

**SPECIAL MEETING
CITY COMMISSION
CITY OF APALACHICOLA, FLORIDA
TUESDAY, APRIL 30, 2019 - 6:00 PM
APALACHICOLA COMMUNITY CENTER
#1 BAY AVENUE
APALACHICOLA, FLORIDA**

AGENDA

You are welcome to speak or comment on any matter under consideration by the Apalachicola Board of City Commissioners when recognized to do so by the Mayor. Once recognized please rise to the podium, state your name for the record and adhere to the five minute time limit.

- I. Call to Order
 - Invocation (Please rise and remain standing)
 - Pledge of Allegiance
- II. Agenda Adoption
- III. Appeal Hearing – Chris Moore – 51 8th Street
- IV. Adjournment

Any person who desires to appeal any decision at this meeting will need a record of the proceeding and for this purpose, may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the appeal is based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office 48 hours in advance of the meeting.

**PETITION OF APPEAL FROM DECISION OF
APALACHICOLA CITY ADMINISTRATOR/FLOOD PLAIN ADMINISTRATOR
TO THE CITY COMMISSION**

APPLICANTS Christiana T. Moore and John K. Jackson formally request appeal of the letter directive decision dated April 25, 2018, signed by Lee Mathes as City Administrator directing them to remove 2.5 dump truck loads (18 yards per load) of fill from their property. Attached is a copy of the letter directive. **(April 25, 2018, Letter attached as Exhibit A).**

INTRODUCTION

Ms. Moore and her husband Mr. Jackson wanted to sod and plant around their new home. City staff issued a landscaping permit and Ms. Moore bought nearly \$8,000 in plants. As soon as Ms. Moore added backfill dirt to the holes created by the construction and lot clearing, a neighbor to the left complained and the City issued a stop-work order. The City told Ms. Moore she just needed to submit a set of engineered plans to the Flood Plain Manager and the Planning and Zoning Board. She hired Dan Garlick, who was recommended by staff, and submitted the plans. The Board voted to approve her permit. The City's Attorney J. Patrick Floyd decided that Ms. Moore also needed to comply with Land Development Code requirements for large subdivision projects and asked for plans that show stormwater peak discharge rates to establish volume and that pollutant loads would not increase after the landscaping project.

Ms. Moore wanted to sod and plant so she hired a professional engineer to prepare the requested reports. But Mr. Floyd said the reports were not enough and he asked for more information. Ms. Moore had the engineer revise the reports. Then Mr. Floyd wanted topographical plans, elevation surveys, photographs, invoices, and receipts.

No matter how much Ms. Moore provided, Mr. Floyd rejected her submissions and his legal justifications changed along the way. He created muddled and confusing compliance

RECEIVED
MAR 05 2019
BY: *Delia G. Galt*

requirements that became a moving target without ever identifying a clear legal justification for doing so. First he pointed to the Land Development Ordinance (#91-07) to justify his requirement for before-and-after attenuation calculations. Then he said Ms. Moore needed to submit an application under the Flood Plain Management Ordinance (#2013-02). Then he created a brand new Flood Plain permit application and imposed an indemnity obligation—which he never imposed on other neighbors.

When all that was done, he sued Ms. Moore and Mr. Jackson and completely abandoned the Land Development Ordinance, which was how he justified seeking attenuation calculations in the first place. He told the Court that Ms. Moore was not permitted under the Flood Plain Ordinance, and that she was in violation of a letter from city staff member Lee Mathes who directed Ms. Moore to remove 2.5 truckloads of dirt from her property based on her own mathematical judgment without reference to the city engineer's report.

The Court ordered Mr. Floyd to give Ms. Moore the opportunity to bring this matter to the City Commission for a full review.

Almost a year and a half has passed since the Planning and Zoning Board granted Ms. Moore' permit. Yet her yard sits ungraded and overtaken by weeds and volunteer plants. All Ms. Moore has asked for is to finish grading and to sod and plant flowers and trees. During the last year and a half—and after a major near Cat-5 hurricane and one of the wettest Decembers on record—there has not been a single complaint of flooding caused by Ms. Moore' yard.

It is unclear why Mr. Floyd has taken such an aggressive position with Ms. Moore when he turned a blind eye to her right side neighbor's landscaping project. That neighbor blatantly refused to comply with Mr. Floyd's Flood Plain Permit requirements and she completed her landscaping without further City involvement.

REQUEST FOR REVIEW

1. The property at issue is located at 51 8th Street, Apalachicola FL 32320.
2. This appeal is made in accordance with the Flood Plain Management Ordinance

2013-02, section 107.1 and 107.2, which states:

107.1 General. The Apalachicola City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Apalachicola City Commission shall hear and decide on request for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

107.2 Appeals. The Apalachicola City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Apalachicola City Commission may appeal such decision the Circuit Court, as provided by Florida Statutes.

FACTS AND HISTORY

1. Ms. Moore and Mr. Jackson completed the construction of their property in 2017 on a vacant lot located at 51 8th Street. The lot size is 60' x 100' (or 6000 square feet), and the house footprint is 1,972 square feet. Attached is a survey of the lot. **(Survey attached as Exhibit B).**

2. During and after construction, Ms. Moore' builder and landscaper removed trees, shrubs, bushes, undergrowth, debris, roots, and other materials from the lot, leaving behind holes, ditches, and swales not there before.

3. The last part of the construction project was to complete landscaping; Ms. Moore spent \$7,490.00 on trees and plants, and hired landscape professional Kelly Horne to design and complete the project. The lot was barren after the construction project and adding sod and plants

would not just enhance property values, but would also stabilize dirt and provide additional water control.

4. On October 4, 2017, Ms. Horne applied for a basic landscaping permit. Cortni Bankston for the City signed the permit in short order, noting “OK to Proceed.” **(Initialed and notated permit, Exhibit C).**

5. When the permit was issued, Ms. Horne ordered trucks of dirt to backfill and level the lot holes.

6. After the dirt was delivered but before it could be leveled and graded, the City posted a stop work order on Ms. Moore’ lot. **(Order dated Oct 6, 2017, Exhibit D).**

7. Cortni Bankston told Ms. Moore to get an engineered set of landscaping plans and the order would be removed. **See Oct 10, 2017, Email, Exhibit E).**

8. Ms. Moore hired Dan Garlick of Garlick Environmental Associates, Inc., to prepare the requested plans and make calculations showing that the layout of a swale berm landscape design would meet the requirements.

9. The City Planning & Zoning Board reviewed and discussed the Garlick plans at its regular meeting on November 13, 2017, and voted to issue Ms. Moore’ permit to install soil and sod and a fence. **(Nov 13, 2017, Planning and Zoning Board meeting minutes, Exhibit F).** The next morning, the City’s Code Enforcement Officer removed the stop work order. Pursuant to the permitted plan, gutters and rain barrels were installed at the property.

10. On November 22, 2017, Cortni Bankston emailed Ms. Moore to tell her both the stormwater management plan and fence permits were ready for pickup. **(Nov 22, 2017, Email from Bankston and Permits, Exhibit G).**

11. A week later, on November 29, 2017, Mr. Floyd sent a letter to Dan Garlick asking for more materials and that he “probably” would also need Ms. Moore to indemnify and hold the City harmless. **(Nov 29, 2017, letter from Floyd to Garlick, Exhibit H).**

12. Even though the submitted plans satisfied concerns, Mr. Floyd or the City’s engineer wanted more calculations and certifications. So Mr. Garlick submitted Engineer Mark Repasky’s report. **(Dec 4, 2017, email from Garlick with Repasky’s report, Exhibit I).**

13. But then Mr. Floyd asked for more. By email dated December 18, 2017, he now wanted a topographical survey, documents related to dirt delivery, and attenuation calculations. **(Dec 18, 2017, email from Floyd to Garlick, Exhibit J).** Mr. Floyd said these requirements were necessary because of a complaining neighbor, Mr. Louie Van Vleet.

14. Before Ms. Moore or Mr. Garlick could respond, sometime before December 26, 2017, the City reposted the October stop-work order on the property.

15. Following the reposted stop-work order, Code Enforcement Officer Wilbur Bellew issued a Notice of Violation dated January 2, 2018. The notice claimed Ms. Moore’s permit application “was not approved and withdrawn.” **(Jan 2, 2018, Notice of Violation, Exhibit K).**

16. Seeing no way to satisfy the continually changing and more onerous landscaping requirements made at the behest of a complaining neighbor and city attorney, Ms. Moore hired counsel hoping to reach a resolution, to no avail.

17. Still, Ms. Moore wanted to put down sod and plant her trees and flowers, so she asked her engineer to revise his report to satisfy Mr. Floyd’s latest requirements. **(Feb. 1, 2018, Revised Repasky report, Exhibit L).**

18. Within a day, Mr. Floyd rejected the revised report. **(Feb 2, 2018, Letter from Floyd, Exhibit M).**

19. At both the January 23, and February 6, 2019, commission meetings, Mr. Floyd shut down any discussion of Ms. Moore' permitting issues and prevented her from even talking with her elected representatives.

20. Then, even though Ms. Moore already had the permit the City required, Mr. Floyd created an entirely new Flood Plain Permit Application and told Ms. Moore to re-apply. The new application included an indemnity requirement. Mr. Floyd also again insisted he needed an engineer's attenuation calculations. **(Feb 20, 2018, Letter from Floyd, Exhibit N).**

21. Ms. Moore finally responded directly to Mr. Floyd, making it clear to him yet again she had never withdrawn her application for a permit (which had already been issued anyway) and asking him what ordinance or law required her to submit attenuation calculations. **(Feb 27, 2018, Letter from Moore to Floyd, Exhibit O).**

22. In March, 2018, the City requested additional topographical maps, promising this would resolve the issue.

23. On April 23, 2018, Mr. Floyd emailed Ms. Moore to tell her that the City's engineer Clay Smallwood was waiting for additional data from the surveyor to make accurate elevation comparisons. He told Ms. Moore, "[t]his has been requested and hopefully will be received today or tomorrow" and "forwarded to you upon receipt." **(April 2018, Emails to/from Floyd, Composite Exhibit P).**

24. Actually, Mr. Smallwood had already reviewed the surveys and reported to Mr. Floyd weeks earlier that "[t]here is not a great difference between the existing 8 and 7 contour locations on either survey." **(April 2018, Emails to/from Floyd, Composite Exhibit P).**

25. Maybe Mr. Floyd was dissatisfied with Mr. Smallwood's conclusion because he apparently invited Mr. Smallwood to reconsider his findings.

26. On April 24, 2018, Mr. Smallwood re-addressed the issue after reviewing the CAD file, and again told Mr. Floyd that the still ungraded and unleveled dirt did not significantly change the original elevation, and while some areas on the lot were slightly higher, others were actually lower. **(April 2018, Emails to/from Floyd, Composite Exhibit P)**. With proper grading and leveling (activities prevented by the stop-work orders), the lot would be level with neighboring lots.

27. Also in April 2018, Ms. Moore's right side neighbor began her own landscaping and construction projects. When the City told this neighbor to submit a Flood Plain Application, the neighbor refused and argued that she had already been granted her permit at the Board's November 2018 meeting. She completed her landscaping project with no violation issued or enforcement action. **(April 12, 2018, Letter from Rice, Exhibit Q)**.

28. On April 25, 2018, the City Administrator Ms. Lee Mathes directed Ms. Moore to remove 2.5 dump truck loads of dirt from her property. **(April 25, 2018, Letter attached as Exhibit A)**.

29. Ms. Moore emailed Lee Mathes for clarification and asked who made this directive and how they determined 2.5 loads needed removal. **(April 26, 2018, Email from Ms. Moore to Mathes, Exhibit R)**.

30. Ms. Mathes responded on May 15, 2018, that Ms. Moore could either remove 2.5 truckloads of "fill" or provide an engineered stormwater management plan under the Land Development Code, Ordinance #91-7 and the Flood Plain Management Ordinance. **(May 15,**

2018 Letter from Mathes to Ms. Moore, Exhibit S). Ms. Mathes is not an engineer, nor is she certified as a Flood Plain Manager or in any other field to qualify her to make these calculations.

31. When Mr. Floyd sued Ms. Moore and Mr. Jackson he did not mention, cite to, or in any way rely on the Land Development Code Ordinance #91-7; yet he continues to insist that backfill for the holes in her yard and sod and flowers require the same attenuation calculations applied to large land developments.

32. Since these permitting issues began in October 2017, the City of Apalachicola has experienced a near Cat-5 hurricane and record-breaking rainfall in December 2018. (**National Weather Service Rainfall Data, Exhibit T**). There has not been a single written complaint to the City of flooding caused by runoff from Ms. Moore' lot.

CONCLUSION

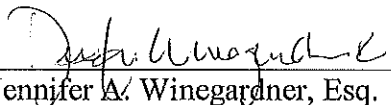
The City already considered, voted, and permitted Ms. Moore's permit. The last year and a half of ever-increasing requirements were based on a Land Development Code ordinance the City's attorney now agrees does not apply.

Even in its ungraded condition, Ms. Moore' lot does not cause her neighbors' lots to flood. The April 25, 2018, directive to remove 2.5 truckloads of dirt ignores that there was an issued permit, would not alleviate any flooding problem (because no problem exists), and would cause significant expense and damage to the property.

Ms. Christiana Moore and John Jackson therefore request:

- A. A hearing before the full Commission;
- B. Withdrawal of the
 - i. April 25, 2018 directive
 - ii. January 2, 2018 Notice of Violation, and
 - iii. October 6, 2017 Stop-Work Order
- C. Confirmation and/or Reinstatement of the November 2017 Permit
- D. Dismissal of the pending circuit court complaint.

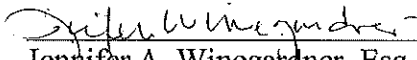
Dated this 5th day of March, 2019.



Jennifer A. Winegardner, Esq.
Florida Bar No 133930
Counsel for
Christiana T. Moore and John K. Jackson
Winegardner Law Firm, PLLC
2852 Remington Green Circle, Suite 102
Tallahassee, FL 32308
850-270-9064
email: jwinegardner@winegardnerlaw.com

CERTIFICATE OF SERVICE

A copy of the foregoing was delivered via regular U.S. Mail to J. Patrick Floyd, CHTD, at 20 Avenue D, Post Office Building, Apalachicola, FL 32320 on this 5th day of March, 2019.



Jennifer A. Winegardner, Esq.



CITY OF APALACHICOLA

1 Avenue E • Apalachicola, Florida 32320 • 850-653-9319 • Fax 850-653-2205

www.cityofapalachicola.com

April 25, 2018

Mayor
Van W. Johnson, Sr.

Commissioners
Brenda Ash
John M. Bartley, Sr.
James L. Elliott
Anita Grove

City Administrator
Lee H. Mathes, MMC

City Clerk
Deborah Guillotte, CMC

City Attorney
J. Patrick Floyd

Christina Moore
51 8th Street
Apalachicola, FL 32320

RE: 51 8th Street

Dear Ms. Moore,

In October 2017, Jason White Construction invoice states removal of 2 loads at 16 yards per load which consisted of brush, grass stripping, and ditch debris from 51 8th Street. Upon removal, Jason White Construction invoice states delivery of 3 loads at 18 yards per load of fill dirt to 51 8th Street.

Upon complete investigation of the matter of the fill placed at 51 8th Street including pictures and surveys, it has been determined that 2.5 dump truck loads (18 yards per load) of fill must be removed from the property to be in compliance with the Apalachicola Floodplain Ordinance. As Floodplain Administrator, I am allowing 9 yards of fill to be allowed as replacement soil that was lost during removal of brush and grass.

Please provide written confirmation to me when fill has been removed so the City can remove the Stop Work Order.

Sincerely,



Lee Mathes, MMC
City Administrator/Floodplain Administrator

Exhibit A

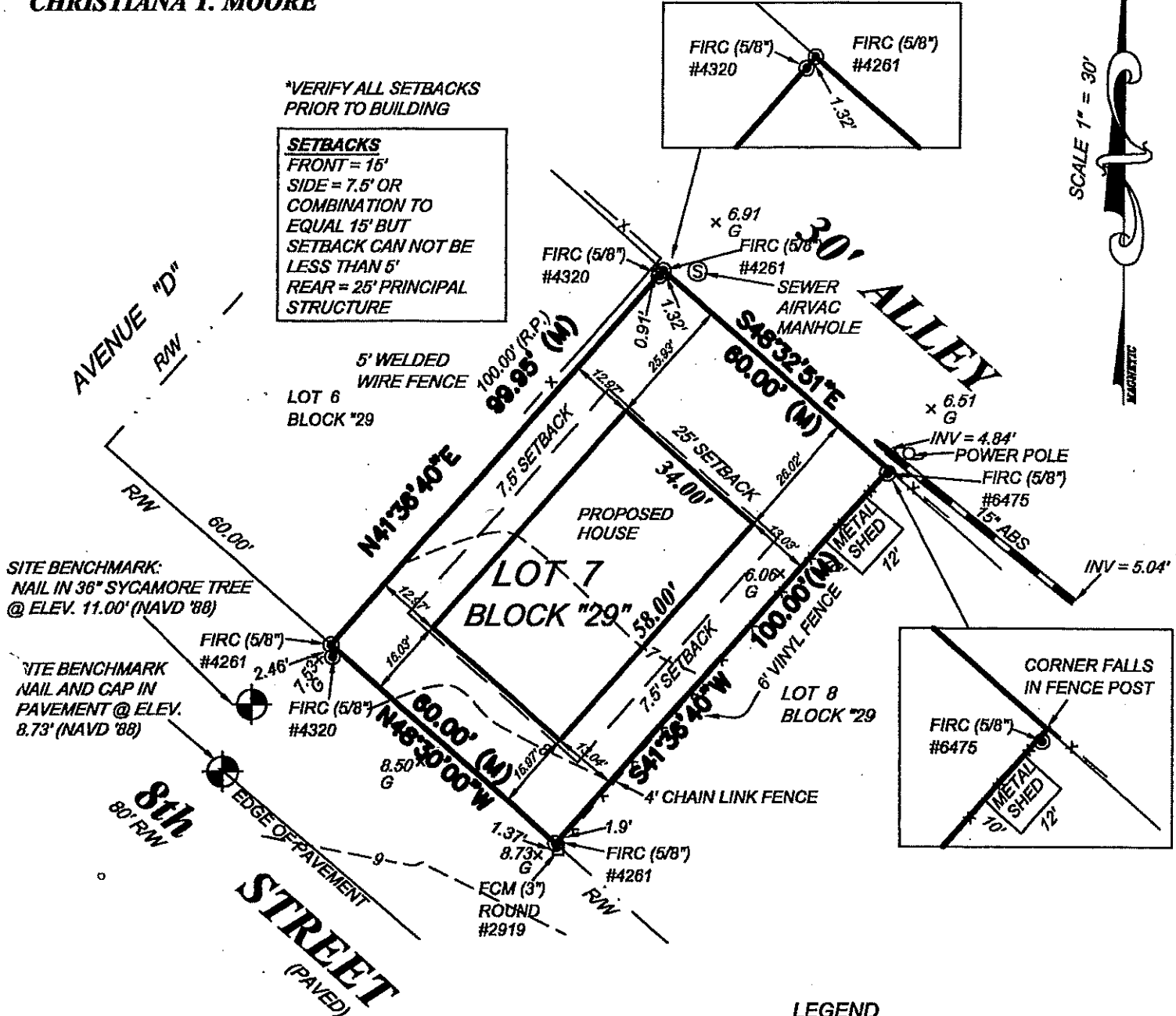
10/24/16

**PLAT OF BOUNDARY AND TOPOGRAPHICAL SURVEY CERTIFIED TO:
CHRISTIANA T. MOORE**

*VERIFY ALL SETBACKS
PRIOR TO BUILDING

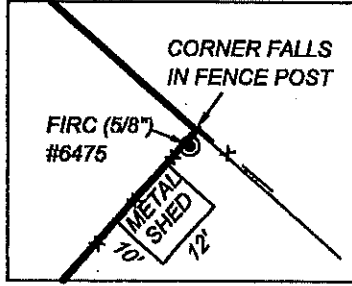
SETBACKS
FRONT = 15'
SIDE = 7.5' OR
COMBINATION TO
EQUAL 15' BUT
SETBACK CAN NOT BE
LESS THAN 5'
REAR = 25' PRINCIPAL
STRUCTURE

SCALE 1" = 30'



SITE BENCHMARK:
NAIL IN 36" SYCAMORE TREE
@ ELEV. 11.00' (NAVD '88)

SITE BENCHMARK
NAIL AND CAP IN
PAVEMENT @ ELEV.
8.73' (NAVD '88)



LEGEND

- R/W RIGHT OF WAY
- M MEASURED
- R.P. RECORD PLAT
- FCM FOUND CONCRETE MONUMENT
- FIRC FOUND IRON ROD & CAP

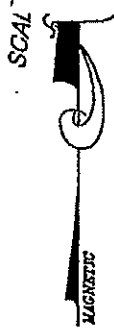
LEGAL DESCRIPTION:

Lot 7, Block "29" of the CITY OF APALACHICOLA, as per map or plat thereof in common use on file at the Clerk of the Circuit Office in Franklin County, Florida.

NOTES:

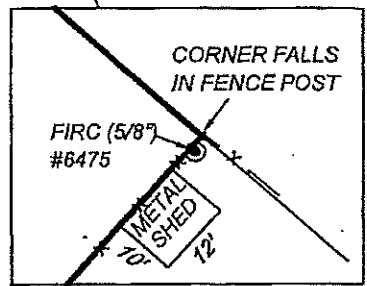
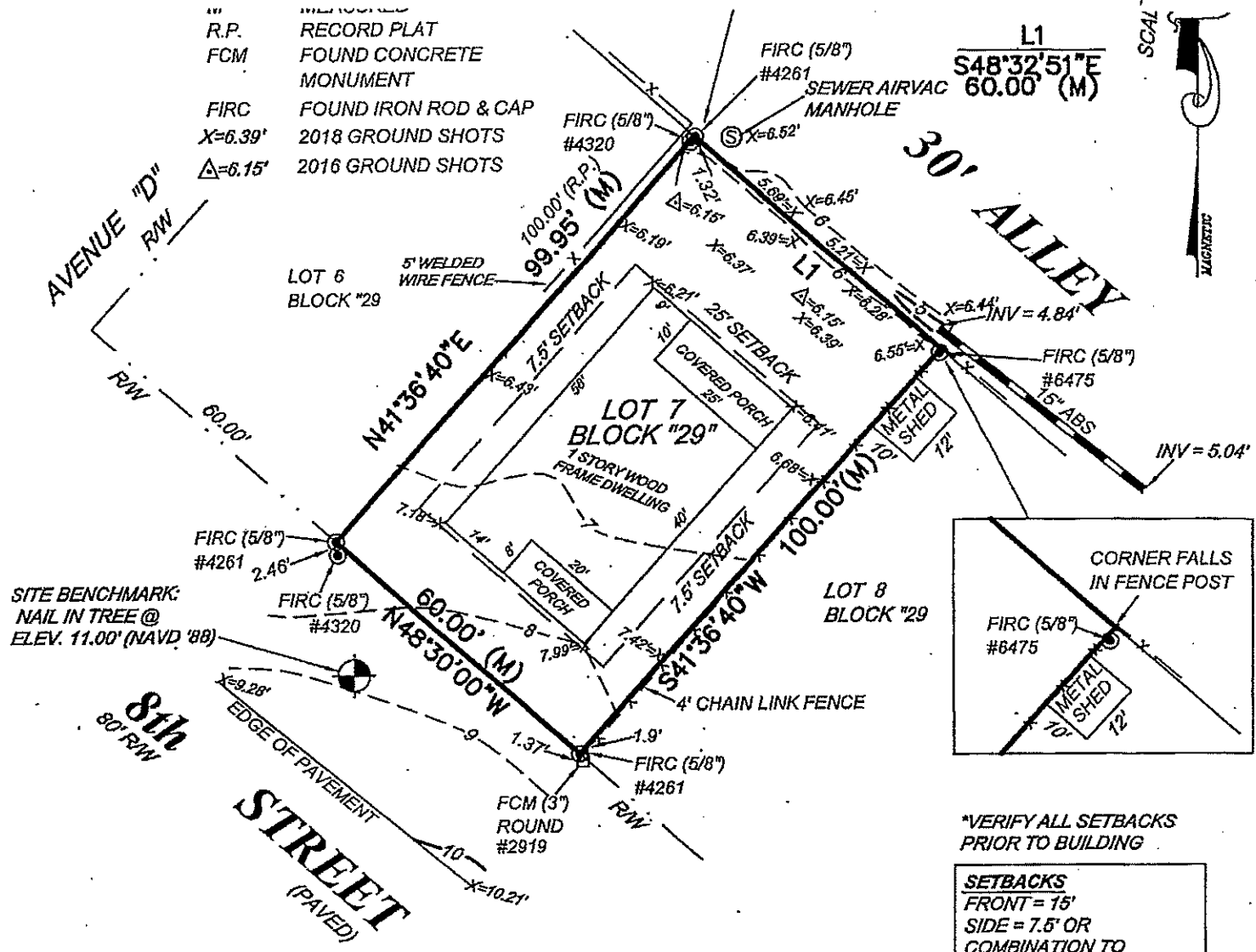
1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Northeasterly right of way boundary of 8th Street having an assumed bearing of North 48 degrees 30 minutes 00 seconds West.
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.

3/20/18



L1
S48°32'51"E
60.00' (M)

R.P. RECORD PLAT
FCM FOUND CONCRETE MONUMENT
FIRC FOUND IRON ROD & CAP
X=6.39' 2018 GROUND SHOTS
Δ=6.15' 2016 GROUND SHOTS



*VERIFY ALL SETBACKS PRIOR TO BUILDING

SETBACKS
FRONT = 15'
SIDE = 7.5' OR COMBINATION TO EQUAL 15' BUT SETBACK CAN NOT BE LESS THAN 5'
REAR = 25' PRINCIPAL STRUCTURE

LEGAL DESCRIPTION:
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3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
7. Elevations shown hereon were established by using NAVD '88.

REVISED 03/21/18: UPDATED TOPO-BB
REVISED 02/07/17: ADDED PROPOSED HOUSE AND BENCHMARK
REVISED 10/24/16 CHANGED DATUM AND FLOOD ZONE

FLOOD ZONE INFORMATION:

Subject property is located in Zone AE (EL 10) as per Flood Insurance Rate Map Community Panel No:120089 0526F, index date: February 5, 2014, Franklin County, Florida.

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 17, Florida Administrative Code).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the

OK to Proceed

PERMIT #: _____
PERMIT COST: _____
PAID: _____ PICKED UP: _____
(For official use only)

CITY OF APALACHICOLA
APPLICATION FOR DEVELOPMENT PERMIT
GENERAL, RENOVATION, OR NEW CONSTRUCTION

Owners Name: Christiana Moore

Mailing Address: _____

Telephone: Home: _____ Cell: _____ Business: _____

Contractor Name: KELLY HORNE Telephone: 850-222-1617
State Contractors License #: LO700018203 County Registration #: _____
City License #: 18-002 County License #: _____

Property to be renovated: Residential Commercial Use _____

Property Address: 51 8th Street
Legal Description: Block(s) 29 Lot(s): 7
Subdivision: _____ Property Dimensions: _____
Property Zoning Classification: _____ FEMA Flood Zone/Panel #: _____

Description of Development: BASIC LANDSCAPE

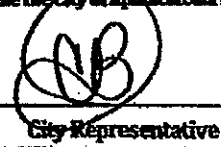
*Please note: Setbacks must be indicated on site plan attached to construction plans for any new construction of a Principle and/or Accessory Structure.

Estimated Cost: \$ _____
**If application has to go before Planning and Zoning for decision, the application will be placed on the agenda of the next Board Meeting (2nd Monday of each month) so long as the application is received at least 10 days prior to meeting and the City's Community & Economic Development Office and City Planner have preliminarily found that the application is complete and addresses all applicable requirements.*

For New Construction and Exterior Renovations to existing structure - See attached checklist.
NOTE: This is a conceptual approval through the City based on our Land Development Code (LDC). Please be aware that other documentation may be required by the Building Official contracted to handle the City of Apalachicola Building Permits, EPC.

