

APOPKA PLANNING COMMISSION AGENDA
NOVEMBER 09, 2021 5:30 PM
Apopka City Hall Council Chambers

APOPKA PLANNING COMMISSION MEETING WILL BE [LIVE-STREAMED AND AVAILABLE ON YOUTUBE.](#)

CALL TO ORDER

OPENING AND INVOCATION

APPROVAL OF MINUTES

1. Approve minutes of the Planning Commission meeting held October 12, 2021.

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.

PUBLIC HEARING

1. Apopka Code of Ordinances – Part III – Land Development Code – Glitch Amendments 4
Project: To update, clarify and amend the content of the LDC
Presented by: James Hitt, FRA-RA, Community Development Director
2. Ordinance No. 2882 - Amending Land development code to permit mobile food vendors as a permitted use
Presented by: Michael Rodriguez, City Attorney
3. Ordinance No. 2884 - Amending Land development Code to regulate Small Box Discount Stores
Presented by: Michael Rodriguez, City Attorney
4. Change of Zoning – Natura Vista
From: T (Transitional District)
To: MU-ES-GT (Mixed-Use East Shore-Gateway Subdistrict)
Owner/Applicant: Natura Vista, LLC
Location: South of Wilkins Street and east of W. Orange Blossom Trail
Project: 3.05 +/- acres
Project Manager: Phil Martinez

5. Change of Zoning – Acuera Estates
From: T (Transitional District) and PD (Planned Development)
To: RSF-1B (Residential Single-Family District – Large Lot)
Owner: Ever Meadow, LLC, Village of Fame, LLC
Applicant: Cory N. Sitler, P.E., Kimley-Horn & Associates, Inc
Location: East side of Tigris Drive and west of Jason Dwelley Parkway
Project: 38.62 +/- acres
Project Manager: Bobby Howell
6. Change of Zoning – Magnolia Terrace
From: T (Transitional District) and RSF-1A (Residential Single-Family-Estate District)
To: PD (Planned Development)
Owners: Marion Wade Hopper Life Estate, Mary Kathleen Hopper Life Estate, Harold Wayne Thomas, Melody Lynn Thomas, Mary Kathleen Hopper, Douglas Matthews Trust, Anita Matthews Trust, George A. Thomas, Sandra K. Thomas, Vernus Stapler, Gail Marie Stapler, Kenneth W. Davidson, and Natalie W. Davidson
Applicant: Appian Engineering, LLC
Location: East of South Binion Road and south of Willet Avenue
Project: 95.09 +/- acres
Project Manager: Bobby Howell
7. Special Exception – To allow an assisted living facility, Longevity Healthcare Assisted Living, at 750 Alabama Avenue
Owner/Applicant: Gladys and Louidore Brutus
Location: 750 Alabama Avenue
Project Manager: Jean Sanchez

SITE PLANS

1. Plat – Winding Meadows Subdivision
Owner: Klepzig Family Trust, Klepzig Dennis R Life Estate, Klepzig Joann Life Estate, Min Sun Cho, Hong Sik Kim and Deok Hwa Kim
Applicant: Pulte Homes Company, LLC c/o Aaron Struckmeyer
Location: East of SR 429, west of Plymouth Sorrento Road and south of Joey McGuckin Road
Project: 50.79 +/- acres; 179 single-family detached units
Project Manager: Jean Sanchez

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

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 Planning Commission 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 Planning Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Planning Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Planning Commission 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 Planning Commission 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.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 12, 2021 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

MEMBERS PRESENT: James Greene, Linda Laurendeau, Robert Ryan and Howard Washington.

ABSENT: Butch Stanley, William Gusler, Mary Norwood and Orange County Public Schools (Non-voting)

STAFF PRESENT: James Hitt, FRA-RA – Community Development Director, Michael Rodriguez – City Attorney, Bobby Howell, AICP – Planning Manager, Phil Martinez – Planner II, Jean Sanchez - Planner II, Allyson Williams – Planner I, Robert Hippler – IT Director, and Erin Arnold – Recording Secretary.

OTHERS PRESENT: Mark Smiley, Andrew Gerdorn, Linda & Jerry Owens, Robert Singh, Jason Mahoney, Sheri Smith, Luke Classon, and Frank Bombeeck.

OPENING AND INVOCATION: Chairperson Greene called the meeting to order and asked for a moment of silent prayer. The Pledge of Allegiance followed.

APPROVAL OF MINUTES: Chairperson Greene asked if there were any corrections or additions to the regular meeting minutes of September 14, 2021 at 5:30 p.m.

Motion: **Robert Ryan made a motion to approve the Planning Commission minutes from the regular meeting held on September 14, 2021 at 5:30 p.m. and seconded by Linda Laurendeau. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).**

PUBLIC COMMENT: Chairperson Greene opened the meeting to Public Comment. No one spoke.

LEGISLATIVE – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – FUTURE LAND USE AMENDMENT – ROPER FAMILY - Chairperson Greene stated this is a request to recommend approval of the change of Future Land Use Map designation from County Rural (1 dwelling unit per 10 acres) to Mixed-Use (15 dwelling units per acre) for the property owned by Bert E. Roper and Barbara C. Roper Family Limited Partnership, subject to the findings of the staff report.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to recommend approval of the change of Future Land Use Map designation from County Rural (1 dwelling unit per 10 acres) to Mixed-Use (15 dwelling units per acre) for the property owned by Bert E. Roper and Barbara C. Roper Family Limited Partnership, subject to the findings of the staff report. The subject property was annexed into the City on July 21, 2021 by Ordinance Number 2848. The proposed Future Land Use designation of Mixed-Use is compatible with the surrounding parcels as properties with a Future Land Use designation of Mixed-Use are located in the vicinity. This application is being processed simultaneously with an application to rezone the property from County A-1 (Citrus Rural) District to MU-ES-GT (Mixed-Use-East Shore-Gateway) Subdistrict.

The Development Review Committee recommends approval of the change of Future Land Use Designation from County Rural (1 dwelling unit per 10 acres) to Mixed Use (15 dwelling unit per acre), subject to the information and findings in the staff report.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 12, 2021 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

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

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Howard Washington made a motion to recommend approval of the change of Future Land Use Designation from County Rural (1 dwelling unit per 10 acres) to Mixed Use (15 dwelling unit per acre) for the property owned by Bert E. Roper and Barbara C. Roper Family Limited Partnership, subject to the information and findings in the staff report. Motion seconded by Linda Laurendeau. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).

LEGISLATIVE – CHANGE OF ZONING – ROPER FAMILY - Chairperson Greene stated this is a request to recommend approval of the proposed Change of Zoning from County A1 (Citrus Rural) Zoning District to MU-ES-GT (Mixed-Use – East Shore – Gateway) Zoning District for the property owned by Bert E. Roper and Barbara C. Roper Family Limited Partnership and located West of SR 429 and Binion Road and north of Hooper Farms Road.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to recommend approval of the proposed Change of Zoning from County A1 (Citrus Rural) Zoning District to MU-ES-GT (Mixed-Use – East Shore – Gateway) Zoning District for the property owned by Bert E. Roper and Barbara C. Roper Family Limited Partnership. The tract size is 1.53 +/- acres.

The subject property was annexed into the City on July 21, 2021 by Ordinance Numbers 2848. The subject property is approximately 1.53 acres in and vacant. The proposed MU-ES-GT zoning is compatible with the property due to the MU-ES-GT zoning being found on parcels in the vicinity. The applicant intends to combine this parcel with adjacent parcels to assemble land for a residential development.

The Development Review Committee recommends approval of the proposed Change of Zoning from County A1 (Citrus Rural) Zoning District to MU-ES-GT (Mixed-Use – East Shore – Gateway) Zoning District for the property owned by Bert E. Roper and Barbara C. Roper Family Limited Partnership subject to the information and findings in the staff report.

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

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Howard Washington made a motion to recommend approval of the proposed Change of Zoning from County A1 (Citrus Rural) Zoning District to MU-ES-GT (Mixed-Use – East Shore – Gateway) Zoning District for the property owned by Bert E. Roper and Barbara C. Roper Family Limited Partnership. subject to the information and findings in the staff report. Motion seconded by Linda Laurendeau. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).

LEGISLATIVE – COMPREHENSIVE PLAN AMENDMENT – SMALL SCALE – FUTURE LAND USE AMENDMENT – 2451 APPY LANE - Chairperson Greene stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from Residential Very Low Suburban to Agriculture, subject to the findings of the staff report for the property owned by Robert and Mary Singh and located at 2451 Appy Lane.

Staff Presentation: Phil Martinez, Planner II, stated this is a request to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommend approval of the change of Future Land Use Designation from Residential Very Low Suburban to Agriculture, subject to the findings of the staff report. The tract size is 4.92 +/- acres.

The subject property was annexed into the City on November 5, 1997 by Ordinance Number 1113. The subject property is approximately 4.92 acres and a single-family home is located on the parcel. The proposed Agriculture Future Land Use is compatible with the property due to the agricultural properties being found in the vicinity. The applicant has expressed interest in keeping livestock on the property, which is prohibited in the existing RSF-1A zoning, and permitted in the proposed Agriculture zoning.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends approval of the request to apply the future land use designation of Agriculture (1 du/5 ac) for the property owned by Robert and Mary Singh, located at 2451 Appy Lane.

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

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Linda Laurendeau made a motion to find the proposed Future Land Use amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommended approval of the change of Future Land Use Designation from Residential Very Low Suburban to Agriculture, subject to the findings of the staff report. Motion seconded by Robert Ryan. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).

LEGISLATIVE – CHANGE OF ZONING – 2451 APPY LANE - Chairperson Greene stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommend approval of the proposed Change of Zoning from RSF-1A (Residential Single-Family Estate District) to AG (Agriculture District) for the property owned by Robert and Mary Singh and located at 2451 Appy Lane.

Staff Presentation: Phil Martinez, Planner II, stated this is a request to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommend approval of the proposed Change of Zoning from RSF-1A (Residential Single-Family Estate

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District) to AG (Agriculture District) for the property owned by Robert and Mary Singh and located at 2451 Appy Lane. The tract size is 4.92 +/- acres.

The subject property was annexed into the City on November 5, 1997 by Ordinance Number 1113. The subject property is approximately 4.92 acres and a single-family home is located on the parcel. The proposed AG zoning is compatible with the property due to the AG zoning being found in the vicinity. The applicant has expressed interest in keeping livestock on the property, which is prohibited in the existing RSF-1A zoning, and permitted in the proposed Agriculture zoning.

The Development Review Committee finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from RSF-1A (Residential Single-Family Estate District) to AG (Agriculture District) for the property owned by Robert and Mary Singh and located at 2451 Appy Lane.

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

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Linda Laurendeau made a motion to find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommends approval of the proposed Change of Zoning from RSF-1A (Residential Single-Family Estate District) to AG (Agriculture District) for the property owned by Robert and Mary Singh, located at 2451 Appy Lane. Motion seconded by Howard Washington. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).

LEGISLATIVE – CHANGE OF ZONING – 2616 MARDEN ROAD - Chairperson Greene stated this is a request to recommend approval of the proposed Change of Zoning from RSF-1A (Residential Single-Family Estate) District to RSF-1B (Residential Single-Family–Large Lot) District for the property owned by Nanak Investments, LLC, subject to the information and findings in the staff report.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to recommend approval of the proposed Change of Zoning from RSF-1A (Residential Single-Family Estate) District to RSF-1B (Residential Single-Family– Large Lot) District for the property owned by Nanak Investments, LLC, subject to the information and findings in the staff report. The tract size is 8.81 +/- acres.

The subject property is vacant and consists of approximately 8.81 acres. The proposed RSF-1B (Residential Single-Family– Large Lot) zoning is compatible with the properties due to the RSF-1B zoning being found in the vicinity, and with the Residential Low future land use designation, of which is assigned to the property. The applicant intends to develop a residential subdivision.

The Development Review Committee Recommends approval of the proposed Change of Zoning from RSF-1A (Residential Single-Family Estate) District to RSF-1B (Residential Single-Family– Large Lot) District for the property owned by Nanak Investments, LLC, subject to the information and findings in the staff report.

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

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: **Howard Washington made a motion recommend approval of the proposed Change of Zoning from RSF-1A (Residential Single-Family Estate) District to RSF-1B (Residential Single-Family– Large Lot) District for the property owned by Nanak Investments, LLC, subject to the information and findings in the staff report. Motion seconded by Robert Ryan. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).**

QUASI-JUDICIAL – SPECIAL EXCEPTION – 3676 HOGSHEAD ROAD - Chairperson Greene stated the following item is “quasi-judicial” for the Commission’s consideration. This is a request to approve a Special Exception to allow outdoor storage in the I-L (Light Industrial) Zoning District for property owned by 3676 Hogshead, LLC and located at 3676 Hogshead Road.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

In response to the question by Chairperson Greene, no one on the Planning Commission had any ex parte communications regarding this item.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to approve a Special Exception to allow outdoor storage in the I-L (Light Industrial) Zoning District for property located at 3676 Hogshead Road.

The property is presently assigned a Future Land Use Designation of Industrial and has a zoning designation of Light Industrial (I-L). The applicant is proposing to redevelop the property that includes an existing building structure with an additional of outdoor storage for industrial use. This proposal will be subject to additional development review. At the time of the development plan review, the applicant will be required to comply with all site design, redevelopment and other standards, including but not limited to paving storage areas, stormwater drainage, and landscaping buffer Type E, required for Special Exception uses under Land Development Code Table 5.2.5.B.3.D-2.

The Development Review Committee recommends approval of a Special Exception to allow outdoor storage in the I-L (Light Industrial) Zoning District for property located at 3676 Hogshead Road.

Commissioner Washington inquired about what type of storage would be going on the site. Staff deferred to the applicant.

Tara Tedrow, applicant, stated that it is undetermined at this point as to what type of storage will be put on this property. She mentioned that the site will finally be compliant with the code on landscaping and fencing around the perimeter, which will be a significant upgrade from what is presently on the site.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Linda Laurendeau made a motion to approve a Special Exception to allow outdoor storage in the I-L (Light Industrial) Zoning District for property owned by 3676 Hogshead, LLC and located at 3676 Hogshead Road. Motion seconded by Robert Ryan. Aye votes were cast Linda Laurendeau, Howard Washington, James Greene, and Robert Ryan (4/0).

QUASI-JUDICIAL – SPECIAL EXCEPTION – 4301 HOGSHEAD ROAD - Chairperson Greene stated the following item is “quasi-judicial” for the Commission’s consideration. This is a request to approve a Special Exception to allow outdoor storage in the I-L (Light Industrial) Zoning District for property owned by Chory Holdings II, LLC and located at 4301 Hogshead Road.

Chairperson Greene asked if there were any affected parties in attendance that wished to speak. No one spoke.

In response to the question by Chairperson Greene, no one on the Planning Commission had any ex parte communications regarding this item.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to approve a Special Exception to allow outdoor storage in the I-L (Light Industrial) Zoning District for property located at 4301 Hogshead Road.

The property is presently assigned a Future Land Use Designation of Industrial and has a zoning designation of Light Industrial (I-L). The applicant is proposing to construct industrial buildings on three lots with outdoor storage components. This proposal will be subject to additional development review, such as Major Development Plan, Construction Site Plan and Plat reviews. At the time of the development plan review, the applicant will be required to comply with all site design and other standards, including landscaping buffer Type E, required for Special Exception uses under Land Development Code Table 5.2.5.B.3.D-2.

The Development Review Committee recommends approval of a Special Exception to allow outdoor storage in the I-L (Light Industrial) Zoning District for property located at 4301 Hogshead Road.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

Motion: Howard Washington made a motion to approve a Special Exception to allow outdoor storage in the I-L (Light Industrial) Zoning District for property owned by Chory Holdings II, LLC and located at 4301 Hogshead Road. Motion seconded by Linda Laurendeau. Aye votes were cast Linda Laurendeau, Howard Washington, James Greene, and Robert Ryan (4/0).

LEGISLATIVE – MAJOR DEVELOPMENT PLAN – CLARCONA OFFICE WAREHOUSE - Chairperson Greene stated this is a request to find the Clarcona Warehouse Office – Major Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Major Development Plan, based on the findings and facts presented in the staff report and exhibits for the property owned by Technology Property, LLC and located at 2860 Clarcona Road, 2870 Clarcona Road and 476 Jellystone Avenue.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to recommend approval of the Clarcona Warehouse Office – Major Development Plan. The tract size is 9.41 +/- acres. The project site

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consists of an assemblage of three parcels, located on the southwest corner of Keene Road and Clarcona Road, totaling 9.41 acres. The applicant proposes two warehouse buildings, each containing 48,000 square feet of warehouse and office area, for a total of 96,000 square feet. The buildings will be rear-loaded with a court area positioned between them. Truck parking will also be contained between the buildings. Therefore, truck parking will not be visible from adjacent properties or the public right-of-way. There will be no outdoor storage use.

The site will be accessed from Clarcona Road. Right and left turn lanes will be installed at the site entrances.

The Development Review Committee recommends approval of the Clarcona Warehouse Office – Major Development Plan, subject to the findings of this staff report and exhibit.

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

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

MOTION: Linda Laurendeau made a motion to find the Clarcona Warehouse Office – Major Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Major Development Plan, based on the findings and facts presented in the staff report and exhibits. Motion seconded by Robert Ryan. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).

LEGISLATIVE – MAJOR DEVELOPMENT PLAN – THE RIDGE - Chairperson Greene stated this is a request to find The Ridge (Phase 1 – Parcels 2, 4, 5 and 8) – Major Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Major Development Plan, subject to the findings and facts presented in the staff report and exhibits for the property located North and south of Boy Scout Road: west of SR 451.

Staff Presentation: Jean Sanchez, Planner II, stated this is a request to recommend approval of The Ridge (Phase 1 – Parcels 2, 4, 5 and 8) – Major Development Plan. The tract size is 366 +/- acres.

The applicant has submitted a Major Development Plan for Phase I, which involves the development of Parcels 2, 4, 5 and 8. Consistent with the approved master plan, the applicant proposes to develop Parcels 2 and 4 for residential uses; Parcel 5 for industrial use; and Parcel 8 for the central amenity and recreational uses. Phase I will also include the construction of Streets A and B, a parallel facility to Boy Scout Road; the trail connection on Boy Scout Road from Binion Road, along Streets A and B to the eastern limit of Parcel 8; wastewater and water utility extensions; water and reclaimed water connections; and offsite improvements.

Parcel 2 comprises of 79.2 acres, in which the applicant proposes a combination of 81 single family detached units and 232 townhome units for a total of 313 units. The single family detached units are placed along the perimeter of Parcel 2. The amenity area is centrally located within the parcel. The amenity area contains a pool and a clubhouse. On-street parking is provided along at least three thoroughfares. Additional parking spaces surround three sides of the amenity area. Pockets of open spaces are located adjacent to end units within this part of the development.

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Parcel 4 will consist of 220 single family detached homes and 48 townhome units on 58.3 acres. The applicant has designed connectivity between the north and south portions of the development through a boulevard that connects Parcel 2 and Parcel 4. As with Parcel 2, single family detached units are also located along the perimeter of the parcel boundaries while the townhome units are in the central portion of the parcel. The townhome lots in Parcels 2 and 4 have a typical width of 18 feet. Per the Land Development Code and approved PD Master Plan, these units will be rear loaded. All units will face a dedicated street. The applicant also proposes a typical lot width of 52 feet for single family detached units. Rear Loaded single family lots will have 1500 square feet of living area and front-loaded single family lots will have 1600 square feet of living area. Townhome units will have a minimum living area of 1300 square feet. A separate amenity area is designed on the southern boundary of the parcel with a pool and playground. It is adjacent to the existing lake and Pond Tract P-4.

Each detached single-family residential lot complies with the landscaping requirements of the LDC, providing three trees per lot. Drake Elm, Red Maple, and Magnolia trees are to be planted within pockets of open space within Parcel 2. Live Oak, Magnolia, Sycamore, Red Maple and Cabbage Palm trees are placed within the ponds and surrounds the open space/amenity areas of Parcels 2 and 4. Magnolias and Shumard Oaks will be located along the connection between Parcel 2 and 4.

Parcel 5 contains industrial uses on five buildings, broken up into four phases and will be accessed via two separate points along the spine road, Street A. Buildings 100 and 200, approximately 146,900 square feet each in size are included in Phase I. The access aisles into this portion of the development will also be constructed within Phase I. Buildings 400 and 500, with each building being over 420,000 square feet of area, and Building 300 with approximately 116,000 square feet of area are oriented along Street A. Building 500 is intended to be in Phase IA. Building 300 is proposed to be Phase II. Phase III consists of Building 400.

Parcel 5 landscaping consists of Live Oaks at the end of parking rows. Landscaped parking islands internal to the rows will be replaced with more diverse understory trees. Entrances along Street A and one entrance on the eastern boundary of the parcel are embellished with Bald Cypress trees. The drive aisle between Buildings 500 and 400 are adorned with alternating clusters of Sabal Palms and Crape Myrtles. The drive aisle running west to east are decorated with Live Oaks and Crape Myrtles. The western and southern perimeters are lined with Live Oaks.

Situated on the central portion of the PD development that includes the existing lake, Parcel 8 is approximately 59.64 acres in size and serves as the amenity and open space area for the entire project. Consistent with the approved Master Plan, Parcel 8 encompasses a visitor and bicycle parking, covered picnic area, dog park, community garden, pavilion, dock with viewing/fishing pier, playground area, outdoor seating areas, bike paths, and pedestrian walking paths with benches. Parcel 8 has a vehicular access point on Street A, pedestrian access is available around the parcel boundary via the proposed trail. The trail runs along Street A, the perimeter of the of Parcel 8, through Parcels 2, 4 and connects Binion Road and Boy Scout Road. Additionally, the applicant will construct a 12-foot wide pedestrian/bike trail along Ocoee Apopka Road and Binion Road and proposes an 8-foot wide trail meandering through the remainder of the development.

Commercial/mixed use areas must account for 20% of the area to be open space, while 20% of the industrial area must serve as open space and residential use requires 30% of the area to be open space.

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The open space requirement of the entire development is approximately 74.33 acres. The applicant proposes 82.08 acres of the entire development to be open space/amenity.

Phase II will include the development of Parcel 6, slated for mixed use; Parcel 7, intended for commercial use; and additional utilities, drainage and offsite roadway improvements. Phase III is programmed for the development of Parcel 1 for commercial use(s); Parcel 3 for multi-family, office and commercial uses; and utilities, drainage and other offsite roadway improvements.

The Development Review Committee recommends approval of The Ridge (Phase 1 – Parcels 2, 4, 5 and 8) – Major Development Plan, subject to the findings of this staff report and exhibits.

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

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

MOTION: Howard Washington made a motion to find The Ridge (Phase 1 – Parcels 2, 4, 5 and 8) – Major Development Plan consistent with the Comprehensive Plan and Land Development Code, and recommend approval of the Major Development Plan, subject to the findings and facts presented in the staff report and exhibits. Motion seconded by Robert Ryan. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).

LEGISLATIVE – MAJOR DEVELOPMENT PLAN – AVIAN POINTE PARCEL B2 MULTIFAMILY - Chairperson Greene stated this is a request to recommend approval of Avian Pointe B2 Multifamily Major Development Plan subject to the condition that was noted at DRC regarding the findings of the study determining what transportation improvements are required to mitigate the impacts of both project phases. The mitigation will be required to be constructed concurrent with the construction of Phase 2 and must be operational before Phase 2 receives its first Certificate of Occupancy.

Staff Presentation: Allyson Williams, Planner I, stated this subject property is located east of SR 429 and west of Grand Avian Parkway at 2500 Gallinule Drive located within the Avian Pointe Planned Development and is approximately 30.4 acres in size. The Avian Pointe PD allows for the development of 758 residential units consisting of single-family, townhomes, and apartment units. Parcel B2 was approved for 480 units in the PD Master Plan while 276 units are being proposed in the first phase.

A maximum building height of 50-feet and a minimum living area of 762 square feet has been proposed by the applicant. The applicant is proposing 138 one-bedroom or studio apartments with a minimum living area of 762 square feet, 123 two-bedroom apartments with a minimum living area of 1,160 square feet and 15 three-bedroom apartments with a minimum living area of 1,375 square feet. Six apartment buildings and 10 garages are proposed in the first phase of the multifamily development. 483 parking spaces are required while 486 are provided with 80 spaces in garages and 16 accessible parking spaces. Pursuant to Policy 16.2 of the Future Land Use Element of the Comprehensive Plan, 20-percent of the parking spaces provided must consist of pervious material. In accordance with the approved Master Plan, the amenities include five park areas, a club house, swimming pool, dog park, playground, and a community garden. Development of the subject property is in compliance with the Avian Pointe PD Master Plan and Land Development Code.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 12, 2021 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

The site will be accessed via Gallinule Drive/Grand Avian Parkway. The applicant is required to construct a secondary access point within 24 months concurrently with the second phase of the apartment complex.

The applicant has committed to conducting a transportation impact analysis after Phase 1 of the development is constructed and 10% occupied to assess the impacts of Phase 1 and Phase 2. The findings of the study will determine what transportation improvements are required to mitigate the impacts of both project phases. The mitigation will be required to be constructed concurrent with the construction of Phase 2 and must be operational before Phase 2 receives its first Certificate of Occupancy.

The applicant proposes Live Oaks, Cypress Trees, Southern Magnolias, Crape Myrtles and Sylvester Palms within the development.

The Development Review Committee recommends approval of Avian Pointe B2 Multifamily Major Development Plan subject to the condition that was noted at DRC regarding the findings of the study determining what transportation improvements are required to mitigate the impacts of both project phases. The mitigation will be required to be constructed concurrent with the construction of Phase 2 and must be operational before Phase 2 receives its first Certificate of Occupancy.

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

Commissioner Ryan inquired if the storm water pond was a retention pond or detention pond. He also asked if there are any government loans involved in the project.

The applicant, Jason Mahoney with NV5, 201 South Bumby Avenue Orlando FL 32803, stated that the center pond is a detention pond and the other 2 are retention ponds.

Sherry Smith, Taurus Investment Holdings LLC located at 610 N Wymore Road Maitland, FL 32751 stated that there are no government loans involved.

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

MOTION: Linda Laurendeau made a motion to recommend approval of Avian Pointe B2 Multifamily Major Development Plan subject to the condition that was noted at DRC regarding the findings of the study determining what transportation improvements are required to mitigate the impacts of both project phases. The mitigation will be required to be constructed concurrent with the construction of Phase 2 and must be operational before Phase 2 receives its first Certificate of Occupancy. Motion seconded by Howard Washington. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).

LEGISLATIVE – PLAT – NOTTINGHAM PARK - Chairperson Greene stated this is a request to recommend approval of the Nottingham Park plat.

Staff Presentation: Bobby Howell, Planning Manager, stated the applicant has submitted a Plat for consideration detailing 46 single-family lots located at 3515 and 3081 Ponkan Road. The plat is

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 12, 2021 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

consistent with the lot sizes on the approved major development plan and construction site plans. It is also consistent with Florida's chapter statutes Chapter 177.

The Development Review Committee finds the plat to be consistent with the Major Development Plan and Construction Site Plan and recommends approval of the Nottingham Park plat.

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

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

MOTION: Howard Washington made a motion to find the plat consistent with the Land Development Code and Major Development Plan, and recommends approval of the Nottingham Park plat. Motion seconded by Linda Laurendeau. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).

LEGISLATIVE – PLAT – SOUTH MEWS AT AVIAN POINTE - Chairperson Greene stated this is a request to recommend approval of the South Mews at Avian Pointe plat.

Staff Presentation: Bobby Howell, Planning Manager, stated the applicant has submitted a Plat for consideration detailing the development of 102 townhome units on 13.9 acres and located on Parcel B3 within the Avian Pointe PD. The plat is consistent with the lot sizes on the approved master plan final development plan. It is also consistent with Florida's statutes Chapter 177.

The Development Review Committee finds the plat to be consistent with the Avian Pointe PD Master Plan and Final Development Plan and recommends approval of the South Mews at Avian Pointe Plat.

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

Chairperson Greene opened the meeting for public hearing. With no one wishing to speak, Chairperson Greene closed the public hearing.

MOTION: Linda Laurendeau made a motion to find the plat consistent with the Land Development Code and Major Development Plan, and recommends approval of the Nottingham Park Plat. Motion seconded by Howard Washington. Aye votes were cast James Greene, Linda Laurendeau, Robert Ryan and Howard Washington (4/0).

OLD BUSINESS: James Hitt mentioned that city got it's 2020 census estimate and it came in at 54,873. The April 2021 estimates are expected to be sent out before the next city council meeting. He is expecting the city to break 55,000 in population. The city is growing, not only in residential, but also in commercial projects. He thanked the commissioners for the work that they each do.

NEW BUSINESS: none

ADJOURNMENT: The meeting adjourned at 6:22 p.m.

MINUTES OF THE PLANNING COMMISSION REGULAR MEETING HELD ON OCTOBER 12, 2021 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, APOPKA, FLORIDA.

James Greene, Chairperson

James K. Hitt, FRA-RA Community Development Director



City of Apopka

PLANNING COMMISSION STAFF REPORT

Type of Form: Public Hearing/Ordinances/Resolution

Meeting Date: November 9, 2021

Department: Community Development

SUBJECT:

Land Development Code amendments

REQUEST:

Recommend approval of the Land Development Code amendments to the Apopka City Council.

SUMMARY:

On December 11, 2018, the Planning Commission recommended adoption to the City Council of the update to the Land Development Code. On March 6, 2019, the Apopka City Council formally adopted Ordinance Number 2700 approving the update for the Land Development Code (LDC). The Planning Commission recommended approval of three previous “Glitch” amendments to update, clarify and amend the content of the LDC. On January 15, 2020, the City Council adopted Ordinance Number 2745 for the first set of amendments; July 15, 2020, the City Council adopted Ordinance Number 2775 for the second set of amendments; and November 18, 2020, the City Council adopted Ordinance Number 2805 for the third set of amendments.

This request is for the fourth set of amendments that staff has identified for amendment and clarification. This amendment effects five of the 10 Articles and Appendix A, B and D. Because of the length of each section and sub-section being recommended for amendments, staff has provided a *Glitch Amendment #4 Summary List* (Exhibit “A”) and the full Ordinance Number 2877 (Exhibit “B”) for reference.

PUBLIC HEARING SCHEDULE:

Planning Commission – November 9, 2021 at 5:30 PM

City Council – first reading, December 1, 2021 at 1:30 PM

City Council – second reading and adoption, December 15, 2021 at 7:00 PM

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Development Review Committee: Recommended approval of a Glitch Amendments to the Land Development Code.

Recommended Motion – Planning Commission: Approve the Amendment to the Land Development Code and forward to the Apopka City Council for consideration.

ATTACHMENTS:

Exhibit A – Glitch Amendment #4 Summary List

Exhibit B – Ordinance Number 2877

Exhibit “A”
“Glitch” Amendment # 4 Summary List
Apopka Land Development Code

Article 2. – ADMINISTRATION

2.4.2. – Community Meeting

- Updates community meeting, pre-application and public hearing.

Article 3: ZONING DISTRICTS

3.2.3. – AG: Agricultural District.

3.3.4. – RSF-1A: Residential Single-Family Estate District

3.3.5. – RSF-1B” Residential Single-Family District- Large Lot

3.3.6. – RTF: Residential Two-Family District

3.3.7. – RMF: Residential Multi-Family District

3.3.8. – RMU: Residential Mixed-Use District

- Updating and amends the Intensity and Dimensional Standards in zoning districts. Adding in cul-de-sac setback specifications.

3.6.7. – MU-ES-GT: Mixed-Use East Shore-Gateway Subdistrict

- Updates window transparency to 25% (versus 0.65) (Also see Appendix D.,4.2.3. Building Facades/Fenestration)

Section 3.5. – Industrial Base Zoning Districts

3.5.3. – Light Industrial District

- Adds side yard setback to residential at 30’
- Amends max. building height from 35’ to 45’ (meets industrial height needs)

3.5.4. - I-H: Heavy Industrial District

- Adds side yard setback to residential at 100’
- Amends max. building height from 35’ to 45’ (meets industrial height needs)

Article 4: USE REGULATIONS

Section 4.2. – Principal Uses

4.2.2. Principal Use Table

- Amends various uses, permitted or Special Exception, deletes Vape/Hookah lounge, adds Cigar Bar (with definition in Article 10).

4.2.3. – Standards Specific to Principal Uses.

E. Commercial Uses

5. Recreation/Entertainment Uses

- Updates pool fence height to State standards for both private and public pool fencing to 48 inches.

9. Car Wash (enclosed)

- Add new section for the MU-D, Mixed-Use Downtown to allow a car wash with min. 1.5 acres, access, setbacks, landscape buffer requirements.

4.2.4. – Standards Specific to Accessory Uses and Structures

B. 19. Swimming Pool (as an accessory use)

- Updates requirements for a 48-inch high fence or substantial barrier.

4.4.4. – Standards Specific to Temporary Uses and Structures

L. Storage of boats, recreational vehicles and trailers.

- This section was removed from another Chapter in the Code of Ordinances and is being reintegrated into the LDC for Code Enforcement.

Article 5: DEVELOPMENT STANDARDS

5.1.5. – General Standards for Off-Street Vehicular Parking and Loading Areas.

A. 3. Rear-Loading Lots

- Amending to remove the 50-55-foot gap for rear-loaded lots. As an example, developers were coming in with 51 feet for a measurement to avoid the rear load requirement. In the field, it's virtually impossible to measure that close. This avoids variance issues.

5.2.5. - Landscaping and Buffer Standards

- Adds Appendix B for turfgrass and groundcover lists. Allows for various water-wise options.

5.5.6. – Material Standards.

A.5. and 6.

Section 5.6. – Exterior Lighting

5.6.2. – Applicability

- Adds four zoning districts and specifies allowances for Chain link. Specifies Powder coated or vinyl chain link being allowed for RCE, Inst, PR, I-L, I-H and AIR.
- Requires I-L and I-L to have decorative fencing along road rights-of-ways.

5.6.7. – General Standards for Exterior Lighting.

5.6.8. – Lighting Design Standards for Specific Uses and Site Features.

- Amends the height of lights and poles to current standards.

5.13.2. - Minimum Street Design and Construction Standards

B. Design Standards

11. Minimum Number of Access Points

- Amends the number of required access points for residential developments, with DRC approval.

5.13.3. – Street and Road Access

- Amends the number of required access points for residential developments.

5.13.5. – Private Street

C. 13.

- Updates the emergency access pads and sensor requirements for Fire and Police.

Article 10: DEFINITIONS AND RULES OF MEASUREMENT

10.2.4. – Exceptions and Variations

Table 10.2.4.B, Allowable Encroachments into Required Yards/Build-to Zones.

- Clarifies buffer encroachments

Section 10.4.- Definitions

- Adds “Cigar Bar” definition.

Appendix A – MIXED USE KELLY PARK INTERCHANGE (MU-KPI) FORM-BASED CODE

F. – Permitted Uses

Table 2: Uses Allowed in the Kelly Park Form-Based Code Area

- Adds Special Exception and requirements for the Village Center for Restaurants with drive-up or drive through facilities.

K. – Building Design Standards.

vi. Rear-loaded lots.

- Amending to remove the 50-55-foot gap for rear-loaded lots. As an example, developers were coming in with 51 feet for a measurement to avoid the rear load requirement. In the field, it's virtually impossible to measure that close. This avoids variance issues.

Appendix B – DROUGHT TOLERANT GRASSES LIST

- Amends Drought Tolerant Grasses List and ground covers allowed.

Appendix D – DEVELOPMENT DESIGN GUIDELINES

4. - COMMERCIAL DESIGN STANDARDS

- Updates window transparency to 25% (versus 35%) (Also see 3.6.7)

ORDINANCE NO. 2877

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF APOPKA BY AMENDING PART III – LAND DEVELOPMENT CODE; ARTICLE 2 ADMINISTRATION, SECTION 2.4 STANDARD REVIEW PROCEDURES, SUBSECTION 2.4.2 PRE-APPLICATION COMMUNITY MEETING PROVIDING FOR THE REMOVAL OF THE PRE-APPLICATION REQUIREMENT; BY AMENDING PART III, ARTICLE 3 ZONING DISTRICTS, SECTION 3.2 AGRICULTURAL AND TRANSITIONAL BASE ZONING DISTRICTS, SUBSECTION 3.2.3 AG: AGRICULTURAL DISTRICT TO MODIFY SETBACK REQUIREMENTS; BY AMENDING PART III, ARTICLE 3, SECTION 3.3 RESIDENTIAL BASE ZONING DISTRICTS, SUBSECTION 3.3.4 RSF-1A: RESIDENTIAL SINGLE-FAMILY ESTATE DISTRICT TO MODIFY LOT WIDTH REQUIREMENTS; BY AMENDING PART III, ARTICLE 3, SECTION 3.3, SUBSECTION 3.3.5 RSF-1B: RESIDENTIAL SINGLE-FAMILY DISTRICT-LARGE LOT TO MODIFY LOT WIDTH REQUIREMENTS; BY AMENDING PART III, ARTICLE 3, SECTION 3.3, SUBSECTION 3.3.6 RTF: RESIDENTIAL TWO FAMILY DISTRICT TO MODIFY LOT WIDTH AND SETBACK REQUIREMENTS; BY AMENDING PART III, ARTICLE 3, SECTION 3.3, SUBSECTION 3.3.7 RMF: RESIDENTIAL MULTI-FAMILY DISTRICT TO MODIFY LOT WIDTH AND SETBACK REQUIREMENTS; BY AMENDING PART III, ARTICLE 3, SECTION 3.3, SUBSECTION 3.3.8 RMU: RESIDENTIAL MIXED-USE DISTRICT TO MODIFY LOT WIDTH REQUIREMENTS; BY AMENDING PART III, ARTICLE 3, SECTION 3.6 SPECIAL PURPOSE BASE ZONING DISTRICTS; SUBSECTION 3.6.7 MU-ES-GT: MIXED USE EAST SHORE-GATEWAY SUBDISTRICT TO MODIFY TRANSPARENCY REQUIREMENTS; BY AMENDING PART III, ARTICLE 4 USE REGULATIONS, SECTION 4.2 PRINCIPAL USES, SUBSECTION 4.2.2 PRINCIPAL USE TABLE TO PROVIDE FOR PERMITTED USES AND SPECIAL EXCEPTION USES; BY AMENDING PART III, ARTICLE 4, SECTION 4.2, SUBSECTION 4.2.3 STANDARDS SPECIFIC TO PRINCIPAL USES TO MODIFY SWIMMING POOL STANDARDS; BY AMENDING PART III, ARTICLE 4, SECTION 4.2, SUBSECTION 4.2.3 TO ADD CAR WASH (ENCLOSED) STANDARDS; BY AMENDING PART III, ARTICLE 4, SECTION 4.3 ACCESSORY USES AND STRUCTURES; SUBSECTION 4.3.4 STANDARDS SPECIFIC TO ACCESSORY USES AND STRUCTURES TO MODIFY SWIMMING POOL STANDARDS; BY AMENDING PART III, ARTICLE 4, SECTION 4.4 TEMPORARY USES AND STRUCTURES, SUBSECTION 4.4.4 STANDARDS SPECIFIC TO TEMPORARY USES AND STRUCTURES TO ADD STANDARDS RELATING TO THE STORAGE OF BOATS, RECREATIONAL VEHICLES, AND TRAILERS; BY AMENDING PART III, ARTICLE 5 DEVELOPMENT STANDARDS, SECTION 5.1 OFF-STREET PARKING, BICYCLE PARKING, AND LOADING STANDARDS, SUBSECTION 5.1.5 GENERAL STANDARDS FOR OFF-STREET VEHICULAR PARKING AND LOADING AREAS TO MODIFY REAR-LOADING LOT STANDARDS; BY AMENDING PART III, ARTICLE 5, SECTION 5.2 LANDSCAPING AND BUFFER STANDARDS, SUBSECTION 5.2.5 LANDSCAPING AND BUFFER STANDARDS TO ADD FLORIDA-FRIENDLY LANDSCAPING GROUNDCOVERS STANDARDS; BY AMENDING PART III, ARTICLE 5, SECTION 5.5 FENCES AND WALLS; SUBSECTION 5.5.6 MATERIALS STANDARDS TO MODIFY CHAIN-LINK STANDARDS; BY

1 AMENDING PART III, ARTICLE 5, SECTION 5.6 EXTERIOR LIGHTING,
2 SUBSECTION 5.6.7 GENERAL STANDARDS FOR EXTERIOR LIGHTING TO
3 MODIFY MAXIMUM HEIGHT STANDARDS; BY AMENDING PART III,
4 ARTICLE 5, SECTION 5.13 ROADS, STREETS, SIDEWALKS, AND BIKEWAYS,
5 SUBSECTION 5.13.2 MINIMUM STREET DESIGN AND CONSTRUCTIONS
6 STANDARDS TO MODIFY ACCESS POINTS STANDARDS; BY AMENDING
7 PART III, ARTICLE 5, SECTION 5.13, SUBSECTION 5.13.5 PRIVATE STREETS
8 TO MODIFY AUTOMATIC OPENING DEVICE STANDARDS; BY AMENDING
9 PART III, ARTICLE 10 DEFINITIONS AND RULES OF MEASUREMENT,
10 SECTION 10.2 RULES OF MEASUREMENT, SUBSECTION 10.2.4 EXCEPTIONS
11 AND VARIATIONS TO MODIFY MEASUREMENT REQUIREMENTS; BY
12 AMENDING PART III, ARTICLE 10, SECTION 10.4 DEFINITIONS TO DEFINE
13 CIGAR BAR; BY AMENDING PART III, APPENDIX A MIXED-USE KELLY
14 PARK INTERCHANGE (MU-KPI) FORM-BASED CODE, SECTION F
15 PERMITTED USES TO MODIFY PERMITTED USES; BY AMENDING PART III,
16 APPENDIX A, SECTION K BUILDING DESIGN STANDARDS, SUBSECTION G
17 SINGLE-FAMILY RESIDENTIAL TO MODIFY REAR-LOADING LOTS
18 STANDARDS; BY AMENDING PART III, APPENDIX B DROUGHT TOLERANT
19 GRASSES LIST TO ADD FLORIDA-FRIENDLY LANDSCAPING
20 GROUNDCOVERS STANDARDS; BY AMENDING PART III, APPENDIX D
21 DEVELOPMENT DESIGN GUIDELINES, SECTION 4.2.3 BUILDING
22 FACADES/FENESTRATION TO MODIFY REFLECTIVE GLASS STANDARDS;
23 PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY;
24 PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.
25

26 **WHEREAS**, Section 166.021(3), Florida Statutes, provides, in pertinent part, that “[t]he
27 Legislature recognizes that pursuant to the grant of powers set forth in Section 2(b), Art. VIII of the State
28 Constitution, the legislative body of each municipality has the power to enact legislation concerning any
29 subject matter upon which the state legislature may act” except for certain very limited matters; and
30

31 **WHEREAS**, pursuant to Florida Law chartered municipalities have original jurisdiction over all
32 streets and highways located within their boundaries; and
33

34 **WHEREAS**, the City of Apopka Land Development Code requires amending periodically to
35 include needed amendments to protect the health, safety, and welfare of all persons in the City; and
36

37 **WHEREAS**, City of Apopka Code of Ordinances, Florida, Part III Land Development Code
38 regulates the development and uses within the City of Apopka; and
39

40 **WHEREAS**, the City Council of the City of Apopka, Florida, has determined that the continued
41 protection of the health, safety, and welfare of its citizens, and keeping the Land Development Code updated
42 is for the benefit of the City, various Articles are being amended accordingly.
43

44 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
45 **APOPKA, FLORIDA, AS FOLLOWS:**
46

47 (Words in ~~strike-through~~ type are deletions; words in underscore type are additions; and
48 * * * * indicate an omission from the existing text which is intended to remain unchanged.)
49

50 **SECTION I.** Article 2, Section 2.4, subsection 2.4.2, Land Development Code, Code of
51 Ordinances, City of Apopka, is hereby amended to read as follows:

2.4.2. - ~~Pre-Application~~ Community Meeting

A. **Purpose.** The purpose of the ~~pre-application~~ community meeting is to educate owners and residents of nearby lands about a proposed application that is reviewed under this LDC, and to provide the applicant an opportunity to hear comments and concerns about the proposal and resolve conflicts and outstanding issues where possible, before ~~formally submitting an application~~ the public hearing process. A ~~pre-application~~ community meeting serves as an opportunity for informal communication between the applicant and owners and residents of nearby land, and other residents affected by a development proposal.

B. Applicability

1. **Community Meeting Required.** A ~~pre-application~~ community meeting is required before any of the following applications are submitted:

- a. Zoning district map amendments, except city-initiated amendments (Sec. 2.5.1.D, General Map Amendment and Sec. 2.5.1.E, Site-Specific Map Amendment (Rezoning));
- b. Planned developments, (Sec. 2.5.1.F Planned Development); ~~and/or~~
- c. Special exceptions (Sec. 2.5.1.G Special Exception Permit).
- d. Additional applications as required by the Director.

2. **Community Meeting Optional.** A ~~pre-application~~ community meeting may also be held at the applicant's option before the first public hearing submission of any development application not identified in Sec. 2.4.2.B.1, ~~Community Meeting Required~~, above. ~~Pre-application community~~ Community meetings are particularly encouraged as opportunities for informal communication before the public hearing process ~~submitting any application~~ requiring a public hearing in accordance with Table 2.2.1, Summary Table of Development Review Responsibilities.

3. **Community Meeting Waived.** The requirement for a community meeting may be waived by the Director.

C. ~~Pre-Application~~ **Community Meeting Procedure.** If a ~~pre-application~~ community meeting is conducted, it shall comply with the following requirements.

1. **Meeting Location and Time.** The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the application. It shall be scheduled to start between 6:00 p.m. and 8:00 p.m. on a weekday, or between 1:00 p.m. and 8:00 p.m. on a weekend it shall be completed before the application is submitted.

2. Notification

a. **Mailed Notice.** The applicant shall mail notice of the meeting a minimum of 14 days in advance of the meeting, in a form and manner established by the Procedures Manual, to:

1. The Director;
2. The owner of land subject to the application (if different from the applicant);

- 1
- 2 3. Any persons to whom mailed notice of a public hearing on the application is required by
- 3 Sec. 2.4.7.C.2, Mailed Notice Requirements; and
- 4
- 5 4. Any organization or person who have registered to receive notice in accordance with Sec.
- 6 2.4.7.C.8, Registration to Receive Notice by Mail.
- 7
- 8 b. **Posted Notice.** The applicant shall also post notice of the ~~pre-application~~ community
- 9 meeting on the land subject to an application at least 14 days before the date of the meeting,
- 10 in a form established by the Procedures Manual.
- 11
- 12 c. **Notice Content.** The mailed and posted notices shall state the time and place of the meeting,
- 13 the purpose of the meeting, include a basic map identifying the land associated with the
- 14 development, summarize the general nature of the development proposal, and the type of
- 15 development approval or permit sought.
- 16
- 17 3. **Conduct of Meeting.** The meeting shall be open to the public. At the meeting, the applicant shall
- 18 explain the development proposal and application, inform attendees about the application review
- 19 process, respond to questions and concerns attendees raise about the proposed application, and
- 20 discuss ways to resolve conflicts or concerns.
- 21
- 22 4. **Written Summary of Meeting.** The applicant shall prepare a written summary of the meeting
- 23 that includes a list of meeting attendees, a summary of attendee comments and issues discussed
- 24 related to the development proposal, and any other information the applicant deems appropriate.
- 25 The meeting summary shall be included with the application materials and be made available to
- 26 the public for inspection in accordance with Sec. 2.4.3.G, Examination and Copying of
- 27 Application/Other Documents.
- 28
- 29 5. **Response to Summary.** Any person attending the community meeting may submit a written
- 30 response to the applicant's meeting summary to the Director after the application is determined
- 31 complete. The response may state that person's understanding of attendee comments, discuss
- 32 issues related to the development proposal, and include any other information deemed
- 33 appropriate. All written responses to the applicant's summary of the community meeting shall be
- 34 included with the application materials, and made available for public inspection in accordance
- 35 with Sec. 2.4.3.G, Examination and Copying of Application/Other Documents.

