containing 9.82+/- acres.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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 a section or subsection or part of this ordinance.

ORDINANCE NO. 2571
PAGE 2

SECTION VI: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: June 7, 2017

READ SECOND TIME
AND ADOPTED: June 21, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: May 26, 2017; June 2, 2017 and June 30, 2017



ANNEXATION
CHOE BONG JIN
CHONG SOON
2309 WEST KELLY PARK ROAD

Exhibit "A"
Parcel ID: 07-20-28-0000-00-048

Total Acres: 9.82 +/-

VICINITY MAP



Backup material for agenda item:

4. Ordinance No. 2572 – Second Reading – Annexation – 2405 West Kelly Park Road - Legislative Wilkes

Kyle



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Ordinance

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: Exhibit "A" – Summary
 Ordinance No. 2572
 Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 2

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2572 – LEE WON CHUL & MYONG SEA.

SUMMARY:

OWNER: Lee Won Chul & Myong Sea
 LOCATION: 2405 West Kelly Park Road
 LAND USE: Refer to Exhibit "A"
 EXISTING USE: Refer to Exhibit "A"
 TRACT SIZE: 29.66 +/- acre

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on December May 8, 2017.

DULY ADVERTISED:

May 26, 2017 - 1/4 Page Public Hearing Advertisement
 June 2, 2017 - 1/4 Page Public Hearing Advertisement
 June 30, 2017 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

June 7, 2017 (1:30 pm) - City Council 1st Reading
 June 21, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by Lee Won Chul & Myong Sea.

The **City Council**, at its meeting on June 7, 2017, accepted the First Reading of Ordinance No. 2572, and held it over for Second Reading and Adoption on June 21, 2017.

Adopt Ordinance No. 2572.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 2

TOTAL ACRES: 56.23 +/-
ANNEXATION ORDINANCE NOs.: 2570 – 2575

Adopted this 21st day of June, 2017

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2570	1	Myung Soo Han Katherine Han	2255 & 2267 West Kelly Park Road	07-20-28-0000-00-031 07-20-28-0000-00-043	9.82	Nursery	RURAL 1DU/10 ACRES AGRICULTURAL
2571	2	Choe Bong Jin Chong Soon	2309 West Kelly Park Road	07-20-28-0000-00-048	9.82	Vacant	RURAL 1DU/10 ACRES
2572	3	Lee Won Chul Muong Sea	2405 West Kelly Park Road	07-20-28-0000-00-011	29.66	Single-family home	RURAL 1DU/10 ACRES
2573	4	George W. Thum, Jr.	4650 Jason Dwelley Parkway	18-20-28-0000-00-054	5.06	Single-family home	RURAL 1DU/10 ACRES
2574	5	Bibuboo, LLC	355 W Orange Blossom Trail	09-21-28-7544-01-010	1.65	Warehouse	COMMERCIAL MAX 1.0 FAR
2575	6	Charles Brown Betty Brown	3606 Fudge Road	01-21-27-0000-00-042	0.22	Vacant	RURAL 1 DU/10 ACRES

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ORDINANCE NO. 2572

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY LEE WON CHUL & MUONG SEA LOCATED AT 2405 WEST KELLY PARK ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Lee Won Chul and Muong Sea, owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the property located at 2405 West Kelly Park Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **29.66 +/- acres**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

THE NW1/4 OF SE1/4 & THE W1/2 OF SW1/4 OF SE1/4 (LESS W 503.05 FT THEREOF) OF SEC 07-20-28
Containing 29.66+/- acres.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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 a section or subsection or part of this ordinance.

ORDINANCE NO. 2572

PAGE 2

SECTION VI: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: June 7, 2017

READ SECOND TIME
AND ADOPTED: June 21, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: May 26, 2017; June 2, 2017 and June 30, 2017



ANNEXATION
LEE WON CHUL
MUONG SEA
2405 WEST KELLY PARK ROAD

Exhibit "A"
Parcel ID: 07-20-28-0000-00-011

Total Acres: 29.66 +/-

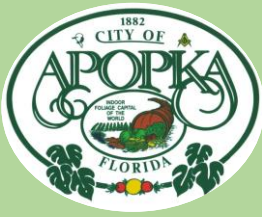
VICINITY MAP



Backup material for agenda item:

5. Ordinance No. 2573 – Second Reading – Annexation – 4650 Jason Dwelley Parkway - Legislative Wilkes

Kyle



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Ordinance

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: Exhibit "A" – Summary
 Ordinance No. 2573
 Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 2

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2573 – GEORGE W. THUM, JR.

SUMMARY:

OWNER: George W. Thum, Jr.
 LOCATION: 4650 Jason Dwelley Parkway
 LAND USE: Refer to Exhibit "A"
 EXISTING USE: Refer to Exhibit "A"
 TRACT SIZE: 5.06 +/- acres

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on December May 8, 2017.

DULY ADVERTISED:

May 26, 2017 - 1/4 Page Public Hearing Advertisement
 June 2, 2017 - 1/4 Page Public Hearing Advertisement
 June 30, 2017 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

June 7, 2017 (1:30 pm) - City Council 1st Reading
 June 21, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by George W. Thum, Jr.

The **City Council**, at its meeting on June 7, 2017, accepted the First Reading of Ordinance No. 2573, and held it over for Second Reading and Adoption on June 21, 2017.

Adopt Ordinance No. 2573.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 2

TOTAL ACRES: 56.23 +/-
ANNEXATION ORDINANCE NOs.: 2570 – 2575

Adopted this 21st day of June, 2017

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2570	1	Myung Soo Han Katherine Han	2255 & 2267 West Kelly Park Road	07-20-28-0000-00-031 07-20-28-0000-00-043	9.82	Nursery	RURAL 1DU/10 ACRES AGRICULTURAL
2571	2	Choe Bong Jin Chong Soon	2309 West Kelly Park Road	07-20-28-0000-00-048	9.82	Vacant	RURAL 1DU/10 ACRES
2572	3	Lee Won Chul Muong Sea	2405 West Kelly Park Road	07-20-28-0000-00-011	29.66	Single-family home	RURAL 1DU/10 ACRES
2573	4	George W. Thum, Jr.	4650 Jason Dwelley Parkway	18-20-28-0000-00-054	5.06	Single-family home	RURAL 1DU/10 ACRES
2574	5	Bibuboo, LLC	355 W Orange Blossom Trail	09-21-28-7544-01-010	1.65	Warehouse	COMMERCIAL MAX 1.0 FAR
2575	6	Charles Brown Betty Brown	3606 Fudge Road	01-21-27-0000-00-042	0.22	Vacant	RURAL 1 DU/10 ACRES

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ORDINANCE NO. 2573

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY GEORGE W. THUM, JR. LOCATED AT 4650 JASON DWELLEY PARKWAY; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, George W. Thum, Jr., owners thereof, have petitioned the City Council of the City of Apopka, Florida, to annex the property located at 4650 Jason Dwelley Parkway; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **5.06 +/- acres**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

FROM A POINT 665.05 FT S OF NE COR OF SE1/4 OF NE1/4 RUN S 332.53 FT W
660.95 FT N 332.42 FT E 660.64 FT TO POB IN SEC 18-20-28
Containing 5.06 +/- acres.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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 a section or subsection or part of this ordinance.

ORDINANCE NO. 2573
PAGE 2

SECTION VI: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: June 7, 2017

READ SECOND TIME
AND ADOPTED: June 21, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: May 26, 2017; June 2, 2017 and June 30, 2017

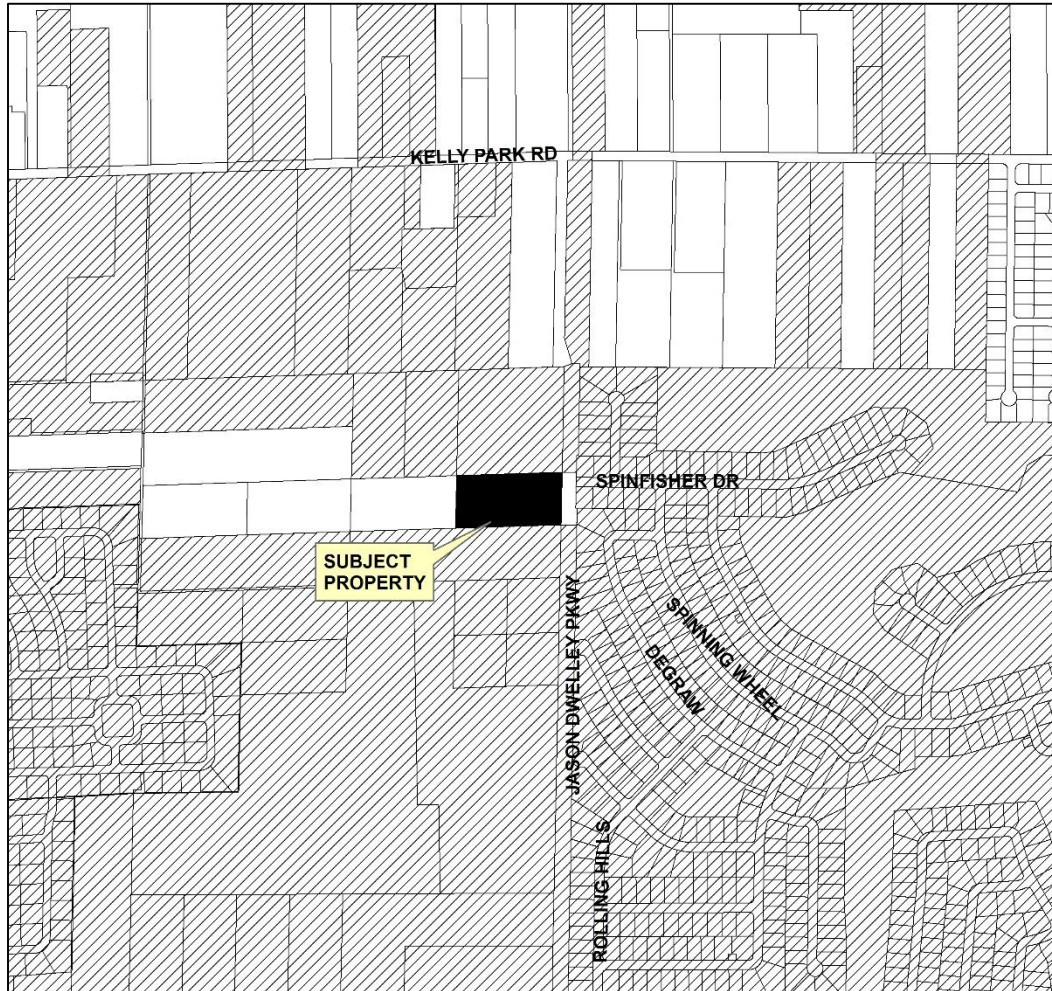


ANNEXATION
George W. Thum, Jr.
4650 Jason Dwelley Pkwy.

Exhibit "A"
Parcel ID: 18-20-28-0000-00-054

Total Acres: 5.06 +/-

VICINITY MAP



Backup material for agenda item:

6. Ordinance No. 2574 – Second Reading – Annexation – 355 West Orange Blossom Trail - Legislative Wilkes

Kyle



CITY OF APOPKA CITY COUNCIL

CONSENT AGENDA
 PUBLIC HEARING
 SPECIAL REPORTS
 OTHER: Ordinance

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: Exhibit "A" – Summary
 Ordinance No. 2574
 Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 2

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2574 – BIBUBOO, LLC.

SUMMARY:

OWNER: Bibuboo, LLC
 LOCATION: 355 West Orange Blossom Trail
 LAND USE: Refer to Exhibit "A"
 EXISTING USE: Refer to Exhibit "A"
 TRACT SIZE: 1.65 +/- acres

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on December May 8, 2017.

DULY ADVERTISED:
 May 26, 2017 - 1/4 Page Public Hearing Advertisement
 June 2, 2017 - 1/4 Page Public Hearing Advertisement
 June 30, 2017 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:
 June 7, 2017 (1:30 pm) - City Council 1st Reading
 June 21, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by Bibuboo, LLC.

The **City Council**, at its meeting on June 7, 2017, accepted the First Reading of Ordinance No. 2574, and held it over for Second Reading and Adoption on June 21, 2017.

Adopt Ordinance No. 2574.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 2

TOTAL ACRES: 56.23 +/-
ANNEXATION ORDINANCE NOs.: 2570 – 2575

Adopted this 21st day of June, 2017

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2570	1	Myung Soo Han Katherine Han	2255 & 2267 West Kelly Park Road	07-20-28-0000-00-031 07-20-28-0000-00-043	9.82	Nursery	RURAL 1DU/10 ACRES AGRICULTURAL
2571	2	Choe Bong Jin Chong Soon	2309 West Kelly Park Road	07-20-28-0000-00-048	9.82	Vacant	RURAL 1DU/10 ACRES
2572	3	Lee Won Chul Muong Sea	2405 West Kelly Park Road	07-20-28-0000-00-011	29.66	Single-family home	RURAL 1DU/10 ACRES
2573	4	George W. Thum, Jr.	4650 Jason Dwelley Parkway	18-20-28-0000-00-054	5.06	Single-family home	RURAL 1DU/10 ACRES
2574	5	Bibuboo, LLC	355 W Orange Blossom Trail	09-21-28-7544-01-010	1.65	Warehouse	COMMERCIAL MAX 1.0 FAR
2575	6	Charles Brown Betty Brown	3606 Fudge Road	01-21-27-0000-00-042	0.22	Vacant	RURAL 1 DU/10 ACRES

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ORDINANCE NO. 2574

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY BIBUBOO, LLC LOCATED AT 355 WEST ORANGE BLOSSOM TRAIL; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Bibuboo, LLC, owner thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at 355 West Orange Blossom Trail; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described properties, being situated in Orange County, Florida, totaling **1.65 +/- acres**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

ROBINSON & SAMUELS ADD TO APOPKA J/80 LOTS 1 & 2 & E 12.5 FT OF LOT 3 BLK A & W1/2 OF ST E OF LOT 1 & LOTS 29 & 30 BLK A & BEG NE COR LOT 30 RUN SELY TO E BNDRY OF VACATED ST SWLY 148 FT TO PT 10 FT W OF C/L OF VACATED ST NWLY TO SE COR LOT 30 N TO POB (LESS ST RD) & ROBINSON & SAM 2ND SEC K/106 LOTS 13 THRU 15 BLK A & E 1/2 OF ST W OF LOT 15,

Containing 1.65 +/- acres.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

ORDINANCE NO. 2574

PAGE 2

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 a 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 passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: June 7, 2017

READ SECOND TIME
AND ADOPTED: June 21, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: May 26, 2017; June 2, 2017 and June 30, 2017

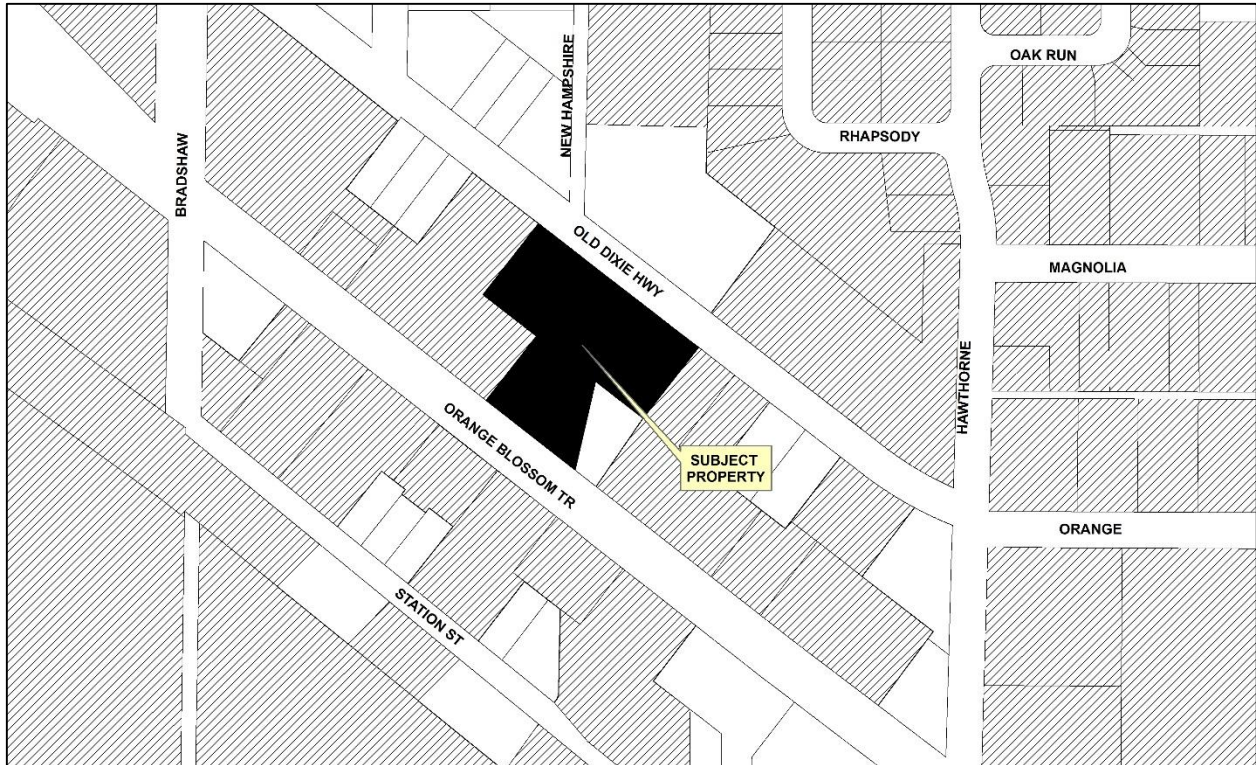


ANNEXATION
Bibuboo, LLC
355 W Orange Blossom Trail

Exhibit "A"
Parcel ID: 09-21-28-7544-01-010

Total Acres: 1.65 +/-

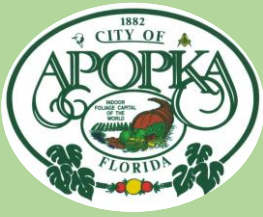
VICINITY MAP



Backup material for agenda item:

7. Ordinance No. 2575 – Second Reading – Annexation – 3606 Fudge Road - Legislative Wilkes

Kyle



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Ordinance

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: Exhibit "A" – Summary
 Ordinance No. 2575
 Vicinity Map

SUBJECT: 2017 ANNEXATION – CYCLE NO. 2

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2575 – CHARLES & BETTY BROWN.

SUMMARY:

OWNER: Charles & Betty Brown

LOCATION: 3606 Fudge Road

LAND USE: Refer to Exhibit "A"

EXISTING USE: Refer to Exhibit "A"

TRACT SIZE: 0.22 +/- acres

ADDITIONAL COMMENTS: The proposed annexation shall be on the basis of the existing County Future Land Use and Zoning Designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date, and through action by the City Council.

ORANGE COUNTY NOTIFICATION: The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. The City provided notification to the County on December May 8, 2017.

DULY ADVERTISED:

May 26, 2017 - 1/4 Page Public Hearing Advertisement
 June 2, 2017 - 1/4 Page Public Hearing Advertisement
 June 30, 2017 - Ordinance Headings Advertisement

PUBLIC HEARING SCHEDULE:

June 7, 2017 (1:30 pm) - City Council 1st Reading
 June 21, 2017 (7:00 pm) - City Council 2nd Reading and Adoption

FUNDING SOURCE: N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the annexation for properties owned by Charles & Betty Brown.

The **City Council**, at its meeting on June 7, 2017, accepted the First Reading of Ordinance No. 2575, and held it over for Second Reading and Adoption on June 21, 2017.

Adopt Ordinance No. 2575.

EXHIBIT "A"
CITY OF AOPKA
2017 ANNEXATION CYCLE # 2

TOTAL ACRES: 56.23 +/-
ANNEXATION ORDINANCE NOs.: 2570 – 2575

Adopted this 21st day of June, 2017

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
2570	1	Myung Soo Han Katherine Han	2255 & 2267 West Kelly Park Road	07-20-28-0000-00-031 07-20-28-0000-00-043	9.82	Nursery	RURAL 1DU/10 ACRES AGRICULTURAL
2571	2	Choe Bong Jin Chong Soon	2309 West Kelly Park Road	07-20-28-0000-00-048	9.82	Vacant	RURAL 1DU/10 ACRES
2572	3	Lee Won Chul Muong Sea	2405 West Kelly Park Road	07-20-28-0000-00-011	29.66	Single-family home	RURAL 1DU/10 ACRES
2573	4	George W. Thum, Jr.	4650 Jason Dwelley Parkway	18-20-28-0000-00-054	5.06	Single-family home	RURAL 1DU/10 ACRES
2574	5	Bibuboo, LLC	355 W Orange Blossom Trail	09-21-28-7544-01-010	1.65	Warehouse	COMMERCIAL MAX 1.0 FAR
2575	6	Charles Brown Betty Brown	3606 Fudge Road	01-21-27-0000-00-042	0.22	Vacant	RURAL 1 DU/10 ACRES

G:\CommDev\PLANNING ZONING\ANNEXATIONS\2017\Cycle 2

ORDINANCE NO. 2575

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CHARLES AND BETTY BROWN LOCATED AT 3606 FUDGE ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Charles and Betty Brown, owners thereof, has petitioned the City Council of the City of Apopka, Florida, to annex the property located at 3606 Fudge Road; and

WHEREAS, Florida Statute 171.044 of the General Laws of Florida provide that a municipal corporation may annex property into its corporate limits upon voluntary petition of the owners, by passing and adopting a non-emergency ordinance to annex said property; and

WHEREAS, the City Council of the City of Apopka, Florida is desirous of annexing and redefining the boundaries of the municipality to include the subject property pursuant to Florida Statute 171.044.

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

SECTION I: That the following described property, being situated in Orange County, Florida, totaling **0.22 +/- acres**, and graphically depicted by the attached Exhibit "A", is hereby annexed into the City of Apopka, Florida, pursuant to the voluntary annexation provisions of Chapter 171.044, Florida Statutes, and other applicable laws:

Legal Description:

E 85 FT OF W 694 FT OF N 105 FT OF NE1/4 OF NW1/4 S OF RR IN SEC 01-21-27
Containing 0. 22 +/- acre.

SECTION II: That the corporate territorial limits of the City of Apopka, Florida, are hereby redefined to include said land herein described and annexed.

SECTION III: That the City Council will designate the land use classification and zoning category of these annexed lands in accordance with applicable City ordinances and State laws.

SECTION IV: That the land herein described and future inhabitants of the land herein described shall be liable for all debts and obligations and be subject to all species of taxation, laws, ordinances and regulations of the City.

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 a section or subsection or part of this ordinance.

SECTION VI: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

ORDINANCE NO. 2575

PAGE 2

SECTION VII: That this ordinance shall take effect upon passage and adoption, thereafter the City Clerk is hereby directed to file this ordinance with the Clerk of the Circuit Court in and for Orange County, Florida; the Orange County Property Appraiser; and the Department of State of the State of Florida.

READ FIRST TIME: June 7, 2017

READ SECOND TIME
AND ADOPTED: June 21, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda Goff, City Clerk

DULY ADVERTISED FOR PUBLIC HEARING: May 26, 2017; June 2, 2017 and June 30, 2017

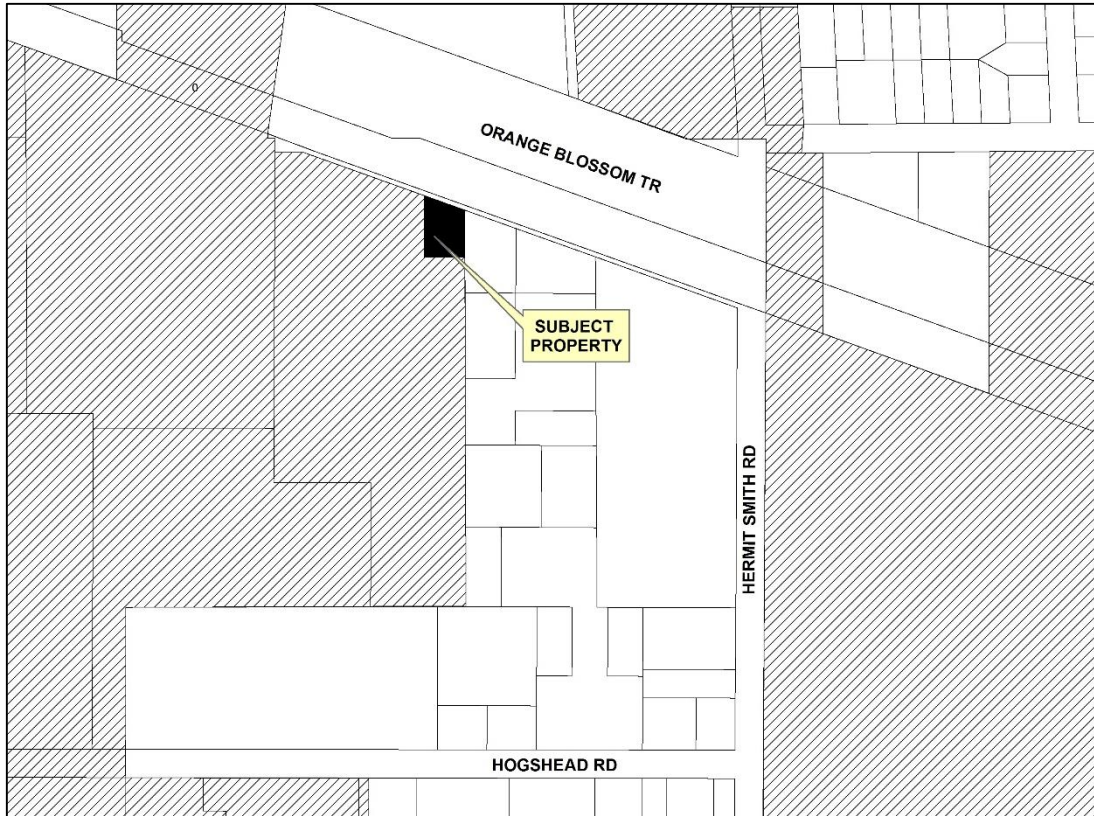


ANNEXATION
Charles & Betty Brown
3606 Fudge Road

Exhibit "A"
Parcel ID: 01-21-27-0000-00-042

Total Acres: 0.22 +/-

VICINITY MAP



Backup material for agenda item:

8. Ordinance No. 2576 – Second Reading – LDC Amend. - Kelly Park Interchange Mixed Use Zoning District Pat Tyjeski, S&ME



CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Ordinance

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: Ordinance No. 2576
 Exhibit "A" Code Language
 KPI Area Map
 Comp Plan Policy

SUBJECT: AMENDING THE CITY OF APOPKA, CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE II – LAND USE, TYPE, DENSITY, INTENSITY --TO CREATE A NEW SECTION 2.02.21 ENTITLED “KELLY PARK INTERCHANGE MIXED USE ZONING DISTRICT.”

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2576 - AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE II – “LAND USE TYPE, DENSITY, INTENSITY” TO CREATE A NEW SECTION 2.02.21 ENTITLED “KELLY PARK INTERCHANGE MIXED USE DISTRICT;” PROVIDING FOR DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

SUMMARY:

Local governments hosting an interchange along the proposed Wekiva Parkway are mandated by the Wekiva Parkway and Protection Act, Chapter 369.321, Florida Statutes, to adopt an interchange land use plan into their comprehensive plans. To address this State mandate, in September 2010 the City Council approved the Wekiva Parkway Interchange Plan. Recommendations from this study have been incorporated into the Comprehensive Plan in 2011.

Objective 20 of the Future Land Use Element, Comprehensive Plan requires the creation of a Mixed Use zoning district surrounding the interchange at Wekiva Parkway and Kelly Park Road. Further, Policy 20.4, Future Land Use Element, of the Comprehensive Plan requires the City to adopt a Form-Based Code applicable to that Mixed Use District.

The proposed Kelly Park Mixed Use Zoning District and the Form Base Code satisfy the requirements set forth in the City’s Comprehensive Plan. Applicable only to lands within or straddling the Kelly Park Interchange Vision Area (aka Wekiva Parkway Interchange Vision Plan Area), the Kelly Park Interchange Mixed Use District will also be supported by a Form-Based Code to guide land development and use of land.

FUNDING SOURCE:

N/A

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

PUBLIC HEARING SCHEDULE:

May 23, 2017 - Planning Commission (5:30 pm)
June 7, 2017 - City Council 1st Reading (1:30 pm)
June 21, 2017 – City Council 2nd Reading (7:00 pm)

DULY ADVERTISED:

May 12, 2017 – Public Hearing Notice
June 9, 2017 – Ordinance Heading

RECOMMENDATION ACTION:

The **Development Review Committee** recommends approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article II – to create a new section 2.02.21 entitled “Kelly Park Interchange Mixed Use Zoning District.”

The **Planning Commission**, at its special meeting on May 23, 2017, unanimously recommended approval of the amendment to the City of Apopka, Code of Ordinances, Part III, Land Development Code, Article II – to create a new section 2.02.21 entitled “Kelly Park Interchange Mixed Use Zoning District.”

The **City Council**, at its meeting on June 7, 2017, accepted the First Reading of Ordinance No. 2576 and held it over for Second Reading and Adoption on June 21, 2017.

Adopt Ordinance No. 2576.

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

ORDINANCE NO. 2576

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE II – “LAND USE TYPE, DENSITY, INTENSITY” TO CREATE A NEW SECTION 2.02.21 ENTITLED “KELLY PARK INTERCHANGE MIXED USE DISTRICT;” PROVIDING FOR DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka, Florida, hereby finds and determines that uncontrolled development of real property in the City of Apopka can threaten the economic vitality and quality of life in this City; and

WHEREAS, the City Council further determines that the regulation of design and location of air conditioning units and garages on properties is vital to the aesthetic quality and economic values of such properties; and

WHEREAS, the City Council of the City of Apopka, Florida, hereby finds and determines that adoption of the regulations set forth in the attached Exhibit “A” will preserve economic vitality and quality of life by restricting the uncontrolled use of real property in the City; and

WHEREAS, the City Council of the City of Apopka, Florida, hereby finds and determines that the regulations set forth below will adequately protect private property rights; and

WHEREAS, Section 369.321(1), Florida States mandates that a local government hosting an interchange on the Wekiva Parkway shall adopt an interchange land use plan into their comprehensive plans, and such land use plan and associated polices were incorporated in the Comprehensive Plan on August 2011, including direction to create a mixed use zoning district at the Wekiva Parkway interchange at Kelly Park Road;

WHEREAS, the City Council of the City of Apopka, Florida, hereby finds and determines that the regulations set forth below are consistent with all applicable policies of the City’s adopted Growth Management Plan and City Codes; and

WHEREAS, the City Council of the City of Apopka, Florida, hereby finds and determines that adoption of the regulations set forth below will further the public health, safety, and welfare of the citizens of the City of Apopka, Florida.

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

SECTION 1. That the Code of Ordinances, Part III, Land Development Code, Article II, of the City of Apopka, Florida, is hereby amended to add Section 2.02.21 entitled “Kelly Park Interchange Zoning District” as it appears in Exhibit “A”.

SECTION 2. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word “ordinance” may be changed

to " chapter ", "section ", "article", or such other appropriate word or phrase in order to accomplish such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 3. That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

READ FIRST TIME: June 7, 2017

READ SECOND TIME
AND DOPTED: June 21, 2017

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda G. Goff, City Clerk

APPROVED as to form and legality for
Use and reliance by the City of Apopka,
Florida.

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: May 12, 2017
June 9, 2017

EXHIBIT "A"

PROPOSED LDC AMENDMENT TO ESTABLISH THE NEW MIXED-USE – KELLY PARK INTERCHANGE ZONING DISTRICT

Add new Section 2.02.21 to Article II of the Land Development Code as follows:

ARTICLE II - LAND USE: TYPE, DENSITY, INTENSITY

2.02.21. Mixed-Use – Kelly Park Interchange District (Mixed-KPI)

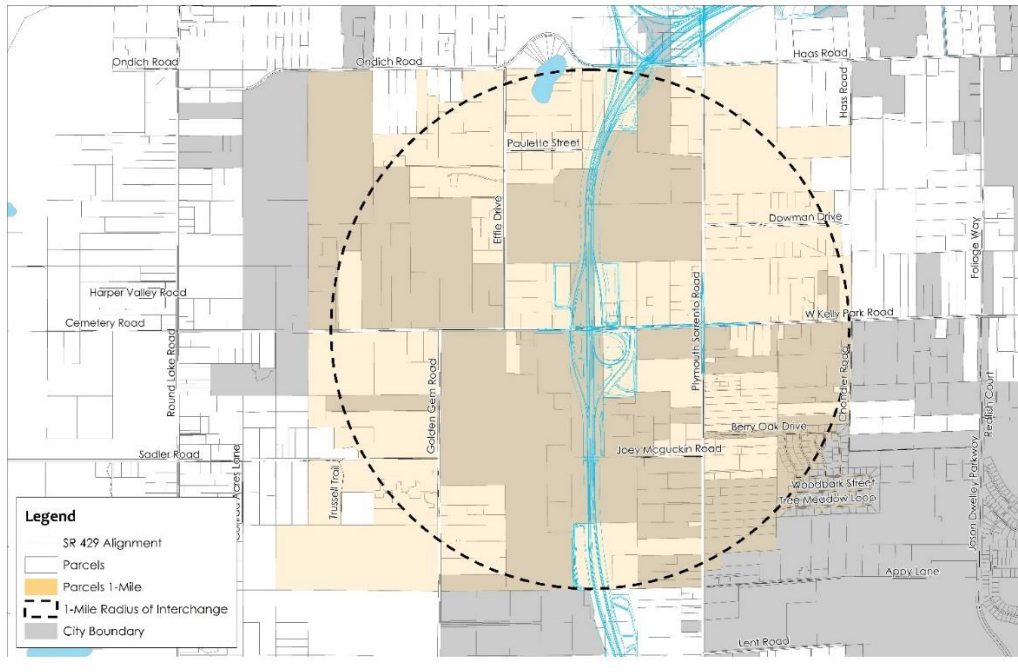
A. Purpose.

The purpose of the Mixed-KPI zoning district is to accommodate future development around the Kelly Park Interchange in a way that concentrates the more urban, intense development around two nodes near the interchange (Kelly Park Road/Golden Gem Road and Kelly Park Road/Plymouth-Sorrento Road) and provides a gradual transition to less dense development in the surrounding area. The Mixed-KPI District is further defined and implemented by Section 3.06.00, Kelly Park Form-Based Code.

B. Applicability.

All properties in the vicinity of the Kelly Park Interchange having a Mixed-Use future land use designation are required to rezone to the Mixed-KPI zoning district or Planned Development (PD) prior to receiving any development approvals from the City. For the Mixed-KPI zoning district, a character overlay district within Section 3.06.00 is also required at the time of the Mixed-KPI application. However, sites that are (wholly or in part) within one mile of the Kelly Park interchange (see Figure 1), are not eligible to rezone to PD and shall comply with the Kelly Park Interchange form-based standards, adopted by the City on June 21, 2017.

Figure 1. Parcels Subject to the Kelly Park Interchange Form-Based Code



C. Permitted Uses.

Table 1 lists the uses that are allowed in the Mixed-KPI district and which are assigned to land or a property through a Character Overlay District in Section 3.06.00. P indicates the use is permitted by right, SE uses require Special Exception approval, and N means the use is not allowed. Uses shown with an asterisk are only allowed as part of a mixed use development located at the intersection of collectors and/or arterials. The Special Exception review determines if the location for such use/mix of uses is appropriate. Mitigation strategies may be used to ensure compatibility of uses. Refer to the Kelly Park Interchange Form-Based Code for the uses allowed within that area.

Whenever there is any uncertainty as to the classification of a use, the Community Development Director shall determine the classification, if any, within which the use falls, based on its characteristics and similarity to other uses in the district. If a use has characteristics similar to more than one classification, the use shall be construed as the classification having the most similar characteristics. In the event that a particular use is determined not to be within an allowed defined use, then the particular use shall be prohibited.

Uses that require Special Exception approval shall also meet the requirements of Section 2.02.00.B.5, except when different standards are specifically prescribed in this section.

Table 1: Uses Allowed in the Mixed-KPI Zoning District.

USES	
AGRICULTURAL, SILVICULTURAL, AND OTHER	
Animal boarding (soundproof kennels)	N
CIVIC, NONPROFIT AND INSTITUTIONAL	
Art gallery, museum, & other cultural facilities.	SE*
Cell Towers (See Ch. 75)	SE*

USES	
Church, convent or parish house	SE*
Community center/civic clubs	SE*
Hospitals	N
Public use (library, post office, municipal offices, and similar uses)	SE*
Public utility service facilities	SE
EATING, DRINKING AND ENTERTAINMENT	
Bar, lounge, tavern	N
Nightclub (Discotheque)	N
Restaurants	SE*
Restaurants with drive-up or drive-through facilities	N
EDUCATIONAL FACILITIES/TRAINING	
Child care facilities	SE*
Schools – higher education (incl. vocational & trade)	SE
Schools – elementary, (public & private)	SE
Schools – middle, high (public & private)	SE
INDUSTRIAL	
Manufacturing, light (incl. electronic assembly)	N
Mini-warehouses	N
Warehousing and wholesaling	N
OFFICE, MEDICAL AND PROFESSIONAL	
Financial institutions	N
Laboratories (research, medical & dental) and clinics	N
Outpatient Care Facilities	N
Professional, medical & business office/studios	SE*
Veterinary clinic/hospital	N
RECREATION AND TOURISM	
Arts, performing arts and craft studios	N
Bed and breakfast	N
Fitness centers or gymnasium	SE*
Hotels	N
Motels	N
Parks & recreational facilities (private)	SE*
Recreation indoors (bowling alley, billiards and similar uses)	N
Recreation outdoors (tennis, paintball or similar uses)	SE*
Theatre – movie, plays	N
RESIDENTIAL	
Assisted living facility	SE*
Community residential home (7 to 14 residents)	SE*
Dwellings, multi-family (includes attached dwellings)	SE*
Dwellings, single-family (detached)	P
Dwellings, duplex	SE
Live-Work Units	N
Nursing homes	SE*
RETAIL SALES AND SERVICES	

USES	
Outdoor/sidewalk sales (vending, carts, etc.)	N
Parking (garage/surface) as a principal use	N
Retail, general	N
Retail, neighborhood	SE*
Service, business	SE*
Service, personal	SE*
Transit Centers (including accessory light retail)	SE*
VEHICLE SALES AND SERVICES	
Service stations/car wash establishments	N
Vehicle service (minor)	N
Vehicle service (major)	N
Vehicle sales and rental	N

* Uses shown with an asterisk are only allowed as part of a mixed use development located at the intersection of collectors and/or arterials. The Special Exception review determines if the location for such use/mix of uses is appropriate.

D. Development Standards.

The dimensional standards listed in Table 2 shall be applicable to development in the Mixed-KPI district once the Overlay Character District is assigned to a property or land. The dimensional standards for properties within one (1) mile from the interchange area are contained in the Kelly Park Interchange Form-Based Code.

Table 2. Mixed-KPI Development Standards

DEVELOPMENT STANDARDS	Mixed-WPI (Outside the Kelly Park FBC Area)
Intensity (FAR)(min/max)¹	0.05/0.5
Density (units per acre)(min/max)	1/5
Open Space (min)	20%
Building Height (feet)(max)	35 ft.
Yard Setbacks (feet)(min)	
Front/Street	15
Side	7.5
Rear	20

NOTES:

¹ Calculated by development site, not individual lots.

E. Mix of Uses

- District-wide.** Policy 3.1.r of the Future Land use Element of the Comprehensive Plan established the following mix of uses for the Mixed-Use WPI future land use category. The percentages, which are to be measured using site acreage (as opposed to building size), must be calculated for the entire KPI zoning district, not for individual sites. Most of the non-residential uses are expected to occur within the Kelly Park Interchange Form-Based Code Area. However, some of the mixed-use may also occur at intersections of collectors and/or arterials.

- Residential:75% maximum

- Commercial, Office/Medical, Light Industrial:30% maximum
 - Recreation (passive or active): 15% minimum
 - Institutional/Public/Civic:40% maximum
2. **Per Site.** There is no requirement for mixed-use on each individual site. However, mixed-use development on a single site (vertical or horizontal mix) is strongly encouraged, especially within the KPI Form-Based Area. The following provisions shall apply to mixed-use developments:
- a. All the uses to be included on the same site must be allowed in the district. If Special Exception approval is required for one or more uses, that portion of the site shall be reviewed for Special Exception.
 - b. For horizontal mixed-use, the density and intensity shall be measured based on the portion of the site used for each type of use. For vertical mixed-use, the FAR and density shall be calculated separately and applied cumulatively. For example, a one acre site would be allowed to have 21,780 sq. ft. of non-residential development (43,560 x 0.5) in addition to 5 dwelling units (1 acre x 5 units per acre).

F. Landscaping and Buffer Requirements

Developments in the Mixed-KPI district shall meet the same landscape and buffer requirements as PUDs (see Section 2.02.18.D.21), except that buffer yards shall not be required between the same type of uses (e.g. between two single family homes, two duplex sites, two commercial sites, etc.).

G. Street Network

An interconnected network of streets is required. Alleyways, defined as vehicular passageways providing primary, secondary and/or service access to sides or rear of building lots, are strongly encouraged. The paved area of any alleyway shall be a minimum of 15 feet in width. The ownership and maintenance of alleyways shall be by the Home Owners' or Property Owners' Association, unless the city's public service department determines public ownership to be necessary.

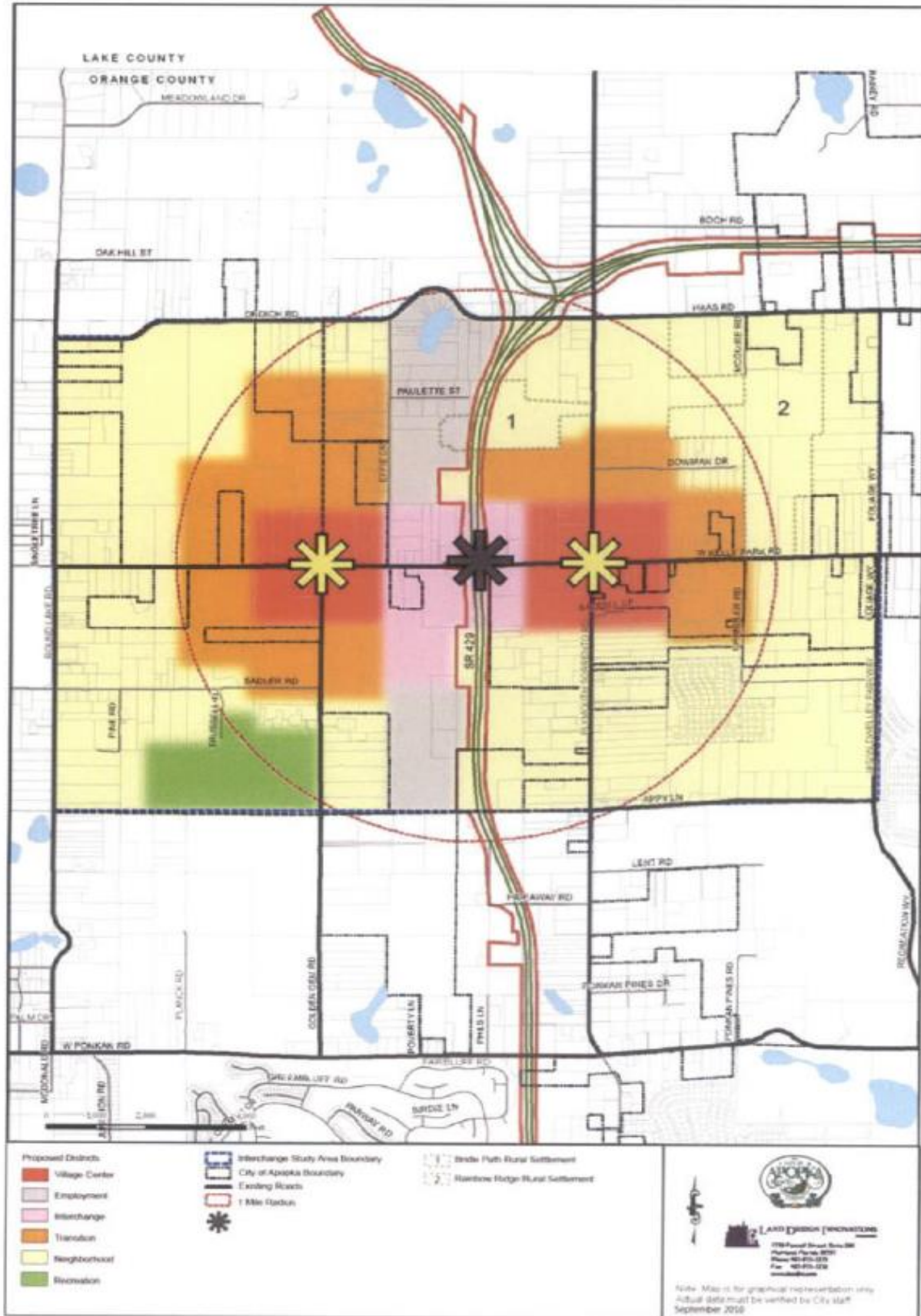
H. Development Design Guidelines.

All development within the Mixed-KPI or PD District located outside the form-based-code area shall be subject to Section 6.09.00 (Development Design Guidelines) unless City Council . In cases where the development standards indicate a specific requirement as optional/suggestive it shall become mandatory for *mixed-use* developments, as defined in section 1.08.13 of the LDC. All development proposals shall include a summary report outlining how each development guideline requirement has been met. The summary report is for verification that the applicant has incorporated these standards and will not become part of the official master plan, but shall serve as support documentation.

Where design and development standards are addressed within the Kelly Park Crossing Development of Regional Impact (DRI) Development Order, the standards therein shall apply for property subject to this DRI development order.

**Kelly Park Interchange Area
(Applicable area delineated by the red dashed line)**

EXHIBIT "B"



- 2) Directing flows from impervious surfaces so that they drain to vegetated buffers or natural areas; and
- 3) Breaking up flow directions from large paved surfaces.

Policy 16.4

Porous pavement materials, pervious concrete, and pervious asphalt should be used to minimize the amount of impervious surface with new development and redevelopment.

Policy 16.5

Commercial and industrial development shall be designed to minimize site disturbance by limiting clearing to the minimum area necessary to accomplish development, as follows:

- 1) Avoid or minimize the removal of existing trees and vegetation;
- 2) Minimize soil compaction by delineating the smallest disturbance area feasible; and
- 3) Maximize disconnection of impervious surfaces to reduce water runoff flows and increase opportunities for infiltration.

Objective 17

Proposed amendments to the Future Land Use Map (FLUM) within the Wekiva Study Area shall meet the criteria in the following policies:

Policy 17.1

Demonstrate that the proposed land use category is the least intensive category that will meet a demonstrated need of the use; and

Policy 17.2

All proposed land use amendments for properties over 30 acres in size will include an analysis to determine appropriate specific onsite BMP's and compensatory treatment for nitrate/nitrogen reduction, both on-site and off-site, including, if necessary, through connection to central sanitary sewer. The analysis must demonstrate, when all

factors are taken into account, that there is no increase in nitrate/nitrogen loading to groundwater and surface water.

Objective 18

The City shall implement the Wekiva Parkway Interchange Land Use Plan adopted on September 15, 2010, which addresses the requirements of Section 369.321(1) F.S. as it relates to coordinated planning within the Wekiva area.

Policy 18.1

The City shall implement the Wekiva Parkway Interchange Vision Plan, which guides the location of a range of uses, such as residential, office, commercial, industrial, recreation, public and institutional, at various densities and intensities around the proposed interchange.

Policy 18.2

Prior to rezoning any property within a one-mile radius of the interchange Study Area, the City shall amend its LDC to incorporate development standards that will implement the Vision Plan. These standards shall address creative planning solutions to protect environmentally sensitive lands, such as:

Open Space

Standards will be developed for appropriate percentages of open space for single parcels and/or for the entire Interchange Study Area.

Clustering:

Standards will be developed to allow multiple land owners to aggregate parcels for the purpose of calculating density/intensity and developing cohesive clusters of higher density/intensity in the area closest to the interchange and major intersections in the study area.

Transfer of Development Rights (TDR):

A TDR system shall be developed to allow land owners that have sensitive lands or lands farthest from the interchange, to sell density/intensity rights to owners of lands closest to the interchange. The vision plan will analyze the potential sending and receiving areas.

Form-Based Regulations:

Develop form-based regulations for the study area to ensure the Vision Plan is implemented.

Policy 18.3

The development standards within the Interchange Study Area shall be applied through a zoning overlay, or similar method, that encompasses the study area. Developer agreements may be required.

Policy 18.4

If a parcel is severed by the one-mile radius or is under common ownership, either the entire parcel will be included or excluded from the study area based upon the Vision Plan.

Policy 18.5

In the event that the Wekiva Parkway is not constructed, it is anticipated that the Wekiva Parkway Interchange Plan will be reevaluated and appropriate comprehensive plan amendments adopted to address then-existing development and future land use designations within the Wekiva Parkway Interchange Plan Area.

Policy 18.6

Before any development can occur within the Project Orlando LLC site (further identified as parcels 11-20-27-0000-00-003, 11-20-27-0000-00-013, 11-20-27-0000-00-036, 11-20-27-0000-00-042, 11-20-27-0000-00-057, 12-20-27-0000-00-060, 11-20-27-0000-00-030, 13-20-27-0000-00-023, 13-20-27-0000-00-005, 13-20-27-0000-00-061, 13-20-27-0000-00-026, 13-20-27-0000-00-032), the proposed development must be processed and approved as a Development of Regional Impact (DRI) as defined in Chapter 380.06, Florida Statutes and Chapter 28-24, Florida Administrative Code.

Policy 18.7

Public school capacities and facilities serving the Project Orlando site shall be addressed with the rezoning and DRI processes. No increase in density above the vested 67 dwelling units shall be permitted by the City until it is demonstrated that adequate public school facilities are available to meet the increased demand.

Policy 18.8

Prior to the completion of the interchange, but following the official designation of the interchange location by the Expressway Authority, a development program may be permitted by the City which shall not exceed 17,907 average daily vehicle trips external to the Project Orlando project, subject to rezoning and a traffic study.

(Revised - Ord. No. 2317, 10-02-2013)

Policy 18.9

A parcel assigned a land use designation during the 2010-1 or 2010-2 large-scale comprehensive plan amendment cycles, shall not be assigned a city residential zoning category or obtain a rezoning for residential uses until Orange County Public Schools has either issued a finding of school capacity or a school capacity enhancement agreement to the applicable property owner, excepting those parcels having a diminimus impact on public schools as defined in the Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency.

Objective 19

New development in the City shall comply with "Smart Growth" principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl. The following policies shall be incorporated into the City's LDC prior to the next required Evaluation and Appraisal Report.

Policy 19.1

Development in the mixed-use categories, and where appropriate in other land use categories, shall provide pedestrian-friendly street design.

Policy 19.2

New development, as well as infill development where feasible, shall provide interconnected street grid networks to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards and alleys; high-quality pedestrian networks; designs that encourage a greater use of bicycles, rollerblades, scooters and walking as daily transportation; connectivity to public transit; and a land use mix that demonstrates reduced external trips by encouraging internal trips.

Policy 19.3

New infill development in the mixed-use categories shall provide shops, offices and homes within neighborhoods, including mixed uses in one structure, to offer opportunities to encourage walking and/or live and work environments.

Objective 20

Ensure development within the City of Apopka surrounding the Wekiva Parkway interchange will occur in a predictable, yet flexible manner consistent with the intent of the Wekiva Parkway and Protection Act, the community vision, and the City's economic development goals, and which will provide a balanced land use scenario that can accommodate economic and residential growth in the context of the environmental concerns identified within the Wekiva Parkway and Protection Act, and that can serve as the primary targeted area for greenfield development within the Wekiva Study Area.

Policy 20.1

The Wekiva Parkway Interchange Plan is composed of three elements: the *Wekiva Parkway Interchange Vision Plan*, the *Wekiva Parkway Interchange Land Use Plan*, and the *Wekiva Parkway Interchange Goal, Objectives, and Policies*. The *Wekiva Parkway Interchange Vision Plan*, adopted as part of the Future Land Use Overlay Series found in Appendix 1-2 of the Future Land Use Element, represents a conceptual scenario that demonstrates the intent of the Wekiva Parkway Interchange Plan and will guide the development of lands located within the Wekiva Parkway Interchange Vision Plan Area. The *Wekiva Parkway Interchange Land Use Plan* and the *Wekiva Parkway Interchange Goal, Objectives, and Policies* shall represent the regulatory elements of the Wekiva Parkway Interchange Plan. The land use configuration and distribution demonstrated on the *Wekiva Parkway Interchange Vision Plan* are intended to illustrate the potential application of the adopted *Wekiva Parkway Interchange Vision Plan* policies; however, the specific details for each development phase will be established through the approval of development plans consistent with the *Wekiva Parkway Interchange Goal, Objectives & Policies*, the *Wekiva Parkway Interchange Land Use Plan*, and the regulations established in the *Wekiva Parkway Interchange Form-Based Code*.

Policy 20.2

The Wekiva Parkway Interchange Vision Plan shall be applicable within Wekiva Parkway Interchange Vision Plan Area. The Wekiva Parkway Interchange Vision Plan Area is generally comprised of a one-mile radius emanating from the anticipated Wekiva Parkway Interchange. The exact configuration is based upon a logical, parcel-specific boundary consistent with the intent of capturing a one-mile radius.

Policy 20.3

The annexation, land use change, and subsequent development of lands located within the Wekiva Parkway Interchange Plan Area for Apopka and the Wekiva Interchange Land use Plan Overlay for the County shall be consistent with the adopted Interlocal Agreement between Orange County and the City of Apopka regarding Wekiva Interchange Land Use Plan Overlay.

Policy 20.4

Prior to approving the first development plan within the Wekiva Parkway Interchange Vision Plan Area, the City shall adopt the Wekiva Parkway Interchange Form-Based Code establishing the design and development standards for the Wekiva Parkway Interchange Vision Plan Area. The Wekiva Parkway Interchange Form-Based Code shall be based on the criteria contained within the Wekiva Parkway Interchange Goal, Objectives, and Policies.

Policy 20.5

The Wekiva Parkway Interchange Vision Plan identifies the approximate location of the character districts necessary to support the anticipated development program within the Wekiva Parkway Interchange Vision Plan Area. The location and/or boundaries of the character districts shown on the Vision Plan are illustrative only, and it is the intent of the City that locations and boundaries can be refined through an administrative review, except where other review and approval procedures are specified, in either the Comprehensive Plan or the Wekiva Parkway Interchange Form-Based Code. The specific boundaries and locations of character districts will be established through the approval of development plans, as established through the Wekiva Parkway Interchange Form-Based Code procedures.

Policy 20.6

Deviations in the area-wide densities and/or intensities established in the Wekiva Parkway Interchange Land Use Plan, or proposed design elements that are not consistent with the Wekiva Parkway Interchange Goal, Objectives, and Policies shall require a comprehensive plan amendment.

Policy 20.7

The Wekiva Parkway Interchange Form-Based Code shall include regulations governing the following community design elements for the Wekiva Parkway Interchange Plan area:

- An interconnected network of streets and paths designed to encourage pedestrian and bicycle travel, with traffic calming where appropriate;
- A complementary mix of land uses, including residential, employment, recreational, and civic;
- Appropriate densities and intensities of land uses within walking distance of transit stops; and
- Daily activities within walking distance of residences, public uses, streets and open spaces that are safe, comfortable and attractive for the pedestrian, with adjoining buildings open to the street and parking designed so as not to interfere with pedestrian and bicycle travel.

Policy 20.8

The Wekiva Parkway Interchange Form-Based Code shall include provisions requiring that the land uses incorporated into the Wekiva Interchange Vision and Land Use Plans are physically and functionally integrated, including a connected and continuous system of pedestrian facilities.

Policy 20.9

Development within the Wekiva Parkway Interchange Plan Area shall be assigned a Mixed-Use Interchange future land use designation and shall accomplish an overall mix of residential and non-residential uses as outlined in Policy 3.1.r. Assignment of the Mixed-Use Interchange Land Use future land use designation shall require an amendment to the Comprehensive Plan. This policy shall not be construed to remove any existing entitlements upon property within the Wekiva Parkway Interchange Plan Area, nor shall it prevent

development consistent with the existing future land use designations. Development occurring under the existing future land use designations shall comply with the design criteria included in the Wekiva Parkway Interchange Plan to the extent that the criteria does not conflict with the existing future land use designation.

Policy 20.10

The City shall ensure that areas of greatest density and intensity within the Wekiva Parkway Interchange Plan Area are located at and between the two major intersection nodes at Kelly Park Road/Golden Gem Road and Kelly Park Road/Plymouth-Sorrento Road, but not upon areas of Karst formations. The Wekiva Interchange Form-Based Code shall require a mix of uses consistent with Wekiva Interchange Plan and shall establish a system of transfer of development rights to encourage increased density and intensity within Wekiva Parkway Interchange Plan Area. Development at the outer edges of the mixed-use area shall maintain compatibility with the lands adjacent to the Wekiva Interchange Plan Area by reducing density and intensity or by providing substantial buffers, landscaping, height, and lighting controls. The City shall also allow transfer of development rights to maintain 20% open space in the overall Study Area. Densities and intensities allowed within the Wekiva Parkway Interchange Plan Area character districts shall be as shown on **Table 20.10**:

Table 20.10: Wekiva Parkway Interchange Character District Standards

Character District/ Purpose	Uses	Minimum/ Maximum Acreage*	Density (Units per Acre)	Intensity (FAR)	Open Space (min.)
Village Center (VC) Safe, vibrant and pedestrian-oriented mixed-use area. Each Village Center may include a Core of up to 40 acres each.	Residential, retail, commercial, office and entertainment uses. Horizontal mixed-uses shall be allowed, but vertically mixed-uses are preferred.	Min: 200 Max: 380 (40 acres max. of VC Core in each village)	Min: 7.5 Max: 25 District Average: 12	VC Core: Min: 0.3 Max: 1.0 Average: 0.5 Balance of VC: Min: 0.25 Max: 0.7 Average: 0.35	10% minimum in the form of public plazas and small park spaces that are urban in character.
Interchange Accommodate highway-oriented vehicular service uses and provide a transition between the fast traffic exiting the highway and the pedestrian Village Center.	Highway-oriented uses, such as automobile service & repair, retail, office, and limited high density residential.	Min: 175 Max: 380	Min: 7.5 Max: 15	Min: 0.1 Max: 1.0	15% minimum in the form of neighborhood parks and common areas
Employment (formerly Edge District) Accommodate corporate office development and foster the development of a campus-like corporate park.	Office, hospitality, clean industry, large institutional uses (hospitals, educational facilities), and large scale residential,	Min: 190 Max: 380	Min: 4 Max: 7.5	Min: 0.1 Max: 0.5	20% minimum in the form of large parks and interconnected wildlife corridors.