Initial: KPH

Applicant Signature


City Representative

10/4/17
Date Received

Official Use Only This development request has been approved for zoning, land use, and development review by the City of Apalachicola and a building permit is authorized to be issued.

Setback Requirement of Property: Front: _____ Rear: _____ Side: _____

Maximum Lot Coverage Meets Zoning Code: _____ Water Available: _____ Sewer Available: _____ Taps Paid: _____

Certificate of Appropriateness Approved: _____
Chairperson, Apalachicola Planning & Zoning Board Date

OR

Approval for Permit Issuance: _____
City Representative Date Approved

KV 4/2017

STOP WORK

LOCATION: 51 8th Street

BY ORDER OF THE CITY OF APLACHICOLA, FL.

PLEASE CORRECT AS NOTED BELOW BEFORE ANY FURTHER WORK IS DONE.

-NOTE- Engineered Landscaping Site Plan

POSTED THIS 6th DAY OF October IN THE YEAR 2017

CONTACT: COBBLE MANAGEMENT
PHONE NUMBER: (904) 453-1222

INSPECTED BY _____

DO NOT REMOVE THIS NOTICE

REMOVAL OF THIS NOTICE IS A VIOLATION OF CITY ORDINANCE NO. 91-7

Exhibit D

#2

From: "Cortni Bankston" <cortnibankston@cityofapalachicola.com>
Subject: RE: Photo 51 8th St: EC #2
Date: October 10, 2017 10:39:31 AM EDT
To: "Chris" <ctmoore@embarqmail.com>

Thank you for the photos, I spoke with our Flood Plain Manager yesterday at the P&Z Meeting about your situation. She said we will need an Engineered set of plans for the Landscaping because of dirt being taken out and put back in. If you would like more information, her name is Cindy Clark @ cclark@cityofapalachicola.com

If you should have any questions and/or concerns please feel free to contact me.

Sincerely,

Cortni Bankston
Permitting and Development Coordinator
City of Apalachicola Community & Economic Development Office
222 Water Street
Apalachicola, FL 32320
(850)653-1522 (ext 205) Phone
(850)653-5023 Cell
(850)653-1529 Fax
cortnibankston@cityofapalachicola.com

-----Original Message-----

From: Chris [mailto:ctmoore@embarqmail.com]
Sent: Tuesday, October 10, 2017 10:34 AM
To: cortnibankston@cityofapalachicola.com
Subject: Photo 51 8th St: EC #2

Taken 10/9/2017 -same view as Elevation Certificate with notation "C2f Lag"

**CITY OF APALACHICOLA
PLANNING & ZONING BOARD
REGULAR MEETING
MONDAY, November 13, 2017
Community Center/City Hall - 1 Bay Avenue
MINUTES**

Present: Vice Chairperson - Lynn Wilson-Sporhrer, Geoff Hewell, Jim Bachrach, Fred Vogt, Uta Hardy, Joe Taylor. City Planner - Cindy Clark, City Administrator - Lee Mathes, Permitting and Development Coordinator - Cortni Bankston

Workshop - 5p.m.

Parking and vulnerability analysis draft recommendations - Meeting opened by Cindy Clark - Discussion Held

Regular Meeting - 6p.m.

- 1) Approval of October 9th, 2017 Regular Meeting Minutes. **Motion to approve: Jim Bachrach - 2nd: Geoff Hewell. Motion Carried.**
- 2) Review, Discussion and Decision on permit issuance for building of a 24x24 Pavilion @ The Magnolia Cemetery, For - The City of Apalachicola / Contractor - Duncan Home Construction. **Motion to approve: Geoff Hewell - 2nd: Uta Hardy. Motion Carried.**
- 3) Review, Discussion and Decision on permit issuance of installation of 12x12 Shed in the Historic District @ 116 Dr Fredrick Humphries Street, Block 60, Lot(s) 4, For - Otis Walker / Contractor - Owner. **Motion to Approve: Geoff Hewell - 2nd: Fred Vogt. Opposed: Uta Hardy. Motion Carried.**
- 4) Review, Discussion and Decision on permit issuance for demo and new construction a single family residence in the Historic District @ 239 7th Street, Block: 175, Lot 6, For - Justin Bolduc, Contractor - Tim Poloronis. **Motion to Table: Jim Bachrach - 2nd: Geoff Hewell. - Applicant needs to go through required steps for demo on an historic structure. Motion carried.**
- 5) Review, Discussion and Decision on permit issuance for building of a 24x24 Pavilion @ The Magnolia Cemetery, For - The City of Apalachicola / Contractor - Duncan Home Construction. **Motion to Approve: Jim Bachrach - 2nd: Joe Taylor. Motion Carried.**
- 6) Review, Discussion and Decision on permit issuance for installation of a 3 ½ Foot Tall Wood Fence on front, sides, and rear of property @ 443 24th Avenue. Block 215 , Lot(s) 18 thru 21, For - Everett and Caroline Horton, Contractor - Owner. **Motion to Approve: Uta Hardy - 2nd: Lynn Wilson-Sporhrer. Motion Carried.**
- 7) Review, Discussion and Decision on permit issuance for installation of a metal roof over existing porch in the Historic District @ 187 Ave C, Block 97, Lot(s) 1 and 2, For - Jim Bachrach, Contractor - Owner. **Motion to Approve: Jim Bachrach - 2nd: Joe Taylor. Motion Carried.**
- 8) Review, Discussion and Decision on permit issuance for demo of existing burnt home and new construction of a single family residence and fence in the Historic District @ 214 9th Street, Block 161, Lot(s) 4, For - Mark Galbraith, Contractor - Construct Group SE. **Motion to Approve: Jim Bachrach - 2nd: Geoff Hewell. Opposed: Uta Hardy. Motion Carried.**
- 9) Review, Discussion and Decision on permit issuance for new construction of a single family shot gun home with covered porch, and tree removal in the Historic District @ 151 13th Street, Block 81, Lot(s) 8, For - Save Our Shotguns, Contractor - Construct Group SE. **Motion to Approve: Fred Vogt - 2nd: Jim Bachrach. Motion Carried.**
- 10) Review, Discussion and Decision on permit issuance for new construction of a single family residence with front and back porch and building of an accessory structure with covered porch, and tree removal in the Historic District @ 226 9th Street, Block 162, Lot(s) 2, For - Kathy Kirkland, Contractor - Construct Group SE. **Motion to Approve: Jim Bachrach - 2nd: Geoff Hewell. Motion Carried.**

- 11) Review, Discussion and Decision on permit issuance for new single family residence and a 2-story accessory building and tree removal in the Historic District @ "TBD" 6th Street, Block 180, Lot(s) 9 and 10, For - Molly and Paul Hill, Contractor - Construct Group SE. **Motion to Approve: Jim Bachrach - 2nd: Geoff Hewell. Motion Carried.**
- 12) Review, Discussion and Decision on permit issuance for replacement of Windows and replace front porch support beams in the Historic District @ 196 Dr Fredrick Humphries Street, Block 170, Lot(s) 6, For - Salty Bay Properties, III, LLC, Contractor - Owner. **Motion to Approve: Jim Bachrach - 2nd: Geoff Hewell. Motion Carried.**
- 13) Review, Discussion and Decision on permit issuance for replacement of siding, screen in porches, and extend metal roof over back porch in the Historic District @ 142 12th Street, Block 81, Lot(s) 1, For Lloyd Davis, Contractor - Charles Taunton. **Motion to Approve: Jim Bachrach - 2nd: Geoff Hewell. Motion Carried.**
- 14) Review, Discussion and Decision on permit issuance for minor and major renovation and repairs to porch columns, roof, roof deck, roof skirting, and awning in the Historic District @ 19 9th Street, Block 36, Lot(s) 6 and NW ½ Lot 7, For - Norman & Shirley Fleming, Contractor - Owner. **Motion to Approve: Jim Bachrach - 2nd: Geoff Hewell. Motion Carried.**
- 15) Review, Discussion and Decision on permit issuance for installation of a 6 foot wood fence @ 297 24th Avenue, Block 288, Lot(s) 21 and 22, For - Mark Cumbie, Contractor - Owner. **Motion to Approve: Jim Bachrach - 2nd: Geoff Hewell. Motion Carried.**
- 16) Review, Discussion and Decision on permit issuance for installation of sidewalk and shed @ 192 10th Street, Block 152, Lot(s) 2, For - LaRaela Gunter & Glen Coxwell, Contractor - Owner. **Motion to Approve sidewalk only: Fred Vogt - 2nd: Geoff Hewell. Motion Carried.**
- 17) Review, Discussion and Decision on permit issuance for installation of Sod/Top Soil in AE10 Flood zone @ 48 8th Street, Block 29, Lot(s) 8, For - Judy Rice, Contractor - Stanton Jones/ Reviewed by Garlick Environmental. **Motion to Approve contingent to the Recommendation of Garlick Environmental review and Engineered site plan: Jim Bachrach - 2nd: Geoff Hewell. Motion Carried.**
- 18) Review, Discussion and Decision on permit issuance for installation of a privacy and picket fence and installation of Sod/Top Soil in AE10 Flood zone @ 51 8th Street, Block 29, Lot(s) 7, For - Christiana Moore, Contractor - Jason White Construction/Bracewell Fencing, Inc/Reviewed by Garlick Environmental. **Motion to Approve contingent to the Recommendation of Garlick Environmental review and Engineered site plan: Geoff Hewell - 2nd: Uta Hardy. Motion Carried.**
- 19) Review, Discussion and Decision on permit issuance for placement of Fill in existing swale to be grassed and mulched in an X Flood zone @ 177 24th Avenue, Block 243, Lot(s) 22, For - Jeff Fisher, Contractor - Owner / Reviewed by Garlick Environmental. **Motion to Approve contingent to the Recommendation of Garlick Environmental review and Engineered site plan: Geoff Hewell - 2nd: Fred Vogt. Motion Carried.**
- 20) Review, Discussion and Decision on permit issuance for new construction - commercial retail with residence above to be built on natural grade @ 67 Commerce Street, Block D-1, Lot(s) 13 and 14, For - William Zingarelli, Contractor - Warren Emo. **Motion to Approve: Jim Bachrach - 2nd: Geoff Hewell. Motion Carried.**
- 21) Old Business

* **Motion to Adjourn: Geoff Hewell - 2nd: Jim Bachrach. Motion Carried.**

Chairperson

Date

From: "Cortni Bankston" <cortnibankston@cityofapalachicola.com>
Subject: RE: Permit Status
Date: November 22, 2017 10:41:26 AM EST
To: "Chris" <ctmoore@embarqmail.com>

Both permits are ready. I'm in the office until Noon. The office will close for the day at that time. The price is \$34.00

If you should have any questions and/or concerns please feel free to contact me.

Sincerely,

Cortni Bankston
Permitting and Development Coordinator
City of Apalachicola Community & Economic Development Office
222 Water Street
Apalachicola, FL 32320
(850)653-1522 (ext 205) Phone
(850)653-5023 Cell
(850)653-1529 Fax
cortnibankston@cityofapalachicola.com

-----Original Message-----

From: Chris [mailto:ctmoore@embarqmail.com]
Sent: Tuesday, November 21, 2017 11:30 AM
To: cortnibankston@cityofapalachicola.com
Subject: Permit Status

Hello Cortni. Do you have any information for me?
Thank you,
Chris Moore

Sent from my iPhone

11/24/2017-517
\$30 + \$4.00
\$34.00

CITY OF APALACHICOLA
APPLICATION FOR BUILDING PERMIT
GENERAL, RENOVATION OR NEW CONSTRUCTION

Applicant Name: Christiana Moore
Mailing Address: 428 McDaniel St Tallahassee FL 3230
Telephone: Home 850-661-6633 Business _____ Cell _____
Contractor Name: Jasen White Construction / Bracewell Inc
Telephone: 850-670-3500 State Contractor's #: 850-674-2000 fencing
City License #: 12-030 County Registration #: _____

Property to be Renovated: Residential Commercial _____ Use _____

Property Address: 51 8th Street

Legal Description: Lot(s) 7 Block(s) 29

Subdivision: _____ Property Dimensions: 60' x 100'

Property Zoning Classification: Single Family

Description of Development: Stormwater Management Plan - 7cy of fill for stormwater mgmt facility plus 6ft privacy fence + picket fence
For New Construction and Exterior Renovations to Existing Structure - Complete Next Page

Christiana Moore
Applicant Signature

CR
City Representative

10/31/17
Date Received

Estimated Cost: \$2,000.00

Office Use Only This development request has been approved for zoning, land use and development review by the City of Apalachicola and a building permit is authorized to be issued.

Setback Requirement of Property: Front: _____ Rear: _____ Side: _____
(Setbacks must be indicated on site plan attached to construction plans for new construction.)

Maximum Lot Coverage Meets Zoning Code: _____

Water Available _____ Sewer Available _____

Certificate of Appropriateness Approved: Lynn Wilson
Chairman, Apalachicola Planning & Zoning Board

OR

Approval for Permit Issuance: CB
City Representative

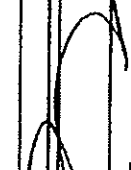
11/15/17
Date Approved

EPCI/APALACHICOLA

Office 850-299-1093 or 1-844-343-3662

BUILDING PERMIT

WARNING TO OWNER: YOUR FAILURE TO RECORD THE NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR THE IMPROVEMENTS TO THE PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

GAS PERMIT # _____ ROUGH-IN _____ FINAL _____	ELECTRICAL PERMIT # _____ ROUGH-IN _____ FINAL _____	BUILDING PERMIT PERMIT # <u>11/22/2017-517</u>
MECHANICAL PERMIT # _____ ROUGH-IN _____ FINAL _____	PLUMBING PERMIT # _____ ROUGH-IN _____ FINAL _____	FLOOD ZONE _____ LOWEST FLOOR _____
ROOFING PERMIT # _____ FINAL _____		FOOTING _____ FLOOR _____
BUILDING OFFICIAL  DATE <u>11/22/17</u>		LINTEL _____ SHEATHING _____
		FINAL <u>Installation of 6 foot Wood Privacy Fence around sides and rear & Picket Fence in front</u>
		CONTRACTOR: <u>Christiana Moore/ Owner</u>
		PROJECT ADDRESS: <u>51 8TH STREET, APALACHICOLA, FL 32320</u>
		COUNTY/STATE LICENSE# <u>N/A</u> / CITY # <u>N/A</u>

RE-INSPECTION FEE \$50.00
FAILURE TO CALL FOR INSPECTION \$50.00

OFFICE HOURS : 8:00 A.M. — 4:00 P.M.
INSPECTION HOURS 7:00 A.M. — 3:30 P.M.

#4

LAW OFFICES
J. PATRICK FLOYD
CHARTERED

REPLY TO
408 LONG AVENUE
POST OFFICE DRAWER 950
PORT ST. JOE, FLORIDA 32456-0950
(850) 227-7413

November 29, 2017

20 AVENUE D, SUITE 208
POST OFFICE BUILDING
APALACHICOLA, FLORIDA 32320
(850) 653-2709

Dan Garlick
Garlick Environmental
Associates, Inc.
P. O. Box 385
Apalachicola, FL 32329-0385

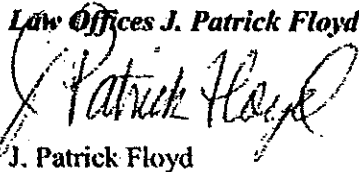
Re: Application of Christine Moore – 51 8th Street
and Judy Rice – 45 8th Street

Dear Dan:

On behalf of the City of Apalachicola after reviewing your letters on the above two applications there needs to be a clear certification regarding the submitted plans from an engineering standpoint that the proposed development activity (including fill in the flood zone area) – (a) will not displace any storm water on to any neighbors property; and (b) will not cause additional flooding to neighborhood property; and (c) is engineered so that the storm water peak discharge rate, volume and pollutant load are not greater after the proposed development than before. I am advised this is what the code/law requires, and the City needs to have together with the calculations that form the basis of the answers. Furthermore, we probably need to have the property owners do a hold harmless and indemnity agreement to the City. We need to have this before next Tuesday when the City meets. Thank you.,

no red

Sincerely,

Law Offices J. Patrick Floyd

J. Patrick Floyd

JPF/pb

Email to Pat Floyd from Dan Garlick:

On Dec 4, 2017, at 5:17 PM, <dan@garlickenv.com>
<dan@garlickenv.com> wrote:

Hi Pat.

Please find the stormwater info you requested for the plan submitted and approved by the City planning and zoning commission. As you had told me, the city engineer commented that the plan approved is satisfactory but he or you required details certifying that the plan would work. Attached are the calculations and certifications to demonstrate that the plan will work.

You requested a consideration of the land owner that a hold harmless document be offered to the City. The landowner denies that request but will enjoin with the City to retrofit the drainage in the alley which, if corrected, would reduce the already occurring flood problem on neighbors' property.

I apologize for the last minute filing of the certification with you but I simply wanted to stop an anticipated revolving door before it started doing so. I believe that the PE certification should hold more weight and reliability.

Please advise.

Sincerely,

Dan Garlick PWS
Garlick Environmental Associates, Inc.
PO Box 385
Apalachicola, FL 32329
850-653-8899 office
850-899-5252 cell
dan@garlickenv.com

<Moore and Jackson 51 8th Apalach digisigned.pdf>

Wastewater Technologies, Inc.

3096 South Adams Street
Tallahassee, Florida 32301

CGC045489
WTI Roger Wayne Runyon
DBPR-QB63128
r.runyon@hotmail.com

CFC1426578
George Wade Upperman
DBPR-QB63128
Geoplumber@aol.com

Office email: WastewaterTechno@aol.com

Phone: (850) 561-1111
Fax: (850) 385-1832
PE0036872 SR0111699
Mark D. Repasky
FBPE-CA27504
RepaskyMD@aol.com

Date **2017.12.01**
Project Location **51 8th, Apalachicola**
Owner(s) **Moore, Christiana, and Jackson, John**
Parcel ID **01-09S-08W-8330-0029-0070**

Proposed work **Install stormwater swale**

Lot Area 100' x 60' = 6,000 sf
New Impervious Area SFR, 34' x 58' = 1,972 sf
New Pervious Driveway not applicable
Per Cent Impervious 1,972 sf / 6,000 sf x 100% = 33%
Less than 40% Required Vswale = 0.083' x 1,972 sf = 164 cu ft
Proposed Swale
Cross section 6' wide x 0.5' deep, 45° slope at sides A = 5.5' x 0.5' = 2.75 sf
Length Required 164 cu ft / 2.75 sf = 60'
Length Provided 70' > 60' required.....OK

Refer to drawing package by Garlick Environmental Associates, Inc., No. 17-114:

- Swale as proposed will retain total volume greater than the first inch of rainfall that falls on the Lot.
- Berm, while unnecessary, ensures no water will enter the lot to the north and direct water into the existing ditch in the Alley.
- Soils are Group A, high percolation rate up to 5.67" hour, provides additional removal, depending upon strength and duration of storm.
- Proposed rain barrels will further attenuate rainfall.
- Proper maintenance of ditch and culvert in adjoining Right of Way is appropriate to provide proper conveyance away from the Lots abutting the Alley.

This shall certify that my review outlined above supports the fact that the proposed installation on the above noted property will cause no increase in flooding on adjacent properties.



Wastewater Technologies, Inc.

3096 South Adams Street
Tallahassee, Florida 32301

CGC045489

Roger Wayne Runyon

DBPR-QB63128

r.runyon@hotmail.com

WTI

CFC1426578

George Wade Upperman

DBPR-QB63128

Geoplumber@aol.com

Office email: WastewaterTechno@aol.com

Phone: (850) 561-1111

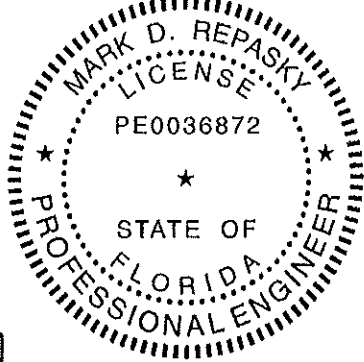
Fax: (850) 385-1832

PE0036872 SR0111699

Mark D. Repasky

FBPE-CA27504

RepaskyMD@aol.com



Wastewater Technologies, Inc.

3096 South Adams Street
Tallahassee, Florida 32301

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Office email: WastewaterTechno@aol.com

Phone: (850) 561-1111

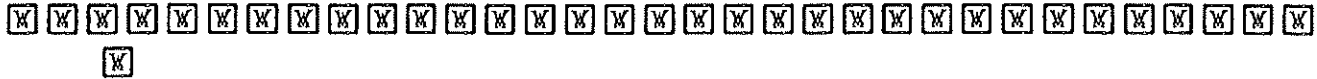
Fax: (850) 385-1832

PE0036872 SR0111699

Mark D. Repasky

FBPE-CA27504

RepaskyMD@aol.com



Avenue D: There is a Stormwater inlet in front of the 2 houses

8th Street:

- There is no swale in the right of way, so the street and runoff from uphill lots drains onto properties along east side of street. This includes #51 and the properties on its north side
- The construction of a shallow swale along the north side of #51, extended up into the ROW a few feet, would cut off at least some of the stormwater that runs off the street onto the property at the corner of 8th and D

The ground on #51:

- Is currently lower than its original grade
- Is slightly lower than the neighboring lots
- Placing of landscaping and sod might be enough to bring the lot back up to its original grade
- It is recommended that a shallow swale be constructed along the south property line as well
- I don't believe that a berm is needed along the north side of the lot, just a shallow swale
- A swale along the rear of the lot, as proposed, should also be constructed

It is my professional opinion that the contractors removed more groundcover and unsuitable soil than they have replaced, hence by definition no fill has yet been placed on the lot.

E-Mail from Pat Floyd to Dan Garlick 12/18/17:

From: J. Floyd [mailto:j.patrickfloyd@jpatrickfloyd.com]
Sent: Monday, December 18, 2017 12:28 PM
To: Dan Garlick <dan@garlickenv.com>
Cc: Mayor Van W. Johnson <van@mayorvanjohnson.com>; anitagrove@gmail.com;
Jimmy Elliott <pathfinderseven@hotmail.com>; Brenda Ash
<brenda.ash69@yahoo.com>; Lee Mathes <leemathes@cityofapalachicola.com>;
Cynthia Clark <baymedia@fairpoint.net>; Wilbur Bellew
<wibellew@cityofapalachicola.com>; Cortni Bankston
<cortnibankston@cityofapalachicola.com>
Subject: Christiana Moore - 51 8th Street, Apalachicola

Re: Christiana Moore
51 8th Street, Apalachicola
Parcel ID#01-09S-08W-8330-0029-0070

Dan: In following up on the City meeting of Thursday, December 14, 2017, please provide the topographical surveys you or Ms. Moore have or have had done on or around the Moore property (51 5th Street, Apalachicola) as well as the names of the persons and entities who brought fill onto the property (or took it off) together with the dates and any bills or records of this delivery, spreading or removal to or from the property of soil, fill or other material. Also, please provide any photographs you or Christiana Moore have of the property in 2017. As discussed, these are necessary to evaluate the storm water impact on this and surrounding properties, the attenuation efforts, plan and necessity of further attenuation to answer the questions required by the Code for fill that has been placed without permit in this flood prone area. A neighboring resident, Mr. Louie Van Fleet, has since the meeting reiterated that there has been no removal of dirt or fill material from the property. Furthermore, we need to have, per our engineer's direction, the drafts, calculations, and plans for storm water attenuation that have been done so far as the engineer advises these have not satisfactorily performed or provided for evaluation. All of this information will be forwarded to the City and certainly back to the Planning and Zoning Board as directed at the meeting so that they can have a full and complete review of the fill activity taken on this property.

Thank you and Ms. Moore for your continued cooperation. I am sure once all of this is submitted to the City Engineer, we can have a quick turn around on whether the fill will cause additional storm water to be backed up onto or discharged onto the neighboring property in that area. As you know, this is required irrespective of the condition of the adjacent City storm drain which is said to have difficulty handling the storm water drainage in the area.

--
Law Offices J. Patrick Floyd, Chtd.
408 Long Avenue
Port St. Joe, FL 32456
Phone: 850/227-7413
Fax: 850/229-8196

Exhibit J

From: <dan@garlickenv.com>
Subject: RE: Christiana Moore - 51 8th Street, Apalachicola
Date: December 18, 2017 1:04:53 PM EST
To: "J. Floyd" <j.patrickfloyd@jpatrickfloyd.com>
Cc: "Mayor Van W. Johnson" <van@mayorvanjohnson.com>, <anitagrove@gmail.com>, "Jimmy Elliott" <pathfinderseven@hotmail.com>, "Brenda Ash" <brenda.ash69@yahoo.com>, "Chris" <ctmoore@embarqmail.com>, "Lee Mathes" <leemathes@cityofapalachicola.com>, "Cynthia Clark" <baymedia@fairpoint.net>, "Wilbur Bellew" <wibellew@cityofapalachicola.com>, "Cortni Bankston" <cortnibankston@cityofapalachicola.com>

Hi Pat.

At this point, I'm on standby as Ms. Moore will be working with her attorney and engineer to prosecute the continuing work on the referenced site. I'll pass your request to Ms. Moore by this e mail.

Sincerely,

Dan Garlick PWS
Garlick Environmental Associates, Inc.
PO Box 385
Apalachicola, FL 32329
850-653-8899 office
850-899-5252 cell
dan@garlickenv.com

From: J. Floyd [mailto:j.patrickfloyd@jpatrickfloyd.com]
Sent: Monday, December 18, 2017 12:28 PM.
To: Dan Garlick <dan@garlickenv.com>
Cc: Mayor Van W. Johnson <van@mayorvanjohnson.com>; anitagrove@gmail.com; Jimmy Elliott <pathfinderseven@hotmail.com>; Brenda Ash <brenda.ash69@yahoo.com>; Lee Mathes <leemathes@cityofapalachicola.com>; Cynthia Clark <baymedia@fairpoint.net>; Wilbur Bellew <wibellew@cityofapalachicola.com>; Cortni Bankston <cortnibankston@cityofapalachicola.com>
Subject: Christiana Moore - 51 8th Street, Apalachicola

Re: Christiana Moore
51 8th Street, Apalachicola
Parcel ID#01-09S-08W-8330-0029-0070

Dan: In following up on the City meeting of Thursday, December 14, 2017, please provide the topographical surveys you or Ms. Moore have or have had done on or around the Moore property (51 5th Street, Apalachicola) as well as the names of the persons and entities who brought fill onto the property (or took it off) together with

the dates and any bills or records of this delivery, spreading or removal to or from the property of soil, fill or other material. Also, please provide any photographs you or Christiana Moore have of the property in 2017. As discussed, these are necessary to evaluate the storm water impact on this and surrounding properties, the attenuation efforts, plan and necessity of further attenuation to answer the questions required by the Code for fill that has been placed without permit in this flood prone area. A neighboring resident, Mr. Louie Van Fleet, has since the meeting reiterated that there has been no removal of dirt or fill material from the property. Furthermore, we need to have, per our engineer's direction, the drafts, calculations, and plans for storm water attenuation that have been done so far as the engineer advises these have not satisfactorily performed or provided for evaluation. All of this information will be forwarded to the City and certainly back to the Planning and Zoning Board as directed at the meeting so that they can have a full and complete review of the fill activity taken on this property.

Thank you and Ms. Moore for your continued cooperation. I am sure once all of this is submitted to the City Engineer, we can have a quick turn around on whether the fill will cause additional storm water to be backed up onto or discharged onto the neighboring property in that area. As you know, this is required irrespective of the condition of the adjacent City storm drain which is said to have difficulty handling the storm water drainage in the area.

—
Law Offices J. Patrick Floyd, Chtd.
408 Long Avenue
Port St. Joe, FL 32456
Phone: 850/227-7413
Fax: 850/229-8196

CITY OF APALACHICOLA

1 Avenue E · Apalachicola, Florida 32320 · 850-653-9319 · Fax 850-653-2205

www.cityofapalachicola.com

January 2, 2018

Mayor
Van W. Johnson, Sr.