36 **SECTION II.** Article 3, Section 3.2, subsection 3.2.3, Land Development Code, Code of

37 Ordinances, City of Apopka, is hereby amended to read as follows:

38

39 **3.2.3. - AG: Agriculture District**

40

41 * * * *

42

43 **C. Intensity and Dimensional Standards**

44

Standard	Single-family [1] Mobile Home [3]	All Other Uses
Lot Area, min. (sf.)	108,900	108,900

Standard		Single-family [1] Mobile Home [3]	All Other Uses
Living Area, min. (sf.)		2,000	Not applicable
1	Lot Width, min. (ft.)	150 (4) [2]	None
2	Front Yard Setback, min. (ft.)	45	100 50
3	Side Yard Setback, min. (ft.)	35	100 50
4	Corner Side Yard Setback, min. (ft.)	35	100 50
5	Rear Yard Setback, min. (ft.)	50	100 50
Building Height, max. (ft.)		35	35
Density, max (dw du/acre)		0.4[4]	0.4[4]
Notes: sf. = square feet; ft. = feet; min.= minimum; max.= maximum [1] Lot area, minimum is applied for every dwelling unit. [2] Lots located on culs-de-sac and <u>or on</u> curves are allowed to reduce lot width by up to 40 percent of the minimum width at the property line, but are required to maintain a 150 feet width at the building line. [3] Use-Specific Standards in accordance with Sec. 4.2.3.C.1.d. [4] <u>Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) shall be restricted to no more than two dwelling units an acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan. Refer to Apopka Comprehensive Plan.</u>			

* * * *

SECTION III. Article 3, Section 3.3, subsection 3.3.4, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

3.3.4. - RSF-1A: Residential Single-Family Estate District

* * * *

C. Intensity and Dimensional Standards

Standard		Single-family [one du]	All Other Uses
Lot Area, min. (sf.)		12,500	12,500
Living Area, min. (sf.)		1,800	Not applicable
1	Lot Width, min. (ft.)	95[2]	95[2]
2	Front Yard Setback, min. (ft.)	25	25
3	Side Yard Setback, min. (ft.)	10	10
4	Corner Side Yard/Double Front Setback, min. (ft.)	25	25
5	Rear Yard Setback, min. (ft.)	25	25
Building Height, max. (ft.)		35	35
Density, max (du/acre)		3 [1]	3 [1]
Notes: sf. = square feet; ft. = feet; min.= minimum; max.= maximum; du = dwelling unit [1] Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) shall be restricted to no more than two dwelling units an acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan. <u>Refer to the Apopka Comprehensive Plan.</u> [2] <u>Lots located on a cul-de-sac or on curves are allowed to reduce lot width by up to 40 percent of the minimum width at the property line, but are required to maintain a 95 feet width at the building line.</u>			

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

SECTION IV. Article 3, Section 3.3, subsection 3.3.5, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

3.3.5. - RSF-1B: Residential Single-Family District—Large Lot

* * * *

C. Intensity and Dimensional Standards

Standard		Single-family [one du]	All Other Uses
Lot Area, min. (sf.)		8,000	8,000
Living Area, min. (sf.)		1,600	Not applicable
1	Lot Width, min. (ft.)	75 [2]	75 [3]
2	Front Yard Setback, min. (ft.)	25	25
3	Side Yard Setback, min. (ft.)	10	10
4	Corner Side Yard/Double Front Setback, min. (ft.)	25	25
5	Rear Yard Setback, min. (ft.)	25	25
Building Height, max. (ft.)		35	35
Density, max (du/acre)		5 [1]	Not applicable
Notes: sf. = square feet; ft. = feet; min.= minimum; max.= maximum; du = dwelling unit [1] Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) shall be restricted to no more than 2 development units an acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan. <u>Refer to the Apopka Comprehensive Plan.</u> [2] Lots located on a <u>cul-de-sac</u> or on curves are allowed to reduce lot width by up to 40 percent of the minimum width at the property line, but are required to maintain a 75 feet width at the building line. [3] Lots located on a <u>cul-de-sac</u> or on curves are allowed to reduce lot width by up to 40 percent of the minimum width at the property line, but are required to maintain a 75 feet width for other uses at the building line with Community Development Director's approval.			

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SECTION V. Article 3, Section 3.3, subsection 3.3.6, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

3.3.6. - RTF: Residential Two-Family District

* * * *

C. Intensity and Dimensional Standards

Standard		Single-family [one du]	Two-Family [two du]	All Other Uses
Lot Area, min. (sf.)		7,500	15,000	7,500
Living Area, min. (sf per unit)		1,500	1,500	Not applicable
1	Lot Width, min. (ft.)	70 [3]	44 125 [1]	70
2	Front Yard Setback, min. (ft.)	25	25	25
3	Side Yard Setback, min. (ft.)	7.5 [1]	48 7.5 and 0 [1]	7.5 [1]
4	Corner Side Yard/Double Front Setback, min. (ft.)	25	25	25
5	Rear Yard Setback, min. (ft.)	25	25	25
Building Height, max. (ft.)		35	35	35
Density, max (dus/acre)		5 [2]	5 [2]	Not applicable
Notes: sf. = square feet; ft. = feet; min.= minimum; max.= maximum; du = dwelling unit [1] Minimum of 15 feet between structures; <u>0 feet on one side for duplex party wall attached dwelling units.</u> [2] Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) will be restricted to no more than two dwelling units per acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan. <u>Refer to the Apopka Comprehensive Plan.</u> [3] Lots located on a <u>cul-de-sac</u> or on curves are allowed to reduce lot width by up to 40 percent of the minimum width at the property line, but are required to maintain a 70 feet width for Single-family at the building line.				

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SECTION VI. Article 3, Section 3.3, subsection 3.3.7, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

3.3.7. - RMF: Residential Multi-Family District

* * * *

C. Intensity and Dimensional Standards

Standard		Single-family [one du]	Two-Family & Townhome	Multi-Family	All Other Uses
Lot Area, min. (sf.)		7,500	15,000	43,560	7,500
Living Area, min. (sf per unit)		1,500	1,500	750 (1 bd) 900 (2+ bd)	Not applicable
1	Lot Width, min. (ft.)	70 [3]	140 125	100	70
2	Front Yard Setback, min. (ft.)	25	25	25	25
3	Side Yard Setback, min. (ft.)	7.5 [1]	10 [1]	15[1]	7.5
4	Corner Side Yard/Double Front Setback, min. (ft.)	25	25	25	25
5	Rear Yard Setback, min. (ft.)	25 20	25 20	25	25
Building Height, max. (ft.)		35	35	35	35
Density, max (du/acre)		5 [2]	Two-Family: 5 Townhome: 10 [2]	10 [2]	Not applicable
Notes: sf. = square feet; ft. = feet; min.= minimum; max.= maximum; du = dwelling unit [1] Minimum of 15' between structures, only applies to exterior units. [2] Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) shall be restricted to no more than two dwelling units an acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan. <u>Refer to the Apopka Comprehensive Plan.</u> [3] <u>Lots located on a cul-de-sac or on curves are allowed to reduce lot width by up to 40 percent of the minimum width at the property line, but are required to maintain a 70 feet width at the building line.</u>					

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SECTION VII. Article 3, Section 3.3, subsection 3.3.8, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

3.3.8. - RMU: Residential Mixed-Use District

* * * *

C. Intensity and Dimensional Standards

Standard		Townhome	Multi-Family	Other Uses
Lot Area, min. (sf.)		8,000	8,000	5,000
Living Area, min. (sf per unit)		1,350	750 (1 bd) 900 (2+ bd)	750
1	Lot Width, min. (ft.)	50	100	100
2	Front Yard Setback, min. (ft.)	15	15	15
3	Side Yard Setback, min. (ft.)	7.5 [1]	10 [1]	10 [1]
4	Corner Side Yard/Double Front Setback, min. (ft.)	7.5	20	10 [1]
5	Rear Yard Setback, min. (ft.)	20	25	25
Building Height, max. (ft.)		35	35	35
Density, max (du/acre)		5 [2]	8 [2]	Not applicable [2]
Notes: sf. = square feet; ft. = feet; min.= minimum; max.= maximum; bd = bedroom [1] Only applies to the exterior units. [2] Residential development north of Ponkan Road and west of Rock Springs Road (Park Avenue) will be restricted to no more than two dwelling units an acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan. <u>Refer to the Apopka Comprehensive Plan.</u>				

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SECTION VIII. Article 3, Section 3.6, subsection 3.6.7, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

3.6.7. - MU-ES-GT: Mixed-Use East Shore-Gateway Subdistrict

* * * *

D. Other Standards, MU-ES-GT (Gateway)

Use Mixing	For sites over 25 acres that are adjacent to arterial or collector roads, nonresidential uses shall be at least 20 percent and no more than 50 percent of the site. Compliance with this requirement shall occur within seven years of the date of approval of the development. Compliance shall be measured based on the floor area of the use, as a percentage of the overall constructed floor area of the development. An applicant may request an increase or decrease in the percentage by the City Council. Justifications by the applicant shall depend on surrounding land use, existing development patterns, or other land use factors including (but not limited to) utilities, roads, development intensity or environmental factors.
Block Standards	The maximum block perimeter shall not exceed 2,000 ft.
Connectivity	The vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the site and adjacent parcels of land. The Director may waive or modify the requirement on determining that such cross-access is impractical due to site constraints, or is inappropriate due to traffic safety issues, or undesirable due to the proposed development's incompatibility with existing development on the adjacent parcel. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining parcels of land, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the appropriate land records.
Pedestrian Circulation	Sidewalks shall be provided on both sides of the street, with a planting strip (Street trees at 1 per 40 feet on center (on average), ground cover and/or grates are located in this planting area) of 11 feet wide on avenue streets and six feet wide on local streets between the sidewalk and the street. Sidewalks shall be at least eight feet wide along avenue street frontages (to accommodate street furniture, outdoor dining, or other pedestrian amenities) and six feet wide along local streets. Sidewalks along pedestrian street frontages shall maintain a pedestrian "clear zone" that is unobstructed by any permanent or nonpermanent object for a minimum width of four feet. Where a sidewalk or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height, or decorative bollards.
Building Facades	Façades shall not exceed 20 horizontal feet and ten vertical feet without including at least one of the following elements:(canopies, recesses, arcades, raised parapets, roof forms, adjacent display windows) to establish clearly

	defined, highly visible, primary building entrances. Building facades along public streets shall maintain a pedestrian scale and integrate the public and private spaces using architectural elements.
Building Massing and Façade Articulation	Therefore, building facades shall not exceed 60 feet along a street frontage without providing a substantial volume break such as a volume recess, a tower or bay, or an architecturally prominent public entrance. The recesses and projections shall have a minimum depth of three feet.
Flat Roof Design	When a flat roof is proposed, parapet walls with three-dimensional cornice treatments shall conceal the roof. The cornice shall include a perpendicular projection of a minimum of eight (8) inches from the parapet facade plane.
Building Orientation	Locate and configure outparcels and their buildings to define street edges, development entry points, and gathering spaces. The outparcels shall meet the build-to-line setbacks. Additional buildings may be on the same parcel and are permitted to be setback further from the road, if outparcels are framing the street and meet the building width minimum percentage requirement.
Building Entrances	All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or facade material, pilasters, awnings, canopies, porches, or other architectural elements. Where the facade of a principal building abuts or faces a street, at least one operable pedestrian entrance providing both ingress and egress shall be provided. If the facade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space. These required pedestrian entrances shall open directly to the street sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area located between the entrance and the street.
Transparency	Where the facade of a building abuts or faces a street or an adjoining public gathering space, a minimum of 25 percent the street-level facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians. Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and nonreflective, with a minimum of twenty-five (25%) percent transparency (windows) (See 4.2.3) visible light transmittance of 0.65 and maximum visible light reflectance of 0.2.
Parking	Along any street, all proposed new or additional surface vehicle parking shall be predominately located to the rear or side of the development's principal building(s) or in a parking structure. No more than two bays of parking may be located in the front of the building. Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually

	separated by buildings or landscaped areas. All vehicle parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.
Bicycle Parking	New development shall provide at least one bicycle rack, locker, or other bicycle parking facility designed to accommodate parking spaces for at least four bicycles, plus additional or larger facilities designed to accommodate parking spaces for at least two additional bicycles for each 40 vehicle parking spaces over 80 parking spaces. Required bicycle parking facilities shall be located within 50 feet of the primary pedestrian entrance(s) to the development's principal building(s).
Parking Structure	Where the street-level facade of a parking structure abuts or faces a pedestrian street frontage, the facade shall be articulated through use of at least three of the following features: (1) windows or window-shaped openings; (2) masonry columns; (3) decorative wall insets or projections; (4) awnings; (5) changes in color or texture of exterior materials; (6) integrated vegetation (hanging or along trellises); or (7) other similar features approved by the Director.
Development Compatibility	Sec. 5.9, Neighborhood Compatibility Standards, shall only apply to proposed nonresidential and multifamily development abutting a residential zoning district, and only along shared property lines. No buffers shall be required between any other uses, unless specifically required as part of the approval of a special exception permit. (See Sec. 2.5.1.G, Special Exception Permit.)
Open Space	Each development shall provide outdoor gathering spaces such as courtyards, plazas, pocket parks, where appropriate for the area being served. At a minimum, provide pedestrian amenities such as plazas, seating areas or gathering spaces between buildings that are visible and accessible.

SECTION IX. Article 4, Section 4.2, subsection 4.2.2, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

4.2.2. - Principal Use Table

* * * *

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TABLE 4.2.2.C: PRINCIPAL USE TABLE

P = PERMITTED USE

A= ALLOWED USE IN A PD DISTRICT IF APPROVED AS PART OF PD PLAN

S=ALLOWED WITH APPROVAL OF SPECIAL EXCEPTION

BLANK CELL = USE IS PROHIBITED

Principal Use Category	Principal Use Type	Agricultural & Transitional Districts		Residential Districts							Commercial Districts				Industrial Districts		Special Purpose Districts							Planned Development District	Use-Specific Standard		
		AG	T	RCE	RSF-1A	RSF-1B	RTF	RMF	RMU	MHP	C-N	C-C	O	C-COR	C-R	I-L	I-H	MU-D	MU-ES			INST	PR	AIR		PD	
																			NM	GT	RTE						
* * * *																											
Public, Civic, and Institutional																											
* * * *																											
Community Service Uses	Adult day care facility	S		S	S	S	S	P	P		S	P	P	P	P			P	P	P	P				A	4.2.3.D.2.a	
	Child care facility	S		S	S	S	S	P	P		S	S	S	S	S			P	P	P	P				A	4.2.3.D.2.b	
	Club or lodge											P		P	P	P		P	P	P	P				A		
	Community center/facility							P	P			P	P	P	P			P	P	P	P	P	P		A		
	Cultural facility	S					S	S	P		S	P		P	P			P	P	P	P	P	P		A		
	Emergency services facility						S	P	P			P	P	P	P	P	P	P	P	P	P	P			A		
	Philanthropic institution							S	S		S	P			P			P	P	P	P	P			A		
	Post office	S																									
	Place of worship	S		S	S	S	S	S	S		S	P	P	P	P			S	S	S	S	S			A	4.2.3.D.2.b.7	
* * * *																											
Transportation Uses	Airport																							P		4.2.3.D.4.a	
	Heliport																				S		P	A	4.2.3.D.4.b		
	Park and ride facility											P		P	P	P		P		P	P				A		
	Parking facility (as a principal use)											P	P	P	P	P		P	S	S	S	P	P	P	A	4.2.3.D.4.c	
	Terminal														P	P		P					P	A			
* * * *																											

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Principal Use Category	Principal Use Type	Agricultural &Transitional Districts		Residential Districts								Commercial Districts				Industrial Districts		Special Purpose Districts							Planned Development District	Use-Specific Standard	
		AG	T	RCE	RSF-1A	RSF-1B	RTF	RMF	RMU	MHP	C-N	C-C	O	C-COR	C-R	I-L	I-H	MU-D	MU-ES				INST	PR	AIR		PD
																			NM	GT	RTE						
Commercial																											
* * * *																											
Eating or Drinking Establishment Uses	Alcoholic Beverage establishments								P		P	P	P	P	P			P	P	P	P					A	4.2.3.E.4.a 4.2.3.E.4.b
	Brewpub or microbrewery								P		P	P	S	P	P			P	P	P	P					A	4.2.3.E.4.a 4.2.3.E.4.c
	<u>Cigar bar</u>											<u>S</u>						<u>S</u>								<u>A</u>	
	Restaurant							S	P		P	P	P	P	P	P		P	P	P	P					A	4.2.3.E.4.a
	Restaurant, drive-in											P		P	P			S		P	P					A	4.2.3.E.4.a 4.2.3.E.4.d
	Restaurant, fast food											P		P	P	P				P	P					A	4.2.3.E.4.a
* * * *																											
Personal Service Uses	Art, music, dance, or martial arts studio/school								P		P	P		P	P	P		P	P	P	P					A	
	Beauty salon or barber shop								P		P	P	P	P	P			P	P	P	P					A	
	Confectionery store, ice cream, candy								P		P	P	S	P	P			P	P	P	P					A	
	Dry cleaning or laundry drop-off/pick-up establishment								P		P	P		P	P	P		P	P	P	P					A	
	Fortune telling establishment													P	P				P	P						A	
	Laundry, self-service								P		P	P		P	P			P	P	P						A	

TABLE 4.2.2.C: PRINCIPAL USE TABLE

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		AG	T	RCE	RSF-1A	RSF-1B	RTF	RMF	RMU	MHP	C-N	C-C	O	C-COR	C-R	I-L	I-H	MU-D	MU-ES			INST	PR	AIR		PD	
																			NM	GT	RTE						
	Lawn care, pool, or pest control service													P	P	P		S		P					A		
	Massage establishment								P					P	P				P	P	P				A		
	Nail care establishment								P		P	P		P	P			P	P	P	P				A		
	Pawnshop														P					P	P				A		
	Personal or household goods repair establishment								P		P	P		P	P			P	P	P	P				A		
	Tanning salon								P					P	P			S	P	P	P				A		
	Tattoo or body-piercing establishment													P	P				P	P					A		
	Taxidermy													P	P	P									A		
	Tobacco shop								P		P	S		P	P			S	P	P	P				A		
	Vape/Hookah lounge																	S									
* * * *																											
Vehicle Sales and Service Uses	Automobile service station								S			S		P	P	P	P	S		P	P				A	4.2.3.E.7.a	
	Car wash (enclosed)										S		S	S			S									4.2.3.E.9	
	Commercial fuel depot													P		P										4.2.3.e.7.c	
	Commercial vehicle repair and maintenance													P	P	P									A	4.2.3.E.7.c	
	Commercial vehicle sales and rentals													P	P	P									A		

TABLE 4.2.2.C: PRINCIPAL USE TABLE

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		AG	T	RCE	RSF-1A	RSF-1B	RTF	RMF	RMU	MHP	C-N	C-C	O	C-COR	C-R	I-L	I-H	MU-D	MU-ES			INST	PR	AIR	PD		
																			NM	GT	RTE						
	Personal vehicle repair and maintenance <u>(enclosed)</u>											P		P	P	P	P									A	4.2.3.E.7.b.1
	Personal vehicle sales and rentals											P		P	P											A	4.2.3.E.7.e
	Taxi or limousine service facilities											P		P	P	P										A	
	Vehicle equipment and supplies sales and rentals											P		P	P		P									A	
	Vehicle paint finishing shop															P	P										
	Vehicle or trailer storage yard														S		P										
	Vehicle towing or wrecker service														S		P										
* * * *																											

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2
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5

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1 **SECTION X.** Article 4, Section 4.2, subsection 4.2.3, Land Development Code, Code of
2 Ordinances, City of Apopka, is hereby amended to read as follows:

3
4 **4.2.3. - Standards Specific to Principal Uses**

5
6 * * * *

7
8 **E. Commercial Uses**

9
10 * * * *

11
12 **5. Recreation/Entertainment Uses**

13
14 **a. Arena, stadium, or amphitheater**

- 15
16 1. An arena, stadium, or amphitheater shall be located at least 500 feet from any
17 Residential district or residential development, as measured from all property lines.
18
19 2. An arena, stadium, or amphitheater shall have a minimum lot size of five acres.
20
21 3. An arena, stadium, or amphitheater shall have at least 300 feet of frontage on an
22 arterial street at the point of access.
23
24 4. All points of vehicular access shall be from arterial streets, and located to minimize
25 vehicular traffic to and through local streets in residential areas.
26
27 5. Safety fences up to a height of eight feet shall be provided in accordance with Sec.
28 ~~5.65.5, Fence and Wall Standards~~ Fences and Walls, to any portions of the site
29 directly adjacent to any Residential district or residential development.
30

31 **b. Recreation facility, outdoor**

- 32
33 1. **Swimming pool (outdoor) (as a principal use).** ~~An A public or private residential~~
34 outdoor swimming pool shall be enclosed by a fence at least ~~six feet~~ 48 inches high
35 or a substantial barrier as approved by the Apopka Building Official, and further shall
36 be or in accordance with State of Florida building standards and Florida Statutes, as
37 amended.
38

39 * * * *

40
41
42 **SECTION XI.** Article 4, Section 4.2, subsection 4.2.3, Land Development Code, Code of
43 Ordinances, is hereby amended to read as follows:

44
45 **4.2.3. - Standards Specific to Principal Uses**

46
47 * * * *

48
49 **E. Commercial Uses**

50
51 * * * *

1 **9. Car Wash (enclosed)**

- 2
- 3 a. Minimum of 1.5 acres.
- 4
- 5 b. Two access points to local and collector roads.
- 6
- 7 c. Minimum building setback of 25 feet.
- 8
- 9 d. Landscape buffer in accordance with Type E. Alternative Special Exception
- 10 requirements, Table 5.2.5.B.3.D-2: Bufferyards and Types.
- 11
- 12 e. Required parking cannot infringe on landscape buffers.
- 13

14 * * * *

15

16

17 **SECTION XII.** Article 4, Section 4.3, subsection 4.3.4, Land Development Code, Code of

18 Ordinances, City of Apopka, is hereby amended to read as follows:

19

20 **4.3.4. - Standards Specific to Accessory Uses and Structures**

21

22 * * * *

23

24 **B. Standards for Specific Accessory Uses and Structures**

25

26 * * * *

27

28 **19. Swimming Pool (as an accessory use)**

29

- 30 a. An outdoor swimming pool accessory to a single-family dwelling may be located in a
- 31 required side or rear yard except that it shall be set back at least eight feet from the rear
- 32 lot line and five feet from all side lot lines.
- 33
- 34 b. An outdoor swimming pool accessory to a use other than a single-family detached
- 35 dwelling shall comply with the minimum yard depth requirements for a principal
- 36 building and any applicable locational standards in provisions d and e below.
- 37
- 38 c. An outdoor swimming pool accessory to a townhome or multifamily development is
- 39 subject to the following additional standards:
- 40
- 41 1. The pool shall be for the sole use of the development's or subdivision's residents, and
- 42 their guests.
- 43
- 44 2. The pool (including the apron, filtering and pumping equipment, and buildings) shall
- 45 be located at least:
- 46
- 47 (a) One hundred and twenty-five (125) feet from land in a single-family zoning
- 48 district (RSF-1A and RSF-1B districts) or an existing single-family detached
- 49 dwelling.
- 50

(b) Fifty (50) feet from adjoining land in a Residential zoning district, or land an existing residential use; and

(c) Twenty-five (25) feet from land in a Nonresidential zoning district or existing nonresidential development.

3. The use of any public address or other loudspeaker system for an outdoor swimming pool shall be restricted to that necessary for safety purposes, and shall not be used for the playing of music or other entertainment.

4. A public or private residential outdoor swimming pool shall be enclosed by a fence at least 48 inches high or a substantial barrier as approved by the Apopka Building Official, and further shall be in accordance with State of Florida building standards and Florida Statutes, as amended.

* * * *

SECTION XIII. Article 4, Section 4.4, subsection 4.4.4, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

4.4.4. - Standards Specific to Temporary Uses and Structures

The standards set forth in this subsection for a specific temporary use or structure shall apply to the particular individual temporary use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this LDC. This subsection is intended to set forth and consolidate the standards for all temporary uses and structures for which a reference to this subsection is provided in the "Standards for Specific Temporary Uses and Structures" column of Table: 4.4.2.C, Temporary Uses and Structure Table. These standards may be modified by other applicable standards or requirements in this LDC.

* * * *

L. Storage of boats, recreational vehicles and trailers. Boats, boat trailers, recreational vehicles, personal utility trailers and similar items may only be stored on the rear of the property, subject to the following conditions:

1. In residential zoning districts, boats, boat trailers, recreational vehicles, personal utility trailers, and similar items may be parked only on the rear portion of a residential lot, at least 10-feet from any side lot line and five-feet from a rear lot line.

2. One boat, one boat trailer or one recreational vehicle may be parked in the front driveway (not yard) for a maximum period of 45 hours, for loading or unloading purposes.

3. At no time shall any boat or recreational vehicle be resided in while being stored or parked on the residential property.

4. Storage or parking of boats, boat trailers, recreational vehicles or utility trailers within a road right-of-way, swale or front yard is prohibited.

1 **SECTION XIV.** Article 5, Section 5.1, subsection 5.1.5, Land Development Code, Code of
2 Ordinances, City of Apopka, is hereby amended to read as follows:

3
4 **5.1.5. - General Standards for Off-Street Vehicular Parking and Loading Areas**

5
6 **A. Use of Vehicular Parking and Loading Areas**

- 7
8 1. **General.** Off-street vehicular parking areas required by this section shall be used solely for
9 the parking of licensed motorized vehicles in operating condition. Required parking spaces
10 and loading berths may not be used for the display of goods for sale (except that farmers'
11 markets and food trucks permitted under this LDC may be permitted to operate within
12 parking areas), or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor
13 homes, campers, mobile homes, building materials, equipment, or supplies.
14
15 2. **Parking of Vehicles at Residential Development.** Off-street vehicular parking shall not be
16 located within any required front yard of a residential development, except up to two vehicles
17 may be parked on-site of a residential use within an area whose surface is specifically
18 prepared for parking and surfaced with concrete, asphalt, brick, gravel, or other similar
19 materials clearly delineating such parking spaces.
20
21 3. **Rear-Loading Lots.** Lots 50 feet or less in width shall be rear-loading and locate on-site
22 parking and access in the rear of the lot. Residential lots between 50 feet and 55 feet shall
23 not be permitted to avoid the rear-loaded alley requirement.

24
25 * * * *

26
27
28 **SECTION XV.** Article 5, Section 5.2, subsection 5.2.5, Land Development Code, Code of
29 Ordinances, City of Apopka, is hereby amended to read as follows:

30
31 **5.2.5. - Landscaping and Buffer Standards**

32
33 * * * *

34
35 **D. Water-Wise Standards**

- 36
37 1. **Purpose.** It is the intent of this subsection to assist the City in achieving water conservation
38 through proper plant selection, installation, and maintenance through the following:
39
40 a. Appropriate planning and design;
41
42 b. Limiting turf areas to locations where it provides functional benefits;
43
44 c. Efficient irrigation systems;
45
46 d. The use of soil amendments to improve water holding capacity of the soil;
47
48 e. The use of mulches, where appropriate;
49
50 f. The use of drought-tolerant plants;

- g. The preservation of existing plant communities and the re-establishment of native plant communities;
 - h. The use of canopy trees to reduce transpiration rates of understory plant materials;
 - i. Retention of stormwater runoff on site; and
 - j. The use of pervious paving materials.
2. **Appropriate Plant Selection and Location.** All plants, shrubs, and trees planted shall comply with the following standards:
- a. Plant selection shall be based on the plant's adaptability to the existing conditions present at the site, and shall consider the appropriate hardiness zone, soil type, and moisture conditions, exposure to sun, and mature plant size, established by the *Florida Friendly Landscaping Guide to Plant Selection & Landscape Design* maintained by the Florida Friendly Landscaping program. Plants selected must be suited to withstand the soil and physical growing conditions found in the microclimate of each location on site with supplemental irrigation only during periods of low rainfall.
 - b. Plants shall be grouped in accordance with their respective water and maintenance needs to provide for efficient irrigation. Plants with similar water, soil, climate, sun, and light requirements shall be grouped together.
 - c. Landscape shall be installed a minimum of 2.5 feet from the foundation of a building or structure.
 - d. Turf and non-turf areas shall be designed to be distinctly separate when irrigation is used.
 - e. A landscape maintenance checklist and information regarding the plants installed shall be provided to the property owner by the contractor.
 - f. A landscape architect must verify and approve the soil types being used for the plants are approved for the development project. Soil samples are recommended to be verified prior to planting to assure growth potential for the plants being used.
3. **Selection of Grass Species.** Turf applications shall comply with the following:
- a. Lawn areas shall be planted with species suitable as permanent lawns. Effective erosion control is mandatory in swales, rights-of-way, or other areas subject to erosion. See Appendix B for turfgrass and groundcovers lists.
 - b. The primary types of grass used are encouraged to comply with the UF/IFAS Florida Yards and Neighborhoods (FYN) program for Central and South Florida.
 - c. No more than 50 percent of the green space area or one-half acre, whichever is less, may be planted with a lawn grass that has a rating of low in regards to drought tolerance as established in b, above. (e.g. St. Augustine grass). Florida-Friendly LandscapingTM Groundcovers for Apopka, FL that are listed in Appendix B are encouraged for use in all developments.

- d. Grass with a rating of medium or better is strongly encouraged (e.g. Bahia grass).
- e. Medians, and retention areas shall use drought tolerant grasses with a rating of medium or better as established in Sec. b, above.
- f. In addition to those approved within b, above, drought tolerant grasses listed in Appendix B and the Florida-Friendly Landscaping™ Groundcovers for Apopka, FL are approved for use by this code.

* * * *

SECTION XVI. Article 5, Section 5.5, subsection 5.5.6, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

5.5.6. - Materials Standards

- A. **General.** Unless otherwise specified in Sec. 5.5.6.B, Prohibited Materials, fences and walls shall be constructed of any one or more of the following materials:

1. Masonry or stone;
2. Ornamental iron, except that fencing shall not incorporate spiked tops within a Residential district without approval of a security exemption plan in accordance with Sec. 5.5.12, Security Exemption Plan;
3. Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;
4. Composite materials designed to appear as wood, metal, or masonry;
5. Chain link only in AG, RCE, INST, PR, I-L, I-H₁ or AIR districts, or as a customary part of a sports field. Where chain link fencing is permitted, all chain link fences in RCE, INST, PR, I-L, I-H₁, and AIR shall be vinyl coated or powder coated (or equivalent as approved by the DRC), and installed with the pointed ends to the ground (rounded or smooth on top);
6. All fences in I-L and I-H that are adjacent to any road right-of-way, chain link, or wooden fences shall not be allowed. (see Appendix D – Development Design Guidelines, 4.6 Fences and Walls). Side or rear fencing in I-L and I-H chain link that is vinyl or powder coated, or solid fencing or wall as approved by the DRC.
7. Dog park chain link fencing shall be allowed provided it is vinyl or powder coated (or equivalent as approved by the DRC)
8. Walls clad with substrate material intended to support living vegetation

- B. **Prohibited Materials.** The following fence types or materials are prohibited:

1. Barbed ~~and~~ razor wire, unless approved as part of a security exemption plan in accordance with Sec. 5.5.12, Security Exemption Plan, except on land that is assessed for agricultural use, or on land used for installation and operation of high-voltage equipment at substations for electrical generation, transmission, and distribution in connection with providing public

utility service in the City by a regulated public utility. In no event shall barbed wire be placed so as to project outward over any sidewalk, street, or public way, or over property of an adjacent owner. Where barbed wire is allowed, it shall be a minimum of six feet above the ground, held by vinyl-coated brackets matching the color of the fence, and limited to three strands;

2. Fences and walls erected in any Residential, Commercial, or the MU-D, MU-ES, or MU-KPI districts that contain any substance such as broken glass, spikes, nails, razor edges or similar materials designed to inflict pain or injury to any person or animal;
3. Fences constructed of chicken wire, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials, unless such materials are recycled and reprocessed, for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber);
4. Chain link fences, except for in the AG, I-H or AIR districts; as allowed per Sec. 5.5.6.A.
5. Above-ground fences that carry electrical current, except below-ground electrical fences intended for the keeping of pets.

SECTION XVII. Article 5, Section 5.6, subsection 5.6.7, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

5.6.7. - General Standards for Exterior Lighting

* * * *

- D. **Maximum Height.** Except for athletic fields, where poles shall not exceed 95 feet in height, and street lighting (see Sec. 5.6.6), the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 5.6.7.D: Maximum Height for Exterior Lighting, unless otherwise approved by the DRC – Development Review Committee with Duke Energy (or its successor) reference.

Table 5.6.7.D: Maximum Height for Exterior Lighting	
Zone	Maximum Height (Feet)
Residential and Agricultural and Transitional Districts	45 <u>20</u>
Commercial, Industrial, and Special Purpose Districts	25
Within 100 feet of a Residential District	45 <u>20</u>

1 **SECTION XVIII.** Article 5, Section 5.6, subsection 5.6.8, Land Development Code, Code of
2 Ordinances, City of Apopka, is hereby amended to read as follows:

3
4 **5.6.8. - Lighting Design Standards for Specific Uses and Site Features**

5
6 In addition to complying with all applicable standards in Sec. 5.6.7, General Standards for Exterior
7 Lighting, the specific uses and site features identified in this subsection shall comply with the standards
8 established for that type of use or site feature.

- 9
- 10 A. **Awnings.** Awnings or canopies used for building accents over doors and windows shall not be
11 internally illuminated (i.e., from underneath or behind the awning) unless the awning material is
12 entirely opaque.
- 13
- 14 B. **Canopies.** Areas under a canopy shall be designed so as not to create glare off-site. Acceptable
15 methods include one or both of the following:
- 16
- 17 1. A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom
18 surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution.
- 19
- 20 2. A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-
21 shielded light distribution.
- 22
- 23 C. **Sports and Performance Venues.** Lighting fixtures for outdoor sports areas, athletic fields, and
24 performance areas shall be equipped with an existing glare control package (e.g., louvers, shields,
25 or similar devices) and aimed so that their beams are directed and fall within the primary playing
26 or performance area.
- 27
- 28 D. **Wall Pack Lights.**
- 29
- 30 1. Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb
31 or light source not visible from off-site) to direct the light vertically downward and be of low
32 wattage (100 watts or lower).
- 33
- 34 2. Wall pack light sources visible from any location off the site are prohibited.
- 35
- 36 E. **Pedestrian Lighting.** Pedestrian light fixtures within parks and recreation facilities shall comply
37 with the following:
- 38
- 39 1. Light fixtures for sidewalks, walkways, trails, and bicycle paths, shall provide at least 1.2-
40 foot candles of illumination, but not exceed 2.0-foot candles.
- 41
- 42 2. Light poles shall not be higher than ~~45~~18 feet above grade and shall be placed a maximum
43 of 100 feet apart, unless otherwise approved by the DRC – Development Review Committee
44 with Duke Energy (or its successor) reference.
- 45
- 46 3. Pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not
47 exceed 900 lumens for any single lamp. See Figure 5.6.8.E.3: Examples of Pedestrian Bollard
48 Lamps
- 49

50 * * * *

1 **SECTION XVIII.** Article 5, Section 5.13, subsection 5.13.2, Land Development Code, Code of
2 Ordinances, City of Apopka, is hereby amended to read as follows:

3
4 **5.13.2. - Minimum Street Design and Construction Standards**

5
6 * * * *

7
8 **B. Design Standards**

9
10 * * * *

11
12 **11. Minimum Number of Access Points.** A minimum of two points for vehicular access shall
13 be provided into each ~~subdivision-residential development~~ of 25 ~~lots~~ dwelling units or more.
14 Nonresidential developments shall also provide a minimum of two points of vehicular access,
15 as determined by the Development Review Committee (DRC). Additional access points may
16 be required depending upon the size of the development (see below). Where adjoining
17 existing development or other land development code requirements preclude the
18 development of two public street access points, an unobstructed drivable stabilized surface
19 for emergency vehicles (Fire/Police) and essential services (Sanitation/Public Works) may
20 be substituted upon review and approval of the Development Review Committee (DRC).

21
22 The number of access points for residential developments shall be as follows:

- 23
24 a. 25-250 dwelling units: one full access point; plus one full access point or one planned
25 secondary access point, or emergency access point to an existing right-of-way.
26
27 b. 251-750 dwelling units: two full access points.
28
29 c. 751-1000 dwelling units: two full access points; plus a third full access point or one
30 planned third access point, or emergency access point to an existing right-of-way.
31
32 d. Over 1000 dwelling units: Planned access per DRC-Development Review Committee
33 direction.

34
35 * * * *

36
37 **SECTION XIX.** Article 5, Section 5.13, subsection 5.13.3, Land Development Code, Code of
38 Ordinances, City of Apopka, is hereby amended to read as follows:

39
40 **5.13.3. - Street and Road Access**

41
42 **A. Number of Access Points**

43
44 **1. Paved Access Required.** All development shall be required to provide paved access to a
45 public right-of-way. Paved access to a public right-of-way may include private streets or
46 other appropriate cross-access easements. The requirement for paved access beyond the
47 right-of-way may be waived for agricultural development or for a single-family detached
48 dwelling which is located on a parcel at least one acre in size, if the nearest dwelling or
49 accessory building wall is more than 150 linear feet from the property's access point.

- 1 2. **Number of Access Points.** The number of access points allowed for each development shall
2 be based on the following standards:
3
4 a. Type of road facility being accessed;
5
6 b. Separation standards;
7
8 c. Engineering design standards;
9
10 d. Internal traffic circulation;
11
12 e. Impact on transportation system;~~and~~
13
14 f. Emergency vehicles access;and
15
16 g. In accordance with Sec. 5.13.2, B. 11. Minimum number of access points.
17
18 3. **Adjoining Property.** Access to adjoining property shall be coordinated as required in Sec.
19 5.13.2.B.3, Continuation of Existing Street Pattern and Sec. 5.13.2.B.4, Street Access to
20 Adjoining Property.
21

22 * * * *

23
24
25 **SECTION XX.** Article 5, Section 5.13, subsection 5.13.5, Land Development Code, Code of
26 Ordinances, City of Apopka, is hereby amended to read as follows:
27

28 **5.13.5. - Private Streets**
29

30 * * * *

31
32 C. **Standards for Private Streets.** Private streets shall comply with the following standards:
33

34 * * * *

- 35
36 13. All new or modified gated developments that have private streets without 24-hour staffed
37 guard houses and with automatic opening devices, such as but not limited to, single-family
38 developments, multi-family developments, commercial, office, institutional, and industrial
39 developments, shall be required to install the following: Numeric Keypad, SOS Siren
40 Operated Sensor and Knox Gate Key Switch, as ~~3M Opticom Priority Control Equipment~~
41 approved by the Fire Department. The equipment shall be maintained so it is capable of
42 proper operation at all times and shall be compatible with existing emergency vehicle
43 preemption equipment. (Existing installations may continue in use subject to the approval of
44 the Fire Department.)
45

46 * * * *

47
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49
50

SECTION XXI. Article 10, Section 10.2, subsection 10.2.4, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

10.2.4. - Exceptions and Variations

* * * *

Table: 10.2.4.B, Allowable Encroachments into Required Yards/Build-to Zones	
Feature	Extent and Limitations of Encroachment
1. Open balconies and fire escapes	May extend up to five feet into any required minimum yard
2.a. Front decks, porches (screened or unscreened), stoops, or exterior stairways	On a single-family dwelling, may extend up to five feet into a required minimum front yard;
2.b. Rear deck, porch, patio or terrace (screened or unscreened)	On a single-family attached dwelling, may extend into a required rear yard provided at least a five-foot setback to the rear lot line is maintained, and not within a utility easement. Cannot be within any required side yard setback. One-foot maximum height within a required rear yard setback. Screen enclosure allowed only within the required rear yard setback — no solid roof.
3. Bay windows	May extend up to three feet into any required minimum yard if no more than nine feet wide
4. Chimneys or fireplaces	May extend up to three feet into any required minimum yard
5. Moveable awnings	
6. Roof eaves and overhangs, or marquees	
7. Window sills or entablatures	May extend up to 18 inches into any required minimum yard
8. Walkways	May extend into or be located in any required minimum yard if less than two-inches high and five-feet wide
9. Signs, projecting or free-standing	May extend into or be located in any required minimum yard in accordance with Section 5.10, Signs.
10. Driveways and parking areas	May be located in any minimum required yard unless restricted by other provisions in this LDC. <u>Parking areas cannot encroach into landscape buffers without DRC approval.</u>
11. Garages, detached	May extend into or be located in any required minimum internal side yard or rear yard, Subject to the height-related setback standards in Sec. 4.3.3, General Standards for all Accessory Uses and Structures. Setback from rear or interior side lot lines a minimum of five feet, not within a utility easement. <u>Maximum floor area of 500 square feet. However, a A detached</u>

Table: 10.2.4.B, Allowable Encroachments into Required Yards/Build-to Zones

Feature	Extent and Limitations of Encroachment
	garage shall not extend into a street-side setback on a double-fronted lot. <u>Subject to the height-related setback standards in Sec. 4.3.3, General Standards for all Accessory Uses and Structures.</u>
12. Utility shed	Within RSF 1A or RSF 1B residential districts, utility shed with a maximum floor area of 120500 square feet may extend into or be located in any required minimum rear yard <u>or internal side yard</u> , setback from rear <u>or side</u> lot lines a minimum of five feet, not within a utility easement, and subject to the limitations in Sec. 4.3.3, General Standards for all Accessory Uses and Structures. <u>A shed shall not extend into a street-side setback on a double-fronted lot. A shed shall have a maximum height of 15 feet.</u>
13. Flagpoles	May be located in any required minimum yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height
14. Lighting fixtures, projecting or free-standing (including lampposts)	May be located in any required minimum yard
15. Mailbox, freestanding	May be located in any required minimum yard
16. Fences or walls (including associated gates and arbors)	May be located in any required minimum yard, subject to the limitations in Section 5.5, Fences and Walls.
17. Accessory structures other than those listed above	May be located in a required minimum side or rear yard, subject to the limitations in Sec. 4.3.3, General Standards for all Accessory Uses and Structures. However, an accessory structure other than those listed above shall not extend into a street-side setback on a double-fronted lot.
18. Swimming pool	May be located in any required minimum side or rear yard, <u>subject to the limitations in Sec. 4.3.4, B.19.</u>
19. Vegetation and landscaping and minor ornamental yard or garden features such as retaining walls, fountains, ponds, birdbath, sculptures and similar landscaping features.	May be located in any required minimum yard

SECTION XXII. Article 10, Section 10.4, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

SEC. 10.4. – DEFINITIONS

* * * *

Chicane. A traffic calming measure that involves offset curb extensions that deflect the path of moving vehicles with added horizontal curves in a street. They are used on streets to slow traffic for safety.

Cigar Bar means an alcoholic beverage establishment which is combined with a retail tobacco products dealer, and where smoking of the tobacco products sold at the establishment is permitted on the premises. Such an establishment must comply with all of the requirements for an alcoholic beverage establishment.

City. The City of Apopka, Florida.

* * * *

SECTION XXIII. Appendix A, Mixed Use Kelly Park Interchange (MU-KPI) Form-Based Code, Section F, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

F. – Permitted Uses

* * * *

Table 2: Uses Allowed in the Kelly Park Form-Based Code Area					
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 ¹	SE	P	SE	N
Sit-Down restaurants with remote order system for curbside or pickup drive-thru window service (no order box)	SE	P	P	SE	N
* * * *					
^{1.} <u>The following conditions for drive through facilities for a restaurant shall be adhered to as part of any additional special exception conditions, as approved by the City:</u> <u>All drive-through facilities shall be internal to a project.</u> <u>Service windows, order kiosks and drive stacking spaces shall not be visible from any public road.</u> <u>A combination of landscaping and opaque screen wall may be utilized for minor portions of the drive-through stacking lanes with DRC approval.</u> <u>Drive-through stacking spaces shall not infringe on any parking lot spaces.</u> <u>Must be incorporated into a multi-tenant building.</u> <u>Maximum size of the tenant space shall be limited to 3,000 sq. ft.</u> <u>Internal project signage directing drive-through traffic may be approved by the DRC. Maximum of two directional ground signs, three feet high and three-square feet, with DRC approval and building permits.</u>					
* * * *					

SECTION XXIV. Appendix A, Mixed Use Kelly Park Interchange (MU-KPI) Form-Based Code, Section K, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

K. - Building Design Standards.

* * * *

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.

* * * *

g. Single Family Residential. Standards 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 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 (50) percent frontage requirement.
- iv. Garages shall be provided in one of two ways:
 - Attached and recessed from the primary façade (not including porches, bays, or other minor projections) by a minimum of four (4) feet, or
 - 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.

vi. Rear-loading lots.

- Residential lots 50 feet or less in width shall be rear-load with alley access and locate on-site parking and access in the rear of the lot. Residential lots between 50 feet and 55 feet shall not be permitted to avoid the rear-loaded alley requirement.
- This shall include single-family, duplex, townhomes or multi-family with design approval from the Apopka Development Review Committee (DRC).
- Additional parking in excess of required parking (per unit) may be dispersed throughout a development with DRC approval.

* * * *

SECTION XXV. Appendix B – Drought Tolerant Grasses List, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

Appendix B: Drought Tolerant Grasses List	
Species	Drought Tolerance
Bahia grass	High
Bermuda grass	Medium
Centipede grass	Medium
Zoysia grass	Medium
St. Augustine Grass	Low
<u>[1] Florida-Friendly Landscaping™ groundcovers may also utilize plants that may cover at a minimum of fifty percent (50%) coverage. Groundcovers other than turf grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting. A landscape plan produced by a certified landscape architect or similar professional familiar with Florida-Friendly Landscaping™ is required for City approval.</u>	

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APPENDIX B
FLORIDA-FRIENDLY LANDSCAPING™
GROUNDCOVERS FOR APOPKA, FL

The list of plants below is intended to be a starting point for making landscape decisions, and not an all-inclusive list of groundcovers suitable for Florida-Friendly Landscapes. As long as a plant is not invasive, and is planted in the right location (“right plant, right place”) it could be considered for use in a Florida-Friendly Landscape

Species Name	Growth Rate	Flower Color	Flower Season	Attracts Wildlife	Drought Tolerance	Sun/Shade Tolerance (Optimum Light)	Other Characteristics
Bugleweed <i>Ajuga reptans</i>	Fast	Purple/ Blue	Spring/ Summer	---	Moderate	Any (Partial Sun)	Does not compete well with weeds, esp. in sun
Perennial Peanut <i>Arachis glabrata</i>	Slow	Yellow/ Orange	Summer/ Fall	---	High	Sun only	No nitrogen fertilizer needed; withstands foot traffic; damaged by frost
Wiregrass <i>Aristida glabrata</i>	Fast	Tan	All year	---	High	Sun/partial sun (Sun)	Also known as <i>Aristida beyichiana</i>
Cast Iron Plant <i>Aspidistra elatior</i>	Slow	Brown	Periodically All year	---	Moderate	Partial Sun/Shade (Partial Sun)	Tolerates deep shade better than most plants
Caladium <i>Caladium x hortulanum</i>	Fast	White	Summer	---	Moderate	Any (Shade)	Attractive colorful foliage; leaves die back naturally in fall
Holly Fern <i>Cyrtomium falcatum</i>	Moderate	---	---	---	Moderate	Any (Partial Sun)	Evergreen; low maintenance
Autumn Fern <i>Dryopteris erythrosora</i>	Slow	---	---	---	Moderate	Partial Sun/Shade (Shade)	Also known as shield fern
Twin Flower <i>Dyschoriste oblongifolia</i>	Fast	Lavender	All Year	Butterflies	High	Sun/partial sun (Sun)	---
Elliot's Lovegrass <i>Eragrostis eliottii</i>	Fast	Tan	All Year, Esp. Fall	---	High	Sun/partial sun (Sun)	---
Purple Lovegrass <i>Eragrostis spectabilis</i>	Fast	Red/ Purple	All Year, Esp. Fall	---	High	Sun/partial sun (Sun)	Grows best in hot, dry sites
Algerian Ivy <i>Hedera canariensis</i>	Fast	---	---	---	Moderate	Shade Only	---
English Ivy <i>Hedera helix</i>	Fast	---	---	---	Moderate	Shade Only	---
Shore Juniper <i>Juniperus conferta</i>	Slow	---	---	Birds	High	Sun only	Flammable—plant min. 30 feet from buildings
Creeping Juniper <i>Juniperus horizontalis</i>	Moderate	---	---	Birds	High	Sun only	---
Lily Turf, Monkey Grass <i>Liriope muscari</i>	Moderate	Purple	Summer	---	Moderate	Any (Sun)	Variegated cultivar is damaged by frost
Muhly Grass <i>Ophiopogon capillaris</i>	Moderate	Pink	Fall	---	High	Sun only	Tolerates extreme drought and flooding
Mondo Grass <i>Ophiopogon japonicus</i>	Slow	White	Summer	---	Moderate	Partial Sun/Shade (Shade)	No pest problems
Asiatic Jasmine <i>Trachelospermum asiaticum</i>	Fast	Yellowish-White	Rarely produced, in May	---	Moderate	Sun/Partial Sun (Sun)	Withstands foot traffic; maintain to contain
Confederate Jasmine <i>Trachelospermum jasminoides</i>	Fast	White (fragrant)	Spring	Hummingbirds	Moderate	Sun/Partial Sun (Sun)	Can be aggressive

**APPENDIX B
FLORIDA-FRIENDLY LANDSCAPING™
GROUNDCOVERS FOR APOPKA, FL**

The list of plants below is intended to be a starting point for making landscape decisions, and not an all-inclusive list of groundcovers suitable for Florida-Friendly Landscapes. As long as a plant is not invasive, and is planted in the right location ("right plant, right place") it could be considered for use in a Florida-Friendly Landscape

Species Name	Growth Rate	Flower Color	Flower Season	Attracts Wildlife	Drought Tolerance	Sun/Shade Tolerance (Optimum Light)	Other Characteristics
Fakahatchee Grass <i>Tripsacum dactyloides</i>	Moderate	Cream/ Orange/ Red/ Yellow	Spring/ Summer	---	Moderate	Sun/Partial Sun (Sun)	Pest resistant; tolerates occasionally wet soil
Florida Gama Grass <i>Tripsacum Floridiana</i>	Moderate	Yellow	Spring/ Summer	---	Moderate	Sun/Partial Sun	Used to stabilize banks and steep slopes
Periwinkle <i>Vinca major</i>	Moderate to Fast	Blue/ Purple/ Lavender	Summer	---	Moderate	Any (Partial Sun)	Does not tolerate hot, dry conditions

SECTION XXVI. Appendix D – Development Design Guidelines, Section 4.2.3, Land Development Code, Code of Ordinances, City of Apopka, is hereby amended to read as follows:

4.2.3. - Building Facades/Fenestration

- Continuous, solid walls are prohibited on facades adjacent to arterial or collector streets. At least thirty (30) percent of primary facade(s) shall be comprised of windows and doors. However, nearly continuous expanses of glass for walls shall be avoided. Patterns are encouraged by alternating solid elements and windows.
- The architecture of the building must incorporate articulation to avoid monotonous blank walls.
- Views into the interior of retail storefronts and restaurants are encouraged for pedestrian activity, safety and to create a community window shopping environment. The use of darkly tinted or reflective glass on these structures is prohibited. Reflective glass will be defined as having a visible light reflectance rating of 15% or greater and darkly tinted glass windows include glass with a visible light transmittance rating of ~~35~~25% or less or as approved by the Community Development Department. All plans submitted to the City for commercial, office and institutional uses shall include the glass manufacturer's visible light reflectance and visible light transmittance ratings for evaluation.
- Windows shall be recessed, a minimum of one-half inch, and shall include visually prominent sills, shutters, stucco reliefs, or other such forms of framing.

