

OVERVIEW

This document represents the comprehensive plan review portion of the DEO Community Planning Technical Assistance Grant awarded to the City of Apalachicola in 2022. The review includes an evaluation of the City’s comprehensive plan for consistency with State Comprehensive Plan Requirements and includes recommended draft revisions. Based on the statutory review, revisions are recommended for the following sections: Planning Horizons, Peril of Flood, Private Property Rights, Capital Improvement Planning, Water Supply Planning and Population estimate data and analysis. The statutory citations, as well as recommended revisions are represented in stroke-through and underline format below. **Additional recommended, but not required, revisions are identified in a separate section following the legislative requirements.**

1. LEGISLATIVE REQUIREMENT: PLANNING HORIZON

(2022) 163.3177(5)(a) Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan’s adoption and one covering at least a 10-year period. Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.

Plan Inconsistency: Multiple planning horizons have expired throughout the Goals, Objectives and Policies of all elements.

Recommendation:

Change long range planning horizon from expired date(s) to 2040 to accommodate long range planning objectives and reference a five year planning horizon for Capital Improvements

Recommended Changes by Element:

CAPITAL IMPROVEMENTS

Objective 1. Through 2040, the Capital improvements budget and element will be provided to correct identify existing deficiencies needing repair and expansion to accommodate desired future growth, and to replace worn out or obsolete facilities, as indicated in the 5-Year Schedule of Improvements of this element. The planning horizon for Capital Improvements is 2022 – 2027. The planning horizon for other elements is 2040 (Also referenced in Capital Improvements legislative mandate section)

Policy 1.4. The City ~~maintain~~ adopts the - 2018 Northwest Fl Water Management District’s Regional Water Supply Plan, adopted by reference, as it is amended at five year intervals through the planning horizon of 2040-2020. The City shall review the Water Supply Work Plan and update it, at a minimum, every 5 years within 18 months after the NFWMD approves an updated regional water supply plan. Any projects within the Water Supply Plan for which the ~~County City-~~ has financial responsibility will be included within the 5-year schedule of Capital Improvements.

Policy 1.4.5. The City shall implement a meter testing program for all meters 2" and larger by the end of 2010 and continue monitoring through 2040.

Policy 4.2. In providing capital improvements, the City shall limit the maximum ratio of outstanding indebtedness to a reasonable and acceptable rate. A percentage rate relating to the property tax base shall be ~~established by January 1, 1991~~ maintained through 2040.

Objective 5 Through 2040, the City shall maintain the adopted levels of service. Issuance of development orders and permits will be ~~based~~ conditioned upon coordination of the development requirements included in this plan, the land development regulations, and the availability of necessary public facilities needed to support such development at the time needed.

COASTAL MANAGEMENT

Objective 1. The wetlands of Apalachicola shall be conserved and protected such that no net loss (after mitigation) shall occur through the year ~~2040~~ ~~2000~~. ~~9J5.012(b)1,(2)~~

Policy 1.2. Through ~~2040~~ ~~2020~~, Apalachicola shall continue to enforce its Land Development Regulations ...

Objective 2. The City will support the conservation and protection of native vegetation, ecological communities, fish and wildlife habitat to the extent that between 2004 and ~~2040~~ ~~2020~~ the City will prohibit development which can be proved to damage the City's natural resources.

Objective 3. The City shall maintain the estuarine water quality surrounding Apalachicola's coastal resources such that there shall be no loss of any approved shellfish harvesting classifications through the year ~~2040~~ ~~2020~~.

Objective 4. Estuarine Water Quality. Through the year ~~2040~~ ~~2020~~, the water quality of Apalachicola Bay and River shall remain classified as "good."

Objective 5. ~~Through 2040~~, ~~by 2004~~ the City shall ~~continue~~ ~~begin~~ implementing a floodplain drainage basin plan as part of its stormwater management plan which will address development restrictions for floodplain drainage areas, a work plan for correcting drainage facility deficiencies and the creation of a stormwater manual outlining stormwater systems appropriate for use with the coastal area.

Objective 6. Through the ~~2040~~ ~~2020~~ planning horizon, ~~By 1991~~, the City shall continue to enforce existing land use laws which give priority to the siting and development of water-dependent uses within the Coastal Area, as compared with other shoreline uses.

Policy 7.1. Through the planning period ~~2040~~ ~~2020~~, the City shall require sewage pump-out facilities for all new marina facilities along the riverfront and continue to enforce existing regulations requiring marinas to install such facilities.

