

WORKSHOP
APALACHICOLA CITY COMMISSION
WEDNESDAY, SEPTEMBER 27, 2023 – 4:00PM
BATTERY PARK COMMUNITY CENTER
1 BAY AVE., APALACHICOLA, FLORIDA 32320

Agenda

You are welcome to comment on any matter under consideration by the Apalachicola City Commission when recognized to do so by the Mayor. Once recognized please rise to the podium, state your name for the record and adhere to the three minute time limit for public comment. Comments may also be sent by email to the City Manager or to Commissioners.

- I. Call to Order**
- II. Agenda Adoption**
- III. Public Comment**
- IV. FDOT Five Year Work Program – Report & Discussion**
- VI. Commerce Street – Report & Discussion**
- VII. Downtown Parking Mitigation - Discussion**

Adjournment

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

FDOT FIVE YEAR WORK PROGRAM

The Florida Department of Transportation developed a Five-Year Work Program in accordance with §339.135 FS. The development of this Work Program involves extensive coordination with local governments. The Florida Transportation Commission performed an in-depth review of this Work Program and presented the results to the Executive Office of the Governor.

The City of Apalachicola Comprehensive Plan: Traffic Circulation Element, Objective 6 includes the FDOT Five Year Work Program as a cornerstone in traffic circulation planning and coordination¹. In the 2024-2028 Five Year Work Program, there are a total of six projects slated in the Apalachicola area²:

- **Apalachicola Northern Railroad Improvements**
TYPE: Rail Capacity Project
DETAIL: Freight Logistics and Passenger Operations Program: Rail/Capital
PROJECT MANAGER: Holly Cohen
FISCAL YEAR: 2024
AMOUNT: \$12,000,000
- **Apalachicola Regional Airport West Hangar Development**
TYPE: Aviation Revenue/Operational
DETAIL: Freight Logistics and Passenger Operations Program: Aviation/Capital
PROJECT MANAGER: Quinton Williams
FISCAL YEAR: 2024
AMOUNT: \$800,000
- **Apalachicola Regional-Cleve Randolph Field Design & Construct RW Rehab**
TYPE: Aviation Preservation Project
DETAIL: Freight Logistics and Passenger Operations Program: Aviation/Capital
PROJECT MANAGER: QUINTON WILLIAMS
FISCAL YEAR: 2027
AMOUNT: \$1,500,000
- **Apalachicola Regional-Cleve Randolph Field Design/Construct Fence**
TYPE: Aviation Safety Project
DETAIL: Freight Logistics and Passenger Operations Program: Aviation/Capital
PROJECT MANAGER: QUINTON WILLIAMS
FISCAL YEAR: 2026

¹ APALACHICOLA, FL., COMPREHENSIVE PLAN: TRAFFIC CIRCULATION ELEMENT, OBJECTIVE 6 (2020).

² FLORIDA DEPARTMENT OF TRANSPORTATION. *FDOT.GOV*.

<https://fdotewp1.dot.state.fl.us/fmsupportapps/workprogram/WorkProgram.aspx>. 22 AUGUST 2023.

CITY OF APALACHICOLA – TRAFFIC REVIEW WORKSHOP
REPORT – COMMISSIONER ADRIANE ELLIOTT

AMOUNT: \$500,000

- **Franklin County TSMCA**
TYPE: Traffic Signals
DETAIL: Highways/Operations, Maintenance/Bridge/Roadway/Contract Maintenance
PROJECT MANAGER: Kim Hatcher
FISCAL YEAR 2024-2028
AMOUNT: \$24,670 – Highways/Operations (On-Going)
\$6,998 – Maintenance/Bridge/Roadway/Contract Maintenance
- **Leslie Street from Water Street to SR 30 (US 98)**
TYPE: Resurfacing
DETAIL: Highways/Construction
PROJECT MANAGER: MARIA SHOWALTER
FISCAL YEAR: 2024
AMOUNT: \$610,170

As you can see above, half of the projects concern Aviation Revenue, Operations, Preservation, and Safety at the Apalachicola Regional Airport (AAF). These projects, along with the Apalachicola Northern Rail Improvements, may not provide a perceived direct benefit to the City of Apalachicola, however, they will serve as a boon for positive development that will diversify the local economy by utilizing existing publicly owned infrastructure and resources.