428 Mcdaniel Street
Tallahassee, FL 32303

Commissioners:
Brenda Ash
John M. Bartley, Sr.
Frank Cook
James L. Elliott

Christiana T. Moore and John K. Jackson;

NOTICE OF VIOLATION

City Administrator
Lee H. Mathes, MMC

City Clerk
Deborah Guillotte, CMC

City Attorney
J. Patrick Floyd

I am writing you in regards to the property in the City of Apalachicola at 51 8th Street. Your property is in violation of **City Ordinance #91-7 Land Development Code, & Ordinance # 2013-02 Floodplain Management**. When your application was not approved and withdrawn. You still do not have a permit for the fill dirt. Therefore the **STOP WORK ORDER** was placed back on your property and no more work can be done to your landscaping. Until an **ENGINEERED LANDSCAPING SITE PLAN** has been approved by City of Apalachicola P&Z and the City commission.

If you have any questions, please feel free to contact me, Wilbur L. Bellew at my cell (850) 323-0579, my Office (850) 653-1522 Ext. 208 or City Hall (850) 653-9319. Or Permitting and Development Coordinator Cortni Bankston, at (850) 653-1522 Ext. 205

Sincerely,



Wilbur L. Bellew
City of Apalachicola
Code Enforcement Officer

CC: Van W. Johnson, Mayor
Lee Mathes, City Administrator
Bobby Varnes, Chief, Apalachicola Police Department

Exhibit K



Wastewater Technologies, Inc.

3096 South Adams Street
Tallahassee, Florida 32301

Office email: WastewaterTechno@aol.com

Phone: (850) 561-1111

Fax: (850) 385-1832

WTI
CGC045489
Roger Wayne Runyon
DBPR-QB63128
r.runyon@hotmail.com

CFC1426578
George Wade Upperman
DBPR-QB63128
Geoplumber@aol.com

PE0036872 SR0111699
Mark D. Repasky
FBPE-CA27504
RepaskyMD@aol.com

Date 2017.12.01 (rev. date 2018.02.01)

Project Location 51 8th, Apalachicola

Owner(s) Moore, Christiana, and Jackson, John

Parcel ID 01-09S-08W-8330-0029-0070

Proposed work Install stormwater swale

Lot Area 100' x 60' = 6,000 sf

New Impervious Area SFR, 34' x 58' = 1,972 sf

New Pervious Driveway None/not applicable

Per Cent Impervious 1,972 sf / 6,000 sf x 100% = 33%

Less than 40% Required $V_{swale} = 0.083' \times 1,972 \text{ sf} = 164 \text{ cu ft}$

Proposed Swale

Cross section 6' wide x 0.5' deep, 45° slope at sides $A = 5.5' \times 0.5' = 2.75 \text{ sf}$
Length Required 164 cu ft / 2.75 sf = 60'
Length Provided 70' > 60' required.....OK

Refer to drawing package by Garlick Environmental Associates, Inc., No. 17-114:

- Swale as proposed will retain total volume greater than the first inch of rainfall that falls on the Lot.
- Under the house, and across the back yard, this lot is currently lower than the adjoining lots. It appears that additional soil should be brought in to return it to its approximate original grade.
- The berm as shown by Garlick is in my opinion redundant. While unnecessary, this berm will ensure that no water will enter the adjacent property to the north. Since there are no swales provided by the City in the Right of Way, the berm will direct water that runs onto the lot from the City Right of Way and homes uphill into the existing ditch in the Alley.
- Soils are mapped Group A with a percolation rate up to 5.67" hour, will provide some additional removal, depending upon strength and duration of storm.

Wastewater Technologies, Inc.

3096 South Adams Street
Tallahassee, Florida 32301

Office email: WastewaterTechno@aol.com

Phone: (850) 561-1111

Fax: (850) 385-1832

CGC045489
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RepaskyMD@aol.com

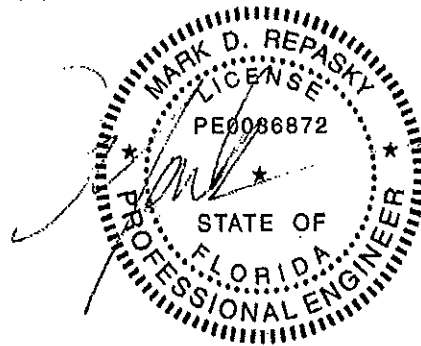
WTI

- Rain barrels as installed will attenuate some of the rainfall.
- Proper maintenance of ditch and culvert in adjoining Right of Way/Alley must be performed to provide proper conveyance away from the Lots abutting the Alley. The existing small diameter PVC culvert pipe has no intake grating; the swale was re-cut by the contractor, but the City has not sodded the swale, and has prevented the Owner from doing the same. Further, the Stormwater pipe that this pipe connects to is broken and partially caved-in across the street. These issues should be addressed by the City immediately, in order to preclude flooding in the area.

This shall certify that my review outlined above supports the fact that the proposed installation on the above noted property will cause no increase in flooding on adjacent properties.

Mark D. Repasky, PE

Florida PE 0036872



Wastewater Technologies, Inc.

3096 South Adams Street
Tallahassee, Florida 32301

Office email: WastewaterTechno@aol.com

Phone: (850) 561-1111

Fax: (850) 385-1832

CGC045489
Roger Wayne Runyon
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r.runyon@hotmail.com

CFC1426578
George Wade Upperman
DBPR-QB63128
Geoplumber@aol.com

PE0036872 SR0111699
Mark D. Repasky
FBPE-CA27504
RepaskyMD@aol.com

2017.12.17 Site Inspection Notes

Avenue D: There is a Stormwater inlet in front of the 2 houses

8th Street:

- There is no swale in the right of way, so the street and runoff from uphill lots drains onto properties along east side of street. This includes #51 and the properties on its north side
- The construction of a shallow swale along the north side of #51, extended up into the ROW a few feet, would cut off at least some of the stormwater that runs off the street onto the property at the corner of 8th and D

The ground on #51:

- Is currently lower than its original grade
- Is slightly lower than the neighboring lots
- Placing of landscaping and sod might be enough to bring the lot back up to its original grade
- It is recommended that a shallow swale be constructed along the south property line as well
- I don't believe that a berm is needed along the north side of the lot, just a shallow swale
- A swale along the rear of the lot, as proposed, should also be constructed

It is my professional opinion that the contractors removed more groundcover and unsuitable soil than they have replaced, hence by definition no fill has yet been placed on the lot.

February 2, 2018

Julie Gallagher
Grossman, Furlow & Bayo
2022-2 Raymond Diehl Road
Tallahassee, Florida 32308

Julie:

Re: 51 8th Street/Flood Plain Management Ordinance
Christina Moore

Here is the update. The city engineer reviewing this on behalf of the City Flood Plain Administration advised that the additional information from Engineer Mark Repasky and re-review of the material and photos Chris Moore and the City had provided is not sufficient to permit evaluation under the Flood Plain Ordinance requirement (2013-02). He advises that her engineer needs to provide the attenuation calculations (and that these are available to him) for the determination of whether or not a permit may be issued. (ie-does not cause additional flood/storm water on adjacent property as compared with pre-fill/development activity). Please have him get that to the City (or to me) as soon as possible. It had been previously requested. Once this is done, the engineer said he could be able to tell if additional action needed to be taken to reduce the displacement "if necessary" and even maybe nothing would be necessary. Thanks.

Sincerely,

J. Patrick Floyd

LAW OFFICES
J. PATRICK FLOYD
CHARTERED

REPLY TO
408 LONG AVENUE
POST OFFICE DRAWER 950
PORT ST. JOE, FLORIDA 32456-0950
(850) 227-7413

20 AVENUE D, SUITE 208
POST OFFICE BUILDING
APALACHICOLA, FLORIDA 32320
(850) 653-2709

February 20, 2018

Julie Gallagher
Grossman, Furlow & Bayo
2022-2 Raymond Diehl Road
Tallahassee, FL 32308

Ms. Gallagher:

After direction to communicate with you regarding this matter and the repeated threats of litigation by you and Ms. Moore, it has come to my attention that your client, Chris Moore, who also has given some indication that she also represents herself, has had and is having conversations with a number of my clients without my knowledge and without me being present. I understand that this has also occurred with more than one of the City staff and that you participated in talking with and questioning Lee Mathes, again without my knowledge and without me being present. This will serve as notice to you and Ms. Moore of my objections to this and request that it cease. Contact me if you or Ms. Moore want to talk about these issues with any of my clients so that I can arrange to be present.

In the meantime, I am forwarding to you an application that has been prepared for Chris Moore to complete per her request and at the direction of Lee Mathes in connection with a permit from the City of Apalachicola Floodplain Administrator under Ordinance 2013-02. As reiterated to Ms. Moore Tuesday, we are awaiting the much-requested attenuation calculations from your engineer so that they can be analyzed by the City Engineer and they can get together and resolve this. Thank you for your anticipated cooperation.

Sincerely,

Law Offices J. Patrick Floyd



J. Patrick Floyd

JPF/gp

Exhibit N

CITY OF APALACHICOLA
FLOODPLAIN DEVELOPMENT PERMIT
(ORDINANCE 2013-02)

APPLICATION

*permit
application
specially
drafted for
me*

Applicant Name: _____

Mailing Address: _____

Telephone: Home _____ Business _____

Contractor Name: _____

Telephone: _____ E-m _____

City License No.: _____ Addi _____

Landscape or Grounds/Fill Contractor: _____

Telephone: _____ E-mai. _____

City License No.: _____ Address: _____

Name of Provider of Dirt/Fill or other Landscape Material Provider:

Telephone: _____ E-mail: _____

City License No.: _____ Address: _____

Property Address: _____

Legal Description (Lots or Metes & Bounds):

Property Dimension: _____

Flood Hazard Zone: _____

Structures on Lot and their Dimensions: _____

Description of lot development activity to be conducted under the Permit applied for (i.e. landscaping, filling, leveling, condition of soil, excavating, removal/planting of trees/shrubs, etc.):

Checklist of items to be provided by separate attachment:

A. General Information and materials/documents:

- _____ 1. Statement of intended use of site and amount/type and location of fill/sod, or other material added to, put on, excavated or removed from the property.
- _____ 2. Date, north arrow and scale, number of sheets; the scale (not smaller than one (1) inch to fifty (50) feet shall be designated and, where appropriate, the same scale should be used in drawing the site plan rather than varying the scale.

(IN ADDITION TO THE OTHER NUMBERED ITEMS, WHERE ENGINEERED PLANS ARE REQUIRED, APPLICANT IS TO AND AGREES TO PROVIDE #3,4, & 5 BELOW)

- _____ 3. Vicinity map, showing relationship of proposed development to the surrounding streets wetlands and water bodies shall be at a scale of not less than one-inch equals two thousand feet (1: +2,000')
- _____ 4. Location and identification of soil characteristics including wettest season high water table elevation, vegetative cover, wetlands, water bodies and the 100-year floodplain, including elevation, on the site.
- _____ 5. Existing topography at one (1) foot contour intervals for the proposed site, except where determined to be unnecessary by the City Administrator -- and agreed access of City to topo data from surveyor.
- _____ 6. Proposed finish grade elevation.
- _____ 7. Pictures (with digital availability) of current condition of lot including all sides and showing adjacent properties and streets/alleyways.
- _____ 8. Where activity includes or involves filling, leveling, grading, conditioning of soil or surface, landscaping, excavation or removal from the property, a Topographic survey of the property before any applicant (or on behalf of applicant) development, landscaping, or fill activity, by a registered surveyor with all data points (elevation) being available upon request to surveyor.
- _____ 9. Description in detail of plans for fill/excavation/development/improvement on the property including walkways, driveways, paths, patios and other surfaces, sod/ground cover, amount and type of fill/material to be placed on the lot as well as location and location and type of plants/trees/scrubs, together with a scale drawing depicting such development/improvement activities by location.

- _____ 10. Where engineering plans are required, a certification from said engineer that the on the property filling, grading, levelling, conditioning of the soil or surface or landscaping or excavation or removal of soil/material from the property and other such activity or improvement applied for under this application does not and shall not cause additional flood or storm water to be displaced or put on or pushed onto adjacent property(s) and provide the attenuation calculations and data regarding the property supporting said determination/certification.
- _____ 11. As it relates to new construction and any on the property filling, grading, levelling, conditioning of the soil or surface or landscaping or excavation or removal of soil/material from the property, agreement to provide a topographical as built survey of the property after completion construction of structures as well after development/improvement/leveling, etc. and completion of landscaping (including trees, shrubs, sod, etc., completion and placement).
- _____ 12. Agreement to provide pictures (with digital availability) of condition of lot after completion of development activity including landscaping (including trees, shrubs, sod, etc.) including all sides and showing adjacent properties and streets/alleyways.
- _____ 13. Provide copies of all documentation of amount and type and date of delivery of excavation, fill, landscaping, driveway or other walkways or pads or surfaces including soil type and make up of all material added to the lot or removed therefrom.

Signature: By my signature below, I hereby certify that the above information and date provided is a part of this application is true and correct and that I will submit additional information and data at my expense as are required by the City of Apalachicola Floodplain Administrator to document and support this Application for permit for Floodplain Development under the City of Apalachicola Floodplain Management Ordinance No. 2013-02.

Date: _____

Signature: _____

**DEFENSE, HOLD HARMLESS AND INDEMNITY AGREEMENT
AND LANDOWNER CERTIFICATION**

As a part of this permit application I (we) _____ as the owner(s) of the subject property do hereby certify that our fill/landscape/improvements and other development activity on my (our) property described in this application will not, shall not and do/does not cause additional flood water or storm water to be discharged or displaced onto adjacent and/or surrounding properties as compared with such from/by my/our property in its condition before my (our) improvement, fill, landscape or other development activities that is a part of this permit application or which is conducted or performed on said property during my (our) ownership and I (we) further agree as a part of this consideration for such permit(s) as is issued by the City of Apalachicola to defend, hold harmless and indemnify the City of Apalachicola, its officials, agents, representatives and employees of, from and against any claim, lawsuit or action or proceeding for damages or other relief arising out of or connected with the fill/landscape/improvements or other development activities permitted by the City of Apalachicola and said agreement and liability is one that we agree runs with the land as an obligation of the property owner(s).

Dated this _____ day of _____, 2018.

Witness

Witness

STATE OF FLORIDA
COUNTY OF _____

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ known to be the person described in and who executed the foregoing instrument, who acknowledged before me that he/she/they executed the same, that I relied upon the following form(s) of identification: _____ of the above-named persons and that an oath _____ (was) _____ (was not) taken.

Witness my hand and official seal in the County and State last aforesaid this _____ day of _____, 2018.

Notary

FLOOD PLAIN MANAGEMENT
PERMIT APPLICATION REVIEW

DATE: _____

PERMIT #: _____

NAME: _____

MAILING ADDRESS: _____ CITY

PHONE: _____

STREET ADDRESS: _____

LEGAL DISCRPTION: _____

PARCEL ID #: _____

DESCRIBE DEVELOPMENT: _____

RESIDENTIAL: _____ COMMERCIAL: _____ NEW STRUCTURE: _____

FILL/LEVELING/LANDSCAPING: _____

*current
existing
permit
application*

FLOOD ZONE INFORMATION:

PANEL NO.: _____ FIRM ZONE: _____ BFE: _____

ELEVATION OF THE LOWEST HORIZONTAL SUPPORTING MEMBER OF STRUCTURE(S): _____
AND/OR TOP OF HE BOTTOM FLOOR (S) _____ (PER PLANS)

SQUARE FEET OF ENCLOSURE BELOW BFE: _____ (PER PLANS)

FLOOD ZONE DISCLOSURE NOTICE

I/We, _____, have been made aware by the City of Apalachicola Building Department that my/our property is currently located in a 100 year flood zone based on FEMA Maps dated June 17, 2002. I/We have also been made aware that due to the proposed changes to the FIRM Maps, which took effect in 2014; my/our property may be adversely affected by these changes and could result in higher Base Flood Elevation Requirements and/or higher insurance premiums.

STREET ADDRESS: _____ PARCEL ID #: _____

EFFECTIVE FLOOD ZONE: _____ PRELIMINARY FLOOD ZONE: _____

The attached information sheet on this parcel indicates both the effective and preliminary flood zones for this parcel.

Signature of owner or developer

Date

Material used for enclosure below BFE: solid wall/breakaway wall _____, flow through vents
_____ (sq ft of vent opening), screen wire, lattice or louvers: _____.

Type of foundation: _____

Pile Support

Concrete block stem wall

Other

See Additional Requirements/and submittals per Floodplain Management Ordinance 2013-02
Development Application.

Inspections:

Preconstruction Topo Survey, Elevation Certificate, pictures of lot and adjacent property and Floodplain
Development Application documents/materials signed and submitted, including plan of
landscape/fill/excavation and improvement/development of lot surrounding structure(s). _____

Foundation meets the requirement for the flood zone designation: _____

Under construction elevation certificate has been submitted and meets elevation standards for flood zone
_____.

Enclosures below the BFE are designed as required by the flood plain management ordinance: _____

Description, location and type/amount of fill/leveling/excavating/condition for surfaces under structures:
_____.

Final elevation certificate has been submitted and all aspects of the structure meet designated flood zone
requirements: _____.

All Mechanical and A/C equipment meet the required elevation for the designated BFE: _____.

Final Inspection on structure meets all requirements designated in the flood plain management ordinance:
_____ Date.

Post Building topo survey, pictures of lot with construction and adjacent property, Elevation Certificate
and information including amount and type of soil/fill/material to be placed on lot and post development
(after fill and landscape) topo survey and pictures. _____

Flood Plain Administrator

Date

Christiana T. Moore
428 McDaniel Street
Tallahassee, Florida 32303
ctmoore@embarqmail.com
(850) 661-6633

February 27, 2018

J. Patrick Floyd
P.O. Drawer 950
Port St. Joe, FL 32456-0950

Mr. Floyd:

In response to your letter dated February 20, 2018, you are wrong that I asked for a flood permit application. I did not. The fact is that I already have the permits City staff said I needed to put dirt on my lot in order to fill holes.

As you have been told before, I was advised to file the applications I submitted on October 31, 2017, by the City Planning Director Ms. Clark and the Building Department Permitting and Development Coordinator Ms. Bankston. At no time did City Administrator and Flood Plain Administration Ms. Lee Mathes or other City Staff advise that any other application or permit was necessary. City staff presented the applications and supporting plan by Garlick Environmental to the Planning and Zoning Board on November 13, 2017; Planning and Zoning approved the applications and a Certificate of Appropriateness and fence permit were issued on November 15, 2017.

Your repeated statements that the entire application was withdrawn is incorrect and Ms. Gallagher and I have told you and written to you on several occasions that you were wrong.¹ As I explained to Mr. Bellew, the Code Enforcement Officer, on December 28, 2017, I am the applicant and I did not withdraw the applications. Nor have I relinquished the permits.

¹ 1/5/18 Letter, page 6: "Ms. Moore also informed the Officer she was the applicant and had not withdrawn the application that P&Z approved, even though she believed she was exempt from the ordinance."

Email of 1/17/18 to Floyd from Gallagher: "...your erroneous statement that Ms. Moore withdrew her application needs to be corrected. She did not withdraw the application as I said in my long letter to you. The fact that Dan Garlick may have said that does not make it so. He was not authorized to speak for Ms. Moore on that issue and she has not withdrawn the application."

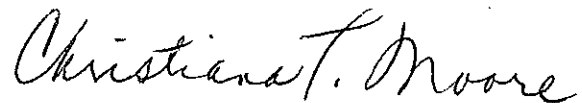
Email to Floyd from Gallagher 1/18/18: "Regarding our other pending matters, as you know, I advised you Ms. Moore has not withdrawn any application—either for the fence permit or the storm water management plan, both of which were approved by City staff and the Planning and Zoning Board."

It was your erroneous instruction to City staff that I had withdrawn my application and your erroneous advice that directly resulted in a Stop Work Order and a Notice of Violation being issued on January 2, 2018. Neither of these actions are justifiable or defensible.

While you continue to harp on the need for attenuation calculations certified by an engineer, you have yet to identify what particular section of any ordinance requires attenuation calculations or a requirement for any analysis or certification by a Florida licensed engineer. Nor have we been provided the requested explanation by the city's engineer of what is required.

Moreover, your advice to the Commission at their meeting on December 5, 2017, that they had previously voted to adopt such a requirement was wrong. I believe it behooves you to correct that misinformation and advise the Commission that I have satisfied all applicable requirements; that it is not in the City's best interest to pursue this matter; the stop work order should be removed immediately; and there will be no further interference with my installation of landscaping.

Sincerely,

A handwritten signature in cursive script that reads "Christiana T. Moore".

Christiana T. Moore

From: Jpatrickfloyd <j.patrickfloyd@jpatrickfloyd.com>
Subject: Update on application info—45 8th street
Date: April 23, 2018 4:32:37 PM EDT
To: Chris Moore <ctmoore@embarqmail.com>
Cc: Julie Gallagher <j.gallagher@gfblawfirm.com>, bash@cityofapalachicola.com,
leemathes@cityofapalachicola.com

Mrs. Moore:

There were additional data points that the city engineer requested from surveyor Roddenberry in order to make an accurate comparison of the elevation surveys. This is been requested and hopefully will be received today or tomorrow. It will be forwarded to you upon receipt and to Lee Mathes which should (we hope) wrap up the information requested for this application. I am calling Mr. Smallwood to check on this now. Thank you

Sent from my iPhone

On Feb 27, 2018, at 11:14 AM, Chris Moore <ctmoore@embarqmail.com> wrote:

Please see attached letter.

<Ltr to Floyd 2-27-18.pdf>

Christiana T. Moore
428 McDaniel Street
Tallahassee, Florida 32303
ctmoore@embarqmail.com
(850) 661-6633

From: Lee Mathes [<mailto:leemathes@cityofapalachicola.com>]
Sent: Thursday, April 05, 2018 4:31 PM
To: Smallwood III, Clay <csmallwood@dewberry.com>; 'Jpatrickfloyd' <jpatrickfloyd@jpatrickfloyd.com>
Subject: RE: Moore survey

This message originated from outside your organization

I have to be out of the office on Friday, but can we please touch base on this Monday?

Ms. Lee H. Mathes, MMC
City Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Phone: 850-653-9319
Cell: 850-653-7279
Fax: 850-653-2205
leemathes@cityofapalachicola.com

From: Smallwood III, Clay [<mailto:csmallwood@dewberry.com>]
Sent: Wednesday, April 04, 2018 9:03 PM
To: Jpatrickfloyd
Cc: Lee Mathes (leemathes@cityofapalachicola.com)
Subject: RE: Moore survey

Pat,

I compared the surveys with the revised dates of 10/24/16 and 3/21/18 – specifically the existing contours and ground shots provided. There is not a great difference between the existing 8 and 7 contour locations on either survey. There is a ground shot along the southeastern property line that is shown as a 6.06' on the 10/24/16 survey and is shown as a 6.68' on the 3/21/18 survey (difference of approx. 7.44"). There's also an existing ground shot along the northwestern property line that is shown as a 6.06' on the 10/24/16 survey and is shown as a 6.19' on the 3/21/18 survey (difference of approx. 1.5").

I assume it would be the flood plain administrator's call if these difference amount to "fill" being placed or if they are due to landscaping.

Clay Smallwood, PE
Senior Associate
Dewberry
324 Marina Drive
Port St. Joe, FL 32456
850.571.1217 Direct Line
850.819.5013 Cell
www.dewberry.com

From: "Lee Mathes" <leemathes@cityofapalachicola.com>
Subject: FW: Moore survey
Date: April 25, 2018 11:36:40 AM EDT
To: "Chris Moore" <ctmoore@embarqmail.com>

Here is what was sent to me yesterday. I will be getting in touch with both Clay and Pat today to make sure I have my information correct.

Ms. Lee H. Mathes, MMC
City Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Phone: 850-653-9319
Cell: 850-653-7279
Fax: 850-653-2205
leemathes@cityofapalachicola.com

From: Smallwood III, Clay [mailto:csmallwood@dewberry.com]
Sent: Tuesday, April 24, 2018 5:03 PM
To: Lee Mathes
Cc: 'Pat Floyd'
Subject: RE: Moore survey

Lee/Pat,
Thurman Roddenberry emailed me his CAD file for the surveys he performed for Ms. Moore. There isn't any more information in the CAD file than what was shown on the hard copies previously reviewed – so my comments below are still valid.

Per the survey the lot is 6,000 SF (60'x100') and the house footprint is 1,972 SF (50'x34'). There is approximately 4,028 SF of lot outside of the footprint of the house (6,000 SF – 1,972 SF = 4,028 SF). If an 18 CY load of dirt (approximately 1 dump truck) were spread evenly over the 4,028 SF, the depth of fill would be approximately 1.45 inches ($18 \text{ CY} \times 27 = 486 \text{ CF} / 4,028 \text{ SF} = 0.12 \text{ FT} \times 12 = 1.45 \text{ inches}$).

I believe this is all the information requested of me to date. If I need to do something else just let me know. Thanks!

Clay Smallwood, PE
Senior Associate
Dewberry
324 Marina Drive
Port St. Joe, FL 32456

April 12, 2018

CERTIFIED MAIL
RETURN RECEIPT

Lee Mathes, MMC
City Administrator
Floodplain Administrator
City of Apalachicola
1 Avenue E
Apalachicola, Florida 32320

RE: 45 8th Street

Dear Mr. Mathes:

A work permit for landscaping on my property at 45 8th Street, which consisted of 1-2 inches of topsoil over the native soil plus a layer of grass sod, was approved at the October 13, 2017 Planning and Zoning Commission meeting. The topsoil as a foundation for the sod is considered to be residential landscaping.


Mr. Wilbur Ballew told me it would be alright to put topsoil down before laying sod. Mr. Dan Garlick came to my property and also said it would certainly be OK since we were not filling in anything. (See attached document from Garlick Environmental Associates, Inc., dated October 31, 2017) The work permit was approved the P&Z committee after reviewing the document from Mr. Garlick.



My realtor, John Shelby, informed me in June of 2017, before I purchased the house, that it "sits on a slab and is lower than the surrounding area, therefore making it prone to flooding." He also stated, "A new house next door is almost finished. A good deal of fill dirt was brought in pre-construction, adding further height to the surrounding properties in relationship to this house."

In addition to the fill dirt brought in pre-construction, Ms. Moore told me there were three or perhaps four truckloads of fill dirt brought into her property. The amount of topsoil prior to my grass sod being laid hardly compares. If anything, Mitchell Bartley and I, neighbors on both sides of Ms. Moore, have been and continue to be concerned about the elevation of her property in comparison to ours.

I retained Mr. Garlick to alleviate any concern by the City of Apalachicola regarding my residential landscaping request, which is expected to slow the flow of stormwater. The letter and assessment by Mr. Garlick should resolve any issue regarding a floodplain development permit.

Sincerely,


Dr. Judith C. Rice

From: Chris Moore <ctmoore@embarqmail.com>  
Subject: Re: 51 8th Street - Fill
Date: April 26, 2018 10:57:18 AM EDT
To: Lee Mathes <leemathes@cityofapalachicola.com>

1 Attachment, 14 KB

Good morning. I have received the letter and am, as you would expect, simply astounded. If I did as you say, I would have a moat around my house.

The letter does not say what person made the determination that two and one-half dump truck loads must be removed. Please tell me that and also provide the calculations that support the determination.

Thank you,

Christiana Moore

On Apr 25, 2018, at 5:25 PM, Lee Mathes wrote:

Good Afternoon,

Attached is the letter outlining the outcome of the fill investigation. Original will be mailed to 51 8th Street.

Ms. Lee H. Mathes, MMC
City Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Phone: 850-653-9319
Cell: 850-653-7279
Fax: 850-653-2205
leemathes@cityofapalachicola.com

Moore.docx (14 KB)

Exhibit R

CITY OF APALACHICOLA

1 Avenue E • Apalachicola, Florida 32320 • 850-653-9319 • Fax 850-653-2205
www.cityofapalachicola.com



May 15, 2018

Mayor
Van W. Johnson, Sr.

Commissioners
Brenda Ash
John M. Bartley, Sr.
James L. Elliott
Anita Grove

City Administrator
Lee H. Mathes, MMC

City Clerk
Deborah Guillotte, CMC

City Attorney
J. Patrick Floyd

Christina Moore
51 8th Street
Apalachicola, FL 32320

Dear Ms. Moore,

In response to your letter dated May 8, 2018, the addition of fill to a property is considered development and must follow the rules and guidelines set forth in the Land Development Code (Ordinance No. 91-7) and the Floodplain Management Ordinance (Ordinance No. 2013-02).

