

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
WORKSHOP & REGULAR MEETING
Monday, March 13th, 2023
Community Center - 1 Bay Avenue
Minutes

Attendance:

- **Al Ingle - Chair, Bobby Miller, Jim Bachrach, Justin McMillan, Joe Taylor, Lee McLemore, Chase Galloway**

Workshop – Comprehensive Plan 5:30 PM

1. Presentation from Bay Media Services, Cindy Clark - The attached document represents proposed changes to the City of Apalachicola's comprehensive plan prepared as part of an evaluation of the City's plan funded through a DEO Community Planning Technical Assistance Grant. The review includes an evaluation of the City's comprehensive plan for consistency with State Comprehensive Plan Requirements and includes legislatively-mandated 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. Additional recommended, but not required, revisions are identified in a separate section following the legislative requirements.
 - **Cindy presented document titled "City of Apalachicola Comprehensive Plan Review (mandates and recommendations) DRAFT 3-7-23". This document is attached to these minutes. Rebecca Jetton accompanied Cindy and presented document titled "Principals for Guiding Development". This document is attached to these minutes.**
 - **The board discussed the documents and made comments about the property rights elements being important in the City of Apalachicola and opened the floor for public comment.**
 - **The HAPPI citizen group (Historic Apalachicola Partners for Preservation, Inc.) distributed and presented their own document which includes general observations, recommendations, and a section titled "Existing Goals, Objectives, and Policies in 2013 City Comprehensive Plan Related to Historic**

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Preservation". The HAPPI documents are attached to these minutes. The HAPPI representative focused on historic preservation and the historic guidelines – they asked that the planning horizon for this element not be as far out as 2040 and asked that it be a short-term goal. There was also a question as to if the historic guidelines are part of the City LDC or not – City Attorney Dan Hartman stated they were repealed when Municode was codified, but this could be a subjective standard. Currently, the historic guidelines are not recognized as City code.

- Another citizen comment was made that they would like to see a focus on assisting and planning for low to moderate income housing.
- The board discussed the historic perseveration element and were open to shortening the time for this element to a 5-year planning horizon, but no motion was made as they agreed that they could discuss it in depth at the next workshop.
- Cindy closed the workshop by stating this was 1 of 2 preliminary workshops before the joint workshop with the City Commission will take place – she asked that any suggestions and comments be sent to staff. After the 2nd P&Z workshop, there will be a call to action on the regular meeting agenda to move forward with a joint workshop.

Regular Meeting: 6:00 PM

1. Approval of February 13th, 2022 regular meeting minutes.
 - Motion to approve by Jim Bachrach; 2nd by Bobby Miller. All in favor – motion carried.

2. Review, Discussion and Decision for Shed. (R-3) @ 354 25th Avenue. Block 221, Lots 3-4. For Sandra Williams -Owner; Contractor: TBD
 - Applicant had not signed the certification page of the application at the time of submittal. This page was signed at the P&Z meeting and is attached to these minutes for the record.

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
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- **Motion to approve by Jim Bachrach; 2nd by Bobby Miller. All in favor – motion carried.**

- 3. Review, Discussion and Decision for New Construction. **(R-2) @ 170 19th Ave.,** Block 247, Lots 3-7. For Frank Pearsall -Owner; Contractor: Heath Galloway
 - **Motion to approve by Bobby Miller; 2nd by Jim Bachrach. All in favor – motion carried.**

- 4. Review, Discussion and Decision for Deck Addition, Fence. **(C-4) @ 301 Market Street,** Blocks L, M, N, O. For Thurman Ross -Owner; Contractor: Southern Shores Builders
 - **Motion to approve by Jim Bachrach; 2nd by Justin McMillan. All in favor – motion carried.**

- 5. Review, Discussion and Decision for Shed. **(R-2) @ 142 13th Street,** Block 90, Lots 1 & SE ½ Lot 2. For Patricia Lane -Owner; Contractor: Bestway Portable Buildings
 - **Motion to approve by Justin McMillan; 2nd by Lee McLemore. All in favor – motion carried.**

Other/New Business: N/A

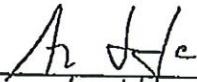
Outstanding/Unresolved Issues: N/A

After adjourning the regular meeting, a public hearing for a Special Exception request will begin.