SECTION XXVII: AUTHORIZING INCLUSION IN CODE. The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the City of Apopka, as additions or amendments thereto

SECTION XXVIII: SEVERABILITY. Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that

word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION XXIX: CONFLICTING ORDINANCES. All ordinances or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION XXX: 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.

PASSED UPON at the first reading of the City Council, this 1st day of December, 2021.

PASED UPON at the second and final reading of the City Council, this 15th day of December, 2021.

BRYAN NELSON
Mayor

ATTEST:

SUSAN M. BONE
Deputy City Clerk

DULY ADVERTISED FOR PUBLIC
HEARING: November 5, 2021
December 3, 2021

APPROVED as to legal sufficiency and form:

MICHAEL A. RODRÍGUEZ
City Attorney



City of Apopka

PLANNING COMMISSION STAFF REPORT

Type of Form: Public Hearing/Ordinances/Resolution

Meeting Date: November 9, 2021

Department: Legal

SUBJECT:

Ordinance No. 2882 – Amending Land Development Code to Permit Mobile Food Vendors as a Permitted Use

REQUEST:

Recommend approval of Ordinance No. 2882 to the Apopka City Council

SUMMARY:

Ordinance 2882 amends the Land Development Code to permit Mobile Food Vendors within the following zoning districts: RMU, C-N, C-C, O, C-COR, C-R, I-L, MU-D, NM, GT, RTE, INST, and PD. The Mobile Food Vendor use will be subject to certain conditions, including those locations within the corporate limits of the city where their use is permitted, such as private property (with the owner's consent) and public property (with a valid city-issued permit). Operation of mobile food vendors within private property will be subject to distance requirements, total number of operators within a property, and egress/ingress restrictions. Ordinance 2882 also establishes a Business Tax Receipt category for "Mobile Food Vendor."

FUNDING SOURCE:

Not applicable.

RECOMMENDED MOTION:

The City staff request that the Planning Commission recommend approval of Ordinance Number 2882 to the Apopka City Council.

ATTACHMENTS:

- Ordinance No. 2882

ORDINANCE NO. 2882

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF APOPKA BY AMENDING PART III – LAND DEVELOPMENT CODE, ARTICLE 4 USE REGULATIONS, SECTION 4.2 PRINCIPAL USES, SUBSECTION 4.4.2 PRINCIPAL USE TABLE TO ADD MOBILE FOOD VENDORS AS A PERMITTED USE; BY AMENDING PART III, ARTICLE 4, SECTION 4.2, SUBSECTION 4.2.3 STANDARDS SPECIFIC TO PRINCIPAL USES TO ADD STANDARDS FOR MOBILE FOOD VENDORS; BY AMENDING CHAPTER 66 TAXATION, ARTICLE V LOCAL BUSINESS TAXES, SECTION 66-116 SCHEDULE TO ADD MOBILE FOOD VENDORS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, effective June 30, 2020, Section 509.102(2), Florida Statutes, was amended to preempt municipalities, counties, and other local governmental entities from requiring a separate license, registration, or permit other than the license required under Section 509.241, Florida Statutes, and from charging any permit fee; and

WHEREAS, the City Council finds that these amendments serve 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, AS FOLLOWS:

(Words in ~~strike through~~ type are deletions; words in underscore type are additions; and * * * * indicate an omission from the existing text which is intended to remain unchanged.)

SECTION I: Article 4, Section 4.2.2., Land Development Code, Code of Ordinances, City of Apopka is hereby amended to read:

4.2.2. Principal Use Table

* * * *

C. Principal Use Table

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

TABLE 4.2.2.C: PRINCIPAL USE TABLE

P = PERMITTED USE

A= ALLOWED USE IN A PD DISTRICT IF APPROVED AS PART OF PD PLAN

S=ALLOWED WITH APPROVAL OF SPECIAL EXCEPTION

BLANK CELL = USE IS PROHIBITED

Principal Use Category	Principal Use Type	Agricultural & Transitional Districts		Residential Districts							Commercial Districts				Industrial Districts		Special Purpose Districts						Planned Development District	Use-Specific Standard			
		AG	T	RCE	RSF-1A	RSF-1B	RTF	RMF	RMU	MHP	C-N	C-C	O	C-COR	C-R	I-L	I-H	MU-D	MU-ES			INST	PR		AIR	PD	
																			NM	GT	RTE						
* * * *																											
Commercial																											
* * * *																											
Eating or Drinking Establishment Uses	Alcoholic Beverage establishments								P		P	P	P	P	P			P	P	P	P				A	4.2.3.E.4.a 4.2.3.E.4.b	
	Brewpub or microbrewery								P		P	P	S	P	P			P	P	P	P				A	4.2.3.E.4.a 4.2.3.E.4.c	
	<u>Mobile Food Vendor</u>								<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>A</u>	<u>4.2.3.E.4.a</u> <u>4.2.3.E.4.e</u>	
	Restaurant							S	P		P	P	P	P	P	P		P	P	P	P				A	4.2.3.E.4.a	
	Restaurant, drive-in											P		P	P			S		P	P				A	4.2.3.E.4.a 4.2.3.E.4.d	
	Restaurant, fast food											P		P	P					P	P				A	4.2.3.E.4.a	
* * * *																											

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

1 **SECTION II.** Article 4, Section 4.2.3., Land Development Code, Code of Ordinances, City of
2 Apopka is hereby amended to read as follows:

3
4 **E. Commercial Uses**

5
6 * * * *

7
8 **4. Eating or Drinking Establishment Uses**

9
10 * * * *

11
12 **e. Mobile food vendor**

- 13
14 1. Mobile food vendor is defined as the operator of a motorized vehicle or vehicle-mounted
15 trailer used for the operation of food service activities.
16
17 2. It is a violation of this land development code for a mobile food vendor to sell any product
18 at any location or in any manner that is not in compliance with the requirements of this
19 section and the requirements of state law. The provisions of this section shall not apply to
20 a mobile food vendor operating pursuant to a special event permit or temporary use permit.
21
22 3. A mobile food vendor is authorized to operate in the following locations:
23
24 (a) A mobile food vendor may operate on city-owned or public property and the total
25 operation must be contained within the area designated for their operation for their
26 operation by the mayor or designee. Notwithstanding the preceding, a mobile food
27 vendor may not operate at any location where the mayor or designee determines that a
28 conflict exists between a mobile food vendor's operation and an existing license or
29 franchise agreement, contractual obligation, or any other public health or safety
30 concern, including but not limited to a special event or facility rental.
31
32 (b) A mobile food vendor may operate on private property only with the written
33 permission of the property owner(s). Evidence of a property owner's written
34 permission must be available for inspection by the city upon request while the mobile
35 food vendor is operating.
36
37 4. When operating on private property, a mobile food vendor may operate only if set-back at
38 least fifty (50') feet from any abutting residential district and at least one hundred fifty
39 (150') feet from any exclusively single-family residential structure, unless the owner(s) of
40 the residential structure provides the mobile food vendor with express written permission
41 to operate. The one hundred fifty (150') foot set-back requirement is reduced to fifty (50')
42 feet where an intervening nonresidential building, such as a commercial building, screens
43 the operation from the direct view of the single-family residential structure.
44
45 5. No more than four (4) mobile food vendors shall operate on any private property at any
46 one time, except as may be allowed by a city-issued special event permit or temporary use
47 permit.
48
49 6. A mobile food vendor shall not operate or park in any location that impedes the ingress or
50 egress of traffic, building entrances, emergency exits, or access to businesses. A mobile
51 food vendor shall not operate in a public or private right-of-way.

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7. A mobile food vendor may operate on private property that has an active building permit as part of a commercial or multi-family construction site. Such operation may also occur on a site undergoing master infrastructure construction within a single-family subdivision until the first certificate of occupancy is issued.
 8. Except as otherwise provided in this subsection, a mobile food vendor may only operate on a lot that has a principal structure. However, operating on a vacant lot is permitted where the vacant lot is under the same ownership as, and is abutting, a lot that has a principal structure. Lots located across a public right-of-way shall [not] be considered abutting.
 9. A mobile food vendor must operate from a stationary location but may operate from multiple locations throughout the day, except as otherwise permitted in this subsection.
 10. A mobile food vendor may only operate during the posted operating/business hours of the park or on-site office, business, or construction, or between the hours of 9:00 a.m. and 10:00 p.m. if no such activity is on-site. Operating hours includes time required for setup and breakdown of the mobile food vending operations.
 11. A mobile food vendor is only permitted to sell food and beverages.
 12. Amplified music or other sounds from a mobile food vendor shall comply with the noise requirements in subsection 5.16.1 of this land development code.
 13. At any time during operation, upon request, a mobile food vendor must provide the city a valid state license issued pursuant to Section 509.241, Florida Statutes.
 14. Except as provided herein, the placement or storage of any item related to a mobile food vendor's business is prohibited from being on the street, sidewalk, or ground immediately surrounding an operating mobile food vendor. The following items may be placed in the immediate area of operation as long as they do not impede, endanger, or interfere with pedestrian or vehicular traffic:
 - (a) Two trash receptacles;
 - (b) One recycling receptacle; and
 - (c) One menu board no larger than 30 inches by 50 inches in height.
 15. A mobile food vendor must provide receptacles for trash and recycling. The area immediately surrounding an operating mobile food vendor shall be kept neat and orderly at all times and garbage or trash shall be removed prior to departure of the mobile food vendor.
 16. Mobile food vendors are responsible for the proper disposal of all waste generated on-site. No grease, waste, trash, or other by-product from a mobile food vendor's business may be deposited or released onto city-owned property, including but not limited to the streets, sidewalk, into the gutter or storm drainage system, or other public place.
 17. If a generator or open flame is utilized, a fire extinguisher must be located on-site.

18. The sale of alcoholic beverages is prohibited unless authorized by a special event permit.

19. When operating on city-owned property, a mobile food vendor must maintain insurance and coverage in occurrence form, as required by this section. The mobile food vendor must also have a current certificate of insurance on file with the city, naming the city as an additional insured.

(a) Commercial general liability insurance. The policy must include a minimum limit of \$300,000.00 for each accident, \$600,000.00 for general aggregate, \$600,000.00 for products and completed ops, and \$100,000.00 damage to rented premises.

(b) Commercial auto liability insurance. The policy must include a minimum limit of \$1,000,000.00 for each accident for property damage and bodily injury with contractual liability coverage.

(c) Workers' compensation insurance. The policy must include a minimum limit of \$100,000.00 for each accident, \$100,000.00 for each employee, a \$500,000.00 policy limit for diseases; coverage must apply for all employees at the statutory limits provided by state and federal laws. Including proof of current workers' compensation coverage or workers' compensation exemption (notarized affidavit).

Upon the cancellation or lapse of any policy of insurance required by this paragraph a mobile food vendor is prohibited from operating on city-owned property. A mobile food vendor must notify the city within three (3) business days of any changes in the insurance coverage required by this section. At all times, a mobile food vendor must maintain all insurance policies required by local, state, and federal law and regulation.

SECTION III: Chapter 66, Article V, Section 66-116, Code of Ordinances, City of Apopka is hereby amended to read as follows:

Sec. 66-116. – Schedule.

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

* * * *

(98) Restaurant, cafe, deli, snack bar, mobile food vendor, cafeteria* (may require additional city business tax receipt):

a. One to 25 seats: \$42.00.

b. Over 25 seats, each: \$1.15.

c. Mobile food vendor, \$50.00

d. Drive-in or carry-out: \$61.00.

~~e.~~ Alcoholic beverages served: \$121.00.

1 **SECTION IV: AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance shall
2 be included and incorporated into the Code of Ordinances of the City of Apopka, as additions or
3 amendments thereto
4

5 **SECTION V: SEVERABILITY.** Should any word, phrase, sentence, subsection or section be held
6 by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word,
7 phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases,
8 sentences, subsections, or sections shall remain in full force and effect.
9

10 **SECTION VI: CONFLICTING ORDINANCES.** All ordinances or part thereof, in conflict
11 herewith are, to the extent of such conflict, repealed.
12

13 **SECTION VII: EFFECTIVE DATE.** That this ordinance and the rules, regulations, provisions,
14 requirements, orders and matters established and adopted hereby shall take effect and be in full force and
15 effect immediately upon its passage and adoption.
16

17 **PASSED UPON** at the first reading of the City Council, this ____ day of _____, 2021.
18

19 **PASSED UPON** at the second and final reading of the City Council, this __ day of _____, 2021.
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25 **ATTEST:**

26 **BRYAN NELSON**
27 Mayor
28

29 **SUSAN M. BONE**
30 City Clerk
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32

33 **APPROVED** as to legal sufficiency and form:
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37 **MICHAEL A. RODRÍGUEZ**
38 City Attorney
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41 **DULY ADVERTISED FOR PUBLIC HEARING:**
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DRAFT



City of Apopka

PLANNING COMMISSION STAFF REPORT

Type of Form: Public Hearing/Ordinances/Resolution

Meeting Date: November 9, 2021

Department: Legal

SUBJECT:

Ordinance No. 2884 – First Reading – Amending Land Development Code to Regulate Small Box Discount Stores

REQUEST:

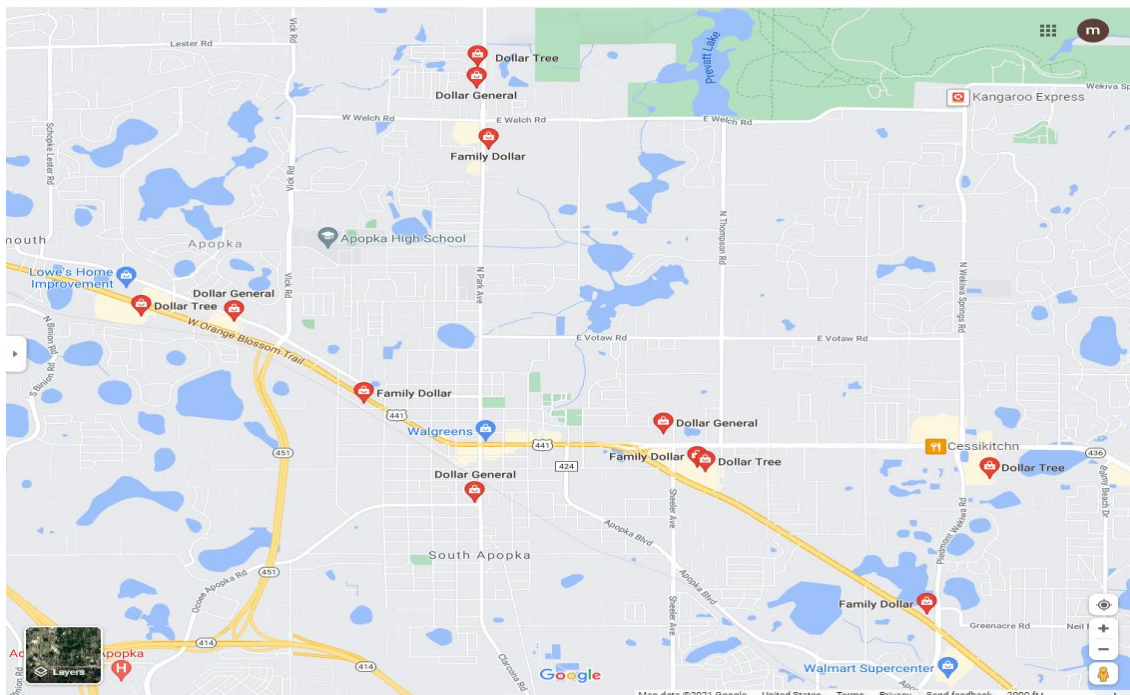
Recommend approval of Ordinance No. 2884 to the Apopka City Council

SUMMARY:

The Ordinance recognizes that Small Box Discount Stores, also commonly referred to as “Dollar Retail Stores,” may serve needs that are not being served by other businesses in the city. However, the proliferation of Small Box Discount Stores in close proximity to each other can negatively impact the character of the neighborhoods in the City of Apopka. The following guidelines are meant to preserve the character of each neighborhood while still allowing Small Box Discount Stores to operate under certain conditions.

Currently, a high number of Small Box Discount Stores exist, with many in close proximity to each other. In the proposed ordinance, the separation requirement of ten thousand five hundred sixty (10,560) feet was determined after considering current location patterns and pedestrian and transit access.

Existing Small Box Discount Stores in the City of Apopka:



The regulation of Small Box Discount Stores is an issue to be addressed based on the following conclusions:

- A significant number of Small Box Discount Stores are already in operation in the City of Apopka;
- Many of the Small Box Discount Stores are currently in operation in close proximity to one another;
- Small Box Discount Store structures are difficult to repurpose after the store closes and can become a blight on the community;
- There is a tendency for Small Box Discount Stores to proliferate in low-income areas;
- There is a correlation between negative health indicators and the presence of Small Box Discount Stores in communities;
- It is recognized that Small Box Discount Stores may be the only convenient source of food and dry goods for people in communities underserved by traditional grocery stores;
- It is necessary to continue to allow the presence of Small Box Discount Stores, but to regulate them;
- Such regulations are necessary to preserve property values, prevent blight, and protect the health and welfare of the citizens of the City of Apopka; and
- Such regulations will promote the efficient use of land and resources in the City of Apopka.

FUNDING SOURCE:

Not applicable.

RECOMMENDED MOTION:

The City staff request that the Planning Commission recommend approval of Ordinance Number 2884 to the Apopka City Council.

ATTACHMENTS:

- Ordinance No. 2884
- “The Impact of Chain Stores on Community,” *Institute for Local Self Reliance*, April 18, 2000
- “As Dollar Stores Proliferate, Opponents Worry for Small Towns,” *VPR.net*, March 20, 2012
- “Food Environment and Childhood Obesity: The Effect of Dollar Stores,” *Health Economics Review*, 2015
- “4 Reasons Shopping at Dollar Stores Costs More,” *Moneynation.com*, May 8, 2015
- “What Dollar Stores Reveal About America,” *Citylab*, February 7, 2012
- USDA Food Desert Maps, Apopka, FL



The Impact of Chain Stores on Community

Stacy Mitchell | 2 Comments | Apr 18, 2000

A speech by ILSR's Stacy Mitchell delivered at the annual conference of the American Planning Association, April 2000

Chain store proliferation has weakened local economies, eroded community character, and impoverished civic and cultural life. Moreover, consolidation has reduced competition and may harm consumers over the long term. Contrary to conventional wisdom, the decline of independent businesses is not inevitable, nor is it simply the result of free market forces. Rather, public policy has played a major role, particularly through tax incentives and other development subsidies that give national chains a significant advantage. Meanwhile, a growing number of communities are taking a different approach. They are adopting land use rules that deter chain stores and actively encourage local ownership.

Let me begin by reading something that Jane Jacobs wrote in her book, *The Death and Life of Great American Cities*, about the relationship between locally owned businesses and community. Community is one of those words so overused that we rarely pause to consider its meaning. For Jacobs, what constitutes community is not any one particular thing, but rather the many small interactions that occur in our everyday lives.

"It grows," she writes, "out of people stopping by the bar for a beer, getting advice from the grocer and giving advice to the newsstand man, comparing opinions with other customers at the bakery and nodding hello to the two boys drinking pop on the stoop . . . hearing about a job from the hardware man and borrowing a dollar from the druggist . . .

"Most of it is ostensibly utterly trivial, but the sum is not trivial at all. The sum of such casual, public contact at the local level . . . most of it fortuitous, most of it associated with errands . . . is a feeling for the public identity of people, a web of public respect and trust, and a resource in time of personal or neighborhood need. The absence of this trust is a disaster to a city street."¹

What Jacobs describes here could be an urban neighborhood or a small town. Its defining feature—and indeed the very foundation of this close-knit community—is a vibrant local retail economy. It is a place of small stores and sidewalks; a place where public and private space overlaps; and a place where we buy goods and services from businesses owned by our neighbors.

Such places are increasingly rare. Small-scale, pedestrian streets are giving way to massive, impersonal shopping centers. Street life has suffered, as our daily errands revolve increasingly around stores accessible only by car. Locally owned businesses are disappearing, displaced by national chains that have limited ties and no long-term commitment to the community.

The loss of locally owned stores and the pace of retail consolidation is staggering. 11,000 independent pharmacies have closed since 1990. Independent bookstores have fallen from 58 percent of book sales in 1972 to just 17 percent today. Local hardware dealers are on the decline, while two companies have captured 30 percent of the market. Blockbuster rents one out of three videos nationwide. Five firms control one third of the grocery market, up from 19 percent just five years ago. A single firm, Wal-Mart, now accounts for 7 percent of all consumer spending.²

If the current trends continue, independent retailers might soon be a thing of the past. But, in the midst of this unprecedented expansion by national retail corporations, another trend is underway: a growing number of communities are rejecting chain stores.

Last summer, residents of Ashland, Virginia mounted a spirited campaign to block a proposed Wal-Mart. In October, the Planning Commission voted unanimously to reject the store. In Chelsea, Michigan, residents organized a picnic to protest plans for a Rite Aid drugstore. The event drew a crowd of 1100 people. Rite Aid quickly backed down. Similar events are occurring across the country.

Indeed, over the past two years, dozens, or perhaps hundreds, of neighborhood groups have sprung up to protect their homegrown businesses. In Lake Placid, New York, a group known as the Residents for Responsible Growth is working with neighboring towns to form a regional response to chain store expansion. In Flagstaff, Arizona, it was the arrival of a Barnes & Noble and a Home Depot that prompted residents to form the Friends of Flagstaff's Future. In Northfield, Minnesota, the Citizens for Responsible Development is working to defend the town's historic Main Street and local shops.

CONSUMERS

The debate over chain stores is often characterized as a struggle between our hearts and wallets. We may mourn the loss of the corner drugstore, a fixture in the neighborhood for three generations, or the local independent bookstore, but ultimately we believe that, as consumers, we are better off. We tend to take as self-evident the chain stores' claims that they bring us lower prices and wider selection.

Over the long term, however, consumers are best served when there are numerous competitors in the market. The big retail corporations, like Home Depot, Toys R Us, and Best Buy, are known in the industry as "category killers." The name is significant. These businesses do not intend to compete with local stores; they aim to be the only game in town.

Typically, a chain store will enter a new market sporting deep discounts. Many chains employ loss leaders to attract customers. Wal-Mart has been known to sell gallons of milk for 25 cents or to price entire departments below its own acquisition costs. This sets up a battle that local merchants cannot win. If they don't match the chain's prices, they risk losing customers. If they do match the chain's prices, they will lose money on every sale. While a chain can afford to operate a new outlet at a loss indefinitely, it's only a matter of time before the local business will be forced to close.

Once the chain has eliminated the local competition, prices tend to rise. In Virginia, a survey of several Wal-Mart stores statewide found prices varied by as much as 25 percent. The researchers concluded that prices rose in markets where the retailer faced little competition. A similar conclusion was reached in a survey of Home Depot. Prices were as much as 10 percent higher in Atlanta compared to the more competitive market in Greensboro, North Carolina.⁴

As for wider selection, consumers should be especially wary of the claims made by chain stores. Independent merchants are usually the first to sell products made by small companies. By contrast, most national chains refuse to do business with small and mid-sized companies. They prefer to deal only with large manufacturers. The result is that small manufacturers—even those that make innovative products, publish great books, or distribute ground-breaking films—are having an increasingly difficult time reaching consumers.⁴

Consider the impact of this on book publishing. Borders Books and Barnes & Noble certainly stock a large number of titles under one roof, but these are virtually the same titles found in each of their 2,000 stores. Although local bookstores tend to be smaller, collectively they stock—and promote—far more titles than either of the chains. They take risks on unknown authors and small publishers. A number of best-selling writers, including Barbara Kingsolver and Amy Tan, contend that, without independent booksellers, their first books would have gone quietly out of print.

LOCAL ECONOMIES

Even if chain stores do save us a few dollars now and again, it comes at a great cost. Chain stores contribute far less to the local economy than independent businesses.

Developers often present new chain store developments as major additions to the local economy. They note the growth in retail sales and shopping options. They tally up the number of new jobs and the added tax revenue that the development will bring.

What is often overlooked is the other side of the balance sheet. Unlike new manufacturing facilities, which do create real economic growth, new retail stores simply shift consumer spending from one area of town to another. A new big box store can only be successful at the expense of existing businesses.

A study in Iowa, for example, found that new Wal-Mart stores derive on average of 84 percent of their sales from existing businesses within the community.⁵ Similar conclusions have been reached in studies of big box development in Massachusetts, Maine, Vermont, New York, California, and Virginia.

What all of the studies find is that very little of the sales generated by a new retail store represent new retail spending. Instead these developments simply shift economic activity from one part of town to another. The end result is not economic development, but rather economic displacement.

One study in Greenfield, Massachusetts concluded that a proposed Wal-Mart store would cost existing businesses \$35 million in sales. The 177 jobs expected to be gained by the Wal-Mart would be offset by the loss of 148 jobs at other businesses.⁴ A similar study in Saint Albans, Vermont found that a new Wal-Mart would derive 76 percent of its sales from local businesses. Many of these stores would be forced to close, leading to a significant net decline in total retail employment and property tax revenue.⁵

Trading locally owned businesses for chain stores also entails the loss of significant secondary economic benefits.

Local stores keep profits circulating within the local economy. They also support a variety of other local businesses. They create opportunities for service providers, like accountants and printers. They do business with the community bank. They advertise through independent radio stations and other local media outlets. They purchase goods from local or regional distributors. In this way, a dollar spent at a locally owned businesses sends a ripple of economic benefits through the community.

By contrast, chain stores typically centralize these functions at their head offices. They keep local investment and spending to a minimum. They bank with big national banks. They bypass local radio stations in favor of national advertising. In this way, much of a dollar spent at a chain store leaves the community immediately.

Small, independent stores also create economic diversity and stability. Because they are locally owned, these stores are firmly rooted in the community. They are unlikely to move and will do their best to weather economic hard times.

Chain stores, by contrast, tend to be fair-weather friends. They are highly mobile and will abandon a location if profit margins do not meet their expectations. The worst case scenario is when a big box store builds on the edge of town, destroys the central business district, and, then a few years later, decides that it too will close its doors. The town is left with a dead Main Street and nothing to show for it. Nationwide, there are more than 300 empty Wal-Marts.⁶ It's very difficult to find a tenant for these single-purpose buildings and they often remain vacant for many years.

A community that loses its local businesses to national chains also risks losing other economic development opportunities. New technologies have enabled many companies to operate virtually anywhere. When these companies consider location options, towns with a vibrant commercial core and a unique character are often at the top of the list.

COMMUNITY

From an economic perspective, there is much to suggest that chain stores may not be our best value. But perhaps more significant than any of the economic considerations are the qualitative benefits of local ownership. Locally owned businesses build strong communities. They provide a foundation for the web of connections and trust that Jane Jacobs believed so essential to a healthy neighborhood.

There are several reasons for this. The first is that independent stores tend to be located in humanly-scaled, pedestrian-oriented shopping districts, as opposed to the sprawling, isolated experience of a chain store parking lot.

The second reason is that local stores create a sense of place and community identity. They reflect the local culture. They give neighborhoods their distinct flavor. They are often a source of community pride and an attraction to visitors.

Chain stores, by contrast, are sapping communities of their character and individuality. Even the most famous American cities are losing their unique appeal. Kmart, Costco, and Home Depot are building in Manhattan. Fifth Avenue is home to Starbucks and The Gap. These same stores can be found on Michigan Avenue in Chicago, Market Street in San Francisco, and thousands of other locations worldwide.

The arrival of chain stores may also entail the destruction of important local landmarks. An 1876 Friends Meeting house in Richmond, Indiana, for example, was demolished for a CVS drugstore. In Nashville, the Jacksonian Apartments, eligible for the National Register of Historic Places, were torn down for a Walgreen drugstore.⁷

The third way that independent businesses strengthen community is through their contributions to civic and cultural life. Local merchants are more than providers of goods and services. They often take a leadership role in community affairs. Many chair neighborhood organizations, host cultural events, or organize local festivals. According to the U.S. Small Business Administration, small businesses give more time and money to charitable organizations than do their large competitors.²⁰

Because they live in the places where they do business, local merchants tend to be far more committed to the community's well-being and long-term stability than distant corporations. This commitment manifests itself in a variety of ways. In St. Paul, Minnesota, for example, the local food cooperative recently opened a new store in a low income neighborhood on a lot that had been vacant for years. As with many construction projects, the coop ran into higher than expected costs. Several independent merchants, including the local bookseller, stepped in and provided a sizable and much-needed loan. Meanwhile, Barnes & Noble and Borders Books, both of which operate stores in the city, were nowhere to be found.

Finally, the shift from local to absentee-owned stores means that business decisions are no longer made locally by members of the community. Who decides whether to close a store in a distressed neighborhood, stock a controversial book, sell produce from local farms, pay a living wage, or contribute to a local charity? In the case of chain stores, these decisions occur in distant boardrooms, where the values of the local community carry little or no weight.

This loss of local decision-making and the growing power of a small number of large corporations has implications for democracy. In 1952, Senator Hubert Humphrey asked, "Do we want an America where the economic market place is filled with a few Frankensteins and giants? Or do we want an America where there are thousands upon thousands of small entrepreneurs, independent businessmen, and landholders who can stand on their own feet and talk back to their Government or to anyone else?"²¹

NEW RULES

There are tremendous benefits to choosing the latter path. Our ability to do so will depend not only on the decisions we make as consumers, but on the decisions we make as citizens. The actions of policymakers, and, in particular, planners, are critical to reviving the homegrown economy and ensuring that local businesses continue to be a vital part of our communities.

Many contend that public policy should have no role in shaping the retail economy. This is, after all, a free market.

But public policy is never neutral, and has, in fact, played a major role in the expansion of national chain stores. In many ways, public policy has undermined local retailers by giving large retail corporations unfair advantages.

Examples can be found at all levels of government. Congress, for instance, has exempted retailers like Amazon.com and Barnes & Noble from collecting sales tax on internet sales. This effectively gives these companies a 6 to 8 percent price advantage over local stores.

At the city and state level, tax incentives and other kinds of subsidies are routinely made available to chain stores. In Wisconsin, nearly \$20 million was provided a few years ago for a distribution center for Target stores. The city of Rochester, Minnesota spent \$3 million attracting a Barnes & Noble. Long Beach, California waived \$6 million in taxes for a development that included Kmart. In Florida, Walgreens has requested \$4.5 million in state and county tax breaks for the construction of a new warehouse.²²

Similar examples can be found all over the country. Even if your hometown does not provide such subsidies, the chains that expand there are able to do so in part because of public funding they've received elsewhere. Rarely are tax breaks and subsidies given to locally owned businesses. Instead, they often see their tax dollars used to subsidize a competitor.

In other cases, city governments have evicted local businesses to make room for chain store developments. A proposal currently under consideration in Pittsburgh would level 60 buildings and remove 125, mostly locally owned, businesses to make way for a shopping center that will house some three dozen chain stores. The beneficiaries of this plan include The Gap, Borders Books, and FAO Schwarz.²³

Under these circumstances, even the most competitive, efficient, and popular independent businesses are struggling to stay afloat.

What these examples make clear is that the loss of independent businesses is not inevitable. Rather than undermining the local economy, many communities are taking a different approach. They have made sustaining humanly scaled, unique homegrown businesses a primary focus of planning and economic development decisions.

They are adopting a variety of land use rules that deter chain stores and foster local ownership. Many have restricted the physical size of new stores. Others allow new retail development only if it meets specific criteria defined by the community. Some have banned uniformity, by prohibiting "formula" businesses. Others have barred new retail development outside of the town's central business district. (Examples of these policies, including the full text of the local ordinance, can be found on the New Rules web site, created by the Institute for Local Self-Reliance, at <http://www.ilsr.org>.)

By designing policies that put community first, local businesses can once again become a key component in a dynamic retail economy and a vibrant community.

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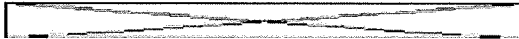
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As Dollar Stores Proliferate, Opponents Worry For Small Towns

03/20/12 7:50AM By [Steve Zind](#)



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Dollar General and Family Dollar both have plans to expand the number of stores in Vermont this year. Opponents say the stores are a bigger threat to small towns than big box stores.

(Host) Two national dollar store chains have plans to expand the number of their Vermont stores in the coming year, but they're running into some local resistance.

Opponents say the proliferation of dollar stores poses a greater threat to the economy and character of many more towns than big box stores.

VPR's Steve Zind reports.

(Zind) With its vibrant village and distinctive stone architecture the Windsor County town of [Chester](#) has a charm that translates into dollars. The shops and boutiques that line Main Street thrive on tourism.

But there's one sign of economic growth that some residents aren't so happy about.

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Dollar General, the large national retailer wants to build a store at the edge of the village. At 9,100 square feet, it would be by far the largest retailer in Chester.

Shawn Cunningham is with the group Smart Growth Chester

(Cunningham) "It's out of scale, it's not with the character of the town and we're concerned about the businesses in town because there are a number of businesses this would compete with unfairly. It's like asking a bantamweight to crawl into the ring with a heavyweight."

(Zind) Cunningham's group is urging the town's Development Review Board to reject Dollar General's application.

Cunningham argues that the national chain brings little to the town's economy in jobs or revenue.

Dollar General hopes to build several stores in Vermont this year in addition to the 15 it already has.

Another large national chain, Family Dollar wants to add at least seven stores to the nine it already has in Vermont.

Across the country, business is booming for dollar stores. Joshua Braverman is a spokesman for Family Dollar.

(Braverman) "We are definitely in a growth mode and are looking forward to providing the value and convenience that we provide in our stores to more communities around the country."

(Zind) Braverman says Family Dollar's core customers are single women heads of household who earn less than \$40,000 a year. But he says that demographic is expanding and creating more opportunities for the company to build new stores.

Many dollar stores are located in strip development or stand-alone buildings outside of towns. Those outliers are the ones that concern Paul Bruhn of the Preservation Trust of Vermont.

(Bruhn) "We understand that there are people in Vermont that need that kind of shopping experience. Our concerns are much more around location. Most of the dollar stores are located in sprawl locations that has the effect of undermining out downtown and village centers."

(Zind) Bruhn says he has nothing against dollar stores if they're reasonably sized and in town.

Gayle Aertker is senior vice-president of store development for Dollar General which is based in Tennessee. It's the largest of the national dollar store chains.

Aertker says the Dollar general prefers to erect its own stand-alone buildings, or locate stores in strip developments. Both options tend to put stores outside of village centers.

And Aertker says the 9,100 square foot store proposed for Chester is the smallest size that works for the company.

(Aertker) "It is a balance of making sure that we have all the basic merchandise in our store that makes a Dollar General a profitable store. So, no, we're not building smaller stores today."

(Zind) Aertker says her company brings jobs to communities and supports local non-profits.

In Randolph, there's a locally owned downtown variety store called Belmain's. It competes with two dollar stores just outside of the village.

Belmain's manager Penny Young says some customers shop with her out of loyalty to a locally owned business. She says the dollar stores haven't had an impact on Belmain's.

(Young) "We felt no big change as far as our customer base and how busy we were."

(Zind) But Young says sprawl has had an effect on Belmain's. Her business took a hit when Randolph's only supermarket moved from the village to a strip development outside of town.

There are many arguments for controlling sprawl in addition to concerns about the vitality of downtowns. Traffic headaches and infrastructure costs figure into the sprawl equation.

Dollar stores also raise aesthetic concerns. They're considered small box stores and the buildings have a generic look. A letter writer to the Herald of Randolph opined that "nothing says 'armpit' like a dollar store at the edge of town."

But one person's eyesore is someone else's shopping opportunity. Bristol lawyer James Dumont says what's important is that towns have the tools to make their own decisions on managing growth.

Dumont is working with opponents of three dollar stores planned for Vermont.

(Dumont) "You could write a zoning ordinance or town plan or both that has architectural standards in it so that we are not perpetuating the homogenization of America in Vermont, so when you drive into a Vermont town it looks like a Vermont town, it doesn't look like a suburb in Connecticut or New Jersey."

(Zind) The problem, Dumont says, is that most Vermont towns don't have plans or ordinances that are clear and concrete enough to hold up to a court challenge.

(Dumont) "Most people are not aware that the Supreme Court has laid out some really strict standards for what needs to be in a town plan. A lot of people get into this process thinking the town plan will protect them and it doesn't."

(Zind) Dumont says there are limits to what a town plan can dictate, and one gray area is whether they can be used to protect local businesses from the impact of national chains.

But opponents like those in Chester say protecting locally owned businesses is important because they provide more and better jobs and give a community its identity.

RESEARCH

Open Access

Food environment and childhood obesity: the effect of dollar stores



Andreas C. Drichoutis^{1*}, Rodolfo M. Nayga, Jr.^{2,3,4}, Heather L. Rouse⁵ and Michael R. Thomsen²

Abstract

In this paper, we examine the effect of dollar stores on children's Body Mass Index (BMI). We use a dataset compiled by the Arkansas Center for Health Improvement that reflects a BMI screening program for public school children in the state of Arkansas. We combine propensity score matching with difference-in-differences methods to deal with time-invariant as well as time-varying unobserved factors. We find no evidence that the presence of dollar stores within a reasonably close proximity of the child's residence increases BMI. In fact, we see an increase in BMI when dollar stores leave a child's neighborhood. Given the proliferation of dollar stores in rural and low-income urban areas, the question of whether dollar stores are contributing to high rates of childhood obesity is policy relevant. However, our results provide some evidence that exposure to dollar stores is not a causal factor.

JEL Classification Numbers: D10, I10, C31, C33, R10

Keywords: Childhood obesity, Food-at-home, Propensity score matching, Difference-in-differences

Introduction

At present, nearly 35 percent of young Americans aged 6 to 19 are overweight and 19 percent are obese [1]. This is up from just over 4 percent in the 1960s [2]. In Arkansas, the problem is more pronounced. Twenty one percent of Arkansas schoolchildren are obese and many more are at risk of obesity [3]. In fact, only 60 percent of Arkansas schoolchildren have a healthy weight status. The childhood obesity problem has caught the attention of policy makers at all levels of government and has become a front-burner issue for concerned community and business leaders. Proposals to address childhood obesity are often aimed at augmenting features of the environment by improving access to healthy foods in or around the home and school, reducing accessibility and exposure to unhealthy food, and/or providing more opportunities for exercise and vigorous play. For example, many of the strategies proposed by the Institute of Medicine [4] to address obesity emphasize the built environment, the commercial food environment, and the food distribution system. Similarly, Frieden et al. [5] call for

neighborhood policy interventions to encourage healthy food choices. Specifically, they advocate for changes that increase the likelihood that healthy foods will be chosen by default. Goldberg and Gunasti [6] provide recommendations aimed at the food marketing system both in terms of promotional messaging and in terms of product design, pricing, and distribution.

Ambitious and comprehensive interventions are clearly needed to reduce the incidence of childhood obesity. However, concerns have been expressed that existing research is inadequate to guide policy interventions. For example, Story et al. [7] acknowledge that the systematic study of interactions between features of the environment, policy interventions, and nutrition outcomes is a relatively new field of study. As such, it lacks well established models and faces numerous challenges in terms of measurement of environmental attributes and empirical design. Researchers attempting to investigate the link between environmental attributes and obesity face important challenges. First, the environmental features of interest are likely to be endogeneously determined with rates of obesity. For instance, food stores would be expected to consider consumer demand when making choices about the location of stores, but consumers with stronger demand for unhealthy foods may be making

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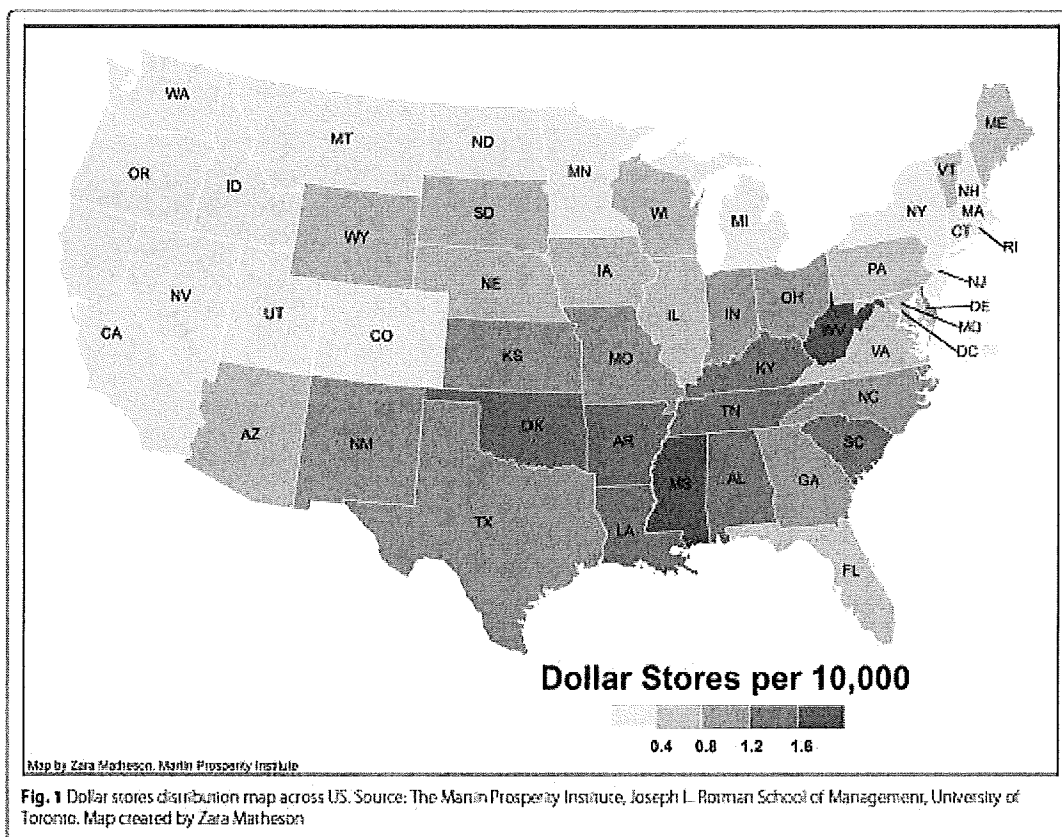
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lifestyle choices that otherwise place them at a higher risk of obesity [8]. Neighborhood choice is also not randomly assigned [9]. Thus, if health-conscious individuals self-select into neighborhoods that are conducive to healthy diets or active lifestyles, the statistical association between neighborhood features and obesity is suspect. Second, the impact of environmental features may be context specific. For example, in one context a new food store may meaningfully expand healthy food options for residents and facilitate healthy dietary choices. In another, the increased competition that results from the additional store may have the opposite effect by lowering prices on less healthy foods [10]. For these reasons, it is not surprising that it has been difficult to draw clear conclusions from correlational studies on the relations between features of the environment and weight outcomes.

The aim of this article is to examine the role of dollar stores. Dollar stores are an unstudied feature of the built environment that may impact childhood obesity, especially in predominantly rural states such as Arkansas.

In comparison to supermarkets, dollar stores provide a very narrow range of food items, but at price points much lower than convenience stores and often lower than supermarket prices. A recent inventory of Arkansas dollar stores found very limited offerings of healthier (e.g., lower-sodium) product formulations and limited offerings of fresh fruits and vegetables [11].

Dollar stores have been growing markedly throughout the United States but this growth has not been uniform. Figure 1 [12] shows dollar stores distribution across US. The mid South is one region where dollar stores are becoming prominent features of the retail environment. Natunewicz [13] provides counts, by state, for the four leading dollar store retailers. A simple adjustment of these data by population reveals that Arkansas, Mississippi, and Louisiana each have more than 140 dollar stores per million residents. This compares to only 14 stores per million residents in California and 37 stores per million residents in New York State. Even in Texas, dollar store density is considerably smaller at 86 stores per million res-



idents. Dollar stores are not only a rural phenomenon. These stores are also growing in urban areas, albeit in less desirable neighborhoods [13].

As a result, a larger fraction of the household budget has been shifted toward dollar stores and the trend is not confined to less affluent households. Even among households with an income of at least \$75,000, 28 % now spend more in the dollar channel [14]. According to one industry report, the dollar (and variety) store industry capitalized on the recession to attract more middle class consumers making it a \$62bn business that has seen a 3.5 % annual growth in the period 2009–2014 [15]. The dollar store channel has seen the largest year-over-year share increase in shopping visits (as compared to the brick-and-mortar market overall), likely driven in part by new store openings, where in one recent retail quarter (May 2014 – July 2014) shopping visits were up 14 % with a particular increase in the 16–24 age group [16].

Given the significant increase in the number of dollar stores, our objective in this study is to examine how access to these types of stores influences weight outcomes of children. Our empirical strategy involves a difference in differences (DiD) framework coupled with propensity score matching. The National Research Council [17] has called for strong quasi-experiments that couple observational data with one or more empirical identification strategies to improve understanding of the factors that may be responsible for the growth in obesity rates. Our focus is on childhood obesity outcomes among early elementary schoolchildren in Arkansas. Arkansas provides an ideal context within which to conduct this research. As already noted, it has one of the highest childhood obesity rates in the country. However, the state has been taking active steps to address this problem and has assembled unique panel datasets of childhood Body Mass Index (BMI) screenings that can be used to assess the impact of environmental features such as dollar stores.

Background

Arkansas was the first state to require BMI measurements for all public schoolchildren. The Arkansas General Assembly passed Act 1220 of 2003, which established a formal Child Health Advisory Committee (CHAC) and mandated BMI screenings for public schoolchildren. Our data on weight outcomes are from the Arkansas BMI dataset for 2004 through 2010. These data are maintained through legislative mandate at the Arkansas Center for Health Improvement (ACHI) [18]. The data contain age-gender specific z-scores and are based on height and weight measurements taken by trained personnel within the public schools. Weight and height of school children were measured yearly in all grades beginning with the 2003–2004 school year but in 2007 this was

changed to measurement only of children in even grades. Hence, the dataset we use is an unbalanced panel which contains information for schoolchildren from 2004 to 2010.

Dollar store location data were obtained from Dun and Bradstreet (D&B) for the period 2004 through 2010. To ensure that BMI screenings in any given year were matched correctly to the locations of dollar stores as they existed in that year, we obtained archival data showing the location of dollar stores as of December of the year in question. ACHI personnel geocoded student addresses within the BMI dataset and linked them geographically to the D&B data on dollar store locations. The final dataset contains measures of the food environment around the children's home and schools such as number of fast food restaurants, dollar stores, convenience stores and grocery stores within a certain radius of the child's home.

ACHI personnel also matched the BMI screenings to neighborhood demographic characteristics from the 2009 American Community Survey (ACS) block-group summary file. The 2009 ACS reflects an average over the 2005–2009 period and so is centered on the 2004 to 2010 period covered by the BMI data we use here. The ACS data provide information on socioeconomic characteristics of the census block group where the student lives as well as information on neighborhood characteristics such as the proportion of population by race, income level, education, and work status.

Methods

In this study we examine the effect of access to dollar stores (DS) on children's BMI. To determine whether children and their guardians have easy access to dollar stores, we created binary measures of whether a dollar store is in close proximity to the child's residence. For this reason we adopted one of the measures that the Economic Research Service (ERS) of the US Department of Agriculture (USDA) uses to define food desert areas i.e., distance to the nearest store, taking into account that the definition applies differently to urban and rural areas.¹ Therefore, a child was considered exposed to a DS (i.e., has easy access to the store) if there was at least one store within a one-mile radius from the child's residence in an urban area or one store within a ten-mile radius of the child's residence in a rural area. Otherwise, the child was considered non-exposed (i.e., did not have easy access to a DS).

For reasons that will become apparent momentarily, we only use cohorts of students that we observe for a full five-year period. Given that the dataset we use extends through 2010, this implies that our sample includes three different age cohorts i.e., 2004 to 2008, 2005 to 2009 and 2006 to 2010.² We also limit our analysis to school children

who were kindergarten in their first year of their respective age cohort. Thus, by construction, the kindergarten cohort is observed up to the 4th grade. We focus specifically on children in early elementary grades because their diets are more likely to be dictated by the adults in their lives and so any DS effects would most likely be felt in these young children. For children at later elementary grades, a number of other confounding factors could potentially be contributing to their weight. Nevertheless, this could also be an interesting topic for future investigation. The cohorts used in the analysis are depicted in Table 1.

To examine the effect of ease of access to a DS, we use the panel difference-in-differences (DiD) method. DiD estimation is a common approach in program and policy evaluations [19] and it has become a common strategy to estimate effects of programs that could impact nutrition, weight, or health outcomes [20, 21]. Given the four year subsamples with the cohorts exhibited in Table 1, we are able to examine two-year exposure to DS (i.e., ease of access) or two-year non-exposure to DS. Thus, we define the first two years of each age cohort as period 1 and the last two years of each cohort as period 2. We use two years for each period so that there is adequate time for any effect of the food environment to manifest itself. Table 1 marks period 1 with the '✓' symbol and period 2 with the '✓' symbol. The table also exhibits the grade level at which we observe each age cohort during each year. We then define two different treatments that we examine separately in the analysis. Our first treatment includes children that were exposed (i.e., had ease of access) to a DS in period 2 but were not exposed to a DS in period 1. Our control group in this case includes children that were not exposed to a DS in both periods. Our second treatment includes children that were not exposed to a DS in period 2 but were exposed to a DS in period 1. Our control group in this case includes children who were exposed to a DS in both periods. Treatments and control groups are depicted in Table 2 where we define by 'E' exposure (i.e., having at least one store within the radial distances described above) and by 'N' non-exposure. Treatment 1 will be referred to as the

'Exposed' treatment and treatment 2 as the 'Non-exposed' treatment.