Objective 8. Hazard Mitigation and Coastal High-Hazard Areas. Through the ~~2040~~ ~~2020~~ planning period the City shall continue to enforce Land Development Regulations to restrict development within coastal high-hazard areas and budget policies shall restrict public funding for facilities within coastal high-hazard areas.

Objective 9. Development Density and Intensity ~~Through 2040~~, the City shall, through its Land Development Regulations, limit development density and intensity within the Coastal High Hazard Area and direct it outside of the Coastal High Hazard Area, to mitigate the impact of natural hazards in this area. ~~9J5.012(3)(b)(6)~~

Objective 11. Post-Disaster Redevelopment. ~~Through 2040~~, the current county emergency plan will be utilized and modified as indicated. ~~9J5.012(3)(b)(8)~~

Objective 12. Public Access. The amount of public access to coastal resources shall be maintained and not decreased between 2004 and ~~2040~~ ~~2020~~.

Objective 13. Historic Resources. Through the year ~~2040~~ ~~2020~~ the City shall continue to enforce development standards for the protection, preservation and sensitive reuse of historic resources throughout the City.

Objective 14. Maintaining Scenic routes. By ~~2040~~ ~~2020~~, the City will establish a scenic road program in order to help preserve the area's natural beauty.

Objective 17. Coordinating with Other Local Governments. ~~By 2020~~, ~~Through 2040~~ the city will continually engage with the County regarding ~~an intergovernmental coordination program shall be established in order to manage~~ coastal resources affecting or affected by governments other than the City.

FUTURE LAND USE

Policy 2.1. Through the planning period ~~2040~~ ~~2020~~ the City shall in accordance with F.S. Chapter 163, amend its land use regulations to remain consistent with the GOPS of the comprehensive plan...

Objective 3. Future development and redevelopment will be directed into the City's vacant/undeveloped areas as identified on the Existing Land Use Map where the provision of services and public facilities are available. Current utility facilities, with adequate land for expansion, will meet needs projected through year ~~2040~~. ~~2000~~

Objective 8. Through the year ~~2040~~ ~~2020~~, the City shall, through its Land Development Regulations, limit development density and intensity within the Coastal Area and to mitigate the impact of natural hazards in this area to coordinate with hurricane evacuation plans (Coastal Management Element).

Goal 2. Through Its Land Use Regulations, Budget Prioritization and Administrative Management, the City Will Restore Its Historic Public Squares to a More Natural State By ~~2020~~. ~~2040~~

Policy 14.5. By ~~2040~~ ~~2015~~ the City will design appropriate informational signage and install at each remaining City square for which signs have not yet been completed.

HOUSING

Objective 1. Provide or assist the private sector in providing 102 net dwelling units, including low and moderate income housing by the year ~~2040~~ ~~2000~~.

Objective 2. By the year ~~2040~~ ~~2000~~, apply for housing grants to rehabilitate at least 289 substandard housing units. Objective 3. By the year ~~2040~~ ~~2000~~, all substandard housing shall be eliminated, with half of the substandard units eliminated by 1996.

Policy 1.5.4. The City shall coordinate with the public and private sector to provide 10 units of housing for the low income elderly population by the year ~~2040~~ ~~2000~~.

PUBLIC FACILITIES

Objective 1. Through the projected planning period ~~2040~~ ~~2020~~, local ordinances will continue to require that adequate facility capacity is available at the time a development order is issued, or will be available at the time impacts from the development occur.

Policy 1.4.1. The City shall ~~maintain~~ implement the ~~2018~~ Regional Water Supply Plan, adopted by reference, through the planning horizon of ~~2040-2020~~. The City shall review the Water Supply ~~Work~~ Plan and update it, at a minimum, every 5 years within 18 months after the NFWMD approves an updated regional water supply plan. Any projects within the Water Supply Plan, for which the City has financial responsibility, will be included within the 5-year schedule of Capital Improvements.

Objective 2.1. Existing deficiencies will be corrected by completing the following projects by ~~2040~~ ~~2020~~:

Policy 3.1.5. All projects required to meet projected demands for the years ~~1996~~ ~~2001~~ ~~2023~~ to ~~2028~~ shall be submitted to the Capital Improvements Coordinating Committee and scheduled in the Capital Improvements Element of this plan ~~in accordance with the requirements of Section 163.3177(3), F.S.~~

Policy 3.2.1. Through the ~~2020~~ ~~2040~~ planning period the City shall continue to enforce its comprehensive stormwater management ordinance which provides for: (1) buffer zones between the Apalachicola Bay/River and upland development so that stormwater discharge is diverted away from surface waters; (2) to the greatest extent possible the use of natural systems to provide filtration of stormwater run-off.

