



Planning & Zoning Agenda

August 10th, 2026

Regular Meeting 6:00 P.M.

CITY OF APALACHICOLA
PLANNING AND ZONING BOARD
REGULAR MEETING

Monday, August 10th, 2026

City Meeting Room – 74 6th Street

Agenda

Regular Meeting: 6:00 PM

1. Approval of July 13th, 2026 regular meeting minutes.
2. Review, Discussion and Decision for Fence. **(R-2) @ 164 13th Street**. Block 139 Lot 2. Owner: Jeannie Walker; Contractor: Self.
3. Review, Discussion and Decision for Certificate of Appropriateness & Fence. **(R-1) @ 110 14th Street**. Block 93 Lot 3. Owners: Mark McVey and Carol Cavallrao; Contractor: Big Scrimpin’.
4. Review, Discussion and Decision for Accessory Structure. **(R-2) @ 197 14th Street**. Block 140 Lots 6-7. Owners: Michael and Constance Sams; Contractor: WaterLife Pools.
5. Review, Discussion and Decision for New Construction (Residential). **(R-2) 300 24th Avenue**. Block 229 Lots 9-10. Owner: Keturah Washington; Contractor: Byrdson Services.
6. Review, Discussion and Decision for Parking Plan & Sidewalk Seating Layout. **(C-1) @ 25 Avenue D**. Part of Block E-2 Lots 1-3. Owner: Star Step Capital Florida Properties LLC.; Contractor: N/A.
7. Review, Discussion and Decision for Certificate of Appropriateness. **(RF) @ 125 Water Street**. Wharf Lots 15-16. Owner: Apalachicola Ventures LLC.; Contractor: GeoFlora Group LLC.

8. Review, Discussion and Decision for New Construction (Non-Residential). **(C-4)**

@ 01-09S-08W-8330-0000-0011. Block M Lots 1-3, 18-20, Part of Lots 4 and 17.

Owner: City of Apalachicola; Contractor: Arris General Contractors.

Other/New Business:

1. P&Z Board Member Feedback Questionnaire.

Outstanding/Unresolved Issues:

Motion to adjourn the meeting.



July 13th
Meeting Minutes

CITY OF APALACHICOLA
PLANNING AND ZONING BOARD
REGULAR MEETING

Monday, July 13th, 2026

City Meeting Room – 74 6th Street

Minutes

Attendance: Joe Taylor, Jim Bachrach, Lee McLemore, Myrtis Wynn, Elizabeth Milliken, Greg Golgowski, Ashley Leonard, alternate (*non-voting*)

Regular Meeting: 6:00 PM

1. Approval of June 8th, 2026 regular meeting minutes.
 - a. Motion to approve by Jim Bachrach; 2nd by Greg Golgowski – all in favor, motion carried.
2. Review, Discussion and Decision for Accessory Structure. (R-1) @ 27 Myrtle Avenue. Neels Addition Block 8 Lot 16. Owners: Al and Donna Ingle; Contractor: Self.
 - a. Al Ingle, Owner – Present. Explained the difference between the required front yard inside versus outside the Historic District
 - b. Greg Golgowski asked whether the two existing structures in this area of the property will be replaced with the new construction. Owner did not clearly confirm whether these structures would stay or be removed.
 - c. Motion to approve by Jim Bacahrach; 2nd by Lee McLemore – all in favor, motion carried.
3. Review, Discussion and Decision for Fence. (R-1) @ 226 Center Street. Neels Addition Block 8 Lot 5 less south 76'. Owner: Emily Spear; Contractor: Self / TBD.
 - a. Emily Spear, Owner – Not present.
 - b. Motion to approve on the condition that any fencing running past the front façade of the house must not exceed 4' in height and must use the same material as the existing fence by Greg Golgowski; 2nd by Jim Bachrach – all in favor, motion carried.

4. Review, Discussion and Decision for Fence. **(R-2) @ 224 17th Street**. Block 123 Lot. Owner: Carolina Narine; Contractor: Big Scrimpin'.
 - a. Owner, Carolina Narine – Present. No comment or questions for the Board. Contractor also present, no comment or questions for the Board.
 - b. Motion to approve by Jim Bachrach; 2nd by Lee McLemore – all in favor, motion carried.
5. Review, Discussion and Decision for New Construction (Residential). **(R-2) @ 228 17th Street**. Block 123 Lot 5. Owner: RG Building and Framing Inc.; Contractor: Self.
 - a. Contractor – Present. Greg Golgowksi asked if it would be possible to keep the 20” pine in the front center of the lot by modification of the site plan. Contractor confirmed it was not possible but explained that new trees may be replanted to replace those removed.
 - b. Motion to approve by Myrtis Wynn; 2nd by Jim Bachrach – all in favor, motion carried.
6. Review, Discussion and Decision for Certificate of Appropriateness and Parking Plan. **(C-1) @ 155 Commerce Street**. Block G-1 Lots 12-13. Owner: Waddell Family Apalachicola Historical Preservation Society Inc.; Contractor: Galloway Construction Inc.

CERTIFICATE OF APPROPRIATENESS

- a. Jim Waddell, Representative – Present. Stated that, historically, the awnings covered the entire sidewalk. The columns currently proposed are in the middle of the sidewalk. The intent is to revise the elevation to show the column placed on the edge of the sidewalk. The encroachment would be from the back of the curb to the property line, covering the columns and the awning overhang entirely. This was not pursued further with the City Commission at the July 7th meeting, as the elevation needs to be revised.
 - i. Greg Golgowski stated that the Code objects to obstructions in the sidewalk, and that many buildings in Apalachicola have a very similar overhang.

- b. Greg Golgowski also asked how much of the original structure would be retained, as it is in very bad shape currently. Representative stated that the corrugated metal siding from the original building will be reused for the exterior of the new building. Additionally, the line, grade, walls, and finished floor elevation will be retained. However, much of the existing structure is not built to current Code standards and will have to be redone accordingly. The finished structure will look like the old building, especially the front elevation facing Commerce Street.
- c. City Attorney summarized discussion and decision from the July 7th City Commission meeting. The canopy shown on the submitted elevations can be reviewed and approved for a Certificate of Appropriateness. The City Commission will provide final approval or denial for the encroachment over the sidewalk.
- d. Motion to approve the certificate of appropriateness by Greg Golgowski; 2nd by Lee McLemore – all in favor, motion carried.

PARKING PLAN

- e. Jim Waddell, Representative. Summarized the changes to the submitted material following the June 8th Board meeting. 20 total spaces will be required for the interior and exterior of the building. The previous request was for 19. He also discussed the impact of the historic and current landscape on parking in Apalachicola. Right-of-way widths on the original City plat from the 1800s are incredibly wide considering the lack of automobiles at that time. Today it would be nearly impossible to provide off-street parking on narrow 30' wide lots. Parking for lots like these must be on the street itself or on other property. Very few or none of the buildings downtown have enough parking to support the current use. For example, the parking spaces in front of buildings are intended for the residential use on the second floor. The commercial use on the ground floor relies on other street parking. Additionally, though Commerce Street is narrow and lacks a sidewalk, it may be possible to utilize parallel parking on both sides of the street depending on how the width of the

travel lanes is measured. Lastly, the vacant lot adjacent to the subject lots cannot be utilized for parking as the Owners have a different plan for it.

- f. City Attorney discussed the examples of the Gibson Inn and the Yacht Club. The subject lots together have 60' of frontage on the street and therefore can claim three on-street parking spaces. In the case of the above examples, on-street parking adjacent to the applicant's property was allowed to be claimed/utilized for the parking plan. The historic structure parking waiver accounts for up to 8 additional spaces. Any remaining spaces can be paid for in accordance with Sec. 111-294 parking mitigation. Lastly, he noted it is not the fault of the applicant that the street is narrow.
- g. Elizabeth Milliken asked about the two new parking lots proposed for this area. Neither the City Attorney nor the Planner could provide additional details.
 - i. Jim Bachrach asked if either of those two parking lots existed today, would there be any issue approving the parking plan as proposed? City Planner stated that as they are within 500 ft. of the subject property, so potentially no, there would not be an issue. City Attorney added there may be an issue with double-counting parking spaces for multiple different businesses in the same parking lot, especially if the parking lot in question is publicly, not privately, owned. At the same time, the parking available in these lots is not used all the time by every business in a given area. He also stated that though there is certainly room for improvement in the existing parking regulations, the City must interpret and enforce them as written.
- 1. Lee McLemore noted that this is a very underutilized area of the City, and there is a lot of empty space accordingly. The existing parking lot is almost never full, except during holidays or other special events. The commercial district

should be drawn back to that area, to improve the local tax base.

- ii. City Attorney stated that a business cannot claim City parking without paying parking mitigation. The only way around this would be to make an agreement with the City, wherein a portion of the City's parking lot is dedicated to that specific business. He clarified that the Board will approve the parking plan, and the City Commission will decide on the historic structure parking waiver.
- h. Representative stated that he isn't confident that the historic structure parking waiver will be approved. As a result, and to make sure the grant deadline is met, he is willing to reduce the total number of required spaces from 20 to 12. All of the exterior tables and chairs will be removed, and the number of staff working on shift will also be reduced by half. Between the three spaces immediately adjacent to the property and the historic structure parking waiver, the remaining spaces will be accounted for with paid mitigation. The Owner can reapply in the future for additional exterior tables and chairs. Representative stated that he is willing to do so because the intent behind this project is not to make money with this business, but to preserve the legacy of his family which built the waterfront district.
 - i. The City Attorney stated that the City's parking regulations have put the Board in this position of requiring applicants to reduce the number of tables/chairs, or else pay into the mitigation fund. Unless this project is different from others (i.e., the Gibson Inn or the Yacht Club), the Board should not hold it to a different standard or make concessions which were not given to past projects.
 - 1. Lee McLemore asked who these parking lots are being built for, if not for local businesses to use. City Attorney stated that if the City grants the historic structure parking waiver to a maximum of 8 spaces, it is as if those spaces no longer exist. Instead, those future customers will park in the City

parking lots. Parking mitigation dollars are further used to build and maintain City parking lots.

- i. Joe Taylor asked for confirmation that the Owner can request to amend the parking plan in the future for additional outdoor tables and seating.
 - i. City Attorney confirmed this is possible, and summarized the modified parking plan as follows:
 - 1. 3 spaces on Commerce Street (60' of street frontage; 20' = 1 parking space).
 - 2. Up to 8 spaces waived using the historic structure parking waiver.
 - 3. All remaining spaces addressed with paid parking mitigation.

The total number of spaces requested is 12.

- j. Greg Golgowski asked why the existing street parking on Commerce Street cannot be utilized. Joe Taylor stated that the Board must follow established past precedent.
- k. Motion to approve a parking plan for 12 spaces as described above in (i)(i), and to support positive consideration for the issuance of the historic structure parking waiver by the City Commission by Jim Bachrach; 2nd by Elizabeth Milliken – all favor, motion carried.

Other/New Business:

1. Overview of current stormwater management requirements and permitting process.

- a. Planner summarized the prepared agenda item and asked for comments or feedback from the Board.
- b. Joe Taylor stated one common problem is that fill has already been placed on the property before it comes to the Board. Additionally, he noted that in the past there have been issues with neighbors and flooding, prompting the Board to require the submission of engineered stormwater plans. In complex situations like these, there should be a clear option for the Board to request engineered stormwater plans.

- c. City Attorney stated that in the past during disputes, no one has been required to submit a plan up to the standards of NFWFMD, for example. Depending on the best management practice chosen for the site, different levels of engineering and technical expertise must be utilized. He further stated that single-family lot owners cannot be expected to treat stormwater runoff from neighbor's properties or adjacent roads.
 - i. Joe Taylor clarified that there are certain elements on certain lots that the Board does not have the technical capacity to review.
 - ii. City Attorney stated that in such cases engineered stormwater documents can be requested for review by the City's engineer.
- d. Dennis Winterringer, Attendee. Commented on existing issues in the City's permitting process: the involvement of other external reviewers is not easily verified, and accordingly it is difficult to know whether steps or tasks outlined in the Land Development Code are completed properly. For example, the Building Inspector may review only for compliance with the Florida Building Code and not necessarily the fill and lot grading requirements of the City's Code. Finally, he noted that it is the Board's responsibility to determine which BMP is best for a specific piece of property based on the existing and proposed environmental conditions.
- e. Elizabeth Milliken stated that there are numerous historic streams around Apalachicola; these areas would never have been considered buildable in the past. However, these are the only remaining lots yet to be developed. Neighbors adjacent to these lots experience flooding problems when they are eventually improved.
 - i. City Attorney stated that in the past property owners simply filled in their lots without any permits.
 - ii. Lee McLemore commented that many properties in the Apalachicola area were filled with oyster shells.
- f. Alexandria (76 Avenue G), Attendee. Commented that she lives in a historic home surrounded by other historic homes. The property across the street is essentially surrounded by a moat after it rains. These property

owners intend to fill in their lot to fix this flooding problem, which in turn has created tension with other adjacent property owners. She stated that those who can afford to fix their flooding problems can and will; in the process this creates new problems for others who have to pay for a solution of their own.

- i. Joe Taylor added that the City has submitted a series of grant applications to address stormwater problems. While it may take time to benefit from these applications, this demonstrates the City is aware of the problem and actively working on it.
- g. City Attorney and Planner summarized the potential issue created by SB 180's prohibition against changes to the Land Development Code or Comprehensive Plan which may be considered more restrictive or burdensome to property owners.
- h. Greg Golgowski requested that the Planner prepare a pamphlet or handout summarizing the City's stormwater requirements which might be posted on the City's website as a resource for developers and property owners.
- i. The Board requests that the City Commission consider allowing the Board to conduct a workshop on the topic of clarifying the existing stormwater requirements in the Land Development Code.

2. Appointment of a new Chair from the full-time members.

- a. Joe Taylor expressed desire for the new Chair to gain experience running the meetings before the longest serving Board members leave in the coming months.
- b. Jim Bachrach, the current Vice Chair, stated that he has served as Chair twice in the past, and has served on the Board for more than eight years. He is not interested in serving as Chair again.
- c. City Attorney explained that the role of the Chair is largely to facilitate meetings. The Chair typically does not make motions and shares input at the end of any discussion amongst the other members.

- d. Lee McLemore stated that Greg Golgowski always comes to prepared to the Board's meeting.
- e. Christopher Aitken (76 Avenue G), Attendee. Commented that he applied to serve on the Board and wanted to see how the meetings are run.
- f. Motion to appoint Greg Golgowski as the new Chair of the Planning and Zoning Board by Jim Bachrach; 2nd by Elizabeth Milliken – all in favor, motion carried.

3. Workshop to discuss revisions to the current commercial parking requirements.

- a. In light of the above discussion concerning the parking plan for 155 Commerce Street, the Board requests that the City Commission consider allowing the Board to conduct a workshop on this topic.

Outstanding/Unresolved Issues:

- 1. Attorney update on P&Z Board term length and composition issue following June 16th City Commission workshop.
 - a. The amendment to the existing ordinance will eliminate the school board member. The board will have seven members, and one alternate member. Members will be able to serve two consecutive four-year terms. After two years off, the member can be nominated to serve again.
 - b. The City Commission will review a draft of this ordinance in August. This will not be considered the first reading of the ordinance; the ordinance will not go into effect until later this year.

Motion to adjourn the meeting by Lee McLemore; 2nd by Jim

Bachrach. All in favor – meeting adjourned at 8:03 PM.



Fence

164 13th Street



City of Apalachicola Planning & Zoning
Application for Development/Site Plan Approval

Official Use Only

Date Received: _____
Meeting Date: _____
Fees Due: _____
Date Fees Paid: _____

OWNER INFORMATION

Owner Jeannie Walker
Address 164 13th Street
City Apalachicola State FL Zip 32320
Phone 770 596-5947

CONTRACTOR INFORMATION

Contractor Name _____
State License # _____ City License # _____
Email _____
Phone _____

PROJECT TYPE

- | | |
|--|---|
| ☐ New Construction | ☒ Fence |
| ☐ Addition | ☐ Accessory Structure |
| ☐ Alteration/Renovation | ☐ Certificate of Appropriateness |
| ☐ Relocation | ☐ Other _____ |
| ☐ Demolition | |

PROPERTY INFORMATION

Street Address (911 Address): 164 13th Street
City & State: Apalachicola Zip: FL 32320
Parcel ID #: 01-095-08W-8330-039-0020 Block: 139 Lot: 2
Zoning District: _____ [] Historic District [X] Non-Historic District
FEMA Flood Zone: _____

OFFICIAL USE ONLY

Certificate of Appropriateness Required? Y / N
Setback Requirements of Property:
Front: _____ Rear: _____ Side: _____
Corner Lot? Y / N Street Sides: _____
Lot Coverage: _____

STAFF NOTES/RECOMMENDATIONS:

This development request has been approved for a Certificate of Appropriateness (if applicable), zoning, land use, and development review by the City of Apalachicola Planning & Zoning Board and a building permit is authorized to be issued.

City Staff _____

Date Approved _____

NOTE: This is a conceptual approval through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by the Building Official.

Applicant Initial _____

Describe the proposed project and materials. Describe the proposed project in terms of size, affected architectural elements, materials, and relationship to the existing structure(s).

My plan is to install a white Vinyl 6ft high fence attached to the left and Right side of my house.

PROJECT SCOPE	MANUFACTURER	PRODUCT DESCRIPTION	FL PRODUCT APPROVAL #
Siding			
Doors			
Windows			
Roofing			
Trim			
Foundation			
Shutters			
Porch/Deck			
Fencing		White Vinyl Windham 6ft x 6ft Fence panels,	
Driveways/Sidewalks			
Other			

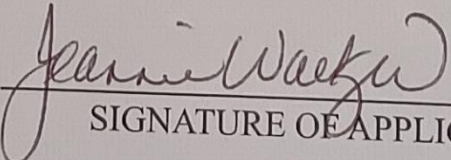
NOTE: Please have a site plan prepared to turn in with your application. At minimum, the site plan needs to contain: a North arrow, surrounding streets, lot lines, lot dimensions, setbacks, current structure dimensions, proposed structure dimensions, fence locations, fence heights, and the location, size and species of protected trees (refer to tree permit for a list of protected trees). Applications requiring a Certificate of Appropriateness will also need to submit renderings/elevations of any proposed structures and note the materials proposed. More information may be requested by City Staff.

CERTIFICATION

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

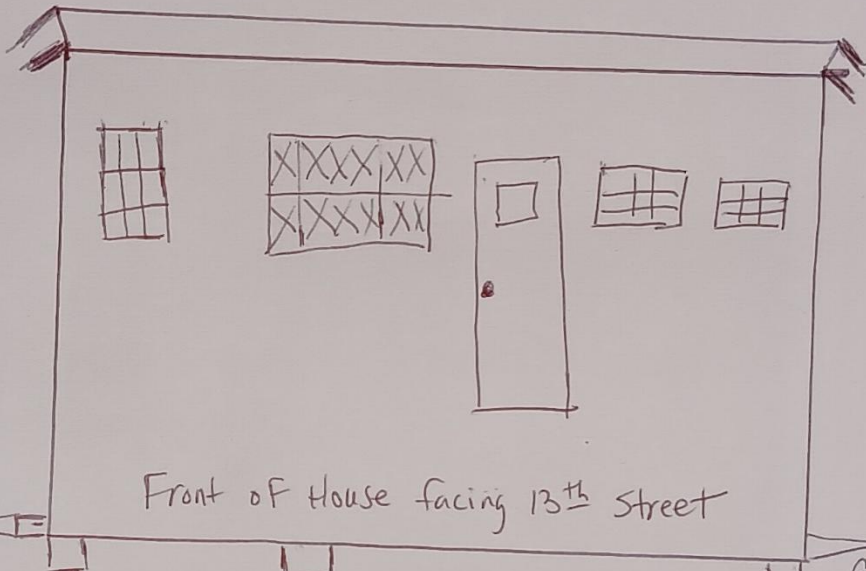
1. I/We hereby attest to the fact that the above supplied property address(es), parcel numbers(s), and legal description(s) is(are) the true and proper identification of the area of this petition.
2. I/We authorize staff from the City of Apalachicola to enter onto the property in question during regular business hours in order to take photos which will be placed in the permanent file.
3. I/We understand that the COA review time period will not commence until the application is deemed complete by staff and may take up to 10 business days to process. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.
4. I/We understand that, for Board review cases, an agenda and staff report (if applicable) will be available on the City's website approximately one week before the Planning & Zoning Board Meeting.
5. I/We understand that the approval of this application by the Planning & Zoning Board or staff in NO way constitutes approval of a Building Permit for Construction from the City of Apalachicola Building Department.
6. I/We understand that all changes to the approved scope of work stated in a Certificate of Appropriateness or Development Order application have to be approved by the P&Z Board before work commences on those changes. Making changes that have not been approved can result in a Stop Work Order being placed on the entire project and additional fees/penalties.
7. I/We understand that any decision of the P&Z Board may be appealed to the City Commission within 30 days after the decision by the P&Z Board; otherwise, the decision will be final.
8. I/We understand that a Certificate of Appropriateness is only valid for one year after issuance. They are renewable for six months without cause if requested, and for an additional six months upon showing of good cause by the applicant. The applicant must submit all requests for extensions in writing and provide appropriate support documents to City Staff, if needed.
9. I/We understand that P&Z Board approval is permission to obtain a permit for work and installation as indicated. I certify that all work will be performed to meet standards of all laws regulating construction in this jurisdiction.
10. I/We understand that there will be no issuance of a Certificate of Appropriateness without the property owner obtaining Homeowner's Association approval (if required) prior to the P&Z Board Meeting and/or before the beginning of an work and in no way authorizes work that is in violation of any association rules or regulations.
11. I/We understand that the City of Apalachicola will never request a P&Z fee greater than the amount(s) outlined in the adopted fee schedule, nor will the City of Apalachicola request fee payment be made by wire transfer. Please contact City Hall directly with any questions regarding fee payment.

07/22/2026
DATE


SIGNATURE OF APPLICANT

Back of Property -

6 ft High x 42 ft long
Fence wall



Front of House facing 13th Street

Gate
5 ft
wide

Gate
4 ft
wide

property line
8 feet
left side

6 ft High x ~~30~~ 30 ft long
Fence wall

property line
11 ft
Right side

Lot Size 60 x 100

STAFF FINDINGS REPORT

PROPERTY OWNER: Jeannie Walker

AGENT (if applicable): N/A

PROPERTY ADDRESS (if available): 164 13th Street

→ Block 139 Lot 2

PARCEL ID: 01-09S-08W-8330-0139-0020

HISTORIC DISTRICT: No

CORNER LOT: No

ACREAGE: --

ZONING DISTRICT: R-2 Multifamily Residential

WETLANDS: No

FLOODPLAIN: "X"

DESCRIPTION OF PROJECT:

→ Installation of a new 6' white vinyl privacy fence around the sides of existing single-family home.

STAFF FINDINGS:

Code of Ordinances:

→ **Section 111-288(e).**

- Requirements apply to **all zoning districts** and the **historic district**.
 - a.** Application for approval of any new fence or material alteration of an existing fence must be made in the same manner as for authorization of a building permit with a full description of materials to be used, dimensions and placement clearly stated on the plans. It is not necessary for a landscape architect or engineer to draw or sign and seal the plans.
 - b.** Fences shall be erected on the lot of the applicant and shall not extend into a public right-of-way. Fences may be erected within the required setback area (i.e., area between the front, side, and rear property lines and the front, side, and rear setback lines).
 - c.** A fence may abut but shall not be located on any property line.

- **All residential districts.**
 - No fence or wall in excess of four feet (48 inches) in height shall be allowed in the front yard (for corner lots, the two sides of the lot paralleling the two street).
 - The proposed fence will not be located in the front yard.
 - A fence extending from the side of a principal structure to the side lot line shall attach to the structure no closer to the front lot line than where the facade (not including any covered front porch, uncovered porch, uncovered steps, and uncovered balconies) is located. These fences shall not exceed six feet (72 inches) in height.
 - The proposed fence will be attached to the principal structure (via a gate on each side) and will be 6' in height.
 - No fence or wall in excess of six feet (72 inches) in height shall be allowed in side and/or rear yards. These fences may begin from the rear of the principal structure facade.
 - All fence construction, repair and replacement of any section or portion thereof must be consistent with the remaining fence on the property. The intent of this section is to ensure that all fencing erected on a property is uniform and consistent in construction and appearance.

RECOMMENDATION: Approval.