In order to provide assurance that the development activity will not cause additional flooding onto the adjacent properties, the options are either to remove the fill or provide an engineered stormwater management plan that meets the standards as outlined in Ordinance No. 91-7 and which demonstrates this by comparing pre-development and post-development attenuation calculations. Since attenuation calculations were not provided as requested, the post-construction topographic survey was requested and provided by you to compare the respective elevations of the lot. The post-construction (and pre-construction) topographic surveys which you submitted demonstrate what the fill load invoice suggests—which is that the fill has elevated the levels of the property relative to the neighboring properties.

Attached is a copy of the engineer's letter of February 15, 2018 provided to you which describes these options.

Sincerely,

Lee Mathes, MMC
City Administrator
Floodplain Administrator

Exhibit S



Dewberry Engineers Inc. | 850.227.7200
324 Marina Drive | 850.227.7215 fax
Port Saint Joe, FL 32456 | www.dewberry.com

February 15, 2018

Lee Mathes, Floodplain Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320

RE: 51 8th Street, Apalachicola
Floodplain Management Permit

Dear Ms. Mathes,

The pictures and documentation that have been provided to me for review in regards to the property located at 51 8th Street in Apalachicola appear to indicate that at some point during construction fill material was placed on the site.

In order to provide assurance that the development activity will not cause additional flooding onto the adjacent properties, the applicant will need to submit attenuation calculations comparing the pre-development and post-development runoff rates. Alternatively, the applicant could submit a post construction topographic survey that compares the pre-development elevations and the post-development elevations.

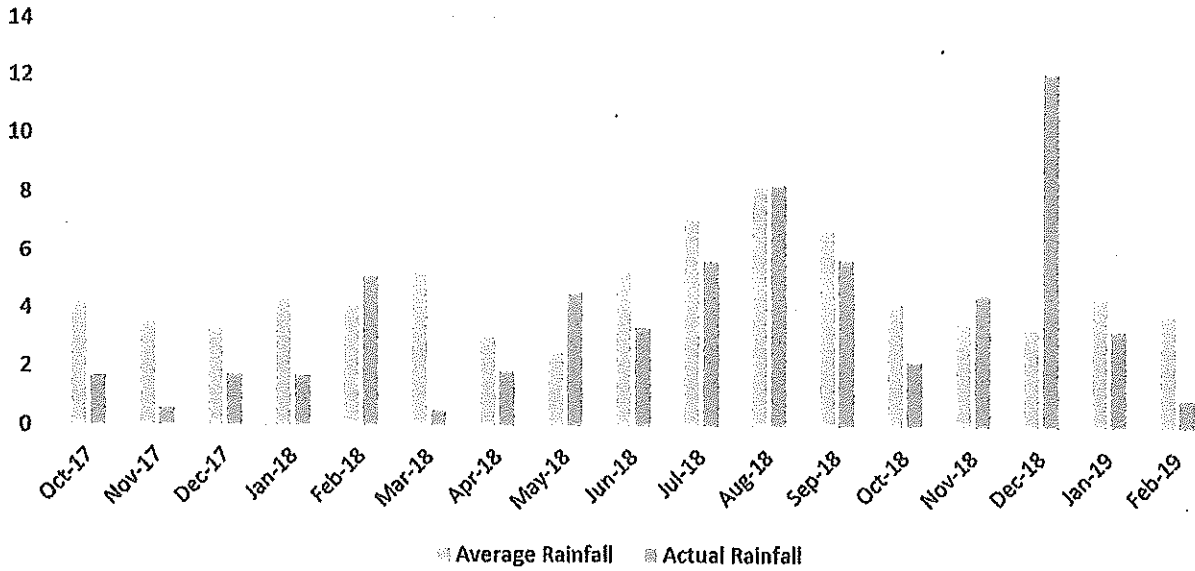
If this information has been submitted I'd be happy to review and provide comments. Should you have questions or need additional information, please give me a call at 850.571.1217.

Sincerely,

A handwritten signature in black ink that reads "Clay Smallwood".

Clay Smallwood, P.E.
Project Manager

Apalachicola Rainfall Data



Source: National Weather Service Monthly Climate Data (F6) Product

<https://w2.weather.gov/climate/getclimate.php?wfo=tae>



CITY OF APALACHICOLA

1 Avenue E • Apalachicola, Florida 32320 • 850-653-9319 • Fax 850-653-2205
www.cityofapalachicola.com

Mayor

Van W. Johnson, Sr.

Commissioners

Brenda Ash

John M. Bartley, Sr.

James L. Elliott

Anita Grove

City Manager

Ron Nalley

City Administrator

Lee H. Mathes, MMC

City Clerk

Deborah Guillotte, CMC

City Attorney

J. Patrick Floyd

RECORD FROM CITY OF APALACHICOLA FILE
ON CHRISTIANA T. MOORE AND JOHN K.
JACKSON (51 - 5TH STREET, APALACHICOLA, FL)
BUILDING FILE REGARDING FLOOD PLAN
ADMINISTRATOR ORDER DATED APRIL 25, 2018
APPEAL TO CITY OF APALACHICOLA CITY
COMMISSION UNDER ORDINANCE NO. 2013-02

Lee Mathes

From: Lee Mathes <leemathes@cityofapalachicola.com>
Sent: Wednesday, April 25, 2018 5:26 PM
To: Chris Moore (ctmoore@embarqmail.com)
Cc: Jpatrickfloyd (j.patrickfloyd@jpatrickfloyd.com)
Subject: 51 8th Street - Fill
Attachments: Moore.docx

Good Afternoon,



Attached is the letter outlining the outcome of the fill investigation. Original will be mailed to 51 8th Street.

Ms. Lee H. Mathes, MMC
City Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Phone: 850-653-9319
Cell: 850-653-7279
Fax: 850-653-2205
leemathes@cityofapalachicola.com



CITY OF APALACHICOLA

1 Avenue E. Apalachicola, Florida 32320 • 850-653-9319 • Fax 850-653-2205
www.cityofapalachicola.com

April 25, 2018

Mayor
Van W. Johnson, Sr.

Commissioners
Brenda Ash
John M. Bartley, Sr.
James L. Elliott
Anita Grove

City Administrator
Lee H. Mathes, MMC

City Clerk
Deborah Guillotte, CMC

City Attorney
J. Patrick Floyd

Christina Moore
51 8th Street
Apalachicola, FL 32320

RE: 51 8th Street

Dear Ms. Moore,

In October 2017, Jason White Construction invoice states removal of 2 loads at 16 yards per load which consisted of brush, grass stripping, and ditch debris from 51 8th Street. Upon removal, Jason White Construction Invoice states delivery of 3 loads at 18 yards per load of fill dirt to 51 8th Street.

Upon complete investigation of the matter of the fill placed at 51 8th Street including pictures and surveys, it has been determined that 2.5 dump truck loads (18 yards per load) of fill must be removed from the property to be in compliance with the Apalachicola Floodplain Ordinance. As Floodplain Administrator, I am allowing 9 yards of fill to be allowed as replacement soil that was lost during removal of brush and grass.

Please provide written confirmation to me when fill has been removed so the City can remove the Stop Work Order.

Sincerely,



Lee Mathes, MMC
City Administrator/Floodplain Administrator

PS Form 3811, July 2015 PSN 7530-02-000-9053

7015 3010 0001 1978 4715

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 ■ Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

2. Article Number (Transfer from service label)
 9590 9402 3251 7196 9522 06

3. Service Type
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Restricted Delivery

4. Is delivery address different from item 1?
 Yes
 No

5. A. Signature X
 B. Received by (Printed Name)
 C. Date of Delivery

COMPLETE THIS SECTION ON DELIVERY

Christina Moore
 51 8th Street
 Apalachicola, FL
 32300

PS Form 3800, April 2015 PSN 7530-02-000-8047

See Reverse for Instructions

7015 3010 0001 1978 4715

U.S. Postal Service®
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

City, State, Zip+4
 Apalachicola, FL

Street and Apt. No., or PO Box No.
 51 8th St

Sent To
 Christina Moore

Postmark Here

4-26-18

Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy)
 Return Receipt (electronic)
 Certified Mail Restricted Delivery
 Adult Signature Required
 Adult Signature Restricted Delivery

Postage
 Total Postage and Fees

Certified Mail Fee

Lee Mathes

From: Smallwood III, Clay <csmallwood@dewberry.com>
Sent: Tuesday, April 24, 2018 5:03 PM
To: Lee Mathes
Cc: 'Pat Floyd'
Subject: RE: Moore survey

Lee/Pat,

Thurman Roddenberry emailed me his CAD file for the surveys he performed for Ms. Moore. There isn't any more information in the CAD file than what was shown on the hard copies previously reviewed – so my comments below are still valid.

Per the survey the lot is 6,000 SF (60'x100') and the house footprint is 1,972 SF (50'x34'). There is approximately 4,028 SF of lot outside of the footprint of the house (6,000 SF – 1,972 SF = 4,028 SF). If an 18 CY load of dirt (approximately 1 dump truck) were spread evenly over the 4,028 SF, the depth of fill would be approximately 1.45 inches (18 CY * 27 = 486 CF/4,028 SF = 0.12 FT * 12 = 1.45 inches).

I believe this is all the information requested of me to date. If I need to do something else just let me know. Thanks!

Clay Smallwood, PE
Senior Associate
Dewberry
324 Marina Drive
Port St. Joe, FL 32456
850.571.1217 Direct Line
850.819.5013 Cell
www.dewberry.com

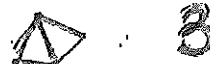
9cy ~~of~~ ~~condensed~~ ~~soil~~ rebarment soil.

3.63 ~~inches~~

4.35 inches of fill

picture that show on series = higher -

2 1/2 truck loads -



3 (18 yd yards) - 54 yards - 45 yards of fill

From: Lee Mathes [mailto:leemathes@cityofapalachicola.com]
Sent: Friday, April 13, 2018 9:12 AM
To: Smallwood III, Clay <csmallwood@dewberry.com>
Cc: 'Pat Floyd' <j.patrickfloyd@jpatrickfloyd.com>
Subject: RE: Moore survey

This message originated from outside your organization

Thank you. She is wanting an update on the progress and I wasn't sure what to tell her.

Ms. Lee H. Mathes, MMC
City Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Phone: 850-653-9319
Cell: 850-653-7279

2 1/2 yard ~~in~~ debris which includes: brush, 9c also stippling, dirt ch class

Delivered 3 18 yd fill

Lee Mathes

From: Smallwood III, Clay <csmallwood@dewberry.com>
Sent: Wednesday, April 04, 2018 9:03 PM
To: Jpatrickfloyd
Cc: Lee Mathes (leemathes@cityofapalachicola.com)
Subject: RE: Moore survey

Pat,
I compared the surveys with the revised dates of 10/24/16 and 3/21/18 – specifically the existing contours and ground shots provided. There is not a great difference between the existing 8 and 7 contour locations on either survey. There is a ground shot along the southeastern property line that is shown as a 6.06' on the 10/24/16 survey and is shown as a 6.68' on the 3/21/18 survey (difference of approx. 7.44"). There's also an existing ground shot along the northwestern property line that is shown as a 6.06' on the 10/24/16 survey and is shown as a 6.19' on the 3/21/18 survey (difference of approx. 1.5").

I assume it would be the flood plain administrator's call if these difference amount to "fill" being placed or if they are due to landscaping.

Clay Smallwood, PE
Senior Associate
Dewberry
324 Marina Drive
Port St. Joe, FL 32456
850.571.1217 Direct Line
850.819.5013 Cell
www.dewberry.com

SE line beside River
NW Front Closest in Front

From: Jpatrickfloyd [<mailto:j.patrickfloyd@jpatrickfloyd.com>]
Sent: Tuesday, March 27, 2018 11:07 AM
To: Smallwood III, Clay <csmallwood@dewberry.com>
Subject: Fwd: Moore survey

This message originated from outside your organization

Clay—here are surveys on Moore property—please give me a call today (227-4236) before you review them. Thanks

Sent from my iPhone

Begin forwarded message:

From: "Lee Mathes" <leemathes@cityofapalachicola.com>
Date: March 26, 2018 at 4:43:58 PM EDT
To: "Jpatrickfloyd" <j.patrickfloyd@jpatrickfloyd.com>
Subject: Moore survey

Jason White Construction, LLC

PO Box 385 / 43 Island Dr.
Eastpoint, FL 32328

Invoice

Date	Invoice #
10/11/2017	17300

Bill To
CHRIS MOORE 428 McDONALD STREET TALLAHASSEE, FL 32328

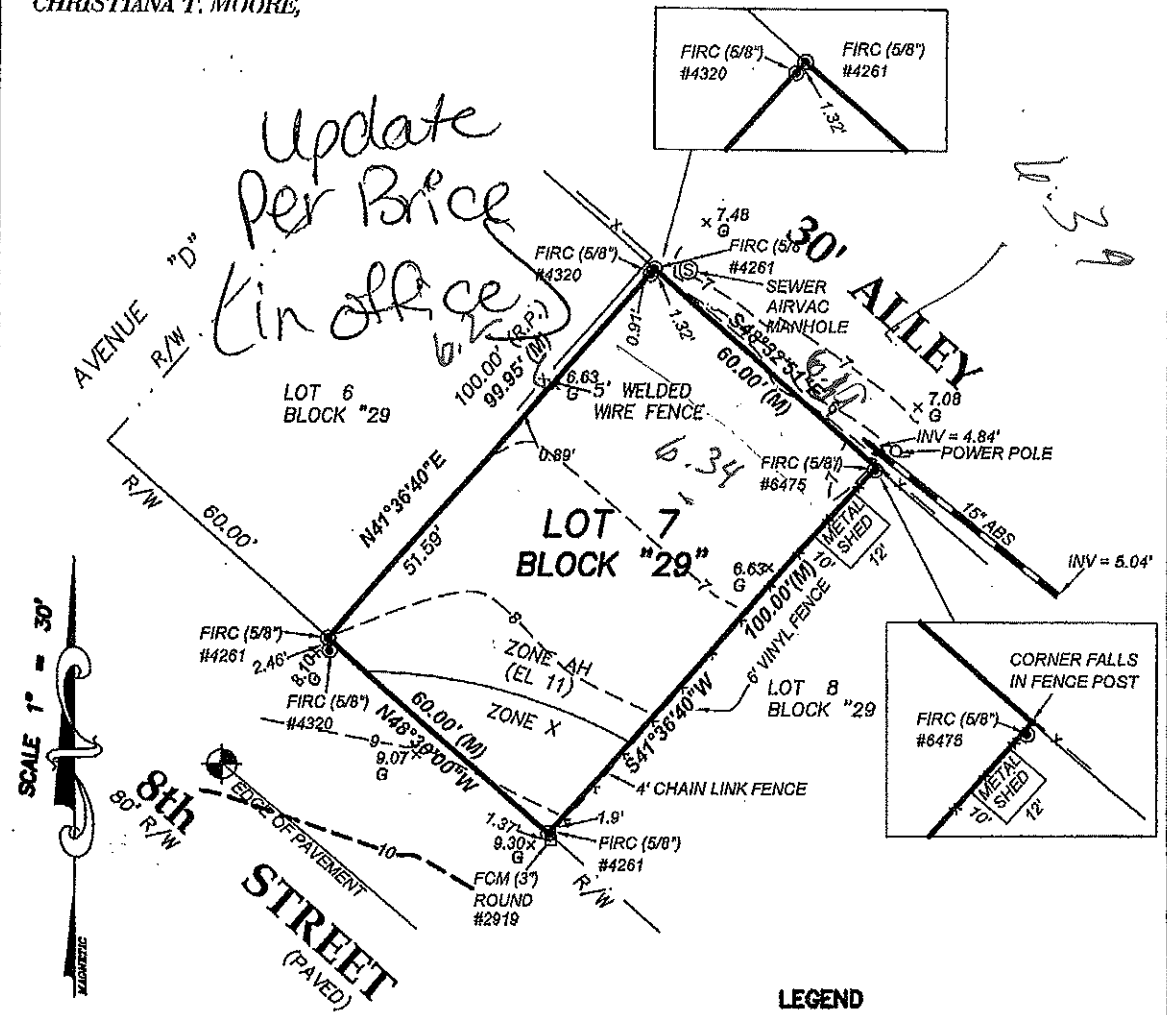
P.O. No:	Terms	Project

Quantity	Description	U/M	Rate	Ticket #	Truck #	Serviced	Amount
	51 8th St. Apalachicola KELLY HORN REMOVE (2 loads) (16 YARDS) OF BRUSH AND GRASS STRIPPING. INCLUDES REMOVING SEDIMENT AND DEBRIS FROM DITCH FOR PROPER DRAINAGE		500.00	JWC806961	STAN 01	10/3/2017	500.00
	DELIVERED (3) 18 YARD LOADS FILL DIRT FOR SOD & LANDSCAPING - NO COMPACTION NECESSARY		750.00	JWC806961	STAN01	10/3/2017	750.00
	GRADE AND SHAPE AREA (Trey 1.5 hours labor 7.5 tractor) 10-3-2017		300.00				300.00
	RE-MOBILIZE (Trey mobilizing 1 hour) 10-3-2017		0.00				0.00
	GRADING DISCOUNT		-100.00				-100.00

Thank you for your business.	Total	\$1,450.00
------------------------------	--------------	------------

Phone #	Fax #	E-mail
850-670-3500	888-598-7723	marcia@jasonwhiteconstruction.com

**PLAT OF BOUNDARY AND TOPOGRAPHICAL SURVEY CERTIFIED TO:
CHRISTIANA T. MOORE,**



LEGAL DESCRIPTION:

Lot 7, Block "29" of the CITY OF APALACHICOLA, as per map or plat thereof in common use on file at the Clerk of the Circuit Office in Franklin County, Florida.

LEGEND

- R/W RIGHT OF WAY
- M MEASURED
- R.P. RECORD PLAT
- FCM FOUND CONCRETE MONUMENT
- FIRC FOUND IRON ROD & CAP

NOTES:

1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Northeasterly right of way boundary of 8th Street having an assumed bearing of North 48 degrees 30 minutes 00 seconds West.
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

REVISED: 05/10/12; TOPOGRAPHICAL SURVEY

I hereby certify that this is a true and correct representation of property shown hereon and that this survey meets minimum technical standards for land surveying (Chapter 61G17-Florida Administrative Code).

The undersigned surveyor has not been provided a current title or abstract of matters affecting title or boundary to the property. It is possible there are deeds of records, recorded deeds, easements or other instruments which could affect boundaries.

FLOOD ZONE INFORMATION:

Subject property is located in Zone X & AH (EL 11) as per Flood Insurance Rate Map Community Panel No:120089 0526E, index date: June 17, 2002, Franklin County, Florida.

T. RODDENBERRY
Surveyor and Mapper
Certificate No: 4261

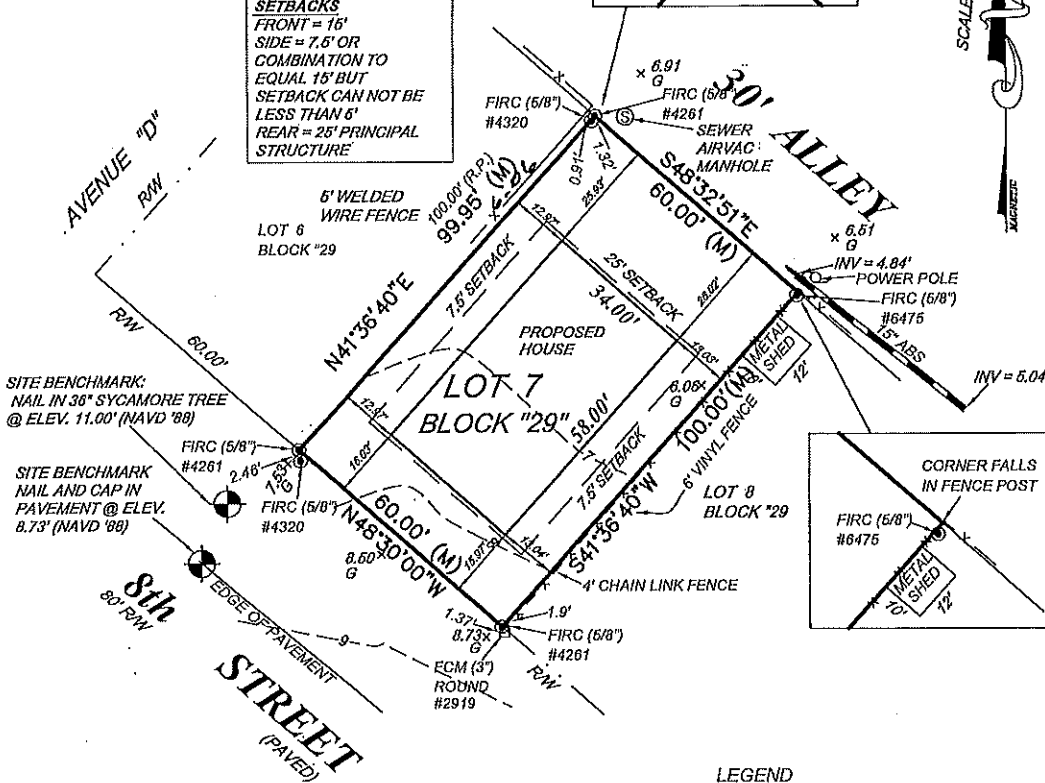
TR &A	THURMAN RODDENBERRY & ASSOCIATES, INC		
	PROFESSIONAL SURVEYORS AND MAPPERS P.O. BOX 100 • 125 SHELDON STREET • PHONE NUMBER: 850-963-2536 FAX NUMBER: 850-963-3110 LIC # 7160		
DATE: 04/24/12	DRAWN BY: MD	N.B. 523 PG 59	COUNTY: FRANKLIN
FILE: 01898.DWG	DATE OF LAST FIELD WORK: 05/09/12	JOB NUMBER: 01-695	

**PLAT OF BOUNDARY AND TOPOGRAPHICAL SURVEY CERTIFIED TO:
CHRISTIANA T. MOORE**

*VERIFY ALL SETBACKS
PRIOR TO BUILDING

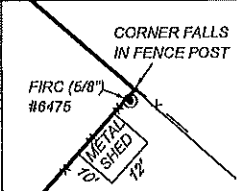
SETBACKS
FRONT = 15'
SIDE = 7.5' OR
COMBINATION TO
EQUAL 15' BUT
SETBACK CAN NOT BE
LESS THAN 6'
REAR = 25' PRINCIPAL
STRUCTURE

SCALE 1" = 30'



SITE BENCHMARK:
NAIL IN 36" SYCAMORE TREE
@ ELEV. 11.00' (NAVD '88)

SITE BENCHMARK
NAIL AND CAP IN
PAVEMENT @ ELEV.
8.73' (NAVD '88)



LEGEND

- R/W RIGHT OF WAY
- M MEASURED
- R.P. RECORD PLAT
- FCM FOUND CONCRETE MONUMENT
- FIRC FOUND IRON ROD & CAP

LEGAL DESCRIPTION:

Lot 7, Block "29" of the CITY OF APALACHICOLA, as per map or plat thereof in common use on file at the Clerk of the Circuit Office in Franklin County, Florida.

NOTES:

1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Northeastly right of way boundary of 8th Street having an assumed bearing of North 48 degrees 30 minutes 00 seconds West.
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
7. Elevations shown hereon were established by using NAVD '88

REVISED 02/07/17: ADDED PROPOSED HOUSE AND BENCHMARK
REVISED 10/24/16 CHANGED DATUM AND FLOOD ZONE

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 6J-17.051, Florida Administrative Code).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

FLOOD ZONE INFORMATION:

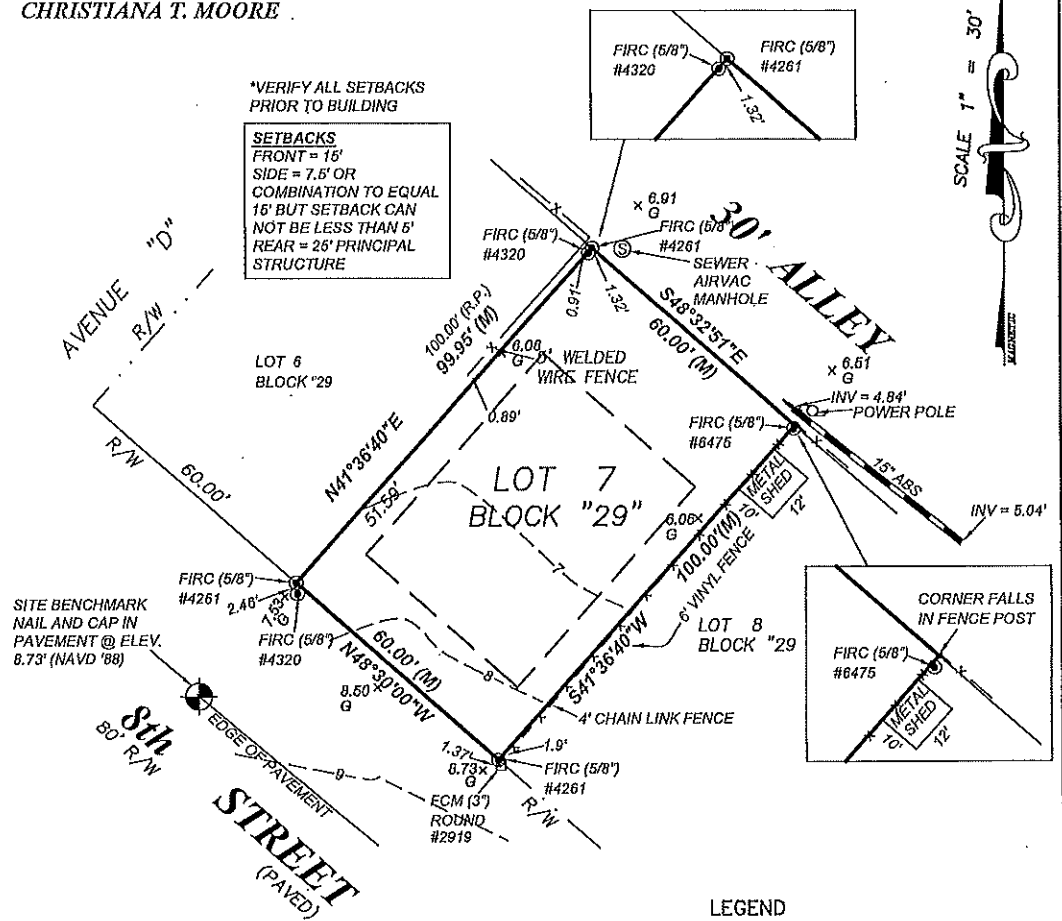
Subject property is located in Zone AE (EL 10) as per Flood Insurance Rate Map Community Panel No:120089 0526F, Index date: February 5, 2014, Franklin County, Florida.

JAMES T. RODDENBERRY
Surveyor and Mapper
Florida Certificate No: 4261

James T. Roddenberry

TR & A	THURMAN RODDENBERRY & ASSOCIATES, INC		
	PROFESSIONAL SURVEYORS AND MAPPERS P.O. BOX 100 • 125 SHIELDON STREET • PHONE NUMBER: 850-961-3531 FAX NUMBER: 850-961-3103 L.R. 8 7162		
DATE: 10/24/16	DRAWN BY: MD	N.B. 523 PG 69	COUNTY: FRANKLIN
FILE: 01698.DWG	DATE OF LAST FIELD WORK: 05/08/12	JOB NUMBER: 01-898	

**PLAT OF BOUNDARY AND TOPOGRAPHICAL SURVEY CERTIFIED TO:
CHRISTIANA T. MOORE**



LEGAL DESCRIPTION:
Lot 7, Block "29" of the CITY OF APALACHICOLA, as per map or plat thereof in common use on file at the Clerk of the Circuit Office in Franklin County, Florida.

LEGEND

R/W	RIGHT OF WAY
M	MEASURED
R.P.	RECORD PLAT
FCM	FOUND CONCRETE MONUMENT
FIRC	FOUND IRON ROD & CAP

- NOTES:**
1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
 2. BEARING REFERENCE: Northeasterly right of way boundary of 8th Street having an assumed bearing of North 48 degrees 30 minutes 00 seconds West.
 3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
 4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
 5. This survey is dependent upon EXISTING MONUMENTATION.
 6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
 7. Elevations shown hereon were established by using NAVD '88

REVISED 10/24/16 CHANGED DATUM AND FLOOD ZONE

FLOOD ZONE INFORMATION:
Subject property is located in Zone AE (EL 10) as per Flood Insurance Rate Map Community Panel No: 120089 0526F, Index date: February 5, 2014, Franklin County, Florida.