Character District/ Purpose	Uses	Minimum/ Maximum Acreage*	Density (Units per Acre)	Intensity (FAR)	Open Space (min.)
Transition Provide a transition between the high-density/intensity Village Core and the low-density/ intensity areas at the edge of the study area.	Single family home and single or multi-use office/medium-density residential	Min: 380 Max: 770	Min: 5 Max: 15	Min: 0.5 Max: 1.0	15% minimum in the form of neighborhood parks and larger common areas.
Neighborhood Preserve the existing low-density single-family residential neighborhoods and transition to the less intense uses just outside the study area.	Single-family homes and small scale support uses (schools, churches, day care facilities)	Min: 2,360 Max: 3,060	Min: 1 Max: 5	Min: .05 Max: 0.5	20% minimum in the form of large parks and interconnected wildlife corridors.

* Calculated based on the entire vision plan area acreage.

Policy 20.11

Maximum allowable development within the Wekiva Parkway Interchange Plan Area shall be allocated among land uses as follows:

Single Family: 7,500 units
Multi Family: 8,500 units
Commercial/Services: 22 million square feet

Policy 20.12

The character district regulations included in the Form-Based Code will ensure densities and intensities are allocated as noted in **Table 20.10** (see **Policy 20.10**). The TDR system will allow increased densities in the Core area (noted as bonus density on the table). The average density/intensity for individual districts and the entire mixed-use area shall not exceed the average allowed. The City shall establish a tracking system to ensure the densities/intensities are kept within the established limits. The tracker will also ensure the acreages of the character districts remain within the parameters set in **Policy 20.10**.

Policy 20.13

Development within the Wekiva Parkway Interchange Vision Plan Area shall be planned in a manner that maximizes internal circulation and does not cause the Florida Strategic Intermodal System (SIS) to exceed its adopted Level of Service Standard without appropriate mitigation.

Policy 20.14

The Wekiva Parkway Interchange Vision Plan Area shall include the following performance targets for transit, bicycle and pedestrian facilities as follows:

- 80% of all the bicycle and pedestrian facilities within the Plan Area shall function at LOS C or better;
- All parcels within ¼ mile of a transit stop should be serviced by pedestrian facilities operating at LOS C or better.

LOS standards shall be measured in accordance with the methodology established in the FDOT Multimodal

Transportation Districts and Area wide Quality of Service Handbook (Nov. 2003 or as revised). The City shall coordinate with LYNX and METROPLAN ORLANDO to apply the transit quality of service framework as found in the most recent edition of the Transit Capacity and Quality of Service Manual (TCQSM) and required as part of METROPLAN ORLANDO'S long-range transportation plan where feasible.

Policy 20.15

The City and applicants for development within the Wekiva Parkway Interchange Vision Plan Area shall incorporate transportation demand management strategies into the transportation planning process to alleviate congestion. A range of techniques will be considered, such as vanpool/ridesharing programs, parking management and pricing, transit vouchers, pre-tax incentives, telecommuting, flextime, and/or other appropriate trip reduction strategies.

Policy 20.16

Proposed development within the Wekiva Parkway Interchange Vision Plan Area shall contribute to providing a safe, convenient, comfortable and aesthetically pleasing transportation environment that promotes walking, cycling, and transit use. Appropriate improvements or enhancements to the multimodal network to incorporate into the Wekiva Parkway Interchange Form-Based Code shall include, but not be limited, to the following:

- Accommodations for pedestrian access and movement, including sidewalks, benches and clearly marked crossings;
- Accommodations for bicycles, including lockers, showers, and racks;
- Shared use paths in accordance with the FDOT Bicycle Facilities Planning and Design Guidelines Handbook;
- Accommodations for transfer of passengers at designated transit facilities;
- Preferential parking for rideshare participants;
- Access for motor vehicle passenger drop-offs and pick-ups at designated transit facilities and at commercial and office development sites; and/or
- Accommodation for the mobility impaired, including parking spaces, sidewalks and ramps for handicapped access.

Policy 20.17

Street cross-sections, design standards, and operational measures to ensure streets are safe and convenient for transit, automobile, truck, bicycle and pedestrian travel shall be incorporated into the Wekiva Parkway Interchange Form-Based Code. Strategies will include, but not be limited, to marked crosswalks, wider sidewalks, on-street parking, bus turnouts, traffic calming, raised medians or other appropriate safety enhancements that reduce hazardous conflicts between modes and that are consistent with the planned functions of the roadway.

Policy 20.18

The Wekiva Parkway Interchange Form-Based Code shall include standards for street intersections to facilitate pedestrian crossings.

Policy 20.19

Developments within the Wekiva Parkway Interchange Plan Area shall provide direct bicycle and pedestrian connections within and between residential areas and supporting community facilities and services, such as shopping areas, employment centers, transit stops, neighborhood parks, and schools. Standards and design criteria shall be established within the Wekiva Parkway Interchange Form-Based Code.

Policy 20.20

The City will include in the Wekiva Parkway Interchange Form-Based Code standards for roadways to be built/improved within the Wekiva Parkway Interchange Overlay District. The regulations will create a hierarchy of streets that equitably serve the needs of the pedestrian, the bicycle, public transit, and the automobile based on a grid network system of roadways. The City will support a multi-modal transportation environment that allows for various transit options.

Policy 20.21

Properties assigned the Mixed-Use Interchange future land use designation shall be rezoned to the Wekiva Parkway Interchange Mixed-Use Zoning District to be established in the Wekiva Parkway Interchange Form-Based Code.

Policy 20.22

The Wekiva Parkway Interchange Mixed-Use Zoning District shall establish a range of allowable lot types to ensure a mix of uses. The District shall also provide the form-based building requirements and range of allowable uses for each lot type. The lot type ranges will establish the development framework and pattern within which uses can locate.

Policy 20.23

Permitted land uses within the Wekiva Parkway Interchange Mixed-Use Zoning District shall be outlined in the Wekiva Parkway Interchange Form-Based Code, consistent with the Mixed-Use Interchange future land use designation and **Policy 20.10**. The Community Development Director shall have the authority to approve uses not listed there if the proposed use is compatible with the listed permitted uses and/or will generate or support the development of employment opportunities and/or an increased tax base.

Policy 20.24

Where feasible, developments within the Wekiva Parkway Interchange Plan Area shall maximize the preservation of open space and promote the clustering of uses to both preserve and enhance the natural environment and to maintain the rural character of areas outside of the Wekiva Parkway Interchange Plan Area. The amount of required open space shall vary by district, with the more intensive districts requiring less than 20% for urban plazas/ parks and the less intensive districts requiring more than 20% for passive/active parks and open space for areas. **Policy 20.10** establishes the minimum required open space per district.

Policy 20.25

The Wekiva Parkway Interchange Area Form-Based Code shall include the following provisions to promote efficient access to and through the area, and to protect the traffic flow along the Wekiva Parkway.

- Prohibit the vacation of rights-of-way to maintain the current grid system and facilitate its expansion;
- Require, as part of development approval, a spacing of 300 to 600 feet for local streets to create walkable

"city" blocks and maintain connectivity in the area and avoid the use of the highway for local traffic;

- Prohibit the use of cul-de-sacs and gated neighborhoods;
- Coordinate with the Expressway Authority to encourage the extension of local roads under the highway to maintain connectivity between the east and west sides;
- Limit the number of driveways along Kelly Park Road, Golden Gem and Plymouth Sorrento Road within the Plan Area, and encourage the use of shared driveways instead;
- Require compliance with Section 6.02.10 of the LDC, which requires a minimum distance separation between driveways and intersections;
- Require internal connectivity between sites, through joint-use driveways or alleys, to keep traffic off main roads;
- The Form-Based Code shall include standards for right-of-way width and cross section design based on street typology; and
- Provide pedestrian/bicycle connections at a maximum separation of 350 feet, through the use of mid-block paths or pedestrian shortcuts.

Policy 20.26

Large developments with 50,000 gross square feet or more and are adjacent to a major street, which is or may be used as a transit route, shall provide access for on-site public transit. The public transit stop shall including a bus pullout and shelter.

Policy 20.27

The City shall coordinate with developers the design and construction of proposed new streets within the plan area in conformance with the design standards contained in the Form-Based code. The following standards shall be followed:

- Specific right-of-way location of streets other than those shown on Map 20 of the ILUP shall be determined through the development review process.
- Continue enforcing Section 6.02.05 of the City's LDC (rights-of-way), which contains measures for the protection and use of rights-of-way, and consider the incorporation of more pedestrian-friendly standards in the Wekiva area form-based code.

Policy 20.28

Sites within the Wekiva Parkway Interchange Plan Area, as well as right-of-way areas, shall be subject to the vegetation protection and water conservation landscaping policies contained in the City's comprehensive plan. The City will include more restrictive vegetation protection standards in the Wekiva Parkway Interchange Form-Based Code to:

- Encourage transplanting and re-vegetation.
- Coordinate, on an as needed basis, with Orange County to update regulations for the protection of unique vegetative communities in both jurisdictions.
- Select and locate plants based on their ultimate growth.

Policy 20.29

In order to ensure that development within the mixed-use district creates a sense of community, the placement and orientation of buildings should be carefully planned. The following standards should be included in the form-based regulations:

- Primary building entrances shall orient toward the street, not to interior blocks or parking lots
- Freestanding single-use buildings should be avoided in all but the neighborhood character district, while mixed and interconnected buildings should be encouraged.
- Green areas or plazas may be used to create a prominent civic component to mixed-use areas. These green areas should be centrally located or placed in between the higher intensity uses.
- Standards for the design of gas stations, and other vehicular service uses, to ensure they fit into the desired pedestrian character. The Code will specify standards for building location, site layout, driveway location, signage and other design elements that will ensure compatibility with other proposed uses in the area.
- Building height regulations shall be established not to exceed the parameters listed for each character district in **Policy 20.30**.

Policy 20.30

Building heights shall be arranged so that the tallest buildings are located in proximity to the Kelly Park Interchange and Kelly Park Road itself between the two Village Center nodes. Building heights shall be stepped down/ reduced as development approaches the periphery of the Interchange Study Area and as development nears the rural lands outside the study area. The form-based code shall establish appropriate building heights for each character district and shall address reduced building heights in proximity to the edges of character districts and the study area itself in order to promote compatibility between districts and protection of the rural character of lands outside the study area. In no case shall building height exceed ten occupied floors within the Interchange Study Area without a Comprehensive Plan amendment.

Policy 20.31

The Wekiva Parkway Interchange Form-Based Code shall include standards for signage within the Wekiva Parkway Interchange Plan Area and shall have the purpose to maintain a pedestrian character within the village centers, but at the same time, allow visibility from the highway. Standards shall at minimum:

- Continue to require a sign master plan for all Mixed Use Developments, per LDC Section 2.02.20
- Ground signs shall not be allowed in the Core Area if buildings are located within 15 feet from the street right of way.
- Ground signs shall not exceed a maximum height of 12 feet. This maximum height may be further reduced in certain character districts.
- No billboards shall be allowed within the Wekiva Parkway Interchange Plan Area
- Building signs shall be designed to complement the architecture rather than obscure it.

Backup material for agenda item:

9. Ordinance No. 2577 – Second Reading – LDC Amend. - Kelly Park Crossing Form-Based Code Pat Tyjeski, S&ME



**CITY OF APOPKA
CITY COUNCIL**

- PUBLIC HEARING
- SITE PLAN
- SPECIAL REPORTS
- OTHER:

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: Form-Based Code Area
 Ordinance No. 2577
 Exhibit "A" Form-Based Code
 Form-Based Code Edit List

SUBJECT: ORDINANCE NO. 2577 - KELLY PARK CROSSING (AKA WEKIVA PARKWAY INTERCHANGE PLAN FORM BASED CODE (ARTICLE III, LAND DEVELOPMENT CODE))

REQUEST: SECOND READING & ADOPTION OF ORDINANCE NO. 2577 - AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III – "OVERLAY ZONES" TO CREATE A NEW SECTION 3.06.00 ENTITLED "KELLY PARK CROSSING FORM-BASED CODE;" PROVIDING FOR DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

SUMMARY:

A form-based code must be used to guide development within the Wekiva Parkway Interchange Plan area per Objective 20 of the Comprehensive Plan, Future Land Use Element. What is a form-based code? A form-based code is a means of guiding and regulating development to achieve a specific urban form or character. Form-based codes create a predictable public realm by guiding physical urban form – such as building design and scale while placing less focus on land use or zoning.

The Wekiva Parkway Interchange Plan, adopted September 15, 2010, promotes the use of a form-based code for the area surrounding the proposed interchange at Kelly Park Road. A primary purpose of the proposed development standards is to create a sustainable community in the Interchange area – a place where people can live, work, play and shop. Objective 19 of the Future Land Use Element (Comp Plan) directs the City to implement a form-based code to further the Wekiva Parkway Interchange Plan.

The proposed form-based code addresses block and street standards, design and mass of buildings, signage, and landscaping. This code is only applicable to the Wekiva Parkway Interchange Plan area, now called the Kelly Park Crossing area.

PUBLIC HEARING SCHEDULE:

- May 23, 2017 – Planning Commission (5:30 pm)
- June 7, 2017 – City Council (1:30 pm)
- June 21, 2017 – City Council (7:00 pm)

DULY ADVERTISED:

- May 12, 2017 – Public Notice and Notification
- June 9, 2017 – Ordinance Heading Ad

FUNDING SOURCE:

N/A

DISTRIBUTION

- | | | |
|--------------------------------|------------------|--------------------------|
| Mayor Kilsheimer | Finance Director | Public Services Director |
| Commissioners | HR Director | Recreation Director |
| City Administrator | IT Director | City Clerk |
| Community Development Director | Police Chief | Fire Chief |

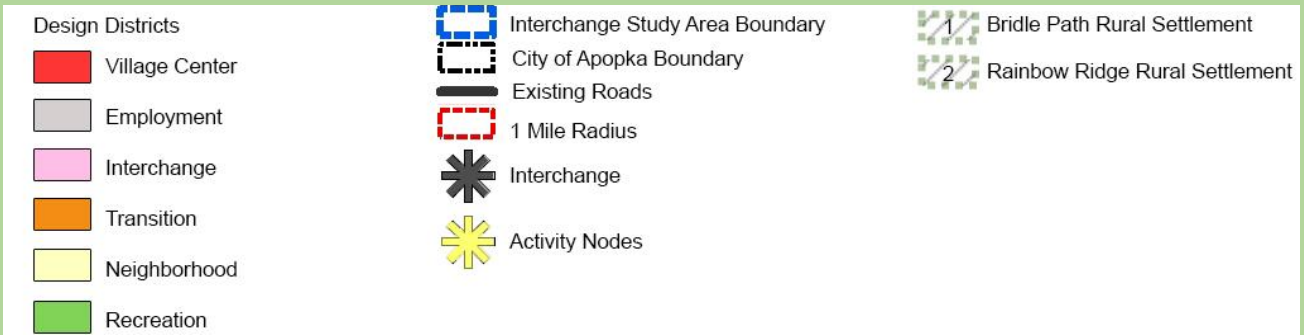
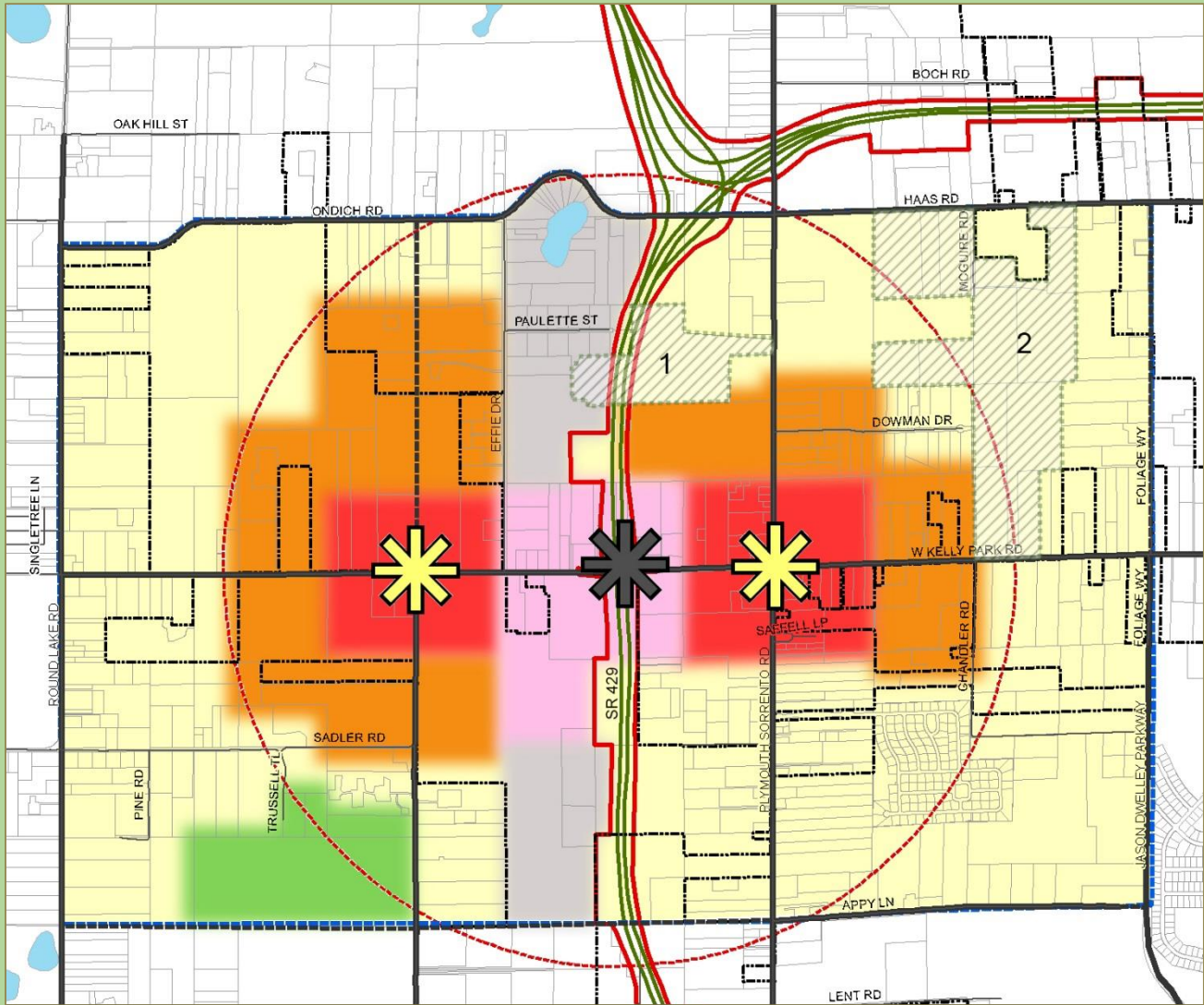
RECOMMENDATION ACTION:

The **Planning Commission**, at a special meeting held on May 23, 2017, unanimously found the Kelly Park Crossing Form-Based Code for Wekiva Parkway Interchange Plan Area to be consistent with the Comprehensive Plan, and recommended that City Council adopt this Code.

The **City Council**, at its meeting on June 7, 2017, accepted the First Reading of Ordinance No. 2576 and held it over for Second Reading and Adoption on June 21, 2017.

Adopt Ordinance No. 2576.

GENERAL AREA AFFECTED BY THE KELLY PARK CROSSING FORM-BASED CODE



ORDINANCE NO. 2577

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, PART III, LAND DEVELOPMENT CODE, ARTICLE III – “OVERLAY ZONES” TO CREATE A NEW SECTION 3.06.00 ENTITLED “KELLY PARK CROSSING FORM-BASED CODE;” PROVIDING FOR DIRECTIONS TO THE CITY CLERK; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Apopka, Florida, hereby finds and determines that uncontrolled development of real property in the City of Apopka can threaten the economic vitality and quality of life in this City; and

WHEREAS, the City Council further determines that the regulation of design and location of air conditioning units and garages on properties is vital to the aesthetic quality and economic values of such properties; and

WHEREAS, the City Council of the City of Apopka, Florida, hereby finds and determines that adoption of the regulations set forth in the attached Exhibit “A” will preserve economic vitality and quality of life by restricting the uncontrolled use of real property in the City; and

WHEREAS, the City Council of the City of Apopka, Florida, hereby finds and determines that the regulations set forth below will adequately protect private property rights; and

WHEREAS, Section 369.321(1), Florida States mandates that a local government hosting an interchange on the Wekiva Parkway shall adopt an interchange land use plan into their comprehensive plans, and such land use plan and associated polices were incorporated in the Comprehensive Plan on August 2011;

WHEREAS, the City Council of the City of Apopka, Florida, hereby finds and determines that the regulations set forth below are consistent with all applicable policies of the City’s adopted Growth Management Plan and City Codes; and

WHEREAS, the City Council of the City of Apopka, Florida, hereby finds and determines that adoption of the regulations set forth below will further the public health, safety, and welfare of the citizens of the City of Apopka, Florida.

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

SECTION 1. That the Code of Ordinances, Part III, Land Development Code, Article III, of the City of Apopka, Florida, is hereby amended to add Section 3.06.00 entitled “Kelly Park Crossing Form-Based Code” as it appears in Exhibit “A”.

SECTION 2. It is the intention of the City Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Apopka; and the City Clerk is directed to take the necessary steps to effect codification into the Code, and Sections of this ordinance may be numbered or renumbered or lettered or re-lettered and the word “ordinance” may be changed to “chapter”, “section”, “article”, or such other appropriate word or phrase in order to accomplish

such codification. Typographical errors which do not affect the intent may be authorized by the Mayor, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 3. That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

READ FIRST TIME: June 7, 2017

READ SECOND TIME
AND DOPTED: June 21, 2017

Joseph E. Kilsheimer, Mayor

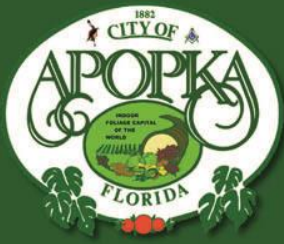
ATTEST:

Linda G. Goff, City Clerk

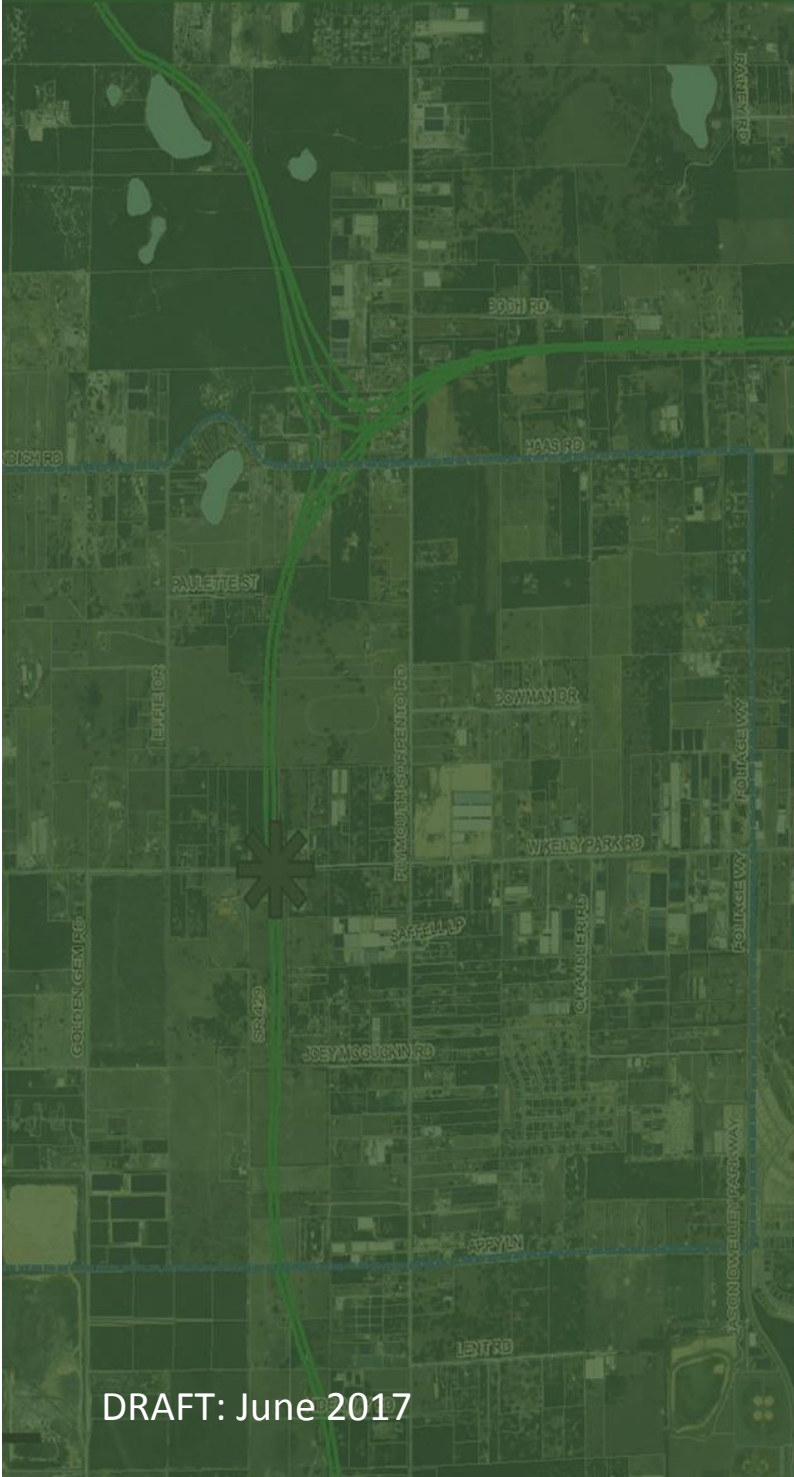
APPROVED as to form and legality for use and reliance by the City of Apopka, Florida.

Clifford B. Shepard, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING: May 12, 2017
June 9, 2017



Kelly Park Interchange Form-Based Code



Prepared By:



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Table of Contents

INTRODUCTION..... 1

 A. Purpose and Intent 2

 B. Development Size Limitations 3

 1. Units 3

 2. Acreage 3

 C. Regulating Plan 3

 1. Village Center Overlay District 5

 2. Employment..... 5

 3. Interchange Overlay District 6

 4. Transition Overlay District 6

 5. Neighborhood Overlay District 6

 D. Applicability and Process 6

 1. Process 6

 2. Applicability..... 7

 a. New Development. 7

 b. Redevelopment..... 7

 c. Change in Use. 8

 d. Non-Conforming Uses..... 8

 e. Relationship to the Land Development Code (LDC). 8

 f. Maintenance 8

 g. Kelly Park Development of Regional Impact (DRI). 8

 E. Review Process 9

 1. Administrative Review 9

 2. Public Hearing Review 9

 3. Modification of Standards. 9

 4. Phasing..... 11

 F. Permitted Uses..... 11

 G. District Size and Block Standards..... 13

 H. Density, Intensity and Open Space Standards..... 14

 I. Building and Floor Height. 15

- J. Site Design Standards 18
 - 1. Building Setbacks. 18
 - 2. Building Alignment..... 20
 - 3. Building Frontage..... 20
 - 4. Street Setback Zone Design 22
- K. Building Design Standards 27
 - 1. Architecture 27
 - 2. Building Typology..... 27
 - a. Mixed-Use Building..... 27
 - b. Liner Building 27
 - c. Single Use Buildings 28
 - d. Multi-Family 29
 - e. Live-Work Buildings 30
 - f. Civic Buildings 30
 - g. Single Family Residential..... 31
 - 3. Green Building 35
 - 4. Building Massing 35
 - 5. Façade Articulation 36
 - 6. Building Entrances 37
 - 7. Windows and Doors..... 37
 - 8. Building Materials 39
 - 9. Building Colors 39
 - 10. Roof Design 40
 - 11. Service Areas..... 40
- L. Access, Circulation and Parking Requirements 41
 - 1. Site Access..... 41
 - 2. On-Site Circulation 42
 - 3. Location of Parking Facilities..... 43
 - 4. Parking Garages 44
 - 5. Parking for Single Uses..... 45
 - 6. Parking for Mixed-Use Developments 46

7. Additional Parking Reductions..... 50

M. Landscape, Buffering and Screening..... 50

 1. Landscape Materials 50

 2. Parking Lot Landscaping and Lighting..... 50

 3. Buffers and Screening..... 51

N. Stormwater 52

O. Signs 53

 1. Building Signs 53

 a. Number and Types of Signs Allowed 53

 b. Building Sign Size..... 55

 c. Building Sign Standards..... 55

 d. Building Sign Illumination 57

 2. Free Standing Signs..... 57

 3. Multiple Use Developments 58

P. Street Standards 59

 1. Responsibility for Improvements..... 59

 2. Street Design..... 59

 3. Complete Streets 59

 4. Improvements within the Public Zone..... 71

 a. Landscape Zone Design..... 71

 b. Street Trees..... 72

 c. Sidewalks and Crosswalks..... 72

 d. Street Furniture..... 73

 e. Street Lighting..... 74

Q. Open Space Requirements 75

 1. Park 75

 2. Green..... 76

 3. Square 77

 4. Plaza 77

 5. Playground 78

R. Development Bonuses and Transfer of Development Rights..... 78

1. Bonuses 78

2. Transfer of Development Rights 79

3. Location Restriction 79

4. Review and Approval 79

S. Definitions 79

APPENDIX A: ARCHITECTURE 83

List of Figures

Figure 1. Kelly Park Interchange Form-Based Code Area 2

Figure 2: Kelly Park Interchange Regulating Plan 4

Figure 3. Creating Connectivity 14

Figure 4: Examples of Passages 14

Figure 5. Stories 15

Figure 6. Floor Height 15

Figure 7. Setbacks Abutting Single-Family Residential Zoning 16

Figure 8: Building Setbacks 18

Figure 9: Multiple Buildings on a Site 18

Figure 10: Building Alignment 20

Figure 11. Building Frontage Calculation 20

Figure 12. Exceptions to the Building Frontage 21

Figure 13. Gateway Feature 21

Figure 14: Examples of Street Setback Zone Activity 22

Figure 15: Awning Placement 23

Figure 16: Building Access Treatments 25

Figure 17. Mixed Use Buildings 27

Figure 18. Detached Liner Building 28

Figure 19. Single Use Buildings 29

Figure 20. Multi-family Complex Examples 30

Figure 21. Live-Work Buildings: 30

Figure 22. Examples of Civic Buildings 31

Figure 23. Single Family Residential Examples 32

Figure 24. Massing: 35

Figure 25. Building Massing 35

Figure 26. Façade Articulation 36

Figure 27. Examples of Façade Articulation..... 36

Figure 28. Corner Entrance 37

Figure 29. Example of Well-Defined Entrance..... 37

Figure 30. Appropriate Fenestration 37

Figure 31. Inappropriate Fenestration:..... 38

Figure 32. Non-Residential Glazing..... 38

Figure 33. Glass Facades 38

Figure 34. Appropriate Colors..... 40

Figure 35. Inappropriate Color Schemes 40

Figure 36. Loading Area Screening 41

Figure 37. Rooftop Units Screening 41

Figure 38. Pedestrian Linkages: 42

Figure 39: Parking on the Rear or Side 43

Figure 40: Site Access..... 44

Figure 41: Shared Parking. 44

Figure 42. Exposed spandrels 44

Figure 43: Parking Garages and Liner Buildings..... 45

Figure 44: Garage Landscaping..... 45

Figure 45: Parking Overhang..... 51

Figure 46. Street Wall Examples 52

Figure 47. Street Wall Location and Landscaping..... 52

Figure 48. Example of Integrated Retention Areas 53

Figure 49. Wall Sign Above Second Story 56

Figure 50. Canopy Signs extending above and below the canopy 56

Figure 51. Permitted Sign Illumination 57

Figure 52. Pole and Monument Signs 57

Figure 53. Street Wall Signs 58

Figure 54. Public Right-of-Way/Street Components 60

Figure 55. Example of Underground Utilities Location..... 60

Figure 56. Conceptual Diagram of Street Types 61

Figure 57. Street Type A (Gateway from Highway) 64

Figure 58. Street Type B (Village Center Access Streets)..... 65

Figure 59. Street Type C (Village Center Interior Streets) 66

Figure 60. Street Type D (Transition Areas Option 1)..... 67

Figure 61. Street Type D (Transition Areas Option 2)..... 68

Figure 62. Street Type E (Neighborhood) 69

Figure 63. Street Type F (Alley)..... 70

Figure 64. Examples of Landscape along Type B and C Streets 71

Figure 65. Examples of Landscape along Type B and C Streets 71

Figure 66. Conceptual Streetscape Diagram 73

Figure 67. Street Furniture Samples 73

List of Tables

Table 1: Size of Character Zones..... 3

Table 2: Uses Allowed in the Kelly Park Form-Based Code Area..... 11

Table 3: Block Length 13

Table 4: Density, Intensity and Open Space 15

Table 5. Building Height 17

Table 6. Building Setback Requirements 19

Table 7. Building Frontage Requirements 20

Table 8. Building Types 33

Table 9. Off-Street Parking Requirements..... 46

Table 10. Shared Parking Usage Percentages for Mixed-Use Development..... 48

Table 11. Shared Parking Example..... 49

Table 12. Street Standards..... 62

Table 13. Required Civic Space Acreage 75

KELLY PARK INTERCHANGE FORM-BASED CODE

INTRODUCTION

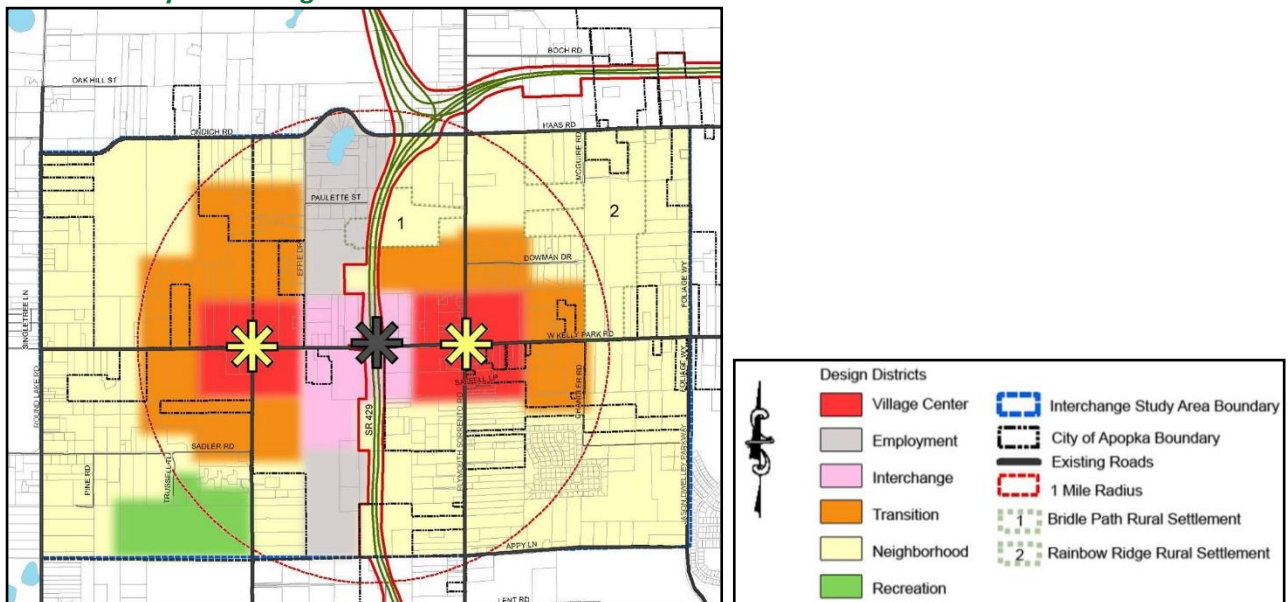
In 2009, the City of Apopka prepared the Wekiva Parkway Interchange Plan as required by the Wekiva Parkway and Protection Act. The Interchange Vision Plan was developed with a goal to accommodate new development that: supports regional markets that depend on the Wekiva Parkway’s function to move people and goods; is designed to complement the surrounding areas; and protects water and wildlife resources. The regulations contained in this document have been incorporated into the City’s Land Development Code by reference to implement the Wekiva Parkway Interchange Plan.

The Wekiva Parkway Interchange Vision Plan encompasses all properties within a one mile radius of the proposed interchange of Wekiva Parkway at Kelly Park Road, measured from a circle around a presumed clover interchange. As noted in Policy 20.2 of the City’s Comprehensive Plan, the one-mile configuration is intended to be a “logical, parcel-specific boundary consistent with the intent of capturing a one-mile radius.” Therefore, if a site, or any portion of a site, is within the 1-mile radius, the entire site is included within the vision plan and is subject to the standards.

Policy 20.5, however, notes that the Interchange Vision Plan does not function as a parcel-based land use plan. It identifies the approximate location of the character zones necessary to support the anticipated development program within the Wekiva Parkway Interchange Vision Plan Area. The location and/or boundaries of the character zones shown on the Vision Plan are illustrative only, and it is the intent of the City that specific locations and boundaries can be refined through the development review process. If a market-based development that falls outside the parameters of the Form Based Code is proposed, the Community Development Director has the discretion to expand the parameters of the form-based code to address the economic opportunities presented by the applicant.

A large number of the sites within the Wekiva Parkway Vision Plan area already have a Mixed-Use (MU) future land use designation. The remainder of the properties have the option to apply for the same MU designation or keep their current designation. The zoning district that will implement the MU future land use in this part of the City is the Wekiva Parkway Interchange Mixed-Use Zoning district (Policy 20.21).

Wekiva Parkway Interchange Vision Plan



The establishment of the Wekiva Parkway Interchange Mixed-Use (renamed to Kelly Park Interchange Mixed-Use) zoning district and associated standards are found in Section 2.02.21 of the LDC. The form-based standards for the vision plan area are contained in this document and adopted by reference in the Land Development Code.

A. Purpose and Intent

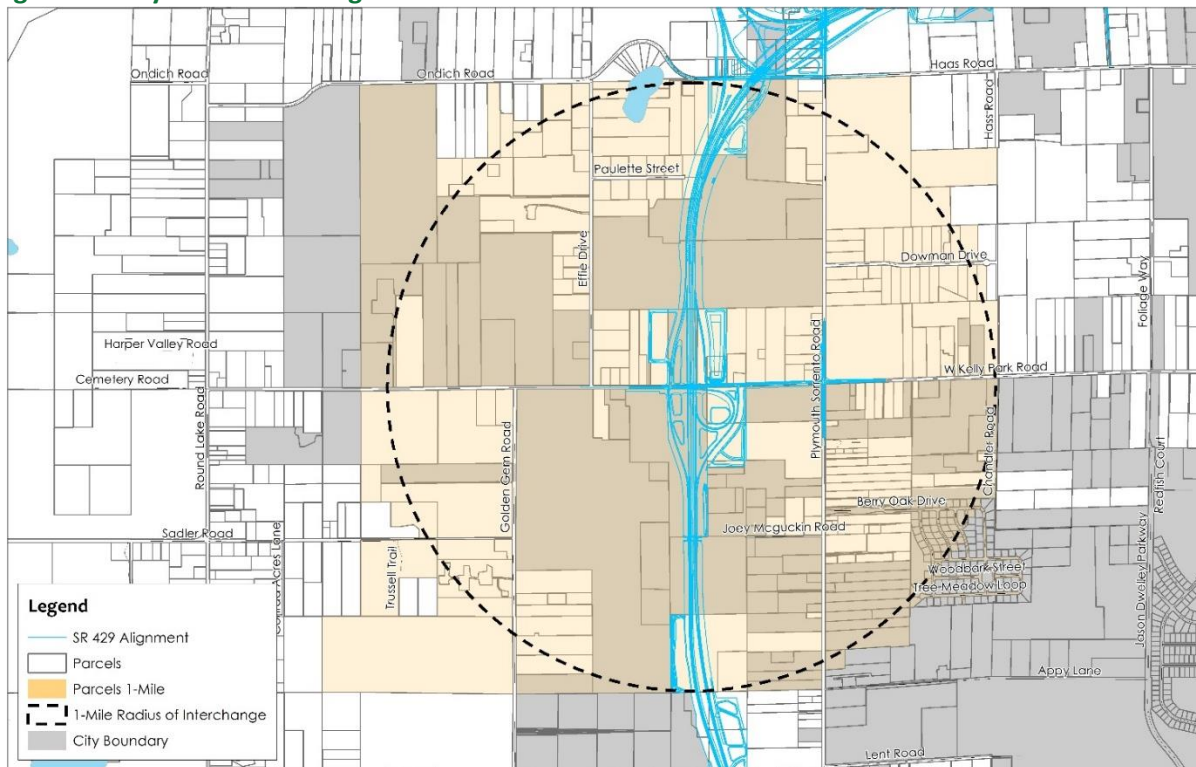
Sites generally within one (1) mile of the Kelly Park Interchange (see black line in Figure -1, red line in Figure 2) are subject to the form-based standards contained in this document. Where a property straddles this line, the property owner may select to bring the portion outside the property into the Form-Base Code area. Properties outside the 1-mile radius line are not eligible to use the regulations contained in this document, unless an amendment to the future land use element and a zoning map amendment are approved by the City Council.

The purpose of the Kelly Park Interchange form-based standards is to guide future development within one mile of the interchange for the creation of a sustainable community that:

- Supports regional markets dependent on the Wekiva Parkway’s function to move people and goods (light industry and warehousing, hotels/motels, restaurants, gas stations, truck stops, and convenience stores);
- Promotes economic growth and diversity;
- Is designed to complement the surrounding area; and
- Manages and protects water and wildlife resources.

Form-based regulations use physical form, rather than separation of land uses, as their organizing principle of a community. The primary intent of the form-based regulations is to shape the public realm by addressing elements such as street design, public open space, and building form and placement. The regulations are intended to encourage design diversity and variation, while ensuring a compact and dense urban form concentrated at two major intersection nodes (Kelly Park Road/Golden Gem Road and Kelly Park Road/Plymouth-Sorrento Road) with a gradual transition to a less dense urban form at the edges of the interchange study area.

Figure 1. Kelly Park Interchange Form-Based Code Area



B. Development Size Limitations

1. Units

When approving development within the Kelly Park Interchange Form-based Code area, the City shall abide by the restrictions imposed by Policy 20.11, which limits development area-wide as follows:

- Single Family: 7,500 units
- Multi Family: 8,500 units
- Commercial/Services: 22 million square feet

Additionally, the average open space for the entire Kelly Park Interchange Form-Based Code area shall be no less than 20% (per Policy 20.10). The City maintains a development tracker to ensure these parameters are met.

2. Acreage

Policy 20.1 of the Future Land Use Element of the City’s Comprehensive Plan states, “...The land use configuration and distribution demonstrated on the Wekiva Parkway Interchange Vision Plan are intended to illustrate the potential application of the adopted Wekiva Parkway Interchange Vision Plan policies; however, the specific details for each development phase will be established through the approval of development plans consistent with the Wekiva Parkway Interchange Goal, Objectives & Policies, the Wekiva Parkway Interchange Land Use Plan, and the regulations established in the Wekiva Parkway Interchange Form-Based Code.” Therefore, the exact location of the character zones may be assigned as an overlay district during a zoning application to the Kelly Park Interchange Mixed-Use (KPI-MU) zoning category. Per Policy 20.10, the total acreage of the character districts depicted in the Vision Plan (as opposed to the Regulating Plan) shall stay within the following size ranges.

Table 1: Size of Character Zones

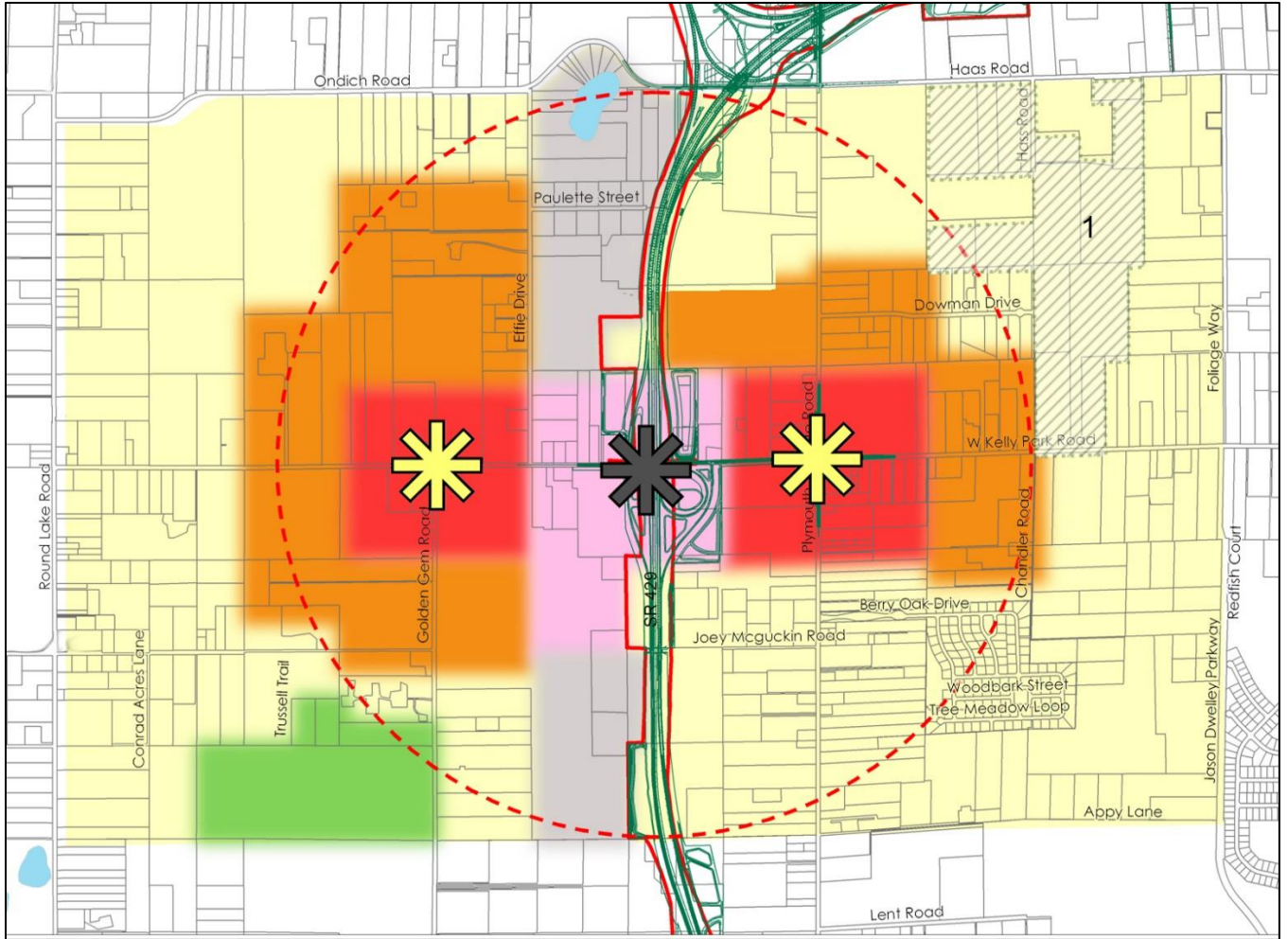
Village Center	Employment	Interchange	Transition	Neighborhood
Min: 200 acres Max: 380 acres (40 acres maximum of VC Core in each Village)	Min: 190 acres Max: 380 acres	Min: 175 acres Max: 380 acres	Min: 380 acres Max: 770 acres	Min: 2,360 acres Max: 3,060 acres

Note: The acreages listed represent all land (incorporated and unincorporated) bounded by Ondich/Haas, Foliage Way, Appy Lane, Round Lake (see Wekiva Parkway Interchange Vision Map), not just the 1-mile radius.

C. Regulating Plan

The Kelly Park Interchange **Regulating Plan** (Figure 2) is organized around five character zones: Village Center, Employment, Interchange, Transition and Neighborhood. Each zone, described in the following pages, represents a spectrum of development characters and intensities. The regulating plan calls for higher densities and intensities in areas closest to the interchange transitioning into lower densities/intensities as sites get farther away from the interchange to ensure compatibility with the surrounding areas. Compatible intensities should face across primary streets, with any necessary changes in intensities occurring along side streets or along rear property lines.

Figure 2: Kelly Park Interchange Regulating Plan



Note: City boundaries not depicted in this graphics as they change overtime.

Legend:

- Design Districts
- Village Center
- Employment
- Interchange
- Transition
- Neighborhood
- Recreation

- Existing Roads
- 1 Mile Radius
- * Interchange
- * Activity Nodes



1. Village Center Overlay District

The primary intent of this zone is to create a safe, vibrant and pedestrian-oriented village center that can support a variety of residential, retail, commercial, office and entertainment uses. This zone will include the most compact development within the Regulating Plan area, with buildings that create a continuous street façade. The Village Center is the heart of the Interchange Study area and shall reflect a Traditional Neighborhood design and shall incorporate Transit Oriented Design principles. Ground-floor commercial uses shall be required to contribute positively to a pedestrian-friendly environment. Parking shall be located in the interior or rear of the block and may be supplemented with on-street parking, where appropriate.

Horizontal mixed-uses shall be allowed, but vertical mixed-uses are preferred. Stand-alone commercial or residential buildings shall be allowed if they are designed to conform to the urban form designated for this area. Open space within the Village Center character zone shall be provided in the form of public plazas, squares, and small park spaces that are urban in character. A stormwater master plan shall accommodate storage of stormwater runoff from parcels to allow for higher densities and intensities of development. Stormwater ponds and facilities within the Village Center character zone shall be incorporated into the overall landscape and open space system of the Village Center and shall be designed and constructed as focal points and amenity areas for Village Center users.

The regulating plan shows Village Center character zones around the two major intersection nodes: Golden Gem Road/Kelly Park Road, and Plymouth Sorrento Road/Kelly Park Road. Each Village Center is intended to include a Village Core, which allows the same type of development as the Village Center but at higher density/intensity.

2. Employment

The primary intent of this zone is to promote economic development and diversification while ensuring the protection of Karst geologic features. The character zone allows development in a campus-like environment for a variety of office, industrial (clean industry), and large institutional uses (hospitals, educational facilities), which would provide much needed jobs in the area. Limited residential uses are also allowed in this zone.

Developments in this zone are expected to be less dense and intense than those in the Village Center and Interchange character zones.

The Employment zone is generally located along the Wekiva Parkway.

Village Center



Employment



3. Interchange Overlay District

The primary intent of the Interchange zone is to promote economic development while providing a transition between the pedestrian-oriented Village Center and the fast-moving traffic on the highway. The character zone is intended to accommodate uses that are needed near a highway, such as gas stations and drive-through facilities. The zone shall accommodate single uses in stand-alone buildings (as opposed to mixed-use developments) that, even though are allowed the same intensity as buildings in the Village Center, will most likely develop with less intensity. The character zone shall also allow some limited high-density residential.



4. Transition Overlay District

The Transition character zone is intended to provide a buffer between the high-density/intensity Village Center zone and the low-density/intensity areas outside the form-based code area. The zone shall respect pedestrian function and scale and shall mainly be comprised of single or multi-use office/medium-density residential buildings and urban single family homes.



5. Neighborhood Overlay District

The Neighborhood character zone is located at the edge of the study area. The primary intent of this zone is to provide a transition between the medium density residential in the Transition zone and the adjoining lower density neighborhoods outside the study area. The Neighborhood character zone will allow single-family homes designed with front porches and garages located in the back, with access from alleyways. Some small-scale residential support uses (schools, day care facilities, churches) shall also be permitted in this zone. No more than twenty percent (20%) of the Neighborhood zone may be occupied by age-restricted communities.



Areas outside the Kelly Park Interchange Form-Based Code Area are strongly encouraged to adopt the standards of this character zone (see Section R, Development Bonus and TDRs).

D. Applicability and Process

1. Process

Properties within the Kelly Park Interchange Form-Based Code area shown in Figure 1 may retain their current zoning designation and comply with the requirements of that district, or be rezoned to the Kelly Park Interchange Mixed-Use (KPI-MU) Zoning category. In conjunction with the rezone to KPI-MU, the applicant must also request an overlay designation to assign a character zone to the site, consistent with the KPI Regulating Plan (see Figure 2). The rezone and assignment of the overlay district (character zone) must follow the rezoning procedures set forth in this Code and the State Statutes. The application for overlay designation must be accompanied by a Master Plan.

Minor refinement to the boundaries to an Overlay District (moving a character zone boundary line by less than 300 feet or expanding of a zone by less than 5 acres) may be approved by the Development Review Committee in conjunction with the Master Plan approval. Changes to boundaries exceeding the criteria noted

above may be approved by the City Council also through the master plan approval process. Section E provides further detail of the development review process for a development within the Form-Base Code area.

A development agreement may be used, if determined necessary by the Community Development Director, to address phasing of development, transition to Form-Based Code requirements, or infrastructure and utility improvements.

2. Applicability

The regulations contained in this Section apply to both new development and redevelopment activities within the Kelly Park Interchange Form-Based Code Area (see Figure 2) as follows:

a. New Development.

All new development shall fully comply with all the regulations contained in this Section, unless modified through the Modification of Standards mechanism (see Section E.3), or the Kelly Park Crossing DRI provisions contained in Section D.7.

b. Redevelopment.

The City of Apopka recognizes that compliance with the dimensional standards of this section may be impractical when expanding or modifying existing development. The following provisions address the degree of compliance required for redevelopment projects. See also Section E.3 for modification of standards applicable to development within the Vision Plan Area.

- i. *Substantial redevelopment.* The entire development site shall be brought into compliance with this section if one or more of the following conditions are met:
 - (a) The building floor area is being increased by more than fifty (50) percent; or
 - (b) More than fifty (50) percent of the existing building floor area is being replaced; or
 - (c) There is a combination of floor area increase and existing floor area replacement exceeding fifty (50) percent of the original building floor area.
- ii. *Non-substantial redevelopment.* For redevelopment not meeting the criteria of Subsection a, above, only the addition or exterior building modifications shall comply with the regulations contained in this Section.
- iii. *Cumulative Improvements.* To avoid a situation where incremental improvements result in a substantial redevelopment subject to full code compliance, the improvements listed in Subsection a shall include all such improvements made within a 5 year period.
- iv. *Compliance with parking requirements.* See Sections 6.03.01.B, C and D of the LDC for parking and loading requirements applicable to redevelopment, additions and change of use.
- v. *Exceptions.* The following shall be the only exceptions to full code compliance:
 - (a) Building setback. Existing buildings will not be required to be moved or expanded to meet the setback requirements. However, building additions shall meet the required setback. All new buildings within the redevelopment site shall be required to meet the building setback provisions.
 - (b) Floor-to-ceiling height. Existing buildings undergoing redevelopment shall not be required to meet the minimum building height. Any new buildings within the redevelopment site, however, shall meet the requirement.

(c) Building frontage. Existing buildings shall not be required to meet the minimum building frontage requirement. However, new buildings and additions shall be required to comply with the frontage requirements.

a. *Interior Changes:* Interior changes shall not be subject to the requirements of this Section; however, they shall be required to meet the standards of the Building Code.

c. Change in Use.

A change in use without any modification to the site does not require compliance with this section as long as the new use is permitted in the character zone, the new use does not require additional parking, loading or buffering, and the use undergoes Special Exception approval if called for in Table 2 (see Section F).

d. Non-Conforming Uses.

Any changes to non-conforming uses shall be conducted per the requirements of Section 10.01.00 of the LDC.

e. Relationship to the Land Development Code (LDC).

Provisions not specifically mentioned in this form-based code but addressed in the City LDC shall apply to properties within the form-based code area. In the event of any conflict between the provisions of this Section and other provisions of the Land Development Code, the provisions of this code shall prevail.

f. Maintenance

Nothing in this document should be construed to prevent the ordinary maintenance or repair of any exterior feature which does not involve a change in design, material, color, or other appearance thereof.

g. Kelly Park Development of Regional Impact (DRI).

The Kelly Park Crossing DRI Development Order was approved with a provision allowing the DRI sites that are within the Kelly Park Interchange Form-Based Code area to apply for an exemption from the following FBC provisions:

- Section G.1, Table 3, Block Length,
- Section J.1. Building Setbacks,
- Section L.3. Location of Parking Facilities.

To be eligible for the exemption, the applicant shall demonstrate that average wages and salaries for jobs created by the new development are equal to or greater than the average wages and salaries existing in Apopka at the latest decennial U.S. Census or more recent data as may be acceptable to the City. The types of development that may apply for the exemption include:

- i. Proposed commercial, industrial and/or institutional development exceeding 40,000 gross square feet of floor area;
- ii. Office parks, industrial parks and retail center sites greater than fifteen (15) acres in size;
- iii. College campuses (with or without residential housing), hotels with convention centers, and hospital campuses greater than eight (8) acres in size.