Motion to adjourn by Jim Bachrach; 2nd by Bobby Miller. All in favor – meeting adjourned.

Minutes approved by Chair; Al Ingle: _____

Date: _____



3/16/23

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, 1994~~ 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...

CITY OF APALACHICOLA COMPREHENSIVE PLAN REVIEW (mandates & recommendations) DRAFT 3-7-23

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." ~~91-5-013(2)(b)(2)~~.

CITY OF APALACHICOLA COMPREHENSIVE PLAN REVIEW (mandates & recommendations) DRAFT 3-7-23

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 ~~R~~ 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 the City will acquire two (2) historic structures for use as public buildings.~~ Through 2040, The City will continue to maintain its City-owned historic structures through grant funding and innovative public/private partnerships.”

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 (2022-2027) 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. ~~915.012(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 given 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 not be 12 hours to shelter and 24 hours out of county 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).~~ ~~915.012(3)(b)(7)~~ The city shall ensure that hurricane evacuation clearance times do not exceed 16 hours for category 1 storms and 24 hours for category 2-5 storms.

Objective 11. Post-Disaster Redevelopment. Through 2040, the current county emergency plan will be utilized and modified as indicated. ~~915.012(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)~~

CITY OF APALACHICOLA COMPREHENSIVE PLAN REVIEW (mandates & recommendations) DRAFT 3-7-23

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 Florida 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.

CITY OF APALACHICOLA COMPREHENSIVE PLAN REVIEW (mandates & recommendations) DRAFT 3-7-23

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 Scpio 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)(e)(1)~~

CITY OF APALACHICOLA COMPREHENSIVE PLAN REVIEW (mandates & recommendations) DRAFT 3-7-23

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)(e)(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 Vulnerability Map

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)(2), Fl Statutes

Public Facilities Element

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

PRINCIPLES FOR GUIDING DEVELOPEMENT

380.0555 Apalachicola Bay Area; protection and designation as area of critical state concern.—

- (1) SHORT TITLE.—This act shall be known and cited as the “Apalachicola Bay Area Protection Act.”
- (2) LEGISLATIVE INTENT.—It is hereby declared that the intent of the Legislature is:
 - (a) To protect the water quality of the Apalachicola Bay Area to ensure a healthy environment and a thriving economy for the residents of the area and the state.
 - (b) To financially assist Franklin County and its municipalities in upgrading and expanding their sewerage systems.
 - (c) To protect the Apalachicola Bay Area’s natural and economic resources by implementing and enforcing comprehensive plans and land development regulations.
 - (d) To assist Franklin County and its municipalities with technical and advisory assistance in formulating additional land development regulations and modifications to comprehensive plans.
 - (e) To monitor activities within the Apalachicola Bay Area to ensure the long-term protection of all the area’s resources.
 - (f) To promote a broad base of economic growth which is compatible with the protection and conservation of the natural resources of the Apalachicola Bay Area.
 - (g) To educate the residents of the Apalachicola Bay Area in order to protect and preserve its natural resources.
 - (h) To provide affordable housing in close proximity to places of employment in the Apalachicola Bay Area.
 - (i) To protect and improve the water quality of the Apalachicola Bay Area through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet state requirements.

Historic Apalachicola Partners for Preservation, Inc.
P. O Box 965
Apalachicola, Florida 32329

March 5, 2023

Mayor Brenda Ash
Commissioner Donna Duncan
Commissioner Despina George
Commissioner Anita Grove
Commissioner Adriane Elliott

Dear Mayor and Commissioners,

HAPPI is pleased to present our recommendations for additions to the City's Comprehensive Plan that would augment protection for our City's historic assets. At your request we have presented them in a Goals, Objectives, Policies form that follows the format in the Comprehensive Plan. Supporting comments are included immediately following each item but are not intended for inclusion in the Comp. Plan. Also, for your information and ease of review we have included as an attachment to this letter all of the provisions relating to historic preservation that we have identified in the 2013 Comprehensive Plan which is included in Municode,¹ both as a check on our efforts, and to make sure we are all operating from the same page at the workshop.