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 5J-17.05), Florida Administrative Code.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

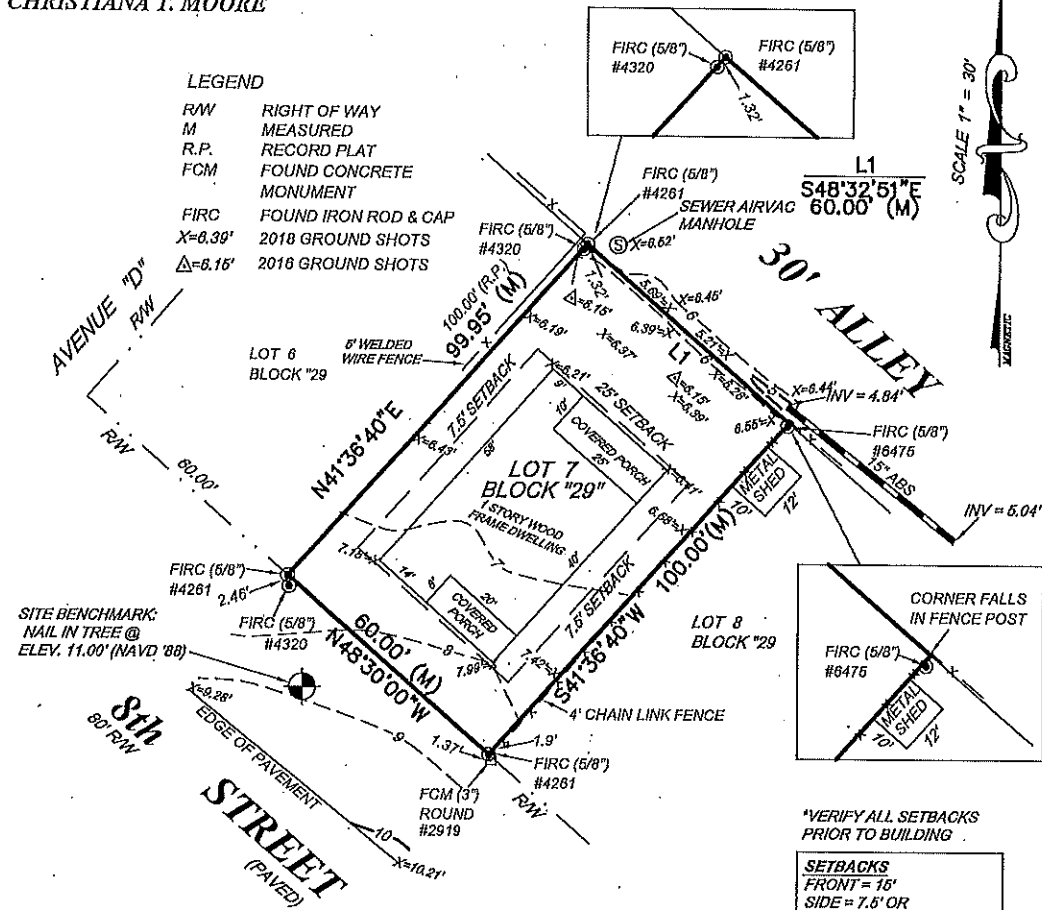
James T. Roddenberry
JAMES T. RODDENBERRY
Surveyor and Mapper
Florida Certificate No: 4261

TR & A	THURMAN RODDENBERRY & ASSOCIATES, INC		
	PROFESSIONAL SURVEYORS AND MAPPERS		
P.O. BOX 100 • 125 SHELDON STREET •			
PHONE NUMBER: 850-442-3334		FAX NUMBER: 813-945-3103	
LD # 2169			
DATE: 10/24/16	DRAWN BY: MD	S.B.623 PG 69	COUNTY: FRANKLIN
FILE: 01698.DWG	DATE OF LAST FIELD WORK: 05/09/12	JOB NUMBER: 01-698	

**PLAT OF BOUNDARY AND TOPOGRAPHICAL SURVEY CERTIFIED TO:
CHRISTIANA T. MOORE**

LEGEND

- RW RIGHT OF WAY
- M MEASURED
- R.P. RECORD PLAT
- FCM FOUND CONCRETE MONUMENT
- FIRC FOUND IRON ROD & CAP
- X=0.39' 2018 GROUND SHOTS
- Δ=6.15' 2018 GROUND SHOTS



***VERIFY ALL SETBACKS PRIOR TO BUILDING**

SETBACKS
 FRONT = 15'
 SIDE = 7.5' OR COMBINATION TO EQUAL 15' BUT SETBACK CAN NOT BE LESS THAN 5'
 REAR = 25' PRINCIPAL STRUCTURE

LEGAL DESCRIPTION:

Lot 7, Block "29" of the CITY OF APALACHICOLA, as per map or plat thereof in common use on file at the Clerk of the Circuit Office in Franklin County, Florida.

NOTES:

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2. BEARING REFERENCE: Northeastly right of way boundary of 8th Street having an assumed bearing of North 48 degrees 30 minutes 00 seconds West.
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
7. Elevations shown hereon were established by using NAVD '88.

REVISED 03/21/18: UPDATED TOPO-BB
 REVISED 02/07/17: ADDED PROPOSED HOUSE AND BENCHMARK
 REVISED 10/24/16 CHANGED DATUM AND FLOOD ZONE

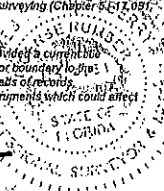
FLOOD ZONE INFORMATION:

Subject property is located in Zone AE (EL 10) as per Flood Insurance Rate Map Community Panel No:120089 0526F, Index date: February 5, 2014, Franklin County, Florida.

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 65B12, Florida Administrative Code).

The undersigned surveyor has not been provided a competent opinion or abstract of matters affecting title or ownership of the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

James T. Roddenberry
 JAMES T. RODDENBERRY
 Surveyor and Mapper
 Florida Certificate No: 4281

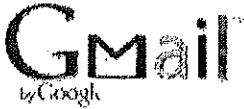


TR & A THURMAN RODDENBERRY & ASSOCIATES, INC
 PROFESSIONAL SURVEYORS AND MAPPERS
 P.O. BOX 160 • 125 SHELDON STREET •
 PHONE NUMBER: 850-961-2531 FAX NUMBER: 850-961-3103
 L.B. # 7109

DATE: 10/24/18	DRAWN BY: MD	N.B.602 PG.54	COUNTY: FRANKLIN
FILE: 01898.DWG	DATE OF LAST FIELD WORK: 03/20/18	JOB NUMBER: 01-698	

4/24/2018

Jpatrickfloyd.com Mail - Moore survey



J. Floyd <j.patrickfloyd@jpatrickfloyd.com>

Moore survey

Smallwood III, Clay <csmallwood@dewberry.com>
To: Lee Mathes <leemathes@cityofapalachicola.com>
Cc: Pat Floyd <j.patrickfloyd@jpatrickfloyd.com>

Tue, Apr 24, 2018 at 5:02 PM

Lee/Pat,

Thurman Roddenberry emailed me his CAD file for the surveys he performed for Ms. Moore. There isn't any more information in the CAD file than what was shown on the hard copies previously reviewed – so my comments below are still valid.

Per the survey the lot is 6,000 SF (60'x100') and the house footprint is 1,972 SF (50'x34'). There is approximately 4,028 SF of lot outside of the footprint of the house (6,000 SF – 1,972 SF = 4,028 SF). If an 18 CY load of dirt (approximately 1 dump truck) were spread evenly over the 4,028 SF, the depth of fill would be approximately 1.45 inches (18 CY * 27 = 486 CF/4,028 SF = 0.12 FT *12 = 1.45 inches).

I believe this is all the information requested of me to date. If I need to do something else just let me know. Thanks!

Clay Smallwood, PE

Senior Associate

Dewberry

324 Marina Drive

Port St. Joe, FL 32456

850.571.1217 Direct Line

850.819.5013 Cell

www.dewberry.com

From: Lee Mathes [mailto:leemathes@cityofapalachicola.com]
Sent: Friday, April 13, 2018 9:12 AM
To: Smallwood III, Clay <csmallwood@dewberry.com>
Cc: 'Pat Floyd' <j.patrickfloyd@jpatrickfloyd.com>
Subject: RE: Moore survey

[Quoted text hidden]

Bill To
CHRIS MOORE 428 McDONALD STREET TALLAHASSEE, FL, 32328

P.O. No:	Terris	Project

Quantity	Description	U/M	Rate	Ticket #	Truck #	Serviced	Amount
	51 8th St. Apalachicola KELLY HORN REMOVE (2 loads) (16 YARDS) OF BRUSH AND GRASS STRIPPING. INCLUDES REMOVING SEDIMENT AND DEBRIS FROM DITCH FOR PROPER DRAINAGE		500.00	JWC806961	STAN 01	10/3/2017	500.00
	DELIVERED (3) 18 YARD LOADS FILL DIRT FOR SOD & LANDSCAPING - NO COMPACTION NECESSARY		750.00	JWC806961	STAN01	10/3/2017	750.00
	GRADE AND SHAPE AREA (Trey 1.5 hours labor 7.5 tractor) 10-3-2017		300.00				300.00
	RE-MOBILIZE (Trey mobilizing 1 hour) 10-3-2017		0.00				0.00
	GRADING DISCOUNT		-100.00				-100.00
Thank you for your business.					Total		\$1,450.00

Phone #	Fax #	E-mail
850-670-3500	888-398-7723	marcia@jasonwhiteconstruction.com

Lee Mathes

From: Lee Mathes <leemathes@cityofapalachicola.com>
Sent: Monday, May 14, 2018 4:38 PM
To: Chris Moore (ctmoore@embarqmail.com)
Subject: Response
Attachments: 20180514163005283.pdf

Importance: High

Attached is the response from May 8, 2018 letter. Original will be mailed.

Ms. Lee H. Mathes, MMC
City Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Phone: 850-653-9319
Cell: 850-653-7279
Fax: 850-653-2205
leemathes@cityofapalachicola.com



CITY OF APALACHICOLA

1 Avenue E • Apalachicola, Florida 32320 • 850-653-9319 • Fax 850-653-2205
www.cityofapalachicola.com

May 15, 2018

Mayor
Van W. Johnson, Sr.

Commissioners
Brenda Ash
John M. Bartley, Sr.
James L. Elliott
Anita Grove

Christina Moore
51 8th Street
Apalachicola, FL 32320

Dear Ms. Moore,

City Administrator
Lee H. Mathes, MMC

City Clerk
Deborah Guillotte, CMC

City Attorney
J. Patrick Floyd

In response to your letter dated May 8, 2018, the addition of fill to a property is considered development and must follow the rules and guidelines set forth in the Land Development Code (Ordinance No. 91-7) and the Floodplain Management Ordinance (Ordinance No. 2013-02).

In order to provide assurance that the development activity will not cause additional flooding onto the adjacent properties, the options are either to remove the fill or provide an engineered stormwater management plan that meets the standards as outlined in Ordinance No. 91-7 and which demonstrates this by comparing pre-development and post-development attenuation calculations. Since attenuation calculations were not provided as requested, the post-construction topographic survey was requested and provided by you to compare the respective elevations of the lot. The post-construction (and pre-construction) topographic surveys which you submitted demonstrate what the fill load invoice suggests—which is that the fill has elevated the levels of the property relative to the neighboring properties.

Attached is a copy of the engineer's letter of February 15, 2018 provided to you which describes these options.

Sincerely,



Lee Mathes, MMC
City Administrator
Floodplain Administrator



Dewberry Engineers Inc. | 850.227.7200
324 Marina Drive | 850.227.7215 fax
Port Saint Joe, FL 32456 | www.dewberry.com

February 15, 2018

Lee Mathes, Floodplain Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320

RE: 51 8th Street, Apalachicola
Floodplain Management Permit

Dear Ms. Mathes,

The pictures and documentation that have been provided to me for review in regards to the property located at 51 8th Street in Apalachicola appear to indicate that at some point during construction fill material was placed on the site.

In order to provide assurance that the development activity will not cause additional flooding onto the adjacent properties, the applicant will need to submit attenuation calculations comparing the pre-development and post-development runoff rates. Alternatively, the applicant could submit a post construction topographic survey that compares the pre-development elevations and the post-development elevations.

If this information has been submitted I'd be happy to review and provide comments. Should you have questions or need additional information, please give me a call at 850.571.1217.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Smallwood". The signature is written in a cursive, somewhat stylized script.

Clay Smallwood, P.E.
Project Manager

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

OFFICIAL USE

7017 1450 0001 9654 7645

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Postmark
Here

S-15-18

Sent To Chris Moore

Street and Apt. No., or PO Box No. 51 8th St

City, State, ZIP+4® Apalachicola

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

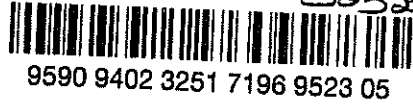
1. Article Addressed to:

Christina Moore ^{spelled wrong}

51 8th St.

Apalachicola, FL

32320



2. Article Number (Transfer from service label)

7017 1450 0001 9654 7645

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

Christina Moore

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below: _____

3. Service Type

Adult Signature Priority Mail Express®

Adult Signature Restricted Delivery Registered Mail™

Certified Mail® Registered Mail Restricted Delivery

Certified Mail Restricted Delivery Return Receipt for Merchandise

Collect on Delivery Signature Confirmation™

Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery

Insured Mail Restricted Delivery

Domestic Return Receipt

Lee Mathes

From: Smallwood III, Clay <csmallwood@dewberry.com>
Sent: Tuesday, April 24, 2018 5:03 PM
To: Lee Mathes
Cc: 'Pat Floyd'
Subject: RE: Moore survey

Lee/Pat,

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I believe this is all the information requested of me to date. If I need to do something else just let me know. Thanks!

Clay Smallwood, PE
Senior Associate
Dewberry
324 Marina Drive
Port St. Joe, FL 32456
850.571.1217 Direct Line
850.819.5013 Cell
www.dewberry.com

From: Lee Mathes [mailto:leemathes@cityofapalachicola.com]
Sent: Friday, April 13, 2018 9:12 AM
To: Smallwood III, Clay <csmallwood@dewberry.com>
Cc: 'Pat Floyd' <j.patrickfloyd@jpatrickfloyd.com>
Subject: RE: Moore survey

This message originated from outside your organization

Thank you. She is wanting an update on the progress and I wasn't sure what to tell her.

Ms. Lee H. Mathes, MMC
City Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Phone: 850-653-9319
Cell: 850-653-7279

Fax: 850-653-2205
leemathes@cityofapalachicola.com

From: Smallwood III, Clay [<mailto:csmallwood@dewberry.com>]
Sent: Friday, April 13, 2018 8:37 AM
To: Lee Mathes
Cc: Pat Floyd (j.patrickfloyd@jpatrickfloyd.com)
Subject: RE: Moore survey

I talked to the surveyor and he is going to send me some more information to review. I hope to have that today and will follow up after review.

Clay Smallwood, PE
Senior Associate
Dewberry
324 Marina Drive
Port St. Joe, FL 32456
850.571.1217 Direct Line
850.819.5013 Cell
www.dewberry.com

From: Lee Mathes [<mailto:leemathes@cityofapalachicola.com>]
Sent: Thursday, April 05, 2018 4:31 PM
To: Smallwood III, Clay <csmallwood@dewberry.com>; 'Jpatrickfloyd' <j.patrickfloyd@jpatrickfloyd.com>
Subject: RE: Moore survey

This message originated from outside your organization

I have to be out of the office on Friday, but can we please touch base on this Monday?

Ms. Lee H. Mathes, MMC
City Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Phone: 850-653-9319
Cell: 850-653-7279
Fax: 850-653-2205
leemathes@cityofapalachicola.com

From: Smallwood III, Clay [mailto:csmallwood@dewberry.com]
Sent: Wednesday, April 04, 2018 9:03 PM
To: Jpatrickfloyd
Cc: Lee Mathes (leemathes@cityofapalachicola.com)
Subject: RE: Moore survey

Pat,
I compared the surveys with the revised dates of 10/24/16 and 3/21/18 – specifically the existing contours and ground shots provided. There is not a great difference between the existing 8 and 7 contour locations on either survey. There is a ground shot along the southeastern property line that is shown as a 6.06' on the 10/24/16 survey and is shown as a 6.68' on the 3/21/18 survey (difference of approx. 7.44"). There's also an existing ground shot along the northwestern property line that is shown as a 6.06' on the 10/24/16 survey and is shown as a 6.19' on the 3/21/18 survey (difference of approx. 1.5").

I assume it would be the flood plain administrator's call if these difference amount to "fill" being placed or if they are due to landscaping.

Clay Smallwood, PE
Senior Associate
Dewberry
324 Marina Drive
Port St. Joe, FL 32456
850.571.1217 Direct Line
850.819.5013 Cell
www.dewberry.com

From: Jpatrickfloyd [mailto:j.patrickfloyd@jpatrickfloyd.com]
Sent: Tuesday, March 27, 2018 11:07 AM
To: Smallwood III, Clay <csmallwood@dewberry.com>
Subject: Fwd: Moore survey

This message originated from outside your organization

Clay—here are surveys on Moore property—please give me a call today (227-4236) before you review them. Thanks

Sent from my iPhone

Begin forwarded message:

From: "Lee Mathes" <leemathes@cityofapalachicola.com>
Date: March 26, 2018 at 4:43:58 PM EDT
To: "Jpatrickfloyd" <j.patrickfloyd@jpatrickfloyd.com>
Subject: Moore survey

Attached is Chris Moore survey submitted today by Bryce Ward. Note the dates on the bottom of surveys to denote the before and after.

Ms. Lee H. Mathes, MMC
City Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Phone: 850-653-9319
Cell: 850-653-7279
Fax: 850-653-2205
leemathes@cityofapalachicola.com

Visit Dewberry's website at www.dewberry.com

If you've received this email even though it's intended for someone else, then please delete the email, don't share its contents with others, and don't read its attachments. Thank you.



J. Floyd <j.patrickfloyd@jpatrickfloyd.com>

Update on application info—45 8th street

Jpatrickfloyd <j.patrickfloyd@jpatrickfloyd.com>

Mon, Apr 23, 2018 at 4:32 PM

To: Chris Moore <ctmoore@embarqmail.com>

Cc: Julie Gallagher <j.gallagher@gfblawfirm.com>, bash@cityofapalachicola.com, leemathes@cityofapalachicola.com

Mrs. Moore:

There were additional data points that the city engineer requested from surveyor Roddenberry in order to make an accurate comparison of the elevation surveys. This is been requested and hopefully will be received today or tomorrow. It will be forwarded to you upon receipt and to Lee Mathes which should we hope wrap up the information requested for this application. I am calling Mr. Smallwood to check on this now. Thank you

Sent from my iPhone

> On Feb 27, 2018, at 11:14 AM, Chris Moore <ctmoore@embarqmail.com> wrote:

- >
- > Please see attached letter.
- >
- > <Ltr to Floyd 2-27-18.pdf>
- >
- >
- > Christlana T. Moore
- > 428 McDaniel Street
- > Tallahassee, Florida 32303
- > ctmoore@embarqmail.com
- > (850) 661-6633

Lee Mathes

From: Thurman Roddenberry <Thurman@trasurveying.com>
Sent: Monday, April 23, 2018 8:51 AM
To: Smallwood III, Clay
Subject: MOORE SURVEY
Attachments: 01696.dwg

This message originated from outside your organization

Sorry for the delay

Don't know if this will be a lot of help but here is all we have done on this job

Let us know if you need more help

Thurman Roddenberry
Owner/President
Thurman Roddenberry & Associates, Inc.
P.O. BOX 100
SOPCHOPPY, FL 32358
(850) 962-2538 OFFICE
(850) 251-7588 CELL
(850) 962-1103 FAX

4/13/2018

Jpatrickfloyd.com Mail - Moore survey



J. Floyd <j.patrickfloyd@jpatrickfloyd.com>

Moore survey

Smallwood III, Clay <csmallwood@dewberry.com>

Fri, Apr 13, 2018 at 8:37 AM

To: Lee Mathes <leemathes@cityofapalachicola.com>

Cc: "Pat Floyd (j.patrickfloyd@jpatrickfloyd.com)" <j.patrickfloyd@jpatrickfloyd.com>

I talked to the surveyor and he is going to send me some more information to review. I hope to have that today and will follow up after review.

Clay Smallwood, PE

Senior Associate

Dewberry

324 Marina Drive

Port St. Joe, FL 32456

850.571.1217 Direct Line

850.819.5013 Cell

www.dewberry.com

From: Lee Mathes [mailto:leemathes@cityofapalachicola.com]

Sent: Thursday, April 05, 2018 4:31 PM

To: Smallwood III, Clay <csmallwood@dewberry.com>; 'Jpatrickfloyd' <j.patrickfloyd@jpatrickfloyd.com>

Subject: RE: Moore survey

[Quoted text hidden]

Lee Mathes

From: Lee Mathes <leemathes@cityofapalachicola.com>
Sent: Thursday, April 12, 2018 5:20 PM
To: Clay Smallwood (SmallwoodC@preble-rish.com)
Cc: Jpatrickfloyd (j.patrickfloyd@jpatrickfloyd.com)
Subject: Chris Moore

Importance: High

Do you have a final report for Chris Moore. I need to know how much fill needs to be removed and where so I can properly notify her.

Ms. Lee H. Mathes, MMC
City Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320
Phone: 850-653-9319
Cell: 850-653-7279
Fax: 850-653-2205
leemathes@cityofapalachicola.com

4/26/2018

Jpatrickfloyd.com Mail - Moore survey



J. Floyd <j.patrickfloyd@jpatrickfloyd.com>

Moore survey

Lee Mathes <leemathes@cityofapalachicola.com>
To: Jpatrickfloyd <j.patrickfloyd@jpatrickfloyd.com>

Mon, Mar 26, 2018 at 4:43 PM

Attached is Chris Moore survey submitted today by Bryce Ward. Note the dates on the bottom of surveys to denote the before and after.

Ms. Lee H. Mathes, MMC

City Administrator

City of Apalachicola

1 Avenue E


Apalachicola, FL 32320

Phone: 850-653-9319

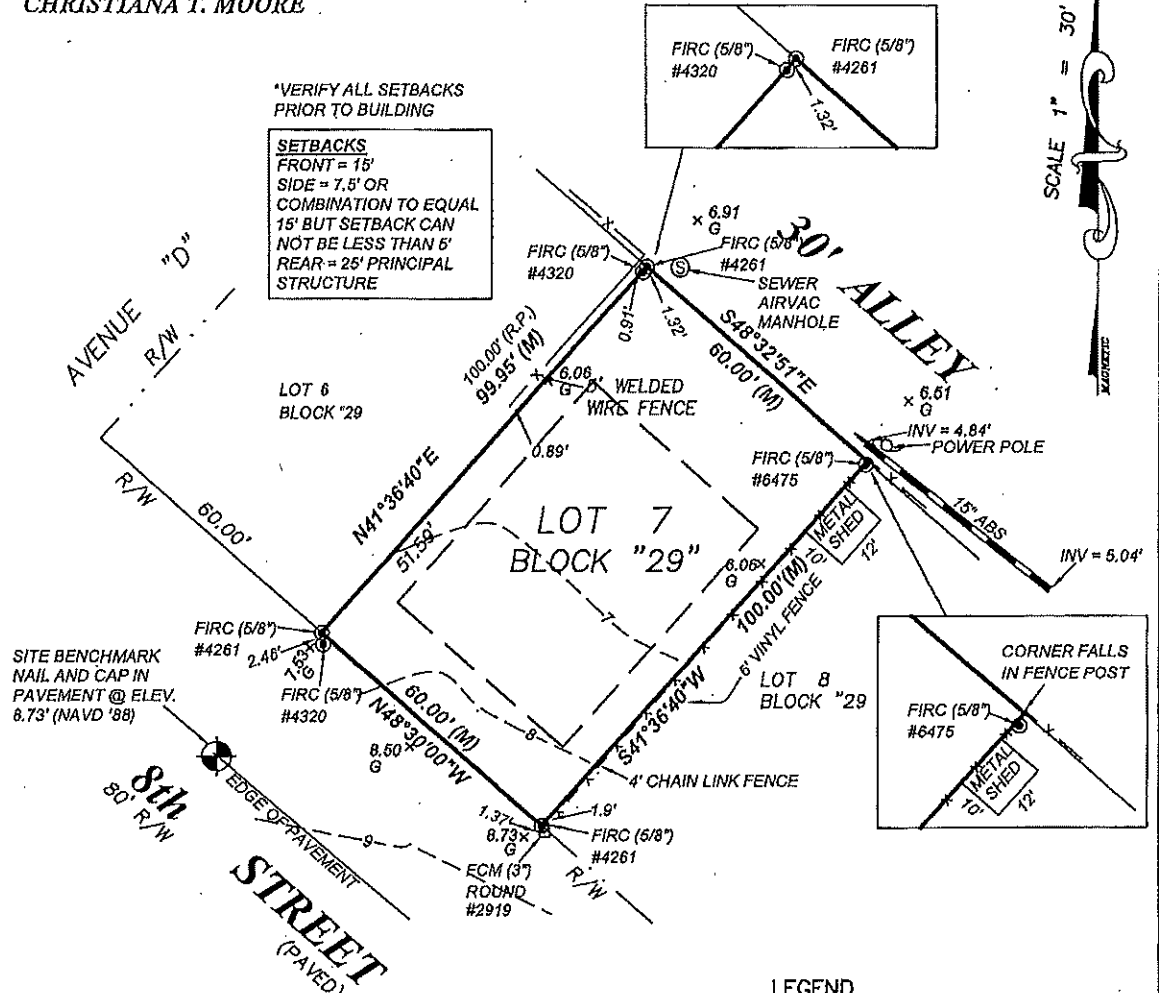
Cell: 850-653-7279

Fax: 850-653-2205

leemathes@cityofapalachicola.com

 **20180326153806740.pdf**
239K

**PLAT OF BOUNDARY AND TOPOGRAPHICAL SURVEY CERTIFIED TO:
CHRISTIANA T. MOORE**



***VERIFY ALL SETBACKS
PRIOR TO BUILDING**

SETBACKS
FRONT = 15'
SIDE = 7.5' OR
COMBINATION TO EQUAL
15' BUT SETBACK CAN
NOT BE LESS THAN 5'
REAR = 25' PRINCIPAL
STRUCTURE



LEGAL DESCRIPTION:
Lot 7, Block "29" of the CITY OF APALACHICOLA, as per map or plat thereof in common use on file at the Clerk of the Circuit Office in Franklin County, Florida.

LEGEND

R/W	RIGHT OF WAY
M	MEASURED
R.P.	RECORD PLAT
FCM	FOUND CONCRETE MONUMENT
FIRC	FOUND IRON ROD & CAP

NOTES:

1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Northeasterly right of way boundary of 8th Street having an assumed bearing of North 48 degrees 30 minutes 00 seconds West.
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
7. Elevations shown hereon were established by using NAVD '88

REVISED 10/24/16 CHANGED DATUM AND FLOOD ZONE

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 5J-17.051, Florida Administrative Code).