Eligibility for this exemption, and the specific requirements to be waived, shall be determined by the Community Development Director based on compliance with the purpose and intent of the Wekiva Parkway Interchange goals, objectives and policies contained in the Future Land Use Element of the City’s Comprehensive Plan. Should the exemptions be accepted, the sites will still be subject to the requirements of the underlying zoning district.

E. Review Process

All proposed developments within the Kelly Park Interchange Form-Based Code Area will be required to obtain City Council approval of an Overlay Zoning Category plan and Master Plan for the entire site under an applicant's control. The purpose of the Master Plan is to demonstrate how the development will implement the vision plan, provide for a coordinated street network, make use of consolidated/shared infrastructure, and protect environmental resources. The Community Development Director shall prepare a list of submittal requirements for the Master Plan but at minimum shall follow Section 12.02.03 (Concept Plans) of the LDC for submittal requirements. All Overlay District will follow the public hearing process followed within LDC Section 12.02.04.

After the Master Plan has been approved by the City Council, there are two review options for proposed individual site development plans: Administrative and Public Hearing. The intent is to ensure that all development is consistent with the provisions of this section.

1. Administrative Review

Proposed developments meeting the following criteria may be reviewed administratively by the Development Review Committee (DRC), following the review procedures for final development plan review contained in LDC Section 12.02.04:

- a. The development contains less than 100 single family or multi-family units and/or less than 100,000 square feet of non-residential gross floor area or generates less than 5,000 daily trips, whichever is greater; and
- b. The development meets all the standards of this section; and
- c. The development does not require special exception approval.

Once the DRC has determined the proposal meets the requirements of the Code, a development order may be issued.

2. Public Hearing Review

All uses requiring special exception approval and proposed developments exceeding the criteria noted in subsection 1.a, above shall follow the review procedures for major development consistent with LDC Section 12.02.04. This process provides the opportunity for community input as well as fine tuning the development proposal to address issues that may not be covered in this section. Additionally, this process may be used to grant development within the Interchange and Employment character zones appropriate modifications of standards (see Section E.3).

3. Modification of Standards.

It is recognized that because of the individual unique characteristics or circumstances of any given development, flexibility in the application of development requirements may be warranted in certain situations. Modifications from the standards provided in this Code may be requested by an applicant as part of the development review process. If an applicant requests multiple modifications, each modification shall be evaluated independently.

- a. **Application.** All requests for modifications shall be submitted in writing with the application for development review on forms provided by the City. The request shall be approved or denied during development plan review and, if granted, shall be noted on the final development plan.
- b. **Administrative Modifications.** The Community Development Director or designee shall have the authority to grant limited modifications, as set forth below, where it is determined that the proposed development meets the intent of the character zone, the requested modification is the minimum necessary to allow reasonable development of the site and the requested modification is not injurious

to the public health, safety and welfare. Administrative modifications are limited to ten (10) percent of the dimensional requirements established in the following sections:

- i. Section J, Site Design Standards
 - ii. Section K, Building Design Standards
 - iii. Section L, Access, Circulation and Parking Requirements
 - iv. Section M, Landscape, Buffering and Screening
- c. **Planning Commission Modifications.** The following requests for modifications shall be heard by the Planning Commission at a quasi-judicial hearing.
- i. Modifications of more than ten (10) percent but no more than thirty (30) percent of the requirements listed in subsection b, above.
 - ii. Modifications of ten (10) or less which were previously denied administratively and appealed to the Planning Commission.
 - iii. Modifications to the non-dimensional requirements contained in the sections listed in b, above.
- d. **Planning Commission.** Requests for modifications exceeding thirty (30) percent of a dimensional requirement shall be considered variances to be heard by the Planning Commission pursuant to LDC Section 10.02.00.
- e. **Prohibited Modifications.** No modification shall be granted under this section for the following:
- i. Use of land.
 - ii. Development density which would exceed the maximum permitted in the future land use classification.
 - iii. Modifications to approved planned developments. Modifications to an approved Planned development shall be processed in accordance with Section 2.02.18.N of the LDC.
 - iv. A reduction in sidewalk width that would result in a sidewalk with less than 5 feet clear space.
 - v. A reduction of a setback to less than 5 feet adjacent to a single family residential district or character zone.
- f. **Review Criteria.** A modification of standards may be granted by the approving authority if it finds that strict application of the requirements of this chapter is not warranted and that granting a modification will fulfill the intent of the LDC. The approving authority shall apply all the following criteria, when applicable, to determine if the applicant has justified a request for a modification:
- i. The request is within the parameters listed in subsections b and c above.
 - ii. The request is consistent with the Comprehensive Plan and generally consistent with the purpose of the LDC.
 - iii. The proposed modification will not have a material negative impact on adjacent uses, or the applicant proposes to mitigate the negative impact to be created by the modification.
 - iv. Compliance with the requirement is technically impractical or undesirable based on site conditions, or approval of the waiver will result in superior design.
- g. **Additional Requirements.**

- i. The burden of presenting evidence sufficient to satisfy the applicable criteria set forth in this section, as well as the burden of persuasion on those issues, remains with the applicant seeking the modification.
- ii. The applicant may propose conditions to ensure that the use of the property to which the modification applies will be reasonably compatible with the surrounding properties, including visual screening.
- iii. A granted modification and any conditions attached to it shall be entered on the face of or attached to the development order or permit and development plan.
- iv. A proposed change to an approved modification shall be added to the approved modification and considered in the aggregate. The total modification (approved modification plus proposed change) shall determine the approving authority per subsections b and c, above.

4. Phasing.

Development phases shall be required to meet code independently from other phases. No phase shall be dependent on the completion of subsequent phases to be consistent with any required approvals and/or conditions, including, but not limited to setbacks, building frontage, and building placement, configuration, function and design. Required landscaping and parking improvements shall be provided within each phase.

F. Permitted Uses.

The following table shows the uses allowed in the character zones. P indicates the use is permitted by right, SE uses require Special Exception approval, and N means the use is not allowed. Whenever there is any uncertainty as to the classification of a use, the Community Development Director shall determine the classification, if any, within which the use falls, based on its characteristics and similarity to other uses in the district. If a use has characteristics similar to more than one classification, the use shall be construed as the classification having the most similar characteristics. In the event that a particular use is determined not to be within an allowed defined use, then the particular use shall be prohibited.

Uses that require Special Exception approval shall also meet the requirements of Section 2.02.00.B.5 of the LDC, except when different standards are specifically prescribed in this document.

Table 2: Uses Allowed in the Kelly Park Form-Based Code Area.

USES	Village Center	Employment	Interchange	Transition	Neighborhood
AGRICULTURAL, SILVICULTURAL, AND OTHER					
Animal boarding (soundproof kennels)	P	P	P	P	N
CIVIC, NONPROFIT AND INSTITUTIONAL					
Art gallery, museum, & other cultural facilities.	P	P	P	P	N
Cell Towers (See Ch. 75)	N	SE	SE	N	N
Church, convent or parish house	SE	SE	SE	SE	SE
Community center/civic clubs	SE	SE	SE	SE	SE
Hospitals	N	P	P	P	N
Public use (library, post office, police, fire and other municipal offices, and similar uses)	P	P	P	SE	SE
Public utility service facilities	P	P	P	SE	SE

USES	Village Center	Employment	Interchange	Transition	Neighborhood
EATING, DRINKING AND ENTERTAINMENT					
Bar, lounge, tavern	P	P	P	SE	N
Nightclub (Discotheque)	SE	N	N	N	N
Restaurants	P	P	P	P	SE
Restaurants with drive-up or drive-through facilities	N	SE	P	SE	N
EDUCATIONAL FACILITIES/TRAINING					
Child care facilities	P	SE	SE	P	SE
Schools – higher education (incl. vocational & trade)	SE	SE	SE	SE	SE
Schools – elementary, (public & private)	SE	SE	SE	SE	SE
Schools – middle, high (public & private)	N	SE	SE	SE	SE
INDUSTRIAL					
Manufacturing, light (incl. electronic assembly)	N	P	SE	N	N
Mini-storage facilities	N	SE	P	N	N
Warehousing and wholesaling	N	P	P	P	N
OFFICE, MEDICAL AND PROFESSIONAL					
Financial institutions	P	P	P	P	N
Laboratories (research, medical & dental) and clinics	P	P	P	P	N
Outpatient Care Facilities	P	P	P	P	N
Professional, medical & business office/studios	P	P	P	P	N
Veterinary clinic/hospital	N	N	P	P	N
RECREATION AND TOURISM					
Arts, performing arts and craft studios	P	P	P	P	N
Bed and breakfast	SE	P	P	P	N
Fitness centers or gymnasium	P	P	P	SE	SE
Hotels	P	P	P	SE	N
Motels	N	SE	SE	SE	N
Parks & recreational facilities (private)	P	P	P	P	P
Recreation indoors (bowling alley, billiards and similar uses)	P	P	P	P	N
Recreation outdoors (tennis, paintball or similar uses)	N	SE	SE	SE	SE
Theatre – movie, plays (indoor)	P	P	P	SE	N
RESIDENTIAL					
Assisted living facility	N	SE	N	P	N
Community residential home (7 to 14 residents)	N	SE	SE	SE	N
Dwellings, multi-family	P	P	SE	P	N
Dwellings, single-family	N	N	N	P	P
Granny flats/Guest suite above a garage, with single-family as primary use	N	SE	SE	P	P
Dwellings, duplex	N	N	N	P	SE
Live-Work Units	N	P	N	P	N
Nursing homes	N	SE	SE	P	N
RETAIL SALES AND SERVICES					
Outdoor/sidewalk sales (vending, carts, etc.)	SE	SE	SE	N	N

USES	Village Center	Employment	Interchange	Transition	Neighborhood
Parking (garage/surface) as a principal use	SE	P	P	P	N
Retail, general	P	P	P	SE	N
Retail, neighborhood	P	P	P	SE	SE
Service, business	P	P	P	SE	N
Service, personal	P	P	P	SE	N
Transit Centers (including accessory light retail)	N	P	P	N	N
VEHICLE SALES AND SERVICES					
Service stations/car wash establishments	N	P	P	SE	N
Vehicle service (minor)	N	SE	P	SE	N
Vehicle service (major)	N	SE	SE	N	N
Vehicle sales and rental	N	SE	SE	N	N

G. District Size and Block Standards

Pedestrian and vehicular connectivity is achieved by limiting the size of blocks. As development occurs in the Kelly Park Interchange Form-Based Code Area, it will be important to create a street grid system (see Figure 3). Proposed developments shall be required to establish connectivity in the area by meeting the following standards:

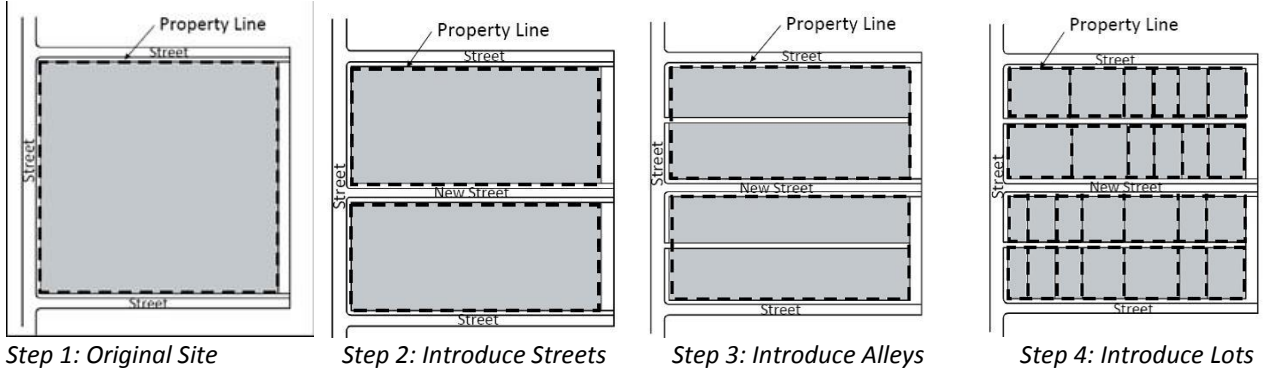
1. New blocks shall not exceed the maximum lineal foot perimeter stated in the following table.

Table 3: Block Length

	Village Center	Employment	Interchange	Transition	Neighborhood
Block Length (max.)	300 feet	600 feet	600 feet	500 feet	500 feet

2. Blocks do not have to be orthogonal, but streets shall be interconnected.
3. Cul-de-sacs and dead-end streets are not allowed, unless physical conditions provide no practical alternative.
4. Existing development sites that do not encompass an entire block but are within a block that exceeds the maximum block perimeter allowed shall incorporate cross-block passages to rear or side streets, or to adjacent sites (for future connection if not developed) as follows:
 - a. Within the Village Center character zone, if the site frontage is at any point more than three hundred and fifty (350) feet from a street intersection, a cross block pedestrian passage shall be provided (see Figure 4) to a rear street or drive aisle, if one is available.
 - b. If the site frontage exceeds the maximum block length required in Table 3, a vehicular passage shall be provided (see Figure 4). The vehicular passage may be a public street or private drive, but shall be open for public passage to another street/drive, or to the adjacent site, which will be required to continue that street/drive.

Figure 3. Creating Connectivity



Suburban Mega-Blocks Urban-Scaled Blocks [Source: Lansing Master Plan]

Figure 4: Examples of Passages



Pedestrian Passage

Vehicular Connection

Figure Notes: Floors above walkway not required. Photos are illustrative, not regulatory

H. Density, Intensity and Open Space Standards.

The following table contains standards for minimum and maximum density and intensity of development and open space requirements. For the purpose of this code, FAR shall only apply to the non-residential portion of the site. In the case of mixed-use development, the FAR and density shall be calculated separately and applied cumulatively. For example, a one acre site in the Employment character zone would be allowed to have 21,780 sq. ft. of non-residential development *in addition to* 7.5 dwelling units (if no bonus is applied).

The standards listed in Table 4 are not intended to exclude any particular use. However, all proposed developments are required to meet these standards. The FARs listed in Table 4 shall be updated by reference and as a reflection to any amendments made to the Comprehensive Plan.

Table 4: Density, Intensity and Open Space

	Village Center	Employment	Interchange	Transition	Neighborhood
Intensity (FAR)	<ul style="list-style-type: none"> VC Core: <ul style="list-style-type: none"> Min: 0.3 Max: 1.0 Average: 0.5 Balance of VC: <ul style="list-style-type: none"> Min: 0.25 Max: 0.7 Average: 0.35 	Min: 0.1 Max: 0.5	Min: 0.1 Max: 0.75 (1.0 with a bonus)	Min: 0.5 Max: 0.75 (1.0 with a bonus)	Min: 0.05 Max: 0.5
Density (dwelling units/acre)	Min: 7.5 Max: 20 (25 with bonus*) Zone Average: 12	Min: 4 Max: 5 (7.5 with bonus*)	Min: 7.5 Max: 10 (15 with bonus*)	Min: 5 Max: 10 (15 with bonus*)	Min: 1 Max: 5
Open Space (min.)	10%	20%	15%	15%	20%

* See Section R, Development Bonuses and TDRs.

See Section B for maximum development parameters established in the Comprehensive Plan.

I. Building and Floor Height.

Building height shall be as provided in Table 5. Building height shall be measured in stories. Decorative elements such as spires, minarets, clock towers, and cupolas are allowed over the maximum number of stories as long as they do not exceed fifteen (15) feet in height.

Floor height shall be measured as the clear height from finished slab to finished ceiling (see Table 5 and Figure 5).

- a. Buildings in the Village Center are encouraged, but not required, to have a minimum of two (2) stories.
- b. Single story buildings shall have a minimum height (as defined in the LDC) of twenty (20) feet.
- c. Whenever a ground floor level exceeds twenty (20) feet in height, each height of twelve (12) feet or portion thereof shall be construed to be one (1) story (see Figure 6).

Figure 5. Stories

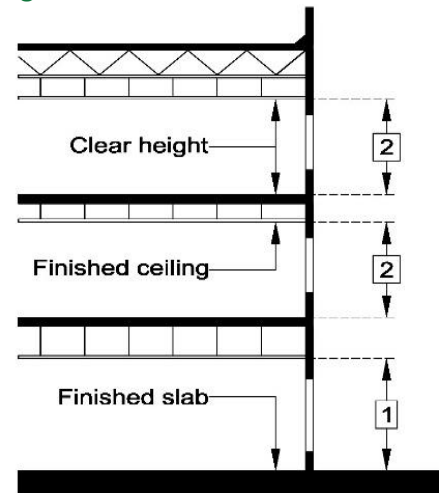
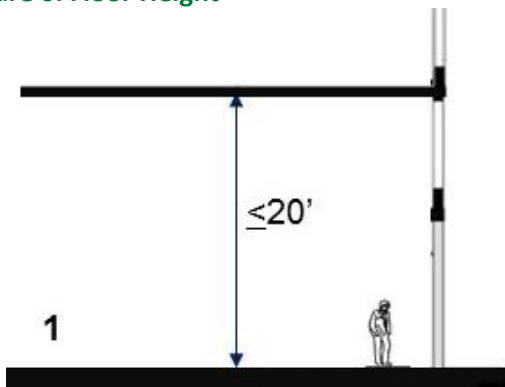
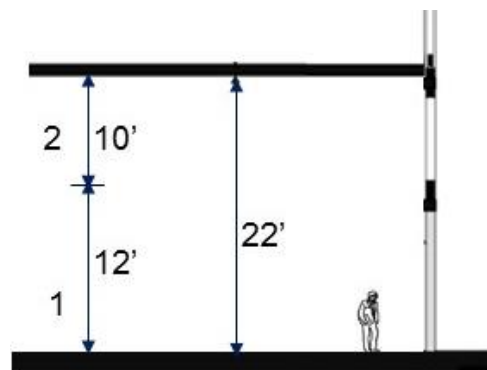


Figure 6. Floor Height



A floor height of 20' or less constitutes a story



If floor height exceeds 20', each height of 12' constitutes a floor.

- d. Whenever a floor other than a ground floor exceeds fourteen (14) feet in height, each height of fourteen (14) feet or portion thereof shall be construed to be one (1) story.
- e. Mezzanines extending beyond 33% of the floor area shall be counted as an additional story.
- f. Parking garages are exempt from the floor height requirements.
- g. An additional building setback (see Table 5) shall apply to buildings adjacent to, or across the street from, a Neighborhood or Transition character zones or single family residentially-zoned property. Developers may elect to apply the setback just to those floors above the third story (step back approach, see Figure 7 - Option A), to the entire façade (Option B) or a combination of the two (Option C). The additional setback/step-back requirement may render some sites ineligible for the maximum permitted height.

Figure 7. Setbacks Abutting Single-Family Residential Zoning

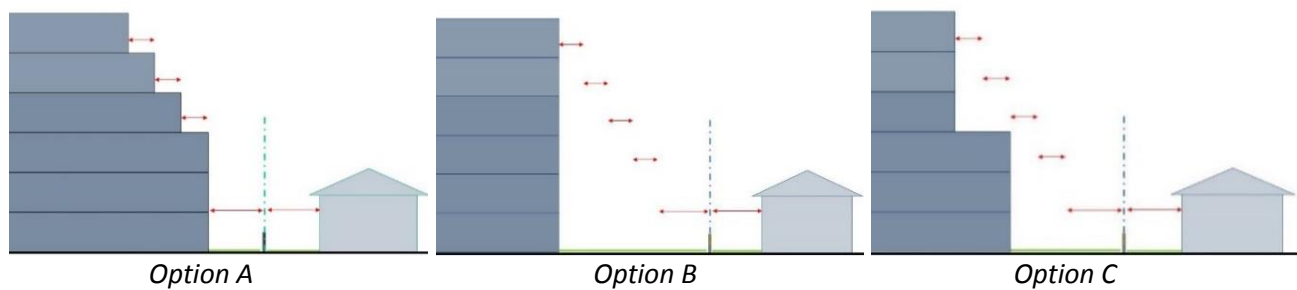
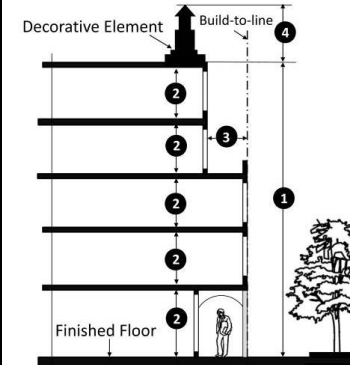
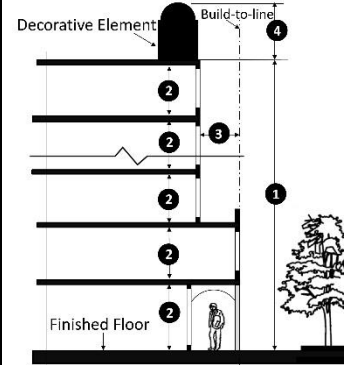
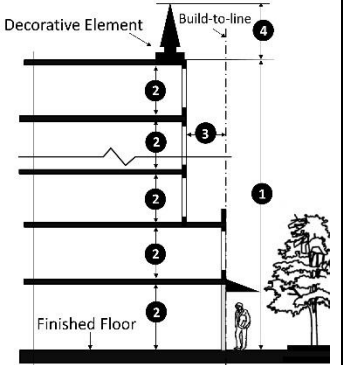
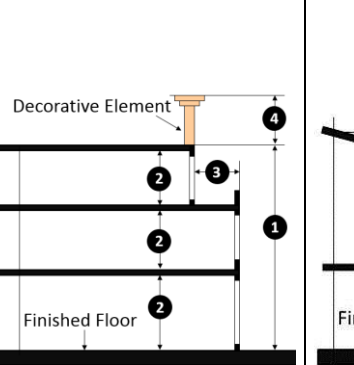
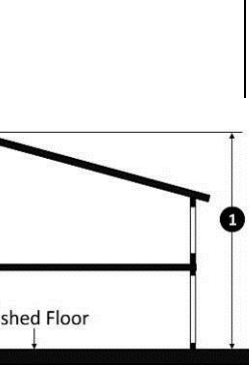


Table 5. Building Height

	Village Center	Employment	Interchange	Transition	Neighborhood
					
1 Building Height	Min. 2 stories encouraged Max. 5 stories without bonus* Up to 10 stories with bonus	Min. NA Max. 6 stories Up to 10 stories with bonus.*	Min. NA Max. 8 stories Up to 10 stories with bonus.*	Min. NA Max. 3 stories	Min. NA Max.: Principal Bldg: 2 stories Accessory Bldg: 1 story
2 Floor height	First Floor: 12' min. Additional Floors: 8' min.	First Floor: 12' min. Additional Floors: 8' min.	First Floor: 12' Min. Second Floor: 8' Min.	First Floor: 12' Min. Additional Floors: 8' Min.	NA
3 Additional Setback	10' for each additional floor above three if adjacent to a Neighborhood or Transition character zone or a single-family zoning district.	10' for each additional floor above two if adjacent to a Neighborhood character zone or a single-family zoning district.	10' for each additional floor above two if adjacent to Neighborhood character zone or a single-family zoning district.	15' for each additional floor above two if adjacent to Neighborhood character zone or a single-family zoning district.	NA
4 Decorative Elements	Max.: 15'	Max.: 15'	Max.: 15'	Max.: 10'	NA

Notes: See Section I for specific height requirements.

* See Section R, Development Bonuses and TDRs.

J. Site Design Standards

1. Building Setbacks.

The placement of a building on a site is critical to creating a vital and coherent public realm. The intent of the building setback standards is to shape the public realm, and strengthen the physical and functional character of the area. Figure 8 depicts the types of setbacks and Table 6 shows the required setbacks.

- a. The setbacks shall be measured from the property line, except for the following:
 - i. Setbacks from an urban walkway, a green space or a trail shall be set in conjunction with the approval of the master plan.
 - ii. The street setbacks stated in Table 6 assume that the street in front of the development meets the standards of Section P (Street Standards). For streets that have not been updated to those standards, the setback shall be provided in a way that permits the future update of the street to meet the standards of Section P.
- b. For attached dwellings and townhouses, the end units of each grouping shall meet the minimum side yard setback noted in Table 6.
- c. The placement of buildings at the rear of a site is permitted as long as one or more buildings are placed in front to meet the requirements of this code (see Figure 9 for an acceptable design alternative). In such cases, access drives shall be incorporated into the site layout to create connectivity to other sites and streets. The main access drive shall be centered on the anchor building and shall be lined with buildings or sidewalks and urban landscaping.

Figure 8: Building Setbacks

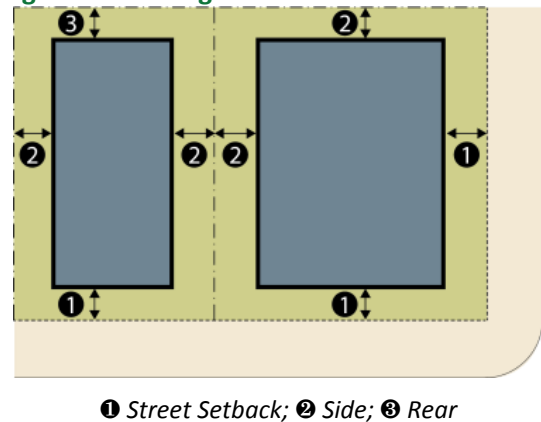


Figure 9: Multiple Buildings on a Site

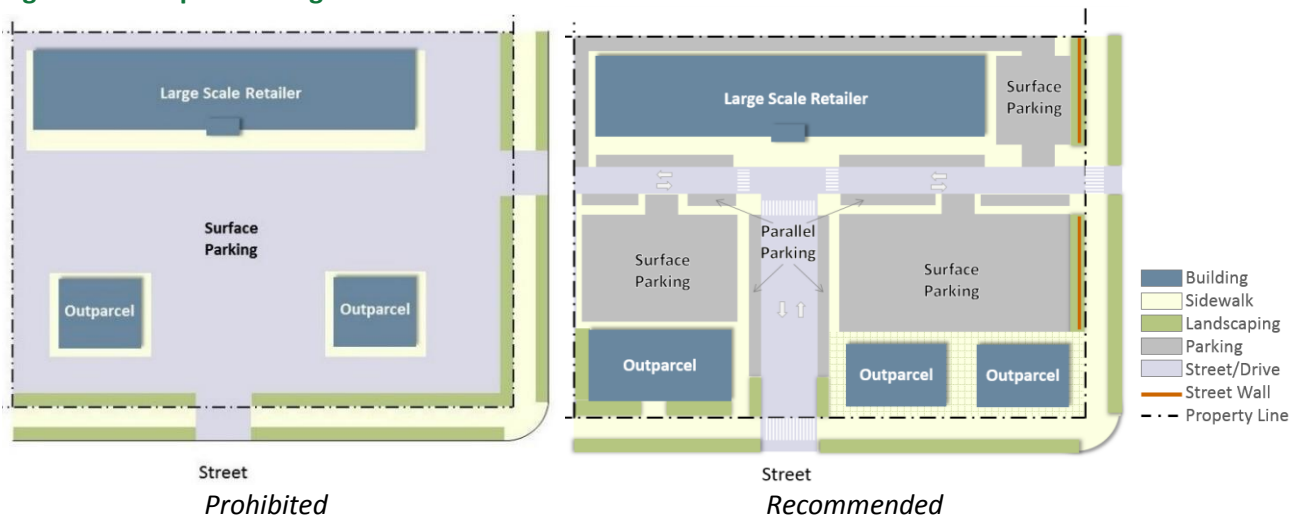
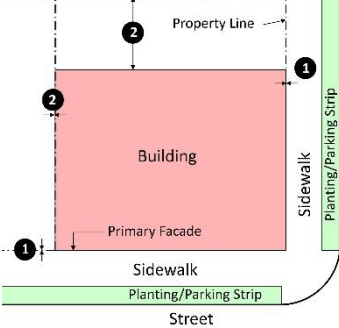
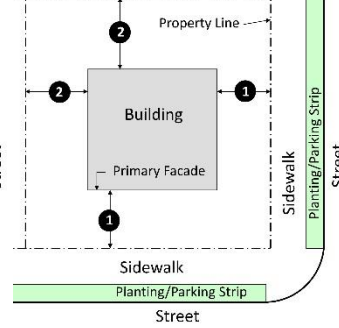
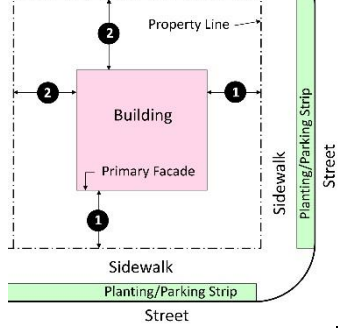
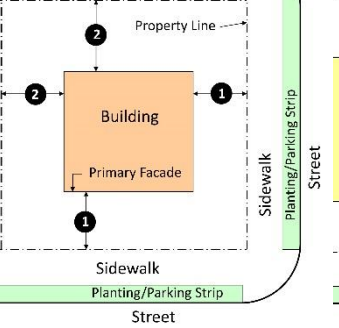
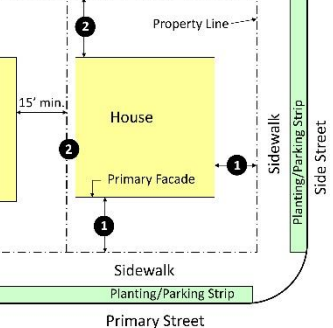


Table 6. Building Setback Requirements

	Village Center	Employment	Interchange	Transition	Neighborhood
					
1 Front/ Street Side	Minimum: 8' Maximum: 20'	Minimum: 10' Maximum: 20'	Minimum: 10' Maximum: 20'	Minimum: 10' Maximum: 20'	Minimum: 15' Maximum: 30'
2 Side	Minimum: 0' (20' min if adjacent to a Neighborhood character zone) Maximum: See Building Frontage Section.	Minimum: 7.5' (20' min if adjacent to a Neighborhood character zone) Maximum: See Building Frontage Section.	Minimum: 7.5' (20' min if adjacent to a Neighborhood character zone) Maximum: See Building Frontage.	Minimum: 0' (15' min if adjacent to a Neighborhood character zone) Maximum: See Building Frontage.	Minimum: 5' Maximum: NA
3 Rear	Minimum: 10' (20' min if adjacent to a Transition or Neighborhood character zone)	Minimum: 10' (20' min if adjacent to a Transition or Neighborhood character zone)	Minimum: 10' (20' min if adjacent to a Transition or Neighborhood character zone)	With Alley: 5' min. No Alley: 20' min.	With Alley: 5' min. No Alley: 20' min.

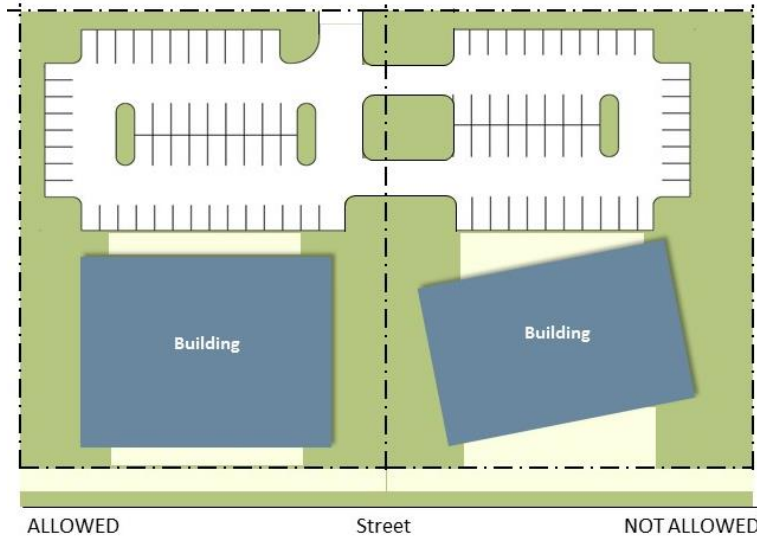
Notes: All setbacks shall be measured from the property line.

The building access treatments listed in Figure 16 may project into setback up to eight (8') feet, but not into the public right-of-way.

2. Building Alignment

Building facades facing a right of way shall be built parallel to the property line, as shown on Figure 10.

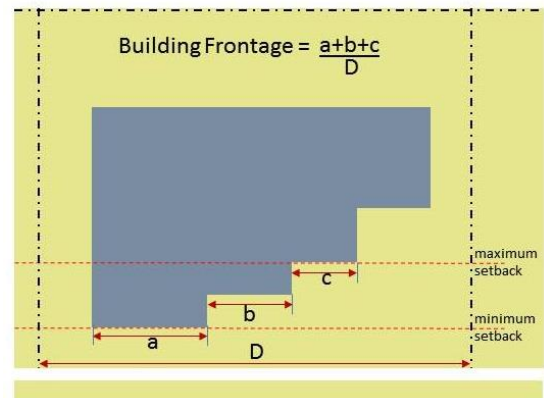
Figure 10: Building Alignment



3. Building Frontage.

The purpose of the following building frontage requirements is to ensure façade continuity and activity along the street, in addition to avoiding large expanses of blocks that are not framed by buildings. The building frontage standards are stated as a proportion of the building width (within the required building setback) relative to the width of the development site measured at the site frontage line. Portions of the building façade outside the required building setbacks do not count as building frontage (see Figure 11). The standards of this section do not apply to single family homes and duplex units.

Figure 11. Building Frontage Calculation



- a. The minimum building frontage (a+b+c) varies based on the character zone and street type. The requirements are as follows:

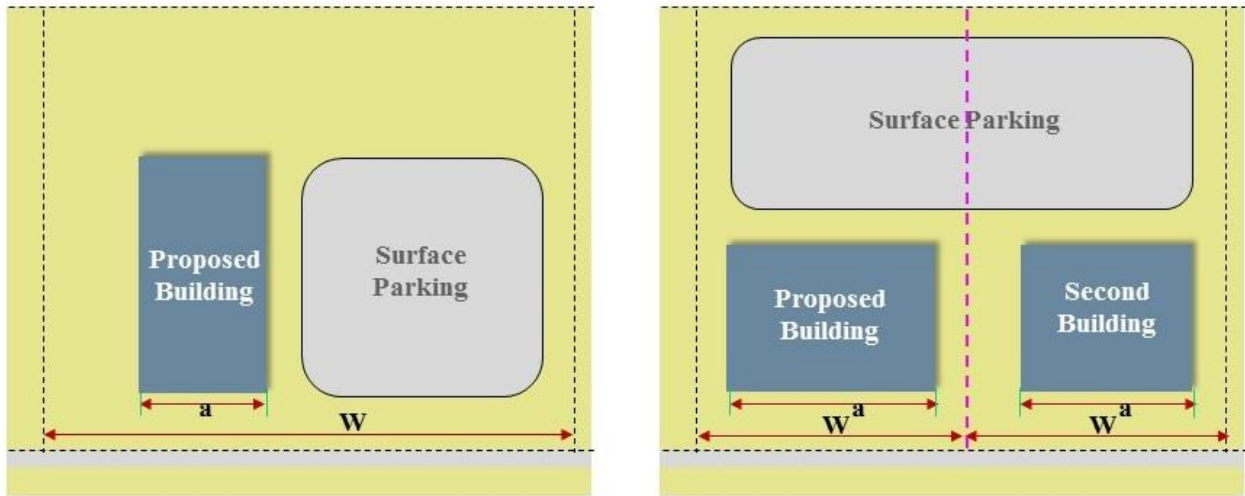
Table 7. Building Frontage Requirements

	Village Center	Employment	Interchange	Transition	Neighborhood
Arterial Streets (4 lanes)	50%	50%	50%	50%	NA
Primary Street	80%	50%	50%	50%	NA
Secondary Streets	50%	NA	NA	NA	NA

- b. Sites with frontages on multiple streets shall meet the minimum required primary frontage along all streets.
- c. Exceptions to the Building Frontage requirements:

- i. In the event the proposed building width is too narrow to meet the minimum frontage requirement, the applicant shall have the option of dividing the lot into smaller, narrower lots to meet the dimension requirements, as shown on Figure 12. No platting will be required, but the master plan shall show the new lots as available for future development.

Figure 12. Exceptions to the Building Frontage



Left diagram: Building width (a) is too narrow to meet the minimum building frontage. Right diagram: Subdivide the lot to decrease its width (W) to meet the minimum building frontage.

- ii. In the case where the required building frontage cannot be met due to the need to provide vehicular access from the street, a gateway, arch, or similar feature shall be provided to preserve the block continuity and may be counted toward meeting the building frontage requirement, as shown on Figure 13.

Figure 13. Gateway Feature



Gateway feature designed to meet minimum building frontage. Notes: Not to scale. Floor above the gateway is not required.

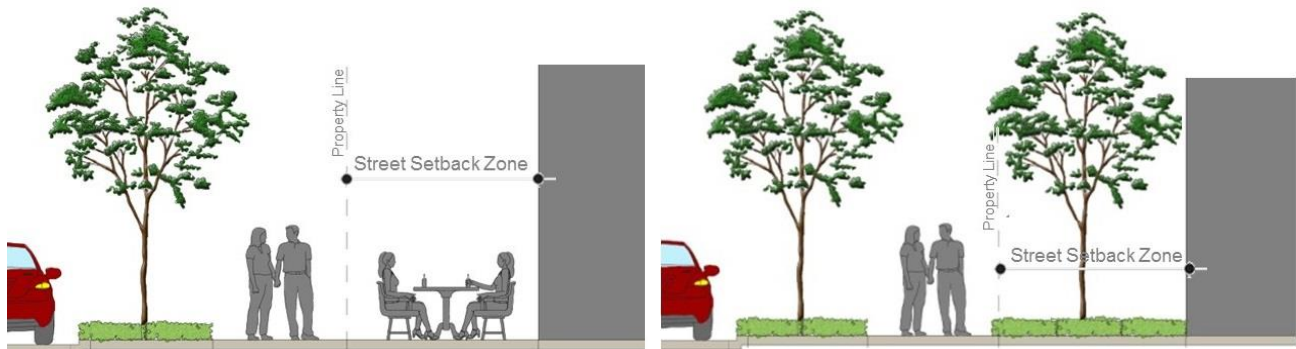
- iii. Libraries, places of religious assembly, public utility buildings, and schools (elementary, middle and high) are not subject to the minimum frontage requirements.
- iv. Drive-through facilities proposed as part of a development subject to the requirements of this section must be designed to comply with the building frontage requirements. Additionally, the drive-through window(s) shall not face the street.
- v. Developments with frontage on Kelly Park Road or Plymouth Sorrento Road may deviate from the Form-Based Code, provided the following standards are met:

- (a) A 3-foot high garden wall with wrought-iron fence to a total maximum wall height of 6 feet may be counted as “building” for calculating the minimum building frontage requirement.
- (b) A vehicular entrance feature may be exempt from the building frontage calculation, provided it includes at least four of the following items
 - Water features
 - Increased landscaping
 - Bridge roadway feature
 - Gateway arch
 - Brick paver roadway entrance
 - Boulevard entrance (split roadway for entrance-exit)
 - Other similar features, subject to staff approval.
- (c) The primary entrance to a building may be shifted to the side or rear of the building, provided that faux frontages are provided facing the arterial road. Faux additions must consist of windows, doors and features simulating a store, business, or residential building. The primary entrance and other building features must adhere to Section J. Site Design Standards.
- d. No maximum lot width is prescribed for development within the Kelly Park Interchange Form-Based Code Area. However, the width of a lot shall not be justification for not meeting the building frontage requirements.

4. Street Setback Zone Design

The intent of the street setback (the area between the back of the sidewalk and the building) is to provide a transition, both physical and visual, from the street to the building. The zone created by the setback should vary in design depending on the level of privacy desired along the building façade. Commercial buildings usually have a setback zone designed to attract customers into the building, while residential and office buildings often have a setback zone designed to provide privacy to the ground floor rooms, as shown on Figure 14.

Figure 14: Examples of Street Setback Zone Activity



Examples of Street Setback Zone design: outdoor seating (left) and buffer for residential uses (right).

- a. Street setback zones in front of uses that benefit from pedestrian interaction along the front façade shall include urban landscaping such as containers and/or planter boxes that complement the building mass and architecture.
- b. Street setback zones in front of uses that do not require pedestrian interaction along the façade (e.g. offices, hotels, multifamily) may be landscaped with a combination of intermediate (understory) trees, palms, shrubs, vines and/or ground covers.

- c. Street furniture such as benches, trash receptacles, and/or bicycle racks may be installed within the street setback zone.
- d. Outdoor dining is permitted within street setback zones as long as restaurants are a permitted use in the character zone.
- e. Elements within the street setback zone (landscaping and architectural features) shall comply with the vision triangle requirements established using AASHTO standards.
- f. The proposed building ground floor along the street setback zone in the Village character zone shall contain active uses oriented to the street. Active uses may include display or floor areas for retail uses, waiting and seating areas for restaurants, atriums or lobbies for offices, and lobbies or dining areas for hotels or multi-family residential buildings
- g. Cantilevered balconies, bay windows, roof overhangs and other elements may encroach into the street setback zone as specified in Figure 16 and the following:
 - i. Storefronts. Storefronts are façades placed at or close to the setback line, with the entrance at sidewalk grade. They are conventional for retail uses and are commonly equipped with cantilevered or suspended canopies, or awning(s).
 - (a) Storefront doors shall not be recessed more than 5 feet from the front façade. When doors are recessed more than 3 feet, angled walls leading to the door are recommended to promote the visibility of the entrance.
 - (b) The storefront windows shall not have opaque or reflective glazing. Where privacy is desired for uses such as restaurants and professional services, windows may be divided into smaller panes.
 - (c) Clerestory windows are horizontal panels of glass between the storefront and the second floor. They are a traditional element of “main street” buildings, and are recommended for storefronts in the Village Center character zone.
 - (d) Doors should be well defined and detailed and should match the materials, design, and character of the display window framing.
 - (e) Cornices should be provided at the second floor (or roofline for a one-story building) to differentiate the storefront from upper levels of the building and to add visual interest. This also allows the storefront to function as the base for the rest of the building.
 - (f) High-gloss materials or fabrics that resemble plastic and alluminum shall not be permitted materials for awnings.
 - (g) The highest point of a first floor awning on a multi-story building shall not be higher than the midpoint between the top of the first story window and the bottom of the second story window sill (see Figure 15).
 - (h) Awnings should not cover architectural elements such as cornices or ornamental features (see Figure 15).

Figure 15: Awning Placement Allowed:



Prohibited: Awning Covering Architectural Elements



- (i) Shutters and awnings should be sized to match the corresponding window openings. Their shapes, materials, proportions, design, color, lettering, and hardware also need to be in character with the style of the building.
- (j) Windows shall not be blacked-out or covered with signage, furniture, or similar elements.
- ii. Galleries and arcades. Galleries are façades with an attached colonnade that may extend above the ground floor. An arcade is a type of frontage where a cantilevered shed or a lightweight colonnade is placed in front of the building to provide protection from sun and inclement weather.
 - (a) Arcades are encouraged along pedestrian commercial corridors.
 - (b) Along storefront streets, the arcade/gallery openings shall correspond to storefront entrances.
 - (c) Galleries may be one (1) or two (2) stories.
 - (d) Arcades and galleries must have consistent depth along a frontage.
- iii. Forecourts. Forecourts are uncovered courtyards within a frontage wherein a portion of the façade is recessed from the building frontage. The courtyard is suitable for outdoor activities such as dining or passive recreation.
 - (a) Forecourts are not intended to be covered; however, awnings and umbrellas are permissible and encouraged.
 - (b) The width of a forecourt shall not be more than fifty (50) percent of the main building frontage.
 - (c) Forecourts shall be paved and enhanced with landscaping.
 - (d) A fence or wall at the primary façade line may be used to define the private space of the court.
 - (e) The court may be raised from the sidewalk, creating a small retaining wall at the primary façade line with entry steps to the court.

Figure 16: Building Access Treatments



Forecourt	Stoop	Porch
<ol style="list-style-type: none"> 1. Width: 10' min. to 50% of façade width max. 2. Depth: 10' min/20' max. 3. Elevation: 18" max. above grade. 	<ol style="list-style-type: none"> 1. Width: 5' min. to 16' max. 2. Depth: 4' min. to 8' max. 3. Clear Height: 8' min. 4. Elevation: 21" min. above grade. 	<ol style="list-style-type: none"> 1. Width: 12' min. 2. Depth: 4' min. 3. Clear Height: 8' min. 4. Elevation: 21" min. above grade.

K. Building Design Standards

1. Architecture

There is not a requirement for a specific architectural style to be used. Architecture that borrows elements from recognized classical styles is encouraged, including styles typical of Florida, such as Frame Vernacular, Craftsman/Bungalow, Mission, Mediterranean, Italianate Revival, and Neo-Classical (see examples in Appendix A).

Parking garages are an integral part of an urban area and their design can have a major impact on the appearance of an area. Therefore, parking garages are subject to the same building design requirements as all other buildings.

2. Building Typology

Form-based regulations use physical form, rather than separation of land uses, as their organizing principle of a community. This section addresses building form. Buildings within the Kelly Park Interchange Form-Based Code area shall adopt one of the following building typologies based on the location of the property within one of the five character zones (see Table 8). There is no minimum building width required. The maximum width of each building, however, is restricted by the maximum length permitted for blocks.

a. Mixed-Use Building

Proposed Mixed-use buildings shall comply with the following design standards.

- i. The ground floor shall be occupied by retail, service, and/or office uses; the upper floors may include non-residential use and/or for residential dwelling units (see Figure 17).
- ii. The ground floor must be designed for maximum pedestrian interaction (shop fronts, outdoor cafes, etc.).

Figure 17. Mixed Use Buildings



b. Liner Building

The following standards shall be followed for designing liner buildings (see Section L.4 for parking structure standards).

- i. If the parking garage has more than one story, the liner building shall be at least two (2) stories in height and twenty (20) feet in depth.
- ii. The liner building shall house active uses (e.g. commercial, office, residential) along the first floor facing the public right-of-way.

- iii. The liner building, which may be attached or detached from the parking structure, shall extend for a minimum of seventy-five (75) percent of the length of the parking structure facing the street.
- iv. The liner building may be attached to or detached from the principal building they are concealing (see Figure 18), and may be in front of the parking structure or imbedded into the façade.

Figure 18. Detached Liner Building



c. Single Use Buildings

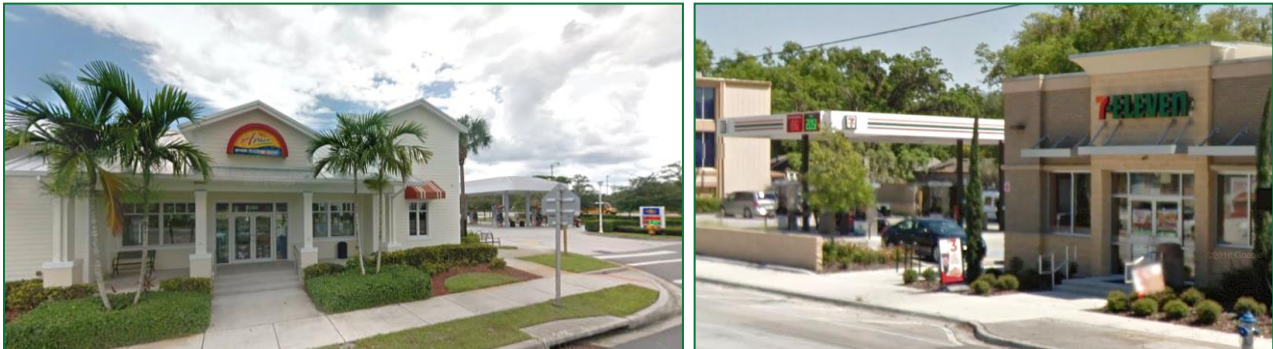
All proposed single use buildings shall comply with the following design standards. Figure 19 shows examples of single-use buildings.

- i. Buildings on corner lots shall be designed with two façades of equal architectural expression.
- ii. Big Box retail/wholesale buildings may be permitted in the appropriate character zone based on use (see Section F, Table 2) as long as the development meets all applicable site and building design requirements of this code.
- iii. Drive-through uses are permitted as noted in Section F, Table 2, and as long as they meet all the site and building design requirements of this code.
- iv. Drive-through windows shall not face streets.
- v. In addition to the design standards listed above, the following standards shall apply to gas stations sites:
 - o Service stations in the Interchange character zone are not required to meet the building frontage standards of Section J.3. However, a street wall meeting the standards of Section M.3 shall be provided to screen vehicular use areas.
 - o Auto repair bay and car wash openings, service and storage areas, and refuse enclosures shall be oriented away from public view.
 - o Gas station canopy clearance shall not exceed sixteen (16) feet in the Employment character zone and eighteen (18) feet in the Interchange character zone.
 - o Lighted bands or tubes or applied bands of corporate color (other than permitted as signage) are prohibited.
 - o Site lighting should minimize direct and reflected glare and excess brightness.
 - o Pump island design should appear well organized and should not contribute to visual clutter. All design elements should be architecturally integrated with other structures on-site (color, material, and detailing). Translucent materials and internally lighted cabinets are discouraged.

Figure 19. Single Use Buildings



Examples of appropriate design for stand-alone supermarkets



Examples of appropriate design for convenience stores/gas stations



Examples of appropriate design for stand-alone drive-through restaurants

d. Multi-Family

The following standards shall be followed for designing multi-family buildings and complexes.

- i. Developments with more than sixteen (16) dwelling units must provide a mix of unit sizes (i.e. studio, one, two, three bedroom apartments).
- ii. There shall be buildings positioned along the street, with entrances facing the right-of-way. Other buildings on the site may have their primary entry facing a central landscaped courtyard.
- iii. Balconies or loggias are encouraged.
- iv. The complex shall be designed to promote pedestrian and bicycle circulation within the development and to promote access to surrounding areas.
- v. Garages shall not dominate the site frontage, and shall, if feasible, be accessed from an alley or side street.

- vi. Multi-family complexes are encouraged to provide electric vehicle charging stations to eliminate the possibility of extension cords stretching from residences into parking areas.

Figure 20. Multi-family Complex Examples



e. Live-Work Buildings

The following standards shall be followed for live-work buildings.

- i. Live-work units shall be predominantly residential. Retail, business or personal service, or office uses may be allowed on the ground floor facing the primary street, with the residential use on upper levels or behind the non-residential use (see Figure 21).
- ii. The non-residential space is subject to appropriate business licenses.
- iii. The non-residential space on the first floor shall be oriented toward the street.
- iv. Building access may be provided as follows:
 - o Separate entrances for the first floor non-residential area and the upstairs residential occupancy area.
 - o A common entrance for the first floor non-residential area and the residential occupancy area. This first floor plan shall control access between uses through use of a small lobby, room partitions, and doors. The intent is to prevent residential occupants and/or guests from needing to travel through the non-residential space.

Figure 21. Live-Work Buildings:



f. Civic Buildings

The following standards shall be followed for designing civic buildings.

- i. Civic buildings should be placed in central locations as highly-visible focal points. They shall not be located within storefronts or shopping centers.
- ii. Where feasible, civic buildings should be close to transit stops for ease of use by pedestrians.
- iii. School sites shall accommodate (or be adjacent to) open space/recreational amenities appropriately sized for the school’s enrollment.

Figure 22. Examples of Civic Buildings



g. Single Family Residential

The following Standards shall be followed for designing single family residential buildings.

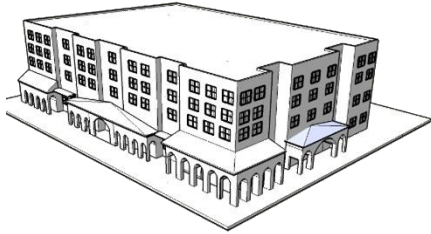
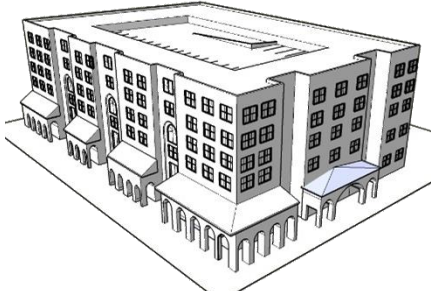
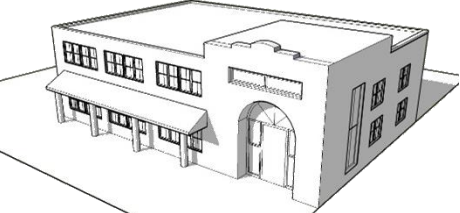
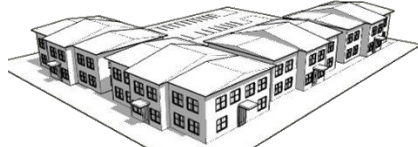
- i. Building foundations are encouraged to be elevated above the finished grade. Residential buildings should incorporate either raised concrete pads or a raised wood joist floor with perimeter foundation at a minimum of eighteen (18) inches above the finished grade.
- ii. Flat roofs are discouraged as the principal roof structure.
- iii. Garage frontage shall be limited for single family houses; garages shall not comprise more than fifty (50) percent of a building's front facade. Garage door width(s) may be used to measure the fifty (5) percent frontage requirement.
- iv. Garages shall be provided in one of two ways:
 - o Attached and recessed from the primary façade (not including porches, bays, or other minor projections) by a minimum of eight (8) four (4) feet, or
 - o Attached or detached, placed at the rear property line, and accessed by either an alley or a side yard driveway.

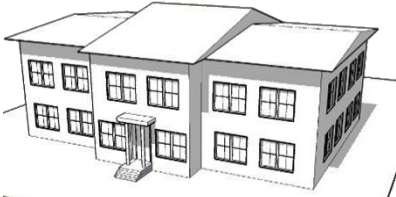

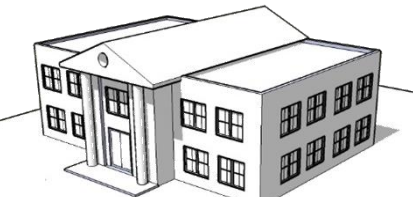
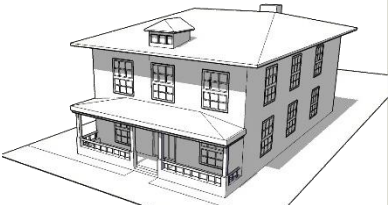
- v. Standards for stoops and porches. Stoops are elevated entry porches/stairs placed close to the frontage line where the ground floor is elevated from the sidewalk, securing privacy for the windows and front rooms. Porches are commonly associated with residential buildings, wherein the façade is set back from the frontage line with an attached porch permitted to extend into the front yard.
 - Stoops shall correspond directly with the building entry.
 - Porches may be one (1) or two (2) stories.
 - Porches shall be open and not air conditioned to be allowed to encroach into the street setback zone.
 - A minimum three (3) foot wide entry sidewalk from the front porch or stoop to the street sidewalk and driveway must be provided, depending on front porch design, with city review and approval.

Figure 23. Single Family Residential Examples



Table 8. Building Types

Building Type	Description		Allowed in*	Possible Frontage Types
<p>Mixed-Use Building</p> 	<p>A type of building designed for ground floor, street frontage occupancy by retail, service, and/ or office uses, with upper floors configured for office use or for dwelling units.</p>		<p>Village Center Employment Transition</p>	<p>Shopfront and Awning Forecourt Arcade Gallery</p>
<p>Liner Building</p> 	<p>A type of building designed to surround and visually buffer a structure with a large footprint such as large parking garage, theater, or supermarket.</p>		<p>Village Center Employment Transition Interchange</p>	<p>Shopfront and Awning Forecourt Arcade Gallery</p>
<p>Single-Use Building</p> 	<p>A type of building designed to accommodate a stand-alone commercial building. Examples include banks, restaurants, and offices.</p>		<p>Village Center Employment Interchange Transition</p>	<p>Shopfront and Awning Forecourt Arcade Gallery</p>
<p>Multi-Family Complex</p> 	<p>A type of building designed to accommodate a set of buildings containing many condominiums, apartments and ancillary functions.</p>		<p>Transition</p>	<p>Stoop Awning Porch</p>

Building Type	Description		Allowed in*	Possible Frontage Types
 <p>Multi-Family Building</p>	<p>A type of building resembling a large house, designed to accommodate a duplex, triplex or fourplex use.</p>		<p>Village Center Transition</p>	<p>Stoop Awning Porch</p>
 <p>Live-Work Unit</p>	<p>A type of building designed to accommodate a building containing live-work units, which consist of both a commercial/office and a residential component.</p>		<p>Transition</p>	<p>Shopfront and Awning</p>
 <p>Civic Building</p>	<p>A type of building designed to accommodate public or institutional uses such as a civic center, fire or police station, museum, city hall, postal services, library, or school.</p>		<p>Village Center Transition Employment Interchange Neighborhood</p>	<p>NA</p>
 <p>Single family</p>	<p>A type of building designed as a single dwelling unit with either an attached or detached garage.</p>		<p>Transition Neighborhood</p>	<p>Porch and railing Stoop</p>

* Refers to type of building, not use.

3. Green Building

Green building principles related to energy efficiency, resource protection and environmental protection (e.g. reusable building materials, light colored roof materials, living roofs to treat stormwater, energy efficient windows, solar energy, etc.) set forth by agencies such as, but not limited to, the United States Green Building Council, the Florida Green Building Coalition and similar agencies are encouraged.

4. Building Massing

Buildings shall respect and reflect pedestrian scale by using the following techniques:

- a. Variation of building height and width shall be used to divide volumes into distinct massing elements. Therefore, buildings should not exceed a height to width ratio of 1:3 or 75 horizontal feet, whichever is less, without providing a substantial volume break, which may consist of a projection or recess, a tower or bay, and/or an architecturally prominent entrance (see Figures 24 and 25). These vertical and horizontal projections and recesses shall have a minimum depth of three (3) feet.
- b. Roofs or assemblies of roofs may also be used to reduce building mass.
- c. Buildings exceeding 20,000 square feet in area, or 40,000 square feet if located in the Interchange or Employment character zones, must be articulated to appear as multiple buildings grouped together.
- d. Buildings on corner lots and buildings that terminate vistas shall incorporate distinctive architectural treatments to emphasize their prominent location.

