CITY OF APOPKA
DEVELOPMENT REVIEW COMMITTEE

DATE: **October 19, 2016**
TIME: **9:00 AM Development Review Committee Meeting**
LOCATION: **120 E. Main Street (Administration Conference Room – 1st Floor)**

I. Staff Comments on the following:

A. Special Events: None

B. Concept Plan:

1. Freedom Ministries Church – Multi-Use Building SPR16-24C
Concept Plan
Parcel I.D. No.: 15-21-28-0752-02-010
Location: 1348 Old Apopka Road

C. Site Plans:

2. Copart Inc. SPR16-25R
Staging Plan Revision/Minor Amendment
Parcel I.D. No.: 01-21-27-0000-00-032
Location: 3351 W. Orange

D. Plats:

3. Binion Reserve PR16-22
Final Development Plan (Residential Subdivision)
Location: 1078 S. Binion Road
Parcel I.D. No.: 18-21-28-0000-00-057

E. Street Name Review: None

F. FLUM / Rezoning:

4. Kelly Park Crossing – DRI Notice of Proposed Change
Location: West of S.R. 429, Straddling Kelly Park Road

G. Special Exception: None

H. Annexation:

5. Revised 2016 Annexation Cycle No. 4

II. Other Business:

A. Public Hearing: None

B. Vacate/Variance: None

C. Request for Extension: None

D. Discussion:

6. Draft Parking Ordinance 9-30-2016

E. Peddlers Permit: None

F. Plan Final Review and Sign-off: **Projects at "Zoning Counter"**

Please direct any comments or questions concerning the items scheduled for this meeting to the Community Development Department at (407) 703-1712.

David B. Moon

David B. Moon, AICP
Planning Manager

Backup material for agenda item:

4. Kelly Park Crossing – DRI Notice of Proposed Change
   Location: West of S.R. 429, Straddling Kelly Park Road

ATTACHMENT 1

KELLY PARK CROSSING DRI
D.O. AMENDMENT NOPC
AUGUST, 2016

The text below displays the applicant requested changes to the Kelly Park Crossing DRI development order. Changes are shown in red. Underlined text is proposed new language. Text that is struck through is proposed for deletion. The condition numbers match the condition numbers of the current development order. No changes to the current development order are proposed unless they are identified below.

3. Rezoning.

A. The City acknowledges that the development of the DRI Property will occur over time and in phases. The City agrees that due to the size and scope of the proposed development, the duration of the phasing plan, and the uncertainties in the timeframe for construction of the Wekiva Parkway, the Applicant shall be entitled to effect a rezoning for specific parcels or increments of the DRI Property prior to physical development within increment being undertaken (ñIncremental rezoningò). Either before or at the time of submittal of an application for the first Incremental Rezoning, the applicant shall also submit a conceptual rezoning master plan for the entire DRI Property which shall address conceptually the location of the various uses allowed, including common areas and open space, densities and intensities for permitted uses, traffic circulation for internal roadways, all in conformance with Map H (Exhibit B) and the ADA. Further refinement and detailing of the conceptual rezoning master plan as well as a demonstration of conformance with the Cityôs Land Development Code and the Form Based Code (if adopted and if applicable) shall be demonstrated within each Incremental Rezoning application. Additionally, each Incremental Rezoning applicable to DRI Property located north of Kelly Park Road shall address the feasibility of establishing roadway connection to other properties designated on the Wekiva Parkway Interchange Vision Plan and to establish future connection between the DRI and Round Lake Road. Nothing in this development order shall be construed in such a way as to require the applicant/developer to purchase additional properties outside of the Kelly Park Crossing DRI in order to obtain such connections.

B. The DRI Property is currently utilized for agricultural and silvicultural activities. To ensure compatibility between existing and proposed uses, no new ore expanded agricultural or silvicultural activity may occur within one hundred (100_ feet of those increments of the DRI Property rezoned pursuant to this section.

C. The successful implementation of this development order is dependent upon rezoning(s) which, in turn, will require the successful implementation of

agreements between the Applicant and City for water, sewer, parks and recreation, police and fire (generally referred to as ñbinding developerôs agreements). Such agreements are referenced throughout this development order. All such agreements shall be consistent with City requirements as may be identified in the Cityôs Land Development Regulations or other adopted ordinance as well as requirements established by State Law to include Chapter 380.06 (15)(e)(i).

4. **Form Based Code.** When adopted, the applicant shall be subject to the Cityôs Form Based Code~~. being developed by the City for all lands within the Wekiva Parkway Interchange Vision Plan~~. Prior to adoption of the Form Based Code the applicant may proceed using the Cityôs currently adopted Land Development Regulations. Any site plan submitted prior to adoption of the Form Based Code shall be grandfathered from the terms of the Form Based Code. The Form Based Code shall not apply to the development of single family homes. The Form Based Code shall include a master site plan development option (known as Option ñBò for non residential development. This Option shall be available for (1) development proposing building(s) exceeding 40,000 gross square feet of the floor area for larger-scale commercial, industrial, and institutional uses; and (2) office parks, industrial parks, and retail centers greater than fifteen (15) acres in size, for college campuses (with or without on-site residential housing), hotel convention centers, and hospital campuses greater than eight (8) acres in size. The Option ñBò master site plan shall demonstrate compatibility and connectivity with adjacent districts and road systems. The developer requesting an Option ñBò master site plan shall demonstrate that average wages and salaries for jobs created by the new development are equal to or greater than the average wages and salaries existing in Apopka at the latest decennial U.S. Census or such other data as may be acceptable to the City.

6.B. **Preserve Areas**. The Applicant may elect to develop the 14 acres, currently designated on Map H (Exhibit B) as ñpreservationò, located south of Kelly Park Road, and, if such an election is made, shall ~~will~~ establish a preserve for the protection of gopher tortoises, Shermanôs fox squirrel and other listed species and indigenous wildlife in the northwest portion of the DRI as provided for in the report an recommendations of the ECFRPC.

Development of the 14 acre area is contingent on other necessary approvals for development (including those identified in this condition) being obtained from the SJRWMD, the U.S. Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, and the Department of Environmental Protection, as may be required by law.

Pursuing this option will add an additional 107 acres, less approximately a 300 foot strip along the eastern property boundary to access Ondich Road, to the 31

acre preserve in the northwest portion of the site and allow development of the 14 acre area near the proposed interchange.

As a part of the ~~approval process~~ exhibit for the conceptual rezoning master plan referenced in Condition 3(A), ~~the City and~~ the applicant shall comply with the standards established in the Cityôs adopted Land Development Regulations. However, should the applicant opt to develop the 14 acres referenced above, the applicant and the City shall reach an open space and parks agreement to preserve a minimum of 45 acres to a maximum of 107 acres for a preservation area. This agreement shall consider the appropriate acreage needs for a viable preservation area while also considering the park and open space needs for people who live and work within the Kelly Park DRI. The maximum preservation obligation under such an agreement by the applicant is 107 acres. Any acreage above the 45 acres up to the maximum of 107 acres will receive a credit towards 50% of the open space requirements set forth in the Form Based Code. Any land set aside for the minimum active recreation area shall not qualify as credit.
[NO FURTHER CHANGES TO CONDITION 6]

11. Energy and Technology
A. Development within the DRI shall comply with the Cityôs natural gas ordinance that is being developed. This requirement shall not be used to prohibit development until an ordinance is adopted. Any site plan or subdivision plan submitted within Kelly Park Crossing prior to such adoption will be vested from this ordinance.

16. Transportation

NO CHANGES TO THIS RECOMMENDATION EXCEPT:

A. The Kelly Park Crossing DRI shall be divided into the following vehicular traffic phases based on reaching any of the following thresholds or years, as indicated below.

20~~16~~23 Phase 2 20~~21~~28 Phase 3 20~~26~~33 Phase 4 20~~31~~38	NO CHANGE TO BALANCE OF TABLE

~~**The Kelly Park Crossing phase 1 is constrained by the Cityôs comprehensive plan which limits the DRI to 7,000 daily trips. However, the applicantôs traffic study confirms that phase 1 can generate up to 17,907 total daily trips. Therefore, the DRI is limited to 7,000 total daily trips until such time as the Cityôs comprehensive plan can be amended. If the amendment is approved,~~ Phase 1

shall be 17,907 daily trips ~~without the need to further amend this development order.~~ Mitigation for phase 1 development must be secured by a development agreement prior to commencement of phase 1 development.