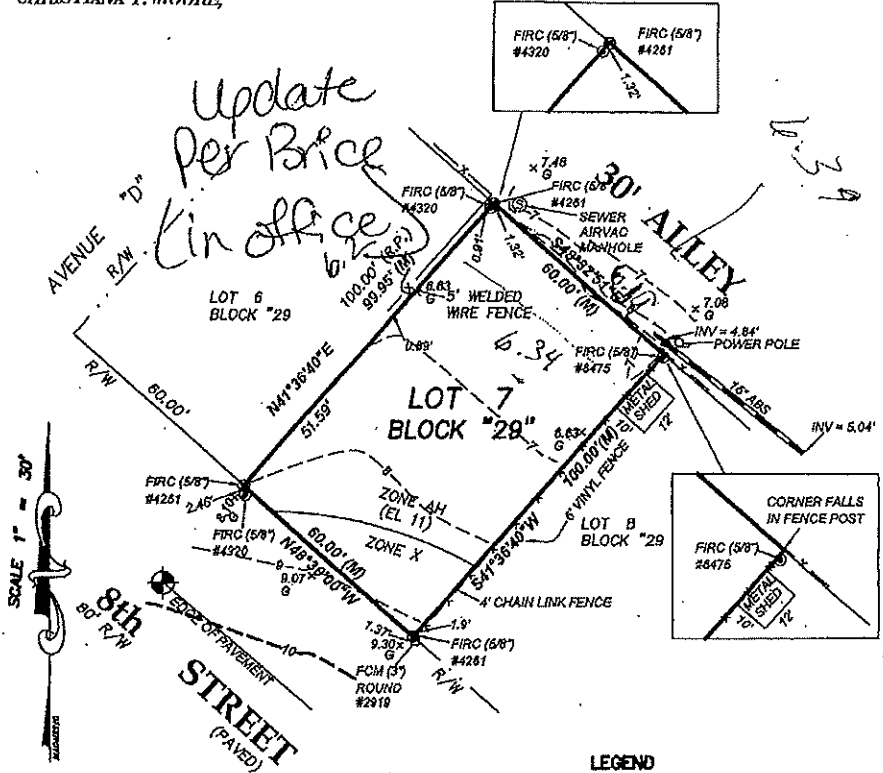
FLOOD ZONE INFORMATION:
Subject property is located in Zone AE (EL 10) as per Flood Insurance Rate Map Community Panel No: 120089 0526F, index date: February 5, 2014, Franklin County, Florida.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

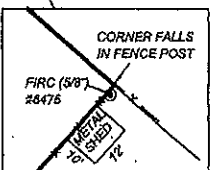
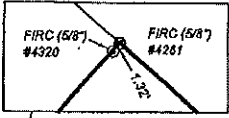
James T. Roddenberry
JAMES T. RODDENBERRY
Surveyor and Mapper
Florida Certificate No: 4281

TR & A	THURMAN RODDENBERRY & ASSOCIATES, INC		
	PROFESSIONAL SURVEYORS AND MAPPERS P.O. BOX 100 • 125 SHELDON STREET • PHONE NUMBER: 352-311-1111 FAX NUMBER: 352-310-1101 LB 4 3148		
DATE: 10/24/16	DRAWN BY: MD	N.B.523 PG 69	COUNTY: FRANKLIN
FILE: 01695.DWG	DATE OF LAST FIELD WORK: 05/09/12	JOB NUMBER: 01-698	

PLAT OF BOUNDARY AND TOPOGRAPHICAL SURVEY CERTIFIED TO:
 CHRISTIANA T. MOORE,



*Update
 Per Price
 (in office)*



LEGEND

- R/W RIGHT OF WAY
- M MEASURED
- R.P. RECORD PLAT
- FCM FOUND CONCRETE MONUMENT
- FIRC FOUND IRON ROD & CAP

LEGAL DESCRIPTION:
 Lot 7, Block "29" of the CITY OF APALACHICOLA, as per map or plat thereof in common use on file at the Clerk of the Circuit Office in Franklin County, Florida.

NOTES:

1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Northeasterly right of way boundary of 8th Street having an assumed bearing of North 48 degrees 30 minutes 00 seconds West.
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

FLOOD ZONE INFORMATION:
 Subject property is located in Zone X & AH (EL 11) as per Flood Insurance Rate Map Community Panel No:120089 0528E, Index date: June 17, 2002, Franklin County, Florida.

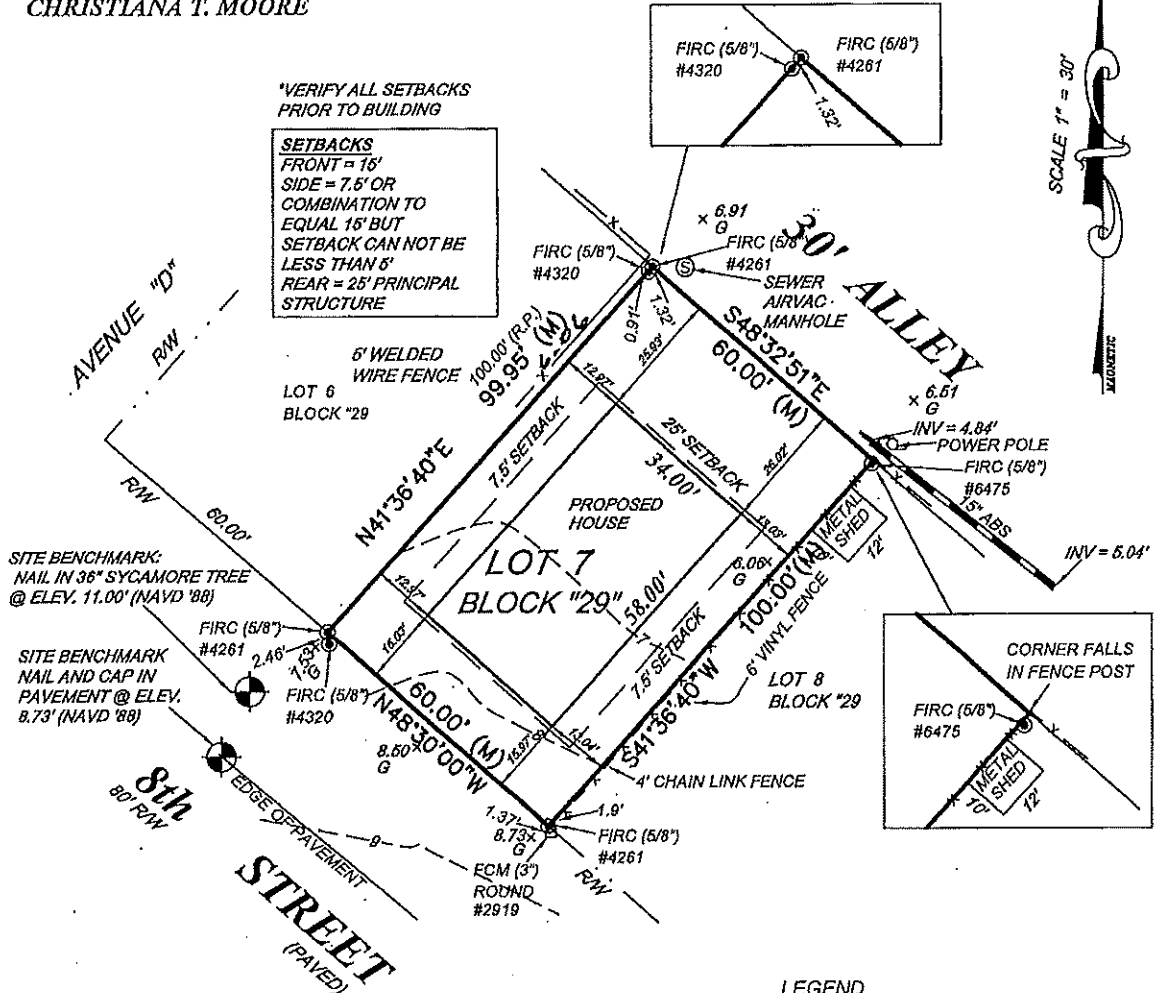
I hereby certify that this is a true and correct representation of property shown hereon and that this survey meets minimum technical standards for land surveying (Chapter 61G17-Ordo Administrative Code).

I, the undersigned surveyor has not been provided a current title or abstract of matters affecting title or boundary to the property. It is possible there are deeds of records, deed leads, easements or other instruments which could affect underlie.

T. RODDENBERRY
 Surveyor and Mapper
 Certificate No. 4261

TR & A			
THURMAN RODDENBERRY & ASSOCIATES, INC			
PROFESSIONAL SURVEYORS AND MAPPERS			
P.O. BOX 100 • 225 BRADLEIGH STREET • JACKSONVILLE, FLORIDA 32202-0100			
DATE: 04/24/02	DRAWN BY: MO	PLR: 523 PO 59	COUNTY: FRANKLIN
FILE: 01596.DWG	DATE OF LAST FIELD WORK: 05/01/02	JOB NUMBER: 01-596	

**PLAT OF BOUNDARY AND TOPOGRAPHICAL SURVEY CERTIFIED TO:
CHRISTLANA T. MOORE**



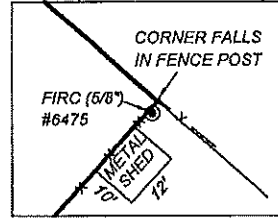
**"VERIFY ALL SETBACKS
PRIOR TO BUILDING"**

SETBACKS
FRONT = 15'
SIDE = 7.5' OR
COMBINATION TO
EQUAL 15' BUT
SETBACK CAN NOT BE
LESS THAN 5'
REAR = 25' PRINCIPAL
STRUCTURE

SCALE 1" = 30'
NAD83

SITE BENCHMARK:
NAIL IN 36" SYCAMORE TREE
@ ELEV. 11.00' (NAVD '88)

SITE BENCHMARK
NAIL AND CAP IN
PAVEMENT @ ELEV.
8.73' (NAVD '88)



- LEGEND**
- RAW RIGHT OF WAY
 - M MEASURED
 - R.P. RECORD PLAT
 - FCM FOUND CONCRETE MONUMENT
 - FIRC FOUND IRON ROD & CAP

LEGAL DESCRIPTION:
Lot 7, Block "29" of the CITY OF APALACHICOLA, as per map or plat thereof in common use on file at the Clerk of the Circuit Office in Franklin County, Florida.

- NOTES:**
1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
 2. BEARING REFERENCE: Northeasterly right of way boundary of 8th Street having an assumed bearing of North 48 degrees 30 minutes 00 seconds West.
 3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
 4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
 5. This survey is dependent upon EXISTING MONUMENTATION.
 6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
 7. Elevations shown hereon were established by using NAVD '88

REVISED 02/07/17: ADDED PROPOSED HOUSE AND BENCHMARK
REVISED 10/24/16 CHANGED DATUM AND FLOOD ZONE

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 51-17.051, Florida Administrative Code).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

James T. Roddenberry

JAMES T. RODDENBERRY
Surveyor and Mapper
Florida Certificate No: 4261

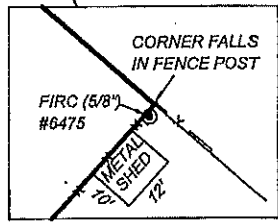
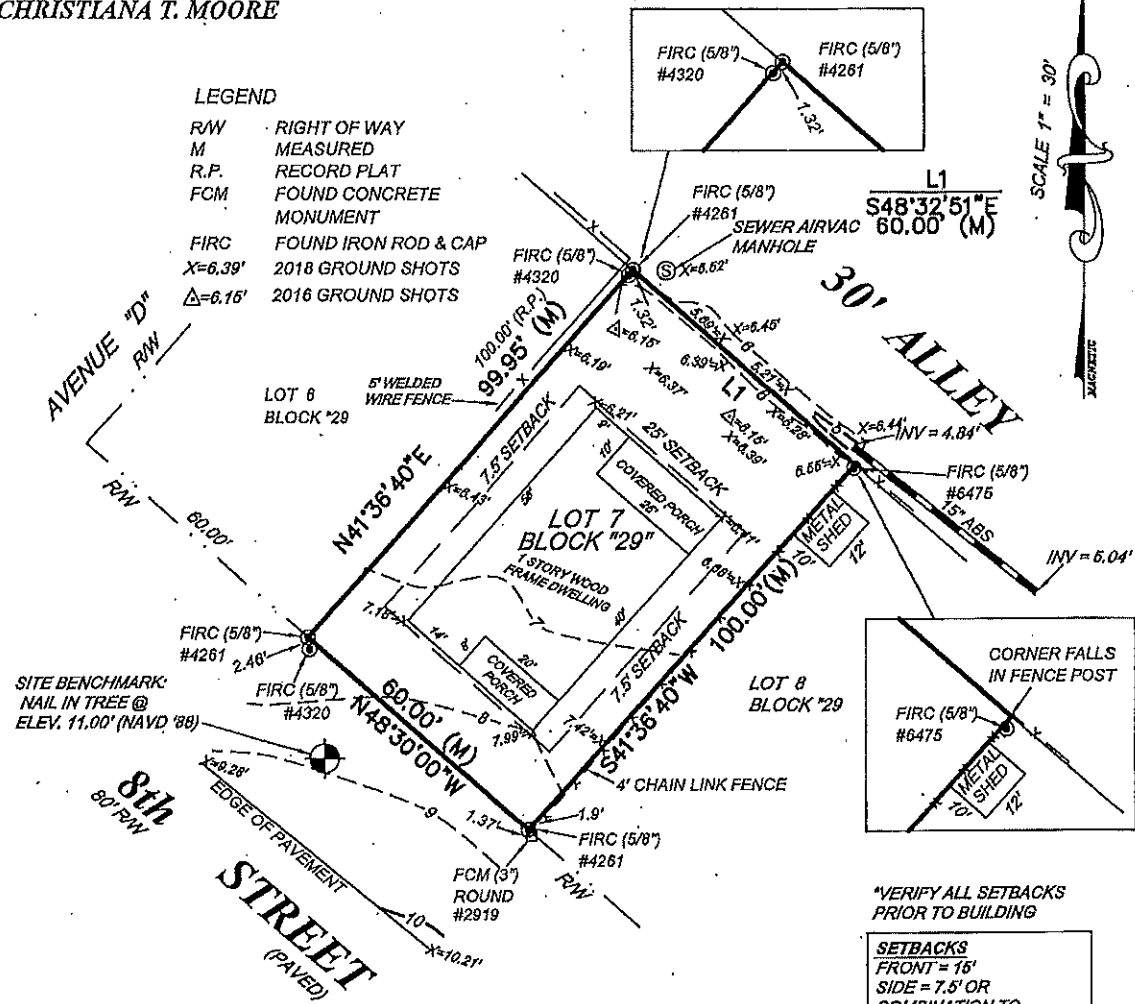
FLOOD ZONE INFORMATION:
Subject property is located in Zone AE (EL. 10) as per Flood Insurance Rate Map Community Panel No: 120089 0526F, Index date: February 5, 2014, Franklin County, Florida.

TR & A	THURMAN RODDENBERRY & ASSOCIATES, INC		
	PROFESSIONAL SURVEYORS AND MAPPERS P.O. BOX 100 • 125 SHELTON STREET • PHONE NUMBER: 850-361-3331 FAX NUMBER: 850-361-1101 L3 2 1140		
DATE: 10/24/18	DRAWN BY: MD	N.B. 523 PG 69	COUNTY: FRANKLIN
FILE: 01698.DWG	DATE OF LAST FIELD WORK: 05/09/12	JOB NUMBER: 01-698	

New -
**PLAT OF BOUNDARY AND TOPOGRAPHICAL SURVEY CERTIFIED TO:
 CHRISTIANA T. MOORE**

LEGEND

- R/W RIGHT OF WAY
- M MEASURED
- R.P. RECORD PLAT
- FCM FOUND CONCRETE MONUMENT
- FIRC FOUND IRON ROD & CAP
- X=6.39' 2018 GROUND SHOTS
- Δ=6.16' 2016 GROUND SHOTS



***VERIFY ALL SETBACKS PRIOR TO BUILDING**

SETBACKS
 FRONT = 15'
 SIDE = 7.5' OR COMBINATION TO EQUAL 15' BUT SETBACK CAN NOT BE LESS THAN 5'
 REAR = 25' PRINCIPAL STRUCTURE

LEGAL DESCRIPTION:

Lot 7, Block "29" of the CITY OF APALACHICOLA, as per map or plat thereof in common use on file at the Clerk of the Circuit Office in Franklin County, Florida.

NOTES:

1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Northeastery right of way boundary of 8th Street having an assumed bearing of North 48 degrees 30 minutes 00 seconds West.
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
7. Elevations shown hereon were established by using NAVD '88.

REVISED 03/21/18: UPDATED TOPO-BB
 REVISED 02/07/17: ADDED PROPOSED HOUSE AND BENCHMARK
 REVISED 10/24/16 CHANGED DATUM AND FLOOD ZONE

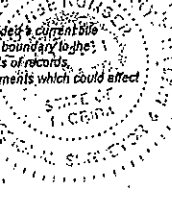
FLOOD ZONE INFORMATION:

Subject property is located in Zone AE (EL 10) as per Flood Insurance Rate Map Community Panel No: 120089 0526F, Index date: February 5, 2014, Franklin County, Florida.

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 61, Part 2, Florida Administrative Code).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. If it is possible there are deeds of records, unrecorded deeds, assessments or other instruments which could affect the boundaries.

James T. Roddenberry
JAMES T. RODDENBERRY
 Surveyor and Mapper
 Florida Certificate No: 4261



TR & A THURMAN RODDENBERRY & ASSOCIATES, INC			
PROFESSIONAL SURVEYORS AND MAPPERS			
P.O. BOX 100 • 125 SHELDON STREET •			
PHONE NUMBER: 850-962-2536		FAX NUMBER: 850-962-3103	
LB # 7160			
DATE: 10/24/16	DRAWN BY: MD	N.B.502 PG.54	COUNTY: FRANKLIN
FILE: 01698.DWG	DATE OF LAST FIELD WORK: 03/20/18	JOB NUMBER: 01-696	



J. Floyd <j.patrickfloyd@jpatrickfloyd.com>

021518 Mathes.pdf

Jpatrickfloyd <j.patrickfloyd@jpatrickfloyd.com>
To: ctmoore@embarqmail.com

Tue, Mar 6, 2018 at 9:24 PM

Here is proof of delivery of city engineer letter as referenced by me at meeting.

Sent from my iPhone

Begin forwarded message:

From: Jpatrickfloyd <j.patrickfloyd@jpatrickfloyd.com>
Date: February 15, 2018 at 6:00:18 PM EST
To: j.gallagher@gfblawfirm.com
Subject: 021518 Mathes.pdf

Julie—the city engineer has recovered and is back to work—here is a letter from him to Lee Mathes that I would appreciate your forwarding to Chris Moore so that she can get it to her engineer and hopefully get the requested info and data to the city administrator as soon as possible. Thanks

Sent from my iPhone

 **021518 Mathes.pdf**
33K



Dewberry Engineers Inc. | 850.227.7200
324 Marina Drive | 850.227.7215 fax
Port Saint Joe, FL 32456 | www.dewberry.com

February 15, 2018

Lee Mathes, Floodplain Administrator
City of Apalachicola
1 Avenue E
Apalachicola, FL 32320

RE: 51 8th Street, Apalachicola
Floodplain Management Permit

Dear Ms. Mathes,

The pictures and documentation that have been provided to me for review in regards to the property located at 51 8th Street in Apalachicola appear to indicate that at some point during construction fill material was placed on the site.

In order to provide assurance that the development activity will not cause additional flooding onto the adjacent properties, the applicant will need to submit attenuation calculations comparing the pre-development and post-development runoff rates. Alternatively, the applicant could submit a post construction topographic survey that compares the pre-development elevations and the post-development elevations.

If this information has been submitted I'd be happy to review and provide comments. Should you have questions or need additional information, please give me a call at 850.571.1217.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Smallwood".

Clay Smallwood, P.E.
Project Manager

CITY OF APALACHICOLA
FLOODPLAIN DEVELOPMENT PERMIT
(ORDINANCE 2013-02)

APPLICATION

Applicant Name: _____

Mailing Address: _____

Telephone: Home _____ Business _____ Cell _____
Contractor Name: _____

Telephone: _____ E-mail: _____

City License No.: _____ Address: _____

Landscape or Grounds/Fill Contractor: _____

Telephone: _____ E-mail: _____

City License No.: _____ Address: _____

Name of Provider of Dirt/Fill or other Landscape Material Provider:

Telephone: _____ E-mail: _____

City License No.: _____ Address: _____

Property Address: _____

Legal Description (Lots or Metes & Bounds):

Property Dimension: _____

Flood Hazard Zone: _____

Structures on Lot and their Dimensions: _____

Description of lot development activity to be conducted under the Permit applied for (i.e. landscaping, filling, leveling, condition of soil, excavating, removal/planting of trees/shrubs, etc.):

Checklist of items to be provided by separate attachment:

A. General Information and materials/documents:

- _____ 1. Statement of intended use of site and amount/type and location of fill/sod, or other material added to, put on, excavated or removed from the property.
- _____ 2. Date, north arrow and scale, number of sheets; the scale (not smaller than one (1) inch to fifty (50) feet shall be designated and, where appropriate, the same scale should be used in drawing the site plan rather than varying the scale.

WHERE ENGINEERED PLANS ARE REQUIRED, PROVIDE THE FOLLOWING:
(#3,4 & 5 below)

- _____ 3. Vicinity map, showing relationship of proposed development to the surrounding streets wetlands and water bodies shall be at a scale of not less than one-inch equals two thousand feet (1: +2,000')
- _____ 4. Location and identification of soil characteristics including wettest season high water table elevation, vegetative cover, wetlands, water bodies and the 100-year floodplain, including elevation, on the site.
- _____ 5. Existing topography at two (2) foot contour intervals for the proposed site, except where determined to be unnecessary by the City Administrator – and agreed access of City to topo data from surveyor.
- _____ 6. Finish grade elevation.
- _____ 7. Pictures (with digital availability) of current condition of lot including all sides and showing adjacent properties and streets/alleyways.
- _____ 8. Where activity includes or involves filling, leveling, grading, conditioning of soil or surface, landscaping, excavation or removal from the property, a Topographic survey of the property before any applicant (or on behalf of applicant) development, landscaping, or fill activity, by a registered surveyor with all data points (elevation) being available upon request to surveyor.
- _____ 9. Description in detail of plans for fill/excavation/development/improvement on the property including walkways, driveways, paths, patios and other surfaces, sod/ground cover, amount and type of fill/material to be placed on the lot as well as location and location and type of plants/trees/scrubs, together with a scale drawing depicting such development/improvement activities by location.
- _____ 10. Where engineering plans are required, a certification from said engineer that the on the property filling, grading, levelling, conditioning of the soil or surface or landscaping or excavation or removal of soil/material from the property and other such activity or improvement applied for under this application does not and shall not cause additional flood or storm water to be displaced or put on or pushed onto adjacent property(s) and provide the water calculations supporting said determination/certification.

- _____ 11. As it relates to new construction and any on the property filling, grading, levelling, conditioning of the soil or surface or landscaping or excavation or removal of soil/material from the property, agreement to provide a topographical survey of the property after completion construction of structures as well after development/improvement/leveling, etc. and completion of landscaping (including trees, shrubs, sod, etc., completion and placement).
- _____ 12. Agreement to provide pictures (with digital availability) of condition of lot after completion of development activity including landscaping (including trees, shrubs, sod, etc.) including all sides and showing adjacent properties and streets/alleyways.
- _____ 13. Provide copies of all documentation of amount and type and date of delivery of excavation, fill, landscaping, driveway or other walkways or pads or surfaces including soil type and make up of all material added to the lot or removed therefrom.
- _____ 14. Agreement to providing at applicant's expense all attenuation calculations and data regarding the property as a result of the applied development/improvement/fill activity for which application is made for permitting.

Signature: By my signature below, I hereby certify that the above information and date provided is a part of this application is true and correct and that I will submit additional information and data at my expense as are required by the City of Apalachicola Floodplain Administrator to document and support this Application for permit for Floodplain Development under the City of Apalachicola Floodplain Management Ordinance No. 2013-02.

Date: _____

Signature: _____

**DEFENSE, HOLD HARMLESS AND INDEMNITY AGREEMENT
AND LANDOWNER CERTIFICATION**

As a part of this permit application I (we) _____ as the owner(s) of the subject property do hereby certify that our fill/landscape/improvements and other development activity on my (our) property described in this application will not, shall not and do/does not cause additional flood water or storm water to be discharged or displaced onto adjacent and/or surrounding properties as compared with such from/by my/our property in its condition before my (our) improvement, fill, landscape or other development activities that is a part of this permit application or which is conducted or performed on said property during my (our) ownership and I (we) further agree as a part of this consideration for such permit(s) as is issued by the City of Apalachicola to defend, hold harmless and indemnify the City of Apalachicola, its officials, agents, representatives and employees of, from and against any claim, lawsuit or action or proceeding for damages or other relief arising out of or connected with the fill/landscape/improvements or other development activities permitted by the City of Apalachicola and said agreement and liability is one that we agree runs with the land as an obligation of the property owner(s).

Dated this _____ day of _____, 2018.

Witness

Witness

STATE OF FLORIDA
COUNTY OF _____

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ known to be the person described in and who executed the foregoing instrument, who acknowledged before me that he/she/they executed the same, that I relied upon the following form(s) of identification: _____ of the above-named persons and that an oath _____ (was) _____ (was not) taken.

Witness my hand and official seal in the County and State last aforesaid this _____ day of _____, 2018.

Notary

**FLOOD PLAIN MANAGEMENT
PERMIT APPLICATION REVIEW**

DATE: _____ PERMIT #: _____

NAME: _____
MAILING ADDRESS: _____ CITY/STATE/ZIP: _____
PHONE: _____

STREET ADDRESS: _____
LEGAL DISCRPTION: _____
PARCEL I.D #: _____

DESCRIBE DEVELOPMENT: _____

RESIDENTIAL: _____ COMMERCIAL: _____ NEW STRUCTURE: _____ SUBSTANTIAL IMPROVEMENT: _____
FILL/LEVELING/LANDSCAPING: _____

FLOOD ZONE INFORMATION:

PANEL NO.: _____ FIRM ZONE: _____ BFE: _____ GRADE ELEVATION: _____

ELEVATION OF THE LOWEST HORIZONTAL SUPPORTING MEMBER OF STRUCTURE(S): _____
AND/OR TOP OF HE BOTTOM FLOOR (S) _____ (PER PLANS)

SQUARE FEET OF ENCLOSURE BELOW BFE: _____ (PER PLANS)

FLOOD ZONE DISCLOSURE NOTICE

I/We, _____, have been made aware by the City of Apalachicola Building Department that my/our property is currently located in a 100 year flood zone based on FEMA Maps dated June 17, 2002. I/We have also been made aware that due to the proposed changes to the FIRM Maps, which took effect in 2014; my/our property may be adversely affected by these changes and could result in higher Base Flood Elevation Requirements and/or higher insurance premiums.

STREET ADDRESS: _____ PARCEL I.D #: _____
EFFECTIVE FLOOD ZONE: _____ PRELIMINARY FLOOD ZONE: _____

The attached information sheet on this parcel indicates both the effective and preliminary flood zones for this parcel.

Signature of owner or developer

Date

Material used for enclosure below BFE: solid wall/breakaway wall _____, flow through vents _____ (sq ft of vent opening), screen wire, lattice or louvers: _____.

Type of foundation: _____

Pile Support

Concrete block stem wall

Other

See Additional Requirements/and submittals per Floodplain Management Ordinance 2013-02 Development Application.

Inspections:

Preconstruction Topo Survey, Elevation Certificate, pictures of lot and adjacent property and Floodplain Development Application documents/materials signed and submitted, including plan of landscape/fill/excavation and improvement/development of lot surrounding structure(s).

Foundation meets the requirement for the flood zone designation: _____

Under construction elevation certificate has been submitted and meets elevation standards for flood zone _____.

Enclosures below the BFE are designed as required by the flood plain management ordinance: _____

Description, location and type/amount of fill/leveling/excavating/condition for surfaces under structures: _____

Final elevation certificate has been submitted and all aspects of the structure meet designated flood zone requirements: _____.

All Mechanical and A/C equipment meet the required elevation for the designated BFE: _____.

Final Inspection on structure meets all requirements designated in the flood plain management ordinance: _____ Date.

Post Building topo survey, pictures of lot with construction and adjacent property, Elevation Certificate and information including amount and type of soil/fill/material to be placed on lot and post development (after fill and landscape) topo survey and pictures.