**Certificate of Appropriateness
& Fence
110 14th Street**

 City of Apalachicola Planning & Zoning Application for Development/Site Plan Approval		Official Use Only Date Received: _____ Meeting Date: _____ Fees Due: _____ Date Fees Paid: _____
OWNER INFORMATION		CONTRACTOR INFORMATION
Owner <u>Mark McVey and Carol Cavallaro</u>		Contractor Name <u>Big Scrimpin'</u>
Address <u>6268 Whittondale Drive</u>		State License # _____ City License # _____
City <u>Tallahassee</u> State <u>FL</u> Zip <u>32312</u>		Email _____
Phone <u>850-528-5916</u>		Phone <u>770-374-4377</u>
PROJECT TYPE		
☐ New Construction ☐ Addition ☐ Alteration/Renovation ☐ Relocation ☐ Demolition ☒ Fence ☐ Accessory Structure ☐ Certificate of Appropriateness ☐ Other _____		

NOTE: This is a conceptual approval through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by the Building Official.

MAM/CHC
Applicant Initial

Describe the proposed project and materials. Describe the proposed project in terms of size, affected architectural elements, materials, and relationship to the existing structure(s).

Remove existing 4’ chain link fence. Install 6’ wood plank fence around
back yard only. Attached drawing shows location and details.

PROJECT SCOPE	MANUFACTURER	PRODUCT DESCRIPTION	FL PRODUCT APPROVAL #
Siding			
Doors			
Windows			
Roofing			
Trim			
Foundation			
Shutters			
Porch/Deck			
Fencing	Ace Hardware	Pressure Treated Posts and Fence Boards	
Driveways/Sidewalks			
Other			

***NOTE:** Please have a site plan prepared to turn in with your application. At minimum, the site plan needs to contain: a North arrow, surrounding streets, lot lines, lot dimensions, setbacks, current structure dimensions, proposed structure dimensions, fence locations, fence heights, and the location, size and species of protected trees (refer to tree permit for a list of protected trees). Applications requiring a Certificate of Appropriateness will also need to submit renderings/elevations of any proposed structures and note the materials proposed. More information may be requested by City Staff.*

CERTIFICATION

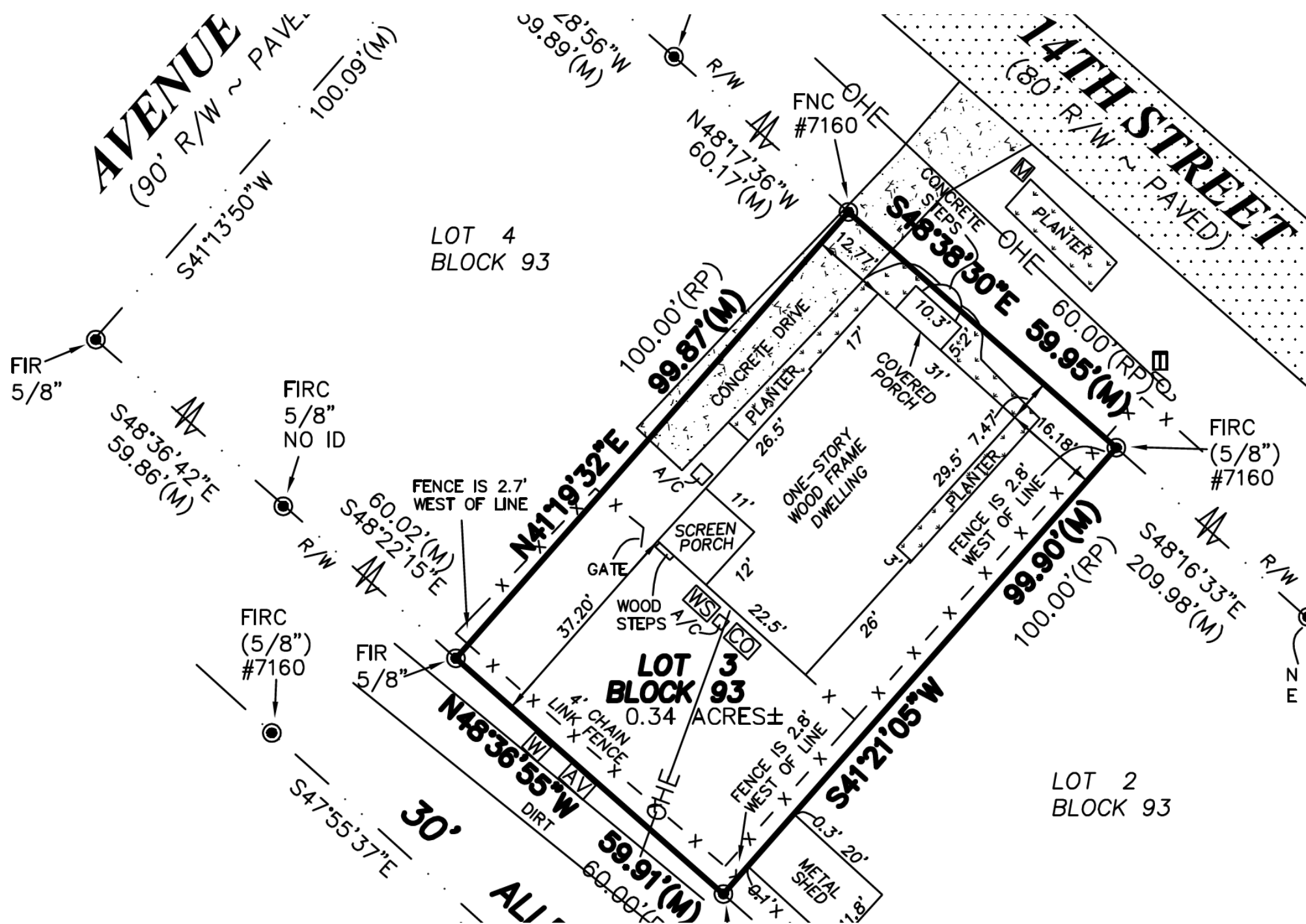
By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and have read and understand the following:

1. I/We hereby attest to the fact that the above supplied property address(es), parcel numbers(s), and legal description(s) is(are) the true and proper identification of the area of this petition.
2. I/We authorize staff from the City of Apalachicola to enter onto the property in question during regular business hours in order to take photos which will be placed in the permanent file.
3. I/We understand that the COA review time period will not commence until the application is deemed complete by staff and may take up to 30 business days to process. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.
4. I/We understand that, for Board review cases, an agenda and staff report (if applicable) will be available on the City's website approximately one week before the Planning & Zoning Board Meeting.
5. I/We understand that the approval of this application by the Planning & Zoning Board or staff in NO way constitutes approval of a Building Permit for Construction from the City of Apalachicola Building Department.
6. I/We understand that all changes to the approved scope of work stated in a Certificate of Appropriateness or Development Order application have to be approved by the P&Z Board before work commences on those changes. Making changes that have not been approved can result in a Stop Work Order being placed on the entire project and additional fees/penalties.
7. I/We understand that any decision of the P&Z Board may be appealed to the City Commission within 30 days after the decision by the P&Z Board; otherwise, the decision will be final.
8. I/We understand that a Certificate of Appropriateness is only valid for one year after issuance. They are renewable for six months without cause if requested, and for an additional six months upon showing of good cause by the applicant. The applicant must submit all requests for extensions in writing and provide appropriate support documents to City Staff, if needed.
9. I/We understand that P&Z Board approval is permission to obtain a permit for work and installation as indicated. I certify that all work will be performed to meet standards of all laws regulating construction in this jurisdiction.
10. I/We understand that there will be no issuance of a Certificate of Appropriateness without the property owner obtaining Homeowner's Association approval (if required) prior to the P&Z Board Meeting and/or before the beginning of an work and in no way authorizes work that is in violation of any association rules or regulations.
11. I/We understand that the City of Apalachicola will never request a P&Z fee greater than the amount(s) outlined in the adopted fee schedule, nor will the City of Apalachicola request fee payment be made by wire transfer. Please contact City Hall directly with any questions regarding fee payment.

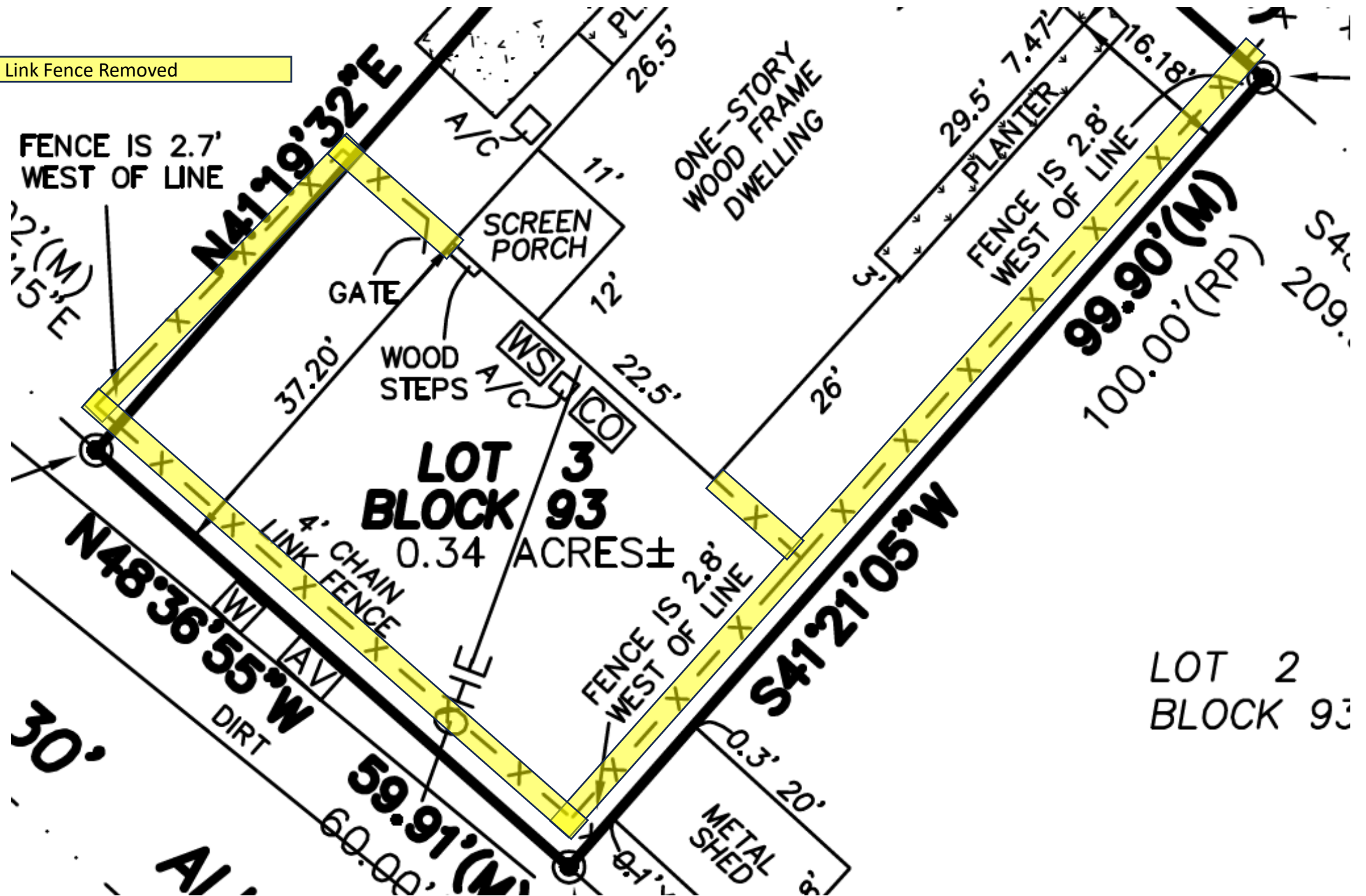
7/22/26

DATE

Amelia G. / Carol Cavallen
SIGNATURE OF APPLICANT



Chain Link Fence Removed



6' Wood Fence

FENCE IS 2.7'
WEST OF LINE

GATE

SCREEN
PORCH

WOOD
STEPS

**LOT
BLOCK 3**
0.34 ACRES±

ONE-STORY
WOOD FRAME
DWELLING

PLANTER
FENCE IS 2.8'
WEST OF LINE

99.90'(M)
100.00'(RP)

N48°36'55"W
DIRT

4' CHAIN
LINK FENCE

FENCE IS 2.8'
WEST OF LINE

S41°21'05"W

LOT 2
BLOCK 93

METAL
SHED

STAFF FINDINGS REPORT

PROPERTY OWNER: Mark McVey and Carol Cavallaro

CONTRACTOR (if applicable): Big Scrimpin'

PROPERTY ADDRESS (if available): 110 14th Street

→ Block 93 Lot 3

PARCEL ID: 01-09S-08W-8330-0093-0030

HISTORIC DISTRICT: Yes

CORNER LOT: No

ACREAGE: -- (~6,000 SF)

ZONING DISTRICT: R-1 Single-family Residential

WETLANDS: No

FLOODPLAIN: "X"

DESCRIPTION OF PROJECT:

→ Removal of an existing 4' chain link fence and replacement with 6' wood privacy fence in the rear yard.

STAFF FINDINGS:

Code of Ordinances:

→ **Section 111-288(e).**

- Requirements apply to **all zoning districts** and the **historic district**.
 - a.** Application for approval of any new fence or material alteration of an existing fence must be made in the same manner as for authorization of a building permit with a full description of materials to be used, dimensions and placement clearly stated on the plans. It is not necessary for a landscape architect or engineer to draw or sign and seal the plans.
 - b.** Fences shall be erected on the lot of the applicant and shall not extend into a public right-of-way. Fences may be erected within the required setback area (i.e., area between the front, side, and rear property lines and the front, side, and rear setback lines).
 - c.** A fence may abut but shall not be located on any property line.

- **All residential districts.**
 - A fence extending from the side of a principal structure to the side lot line shall attach to the structure no closer to the front lot line than where the facade (not including any covered front porch, uncovered porch, uncovered steps, and uncovered balconies) is located. These fences shall not exceed six feet (72 inches) in height.
 - No fence or wall in excess of six feet (72 inches) in height shall be allowed in side and/or rear yards. These fences may begin from the rear of the principal structure facade.
 - The proposed 6' fence will begin from the rear of the principal structure and will enclose the rear yard.
 - All fence construction, repair and replacement of any section or portion thereof must be consistent with the remaining fence on the property. The intent of this section is to ensure that all fencing erected on a property is uniform and consistent in construction and appearance.

RECOMMENDATION: Approval on the condition that the fence must be installed entirely within the applicant's lot.



Accessory Structure

197 14th Street



City of Apalachicola Planning & Zoning
Application for Development/Site Plan Approval

Official Use Only

Date Received: _____

Meeting Date: _____

Fees Due: _____

Date Fees Paid: _____

OWNER INFORMATION

Owner Mike and Connie Sams

Address 197 14th St

City Apalachicola State FL Zip 32320

Phone 404-277-9025

CONTRACTOR INFORMATION

Contractor Name Jeff Fisher - WaterLife Pools

State License # CPC1461154 City License # _____

Email waterlifepools@outlook.com

Phone 8506537996/8503232620

PROJECT TYPE

☐ New Construction

☐ Addition

☐ Alteration/Renovation

☐ Relocation

☐ Demolition

☐ Fence

☐ Accessory Structure

☐ Certificate of Appropriateness

☒ Other Pool

PROPERTY INFORMATION

Street Address (911 Address): 197 14th St

City & State: Apalachicola FL Zip: 32320

Parcel ID #: 01-09s-08w-8330-0140-0070 Block: 140 Lot: 6/7

Zoning District: _____ [☐] Historic District [☒] Non-Historic District

FEMA Flood Zone: _____

OFFICIAL USE ONLY

Certificate of Appropriateness Required? Y / N

Setback Requirements of Property:

Front: _____ Rear: _____ Side: _____

Corner Lot? Y / N Street Sides: _____

Lot Coverage: _____

STAFF NOTES/RECOMMENDATIONS:

This development request has been approved for a Certificate of Appropriateness (if applicable), zoning, land use, and development review by the City of Apalachicola Planning & Zoning Board and a building permit is authorized to be issued.

City Staff

Date Approved

NOTE: This is a conceptual approval through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by the Building Official.

JF

Applicant Initial

Describe the proposed project and materials. Describe the proposed project in terms of size, affected architectural elements, materials, and relationship to the existing structure(s).

The first phase of this project was approved by Planning and Zoning with the note that the Sam's would have to re-apply when they finalized thier decision on pool shape and size. The pool will be approximately 884 sq ft and is an irregular oval shape

PROJECT SCOPE	MANUFACTURER	PRODUCT DESCRIPTION	FL PRODUCT APPROVAL #
Siding			
Doors			
Windows			
Roofing			
Trim			
Foundation			
Shutters			
Porch/Deck			
Fencing			
Driveways/Sidewalks			
Other	Gunite Pool	884 sq ft pool	

NOTE: Please have a site plan prepared to turn in with your application. At minimum, the site plan needs to contain: a North arrow, surrounding streets, lot lines, lot dimensions, setbacks, current structure dimensions, proposed structure dimensions, fence locations, and fence heights. Applications requiring a Certificate of Appropriateness will also need to submit renderings/elevations of any proposed structures and note the materials proposed. More information may be requested by City Staff.

CERTIFICATION

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

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

2026-07-14

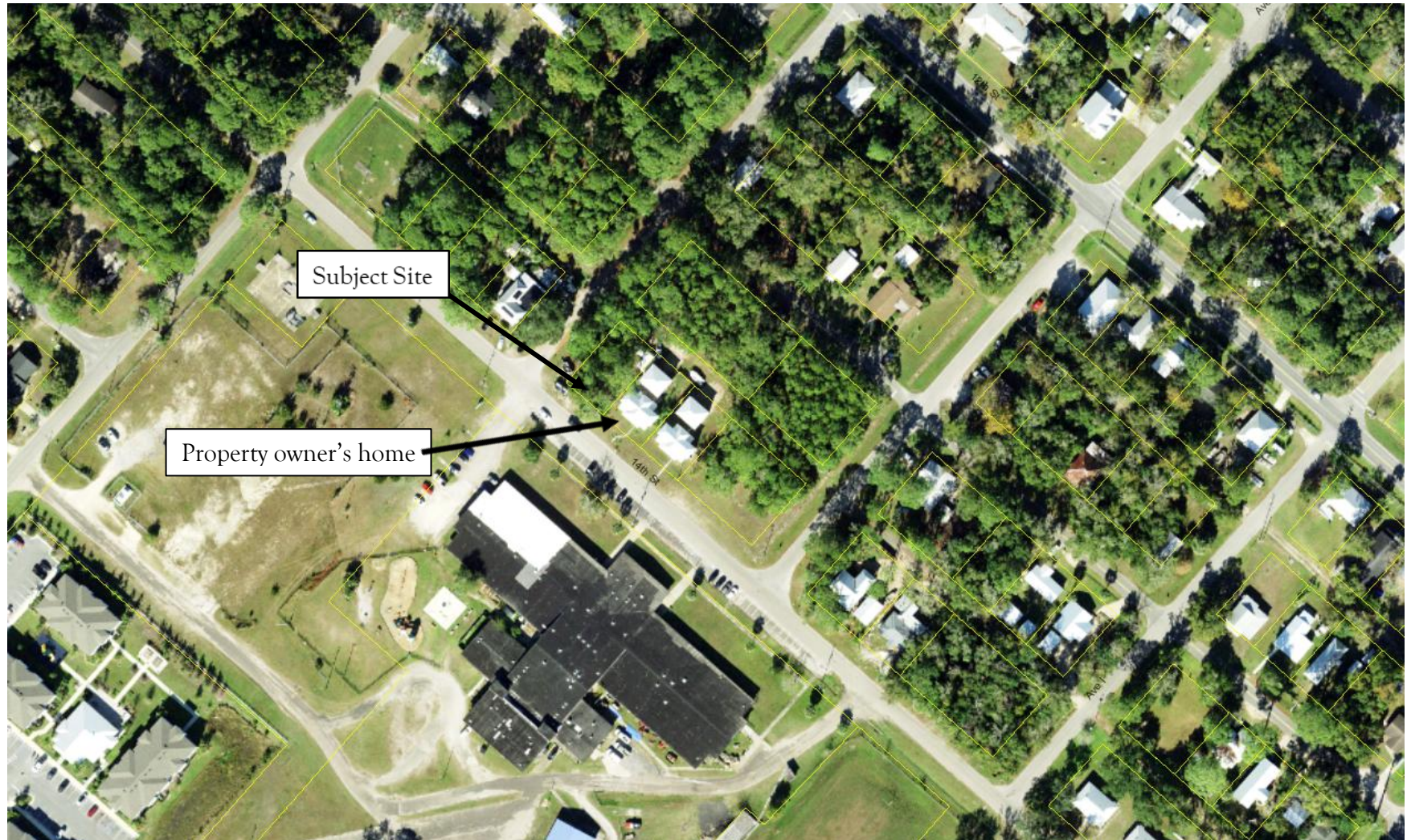
DATE



SIGNATURE OF APPLICANT

Site Location
Sams Residence
Lot 6 & 197 14th St
Apalachicola FL, 32320

Overall Parcel Location
Source: Franklin Co Prop Appraiser
Scale: Not to Scale
Date: April 2026



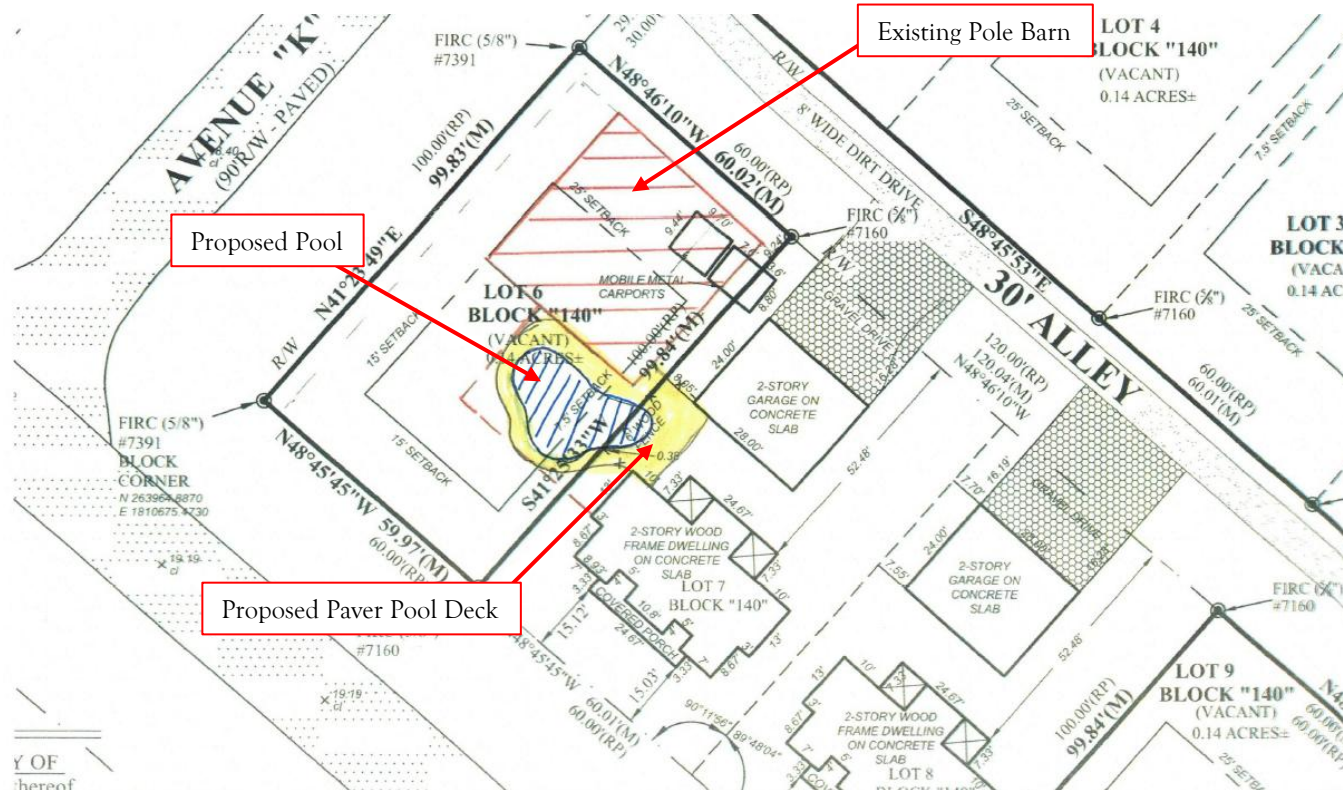
Site Location
Sams Residence
Lot 6 & 197 14th St
Apalachicola FL, 32320

Overall Parcel Location
Source: Franklin Co Prop Appraiser
Scale: Not to Scale
Date: July 2026



Site Location
Sams Residence
Lot 6 & 197 14th St
Apalachicola FL, 32320

Site Plan
Source: Roddenberry & Assoc
Scale: Not to Scale
Date: July 2026



From Waterlife Pools (FL
Pool Contractor):
Pool- 884 SQ FT
Apron- 396 SQ FT

Total SQ FT-: 1,280

STAFF FINDINGS REPORT

PROPERTY OWNER: Michael and Constance Sams

AGENT (if applicable): N/A

CONTRACTOR: WaterLife Pools (Jeff Fisher)

PROPERTY ADDRESS (if available): 197 14th Street

→ Block 140 Lots 6-7

PARCEL ID: 01-09S-08W-8330-0140-0070

HISTORIC DISTRICT: No

CORNER LOT: Yes

ACREAGE: -- (~12,000 SF)

ZONING DISTRICT: R-2 Multifamily Residential

WETLANDS: No

FLOODPLAIN: "X"

DESCRIPTION OF PROJECT:

→ Construction of 884 SF accessory pool with associated 396 SF apron on improved parcel.