General Observation

We strongly urge the Commission to reconsider the scope of the proposed update of the City's Comprehensive Plan for three reasons:

1. The Commission needs to respond to recent developments in the City that have damaged preservation of the City's historic assets and ensure that the City is not left defenseless in future attempts to override its historical visual landscape.
2. The City needs to begin now to accomplish the duties and requirements for a number of critical infrastructure subjects imposed in the original Comp. Plan and its' amendments that simply have not been done in the past. Noncompliance with the Plan ignores the public good that was to be achieved through its' implementation. It also leaves the City vulnerable to legal challenge.

¹ The Comprehensive Plan that is on the City's website is not the City's 2013 Comprehensive Plan and does not include many historic preservation provisions added in the 2013 Plan amendments. Please consider putting the same plan on your website that is on Municode to avoid needless effort and confusion. In addition, the most recent draft of Ms. Clark's work, dated 2-28-23, is placed under "city news" on the City's website and does not appear under the heading of "agendas and minutes" making it difficult to discover. Please consider putting all agenda related materials in the same place or give notice that they have been moved.

3. Related to the second reason, there does not seem to be any room in the current process for any serious consideration of why so many goals and objectives were not achieved despite the passage of nearly forty years. A number of goals and objectives that were thought at the time to be critically important, and that we believe are still critically important, have not yet been achieved. Just to push the date by which goals and objectives are to be achieved to its' outer limit of another twenty years and declare the task of updating the Comp Plan finished is largely a paper compliance with the statutory requirements.

We have yet to meet a person who lives, works, or visits Apalachicola who does not express a desire to have the city's visual landscape, history, and water quality preserved. A well thought out Comp Plan, backed by the political will to achieve the goals and objectives it contains, is our best tool to protect and preserve Apalachicola, while guiding development to occur in ways that are harmonious with what is already here. The Comp Plan is not a set of government regulations imposed by distant bureaucrats. This is our list of what we think is critically necessary for the health of our community.

Therefore we strongly urge the Commission to look beyond the very limited scope of the proposed amendments and insert a pause in this process² to take a serious in-depth look at the city's needs, develop goals and objectives, and attempt to discern what the barriers are to their achievement, and then set deadlines that are particular to each policy area to ensure accountability.

Historic Preservation Recommendations

The following recommendations are presented as additions to the many provisions about historic preservation already included in the Comp. Plan (listed in the Attachment to this letter). They are necessary to protect all the City's historic assets, expressly recognizing and protecting the City's 1836 Plat itself as a historic asset. Recent developments compel the City to proactively address this issue to prevent further loss of our historic visual landscape. Equal urgency attaches to the need to make some conscious choices about the existing historic and cultural guidelines to develop a clear set of regulations to protect, direct, and guide the maintenance and improvement of historic sites, structures, areas, and objects, an objective of the Comp. Plan since 1992. Finally, the City should begin work in a meaningful way to implement the visioning process for the squares, a goal that has been in the Comp. Plan since 2013, and commission an update of the inventory of historic assets that has not been done since the original efforts in 1975 and 1986.

² We understand that in 2019 the City received a letter from the Department of Economic Opportunity informing it that its Comp. Plan was out of statutory compliance and had one year to bring it back into compliance. The City took no action in response. Now in 2023 we are advised that we need to hurry along and "review" the Comp. Plan in a few months to achieve no more than paper compliance with statutory requirements. A more deliberate review of the Comp. Plan does not appear to impose any incremental risk to the City.

Recommended Historic Preservation Additions to the Comprehensive Plan³

GOAL 1: The City's historic plat, sites, structures, areas, and objects are irreplaceable assets of the City. The City shall protect, preserve, restore, and enhance the City's historic assets, including the original plat of the City as laid out in 1836, historic sites, structures, areas, and objects located in the City, and shall ensure that future development is consistent in scale, height, mass, type and location with the City's historic visual landscape.

Comment: This goal is consistent with existing goals related to historic preservation in the Future Land Use and Historic Preservation Elements of the current Comp Plan. The purpose of this goal is to expressly recognize all the types of historic assets located in the city, accord all of them protected status in the Comp. Plan, and to expressly recognized that the ultimate goal is to preserve the entire historic visual landscape, both historic structures and the underlying plan or setting in which they exist.