There are two projects that will provide funding directly to the City of Apalachicola. The Franklin County TSMCA project is ongoing reimbursement funding related to the maintenance and operation of the traffic signals installed along US 98. The larger of these projects is the resurfacing of Leslie Street from US 98 to Water Street. Due to inflation, the cost of this project increased approximately 22% for a new total of \$746,248.50. To accomplish the Comprehensive Plan's stated goal³, it would be in the public's best interest to obligate unspent ARPA funds in the amount of \$136,078.50 to complete the project and reopen the roadway.

³ APALACHICOLA, FL., COMPREHENSIVE PLAN: TRAFFIC CIRCULATION ELEMENT, GOAL I (2020).

COMMERCE STREET

Commerce Street bears great significance to the flow of both pedestrian and vehicular traffic in the heart of Apalachicola's historic downtown. Approximately four blocks of Commerce Street, spanning from Avenue G to Leslie Street, comprise one of the main economic corridors of the C-1 Commercial District and sees the heaviest amount of traffic. Due to the historic nature of this road, it is no longer in compliance with the Florida Department of Transportation (FDOT) or the American Association of State Highway and Transportation Officials (AASHTO) standards. This noncompliance poses a direct risk not only to the safety of both pedestrians and motorists, but also exposes the City to liability at the taxpayers' expense.

According to standards provided in the FDOT Design Manual⁴, Commerce Street is unable to accommodate two travel lanes in addition to on-street parking for each lane. There are only two ways to proceed to ameliorate this issue and put us in compliance with these regulatory requirements:

Option 1). Close the North/Northwest bound travel lane to allow for on-street parking on both sides of the remaining travel lane and direct the flow of traffic one way South/Southeast.

Option 2). Eliminate on-street parking on the North/Northwest bound travel lane to allow width for two travel lanes.

It is my belief that Option 1 will provide the greatest benefit to citizens, pedestrians, motorists, business owners, and visitors. Downtown Apalachicola is marked by a lack of sufficient parking for the growing number of visitors seen annually. By redirecting the flow of traffic on Commerce Street, we would preserve the high demand spaces along this corridor with as little impact as possible to institutions such as Centennial Bank and the Franklin County Court House and Annex. Implementation will have minimal cost: signage must be installed at each of the five cross sections of Commerce Street in question to advise motorists of the new traffic pattern, and lines for the travel lane and parking spaces must be repainted.

If this body chooses to go the route of Option 2, the cost of implementation would be marginally lower than the preferred option. Signage would need to be installed along the North/Northwest bound lane of traffic to indicate no parking, as well as repainting lines for travel lanes and remaining parking spaces. This would negate approximately 50 parking spaces that are currently used on a daily basis by citizens, merchants, their customers, and professionals conducting business.

⁴ FLORIDA DEPARTMENT OF TRANSPORTATION. FDOT.GOV. <https://www.fdot.gov/docs/default-source/roadway/fdm/current/2018FDM210ArterialsCollectors.pdf>. 22 AUGUST 2023.

City of Apalachicola Comprehensive Plan TRAFFIC CIRCULATION ELEMENT¹

TRAFFIC CIRCULATION GOALS, OBJECTIVES AND POLICIES

Establishment of specific traffic circulation goals and objectives relates traffic circulation to Future Land Use and provides a basis upon which to set policies and make recommendations. The objectives are then to be implemented through adherence to proposed policies by utilization of local, state, and federal funds as well as responsible private investment. With the current and future transportation needs in mind, the following goals and objectives are set for Apalachicola in order to provide for a safe, convenient and efficient transportation system.

Goal I. To Establish a Traffic Circulation System Which Provides for the Safe and Efficient Movement of People and Goods in the City of Apalachicola.

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

Policy 1.1. The level of service for all roads at the peak hours will be established at LOS C. Traffic count surveys will be conducted annually for arterial and collector roadways; counts will be conducted on local roads when increased traffic or the accident rate indicates a problem.

Policy 1.2. Proposed roadway projects shall be evaluated and ranked in order of priority according to the following guidelines:

- a) Whether the project is needed to protect public health and safety, to fulfill the city's legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities;
- b) Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement and/or maintenance cost, provides services to developed areas lacking full service, or promotes in-fill development;
- c) Whether the project represents a logical extension of facilities and services within the outskirts of the City;
- d) Whether the project is located in the City's Coastal High Hazard Area.