STAFF FINDINGS:

Code of Ordinances:

→ **Section 111-269. R-2 Multifamily Residential.**

- **Development standards:**

- **Minimum lot size:**

- Single-family & home occupations: 6,000 SF (60' x 100').

- **Minimum building size:**

- Single-family: 800 SF.

- **Minimum building setbacks:**

- Front: 15 ft.
 - Proposed greater than 15'.
 - Side (interior): 7½ ft. each side, or any combination on each side that equals at least 15 ft. No such setback shall be less than 5 ft.

- Side (corner): 15 ft.
 - Proposed greater than 15'.
- Rear: 25 ft. (principal structure); 5 ft. (accessory structure).
- **Maximum building restrictions:**
 - Lot coverage: 40% or 4,800 SF
 - Existing: 3,451 SF
 - Proposed: 1,280 SF.
 - Total: 4,731 SF or 39.43%
 - Building height: 35 ft.
- **Applicable regulations:**
 - In residential districts, and on any lot used for residential purposes, no accessory structure shall be located in required front yards.
 - The proposed accessory pool will be outside of the required 15' front yard setback and behind the front façade of the existing single-family home.

RECOMMENDATION: Approval.



**New Construction
(Residential)
300 24th Avenue**

 City of Apalachicola Planning & Zoning Application for Development/Site Plan Approval		Official Use Only Date Received: _____ Meeting Date: _____ Fees Due: _____ Date Fees Paid: _____
OWNER INFORMATION		
Owner <u>Keturah Washington</u> Address <u>300 24th Ave</u> City <u>Apalachicola</u> State <u>FL</u> Zip <u>32320</u> Phone <u>(850)323-1910</u>		
CONTRACTOR INFORMATION		
Contractor Name <u>James Griffin</u> <u>Byrdson Services LLC</u> State License # <u>CBC1270371</u> City License # _____ Email <u>ksaweg@byrdsonservices.com</u> Phone <u>877-390-5438</u>		
PROJECT TYPE		
☒ New Construction ☐ Addition ☐ Alteration/Renovation ☐ Relocation ☒ Demolition ☐ Fence ☐ Accessory Structure ☐ Certificate of Appropriateness ☐ Other _____		
PROPERTY INFORMATION		
Street Address (911 Address): <u>300 24th Ave</u> City & State: <u>Apalachicola, FL</u> Zip: <u>32320</u> Parcel ID #: <u>01-09S-08W-8330-0229-0090</u> Block: _____ Lot: _____ Zoning District: <u>R-3</u> [☐] Historic District [☒] Non-Historic District FEMA Flood Zone: <u>Zone X</u>		
OFFICIAL USE ONLY		
Certificate of Appropriateness Required? <u>Y / N</u> Setback Requirements of Property: Front: <u>15 ft</u> Rear: <u>25 ft</u> Side: <u>7.5 ft</u> Corner Lot? <u>Y / N</u> Street Sides: _____ Lot Coverage: _____ STAFF NOTES/RECOMMENDATIONS: _____ _____ _____ _____		<i>This development request has been approved for a Certificate of Appropriateness (if applicable), zoning, land use, and development review by the City of Apalachicola Planning & Zoning Board and a building permit is authorized to be issued.</i> _____ City Staff _____ Date Approved

NOTE: This is a conceptual approval through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by the Building Official.


 Applicant Initial

Describe the proposed project and materials. Describe the proposed project in terms of size, affected architectural elements, materials, and relationship to the existing structure(s).

Demolition of existing storm-damaged structure and construction of new 3-bedroom, 2-bath residence on narrow pier foundation. Finished Floor Elevation (FFE) 19.3 ft NAVD88 vs Base Flood Elevation (BFE) 14.0 ft NAVD88, elevated 5.3 ft per FEMA floodplain requirements. Materials include vinyl siding, asphalt shingles, impact-resistant windows, fiberglass doors, rot-resistant trim, and concrete broom-finish flatwork sloped for drainage. Porch/deck rebuilt to match existing footprint. No fencing or shutters proposed.

PROJECT SCOPE	MANUFACTURER	PRODUCT DESCRIPTION	FL PRODUCT APPROVAL #
Siding	Fleetwood / Equivalent	Vinyl siding replacement, hurricane-rated, matching existing profile and color.	TBD (to be provided at permit stage)
Doors	TBD	Exterior fiberglass entry doors, interior hollow-core replacements for storm-damaged units.	TBD (to be provided at permit stage)
Windows	Type text Energy Star-rated here	Vinyl single-hung windows, impact-resistant, low-E glass for energy efficiency.	TBD (to be provided at permit stage)
Roofing	TBD	Asphalt architectural shingles, Class A fire-rated, wind-resistant to 130 mph.	TBD (to be provided at permit stage)
Trim	TBD	Exterior trim boards, rot-resistant, painted finish.	TBD (to be provided at permit stage)
Foundation	Dewberry design	Narrow pier foundation, elevated to FFE 19.3 ft NAVD88 (per Elevation Certificate).	N/A
Shutters	N/A	None Proposed	N/A
Porch/Deck	Pressure-treated lumber	Wood deck with screened porch, rebuilt to match existing footprint.	N/A
Fencing	N/A	None Proposed	N/A
Driveways/Sidewalks	N/A	Concrete broom finish flatwork, sloped for proper drainage.	N/A
Other	Nortek/Frigidaire (HVAC)	Type 1eHVAC replacement (model N4ASS3&AKAWAABAB, 3-ton R410A unit documented in ECR photos)	N/A

NOTE: Please have a site plan prepared to turn in with your application. At minimum, the site plan needs to contain: a North arrow, surrounding streets, lot lines, lot dimensions, setbacks, current structure dimensions, proposed structure dimensions, fence locations, fence heights, and the location, size and species of protected trees (refer to tree permit for a list of protected trees). Applications requiring a Certificate of Appropriateness will also need to submit renderings/elevations of any proposed structures and note the materials proposed. More information may be requested by City Staff.

CERTIFICATION

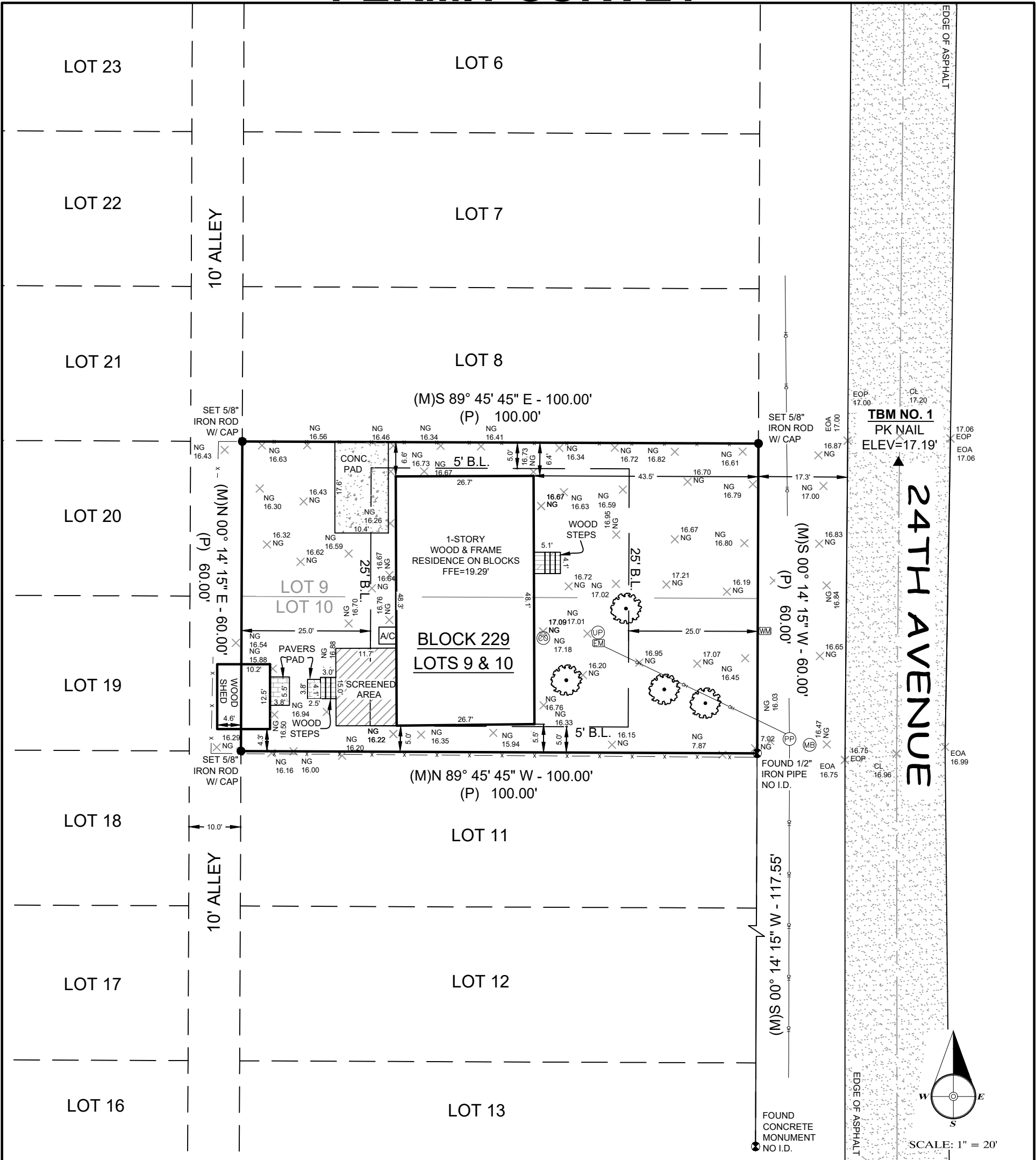
By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and have read and understand the following:

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11. **I/We understand that the City of Apalachicola will never request a P&Z fee greater than the amount(s) outlined in the adopted fee schedule, nor will the City of Apalachicola request fee payment be made by wire transfer. Please contact City Hall directly with any questions regarding fee payment.**

7/13/26
DATE

Ketnal Washington
SIGNATURE OF APPLICANT

PERMIT SURVEY

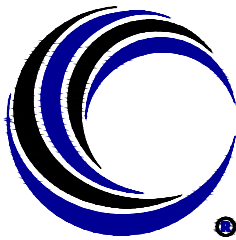


LEGAL DESCRIPTION:

LOTS 9 & 10, BLOCK 229, OF GREATER APALACHICOLA, IN APALACHICOLA, FRANKLIN COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN BOOK M, PAGE 437, OF THE PUBLIC RECORDS OF FRANKLIN COUNTY, FLORIDA.

PREPARED EXCLUSIVELY FOR: DEWBERRY
PROPERTY LOCATED AT: 300 24TH AVE.
PROGRAM PROJECT NUMBER: FL-2324-913500

JOB# 25-0334-143
DRAWN BY AMG



COBALT
ENGINEERING AND INSPECTIONS, LLC

FBPE REG. #: 35043 / FBPLS REG. #: LB8499

12005 DELANY ROAD • LA MARQUE, TEXAS 77568 • 409-354-5925

LEGEND

A.E. = AERIAL EASEMENT
A/C = AIR CONDITIONER
BLDG. = BUILDING
B.L. = BUILDING LINE
CB = CATCH BASIN
CH BR = CHORD BEARING
C & G = CURB AND GUTTER
CL = CENTERLINE
CLF = CHAIN LINK FENCE
CMP = CORRUGATED METAL PIPE
C.N.F. = CONTROL NOT FOUND
CNC = CONCRETE
CP = CONCRETE POST
CPP = CORRUGATED PLASTIC PIPE
(D) = DEED
D.E. = DRAINAGE EASEMENT
D.E. = DEGREE
Δ = DELTA
ELEV = ELEVATION
ENC = ENCROACHMENT
EP = EDGE OF PAVEMENT
ESMT = EASEMENT

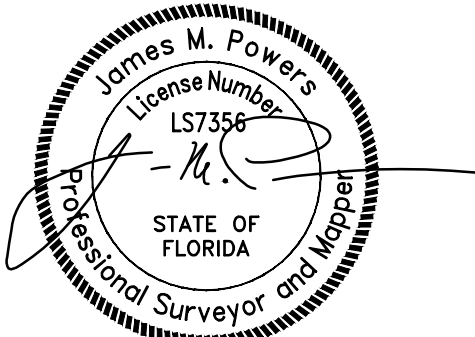
F.F.E. = FINISH FLOOR ELEVATION
(M) = MEASURED
MH = MANHOLE
MON. = MONUMENT
N = NORTH
NG = NATURAL GROUND
NO = NUMBER
N & D = NAIL AND DISK
NO ID. = NO IDENTIFICATION NUMBER
N.T.S. = NOT TO SCALE
ORB = OFFICIAL RECORDS BOOK
MINUTE OR FEET
SECOND OR INCH
(P) = PLAT
PAV = PAVEMENT
PB = PLAT BOOK
PCC = POINT OF COMPOUND CURVE
PC = POINT OF CURVATURE
PAGE = PAGE
PLS = PROFESSIONAL LAND SURVEY
PLSS = PUBLIC LAND SURVEY SYSTEM
PI = POINT OF INTERSECTION
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PT = POINT OF TERMINATION
PRC = POINT OF REVERSE CURVE

PVC = POLYVINYL CHLORIDE PIPE
RCP = RADIUS OR RECORD OR RANGE
RPLS = REINFORCED CONCRETE PIPE
R.O.W. = REGISTERED PROFESSIONAL LAND SURVEYOR
S = SOUTH
SEC = SECTION
STM.S.E. = STORM SEWER EASEMENT
SS = SANITARY SEWER
S.S.E. = SANITARY SEWER EASEMENT
SF = SQUARE FEET
T = TANGENT OR TOWNSHIP
T.B.M. = TEMPORARY BENCHMARK
T.B.S. = TO BE SET
U.E. = UTILITY EASEMENT
W = WEST
WF = WITH
W.F. = WOOD FENCE
W.L.E. = WATER LINE EASEMENT
± = MORE OR LESS
● = FOUND MONUMENT
SAN = SANITARY MANHOLE(SAN.M.H.)
STM = STORM MANHOLE(S.M.H.)

LP = LIGHT POLE(LP)
WW = WATER WELL(WW)
CO = CLEAN OUT(CO)
PP = POWER POLE(PP)
UP = UTILITY POLE(UP)
SE = SPOT ELEVATION(SE)
BP = BOUNDARY POINT(BP)
GM = GAS METER(GM)
EM = ELECTRIC METER(EM)
WM = WATER METER(WM)
WH = WATER HEATER(WH)
EB = ELECTRIC BOX(EB)
ST = SEPTIC TANK(ST)
WV = WATER VALVE(WV)

TP = TRAFFIC SIGNAL POLE(TSP)
CB = COMMUNICATIONS BOX(CB)
MB = MAIL BOX(MB)
FH = FIRE HYDRANT(FH)
SD = SATELLITE DISH(SD)
LINES SURVEYED
LINES NOT SURVEYED
WOOD FENCE
CHAIN-LINK
IRON FENCE
PIPELINE
BUILDING LINE
EASEMENT LINE
OVERHEAD POWER
ASPHALT
COVERED
WOOD
BRICK
CONCRETE
GRAVEL
DECK

THIS SURVEY HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY: JAMES M. POWERS, PSM ON THE DATE ADJACENT TO THE STAMP UNDER THE RULES AND PROVISIONS SET FORTH UNDER CHAPTER 5J-17 AND 472 FLORIDA ADMINISTRATIVE CODE.



JAMES M. POWERS
PSM LS 7356
STATE OF FLORIDA

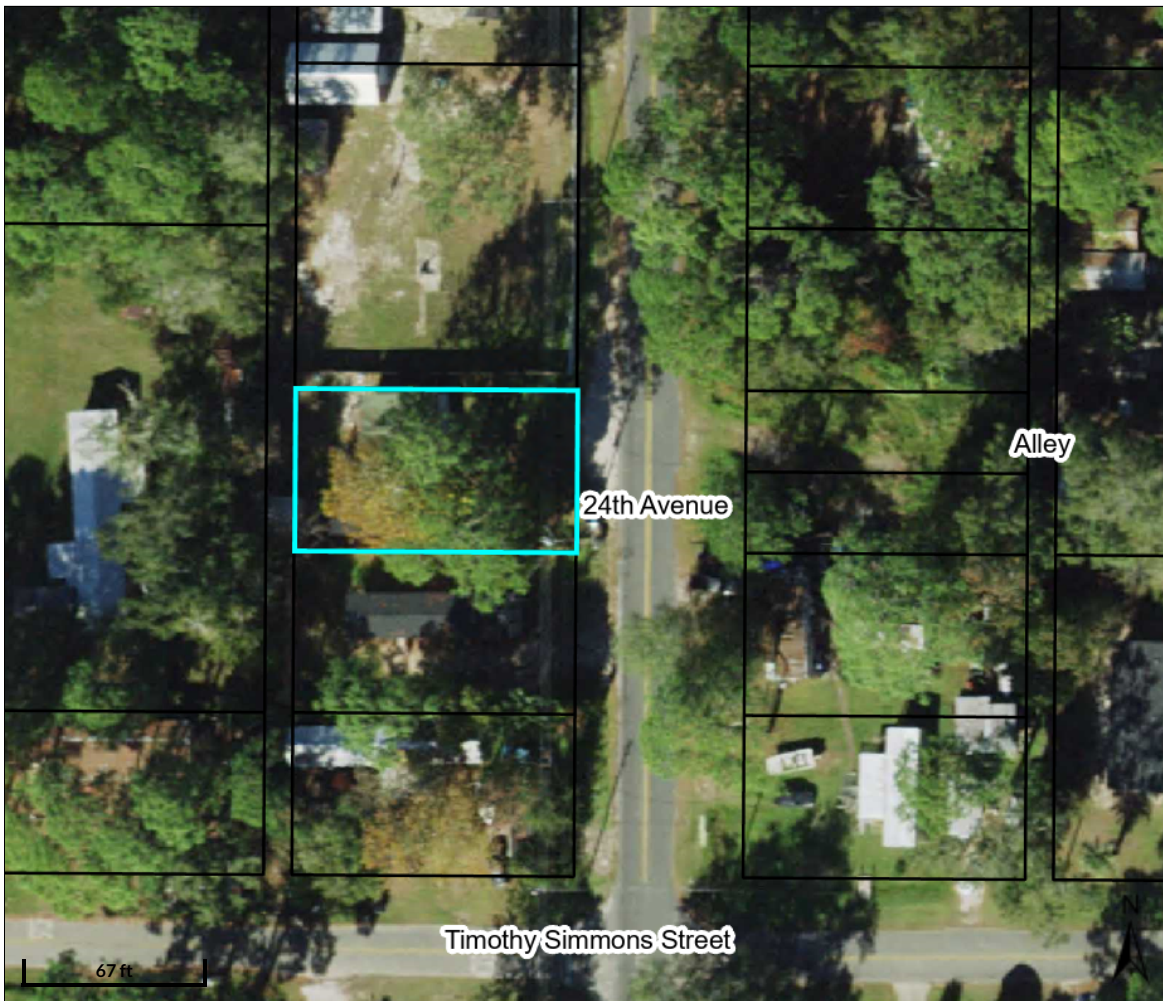
5/26/26
DATE

GENERAL NOTES:

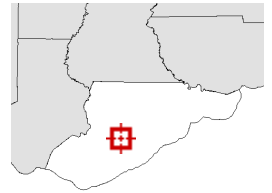
- EXAMINATION OF THE ABSTRACT OF THE TITLE WILL HAVE TO BE MADE TO DETERMINE RECORD INSTRUMENTS IF ANY, AFFECTING THE PROPERTY.
- LOCATION AND IDENTIFICATION OF UNDERGROUND ENCROACHMENTS OR UTILITIES ON AND/OR ADJACENT TO THE PROPERTY WERE NOT SECURED AS SUCH INFORMATION WAS NOT REQUESTED.
- NO SEARCH OF PUBLIC RECORDS HAS BEEN MADE (BY THIS OFFICE) FOR ACCURACY AND OR OMISSIONS.
- THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED, IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS, OR FREEDOM FROM INCUMBRANCES, "TITLE" ABSTRACT NOT REVIEWED.
- THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF ENTITIES NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTY.
- DIMENSIONS, BEARINGS OR ANGLES INDICATED HEREIN ARE MEASURED AND ARE THE SAME AS PLAT VALUES UNLESS OTHERWISE INDICATED.
- ALL RIGHTS OF WAYS SHOWN ARE PUBLIC UNLESS OTHERWISE NOTED.
- WE HAVE REVIEWED THE "FLOOD INSURANCE RATE MAP", COMMUNITY PANEL NO. 12037C0507G, EFFECTIVE DATE 10/10/2024, AS PUBLISHED BY FEDERAL EMERGENCY MANAGEMENT AGENCY. OUR REVIEW OF THIS MAP INDICATES THAT THIS PARCEL OF LAND LIES WITHIN ZONE, (X-SHADED), WHICH IS "AREAS OF 0.2% ANNUAL CHANCE FLOOD HAZARD".

- UTILITY FACILITIES WITHIN UTILITY EASEMENTS NOT NOTED AS VIOLATIONS, DRIVEWAYS OR PORTIONS THEREOF WITHIN ROADWAYS NOT NOTED AS VIOLATIONS OR ENCROACHMENTS.
- THE LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT.
- THIS DRAWING IS PROPERTY OF COBALT ENGINEERING & INSPECTIONS, LLC AND CANNOT BE REPRODUCED WITHOUT WRITTEN CONSENT.
- THE ELEVATION INFORMATION SHOWN HEREON (IF ANY) IS RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM, (N.A.V.D.), OF 1988 UNLESS OTHERWISE NOTED.
- PROPERTY CORNERS SHOWN AS SET HEREON ARE ESTABLISHED BY COBALT ENGINEERING & INSPECTIONS, LLC # LB8499.
- COORDINATES & BEARINGS SHOWN ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983/90 AS BASED ON THE STATE OF FLORIDA'S D.O.T. FLORIDA PERMANENT REFERENCE NETWORK (F.P.R.N.) A GPS/GNSS REFERENCE NETWORK.
- UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER, THIS DRAWING SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
- BUILDING SETBACKS ARE SHOWN ACCORDING TO LOCAL ORDINANCE, PLEASE VERIFY WITH JURISDICTIONAL ENTITY.
- ACCURACY OF HORIZONTAL CONTROL (FOR EXPECTED USE OF LAND AS DEFINED BY (5J-17)) THE FIELD MEASUREMENTS VERIFIED BY CALCULATIONS OF A CLOSED GEOMETRIC FIGURE BASED UPON FIELD INFORMATION TAKEN IN THE FIELD BY TOTAL STATION AND OR GPS.
- COMMERCIAL/HIGH RISK
SUBURBAN
RURAL
- LINEAR: 1 FOOT IN 10,000 FEET
LINEAR: 1 FOOT IN 7,500 FEET
LINEAR: 1 FOOT IN 5,000 FEET

I HEREBY CERTIFY THAT THE ATTACHED "BOUNDARY SURVEY" WAS CONDUCTED UNDER MY SUPERVISION ON 05/18/2026, PREPARED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027.



Overview



Legend

-  Parcels
-  City Labels

Parcel ID	01-09S-08W-8330-0229-0090	Alternate ID	08W09S01833002290090	Owner Address	WASHINGTON KETURAH
Sec/Twp/Rng	1-9S-8W	Class	MOBILE HOME		300 24TH AVENUE
Property Address	300 24TH AVE	Acreage	n/a		APALACHICOLA, FL 32320
	APALACHICOLA				

District 3

Brief Tax Description BL 229 LOTS 9-10

(Note: Not to be used on legal documents)

Date created: 7/27/2026

Last Data Uploaded: 7/27/2026 7:10:20 AM

Developed by  SCHNEIDER
GEOSPATIAL

300 24th Ave

Apalachicola, Florida

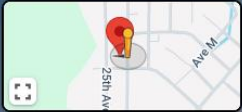
Google Street View

Mar 2026 See more dates

Share



City Right-of-Way



Google Maps

Image capture: Mar 2026 © 2026 Google United States Terms Privacy Report a problem

STAFF FINDINGS REPORT

PROPERTY OWNER: Keturah Washington

AGENT (if applicable): Karen Saweg

CONTRACTOR: Byrdson Services LLC (James Griffin)

PROPERTY ADDRESS (if available): 300 24th Avenue

→ Block 229 Lots 9-10

PARCEL ID: 01-09S-08W-8330-0229-0090

HISTORIC DISTRICT: No

CORNER LOT: No

ACREAGE: -- (~6,000 SF)

ZONING DISTRICT: R-3 Mobile Home Residential

WETLANDS: No

FLOODPLAIN: "X"

DESCRIPTION OF PROJECT:

→ Demolition of an existing mobile home and new construction of a site-built single-family home.