OBJECTIVE 1: The City will protect and enhance the City's historic plat, including streets, alleys, and squares.

POLICY 1.1: By ordinance adopted within one year of the effective date of this amendment of the Comprehensive Plan, development that would alter the historic plat shall not be permitted.

Comment: While components of the Historic Plat have been obliterated over the years (most recently with the loss of several streets and alleys due to the design and layout of the Denton Cove Apartment complex), the historic design of Apalachicola is remarkably intact from its adoption in 1836. For the sake of the City's legacy to current and future residents, and its current economic dependence on tourism, the Historic Plat deserves protection as a valued historic asset.

POLICY 1.2: The components of the historic plat, streets, alleys, and squares shall remain public spaces in perpetuity. Private organizations may from time to time receive permission from the City for short-term uses of any component of the Plat for festivals, parades, and the like, such as the HCOLA Festival and Porch Fest, but in no event shall the City permanently vacate the fee simple interest in a component of the historic plat.

Comment: Over the years some public streets and alleys first laid out in 1836 have been lost to the public through conveyance to private parties. This policy would expressly implement the fiduciary duty of the City to preserve public lands for public use and is

³ For ease of reference these recommended goals, objectives and policies have been numbered, but their placement in either the Future Land Use Element or the Historic Element, which both contain historic preservation requirements, and their consequent renumbering can be determined at a later date.

worthy of express recognition in the Comp. Plan given the historic status of land given to the public in 1836.

POLICY 1.3: Within one year of the effective date of this amendment of the Comprehensive Plan, the city shall conduct an in-depth study to determine the public interest in including the entire area encompassed by the entire 1836 Plat in the Historic District. If it is found to be in the public interest to do so, the City shall by ordinance make the boundaries of the Historic District contiguous with the City's historic plat.

POLICY 1.4: Within one year of the effective date of this amendment of the Comprehensive Plan, the city shall conduct an in-depth study to determine the public interest in seeking designation of the city's historic plat as a National Historic Landmark Site.

Comment: Portions of the Historic Plat were not included in the Historic District as it was drawn in 1980. The reasons for exclusion are not known. Policies 1.3 and 1.4 would require two studies: 1) to determine whether the public interest would be served by including all of the original Plat in the Historic District; and 2) whether the public interest would be served by seeking National Landmark status for the Historic Plat itself. This later course of action was proposed for consideration by UF Law School Professor Roy Hunt, a nationally recognized expert in historic preservation.

OBJECTIVE 2: The City shall provide by ordinance, regulations designed to protect, direct, and guide the maintenance and improvement of historic sites, structures, areas, and objects, including but not limited to historic assets located in the Historic District.

POLICY 2.1: Within one year of the effective date of this amendment of the Comprehensive Plan, a comprehensive review of the current "Historic and Cultural Preservation Regulations" with recommendations for changes will be made by the Architectural Review Board, or a body specifically established for this task by the City, with participation by interested citizens and groups.

Comment: This objective expressly recognizes the need for the City to adopt workable regulations for preservation of historic structures that would be enforceable by ordinance. The original historic district guidelines were adopted by ordinance. Unfortunately that ordinance was not included in the conversion to Municode. Whether that effectively extinguished the adoption of the ordinance is an open question. In any event the original guidelines were, for the most part, written as recommendations rather than requirements. The original Comp. Plan required the City to adopt the guidelines into ordinance format by 1992. That was not done. In 2019 after two years of study and revision updated guidelines were presented to but not adopted by the City. Nonetheless the requirement that regulations designed to protect historic preservation still exist in the present Comp. Plan. The purpose of this objective

and policy is to give urgency to accomplishment of this critical task. It would also enfold any historic assets that may be located outside of the Historic District.

Conducting a comprehensive review may continue to be assigned to the Architectural Review Board, which was established in the original Comp. Plan and still exists today. However, lacking enforceable criteria to guide its actions, the Architectural Review Board has not been the force for historical preservation as it was envisioned to be in the original design for protection of historic assets in the original Comp Plan.⁴ At this juncture, given the workload of P&Z, it may be both wise and more expeditious to commission a special study group to accomplish this work. Such a group could include, or could retain as consultants, design professionals and historians who undoubtedly would add knowledge about what historic resources could and should reasonably be protected and how they could reasonably be protected. The group could also include members of P& Z and interested citizens.

