

REGULAR MEETING
APALACHICOLA CITY COMMISSION
TUESDAY, JANUARY 9, 2024 – 4:00PM
FORMER APALACHICOLA MUNICIPAL LIBRARY
74 6TH STREET, APALACHICOLA, FLORIDA 32320

AMENDED 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**
 - Invocation
 - Pledge of Allegiance
- II. Agenda Adoption**
- III. New Business**
 - 1. Owl Café Food Truck Request
 - 2. Cynthia Sartain - Requesting Interpretation of Code Regarding Recreational Vehicles
 - 3. Approval for Emergency Expenditure to Rehab Well #6
 - 4. Arbor Day Proclamation
- IV. Unfinished Business**
 - 1. Tree Committee Role and Responsibilities
 - 2. Parks and Recreation Committee Discussion Re: Chapman Botanical Gardens
 - 3. Business License Ad Hoc Committee Appointments
- V. Mayor and Commissioner Comments**
- VI. City Manager Communications**
- VII. Finance Director Communications – Report Attached**
- VIII. Attorney Communications**
 - 1. Approval of Stipulation – City vs. Smith/Hall Case

IX. Consent Agenda

**A. Commission Meeting Minutes Adoption – December 5, 2023 - Comp Plan Adoption Hearing;
December 5, 2023 - Public Hearing/Regular Meeting**

B. Planning & Zoning Board Minutes – November 13, 2023 Regular Meeting

C. Board of Adjustment Minutes – November 20, 2023 Meeting

X. Department Reports – Included in Agenda Packet

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.

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 9, 2024**

SUBJECT: Owl Café Request to Operate a Food Truck in City Right of Way

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 1
Department: Administration
Contact: Travis Wade/Bree Robinson
Presenter: Michael Wasson

BRIEF SUMMARY: Mr. Wasson, the General Manager of the Owl Café and Taproom, stated that their kitchen will be closed for the month of January. Mr. Wasson is requesting that the City allow them to operate a food truck in the parking area in front of the Taproom on Commerce Street during that period of time.

Mr. Wasson inquired with me about operating the food truck in the requested location and I replied that it was prohibited by the Mobile Food Dispensing Vehicles Ordinance (2021-01), specifically, Section 22-154(b), which states: "Mobile food dispensing vendors are prohibited from the following: (b) Operating in a city park or city parking lots, public rights-of-way, municipal cemetery or residentially zoned neighborhoods except in compliance with [section 22-158.](#)"

RECOMMENDED MOTION AND REQUESTED ACTIONS: N/A

FUNDING SOURCE: N/A

ATTACHMENTS: Ordinance 2021-01

STAFF'S COMMENTS AND RECOMMENDATIONS: Allowing a violation of Ordinance 2021-01 will establish a precedent that will affect future requests.

- **ARTICLE VI. - MOBILE FOOD DISPENSING VEHICLES^[2]**

Footnotes:

--- (2) ---

Editor's note— [Ord. No. 2021-01](#), § 1, adopted April 6, 2021, repealed the former Art. VI, §§ 22-151—22-161, and enacted a new Art. VI as set out herein. The former Art. VI pertained to mobile food trucks and derived from [Ord. No. 2019-03](#), § 1, adopted May 7, 2019.

- **Sec. 22-151. - Definitions.**

Commissary means an approved facility that provides support services for specific required functions of a mobile food dispensing business. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store or similar establishment or any otherwise approved facility by Florida Department of Agriculture and Consumer Services in which food, containers, or supplies are kept, handled, prepared, packaged, or stored can be considered for approval as a commissary. When not required at the mobile food dispensing operation, commissaries may provide a three compartment sink for washing, rinsing, and sanitation of equipment in addition to hand wash and restroom facilities. A private residence may not be used as a commissary.

Mobile food dispensing vehicle means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including but not limited to, gas, water, electricity, or liquid waste disposal."

Or, a vehicle which is used to vend food and beverage products and is classified as one of the following:

(1)

Class I - Mobile Kitchens. These vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu. These vehicles may also vend the products permitted for Class II Mobile Food Dispensing Vehicles.

(2)

Class II - Canteen Dispensings. These vehicles vend pre-cooked foods, pre-packaged foods, prepackaged drinks and incidental sales of pre-packaged frozen dairy or frozen water-based food products, fruits and vegetables. No preparation or assembly of food or beverage may take place on or in the vehicle; however, the heating of pre-cooked food is permitted.

Mobile food vendor means a person who prepares, dispenses or otherwise sells food from a mobile food dispensing.

([Ord. No. 2021-01](#), § 1, 4-6-2021)

- **Sec. 22-152. - Mobile food dispensing vendor permit requirements.**

Mobile food dispensing vendor permits must be obtained from the Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, pursuant to F.S. § 509.241, in compliance with F.S. § 509.102.

([Ord. No. 2021-01](#) , § 2, 4-6-2021)

- **Sec. 22-153. - Permitted zoning districts for operation of a mobile food dispensing.**

Unless authorized or exempted by this article, mobile food dispensing vehicles may only be permitted to operate within the following zoning districts.

(a)

C-1 General Commercial;

(b)

C-2 Neighborhood Commercial;

(c)

C-3 Highway Commercial;

(d)

C-4 Riverfront Commercial;

(e)

RF Riverfront.

([Ord. No. 2021-01](#) , § 3, 4-6-2021)

- **Sec. 22-154. - Prohibitions.**

Mobile food dispensing vendors are prohibited from the following:

(a)

Selling or distributing alcoholic beverages.

(b)

Operating in a city park or city parking lots, public rights-of-way, municipal cemetery or residentially zoned neighborhoods except in compliance with [section 22-158](#).

(c)

Operating outside of the permitted zoning districts listed in [section 22-154](#) or in any location except in compliance with the requirements of this chapter.

(d)

Operating on vacant lots with no water, sewer or electric, or at abandoned business locations.

(e)

On public property, providing or allowing a dining area, including but not limited to tables, booths, bar stools, benches, standup counters, and tents. Tables, booths, bar stools, benches, and standup counters are allowed on enclosed private property, but on vacant lots only tables, benches, standup counters and tents are allowed.

(f)

Creating amplified sounds in violation of the noise limitation requirements of the City of Apalachicola.

(g)

Installing signage in violation of the Sign Ordinance requirements of the City of Apalachicola. This section will not preclude the use of portable signage, which is no larger than five feet in height and no larger than three feet in width, and which is placed within five feet of the mobile food dispensing vehicle.

(h)

Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive up sales.

(i)

Parking a mobile food dispensing vehicle: (1) Within 20 feet of a crosswalk; (2) Within 15 feet of any fire hydrant or storm drainage structure; (3) In an area that impedes the ingress or egress of other businesses, building entrances or driveways; (4) In an area that functions as an emergency entrance or exit.

([Ord. No. 2021-01](#) , § 4, 4-6-2021)

- **Sec. 22-155. - Food dispensing general regulations.**

(a)

Mobile food dispensing vendors shall remove all waste and trash at the end of each day.

(b)

Mobile food dispensing vendors are liable for all damages and repairs to the streetscape, trees and vegetation, sidewalks, streets, or other public amenities that are caused by its operation.

(c)

Under no circumstances shall grease be released into the city's sanitary sewer system. No liquid waste or grease is to be disposed in tree pits or onto sidewalks, streets or other public spaces.

(d)

In accordance with the Florida Department of Business and Professional Regulation guidelines, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on the premises of all mobile food dispensing vehicles. Each mobile food dispensing vendor shall maintain a log containing a written record of the control measures performed on the mobile food dispensing. This log shall be open to inspection by City Code Enforcement Officers.

(e)

Mobile food dispensing vendors must not engage in food preparation if the vehicle does not meet sanitation and safety requirements as required by the Florida Department of Business and Professional Regulation.

(f)

All food service equipment utilized by the mobile food dispensing vendor shall be maintained in good repair and a clean condition.

([Ord. No. 2021-01](#) , § 5, 4-6-2021)

- **Sec. 22-156. - Operating requirements.**

(a)

Mobile food dispensing vehicles shall be permitted to operate between 6:00 a.m. and 12:00 a.m. Sunday through Thursday and between 6:00 a.m. and 1:00 a.m. on Friday and Saturday, not including set up and takedown.

(b)

A mobile food dispensing vehicle may operate on public property for a special event authorized by the city for the duration of the special event. For the remainder of the week, the mobile food dispensing must be removed from the site.

(c)

A mobile food dispensing vehicle may operate at a single private property location for seven days a week, but must be removed from the site for 24 hours at least once every 180 days, in order to comply with Federal Emergency Management Agency regulations for mobile trailers and flood hazard areas.

(d)

All mobile food dispensing vehicles must be fully licensed and ready for highway use. Mobile food dispensing vehicles may not be permanently attached to water, sewer, or electric hook-ups. All mobile food dispensing vehicles must completely detach from utilities and leave the site for 24 hours at least once every 180 days. Any mobile food dispensing that remains on a site for more than 180 consecutive days shall be in violation of this article and then must immediately re-apply for permission to operate subject to all applicable building, zoning and flood zone elevation standards for the location.

(e)

Mobile food dispensing vehicles shall not exceed ten feet in width, including any side extensions of awnings, 30 feet in length, including the length of any trailer hitch, the trailer or other extensions.

(f)

Mobile food dispensing vehicles must have the ability to be self-contained when operating (including all utilities: power, water, cooking fuel sources), except for the required trash and/or recycling receptacles, which shall not impeded free movement of automobiles or pedestrians. The mobile food dispensing vendor shall keep all areas within five feet of the mobile food dispensing clean of grease, trash, paper, cups or cans associated with the vending operation. The foregoing does not preclude a mobile food dispensing vehicle from using of an external power source, where available.

(g)

No more than one mobile food dispensing vehicle shall operate on any one lot at any one time.

([Ord. No. 2021-01](#) , § 6, 4-6-2021)

- **Sec. 22-157. - Food service provided to persons engaged in construction.**

Class II mobile food dispensing vehicles that are being used to provide food and drink to persons engaged in construction in the City of Apalachicola are exempt from the provisions of [section 22-154](#) above, provided such vehicles are only parked for a maximum of 90 minutes.

([Ord. No. 2021-01](#) , § 7, 4-6-2021)

- **Sec. 22-158. - Special events.**

The City of Apalachicola may authorize food dispensing vehicles in the public right-of-way, park, parking lots, or residentially zoned neighborhoods as part of a special event. Food dispensing vehicles must be ancillary to the special event. The city may also authorize mobile food vendors at special events for schools, religious institutions and nonprofit organizations.

([Ord. No. 2021-01](#) , § 8, 4-6-2021)

- **Sec. 22-159. - Penalty.**

(a)

A code enforcement officer or a law enforcement officer may issue a civil citation for a violation of this chapter pursuant to the procedures and amounts listed in [chapter 3](#) of the City's Code of Ordinances. Each violation shall constitute a separate instance for which a separate penalty may be imposed. Upon a mobile food dispensing vendor's third offense within a 12 month period, the city may petition the Florida Department of Business and Professional Regulation to suspend or revoke the vehicle's mobile food dispensing operation license.

(b)

For the purposes of this section, "offense" shall mean a finding of violation by the Court or payment of the non-contested civil penalty in [section 22-153](#) of the City's Code of Ordinances. An offense shall be deemed to have occurred on the date the violation occurred. An offense occurring 12 months after the last offense shall be treated as a first offense for purposes of incurring new fines and penalties.

(c)

If, at any time, the Florida Department of Business and Professional Regulation revokes or suspends the mobile food dispensing vendor's license, the city may prohibit unlicensed food dispensing vehicles from operating.

([Ord. No. 2021-01](#), § 9, 4-6-2021)

[Sec. 20-1. - Fire prevention code adopted.](#)

ARTICLE VI. MOBILE FOOD DISPENSING VEHICLES¹

Sec. 22-151. Definitions.

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(Ord. No. 2021-01 , § 2, 4-6-2021)

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- (Ord. No. 2021-01 , § 3, 4-6-2021)

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- (a) Selling or distributing alcoholic beverages.
- (b) Operating in a city park or city parking lots, public rights-of-way, municipal cemetery or residentially zoned neighborhoods except in compliance with section 22-158.
- (c) Operating outside of the permitted zoning districts listed in section 22-154 or in any location except in compliance with the requirements of this chapter.
- (d) Operating on vacant lots with no water, sewer or electric, or at abandoned business locations.
- (e) On public property, providing or allowing a dining area, including but not limited to tables, booths, bar stools, benches, standup counters, and tents. Tables, booths, bar stools, benches, and standup counters are allowed on enclosed private property, but on vacant lots only tables, benches, standup counters and tents are allowed.
- (f) Creating amplified sounds in violation of the noise limitation requirements of the City of Apalachicola.
- (g) Installing signage in violation of the Sign Ordinance requirements of the City of Apalachicola. This section will not preclude the use of portable signage, which is no larger than five feet in height and no larger than three feet in width, and which is placed within five feet of the mobile food dispensing vehicle.
- (h) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive up sales.
- (i) Parking a mobile food dispensing vehicle: (1) Within 20 feet of a crosswalk; (2) Within 15 feet of any fire hydrant or storm drainage structure; (3) In an area that impedes the ingress or egress of other businesses, building entrances or driveways; (4) In an area that functions as an emergency entrance or exit.

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- (a) Mobile food dispensing vendors shall remove all waste and trash at the end of each day.
- (b) Mobile food dispensing vendors are liable for all damages and repairs to the streetscape, trees and vegetation, sidewalks, streets, or other public amenities that are caused by its operation.

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- (c) Under no circumstances shall grease be released into the city's sanitary sewer system. No liquid waste or grease is to be disposed in tree pits or onto sidewalks, streets or other public spaces.
 - (d) In accordance with the Florida Department of Business and Professional Regulation guidelines, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on the premises of all mobile food dispensing vehicles. Each mobile food dispensing vendor shall maintain a log containing a written record of the control measures performed on the mobile food dispensing. This log shall be open to inspection by City Code Enforcement Officers.
 - (e) Mobile food dispensing vendors must not engage in food preparation if the vehicle does not meet sanitation and safety requirements as required by the Florida Department of Business and Professional Regulation.
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- (b) A mobile food dispensing vehicle may operate on public property for a special event authorized by the city for the duration of the special event. For the remainder of the week, the mobile food dispensing must be removed from the site.
- (c) A mobile food dispensing vehicle may operate at a single private property location for seven days a week, but must be removed from the site for 24 hours at least once every 180 days, in order to comply with Federal Emergency Management Agency regulations for mobile trailers and flood hazard areas.
- (d) All mobile food dispensing vehicles must be fully licensed and ready for highway use. Mobile food dispensing vehicles may not be permanently attached to water, sewer, or electric hook-ups. All mobile food dispensing vehicles must completely detach from utilities and leave the site for 24 hours at least once every 180 days. Any mobile food dispensing that remains on a site for more than 180 consecutive days shall be in violation of this article and then must immediately re-apply for permission to operate subject to all applicable building, zoning and flood zone elevation standards for the location.
- (e) Mobile food dispensing vehicles shall not exceed ten feet in width, including any side extensions of awnings, 30 feet in length, including the length of any trailer hitch, the trailer or other extensions.
- (f) Mobile food dispensing vehicles must have the ability to be self-contained when operating (including all utilities: power, water, cooking fuel sources), except for the required trash and/or recycling receptacles, which shall not impeded free movement of automobiles or pedestrians. The mobile food dispensing vendor shall keep all areas within five feet of the mobile food dispensing clean of grease, trash, paper, cups or cans associated with the vending operation. The foregoing does not preclude a mobile food dispensing vehicle from using of an external power source, where available.
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- (a) A code enforcement officer or a law enforcement officer may issue a civil citation for a violation of this chapter pursuant to the procedures and amounts listed in chapter 3 of the City's Code of Ordinances. Each violation shall constitute a separate instance for which a separate penalty may be imposed. Upon a mobile food dispensing vendor's third offense within a 12 month period, the city may petition the Florida Department of Business and Professional Regulation to suspend or revoke the vehicle's mobile food dispensing operation license.
- (b) For the purposes of this section, "offense" shall mean a finding of violation by the Court or payment of the non-contested civil penalty in section 22-153 of the City's Code of Ordinances. An offense shall be deemed to have occurred on the date the violation occurred. An offense occurring 12 months after the last offense shall be treated as a first offense for purposes of incurring new fines and penalties.
- (c) If, at any time, the Florida Department of Business and Professional Regulation revokes or suspends the mobile food dispensing vendor's license, the city may prohibit unlicensed food dispensing vehicles from operating.

(Ord. No. 2021-01 , § 9, 4-6-2021)

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 9, 2024**

SUBJECT: Cynthia Sartain Request for Interpretation of Code

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 2
Department: Code Enforcement
Contact: Travis Wade/PJ Erwin
Presenter: Cynthia Sartain

BRIEF SUMMARY: Ms. Sartain has requested advice regarding whether property owners may park a recreational vehicle (RV) in their yard in R-2 zone. Code Enforcement Officer Erwin, City Manager Wade, and City Attorney Hartman have all interpreted the Code to allow homeowners to park an RV in their yard, but the Code prohibits using the RV as a dwelling. Ms. Sartain is asking the Commission to provide their interpretation.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

FUNDING SOURCE: N/A

ATTACHMENTS: Ms. Sartain's supporting documentation

STAFF'S COMMENTS AND RECOMMENDATIONS: None

----- Forwarded message -----

From: **Pamela Erwin** <perwin@cityofapalachicola.com>

Date: Tue, Nov 28, 2023 at 10:29 AM

Subject: Re: Code Enforcement Complaint

To: Cynthia Sartain <casapalach@gmail.com>

Cc: Dan Hartman <dan@illegalteam.com>, Bree Robinson <brobenson@cityofapalachicola.com>, Travis Wade <twade@cityofapalachicola.com>

Good morning Ms. Sartain,

First, I am not available for a meeting on Thursday morning as I am out of town most of the day.

As to your inquiry and questions about travel trailers in the R-2 zone of the City of Apalachicola. Based on information that I had received from our former Building Official, I understood that the Franklin County Ordinance regarding the use of travel trailers applied to residential zones in the City of Apalachicola. After further research and conversation with our City Attorney, Dan Hartman, I realize that I was in error. The Franklin County Ordinance, as Cortni Bankston noted, does not apply.

Attorney Hartman has advised that as Sec. 111-269 states, travel trailers are a prohibited use and structure in R-2 zones. As I noted in an earlier email; "Re: **structure**. The code definition (Sec. 101-8 Definitions) refers to anything that would make something permanent, such as a foundation or something like that. Recreational vehicles are allowed to be placed on homeowners' property as long as they abide by setbacks, easements, etc. They may even connect them to electricity and water." I would add to this statement that any connection to electricity and water must not be of a permanent nature and connection to sewage facilities would not be allowed. In the cases of a permanent connection to electricity, water and/or sewage, a travel trailer would fit the definition of 'structure' and would be in violation of the code.

If the travel trailer is not a permanent structure, such as being parked in a driveway, it is allowed. In this case, it would be similar to parking a boat or other vehicle. For further clarification, the code definition for **occupied** (Sec. 101-8) includes designed, built, altered converted to or intended to be used or occupied. Again, if it is simply being parked in a driveway, then there is no code violation.

PJ Erwin

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

Item = 1

December 121, 2023

To: The Honorable Brenda Ash
Commissioner Duncan
Commissioner Elliott
Commissioner Grove
Commissioner George

We are requesting the City Commission to review, clarify and rule on City Ordinance Chapter 111-269 (c) (1), (2), and (3), specifically regarding Travel Trailers.

Recreation vehicle. The following types of vehicles enumerated are deemed recreation vehicles: **Travel trailer** means a vehicular, portable structure built on a chassis and towed; designed to be used as a temporary dwelling for travel, recreation and vacation uses; permanently identifies "travel trailer" by the manufacturer on the trailer; and when factory-equipped for the road, having a body width not exceeding eight feet and a body length not exceeding 32 feet;

Sec. 101-7 Rules of Construction.

The following rules of construction apply to the text of this Code:

(3) The term "shall" is always mandatory and not discretionary. The term "may" is permissive.

(8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:

a. **"And"** indicates that the connected items, conditions, provisions or events shall apply.

Use means the purpose for which land or water or the structure thereon is designated to the extent covered by chapter 111, article III.

Used or occupied, as applied to any land or building, includes the terms "intended to be used or occupied," "arranged to be used or occupied," or "designed to be used or occupied."

Structure means anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground and used or intended for business or living quarters, excluding fences not over six feet above the natural grade.

(The source of water and electricity is "something having a permanent location on the ground".)

Sec. 111-269. - R-2 multifamily residential.

- (a) District intent. To provide for the accommodation of medium-to-high density, multifamily dwelling units. And where appropriate, to allow for certain educational, religious, recreational and public needs compatible with the general characteristics of the district.

(b) Permitted uses and structure.

- (1) Principal.
 - a. Single-family residential.
 - b. Two-family residential.
 - c. Townhouses.
 - d. Multifamily residential.
- (2) Accessory. Accessory uses and structure customarily incidental and subordinate to permitted principal uses and structure and not of a commercial nature, including private garages, tool sheds, kitchen gardens and the like.
- (3) Special exceptions. After public notice and hearing and appropriate conditions and safeguards, the planning and zoning board may permit as special exceptions, subject to referenced development standards:
 - a. Funeral homes.
 - b. Utilities substations.
 - c. Churches.
 - d. Schools.
 - e. Hospitals and clinics.
 - f. Home occupations.
 - g. Assisted living facilities.
 - h. Public facilities and structures.
 - i. Residential apartment units in existing single-family structure (see subsection (e) of this section).

(c) Prohibited uses and structure. (Note 2 or more items connected by the conjunction "and")

- (1) Mobile homes or house trailers on vacant lots or in residential yards.
- (2) **Any structure or use of a nature not specifically or provisionally permitted herein.**
- (3) **Travel trailers.**

Given the definitions of, "Use" **Used or occupied** "Travel Trailer", "Structure", and "And" and the City Ordinance wording of **Sec 111-269 (c)**, I find it impossible to use a travel trailer for its intended use on one's own residential property within the City. Therefore, given the intended use of a travel trailer is to dwell while traveling, I will not travel with it in my backyard. Therefore I am not using it for its intended use, so I am not in violation of the code if I choose to use it in my yard for sleeping a few hours, entertaining, etc. However, I also find nowhere in the Ordinances specifically permitting the storage of travel trailers in R1 and R2, so I am in violation of **Sec. 111-269 (c) (2)**.

For 32 years (since codified by the City Commission in 1991) the de jure ordinance has clearly stated that travel trailers and their uses are prohibited in R1 and R2. In 1991, the Commissioners must have realized that there is but one way to deal with Travel Trailers in Zones R1 and R2 (also in some Commercial Districts): prohibition. The Commissioners surely must have realized the hazards of unfettered travel trailer proliferation within the City limits and established an ordinance prohibiting Travel Trailers and their uses in the R2 and R1 Zones.

I have nothing against travel trailers, I full-time RV'd for ten years. In all that time I never once stored, parked, or set up my RV on a residential lot within city (sometimes even county) limits. We always stayed in RV parks, county parks, state parks and national parks or my RV was in a storage lot. That's where travel trailers belong. However, having the ability to have my travel trailer on my property will save me storage fees, I'll go get it.

The prohibition of Travel Trailers in particular residential zoned areas is a common safeguard in municipal areas against the use and proliferation of travel trailers. You know the old adage.. "build it and they will come"...you can apply that to travel trailers..."allow them and people will live in them."

The City's current interpretation of the ordinance governing travel trailers is spelled out in Code Enforcement Officer Erwin's November 28, 2023 email to me, Cynthia Sartain (Item # 7).

Is there any language in the City Ordinances that specifically states or can be interpreted as either permitting or prohibiting travel trailers: 1) the storage of; 2) the uses of; on residential property in the City?

We ask the Commission for a specific interpretation and application of current, codified, published, de jure Ordinances and Definitions; to include a grandfathering clause as they would apply to Zone R1 and R2 if the current ordinance is not upheld to prohibit travel trailers in the R1 and R2 zones of the City.

We are requesting a ruling from the Commission on the City's position regarding Travel Trailers:

- 1) The presence of on residential property in the City;
 - a) If Temporary - define temporary
 - b) If Permanent - define permanent
- 2) The storage of on residential property in the City;
- 3) The connection of to utilities on residential property in the City;
 - a) If so, how many hours, days, weeks, months may it be connected;
- 4) If the presence of is allowed, define:
 - a) the permitted uses in the City;
 - b) the prohibited uses of on residential property in the City;
- 5) Guests entering the travel trailer for maintenance;
- 6) Storage
- 7) Napping
- 8) Watching television
- 9) Running the generator
- 10) Will travel trailers currently located on residential lots grandfather in should the current ordinances not be found to prohibit travel trailers in R1 and R2;
- 11) May one use their travel trailer as they please on their own residential property;
- 12) How will the City enforce items 1-9 above, and potentially much more?

Should you be unable to find a Travel Trailer-specifically-permitted-ordinance permitting uses and structure of, you MUST APPLY 111-269 (c) (2): 111-269 (c) **Prohibited Uses and Structure (2) Any structure or use of a nature not specifically or provisionally permitted herein.**

If you follow the current position of the City regarding Travel Trailers in Zone R2 (which would also apply in R1, they are written the same), you will find that you quickly work yourself into a labyrinth of attendant issues: Occupancy Certificates, Florida Building Code application to the "structure" (a converted trailer to a structure is a definite violation), Ad Valorem taxes for a "structure" as presented by Code Enforcement (yet it is personal property not subject to Ad Valorem tax), property taxes, development in the subdivisions and requirements for utilities, short term rental violations, and so much more...You should realize where this is headed. Officer Erwin's de facto ordinance and the City's published ordinance de jure are in total opposition.

And finally:

CODE OF ORDINANCES CITY OF APALACHICOLA

PART II - Code

Sub Part B Land Development Code

Chapter 101 - GENERAL AND ADMINISTRATIVE DIVISIONS

Article 1. - IN GENERAL

Sec. 101-5. - Purpose and intent.

The purpose of this Code and the districts and regulations herein set forth is to provide for orderly growth; to encourage the most appropriate use of land; to protect and conserve the value of property; to prevent the overcrowding of land; to promote, protect and improve the health, safety, comfort, good order, appearance, convenience, morals and general welfare of the public; to help accomplish the goals and objectives of the comprehensive plan; and to provide a safe environment by protection of water quality and natural resources. Further:

(1) In interpreting and applying the provisions of this Code, these provisions shall be held to be the minimum requirements for the promotion of health, safety, morals and general welfare of the community.

(2) It is not intended by this Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where any provisions of the Code impose restrictions different from those imposed by any other provision of this Code or any other ordinance, rule or regulation, or other provision of law, **whichever provisions are more restrictive or impose higher standards shall control.**

Sincerely,

Samuel Dean and Cynthia Sartain

December 4, 2023

To: Mr. Travis Wade
City Administrator
City of Apalachicola, FL

From: Samuel Dean and Cynthia Sartain

We, Cynthia Sartain and Samuel Dean Sartain, reside at 251 Prado St. Prior to seeking guidance from the City Commission on a rather easily understood, clearly written City Ordinance, we wish to provide you a second opportunity to clarify the City's position regarding Travel Trailers in the R2 Zone of the City of Apalachicola, (R1 prohibition is worded likewise). I have attached and supplied herein Officer Erwin's needless interpretation of the Ordinances. Should you choose to support Code Enforcement Officer Erwin's position regarding Travel Trailers in an R2 Zone, at the recommendation of Mr. Dan Hartman, City Attorney for the City of Apalachicola, we will be requesting clarification from the commissioners of the City of Apalachicola with regard to the Code of Ordinances pertaining to Travel Trailers placed, stored, located, occupied, intended for and or used, in Zone R2 of the City of Apalachicola. We would appreciate you providing your position on the prohibition of Travel Trailers in R2 and R1 Zones of the City of Apalachicola, as the Code of Ordinances if currently written. We need to know your position on the needless interpretation of the Ordinance by Officer Erwin. Having your position known may preclude the need to have the City Commission rule. We need to know the steps, if any, you plan to take to enforce the prohibition of Travel Trailers in the R2 and R1 Zones of the City of Apalachicola so as not needlessly reach out to the City Commission for a ruling.

In a series of emails to the City Code Enforcement Officer beginning November 21, 2023, and ending November 28, 2023, we filed a "Concern" with the City of Apalachicola. As part of our "Concern" we provided the City Ordinance Reference below regarding Travel Trailers in Zone R2. We did not question or need or require an interpretation of, the Ordinance prohibiting Travel Trailers in R2 in the City of Apalachicola, it is very clear. We specifically sought enforcement of, the City's clearly written Ordinance prohibiting travel trailers as set forth in the City of Apalachicola, Code of Ordinances:

CITY OF APALACHICOLA, FL
CODE OF ORDINANCES
Chapter 111 - LAND USE
ARTICLE III. - ZONING
DIVISION 3
ZONING DISTRICTS AND REGULATIONS
Sec 111-269 - R-2 Multifamily Residential
(c) Prohibited Uses and Structure.
(3) Travel Trailers.

However, the response we were given by the Code Enforcement Officer for the City of Apalachicola wholly contradicts the clearly worded City's Code of Ordinances pertaining to travel trailers. So as to not misquote or provide our own interpretation of The City of Apalachicola's Code Enforcement Officer Erwin's position and response, we have inserted below Officer Erwin's last email to me, (also attached). Code Enforcement Officer Erwin's email is as follows:

"Ms. Sartain,... As to your inquiry and questions about travel trailers in the R-2 zone of the City of Apalachicola. Based on information that I had received from our former Building Official, I understood that the Franklin County Ordinance regarding the use of travel trailers applied to residential zones in the City of Apalachicola. After further research and conversation with our City Attorney, Dan Hartman, I realize that I was in error. The Franklin County Ordinance, as Cortni Bankston noted, does not apply.

Attorney Hartman has advised that as Sec. 111-269 states, travel trailers are a prohibited use and structure in R-2 zones. As I noted in an earlier email; "Re: structure. The code definition (Sec. 101-8 Definitions) refers to anything that would make something permanent, such as a foundation or something like that. Recreational vehicles are allowed to be placed on homeowners' property as long as they abide by setbacks, easements, etc. They may even connect them to electricity and water." I would add to this statement that any connection to electricity and water must not be of a permanent nature and connection to sewage facilities would not be allowed. In the cases of a permanent connection to electricity, water and/or sewage, a travel trailer would fit the definition of 'structure' and would be in violation of the code.

If the travel trailer is not a permanent structure, such as being parked in a driveway, it is allowed. In this case, it would be similar to parking a boat or other vehicle. For further clarification, the code definition for occupied (Sec. 101-8) includes designed, built, altered converted to or intended to be used or occupied. Again, if it is simply being parked in a driveway, then there is no code violation.

PJ Erwin"

We see nothing but error, contradictions and a fallacy in Officer Erwin's email response. She clearly attempts to interpret something that requires no interpretation. We were not seeking an interpretation. We were seeking enforcement. The ordinance above requires no interpretation. It is set forth in plain English. In the Ordinance, Travel Trailers are specifically named and presented as a separate line item under the heading "Prohibited Uses and Structure". Therefore, it follows that the storage, use, placement, occupancy, connection to water and or power and or sewer, and the like, of a Travel Trailer in both R2 and R1 is likewise prohibited.

Below are our noted fallacies, errors and contradictions with regard to Officer Erwin's unnecessary and erroneous interpretation of the City of Apalachicola's Code of Ordinances pertaining to Travel Trailers in Zone R2.

(EMAIL FROM:) Pamela Erwin
Nov 28, 2023, 10:29 AM (5 days ago)
to me, Dan, Bree, Travis

(TO) Good morning Ms. Sartain,

First, I am not available for a meeting on Thursday morning as I am out of town most of the day.

As to your inquiry and questions about travel trailers in the R-2 zone of the City of Apalachicola. Based on information that I had received from our former Building Official, I understood that the Franklin County Ordinance regarding the use of travel trailers applied to residential zones in the City

of Apalachicola. (1) After further research and conversation with our City Attorney, Dan Hartman, I realize that I was in error. The Franklin County Ordinance, as Cortni Bankston noted, does not apply.

Attorney Hartman has advised that as Sec. 111-269 states, travel trailers are a prohibited use and structure in R-2 zones. (2) As I noted in an earlier email; "Re: structure. The code definition (Sec. 101-8 Definitions) refers to anything that would make something permanent, such as a foundation or something like that. (3) Recreational vehicles are allowed to be placed on homeowners' property as long as they abide by setbacks, easements, etc. (4) They may even connect them to electricity and water." I would add to this statement that any connection to electricity and water must not be of a permanent nature (5) and connection to sewage facilities would not be allowed. In the cases of a permanent connection to electricity, water and/or sewage, a travel trailer would fit the definition of 'structure' and would be in violation of the code. (6)

If the travel trailer is not a permanent structure, such as being parked in a driveway, it is allowed. (7) In this case, it would be similar to parking a boat or other vehicle. (8) For further clarification, the code definition for occupied (Sec. 101-8) includes designed, built, altered converted to or intended to be used or occupied. (9) Again, if it is simply being parked in a driveway, then there is no code violation. (10)

PJ Erwin

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

(1) I know and have known that the City may rely on a County and or State Ordinance when the City does not refer to an issue in its own ordinances, such as the Florida Building Code, etc. However, the City has very clear Ordinances and definitions regarding Travel Trailers (a vehicular structure by City Ordinance definition). I even supplied Officer Erwin with the City Ordinance Section for a quick reference for her. Yet Officer Erwin relied on what she was "told" by a former building inspector, instead of reading the Ordinance for understanding is outrageous and unacceptable. How do you gain an understanding of the City ordinances if you rely on being "told" and not gaining your own understanding of the overall picture of the City Ordinances. Much less attempt to needlessly interpret a very clear Ordinance.

(2) Officer Erwin sourced the City Attorney Dan Hartman. Attorney Hartman apparently advised Officer Erwin, and Officer Erwin states: After further research and conversation with our City Attorney, Dan Hartman, I realize that I was in error. The Franklin County Ordinance, as Cortni Bankston noted, does not apply. (I knew this, I just had to waste my time to eliminate Officer Erwin's claim that Franklin County Ordinances applied to the City of Apalachicola...Officer Erwin did not check with the County to see if the County Ordinance applied, nor did she read the City Ordinance....even though I provided it to her in my complaint. Attorney Hartman has advised that as Sec. 111-269 states, travel trailers are a prohibited use and structure in R-2 zones. So, Attorney Hartman advised Officer Erwin of the prohibition on Travel Trailers in the R2 Zone. That should have been the end of the discussion.

(3) A foundation does not necessarily make something permanent. According to City Ordinance, the definition of Permanent is: Permanent means designed, constructed and intended for more than short-term use. All it takes to get electricity and water to a Travel Trailer is an extension cord and a water hose. This type of connection does meet the definition of permanent because electricity and water are permanently attached to the ground. A travel Trailer, by City Ordinance is defined as self-contained...they are to have no need for external power or water. A Travel Trailer has on-board power, usually solar or a generator. They have water holding tanks for fresh and gray and black water.

(4) I find nowhere in the Code of Ordinances giving R2 Zones residents permission to locate, or store a travel trailer on their property in an R2 Zone.

(5) I find nowhere in the Code of Ordinances giving Travel Trailers the permission to connect to electricity and or water in an R2 Zone.

(6) As for a permanent connection to electricity, water, and or sewer, all it takes for electricity is an extension cord, for water a water hose and for sewer a waste hose.

(7) By definition a permanent structure in R2 Zone must meet FL Building Code. If connecting the Travel Trailer to electricity, water and or sewer makes a Travel Trailer a permanent fixture, it is in violation of the Florida Building Code. A Travel Trailer does not meet the definition of an R2 Zoned permanent structure. A Travel Trailer is by City Ordinance definition, a vehicular, portable structure built on a chassis and towed; designed to be used as a temporary dwelling for travel, recreation and vacation uses; Nowhere in the Code of Ordinances do I find that if a travel is not a permanent structure it is ok to park a travel trailer in your driveway.

(8) Officer Erwin now refers to parking a Travel Trailer in your driveway as... "it would be similar to parking a boat or other vehicle. By City Ordinance definition, a boat is a vessel, a floating entity is a structure. **ARTICLE V. - APALACHICOLA FLOATING STRUCTURE** Defines a Floating structure as: Floating structure means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water, but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" as defined in F.S. § 327.02. Incidental movement upon water or resting partially or entirely on the bottom does not, in and of itself, preclude an entity from classification as a floating structure. Registration of the entity as a vessel in accordance with F.S. ch. 327, shall not preclude an entity from classification as a floating structure. In the event it is disputed whether an entity constitutes a floating structure versus a vessel, such dispute shall be exclusively determined, under a preponderance of the evidence standard, by analyzing:

(1)Whether it is capable of self-propulsion,(2)Whether it has a rudder or other steering mechanism,(3)Whether it has a raked hull,(4)Whether it has rectangular or a square bottom,(5)By comparing its draft to the drafts of vessels of a similar physical size,(6)Its infrequency of documented past geographical movement,(7)Whether it can be moved over meaningful distances without dangerously or hazardously swinging from side-to-side,(8)If it has a (lawful) capacity to generate or store electricity,(9)Whether it has a bilge pump(s),(10)Whether it has an approved marine sanitation device(s),(11)Whether it is above water surface area(s) bear similarity to the interior or exterior of a land-based residential or commercial structure,(12)Whether it has ordinary windows, open doorways, or unsealed doors,(13)Whether it has any other physical features that might suggest to an objective reasonable observer a design to transport over water anything other than its own furnishings and related personal effects, and(14)Whether it is titled as a registered as a vessel. Payment of a tangible personal property tax regarding the entity in question or issuance or receipt of tax exemption thereto, pursuant to F.S. § 192.001(17), shall constitute prima facie evidence that the entity in question constitutes a floating structure under this article.

ARTICLE III. - BATTERY PARK BOAT BASIN

Sec. 8-64. - Fees established.

Battery Park Marina slip rentals. The following fees and rules are hereby imposed:

(4) Floating structures and liveaboard vessels as defined in Section 327.02, F.S. are prohibited from docking at Battery Park Marina.

(6) No vessel berthed within the marina may function as transient rental accommodations.

Code of Ordinances Defines a boat as: Vessel shall be synonymous with boat as referenced in s. 1(b). Art. VII of the State Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. The probability of locating/placing/storing/living in or using a floating structure and using it as a VRBO is a lot less probable than a Travel Trailer. I find nothing in the Code of Ordinances that clearly prohibits parking vessels/boats in an R2 zone.

(9) For further clarification, the code definition for occupied (Sec. 101-8) includes designed (By definition a travel trailer was not designed to be a dwelling, or lived in, in fact Code of Ordinances Definition prohibits converted trailers to be used as a dwelling, built (a travel trailer was not

manufactured to be an inhabitable structure) **altered converted** (a travel trailer was not designed to be converted to a inhabitable structure, in fact Code of Ordinances Definition prohibits converted trailers to be used as a dwelling **to or intended** (when power and electric are connected to the Travel Trailer, there is an intent to use) **to be used or occupied** (By Code of Ordinance, Definition of **Used or occupied**, as applied to any **land or building**, includes the terms "**intended** to be used or occupied," "**arranged** to be used or occupied," or "**designed to be used or occupied.**")

(10) **Chapter 111 - LAND USE**

ARTICLE III. - ZONING

DIVISION 3 - ZONING DISTRICTS AND REGULATIONS

Sec. 111-269. - R-2 multifamily residential.

(a) *District intent.* To provide for the accommodation of medium-to-high density, multifamily dwelling units. And where appropriate, to allow for certain educational, religious, recreational and public needs compatible with the general characteristics of the district.

(b) *Permitted uses and structure.*

(1) *Principal.*

- A. Single-family residential.
- B. Two-family residential.
- C. Townhouses.
- D. Multifamily residential.

(2) *Accessory.* Accessory uses and structure customarily incidental and subordinate to permitted principal uses and structure and not of a commercial nature, including private garages, tool sheds, kitchen gardens and the like.

(c) *Prohibited uses and structure.*

(1) Mobile homes or house trailers on vacant lots or in residential yards.

(2) Any structure or use of a nature **not specifically or provisionally permitted herein.**

(3) **Travel trailers.**

* **Color Coded for Reference:**

* **As taken from the City of Apalachicola Code of Ordinances**

* **Code Enforcement Officer Erwin statements**

* **Samuel Dean & Cynthia Sartain position and comments**

(Cont.)

Prior to the 2022 purchase of our home within the Apalachicola city limits, I researched the zoning of the home we were interested in purchasing. The Code in force at that time, and the Code that is currently in force in 2023, regarding travel trailers, was and is the same. The Ordinance prohibiting Travel Trailers in Zone R2 is clearly written, presented in an easy to read format. The presentation and content of the Ordinance is easy to read, the wording is clear, concise, indisputable, incontrovertible, and irrefutable, with no need for interpretation:

Sec. 111-269. - R-2 Multifamily Residential.

- (c) Prohibited uses and structure.
 - (1) Mobile homes or house trailers on vacant lots or in residential yards.
 - (2) Any structure or use of a nature not specifically or provisionally permitted herein.
 - (3) Travel trailers.

Over the course of six email exchanges we were surprised to discover that City Code Enforcement Officer Erwin somehow mentally meandered to the conclusion that travel trailers were not only approved to be placed on one's R2 Zoned property, providing that it only met setback requirements, but that according to Officer Erwin, they could also be connected to water and electricity, though not permanently,her interpretation loses all merit as it continues, her interpretation is illogical..

Chapter 111-269 (c) (3) is clearly written in plain English to prohibit a Travel Trailer and its uses within the R2 Zone of the City of Apalachicola. There is a date of 2005 on the ordinance which we gather is the date the ordinance was codified. We assume that the city commissioners at the time had cause and good reason to enact such a prohibition of travel trailers. It is quite easy to imagine that the commissioners understood that if travel trailers were allowed in the residential districts that people would use them to house family members, guests, paying borders, and tourists. We suspect the commissioners well understood the resultant chaos and deterioration of the very fabric of the neighborhoods which comes with allowing travel trailers.

CODE OF ORDINANCES CITY OF APALACHICOLA
PART II - Code
Sub Part B Land Development Code
Chapter 101 - GENERAL AND ADMINISTRATIVE DIVISIONS
Article 1. - IN GENERAL

Sec. 101-5. - Purpose and intent.

The purpose of this Code and the districts and regulations herein set forth is to provide for orderly growth; to encourage the most appropriate use of land; to protect and conserve the value of property; to prevent the overcrowding of land; to promote, protect and improve the health, safety, comfort, good order, appearance, convenience, morals and general welfare of the public; to help accomplish the goals and objectives of the comprehensive plan; and to provide a safe environment by protection of water quality and natural resources. Further:

(1) In interpreting and applying the provisions of this Code, these provisions shall be held to be the minimum requirements for the promotion of health, safety, morals and general welfare of the community.

(2) It is not intended by this Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where any provisions of the Code impose restrictions different from those imposed by any other provision of this Code or any other ordinance, rule or regulation, or other provision of law, **whichever provisions are more restrictive or impose higher standards shall control.**

Sec. 101-6. - Jurisdiction.

The provisions of this Code shall apply to all land, buildings, and structures and to the uses within the jurisdiction of the local government. No land shall be used, and no building or structure constructed, moved, added to or enlarged, altered or maintained, except in conformity with the provisions of this Code.

Sec. 101-7 Rules of Construction.

The following rules of construction apply to the text of this Code:

****shall**** (3) The term "**shall**" is always mandatory and not discretionary. The term "may" is permissive.

****shall**** (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "**and**," "or," or "either...or," the conjunction **shall** be interpreted as follows:

****shall** **And**** a. "**And**" indicates that the connected items, conditions, provisions or events **shall** apply.

Sec. 101-8. - Definitions.

The following words, terms and phrases, when used in this land development code, shall have the meanings ascribed to them in this section, except where the context **clearly** indicates a different meaning:

Recreation vehicle. The following types of vehicles **enumerated** are deemed recreation vehicles:

*** structure *** **Travel trailer** means a vehicular, portable structure built on a chassis and towed; designed to be used as a temporary dwelling for travel, recreation and vacation uses; permanently identifies "travel trailer" by the manufacturer on the trailer; and when factory-equipped for the road, having a body width not exceeding eight feet and a body length not exceeding 32 feet.

Chapter 111 - LAND USE

ARTICLE III. - ZONING

DIVISION 3 - ZONING DISTRICTS AND REGULATIONS

Sec. 111-269. - R-2 Multifamily Residential.

(a) District intent. To provide for the accommodation of medium-to-high density, multifamily dwelling units. And where appropriate, to allow for certain educational, religious, recreational and public needs compatible with the general characteristics of the district.

(b) Permitted uses and structure.

(1) Principal.

- a. Single-family residential.
- b. Two-family residential.
- c. Townhouses.
- d. Multifamily residential.

(2) Accessory. Accessory uses and structure customarily incidental and subordinate to permitted principal uses and structure and not of a commercial nature, including private garages, tool sheds, kitchen gardens and the like.

*****and*** structure *** (c) **Prohibited uses and structure.**

- (1) Mobile homes or house trailers on vacant lots or in residential yards.
- (2) Any structure or use of a nature not specifically or provisionally permitted herein.
- (3) **Travel trailers.**

In general City Ordinances leave very little room for interpretation. City Ordinances go so far as to even define conjunctions. The City Ordinances leave no room for interpretation regarding the definition of Travel Trailers; their intended use, and; their prohibition in the R2 Zone:

To support the City's intent: City Ordinance Sec 101-8 states, The following words, terms and phrases, when used in this land development code, **shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:**

The City Ordinance wording and definitions are very clear regarding Travel Trailers in the R2 Zone:

- City Ordinance Define "Travel Trailers"
 - As a vehicular, portable structure;
- City Ordinance Defines "Use"
 - With regard to a Travel Trailer as "... Travel Trailer is designed to be used as a temporary dwelling for travel, recreation and vacation uses".
- Under the Heading "**Prohibited Uses and Structure**" the structure itself, **Travel Trailers**, is **specifically and singularly line itemed**...the structure and use are prohibited. They cannot be stored, parked, located, used, occupied. Travel Trailers and use of is prohibited in Zone R2.
- There is no other context that clearly indicates a different meaning with regard to the above bullet items.

The City Ordinances were well thought out, discussed, voted on, clearly written and enacted for a reason. Any attempt to allow travel trailers, a vehicular structure, within the city limits necessitates many of the City Ordinances to be rewritten. One must then ask, what is the justification for rewriting the a city ordinance? And, the Travel Trailers currently in R1 and R2 would be grandfathered in, should the Commission decide that the current Ordinances, as adopted, do not prohibit travel trailers in R1 and R2.

All it takes for a Travel Trailer to be "used" is a power cord and a water hose. How will the City police the use of a Travel Trailer. When it becomes known that one may get a travel trailer...or 2 or 3... and create an VRBO(s) for a very small investment, no matter the year, model, condition or look of the travel trailer, you will have an occupancy problem, an increased theft problem, a parking problem, etc. The travel trailers will be used as; a place for family and friends to stay instead of a hotel; a mancave; a she shed; a storage unit; unreported rental income; a dilapidated unused eyesore and safety hazard; a death trap for those who do not understand the use of propane; a death trap with no or inoperable smoke alarms; and, other sorts of uses that people will think of.

(Cont..)

ANNUAL AD VALOREM TAX

Annual Ad Valorem Taxes are assessed on:

Real Property - Land, buildings, and improvements.

Tangible Personal Property - Goods, chattel, and other owned objects. For taxation purposes in Florida, vehicles and household goods are not considered tangible personal property.