Figure 24. Massing:

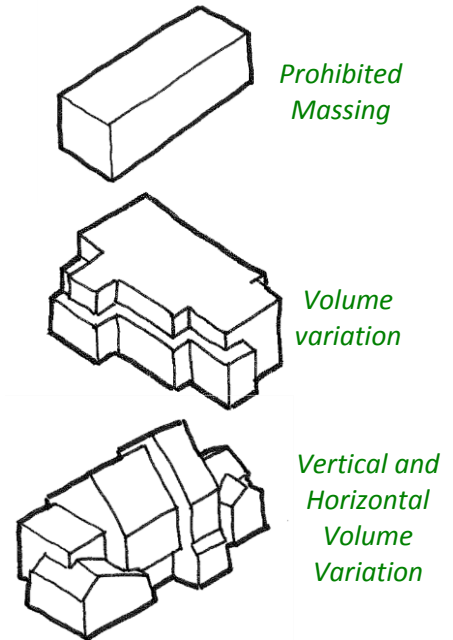
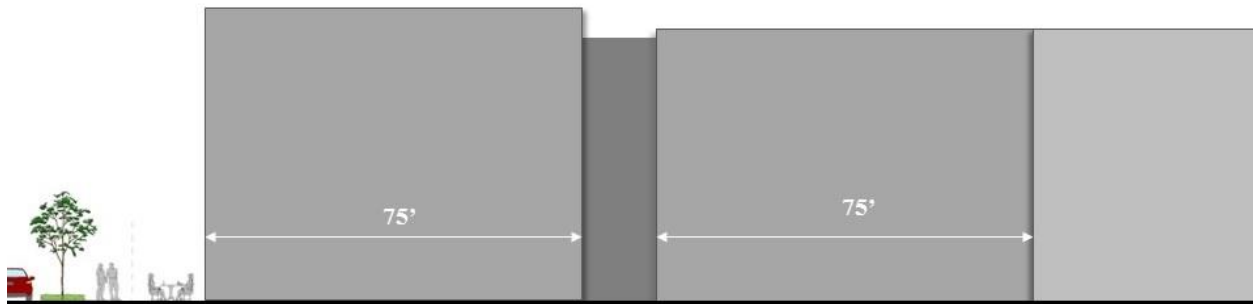


Figure 25. Building Massing



5. Façade Articulation

The standards contained in this subsection apply to all buildings and structures, including parking garages. The elements that make up a building façade are key components for defining the public realm. The façade design standards contained in this subsection are not intended to regulate style or appeal. The purpose of these standards is to ensure facades are designed to:

- Reduce the uniform monolithic appearance of large unadorned walls by requiring architectural detail;
- In the case of commercial buildings, ensure the building facades are inviting; and,
- Increase public safety by designing buildings that provide human surveillance of the street.

Building facades along public or private streets shall maintain a pedestrian scale and integrate the public and private spaces using architectural elements as follows:

- a. Non-residential, mixed-use and multi-family buildings shall be required to incorporate into their facades a minimum of three (3) design treatments from the following list (see Figures 26 and 27):
 - i. Any of the building access treatments listed in Figure 10 integrated with the building mass and style;
 - ii. Overhangs of no less than three (3) in depth;
 - iii. Raised cornice/parapets over doors;
 - iv. Expression line between floors;
 - v. An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of six (6) inches;
 - vi. Peaked roof forms;
 - vii. Clock or bell towers;
 - viii. Balconies;
 - ix. Awnings, canopies or marquees;
 - x. Windows or doors;
 - xi. Any other treatment that meets the intent of this section and is approved during the review of the master plan.
- b. Façades shall not exceed twenty (20) horizontal feet and ten (10) vertical feet without including at least one (1) of the elements mentioned in subsection a, above.

Figure 26. Façade Articulation

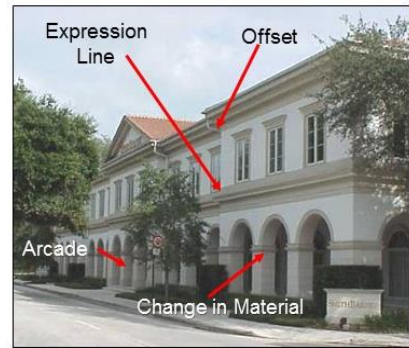


Figure 27. Examples of Façade Articulation



- c. Architectural treatments on the façade, such as cornices or expression lines, shall be continued around the sides of the building.
- d. All exterior facades of outparcel buildings shall be considered primary facades and shall employ architectural embellishment and landscape design treatments on all sides.

6. Building Entrances

- a. The *main* entrance of *all* buildings shall be oriented toward the public right-of-way (see Figures 28 and 29).
- b. Where parking areas are located behind the building, a secondary entrance may be provided from the parking area into the building. Awnings, landscaping, and appropriate signage may be used to mark the secondary entrance.
- c. Entrances on the front façade shall be operable, clearly-defined and highly-visible. In order to emphasize entrances they shall be accented by a change in materials around the door, recessed into the façade (alcove), or accented by an overhang, awning, canopy or similar feature.
- d. Pedestrian connections from the public sidewalk and parking areas to the building entrance shall be provided.
- e. Residential building entrances shall be designed with porches or stoops.

7. Windows and Doors

Development on all character zones shall meet the following standards:

- a. The arrangement of windows and doors on new non-residential buildings in the Village Center should be consistent with the main street typical pattern of windows and doors, which includes storefront-type openings on the first floor and more conservative openings on the upper stories (see Figures 30 and 31).
- b. All buildings are subject to minimum glazing requirements. The glazing percentages shall be calculated as the total area of glass (windows and glass doors), or openings in the case of parking garages, divided by the façade area as follows.

Figure 28. Corner Entrance



Figure 29. Example of Well-Defined Entrance



Figure 30. Appropriate Fenestration



- i. Non-Residential First Floor: The area of glass between 3 feet and 8 feet above grade divided by the area of the building façade also between 3 feet and 8 feet above grade (as illustrated in Figure 32) shall be no less than 30%.

Figure 32. Non-Residential Glazing

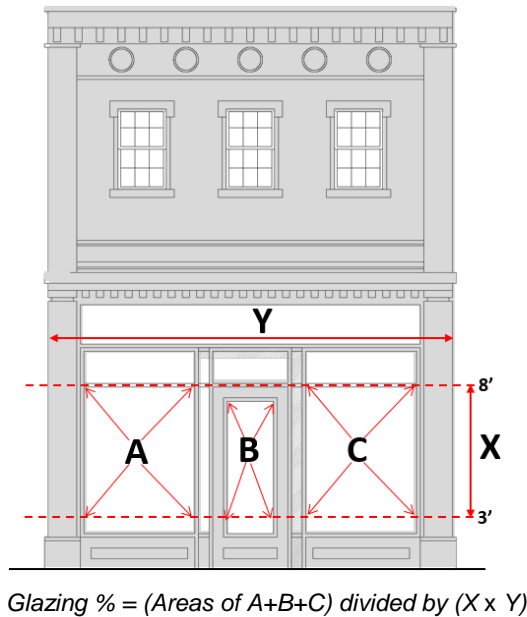


Figure 31. Inappropriate Fenestration:



- ii. Non-Residential Upper Floors: The combined area of glass on all floors above the first divided by the total area of the building façade for those floors shall be no less than 15%.
 - iii. Residential: The area of glass divided by the area of the façade shall be no less than 10%.
- c. Glass walls shall not be allowed in the Village Center character zone. There is no limit on how much glazing is provided in other zones. However, if glass walls are utilized, an architectural feature, such as a canopy/marquee, overhang, or a horizontal change in plane shall be provided between the first and second floors along the entire front façade to ensure pedestrian scale at the sidewalk level (see Figure 33).

Figure 33. Glass Facades



Not Allowed



Allowed



- d. Windows and doors should be glazed in clear glass with no more than ten (10) percent daylight reduction (transmittance) for retail establishments, and fifty (50) percent for office and residential uses. Glass block is not considered transparent and shall not count toward the minimum glazing requirement.
- e. Reflectance shall not exceed fifteen (15) percent.
- f. Stained or art glass shall only be permitted if consistent with the style of the building (churches, craftsman buildings, etc.).

8. Building Materials

Building materials that are visible from the street should not be selected on the basis of cost alone, but rather on compatibility with the building style and neighborhood character.

- a. Encouraged Materials
 - Concrete masonry units with stucco
 - Reinforced concrete with stucco
 - Brick
 - “Hardie-Plank” siding
 - Wood lap board siding
 - Stone
- b. Prohibited Materials:
 - Cedar shakes, wood shingles or shakes
 - Metal/steel walls
 - Corrugated or reflective metal panels (not including metal roofs)
 - Unfinished block
 - Textured plywood
 - Mirrored glass (as a modern building architecture style > 40%)
 - Pre-engineered metal buildings
 - Plastic siding (non-residential only)
 - Tile (except as an architectural accent)
 - Chain link fencing
 - Polyurethane and polystyrene foam products (except as an architectural accent)

9. Building Colors

- a. No less than two (2) and no more than three (3) different colors or color shades (one primary/body color, and no more than 2 accent/trim colors) shall be used on a single building (see Figure 34).
- b. Building, trim and detail colors must be complementary and shall not be used for advertisement.
- c. Building colors should be selected based on the architectural style of the building.
- d. Black, fluorescent, or neon as the predominant exterior color is prohibited (see Figure 35).
- e. A solid line band of color or group of strips, without a change in plane or material, shall not be used for architectural detail.
- f. The same color scheme shall be used all the way around the building, even if some of the building facades are not visible from the street.

Figure 34. Appropriate Colors



Figure 35. Inappropriate Color Schemes



10. Roof Design

- a. Roofs shall be in scale with the building mass. Therefore, they shall not exceed the height of the supporting walls.
- b. Building elevations shall have a defined top edge consisting of, but not limited to, cornice treatments, roof overhangs, brackets, and/or stepped parapets. Colored stripes/bands on flat roofs are not acceptable as a recognizable top.
- c. Buildings with flat roofs shall have a cornice treatment or a parapet. The cornice shall be at least eighteen (18) inches in height. Parapet shall be a minimum of two (2) feet in height.
- d. Roof materials shall be light-colored or a planted surface (green roof).
- e. Prohibited roof types and materials:
 - i. Mansard roofs and canopies
 - ii. Roofs with a 2/12 pitch or less without full parapet coverage
 - iii. Back-lit awnings used as a mansard or canopy roof

11. Service Areas

The following standards apply to multi-family and non-residential developments.

- a. To the extent possible, areas for outdoor storage, trash collection, and loading shall be incorporated into the primary building design (see Figure 36) and shall not be located within 50 feet of single family residential lots.
- b. Loading areas, outdoor storage, waste disposal, mechanical equipment, satellite dishes, truck parking, and other service support equipment shall be located behind the building line and shall be fully screened from the view of the street and adjacent properties both at ground and rooftop levels.
- c. Mechanical equipment should be integrated into the overall mass of a building by screening it behind parapets or by recessing equipment into hips, gables, parapets, or similar features (see Figure 37).

Figure 36. Loading Area Screening

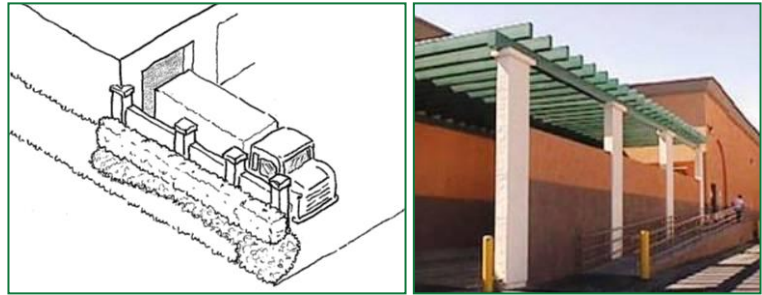


Figure 37. Rooftop Units Screening



Allowed



Not Allowed

- d. Shopping cart storage shall be located inside the building or shall be screened by a four (4) foot wall consistent with the building architecture and materials.
- e. Shopping cart corrals in the parking lot shall have no signage and shall not take parking spaces that are required to meet the minimum parking requirements.

L. Access, Circulation and Parking Requirements

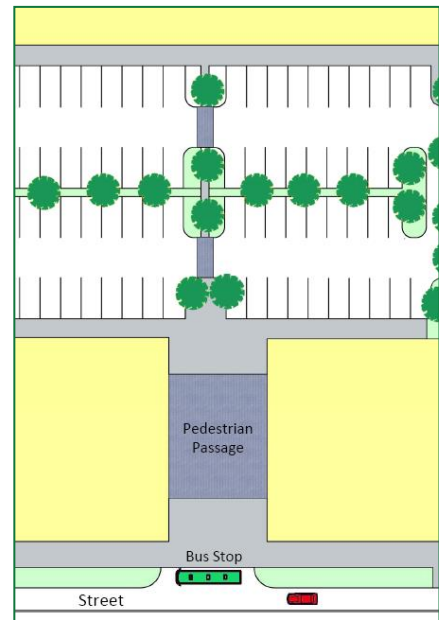
1. Site Access.

The number of driveways along Kelly Park Road, Golden Gem Road and Plymouth Sorrento Road shall be minimized. Properties along these roads shall explore the feasibility of connecting to adjacent sites rather than providing their own driveways. The standards of LDC Section 6.02.10 regarding driveway separation shall be met.

2. On-Site Circulation

1. New developments must seek to create a balanced transportation system that accommodates pedestrians, bicyclists, and transit riders, as well as motor vehicles, and provides a system of connections to maximize choices for all modes of travel. Figure 38 provides an illustrative example of pedestrian, transit and parking linkages.
2. The use of joint access driveways is required between commercial sites to reduce the number of access points and driveways that cross sidewalks.
3. Safe pedestrian connections shall be provided not only along the perimeter of the blocks but also throughout the interior of development sites.
4. Direct pedestrian access shall be provided from the principal entrance of the building to the sidewalk on the closest public right-of-way.
5. Additional/secondary pedestrian access to businesses may be provided from parking facilities directly to ground floor uses, either through rear building entrances, sidewalks along the perimeter of buildings, or by pedestrian alleyways which connect the rear parking lots to the sidewalks along the front street. Pedestrian passageways may be exterior and located between buildings, or may be incorporated into the interior design of a structure. The pedestrian alleyways shall be a minimum of five (5) feet wide.
6. Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in materials and/or grade elevation.
7. Crosswalks are required wherever a pedestrian sidewalk or alleyway intersects a vehicular area. All crosswalks shall be a minimum of five (5) feet wide and shall be paved with concrete modular paving or integrally poured concrete.
8. All new development is encouraged to provide connections to existing bike and pedestrian pathways.
9. Installed bicycle racks shall be designed to accommodate the minimum number of bicycles as set forth in Section L (Parking Requirements).
10. Bicycle racks shall be permanently fixed to the ground through mechanical fasteners or through the use of concrete footings.
11. The design of bicycle racks placed within the development site shall coordinate with the overall design scheme of the subject site in terms of color and material. Bike racks placed within the right-of-way shall comply with the requirements of Section P, Street Standards.
12. Developments of 50,000 gross square feet or more which are adjacent to an arterial street—which is or may be used as a transit route—shall provide access for on-site public transit. The public transit stop shall include a bus pullout and shelter. It is recommended that the specific design requirements and examples of transit stops, pull-out facilities, and other transit amenities conform to the LYNX Design Standards.

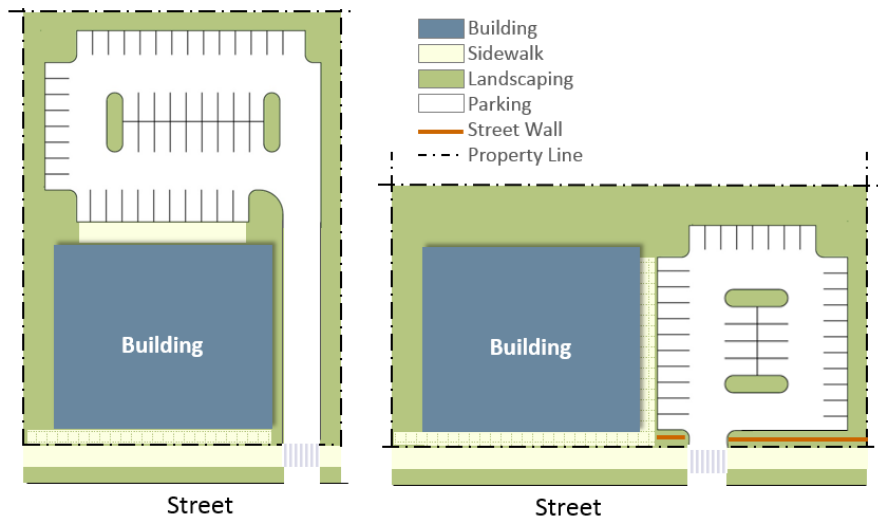
Figure 38. Pedestrian Linkages:



3. Location of Parking Facilities

- a. Surface parking lots shall be located behind buildings so that the parking areas are screened from public sidewalks and streets.
- b. Where a site is too narrow or shallow to provide parking behind the building, the placement of parking facilities and vehicular driveways is permitted on the side of the proposed building (see Figure 39) only if the building setback requirements are met and a modification of standards for the minimum building frontage (if necessary to accommodate the parking area) is approved (See Section E.3, Modification of Standards). The vehicular areas shall be screened from the road by a street wall (see Section M.3). Design conflicts between vehicular and pedestrian movement generally shall be decided in favor of the design which promotes pedestrian circulation.

Figure 39: Parking on the Rear or Side



- c. Garages serving single family homes and duplex units are encouraged to be provided facing alleys and are required to comply with the citywide Development Design Guidelines (LDC Section 6.09.00).
- d. Surface and structure parking areas shall be accessed from a secondary street, from an adjacent property (joint access easement and shared use agreement necessary), or from rear alleys if any of these are available or proposed as part of the development (see Figures 40 and 41). Access through single family residential neighborhoods, however, shall not be allowed.
- e. Any surface parking areas located along a public street shall be screened from street view by a street wall. See wall standards in Section M.3.

Figure 40: Site Access

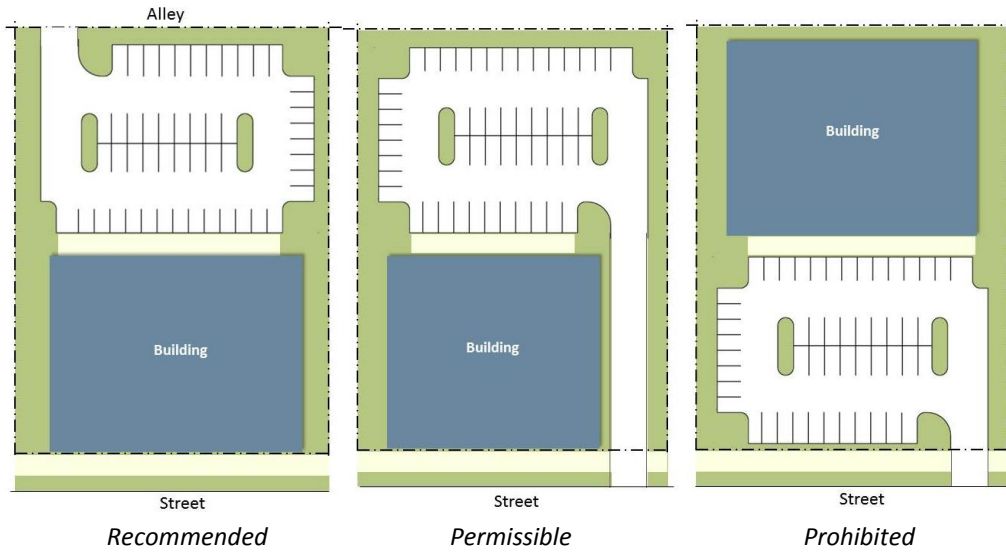
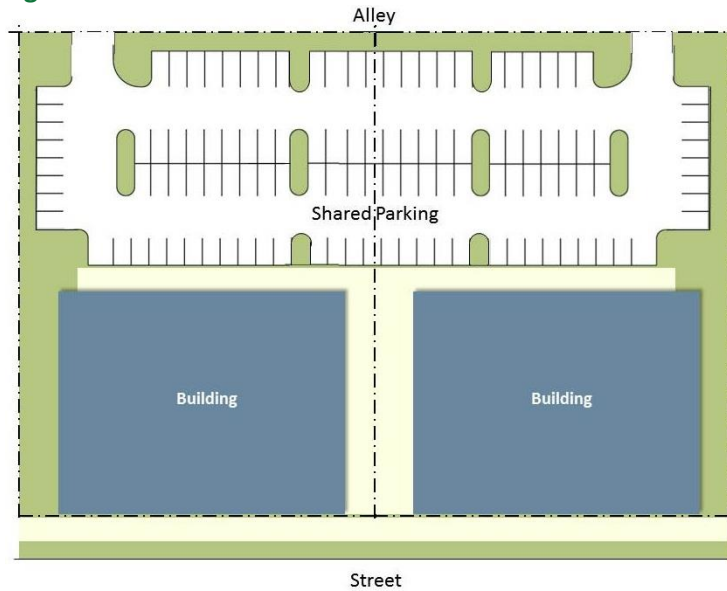


Figure 41: Shared Parking.



4. Parking Garages

- a. Parking structures facing Type A, B or C streets (see Section P) shall be placed behind a liner building that houses active uses (see standards for liner buildings in Section K.1.b). See Figure 43.
- b. Liner buildings are not required along other streets. However, any portion of a parking garage that is not concealed behind a building shall be screened to conceal all internal elements such as plumbing pipes, fans, ducts and lighting. Ramping should be internalized wherever possible. Exposed spandrels shall be prohibited (see Figure 42).

Figure 42. Exposed spandrels

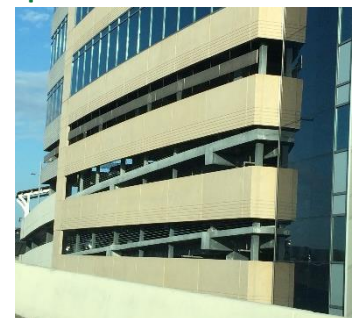
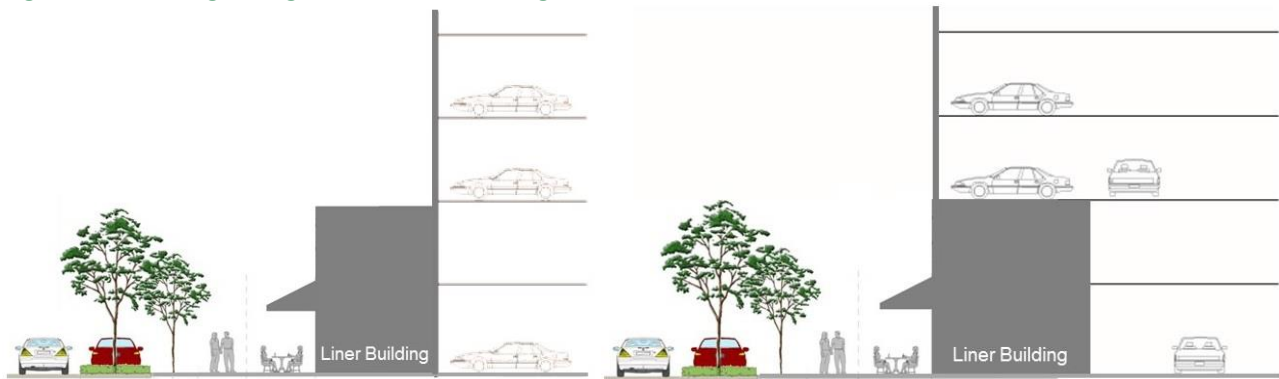


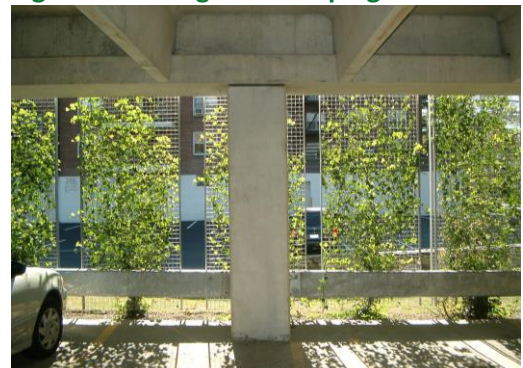
Figure 43: Parking Garages and Liner Buildings



c. Parking garages not concealed behind liner buildings or active uses (e.g. commercial, office, residential) shall provide a landscaping strip along the facade as follows:

- i. The landscaping strip shall have a minimum depth of 8 feet; and
- ii. A minimum of five (5) understory trees per 100 linear feet and a row of evergreen shrubs shall be planted along the strip. Vines growing on a metal mesh mounted on the wall of the parking garage are encouraged (Figure 44).

Figure 44: Garage Landscaping



- d. The exterior facades of all parking garages shall be designed as to achieve architectural unity with the principal structure(s) which they are intended to serve.
- e. Parking structures shall meet setback, height, façade articulation and glazing standards contained in this code.

5. Parking for Single Uses

Off-street parking for developments that propose only one type of land use shall meet the standards listed in Table 9. These standards shall be considered the maximum allowed for all single-use developments in the Village Center character zone. In all other zones, these are the minimum standards required. Spaces above or below the minimum/maximum may be permitted if the need is demonstrated by a parking study. Uses not specifically listed shall meet the parking requirements stated in the City's Land Development Code.

Table 9. Off-Street Parking Requirements

Use	Vehicular Parking Spaces	Bicycle Parking
Single Family Residential	2/unit	NA
Townhouse/Multi-Family	3+ bedrooms: 2.5/unit 2 bedrooms: 2/unit 1 bedroom: 1.5/unit efficiency: 1.5/unit	1 per every 5 units
Live/Work Units	3+ bedrooms: 2/unit 2 bedrooms: 1.75/unit 1 bedroom: 1.5/unit efficiency: 1.5/unit	1 per every 5 units
Community/Cultural Center*	1 per 5 persons based on maximum occupancy permitted by fire code in the main assembly area. If no main assembly area, 3 per 1,000 sq. ft. of gross floor area.	0.7 per 1,000 sq. ft. of gross floor area
Government Use	3 per 1,000 sq. ft. of gross floor area.	0.7 per 1,000 sq. ft. of gross floor area
Day Care Facilities	1 per 10 persons based on the facility’s regulated capacity, with a minimum of 4 spaces, plus 1 parking space per every employee at maximum staff level	0.7 per 1,000 sq. ft. of gross floor area
Theater/Entertainment*	1 per every 3 seats, or 7 per 1,000 sq. ft. of gross floor area.	5% of required number of vehicular parking spaces
Office (all types)	4 per 1,000 sq. ft. of gross leasable area (GLA).	0.7 per 1,000 sq. ft. of gross floor area
Hotel/Motel	1 per room, and 60% of the required number of spaces for each integrated, secondary retail, restaurant, entertainment, or office use.	5% of required number of vehicular parking spaces
Restaurant	4, plus 1 for each 3 seats of seating capacity (indoor and outdoor)	1 per 1,000 sq. ft. of gross floor area
Commercial Retail	3.5 per 1,000 sq. ft. of gross leasable area (GLA).	5% of required number of parking spaces

For uses not addressed in this Table or the LDC, parking requirements shall be determined by the City at the time of development plan approval.

6. Parking for Mixed-Use Developments

When any land or building accommodates two (2) or more categories of uses the minimum total number of required parking spaces for each use may be reduced through shared parking.

Off-site parking facilities may be counted in shared parking calculations for private development if the facility is within five hundred (500) feet of the development, until the capacity of the off-site parking facility is reached. An off-site parking facility is any City or privately-owned facility not residing on the

property of the development. The off-site parking facility may or may not be owned by the owner of the development.

On-street parking spaces wholly adjacent to the property to be developed shall be credited toward off-street parking requirements.

The shared parking reduction shall be calculated as follows:

Step 1: Categorize the uses according to the ten (10) categories listed in the use column of Table 9.

Step 2: Add together the minimum required parking for each individual use category, using the ratios set out in Table 9.

Step 3: Subtract from the each individual sum the number of spaces which are reserved for use by specified individuals or classes of individuals such as spaces for emergency vehicles or for the handicap.

Step 4: Create a shared parking matrix by multiplying the results of Step 3 by the percentages listed in Table 10.

Step 5: Add together the cells containing the number of spaces in each of the six (6) vertical columns in the shared parking matrix.

Results: The minimum parking requirement is the highest sum resulting from the foregoing addition, plus the total number of spaces which are reserved for use by specific individuals or classes of individuals, minus the adjacent on-street parking. Table 11 shows an example of applying the shared parking methodology to a proposed mixed use development.

Several parcels may use an areawide parking program to provide the necessary parking collectively as follows:

- a. The minimum required number of parking spaces for an area wide parking program shall be calculated using shared parking methodology.
- b. The owners of those parcels that wish to be considered collectively with regard to parking shall enter into parking agreements that demonstrate how the parking requirements are satisfied.
- c. Adequate pedestrian connections among sharing uses and the parking facility shall be provided. The installation of barriers or the use of inadequate walkways that limit use of shared parking shall not be permitted.
- d. The parking agreement shall be in a recordable form acceptable to the City Attorney.
- e. The parking agreement shall be recorded by the property owners in the public records of Orange County, with a copy of the document indicating that such recording was provided to the City.

Table 10. Shared Parking Usage Percentages for Mixed-Use Development

USE	WEEKDAY			WEEKEND		
	1 am – 7 am	7 am – 6 pm	6 pm – 1 am	1 am – 7 am	7 am – 6 pm	6 pm – 1 am
Residential/ Townhouse	100%	60%	100%	100%	75%	95%
Flex Space /24-7 reserved parking	100%	100%	100%	100%	100%	100%
Community / Cultural Center	0%	100%	10%	0%	100%	30%
Government use	0%	100%	10%	0%	10%	0%
Day Care Facilities	0%	100%	0%	0%	0%	0%
Theater/ Entertainment	0%	40%	100%	0%	80%	100%
Office	5%	100%	5%	0%	15%	0%
Hotel/Motel	100%	55%	90%	100%	55%	90%
Restaurant*	20%	70%	100%	30%	75%	100%
Commercial Retail	0%	100%	80%	0%	100%	60%

*not 24 hours

Table 11. Shared Parking Example

USE	Units/SF	Space per Unit or 1,000 SF	Total	Less H.C.	Subtotal	WEEKDAY						WEEKEND					
						1am – 7am	Spaces	7am – 6pm	Spaces	6pm – 1am	Spaces	1am – 7am	Spaces	7am – 6pm	Spaces	6pm – 1am	Spaces
2 Bedroom Apt	52	1.75	91	2	89	100%	89	60%	53	100%	89	100%	89	75%	67	95%	85
Office	15,000	3	45	2	43	5%	2	100%	43	5%	2	0%	0	15%	6	0%	0
Retail	10,000	3.5	35	2	33	0%	0	100%	33	80%	26	0%	0	100%	33	60%	20
Restaurant	7,000	5	35	2	33	20%	7	70%	23	100%	33	30%	10	75%	25	100%	33
Totals			206	8	198		98		153		151		99		131		137

Note: 10 on-street parking spaces can be utilized for required parking.

As illustrated in **Table 9**, the highest parking space demand (153 spaces) occurs weekdays between 7 am and 6 pm. To this amount the 8 required handicap spaces are added and the 10 abutting “on-street” spaces are subtracted from the shared total resulting in 151 required off-street spaces.

Using the non-shared (traditional) methodology, a total of 206 spaces would be required (198 regular spaces plus 8 handicap spaces).

7. Additional Parking Reductions

Additional reductions may be approved if one of the following is met:

- a. A parking study is submitted demonstrating the amount of parking needed.
- b. Non-residential developments within a one-half mile from a transit center or bus stops are eligible for the following:
 - i. The minimum number of parking spaces may be reduced by up to 10% for sites in which the closest portion of the requested parcel is no more than a 1/8 of a mile (660 linear feet) radius from a bus stop.
 - ii. The minimum number of parking spaces may be reduced by up to 5 percent for sites in which the closest portion of the requested parcel is no more than a 1/4 of a mile (1320 linear feet) radius from a bus stop.

The distances specified shall be measured in a straight line from the nearest property line of the development site to the nearest bus stop.

M. Landscape, Buffering and Screening

Landscape installation and irrigation shall be consistent with Section 5.01.00 of the City of Apopka Land Development Code, except for the following:

1. Landscape Materials

All plant materials shall be chosen from the Florida-Friendly Plant Database (Central Florida Region). This database, which is maintained by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), may be accessed online at: www.floridayards.org/fyplants/index.php

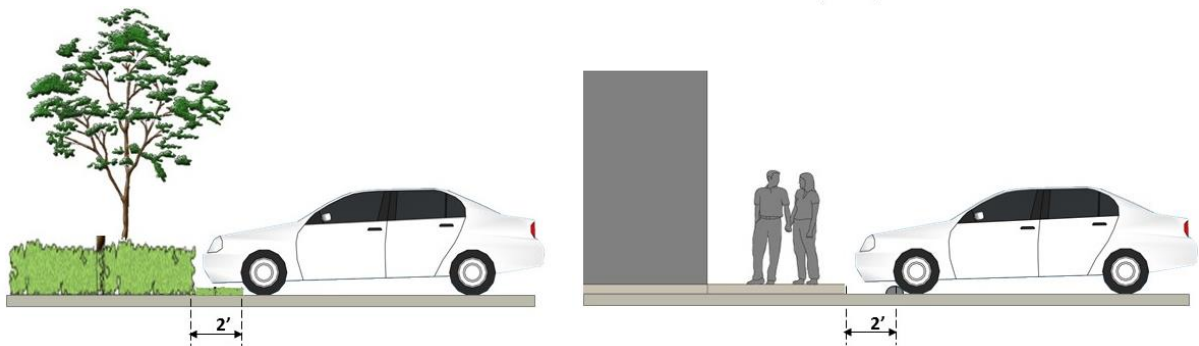
All proposed trees and plant materials shall be graded as Nursery Grade No. 1 or better as outlined by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry "Grades and Standards for Nursery Plants" (latest edition, as revised from time to time).

2. Parking Lot Landscaping and Lighting

- a. Large parking lots shall be visually and functionally segmented into smaller lots with landscaped islands and canopy trees. The design of parking areas should avoid the appearance of large masses of parked cars. Landscape strips at least ten (10) feet wide shall be provided between parking bays of either head-in or diagonal parking. Trees shall be planted a maximum of fifty (50) feet on center along the length of the landscape strip.
- b. No more than ten (10) consecutive parking stalls are permitted without a landscape island a minimum of ten (10) feet wide and extending the entire length of the parking stall. A minimum of one canopy tree or either two understory trees or three palm trees shall be planted in each landscape island. A minimum of five (5) shrubs per 144 square feet shall also be planted in the landscape island.
- c. Parking lot layout, landscaping, buffering, and screening should minimize direct views of parked vehicles from streets and sidewalks; prevent spill-over light, glare, noise, and exhaust fumes from infringing on adjacent properties; and provide the required tree canopy shade.
- d. Any landscaping adjacent to the front of a parking space shall include a (2) foot wide strip of gravel, mulch or grass, so that the front of the parked vehicle can overhang without interfering with taller plantings (see Figure 45).

- e. Parking spaces adjacent to a sidewalk must have wheel stops placed two (2) feet from the sidewalk so that the car overhang does not reduce the width of the sidewalk (see Figure 45).
- f. At the time of planting, trees within rights-of-way and public parking areas shall meet the following standards:
 - i. Trees shall have a minimum caliper of two and a half (2.5) inches measured at six (6) inches above the ground, as defined in Part III, Article II: Land Use: Type, Density, Intensity - Apopka LDC.
 - ii. Trees shall have a minimum height of eight (8) feet at planting.
 - iii. Canopy trees that are planted closer than five (5) feet from the back of a curb, sidewalk, or building shall be planted with a root barrier control method approved by the City.
 - iv. Tree and site lighting locations shall not be in conflict.

Figure 45: Parking Overhang



- g. Parking lot light fixtures shall be designed so that light is directed onto the parking area and away from neighboring residential lots.
- h. The design, color, shape, style, and materials of the fixtures shall match or complement the style and materials of the buildings served.
- i. Lighting fixtures in parking lots adjacent to residential zones shall not exceed twenty (20) feet in height as measured from the adjacent grade to the top of the light fixture.

3. Buffers and Screening

Buffers shall be provided as required by the Land Development Code, except that no buffer shall be required between the building and the street, or between similar uses unless specifically required as part of a Public Hearing review.

Urban street walls (see Figure 46) are the only type of fence/wall allowed facing streets and alleys. A street wall shall be required along the perimeter of a surface parking lot that abuts a street or alley. Whenever a street wall is provided, it shall meet the following standards:

- a. The wall shall be a minimum of three (3) feet and a maximum of five (5) feet in height. Walls greater than three (3) feet in height above grade shall be no more than fifty (50) percent solid.
- b. Street walls shall be constructed of wrought iron, brick, masonry, stone, powder-coated aluminum or other decorative materials that complement the finish on the primary building. Chain link, wood and PVC street walls shall be prohibited.

- c. When a parking lot abuts a public right-of-way, ground cover, hedges, or shrubs shall be installed on both sides of the wall. The landscaping strips shall be a minimum of three (3) feet wide. The area in front of a street wall may be landscaped or used to expand the public sidewalk (see Figure 47).
- d. Breaks should be permitted in the street wall to provide pedestrian access to the site and for the purpose of tree protection.

Figure 46. Street Wall Examples



Figure 47. Street Wall Location and Landscaping



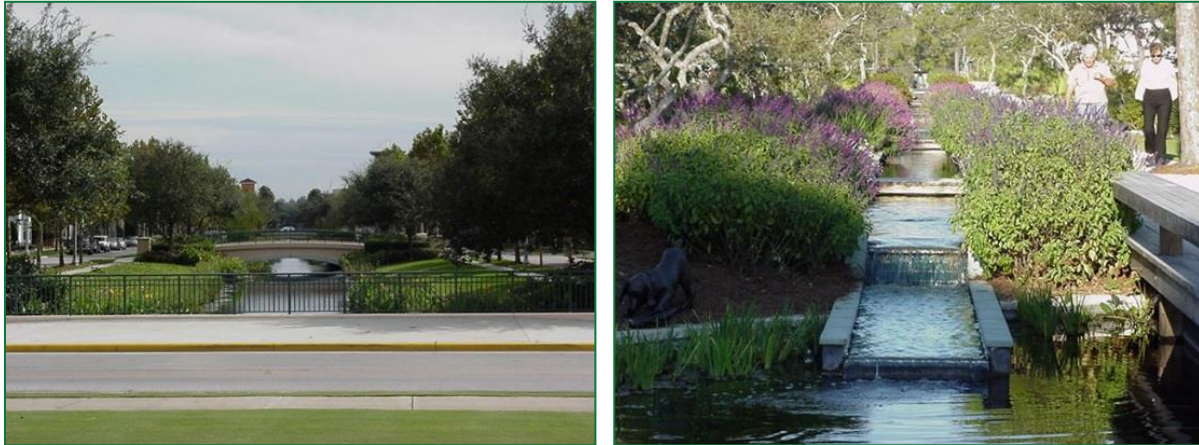
N. Stormwater

Developers are encouraged to connect to a master stormwater system, rather than providing an on-site facility. If a master stormwater system is anticipated, site specific ponds shall be removed and connection to the master system shall be required. Until such time as a master system is available, development is subject to the following requirements:

1. All retention areas shall be incorporated into the overall design of the project.
2. Wet stormwater areas shall be designed as amenities (see Figure 48). Features such as fountains or aerators are encouraged to accent the ponds and provide adequate aeration to prevent stagnation and fish kills. Other features may include bridges and boardwalks.
3. Wet bottom ponds in character zones other than Neighborhood and Employment may only be allowed subject to Special Exception approval.
4. Landscaping is required to soften the visual appearance of wet retention pond edges. Native trees and shrubs shall be used. No exotic invasive plants are permitted.

5. Where slopes require fencing, only ornamental metal will be allowed.
6. Ponds shall not be located adjacent to public rights-of-way; they must be located to the side or rear of a development.
7. To reduce the size of stormwater ponds that are not designed as amenities, the use of porous concrete, underground storage, and exfiltration is greatly encouraged. Each of these options may increase the amount of developable land or undisturbed open space.

Figure 48. Example of Integrated Retention Areas



O. Signs

Development within the Kelly Park Interchange Form-Based Code Area shall comply with the sign standards of this section in addition to the standards contained in the citywide sign code. Billboard shall not be allowed within the Kelly Park Interchange Form-Based Code area. If any sign standards in this document are in disagreement with the existing Sign Code, the standards detailed in this document take precedent.

1. Building Signs

Each business shall be allowed up to two (2) building signs per business frontage, and each site may be eligible for a freestanding sign, as noted below.

a. Number and Types of Signs Allowed

- a. Two business identification sign attached to the building shall be allowed per business frontage on a public street. The types of signs allowed are as follows:
 - i. Wall Sign: A sign that is attached flat to a building wall.



- ii. Canopy Sign: A sign which is suspended from, attached to, supported from or forms a part of a canopy.



- iii. Awning Sign: A sign that is painted, silk-screened, stitched on, imprinted on or otherwise applied directly onto the fabric of the awning.



- iv. Projecting Sign (Bracket Sign) – A sign which is affixed and displayed perpendicular to any building wall or structure.



- v. Hanging Sign: a sign that is placed under a canopy, awning or arcade, perpendicular to the building façade, and not intended to be seen by motorists.



- vi. Window Sign: A permanent sign affixed to, or painted on either face of a window or glass door that leads to the exterior of the building. Signs suspended within three (3) feet behind the glass are also deemed window signs.



b. Building Sign Size

The aggregate area for all building signs together shall not exceed two (2) square feet in area for each foot of frontage of building displaying sign. The total square footage of wall signs allowed shall not exceed 200 square feet.

c. Building Sign Standards

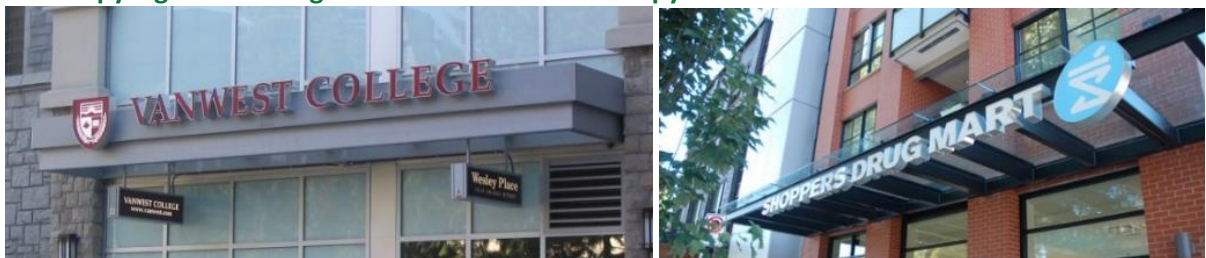
- i. Wall signs shall be either a panel or individual letters applied to the wall, shall not project from the wall by more than 12 inches, shall not extend above the top pf the wall where it is located, and in the case of two story buildings, it shall be placed between the first and second floor windows. Signs painted directly onto the façade are not allowed.
- ii. The total area of wall sign shall not exceed 15 percent of the height of the façade where the sign is to be installed multiplied by the building frontage (see Section J.3 for calculation of building frontage), or two hundred (200) square feet, whichever is less.
- iii. Wall signs shall not extend closer than two (2) feet to the side edges of the façade.
- iv. Wall signs shall be permitted above the second story provided they are attached flat against the building wall fronting on or perpendicular to the Parkway, even if that is not a principal façade (see Figure 49).

Figure 49. Wall Sign Above Second Story



- v. Projecting signs may be read horizontally or vertically and may extend into the building setback zone, but not over the public right-of-way. They shall have a clearance of 8 feet from the ground and shall not exceed the height of the building wall where installed.
- vi. Canopy signs shall not exceed 75 percent of the width of the canopy. They are allowed to be placed fully or partially above or below the edge of the canopy (see Figure 50), provided the sign consists of individual letters (as opposed to a panel). Canopy signs are also allowed to hang from the bottom of the canopy facing the street. An 8 foot clearance shall be provided.

Figure 50. Canopy Signs extending above and below the canopy



- vii. Awning signs may extend up to 75 percent of the width of the awning but shall not cover more than 30% of the surface of the awning facing the street.
- viii. Window signs (silk screen, vinyl letters, gold leaf, hand painted or neon) shall not occupy more than 25% of the glass window or door, and may be allowed for first and second story businesses.
- ix. Hanging signs shall not count toward the maximum sign area allowed, provided they are placed under the awning or canopy, perpendicular to the building, and near the front door of the business. Such signs shall have an 8 foot minimum vertical clearance as measured from grade to the bottom of the sign, and a maximum height of 2 feet.
- x. Portable signs, streamers and pennants are specifically prohibited.
- xi. Blinking lights, bulbs facing the road, changeable and moveable message boards and electronic message signs are not permitted.
- xii. Signs shall not obscure architectural details such as windows, cornice, decorative brickwork and storefronts. No portion of a building sign shall extend below the lowest point of the roof or above the top edge of the parapet of the building to which it is attached.

d. Building Sign Illumination

Signs may have interior or exterior illumination sources (see Figure 51). However, signs illuminated from an exterior light fixture are preferred. There shall be no illuminated signs facing a single family home.

Figure 51. Permitted Sign Illumination

Preferred (exterior illumination):



Discouraged (internal illumination):



2. Free Standing Signs

Freestanding signs, in the form of pole or monument signs (see Figure 52), or incorporated into the street wall, are allowed as follows:

Figure 52. Pole and Monument Signs



- a. Developments are allowed 1 freestanding sign per street frontage at a rate of 0.5 square feet of sign for every foot of site frontage on a street. The sign, however, shall not exceed 100 square feet.
- b. The only type of freestanding sign allowed in the Village Core and the Transitional Character District is a sign on the street wall. The sign shall not exceed a maximum of 36 square feet, shall be placed flat on the wall, and may reach a height of 6 feet measured from the ground (see Figure 53).

Figure 53. Street Wall Signs



- c. In the Interchange and Employment character zones, freestanding signs shall not be placed in front of or within 5 feet from any portion of the building meeting the street setback requirement. They may, however, be allowed in front of parking areas or where the building is recessed.
- d. Pole signs shall not exceed a height of 12 feet and monument signs shall not exceed 6 feet measured from the adjacent sidewalk. Monument signs are preferred to avoid visibility conflicts with street trees.
- e. Pole signs shall provide a clearance of 8 feet from the ground. The supporting poles may not exceed 2 feet x 3 feet.

3. Multiple Use Developments

A sign master plan for mixed-use developments shall be prepared and submitted for City approval.

P. Street Standards

1. Responsibility for Improvements.

- a. The developer shall be responsible for the provision of streets within the development including curbing, the parkway (landscaping strip between the sidewalk and the travel lane) and sidewalks along all streets, other than State roadways.
- b. Along county roads, the developer shall comply with county requirements for improvements along the right-of-way if different than the requirements contained in this code.
- c. Developers shall consider transportation demand strategies, such as vanpool/ridesharing programs, parking management and pricing, transit vouchers, pre-tax incentives, telecommuting, flextime, and other trip reduction strategies to minimize vehicular traffic congestion.

2. Street Design

Streets in the Kelly Park Interchange Form-Based Code area must be designed with the primary goal of assuring pedestrian comfort, safety **and accessibility**. All streets must be public. Gated developments are prohibited. The design of each street must adhere to the specifications and cross-section illustrations for each street type provided in this section unless an alternative plan is approved by the City Engineer. The following standards shall also apply:

- a. Smaller curb radii than required in Table 12 may be used in conjunction with mountable curbs
- b. Type D Streets are permitted in the Neighborhood character zone only if connecting Type B streets to other Type B streets or collectors.
- c. Parking permitted on one side of street only on Type E streets if the existing right-of-way width is limited.
- d. Table 12 shows the location criteria for utilities. Dry utilities such as cable, electric and phone should be placed within the alley right-of-way. If no alley exists then they should be placed under the public sidewalk. Figure 55 shows an example of utility location within the right-of-way.
- e. Street trees planted within a landscape zone of less than 8' in width must utilize an acceptable method to ensure adequate area for tree roots (e.g. tree wells, tree grates, etc.). Landscape zones, where required, may be provided as bulb outs where parallel parking is provided. However, the minimum sidewalk width must then be widened by 2' and the required trees must be provided within the bulb outs.

Figure 54 shows the terminology used for the street components addressed in this section and Figure 56 shows a conceptual diagram of the street typology.

3. Complete Streets

Streets and pedestrian facilities should all incorporate the Complete Streets design concept wherever possible. Complete Streets serves the transportation needs of transportation users for all ages and abilities, including but not limited to pedestrians, bicyclists, transit riders, motorists, and freight handlers.

With a Complete Streets approach, roadway projects are uniquely planned and designed to serve the context of that roadway and the safety, comfort, and mobility of all users. In urban settings where high volumes of pedestrians, bicyclists, and transit users are expected or desired, a

roadway could include features such as wide sidewalks, bicycle facilities, transit stops, landscaping, lighting, and frequent, safe pedestrian crossing opportunities.

Complete streets promote connectivity by offering people access to an interconnected network of pedestrian, bicycle, transit and roadway facilities. These also help to spur private investment and enhance economic opportunity and prosperity.

Complete Streets provide opportunities for increased physical activity and improved community health by incorporating features that promote regular walking, bicycling, and transit use.

Figure 54. Public Right-of-Way/Street Components

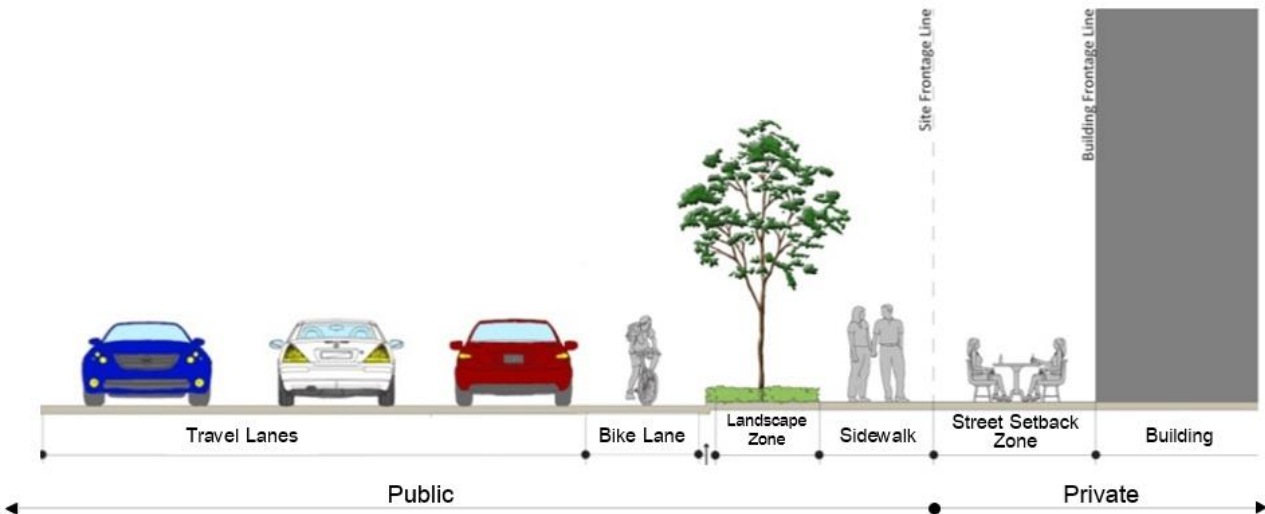
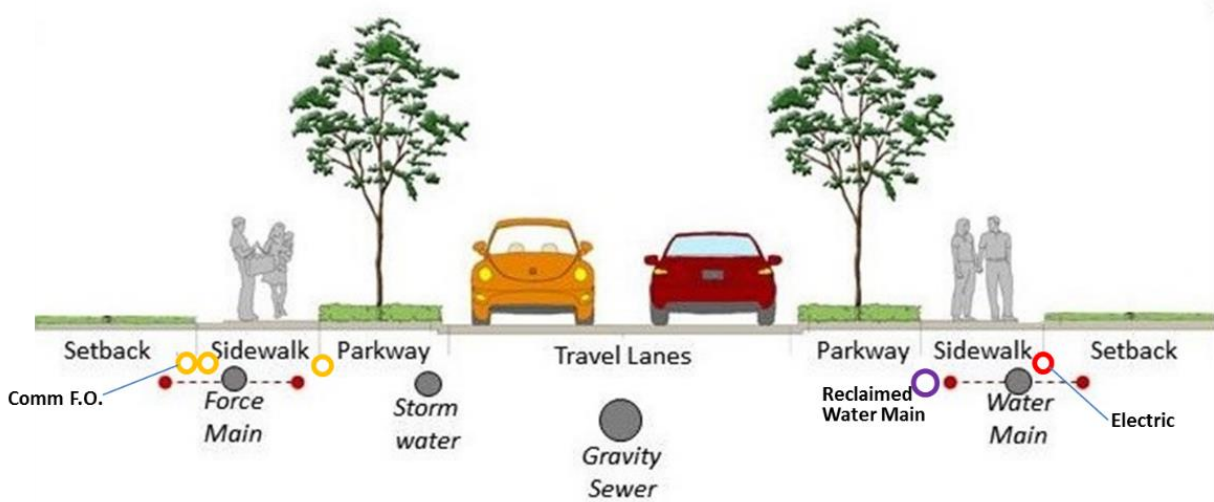
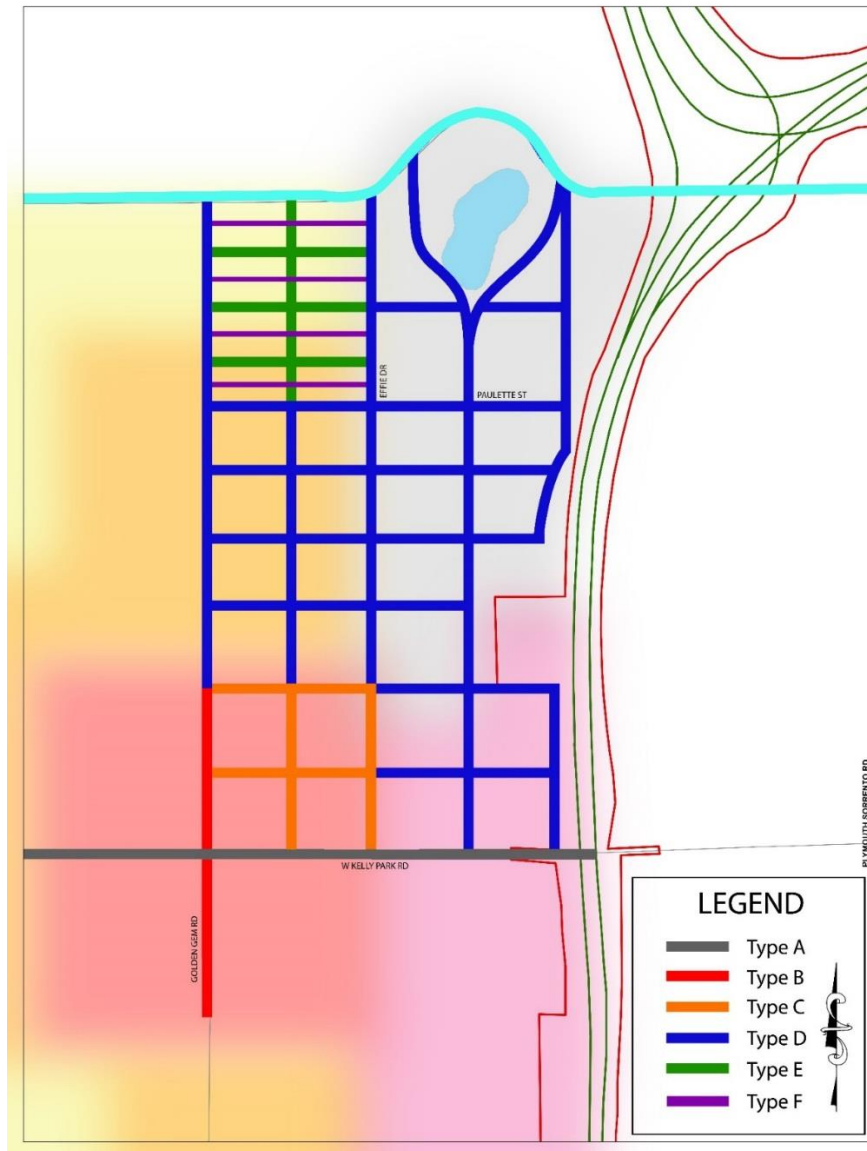


Figure 55. Example of Underground Utilities Location



See Table 12 for location by Street Type

Figure 56. Conceptual Diagram of Street Types



Walkable Grid Design – A fused grid design is encouraged to include varied street, sidewalk and pedestrian pathways throughout a development and linking developments.