Flood Plain Administrator

Date

Christina Moore – 51 8th Street

- On Friday, October 6, 2017, Code Enforcement Officer Wilbur Bellew was notified that fill was being delivered to 51 8th Street. Upon arriving to site, Mr. Bellew observed that a large amount of fill had been placed on site. Mr. Bellew issued a stop work order for lack of permit.
- On Monday, October 9, 2017, Mr. Bellew talked with the landscaper, Kelly Horne, who was hired to do the work for Ms. Moore at 51 8th Street. Upon investigation, Mr. Bellew discovered that Ms. Horne was doing work in the City limits without obtaining a business license. Ultimately, Ms. Horne completed all of her required paperwork and paid business license fee.
- Because there were conflicting statements of how much fill had been delivered, after issuing stop work order, Mr. Bellew spoke numerous times with Ms. Moore asking for a copy of an invoice that verified the amount of fill delivered to 51 8th Street. Each time Mr. Bellew asked for the copy, Ms. Moore refused to provide invoice verifying amount of fill placed on site. During their numerous conversations, Ms. Moore referenced Jason White Construction as the company that delivered the fill to the site. Mr. Bellew then contacted Jason White and asked him for a copy of Ms. Moore's invoice. Mr. White stated he would provide Mr. Bellew a copy of invoice, despite the fact that Ms. Moore had contacted him telling him to not provide Mr. Bellew a copy of the invoice. According to the Jason White invoice a total of 54 cy (3 – 18 cy truck loads) of fill was delivered
- Ms. Moore submitted a development permit application to Cortni Bankston on October 31, 2017 (PERMIT APPLIED FOR AFTER FILL DELIVERED). Scope of work outlined on permit was defined as construction of 6 foot fence and 7 cy of fill. Dan Garlick submitted a stormwater management plan for the proposed project.
- At the November 2017 Planning & Zoning meeting, Planning & Zoning approved the site plan for Ms. Moore for the 6 foot fence and the 7 cy of fill in accordance with the stormwater plan provided.

CITY OF APALACHICOLA

1 Avenue E · Apalachicola, Florida 32320 · 850-653-9319 · Fax 850-653-2205

www.cityofapalachicola.com

January 2, 2018

COPY

Mayor
Van W. Johnson, Sr.

428 Mcdaniel Street
Tallahassee, FL. 32303

Commissioners
Brenda Ash
John M. Bartley, Sr.
Frank Cook
James L. Elliott

Christiana T. Moore and John K. Jackson;

NOTICE OF VIOLATION

City Administrator
Lee H. Mathes, MMC

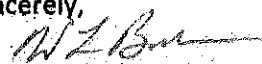
City Clerk
Deborah Guillotte, CMC

City Attorney
J. Patrick Floyd

I am writing you in regards to the property in the City of Apalachicola at 51 8th Street. Your property is in violation of **City Ordinance #91-7 Land Development Code, & Ordinance # 2013-02 Floodplain Management**. When your application was not approved and withdrawn. You still do not have a permit for the fill dirt. Therefore the **STOP WORK ORDER** was placed back on your property and no more work can be done to your landscaping. Until an **ENGINEERED LANDSCAPING SITE PLAN** has been approved by City of Apalachicola P&Z and the City commission.

If you have any questions, please feel free to contact me, Wilbur L. Bellew at my cell (850) 323-0579, my Office (850) 653-1522 Ext. 208 or City Hall (850) 653-9319. Or Permitting and Development Coordinator Cortni Bankston, at (850) 653-1522 Ext. 205

Sincerely,


Wilbur L. Bellew
City of Apalachicola
Code Enforcement Officer

CC: Van W. Johnson, Mayor
Lee Mathes, City Administrator
Bobby Varnes, Chief, Apalachicola Police Department

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature: <i>Christiana Moore</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): _____ C. Date of Delivery: <i>1/4/17</i></p>
<p>1. Article Addressed to:</p> <p>CHRISTIANA MOORE & JOHN JACKSON 428 MCDANIEL STREET TALLHASSEE, FL. 32303</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: _____</p>
<p>2. Article Number (Transfer from service label)</p> <p>7004 1160 0001 2966 3042</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>



9590 9402 1884 6104 5532 29

PS Form 3811, July 2015 PSN 7630-02-000-9053

Domestic Return Receipt

7004 1160 0001 2966 3042

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>											
For delivery information, visit our website at www.usps.com											
OFFICIAL USE											
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Postage</td> <td style="width: 50%;">\$</td> </tr> <tr> <td>Certified Fee</td> <td style="text-align: center;">3.35</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td style="text-align: center;">2.75</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$</td> </tr> </table>	Postage	\$	Certified Fee	3.35	Return Receipt Fee (Endorsement Required)	2.75	Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$	Postmark Here
Postage	\$										
Certified Fee	3.35										
Return Receipt Fee (Endorsement Required)	2.75										
Restricted Delivery Fee (Endorsement Required)											
Total Postage & Fees	\$										
Sent to CHRISTIANA MOORE & JOHN JACKSON Street, Apt. No., or PO Box No. 428 MCDANIEL STREET City, State, ZIP+4® TALLHASSEE, FL. 32303											

Jason White Construction,LLC

PO Box 385 / 43 Island Dr.
Eastpoint , Fl.32328

Invoice

Date	Invoice #
10/11/2017	17300

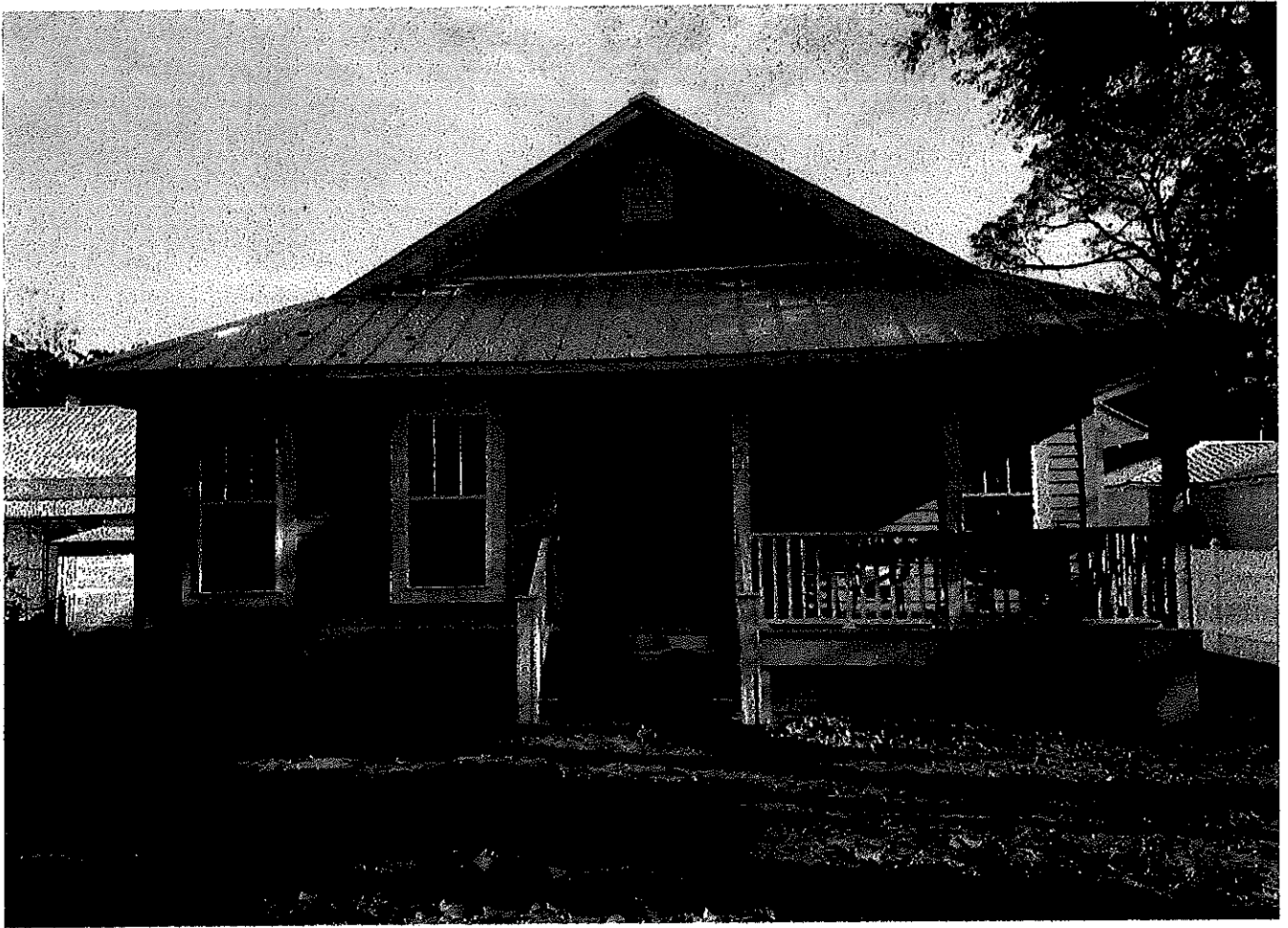
Bill To
CHRIS MOORE 428 McDONALD STREET TALLAHASSEE, FL.32328

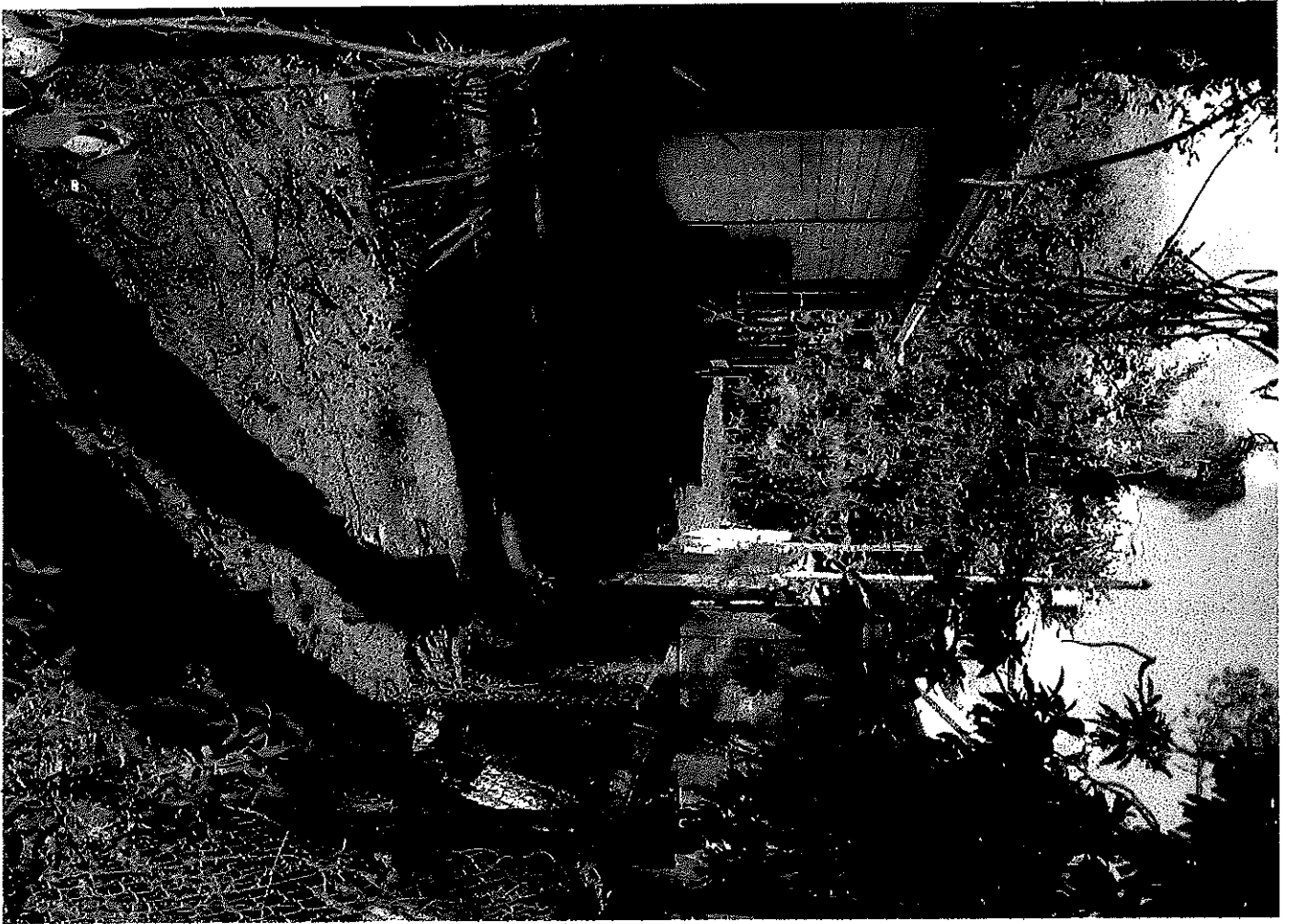
P.O. No.	Terms	Project

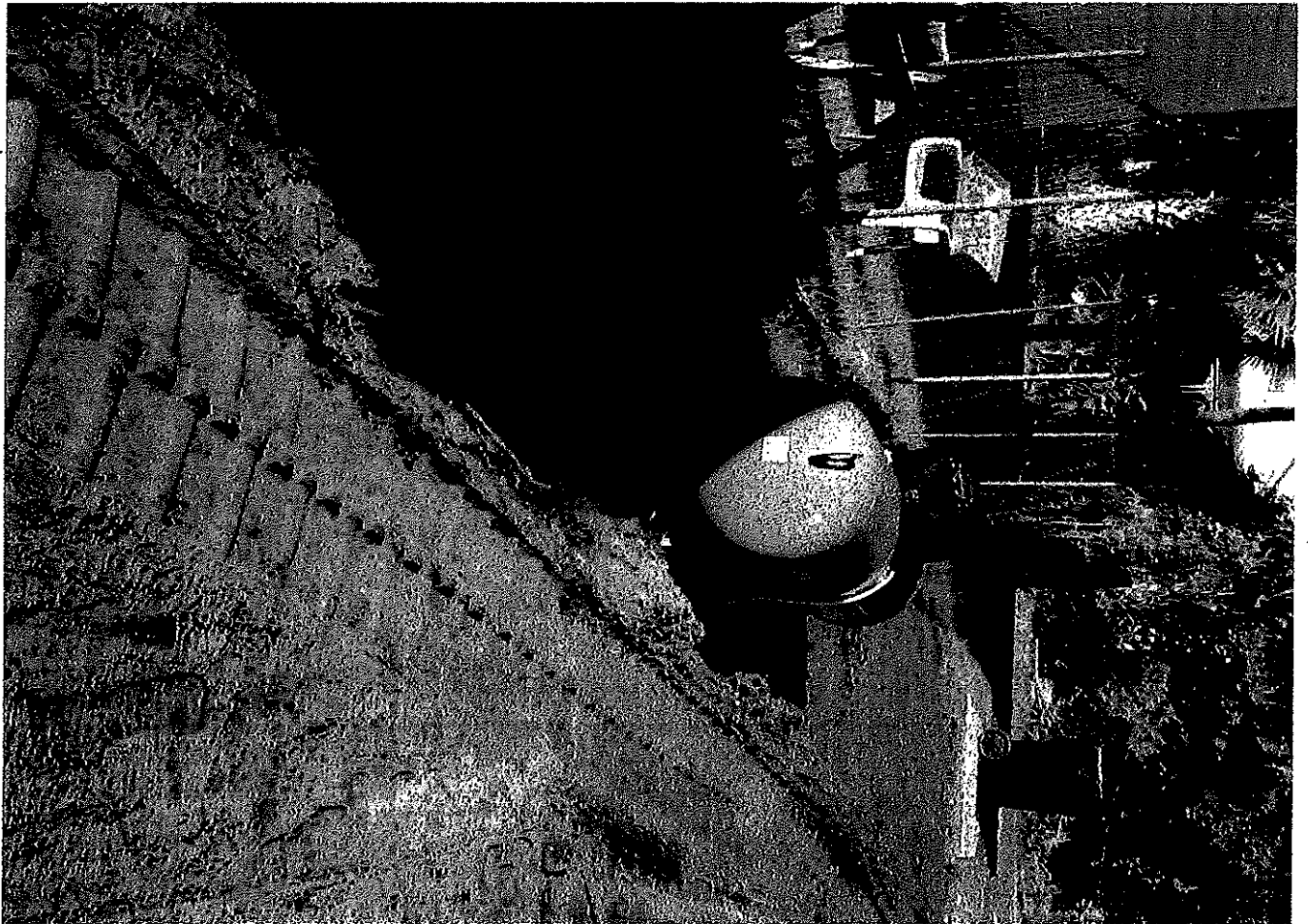
Quantity	Description	U/M	Rate	Ticket #	Truck #	Serviced	Amount
	51 8th St. Apalachicola KELLY HORN REMOVE (2 loads)(16 YARDS) OF BRUSH AND GRASS STRIPPING . INCLUDES REMOVING SEDIMENT AND DEBRIS FROM DITCH FOR PROPER DRAINAGE		500.00	JWC806961	STAN 01	10/3/2017	500.00
	DELIVERED (3) 18 YARD LOADS FILL DIRT FOR SOD & LANDSCAPING - NO COMPACTION NECESSARY		750.00	JWC806961	STAN01	10/3/2017	750.00
	GRADE AND SHAPE AREA (Trey 1.5 hours labor 7.5 tractor) 10-3-2017		300.00				300.00
	RE- MOBILIZE (Trey mobilizing 1 hour) 10-3-2017		0.00				0.00
	GRADING DISCOUNT .		-100.00				-100.00

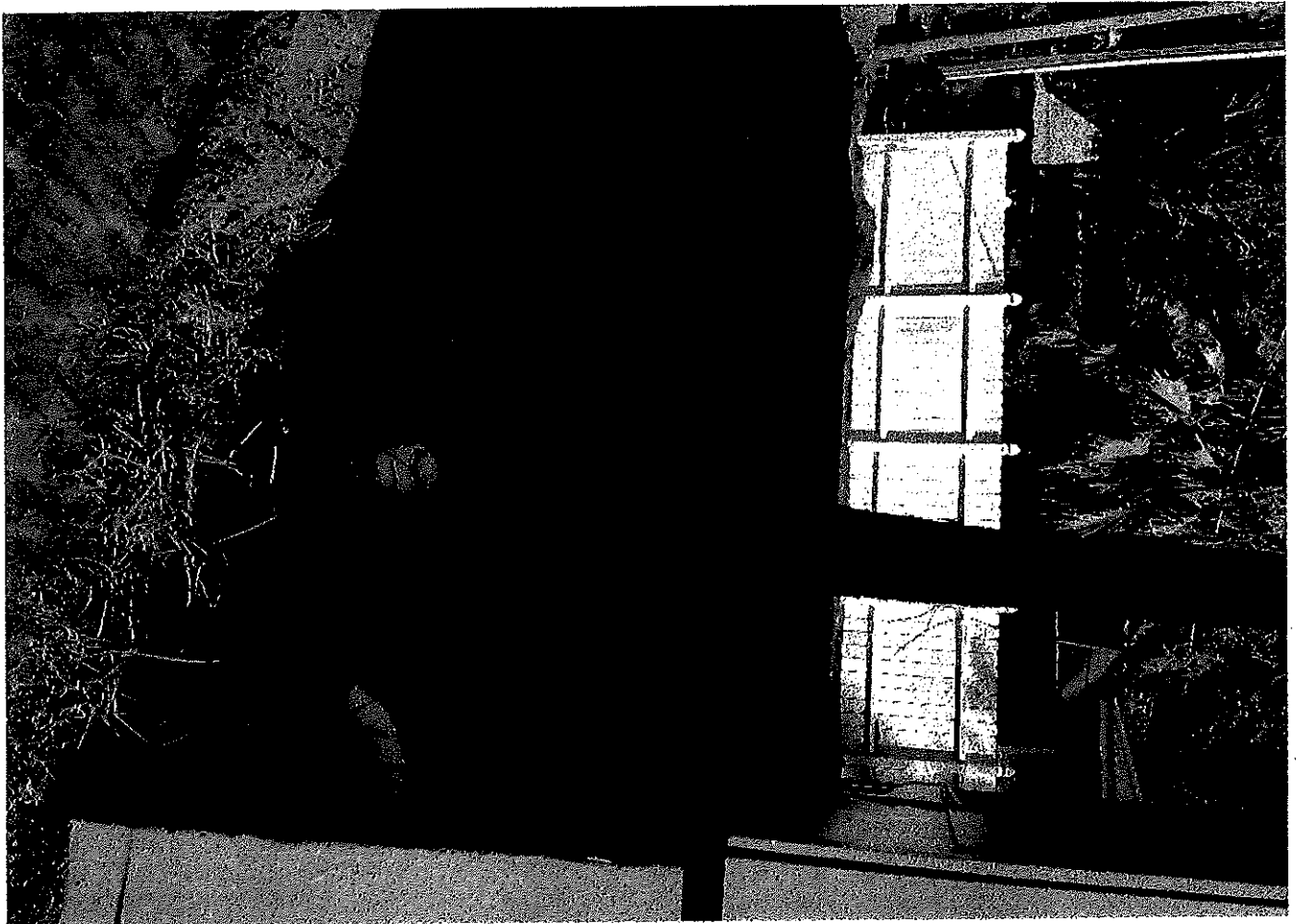
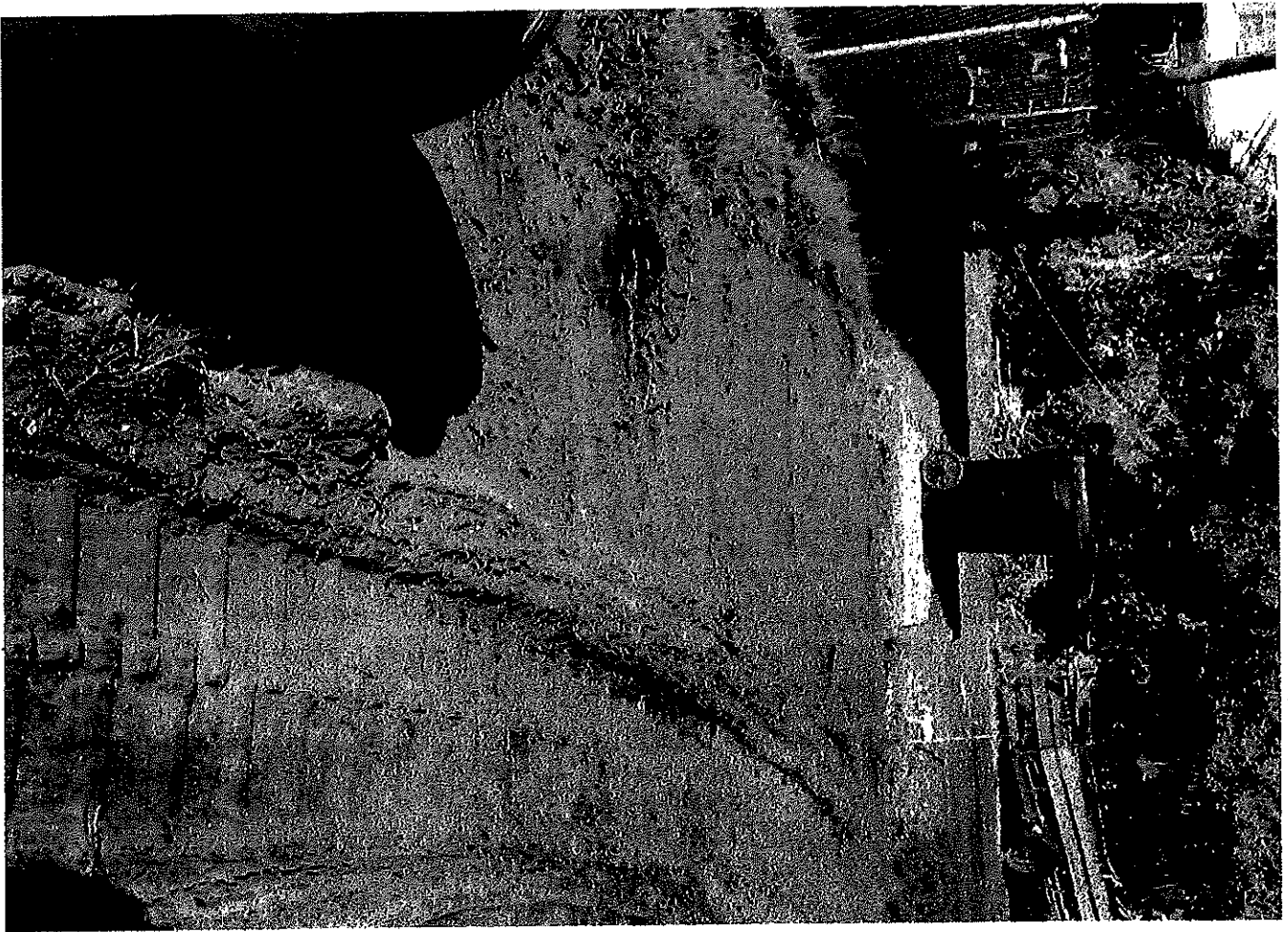
Thank you for your business.	Total	\$1,450.00
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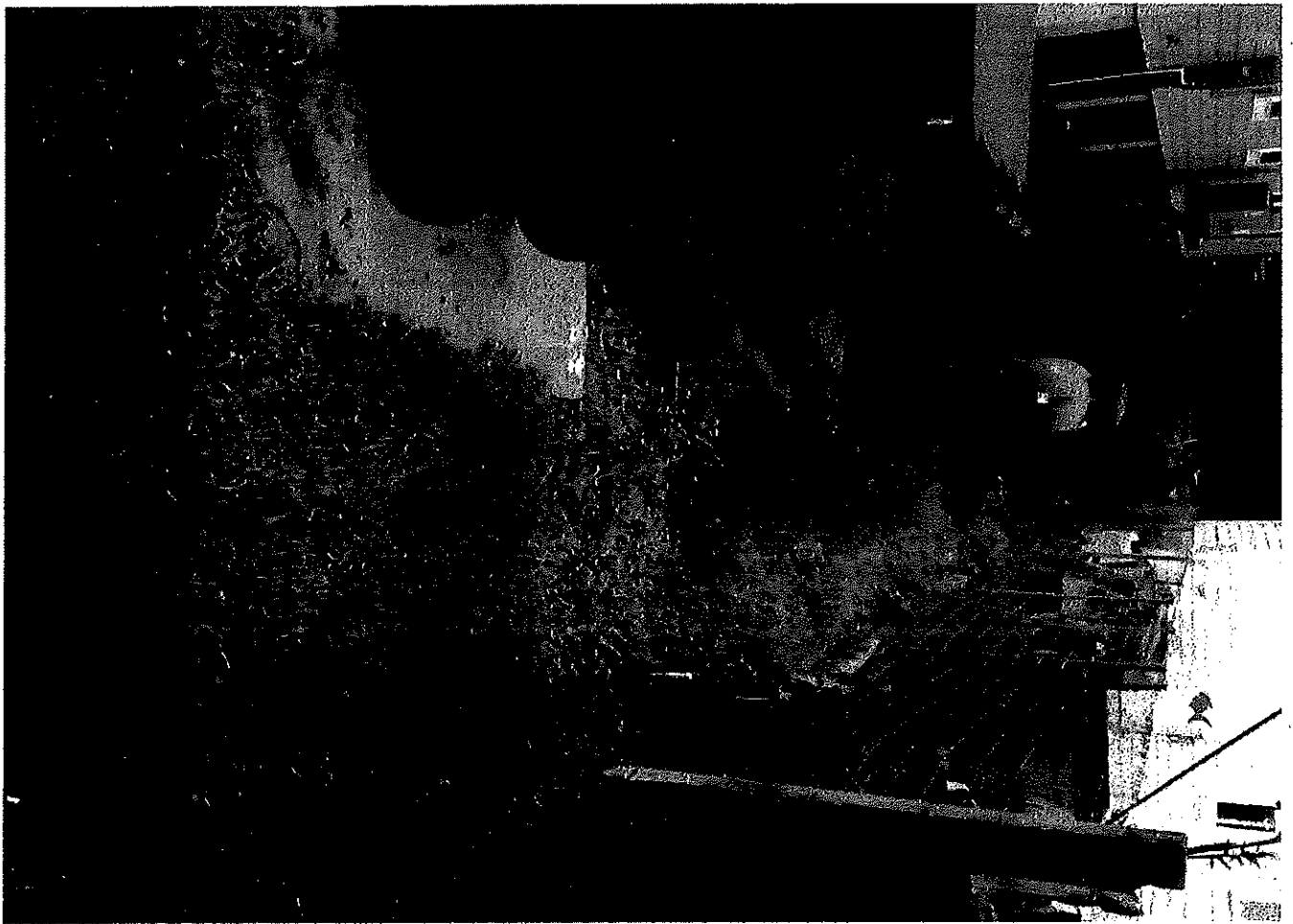
Phone #	Fax #	E-mail
850-670-3500	888-598-7723	marcia@jasonwhiteconstruction.com