Policy 3.2.2. Through the ~~2020~~ ~~2040~~ planning period, all waterfront properties will be serviced by an adequate central sewer system.

Objective 3.3. Through the year ~~2000~~ ~~2040~~, the City shall, through its land development regulations, prohibit development which would result in the water quality of Apalachicola Bay, River and aquifers being degraded below the current classification of "good." ~~9J-5.013(2)(b)(2)~~.

Objective 4.1. By ~~2020~~, 2040 decrease the amount of unmanaged hazardous waste sites by fifty percent.

Objective 5.1. Projected demands through the year ~~2000~~ 2040 will be met by maintaining County landfill in accordance with FDEP ~~¶~~ permit requirements.

Objective 7.1. Increase the number of interlocal agreements between the City of Apalachicola, Carrabelle, the County and other utility districts by 25 percent by the year ~~2000~~ 2040.

Objective 8.1. ~~By 2020~~ Through 2040, the City will ~~request assistance from~~ continue to coordinate with the Northwest Florida Water Management District to identify, ~~and update and~~ map prime natural groundwater aquifer recharge areas.

Objective 8.2. ~~By 2020~~, Through 2040 ~~the planning horizon~~, the City land development code will provide for ~~maintenance~~ protection of aquifer recharge areas functions.

RECREATION AND OPEN SPACE

Objective 1. Parks and recreation facilities will meet and maintain the adopted LOS standards through the year ~~2000~~ 2040.

Objective 2. Lands designated as recreational open space as designated on the Future Land Use map series will be protected from incompatible land uses, lights, sound and activities and will remain functionally intact through at least the year ~~2000~~ 2040. New developments both public and private, over five acres will provide designated open spaces in the proposed site plan.

Objective 3. ~~By 1995~~, Through 2040, existing public recreation facilities shall have automobile, bicycle and pedestrian access which supports the adopted LOS standards. New facilities both public and private will show these provisions in site plans reviewed for approval.

Objective 4. By ~~2000~~, 2040 each of the nine (9) City streets which end at the riverfront will provide pedestrian access to the Apalachicola River.

Policy 4.1. ~~By 1995~~, Through 2040, the City shall protect road ends terminating at the river and will discontinue the policy of leasing riverfront street ends. In the event that the City cannot maintain riverfront access at the end of any street, the City will acquire an alternative access point so that the total number of pedestrian access points (9) to the Apalachicola River will not be decreased through the year ~~2040~~. ~~2000~~.

Objective 5. ~~By 1992~~, Through 2040, the City [shall] ~~improve coordination~~ continue to coordinate with the County and school district and with the private sector through specific points of contact to provide improvements in recreational opportunities and facilities.

TRAFFIC CIRCULATION

Objective 1. Existing roadway levels of service will be maintained at LOS C or better through the year 2040. ~~2020~~.

Policy 2.1. The City Building Official shall continue to identify any right-of-way encroachment on arterial and collector roads by block and lot number and an annual report made to the City Planning and Zoning Commission. All identified encroachments shall be scheduled for elimination by 2040 ~~2020~~ except within the historic district where construction efforts have been permitted that allow minor encroachments for the purpose of preserving historic design.

Policy 2.2. There will be no variances which would permit the reduction of setback requirements along arterial and collector roads through the projected planning period 2040 ~~2020~~.

Objective 3. Projected traffic demand through the year 2040 ~~2020~~ will be met by undertaking the opening and/or surfacing of platted undeveloped streets (approximately one mile each year).

INTERGOVERNMENTAL COORDINATION

Objective 1.1. For coordination with Franklin County and the Franklin County School Board, the City of Apalachicola ~~should, shall through 2040,~~ maintain existing mechanisms which are effective and enhance or revise existing mechanisms which are ineffective or establish new mechanisms for issues not addressed by existing mechanisms. This will be accomplished by a review and recommendation made by the Planning Department ~~annually, during 1990.~~

Objective 1.3. ~~Establish-Maintain through 2040~~ a flexible mechanisms for use by all local governments in the area of concern, other units of government providing services but not having regulatory authority over the use of land, and state and federal agencies which have been identified as interested parties. ~~A review of action taken to accomplish this objective will be made by the planning department during the first quarter of 1991.~~

HISTORIC – OPTIONAL ELEMENT

Objective 1. ~~Through 2040, the City shall~~ To implement that ordinances and regulations are in place which provide specific regulations to direct and guide the maintenance and improvement of the Historic District facilities.