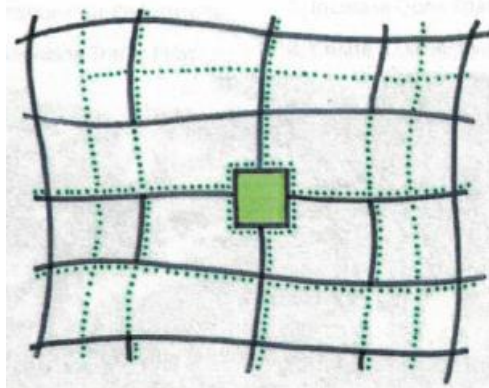
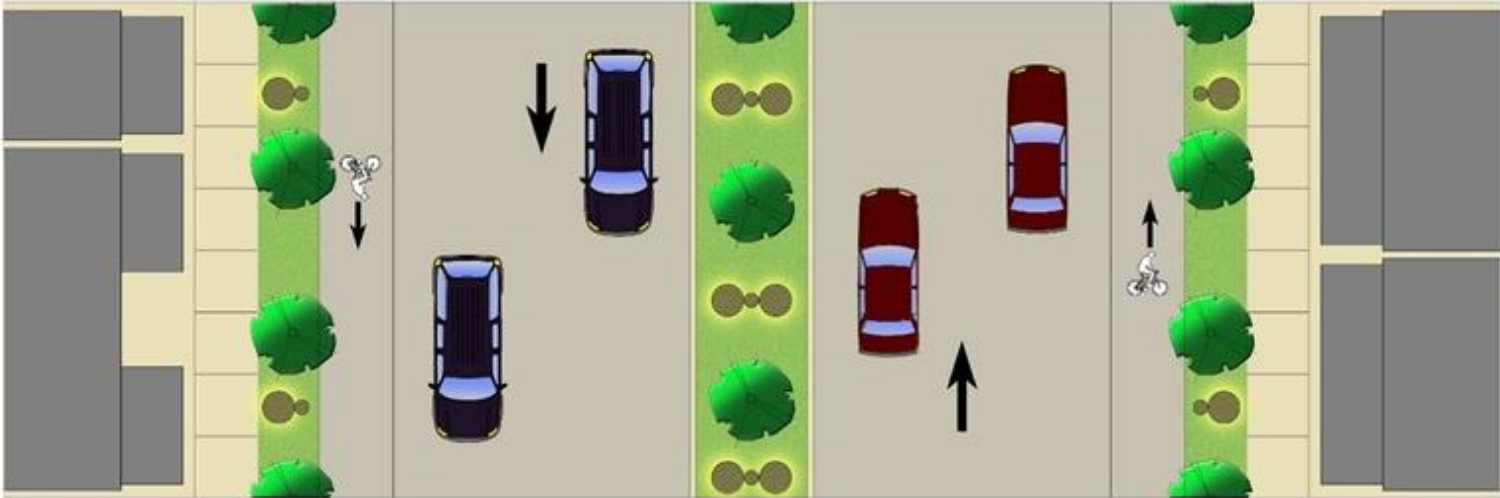
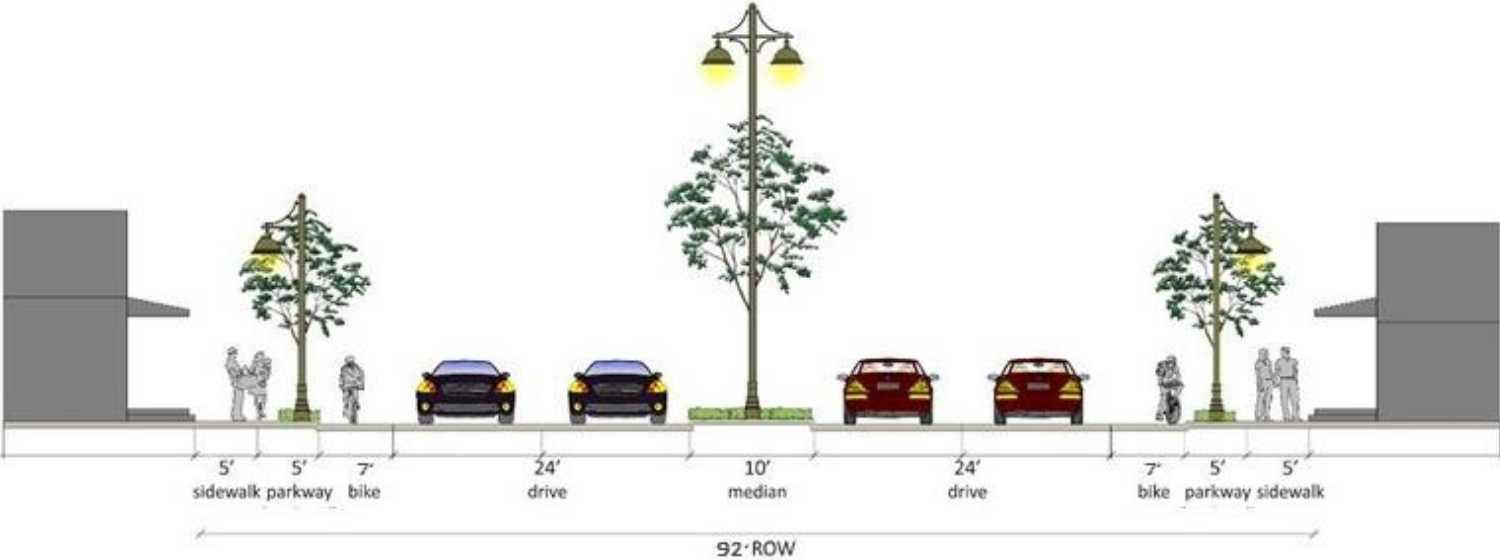


Table 12. Street Standards

Application	Type A (Gateway from Highway)	Type B (VC Access Streets)	Type C (VC Interior Streets)	Type D		Type E (Neighborhood)	Type F (Alley)
				Option 1 (No Parking)	Option 2 (with Parking)		
Character Zone	Interchange (Kelly Park Road)	Village Center (Golden Gem, Plymouth Sorrento)	Village Center	Transition Interchange Employment Neighborhood	Transition Interchange Employment Neighborhood	Neighborhood	All
Design Speed (max)	35 mph	30 mph	25 mph	25 mph	25 mph	25 mph	15 mph
Widths							
ROW Width (min)	92'	86'-92' depending on design	56'	60'-74' depending on design	54'-90' depending on design	46'-56' depending on design	16'
Traffic Lane/Width (max)	4 lanes/12'	2 lanes/12'	2 lanes/11'	2 lanes/11'	2 lanes/11'	2 lanes/11'	12' (one way only)
Bicycle Lane (min)	7'	7'	Sharrow	7'	7'	None	None
Parking Lane (min)	None	Parallel: 9' wide with landscaped bulb outs at end of parking aisle.	Parallel: 7' wide with bulb outs at end of parking aisle.	None	Parallel: 8' wide on one side (parking on both sides optional) .	Unmarked. May be restricted to one side only.	None
Center Median (min)	10' min. with turn lane	10' min. with turn lane	None	Two-way left turn lane optional – 14'	Two-way left turn lane optional – 14'	Optional	None
Edges							
Curb Type	Type F	Type F	Type F	Type F	Type F	Type F	Ribbon
Corner Curb Radius (max.)(1)	50'	33'	15'	33'	33'	33'	NA
Landscape Zone Design/Width (min)	Landscape zone: 5' wide min.	Option 1: 5' wide landscaped strip Option 2: 4' wide tree grates/wells	Tree grates or planters/4' (included in sidewalk dimension)	Landscape zone: 6' wide min.	Tree grates/wells: 4' min. width and landscaped bulb outs at end of parking aisle; or landscape zone: 6' min.	Landscape zone: 6' wide min.	Landscape zone: 2' wide min.

Application	Type A (Gateway from Highway)	Type B (VC Access Streets)	Type C (VC Interior Streets)	Type D		Type E (Neighborhood)	Type F (Alley)
				Option 1 (No Parking)	Option 2 (with Parking)		
Landscape Type/ Spacing (min)	Medium Canopy Trees at 40' Spacing	Medium Canopy Trees at 40' min. Spacing, Understory Trees at 20' min. Spacing	Medium Canopy Trees at 40' min. Spacing	Medium Canopy Trees at 40' min. Spacing, Understory Trees at 20' min. Spacing	Medium Canopy Trees at 40' min. Spacing	Medium Canopy Trees at 40' min. Spacing, Understory Trees at 20' min. Spacing	None
Sidewalk (min)	5' min.	8' min. with landscaped strip 10' min. with tree grates	10' min. (includes landscape zone width)	6' min.	5' min. if tree wells used; otherwise 6'	5' min.	None
Lighting	See Streetscape Standards						
Utilities							
Water	Under bike lane	Under bike lane or under parallel parking	Under parallel parking or sidewalk	Under bike lane	Under bike lane or under parallel parking	Under parallel parking lane or as easement in front yards	Under travel lane
Reclaimed	Under bike lane	Under bike lane or under parallel parking	Under parallel parking or sidewalk	Under bike lane	Under bike lane or under parallel parking	Under parallel parking lane or an easement in front yards	Under travel lane
Sanitary Sewer	Under travel lane	Under travel lane	Under travel lane	Under travel lane	Under travel lane	Under travel lane	Under travel lane
Dry Utilities (cable, electric, phone)	Under sidewalk	Under sidewalk	Under sidewalk	Under sidewalk	Under sidewalk	Under sidewalk	Under sidewalk

Figure 57. Street Type A (Gateway from Highway)



NOT TO SCALE

Figure 58. Street Type B (Village Center Access Streets)

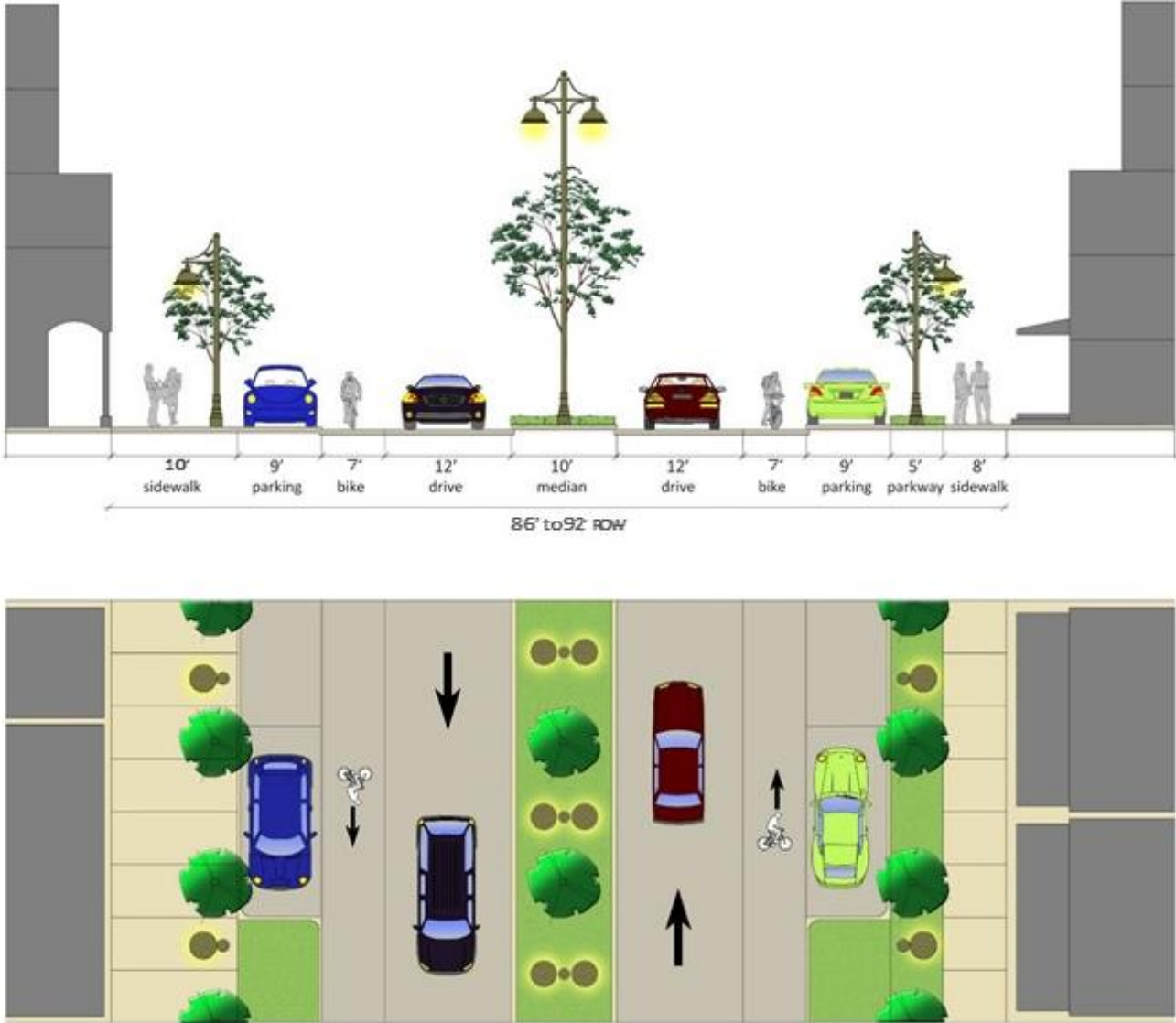
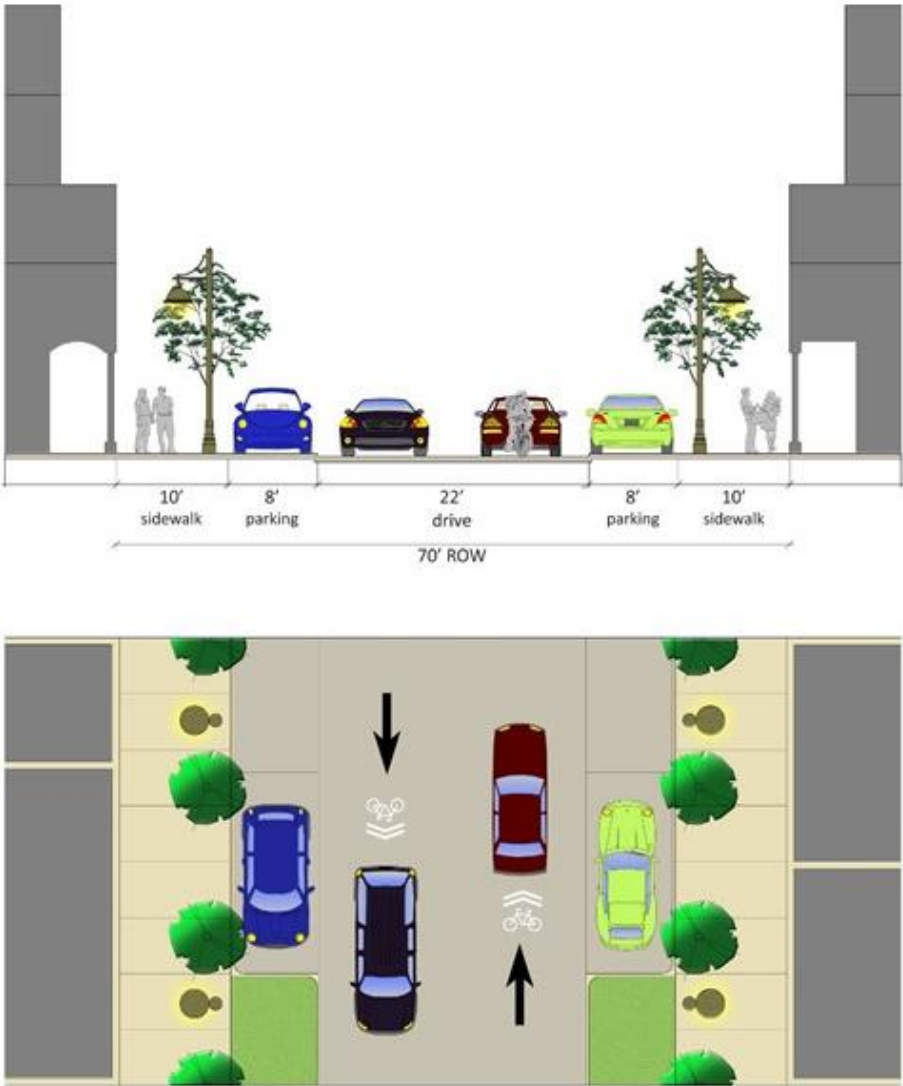
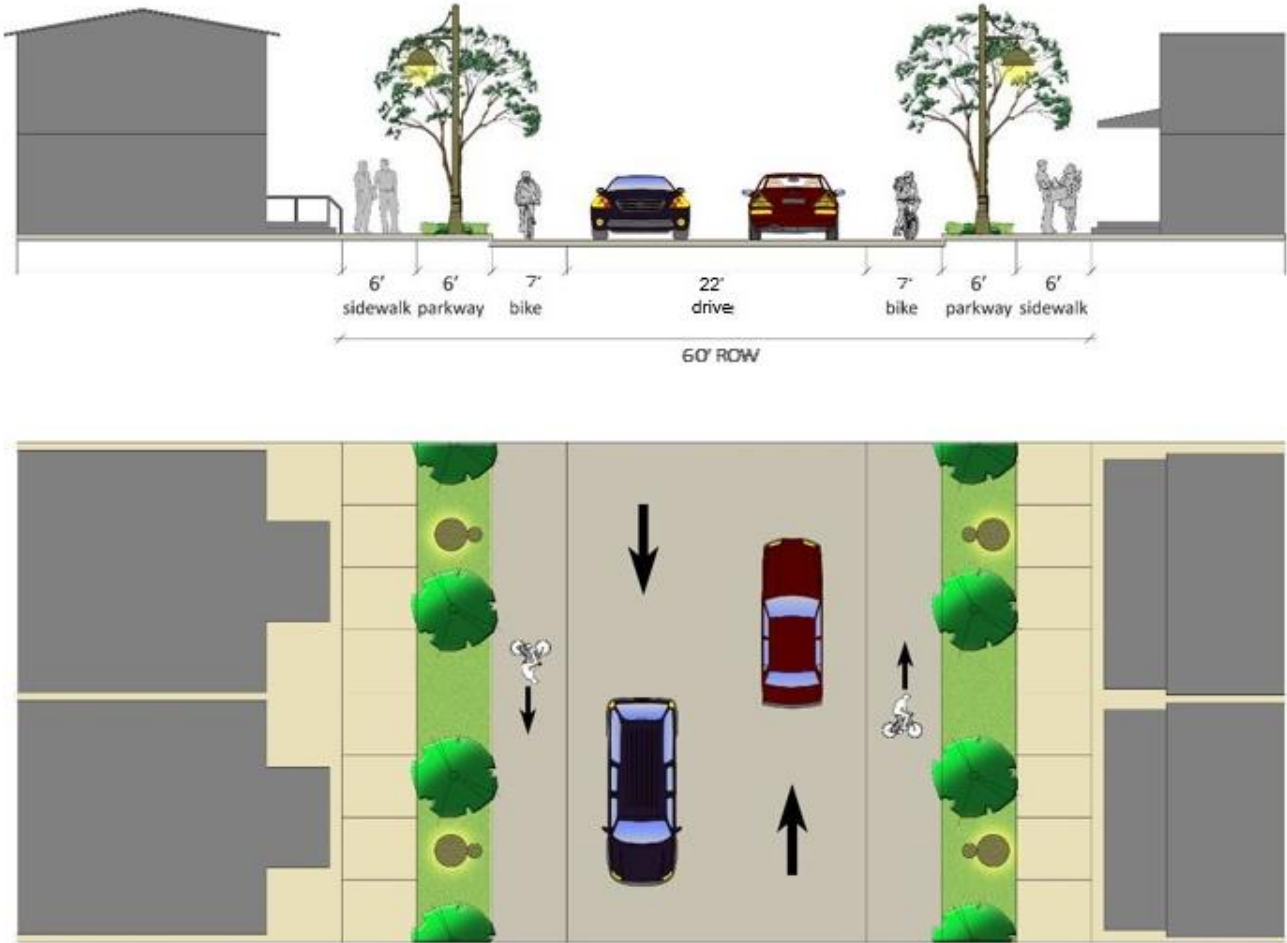


Figure 59. Street Type C (Village Center Interior Streets)



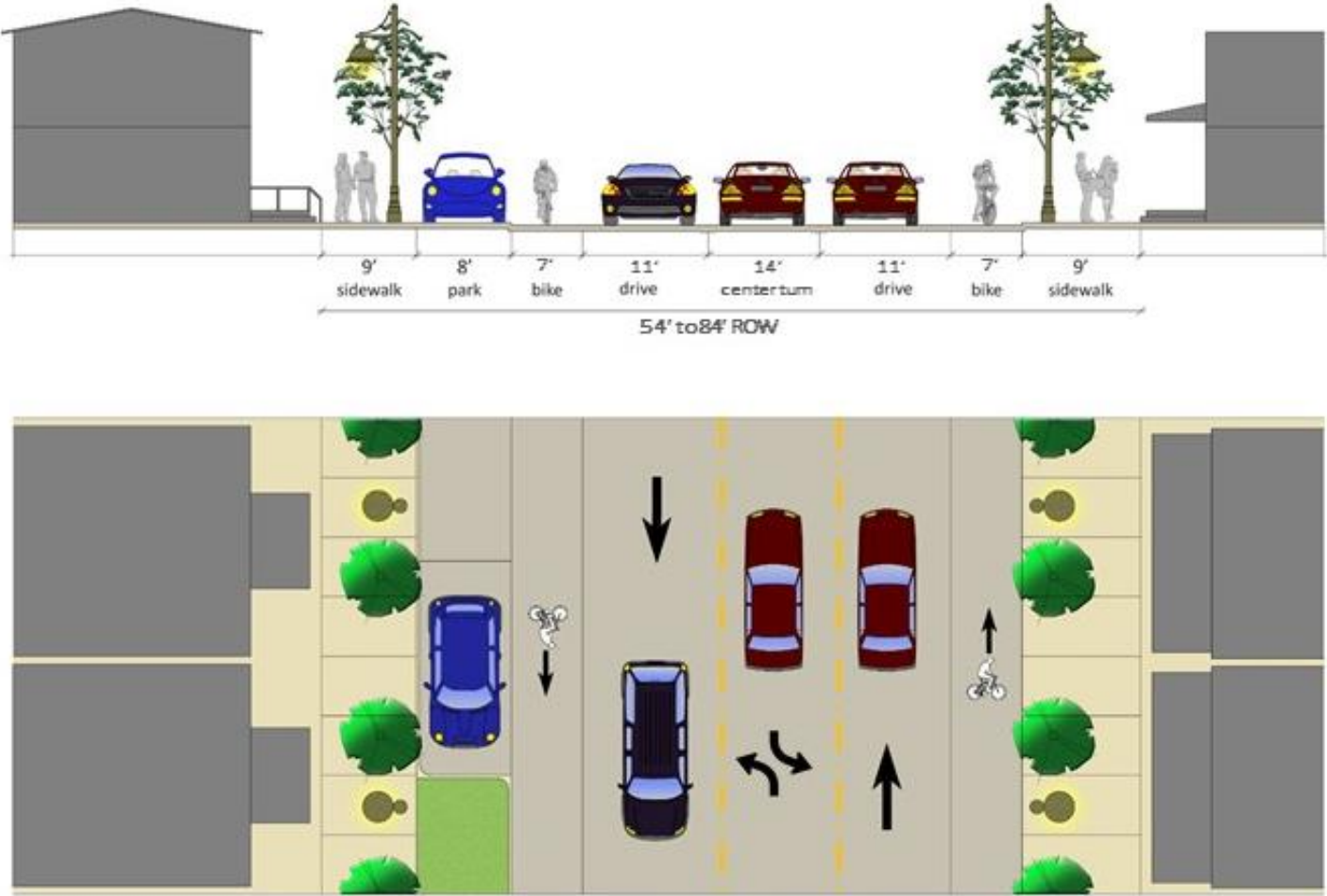
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Figure 60. Street Type D (Transition Areas Option 1)



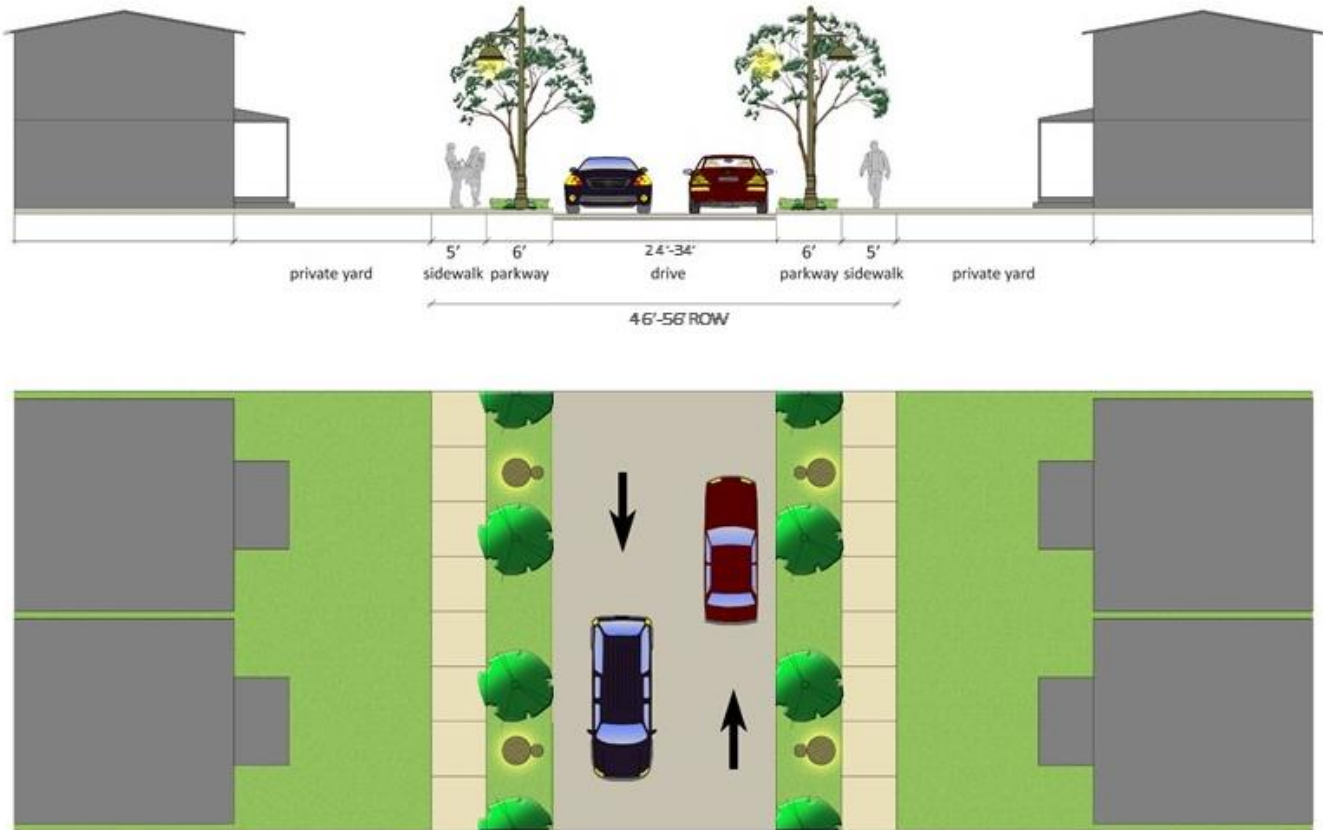
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Figure 61. Street Type D (Transition Areas Option 2)



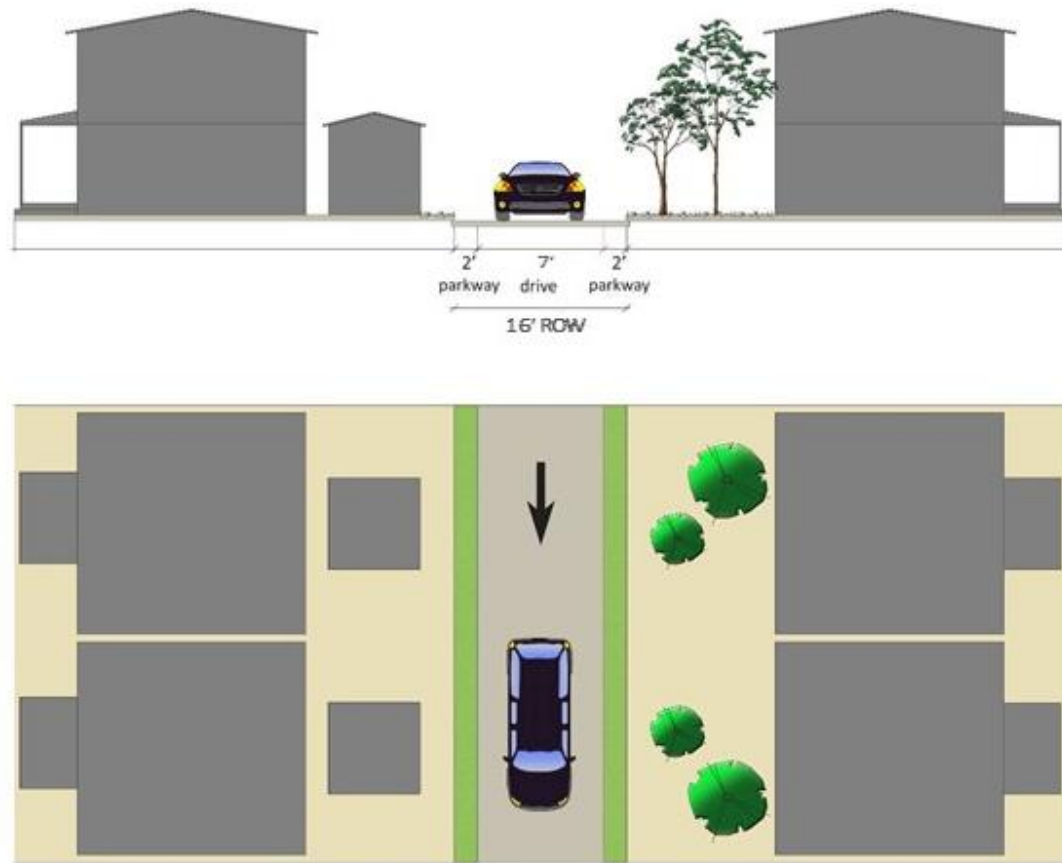
NOT TO SCALE

Figure 62. Street Type E (Neighborhood)



NOT TO SCALE

Figure 63. Street Type F (Alley)



NOT TO SCALE

4. Improvements within the Public Zone

The configuration of the landscape zone and sidewalk, as well as the installation of lighting, landscaping and tree furniture within the landscape zone, are the responsibility of the applicant in conjunction with the development of a site. The following sections contain specifications for street furniture and landscaping. These are the preferred alternatives, but other designs and specifications may be approved through the site plan review process as long as the alternative designs are compatible with the recommended alternatives.

a. Landscape Zone Design

The design of the landscape zone varies depending on the street type as follows.

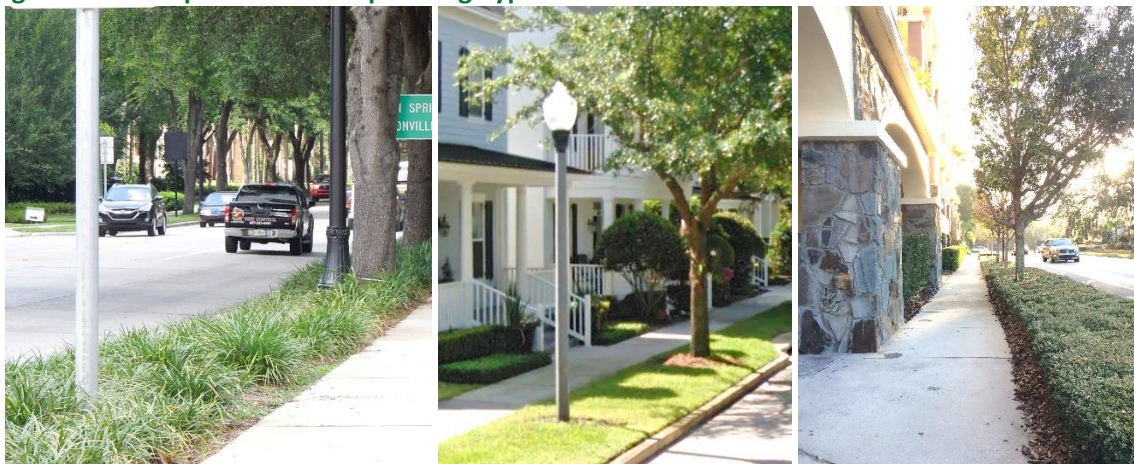
- i. Along Type B and C streets, the landscape zone shall be used to expand the sidewalk. Therefore, trees shall be planted within round or square black tree grates. Raised planters or planter boxes may also be approved through the site plan review process (Figure 64).

Figure 64. Examples of Landscape along Type B and C Streets



- ii. Along all other streets, the landscape zone shall be used to buffer the pedestrians from the vehicular traffic. Therefore, sod, shrubs, ground cover and/or accent plants and street trees shall be planted within the landscape zone (Figure 65). If sod is approved, it shall not exceed twenty-five (25%) of each landscaped area.

Figure 65. Examples of Landscape along Type B and C Streets



- iii. Along streets which currently have swales (not allowed on new streets), the street trees may be moved to the front yard of the private property.

b. Street Trees

- i. A four-(4) inch canopy tree (minimum caliper at planting) shall be planted every forty (40) feet on center in the landscape zone and central median.
- ii. There shall be a minimum of twenty-five (25) square feet of mulch around each tree, unless a tree well is used.
- iii. Tree grates/wells, where allowed, shall be at least four (4) feet wide.
- iv. The recommended street trees include D. D. Blanchard Magnolia, Live Oak Cultivar and palm trees. Alternative species may be approved through the site plan review process.
- v. Palm trees shall be limited to forty (40) percent of the total tree requirement.
- vi. The use of structural soils (aggregate based soil mix) or modular suspended pavement systems such as Silva Cell (www.deeproot.com) should be considered for street trees. Both methods have been proven to be effective in areas with limited planting space. Additionally, these planting techniques provide a sub-base that can support the above ground infrastructure, promote healthy root growth, and reduce root damage to streets, sidewalks and utilities.
- vii. The use of root barriers (e.g. BioBarrier® or DeepRoot Tree Barrier systems) should be considered to prevent damage to utility pipes from tree roots,. When installed correctly, a root barrier forces roots to grow downward against the wall surface of the barrier and away from streets, sidewalks and utilities. Each method will increase the cost of tree installation, but will minimize the need for future street, sidewalk and utility repairs as well as corresponding damage to trees during maintenance activities.

c. Sidewalks and Crosswalks

Construction specifications for public sidewalks can be requested from City of Apopka Engineering Department. Sidewalk and crosswalks within the right-of-way shall also meet the following standards:

- i. Crosswalks are required at all intersections, except where Type E streets intersect with other Type E streets or alleys.
- ii. For intersections along Type B and C streets, the crosswalks shall be marked with stamped asphalt (antique red brick color). All other streets shall have, at minimum, painted crosswalks consistent with FDOT standards. See Figure 66.

Figure 66. Conceptual Streetscape Diagram

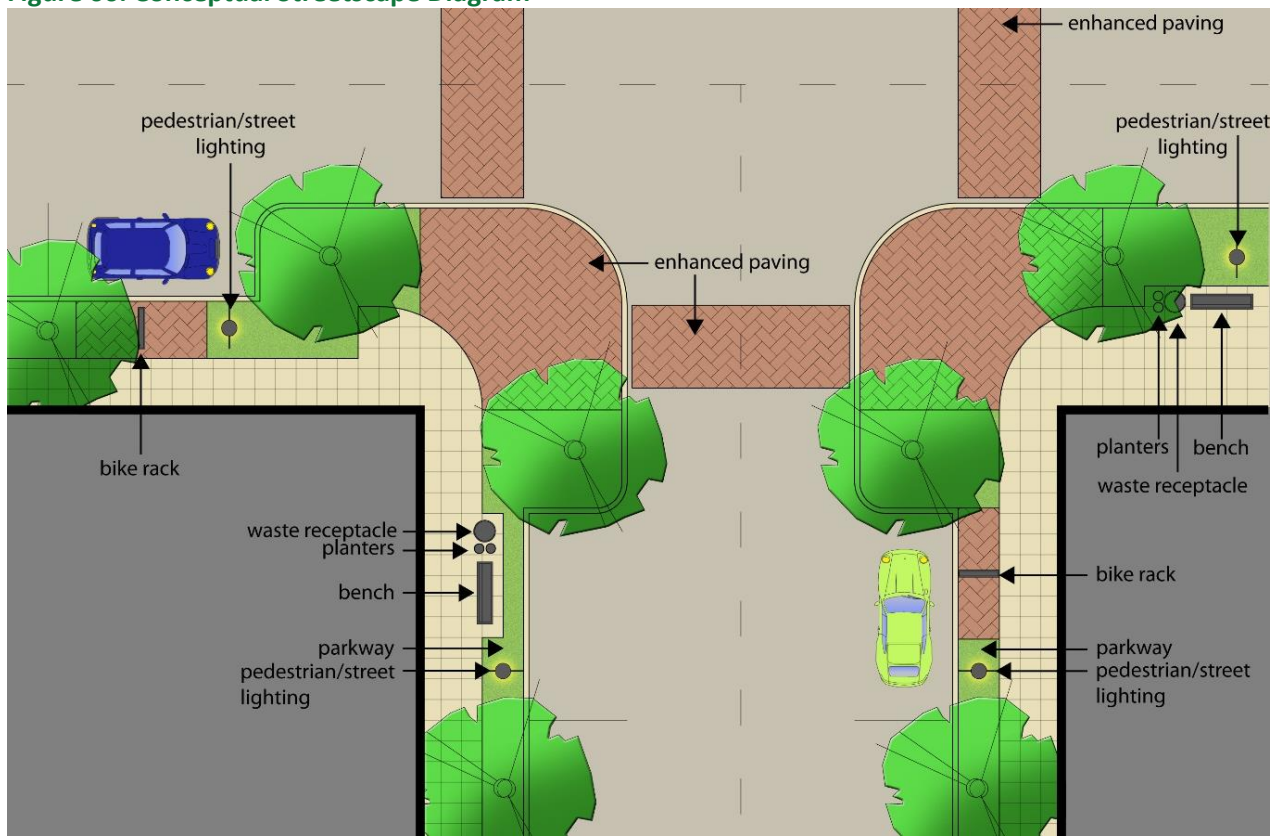


Diagram not to scale

d. Street Furniture

Street furniture includes benches, waste receptacles, and bike racks. Developers will be required to provide the required street furniture along all streets within and peripheral to their project. It shall be the property owners' responsibility to ensure proper maintenance of the street furniture in the public right-of-way adjacent to their property.

- i. General Regulations - The following standards apply to streets and public areas in all character zone within the Regulating Plan area, with the exception of Transition and Neighborhood character zone streets:

- (a) Figure 67 shows examples of the street furnishing style to be used along all public streets and open spaces.

Figure 67. Street Furniture Samples





- (b) Developers are encouraged to place the required bike racks within the public right-of-way between the curb and required sidewalk. The bike rack shall be set perpendicular to the street so that parked bicycles do not impede pedestrian circulation. Required bike parking may also be installed within public open spaces. Required bike parking may be consolidated into a single location between neighboring property owners within a block face.
- (c) There shall be one (1) waste receptacle and one (1) bench at each corner in the Village Center and Interchange character zones.
- (a) In addition to the corner waste receptacle and bench, one (1) more bench and one (1) more waste receptacle shall be provided mid-block within the Village Center. They shall be located on the street side of the sidewalk and the bench shall be shaded.

e. Street Lighting

Lighting shall address both pedestrian as well as vehicular areas and shall be appropriately designed for the width of the roadway, as follows:

- i. General Regulations
 - (a) Street lights shall be installed in all character zones. Pedestrian lighting is also required in the Village Center, Transition and Employment character zones.
 - (b) Street and pedestrian lighting shall be placed between the curb and required sidewalk.
 - (c) All lights shall be LED, and shall have Dark Sky optics and cut-off luminaries to reduce light pollution.
 - (d) Alternating pedestrian lights shall feature twin banner arms in the Village Center and Interchange character zones. The banners could be seasonal in nature or used to promote public events.
 - (e) Double head streetlights may be placed in the landscaped median.
 - (f) Developers may work with Duke Energy to obtain the following type of street lights, or propose a different design for specific neighborhoods. The design will be reviewed in conjunction with the development plan.

	<p>Street Lights Duke Energy: Fixture: Clermont Pole: Promenade (25' for pedestrian lighting; 35' for street lights) Color: Black www.duke-energy.com</p>	
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- ii. Two Lane Roads
 - (a) Decorative street lamps are to line both sides of the street at a spacing to achieve 0.6 average foot-candles of illumination.
 - (b) Light poles shall not exceed twenty-five (25) feet in height.
- iii. Four Lane Roads
 - (a) Decorative street lamps are to line both sides of the street at a spacing to achieve 1.5 average foot-candles of illumination.
 - (b) Light poles shall not exceed thirty-five (35) feet in height.

Q. Open Space Requirements

Open space includes active and passive outdoor recreational areas designed to be used by the general public. Open space shall be provided in each character zone. Table 13 lists the minimum acreage and the types of open space that may be allocated within each character zone. The required acreage is calculated per zone but shall be applied to each parcel unless a common area exists or is provided to meet the requirement for the entire zone. The City maintains a database of specific acreage to ensure character zone minimums are maintained. The acreage can be implemented as a series of smaller interconnected open spaces as described in the next section.

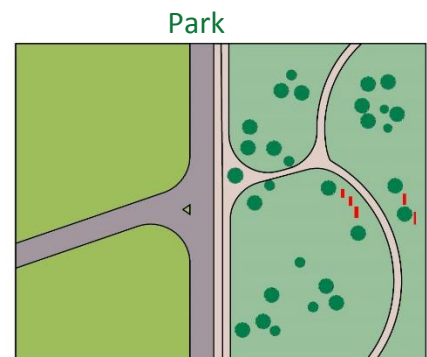
Table 13. Required Civic Space Acreage

	Village Center	Employment	Interchange	Transition	Neighborhood
Minimum Acreage of Open Space Required (% of character zone area)	10%	20%	15%	15%	20%
Park		X			X
Green	X	X	X	X	X
Square	X	X		X	X
Plaza	X	X		X	
Playground				X	X

1. Park

A natural preserve available for unstructured recreation consisting of paths, trails, meadows, benches, woodland, and open shelters, all naturalistically disposed.

- a. Parks are often irregular in shape, but may be linear to follow natural corridors.
- b. Parks must front on at least one street.
- c. The minimum recommended size shall be 15 acres.



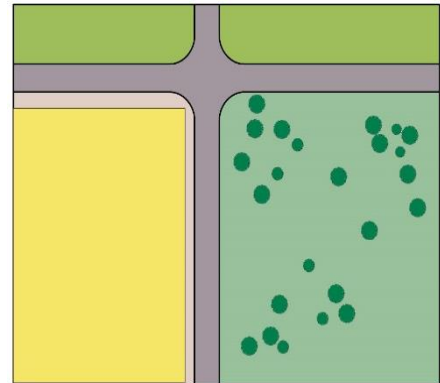


2. Green

An open space for unstructured recreation. Greens consist of lawns, trees, paths, benches, and open shelters, all informally arranged.

- a. Greens may be spatially defined by landscaping rather than building frontages.
- b. Greens must front on to at least two streets.
- c. The minimum recommended size shall be 2 acres and maximum recommended size shall be 15 acres.

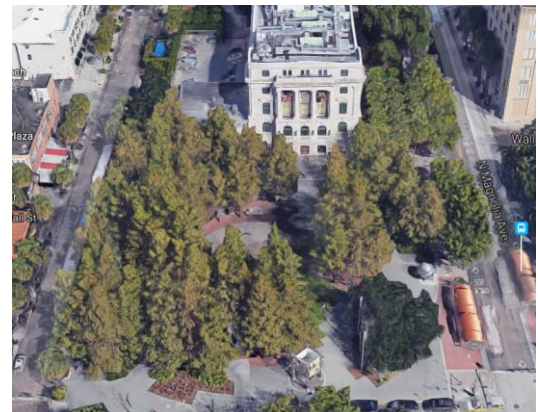
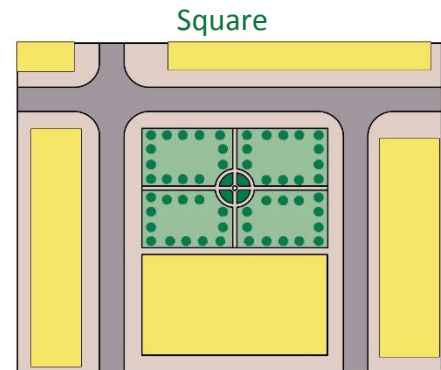
Green



3. Square

An open space for recreation and civic purposes consisting of paths, lawns, and trees, all formally arranged. A square is spatially defined by abutting streets and building frontages.

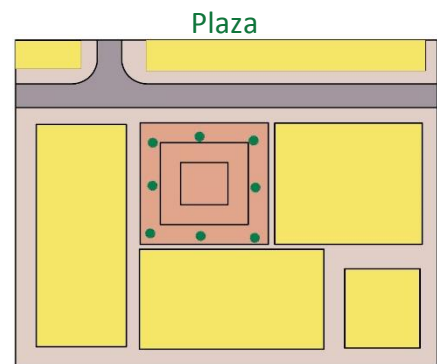
- a. Squares shall be located at the intersections of important thoroughfares.
- b. Squares must front on at least 2 streets.
- c. The minimum recommended size shall be 1 acre and the maximum recommended shall be 5 acres.
- d. Façades facing the square should have at least forty (40) percent of their first floor's primary façade in transparent windows.



4. Plaza

An open space for commercial and civic purposes consisting primarily of paved surfaces. A plaza is spatially defined by building frontages.

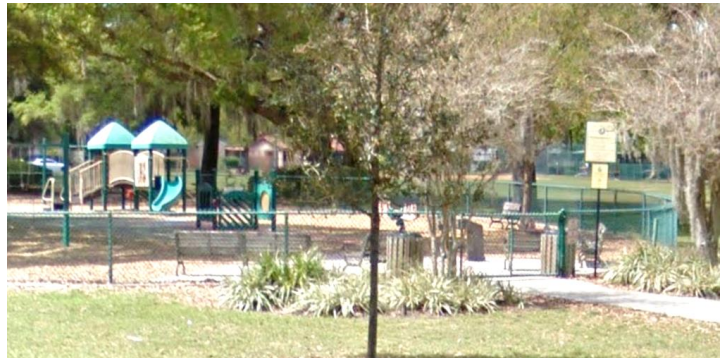
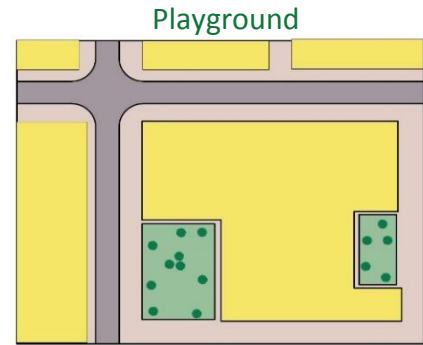
- a. Plazas shall be located at the intersections of important streets.
- b. Plazas must front on at least 1 street.
- c. The minimum recommended size shall be one quarter of an acre and the maximum recommended shall be 2 acres.
- d. Façades facing the plaza should have at least forty (40) percent of their first floor's primary façade in transparent windows.



5. Playground

A fenced open space designed and equipped for the recreation of children.

- a. Playgrounds shall be located within walking distance of surrounding neighborhoods.
- b. Playgrounds may be freestanding or located within parks and greens.
- c. There are no minimum or maximum size requirements.



R. Development Bonuses and Transfer of Development Rights

Developments in the Kelly Park Interchange Form-Based Code area may be eligible for building height and/or intensity/density bonuses and for transfer of development rights (TDR). The maximum densities, intensities and height possible through bonuses and TDRs are stated in Tables 4 and 5.

1. Bonuses.

Development projects within the Kelly Park Interchange Form-Based Code area that meet all the standards contained in this document may be eligible to achieve the additional building height and/or density and/or intensity noted in Tables 4 and 5 as follows. Development sites may receive more than one bonus. However, the density, intensity and height shall be not exceed the maximum noted in Tables 4 and 5.

- a. *Mixed-Use.* Developments that include a *vertical* mix of residential and commercial or office may be entitled to the maximum density and intensity allowed with the bonus, and an additional floor for every floor used for non-residential use. The residential portion shall include at least 6 residential units to qualify for the bonus, the non-residential portion shall occupy at least 75% of each floor used to obtain the bonus.
- b. *Public Open Space & Amenities.* Developments that include public open space (urban plaza or park) at least 3,000 square feet or larger are entitled to the maximum density and intensity allowed with bonus, and one (1) additional floor above the permitted base height for every 1,500 square feet of public open space provided. The urban plaza or park shall not be enclosed, shall be easily accessible by the public, include amenities (landscaping, hardscaping, and furnishing), and be privately-owned and maintained, but open to the public.
- c. *Parking garages.* If located below or above the residential, commercial or office space, the development may be entitled to one (1) additional floor for each floor of parking garage. See Section L.4 for parking garage standards.

2. Transfer of Development Rights.

All or some of the development potential of a site within the Kelly park Interchange Form-based Code area may be transferred to another site also within the Form-Based Code area, whether they are within the same character zone or not. The applicant will be required to record a legal document restricting the future development of the sending site. The applicant shall also be required to prepare a management plan for the sending site specifying the plan for the future use, maintenance and ownership of the site.

3. Location Restriction.

Developments utilizing the bonus system or receiving the transfer of development rights shall not have any buildings located within 100 feet from a neighborhood character zone or single-family residentially-zoned property.

4. Review and Approval.

Requests for bonuses or TDRs do not require a separate application. They shall be noted on the site plan, and shall be reviewed and approved concurrently with the overall master plan, to ensure all other requirements of the Code, including the requirements of this Chapter, are met. Applicants requesting approval of bonuses and TDRs are still eligible to apply for variances and modification of standards, but under separate application.

S. Definitions

The following definitions are provided to complement the definitions found in the Land Development Code.

Awning: A sheltering screen, usually of canvas fabric, supported and stiffened by a rigid frame, extending over or before any place which has windows, doors, outside walks or the like, and providing shelter or protection against the weather.

Big Box Development: A retail and/or wholesale commercial establishment (store) with more than seventy-five thousand (75,000) square feet of gross floor area, which may include a home improvement center or a membership warehouse club.

Bike Lane: A portion of a roadway which has been designated by signing and paving markings for the preferential or exclusive use by bicycles.

Block: A group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it is identified.

Block Face: That portion of a block which abuts an individual street.

Common Area: Any part of a development designed and intended to be used in common by the owners, residents or tenants of the development. These areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the owners, residents or tenants.

Community Center: A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

Connection (Vehicular): A driveway, street, turnout, or other means of providing for property access to or from a street or another property. For the purpose of access, two one-way connections to a property may constitute a single connection.

Drive-Through Facility: Any use which by design, physical facilities service or procedure encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles. This term includes "drive-in" and "drive-up" facilities.

Dwellings, Attached (Townhouse/Row house): A housing unit which is subdivided into one or two family housings, each of which has at least its own front or rear yard and is attached to abutting housings by approved masonry party or partition walls, thus creating distinct and non-communicating one or two family housings. For the purpose of this code, attached dwellings are classified as multi-family.

Dwellings, Multi-Family: Any group of three or more housing units occupying a single building site, whether composed of one or more than one principal building.

Easement: Any strip of land for public or private utilities, drainage, sanitation, access, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Façade: Exterior wall of a structure.

Facade – Primary: The exterior wall(s) of a structure that face a public right-of-way. A building on a corner lot has two primary facades.

Façade - Secondary: The exterior wall(s) of a structure that do not face a public right-of-way.

Lot Frontage, Primary: That side of the lot abutting a street along the narrow dimension of the lot.

Lot Frontage, Secondary: That side of the lot abutting a street which is not the primary frontage.

Lot Line (or Property Line): Any legal boundary of a lot. Where applicable, the lot line may coincide with the right-of-way line.

Massing: The width, volume and proportions of a building and its parts.

Museum (or Art Gallery): A building or structure used for the housing and display of historical objects, artifacts and visual arts.

Parapet: A low, protective wall constructed as the continuation of the exterior wall to a building and placed along the entire perimeter of the roof of a building.

Parking Aisle: An area within a parking facility intended to provide ingress and egress to parking spaces.

Parking, off-street: An independently accessible off-street storage space, either outside or within a structure, for the parking of motor vehicles.

Parking Facility: Any off-street area or structure for the parking of motor vehicles.

Parking Lot: An off-street, ground-level area for the parking of motor vehicles.

Pedestrian Access: An improved surface which connects the public right-of-way with private property or a building entrance.

Principal Use or Structure: The primary or predominant use or structure of any lot, as distinguished from accessory uses and structures.

Primary Street: The main street with which a building fronts regardless of the postal address of the property.

Public Use: This shall include community centers, meeting halls, recreation centers, clubhouses, schools, public libraries, religious institutions museums and galleries. Performing arts auditoriums and facilities, and municipal or government buildings.

Public Open Space Use: A landscaped or naturalistic area used primarily for passive recreation, active recreation, visual amenity or for purposes of environmental conservation. These uses include: parks, plazas, squares, greenspaces, pedestrian and bicycle pathways, outdoor recreation facilities, wetlands, woodlands, and native plant community conservation areas and preserves, public parks, and stormwater facilities that are visual amenities. An Open Space Use is accessible to all residents. An Open Space Use does not include uses requiring membership. An Open Space Use may be privately owned, owned in common, or publicly owned.

Recreation, Indoor: Any premises (whether public or private) where the principal use is the provision of indoor amusements, sports, games, athletic facilities, or other indoor recreational facilities and/or services except shooting ranges.]

Recreation, Outdoor: Any premises (whether public or private) where the principal use is the provision of outdoor amusements, sports, games, athletic facilities, or other outdoor recreational facilities and/or services except golf courses. For the purpose of this code, this term includes miniature golf, go-cart tracks, and water slides; but does not include golf courses.

Retail, General: Any premises where the principal use is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for the use or consumption by the immediate purchaser. This shall include but shall not be limited to apparel, shoes, appliances, art supplies, automotive supplies, camera and photography supplies, furniture, guns and ammunition, hardware supplies, toys, crafts, jewelry, lawn and garden supplies, retail nurseries, musical instruments and supplies, office equipment, office supplies, paint, wallpaper, pets, stereos, televisions, florists, tobacco shops, candy, nut and confectionery shops, sporting goods, trading stamps and redemption outlets.

Retail, Neighborhood: Any establishment, or groupings thereof which generally serve the day-to-day retail needs of a residential neighborhood which shall include but shall not be limited to food stores, convenience stores, drug stores, liquor stores, newsstands, bakeries, delicatessens, dairy product stores, meat and seafood shops, and produce markets

Roof Line: The juncture of the roof and the perimeter wall of the structure.

Financial Institution (or Bank): Any premises where the principal use is concerned with such activities as banking, savings and loans, loan companies or investment companies.

School: A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle, and high schools, whether public or private; colleges, community colleges and universities, vocational and professional schools giving instruction in vocational, professional, technical, industrial, musical, dancing, dramatic, artistic, linguistic, scientific, religious or other special subjects.

Service, Business: Any establishment offering primarily services to the business community and to individuals. Such services shall include but shall not be limited to advertising agencies, blueprinting services, interior cleaning services, computer and data processing services, detective agencies and security services, insurance agencies, management consulting and public relations services, news syndicates, personnel services, photofinishing laboratories, photography, art and graphics services, financial services (other than banks), and printing services with no use or storage of noxious chemicals apparent off-site (printing services using noxious chemicals are classified as an Light Industrial)..

Service, Personal: Any establishment that primarily provides services generally involving the care of a person or a person's apparel which shall include but shall not be limited to barber shops, beauty salons, seamstress shops, shoe repair and shining shops, coin operated laundry, optician shops, tanning salons, health clubs, diet centers, nail salons, pick-up dry cleaners and pet grooming shops.

Square: A landscaped open area bounded on at least two sides by a public right-of-way. A Square shall be located adjacent to the Village Center or inside the Village Center. A Square shall provide pedestrian use, passive recreation, and visual amenity use only; active recreation uses are prohibited.

Street Wall: A wall continuing the building volume along a street to screen areas such as parking lots, and to frame public areas such as courtyards and cafes.

Theater: A building or part of a building where the principal use is the showing of motion pictures, or of dramatic musical or live performances.

Transit Centers: Places where people change between vehicles or transportation modes (i.e. bus stations, airports, train stations). The Centers may include limited support retail uses.

Transit Oriented Development A development that makes provision for transit in the design of the site plan. The design may include provisions for bus turning radii, pavement that can support the weight of transit vehicles, limiting conflicts between pedestrians and transit vehicles and between general traffic and transit vehicles, and facilitating walking between buildings and transit stops. Other factors that may be considered include review of internal roadway and parking area, building placement, garage clearances, as well as recommendations on bus zones, shelter, awnings, lighting fixtures and other improvements.

Vehicle: Any device or conveyance for transporting persons or property over the public streets, including, but not limited to, any automobile, motorcycle, motor truck, trailer, van, semi-trailer, tractor-trailer combination and boat or boat trailer.

Vehicle Service Station: Any building, structure or land used for automotive maintenance, servicing, repair, tune-ups, car washing, or towing.

Vehicle Service, minor: A retail business selling motor vehicle fuels, related products and providing vehicle services. Body work is not permitted.

Vehicle Service, major: A retail business selling motor vehicle fuels, related products and providing vehicle services, including body work.

Vehicular Use Area: An area used for the display or parking of any and all types of vehicles and equipment, whether self-propelled or not, and all land upon which vehicles traverse the property as a function of the principal use.

Yard, Street Side: A yard extending across the side of a corner lot between the rear line of the front yard and the front line of the rear yard, and between the principal building and the street right-of-way line, and being the minimum horizontal distance between the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches, to the right-of-way line.

APPENDIX A: ARCHITECTURE

The following pages show modern day examples of buildings inspired by the architectural styles mentioned in Section K.1.