If the City asserts that a travel trailer is a structure, everyone that has a parked travel trailer in their yard has an added value "structure". Therefore, everyone who parks a travel trailer in their yard shall be required to report the vehicular structure/improvement/travel trailer/accessory structure/addition to the city in order to pay the additional property taxes based on the newly appraised added value to the entire unit. An existing dwelling which adds an accessory structure or the like is more valuable than it was before the addition. However, ad valorem taxes are not imposed on vehicles...travel Trailers are by Florida State definition a vehicle, and are classified as personal property. Ad Valorem taxes are imposed on land, mobile homes, stick & mortar buildings, modular buildings, sheds, garages, concreted areas, pools, pool houses, guest cottages, etc... By city ordinance a travel trailer is defined as a vehicular structure, yet is considered personal property as defined by the State of Florida. Personal property is not subject to ad valorem tax. Which means that a travel trailer is not subject to ad valorem tax. A conundrum or a loophole?

PERMITS AND CERTIFICATE OF OCCUPANCY

Subpart B - LAND DEVELOPMENT CODE

Chapter 101 - GENERAL AND ADMINISTRATIVE PROVISIONS

ARTICLE II. - ENFORCEMENT AND ADMINISTRATION

DIVISION 3. - ADMINISTRATION AND RULES OF PROCEDURE

Sec. 101-85. - Development **permits**.

- (a) No building or other structure shall be erected, moved, enlarged or structurally altered (to include demolition) without a valid permit issued therefor by the city building inspector. All applications for a development permit shall be completed and submitted by the owner or his authorized agent to the building inspector in accordance with the provisions of this Code. Unless upon written order from the board of adjustment authorizing otherwise, no permit shall be issued except in complete conformity with the provisions of this Code. A permit shall carry with it the right to engage in any activity or perform any work as shown on the drawings and set forth in the specifications filed with the application for the permit. Where such specification is not given, the activity or work is not authorized by the permit; a separate permit shall be required.

Sec. 101-86. - Permit application/review.

- (a) Each application for a development permit and, where required, with the appropriate fee shall be filed with the building inspector on a form furnished for such purpose which shall contain, **at a minimum**, the following information:
 - (1) A location map and conceptual site plan of appropriate scale indicating the lot or property lines and physical description of the parcel with respect to:
 - a. General topography including highest elevation above mean or ordinary high water and slope contours.
 - b. The proposed development's distance from mean or ordinary high water and vegetated wetlands under the jurisdiction of the state.
 - c. The number and size of structures existing on the parcel.
 - d. The proposed development's proximity to lot lines, setbacks, rights-of-way, or easements and, where applicable, with respect to septic tank location and potable water supplies.

Where required by section 111-6, a more detailed site plan shall be required, as per section 111-288(h).

- (2) Where required, a current septic tank installation permit (for new on-site sewage disposal systems) or a current inspection of an existing system or other wastewater authorization approved by the county environmental health director for compliance with the state department of health and rehabilitative services rules and regulations.
- (3) For all new construction, including any enlargement or alteration of an existing structure that changes its area of enclosed heated floor space, the applicant shall be required to submit, in duplicate, drawings and plans showing:
 - a. The basic floor plan.
 - b. Foundation details.
 - c. Elevation of floor level above the grade.
 - d. Structural details.
 - e. All electrical, plumbing, heating and air conditioning equipment and service outlets.

The application shall also include such other information as may be required by the building inspector to determine conformance with and provide for the enforcement of this Code. Such additional requirements which are determined necessary for the issuance of the certificate of occupancy such as that pertaining to the existing or proposed uses of the structure and land, the number of families, and/or rental units the structure is designed to accommodate, or conditions existing on the lot which might affect its use.

- (b) The completed application shall be signed by the owner or his authorized agent and submitted to the building inspector along with all drawings and plans for review and consideration by the appropriate approving authority. When and if the proposed development is approved and a decision has been made to issue the permit, one copy of the drawings and plans submitted with the application shall be so marked and returned to the applicant by the building inspector advising of his decision any of any terms or conditions attached thereto. The second set of drawings and plans shall be retained by the building inspector in the file of the city clerk.
- (c) If, in the finding of the building inspector, the application submitted for a development permit is incomplete with respect to the requirements listed in this division, the building inspector may deny the permit or suspend review subject to the receipt of additional information from the applicant or the applicant's authorized agent.
- (d) A written checklist completed and signed by the building inspector and certifying the proposed development's conformance with this Code and other applicable land development regulations adopted for the city shall accompany all completed permit applications and become part of the permanent record for each development order rendered by the city. Where development is permitted as a special exception or in variance to the applicable standards of this Code, the record shall include the proceedings of and the findings of fact made by the respective commission and board.

Sec. 101-87. - **Certificates of occupancy.**

A certificate of occupancy required to occupy or permit the use of any enclosed structure designed as a full or part-time, temporary or permanent, living area or work space or for any alteration or enlargement thereto involving heated floor space. Under no circumstances shall electrical service be authorized without a certificate of occupancy issued by the building inspector attesting to the

conformity of the structure and proposed use of the premises to the requirements of this Code and other applicable standards designed to protect the safety of the occupants and the public.

Sec. 101-88. - Application for certificates of occupancy.

An application for a certificate of occupancy shall have been deemed made when the owner or his authorized agent submits a completed application for a development permit pursuant to section 101-85. Upon completion of the proposed development activity, and a final electrical inspection and connection to a municipal sewer line or system as required in section 101-86, the building inspector shall issue the certificate of occupancy.

- (1) A certificate of occupancy shall be held valid indefinitely, provided that the structure or the use of land for which it is issued is not altered so as to require the issuance of a development permit pursuant to this division and that the use of the subject structure remains unchanged. The building inspector shall maintain a record of all certificates of occupancy on file in the city clerk's office and copies shall be furnished upon request to any person having an interest as proprietor or tenant of the affected structure or use.
- (2) No nonconforming structure or use shall be allowed to continue until a certificate of occupancy has been issued by the building inspector stating specifically the matters wherein the nonconforming use differs from the provisions of this Code. Upon the enactment of or amendment to this Code the owners or their authorized agents of nonconforming uses or structures shall have three months to apply for certificates of occupancy, after which time failure to have made such application shall be presumptive evidence that the property was not a nonconforming use at the time of adoption of this Code.

Ordinances and Situations to Consider:

Will the City require an Occupancy Certificate for the Travel Trailer; a permit? Does the "structure" meet Florida Building Code, which according to City Code it must to be "used" "occupied"....such a process will need to be performed for all the Travel Trailers in the R2 zone....except that the travel trailers currently; stored; located; used; occupied; etc, will grandfather in and not be subject to the newly adopted City Ordinances. And how many residents do you image will learn of this and place a travel trailer on their property in Zone R1 and R2 before the new City Ordinance is adopted?

Will everyone with a travel trailer, 5th wheel, pop up camper, park trailer, RV parked in their yard have the luxury of grounding it as an Accessory Structure/Guest Cottage/shed pay only highway taxes...if they choose to register it....otherwise they pay NO taxes on it and certainly not property taxes to the City. That is a recipe for disaster, The city is already having issues with short term rentals. Allowing travel trailers in residential yards in R2 will just make the current situation many times worse.

(Cont.)

CODE OF ORDINANCES DEFINITIONS

Part II - CODE

Subpart B - Land Development Code

Chapter 101 - GENERAL AND ADMINISTRATIVE PROVISIONS

ARTICLE I. - IN GENERAL

Sec. 101-8. - Definitions.

Accessory building and uses means a structure or a use customarily incidental and subordinate to the principal structure or use and located on the same lot. Accessory structures shall not be used for habitable purposes. Accessory buildings shall not be constructed until a principal structure is in place.

Accessory use means a use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel.

Accommodations means any hotel, motel, tourist court, roominghouse, bed and breakfast or rental unit intended to be used for transient persons or tourists for overnight lodging or longer. Any business containing one or more rental units renting for a time period of less than one month shall be deemed an accommodation facility. Non-accommodations shall be any activity other than one which may be classified as an accommodations activity.

Building means any structure designed or built for support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. The term "building" shall include the term "structure," any structure constructed or used for a residence, business, industry or other private or public purposes, including structures that are accessory to such uses, provided such structure is in compliance with the Florida Building Code.

Dwelling means any building or portion thereof which is designed or used for residential purposes, but does not include a trailer coach or converted trailer, hotel, motel, boardinghouse, or roominghouse.

Apartment means a single dwelling...

Dwelling, multifamily, means a residential building designed for or occupied exclusively by three or more families, with the number of families in residence not exceeding the number of dwelling units provided, and with only structural maintenance services furnished by the management. The minimum required size for a multifamily dwelling unit is 500 square feet of enclosed, heated living area. *Garden apartment.* See *Dwelling, multifamily.*

Erect means to build, paint, construct, reconstruct, attach, hang, suspend, place or affix.

Erected includes the term "constructed," "moved," "located" or "relocated."

Family means one or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family.

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

Guest cottage means living quarters within a detached accessory building located on the same lot or parcel of land as the main building, used exclusively for housing members of the family occupying the main building and their non-paying guests, not rented or otherwise used as a separate dwelling.

Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle or park trailer.

Occupied includes designed, built, altered converted to or intended to be used or occupied.

Park trailer means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

Permanent means designed, constructed and intended for more than short-term use.

Structure means anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground and used or intended for business or living quarters, excluding fences not over six feet above the natural grade.

Transient accommodations means any unit, group of units, building or group of buildings within a single complex of buildings, that is rented for less than an entire calendar month, or for a period of 30 or less consecutive days spanning two months, and that is advertised or held out to the public as a place regularly rented to transients. Forms of transient accommodations include the following:

- (1) Motel means a group of transient accommodation units under one ownership located on one tract of land designed primarily for access by automobile. The term "motel dwelling" is hereby defined as a single room or group of rooms with facilities that are used or intended to be occupied for sleeping and sanitation by one family at a time. Laundry facilities and cooking facilities other than a microwave oven shall not be provided in said rental unit.
- (1) Hotel means a structure primarily for transient guests and confined within one principal building except for necessary accessory buildings. The term "hotel dwelling" is hereby defined as a single room or group of rooms with facilities that are used or intended to be occupied for sleeping and sanitation by one family at a time. Laundry facilities and cooking facilities other than a microwave oven shall not be provided in said rental unit.
- (2) Bed and breakfast means a place where tourists, transients, travelers or persons desiring overnight accommodations are provided with sleeping and sanitary facilities. Cooking facilities other than a microwave oven are not allowed in an individual bed and breakfast room, but they are allowed within a common kitchen area.

Travel trailer means a vehicular portable structure built on a chassis and towed; designed to be used as a temporary dwelling for travel, recreation and vacation uses;

Use means the purpose for which land or water or the structure thereon is designated to the extent covered by chapter 111, article III.

Used or occupied, as applied to any land or building, includes the terms "intended to be used or occupied," "arranged to be used or occupied," or "designed to be used or occupied."

(Cont.)

**** Florida Statute 320.01**
Title XXIII
MOTOR VEHICLES
Chapter 320
MOTOR VEHICLE LICENSES

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, electric bicycles, swamp buggies, or mopeds.

(b) A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. As defined below, the basic entities are:

1. The "travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8 1/2 feet and an overall body length of no more than 40 feet when factory-equipped for the road. **

We have invested a lot of time in this research. Our position is clear and the City of Apalachicola Code of Ordinances clearly supports our position.

We are requesting a response from you on this matter.

We have sourced the City Code of Ordinances, the City Code Enforcement Officer, Mr. Dan Hartman, the City Attorney, and for a second time, we are requesting a response from you, Mr. Travis Wade.

Regarding:

CITY OF APALACHICOLA, FL
CODE OF ORDINANCES
Chapter 111 - LAND USE
ARTICLE III. - ZONING
DIVISION 3
ZONING DISTRICTS AND REGULATIONS
Sec 111-269 - R-2 Multifamily Residential
(c) Prohibited Uses and Structure.
(3) Travel Trailers.

- 1) Do you support Code Enforcement Officer Erwin's position, as herein above stated via Nov 28, 2023 email to Cynthia Sartain, regarding Travel Trailers located/stored/use in R2 and R1 zones in the City of Apalachicola?;

- 2) Are Travel Trailers a prohibited structure in Zones R2 and R1 of the city of Apalachicola?;
- 3) Will you actively direct the enforcement of the prohibition of Travel Trailers located/stored/use in Zones R2 and R1 of the City of Apalachicola?, and;
- 4) When will you direct the enforcement of the prohibition of Travel Trailers located/stored/use in Zones R2 and R1 of the city of Apalachicola?;

We have read the Ordinances regarding enforcement, penalties, etc. I notified Officer Erwin of a Travel Trailer located in Zone R2 at 249 Prado St on Nov 21, 2023. We would like your position and the steps you plan in order to direct the active enforcement of the Ordinances we have mentioned herein with regard to the prohibition of Travel Trailers located/stored/use in Zone R2 and R1 of the City of Apalachicola.

Sincerely,

Samuel Dean and Cynthia Sartain

- * **Color Coded for Reference:**
- * **As taken from the City of Apalachicola Code of Ordinances**
And State of Florida Statutes**
- * **Code Enforcement Officer Erwin statements**
- * **Samuel Dean & Cynthia Sartain position and comments**

Admission Agenda Item

The content in this message has been blocked because the sender isn't in your Safe senders list. | trust content from casapalach@gmail.com. | Show blocked content

Yynthia Sartain <casapalach@gmail.com>

Re: Travis Wade

Mon 12/4/2023

Thank you for your response.

Please place my husband, Dean Sartain and me on the agenda to be heard at the January City Commissioner meeting. We would like the City Commissioner to address my husband's position regarding Travel Trailers and the city zoning thereof. Along with a ruling on Ordinance Sec. 111-269 of the Code of Ordinances and its applicability to R1 specifically.

Sincerely,

Yynthia and Samuel Sartain

Dec 4, 2023, 2:12 PM Travis Wade <twade@cityofapalachicola.com> wrote:

Yynthia, with Ms. Erwin's and Mr. Hartman's interpretations of the City's Code. A recreational vehicle is not prohibited in the R-2 District. However, the use of a recreational vehicle as a dwelling/residence in the R-2 District is prohibited.

Travis Wade

Travis Wade

Travis Wade

Re: Agenda packet materials

Cynthia Sartain <casapalach@gmail.com>

Fri 12/29/2023 7:40 PM

To: Lee Mathes <lmathes@cityofapalachicola.com>

1 attachments (201 KB)

Outlook-vwnh43xk.png;

Good Evening Ms. Mathes,

Given you have provided certain Ordinances in advance is advantageous for the council. I appreciate that. I will be providing additional organized and referenced items to include some of the same you have chosen. However, your advanced read-ahead is a great start for references and subject matter. Please include this email as part of your package as a whole regarding public correspondence. Thank you.

Best Regards,

Cynthia Sartain

On Thu, Dec 28, 2023, 11:06 AM Lee Mathes <lmathes@cityofapalachicola.com> wrote:

☐ [Agenda-Packet-Jan.-2024.pdf](#)

Attached is the full agenda packet thus far. There will an amended agenda posted next week, but your item should not change.

Lee H. Mathes, MMC

City Clerk

City of Apalachicola

192 Coach Wagoner Blvd.

Apalachicola, FL 32320

Phone: 850-653-9319

Fax: 850-653-2205

lmathes@cityofapalachicola.com

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Cynthia Sartain <casapalach@gmail.com>**Sent:** Thursday, December 28, 2023 10:02 AM**To:** Lee Mathes <lmathes@cityofapalachicola.com>**Subject:** Re: Agenda packet materials

My husband went by city hall to pick up the materials you are adding to my presentation. But noone had them to give to him. They said you did not leave anything with anyone for me. Please email them to me.

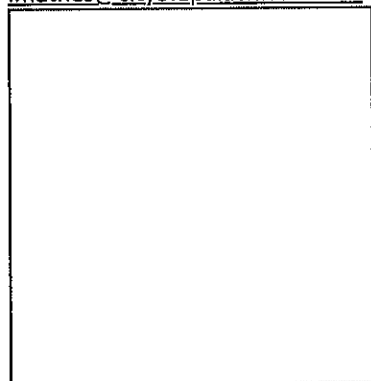
Regards

Cynthia Sartain

On Thu, Dec 28, 2023, 9:50 AM Lee Mathes <lmathes@cityofapalachicola.com> wrote:

If your materials are the same then you don't need to bring copies of anything. If you have any additional information you would like to present that isn't included in the packet then please bring copies of those materials.

Lee H. Mathes, MMC
City Clerk
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
Phone: 850-653-9319
Fax: 850-653-2205
lmathes@cityofapalachicola.com



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From: Cynthia Sartain <casapalach@gmail.com>
Sent: Friday, December 22, 2023 6:30 AM
To: Lee Mathes <lmathes@cityofapalachicola.com>
Subject: Re: Agenda packet materials

Good Morning Ms. Mathes,

With regard to your explanation above, given you have created my package for my presentation to the Commissioners and for the public to view, do I still need to bring the 10 copies that you said I need to bring? If so, please let me know who my 10 copies will be for, and why I will be bringing copies of what it is that you have already provided to the Commission and for the public to view. And, is it policy for all presenters to bring 10 copies, as you stated a requirement for me in a previous email?

Best Regards,
Cynthia Sartain

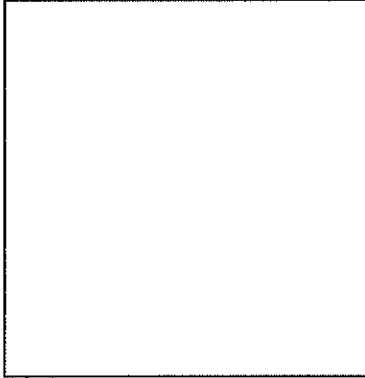
On Thu, Dec 21, 2023 at 2:14 PM Lee Mathes <lmathes@cityofapalachicola.com> wrote:

I have printed out your information. For clarification, materials for agenda items are for information so the Commission and public can view and see what the agenda item is about. Materials do not always have to be an ordinance or something like that. An agenda item that discusses rules and regulations normally have the rules and regulations included in the packet. Staff may sometimes also include items with an agenda item. The materials of the presenter of the agenda item is not the only documentation that is allowed for that agenda item.

Sorry if my previous statement caused confusion.

Lee H. Mathes, MMC
City Clerk
City of Apalachicola

192 Coach Wagoner Blvd.
Apalachicola, FL 32320
Phone: 850-653-9319
Fax: 850-653-2205
lmathes@cityofapalachicola.com



Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Cynthia Sartain <casapalach@gmail.com>
Sent: Thursday, December 21, 2023 1:48 PM
To: Lee Mathes <lmathes@cityofapalachicola.com>
Subject: Re: Agenda packet materials

Good Afternoon Ms. Mathes,

I have attached my 2 documents for the Commissioners meeting. I am not including my emails because you are sending some, for some reason, and I do not want to duplicate and cause confusion. Though I protest you including anything except official Ordinances in my agenda item, I will wait to see what it is that you enclose and I will supplement with my emails. I will be sure to ask the Commissioners if it is standard practice to include items, other than official ordinances in a presenters Agenda folder. With regard to Ordinances, I understand, however, you are sending emails, not official ordinances. It is my presentation. I should have say what is in my presentation.

Please send me all that you are including regarding my presentation to the Commissioners.

Best Regards,
Cynthia Sartain

On Thu, Dec 21, 2023 at 9:40 AM Lee Mathes <lmathes@cityofapalachicola.com> wrote:
This is what is in the agenda packet thus far.

Lee H. Mathes, MMC
City Clerk
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
Phone: 850-653-9319
Fax: 850-653-2205
lmathes@cityofapalachicola.com

Sec. 111-268. - R-1 single-family residential.

- (a) *District intent.* To provide for the accommodation of low-density residential development in areas predominately occupied by single-family detached dwellings. And where appropriate, to allow certain educational, religious, recreational and public activities compatible with the general characteristics of the district.
- (b) *Permitted uses and structures.*
 - (1) *Principal.* Single-family residential.
 - (2) *Accessory.* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures and not of a commercial nature, including private garages, tool sheds, kitchen gardens and the like. Accessory structures may not be used for residential purposes.
- (c) *Special exceptions.* After public notice and hearing and appropriate conditions and safeguards, the planning and zoning board may permit as special exceptions, subject to referenced development standards:
 - (1) Utilities substations.
 - (2) Churches.
 - (3) Schools.
 - (4) Hospitals and clinics (prohibited in velocity zones as shown on the flood insurance rate maps).
 - (5) Two-family residential.
 - (6) Parks and playgrounds.
 - (7) Residential apartment units in existing single-family structures (see subsection (f) of this section).
 - (8) Public facilities and structures.
 - (9) Home occupations.
- (d) *Prohibited uses and structures.*
 - (1) Mobile homes and house trailers.
 - (2) Establishments for the conduct of retail trade.
 - (3) Storage yards or warehouses.
 - (4) Travel trailers.
 - (5) Any structure or use of a nature not specifically or provisionally permitted herein.
- (e) *Development standards.*
 - (1) *Minimum lot or site size.*
 - a. *Single-family and home occupations.*
 - 1. Area: 6,000 square feet.
 - 2. Width: 60 feet.
 - 3. Depth: 100 feet.
 - b.

Two-family.

1. Area: 9,000 square feet.
2. Width: 90 feet.
3. Depth: 100 feet.

c. *Special exceptions except for two-family and home occupations.*

1. Area: 12,000 square feet.
2. Width: 120 feet.
3. Depth: 100 feet.

(2) *Minimum building size.* Single-family dwelling: 800 square feet.

(3) *Minimum building setbacks.*

- a. Front: 15 feet.
- b. Side, interior lot: 7½ feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than five feet.
- c. Side, corner lot: 15 feet.
- d. Rear: 25 feet for principal structures, five feet for accessory structures.

(4) *Maximum building restrictions.*

- a. Lot coverage: 40 percent.
- b. Permissible building height: 35 feet.

(f) *Applicable regulations.*

(1) *Location of accessory structures.* Location of accessory structures in residential districts: In residential districts, and on any lot used for residential purposes, no accessory structure shall be located in required front yards.

(2) *Parking regulations.* See section 111-288.

(3) *Special exceptions.* Unless otherwise specified, special exceptions must comply with development standards as referenced. If deemed appropriate by the planning and zoning board in order to grant a special exception, certain more stringent standards may be imposed.

(4) *Submerged lands.* In cases where building lots are adjacent to and contiguous with wetlands, a setback of 20 feet from jurisdictional wetlands shall replace conflicting lot line setbacks. This setback shall consist of a vegetative buffer.

(5) *Residential apartment units.* When approved as a special exception, up to a maximum of three residential apartment units may be allowed per existing single-family structure, provided that the lot upon which the structure is located has a front lot line of at least 60 feet and a depth of at least 100 feet, and provided that at least one parking space per apartment unit is provided onsite; however, up to a maximum of four residential apartment units may be allowed when approved as a special

exception provided that the lot upon which the structure is located has a front lot line of at least 90 feet and depth of 100 feet and provided that at least one parking space per apartment unit is provided on-site.

- (6) *Supplemental regulations.* Provisions of article I of this chapter and article I of chapter 115 of this code shall be applicable to certain lands within this district.

(LDC, art. IV)

Sec. 111-269. - R-2 multifamily residential.

- (a) *District intent.* To provide for the accommodation of medium-to-high density, multifamily dwelling units. And where appropriate, to allow for certain educational, religious, recreational and public needs compatible with the general characteristics of the district.
- (b) *Permitted uses and structure.*
- (1) *Principal.*
- a. Single-family residential.
 - b. Two-family residential.
 - c. Townhouses.
 - d. Multifamily residential.
- (2) *Accessory.* Accessory uses and structure customarily incidental and subordinate to permitted principal uses and structure and not of a commercial nature, including private garages, tool sheds, kitchen gardens and the like.
- (3) *Special exceptions.* After public notice and hearing and appropriate conditions and safeguards, the planning and zoning board may permit as special exceptions, subject to referenced development standards:
- a. Funeral homes.
 - b. Utilities substations.
 - c. Churches.
 - d. Schools.
 - e. Hospitals and clinics.
 - f. Home occupations.
 - g. Assisted living facilities.
 - h. Public facilities and structures.
 - i. Residential apartment units in existing single-family structure (see subsection (e) of this section).
- (c) *Prohibited uses and structure.*
- (1) Mobile homes or house trailers on vacant lots or in residential yards.
 - (2) Any structure or use of a nature not specifically or provisionally permitted herein.
 - (3) Travel trailers.

(d) *Development standards.* Minimum lot or site size shall be as follows:

(1) Single-family and home occupations.

- a. Area: 6,000 square feet.
- b. Width: 60 feet.
- c. Depth: 100 feet.

(2) Two family.

- a. Area: 9,000 square feet.
- b. Width: 90 feet.
- c. Depth: 100 feet.

(3) Townhouses.

a. Area.

- 1. Site size: 9,000 square feet.
- 2. Individual lot size: 1,800 square feet. per dwelling unit.
- 3. Maximum building grouping: ten units or 200 feet.
- 4. Minimum building grouping: three units or 48 feet.

b. Width.

- 1. Site: 90 feet.
- 2. Individual lot: 16 feet.

c. Depth:

- 1. Site: 100 feet.
- 2. Individual lot: none.

(4) Multifamily and special exceptions.

- a. Area: 12,000 square feet.
- b. Width: 120 feet.
- c. Depth: 85 feet.
- d. Minimum building size.

Single family dwelling: 800 square feet.

e. Minimum building setbacks.

- 1. Front: 15 feet.
- 2. Side, interior lot:

(i) Single family: 7½ feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than five feet.

(ii) Two family: 7½ feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than five feet.

(iii) Townhouses: For four or fewer attached townhouses the same as for single family. For five or more attached townhouses the same as for multifamily.

(iv) Multifamily: 15 feet.

3. Side, corner lot: 15 feet.

4. Rear: 25 feet for principal structure.

5. Five feet for accessory structure.

f. Maximum building restrictions.

1. Lot coverage: 40 percent for single-family.

2. 45 percent for two-family.

3. 45 percent for townhouses.

4. 50 percent for multifamily.

5. Permissible building height: 35 feet.

(e) *Applicable regulations.*

(1) *Location of accessory structures.* Location of accessory structures in residential districts: in residential districts, and on any lot used for residential purposes, no accessory structure shall be located in required front yards.

(2) *Parking regulations.* See section 111-288.

a. *Multifamily housing.*

1. 50 percent maximum lot coverage which shall include impervious surface.

2. Maximum of one ground floor dwelling unit per 2,000 square feet of total building site.

3. Minimum dwelling unit size shall be 600 square feet.

4. Maximum of 20 dwelling units per acre at total build-out.

b. *Special exceptions.* Unless otherwise specified, special exceptions must comply with development standards as referenced. If deemed appropriate by the planning and zoning board in order to grant a special exception, certain more stringent standards may be imposed.

c. *Residential apartment units.* When approved as a special exception, up to a maximum of three residential apartment units may be allowed per existing single-family structure, provided that the lot upon which the structure is located has a front lot line of at least 60 feet and a depth of at least 100 feet, and provided that at least one parking space per apartment unit is provided onsite; however, up to a maximum of four residential apartment units may be allowed when approved as a special exception, provided that the lot upon which the structure is located has a front lot line of at least 90 feet and a depth of 100 feet and provided that at least one parking space per apartment unit is provided onsite.

(f) *Supplemental regulations.* Provisions of article I of this chapter and article I of chapter 115 shall be applicable to certain lands within this district.

Sec. 111-270. - R-3 mobile home residential.

(a) *District intent.* To provide for the accommodation of medium-to-high density, multifamily dwelling units, as well as to allow for the location of mobile and module homes within city limits. And, where appropriate, to allow for certain educational, religious, recreational and public needs compatible with the general characteristics of the district.

(b) *Permitted uses and structures.*

(1) *Principal.*

- a. Single-family residential.
- b. Two-family residential.
- c. Townhouses.
- d. Multifamily residential.
- e. Mobile and modular homes constructed in accordance with the Florida Building Code.

(2) *Accessory.* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures and not of a commercial nature, including private garages, tool sheds, kitchen gardens, and the like.

(3) *Special exceptions.* After public notice and hearing and appropriate conditions and safeguards, the planning and zoning board may permit as special exceptions.

- a. Funeral homes.
- b. Utilities substations.
- c. Churches.
- d. Schools.
- e. Hospitals and clinics.
- f. Home occupations.
- g. Cemeteries.
- h. Public facilities and structures.
- i. Mobile home parks (see site plan requirements).
- j. Parks and playgrounds.
- k. Child care centers.

(c) *Prohibited uses and structures.* Any structure or use of a nature not specifically or provisionally permitted herein.

(d) *Development standards.*

(1) *Minimum lot or site size.*

- a. Single-family and home occupations.
 - 1. Area: 6,000 square feet.

2. Width: 60 feet.
 3. Depth: 100 feet.
 - b. Two-family and day care centers.
 1. Area: 9,000 square feet.
 2. Width: 90 feet.
 3. Depth: 100 feet.
 - c. Townhouses.
 1. Area:
 - (i) Site size: 9,000 square feet.
 - (ii) Individual lot size: 1,800 square feet per dwelling unit.
 - (iii) Maximum building grouping: ten units or 200 feet.
 - (iv) Minimum building grouping: three units or 48 feet.
 2. Width:
 - (i) Site: 90 feet.
 - (ii) Individual lot: 16 feet.
 3. Depth:
 - (i) Site: 100 feet.
 - (ii) Individual lot: none.
 - d. Multifamily and special exceptions.
 1. Area: 12,000 square feet.
 2. Width: 120 feet.
 3. Depth: 85 feet.
- (2) *Minimum building setbacks.*
- a. Front: 15 feet.
 - b. Side, interior lot:
 1. Single-family: 7½ feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than five feet.
 2. Two-family: 7½ feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than five feet.
 3. Townhouses: for four or fewer attached townhouses, the same as for single-family. For five or more attached townhouses, the same as for multifamily.
 - c. Multifamily: 15 feet.
 - d. Side, corner lot: 15 feet.
 - e. Rear: 25 feet for principal structure.

f. Five feet for accessory structure.

(3) *Minimum building size.* Single-family dwelling: 800 square feet.

(4) *Maximum building restrictions.*

a. Lot coverage.

1. 40 percent for single-family.

2. 45 percent for two-family.

3. 45 percent for townhouses.

4. 50 percent for multifamily.

b. Permissible building height: 35 feet.

(e) *Applicable regulations.*

(1) *Location of accessory structures in residential districts.* In residential districts, and on any lot used for residential purposes, no accessory structure shall be located in required front yards.

(2) *Review requirements for mobile home parks.*

a. Mobile home park site plan requirements: as a special exception, mobile home parks are allowed in this district when the developer meets the following requirements:

1. Submit a site plan.

2. Submit a department of environmental regulation permitted stormwater management plan.

3. The park must be hooked up to the city's central water and sewer.

4. Submit a copy of park regulations that require:

(i) Under skirting;

(ii) Limit on accessory buildings.

b. A mobile home park may have a greater density up to one unit per 4,500 square feet, with minimum lot width of 50 feet, minimum lot depth of 90 feet, provided that:

1. All of the above requirements are met.

2. The planning and zoning board is satisfied that because of the layout of the park, the increased density will not have a negative effect on the character of the area.

c. All parks require a 20-foot landscaped area adjacent to public streets which shall be attractive and maintained at all times. This required buffer may be included within a required setback.

(3) *Multifamily housing.*

a. 50 percent maximum lot coverage which shall include impervious surface.

b. Maximum of one ground floor dwelling unit per 2,000 square feet of total building site.

c. Minimum dwelling unit size shall be 500 square feet.

d. Maximum of 20 dwelling units per acre at total build-out.

(4)

Special exceptions. Unless otherwise specified, special exceptions must comply with development standards as referenced. If deemed appropriate by the planning and zoning board in order to grant a special exception, certain more stringent standards may be imposed.

(5) *Parking regulations.* See section 111-288.

(6) *Supplemental regulations.* Provisions of article I of this chapter and article I of chapter 115 shall be applicable to certain lands within this district.

(LDC, art. IV)

Sec. 111-271. - R-4 mixed use residential.

(a) *District intent.* To provide for a mixture of compatible residential and commercial uses in areas where such development already exists or has historically occurred. This district shall occur in the area shown as residential mixed use on the Official Land Use Map of Apalachicola.

(b) *Permitted uses and structures.*

(1) *Principal.*

- a. Single-family residential.
- b. Two-family residential.
- c. Professional offices and services.
- d. Laundromats.
- e. Monument companies.
- f. Retail food and grocery.
- g. Retail drug stores.
- h. Retail hardware.
- i. Retail variety stores.
- j. Retail specialties.
- k. Retail small appliances.
- l. Upholstery.
- m. Personal services (barber and beauty shops).
- n. Social, fraternal and recreational clubs.
- o. Antique shops.
- p. Financial institutions.
- q. Utilities substations.
- r. Child care centers.

(2) *Accessory.* Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures.

(3)

Special exceptions. After public notice and hearing and appropriate conditions and safeguards, the planning and zoning board may permit as special exceptions:

- a. Churches.
- b. Schools.
- c. Residential apartment units.
- d. Funeral homes.
- e. Utilities substations.

(c) *Prohibited uses and structures.*

- (1) Mobile homes and house trailers.
- (2) Travel trailers.
- (3) Junkyards.
- (4) Any structures or uses not of a nature specifically or provisionally permitted herein.

(d) *Development standards.*

(1) *Minimum lot or site size.*

a. Single-family and other principal uses.

1. Area: 6,000 square feet.
2. Width: 60 feet.
3. Depth: 100 feet.

b. Two-family.

1. Area: 9,000 square feet.
2. Width: 90 feet.
3. Depth: 100 feet.

c. Special exceptions.

1. Area: 12,000 square feet.
2. Width: 120 feet.
3. Depth: 100 feet.

(2) *Minimum building setbacks.*

- a. Front: 15 feet.
- b. Side, interior lot: 7½ feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than five feet.
- c. Side, corner lot: 15 feet.
- d. Rear: 25 feet for principal structures.
- e. Five feet for accessory structures.

(3) *Minimum building size.* Single-family dwelling: 800 square feet.

(4) *Maximum building restrictions.*

- a. Lot coverage: 40 percent.
- b. Permissible building height: 35 feet.

(e) *Applicable regulations.*

- (1) *Location of accessory structures.* No accessory structures shall be located in required front or side yards.
- (2) *Parking regulations.* See section 111-288.
- (3) *Special exceptions.* Unless otherwise specified, special exceptions must comply with development standards as referenced. If deemed appropriate by the planning and zoning board in order to grant a special exception, certain more stringent standards may be imposed.
- (4) *Supplemental regulations.* Provisions of article I of this chapter and article I of chapter 115 shall be applicable to certain lands within this district.

(LDC, art. IV)

Sec. 111-272. - O/R office residential.

- (a) *District intent.* The provisions of the O/R district are intended to apply to areas with a specialized intensive residential character wherein a variety of housing types and compatible limited non-retail commercial, education, religious, recreation uses are permitted. This district shall occur in that area shown as office residential on the Official Land Use Map of Apalachicola.
- (b) *Permitted uses and structures.*
 - (1) *Principal.*
 - a. Single-family residential.
 - b. Two-family residential.
 - c. Professional offices and services.
 - d. Studios and galleries for photography, music, art, dance, vocal and drama.
 - e. Medical offices and services.
 - f. Bed and breakfasts.
 - (2) *Accessory.* Accessory uses and structures are considered incidental and subordinate to permitted principal and approved special exception uses and structures. Habitable accessory uses are not permitted. All accessory uses must be approved by special exception. Accessory uses are subject to the following requirements: the accessory use must be subordinate to the principal use; must be related to the principal use; is not a separate commercial or retail business; does not require separate signage; and does not increase traffic or parking beyond the principal use requirements. Additional restrictions governing accessory uses, including, but not limited to, size and parking may be determined by the planning and zoning board.

(3)

Special exceptions. After public notice and hearing and appropriate conditions and safeguards, the planning and zoning board may permit as special exceptions:

- a. Funeral homes.
- b. Utilities substations.
- c. Hospitals and clinics.
- d. Public buildings.
- e. Cemeteries.
- f. Churches and church-sponsored businesses.
- g. Schools.
- h. Residential apartment units.
- i. Child care centers.

(c) *Prohibited uses and structures.*

- (1) Mobile homes or housetrailers.
- (2) Establishments for the conduct of retail trade.
- (3) Storage yards or warehouses.
- (4) Any structure or use not of a nature specifically or provisionally permitted herein.

(d) *Development standards.*

(1) *Minimum lot or site size.*

a. Single-family and other principal uses.

- 1. Area: 6,000 square feet.
- 2. Width: 60 feet.
- 3. Depth: 100 feet.

b. Two-family.

- 1. Area: 9,000 square feet.
- 2. Width: 90 feet.
- 3. Depth: 100 feet.

(2) *Minimum building setbacks.*

- a. Front: 15 feet.
- b. Side, interior lot: 7½ feet each side, or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than five feet.
- c. Side, corner lot: 15 feet.
- d. Rear: 25 feet.

(3) *Minimum building size.* Single-family dwelling: 800 square feet.

(4) *Maximum building restrictions.*

- a. Lot coverage: 40 percent.
- b. Permissible building height: 35 feet.

(e) *Applicable regulations.*

- (1) *Parking regulations.* See section 111-288.
- (2) *Special exceptions.* Unless otherwise specified, special exceptions must comply with development standards for principal uses. If deemed appropriate by the planning and zoning board in order to grant a special exception, certain more stringent standards may be imposed. Any accessory use proposed as part of a special exception request must meet the following conditions: must not be for habitable purposes, must be subordinate to the principal use; must be related to principal use; is not a separate commercial or retail business; does not require separate signage and does not increase traffic or parking beyond the principal use requirements. Additional restrictions concerning accessory uses, including, but not limited to, size and parking may be determined by the planning and zoning board.
- (3) *Residential apartment units.* When approved as a special exception, up to a maximum of three residential apartment units may be allowed per existing single-family structure, provided that the lot upon which the structure is located has a front lot line of at least 60 feet and a depth of at least 100 feet, and provided that at least one parking space per apartment unit is provided onsite; however, up to a maximum of four residential apartment units may be allowed when approved as a special exception, provided that the lot upon which the structure is located has a front lot line of at least 90 feet and depth of 100 feet, and provided that at least one parking space per apartment unit is provided on-site.
- (4) *Supplemental regulations.* Provisions of article I of this chapter and article I of chapter 115 shall be applicable to certain lands within this district.

(LDC, art. IV)

Code Enforcement Complaint

City of Apalachicola Florida <cityapalachicola@2khostedmail.com>

Tue 11/21/2023 8:16 AM

To: Pamela Erwin <perwin@cityofapalachicola.com>

You don't often get email from cityapalachicola@2khostedmail.com. [Learn why this is important](#)

Name:

Cynthia Sartain

Email:

casapalach@gmail.com

Phone:

3379363904

Address:

251 Prado St

Violation Description:

1) 249 Prado has recently brought onto the property a travel trailer. I have enclosed the code reference for your convenience.
Sec. 111-269. - R-2 multifamily residential.
(c) Prohibited uses and structure..(3) Travel trailers.

Location of Violation (give street address if possible or list intersections or cross-streets):

249 Prado St

Code Enforcement Complaint

City of Apalachicola Florida <cityapalachicola@2khostedmail.com>

Tue 11/21/2023 8:16 AM

To: Pamela Erwin <perwin@cityofapalachicola.com>

You don't often get email from cityapalachicola@2khostedmail.com. [Learn why this is important](#)

Name: Cynthia Sartain
Email: casapalach@gmail.com
Phone: 3379363904
Address: 251 Prado St
Violation Description: 1) 249 Prado has recently brought onto the property a travel trailer. I have enclosed the code reference for your convenience.
Sec. 111-269. - R-2 multifamily residential.
(c) Prohibited uses and structure..(3) Travel trailers.

Location of Violation (give street address if possible or list intersections or cross-streets): 249 Prado St

- Park Trailer - <14' single chassis
- Travel Trailer - vehicular - ~~not~~ 8' w - ~~not~~ exceeding 32'

Sec 101-8 Definitions

Pruning means the routine removal of limbs/branches that are dead, growing into a structure or right-of-way, or the practice of thinning for the health of the tree.

Public improvements means those improvements required to be dedicated to the local government, including, but not limited to, street pavements, curbs, and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, parks, permanent reference monuments (PRMs), permanent control points (PCPs) or any other improvement required by the governing body.

Public notice. See *Due public notice*.

Public open space means open space (land or water areas) available for public use, not restricted to members or residents.

Public utility means any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly-owned or privately-owned.

Public utility service or facilities, essential, means the erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility or a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, to furnish services, including electricity, gas, rail transport, communication, public water and sewage.

Public water system means the City of Apalachicola Water System.

Recreation vehicle. The following types of vehicles enumerated are deemed recreation vehicles:

- (1) *Travel trailer* means a vehicular, portable structure built on a chassis and towed; designed to be used as a **temporary dwelling** for travel, recreation and vacation uses; permanently identifies "travel trailer" by the manufacturer on the trailer; and when factory-equipped for the road, having a body width **not exceeding eight feet** and a body length **not exceeding 32 feet**.
- (2) *Pickup coach* means a structure designed to be mounted on a truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use.
- (3) *Camping trailer* means a collapsible, temporary dwelling structure covered with a water-repellent fabric mounted on wheels and designed for travel recreation and vacation use.
- (4) *Auto camper* means a lightweight, collapsible unit that fits on top of an automobile and into the trunk with the cover removed and is designed for travel, recreation, and vacation use.
- (5) *All-terrain vehicles* means dune buggies, swamp buggies and the like, whether or not licensed as such by the state.
- (6) *Van* means a vehicle specially equipped for camping.

Relocate or relocation means the digging up by a property owner of a tree from a place on the owner's property and the planting of the same tree in another place on the same property or in a public place as directed by the board or city commission.

Street means a public or private thoroughfare, which affords the principal means of access to abutting property. The term "street" includes lane, place, way or other means of ingress or egress, regardless of the term used to describe it.

- (1) *Public*. This type of street is legally dedicated to public use officially accepted by the local government.
- (2) *Private*. This type of street is privately owned and maintained on a recorded easement or approved by the appropriate local government agency.

Street department means the City of Apalachicola Street Department.

Street frontage means the distance for which a lot line of a zone lot adjoins an opened public street from one lot line intersecting said street to the furthest distance lot line intersecting the same street. Driveways or alleys are not to be used to determine or calculate street frontage.

Street right-of-way line means the dividing line between a lot, tract or parcel of land and the contiguous street. The right-of-way line shall be considered a property line, and all front setback requirements provided in these regulations shall be measured from said right-of-way line, except corner lots, which shall be controlled by the right-of-way of the side street.

Structural alteration means any change, except for repair or replacement, in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure means anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground and used, or intended for business or living quarters, excluding fences not over six feet above the natural grade.

Studio means a facility in which audio, visual or theatrical presentations are typically created; may be private or public; and not intended as a retail commercial operation.

Subdivision means the division of a parcel of land, whether improved or unimproved, into three or more contiguous lots or parcels of land designated by reference to the number or symbol of the lot or parcel contained in the plat of such subdivision, for the purpose, whether immediate or future, of transfer of ownership or, if the establishment of a new street is involved, any division of such parcel. However, the division of land into parcels of more than five acres, not involving any change in street lines or public easements of whatsoever kind is not to be deemed a subdivision within the meaning of this Code. The term "subdivision" includes a resubdivision and, when appropriate to the context, is related to the process of subdividing or to the land subdivided.

Subdivision improvements means any roadway, stormwater management facility, water or wastewater facility, sidewalk, off-street parking area, flood damage prevention or erosion control facility, easement, right-of-way, or other development for the creation of a subdivision.

communication
R. Nippe ↔ Cynthia Sartain
11-14 to 11-17-23

From: **Cynthia Sartain** <casapalach@gmail.com>

Date: **Fri, Nov 17, 2023 at 4:05 PM**

Subject: Re: Commercial storage unit

To: **Ron Nippe** <rnippe@cityofapalachicola.com>

Well as for the "keen focus and observation" that you so congratulate me on...it's hard to miss a travel trailer/code violation when they bring it in at eye shot level in the backyard. As for all violations. ... Is it our job as citizens to officially file complaints...or is it the city's responsibility to act on a notice. This is not an anonymous complaint...I know the code. ...I know I can file an official complaint.... It's just hard to believe the city will turn a blind eye to a notice...yes there is a process...and I will follow the process. Just wondering though...what happens when you see a violation...do you wait until a citizen files a complaint for the city to act? Truly, I would like a response to these questions.

Best Regards,
Cynthia Sartain

On Thu, Nov 16, 2023 at 4:10 PM Ron Nippe <rnippe@cityofapalachicola.com> wrote:
Good afternoon,

Thank you for the keen focus and observation!

If you would like to file a complaint, please do so by following this link;

<https://www.cityofapalachicola.com/report-a-concern/code-enforcement-complaint/>



[Code Enforcement Complaint - City of Apalachicola Florida](https://www.cityofapalachicola.com/report-a-concern/code-enforcement-complaint/)

Code Enforcement Complaint

www.cityofapalachicola.com

Ron Nippe
City of Apalachicola Building Department
192 Coach Wagoner Blvd.
Apalachicola, FL 32320

From: Cynthia Sartain <casapalach@gmail.com>
Sent: Wednesday, November 15, 2023 4:38 PM
To: Ron Nippe <rnippe@cityofapalachicola.com>
Cc: Building Dept (Shared) <buildingdept@cityofapalachicola.com>
Subject: Re: Commercial storage unit

Thank you for looking into this the storage unit inquiry.

And as you look into this...there is now a Travel Trailer on the property....see the Ordinance below...appears abundantly clear.

Sec. 111-269. - R-2 multifamily residential.

(Ordinance is attached)

(a)*District intent.* To provide for the accommodation of medium-to-high density, multifamily dwelling units. And where appropriate, to allow for certain educational, religious, recreational and public needs compatible with the general characteristics of the district.

(b)*Permitted uses and structure.*

(1)*Principal.*

a. Single-family residential.

b. Two-family residential.

c. Townhouses.

d. Multifamily residential.

(2)*Accessory.* Accessory uses and structure customarily incidental and subordinate to permitted principal uses and structure and not of a commercial nature, including private garages, tool sheds, kitchen gardens and the like.

(3)*Special exceptions.* After public notice and hearing and appropriate conditions and safeguards, the planning and zoning board may permit as special exceptions, subject to referenced development standards:

a. Funeral homes.

b. Utilities substations.

c. Churches.

d. Schools.

e. Hospitals and clinics.

f.Home occupations.

g.Assisted living facilities.

h.Public facilities and structures.

i.Residential apartment units in existing single-family structure (see subsection (e) of this section).

(c)Prohibited uses and structure.

(1)Mobile homes or house trailers on vacant lots or in residential yards.

(2)Any structure or use of a nature not specifically or provisionally permitted herein.

(3)Travel trailers.

From: Cynthia Sartain <casapalach@gmail.com>

Sent: Tuesday, November 14, 2023 5:35 PM

To: Ron Nippe <rnippe@cityofapalachicola.com>

Subject: Re: Commercial storage unit

Does 249 Prado have a permit for the commercial storage unit in their back yard? It is a Storage pup 8x16. I do not see a permit sign on it. It has been there for months.

Regards,

Cynthia Sartain

On Tue, Nov 14, 2023 at 4:25 PM Ron Nippe <rnippe@cityofapalachicola.com> wrote:

Under 10 x 10 in size you do not need a permit.

This info was in error and applies to a permanent storage unit not a POD-type temporary storage unit.

Ron Nippe

Ron Nippe

City of Apalachicola Building Department

192 Coach Wagoner Blvd.

Apalachicola, FL 32320

On Wed, Nov 15, 2023 at 3:37 PM Ron Nippe <rnippe@cityofapalachicola.com> wrote:

Good afternoon,

I have inquired in my office as to the temporary storage (POD or similar) requiring a permit. In the absence of clear guidance with which to provide you a response, we have sent the question out to our legal advisor.

As soon as we hear back, we will respond further to your permitting question.