Objective 2. ~~By 1992,~~ Through 2040, the City of Apalachicola ~~will continue to encourage~~ developed a program that requires handicapped access on all rehabilitations of commercial and public historic structures.

Objective 4. ~~By 1995,~~ Through 2040, the city will support the ~~of have developed~~ existing development of a working waterfront museum along the Apalachicola River from Wharf Lot I to Battery Park. and encourage the provision of similar businesses which promote the local seafood boating and fishing culture of the working waterfront.

Objective 5. By ~~1995,~~ 2040, the City will acquire two (2) historic structures for use as public buildings.

Objective 6. Through 2040, the city will, apply for and support others in applying for grants and other available funds to acquire and/or improve historical structures, spaces, and other actions which will enhance the Historical District.

ECONOMIC DEVELOPMENT – OPTIONAL ELEMENT

Policy 3.2. ~~By December 31, 1995,~~ the City's Planning Commission shall ~~develop~~ continue to utilize parcel level geographic information which can be used to analyze land for its potential to accommodate future industrial/commercial uses.

Policy 3.3. ~~Not later than the deadline established by Section 163.3202(1), Florida Statutes,~~ the City shall incorporate a diversity of land uses regulations into the land development regulations to facilitate economic growth.

Policy 4.1. The city shall establish cooperative agreements between the county government to provide public, water and sewer facilities for areas where economic growth is appropriate ~~as based on Future Land Use Element by December 31, 1992,~~ and review those areas and agreements annually.

Policy 4.2. The city shall coordinate with representatives of School Board and other educational institutions in order to promote and enhance the overall educational attainment and job skills of Apalachicola residents ~~by meeting not less than semi-annually beginning October 1, 1991.~~

2. LEGISLATIVE REQUIREMENT: CAPITAL IMPROVEMENT PLANNING

(2022) 163.3177((3))(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities... The components shall cover at least a 5-year period. (3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

- 1. *A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.*
- 2. *Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.*
- 3. *Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service.*
- 4. *A schedule of capital improvements which includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding.*

Note: The capital improvements element must be reviewed by the local government on an annual basis. Modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

Plan Inconsistency: The comprehensive plan does not reference a current five year capital improvements plan.

Recommendation: Include five year planning horizon policy for capital improvement plan and finalize existing draft five year plan with changes. Consider adopting as part of the amendment.

Recommended Change:

CAPITAL IMPROVEMENTS ELEMENT

Objective 1. ~~Through 2040, the Capital improvements budget and element will be provided to correct~~ identify existing deficiencies needing repair and expansion to accommodate desired future growth, and to replace worn out or obsolete facilities, as indicated in the City’s 5-Year (2019-2024) Schedule of Improvements.

3. LEGISLATIVE REQUIREMENT: PERIL OF FLOOD

163.3178(f) (Coastal Element must contain) *A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:*

- 1. *Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.*
- 2. *Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.*
- 3. *Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.*
- 4. *Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.*
- 5. *Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.*
- 6. *Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.*

Plan Inconsistency: Objectives do not connect directly to statutory requirements.

Recommendation: Revise and create new objectives and policies that connect directly to statutory requirements.

Recommended Change:

(f)1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

Goal II. Reducing Vulnerability to hurricanes *(existing goal)*

Coastal Objective 8. Hazard Mitigation and Coastal High-Hazard Areas. Through the ~~2040~~ 2020 planning period the City shall continue to enforce Land Development Regulations to restrict development within coastal high-hazard areas and budget policies shall restrict public funding for facilities within coastal high-hazard areas. *(also referenced as a planning horizon amendment)*

Policy 8.1. City-funded public facilities shall not be built in the coastal high-hazard area, unless the facility is for public access or resource restoration. *(existing policy)*

Policy 8.2. The City shall establish a lower priority for the expenditure of City funds for public infrastructure within the Coastal High Hazard Area (CHHA) as compared with expenditures within other non-CHHA areas, except where expenditures are necessary to meet a "crucial need". A "crucial need" finding must be arrived at by the City to authorize public expenditures within the CHHA, and shall establish that the expenditure is necessary to alleviate dangerously overcrowded or otherwise hazardous roads, to replace or construct wastewater facilities to alleviate or prevent potential violations of potable water quality standards or water quality standards applicable to surface waters, or to construct recreational facilities unique to coastal sites. Furthermore, a "crucial need" may only be established after consideration has been given to hazard mitigation standards, including floodproofing and evacuation. Furthermore, a "crucial need" shall not be generated as a result of development approvals within the Coastal High Hazard Area of unincorporated Franklin County after adoption of this Comprehensive Plan. *(existing policy)*