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FRAME VERNACULAR



CRAFTSMAN/BUNGALOW



MISSION



MEDITERRANEAN



ITALIANATE



NEO-CLASSICAL



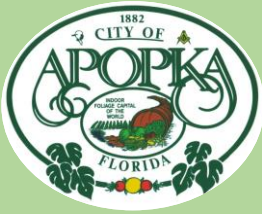
Form-Based Code

Edit items as of 6-13-2017

Page	Item edited
12	iv. moved to page 31 as a new v. keeping residential items together
24	Removed 8' elevation above grade. Changed depth from 8' to 4' min. for stoops and porches
31	Minor edits; added garage measuring item; changed recessed for garages from 8' to 4'; added item v. from page 24
32	Added 3' entry sidewalk to home requirement
34	Changed fence to railing
39	Minor prohibited clarifications
53	Removed # 6 for pond location
59	Added "accessibility
59-60	Added Complete Streets item
61	Added Walkable Grid Design (fused grid) figure
62	Change Type E Neighborhood and Median from "none" to "optional"

Backup material for agenda item:

10. Resolution No. 2017-10 – Community Redevelopment Agency’s CRA Redevelopment Plan 2017~Update James Hitt



CITY OF APOPKA CITY COUNCIL

- ___ CONSENT AGENDA
- X PUBLIC HEARING
- ___ SPECIAL REPORTS
- ___ OTHER:

MEETING OF: June 21, 2017
 FROM: Community Development
 EXHIBITS: CRA Redevelopment Plan
 2017~Update

SUBJECT: RESOLUTION NO. 2017-10 – THE APOPKA COMMUNITY REDEVELOPMENT AGENCY’S CRA REDEVELOPMENT PLAN 2017~UPDATE

REQUEST: APPROVE RESOLUTION NO. 2017-10 FOR THE CRA REDEVELOPMENT PLAN 2017~UPDATE

SUMMARY:

The Community Redevelopment Agency (CRA) and the Apopka City Council approved the first Redevelopment Plan in June 1993. Between the CRA Plan adoption and 2005, numerous projects had been completed that included the following:

- State CBDC Grants from the State totaling \$1.5 million completed streetscapes on Main Street, Park Avenue, and the original façade program began.
- The template for the sidewalk replacement program was originated.
- New street lighting was completed on various streets in the CRA District.

Since 2005, other projects have continued that included the expansion of the sidewalk and street light programs, and support for economic business development. In addition, new FDOT street lights were installed on Main Street that were more in tune with the size of the street.

In 2006, a revision to the CRA Redevelopment Plan was produced but never adopted. Any new projects could not be established until approved with a new plan. If a project or program is not in the plan, it cannot be paid for by Tax Increment funds.

The new *CRA Plan 2017 ~ update* provides for projects and programs that include multiple opportunities for reinvestment into the CRA District. Primary projects include acquisition and renovation of the 5th Street Parking Lot, which was in the original 1993 Plan and is in the center of Apopka’s downtown; the Station Street Shopping Plaza (aka DAT-Downtown Apopka Triangle) that will be a focal event location with shops, up to 45 residential units, parking, and an events plaza with a pavilion; the Residential Fee Assistance Program, that will help with new affordable house by paying down impact fees; the 6th Street Promenade with a Multi-Use Trail starting at Central Ave, down Station Street to 6th Street and to the West Orange Trail, and eventually to the City Center; a multi-use trail connecting the Station Street project to Alonzo Williams Park; and, reinstatement of the Façade Renovation Program for commercial buildings.

DISTRIBUTION

Mayor Kilsheimer
 Commissioners
 City Administrator
 Community Development Director

Finance Director
 HR Director
 IT Director
 Police Chief

Public Services Director
 Recreation Director
 City Clerk
 Fire Chief

CITY COUNCIL – JUNE 21, 2017
RESOLUTION NO. 2017-10 CRA REDEVELOPMENT PLAN 2017~UPDATE
PAGE 2

Other projects will be introduced as funds become available.

In accordance with Florida Statutes Chapter 163, Part III, 163.361, City staff has forwarded a copy of the draft plan and the adoption schedule to Orange County and all the Tax Authorities.

The Apopka Planning Commission at its Special Meeting on May 23, 2017, found the *CRA Redevelopment Plan 2017 ~ update* to be in compliance with the Apopka Comprehensive Plan and recommended approval to the Apopka Community Redevelopment Agency, and of Resolution No. 2017-10 to the Apopka City Council.

The Apopka Community Redevelopment Agency (CRA) must also recommend approval of the new *CRA Redevelopment Plan 2017 ~ update*, to the Apopka City Council for final approval of the resolution.

The *CRA Redevelopment Plan 2017 ~ update* will be in effect upon passage of this resolution. Budget amendments during this fiscal year 2017 would need to be completed in order to start some of the programs and projects.

FUNDING SOURCE:

The CRA Redevelopment Trust Fund, established by Ordinance No. 783 on June 16, 1993 utilizing Tax Increment Funding (TIF).

RECOMMENDATION ACTION:

Approve Resolution No. 2017-10 to approve the new *CRA Redevelopment Plan 2017 ~ update*.

Apopka CRA Fast Facts

FOUNDED: Adopted 1993

TERM: Sunsets 2024 (Jan 1) 30 year term

EXTENDED TERM OPTION: 2053
(60 year term option)

AREA: 633 acres (includes roads)
486 acres (parcel area)

PARCELS: 1,014 parcels

BLIGHT CONDITIONS

- Declining housing stock
- Declining property values
- Unsafe and Unsanitary conditions
- Proportionally higher incidence of crime

TAXABLE VALUE IN 1992: \$55,015,108

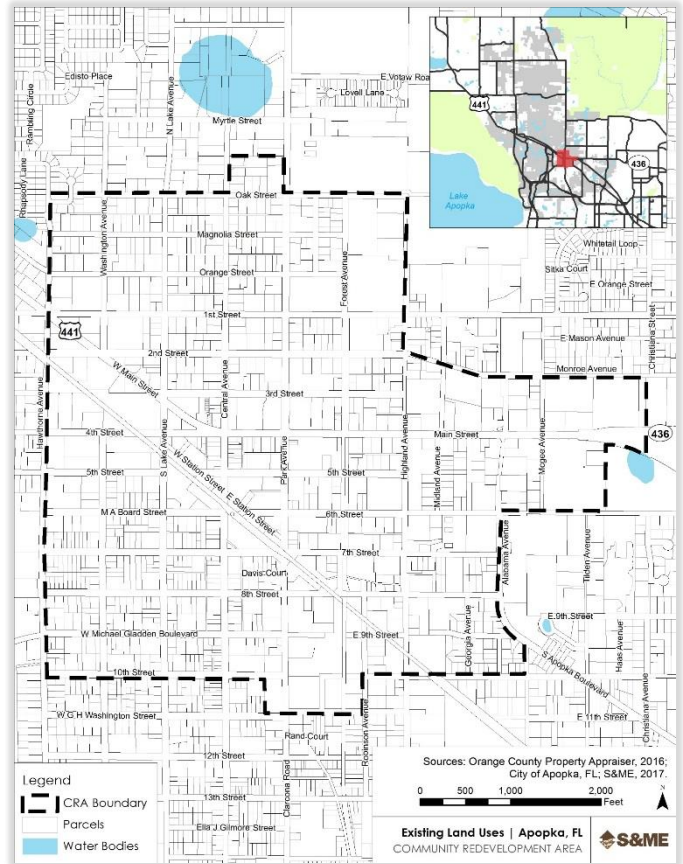
TAXABLE VALUE IN 2016: \$98,684,347 (79% increase since 1992)

CURRENT TIF ANNUAL REVENUE (2016)
\$341,109

LAST CRA PLAN UPDATE 2017

MAJOR CRA PROJECT AND ACTIVITY CATEGORIES

Parking Study	Residential Renovation Incentive Program	Co-op Advertising and Promotion
Land Acquisition for projects	Land Development Regulations	Community Oriented Policing Programs
Business Retention Plan	Directional Signage and Gateways	Building Code Compliance Grant
Update Historical Survey	Parks and Public Spaces	Building Fee Refund Program
Downtown Apopka Triangle	Streetscape	Public-Private Partnerships (P3)
Historical Projects Recognition	Roads, Water, Sewer, Electrical	State, Regional, National Regulatory and Financial Incentives
Marketing/Promotions	Fifth Street Parking Lot	
Community-based Efforts - Project support, contracting for events	Station Street Public Space	
Façade improvement Grants - P3 partnership program	Master Planning (DAT)	
	Impact Fee Assistance Grant	



CITY OF APOPKA
RESOLUTION NO. 2017-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR THE COMMUNITY REDEVELOPMENT AGENCY LOCATED IN THE CITY OF APOPKA; MAKING FINDINGS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Resolution No. 9316 adopted by the City Council of the City of Apopka on June 28, 1993 determined that a certain area in the City of Apopka was in need of redevelopment and so designated that area as being the “Community Redevelopment Area,” in accordance with Section 163.340(10), Florida Statutes; and

WHEREAS, Resolution No. 950 adopted by the City Council of the City of Apopka on June 28, 1993 created a Community Redevelopment Agency (CRA) for the community redevelopment area, in accordance with Section 163.357, Florida Statutes; and

WHEREAS, in accordance with and pursuant to the procedures and authorizations set forth in Part III, Chapter 163, Florida Statutes (the “Redevelopment Act”), a Community Redevelopment Plan for the community redevelopment area was prepared; and

WHEREAS, the City Council of the City of Apopka on June 28, 1993 approved the Community Redevelopment Plan for the CRA Area as described in Resolution No. 960; and

WHEREAS, the City Council of the City of Apopka on June 28, 1993 approved Ordinance No. 783 establishing the Community Redevelopment Trust Fund; and

WHEREAS, the Board of County Commissioners of Orange County delegated the powers of the Redevelopment Act pursuant to Section 163.410, Florida Statutes, to the City of Apopka by Resolution No. 93-M-38 and Resolution No. 93-M-39 on June 22, 1993; and

WHEREAS, the proposed *CRA Redevelopment Plan 2017 ~ update* was reviewed and approved by the Apopka Planning Commission acting as the Local Planning Agency (LPA) on May 23, 2017 and found to be in compliance with the Comprehensive Plan; and

WHEREAS, the proposed *CRA Redevelopment Plan 2017 ~ update* was reviewed and approved by the Apopka Community Redevelopment Agency on June 21, 2017; and

WHEREAS, modification of the Community Redevelopment Plan, is in accordance with Section 163.361, Florida Statutes; and

WHEREAS, the City Council of the City of Apopka has received the recommendation to adopt the proposed *CRA Redevelopment Plan 2017 ~ update* and has caused a public notice to be published and notice mailed to each taxing authority as required in Section 163.346, Florida Statutes.

NOW, THEREFOR, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA:

SECTION 1. Findings.

Based on the information presented to it, the City Council does hereby find:

- (a) The recital set forth above (including any definitions inferred) are hereby adopted and incorporated herein to the full extent as if set forth in the text of this Ordinance.
- (b) The public hearing required by Section 163.361(2), Florida Statutes, has been held and closed.
- (c) Although no families are anticipated to be displaced as a result of Apopka's redevelopment activities, a feasible method exists for the location of any such families in decent, safe, and sanitary dwelling accommodations within their means and without due hardship.
- (d) The proposed Plan conforms to the general plan of the City of Apopka as a whole.
- (e) The proposed Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the CRA Redevelopment Area by private enterprise.
- (f) The proposed Plan allows for the redevelopment or rehabilitation of the CRA Redevelopment Area in accordance with Florida Statutes, Chapter 163, Part III Community Redevelopment.

SECTION 2. Adoption of Plan.

The proposed *CRA Redevelopment Plan 2017 ~ update* is hereby adopted and shall henceforth be and constitute the CRA Redevelopment Plan for the CRA Redevelopment Area.

SECTION 2. Effective Date. This Resolution shall take effect upon final passage and adoption.

ADOPTED THIS 21st DAY OF June, 2017

CITY OF APOPKA, FLORIDA

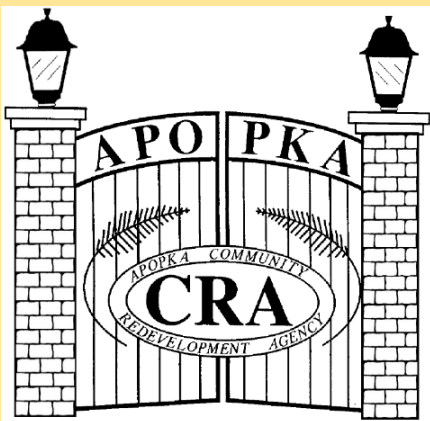
Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk

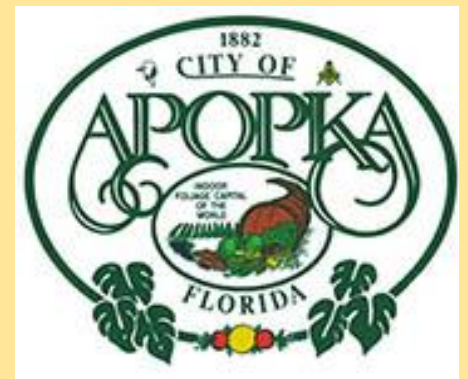
City of Apopka Community Redevelopment Agency

CRA Redevelopment Plan 2017 ~ update



June 2017

PREPARED BY:



ACKNOWLEDGEMENTS

Citizens of Apopka

City Council of Apopka

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Table of Contents

Chapter 1: Introduction 1
 Purpose..... 1

Chapter 2: Existing Conditions 3
 A. Land Use..... 3
 B. Infrastructure and Public Services 12
 C. Urban Form 18
 D. Streetscape 22
 E. Demographics 23
 F. Social Conditions..... 27

Chapter 3: Market Observations33
 A. Development Trends..... 33
 B. Residential Development..... 33
 C. Business Composition 33
 D. Vacant Properties..... 34

Chapter 4: Tax Increment Finance Revenue Estimates35
 A. Property Valuation..... 35

Chapter 5: Public Participation.....37

Chapter 6: General Recommendations38
 A. Administration 40
 B. Projects 43
 C. Economic Development Activities 43
 D. Infrastructure..... 44
 E. Business Support..... 46

Chapter 7: Conceptual Master Plan and Recommendations.....47
 Opportunity Sites 53

Chapter 8: Implementation Plan57

Chapter 9: Consistency with Florida Statutes58

Appendix A: CRA Boundary Legal Description A1-A2

Appendix B: Community Workshop A3-A4

Appendix C: Establishing Documents A5-A15

List of Figures

Figure 1: City of Apopka City Hall 1

Figure 2: West Orange Trail over Main Street16

Figure 3: Parking Placement Behind Buildings.....18

Figure 4: Parking Placement and Building Frontage19

Figure 5: Building Frontage and Architecture20

Figure 6: Signage along Main Street21

Figure 7: Street Trees and Landscaping22

Figure 8: Sidewalks and Street Lights23

Figure 9: Sidewalks and Street Lights34

Figure 10: Main Street, 5th Street, and Central Avenue Redevelopment Concept Alternative48

Figure 11: 5th Street and Central Avenue Redevelopment Concept Alternative (Downtown Apopka Triangle)49

Figure 12: Main Street and Hawthorne Avenue Streetscape50

Figure 13: 5th Street and Park Avenue Streetscape50

List of Maps

Map 1: CRA Boundaries 2

Map 2: Existing Land Uses..... 4

Map 3: Adopted Future Land Uses 7

Map 4: Adopted Zoning10

Map 5: Transportation Network13

Map 6: CRA Census Tracts.....25

Map 7: Conceptual Master Plan52

List of Tables

Table 1: Existing Land Uses 3

Table 2: Future Land Uses 6

Table 3: Zoning Districts..... 9

Table 4: Historic Traffic Volumes.....14

Table 5: 2016 Traffic Count Program15

Table 6: Housing Affordability24

Table 7: Substandard Housing.....26

Table 8: Travel Time to Work27



Table 9: Crime Prevention Applications28
Table 10: City of Apopka TIF Revenues and Projections36



Chapter 1: Introduction

PURPOSE

The purpose of a Redevelopment Plan is to address changes in building stock, market conditions, demographics, technological advances and many other challenges. The hopeful outcome is improvement and maintenance of the quality of life for enjoyment of all residents, as well as vitality in the downtown that will spawn additional economic growth and increase property values. The Apopka Community Redevelopment Agency's Community Redevelopment Area (CRA) contains 1,014 parcels, which comprise a total parcel area of 485.9 acres. The CRA, including right-of-ways, covers an area of approximately 633 acres. This area encompasses the majority of downtown Apopka along U.S. 441 and extends from the S.R. 436/U.S. 441 intersection on the east to Hawthorne Avenue on the west, and from 11th Street on the south to Oak Street to the north. **Map 1** provides a graphic representation of the CRA boundary.

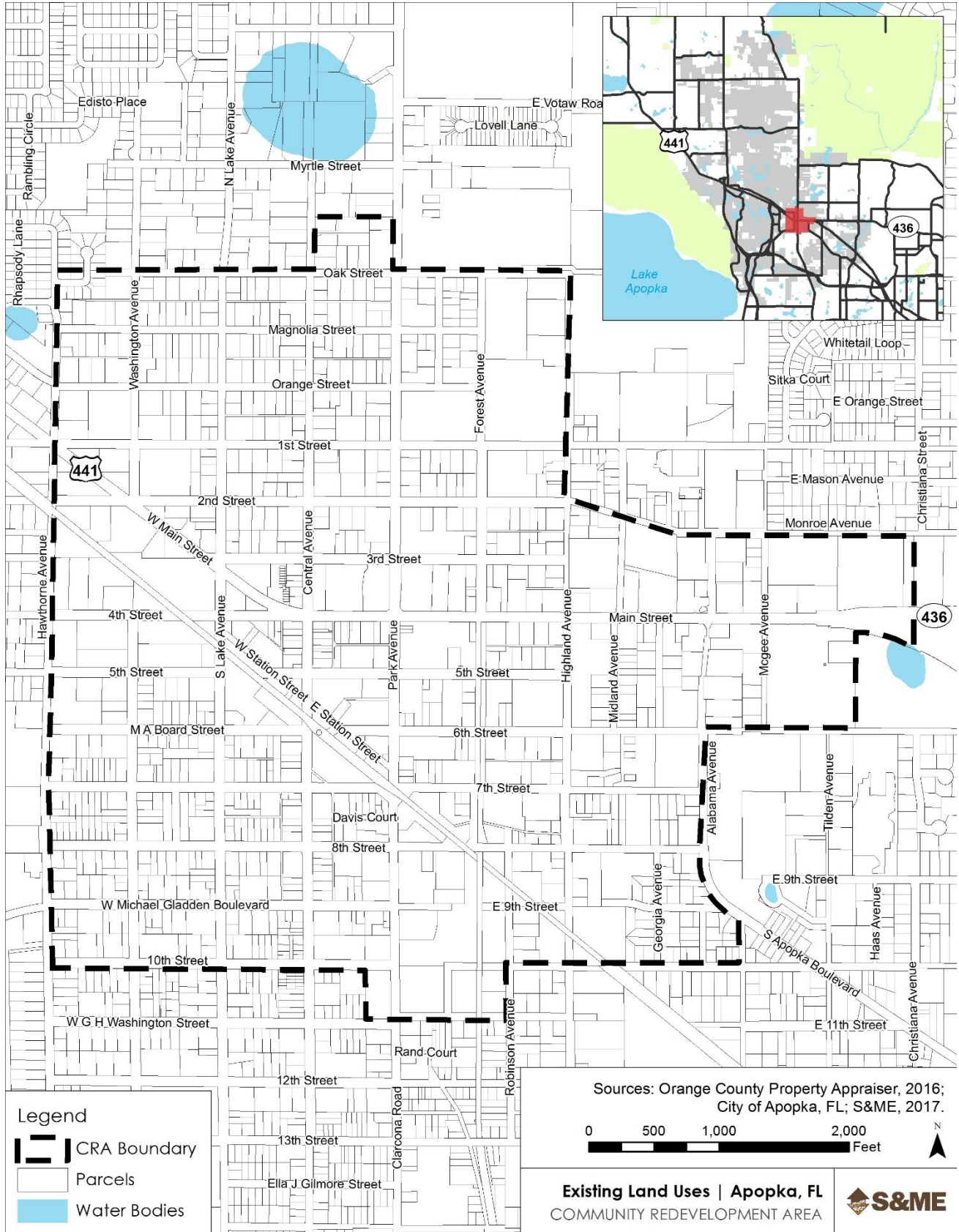
A Redevelopment Plan was originally adopted for Apopka in 1993 to document a strategy for the Community Redevelopment Agency that would facilitate a comprehensive and coordinated revitalization of the CRA. Subsequent to 1993, the City of Apopka has taken steps to implement the strategies and recommendations contained in the 1993 Redevelopment Plan. *This report is intended to replace the City of Apopka's 1993 Community Redevelopment Plan based on the updated information and public participation received at the community workshop; and presents recommendations and strategies to build upon the City's redevelopment accomplishment and achievements.*

Figure 1: City of Apopka City Hall



Source: Ebyabe, Wikimedia Commons, 2017.

Map 1: CRA Boundaries



Chapter 2: Existing Conditions

In order to prepare recommendations to improve the downtown, it is important to first analyze the current conditions and to evaluate the areas for opportunities and challenges. This section summarizes the existing conditions of the CRA area as of 2016, including land development patterns and regulations, vacancy opportunities, building ownership, infrastructure, demographics and urban form.

A. LAND USE

EXISTING USE

The predominant land uses, over 50% within the CRA consist of residential and commercial uses combined. Approximately one-third of the CRA acreage (33.6%) consists of residential uses. Of the residential acreage, single-family represents the vast majority, covering 28% of the CRA acreage and comprising the highest number of parcels at 456 parcels, or 45% of all CRA parcels. Commercial land uses cover 17.8% of the CRA acreage, comprising 18.1% of all CRA parcels, and are almost evenly distributed among retail, office, and other commercial services. Among the non-residential uses, excluding commercial land uses, government lands make up the majority, covering 13% of the CRA acreage and comprising 4.9% of all CRA parcels. Vacant lands account for the second highest number of parcels, at 18% of all CRA parcels, but only covering 13% of the CRA acreage. Map 2 shows the Existing Land Uses within the CRA and Table 1 describes its acreage and number of parcels.

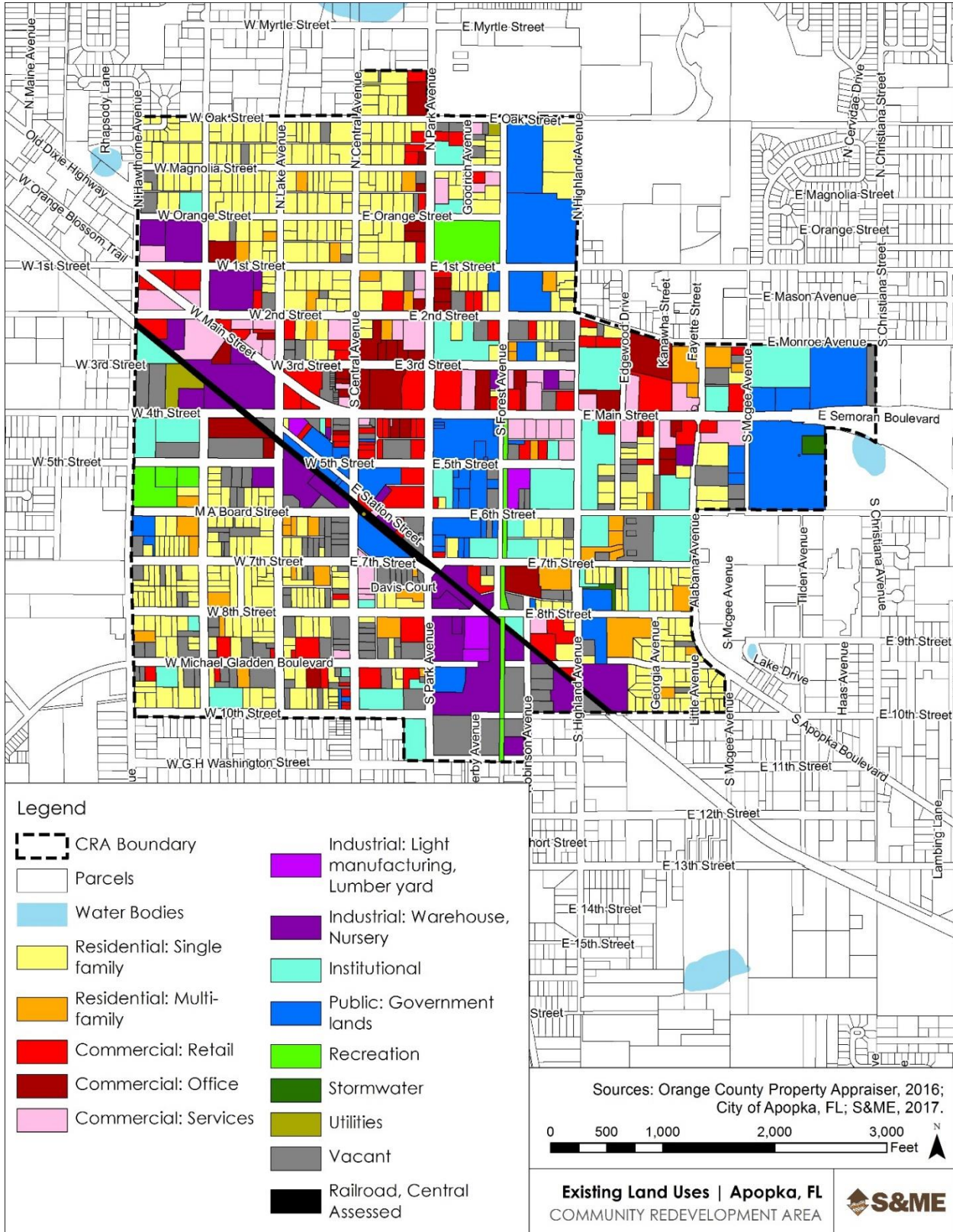
Table 1: Existing Land Uses

	Acreage	%	# of Parcels
Residential: Single family	136.2	28.0%	456
Residential: Multi-family	27.4	5.6%	57
Commercial: Retail	37.5	7.7%	88
Commercial: Office	24.5	5.0%	51
Commercial: Services	24.8	5.1%	45
Industrial: Light manufacturing, Lumber yard	3.8	0.8%	4
Industrial: Warehouse, Nursery	39.2	8.1%	29
Institutional	46.6	9.6%	33
Public: Government lands	61.5	12.7%	50
Recreation	11.8	2.4%	10
Stormwater	1.2	0.3%	2
Utilities	2.1	0.4%	4
Vacant	63.3	13.0%	183
Railroad, Central Assessed	6.2	1.3%	2
Total	485.9	100.0%	1,014

Sources: Orange County Property Appraiser; City of Apopka, FL; S&ME, 2017.

Notes: The total number of parcels are inconsistent with the corresponding figures from the Zoning and Existing Land Use tables due to unassigned parcels or overlapping parcels. The total number of parcels within the Apopka CRA is 1,014.

Map 2: Existing Land Uses



FUTURE LAND USE

The primary prescribed future land use designation for the parcels along Main Street (U.S. 441), South Central Avenue, and Michael Gladden Boulevard to Park Avenue is Commercial. The Commercial future land use designation extends one (1) to two (2) blocks on either side of U.S. 441 through downtown Apopka, transitioning outwards to Residential future land use designations. The Office designation is provided along northern Park Avenue near the Florida Hospital facility and around the City Hall complex. Areas allocated for Industrial use are located between Park Avenue and Highland Avenue from 7th Street to 11th Street. The Floor Area Ratio (FAR) for the Commercial, Office, and Industrial future land use designations are 0.25, 0.30, and 0.60, respectively.

The Commercial designation and the three residential designations combined are the predominant future land uses within the CRA. The Commercial designation covers 37.4% of the CRA acreage and is assigned to 372 parcels, or 37.2% of all CRA parcels. The three residential designations combined cover 36.5% of the CRA acreage and are assigned to 47.8% of all CRA parcels. Of the residential designations, the Low Density Residential future land use represents the majority, covering 28.8% of the CRA acreage and assigned to 39% of all the parcels within the CRA. The Low Density Residential future land use designation – allowing up to five dwelling units per acre—is mostly concentrated in the northwest, southeast, and southwest quadrants of the CRA. The Medium Density Residential future land use designation – allowing up to 10 units per acre – is found in the northeast quadrant behind the commercial corridor and in the southwest and southeast quadrants. There is only one parcel assigned a High Density Residential future land use designation – allowing up to 15 units per acre – designation, located southwest of the intersection of East 7th Street and South Highland Avenue.

The Parks/Recreation future land use designation is assigned to parcels near the northwest quadrant of the CRA and at the western edge of the CRA between 5th Street and M A Board Street. The facilities assigned to the Parks/Recreation designation are Alonzo Williams Park, the Fran Carlton Recreation Center, and the Kit Land Nelson Park.

The City's Comprehensive Plan established two overlay zones that benefit the CRA. The Central Business District Overlay – generally from 1st Street to the CRA boundaries on the south and Highland Avenue to Lake Avenue – is intended to encourage businesses, commerce, and convenience shopping consistent with the historical context of the Central Business District (CBD). The maximum FAR allowed within this overlay is 2.0 in the CBD and twice the allowable FAR of the underlying land use in the CRA. The CBD is located entirely within the CRA Overlay District.

The other overlay is the Community Redevelopment Area (CRA) Overlay District, which is intended to “encourage the development of residential and business and commerce uses consistent with the City's Community Redevelopment Plan”¹. The boundary of the CRA Overlay District is the same as the boundary for the CRA, as shown on Maps 1-4. The maximum FAR permitted for nonresidential uses is twice the permitted in the underlying land use designations. Residential densities are governed by the underlying land use category.

Map 3 shows the Future Land Uses within the CRA and **Table 2** describes its acreage and number of parcels.

¹ City of Apopka Comprehensive Plan, Future Land Use Element.

Table 2: Future Land Uses

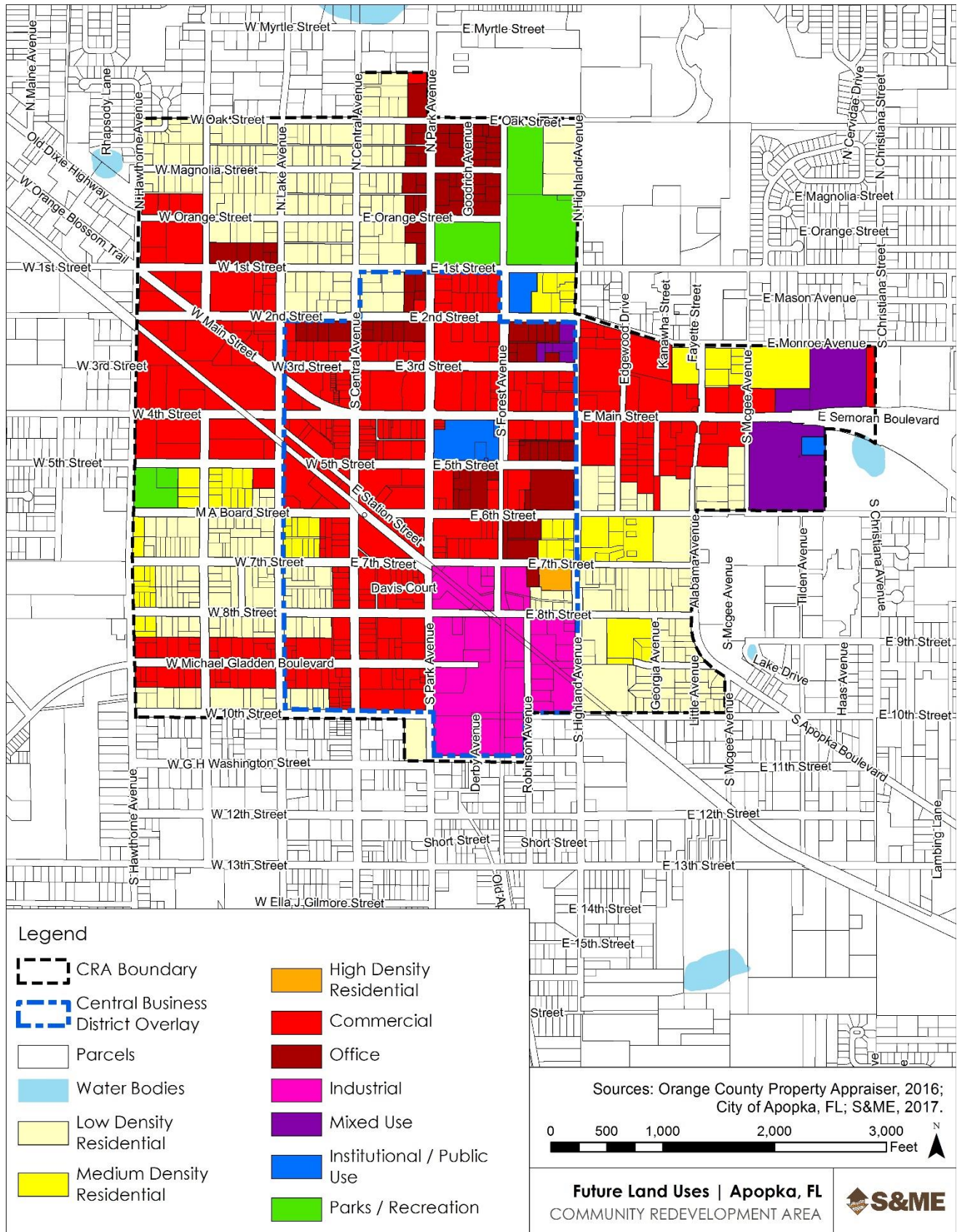
	Acreage	%	# of Parcels
Residential Low	138.3	28.8%	390
Residential Medium	35.3	7.4%	87
Residential High	1.4	0.3%	1
Commercial	179.4	37.4%	372
Office	37.8	7.9%	90
Industrial	37.6	7.8%	39
Mixed Use	21.0	4.4%	9
Institutional / Public Use	7.3	1.5%	6
Parks/Recreation	21.9	4.6%	5
Total	480.0	100.0%	999

Sources: Orange County Property Appraiser; City of Apopka, FL; S&ME, 2017.

Notes: The total number of parcels are inconsistent with the corresponding figures from the Zoning and Existing Land Use tables due to unassigned parcels or overlapping parcels. The total number of parcels within the Apopka CRA is 1,014.



Map 3: Adopted Future Land Uses



ZONING

Consistent with the Future Land Use Map of the City's Comprehensive Plan, the zoning map shows commercial zoning districts along Main Street, extending north and south along Central Avenue, and along Michael Gladden Boulevard to Park Avenue. The parcels along Main Street generally transition from a C-3 zoning district from the western edge of the CRA to a C-1 zoning district in the center and to a C-2 zoning district at the eastern edge. Parcels along Michael Gladden Boulevard to Park Avenue are zoned C-1. All three Commercial districts allow 0.25 Floor Area Ratio (FAR), or 2.0 FAR if located within the Central Business District Overlay district. For these zoning districts, the front setback requirement is fifty (50) feet from centerline of the road or ten feet from the property line, the corner setback is fifteen (15) feet, and the minimum rear setback is ten (10) feet or thirty (30) feet if adjacent to residential. Uses allowed in the various commercial zoning designations vary from single family to fruit packaging/processing plants. The commercial or office districts do not currently allow residential uses.

The PO/I (Professional Office/Institutional) zoning district is interspersed with the other districts but is mainly concentrated around the Florida Hospital area and the City Hall complex. This zoning designation allows medical and professional offices, medical clinics, hospitals, and pharmaceutical and medical retail sales. This district allows 0.30 FAR or 2.0 FAR when in the Central Business District Overlay district. The setback requirements are twenty-five (25) feet from the front and corner and ten (10) feet from the rear and side.

There is a large area of the I-1, Restricted Industrial zoning district on both sides of the railroad between Park Avenue and Highland Avenue. The I-1 zoning designation allows manufacturing, warehouses, machine shops, bottling plants, building material sales, automobile service stations & garages, new and used cars, motorcycles and boat sales. This district allows 0.60 FAR or 2.0 FAR when in the Central Business District overlay district. The setback requirements are twenty-five (25) feet from the front and corner, ten (10) from the side, and ten (10) feet or thirty (30) feet from the rear.

The residential and commercial zoning districts combined are the predominant zoning districts within the CRA. The residential zoning districts combined cover 38.3% of the CRA acreage and are assigned to 481 parcels within the CRA, or 48.5% of all parcels in the CRA. The commercial zoning districts combined cover 39.5% of the CRA acreage and comprise 37.1% of all parcels within the CRA. The zoning district that is most commonly assigned to parcels in the CRA is the C-1 zoning district, at 25.4% of all parcels in the CRA.

The maximum building height allowed in the CRA is 75 feet. **Map 4** shows the Zoning districts within the CRA and **Table 3** describes its acreage and number of parcels.



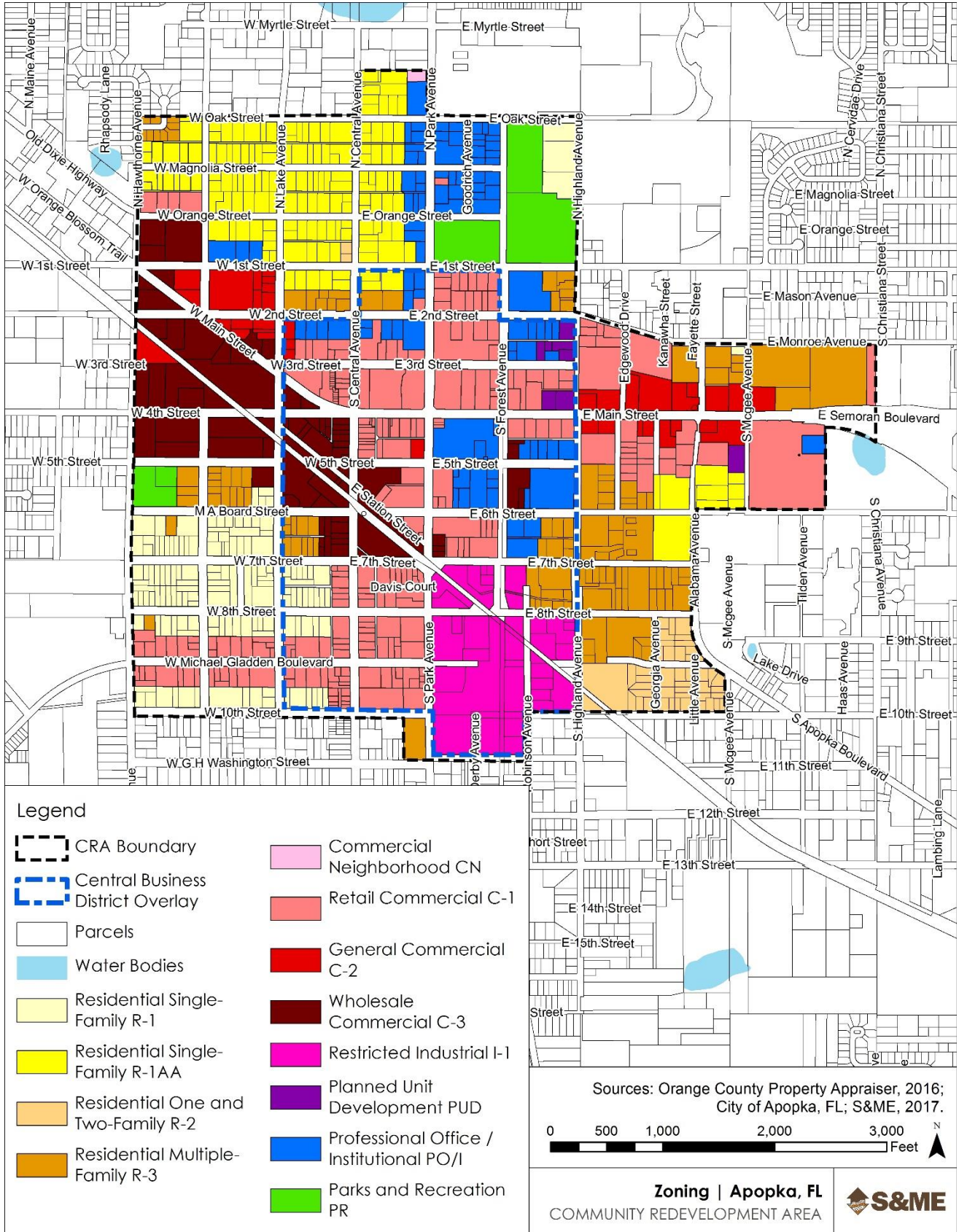
Table 3: Zoning Districts

	Acreage	%	# of Parcels
Residential Single-Family R-1	40.8	8.6%	136
Residential Single-Family R-1AA	63.1	13.2%	155
Residential One and Two-Family R-2	14.0	2.9%	46
Residential Multiple-Family R-3	64.7	13.6%	143
Commercial Neighborhood CN	0.4	0.1%	1
Retail Commercial C-1	110.9	23.3%	252
General Commercial C-2	23.8	5.0%	37
Wholesale Commercial C-3	52.9	11.1%	78
Restricted Industrial I-1	35.2	7.4%	36
Planned Unit Development PUD	3.6	0.8%	9
Professional Office / Institutional PO/I	45.1	9.5%	94
Parks and Recreation PR	21.7	4.6%	5
Total	476.2	100.0%	992

Sources: Orange County Property Appraiser; City of Apopka, FL; S&ME, 2017.

Notes: The total number of parcels are inconsistent with the corresponding figures from the Zoning and Existing Land Use tables due to unassigned parcels or overlapping parcels. The total number of parcels within the Apopka CRA is 1,014.

Map 4: Adopted Zoning



HISTORIC PROPERTIES

The City of Apopka conducted a historical resources survey in 1990. The survey, originally intended to cover the entire City, focused on the area generally included within the original City limits (Oak Street on the north, Hawthorne Avenue on the west, 10th Street on the south, and Hackney Avenue/Christina Avenue on the east). A total of 196 master site files were prepared. Six structures were determined to qualify for individual National Register status (in addition to the Waite-Davis house, which had already been listed). The survey also recommended studying the northern part of the survey area (Magnolia, Central Avenue and Orange Avenue) and the southern part (South Central and South Lake) for possible National Register District nomination.

Currently, the City of Apopka has one district listed on the National Register of Historic Places. It is the Ryan & Company Lumber Company located at 210 East 5th Street. Four individual buildings are also on the National Register of Historic Places:

- Carroll Building – 407-409 South Park Avenue
- Seaboard Airline Railway Depot – 36 East Station Street
- Mitchill-Tibbetts House – 21 East Orange Street
- Waite-Davis House – 5 South Central Avenue

Most of the historical resources in the City are concentrated in the CRA area. Properties that are fifty years and older meet the criteria for listing properties in the National Register of Historic Places. The majority of historic properties were built between 1940 and 1955. There are a number of structures built prior to 1920 within the CRA, including residential structures, institutional (churches), and a few commercial structures.

VACANT LOTS

Out of the 1,014 parcels in the CRA, approximately 183 parcels are vacant. This represents 18% of the total parcels in the CRA area and 13% of the total acreage. The vacant parcels are spread throughout the CRA with no particular concentration. The majority of the vacant parcels are assigned a future land use designation of Commercial, at 51.6% of all vacant parcels within CRA or 97 of all vacant parcels. The predominant zoning district assigned to vacant parcels is the C-1 zoning district, assigned to 36% of all vacant parcels within the CRA or 63 parcels.

AGE OF BUILDING STOCK

There are approximately 772 structures in the CRA. The 2016 Orange County Property Appraiser's parcel database includes information on when structures were built. Most of the buildings in the CRA were built during or prior to the 1960s and about 61% of all buildings are aged 50 years or more. The average age of all structures within the CRA is 56 years old. Average age of residential structures is 59 years old.

With most of the building stock exceeding an age of fifty years, it is important to address not only preservation issues but also physical conditions. Code enforcement standards need to be in place to prevent deterioration of historically significant structures and to take action when the structures reach a stage of deterioration.

The most current development and most modern buildings within the CRA are found along Main Street, and along 5th Street between Park and Highland Avenues. The newly constructed commercial properties, predominantly restaurants along Main Street and the newly built public facilities (City Hall expansion, fire station, and Fran Carlton Center) represent significant improvements to the overall building stock within the CRA.

LOT SIZES

Based on the information provided by the Orange County Property Appraiser's Office, most of the parcels, or approximately 42.7% are less than one-quarter acre. 47.9% are between one-quarter acre to 1 acre. The CRA

contains only one (1) parcel greater than 10 acres, at 11.4 acres. According to State Statutes 163.3187, the process for the adoption of small-scale comprehensive plan amendment applies to parcels with an area of 10 acres or less.

OWNERSHIP

The Orange County Property Appraiser's Office lists 1,014 parcels located within the CRA boundary; this accounts for approximately 485.9 acres. About 92.3% of the parcels with the CRA, or 936 parcels, are owned by persons whose tax address is located within the state of Florida. Out of all the parcels within the CRA, 70.2% have an Apopka tax address. Absentee property ownership is not seen as a primary contributor to a lack of economic vitality or activity within the CRA.

B. INFRASTRUCTURE AND PUBLIC SERVICES

The City of Apopka owns and operates various public service systems within and around the Apopka CRA area. These systems include transportation, stormwater, potable water, sanitary sewer and reclaimed water. Additionally, there are private utility systems within the CRA area, including electric power, communications, natural gas, and cable television. The following paragraphs provide a brief description of these systems.

TRAFFIC AND CIRCULATION

The traffic circulation within the CRA is most significantly affected by Main Street (U.S. 441/Orange Blossom Trail), which bisects the CRA. As of 2016, the segments of U.S. 441 passing through the CRA had an Average Annual Daily Traffic (AADT) volume of 47,184 trips on its eastern end and 37,902 trips on its end. U.S. 441 is classified as a major arterial roadway with five lanes (two lanes in each direction with a central turn lane) through the majority of the CRA. The adopted level of service (LOS) for U.S. 441 is "D." Although the segments of U.S. 441 through the CRA currently operate below the adopted level of service volumes, the segments are operating near capacity. Over the last ten years, however, the traffic volumes have decreased. The projected LOS in 2030 – according to the City of Apopka 2030 Comprehensive Plan – is projected at "F" for the Central Avenue to Park Avenue segment and for the Park Avenue to Semoran Boulevard segment.

In addition to Main Street (U.S. 441/Orange Blossom Trail), the other primary east-west corridors through the CRA are: 1st Street, 2nd Street, Monroe Avenue, 6th Street, and 10th Street. Primary north-south connectors through the CRA include: Park Avenue, Central Avenue, Lake Avenue, South Highland Avenue and Alabama Avenue. **Map 5** shows the street network of the CRA. Information regarding the historic traffic levels is detailed in the **Table 4**. **Table 5** shows the number of lanes, traffic volumes, and the level of service of the major roads in the CRA.



Map 5: Transportation Network

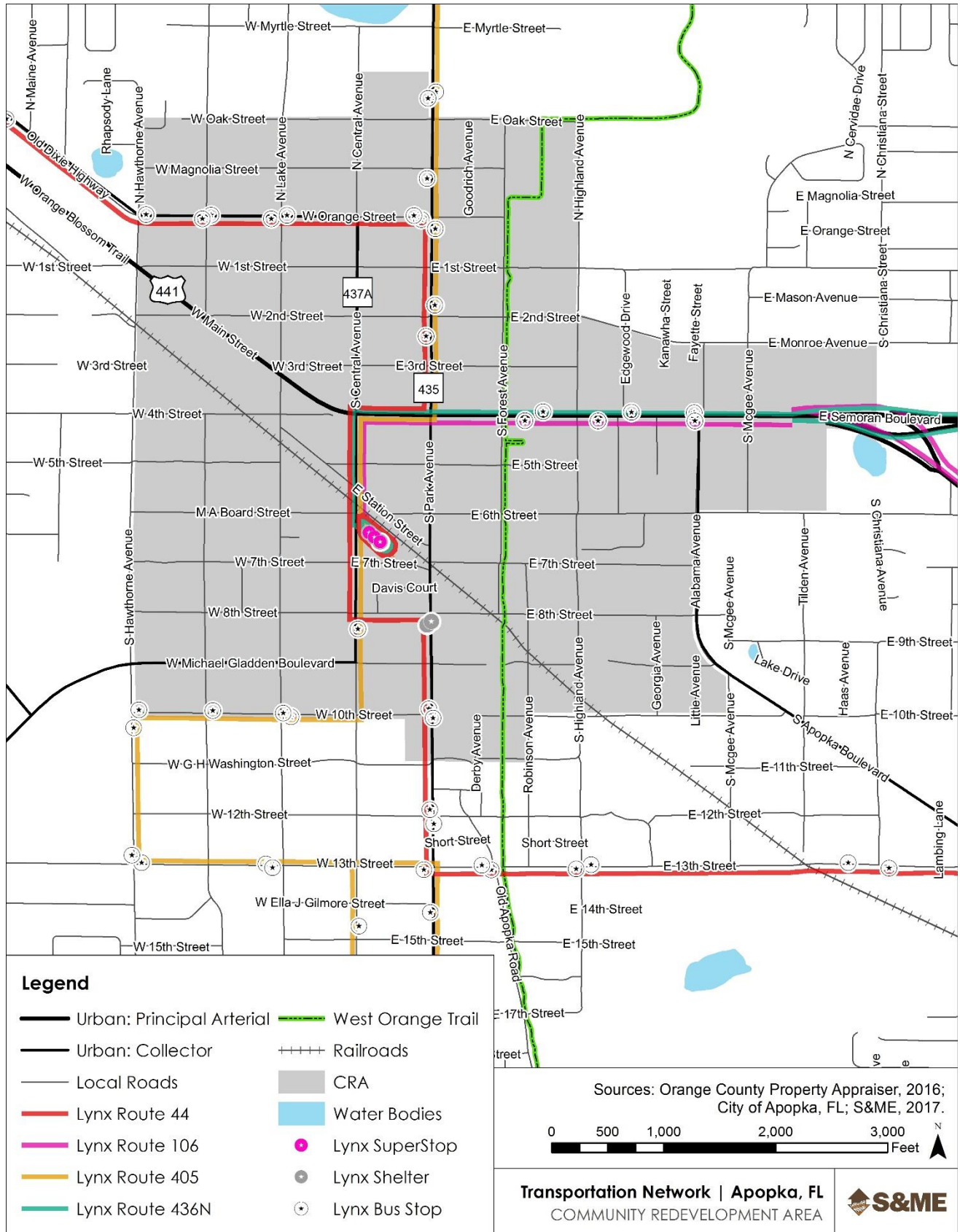


Table 4: Historic Traffic Volumes

Roadway Segment	2005 AADT	2006 AADT	2007 AADT	2008 AADT	2009 AADT	2010 AADT	2011 AADT	2012 AADT	2013 AADT	2014 AADT	2015 AADT	2016 AADT	2005- 2016 Change
Main St (US 441/Orange Blossom Trail)													
Hawthorne Avenue to Central Avenue	43,626	41,957	42,998	40,860	36,348	36,227	36,758	36,195	33,589	35,256	40,802	37,902	-13%
Central Avenue to Park Avenue (CR 435)	45,402	42,974	43,905	38,847	27,147	31,667	36,870	34,333	40,366	35,286	44,735	35,149	-23%
Park Ave (CR 435) to Highland Ave	52,563	47,438	53,212	45,884	43,282	44,118	43,018	41,427	41,109	39,614	41,575	42,433	-19%
Highland Ave to Alabama Ave (CR 424)	48,598	50,262	52,363	45,765	45,966	45,563	44,864	43,926	41,976	43,830	45,608	48,366	-.5%
Alabama (CR 424) to SR 436	53,706	50,673	54,389	50,045	45,399	46,273	45,258	45,191	42,309	44,981	41,306	47,184	-12%
Park Avenue (CR 435)													
Orange Street to US 441	27,259	26,484	27,217	24,149	23,869	24,442	23,429	22,280	22,652	23,326	24,740	25,252	-7%
US 441 to Michael Gladden Blvd	12,212	12,305	12,951	12,203	11,698	11,113	12,347	11,017	12,258	12,567	13,011	15,274	25%
Central Ave (CR 437A)													
US 441 to M. Gladden Blvd	4,452	3,765	3,667	3,586	5,198	3,405	3,065	3,374	3,230	3,444	4,827	4,129	-7%
6 th Street													
Park Ave (CR 435) to Alabama Ave (CR 424)	2,996	3,633	3,628	3,284	2,824	2,223	1,824	2,045	1,895	2,029	1,963	2,752	-8%

Sources: 2016 City of Apopka Traffic Count Program, 2016 Traffic Counts Luke Transportation Engineering Consultants, Inc.



Table 5: 2016 Traffic Count Program

Roadway Segment	Count Location Number	No. of Lanes	Daily Volume	Adopted LOS	Capacity @ LOS	2030 Projected LOS
Main St (US 441/Orange Blossom Trail)						
Hawthorne Avenue to Central Avenue	553A	5 L	37,902	D	43,400	D/F ¹
Central Avenue to Park Avenue (CR 435)	5099	4 LD	35,149	D	43,400	F
Park Ave (CR 435) to Highland Ave	5098	5 L	42,433	D	43,400	F
Highland Ave to Alabama Ave (CR 424)	609A	4 LD	48,366	D	43,400	F
Alabama (CR 424) to SR 436	5096A	4 LD	47,184	D	43,400	F
Park Avenue (CR 435)						
Orange Street to US 441	580A	5 LD	25,252	E	35,700	B
US 441 to Michael Gladden Blvd	563A	2 L	15,274	E	16,900	F
Central Ave (CR 437A)						
US 441 to M. Gladden Blvd	567A	2 L	4,129	E	27,000	A
6 th Street						
Park Ave (CR 435) to Alabama Ave (CR 424)	650A	2 L	2,752	D	10,000	C

Sources: 2016 City of Apopka Traffic Count Program, 2016 Traffic Counts Luke Transportation Engineering Consultants, Inc. City of Apopka 2030 Comprehensive Plan, Transportation Element.

Notes:

¹The segments from Bradshaw Rd and Hawthorne Ave are projected to operate at an LOS of D in 2030. The segment from Central Ave to Park Ave is projected to operate at an LOS of F in 2030.

²The segment from US 441 to M. Gladden Blvd is projected to operate at an LOS of F in 2030. The segment from M. Gladden Blvd to Cleveland St is projected to operate at an LOS of D in 2030.



BIKE/TRAILS

The current bicycle facilities in the CRA consist of the West Orange Trail that runs north and south through the CRA along Forest Avenue, as shown on **Map 5**. The trail consists of two paved lanes – one in each direction – at a width of approximately 13 feet and includes a bridge over Main Street.

Figure 2: West Orange Trail over Main Street



Source: S&ME, 2017.

TRANSIT

The CRA area is served by LYNX transit routes 44, 106, 405, and 436N. The headways for these routes – the time that it takes for the next bus to make a circuit of its route – are 60 minutes for routes 44, and 405, 30 minutes for routes 106 and 436N, and 15 minutes during peak times for route 436N. **Map 5** details the existing bus routes, shelters, and stops that serve the CRA. The LYNX Super Stop, situated at the northeast corner of 7th Street and Central Avenue, provides reduced headways and increased transit opportunities to CRA residents and businesses.

POTABLE WATER

The City of Apopka owns and operates a potable water utility system within the CRA study area. The existing potable water system consists of a well-developed network of water mains distributed across the entire area. The existing water mains range in size from two inches (2") to sixteen inches (16") in diameter and serve both domestic and fire flow demands. Potable water service is currently available within a reasonable connection distance to all portions of the CRA study area.

SANITARY SEWER

The existing sanitary sewer system operated by the City within the Apopka CRA study area consists of a network of gravity sanitary sewer trunk lines, pump stations and pressurized force mains. The gravity sewers consist of pipes ranging in size from eight inches (8") to fifteen inches (15"). In addition, there are seven (7) existing wastewater pump stations within, or directly adjacent to, the CRA study area. Six (6) of these pump stations discharge into a common pressurized force main that eventually becomes an eighteen-inch (18") force main and exits the study area along the south CRA boundary.

RECLAIMED WATER

The City of Apopka also owns and operates a reclaimed water system that provides public access to treated effluent for irrigation purposes. Although the City's existing reclaimed water system does not extend into the CRA study area at the present time, it is directly adjacent to the study area at the northwest corner of the CRA boundary. In addition, there is an existing twenty-inch (20") reclaimed water main located within several blocks of the CRA along the west and south CRA boundaries.



ELECTRICITY/POWER LINES/NATURAL GAS

Like many urbanized areas, the CRA study area has highly visible utility poles and overhead transmission lines throughout the entire study area. The capacity and level of service for these facilities are established and accessed by the private utility companies. However, overhead utility lines are generally considered unsightly, and more recently communities have encouraged the placement of these utilities underground.

On Main Street (U.S. 441), the overhead utility and transmission lines are located on the north side of the road from Forest Avenue to Semoran Boulevard. Electric service to buildings, telephone and cable lines have been relocated underground along Main Street from Forest Avenue to Lake Avenue and throughout much of the CRA area.

The Lake Apopka Natural Gas District services to the Apopka CRA. The majority of the urban blocks within the CRA are served by natural gas mains.

STORMWATER SYSTEM

Stormwater conveyance and management throughout the study area on a regional basis is largely based on the overall topography of the area. Based on review of topographic maps, the overall ground elevation of the study area is generally highest along the west boundary of the study area and falls to the lowest elevations along the east boundary of the study area. Therefore, the general movement of surface water across the study area is from west to east. The high point for the study area is along Washington Avenue. From Washington Avenue, the ground generally falls to the west such that any properties west of Washington Avenue will drain toward the west. All other areas within the study area will drain easterly. Overall, the soils are relatively dry, moderately drained soils, and land surface is uniformly graded in the CRA with few natural depressional areas that collect surface water.

Other features within the study area, which may affect stormwater drainage and surface water conveyance, include the railroad grade and several ditches. The existing railroad grade provides a surface drainage divide in the southwestern portion of the study area. Any surface water west of the railroad grade will generally flow to the west, or flow southeasterly and eventually find its way to the depressional areas just south of the CRA along the south side of 10th Street. The one exception is a set of culverts in the vicinity of Forest Avenue that will allow conveyance of stormwater from a limited area on the south side of the railroad grade to the north side. From the culverts, water can drain into an existing historical drainage way that generally flows north and east and eventually discharges to the existing FDOT pond in the Townsend Plantation area along the south side of U.S. 441.