Subsequent to phase 1 but prior to the initiation of each phase thereafter as identified in the preceding paragraph, the Applicant shall conduct a monitoring/modeling (M&M) program. This program shall ascertain the Level of Service (ñLOSò) on facilities where the pending phase of (starting with phase 2) Kelly Park Crossing DRI is estimated to contribute an amount of traffic greater than or equal to five percent (5%) of the adopted LOS service volume. The methodology of the M&M program shall be agreed upon by the City, the ECFRPC, Orange County, Lake County, the Florida Department of Transportation (ñFDOTò), and the Florida Department of Economic Opportunity and the Applicant. The depth of each M&M effort shall be similar to that required within an ADA (to include all subsequent phases for projected roadway adversity testing) but shall be consistent with the requirements of the City Concurrenecy Management Systems (if in effect) as it relates to facilities within that jurisdiction. Empirical data will be required to be collected for the M&M program on facilities where it is estimated that the DRI phase contributes an amount of traffic greater than or equal to five percent (5%) of the adopted LOS maximum service volume. This ~~shall~~ may include an origin-destination survey to verify DRI trip distribution on the external roadway network no earlier than seventy-five percent (75%) through any applicable Phase. The origin-destination shall also verify the percentage of DRI trips that travel on the Wekiva Parkway. ~~Concurrent with the timing of the origin-destination study,~~ A~~a~~ trip generation and internal capture study shall be performed to verify trip generation and internal capture assumptions for the development. ~~A trip length study shall also be conducted to verify model results.~~ In the event that all parties cannot come to agreement on the methodology, the ECFRPC, FDOT, the City, Orange County and Lake County shall be the final arbiters. The Cityôs decision shall be final as it relates to its facilities; if required by law, the FDOTôs decision shall be final on the strategic intermodal system; Orange Countyôs decision shall be final on Orange County facilities; Lake Countyôs decision shall be final on Lake County facilities; and the ECFRPCôs decisions shall be final as it relates to all other facilities. Each M&M program shall provide a roadway needs analysis for each future phase as well as the phase being tested for mitigation requirements.

The facilities to be monitored/modeled for the next phase shall include, but shall not be limited to, those segments of the regional roadways listed below and one segment beyond where the Kelly Park Crossing DRI phase is estimated to contribute a cumulative amount of traffic greater than or equal to five percent (5%) of the adopted level of service volume. The analyzed facilities will include signalized intersections and link analyses of collector and higher classified roadways and interchange ramps.

NO FURTHER CHANGES TO PARAGRAPH 16.A.

16. B. The Kelly Park Crossing DRI shall not commence beyond Phase 1 ~~(an equivalent of 1,332 external peak hour trip ends)~~ as defined herein into Phase 2 or into subsequent phases when service levels are below the minimum service level adopted in the applicable local government's comprehensive plan during the peak hour and if the DRI ~~contributes, or~~ is projected to contribute with the next phase of traffic, five percent (5%) of the adopted LOS service volume of the roadway or intersection unless mitigation measures and/or improvements are secured and committed for completion of construction during the phase in which the impact occur. Backlogged facilities shall be exempt from mitigation requirements. This shall be determined by the M&M program required in the preceding condition. The schedule of required roadway improvements shall be tied to the development level when the improvement is needed within each phase. The Development Order shall be amended to incorporate the required improvements and the commensurate trip level by which the improvement is needed to support DRI development.

16.Q. To reduce the impacts on arterial roads, the Kelly Park Crossings DRI will include a gridded and connected street network and shall restrict cul du sacs and dead end streets except as may be provided in Condition 4, Option B, of this development order. The DRI will connect to existing and future street networks on and off site when practical as determined by the City in conjunction with Orange County. The applicant will not be required to purchase additional property(ies) to implement this condition. Nothing in this recommendation is intended to preclude the Applicant from developing a use where a campus is desired without a grid network, or in the event that a grid network would create otherwise unnecessary environmental impacts to wetlands or upland preserve areas.

NO FURTHER CHANGES TO CONDITION 16

21. Phasing and Buildout. The Kelly Park Crossing is to be developed as a four-phase project. The projected buildout date for all DRI development is December 31, ~~2031~~ 2038. The applicant shall commence physical development of five percent (5%) of Phase 1 of the DRI (e.g. one hundred seventy-two (172) ~~[~~residential units~~, commercial square footage, etc.]~~ or equivalent number of PM peak-hour external trips) within ~~five (5)years~~ twelve (12) years after the effective date of this Development Order, otherwise this Development Order shall expire. Should the applicant donate property to the City for an institutional use (e.g. fire station, police station, City Hall Annex, etc.) the maximum FAR allowed under the adopted comprehensive plan shall be assigned to the parcel and the square footages resulting from this analysis shall be applied to the 5% of phase 1 referenced herein. Alternatively, should the applicant commence on the spine road from Kelly Park Crossing to Ondich Road within ~~three~~ ten years of the effective date of this

development order then the five percent threshold shall have been met. The Applicant and the City estimate that approximately twenty (20) years will be required to complete the development described herein once development has commenced.

Development within a given phase of Kelly Park Crossing may occur anywhere within the project so long as the conditions of this development order are met and said development has obtained all other necessary approvals and permits.

23. Downzoning Protection. In accordance with Section 380.06(15), Florida Statutes, the DRI, as approved in this Development Order, shall not be subject to down zoning, unit density reduction, or intensity reduction before December 31, 2038 ~~2031~~, as such date may be extended, unless the Applicant consents to such change, or the City demonstrates that substantial changes in the conditions underlying the approval of the Development Order have occurred or unless the City demonstrates that the Development Order was based on substantially inaccurate information provided by the Applicant or unless the change is clearly established by the City to be essential to he public health, safety, or welfare.

FORM DEO-BCP-PROPCHANGE-1
Rule 73C-40.010, FAC. Effective 11-20-90
(Renumbered 10-01-11)

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, James Palmer, the undersigned owner/authorized

representative of Project Orlando, LLC et.al., hereby give notice of a proposed change to a
(developer)

previously approved Development of Regional Impact in accordance with Subsection

380.06(19), Florida Statutes. In support thereof, I submit the following information concerning

the Kelly Park Crossing development, which
(original & current project names)

information is true and correct to the best of my knowledge. I have submitted today, under

separate cover, copies of this completed notification to the City of Apopka,
(local government)

to the East Central Florida Regional Planning Council, and to the Bureau of Community

Planning, Department of Economic Opportunity.

_____ _____

Date Signature

2. Applicant (name, address, phone).

James Palmer
Project Orlando, LLC
1900 Summit Tower Blvd. Suite 820
Orlando, Fl. 32810

3. Authorized Agent (name, address, phone).

Randy Morris
RM Strategies, Inc.
323 West Trotters Drive
Maitland, Florida 32751
(407)474-8234

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

KELLY PARK CROSSING IS LOCATED WHOLLY WITHIN INCORPORATED APOPKA. THERE HAS BEEN NO CHANGE TO THE LEGAL DESCRIPTION.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

PLEASE REFER TO ATTACMENT 1

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

NO CHANGES TO THE MASTER PLAN ARE PROPOSED. TEXT CHANGES TO THE DEVELOPMENT ORDER ARE PROPOSED TO INCLUDE PHASING AND BUILD OUT DATES AS WELL AS OTHER TEXT CHANGES. PLEASE SEE ATTACHMENT 1.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

THE SUBSTANTIAL DEVIATION CHART IS ATTACHED.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of

all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

THERE HAVE BEEN NO PRIOR CHANGES TO THE DRI DEVELOPMENT ORDER OR MASTER PLAN. THE LOCAL GOVERNMENT HAS NOT CHANGED.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.

THERE HAVE BEEN NO LANDS PURCHASED OR OPTIONED WITHIN ¼ MILE OF THE ORIGINAL DRI SITE.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S. YES _____ NO ___X_____

THE CHANGE DOES NOT MEET THE CRITERIA LISTED IN PARAGRAPH 380.06(19)(B).

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

YES. THIS NOPC PROPOSES CHANGES TO THE PHASE AND BUILDOUT DATES. PLEASE SEE ATTACHMENT 1.

11. Will the proposed change require an amendment to the local government comprehensive plan?

NO.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 73-40.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

THERE ARE NO CHANGES PROPOSED TO THE MASTER PLAN.

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

PLEASE SEE ATTACHMENT 1

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

THERE ARE NO CHANGES TO THE LEGAL DESCRIPTION. NO ACRES HAVE BEEN ADDED OR DELETED.