It should be noted that regulations designed to protect historic assets are not a one and done process. The current Comp. Plan for which no change is recommended, requires the Architectural Review Board to biennially (every two years) review the regulations in a similar manner. It also establishes a duty by Architectural Review Board to make an annual report on the status of the Historic District. These on-going reviews and reporting requirements show that the intent of the original Comp. Plan was to establish a body that was actively monitoring the status and effort level of historic preservation. Whether these duties remain with P& Z or a separate body is established for that purpose, the Comp. Plan requires that this be done. Given that the duty is imposed, we suggest that the scope of reporting be enlarged to include the status of historic preservation efforts throughout the City, including, but not limited to, the Historic District.

POLICY 2.2: The City shall actively work to obtain funding to retain landscape design/urban planning professionals to suggest ways to: a) improve the public's use and enjoyment of the squares; and b) enhance the squares so they are visually distinguishable as public squares. Throughout this process the City shall actively seek the input and engagement of City residents.

⁴ Sec.109-22(a) (3) of the Apalachicola Land Development Code establishing the Architectural Review Board imposes a duty on that body to "to establish standards and criteria for determining visual compatibility [with the historic landscape of proposed new structures] and such factors necessary for the implementation of this chapter. Such standards and criteria will be based largely on U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures." This was not done, so the Historic District Guidelines, which are based largely on the mentioned federal standards, were adopted by ordinance. But the design guidelines were recommendations rather than requirements, and, their adoption was, perhaps, inadvertently repealed by the transition to Municode. Nevertheless, the statutory duty in the Land Development Code remains.

Comment: In 2013 the Comp. Plan was amended to add provisions relating to the preservation of the City's historic squares. The amendments envisioned restoration of the squares, in an unspecified manner. While the squares have been surveyed, and public awareness has been heightened through a walking tour guide and other efforts, there has been no investigation of what the optimal rehabilitation of the squares would, could, or should be. As well as the input and engagement of City residents, this work also needs the expertise of architectural /landscape design/urban planning professionals who can spark and inform the vision for what the squares could be to enhance their use and enjoyment by the city's residents and visitors and their place in the visual historic landscape of the City. No specific recommendations on the ultimate uses or appearance of the squares are offered, but this work should, as required by the existing Comp. Plan, be begun.

POLICY 1.3: The City shall actively work to obtain funding to commission a study/ inventory of historic structures, areas, and objects that can be used to update the Florida Master Site File.

Comment: The City relies on the Florida Master Site File, maintained by the state of Florida, for Identification of historic structures in the City in its ordinance on conforming and non-conforming structures. A proposed encroachment policy would also rely on inclusion in the FMSF. The last time the City inventoried existing structures for inclusion in the FMSF as a historic structure was a 1986 windshield update of an extensive review conducted by Willoughby Marshall in 1975. It is time to revisit the process to identify additional structures that may now be considered historic some forty-eight years later.

We look forward to the workshop on March 7th. If you have any questions or comments, please do not hesitate to contact me.

Sincerely Yours,
Bonnie Davis
HAPPI

CC:
Travis Wade
Cindy Clark
Julie Denis
Bree Robinson
Dan Hartman

ATTACHMENT

**Existing Goals, Objectives, and Policies In 2013 City Comprehensive Plan
Related to Historic Preservation**

3-5-23

Future Land Use Element

Goals, Objectives, and Policies

Goal 1. Ensure That the Character and Types of Land Uses in the City of Apalachicola Are Compatible with the Natural Resources and Historical Nature, Are Consistent with Available Infrastructure and Minimize the Threat to the Natural Environment and Public Health, Safety, and Welfare While Respecting Individual Property Rights.

Objective 2. Future growth and development shall be managed through the implementation and enforcement of land development regulations and shall provide for innovative land uses and development patterns.

Policy 2.1. Through the planning period 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. The existing land use regulations and any future land use regulation amendments shall at a minimum:

c) Preserve the integrity of the City's historic district by regulating the use and architecture style of development proposed for that district identified on the land use map.

l) Provide for the review by Planning and Zoning of all development proposed within the City for the purpose of approving stormwater management plans, site plan adequacy and architectural appropriateness for proposed development in the Historic District.