Policy 1.3. The City shall ensure through its road building policies that projects to maintain existing levels of service are given priority over projects not recommended to maintain levels of service.

Objective 2. Existing right-of-ways will be preserved in all instances from encroachment though the projected planning period except within the historic district where construction efforts may allow minor encroachments for the purpose of preserving historic design. This shall include setback requirements on arterial and collector roads.

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 2020 except within the historic district where construction efforts have been permitted that allow minor encroachments for the purpose of preserving historic design.

¹Editor's note(s)—The provisions of Chapter 9J-5, Florida Administrative Code, have been repealed subsequent to adoption of the Apalachicola Comprehensive Plan.

- COMPREHENSIVE PLAN CITY OF APALACHICOLA, FLORIDA
TRAFFIC CIRCULATION GOALS, OBJECTIVES AND POLICIES

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 2020.

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

Policy 3.1. The City shall review all proposed development for consistency with Objective 1.

Policy 3.2. The City shall explore the feasibility of assessing impact fees for all new development.

Objective 4. The provision of motorized and non-motorized vehicle parking, and the provision of bicycle and pedestrian ways will be regulated through site plan review requirements.

Policy 4.1. The City shall prohibit on-street parking on arterial roads except in the downtown area and where space for parking is specifically provided.

Policy 4.2. The City shall establish guidelines for the provision of bicycle storage areas for multifamily residences, and shopping and recreational areas.

Policy 4.3. The City shall review all proposed development plans for the accommodation of bicycle and pedestrian traffic needs.

Objective 5. The City's transportation system will emphasize safety and aesthetics through the planning period. Control of connections and access points to collector and arterial roadways will be fully monitored. The system will be reviewed annually for safety and a written report prepared.

Policy 5.1. The City shall adopt design criteria for landscaping and signs along new roadways and will implement a program to landscape and maintain existing right-of-ways.

Policy 5.2. The City shall eliminate or minimize roadway designs which lead to hazardous conditions by:

- a) Requiring the provision of adequate off-street parking and turn lanes for new roads;
- b) Prohibiting direct access onto U.S. Hwy. 98 from driveways except where no other access is available;
- c) Review of site plans will include consideration of access ways to roadways. Direct access to high-speed traffic lanes will be prohibited. Questionable cases will be discussed with the Chief of Police;
- d) Preventing conflicts between roadway and pedestrian traffic; and
- e) Providing adequate capacity for emergency evacuation.

Policy 5.3. The City Police Department shall prepare annual accident frequency reports for all collector and arterial roads to include recommendations for improved safety.

Objective 6. Traffic circulation planning will be coordinated through an annual review with the future land uses shown on the future land use map of this plan, the FDOT 5-Year Transportation Plan, and the transportation plan of Franklin County.

Policy 6.1. The City Planning Department shall review subsequent versions of the FDOT 5-Year Transportation Plan, in order to update or modify this element.

Policy 6.2. The City shall review for compatibility with this element, the traffic circulation plans and programs of the unincorporated County as they are amended in the future.

Policy 6.3. All proposed amendments to this Traffic Circulation Element shall include a statement of findings supporting such proposals.

LAND DEVELOPMENT CODE OF APALACHICOLA, FL
SEC. 111-288. IN GENERAL. (i) PARKING REQUIREMENTS

Sec. 111-288. In general.

(i) Parking requirements.