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

DEADLINES ARE IDENTIFIED IN ATTACHMENT 1.

d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

AN AMENDED DEVEOLOPMENT ORDER TERMINATION DATE IS PROVIDED IN ATTACHMENT 1.

e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

NEW LANGUAGE EXTENDING THE DOWN ZONING DATE IS PROVIDED IN ATTACHMENT 1.

f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 73C-40.025 (7), F.A.C.

NO CHANGES REGARDING THE ANNUAL REPORT ARE PROPOSED.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces			
	# Spectators			
N/A	# Seats			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Airports	Runway (length)			
	Runway (strength)			
	Terminal (gross square feet)			
N/A	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including drainage, ROW, easements, etc.			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Airports (cont.)	# External Vehicle Trips			
	D.O. Conditions			
	ADA representations			
Hospitals N/A	# Beds			
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. conditions			
	ADA representations			
Industrial N/A	Acreage, including drainage, ROW, easements, etc.			
	# Parking spaces			
	Building (gross square feet)			
	# Employees			
	chemical storage (barrels and pounds)			
	Site locational changes			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Industrial (cont.)	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Mining Operations	Acreage mined (year)			
	Water withdrawal (gal/day)			
N/A	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Office	Acreage, including drainage, ROW, easements, etc.			
	Building (gross square feet)			
N/A	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Office (cont.)	ADA representations			
Petroleum/Chemical Storage N/A	Storage Capacity (barrels and/or pounds)			
	Distance to Navigable Waters (feet)			
	Site locations changes			
	Facility Acreage, including drainage, ROW, easements, ect.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Ports (Marinas) N/A	# Boats, wet storage			
	# Boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Residential	# Dwelling units			
	Type of dwelling units			
	# of lots			
N/A	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.			
	Floor Space (gross square feet)			
	# Parking Spaces			
N/A	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Hotel/Motel N/A	# Rental Units			
	Floor space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
R.V. Park N/A	Acreage, including drainage, ROW, easements, etc.			
	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Open Space (All natural and vegetated non-impervious surfaces) N/A	Acreage			
	Site locational changes			
	Type of open space			
	D.O. Conditions			
	ADA representations			
Preservation, Buffer or Special Protection Areas Preservation (cont.) N/A	Acreage			
	Site locational changes			
	Development of site proposed			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

Backup material for agenda item:

5. Revised 2016 Annexation Cycle No. 4

CITY OF APOPKA DEVELOPMENT
REVIEW COMMITTEE REVIEW
DATE: October 19, 2016

EXHIBITS: Spread Sheet
Vicinity Map

PROJECT:
2016 ANNEXATION CYCLE NO.4-Revised

ADDITIONAL COMMENTS:

The proposed annexations are on the basis of the existing County Future Land Use and Zoning designations. The assignment of a City Future Land Use and Zoning designation will occur at a later date.

ORANGE COUNTY NOTIFICATION:
The JPA requires the City to notify the County 15 days prior to the first reading of any annexation ordinance. Notification will be sent to Orange County on October 14, 2016.

PUBLIC HEARING SCHEDULE:
November 2, 2016 (1:30pm) - City Council 1st reading
November 16, 2016 (7:00pm) - City Council 2nd reading & adoption

DULY ADVERTISED:
October 21, 2016 - 1/4 Page
October 28, 2016 - 1/4 Page
November 7, 2016 - Ordinance Heading

RECOMMENDED ACTION:

Approve proposed annexations.

EXHIBIT "A"
CITY OF APOPKA
2016 ANNEXATION CYCLE # 4

TOTAL ACRES: 53.67 +/-
ANNEXATION ORDINANCE NO.:

Adopted this ____ day of November, 2016

ORD. NO.	ITEM NO.	OWNER'S NAME	LOCATION	PARCEL NUMBER	ACRES +/-	EXISTING USE	FUTURE LAND USE (COUNTY)
	1	ADAMS BROTHERS CONSTRUCTION COMPANY, INC	644 EAST 13TH STREET 656 EAST 13TH STREET 738 EAST 13TH STREET	15-21-28-0000-00-044 15-21-28-0000-00-210 15-21-28-0000-00-142 15-21-28-0000-00-073	0.25 1.37 0.73 0.59 2.94	VACANT LAND SFR (1)	INDUSTRIAL
	2	SHIRLEY L. LITTLE LIFE ESTATE	17 W. OAK STREET	04-21-28-4836-00-680	0.58	SFR	LOW DENSITY REIDENTIAL MAX. 4DU/AC
	3	JERRY OWENS LINDA S. OWENS	2604 MARDEN ROAD	29-21-28-0000-00-030	10.67	SFR MANF. HOME	RURAL SETTLEMENT 1DU/5 ACRES
	4	WON CHUL LEE MYONG SEA LEE BONG JIN CHOE CHONG SOON CHOE	2405 West Kelly Park Road	07-20-28-0000-00-011	29.66	VACANT LAND	RURAL 1DU/10 ACRES AGRICULTURAL
	5	WON CHUL LEE MYONG SEA LEE BONG JIN CHOE CHONG SOON CHOE	2309 West Kelly Park	07-20-28-0000-00-048	9.82	VACANT LAND	RURAL 1DU/10 ACRES AGRICULTURAL

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g:\Shared\4020\PLANNING_ZONING\Annexations\2016 Cycle 4 Spreadsheet

ANNEXATION

ADAMS BROTHERS CONSTRUCTION COMPANY, INC.

644, 656 & 738 EAST 13TH STREET

Exhibit "A"