Objective 4. All development applications shall include plans which will ensure the protection of natural and historic resources prior to approval.

Policy 4.2. All applications for development in the City's Historic District as described in this element shall be subject to architectural review by the Architectural Review Board. (Membership same as the Planning and Zoning Commission.)

Policy 4.5. Adaptive reuse or restoration of historic structures shall be given priority through special permitting requirements over activities that would harm or destroy the historic value of such resources.

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. (This date is proposed to be moved to 2040.)

(Ord. No. 2013-01, 11-5-2013)

Objective 12. The City will create historic square overlay boundaries and adopt as part of the city's land development regulations which will specifically identify allowable uses on such parcels including, but not limited to, open space and passive recreation.

(Ord. No. 2013-01, 11-5-2013)

Policy 12.1. The City will conduct an inventory of each of the City's historic squares and, through the public participation process, develop a list of recommended use ideas for each of the City squares.

(Ord. No. 2013-01, 11-5-2013)

Policy 12.2. The City will develop specific development standards for the City's historic squares.

(Ord. No. 2013-01, 11-5-2013)

Policy 12.3. The City will not permit new buildings to be built on city-owned historic City squares.

(Ord. No. 2013-01, 11-5-2013)

Objective 13. Renovation/expansion of existing structures on City squares will be designed to minimize footprint and maximize open space design in accordance with historic square public space intent.

(Ord. No. 2013-01, 11-5-2013)

Policy 13.1. All proposed renovation must be approved for historic compatibility by the City's Architectural Review Board.

Objective 14. The City shall prioritize historic city square preservation in its grant seeking and visioning process.

(Ord. No. 2013-01, 11-5-2013)

Policy 14.1. The City shall prioritize the historic city square design and planning when it seeks annual historic preservation grants.

(Ord. No. 2013-01, 11-5-2013)

Policy 14.2. The City shall seek annual state historic preservation technical guidance and financial assistance to redevelop the City's historic squares.

(Ord. No. 2013-01, 11-5-2013)

Policy 14.3. Through local historic and community organizations, the City will encourage the formation of volunteer teams to "adopt" city squares for the purpose of recommending design and improvements.

(Ord. No. 2013-01, 11-5-2013)

Policy 14.4. The City shall include historic city square improvements as part of its five-year strategic planning document.

(Ord. No. 2013-01, 11-5-2013)

Policy 14.5. By 2015 the City will design appropriate informational signage and install at each City square.

(Ord. No. 2013-01, 11-5-2013)

Historic Element

Goals, Objectives, and Policies

Apalachicola Goals, Objectives and Policies.

Goal I. Increase the Recognition of and Access to Historical and Cultural Resources and Programs in Apalachicola Through Improvement, Redevelopment, Increases Public Awareness and Other Related Actions.

Objective 1. To provide that ordinances and regulations are in place which provide specific regulations to direct and guide the maintenance and improvement of the Historic District facilities.

Policy 1.1. The Architectural Review Board shall be established and maintained and shall be the same as the Planning and Zoning Commission. Members appointed to Planning and Zoning Commission shall also constitute the membership of the Architectural Review Board.

Policy 1.2. A comprehensive review of the current "Historic and Cultural Preservation Regulations" with recommendations for changes will be made by the Architectural Review Board, with participation by interested citizens and groups, by January 1992.

Policy 1.3. After the updates required by Policy 1.2, these regulations shall be reviewed in a similar manner each two years.

Policy 1.4. The Architectural Review Board shall provide the City Commission an annual report on the status of the Historic District.

Objective 2. By 1992, the City of Apalachicola will have developed a program that requires handicapped access on all rehabilitations of commercial and public historic structures.

Policy 2.1. Through the Historic Preservation Ordinance, the City shall require that plans for rehabilitation of any commercial or publicly owned historic structures provide for handicapped access.

Policy 2.2. The City building Inspector shall provide technical assistance to all developers on means of improving access and constructing access ways that are compatible with the historic structure.

Objective 3. The City will work with the private sector to acquire and/or rehabilitate three historically significant structures.

Policy 3.1. The City Commission or its designee will work with the private sector to restore the Old Cotton Warehouse.