Regards,

Ron Nippe

Ron Nippe
City of Apalachicola Building Department
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
Office: 850.653.9319

email: rnippe@cityofapalachicola.com
From: Cynthia Sartain <casapalach@gmail.com>
Sent: Tuesday, November 14, 2023 9:02 AM
To: Building Dept (Shared) <buildingdept@cityofapalachicola.com>
Subject: Commercial storage unit

Do I need a permit for a temporary commercial storage unit?

Best Regards,
Cynthia Sartain





Franklin County, FL

POD
RV

Parcel Summary

Parcel ID 01-095-08W-8360-0001-0110
Location Address 249 PRADO ST
Brief Tax Description BL 1 LOTS 11 12 NEELS ADDITION OR 462/216 OR/507/139 1193/183 1292/29
(Note: Not to be used on legal documents.)
Property Use Code VACANT (000000)
Sec/Twp/Rng 1-95-8W
Tax District CITY OF APALACHICOLA (3)
Millage Rate 19.7461
Acreage 0
Homestead N

[View Map](#)

Owner Information

Primary Owner
DORWARD MARK C &
FANNIN TYRONE L
PO BOX 1089
APALACHICOLA, FL 32320

11/22 No Ans.
11/21 512 720-9664 - no ans.
850 229 5626 work # not there
11/29 spoke with Mr. Dorward

Land Information

Land Use	Number of Units	Unit Type	Frontage	Depth
000000 - VAC RES	100	UT	0	0

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book/Page	Qualification	Reason	Vacant/Improved	Grantor	Grantee
N	2/25/2021	\$55,000	WD	<u>1292/29</u>	Qualified	QUAL/DEED EXAMINATION	Vacant	EARLY AS TRUSTEE	DORWARD/FANNIN
N	5/22/2017	\$42,500	WD	<u>1193/183</u>	Qualified	QUAL/DEED EXAMINATION	Vacant	WAGONER	EARLY AS TRUSTEE
N	7/21/1994	\$20,000	WD	<u>462/216</u>	Unqualified	QUAL/PHY PROP CHGD AFTER SALE	Vacant	TARANTO ANTHONY & WIFE	WAGONER WILLIAM & WIFE
N	1/1/1973	\$1,400	WD	<u>116/50</u>	Qualified		Vacant		

Valuation

	2023 Preliminary Values	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$0	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$50,000	\$46,000	\$36,000	\$36,000	\$36,000
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$46,000	\$36,000	\$36,000	\$36,000
Just (Market) Value	\$50,000	\$46,000	\$36,000	\$36,000	\$36,000
Assessed Value	\$50,000	\$46,000	\$36,000	\$36,000	\$34,299
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$50,000	\$46,000	\$36,000	\$36,000	\$34,299
Maximum Save Our Homes Portability	\$0	\$0	\$0	\$0	\$1,701

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

TRIM Notice 2022

[2022 TRIM Notice \(PDF\)](#)

TRIM Notice 2021

[2021 TRIM Notice \(PDF\)](#)

TRIM Notice 2020

[2020 TRIM Notice \(PDF\)](#)

TRIM Notice 2019

[2019 TRIM Notice \(PDF\)](#)

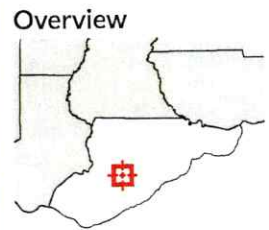
Franklin County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

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[Last Data Upload: 11/21/2023, 7:41:42 AM](#)

[Contact Us](#)

Developed by





Legend
 Parcels
 City Labels

Parcel ID	01-09S-08W-8360-0001-0110	Alternate ID	08W09S01836000010110	Owner Address	DORWARD MARK C &
Sec/Twp/Rng	1-9S-8W	Class	VACANT		FANNIN TYRONE L
Property Address	249 PRADO ST	Acreage	n/a		PO BOX 1089
					APALACHICOLA, FL 32320
District	3				
Brief Tax Description	BL 1 LOTS 11 12				
	(Note: Not to be used on legal documents)				

Date created: 11/21/2023
Last Data Uploaded: 11/21/2023 7:41:42 AM

Developed by  **Schneider**
GEOSPATIAL

Re: Code Enforcement Complaint

Pamela Erwin <perwin@cityofapalachicola.com>

Tue 11/21/2023 11:17 AM

To: casapalach@gmail.com <casapalach@gmail.com>

Ms. Sartain,

I am in receipt of your complaint regarding 249 Prado and the travel trailer and POD storage unit.

Travel Trailer

The Code you reference notes *Prohibited Uses and Structures*. You may look up the definition of *structure* in 101.8 of Apalachicola Land Development Code. Specifically, using travel trailers as dwelling or as a permanent structure is not allowed in the R-2 zone. However, parking a travel trailer in an appropriate place, such as a driveway is within the code.

POD Storage Unit

The Land Development Code does not have any specific code disallowing POD storage units. However, in R-2, the storage units can only be placed in back yards and not in ROW, or in any easement and as long as they are of a temporary nature. The POD unit in question is in the backyard. If the storage unit remains for more than 30 days, it would be considered permanent and the homeowners would need to seek approval from P&Z which P&Z is unlikely to grant. I will notify the homeowners of this.

PJ Erwin

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

From: City of Apalachicola Florida <cityapalachicola@2khostedmail.com>

Sent: Tuesday, November 21, 2023 8:16 AM

To: Pamela Erwin <perwin@cityofapalachicola.com>

Subject: Code Enforcement Complaint

You don't often get email from cityapalachicola@2khostedmail.com. [Learn why this is important](#)

Name:	Cynthia Sartain
Email:	casapalach@gmail.com
Phone:	3379363904
Address:	251 Prado St
Violation Description:	1) 249 Prado has recently brought onto the property a travel trailer. I have enclosed the code reference for your convenience. Sec. 111-269. - R-2 multifamily residential. (c)Prohibited uses and structure..(3)Travel trailers.



CODE ENFORCEMENT SUMMARY

Date: 11/21

Name: Cynthia Sartain

Violation Description: 2 code complaints: 1- POD Storage unit in backyard; 2) RV-travel trailer parked in driveway at 249 Prado

Location of Violation (give street address if possible or list intersections or cross-streets)

249 Prado

Comments:

complainant: Cynthia Sartain, 251 Prado,
337-936-3904

- 1- Copies of email correspondence between Ron Nippe, Permit Clerk and Ms. Sartain. My comments are in Red. (Read from back to front to get the chronology).
- 2- Ms. Sartain filed a Code Enforcement Complaint on Tuesday 11/21/23 at 8:16 am, which was sent to my attention. A complaint was filed at 11/21/23 at 8:17 am that went to Travis Wade, City Manager.

When I received the complaint, I added 249 Prado to my list of inspections at drove by and took pictures (attached) I also printed out a copy of the tax assessors info for 249 Prado



CODE ENFORCEMENT SUMMARY

Date: 11/21/23

Name: Sartain

Violation Description: _____

Location of Violation (give street address if possible or list intersections or cross-streets)

249 Prado

Comments:

I got ph # from the front desk (water Dept) for Mark Howard, property owner and attempted to contact. No answer and could not leave a message

11/21/23 - mid-morning. I conducted research into LDC regarding travel trailers - Attached are the definition section - highlighting definitions for "travel trailer" (a subset of RV)

Left a message w/ Dan to give me a call.

11/21/23 11:17am responded to Ms. Sartain telling her that Travel Trailers may NOT used as a permanent structure in R-2 but they could be stored/parked in one's driveway.

My email also included a response to POD temporary storage units - that after 30 days a POD would be considered permanent and would be out of compliance. Owners would need to apply to R-2 for a permit for the PODs which would most likely not be granted.



CODE ENFORCEMENT SUMMARY

Date: 11/21/23, 11/22/23

Name: Sartain

Violation Description: _____

Location of Violation (give street address if possible or list intersections or cross-streets)

249 Prado

Comments:

11/21/23 2⁰⁶pm - Received Response from Ms. Sartain - thanking me for my response re: POD Storage units and asking more questions about the definitions of "Structure", "uses" wondering if the travel trailer could be occupied at any time.

11/22/23 8⁰⁰am - I replied to Mrs. Sartain's email of 11/21/23 2⁰⁶p. I answered her question about "Structure" (see attached email) I also mentioned a Franklin County Ordinance that in limited & defined instances allowed for temporary overnight stays. I had been told by my supervisor, the former Building Official in May, 2023 that the Franklin County Ordinance applied.

11/22/2023 9:11am Mrs. Sartain sent an email Response asking to verify that Franklin County ordinances applied and asking me to call her. This was the day before Thanksgiving and our offices were only opened half a day. We also short-staffed and I was not able to respond or call her back.

11/22 Called Mr. Hornsby & no answer



CODE ENFORCEMENT SUMMARY

Date: 11/24, 11/27

Name: C. Sartain

Violation Description: _____

Location of Violation (give street address if possible or list intersections or cross-streets)

249 Prado

Comments:

11/24/23 9:42 am (The day after Thanksgiving) Our offices were closed and I did not see this email until Monday, Nov 27.

11/27- Ms. Sartain's email of 11/24 in which she requests to meet with me.

11/27/23 10:12 am. I sent the City Manager an email requesting to meet with him before I responded to Ms. Sartain. He had not been fully apprised of the situation.

I spoke with Travis mid-day and he suggested a conversation with Dan Hartman to get his opinion.

11/27/23 3:12 pm - Called and left message w/ Dan Hartman

11/27/23 6:08 pm - Ms. Sartain sent an email to me requesting to meet with me Thursday Nov. 30 at 10:30 am. In that email she included an email from Courtney Bankston at the County stating that the Franklin County ordinance did not apply.



CODE ENFORCEMENT SUMMARY

Date: 11/28

Name: Ms. Sartain

Violation Description: _____

Location of Violation (give street address if possible or list intersections or cross-streets)

249 Prado

Comments:

11/28/23 9:41am 15 min Phone call with Dan Hartman. After much discussion, Dan concluded that the County ordinance did not apply but the travel trailer was fine if it was simply parked. Further, they could be connected to temporary water & electrical supplies but could not be used as a travel trailer or placed on a permanent structure.

11/28/23 10:29am - I responded to Ms. Sartain and explained what Atty Hartman had told me. I also told her I could not meet with her on the 30th because I was out of town. Mge

11/28/23 10:21pm - Ms Sartain sent the City Atty, an email and bcc me in which she lodged a complaint about my handling of the situation.

11/29/23 7:33 - 37 min Call with Dan Hartman re:

this matter. He held the same conclusion and understanding as our earlier call. He said he would respond to Ms. Sartain.

11/29/23 2:17pm 31 min - call with Dan, City Atty and Bree R, Cit Planner about the code definitions. After discussion, Atty Hartman said he would write a response to Ms. Sartain.



CODE ENFORCEMENT SUMMARY

Date: 11/29, cont'd 406pm

Name: Ms. Sartain

Violation Description: _____

Location of Violation (give street address if possible or list intersections or cross-streets)

249 Prado

Comments:

Van Hartman emailed Ms. Sartain
11/29 4:30. Spoke with Mr. Dorwood and
apprised him of complaints. He is in Canada
and will be back in about a week. Will come in
to talk about the removal of the POD. He is
aware that it needs to be removed.

the correspondence
RE 249 Prado with
CSartain 11-21 to 11-29-23

From: Dan Hartman
Sent: Wednesday, November 29, 2023 4:06 PM
To: Cynthia Sartain <casapalach@gmail.com>
Subject: RE: Code Enforcement Complaint; Travel Trailers

Good Afternoon Ms. Sartain:

I have reviewed your e-mail below, reviewed the Code provisions referenced (and others) and discussed with Staff. You make some good points.

As a threshold matter City staff must interpret and apply the Code consistently when there is a need for interpretation. On the issue of travel trailers as defined in the Code parked on property zoned R-2 some interpretation is needed. Interpretation is often called for where the goal is to avoid reaching a result that is illogical.

Based on the provisions of the Code primarily found in the definition section – it is Staff's opinion that travel trailers are not structures of the type prohibited to placed (parked) on a lot in the R-2 Zoning District. Note: to occupy or otherwise use the travel trailer in the R-2 District is a prohibited use in the R-2 District.

Temporary connection to water or power for maintenance (i.e. cleaning or de-humidifying) would likewise not rise to the level of "attachment" to a home on the property and is not a prohibited use.

Nonetheless, I encourage you to bring this matter to the Commission's attention and present your interpretation and request direction/interpretation regarding storage/parking of travel trailers in the R-1 and/or R-2 zoning districts. The ultimate determination as to City policy lays the Commission. Any directives provided by the Commission would be followed by Staff.

Dan

Permanent means designed, constructed and intended for more than short-term use.
Structure means anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground and used or intended for business or living quarters, excluding fences not over six feet above the natural grade.

Daniel W. Hartman
Hartman Law Firm, P.A.
P.O. Box 10910
Tallahassee, FL 32302

(T) 850.386.4242
(F) 850.386.4241
Email dan@fllegalteam.com

Cynthia Sartain <casapalach@gmail.com>

To: Travis Wade

Tue 11/28/2023 10:21 PM

Good Afternoon Mr. Wade,

My name is Cynthia Sartain. I live at 251 Prado St, Apalachicola, FL 32320. I would like to share with you a response that I received from the City of Apalachicola Code Enforcement Officer regarding a Travel Trailer inquiry I recently made. Please reference the attached email conversations.

- 1) I requested a meeting with Code Enforcement Officer Erwin. My meeting date and time were declined, yet Officer Erwin proposed no alternate meeting dates;
- 2) Regarding my Ordinance inquiry, the response I received from Code Enforcement Officer Erwin was...as she states she was "told" by a previous official (who is no longer with the City of Apalachicola) of the Ordinance application regarding my inquiry...and haphazardly applied such to my inquiry, which she, Officer Erwin eventually, after consultation with City Attorney Dan Hartman, apologized for being in error for what she was "told";
- 3) Officer Erwin has not learned or even read to learn the City of Apalachicola Ordinances of which she refers and feels free to interpret...yet was hired to administer the Code as codified...and yet incorrectly spews the Ordinance based on what she was "told"yet even sadder is that she does not research what she was "told" ...which was also in error....see Officer Erwin's interpretation of and reference to 111-229.
- 4) As Officer Erwin continues to refer me to 111-269, ..and I rereadall definitions...all ordinances... . None state that a Travel trailer may be connected to power and water within the city limits of the City of Apalachicola, Zone R2. in fact - 111-269 states emphatic prohibition use of Travel Trailers.

I wish to know my community's administration. I have read and have read the city commission meeting minutes, the audit report of the city, the city budget, etc.... to include the job description for the Building Inspector, the Code Enforcement Officer, the Director of Finance, and the City Administrator...The current Officer of Code Enforcement is offering advice based on their being "told" what the ordinances are rather than devoting time to learning the City Ordinances...offering the citizens of Apalachicola a relied upon and "liability free" interpretation of the Ordinances of the City of Apalachicola. Relying on being "told" is lazy, unprofessional, and a liability waiting to happen.

As you know, I am applying for the Finance Director position for the City of Apalachicola. I have just recently encountered this issue of the travel trailer and fallen victim to Officer Erwin's response. I do not wish to intermingle the two. However, I do wish it to be known my complaint is registered now and I would appreciate a follow up response of my complaint regarding Officer Erwin.

Sincerely,
Cynthia Sartain

Pamela Erwin

To: Cynthia Sartain <casapalach@gmail.com>

Cc: Dan Hartman <dan@fllegalteam.com>; Bree Robinson; Travis Wade

Tue 11/28/2023 10:29 AM

Good morning Ms. **Sartain**,

First, I am not available for a meeting on Thursday morning as I am out of town most of the day.

As to your inquiry and questions about travel trailers in the R-2 zone of the City of Apalachicola. Based on information that I had received from our former Building Official, I understood that the Franklin County Ordinance regarding the use of travel trailers applied to residential zones in the City of Apalachicola. After further research and conversation with our City Attorney, Dan Hartman, I realize that I was in error. The Franklin County Ordinance, as Cortni Bankston noted, does not apply.

Attorney Hartman has advised that as Sec. 111-269 states, travel trailers are a prohibited use and structure in R-2 zones. As I noted in an earlier email; "Re: **structure**. The code definition (Sec. 101-8 Definitions) refers to anything that would make something permanent, such as a foundation or something like that. Recreational vehicles are allowed to be placed on homeowners' property as long as they abide by setbacks, easements, etc. They may even connect them to electricity and water." I would add to this statement that any connection to electricity and water must not be of a permanent nature and connection to sewage facilities would not be allowed. In the cases of a permanent connection to electricity, water and/or sewage, a travel trailer would fit the definition of 'structure' and would be in violation of the code.

If the travel trailer is not a permanent structure, such as being parked in a driveway, it is allowed. In this case, it would be similar to parking a boat or other vehicle. For further clarification, the code definition for **occupied** (Sec. 101-8) includes designed, built, altered converted to or intended to be used or occupied. Again, if it is simply being parked in a driveway, then there is no code violation.

PJ Erwin

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

Fwd: Code Enforcement Complaint

Cynthia Sartain <casapalach@gmail.com>

Mon 11/27/2023 6:08 PM

To: Pamela Erwin <perwin@cityofapalachicola.com>

Cc: Travis Wade <twade@cityofapalachicola.com>

 1 attachments (32 KB)

ARTICLE_II,___TRAVEL_TRAILERS.docx;

Good Morning Officer Erwin,

My husband and I are requesting a meeting with you. We would like to meet on Thursday, Nov 30 at 10 am. If this is not convenient for you please let us know.

In the attached email from Ms. Bankston at Franklin County Code Enforcement, she confirmed for me that the Franklin County Ordinances that you sent me are not applicable to the City of Apalachicola. Your instruction to me that the Franklin County Ordinances should clear things up regarding my travel trailer inquiry only confirmed for me that this issue definitely needs clarification with a face to face meeting. Emails are not the best way to do this.

We have read the City, County and State ordinances, statutes, definitions, etc regarding travel trailers, structures, usage, and the like. We have follow up questions for you regarding your interpretation of a travel trailer as a structure. We welcome Mr. Wade, should he decide to attend.

Please see attached email correspondence for reference.

Regards,

Cynthia Sartain

----- Forwarded message -----

From: **Concerns** <concerns@franklincountyflorida.com>

Date: Mon, Nov 27, 2023 at 2:16 PM

Subject: Re: Code Enforcement Complaint

To: Cynthia Sartain <casapalach@gmail.com>

Cc: <twade@cityofapalachicola.com>, <lmathes@cityofapalachicola.com>

Good afternoon,

The Franklin County travel trailer ordinance does not apply to the city limits. Prado is in the city limits and the county does not have jurisdiction.

I'm unsure why they are referring you to our office. I have included the City Manager in this response. I'm sorry I couldn't be of more help. I hope they can assist you.

Cortni Bankston

Sent from my iPhone

On Nov 24, 2023, at 9:24 AM, Cynthia Sartain <casapalach@gmail.com> wrote:

I have a complaint regarding a travel trailer parked in the city limits of Apalachicola, FL. I reached out to the City of Apalachicola, FL Code Enforcement Officer, Ms. Erwin, regarding this matter. As you can see from her email below, she referenced the Franklin County Ordinance regarding Travel Trailers. I have read the Franklin County Ordinance, noting their Jurisdiction being the unincorporated area of Franklin County, regarding Travel Trailers. I have read the City of Apalachicola code regarding Travel Trailers, which they do have.

For clarification purposes, can you please tell me if your County ordinance does apply to my concern regarding a travel trailer within the incorporated city limits of the City of Apalachicola, or do the City of Apalachicola ordinances apply. I live at 251 Prado St, Apalachicola, FL 32320, within the city limits of Apalachicola.

Thank you,

Cynthia Sartain

----- Forwarded message -----

From: **Pamela Erwin** <perwin@cityofapalachicola.com>

Date: Wed, Nov 22, 2023 at 8:51 AM

Subject: Re: Code Enforcement Complaint

To: Cynthia Sartain <casapalach@gmail.com>

Good morning, Ms. Sartain,

Re: structure. The code definition refers to anything that would make something permanent, such as a foundation or something like that. Recreational vehicles are allowed to be placed on homeowners' property as long as they abide by setbacks, easements, etc. They may even connect them to electricity and water. I have attached the Franklin County Ordinance regarding Travel Trailers which should answer your question regarding when and how recreational vehicles may be occupied. In no way, may they be permanently grounded and used as long-term dwellings.

PJ Erwin

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

From: Cynthia Sartain <casapalach@gmail.com>

Sent: Tuesday, November 21, 2023 2:06 PM

To: Pamela Erwin <perwin@cityofapalachicola.com>

Subject: Re: Code Enforcement Complaint

Good Afternoon Ms. Erwin,
Thank you for your timely response.
As for Complaint #1).

a) With regard to the definition of Structure. The code states...*Structure* means anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground and used or intended for business or living quarters, excluding fences not over six feet above the natural grade....therefore my interpretation is that the travel trailer cannot be attached to anything having a permanent location on the ground...such as power, water, etc. Is this correct?

i)Also, as for the "and used or intended for living quarters" how may this apply to the "structure" being occupied at any time?

b) With regard to the definition of Uses...*Use* means the purpose for which land or water or the structure thereon is designated to the extent covered by [chapter 111](#), article III.

Used or occupied, as applied to any land or building, includes the terms "intended to be used or occupied," "arranged to be used or occupied," or "designed to be used or occupied." Will you please clarify how the term Uses applies to placing a Travel Trailer on a R2 driveway. Is the "structure" allowed to be occupied at any time?

Complaint #2. Thank you for your attention to the temporary storage unit.

Regards,

Cynthia Sartain

On Tue, Nov 21, 2023 at 11:17 AM Pamela Erwin <perwin@cityofapalachicola.com> wrote:
Ms. Sartain,

I am in receipt of your complaint regarding 249 Prado and the travel trailer and POD storage unit.

Travel Trailer

The Code you reference notes *Prohibited Uses and Structures*. You may look up the definition of *structure* in 101.8 of Apalachicola Land Development Code. Specifically, using travel trailers as dwelling or as a permanent structure is not allowed in the R-2 zone. However, parking a travel trailer in an appropriate place, such as a driveway is within the code.

POD Storage Unit

The Land Development Code does not have any specific code disallowing POD storage units. However, in R-2, the storage units can only be placed in back yards and not in ROW, or in any easement and as long as they are of a temporary nature. The POD unit in question is in the backyard. If the storage unit remains for more than 30 days, it would be considered permanent and the homeowners would need to seek approval from P&Z which P&Z is unlikely to grant. I will notify the homeowners of this.

PJ Erwin

Pamela (PJ) Erwin

Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

From: City of Apalachicola Florida <cityapalachicola@2khostedmail.com>

Sent: Tuesday, November 21, 2023 8:16 AM

To: Pamela Erwin <perwin@cityofapalachicola.com>

Subject: Code Enforcement Complaint

You don't often get email from cityapalachicola@2khostedmail.com. [Learn why this is important](#)

Name:	Cynthia Sartain
Email:	casapalach@gmail.com
Phone:	3379363904
Address:	251 Prado St
Violation Description:	1) 249 Prado has recently brought onto the property a travel trailer. I have enclosed the code reference for your convenience. Sec. 111-269. - R-2 multifamily residential. (c)Prohibited uses and structure..(3)Travel trailers.

Location of Violation (give street address if possible or list intersections or cross-streets):	249 Prado St
---	--------------

ARTICLE_II.__TRAVEL_TRAILERS.docx

32 KB

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone

Get [Outlook for Android](#)

Pamela Erwin

To: Travis Wade

Mon 11/27/2023 10:12 AM

Hi Travis,

I would like to talk with you about this before I respond to Ms. **Sartain**

PJ

Pamela (PJ) Erwin

Code Enforcement Officer

City of Apalachicola

192 Coach Wagoner Blvd.

Apalachicola, FL 32320

Cynthia **Sartain** <casapalach@gmail.com>

To: Pamela Erwin

Fri 11/24/2023 9:42 AM

Start reply with:

Ms. Erwin,

My husband and I would like an appointment with you. Will you please let me know a date and time that works for you?

Thank you,

Cynthia **Sartain**

Cynthia **Sartain** <casapalach@gmail.com>

To: Pamela Erwin

Wed 11/22/2023 9:11 AM

Ms. Erwin,

Do Franklin County ordinances apply to the City of Apalachicola? Will you please call me, at your convenience to discuss. 337-936-3904

Did you find the 5 vehicle and paved driveway ordinance?

Regards,

Cindy **Sartain**

Pamela Erwin

To:Cynthia Sartain <casapalach@gmail.com>

Wed 11/22/2023 8:50 AM

ARTICLE_II.___TRAVEL_TRAILERS.docx

32 KB



Good morning, Ms. Sartain,

Re: structure. The code definition refers to anything that would make something permanent, such as a foundation or something like that. Recreational vehicles are allowed to be placed on homeowners' property as long as they abide by setbacks, easements, etc. They may even connect them to electricity and water. I have attached the Franklin County Ordinance regarding Travel Trailers which should answer your question regarding when and how recreational vehicles may be occupied. In no way, may they be permanently grounded and used as long-term dwellings.

PJ Erwin

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

Cynthia Sartain <casapalach@gmail.com>

PTTo:Pamela Erwin

Tue 11/21/2023 2:06 PM

Good Afternoon Ms. Erwin,
Thank you for your timely response.
As for Complaint #1).

a) With regard to the definition of Structure. The code states...*Structure* means anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground and used or intended for business or living quarters, excluding fences not over six feet above the natural grade....therefore my interpretation is that the travel trailer cannot be attached to anything having a permanent location on the ground...such as power, water, etc. Is this correct?

i)Also, as for the "and used or intended for living quarters" how may this apply to the "structure" being occupied at any time?

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Used or occupied, as applied to any land or building, includes the terms "intended to be used or occupied," "arranged to be used or occupied," or "designed to be used or occupied." Will you please clarify how the term Uses applies to placing a Travel Trailer on a R2 driveway. Is the "structure" allowed to be occupied at any time?

Complaint #2. Thank you for your attention to the temporary storage unit.

Regards,

Cynthia Sartain

Pamela Erwin
To:casapalach@gmail.com

Tue 11/21/2023 11:17 AM

Ms. Sartain,

I am in receipt of your complaint regarding 249 Prado and the travel trailer and POD storage unit.

Travel Trailer

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POD Storage Unit

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PJ Erwin

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

Re: Travel Trailer and Use

Pamela Erwin <perwin@cityofapalachicola.com>

Tue 12/5/2023 11:09 AM

To: Cynthia Sartain <casapalach@gmail.com>

Cc: Travis Wade <twade@cityofapalachicola.com>; Dan Hartman <dan@fllegalteam.com>

Bcc: Bree Robinson <brobenson@cityofapalachicola.com>

Hi Ms. Sartain,

Here are the answers to your questions:

1) Do I need a permit to bring my travel trailer on to my property if it is larger than 10 ft by 10 ft in total area?

A travel trailer is not permanent and can be easily removed if needed (unless it has been attached to a permanent structure which is not allowed in the City limits), so you would not need a permit.

2) Am I allowed to use it as a storage shed by while I am storing it on my property if it is larger than 10 ft x 10 ft in total area?

A shed is a permanent structure and requires Planning & Zoning approval regardless of size. Travel trailers are not permanent (see above).

3) Am I allowed to have my guest(s) spend the night in my travel trailer on my property? If so how many nights are they allowed to stay in my travel trailer? My travel trailer is self contained. Must the nights be Consecutive?

An overnight stay is not allowed for any amount of nights.

Respectfully,

PJ Erwin

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

From: Cynthia Sartain <casapalach@gmail.com>

Sent: Monday, December 4, 2023 4:36 PM

To: Pamela Erwin <perwin@cityofapalachicola.com>

Cc: Travis Wade <twade@cityofapalachicola.com>

Subject: Travel Trailer and Use

Good Afternoon Officer Erwin,

I have a few questions regarding a travel trailer on my property. I own a double lot. My address is 251 Prado St. Apalach.

- 1) Do I need a permit to bring my travel trailer on to my property if it is larger than 10 ft by 10 ft in total area?
- 2) Am I allowed to use it as a storage shed by while I am storing it on my property if it is larger than 10 ft x 10 ft in total area?
- 3) Am I allowed to have my guest(s) spend the night in my travel trailer on my property? If so how many nights are they allowed to stay in my travel trailer? My travel trailer is self contained. Must the nights be Consecutive?

I am very serious with my inquiries.

I have friends and family desiring to visit, but I have no room for them in my home.

Please advise .

Best Regards

Cynthia Sartain

Re: Code Enforcement Complaint

Pamela Erwin <perwin@cityofapalachicola.com>

Wed 12/20/2023 3:47 PM

To: Cynthia Sartain <casapalach@gmail.com>

Ms. Sartain,

You are correct. You would need to file a public records request with the City Clerk, Lee Mathes.

PJ

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

From: Cynthia Sartain <casapalach@gmail.com>

Sent: Wednesday, December 20, 2023 10:59 AM

To: Pamela Erwin <perwin@cityofapalachicola.com>

Cc: Dan Hartman <dan@fillegalteam.com>; Travis Wade <twade@cityofapalachicola.com>; Ron Nippe <rnippe@cityofapalachicola.com>

Subject: Re: Code Enforcement Complaint

Thank you for the update again. I would like to view the project plans. To view the plans, is this a public records request?

On Wed, Dec 20, 2023 at 10:52 AM Pamela Erwin <perwin@cityofapalachicola.com> wrote:

Ms. Sartain,

I have confirmed that the property owners of 249 Prado are out of town attending a funeral. They have an appointment scheduled for Thursday, December 28th to obtain a permit for the next phase of construction on their property. This project has already been approved by the City's Planning & Zoning. They are unable to come in sooner to obtain the permit because our office is closed Dec 25-27 for the holidays.

If the property owners fail to obtain a building permit, I will issue a Notice of Violation.

PJ

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

From: Pamela Erwin <perwin@cityofapalachicola.com>
Sent: Wednesday, December 20, 2023 10:36 AM
To: Cynthia Sartain <casapalach@gmail.com>
Cc: Dan Hartman <dan@fllegalteam.com>; Travis Wade <twade@cityofapalachicola.com>
Subject: Re: Code Enforcement Complaint

Good morning Ms. Sartain,

I will need to check with our Building Department to see if there is an active building permit at 249 Prado. I know that there has been conversation to that effect. Our attorney has advised us that if a property has an active building permit a temporary storage unit may be located on the property (respecting appropriate setbacks, etc.) until the project is completed and a Certificate of Completion is issued.

I will let you know what I find out.

PJ

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

From: Cynthia Sartain <casapalach@gmail.com>
Sent: Tuesday, December 19, 2023 2:39 PM
To: Pamela Erwin <perwin@cityofapalachicola.com>
Subject: Re: Code Enforcement Complaint

Good Afternoon Officer Erwin.

I see that 247 Prado has removed the POD from their yard. However, 249 Prado has not. Will you please provide me with an update regarding 249 Prado and the temporary storage POD.

Regards,
Cynthia Sartain

Re: Code Enforcement Complaint

Pamela Erwin <perwin@cityofapalachicola.com>

Wed 12/20/2023 3:46 PM

To: Cynthia Sartain <casapalach@gmail.com>

Ms. Sartain,

Certificate of Occupancy and Certificate of Completion are terms set forth by the Florida Building Code, not in City ordinances.

PJ

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

From: Cynthia Sartain <casapalach@gmail.com>

Sent: Wednesday, December 20, 2023 10:57 AM

To: Pamela Erwin <perwin@cityofapalachicola.com>

Cc: Dan Hartman <dan@fllegalteam.com>; Travis Wade <twade@cityofapalachicola.com>

Subject: Re: Code Enforcement Complaint

Good Afternoon Officer Erwin,

Thank you for the update. July 10, 2023 Mr. Wade has informed us that they have received a Cert of Occupancy. They have been living in the modular home since that time. How long after a certificate of occupancy is issued is a certificate of completion issued. Surely there is a deadline. Also, I find no ordinance regarding a certificate of completion. Will you please direct me to the ordinance for the certificate of completion.

Regards,
Cynthia Sartain

On Wed, Dec 20, 2023 at 10:36 AM Pamela Erwin <perwin@cityofapalachicola.com> wrote:

Good morning Ms. Sartain,

I will need to check with our Building Department to see if there is an active building permit at 249 Prado. I know that there has been conversation to that effect. Our attorney has advised us that if a property has an active building permit a temporary storage unit may be located on the property (respecting appropriate setbacks, etc.) until the project is completed and a Certificate of Completion is issued.

I will let you know what I find out.

PJ

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

From: Cynthia Sartain <casapalach@gmail.com>
Sent: Tuesday, December 19, 2023 2:39 PM
To: Pamela Erwin <perwin@cityofapalachicola.com>
Subject: Re: Code Enforcement Complaint

Good Afternoon Officer Erwin.

I see that 247 Prado has removed the POD from their yard. However, 249 Prado has not. Will you please provide me with an update regarding 249 Prado and the temporary storage POD.

Regards,
Cynthia Sartain

On Wed, Nov 22, 2023 at 8:51 AM Pamela Erwin <perwin@cityofapalachicola.com> wrote:
Good morning, Ms. Sartain,

Re: structure. The code definition refers to anything that would make something permanent, such as a foundation or something like that. Recreational vehicles are allowed to be placed on homeowners' property as long as they abide by setbacks, easements, etc. They may even connect them to electricity and water. I have attached the Franklin County Ordinance regarding Travel Trailers which should answer your question regarding when and how recreational vehicles may be occupied. In no way, may they be permanently grounded and used as long-term dwellings.

PJ Erwin

Pamela (PJ) Erwin
Code Enforcement Officer
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, FL 32320
(850)653-8222

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 9, 2024**

SUBJECT: Emergency Expenditure to Rehab Well #6 Approval

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 3
Department: Drinking Water
Contact: Travis Wade/John Marshall
Presenter: Travis Wade

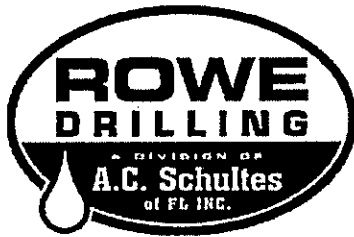
BRIEF SUMMARY: Well #6 is out of service due to a sulphur bacteria in the well casing and pump. Rowe Drilling has the pump removed from the well to rebuild/repair it. After conference calls with three well companies, Mayor Ash, Myself, and representatives from Dewberry Engineering, hiring Rowe Drilling to chemically treat the well, pump, and casing, as well as rebuild/repair the pump and reinstall, was agreed upon. This expenditure was treated as an emergency because the remaining two wells are running constantly without any down time, and the third well is critical for the City's water supply. The expenditure is for \$7,400 for pump rebuild/repair/reinstallation, and \$18,580 to treat the well and casing.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Motion to Approve the expenditure

FUNDING SOURCE: Drinking Water

ATTACHMENTS: Rowe Drilling Quote

STAFF'S COMMENTS AND RECOMMENDATIONS: None



Rowe Drilling a division of
A. C. Schultes of Florida, Inc.
7584 W. Tennessee St.
Tallahassee, FL 32304
24 Hour Service
(850) 576-1271
Fax (850) 575-6636

October 20, 2023

Dear,
Mr. Rhett Butler
Field Crew Supervisor
City of Apalachicola

RE: Well# 6 Chemical Treatment

Dear Client;

In accordance with your request, Rowe Drilling a division of A.C. Schultes of Florida, Inc. is pleased to present the following proposal based on all the information you have provided:

Scope of Services:

Mobilize rig and crew
Pull temporary pumping equipment
Install 12" brushing tool and clean the casing and open the hole.
Prepare and inject a chemical mixture comprising 6% phosphoric acid and 2% Bioacid Dispersant.
Allow the mixture to settle overnight, then use the brush to swab the well
Airlift acid out and super chlorinate the well with a chlorine mix of 300 ppm
Install temporary pumping equipment
Perform pump development
Demobilize and clean up

Total Estimated:	\$	18,580
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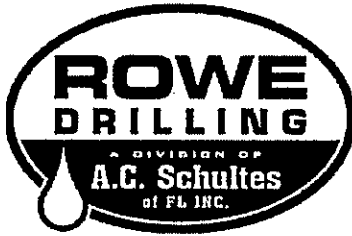
Bid Clarifications:

The described procedure attempting to eradicate sulfur bacteria offers no guarantee of success
Pump development will take place over a 16-hour period
All other services, except noted above, are excluded.
This quote is valid for 30 days.

Sincerely,

Juan C. Cepeda

Juan C. Cepeda



Rowe Drilling a division of
A. C. Schultes of Florida, Inc.
7584 W. Tennessee St.
Tallahassee, FL 32304
24 Hour Service
(850) 576-1271
Fax (850) 575-6636

October 12, 2023

Dear,
Mr. Rhett Butler
Field Crew Supervisor
City of Apalachicola

RE: Pump Repairs Well # 6

Dear Client;

In accordance with your request, Rowe Drilling a division of A.C. Schultes of Florida, Inc. is pleased to present the following proposal based on all the information you have provided:

Scope of Services:

Repair SM10M pump bowl assembly, change shaft, bearings and wear rings
Change all 1" 416 SS line shaft and couplings
Change Rubber inserts on SS shaft retainers
Packing box rebuild
Service VHS motor
Mobilize rig and crew to install repaired pump
Perform start up services
Demobilize and clean up

Total Estimated:	\$	7,400.00
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Bid Clarifications:

All other services, except noted above, are excluded.
This quote is valid for 30 days.

Sincerely,

Juan C. Cepeda

Juan C. Cepeda

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 9, 2023**

SUBJECT: Arbor Day Proclamation

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: 4
Department: Code Enforcement/City Manager
Presenter: Travis Wade

BRIEF SUMMARY:

The City of Apalachicola has held the Tree City designation by the national Arbor Day Foundations. On Saturday, January 27, 2024, from 9:00 a.m. to noon, the City will hold its annual Arbor Day event. The Florida Forest Service is providing free trees while supplies last (one tree per residence). In addition to the tree give away, representatives of the Florida Forest Service Foresters, and the Florida A&M University Extension will be available to give advice on tree planting and care. Members of the Tree Committee will be present, along with the City's Code Enforcement Officer. City resident Lynn Wilder will be available to discuss how to inoculate palm trees with antibiotics to help prevent lethal bronzing disease.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Motion to approve proclamation and read it into the record and have Mayor Ash sign it.

FUNDING SOURCE: N/A

STAFF'S COMMENTS AND RECOMMENDATIONS:

City Staff recommends approval of proclamation.



OFFICIAL PROCLAMATION

Whereas, in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, the Arbor Day Foundation has certified the City of Apalachicola as a Tree City, and,

Whereas, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees – wherever they are planted – are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Brenda Ash, Mayor of the City of Apalachicola, do hereby proclaim January 27, 2024, as Arbor Day in the City of Apalachicola, and I urge all citizens to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to promote the well-being of this and future generations.

Brenda Ash, Mayor

January 9, 2024

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 9, 2024**

SUBJECT: Tree Committee Role and Responsibilities

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 1
Department: Administration
Contact: Travis Wade
Presenter: Travis Wade/Dan Hartman

BRIEF SUMMARY: At the Commission's December Regular Meeting, the Commission directed the City Manager, City Attorney, Code Enforcement Officer, and Commissioner Grove to develop the role and responsibilities for the Tree Committee.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve

FUNDING SOURCE: N/A

ATTACHMENTS: Role and Responsibilities for the Tree Committee

STAFF'S COMMENTS AND RECOMMENDATIONS: None

TREE COMMITTEE

Trees play a key role in Apalachicola's landscape contributing aesthetically to the city's historic landscape and its overall appeal. They keep us cool in the warmer months and protect us from wind and erosion.

Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live. Tree preservation enhances the value and marketability of property and thereby promotes the stability of residential neighborhoods, making them more livable and desirable.

Purpose and intent.

The Tree Committee shall serve as an *advisory* committee to the City of Apalachicola. The purpose of the Tree Committee is providing guidance to the City Commission in the development of policy recommendations relative to the activities and issues in their specified area of concerns; maintenance, removal, and planting of trees on city-owned property:

1. Propose to the City ways the City can educate the community about the benefits of well-maintained trees and how to grow trees in our city to provide these benefits;
2. Propose ways the City can foster communication among the citizens of the town that would provide needed protection of trees and to coordinate active measures to support their health and growth;
3. In response to a request by the City Commission or City Manager, develop a tree management plan for the care, preservation, and management of trees in parks, along streets, and other public areas, and present the plan to the city commission for consideration;
4. Assist the City in its annual Arbor Day proclamation, observance, and tree give-away.

The Committee may assist the Code Enforcement Officer with Arbor Day Foundation events if needed.

Implementation of tree plan.

Upon the adoption of a tree management plan, it shall be the duty of the city manager or his designee, to undertake the day-to-day care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in all other public areas.

Members; qualifications; appointment.

The tree advisory committee shall be comprised of five (5) members, plus one (1) alternate who are full-time residents of Apalachicola. Members should have knowledge of trees, forestry, and arboriculture. At least one member shall be a certified arborist, landscape architect, or an individual with comparable experience and training. Members shall serve without compensation and shall be appointed by the city commission.

Additional Guidelines: The Tree Committee shall follow the guidelines of the Rules of Procedure for the City Commission of the City of Apalachicola, effective June 4, 2019: specifically Rule 28 **Boards, Committees and Meetings** of said Rules of Procedure and any other applicable Rule. Attention should be given to:

1. **Terms**
2. **Election and terms of officers.**
3. **Meeting Notices**
4. **Sunshine Law.**
5. **Quorum in attendance at meetings**
6. **Attendance at meeting and removal of members.**
7. **Records of proceedings and transaction of business according to Roberts Rules of Order**

Any amendments or modifications of said Rules of Procedure shall be appropriated and applied to the guidelines for the Tree Committee.

APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 9, 2024

SUBJECT: Parks & Recreation Committee report on Chapman Botanical Gardens

AGENDA INFORMATION:

Agenda Location: **Unfinished Business**
Item Number: **2**
Department: **Administration**
Presenter: **Faye Gibson and other members of the Committee**

BRIEF SUMMARY:

Commission requested Parks & Recreation Committee make recommendations on the future of Chapman Botanical Gardens including the construction plans proposed by the State of Florida DEP.

The Parks & Recreation Committee will address a number of concerns including:

- The design of the proposed bathrooms is in an AE 12 zone. This violation puts the city at risk of significant repercussions.
- The current design of the restroom will require the removal of mature oak trees that should be protected in a botanical garden.
- Restroom design does not provide ease of access for visitors with limited mobility either from the Orman House and Museum nor those using the proposed pavillion.
- The planned construction calls for expanded use with very limited parking available
- The design of the proposed pavilion and restrooms consumes a large percentage of useable land
- The design of the proposed facilities, while appropriate for a State Park are not designed for a botanical garden.
- The current plans provide users of the proposed pavilion no convenient egress or ingress

Modification of the existing designs could result in facilities that will protect the city's interests, move Chapman Botanical Gardens closer to its intended purpose while addressing the state's goals.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

1. The Parks Committee requests that commission's approval of construction plans be withheld to allow the committee and the state to agree upon modifications.

FUNDING SOURCE:

n/a

ATTACHMENTS:

Dan Hartman's response to committee questions (from last month)

Chapman Botanical Gardens schematics

Chapman lease

Cover letter from the 2014 management plan

State plans as submitted to planning and zoning

STAFF'S COMMENTS AND RECOMMENDATIONS:



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

July 7, 2014

Ms. Jennifer Carver
Planning Manager
Office of Park Planning, Division of Recreation and Parks
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 525
Tallahassee, FL 32399-3000

Re: Orman House Historic State Park – Lease # 4324

Dear Ms. Carver:

The Division of State Lands, Office of Environmental Services, acting as agent for the Board of Trustees of the Internal Improvement Trust Fund, hereby approves the Orman House Historic State Park management plan. The next management plan update is due July 7, 2024.

Approval of this land management plan does not waive the authority or jurisdiction of any governmental entity that may have an interest in this project. Implementation of any upland activities proposed by this management plan may require a permit or other authorization from federal and state agencies having regulatory jurisdiction over those particular activities. Pursuant to the conditions of your lease, please forward copies of all permits to this office upon issuance.

Sincerely,

Marianne St. Gengenbach
Office of Environmental Services
Division of State Lands

gjs

Lease Agreement
Between
The City of Apalachicola
And
The Florida Department of Environmental Protection,
Division of Recreation and Parks

THIS LEASE AGREEMENT, hereinafter referred to as "Lease Agreement", is made and entered into this 12th day of July, 2008, by and between CITY OF APALACHICOLA, FLORIDA, hereinafter referred to as "Lessor" and the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF RECREATION AND PARKS, hereinafter referred to as "Lessee," for the lands described in paragraph 1 below, together with the Improvements thereon, and subject to the following terms and conditions:

1. DESCRIPTION OF PREMISES: The property subject to this Lease Agreement is located in the City of Apalachicola, Franklin County, Florida, and is more particularly described in Exhibit "A" attached hereto and hereinafter referred to as "Leased Premises".

2. TERM: This Lease Agreement shall commence upon the execution of this Lease Agreement by the parties hereto and shall terminate upon the termination of Lease Agreement No. 4324, entered into by and between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, as lessor, and the State of Florida Department of Environmental Protection, Division of Recreation and Parks, as lessee, on March 29, 2001, for use and benefit of Lessee, unless sooner terminated pursuant to the provisions of this Lease Agreement. If Lease No. 4324 is renewed upon expiration on March 29, 2051, this Lease Agreement shall be automatically renewed for the same period of time as Lease No. 4324 under the same terms and conditions contained in this Lease Agreement, unless one party provides written notice to the other party six months in advance stating that it does not intend to renew this Lease Agreement.

3. PURPOSE: Lessee shall manage the Leased Premises as a part of the Orman House Historic State Park, hereinafter referred to as the "Park," and shall operate and maintain the Leased Premises in conformance with the Park's unit management plan ("Management Plan"). The Management Plan shall be revised within 18 months of the effective date of this Lease Agreement to provide specific management of the Leased Premises and said revision shall be subject to Lessor's approval.

4. CONSIDERATION: Lessee agrees that the location of the Leased Premises adjacent to the Park serves to buffer the Park from incompatible uses and that the Lessee's ability to steward the Leased Premises enhances its ability to effectively steward the resources of the Park. Lessor agrees that Lessee's stewardship of the Leased Premises benefits Lessor and

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8/2/08

provides appropriate care and maintenance of Lessor's natural resources and recreation infrastructure. Lessee agrees not to change the name of the Leased Premises (Chapman Botanical Gardens), or the name of that part of the Leased Premises called "Meyer Hill" named in honor of John Meyer and shall continue in place. Lessor and Lessee agree that although Meyer Hill and Chapman Botanical Gardens will maintain their current designations, they shall be managed as part and parcel of Orman House Historic State Park and shall be formally and for all legal purposes referred to as Orman House Historic State Park.

5. BEST MANAGEMENT PRACTICES: The Leased Premises shall not be developed, maintained, used or physically altered in any way other than what is allowed in the Management Plan without the prior written approval of Lessor. The Management Plan for the Leased Premises shall provide the basic guidance for all management activities and shall be reviewed jointly by Lessee and Lessor at least every ten years.

6. LESSOR'S OBLIGATION: Unless otherwise agreed to by Lessee, Lessor shall, at its sole cost and expense, make a diligent effort to resolve any and all issues, if any, pertaining to all pre-lease date title defects, survey matters or environmental contamination associated with the Leased Premises.

7. QUIET ENJOYMENT AND RIGHT OF USE: Lessee shall have the right of non-exclusive ingress and egress over the roads, streets and alleys of Lessor to, from and upon the Leased Premises for all purposes necessary for Lessee's full quiet enjoyment of the rights conveyed herein. Lessee shall have the authority and right to enter and occupy the Leased Premises for all purposes necessary to meet its designated responsibilities, including protection of the Leased Premises. Lessee shall have the authority and shall, through its agents and employees, take all reasonable measures to provide security against property damage, property degradation, and unauthorized uses or any use thereof not in conformance with this Lease Agreement.