Parcel ID: 15-21-28-0000-00-044

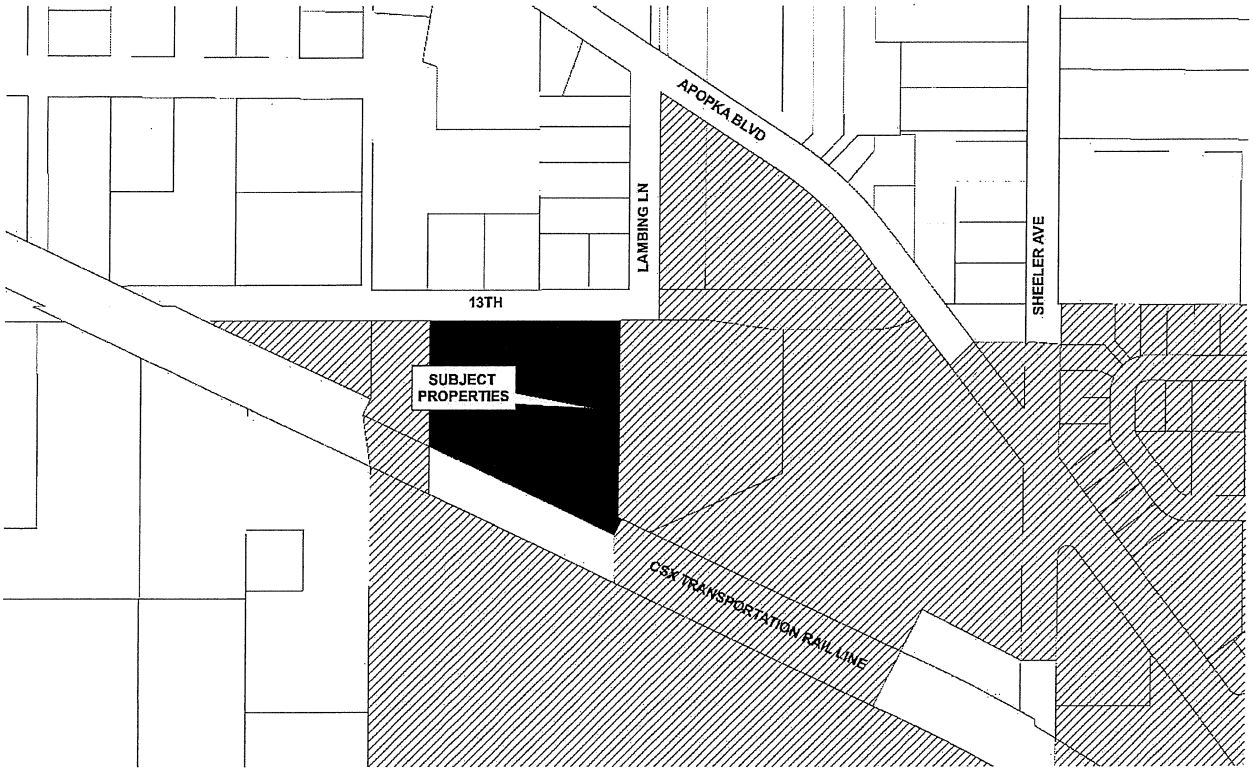
15-21-28-0000-00-210

15-21-28-0000-00-142

15-21-28-0000-00-073

Total Acres: 2.94 +/-

VICINITY MAP

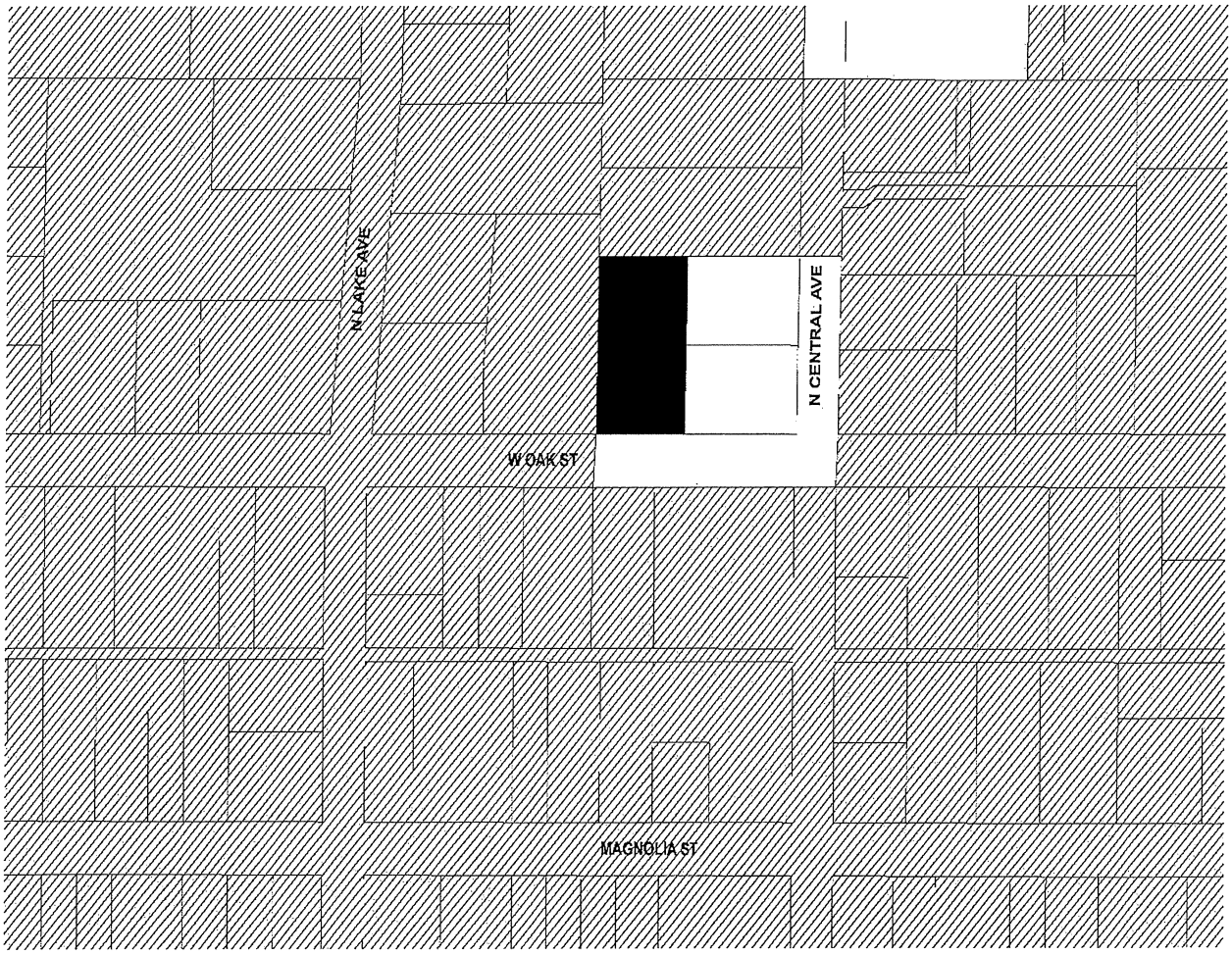


ANNEXATION
SHIRLEY L. LITTLE LIFE ESTATE
17 WEST OAK STREET

Exhibit "A"
Parcel ID: 04-21-28-4836-00-680

Total Acres: 0.58 +/-

VICINITY MAP



ANNEXATION
JERRY OWENS AND LINDA OWENS
2604 MARDEN ROAD

Exhibit "A"
Parcel ID: 29-21-28-0000-00-030

Total Acres: 10.67 +/-

VICINITY MAP

ANNEXATION

WON CHUL LEE

MYONG SEA LEE

BONG JIN CHOE

CHONG SOON CHOE

2309 & 2405 WEST KELLY PARK ROAD

Exhibit "A"

Parcel ID: 07-20-28-0000-00-048 & 011

Total Acres: 39.48 +/-

VICINITY MAP

Backup material for agenda item:

6. Draft Parking Ordinance 9-30-2016

CHAPTER 78 – TRAFFIC AND MOTOR VEHICLES

ARTICLE II. - STOPPING, STANDING AND PARKING

DIVISION 1. - GENERALLY
DIVISION 2. - CITATIONS; PENALTIES

DIVISION 1. - GENERALLY

Sec. 78-35 - Generally.
Sec. 78-36 - Authority to designate parking time limits.
Sec. 78-37 - Manner of stopping, standing, or parking.
Sec. 78-38 - Obstructing traffic.
Sec. 78-39 - Stopping, standing and parking prohibited in specified places.
Sec. 78-40 - Stopping, standing, or parking in place where prohibited by sign or markings.
Sec. 78-41 - Parking for certain purposes prohibited.
Sec. 78-42 - Use of loading zones.
Sec. 78-43 - Loading zone permit.
Sec. 78-44 - Removal of illegally parked, abandoned or disabled vehicles.
Sec. 78-45 - Official traffic-control devices.
Sec. 78-46 – Overtime parking in parking zones.
Sec. 78-47 – Operating of vehicles without affixed current and valid registration license plate and validation sticker; removing, impounding, and immobilization of vehicles without affixed current and valid registration license plate and validation sticker.
Sec. 78-48 – Removing, impounding, and immobilization of vehicles for non-payment of fines within this section.
Sec. 78-49 – Protection of pedestrians in and around school zones.
Sec. 78-50 – State statute incorporation
Secs. 78-51—78-60. - Reserved.

Sec. 78-35. - Generally.

When used in this Chapter, "vehicle" includes any portion of such vehicle or vehicle attachment that protrudes within such prohibited area. Applicable portions of this Chapter shall not apply to the driver or owner of any vehicle which is disabled while on the paved or main-traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. Such vehicle may be towed in accordance with this chapter, and all costs associated with the removal are the responsibility of the registered owner.

"Stopping, standing, or parking" is considered the halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a police officer or traffic control sign or signal.

Nothing in this Article shall prevent a bona-fide emergency vehicle from stopping, standing, or parking in any area, whether posted or not, during and for the performance of official duties.

Unless in conflict herein chapter 78, Florida State Statute Chapter 316.003, "Definitions" and all parking violations found in Florida State Statute 316, as may be amended by the Florida Legislature, are hereby incorporated by reference. Such prohibitions may be enforced under this section on a ticket form issued by the City.

Sec. 78-36. - Authority to designate parking time limits and local restrictions.

The Chief of Police may designate time limits or local restrictions for parking on streets and install street signs, as may be necessary, to indicate the parking limit or restriction placed on any street, or portion of such street, or right-of-way within the City of Apopka.

Sec. 78-37. - Manner of stopping, standing, or parking.

1. When parked upon a street which has been marked or a sign erected for angle parking, a vehicle shall be parked at the angle to the curb indicated by such mark or sign and within twelve (12) inches of the edge of the pavement.
2. When parked upon a street which has been marked or a sign erected for parallel parking with the edge of the street, a vehicle shall be parked headed in the direction of traffic and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the pavement.
3. When parked upon a street in accordance with this chapter a vehicle shall be parked headed in the direction of traffic and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the pavement.
4. When parked within any marked parking space, no vehicle may be parked over any marking line, nor shall any portion of the vehicle protrude outside the marked space.
5. No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
6. No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street, including right-of-way within the City.

Sec. 78-38. - Obstructing traffic.

1. No person shall stop, stand or park any vehicle in a street in such a manner or under such conditions as to leave available less than twelve feet of the width of any lane of the street for free movement of vehicular traffic, except when necessary in obedience to a traffic regulation or a traffic sign or signal or police officer.
2. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street when it is practicable to stop, park, or so leave the vehicle off such part of the street and parked in a driveway or paved area created for such purpose; but in every event, an unobstructed width of the street, no less than twelve (12) feet, opposite a

standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available from a distance of two-hundred (200) feet, in each direction upon the roadway.