STAFF FINDINGS:

Code of Ordinances:

→ **Section 111-270. R-3 Mobile Home Residential.**

- **Development standards:**

- **Minimum lot size:**

- Single-family & home occupations: 6,000 SF (60' x 100').

- **Minimum building size:**

- Single-family: 800 SF.

- **Minimum building setbacks:**

- Front: 15 ft.
 - Proposed 43.5'.
 - Side (interior): 7½ ft. each side, or any combination on each side that equals at least 15 ft. No such setback shall be less than 5 ft.

- Proposed 5' and 6.4'.
- Rear: 25 ft. (principal structure); 5 ft. (accessory structure).
 - Proposed greater than 25'.
- **Maximum building restrictions:**
 - Lot coverage: 40% or 2,400 SF.
 - Existing: ~354 SF
 - Proposed: 1,281 SF.
 - Total: 1,635 SF
 - Building height: 35 ft.
- **Applicable regulations:**
 - In residential districts, and on any lot used for residential purposes, no accessory structure shall be located in required front yards.

→ **Section 111-288(i). Parking Requirements.**

- There shall be provided at the time of the erection of any principal building or structure parking space with adequate provisions for ingress and egress no less than the following space requirements.
 - **Dwelling.** One parking space for each dwelling unit or room for rent.
 - No dedicated parking space is currently provided on the site, and the submitted plans do not include a dedicated parking space.
- Required off-street parking will be provided either on the same parcel of land as the principal building or structure or on a separate parcel located within 500 feet of the principal building or structure.

RECOMMENDATION: Approval, on the condition that one parking space must be provided on the subject parcel.



**Parking Plan &
Sidewalk Seating Layout
25 Avenue D**



City of Apalachicola Planning & Zoning
Application for Development/Site Plan Approval

Official Use Only

Date Received: _____
Meeting Date: _____
Fees Due: _____
Date Fees Paid: _____

OWNER INFORMATION

Owner Star Step Capital Florida Properties
Address 25 Ave D
City Apalach State FL Zip 32320
Phone 850-510-9469

CONTRACTOR INFORMATION

Contractor Name _____
State License # _____ City License # _____
Email _____
Phone _____

PROJECT TYPE

- | | |
|--|---|
| ☐ New Construction | ☐ Fence |
| ☐ Addition | ☐ Accessory Structure |
| ☐ Alteration/Renovation | ☐ Certificate of Appropriateness |
| ☐ Relocation | ☐ Other <u>Sidewalk permit for seating</u> |
| ☐ Demolition | |

PROPERTY INFORMATION

Street Address (911 Address): 25 Ave D
City & State: Apalachicola, FL Zip: 32320
Parcel ID #: 01-095-08W-8330-00E2-00Z1 Block: E-2 Lot: 1-2-3
Zoning District: C-1 [☒] Historic District [☐] Non-Historic District
FEMA Flood Zone: _____

OFFICIAL USE ONLY

Certificate of Appropriateness Required? Y / N
Setback Requirements of Property:
Front: _____ Rear: _____ Side: _____
Corner Lot? Y / N Street Sides: _____
Lot Coverage: _____
STAFF NOTES/RECOMMENDATIONS:

This development request has been approved for a Certificate of Appropriateness (if applicable), zoning, land use, and development review by the City of Apalachicola Planning & Zoning Board and a building permit is authorized to be issued.

City Staff

Date Approved

NOTE: This is a conceptual approval through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by the Building Official.

Point of Contact:
Carrie Poole (manager)
carrie.poole@mbtw.beer

CP
Applicant Initial

Describe the proposed project and materials. Describe the proposed project in terms of size, affected architectural elements, materials, and relationship to the existing structure(s).

high top bar seating area in front of building, made of wood + composite. Two bars, first one 70" long, second one 140" long placed on either side of tree in front of building. Structure will maintain ADA compliance on sidewalk and will be free standing so as not to interfere with any underground utilities located in front curb area.

PROJECT SCOPE	MANUFACTURER	PRODUCT DESCRIPTION	FL PRODUCT APPROVAL #
Siding			
Doors			
Windows			
Roofing			
Trim			
Foundation			
Shutters			
Porch/Deck			
Fencing			
Driveways/Sidewalks			
Other			

NOTE: Please have a site plan prepared to turn in with your application. At minimum, the site plan needs to contain: a North arrow, surrounding streets, lot lines, lot dimensions, setbacks, current structure dimensions, proposed structure dimensions, fence locations, fence heights, and the location, size and species of protected trees (refer to tree permit for a list of protected trees). Applications requiring a Certificate of Appropriateness will also need to submit renderings/elevations of any proposed structures and note the materials proposed. More information may be requested by City Staff.

CERTIFICATION

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

1. I/We hereby attest to the fact that the above supplied property address(es), parcel numbers(s), and legal description(s) is(are) the true and proper identification of the area of this petition.
2. I/We authorize staff from the City of Apalachicola to enter onto the property in question during regular business hours in order to take photos which will be placed in the permanent file.
3. I/We understand that the COA review time period will not commence until the application is deemed complete by staff and may take up to 30 business days to process. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.
4. I/We understand that, for Board review cases, an agenda and staff report (if applicable) will be available on the City's website approximately one week before the Planning & Zoning Board Meeting.
5. I/We understand that the approval of this application by the Planning & Zoning Board or staff in NO way constitutes approval of a Building Permit for Construction from the City of Apalachicola Building Department.
6. I/We understand that all changes to the approved scope of work stated in a Certificate of Appropriateness or Development Order application have to be approved by the P&Z Board before work commences on those changes. Making changes that have not been approved can result in a Stop Work Order being placed on the entire project and additional fees/penalties.
7. I/We understand that any decision of the P&Z Board may be appealed to the City Commission within 30 days after the decision by the P&Z Board; otherwise, the decision will be final.
8. I/We understand that a Certificate of Appropriateness is only valid for one year after issuance. They are renewable for six months without cause if requested, and for an additional six months upon showing of good cause by the applicant. The applicant must submit all requests for extensions in writing and provide appropriate support documents to City Staff, if needed.
9. I/We understand that P&Z Board approval is permission to obtain a permit for work and installation as indicated. I certify that all work will be performed to meet standards of all laws regulating construction in this jurisdiction.
10. I/We understand that there will be no issuance of a Certificate of Appropriateness without the property owner obtaining Homeowner's Association approval (if required) prior to the P&Z Board Meeting and/or before the beginning of an work and in no way authorizes work that is in violation of any association rules or regulations.
11. **I/We understand that the City of Apalachicola will never request a P&Z fee greater than the amount(s) outlined in the adopted fee schedule, nor will the City of Apalachicola request fee payment be made by wire transfer. Please contact City Hall directly with any questions regarding fee payment.**

7/14/24

DATE



SIGNATURE OF APPLICANT

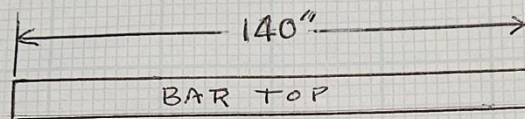
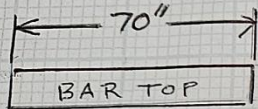
(Proposed)

Exterior Seating Layout

OYSTER CITY BREWERY

CURBING

PALM TREE



37"

18"

24"

66"

STOOLS

BUILDING

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
WORKSHOP & REGULAR MEETING
Monday, March 11th, 2024
City Meeting Room – 74 6th Street
Minutes

Attendance: Vice-Chair Chase Galloway, Myrtis Wynn, Jim Bachrach, Bobby Miller, Elizabeth Milliken

Workshop: 5:00PM

- Workshop to discuss the P&Z/Architectural Review Board's roles and responsibilities as written in the City LDC. The City Attorney, City Manager, and City Planner will go over applicable LDC, provide resources, and answer any questions that any Board members may have as the City has experienced some LDC changes over the last year. This meeting is not to discuss any potential changes to the LDC, but just to refresh on the current LDC. Adjourn by 5:50PM to allow a 10-minute break prior to the 6:00PM meeting.
 - The City Manager, Travis Wade, discussed Robert's Rules of Order.
 - The City Attorney, Dan Hartman, discussed Sunshine Law. He also explained that P&Z members can meet with applicants about their projects on their own, but that they do have to disclose this when the project comes up for discussion.
 - The City Planner, Bree Robinson, explained how Municode works and how board members and applicants alike can easily search the Land Development Code online. She discussed the City website and directed the board to review the Planning page on the website for maps, links to resources, Q&A, and to see the forms that citizens see when applying for different projects, etc.
 - The City Attorney discussed the P&Z/Architectural Review Board's roles and responsibilities as laid out in Sec. 101-60. Section 109-21, 109-22, 109-48, and 109-51 were all discussed in how the P&Z Board is to discuss Certificates of Appropriateness and make considerations.
 - The Historic District Guidelines were discussed and the City Attorney gave a brief overview of the content as well as how to take them into account – he confirmed that they are a part of the City LDC as Historic District Guidelines and the P&Z Board should use them as a tool to approve and deny application for Certificates of Appropriateness.

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
WORKSHOP & REGULAR MEETING
Monday, March 11th, 2024
City Meeting Room – 74 6th Street
Minutes

- Discussion was held and the board adjourned the workshop to enter the Regular Meeting.

Regular Meeting: 6:00 PM

1. Approval of February 12th, 2024 meeting minutes.
 - Motion to approve by Jim Bachrach; 2nd by Myrtis Wynn. All in favor – motion carried.
2. Review, Discussion and Decision for Fence. (R-2) @ 178 22nd Ave, Block 237 Lot 7. For Stephen Penn - Owner; Contractor: Self
 - Motion to approve by Bobby Miller; 2nd by Elizabeth Milliken. All in favor – motion carried.
3. Review, Discussion and Decision for Certificate of Appropriateness & Fence. (R-1) (Historic District) @ 140 Avenue D, Block 48 Lot 4/5. For Charles Miller; Contractor: Ryan McClain
 - Motion to approve by Jim Bachrach; 2nd by Myrtis Wynn. All in favor – motion carried.
4. Review, Discussion and Decision for Accessory Structures. (R-2) @ 245 Jacobie Oneal Lane, Block 226. For Olivia & Steve Wells; Contractor: TBD
 - Motion to approve by Jim Bachrach; 2nd by Bobby Miller. All in favor – motion carried.
5. Review, Discussion and Decision for Accessory Structure & Pavers. (R-2) @ 148 13th Street, Block 90 Lot ½ 2 & ½ 3. For Thomas Becknell & Pamela Erwin; Contractor: Self
 - Motion to approve by Bobby Miller; 2nd by Jim Bachrach. All in favor – motion carried.

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
WORKSHOP & REGULAR MEETING
Monday, March 11th, 2024
City Meeting Room – 74 6th Street
Minutes

6. Review, Discussion and Decision for Certificate of Appropriateness & Sign. (C-1) (Historic District) @ 25 Ave D, Block E-2 Lots 1-2-3. For Star Step Capital Florida Properties LLC (Oyster City); Contractor: William Ross Development

- Motion to approve by Jim Bachrach; 2nd by Myrtis Wynn. All in favor – motion carried.

7. Review, Discussion and Decision for Certificate of Appropriateness, Fence, & Addition. (C-2) (Historic District) @ 111 Ave E, Block 32 Lots 8-19. For Tom Brocato; Contractor: Self

- Motion to approve by Bobby Miller; 2nd by Jim Bachrach. All in favor – motion carried.

Other/New Business:

- Justin McMillan has resigned from the Board – Myrtis Wynn is now a full voting member!
- There is an alternate position now open. Advertised on City Website for applicants 3/4/24.

Outstanding/Unresolved Issues:

- 94 Bay Avenue was tabled at the February meeting – they expect to re-submit their design for the April P&Z meeting.

Motion to adjourn the meeting by Jim Bachrach; 2nd by Myrtis Wynn – meeting adjourned.

Meeting Minutes Approved by:

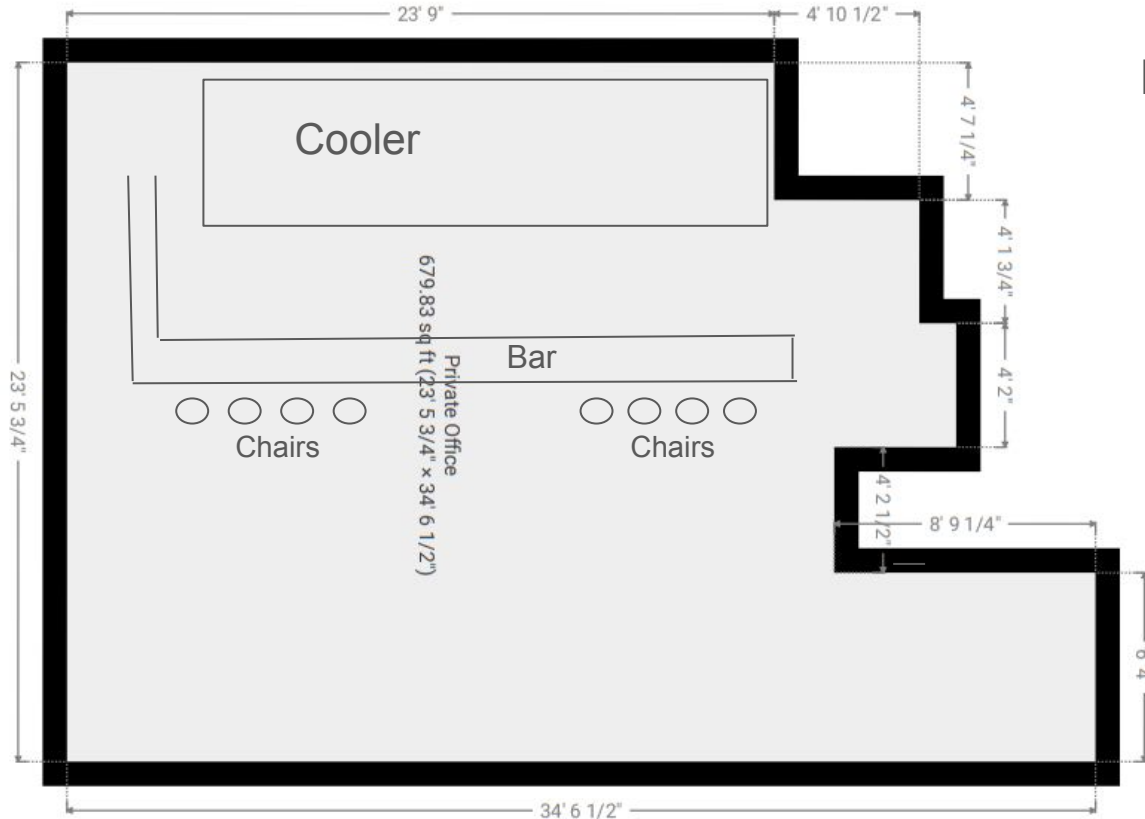


Vice-Chair – ~~Joe Taylor~~
Chase Galloway



Date

Interior Layout Approved in March 2024



Interior layout

- Walk in cooler
- Bar
- 8 Bar stools

Rear Exterior Layout Approved in March 2024



Patio Layout

- Deck (14'x18')
- Uncovered space (14'x20')
 - Two 8' tables



Facade Improvements

- Exterior signage
(3'x10')
 - Building face is
24'5"x17'3" (423sqft)
- Two Roll Up
Overhead Doors
(8'x7')

July 29, 2026

To Whom It May Concern:

In regards to the Oyster City Brewing Company business located at 25 Avenue D in Apalachicola, attached is support materials that show the interior and patio layout that was originally approved by the Planning and Zoning Committee at the time of construction in 2024. Included in the approved seating plan was eight bar stools for the interior and two tables on the back patio.

Following construction, we opted not to put the two tables on the patio as previously planned. The unsightly state of disarray of the adjacent property required us to put a fence on our property to block the view of the neighboring property, which then created a smaller patio area that would not accommodate space for the two tables we originally planned.

In exchange for the two tables on the patio, we are now looking to put two slender high top bar structures out in front of the building with a total of 7 bar stools. While heavy and sturdy, the bar top structures will be moveable in order to ensure that any access needed to the water and utilities located underground at the curb in this area is maintained at all times (as opposed to securing the bar structures into the ground where they would be set in place). The drawing included in our agenda submission includes dimensions for the bar top and its location, which we designed to maintain well beyond ADA requirements when it comes to keeping the sidewalk area clear in front of the building. The bar stools will be brought in daily upon closing and out back out at opening the following day.

We look forward to discussing these plans and ultimately providing additional seating area for people to enjoy in downtown Apalachicola!

Best Regards,

Carrie Poole
Regional Manager
Oyster City Brewing Company
850-510-9469
carrie.poole@mbtw.beer

STAFF FINDINGS REPORT

PROPERTY OWNER: Star Step Capital Florida Properties

AGENT (if applicable): Carrie Poole

CONTRACTOR: N/A

PROPERTY ADDRESS (if available): 25 Avenue D

→ Part of Block E-2 Lots 1-3

PARCEL ID: 01-09S-08W-8330-00E2-0021

HISTORIC DISTRICT: Yes

CORNER LOT: No

ACREAGE: --

ZONING DISTRICT: C-1 General Commercial Downtown

WETLANDS: No

FLOODPLAIN: Mixed "X" and "AE"

DESCRIPTION OF PROJECT:

→ Parking plan and exterior bar seating on the sidewalk fronting on Avenue D.

STAFF FINDINGS:

Code of Ordinances:

→ **Section 36-55. [Sidewalk] Permits.**

- No private property shall be allowed to be placed, positioned, maintained or remain on the sidewalks, streets, right-of-way or public property in the city downtown commercial area except by permit. Business owners may apply for a permit as set forth in this article which shall, as a minimum, require the following, with other requirements to be specified by resolution of the city commission:
 - Items must not exceed nor be placed in an area in excess of 36 inches in depth from the front edge of the business property out into the sidewalk, and in any event, a minimum of at least 48 inches from the street edge of the sidewalk toward the business property shall remain clear (of private items or commercial activity or operations) for pedestrian traffic at all times. Business owners receiving permits

under this article are responsible to clean and maintain all items of private property in the permitted area and ensure that they are safe and attractive for use by the public. Items on the permitted area must be owned by and relate directly to the commercial activities of the adjacent permitted business. All permits issued will also require an encroachment agreement with the city on terms required by the city.

→ **Section 111-273. C-1 General Commercial Downtown.**

- **Development standards:**
 - **Minimum lot size:**
 - Principal uses: Platted lot of record platted prior to 1991.
 - Usually 2,400 SF (30' x 80').
 - Existing plats may not be subdivided to create smaller lots.
 - **Minimum building size:**
 - Single-family: 800 SF.
 - **Minimum building setbacks:**
 - Front: 0 ft.
 - Side (interior lot): 0 ft.
 - Side (corner lot): 0 ft.
 - Rear: 0 ft.
 - **Maximum building restrictions:**
 - Lot coverage: 80%.
 - Building height: 35 ft.
 - Building footprint: 8,500 SF for a single commercial development.
- **Applicable regulations:**
 - All required off-street parking will be provided either on the same parcel of land as the principal building or structure or on a separate parcel located within 500 feet of the principal building or structure.

→ **Section 111-288(i). Parking Requirements.**

- There shall be provided at the time of the erection of any principal building or structure parking space with adequate provisions for ingress and egress no less than the following space requirements. When calculating the required
- number of parking spaces, fractional numbers of spaces go to the next whole number.
 - **Drinking Establishments.** One off-street parking space for each two persons at work on peak shifts (1:2), plus one for each two tables for service (1:2), plus one for each four stools at the service counter (1:4).
 - **Seating approved in 2024:**

- 8 bar stools (interior) = 2 parking spaces.
- 2 tables (rear exterior) = 1 parking space.
- **Seating currently utilized:**
 - 8 bar stools (interior) = 2 parking spaces.
- **Additional seating requested in 2026:**
 - 7 bar stools (front exterior) = 2 parking spaces.
 - Substitute 2 tables (never utilized) for 4 of the requested front exterior bar stools. Current request therefore requires mitigation of 1 parking space instead of 2.
- Required off-street parking will be provided either on the same parcel of land as the principal building or structure or on a separate parcel located within 500 feet of the principal building or structure.

→ **Section 111-294. Parking Mitigation.**

- This section allows developers to substitute payments toward off-site parking for on-site parking in C-1, C-4, and RF districts.
- Mitigation may be used to offset up to half of the required parking spaces for a development. The other half must be met by on-site or approved off-site requirements as established in this Code, unless otherwise referenced for historic structures or development on one lot as identified in section 111-288(i)(11) or (12).
 - The fee shall be calculated by multiplying the number of required parking spaces for the principal buildings, structures, or uses to be provided for designated city parking areas by the rate of \$5,000.00 per required parking space. The rates are intended to offset the city's reasonable cost to construct new parking facilities of each type, and to maintain them for a period of 30 years.
- All proposed parking mitigation contributions shall be placed in the parking mitigation fund, which shall be used exclusively to establish parking to serve nonresidential uses in the commercial districts.

RECOMMENDATION: Approval on the condition that the stools and bar top cannot exceed nor be placed in an area in excess of 36 inches in depth from the front edge of the business property out into the sidewalk; 48 inches from the street edge toward the business property must remain clear at all times.



Certificate of Appropriateness

125 Water Street



City of Apalachicola Planning & Zoning
Application for Development/Site Plan Approval

Official Use Only

Date Received: _____

Meeting Date: _____

Fees Due: _____

Date Fees Paid: _____

OWNER INFORMATION

Owner Apalachicola Ventures LLC
Address 1928 Executive Park Dr
City Statham State GA Zip 30666
Phone 850-832-9376

CONTRACTOR INFORMATION

Contractor Name Joseph Drew Robertson (GeoFlora Group, LLC)
State License # CGC1534033 City License # 24-176
Email drew@geofloragroup.com/office@geofloragroup.com
Phone 850-745-4226/850-210-9257

PROJECT TYPE

☐ New Construction

☐ Addition

☒ Alteration/Renovation

☐ Relocation

☐ Demolition

☐ Fence

☐ Accessory Structure

☐ Certificate of Appropriateness

☒ Other Roof Line Modification

PROPERTY INFORMATION

Street Address (911 Address): 125 Water Street
City & State: Apalachicola FL Zip: 32320 Wharf Lot 15 & 16
Parcel ID #: 01-09s-08w-8330-0000-0150/01-09s-08w-8330-0000-0160 Block: _____ Lot: _____
Zoning District: RF ☒ Historic District ☐ Non-Historic District
FEMA Flood Zone: VE EL 13

OFFICIAL USE ONLY

Certificate of Appropriateness Required? Y / N

Setback Requirements of Property:

Front: _____ Rear: _____ Side: _____

Corner Lot? Y / N Street Sides: _____

Lot Coverage: _____

STAFF NOTES/RECOMMENDATIONS:

This development request has been approved for a Certificate of Appropriateness (if applicable), zoning, land use, and development review by the City of Apalachicola Planning & Zoning Board and a building permit is authorized to be issued.

City Staff

Date Approved

NOTE: This is a conceptual approval through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by the Building Official.

JDR

Applicant Initial

Describe the proposed project and materials. Describe the proposed project in terms of size, affected architectural elements, materials, and relationship to the existing structure(s).

Reopen Boss Oyster Restaurant. Upgrade windows and any door to Florida Approved with Impact Glass

Metal siding to remain or be reused. Metal roof to remain on large Boss Building. Replace roof & trusses on burnt building.

SCOPE for P&Z: Approval request to modify roof between both two story buildings for better architectural symmetry.

PROJECT SCOPE	MANUFACTURER	PRODUCT DESCRIPTION	FL PRODUCT APPROVAL #
Siding			
Doors			
Windows			
Roofing			
Trim			
Foundation			
Shutters			
Porch/Deck			
Fencing			
Driveways/Sidewalks			
Other			

NOTE: Please have a site plan prepared to turn in with your application. At minimum, the site plan needs to contain: a North arrow, surrounding streets, lot lines, lot dimensions, setbacks, current structure dimensions, proposed structure dimensions, fence locations, and fence heights. Applications requiring a Certificate of Appropriateness will also need to submit renderings/elevations of any proposed structures and note the materials proposed. More information may be requested by City Staff.