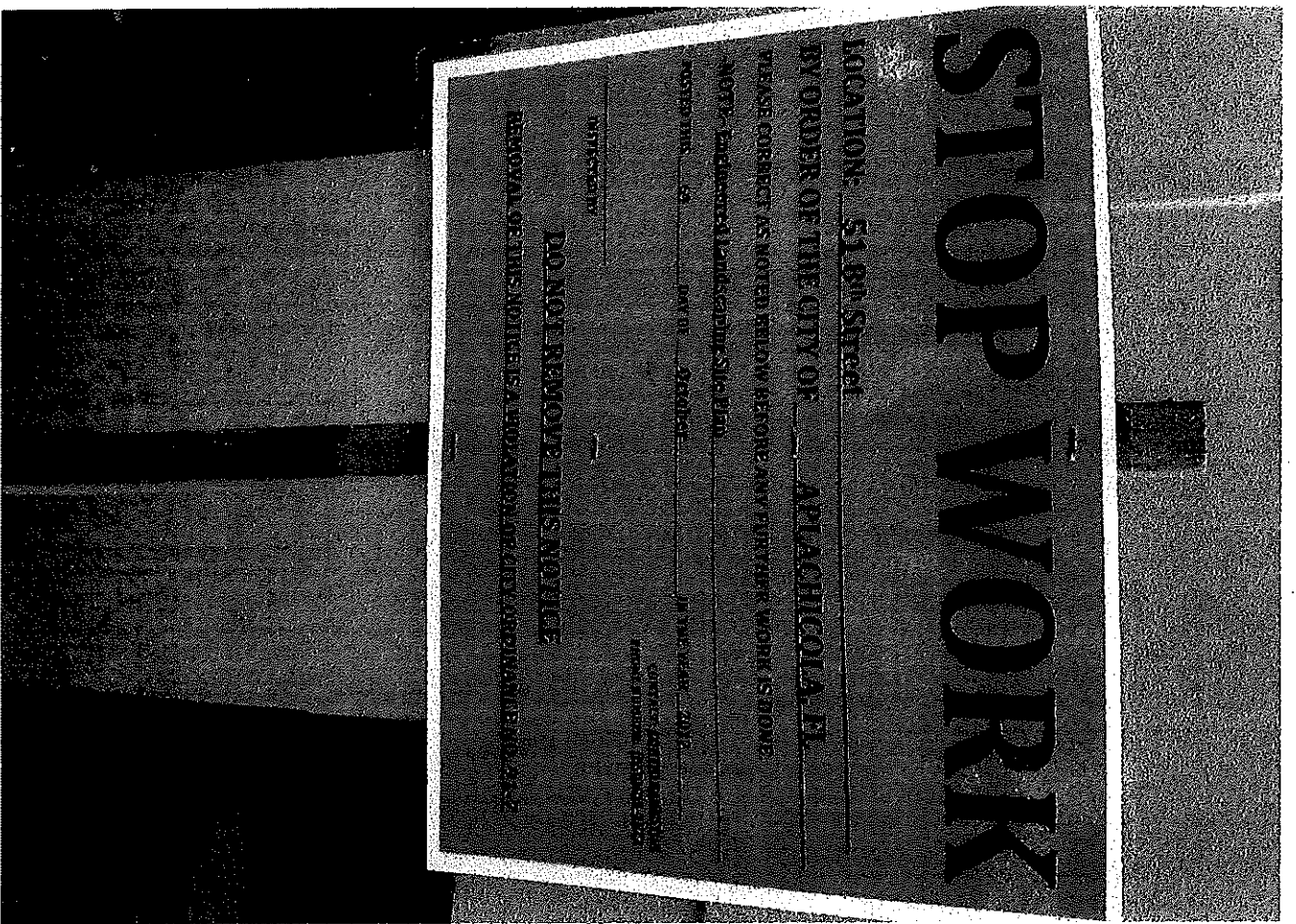
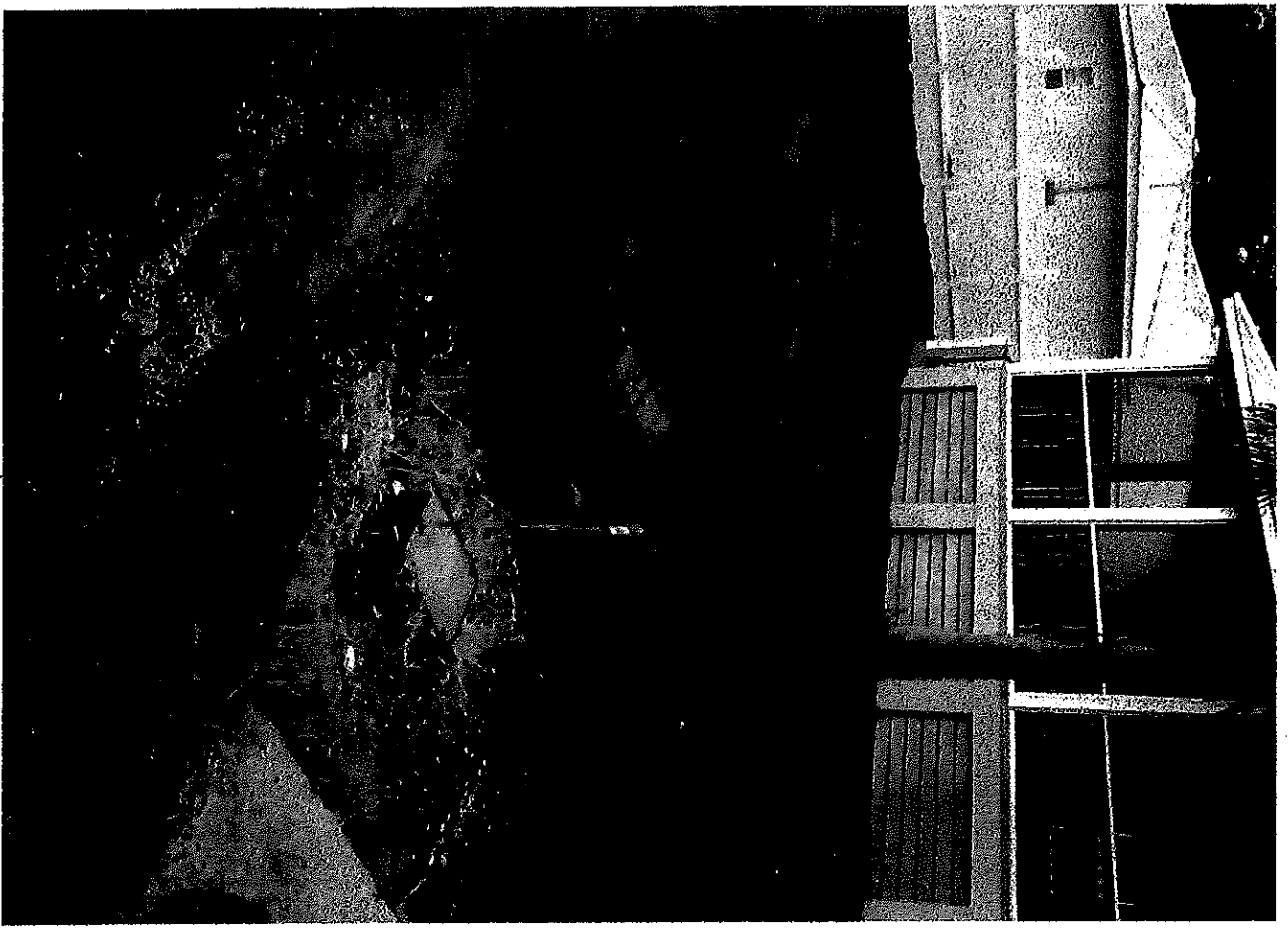












STOP WORK

LOCATION- 51 8th Street

BY ORDER OF THE CITY OF APALACHICOLA, FL

PLEASE CORRECT AS NOTED PRIOR TO RESUME ANY FURTHER WORK. SIGNOR

NOTE: Engineer/Inspector/Inspector/Inspector

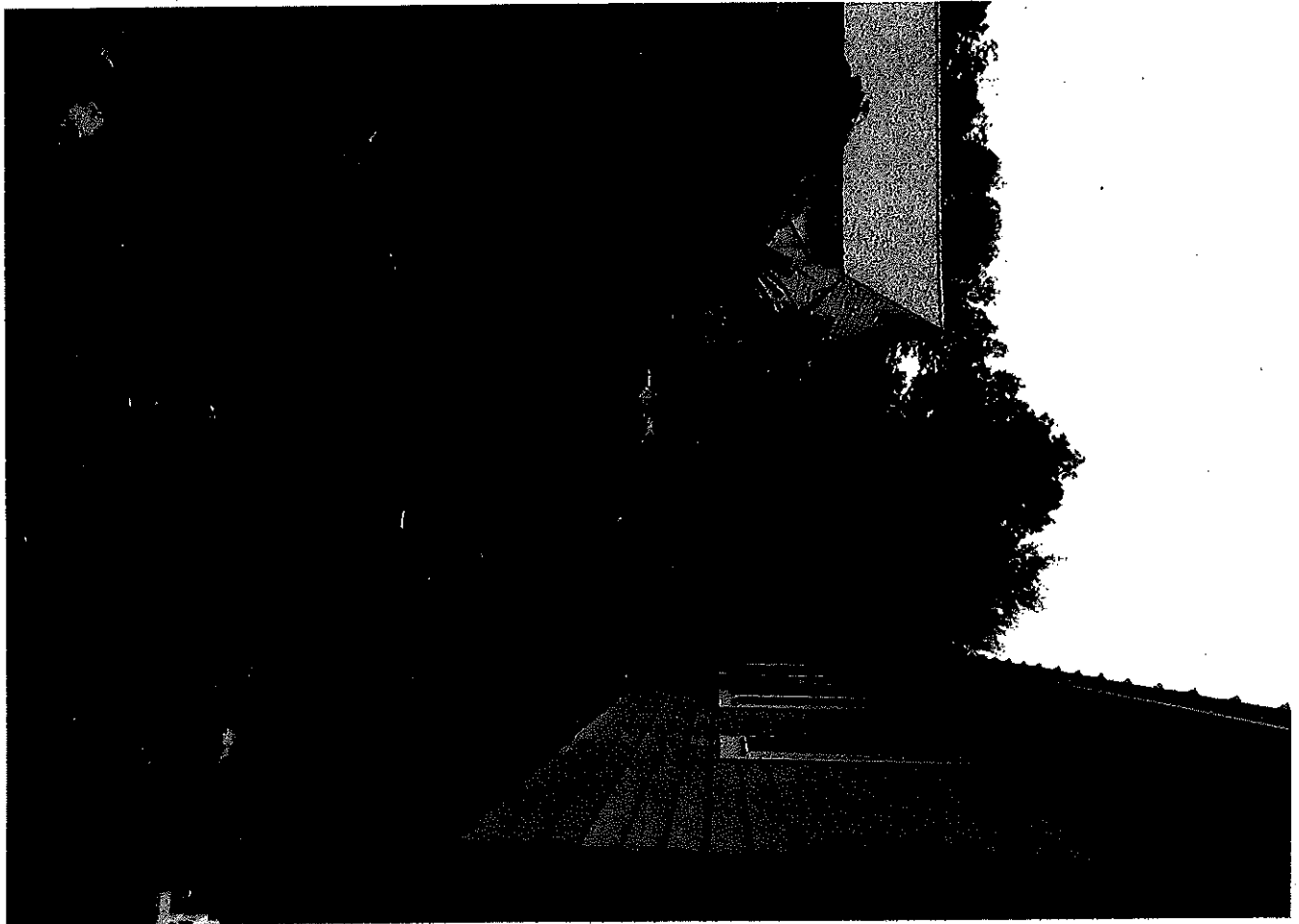
NOTICE TO: DATE: SIGNATURE: PROJECT: ADDRESS: CITY: STATE: ZIP:

APALACHICOLA, FL 32301

APALACHICOLA, FL 32301

DO NOT REMOVE THIS NOTICE

REMOVAL OF THIS NOTICE IS A VIOLATION OF CITY ORDINANCE 15-2012

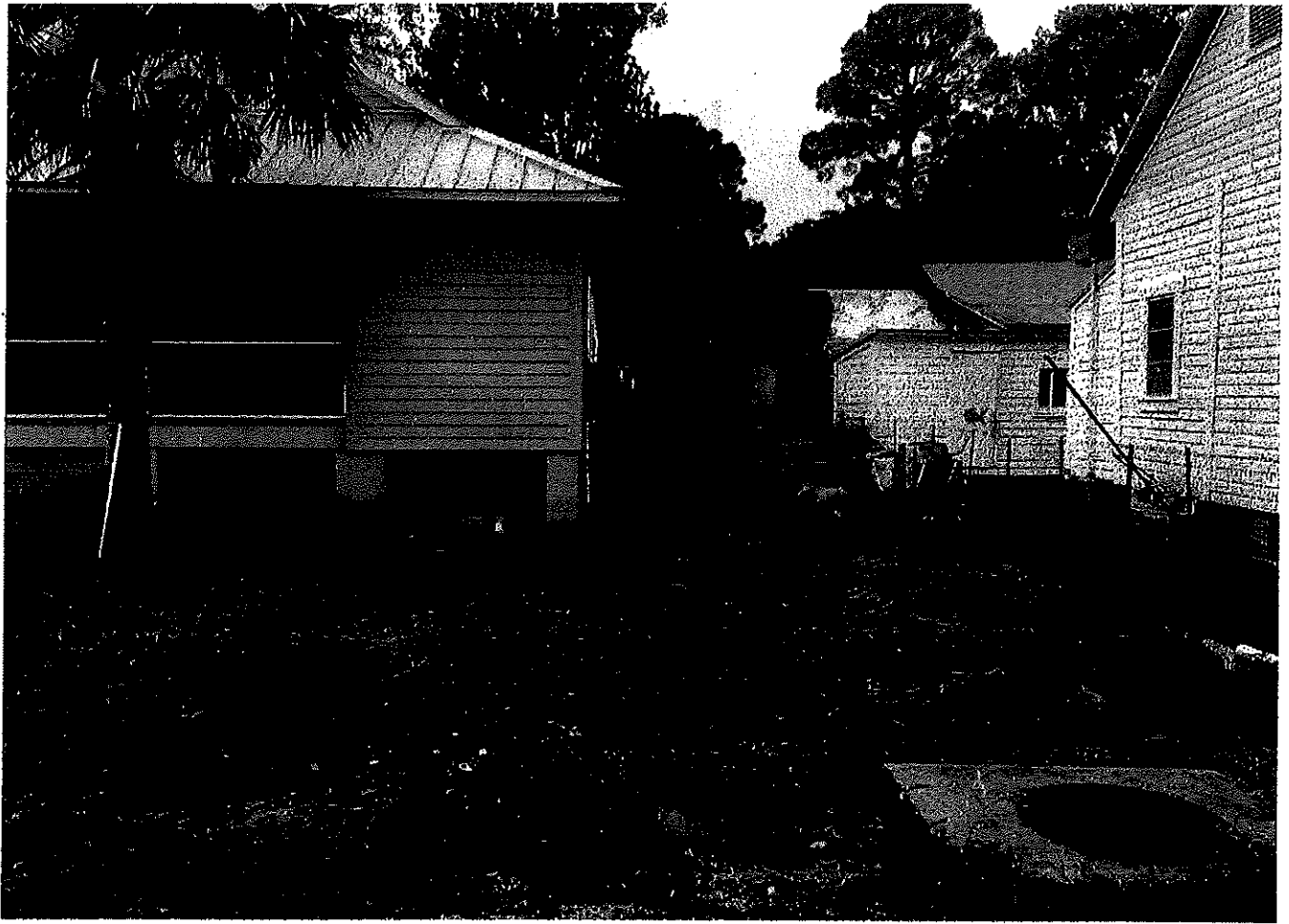














Wilbur Bellew

From: dan@garlickenv.com
Sent: Thursday, December 21, 2017 8:53 AM
To: 'Jpatrickfloyd'
Cc: 'Mayor Van W. Johnson'; anitagrove@gmail.com; 'Jimmy Elliott'; 'Brenda Ash'; 'Chris'; 'Lee Mathes'; 'Cynthia Clark'; 'Wilbur Bellew'; 'Cortni Bankston'
Subject: RE: Christiana Moore - 51 8th Street, Apalachicola

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Hi Pat.

Good morning. I'll forward your e mail to Ms. Moore for her consideration.

Dan Garlick PWS
Garlick Environmental Associates, Inc.
PO Box 385
Apalachicola, FL 32329
850-653-8899 office
850-899-5252 cell
dan@garlickenv.com

From: Jpatrickfloyd [<mailto:j.patrickfloyd@jpatrickfloyd.com>]
Sent: Thursday, December 21, 2017 7:03 AM
To: dan@garlickenv.com
Cc: Mayor Van W. Johnson <van@mayorvanjohnson.com>; anitagrove@gmail.com; Jimmy Elliott <patfinderseven@hotmail.com>; Brenda Ash <brenda.ash69@yahoo.com>; Chris <ctmoore@embarqmail.com>; Lee Mathes <leemathes@cityofapalachicola.com>; Cynthia Clark <baymedia@fairpoint.net>; Wilbur Bellew <wlbellew@cityofapalachicola.com>; Cortni Bankston <cortnibankston@cityofapalachicola.com>
Subject: Re: Christiana Moore - 51 8th Street, Apalachicola

Dan—the city needs to go ahead and get the topo surveys you'll agreed to give that were referenced as having been done both before and after the fill—and it certainly would help to get any pictures of the lot that you'll have. Thanks and please forward this on to ms. Moore so we can get these as quick as possible—I have the city engineer waiting on these—thanks

Sent from my iPhone

On Dec 18, 2017, at 1:04 PM, <dan@garlickenv.com> <dan@garlickenv.com> wrote:

Hi Pat.

At this point, I'm on standby as Ms. Moore will be working with her attorney and engineer to prosecute the continuing work on the referenced site. I'll pass your request to Ms. Moore by this e mail.

Sincerely,

Dan Garlick PWS
Garlick Environmental Associates, Inc.

PO Box 385
Apalachicola, FL 32329
850-653-8899 office
850-899-5252 cell
dan@garlickenv.com

From: J. Floyd [<mailto:j.patrickfloyd@jpatrickfloyd.com>]
Sent: Monday, December 18, 2017 12:28 PM
To: Dan Garlick <dan@garlickenv.com>
Cc: Mayor Van W. Johnson <van@mayorvanjohnson.com>; anitagrove@gmail.com; Jimmy Elliott <pathfinderseven@hotmail.com>; Brenda Ash <brenda.ash69@yahoo.com>; Lee Mathes <leemathes@cityofapalachicola.com>; Cynthia Clark <baymedia@fairpoint.net>; Wilbur Bellew <wibellew@cityofapalachicola.com>; Cortni Bankston <cortnibankston@cityofapalachicola.com>
Subject: Christiana Moore - 51 8th Street, Apalachicola

Re: Christiana Moore
51 8th Street, Apalachicola
Parcel ID#01-09S-08W-8330-0029-0070

Dan: In following up on the City meeting of Thursday, December 14, 2017, please provide the topographical surveys you or Ms. Moore have or have had done on or around the Moore property (51 5th Street, Apalachicola) as well as the names of the persons and entities who brought fill onto the property (or took it off) together with the dates and any bills or records of this delivery, spreading or removal to or from the property of soil, fill or other material. Also, please provide any photographs you or Christiana Moore have of the property in 2017. As discussed, these are necessary to evaluate the storm water impact on this and surrounding properties, the attenuation efforts, plan and necessity of further attenuation to answer the questions required by the Code for fill that has been placed without permit in this flood prone area. A neighboring resident, Mr. Louie Van Fleet, has since the meeting reiterated that there has been no removal of dirt or fill material from the property. Furthermore, we need to have, per our engineer's direction, the drafts, calculations, and plans for storm water attenuation that have been done so far as the engineer advises these have not satisfactorily performed or provided for evaluation. All of this information will be forwarded to the City and certainly back to the Planning and Zoning Board as directed at the meeting so that they can have a full and complete review of the fill activity taken on this property.

Thank you and Ms. Moore for your continued cooperation. I am sure once all of this is submitted to the City Engineer, we can have a quick turn around on whether the fill will cause additional storm water to be backed up onto or discharged onto the neighboring property in that area. As you know, this is required irrespective of the condition of the adjacent City storm drain which is said to have difficulty handling the storm water drainage in the area.

--
Law Offices J. Patrick Floyd, Chtd.
408 Long Avenue
Port St. Joe, FL 32456

Phone: 850/227-7413

Fax: 850/229-8196

ORDINANCE 2013-02

AN ORDINANCE AMENDING THE APALACHICOLA CODE OF ORDINANCES TO REPEAL ORDINANCE 2006-03; TO ADOPT A NEW FLOOD PLAIN MANAGEMENT ORDINANCE; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Apalachicola and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, Apalachicola was accepted for participation in the National Flood Insurance Program on July 18, 1983 and the Apalachicola City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the Apalachicola City Commission is adopting a requirement to limit the size of enclosures below elevated dwellings to no more than 299 square feet for buildings and structures in Coastal High Hazard areas (V Zones) for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the Apalachicola City Commission is adopting a requirement to require the accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a 10-year period for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the Apalachicola City Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA, THAT THE FOLLOWING FLOODPLAIN MANAGEMENT REGULATIONS, AND THE FOLLOWING LOCAL ADMINISTRATIVE AMENDMENTS TO THE 2010 *FLORIDA BUILDING CODE*, ARE HEREBY ADOPTED.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Ordinance 2006-03, Relating to Development and Building Activity in Flood Hazard and Flood Prone areas in Apalachicola, Florida.)

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Floodplain Management Ordinance of Apalachicola*, hereinafter referred to as "this ordinance."

101.2 Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

101.3 Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with the *Florida Building Code*. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

101.5 Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

101.6 Disclaimer of Liability. This ordinance shall not create liability on the part of City Commissioners of Apalachicola or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.2 Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within Apalachicola, as established in Section 102.3 of this ordinance.

102.3 Basis for establishing flood hazard areas. The Flood Insurance Study for Franklin County, Florida and Incorporated Areas dated June 17, 2002, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Apalachicola Planning & Building Department.

102.3.1 Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.

2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

102.4 Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

102.5 Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

102.6 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.1 Designation. The Zoning Administrator is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

103.2 General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 of this ordinance.

103.3 Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

103.4 Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

103.5 Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 107 of this ordinance.

103.6 Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

103.7 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building*

Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

103.8 Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete;
5. Notify the Federal Emergency Management Agency when the corporate boundaries of **Apalachicola** are modified; and
6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

103.9 Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Franklin County Planning and Building Department, 34 Forbes Street, Suite 1, Apalachicola, Florida.

SECTION 104 PERMITS

104.1 Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who

intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

104.2 Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

104.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

104.3 Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively

locate the site.

3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

104.4 Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

104.5 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

104.6 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

104.7 Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Northwest Florida Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

105.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2(2) or (3) of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(1) of this ordinance.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

105.3 Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 of this ordinance.
4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

105.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the

applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 106 INSPECTIONS

106.1 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

106.1.1 Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

106.1.2 Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

106.1.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

106.1.2.2 Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.1.2.1 of this ordinance.

106.1.3 Manufactured homes. The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the {Floodplain Administrator or Building Official}.

SECTION 107 VARIANCES AND APPEALS

107.1 General. The APALACHICOLA CITY COMMISSION shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to

section 553.73(5), F.S., the Apalachicola City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

107.2 Appeals. The Apalachicola City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Apalachicola City Commission may appeal such decision to the Circuit Court, as provided by Florida Statutes.

107.3 Limitations on authority to grant variances. The Apalachicola City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Apalachicola City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

107.3.1 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 105.3 of this ordinance.

107.4 Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 11 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

107.5 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

107.6 Considerations for issuance of variances. In reviewing requests for variances, the Apalachicola City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

107.7 Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the Apalachicola City Commission that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 108 VIOLATIONS

108.1 Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

108.2 Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

108.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law .

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

201.2 Terms defined in the *Florida Building Code*. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

201.3 Terms not defined. Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the

"100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before July 18, 1983. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision

for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before **July 18, 1983**.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the

water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or

less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after July 18, 1983 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 18, 1983.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, taking place during a ten (10) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first improvement or repair of that building or structure subsequent to 1993. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

CHAPTER 3 FLOOD RESISTANT DEVELOPMENT

SECTION 301 BUILDINGS AND STRUCTURES

301.1 Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.

301.2 Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building Section 3109* and Section 1612 or *Florida Building Code, Residential Section R322*.
2. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

SECTION 302 SUBDIVISIONS

302.1 Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

302.2 Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 105.2(1) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

SECTION 303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

303.1 Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

303.2 Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

303.3 Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

303.4 Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

303.5 Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

303.6 Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 307.8(3) of this ordinance.

SECTION 304 MANUFACTURED HOMES

304.1 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the

requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

304.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance.
2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

304.3 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

304.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.

304.4.1 General elevation requirement. Unless subject to the requirements of Section 304.4.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

304.4.2 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 304.4.1 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

304.5 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas, as applicable to the flood hazard area.

304.6 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

SECTION 305 RECREATIONAL VEHICLES AND PARK TRAILERS

305.1 Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

305.2 Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 305.1 of this ordinance for temporary placement shall meet the requirements of Section 304 of this ordinance for manufactured homes.

SECTION 306 TANKS

306.1 Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

306.2 Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 306.3 of this ordinance shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
2. Not be permitted in coastal high hazard areas (Zone V).

306.3 Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

306.4 Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

SECTION 307 OTHER DEVELOPMENT

307.1 General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

307.2 Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 303.4 of this ordinance.

307.3 Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 303.4 of this ordinance.

307.4 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3 (3) of this ordinance.

307.5 Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.

307.6 Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the

foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

307.7 Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

307.8 Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance

is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 3. The *Florida Building Code, Building*, is hereby amended by the following administrative amendments. .

Sec. 104.10.1, Florida Building Code, Building

Add a new Sec. 104.10.1 as follows:

104.10.1 Modifications of the strict application of the requirements of the *Florida Building Code*. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

Sec. 107.6.1, Florida Building Code, Building

Add a new Sec. 107.6.1 as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

Sec. 117, Florida Building Code, Building

Add a new Sec. 117 as follows:

117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

SECTION 4. The *Florida Building Code, Building* is hereby amended by the following technical amendment.

Modify a definition in Section 1612.2. as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first improvement or repair of that building or structure subsequent to 1993. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SECTION 5. The *Florida Building Code, Existing Building* is hereby amended by the following technical amendment.

Modify a definition in Section 202 as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first improvement or repair of that building or structure subsequent to 1993. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SECTION 6. The *Florida Building Code, Residential* is hereby amended by the following technical amendment.

R322.3.5 Enclosed areas below design flood elevation. Enclosed areas below the design flood elevation shall be:

1. Shall, ~~Except for areas enclosed by insect screening or open lattice, be limited to a total enclosed area of 299 square feet or less; and~~
2. Shall be used solely for parking of vehicles, building access or storage.

SECTION 7. FISCAL IMPACT STATEMENT.

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical

amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 8. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in Apalachicola, Florida. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 9. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Apalachicola Flood Plain Management Ordinance 2006-03.

SECTION 10. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the Apalachicola City Commission that the provisions of this ordinance shall become and be made a part of Apalachicola's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 11. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

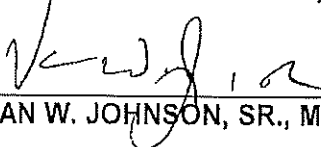
SECTION 12. EFFECTIVE DATE.

This Ordinance was first read in open session on the 2nd day of July, 2013. This Ordinance was read for the second time and fully adopted in open session on the 6th day of August, 2013. The final adoption and motion was made by Commissioner Ash, second by Commissioner Bartley.

Voting Aye: Elliott, Ash, Bartley, Cook, Mayor Johnson

Voting Nay: None

FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA, FLORIDA



VAN W. JOHNSON, SR., MAYOR

ATTEST:



LEE H. MATHES, CITY CLERK