8. ASSIGNMENT: This Lease Agreement shall not be assigned in whole or in part without the prior written consent of Lessor. Any assignment made without the prior written consent of Lessor shall be void and without legal effect.

9. CLOSING DEDICATED RIGHTS-OF-WAY: Lessor will take all necessary measures to close, within the leased premises, Fulton Street, also known as Dr. Martin Luther King Jr. Avenue, and all rights-of-way within the leased premises that may have not formally closed prior to the execution of this Lease Agreement. Lessor also agrees not to open any of these closed rights-of-way or any new right-of-way across the Leased Premises without prior written consent of Lessee.

10. RESERVATION OF EASEMENTS: Lessor reserves to itself, successors or assigns, the right to maintain any existing public utility lines, such as electricity, water, sewer or gas lines, and to construct new utility lines on the property in the future. If any such new lines are constructed, the Lessor will work with the Lessee to locate those lines so as not to disrupt or damage the natural, cultural or recreational resources of the Leased Premises, and to avoid, to the greatest extent possible, damage or disruption on the Leased Premises facilities. If utility maintenance or construction activities cannot be done in a way that avoids damaging existing facilities, then the

Lessor will repair or replace those facilities, including improved lawns or landscaped areas, at the end of the construction project.

11. UTILITY FEES: Lessee shall be responsible for the payment of all charges for the furnishing of gas, electricity, water and other public utilities to the Leased Premises resulting from Lessee's use of the Leased Premises and for having all utilities turned off when the Leased Premises are surrendered.

12. CONDITIONS AND COVENANTS: All of the provisions of this Lease Agreement shall be deemed covenants running with the land included in the Leased Premises during the existence of this Lease Agreement, and shall be construed to be "conditions" as well as "covenants" as though the words specifically expressing or imparting covenants and conditions were used in each separate provision.

13. DUPLICATE ORIGINALS: This Lease Agreement is executed in duplicate originals each of which shall be considered an original for all purposes.

14. PROHIBITIONS AGAINST LIENS OR OTHER ENCUMBRANCES: Fee title to the Leased Premises is held by Lessor. Lessee shall not do or permit anything to be done which purports to create a lien or encumbrance of any nature against the Leased Premises including, but not limited to, mortgages or construction liens against the real property contained in the Leased Premises or against any interest of Lessor therein.

15. DAMAGE TO THE PREMISES: Lessee agrees that it will not do, or suffer to be done, in, on or upon the Leased Premises or as affecting said Leased Premises, any act which may result in damage or depreciation of value to the Leased Premises, or any part thereof. Lessee shall not dispose of any contaminants including, but not limited to, hazardous or toxic substances, chemicals or other agents used or produced in Lessee's operations, on the Leased Premises or on any adjacent state land or in any manner not permitted by law. In the event of Lessee's failure to comply with this paragraph, Lessee shall, at its sole cost and expense, promptly commence the diligently pursue and legally required closure, investigation, assessment, cleanup, decontamination, remediation, restoration and monitoring of (1) the Leased Premises, and (2) all off-site ground and surface waters and lands affected by Lessee's such failure to comply, as may be necessary to bring the Leased Premises and affected off site waters and lands into full compliance with all applicable federal, state or local statutes, laws, ordinances, codes, rules, regulations, orders and decrees, and to restore the damaged property to the condition existing immediately prior to the occurrence which caused the damage. Lessee's obligations set forth in this paragraph shall survive the termination or expiration of this lease. Nothing herein shall relieve Lessee of any responsibility or liability prescribed by law for fines, penalties and damages levied by governmental agencies, and the cost of cleaning up any contamination caused directly or indirectly by Lessee's activities or facilities. Upon discovery of a release of a hazardous substance or pollutant, or any other violation of local, state or federal law, ordinance, code, rule, regulation, order or decree relating to the generation, storage, production, placement, treatment, release or discharge of any contaminant, Lessee shall report such violation to all applicable governmental agencies having

jurisdiction and to Lessor, all within the reporting periods of the applicable governmental agencies.

16. COOPERATION IN LITIGATION: The parties shall assist in the investigation of injury or damage claims either for or against either party pertaining to their respective areas of responsibilities, or arising out of their respective management programs and activities, if any, and shall contact the other regarding whatever legal action they deem appropriate to remedy such damage or claims.

17. LIABILITY: Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof. Lessee shall assume all risks and liability associated with the construction, maintenance and use of the Leased Premises. Except as may be limited by the provisions of Section 375.251, Florida Statutes. Lessor shall be responsible for any and all claims for personal injury or property damage solely to the extent same directly arise from Lessor's negligent use of the Leased Premises. Nothing herein shall be construed as an indemnity prohibited by, or a waiver of sovereign immunity enjoyed by Lessee as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims. Lessor and Lessee agree that nothing contained herein shall be construed or interpreted as a waiver of limitations of liability provided in Section 375.251, Florida Statutes.

18. ARCHAEOLOGICAL AND HISTORIC SITES: Execution of this Lease Agreement in no way affects any of the parties' obligations pursuant to Chapter 267, Florida Statutes. The collection of artifacts or the disturbance of archaeological and historic sites on state-owned lands is prohibited unless prior authorization has been obtained from Lessor, Lessee and the State of Florida Department of State, Division of Historical Resources.

19. EASEMENTS: Except as provided by paragraph 10 above, all easements by either party including, but not limited to, utility easements are expressly prohibited.

20. SUBLEASES: This Lease Agreement is for the purposes specified herein and subleases of any nature are prohibited, without the prior written approval of Lessor. Any sublease not approved in writing by Lessor shall be void and without legal effect. However, Lessor shall not require Lessee to obtain Lessor's approval to enter into contracts that are necessary for the normal, day-to-day operation of the Leased Premises.

21. INSURANCE: Lessee represents that it is self-funded for liability and fire and extended risk insurance for all buildings and improvements, appropriate and allowable under Florida law, and that such self-insurance offers protection applicable to the Lessee's officers, employees, servants, and agents while acting within the scope of their employment with Lessee.

22. SURRENDER OF PREMISES AND REMOVAL OF PERSONALTY AND PERMANENT IMPROVEMENTS: All improvements (permanent or personalty) required to implement the Management Plan and placed on the Leased Premises by Lessee, using Lessee's funds, will remain the property of Lessee during the term of this Lease Agreement. Upon expiration or termination of this Lease Agreement:

- (a) Lessee shall surrender the Leased Premises to Lessor.
- (b) All permanent improvements, including both physical structures and

modifications to the Leased Premises, shall become the property of Lessor and If Lessor breaches any of its obligations under this Lease Agreement and Lessor fails to cure said breach in accordance with Paragraph 27 of this Lease Agreement and Lessee terminates this Lease Agreement as a result of Lessor's default, Lessor agrees to pay to Lessee the unamortized cost of any permanent improvements made by Lessee to the Leased Premises after the effective date of this Lease Agreement which remain on the Leased Premises after the termination of this Lease Agreement. A standard Internal Revenue Service amortization schedule shall be used to determine the unamortized cost.

(c) Within six (6) months after the termination or expiration of this Lease Agreement, the Lessee shall have the right to remove, at its expense, any or all personalty it has funded and placed on the Leased Premises.

23. MINERAL RIGHTS: This Lease Agreement does not cover petroleum or petroleum products or minerals and does not give the right to Lessee to drill for or develop the same or allow others to do so.

24. PLACEMENT IMPROVEMENTS: All buildings, structures, improvements, and signs shall be constructed at the expense of Lessee in accordance with plans prepared by professional designers and shall require the prior written approval of Lessor as to purpose location, and design unless identified in the Management Plan. Further, no trees, other than non-native species, shall be removed or major land alterations done without the prior written approval of Lessor unless identified in the Management Plan.

25. MAINTENANCE OF IMPROVEMENTS: Lessee shall maintain the real property contained within the Leased Premises and any improvements located thereon, in a state of good condition working order and repair including, but not limited to, maintaining the planned improvements as set forth in the approved Management Plan, meeting all building and safety codes in the location situated, and keeping the Leased Premises free of trash or litter.

26. ENTIRE UNDERSTANDING: This Lease Agreement sets forth the entire understanding between the parties and shall only be amended with the prior written approval of Lessor.

27. BREACH OF COVENANTS, TERMS OR CONDITIONS: Should either party breach any of the covenants, terms or conditions of this Lease Agreement, the non-defaulting party shall give written notice to the other party to remedy such breach within sixty (60) days of such notice. In the event the defaulting party fails to remedy the breach to the satisfaction of the non-defaulting party within sixty days of receipt of written notice, the non-defaulting party may terminate this Lease Agreement upon 30 days' written notice to the defaulting party. If Lessee breached any of its obligations under that certain management agreement between Lessor, Lessee and Three Servicemen Statue South, Inc., a copy of which is attached hereto as Exhibit "B," regarding the parcel referred to as Three Servicemen Statute Memorial Plaza, Lessor shall give written notice to Lessee to remedy such breach within sixty (60) days of such notice. In the event Lessee fails to remedy the breach to the satisfaction of Lessor within sixty days of receipt of written notice, Lessor may either terminate and recover from Lessee all damages Lessor may incur by reason of the breach including, but not limited to, the cost of recovering the Leased Premises, or maintain this Lease Agreement in full force and effect and exercise all rights and remedies herein conferred upon Lessor. Nothing herein shall be construed as an indemnity or

waiver of sovereign immunity enjoyed by Lessee, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.

28. NO WAIVER OF BREACH: The failure of Lessor to insist in any one or more instances upon strict performance of any one or more of the covenants, terms and conditions of this Lease Agreement or in the management agreement between Lessor, Lessee and Three Servicemen Statue South, Inc., shall not be construed as a waiver of such covenants, terms and conditions, but the same shall continue in full force and effect, and no waiver of Lessor of any one of the provisions hereof or in the management agreement between Lessor, Lessee and Three Servicemen Statue South, Inc., shall in any event be deemed to have been made unless the waiver is set forth in writing, and signed by Lessor.

29. COMPLIANCE WITH LAWS: Lessee agrees that this Lease Agreement is contingent upon and subject to Lessee obtaining all applicable permits and complying with all applicable permits, regulations, ordinances, rules and laws of the City of Apalachicola, State of Florida or the United States or of any political subdivision or agency of either.

30. GOVERNING LAW: This Lease Agreement shall be governed by and interpreted according to the laws of the State of Florida and shall be deemed to have been created and to be enforced in Leon County, Florida and any suit regarding its enforcement or interpretations agreed to be brought in the circuit court in and for Leon County, Florida.

31. SECTION CAPTIONS: Articles, subsections and other captions contained in this Lease Agreement are for reference purposes only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Lease Agreement or any provisions thereof.

32. NOTICES: Any and all notices given or required under this Lease Agreement shall be in writing and shall be delivered in person or by United States mail, postage prepaid, first class and certified, return receipt requested, addressed as follows:

If to Lessor: One Bay Avenue
 City of Apalachicola, FL 32320
 Attention: City Administrator
 (850) 653-9319

If to Lessee: Office of Park Planning, MS 525
 Division of Recreation and Parks
 State of Florida Department Environmental Protection
 3900 Commonwealth Boulevard
 Tallahassee, Florida 32399-3000
 Attention: Bureau Chief

33. OBLIGATION TO PAY: LESSEE'S AND THE STATE OF FLORIDA'S PERFORMANCE AND OBLIGATION TO PAY UNDER THIS LEASE AGREEMENT IS CONTINGENT UPON AN ANNUAL

APPROPRIATION BY THE LEGISLATURE.

IN WITNESS WHEREOF, the parties have caused this Lease Agreement to be executed on the day and year first above written.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION,
DIVISION OF RECREATION AND PARKS

Witness Warren Floyd
Print/Type Witness Name
By Albert G. Gregory (SEAL)
Albert G. Gregory, Chief
Office of Park Planning

Witness John Patrick Floyd
Print/Type Witness Name

"Lessee"

State of Florida
County of Leon

The foregoing instrument was acknowledged before me this 12th day of July, 2008, by Albert Gregory as Chief, Office of Park Planning, on behalf of the Division of Recreation and Parks, State of Florida Department of Environmental Protection. He is personally known to me.

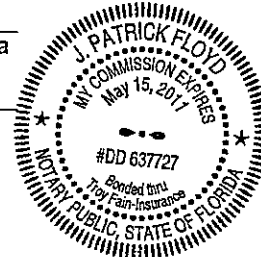
J. Patrick Floyd
Notary Public, State of Florida
J. Patrick Floyd
Print/Type Notary Name

Commission Number:

Commission Expires:

Approved for Form and Legality

DEP Attorney



CITY OF APALACHICOLA,
a political subdivision of the State of Florida

[Signature]
Witness

By: [Signature] (SEAL)
Van Johnson, Mayor

John Patrick Floyd
Print/Type Witness Name

(OFFICIAL SEAL)

[Signature]
Witness

"Lessor"

Warren Floyd
Print/Type Witness Name

State of Florida
County of Franklin

The foregoing instrument was acknowledged before me this 12th day of July,
2008, by Van Johnson as mayor, City of Apalachicola, on behalf of the City. He is personally
known to me.

[Signature]
Notary Public, State of Florida

J. Patrick
Print/Type Notary Name

Commission Number:

Commission Expires:

Approved as to Form:

By: [Signature]
Patrick Floyd
City Attorney

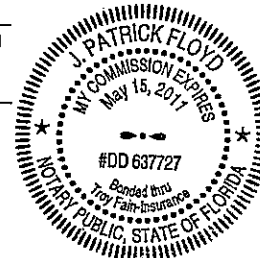


EXHIBIT "A"

Block 185, Lots 1, 2, 3, 8, 9 and 10,

Block 186, Lots 1, 2, 3, 4, 5, 6, 7,

Block 187, Lots 1, 2, 3, 4, 5, 9 and 10.

That part of Lots 6, 7, 8, 9 and 10, Block 190 west of Market Street and that part of Block 191 West of Market Street.

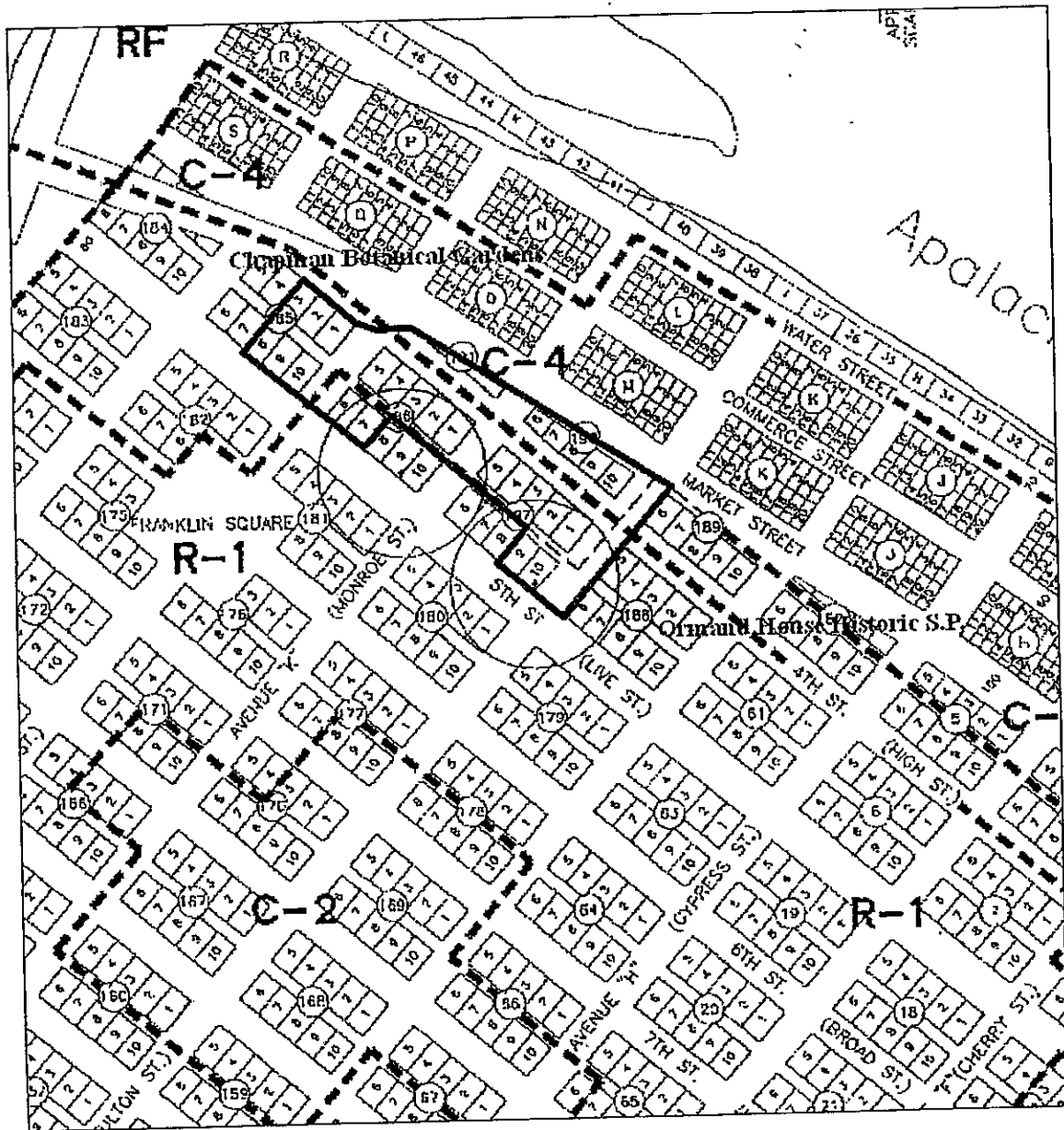


EXHIBIT
A

Lease Agreement between City of Apalachicola as lessor and the Florida Park Service as lessee for Chapman Gardens
Page 9 of 9

0 0.035 0.07 0.14 Miles



To City Attorney Dan Hartman

From Faye Gibson, Apalachicola Parks Committee Secretary

Observations, Recommendations Questions

December 18, 2023

Attorney Hartman's responses in red

Observations

1. The city has not exercised an active supervisory role over its property in recent years.
2. The 2014 Management plan is due for joint review no less than every 10 years.
3. Only 6 months remain before a revised management plan is to be jointly reviewed.
4. The term "review" can be interpreted in different ways. It is in the city's interest to determine the standard for review prior to the next plan's review.
5. It is also important for the city representative to be willing to serve as an advocate for the City's rights. I would ask to be involved.
6. In preparing the management plan, the state has public hearings. This provides citizens an opportunity for input.
7. It would be in the city's interest to take a role in advertising those hearings to allow citizens maximum opportunity for input. I suggest we involve the parks committee work with the State in the organization of the hearings.
8. The original lease has a no waiver of breach. Does this allow a remedy if things were previously included in the 2014 management plan that we prefer not be in the 2024?
9. The management plan refers to restrooms in two places in text. Both are on page 59 (67). The first mention is:
Restrooms should be constructed to serve the public visiting the park. These facilities are also needed in order to serve expanded events and programs at the park.

The Ormond House has been closed for an extended period and remains closed now for "renovations" There have been no expanded events or programs at the park for a number of years. When the house was open for tours, they had a minimum number of days available due to staffing shortages.

10. The second mention of restrooms is:
New facilities and improvements to existing facilities recommended by the plan include:
Day Use Area
Restrooms
Multi-use pavilion
Enhanced landscape plan
11. There is also a satellite view of the garden with a circle labelled:
Restroom with dressing rooms

12. None of these instances set forth a description, plan, specific location or design as mentioned in the original lease agreement sections 5 and 24.
13. Similarly, the multi-use pavilion is mentioned only on page 59 (67) in the chart listed in #10 above and in this text:

Expand the nature trail at the northwest edge of the park. Add a multi-use pavilion in the gardens, as well as additional landscape elements. Expanding the boardwalk through the existing wetland forest would offer additional opportunities for interpretation of the natural area and a multi-use pavilion and added landscaping to the gardens would enhance the park as a special events venue.

14. There is an existing pavilion in the garden that has been added since 2014.
15. In none of these mentions in the management plan are plans, designs, nor specific locations provided.
16. There is an equally non-specific mention of a park ranger residence on page 59 (67):
A new ranger residence is needed for the park in order to increase security and assist with park operations. DRP staff is exploring options for an off-site ranger residence in close proximity to the park. If no feasible location is identified, an on-site residence will be pursued

Note that the mention includes that an off-site ranger residence is being explored as an option.

17. On page 96 in an addendum, "Mayor Van Johnson (City of Apalachicola) referenced some items that were part of the discussion when the DRP signed the management agreement for Chapman Gardens and Veterans Memorial Park. He asked about the status of the proposed ranger residence and the out parcel where the City water works is located. DRP staff explained that the ranger residence was included in the draft plan as a needed facility. The location needed to be determined." The language in this appendix does not match the language in the management plan. In neither is a location, plan, design presented to the city for approval.

Questions:

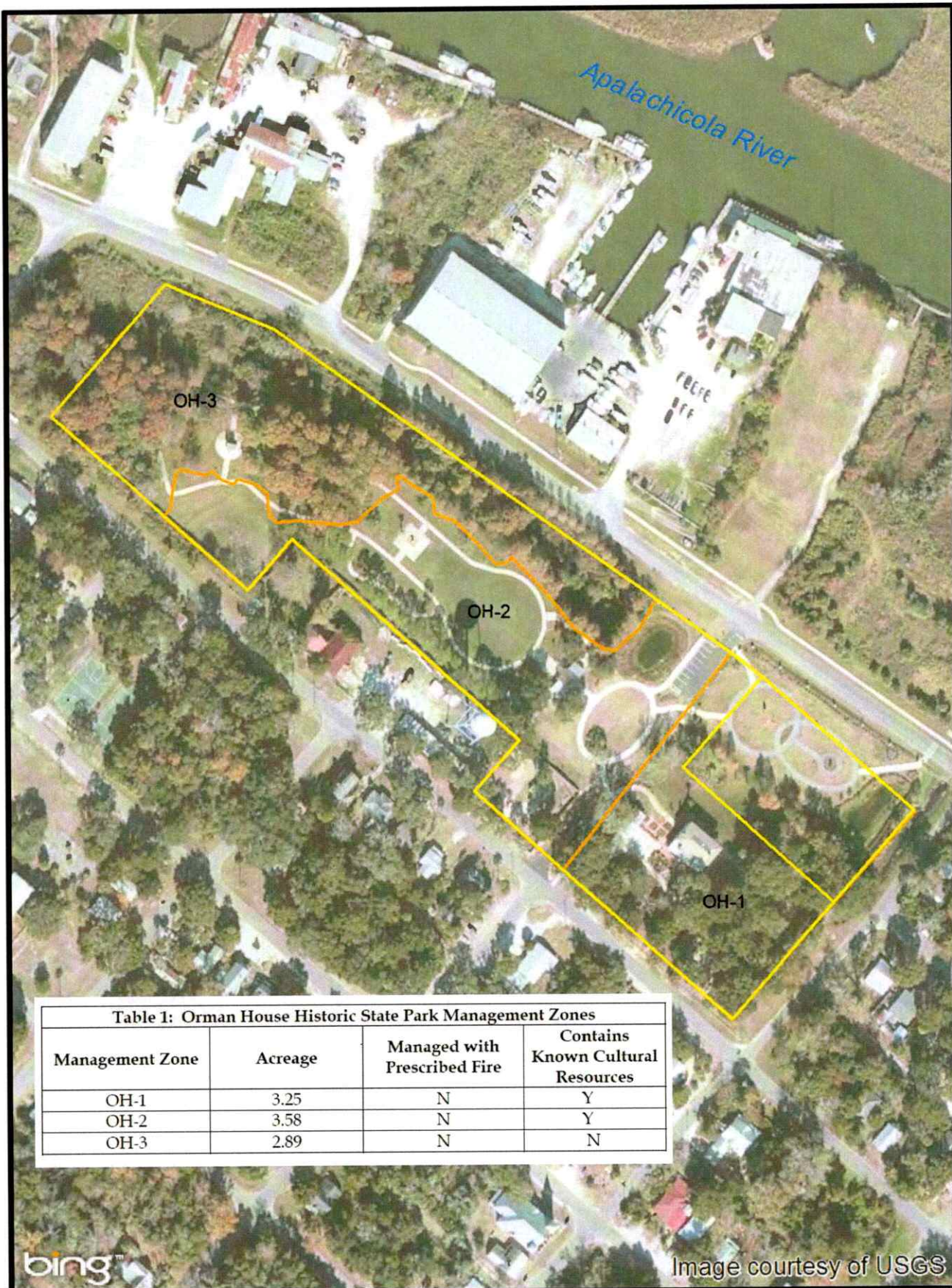
I have reviewed the Management Plan and the Lease to answer the questions below.

1. Does a mention of intent in the management plan act as a signed approval by the city of the action? **Short Answer – Yes. The Management Plan (Plan) is incorporated into the terms of the Lease. The City generally agrees in the Lease that the Management Plan controls the purpose, operation and maintenance of the Park property. See, Sections 3 and 5.**
2. What happens if the city does not agree with something the state writes into the management plan? **The City is bound by the express terms of the Management Plan. It agreed to them in the Lease. As to gray areas the balance of the Lease controls. Regarding the current situation, Section 24 is applicable. NOTE: The location of the proposed Pavilion and Bathrooms does match that set forth in the Plan. As a result it remains my opinion the any City objection would have to be based on design under Section 24.**

3. What options are there for the state and city to approach disagreements to the intent for the property? **The Plan is the agreement between City and State as to purpose, operation and maintenance of the property. We would need to agree on a change to the Plan in order to change the purpose/operation direction of the Park.**
4. Is there an option for clarification of the renewal terms of the lease? The current wording ties the lease renewal to a contract of the State's Board of Trustees renewal of the Orman House. There is a requirement for the city to oppose within six months or the contract automatically renews. Is this a legitimate statement of terms? **Yes, the Lease contains an automatic 50 year renewal provision. It will automatically renew unless one party gives notice 6 months prior to March 29, 2051 of their desire to terminate the Lease. Section 2 would be enforceable.**

Recommendations:

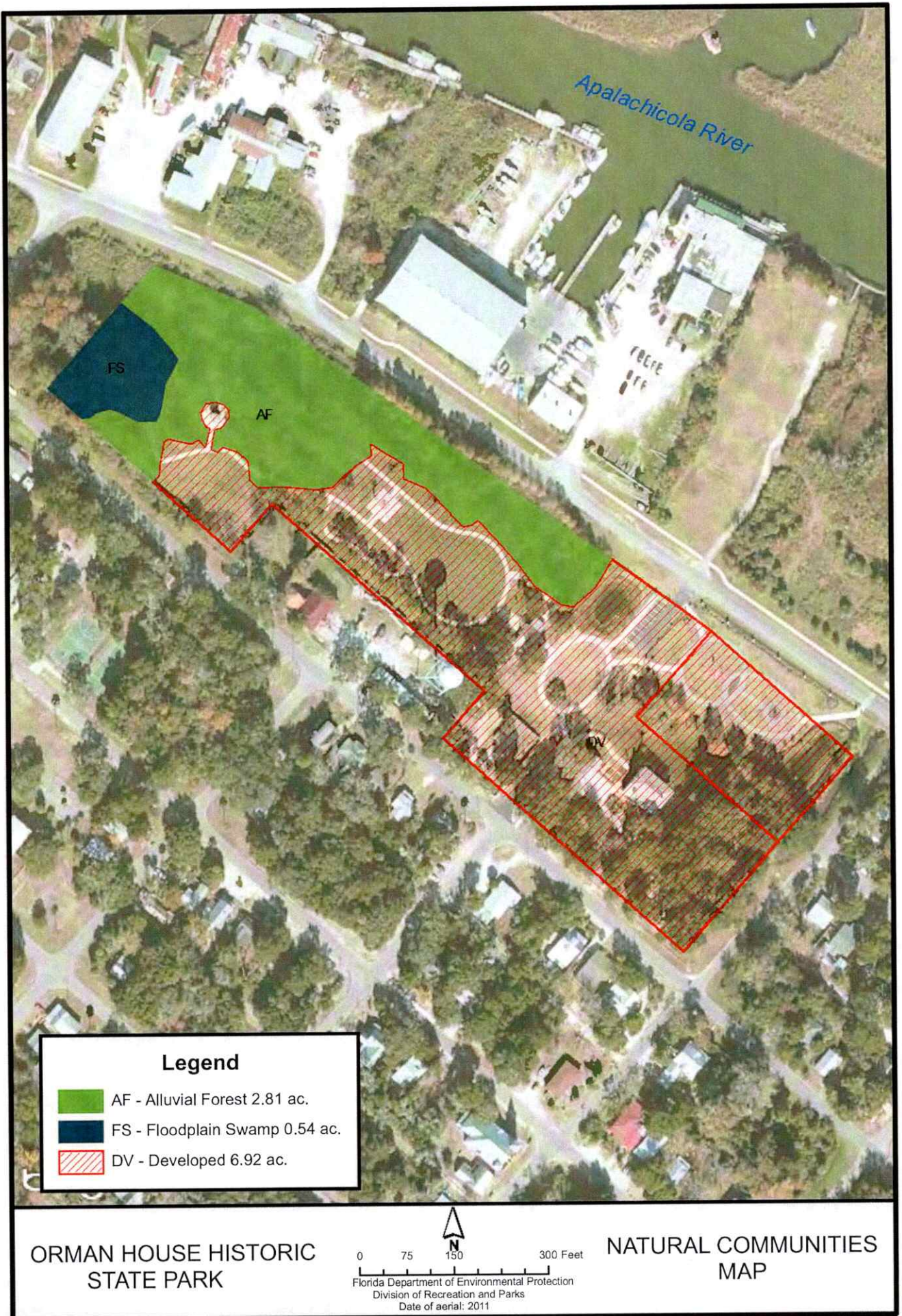
1. The Parks Committee requests that all construction plans be put on hold until the committee as the city's advisory committee and the state have the opportunity to carefully consider the economic opportunity and value of those plans especially if viewed against potential alternative plans.
2. Donna Ingle be appointed by the City Commission as the City's liaison with the state's citizen group, Friends of Franklin County State Parks, in discussions pertaining to about plans/potential for Chapman Botanical Gardens.
3. . The City be an equal decision-making member of plans/potential for Chapman Botanical Gardens as owner of the property.
4. Faye Gibson be appointed by the City Commission as the City's liaison between itself and the state about plans/potential for Chapman Botanical Gardens.
5. The Parks Committee requests opportunity for the parks committee and the City Tree Committee to partner with other interested members of the community in the development of a business plan as well as a landscape plan to develop the current property into a legitimate, sustainable botanical garden.
6. The Parks Committee requests opportunity for the parks committee and the City Tree Committee to have in the development of the next management plan for the city properties leased to the state.
7. As part of the development of the next management plan, the Parks Committee would like to hold three community wide input sessions to gather citizen input into what would add value to the community and where economic opportunities might be improved.
8. The Parks Committee recommends that all future management plans for Chapman Botanical Gardens be carefully reviewed and a dispute resolution system be crafted that respects the city's ownership of the property.

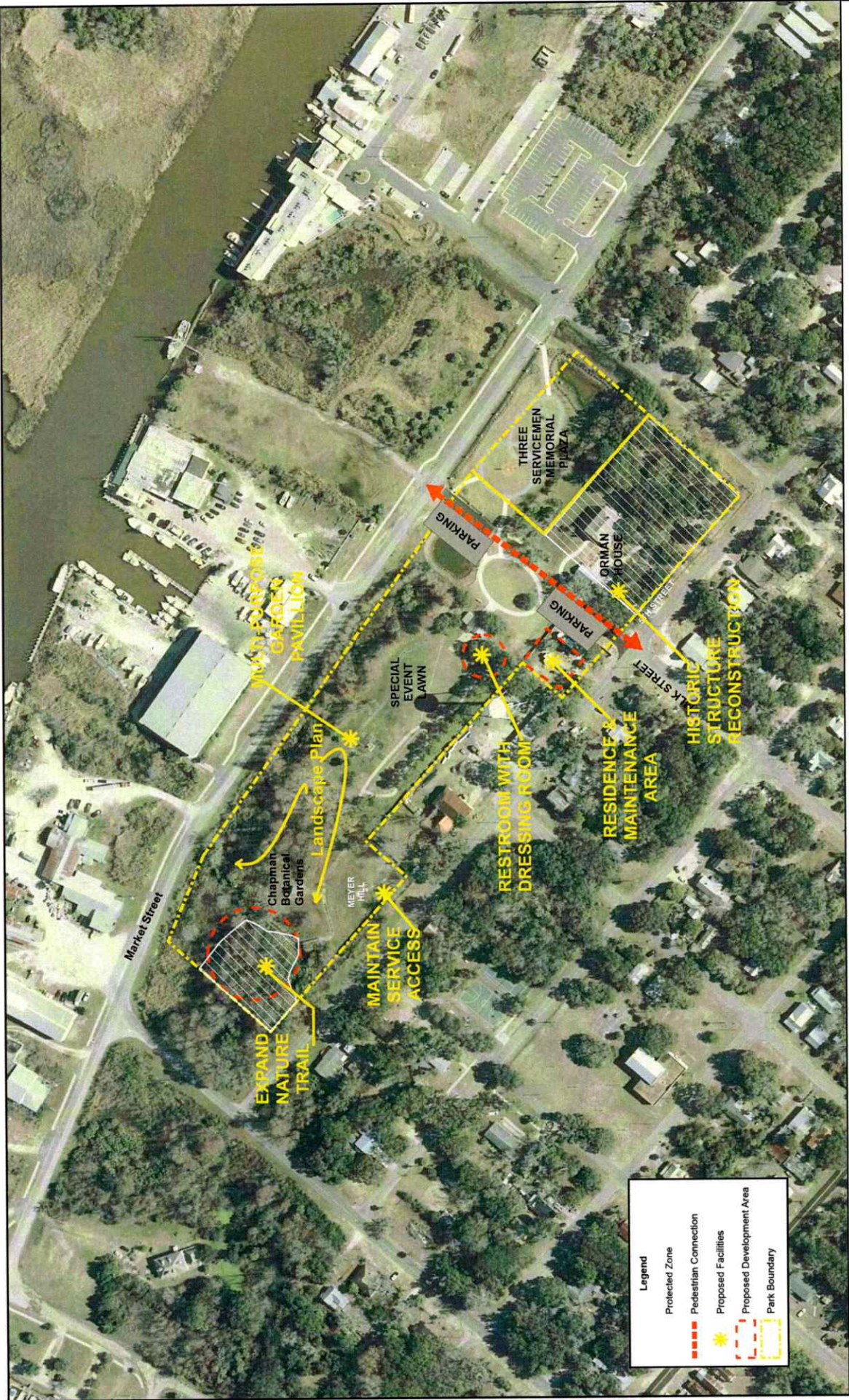


ORMAN HOUSE HISTORIC
STATE PARK



MANAGEMENT ZONES
MAP

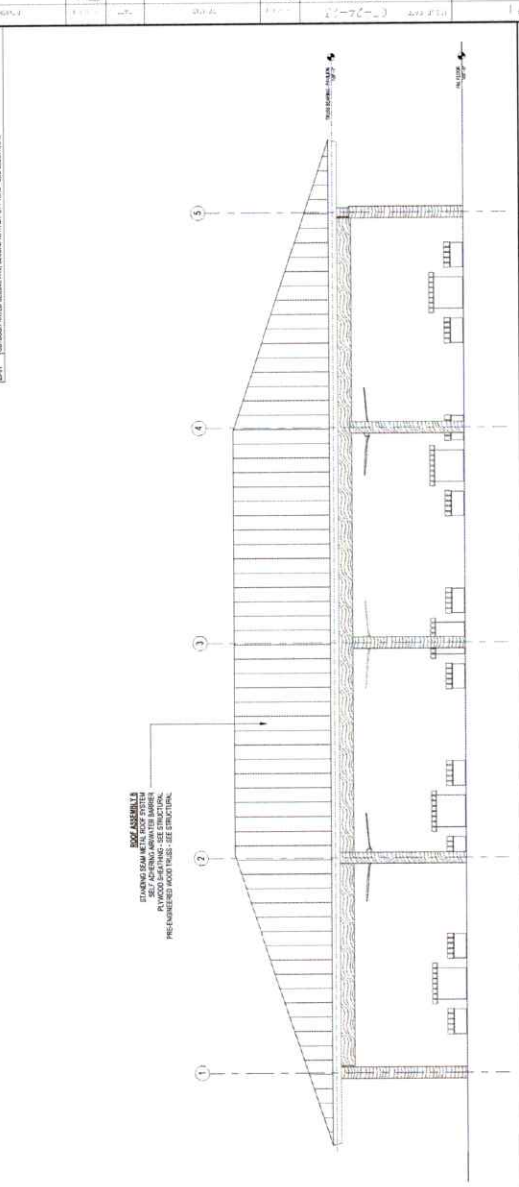




11 12 13 14 15

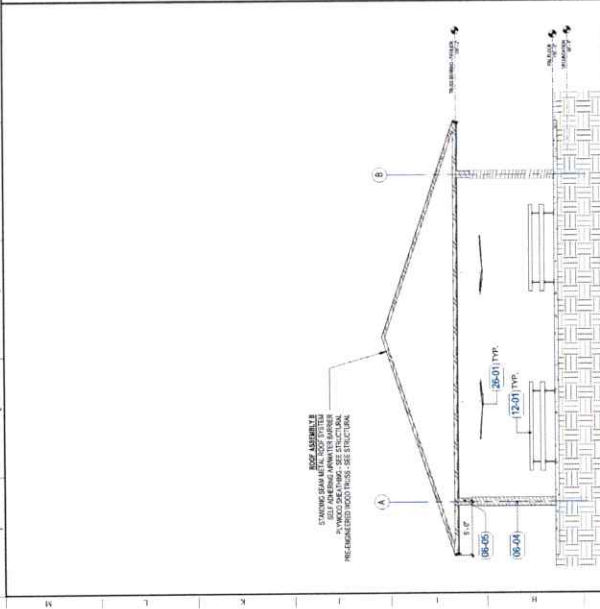
#	DESCRIPTION
36-01	1" X 6" X 8" WOOD TRUSS COLUMN - SEE STRUCTURAL
36-02	1" X 6" X 8" WOOD TRUSS BEAM - SEE STRUCTURAL
36-03	1" X 6" X 8" WOOD TRUSS JOIST - SEE STRUCTURAL
36-04	1" X 6" X 8" WOOD TRUSS RAFTER - SEE STRUCTURAL
36-05	1" X 6" X 8" WOOD TRUSS BRACE - SEE STRUCTURAL
36-06	1" X 6" X 8" WOOD TRUSS HANGING - SEE STRUCTURAL
36-07	1" X 6" X 8" WOOD TRUSS KICKER - SEE STRUCTURAL
36-08	1" X 6" X 8" WOOD TRUSS END PLATE - SEE STRUCTURAL
36-09	1" X 6" X 8" WOOD TRUSS GUSSET - SEE STRUCTURAL
36-10	1" X 6" X 8" WOOD TRUSS CONNECTOR - SEE STRUCTURAL
36-11	1" X 6" X 8" WOOD TRUSS BRACKET - SEE STRUCTURAL
36-12	1" X 6" X 8" WOOD TRUSS LUG - SEE STRUCTURAL
36-13	1" X 6" X 8" WOOD TRUSS WEDGE - SEE STRUCTURAL
36-14	1" X 6" X 8" WOOD TRUSS NAIL - SEE ELECTRICAL

KEYNOTE LEGEND

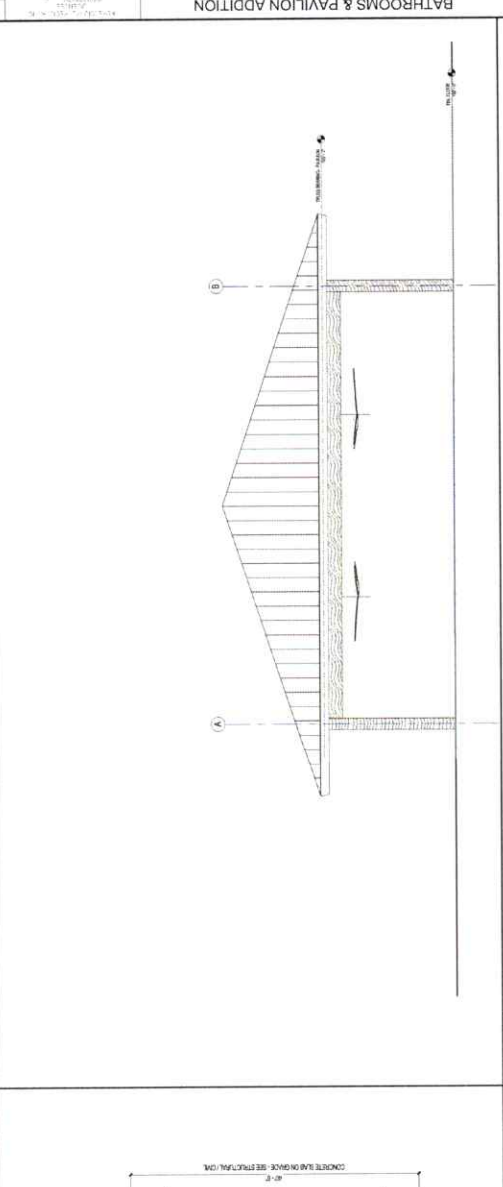


G6 SOUTH ELEVATION - PAVILION
1/8" = 1'-0"

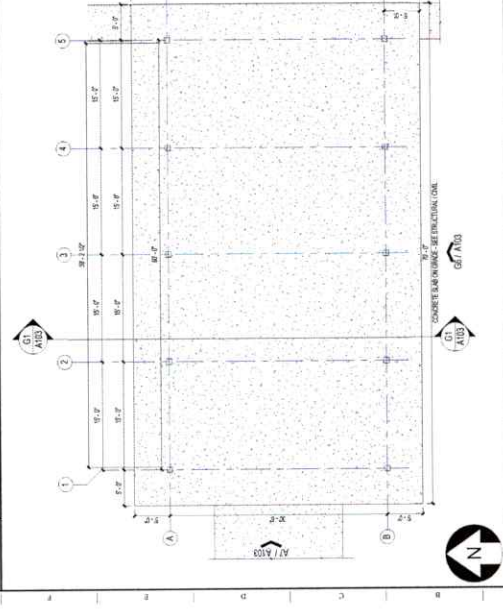
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15



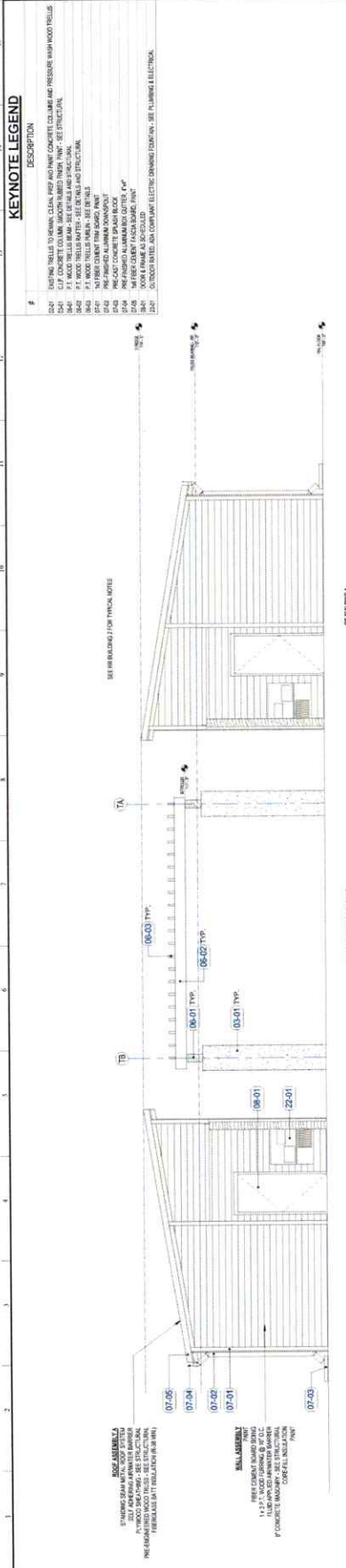
G1 PAVILION BUILDING SECTION
3/8" = 1'-0"



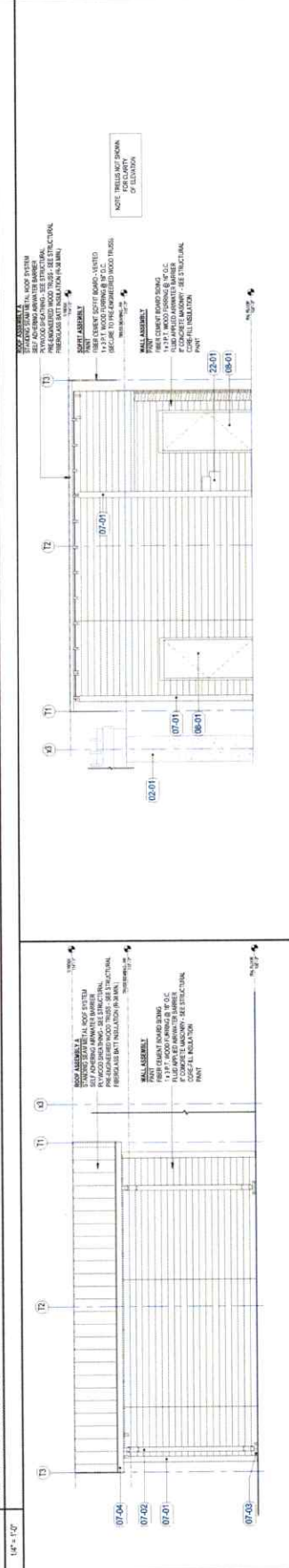
A7 WEST ELEVATION - PAVILION
1/8" = 1'-0"



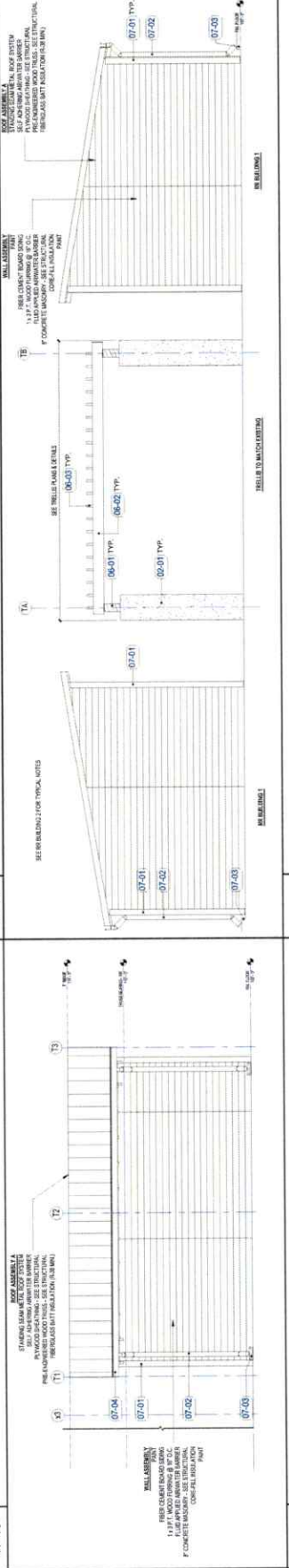
A1 FLOOR PLAN - PAVILION
1/8" = 1'-0"



WEST ELEVATION	
11	1/4" = 1'-0"