Policy 8.3. The City shall through its land development regulations restrict density of the City's CHHA areas to the lowest level of service establishment for the respective land use categories. *(existing policy)*

Policy 8.4. The City's Floodplain Management Ordinance shall reference the building elevations of the Flood Insurance Rate Maps, the building requirements of the National Flood Insurance Program, provide for detention of rain from, a 25-year, 24-hour rainfall event, and restrict discharge of rainwater into ditches which may flood evacuation routes. *(existing policy)*

Policy 8.5. New sanitary sewer facilities in the hurricane vulnerability zone shall be floodproofed, raw sewage shall not leak from sanitary sewer facilities during flood events. *(existing policy)*

Policy 8.6. The Coastal High Hazard Area ~~shall, at a minimum, be consistent with the definition found in Rule 9J5-03(17) FAC, which reads as follows: is defined by 163.3178 (6) (h) as the area below the elevation of a category 1 storm surge line as established by Sea and Overland Surges from hurricanes computerized storm surge model. For the purpose of administering the regulatory provisions of the City's land development regulations, the Coastal High Hazard Area may be determined to be coterminous with the FEMA Special Flood Hazard Areas (SFHAs) which are identified on Flood Insurance Rate Maps (FIRMs) as zones AE, V, V1-V30 and VE. The Coastal High Hazard Area is defined on Map 9. evacuation zone for a Category 1 hurricane as established in the regional hurricane evacuation study ..."~~ The City's CHHA shall further encompass the velocity zones as identified on the Flood Insurance Rate Maps, the areas seaward of the coastal construction control line and where public facilities have been damaged or undermined by coastal storms.

Coastal Policy 8.7 The City shall adopt most recent amendments to ~~Southern Standard Building Code~~ the Florida Building Code.

Coastal Policy 8.8 The City shall continue its efforts to provide flood protection information, including information about Flood Insurance Rate Maps and the National Flood Insurance Program.

(f)2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency. (f)3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state. (f)4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

Coastal Objective 9. Development Density and Intensity Through 2040, the City shall, through its Land Development Regulations, limit development density and intensity within the Coastal High Hazard Area and direct it outside of the Coastal High Hazard Area, to mitigate the impact of natural hazards in this area. ~~9J5.012(3)(b)(6)~~

Policy 9.6 A crucial need finding must be arrived at by the City to authorize public expenditures within the CHHA and shall establish that the expenditure is necessary to alleviate dangerously overcrowded or otherwise hazardous roads, to replace or construct wastewater facilities to alleviate or prevent potential violations of surface and potable water quality standards, or to construct recreational facilities unique to coastal sites such as boat-ramps and associated facilities. Furthermore, a crucial need may only be established after consideration has been give to hazard mitigation standards, including floodproofing and evacuation.

Policy 9.7 In coastal areas needing redevelopment after a disaster, structures which were nonconforming in terms of flood elevation or land use and which suffered damage in excess of fifty percent of their appraised value shall be rebuilt to meet all current requirements, including those enacted since construction of the structure.

(f)5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.

Not applicable.

(f)6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

Policy 9.8 The City will continue efforts to enter the Community Rating System by completing required documentation and activities that confer eligibility and by enacting rules and policies that will increase the City's Community Rating score, resulting in an improved percentage savings on flood insurance premiums for residents of Apalachicola.

Objective 10. Hurricane Evacuation. The City's hurricane evacuation time for a Level C (category 3) shall be 16 hours prior to anticipated landfall of a Category C-E or Category 3-5 storm event ~~Level A storm shall be the minimum of the range as identified elsewhere in this plan (Tables 19 thru 23). 9J5.012(3)(b)(7)–Editor's note(s)—Tables 19 through 23, as referenced above, are not included herein but are on file in the city clerk's office.~~

Objective 11. Post-Disaster Redevelopment. Through 2040-, the current county emergency plan will be utilized and modified as indicated. ~~9J5.012(3)(b)(8)~~ *(also referenced as a planning horizon amendment)*

Policy 11.7. The City shall coordinate with the county to ~~develop and adopt prior to the 1995 hurricane season a formal decision-making process~~ to evaluate options for damaged public facilities in the CHHA including abandonment, repair in place, relocation, and reconstruction with structural modifications. This process shall

consider these options in light of factors such as cost to construct, cost to maintain, recurring damage, impacts on land use, impacts on the environment, and public safety.