3. No person shall stop, park, or leave standing any vehicle, whether attended or unattended in an alley so as to provide free passage for emergency vehicles.
4. No person shall park a vehicle on a curve, or within thirty (30) feet of the approach of the curve, when such parking obstructs the regular flow of traffic along the curve and disrupts the sight picture along the roadway.

Sec. 78-39. - Stopping, standing and parking prohibited in specified places.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

1. At any place within fifteen (15) feet of a community mail box , except momentarily to pick up or drop off mail, between the hours of 8 a.m. and 6 p.m. any day, excluding Sunday and Federal Holidays. At any place within fifteen (15) feet of a single mail box between the hours of 8 a.m. and 6 p.m. any day, excluding Sunday and Federal Holidays unless the vehicle has a valid registration with the address of the mail box. Such vehicle shall be exempted from this requirement.
2. At any place in such a manner which would block access to residential or commercial refuse containers by public or private refuse removal equipment.
3. Alongside any curb which has been painted yellow or red, unless otherwise specifically permitted by appropriate signs or devices posted by the city.
4. In any parking space specifically designated and marked for the disabled unless such vehicle displays a parking permit as required by state law, or in such a manner as to block or obstruct a wheelchair ramp or any such specially designated and marked parking space provided in accordance with s. 553.5041 F.S.S., and the vehicle is transporting the person to whom the displayed permit is issued. The violation may not be dismissed for failure of the marking on the parking space to comply with s. 553.5041 F.S.S. if the space is in general compliance and is clearly distinguishable as a designated accessible parking space for people who have disabilities.
    a. A law enforcement officer or a parking enforcement specialist has the right to demand to be shown the person's disabled parking permit and driver license or state identification card when investigating the possibility of a violation of this section. If such a request is refused, the person in charge of the vehicle may be charged with resisting an officer without violence, as provided in s. 843.02 F.S.S.
    b. It is unlawful for any person to obstruct the path of travel to an accessible parking space, curb cut, or access aisle by standing or parking a vehicle within any such designated area. The violator is subject to the same penalties as are imposed for illegally parking in a space that is designated as an accessible parking space for persons who have disabilities.
    c. Any person who is chauffeuring a person who has a disability is allowed, without need for a disabled parking permit or a special license plate, to stand temporarily in any such parking space, for the purpose of loading or unloading the person who has a disability. A penalty may not be imposed upon the driver for such temporary standing.

d. A vehicle that is transporting a person who has a disability and that has been granted a permit under s. 320.0848(1)(a) F.S.S. may be parked for a maximum of 30 minutes in any parking space reserved for persons who have disabilities.
e. A violation of this section with regard to parking in a handicapped space or access area may be voided at the discretion of a police supervisor upon payment by the offender of seven dollars and fifty cents ($7.50) payable to the City of Apopka if, at the time of the infraction, the driver or person legally operating the vehicle possesses a government issued handicap parking permit but failed to property display it.

5. Within or at the approach of a cul-de-sac.
6. Within an intersection or within thirty (30) feet of the intersection approach.
7. Upon certain designated municipal streets within a community controlled by a Homeowner's Association. Any such parking prohibition shall be upon petition to the Chief of Police by the Association, by majority vote of members of such Association, ratified by the Board, and submitted to the Chief of Police. Such action shall be effective upon approval by resolution of the City Council, upon recommendation of the Chief of Police. Such Association controlled areas shall be properly marked with signs as approved by the City. Any costs associated with the procurement or installation thereof of signage shall be borne by the Association.
8. At any place, other than a bus stop, taxi-stand, or other designated passenger loading area, by the driver of a bus, taxi, or other vehicle for hire, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations, at any place for the purpose of, and while actually engaged in loading or unloading passengers.
9. In a designated bus stop or taxi stand unless the vehicle is a bus or taxi, respectively.
10. In front of, across from, or along the curb within twelve (12) feet of the entrance to, a public or private driveway, except momentarily to pick up or drop off passengers.
11. On a sidewalk or in such a manner that any part of such vehicle is protruding over a sidewalk or any part of the sidewalk area.
12. On a crosswalk; within twenty (20) feet of a crosswalk at an intersection unless permitted to do so by appropriate signs or devices posted in such area.
13. Facing the wrong way on a one way street, or in opposition to the direction of travel of the lane in which the vehicle is located (left wheels to curb, prohibited).
14. Within fifteen (15) feet of a fire hydrant, fire department connection, or fire drafting connection; or within twenty (20) feet of any driveway entrance to a fire station.
15. Within any fire lane.
16. Within an alley, or blocking access to such alley, or in such position to block any entrance to any abutting property.
17. Adjacent to schools, unless specifically designated for such parking, stopping, or standing.
18. Along or within any bicycle path, walking path, or other pedestrian or human powered vehicle lane.
19. Within fifty (50) feet of the nearest rail upon a railroad or railroad crossing, unless behind the safety line of a railroad crossing if less than fifty (50) feet.
20. Upon any bridge or elevated structure upon a roadway.
21. In painted safety zones or gore areas on roadways.
22. Parking on a "D" or "F" type curb. Vehicles may park off the asphalt onto a Miami curb, however, in no case shall the vehicle be off the roadway onto the right-of-way.
23. Within any space designated for an emergency vehicle.
24. Within any right-of-way within the city limits unless otherwise allowed.

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Sec. 78-40. – Stopping, standing, or parking in place where prohibited by sign or markings.

No person shall park a vehicle at any place where an official sign or marking prohibits stopping, standing, or parking.

Sec. 78-41. - Parking for certain purposes prohibited; Parking of vehicle types prohibited.

1. Curbstoning (reference FSS 316.1951):

    a. It is unlawful for any person to park a motor vehicle, as defined in s. 320.01, upon a public street or highway, a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such property by the City and the person is in compliance with all City licensing regulations.

    b. The provisions of subsection (a.) do not prohibit a person from parking his or her own motor vehicle or his or her other personal property on any private real property which the person owns or leases or on private real property which the person does not own or lease, but for which he or she obtains the permission of the owner, or on the public street immediately adjacent thereto, for the principal purpose and intent of sale, hire, or rental.

    c. Subsection (a.) does not prohibit a licensed motor vehicle dealer from displaying for sale or offering for sale motor vehicles at locations other than the dealer's licensed location if the dealer has been issued a supplemental license for off-premises sales, as provided in s. 320.27(5), and has complied with the requirements in subsection (a.). A vehicle displayed for sale by a licensed dealer at any location other than the dealer's licensed location is subject to immediate removal without warning.

    d. A law enforcement officer, compliance officer, code enforcement officer from the City may issue a citation and cause to be immediately removed at the owner's expense any motor vehicle found in violation of subsection (a.), except as provided in subsections (b.) and (c.), or in violation of subsection (e.), subsection (f.), subsection (g.), or subsection (h.), and the owner shall be assessed a penalty as provided in Division II. A motor vehicle removed under this section shall not be released from an impound or towing and storage facility before a release form prescribed by the department has been completed verifying that the fine has been paid that ordered immediate removal of the motor vehicle. However, the owner may pay towing and storage charges to the towing and storage facility pursuant to s. 713.78 F.S.S. before payment of the fine or before the release form has been completed.

    e. It is unlawful to offer a vehicle for sale if the vehicle identification number has been destroyed, removed, covered, altered, or defaced, as described in s. 319.33(1)(d) F.S.S. A vehicle found in violation of this subsection is subject to immediate removal without warning.

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f. It is unlawful to knowingly attach to any motor vehicle a registration that was not assigned or lawfully transferred to the vehicle pursuant to s. 320.261. A vehicle found in violation of this subsection is subject to immediate removal without warning.

g. It is unlawful to display or offer for sale a vehicle that does not have a valid registration as provided in s. 320.02. A vehicle found in violation of this subsection is subject to immediate removal without warning. This subsection does not apply to vehicles and recreational vehicles being offered for sale through motor vehicle auctions as defined in s. 320.27(1)(c)4 F.S.S.

h. A vehicle is subject to immediate removal without warning if it bears a telephone number that has been displayed on three or more vehicles offered for sale within a 12-month period.

i. Any other provision of law to the contrary notwithstanding, a violation of subsection (a.), subsection (e.), subsection (f.), subsection (g.), or subsection (h.) shall subject the owner of such motor vehicle to towing fees reasonably necessitated by removal and storage of the motor vehicle and a fine as required by Division II.