CERTIFICATION

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

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

2026-07-22

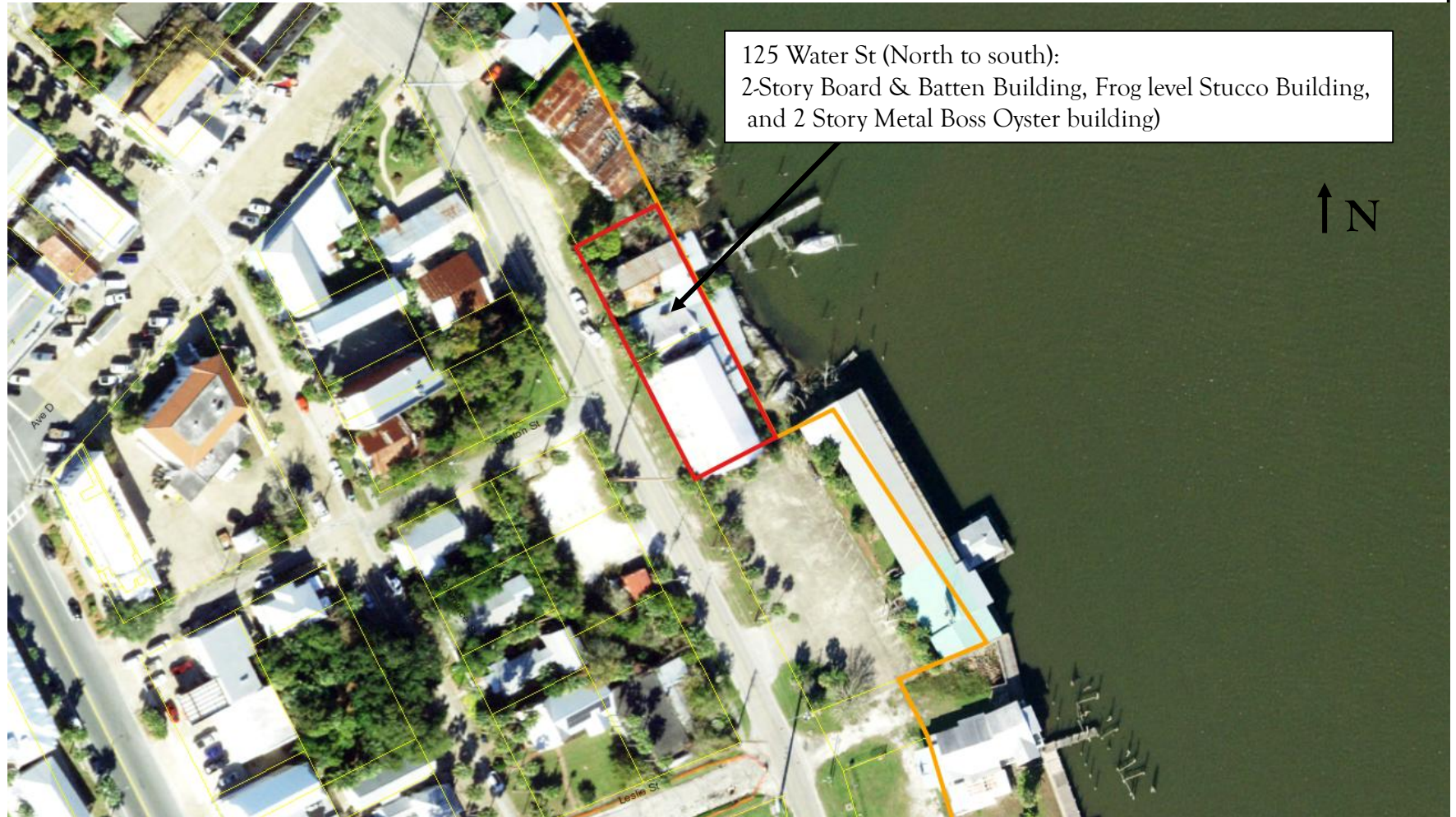
DATE



SIGNATURE OF APPLICANT

Site Location
Boss Oyster Restaurant
125 Water Street
Apalachicola FL, 32320

Overall Parcel Location
Source: Franklin Co Prop Appraiser
Scale: Not to Scale
Date: July 2026



Site Location
Boss Oyster Restaurant
125 Water Street
Apalachicola Fl, 32320

Aerial West Elevation
Source: GeoFlora Group Photo
Scale: Not to Scale
Date: July 2026



125 Water St (Boss Oyster, Frog level and 2 story building)

Site Location
Boss Oyster Restaurant
125 Water Street
Apalachicola Fl, 32320

Area of Interest for P&Z
Source: GeoFlora Group Photo
Scale: Not to Scale
Date: July 2026



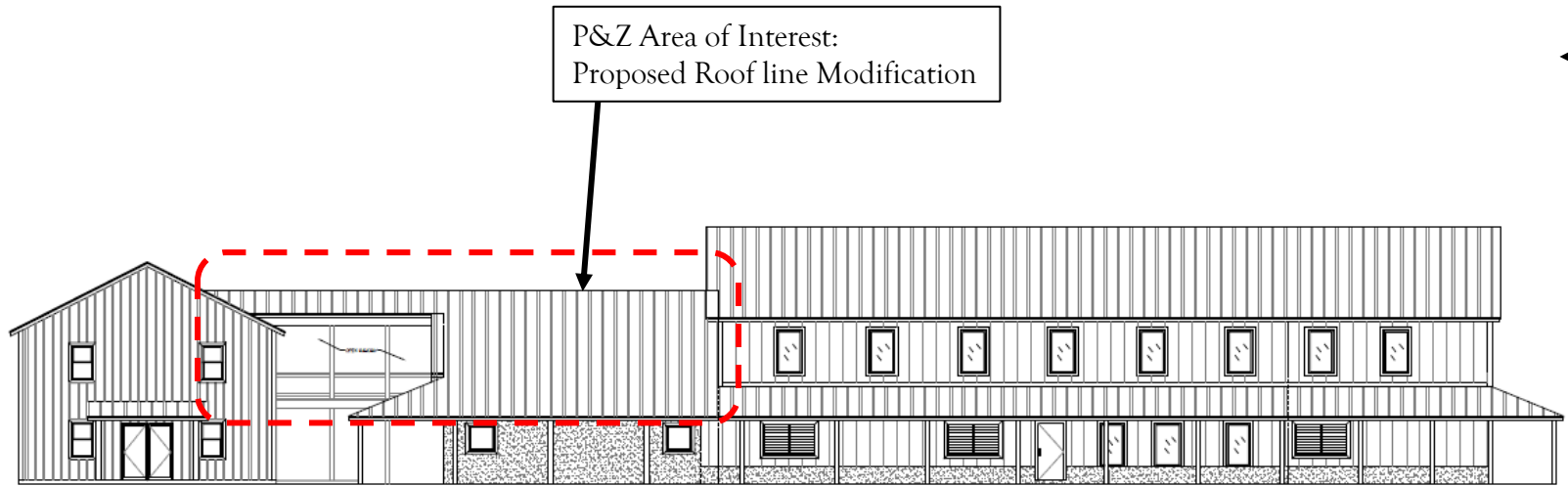
Site Location
Boss Oyster Restaurant
125 Water Street
Apalachicola FL, 32320

Area of Interest for P&Z
Source: GeoFlora Group Photo
Scale: Not to Scale
Date: July 2026



Site Location
Boss Oyster Restaurant
125 Water Street
Apalachicola Fl, 32320

Proposed Roof Style Modification
West Elevation
Source: GeoFlora Group Photo
Scale: Not to Scale
Date: July 2026



STREET ELEVATION

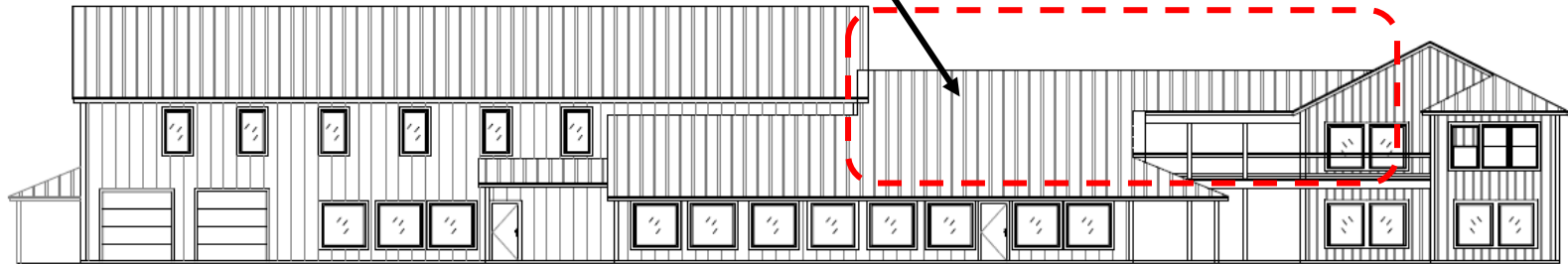
Site Location
Boss Oyster Restaurant
125 Water Street
Apalachicola Fl, 32320

Proposed Roof Style Modification
East Elevation
Source: GeoFlora Group Photo
Scale: Not to Scale
Date: July 2026



P&Z Area of Interest:
Proposed Roof line Modification

N



RIVER ELEVATION

Floodplain Variance Approved 5-0 at June 3, 2025 City Commission Meeting

APALACHICOLA CITY COMMISSION REQUEST FOR BOARD ACTION Meeting Date: 6/3/25

SUBJECT: Floodplain Variance 2025-01 (125 Water Street)

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: 1
Department: Building Department
Contact: Michael Brillhart/Keisha Messer, Floodplain Administrator
Presenter: Michael Brillhart/Dan Hartman

BRIEF SUMMARY:

Applicant is seeking a floodplain variance related to the elevation requirements for 125 Water Street. The Land Development Code allows for a variance for historic structures when recommended by a Floodplain Administrator and approved by the City Commission. 125 Water Street is on the Historic Master Site File.

This is a follow up from the December 2024 meeting where this was first discussed. Commissioners asked for elevations of what the structure could look like – see applicant submittal.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Approve a floodplain variance for 125 Water Street on the basis that it is a historic structure and proposed work will not diminish the historic value.

FUNDING SOURCE:

N/A

ATTACHMENTS:

Applicant submittal, Floodplain Admin recommendation, December 2024 agenda item and minutes.

STAFF'S COMMENTS AND RECOMMENDATIONS:

Floodplain administrator recommended approval.

STAFF FINDINGS REPORT

PROPERTY OWNER: Apalachicola Ventures LLC

AGENT (if applicable): N/A

CONTRACTOR: GeoFlora Group LLC (Drew Robertson)

PROPERTY ADDRESS (if available): 125 Water Street

→ Wharf Lots 15 and 16

PARCEL ID: 01-09S-08W-8330-0000-0160 and 01-09S-08W-8330-0000-0150

HISTORIC DISTRICT: Yes

CORNER LOT: No

ACREAGE: -- (~14,000 SF)

ZONING DISTRICT: RF Riverfront District

WETLANDS: No

FLOODPLAIN: “VE”

DESCRIPTION OF PROJECT:

- Modify the roof line between two of the three Boss Oyster buildings to (1) improve architectural cohesion and to (2) connect the second stories of the two buildings for pedestrian traffic.

STAFF FINDINGS:

Code of Ordinances:

→ **Section 101-8. Definitions.**

- **Nonconforming building** means any building or structure which existed lawfully at the time it was permitted, but that does not comply with the current regulations of the zoning district or the adopted comprehensive plan land use designation in which it is located.
 - The structure does not conform with the maximum commercial building footprint requirement of Section 111-277.

→ **Section 109-22. Administration.**

- **Preservation of historic buildings within all zones in the historic district.**
A building or structure classified as historic or any appurtenance related

thereto, including, but not limited to, stone walls, fences, light fixtures, steps, paving and signs shall only be moved, reconstructed, altered or maintained in a manner that will preserve the historical and architectural character of the building, structure or appurtenance thereto.

- **125 Water Street** is listed on the Florida Master Site File Apalachicola Cultural Resource Roster.
- **Visual compatibility factors.** Within historic district, new construction and existing buildings and structures and appurtenances thereof which are moved, reconstructed, materially altered or repaired shall be visually compatible with buildings, squares, and places to which they are visually related.

→ **Section 111-277. RF Riverfront District.**

- **Development standards:**
 - **Minimum lot size:**
 - Principal uses other than residential: 3,500 SF (50' x 70')
 - **Minimum building size:** N/A for nonresidential development.
 - **Minimum building setbacks:**
 - Other [non-residential] principal uses:
 - Front: 0 ft.
 - Side: 5 ft.
 - May be reduced to 0 ft. on one side, see ordinance.
 - Rear: 10 ft. from the river.
 - **Maximum building restrictions:**
 - Lot coverage: 80% or 11,200 SF
 - Building height: 35 ft.
 - Building footprint: 8,500 SF for a single commercial development.
 - Total “under roof” area following proposed modification will be 9,967 SF (decreased from 10,850 SF).
- **Applicable regulations:**
 - No outdoor storage of waste or materials, other than oyster shells used in seafood processing, machine maintenance or solid waste shall occur within 50 feet of the Apalachicola River; and no discharge of such waste and materials shall occur into the river.
 - All structures, with the exception of pile supported uninhabitable water-dependent structures such as docks, shall be setback a minimum of ten feet from the river and no impervious surfaces shall be placed within the setback.

- In order to minimize stormwater contamination, all roof covering must be constructed of tin (metal) clay tile, slate, untreated wood, or a comparable material which will not contaminate runoff from the roof. No asbestos, asphalt or other petroleum-based material shall be used.

→ **Section 111-322. Historic and nonhistoric nonconforming structures.**

- Repairs, alterations, and additions necessary for the preservation, restoration, and rehabilitation of a nonconforming structure may be permissible when authorized by the architectural review board in the form of a certificate of appropriateness, provided the structure is a documented historic structure.
 - **125 Water Street** is listed on the Florida Master Site File Apalachicola Cultural Resource Roster.
- **Expansion of historic and nonhistoric, nonconforming structures.** The intent of this section is not to permit either historic or nonhistoric nonconforming structures to be enlarged upon, expanded, or extended, except as allowed through the variance process at section 101-61(2). Existing nonconformities of a structure shall not be used as grounds for adding other structures prohibited elsewhere in the same district.

RECOMMENDATION: Approval, on the condition that the roof line modification must be deemed necessary for the preservation, restoration, or rehabilitation of the building by the Board.



**New Construction
(Non-Residential)**

01-09S-08W-8330-0000-00I1



City of Apalachicola Planning & Zoning
Application for Development/Site Plan Approval

Official Use Only

Date Received: _____

Meeting Date: _____

Fees Due: _____

Date Fees Paid: _____

OWNER INFORMATION

Owner City of Apalachicola

Address 1 Bay Avenue

City Apalachicola State FL Zip 32320

Phone 850-653-9319

CONTRACTOR INFORMATION

Contractor Name Arris General Contractors

State License # CGC1528335 City License # _____

Email j.p.griffin@arrisgci.com

Phone 850-954-2424

PROJECT TYPE

☐ New Construction

☐ Addition

☐ Alteration/Renovation

☐ Relocation

☐ Demolition

☐ Fence

☐ Accessory Structure

☐ Certificate of Appropriateness

☒ Other Informational Kiosk

PROPERTY INFORMATION

Street Address (911 Address): _____

City & State: Apalachicola, FL Zip: 32320

Parcel ID #: 01-09S-08W-8330-0000-0011 Block: M, L, K, Wharf Lot: 1-3, 18-20, pr 4 and 17

Zoning District: Municipal [] Historic District [X] Non-Historic District 1-5, 17-20, pr 6 and 16

FEMA Flood Zone: Yes 10-11, pr 9 and 12
37-39 and I

OFFICIAL USE ONLY

Certificate of Appropriateness Required? Y / N

Setback Requirements of Property:

Front: _____ Rear: _____ Side: _____

Corner Lot? Y / N Street Sides: _____

Lot Coverage: _____

STAFF NOTES/RECOMMENDATIONS:

This development request has been approved for a Certificate of Appropriateness (if applicable), zoning, land use, and development review by the City of Apalachicola Planning & Zoning Board and a building permit is authorized to be issued.

City Staff

Date Approved

NOTE: This is a conceptual approval through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by the Building Official.

Applicant Initial

Describe the proposed project and materials. Describe the proposed project in terms of size, affected architectural elements, materials, and relationship to the existing structure(s).

Installation of a 10' x 10' metal roof informational kiosk. The kiosk will be a stop at the beginning of the 220 mile long Big Bend Scenic byway containing history related to Apalachicola and information about the scenic byway. This is one of 32 sites stretching from Apalachicola to St. Marks. Agreements for this small road side structure were made with the City of Apalachicola in 2016.

PROJECT SCOPE	MANUFACTURER	PRODUCT DESCRIPTION	FL PRODUCT APPROVAL #
Siding			
Doors			
Windows			
Roofing	McElroy Metal	10' x 10' Metal roof open air structure	1832.8
Trim			
Foundation			
Shutters			
Porch/Deck			
Fencing			
Driveways/Sidewalks			
Other			

NOTE: Please have a site plan prepared to turn in with your application. At minimum, the site plan needs to contain: a North arrow, surrounding streets, lot lines, lot dimensions, setbacks, current structure dimensions, proposed structure dimensions, fence locations, fence heights, and the location, size and species of protected trees (refer to tree permit for a list of protected trees). Applications requiring a Certificate of Appropriateness will also need to submit renderings/elevations of any proposed structures and note the materials proposed. More information may be requested by City Staff.

CERTIFICATION

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

1. I/We hereby attest to the fact that the above supplied property address(es), parcel numbers(s), and legal description(s) is(are) the true and proper identification of the area of this petition.
2. I/We authorize staff from the City of Apalachicola to enter onto the property in question during regular business hours in order to take photos which will be placed in the permanent file.
3. I/We understand that the COA review time period will not commence until the application is deemed complete by staff and may take up to 10 business days to process. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.
4. I/We understand that, for Board review cases, an agenda and staff report (if applicable) will be available on the City's website approximately one week before the Planning & Zoning Board Meeting.
5. I/We understand that the approval of this application by the Planning & Zoning Board or staff in NO way constitutes approval of a Building Permit for Construction from the City of Apalachicola Building Department.
6. I/We understand that all changes to the approved scope of work stated in a Certificate of Appropriateness or Development Order application have to be approved by the P&Z Board before work commences on those changes. Making changes that have not been approved can result in a Stop Work Order being placed on the entire project and additional fees/penalties.
7. I/We understand that any decision of the P&Z Board may be appealed to the City Commission within 30 days after the decision by the P&Z Board; otherwise, the decision will be final.
8. I/We understand that a Certificate of Appropriateness is only valid for one year after issuance. They are renewable for six months without cause if requested, and for an additional six months upon showing of good cause by the applicant. The applicant must submit all requests for extensions in writing and provide appropriate support documents to City Staff, if needed.
9. I/We understand that P&Z Board approval is permission to obtain a permit for work and installation as indicated. I certify that all work will be performed to meet standards of all laws regulating construction in this jurisdiction.
10. I/We understand that there will be no issuance of a Certificate of Appropriateness without the property owner obtaining Homeowner's Association approval (if required) prior to the P&Z Board Meeting and/or before the beginning of an work and in no way authorizes work that is in violation of any association rules or regulations.
11. **I/We understand that the City of Apalachicola will never request a P&Z fee greater than the amount(s) outlined in the adopted fee schedule, nor will the City of Apalachicola request fee payment be made by wire transfer. Please contact City Hall directly with any questions regarding fee payment.**

7/23/26

DATE


SIGNATURE OF APPLICANT



Site location shown on participant agreement

Site 8 Apalachicola

Parcel ID: 01-09S-08W-8330-0000-00I1



U.S. Fish and Wildlife Service
National Wetlands Inventory

01-09S-08W-8330-0000-0011



July 23, 2026

Wetlands

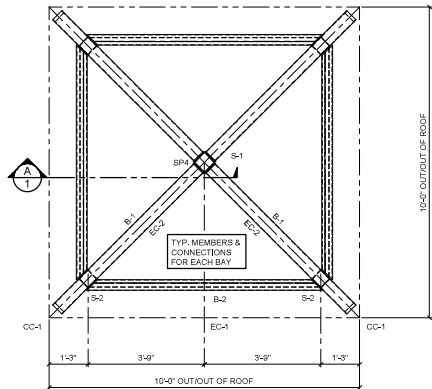
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

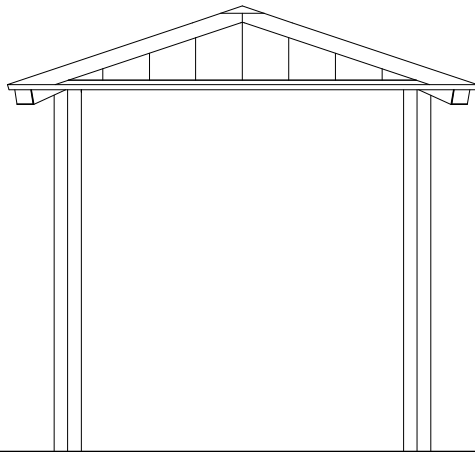
National Wetlands Inventory (NWI)
This page was produced by the NWI mapper



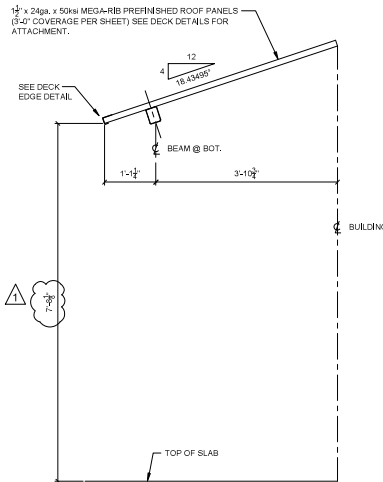
FRAMING PLAN
SCALE: 1/2" = 1'-0"

ERECTOR NOTE:
DECK SUPPORT CAPS REQUIRED AT BEAMS FOR VARIOUS CONDITIONS. SEE BEAM AND DECK SUPPORT CAP DETAILS FOR CAP ATTACHMENT FOR A HIP, RIDGE, GABLE OR CURB/A CONDITION.

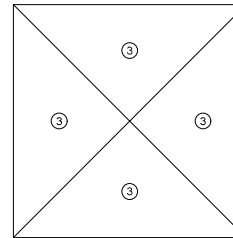
ERECTOR NOTE:
SEE METAL DECK DETAILS FOR ATTACHMENT OF CAPTRIM PIECES.



ELEVATION
SCALE: 3/4" = 1'-0"



SECTION A
SCALE: 3/4" = 1'-0"



ROOF PLAN

ULTIMATE PRESSURES FOR COMPONENTS & CLADDING

ZONE	PRESSURE	SUCTION	AREA
3	86.4 PSF	76.5 PSF	< 9 ft ²
3	62.7 PSF	61.5 PSF	> 9 ft ² ≤ 36 ft ²
3	43.2 PSF	38.7 PSF	> 36 ft ²

CONTRACT NOTE
Reference accepted proposal and/or executed contract for identification of items furnished. Any item not specifically included shall be provided by owner, installer or others. Some items are specifically noted as N.I.C. (not in contract).

STEEL & HARDWARE SHOP NOTES
1. All steel plate to be ASTM A572 Grade 50.
2. Steel tubes to be ASTM A500 Grade C.
3. All welding is to be done in accordance with latest AWS standards. If welds are not specified, all welds are to develop full strength of all component parts.
4. All bolts to be ASTM F1552 Grade A325 Type 1. Exception: All bolts smaller than 1/2" to be A307A. Anchor bolts as noted.
5. All nuts to be ASTM A563D1 except as noted. A19154 Gr. 36 anchor bolts and A307A bolts, nuts to be ASTM A563A.
6. All fabricated steel to be powder coated, color selected by owner.
7. Hardware (bolts, nuts, washers, etc.) to be hot-dipped galvanized (HDG). Shop to verify hole tolerances and tolerances of threaded parts for compatibility of the galvanized parts only.

ERECTION NOTES
All steel members must be properly braced until the complete structural system has been constructed. Correction of minor misfits and a reasonable amount of reaming or alignment with drift pins will be considered a legitimate expense of erection. In the event of error, defect in materials, and/or workmanship of shop work which prevents proper assembling and fitting up of parts by the moderate use of drift pins, or reaming, immediately report to the seller and obtain seller's approval of the method of correction.
Bolts to be snug tight. Torque measurement is not required.

NOTE This building has been designed as a free standing, open structure. If walls are to be added, or if the building is to adjoin another structure, or if other modifications are to be made, the structure must be re-engineered prior to these modifications (by others).