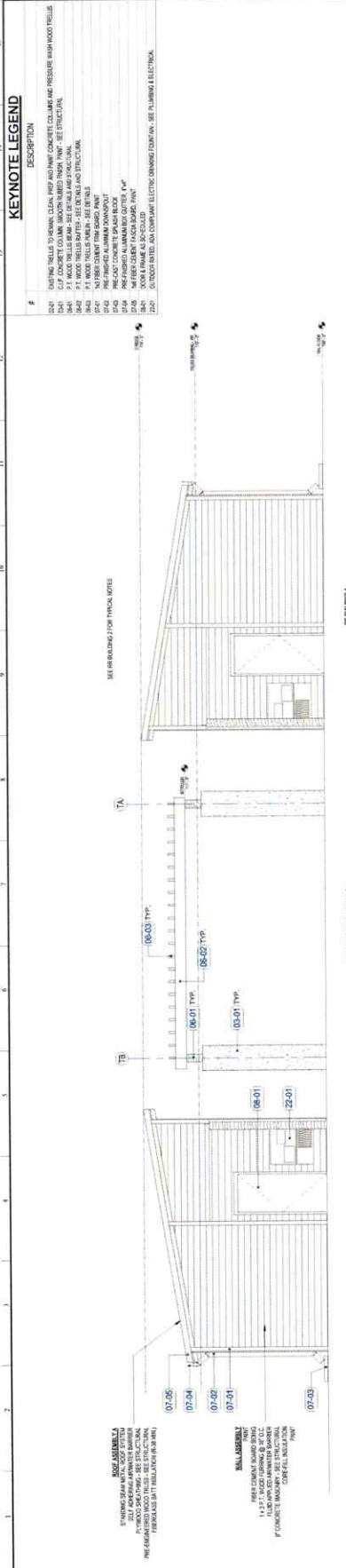
NORTH ELEVATION - RR BUILDING 1	
E1	1/4" = 1'-0"



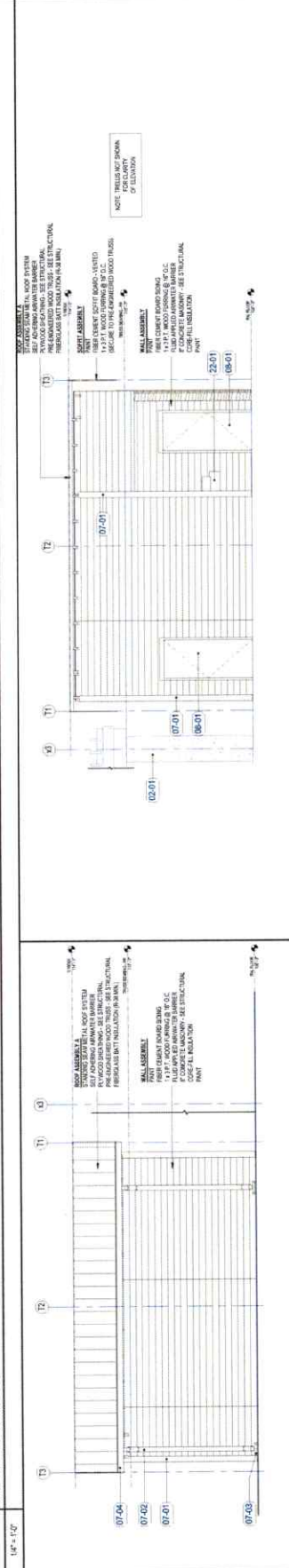
SOUTH ELEVATION - RR BUILDING 1	
E7	1/4" = 1'-0"



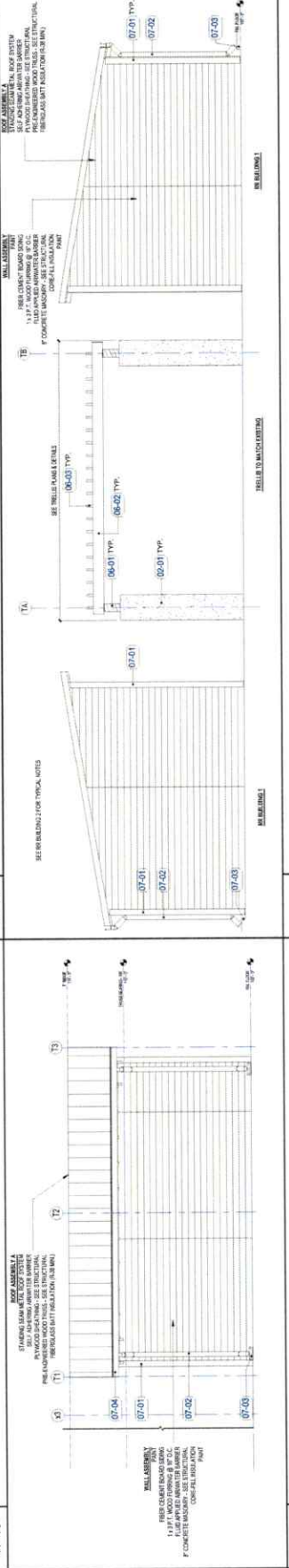
EAST ELEVATION - RR BUILDING 1	
A7	1/4" = 1'-0"



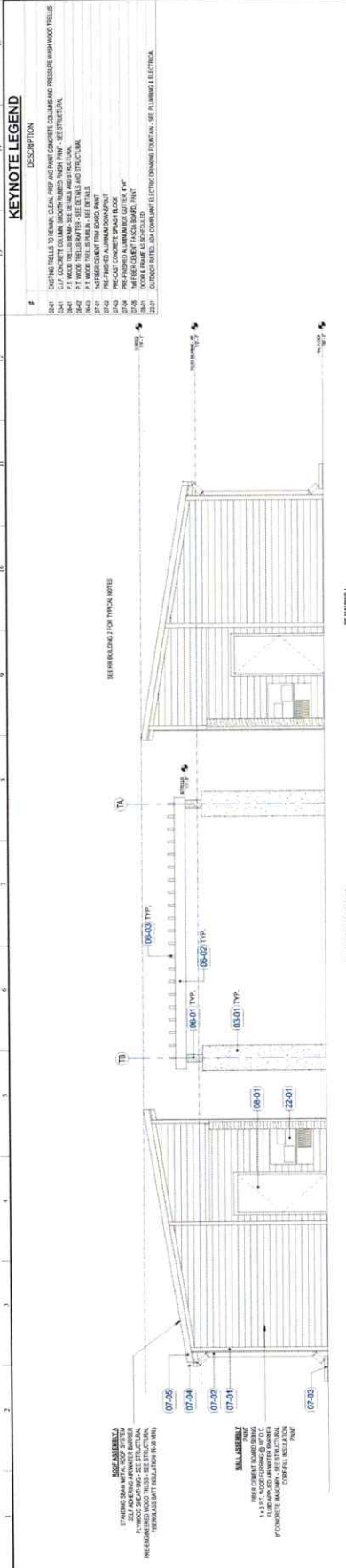
NORTH ELEVATION - RR BUILDING 2	
A1	1/4" = 1'-0"



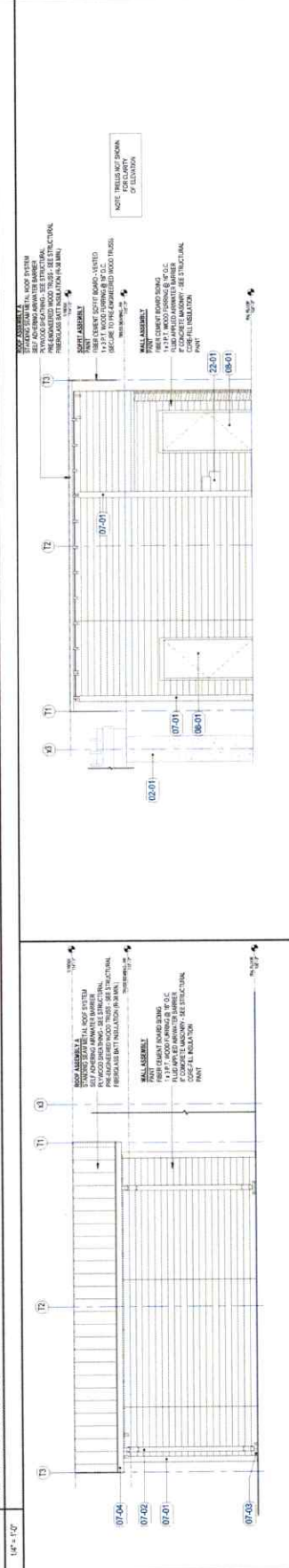
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E7	1/4" = 1'-0"



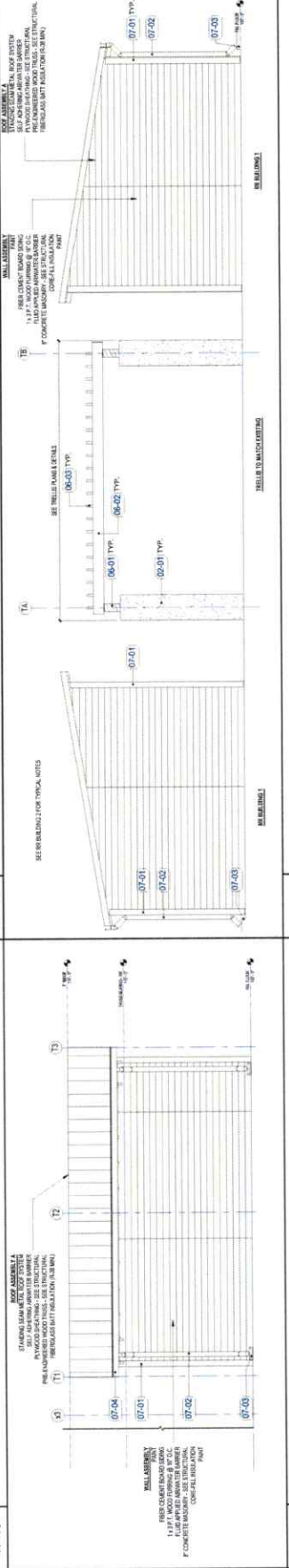
EAST ELEVATION - RR BUILDING 2	
A7	1/4" = 1'-0"



WEST ELEVATION	
11	1/4" = 1'-0"



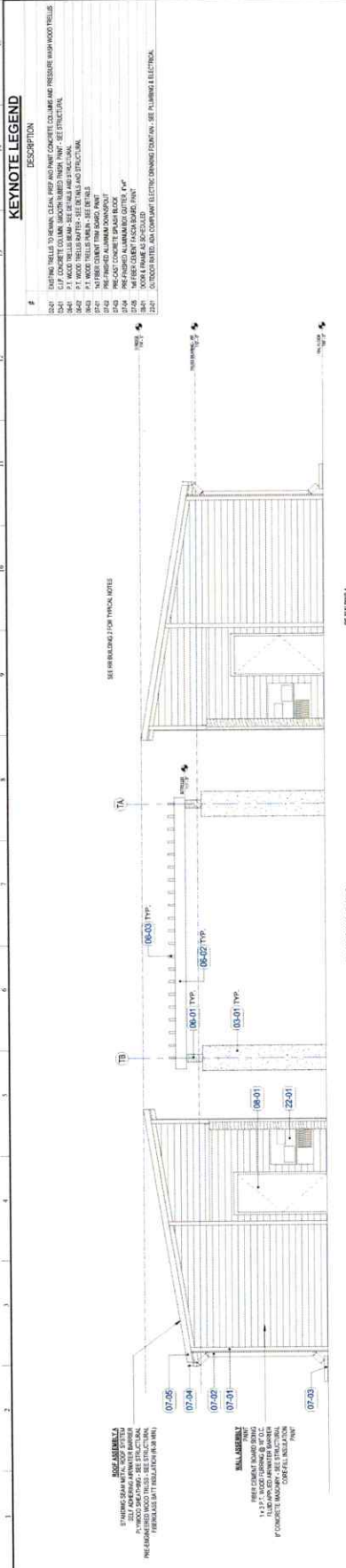
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E1	1/4" = 1'-0"



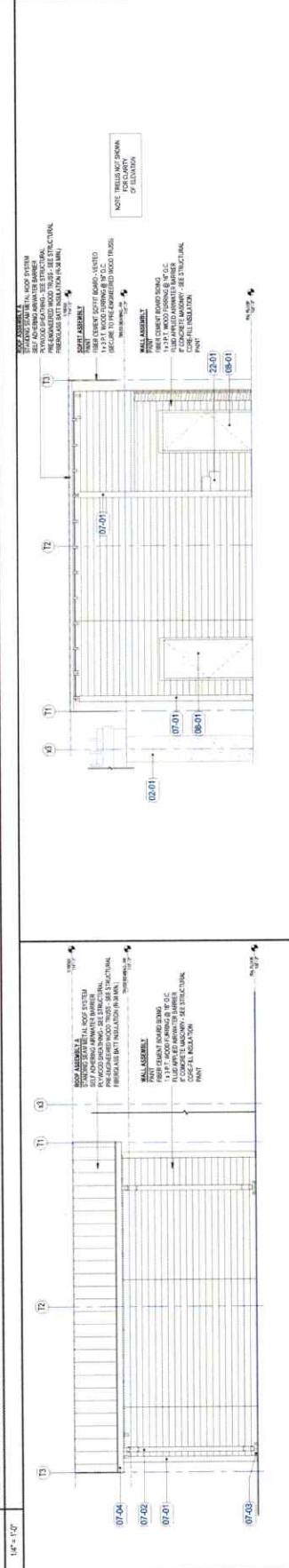
SOUTH ELEVATION - RR BUILDING 3	
E7	1/4" = 1'-0"



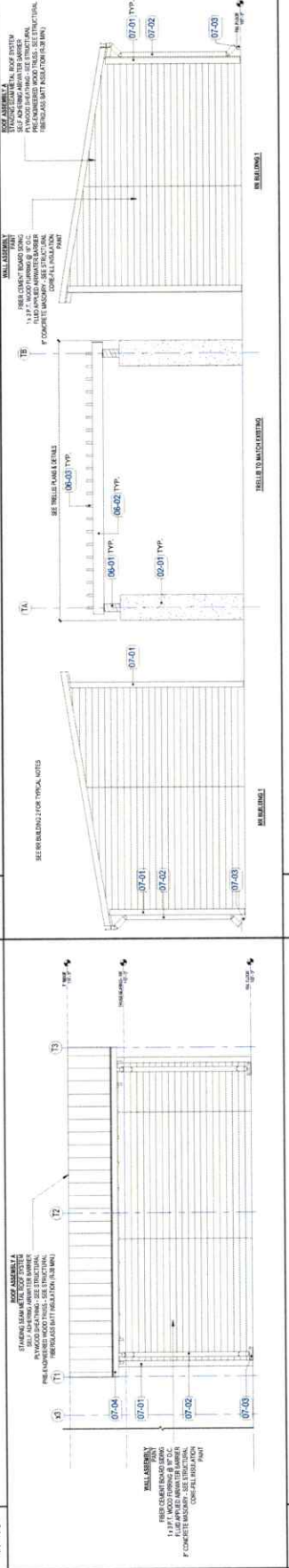
EAST ELEVATION - RR BUILDING 3	
A7	1/4" = 1'-0"



WEST ELEVATION	
11	1/4" = 1'-0"



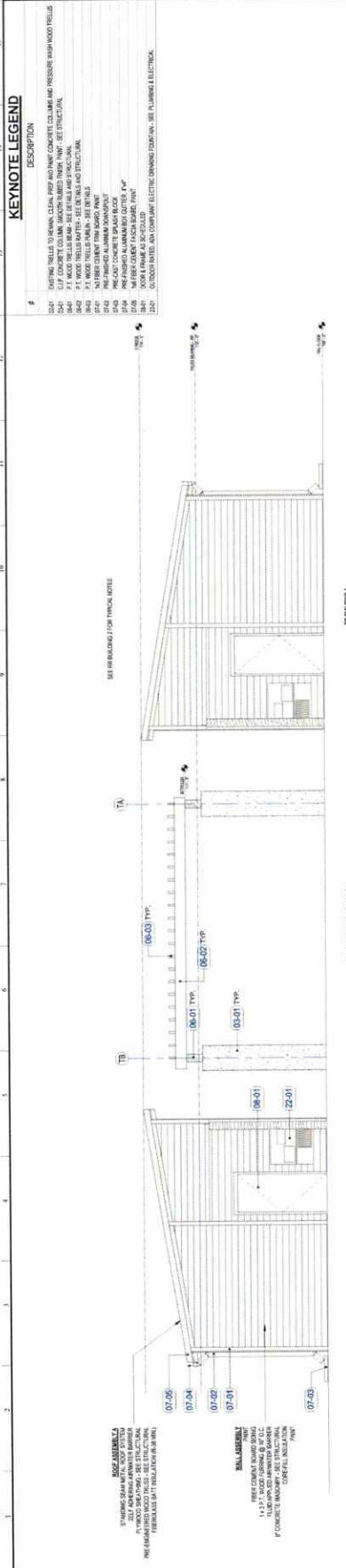
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E1	1/4" = 1'-0"



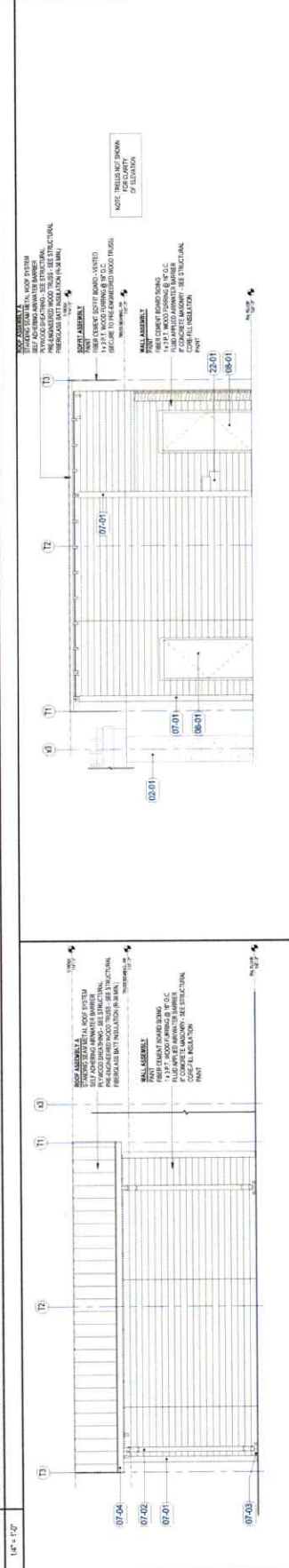
SOUTH ELEVATION - RR BUILDING 4	
E7	1/4" = 1'-0"



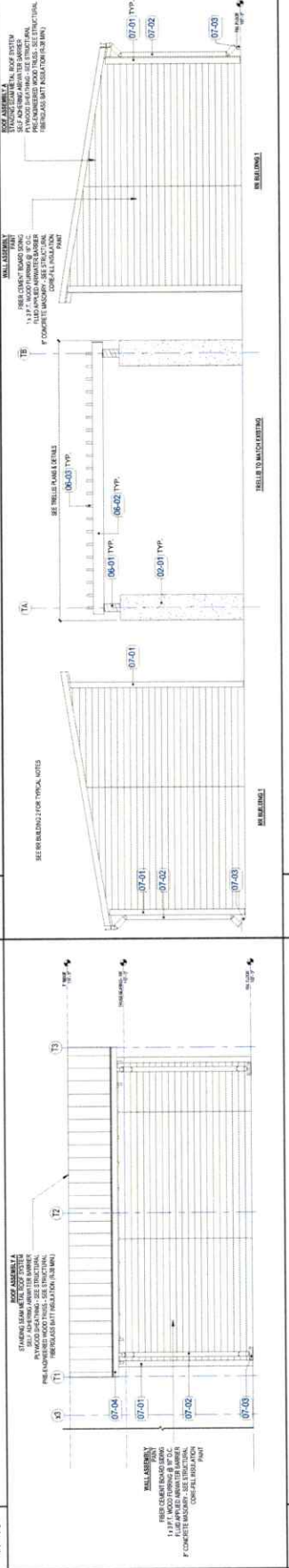
EAST ELEVATION - RR BUILDING 4	
A7	1/4" = 1'-0"



WEST ELEVATION	
11	1/4" = 1'-0"



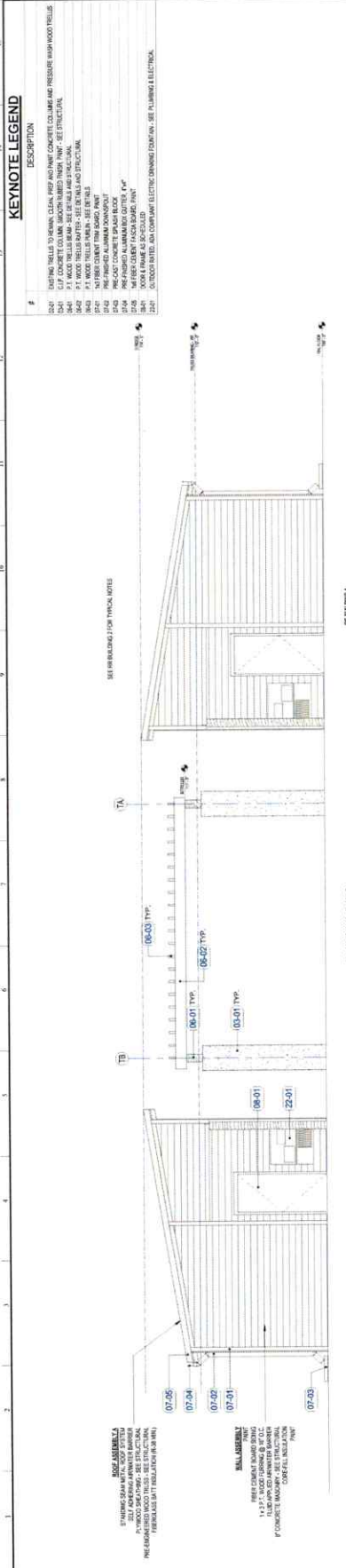
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E1	1/4" = 1'-0"



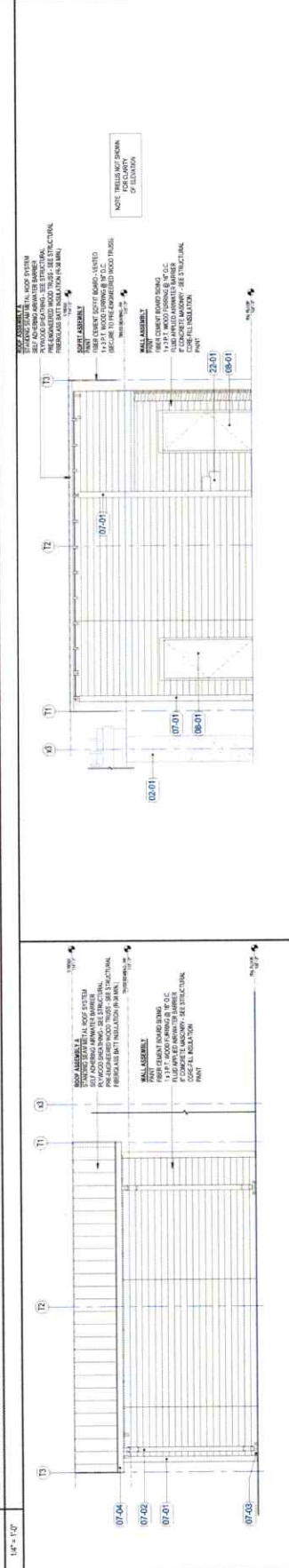
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E7	1/4" = 1'-0"



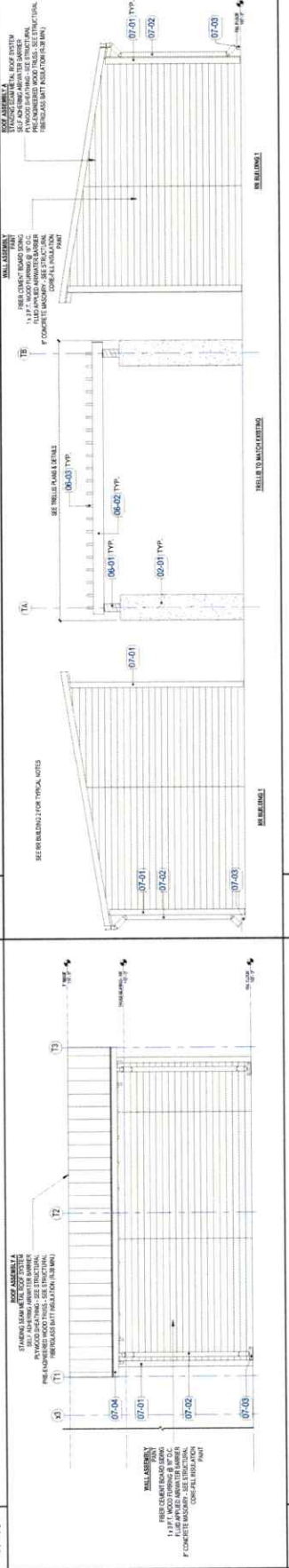
EAST ELEVATION - RR BUILDING 5	
A7	1/4" = 1'-0"



WEST ELEVATION	
11	1/4" = 1'-0"



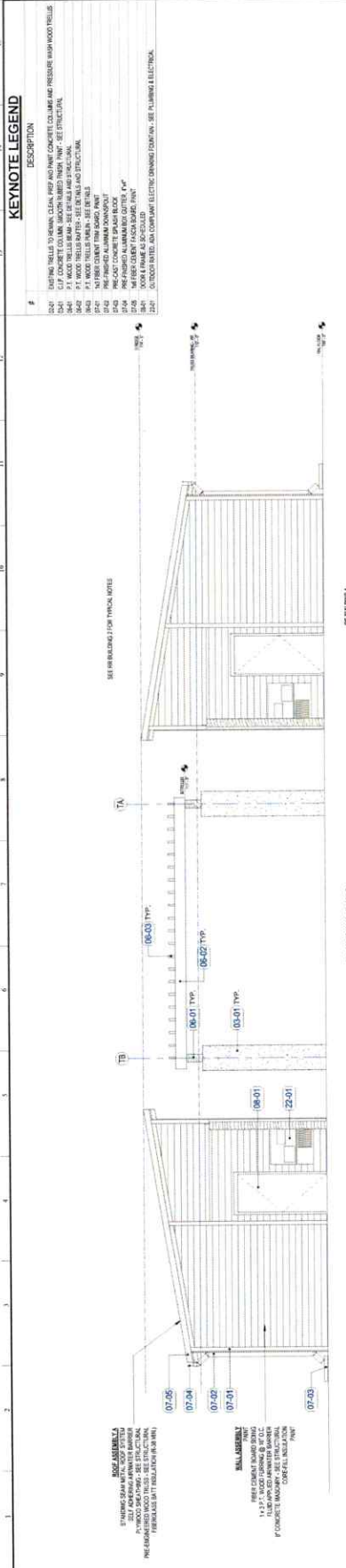
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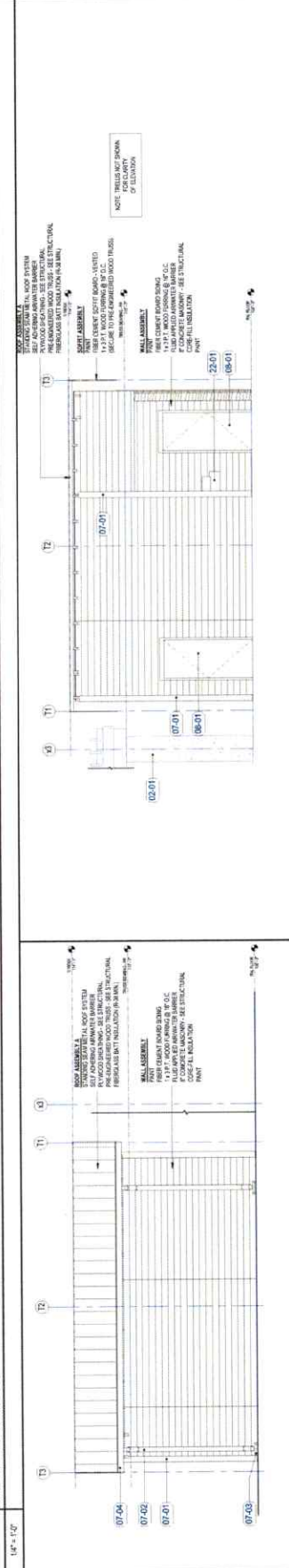
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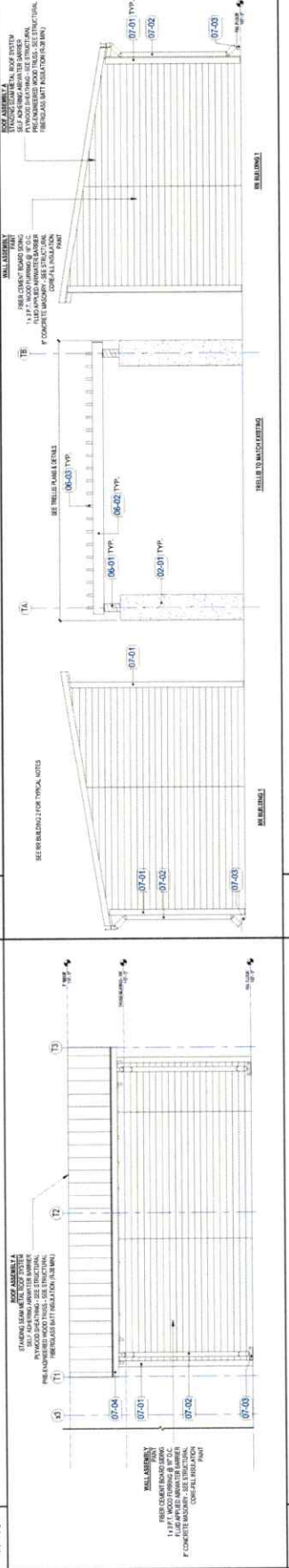
EAST ELEVATION - RR BUILDING 6	
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WEST ELEVATION	
11	1/4" = 1'-0"



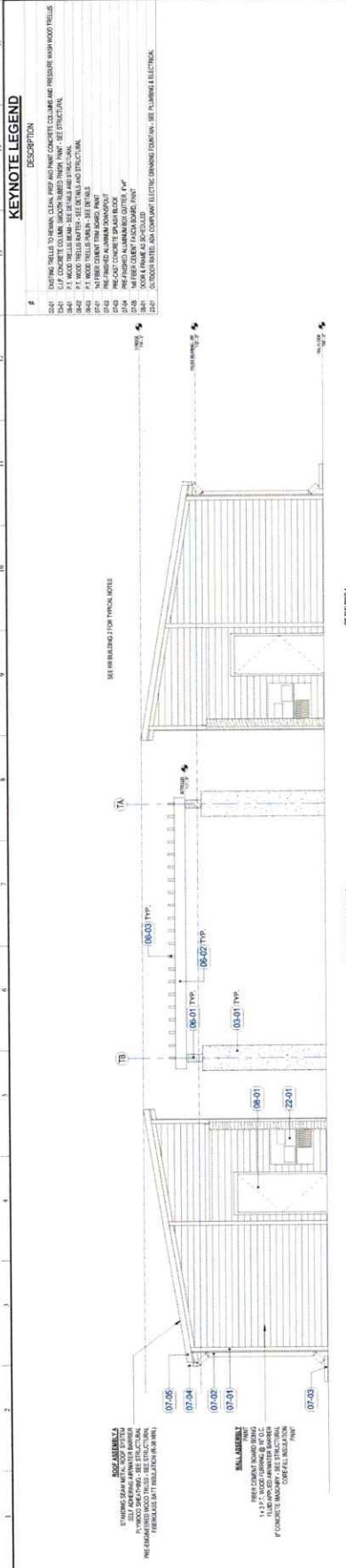
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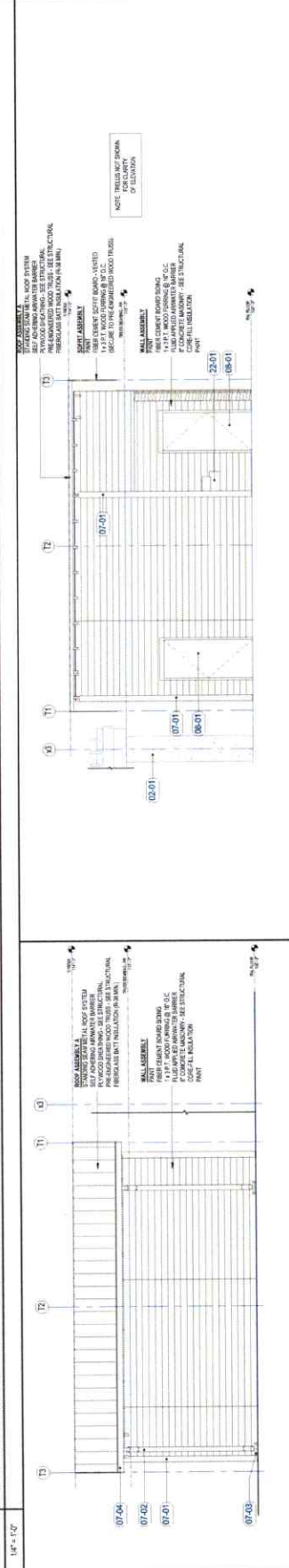
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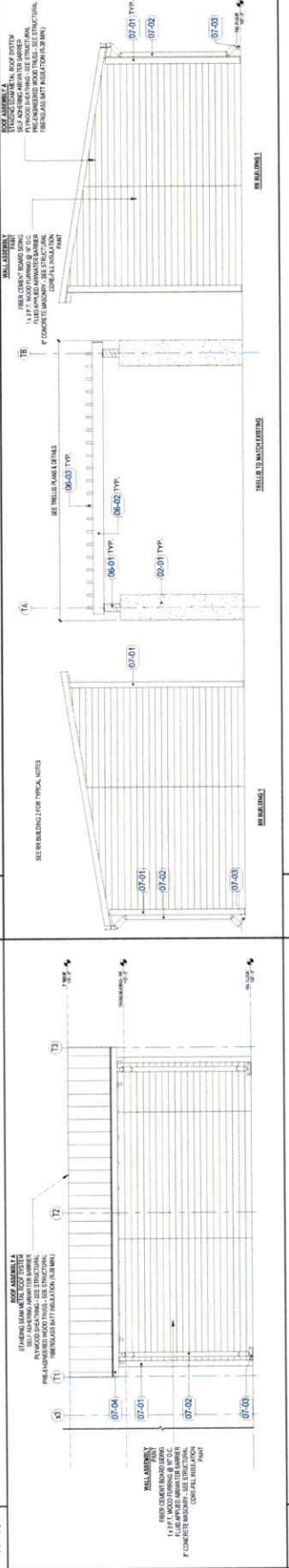
EAST ELEVATION - RR BUILDING 7	
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WEST ELEVATION	
11	1/4" = 1'-0"



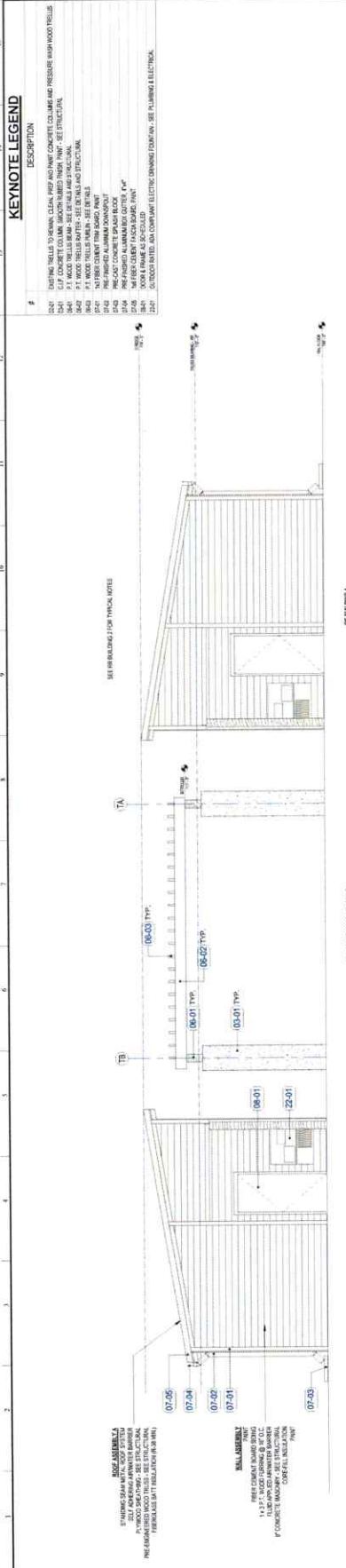
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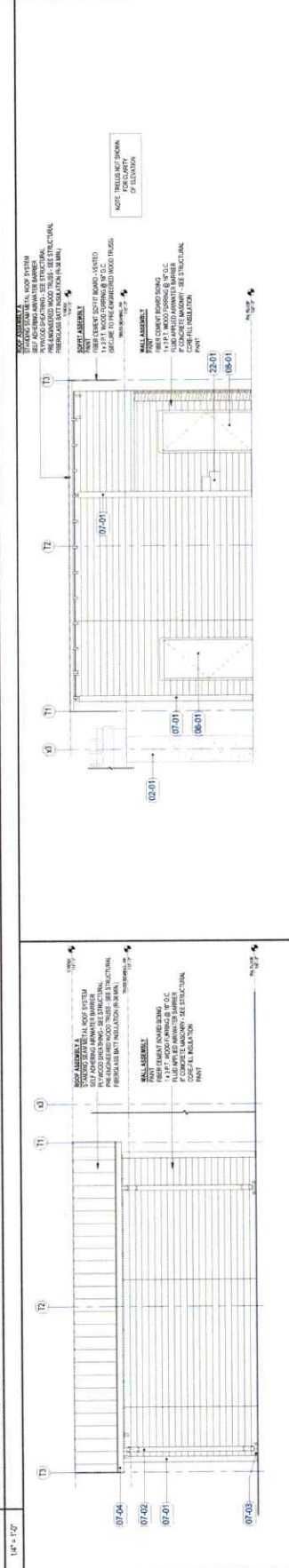
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E7	1/4" = 1'-0"



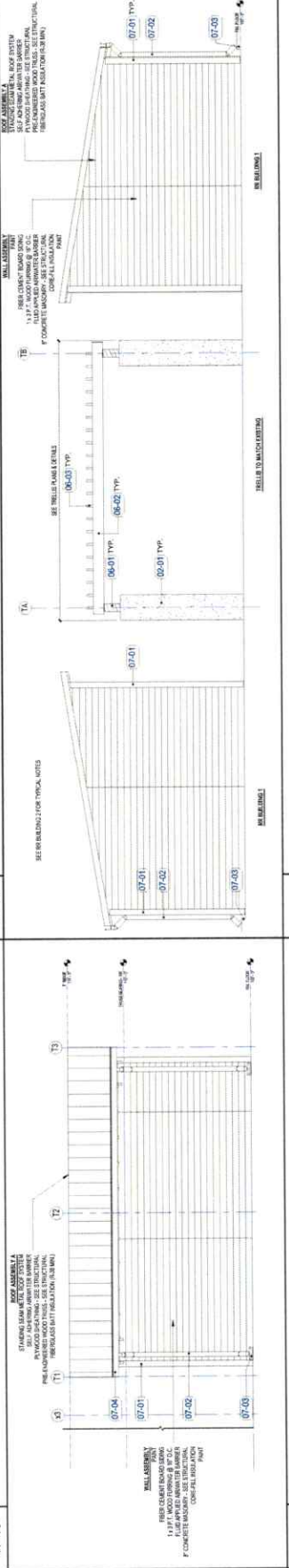
EAST ELEVATION - RR BUILDING 8	
A7	1/4" = 1'-0"



WEST ELEVATION	
11	1/4" = 1'-0"



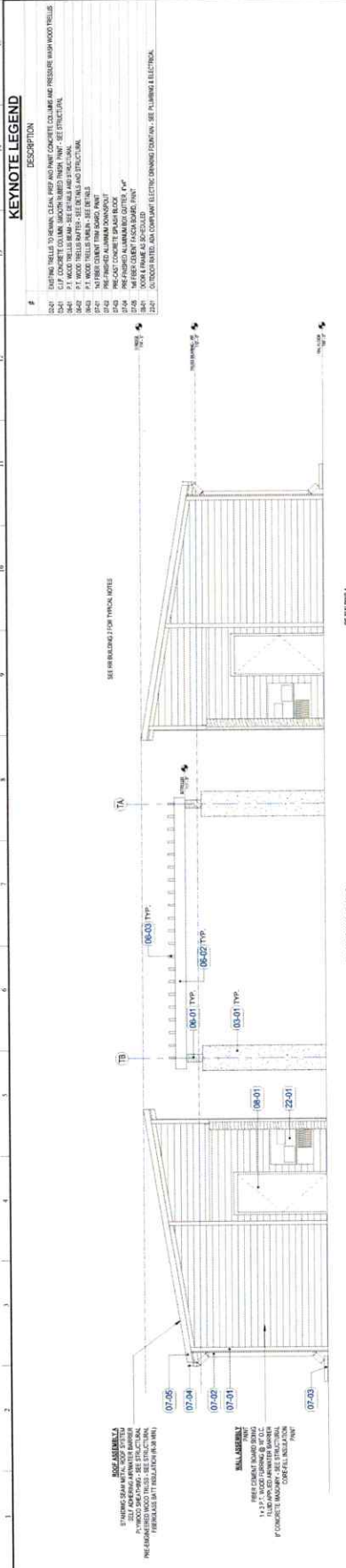
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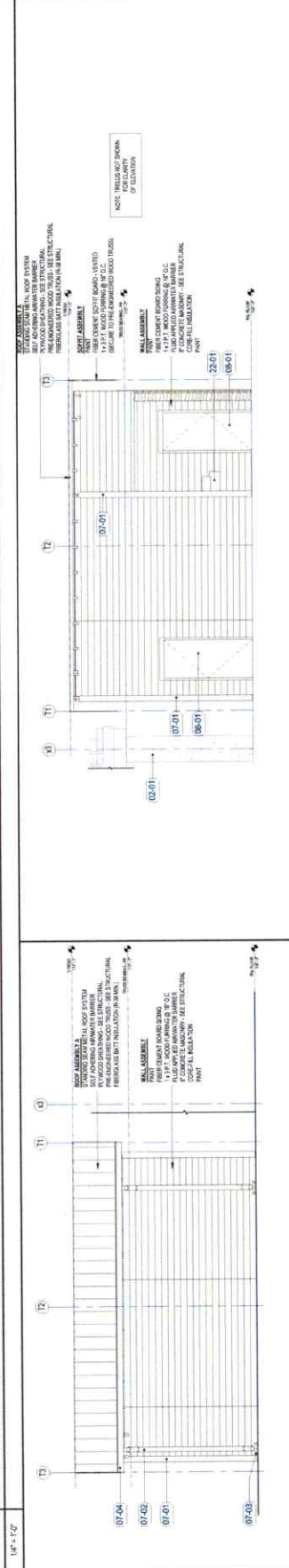
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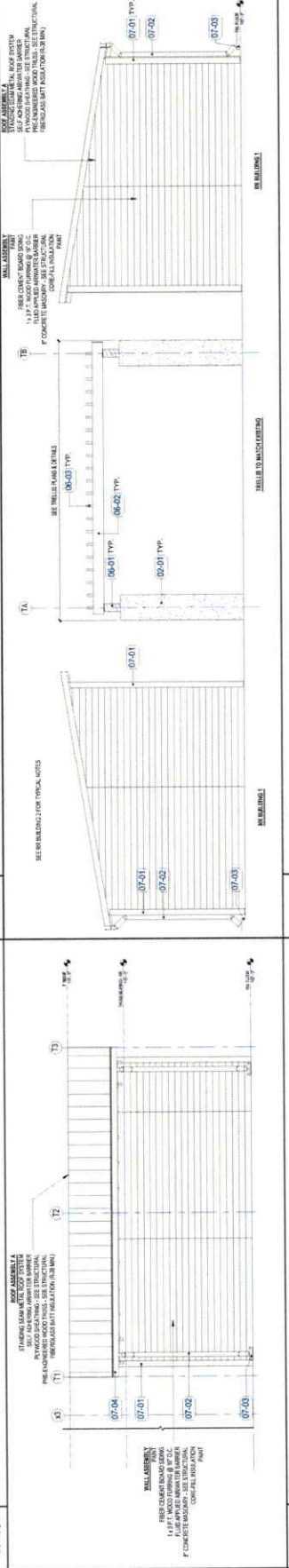
EAST ELEVATION - RR BUILDING 9	
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WEST ELEVATION	
11	1/4" = 1'-0"



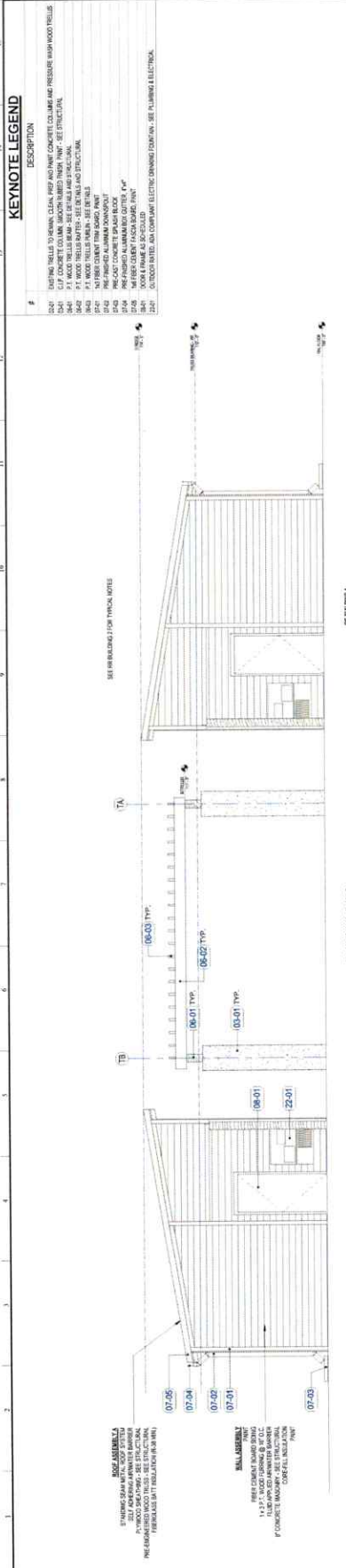
NORTH ELEVATION - RR BUILDING 10	
E1	1/4" = 1'-0"



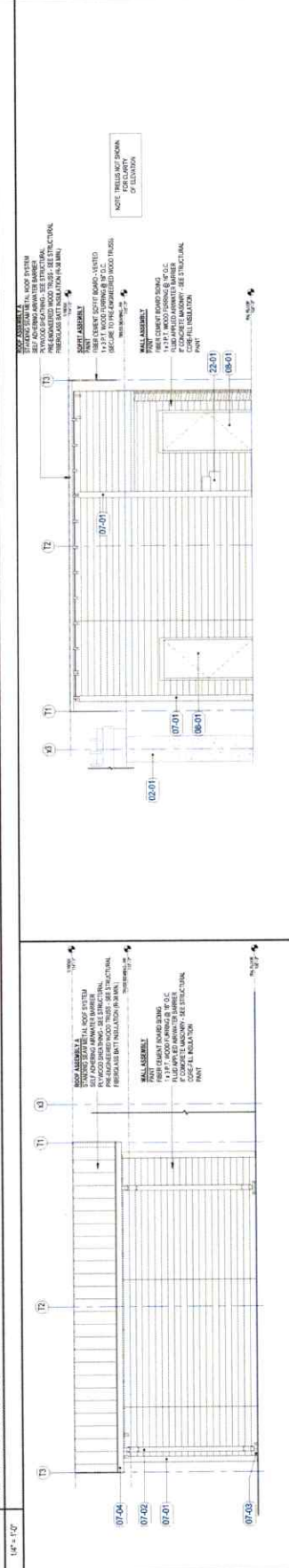
SOUTH ELEVATION - RR BUILDING 10	
E7	1/4" = 1'-0"