4. LEGISLATIVE REQUIREMENT: PRIVATE PROPERTY RIGHTS

Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida), requires a local government to adopt and include the property rights element in its comprehensive plan for any proposed plan amendment initiated after July 1, 2021. A proposed comprehensive plan amendment is initiated on the date the amendment is first considered at a public hearing, as outlined in Section 163.3174(4), Florida Statutes, held by the local planning agency.

Plan Inconsistency: The comprehensive plan does not reference the legislative mandate for a private property rights element.

Recommendation: Include required legislation as referenced in the statutes.

Recommended Change:

Goal - The City of Apalachicola will consider private property rights in all local decision making.

Objective – Apalachicola will respect constitutionally-protected private property rights.

Policy - The City of Apalachicola will respect the rights of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy - The City of Apalachicola will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy - The City of Apalachicola will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.

Policy - The City of Apalachicola will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

5. LEGISLATIVE REQUIREMENT: WATER SUPPLY PLANNING

Sections 373.709 and 163.3177(6)(c)3, Florida Statutes, require that a local government's water supply and work plan be updated within 18 months after a water management district's governing board approves an updated regional water supply plan. The purpose of the update is to reflect any changes in the regional plan that affect the local water supply and work plan.

Plan Inconsistency: Existing City Water Supply plan out of date.

Recommendation: 1. Adopt the current 2018 Regional Water Supply Plan by reference. 2. Update City Water Supply plan.

Policy 1.4. The City shall ~~maintain~~ adopt the 2018 Regional Water Supply Plan, ~~adopted~~ by reference, as it is amended at five year intervals through the planning horizon of 2040-2020. The City shall review the Water Supply Work Plan and update it, at a minimum, every 5 years within 18 months after the NFWMD approves an updated regional water supply plan. Any projects within the Water Supply Plan for which the ~~County~~ City has financial

responsibility will be included within the 5-year schedule of Capital Improvements. (also referenced in planning horizon section)

6. LEGISLATIVE REQUIREMENT: POPULATION ESTIMATE UPDATES

Section 163.3177(3), 2022 Florida Statutes The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those published by the Office of Economic and Demographic Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission. Absent physical limitations on population growth, population projections for each municipality, and the unincorporated area within a county must, at a minimum, be reflective of each area’s proportional share of the total county population and the total county population growth.

Plan Inconsistency: Existing data and analysis in the Future Land Use Element as it relates to population estimates are out of date.

Recommendation: Update population estimates and projections within data and analysis.

7. ADDITIONAL RECOMMENDED REVISIONS

There are a number of objectives and policies within the City’s comprehensive plan that are either no longer applicable or which are clearly in need of update. The following is based on an analysis of the plan against current information relating to public facilities, regulations and policy.

COASTAL MANAGEMENT ELEMENT

1. Policy 2-7: The City shall prohibit the alteration , other than stormwater improvements and approved maintenance of mosquito ditches. mosquito ditches and shall provide treatment prior to discharge to bay.
2. Policy 3.3: The City shall through its land development regulations, require developers of subdivisions ~~with lots of less than one acre~~ to connect to a public wastewater system and provide sewers to each lot in the subdivision.
3. Policy 4.2 : In order to reduce the impact of effluent from sewage treatment plants on the Bay, sewage treatment facilities with a history of treatment standards violations shall have the highest priority in budget considerations to new or improved facilities.
4. Objective 7. Water-Dependent/Water-Related Land Uses. The City shall prohibit any water-dependent or water-related land use which will lower the water quality standards below State water quality standards for River and Bay. ~~915.012(3)(b)(3)~~
5. Objective 15. Levels of Service. The level of service standards adopted elsewhere in this Comprehensive Plan for facilities in the coastal area and the additional standards under this objective shall be applied whenever development orders or permits are requested–The evacuation times established by objective 10 shall also be considered levels of service standards for roads. ~~915.012(3)(b)(11)~~

6. Policy 16.1. Improvements to the Apalachicola sewage treatment plant serving the Apalachicola area shall be ~~constructed by 2000 ongoing and the highest priority for funding until system is in compliance with~~ Department of Environmental Protection regulation and shall be funded by multiple funding sources including grant funds.

FUTURE LAND USE ELEMENT

1. Objective 3: Policy 3.6: Marine or seafood related commercial activities shall be encouraged through special permitting requirements which include a reduced development set back along the waterfront in the City's downtown commercial district.
2. Policy 10.2: All development proposed for the City's Special Waterfront District must receive approval from applicable state and federal agencies prior to City issuance of certificate of occupancy development approval.
3. Policy 14.5. Through 2040 ~~2015~~, The City will complete and maintain informational signage and install at each city square.
4. Policy 14.4: The City shall include historic squares improvements as part of its five year capital improvements budget ~~and strategic planning document~~.