DESIGN CRITERIA
FL Building Code 6th Ed (2023)
Type of Construction: Type I-B
Occupancy Classification: Assembly A-3
Building Risk Category II
Mean Roof Height = 9'-0"
Building Area = 100 ft²
Building Volume = 900 ft³
No. of Occupants = 7 (15 ft² per person)

ROOF DL
Metal Roofing 1.2 psf
Misc. 0.8 psf
Total = 2.0 psf + weight of framing

FLOOR LL
L = 100 psf

ROOF LL
L = 20 psf

WIND LOAD
V_h = 140 mph, V_{max} = 108 mph
Exposure D, Open Building w/ GC_f = 0
Component & Cladding Ultimate Wind Pressures
See "ROOF PLAN" on this sheet

METAL ROOFING NOTES:

CLEAR PROTECTIVE FILM MUST BE REMOVED FROM ALL METAL PRIOR TO INSTALLATION.

METAL ROOFING SHOULD BE STORED OUTDOORS OR WHEN STORED OUTSIDE IT SHOULD BE STORED UP ON BLOCKS WITH FINISHED FACE UP AND SLOPED TO DRAIN.

DURING INSTALLATION, ALL METAL SHAVINGS MUST BE REMOVED IMMEDIATELY TO AVOID RUSTING OF PANELS.

FLORIDA PRODUCT APPROVAL

FL Product Approval #	Product	Model #	Manufacturer
1852-8	Metal Roofing	Mega-Rib (24 ga.)	McElroy Metal

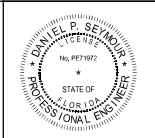
THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY DANIEL P. SEYMOUR, PE, ON 02/17/2025.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

DESIGN CERTIFICATION FOR:

BUILDING SIZE: 10' x 10'
BUILDING LOCATION: LEON COUNTY, FL
THIS CERTIFICATION OF DRAWINGS IS FOR THE ONE BUILDING ONLY AT THE SITE LISTED ABOVE. IT IS VALID ONLY IF THE MATERIALS SHOWN ON THESE DRAWINGS ARE FURNISHED BY RCP SHELTERS, INC. AND ONLY IF MATERIALS ARE PAID FOR IN FULL.
IF MODIFICATION IS MADE WITHOUT EXPRESSED WRITTEN CONSENT OF RCP SHELTERS, INC., OR IF PAYMENT IS NOT MADE IN FULL, THEN CERTIFICATION BECOMES NULL & VOID.

PROJ. NO.: 26-001-A
Date: 2025.02.17 13:33:15 -0600
Daniel P. Seymour, P.E.
Enterprise Engineering Consultants, LTD.
710 French Street
Pensacola, FL 32505
FL Corp. Certificate No. F00000055724
FL PE. NO. 71972



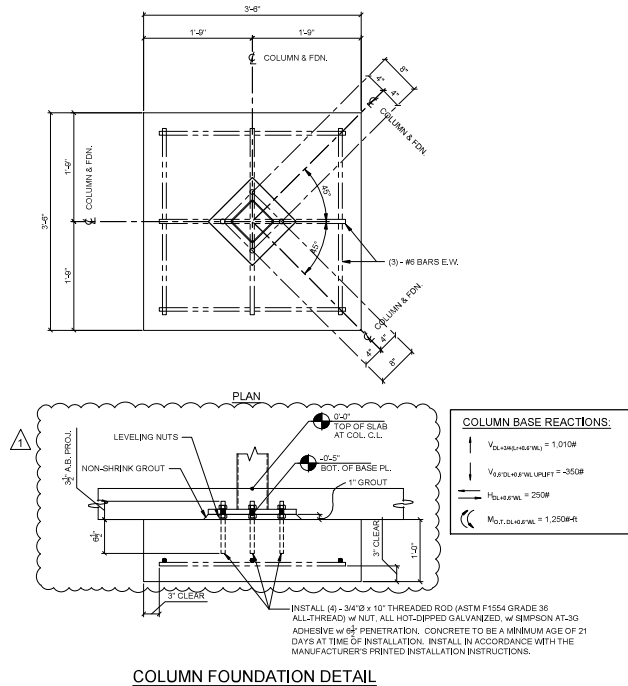
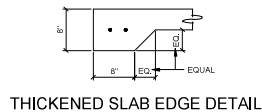
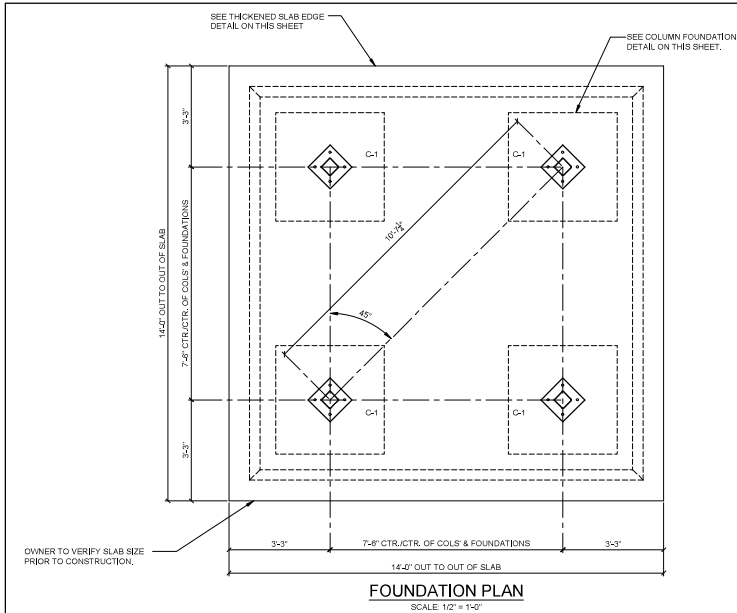
This is not to be the property of RCP SHELTERS, INC. and must be used, copied, or reproduced without their expressed written consent.

TS-SQ10-04
BIG BEND SCENIC HIGHWAY
LEON COUNTY, FL

RCP SHELTERS, INC.
2100 SE RAYS WAY, STUART, FL 34994
PO BOX 25, STUART, FL 34995-0025
SHELTERS ■ FAVILIONS ■ CONCESSIONS ■ KIOSKS ■ FABRIC SHADE
RESTROOMS ■ BANDSHELLS ■ MIN-SHELTERS ■ DUGOUTS ■ FABRIC SAIL
Phone 772-288-3600 Fax 772-288-0207
E-mail - info@rcpselters.com
www.rcpselters.com



PROJ. NO.	26-001-A
DRAWN	DPS
CHECKED	
REV#1	DPS
REV#2	
REV#3	
REV#4	
SHOP DRAWING NO.	13610_REV
REC. JORN. NO.	15685 R
SHEET NO.	1 OF 5



- CONCRETE NOTES:**
- Remove all organic material and topsoil from slab area. Verify suitability of subgrade. Footings are to be on undisturbed, natural soil or engineered fill. Both are to be compacted to 95% Proctor density. Remove all organic material below foundations, refer to soil borings on sheets 46 & 47 of the contract documents.
 - Concrete slabs to be 8" thick. Reinforce slab with 3'-0" x 6" steel wire fabric at mid-depth. Lap splices 8", AB. Fiber mesh admixture (min. 1.5M/cy, ballasted polypropylene).
 - Edge of slab to be thickened to min. 8" deep x 6" wide reinforced with 2' x 2' continuous rebar. Lap splices min. 24".
 - In locations subject to frost, install isolation joint, min. 10' wide, around column piers using diamond or circular layout. Wire mesh shall be interrupted at isolation joint.
 - Install crack control joints (3/16" wide x 1/2" deep) at 12' to 16' o.c.
 - Concrete slabs in open areas are to be finished to a smooth finish from center to edge and away from columns. Surface is to be lightly broomed or have a wood troweled finish.
 - Concrete slabs in enclosed areas are to have positive drainage to floor drains and have a troweled finish.
 - Concrete slab, foundation, rebar, wire mesh, leveling nuts, grout & anchor bolts (if required) are to be N.I.C.
 - All concrete reinforcing steel to be grade 60, deformed bars.
 - F_y of concrete to be 3000 psi @ 28 days for foundation, F_y of concrete to be 3500 psi @ 28 days for slab, air-entrained.
 - Assumed allowable soil bearing pressures: 1000 psf vertical bearing & 0.25 coefficient of friction. It is the Owner's responsibility to verify that the allowable soil bearing values at the site meet or exceed these assumed values. If the actual values are lower than the assumed values, the foundations must be redesigned (N.I.C.).
 - Leveling nuts have been shown under column base plate. Adjust leveling nuts as required to ensure all column bases are at the same elevation. Fill void between column base plate and top of foundation with non-shrink grout.
 - Grout shall be non-shrink, noncorrosive, factory pre-mixed grout in accordance with ASTM C1107 with F_y of not less than 9,000 psi.
 - Reinforcement shall be securely held in place while placing concrete. If required, additional bars, stirrups or chairs shall be provided to furnish support for bars.
- ELECTRICAL CONDUIT NOTE:**
If electrical access is required, install conduit in foundation and align with access hole in column base plate. Coordinate with electrical contractor.

FOUNDATION HARDWARE PARTS LIST		
QTY	HARDWARE DESCRIPTION	REMARKS
16	3/4" X 10" THREADED ROD	REFERENCE PO
32	3/4" HEAVY HEX NUT A563A (ANCHOR & LEVELING)	REFERENCE PO

NOTES:

- ALL ITEMS TO BE HOT DIPPED GALVANIZED

ANCHOR BOLT GRADE (SUPPLIER OPTION):
F1554 GR. 36 THREADED ROD
OR
F1554 GR. 55 5.1 THREADED ROD

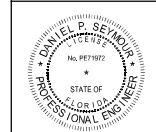
TS-SQ10-04
BIG BEND SCENIC HIGHWAY
LEON COUNTY, FL

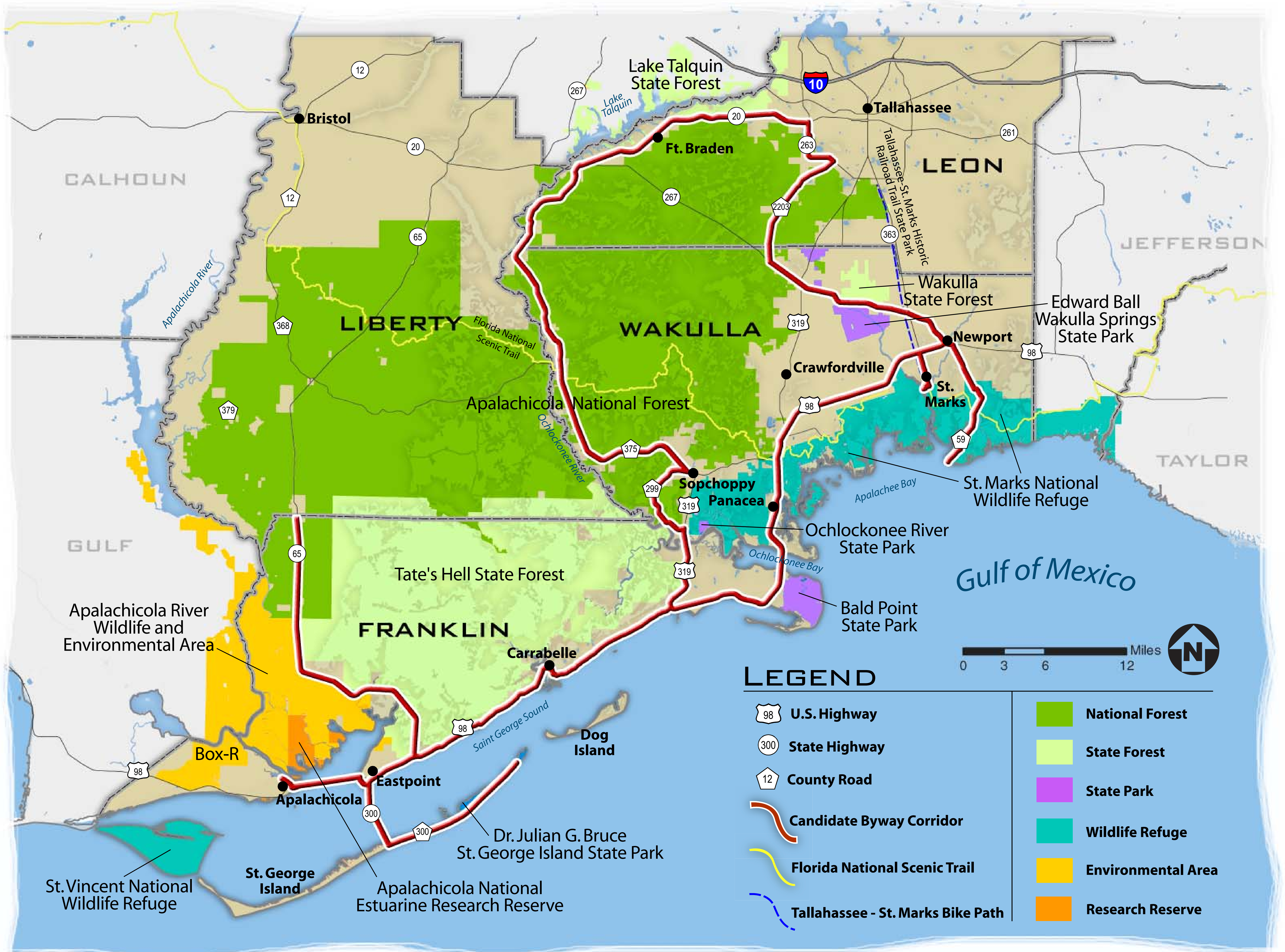
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Phone 772-288-3600 Fax 772-288-0207
www.rcpselters.com E-mail - info@rcpselters.com



PROJ. NO.	26-001-A
DRAWN	DPS 2-13-26
CHKD	
REV1	DPS 2-17-26
REV2	
REV3	
REV4	
SHOP DWG. NO.	13610_REV
EEC JOB NO.	15685 R
SHEET NO.	2 OF 5

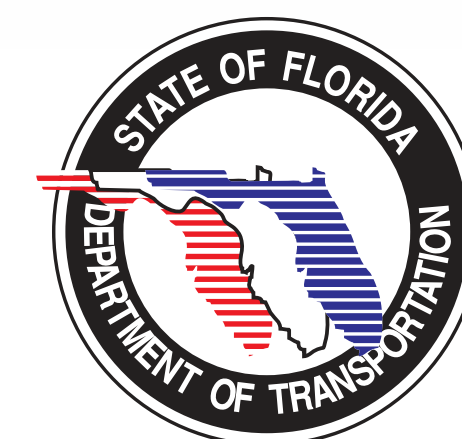
Daniel P. Seymour, P.E.
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710 French Street
Pensacola, FL 32505
FL Corp. Certificate No. F0000005724
FL PE. NO. 71972





CANDIDATE BIG BEND SCENIC BYWAY

Franklin, Leon, and Wakulla Counties



Kimley-Horn
and Associates, Inc.

Produced by the Big Bend Scenic Byway
CAG in conjunction with FDOT and KHA.

B-16-046

Prepared by:
Herbert W. A. Thiele, Esq.
Leon County Attorney's Office
Leon County Courthouse
301 S. Monroe St., Suite 202
Tallahassee, Florida 32301

2016 Agreement with City of Apalachicola
Referenced in project description

Franklin County
Parcel ID: 01-09S-08W-8330-0000-0011

**PARTICIPATION AND LICENSE AGREEMENT FOR
BIG BEND SCENIC BYWAY IMPROVEMENTS**

THIS PARTICIPATION AND LICENSE AGREEMENT (the or this "Agreement") is made and entered into the date upon which the last of the parties signs the Agreement ("Effective Date"), by and between **THE CITY OF APALACHICOLA**, a municipal corporation, whose mailing address is 1 Avenue E., Apalachicola, FL 32320, hereinafter referred to as "Participant," and **LEON COUNTY, FLORIDA**, a charter county and political subdivision of the State of Florida, whose post office address is Leon County Office of Financial Stewardship, Attention: Grants Coordinator, 301 South Monroe St., Tallahassee, FL 32301, hereinafter referred to as "Facilitator."

WITNESSETH:

WHEREAS, Participant is the owner of that certain parcel of real property located on the northeasterly side of Market Street in the City of Apalachicola, Franklin County, Florida, and identified by the Franklin County Property Appraiser as Parcel ID 01-09S-08W-8330-0000-0011 (the "Subject Property"); and

WHEREAS, the Subject Property is adjacent to the 220-mile Florida Scenic Highway known as the Big Bend Scenic Byway (hereinafter referred to as the "Byway"); and

WHEREAS, in May 2006, the Corridor Management Entity (the "CME") was established to serve as the caretaker of the Byway and to take the lead in monitoring and implementing the 2007 Corridor Management Plan (the "CMP") adopted for the Byway; and

WHEREAS, the CME worked in conjunction with the U.S. Department of Agriculture Forest Service to prepare a plan designed to implement the goals and objectives of the CMP and contain the design guidelines and prototypes to be used by contractors and fabricators to construct the improvements along the Byway (the "Byway Improvements"), with such plan finalized and approved by the CME on March 4, 2010 as the Big Bend Scenic Byway Interpretive and Wayshowing Plan which, by this reference, is hereby incorporated as part of this Agreement (the "Interpretive and Wayshowing Plan"); and

WHEREAS, in order to implement the construction, fabrication, and installation of the Byway Improvements, a study was completed in June 2011 by Diane Delaney and Pamela Portwood, on behalf of the CME, entitled Implementation Study of the Big Bend Scenic Byway Roadside Interpretation Plan which, by this reference, is also hereby incorporated as part of this Agreement (the "Implementation Study"); and

WHEREAS, the CME was awarded a federal grant (the "Grant") managed through the Florida Department of Transportation to fund the final design and construction of Byway Improvements as shown and implemented in the Interpretive and Wayshowing Plan and Implementation Study, respectively; and

WHEREAS, Facilitator is the Agency responsible for implementing and managing the Grant funding for the Byway, and for directing and managing the final design and construction of the Byway Improvements; and

WHEREAS, the Grant requires Facilitator to provide match funding in an amount equal to 20% of the Grant amount; and

WHEREAS, Participant, as a member of the CME, wishes to participate in accomplishing the goals and objectives of the CMP to enhance and improve to the Byway by permitting a certain number of the Byway Improvements to be constructed on the Subject Property and by providing a portion of the match funding for the Grant in the form of cash, materials, and/or labor (the "Match Funding"); and

WHEREAS, Participant and Facilitator wish to establish with this Agreement the manner in which Facilitator will be permitted to utilize a portion of the Subject Property for the construction of the Byway Improvements, and which Participant will contribute Match Funding for such construction.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Participant and Facilitator agree as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into the terms of this Agreement.

2. Grant of License; Licensed Area Defined. Participant hereby licenses to Facilitator, its employees, contractors, agents, successors, and assigns, in accordance with the terms and conditions set forth in this Agreement, that certain area of the Subject Property adjacent to the Byway as depicted in Exhibit "A" attached hereto and incorporated herein by this reference (the "Licensed Area"). With regard to the Licensed Area, Participant and Facilitator acknowledge and agree to the following:

a. Not Real Property. This Agreement constitutes a license for the use of the Licensed Area and does not grant any permanent possessory interest in real property, nor shall this Agreement be construed as conveying any real property interest in the Licensed Area.

b. Term of License. The term of this license shall commence on the Effective Date of this Agreement and shall continue thereafter until the latest date of expiration of the warranty periods for any of the Participant Improvements constructed and lying within the Licensed Area. The expiration date of this license may be extended upon written agreement of the parties.

c. Approximate Boundaries. The boundaries of the Licensed Area as depicted herein are intended to be an approximation and are not to scale. As such, to the extent the Licensed Area encroaches on to abutting property not owned by Participant, the boundaries of the Licensed Area shall be deemed to be the nearest actual boundary of the Subject Property and the location shall be confirmed with and subject to the approval of Participant.

d. No License Fee. The mutual covenants and conditions contained in this Agreement represent sufficient consideration for this Agreement and, as such, Facilitator shall not be required to pay a fee for the license of the Licensed Area.

e. License Revocable. The license granted herein shall be revocable by Participant in accordance with the terms set forth in paragraph 10 below; provided, however, that such revocation of the license shall have no force and effect on the remaining rights and obligations of Participant and Facilitator that do not necessarily rely upon the existence of the license, and such remaining rights and obligations shall survive a revocation of the license granted herein.

3. Permitted Use. The use of the Licensed Area by Facilitator, its employees, contractors, agents, successors, and assigns shall be subject to Facilitator's indemnification as set forth in paragraph 18 below, and shall be limited to only the following activities:

- a. Construction of the Participant Improvements (as that term is defined in paragraph 4 below);
- b. Ingress and egress of vehicles and equipment as needed to construct the Participant Improvements; and
- c. Temporary storage and staging of equipment and materials as needed to construct the Participant Improvements.

4. Participant Improvements; Ownership. For purposes of this Agreement, the term "Participant Improvements" shall refer to those Byway Improvements to be constructed on the Subject Property as depicted in Exhibit "B" attached hereto and incorporated herein by this reference. With regard to the Participant Improvements, Participant and Facilitator acknowledge and agree to the following:

a. The Participant Improvements as depicted herein are artist renderings as contained in the Interpretive and Wayshowing Plan and Implementation Study, and are only intended to represent the design guidelines and prototypes of the Byway Improvements. As such, the final design of the Participant Improvements may vary from those depicted in Exhibit "B" and in any event the final design shall be with the consent of designated representatives of the CME, which consent shall not be unreasonably withheld.

b. The installation of all tertiary signs, as identified and shown in the Interpretive and Wayshowing Plan and Implementation Study, has been completed as of the Effective Date of this Agreement and, as such, will not be considered as part of the Participant Improvements.

c. The installation of any and all site approach markers, as identified and shown in the Interpretive and Wayshowing Plan and Implementation Study, will require further coordination between Facilitator and the Florida Department of Transportation ("FDOT") to allow for such installation to occur within the FDOT right-of-way. Therefore, such installation will be addressed as part of a separate agreement and will not be considered as part of the Participant Improvements.

d. Facilitator's role is merely to facilitate the design and construction of the Participant Improvements by acting as the Agency responsible for implementing and managing the Grant funding for the Byway. Facilitator shall at no time assume any ownership rights or responsibilities of the Subject Property or of the Participant Improvements. As such, any and all ownership rights and responsibilities associated with the Subject Property and the Participant Improvements shall, at all times, be that of Participant. This subparagraph shall survive the termination or expiration of the term of the license for the Licensed Area.

5. Match Funding. Participant shall contribute Match Funding consisting of cash in the amount of Five Thousand Five Hundred and 00/100 Dollars (\$5,500.00). To the extent such Match Funding has not already been paid as of the Effective Date of this Agreement, it shall be paid to Facilitator by cashier's check or other such certified funds and delivered to Facilitator, no later than forty-five (45) days after the Effective Date of this Agreement, by hand delivery or guaranteed overnight delivery service to Leon County Office of Financial Stewardship, Attn: Grants Program Coordinator, 301 South Monroe St., Tallahassee, FL 32301, or to such other address as Facilitator directs in writing.

6. Permitting of Participant Improvements; Further Assurance and Cooperation. To the extent Participant is a jurisdictional permitting authority involved in the permitting for the construction of the Participant Improvements, Participant shall make reasonable efforts to seek a waiver of any of its permitting fees required for such construction. Furthermore, Participant acknowledges and agrees that, in order to assure the timely construction of the Participant Improvements with no interruption or delay, Participant shall, subject to the approval of any development/design documentation by the Apalachicola Planning and Zoning Board, cooperate with Facilitator in the permitting process by executing, upon

request, any and all documents as required by the various permitting authorities involved in such construction.

7. Repair, Replacement, and Maintenance of Participant Improvements; Contractor Warranties. The maintenance, repair, and replacement of the Participant Improvements, whether required during or after construction thereof, shall be the responsibility of Participant at Participant's expense. Any such repairs and replacements that are covered under any warranty or guaranty provided by Facilitator's contractors shall be coordinated through Facilitator. Upon receipt of a written request from Participant for such warranty repairs, Facilitator shall, no later than five business days after such receipt, notify its contractor of Participant's warranty repair request. Any payment obligations of Participant as set forth herein shall be subject to appropriation of funding therefore by its legislative body; however, failure to appropriate funding adequate to meet such payment obligations shall be deemed a default under this Agreement.

8. Compliance with Laws, Regulations, and Other Legal Requirements. With regard to the use of the Licensed Area, Facilitator shall comply with all applicable federal, state, and local laws, regulations, and standards including, but not limited to, any applicable laws related to environmental protection or public health and safety, as well as those relating to the operation and maintenance of any equipment or personal property on, or in, the Licensed Area.

9. Termination by Facilitator. Facilitator may terminate this Agreement for any reason, subject to the satisfaction of the following conditions:

a. Facilitator shall deliver written notice to Participant of Facilitator's intent to terminate; provided, however, such termination shall not be effective until three (3) business days after Participant's receipt of written notice of Facilitator's intent to terminate.

b. Upon Participant's request, Facilitator shall, at Facilitator's expense, remove any partially constructed Participant's Improvements.