Except for several short remote segments of storm pipe and the Martin's Pond Improvement Project, the City's existing stormwater system infrastructure within the CRA study area mainly consists of a set of inlets and pipes along U.S. 441 and along Park Avenue north of U.S. 441. The system along U.S. 441 is split into two subsystems that take advantage of the natural high point in the vicinity of Washington Avenue. One system flows west from Washington Avenue along U.S. 441 and discharges into the pond located just north of Old Dixie Highway and west of Hawthorne. The second system starts near Lake Avenue and goes east along U.S. 441 and eventually discharges to FDOT's pond at the old Townsend Plantation site. These two systems collect the stormwater runoff from U.S. 441 and the immediately adjacent areas, and discharge the stormwater to the mentioned ponds for treatment.

As mentioned above, the City also has a stormwater collection and conveyance system along Park Avenue north of U.S. 441. This system collects stormwater runoff from Park Avenue and any tributary areas, and conveys the runoff north to Votaw Road, and then easterly along Votaw Road by way of a series of pipes to a City stormwater pond located north of Votaw Road a short distance from Park Avenue. This pond serves as a regional pond and treats all the water collected and conveyed by the Park Avenue system.

Some recent development projects in the downtown portion of the CRA (Walgreens and CVS) have utilized on-site underground retention and storage chambers for storage of stormwater.

Many of the remaining streets in the CRA study area take advantage of the natural grade change within the City, and utilize curb and gutters for directing and conveying runoff. For instance, in the areas north of U.S. 441 and west of Park Avenue, the streets have curbs and gutters, and the gradients generally fall to the east. Therefore, most of the stormwater runoff from this area is directed to Park Avenue where it is collected and discharged at the City's pond along Votaw Road. For the area east of Park Avenue and north of U.S. 441, the curbs and gutters carry the runoff to the east toward the lower elevations in the vicinity of the Edgewood and Greenwood Cemeteries. From here, any accumulated stormwater finds its way to a drainage way that leads to the Lake McCoy basins.

For areas south of U.S. 441 and east of the railroad grade, stormwater runoff will generally flow east to the ponds at the old Townsend Plantation site, or end up in a historical drainage way that also flows to ponds at the old Townsend Plantation site, or will flow easterly and eventually into some depressional areas east of Alabama Avenue.

C. URBAN FORM

Block layout and site design can have a major impact on the appearance of the built environment. The way blocks are laid out affects the traffic and pedestrian flow through the downtown, and the way sites are designed can impact the appearance of the urban form and shape the character of the district. This section provides a description of the elements that are currently shaping the urban form in downtown Apopka building placement, building height, block continuity, signs and architecture.

BUILDING/PARKING PLACEMENT

Buildings are the most important component of the urban streetscape form. They set the mass, scale and tone of the built environment. The Main Street corridor in Apopka is lined up with mostly one-story and a few two-story buildings placed close to the street, some of them following the traditional commercial form of retail with display windows on the ground floor and residences or offices on the second floor.

Figure 3: Parking Placement Behind Buildings



Source: S&ME, 2017.

Most of the more recent construction has been single-use, stand-alone businesses (e.g. drug stores, restaurants, banks, etc.). Some of these sites were developed prior to the adoption of the citywide development design guidelines and have placed the buildings farther from the street, and added parking and/or driveways in front of the building. The placement of parking in front of the buildings is not conducive to pedestrian interaction between the public side-walk and the businesses along the corridor. Those businesses seem to be catering to the vehicular traffic rather than the pedestrians.

Since the development design guidelines were adopted in 2003, the buildings have been required to locate closer to the street with parking in the rear of the lot, and to be designed respecting the pedestrian scale. With the few new developments, it is already evident that the urban form has improved and a corridor image/character is starting to develop.

Along the secondary transportation corridors, the type of development gets less intensive as it starts blending into the residential and office areas. The Park Avenue corridor displays a number of homes that have been converted into offices, allowing more intense development, but preserving the scale and intensity of the residential structures.

Figure 4: Parking Placement and Building Frontage



Source: S&ME, 2017.

BUILDING HEIGHT

One-story buildings dominate the urban form in downtown. Based on the width of the travel corridor (Main Street), the height of the one-story buildings does not provide sufficient vertical dimension to frame the street. Considering the width and function of Main Street, two story buildings should be encouraged to not only frame the street but also to give the architecture more presence in a heavily traffic-oriented corridor. The maximum height within the CRA is 75 feet.

BLOCK CONTINUITY

Some of the developments along Main Street provide vehicular access directly from Main Street and some even surround the buildings with parking and driveways. This configuration creates block/facade gaps along the street, which creates an unsafe and unfriendly environment for pedestrians.

BUILDING ARCHITECTURE

The various elements of a building's architectural makeup are important in putting together a complete composition. Elements such as materials, colors, surface details, texture, doors, windows and roof shape contribute to a well-designed architectural fabric. The City of Apopka Development Design Guidelines, adopted in 2003, provide standards and guidelines to ensure that new and redeveloped structures continue to add distinction to the architecture and form of the downtown and surrounding areas.

Figure 5: Building Frontage and Architecture



Source: S&ME, 2017.

PUBLIC/CIVIC SITES

There are a number of civic uses interspersed with the commercial buildings (City Hall, museum, churches, etc.) in the downtown. There are also several pocket parks in the area. Both the institutional and recreational uses are an asset to the area, not only in terms of activity, but also in the creation of a comfortable, attractive downtown. The parks provide appropriate breaks in the urban form, inviting people in as opposed to parking lots that break the continuity. The civic uses should continue to be designed and maintained as icons that stand out and serve as landmarks and meeting places with public plazas and urban green space. They should not try to follow the main-street commercial urban form or architecture.

Figure 6: Signage along Main Street



Source: S&ME, 2017.

SIGNS

Signs are an important element in creating an attractive, inviting urban form. The signs on the newest development sites create a barrier between the public pedestrian area and the businesses. The buildings are close enough to the street to attract vehicular traffic. Freestanding or sandwich board signs are permitted in accordance with City code.

D. STREETScape

The City of Apopka and the Apopka CRA have installed a range of streetscape features throughout downtown Apopka and into the neighborhoods that are adjacent to the north and south edges of the central business district. The most recent streetscape improvements include the planting of palm trees at the intersection of SR 436/Main/441 and some additional streetscape upgrades along Main Street. These features may include: concrete sidewalks with decorative stamping or bricks; vintage- styled street lamps and a limited number of street trees. These streetscape elements are detailed below.

STREET TREES

Several types of street trees have been planted along Central Avenue: Washington Palms between 6th and 10th Streets; Palatka Hollies near the intersection with Main Street; and several young Elms between Main Street and Fifth Street. Street trees along Park Avenue include Palatka Hollies near the Main Street intersection, and mature tree canopy on the east end of the street. Along Main Street, there are Crepe Myrtles, Palatka Hollies and Magnolia trees planted on the street medians. Elm trees along Central Avenue and near Main Street are protected by metal tree guards and grates.

Figure 7: Street Trees and Landscaping



Source: S&ME, 2017.

secondary streets have five-foot (5) sidewalks on both sides of the street. The sidewalks have a rhythmic pattern of red, stamped concrete (brick pattern) and regular, broom- finish sections. The brick areas are approximately five feet (5') square and about ten feet (10') apart. A section of sidewalks, just north of the West Orange Trailhead on Forest Avenue, has a pattern of natural concrete and real bricks. Perhaps this was the genesis of the distinctive sidewalk pattern. Crosswalks are striped with white reflective paint.

LANDSCAPING

With the exception of Main Street, the majority of the streets in the CRA have grassed landscape strips between the curb and the sidewalk. The width of the grass strips is consistently eight feet (8') along most of Central Avenue. The width on 5th Street varies from five feet (5') on the west end to over ten feet (10') on the east end. The section of 5th Street between Lake and Central Avenues does not have landscaping strips.

Several parts of Main Street have landscaped medians with raised curbs. There are landscaped “bump-outs” on parts of Central and Park Avenue wherever on-street parking is provided. Low hedges and shrub masses fill most of the landscape islands and medians, with Loropetalum and Dwarf Yaupon being the dominant shrubs.

SIDEWALKS

A majority of the primary and



The sidewalks on Central Avenue north of 3rd Street are regular broom-finished concrete and are present on both sides of the street. However, north of Orange Street, there is a sidewalk on the west side of the street only. Near the 5th Street intersection, the sidewalks widen to six feet (6'), seven feet (7') and fourteen feet (14') in different areas.

The area of 5th Street between Forest and Highland Avenues only has sidewalks on the south side of the street. They are regular broom-finished concrete sidewalks.

The existing width of sidewalks seems to serve pedestrians well. It is a good network of connections.

Figure 8: Sidewalks and Street Lights



Source: S&ME, 2017.

LIGHTING

A majority of the streets have decorative street lights. Acorn-style luminaries have been used on Central Avenue. The lights on Central have metal posts, while the lights on Main Street have been replaced and spaced farther apart. Further spacing has been achieved in the residential areas, ranging between 130-160 feet.

The streetlights on Central Avenue end north of Orange Street. There are no decorative streetlights on 5th Street between Forest and Highland Avenues. A few conventional street lights illuminate these areas.

GATEWAYS

There is a small City of Apopka sign at the south end of Park Avenue. Two of the small circular gateway signs that were previously installed were removed by FDOT during the expansion and improvement of Main Street (U.S. 441) and have not been replaced. There have been no significant gateways constructed within the CRA.

WAYFINDING

Wayfinding signs are important to assist people with locating the CRA, parking, parks and civic open space, shopping, events, transit stops, and municipal buildings. A uniform, aesthetically pleasing series of wayfinding signs will enhance the enjoyment of those visiting the CRA.

E. DEMOGRAPHICS

In order to create a vibrant and diverse downtown, it is important to include, preserve and even expand the residential component of the CRA. This section describes the population and housing characteristics of the area as it was in 2016. The information described was obtained from the census bureau and ESRI Business Analyst Online.

POPULATION AND HOUSING

The population of the CRA was 2,259 as of 2016, approximately 4.7 percent of the total City population (47,826). The median age for population within the Apopka CRA in 2016 was similar to the City, at 33.4 versus

36.2, respectively. The CRA contained 878 dwelling units in 2016. The comparison of the average household size was also similar for 2016 between the CRA and the City, at 3.02 and 2.94, respectively.

Of the City's 17,966 dwelling units in 2016, 4.9 percent of them are located in the CRA. In 2016, 742 dwelling units were occupied within the CRA and 16,452 were occupied in the City, including the CRA. This represents a sharp contrast in the vacancy rate of 15.5% within the Apopka CRA versus 8.4% for the City.

HOUSING TENURE

The breakdown between owners and renters in the CRA differs from the breakdown city-wide. While 73.2 percent of the occupied units in the City as a whole are owner-occupied, only 48.8 percent of the occupied units in the CRA are owner-occupied. 51.3 percent of the occupied units in the CRA are rental units, while 26.8 percent are renter-occupied in the City.

HOUSING AFFORDABILITY

HUD estimates that households are paying too high a percentage of their income for housing if the cost to gross income ratio is greater than thirty (30) percent. These households are considered "cost burdened." According to estimates from the American Community Survey for 2015, 35.4% of households in Apopka were cost burdened. A greater percentage of households within the census tracts that cover the CRA – 177.03 and 176 – were cost burdened. Within Census Tract 177.03, 44% were cost burdened and within Census Tract 176, 35.9% were cost burdened. For households living in owner-occupied housing, the percentages for these census tracts and the City as a whole do not vary much. However, for renter-occupied housing, there's a significant difference in the percentage of cost-burdened households. **Table 6** shows the percentage of households in the City of Apopka and within census tracts 177.03 and 176 that were cost burdened. **Map 5** shows the location of the census tracts covering the CRA.

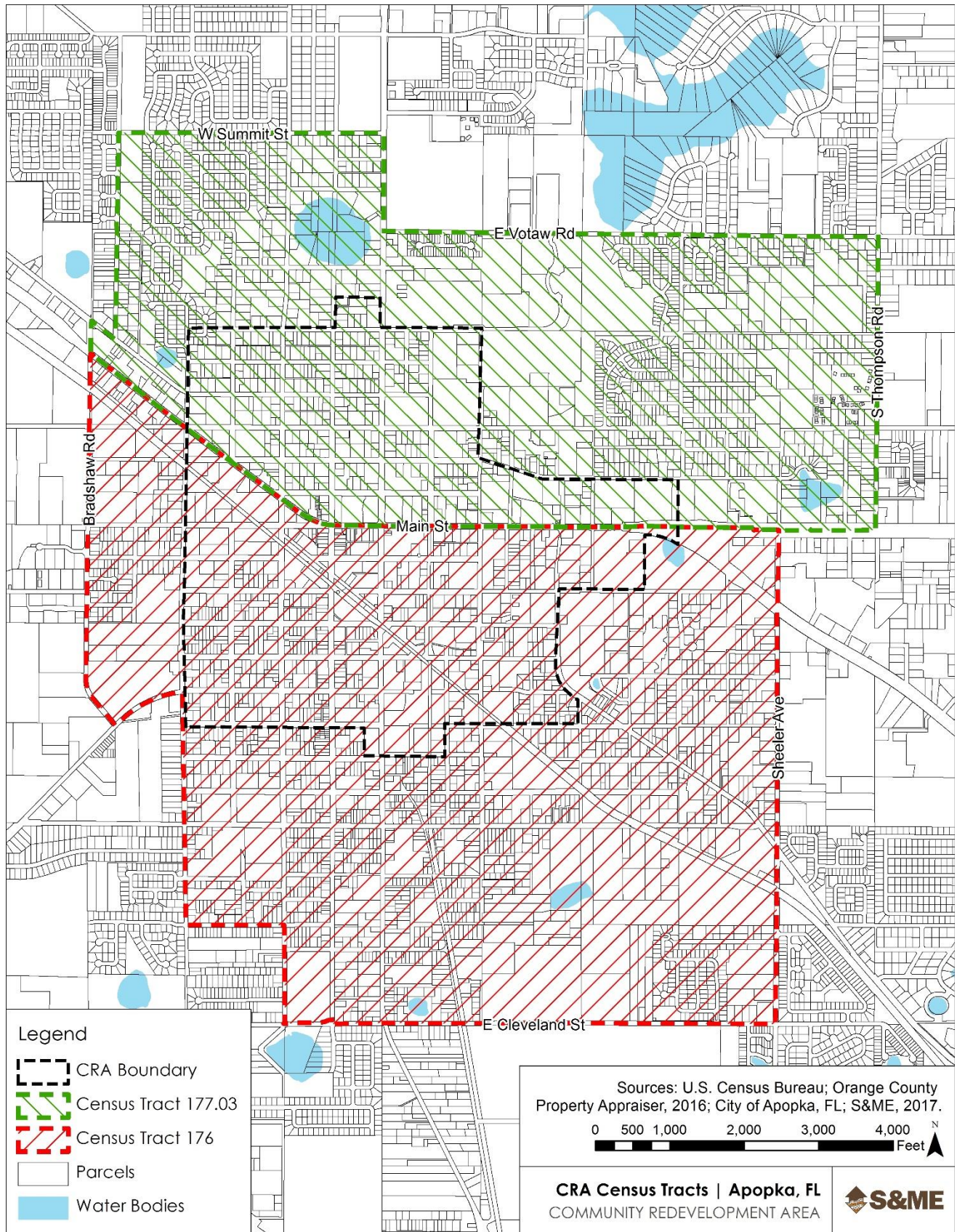
Table 6: Housing Affordability

	Households in 2015 spending 30% or more of their gross income on housing (%)		
	Occupied Housing Units	Owner-occupied Housing	Renter-occupied Housing
City of Apopka	35.4%	30.3%	51.3%
Census Tract 177.03	44.0%	32.3%	65.9%
Census Tract 176	35.9%	27.6%	43.4%

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates, 2015.



Map 6: CRA Census Tracts



SUBSTANDARD HOUSING

The census provides an indicator of housing condition by measuring certain "quality of housing" indicators, such as the lack of complete plumbing facilities, the lack of complete kitchen facilities, and overcrowding. Overcrowding is also an indicator of substandard housing. According to the U.S. Census Bureau, overcrowding exists if there is more than one occupant per room living in one dwelling unit. In making these computations, a "room" is defined as a living room, dining room, kitchen, bedroom, finished recreation room, or enclosed porch suitable for year round use. Excluded are bathrooms, open porches, balconies, halls and utility rooms. The percentage of occupied housing units that lacked complete plumbing and kitchen facilities in 2015 was lower within the census tracts that cover the CRA – shown in **Map 5** – than in the City of Apopka as a whole. Only Census Tract 176 presents an issue with overcrowding, where 7.3% of occupied housing units in 2015 had between 1 to 1.5 occupants per room compared to 1.8% in Census Tract 177.03 and 2.3% in the City as a whole. **Table 7** shows the percentages of occupied housing units within the census tracts covering the CRA and the City of Apopka that indicate substandard housing conditions.

Table 7: Substandard Housing

	Occupied Housing Units (%)		
	Census Tract 176	Census Tract 177.03	City of Apopka
Lacking complete plumbing facilities	0.5%	0.0%	0.6%
Lacking complete kitchen facilities	1.5%	0.0%	2.4%
Between 1 to 1.5 occupants per room	7.3%	1.8%	2.3%
More than 1.5 occupants per room	1.9%	0.6%	0.2%

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates, 2015.

INCOME

The median household income in 2016 was \$30,576 within the CRA and \$55,233 for the City. This represents a significant difference between the CRA and the City as a whole.

COMMUTE TO WORK

In 2015, about 43% of residents in the City of Apopka traveled up to 30 minutes of commute time to work. Almost half, or 49.3%, of residents in the City took 30 to 59 minutes to travel to work and only 7.4% traveled 1 hour or more. Compared to the City as a whole, the travel times for the census tracts covering the CRA – shown in **Map 5** – that show a significant difference are in the range of 1 hour or more of travel time. **Table 8** below shows the percentage of travel times to work by residents within the census tracts covering the CRA and for the City as a whole.



Table 8: Travel Time to Work

	Travel Time to Work (%)		
	Census Tract 176	Census Tract 177.03	City of Apopka
Up to 30 minutes	52.3%	40.8%	43.3%
30-59 minutes	34.4%	44.3%	49.3%
1 hour or more	13.4%	14.9%	7.4%

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates, 2015.

F. SOCIAL CONDITIONS

The Apopka CRA's southwest quadrant contains many of the environmental deficiencies contributing to an environment for criminal behavior that may discourage self-policing by both the residents and the community at large.

Crime occurs for various reasons, and the U.S. Department of Justice offers a few theoretical explanations for differing neighborhood crime levels. Social disorganization suggests that the ability of people to control criminal deviancy is impaired in a geographic area with constant residential turnover since social networks, informal neighbor porch gatherings, etc. cannot form. Related to a weak social network is the idea that if social efficacy is absent, whether it is from social disorganization or other reasons, crime in a neighborhood will rise. Social efficacy is the willingness of residents to intervene and self-patrol for the good of the area. Lastly, criminologists have established the broken windows theory for areas of crime concentration. This refers to the connection between well-maintained areas (tidy yards, operable windows, cars and clean-appearing buildings) and low crime rates. The connection is that the physical appearance of an area affects psychological behavior so that residents are more socially effective and engaged in crime prevention.

In general, the lack of utilities (central water and sewer) and public infrastructure (street lights, curbs and traffic-calming devices) in an area denotes a lack of public investment and may promote unsafe streets and neighborhoods.

Community Redevelopment Areas are frequently beset with crime, in addition to the physical aspects of blight and deterioration. For this reason, an increase in crime over a measured time period is an indicator of blight according to the Florida Statutes regulations for determining the extent of community redevelopment areas. Crime Prevention through Environmental Design (CPTED) is a community policing strategy that has established that there is a link between the care and transparency of geographic areas with crime rates.

Understanding some of the causes of crime and the principles of CPTED provide direction for the cures of the problem, environmental redesign and increased community policing.

Applying a CPTED model involves the systematic analysis of crime in a particular location and the application of the four (4) principles of territorial reinforcement, natural surveillance, natural access control, and management.

NATURAL SURVEILLANCE

A design concept directed primarily at keeping intruders easily observable. Promoted by features that maximize visibility of people, parking areas and building entrances: doors and windows that look out onto streets and parking areas; pedestrian -friendly sidewalks and streets; front porches; adequate night-time lighting.

TERRITORIAL REINFORCEMENT

Physical design can create or extend a sphere of influence. Users then develop a sense of territorial control while potential offenders, perceiving this control, are discouraged. Promoted by features that define property lines and distinguish private spaces from public spaces using landscape plantings, pavement designs, gateway treatments and “CPTED” fences.

NATURAL ACCESS CONTROL

Natural Access Control is a design concept directed primarily at decreasing crime opportunity by denying access to crime targets and creating in offenders a perception of risk. Gained by designing streets, sidewalks, building entrances and neighborhood gateways to clearly indicate public routes and discouraging access to private areas with structural elements.

MANAGEMENT

Management refers to the operation practices and techniques that minimize potential opportunities for crime or criminal activity rather than physical or design changes to a building. These techniques can involve hours of operations, location and storage of inventory, or the interior lighting of a facility.

Community policing does not have to mean increased police presence, which may not be an effective strategy, but rather, regular police-citizen dialog and police collaboration with other city agencies (parks, utilities and code enforcement).

Specific recommendations regarding proposed use of CPTED techniques are included in the Recommendations and Implementation sections of this report.

“The proper design and effective use of the built environment can lead to a reduction in the fear and incidence of crime and an improvement in the quality of life.”

Table 9 identifies applications of crime prevention by types of land uses.

Table 9: Crime Prevention Applications

	Natural Access Control	Natural Surveillance	Territorial Reinforcement	Management
Storefront	<p>Cash register should be located in front of store near main entrance.</p> <p>Public paths should be clearly marked.</p> <p>Signs should direct patrons to parking and entrances.</p> <p>There should be no easy access to the roof.</p> <p>Rear access to shops should be provided from rear parking lots.</p>	<p>Windows should face rear parking lots for increased visibility.</p> <p>Window signs should cover no more than 15 percent of windows.</p> <p>Interior shelving and displays should be no higher than five feet for increased visibility.</p> <p>Exterior of buildings should be well lit.</p> <p>Loading areas should not create hiding places.</p>	<p>Property boundaries, where possible, should be marked with hedges, low fences or gates.</p> <p>Private areas should be easily distinguishable from public areas.</p> <p>Shops should be identified by wall signs for those parking in the rear.</p> <p>Awnings should be installed over rear doors and windows.</p>	<p>Operating hours should coincide with those of other neighboring businesses.</p> <p>Pay phones should be call-out only and under surveillance at all times.</p> <p>Interior space should be well lit.</p>



	Natural Access Control	Natural Surveillance	Territorial Reinforcement	Management
		<p>Clear visibility should be maintained from. The store to the street, sidewalk, parking areas and passing vehicles.</p> <p>Retention area should be visible from the building or street – it should be a visual amenity, not hedged or fenced off.</p> <p>All entrances should be under visual surveillance or monitored electronically.</p>	<p>Parking area should be clearly visible from the building or street.</p>	
Offices	<p>Public entrances should be clearly defined by walkways and signage.</p> <p>Building entrances should be accentuated through architectural elements, lighting, landscaping and/or paving stones.</p>	<p>Restrooms should be observable from nearby offices.</p> <p>All exterior doors should be well lit.</p> <p>Hallways should be well lit.</p> <p>Dumpsters should not create blind spots or hiding areas.</p> <p>Windows and exterior doors should be visible from the street or by neighbors.</p> <p>All four facades should have windows.</p> <p>Parking spaces should be assigned to each employee and visitor.</p> <p>Parking areas should be visible from windows, side parking areas should be visible from the street.</p>	<p>Perimeters should be defined by landscaping or fencing.</p> <p>Fences should be designed to maintain visibility from street.</p> <p>Exterior private areas should be easily distinguishable from public areas.</p> <p>Security and/or reception area should be positioned to screen all entrances.</p>	-

	Natural Access Control	Natural Surveillance	Territorial Reinforcement	Management
		<p>Parking and entrances should be observable by as many people as possible.</p> <p>Parking area and walkways should be well lit.</p> <p>Dumpster should be clearly visible.</p> <p>Shrubbery should be kept under two feet in height for visibility.</p> <p>The lower branches of existing trees should be kept at least ten feet off the ground.</p> <p>Windows should not be obstructed with signs.</p> <p>Windows and doors should have views into hallways.</p>		
Residential Hardening Multi-family	<p>Balcony railings should never be a solid opaque material or more than 42 inches high.</p> <p>Entrances into parking lots should be defined by landscaping, architectural design, or monitored by a guard.</p> <p>Dead-end spaces should be blocked by a fence or gate.</p> <p>Common building entrances should have locks that automatically lock when the door closes.</p>	<p>Exterior doors should be visible from the street or by neighbors.</p> <p>All doors that open to the outside should be well lit.</p> <p>All four facades should have windows.</p> <p>Parking spaces should be assigned to each unit located adjacent to that unit, and not marked by unit numbers.</p> <p>Visitor parking should be designated.</p>	<p>Property lines should be defined by landscaping or post and pillar fencing.</p> <p>Low shrubbery and fencing should allow visibility from the street.</p> <p>Building entrances should be accentuated by architectural elements, lighting and/or landscaping.</p> <p>Door knobs should be 40 inches from window panes.</p> <p>All buildings and residential units should be clearly identified by street</p>	



	Natural Access Control	Natural Surveillance	Territorial Reinforcement	Management
	<p>Hallways should be well lit.</p> <p>No more than four apartments should share the same entrance.</p> <p>Elevators and stairwells should be centrally located.</p> <p>Access to the building should be limited to no more than two points.</p>	<p>Parking areas should be visible from windows and doors.</p> <p>Parking areas and pedestrian walkways should be well lit.</p> <p>Recreation areas should be visible from a multitude of windows and doors.</p> <p>Dumpsters should not create blind spots or hiding areas.</p> <p>Elevators and stairwells should be clearly visible from windows and doors.</p> <p>Shrubbery should be no more than three feet high for clear visibility.</p> <p>Buildings should be sited so that the windows and doors of one unit are visible from another.</p> <p>Stairwells should be well lit and open to view; not behind solid walls.</p>	<p>address numbers that are a minimum of five inches high, and well-lit at night.</p> <p>Common doorways should have windows and be key controlled by residents.</p> <p>Mailboxes should be located next to the appropriate residences.</p>	
Parking Areas	<p>Garages should be attended or monitored openly with cameras and some monitors indicated with signs.</p> <p>Pedestrian entrances should be adjacent to vehicle entrances.</p> <p>Stairwells should be visible without solid walls.</p> <p>Elevators should be close to the main entrance with the</p>	<p>All elevators should be monitored by cameras and sound, or utilize clear materials for the entire car.</p> <p>Retaining walls should be replaced with stretched cable railings for maximum visibility.</p>		<p>There should be no free access to adjacent building without direct monitoring.</p> <p>Public and private parking spaces should be designated.</p> <p>Hours of use should reflect that of local businesses, with secure closing during nonuse hours.</p>

	Natural Access Control	Natural Surveillance	Territorial Reinforcement	Management
	<p>entire interior of the elevator in view when the doors are open.</p> <p>There should be no permanent stop button installed in elevators.</p> <p>Ground floor should be design to provide a view of the garage using wire mesh or stretch cable.</p> <p>Access should be limited to no more than two designated, monitored entrances.</p>			

Source: CPTED, 2017, S&ME , 2017



Chapter 3: Market Observations

A. DEVELOPMENT TRENDS

There has been significant private investment and development along the Main Street (U.S. 441) corridor. This development has included uses such as fast-food restaurants (sit down), drug stores, gas stations and financial institutions. Rehabilitation and improvement of existing commercial development along U.S. 441 also reflects the use of the City's new design guidelines. This recent development and improvement of the facades of some of the existing businesses is modernizing the appearance of Apopka's Main Street and reflects increased private capital investment in the area.

Additional development has also occurred immediately adjacent to the Apopka CRA, with the expansion of Florida Hospital along north Park Avenue. Continued residential redevelopment is occurring within the neighborhoods located in the CRA. These improvements are characterized by repairs or renovations, not replacement, to previously existing structures. Continued residential development activity within the City limits outside of the CRA boundaries will provide additional demand for commercial and professional services within the downtown area. Demand for entertainment services will also increase as the surrounding City population increases.

B. RESIDENTIAL DEVELOPMENT

The only multi-family residential developments located within the Apopka CRA are Promise Land East with 24 units and Apopka Townhouse Villas with 30 units. Just outside the City limits off 13th Street and Washington Street, Habitat for Humanity is building two affordable housing subdivisions with 58 lots. There is continued reinvestment and redevelopment of existing single-family and multi-family units in the Apopka CRA area; however, most of the substantial residential development is occurring outside of the CRA boundaries.

The extension of the beltway north of US 441 to SR 46 will spur additional residential development including master planned communities around the Wekiva Parkway Interchange such as Kelly Park Crossing. The Metro Orlando Economic Development Commission reports (based on US Census Bureau data) that both multi-family and single family permitting have been increasing year over year since 2009, but the amount of permitting is still significantly less than the levels experienced prior to the Great Recession. Metro-Orlando trends have also seen a larger share of permitting for multi-family, although single family permitting is still dominant. In addition, Orlando home values have increased by more than 10 percent in December 2016.

The residential development growing to the northwest and southwest of the Apopka CRA core will act as a demand stimulus for additional commercial, retail and entertainment development within the downtown core areas.

C. BUSINESS COMPOSITION

Nonresidential development within the Apopka CRA is primarily located along Main Street (U.S. 441). Commercial development along that corridor includes fast-food franchises, retail stores and financial institutions. Additional development has occurred along Central Avenue at 5th Street, including the LYNX SuperStop and the VFW facility. Based on the 2016 Department of Revenue (DOR) Land Use Codes, the land acreage within the CRA can be grouped into the following types of businesses:

- 36.3 acres of retail;
- 5.1 acres of restaurants;
- 25.4 acres of offices;
- 9.5 acres of warehouses;
- 30.9 acres of institutional uses

Figure 9: Sidewalks and Street Lights

Source: S&ME, 2017.

13% of the total acreage within the CRA. The number of vacant parcels has increased from sixty-seven (67) in 1993 to one hundred forty-two (142) in 2004 and to 183 in 2016. This significant increase in vacant parcels within the CRA is partly due to the demolition of substandard structures. Vacant lots give an impression of disinvestment and blight but also present redevelopment opportunities that are available throughout the CRA area.

According to Colliers International and the Metro Orlando EDC, late 2016 vacancy rates for office are below 10 percent. As leasing rates for Class A office space continue to climb, tenants have shifted their focus to Class B office space. The EDC reports that the retail vacancy rate for northwest Orange County was 5.4% in the fourth quarter of 2016. These figures coupled with an unemployment rate of 4.4% in November 2016 indicate the potential for positive growth in these sectors for 2017. Additional economic stimulus could be provided by a potential federal infrastructure bill being discussed in Washington D.C.

D. VACANT PROPERTIES

As of 2016, vacant parcels represent 18% of the total parcels and

Chapter 4: Tax Increment Finance Revenue Estimates

A. PROPERTY VALUATION

At the time of the adoption of the 1993 Community Redevelopment Plan, the 1992 certified taxable value of the parcels contained within the CRA was \$55,015,108, which is known as the base year value. In 2003, the taxable value was \$83,468,566. This represented a growth of \$28,453,458 in taxable value over 10 years or, on average, approximately \$2,845,346 per year. The value of property located within the CRA that was not taxable in 1993 – public buildings, institutions or religious facilities – was \$27,704,122. In 2003, the nontaxable value was \$35,081,696. These increases in overall property valuations and decrease in the percentage of nontaxable property values, as a percentage of the overall tax base (33 percent in 1993 versus 29 percent in 2003), is indicative of the increased value of private sector investment that has taken place during those 10 years. The taxable value in the Apopka CRA in 2004 was \$85,599,283, an increase of over \$2,130,000 from 2003 values.

Property valuation has increased in excess of the values anticipated in the 1993 Community Redevelopment Plan. The 1993 plan listed the estimated CRA property value in 2004 as \$85,599,283. This substantial increase in actual overestimated taxable value reflects increased private sector investment. Increasing Tax Increment Financing (TIF) revenues over historic estimates will enable the Apopka CRA to possibly accelerate the implementation of identified projects, implement additional or new projects, or increase potential leveraged funds from alternate funding sources (bonds, grants and commercial paper).

The 2016 taxable valuation for the CRA was \$98,684,347. This represents a 79% increase over the base year and a 2.5% average annual rate of increase. This historical annual rate of increase represents a measure of the private sector investment in the CRA since 1993 that may be conservatively continued for the following years. The combined 2016 year contributions by the City and County were estimated at \$341,109. Based on the current valuation of the parcels located within the CRA and current City and County millage rates, and a 2.5% annual rate of increase, the anticipated tax increment revenue (TIF) estimates for 2024 is \$7,180,100. According to the establishing CRA documents, the CRA will sunset in 2024. However, the opportunity exists to extend the operational timeframe beyond that period. Accounting for the potential to extend the CRA's lifespan, **Table 10** shows the TIF projections out to 2040, which is estimated to generate a total of \$15,586,899 in TIF revenues.

Table 10: City of Apopka TIF Revenues and Projections

Year	Final Certification Taxable Value ¹	Increment at 100%	Increment at 95%	Apopka Millage Rate	Apopka Payment @ 95%	Orange Co. Millage Rate	Orange Co. Payment @ 95%	
1992 ²	\$55,015,108	-	-	-	-	-	-	
2016 ³	\$98,684,347	\$43,669,239	\$41,485,777	3.7876	\$157,132	4.4347	\$183,977	
2017	\$101,151,456	\$46,136,348	\$43,829,530	3.7876	\$166,009	4.4347	\$194,371	
2018	\$103,680,242	\$48,665,134	\$46,231,877	3.7876	\$175,108	4.4347	\$205,025	
2019	\$106,272,248	\$51,257,140	\$48,694,283	3.7876	\$184,434	4.4347	\$215,945	
2020	\$108,929,054	\$53,913,946	\$51,218,249	3.7876	\$193,994	4.4347	\$227,138	
2021	\$111,652,281	\$56,637,173	\$53,805,314	3.7876	\$203,793	4.4347	\$238,610	
2022	\$114,443,588	\$59,428,480	\$56,457,056	3.7876	\$213,837	4.4347	\$250,370	
2023	\$117,304,677	\$62,289,569	\$59,175,091	3.7876	\$224,132	4.4347	\$262,424	
2024 ⁴	\$120,237,294	\$65,222,186	\$61,961,077	3.7876	\$234,684	4.4347	\$274,779	
2025	\$123,243,227	\$68,228,119	\$64,816,713	3.7876	\$245,500	4.4347	\$287,443	
2026	\$126,324,307	\$71,309,199	\$67,743,739	3.7876	\$256,586	4.4347	\$300,423	
2027	\$129,482,415	\$74,467,307	\$70,743,942	3.7876	\$267,950	4.4347	\$313,728	
2028	\$132,719,475	\$77,704,367	\$73,819,149	3.7876	\$279,597	4.4347	\$327,366	
2029	\$136,037,462	\$81,022,354	\$76,971,237	3.7876	\$291,536	4.4347	\$341,344	
2030	\$139,438,399	\$84,423,291	\$80,202,126	3.7876	\$303,774	4.4347	\$355,672	
2031	\$142,924,359	\$87,909,251	\$83,513,788	3.7876	\$316,317	4.4347	\$370,359	
2032	\$146,497,468	\$91,482,360	\$86,908,242	3.7876	\$329,174	4.4347	\$385,412	
2033	\$150,159,904	\$95,144,796	\$90,387,557	3.7876	\$342,352	4.4347	\$400,842	
2034	\$153,913,902	\$98,898,794	\$93,953,854	3.7876	\$355,860	4.4347	\$416,657	
2035	\$157,761,750	\$102,746,642	\$97,609,310	3.7876	\$369,705	4.4347	\$432,868	
2036	\$161,705,793	\$106,690,685	\$101,356,151	3.7876	\$383,897	4.4347	\$449,484	
2037	\$165,748,438	\$110,733,330	\$105,196,664	3.7876	\$398,443	4.4347	\$466,516	
2038	\$169,892,149	\$114,877,041	\$109,133,189	3.7876	\$413,353	4.4347	\$483,973	
2039	\$174,139,453	\$119,124,345	\$113,168,128	3.7876	\$428,636	4.4347	\$501,867	
2040 ⁵	\$178,492,939	\$123,477,831	\$117,303,940	3.7876	\$444,300	4.4347	\$520,208	
Total Apopka Payments					\$7,180,100			
						Total Orange County Payments		\$8,406,799
TOTAL TIF PROJECTED REVENUES					\$15,586,899			

Sources: Orange County Property Appraiser; S&ME, 2017.

Notes:

¹ 2017 to 2040 values are based on a historical annual valuation increase averaged at 2.5% between 1992 and 2016.

² Base year taxable value.

³ Taxable value of all parcels within the CRA, based on 2016 parcel data from the Orange County Property Appraiser.

⁴ CRA sunsets in 2024.

⁵ Showing TIF that could be generated through a potential CRA extension to 2040.



Chapter 5: Public Participation

A key component to creating effective redevelopment strategies is public participation and community input. On April 13, 2017, the City of Apopka and the Apopka Community Redevelopment Agency hosted a community workshop, facilitated by S&ME. The purpose of the workshop was to gather public input from residents, business owners, government agencies, and stakeholders in Apopka and to identify community issues, concerns, and potential projects for inclusion in the updated Redevelopment Plan. Workshop participants were introduced to the CRA's history, past and existing conditions, accomplishments. A proposed list of preliminary programs and projects was presented for discussion.

The first portion of the Community Workshop was an education primer on Community Redevelopment Agencies. The Apopka City Attorney provided an educational briefing to the CRA Board and Workshop attendees that addressed the legal background for the establishment of the Community Redevelopment Act, the operational and reporting requirements of Community Redevelopment Agencies and items that are addressed through the strategies and objectives presented in Community Redevelopment Plans.

The second portion of the Workshop was a detailed presentation of the Apopka Community Redevelopment Plan update process, the existing conditions within the CRA, observed conditions of blight, proposed redevelopment strategies and proposed CRA programming and activities to address conditions of blight. The Apopka CRA Director discussed the long-range redevelopment objectives of the CRA and potential programming and activities.

Following the presentation a public comments and discussion session was held. Workshop participants presented questions and comments to the CRA Board and CRA staff. Public comments and topics of discussion addressed:

- Public Safety
- Public Participation
- Accessibility
- Small Business Assistance programming
- Residential Improvement programming
- New Residential and Mixed-Use development
- Park and Public Space Improvements

The comments and discussion items raised by the Public Workshop participants have been incorporated into the CRA programming, projects and activities contained in the Community Redevelopment Plan.

Chapter 6: General Recommendations

The purpose of this plan update was to revisit the vision adopted as part of the original redevelopment plan. This revisit and analysis has supplemented the widespread goals and objectives that were established in the original plan. The following Objectives and Strategies provide the underpinning guidance and parameters for future CRA projects and programming. The work of the CRA Plan shall only be carried out in a manner that is in accordance with and consistent with the intent of the CRA's Goals, Objectives and Strategies:

- Goal: To unify Apopka's physical form
 - Objective: To unify Apopka by enhancing and maintaining a consistent quality and "home town" appearance.
 - Administration Strategy – Update Design Guidelines for the CRA
 - Projects Strategy – Update the Comprehensive Plan and Land Development Codes, as needed.
 - Projects Strategy – Develop a land acquisition strategy and land lease strategy which enhances the downtown and effectuates this redevelopment plan
 - Infrastructure Strategy – Develop direction signage (wayfinding) and gateway features
 - Infrastructure Strategy – Continue to enhance the streetscape of CRA roadway
- Goal: To create a sense of vitality
 - Objective: Beautification.
 - Administration Strategy – Develop an awards program that recognizes beautification efforts
 - Economic Development Activities Strategy – Create a program which recognizes historical projects
 - Economic Development Activities Strategy – Create a Façade Improvement Grant Program
 - Infrastructure Strategy – Develop direction signage (wayfinding) and gateway features
 - Infrastructure Strategy – Develop new public spaces and parks and maintain and improve public spaces and parks within the CRA
 - Infrastructure Strategy – Continue to enhance the streetscape of CRA roadway
 - Objective: To advocate provisions for adequate housing in good condition and with complete facilities.
 - Projects Strategy – Update the City's historical survey.
 - Economic Development Activities Strategy - Implement a residential renovations incentive program
 - Land Development Regulations – Evaluate and update for compatible residential development.
 - Objective: To promote Public and Private Investment.
 - Projects Strategy – Update the Comprehensive Plan and Land Development Codes, as needed.



- Infrastructure Strategy – Develop master plans and programs for installation, replacement or upgrading of infrastructure such as roads, potable water, sanitary sewer, reclaimed water, electric, gas, and stormwater
 - Business Support Strategy – Evaluate and utilize, where appropriate, State, Regional and National regulatory and financial incentives.
 - Objective: To provide appropriate density supportive of redevelopment
 - Projects Strategy – Update the Comprehensive Plan and Land Development Codes, as needed.
 - Objective: To encourage Mixed Use Residential and Non-residential uses
 - Projects Strategy – Update the Comprehensive Plan and Land Development Codes, as needed.
- Goal: To promote the retention and growth of business and residential development
 - Objective: Advocate for the continuation of the CRA
 - Administration Strategy – Continue to advocate and lobby for legislative support of CRA’s.
 - Business Support Strategy – Continue the CRA’s business visitation and outreach program
 - Business Support Strategy – Coordinate with City of Apopka Police Department to evaluate the applicability and support of Community Oriented Policing programming and activities within the CRA.
 - Objective: Recognize development and redevelopment efforts in the CRA
 - Administration Strategy – Develop an awards program which recognizes development and redevelopment efforts
 - Objective: Promote existing businesses within the CRA
 - Projects Strategy – Develop a business retention plan
 - Economic Development Activities Strategy – Create a marketing/promotions strategy
 - Business Support Strategy – Evaluate and utilize where appropriate State, Regional and National regulatory and financial incentives.
 - Economic Development Activities Strategy – continue community-based efforts with project support and contracting for events
 - Business Support Strategy – Continue the CRA’s business visitation and outreach program
- Goal: Protect Existing Resources and Increase Resources
 - Objective: Provide for infrastructure to support business and residential
 - Projects Strategy – Prepare a master parking plan to identify available and potential parking to support the CRA
 - Infrastructure Strategy – Prepare a plan and implementation program for the Fifth Street parking lot
 - Infrastructure Strategy – Prepare a master plan for the Station Street public space (Downtown Area Triangle).

Physical, social, and demographic conditions have changed since the creation of the original plan and so has the public perception and preferences. The first part of this report outlined those changes. This section outlines a series of realistic and financially feasible implementation tasks and strategies that will assist the City and private development to achieve the primary goals and objectives of the CRA. The following issues played an important role in the design of the proposed vision plan for the CRA:

- Outdated regulations that encourage single-use developments and stand-alone buildings
- Site size and the lack of adequate space to meet Code requirements (parking, stormwater, etc.)
- Heavy traffic on U.S. 441, although the volumes have decreased over the last ten years.
- Historic character of the CRA/CBD
- The need to protect established residential neighborhoods from incompatible types of nonresidential uses
- The lack of pedestrian amenities
- The public desire to guide private development into creating a walkable and vibrant atmosphere
- Enhancement of the identity of the downtown
- Parking safety in downtown
- The need to retain existing and attract new businesses

The following sections detail the strategies enumerated above.

A. ADMINISTRATION

CRA LEGISLATIVE SUPPORT

The Community Redevelopment Agency supports the efforts to enhance and/or maintain the ability of CRA's to function as originally intended and in accordance with State law. Past and recent challenges to the CRA legislation as provided in Chapter 163, Part III, Florida Statutes, has been aimed at stripping CRA's from their ability to function as originally intended.

AWARD PROGRAM

Recognizing those businesses which have gone above and beyond the normal aspect of their actual business should be recognized. This recognition can be done through development an award or certificate program such as a "Golden Brick" award for outstanding redevelopment/renovation efforts; a "Community Contribution" award; a "Business or Economic Improvement Contribution" award; or, a Certificate of Appreciation. These awards could be applied to residential and non-residential projects.

DESIGN GUIDELINES UPDATE

With a new focus on mixed use, the City will need to revisit the adopted design guidelines to ensure consistency with the goals of this plan.

Although hampered by the Great Recession, the CRA area has started to show positive signs of redevelopment activity in the past few years. New buildings have been built consistent with the adopted design standards, existing sites have been improved, and public projects such as the West Orange Trail and bridge have brought positive changes to the area. However, new development has continued to follow the same suburban pattern of the seventies and eighties – self-contained developments with their own parking, buffers, stormwater and signage. The current City land use and Euclidian-type zoning regulations encourage the development of single uses in stand-alone buildings. If the CRA area is intended to become a vibrant area, housing a variety of uses and offering a wide range of housing opportunities, the regulations will need to be reviewed to address the issues outlined below.



The adopted development design guidelines have significantly improved the appearance of recent development within the CRA. However, the impact has not been very effective on the general urban form of the area. A form-based code is recommended to guide development into creating a more adequate urban form.

In addition, the City should consider going into a public-private partnership to develop a "model mixed-use project" - a pedestrian- oriented, mixed-use complex to grow from. Visibility and presence on US 441 is important but the focus of the project doesn't necessarily have to be on that road. It may be designed to be perpendicular to that street, drawing pedestrians into the areas behind the vehicular corridor.

Continued evaluation of opportunities to increase pedestrian amenities and features should be pursued by the CRA. The relocation of parking areas to the rear of buildings, improved landscaping, streetscape and improved pedestrian features coupled with the City's design guidelines will continue to improve the urban form of the Apopka CRA. If a successful pedestrian core can be developed, it typically spawns development similar in appearance. Specific streetscape and traffic recommendations are discussed in detail in the following sections.

Provision for a safe and pleasant environment for pedestrians and bicycles must be provided and maintained. Good planning and design of businesses and facilities can help with this requirement. Crime Prevention Through Environmental Design (CPTED) is defined as "the proper design and effective use of the built environment that can lead to a reduction in the fear and incidence of crime and an improvement in the quality of life." The goal of CPTED is to reduce opportunities for crime that may be inherent in the design of structures or in the design of neighborhoods.

CPTED principles can be applied easily and inexpensively to buildings or during remodeling, and have been implemented in communities across the nation. The results have been impressive; in some CPTED communities, criminal activity has decreased by as much as 40 percent. CPTED design eliminates or reduces criminal behavior and at the same time encourages people to "keep an eye out" for each other and creates an effective environment that results in a safer more livable community.

There are separate guidelines for each of the strategies listed below, which, as a homeowner, builder or remodeler, can be applied to reduce the fear and incidence of crime and improve the quality of life.

There are four overlapping CPTED strategies.

1. Natural Surveillance - A design concept directed primarily at keeping intruders easily observable. Promoted by features that maximize visibility of people, parking areas and building entrances: doors and windows that look out on to streets and parking areas; pedestrian-friendly sidewalks and streets; front porches; adequate nighttime lighting.

2. Territorial Reinforcement - Physical design can create or extend a sphere of influence. Users then develop a sense of territorial control while potential offenders, perceiving this control, are discouraged. Promoted by features that define property lines and distinguish private spaces from public spaces using landscape plantings, pavement designs, gateway treatments, and 'CPTED' fences.

3. Natural Access Control - A design concept directed primarily at decreasing crime opportunity by denying access to crime targets and creating in offenders a perception of risk. Gained by designing streets, sidewalks, building entrances and neighborhood gateways to clearly indicate public routes and discouraging access to private areas with structural elements.

4. Target Hardening - Accomplished by features that prohibit entry or access: window locks dead bolts for doors, interior door hinges.

LAND USE

As mentioned previously, the City needs to consider establishing a form-based code for the downtown area, which could function parallel to the zoning code. Both the Future Land Use Map, and the zoning map and



regulations should encourage, through development incentives or as a requirement, the appropriate mix of uses not just from parcel to parcel but also within single sites. A form-based code would take care of the creation of a mixed-use corridor while achieving the desired urban form. With a new focus on development type, rather than on separation of uses, the City will need to revisit Floor Area Ratios, setbacks, buffers, landscaping, densities and other dimensional requirements to ensure the success of these developments and the area as a whole.

The City should consider limiting or prohibiting new or expanded industrial uses in the downtown. The few industrial uses currently in the downtown may have been appropriate in the past, but with a focus on mixed commercial, office and residential uses, the industrial component needs to be minimized.

HEIGHT

The width of U.S. 441 and the need to frame the street may justify the increase of building height along this corridor. The maximum building height within the CRA is seventy-five (75) feet.

SETBACKS

Setbacks should be addressed based on urban form. A form-based code would determine building setbacks based on the use and location of a building within the district rather than based on the zoning classification.

DENSITY

The residential use component within the CRA will be very critical to maintain the vitality of the area. The zoning regulations need to be set up to address the combination of various types of uses on a single site. Density is a very sensitive issue because most people associate high density with depressed and congested areas, when in reality it can be designed minimizing the negative impacts. The City should reconsider current density caps to determine if they are adequate for the creation of a vibrant downtown. It is a well-known fact that the separation of uses and the density limits typical of Euclidian zoning codes have contributed to excessive consumption of land in America, and especially in Florida.

LOT SIZE

Another important consideration when trying to attract mixed-use development to the CRA is the adequacy of sites to accommodate the required facilities and improvements. As noted in the Existing Conditions section, most of the lots in the CRA are inadequate to fully satisfy the contemporary needs of commercial and office uses, or to accommodate mixed-use. The small size of some of the older lots in the CRA also preclude, or make more difficult, development and redevelopment activities. The City needs to prepare area-wide parking and stormwater plans to minimize the impact of parking lots and retention ponds on the urban form and walkability of the area (explained in more detail in the Infrastructure Section).

Similarly, the Apopka CRA should evaluate opportunities to land bank and to assemble sub-standard parcels into more easily developed parcels to encourage development and updating of the downtown. Parcels may be assembled or aggregated through purchase, the potential use of eminent domain, or through encouraging the private sector to assemble parcels. The CRA may wish to evaluate potential use of a 'self-assembly' incentive program by which the City/CRA may assist private property owners to assemble parcels into larger, more easily developed parcels. The incentives that may be provided by the City/ CRA to the private 'assembler' could include title research, mapping assistance, coordination with potential developers and surveying services. The assembler would be required to enter into a development agreement with the City/CRA that would outline the parcels being assembled and the assembler's intent to develop the property within 12 months.

HISTORIC PROPERTIES

The City should consider updating the survey of historic properties to identify structures that have become significant since the 1990 survey, and to prepare a list of those that would be eligible for becoming local or national historic landmarks.



CRA REPRESENTATION AND LEGISLATIVE SUPPORT

Representation for the CRA can be provided when and where needed for the promotion of events, projects, and uses within the CRA district.

B. PROJECTS

PARKING STUDY

The CRA will evaluate City’s downtown parking conditions and current regulations to identify parking needs and programming or regulatory revisions that may be needed within the CRA.

LAND ACQUISITION AND SELLING/LEASING OF PUBLIC LAND

Current and new projects may require the acquisition of property. Potential projects which may require additional projects may include but are not limited to: parking (5th Street Parking Lot), infrastructure, streetscape, trails, parks, incubator, etc. The CRA must also develop processes, standards, and controls for the selling or leasing of public lands.

BUSINESS RETENTION PLAN

Small businesses sometimes lack information or financial resources needed to grow or sustain themselves. The CRA promotes small business growth and expansion by providing information on incentive programs, grants, loans, and property availability. The CRA should also coordinate with merchant associations and the Chamber of Commerce to ensure that small businesses have knowledge of and access to support services such as training and job recruitment. It is important to determine if existing businesses are failing, and if so, for what reasons. It is important to analyze those reasons and be able to tailor programs to assist existing businesses in the CRA. This could also include a consumer survey and marketing analysis.

UPDATE HISTORICAL SURVEY

The City of Apopka conducted a historical resources survey in 1990. Most of the historical resources in the City are concentrated in the CRA area. Since the survey is over 25 years old, it would seem appropriate to update it.

DOWNTOWN APOPKA TRIANGLE (DAT)

Develop the Downtown Apopka Triangle (DAT) – along Station Street between Marvin C. Zanders Avenue and S Central Avenue – as a main focal point of Downtown Apopka and as part of a newly established Station Street District that focuses on arts and culture, entertainment, mixed-uses, and a pedestrian-friendly environment. The DAT may be supported by a parking garage and a trolley system and has the potential to become a base for a farmer’s market, community gardens, restaurants, and special events. A Station Street District master plan should be created to identify action steps and capital improvements.

C. ECONOMIC DEVELOPMENT ACTIVITIES

HISTORICAL PROPERTY RECOGNITION

Properties of local significance and national registry properties are a valuable asset to Apopka. Recognition of these properties may be accomplished in various ways such as the national registry (if eligible), community awards or presentations. A historical marker program can help identify historic properties and encourage their protection. Historical surveys are also a valuable means to document historical properties, and the CRA could support this process. The last historical survey was conducted in 1990. Historical property information may be made available through brochures, media special events, historical markers and education programs.

MARKETING/PROMOTIONS

The CRA shall work with the County and State agencies to provide sufficient funding for marketing including local and regional promotions. Special events and activities should be developed as part of a sound marketing and promotional strategy.

COMMUNITY BASED EFFORTS

This action item covers a number of areas which include the following:

- Support of community based organizations for the promotion of the CRA district.
- Involvement of the community during project development, depending on the project.
- Development of partnerships for landscaping and beautification projects. These can include painting programs, landscaping and lot clean up.

FAÇADE IMPROVEMENT GRANTS

Matching grants for facade improvements could be managed and/or funded by the CRA. Funds may be combined with other grants when possible. Adherence with proper building and zoning codes must be completed when and where required.

RESIDENTIAL RENOVATION INCENTIVE PROGRAM

The CRA should consider incentivizing the repair and renovation of residential structures through a grant program. There could be matching grants or vouchers for rehabilitation, exterior painting, and/or consulting services such as general contractors, structural engineers, or architects.

RESIDENTIAL UTILITY ASSISTANCE PROGRAM

A new single-family construction program of infill lots to assist with impact fees, helping to create affordable housing.

LAND DEVELOPMENT REGULATIONS

The City of Apopka should evaluate and update its Land Development Regulations to encourage the development of compatible residential uses within the CRA.

D. INFRASTRUCTURE

Infrastructure improvements are vital to supporting the public and private reinvestment efforts in a redevelopment area. Improvements to roadways, stormwater facilities, water systems, and sanitary sewer systems, as well as other neighborhood improvements and the relocation of overhead utility lines to underground are all designed to serve as a catalyst for community redevelopment.

Continued maintenance, replacement and upgrade of utilities will be needed in the future. The roads in the CRA are adequate, however future needs may require additional construction (crosswalks), maintenance (repaving and restriping), or traffic calming devices to help manage traffic and maintain pedestrian safety. Main Street was repaved in 2016. The provision in the CRA Plan for these items is needed to continue services in the CRA district.

SIGNAGE

Signage helps provide people with a variety of information including the location of the downtown, parking, shopping, recreational uses (West Orange Trail), governmental (City Hall, Police, etc.), and even events within the CRA district. A coordinated and visually recognizable system of directional signage needs to be developed and used throughout the district to provide a sense of place and belonging within the district. Use of sign design, colors and location can aid in this type of system.



GATEWAYS

Gateways serve as grand entrances to an area and create a sense of place and arrival. They can be as simple as a corner town clock or as elaborate as a drive-through archway. A change in pavement color and texture, as well as a change in landscaping will set gateways and key intersections apart. Vertical elements like tall palms or decorative columns energize a space and add dramatic interest.

The intersection of U.S. 441 and S.R. 436 holds great potential for making a memorable gateway. Large letters spelling "APOPKA" could be attached to the guardrails, similar to those found on the I-4 and Conroy Road overpass. The City name could be illuminated, as well as City and County Seals on the supports. The application guidelines and a Community Identification Structures and Landscape (CISL) booklet may be obtained from FDOT.

There is a small City of Apopka sign at the south end of Park Avenue. If this sign were larger and framed by attractive landscaping it would make a nice entrance feature. This sign could then be repeated at other entry points and become a recognized symbol of the Apopka CRA.

PARKS AND PUBLIC SPACES

The CRA shall support maintenance of existing public spaces and park within the CRA and identify opportunities to develop, install or construct new public space and parks within the CRA.

STREETSCAPES

One of the most effective means for unifying and improving the appearance of downtown is the use of streetscape improvements. Streetscape improvements include decorative street lighting, street furniture (benches, trash receptacles, bike racks), unified signage, sidewalk improvements, underground utilities, and landscaping, among others. The changes can often be dramatic; sending a message to the community that redevelopment has begun and will be successful. Streetscape enhancements also establish an overall design theme to guide other renovation efforts. Murals, public art, historic signs, and the use of brick pavers are other popular and effective aesthetic enhancements.

The various streetscape improvement projects should be planned and coordinated as part of a master plan. Accordingly, the CRA shall retain an urban planning/design firm to investigate options and prepare a Master Streetscape Plan.

EAST 6TH STREET PROMENADE

According to the Grow Apopka Vision 2025 report, “the East 6th Street Promenade, which connects Martin’s Pond (City Center) to South Park Avenue, would potentially include narrowing roads, traffic calming, up-graded street lighting with banners, street furniture, and landscaping for shading. The Promenade would assist in connecting the Station Street project to the West Orange Trail.

5TH STREET PARKING LOT

The goals would be to open the Fifth Street parking to the public with the City acquiring private interests in the property. The lot would be resurfaced and landscaped. Before resurfacing, base and sub-base components could be installed which would permit structured parking the future. The parking lot would complement and support the Station Street project and its availability to the public would be provided as part of a wayfinding program.

DOWNTOWN APOPKA TRIANGLE (DAT) & STATION STREET DISTRICT

Implement the Station Street District master plan to direct the acquisition, funding, and capital improvements of projects. Local rights-of-way might be vacated to create a larger common space (approximately 3.5 acres of space). Fourth Street may be re-routed and the new configuration of common property would allow

potentially for the provision of additional public parking. Station Street should be linked to the West Orange Trail through the downtown.