Policy 3.2. The City Commission or its designee will work with the private sector to restore the Sponge Exchange.

Policy 3.3. The City Commission or its designee will work with the private sector to restore the downtown storefronts.

Objective 4. By 1995, the city will have developed a working waterfront museum along the Apalachicola River from Wharf Lot I to Battery Park.

Policy 4.1. The City Commission will work with the Florida Trust for Historic Preservation, the Florida Department of Natural Resources and other governmental agencies to acquire and establish properties along the Apalachicola River for use as a living museum.

Policy 4.2. The City of Apalachicola should work with property owners to acquire conservation easements that would allow inspection of traditional maritime skills or significant historic structures.

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

Policy 5.1. The City will work to acquire an historic structure for use as a community building.

Policy 5.2. The City will work to acquire a historic structure for use by a governmental agency or a local civic organization.

Objective 6. The city will, during this planning period, 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.

Policy 6.1. The city will apply each year for grant and/or funding for historical preservation which are available from sources listed in Section V of this element's supporting documentation. Annually, the Community Development Office and the Architectural Review Board will meet and develop a program and plan of action on grants and funding.

Policy 6.2. Maximum use shall be made of CDBG funds to rehabilitate historic significant housing and structures.

Policy 6.3. Revolving funds, such as those available from the Gibson Inn, will give high priority to uses which contribute to improvement of a historic nature in the Historic District.

Policy 6.4. The community development office staff shall provide information and assistance to individuals and community groups in applying for grants and funds for historic preservation and restoration.

Policy 6.5. The community development office and the architectural review board will develop and distribute information to assist property owners with the preservation of historic resources, that information to include brochures on economic incentives, lists of contractors and architects experienced in working with historic resources, and other materials.

CERTIFICATION

By Signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and have read and understand the following:

1. I/We hereby attest to the fact that the above supplied property address(es), parcel number(s), and legal description(s) is(are) the true and proper identification of the area of this petition.
2. I/We authorize staff from the City of Apalachicola and the Permitting and Community and Economic Development Office to enter onto the property in question during regular city business hours in order to take photos which will be placed in the permanent file.
3. I/We understand that the COA review time period will not commence until the application is deemed complete by staff and may take up to 10 days to process. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.
4. I/We understand that, for Board review cases, an agenda and staff report (if applicable) will be available on the City's website approximately one week before the scheduled Planning and Zoning Board Meeting.
5. I/We understand that the approval of this application by the Planning and Zoning Board or staff in no way constitutes approval of a Building Permit for construction from the City of Apalachicola Community and Economic Development Office.
6. I/We understand that all changes to the approved scope of work stated in a COA have to be approved by the PZB before work commences on those changes. There will be no change for the revision to a COA. Making changes that have not been approved can result in a Stop Work Order being placed on the entire project and additional fees/penalties.
7. I/We understand that any decision of the PZB may be appealed to the City Commission. Petitions to appeal shall be presented within thirty (30) days after the decision of the PZB; otherwise the decision of the PZB will be final.
8. I/We understand that a Certificate of Appropriateness is only valid for one year from issuance. They are renewable for six months without cause, and for an additional six months, upon showing of good cause by the applicant. The applicant must submit all requests for extensions in writing and provide appropriate support documentation, if needed.
9. I/We understand that the COA is hereby made to obtain a permit to do work and installation as indicated. I certify that all work will be performed to meet standards of all laws regulating construction in this jurisdiction.
10. I/We understand that separate permits are required for Electrical, Plumbing, Mechanical, and Roofing Work.
11. I/We understand that there will be no issuance of a COA without the property owner obtaining Homeowner's Association approval (if required) prior to the PZB Meeting and/or before the beginning of any work and in no way authorizes work that is in violation of any association rules or regulations.

3/13/23
DATE

Landra Williams
SIGNATURE OF APPLICANT

will have applicant sign 3/13/23 @ meeting.

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Chase Galloway, hereby disclose that on March 13, 2023:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of Galloway Construction, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item #3 on the Agenda requested approval for construction of Home. The contractor for the Home was Galloway Construction. I work for Galloway construction and will be involved in the construction of this home.

3/27/23
Date Filed

Chase Galloway
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.