Exposure or non-exposure to a particular DS in period 2 may have been due to one of two rival explanations. If the child resides in the same location during period 1 and period 2, then exposure and non-exposure can be attributed to the fact that a DS opened or closed, respectively, within a radius distance from the child's residence. On the other hand, if the child has moved to a different residence in period 2, then exposure (non-exposure) can be attributed to the child moving from an area without (with) a DS to an area with (without) this type of store. Thus, in addition to performing our analysis for the full sample, we repeat the analysis for two subsamples: (a) the 'Movers' which are defined as children that moved in a different residence in period 2 and (b) the 'Stayers' which are defined as children that did not move to a new residence in period 2.

Although the use of DiD is appealing due to its simplicity, the validity of a DiD estimate hinges upon the possible endogeneity of the intervention itself [22]. An additional assumption requires that in the absence of the treatment, the average outcomes for the treated and control groups would have followed parallel paths over time [23]. This latter assumption, known as common time effects (see for example Blundell et al. [24]), would be unattainable if, for example, pre-treatment characteristics associated with the dynamics of the outcome variable are unbalanced between the treated and control groups.

To alleviate concerns regarding the comparability of the treatment and control groups and to limit model dependence [25, 26], we use propensity score matching technique prior to running our panel DiD models. Heckman et al. [27] concluded that matching helps control for heterogeneity in initial conditions and also controls for unobserved determinants of participation. Blundell and Dias [28] also show that combining propensity score matching with DiD (MDiD) can be advantageous and has the potential to improve the quality of non-experimental evaluation results significantly. This is because DiD deals with time-invariant unobserved factors, while matching rebalances

Table 1 Cohorts used in the study

	Years						
	2004	2005	2006	2007	2008	2009	2010
2004 cohort	✓ K	✓ 1 st grade	✓ 2 nd grade		✓ 4 th grade		
2005 cohort		✓ K	✓ 1 st grade	✓ 2 nd grade		✓ 4 th grade	
2006 cohort			✓ K	✓ 1 st grade	✓ 2 nd grade		✓ 4 th grade

Table 2 Treated and control groups by age cohorts

			Years						
			2004	2005	2006	2007	2008	2009	2010
2004 cohort	Treatment 1	Treated	N	N	E		E		
		Control	N	N	N		N		
	Treatment 2	Treated	E	E	N		N		
		Control	E	E	E		E		
2005 cohort	Treatment 1	Treated		N	N	E		E	
		Control		N	N	N		N	
	Treatment 2	Treated		E	E	N		N	
		Control		E	E	E		E	
2006 cohort	Treatment 1	Treated			N	N	E		E
		Control			N	N	N		N
	Treatment 2	Treated			E	E	N		N
		Control			E	E	E		E

Notes: E exposed, that is, there is at least one dollar store within a one mile radius (10 mile radius if child resides in a rural area); N non-exposed, that is, there is no dollar store within a one mile radius (10 mile radius if child resides in a rural area)

the sample to deal with time-varying unobserved factors [20]. Thus, the MDiD combines the advantages of both methods.

However, matching estimators hinge upon a significant assumption, the Conditional Independence Assumption (CIA), which requires that selection is on observables only. However, with MDiD there is scope for an unobserved determinant of participation as long as this can be represented by separable individual/time specific components in the error term. Blundell and Dias [28] show that CIA in MDiD can be replaced with a different assumption that only assumes that "...controls have evolved from a pre- to a post-programme period in the same way treatments would have done had they not been treated". This occurs both in the observable component of the model and in an unobservable time trend. In addition, if the impact of the treatment is heterogeneous with respect to observable characteristics, we must guarantee that the distribution of the relevant observable characteristics is the same across periods and assignment to treatment for the evaluation to make sense. Blundell et al. [29] show how propensity score matching can ensure that the composition of the samples being compared is kept constant with respect to key determinants of outcomes before they apply a DiD estimator.

In our MDiD method, we first perform propensity score matching with the aim of balancing the distribution of observable characteristics between treated and control observations. We then apply DiD on the balanced sample. Matching is performed on the first year of BMI measurement of each cohort and propensity scores are estimated

separately for each age cohort depicted in Table 1. The control variables for the PSM model include childrens' gender, age (in months), race (Black/African-American, Hispanic/Latino or Native; White/Asian is the excluded category), language spoken at home (dummy if Spanish is spoken at home), an urban residence location dummy, dummies for free and reduced lunch participation (as proxies for income) as well as census-block group characteristics that capture neighborhood effects.³ Most importantly, the PSM model controls for relative distance of competing types of stores as well as number of competing stores within the given radius between neighborhood income and retail density.⁴ Although some of the variables above could be endogenous to the treatment, Lechner [30] showed that this would not matter as long as the usual formulation of the CIA holds.

Matching was performed with four different matching estimators that differ on how strict the matching process is: (1) two nearest neighbors without a caliper, (2) five nearest neighbors without a caliper, (3) two nearest neighbors with a caliper set at 1/4 of the standard deviation of the estimated propensity score, and (4) five nearest neighbors with a caliper set at 1/4 of the standard deviation of the estimated propensity score.⁵ After matching we estimate fixed and random effects DiD models using the matched samples. In terms of notation, the DiD estimate comes from a (random effects) model of the form:

$$BMI_{it} = b_0 + b_1 Period_{it} + b_2 Treat_i + b_3 Period_{it} \times Treat_i + \gamma X_{it} + u_i + \varepsilon_{it} \quad (1)$$

where *Period* is a dummy for the last two years where we observe each child (Period 2), *Treat* is a treatment dummy and *X* is a vector of controls as discussed above. The dependent variable is the Body Mass Index which has been calculated as a ratio $(weight(lb)/(height(in))^2) \times 703$ and then converted to age-gender specific z-scores according to the Centers for Disease Control and Prevention guidelines [31]. Appropriate modifications to equation 1 are in place for the fixed effects counterpart.

Results

Balancing tests

Before examining the results, it is important to take a look at the performance of the matching estimators and the distribution of observable covariates (balancing) of the matched data. Table 5 in the Appendix shows results from balancing tests arranged in separate panels for 'Movers & Stayers', 'Movers' and 'Stayers'. Results from all four matching estimators are reported in each panel. Although matching is performed for each age cohort separately, we report balancing tests after we pool together the matched observations from all age cohorts given that the DiD estimates come from the pooled age cohorts. Nothing changes, however, when we perform the balancing tests for each age cohort separately.

For each matching estimator and treatment (Exposed and Non-exposed) two *p*-values are reported in vertical orientation. The upper *p*-value corresponds to a likelihood-ratio (LR) test of the joint significance of all the regressors before matching. The lower *p*-value corresponds to a LR test of the joint significance of all the regressors after matching. A small *p*-value before matching (rows labeled as BM) indicates that the distribution of observables is not balanced between treated and control units, while a large *p*-value after matching (rows labeled as AM) indicates that balance has been achieved.

It is apparent across all panels of Table 5 in the Appendix that in all cases the distribution of covariates before matching was not balanced to begin with. After matching, balance has been achieved in most cases. There are only a couple of exceptions and these are marked with gray in Table 5 in the Appendix. The two exceptions concern exclusively the five nearest neighbor estimator. Therefore, caution is needed when interpreting results for this specific matching estimator.

Additional columns in Table 5 in the Appendix show mean standardized percent of absolute bias before and after matching.⁶ As depicted in the table, mean standardized percent absolute bias is generally higher before matching and lower after matching (even for the two cases of the five nearest neighbor estimator for which a good

balance was not achieved). In general, a lower mean percent absolute bias is a sign that matching was able to reduce differences of observables between treated and control units.

Two additional columns in Table 5 in the Appendix show the number of treated and control observations before matching as well as the number of treated and control observations that are left after matching. To get a closer look at how exactly the matching worked in each case, Table 6 in the Appendix shows the number of observations that were dropped and retained after matching per cohort, treatment and matching estimator.⁷ More detailed information for the unmatched samples are provided in Table 7 in the Appendix. Interpretation of this table is similar to the other tables in the Appendix as described above.

Estimation results

Results are presented in Table 3. Table 3 is subdivided into three panels (Movers & Stayers, Movers, Stayers) and results from all four matching estimators are reported in each panel. Each panel also provides baseline estimates from fixed and random effects regressions on the full sample of all control and treatment groups against which the DiD estimates can be compared. The DiD estimates for the unmatched samples (before we perform matching) are also reported in Table 3 is the coefficient estimate for the interaction term b_3 in estimate for the interaction term b_3 in Eq. 1. Standard errors in the table are robust standard errors. Bootstrapped standard errors, as suggested by Bertrand et al. [32], were calculated as well but these only differ at the third decimal place.

The first obvious result is that dollar stores have a positive effect on BMI. This effect is statistically significant, however, only for the full 'Movers & Stayers' sample. The DiD estimates from the two nearest neighbor matching show that in terms of magnitude the effect is about 5/100 of a standard deviation. We do not observe a statistically significant effect when we split the sample between 'Movers' and 'Stayers'. However, if one observes closely the magnitude of the DiD estimates for these subsamples, it is obvious that the DiD estimate for the full sample is almost entirely driven by the 'Stayers' group. This is because for the 'Movers' subsample we get an estimate close to zero, while for the 'Stayers' subsample the DiD estimates are close to 6/100 of a standard deviation.

The positive effect for the non-exposed treatment implies that when the child moves from a food environment with a dollar store to a food environment without a dollar store, BMI increases on average by 5/100 of a standard deviation. Given that, as discussed above, the effect seems to be totally driven

Table 3 Panel, DiD and MDID estimated effects

		Movers & Stayers				Movers only				Stayers only			
		Effect	SE	p-value	N	Effect	SE	p-value	N	Effect	SE	p-value	N
NM	Panel FE	-0.009	0.014	0.523	99644	-0.010	0.017	0.547	13888	-0.014	0.026	0.593	85756
	Panel RE	0.012	0.010	0.246	99644	-0.007	0.016	0.673	13888	0.028**	0.014	0.043	85756
	Non-Exp. FE	0.005	0.020	0.783	70204	0.017	0.025	0.483	10148	0.061	0.040	0.120	60056
	Non-Exp. RE	0.011	0.019	0.581	70204	0.018	0.025	0.476	10148	0.061	0.040	0.123	60056
	Exp. FE	0.004	0.022	0.843	29440	-0.013	0.035	0.716	3740	0.046	0.035	0.188	25700
	Exp. RE	-0.003	0.021	0.893	29440	-0.018	0.034	0.592	3740	0.049	0.035	0.163	25700
2NN-nc	Non-Exp. FE	0.055**	0.025	0.025	7452	0.013	0.030	0.669	4612	0.061	0.047	0.198	1916
	Non-Exp. RE	0.053**	0.024	0.029	7452	0.014	0.030	0.632	4612	0.060	0.048	0.208	1916
	Exp. FE	0.007	0.026	0.775	7148	-0.052	0.038	0.171	3088	0.017	0.044	0.707	2264
	Exp. RE	0.002	0.026	0.927	7148	-0.055	0.038	0.147	3088	0.018	0.044	0.687	2264
	Non-Exp. FE	0.038**	0.022	0.087	13368	0.024	0.027	0.373	6820	0.050	0.043	0.244	3352
	Non-Exp. RE	0.040**	0.022	0.067	13368	0.024	0.027	0.373	6820	0.051	0.043	0.241	3352
2NN-1/4c	Exp. FE	0.004	0.023	0.879	11736	-0.026	0.035	0.464	3524	0.046	0.039	0.240	3832
	Exp. RE	-0.001	0.023	0.956	11736	-0.031	0.035	0.376	3524	0.050	0.039	0.204	3832
	Non-Exp. FE	0.052**	0.025	0.036	7428	0.008	0.030	0.796	4584	0.054	0.031	0.291	1768
	Non-Exp. RE	0.050**	0.024	0.041	7428	0.009	0.030	0.752	4584	0.052	0.031	0.306	1768
	Exp. FE	0.005	0.026	0.844	7088	-0.051	0.038	0.183	3036	0.011	0.045	0.800	2188
	Exp. RE	0.000	0.026	0.991	7088	-0.054	0.038	0.153	3036	0.012	0.045	0.794	2188
SNN-1/4c	Non-Exp. FE	0.034	0.022	0.126	13336	0.020	0.027	0.460	6796	0.044	0.047	0.350	3184
	Non-Exp. RE	0.036	0.022	0.097	13336	0.020	0.026	0.458	6796	0.044	0.047	0.350	3184
	Exp. FE	0.001	0.024	0.977	11672	-0.025	0.036	0.487	3492	0.036	0.040	0.368	3744
	Exp. RE	-0.004	0.023	0.849	11672	-0.031	0.035	0.384	3492	0.039	0.040	0.326	3744

Notes: NM = no matching, 2NN-nc = 2 Nearest Neighbors-no caliper, SNN-nc = 5 Nearest Neighbors-no caliper, 2NN-1/4c = 2 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score, SNN-1/4c = 5 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score. Standard errors are robust standard errors.

*(**) (***) Statistically significant at the 10 % (5 %) (1 %) level.

by 'Stayers', this effect could as well be due to a dollar store shutting down in the proximity of a child's residence.

Both our matching and DiD models include variables of economic development (e.g., number of convenience and grocery stores, proportion of the population with income below poverty etc.) to account for the effect of broad changes that occur with economic development in an attempt to disentangle their effects from the pure effect of dollar stores. However, given that these potential confounders are likely endogenous, one may worry about spillover bias.⁸ To rule out an effect of neighborhood deterioration we also estimate effects from models that omit the economic development variables. Results are shown in Table 4. Consistent with our previous results, we find a positive and statistically significant effect for the 'Stayers' subsample in the non-exposed treatment. Thus, endogenous economic development is likely not a factor adversely affecting our results and we can be more confident that the positive effect on BMI of a

dollar store shutting down in a neighborhood is a clean effect.

Discussion and Conclusions

The growth of dollar stores is a matter of interest to those seeking to address unacceptably high rates of childhood obesity. These stores tend to target smaller communities and lower income areas within urban population centers, areas where children would otherwise be at greater risk for obesity. No other known study, however, has examined the effect of dollar stores on childhood obesity. Our main goal in this paper is to determine whether access to dollar stores is a significant driver of childhood obesity. This is an interesting and important research topic since there is a perception that dollar stores typically do not offer healthier food alternatives compared to the traditional supermarkets. In this study, we are able to measure access to dollar stores around children's actual residences and control for other attributes of the food environment (i.e., other types of food stores). Our

Table 4 Panel, DID and MDID estimated effects (without economic development variables)

		Movers & Stayers				Movers only				Stayers only			
		Effect	SE	p-value	N	Effect	SE	p-value	N	Effect	SE	p-value	N
NM	Panel FE	-0.009	0.014	0.530	99644	-0.010	0.017	0.533	13888	-0.014	0.026	0.597	85756
	Panel RE	0.019 [*]	0.010	0.069	99644	-0.005	0.016	0.739	13888	0.040 ^{***}	0.014	0.004	85756
	Non-Exp. FE	0.006	0.020	0.769	70204	0.018	0.024	0.454	10148	0.061	0.041	0.133	60056
	Non-Exp. RE	0.007	0.020	0.708	70204	0.017	0.024	0.482	10148	0.061	0.041	0.137	60056
	Exp. FE	0.005	0.023	0.834	29440	-0.015	0.033	0.659	3740	0.047	0.035	0.181	25700
	Exp. RE	-0.003	0.022	0.872	29440	-0.019	0.033	0.560	3740	0.050	0.035	0.156	25700
2NN-nc	Non-Exp. FE	0.023	0.025	0.335	7516	0.045	0.030	0.134	4768	0.094 ^{**}	0.046	0.043	2160
	Non-Exp. RE	0.022	0.025	0.375	7516	0.045	0.030	0.132	4768	0.092 ^{**}	0.046	0.046	2160
	Exp. FE	0.017	0.024	0.491	7404	-0.014	0.035	0.679	3316	0.020	0.041	0.632	2492
	Exp. RE	0.015	0.024	0.534	7404	-0.017	0.035	0.617	3316	0.021	0.041	0.616	2492
5NN-nc	Non-Exp. FE	0.015	0.022	0.481	14084	0.030	0.026	0.240	7336	0.077 [*]	0.044	0.077	4128
	Non-Exp. RE	0.016	0.022	0.465	14084	0.028	0.026	0.276	7336	0.076 [*]	0.044	0.080	4128
	Exp. FE	0.003	0.024	0.907	12596	-0.015	0.035	0.662	3680	0.022	0.039	0.569	4628
	Exp. RE	-0.001	0.023	0.965	12596	-0.018	0.035	0.595	3680	0.024	0.039	0.537	4628
2NN-1/4c	Non-Exp. FE	0.023	0.025	0.359	7512	0.043	0.029	0.135	4748	0.094 ^{**}	0.048	0.049	2148
	Non-Exp. RE	0.022	0.025	0.376	7512	0.044	0.029	0.132	4748	0.093 [*]	0.048	0.052	2148
	Exp. FE	0.016	0.026	0.543	7392	-0.014	0.035	0.679	3316	0.020	0.041	0.632	2492
	Exp. RE	0.014	0.026	0.588	7392	-0.017	0.035	0.617	3316	0.021	0.041	0.616	2492
5NN-1/4c	Non-Exp. FE	0.016	0.023	0.476	14068	0.030	0.027	0.263	7296	0.078 [*]	0.043	0.071	4092
	Non-Exp. RE	0.017	0.023	0.463	14068	0.028	0.027	0.298	7296	0.077 [*]	0.043	0.074	4092
	Exp. FE	0.002	0.023	0.938	12584	-0.015	0.035	0.662	3680	0.020	0.038	0.593	4604
	Exp. RE	-0.002	0.023	0.926	12584	-0.018	0.035	0.595	3680	0.022	0.038	0.559	4604

Notes: NM = no matching, 2NN-nc = 2 Nearest Neighbors-no caliper, 5NN-nc = 5 Nearest Neighbors-no caliper, 2NN-1/4c = 2 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score, 5NN-1/4c = 5 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score. Standard errors are robust standard errors.

*(**) Statistically significant at the 10 % (5 %) (1 %) level

focus on the state of Arkansas is also noteworthy since it has one of the highest childhood obesity rates in the US. Additionally, Arkansas was the first state to legislatively mandate the measurement and collection of BMI for every public school student starting in 2004 and so these data provide a unique opportunity to study child weight status and potential factors that impact BMI.

Using a unique panel data and difference in differences estimation with unmatched and matched children, we find no evidence that the presence of dollar stores within a reasonably close proximity to the child's residence can increase body mass index. In fact, we see an increase in BMI z-score when dollar stores leave a child's neighborhood. However, this finding is based on a small number of individuals for whom a dollar store exited their neighborhood, a rare phenomenon in the period we study. One should also keep in mind that our results concern very specific age cohorts. In addition, we restricted our analysis

to children in early elementary grades because the diets of these children are more likely to still be dictated by the adults in their lives. In older children, several other competing factors may be at play which could confound any attempt to identify the separate effect of dollar stores on health and diet.

While dollar stores lack the breadth of healthy food options typically found in supermarkets, our results suggest that they are not a contributor to the childhood obesity problem. As noted above, the emergence of dollar stores as a common retail format is a recent phenomenon. It could be that these stores and their food inventories reflect existing preferences of the populations they serve. Thus, although dollar stores are more prominent in states like Arkansas, with high rates of obesity, they could be a symptomatic as opposed to a causal factor. Our results are consistent with this argument. Alternatively, it could be that dollar stores may actually play some role in facilitating healthy food consumption behaviors.

Stambuck [11] inventoried several Arkansas dollar stores. The inventory revealed a dearth of fresh foods, especially fruits and vegetables, and very few low-sodium or reduced fat options. However these stores did provide healthy staple items such as dried beans, rice, and oatmeal. Many of the food items in dollar stores are packaged in a manner for at-home consumption. Hence, when residents have ready access to dollar stores, they may be in a better position to procure supplies for at-home meals. These meals, even if not perfectly balanced, are likely to be healthier and lower-calorie than the fare found on fast-food value menus.

Community leaders and public health professionals interested in childhood obesity would be wise to recognize that dollar stores are now prominent features of the food environment facing residents in many rural and lower income urban communities. As discussed earlier, many people now consider dollar stores as their neighborhood supermarkets. Dollar stores are especially dense in regions of the country where childhood obesity rates are the highest. The question of how dollar stores could contribute to dietary health should be considered in efforts to combat childhood obesity. For instance, educational interventions targeting children and their parents could emphasize ways to shop wisely at dollar stores to source nutritious food items. Community initiatives could also be developed that could further entice dollar stores to carry healthy foods. This would likely require cooperation between the store owners and the entire community. Moreover, as dollar stores continue to expand their food offerings, health on a budget may be a yet-to-be exploited marketing angle for this growing retail format.

Endnotes

¹A quick overview of food access measures and definitions can be found at <http://www.ers.usda.gov/data-products/food-access-research-atlas/about-the-atlas.aspx>.

²Recall that the periodicity of assessments was changed from all grades to even grades only, beginning in 2007 so that each age cohort was observed four times (with gaps) during this five-year period.

³These include the proportion of black group residents that are African-American, Hispanic/Latino, that have completed high school, some college, or have attained a college degree. Block group measures also include proportion of the population with income below poverty, the median household income, the median age of residential housing stock, and the proportion of residential units that are vacant. We also include the proportion of single-parent families, working mothers, residents with no vehicles, and of residents using public transportation. Millimet and Tchernis [33] showed that

over-specifying the model used to estimate the propensity score is always the best strategy, considering the penalty associated with under-specification. The rationale for including a control for language spoken at home, in addition to controls for race and ethnicity, is that recent immigrant families often have low socioeconomic status and may have different dietary behaviors than the population at large.

⁴To make this statement clear, the model where the dependent variable is whether a dollar store is within a given radius (ten miles for rural areas and one mile for urban areas) from a child's residence includes four additional covariates: (a) the log of the ratio of distance to a convenience store over distance to a dollar store (b) the log of the ratio of distance to a grocery store over distance to a dollar store (c) number of convenience stores within a ten (one) mile radius when the child resides in a rural (urban) area (d) number of grocery stores within a ten (one) mile radius when the child resides in a rural (urban) area.

⁵The caliper width of 1/4, has been widely suggested in the PSM literature since Rosenbaum and Rubin [34]. Rosenbaum and Rubin [34] based this rule on results from Cochran and Rubin [35] that indicated that a caliper width of 1/4 of the standard deviation of the estimated propensity score would remove at least 90 % of the bias in a normally distributed covariate.

⁶Mean standardized percent absolute bias is the mean absolute bias of the percent difference of the sample means in the treated and non-treated sub-samples as a percentage of the square root of the average of the sample variances in the treated and non-treated groups [34]. The percent bias is first calculated for each covariate separately and then the absolute values are averaged across all covariates and reported in Table 5 in the Appendix.

⁷There is a 1:1 correspondence between Table 5 and Table 6 in the Appendix. To illustrate this, consider the non-exposed treatment that was matched with the 2 nearest neighbor (without caliper) matching estimator. Table 6 in the Appendix indicates that 423, 963 and 477 (Total = 1863) observations were retained after matching for the age cohorts 2004, 2005 and 2006, respectively. The number of retained observations corresponds to the sum of treated and control units (660 + 1203) in the respective rows and columns of Table 5 in the Appendix.

⁸It has been shown that high-poverty neighborhoods have lower retail employment density for retail overall as well as several other types of retail, such as supermarkets, drugstores, food service and laundry [36]. On the other hand, neighborhoods that experience income upgrading see larger gains in retail employment.

Appendix

Table 5 Balancing tests

	Movers & Stayers				Movers				Stayers					
	p-value	Mean % bias	N treated	N control	p-value	Mean % bias	N treated	N control	p-value	Mean % bias	N treated	N control		
2 NN-nc	Non-Exp	BM < 0.001	8.37	660	16891	0.034	5.08	473	2064	< 0.001	17.65	187	14827	
		AM	0.999	2.51	660	1203	0.995	3.58	472	681	0.978	4.77	186	292
	Exp	BM < 0.001	13.19	684	6676	< 0.001	10.80	463	469	< 0.001	17.37	221	6204	
		AM	0.975	2.83	684	1103	0.582	6.58	463	309	0.830	7.50	221	345
5NN-nc	Non-Exp	BM < 0.001	8.37	660	16891	0.034	5.08	473	2064	< 0.001	17.65	187	14827	
		AM	1.000	2.24	660	2682	0.978	3.24	472	1233	0.860	6.93	187	651
	Exp	BM < 0.001	13.19	684	6676	< 0.001	10.80	463	469	< 0.001	17.37	221	6204	
		AM	0.243	5.13	684	2250	0.001	8.77	463	418	0.799	7.38	221	737
2 NN-1/4c	Non-Exp	BM < 0.001	8.37	660	16891	0.034	5.08	473	2064	< 0.001	17.65	187	14827	
		AM	0.996	2.63	657	1200	0.997	3.62	468	678	0.997	4.34	161	285
	Exp	BM < 0.001	13.19	684	6676	< 0.001	10.80	463	469	< 0.001	17.37	221	6204	
		AM	0.993	2.49	673	1099	0.709	6.25	455	309	0.992	5.85	209	338
5NN-1/4c	Non-Exp	BM < 0.001	8.37	660	16891	0.034	5.08	473	2064	< 0.001	17.65	187	14827	
		AM	1.000	2.29	657	2677	0.993	3.10	468	1231	0.993	4.73	162	634
	Exp	BM < 0.001	13.19	684	6676	< 0.001	10.80	463	469	< 0.001	17.37	221	6204	
		AM	0.425	4.68	673	2245	0.004	8.44	455	418	0.982	5.55	209	727

Notes: Non-exp = non exposed, Exp exposed, BM = Before matching, AM = After matching, 2NN-nc = 2 Nearest Neighbors-no caliper, 5NN-nc = 5 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score, 5NN-1/4c = 5 Nearest Neighbors-caliper equal to 1/4 of the SD of the estimated propensity score, Mean % bias = mean standardized % absolute bias, N treated = N of observations in the treated group, N ctrl = N of observations in the control group.

Mean standardized % absolute bias is the mean absolute bias of the % difference of the sample means in the treated and non-treated sub-samples as a percentage of the square root of the average of the sample variances in the treated and non-treated groups [34].

p-values are the p-values from a likelihood-ratio test of the joint significance of all the regressors (before and after matching).

Table 6 Number of observations Dropped and Retained per cohort and matching estimator

			2004 cohort		2005 cohort		2006 cohort	
			Dropped	Retained	Dropped	Retained	Dropped	Retained
Movers & Stayers	2NN-nc	Non-exp	5114	423	5031	963	5543	477
		Exp	1675	620	1853	752	2045	415
	5NN-nc	Non-exp	4728	809	4347	1647	5134	886
		Exp	1318	977	1372	1233	1736	724
	2NN-1/4c	Non-exp	5114	423	5033	961	5547	473
		Exp	1677	618	1859	746	2052	408
Movers	5NN-1/4c	Non-exp	4729	808	4349	1645	5139	881
		Exp	1320	975	1378	1227	1744	716
	2NN-nc	Non-exp	442	337	485	483	457	333
		Exp	51	259	72	298	40	223
	5NN-nc	Non-exp	281	498	262	706	289	501
		Exp	11	299	24	338	19	244
Stayers	2NN-1/4c	Non-exp	444	335	488	480	459	331
		Exp	51	259	74	288	46	217
	5NN-1/4c	Non-exp	283	496	264	704	291	499
		Exp	11	299	26	336	25	238
	2NN-nc	Non-exp	4737	21	4643	383	5155	75
		Exp	1772	213	1935	308	2152	45
Stayers	5NN-nc	Non-exp	4726	32	4367	659	5083	147
		Exp	1638	347	1707	536	2122	75
	2NN-1/4c	Non-exp	4750	8	4657	369	5160	70
		Exp	1176	209	1937	306	2165	32
	5NN-1/4c	Non-exp	4744	14	4381	645	5093	137
		Exp	1642	343	1709	534	2138	59

Notes: Non-exp = non exposed, Exp = exposed, 2NN-nc = 2 Nearest Neighbors-no caliper, 5NN-nc = 5 Nearest Neighbors-no caliper, 2NN-1/4c = 2 Nearest Neighbors caliper equal to 1/4 of the SD of the estimated propensity score, 5NN-1/4c = 5 Nearest Neighbors caliper equal to 1/4 of the SD of the estimated propensity score

Table 7 Balancing tests for the unmatched data

		Fixed effects		Random effects		N	
		p-value	Mean % [bias]	p-value	Mean % [bias]	Treated	Control
Movers & Stayers	Non-exp	< 0.001	12.31	< 0.001	10.85	2640	67564
	Exp	< 0.001	12.93	< 0.001	11.68	2736	26704
Movers	Non-exp	< 0.001	17.33	< 0.001	13.65	1892	8256
	Exp	< 0.001	16.03	< 0.001	13.85	1852	1888
Stayers	Non-exp	< 0.001	6.46	< 0.001	7.97	748	59308
	Exp	< 0.001	9.15	< 0.001	10.21	884	24816

Notes: Non-exp = non exposed, Exp = exposed, Mean % [bias] mean standardized % absolute bias, Treated = N in the treated group, Control = N in the control group
Mean standardized bias is the % difference of the sample means in the treated and non-treated sub-samples as a percentage of the square root of the average of the sample variances in the treated and non-treated groups [44]
p-values are the p-values from a likelihood-ratio test of the joint significance of all the regressors

Table 8 Descriptive statistics for the Exposed and Non-exposed treatments

	Exposed			Non exposed		
	Mean treated	Mean control	p value	Mean treated	Mean control	p value
Low income	0.370	0.271	< 0.001	0.367	0.372	0.74
Female	0.528	0.481	< 0.001	0.542	0.491	< 0.001
Age (in months)	91.522	91.604	0.89	91.503	91.469	0.95
Urban	0.787	0.832	< 0.001	0.773	0.503	< 0.001
Black/African-American	0.252	0.190	< 0.001	0.264	0.218	< 0.001
Hispanic/Latino	0.059	0.056	0.68	0.077	0.089	0.18
Native	0.003	0.004	0.43	0.003	0.004	0.56
Spanish language	0.048	0.045	0.59	0.063	0.074	0.19
Free lunch	0.454	0.289	< 0.001	0.495	0.433	< 0.001
Reduced lunch	0.106	0.091	0.09	0.089	0.103	0.14
% no vehicle	0.071	0.054	< 0.001	0.067	0.070	0.25
% public transport	0.006	0.004	0.01	0.007	0.005	< 0.001
% high school	0.338	0.320	< 0.001	0.354	0.370	< 0.001
% some college	0.274	0.276	0.46	0.271	0.270	0.65
% more than college	0.201	0.248	< 0.001	0.178	0.157	< 0.001
% Hispanic/Latino	0.059	0.047	< 0.001	0.068	0.064	0.27
% Black/African-American	0.202	0.160	< 0.001	0.180	0.175	0.53
% single-parent families	0.288	0.234	< 0.001	0.276	0.270	0.40
% income below poverty	0.182	0.151	< 0.001	0.183	0.186	0.50
Median income (in thousands of \$)	40.839	48.642	< 0.001	40.930	40.133	0.09
% working mother	0.272	0.225	< 0.001	0.268	0.254	0.08
Median home value (in thousands of \$)	104.57	127.67	< 0.001	100.56	97.03	0.01
Median age of residential housing stock	1979.20	1981.10	< 0.001	1978.80	1978.80	0.98
% vacant residential units	0.116	0.114	0.56	0.132	0.122	< 0.001

Notes: p-value is the p-value from a t-test of equality of means between treated and control

Competing interests

The authors declare that they have no competing interests.

Authors' contributions

ACD, RMN, HJR, MRT conceived of the study, and participated in its design. ACD, RMN, MRT carried out the econometric analysis. ACD, RMN, HJR, MRT drafted the manuscript. All authors read and approved the final manuscript.

Acknowledgements

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4 Reasons Shopping at Dollar Stores Costs More

TOBIAS SAMUEL ([HTTP://MONEYNATION.COM/AUTHOR/TOBIAS/](http://moneynation.com/author/tobias/)) x MAY 8, 2015

[SAVING \(HTTP://MONEYNATION.COM/SAVING/\)](http://moneynation.com/saving/)

Dollar stores are everywhere, which makes them an easy place to shop. They promise cheap. And they often do have lots of cheap stuff. But that doesn't mean that they won't cost people struggling to make ends meet more in the long run. Here are four reasons shopping at a dollar store actually costs struggling consumers more.

1. Dollar stores might not actually have the cheapest price

(http://i2.wp.com/moneynation.com/wp-content/uploads/2015/05/shutterstock_247587535.jpg) Quite often struggling shoppers don't realize the prices at a dollar store aren't the lowest around. Dollar stores count on the proliferation of cheaper items filling the store to create an impression that everything is cheap. But those same items at other stores may be the same price or even cheaper, it's just that a regular store might have a wider set of items for sale.

That \$1 bottle of off-brand soda might actually be 80 cents at a regular grocery store. Dollar stores are known for higher prices on items like soda, canned goods and pasta. All things that are fairly common staples among people trying to make every calorie count. It takes time to comparison shop and shoppers with little money and long hours might not have time to do that. That puts them at an information disadvantage that dollar stores count on.



2. Cheap build quality



http://i2.wp.com/moneynation.com/wp-content/uploads/2015/05/shutterstock_1130096.jpg A set of chairs or a book shelf at a dollar store will be an inexpensive purchase compared to something

snagged at a furniture store. But the cheap nature of the materials inside mean the item will need to be replaced sooner. The constant need to replace cheap items in the long run costs more. Items often come without warranties or the backing of companies that support the quality of the item built.

3. Limited choices

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[content/uploads/2015/05/shutterstock_169060700.jpg](http://i0.wp.com/moneynation.com/wp-content/uploads/2015/05/shutterstock_169060700.jpg) Unlike a big retail box store, the neighborhood dollar store has a limited selection of items. If a consumer needs something specific to feed or clothe their family there's a chance a dollar store may not have it. That forces disadvantaged consumers to spend time looking around cheaper stores for that item to see if they can still find it, before looking at more expensive locations. That eats up time, something that people who make less often have to 'spend' as they might not have the money.

Dollar stores tend to have processed food that lasts on their shelves. Lots of sugar, lots of refined carbs. Some frozen food. All of this adds up to a limited selection that might not be all that healthy. There aren't bananas for sale at the dollar store, or oranges. That adds to unhealthy diets, which adds to health expenses and issues further on down the roads. A secret tax on those who make the dollar store their main avenue for food, particularly if the dollar store is the only store in their neighborhood.

4. Dollar stores take money out of the community

Almost half of every dollar that is spent at a local business stays in that community, moving along to other local businesses and keeping jobs and investment local. Non-local businesses suck money out of a community and only leave about 14% of the money behind (they do have to hire some local workers, after all). While shopping at a dollar store doesn't lift money directly out of pockets, in the long term, it reduces local investment. That has secondary effects in the long term, as without local business getting local dollars, they eventually die. This reduces the number of jobs in an area, which reduces the amount of money available, and contributes to a decaying spiral.

There are clearly some things that are obviously cheaper at a dollar store. They make sense to buy. Particularly seasonal items on sale that are out of season. But the benefit goes to shoppers who have the time to comparison shop and know for sure that they are saving. Shoppers with time and patience. Things disadvantaged shoppers don't have. Obviously shoppers who desperately need to save money can't be faulted for trying their best to save. But it's easy to see how these factors that dollar stores

depend on to make good money back at corporate headquarters further disadvantage both the communities they're in and the people who need to shop there, all for the benefit of companies that are based elsewhere.

Sources:

The High Price of Cheap Clothes – [Ecopreneurist \(http://ecopreneurist.com/2011/05/23/the-high-price-of-cheap-clothes/\)](http://ecopreneurist.com/2011/05/23/the-high-price-of-cheap-clothes/)

10 Items That Are More Expensive at the Dollar Store – [BargainBabe.com \(http://bargainbabe.com/10-items-expensive-dollar-store/\)](http://bargainbabe.com/10-items-expensive-dollar-store/)

The High Cost of Poverty – [Washington Post \(http://www.washingtonpost.com/wp-dyn/content/article/2009/05/17/AR2009051702053.html?sid=ST20090518011621\)](http://www.washingtonpost.com/wp-dyn/content/article/2009/05/17/AR2009051702053.html?sid=ST20090518011621)

Shopping Local vs Shopping Locally – [Forbes.com \(http://www.forbes.com/sites/moneybuilder/2011/12/13/shopping-local-vs-shopping-locally/\)](http://www.forbes.com/sites/moneybuilder/2011/12/13/shopping-local-vs-shopping-locally/)

Related

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In "Cost Savings"

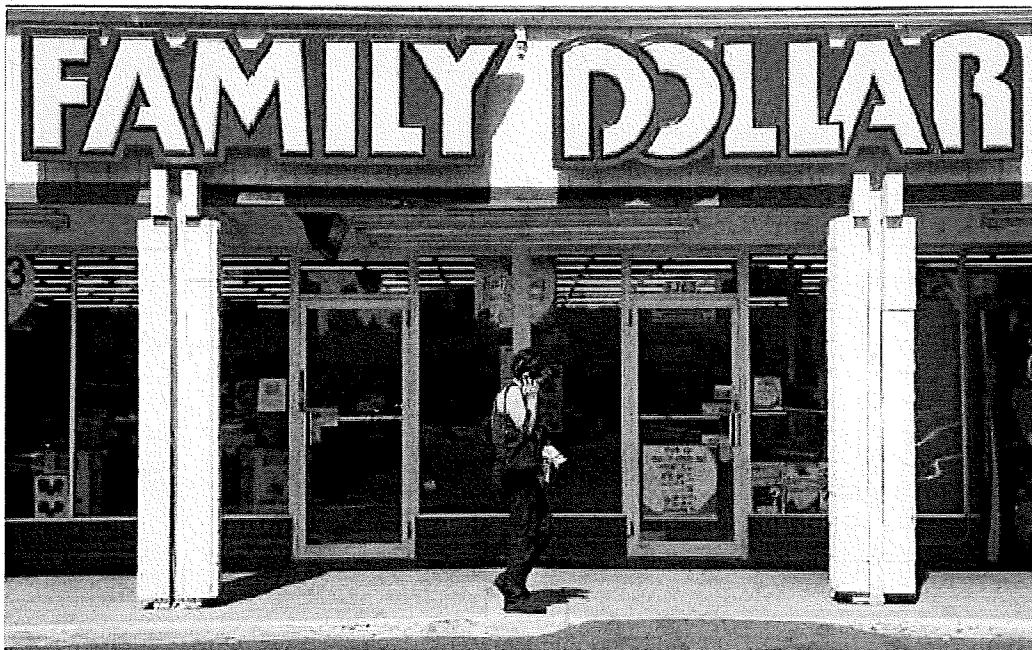
From The Atlantic

CITYLAB

What Dollar Store Locations Reveal About America

Surprising data on who's shopping at the discount chains.

RICHARD FLORIDA | [@Richard_Florida](#) | Feb 7, 2012 | [24 Comments](#)



Reuters

"We are awakening to a dollar-store economy," proclaimed *The New York Times Magazine* this past summer.

Long popular among the poor, the Great Recession has been a boon to dollar stores, bringing in a whole new wave of customers. "Same-store sales, a key measure of a retailer's health, spiked at the three large, publicly traded chains

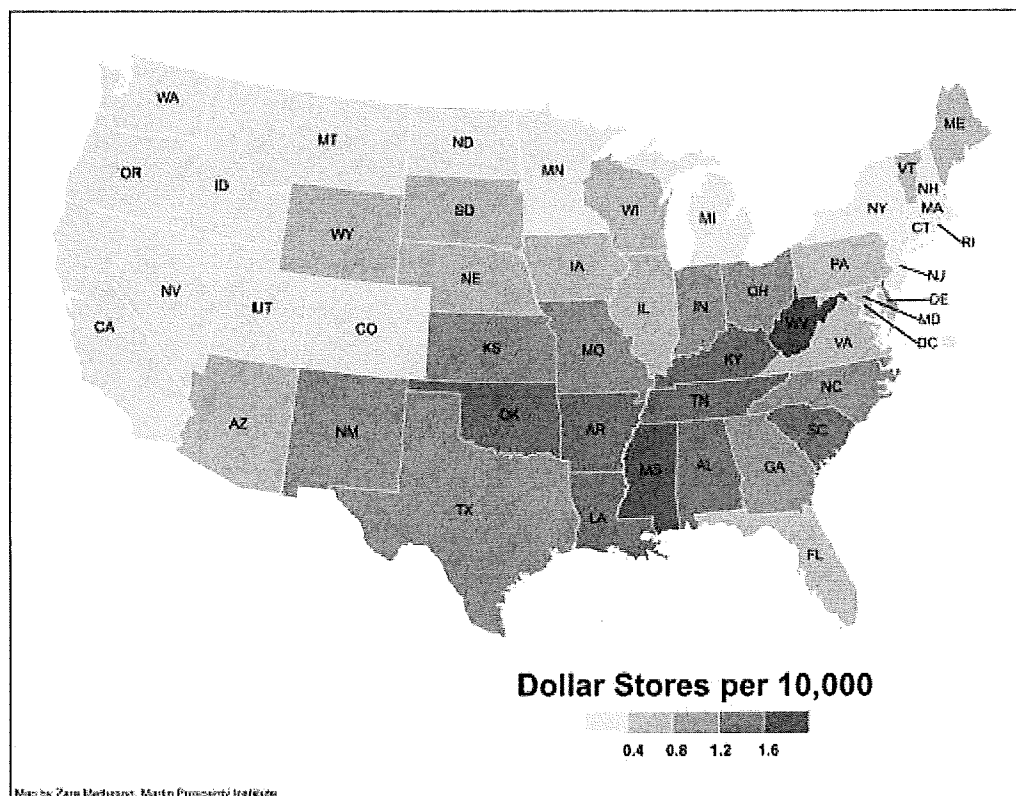
in this year's first quarter - all were up by at least 5 percent," the *Times* article noted.

Dollar stores have been proliferating in cities in recent years. A couple of weeks ago, Dollar General announced plans to create 6,000 new jobs and build 625 new stores; Family Dollar will open 300 new branches.

It's not poverty that's driving the boom, but anxiety. Though 42 percent of the stores' customer base earns less than \$30,000 per year, Dollar General notes that 22 percent earn \$70,000 or more. Much has been written about how post-crash consumers are dialing back their spending, paying down their debts and increasing their savings - a "new normal" in which conspicuous frugality replaces conspicuous consumption.

But what of the geography of dollar stores: What does their location tell us about the evolving economic geography and the geographic disparities at work across America?

MPI alum and UCLA urban planning graduate student Patrick Adler has been assembling data on the geography of dollar-stores for some time, collecting and collating information on the number of chain dollar-stores across the continental United States and tracking their density on a per population basis. The data below comes originally from a Colliers report on the dollar-store economy.

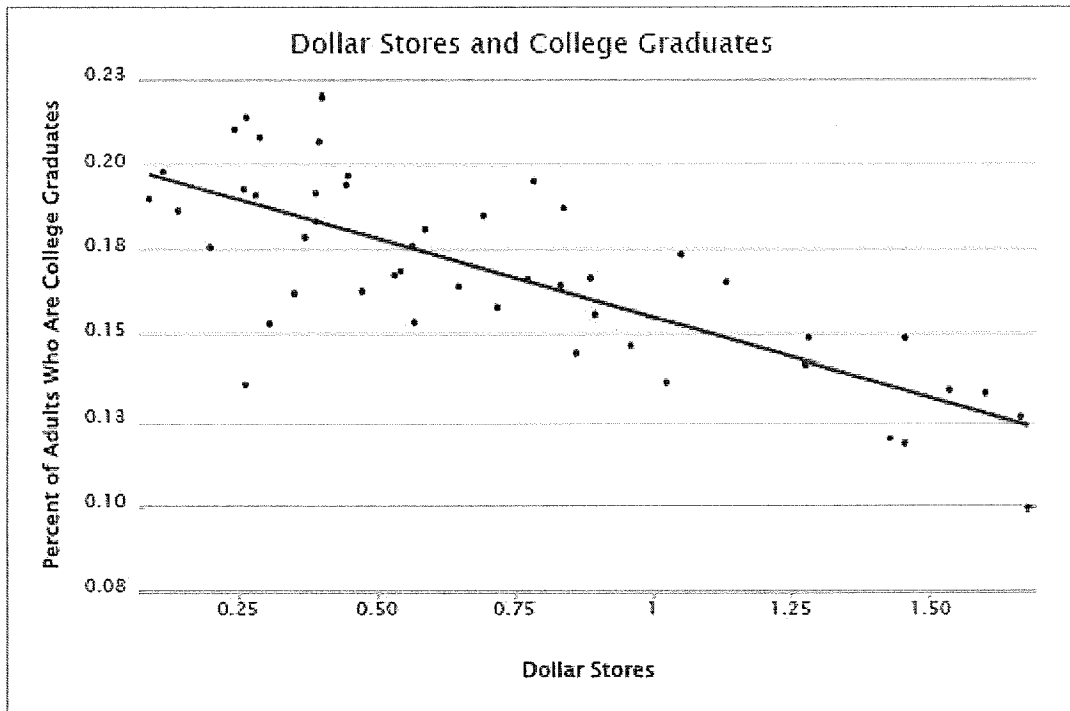


The map above by MPI's Zara Matheson shows the distribution of dollar stores per 10,000 people. West Virginia, Mississippi, Alabama and Louisiana have the largest concentrations of dollar stores.* Indeed, something like a "dollar store belt" can be discerned, stretching from Ohio and Indiana in the north, through Kentucky and Tennessee to the Gulf Coast.

What conditions do their locations reflect? To get a better sense of this, my colleague Charlotta Mellander ran correlations against a variety of economic and demographic factors. Correlation, of course, is not causation. Though the associations she found are highly suggestive, other factors we didn't consider might be equally or more important. That said, the geography of the dollar store economy provides a powerful lens into the fault lines of income, class and race.

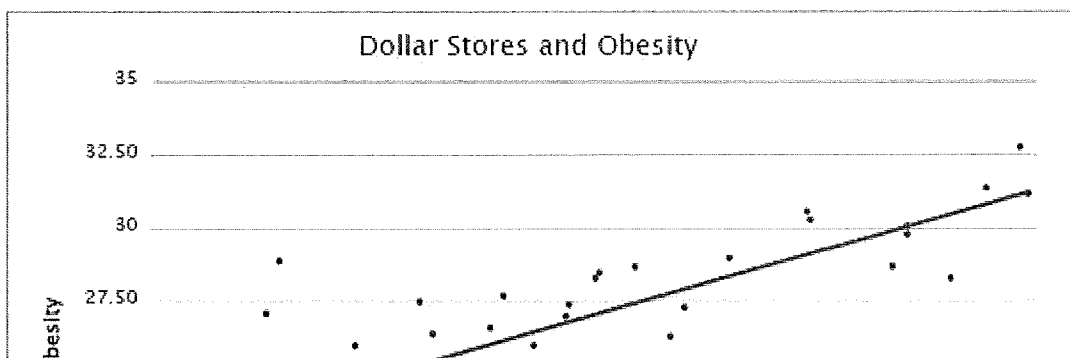
Let's start with class. Dollar stores may be increasing their share of high-income customers, but they are overwhelmingly concentrated in low income

states. The correlation between dollar stores and median income is significant and negative (-.57). The correlation between dollar stores and the poverty rate is .41. They are concentrated in blue-collar working class states (.68).



Dollar stores are concentrated in states with lower levels of education or human capital. The correlation is again significant and negative, even greater than for income (-.77).

The geography of dollar stores also tracks to the country's political divide. Dollar stores are positively correlated with the share of voters who backed McCain (.52) and negatively associated with Obama voters (-.47).



Obesity, smoking and crime also come into the picture. They are positively associated with the percentage of adults whose body mass index is greater than 30 (.72) and the percentage that smoke (.6). Dollar stores states are also positively associated with property crime (.34), especially burglary (.54), and violent crime (.3), especially murder and manslaughter (.49).

The geography of dollar stores also reflects overall living standards and levels of happiness or subjective well-being. Not surprisingly, states with more dollar-stores have lower levels of each (with a correlation of $-.32$ for living standards and $-.56$ to happiness).



Religion too plays a role. Dollar stores are positively and significantly associated with the percent of people who say religion plays an important role in their daily life (.71).

The geography of dollar stores follows the same cleavages of income, class and race that are increasingly dividing Americans. Though some affluent shoppers might enjoy searching for bargains in their cluttered aisles, dollar stores are overwhelmingly the retail choice of the economically left behind.