PUBLIC FACILITIES ELEMENT

1. Policy 1.5.9: ~~The City, by January 31, 2012, shall submit a rate structure evaluation as outlined in the permit.~~
2. Policy 1.5.10: The City, ~~by January 3, 2010, shall provide~~ annually update a service area map showing areas where service is actually provided as well as the overall franchise or potential service area allocated to the utility by the county, public service commission or other authorizing entity.
3. Policy 1.5.11: The City, ~~by January 31, 2012, shall submit an evaluation for the revision of its existing membership and/or tap fees to promote the use of Florida Friendly Landscaping techniques and the installation of high efficiency plumbing fixtures.~~
4. Policy 2.1: ~~The City will priority implement recommendations of NOAA grant on Stormwater Management.~~ The City will annually prioritize stormwater needs and allocate funding to address stormwater deficiencies.
5. Policy 3.1.5: All projects required to meet projected demand for the years ~~1996-2001~~ 2023 to 2028 shall be ~~submitted to the Capital Improvements Coordinating Committee and scheduled~~ included in the Capital Improvements Element of this plan in accordance with the requirements of section 163.3177(3) F.S.
6. Policy 3.2.1. Through the year ~~2020-2040~~ planning period, the city shall continue to enforce its comprehensive stormwater management ordinance which provides for (1) buffer zones between the Apalachicola Bay/River and upland development so that stormwater discharge is diverted away from surface waters (2) to the greatest extent possible the use of natural systems to provide filtration of stormwater run-off.
7. Objective 3.3: Through the year 2040 ~~2000~~, the City shall through its land development regulations, prohibit development which would result in the water quality of Apalachicola Bay, River and aquifers being degraded below the current classification of "good." ~~9j5-013(2)(b)(2)~~
- 8.

HOUSING ELEMENT

1. Objective 1. Provide or assist the private sector in providing ~~102~~ 121 net dwelling units, (38 rental and 83 home ownership) including low and moderate income housing by the year ~~2000~~ 2040.
2. Policy 1.1.4: The Planning and Zoning Commission shall encourage the development of mixed-income projects to avoid concentrations of low income residents when making land use decisions ~~concerning development of regional impact.~~
3. Objective 4: By 2028, the City shall establish development standards for ~~mobile~~ manufactured home parks and low and moderate income housing. Individual site built homes are recommended in established single family neighborhoods; multi family housing complexes of less than 50 unit are preferred over larger complexes.
4. Policy 1.4.2: Allow density bonus to developers of manufactured ~~mobile~~ home parks who provide "deed restricted" affordable housing for low and moderate income households. ...
5. Policy 1.4.6: The Planning and Community Development Office will provide referral information to the Housing ~~Authority~~ assistance office to assist low and moderate persons, including the homeless to find adequate housing.

CONSERVATION ELEMENT

1. Objective 1: Apalachicola shall maintain through the year ~~2000~~ 2040 ambient air quality standards which are equal to or more stringent than the State and Federal National ambient air quality standards (NAAQS)
2. Objective 2: The City shall protect the quality of water on the Apalachicola River and bay to the extent that all water maintains existing classification for water quality as established by the Florida Department of Environmental Regulation. ~~9j5-013(2)(b)2~~
3. Policy 2.1: By ~~1995~~ 2040, the City shall establish and maintain adequate docking facilities complete with bilge pump out facilities at Scipio Creek, Battery Park and all other public and private marinas.
4. Policy 2.2: ~~By 1991,~~ the City shall continue to ~~adopt and~~ implement a comprehensive stormwater management ordinance which provides for (1) buffer zone between the Apalachicola Bay/River and upland development so that stormwater discharge is diverted away from surface waters (2) most development run off rates , volumes and pollutant loads do not exceed pre- development conditions.
5. Policy 2.3: ~~By 1995,~~ Through the planning horizon, all waterfront properties will be serviced by an adequate central sewer system.
6. Policy 3.2: In order to protect water supplies and the quality of estuarine waters, the city shall require connection of all development to central sewer by 1991 ~~identify and begin enforcement action to connect faulty onsite sewer treatment systems.~~ ~~9j5-013(2)©1.~~
7. Objective 4: The City shall, ~~by 1995,~~ adopt mechanisms to conserve current and projected water sources within Apalachicola. ~~In the interim, beginning in 1990, conservation steps will be taken through educational and stop~~ water-loss means. ~~9j5-013(2)(b)2~~
8. Objective 5 : The City shall adopt and enforce aquifer protection measures to ensure the protection of the City's potable water source and to safeguard public health. ~~This action will be a part of the revised land development code to be adopted in accordance with § 163.3202(1) F.S. and 9j5-013(2)(b)2.~~
9. Policy 5.5: The City shall continue to protect its quantity and quality of water by allowing only low density/intensity uses to be developed within the City's cones of influence areas. ~~9j5-013(2)(c)1~~