- (1) *Off-street parking.* Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served. Parking for disabled persons shall be provided pursuant to F.S. § 316.1957.
- (2) *Definition of off-street parking.* There shall be provided at the time of the erection of any principal building or structure parking space with adequate provisions for ingress and egress no less than the following space requirements (when calculating the required number of parking spaces, fractional numbers of spaces go to the next whole number):
 - a. *Dwelling.* One parking space for each dwelling unit or room for rent.
 - b. *Offices, studios, and financial institutions.* One off-street parking space for each two persons at work on peak shifts, plus one for each 500 square feet of floor space open to the public.
 - c. *Retail establishments.* One off-street parking space for each two persons at work on peak shifts, plus two for the first 1,000 square feet of floor space devoted to merchandising, plus two for each additional 300 square feet used.
 - d. *Eating and/or drinking establishments.* One off-street parking space for each two persons at work on peak shifts, plus one for each two tables for service, plus one for each four stools at the service counter.
 - e. *Child care centers.* One off-street parking space for each two persons at work on peak shifts, plus one for each 500 square feet of floor space, plus adequate provisions for the loading and unloading of children off of the public right-of-way, subject to site plan approval.
 - f. *Marinas.* One off-street parking space for each wet slip, plus one off-street parking space for every three dry slips.
 - g. *All other permitted uses and structures.* One off-street parking space for each two persons at work on peak shifts, plus additional spaces as determined by the planning and zoning board.
- (3) *Location of off-street parking.* Required off-street parking will be provided either on the same parcel of land as the principal building or structure or on a separate parcel located within 500 feet of the principal building or structure.
- (4) *On-street parking.* An allowable commercial use of an existing building upon adoption of Ord. No. 91-7, adopted December 3, 1991, may use on-street parking as part of its required parking. An increase in the intensity of use of an existing building after the adoption of Ord. No. 91-7 on December 3, 1991, must comply with the parking requirements as provided in subsection (i)(2) of this section.
- (5) *Where a parking lot does not abut on a public or private street, alley, or easement of access,* there shall be provided an access drive not less than ten feet in width in the case of a dwelling, and not less than 18 feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required hereunder in such a manner as to secure the most appropriate development of the property in question. Parking spaces shall be a minimum of ten feet by 20 feet and access aisles shall be a minimum of 18 feet in width.
- (6) *Every parcel of land used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:*

LAND DEVELOPMENT CODE OF APALACHICOLA, FL
SEC. 111-288. IN GENERAL. (i) PARKING REQUIREMENTS

- a. No part of any parking area shall be closer than five feet to any established road right-of-way or alley line. In case the parking area adjoins a residential district, it shall be set back at least five feet from the residential district boundary and shall be effectively screened with landscaping, fence, wall or other approved materials.
 - b. Any off-street parking area, including any commercial parking lot, for more than five vehicles shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of vehicles.
 - c. Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any residential district as well as to eliminate driving nuisance and highway safety hazards.
 - d. Any commercial parking area shall require a department of environmental regulation stormwater permit before a city development permit can be issued.
- (7) Off-street loading and unloading. In addition to the required off-street parking spaces, adequate off-street loading space, as determined by the building inspector, shall be provided so that no part of any commercial vehicle shall encroach or park upon any street, alley, sidewalk or public way during loading, unloading or servicing operations.
- (8) The city shall make a determination, on no less than an annual basis, of the number of publicly-owned parking spaces that are available for use as parking mitigation in the C-1, C-4 and RF districts. Parking mitigation, as provided in this subsection, shall be available on a first come, first served basis, up to a maximum of 15 spaces per development until all currently spaces have been subscribed. Thereafter, the city may make additional spaces available or suspend the availability of parking mitigation.
- (9) New commercial development or expanded intensity of an existing building use in the C-1, C-4 and RF districts may mitigate up to 50 percent of the required on-site parking through an approved mitigation plan as provided in subsection (h)(2)a2 of this section. This provision does apply to other zoning districts.
- (10) New commercial development within the C-1, C-4 and RF districts may use on-street parking to meet part of the required parking standard as provided in subsection (i)(2) of this section.
- (11) Restoration of an historic structure in the C-1, C-4 and RF districts may request waiver of up to 100 percent of required on-site parking not to exceed eight spaces. Documentation that the structure for which a waiver is sought qualifies as an historic structure, as provided in this subsection, shall be included in the request for waiver and be included as part of the permit application.
- (12) New development on a single lot (30 feet by 80 feet) within the C-1, C-4 and RF districts may mitigate up to 100 percent of parking not to exceed eight spaces.
- (13) All proposed development within the C-1 and C-4 districts shall be encouraged to locate all onsite parking at the rear of the proposed development to meet on-site requirements. Developments that encumber five or more lots shall be required to incorporate parking at the rear. Shared use agreements with adjacent property owners is encouraged to reduce curb cuts for parking access.