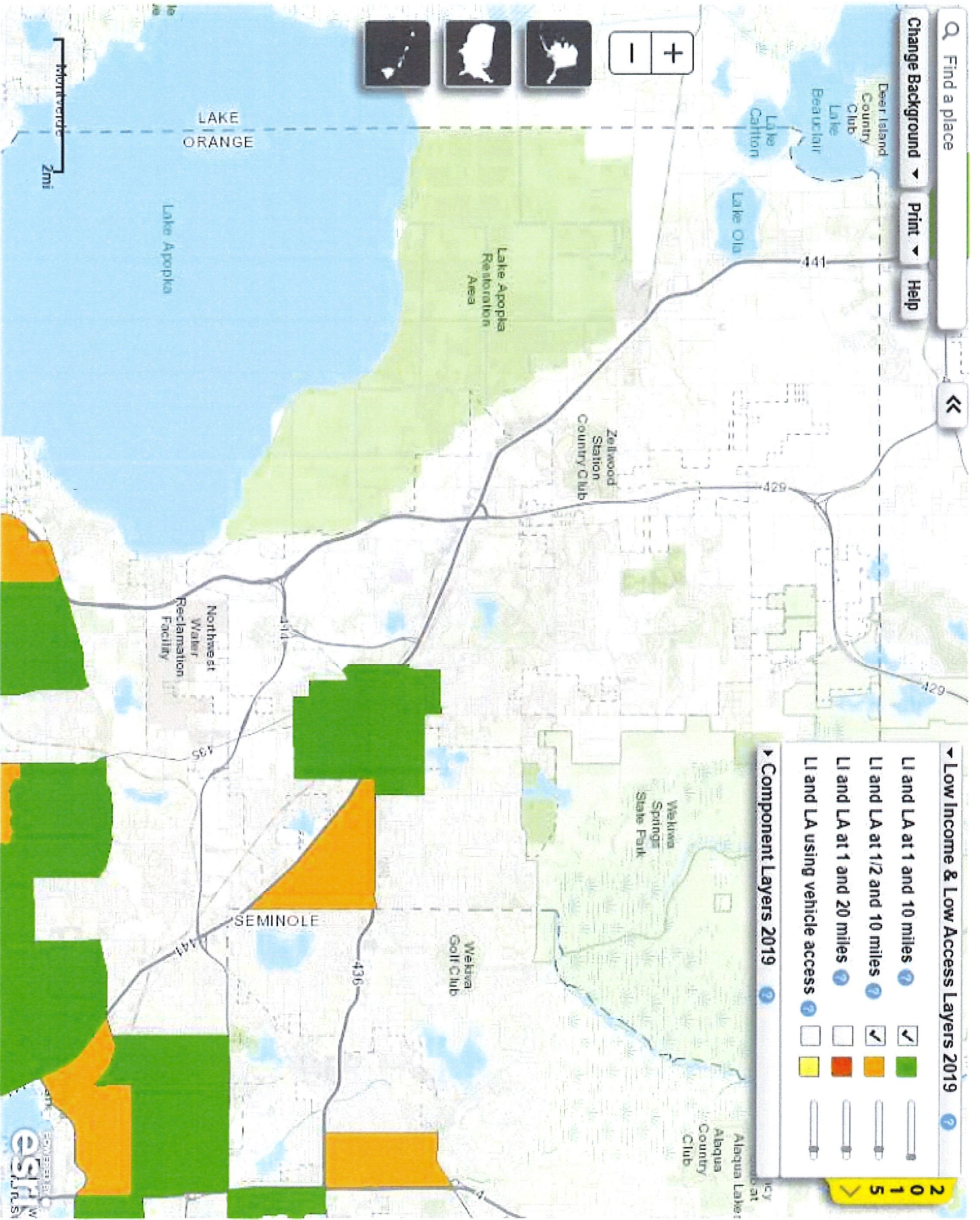
** An earlier version of this article listed Virginia, not West Virginia.*

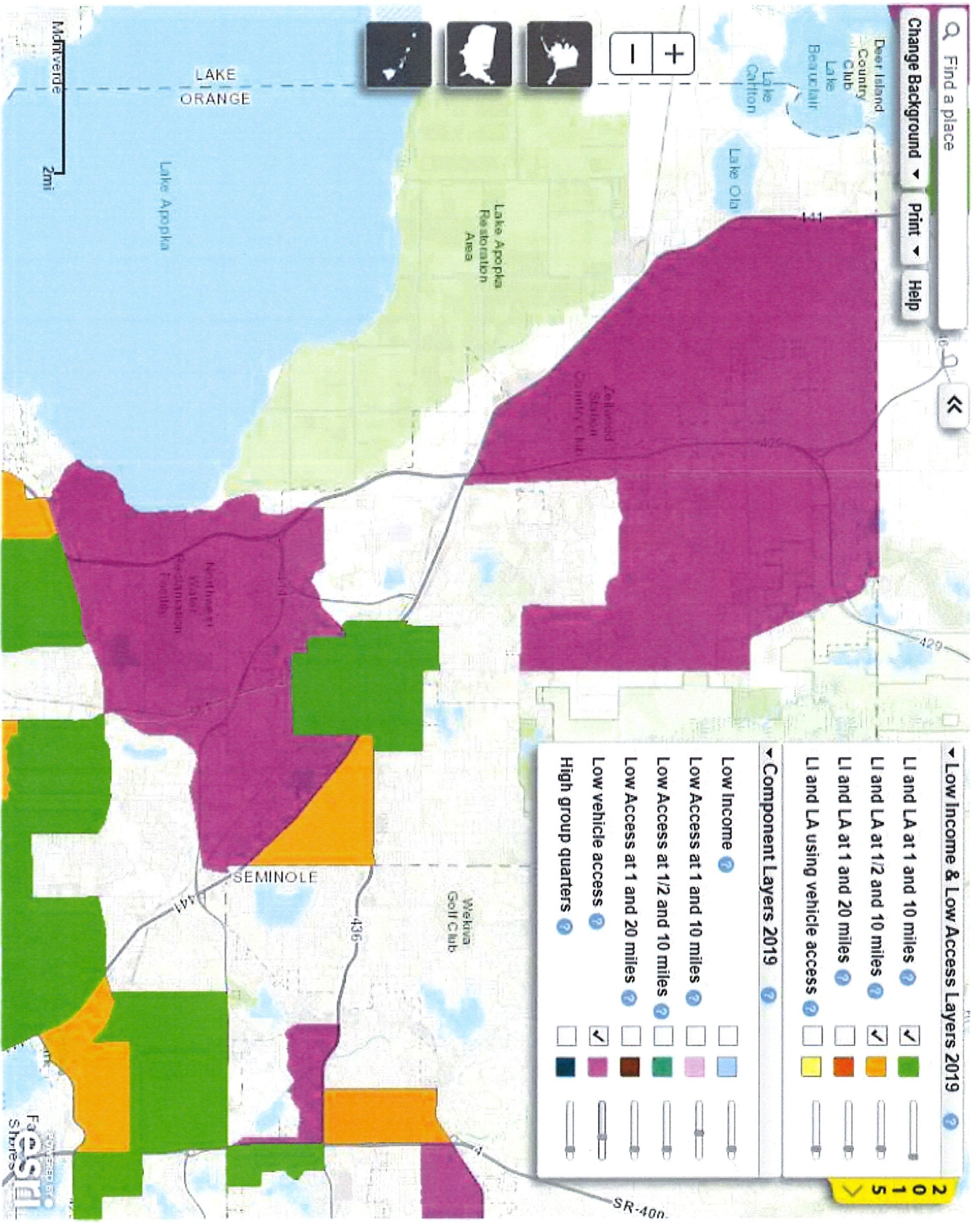
About the Author



Richard Florida is the co-founder and editor at large of *CityLab* and a senior editor at *The Atlantic*. He is the director of the Martin Prosperity Institute at the University of Toronto and a professor of global research at New York University. [MORE](#)

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Find a place

Change Background Print Help



Low Income & Low Access Layers 2019

LI and LA at 1 and 10 miles

LI and LA at 1 1/2 and 10 miles

LI and LA at 1 and 20 miles

LI and LA using vehicle access

Component Layers 2019

Low Income

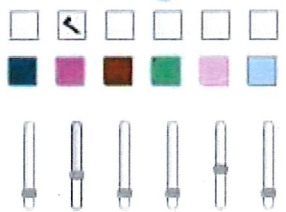
Low Access at 1 and 10 miles

Low Access at 1 1/2 and 10 miles

Low Access at 1 and 20 miles

Low vehicle access

High group quarters



ORDINANCE NO. 2884

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF APOPKA BY AMENDING PART III – LAND DEVELOPMENT CODE, ARTICLE 4 USE REGULATIONS, SECTION 4.2 PRINCIPAL USES, SUBSECTION 4.4.2 PRINCIPAL USE TABLE TO ADD SMALL BOX DISCOUNT STORES AS A SPECIAL EXCEPTION USE; BY AMENDING PART III, SECTION 4.2, SUBSECTION 4.2.3 STANDARDS SPECIFIC TO PRINCIPAL USES TO ADD STANDARDS FOR SMALL BOX DISCOUNT STORES; BY AMENDING PART III, ARTICLE 10 – DEFINITIONS AND RULES OF MEASUREMENT, SECTION 10.4 DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a significant number of Small Box Discount Stores are already in operation in the City of Apopka;

WHEREAS, many of the Small Box Discount Stores are currently in operation in close proximity to one another;

WHEREAS, Small Box Discount Store structures are difficult to repurpose after the store closes and can become a blight on the community;

WHEREAS, there is a tendency for Small Box Discount Stores to proliferate in low-income areas;

WHEREAS, there is a correlation between negative health indicators and the presence of Small Box Discount Stores in communities;

WHEREAS, it is recognized that Small Box Discount Stores may be the only convenient source of food and dry goods for people in communities underserved by traditional grocery stores;

WHEREAS, it is necessary to continue to allow the presence of Small Box Discount Stores, but to regulate them;

WHEREAS, such regulations are necessary to preserve property values, prevent blight, and protect the health and welfare of the citizens of the City of Apopka; and

WHEREAS, such regulations will promote the efficient use of land and resources in the City of Apopka.

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

(Words in ~~strike through~~ type are deletions; words in underscore type are additions; and * * * * indicate an omission from the existing text which is intended to remain unchanged.)

SECTION I: Article 4, Section 4.2.2., Land Development Code, Code of Ordinances, City of Apopka is hereby amended to read:

4.2.2. Principal Use Table

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4 C. Principal Use Table
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TABLE 4.2.2.C: PRINCIPAL USE TABLE

P = PERMITTED USE

A= ALLOWED USE IN A PD DISTRICT IF APPROVED AS PART OF PD PLAN

S=ALLOWED WITH APPROVAL OF SPECIAL EXCEPTION

BLANK CELL = USE IS PROHIBITED

Principal Use Category	Principal Use Type	Agricultural & Transitional Districts		Residential Districts							Commercial Districts					Industrial Districts		Special Purpose Districts							Planned Development District	Use-Specific Standard		
		AG	T	RCE	RSF-1A	RSF-1B	RTF	RMF	RMU	MHP	C-N	C-C	O	C-COR	C-R	I-L	I-H	MU-D	MU-ES				INST	PR	AIR		PD	
																			NM	GT	RTE							
* * * *																												
Commercial																												
* * * *																												
Retail Sales and Service Uses	Alcoholic beverage establishments	See alcoholic beverage establishments under Eating or Drinking Establishment Uses																									4.2.3.E.6.a	
	Bank or other financial institution								P		P	P	S	P	P	P		P	P	P	P					A	4.2.3.E.6.b	
	Check cashing business													P	P			P	P	P	P						0	
	Consumer goods establishment								P		S	P		P	P			P	P	P	P					A		
	Drug store or pharmacy								P		P	P		P	P			P	P	P	P					A		
	Farmers’ market	P							P		S	P		P	P			P	P	P	P					A	4.2.3.E.6.d	
	Flea market															S	S	S				S				A	4.2.3.E.6.e	
	Grocery store and food market								P		P	P		P	P			S	P	P	P					A		
	Small box discount store													<u>S</u>	<u>S</u>	<u>S</u>										<u>A</u>	<u>4.2.3.E.6.f</u>	
* * * *																												

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

1 **SECTION II.** Article 4, Section 4.2.3., Land Development Code, Code of Ordinances, City of
2 Apopka is hereby amended to read as follows:

3
4 **E. Commercial Uses**

5
6 * * * *

7
8 **6. Retail Sales and Service Uses**

9
10 * * * *

11
12 **f. Small box discount store**

- 13
14 1. No small box discount store shall be located within ten thousand five hundred sixty
15 (10,560) feet of any other small box discount store or within two hundred (200) feet of any
16 property used primarily for a single-family residence, a two-family residence, a townhome,
17 or any apartment building. The separation distances shall be measured from property line
18 to property line. This separation provision shall not apply to any small box discount store
19 that can demonstrate to the city that they were in operation at their location prior to the
20 effective date of this section, and that they have operated continuously under the same
21 business name since that time.
- 22
23 2. All non-residential design standards, as enumerated in the Section 5.7, Development
24 Design Guidelines, must be met including, but not limited to, the creation of quality
25 development with respect to site planning, architectural design, and landscaping. Small
26 box discount store uses in industrial districts shall be subject to non-residential design
27 standards.

28
29
30 **SECTION III.** Article 10, Section 10.4, Land Development Code, Code of Ordinances, City of
31 Apopka is hereby amended to read as follows:

32
33 **10.4. – Definitions**

34
35 * * * *

36
37 **Small box discount store.** A retail store less than fifteen thousand (15,000 sf) square feet that sells
38 directly to consumers a limited assortment of physical goods, products, or merchandise, personal grooming
39 and health products, household goods, and other consumer products, including food or beverages for off-
40 premise consumption, most of which are sold for Ten (\$10.00) Dollars or less, and that does not dedicate
41 at least fifteen (15%) percent of shelf space to fresh food and produce. Small box discount stores do not
42 include stores that dedicate less than five (5%) percent of shelf space to food sales, sell gasoline or diesel
43 fuel, or contain a prescription pharmacy.

44
45 * * * *

46
47 **SECTION IV. AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance shall
48 be included and incorporated into the Code of Ordinances of the City of Apopka, as additions or
49 amendments thereto

50
51 **SECTION V. SEVERABILITY.** Should any word, phrase, sentence, subsection or section be held
52 by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word,

1 phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases,
2 sentences, subsections, or sections shall remain in full force and effect.
3

4 **SECTION VI. CONFLICTING ORDINANCES.** All ordinances or part thereof, in conflict
5 herewith are, to the extent of such conflict, repealed.
6

7 **SECTION VII. EFFECTIVE DATE.** That this ordinance and the rules, regulations, provisions,
8 requirements, orders and matters established and adopted hereby shall take effect and be in full force and
9 effect immediately upon its passage and adoption.
10

11 **PASSED UPON** at the first reading of the City Council, this ____ day of _____, 2021.
12

13 **PASSED UPON** at the second and final reading of the City Council, this ____ day of _____, 2021.
14
15
16
17
18
19

20 **ATTEST:**

BRYAN NELSON
Mayor

21
22
23 _____
24 **SUSAN M. BONE**
25 City Clerk
26
27

28 APPROVED as to legal sufficiency and form:
29
30

31 _____
32 **MICHAEL A. RODRÍGUEZ**
33 City Attorney
34
35

36 DULY ADVERTISED FOR PUBLIC HEARING:
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City of Apopka

PLANNING COMMISSION STAFF REPORT

Type of Form: Public Hearing/Ordinances/Resolution

Meeting Date: November 9, 2021

Department: Community Development

SUBJECT: Change of Zoning – Natura Vista

REQUEST:

Change of Zoning – Natura Vista - from T (Transitional District) to MU-ES-GT (Mixed-Use East Shore-Gateway Subdistrict)

SUMMARY:

Owner:	Natura Vista, LLC
Applicant:	Natura Vista, LLC
Parcel ID Numbers:	35-20-27-0000-00-038 and 35-20-27-0000-00-046
Location:	South of Wilkins Street and East of West Orange Blossom Trail
Future Land Use:	Mixed Use
Existing Use:	Vacant
Current Zoning:	T (Transitional District)
Proposed Zoning:	MU-ES-GT (Mixed-Use-East Shore – Gateway Subdistrict)
Tract Size:	3.05 ± acres
Maximum Allowable Development:	Existing: 1 Dwelling Unit Proposed: 45 Dwelling Units or 132,858 non-residential square feet.

Zoning Report

This chart includes the relationships to adjacent properties.

Direction	Future Land Use	Zoning	Present Use
North	City Commercial and County Rural	City Transitional and County Citrus Rural District	Wilkins Street, Single Family Homes
East	County Rural	County Citrus Rural District	Single-Family Home
South	Mixed Use	Planned Development	Vacant
West	Industrial	Orlando Apopka Airport District	W. Orange Blossom Trail and Orlando Apopka Airport

PROJECT SUMMARY: The subject properties were annexed into the City on April 20, 2005 and May 16, 2007 by Ordinance Numbers 1754 and 1934, respectively. The subject properties are approximately 3.05 acres. The proposed MU-ES-GT (Mixed Use East Shore Gateway Subdistrict) zoning is compatible with the existing Mixed Use Future Land Use. The applicant has expressed interest in developing multi-family apartments on the subject properties.

COMPREHENSIVE PLAN COMPLIANCE: The proposed MU-ES-GT (Mixed Use East Shore Gateway Subdistrict) zoning is consistent with the existing Mixed Use (15 dwelling unit per acre/Maximum 1.0 Floor Area Ratio) Future Land Use Designation. Site development cannot exceed the intensity allowed by policies in the Comprehensive Plan.

Future Land Use Element

1. Policy 3.1.r

The primary intent of the Mixed-Use land use category is to allow a mixture of residential, office, commercial, industrial, recreation, institutional and public facilities uses to serve the residential and non-residential needs of special areas of the City. The mix of land uses may occur on a single parcel or multiple parcels in the form of: a permitted single use; a vertical combination of different permitted uses; or a horizontal mix of different permitted uses. The intensity of development within the mixed-use land use categories will vary depending on location and surrounding uses. Transit-oriented design elements shall be encouraged to promote multiple modes of transportation in the mixed-use categories.

SCHOOL CAPACITY REPORT: Orange County Public Schools (OCPS) has indicated that capacity for the proposed development is not available at the high school level and is deficient with 3.76 seats at the high school level. The location is served by the following schools: Zellwood Elementary, Wolf Lake Middle, and Apopka High School.

ORANGE COUNTY NOTIFICATION: The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on September 29, 2021.

PUBLIC HEARING SCHEDULE:

November 9, 2021 – Planning Commission (5:30 pm)

December 1, 2021 – City Council (1:30 pm) – 1st Reading

December 15, 2021 – City Council (7:00 pm) – 2nd Reading and Adoption

DULY ADVERTISED:

October 22, 2021 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDED ACTION:

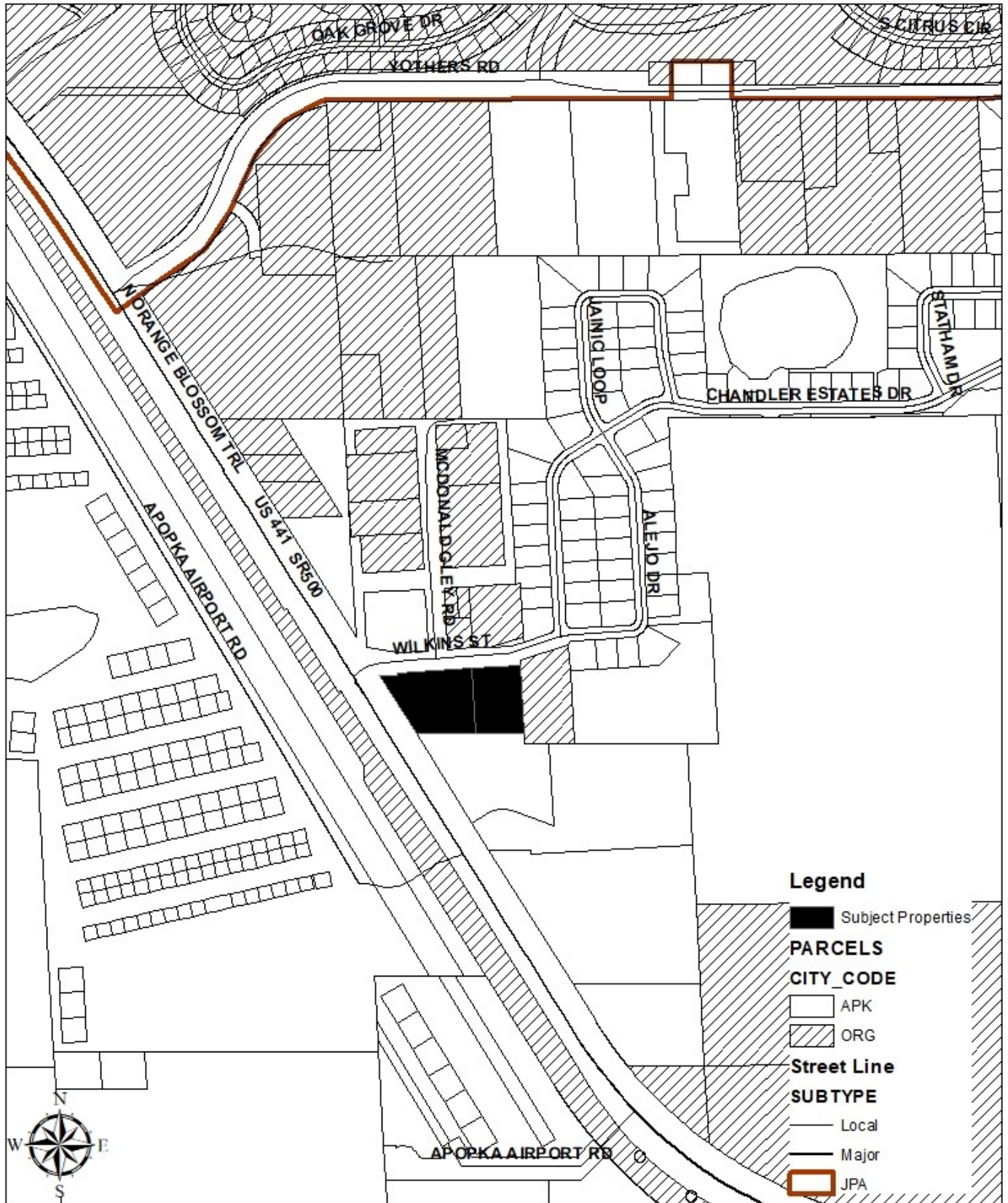
Development Review Committee: Finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from T (Transitional District) to MU-ES-GT (Mixed-Use East Shore-Gateway Subdistrict) for the property owned by Natura Vista, LLC, located south of Wilkins Street and east of West Orange Blossom Trail.

Planning Commission: Find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommend approval of the proposed Change of Zoning from T (Transitional District) to MU-ES-GT (Mixed-Use East Shore-Gateway Subdistrict) for the property owned by Natura Vista, LLC, located south of Wilkins Street and east of West Orange Blossom Trail.

ATTACHMENTS:

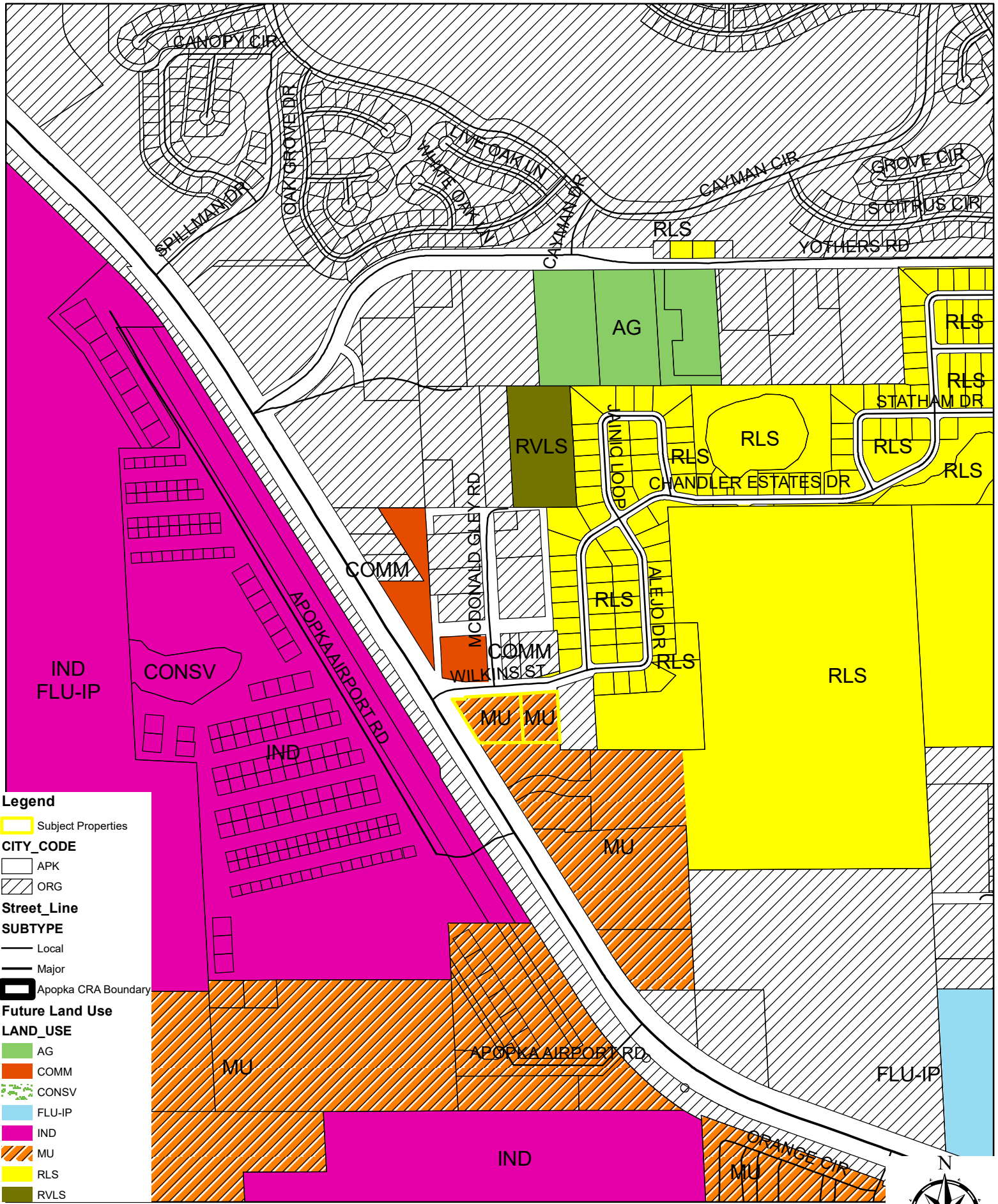
- Vicinity Map (PDF)
- Future Land Use Map (PDF)
- Zoning Map (PDF)
- Aerial Map (PDF)
- Capacity Determination Letter (PDF)

Vicinity Map

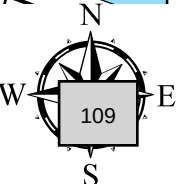


(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

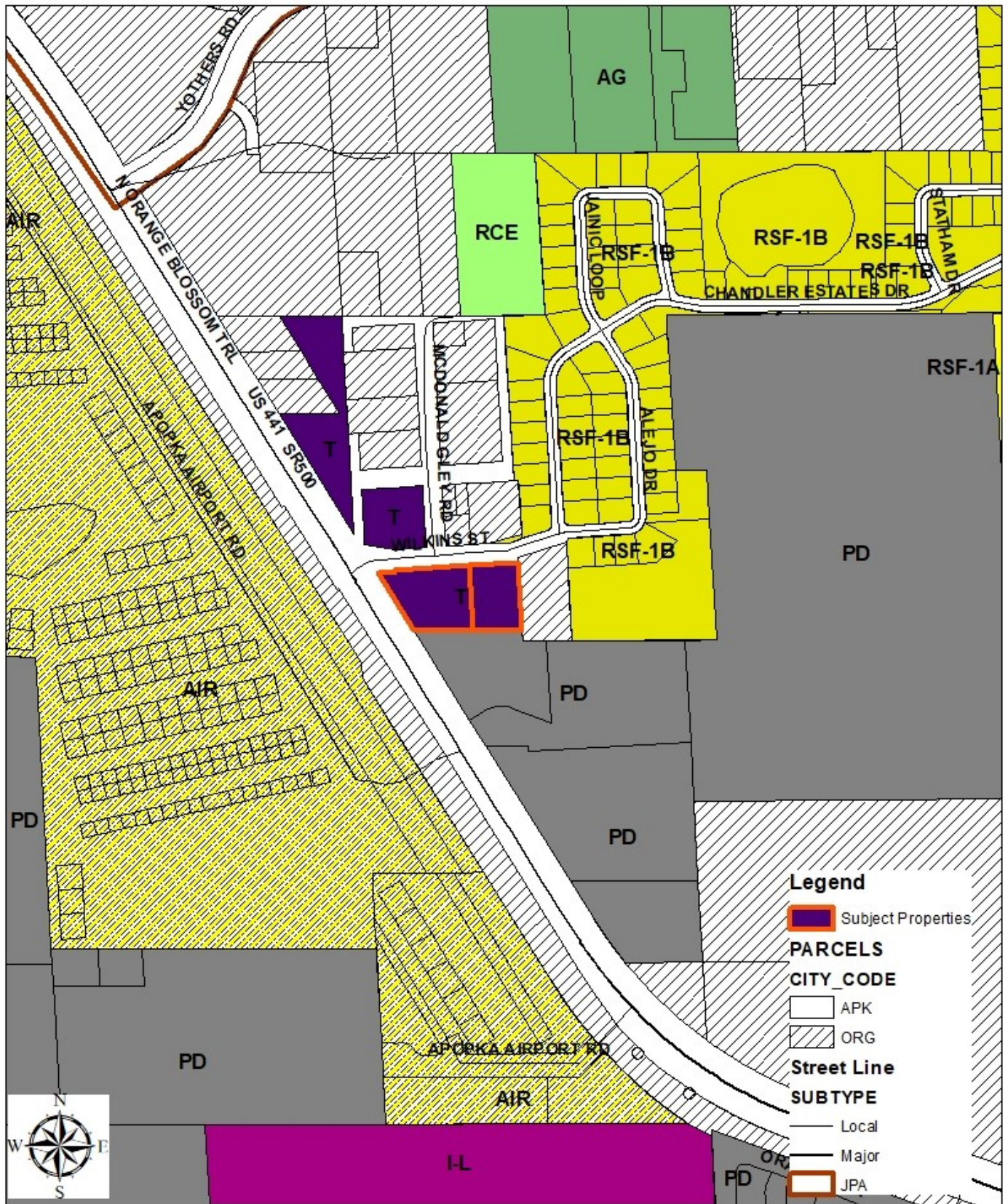
Future Land Use Map



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

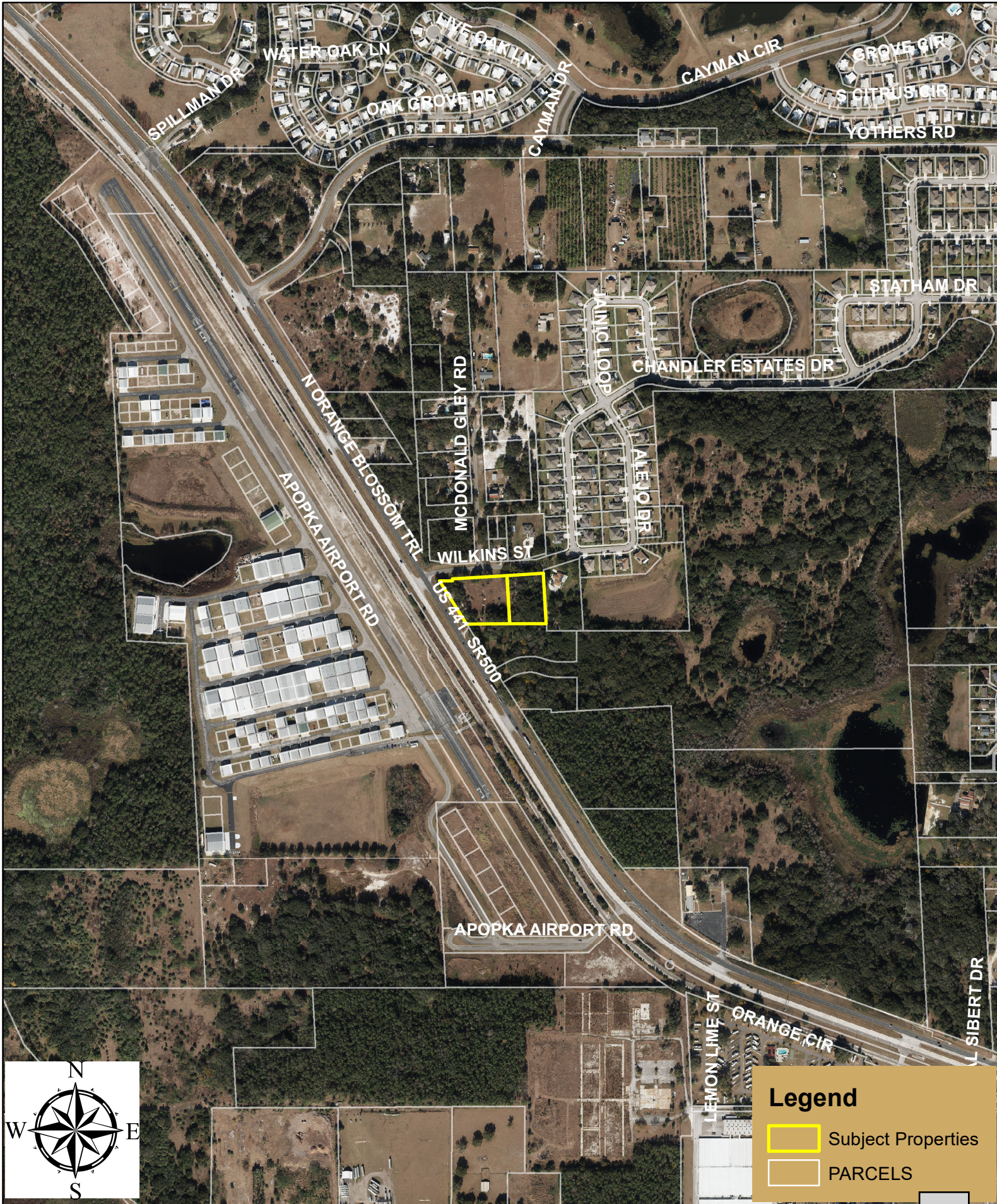


Zoning Map



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Aerial Map





Orange County Public Schools

6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

October 14, 2021

VIA E-MAIL: JEQUIVEST@GMAIL.COM

Kim Fischer
Natura Vista
1101 N Lake Destina Road
Suite 250
Maitland, FL 32751

Application: APK-21-029 Wilkins Apartments

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

Type of Development Application	☐ FLUM ☒ Rezoning ☐ Amendment or Extension
Development Application #:	TBD
Project Name:	Wilkins Apartments
OCPS Completed Application Date:	October 11, 2021
Parcel #(s):	35-20-27-0000-00-038; 35-20-27-0000-00-046
Requested New Units (#):	SF: 0 MF: 47 TH: 0
Vested Unit(s):	SF: 0 MF: 1 TH: 0
Total Project Units:	48
School Board District:	# 7

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency ("Interlocal Agreement"), a detailed Capacity Analysis is provided in **Attachment A**.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Zellwood ES	Wolf Lake ES	Apopka HS
Jurisdictional Analysis	N/A	N/A	Apopka - 62.6% Orange County - 37.4%

Given the above analysis, this project meets the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from the City of Apopka.

This determination expires on April 10, 2022. OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from the City by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

This determination is governed by the Interlocal Agreement, the provisions of the City of Apopka's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Christopher Mills'.

Christopher Mills, AICP
Administrator, Facilities Planning

VJ/cm

Attachments – Attachment A: Detailed Capacity Analysis

CC: Bobby Howell, City of Apopka (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File

Attachment A



School Capacity Determination

User ID VSJ

October 12, 2021

13:59:56

Project ID: CEA – APK – 21 – 029

Valid Until: April 10, 2022

Project Name:		WILKINS APARTMENTS		
Unvested Units	Single Family Units:	0	Single Family Units:	0
	Multi Family Units:	47	Multi Family Units:	1
	Multi Family High Rise Units:	0	Multi Family High Rise Units:	0
	Town Homes Units:	0	Town Homes Units:	0
	Mobile Home Units:	0	Mobile Home Units:	0
		Vested Units		

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	BB		
	School:	ZELLWOOD ES	WOLF LAKE MS	APOPKA HS
	Analysis of Existing Conditions			
	School Capacity (2019-2020)	623	1,150	3,232
	Enrollment (2019-2020)	598	1,451	3,422
	Utilization (2019-2020)	96.0%	126.0%	106.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	87	0	0
	Analysis of Reserved Capacity			
	School Level	Elementary	Middle	
	Encumbered Capacity	47	189	0
	Reserved Capacity	78	75	52
	Adjusted Utilization	116.1%	149.1%	107.5%
	Adjusted Available Seats	0	0	0
	Analysis of Proposed Development			
	Students Generated	6.627	3.055	3.760
	Adjusted Utilization	117.1%	149.4%	107.6%
	AVAILABLE/NOT AVAILABLE	NOT AVAILABLE*	NOT AVAILABLE*	NOT AVAILABLE
	Number of Seats to Mitigate	6.627	3.055	3.760

ZELLWOOD ES	*AVAILABLE – SCHEDULED FOR RELIEF IN 2022.
WOLF LAKE MS	*AVAILABLE – SCHEDULED FOR RELIEF IN 2022.
APOPKA HS	



City of Apopka

PLANNING COMMISSION STAFF REPORT

Type of Form: Public Hearing/Ordinances/Resolution

Meeting Date: November 9, 2021

Department: Community Development

SUBJECT:

Change of Zoning – Acuera Estates

REQUEST:

Change of Zoning – Acuera Estates - from T (Transitional District) and PD (Planned Development) to RSF-1B (Residential Single-Family-Large-Lot District)

SUMMARY:

Owner: Ever Meadow, LLC, Village of Fame, LLC
Applicant: Cory N. Sitler, P.E., Kimley-Horn & Associates, Inc.
Parcel Identification Numbers: 18-20-28-0000-00-117 and 18-20-28-0000-00-089
Location: East side of Tigris Drive and west of Jason Dwelley Parkway
Future Land Use: Residential Very Low Suburban (maximum two dwelling units per acre)
Existing Use: Vacant
Current Zoning: PD (Planned Development) and RSF-1A (Residential Single-Family – Estate District)
Proposed Zoning: RSF-1B (Residential Single-Family-Large-Lot District)
Tract Size: 38.62 ± acres

Zoning Report

This chart includes the relationships to adjacent properties.

Direction	Future Land Use	Zoning	Present Use
North	Residential Very Low Suburban	RSF-1A (Residential Single-Family – Estate District)	Single-family residences
East	Residential Estates	PD (Planned Development)	Rock Springs Ridge subdivision
South	Residential Very Low Suburban	T (Transitional District)	Single-family residence
West	Residential Very Low Suburban	PD (Planned Development)	Orchid Estates subdivision

PROJECT SUMMARY:

The subject properties are approximately 38.62 acres and are located east of the Orchid Estates subdivision, and west of Jason Dwelley Parkway. The applicant is requesting to rezone the parcels from PD (Planned Development) and RSF-1A (Residential Single-Family – Estate District) to RSF-1B (Residential Single-Family-Large-Lot). The proposed RSF-1B (Residential Single-Family-Large-Lot) zoning is compatible with the existing Residential Very Low Suburban future land use designation, which permits a maximum of 2 dwelling units per acre. The applicant is proposing a single-family residential subdivision on a minimum lot size of 75-feet. Minimum lot widths in the adjacent Orchid Estates subdivision is 70-feet. The minimum lot width in the RSF-1A zoning district is 95-feet.

COMPREHENSIVE PLAN COMPLIANCE:

The proposed RSF-1B (Residential Single-Family Large-Lot) zoning is consistent with the existing Residential Very Low Suburban (maximum 2 dwelling units per acre) Future Land Use Designation. Site development cannot exceed the intensity allowed by policies in the Comprehensive Plan.

Future Land Use Element

1. Policy 3.1.c

The primary use shall be residential dwelling units up to 2 dwelling units per acre, elementary schools; middle schools; supporting infrastructure of less than two acres, neighborhood parks.

Special exception uses shall include:

1. Institutional uses of five acres or less
2. High schools
3. Supporting infrastructure and public facilities of two acres or more
4. Horticultural nurseries as a primary use;

Planned Development uses may include:

1. All primary uses
2. All special exception uses
3. Neighborhood commercial uses at a rate not in excess of 25 square feet of gross floor area per residential unit in the PUD. Commercial uses must be completely internalized within the PUD.
4. Other uses deemed compatible with and complementary to the other proposed master planned uses and the surrounding neighborhoods

SCHOOL CAPACITY REPORT:

Orange County Public Schools (OCPS) has indicated that capacity for the proposed development is available for all school levels. The location is served by the following schools: Zellwood Elementary, Wolf Lake Middle, and Apopka High School.

ORANGE COUNTY NOTIFICATION:

The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on October 5, 2021.

PUBLIC HEARING SCHEDULE:

November 9, 2021 – Planning Commission (5:30 pm)

December 1, 2021 – City Council (1:30 pm) – 1st Reading

DULY ADVERTISED:

October 22, 2021 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDED ACTION:

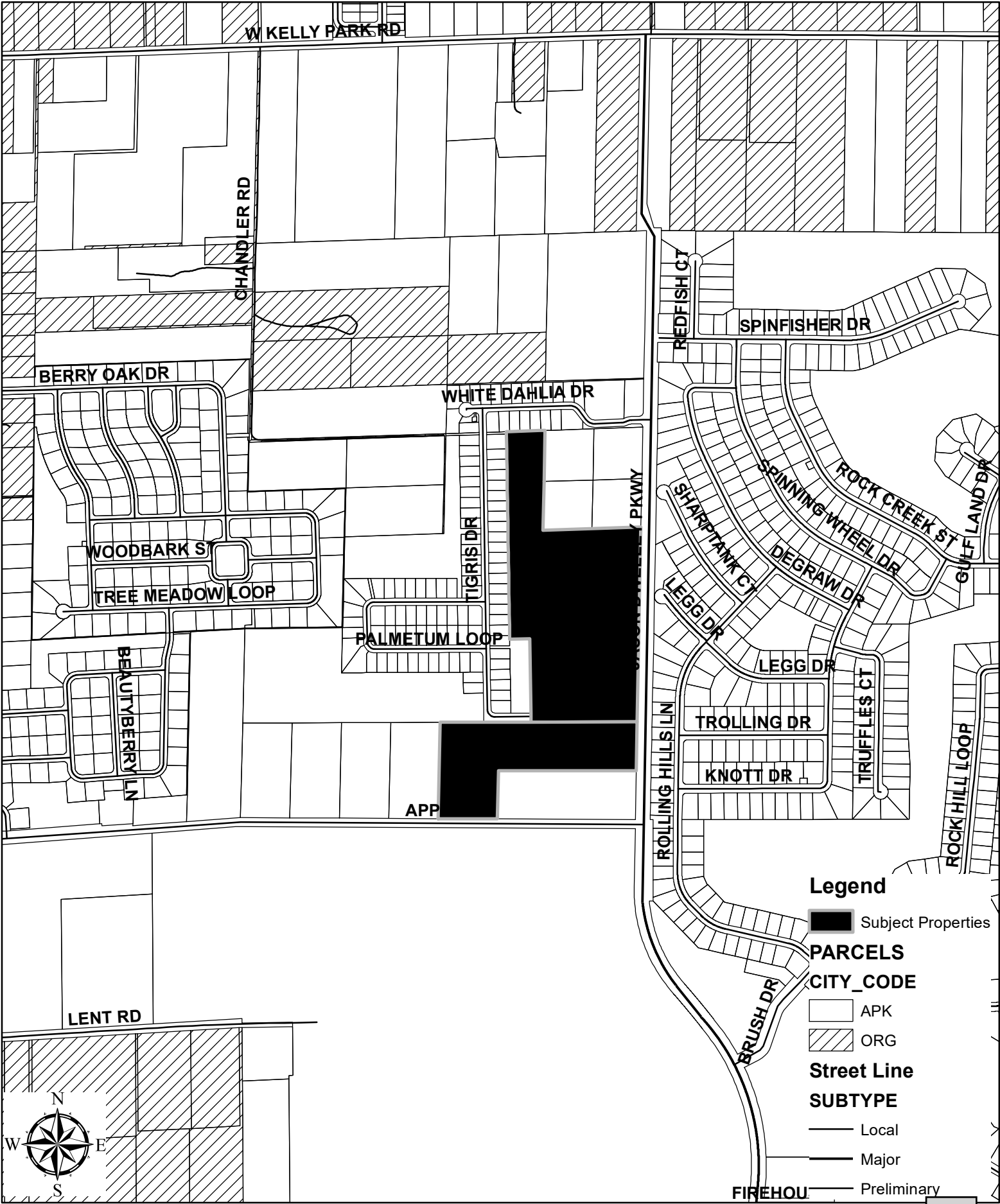
Development Review Committee: Finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding areas, recommending approval of the proposed Change of Zoning from PD (Planned Development) and RSF-1A (Residential Single-Family – Estate District) to RSF-1B (Residential Single-Family-Large-Lot) for the property owned by Ever Meadow, LLC, and Village of Fame, LLC located on the east side of Tigris Drive and west of Jason Dwelley Parkway.

Planning Commission: Find the proposed change of zoning consistent with the Comprehensive Plan and compatible with the character of the surrounding area and recommend approval of the proposed Change of Zoning from PD (Planned Development) and RSF-1A (Residential Single-Family – Estate District) to RSF-1B (Residential Single-Family-Large-Lot) for the property owned by Ever Meadow, LLC, and Village of Fame, LLC located on the east side of Tigris Drive and west of Jason Dwelley Parkway.