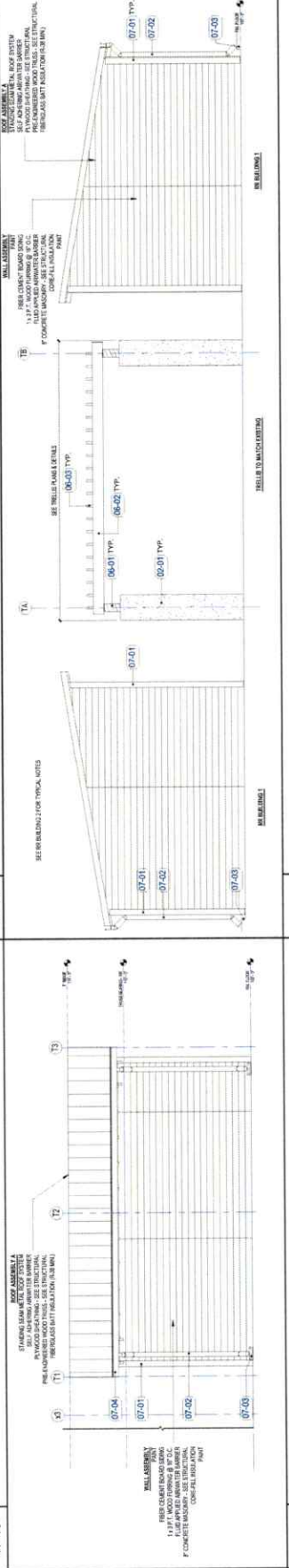
EAST ELEVATION - RR BUILDING 10	
A7	1/4" = 1'-0"



WEST ELEVATION	
11	1/4" = 1'-0"



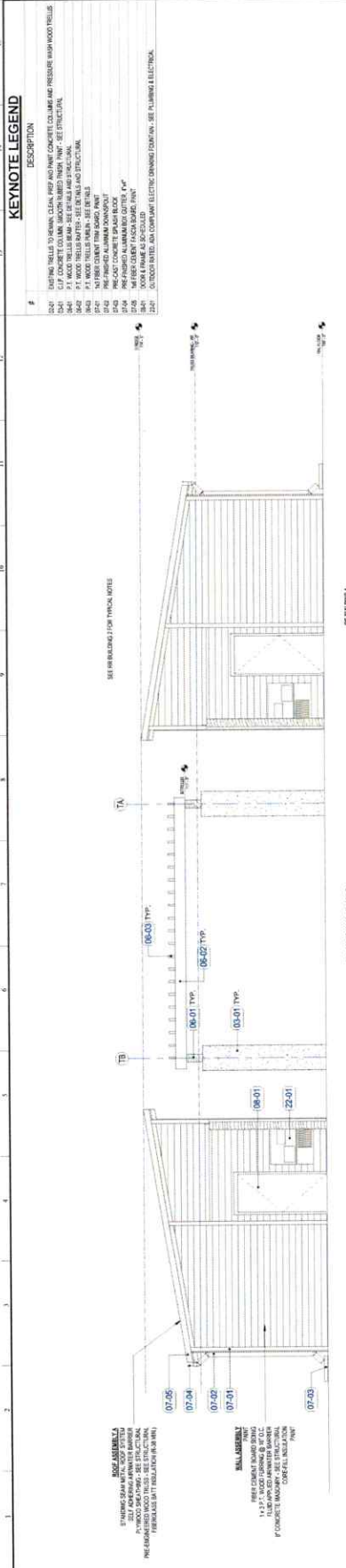
NORTH ELEVATION - RR BUILDING 11	
E1	1/4" = 1'-0"



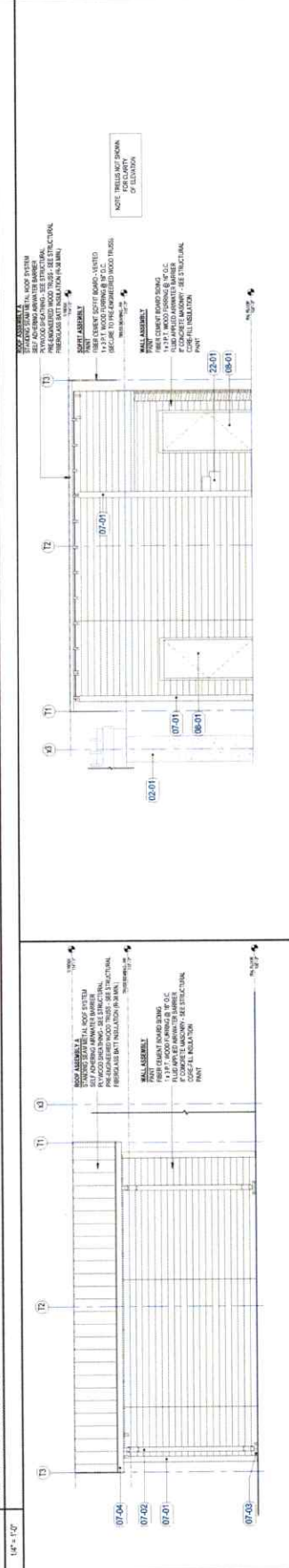
SOUTH ELEVATION - RR BUILDING 11	
E7	1/4" = 1'-0"



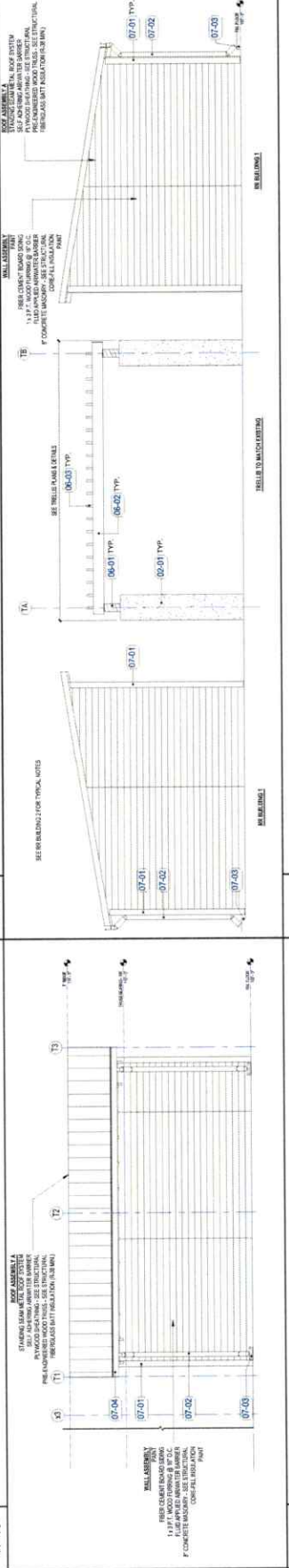
EAST ELEVATION - RR BUILDING 11	
A7	1/4" = 1'-0"



WEST ELEVATION	
11	1/4" = 1'-0"



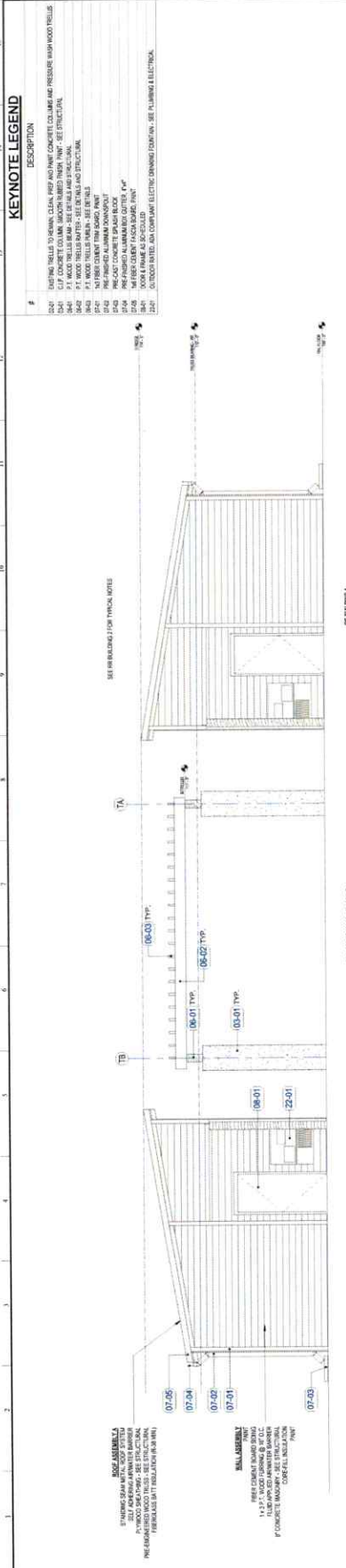
NORTH ELEVATION - RR BUILDING 12	
E1	1/4" = 1'-0"



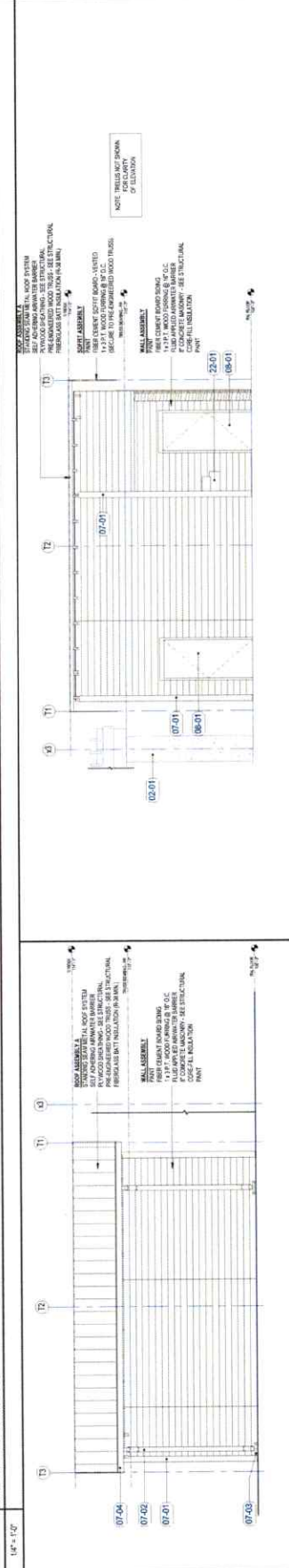
SOUTH ELEVATION - RR BUILDING 12	
E7	1/4" = 1'-0"



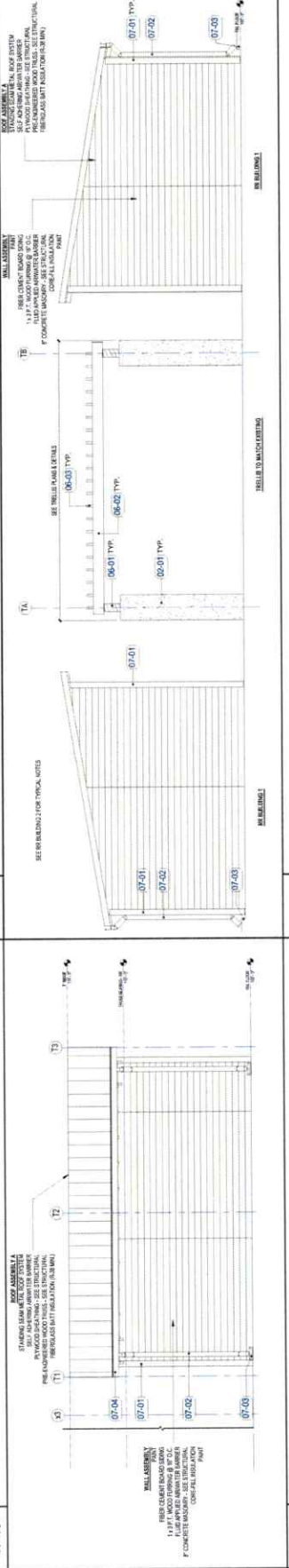
EAST ELEVATION - RR BUILDING 12	
A7	1/4" = 1'-0"



WEST ELEVATION	
11	1/4" = 1'-0"



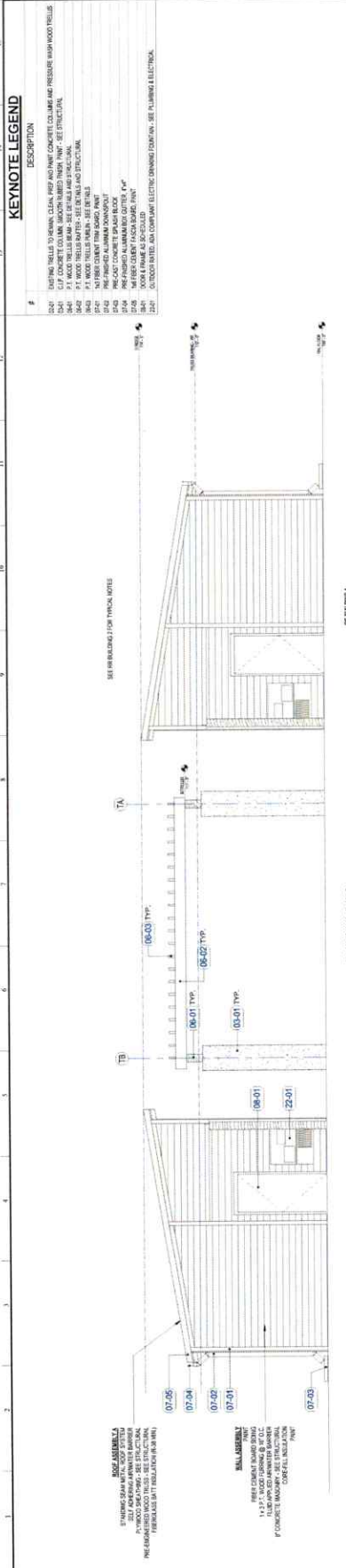
NORTH ELEVATION - RR BUILDING 13	
E1	1/4" = 1'-0"



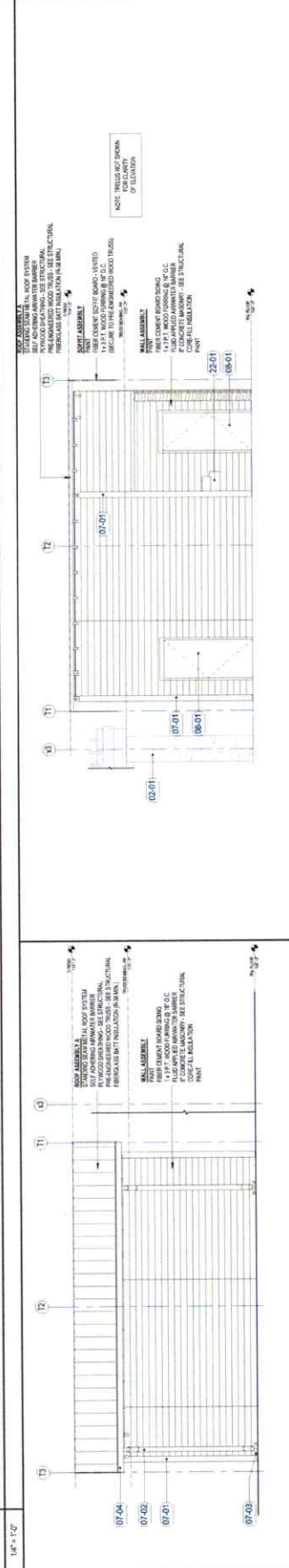
SOUTH ELEVATION - RR BUILDING 13	
E7	1/4" = 1'-0"



EAST ELEVATION - RR BUILDING 13	
A7	1/4" = 1'-0"



WEST ELEVATION	
11	1/4" = 1'-0"



**Orman House Historic State Park and John Gorrie Museum State Park
Advisory Group Staff Report**

city/historical society by putting them in touch with the agency that handles the placement of historical markers. Ms. Clemenston also stated that historic tourism is growing; people love the self-guided tour maps provide by the Chamber.

Roy Olges (Apalachicola National Estuarine Research Reserve (ANERR)) stated he reviewed the plans and they adequately address exotic plant and animal species, the preservation of existing natural communities; as well as restricted use of chemicals or sprays. He stated that no one is better than the park service at doing plans for the parks. He stated that the plans addressed all of the ANERR issues.

Mayor Van Johnson (City of Apalachicola) referenced some items that were part of the discussion when the DRP signed the management agreement for Chapman Gardens and Veterans Memorial Park. He asked about the status of the proposed ranger residence and the out parcel where the City water works is located. DRP staff explained that the ranger residence was included in the draft plan as a needed facility. The location needed to be determined. Staff stated the DRP was aware of the current discussions regarding the parcel where the water tower and City water works were located. In the past there was concern about liability related to the condition of the parcel; but staff now understands the City is looking to improve the site and would be glad to discuss options with the City if they would submit a written proposal to the DRP. DRP staff stated they would work with the City Manager regarding who to address the proposal to. Mayor Johnson also asked about the parks interest in the waterfront parcel across from the Orman House. Other advisory group members noted how important the river and the waterfront were to the history of the park/house. DRP staff stated that at this time the plan did not include this parcel as part of the optimum boundary; like everyone, the DRP has limited funds and staff, and this parcel was not currently part of the optimum boundary in the plan.

Betty Webb (City Manager, City of Apalachicola) explained that the City would approach the state regarding the water works property after the Public Works and Water Department staff and their equipment was moved. There was discussion and questions by the group about the DRP getting the structure evaluated; regarding the feasibility of possibly saving the structure. DRP staff noted this type of work was usually contracted out. DRP staff said the park staff were thinking about an alternative idea; possibly use the bricks in a walkway within the park and have an interpretive panel about the old water works. Ms. Webb noted that discussions at the time of the lease agreement with the state included the retention of Johnny Meyer Hill, which was planted as an orchard. Mr. Meyer was instrumental in the landfill being cleaned up and turned into Chapman Gardens. She would like to see a reference to this in the plan. She discussed two stormwater projects that were currently underway, to be completed by 2015; neither of these projects are noted in either plan. These may resolve the stormwater issues discussed in the plan. She questioned "boilerplate" language regarding visitor services, food services and lodging and noted the park is not zoned for this. DRP staff explained this was general enabling language related to concessions that are in some state parks. Staff stated that the park would not knowingly do anything inconsistent with local ordinances. Ms. Webb also noted that when discussing other parks and recreational areas, the plan does not refer to other local museums. Ms. Webb also noted only the Orman House is on the Big Bend Scenic Byway, the Gorrie Museum is contributing. She stated that there is no mention of the servant's quarters being located in the floodplain; she hopes parts of the structure can be salvaged and displayed. She noted there was no discussion about tree protection in the plan related to the large trees in

Orman House Historic State Park and John Gorrie Museum State Park Advisory Group Staff Report

the park. Ms. Webb would also like to discuss partnering with the DRP regarding the Gorrie Museum landscape plan so the traffic circle can be included in the plan, maybe the library too. She also noted that the water tower at Gorrie Square fell during Hurricane Kate in 1985.

Anita Grove (Apalachicola Bay Chamber) stated how helpful park personnel are. She noted the Chamber sends people to the Orman House and they are disappointed with the Chapman Gardens because they are expecting a botanical garden as the name implies. The Advisory Group members discussed this issue; staff explained that a landscape plan for the gardens was underway and the gardens are a work in progress. Advisory Group members suggested perhaps a name change to Chapman Gardens; all expressed how much better the garden looks since it became part of the park. Ms. Grove suggested more interpretive signage and that including a copy of the landscape plan might help. In reference to the discussion of Chapman Gardens and native plants, she cautioned we should be careful not to eliminate the historic landscape of the house; lots of historic landscapes may not be native, but they are important to the history of a site.

Ted Ruffner (Florida Native Plant Society) noted a number of references in the plan to exotic species or exotic plants where the reference should probably be limited to invasive exotic species and plants. He discussed the difference in non-native plants that are being planted in the garden verses exotic invasive species. He suggested that a change in language might be needed in order to convey exactly what is intended regarding future plantings in Chapman Gardens. There was further discussion among the group about planting only plants native to the areas verses attractive plants normally seen in the area; many non-native plants do well in the Florida climate, and they have been planted throughout the southeast. Mr. Ruffner suggested several places where native plants were available, as well as several books and lists of plants. He also noted the Native Plant Society would be willing to help the Park if they would like. Mr. Ruffner opined that the budget in the plan did not appear to adequately reflect the discussion in the plan regarding the landscape plan or future plantings. He also suggested a landscape committee could be a valuable conduit for determining the plan for the gardens. The CSO could coordinate and include other interested groups. Everyone discussed the need to balance the desire to maintain the historic landscape, existing Chapman Garden plantings, and the desire to plant native species in the garden.

Summary of Written Comments

Mike Wisenbaker (Division of Historical Resources (DHR)) reviewed the cultural section of the plan and addendums and noted that the Orman House was purchased with P-2000 funds, not CARL funds, agreed the roof needed to be fixed immediately; and there was not much need for further archeological surveys based on the amount of site disturbance. He stated that the park staff had a good handle on the culture resources in the park and were doing a good job protecting and maintaining the resources of the park.

Mark Curenton (Apalachicola Area Historical Society) reviewed both the plans and had several comments on both the Orman House Historic State Park and John Gorrie Museum State Park.

John Gorrie Museum State Park:

**APALACHICOLA CITY COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: January 9, 2024**

SUBJECT: Business License Ad Hoc Committee Appointments

AGENDA INFORMATION:

Agenda Location: Old Business
Item Number: 3
Department: Administration
Contact: PJ Erwin/Travis Wade
Presenter: PJ Erwin

BRIEF SUMMARY:

RECOMMENDED MOTION AND REQUESTED ACTIONS: No Recommendation

FUNDING SOURCE: N/A

ATTACHMENTS:

STAFF'S COMMENTS AND RECOMMENDATIONS: None



City of Apalachicola
Candidate Application Form
Business License Equity Study Commission

Application Date: 12.20.2023

Name: Elinor S. Mount-Simmons

Ph. # 850.323.0544

Mailing Address: 317 Earl King St
Apalachicola, FL 32320

E-mail: emountsimmons@gmail.com

Physical Address: 317 Earl King St, Apalachicola, FL 32320

Place of Business: same as above Work #: 850.323.0544

Business Address: same as above

1. How long have you been a resident of the City of Apalachicola? 43 years
2. How long have you been a business owner in Apalachicola? 7yrs any where else? no

3. Why are you interested in serving on the Business License Equity Study Commission?

Not specifically interested in this commission, however I always
want to help where I can + desire to learn more abt a
variety of topics, so when I was asked to serve, I agreed.

4. What skills and experience would you bring to the work of this commission?

Organizational skills
Communicator
Listener
Leadership

5. Describe your experience serving on any city, county or other governmental boards:

City Parks + Rec - past chair

Career Source Gulf Coast - current chair

ANERR Advisory Board

6. This study commission will last 3-6 months and will require time for meetings and to properly research issues and concerns related to amending the City's business license ordinance. Will you be able to contribute the necessary time to be available and attend meetings? yes, if meetings are no more

than twice a month

7. Have you read and are you familiar with City Ordinance 2005-11 (Business License Ordinance) and F.S. Statute 205.0535 Local Business Taxes? no

8. If appointed, you will be required by law to follow the Sunshine Law (Chapter 286 - F.S.). Have you read and are you familiar with the Sunshine Law? yes

Additional Comments:

Is there anything that you want us to know that would help us make a decision about serving on the Business License Equity Study Commission? Yes... I know nothing about this commission, but I am willing to listen, learn + do what I can to help my city.



Signature

Elinor S. Mount-Simmons

Name

For access to documents noted in 7. and 8. click here (I tried to access those on the city's webpage, but they did not come up.)



City of Apalachicola
Candidate Application Form
Business License Equity Study Commission

Application Date: 12/13/23

Name: Clifford Babbey

Ph. # 317-457-8669

Mailing Address: 23 Ave D
Apalachicola, FL 32320

E-mail: sinkingshipfc@gmail.com

Physical Address: 23 Ave D, Apalachicola, FL 32320

Place of Business: Hole Int The Wall Raw Bar Work #: 850-888-0304

Business Address: same

1. How long have you been a resident of the City of Apalachicola? Carrabelle resident
2. How long have you been a business owner in Apalachicola? 8 Months any where else? _____

I have owned 10+ businesses over the last 30 yrs, from biomedical research consulting, to real estate, to a hair salon

3. Why are you interested in serving on the Business License Equity Study Commission?

I grew-up watching the servant-leadership examples of my father and grandpa in rural Illinois. I was taught to use my talents to better the lives of all around me. I have lived that lesson everywhere I have been.

4. What skills and experience would you bring to the work of this commission? _____

Simply put, I have decades of creative, reasoned, and passionate experience to share. I have served as President of the Archdiocese of Indianapolis Pastoral Planning Committee (charged with creating the 10 yr business plan for the Archdiocese). I have been president of my church parish council, chair and founder of my church Fathers and Sons group, Cub Scout Master, Head coach of too many basketball, baseball, soccer, track, and cross country teams to name. I Was the Director of the Guerin Catholic HS Cross Country and Track programs, and raised the funds and manpower to build both a cross country and track on the campus (~\$600k). I founded the Indiana Catholic Cross Country Championships on our campus, bringing together all 28 Catholic HS in Indiana (over 2000k athletes and 4000 fans). There are other experiences, as well. In all of these, I brought my ability to lead, intelligence, and creativity to bring about extraordinary results.

5. Describe your experience serving on any city, county or other governmental boards:

In addition to being a Molecular Biologist/faculty at Indiana University School of Medicine, I retired as Director of Research. In that role, I worked intimately on a daily basis with State and Federal agencies, including the NIH, VA, and State of Indiana.

6. This study commission will last 3-6 months and will require time for meetings and to properly research issues and concerns related to amending the City's business license ordinance. Will you be able to contribute the necessary time to be available and attend meetings? Certainly

7. Have you read and are you familiar with City Ordinance 2005-11 (Business License Ordinance) and F.S. Statute 205.0535 Local Business Taxes? Yes

8. If appointed, you will be required by law to follow the Sunshine Law (Chapter 286 – F.S.). Have you read and are you familiar with the Sunshine Law? Yes

Additional Comments:

Is there anything that you want us to know that would help us make a decision about serving on the Business License Equity Study Commission? _____

I recently moved here to purchase my business, from 900 miles away. I chose those opportunity carefully. As a result, I am deeply familiar with a tremendous amount of information/data that many/most folks in Franklin County likely don't know, or haven't considered. I am here not by accident or due to circumstance, but by specific informed choice. As a result, I bring a unique perspective to this commission, and I'd like to offer that perspective, my extensive experience, and talents to my new and final home.

Signature Clifford M. Babbey

Name

For access to documents noted in 7. and 8. click [here](#)



City of Apalachicola
Candidate Application Form
Business License Equity Study Commission

Application Date: 12/12/2023

Name: Cutler Edwards

Ph. # 8509335732

Mailing Address: 242 Prado St

E-mail: sectorc@gmail.com

Physical Address: same

Place of Business: White Sands Work #: 8502478603

Business Address: 161 Commerce St

1. How long have you been a resident of the City of Apalachicola? 7 years
2. How long have you been a business owner in Apalachicola? 7 years any where else? Tallahassee
1993-2003

3. Why are you interested in serving on the Business License Equity Study Commission?
I think it's important that interested citizens contribute to the city's improvement and participate in
decision making processes. My wife also owns a business, Marilyn Brogan Jewelry, as do many of our
friends and acquaintances. I look forward to helping shape the future of our little town!

4. What skills and experience would you bring to the work of this commission?
Research, analysis, synthesis, and consensus-building. I have extensive experience on boards,
panels, and committees, and have both led and provided the heavy labor in those roles. I am especially
good at understanding nuance and relative or weighted valuation, and am comfortable operating in an
environment where the answers aren't always clearly spelled out in black and white.

5. Describe your experience serving on any city, county or other governmental boards:

While I haven't served formally on a city or county board, I have served in several quasi-governmental capacities from tourism development to ad hoc boards advising on recycling and waste management, community events, and housing access from Wakulla County to San Diego.

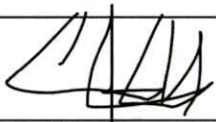
6. This study commission will last 3-6 months and will require time for meetings and to properly research issues and concerns related to amending the City's business license ordinance. Will you be able to contribute the necessary time to be available and attend meetings? yes

7. Have you read and are you familiar with City Ordinance 2005-11 (Business License Ordinance) and F.S. Statute 205.0535 Local Business Taxes? yes

8. If appointed, you will be required by law to follow the Sunshine Law (Chapter 286 – F.S.). Have you read and are you familiar with the Sunshine Law? yes

Additional Comments:

Is there anything that you want us to know that would help us make a decision about serving on the Business License Equity Study Commission? I actually enjoy meetings and bureaucratic settings, and can help keep these sometimes-heavy discussions light.



Signature

Cutler Edwards

Name

For access to documents noted in 7. and 8. click [here](#)



City of Apalachicola
Candidate Application Form
Business License Equity Study Commission

Application Date: 12/8/23

Name: Kathy Robinson Ph. # 850-653-7196

Mailing Address: 152-17th ST E-mail: _____
Apalachicola FL 32320

Physical Address: _____

Place of Business: Robinson RE & Robinson Bros Fax #: 850-653-1653

Business Address: 44 Ave E Apalachicola FL 32320

1. How long have you been a resident of the City of Apalachicola? 27 years
2. How long have you been a business owner in Apalachicola? 26 yrs any where else? _____

3. Why are you interested in serving on the Business License Equity Study Commission?

I was asked to serve. And to make it
make sense.

4. What skills and experience would you bring to the work of this commission?

(No B.S) Knowledge of local real estate
and small business practices
Past president of Chamber of Commerce
currently serve on TDC board of directors

5. Describe your experience serving on any city, county or other governmental boards:

Past President of Chamber of Commerce
Served on RAFGC Board
Serving on T.D.C. Board of directors

6. This study commission will last 3-6 months and will require time for meetings and to properly research issues and concerns related to amending the City's business license ordinance. Will you be able to contribute the necessary time to be available and attend meetings? Yes with notice and some flexibility

7. Have you read and are you familiar with City Ordinance 2005-11 (Business License Ordinance) and F.S. Statute 205.0535 Local Business Taxes? Yes

8. If appointed, you will be required by law to follow the Sunshine Law (Chapter 286 - F.S.). Have you read and are you familiar with the Sunshine Law? Yes

Additional Comments:

Is there anything that you want us to know that would help us make a decision about serving on the Business License Equity Study Commission? I would like to get this done in

a timely manner that is fair & equitable
to all businesses current & future.

Kathryn Robinson
Signature

KATHRYN (KATHY) Robinson
Name

For access to documents noted in 7. and 8. click [here](#)



City of Apalachicola
Candidate Application Form
Business License Equity Study Commission

Application Date: 12/15/23

Name: Andrea Pendleton

Ph. # 850-879-2512

Mailing Address: 53 Market Street
Apalachicola, FL 32320

E-mail: pendletonsawbar@gmail.com

Physical Address: 53 Market Street Apl. FL 32320

Place of Business: The Station Work #: 653-8237

Business Address: 53 Market Street Apl. FL 32320

1. How long have you been a resident of the City of Apalachicola?
2. How long have you been a business owner in Apalachicola? 2017 any where else?
2007-2016 Nail Tech/Service industry

3. Why are you interested in serving on the Business License Equity Study Commission?

I was asked by The Chamber if I was
able to join this group. I agreed that
I would.

4. What skills and experience would you bring to the work of this commission?

Business Owner in community

5. Describe your experience serving on any city, county or other governmental boards:

Chamber Board 2009 to Present
TDC Board current Board member

6. This study commission will last 3-6 months and will require time for meetings and to properly research issues and concerns related to amending the City's business license ordinance. Will you be able to contribute the necessary time to be available and attend meetings? yes

7. Have you read and are you familiar with City Ordinance 2005-11 (Business License Ordinance) and F.S. Statute 205.0535 Local Business Taxes? yes

8. If appointed, you will be required by law to follow the Sunshine Law (Chapter 286 – F.S.). Have you read and are you familiar with the Sunshine Law? yes

Additional Comments:

Is there anything that you want us to know that would help us make a decision about serving on the Business License Equity Study Commission? _____


Signature

Andrea Pendleton
Name

For access to documents noted in 7. and 8. click [here](#)



City of Apalachicola
Candidate Application Form
Business License Equity Study Commission

Application Date: 12/20/2023

Name: Clayton Mathis

Ph. # (864) 490-4521

Mailing Address: 321 James Clay
Apalachicola, FL 32320

E-mail: ClaytonCMathis@yahoo.com

Physical Address: 321 James Clay St Apalachicola, FL 32320

Place of Business: Apalachicola Yacht Club Work #: (864) 490-4521

Business Address: 170 Water Street Apalachicola, FL 32320

1. How long have you been a resident of the City of Apalachicola? 10 years
2. How long have you been a business owner in Apalachicola? less than 1 year any where else? _____

3. Why are you interested in serving on the Business License Equity Study Commission?

Our city is changing + our city staff is overworked on trying to adapt to daily situations. Having ran a business for 8 years in the heart of downtown (OCBC), I believe I can assist in working with my peers on making the best decisions for business owners while still keeping the city's overall goals in mind.

4. What skills and experience would you bring to the work of this commission? Communication + management skills. The experience of having operated a downtown business for 8 years + then opening my own business this year.

5. Describe your experience serving on any city, county or other governmental boards:

This will be my first city, county or government board service.

6. This study commission will last 3-6 months and will require time for meetings and to properly research issues and concerns related to amending the City's business license ordinance. Will you be able to contribute the necessary time to be available and attend meetings? I will be able to, as long as the

committee can consider that I have recently ~~opened~~ opened my own business. I
will make myself available as much as possible.

7. Have you read and are you familiar with City Ordinance 2005-11 (Business License Ordinance) and F.S. Statute 205.0535 Local Business Taxes? Yes. Somewhat familiar.

8. If appointed, you will be required by law to follow the Sunshine Law (Chapter 286 – F.S.). Have you read and are you familiar with the Sunshine Law? Yes. I am aware.

Additional Comments:

Is there anything that you want us to know that would help us make a decision about serving on the Business License Equity Study Commission? I love Apalachicola, which is why my wife & I decided to

open a business here. I feel we have a good commission & city staff in place &
look forward to helping us grow the right way.

Signature

Name

Clayden Matlis

For access to documents noted in 7. and 8. click [here](#)

CITY OF APALACHICOLA
FINANCE DEPARTMENT REPORT
DECEMBER 2023

1. Moran & Smith are working with the Finance Department in getting the chart of accounts finalized for Banyan conversion. Staff has reviewed the chart of accounts. Banyan has been contacted, and we are now awaiting further instructions from Banyan. QuickBooks subscription is now being paid on a monthly basis as we are hoping to be fully converted by March.

2. We are continuing to upload documents for the FY 22-23 audit. This audit will start immediately following the completion of FY 21-22.

3. The Finance Clerk does an amazing job at issuing purchase orders, posting deposits, and running accounts payable. Together we are trying to make this department the best it can be.

If anyone has any questions, please don't hesitate to contact me. My door is always open, I respond to email, or you can call me anytime.

Lee Mathes
City Clerk/Interim Finance Director

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR FRANKLIN COUNTY, FLORIDA**

CITY OF APALACHICOLA,
Plaintiff,

v.

MICHAEL HALE SMITH,
LYNN J. SMITH, and JAMES W.
NALL, III,
Defendants.

Consolidated Case No. 2018-CA-000233

RICHARD HALL,
Plaintiff,

v.

CITY OF APALACHICOLA,
MICHAEL HALE SMITH, LYNN J.
SMITH, and JAMES W. NALL, III,
Defendants.

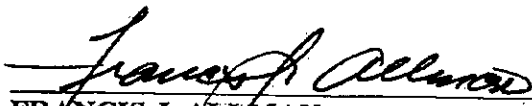
AGREED ORDER APPROVING STIPULATION REGARDING PARTITION

THIS MATTER came before the Court upon the parties Joint Motion to Approve Stipulation filed December 22, 2023, and after review of the file, having been advised of consent of the parties, and finding good cause exists to grant said Motion, it is

ORDERED AND ADJUDGED that the Motion to Approve Stipulation is **GRANTED** as follows:

1. The Stipulation is hereby **APPROVED** and the terms in said Stipulation are incorporated into this Order.

DONE AND ORDERED in Chambers in Tallahassee, Leon County, Florida on this 28
day of December, 2023.


FRANCIS J. ALLMAN
CIRCUIT JUDGE

Order efiled to counsel of record for distribution.
Erin Tilton, Esq.
Michael Burke, Esq.
Daniel Hartman, Esq.

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR FRANKLIN COUNTY, FLORIDA**

CITY OF APALACHICOLA,

Plaintiff,

v.

Consolidated Case No. 2018-CA-000233

MICHAEL HALE SMITH,
LYNN J. SMITH, and JAMES W.
NALL, III,

Defendants.

RICHARD HALL,

Plaintiff,

v.

CITY OF APALACHICOLA,
MICHAEL HALE SMITH, LYNN J.
SMITH, and JAMES W. NALL, III,

Defendants.

JOINT MOTION TO APPROVE STIPULATION

COME NOW, the parties to this action, City of Apalachicola, Richard Hall, Michael Hale Smith, Lynn J. Smith and James W. Nall, III Richard Hall ("Hall") and the City of Apalachicola ("City"), by and through their undersigned attorneys, hereby request that the Court enter an agreed Order adopting the Stipulation attached hereto, and in support thereof state as follows:

1. The parties to this action have agreed to the terms of the attached Stipulation.
2. Through this Motion the parties request that the Court enter an Order approving the Stipulation and incorporating its terms into an Order of this Court.

WHEREAS, the parties respectfully request that this Court enter an Agreed Order approving the Stipulation of the parties which incorporates the terms thereof.

Respectfully submitted this 22nd day of December, 2023.

STEARNS WEAVER MILLER

/s/ Erin J. Tilton

Erin J. Tilton (FBN 104729)
Amelia A. Savage (FBN 26967)
Felicia L. Kitzmiller (FBN 1010258)
106 E. College Avenue, Suite 700
Tallahassee, Florida 32301
(850) 580-7200 / (850) 329-4844 (fax)
etilton@stearnsweaver.com
asavage@stearnsweaver.com
fkitzmiller@stearnsweaver.com

Counsel for Richard Hall

/s/ Michael S. Burke

Michael S. Burke, Esq.
Burke Blue, P.A.
16215 Panama City Beach Parkway
Panama City Beach, Florida 32413
(850) 236-4444
(850) 236-1313 (fax)
mburke@burkeblue.com
Counsel for Michael and Lynn Smith and James Nall, III

HARTMAN LAW FIRM, P.A.

/s/ Daniel W. Hartman

Daniel W. Hartman (FBN 70068)
P.O. Box 10910
Tallahassee, Florida 32302
(850) 386-4242 / (850) 386-4241 (fax)
dan@filegalteam.com

Counsel for City of Apalachicola

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the parties pursuant to Florida Rule 2.516 on this 22nd day of December 2023.

Daniel W. Hartman /s/

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR FRANKLIN COUNTY, FLORIDA**

CITY OF APALACHICOLA,

Plaintiff,

v.

Consolidated Case No. 2018-CA-000233

MICHAEL HALE SMITH,
LYNN J. SMITH, and JAMES W.
NALL, III,

Defendants.

RICHARD HALL,

Plaintiff,

v.

CITY OF APALACHICOLA,
MICHAEL HALE SMITH, LYNN J.
SMITH, and JAMES W. NALL, III,

Defendants.

STIPULATION

COMES NOW, the parties to this action, City of Apalachicola, Richard Hall, Michael Hale Smith, Lynn J. Smith and James W. Nall, III, and agree and stipulate to the following terms:

1. The City and Richard Hall (Hall) filed suit against Defendants Michael Hale Smith, James W. Nall, III and Lynn J. Smith (Defendants) alleging that Defendant failed to obtain a Flood Plain Management Permit in connection with the fill material placed on their property located at 39 7th St. in Apalachicola, FL.
2. The City and Hall allege that the Defendants' property is located in FEMA Flood Zone AE and as a result subject to the City's Flood Plain Management Ordinance No.: 2013-02.

See Chapter 1, section 101.2, Scope of the Ordinance applies to property wholly or partially in a Flood Hazard Area (Zone). The Defendants did not obtain a Flood Plain Management Permit (FPMP) in connection with the fill placed on the property.

3. Defendants allege that they either the Flood Plain Management Ordinance does not apply or that they received approval under the Ordinance.
4. In order to amicably resolve the above-styled action Plaintiffs and Defendants agree to the following:
 - a. Defendants will submit a new floodplain fill development application specifically for fill/landscaping materials.
 - b. Defendants will remove the majority of gravel/crushed shell/lime rock and oyster shell from rear of the home, only leaving a driveway and apron from the alley to allow for parking of two vehicles approximately 15 ft wide. The parking should be sloped towards Ave C so that runoff is directed away from the neighboring property and in the direction of the existing storm drain.
 - c. Defendants shall submit a new site plan consistent with Section 105 of the Ordinance showing the proposed apron, driveway and the location of any replacement fill dirt. Specifically identifying the location, extent and amount of any proposed final grades in connection with any grading and excavation.
 - d. Defendants may replace dirt fill but not exceed the preexisting grades as identified in their new permit application, see a. and c. above. The Site Plan shall identify the location of any proposed fill material. The application shall include the amount, type and source of fill material; compaction specifications; description of the intended purpose of the fill areas (restore to pre-existing grade), and show that the proposed fill areas are the minimum necessary to achieve the intended purpose.

- e. Defendants shall pay a \$2,500.00 fine, payable to the City of Apalachicola.
 - f. Plaintiff City shall install a swale/berm along Ave C in order to mitigate sheet flow of Stormwater from City streets onto Defendants property.
 - g. Plaintiff shall issue to Defendants a Flood Plain Management Permit consistent with these conditions and the City Ordinance 2013-02.
 - h. The Stipulation shall become final once all parties have signed and upon approval by the Apalachicola City Commission.
 - i. Upon completion of the work set forth above the Floodplain Administrator will complete a final inspection report to ensure that the finished work complies with the terms of the Floodplain Management Permit issued by the City.
 - j. Smith/Nall agree to allow Mr. Hall to construct a fence along his property in accordance with all required City permits and approvals.
5. The parties agree to perform and cooperate in accord with this Stipulation, including but not limited to allowing access to each others property (City and Defendants) for the purpose of constructing the improvements contemplated herein.
6. Upon the completion of the terms of this Stipulation the parties shall file a Joint Dismissal with Prejudice of this action providing that each party shall bear their own attorney's fees.
7. The parties agree this stipulation shall be submitted to the Court for approval in the above-styled proceeding. It is agreed that the case shall remain open until such time as the terms of this Stipulation have been complied with by the Parties. The Court shall have full authority to enforce this stipulation.

the terms of this Stipulation have been complied with by the Parties. The Court shall have full authority to enforce this stipulation.

AGREED AND SIGNED on the dates set forth below.

City of Apalachicola

Richard Hall

By: Mayor

Richard Hall 12/22/23

Michael Hale Smith,

James W. Nall, III

Lynn J. Smith

AGREED AND SIGNED on the dates set forth below.


City of Apalachicola

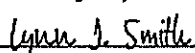
Richard Hall

By: Mayor

DocuSigned by:

Michael Hale Smith,

DocuSigned by:

James W. Hall, III

DocuSigned by:

Lynn J. Smith

A Comp Plan Adoption Hearing of the Apalachicola City Commission was held on Tuesday, December 5, 2023, at 3PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Adriane Elliott, Commissioner Despina George, Commissioner Anita Grove, City Manager Travis Wade, City Clerk Lee Mathes, City Attorney Dan Hartman, Code Enforcement Officer PJ Erwin

Comp Plan Adoption Hearing opened by Mayor Ash.

AGENDA ADOPTION

Motion to adopt agenda made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 3 to 0.

PUBLIC COMMENT

None

COMP PLAN AMENDMENT DISCUSSION

Commissioner George joined meeting at this time.

Cindy Clark outlined revisions made to each Comp Plan policy.

Commission discussed and made minor changes to policies.

Motion to approve contents, form, and revisions to Ordinance 2023-07 made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

Motion to approve the Apalachicola Comp Plan Data Analysis made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

Motion to adjourn made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 0.

Brenda Ash, Mayor

Lee Mathes, City Clerk

A Public Hearing and Regular Meeting of the Apalachicola City Commission was held on Tuesday, December 5, 2023, at 4PM at the Apalachicola Community Center, #1 Bay Avenue, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Adriane Elliott, Commissioner Despina George, Commissioner Anita Grove, Commissioner Donna Duncan, City Manager Travis Wade, City Clerk Lee Mathes, City Attorney Dan Hartman, Code Enforcement Officer PJ Erwin, Chief of Police Bobby Varnes

Mayor Ash called meeting to order followed by prayer and Pledge of Allegiance.

AGENDA ADOPTION

Mayor Ash stated item #2 under new business (1st Reading – Ordinance 2023-08 – MuniCode) and item #4 under new business (Project Impact Request for Loan/Funding) are deleted from agenda.

Motion to approve agenda with deletion of items 2 and 4 under new business made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

Mayor Ash welcomed back Chief Varnes.

PRESENTATION – PROCLAMATION FOR COUNTY COMMISSIONER NOAH LOCKLEY, JR.

Mayor Ash read proclamation honoring the life of County Commissioner Noah Lockley, Jr.

PRESENTATION – PROCLAMATION FOR SMALL BUSINESS SATURDAY

Mayor Ash read proclamation declaring November 25, 2023 as Small Business Saturday.

PUBLIC HEARING – ORDINANCE 2023-06 – SHORT TERM RENTAL LDC AMENDMENT

Attorney Hartman read Ordinance 2023-06 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 91-7, WHICH ADOPT THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE, REVISING SECTION II (LANGUAGE AND DEFINITIONS), SECTION IV (ZONING DISTRICTS AND REGULATIONS), AND SECTION X (TRANSIENT LODGING); AMENDING ORDINANCE 2005-08; AMENDING ORDINANCE 2006-01; AMENDING ORDINANCE 2006-05; AMENDING ORDINANCE 2017-07; AMENDING THE APALACHICOLA LAND DEVELOPMENT CODE, PART II – (LANGUAGE AND DEFINITIONS); AMENDING CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISION; SECTION 101-8 AMENDING THE DEFINITION OF TRANSIENT LODGING REVISIONS, AMENDING SECTION X (TRANSIENT LODGING), TO AMEND CHAPTER 111, ARTICLE III, DIVISION 4 – SUPPLEMENTAL REGULATIONS, SECTION 111-92 – DIMENSIONAL REQUIREMENTS AMENDING THE MINIMUM NUMBER OF UNITS PER BUILDING FOR BED AND BREAKFASTS AND TO AMEND SECTION 111-293 – ADDITIONAL REGULATIONS TO REMOVE THE COOKING FACILITIES REQUIREMENTS FOR TRANSIENT LODGING, FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

No public comments.

PUBLIC COMMENT

None.

2ND READING AND ADOPTION DECISION – ORDINANCE 2023-07 – COMP PLAN AMENDMENT

Attorney Hartman read Ordinance 2023-07 by title as follows:

AN ORDINANCE AMENDING THE CITY OF APALACHICOLA COMPREHENSIVE PLAN TO REVISE SEVERAL ELEMENTS TO BE CONSISTENT WITH LEGISLATIVE REQUIREMENTS RELATING TO PLANNING HORIZONS, CAPITAL IMPROVEMENTS, PERIL OF FLOOD, PRIVATE PROPERTY RIGHTS, POPULATION PROJECTIONS AND GENERAL UPDATES TO POLICIES AND OBJECTIVES DEEMED NECESSARY.

Motion adopt Ordinance 2023-07 and transmit to DOC made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4 to 0.

EV CHARGING STATION AGREEMENT

City Manager Wade stated Duke Energy has reached out to the City and asked if the City would like to take ownership of the Electric Vehicle Charging Stations on Avenue D and Avenue F. After reviewing the annual usage of both stations, along with the cost of electricity vs the amount charged by surrounding areas for using charging stations, the stations would not generate revenue and would cost the City money to own/operate. Additionally, there would be no warranty and cost of future repairs/maintenance and a \$200 annual fee for using the Shell Recharge system would be a responsibility of the City.

Commissioner Elliott stated she is not in favor of giving them back and offered suggestions on how it might work if the City took ownership.

Commissioner Grove stated she feels there is value in keeping the stations.