**CITY OF APALACHICOLA
ORDINANCE NO. 2018-02**

AN ORDINANCE AMENDING ORDINANCE 91-7 WHICH ADOPTS THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE REVISING SECTION II (DEFINITIONS) BY ADDING NEW DEFINITION FOR LARGE SCALE COMMERCIAL ACTIVITY; PROVIDING FOR REVISIONS IN SECTION IV (ZONING DISTRICTS AND REGULATIONS) BY REPLACING SECTION 8 (d), ADDING SECTIONS 8(h) – 8(m), AND AMENDING C-1, C-2, C-4, RF; ADDING NEW SECTION XI (PARKING MITIGATION); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Apalachicola finds that adequate parking is important for the economic success of Apalachicola's downtown commercial districts, and

WHEREAS, commercial properties in the downtown are too small to adequately accommodate required parking, and

WHEREAS, dispersing parking offsite is a way that serves multiple properties in a more efficient, cost effective and sustainable way, and

WHEREAS, a proportionate capital contribution to construct additional public parking is a fair and equitable method of apportioning the cost of such parking, and

WHEREAS, large scale commercial development is not consistent with the scale of development of certain commercial districts and therefore prohibiting large scale commercial activity in C-2 and setting a maximum building footprint in C-1, C-4, and RF districts, and

WHEREAS, after public workshops and obtaining citizen input, the Apalachicola Planning and Zoning Board and Apalachicola City Commission deems it necessary to revise the above referenced sections of the Land Development Code.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF APALACHICOLA, FLORIDA THE FOLLOWING ORDINANCE REVISIONS RELATING TO THE ABOVE REFERENCED SECTIONS OF THE LAND DEVELOPMENT CODE:

SECTION 1: LDC SECTION II – LANGUAGE AND DEFINITION REVISIONS

SECTION II – LANGUAGE AND DEFINITIONS

Add definition for "Large Scale Commercial Activity" to read as follows:

Large Scale Commercial Activity – Commercial business of a large scale that requires a single building that exceeds an 8,500 square foot footprint.

SECTION 2: LDC SECTION IV – ZONING DISTRICTS AND REGULATIONS REVISIONS

SECTION IV – ZONING DISTRICTS AND REGULATIONS

Amend Section IV.E.8.d to read as follows:

On-Street Parking – An allowable commercial use of an existing building at the time of ordinance adoption (Ordinance 91-7 adopted December 3, 1991) may use on-street parking as part of their required parking. An increase in the intensity of use of an existing building after the adoption of Ordinance 91-7 must comply with the parking requirements as provided in Section 8b.

Add Sections IV.E.8.h – IV.E.8.m to read as follows:

h. The City shall make a determination, on no less than an annual basis, of the number of publicly owned parking spaces that are available for use as parking mitigation in the C-1, C-4 and RF districts. Parking mitigation as provided in this subsection shall be available on a first come, first served basis, up to a maximum of 15 spaces per development until all currently spaces have been subscribed. Thereafter, the City may make additional spaces available or suspend the availability of parking mitigation.

i. New commercial development or expanded intensity of an existing building use in the C-1, C-4 and RF districts may mitigate up to 50% of the required onsite parking through an approved mitigation plan as provided in Section IV.E.8. This provision does apply to other zoning districts.

j. New commercial development within the C-1, C-4 and RF districts may use on-street parking to meet part of the required parking standard as provided in Section 8b.

k. Restoration of an historic structure in the C-1, C-4 and RF districts may request waiver of up to 100% of required onsite parking not to exceed 8 spaces. Documentation that the structure for which a waiver is sought qualifies as an historic structure as provided in this subsection shall be included in the request for waiver and be included as part of the permit application.

l. New development on a single lot (30x80) within the C-1, C-4 and RF districts may mitigate up to 100% of parking not to exceed 8 spaces.

m. All proposed development within the C-1 and C-4 districts shall be encouraged to locate all onsite parking at the rear of the proposed development to meet onsite requirements. Developments that encumber five or more lots shall be required to incorporate parking at the rear. Shared use agreements with adjacent property owners is encouraged to reduce curb cuts for parking access.

Add to Section IV C-1 General Commercial Downtown Development Standards the following:

MAXIMUM BUILDING FOOTPRINT

A single commercial development building footprint may not exceed 8,500 square feet.

Add to Section IV C-2 Neighborhood Commercial Prohibited Uses the following:

5. Large Scale Commercial Activity

Add to Section IV C-4 Commercial District Development Standards the following:

MAXIMUM BUILDING FOOTPRINT

A single commercial development building footprint may not exceed 8,500 square feet.

Add to Section IV RF Riverfront District Development Standards the following:

MAXIMUM BUILDING FOOTPRINT

A single commercial development building footprint may not exceed 8,500 square feet.