ATTACHMENTS:

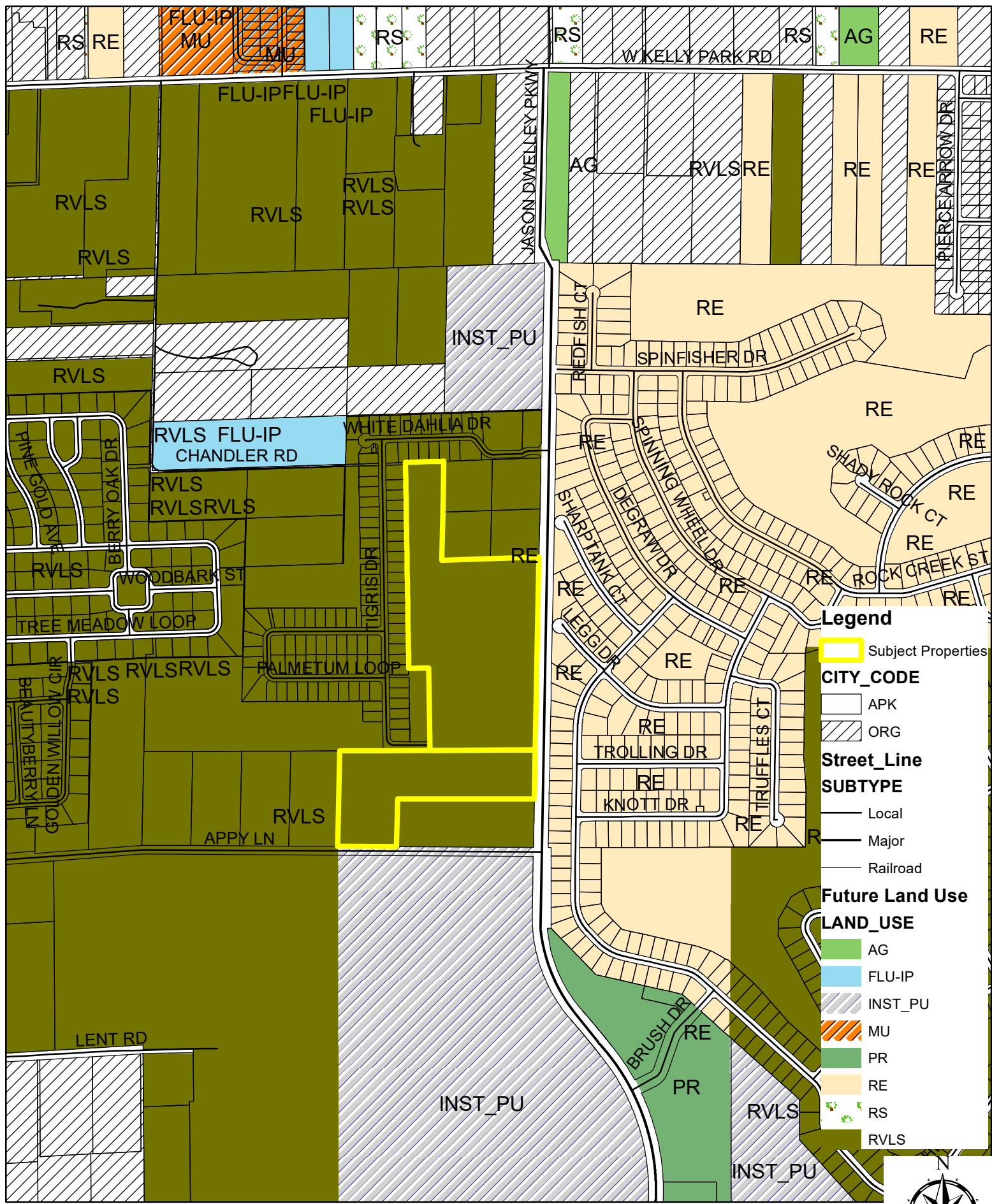
- Vicinity Map (PDF)
- Future Land Use Map (PDF)
- Zoning Map (PDF)
- Aerial Map (PDF)
- Capacity Determination Letter (PDF)

Vicinity Map

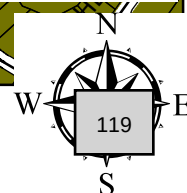


(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

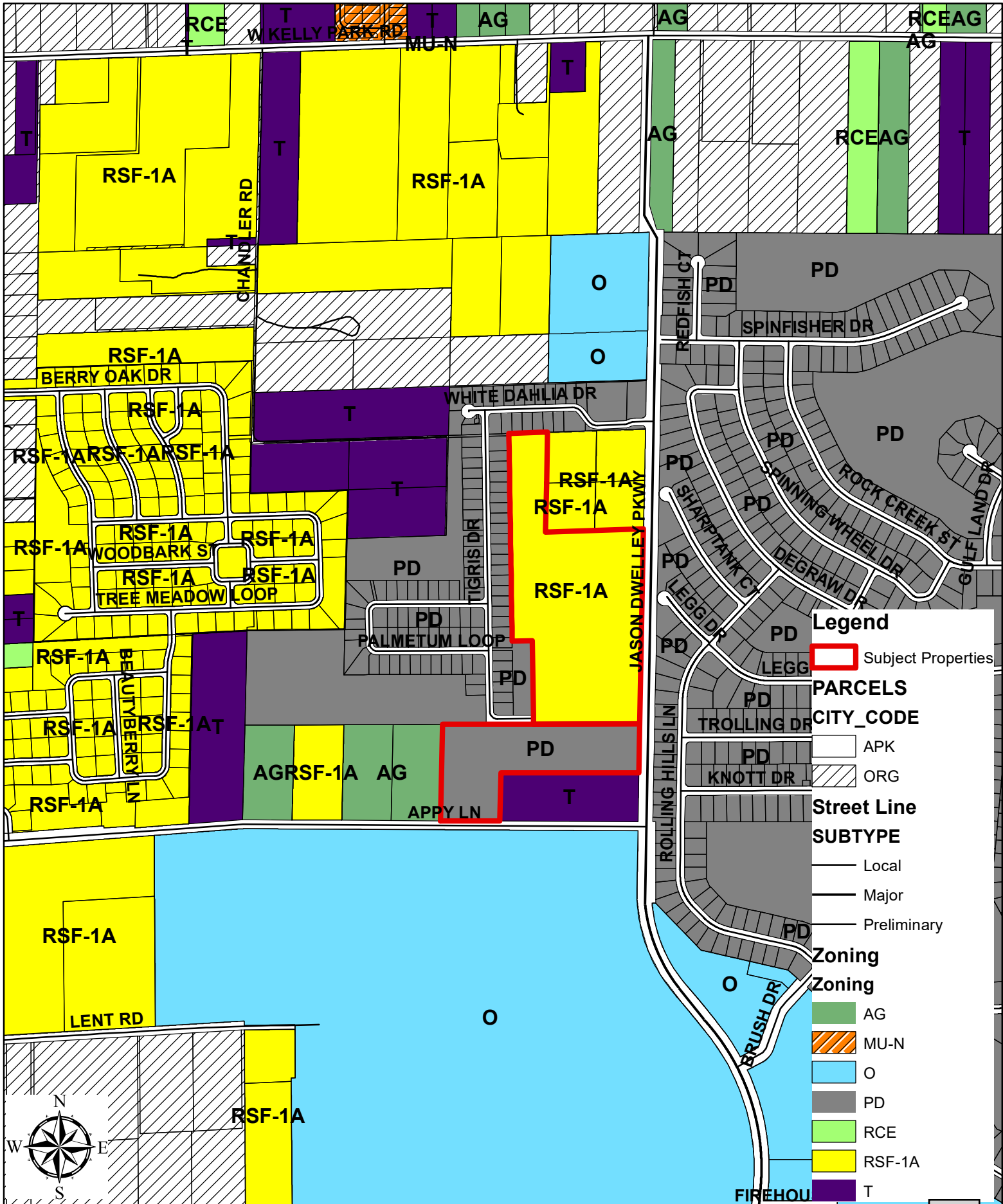
Future Land Use Map



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

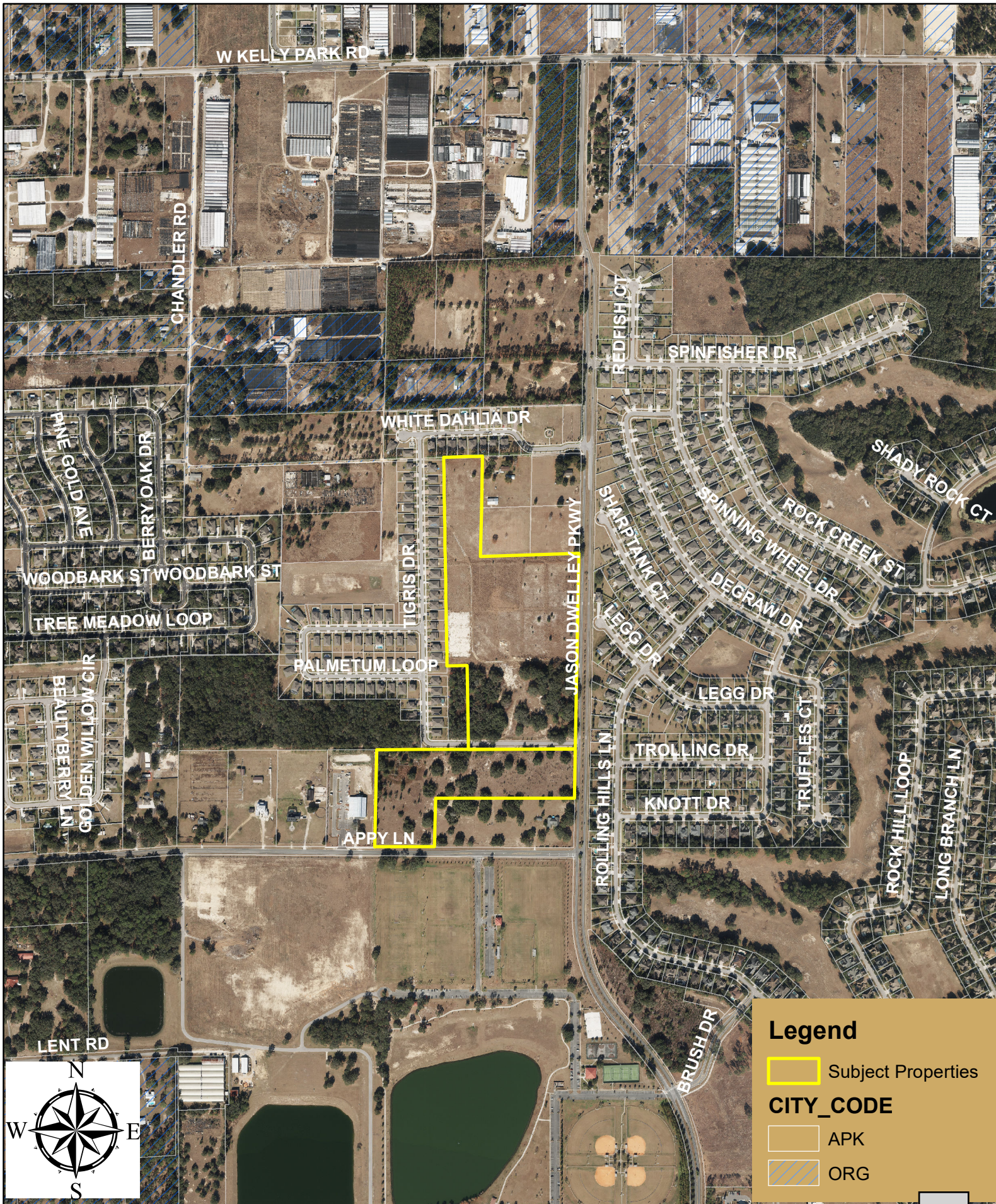


Zoning Map



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Aerial Map



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)



FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

September 29, 2021

VIA E-MAIL: KEVIN@SUMMER-GATE.COM

Kevin Ramirez
Summergeate Florida
17305 Cedar Avenue
Suite 200
Lakeville, MN 55044

Application: APK-21-028 Acuera Estates

This letter serves as the official determination by Orange County Public Schools that school capacity for the following development is **AVAILABLE**:

Type of Development Application	☐ FLUM
	☒ Rezoning
	☐ Amendment or Extension
Development Application #:	TBD
Project Name:	Acuera Estates
OCPS Completed Application Date:	September 29, 2021
Parcel #(s):	18-20-28-0000-00-089; 18-20-28-0000-00-117
Requested New Units (#):	SF: 0 MF: 0 TH: 0
Vested Unit(s):	SF: 77 MF: 0 TH: 0
Total Project Units:	77
School Board District:	# 7

Upon review of the above-named application for Formal School Capacity Determination, the Department of Facilities Planning of Orange County Public Schools finds that capacity is available as the City of Apopka has determined that all 77 proposed single family units are vested.

This determination expires on **March 28, 2022**. OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from the City by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

This project is subject to School Concurrency. The Applicant will need to apply for School Concurrency review and satisfy any requirements of School Concurrency prior to Site Plan approval by the City.

This determination is governed by the Interlocal Agreement, the provisions of the City of Apopka's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,



Christopher Mills, AICP
Administrator, Facilities Planning

VJ/cm

CC: Bobby Howell, City of Apopka (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File



City of Apopka

PLANNING COMMISSION STAFF REPORT

Type of Form: Public Hearing/Ordinances/Resolution

Meeting Date: November 9, 2021

Department: Community Development

SUBJECT: Change of Zoning, Planned Development Master Plan – Magnolia Terrace

REQUEST:

Change of Zoning – Magnolia Terrace

From: T (Transitional District) and RSF-1A (Residential Single-Family-Estate District)

To: PD (Planned Development)

SUMMARY:

Owners: Marion Wade Hopper Life Estate, Mary Kathleen Hopper Life Estate, Harold Wayne Thomas, Melody Lynn Thomas, Mary Kathleen Hopper, Douglas Matthews Trust, Anita Matthews Trust, George A. Thomas, Sandra K. Thomas, Vernus Stapler, Gail Marie Stapler, Kenneth W. Davidson, and Natalie W. Davidson

Applicant: Appian Engineering, LLC.

Parcel Identification Numbers: 07-21-28-0000-00-016, 07-21-28-0000-00-021, 07-21-28-0000-00-044, 08-21-28-0000-00-007, 18-21-28-0000-00-018, 18-21-28-0000-00-019, 18-21-28-0000-00-023, 18-21-28-0000-00-054, 18-21-28-0000-00-056, 18-21-28-0000-00-071, 18-21-28-0000-00-020, 18-21-28-0000-00-038

Location: East of South Binion Road and south of Willet Avenue

Future Land Use: Low Density Residential (0-5 dwelling units per acre)

Existing Use: Vacant

Current Zoning: T (Transitional District), RSF-1A (Residential Single-Family-Estate District)

Proposed Zoning: PD (Planned Development)

Tract Size: 95.09 ± acres

Zoning Report

This chart includes the relationships to adjacent properties.

Direction	Future Land Use	Zoning	Present Use
North	Low Density Residential (City), Rural (County)	RTF (Residential Two Family), A-1 (Citrus Rural District)	Maudehelen Subdivision, vacant property
East	Low Density Residential	RTF (Residential Two Family), RSF-1B	Vacant property

		(Residential Single-Family – Large-Lot)	
South	Low Density Residential (City), Rural (County)	RSF-1A (Residential Single-Family – Estate), T (Transitional) A-1 (Citrus Rural District)	Residential, vacant property
West	Low Density Residential (City), Rural (County)	RTF (Residential Two Family), A-1 (Citrus Rural District)	Residential, vacant property

PROJECT SUMMARY: The subject properties are approximately 95.09 acres total in size and are zoned T (Transitional District) and RSF-1A (Residential Single-Family-Estate District) and have a future land use designation of Low Density Residential. The subject properties are located east of South Binion Road and south of Williet Avenue. The proposed change of zoning to PD (Planned Development) is being requested by the prospective developer who proposes to construct a 300-unit residential subdivision consisting of 124 single-family detached units and 176 townhome units developed in two phases.

The PD Master Plan/Major Development Plan proposes a residential subdivision consisting of single-family lots and townhome lots on 95.09 acres with a maximum allowable density of 3.7 dwelling units per acre, which is 1.3 dwelling units less than the allowable maximum density of 5 dwelling units per acre. Of the 95.09 acres, 81.18 are developable and 13.91 are undevelopable. The townhome units are located in the interior of the site, and the single-family units are located on the perimeter of the site to act as a buffer for the townhome units that will not be visible from the exterior of the site. Access to the site is proposed via full access located on Binion Road. Right and left turn lanes leading into the site will be provided along Binion Road. A gated emergency access connection to Johns Road is provided to the north.

The single-family lots range in size from 60-feet by 125-feet, or 7,500 square feet in area, 75-feet by 125-feet, or 9,375 square feet, and corner lots ranging in size from 80-feet by 125-feet, or 8,616 square feet in area, and 92.5-feet by 125-feet, or 11,429 square feet in area. The 60-foot wide lots have a front setback of 25-feet, side setback of 5-feet, and a rear setback of 20-feet, the 75-foot wide lots have a front setback of 25-feet, side setback of 7.5-feet, and rear setback of 20-feet, the 80-foot corner lots have a front setback of 25-feet, interior side setback of 5-feet, street side setback of 25-feet, and a 20-foot rear setback, and the 92.5-foot wide corner lots have a front setback of 25-feet, interior side setback of 7.5-feet, street side setback of 25-feet, and a 20-foot rear setback.

The townhome lots range in size from 24-feet by 115-feet, or 2,760 square feet in area, and 34-feet by 115-feet, or 3,910 square feet in area. The proposed setbacks are 15-feet front, and 25-feet rear. The townhome units will be rear loaded and accessed via an alleyway. On-street parking is provided adjacent to the townhome units.

Of the 95.09 acres, 30.72 acres, or 37.84-percent of the site is reserved for open space. 1.6 acres are reserved for a community center which includes a cabana with restrooms, a swimming pool, a playground and a mixed-use active field. A parking lot will be provided at the community center. A pedestrian trail meandering around the two retention ponds is located on the eastern portion of the site. A 10-foot wide multipurpose trail that is proposed to be dedicated to the City will be constructed along the Binion Road frontage. 2.87-acre and 9.07-acre conservation tracts are located in the southeastern and northeastern corners of the site. 12.17 acres are reserved for stormwater retention ponds located in three separate locations on the property. A landscape buffer will be provided in a tract along the Binion Road frontage and along the southern property line. A 6-foot tall masonry wall will be provided along the Binion Road frontage.

The plan indicates that the Karst feature onsite will be preserved in accordance with the City's Comprehensive Plan. This feature is located in the northwestern corner of the site. Open space, conservation areas, and stormwater ponds will be in tracts that are owned and maintained by a Homeowners Association (HOA). Internal streets and alleyways will be dedicated to the public.

The applicant is requesting a rezoning of the property to PD instead of a conventional zoning district to allow a mixture of different product types including single-family detached and townhome units, preservation of wetland areas by incorporating them into conservation tracts, and the preservation of a Karst feature on site.

DEVELOPMENT AGREEMENT

Per Section 3.7.F.2 of the Land Development Code, the applicant is required to enter into a Development Agreement that address how public facilities are provided to the development, provisions related to environmental protection, and identification of community benefits that are provided within the development.

PLANNED DEVELOPMENT AGREEMENT

Per LDC Section 3.7.2.F.2, this Agreement is a required component for the establishment of a PD district to establish the conditions related to the approval of the PD Plan, provision of public facilities in the Development, environmental protection of the Property, community benefits and amenities in the Development, and other provisions determined by the City to be relevant and necessary to the development of the Property.

COMPREHENSIVE PLAN COMPLIANCE: The proposed use of the property as depicted on the Master Plan is consistent with the Low Density Residential Future Land Use designation as detailed within the Future Land Use Element of the Comprehensive Plan.

SCHOOL CAPACITY REPORT: Orange County Public Schools (OCPS) has indicated that capacity for the proposed development is not available at the elementary school level, and is deficient by 49.713 seats. The location is served by the following schools: Apopka Elementary, Wolf Lake Middle, and Wekiva High School.

ORANGE COUNTY NOTIFICATION: The JPA (Joint Planning Agreement) requires the City to notify the County 30 days before any public hearing or advisory board. The City properly notified Orange County on June 10, 2021.

PUBLIC HEARING SCHEDULE:

November 9, 2021 – Planning Commission (5:30 pm)

December 1, 2021 – City Council (1:30 pm) – 1st Reading

DULY ADVERTISED:

October 22, 2021 – Public Notice and Notification (Apopka Chief); Property owner(s) were notified of the hearing schedule via U.S. Postal Service mail.

RECOMMENDED ACTION:

Development Review Committee: The Development Review Committee (DRC) voted 4-2 to recommend approval of the Magnolia Terrace Planned Development (PD) Master Plan and to find the proposed rezoning from T (Transitional District) and RSF-1A (Residential Single-Family-Estate District) to PD consistent with the Comprehensive Plan and Land Development Code. Two members of the DRC cast dissenting votes on the basis that they do not view the townhome portion of the development as being consistent with the surrounding area, which has been developed with single-family detached units.

Planning Commission: Recommend approval of the proposed rezoning from T (Transitional District) and RSF-1A (Residential Single-Family-Estate District) to Planned Development (PD) and the Magnolia Terrace PD Master Plan.

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.

ATTACHMENTS:

- PD Master Plan (PDF)
- Vicinity Map (PDF)
- Future Land Use Map (PDF)
- Zoning Map (PDF)
- Aerial Map (PDF)
- Capacity Determination Letter (PDF)

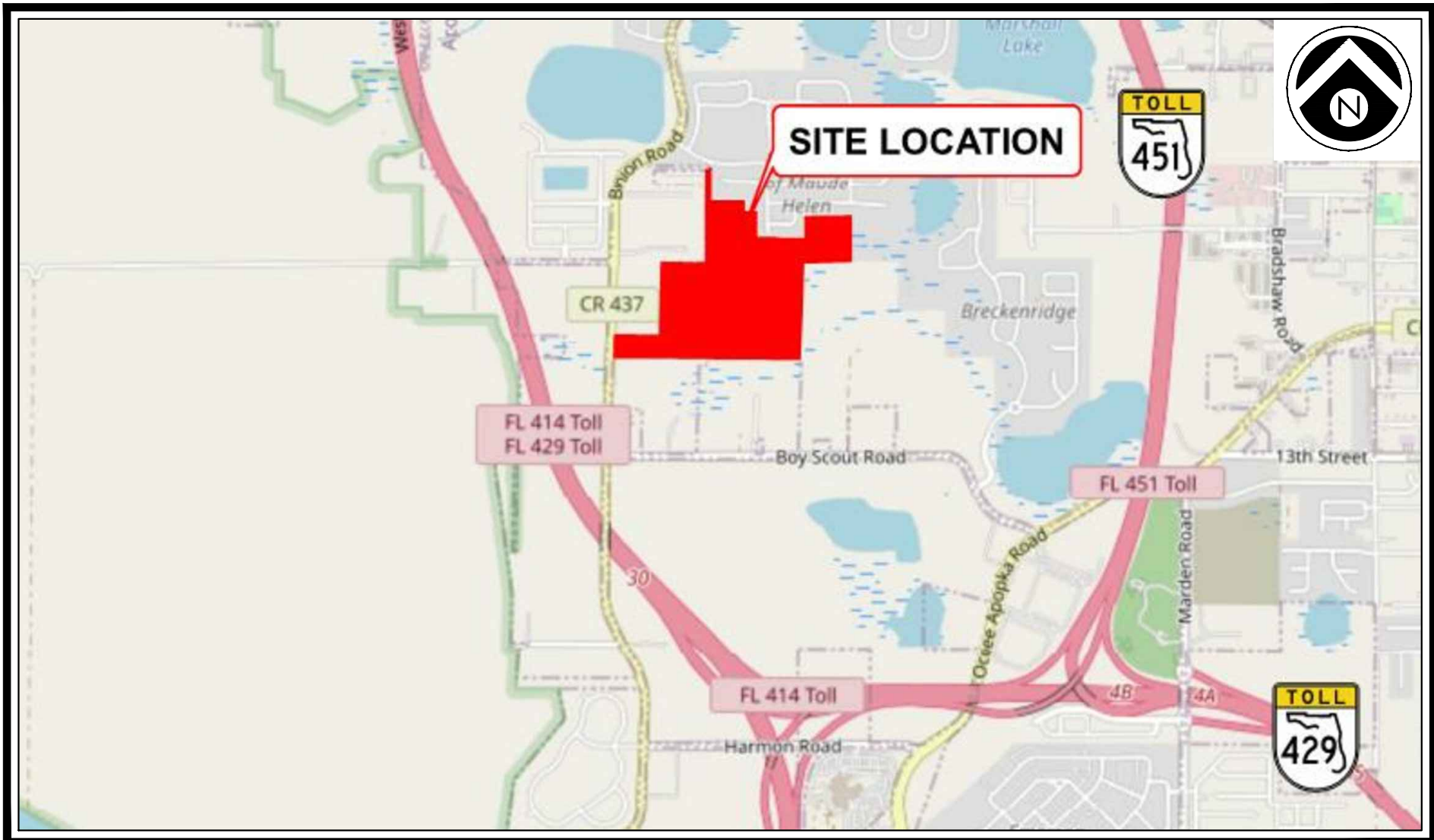
P:\PROJECT DRAWINGS\MER-008 Binion Road Property aka Thomas Property\Drawings\CAD Civil3D\Layouts\03 PD Master Plan\Cover Sheet.dwg Plotted: 6/27/2021 By: bklilela

LDC SECTION 3.7.2 STATEMENTS:

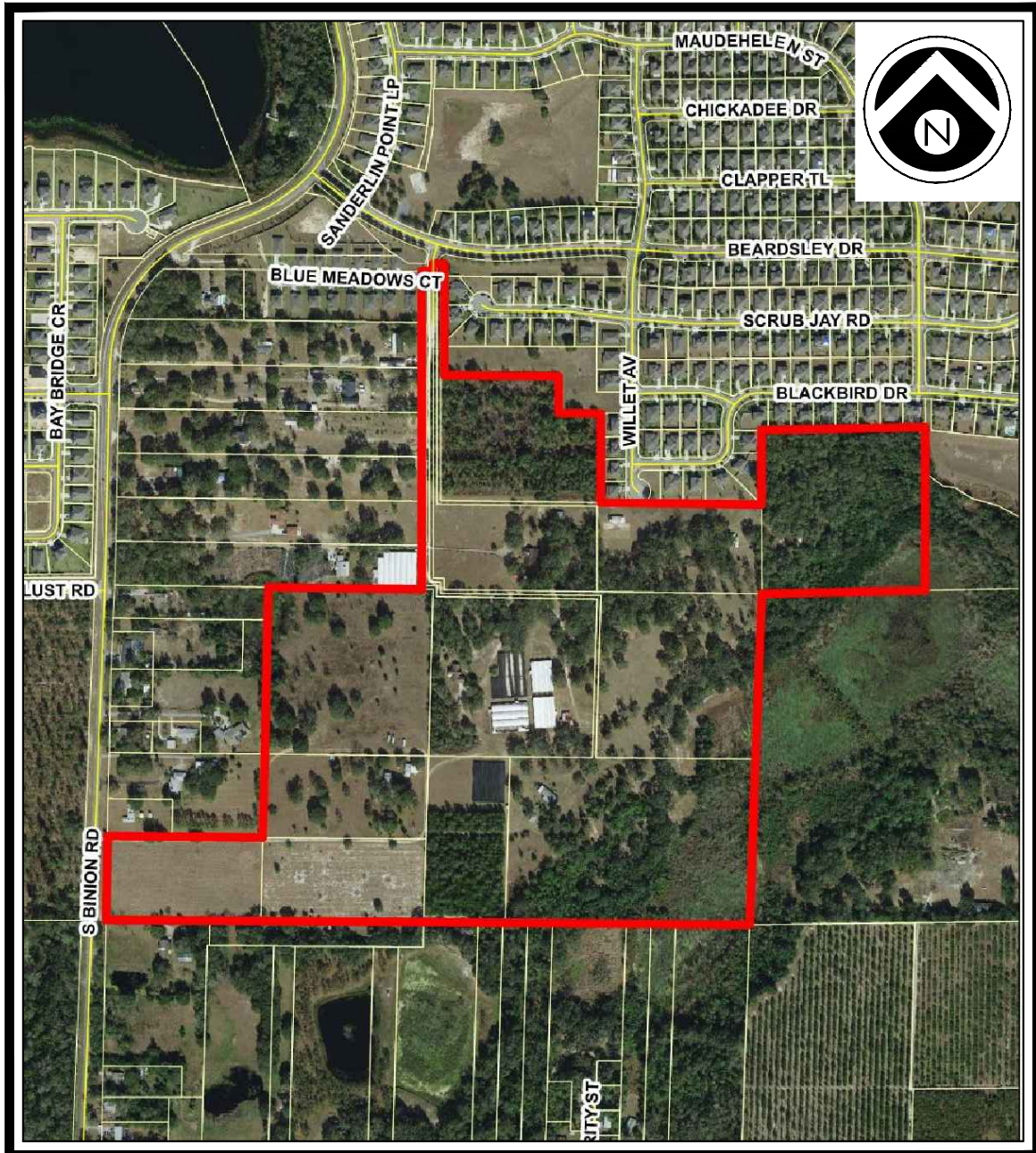
- THE PROPOSED DEVELOPMENT WILL ADDRESS THE FOLLOWING ITEMS AS NOTED IN LDC SECTION 3.7.2.
- REDUCING THE INFLEXIBILITY OF ZONING DISTRICT STANDARDS THAT SOMETIMES RESULTS FROM STRICT APPLICATION OF THE BASE DISTRICT, AND DEVELOPMENT AND FORM STANDARDS;
THE PROPOSED DEVELOPMENT INCLUDES A MIXTURE OF DIFFERENT PRODUCT TYPES NOT ALLOWED UNDER A STRAIGHT ZONING DISTRICT, INCLUDING FRONT LOADED 66-FOOT AND 75-FOOT LOTS, AS WELL AS REAR LOADED TOWNHOME UNITS.
 - ALLOWING GREATER FLEXIBILITY IN SELECTING: THE FORM AND DESIGN OF DEVELOPMENT, THE WAYS BY WHICH PEDESTRIANS AND TRAFFIC CIRCULATE, HOW THE DEVELOPMENT IS LOCATED AND DESIGNED TO RESPECT THE NATURAL FEATURE OF LAND AND PROTECT THE ENVIRONMENT, THE LOCATION AND INTEGRATION OF OPEN SPACE AND CIVIC SPACE INTO THE DEVELOPMENT, AND DESIGN AMENITIES;
THE DEVELOPMENT IS DESIGNED WITH TWO CONSERVATION TRACT AREAS ON THE SOUTHEASTERN BORDER OF THE PROPERTY IN ORDER TO CREATE ZERO IMPACT TO THE EXISTING FEMA FLOOD LINE AND WETLAND AREA. THE CONSERVATION AREAS LEAVE THE NATURAL FEATURES IN PLACE, CREATING A UNIQUE TERRACED VIEW THROUGHOUT THE DEVELOPMENT. SIMILARLY, A TRACT AREA IS DEDICATED TO LEAVE A KARST FEATURE AND BUFFER AREA IN THE NORTHWEST CORNER OF THE PROPERTY UN-IMPACTED BY THE DEVELOPMENT.
 - ENCOURAGING A GREATER MIX OF LAND USES WITHIN THE SAME DEVELOPMENT;
WITHIN THE DEVELOPMENT, THERE IS A MIXTURE OF TOWNHOMES, 60' LOTS, 75' LOTS, AS WELL AS AN AMENITY TRACT, OPEN SPACE TRACTS, AND STORM-WATER POND TRACTS.
 - ALLOWING MORE EFFICIENT USE OF LAND, WITH SMALLER NETWORKS OF STREETS AND UTILITIES;
TO ALLOW FOR A MORE EFFICIENT USE OF LAND, REAR LOADED TOWNHOMES AND ALLEYS ARE IMPLEMENTED WITHIN THE INTERNAL PORTION OF THE SITE. IN ADDITION PROPOSED ROADWAYS THAT FRONT TOWNHOMES HAVE BEEN DESIGNED WITH ON-STREET PARKING TO ELIMINATE THE NEED FOR INDEPENDENT PARKING LOTS. ADDITIONALLY ALL STREETS HAVE BEEN DESIGNED TO BE DOUBLE LOADED THEREBY CREATING A MORE CONCENTRATED NETWORK OF STREETS AND PROPOSED UTILITIES.
 - PROVIDING PEDESTRIAN CONNECTIONS WITHIN THE SITE AND TO THE PUBLIC RIGHT-OF-WAY; AND
PEDESTRIAN ACCESS POINTS HAVE BEEN DESIGNED TO CONNECT TO THE PUBLIC RIGHT OF WAY AT THE SOUTHWESTERN AND NORTHERN ENTRANCES (S. BINION ROAD, AND JOHNS ROAD RESPECTIVELY). SIDEWALKS ARE LOCATED THROUGHOUT THE DEVELOPMENT. TRAIL ACCESS INTERCONNECTED WITH THE SIDEWALKS EXTEND ALONG THE ENTIRETY OF THE CONSERVATION AREA, BORDERING THE WETLANDS AND FLOOD LINE.
 - PROMOTING DEVELOPMENT FORMS AND PATTERNS THAT RESPECT THE CHARACTER OF ESTABLISHED SURROUNDING NEIGHBORHOODS AND OTHER TYPES OF LAND USES.
PROPERTIES ABUTTING THE NORTHERN EDGE ARE 75' LOTS, MATCHING THOSE LOCATED IN THE MAUDEHELEN SUBDIVISION. THE INTERNAL 60' LOTS ARE CONGRUENT TO THE DEVELOPMENT CHARACTER OF THE CLONTS FARM SUBDIVISION WHICH CONTAINS A MIXTURE OF 55' AND 65' LOTS. A 50' LANDSCAPE BUFFER IS LOCATED ALONG THE NORTHWESTERN EDGE OF THE PROPOSED DEVELOPMENT IN ORDER TO ADEQUATELY BUFFER THE EXISTING A-1 ZONING CONDITIONS ALONG THAT PROPERTY BOUNDARY. THE CONSERVATION AREAS LOCATED ON THE SOUTHEASTERN PORTIONS OF THE PROPERTY HAVE BEEN PRESERVED IN ORDER TO ELIMINATE ANY IMPACTS TO THE EXISTING WETLAND AND LEAVE THE EXISTING WETLAND AND FLOODPLAIN SYSTEMS INTACT.

PLANNED DEVELOPMENT MASTER PLAN
FOR
MAGNOLIA TERRACE
CITY OF APOPKA, FLORIDA

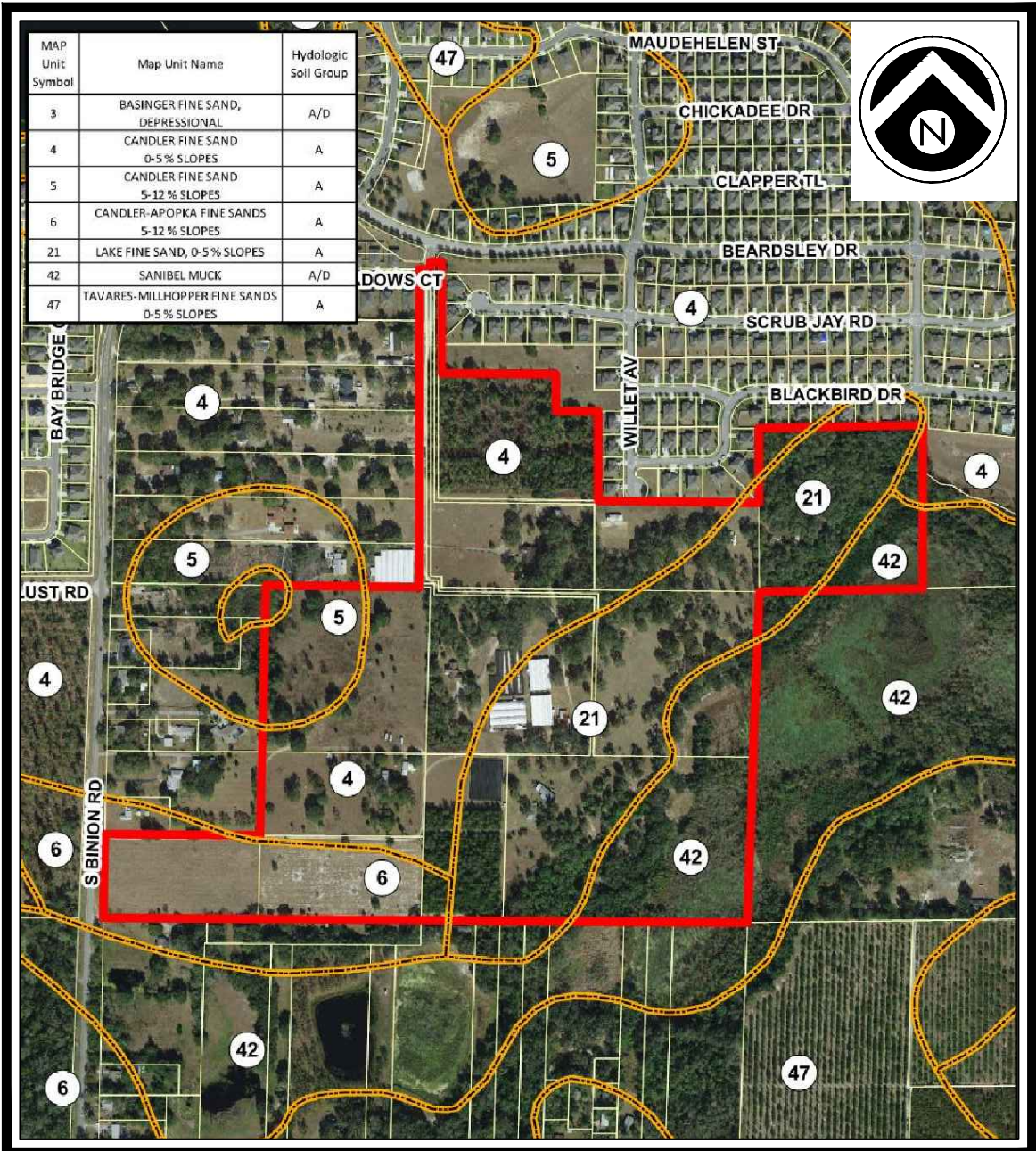
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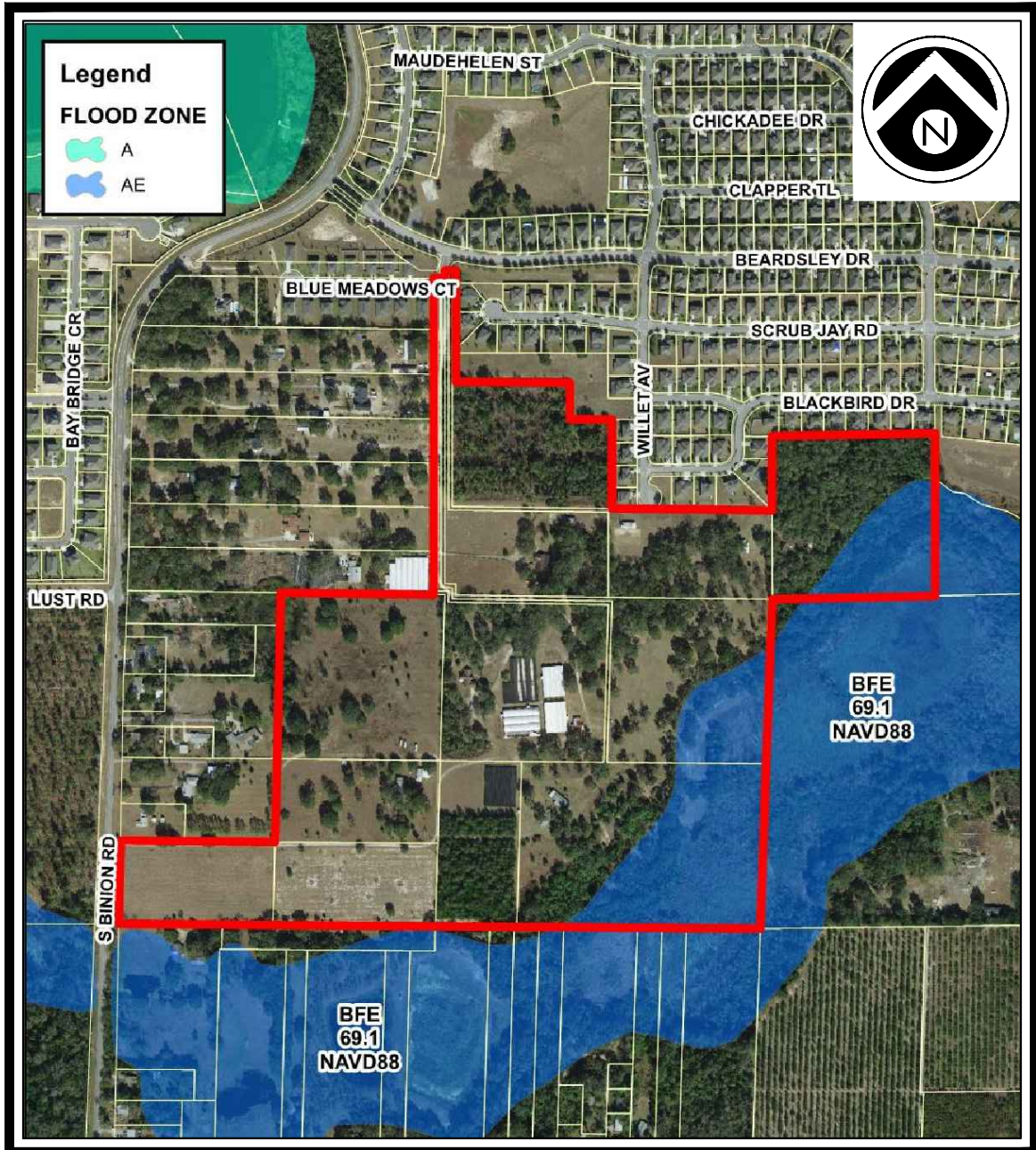
VICINITY MAP
SCALE: 1" = 2,000'



AERIAL MAP
SCALE: 1" = 400'



SOILS MAP
SCALE: 1" = 400'



FEMA FLOOD MAP
SCALE: 1" = 400'

NOT FOR CONSTRUCTION

Sheet Index	
SHEET NUMBER	SHEET TITLE
C0.0	COVER SHEET
MP. 1	MASTER PLAN -- OVERALL
MP. 2	MASTER PLAN
MP. 3	SITE DATA
MP. 4	DEVELOPMENT STANDARDS

LDC SECTION 3.7.2.E.1:

PER LDC SECTION 3.7.2.E.1a, A DEVELOPMENT IN A PD DISTRICT SHALL COMPLY WITH THE STANDARDS IN ARTICLE 5: DEVELOPMENT STANDARDS, ARTICLE 6: ENVIRONMENTAL STANDARDS, AND ARTICLE 7: CONCURRENCY, UNLESS THEY ARE MODIFIED AS ALLOWED BY TABLE 3.7.2.E.1: PD DISTRICT DEVELOPMENT STANDARDS SUBJECT TO MODIFICATION.

PER LDC SECTION 3.7.2.E.1b, MODIFICATIONS TO DEVELOPMENT STANDARDS, AS ALLOWED IN TABLE 3.7.2.E.1: PD DISTRICT, DEVELOPMENT STANDARDS SUBJECT TO MODIFICATION SHALL BE:

- CONSISTENT WITH THE PURPOSES OF THE PD DISTRICT; AND
- DOCUMENTED IN THE PD PLAN AND PD AGREEMENT, WITH A CLEAR BASIS FOR WHY THE CHANGE IS NEEDED, HOW IT SUPPORTS THE PURPOSES OF THE DISTRICT, AND HOW IT SUPPORTS HIGH-QUALITY DEVELOPMENT.

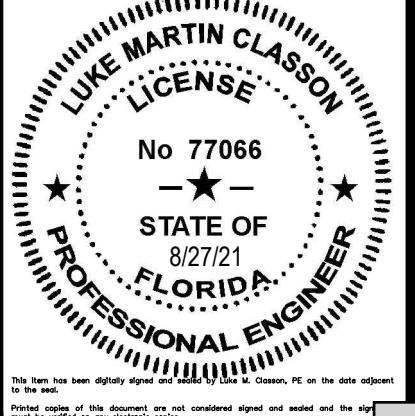


2221 LEE ROAD, SUITE 27
WINTER PARK, FLORIDA 32789
(407) 960-5868

BOARD OF PROFESSIONAL
ENGINEERING CERTIFICATE
NO. 32174

PERMITS REQUIRED				
AGENCY	PERMIT TYPE	DATE APPLIED	DATE APPROVED	APPROVAL NO.
CITY OF APOPKA	MASTER PLAN			

2021/04/12	CITY OF APOPKA -- COMMENT DATED 2021-04-12
2021/05/17	CITY OF APOPKA -- COMMENT DATED 2021-05-17
2021/06/07	CITY OF APOPKA -- COMMENT DATED 2021-06-07
2021/06/28	CITY OF APOPKA -- COMMENT DATED 2021-06-28
REV.	DATE
	DESCRIPTION



SITE DATA:

OCMA - PARCEL ID #: 07-21-28-0000-00-016 07-21-28-0000-00-044 07-21-28-0000-00-021 18-21-28-0000-00-018 18-21-28-0000-00-019 18-21-28-0000-00-054 08-21-28-0000-00-007 18-21-28-0000-00-023 18-21-28-0000-00-071 18-21-28-0000-00-056 18-21-28-0000-00-020 18-21-28-0000-00-038	
TOTAL PARCEL AREA:	95.09 Ac.
FEMA FLOOD INSURANCE RATE MAP FLOOD ZONE: FIRM PLAN #12095C0120F DATED SEPT. 25, 2009	X
EXISTING ZONING:	A-1 (ZIP), R-1AA
PROPOSED ZONING:	PD
ADJACENT ZONING:	
NORTH	A-1 (ZIP), A-1 (COUNTY), R-1AA, R-2
SOUTH	A-1 (ZIP), A-1 (COUNTY), R-1A, R-1AA
EAST	A-1 (ZIP), R-1A, R-1AA, R-2
WEST	A-1 (ZIP), A-1 (COUNTY), R-2
EXISTING FUTURE LAND USE (FLU):	RL
PROPOSED FUTURE LAND USE (FLU):	RL
ADJACENT FUTURE LAND USE (FLU):	
NORTH	RL, R (COUNTY)
SOUTH	RL, R (COUNTY)
EAST	RL
WEST	RL, R (COUNTY), COMM.
PROPOSED DENSITY:	300 LOTS / 81.18 AC = 3.70 DU/AC
PROPOSED MINIMUM LOT REQUIREMENTS	
24' LOT:	
MINIMUM LOT AREA	2,880 SF
MINIMUM LOT WIDTH	24 ft.
MINIMUM LOT DEPTH	115 ft.
MAXIMUM BUILDING HEIGHT	35 ft.
SETBACKS	
FRONT PORCH	3 ft.
FRONT	15 ft.
SIDE	10 ft.
REAR	25 ft.
CORNER	10 ft.
60' LOT:	
MINIMUM LOT AREA	7,200 SF
MINIMUM LOT WIDTH	60 ft.
MINIMUM LOT DEPTH	120 ft.
MAXIMUM BUILDING HEIGHT	35 ft.
SETBACKS	
FRONT PORCH	3 ft.
FRONT	25 ft.
SIDE	5 ft.
REAR	20 ft.
CORNER	25 ft.
75' LOT:	
MINIMUM LOT AREA	9,000 SF
MINIMUM LOT WIDTH	75 ft.
MINIMUM LOT DEPTH	120 ft.
MAXIMUM BUILDING HEIGHT	35 ft.
SETBACKS	
FRONT PORCH	3 ft.
FRONT	25 ft.
SIDE	7.5 ft.
REAR	20 ft.
CORNER	25 ft.



APPIAN
ENGINEERING

LUKE MARTIN CLASSON
LICENSE
No 77066
— ★ —
STATE OF
8/27/21
FLORIDA
PROFESSIONAL ENGINEER

SCALE	DRAWN: S. SULLIVAN
N.T.S.	DESIGNED: J. PALM
PROJECT	CHECKED: L. CLASSON
MER-008	DATE: 8/27/2021
SHEET	
MP. 3	

PLANNED DEVELOPMENT
MASTER PLAN
SITE DATA

MAGNOLIA TERRACE
CITY OF APOPKA, FLORIDA

ENGINEERING | LAND PLANNING

APPIAN ENGINEERING LLC.