2. No person shall stand or park a vehicle upon any street for the principal purpose of painting, greasing or repairing such vehicle.

3. No person shall stand or park a vehicle upon any street for the principal purpose of washing or polishing such vehicle or any part thereof. However, bona-fide, temporary car washes conducted with the intent of raising funds for a non-profit entity upon publicly accessed and traveled parking and business lots may be allowed given they are properly authorized by the property owner; last no longer than six (6) hours; and are conducted on weekends only.

4. No person shall stand or park a vehicle upon any street, alley, parking lot, or residential area for the principal purpose of displaying advertising.

5. No person shall stand or park a vehicle upon any street or alley for the principal purpose of selling merchandise from the motor vehicle, except in a duly established marketplace or when so authorized or licensed under the laws of the city.

6. Parking of Trailers, etc., prohibited in the same manner as a “vehicle” for the purpose of this chapter.

a. The term "trailer" shall mean and include any vehicle or device, with or without motorized power, regardless of whether connected to a tow vehicle, designed for carrying persons or property and for being drawn by a motor vehicle. The term shall include, but not be limited to, vehicles or devices designed, manufactured or used for: transporting or carrying boats, jet skis, or similar watercraft; transporting or carrying motor scooters or motorcycles; transporting or carrying automobiles, trucks, buses or similar motor vehicles; or a dwelling place, living abode or sleeping place (either permanently or temporarily) and equipped for use as a conveyance on streets and highways.

b. This excludes message boards used to transmit emergency messages or directional for traffic control.

c. Trailers within any city park or city recreation facility are prohibited except where specifically authorized by a police officer, park ranger, or recreation attendant or permitted by an official sign. If so permitted, only for the purpose of, and during the time of, visiting or using the park or recreation facility where such parking is permitted.

d. Nothing in this section shall apply to a work or utility trailer being used to assist in the performance of such work, on a temporary basis, and with proper maintenance of traffic protocol in place and in a manner not to obstruct the flow of traffic.

7. Parking of recreational vehicles or vessels are prohibited in the same manner as a vehicle for the purpose of this chapter.

   a. This excludes the temporary (max of 72 hours) parking of recreational vehicles or trailered vessels when necessary for loading, unloading, cleaning or other preparations as may be necessary for the residents themselves provided all other restrictions are followed and all driveway and on-site parking is first occupied (or is otherwise unusable) and such vessel is registered (or leased) to the owner or occupier of the residence upon the street parked.

   b. In any case where an exception exists to park on a street, the vehicle(s) or trailer must be parked within twelve (12) inches of the curb and with the flow of traffic and adhering to all other parking rules. Nothing in this section is meant to be in conflict with restrictions in storage of such vehicle identified in 7.02.04 "Storage of boats and recreational vehicles" of the land development code. Exceptions under this section are considered affirmative defenses and must be proved by the defendant in a hearing.

8. Parking of commercial vehicles are prohibited in the same manner as a vehicle for the purpose of this chapter.

   a. Vehicles considered to be commercial vehicles in accordance with the Apopka LDC are prohibited from parking in any residential area at any time. Nothing in this section precludes a bona-fide vendor from using a commercial vehicle in conducting legitimate business and for its designed purpose, during such time the business is being conducted. Promotional trucks or other commercial vehicles being used solely for promotional purposes are specifically prohibited.

   b. Vehicles considered to be commercial vehicles in accordance with the Apopka LDC are prohibited from parking in any business district unless specifically owned or leased by such business having ownership or control of the property. Such vehicles shall not be used in an effort to advertise or promote the business through the method of parking or position in relation to the traveling public in an effort contrary to the spirit of the City's sign codes and ordinances. Such vehicles shall be located in a bona-fide parking space unless being actively loaded or unloaded.

   c. For purposes of this section, "Commercial vehicle" means a tractor cab, or tractor trailer or truck with a tandem rear axle or gross vehicle weight of over ten thousand (10,000) pounds, or having a length greater than twenty-one (21) feet, or height greater than ten (10) feet, or buses used for transporting passengers for a fee, taxicabs, shuttle vans, limousines or vans used to transport passengers for a fee. Any vehicle with external modifications designed to be used for the purpose of lifting objects or persons above the height of the

vehicle is included as a commercial vehicle. Step vans, flatbed and stake bed trucks, wreckers, farm equipment, dump trucks and earth moving equipment are included as commercial vehicles. Sport utility vehicles, family vans not transporting passengers for a fee and standard manufactured pick-up trucks, and duel rear wheel pick-up trucks used for personal use and emergency vehicles are expressly excluded from the definition of commercial vehicle.

Sec. 78-42. - Use of loading zones.

1. No person shall stop, stand or park a vehicle in any place marked as a passenger zone for a period of time longer than the time indicated by signs or other appropriate markings or devices.

2. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone during the hours when the provisions applicable to loading zones are in effect. Such vehicle must have attached in a conspicuous place on the rear of the vehicle a permit issued pursuant to section 78-43 for such loading and unloading. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

Sec. 78-43. - Loading zone permit.

1. The Chief of Police or his designee shall issue to applicants as provided in this section, tag permits for the use of loading and unloading zones, which shall be effective October 1 through September 30. Such permits shall be issued at a prorated rate as identified in Division 2. "Citations; Penalties" within this article. The Chief of Police or his designee is further authorized to establish rules and regulations governing such designated freight loading and unloading zones, and the use thereof.

    a. The application for such permit shall contain the following information:

        i. Whether the applicant is a wholesaler, retailer or common carrier.

        ii. The number of vehicles operated by the applicant.

        iii. The number of vehicles owned by the applicant which will carry loading and unloading permits.

        iv. The average number of stops per day for loading and unloading purposes.

        v. The name of the business, the type of business, the location of the business, and the mailing address and telephone number of the business.

        vi. The names and driver's license numbers of the employed or contracted drivers doing business within the city.

    b. All applications will be submitted in writing to the chief of police or his designee, and the chief of police or his designee shall have the authority to issue such permits. The applicant shall have the right to appeal to the city council.

2. Violation of any such terms and conditions shall be grounds for immediate revocation of the permit by the Chief of Police, who shall give written notice thereof to the holder of the permit. The permit holder may appeal such revocation to the city council, pursuant to Article XII of the Code of

Ordinances, by filing a written notice of appeal with the city clerk within seven (7) working days from the date of the revocation notice. Should the permit be revoked, any and all fees paid in advance shall be forfeited and retained by the city, subject to further action by city council in the event of appeal.

Sec. 78-44. - Removal of illegally parked, abandoned or disabled vehicles.

Members of the police department of the city are hereby authorized, but are not required, to have immediately removed any vehicle from any street or alley or other public place within the city by the city's authorized towing service under the following circumstances:

1. When such vehicle is in violation of any portion of this chapter; or

2. When a vehicle upon a street or alley is:

    a. disabled or when the person in charge of the vehicle is by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal and the vehicle is obstructing traffic or otherwise creating a safety hazard; or

    b. disabled, abandoned, or otherwise left in a manner obstructing traffic or otherwise creating a safety hazard.

    c. stolen, subject to forfeiture, being held as evidence or contains evidence in a criminal investigation, or the driver is being arrested and the arresting officer decides to remove the vehicle from the location to protect the vehicle from potential damage.

3. When any vehicle is parked on any municipal parking facility or area designated or used in connection with city hall, the police station or other municipal property of the city in violation of the posted signs and the permitted uses.

4. When any motor vehicle remains stopped or parked on any property owned or controlled by the city not designated for parking; longer than allowable posted times; overnight; or in a manner endangering the safety and security of the facility. If the towing is due to a security concern, and such concern is ultimately determined to be unfounded, the Chief of Police reserves the right to waive any tow fee.

5. Storage, cost and removal of impounded vehicles:

    a. When a vehicle is removed under this chapter, notice of storage and costs shall be sent to the vehicle owner within seven (7) days via certified mail, return receipt requested, pursuant to the provisions of F.S. § 713.78.

    b. Owner responsibility. The cost of towing, booting, or removing a vehicle impounded or immobilized under this section and the cost of storing the same or removing the immobilization device, shall be chargeable against the vehicle owner and a lien shall be placed upon the vehicle. Before the release of the vehicle, the owner of the vehicle shall pay these charges and any outstanding parking tickets, administrative delinquency or collection fees owed. The vehicle shall be stored in a private place and the towing and/or

storage charges shall be set by the private towing company. All of such charges shall be the responsibility of the vehicle owner.