E. BUSINESS SUPPORT

IMPACT FEE ASSISTANCE GRANT

Grants may be awarded based on investment in brick and mortar improvements or job creation. The grants would off-set all or a portion of the impact fee assessment. Also, assistance may be rendered by allowing a business/developer to pay the impact fees over an extended period of time with little or no interest.

COOPERATIVE ADVERTISING & PROMOTION

One possibility to promote the businesses within the CRA can be done through cooperative advertising. An organization can team with a sponsor or groups of businesses can pool their efforts and funds to produce advertising together, instead of separately. Visitors and Convention Bureau or Tourist Development Council, athletic and special event promoters, and the Economic Development Commission should all be sought as possible partners for various CRA related activities. Advertising shall be designed specifically to promote redevelopment activities within the CRA.

COMMUNITY ORIENTED POLICING PROGRAMS

The CRA, in close coordination with the Apopka Police Department, should evaluate the opportunity and utility of establishing a Community Oriented Policing program within the CRA.

BUILDING CODE COMPLIANCE AND BUILDING FEE REFUND PROGRAMS

The CRA should investigate establishing funding for assisting businesses, homeowners, and developers with the cost of bringing buildings into compliance with current codes. The incentives would include off-setting all or a portion of the improvements to bring a building into compliance.

Assistance through refunding building permit fees should be investigated. In either case, standards and requirements should be established to implement these programs.

PUBLIC-PRIVATE PARTNERSHIPS (P3)

The City of Apopka shall examine opportunities for public-private partnerships to encourage the redevelopment of compatible residential and non-residential uses within the CRA.

LOANS & GRANTS

CRA Loan Pool - Development of a local loan pool for the CRA district can be completed with the support of local banks. These funds would be sponsored and approved through each sponsoring bank for renovations. Loan pools can provide low interest funding for business redevelopment or improvements. Loan pools may be developed for commercial and housing use, depending on the direction from the CRA.

FEDERAL AND STATE PROGRAMS

The City of Apopka and the CRA shall examine the opportunities to utilize existing state, regional, and federal regulatory and financial incentive programs, such as brownfield grant funding and state programs, to encourage redevelopment within the CRA.



Chapter 7: Conceptual Master Plan and Recommendations

Portions of three primary streets were targeted for streetscape analysis and recommendations. A section of Main Street (U.S. 441), Central Avenue and 5th Street were studied. The streetscape recommendations included in the following pages could be applied to other streets of similar widths and similar urban form.

Figure 12 presents a potential streetscape treatment for a section of Main Street (US 441) at the intersections of Hawthorne Avenue and 1st Street. Figure 13 shows a potential streetscape treatment for 5th Street from Central Avenue to Park Avenue.

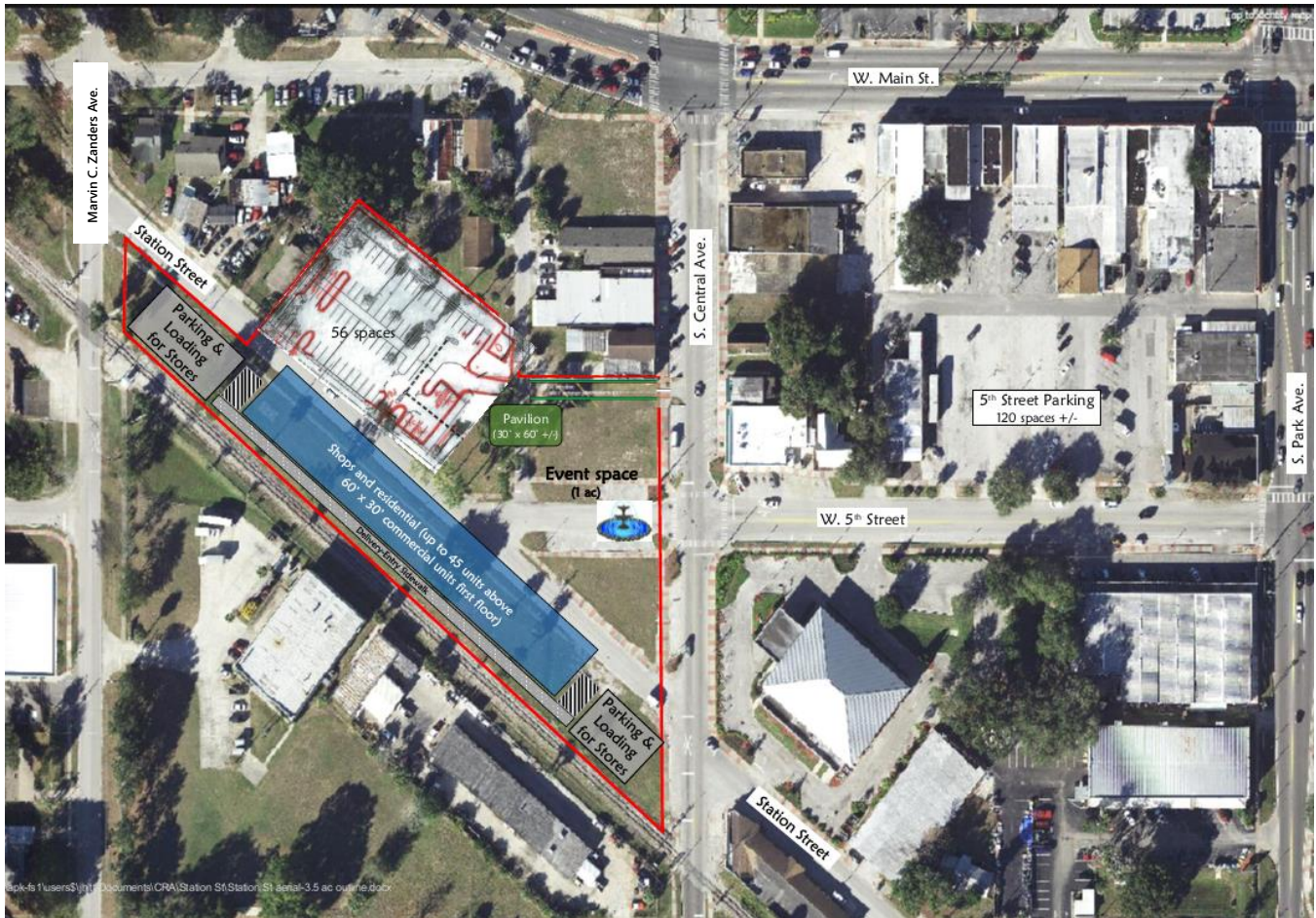
Figure 10 presents a conceptual recommendation for portions Main Street, 5th Street and Central Avenue. Figure 11 presents an alternative conceptual plan for the 5th Street and Central Avenue intersection and introduces the Downtown Apopka Triangle concept.

Figure 10: Main Street, 5th Street, and Central Avenue Redevelopment Concept Alternative



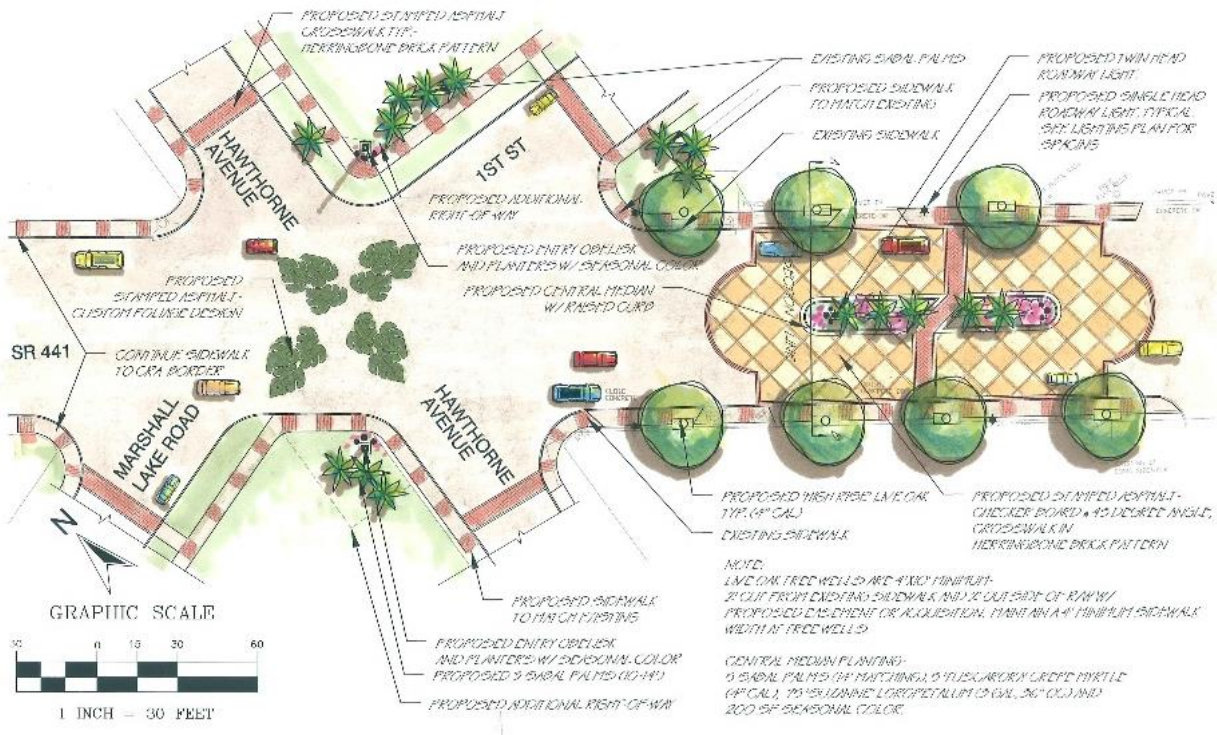
Sources: Land Design Innovations 2007; S&ME.

Figure 11: 5th Street and Central Avenue Redevelopment Concept Alternative (Downtown Apopka Triangle)



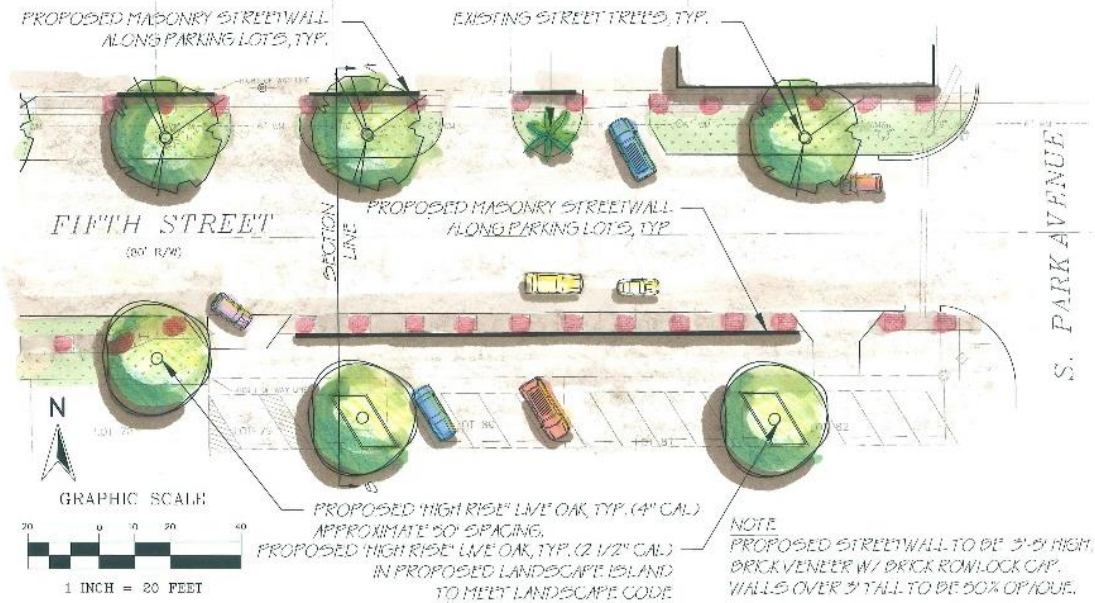
Source: City of Apopka, 2017.

Figure 12: Main Street and Hawthorne Avenue Streetscape



Sources: Land Design Innovations, 2007; S&ME, 2017.

Figure 13: 5th Street and Park Avenue Streetscape



Sources: Land Design Innovations, 2007; S&ME, 2017.

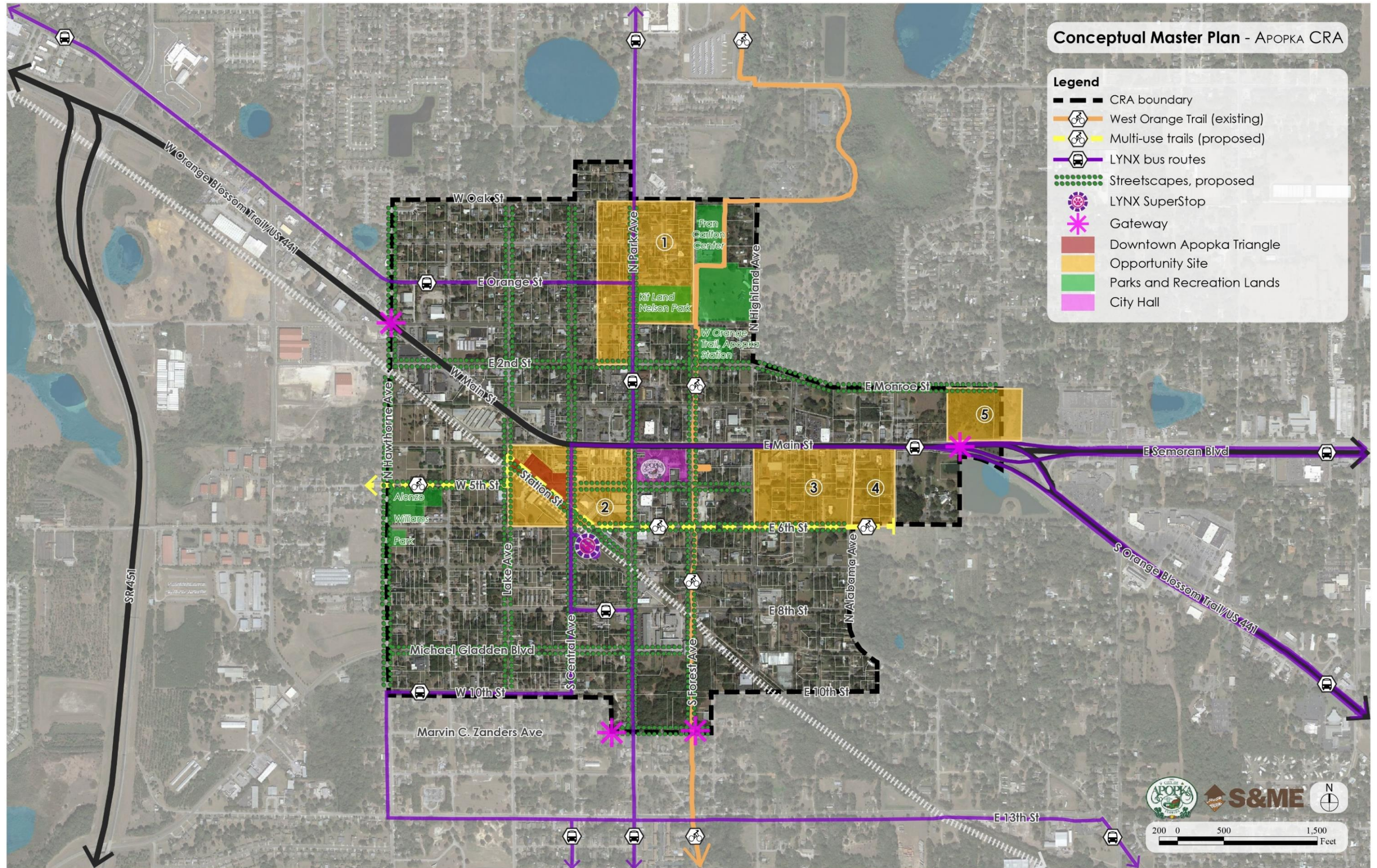


NEIGHBORHOOD IMPACT STATEMENT

The proposed projects and programs are not anticipated to impact or require relocation of any low or moderate income housing areas within the CRA district. Each of the proposed projects, catalyst projects and other development within the CRA district will be evaluated for potential impacts upon the surrounding areas addressing traffic circulation, environmental impacts, availability of community facilities, effects on school populations and other potential impacts upon the physical and social quality of life during the planning and design phase of each project. Any potential negative impacts will be mitigated to the maximum extent possible.



Map 7: Conceptual Master Plan



OPPORTUNITY SITES

The Opportunity Sites, shown on the Conceptual Master Plan, present key, strategic areas within the Apopka CRA for redevelopment. The location, existing land uses, future land uses, and zoning designations of each site create unique opportunities for redevelopment into a wide range of uses, including mixed-uses, neighborhood residential uses, and supporting commercial uses. The Opportunity Sites 1 through 5 are described below in more detail.

OPPORTUNITY SITE 1

Opportunity Site 1 is located in the northern part of the CRA south of W Oak Street. The site is bound on the north by East Oak Street, Central Avenue to the west, W Orange Trail to the east, and E 2nd Street to the south. The site is comprised of 63 parcels, covering a total parcel area – excluding right-of-ways – of 27.65 acres. The site is bisected by Park Avenue, which connects to Main Street and runs adjacent to City Hall. Kit Land Nelson Park is located within the opportunity site and both the Fran Carlton Center and the West Orange Trail are located adjacent to the site’s its eastern edge. The Florida Hospital Apopka is situated to the north of the opportunity site. Eight (8) parcels within the opportunity site are vacant and the majority of the surrounding existing and future land uses are Single Family Residential and Low Density Residential, respectively. These amenities and conditions make it an attractive site for redevelopment into office, multi-family, supporting retail, and mixed uses.



- Location: South of East Oak Street, North of E 2nd Street, West of W Orange Trail, and East of Central Avenue.
- Current Use: Single-family residential, multi-family residential, retail, office, other commercial services, institutional, recreation, utilities, and vacant lands.
- Zoning: Residential Single-Family R-1AA, Professional Office/Institutional PO/I, Retail Commercial C-1, and Parks and Recreation.
- Future Land Use: Low Density Residential, Office, Parks/Recreation.

OPPORTUNITY SITE 3

Opportunity Site 3 is located on the south side of US 441 between East 6th Street and US 441 to the West of Opportunity Site #4 on the eastern side of Apopka adjacent to the Central Businesses District. This 16.67 acre site is comprised of 35 parcels and is bisected by Midland Avenue and partially bisected by Oakland Avenue. US 441 frontage is developed with a commercial and retail uses. The south end of this Opportunity Site fronts East 6th Street and will be the eastern terminus of a cross-town bicycle trail. This site would be an ideal potential location for a mixed-use planned development, neighborhood-scale commercial development and/or residential development that would benefit from the site’s proximity to downtown and location on the East 6th Street cross-town bicycle trail.



- Location: South of US 441 and North of East 6th Street bounded on the East by Alabama Avenue and on the West by South Highland Avenue.
- Current Use: Single family residential, commercial, vacant, institutional (Church).
- Zoning: General Commercial C-2, Retail Commercial C-1, Residential Single Family R-1AA, Residential Multiple Family R-3.
- Future Land Use: Low Density Residential, Commercial.

OPPORTUNITY SITE 4

Opportunity Site 4 is located on the south side of US 441 between East 6th Street and US 441 on the eastern side of Apopka. This 7.68 acre site is comprised of 10 parcels. US 441 frontage is developed with a Burger King and a convenience store/gas station. 3 of the 10 parcels are vacant (1.57 acres), while the remaining 7 parcels (6.11 acres) are developed with single-family residential and the aforementioned commercial development along US 441 frontage. The south end of this Opportunity Site fronts East 6th Street and will be the eastern terminus of a cross-town bicycle trail providing quick access to the West Orange Trail. This site would be an ideal potential location for a mixed-use, neighborhood-scale commercial development and/or residential development that would benefit from the site’s proximity to downtown and location on the East 6th Street cross-town bicycle trail.

- Location: South of US 441 and North of East 6th Street bounded on the East by South McGee Avenue and on the West by Alabama Avenue.
- Current Use: Single family residential, commercial, vacant.
- Zoning: General Commercial C-2, Retail Commercial C-1, Planned Unit Development PUD, Residential Single Family R-1AA.
- Future Land Use: Low Density Residential, Commercial.

OPPORTUNITY SITE 5

Opportunity Site 5 Opportunity Site #5 is located at the intersection of SR 436 and US 441 on the eastern gateway of Apopka. This 6.42 acre City-owned parcel is located on the City's main commercial corridor with over 40,000 daily traffic trips. This site would be an ideal potential location for a mixed-use development that would benefit from the site's street visibility high daily traffic volumes.

- Location: US 441 and SR 436.
- Current Use: Vacant.
- Zoning: Residential Multiple Family R-3, Retail Commercial C-1.
- Future Land Use: Mixed Use, Commercial.



Chapter 8: Implementation Plan

The following narrative tables outline a twenty-three year implementation strategy for this Redevelopment Plan.

Strategies, Action Items, Program, & Projects	Timeframe			
	Short	Medium	Long	Extended
	2017-2021	2022-2026	2027-2030	2031-2040
Administration				
Design Guidelines Update	✓			
Awards Program	✓	✓	✓	✓
CRA Legislative Support	✓	✓	✓	✓
Projects				
Parking Study	✓			
Land Acquisition for projects		✓	✓	✓
Business Retention Plan	✓			
Update Historical Survey	✓			
Downtown Apopka Triangle	✓			
Economic Development Activities				
Historical Projects Recognition	✓	✓	✓	✓
Marketing/Promotions	✓	✓	✓	✓
Community-based Efforts - Project support, contracting for events	✓	✓	✓	✓
Façade improvement Grants - P3 partnership program	✓	✓	✓	✓
Residential Renovation Incentive Program	✓	✓	✓	✓
Residential Utility Program	✓	✓	✓	✓
Land Development Regulations	✓		✓	
Infrastructure				
Directional Signage and Gateways	✓			
Parks and Public Spaces	✓	✓	✓	✓
Streetscape	✓	✓	✓	✓
Roads, Water, Sewer, Electrical	✓	✓	✓	✓
Fifth Street Parking Lot	✓	✓		
Station Street Public Space Master Planning (DAT)	✓	✓		
Business Support				
Impact Fee Assistance Grant	✓	✓	✓	✓
Co-op Advertising and Promotion	✓	✓	✓	✓
Community Oriented Policing Programs	✓	✓	✓	✓
Building Code Compliance Grant	✓	✓	✓	✓
Building Fee Refund Program	✓	✓	✓	✓
Public-Private Partnerships (P3)	✓	✓	✓	✓
State, Regional, National Regulatory and Financial Incentives	✓	✓	✓	✓

Chapter 9: Consistency with Florida Statutes

The aforementioned projects, programs and implementation plan is consistent with applicable state laws (FS Chapter 163.362) regarding the contents of Community Redevelopment Plans. The Community Redevelopment Plan contains:

- Legal Description of the community redevelopment area (see Appendices).
- The approximate amount of open space and street layout (Chapter 7, Conceptual Master Plan and Recommendations; Chapter 2, Existing Conditions).
- Limitations on type, size, height, number and proposed use of buildings (Chapter 2, Existing Conditions)
- Approximate number of dwelling units (Chapter 2, Existing Conditions).
- Property intended for use as public parks, recreation areas, streets, public utilities and public improvements (Chapter 7, Conceptual Master Plan and Recommendations).
- Anticipated impact on residents (Chapter 7, Conceptual Master Plan and Recommendations).
- Identified publicly funded capital projects within CRA (Chapter 8, Implementation Plan).
- Adequate safeguards that the work of the redevelopment plan will be carried out pursuant to the plan (Chapter 5, General Recommendations).
- Provisions for retention of controls and the establishment of any restrictions or covenants running with the land or sold or leased for private use for such periods of time and under such conditions as the governing board deems necessary to effectuate the redevelopment purpose (Chapter 5, General Recommendations).
- Provides assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment area (Chapter 7, Conceptual Master Plan and Recommendations).

Note: The original term of the Apopka CRA shall expire on January 1, 2024, unless extended by appropriate action of the City of Apopka and Orange County, in accordance with Florida Statutes.



Appendix A: CRA Boundary Legal Description

**CITY OF APOPKA
COMMUNITY REDEVELOPMENT AREA**

DESCRIPTION

Beginning at the intersection of the Northerly Right-of-Way line of Tenth Street with the Easterly Right-of-Way line of Hawthorne Avenue; Run thence Northerly along said Easterly line to the Northerly Right-of-Way line of Ninth Street; Run thence Westerly at right angles from the Easterly line of Hawthorne Avenue to the Westerly Right-of-Way line of Hawthorne Avenue; Run thence Northerly along said Westerly line to the Southeast corner of lot 16, Block "B" of Bradshaw and Thompson's Addition to Apopka as recorded in Plat Book "B", page 25 of the Public Records of Orange County, Florida; Run thence Easterly at right angles to the Easterly Right-of-Way line of Hawthorne Avenue; Run thence Northerly along said Easterly line to the Southerly Right-of-Way line of Oak Street; Run thence Easterly along said southerly line to the Easterly Right-of-Way line of Central Avenue; Run thence Northerly along said Easterly line to the Northwest corner of Lot 95 of Lakeside Homes as recorded in Plat Book "B", page 69 of the Public Records of Orange County, Florida; Run thence Easterly along the northerly line of said Lot 95 and Lot 94 of said Plat and a projection Easterly thereof to the Easterly Right-of-Way line of Park Avenue; Run thence Southerly along said Easterly line to the Northerly Right-of-Way line of Oak Street; Run thence Easterly along said Northerly Line to the West line of the East 1/2 of the Northwest 1/4 of Section 10, Township 21 South, Range 28 East, Orange County, Florida; Run thence Southerly along said West line and the Easterly Right-of-Way line of Highland Avenue to the Northerly Right-of-Way line of Monroe Avenue; Run thence Easterly along said Northerly line to the East line of the West 1/2 of the Southeast 1/4 of Section 10; Run thence Southerly along said East line to the Northerly Right-of-Way line of State Road (S.R.) 436; Run thence Westerly along said northerly line to the Northerly projection of the Westerly line of Lots 2 and 3 Block "B" of L.F. Tilden's Addition to Apopka City as recorded in Plat Book "A", page 140 of the Public Records of Orange County, Florida; Run thence Southerly along said Westerly line and a projection Northerly and Southerly thereof to the Southerly Right-of-Way line of Sixth Street; Run thence Westerly along said Southerly line to the Easterly Right-of-Way line of Alabama Street; Run thence Southerly and Easterly along said Easterly line to the Easterly Right-of-Way line of McGee Street; Run thence Southerly along said Easterly line to the Northerly Right-of-Way line of Tenth Street; Run thence Westerly along, said Northerly line and a line 30.00 feet Northerly, measured at right angles, from the South Line of the North 1/2 of the Southwest 1/4 of Section 15, Township 21 South, Range 28 East, to the Westerly Right-of-Way line of Robinson Avenue; Run thence Southerly along said Westerly line to the Northerly Right-of-Way line of Eleventh Street; Run thence Westerly along said Northerly line to the Easterly Right-of-Way line of Park Avenue; Run Thence Southerly along said line to the Easterly projection of the Southerly line of lot 12 Block "J" of the Town of Apopka as recorded in Plat Book "A", page 109 of the Public Records of Orange County, Florida; Run thence Westerly along said projection and the Southerly line of said Lot 12 to the Westerly line of Lot 12; Run thence Northerly along said Westerly line and the Westerly line of Lot 6 Block "J" and a projection Northerly thereof to the Northerly Right-of-Way line of Tenth Street; Run thence Westerly along said Northerly line to the Point Of Beginning.

Containing 633 acres of land more or less.



Appendix B: Community Workshop



COMMUNITY WORKSHOP – APRIL 13, 2017

On April 13, 2017, the City of Apopka and the Apopka Community Redevelopment Agency hosted a community workshop, facilitated by S&ME. The purpose of the workshop was to gather public input from residents, business owners, government agencies, and stakeholders in Apopka and to identify community issues, concerns, and potential projects for inclusion in the updated Redevelopment Plan. Workshop participants were introduced to the CRA's history, past and existing conditions, accomplishments. A proposed list of preliminary programs and projects was presented for discussion.

The first portion of the Community Workshop was an education primer on Community Redevelopment Agencies. The Apopka City Attorney provided an educational briefing to the CRA Board and Workshop attendees that addressed the legal background for the establishment of the Community Redevelopment Act, the operational and reporting requirements of Community Redevelopment Agencies and items that are addressed through the strategies and objectives presented in Community Redevelopment Plans.

The second portion of the Workshop was a detailed presentation of the Apopka Community Redevelopment Plan update process, the existing conditions within the CRA, observed conditions of blight, proposed redevelopment strategies and proposed CRA programming and activities to address conditions of blight. The Apopka CRA Director discussed the long-range redevelopment objectives of the CRA and potential programming and activities.

Following the presentation a public comments and discussion session was held. Workshop participants presented questions and comments to the CRA Board and CRA staff. Public comments and topics of discussion addressed:

- Public Safety
- Public Participation
- Accessibility
- Small Business Assistance programming
- Residential Improvement programming
- New Residential and Mixed-Use development
- Park and Public Space Improvements



Appendix C: Establishing Documents

ORDINANCE NO. 783

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, ESTABLISHING A COMMUNITY REDEVELOPMENT TRUST FUND; PROVIDING FOR THE ADMINISTRATION OF THE COMMUNITY REDEVELOPMENT TRUST FUND; ESTABLISHING THE BASE YEAR FOR DETERMINING ASSESSED VALUES OF PROPERTY IN THE COMMUNITY REDEVELOPMENT AREA FOR TAX INCREMENT PURPOSES; PROVIDING FOR ANNUAL APPROPRIATION OF THE TAX INCREMENT BY ALL TAXING AUTHORITIES IN THE COMMUNITY REDEVELOPMENT AREA; APPOINTING THE GOVERNING BODY OF THE COMMUNITY REDEVELOPMENT AGENCY AS THE TRUSTEE OF THE COMMUNITY REDEVELOPMENT TRUST FUND; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 93-M-38 and Resolution No. 93-M-39 adopted by the Board of County Commissioners of Orange County, Florida (the "County Commission") on June 22, 1993, and by Resolution No. 9316 adopted by the City Council of the City of Apopka, Florida (the "City Council") on June 28, 1993, it was determined that one or more slum or blighted areas exist or areas which lack affordable housing exists within the City of Apopka, Florida (the "City"), and that rehabilitation, conservation, or redevelopment, or combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of the City and County; and

WHEREAS, by Resolution No. 9316 adopted by the City Council on June 28, 1993, the City Council created the Apopka Community Redevelopment Agency (the "Agency") and declared the City Council as the Agency pursuant to Section 163.356 and 163.357, Florida Statutes; and

WHEREAS, by Resolution No. 9316 adopted by the City Council on June 28, 1993, the City Council adopted the Apopka Community Redevelopment Plan (the "Plan") for the Community Redevelopment Area as fully described in the Resolution and in Exhibit A attached hereto and made a part hereof (the "Community Redevelopment Area"); and

WHEREAS, in order to plan and implement community redevelopment within the Community Redevelopment Area it is necessary that a Redevelopment Trust Fund be established and created for said area as provided for in Section 163.387, Florida Statutes (the "Act"); and

WHEREAS, notice to each taxing authority and public notice of the City's intention to adopt an ordinance creating a Redevelopment Trust Fund has been given, in accordance with Section 163.346 and 166.041(3), Florida Statutes.

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

SECTION 1. There is hereby established and created, in accordance with the provision of the Act, a Community Redevelopment Trust Fund (the "Fund") for the Community Redevelopment Area, which fund shall be utilized and expended for the purpose of and in accordance with the Plan, including any amendments or modifications thereto approved by the Community Redevelopment Agency including any "community redevelopment" (as that term is defined in Section 163.340, Florida Statutes) under this Plan.

SECTION 2. The moneys to be allocated to and deposited into the Fund shall be used to finance "community redevelopment" within the Community Redevelopment Area, which shall be appropriated when authorized by the Agency. The Agency shall utilize the funds and revenues paid into and earned by the Fund for community redevelopment purposes as provided in the Plan and as permitted by



law. The Fund shall exist for the duration of the "community redevelopment" undertaken by the Agency pursuant to the Plan and the extent permitted by the Act. Moneys shall be held in the Fund and the Fund shall be administered by the City for and on behalf of the Agency, and disbursed from the Fund as provided by the Act, this Ordinance or when authorized by the Agency.

SECTION 3. The money held in the Fund shall be continuously secured in the same manner as state and municipal deposits are authorized to be secured by the laws of the state of Florida. The Funds may be invested according to the Act and Florida Statutes. The cash required to be accounted for in the Trust Fund described in this Act may be deposited in a single bank account, provided that adequate accounting records are maintained to reflect and control the restricted allocation of cash on deposit therein for the various purposes of such funds and accounts as herein provided.

SECTION 4. There shall be paid into the Fund each year by each of the "taxing authorities" (as that term is defined in Section 163.340, Florida Statutes) levying ad valorem taxes within the Community Redevelopment Area, and shall be that amount equal to 95 percent of the incremental increase in ad valorem taxes levied each year by that taxing authority, as calculated in accordance with Section 5 of this Ordinance and the Act, based on the base year established in Section 4 of this Ordinance (such annual amount being hereafter referred to as the "tax increment").

SECTION 5. The most recently approved tax role prior to the effective date of this Ordinance used in connection with the taxation of real property in the Community Redevelopment Area shall be the real property assessment roll of Orange County, Florida, reflecting the valuation of real property for purposes of ad valorem taxation as of January 1, 1992 (the "base year value") and submitted to the Department of Revenue pursuant to Section 193.1142, Florida Statutes, and all deposits into the Fund shall be in the amount of tax increment calculated as provided in Section 5 hereof based upon increases in valuation of taxable real property from the base year value.

SECTION 6. The tax increment shall be determined annually by each taxing authority and shall be that amount equal to 95 percent of the difference between:

- (a) The amount of ad valorem taxes levied each year by all taxing authorities, exclusive of any amount from any debt service millage, on taxable real property located within the geographic boundaries of the Community Redevelopment Area; and
- (b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or all taxing authorities, upon the total of the assessed value of the taxable real property in the Community Redevelopment Area as shown upon the assessment roll used in connection with the taxation of such property by all taxing authorities, prior to the effective date of the Ordinance.

SECTION 7. All taxing authorities shall annually appropriate to and cause to be deposited in the Fund the tax increment determined pursuant to the Act and Section 5 of this Ordinance at the beginning of each fiscal year thereof as provided in the Act. The obligation of each taxing authority to annually appropriate the tax increment for deposit in the Fund shall commence immediately upon the effective date of this Ordinance and continue the extent permitted by the Act until all loans, advances and indebtedness, if any, and interest thereon, incurred by the Agency as a result of community redevelopment in the Community Redevelopment Area have been paid.

ORDINANCE NO. 783

PAGE 3

SECTION 8. The Fund shall be established and maintained as a separate trust fund by the City pursuant to the Act and this Ordinance, and other directives of the governing body of the Agency as may from time to time be adopted, whereby the Fund may be promptly and effectively administered and utilized by the Agency expeditiously and without undue delay for its statutory purpose pursuant to the Plan.

SECTION 9. The chief financial officer of the City of Apopka, Florida (the "Trustee"), on behalf of the City and the Agency, shall be the trustee of the Fund and shall be responsible for the receipt, custody, disbursement, accountability, management, investment, and proper application of all moneys paid into or expended from the Fund in accordance with Agency authorization and with state and local laws. Disbursement of moneys shall be made upon presentation of adequate supporting documentation in the reasonable opinion of the Trustee.

SECTION 10. Any and all ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

SECTION 11. If any part of this Ordinance is held to be invalid or unenforceable for any reason, such holding shall not affect the validity or enforceability of the remainder of this Ordinance, which shall remain in full force and effect.

SECTION 12. The Clerk to the City Council is hereby authorized to send a certified copy of this Ordinance to each of the taxing authorities and to the Property Appraiser of Orange County, Florida.

SECTION 14. This Ordinance shall take effect immediately upon its approval and adoption by the Apopka City Council.

READ FIRST TIME: June 16, 1993

READ SECOND TIME
AND ADOPTED: June 28, 1993


John H. Land, Mayor

ATTEST:


~~Connie W. Major, City Clerk~~
Libby Tyler, Deputy City Clerk

APPROVED AS TO FORM:


Frank Kruppenbacher, Esq.,
City Attorney

DULY ADVERTISED FOR PUBLIC HEARING ON: June 18, 1993

CRAORD



Ordinance No. 783

EXHIBIT A

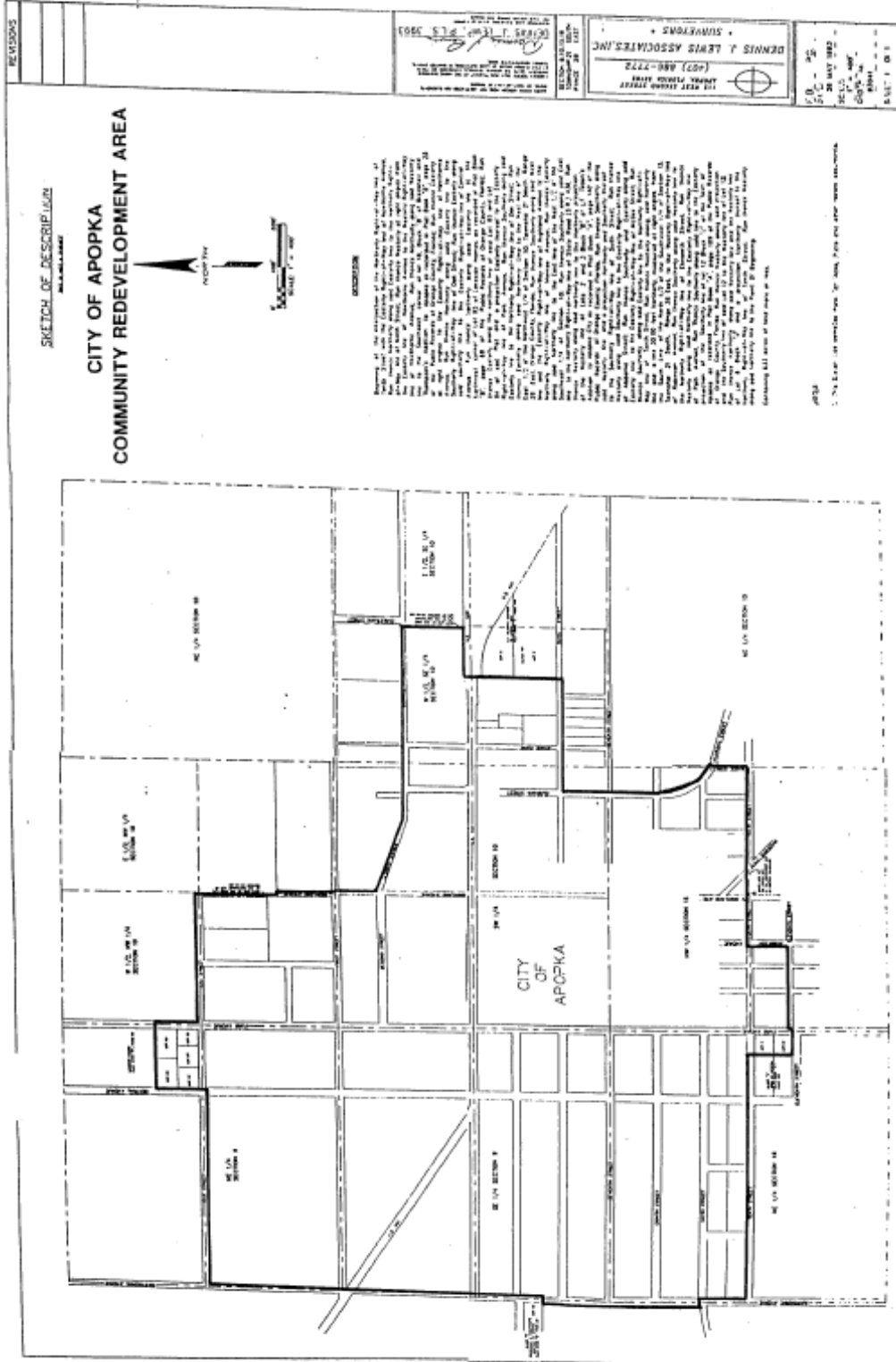
CITY OF APOPKA
COMMUNITY REDEVELOPMENT AREADESCRIPTION

Beginning at the intersection of the Northerly Right-of-Way line of Tenth Street with the Easterly Right-of-Way line of Hawthorne Avenue; Run thence Northerly along said Easterly line to the Northerly Right-of-Way line of Ninth Street; Run thence Westerly at right angles from the Easterly line of Hawthorne Avenue to the Westerly Right-of-Way line of Hawthorne Avenue; Run thence Northerly along said Westerly line to the Southeast corner of lot 15, Block "B" of Bradshaw and Thompson's Addition to Apopka as recorded in Plat Book "B", page 25 of the Public Records of Orange County, Florida; Run thence Easterly at right angles to the Easterly Right-of-Way line of Hawthorne Avenue; Run thence Northerly along said Easterly line to the Southerly Right-of-Way line of Oak Street; Run thence Easterly along said southerly line to the Easterly Right-of-Way line of Central Avenue; Run thence Northerly along said Easterly line to the Northwest corner of Lot 95 of Lakeside Homes as recorded in Plat Book "B", page 69 of the Public Records of Orange County, Florida; Run thence Easterly along the northerly line of said Lot 95 and Lot 94 of said Plat and a projection Easterly thereof to the Easterly Right-of-Way line of Park Avenue; Run thence Southerly along said Easterly line to the Northerly Right-of-Way line of Oak Street; Run thence Easterly along said Northerly Line to the West line of the East 1/2 of the Northwest 1/4 of Section 10, Township 21 South, Range 28 East, Orange County, Florida; Run thence Southerly along said West line and the Easterly Right-of-Way line of Highland Avenue to the Northerly Right-of-Way line of Monroe Avenue; Run thence Easterly along said Northerly line to the East line of the West 1/2 of the Southeast 1/4 of Section 10; Run thence Southerly along said East line to the Northerly Right-of-Way line of State Road (S.R.) 436; Run thence Westerly along said northerly line to the Northerly projection of the Westerly line of Lots 2 and 3 Block "B" of L.F. Tiden's Addition to Apopka City as recorded in Plat Book "A", page 140 of the Public Records of Orange County, Florida; Run thence Southerly along said Westerly line and a projection Northerly and Southerly thereof to the Southerly Right-of-Way line of Sixth Street; Run thence Westerly along said Southerly line to the Easterly Right-of-Way line of Alabama Street; Run thence Southerly and Easterly along said Easterly line to the Easterly Right-of-Way line of McGee Street; Run thence Southerly along said Easterly line to the Northerly Right-of-Way line of Tenth Street; Run thence Westerly along, said Northerly line and a line 30.00 feet Northerly, measured at right angles, from the South Line of the North 1/2 of the Southwest 1/4 of Section 15, Township 21 South, Range 28 East, to the Westerly Right-of-Way line of Robinson Avenue; Run thence Southerly along said Westerly line to the Northerly Right-of-Way line of Eleventh Street; Run thence Westerly along said Northerly line to the Easterly Right-of-Way line of Park Avenue; Run Thence Southerly along said line to the Easterly projection of the Southerly line of lot 12 Block "J" of the Town of Apopka as recorded in Plat Book "A", page 109 of the Public Records of Orange County, Florida; Run thence Westerly along said projection and the Southerly line of said Lot 12 to the Westerly line of Lot 12; Run thence Northerly along said Westerly line and the Westerly line of Lot 6 Block "J" and a projection Northerly thereof to the Northerly Right-of-Way line of Tenth Street; Run thence Westerly along said Northerly line to the Point Of Beginning.

Containing 633 acres of land more or less.

Ordinance No. 783

EXHIBIT A



RESOLUTION NO. 9316

A RESOLUTION OF THE CITY OF APOPKA, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; AFFIRMING THE FINDING THAT SLUM OR BLIGHTED AREAS EXIST, OR AREAS WHICH LACK AFFORDABLE HOUSING EXIST, IN THE CITY, AND DESIGNATING SUCH AREA APPROPRIATE FOR REDEVELOPMENT; FINDING THAT THE REHABILITATION, CONSERVATION OR REDEVELOPMENT OF SUCH AREA IS NECESSARY IN THE PUBLIC INTEREST; FINDING THAT THERE IS A NEED FOR A COMMUNITY REDEVELOPMENT AGENCY TO FUNCTION IN THE CITY, AND CREATING THE AGENCY; DECLARING THE CITY COUNCIL AS THE COMMUNITY REDEVELOPMENT AGENCY; ADOPTING A COMMUNITY REDEVELOPMENT PLAN FOR THE DESIGNATED AREA, AND AUTHORIZING AND DIRECTING THE COMMUNITY REDEVELOPMENT AGENCY TO IMPLEMENT THE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Community redevelopment act of 1969 of Chapter 163, Part III, Florida Statutes, empowers counties and municipalities to undertake community redevelopment in order to eliminate, remedy or prevent slum and blighted areas and to provide affordable housing; and

WHEREAS, Orange County has adopted a home rule charter, the Orange County Commission delegated by Resolution No. 93-M-38 and Resolution No. 93-M-39, on June 22, 1993, the powers conferred upon the county to the City of Apopka, as provided for in Section 163.410, Florida Statutes; and

WHEREAS, notice to each taxing authority and public notice of the city's intention to adopt a resolution adopting the proposed Finding of Necessity study, creating a Community Redevelopment Agency and declaring the City Council as the Community Redevelopment Agency, has been given, as provided for in Section 163.346 and 166.041(3), Florida Statutes; and

WHEREAS, the City of Apopka has completed the "Finding of Necessity" study determining one or more blighted areas, or areas which lack affordable housing exist, and establishes the Community Redevelopment Area; and

WHEREAS, the City of Apopka has determined that there is a need for a Community Redevelopment Agency, and establishing the agency, and declaring the City Council as the Community Redevelopment Agency, as provided for in Sections 163.356 and 163.357, Florida Statutes; and

WHEREAS, a Community Redevelopment Plan has been completed, pursuant to Sections 163.360 and 163.362, Florida Statutes; and

WHEREAS, to the extent permitted by law, it is also the intent of the City of Apopka and Orange County that, for the purposes of determining the tax increment revenues to be deposited into a Community Redevelopment Trust Fund, the most recent assessment roll be used in connection with the taxation of the property, pursuant to Section 163.387, Florida Statutes.

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

Section 1: Authority. This resolution is adopted pursuant to the provisions of Chapter 163, Part III, Florida Statutes, and pursuant to the delegated authority contained in Resolution No. 93-M-38 and Resolution No. 93-M-39 adopted by the Board of County Commissioners of Orange County, Florida, on June 22, 1993.

RESOLUTION NO. 9316

PAGE 2

Section 2: Definitions. The definitions of terms contained in Section 163.340, Florida Statutes, are hereby adopted by reference whenever such terms are used in this resolution. The term "Redevelopment Area" means the area within the territorial boundaries of the City of Apopka, Florida (the "City"), as described in Exhibit A and as outlined on the map described as Exhibit B, both entitled "City of Apopka Community Redevelopment Area."

Section 3. Findings. It is hereby found and determined as follows:

A. The Redevelopment Area is a slum or blighted area which substantially impairs the sound growth of the city and is a threat to the public health, safety, morals and welfare of the residents of the city; and the existence of slum or blighted further creates an economic and social liability by hindering industrial, commercial, office, or residential development, reducing employment opportunity, retarding construction and improvement of housing accommodations, aggravating traffic problems, and substantially hampering the elimination of traffic hazards and the improvement of traffic facilities, causing an excessive proportion of public expenditure for crime prevention and other forms of public services, and depressing the tax base.

B. In the Redevelopment Area there exists a shortage of housing affordable to residents of low or moderate income, including the elderly.

C. A combination of rehabilitation, conservation and redevelopment of the Redevelopment Area is necessary in the interest of the public health, safety, morals and welfare of the residents of the city to eliminate, remedy and prevent conditions of slum and blight; and to provide affordable housing to residents of low or moderate income, including the elderly.

D. The findings of slum or blight, and shortage of affordable housing, in Paragraphs A and B above, are hereby adopted and supported by (1) the City of Apopka "Finding of Necessity" dated May, 1993, prepared by Glenn Acomb Associates Inc., a copy of which is on file in the office of the Clerk of the City of Apopka; (2) and such other evidence as presented at prior public hearings, work sessions and council meetings.

E. There exists a need for a Community Redevelopment Agency to function in the City to carry out the community redevelopment purposes provided for in Chapter 163, Part III, Florida Statutes.

F. Notice of the proposed adoption of this resolution has been published and mailed in accordance with Sections 163.346 and 166.041(3), Florida Statutes.

Section 4. Creation of Community Redevelopment Agency

A. There is hereby created a community redevelopment agency known as the "Apopka Community Redevelopment Agency", to function within the Redevelopment Area of the City.

B. The Apopka Community Redevelopment Agency shall consist of the Mayor and the four (4) council members of the city together with two (2) additional members, one (1) appointed by the Board of County Commissioners of Orange County, Florida, and one (1) appointed by the City Council of the City of Apopka, Florida.

C. The City Council of the City of Apopka hereby declares itself to be the Apopka Community Redevelopment Agency and shall, together with the members appointed by the City Council and the Board of County Commissioners of Orange County, Florida, act as the members of the Apopka Community Redevelopment Agency.



RESOLUTION NO. 9316

PAGE 3

D. The City Council finds and declares that the members of the Apopka Community Redevelopment Agency constitute the head of a legal entity, separate, distinct, and independent from the City Council of the City of Apopka.

E. The Mayor of the City shall serve as chairman of the Apopka Community Redevelopment Agency.

F. Subject to those prior approvals by the city required by Chapter 163, Part III, Florida Statutes, the City Council is hereby authorized to direct the Apopka Community Redevelopment Agency to exercise the redevelopment powers delegated to the city by the Board of County Commissioners of Orange County, Florida.

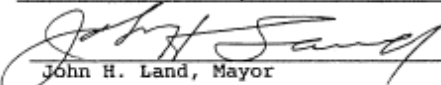
Section 5. Designation of Community Redevelopment Area. The Community Redevelopment Area is hereby designated as appropriate for community redevelopment, as provided for in Chapter 163, Part III, Florida Statutes.

Section 6. Community Redevelopment Plan. The Apopka Community Redevelopment Plan, dated June, 1993, prepared by Glenn Acomb Associates Inc., a copy of which is on file in the office of the City Clerk of the City of Apopka, is hereby adopted for the Community Redevelopment Area, pursuant to Chapter 163, Part III, Florida Statutes.


Section 7. Effective Date. This resolution shall take effect immediately upon its approval and adoption by the Apopka City Council.

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this 28th day of June, 1993.


ADOPTION: June 28, 1993


John H. Land, Mayor

ATTEST:


~~Connie V. Major, City Clerk~~
Libby Tyler, Deputy City Clerk

Approved as to form:


Frank Kruppenbacher, Esq.,
City Attorney

Duly Advertised on: June 18, 1993

CRARES1

EXHIBIT A

CITY OF APOPKA
COMMUNITY REDEVELOPMENT AREADESCRIPTION

Beginning at the intersection of the Northerly Right-of-Way line of Tenth Street with the Easterly Right-of-Way line of Hawthorne Avenue; Run thence Northerly along said Easterly line to the Northerly Right-of-Way line of Ninth Street; Run thence Westerly at right angles from the Easterly line of Hawthorne Avenue to the Westerly Right-of-Way line of Hawthorne Avenue; Run thence Northerly along said Westerly line to the Southeast corner of lot 16, Block "B" of Bradshaw and Thompson's Addition to Apopka as recorded in Plat Book "B", page 25 of the Public Records of Orange County, Florida; Run thence Easterly at right angles to the Easterly Right-of-Way line of Hawthorne Avenue; Run thence Northerly along said Easterly line to the Southerly Right-of-Way line of Oak Street; Run thence Easterly along said southerly line to the Easterly Right-of-Way line of Central Avenue; Run thence Northerly along said Easterly line to the Northwest corner of Lot 95 of Lakeside Homes as recorded in Plat Book "B", page 69 of the Public Records of Orange County, Florida; Run thence Easterly along the northerly line of said Lot 95 and Lot 94 of said Plat and a projection Easterly thereof to the Easterly Right-of-Way line of Park Avenue; Run thence Southerly along said Easterly line to the Northerly Right-of-Way line of Oak Street; Run thence Easterly along said Northerly Line to the West line of the East 1/2 of the Northwest 1/4 of Section 10, Township 21 South, Range 28 East, Orange County, Florida; Run thence Southerly along said West line and the Easterly Right-of-Way line of Highland Avenue to the Northerly Right-of-Way line of Monroe Avenue; Run thence Easterly along said Northerly line to the East line of the West 1/2 of the Southeast 1/4 of Section 10; Run thence Southerly along said East line to the Northerly Right-of-Way line of State Road (S.R.) 436; Run thence Westerly along said northerly line to the Northerly projection of the Westerly line of Lots 2 and 3 Block "B" of L.F. Tilden's Addition to Apopka City as recorded in Plat Book "A", page 140 of the Public Records of Orange County, Florida; Run thence Southerly along said Westerly line and a projection Northerly and Southerly thereof to the Southerly Right-of-Way line of Sixth Street; Run thence Westerly along said Southerly line to the Easterly Right-of-Way line of Alabama Street; Run thence Southerly and Easterly along said Easterly line to the Easterly Right-of-Way line of McGee Street; Run thence Southerly along said Easterly line to the Northerly Right-of-Way line of Tenth Street; Run thence Westerly along, said Northerly line and a line 30.00 feet Northerly, measured at right angles, from the South Line of the North 1/2 of the Southwest 1/4 of Section 15, Township 21 South, Range 28 East, to the Westerly Right-of-Way line of Robinson Avenue; Run thence Southerly along said Westerly line to the Northerly Right-of-Way line of Eleventh Street; Run thence Westerly along said Northerly line to the Easterly Right-of-Way line of Park Avenue; Run Thence Southerly along said line to the Easterly projection of the Southerly line of lot 12 Block "J" of the Town of Apopka as recorded in Plat Book "A", page 109 of the Public Records of Orange County, Florida; Run thence Westerly along said projection and the Southerly line of said Lot 12 to the Westerly line of Lot 12; Run thence Northerly along said Westerly line and the Westerly line of Lot 6 Block "J" and a projection Northerly thereof to the Northerly Right-of-Way line of Tenth Street; Run thence Westerly along said Northerly line to the Point Of Beginning.

Containing 633 acres of land more or less.



Backup material for agenda item:

1. Thank you email from a resident to the Utility Billing Department.

-----Original Message-----

From: Karen Colosi [REDACTED]

Sent: Monday, June 12, 2017 11:16 AM

To: Lynn Collette

Cc: [REDACTED]

Subject: Water Payment

Thank you so very very much Colette for extending the balance due for 14 more days! I can't express my gratitude enough for ALL of you at the water department. As insignificant as it may seem, at times the past 24 months, each of you, especially "MiMi" gave me strength and hope on days I had none following the death of my husband. God is an awesome God! God bless you each abundantly!! Thank you for the huge difference you made in my life and our families.

Warmest regards with huge gratitude!!

KAREN COLOSI

Sent from my iPhone

Backup material for agenda item:

2. Thank you email on the behalf of a resident to the Police & Fire Departments.

----- Original message -----

From: papo a <[REDACTED]>

Date: 6/12/17 9:29 PM (GMT-05:00)

To: Glenn Irby <girby@apopka.net>, Daniel Garcia <dgarcia@apopka.net>, Michael McKinley <mmckinley@apopka.net>, Brian Kennedy <bkennedy@apopka.net>

Subject: Thanks from wife and mine

Greetings. I want to express my most sincere thanks. Since about 6:00 to 7:00 pm. Attended my daughter's house at [REDACTED] Apopka, FL 32712. To attend to the case of a snake. It was gone but my daughter took a picture and showed it to her. Which according to firefighters reported that it was not poisonous. Thank you very much for your efforts and for the firefighters who helped my daughter. This is an approve of how the internet, properly used is a very valuable tool. In this case I, living in Puerto Rico, communicate with you and resolve the situation. Thank you again and very successful .. Graduation to firefighters. Greetings from Puerto Rico.

Edwin Alvarez Concepcion

Backup material for agenda item:

3. Thank you letter from GFWC Apopka Woman's Club for City's assistance with 56th Annual Apopka Art & Foliage Festival.

GFWC Apopka Woman's Club Inc.
Art and Foliage Festival



May 31, 2017

The Honorable Joe Kilsheimer
City of Apopka
P.O. Box 1229
Apopka, Florida 32704-1229

Dear Mayor Kilsheimer,

On behalf of the GFWC Apopka Woman's Club, I would like to express our appreciation to all of the city departments who worked so long and hard to make the 56th Apopka Art and Foliage Festival such a success.

It takes a tremendous amount of time, work and effort on everyone's part to put on such an event, and we deeply appreciate the cooperation and help of the Mayor's Office, Fire Department, Police Department and the Parks/Recreation Department. The individuals in all of the various departments were so willing to help in anyway possible.

Please convey the thanks of the entire GFWC Apopka Woman's Club to all of the city employees who helped in anyway to make this year's festival a wonderful community event. Without the cooperation and tremendous help of the City of Apopka, we could not accomplish what we do and in turn be able to give back to the community in the form of donations to various non-profit organizations and scholarships.

Again, thank you for your help in making the 56th Apopka Art and Foliage Festival a successful event.

Sincerely,

Sharon S. Fisher
2017 Chairman
56th Apopka Art and Foliage Festival

RECEIVED

JUN 15 REC'D

MAYOR'S OF 372