10. Termination by Participant. The license granted herein may be revoked by Participant for any reason. However, with regard to the remaining provisions of this Agreement that survive such revocation in accordance with paragraph 2 above, Participant may terminate such remaining provisions for any reason, subject to the satisfaction of the following conditions:

a. Participant shall deliver written notice to Facilitator of Participant's intent to terminate; provided, however, such termination shall not be effective until two (2) business days after Facilitator's receipt of written notice of Participant's intent to terminate, unless Participant has given Facilitator the opportunity to take corrective action pursuant to paragraph 11 below.

b. With regard to any of the Participant Improvements that have been partially constructed within the Licensed Area, Facilitator's obligation to complete such Participant Improvements shall be deemed released and waived as of the date of Participant's termination and, with regard to Participant's Match Funding to have been delivered in accordance with paragraph 5 above, Participant shall not be entitled to reimbursement of any such Match Funding delivered as of the date of Participant's termination.

c. Participant shall defend and hold Facilitator harmless from any and all loss or damages claimed against Facilitator by its contractors for any breach of contract resulting from Participant's termination.

11. Facilitator's Opportunity to Take Corrective Action. Prior to the Participant's termination of this Agreement, Participant shall provide to Facilitator written notice setting forth the reason for such

termination and a reasonable period of time, not to exceed five (5) business days, within which Facilitator may complete any corrective action deemed necessary by Participant to prevent such termination.

12. Delivery of Notices. Any written notice required or permitted to be delivered by the terms and conditions of this Agreement shall be delivered by hand delivery or guaranteed delivery service.

a. Notices to Participant shall be delivered to the address specified in the introductory paragraph of this Agreement or as specified in any change of address provided by Participant in accordance with the terms herein.

b. Notices to Facilitator shall be delivered to:

Leon County Public Works Department
Attention: Director of Engineering Services
2280 Miccosukee Road
Tallahassee, FL 32308

With a copy delivered to:

Herbert W. A. Thiele, Esq.
Leon County Attorney's Office
301 S. Monroe Street, Suite 202
Leon County Courthouse
Tallahassee, FL 32301

c. All notices shall be effective upon delivery or attempted delivery during regular business hours. Either party may change its notice address upon written notice to the other party, given in accordance herewith by an authorized officer, partner, or principal.

13. Authority of Facilitator. Facilitator represents and warrants to Participant that the party executing on behalf of Facilitator is fully and properly authorized to execute and enter into this Agreement on behalf of Facilitator, and that the execution of this Agreement and the performance by Facilitator of its obligations hereunder have been duly authorized and approved by all necessary corporate action.

14. Authority of Participant. Participant represents and warrants to Facilitator that the party executing on behalf of Participant is fully and properly authorized to execute and enter into this Agreement on behalf of Participant, and that the execution of this Agreement and the performance by Participant of its obligations hereunder have been duly authorized and approved by all necessary corporate action.

15. Florida Law. This Agreement shall be governed by the laws of the State of Florida. Venue for any legal proceeding arising from this Agreement shall be the 2nd Judicial Circuit in and for Leon County, Florida unless otherwise agreed upon by the parties.

16. Time Is Of The Essence. Time is of the essence of this Agreement and all provisions contained herein.

17. Incorporation of Prior Agreements; Modifications. This Agreement is the only effective agreement between the parties pertaining to the participation in the construction of the Byway Improvements, the provision of Match Funding, and the use of the Licensed Area, and no other agreements either oral or otherwise are effective unless embodied herein. All amendments to this Agreement shall be in writing and signed by all parties. Any other attempted amendment shall be void.

[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK]

18. Indemnification by Facilitator. Without waiving its right to sovereign immunity, Facilitator shall, to the extent allowed by law, indemnify, save harmless, and defend Participant promptly and diligently at Facilitator's sole expense from and against any and all claims and demands in connection with any injury or loss of property, personal injury, or death occurring in, on, or about the Licensed Area caused by the negligent or wrongful act or omission of Facilitator its employees, contractors, agents, successors, and assigns. Notwithstanding the foregoing, Facilitator shall not be required to indemnify Participant with respect to any liability, loss, damages, cost or expense suffered as a result of the negligence or intentional misconduct of Participant or any of the agents or employees of Participant nor with respect to any liability, loss, damage, cost or expense to the extent that the same is covered by insurance policies maintained by Participant.

IN WITNESS WHEREOF, Facilitator and Participant have caused this Agreement to be duly executed as of the date first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Name: Anelle C Paul

[Signature]
Name: Lee Mathes
City Clerk

[Signature]
Name: Stephanie Holloway
[Signature]
Name: MARY SMACH

ATTEST:
Bob Inzer, Clerk of the Circuit Court
and Comptroller, Leon County, Florida

BY: [Signature]



THE CITY OF APALACHICOLA

[Signature]
By: Van W. Johnson, Sr.
(Print Name)

Its: Mayor
(Print Title)

Date: 1-18-16

LEON COUNTY, FLORIDA

[Signature]
By: Vincent S. Long
Its County Administrator

Date: 1.27.16

Approved as to Form:
Leon County Attorney's Office

BY: [Signature] Daniel J. Rigo, for
Herbert W. A. Thiele, Esq. 1/27/16

THIS INSTRUMENT PREPARED BY:

Tarpon Title, Inc.
19 Island Drive
Eastpoint, Florida, 32456
File Number: RE 2007-1041

Inst: 2007002852 Date: 05/23/2007 Time: 11:11
Doc Stamp-Deed 22099.00
Marcia Johnson, FRANKLIN County 8:936 P:748

Parcel ID No. 01-09S-08W-8330-0000-0011

B 936 P 748

Deed referenced in staff report

This Warranty Deed

MADE THIS 23rd day of May, 2007, JAMES B. SINEATH, a married man, and Turner Brooks, LLC, a Georgia Limited Liability Company, hereinafter called the grantor, whose address is 2410 Andover Drive, Valdosta, GA 31602, to the CITY OF APALACHICOLA, a local government in the State of Florida, whose mailing address is Apalachicola City Hall, No 1 Avenue E, Apalachicola, FL 32320, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, and conveys and confirms unto the grantee, all that certain land situate in Franklin County, Florida, viz:

See Exhibit A

SUBJECT TO covenants, restrictions, reservations and easements of record, if any, And, City of Apalachicola Comprehensive Plan and land use ordinances and all other County, State, Federal and Local laws, rules and regulations regarding the use and development of said property.

The above described subject property is not the homestead of the Grantor, nor his spouse.

"By acceptance of this warranty deed, the Grantee hereby agrees that the use of the Property described herein shall be subject to the covenants and restrictions as set forth in the Declaration of Restrictive Covenants attached hereto as Exhibit B and recorded in the Public Records of Franklin County, Florida. These covenants and restrictions shall run with the Property herein described. If any term or condition of the Declaration of Restrictive Covenants is violated by the Grantee or by some third party with the knowledge of the Grantee and the Grantee does not correct the violation pursuant to the Declaration of Restrictive Covenants, fee simple title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida in accordance with Chapter 380, Part III, Florida Statutes."

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple hat the grantor has good right and lawful authority to sell and convey said land; that the grantor herby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2006.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

Dawn Shiver
Witness Signature
Print Name: Dawn Shiver

James B. Sineath

Renee S. Griffin
Witness Signature
Print Name: Renee S. Griffin

Inst:2007002852 Date:05/23/2007 Time:15:57

Doc Stamp-Deed : 22099.00

DC, Marcia Johnson, FRANKLIN County B:936 P:749

STATE OF FLORIDA
COUNTY OF FRANKLIN

SWORN TO AND SUBSCRIBED before me this 23rd day of May, 2007, by James B. Sineath, who () produced _____ as identification, or (✓) is personally known to me, and did (✓), or did not () take an oath.



Dawn M. Shiver
Commission # DD489175
Expires November 8, 2009
Bonded Troy Fain - Insurance, Inc. 800-385-7019

Dawn M. Shiver
Notary Public
Turner Brooks, LLC

Dawn Shiver
Witness Signature
Print Name: Dawn Shiver

James B. Sineath, Managing Member

Renee S. Griffin
Witness Signature
Print Name: Renee S. Griffin

STATE OF FLORIDA
COUNTY OF FRANKLIN

SWORN TO AND SUBSCRIBED before me this 23rd day of May, 2007, by James B. Sineath, Managing Members of Turner Brooks, LLC, who () produced _____ as identification, or (✓) is personally known to me, and did (✓), or did not () take an oath.



Dawn M. Shiver
Commission # DD489175
Expires November 8, 2009
Bonded Troy Fain - Insurance, Inc. 800-385-7019

Dawn M. Shiver
Notary Public

EXHIBIT A

Begin at a concrete monument marking the Southeasterly corner of Lot 20, Block M of the City of Apalachicola a subdivision as per map or plat in common use on file at the Clerk of the Circuit Office in Franklin County, Florida said point also lying on the Northeasterly right-of-way boundary of Market Street. From said POINT OF BEGINNING run North 55 degrees 46 minutes 17 seconds West along said right-of-way boundary 101.16 feet to a re-rod (marked #0340), thence leaving said right-of-way boundary run North 25 degrees 22 minutes 32 seconds East 472.13 feet to a point lying on the Northeasterly edge of an old wood dock, thence run South 63 degrees 11 minutes 17 seconds East along said wood dock and an extension thereof 315.73 feet, thence run South 34 degrees 57 minutes 37 seconds West 288.00 feet to a concrete monument lying on the Northeasterly right-of-way boundary of Commerce Street, thence run North 55 degrees 15 minutes 39 seconds West along said right-of-way boundary 134.64 feet to a concrete monument lying on the Westerly right-of-way boundary of Avenue J, thence run South 34 degrees 28 minutes 40 seconds West along the Westerly right-of-way boundary of said Avenue J a distance of 220.49 feet to the POINT OF BEGINNING

Inst:2007002852 Date:05/23/2007 Time:15:57

Doc Stamp-Deed : 22099.00

DC, Marcia Johnson, FRANKLIN County 8:936 P:750



RECEIVED

MAY 21 2007

Florida Communities Trust
Department of Community Affairs

This document prepared by:
Kristen L. Coons, Esq.
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

FLORIDA COMMUNITIES TRUST
FF6 AWARD #06-048-FF6
FCT Contract #07-CT-97-06-F6-A1-048
APALACHICOLA RIVERWALK PHASE II

DECLARATION OF RESTRICTIVE COVENANTS

THIS AGREEMENT is entered into by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and the CITY OF APALACHICOLA, a local government of the State of Florida ("Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:

WHEREAS, the intent of this Agreement is to impose terms and conditions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds, as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), that are necessary to ensure compliance with applicable Florida law and federal income tax law and to otherwise implement the provisions of Sections 259.105, 259.1051 and Chapter 380, Part III, Florida Statutes;

WHEREAS, Chapter 380, Part III, Fla. Stat., the Florida Communities Trust Act, creates a non-regulatory agency within the Department of Community Affairs ("Department") that will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, FCT is funded through either Section 259.105(3)(c), Fla. Stat. of the Florida Forever Act, which provides for the distribution of twenty-two percent (22%), less certain reductions, of the net Florida Forever Revenue Bond proceeds to the Department, or any other revenue source designated by the Florida Legislature, to provide land acquisition grants to local governments and nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, parks and greenways to implement local comprehensive plans;

WHEREAS, the Florida Forever Revenue Bonds are issued as tax-exempt bonds, meaning the interest on the Bonds is excluded from the gross income of bondholders for federal income tax purposes;

WHEREAS, Rule 9K-7.009(1), Florida Administrative Code ("F.A.C."), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding;

WHEREAS, FCT has approved the terms under which the Project Site was acquired and the deed whereby the Recipient acquired title to the Project Site. The deed shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and it shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund ("Trustees") upon the failure of the Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to disbursing FCT Florida Forever funds to the Recipient for Project Costs.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and the Recipient do hereby contract and agree as follows:

I. PERIOD OF AGREEMENT

1. This Agreement shall begin upon execution by both parties. The covenants and restrictions contained herein shall run with the Project Site and shall bind, and the benefit shall inure to, FCT and the Recipient and their respective successors and assigns.

II. MODIFICATION OF AGREEMENT

1. Either party may request modification of the provisions of this Agreement at any time. Changes which are mutually agreed upon shall be valid only when reduced to writing and duly signed by each of the parties hereto. Such amendments shall be incorporated into this Agreement.

III. RECORDING AND APPROVAL OF DECLARATION OF RESTRICTIVE COVENANTS

1. Upon execution by the parties hereto, the Recipient shall cause this Agreement to be recorded and filed in the official public records of **Franklin County, Florida**, and in such manner and in such other places as FCT may reasonably request. The Recipient shall pay all fees and charges incurred in connection therewith.

2. The Recipient and FCT agree that the State of Florida Department of Environmental

Protection shall forward this Agreement to the Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax-exempt status of the Florida Forever Bonds is not jeopardized, FCT and the Recipient shall amend the Agreement accordingly.

IV. NOTICE AND CONTACT

1. All notices provided under or pursuant to this Agreement shall be in writing and delivered either by hand delivery or first class, certified mail, return receipt requested, to the addresses specified below. Any such notice shall be deemed received on the date of delivery if by personal delivery or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
ATTN: Program Manager

Recipient:

City of Apalachicola
104 Avenue
Apalachicola FL 32330
ATTN: Cindi Giannetta

2. In the event that a different representative or address is designated for paragraph 1. above after execution of this Agreement, notice of the change shall be rendered to FCT as provided in paragraph 1. above.

V. PROJECT SITE TITLE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375 AND CHAPTER 380, PART III, FLA. STAT.

1. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee containing such covenants, clauses or other restrictions as are sufficient to protect the interest of the State of Florida.

2. The interest acquired by the Recipient in the Project Site shall not serve as security for any debt of the Recipient.

3. If the existence of the Recipient terminates for any reason, title to the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water

DRC\06-048-FF6
5/2/2007

Management District who agrees to accept title and manage the Project Site.

4. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient shall deposit with FCT any insurance proceeds or any condemnation award and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from FCT, FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT shall have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

VI. MANAGEMENT OF PROJECT SITE

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Management Plan approved by FCT.

2. The Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation or outdoor recreation uses, as appropriate. If an amendment to the applicable comprehensive plan is required, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient.

3. The Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction, as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

4. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the Management Plan approved by FCT.

5. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

6. All buildings, structures, improvements and signs shall require the prior written

approval of FCT as to purpose. Further, tree removal, other than non-native species, and major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. FCT's approval of the Recipient's Management Plan addressing the items mentioned herein shall be considered written approval from FCT.

7. If archaeological and historic sites are located on the Project Site, the Recipient shall comply with Chapter 267, Fla. Stat. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site shall be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

8. As required by Rule 9K-7.013, F.A.C., each year after FCT reimbursement of Project Costs the Recipient shall prepare and submit to FCT an annual stewardship report that documents the progress made on implementing the Management Plan.

VII. SPECIAL MANAGEMENT CONDITIONS

The management plan for the project site is mentioned throughout this Agreement, and is particularly described in Section IV. above. In addition to the various conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the Management Plan shall address the following conditions that are particular to the project site and result from either representations made in the application that received scoring points or observations made by the FCT staff during the site visit described in Rule 9K-7.009(1), F.A.C.:

1. Two or more resource-based outdoor recreational facilities including a fishing pier, boardwalk, and picnic pavilion shall be provided. The facilities shall be located and designed to have minimal impacts on natural resources on the project site.
2. Two or more user-oriented outdoor recreational facilities including horseshoe pits and shuffleboard courts shall be provided. The facilities shall be located and designed to have minimal impacts on natural resources on the project site.
3. A permanent recognition sign, a minimum size of 4' x 6', shall be maintained in the entrance area of the project site. The sign shall acknowledge that the project site was purchased with funds from the Florida Communities Trust.
4. At least 12 regularly scheduled and ongoing educational classes or programs that promote the protection of the area's natural and historic resources shall be provided at the project site.
5. Interpretive signage shall be provided to educate visitors about the area's natural environment and history.

6. The water quality of the adjacent waters of Apalachicola Bay shall be protected and enhanced through the implementation of appropriate watershed management techniques.
7. The natural communities that occur on the project site shall be preserved and appropriately managed to ensure the long-term viability of these communities.
8. A survey of the natural communities and plant species on the project site shall be conducted prior to the development of the project site. The survey shall be used during development of the site to ensure the protection, restoration, and preservation of the natural communities on the project site.
9. Sidewalk access to the project site shall be provided that links the project site with adjacent residential neighborhoods.
10. Any proposed stormwater facility for the project site shall be designed to provide recreation open space or wildlife habitat.
11. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the project site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The management plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the project site.
12. A feral animal removal program shall be developed and implemented for the project site.
13. Bike parking stands shall be installed at the project site to provide an alternative to automobile transportation to the project site.
14. The project site shall be managed as part of linked recreation opportunities within the City's designated Riverwalk Park project.
15. A professional survey of all historic structures on the project site shall be conducted to determine the integrity and extent of these historic features. The results of this survey shall be reviewed in conjunction with the Division of Historical Resources to develop an appropriate protection plan for historic resources on the project site.
16. An archaeological survey shall be performed for any area within the project site proposed for development prior to the commencement of proposed development activities in that area. All planned activities involving known archaeological sites or identified site areas shall be closely coordinated with the Department of State, Division of Historical Resources in order to prevent the disturbance of significant sites. A protection plan shall be developed and implemented in

conjunction with the Division of Historical Resources for the protection of known historic sites located on the project site.

17. The location and design of any parking facility shall be designed to have minimal impacts on natural resources. The parking area shall incorporate pervious material wherever feasible.

VIII. OBLIGATIONS OF THE RECIPIENT RELATING TO THE USE OF BOND PROCEEDS

1. FCT is authorized by Section 380.510, Fla. Stat. to impose conditions for funding on the Recipient in order to ensure that the project complies with the requirements for the use of Florida Forever Bond proceeds including, without limitation, the provisions of the Internal Revenue Code and the regulations promulgated thereunder as the same pertain to tax exempt bonds.

2. The Recipient agrees and acknowledges that the below listed transactions, events, and circumstances, collectively referred to as the "disallowable activities," may be disallowed on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law. The Recipient further agrees and acknowledges that these disallowable activities may be allowed up to a certain extent based on guidelines or tests outlined in the Federal Private Activity regulations of the Internal Revenue Service:

- a. any sale or lease of any interest in the Project Site to a non-governmental person or organization;
- b. the operation of any concession on the Project Site by a non-governmental person or organization;
- c. any sales contract or option to buy or sell things attached to the Project Site to be severed from the Project Site with a non-governmental person or organization;
- d. any use of the Project Site by a non-governmental person other than in such person's capacity as a member of the general public;
- e. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of Bonds from which the disbursement is to be made;
- f. a management contract for the Project Site with a non-governmental person or organization; or
- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

3. If the Project Site, after its acquisition by the Recipient and/or the Trustees, is to remain subject to any of the disallowable activities, the Recipient shall provide notice to FCT, as provided for in paragraph III.1. above, at least sixty (60) calendar days in advance of any such transactions, events or circumstances, and shall provide FCT such information as FCT reasonably requests in order to evaluate for approval the legal and tax consequences of such disallowable activities.

4. In the event that FCT determines at any time that the Recipient is engaging, or allowing others to engage, in disallowable activities on the Project Site, the Recipient shall immediately cease or cause the cessation of the disallowable activities upon receipt of written notice from FCT. In addition to all other rights and remedies at law or in equity, FCT shall have the right to seek temporary and permanent injunctions against the Recipient for any disallowable activities on the Project Site.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE RECIPIENT AND OTHER GOVERNMENTAL BODIES, NONPROFIT ENTITIES OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

IX. RECORDKEEPING; AUDIT REQUIREMENTS

1. The Recipient shall maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement. These records shall be available at all reasonable times for inspection, review or audit by state personnel, FCT and other personnel duly authorized by FCT. "Reasonable" shall be construed according to the circumstances, but ordinarily shall mean the normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

2. If the Recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such Recipient, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Fla. Stat., the applicable rules of the Executive Office of the Governor and the Comptroller and Chapter 10.550 (local government entities) or Chapter 10.650 (nonprofit organizations), Rules of the Auditor General. In determining the State financial assistance expended in its fiscal year, the Recipient shall consider all sources of State financial assistance, including State funds received from FCT, other state agencies and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements. The funding for this Agreement was received by FCT as a grant appropriation.

In connection with the audit requirements addressed herein, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Fla. Stat. This includes submission of a reporting package as defined by Section 215.97(2)(d), Fla. Stat. and Chapter 10.550 (local government entities) or 10.650 (nonprofit organizations), Rules of the Auditor General.

3. If the Recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat. is not required. If the Recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat., the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from Recipient funds not obtained from a State entity).

4. The annual financial audit report shall include all management letters, the Recipient's response to all findings, including corrective actions to be taken, and a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and agreement number. Copies of financial reporting packages required under this Article shall be submitted by or on behalf of the Recipient directly to each of the following:

Department of Community Affairs (at each of the following addresses):

Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

and

Florida Communities Trust
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

State of Florida Auditor General at the following address:

Auditor General's Office
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32302-1450

5. If the audit shows that any portion of the funds disbursed hereunder were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to FCT of all funds not spent in accordance with the applicable regulations and Agreement provisions within thirty (30) days after FCT has notified the Recipient of such non-compliance.

6. The Recipient shall retain all financial records, supporting documents, statistical records and any other documents pertinent to this Agreement for a period of five years after the date of submission of the final expenditures report. However, if litigation or an audit has been initiated

prior to the expiration of the five-year period, the records shall be retained until the litigation or audit findings have been resolved.

7. The Recipient shall have all audits completed in accordance with Section 215.97, Fla. Stat. performed by an independent certified public accountant ("IPA") who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above.

X. DEFAULT; REMEDIES; TERMINATION

1. If any essential term or condition of the Declaration of Restrictive Covenants is violated by the Recipient or by some third party with the knowledge of the Recipient, the Recipient shall be notified of the violation by written notice given by personal delivery, registered mail or registered expedited service. The recipient shall diligently commence to cure the violation or complete curing activities within thirty (30) days after receipt of notice of the violation. If the curing activities can not be reasonably completed within the specified thirty (30) day time frame, the Recipient shall submit a timely written request to the FCT Program Manager that includes the status of the current activity, the reasons for the delay and a time frame for the completion of the curing activities. FCT shall submit a written response within thirty (30) days of receipt of the request and approval shall not be unreasonably withheld. It is FCT's position that all curing activities shall be completed within one hundred twenty (120) days of the Recipient's notification of the violation. However, if the Recipient can demonstrate extenuating circumstances exist to justify a greater extension of time to complete the activities, FCT shall give the request due consideration. If the Recipient fails to correct the violation within either (a) the initial thirty (30) day time frame or (b) the time frame approved by FCT pursuant to the Recipient's request, fee simple title to all interest in the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District, who agrees to accept title and manage the Project Site. FCT shall treat such property in accordance with Section 380.508(4)(e), Fla. Stat.

XI. STANDARD CONDITIONS

1. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict and shall be severable, but shall not invalidate any other provision of this Agreement.

2. No waiver by FCT of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of FCT hereunder, or affect the subsequent exercise of the same right or remedy by FCT for any further or subsequent default by the Recipient.

3. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

4. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit lease bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

5. No funds or other resources received from FCT in connection with this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

This Agreement including Exhibit "A" embodies the entire agreement between the parties.

Inst:2007002852 Date:05/23/2007 Time:15:57

Doc Stamp-Deed : 22099.00

DC, Marcia Johnson, FRANKLIN County 8:936 P:761

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

Lee Mathes
Lee Mathes
Print Name: Lee Mathes

Cindi Giametta
Cindi Giametta
Print Name: Cindi Giametta

CITY OF APALACHICOLA, a local
government of the State of Florida

By: Boyd W. Hawze

Date: 5-15-07

Approved as to Form and Legality:

By: JPA DuckFrog
Print Name: JPA DuckFrog

STATE OF FLORIDA
COUNTY OF Franklin

The foregoing instrument was acknowledged before me this 15th day of May,
2007, by Boyd W Hawze on behalf of the Local Government, and who is personally
known to me.