6. Notice to vehicle owner.

    a. Upon taking possession of any vehicle, as provided in this section, the towing company shall follow guidelines set forth in F.S. § 715.05 regarding notification of owner, upon towing or removing a motor vehicle.

    b. Notification shall be by certified mail, return receipt requested, and shall notify the owner and all lien holders of the location of the vehicle and the fact that is it unclaimed. Notice shall be given within seven (7) days excluding Saturday and Sunday, from the date of storage and shall be complete upon mailing.

    c. If the state of registration is unknown, a good faith best effort to notify the owner shall be made, and such notice shall be given within a reasonable period of time from the date of storage.

7. Recovery.

    a. The registered owner of a towed, impounded or immobilized vehicle shall be entitled to recover such vehicle only after making payment for the charges and expenses for the cost of towing or immobilizing such vehicle, plus the cost of storage and any outstanding parking tickets, administrative delinquency or collection fees owed on such vehicle herein specified.

    b. The registered owner of such vehicle shall be responsible for paying the charges and fine(s) as herein provided whether or not such registered owner was the person who unlawfully parked or left standing such vehicle and in each instance the police department shall require payment of the sums herein provided for before restoring possession of such vehicle to the registered owner.

8. Sale of unredeemed vehicle(s).

    a. If an impounded vehicle is not claimed and all charges paid within thirty (30) days after the city has taken possession of such vehicle, an action may be commenced in the court having jurisdiction by legal counsel representing the city in the name of the city, as plaintiff, and against the name of the owner, as defendant, for the amount of the charges due, plus attorney's fees and costs incurred in the action.

    b. Upon judgment being obtained in favor of the city, the vehicle may be levied upon and sold for the purpose of satisfying the judgment.

Sec. 78-45. - Official traffic-control devices.

The location and existence of all official traffic-control devices which are in place or in existence on all streets and highways, except state roads, within the boundaries of the city on the effective date of this ordinance are hereby ratified and confirmed and shall be considered to have been authorized by the city

council. The city council hereby delegates its authority to place official traffic-control devices on all streets and highways, except state roads, within the boundaries of the city to the Chief of Police, who shall hereafter be responsible for determining the need for placement of official traffic-control devices.

Sec. 78-46. – Overtime parking in parking zones.

1. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle to be parked overtime or beyond the period of legal parking time, and any vehicle in any parking zone longer than the time limit fixed for such zone by sign or ordinance shall be considered to be illegally parked.

2. It shall be unlawful to relocate a vehicle from one parking space within the same parking zone or to relocate a vehicle temporarily from the same parking space unless the vehicle has left the parking zone for an amount of time equal to or greater than the legal time limit for parking fixed for such zone.

3. It shall be unlawful to roll the tires of a vehicle to remove or obscure or attempt to remove or obscure the markings made by parking enforcement personnel prior to removing the vehicle from the parking zone.

Sec. 78-47. – Parking of vehicles without affixed current and valid registration license plate and validation sticker; removing, impounding, or immobilization of vehicles without affixed current and valid registration license plate and validation sticker.

1. No person shall stop, stand, or park a vehicle upon any street, in any off-street parking facility in the city, right-of-way, upon any property owned and controlled by the city, or any private parking area open to the public, unless such vehicle has affixed to it a current and valid registration license plate and validation sticker.

2. Any motor vehicle without a current and valid license plate and validation sticker affixed to it found parked at any time upon any street, in any off-street parking facility in the city, or upon any property owned and controlled by the city may, in addition to the issuance of a parking violation notice, be immediately immobilized by or under the direction of a police officer, parking enforcement specialist, or code enforcement officer in such a manner as to prevent its operation. No such vehicle shall be immobilized by any means other than the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

3. It shall be the duty of the police officer, parking enforcement specialist, or code enforcement officer immobilizing such motor vehicle, or under whose direction such vehicle is immobilized, to post on such vehicle, in a conspicuous place, notice sufficient to inform the owner or operator of the vehicle that:

    a. Such vehicle has been immobilized pursuant to and by the authority of this Section of the Apopka Code of Ordinances; and

    b. The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon payment to the police department

the fine prescribed in Division 2 of this Article for the offense of parking a vehicle without a current and valid registration license plate and validation sticker affixed to it.

4. It shall be unlawful for anyone, except those persons authorized by the police department, to remove or attempt to remove, tamper with, or in any way damage or alter the immobilization device.

5. If the owner of the immobilized vehicle, or other duly authorized person, does not make arrangements for removal of the immobilization device in accordance with the foregoing provisions within twenty-four (24) hours of the time such motor vehicle was immobilized, a police officer, parking enforcement specialist, or code enforcement officer of the city is hereby authorized to have such vehicle towed by the city's authorized towing company.

    a. The owner of the vehicle shall be responsible for any and all towing and storage charges along with the civil penalty identified in Division 2.

    b. The penalty must be remitted prior to the release of the vehicle.

Sec. 78-48. – Removing, impounding, and immobilization of vehicles for non-payment of fines within the section.

1. Any motor vehicle found to have three or more outstanding municipal parking violations that is parked at any time upon any street, in any off-street parking facility in the city, or upon any property owned and controlled by the city may, in addition to the issuance of a parking violation notice, be immediately immobilized by or under the direction of a police officer, parking enforcement specialist, or code enforcement officer in such a manner as to prevent its operation. No such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

2. It shall be the duty of the police officer, parking enforcement specialist, or code enforcement officer immobilizing such motor vehicle, or under whose direction such vehicle is immobilized, to post on such vehicle, in a conspicuous place, notice sufficient to inform the owner or operator of the vehicle that:

    a. Such vehicle has been immobilized pursuant to and by the authority of this Section of the Apopka Code of Ordinances.

    b. The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon payment to the police department the fine prescribed in Division 2 or this Article for the offense of parking a vehicle without a current and valid registration license plate and validation sticker affixed to it.

3. It shall be unlawful for anyone, except those persons authorized by the police department to remove or attempt to remove, tamper with, or in any way damage or alter the immobilization device.

4. If the owner of the immobilized vehicle, or other duly authorized person, does not make arrangements for removal of the immobilization device in accordance with the foregoing provisions within twenty-four (24) hours of the time such motor vehicle was immobilized, a police

officer, parking enforcement specialist, or code enforcement officer of the city is hereby authorized to have such vehicle towed by the city's authorized towing company.

a. The owner of the vehicle shall be responsible for any and all towing and storage charges along with the civil penalty identified in Division 2.

b. The penalty must be remitted prior to the release of the vehicle.

Sec. 78-49. – Protection of pedestrians in and around school zones.

1. In order to protect drivers and pedestrians around the Orange County Public Schools within the municipal limits of the city, no person shall load or unload passengers seventeen (17) years of age or younger into or from a vehicle within one-fourth (¼) mile around such school, on the streets, alleyways, cul-de-sacs, right-of-ways, public parking areas, or private parking areas open to the public, or other such areas, unless on the campus proper of the school, within designated loading or unloading areas provided for such purpose, or under the direction of a police officer or school official.

2. A notice of such prohibition is not required in all areas within one-fourth (¼) mile around such schools in order to enforce the provisions of this section.

Sec. 78-50 – State statute incorporation

Adoption of state statutes by reference includes statutes both in existence at the time and those later adopted by the state legislature.

Secs. 78-51.—78-60. - Reserved.

DIVISION 2. - CITATIONS; PENALTIES

Sec. 78-61. Schedule of civil penalties; court appearance.
Sec. 78-62. Liability for payment of penalties.
Sec. 78-63. Failure to obey violation notice; alteration or destruction of violation notice.
Sec. 78-64. Procedure upon noncompliance with violation notice.
Sec. 78-65. Withholding of issuance of license plates and stickers by state.
Sec. 78-66. Procedure for referring cases involving the violation of a municipal parking ordinance to a hearing officer
Secs. 78-67. - 78-80. - Reserved.

Sec. 78-61. - Schedule of Fees, Charges, civil penalties; court appearance.