10. Objective 6: The City shall, through its land use regulations, protect and conserve soil resources by controlling the encroachment of urbanization on land poorly suited for structural development. ~~9J5.013(2)(c)(3)~~
11. Objective 7: The wetlands of Apalachicola shall be conserved and protected such that no net loss (after mitigation) shall occur through the year ~~2040~~ ~~2000~~. ~~9J5.013(2)(b)(3)~~ .
12. Objective 8: City will support the conservation and protection of native vegetation, ecological communities, fish and wildlife habitat to the extent that between ~~1990 and 2000~~, 2020 and 2040 the City will prohibit development which can be proved to damage the City's natural resources. ~~(9J5.013(2)(b)(4))~~
13. Policy 8.7: The City shall prohibit the alteration, other than approved stormwater improvements and maintenance, of mosquito ditches.
14. Objective 9: The City shall maintain the estuarine water quality surrounding Apalachicola's coastal resources such that there shall be no loss of any approved shellfish harvesting classifications through the year ~~2000-2040~~. ~~9J5.013(2)(b)(4)~~ 5
15. Objective 10: The City, in conjunction with Franklin County, will continue to ~~develop and~~ implement a hazardous waste management program ~~by 1998~~, through 2040.

RECREATION AND OPEN SPACE ELEMENT

1. Policy 1.2 : The City will apply for grants and fully utilize yearly budgeted funds to correct ~~existing~~ recreation deficiencies as they arise.
2. Policy 2.4: City squares as identified in the element shall be preserved as open space. The City shall encourage acquisition of privately owned city squares in order to eliminate non- conforming uses on city Squares shall, through City policies, be eliminated by ~~2040~~ . ~~2000~~.

CAPITAL IMPROVEMENTS ELEMENT

Policy 1.4.4. ~~The City shall seek funding to have the Touch Read meter system fully activated and functional by 2013.~~

Policy 1.4.6. ~~The City shall seek opportunities to utilize treated effluent to the greatest extent possible to begin expand reuse initiatives. project construction by the end of the 2009 calendar year, with a projected completion timeframe of four years.~~

Policy 1.4.7. ~~The City shall establish an average persons per household number and multiply that by the number of residential customers. This will then be divided into the average daily flows to determine the per capita demand. The City will make this comparison annually to gauge the effectiveness of the conservation measures undertaken. The City shall establish a method for determining per capita demand of water supply and conduct an annual supply plan to gauge annual water supply needs and conservation measures. For residential use, an average persons per household number multiplied by the number of residential customers can be divided into the average daily flows to determine the per capita demand.~~

Policy 1.4.8. The City shall ~~execute an interconnection agreement~~ initiate a dialogue with the City of Port St. Joe allowing preliminary discussions and plans toward ~~finalization~~ coordination of the ~~interconnection of water resources~~ before the need arises.

Objective 3. Future developments will bear their full proportionate cost of facility improvements necessitated by the development in order to maintain adopted Level Of Service standards. Proportion of cost will be determined by the city's facilities staff and made a part of the permitting records.

Policy 5.2. The City shall utilize the Land Development Code through the required site plan review process ~~development~~ to ensure that, at the time a development permit is issued, adequate facility capacity is available or will be available concurrently as the facility needs are impacted by the development.

Policy 5.3. Proposed plan amendments and requests for new development or redevelopment shall be evaluated according to the following guidelines as to whether the proposed action would:

- c) Generate public facility demands that may be accommodated by capacity increases planned in the five-year schedule of capital improvements;

8. PROPOSED DATA AND ANALYSIS REVISIONS AND INCLUSIONS

Capital Improvements Element

Five Year Capital Improvements Budget (2022-2027)
Area of Critical State Concern Work Program

Coastal Element

CHHA and Vulnerability Maps

Future Land Use Element

Population Projections through 2040 Planning Horizon

Housing Element

Florida Housing Finance Corporation Housing Coalition Needs Assessment
for Franklin County

Private Property rights

Chapter 163.3177(6)i(2), Fl Statutes

Public Facilities Element

2018 Northwest Florida Water Supply Plan (s.373.709(2))