Deborah Guilloffe
MY COMMISSION # DD248865 EXPIRES
November 11, 2007
BONDED THRU TROY FAIR INSURANCE, INC

Deborah Guilloffe

Notary Public

Print Name: Deborah Guilloffe

Commission No. _____

My Commission Expires: _____

Inst:2007002852 Date:05/23/2007 Time:15:57
Doc Stamp-Deed : 22099.00
DC, Marcia Johnson, FRANKLIN County B:936 P:762

Witness:

Gayle H. Breti
Print Name: GAYLE H. BRETI

John T. Sirung
Print Name: John T. Sirung

FLORIDA COMMUNITIES TRUST

By: Janice Browning
Janice Browning, Director, Division of
Housing and Community Development

Date: 5/22/07

Approved as to Form and Legality:

By: Kristen L. Coons
Kristen L. Coons, Trust Counsel

STATE OF FLORIDA
COUNTY OF LEON

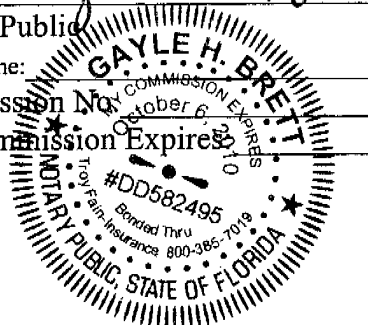
The foregoing instrument was acknowledged before me this 22nd day of May, 2007, by Janice Browning, Director, Division of Housing and Community Development. She is personally known to me.

Gayle H. Breti
Notary Public

Print Name:

Commission No.

My Commission Expires



Inst:2007002852 Date:05/23/2007 Time:15:57
Doc Stamp-Deed : 22099.00
DC, Marcia Johnson, FRANKLIN County B:936 P:763

EXHIBIT A

Begin at a concrete monument marking the Southeasterly corner of Lot 20, Block M of the City of Apalachicola a subdivision as per map or plat in common use on file at the Clerk of the Circuit Office in Franklin County, Florida said point also lying on the Northeasterly right-of-way boundary of Market Street. From said POINT OF BEGINNING run North 55 degrees 46 minutes 17 seconds West along said right-of-way boundary 101.16 feet to a re-rod (marked #0340), thence leaving said right-of-way boundary run North 25 degrees 22 minutes 32 seconds East 472.13 feet to a point lying on the Northeasterly edge of an old wood dock, thence run South 63 degrees 11 minutes 17 seconds East along said wood dock and an extension thereof 315.73 feet, thence run South 34 degrees 57 minutes 37 seconds West 288.00 feet to a concrete monument lying on the Northeasterly right-of-way boundary of Commerce Street, thence run North 55 degrees 15 minutes 39 seconds West along said right-of-way boundary 134.64 feet to a concrete monument lying on the Westerly right-of-way boundary of Avenue J, thence run South 34 degrees 28 minutes 40 seconds West along the Westerly right-of-way boundary of said Avenue J a distance of 220.49 feet to the POINT OF BEGINNING

Inst:2007002852 Date:05/23/2007 Time:15:57

Doc Stamp-Deed : 22099.00

DC, Marcia Johnson, FRANKLIN County B:936 P:764

STAFF FINDINGS REPORT

PROPERTY OWNER: City of Apalachicola

AGENT (if applicable): N/A

CONTRACTOR: Arris General Contractors (John Griffin)

PROPERTY ADDRESS (if available): N/A (Waterfront Trail Park next to Scipio Creek Marina)

- Block M Lots 1-3, 18-20, Part of Lots 4 and 17
 - Structure proposed for Block M Lots 18-20, approximately.
- Block L Lots 1-5, 17-20, Part of Lots 6 and 16
- Block K Lots 10-11, Part of Lots 9 and 12
- Wharf Lots 37-39 and I

PARCEL ID: 01-09S-08W-8330-0000-0011

HISTORIC DISTRICT: No

CORNER LOT: Yes

ACREAGE: 2.39 acres or ~104,108 SF

ZONING DISTRICT: C-4 Riverfront Commercial and RF Riverfront District

- Project area is entirely within the C-4 Riverfront Commercial District

WETLANDS: Freshwater forested/shrub

FLOODPLAIN: “AE”

DESCRIPTION OF PROJECT:

- Construction of a 10’ x 10’ metal pergola (“informational kiosk”) on concrete slab, as part of the Big Bend Scenic Byway.
 - Authorized through prior agreement with City of Apalachicola in 2016.

STAFF FINDINGS:

CODE OF ORDINANCES:

- **Section 111-276 C-4 Riverfront Commercial.**
 - **District intent.** The provisions of the C-4 district are intended to provide for the economic needs of the city residents by accommodating a variety of commercial land used along the Apalachicola River waterfront. This district accommodates certain upper floor residential and bed and breakfast

applications, but these uses must accept existing commercial uses in the district and accept overall general commercial noise, traffic, smells, etc. (nuisances notwithstanding). No stand-alone, single-family dwelling shall be allowed.

- Per declaration of restrictive covenants recorded in the deed associated with this property (book/page 0936/0748, Franklin County Clerk of Court): “The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose” (pg. 4).
 - Also see highlighted section of agenda packet.
- **Development standards:**
 - **Minimum lot size:**
 - Principal uses: Platted lot of record platted prior to 1991.
 - Usually 2,400 SF (30’ x 80’).
 - Existing plats may not be subdivided to create smaller lots.
 - **Minimum building size:** N/A for nonresidential construction.
 - **Minimum building setbacks:**
 - Front: 0 ft, or the minimum distance required to provide elevated access to the building.
 - It is the intent of this district that all new construction be flush with the front lot line to encourage walking traffic.
 - Side: 5 ft.
 - May be reduced to 0 ft. provided appropriate fire safety standards are met.
 - Rear: 0 ft, or the balance between what is necessary to set back on the front and still meet a 20’ overall setback from front/rear.
 - **Maximum building restrictions:**
 - Lot coverage: 65%.
 - Building height: 35 ft.
 - Building footprint: 8,500 SF for a single commercial development.
- **Applicable regulations:**
 - Commercial development requires a department of environmental regulation permitted stormwater management plan.

- All required off-street parking will be provided either on the same parcel of land as the principal building or structure or on a separate parcel located within 500 feet of the principal building or structure.
- Unless otherwise specified, special exceptions shall comply with development standards for principal uses.
- Within the special waterfront district setback buffer (20-foot setback from the state waters/wetlands, ten feet in RF district), the only development allowed shall consist of docks, pervious walkways or elevated walkways. This setback shall otherwise consist of a natural vegetation buffer.

→ **Section 115-1. City requirements.**

- Certain types of residential and commercial development trigger State stormwater permitting permits depending on size and type of proposed development. As an area of critical state concern, the city has adopted more stringent stormwater standards than State requirements.
 - **Non-residential.** Applications for all non-residential development exempt from State permitting pursuant to Rule 62-330 Fl. Administrative Code for more than 4,800 square feet must provide a stormwater management system by an engineer to provide for treatment for a 24-hour 25-year event.
 - This non-residential development proposes covering only 100 square feet of a 100,000 square foot parcel.

COMPREHENSIVE PLAN:

- **Policy 1.6.** No habitable development shall occur within 20 feet of the waters or wetlands of the state unless located within the riverfront district and then only after a stormwater management plan has been submitted and approved by the State Department of Environmental [Protection], if applicable, and the local planning board. Docks, pervious walkways and elevated walkways may be permitted to allow access to the water.
 - The proposed structure will not be habitable.
- **Policy 2.2.** The City's land use regulations shall prohibit high density development adjacent to sensitive wetlands areas, and shall prohibit destruction of wetlands vegetation without mitigation.
 - The proposed development is not high density.

RECOMMENDATION: Approval.



Member Feedback Questionnaire

Name: _____

Date: _____

Return on or by September 14, 2026!

**Apalachicola Planning and Zoning Board
Member Feedback Questionnaire**

1. What essential information should new P&Z Board members know about the Board? (e.g., *its role and responsibilities, meeting structure, policies and procedures, etc. Refer to attached code excerpts as needed.*)

2. Is there any additional supporting material or information which would aid you in your decision making, if it were to be included with applications or staff reports? Would you like to see this for all applications, or only certain types? (e.g., *new construction only, non-residential only, etc.*)

- 3.** Are there areas of the City's Code of Ordinances which you believe require amendment or modification? If so, for what purpose? (*e.g., for clarity, to create stricter policies, to add new incentives, etc.*)

- 4.** Do you have any other suggestions which could improve the overall P&Z review and approval process?

PART II - CODE
Chapter 2 - ADMINISTRATION
ARTICLE II. - BOARDS AND COMMISSIONS
DIVISION 1. PLANNING AND ZONING BOARD

DIVISION 1. PLANNING AND ZONING BOARD

Sec. 2-37. Created; title.

A local planning agency is hereby created to establish and implement comprehensive planning programs to guide and control future development in the city. The local planning agency shall be called the city planning and zoning board.

(Code 1976, § 2-33; Ord. No. 76-2, § 1, 6-10-1976; Ord. No. 84-6, 9-6-1984)

Sec. 2-38. Membership.

The planning and zoning board is to consist of seven regular members, none of whom will be elected officials or city employees. Six of the members will be appointed by the city commission and one member will be appointed by the school board. The school board appointee will be ex officio and non-voting.

(Code 1976, § 2-34; Ord. No. 76-2, § 2, 6-10-1976; Ord. No. 84-6, 9-6-1984)

Sec. 2-39. Terms; vacancies; compensation.

The terms of the members shall be four years. Any vacancy in membership shall be filled for the unexpired term by the governing body that appointed the member whose position is vacant. The city council shall have the authority to remove any member for cause, upon written charges, after a public hearing. All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

(Code 1976, § 2-36; Ord. No. 76-2, § 4, 6-10-1976; Ord. No. 84-6, 9-6-1984)

Sec. 2-40. Officers.

The planning and zoning board shall select from its regular members a chairperson and a vice-chairperson. Should the chairperson be unable to attend a meeting, the vice-chairperson shall preside.

(Code 1976, § 2-37; Ord. No. 76-2, § 5, 6-10-1976)

Sec. 2-41. Meeting time.

The planning and zoning board shall hold regular meetings at least once each month at a time and location to be designated by the board. The time and location of the meeting shall be public information and available from the city clerk's office. Special meetings may be held at any time upon call of the chairperson and 12 hours' written notice to the members.

(Code 1976, § 2-38; Ord. No. 76-2, § 6, 6-10-1976; Ord. No. 84-6, 9-6-1984)

Sec. 2-42. Responsibility for comprehensive plan; oversight; consideration of plan by city.

The city assigns to the planning board:

- (1) The general responsibility for the conduct of the comprehensive planning program and the preparation of the comprehensive plan or elements or portions thereof as defined and outlined in the Community Planning Act (F.S. § 163.3161 et seq.);
- (2) The review and updating of the approved comprehensive plan as time and events dictate;
- (3) The coordination of elements of the plan as approved with other concerned governmental entities; and
- (4) The review of all request for changes to the zoning map to include notifications and public hearings along with recommendations to the city commission for approval or disapproval of the requested change. This recommendation shall include a statement as to whether or not the requested change is consistent with the approved comprehensive plan.

(Code 1976, § 2-40; Ord. No. 76-2, §§ 8-10, 18, 19, 6-10-1976; Ord. No. 84-6, 9-6-1984)

Sec. 2-43. Public hearings.

The planning and zoning board shall have the authority to hold public hearings.

(Code 1976, § 2-41; Ord. No. 76-2, § 11, 6-10-1976)

Sec. 2-44. Review of zoning regulations.

The planning and zoning board shall initiate a review of the provisions of zoning regulations and ordinances.

(Code 1976, § 2-42; Ord. No. 76-2, § 12, 6-10-1976)

Sec. 2-45. Rules of order.

All meetings of the planning and zoning board shall be governed procedurally by Robert's Rules of Order, Newly Revised, (11th edition).

(Code 1976, § 2-43; Ord. No. 76-2, § 13, 6-10-1976)

Sec. 2-46. Public participation.

The city and planning and zoning board are charged with establishing public participation in the planning process. Public participation shall be encouraged by advance notice in a newspaper of general circulation in the area where any meeting will be held.

(Code 1976, § 2-44; Ord. No. 76-2, § 14, 6-10-1976)

Sec. 2-47. Funding.

- (a) The city may provide funds for salaries, fees and expenses necessary in the conduct of the work of the planning and zoning board, and establish a schedule of fees to be charged by the board.

-
- (b) A resolution shall be adopted by the city showing where the funds shall be appropriated by the city for the planning and zoning board. The planning and zoning board has the authority to accept fees, grants, state or federal grants, state or federal loans, and other sources, provided that acceptance of loans must be approved by the city.

(Code 1976, § 2-45; Ord. No. 76-2, § 15, 6-10-1976)

Sec. 2-48. Removal of members.

Any regular member of the planning and zoning board who fails to attend three consecutive meetings may be removed by the city. No regular member shall be removed unless for good cause, or as provided herein.

(Code 1976, § 2-47; Ord. No. 76-2, § 17, 6-10-1976)

Secs. 2-49—2-69. Reserved.

Sec. 101-60. Planning and zoning board.

The planning and zoning board of the city, established and organized pursuant to the provisions of sections 2-37 to 2-38, Code of Ordinances, shall act to guide and control future development in the city through its review and implementation of the comprehensive plan adopted for the city, and where necessary, shall act to recommend to the governing body such changes in the plan as may from time to time be required. The power and duties of the board, in addition to those contained in the referenced authority shall also provide for the following:

- (1) Review and approve plans for construction, alteration and demolition of all development located or to be located within the city limits.
- (2) The intake of documents which require the recommendation of the board.
- (3) The review of those matters referred to the board and scheduling of public meetings for the purpose of reviewing such documents.
- (4) The transmittal to appropriate governmental agencies and entities, the recommendations of either the city's planning staff or the board where such is required by this Code.
- (5) Internal procedures required to carry out the intent of this Code.
- (6) The role and responsibilities of the board as the architectural review board for the city.
- (7) The review and approval of site plans where required by this Code.
- (8) The review and approval of stormwater management plans where required by this Code.
- (9) Pursuant to the policies regarding quasi-judicial hearing requirements adopted by the city on file in the clerk's office, the review and disposition of requests for special exceptions consistent with the provisions of the Schedule of District Regulations and in harmony with the purpose and intent served by this Code. A conditional use may be allowed in a district by special exception. In deciding such questions as are involved in the determination of when special exceptions should be granted and any appropriate conditions and safeguards attached thereto, the board:
 - a. Shall find that such grant will not adversely affect the public interest.
 - b. May prescribe appropriate conditions and safeguards in conformity with the standards set forth in this Code, the Code of Ordinances, the comprehensive plan adopted for the city, and any other applicable land development regulation adopted by the governing board.
 - c. May prescribe a reasonable time limit within which the action for which the special exception was granted shall be commenced, completed or both.
 - d. Shall confer with the city commission prior to permit approval on all impact developments.
 1. Requests for special exceptions shall be made in writing to the building inspector, stating fully the nature of the use or structure for which the exception is being sought. Such application, along with all documentation and support material necessary in the consideration of the requests, shall be presented to the board staff for preliminary review and recommendations.
 2. Public notice shall be given of a public hearing and written notice thereof shall be given to the owner or his authorized agent and, insofar as practicable, to owners of abutting properties and other properties directly affected by the request. In cases where property in question is adjacent to the city limits, the county planning department shall be notified of the proposed special exception. All hearings shall be open to the public and provide opportunity to any party who may wish to appear in person, or by agent or attorney.

Applicants may be required to assume such reasonable costs in connection with requests as may be determined by the board through action in setting of fees to be charged.

3. When, in the finding of the board the granting of a special exception is consistent with the intent and purpose served by the particular zoning district for which the exception is sought and all other applicable provisions of this Code, the board shall notify the applicant in writing by certified mail of the decision and of any questions and safeguards attached thereto. The granting of a special exception by the board shall not confer upon the applicant any expressed authority to proceed with any development not specifically permitted or for which no permit has been issued pursuant to division 3 of this article.
- (10) The discharge of any requirements or responsibility assigned or deemed necessary by the governing body for the proper administration of this Code, the Code of Ordinances, or the comprehensive plan adopted for the city, including the procedures to be used in the consideration of any proposed changes in the status of nonconforming uses and structures, where permitted by the Code.

(LDC, art. III, § A(2); Ord. No. 2008-01, 5-6-2008)



PLANNING & ZONING APPLICATION FOR DEVELOPMENT APPROVAL

1. Any construction that alters/changes lot coverage, or visual appearances in the Historic District, must go through Planning & Zoning (e.g., new construction, building renovations and additions, new or materially altered fencing, sheds, decks, etc.) for development approval. This entire packet needs to be filled out and complete to be accepted, reviewed, and placed on a P&Z meeting agenda.
2. Submit a completed application with a site plan showing surrounding streets, lot lines, lot dimensions, setbacks, current and proposed lot coverage, and the location, size and species of protected trees, if applicable. Also submit elevation photos showing what the proposed construction will look like, including materials to be used, especially if your property is in the Historic District. **No building permit will be issued and no work can begin before Planning & Zoning has given approval to permit.**
3. All P&Z Application for Permit forms including all attachments, **must be received at least TEN (10) BUSINESS days prior to the scheduled P&Z meeting or it will be scheduled on the agenda for the following meeting date, no exceptions.** The application and/or a representative should be present at the scheduled meeting – if a representative is not present for questions, then your agenda item may be tabled until the next monthly meeting.
4. **Planning & Zoning Application (development order) & Certificate of Appropriateness Fees (historic district):**

Residential New Construction	\$200.00
Residential Accessory Structure/Additional Lot Coverage	\$50
Residential Fence (New or Altered)	\$50
Commercial New Construction	
• Less than 5,000SF; 2 Acres or 3 Units	\$450
• 5,000-20,000SF; 2-5 Acres or 4-24 Units	\$1,000
• 20,001-100,000SF; 5-10 Acres or 25-100 Units	\$2,000
• Over 100,001SF; over 10 Acres or 100 Units	\$3,000
Commercial/Multifamily Accessory Structures, including decks & pools, any lot coverage	\$250
Commercial Review Subsequent to 2 plan Reviews	\$300 per review
Commercial/Multifamily New & Replacement Fence	\$100

Residential Certificate of Appropriateness	
• New Construction	\$75
• Accessory Structure, Addition, Remodel	\$40
• Fence	\$25
• Other	\$25
Commercial/Multifamily	
• New Construction	\$150
• Accessory Structure, Addition, Remodel	\$80
• Fence	\$50
• Sign	\$50
• Other	\$50

Payment must be submitted at time of application for P&Z approval. All submissions are reviewed by the City Planner. City Staff and/or the Planning & Zoning Board may require additional information necessary to determine if the application complies with the provision of the City's Land Development Code.

UPCOMING 2026 P&Z MEETING DATES:

January 12th
February 9th
March 9th
April 13th

May 11th
June 8th
July 13th
August 10th

September 14th
October 12th
November 9th
December 14th

Meetings take place at 74 Sixth Street in the City Meeting Room at 6:00 PM!

Owners, Builders, Developers

PLEASE NOTE:

1. If the proposed development is located within the City's Historic District; a Certificate of Appropriateness from the City's Planning & Zoning Board and Architectural Review Committee is necessary before any permitting can take place.
2. Required site plan elements and the Development Order/Certificate of Appropriateness applications are due 10 BUSINESS DAYS prior to the scheduled monthly meeting (second Monday of each month) of the Planning & Zoning Board.
3. Residential site plan approvals are valid for one year after issuance. If a building permit is not obtained within a year after receiving P&Z approval, the applicant must re-apply and receive P&Z approval again. (Commercial site plan approvals are valid for two years.)
4. After you have received your Planning & Zoning Approval and/or Certificate of Appropriateness, whichever applies, take all development documents to the Building Department at 1 Bay Avenue, Apalachicola to apply for your building permit. A P&Z Development Order Application is not a building permit application – there will be building permit forms to fill out. Building permit issuance and all inspections will be coordinated with the Building Department Clerk. Please be advised that additional documentation may be required by the Building Department. Please email buildingdept@cityofapalachicola.com or call City Hall at (850) 653-7592 with any permitting questions.
5. Land Development regulations can be found on the City of Apalachicola website @ www.cityofapalachicola.com or on Municode @ library.municode.com/fl/apalachicola.
6. Please note that if any plants or materials (concrete, gravel, etc.) are placed in the City Right of Way there is a possibility of removal at no expense to the City.

It is our intent to save you time and money in your plan preparation! The City of Apalachicola Planning & Zoning Board is a seven-member citizen board that also sits as the City's Architectural Review Board. Our responsibilities include protecting the historical character of the City. By working with the Planning & Zoning Board to obtain a Certificate of Appropriateness, your development will not only proceed more smoothly, but will also enhance the City's architectural integrity and historical character of Apalachicola.

For assistance with planning and zoning questions, contact:

Brianna Williams
bwilliams@arpc.org
(850) 312-3910

Thank you,
PLANNING & ZONING BOARD
CITY OF APALACHICOLA



City of Apalachicola Planning & Zoning
Application for Development/Site Plan Approval

Official Use Only

Date Received: _____

Meeting Date: _____

Fees Due: _____

Date Fees Paid: _____

OWNER INFORMATION

CONTRACTOR INFORMATION

Owner _____

Address _____

City _____ State _____ Zip _____

Phone _____

Contractor Name _____

State License # _____ City License # _____

Email _____

Phone _____

PROJECT TYPE

☐ New Construction

☐ Addition

☐ Alteration/Renovation

☐ Relocation

☐ Demolition

☐ Fence

☐ Accessory Structure

☐ Certificate of Appropriateness

☐ Other _____

PROPERTY INFORMATION

Street Address (911 Address): _____

City & State: _____ Zip: _____

Parcel ID #: _____ Block: _____ Lot: _____

Zoning District: _____ [] Historic District [] Non-Historic District

FEMA Flood Zone: _____

OFFICIAL USE ONLY

Certificate of Appropriateness Required? Y / N

Setback Requirements of Property:

Front: _____ Rear: _____ Side: _____

Corner Lot? Y / N Street Sides: _____

Lot Coverage: _____

STAFF NOTES/RECOMMENDATIONS:

This development request has been approved for a Certificate of Appropriateness (if applicable), zoning, land use, and development review by the City of Apalachicola Planning & Zoning Board and a building permit is authorized to be issued.

City Staff

Date Approved

NOTE: This is a conceptual approval through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by the Building Official.

Applicant Initial

Describe the proposed project and materials. Describe the proposed project in terms of size, affected architectural elements, materials, and relationship to the existing structure(s).

PROJECT SCOPE	MANUFACTURER	PRODUCT DESCRIPTION	FL PRODUCT APPROVAL #
Siding			
Doors			
Windows			
Roofing			
Trim			
Foundation			
Shutters			
Porch/Deck			
Fencing			
Driveways/Sidewalks			
Other			

NOTE: Please have a site plan prepared to turn in with your application. At minimum, the site plan needs to contain: a North arrow, surrounding streets, lot lines, lot dimensions, setbacks, current structure dimensions, proposed structure dimensions, fence locations, fence heights, and the location, size and species of protected trees (refer to tree permit for a list of protected trees). Applications requiring a Certificate of Appropriateness will also need to submit renderings/elevations of any proposed structures and note the materials proposed. More information may be requested by City Staff.

CERTIFICATION

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

1. I/We hereby attest to the fact that the above supplied property address(es), parcel numbers(s), and legal description(s) is(are) the true and proper identification of the area of this petition.
2. I/We authorize staff from the City of Apalachicola to enter onto the property in question during regular business hours in order to take photos which will be placed in the permanent file.
3. I/We understand that the COA review time period will not commence until the application is deemed complete by staff and may take up to 10 business days to process. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.
4. I/We understand that, for Board review cases, an agenda and staff report (if applicable) will be available on the City's website approximately one week before the Planning & Zoning Board Meeting.
5. I/We understand that the approval of this application by the Planning & Zoning Board or staff in NO way constitutes approval of a Building Permit for Construction from the City of Apalachicola Building Department.
6. I/We understand that all changes to the approved scope of work stated in a Certificate of Appropriateness or Development Order application have to be approved by the P&Z Board before work commences on those changes. Making changes that have not been approved can result in a Stop Work Order being placed on the entire project and additional fees/penalties.
7. I/We understand that any decision of the P&Z Board may be appealed to the City Commission within 30 days after the decision by the P&Z Board; otherwise, the decision will be final.
8. I/We understand that a Certificate of Appropriateness is only valid for one year after issuance. They are renewable for six months without cause if requested, and for an additional six months upon showing of good cause by the applicant. The applicant must submit all requests for extensions in writing and provide appropriate support documents to City Staff, if needed.
9. I/We understand that P&Z Board approval is permission to obtain a permit for work and installation as indicated. I certify that all work will be performed to meet standards of all laws regulating construction in this jurisdiction.
10. I/We understand that there will be no issuance of a Certificate of Appropriateness without the property owner obtaining Homeowner's Association approval (if required) prior to the P&Z Board Meeting and/or before the beginning of an work and in no way authorizes work that is in violation of any association rules or regulations.
11. **I/We understand that the City of Apalachicola will never request a P&Z fee greater than the amount(s) outlined in the adopted fee schedule, nor will the City of Apalachicola request fee payment be made by wire transfer. Please contact City Hall directly with any questions regarding fee payment.**

DATE

SIGNATURE OF APPLICANT