SECTION 3: LDC SECTION XI – PARKING MITIGATION

SECTION XI – PARKING MITIGATION

Section XI – Added to read as follows:

This section allows developers to substitute payments toward off-site parking for on-site parking in C-1, C-4, and RF districts.

The City shall establish and administer a dedicated municipal revenue fund, call the “Apalachicola Parking Mitigation Fund (APMF), whose purpose is to help fund operations, maintenance and improvements necessitated by the use of City-owned parking facilities by new building, structures or uses in the City’s commercial district, in order, among other things: to offset impacts from new buildings, structures or uses upon the availability of off-street parking spaces in municipal parking facilities; and to offset increases in the cost of operating and maintain municipal parking facilities that are attributable to the use of such facilities by new buildings, structures, and uses.

The fee shall be calculated by multiplying the number of required parking spaces for the principal buildings, structures, or uses to be provided for designated City parking areas by the rate of \$5,000 per required parking space. The rates are intended to offset the City’s reasonable cost to construct new parking facilities of each type, and to maintain them for a period of thirty (30) years.

Prior to the issuance of a building permit for a principal building, structure, or use a portion of whose required parking is provided at a municipal parking facility under this subsection, the owner of such principal building, structure, or use shall deposit the total dollar amount due for its Parking Mitigation Fee in the APMF Fund as a one-time mitigation fee.

The City shall contribute the payments to a parking fund specifically set aside to provide public parking serving the commercial districts. All monies received as fees imposed by this section shall be deposited and held, together with interest thereon, in a public parking mitigation fund hereby created, and shall be expended from that fund only for the purpose of creating new public parking. The cost of creating public parking shall include all costs related to land acquisition, design, permitting, drainage, mitigation, and construction of lighted and paved public parking, including engineering, legal, consulting, and internal overhead costs.

Required parking spaces for non-residential uses may be mitigated through pro-rata contributions to the Apalachicola Parking Mitigation Fund. Mitigation is not allowed for residential uses. Mitigation may be used to offset up to half of the required parking spaces for a development. The other half must be met by onsite or approved offsite requirements as established in the code unless otherwise referenced for historic structures or development on one lot as identified in Chapter IV Section 8.

Not certificate of occupancy shall be issued until complete payment has been received by the City or the City has:

- a. Approved an agreement providing for a phases payment plan. In no case shall payments be deferred for more than two (2) years;
- b. Approved an agreement providing for the deferred construction or occupancy of floor space for which parking has not been mitigated; or
- c. Approved other arrangements providing for required parking to serve the proposed use within twelve (12) months of the application. In no case shall arrangements include a parking variance.

All proposed parking mitigation contributions shall be placed in the Apalachicola Parking Mitigation Fund which shall be used exclusively to establish parking to serve non-residential uses in the commercial districts.

The monies in the parking fund may be allowed to accumulate from year to year until the City Commission determines to expend the monies in the fund for the purposes specified.

SECTION 4: All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict are hereby repealed.

This Ordinance was read and adopted on July 10, 2018. Motion to
adopt Ordinance made by Commissioner Ash, second by
Commissioner Bartley.

Voting Aye: MAYOR JOHNSON, ELLIOTT, ASH, BARTLEY, GROVE
Voting Nay: NONE

FOR THE CITY COMMISSION OF THE
CITY OF APALACHICOLA

ATTEST:

Lee Mathes
Lee Mathes, City Administrator

Van W. Johnson, Sr.
Van W. Johnson, Sr., Mayor

ORDINANCE NO. 2020-04

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF APALACHICOLA, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COMMISSION:

Section 1. The Code entitled "Code of Ordinances, City of Apalachicola, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 115, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before October 2, 2018, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a of not more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding sixty (60) days, or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance, resolution, rule, regulation or order shall be deemed a public nuisance and may be, by the city, abated as provided by law, and

each day that such condition continues shall be regarded as a new and separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after October 2, 2018, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective immediately upon final adoption.


This Ordinance was read and adopted on MAY 5TH, 2020. Motion to adopt ordinance made by Commissioner ASH, second by Commissioner GROVE.

Voting Aye: COMMISSIONERS ASH, GROVE, ELLIOTT, MAYOR BEGOS

Voting Nay: COMMISSIONER GEORGE


FOR THE CITY COMMISSION OF
THE CITY OF APALACHICOLA

Kevin Begos, Mayor

ATTEST: 

Deborah Guillotte, City Clerk