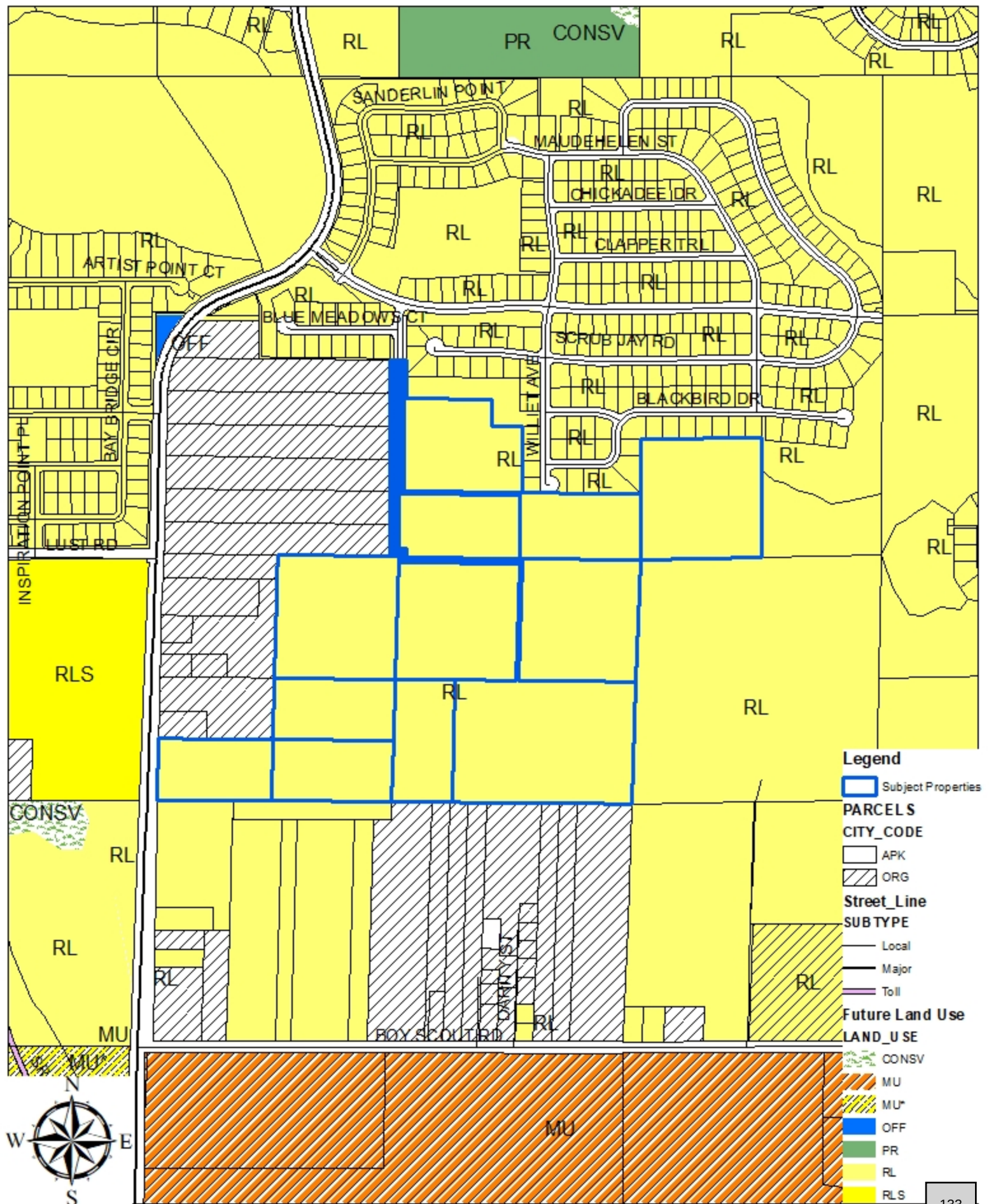
APPIANFL.COM • 407.960.5868

LEE ROAD, SEAM 21, WINTER PARK, FLORIDA 32789

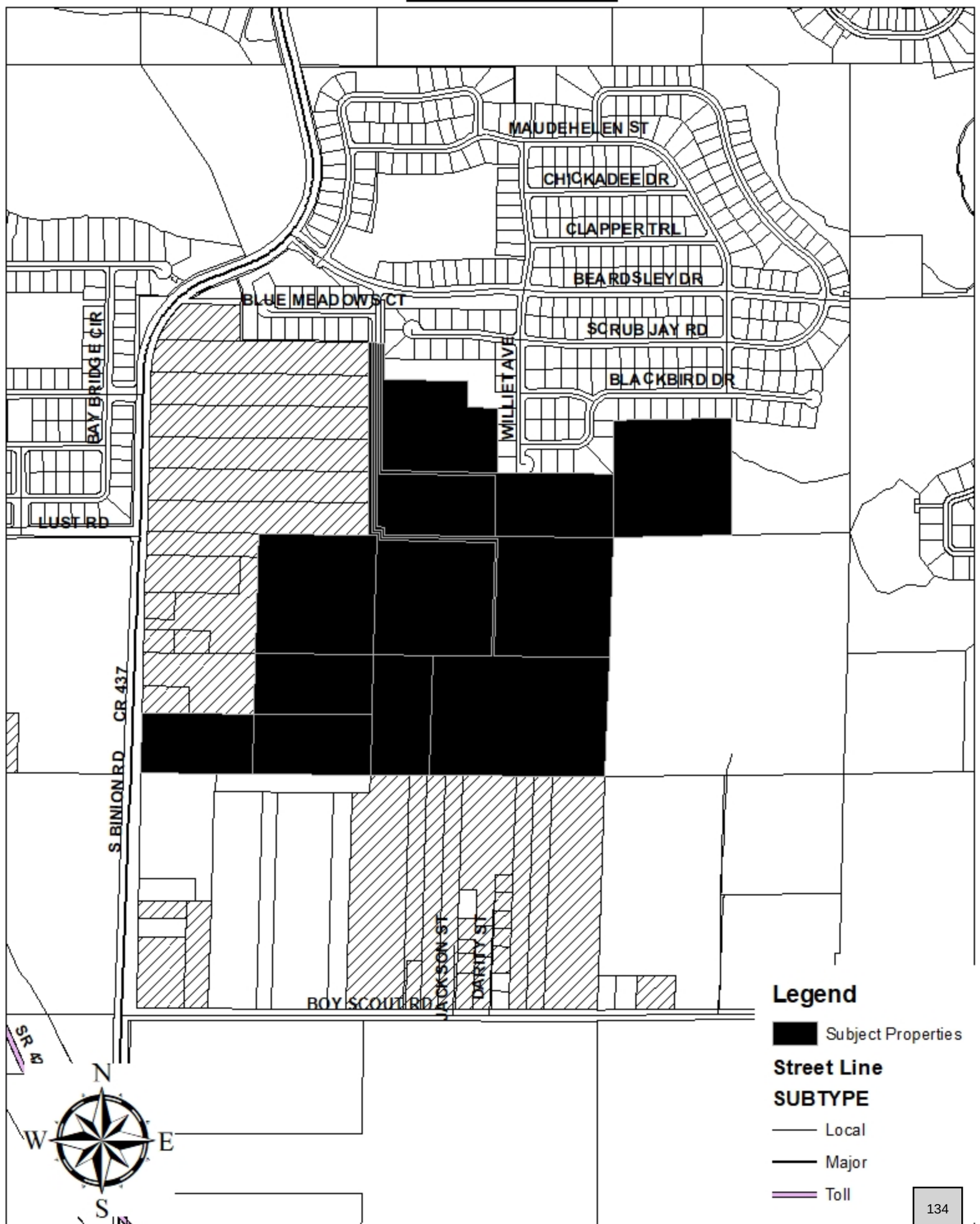
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A	06/07/2021	CITY OF APOPKA - COMMENT DATED 06/07/2021
A	05/17/2021	CITY OF APOPKA - COMMENT DATED 05/17/2021
A	04/12/2021	CITY OF APOPKA - COMMENT DATED 04/12/2021

13

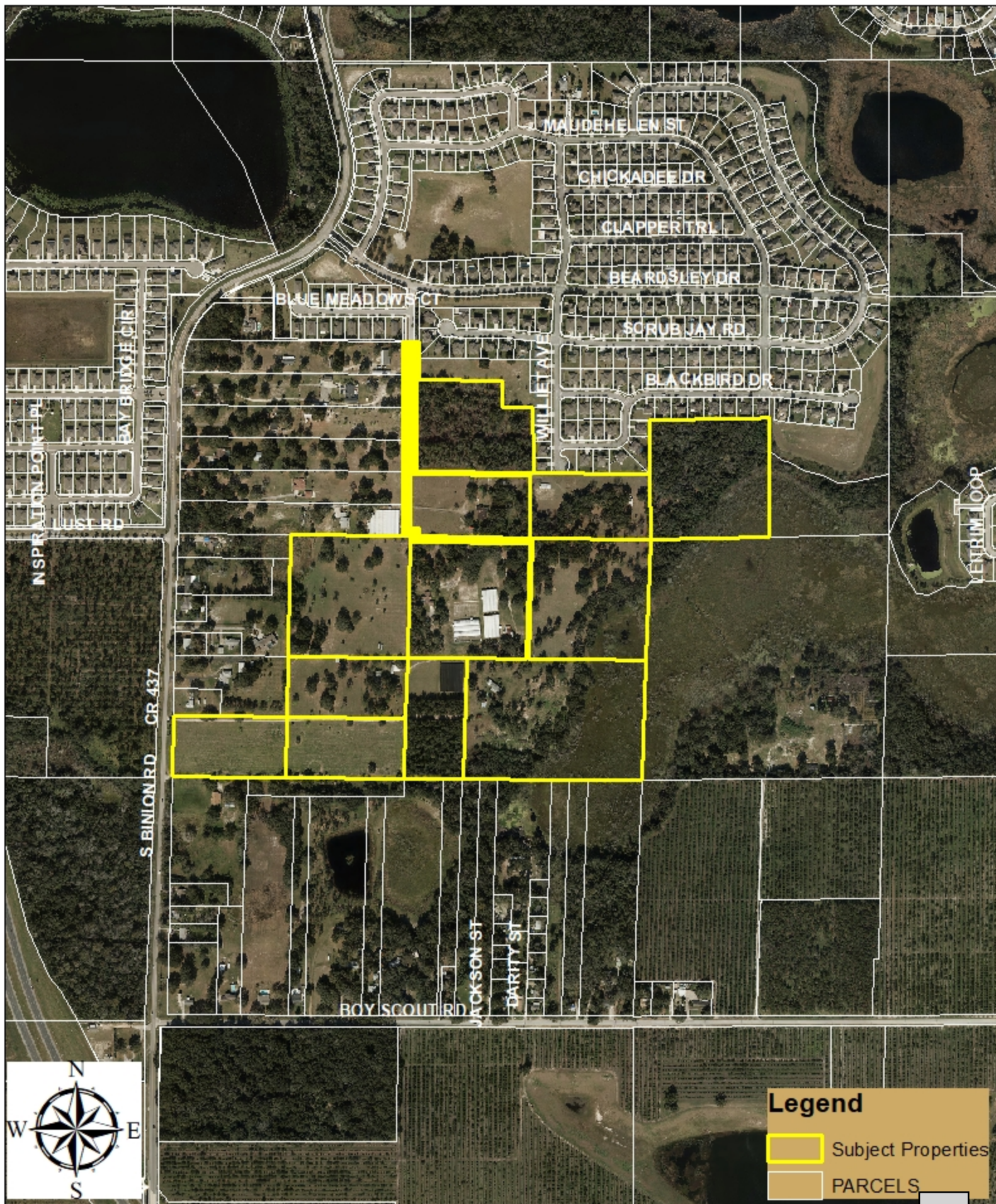
Future Land Use



Vicinity Map

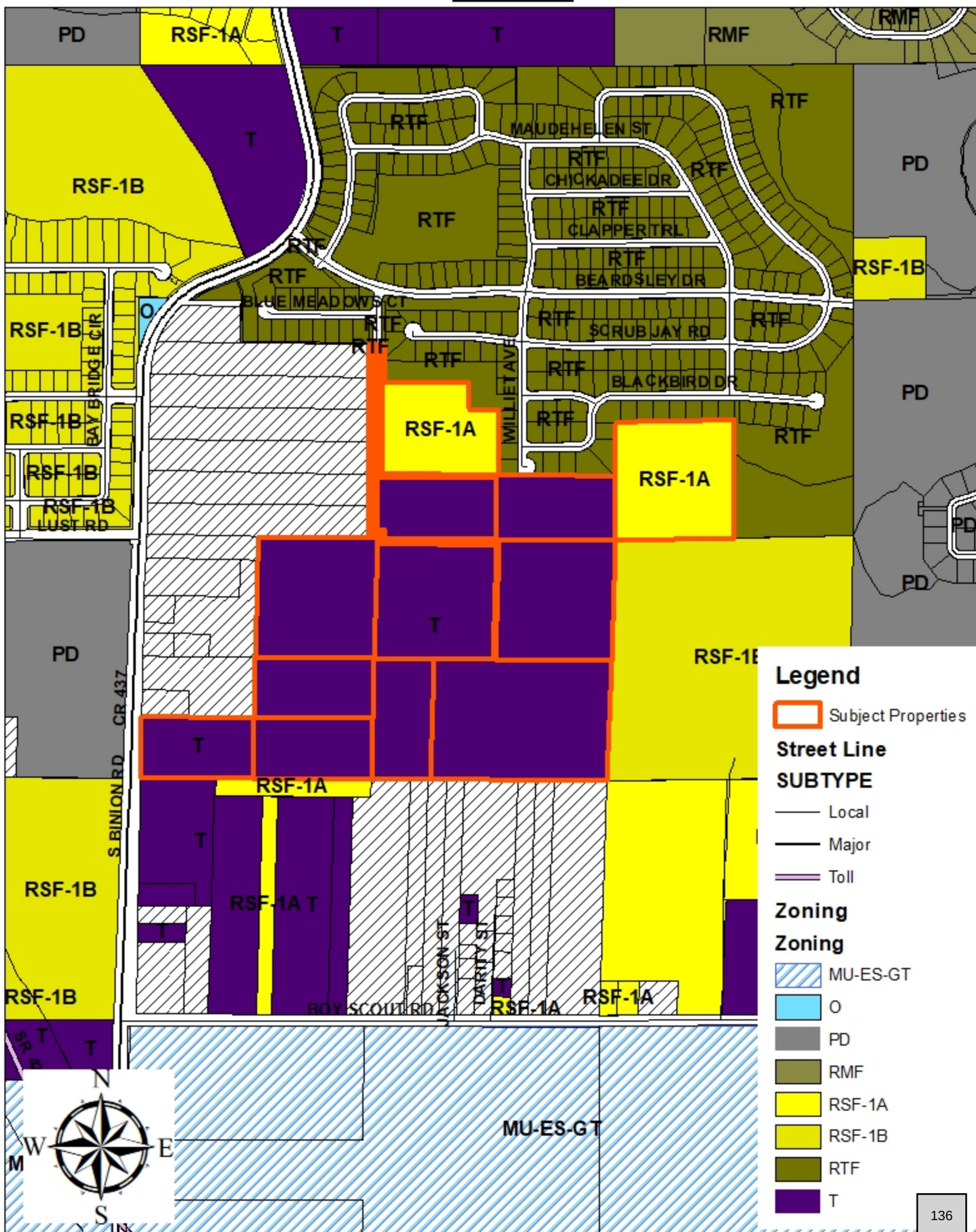


Aerial Map



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)

Zoning



(THIS MAP IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO SCALE)



FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

June 10, 2021

VIA E-MAIL: LCLASSON@APPIANFL.COM

Luke M. Classon, P.E.
Appian Engineering, LLC
2221 Lee Road, Suite 17
Winter Park, FL 32789

Application: APK-21-015 Magnolia Terrace

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

Type of Development Application	☐ FLUM ☒ Rezoning ☐ Amendment or Extension
Development Application #:	TBD
Project Name:	Magnolia Terrace
OCPS Completed Application Date:	June 4, 2021
Parcel #(s):	07-21-28-0000-00-016; -021; -044; 08-21-28-0000-00-007; 18-21-28-0000-00-018; -019; -020; -023; -038; -054; -056; -071
Requested New Units (#):	SF: 111 MF: 0 TH: 176
Vested Unit(s):	SF: 13 MF: 0 TH: 0
Total Project Units:	300
School Board District:	# 7

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency ("Interlocal Agreement"), a detailed Capacity Analysis is provided in **Attachment A**.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Apopka ES	Wolf Lake MS	Wekiva HS
Jurisdictional Analysis	Apopka – 91.8% Unincorporated – 8.2%	N/A	N/A

Given the above analysis, this project does not meet the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from the City of Apopka.

This determination expires on December 4, 2021. OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from the City by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

This determination is governed by the Interlocal Agreement, the provisions of the City of Apopka's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Christopher Mills'.

Christopher Mills, AICP
Administrator, Facilities Planning

VJ/cm

Attachments – Attachment A: Detailed Capacity Analysis

CC: Bobby Howell, City of Apopka (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File

Attachment A



Facilities Planning
Orange County Public Schools

School Capacity Determination

User ID #: 109591 June 7, 2021 13:31:43

Project ID: CEA – APK – 21 – 015 Valid Until: December 4, 2021

Project Name:		MAGNOLIA TERRACE	
Unvested Units	Single Family Units:	111	Vested Units
	Multi Family Units:	0	
	Town Homes Units:	176	

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	BB		
	School:	APOPKA ES	WOLF LAKE MS	WEKIVA HS
	Analysis of Existing Conditions			
	School Capacity (2019-2020)	830	1,150	2,797
	Enrollment (2019-2020)	859	1,451	2,089
	Utilization (2019-2020)	103.0%	126.0%	75.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	54	0	708
	Analysis of Reserved Capacity			
	School Level	Elementary	Middle	
	Encumbered Capacity	19	142	258
	Reserved Capacity	59	62	83
	Adjusted Utilization	112.9%	143.9%	86.9%
	Adjusted Available Seats	0	0	367
	Analysis of Proposed Development			
	Students Generated	49.713	23.921	30.733
	Adjusted Utilization	118.9%	146.0%	88.0%
	PASS/FAIL	FAIL	FAIL*	PASS
	Number of Seats to Mitigate	49.713	23.921	0.000

APOPKA ES	
WOLF LAKE MS	*PASS – SCHEDULED FOR RELIEF IN 2022.
WEKIVA HS	



City of Apopka

PLANNING COMMISSION STAFF REPORT

Type of Form: Business

Meeting Date: November 9, 2021

Department: Community Development

SUBJECT:

Special Exception request to allow an assisted living facility, Longevity Healthcare Assisted Living, at 750 Alabama Avenue.

REQUEST:

Approve a Special Exception to allow an assisted living facility at 750 Alabama Avenue.

SUMMARY:

Owner:	Gladys and Louidore Brutus
Applicant:	Gladys and Louidore Brutus
Parcel Identification Number:	15-21-28-0000-00-004
Location:	750 Alabama Avenue
Future Land Use:	Residential Low
Zoning:	MU-D (Mixed Use – Downtown)
Tract Size:	0.89 ± acre

Zoning Report

This chart includes the relationships to adjacent properties.

Direction	Future Land Use	Zoning	Present Use
North	Residential Low	MU-D (Mixed Use – Downtown)	Single-Family Residence
East	Mixed Use	MU-D and Public Right-of-Way (ROW)	Alabama Avenue and Vacant
South	Residential Low	MU-D and ROW	8 th Street and Single-Family Residence
West	Residential Low	MU-D	Single-Family Residences

PROJECT DESCRIPTION:

The property is presently assigned a Future Land Use Designation of Residential Low and has a zoning designation of MU-D (Mixed Use – Downtown). The applicant intends to operate an assisted living facility at the subject property. A previous assisted living facility ceased operations at this property for more than 180 days, which resulted in the expiration of its nonconforming status per Section 8.2.4.A of the Land Development Code. The applicant has worked with Staff to make improvements to bring the site into compliance with current Land Development Code standards, such as making access points safer, easing

internal traffic flow, providing bicycle parking, and relocating fences within property boundaries. At the greatest extent practicable, the applicant is required to comply with all site design and other standards, including landscaping buffer Type E, required for Special Exception uses under Land Development Code Table 5.2.5.B.3.D-2.

Per Land Development Code Section 2.5.1.G.4, a Special Exception is required to be in compliance with the following standards:

- a. Will be consistent with the goals, objectives, and policies of the comprehensive plan;
- b. Will comply with all applicable zoning district standards;
- c. Will comply with all standards in Sec. 4.2.3, Standards Specific to Principal Uses, Standards for Specific Principal Uses;
- d. Will be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district;
- e. Will adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- f. Will ensure that no site lighting source shall negatively impact adjacent properties and rights-of-way;
- g. Will maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- h. Will avoid significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- i. Will not have an adverse impact on land values and the ability of neighboring lands to develop uses permitted in the zoning district;
- j. Will avoid significant deterioration of water and air resources, scenic resources, and other natural resources;
- k. Will not overburden existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection facilities; and
- l. Will comply with all other relevant City, State, and federal laws and regulations.

ACCESS:

The facility is required to have access via a full access driveway on 8th Street, as well as, a right-in and right-out access on Alabama Avenue.

PUBLIC HEARING SCHEDULE:

November 9, 2021 – Planning Commission, 5:30 P.M.

FUNDING SOURCE:

Not applicable.

RECOMMENDED MOTION:

Development Review Committee:

Recommends approval of a Special Exception to allow an assisted living facility in the MU-D (Mixed Use – Downtown) Zoning District for property located at 750 Alabama Avenue.

Recommended Motion – Planning Commission:

Approve a Special Exception to allow an assisted living facility in the MU-D (Mixed Use – Downtown) Zoning District for property located at 750 Alabama Avenue.

Planning Commission Role:

Pursuant to the City of Apopka Code of Ordinances, Part III, Land Development Code, Article II, Section 2.3.2.B.1.a, the Planning Commission has the authority to take make decisions on Special Exception permits. Therefore, the Planning Commission may approve, deny or approve with conditions this application. An applicant may appeal the Planning Commission action to the City Council.

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.

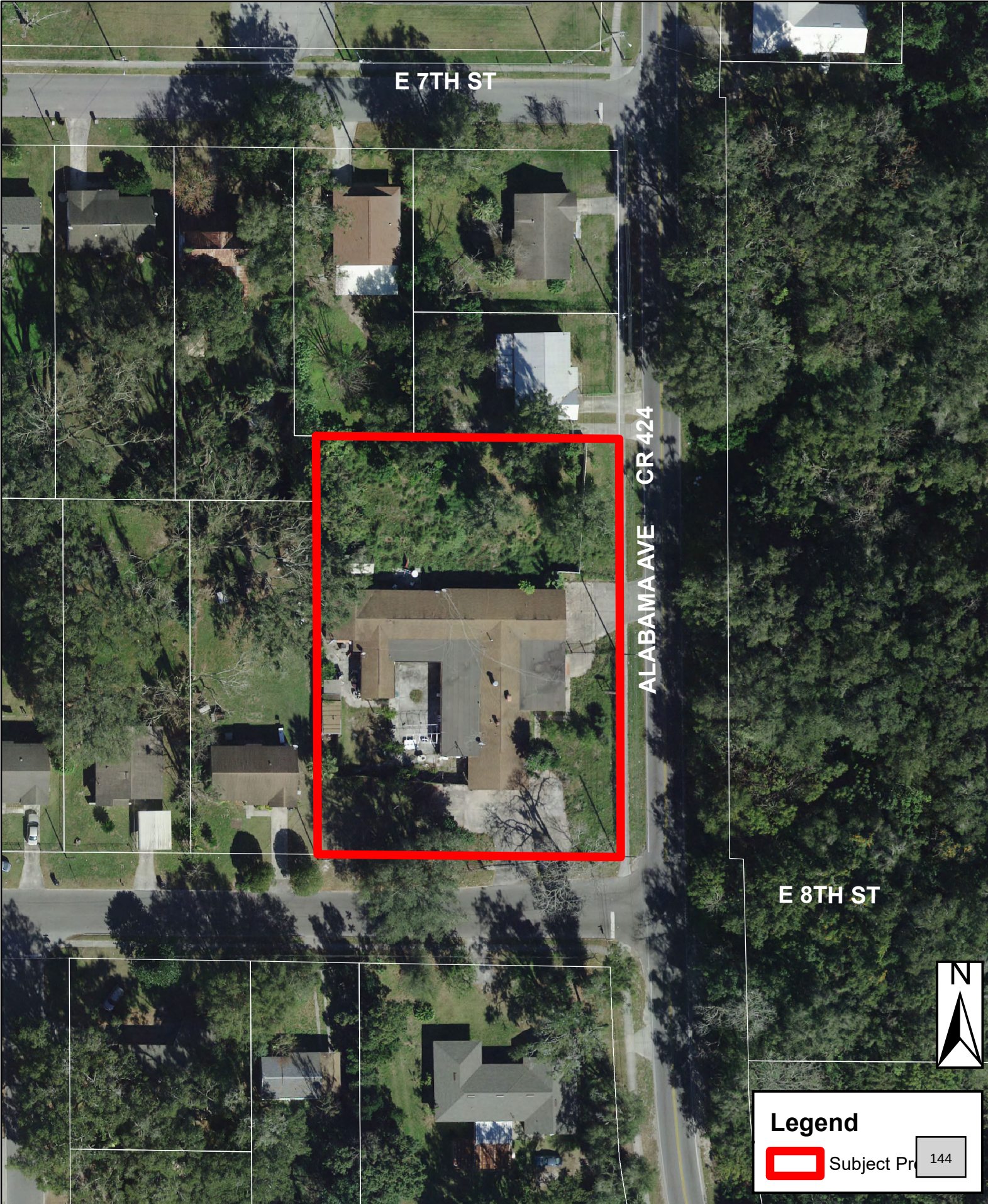
ATTACHMENTS:

- Longevity ALF Site Plan (PDF)
- Maps (PDF)

Vicinity



Aerial



E 7TH ST

ALABAMA AVE CR 424

E 8TH ST



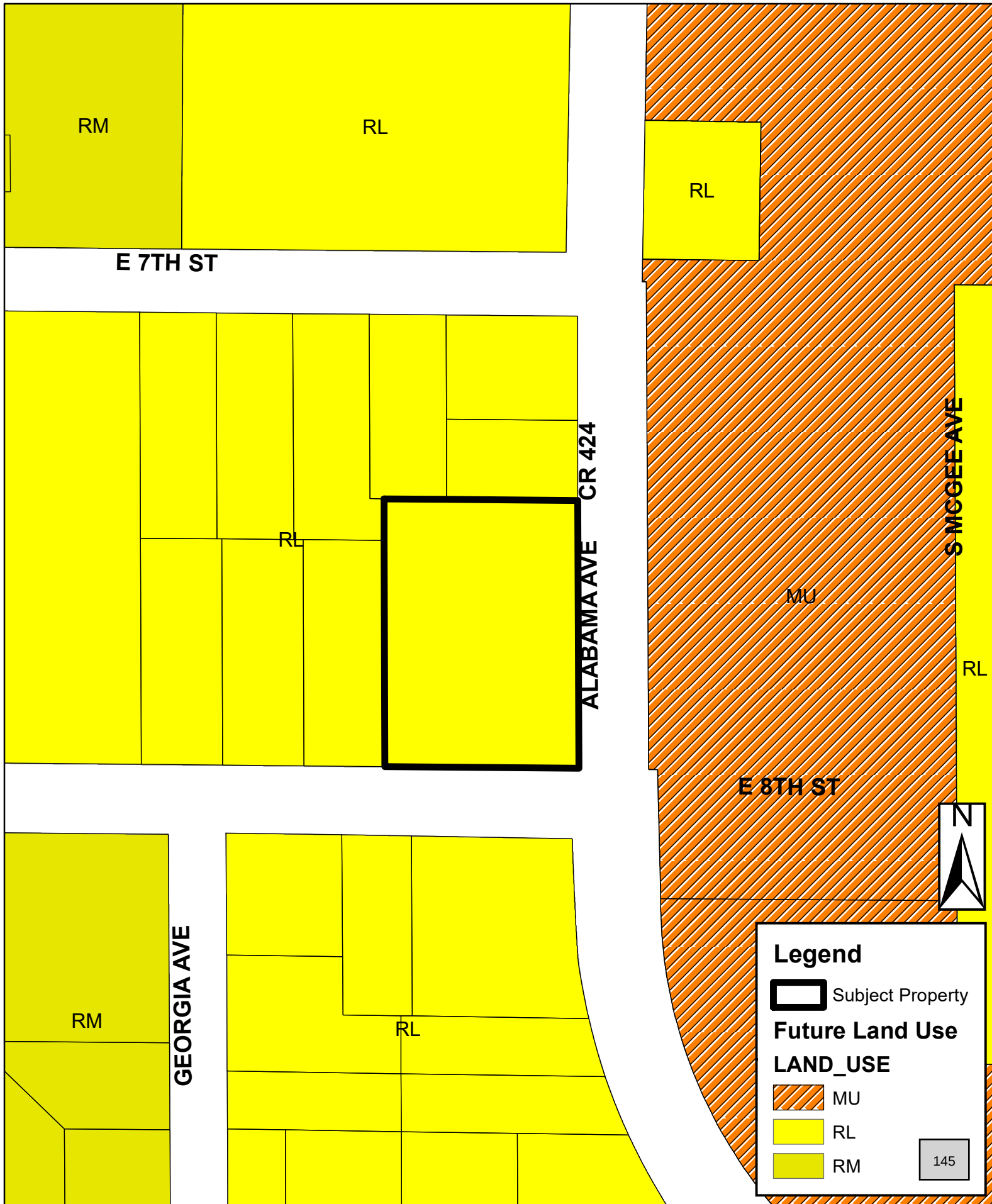
Legend



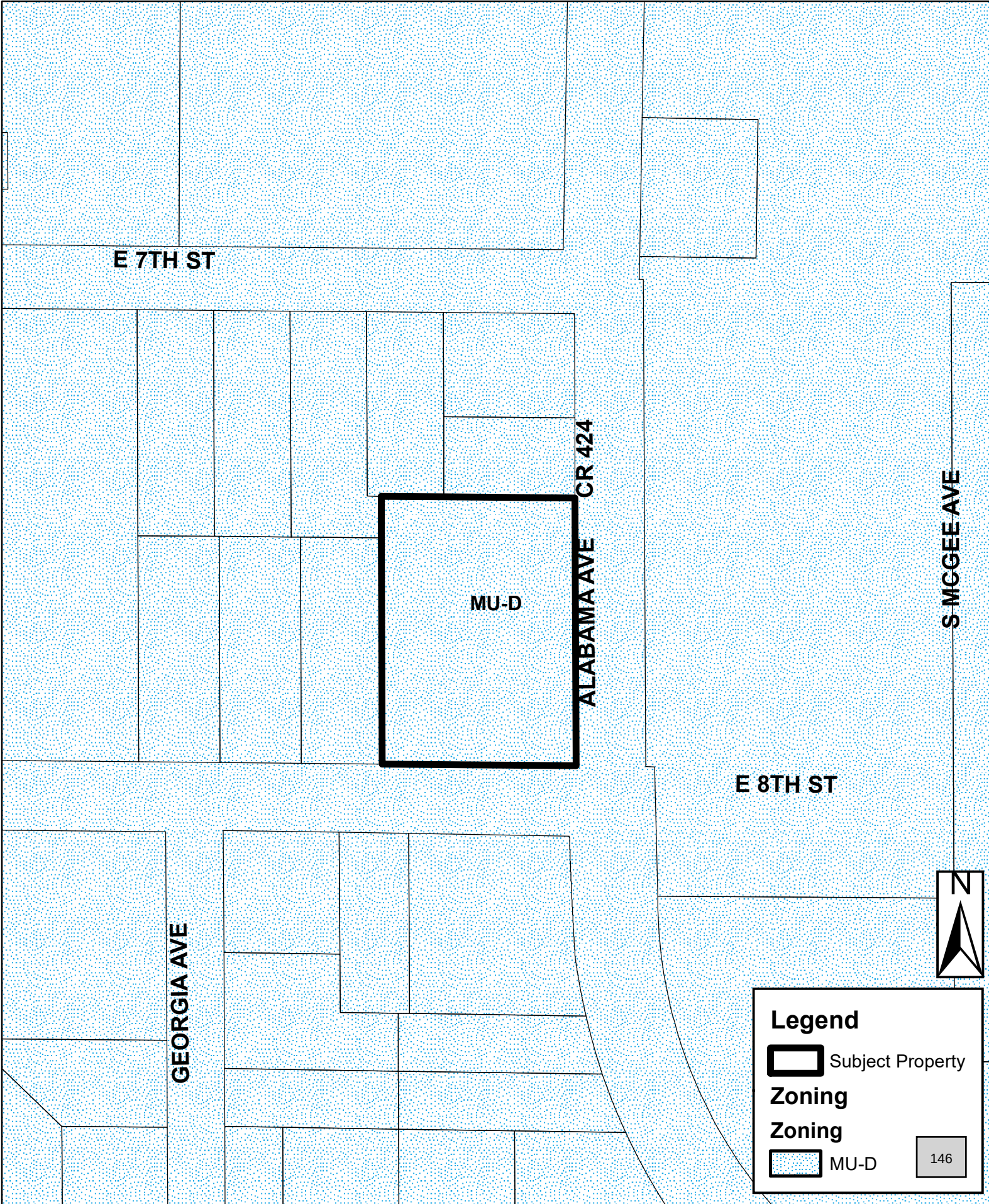
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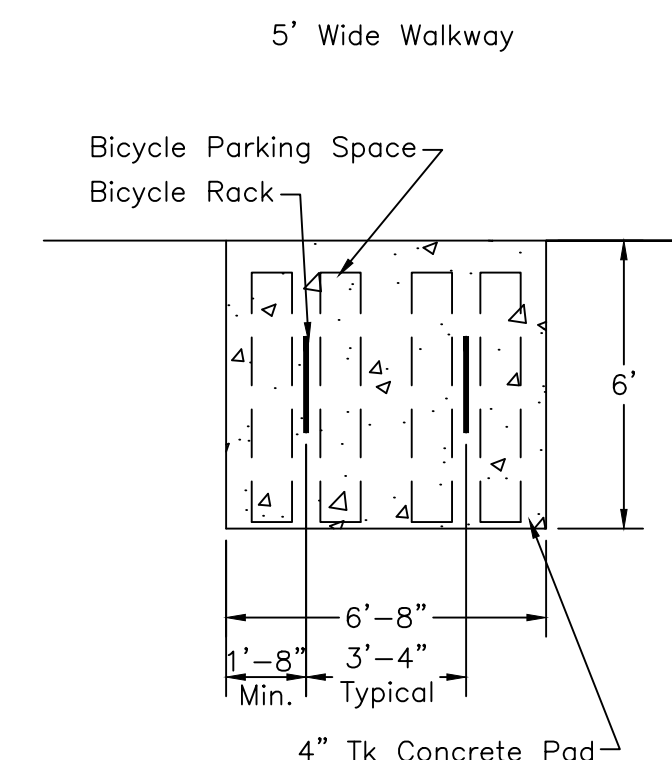
144

Future Land Use



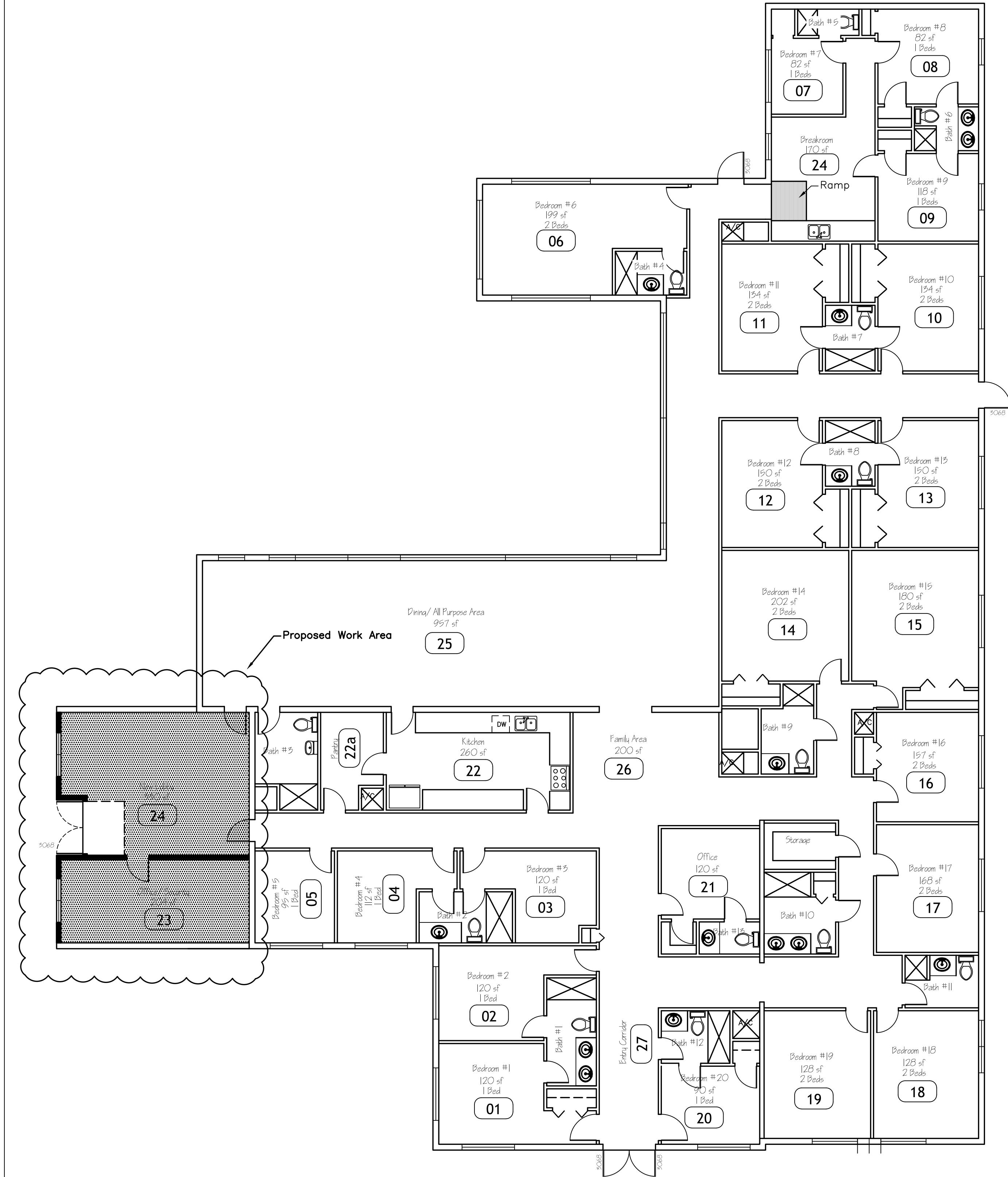
Zoning



[illegible]

<u>Parking Provided</u>	
Standard Spaces	= 10 spaces
Handicapped Spaces	= 1 spaces
<u>Total spaces provided</u>	<u>= 11 spaces</u>

147



Work Area Location Plan
Scale: 1/8"=1'

CODE COMPLIANCE

Existing Building Area: 7,849 sf
Proposed Addition Area : 455 sf
Total Building Area: 8,304 sf

Construction Type: VB, Sprinklered

Per FBC Chapter 3, Section 308
Building Occupancy: I-1, Institutional Group I
(Assisted Living - Condition 1)

Per FBC Chapter 5, Table 504.3
Max height of building: 40'/Proposed: 23'-7"

Per FBC Chapter 5, Table 504.4
Max stories: 3/ Proposed: 1

Per FBC Chapter 5, Table 506.2
Max Area: 18,000 sf/ Proposed: 8,304 sf

Per FBC Chapter 6, Table 601, Fire Resist Requirements for Bldg Elements
Structural Frame = 0 hr
Bearing Walls
Exteriors = 0 hr
Interiors = 0 hr
Non-bearing walls = 0 hr
Floor Const. = 0 hr
Roof Const. = 0 hr

Per FBC Chapter 8, Table 803.11, Interior Wall and Ceiling Finish Requirements
Occupancy: I-1/ Sprinklered
Exit passageways : Class B
Corridors: Class C
Rooms and Enclosed Spaces: Class C

Per FBC Chapter 10, Table 1004.1.2 Minimum Occupant Load
Sleeping Areas: 6,524 sf @ 120 sf/ occupant = 55 people
Kitchen/Commercial: 660 sf @ 200 sf / Occupant = 4 person
Reading Areas: 1,120 sf @ 50 sf / Occupant = 24 person
Total Occupant Load = 83 people

Per FBC Chapter 10, Section 1005.3.2 Egress Width per Occupant
Egress Components:
83 @ 0.2"/person = 17" required (36" Min)/180" provided

Per FBC Chapter 10, Table 1006.3.1 Minimum Number of exits or access to exits per story
1-500 occupants: 2 required/ 4 provided

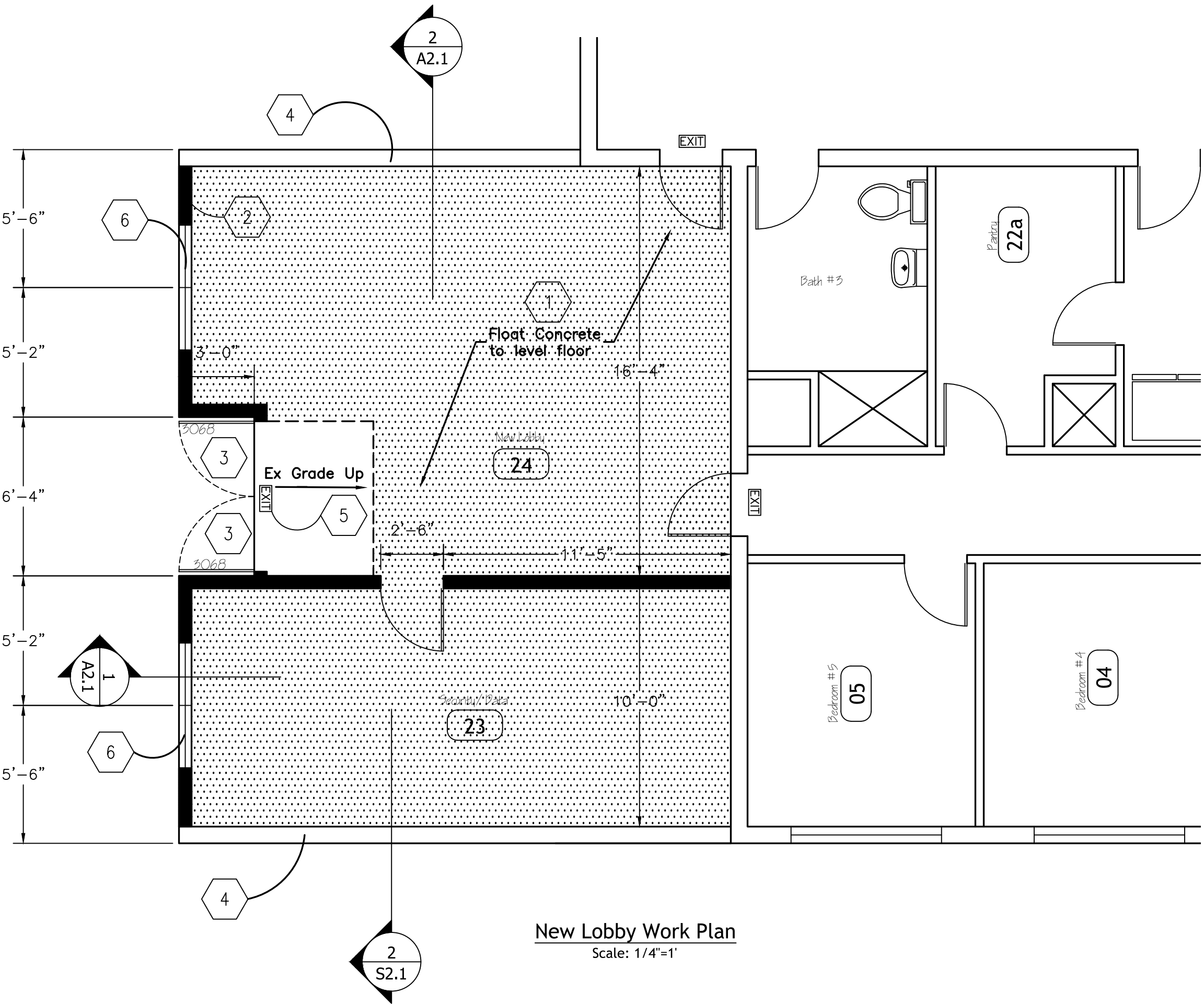
Per FBC Chapter 11
All buildings, facilities, elements and/or spaces shall comply with the applicable laws relating to accessibility for the disabled per Florida Statutes chapter 553, Part V, and the Florida Accessibility Code for Building Construction

Handicapped accessible entrances must be provided in a number at least equivalent to the number of exits required by code.

All accessible doors to be provided with hardware having a shape that is easy to grasp with one hand and does not require tight grasping, pinching or twisting of wrist to operate.

Specific Work Notes

1. Install new floatable concrete topping over existing concrete floor to provide a level surface. Provide a flat area at the front door for ADA accessibility.
2. Install new non-bearing frame wall with painted stucco exterior below existing gable and truss.
3. Install SOGB exterior door +/- 35 psf.
4. Modify existing CMU wall per detail.
5. Install new lighted Exit Sign.
6. Install 2 new Windows in new frame wall (37"x43"). Set at 12" below top plate. Min pressure +/- 35 psf



Number	Date	Description

THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE FOLLOWING CODES
Florida Building Code (2020)
National Electrical Code (2017)
Existing Building Code (2020)
Florida Energy Code (2020)
Plumbing Code (2020)

BUILDING DATA

Occupancy Classification:
Institutional (I-1) - 8,304 sf
Construction Type: - VB
Sprinklered Building? - Yes

Building Data
Proposed Use: Assisted Living Condition 1

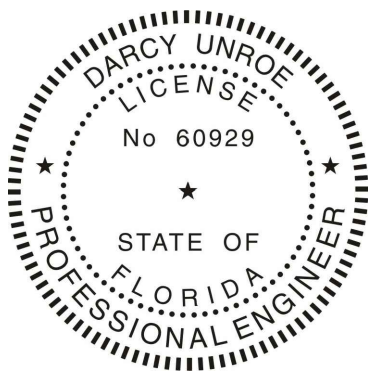
Proposed Lobby Enclosure

750 Alabama Ave
Independent Living Center

Drawn By: DPL
Checked By: DPL
Date: 7/1/21
Scale: Per Plan
Job No.: ALABAMA

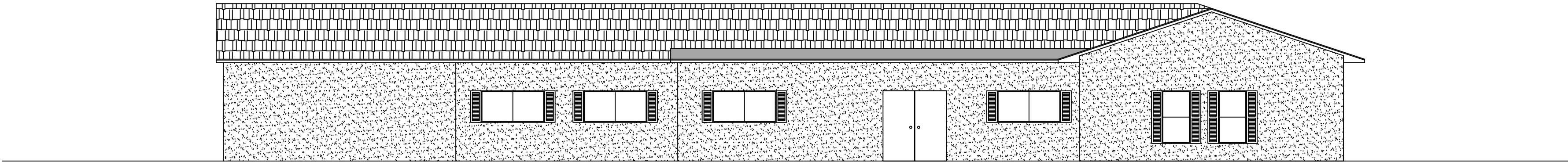
Unroe Engineering, Inc
Engineering/Planning/Scientific Evaluation
PO Box 690942, Orlando, FL 32869-0942
ph (407) 299-0650

DESIGN STATEMENT:
THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED REQUIREMENTS OF THE FLORIDA BUILDING CODE 2020 EDITION.

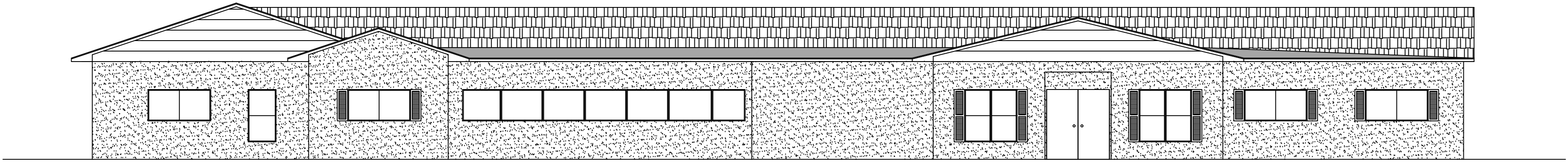


Al.I

Number	Date	Description



Front Elevation (South)
Scale: 1/8"=1'



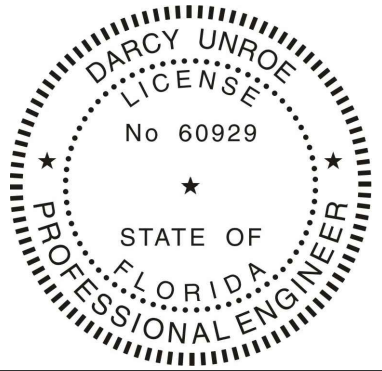
Side Street Elevation (East)
Scale: 1/8"=1'

Building Elevations

750 Alabama Ave
Independent Living Center

Drawn By: DPU
Checked By: DPU
Date: 8/24/21
Scale: 1/8"=1'
Job No.: ALABAMA

**Unroe Engineering, Inc**
Engineering/Planning/Scientific Evaluation
PO Box 690942, Orlando, FL 32869-0942
Business Authorization Number - EB 00006579 ph (407) 299-0650
DESIGN STATEMENT:
THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED REQUIREMENTS OF THE
FLORIDA BUILDING CODE 2020 EDITION.



AI.3



City of Apopka

PLANNING COMMISSION STAFF REPORT

Type of Form: Business

Meeting Date: November 9, 2021

Department: Community Development

SUBJECT:

Winding Meadows Subdivision – Plat

REQUEST:

Recommend approval of the Winding Meadows Subdivision – Plat

SUMMARY:

Owner: Klepzig Family Trust, Klepzig Dennis R Life Estate, Klepzig Joann Life Estate, Min Sun Cho, Hong Sik Kim and Deok Hwa Kim
Applicant: Pulte Homes Company, LLC c/o Aaron Struckmeyer
Parcel Identification Number: 13-20-27-0000-00-001, 13-20-27-0000-00-022, 13-20-27-0000-00-062, 13-20-27-0000-00-058, 13-20-27-0000-00-019, 13-20-27-0000-00-020 and 13-20-27-0000-00-021
Location: East of State Road 429, west of Plymouth Sorrento Road, and south of Joey McGuckin Road
Future Land Use: Mixed-Use Interchange (maximum of 5 dwelling units per acre and/or 0.5 Floor Area Ratio (FAR))
Zoning: KPI-MU (Kelly Park Interchange – Mixed-Use, Neighborhood character zone)
Tract Size: 50.79 ± acres

Zoning Report

This chart includes the relationships to adjacent properties.

Direction	Future Land Use	Zoning	Present Use
North	Residential Low Suburban, Residential Very Low Suburban, Mixed-Use	AG (Agriculture), Transitional	Single Family Residences
East	Rural Settlement, Residential Very Low Suburban, Plymouth Sorrento Road Right-of-Way (ROW)	RSF-1A (Residential Single-Family– Estate), AG (Agriculture), ROW	Vacant, Oak Ridge Phase II Residential Subdivision
South	City Mixed-Use, and County Rural	Mixed Use- Interchange Zoning District with Neighborhood Overlay (MU-N), County A-2 (Farmland Rural District)	Vacant
West	ROW	Not applicable	State Road 429

PROJECT DESCRIPTION:

The Winding Meadows Subdivision, located east of State Road 429, south of Plymouth Sorrento Road and south of Joey McGuckin Road, is a residential development proposing single-family detached homes. The development requires a combination of seven parcels, and will be platted into a subdivision consisting of 179 single-family detached units, recreation tracts and a stormwater tract.

ACCESS:

The subdivision will have access via a full access driveway on Plymouth Sorrento Road.

PUBLIC HEARING SCHEDULE:

November 9, 2021 – Planning Commission, 5:30 P.M.

December 1, 2021 – City Council, 1:30 P.M.

FUNDING SOURCE:

Not applicable.

RECOMMENDED MOTION:**Development Review Committee:**

Recommends approval of the Winding Meadows Subdivision – Plat, finding it consistent with the Land Development Code, subject to the findings of this staff report.

Recommended Motion – Planning Commission:

Find the Winding Meadows Subdivision – Plat consistent with the Land Development Code and recommend approval of the Plat, subject to the findings of this staff report.

Planning Commission Role:

The role of the Planning Commission for this development application is to advise the City Council to approve or deny the Plat based on consistency with the Comprehensive Plan and Land Development Code.