Commissioner George stated she is not in favor of keeping the stations.

Mayor Ash stated there are other charging stations around the City and is not in favor of keeping the stations.

Motion to reject Duke Energy's offer for City to take ownership of EV charging stations located on Avenue D and Avenue F made by Commissioner George.

Mayor Ash passed gavel to Mayor Pro-Tem Grove and seconded motion.

City Manager Wade stated that Duke Energy is expecting an answer tomorrow.

Motion tied 2 to 2 with Mayor Ash and Commissioner George voting Aye, and Commissioner Elliott and Mayor Pro-Tem Grove voting Nay.

Mayor Pro-Tem Grove passed gavel to Mayor Ash.

Motion to table approving Duke Energy Agreement until January meeting to allow City Manager Wade to gather additional information made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 0.

Commissioner Duncan joined meeting.

2ND READING & ADOPTION DECISION – ORDINANCE 2023-06 – SHORT TERM RENTAL LDC AMENDMENT

Attorney Hartman read Ordinance 2023-06 by title as follows:

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 91-7, WHICH ADOPT THE CITY OF APALACHICOLA LAND DEVELOPMENT CODE, REVISING SECTION II (LANGUAGE AND DEFINITIONS), SECTION IV (ZONING DISTRICTS AND REGULATIONS), AND SECTION X (TRANSIENT LODGING); AMENDING ORDINANCE 2005-08; AMENDING ORDINANCE 2006-01; AMENDING ORDINANCE 2006-05; AMENDING ORDINANCE 2017-07; AMENDING THE APALACHICOLA LAND DEVELOPMENT CODE, PART II – (LANGUAGE AND DEFINITIONS); AMENDING CHAPTER 101 – GENERAL AND ADMINISTRATIVE PROVISION; SECTION 101-8 AMENDING THE DEFINITION OF TRANSIENT LODGING REVISIONS, AMENDING SECTION X (TRANSIENT LODGING), TO AMEND CHAPTER 111, ARTICLE III, DIVISION 4 – SUPPLEMENTAL REGULATIONS, SECTION 111-92 – DIMENSIONAL REQUIREMENTS AMENDING THE MINIMUM NUMBER OF UNITS PER BUILDING FOR BED AND BREAKFASTS AND TO AMEND SECTION 111-293 – ADDITIONAL REGULATIONS TO REMOVE THE COOKING FACILITIES REQUIREMENTS FOR TRANSIENT LODGING, FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Motion to approve 2nd reading and adopt Ordinance 2023-06 made by Commissioner George, seconded by Commissioner Grove. Motion carried 5 to 0.

BACKFLOW PREVENTER TESTING POLICY

Motion to adopt Backflow Preventer Testing Policy made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5 to 0.

PARKS & RECREATION COMMITTEE TO DISCUSS PROPOSED BUILDING IN BOTANICAL GARDENS

Faye Gibson discussed proposed Botanical Gardens restrooms and pavilion, Parks & Recreation Committee involvement as liaisons, the lease, management plan, revenue potential, botanical gardens components and design, pavilion uses, and location of proposed restrooms and pavilion. Ms. Gibson would like the plans to be put on hold to allow public hearings to receive public comments.

Commission thanked Ms. Gibson for her time and research.

Discussion held concerning public workshops, Botanical Gardens history, DEP approval involvement, and Parks & Recreation Committee written recommendations for Botanical Gardens.

MAYOR & COMMISSIONER COMMENTS

Mayor Ash addressed concern over the delay in utility bills getting delivered to customers after the utility bills have left City Hall.

City Manager Wade stated penalties have been waived in some instances because customers are not receiving their bills by the due date.

Mayor Ash asked for Commission consensus in moving the January regular meeting from the 2nd to the 9th.

Motion to move the January regular meeting from January 2nd to January 9th made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 1 with Commissioner George opposing.

Mayor Ash stated she is proud of the many things that have been accomplished and encouraged everyone to enjoy the holiday season.

Commissioner Grove discussed Fire Department radios, Oyster Management and Restoration Plan, and RV parking in Market Street parking lot.

Chief Varnes stated there are signs for no overnight parking, and issues have been discussed with Water Street Hotel.

CITY MANAGER COMMUNICATIONS

City Manager Wade stated he hopes to have the January meeting in the new meeting space, hiring a wastewater operator apprentice, FCT Stewardship reports have been completed, and updated Commission on radio repeater.

FINANCE DIRECTOR COMMUNICATIONS

Included in agenda packet.

ATTORNEY COMMUNICATIONS

No report.

CONSENT AGENDA

Motion to approve consent agenda made by Commissioner Elliott, seconded by Commissioner Grove.
Motion carried 5 to 0.

DEPARTMENT REPORTS

Included in agenda packet.

Motion to adjourn made by George, seconded by Commissioner Elliott. Motion carried 5 to 0.

Brenda Ash, Mayor

Lee Mathes, City Clerk

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

Attendance: Chair – Joe Taylor, Bobby Miller, Jim Bachrach, Lee McLemore, Myrtis Wynn

Regular Meeting: 6:00 PM

1. Approval of October 9th, 2023 meeting minutes.
 - Motion to approve by Bobby Miller; 2nd by Jim Bachrach. All in favor – motion carried.
2. Review, Discussion and Decision for Certificate of Appropriateness & Sign. (C-1)(Historic District) @ 71 Market Street, Block E2 Lots ½ 19&20. For Bottom's Up -Owner/Business; Contractor: Self
 - Motion to approve by Bobby Miller; 2nd by Jim Bachrach. All in favor – motion carried.
3. Review, Discussion and Decision for Certificate of Appropriateness & Sign. (C-2)(Historic District) @ 146 Avenue E, Block 49 Lot 6. For Izzy's -Owner/Business; Contractor: Sign Design
 - Motion to approve by Jim Bachrach; 2nd by Lee McLemore. All in favor – motion carried.
4. Review, Discussion and Decision for Certificate of Appropriateness & Sign. (C-1)(Historic District) @ 117 Market Street, Block F2 Lot 16. For Random Catch/Mermaid Lounge - Owner/Business; Contractor: Emily Kerr
 - Motion to approve by Jim Bachrach; 2nd by Bobby Miller. All in favor – motion carried.
5. Review, Discussion and Decision for Certificate of Appropriateness & Sign. (C-1)(Historic District) @ 170 Water Street, Block D1 Lot 4-9. For Apalachicola Yacht Club- Owner/Business; Contractor: Self

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

- **Motion to approve by Jim Bachrach; 2nd by Lee McLemore. All In favor – motion carried.**
6. Review, Discussion and Decision for Certificate of Appropriateness & Fence. (C-1)(Historic District) @ 59 Commerce Street, Block D1 Lot 15. For Donna/Al Ingle -Owner; Contractor: Self
- **Motion to approve by Bobby Miller; 2nd by Lee McLemore. All In favor – motion carried.**
7. Review, Discussion and Decision for Certificate of Appropriateness & Fence. (C-1)(Historic District) @ 252 Water Street, Block G1 Lot 4. For John Bone -Owner; Contractor: Self
- **Motion to approve by Lee McLemore; 2nd by Jim Bachrach. All In favor – motion carried.**
8. Review, Discussion and Decision for Fence. (R-3) @ 296 24th Ave, Block 229 Lots 11-12. For John Clifton Butler II -Owner; Contractor: TBD
- **Motion to approve by Lee McLemore; 2nd by Jim Bachrach. All In favor – motion carried.**
9. Review, Discussion and Decision for Fence. (R-2) @ 152 Sawyer Lane, Block 118 Lot 8. For Hilary Stanton & Jonthan Creamer -Owner; Contractor: Self
- **Motion to approve contingent upon both parcels being merged with the Franklin County Property Appraiser by Bobby Miller; 2nd by Lee McLemore. All In favor – motion carried.**
10. Review, Discussion and Decision for Accessory Structure. (R-2) @ 140 21st Ave, Block 254 Lot 11-15. For Sterling Buskirk & Donna Duncan -Owner; Contractor: TBD
- **Motion to approve by Jim Bachrach; 2nd by Myrtis Wynn. All In favor – motion carried.**

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

11. Review, Discussion and Decision for Accessory Structure. (R-2) @ 148 13th Street, Block 90 Lot ½2 & ½3. For Thomas Becknell & Pamela Erwin -Owner; Contractor: N/A
- Motion to approve by Bobby Miller; 2nd by Myrtis Wynn. All in favor – motion carried.
12. Review, Discussion and Decision for Mobile Home. (R-3) @ 297 24th Avenue, Block 228 Lots 19-20. For rose Griffin -Owner; Contractor: Cary Scott
- Motion to approve by Bobby Miller; 2nd by Jim Bachrach. All in favor – motion carried.
13. Review, Discussion and Decision for Mobile Home. (R-3) @ 343 25th Avenue, Block 222 Lot 21-22. For Eliseo Jimenez -Owner; Contractor: TBD
- Motion to approve contingent on 911 address being assigned by county by Bobby Miller; 2nd by Lee McLemore. All in favor – motion carried.
14. Review, Discussion and Decision for Certificate of Appropriateness & New Construction. (R-1)(Historic District) @ 202 10th Street, Block 156 Lot 1. For Chris Presnell -Owner; Contractor: C.P. Squared
- Motion to approve by Jim Bachrach; 2nd by Bobby Miller. All in favor – motion carried.
15. Review, Discussion and Decision for Certificate of Appropriateness + Addition, Renovation, Fence, & Pool. (R-1)(Historic District) @ 207 Avenue D, Block 107 Lots 9-10. For William & Caroline Jones -Owner; Contractor: David Duncan
- Motion to approve contingent upon the accessory structure not being used as a rental in any capacity and contingent upon the fence height in the rear and side yard being limited to 6' and fence plan confirmed with city staff by Lee McLemore; 2nd by Jim Bachrach. All in favor – motion carried.

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

16. Review, Discussion and Decision for New Construction. (R-2) @ 167 22nd Avenue, Block 245 Lot 23-25. For Zachary Ward -Owner; Contractor: Golden Construction Company

- Motion to approve by Jim Bachrach; 2nd by Lee McLemore. All in favor – motion carried.

17. Review, Discussion and Decision for Certificate of Appropriateness & Additions – Public Restrooms & Pavillion. (R-1/R-2)(Historic District) @ 177 5th Street, Block 187 Lots 1-10. For FDEP Parks & Rec/Orman House State Park ; Contractor: TBD

- City planner gave notice to the P&Z Board that this project is proposed to take place on property owned by the City of Apalachicola and leased to DEP – she stated that P&Z is just reviewing the site plan for compliance, for a Certificate of Appropriateness, and that any approval must be contingent upon a final approval by the City Commission.
- Faye Gibson offered public comment and wanted to make it clear that it is ultimately city owned property leased for a botanical garden and that there is no landscaping plan evident – she also noted that the P&Z Board should look at the style of the proposed pavillion.
- Donna Ingle offered public comment and expressed support for the plan in general, but said she thought it would be more suited to a different location on the property instead of in the middle of the botanical gardens.
- P&Z members discussed the visual aspect of the plans and agreed that the proposed plans all appear to be contemporary and match other developments on the property.
- Motion to approve contingent upon the City Commission giving a final approval of the concept and plans by Jim Bachrach; 2nd by Bobby Miller. All in favor – motion carried.

Other/New Business:

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

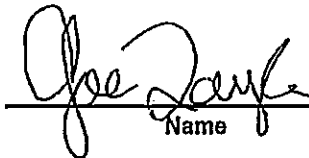
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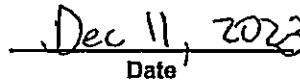
Outstanding/Unresolved Issues:

- N/A

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

Minutes Approved:


Name


Date

FINAL ORDER

VARIANCE DENIAL


The purpose of this Final Order (Order) is to memorialize the City of Apalachicola's Board of Adjustment Board's (BOA) DENIAL of the Variance Application submitted and as presented to the BOA on November 20, 2023 by Sarah Polow.

Specifically, the application by Sarah Polow - Owner of the parcel located at the corner of Bay Ave and 7th Street, Block 193, Lots 1-5, also known as 94 Bay Ave., Apalachicola, FL for a Variance to allow proposed new construction of a home on the parcel zoned, R-1 Single Family Residential. The Applicant requested a variance to the Front setback of 15'. Specifically a variance to the front 15' set back of 7'. i.e. the Front setback from Bay Avenue would be reduced to 8' to allow for the proposed home design due to wetlands at the rear of the property.

The City acknowledges that the current zoning and land use of the property are appropriate for the applicant's proposed use.

The BOA determined based on the competent substantial evidence in the form of testimony and documentation introduced at the Quasi-Judicial hearing that the Variance application should be DENIED. All relevant testimony and documentation relied upon by the BOA to reach its decision are as described in the Minutes. The BOA Minutes are incorporated herein by reference.

The Motion to Deny was based upon findings that the parcel contained reasonable area to build a home in compliance with City Code and that Applicant had failed to establish a hardship as defined in the Code. The Motion to Deny passed unanimously.



Chairman Carrie Kienzle
Board of Adjustment
Apalachicola, Florida

Date: 12-11-23

RIGHT TO APPEAL:

This Denial of an application for Variance may be appealed as set forth in Section 101-61(7) of the Code which states that decisions of the board of adjustment shall be final and reviewable as provided by law. Specifically, within 30 days of rendition by appeal to the Franklin County Circuit Court.

CITY OF APALACHICOLA
BOARD OF ADJUSTMENT
QUASI-JUDICIAL PUBLIC HEARING
MONDAY, NOVEMBER 20th, 2023
Community Center - 1 Bay Avenue
Minutes

Attendance:

- BOA: Chair – Carrie Kienzle, Dennis Winterringer, Dodie Alber, Anna Maria Cannatella, Diane Brewer
- Staff – City Attorney, Dan Hartman, City Planner, Bree Robinson

Quasi-Judicial Public Hearing: 6:00PM

- The attached Quasi-Judicial Rules of Procedure were followed. The Chair, Carrie Kienzle, gave a summary of the below variance request, the past application, and the meeting was called to order.
- 1. Review & Discussion for proposed new construction of a home on the parcel located at the corner of Bay Avenue and 7th Street (Not Constructed) (R-1 Single Family Residential), more specifically described as Block 193 Lots 1-5 or 94 Bay Avenue, into the required 15' front setback from Bay Avenue. Applicant is requesting approval of a 8' front setback.
- City Planner referenced the proof of notice for the request as found in the agenda packet. She also noted that the letters received back from the public notice were tallied and there was 1 in support and 6 against. The comments from the letters are available within the agenda packet.
- Board members disclaimed any ex-parte information received – no one submitted any ex-parte information. One email was circulated among staff and was sent by the applicant, referenced in the meeting, and is included as an attachment.
- City attorney provided a brief description of all documentation being entered into the record. (Written evidence that the board is making their decision based upon. This included: the agenda packet and applications, the staff findings report, letters received, and any ex-parte communications presented. Dan also noted that this includes public comments made in the meeting.
- The applicant representative, George Coon, presented the application for a variance request of 8' front setback, opposed to the standard front 15' setback on Bay Avenue. George Coon was joined by Dan Garlick in presentation. The applicant based their application on reasonable use and that the wetlands create a hardship in following the setbacks. The applicant provided the wetland delineation and renderings of what could be built with no variance and what could be built with variance. It was noted that when the applicant bought the property, they knew it was buildable, but to a limited extent – they did not realize how limited. All images presented are within the agenda packet. George Coon noted that at the prior meeting it was mentioned by BOA members that a compromise might be reached with a lesser request. He showed drawings of the current request along with all prior requests, including a P&Z denial, and made it clear his is asking for an 8' setback, so a 7' variance. City Attorney chimed in and explained the City code that guides the BOA on their decision and special circumstances – provided in the agenda packet. Dan Garlick

CITY OF APALACHICOLA
BOARD OF ADJUSTMENT
QUASI-JUDICIAL PUBLIC HEARING
MONDAY, NOVEMBER 20th, 2023
Community Center - 1 Bay Avenue
Minutes

commented that the design George presented is trying to be compatible with the neighborhood – he went on to explain how the lot is hindered by wetlands and has always been a platted lot by the City. He emphasized focusing on the site plan and the buildable area opposed to the renderings of the homes. He stated that the goal was to build a reasonable house, protect the wetlands, be compatible with the neighborhood, and not create a scenario where wetlands would ever be filled in, which could be possible with a permit.

- The Board was offered an opportunity for questions – Dodie Alber asked if it is legal to fill in wetlands and Dan Garlick answered that with a permit it is legal, not a desire but an option. Dennis W. questioned how the wetlands delineation was performed and asked why the lines look different on the survey v the wetland delineation – applicant representative, Dan G., explained the process of a wetland delineation, which does involve field work and also reminded the board that the survey is an estimated wetland line and the delineation is the actual. Anna Maria Cannatella asked if this is R-1, then what is the minimum buildable dwelling size – City Planner answered 800SF.
- The public was offered an opportunity to ask questions – there were none at this time.
- At this time, the City Planner presented her report. She started by stating that the requested materials from the last BOA meeting had all been provided. She mentioned that the property was bought in January 2022 and that they were aware of the buildability at that time of purchase. She noted that the lot is buildable currently for a 951SF footprint home, but that would only allow for 16% lot coverage of the 1 lot out of the 5 they own that is buildable. The applicant's requests would allow for around 20% lot coverage, opposed to the standard 40% allowance. She mentioned the LDC in R-1 as the minimum buildable size is 800SF, which this option does surpass. She mentioned that several other homes on Bay Avenue have been built close to their front property line and this is nothing new being requested. It was noted that there is 35' of ROW space from the edge of Bay Avenue to the applicant's property line, which means there is no hazard for pedestrians. She finished up by stating it was up to the BOA to determine if there is a hardship with the wetland's proximity on this lot and that they would also need to consider reasonable use of the property. She explained that the setbacks are still on the applicant's property and within their own property regardless. The full planner report is available in the agenda packet.
- The BOA Chair asked what the purpose of the 15' front setback is – the City Attorney answered that setbacks are standard for fire code, aesthetics, and establishing a sense of conformity among the neighborhood. The City Planner also mentioned that a front setback allows for on-site parking instead of cars parking in the ROW. Dennis Winterringer asked if the planner's report insinuates that the wetlands are a hardship - City Planner stated she does not believe the applicant is trying to claim that the wetlands alone are a hardship, but that the buildability of the lot is severely diminished due to the proximity to the wetlands.
- The public had no questions of staff at this time.
- At this time any private attorneys were offered an opportunity to comment or ask any questions they may have. Bonnie Davis, representing the HAPPI group, came forward and opposed the

CITY OF APALACHICOLA
BOARD OF ADJUSTMENT
QUASI-JUDICIAL PUBLIC HEARING
MONDAY, NOVEMBER 20th, 2023
Community Center - 1 Bay Avenue
Minutes

granting of the variance based on the Code and judicial precedent. She brought up the Code on hardship and asked the BOA to consider what hardship exists. In her opinion, no hardship had been presented as the lot is already buildable. She stated that a variance is granted for use and not for looks. Bonnie Davis stated she felt it was important to go over the history of this lot. (The packet of information she passed out is attached to these minutes and the statement of facts derive from this attachment.) In summary, she stated 3 points. 1.) 4/5 of the lots owned have been submerged since their original plat. Wetlands were plainly visible at the time of purchase. 2.) She mentioned that the 40% lot coverage code is for stormwater protection and should not be a standard to lean on for reasonable use. The question she asked is can you build something reasonable within the setbacks? 3.) The staff report stated that granting a variance would not be a detriment to the public welfare – Bonnie stated that HAPPI disagrees. In final thought, she speaks to a time limit for decisions by the BOA as allowed and stated by City code. Ultimately, on behalf of HAPPI, she asked the board to deny this request on the basis of no hardship.

- The public were allowed to comment at this time – a homeowner of a neighboring property, 98 Bay Avenue, came forward and stated that their house is smaller than what is being proposed by the applicant and that they would love a 8' setback, but they would not ask for that as the Code is the law. The neighbor continued to question why someone would challenge the City setbacks as established. The City Planner asked if the homeowner knew what their front setback was and the owner stated that they had just had a survey completed and it was extremely close to the line. Another neighbor across the street asked the BOA to deny the request and that they did not appreciate some of the applicant representative remarks. The City Planner asked to circle back to the neighboring home at 98 Bay Avenue and explained that the 15' front setback is supposed to be from an owner's property line and not the edge of the street – she stated that Franklin County Property Appraiser shows that the neighboring home does not meet setback requirements and the variance request presented is asking for less intrusion into the setback than the neighbor already has. She also noted that the square footage shown is higher than what the applicant is seeking as well, so in this case the neighboring property has a near 2' front setback and a larger home than the current applicant is seeking. She asked for the BOA to take this into account when listening to public comments.
- The applicant was offered an opportunity for rebuttal at this time – the applicant representatives reaffirmed that they are seeking a variance based on hardship, being the location of the lot on wetlands, and upon reasonable use with the shape and size of the home. The applicant representative stated that if no variance is granted that the landscape of the street will inevitably change. He asked if the request was denied if they could come back for a different request and the City Attorney stated that if it was denied then they would not be able to apply for another year. He explained that if approved, a timeline for approval would be established. If not granted, the applicant could not apply again for one year or could appeal. The City attorney explained that the BOA just needs to make a legally defensible decision.

CITY OF APALACHICOLA
BOARD OF ADJUSTMENT
QUASI-JUDICIAL PUBLIC HEARING
MONDAY, NOVEMBER 20th, 2023
Community Center - 1 Bay Avenue
Minutes

- City Attorney went over the COA LDC where variances are discussed and reminded the board that if they were to accept the variance they could based on evidence in the agenda packet, but if they were to reject the request that they would need to specify the reason and evidence of rejection.
2. Decision on Variance Request for 8' front setback. **(R-1)** @ 94 Bay Avenue, Block 193 Lots 1-5. For Sarah Polow – Owner; Represented By: George Coon
- The board deliberated their options the Chair discussed reasonable use and comparable use in relation to the neighboring lands. She asked if you could build a home that meets reasonable and comparable use for the neighborhood – in this case it is already buildable, but is it reasonable? The City Attorney spoke that if you cannot build something comparable equivalent to the use of neighboring lands then that can be a hardship. The Chair stated that she thinks it is reasonable use and they can already build a house that is comparable for the area – so it is reasonable use and that is her interpretation. Dennis Winterringer commented and referred to A0.1 and doesn't think precedent is set here and it is not pertinent to the conversation. City Attorney reminded the board to discuss facts and to make sure they justify any decisions they make through code.
 - Carrie stated again that a comparable home is already achievable without variance and she does not recognize hardship in this case.
 - Diane Brewer makes a motion based on the application, the testimony, for the following reasons – that the refutes the staff report saying that a variance would not be detrimental to the neighborhood and that the applicant knew that they bought a buildable lot as-is, so she makes a motion to deny the variance based on those 2 reasons. Dennis 2nd the motion and asks for discussion.
 - Dennis comments that the applicant has not established hardship, the lot is buildable by City code, and that the board should deny on these 2 reasons.
 - City Attorney gives direction on how to amend – he states they need a motion to amend the motion, they'd vote, and then a motion could be remade.
 - Dennis makes a motion to amend the motion – Anna Maria Cannatella 2nd the motion to amend. Vote called – all I's.
 - Dennis Winterringer makes a motion to deny the variance request based on the findings that the lot is already buildable for reasonable use in compliance with City Code and that the applicant failed to establish a hardship as defined in the Code. 2nd by Diane Brewer. Vote called – all in favor. Variance Denied.
3. Discussion & Decision on voting in new Chair & Vice-Chair for a 1-year term.
- Board discusses voting in a new Chair for a 1-year term. Staff clarifies that the same members can be voted in if nominated – this will be done every year or at the next meeting after a year passes as the meetings are not routine.

CITY OF APALACHICOLA
BOARD OF ADJUSTMENT
QUASI-JUDICIAL PUBLIC HEARING
MONDAY, NOVEMBER 20th, 2023
Community Center - 1 Bay Avenue
Minutes

- Anna Maria Cannatella nominates Carrie Kienzle for the Chair position. Diane Brewer seconds the motion. Vote called – all in favor. Carrie Kienzle remains as the Chair of the BOA for another 1-year term.
- Board discusses voting in a new Vice Chair for a 1-year term.
- Carrie nominates Dennis Winterringer. Dodie Alber seconds the motion. Vote called – all in favor. Dennis Winterringer remains as the Vice-Chair of the BOA for another 1-year term.

Other/New Business:

There will be an alternate position available soon.

Outstanding/Unresolved Issues:

None

Carrie makes a motion to adjourn the meeting; 2nd by Dodie Alber. All in favor – meeting adjourned.

BOA Meeting Minutes Approved by:

C. Kienzle
Chair – Carrie Kienzle

12-11-23
Date

AREA: _____
 Footprint 1,239 sf
 Heated & cooled 1,606 sf

EDGE OF PAVEMENT

SITE BENCHMARK
 @ ELEV. 4.11'
 (NAVD 89)

Lorem Ipsum

POWER
 POLE

FIRC (#7160)
 (%)

100.00(RP)
 100.14(M)

(ASSUMED)
 (BEARING BASE)
 N50°00'00"E

RW

49°53'38"W
 30.15(M)

FIRC (#7160)
 (%)

N40°04'00"W

60.21(M)
 60.00(RP)

30' ALLEY

S39°41'10"E

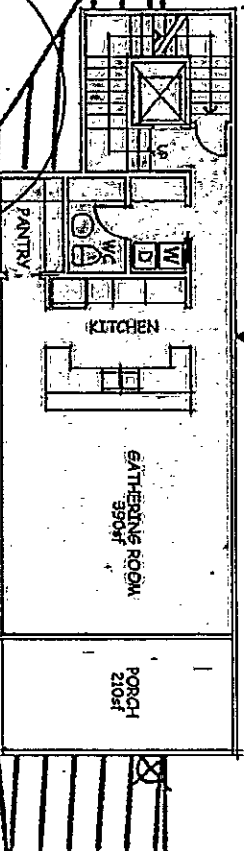
RW

RW

17'

8'

19'



20' WETLAND
 SETBACK

Uplands

Wetlands

S40°56'45"W

99.74(M)

HOUSE SITE PLAN
 SCALE: 1/16"

7TH STREET

(NOT CONSTRUCTED)

60.00(RP)
 60.12
 FIRC (#7160)
 (%)

george coon inc

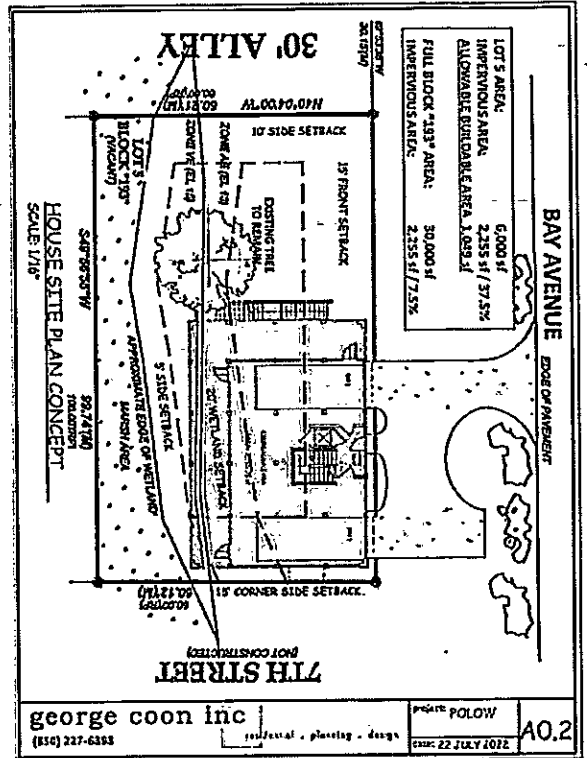
(850) 227-6898

residential . planning . design

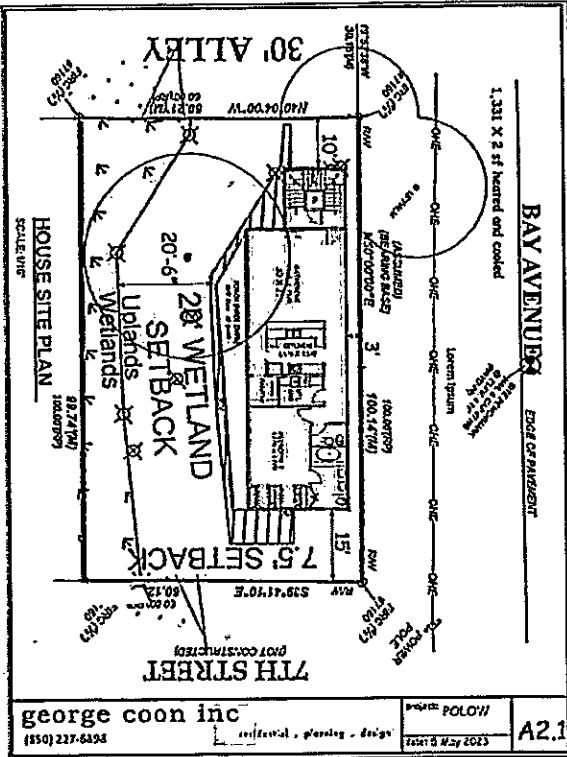
project: POLOW

date: JULY 2023

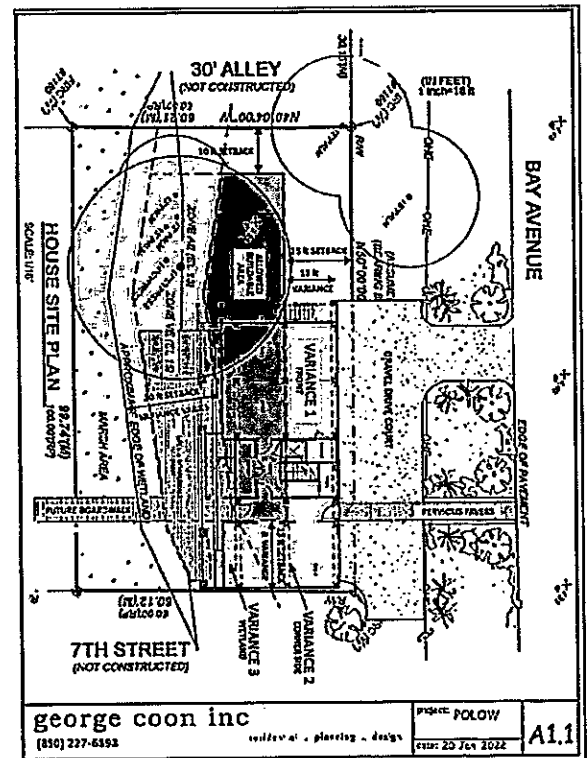
A1.1



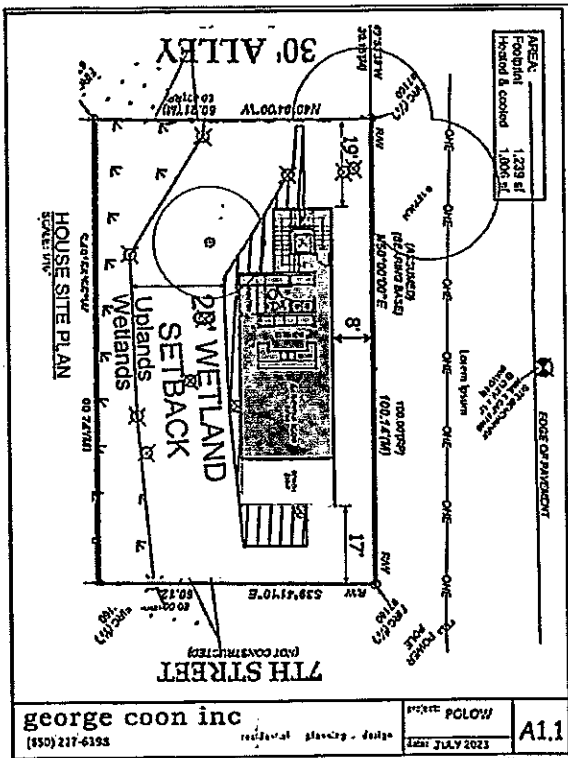
8-Aug-2022



28-June-2023



15-March-2023



20-Nov-2023

george coon inc

(850) 227-6558

architectural . planning . design

project: POLOW

date: Nov 2023

SITES

Fwd: Variance Board meeting Monday night at 6pm

George Coon <georgecoon@gmail.com>

Mon 11/20/2023 9:27 AM

To: dan garlick office <dan@garlickenv.com>

Cc: Sarah Polow <spolow@gmail.com>; Bree Robinson <brobinson@cityofapalachicola.com>; Daniel W. Hartman <dan@fllegalteam.com>

George Coon, ARB, LEED AP
George Coon Inc.,
Residential-Planning-Design
(850) 227-6898 office mobile

----- Forwarded message -----

From: **George Coon** <georgecoon@gmail.com>

Date: Sun, Nov 19, 2023 at 9:35 PM

Subject: Variance Board meeting Monday night at 6pm

To: Leslie Coon <jawartist@hotmail.com>, Deborah Miller <apalach@yahoo.com>, Creighton Brown <creightontbrown@gmail.com>, Dagenhart, Richard L <richard.dagenhart@design.gatech.edu>, Linda Buchanan <lbuchanan1955@gmail.com>, Doug Rauscher <rauscherdna@hotmail.com>, David Peck <dxspeck@yahoo.com>, Bonnie Davis <bonnietedavis@gmail.com>, Pamela and Terrance Corcoran <pamelalwc@hotmail.com>, Molly Hill <mollie.hill718@gmail.com>, Katharine Etchen <katharine@whitesandsinvestment.com>, Sophia Fonseca <sophiacf619@gmail.com>

Cc: Bonnie Davis <bonnietedavis@gmail.com>

Hello,

Monday is an important day for all concerned. The Variance Board presentation I am making is attempting to show that Apalachicola continues a tradition of good design. In my 3 previous presentations, there have been different plans with their respective possible facade resolutions.

Every time the Variance Board has denied my designs and have required a reduction of the requested setbacks. The designs have been adjusted each time to show these reductions accordingly and each time have been denied.

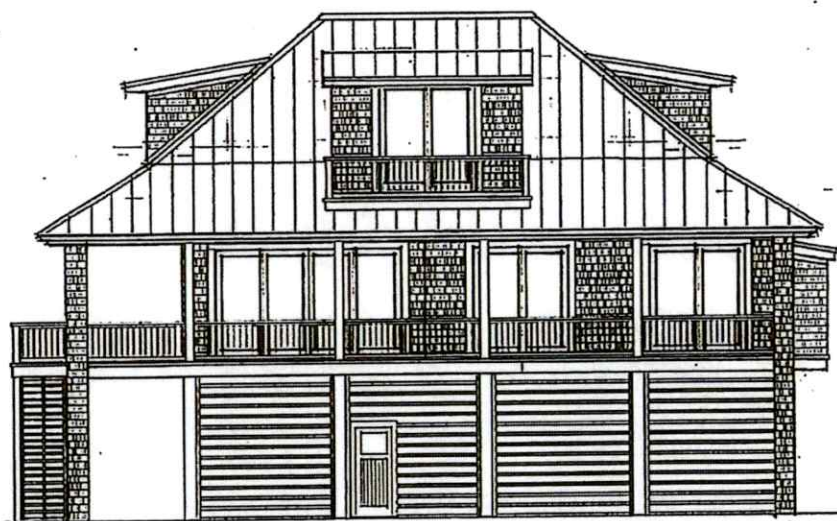
As the available buildable property size dwindles there simply is less to work with in order to provide the best possible design for my clients and for the City.

Here are a few of the hoped for designs. All shown here would have fit the requested Site Plans. I am showing just the facades because these are what one will see while driving or walking alone Bay Ave.

One of my favorites is this....I love the tower. Imagine the view!!! This faces the Bay.



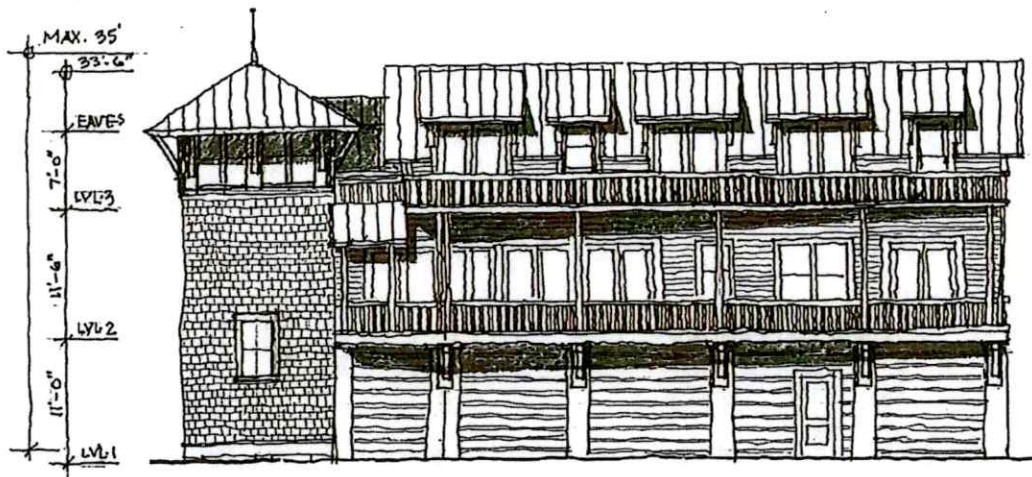
The following are designs previously presented. Although this meeting is about available areas to build rather than the way the house might look, the size of the buildable lot is extremely important for the process of design. All have site plans which work, and these facades fit their requested site plans.... They are presented in order of the presentation dates.



WATER ELEVATION
FIRST PRESENTATION 8 AUGUST 2022



WATER ELEVATION
SECOND PRESENTATION 15 MARCH 2023



WATER ELEVATION
THIRD PRESENTATION 28 JUNE 2023

And this Monday night at 6 pm... Only slightly larger than the buildable lot, but still think will complement the area.



WATER ELEVATION

FOURTH PRESENTATION 20 NOVEMBER 2023

I actually agree with much of what Bonnie Davis, a prominent detractor, has expressed. It is certainly true that there exist rules to help ensure that designers don't abuse good design.

In this case, following the precise rules will do just what they are meant to protect.

If not approved, my clients are left with the original small buildable lot on which to place a small house.

The design works but is only about 14 feet wide. Also, the house is very tall because the first floor must be at 13 feet above grade.

Because this house is so small, they won't be living here but will sell it.

The following image is the project that can be built without any special approvals, although some revisions to the design certainly will occur.



EAST SIDE ELEVATION

SCALE: 3/32"

BAY SIDE ELEVATION

SCALE: 3/32"

Hopefully you will come to the meeting and agree with me that we avoid this (I live here too).

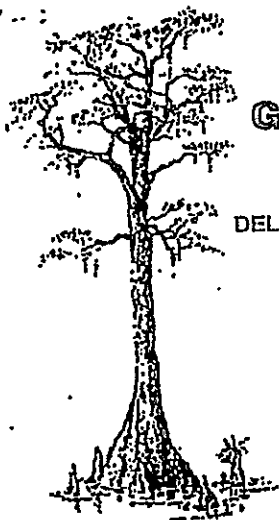
Following City rules certainly does not represent standards of good design, in fact in this case the rules can inhibit good design as this will do.

I assure you that the house will be built. Which one chosen is the question for Monday night. (Again, I wish it was the first image).
See you there.

George Coon

p.s. Bonnie, could you please send this to your group?
Thanks

George Coon, ARB, LEED AP
George Coon Inc.,
Residential-Planning-Design
(850) 227-6898 office mobile



GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN REGULATORY ISSUES INCLUDING
REGULATORY PERMITS • WETLANDS/UPLANDS JURISDICTIONAL
DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY/ASSESSMENTS

May 11, 2004

William Cook
98 Bay Ave/ P.O. Box 396
Apalachicola, FL 32329

Re: Blk 193; Lots 1-5
City of Apalachicola
GEA#04-211/DFA

Dear Mr. Cook:

As requested, GEA conducted an onsite investigation to conduct a development feasibility assessment for the referenced site. The assessment considered the site's biophysical features and the regulatory issues affecting the site's development. Below is a summary of our findings and conclusions.

PROJECT LOCATION

The lots are located in Section 12 of Township 9 South and Range 8 West on Bay Ave in the incorporated City of Apalachicola in Franklin County. The project fronts Apalachicola Bay, an aquatic preserve designated an Outstanding Florida Water, not in shellfish harvesting waters. See Attachment 1/3. Lot was staked by the owner.

METHODOLOGY

The methodology employed in the assessment included a pre field compilation of location, review of the Apalachicola quadrangle topographic map, Franklin County NRCS soils atlas and the city's zoning map. The field investigation included a preliminary determination of the site's boundaries, as well as a compilation of features adjacent to the site.

Thereafter, several transects were walked to provide optimum analysis of the site's features to determine the extent of the habitat inventoried, as well as the relative form and function. The Lot

P.O. BOX 385
APALACHICOLA, FL 32329-0385
(850) 653-8899
FAX (850) 653-9656

948 JENKS AVENUE
PANAMA CITY, FL 32401
(850) 873-7728
FAX (850) 873-7731

2414 MAHAN DRIVE
TALLAHASSEE, FL 32308
(850) 402-9886
FAX (850) 402-9887

Page 2
Cook
May 11, 2004

5 corners, determined by the owner and the wetlands were positioned by a Trimble Pro XR GPS system and later mapped in the lab which are attached as sheets 2/3 and 3/3.

BIOPHYSICAL FEATURES

The project site is located in an area that is residential in nature. Bay Ave flanks and is adjacent to the site's northwest while a salt marsh connected to the bay is located to the south. Generally the terrain is flat with a slight elevation decrease from northwest to southeast.

The specific site consists of about 100 ft of road and bay front in a residential area. The lots are platted 100' X 60'. The bayfront is bordered by a tidal marsh. Lot 5 is vegetated by two cypress trees and grasses. The underlying soils of the tidal marsh are muck; a hydric soil. Lots 1-4 are located in the saltmarsh. However, Lot 5 is represented by clean white medium grained sand over muck. The fill was measured to be 30" geotechnical method. The NRCS soil survey maps the area as Aquents indicating that the land was filled at an indeterminate time in the past. An aerial infrared photo is attached as 2/3.

REGULATORY ISSUES

The filled lands are under the jurisdiction of the city while the wetlands are regulated by the state FDEP and the federal USACE. Any development activity in wetlands is expected to require state and federal permits. A wetland delineation is illustrated as Attachment 2/3 and 3/3.

The city's zoning code designates this area as R-1 allowing for single family residential as a principal use. The code requires that at least 6000 sq ft/ lot is available. The city also requires a 20 ft setback from wetlands that restricts impervious areas such as roofs or paved areas with the intention of maintaining good water quality by creating a buffer between stormwater runoff from uplands and the more saturated areas. Traditional setbacks for building include 15 ft from the road front and 7.5 (or 15 ft combined) from the sides.

Although potable water is available, the city's sewer system is under moratorium by the state while improvements are being completed for an upgrade. As I understand the interim policy, a case by case approval can be considered. The site is expected to allow one single family dwelling

In my opinion, and supported by the attached site plan, lots 1-4 do not appear to meet the criteria for development as they are located in wetlands. Lot 5 can be developed as the fill placed over the wetlands is historic based upon the soil survey and as such could be waived from state and federal jurisdiction. The City setback of 25' from the street side and 20' from wetlands leaves 25' +/- unencumbered for building.

Page 3
Cook
March 11, 2004

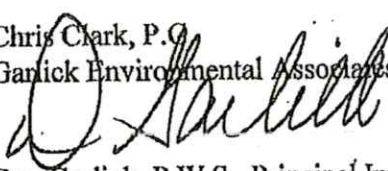
Should you consider to build a wider structure, then a hardship for a variance would have to be established and considered at a public hearing required for the city's approval. A substantial dwelling could be constructed without a variance, which saves the site's trees. Therefore a variance would not be expected to be granted.

This assessment should aid you in your planning efforts. The opinion rendered in this assessment may be affected by revisions in local, state or federal law and policy. Therefore, if a significant delay in your activity occurs, it is advisable to notify GEA. The assessment does not provide authorization for any activity requiring a permit. However, GEA can provide professional assistance in obtaining permits or additional work as requested.

If you have any questions, or need additional information, please do not hesitate to call me at the Apalachicola office.

Sincerely,

Chris Clark, P.G.
Garlick Environmental Associates



Dan Garlick, P.W.S., Principal Investigator
Garlick Environmental Associates, Inc.

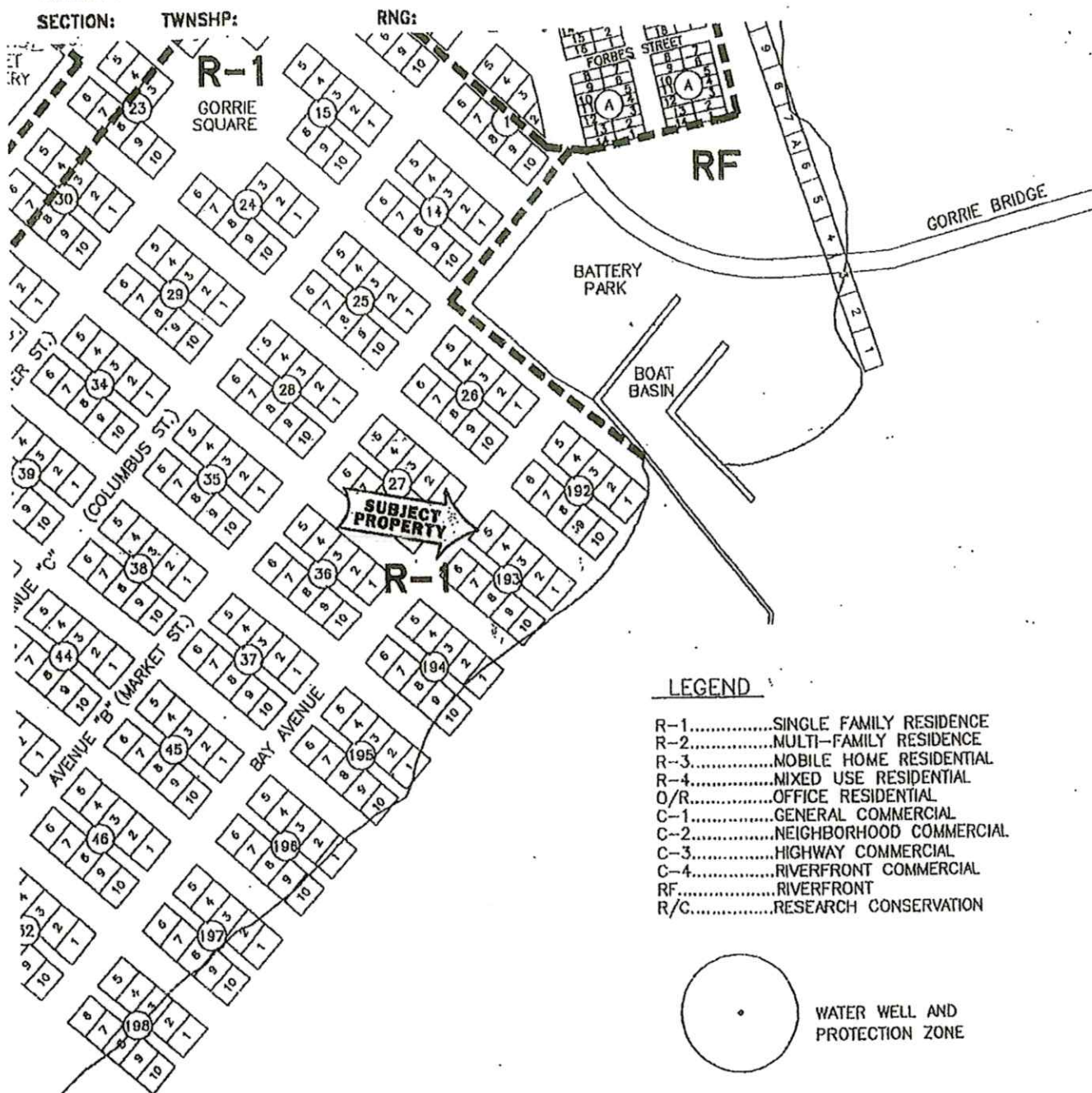
Attachments

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



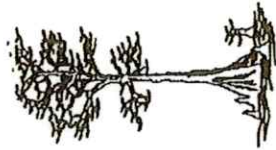
APPLICANT/CLIENT:
WATERBODY/CLASS:
PURPOSE:
PROJECT LOCATION / USGS:
LATITUDE:
LONGITUDE:

JOB:
DEP:
COE:
OTHER:
DATE:
SHEET: 1 / 3



THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN SECTION IV
OF THE LAND DEVELOPMENT CODE OF THE CITY OF APALACHICOLA,
DATED: DECEMBER 3, 1991.