1. Schedule of Charges and Penalties:

a. Fines: Any person cited for violation of the regulations set forth in this chapter who submits payment within five (5) working days of the issuance of the citation shall be fined as follows:

Violation	Fine
Any portion of Chapter 78 notwithstanding below.	$40.00
Sec. 78-39 (4.) – Stopping, standing or parking prohibited in designated handicap parking places	$250.00
Sec. 78-41 (1.) Curbstoning. (Notwithstanding any tow fees.)	$100.00
Sec. 78-43 – Loading zone permit	$50.00
Sec. 78-44 – Removal of illegally parked, abandoned, or disabled vehicles. (Notwithstanding any tow fees.)	$100.00

b. Penalties
    i. Penalties must be paid within five (5) business days of the date of issuance of the parking violation notice, by either hand delivery to the parking fines unit or by mailing the penalty in the envelope provided with the notice. If such penalty is not paid within five (5) working days as provided in this subsection, the amount of the civil penalty shall be $10.00 greater than the amount specified for the parking violation as provided in the schedule of penalties above.
    ii. Any person receiving a parking violation notice shall, within five (5) business days, pay the civil penalty as prescribed above, transfer liability to the person who was in the care, custody, or control of the vehicle at the time of the parking violation, or request a hearing. Any person electing to appear before the designated hearing officer shall be deemed to have waived his right to pay the civil penalty as set forth above. The hearing will be governed in accordance with Section 78-66, of the code.
c. Surcharges
    i. A surcharge in the amount of $10.00 is imposed on all parking fines for parking violations occurring within the city, for the sole purpose of funding school crossing guard programs pursuant to authority of F.S. §.318.12(11).
    ii. This surcharge shall be placed in the school crossing guard trust fund and funds collected from this surcharge shall be distributed to fund school crossing programs. However, the city may set aside funds from this surcharge to pay for startup costs and recurring administrative costs related to printing new tickets or other means of implementing the school crossing guard program.
    iii. Funds collected from this surcharge must be distributed quarterly to fund the school crossing guard programs.
d. Administrative charges.
    i. In addition to the assessment pursuant to section 78-61 herein, administrative charges in the amount of the city's actual costs may be assessed in the event of an unsuccessful appeal under Section 78-66 or the necessity to institute collection procedures.
e. Collection of fines.
    i. The city may establish procedures for the collection of a penalty imposed herein, and may enforce such penalty by civil action in the nature of debt.

2. Schedule of fees (Section 78-43, "Loading Zone Permit")

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a. Such permit fees shall be $30.00 for the initial applicant vehicle and $20.00 for each additional vehicle under the same application. Each additional vehicle must either be registered to the applicant or applicant's organization or in the name of an employee of the applicant or applicant organization. The Chief of Police reserves the right to revoke any application or permit for errors, omissions, or false statement.
b. A charge of $10.00 shall be required for any lost, stolen, or misplaced permits. Permits are not transferrable between and among vehicles.
c. Any permit issued after April 1 of the fiscal year, October 1st through September 30th, shall be prorated by 50% of the above fee.

Sec. 78-62. - Liability for payment of penalties.

1. Pursuant to F.S. §316.1967, the owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence, when required by this section, that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within five (5) working days after notification of the parking violation, to furnish to the records unit of the police department an affidavit setting forth the name, address, and driver's license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle.

2. The affidavit submitted under this section is admissible in a proceeding charging a parking ticket violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation, provided it contains, at a minimum, the full name, address, and the date of birth of the person on control, care, or custody of the vehicle at the time of violation and such person must be a valid license holder of one of the fifty States or the several Territories of the United States.

3. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle. If the vehicle was stolen at the time of the parking citation, the owner of the vehicle shall submit an affidavit to the police department indicating that the vehicle was stolen along with a stolen vehicle police report. The owner of a leased vehicle is not responsible for a parking ticket violation and is not required to submit an affidavit or the other evidence specified in this section, if the vehicle is registered in the name of the person who leased the vehicle.

Sec. 78-63. - Failure to obey violation notice; alteration or destruction of violation notice.

1. It shall be unlawful for the responsible party as defined in section 78-62 to neglect to answer to the charge set forth in a parking violation notice affixed to a motor vehicle by an authorized member of the city.

2. The notice referred to in subsection (a) of this section is and shall remain the property of the city before and after the serving, delivery or affixing thereof. All persons receiving any such notice in writing, whether by personal service or by affixing the notice to a motor vehicle, shall be and are hereby required to preserve such notice and to bring and present or otherwise transmit the notice to the police department when answering the charge set forth in such notice.

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3. No person, whether the recipient thereof or otherwise, shall willfully throw away, alter, mar, mutilate, destroy or discard the parking violation notice of the city. Any person violating this section shall be subject to the penalty provided in section 78-64.

Sec. 78-64. - Procedure upon noncompliance with violation notice.

If any person summoned by a parking violation notice affixed on a motor vehicle does not respond to such notice within the time period specified on such notice, the police department shall assess the appropriate delinquent fee per violation against the registered owner of the motor vehicle. In addition, a notice of summons shall be sent, by U.S. mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation notice and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a separate citation may be issued for failure to comply in violation of section 78-63(a). Costs in the amount of $5.00 shall be assessed incident to each notification process. A violation of section 78-63(a) shall be deemed a separate and distinct violation and shall not be construed to be merged with or a part of the original parking violation.

Sec. 78-65. - Withholding of issuance of license plates and stickers by state.

1. The city police department may prepare and supply to the county clerk's office a list of persons who have three or more outstanding parking violations on a magnetically encoded computer reel or cartridge, or by any other electronic means which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations which occurred within the city.

2. If a person's name appears on the list referred to in subsection (a) of this section, the tax collector shall, in accordance with F.S. § 315.1967 and 320.03, not issue a license plate or revalidation sticker to such person until such person's name no longer appears on the list or until the person presents a receipt showing that such parking fines and all applicable late charges or other related charges have been paid, and also pays an administrative service charge to the tax collector.

3. Pursuant to the authority granted in F.S. §§ 316.1967 and 320.03, this section shall be applicable throughout the city; providing, however, that the police department responsible for enforcement of parking violations in the city shall be responsible for preparing and supplying the applicable list of persons who have three or more outstanding parking violations.

Sec. 78-66. – Procedure for referring cases involving the violation of a municipal parking ordinance to a hearing officer.

1. Guiding Statute:

    a. Pursuant to F.S. §318.325, any municipality may adopt an ordinance that allows the municipality to refer cases involving the violation of a municipal parking ordinance to a hearing officer.

    b. Notwithstanding the provisions of F.S. §318.14 and 775.08(3), any parking violation shall be deemed to be an infraction as defined in §318.13(3); however, the violation must be enforced and disposed of in accordance with the provisions of general law applicable to parking violations and in accordance with this code where the violation occurred.

c. The police department records unit shall be responsible for collecting and distributing the fines, forfeitures, and court costs assessed under this section.

d. Pursuant to F.S. §316.1967, any person who elects to appear before the city's hearing officer to present evidence, waives his or her right to pay the civil penalty provisions of the ticket. The Hearing Officer, after a hearing, shall make a determination as to whether a parking violation has been committed and shall impose the civil penalty designated by ordinance, plus the Hearing Officer shall impose the City approved administrative fee. The administrative fee for parking enforcement hearings and Local Hearings for red light camera infractions shall be the same.

2. Appeal to hearing officer.

a. Request for hearing:

i. The city's code enforcement hearing officer or the city's Local Hearing Officer is authorized to consider disputes under this chapter. The responsible party as defined in section 78-62, shall, within five (5) business days of the date of the notice of infraction, file a request for hearing with the city. Such request shall be in writing, or on a form provided and approved by the Chief of Police, and delivered to the police department records unit. A hearing shall be scheduled.

ii. Upon receipt of the request, the city shall schedule a hearing. Notice of hearing shall be provided to the responsible party shall be hand delivered, or delivered by U.S. mail, to the address provided on the request for appeal.

iii. If the person receiving the parking violation requests a hearing, but later chooses to cancel the hearing, there will be a fifty ($50) cancellation fee instead of the city assessed administrative fee in addition to the civil penalty.

iv. If a hearing date is set, and the person requesting a hearing wishes to continue the hearing, the person shall request a continuance within five (5) business days of the hearing. The request for continuance may be granted one time for cause but shall be assessed an additional fifty ($50) cancellation fee.

b. The hearing

i. Formal rules of evidence do not apply at the hearing, but due process shall be observed and govern the proceedings.

ii. Any person, who requests a hearing and does not appear at the hearing, shall waive their right to be heard at the hearing and waives their right to present additional evidence or additional defenses. The Local Hearing Officer or City Code Enforcement Hearing Officer may make a determination as to whether a parking violation was committed based on the evidence presented at the hearing by the member of the Apopka Police Department.

3. Unless an affidavit is provided pursuant to section 78-62, it is presumed the person registered as the vehicle owner with the Florida Department of Motor Vehicles or any other state vehicle registration office, or an individual having the owner's consent, was operating the vehicle at the time of the infraction.

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Secs. 78-67—78-80. - Reserved.

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