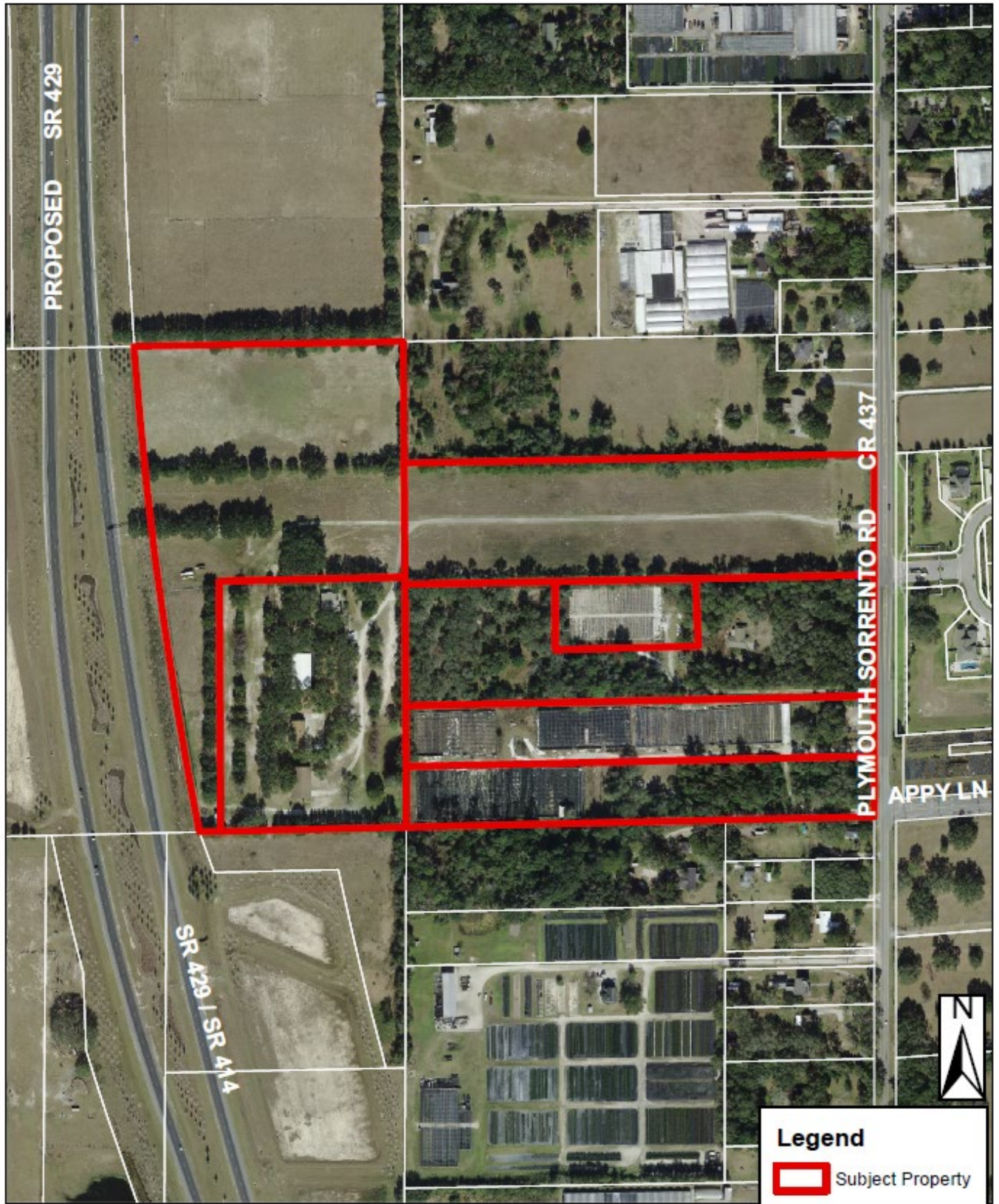
ATTACHMENTS:

- Maps (PDF)
- Winding Meadows – Plat (PDF)

Vicinity



Aerial



WINDING MEADOWS
A PORTION OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST,
CITY OF APOPKA, ORANGE COUNTY, FLORIDA,

SHEET 1 OF 5

PLAT BOOK _____ PAGE _____

LEGAL DESCRIPTION:

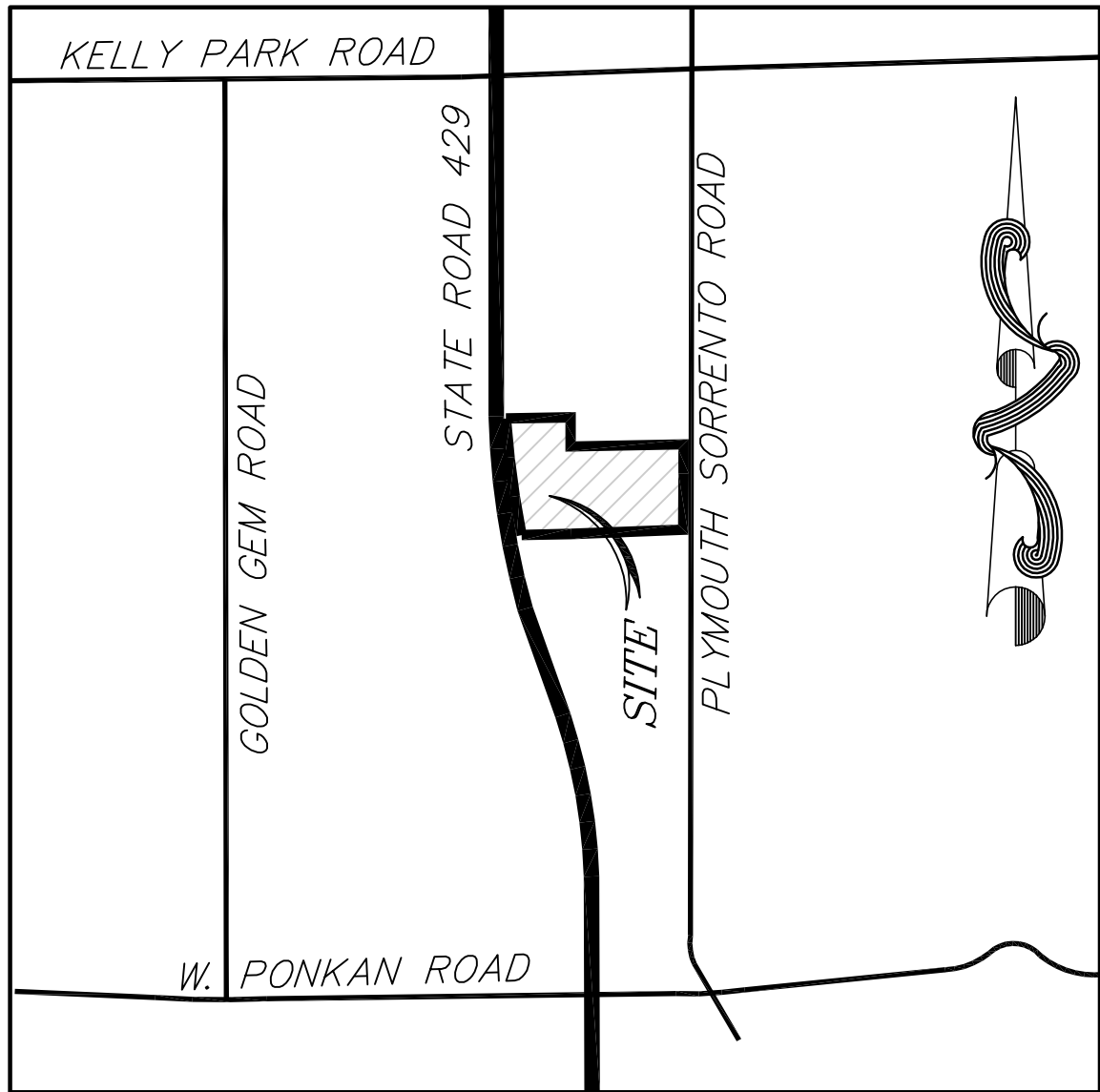
A TRACT OF LAND LYING IN SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 88°41'14" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 30.01 FEET TO THE POINT OF BEGINNING, SAID POINT LIES ON THE WEST RIGHT-OF-WAY LINE OF PLYMOUTH SORRENTO ROAD, ACCORDING TO DEED BOOK 402, PAGE 68, ROAD BOOK 3, PAGE 44 AND PLAT BOOK 87, PAGES 133 THROUGH 135 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 88°41'14" WEST, ALONG SAID SOUTH LINE, 1868.14 FEET TO A POINT ON THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 429, ACCORDING TO OFFICIAL RECORDS BOOK 10752, PAGE 9151, AND DOCUMENT NUMBER 20160407152 OF SAID PUBLIC RECORDS, SAID POINT LIES ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY; THENCE RUN NORTHWESTERLY, ALONG SAID NON-TANGENT CURVE HAVING A RADIUS OF 11317.16 FEET, A CENTRAL ANGLE OF 06°52'20", AN ARC LENGTH OF 1357.40 FEET, A CHORD LENGTH OF 1356.58 FEET AND A CHORD BEARING OF NORTH 07°38'42" WEST TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE RUN NORTH 88°38'16" EAST, ALONG SAID NORTH LINE, 745.18 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE RUN SOUTH 00°20'13" EAST, ALONG SAID EAST LINE, 336.20 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE RUN NORTH 88°54'02" EAST, ALONG SAID NORTH LINE, 1300.74 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF PLYMOUTH SORRENTO ROAD; THENCE RUN SOUTH 00°01'59" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 1003.87 FEET TO THE POINT OF BEGINNING.

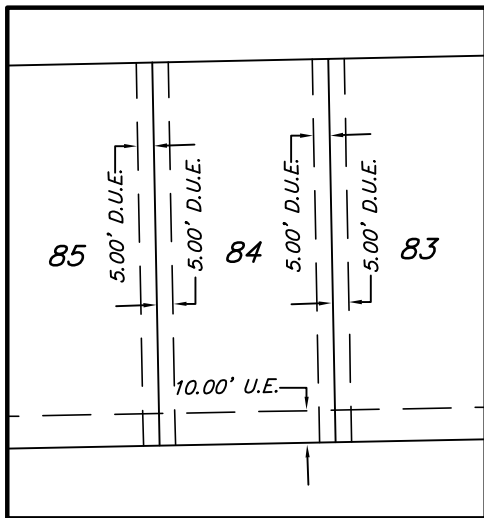
THE ABOVE DESCRIBED TRACT OF LAND LIES IN THE CITY OF APOPKA, ORANGE COUNTY, FLORIDA AND CONTAINS 50.77 ACRES MORE OR LESS.

LEGEND:

- P.C. POINT OF CURVATURE
P.T. POINT OF TANGENCY
P.I. POINT OF INTERSECTION
PB. PLAT BOOK
DB. DEED BOOK
RB. ROAD BOOK
L.B. LICENSED BUSINESS
W.E. WALL EASEMENT
U.E. UTILITY EASEMENT
L.S. LANDSCAPE
LLC LIMITED LIABILITY COMPANY
ORB. OFFICIAL RECORDS BOOK
PG.(S) PAGE(S)
CHANGE OF DIRECTION
ALONG RIGHT-OF-WAY LINES
NT NON-TANGENT
NR NON-RADIAL
D.E. DRAINAGE EASEMENT
F.E. FENCE EASEMENT
F.W.E. FENCE/WALL EASEMENT
D.U.E. DRAINAGE & UTILITY EASEMENT
CENTERLINE
CCR # CERTIFIED CORNER RECORD NUMBER
SET 4" X 4" CONCRETE MONUMENT LB 6723
PERMANENT REFERENCE MONUMENT (P.R.M.)
RECOVERED 4" X 4" CONCRETE
SET NAIL & DISK LB 6723
PERMANENT CONTROL POINT (P.C.P.)



LOCATION MAP NOT TO SCALE



"NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY."

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, that I the undersigned, being a licensed surveyor and mapper, do hereby certify that on _____ completed the survey of the lands as shown in the foregoing plat or plan: that said plat is a true and correct representation of the lands surveyed and platted and was prepared under my direction and supervision; that permanent reference monuments have been placed as shown thereon; and this plat complies with all the survey requirements of Chapter 177, Florida Statutes; and that said land is located in Orange County, Florida.

By: _____ Date: _____

James L. Rickman P.S.M. # 5633
Allen & Company
Licensed Business # 6723
16 East Plant Street
Winter Garden, Florida 34787

SURVEYOR'S NOTES:

- BEARINGS SHOWN HEREON ARE ASSUMED BASED ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST, BEING S88°41'14"W.
- ALL LOT LINES INTERSECTING CURVES ARE RADIAL, UNLESS OTHERWISE NOTED NON-RADIAL (NR).
- ALL PLATTED UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION AND DATA SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- TRACTS C, D, O, P AND Q ARE OPEN SPACE TRACTS AND SHALL BE OWNED AND MAINTAINED BY THE WINDING MEADOWS HOMEOWNERS ASSOCIATION, INC., (THE ASSOCIATION).
- TRACT B, AMENITY/PARK TRACT AND SHALL BE OWNED AND MAINTAINED BY THE ASSOCIATION.
- TRACTS E, F, G, H, I, J, AND K ARE LANDSCAPE TRACTS (BUFFERS) AND ARE DEDICATED TO AND MAINTAINED BY THE ASSOCIATION.
- TRACT M STORM WATER TRACT AND SHALL BE DEDICATED TO AND MAINTAINED BY THE ASSOCIATION.
- WALL EASEMENTS SHOWN HEREON, WITH THE EXCEPTION OF THE WALL EASEMENT ADJACENT TO TRACT L, AND THE RETAINING WALLS AND SIGN WALLS LYING WITH IN THE WALL EASEMENTS, ARE DEDICATED TO THE AND WILL BE MAINTAINED BY THE ASSOCIATION IN ACCORDANCE WITH THE DECLARATION.
- TRACT N, LANDSCAPE MEDIAN IS DEDICATED TO AND MAINTAINED BY THE ASSOCIATION.
- TRACT L, LIFT STATION, WILL BE OWNED AND MAINTAINED BY THE CITY OF APOPKA, FLORIDA.
- A NON-EXCLUSIVE EASEMENT THROUGH, OVER, UNDER AND ACROSS TRACT R AND ALL UTILITY EASEMENTS SHOWN HEREON IS HEREBY DEDICATED FOR THE USE BY ALL PUBLIC UTILITIES FOR THE PURPOSE OF CONSTRUCTION, MAINTAINING AND REPLACING THEIR RESPECTIVE FACILITIES SERVICING THE LANDS ENCOMPASSED BY THIS PLAT.
- A 5.00 FOOT WIDE DRAINAGE AND UTILITY IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES AND ARE DEDICATED TO THE ASSOCIATION AND WILL BE MAINTAINED IN ACCORDANCE WITH THE DECLARATION.
- TRACT A, A 30.00 FOOT WIDE TRACT IS DEDICATED TO ORANGE COUNTY, FLORIDA FOR THE USE OF ADDITIONAL RIGHT-OF-WAY FOR PLYMOUTH SORRENTO ROAD.
- THE 5.00 FOOT WIDE FENCE EASEMENT (F.E.), ALONG THE REAR OF LOTS 1 THROUGH 20, LOTS 144 THROUGH 163 AND LOTS 31 THROUGH 37 IS DEDICATED TO AND MAINTAINED BY THE ASSOCIATION IN ACCORDANCE WITH THE DECLARATION.
- THE ALLEY TRACTS SHOWN HEREON ARE HEREBY RESERVED FOR PRIVATE ROADWAYS AND SHALL BE CONVEYED BY SEPARATE INSTRUMENT TO THE PLYMOUTH SORRENTO ASSEMBLAGE A FLORIDA NOT FOR PROFIT CORPORATION (THE ASSOCIATION) FOR OWNERSHIP AND MAINTENANCE. A PERPETUAL NON-EXCLUSIVE ACCESS/UTILITY EASEMENT IS DEDICATED TO THE CITY OF APOPKA, UTILITY PROVIDERS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES AND ALL APPLICABLE GOVERNMENT AGENCIES INCLUDING BUT NOT LIMITED TO LAW ENFORCEMENT, FIRE AND OTHER EMERGENCY SERVICES FOR THE PURPOSE OF PERFORMING MUNICIPAL AND GOVERNMENTAL SERVICES REASONABLY NECESSARY TO PROVIDE, PROTECT THE HEALTH, WELFARE AND SAFETY OF THE PROPERTY OWNERS, INVITEES OR GUESTS. A PERPETUAL, NON-EXCLUSIVE EASEMENT IS GRANTED TO THE MEMBERS OF THE ASSOCIATION FOR THE PURPOSE OF ACCESS OVER THE ALLEY TRACTS AND THE PAVED AREAS.

CERTIFICATE OF REVIEW BY REVIEWING SURVEYOR

Pursuant to Section 177.081, Florida Statutes, I have reviewed this plat for conformity to Chapter 177 Part 1 of the Florida Statutes and that said plat complies with the technical requirements of that chapter; provided however, that my review does not include field verification of any of the coordinates, points or measurements shown on this plat.

Signed: _____ Date: _____

Printed Name: Andrew Perry, P.S.M.
Registration Number 6124



LICENSED BUSINESS #6723
16 EAST PLANT STREET
WINTER GARDEN, FLORIDA 34787
(407) 654-5355

SHEET INDEX

SHEET 1 of 5 - legal description, dedication,
Surveyor's notes & legend
SHEET 2 of 5 - boundary information
SHEETS 3 thru 5 of 5 -boundary information,
lot and tract geometry

WINDING MEADOWS

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the undersigned company and corporation named below, being the owners in fee simple of all of the lands described in the foregoing caption to this plat, hereby dedicate said lands and plat for the uses and purposes therein expressed and dedicate the utility easements to the perpetual use of the public. Tract R (Right-of-Way) is hereby dedicated in fee simple to the City of Apopka without any restriction whatsoever. The 5.00' wall easement adjacent to Tract L is dedicated to and maintained by the City of Apopka.

Tract L (Lift Station) is hereby dedicated in fee simple to City of Apopka without any restriction whatsoever. City ownership of this Tract and any improvements thereon vests upon approval of this Plat by the City Council of Apopka. Recording of this Plat shall act as conveyance to the City and no further instrument shall be necessary to vest fee simple title in the City as aforementioned.

IN WITNESS WHEREOF, the undersigned Pulte Home of Company, LLC, a Michigan Limited Liability Company has caused these presents to be executed and acknowledged by its undersigned Officer thereunto duly authorized on this _____ day of _____ 2020.

By:Pulte Home of Company, LLC, a Michigan Limited Liability Company

By: _____
Printed Name: _____
Title: _____

Signed and sealed in
the presence of: _____

Printed Name of Witness: _____

Printed Name of Witness: _____

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me, by means of [] physical presence or [] online notarization, this _____ day of _____, 2021, by _____, as of Pulte Home of Company, LLC, a Michigan Limited Liability Company, on behalf of the company, such person [] is personally known to me or [] has produced _____ as identification.

SIGNATURE OF PERSON TAKING ACKNOWLEDGEMENT

Notary Public _____

Commission Expires: _____

Commission Number: _____

Printed Name: _____

CERTIFICATE OF APPROVAL
BY APOPKA PLANNING COMMISSION

Examined
and
Approved _____
Chairman Date

CERTIFICATE OF APPROVAL
BY CITY ENGINEER

Examined
and
Approved _____
Richard Earp Date

CERTIFICATE OF APPROVAL
BY ZONING DIRECTOR

Examined
and
Approved _____
Zoning Director Date

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, that on _____ the
foregoing plat was approved by the Municipality

Mayor _____

Attest: _____

City Clerk

CERTIFICATE OF COUNTY COMPTROLLER

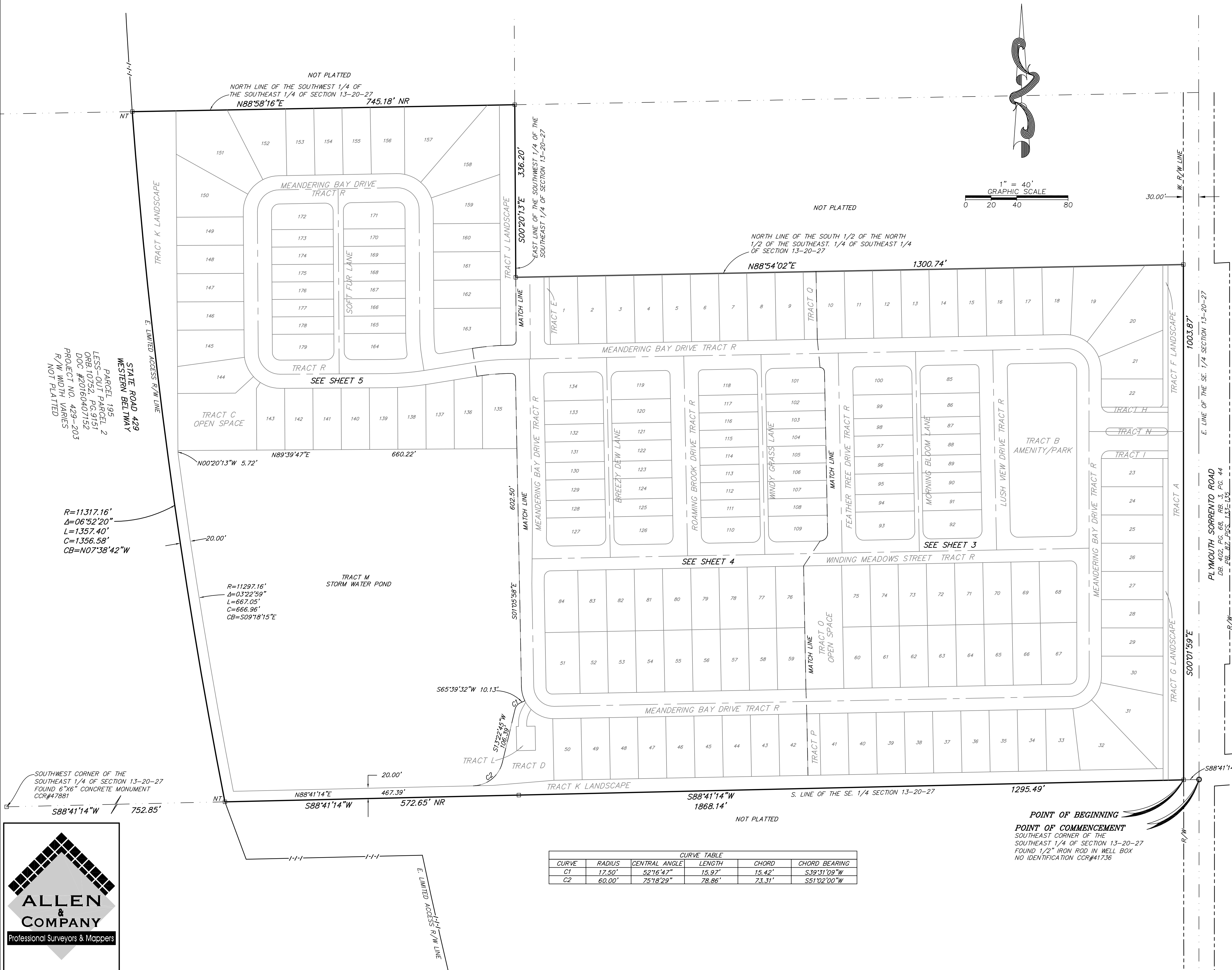
I HEREBY CERTIFY, that the foregoing plat was
recorded in the Orange County Official Records

on _____ as Doc.# _____

County Comptroller in and for Orange County, Florida.

By _____

WINDING MEADOWS
A PORTION OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST,
CITY OF APOPKA, ORANGE COUNTY, FLORIDA,

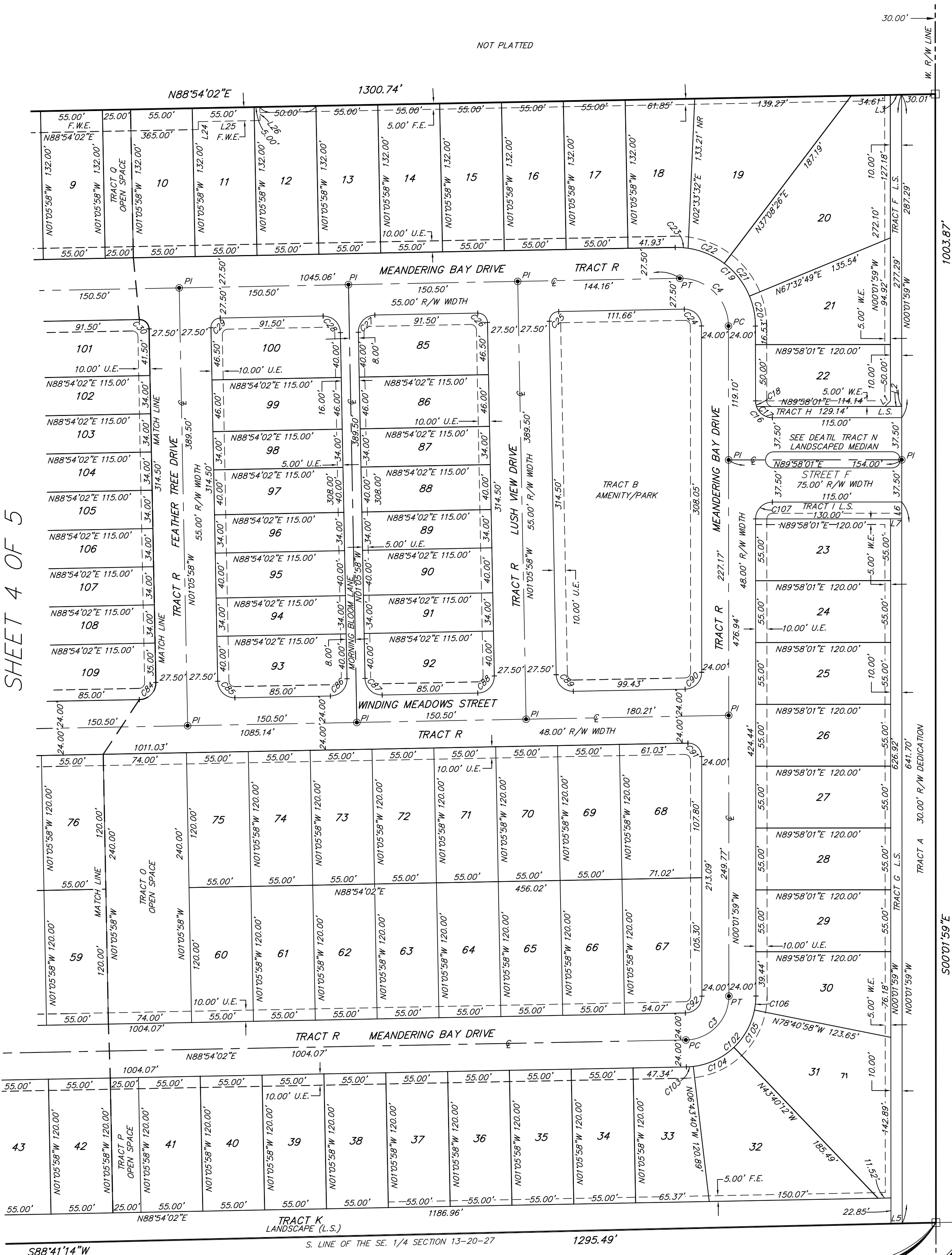


LICENSED BUSINESS #6723
16 EAST PLANT STREET
WINTER GARDEN, FLORIDA 34787
(407) 654-5355

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	LENGTH	CHORD	CHORD BEARING
C1	17.50'	52°16'47"	15.97'	15.42'	S39°31'09"W
C2	60.00'	75°18'29"	78.86'	73.31'	S51°02'00"W

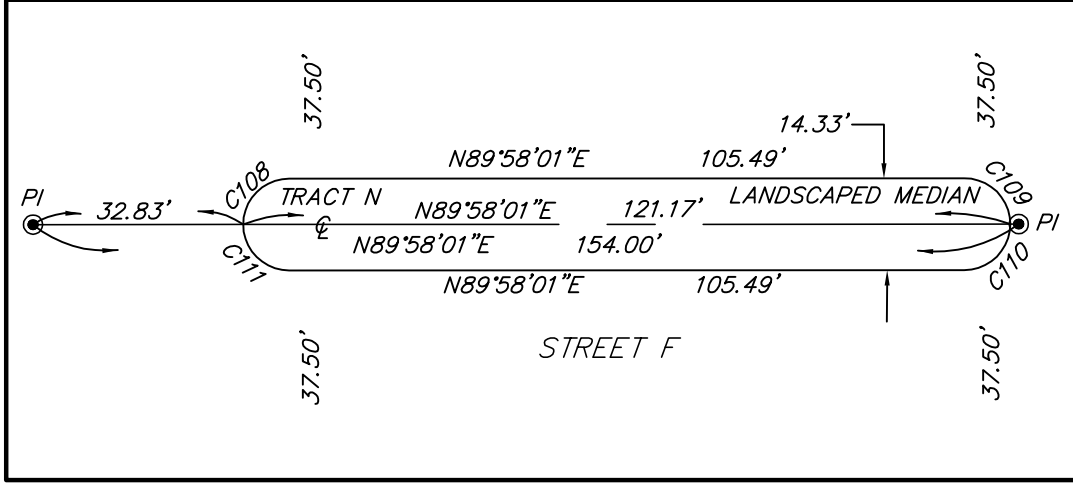
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WINDING MEADOWS
A PORTION OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST,
CITY OF APOPKA, ORANGE COUNTY, FLORIDA,



LINE TABLE		
LINE	BEARING	LENGTH
L1	N44°58'01"E	7.07'
L2	N89°58'01"E	15.00'
L3	N88°54'02"E	10.00'
L4	N09°13'11"W	26.09'
L5	N88°41'14"E	10.00'
L6	N00°01'59"W	15.00'
L7	N89°58'01"E	10.00'
L24	N01°05'08"W	7.00'
L25	N88°54'02"E	55.00'
L26	N01°05'57"W	12.00'

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	LENGTH	CHORD	CHORD BEARING
C3	39.00'	88°56'01"	60.54'	54.64'	N44°26'01"E
C4	42.50'	91°03'59"	67.55'	60.66'	N45°33'59"W
C16	15.00'	90°00'00"	23.56'	21.21'	N45°01'59"W
C17	15.00'	70°31'44"	18.46'	17.32'	N54°46'07"W
C18	15.00'	19°28'16"	5.10'	5.07'	N09°46'07"W
C19	70.00'	91°03'59"	111.26'	99.91'	N45°33'59"W
C20	70.00'	22°25'12"	27.39'	27.22'	N11°43'35"W
C21	70.00'	30°24'23"	37.15'	36.71'	N37°39'22"W
C22	70.00'	28°51'12"	35.25'	34.88'	N67°17'10"W
C23	70.00'	09°23'12"	11.47'	11.46'	N86°24'22"W
C24	15.00'	91°03'59"	23.84'	21.41'	N45°33'59"W
C25	8.50'	90°00'00"	13.35'	12.02'	N43°54'02"E
C26	8.50'	90°00'00"	13.35'	12.02'	N46°05'58"W
C27	15.00'	90°00'00"	23.56'	21.21'	N43°54'02"E
C28	15.00'	90°00'00"	23.56'	21.21'	N46°05'58"W
C29	8.50'	90°00'00"	13.35'	12.02'	N43°54'02"E
C30	8.50'	90°00'00"	13.35'	12.02'	N46°05'58"W
C84	15.00'	90°00'00"	23.56'	21.21'	N43°54'02"E
C85	15.00'	90°00'00"	23.56'	21.21'	N46°05'58"W
C86	15.00'	90°00'00"	23.56'	21.21'	N43°54'02"E
C87	15.00'	90°00'00"	23.56'	21.21'	N46°05'58"W
C88	15.00'	90°00'00"	23.56'	21.21'	N43°54'02"E
C89	15.00'	90°00'00"	23.56'	21.21'	N46°05'58"W
C90	15.00'	88°56'01"	23.28'	21.01'	N44°26'01"E
C91	12.00'	91°03'59"	19.07'	17.13'	N45°33'59"W
C92	15.00'	88°56'01"	23.28'	21.01'	N44°26'01"E
C102	63.00'	88°56'01"	97.79'	88.26'	N44°26'01"E
C103	63.00'	05°37'42"	6.19'	6.19'	N86°05'11"E
C104	63.00'	36°56'32"	40.62'	39.92'	N64°48'04"E
C105	63.00'	35°00'46"	38.50'	37.90'	N28°49'25"E
C106	63.00'	11°21'01"	12.48'	12.46'	N05°38'31"E
C107	15.00'	90°00'00"	23.56'	21.21'	N44°58'01"E
C108	7.17'	90°00'00"	11.26'	10.14'	N44°58'01"E
C109	7.17'	90°07'04"	11.27'	10.15'	N45°05'31"W
C110	7.17'	90°07'04"	11.27'	10.15'	N45°05'31"W
C111	7.17'	90°00'00"	11.26'	10.14'	N45°01'59"W



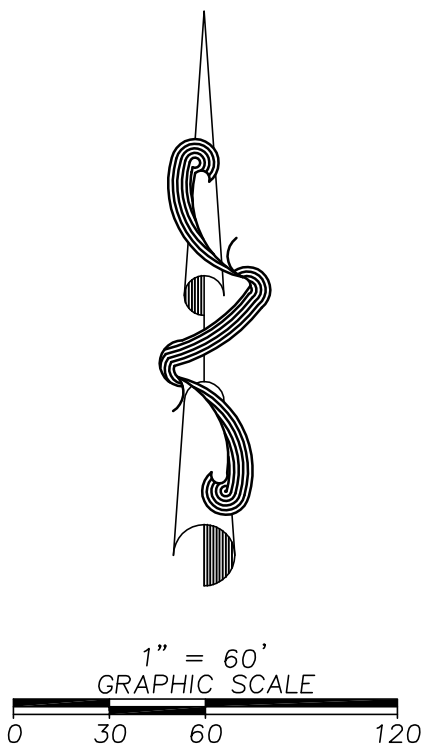
POINT OF BEGINNING
POINT OF COMMENCEMENT
SOUTHEAST CORNER OF THE
SOUTHEAST 1/4 OF SECTION 13-20-27
FOUND 1/2" IRON ROD IN WELL BOX
NO IDENTIFICATION COR#41736

SHEET INDEX
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Surveyor's notes & legend
SHEET 2 of 5 - boundary information
SHEETS 3 thru 5 of 5 - boundary information,
lot and tract geometry

ALLEN & COMPANY
Professional Surveyors & Mappers
LICENSED BUSINESS #6723
16 EAST PLANT STREET
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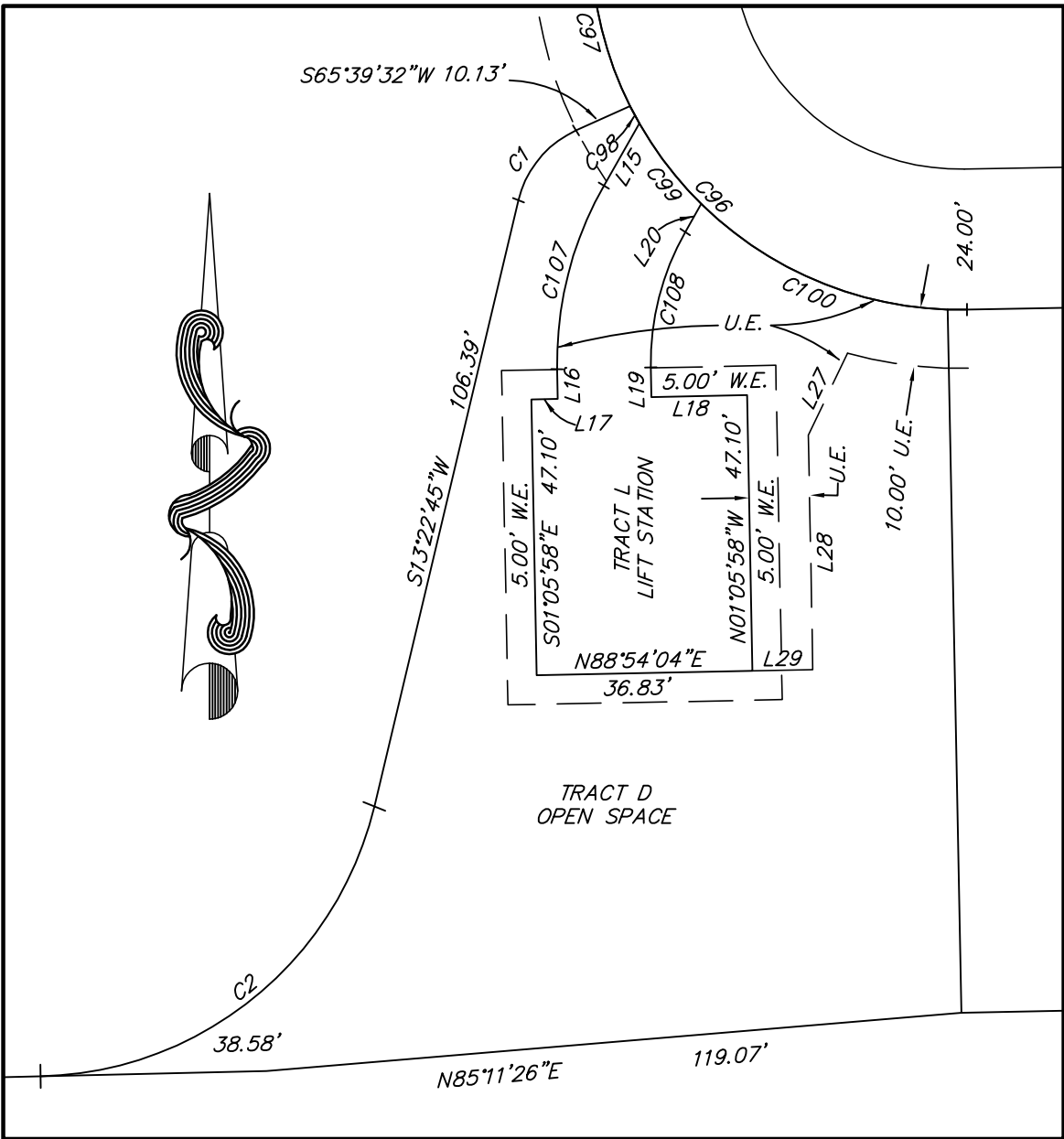
WINDING MEADOWS
A PORTION OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST,
CITY OF APOKA, ORANGE COUNTY, FLORIDA,

SHEET 4 OF 5 PLAT BOOK _____ PAGE _____



LINE TABLE		
LINE	BEARING	LENGTH
L8	N88°54'02"E	3.14'
L9	N88°54'02"E	10.00'
L10	N88°54'02"E	9.53'
L11	N88°54'02"E	6.95'
L15	S29°38'27"W	12.24'
L16	S01°05'58"E	5.06'
L17	S88°54'02"W	4.50'
L18	S88°47'31"W	16.33'
L19	N01°05'58"W	5.09'
L20	N29°38'27"E	5.52'
L21	S88°54'02"W	20.00'
L22	S01°05'57"E	12.00'
L23	S01°03'21"E	7.00'
L25	N01°05'08"W	7.00'
L26	N88°54'02"W	55.00'
L27	S25°38'48"W	15.50'
L28	S01°05'58"E	40.08'
L29	S88°54'02"W	10.33'

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	LENGTH	CHORD	CHORD BEARING
C1	17.50'	52°16'47"	15.97'	15.42'	S39°31°09'W
C2	60.00'	75°18'29"	78.86'	73.31'	N51°02°00'E
C5	39.00'	90°00'00"	61.26'	55.15'	N46°05°58"W
C6	500.00'	01°38'38"	14.35'	14.35'	N00°16°39'W
C7	500.00'	01°38'38"	14.35'	14.35'	N00°16°39'W
C8	450.00'	08°07'12"	63.78'	63.72'	N84°50°26'E
C9	8.50'	90°00'00"	13.35'	12.02'	N43°54°02'E
C30	8.50'	90°00'00"	13.35'	12.02'	N46°05°58"W
C31	15.00'	90°00'00"	23.56'	21.21'	N43°54°02'E
C32	15.00'	90°00'00"	23.56'	21.21'	N46°05°58"W
C33	8.50'	90°00'00"	13.35'	12.02'	N43°54°02'E
C34	8.50'	90°00'00"	13.35'	12.02'	N46°05°58"W
C35	15.00'	90°00'00"	23.56'	21.21'	N43°54°02'E
C36	15.00'	90°00'00"	23.56'	21.21'	N46°05°58"W
C37	8.50'	90°00'00"	13.35'	12.02'	N43°54°02'E
C38	8.50'	90°45'45"	13.46'	12.10'	N45°43°06"W
C39	8.50'	89°14'15"	13.24'	11.94'	N44°16°54"E
C40	477.50'	08°07'12"	67.67'	67.62'	N84°50°26'E
C41	477.50'	01°27'02"	12.09'	12.09'	N88°10°31'E
C42	477.52'	06°40'10"	55.59'	55.55'	N84°06°54'E
C43	422.50'	08°07'12"	59.88'	59.83'	N84°50°26'E
C44	422.50'	06°42'31"	49.47'	49.44'	N85°32°46'E
C45	422.50'	01°24'42"	10.41'	10.41'	N81°29°10'E
C76	8.03'	96°50'39"	13.58'	12.02'	N46°05°58"W
C77	15.00'	90°00'00"	23.56'	21.21'	N46°05°58"W
C78	15.00'	90°00'00"	23.56'	21.21'	N43°54°02'E
C79	15.00'	90°00'00"	23.56'	21.21'	N46°05°58"W
C80	15.00'	90°00'00"	23.56'	21.21'	N43°54°02'E
C81	15.00'	90°00'00"	23.56'	21.21'	N46°05°58"W
C82	15.00'	90°00'00"	23.56'	21.21'	N43°54°02'E
C83	15.00'	90°00'00"	23.56'	21.21'	N46°05°58"W
C84	15.00'	90°00'00"	23.56'	21.21'	N43°54°02'E
C85	15.00'	90°00'00"	23.56'	21.21'	N46°05°58"W
C93	15.00'	90°00'00"	23.56'	21.21'	N46°05°58"W
C94	476.00'	01°38'38"	13.66'	13.66'	N00°16°39'W
C95	12.00'	88°21'22"	18.51'	16.73'	N44°43°21'E
C96	63.00'	90°00'00"	98.96'	89.10'	N46°05°58"W
C97	63.00'	25°30'57"	28.06'	27.92'	N13°51°27"W
C98	63.00'	03°02'46"	3.35'	3.35'	N28°08°18"W
C99	63.00'	15°49'58"	12.41'	12.35'	N37°34°40"W
C100	63.00'	42°37'45"	46.87'	45.80'	N66°48°32"W
C101	63.00'	02°58'34"	3.27'	3.27'	N89°36°41"W
C102	63.00'	88°56'01"	97.79'	88.26'	N44°26°01'E
C103	63.00'	05°37'42"	6.19'	6.19'	N86°05°11'E
C104	63.00'	36°56'32"	40.62'	39.92'	N64°48°04'E
C105	63.00'	35°00'46"	38.50'	37.90'	N28°49°25'E
C106	63.00'	11°21'01"	12.48'	12.46'	N05°38°31'E
C107	61.00'	30°44'25"	32.73'	32.34'	S14°16°14"W
C108	45.00'	30°44'25"	24.14'	23.85'	N14°16°14'E



DETAIL OF TRACT L 1"=30.00'



SHEET 5 OF 5

SHEET 2 OF 5

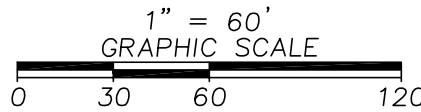
SHEET 3 OF 5

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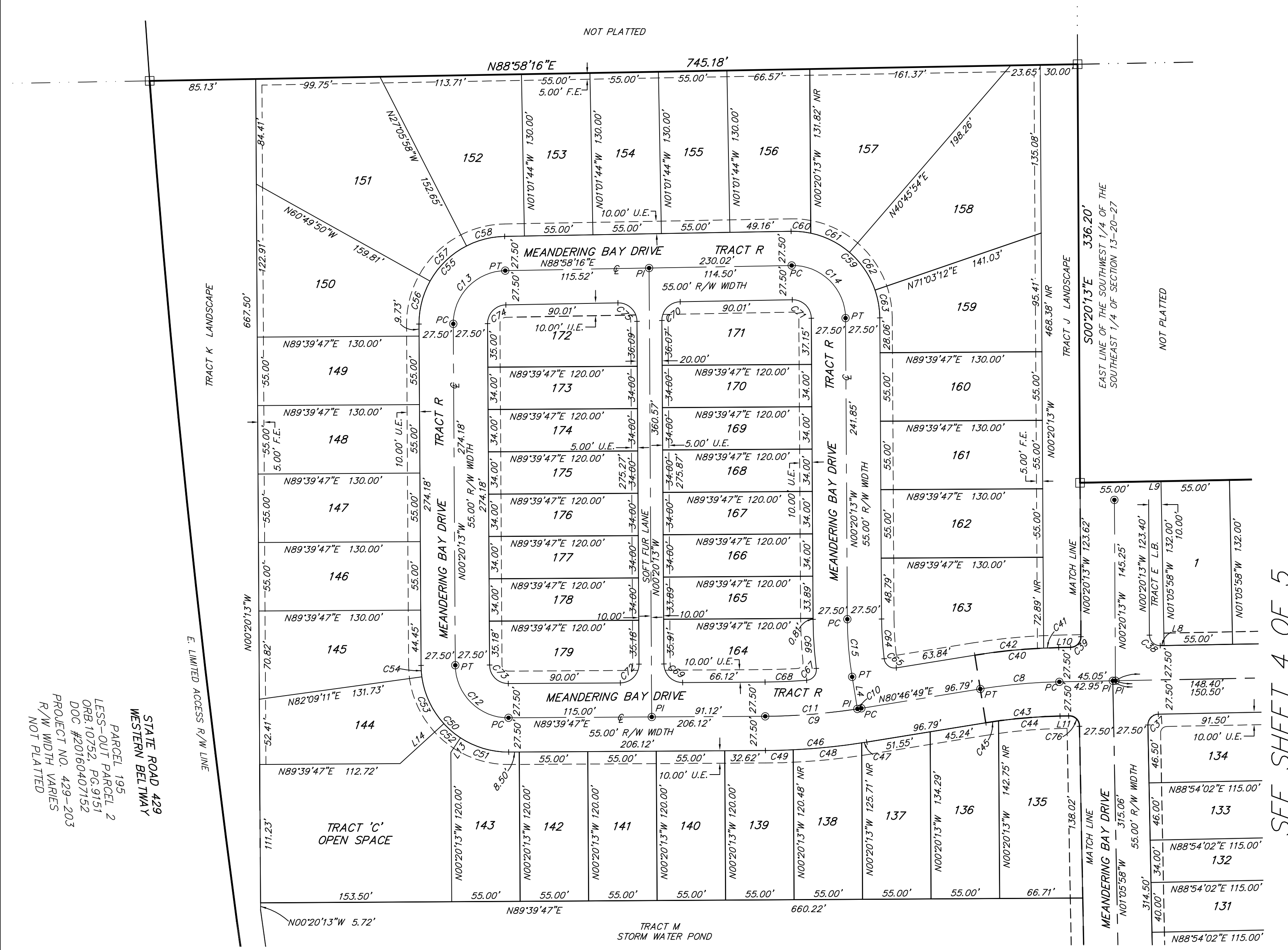
LICENSED BUSINESS #6723
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WINDING MEADOWS
A PORTION OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST,
CITY OF APOPKA, ORANGE COUNTY, FLORIDA,



LINE TABLE		
LINE	BEARING	LENGTH
L8	N88°54'02"E	3.14'
L9	N88°54'02"E	10.00'
L10	N88°54'02"E	9.53'
L11	N88°54'02"E	6.95'
L13	N33°15'22"E	14.03'
L14	N47°35'43"E	47.57'

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	LENGTH	CHORD	CHORD BEARING
C8	450.00'	08°07'12"	63.78'	63.72'	N84°50'26"E
C9	500.00'	08°52'57"	77.52'	77.44'	N85°13'18"E
C10	500.00'	00°22'16"	3.24'	3.24'	N80°57'57"E
C11	500.00'	08°30'41"	74.28'	74.21'	N85°24'26"E
C12	42.50'	90°00'00"	66.76'	60.10'	N45°20'13"W
C13	42.50'	89°18'29"	66.25'	59.74'	N44°19'01"E
C14	42.50'	90°41'31"	67.27'	60.47'	N45°40'59"W
C15	300.00'	08°52'57"	46.51'	46.46'	N84°46'42"W
C38	8.50'	90°45'45"	13.46'	12.10'	S45°43'06"E
C39	8.50'	89°14'15"	13.24'	11.94'	N44°16'54"E
C40	477.50'	08°07'12"	67.67'	67.62'	N84°50'26"E
C41	477.50'	01°27'02"	12.09'	12.09'	N88°10'31"E
C42	477.52'	06°40'10"	55.59'	55.55'	N84°06'54"E
C43	422.50'	08°07'12"	59.88'	59.83'	N84°50'26"E
C44	422.50'	06°42'31"	49.47'	49.44'	N85°32'46"E
C45	422.50'	01°24'42"	10.41'	10.41'	N81°29'10"E
C46	527.50'	08°52'57"	81.78'	81.70'	N85°13'18"E
C47	527.50'	00°26'50"	4.12'	4.12'	N81°00'14"E
C48	527.50'	06°00'13"	55.27'	55.25'	N84°13'46"E
C49	527.50'	02°25'54"	22.39'	22.39'	N88°26'49"E
C50	70.00'	90°00'00"	109.96'	98.99'	N45°20'13"W
C51	70.00'	33°35'35"	41.04'	40.46'	N73°32'26"W
C52	70.00'	14°20'21"	17.52'	17.47'	N49°54'28"W
C53	70.00'	34°33'28"	42.22'	41.58'	N25°07'33"W
C54	70.00'	07°30'36"	9.18'	9.17'	N84°05'31"W
C55	70.00'	89°18'29"	109.11'	98.40'	N44°19'01"E
C56	70.00'	29°30'23"	36.05'	35.65'	N14°24'58"E
C57	70.00'	33°43'53"	41.21'	40.62'	N46°02'06"E
C58	70.00'	26°04'14"	31.85'	31.58'	N75°56'09"E
C59	70.00'	90°41'31"	110.80'	99.59'	N45°40'59"W
C60	70.00'	13°03'56"	15.96'	15.93'	N84°29'46"W
C61	70.00'	28°43'43"	35.10'	34.73'	N63°35'57"W
C62	70.00'	30°17'18"	37.00'	36.57'	N34°05'27"W
C63	70.00'	18°36'35"	22.74'	22.64'	N09°38'31"W
C64	272.50'	06°44'00"	32.02'	32.01'	N03°42'13"W
C65	8.50'	92°08'57"	13.67'	12.24'	N53°08'42"W
C66	327.50'	06°54'48"	39.52'	39.49'	N03°47'37"W
C67	8.50'	92°51'26"	13.78'	12.32'	N39°10'42"E
C68	472.50'	04°03'22"	33.45'	33.44'	N87°38'06"E
C69	15.00'	90°00'00"	23.56'	21.21'	N45°20'13"W
C70	15.00'	89°18'29"	23.38'	21.08'	N44°19'01"E
C71	15.00'	90°41'31"	23.74'	21.34'	N45°40'59"W
C72	15.00'	90°00'00"	23.56'	21.21'	N44°39'47"W
C73	15.00'	90°00'00"	23.56'	21.21'	N45°20'13"W
C74	15.00'	89°18'29"	23.38'	21.08'	N44°19'01"E
C75	15.00'	90°41'31"	23.74'	21.34'	N45°40'59"W
C76	8.03'	96°50'39"	13.58'	12.02'	N46°05'58"W



STATE ROAD 429
WESTERN BELTWAY
PARCEL 195
LESS-OUT PARCEL 2
ORR-10752, PG 9151
DOC #20160407152
PROJECT NO. 429-203
R/W WIDTH VARIES
NOT PLATTED

SEE SHEET 2 OF 5

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