5



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: William L. Cook
WATERBODY/CLASS: Apalachicola Bay
PURPOSE: DFA
PROJECT LOCATION / USGS: Apalachicola
LATITUDE:
LONGITUDE:

JOB: 04-211
DEP:
COE:
OTHER:
DATE: May 10, 2004
SHEET: 2/3

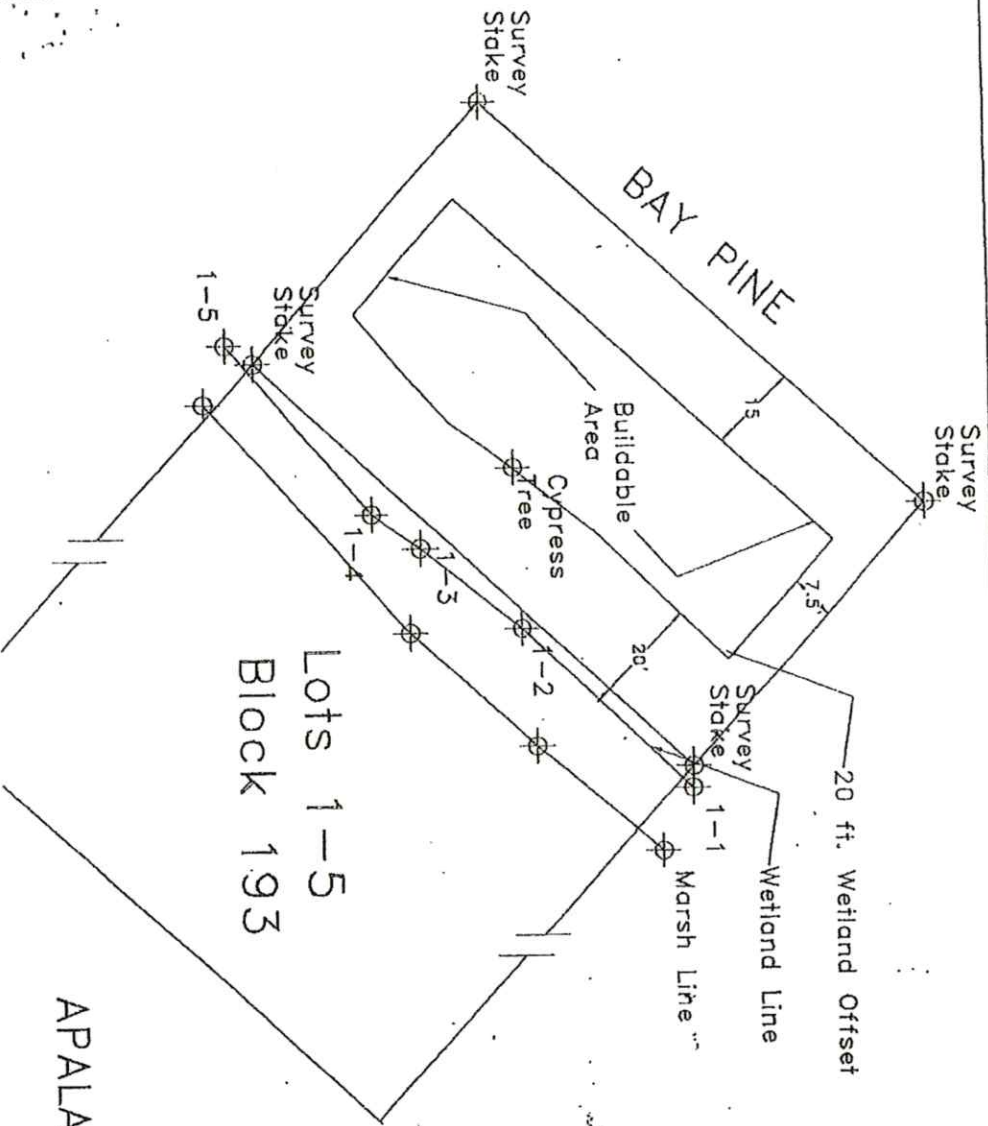
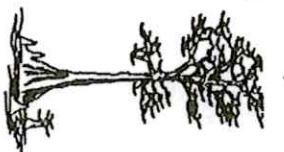
SECTION: 6 TOWNSHIP: 9 South RANG: 7 West



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT: William L. Cook
WATERBODY/CLASS: Apalachicola Bay
PURPOSE: DFA
PROJECT LOCATION / USGS: Apalachicola
LATITUDE:
LONGITUDE:
SECTION: 6 TOWNSHIP: 9 South RANGE: 7 West

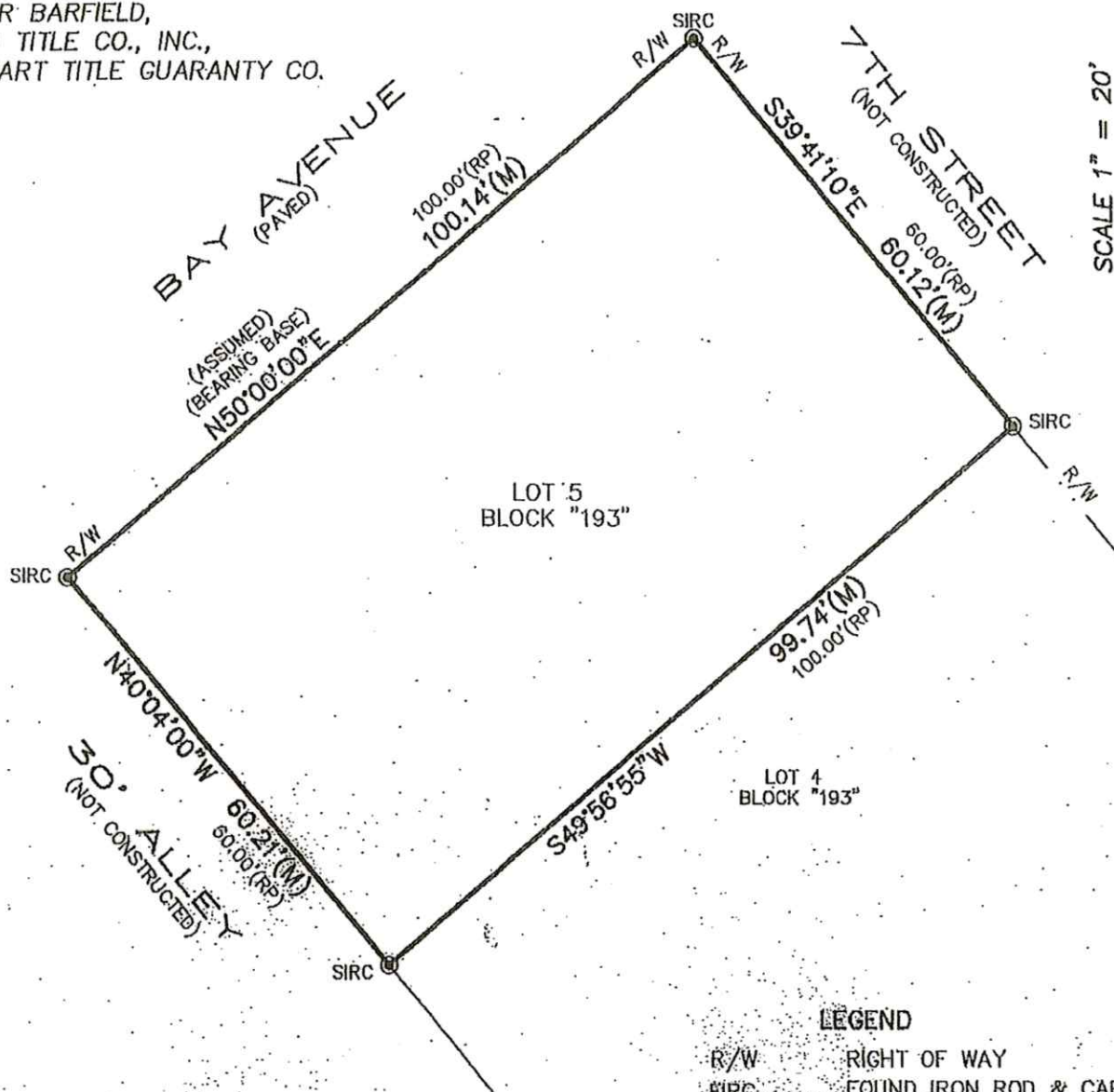
JOB: 04-211
DEP:
COE:
OTHER:
DATE: May 10, 2004
SHEET: 3/3



SCALE 1" = 30'

APALACHICOLA BAY

PLAT OF BOUNDARY SURVEY CERTIFIED TO:
 ROGER BARFIELD,
 DODD TITLE CO., INC.,
 STEWART TITLE GUARANTY CO.



SCALE 1" = 20'



LEGAL DESCRIPTION:
 Lot 5 Block 193, of the CITY of
 APALACHICOLA, as per map or plat in common
 use on file at the Clerk of the Circuit Office in
 Franklin County, Florida

LEGEND

R/W	RIGHT OF WAY
SIRC	FOUND IRON ROD & CAP
FCM	FOUND CONCRETE MONUMENT
SIRC	SET IRON ROD AND CAP #7160
---	NOT TO SCALE
△	POINT NOT SET OR FOUND
FIR	FOUND IRON ROD

NOTES:

1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Southeasterly right-of-way boundary of Bay Avenue having an assumed bearing of North 50 degrees 00 minutes 00 seconds East.
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

FLOOD ZONE INFORMATION:
 Subject property is located in
 Zone VE(EL13) as per Flood
 Insurance Rate Map Community
 Panel Number: 120089 0526E,
 Index Date: June 17, 2002,
 Franklin County, Florida.

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

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

[Signature]

THURMAN RODDENBERRY
 Surveyor and Mapper
 Florida Certificate No: 4281

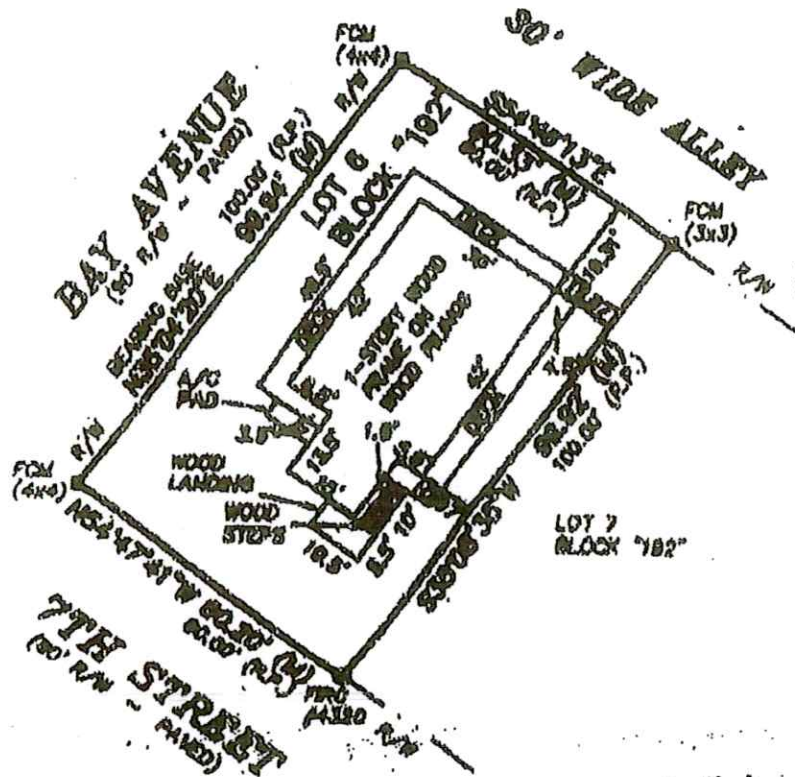
THURMAN RODDENBERRY & ASSOCIATES, INC.			
Professional Surveyors & Mappers			
LB NO 7160			
P.O. Box 100 • 125 Sheldon Street • Sopchoppy, FL 32358-0100 • (850) 962-2538			
DATE: 05/21/04	DRAWN BY: JHR	N.B. 403 pg. 52	COUNTY: FRANKLIN
FILE: 04434.DWG	DATE OF LAST FIELD WORK: 05/19/04	JOB NUMBER: 04-434	

To Julia From Rhonda
 850-652-1111 228-714-6365
 CHARTER ONE, THE BOONE CONDO

Call 850-652-1111
 CONTRACT

PLAT OF BOUNDARY SURVEY CERTIFIED TO:
 ROBERT BOONE and RHONDA BOONE,
 WASHINGTON COUNTY ABSTRACT
 FIRST AMERICAN TITLE INSURANCE COMPANY,
 UNION ONE MORTGAGE

SCALE 1" = 30'



LEGEND

LEGAL DESCRIPTION:

Lot 6, Block "192" of the CITY OF APALACHICOLA,
a subdivision as per map or plat thereof
on file at the Clerk of the Circuit Office of
Franklin County, Florida

R/W
M
R.P.
FCM
FIRC

RIGHT OF WAY
MEASURED
RECORD PLAT
FOUND CONCRETE MONUMENT
FOUND IRON ROD & CAP

NOTES:

1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: Southeastery right-of-way boundary of Bay Avenue being North 35 degrees 04 minutes 20 seconds East as per State Road Department Right-Of-Way Map
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependant upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey meets the minimum technical standards for land surveying (Chapter 610, Florida Administrative Code).

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

FLOOD ZONE INFORMATION:

Subject property is located in Zone "V11" (EL. 13) as per Flood Insurance Rate Map Community Panel No. 130000 0001B. Index date: July 20, 1988, Franklin County, Florida.

James "Thurman" Roddenberry

Professional Land Surveyor

Florida Certificate No. 4481

P.O. Box 100 • 10000 Highway 100 • Jacksonville, FL 32210 • (904) 444-2120

DATE 12/15/88 OFFICE 01/15/89 FLA. SUR. REG. 01/15/89 COUNTY FRANKLIN

TEL. 910/2000 FAX 910/2000 JTB HARRIS, JR. 200

JAMES T. RODDENBERRY
Surveyor and Mapper
Florida Certificate No. 4481

Apalachicola
Board of Adjustment Meeting May 17, 2007
6:00 P.M.


I am here on behalf of Roger and Kathleen Barfield, the owners of vacant lots 1-5 of Block 193...ie..84 Bay Avenue. At the time of purchase in 2004, they were under the impression that the variances acquired by Mr. Jenkins in 1991 and reaffirmed in 2004, applied to lots 1-5 of Block 93.

They are seeking a declaration that states the variance issued in 1991 and reaffirmed in 2004 applies to Lots 1-5 Block 193.

This variance which would effect lots 1-5 allows:

1. A 0- foot set back on Bay Avenue(a 90 foot roadway)
2. A 10 foot encroachment of the Critical Habitat Zone.

Attached you will find the minutes of the meeting issuing the variance in 1991.
Reaffirmation issued in 2004 which is recorded with the transfer of deed from Billy and Sally Cook to Roger and Kathleen Barfield.
City Map indicating property location.

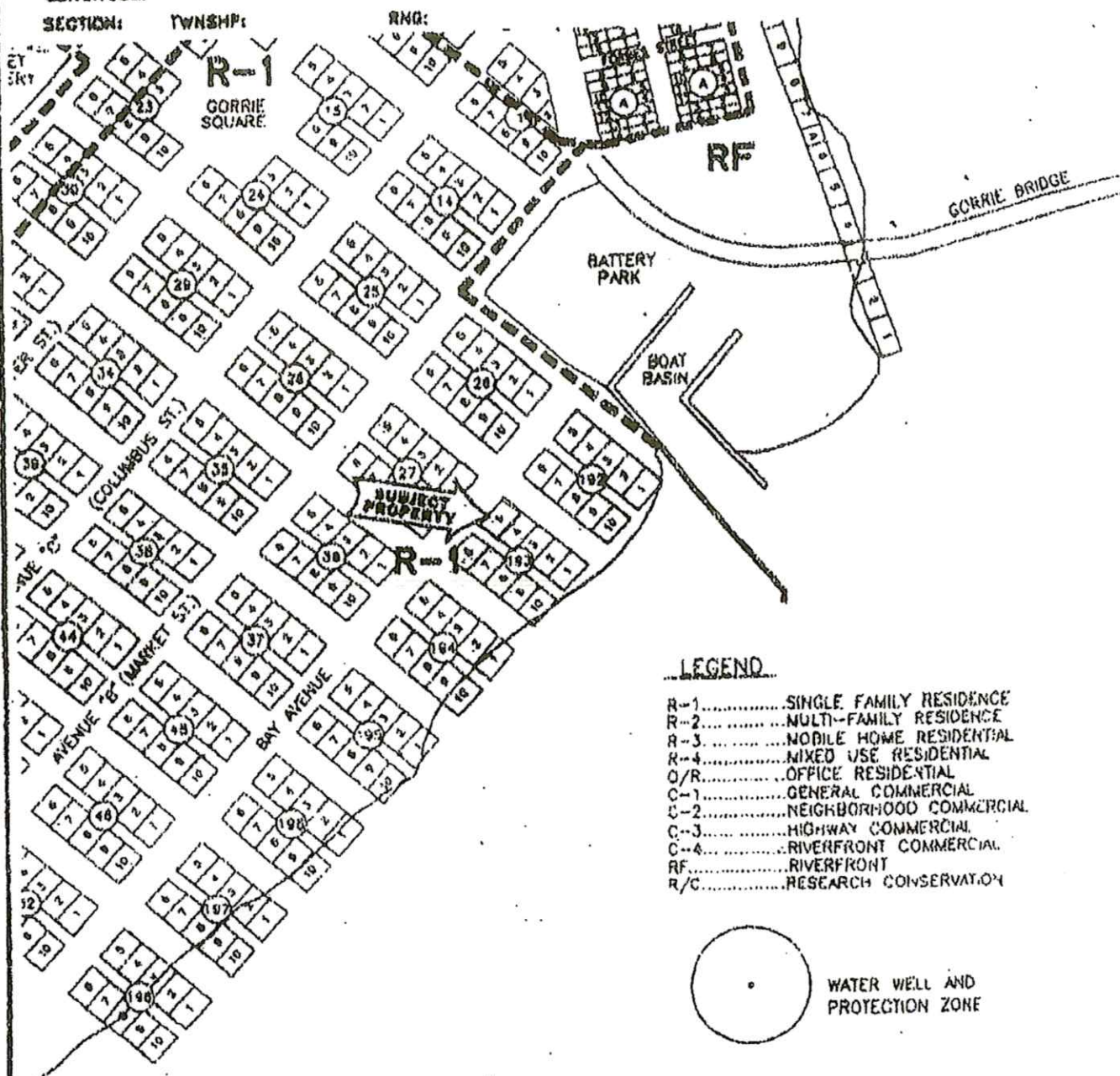


Betty Taylor Wells Note

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

APPLICANT/CLIENT:
WATERBODY/CLASS:
PURPOSE:
PROJECT LOCATION / UEGS:
LATITUDE:
LONGITUDE:

JOB:
DEP:
COE:
OTHER:
DATE:
SHEET: 1 / 3



THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN SECTION IV
OF THE LAND DEVELOPMENT CODE OF THE CITY OF APALACHICOLA
DATED: DECEMBER 3, 1991.

CITY OF APALACHICOLA

BOYD W. HOWZE, JR.
Mayor

Commissioners:
JAMES L. ELLIOTT
JOHN M. BARTLEY, SR.
VAN W. JOHNSON, SR.
ROBERT L. DAVIS



BETTY TAYLOR-WEBB
City Administrator

J. PATRICK FLOYD
City Attorney

June 23, 2004

William & Sally Cook
98 Bay Avenue
Apalachicola, Florida 32320

RE: Variance for Lots 1-10, Block 193, City of Apalachicola, Florida

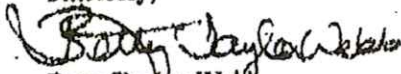
Dear Mr. and Mrs. Cook:

This is to follow-up my written statement made on page two of the attached minutes of the Apalachicola Board of Adjustment (BOA) meeting of November 15, 1991.

I have reviewed these minutes and confirm that the BOA approved a variance for the above referenced property to allow a 0-foot setback line on Bay Avenue and 8th Street and a 10-foot encroachment of the Critical Habitat Zone. I am not aware of any other minutes or actions by the BOA that would change the effect of this approved variance. Consequently, it is my belief that this approval would still be in effect.

If you have any questions or need further information, please do not hesitate to contact me.

Sincerely,


Betty Taylor-Webb
City Administrator

#1 Avenue E • Apalachicola, Florida 32320 • Phone: (850) 653-0310 • Fax: (850) 653-2205

10-4

04 JUN 2004 10:01 AM

CITY OF APALACHICOLA

BOYD W. HOWZE, JR.
Mayor

Commissioners:
JAMES L. ELLIOTT
JOHN M. BARTLEY, SR.
VAN W. JOHNSON, SR.
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City Administrator

J. PATRICK FLOYD
City Attorney

June 23, 2004

Log: 029040000 Date: 09/21/2004 Time: 11:04
Handall Made, FRANKLIN County 8:013 P:204

William & Sally Cook
98 Bay Avenue
Apalachicola, Florida 32320

RE: Variance for Lots 1-10, Block 193, City of Apalachicola, Florida

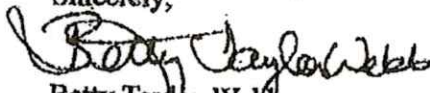
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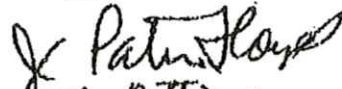
I have reviewed these minutes and confirm that the BOA approved a variance for the above referenced property to allow a 0-foot setback line on Bay Avenue and 8th Street and a 10-foot encroachment of the Critical Habitat Zone. I am not aware of any other minutes or actions by the BOA that would change the effect of this approved variance. Consequently, it is my belief that this approval would still be in effect.

If you have any questions or need further information, please do not hesitate to contact me.

Sincerely,


Betty Taylor-Webb
City Administrator

I have reviewed this letter and approve it as being correct, 6/28/04
Sincerely,


J. Patrick Floyd
City Attorney
City of Apalachicola

APALACHICOLA BOARD OF ADJUSTMENT
MEETING/PUBLIC HEARING - MINUTES

A Meeting/Public Hearing of the Apalachicola Board of Adjustment was held on Friday, November 15, 1991 at 5:00 PM in the City Commission Meeting Room at City Hall, 61 Avenue E in Apalachicola, Florida.

Members Present: Roy Solomon, Betty Buzzett, Ethel Parish, Charles Galloway, Gary Cooper

Members Absent: Barbara Holmes, O.H. Walker

Visitors Present: Ruth Schoelles, Dan Garlick, Harold Jenkins, Rebecca Jetton, Billy Cook, Elizabeth Cook

This meeting called to consider a second request for a variance for Lots 1-10, Block 193, City of Apalachicola, for the following:

1. A 0-foot setback line on Bay Avenue and 8th Street.
2. A 10-foot encroachment of the Critical Habitat Zone.

Motion to officially appoint Roy Solomon as Chairman of the Apalachicola Board of Adjustment made by Charles Galloway, seconded by Betty Buzzett.

Motion carried 5 to 0.

Voting Aye: Galloway, Parish, Cooper, Buzzett, Solomon
Voting Nay: None

Chairman Solomon explained past action of the Board in reference to this property, stating that at a July 9, 1991 meeting variance approval was given for the following:

1. Maximum 18 foot encroachment in the 20 foot Critical Shoreline setback.
2. A 5 foot encroachment from the 8th Street right-of-way.
3. A 19 foot encroachment into the front setback from the Bay Avenue right-of-way.

Mr. Solomon explained that this variance was given upon the approval of the majority vote of the three members present. However, it was later learned that as outlined in the

Apalachicola Land Development Code, a favorable vote of four members is needed to approve a variance. Further, the Department of Community Affairs appealed the Board's decision. Therefore, previous approval should be rescinded.

Motion to rescind previous variance approval as outlined by Chairman Solomon made by Ethel Parish, seconded by Charles Galloway.

Motion carried 5 to 0.

Voting Aye: Galloway, Parish, Cooper, Buzzett, Solomon

Dan Garlick, representing property owner, explained that this second variance request has been discussed with DCA Representative Rebecca Jetton and she feels the Department will not appeal this variance if approved by the Board.

Dan Garlick held discussion with the Board, answering questions and commenting on their concerns.

Betty Taylor informed the board that no response was received from the five letters sent out to adjacent property owners, stating that no response is considered a yes vote for the variance.

Chairman Solomon asked the Board for a voice vote. All members present signified an Aye response in favor of the variance request.

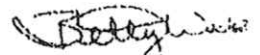
Variance granted as requested.

Meeting/Public Hearing Adjourned.

FOR THE APALACHICOLA
BOARD OF ADJUSTMENT:


Roy Solomon, Chairman

To the best of my
knowledge, this
variance as approved
is still in effect


6-21-04

QUASI-JUDICIAL RULES OF PROCEDURES

SUMMARY

Chair - CALL QJ/Public Hearing to Order

A. Order of Proceeding with Public Hearing.

1. **Proof of Notice.** Staff will advise how notice was provided. Announced at prior public meetings; posted; notice sent directly to interested parties with all attachments.
2. **Ex Parte Communications.** All Board members will have an opportunity to disclose any Ex Parte communications regarding this application.

Attny – will ask public and Pvt attorney(s) whether they have any opinion contrary to the opinion/content of the ex parte communications disclosed or questions.

3. **Enter Record of Application and Related Information.** Attny will provide a brief description of documentation being entered into the record.
 1. Application
 2. Staff Report
 3. Any other materials submitted prior for or against.

4. **Applicant's Testimony.** The Chairperson shall then call upon the applicant. The applicant shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.

A. Board members can ask questions of Applicant

B. Public or other interested parties can ask questions of Applicant

5. **Staff's Testimony.** The Chairperson shall then call upon the staff. Staff shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.

A. Board members can ask questions of Staff

B. Public or other interested parties can ask questions of Staff

6. **Private attorneys Supporting or Opposing Application.** The Chairperson shall call upon parties represented by Counsel for any comments, testimony, information and documents in support of granting the application. Must state who they represent and whether they are advocating for or against the Application.

7. **Public Testimony Supporting or Opposing Application.** The Chairperson shall then call upon the public for any comments, testimony, information and documents in support of granting the application.
 8. **Applicant's Rebuttal.** The Chairperson shall then call upon the Applicant for any rebuttal.
 9. **Staff's Rebuttal.** The Chairperson shall then call upon the staff for any rebuttal.
 10. **Private Attorney Rebuttal.** Call Upon Private Attorney Representing Parties for any rebuttal.
 11. **Public's Rebuttal.** The Chairperson shall then call upon the public for any rebuttal.
- B. **BOARD Deliberation.** The BOARD shall deliberate upon the application and testimony and other evidence of the applicant, staff and members of the public. The BOARD during deliberation may call upon the applicant, staff or members of the public to answer questions which the BOARD may have regarding the application.

Standards to be Observed

D. Evidence at the Hearing.

1. **Variance; Burden of Proof.** The burden of proof shall be upon the applicant to establish the standards required in the LDC for the granting of the requested variance have been met.
2. **True and Correct Testimony.** Testimony commonly is not under oath; however, by filing the application, preparing the comments or participating in the public hearing, the applicant, staff and members of the public certify the testimony or evidence which they give or proffer is true and correct to the best of their knowledge and belief. However, the Chairperson, in the exercise of his or her discretion, or on a majority vote of the BOARD, reserves the right to swear in any witness.
3. **Formal Rules Generally Do Not Apply.** Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. The members of the BOARD, applicant, staff or public shall be free to challenge the testimony or evidence of any party presenting the same. The BOARD shall be free to disregard testimony or evidence that it feels is without merit.
4. **Admissible Evidence.** All evidence of a type commonly relied upon by a reasonable, prudent person in the conduct of his affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state.
5. **Irrelevant, Immaterial or Unduly Repetitious Evidence.** Irrelevant, immaterial or unduly repetitious evidence shall be excluded by the Chairperson.
6. **Questions by BOARD.** Any member of the BOARD may question any person presenting evidence or testimony to the BOARD.
7. **Questions or Challenges to Evidence/Rulings.** All questions or challenges to evidence shall be presented to the Chairperson. The Chairperson may, in the exercise of his discretion, allow questions directly to the person whose testimony or evidence is being challenged. Any ruling by the Chairperson may be challenged and overturned by a majority vote of the BOARD. The BOARD may consult with the legal advisor to determine if any additional requirements must be met in order to grant or deny the application. The motion shall state the following:
 - a. The objective findings of fact, prescribed in the LDC, upon which the BOARD bases its decision;
 - b. The evidence that was relied upon in making the findings of fact. (The record at the hearing.)

- c. The motion may contain other factors which the BOARD considered in making its decision, such as, but not limited to: commencing construction without a permit, defective plans, other deficiencies, unlawful acts, or similar acts.
- d. The motion may also contain safeguards or conditions which are required to assure conformity with the ordinances and protect the public health, safety and welfare.
- e. The motion may also contain time frames within which any activity, pursuant to a LDC must be commenced and completed. A variance approval should contain an effective date and a termination date.
- f. The motion may also make the granting of the application contingent upon the applicant complying with certain conditions and safeguards.

APALACHICOLA POLICE DEPARTMENT

December 2023

More patrol this month has been near the city docks for people on docks that are restricted and the area around Ave C for speeding. We have been doing more residential patrol after several reports of unknown subjects loitering. Several owners that will be away for the holidays have requested extra patrol. We received a new police vehicle this month that will go to 603, Lt. Chet Turner. This month Sgt. Webb visited Davis Child Development and handed out treats to the children from the police department. Sgt. Smith made an arrested this month on a person that had stolen from a local business.

December 2023 Totals

Traffic Stops/ Warnings/ citations	30/5/3
Arrests/ Warrant Requests	7
Traffic Accidents	3
Burglary/Theft calls	2
Assist Citizens/ Complaints/investigations	200
Trespass Warnings/agreements	7
Business alarm calls/building checks/welfare checks	500
assist county call/other agencies	25
Assist Animal control	1
Domestic cases involving violence/disturbance calls	0
Total calls from dispatch	1000



CITY OF APALACHICOLA CODE ENFORCEMENT

192 Coach Wagoner Blvd * Apalachicola, Florida 32320 * 850-653-8222

CODE ENFORCEMENT OFFICE

November 2023

11 Tree Permits (17 trees)

3 Fence Permits

3 Sidewalk Permits

2 Sign Permits

Daily Phone Inquiries & Emails Answered

Route inspections daily

Attend monthly P&Z and City Commission meetings

Code Violation Issues:

- **Fill Dirt (2)**
- **Short-term Rentals (2) – residential**
- **Sidewalk Violations – (2)**
- **RV – (5)**
- **Nuisance (Trash, waste, burning, etc.) (1)**
- **Sign violations (3)**
- **Temporary Storage Units ("PODS") – (3)**

Began process of file organization for short-term rentals in commercial zones to ensure they are in compliance.

Continued to work with City Staff to organize building dept systems.

Date	Type	Permit #	Address		Permit Fee		Applicant	
11/17/2023	Fence	23AP-F002	296 24th A	Fence - Ne	\$75.00	Pamela Erwin	John Clifton Butler, II	
11/17/2023	Fence	23AP-F003	59 Comme	Fence - Ne	\$50.00	Pamela Erwin	River's Edge Apalachicola, LLC	
11/17/2023	Fence	23AP-F003	152 Sawye	Fence - Ne	\$50.00	Pamela Erwin	Jonathan Creamer	
11/17/2023	Fence	23AP-F003	152 Sawye	Fence - Ne	\$25.00	Pamela Erwin	Jonathan Creamer	
11/13/2023	Business Si	23AP-BS00	75 Market	Sidewalk Fe	\$200.00	Pamela Erwin	Kirk C. Lynch	
11/7/2023	Business Si	23AP-BS00	16 Ave D	Sidewalk Fe	\$200.00	Pamela Erwin	Debbie Poloronis	
11/2/2023	Business Si	23AP-BS00	73 Market	Sidewalk Fe	\$200.00	Pamela Erwin	Go Fish Clothing & Jewelry	
11/22/2023	Sign	23AP-S000	117 Marke	Sign Permi	\$50.00	Pamela Erwin	Brenda Elliott	
11/22/2023	Sign	23AP-S000	117 Marke	Sign Permi	\$38.50	Pamela Erwin	Brenda Elliott	
11/22/2023	Tree	23AP-T007	93 22nd Av	Tree App F	\$50.00	Pamela Erwin	Sandra Cole	
11/20/2023	Tree	23AP-T005	102 15th St	Tree App F	\$50.00	Pamela Erwin	Mary Duncan	
11/6/2023	Tree	23AP-T006	161 Bay Co	Tree App F	\$50.00	Pamela Erwin	Sam Gilbert	
11/22/2023	Tree	23AP-T007	93 22nd Av	Tree Refor	\$50.00	Pamela Erwin	Sandra Cole	
11/20/2023	Tree	23AP-T005	102 15th St	Tree Refor	\$35.00	Pamela Erwin	Mary Duncan	
11/6/2023	Tree	23AP-T006	161 Bay Co	Tree Refor	\$25.00	Pamela Erwin	Sam Gilbert	
				Total Fees	\$1,148.50			

Permit Number	Permit Type	Property Address	Application Date	Permit Issuance Date	Issued By	Permit Status	Description of Work	Application Acceptance Date
23AP-BS0006	Business Sidewalk Permit	73 Market Street, Apalachicola, FL 32320	11/02/2023	11/02/2023	Pamela Erwin	Completed	sidewalk permit	11/02/2023
23AP-BS0007	Business Sidewalk Permit	16 Ave D, Apalachicola, FL 32320	11/07/2023	11/07/2023	Pamela Erwin	Completed	sidewalk permit for The Shop	11/07/2023
23AP-BS0008	Business Sidewalk Permit	75 Market St., Apalachicola, FL 32320	11/13/2023	11/13/2023	Pamela Erwin	Completed	sidewalk permit	11/13/2023
23AP-F0029	Fence	296 24th Avenue, Apalachicola, FL 32320	11/17/2023	11/17/2023	Pamela Erwin	In Progress	fence installation	11/17/2023
23AP-F0030	Fence	59 Commerce St., Apalachicola, FL 32320	11/17/2023	11/17/2023	Pamela Erwin	In Progress	install fence	11/17/2023
23AP-F0031	Fence	152 Sawyer Lane, Apalachicola, FL 32320	11/17/2023	11/17/2023	Pamela Erwin	In Progress	fence installation	11/17/2023
23AP-S0004	Sign	93 Market Street, Apalachicola, FL 32320	11/08/2023	11/08/2023	Pamela Erwin	Completed	replacement of existing sign	11/08/2023
23AP-S0006	Sign	117 Market Street, Apalachicola, FL 32320	11/22/2023	11/22/2023	Pamela Erwin	Completed	install sign	11/22/2023
23AP-T0063	Tree	161 Bay Colony Way, Apalachicola, FL 32320	11/06/2023	11/06/2023	Pamela Erwin	In Progress	removal of neighbor's water oak tree Sam Gilbert's address: 153 Bay Colony Way	11/06/2023
23AP-T0059	Tree	102 15th Street, Apalachicola, FL 32320	10/31/2023	11/20/2023	Pamela Erwin	In Progress	removal of tree in fence (adjacent property owner's tree)	10/31/2023
23AP-T0073	Tree	93 22nd Ave., Apalachicola, FL 32320	11/22/2023	11/22/2023	Pamela Erwin	Completed	remove two diseased pine trees	11/22/2023
23AP-T0064	Tree (City)	12th and Ave H, Apalachicola, FL 32320	11/14/2023	11/14/2023	Pamela Erwin	In Progress	two patriarch live oaks in City ROW	11/14/2023
23AP-T0066	Tree (City)	123 8th Street, Apalachicola, FL 32320	11/17/2023	11/17/2023	Pamela Erwin	Completed	remove tree in alley	11/17/2023
23AP-T0067	Tree (City)	92 Avenue E, Apalachicola, FL 32320	11/17/2023	11/17/2023	Pamela Erwin	Completed	removal of palm tree	11/17/2023
23AP-T0068	Tree (City)	58 4th St ROW, Apalachicola, FL 32320	11/17/2023	11/17/2023	Pamela Erwin	Completed	removal of palm tree	11/17/2023
23AP-T0069	Tree (City)	72 13th Street ALLEY, Apalachicola, FL 32320	11/17/2023	11/17/2023	Pamela Erwin	Completed	removal of wateroak and pecan tree	11/17/2023
23AP-T0070	Tree (City)	201 14th St ROW, Apalachicola, FL 32320	11/17/2023	11/17/2023	Pamela Erwin	Completed	remove three slash pines	11/17/2023
23AP-T0071	Tree (City)	113 8th Street, Apalachicola, FL 32320	11/17/2023	11/17/2023	Pamela Erwin	Completed	removal of 6 palm trees	11/17/2023

City of Apalachicola WWTP

Monthly Report for December 2023

During the month of December 2023, the City of Apalachicola continued to seek another licensed operator to work at the WWTP. We have hired an individual to fill the operator trainee position. This employee will start January 2nd, 2024. Some of the items that we have been working on this month are listed below.

- Recorded all required daily parameters as outlined by the permit.
- Completed all required monthly testing as outlined by the permit.
- Completed all monthly reports and submitted them on time as outlined in the permit.
- At the time this report was made, the WWTP treated and discharged 8.723mg during the month of December 2023. This still leaves 10 more days in the month for extra flow to be accounted for.
- We did not have to use our reject pond during the month of November.
- Staff have continued to keep the grounds cut and presentable at the WWTP. Inmates have been weed eating on the property.
- Staff have continued to work in the spray fields using the mulcher and the bush hog as well.
- Public Works staff assisted in the removal of a mixer from SBR basin 2. The mixer had to be taken to AAG Electric to have the unit rebuilt.
- Staff have replaced the level transducer and high-level sensor float switch in one of the Aqua Aerobics disk filters and still have the unit not working automatically. Currently, staff are waiting to have a technician arrive on site to trouble shoot and repair, if possible, in one visit.
- The service truck for the WWTP has been ordered and we are awaiting its build and delivery.
- The bush hog attachment for the skid steer has been delivered.
- Blower #1 had to have the belts tightened.
- Staff met with engineers to discuss plans for the design and equipment selections for the new WWTF.
- Staff worked diligently to maintain quality effluent during heavy periods of rainfall that created heavy loadings at the plant.
- Staff have assisted field personnel in making some repairs and installations of new services while the field crew is short-staffed.
- Staff have continued to make roadways and monitoring wells accessible in and around the spray fields.

CITY OF APALACHICOLA
CITY CLERK MONTHLY REPORT
DECEMBER 2023

- Utility bills have been processed and mailed with postmark date of December 29, 2023.
- Payroll was processed for two pay periods.
- Prepared December Commission minutes. Prepared January agenda packet and emailed to Commission and City Attorney.
- Notified 2K Web Group to upload January agenda packet and November minutes to website.
- Staff assisted customers with cemetery items, utility bill questions and payments, garbage/yard trash complaints, permitting issues, City property rentals, and other miscellaneous duties.
- Completed tasks as assigned by the City Manager/Commission.
- Issued and processed golf cart permits.
- Issued and processed Business Licenses.
- Issued and processed Battery Park boat launch applications and permits.
- Mailed monthly general billing.
- Human Resources Duties – Onboarded new employees Barbara McNair (Part-Time Library Assistant) and Michael Allen (Water & Sewer Field Crew).
- Completed 1 public records request.
- Provided 2K Group with 2024 meeting dates for City Commission, Library Board, Tree Committee, and Parks & Recreation Committee to be posted on website calendar.
- Provided 2K Group with 2024 holiday closures to be posted on website calendar.
- Assisted Staff with various duties and projects.
- In the process of scanning all committee minutes so all committee minutes can be uploaded to website.

APALACHICOLA VOLUNTEER FIRE/RESCUE

Jan-23- Dec-2

MONTHLY REPORT

1. Accidents 17
 2. Lift Assists EMS 162
 3. Bi-Monthly Meetings 24
 4. Brush Fires 6
 5. House Fires 15
 6. Vehicle Fires 1

7. Gas Leaks 1
 8. Life Flight 17
 9. Search/Rescue
 10. Training 12
 11. Transformer Fires
 12. Vessel Fires 1

Total calls

255

Total 1st Response

336

Firefighter Attendance

1. George Watkins
 2. Fonda Davis
 3. Ginger Creamer
 4. Albert Floyd
 5. Rhett Butler
 6. Bruce Hoffman
 7. Palmer Chilyaw
 8.
 9.
 10. Hernandez

11.
 12. Avery Scott
 13.
 14.
 15. Anthony Croom
 16.
 17. Ricky Linton
 18. Shannon Segree
 19. Adam Joseph
 20. Craig Gibson

Additional Notes:

Recorded by: Date:

APALACHICOLA VOLUNTEER FIRE/RESCUE

Nov 23
21 calls

MONTHLY REPORT

DATE _____

1. Accidents	<u>1</u>	7. Gas Leaks	_____
2. Lift Assists EMS	<u>11</u>	8. Life Flight	<u>2</u>
3. Bi-Monthly Meetings	<u>2</u>	9. Search/Rescue	_____
4. Brush Fires	_____	10. Training	<u>2</u>
5. House Fires	<u>3</u>	11. Transformer Fires	_____
6. Vehicle Fires	_____	12. Vessel Fires	_____

1st Responder Calls 34

Firefighter Attendance

1. George Watkins	<u>5</u>	11.	_____
2. Fonda Davis	<u>4</u>	12. Avery Scott	<u>6</u>
3. Ginger Creamer	<u>17</u>	13.	_____
4. Albert Floyd	<u>5</u>	14.	_____
5. Rhett Butler	<u>3</u>	15. Anthony Croom	<u>3</u>
6. Bruce Hoffman	<u>12</u>	16. Amy Cabrrera	<u>11</u>
7. Palmer Philyaw	<u>—</u>	17. Ricky Linton	<u>3</u>
8.	<u>—</u>	18. Shannon Segree	<u>11</u>
9. Troy Segree	<u>13</u>	19. Adam Joseph	<u>8</u>
10. Rick Hernandez	<u>1</u>	20. Craig Gibson	<u>4</u>

Additional Notes:

Recorded by: (Signature)

Date: _____

APALACHICOLA VOLUNTEER FIRE/RESCUE

Dec 23
24 calls

MONTHLY REPORT

DATE _____

1. Accidents	<u>1</u>	7. Gas Leaks	_____
2. Lift Assists EMS	<u>20</u>	8. Life Flight	<u>1</u>
3. Bi-Monthly Meetings	<u>2</u>	9. Search/Rescue	_____
4. Brush Fires	_____	10. Training	_____
5. House Fires	_____	11. Transformer Fires	_____
6. Vehicle Fires	_____	12. Vessel Fires	_____

1st Responder calls 28

Firefighter Attendance

1. George Watkins	<u>4</u>	11.	_____
2. Fonda Davis	<u>4</u>	12. Avery Scott	<u>2</u>
3. Ginger Creamer	<u>19</u>	13.	_____
4. Albert Floyd	<u>4</u>	14.	_____
5. Rhett Butler	<u>2</u>	15. Anthony Croom	<u>2</u>
6. Bruce Hoffman	<u>5</u>	16. Amy Cabrera	<u>3</u>
7. Palmer Philyaw	<u>1</u>	17. Ricky Linton	<u>2</u>
8.	_____	18. Shannon Segree	<u>9</u>
9. Troy Segree	<u>16</u>	19. Adam Joseph	<u>7</u>
10. Rick Hernandez	<u>—</u>	20. Craig Gibson	<u>5</u>

Additional Notes:

Recorded by: _____

Date: _____

Monthly Report for the Apalachicola Margaret Key Public Library December 2023

Statistics:

- 1,676 patrons visited our library this month - 12 new accounts opened
- 255 patrons used our computers - 94 hours donated by our wonderful volunteers
- 497 books/movies/audiobooks circulated - 647 items donated to the library
- \$408.85 collected as library revenue -14,988 people reached on FB & Instagram

In our final month of the year, we enjoyed a festive December full of activities for the holidays! From attending events and sharing pictures, to bringing in non-perishable food items for local families, the community came out with enthusiasm to the library this month. The library has continued to collect non-perishable food items, in a need-one, take-one, have-one, give-one model. It has been great to see the generosity of others. Many visitors have benefited, and we have been happy to offer this during the holiday season.

The Adult Book Club met this month, enjoying its regular third Wednesday meet, plus a holiday party to continue the fellowship! Yoga for adults meets Mondays at 6:15 in the by-donation class with instructor Kathy Jansen. It's great to see the class size hold steady, even during all the commitments the holidays can bring. In January, Pilates will be offered on Fridays, so that visitors will have two evenings to focus on their health and wellness. A very special Hanukkah program was led by Apalachicola Times Editor David Adlerstein for both adults and young adults to learn more about the traditions of the holiday. Attendees watched the lighting of the menorah celebrating the first night of Hanukkah, and delighted in authentic latkes and chocolate gelt. Thank you to Gormley's Catering for the latkes, to Jody Rosenbaum for bringing a menorah, Leslie McWilliams for Hanukkah handouts, and especially to David, who spoke at length, and answered so many questions for us.

The library continued to feature a menorah this month, along with our lovely Christmas tree, wreaths, and lights around the building. Thank you to volunteers Richard Lenhart, Connie Justice, Celia Winterringer, and Donna Grzelak for decorating the library to make it especially welcoming this month. The Franklin County Sheriff's Office also assisted us, allowing Santa (and the Grinch!) to visit with kids. The interactions were priceless. Helper elves, Bonnie Stewart, Bonnie Lewis, and Connie Justice also lent festive cheer. Many thanks to all!

Young adults met for their Book Club, with kids 13 and under meeting at 3:45 and Teens 13+ meeting at 4:30 on the first Wednesday of the month. Besides great discussions, both groups snacked on pizza and special Christmas cupcakes, and received free copies of the December Club books. The library sponsors these clubs in partnership with Bring Me A Book Franklin, which hosts its own Lunch Bunch Book Club for homeschoolers on Tuesdays at 12 and continues to host Books for Babies for kids ages 2-5 on Tuesdays at 10:30.

Older students continue to have the opportunity to receive free tutoring during Homework Help time on Tuesdays and Thursdays beginning at 2:30. Volunteers can offer help with any subject for any grade, K-12. We will continue to offer this service through the new year. Seasonal craft times were popular this month, with volunteers Connie Justice and Elly Bissen helping families decorate ornaments. During the week before Christmas, craft times and snacks were offered Monday, Wednesday, and Friday, with stories and snacks offered on Tuesday and Thursday. Holiday fun every day! What a gift to see such joy.

Library hours are 10am to 6pm Monday - Friday and Sundays from 12pm to 4pm. We help with reading, writing, and learning; as well as a suite of print/copy/scan/fax/and notary services. We loan books, movies, puzzles, and items from our Library of Things. We also offer audio books, digital magazines, e-books, language learning, & streaming service for TV shows and movies.

Happy January!

Isel Sánchez-Whiteley & Barbara 'Nissie' McNair, Library Assistants
Lucy Carter, Library Director